

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION AGENDA**

Vern Halter, Mayor

PLANNING COMMISSION

**Mary Anderson, District 1
Jason Ortiz, District 2
Patricia Chesbro, District 3
Colleen Vague, Chair, District 4
Chris Elder, District 5
Stafford Glashan, District 6
Sassan Mossanen, District 7**



George Hays, Acting Borough Manager

**PLANNING & LAND USE
DEPARTMENT**

**Alex Strawn, Acting Director of Planning
& Land Use
Kim Sollien, Planning Services Manager
Mark Whisenhunt, Acting Development
Services Manager
Fred Wagner, Platting Officer
Karol Riese, Planning Clerk**

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

**August 17, 2020
REGULAR MEETING
6:00 p.m.**

Ways to participate in Planning Commission meetings:

IN PERSON. Should you wish to testify in person, please adhere to the 6-foot distance between yourself and others. It is highly recommended that you bring your own mask to wear.

IN WRITING: You can submit written comments to the Planning Commission Clerk at planning@matsugov.us.

TELEPHONIC TESTIMONY:

- Dial 1-855-225-1887; Conference ID #7854; You will hear “Joining conference” when you are admitted to the meeting.
- You will be automatically muted and able to listen to the meeting.
- When the Chair announces audience participation or a public hearing you would like to speak to, press *3; you will hear, “Your hand has been raised.”
- When it is your turn to testify, you will hear, “Your line has been unmuted.”
- State your name for the record, spell your last name and provide your testimony.

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

II. APPROVAL OF AGENDA

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA

Items on the consent agenda are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of

these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- A. MINUTES
 - 1. August 3, Minutes

- B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
 - 1. **Resolution PC 20-30**, a Conditional Use Permit (CUP) in accordance with MSB 17.60 – Conditional Uses; allowing the operation of a junkyard/refuse area, located at 743 West Sunrise Drive (Tax ID# 640500L006); within Township 18 North, Range 2 West, Section 33, Seward Meridian. Alaska Superior Court has issued an order remanding this item back to the Planning Commission. Public Hearing: September 21, 2020 (*Applicant: Dewayne Creech for Creech’s Junkyard, Staff: Mark Whisenhunt*).
 - 2. **Resolution PC 20-32**, a variance request in accordance with MSB 17.65-Variations for a variance to the shoreline setback requirements of MSB 17.55-Setbacks. The variance would allow for the construction of a 26’ x 24’ single-family residence with deck to be situated approximately 33’ from the shorelands of Middle Caswell Lake. The location of the request is 49572 S. Jumpin Circle (Tax ID# 607000L1067); within Township 22 North, Range 4 West, Section 14, Seward Meridian. Public Hearing: September 21, 2020 (*Applicant: Jason Nixa, Staff: Joe Metzger*).

- C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS
(*none*).

- V. COMMITTEE REPORTS

- VI. AGENCY/STAFF REPORTS

- VII. LAND USE CLASSIFICATIONS

- VIII. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)

- IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*Public Hearings shall not begin before 6:15 p.m.*)

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

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

- A. **Resolution PC 20-27**, A conditional use permit in accordance with MSB 17.70 – Regulation of Alcoholic Beverages Uses, for the operation of an alcoholic beverage package store, located at 23471 S. Parks Hwy; (Tax ID #7561000L001); within Township 26 North, Range 5 West, Section 29, Seward Meridian (*Applicant: Stephen Mierop, dba Three Bears Alaska, Inc. Staff: Mark Whisenhunt*).
 - B. **Resolution PC 20-28**, A modification of an existing Conditional Use Permit in accordance with MSB 17.60 — Conditional Uses, for the expansion of an existing junkyard/refuse area operation, located at 572 S. Vine Road and 600 S. Vine Road (Tax ID # 6919000L002 & 6919000L001); within Township 17 North, Range 2 West, Section 10, Seward Meridian (*Applicant: Garold Jacobsen, dba Alaska Car Crushing, Staff: Mark Whisenhunt*).
- X. PUBLIC HEARING: LEGISLATIVE MATTERS
(*none*)
- XI. CORRESPONDENCE & INFORMATION
- XII. UNFINISHED BUSINESS
- XIII. NEW BUSINESS
- XIV. COMMISSION BUSINESS
- A. Adjudicatory
 - B. Reminder October 13, 2020 is a joint Assembly/Planning Commission
 - C. Cancel of Planning Commission meeting scheduled for October 19, 2020 due to early and absentee voting occurring for the Borough’s Regular Election and the State’s General Election
 - D. Upcoming Planning Commission Agenda Items (*Staff: Alex Strawn*)
- XV. DIRECTOR AND COMMISSIONER COMMENTS
- XVI. ADJOURNMENT (Mandatory Midnight)
- In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of “Interested Party.” The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the Borough Internet home page, <http://www.matsugov.us>, in the Borough Clerk’s office, or at various libraries within the Borough.*

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

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**MINUTES August
3, 2020**

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MINUTES

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The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on August 3, 2020, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:08 p.m. by Chair Colleen Vague.

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

Planning Commission members present and establishing a quorum:

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

Planning Commission members absent and excused were:

Mr. Sassan Mossanen, Assembly District #7

Staff in attendance:

Mr. Alex Strawn, Development Services Manager
Ms. Kim Sollien, Planning Services Manager
Ms. Shannon Bodolay, Assistant Borough Attorney
Mr. Mark Whisenhunt, Planner II
Mr. Joseph Metzger
Mr. Adam Bradway, Planner II
Mr. Theodore Eischeid, Planner II
Ms. Karol Riese, Planning Commission Clerk (Through Teams)

II. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. L.D. Howard.

Five-minute break for a sound system check. Resumed at 6:20 PM

IV. CONSENT AGENDA

A. Minutes

1. July 6, 2020, regular meeting minutes
2. July 20, 2020, regular meeting minutes

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

1. Resolution PC 20-27, A conditional use permit in accordance with MSB 17.70 – Regulation of Alcoholic Beverages Uses, for the operation of an alcoholic beverage package store, located at 23471 S. Parks Hwy; (Tax ID #7561000L001); within Township 26 North, Range 5 West, Section 29, Seward Meridian. Public Hearing: August 17, 2020 (*Applicant: Stephen Mierop, dba Three Bears Alaska, Inc. Staff: Mark Whisenhunt*).
2. Resolution PC 20-28, A modification of an existing Conditional Use Permit in accordance with MSB 17.60 — Conditional Uses, for the expansion of an existing junkyard/refuse area operation, located at 572 S. Vine Road and 600 S. Vine Road (Tax ID # 6919000L002 & 6919000L001); within Township 17 North, Range 2 West, Section 10, Seward Meridian. Public Hearing: August 17, 2020 (*Applicant: Gerold Jacobsen, dba Alaska Car Crushing, Staff: Mark Whisenhunt*).

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS
(*none*)

Chair Vague read the consent agenda into the record.

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

GENERAL CONSENT: The consent agenda was approved without objection.

V. COMMITTEE REPORTS

(*There were no committee reports.*)

VI. AGENCY/STAFF REPORTS

(*There were no agency/staff reports.*)

VII. LAND USE CLASSIFICATIONS

(*There were no land use classifications.*)

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding concerns with public process: Mr. Eugene Carl Haberman.

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*Public Hearings not to begin before 6:15 P.M.*)

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

- A. **Resolution PC 20-26**, a Conditional Use Permit in accordance with MSB 17.25 – Talkeetna Special Land Use District, for the operation of commercial storage unit facility greater than 6,000 square feet in size, located at 26731 S. Talkeetna Spur (Tax ID#

7909000L001); within Township 25 North, Range 4 West, Section 7, Seward Meridian (Applicant: Gilliland, dba Alaska Self Storage, Staff: Mark Whisenhunt).

Chair Vague read the resolution title into the record.

Chair Vague:

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

Mr. Whisenhunt provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:

- requirement limit on total size of building on parcels.

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

Mr. Gilliland, applicant, stated that he had nothing further to add and would answer questions.

Commissioners questioned the applicant regarding:

- Meeting with Community Council or other public members

Chair Vague opened the public hearing.

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

MOTION: Commissioner Elder moved to approve Resolution PC 20-26. The motion was seconded.

VOTE: The main motion passed without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS

- A. **Resolution PC 20-12**, recommending Assembly adoption of MSB 17.68, Outdoor Shooting Facilities, in order to establish standards for commercial, educational, and nonprofit outdoor shooting facilities (Staff: Alex Strawn).

Chair Vague read the resolution title into the record.

Mr. Alex Strawn provided a staff report/presentation:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- understand of the 1,000 feet – habitable structure after permit has been issued
- public outreach with Administrative permit
- jeopardy regarding noise
- shotgun range backstop
- 90 decibels – ambient decibels
- enforcement
- hours of operation

Chair Vague opened the public hearing.

The following persons spoke in favor of Resolution PC 20-12:

Jerry Hupp, Mark Masteller, Sherry Musgrave, Warren Keogh, Dave Musgrave, Don Ford, Deborah Hanson, Wendy Stout, and Tony Anthony.

The following persons spoke in opposition of Resolution PC 20-12:

Ester Huddleston, Neal Moss, Mike Sears, Seth Chethlakett, Simon Gilliland, Brian Endle, and L.D. Howard.

The following person spoke regarding concerns with public process: Mr. Eugene Carl Haberman.

Recess at 8:25; resumed at 8:35

Commissioners questioned staff regarding:

- administrative versus conditional use process chosen
- public process

Chair Vague invited staff to respond to questions and statements from the audience.

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

MOTION: Commissioner Elder moved to approve Resolution PC 20-12. The motion was seconded.

Discussion ensued regarding public process, a work session, MSB working with a non-profit.

MOTION: Commissioner Anderson moved a primary amendment to make it a conditional use permit rather than Administrative Permit. The motion was seconded.

VOTE: The primary amendment failed;
Vote: 3 Yes 3 No

Commissioner Vague read Resolution 20-12

VOTE: The main motion failed.
Vote: 3 Yes 3 No

XI. CORRESPONDENCE AND INFORMATION

(There was no correspondence and information.)

XII. UNFINISHED BUSINESS

(There was no unfinished business.)

XIII. NEW BUSINESS

(There was no new business.)

XIV. COMMISSION BUSINESS

- A. Adjudicatory *(if needed)*
- B. Upcoming Planning Commission Agenda Items

Mr. Strawn provided a brief update on projects that will be coming before the Planning Commission. Ellsworth

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

XV. DIRECTOR AND COMMISSIONER COMMENTS

Alex Strawn: I will be forwarding the failed resolution to the Assembly.

Commissioner Elder: An emotional night.

Commissioner Ortiz: Thanked staff for presentation and the public for their comments.

Commissioner Vague: This is the longest meeting we have had for a while. I appreciate the hard work of staff.

XVI. ADJOURNMENT

The regular meeting adjourned at 9:11 p.m.

COLLEEN VAGUE, Planning Commission
Chair

ATTEST:

KAROL RIESE, Planning Commission Clerk

Minutes approved: _____

DRAFT

INTRODUCTION FOR PUBLIC HEARING QUASI-JUDICIAL

Creech's Junkyard

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INTRODUCTION FOR PUBLIC HEARING

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**Superior Court for the
State of Alaska
Decision on Appeal**

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT PALMER

DEWAYNE CREECH,

Appellant,

v.

MATANUSKA-SUSITNA BOROUGH,

Appellee.

Case No. 3PA-19-1472 CI

DECISION ON APPEAL

I. PROCEDURAL HISTORY AND FACTS

On April 10, 2019, Mr. Creech filed a *Notice of Appeal* relating to a decision by the Matanuska-Susitna Borough Board of Adjustment and Appeals, which affirmed the denial of a conditional use permit by the Borough’s Planning Commission. The Matanuska-Susitna Borough filed its *Brief of Appellee* on August 31, 2019.

Mr. Creech owns approximately 9.5 acres of land in an unincorporated area of the Matanuska-Susitna Borough on which he both resides and has operated a vehicle repair and storage yard since 2004. In 2016 a complaint was filed against Mr. Creech, which initiated an investigation and a series of site visits by planning commission staff. As a result of these interactions with the Borough, Mr. Creech filed an application for a conditional use permit in September of 2017, and was then governed by MSB 17.60.110. As Mr. Creech was working on completing his application and submitting evidence in support of it, the Borough adopted Matanuska-Susitna Borough Assembly Ordinance Serial Number 18-030, which made changes to MSB 17.60.110 and affected the standards under which applications for a CUP were to be assessed. On December 17, 2018, the Matanuska-Susitna Planning Commission held a public hearing on Mr. Creech’s application, during which the newly enacted version of the Borough ordinance

was referenced repeatedly. At the end of the hearing, the commissioners voted to deny Mr. Creech's application. Mr. Creech timely appealed the decision, and the Matanuska-Susitna Board of Appeals and Adjustments denied the appeal after a hearing in March 2019.

II. ISSUES ON APPEAL

- (1) Whether the Borough violated Mr. Creech's due process rights by changing the legal standard under which his application for a conditional use permit was being evaluated after the review process had already begun.
- (2) Whether the Borough erred in evaluating Mr. Creech's "suitability" for the conditional use permit by considering evidence that was more than five years old.

III. STANDARD OF REVIEW

There are four standards of review that govern the review of administrative decisions by the courts. The "substantial evidence" test is applied to questions of fact; the "reasonable basis" test is applied to questions of law involving agency expertise; the "substitution of judgment" is applied to questions of law that require no agency expertise; and the "reasonable and not arbitrary" test is applied to review of agency regulations.¹ The constitutional arguments raised are evaluated de novo.²

¹ *Handley v. State Dep't. of Revenue*, 838 P2d 1231,1233 (Alaska 1992).

² *State Dep't. Nat. Resources v. Greenpeace Inc.*, 96 P3d 1056, 1061 (Alaska 2004).

IV. DISCUSSION

A. While It Was Incorrect To Apply The Newly Adopted Borough Ordinance To Mr. Creech's Application, The Error Was Harmless.

Appellant argues that the change in regulation governing the evaluation of his permit application was a violation of his due process rights. He argues that the language of AS 08.60.070, the state law the Borough cited as being incorporated into municipal regulation, covers only a "certificate of location" and a "certificate of approval for the location" and specifically applies to the Borough Assembly and not the Planning Commission or the Board of Adjustment and Appeals.³ According to the Appellant, this resulted in Mr. Creech not having proper notice that the statute's requirements also covered his application.⁴

Appellee argues that consideration of suitability was already part of both the Matanuska-Susitna Borough regulations applying to a permit review, codified in MSB 17.60.100 (A)&(B), and applicable state law in AS 08.60.070 at the time the Borough's Planning Commission reviewed Mr. Creech's permit application.

The court finds Appellee's argument persuasive. While it was incorrect to apply the newly adopted Borough ordinance to Mr. Creech's application, the error was harmless as the standards were already applicable to him through binding state law, in place at the time of his application. Appellant has provided no compelling reason that the statute should not apply to Mr. Creech's business. MSB Code 17.60.010 (A) defines "junkyard" as "a location which is commercially used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping or sale of used, discarded, wrecked or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery, equipment, or parts thereof, including but not limited to, scrap metals, wood, lumber, plastic, fiber, or other tangible materials." From the briefings and record, the

³ Appellant's Brief at 9.

⁴ *Id.* at 10.

description of Mr. Creech's business includes the outside storage of automobiles which are no longer functional or in drivable condition on the property at issue in this case. Mr. Creech then disassembles them for parts, which he uses to repair other vehicles. While there is an added service provided by his operation in the form of refurbishing and selling some of the vehicles, this appears insufficient to negate the applicability of a "junkyard" regulation on its face. The Appellant therefore had proper notice of the applicability of the Code to his operation.

Any error committed by the Borough in applying the newly adopted ordinance is harmless.

B. The Planning Commission's decision was significantly colored by Mr. Creech's activity well beyond the five year lookback period.

The Appellant argues that in the course of its suitability evaluation, the Borough impermissibly considered evidence of Mr. Creech's conduct that is more than five years in the past. He cites MSB 17.60.110 (C) (2) stating "[r]eview for suitability shall be limited to no more than five years preceding the application." He provides quotes from record of the Planning Commission meeting, which show that the commissioners did in fact make statements about Mr. Creech's actions in the past and complaints filed against him dating from over five years ago.

The Appellee cites *Fields v. Kodiak City Council*⁵ to support its argument that the resolution adopted by the Planning Commission, adopted in its Findings of Fact and Conclusions of Law, is the relevant factor for this determination, rather than statements by commissioners during the public hearing. Appellant goes on to note the dates in the Planning Commission's findings, highlighting the fact that all of them are within the five year range.

In *Fields*, the Supreme Court addresses the sufficiency of the record in that case. It makes no mention, as Appellee argues, of the review being limited to those observations

⁵ *Fields v. Kodiak City Council*, 628 P.2d 927 (Alaska 2001).

of fact which were reduced to writing. The court therefore declines to follow the Appellee's argument that any oral statements by commissioners at the hearing are irrelevant, as long as the written decision only includes dates within the permitted time range. It appears clear from the record that the commissioners considered Mr. Creech's past history of non-compliance and what appears to be a certain level of frustration in the community about it. Some of their statements reflect an evaluation of Mr. Creech's suitability that goes back for more than a decade, and is short of any positive memories. The court finds it impossible to separate these statements and their extensive temporal lookbacks from the written findings, which properly adhere to the statutorily required timeframe.

The transcript from the December 17, 2018, public hearing before the Matanuska-Susitna Borough Planning Commission reflects that the Appellant has correctly identified instances in which the commissioners debated evidence from over five years ago.⁶ The court further notes that in the course of the commissioner's deliberation, they raised and discussed issues not related to suitability at all, namely the costs and effect of leniency and a collaborative approach to help Mr. Creech get into compliance with a certain timeframe. The commissioners express concerns about how this would affect resources and staffing,⁷ and how a favorable decision in this case would affect future decision on conditional use permit applications.⁸

The record also reflects that Mr. Creech was contacted by Borough staff several times within the relevant five year range and notified of non-compliance in written notices and citations.⁹ In his statements before the Planning Commission, Mr. Creech stated that he had not been aware of the importance of compliance,¹⁰ saying "I had no idea that the – it was that critical of an aspect, you know, that might risk me getting a

⁶ Appellant's Brief at 15-16.

⁷ MSB Planning Commission Public Hearing Transcript, p. 61 [*hereinafter* MSB Hearing Transcript].

⁸ *Id.* at 68 ("I also have great heartburn over do we modify our CUP program and policies and procedures and rules to accommodate one person, and what can of worms does that open going down the road.")

⁹ MSB Hearing Transcript at 144; Appellee's Brief at 21-23 (citing the Planning Commission's Findings of Fact).

¹⁰ MSB Hearing Transcript at 21, 22, 27.

permit.”¹¹ The court notes that Mr. Creech also stated that he had hired a survey company in order to produce the proper documentation in support of his application,¹² had hired “a couple of contractors to come in and help me clean the place up,”¹³ and that he had built “an additional stall” in order to clear the open spaces on the property faster.¹⁴ Further, Mr. Creech states, “I wish you had a picture in front of you. It’s just that photographs weren’t taken after that. It was just done last summer.”¹⁵ He also described a new road that has been added to the property, which is not shown on pictures or the survey, and provides an access to the back of the property in order to be able to move older inventory out and add space to move the vehicles off the public right-of-way.¹⁶

These statements contrast descriptions by Borough staff noting that the situation at the property was still far from compliance in 2018, when visits were conducted in February, June and September.¹⁷ The record also shows Mr. Creech receiving citations, and vehicles being impounded as late as October 2018.¹⁸ According to Borough staff, photos were taken showing “that there was still an issue out there,” and proving that there were still vehicles in the right-of-way.¹⁹ In addition, the record shows several more instances within the five year review period which found Mr. Creech to be out of compliance, to which he failed to respond satisfactorily.

The court is now tasked with judging the suitability of Mr. Creech to run his business based on this inconsistent evidence. While it appears that Mr. Creech took serious steps such as hiring contractors and building an additional driveway to eliminate overflow from his property into the public right-of-way, he was still considered in violation of the requirements in November of 2018,²⁰ the month before the hearing. The

¹¹ *Id.* at 31-32.

¹² *Id.* at 34.

¹³ *Id.* at 35.

¹⁴ *Id.* at 39.

¹⁵ *Id.*

¹⁶ *Id.* at 30, 39.

¹⁷ *Id.* at 7.

¹⁸ MSB, Board of Adjustment and Appeals, Record on Appeal at 140.

¹⁹ *Id.* at 7.

²⁰ MSB, Board of Adjustment and Appeals, Notice of Right to Appeal and Final Decision, para 8.

court does note that the site visits show a pattern of decrease in the number of vehicles parked in the public right-of-way, and further finds that Mr. Creech outlined a credible and satisfactory plan to bring his property into compliance during the public hearing.²¹ Regardless, it is clear to the court that the Planning Commission’s decision was significantly colored by Mr. Creech’s activity well beyond the five year lookback period.

V. CONCLUSION

Because it was improper for the Planning Commission to rely on information that was beyond the proper lookback period, the court hereby VACATES the Planning Commission’s Resolution and REMANDS for further proceedings consistent with this decision.

Dated the 19th day of March, 2020.


John C. Cagle
Superior Court Judge

13/20/20
I certify that on 13/20/20 a copy of this document was sent to:
 Clerk X (Attorneys) of record
 Plaintiff Defendant Other
At the address(es) of record
Rec'd Jrs
Deputy Clerk  Naugle Bodolay

²¹ MSB Hearing Transcript at 22, 39.

Recent Correspondence

From: [Mark Whisenhunt](#)
To: "Linda Travers-Inglima"
Cc: paulj.nangle@acsalaska.net; DC; Shannon Bodolay
Subject: RE: Creech vs. MSB; 3PA-19-01472CI
Date: Wednesday, July 8, 2020 7:34:00 AM

Good Morning Linda,

If there is to be any additional information for Mr. Creech's request for Conditional Use Permit, please provide it on or before July 28, 2020. This will allow our office to begin our public notice process appropriately. Please let me know if you have any questions. Thank you for your time on this matter.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

From: Linda Travers-Inglima <pjn@acsalaska.net>
Sent: Wednesday, June 24, 2020 1:00 PM
To: Shannon Bodolay <Shannon.Bodolay@matsugov.us>
Cc: paulj.nangle@acsalaska.net; DC <dcsubar@yahoo.com>; Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Subject: Creech vs. MSB; 3PA-19-01472CI

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Dear Shannon:

We have discussed a September 21, 2020 date, which is acceptable to me. And we have not yet retained an expert which we are looking for now.

Thank you.

Linda Travers-Inglima, Legal Secretary

Paul J. Nangle & Associates

101 Christensen Drive
Anchorage, Alaska 99501

Phone: (907) 274-8866

Fax: (907) 279-1794

Email: pjn@acsalaska.net

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From: [Mark Whisenhunt](#)
To: [DC](#)
Cc: paulj.nangle@acsalaska.net
Subject: RE: Planning Commission hearing: DC Auto Repair Junkyard
Date: Friday, May 29, 2020 9:06:00 AM
Importance: High

Good Morning Mr. Creech,

The August 17, 2020 Planning Commission meeting agenda is full, as such, we are unable to schedule your item on that date. The next available meeting is September 21, 2020. I need your confirmation to actually schedule your request. I also need to know if you plan on submitting information as I mentioned in the below email. Please let me know if the September date works. Thank you.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

From: Mark Whisenhunt
Sent: Thursday, April 30, 2020 1:09 PM
To: 'DC' <dcsubar@yahoo.com>
Cc: 'paulj.nangle@acsalaska.net' <paulj.nangle@acsalaska.net>
Subject: Planning Commission hearing: DC Auto Repair Junkyard

Mr. Creech,

We have received the Superior Court decision (attached), which remands your application for Conditional Use Permit back to the Planning Commission. The earliest we can get your application back to the Planning Commission for a hearing is August 17, 2020.

Communication from your attorney, Mr. Paul Nangle, indicated that you have updated application information. If you do, please provide that information on or before June 15, 2020. Please let me know if you intend on providing updated information.

The Superior Court decision requires our office to make a recommendation to the Planning Commission based on the MSB Code that was in affect when you first submitted an application. The Borough is required by State law to use specific standards with considering junkyard application. To comply with State statute, our office will be using the following MSB code and Alaska statute to make a recommendation to the Planning Commission on your request for Conditional Use Permit:

MSB 17.60.100 GENERAL STANDARDS.

(A) A conditional use may be approved only if it meets with the requirements of this

section in addition to any other standards required by this chapter.

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

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

MSB 17.60.110 JUNKYARDS AND REFUSE AREA STANDARDS.

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

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

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

Alaska Statute 08.60.070

(7) the suitability of the applicant to establish, maintain, or operate the business under AS 08.60.050 - 08.60.100.

Please let me know if you have any questions. Thank you for your time on this matter.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

Chapter 60. Junk Dealers and Junk Yards

Article 1. Junk Dealer and Metal Scrapper Licensing

Section

- 08.60.010. License required; violation of section a misdemeanor.
- 08.60.020. Renumbered.
- 08.60.030. Repealed.

Article 2. Regulation of Junk Yards

- 08.60.050. General prohibition.
- 08.60.060. Certificate of location.
- 08.60.070. Standards for location and regulation.
- 08.60.080. Authorization to impose conditions for establishment, operation, and maintenance.
- 08.60.090. Penalty.
- 08.60.100. Definitions.

ARTICLE 1. JUNK DEALER AND METAL SCRAPER LICENSING

§ 08.60.010. License required; violation of section a misdemeanor

A person may not engage in the business of junk dealer or metal scrapper in this state without obtaining an annual license from the Department of Revenue. A person who violates this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$100 or imprisonment for not more than 90 days.

Prior Codifications: ACLA 1949, §§ 35-2-171, 35-2-174.

Cross References

- Attempt, classification of offenses, see § 11.31.100.
- Classification of offenses, see § 11.81.250.
- Fines, see § 12.55.035.
- Legal accountability based upon the conduct of another, see §§ 11.16.110 and 11.16.120.
- Misdemeanors, sentences of imprisonment, see § 12.55.135.
- Offenses defined by statute, see § 11.81.220.
- Prior convictions, effect on sentencing, see § 12.55.145.
- Restitution and compensation, see § 12.55.045.
- Victims of crimes, rights, see § 12.61.010 et seq.

Library References

- Licenses ⇨16(11), 40.
- Westlaw Key Number Searches: 238k16(11); 238k40.

§ 08.60.020. Renumbered as § 08.60.010

§ 08.60.030. Repealed

JUNK DEALERS & JUNK YARD

ARTICLE 2.

§ 08.60.050. General prohi

A person may not establish, o yard without a certificate of lo SLA 1962, ch. 26, § 1.

Licenses ⇨16(11).
Westlaw Key Number Search: 238k1

§ 08.60.060. Certificate of l

A person using or proposing t yard shall obtain a certificate o a city of any class, the certifica designee. If the location is out an organized borough, the cert the organized borough or its de ed city or borough, the certi commissioner of public safety. SLA 1962, ch. 26, § 2; SLA 1965, c

Licenses ⇨16(11).
Westlaw Key Number Search: 238k1

§ 08.60.070. Standards for

The commissioner of public : assembly, in considering applic

- (1) the nature and developr
- (2) the need to protect the motoring public from econor tions;

- (3) the proximity of churcl ation areas, or other places of
- (4) the sufficiency in numb the vicinity;

- (5) the adequacy of fences unsightly display of a junk yar

- (6) the health, safety, and g

- (7) the suitability of the aj business under AS 08.60.050 -

SLA 1962, ch. 26, § 3; SLA 1965, cl

JUNK DEALERS & JUNK YARDS

§ 08.60.070

ARTICLE 2. REGULATION OF JUNK YARDS

§ 08.60.050. General prohibition

A person may not establish, operate, or maintain a commercial or public junk yard without a certificate of location prescribed by AS 08.60.050 - 08.60.100. SLA 1962, ch. 26, § 1.

Library References

Licenses ⇨16(11).
Westlaw Key Number Search: 238k16(11).

§ 08.60.060. Certificate of location

A person using or proposing to use a location for a commercial or public junk yard shall obtain a certificate of approval for the location. If the location is in a city of any class, the certificate shall be procured from the city council or its designee. If the location is outside the city limits but within the boundaries of an organized borough, the certificate shall be procured from the assembly of the organized borough or its designee. If the location is outside an incorporated city or borough, the certificate of location shall be obtained from the commissioner of public safety.

SLA 1962, ch. 26, § 2; SLA 1965, ch. 10, § 1.

Library References

Licenses ⇨16(11).
Westlaw Key Number Search: 238k16(11).

§ 08.60.070. Standards for location and regulation

The commissioner of public safety, the city council, and organized borough assembly, in considering applications and regulations, shall take into account

- (1) the nature and development of surrounding property;
- (2) the need to protect the local economy, adjacent land owners, and the motoring public from economically depressing and unsightly roadside locations;
- (3) the proximity of churches, schools, hospitals, public buildings, recreation areas, or other places of public gathering;
- (4) the sufficiency in number of other similar business establishments in the vicinity;
- (5) the adequacy of fences and other types of enclosures to prevent the unsightly display of a junk yard;
- (6) the health, safety, and general welfare of the public;
- (7) the suitability of the applicant to establish, maintain, or operate the business under AS 08.60.050 - 08.60.100.

SLA 1962, ch. 26, § 3; SLA 1965, ch. 10, § 2.

§ 08.60.070

BUSINESS & PROFESSIONS

Library References

Licenses ⇨16(11).
Westlaw Key Number Search: 238k16(11).

§ 08.60.080. Authorization to impose conditions for establishment, operation, and maintenance

The commissioner of public safety or the cities or organized boroughs shall examine the location or proposed location of a junk yard and adopt reasonable regulations concerning the establishment, operation, and maintenance of businesses under the standards set out in AS 08.60.070. The regulations may require the erection, location, and size of fences or other structures surrounding the junk yard. Regulations pertaining to junk yards are subject to the provisions of AS 44.62 (Administrative Procedure Act).

SLA 1962, ch. 26, § 4; SLA 1965, ch. 10, § 3; SLA 1968, ch. 143, § 3.

Library References

Licenses ⇨16(11).
Westlaw Key Number Search: 238k16(11).

§ 08.60.090. Penalty

A person who operates, establishes, or maintains a junk yard in any location without procuring a certificate of approval is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for a term of not more than one year, or by both.

SLA 1962, ch. 26, § 5.

Cross References

Attempt, classification of offenses, see § 11.31.100.
Classification of offenses, see § 11.81.250.
Fines, see § 12.55.035.
Legal accountability based upon the conduct of another, see §§ 11.16.110 and 11.16.120.
Misdemeanors, sentences of imprisonment, see § 12.55.135.
Offenses defined by statute, see § 11.81.220.
Prior convictions, effect on sentencing, see § 12.55.145.
Restitution and compensation, see § 12.55.045.
Victims of crimes, rights, see § 12.61.010 et seq.

Library References

Licenses ⇨40.
Westlaw Key Number Search: 238k40.

§ 08.60.100. Definitions

In AS 08.60.050 – 08.60.100,

(1) "junk" means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals; it also includes wrecked automobiles, tools, implements, rags, used building materials, rubber, and paper;

(2) "junk yard" means a location where junk is gathered together and stored for a commercial or public purpose;

BUSINESS & PROFESSIONS

JUNK DEALERS & JUNK YARDS

§ 08.60.100

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8, ch. 143, § 3.

(3) "person" means an individual and, where consistent with collective capacity, a committee, firm, partnership, company, corporation, club, governmental agency, organization, association, or other combination of individuals.

SLA 1962, ch. 26, § 6.

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§ 11.16.110 and 11.16.120.

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PUBLIC HEARING
QUASI-JUDICIAL

Resolution No. 18-30

DC Auto Repair
Junkyard/Refuse Area CUP

(Page _ - _)

PUBLIC HEARING

STAFF REPORT



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

www.matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date: December 7, 2018

File Number: 176020170024

**Applicant/
Property Owner:** Dewayne Creech (dba DC Auto Repair)

Request: Planning Commission Resolution 18-30

Conditional Use Permit for the operation of a junkyard/refuse area in accordance with MSB Chapter 17.60 – Conditional Uses

Location: 7430 West Sunrise Drive (Tax ID# 6405000L006); within Township 18 North, Range 2 West, Section 33, Seward Meridian

Size of Property: 9.56 Acres

Size of Operation Site: 9.56 Acres

Reviewed By: Alex Strawn, Development Services Manager 

Staff: Mark Whisenhunt, Planner II 

Staff Recommendation: Denial

EXECUTIVE SUMMARY

A conditional use permit application has been submitted for the operation of a junkyard/refuse area which includes the repairing of damaged vehicles, outdoor storage and parting-out of inoperable vehicles.

Per MSB 17.60.030, junkyards and refuse areas are declared to be potentially damaging to the property values and usefulness of adjacent properties or potentially harmful to the public health, safety, and welfare and are permitted only upon the issuance of a conditional use permit. Unless

such uses are maintained under and in accordance with a lawfully issued permit, such uses are declared to be public nuisances. Maintenance of such a land use without a permit is prohibited.

The subject property is located within the Meadow Lakes Community Council boundary and within Assembly District 7.

BACKGROUND

The property was originally developed in 1974 with a residential home. The single family residential home was the sole use of the property until the applicant purchased the property in June of 2003. Shortly after purchasing the property the applicant began building the shop/garage associated with the junkyard operation. According to the applicant he began operating at the property shortly after he purchased the property. He estimates beginning the operation in 2004.

In 2005, a second foundation was constructed on the west side of the property. In 2011 a building was constructed on the foundation. According to the applicant, this building was intended to be a home for his sibling, however, that never came to fruition. While it currently sits empty, the applicant indicated to staff that he intends to operate a children's daycare in the structure.

While reviewing the Borough's records for the subject property, staff found the Borough received its first of six complaints/cases in August 2003. The second complaint was made in September 2003. These two cases were consolidated for administrative purposes. Four citations were issued for a violation of the Borough junk and trash code (MSB 8.50). Three of the citations were ultimately dropped when the applicant came into compliance in September 2006. One citation shows as a "no contest" plea from the applicant.

Three additional complaints were filed pertaining to junk vehicles on the property in 2008, 2009, and 2010. The applicant began storing the junk vehicles in a location where they were not visible from the public right-of-way and ultimately built a fence to screen the junk vehicles. Each of these complaints were closed when the vehicles were completely screened from the view of the public right-of-way.

The latest complaint came in September 2016. This complaint was for junk vehicles being stored in the public right-of-way. In November 2016, a site visit was conducted by a Borough Code Compliance Officer (CCO). It was at this time the CCO realized the applicant was actually running a junkyard operation at the property. The Borough Code Compliance Officer issued Written Warning #0717 to the applicant for: 1) Operating a junkyard without a permit per MSB 17.60 – Conditional Uses, 2) Causing a public nuisance per MSB 8.50 – Junk and Trash, and 3) Unauthorized Encroachment by storing junk vehicles within the public right-of-way per MSB 11.10 – Encroachment Permits. Follow up site visits in March and July 2017 by the CCO showed the applicant was still storing junk vehicles within the right-of-way and was stilling operating without a permit. A citation was issued in July 2017 for operating a junkyard/refuse area without a conditional use permit. According to State of Alaska Court records, the applicant entered a "no contest" plea on October 4, 2017. Additional site visits by the CCO in August and September 2017 showed the violations has not been abated at the site.

Mr. Creech submitted an application for conditional use permit on September 20, 2017. A site visit by the CCO revealed the vehicles were removed from the right-of-way in October 2017. However,

during follow up site visits in February, June, and September 2018 the applicant was again using the public right-of-way to store junk vehicles. During the September site visit, the CCO placed six impound notices on vehicles the applicant had in the public right-of-way.

As a part of this application, the applicant notes he has a conditional use permit (17602003-0001) for a separate junkyard operation on Machen Road. The narrative also notes a lack of violations at the Machen site, other than being told by the Borough to construct a fence and a “few cars were too close to the road,” which were removed “immediately.”

After reviewing the Borough file for conditional use permit (CUP) #17602003-0001, staff found the first of four complaints/cases was opened in January 2009. In the 2009 case, a CCO found that the applicant had yet to comply with three CUP conditions and that the final permit document had not been issued. In January 2009, the Planning Director signed and issued the permit. The applicant obtained compliance by January 2010. In December 2010, a CCO found more violations at the site which were having junk vehicles viewable from and within the public right-of-way. These issues were resolved by January 2011.

In March 2017, a CCO found that more junk vehicles viewable from and within the public right-of-way at the Machen Road site. The applicant resolved these issues by May 2017, only to be found in violation again in July 2017. In August 2017, the CCO found the junk vehicles were still within the public right-of-way and tagged 14 vehicles with impound notices. The applicant removed the vehicles which were tagged for impound within two days. In October 2017, the applicant was again found to be storing junk vehicles within the public right-of-way. This time the issue wasn't resolved until November 2017.

LAND USE

Existing Land Use:

The subject parcel is approximately 9.56 acres in size. The applicant currently lives on site and operates a junkyard/refuse area without a conditional use permit. There is a second residential structure onsite which is unoccupied and unfinished. The applicant estimates there to be approximately 500 junk vehicles on the property.

Staff conducted a site visit at the subject property on November 16, 2018. While on site staff observed one of the applicant's junk vehicles was being stored within the public right-of-way. The applicant also keeps his garbage dumpster within the public right-of-way. During the site visit, it became apparent that the applicant operates the site well beyond its capacity. With the exception of the structures and a small fenced in yard adjacent to the applicant's residence, all areas on the property cleared of vegetation are packed full of junk vehicles. Almost all of the junk vehicles are inaccessible, except by foot through very narrow gaps between the vehicles. The unfinished building which the applicant noted he would like to use for a children's daycare center was completely surrounded by junk vehicles and only accessible by foot through very narrow gaps between the vehicles. Areas on the site plan identified as “existing driveways” and “customer parking” were also fully occupied by junk vehicles and personal vehicles used by the applicant and his two employees.

Also during the site visit, staff found that all three driveways were littered with oil and grease spills. The driveway near the shop was the most contaminated. So much so, that the odor of motor

oil was apparent while walking down the driveway. Two 55-gallon drums which the applicant stated were used for the collection of used oil were sitting on the gravel driveway about 20 feet from the shop facility.

Topographical information for the area shows the property slopes down from the northwest to the southeast. Wetlands and a creek abut the property's southeast corner as shown on the attached map titled as Wetlands.

Surrounding Land Uses:

The subject parcel sits on the south side of West Sunrise Drive, approximately 600 feet west of North Pittman Road. A 10-acre parcel with a residential home abuts the subject parcel to the east. An undeveloped 40-acre parcel abuts the subject parcel to the south. Parcels to the west, northwest, and north of the subject parcel, range from one to 2.3 acres in size and are mostly developed with residential homes. Two parcels to the northeast have residential homes and are used to park commercial vehicles.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

On October 26, 2018 notices were mailed to all property owners within a 600-foot radius of the property, as well as to the Meadow Lakes Community Council. A total of 24 notices were mailed. The permit application notification was published in the October 26, 2018 issue of the Frontiersman. The application material was posted on the Borough web site for public review on October 26, 2018. The public notice, application material, and a request for comments were emailed to the Meadow Lakes Community Council on October 26, 2018. Staff did not receive any comments from the community council. Staff received four comments from the public. All were in opposition of the proposed use. The comments and concerns in general are:

- a history of unsightly junk vehicles at the site
- the use of the public right-of-way by the applicant to load/unload junk vehicles
- storing junk vehicles in the public right-of-way
- at times the operation completely blocks the roadway
- the potential to negatively impact residential property values with the continued public nuisance
- potential to contaminate the ground water, surface water, and fish habitat
- a history of disregarding local laws (operating without a permit)
- damaging the road with the use of heavy trucks

Section 17.60.100 General Standards

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

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

- (1) the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area;*

Findings of Fact:

1. The property was originally developed in 1974 with a residential home, which was the sole use of the property until the applicant purchased the property in June of 2003.
2. The subject parcel sits on the south side of West Sunrise Drive, approximately 600 feet west of North Pittman Road.
3. A 10-acre parcel with a residential home abuts the subject parcel to the east. An undeveloped 40-acre parcel abuts the subject parcel to the south. Parcels to the west, northwest, and north of the subject parcel, range from one to 2.3 acres in size and are developed with residential homes.
4. Two parcels to the northeast have residential homes and are used to park commercial vehicles.
5. A total of 23 lots, excluding the subject lot, are within the notice area. Of which, 5 lots are undeveloped and 16 lots are used for residential purposes. The remaining two have a residential home and store commercial vehicles on site.
6. The vast majority of the area is used for residential purposes.
7. A 6-foot tall wood-plank fence is constructed along the east half of the northern property line. There is currently approximately 300 feet of fencing.
8. According to the application material, the applicant proposes to construct an 8-foot tall wood-plank fence the full length of the northern property line, and along the north half of both the east and west side lot lines. The applicant proposes using existing vegetation to visually screen the remaining portions of the side lot lines and the entire length of the southern property line.
9. According to the application material, the operation gets approximately one to three customers a day.
10. According to the applicant, he has been operating a junkyard/refuse area at this location since approximately 2004.
11. Per MSB 17.60.040(B) operating a junkyard/refuse area without a permit is declared a public nuisance.

Conclusion of Law: Based on the above findings, the proposed use will detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).

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

Findings of Fact:

1. The Borough Development Services Division received a complaint about the subject property and proposed use on September 12, 2016.
2. Between November 2016 and September 2018, a Borough Code Compliance Officer conducted nine site visits at the property. Eight of which revealed the applicant was storing junk vehicles within the public right-of-way, on West Sunrise Drive.

3. A photograph dated June 20, 2018, taken by a Borough Code Compliance Officer shows at least six junk vehicles and the applicant's two tow trucks being stored within the public right-of-way, on West Sunrise Drive.
4. During a site visit on November 16, 2018, staff found the subject property to be full. As a result, the applicant was still storing one junk vehicle within the public right-of-way.
5. During a site visit on November 16, 2018, staff found that all three driveways were littered with oil and grease spills. The driveway near the shop was the most contaminated. So much so, that the odor of motor oil was apparent while walking down the driveway.
6. During a site visit on November 16, 2018, staff found that two 55-gallon drums which the applicant stated were used for the collection of used oil were sitting on the gravel driveway about 20 feet from the shop facility.
7. According to the application material, work and storage involving fluids will be done within the shop on concrete floor, protected from the elements and containment will be achieved with drip pans and an absorption product known as "floor dry."
8. A 6-foot tall wood-plank fence is constructed along the east half of the northern property line. There is currently approximately 300 feet of fencing.
9. According to the application material, the applicant proposes to construct an 8-foot tall wood-plank fence the full length of the northern property line, and along the north half of both the east and west side lot lines. The applicant proposes using existing vegetation to visually screen the remaining portions of the side lot lines and the entire length of the southern property line.
10. Per MSB 11.10 – Encroachment Permits, the storage of objects, such as junk vehicles, within the public right-of-way requires an Encroachment Permit.
11. Junk vehicles stored within the public right-of-way without an Encroachment Permit are deemed unauthorized encroachments.
12. Per MSB 11.10.030(C), unauthorized encroachments shall be deemed a public nuisance.
13. According to the application material, the operation gets approximately one to three customers a day.
14. During a site visit on November 16, 2018, staff found that there was no space for customers to park on site.
15. During a site visit on November 16, 2018, staff found all three driveways and the area on the site plan labeled as "customer parking" were completely occupied by junk vehicles and personal vehicles used by the applicant and his two employees.
16. According to the applicant, he has been operating a junkyard/refuse area at this location since approximately 2004.
17. Per MSB 17.60.040(B) operating a junkyard/refuse area without a permit is declared a public nuisance.

Discussion: The applicant has described his current junkyard operation within the narrative as clean, careful, and compliant. However, after conducting a site visit and reviewing the Borough complaint file for this operation, it appears the operation does not operate in the manner which is described in the narrative.

Conclusion of Law: Based on the above findings, the proposed use will be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).

(3) that sufficient setback, lot area, buffers, or other safeguards are being provided to meet the conditions listed in subsections (B)(1) through (3) of this section; and

Findings of Fact:

1. The subject parcel is approximately 9.56 acres in size.
2. According to the application material, work and storage involving fluids will be done within the shop on concrete floor, protected from the elements and containment will be achieved with drip pans and an absorption product known as “floor dry.”
3. A 6-foot tall wood-plank fence is constructed along the east half of the northern property line. There is currently approximately 300 feet of fencing.
4. According to the application material, the applicant proposes to construct an 8-foot tall wood-plank fence the full length of the northern property line, and along the north half of both the east and west side lot lines. The applicant proposes using existing vegetation to visually screen the remaining portions of the side lot lines and the entire length of the southern property line.
5. During a site visit on November 16, 2018, staff found the subject property to be full. As a result, the applicant was still storing one junk vehicle within the public right-of-way.
6. During a site visit on November 16, 2018, staff found that all three driveways were littered with oil and grease spills. The driveway near the shop was the most contaminated. So much so, that the odor of motor oil was apparent while walking down the driveway.
7. During a site visit on November 16, 2018, staff found that two 55-gallon drums which the applicant stated were used for the collection of used oil were sitting on the gravel driveway about 20 feet from the shop facility.
8. There are three driveways which access West Sunrise Drive from the subject property. According to Borough records, there are no applications or permits on file for any of the three driveways.
9. Between November 2016 and September 2018, a Borough Code Compliance Officer conducted nine site visits at the property. Eight of which revealed the applicant was storing junk vehicles within the public right-of-way, on West Sunrise Drive.
10. A photograph dated June 20, 2018, taken by a Borough Code Compliance Officer shows at least six junk vehicles and the applicant’s two tow trucks being stored within the public right-of-way, on West Sunrise Drive.
11. Per MSB 11.10 – Encroachment Permits, the storage of objects, such as junk vehicles, within the public right-of-way requires an Encroachment Permit.
12. Per MSB 11.10 – Encroachment Permits, constructing a driveway within the public right-of-way without an Encroachment Permit is deemed an unauthorized encroachment.
13. Junk vehicles stored within the public right-of-way without an Encroachment Permit are deemed unauthorized encroachments.

14. Per MSB 11.10.030(C), unauthorized encroachments shall be deemed a public nuisance.
15. MSB 17.55 – Setbacks and Screening Easements, requires buildings to be placed at least 25 feet from a public right of way.
16. According to the application material, the connex structures located within the center driveway are approximately 10 feet from the public right-of-way. This is a violation of the minimum setback requirements of MSB 17.55.

Conclusion of Law: Based on the above findings, sufficient setbacks, lot area, buffers and other safeguards are not being provided (MSB 17.60.100(B)(3)).

(4) the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in this section.

Finding of Fact:

1. All of the required site plans and operational information have been provided by the applicant.

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

Section 17.60.110 Junkyards and Refuse Area Standards

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

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

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

Findings of Fact:

1. A 6-foot tall wood-plank fence is constructed along the east half of the northern property line. There is currently approximately 300 feet of fencing.
2. According to the application material, the applicant proposes to construct an 8-foot tall wood-plank fence the full length of the northern property line, and along the north half of both the east and west side lot lines. The applicant proposes using existing vegetation to visually screen the remaining portions of the side lot lines and the entire length of the southern property line.
3. The existing vegetation intended for screening the proposed use is composed of both deciduous and evergreen trees and is approximately 100 feet in or more in width.

Conclusion of Law: Based on the above findings, the proposed fencing and existing vegetation would obscure the view of the site from any traveled or public right-of-way on a year-round basis (MSB 17.60.110(A-B)).

(C) The commission shall evaluate whether the applicant is suitable to establish, maintain, or operate the proposed use under the requirements of this chapter.

(1) Suitability of the applicant shall be based upon the applicant's history of compliance with relevant local, state, and federal laws.

(2) Review for suitability shall be limited to no more than five years preceding the application.

Findings of Fact:

1. The Borough Development Services Division received a complaint about the subject property and proposed use on September 12, 2016.
2. In November 2016, a Borough Code Compliance Officer issued Written Warning #0717 to the applicant for: 1) Operating a junkyard without a permit per MSB 17.60 – Conditional Uses, 2) Causing a public nuisance per MSB 8.50 – Junk and Trash, and 3) Unauthorized Encroachment by storing junk vehicles within the public right-of-way per MSB 11.10 – Encroachment Permits.
3. In July 2017, a Borough Code Compliance Officer issued Citation #P00444057 to the applicant for operating a junkyard without a permit per MSB 17.60 – Conditional Uses.
4. According to the State of Alaska records, the applicant entered a “no contest” plea on October 4, 2017 for Citation #P00444057, operating a junkyard without a permit per MSB 17.60 – Conditional Uses.
5. Between November 2016 and September 2018, a Borough Code Compliance Officer conducted nine site visits at the property. Eight of which revealed the applicant was storing junk vehicles within the public right-of-way, on West Sunrise Drive.
6. A photograph dated June 20, 2018, taken by a Borough Code Compliance Officer shows at least six junk vehicles and the applicant's two tow trucks being stored within the public right-or-way, on West Sunrise Drive.
7. During a site visit on November 16, 2018, staff found the subject property to be full. As a result, the applicant was still storing one junk vehicle within the public right-of-way.
8. During a site visit on November 16, 2018, staff found that all three driveways were littered with oil and grease spills. The driveway near the shop was the most contaminated. So much so, that the odor of motor oil was apparent while walking down the driveway.
9. During a site visit on November 16, 2018, staff found that two 55-gallon drums which the applicant stated were used for the collection of used oil were sitting on the gravel driveway about 20 feet from the shop facility.
10. There are three driveways which access West Sunrise Drive from the subject property. According to Borough records, there are no applications or permits on file for any of the three driveways.
11. Per MSB 11.10 – Encroachment Permits, the storage of objects, such as junk vehicles, within the public right-of-way requires an Encroachment Permit.

12. Per MSB 11.10 – Encroachment Permits, constructing a driveway within the public right-of-way without an Encroachment Permit is deemed an unauthorized encroachment.
13. Junk vehicles stored within the public right-of-way without an Encroachment Permit are deemed unauthorized encroachments.
14. Per MSB 11.10.030(C), unauthorized encroachments shall be deemed a public nuisance.
15. MSB 17.55 – Setbacks and Screening Easements, requires buildings to be placed at least 25 feet from a public right of way.
16. According to the application material, the connex structures located within the center driveway are approximately 10 feet from the public right-of-way. This is a violation of the minimum setback requirements of MSB 17.55.
17. During a site visit on November 16, 2018, staff found that there was no space for customers to park on site.
18. During a site visit on November 16, 2018, staff found all three driveways and the area on the site plan labeled as “customer parking” were completely occupied by junk vehicles and personal vehicles used by the applicant and his two employees.
19. According to the applicant, he has been operating a junkyard/refuse area at this location since approximately 2004.
20. Per MSB 17.60.040(B) operating a junkyard/refuse area without a permit is declared a public nuisance.
21. As a part of this application, the applicant notes he has a conditional use permit (17602003-0001) for a separate junkyard operation on Machen Road.
22. The narrative also notes a lack of incident at the Machen site, other than being told by the Borough to construct a fence and a “few cars were too close to the road,” which were removed “immediately.”
23. In March 2017 while inspecting the applicant’s junkyard operation on Machen Road, a Borough Code Compliance Officer found that junk vehicles were viewable from and within the public right-of-way. The applicant resolved these issues by May 2017.
24. In July 2017 while inspecting the applicant’s junkyard operation on Machen Road, a Borough Code Compliance Officer again found that junk vehicles were viewable from and within the public right-of-way.
25. In August 2017, a Borough Code Compliance Officer found the junk vehicles were still within the public right-of-way and tagged 14 vehicles with impound notices. The applicant removed the vehicles which were tagged for impound within two days.
26. In October 2017, a Borough Code Compliance Officer again found the applicant to be storing junk vehicles within the public right-of-way. This time the issue wasn’t resolved until November 2017.
27. Between March 2017 and November 2017, a Borough Code Compliance Officer conducted six site visits at the Machen Road property. Four of which revealed the applicant was storing junk vehicles within the public right-of-way on Machen Road which is a violation of conditional use permit #17602003-0001.

28. Since March 2016, Borough staff has observed the applicant violating Borough code 13 times. Nine of which were at the proposed use on West Sunrise Drive, and four of which were at the applicant's junkyard operation on Machen Road.

Conclusion of Law: Based on the above findings, the applicant is not suitable to establish, maintain, or operate the proposed use under the requirements of this chapter (MSB 17.60.110(C)).

(D) The commission shall consider whether adequate controls are in place to prevent contamination of soil, surface water and groundwater.

Finding of Fact:

1. According to the application material, work and storage involving fluids will be done within the shop on concrete floor, protected from the elements and containment will be achieved with drip pans and an absorption product known as "floor dry."
2. During a site visit on November 16, 2018, staff found that all three driveways were littered with oil and grease spills. The driveway near the shop was the most contaminated. So much so, that the odor of motor oil was apparent while walking down the driveway.
3. During a site visit on November 16, 2018, staff found that two 55-gallon drums which the applicant stated were used for the collection of used oil were sitting on the gravel driveway about 20 feet from the shop facility.
4. Topographical information for the area shows the property slopes down from the northwest to the southeast.
5. Wetlands and a creek about the property's southeast corner.

Discussion: The applicant has described his current junkyard operation within the narrative as clean, careful, and compliant. However, after conducting a site visit and reviewing the Borough complaint file for this operation, it appears the operation does not operate in the manner which is described in the narrative.

Conclusion of Law: Based on the above findings, there are not adequate controls in place to prevent contamination of soil, surface water and groundwater (MSB 17.60.110(D)).

STAFF RECOMMENDATIONS

Staff recommends denial of the conditional use permit to operate a junkyard/refuse area, at 7430 West Sunrise Drive (Tax ID# 6405000L006). The proposed use does not meet all of the standards set forth in MSB 17.60.100 and 17.60.110.

If the Planning Commission chooses to approve this permit, findings for approval must be prepared by the Commission.

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Mark Whisenhunt

From: Mark Whisenhunt
Sent: Friday, November 30, 2018 11:31 AM
To: 'DC'
Subject: Comments Received
Attachments: Scan_20181130_112409.pdf

I have attached all of the comments we received. If you would like to respond to them. Please do so in writing, ***by noon on Tuesday December 4, 2018.***

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
Fax: (907) 861-8158
mark.whisenhunt@matsugov.us

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Friday, October 5, 2018 3:30 PM
To: 'dcsubaru@yahoo.com'
Subject: Creech CUP application - Additional Standards

Importance: High

Good Afternoon Mr. Creech,

On August 21, 2018 the Borough Assembly adopted additional regulations related to junkyard operations. I wanted to give you an opportunity to update your narrative by addressing the new standards noted below:

17.60.110 (C) The commission shall evaluate whether the applicant is suitable to establish, maintain, or operate the proposed use under the requirements of this chapter.

(1) Suitability of the applicant shall be based upon the applicant's history of compliance with relevant local, state, and federal laws.

(2) Review for suitability shall be limited to no more than five years preceding the application.

17.60.110 (D) The commission shall consider whether adequate controls are in place to prevent contamination of soil, surface water and groundwater.

If you would like to provide a response pertaining to your operation and the newly adopted standards, please do so on or before **October 15, 2018**. We will be moving forward with your application on October 16, 2018.

Thank you.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
Fax: (907) 861-8158
mark.whisenhunt@matsugov.us

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Friday, October 26, 2018 9:39 AM
To: 'info@mlccak.org'; 'tim.swezey@mlccak.org'
Subject: Request for comments: Dewayne Creech Junkyard/Refuse Area CUP
Attachments: 6405000L006 Main Layout.pdf

Importance: High

Dear Meadow Lakes Community Council:

According to the Borough's public meeting calendar, your next council meeting will be held on November 7, 2018. As detailed below, a community member within your council boundaries is proposing to operate a Junkyard/Refuse Area, which requires a conditional use permit. Our office would like to encourage your participation in this process.

As noted below, if you would like to submit comments, please do so by November 26, 2018. If you cannot meet this submittal deadline, please contact me to discuss further options.

DATE: October 26, 2018
TO: Various Governmental Agencies
FROM: Mark Whisenhunt, Planner II
SUBJECT: Request for Review and Comments Governmental Agencies
PROJECT: Conditional Use Permit for the operation of a Junkyard/Refuse Area
LOCATION: 7430 West Sunrise Drive (Tax ID# 6405000L006); within Township 18 North, Range 2 West, Section 33, Seward Meridian
APPLICANT: Dewayne Creech

An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted by Dewayne Creech for the operation of a Junkyard/Refuse Area. The Planning Commission will conduct a public hearing on this request on December 17, 2018.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:

<https://www.matsugov.us/publicnotice/dewayne-creech-conditional-use-permit>

Comments are due on or before **November 26, 2018** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough

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

Total 24

The Planning Commission of the Matanuska-Susitna Borough will consider the following:

- Application:** Conditional Use Permit for a Junkyard/Refuse Area
- MSB Code Section:** MSB 17.60 – Conditional Uses
- Applicant:** Dewayne Creech (dba DC Auto Repair)
- Location:** 7430 West Sunrise Drive (Tax ID# 6405000L006);
within Township 18 North, Range 2 West, Section 33, Seward Meridian
- Request:** An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the operation of a Junkyard/Refuse Area at the above address.

The Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, **December 17, 2018 at 6:00 p.m.** in the Borough Assembly Chambers, 350 E. Dahlia Avenue, in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information from the applicant at the time of introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing. Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." Application material may also be viewed at the Borough Permit Center. For additional information, you may contact Mark Whisenhunt, Planner II, at 861-8527. Written comments can be mailed to: MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may fax comments to 861-8158 or e-mail to mwhisenhunt@matsugov.us. In order to be eligible to file an appeal for a decision of the Planning Commission, a person must be designated an "interested party." See MSB 15.39.010 for the definition of "interested party." The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the borough home page: www.matsugov.us, in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before **November 26, 2018** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.

Name: _____ **Mailing Address:** _____

Location/Legal Description of your property: _____

Comments: _____

Note: Vicinity Map Located on Reverse Side



Certificate of Bulk Mailing – Domestic

Fee for Certificate

Up to 1,000 pieces (1 certificate for total number)

For each additional 1,000 pieces, or fraction thereof

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Total Number of Pounds <i>7.602</i>	Total Postage Paid for Mailpieces <i>11.28</i>	Fee Paid <i>8.25</i>
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CREECH DEWAYNE E
PMB 372
7362 W PARKS HWY
WASILLA, AK 99654-9132

6442B03L001 2
U S BANK NAT'L ASSN TRE
SECURITY NAT'L MTG LOANTR
323 FIFTH ST
EUREKA, CA 95501

6442B03L002 3
WHISMAN MICHAEL J
2291 N CARRIAGE LN
WASILLA, AK 99654

6405000L007 4
BRADLEY SEAN D
2431 N THEODORE DR
WASILLA AK 99623

6405000L005 5
HALDEMAN SEAN R
PO BOX 298936
WASILLA AK 99629-8936

18N02W33A005 6
GARLOW RAYBURN J & REBECCA J
APT 1
12468 S KNIK GOOSE BAY RD
WASILLA AK 99623

6442B03L003 7
PLUMB MARK A
2231 N CARRIAGE LN
WASILLA AK 99623-0611

6442B01L008 8
WATTS CAMILLE C
1165 W WINTER AVE
WASILLA AK 99654

3502000L004B 9
DENNISTON DENNIS W & P H
PMB 761
7362 W PARKS HWY
WASILLA, AK 99654-9132

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STUMP ALICE ANN
2711 LAKEWOOD PL
WESTLAKE VLG, CA 91361-3310

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NOLAND DANNY LOUIS II
NOLAND SHERI BREE
PMB 792
7362 W PARKS HWY
WASILLA AK 99623

6405000L008 12
SHORES HEATHER R
PO BOX 872716
WASILLA AK 99687-2716

6442B03L004 13
REHARD TRAVIS
PO BOX 871550
WASILLA AK 99687-1550

6442B01L007 14
WHITAKER SIDNEY & HOLLY
251 S KLEVIN ST
ANCHORAGE, AK 99508

3502000L004A 15
MORRISSEY DAN'L M
3015 MADISON WAY
ANCHORAGE AK 99508-4416

6442B02L015 16
REHARD TRAVIS
PO BOX 871550
WASILLA AK 99687-1550

18N02W33D002 17
VALLEY REAL ESTATE LLC
PO BOX 875067
WASILLA AK 99687

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REHARD TRAVIS
PO BOX 871550
WASILLA AK 99687-1550

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NOLAND DANNY LOUIS II
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PMB 792
7362 W PARKS HWY
WASILLA AK 99623
6442B01L004 22
HOLLINGSWORTH JAS ANDREW
PO BOX 879373
WASILLA AK 99687-9373

6442B01L003 20
HOLLINGSWORTH JAS ANDREW
PO BOX 879373
WASILLA AK 99687-9373

6442B02L013 21
BURRIS JOSEPH D JR & RACHEL E
PO BOX 871588
WASILLA, AK 99687-1588

6442B01L006 23
LANZ BUEL W & KAY F
PMB 273
7362 W PARKS HWY
WASILLA AK 99623-9300

6442B02L016 24
REHARD TRAVIS
PO BOX 871550
WASILLA AK 99687-1550

Frontiersman

5751 E. MAYFLOWER CT.
Wasilla, AK 99654

405249

(907) 352-2264 ph
(907) 352-2277 fax

AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY
PERSONALLY APPEARED BEFORE **JULLIE ZOOK** WHO, BEING
FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT SHE IS THE
LEGAL AD CLERK OF THE **FRONTIERSMAN**
PUBLISHED IN WASILLA AND CIRCULATED THROUGH OUT THE MAT-SU VALLEY,
IN SAID DIVISION THREE AND STATE OF ALASKA
AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE
COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

OCTOBER 26, 2018

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF
THE RATE CHARGED PRIVATE INDIVIDUALS.


SUBSCRIBED AND SWORN TO BEFORE ME
THIS 26TH DAY OF OCTOBER 2018.

NANCY E DOWNS
Notary Public, State of Alaska
My Commission Expires
August 25, 2019


NOTARY PUBLIC FOR STATE OF ALASKA

MATANUSKA SUSITNA BOROUGH PAGE

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Community Council - Meadow Lakes

Board Expiration

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Home <input type="text" value="(907) 232-2845"/>	Work <input type="text"/>	Cell <input type="text"/>	E-mail	<input type="text" value="info@mlccak.org"/>

<input type="text" value="Fisher"/>	<input type="text" value="Patricia"/>	<input type="text"/>	Board Position	<input type="text" value="Member 1 - MLCC - President"/>
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Home <input type="text" value="(907) 357-5187"/>	Work <input type="text"/>	Cell <input type="text"/>	E-mail	<input type="text" value="abcannon123@live.com"/>

<input type="text" value="Boyle"/>	<input type="text" value="Terry"/>	<input type="text"/>	Board Position	<input type="text" value="Member 15 - MLCC - By Laws"/>
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Home <input type="text" value="(907) 355-7393"/>	Work <input type="text"/>	Cell <input type="text"/>	E-mail	<input type="text" value="tcbhunter@gmail.com"/>

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Community Council - Meadow Lakes

Board Expiration

<input type="text" value="Conover"/>	<input type="text" value="Linda"/>	<input type="text"/>	Board Position	<input type="text" value="Member 2 - MLCC - Vice President"/>
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Home <input type="text" value="(907) 376-5622"/>	Work <input type="text"/>	Cell <input type="text"/>	E-mail	<input type="text" value="conover@mtaonline.net"/>

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Home <input type="text" value="(907) 353-2280"/>	Work <input type="text"/>	Cell <input type="text"/>	E-mail	<input type="text" value="cmich@mtaonline.net"/>

<input type="text" value="Yehle"/>	<input type="text" value="Camden"/>	<input type="text"/>	Board Position	<input type="text" value="Member 5 - MLCC - Community Coordination"/>
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<input type="text" value="Henkel"/>	<input type="text" value="Janet"/>	<input type="text"/>	Board Position	<input type="text" value="Member 6 - MLCC - Secretary"/>
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Home <input type="text" value="(907) 982-6348"/>	Work <input type="text"/>	Cell <input type="text"/>	E-mail	<input type="text" value="gravel@mtaonline.net"/>

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Community Council - Meadow Lakes

Board Expiration

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Home	<input type="text" value="(907) 232-2845"/>	Work	<input type="text"/>	Cell <input type="text"/>
			E-mail	<input type="text" value="tim.swezey@mlccak.org"/>

<input type="text" value="Benner-Hanson"/>	<input type="text" value="Lori"/>	<input type="text"/>	Board Position	<input type="text" value="Member 8 - MLCC - Parks, Rec & Trails"/>
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Home	<input type="text" value="(907) 376-5549"/>	Work	<input type="text"/>	Cell <input type="text"/>
			E-mail	<input type="text" value="jazzchance@gmail.com"/>

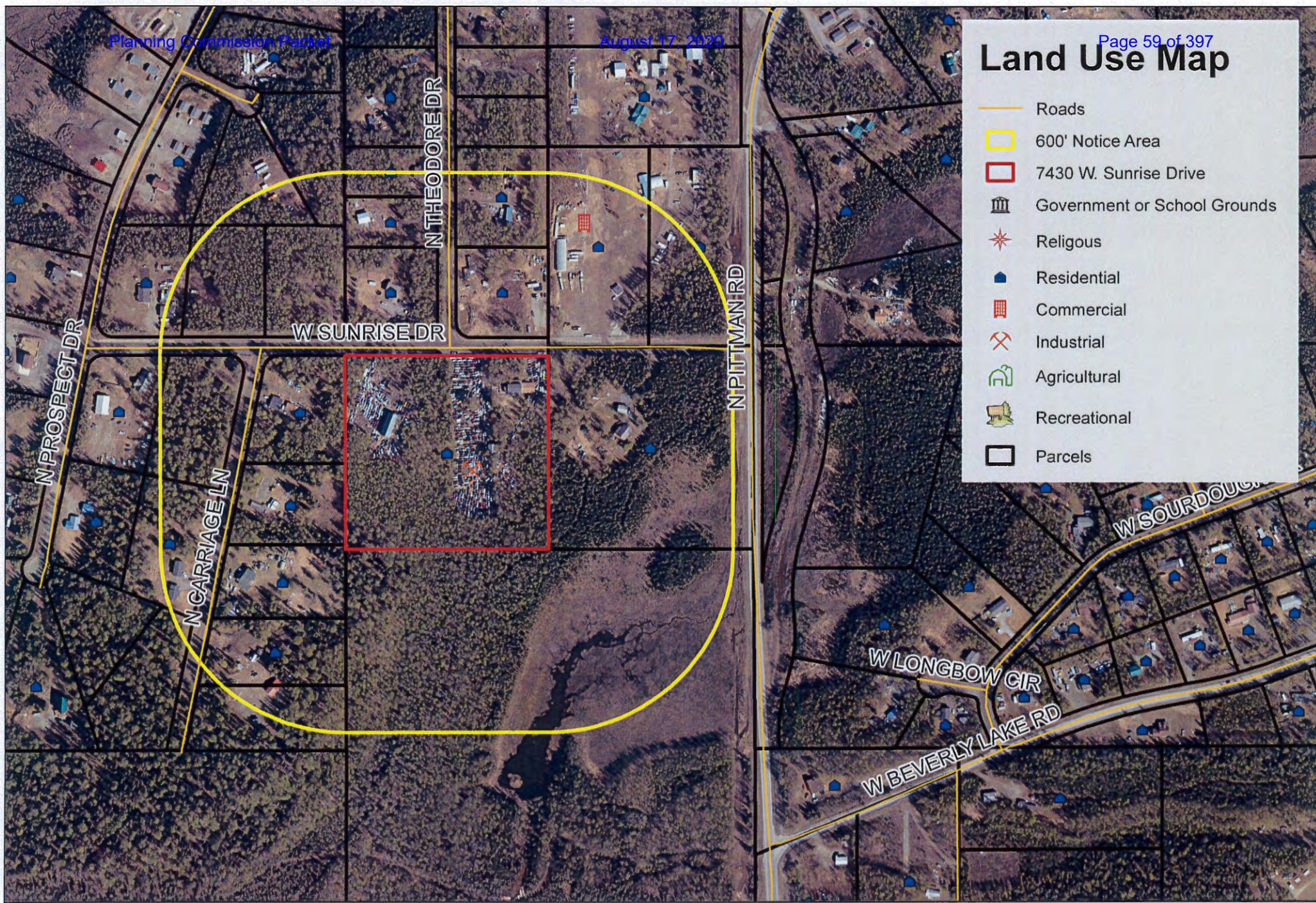
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Home	<input type="text" value="(907) 353-2280"/>	Work	<input type="text"/>	Cell <input type="text"/>
			E-mail	<input type="text" value="cmich@mtaonline.net"/>

Information Contact	<input type="text" value="www.mlccak.org"/>
Total Board Members	<input type="text" value="12 Members"/>
Meeting Schedule	<input type="text" value="2nd Wednesday of each month at 7 p.m. (Please check the Notice of Public Meetings schedule at: www.matsugov.us/publicmeetings for meeting information.)"/>
Meeting Location	<input type="text" value="Birch Creek Villas (Meadow Lakes Senior Housing Complex)"/>
Board Notes	<input type="text" value="Established by RS 82-68"/>

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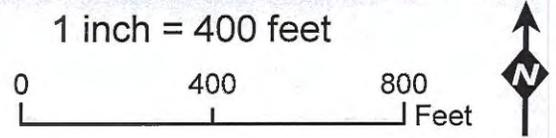
Land Use Map

-  Roads
-  600' Notice Area
-  7430 W. Sunrise Drive
-  Government or School Grounds
-  Religious
-  Residential
-  Commercial
-  Industrial
-  Agricultural
-  Recreational
-  Parcels



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

Date: 12/4/2018



Wetlands

-  Roads
-  7430 W. Sunrise Drive
-  Creeks
-  Wetlands

W SUNRISE DR

N THEODORE DR

N CARRIAGE LN



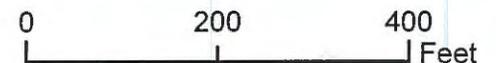
N PITTMAN RD



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Date: 12/7/2018

1 inch = 200 feet



1985 Imagery

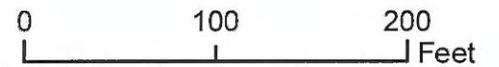
-  Roads
-  7430 W. Sunrise Drive
-  Parcels



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Date: 12/4/2018

1 inch = 100 feet



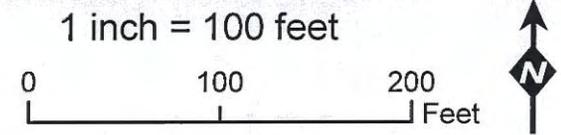
2004/2005 Imagery

-  Roads
-  7430 W. Sunrise Drive
-  Parcels



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Date: 12/4/2018



2011 Imagery

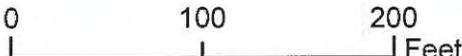
-  Roads
-  7430 W. Sunrise Drive
-  Parcels



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Date: 12/4/2018

1 inch = 100 feet



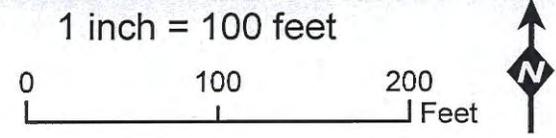

2016 Imagery

-  Roads
-  7430 W. Sunrise Drive
-  Parcels



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Date: 12/4/2018



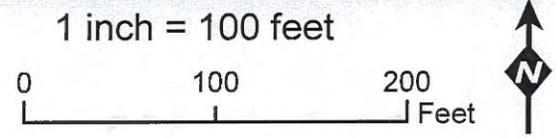
2017 Imagery

-  Roads
-  7430 W. Sunrise Drive
-  Parcels



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Date: 12/4/2018



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Photographs taken by
Mark Whisenhunt, Planner II during the
November 16, 2018 site visit

























Alaska Business License # 1005035

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

D.C. AUTO SALES

7362 W PARKS HWY #372 WASILLA AK 99623

owned by

DEWAYNE CREECH

is licensed by the department to conduct business for the period

January 02, 2018 through December 31, 2018
for the following line of business:

42 - Trade



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Mike Navarre



Matanuska-Susitna Borough Business License #: 17033

350 E. Dahlia Ave, Palmer, Alaska 99645

Effective Date: DEC 31 2016

Expiration Date: DEC 31 2018

**This license must be prominently displayed.
It is not transferable or assignable.**

This license shall not be taken as permission to do business in the State without having complied with the other requirements of the laws of the State of Alaska or the United States.

DEPARTMENT OF FINANCE

D.C. AUTO REPAIR
CREECH DEWAYNE
7362 W PARKS HWY #372
WASILLA, AK 99654-0000

Business Location(s): 7430 SUNRISE

This is to certify that the licensee named above holds a Matanuska-Susitna Borough business license covering the period listed above.

Detach Here

D.C. AUTO REPAIR
CREECH DEWAYNE
7362 W PARKS HWY #372
WASILLA, AK 99654-0000

Fee Paid: \$100

License No.: MBL **17033**

Effective: DEC 31 2016 To DEC 31 2018

The above business has been licensed to conduct business in the Matanuska-Susitna Borough. The borough business license must be prominently displayed. When a business has more than one location, the original license shall be displayed at the main location and a copy of the license shall be displayed at each branch location. If the business is continued at the same location but there is a change in its form of organization, such as from a single proprietorship to a partnership or a corporation, the admission or withdrawal of a partner, or any other change, the seller making the change shall surrender his old borough business license to the borough for cancellation. When there is a change of location for the sellers place of business, the new business license is required showing the new address. Application for renewal of license shall be made before February 1 of the license year.



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Planning Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9833 • Fax (907) 745-9876

Email: planning@matsugov.us

**MATANUSKA-SUSITNA BOROUGH
CREECH SALVAGE YARD
CONDITIONAL USE PERMIT# CUP 03-0001**

Pursuant to MSB 17.60, the Planning Commission of the Matanuska-Susitna Borough granted this permit on October 6, 2003 by approval of Planning Commission Resolution No. 03-42(AM).

THIS PERMIT IS ISSUED TO:

Dewayne Creech

This permit recognizes the right of the permittee or his lawful successor-in-interest to operate and use the following described premises:

SUBDIVISION: Wasilla West, Block 1, Lot 13 (1111B01L013)

T.R.S.M: Township 17 North, Range 2 West, Section 1, Seward Meridian

For the following use:

The outdoor storage of wrecked vehicles, in conformance with the approved application and site plan, a copy of which is attached hereto, and the conditions specific to Resolution No. 03-42(AM).

This permit grants no additional rights to the holders of the permit other than the identification of use which has been determined by the Borough to be authorized under MSB 17.60.

The violation of any condition of approval of this permit or of Federal, State, or Matanuska-Susitna Borough laws governing the permitted use may constitute grounds for revoking this permit or for other actions or penalties authorized by law. No use is permitted by this permit other than as specifically described, including all conditions and terms of this permit.

This decision may be appealed in accordance with MSB 15.39 Board of Adjustment and Appeals.

Mark Mayo
Mark Mayo, Director
Planning and Land Use Department

11/23/09
Date of Issuance

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MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION 03-42(AM)

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OUTDOOR STORAGE OF WRECKED VEHICLES ON BLOCK 1, LOT 13, WASILLA WEST SUBDIVISION, OFF MILE 46 OF THE PARKS HIGHWAY, WITHIN TOWNSHIP 17 NORTH, RANGE 2 WEST, SECTION 1, SEWARD MERIDIAN.

WHEREAS, a conditional use permit application has been received from Dewayne Creek for the outdoor storage of wrecked vehicles, under the requirements of MSB 17.60; and

WHEREAS, the planning commission has reviewed the application with request to standards set forth in MSB 17.60.100 and 17.60.110; and

WHEREAS, the conditional use will not detract from the value, character and integrity of the surrounding areas as existing commercial uses surround this site and the covenants for Wasilla West Subdivision state that all lots within Block One are to be used for commercial purposes; and

WHEREAS, the granting of the conditional use permit will not be harmful to the public health, safety, convenience and welfare as the applicant will be fencing the storage yard with an eight foot high sight obscuring fence, which will insure that the proposed use does not detract from the value of the surrounding area; and

WHEREAS, hazardous material can be minimized, and pollution of ground and water resources can be prevented if proper precautions, procedures, and development design is implemented and maintained; and

WHEREAS, sufficient setbacks, lot area, buffers and other safeguards are being provided as the proposed shop building is shown in compliance with the setback requirements on the site plan and the storage yard will be gated and enclosed by an eight foot high sight obscuring fence; and

WHEREAS, the applicant is proposing to erect an eight foot high sight obscuring fence and the wrecked vehicles within the fenced area will not be visible; and

WHEREAS, vehicle dismantling and rebuilding may only occur in the shop building; and

WHEREAS, there are no churches, schools, hospitals, recreational areas, or public buildings in the surrounding area; and

WHEREAS, the nearest permitted junkyard is over 2.5 miles to the west of this site.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Planning Commission does hereby approve the conditional use permit for Dewayne Creech for the outdoor storage of wrecked vehicles under MSB 17.60, subject to the following conditions:

1. Comply with all applicable federal, state and borough laws, statutes, regulations, and ordinances.
2. The eight foot high sight obscuring fence must be maintained in good repair.
3. The eight foot high sight obscuring fence will be erected prior to any wrecked vehicles being stored on the lot.
4. Obtain a driveway permit from the Borough Public Works Department.
5. Obtain a Borough business license.
6. The gate to the storage yard will remain locked when the site is not occupied.
7. All required parking and loading spaces conducted at the business shall be on site. There shall be one parking space onsite plus one parking space for each worker.
8. No dismantling or repair of vehicles to occur outdoors. Dismantling and repair of vehicles may occur within the shop building.
9. An impermeable surface with drainage management system shall be provided and used for draining, handling, processing and storage of all fluids, batteries, and hazardous materials. All such uses shall be in compliance with state and federal rules.

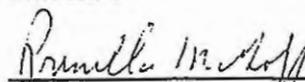
10. Discharges of hazardous substances are required to be reported to the Alaska Department of Environmental Conservation.
11. Prior to the abandonment of the conditional use permit, the owner shall remove all inoperable vehicles, vehicle parts, machine parts, and similar equipment stored outside and brought to the site in the course of operating this business.
12. Within sixty days of the issuance of the conditional use permit, the applicant shall submit a plan describing plans for hazardous waste handling and disposal measures as necessary to meet local, state, or federal standards. Operations will not begin until this plan has been approved by the Borough.
13. The conditional use permit is not valid until the Director of Planning and Land Use certifies that conditions 3, 4, 5, and 13 have been met.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 6th day of October 2003.



HELGA LARSON, Chair

ATTEST:



PRISCILLA M. GOFF, Planning Clerk



Matanuska-Susitna Borough
 350 E. Dahlia Ave, Palmer, Alaska 99645
Code Compliance
Case Summary

J20170018

General Information:

Parcel #: **51111B01L013** Owner: CREECH DEWAYNE
PMB 372
7362 W PARKS HWY
WASILLA AK 99623-9300

Request Date: 3/3/2017 12:00:00AM

Start Date:

Expiration Date:

Closed Date: 5/18/2017 12:00:00AM

Reporting By: MSBOff Site Address: 3765 W MACHEN RD

Linked Names:

Applicant CREECH DEWAYNE
 Owner CREECH DEWAYNE
 Code Comp Officer KENDRA JOHNSON

Linked Parcels:

51111B01L013

Notes and Responses:

Junk vehicles parked outside gate/fenced area. Visible from ROW.
 tt03995 - 3/28/2017 3:13:15 PM

Forms Tab Information:

TRS: Tax ID: MSB Code: 8.5

Owner: Dewayne Creech

Owner C/O Address: Property Address:

Owner Address:

Owner City:

Owner Phone: 907-229-9832 Owner Phone 2: Owner Cell:

Complainant Name: MSB Complainant Address:

Inspections Link:

Inspection ID: **31899**

Inspection Date: **3/3/2017**

Status: **c**

Inspector: **KENDRA JOHNSON**

Check Out:

Letter Date: **04/05/2017**

Contact Date: **04/10/2017**

Notes:

3/3/2017 SV Photos taken; there are three vehicles meeting the definition of junk and trash - and some car parts.

Opening case for junk vehicles visible from public right of way.

4/5/2017 Notice of Violation letter to property owner notifying of the violation. klj

kj04506 - 4/5/2017 3:22:31 PM

4/10/2017 Received call from owner Dewayne Creech - he will have the vehicles

moved/removed/placed in the fencing by the end of this week. Will conduct a follow up site visit next week to confirm. klj

kj04506 - 4/10/2017 2:59:29 PM

Inspection ID: **32092**

Inspection Date: **5/12/2017**

Status: **c**

Inspector: **KENDRA JOHNSON**

Check Out:

Voluntary Compliance: **05/12/2017**

Notes:

5/12/2017 SV Photos taken; Mr. Creech removed the 3 vehicles defined as junk and trash from in front of the fence; he added more vehicles, but none meet the definition of junk and trash. PROPERTY in compliance at this time. CLOSE CASE klj

kj04506 - 5/18/2017 4:11:46 PM

Inspections Link:

Inspection ID: **33030** Status: c
Inspection Date: **7/6/2017**
 Inspector: **KENDRA JOHNSON** Check Out:

Notes:
 7/6/2017 SV Photos taken; per the complainant - messages on the vehicles state they are inoperable and meet the definition of junk and trash; confirmed there are more than 3 inoperable vehicles parked outside the fencing area- screening them from public view.
 Opening case klj
 kj04506 - 8/19/2017 11:31:55 AM

Inspection ID: **33034** Status: c
Inspection Date: **8/16/2017**
 Inspector: **KENDRA JOHNSON** Check Out:

Notes:
 8/16/2017 SV Photos taken - there were 14 subaru vehicles lining the MSB Right of Way of Machen Drive - all from the property owned by Mr. Creech. A worker of Mr. Creech showed up and said they 'do this all the time" Officer Ness and myself said this can not continue - it is blocking the MSB right of way and No matter if they move them during the same day - they can not use the MSB ROW as their parking. TAgged all 14 vehicles with Impound Notices to track the work done. klj
 IMPOUND NOTICE IN:0011 tagged on Subaru Imprza Vin JF1GF63528H.... rest was blocked klj
 kj04506 - 8/21/2017 2:11:33 PM

Citation Status:
 Date: 08/16/2017 Number: IN:0011
 Served: 08/16/2017
 To Court:
 EO Date: EO #:
 SOA #:

Inspection ID: **33035** Status: c
Inspection Date: **No Date Assigned**
 Inspector: **KENDRA JOHNSON** Check Out:

Notes:
 8/16/2017 SV - Subaru Outback - Green & Gray VIN 4S3B06854X7603624 Tagged in ROW of Machen Road.
 kj04506 - 8/21/2017 2:21:33 PM

Citation Status:
 Date: 08/16/2017 Number: IN:0012
 Served: 08/16/2017
 To Court:
 EO Date: EO #:
 SOA #:

Inspection ID: **33036** Status: c
Inspection Date: **No Date Assigned**
 Inspector: **KENDRA JOHNSON** Check Out:

Notes:
 8/16/2017 SV Tagged Imound Notice IN:0013 on Subaru Forester (Silver) Plate DMW962 for being in MSB ROW
 kj04506 - 8/21/2017 2:26:11 PM

Citation Status:
 Date: 08/16/2017 Number: IN:0013
 Served: 08/16/2017
 To Court:

EO Date:
SOA #:

EO #:

Inspection ID: **33037**

Inspection Date: **No Date Assigned**

Status: **c**

Inspector: **KENDRA JOHNSON**

Check Out:

Notes:

8/16/2017 SV Photos taken; Impound Notice IN:0014 tagged on Subaru Outback/legacy Green VIN 4S3BG6858W7659886 for being in MSB ROW
kj04506 - 8/21/2017 2:27:35 PM

Citation Status:

Date: 08/16/2017
Served: 08/16/2017
To Court:
EO Date:
SOA #:

Number: IN:0014

EO #:

Inspection ID: **33039**

Inspection Date: **No Date Assigned**

Status: **c**

Inspector: **KENDRA JOHNSON**

Check Out:

Notes:

8/16/2017 SV Photo taken; Tagged Impound Notice IN:0015 on Subaru Outback (Yellow) Vin # 4S3BG6859W7631482 for blocking/parking in MSB ROW klj
kj04506 - 8/21/2017 2:32:20 PM

Citation Status:

Date: 08/16/2017
Served: 08/16/2017
To Court:
EO Date:
SOA #:

Number: IN:0015

EO #:

Inspection ID: **33040**

Inspection Date: **No Date Assigned**

Status: **c**

Inspector: **KENDRA JOHNSON**

Check Out:

Notes:

8/16/2017 SV Photo taken; Impound Notice IN:0016 tagged on Subaru Impreza RS - Blue VIN # 1F1GM6758XG401021 for blocking/parking in MSB ROW
kj04506 - 8/21/2017 2:35:41 PM

Citation Status:

Date: 08/16/2017
Served: 08/16/2017
To Court:
EO Date:
SOA #:

Number: IN:0016

EO #:

Inspection ID: **33043**

Inspection Date: **No Date Assigned**

Status: **c**

Inspector: **KENDRA JOHNSON**

Check Out:

Notes:

8/16/2017 SV Photo taken; impound NOTcie IN:0017 tagged on Subaru outback Green VIN # 4S3BK435XV7320152 for being parked/blocking MSB ROW
kj04506 - 8/21/2017 2:41:47 PM

Citation Status:

Date: 08/16/2017

Number: IN:0017

Served: 08/16/2017
 To Court:
 EO Date: EO #:
 SOA #:

Inspection ID: 33044
Inspection Date: **No Date Assigned** Status: c
 Inspector: **KENDRA JOHNSON** Check Out:

Notes:
 8/16/2017 SV Photo taken; Impound Notice IN:0018 tagged on Subaru Legacy Outback - Red Vin # 4S3BG6855W6632568 for being parked/blocking MSB ROW
 kj04506 - 8/21/2017 2:43:08 PM

Citation Status:
 Date: 08/16/2017 Number: IN:0018
 Served: 08/16/2017
 To Court:
 EO Date: EO #:
 SOA #:

Inspection ID: 33045
Inspection Date: **No Date Assigned** Status: c
 Inspector: **KENDRA JOHNSON** Check Out:

Notes:
 8/16/2017 SV Photo taken; Impound Notice IN:0019 tagged on Subaru Outback White Plate # DWU677 for blocking/parked in MSB Right of Way. klj
 kj04506 - 8/21/2017 2:44:10 PM

Citation Status:
 Date: 08/16/2017 Number: IN:0019
 Served: 08/16/2017
 To Court:
 EO Date: EO #:
 SOA #:

Inspection ID: 33046
Inspection Date: **No Date Assigned** Status: c
 Inspector: **KENDRA JOHNSON** Check Out:

Notes:
 8/16/2017 SV Photo taken; Impound Notice IN:0020 tagged on Subaru Outback Green/Gray VIN # 4S3BH6456Y7310652 for parking/blocking MSB ROW
 kj04506 - 8/21/2017 2:46:11 PM

Citation Status:
 Date: 08/16/2017 Number: IN:0020
 Served: 08/16/2017
 To Court:
 EO Date: EO #:
 SOA #:

Inspection ID: 33047
Inspection Date: **No Date Assigned** Status: c
 Inspector: **KENDRA JOHNSON** Check Out:

Notes:
 8/16/2017 SV Photo taken; Impound Notice IN:0021 tagged on Subaru Legacy LS (Periwinkle/mauve) Plate GUL312 for being parked/blocking MSB ROW. klj
 kj04506 - 8/21/2017 2:47:33 PM

Citation Status:

Date: 08/16/2017
 Served: 08/16/2017
 To Court:
 EO Date:
 SOA #:

Number: IN:0021

 EO #:

Inspection ID: 33048

Inspection Date: No Date Assigned

Status: c

Inspector: KENDRA JOHNSON

Check Out:

Notes:

8/16/2017 SV Photo taken; Impound Notice IN:0022 tagged on Subaru Outback Champaign/tan plate GXZ315 for being parked/blocking MSB ROW
 kj04506 - 8/21/2017 2:48:37 PM

Citation Status:

Date: 08/16/2017
 Served: 08/16/2017
 To Court:
 EO Date:
 SOA #:

Number: IN:0022

 EO #:

Inspection ID: 33049

Inspection Date: No Date Assigned

Status: c

Inspector: KENDRA JOHNSON

Check Out:

Notes:

8/16/2017 SV Photo taken; Impound Notice IN:0023 tagged on Subaru Forester White - Plate # DWK927 for being parked/blocking MSB ROW. klj
 kj04506 - 8/21/2017 2:50:05 PM

Citation Status:

Date: 08/16/2017
 Served: 08/16/2017
 To Court:
 EO Date:
 SOA #:

Number: IN:0023

 EO #:

Inspection ID: 33050

Inspection Date: No Date Assigned

Status: c

Inspector: KENDRA JOHNSON

Check Out:

Notes:

8/16/2017 SV Photo taken; Impound Notice IN:0024 tagged on Subaru Outback Navy/Gray Vin # 4S3BG6854W6621108 for being parked/blocking MSB ROW
 kj04506 - 8/21/2017 2:51:08 PM

Citation Status:

Date: 08/16/2017
 Served: 08/16/2017
 To Court:
 EO Date:
 SOA #:

Number: IN:0024

 EO #:

Inspection ID: 33051

Inspection Date: No Date Assigned

Status: c

Inspector: KENDRA JOHNSON

Check Out:

Notes:

8/16/2017 SV Photo taken; Impound Notice IN:0025 tagged on Subaru Outback- White Vin # 4S3BG6851T7377410 for being parked/blocking MSB ROW
 kj04506 - 8/21/2017 2:52:49 PM

Citation Status:

Date: 08/16/2017 Number: IN:0025
 Served: 08/16/2017
 To Court:
 EO Date: EO #:
 SOA #:

Inspection ID: **33052** Status: c
Inspection Date: **8/18/2017**
 Inspector: **KENDRA JOHNSON** Check Out:

Notes:
 8/18/2017 SV Photos taken; all 14 vehicles (subarus) tagged with impound notices on 8/16/2017 have been removed from MSB ROW and placed back on property. klj
 kj04506 - 8/21/2017 2:54:45 PM

Inspection ID: **34087** Status: c
Inspection Date: **10/31/2017**
 Inspector: **KENDRA JOHNSON** Check Out:

Notes:
 10/31/2017 SV Photos taken;
 10/31/2017 IMPOUND NOTICE IN:0218 put on Green Subaru Outback w/Gray bottom VIN # 4S3BH665817645348 tires barely off the pavement and in the MSB Right of Way constituting a hazard w/sweeper and if needed sanders/plows. klj
 kj04506 - 11/1/2017 1:59:55 PM

Citation Status:

Date: 10/31/2017 Number: IN:0218
 Served: 10/31/2017
 To Court:
 EO Date: EO #:
 SOA #:

Inspection ID: **34088** Status: c
Inspection Date: **10/31/2017**
 Inspector: **KENDRA JOHNSON** Check Out:

Notes:
 10/31/2017 IMPOUND Notice IN:0217 prepared and placed on Black Pontiac for being in MSB ROW/ Parked blocking if sanding/plowing or sweeping needs done in MSB Right of Way.

kj04506 - 11/1/2017 2:03:14 PM

Citation Status:

Date: 10/31/2017 Number: IN:0217
 Served: 10/31/2017
 To Court:
 EO Date: EO #:
 SOA #:

Inspection ID: **34392** Status: c
Inspection Date: **11/3/2017**
 Inspector: **KENDRA JOHNSON** Check Out:

Voluntary Compliance: 11/03/2017

Notes:
 11/3/2017 SV Photos taken; the two vehicles were removed from MSB Right of way and placed back onto property klj
 kj04506 - 11/27/2017 11:55:24 AM
 Close Case klj
 kj04506 - 11/27/2017 12:10:54 PM

J20170018 5/12/2017
Photo By CCO Kendra Johnson



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Matanuska-Susitna Borough
 350 E. Dahlia Ave, Palmer, Alaska 99645
Code Compliance
Case Summary

J20160162

General Information:

Parcel #: 56405000L006

Owner: CREECH DEWAYNE E
 PMB 372
 7362 W PARKS HWY
 WASILLA, AK 99654-9132

Request Date: 9/12/2016 12:00:00AM

Start Date:

Expiration Date:

Closed Date:

Reporting By:

Site Address: 7362 W PARKS HWY
 WASILLA, AK 99654-9132
 CREECH DEWAYNE E
 PMB 372
 7362 W PARKS HWY
 WASILLA, AK 99654-9132

Linked Names:

Applicant CREECH DEWAYNE E
 Owner CREECH DEWAYNE E
 Code Comp Officer PAMELA NESS

Linked Parcels:

56405000L006

Notes and Responses:

JUNK CARS OFF PROPERTY PARKED ALONG AND INTO THE ROW Operating a Junk/Refuse area without a CUP

mo04424 - 9/12/2016 3:31:15 PM

pn04478 - 11/14/2016 2:58:53 PM

Forms Tab Information:

TRS: Tax ID: MSB Code: 8.50

Inspections Link:

Inspection ID: 30558			
<u>Inspection Date:</u> 11/9/2016			Status: c
Inspector: PAMELA NESS		Check Out:	
<u>Notes:</u>			
Site visit 12 photos. Vehicles out along the road in the ROW. Property being used to store junk vehicles and junk. No CUP. Warning citation issued. pn04478 - 11/14/2016 3:00:58 PM			
<u>Citation Status:</u>			
Date: 11/09/2016		Number: WN0717	
Served: 11/09/2016			
To Court:			
EO Date:		EO #:	
SOA #:			
Inspection ID: 30941			
<u>Inspection Date:</u> 12/7/2016			Status: c
Inspector: PAMELA NESS		Check Out:	
<u>Notes:</u>			
Mr. Creech came in and spoke with Mark Whisenhunt regarding a CUP for Junk Refuse Area. He will be submitting the permit when he has all the attachments and other documentation needed. pn04478 - 12/7/2016 9:59:40 AM			
Inspection ID: 31879			
<u>Inspection Date:</u> 3/21/2017			Status: c
Inspector: PAMELA NESS		Check Out:	
<u>Notes:</u>			
Site visit photos taken. No change. Citation to be issued next site visit. pn04478 - 3/24/2017 2:17:17 PM			
Inspection ID: 32650			
<u>Inspection Date:</u> 7/10/2017			Status: c
Inspector: PAMELA NESS		Check Out:	
<u>Notes:</u>			
Site visit. No change. Citation issued. pn04478 - 7/11/2017 12:00:20 PM			
<u>Citation Status:</u>			
Date: 07/10/2017		Number: MSBZP00444057	
Served: 07/11/2017			
To Court:			
EO Date:		EO #:	
SOA #:			
Inspection ID: 32879			
<u>Inspection Date:</u> 7/12/2017			Status: c
Inspector: PAMELA NESS		Check Out:	
<u>Notes:</u>			
Site visit to serve citation. pn04478 - 8/3/2017 3:07:09 PM			
Inspection ID: 33307			
<u>Inspection Date:</u> 8/4/2017			Status: c
Inspector: PAMELA NESS		Check Out:	
<u>Notes:</u>			
Site visit. Vehicles still being parked in the ROW. Will call the owner to ask him to move them. pn04478 - 9/6/2017 12:52:08 PM			

Inspection ID: **33542**
Inspection Date: **9/15/2017** Status: c
 Inspector: **PAMELA NESS** Check Out:

Notes:
 Site visit. Vehicles still being parked in the ROW. Citation next site visit.
 pn04478 - 9/26/2017 10:47:36 AM

Inspection ID: **33543**
Inspection Date: **9/20/2017** Status: c
 Inspector: **PAMELA NESS** Check Out:

Notes:
 Site visit. Spoke with the property owner and informed him he could not park his vehicles in the ROW.
 Site visit in the afternoon revealed most of the vehicle had been removed from the ROW.
 pn04478 - 9/26/2017 10:48:41 AM

Inspection ID: **33945**
Inspection Date: **10/10/2017** Status: c
 Inspector: **PAMELA NESS** Check Out:

Notes:
 Site visit. No vehicles being parked in the ROW. All vehicles are on the property now. Vehicles moved
 away from other entrances and it appears gates will be installed.
 pn04478 - 10/24/2017 4:45:59 PM

Inspection ID: **34985**
Inspection Date: **2/1/2018** Status: c
 Inspector: **PAMELA NESS** Check Out:

Notes:
 Site visit. New cars being brought on site. No cars parked along the road but some of the vehicles are
 parked so part of the vehicle is in the ROW. I will continue to monitor the property.
 pn04478 - 2/15/2018 4:14:50 PM

Inspection ID: **36193**
Inspection Date: **6/20/2018** Status: c
 Inspector: **PAMELA NESS** Check Out:

Notes:
 Site visit. Cars parked along the ROW. Mr. Creech talked to on site and said the vehicles would be
 moved back on the lot that day. They were just placed on the road to facilitate moving vehicles around
 on the lot.
 ness0607 - 10/10/2018 10:55:52 AM

Inspection ID: **36194**
Inspection Date: **9/13/2018** Status: c
 Inspector: **PAMELA NESS** Check Out:

Notes:
 Site visit. Vehicle found in the ROW again. Vehicles tagged for impound.
 ness0607 - 10/10/2018 10:57:39 AM

Citation Status:

Date:	09/13/2018	Number:	IN0036
Served:	09/13/2018		
To Court:			
EO Date:		EO #:	
SOA #:			

Inspection ID: **36195**
Inspection Date: **No Date Assigned** Status: c
 Inspector: **PAMELA NESS** Check Out:

Notes:

Vehicle tagged for impound.
ness0607 - 10/10/2018 10:58:45 AM

Citation Status:

Date: 09/13/2018 Number: IN0057
Served: 09/13/2018
To Court:
EO Date: EO #:
SOA #:

Inspection ID: 36196

Inspection Date: No Date Assigned

Inspector: PAMELA NESS

Check Out: Status: c

Notes:

Vehicle tagged for impound.
ness0607 - 10/10/2018 10:59:46 AM

Citation Status:

Date: 09/13/2018 Number: IN0039
Served: 09/13/2018
To Court:
EO Date: EO #:
SOA #:

Inspection ID: 36197

Inspection Date: No Date Assigned

Inspector: PAMELA NESS

Check Out: Status: c

Notes:

Vehicle tagged for impound.
ness0607 - 10/10/2018 11:00:41 AM

Citation Status:

Date: 09/13/2018 Number: IN0038
Served: 09/13/2018
To Court:
EO Date: EO #:
SOA #:

Inspection ID: 36198

Inspection Date: No Date Assigned

Inspector: PAMELA NESS

Check Out: Status: c

Notes:

Vehicle tagged for impound.
ness0607 - 10/10/2018 11:01:47 AM

Citation Status:

Date: 09/13/2018 Number: IN0037
Served: 09/13/2018
To Court:
EO Date: EO #:
SOA #:

Inspection ID: 36199

Inspection Date: No Date Assigned

Inspector: PAMELA NESS

Check Out: Status: c

Notes:

Vehicle tagged for impound.
ness0607 - 10/10/2018 11:02:39 AM

Citation Status:

Date: 09/13/2018
Served: 09/13/2018
To Court:
EO Date:
SOA #:

Number: IN0056

EO #:

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WARNING NOTICE **WN 0717**
MATANUSKA-SUSITNA BOROUGH
VIOLATION OF CODE - COMPLIANCE REQUIRED

NO. T20160162 DATE: ^{AD} 11/9/16
(CASE NUMBER)

Issued To: CREECH DEWAYNE E.
LAST FIRST MIDDLE

Physical Address: 7430 W. SUNRISE DRIVE, WASILLA

Mailing Address: PMB 372 7362 W. PARKS HWY

City: WASILLA State: AK Zip: 99654-9132

On 11/9/16 the following violations of MSB Code appear to have occurred.

- Public Nuisance - Junk and Trash MSB 8.50.020
- Encroachment Permits MSB 11.10 _____
- Lake Management Plan Limitations MSB 17.59 _____
- Motorized Uses on Lakes & Waterways MSB 17.58 _____
- Fireworks MSB 8.35 _____
- Littering / Solid Waste Disposal MSB 8.05 _____
- Unauthorized Use of Borough Owned Real Property MSB 23.05.050 _____
- Other CONDITIONAL USES MSB 17.60.030(A)(1)
PERMIT REQUIRED

Located Upon: PROPERTY TRS 18N02W33
Subdivision: PHILLIPS UNIT #2 Block - Lot 6
MSB Tax ID #: 6405000L006

If these violation(s) are not corrected as required, further enforcement (per MSB 1.45) may occur, including fines and other penalties.

COMPLIANCE REQUIRED: Within 30 days from the date of receipt of this notice the following actions are required:

REMOVE ALL VEHICLES ALONG ROAD/ROW
SUBMIT APPLICATION FOR CUP FOR
JUNK/REFUSE AREA TO BE ALLOWED TO STORE
PERSONAL SERVICES ON SITE.

Other Delivery: Posting Certified Mail (Cert No. _____)

ISSUED BY: OFFICER NESS 11/9/16
(Print) (Date)

Signature: [Signature] 907 861 8562
(Borough Representative) (Phone Contact)

Defendant

CREECH, DeWAYNE E

Agency ID MSBP

P 00444057

Plaintiff

MATANUSKA-SUSITNA BOROUGH Agency CODE COMPLIANCE

Agency case # J20160162

CITATION FOR [X] MINOR OFFENSE [] CRIMINAL OFFENSE [] UNDER 21 REFUSAL/DRIVING OFFENSE

F&G Offense charged as strict liability violation [] Yes [X] No

District Court at PALMER

Judicial District: 3rd

Court Case#

DEFENDANT

DOB 4/25/68 Age 49 Driver's Lic _____ State _____ Class _____ APSIN ID _____

Hair _____ Eyes _____ Race _____ Sex _____ Ht _____ Wt _____ Ph _____ Wk Ph 3769832

Res Addr 7430 W. SUNRISE DR., WASILLA, AK 99654

Mail Addr Same PMB 372 7362 W. PARKS HWY, WASILLA Employer SELF EMPLOYED

VEHICLE

Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____

Commercial: Over 10,000 lbs Over 26,000 lbs Over 15 psngr HazMat DOT INSP# _____ USDOT# _____

OFFENSE

Date 7/10/17 Time 16:04hrs ATN _____ CTN _____ Code _____

Location 7430 W. SUNRISE DR. Loc. Code _____ Hwy Work Zone Safety Corridor

Statute Regulation Ordinance Adopted by reference Section MSB 17.60.030(A)(1)

Offense: OPERATING WITHOUT A CONDITIONAL USE PERMIT 1ST OFFENSE

Over Limit _____ MPH in a _____ MPH Zone Damage Only Injury Fatality Commercial Fishing

STORING HUNDREDS OF CARS ON THE PROPERTY AND USING THE PROPERTY AS A JUNK REFUSE OPERATION WITHOUT A CONDITIONAL USE PERMIT

Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205 or other statute/ordinance (list other statute/ordinance: _____):

Game Restitution amount for _____ taken illegally: \$ _____ AS 16.05.925(b) for mandatory appearance offense only.

PENALTY Driver License Points _____ Bail/Fine* \$ 150⁰⁰ Surcharge \$ 10⁰⁰ Total Due \$ 160⁰⁰

*Fine must include base amount plus additional per item amounts per bail forfeiture schedule.

I have probable cause to believe defendant committed the above offense. I certify under penalty of perjury that the above information is true and that

- I personally handed it to defendant on the date shown below.
- I left it on property that is the subject of the offense on the date shown below.
- this citation will be served by a Civil Rule 4 method of service that requires a separate proof of service at filing.

[Signature] PAMELA NESS RPLND 7/12/2017

Officer's Signature Officer's Printed Name ID Date

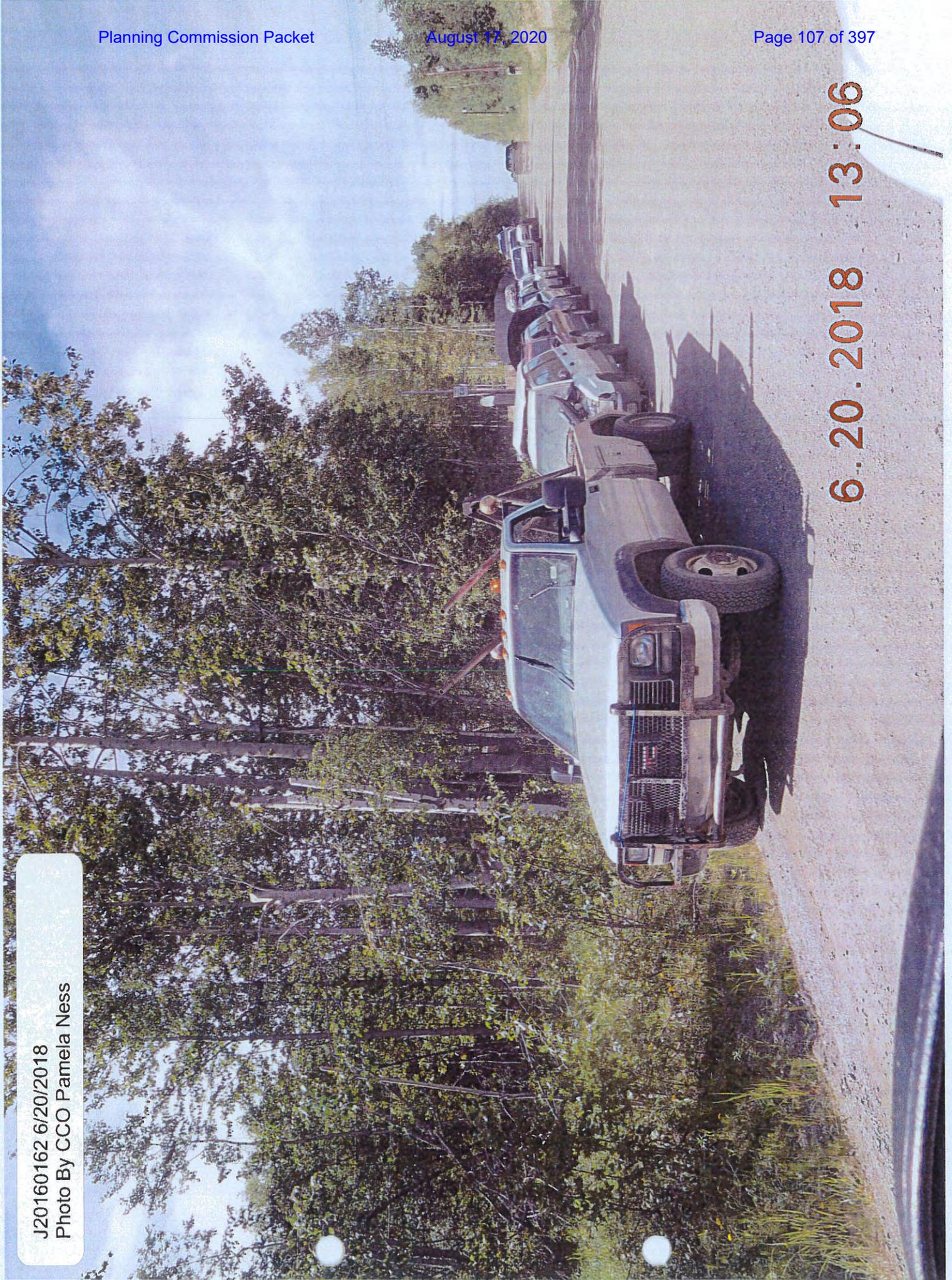
REQUIRED RESPONSE

- MANDATORY COURT APPEARANCE.** For criminal or under 21 refusal/driving offenses you must appear on _____ at _____ AM/PM. If you fail to appear, a warrant will be issued for your arrest.
- For a minor offense, you must appear on _____ at _____ AM/PM or request a trial date. If you fail to appear and did not request a trial date, a default judgment will be entered against you as explained on the back of this citation. Court's physical address: _____
- CORRECTABLE.** This citation will be dismissed if, within 30 days, you:
 - Correct the defect and present the vehicle for inspection
 - Show proof that you had a license or insurance that was valid when this citation was issued at any Alaska State Trooper Post or _____
 - If you do not, you must pay online or fill out the back of this form and mail it **within 30 days** to: (court or city) _____

OPTIONAL COURT APPEARANCE. Within 30 days you must pay online or fill out the back of this form and mail it to: (court or city mailing address) 435 S. DENALI WAY, PALMER, AK 99645

If you come to court, bring this citation with you. If you are under 18, you must bring your parent or legal guardian.

J20160162 6/20/2018
Photo By CCO Pamela Ness



6.20.2018 13:06

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3PA-17-05696MO Matanuska-Susitna Borough vs. Creech, Dewayne E

- Case Type:
- Minor Offense (3PA)
- Case Status:
- Closed
- File Date:
- 07/14/2017
- Case Judge:
- Traffic Magistrate Judge- Palmer

All Information Party Charge Ticket/Citation # Event Docket Financial Receipt Financial Dockets

Party Information

Creech, Dewayne E

- DOB
- 04/25/1968
- Alias
- Party Attorney

Matanuska-Susitna Borough

- DOB
- Alias
- Party Attorney

Party Charge Information

- Creech, Dewayne E
- - Defendant
- Charge # 1 :
- MSB1760030-V1 - Infraction (Non-Criminal) MSB17.60.030: Operating w/o a Conditional Use Perm
- Original Charge
- MSB1760030-V1 MSB17.60.030: Operating w/o a Conditional Use Perm (Infraction (Non-Criminal))
- Indicted Charge
- Amended Charge
- DV Related?
- Modifiers
- Stage Date
- 07/18/2017
- Ticket #
- MSBPP00444057
- Tracking #
- Offense Location
- Date of Offense
- 07/10/2017

Party Charge Disposition

Disposition Date
Disposition
10/04/2017
Conviction After No Contest Plea

Ticket/Citation

- Citation # : MSBPP00444057 - Matanuska-Susitna Borough
- Offense Date
- 07/10/2017
- Agency

Events

<u>Date/Time</u>	<u>Location</u>	<u>Type</u>	<u>Result</u>	<u>Event Judge</u>
10/04/2017 02:30 PM	Courtroom 1, Palmer Courthouse	Arraignment: Minor Offense (3PA)	Case Disposed	Condie, Craig S

Docket Information

<u>Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>
07/14/2017	Minor Offense Citation or Other Charging Document Filed		
07/14/2017	Fine Due Charge #1: Originating - MSB17.60.030: Operating w/o a Conditional Use Permit-1st Offense Receipt: 1447686 Date: 10/04/2017	\$150.00	\$0.00
07/14/2017	Police Training Surcharge Charge #1: Originating - MSB17.60.030: Operating w/o a Conditional Use Permit-1st Offense Receipt: 1447686 Date: 10/04/2017	\$10.00	\$0.00
08/23/2017	Warning Notice for Failure to Respond to Citation Sent to Defendant		
10/04/2017	Judgment is entered against the defendant as follows: Fine: The amount of fine listed in the Fine docket Surcharge: A police training surcharge required by AS 12.55.039, if the fine is \$30 or more. Costs: If the fine is transferred for collection to the State or Municipal Collections Unit, a \$25 collection cost fee will be imposed Forfeitures: All items listed on the citation which are authorized by statute or ordinance to be forfeited are ordered forfeited. For all other orders, refer to the official judgment. In a minor offense case, the official judgment is the electronic record in the case management system. Minor Offense Rule 20(a). Charge #1: Originating - MSB17.60.030: Operating w/o a Conditional Use Permit-1st Offense		
10/04/2017	Case Closed		

Financial Summary

<u>Cost Type</u>	<u>Amount Owed</u>	<u>Amount Paid</u>	<u>Amount Adjusted</u>	<u>Amount Outstanding</u>
Fine	\$150.00	\$150.00	\$0.00	\$0.00
Surcharge	\$10.00	\$10.00	\$0.00	\$0.00
Total	Total	Total	Total	Total
	\$160.00	\$160.00	\$0.00	\$0.00

Receipts

<u>Receipt Number</u>	<u>Receipt Date</u>	<u>Payment Amount</u>
1447686	10/04/2017	\$160.00
Total	Total	Total
		\$160.00

Financial Docket Information

<u>Date</u>	<u>Description</u>	<u>Owed</u>	<u>Adjusted</u>	<u>Paid</u>	<u>Due</u>	<u>Due Date</u>
07/14/2017	Fine Due	\$150.00	\$0.00	\$150.00	\$0.00	
07/14/2017	Police Training Surcharge	\$10.00	\$0.00	\$10.00	\$0.00	
Total	Total	Total	Total	Total	Total	Total
		\$160.00	\$0.00	\$160.00	\$0.00	

VICINITY MAP

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SITE PLAN



HANSON SURVEYING & MAPPING LLC
305 E. FIREWEED AVE.
PALMER, ALASKA 99645
(907) 746-7738

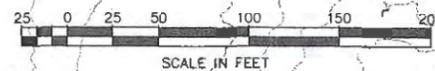
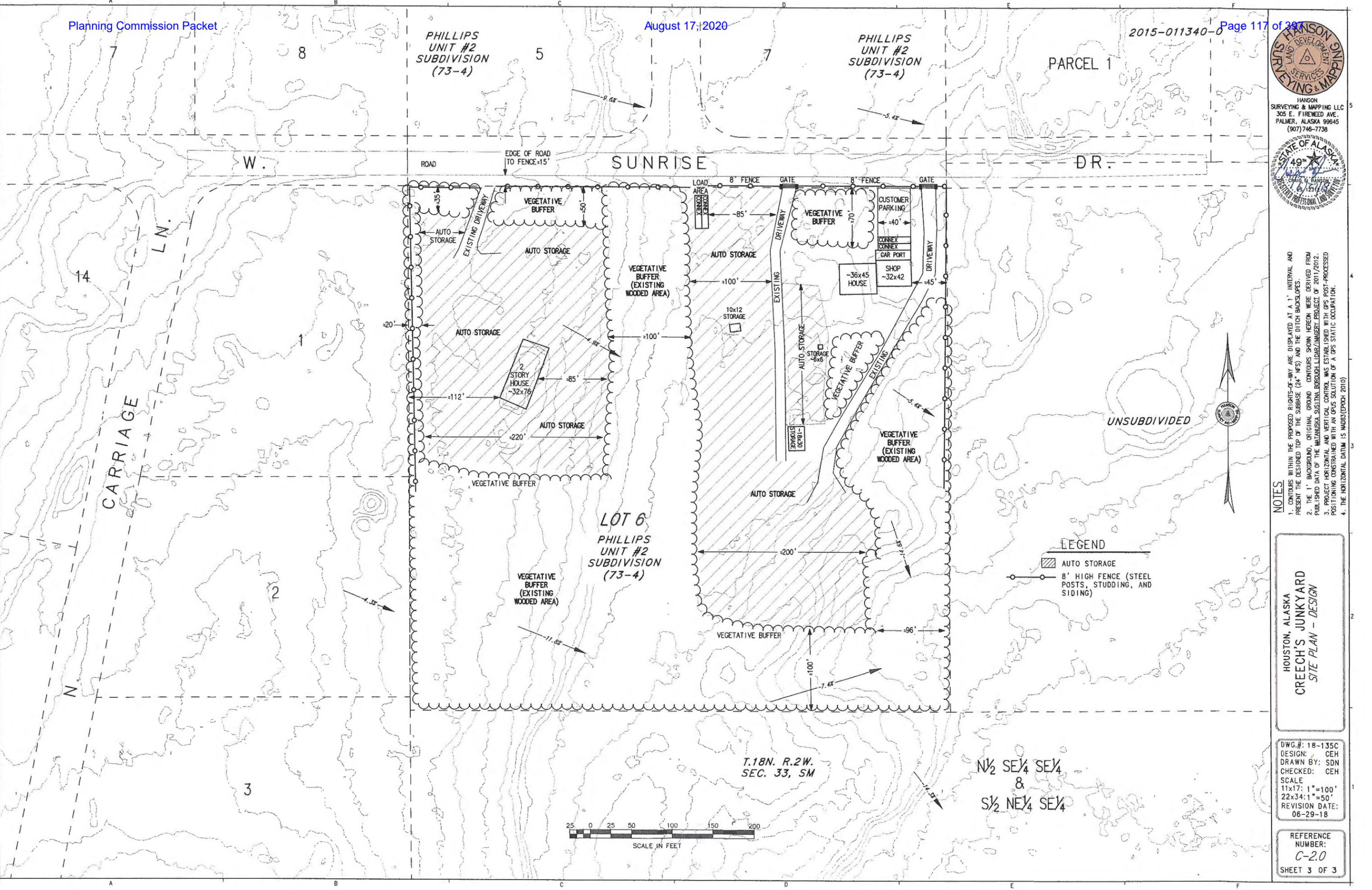


- NOTES**
1. CONTOURS WITHIN THE PROPOSED RIGHTS-OF-WAY ARE DISPLAYED AT A 1' INTERVAL AND PRESENT THE DESIGNED TOP OF THE SUBBASE (24" NFS) AND THE DITCH BACKSLOPES.
 2. THE 1' BACKGROUND, ORIGINAL GROUND CONTOURS SHOWN HEREON WERE DERIVED FROM PUBLISHED DATA OF THE MATANUSKA SUSTAINABLE BOROUGH/LIADAR/JIMBERY PROJECT OF 2011/2012.
 3. PROJECT HORIZONTAL AND VERTICAL CONTROL WAS ESTABLISHED WITH GPS POST-PROCESSED POSITIONING CONSTRAINED WITH AN OPUS SOLUTION OF A GPS STATIC OCCUPATION.
 4. THE HORIZONTAL DATUM IS NAD83 (EPOCH 2010).

HOUSTON, ALASKA
CREECH'S JUNKYARD
 SITE PLAN - DESIGN

DWG.#: 18-135C
 DESIGN: CEH
 DRAWN BY: SDN
 CHECKED: CEH
 SCALE
 11x17: 1"=100'
 22x34: 1"=50'
 REVISION DATE:
 06-29-18

REFERENCE
 NUMBER:
C-20
 SHEET 3 OF 3



LEGEND

- AUTO STORAGE
- 8' HIGH FENCE (STEEL POSTS, STUDDING, AND SIDING)

LOT 6
 PHILLIPS
 UNIT #2
 SUBDIVISION
 (73-4)

T.18N. R.2W.
 SEC. 33, SM

N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
 &
 S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$

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APPLICATION MATERIAL



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department
Development Services Division
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822 • Fax (907) 861-7876
Email: permitcenter@matsugov.us

APPLICATION FOR A JUNKYARD CONDITIONAL USE PERMIT - MSB 17.60

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

RECEIVED
SEP 20 2017
PERMIT CENTER

Application fee must be attached:

\$1,000 for Junkyard Conditional Use Permit

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

Subject Property Township: 18N, Range: 2W, Section: 33, Meridian S
MSB Account # 64050002006
SUBDIVISION: Phillips BLOCK(S): Unit 2, LOT(S): 6
STREET ADDRESS: 7430W. Sunrise Dr. Wasilla, AK 99623
(US Survey, Aliquot Part, Lat. /Long. etc) Plat# 73-4

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

Name of Property Owner Dewayne Creech **Name of Agent/ Contact for application** _____
Address: 7362W. Parks Hwy #372 **Address:** _____
Wasilla, AK 99623
Phne: Hm _____ Fax _____ **Phne:** Hm _____ Fax _____
Wk _____ **Cell** 229-9832 **Wk** _____ **Cell** _____
E-mail dcsubanu@yahoo.com **E-mail** _____

In order to grant a conditional use permit under MSB 17.60, the Planning Commission must find that each of the following requirements have been met. Explain the following in detail:	Attached
1. Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?	✓
2. Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?	✓
3. Are sufficient setbacks, lot area, buffers and other safeguards being provided?	✓
4. Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to the conditional use in this section?	✓

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

MSB Tax parcel ID #(s) 6405000L006 and, I hereby apply for approval a junkyard conditional use permit on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.60 and with all other applicable borough, state or federal laws.

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

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

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

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

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

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

Dwayne Creech Dwayne Creech 7-13-17
Signature: Property Owner Printed Name Date

Signature: Agent Printed Name Date

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To Matsu Borough

From Dewayne Creech
 Conditional Use Permit Applicant

I have been licensed to perform auto repair at this location since aprox 2004. I am applying for a conditional use permit, due to borough requirements. I am not licensed as a wrecking yard at this property, because that was not my intention. I was using the property to store cars, which falls under part of the definition of a wrecking yard.

I have lived at this location since 2003. At that time there were no obvious commercial businesses. Since then, the entire block, with one exception has been turned into commercial use. This subdivision has no convenances that restrict business use. It is unzoned.

I have agreed to have an 8' tall sight obscuring fence erected in the place of the already existing 6' fence which extends aprox. 300' across the front facing portion of the property. The fence was erected on my own behalf, without any requirements from the borough at the time. This was out of consideration to the neighborhood. The set back on the fence is also 15' from the edge of the road, which meets borough requirements. In addition, I have proposed that more fencing be erected aprox. 300' down the sides of the property.

There has been no damage to the road by the use of my trucks, any more than other traffic. I do not use the mail box access for parking. There has been times, mostly during the summer, when vehicles are being taken to the car crusher. That I've used the side of the road to temporarily park cars on, to be able to get others out. Since I've talked to the borough about this, i have been very diligent about avoiding this.

Automotive work that involves oils or fluids, is performed inside a shop, with concrete floors. Fluids are contained and stored in 2 containers, less than 50 gallons and are then recycled.

Since I live and work here, with young children and animals, Im very cautious with how fluids are handled. In the last two years, Ive aquired 4 connexs to store misc car parts in, rather than keeping the whole cars. This is my ongoing plan. During this process, there has been alot of moving around and organizing of cars, to reduce the number of cars on the property. By the end of next summer, I plan to remove atleast an additional 100 cars from the property. I have contracted help to assist in the work.

I would like to be a valued member in my neighborhood. I am willing to comply with whatever standards are put into place to be able to continue business without adversely impacting my neighbors.



Date 12-3-18

Matanuska - Susitna Borough
 Development Services

DEC 03 2018

Received

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Untitled

Matanuska - Susitna Borough
Development Services

JUL 12 2018

Received

D.C. Subaru
Salvage Yard Permit Information

1. General

- a. Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?

The property will be used in a way that will not detract from the value, character and integrity of the surrounding area. Making it compatible.

- b. Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare.

The proposed used shows no indication that it would be harmful to the public's health, safety, convenience or welfare.

- c. Are sufficient setbacks, lot area, buffer and other safeguards being provided?

As illustrated in the site plan, all existing structures comply with borough setback requirements. Sufficient buffering has been achieved in some areas and will be modified as necessary to ensure compliance. Proposed buffering by the means of an 8 foot tall solid metal fence in green so as to blend with nature's foliage. To be erected approx. 1/2 way back from Pittman rd on the east and west sides of the site. Additional same type of fencing to be erected across the Pittman road side, in areas where the existing wooden fence does not extend. Three gates will be chain link and slatted. One of which already is on the east side. A gate will be erected on the east end by Pittman road. The other existing gate between the two gates is already up and will be fitted with slats.

- d. Does the conditional use fulfill all other requirements of MSB chapter 17.60 pertaining to the conditional use of this section?

The conditional use fulfills all requirements established by chapter 17.60 of the code.

2. Supplemental Information:

- a. Number of employees proposed to work on largest work shift

Normal amount of employees is 1., being the applicant applying for the permit.

- b. Hours of operation

Hours of operation are 8a - 7p, mon-sat

- c. Noise mitigation measures

The proposed fencing will provide some noise mitigation. There will be no heavy equipment used on site. On occasion, a regular 1 ton tow truck and a 1 ton roll back tow truck, will be used for bringing cars to site, moving cars into or out of shop and around site. Automotive air tools and air compressor are used inside shop and create low sound levels.

Untitled

d. How will contaminated materials be handled and disposed of at this site?

As a low volume shop, having only one worker, materials are minimal. What materials are present to be handled are drained and collected in proper containers until removed from site to be recycled, before exceeding established storage limits. All hazardous material will be disposed of in accordance with applicable federal and state laws.

e. Total square footage or acreage of this property

The property is approximately 9.6 acres

f. Total square footage or acreage for this use on this site

The proposed operation requiring conditional use permit is approximately 5 acres. The existing auto repair and existing activities will be .5 acre.

g. Are there any other existing proposed uses on this site?

There is an existing permitted use of auto repair on this site. There are also 4 connexs use for storage, as well as two buildings. There is an unoccupied building on the west side of the site, not being used. The auto repair shop is on the east side. There is also a residence attached to the shop, where permittee resides.

h. Type of equipment to be used at this site

1- Boom truck/tow truck and 1 roll back tow truck will be used on site. No heavy equipment will be used. No crushing of cars will be done on site. They will be taken off site to a local recycler.

i. What type of containment systems will be in place at this site?

All dismantling involving fluids is performed inside a shop with concrete floors. Containment is achieved by the use of drip pans and floor dry. All accumulated fluids are stored in proper containers, protected from the elements. They are then transported to a recycling facility. Note: Permittee resides on site with children and pets, so containment of fluids is essential.

j. What type of non-permeable surface will be in place at this site?

Impermeable surfaces will be limited to shop floors.

k. What will the daily traffic generation be for this site?

The majority of work performed on site, is the repair of vehicles owned by permittee for resale. Traffic is estimated from 1-3 vehicles per day.

i. Attach a written description of buffering to be used

Untitled

Visual buffering is achieved by dense trees on the rear 1/2 of the east and west and the whole south border.

Additional fencing is to be erected in the front 1/2 of the east and west sides of the lot. Facing pittman rd,

whole there will be more fencing to meet borough requirements. Fencing will be 8' in height and cover the

north side facing pittman.

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Mark Whisenhunt

From: DC <dcsubar@yahoo.com>
Sent: Friday, October 19, 2018 8:14 AM
To: Mark Whisenhunt
Subject: Re: Creech CUP application - Additional Standards

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

I should have added that my existing salvage yard permit off of Machen rd, has existed since 2005, I believe. As far as history of lack of incident. I was told that a fence needed to be put up, I did. I haven't had any issues besides a few cars too close to the road, which I moved immediately.

On Oct 16, 2018, at 3:55 PM, Mark Whisenhunt <Mark.Whisenhunt@matsugov.us> wrote:

Good Afternoon Mr. Creech,

We are going to move forward with your application as-is. Thank you.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
Fax: (907) 861-8158
mark.whisenhunt@matsugov.us

From: Mark Whisenhunt
Sent: Friday, October 5, 2018 3:49 PM
To: 'DC' <dcsubar@yahoo.com>
Subject: RE: Creech CUP application - Additional Standards

Feel free to update the narrative with any information you feel is applicable to the standards.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
Fax: (907) 861-8158
mark.whisenhunt@matsugov.us

From: DC [<mailto:dcsubar@yahoo.com>]
Sent: Friday, October 5, 2018 3:40 PM
To: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Subject: Re: Creech CUP application - Additional Standards

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

What kind of documentation are they wanting?

On Oct 5, 2018, at 3:29 PM, Mark Whisenhunt <Mark.Whisenhunt@matsugov.us> wrote:

Good Afternoon Mr. Creech,

On August 21, 2018 the Borough Assembly adopted additional regulations related to junkyard operations. I wanted to give you an opportunity to update your narrative by addressing the new standards noted below:

17.60.110 (C) The commission shall evaluate whether the applicant is suitable to establish, maintain, or operate the proposed use under the requirements of this chapter.

(1) Suitability of the applicant shall be based upon the applicant's history of compliance with relevant local, state, and federal laws.

(2) Review for suitability shall be limited to no more than five years preceding the application.

17.60.110 (D) The commission shall consider whether adequate controls are in place to prevent contamination of soil, surface water and groundwater.

If you would like to provide a response pertaining to your operation and the newly adopted standards, please do so on or before **October 15, 2018**. We will be moving forward with your application on October 16, 2018.

Thank you.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
Fax: (907) 861-8158
mark.whisenhunt@matsugov.us

Mark Whisenhunt

From: DC <dcsubar@yahoo.com>
Sent: Friday, April 27, 2018 10:00 AM
To: Mark Whisenhunt
Subject: Re: Meeting DC Auto

Refuse company and septic company pics . They are across the street from me.

















On Apr 27, 2018, at 9:49 AM, Mark Whisenhunt <Mark.Whisenhunt@matsugov.us> wrote:

Nothing was attached.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
Fax: (907) 861-8158
mark.whisenhunt@matsugov.us

From: DC [<mailto:dcsubar@yahoo.com>]
Sent: Friday, April 27, 2018 9:49 AM
To: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Subject: Re: Meeting DC Auto

Here are some pics of the refuse company and septic company across the street from me. The whole block is used for commercial use.

On Apr 27, 2018, at 8:05 AM, Mark Whisenhunt <Mark.Whisenhunt@matsugov.us> wrote:

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
Fax: (907) 861-8158
mark.whisenhunt@matsugov.us

From: DC [<mailto:dcsubar@yahoo.com>]
Sent: Friday, April 27, 2018 8:05 AM
To: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Subject: Re: Meeting DC Auto

Still on for 10am today?

On Apr 13, 2018, at 10:39 AM, Mark Whisenhunt <Mark.Whisenhunt@matsugov.us> wrote:

Friday April 27, 2018 at 10AM.

Please let me know if this meeting time will work for you. Thanks.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
Fax: (907) 861-8158
mark.whisenhunt@matsugov.us

2015-011340-0

PHILLIPS
UNIT #2
SUBDIVISION
(73-4)

PHILLIPS
UNIT #2
SUBDIVISION
(73-4)

PARCEL 1

PARCEL 2

W. SUNRISE DR.

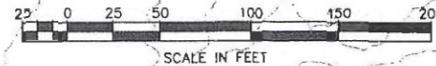
CARRIAGE LN.

UNSUBDIVIDED

PHILLIPS
UNIT #2
SUBDIVISION
(73-4)

T.18N. R.2W.
SEC. 33, SM

N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
&
S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$



HANSON
SURVEYING & MAPPING, LLC
305 E. FIREWEED AVE.
PALMER, ALASKA 99645
(907)746-7738



NOTES
1. THE 2' CONTOURS SHOWN HEREON WERE DERIVED FROM PUBLISHED DATA OF THE MALDENUSKAL SUSTAINAL BOROUGH
LANDMANAGER PROJECT OF 2011/2012.
2. THE HORIZONTAL DATUM IS NAD83 (CORSEB EPOCH 2011.0)
3. THE VERTICAL DATUM IS MAD88 (GEOID08)

HOUSTON, ALASKA
CREECH'S JUNKYARD
SITE PLAN - EXISTING CONDITIONS
TOPOGRAPHY

DWG.#: 18-135C
DESIGN: CEH
DRAWN BY: ELF
CHECKED BY: CEH
SCALE
11x17: 1"=100'
22x34: 1"=50'
REVISION DATE:
05-01-18

REFERENCE
NUMBER:
V-2.2
SHEET 2 OF 3



HANSON SURVEYING & MAPPING LLC
305 E. FIREWEED AVE.
PALMER, ALASKA 99645
(907)746-7738



NOTES
1. THE IMAGE SHOWN HEREON IS DERIVED FROM PUBLISHED DATA OF THE MATANUSKA SUSTAINABLE BOROUGH LOCAL/MANAGER GEODESIC OF 2017.
2. THE HORIZONTAL DATUM IS NAD83 (GPOSS96 EPOCH 2002.0)



T.18N. R.2W.
SEC. 33, SM

N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
&
S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$

HOUSTON, ALASKA
CREECH'S JUNKYARD
SITE PLAN - EXISTING CONDITIONS
PROJECT OVERVIEW

DWG.#: 18-135C
DESIGN: CEH
DRAWN BY: ELF
CHECKED: CEH
SCALE
11x17: 1"= 100'
22x34: 1"= 50'
REVISION DATE:
05-01-18

REFERENCE
NUMBER:
V-2.1
SHEET 1 OF 3

COMMENTS

Agency Comments



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department
Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

November 1, 2018

Mark Whisenhunt, Planner II
Matanuska-Susitna Borough
Planning & Land Use Department
350 East Dahlia Avenue
Palmer, Alaska 99645-6488

Subject: Conditional Use Permit For the Operation of a Junkyard/Refuse Area
for 7430 West Sunrise Drive, located within Township 18 North, Range 2 West,
Section 33, Seward Meridian.

Dear Mr. Whisenhunt:

ENSTAR Natural Gas Company has reviewed the application for the Subject Conditional Use Permit.

We have no comments or concerns related to this activity.

If you have any questions, please feel free to contact me at 907-334-7944 or by email at cassie.acres@enstarnaturalgas.com.

Sincerely,

A handwritten signature in black ink that reads "Cassie Acres".

Cassie Acres
Right-of-Way and Compliance Technician
ENSTAR Natural Gas Company

Mark Whisenhunt

From: Theresa Taranto
Sent: Friday, October 26, 2018 11:19 AM
To: Mark Whisenhunt
Subject: RE: Request for Comments: Dewayne Creech Junkyard/Refuse Area CUP

FIRM 8045, X Zone.
 Open case J20160162 since 9/12/16. CCO Pam Ness.

Thank you,

From: Mark Whisenhunt
Sent: Friday, October 26, 2018 9:24 AM
To: allen.kemplen@alaska.gov; melanie.nichols@alaska.gov; usswcd@mtaonline.net; mearow@matanuska.com; rglenn@mta-telco.com; jthompson@mta-telco.com; reow@enstarnaturalgas.com; ospdesign@gci.com; Eric Phillips <Eric.Phillips@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>; regpagemaster@usace.army.mil; Jude Bilafer <Jude.Bilafer@matsugov.us>; Cindy Corey <Cindy.Corey@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Karol Riese <Karol.Riese@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; tim.swezey@mlccak.org; info@mlccak.org
Cc: tamboevedistrict7@gmail.com
Subject: Request for Comments: Dewayne Creech Junkyard/Refuse Area CUP

DATE: October 26, 2018
TO: Various Governmental Agencies
FROM: Mark Whisenhunt, Planner II
SUBJECT: Request for Review and Comments Governmental Agencies
PROJECT: Conditional Use Permit for the operation of a Junkyard/Refuse Area
LOCATION: 7430 West Sunrise Drive (Tax ID# 6405000L006); within Township 18 North, Range 2 West, Section 33, Seward Meridian

APPLICANT: Dewayne Creech

An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted by Dewayne Creech for the operation of a Junkyard/Refuse Area. The Planning Commission will conduct a public hearing on this request on December 17, 2018.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:

<https://www.matsugov.us/publicnotice/dewayne-creech-conditional-use-permit>

Comments are due on or before **November 26, 2018** and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Mark Whisenhunt

From: OSP Design Group <ospdesign@gci.com>
Sent: Friday, October 26, 2018 10:42 AM
To: Mark Whisenhunt
Subject: RE: Request for Comments: Dewayne Creech Junkyard/Refuse Area CUP
Attachments: 20181026104427588.pdf

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Mr. Whisenhunt:

GCI has no objections to this application. Attached is our approval.

Respectfully,

Judy Rousselle

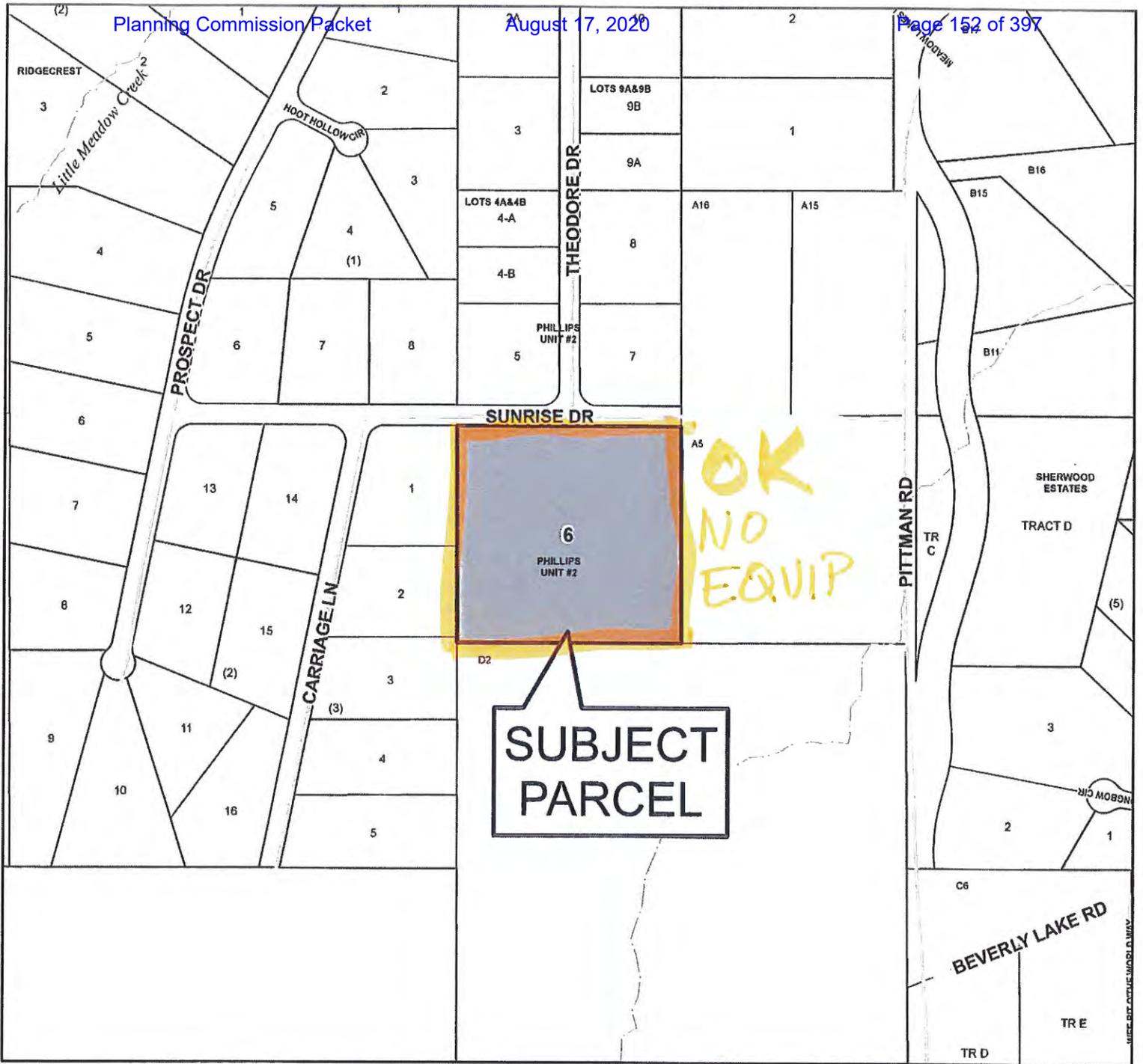
From: Mark Whisenhunt [mailto:Mark.Whisenhunt@matsugov.us]
Sent: Friday, October 26, 2018 9:24 AM
To: allen.kemplen@alaska.gov; melanie.nichols@alaska.gov; usswcd@mtaonline.net; mearow@matanuska.com; rglenn@mta-telco.com; jthompson@mta-telco.com; reow@enstarnaturalgas.com; OSP Design Group <ospdesign@gci.com>; Eric Phillips <Eric.Phillips@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>; regpagemaster@usace.army.mil; Jude Bilafer <Jude.Bilafer@matsugov.us>; Cindy Corey <Cindy.Corey@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Karol Riese <Karol.Riese@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; tim.swezey@mlccak.org; info@mlccak.org
Cc: tamboevedistrict7@gmail.com
Subject: Request for Comments: Dewayne Creech Junkyard/Refuse Area CUP

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

DATE: October 26, 2018
TO: Various Governmental Agencies
FROM: Mark Whisenhunt, Planner II
SUBJECT: Request for Review and Comments Governmental Agencies
PROJECT: Conditional Use Permit for the operation of a Junkyard/Refuse Area
LOCATION: 7430 West Sunrise Drive (Tax ID# 6405000L006); within Township 18 North, Range 2 West, Section 33, Seward Meridian
APPLICANT: Dewayne Creech

An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted by Dewayne Creech for the operation of a Junkyard/Refuse Area. The Planning Commission will conduct a public hearing on this request on December 17, 2018.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:



6405000L006

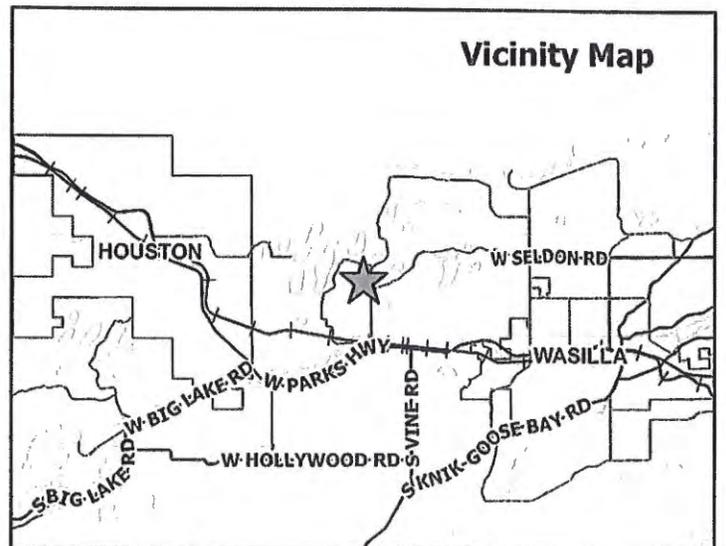


APPROVED AS: SHOWN CORRECTED

SIGN *J. Monsselle 10-26-18*

UNIVERSITY & DESIGN GROUP, INC.

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Mark Whisenhunt

From: Patricia Fisher <psfisher@gci.net>
Sent: Friday, October 26, 2018 11:15 AM
To: Mark Whisenhunt
Cc: Camden Yehle; Tim Swezey; Linda Conover
Subject: Request for comments: Dewayne Creech Junkyard/Refuse Area CUP

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Mark, our council meeting is November 14, the second Wednesday, not the 7th.

I will send this info out to our membership shortly.

Patti Fisher

----- Original Message -----

From:
"Mark Whisenhunt" <Mark.Whisenhunt@matsugov.us>
To:
"info@mlccak.org" <info@mlccak.org>, "tim.swezey@mlccak.org" <tim.swezey@mlccak.org>
Cc:
Sent:
Fri, 26 Oct 2018 17:38:19 +0000
Subject:
Request for comments: Dewayne Creech Junkyard/Refuse Area CUP

Dear Meadow Lakes Community Council:

According to the Borough's public meeting calendar, your next council meeting will be held on November 7, 2018. As detailed below, a community member within your council boundaries is proposing to operate a Junkyard/Refuse Area, which requires a conditional use permit. Our office would like to encourage your participation in this process.

As noted below, if you would like to submit comments, please do so by November 26, 2018. If you cannot meet this submittal deadline, please contact me to discuss further options.

DATE: October 26, 2018
TO: Various Governmental Agencies
FROM: Mark Whisenhunt, Planner II

SUBJECT: Request for Review and Comments Governmental Agencies

PROJECT: Conditional Use Permit for the operation of a Junkyard/Refuse Area

LOCATION: 7430 West Sunrise Drive (Tax ID# 6405000L006); within Township 18 North, Range 2 West, Section 33, Seward Meridian

APPLICANT: Dewayne Creech

An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted by Dewayne Creech for the operation of a Junkyard/Refuse Area. The Planning Commission will conduct a public hearing on this request on December 17, 2018.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:

<https://www.matsugov.us/publicnotice/dewayne-creech-conditional-use-permit>

Comments are due on or before **November 26, 2018** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission. Thank you for your review

Respectfully,

Mark Whisenhunt

Planner II

Matanuska-Susitna Borough

Office: (907) 861-8527

Fax: (907) 861-8158

mark.whisenhunt@matsugov.us

Public Comments

Mark Plumb
6442B03L003
Ridgecrest Block 3 Lot 3
2231 N Carriage LN
Wasilla, AK 99623
907-373-0930
907-775-1930

November 26, 2018

MSB Development Services Division
350 E Dahlia Ave.
Palmer, AK 99645

Matanuska - Susitna Borough
Development Services

NOV 26 2018

Received

Mr. Mark Whisenhunt:

I am adamantly opposed to the borough issuing a conditional use permit to Dewayne Creech for the following reasons.

My property line directly adjoins this property in question and its use has a substantial impact on me. I have lived at this same address since 1998. Allowing this property to be used as a salvage yard on the only access to my property as well as 29 additional residential properties will drastically adversely affect property values and resale options.

Mr. Creech DBA DC Auto already owns and operates their fenced commercial Storage/Sale lot located at 3765 W Machen Rd in the Wasilla West subdivision where they store parks vehicles and vehicles for purchase.

Mr. Creech has been operating pseudo salvage yard outside the rules without regard to his neighbors or the area for 10+ years. When required to put up a fence on his property he did so without properly surveying the front and that fence is in the original road right-of-way.

There are currently hundreds of junk, wrecked, dilapidated, and unusable vehicles jammed onto his property. There are so many vehicles already piled on site he must park vehicles in the road right-of-way. There is absolutely no way to access either of the two residential structures by vehicle in the event of an emergency.

They currently use Sunrise, the Borough maintained road, as their loading and unloading area for their wreckers, dragging immobile vehicles in and out of the property twisting and turning causing incredible damage to the gravel roadbed directly in front of their property. Sometimes temporarily blocking the entire road, leaving vehicles parked throughout the day and over the weekend on the narrow gravel road that is the only access to 30 residential lots and nearly 40 single family residences. They are constantly using the mailbox easement across the street as a parking lot for visitors and workers.

The sheer number of junk vehicles currently on the property is an ecological disaster waiting to happen. Hundreds of old lead acid batteries. Broken, damaged, and immobile vehicles likely leaking oil, and other fluids into the ground with hardpan soils and bedrock only 8-10' below the surface and groundwater carrying those contaminants who knows where. There are multiple private water wells on the Creech property as well as on adjoining properties less than 100' away. The adjoining 40-acre

property contiguous to this property, addressed as 1314 N Pittman Rd, Valley Real Estate, LLC, Has an active salmon breeding stream and pond on it only a stone's throw from Mr. Creech's property. I have personally observed salmon spawning in those waters. Part of why the ballot measure 1 on our most recent voting ballot was defeated is because, we Alaskans, feel we are adept at protecting our own waters and fish habitat without outside influences. Allowing a junk yard already overflowing with leaking Subaru's so close to fragile habitat is not good husbandry of our natural resources.

In Summary, the Borough should **not** issue a conditional use permit to Mr. Creech for the following reasons:

1. The active use of this property as a junk yard will negatively affect at least 30 residential properties by vastly diminishing their resale appeal thereby reducing their appraised value hurting all the nearby property owners.
2. Dewayne Creech already owns an additional lot he currently uses for this purpose.
3. Mr. Creech has shown he lacks the ability to follow the rules by operating the property without the required permissions and by not following procedures when building on the property.
4. The property is currently a fire and emergency hazard without access to the residential buildings on the property.
5. The use of heavy truck and equipment by Mr. Creech on the gravel road is already damaging and will be exacerbated with more traffic.
6. There are grave concerns to the environment, to ground water, surface water, and fish habitat to allow this property to continue to operate as a junk collection facility.

Thank you for your time and the opportunity to voice my concerns over this ongoing unresolved issue. If you have any additional questions, feel free to call or write at any time.

Best Regards,

Mark Plumb

Matanuska - Susitna Borough
Development Services

NOV 19 2018

Received 11-16-18

Dear Mat-su-Borough,

I want to thank you for this opportunity to speak on this matter. This guy has been a eye sore since day one. Ever since he moved in he brought in 1 to 2 hundred cars with him. He's been operating a commercial business in a residential zoned area for about 10 years! He use's the street for his own loading and off loading zone for year's now. Because he's got so many cars and junk jamed on his own property you can't even get in there. Sometimes he'll have 10 or more cars out on the street and we have to wait on him to get in and out of the subdivision. Which is a safety concern. ~~It~~ Not only that its a fire hazard concern. IF he was to have 1 miss hap with fire you can't even get into the place to put it out! So I wish you could send a Borough official out here to look at this matter and have him down size and clean up this mess. So at this time we feel that he dosen't

need a permit to operate because he's already doing it. We feel that he needs to comply with the Borough to clean up this mess or get a fine for operating a junkyard with No permit!

I have lived here and payed taxes here for the passed 35 years and plan to retire and build my dream home here. He's put my dreams on hold, Why build next to a junkyard? I thought thats why we pay taxes so the Borough would protect us from guys like this. So please help us with this problem.

Thank you for your time

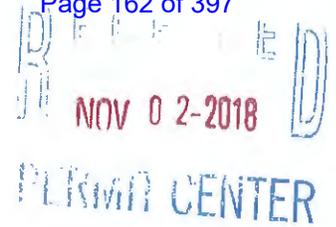
Mike Whisman

Name: Kay Fi Hanz Mailing Address: 7369 W. Pank's Hwy # 273

Location/Legal Description of your property: 2431 N. Prospect Dr ^{Westland MI 48093} Blacki Lot 6

Comments: The Business in question, Pank's there, wrecked cars
out in the road, so we cannot get by.
The road was made for 2 lanes, so we
that live here can go and come to get our
pitman down to the Pank's Hwy.

Note: Vicinity Map Located on Reverse Side



6442B01L007 14
WHITAKER SIDNEY & HOLLY
251 S KLEVIN ST
ANCHORAGE, AK 99508

The Planning Commission of the Matanuska-Susitna Borough will consider the following:

- Application:** Conditional Use Permit for a Junkyard/Refuse Area
MSB Code Section: MSB 17.60 – Conditional Uses
Applicant: Dewayne Creech (dba DC Auto Repair)
Location: 7430 West Sunrise Drive (Tax ID# 6405000L006);
within Township 18 North, Range 2 West, Section 33, Seward Meridian
Request: An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the operation of a Junkyard/Refuse Area at the above address.

The Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, **December 17, 2018 at 6:00 p.m.** in the Borough Assembly Chambers, 350 E. Dahlia Avenue, in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information from the applicant at the time of introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing. Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." Application material may also be viewed at the Borough Permit Center. For additional information, you may contact Mark Whisenhunt, Planner II, at 861-8527. Written comments can be mailed to: MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may fax comments to 861-8158 or e-mail to mwhisenhunt@matsugov.us. In order to be eligible to file an appeal for a decision of the Planning Commission, a person must be designated an "interested party." See MSB 15.39.010 for the definition of "interested party." The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the borough home page: www.matsugov.us, in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before **November 26, 2018** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.

Name: Sidney & Holly Whitaker **Mailing Address:** 251 Klevin St. Anch., AK 99508

Location/Legal Description of your property: 7591 W. Sunrise Dr. Wasilla 99623

Comments: We bought our property 20 years ago and at that time there wasn't a junkyard there. We will be building a new house on our property in the Spring and feel that a junkyard would negatively influence our property value. Also, we are concerned about toxic substances being leached into the ground water.

Note: Vicinity Map Located on Reverse Side

PLANNING COMMISSION RESOLUTION

By: Mark Whisenhunt
Introduced: December 3, 2018
Public Hearing: December 17, 2018
Action: Failed

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-30**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH MSB 17.60 - CONDITIONAL USES; ALLOWING THE OPERATION OF A JUNKYARD/REFUSE AREA, LOCATED AT 7430 WEST SUNRISE DRIVE (TAX ID# 6405000L006); WITHIN TOWNSHIP 18 NORTH, RANGE 2 WEST, SECTION 33, SEWARD MERIDIAN.

WHEREAS, an application for a conditional use permit under MSB 17.60 - Conditional Uses has been received from Dewayne Creech (dba DC Auto Repair) for the operation of a junkyard/refuse area at 7430 West Sunrise Drive (Tax ID# 6405000L006); within Township 18 North, Range 2 West, Section 33, Seward Meridian; and

WHEREAS, MSB 17.60.030(A)(1) requires a conditional use permit for the operation of a junkyard/refuse area; and

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, junkyards and refuse areas are declared to be a public nuisance; and

WHEREAS, the property was originally developed in 1974 with a residential home, which was the sole use of the property until the applicant purchased the property in June of 2003; and

WHEREAS, the subject parcel sits on the south side of West Sunrise Drive, approximately 600 feet west of North Pittman Road; and

WHEREAS, a 6-foot tall wood-plank fence is constructed along the east half of the northern property line. There is currently approximately 300 feet of fencing; and

WHEREAS, according to the application material, the applicant proposes to construct an 8-foot tall wood-plank fence the full length of the northern property line, and along the north half of both the east and west side lot lines. The applicant proposes using existing vegetation to visually screen the remaining portions of the side lot lines and the entire length of the southern property line; and

WHEREAS, according to the application material, the operation gets approximately one to three customers a day; and

WHEREAS, according to the application material, work and storage involving fluids will be done within the shop on concrete floor, protected from the elements and containment will be achieved with drip pans and an absorption product known as "floor dry"; and

WHEREAS, the subject parcel is approximately 9.56 acres in size; and

WHEREAS, all of the required site plans and operational information have been provided by the applicant; and

WHEREAS, the existing vegetation intended for screening the proposed use is composed of both deciduous and evergreen trees and is approximately 100 feet in or more in width; and

WHEREAS, as a part of this application, the applicant notes he has a conditional use permit (17602003-0001) for a separate junkyard operation on Machen Road; and

WHEREAS, the Planning Commission reviewed this application, associated materials, and the staff report, with respect to the applicable standards set forth in MSB 17.60 - Conditional Uses; and

WHEREAS, the Planning Commission conducted a public hearing on December 17, 2018 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds this application does meet the standards of MSB 17.60.100 and 17.60.110 and does hereby approve the Conditional Use Permit for the operation of a junkyard/refuse area.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 17th day of December, 2018.

COLLEEN VAGUE, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

FAILED UNANIMOUSLY: Vague, Anderson, Patterson, Chesbro, Elder, Glashan, and Mossanen

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By: Mark Whisenhunt
Introduced: December 3, 2018
Public Hearing: December 17, 2018
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-33**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW TO SUPPORT DENIAL OF RESOLUTION 18-30.

WHEREAS, Resolution 18-30 was for approval of a conditional use permit to allow the operation of a junkyard/refuse area, located at 7430 West Sunrise Drive (Tax ID#: 6405000L006); within Township 18 North, Range 2 West, Section 33, Seward Meridian; and

Whereas, the planning commission conducted a public hearing on December 17, 2018 on this matter; and

Whereas, the Planning Commission's vote on the motion failed to garner a majority vote on December 17, 2018; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission denied the conditional use permit for the operation of a junkyard/refuse area located at 7430 West Sunrise Drive (Tax ID#: 6405000L006); within Township 18 North, Range 2 West, Section 33, Seward Meridian, based on the following findings of fact and conclusions of law:

1. A 10-acre parcel with a residential home abuts the subject parcel to the east. An undeveloped 40-acre parcel abuts the subject parcel to the south. Parcels to the west, northwest, and north of the subject parcel,
-

range from one to 2.3 acres in size and are developed with residential homes.

2. A total of 23 lots, excluding the subject lot, are within the notice area. Of which, 5 lots are undeveloped and 16 lots are used for residential purposes. The remaining two have a residential home and store commercial vehicles on site.
 3. The vast majority of the area is used for residential purposes.
 4. According to the applicant, he has been operating a junkyard/refuse area at this location since approximately 2004.
 5. Per MSB 17.60.040(B) operating a junkyard/refuse area without a permit is declared a public nuisance.
 6. The Borough Development Services Division received a complaint about the subject property and proposed use on September 12, 2016.
 7. Between November 2016 and September 2018, a Borough Code Compliance Officer conducted nine site visits at the property. Eight of which revealed the applicant was storing junk vehicles within the public right-of-way, on West Sunrise Drive.
 8. A photograph dated June 20, 2018, taken by a Borough Code Compliance Officer shows at least six junk vehicles
-

and the applicant's two tow trucks being stored within the public right-of-way, on West Sunrise Drive.

9. During a site visit on November 16, 2018, staff found the subject property to be full. As a result, the applicant was still storing one junk vehicle within the public right-of-way.
 10. During a site visit on November 16, 2018, staff found that all three driveways were littered with oil and grease spills. The driveway near the shop was the most contaminated. So much so, that the odor of motor oil was apparent while walking down the driveway.
 11. During a site visit on November 16, 2018, staff found that two 55-gallon drums which the applicant stated were used for the collection of used oil were sitting on the gravel driveway about 20 feet from the shop facility.
 12. Topographical information for the area shows the property slopes down from the northwest to the southeast.
 13. Wetlands and a creek abut the property's southeast corner.
 14. Per MSB 11.10 - Encroachment Permits, the storage of objects, such as junk vehicles, within the public right-of-way requires an Encroachment Permit.
-

15. Junk vehicles stored within the public right-of-way without an Encroachment Permit are deemed unauthorized encroachments.
 16. Per MSB 11.10.030(C), unauthorized encroachments shall be deemed a public nuisance.
 17. During a site visit on November 16, 2018, staff found that there was no space for customers to park on site.
 18. During a site visit on November 16, 2018, staff found all three driveways and the area on the site plan labeled as "customer parking" were completely occupied by junk vehicles and personal vehicles used by the applicant and his two employees.
 19. There are three driveways which access West Sunrise Drive from the subject property. According to Borough records, there are no applications or permits on file for any of the three driveways.
 20. Per MSB 11.10 - Encroachment Permits, constructing a driveway within the public right-of-way without an Encroachment Permit is deemed an unauthorized encroachment.
 21. MSB 17.55 - Setbacks and Screening Easements, requires structures to be placed at least 25 feet from a public right of way.
-

22. According to the application material, the connex structures located within the center driveway are approximately 10 feet from the public right-of-way. This is a violation of the minimum setback requirements of MSB 17.55.
 23. In November 2016, a Borough Code Compliance Officer issued Written Warning #0717 to the applicant for: 1) Operating a junkyard without a permit per MSB 17.60 - Conditional Uses, 2) Causing a public nuisance per MSB 8.50 - Junk and Trash, and 3) Unauthorized Encroachment by storing junk vehicles within the public right-of-way per MSB 11.10 - Encroachment Permits.
 24. In July 2017, a Borough Code Compliance Officer issued Citation #P00444057 to the applicant for operating a junkyard without a permit per MSB 17.60 - Conditional Uses.
 25. According to the State of Alaska records, the applicant entered a "no contest" plea on October 4, 2017 for Citation #P00444057, operating a junkyard without a permit per MSB 17.60 - Conditional Uses.
 26. As a part of this application, the applicant notes he has a conditional use permit (17602003-0001) for a separate junkyard operation on Machen Road.
-

27. The narrative also notes a lack of incident at the Machen site, other than being told by the Borough to construct a fence and a "few cars were too close to the road," which were removed "immediately."
 28. In March 2017 while inspecting the applicant's junkyard operation on Machen Road, a Borough Code Compliance Officer found that junk vehicles were viewable from and within the public right-of-way. The applicant resolved these issues by May 2017.
 29. In July 2017 while inspecting the applicant's junkyard operation on Machen Road, a Borough Code Compliance Officer again found that junk vehicles were viewable from and within the public right-of-way.
 30. In August 2017, a Borough Code Compliance Officer found the junk vehicles were still within the public right-of-way and tagged 14 vehicles with impound notices. The applicant removed the vehicles which were tagged for impound within two days.
 31. In October 2017, a Borough Code Compliance Officer again found the applicant to be storing junk vehicles within the public right-of-way. This time the issue wasn't resolved until November 2017.
 32. Between March 2017 and November 2017, a Borough Code Compliance Officer conducted six site visits at the
-

Machen Road property. Four of which revealed the applicant was storing junk vehicles within the public right-of-way on Machen Road which is a violation of conditional use permit #17602003-0001.

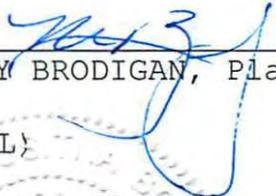
33. Since March 2016, Borough staff has observed the applicant violating Borough code 13 times. Nine of which were at the proposed use on West Sunrise Drive, and four of which were at the applicant's junkyard operation on Machen Road.
 34. The proposed use will detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).
 35. The proposed use will be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).
 36. Sufficient setbacks, lot area, buffers and other safeguards are not being provided (MSB 17.60.100(B)(3)).
 37. The application material has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).
 38. The applicant is not suitable to establish, maintain, or operate the proposed use under the requirements of this chapter (MSB 17.60.110(C)).
 39. There are not adequate controls in place to prevent contamination of soil, surface water and groundwater (MSB 17.60.110(D)).
-

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 17th day of December, 2018.



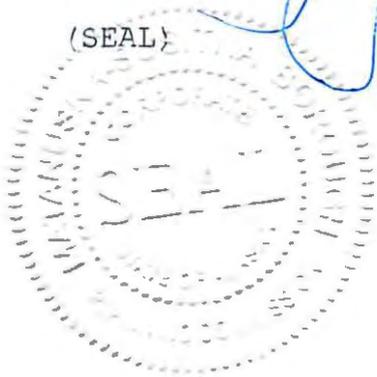
COLLEEN VAGUE, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



APPROVED UNANIMOUSLY: Vague, Anderson, Patterson, Chesbro,
Elder, Glashan, and Mossanen

**INTRODUCTION FOR PUBLIC HEARING
QUASI-JUDICIAL**

Resolution No. PC 20-32

Jason Nixa Variance

(Page 177-194)

INTRODUCTION FOR PUBLIC HEARING

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MATANUSKA-SUSITNA BOROUGH

**Planning and Land Use Department
Development Services Division**

350 East Dahlia Avenue • Palmer, AK 99645

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

Email: PermitCenter@matsugov.net Matanuska-Susitna Borough
Permit Center

APPLICATION FOR A VARIANCE – MSB 17.65

JUN 12 2020

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

Application fee must be attached:

 \$1,000 for Variance

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

Subject Property Township: 22N, Range: 4W, Section: 14, Meridian Seward
MSB Tax Acct # 6070000L1067 (Parcel ID = 67194)
SUBDIVISION: Caswell Lakes BLOCK(S): N/A, LOT(S): 1067
STREET ADDRESS: 49572 S Jumpin Circle
(US Survey, Aliquot Part, Lat. /Long. etc) N/A

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

Name of Property Owner

Name of Agent/ Contact for application

Jason Nixa

Address: _____

Address: P.O. Box 671267

Chugiak, Ak 99567

Phne: Hm _____ Fax _____

Phne: Hm _____ Fax _____

Wk _____ Cell 907-830-1422

Wk _____ Cell _____

E-mail Jasonnixa@outlook.com

E-mail _____

Description	Attached
A variance from MSB 17. _____ is being applied for and is specifically described.	
Provide a detailed written description as to why the variance is required.	

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

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

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

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

MSB Tax parcel ID #(s) 6070000L1067 (Parcel ID = 67194) and, I hereby apply for approval a setback variance on that property as described in this application.

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

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

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

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

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

**Variance Application
MSB 17.65**

**Matanuska-Susitna Borough
Minimum Survey Drawing Standards**

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

CHECK LIST

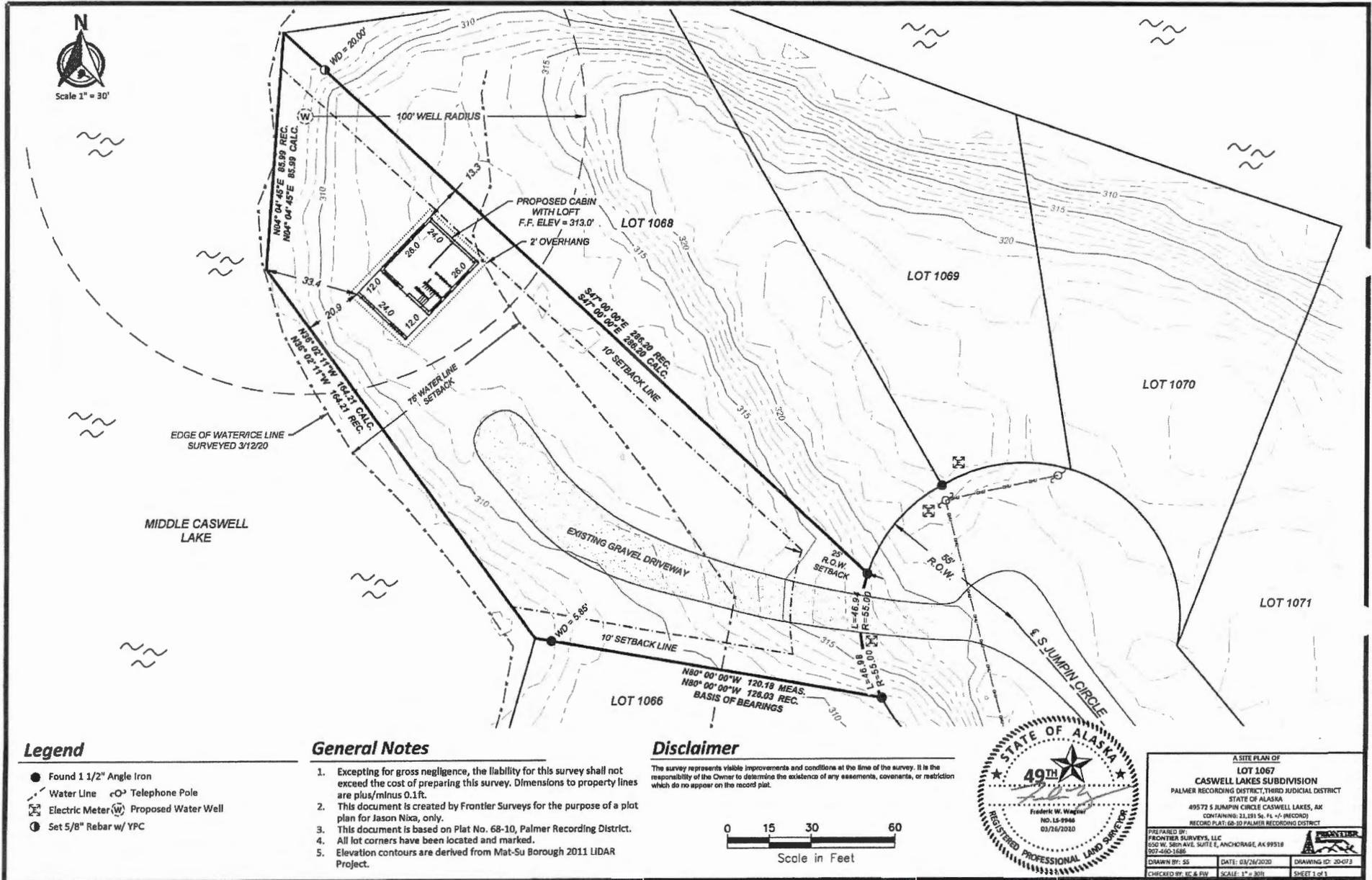
- 1) Critical Lot Line(s)
 - a. corners in
 - b. record & measured distances shown
 - c. new corners set

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

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

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

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



Legend

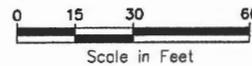
- Found 1 1/2" Angle Iron
- Water Line ◯ Telephone Pole
- ⊕ Electric Meter ◯ Proposed Water Well
- ⊕ Set 5/8" Rebar w/ YPC

General Notes

1. Excepting for gross negligence, the liability for this survey shall not exceed the cost of preparing this survey. Dimensions to property lines are plus/minus 0.1ft.
2. This document is created by Frontier Surveys for the purpose of a plat plan for Jason Nixa, only.
3. This document is based on Plat No. 68-10, Palmer Recording District. All lot corners have been located and marked.
4. Elevation contours are derived from Mat-Su Borough 2011 LIDAR Project.

Disclaimer

The survey represents visible improvements and conditions at the time of the survey. It is the responsibility of the Owner to determine the existence of any easements, covenants, or restriction which do not appear on the record plat.



A SITE PLAN OF		
LOT 1067		
CASWELL LAKES SUBDIVISION		
PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT		
STATE OF ALASKA		
49572 S JUMPIN CIRCLE CASWELL LAKES, AK		
CONTAINING 21,391 Sq. Ft. ± RECORD		
RECORD PLAT: 68-10 PALMER RECORDING DISTRICT		
PREPARED BY: FRONTIER SURVEYS, LLC 550 W. 58th AVE. SUITE E, ANCHORAGE, AK 99518 907-460-1686	DATE: 08/26/2020	DRAWING ID: 20-07.3
DRAWN BY: SS	CHECKED BY: VC & RW	SCALE: 1" = 30'
		SHEET 1 OF 1

NIXA VARIANCE REQUEST

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

This property, lot 1067, is situated between Middle Caswell Lake to the west, lot 1068 and S. Jumpin Circle to the northeast, and Lot 1066 to the south. The required side setbacks from the neighboring lots are 10' each, South Jumpin Circle has a 25' right of way setback, and the lake has a setback of 75'.

These setbacks and easements restrict the possible building area.

When the ROW easement, the ROW set back, the lake set back, and side setbacks are subtracted, the buildable area is reduced to a sliver of land, unreasonable in size to build a cabin/home commensurate with the neighboring cabins/homes.

What makes this lot unusual is it is almost entirely consumed by setbacks.
(See attached as-built.)

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

Strict application of this title would limit the size, shape and location of the cabin that would be nonconforming to the neighboring cabins or homes. The proposed cabin is similar in size, shape and proximity to the lake as other cabins or homes in the area.

Strict application of this title would essentially prohibit any new construction because it is bound by the ROW set back to the south and the lake set back to the northwest. Strictly following this title would require me to inhabit a 10 ft. wide cabin.

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

As mentioned above, I did my best to conform to neighboring properties so as not to use more or less of the property than adjacent property owners. The variance will not be injurious to nearby properties because the proposed cabin is located in a residential area and is situated similarly on the lot in comparison to the neighbors' lots, thereby giving the neighborhood a cohesive feel. It also adheres to the ROW set back so as not to interfere with any borough expansion that may take place in the future.

NIXA VARIANCE REQUEST

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

Setbacks are in place to restrict homeowners from encroaching into each other's property and to restrict permanent structures in areas needed for utilities and other borough needs. By being aware of these restrictions and to not overbuild, I am demonstrating that I am mindful of the surroundings and tried to keep the cabin comparable to other cabins or homes in the neighborhood. I am faced with building the cabin in the lake set back or the ROW set back as no other options are reasonable. I am proposing to adhere to the 10' lot set back and build a cabin similar in size, shape, style and position on the lot to conform to the standards set in the neighborhood.

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

This is a proposed cabin in a community that is built around a legacy of families spending time together enjoying all of the summer and winter recreational benefits Middle Caswell Lake has to offer. This variance would allow me to connect with other families in similar ways and to share those connections with future generations.

Granting this variance will allow me to enjoy the same benefits of living near the lake that many other families enjoy. Not deviating from this title would allow no one to build on this particular lot, as it is wholly covered in setbacks, and would essentially leave an undesirable lot, for my use or for anyone in the future.

NIXA VARIANCE REQUEST

Conditions not applicable:

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

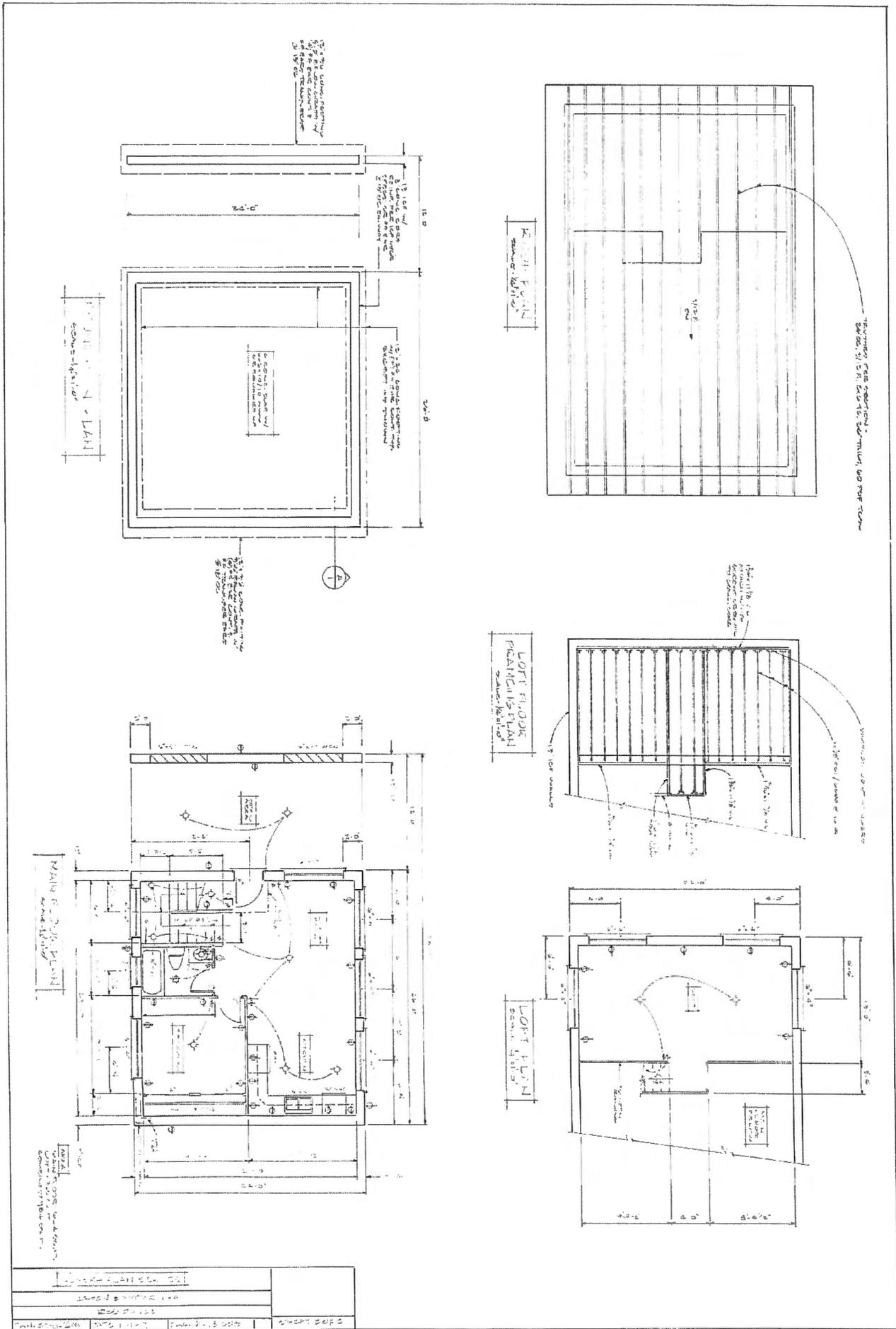
This condition is not applicable since I did not cause the right of way setbacks that restrict the buildable area on the lot.

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

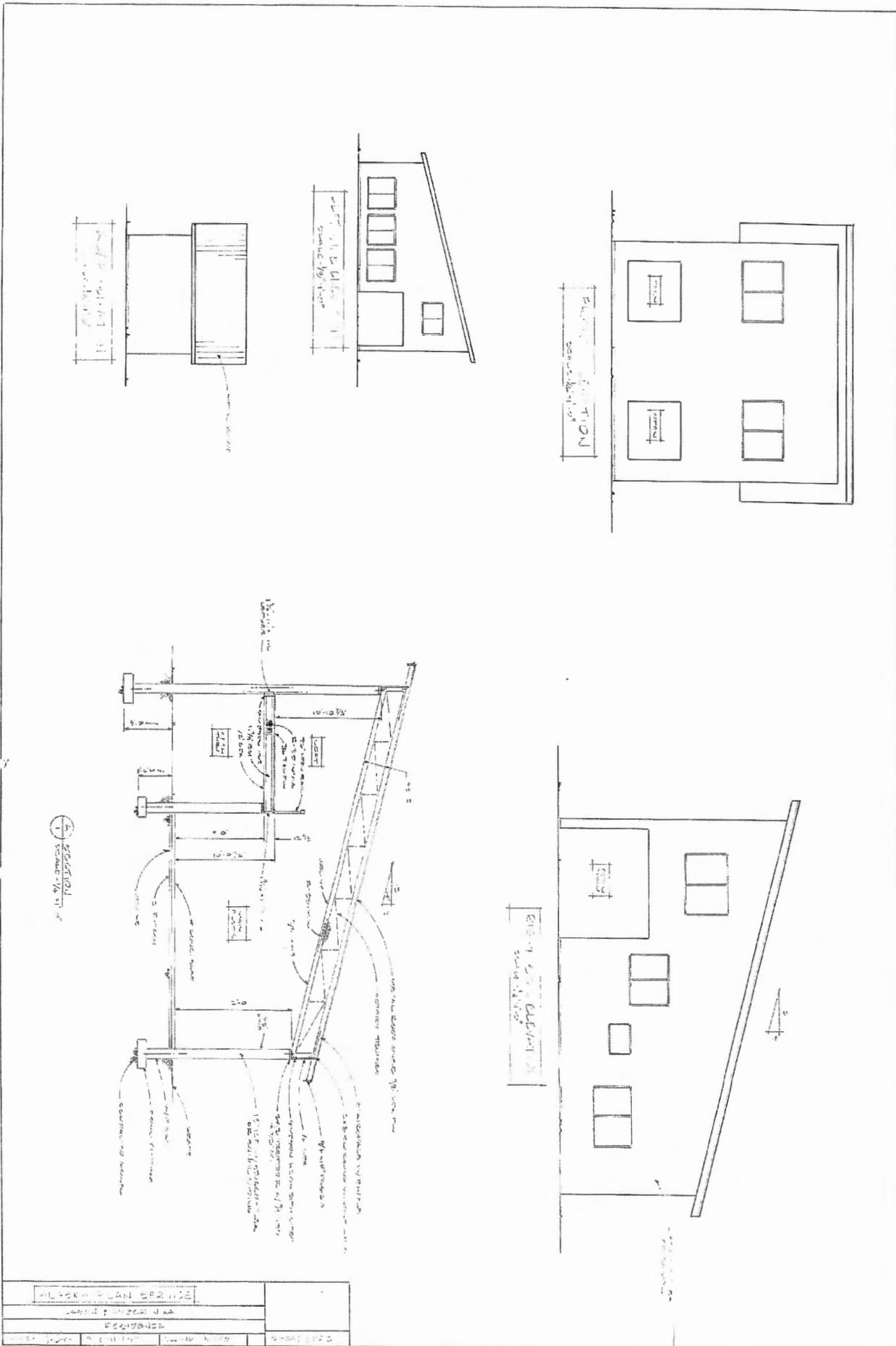
This condition is not applicable since I propose to build a cabin on a single-family lot in a single-family neighborhood.

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

This condition is not applicable since I am under no financial hardships nor am I building this cabin as a contractor to resell.



1	2	3	4
10/1/20	10/1/20	10/1/20	10/1/20
10/1/20	10/1/20	10/1/20	10/1/20
10/1/20	10/1/20	10/1/20	10/1/20











MATANUSKA-SUSITNA BOROUGH

Real Property Detail for Account: 6070000L1067

Site Information

Account Number	6070000L1067	Subdivision	CASWELL LKS
Parcel ID	67194	City	None
TRS	S22N04W14	Map CA01	
Abbreviated Description (Not for Conveyance)	CASWELL LKS LOT 1067		Tax Map

Site Address 49572 S JUMPIN CIR

Ownership

Owners	NIXA JASON	Buyers	
Primary Owner's Address	PO BOX 671262 CHUGIAK AK 99567	Primary Buyer's Address	

Appraisal Information

Year	Appraisal			Assessment			
	Land Appraised	Bldg. Appraised	Total Appraised	Year	Land Assessed	Bldg. Assessed	Total Assessed ¹
2020	\$20,600.00	\$0.00	\$20,600.00	2020	\$20,600.00	\$0.00	\$20,600.00
2019	\$20,600.00	\$0.00	\$20,600.00	2019	\$20,600.00	\$0.00	\$20,600.00
2018	\$20,600.00	\$0.00	\$20,600.00	2018	\$20,600.00	\$0.00	\$20,600.00

Building Information

Building Item Details

Building Number	Description	Area	Percent Complete
-----------------	-------------	------	------------------

Tax/Billing Information

Year	Certified	Zone	Mill	Tax Billed	Date	Type	Recording Info (offsite link to DNR)
2020	Yes	0110	18.143	\$373.75	11/7/2014	WARRANTY DEED (ALL TYPES)	Palmer 2014-022540-0
2019	Yes	0110	18.289	\$376.34	11/7/2014	QUITCLAIM DEED (ALL TYPE)	Palmer 2014-022539-0
2018	Yes	0110	18.189	\$374.70	4/30/2014	QUITCLAIM DEED (ALL TYPE)	Palmer 2014-007576-0

Tax Account Status ²

Status	Tax Balance	Farm	Disabled Veteran	Senior	Total	LID Exists
Current	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	No

Land and Miscellaneous

Gross Acreage	Taxable Acreage	Assembly District	Precinct	Fire Service Area	Road Service Area
0.49	0.49	Assembly District 007	10-030	135 CASWELL FSA	015 Caswell Lakes RSA

¹ Total Assessed is net of exemptions and deferrals, rest, penalties, and other charges posted after Last Update Date are not reflected in balances.

Last Updated: 8/1/2020 12:00:34 AM

² If account is in foreclosure, payment must be in certified funds.

PERMIT CENTER – FEE RECEIPT FORM

Property Location: 6070 000L 1067

Applicant: Jason Nixa

	USE PERMITS {100.000.000.341.300}	Fee
<input type="checkbox"/>	8.35 Public Display of Fireworks	\$25.00
<input type="checkbox"/>	8.40.010 Liquor License - Alcohol & Marijuana Control Office (AMCO) Referrals for Matanuska Susitna Borough Review of Issuance, renewal or transfer (location, owner)	\$100.00
<input type="checkbox"/>	8.41.010 Marijuana License - Alcohol & Marijuana Control Office (AMCO) Referrals for Matanuska Susitna Borough Review of Issuance, renewal or transfer (location, owner)	\$100.00
<input type="checkbox"/>	8.52 Temporary Noise Permit	\$500.00
<input type="checkbox"/>	8.55 Special Events Permit 500 – 1000 Attendees	\$500.00
<input type="checkbox"/>	1000+ Attendees	\$1,000.00
<input type="checkbox"/>	8.55 Special Events Permit Site Monitor Fee / Per Day	\$300.00

Matanuska Susitna Borough
 Payment Date Monday, June 15, 2020
 Deposit Number 40997
 Operator Lach0415
 Real 2020 (Total) \$0.00
 MCR (100.000.000.341.300) \$1,000.00
 Misc Rec
 Tax Map # 2MISC
 Total Paid \$1,000.00
 Check \$1,000.00
 Change \$0.00
 Receipt Number MSB91406144
 6/12/2020 11:27:17 AM
 Paid By NIXA JASON /CASHIERCK 0001621
 Cashier Id. LACH0415

<input type="checkbox"/>	17.27 Sutton Special Land Use District CUP	\$1000.00
<input type="checkbox"/>	17.29 Flood Damage Prevention Development Permit	\$100.00
<input type="checkbox"/>	17.29 Flood Damage Prevention Development Permit –Variance	\$500.00
<input type="checkbox"/>	17.30.040 Earth Materials Extraction Admin. Permit	\$500.00
<input type="checkbox"/>	17.30.050 Earth Materials Extraction CUP	\$1000.00
	17.36 Residential Planned Unit Development Application – Concept Plan – up to 50 Lots	\$500.00
	Additional Lots or tracts being created – Per Lot	\$100.00
<input type="checkbox"/>	17.48 Mobile Home Park Permit Application	\$500.00
<input type="checkbox"/>	17.52 Residential Land Use District App (Rezone)	\$1,000.00
<input type="checkbox"/>	17.52 Conditional Use Permit Application CUP	\$1,000.00
<input type="checkbox"/>	17.55 Shoreline Setback Exception Application	\$300.00
<input type="checkbox"/>	17.60 Conditional Use Permit Application	\$1000.00

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PUBLIC HEARING QUASI-JUDICIAL

Resolution No. PC 20-27

Stephen Mierop, dba Three Bears Alaska, Inc. CUP

(Page 195 - 288)

PUBLIC HEARING

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STAFF REPORT

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MATANUSKA-SUSITNA BOROUGH

**Planning and Land Use Department
Development Services Division**

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

www.matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date: August 6, 2020

File Number: 177020200001

Applicant: Steve Mierop, on behalf of Three Bears Alaska, Inc.

Property Owner: Three Bears Alaska, Inc.

Request: Planning Commission Resolution 20-27

Request for an alcoholic beverage package store conditional use permit in accordance with MSB Chapter 17.70 – Regulation of Alcoholic Beverage Uses

Location: 23471 S. Parks Hwy (Tax ID# 7561000L001);
within Township 26 North, Range 5 West, Section 29, Seward Meridian

Size of Property: 9.89 acres

Reviewed By: Alex Strawn, Acting Planning & Land Use Director 

Staff: Mark Whisenhunt, Planner II 

Staff Recommendation: Approval with conditions

EXECUTIVE SUMMARY

A conditional use permit application has been submitted for the operation of an alcoholic beverage package store within a convenience market. The applicant is proposing to construct an addition to the existing convenience market. The addition will be to the first floor with access to a basement level to the rear. The alcoholic beverage package store will be approximately 1,540 square feet in size. The remainder of the first floor will continue to be occupied by convenience market. In 2016, a variance was issued for a ramp/deck, which was constructed to comply with the Americans with Disabilities Act (ADA). This proposal does not impact the approved variance.

MSB code 17.70.020 requires a conditional use permit for the operation of an alcoholic beverage package store. Unless this type of use is maintained under and in accordance with a lawfully issued permit, an alcoholic beverage package store is declared to be a public nuisance. Operation of such a land use without a permit is prohibited.

LAND USE

Existing Land Use:

The subject property is approximately 9.89 acres in size. Several uses currently exist on the property, such as, a campground/RV park, convenience market with gas pumps, laundry mat with shower facility, room rentals, and a cell phone tower. The building was originally constructed in 1983 and operated as the “Trapper Creek Inn” until December 2019. In 2016, a variance was issued for a ramp/deck which was constructed to comply with the Americans with Disabilities Act (ADA).

Surrounding Land Uses:

The subject lot is located at milepost 114.6 of the Parks Highway. The Parks Highway is adjacent to the west side of the property. The intersection of the Parks Highway and Petersville Road is approximately 400 feet northwest of the property. There is an airstrip and hangar adjacent to the south side of the property. A property abutting to the north was previously a lodge but is no longer operating. There are some residential homes and cabins to the east and west of the property. The Trapper Creek Library and public safety building are southwest of the property, on the west side of the Parks Highway.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

Notices were mailed to all property owners within 600 feet of the site. A total of 14 notices were mailed on June 24, 2020. The public hearing notice was published in the June 26, 2020 Frontiersman. The application material was also posted on the Borough's website on June 23, 2020. The public notice, application material, and a request for comments were emailed to the Trapper Creek Community Council on June 23, 2020. Staff did not receive any comments from the public or the Community Council.

Section 17.70.100 Standards

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

(1) *Findings. In granting a conditional use permit the planning commission must make the following findings:*

(a) *The conditional use is compatible with and will preserve or not materially detract from the value, character and integrity of the surrounding area.*

Findings of Fact:

1. The land uses along the Parks highway consist of residential, commercial, industrial and recreational uses.

2. The closest package store to the proposed use is approximately 0.7 miles further north on the Parks Highway.
3. The Parks Highway is adjacent to the west side of the property. The intersection of the Parks Highway and Petersville Road is approximately 400 feet northwest of the property. There is an airstrip and hangar adjacent to the south side of the property. A property abutting to the north was previously a lodge but is no longer operating. There are some residential homes and cabins to the east and west of the property. The Trapper Creek Library and public safety building are southwest of the property, on the west side of the Parks Highway.
4. The proposed use will not change the existing access onto the Parks Highway.
5. Parks Highway is classified as an arterial road, which is capable of accommodating high volumes of traffic.
6. The applicant is proposing to construct an addition to the existing convenience market. The addition will be to the first floor with exterior access to a basement level to the rear. The alcoholic beverage package store will be approximately 1,540 square feet in size. The remainder of the first floor will continue to be occupied by convenience market.
7. The proposed use is not within a developed residential subdivision.
8. According to the application material, the proposed hours of operation for the package store are 9:00 a.m. to 10:00 p.m., daily.
9. The building was originally constructed in 1983 and operated as the “Trapper Creek Inn” until December 2019.
10. The exterior of the proposed expansion will match the existing portion of the building’s exterior.

Conclusions of Law: Based on the above findings, and with conditions, the proposed use is compatible with and will preserve or not materially detract from the value, character and integrity of the surrounding area (MSB 17.70.100(A)(1)(a)).

(b) That granting the conditional use permit will not be harmful to the public health, safety, convenience and welfare.

Findings of Fact:

1. The proposed use will not change the existing access onto the Parks Highway.
2. Parks Highway is classified as an arterial road, which is capable of accommodating high volumes of traffic.
3. The applicant is proposing to construct an addition to the existing convenience market. The addition will be to the first floor with access to a basement level to the rear. The alcoholic beverage package store will be approximately 1,540 square feet in size. The remainder of the first floor will continue to be occupied by convenience market.
4. The proposed use is not within a developed residential subdivision.

5. The closest package store to the proposed use is approximately 0.7 miles further north on the Parks Highway.
6. According to the State Alcohol and Marijuana Control Office (AMCO), Three Bears Alaska Inc. currently operates ten other package stores throughout the State of Alaska.
7. The State Alcohol and Marijuana Control Office (AMCO) has no record of any suspensions or revocations for any of their licenses.
8. The nearest school (Trapper Creek Elementary) is approximately 12,000 feet west of the site. State regulations preclude package store licenses within 200 feet of a school.
9. The applicant is actively working with the Alaska Department of Transportation (ADOT) to obtain a finalized driveway permit.
10. The State of Alaska Fire Marshal has issued Plan Review Certificates #2020Anch1325 and 1326, approving the construction of the proposed use.
11. A copy of approved Plan Review Certificates #2020Anch1325 and 1326 have been provided.

Discussion: Staff recommends a condition which requires the applicant to provide the Borough with a copy the finalized ADOT driveway permit.

Conclusions of Law: Based on the above findings, and with conditions, the proposed use will not be harmful to the public health, safety, convenience, and welfare (MSB 17.70.100(A)(1)(b)).

(c) That sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in subsections (A) and (B) of this section.

Findings of Fact:

1. The proposed use will not change the existing access onto the Parks Highway.
2. Parks Highway is classified as an arterial road, which is capable of accommodating high volumes of traffic.
3. The nearest school (Trapper Creek Elementary) is approximately 12,000 feet west of the site. State regulations preclude package store licenses within 200 feet of a school.
4. The subject parcel is approximately 9.89 acres in size.
5. The proposed expansion will be approximately 29 feet from the Parks Highway right-of-way, 210 feet from the south side lot line, and 350 from the east side lot line.
6. The proposed use will be accessed from within the convenience market.
7. On-site consumption of alcohol is prohibited.
8. Persons under the age of 21 are prohibited from purchasing alcoholic beverages.
9. Alaska Statute 04.16.030 specifically prohibits the sale of alcoholic beverages to drunken persons.
10. There will be separate cashier counters for the alcoholic beverage package store and convenience market.

11. The closest residential structure is approximately 500 feet northwest of the proposed use.
12. The applicant is actively working with the Alaska Department of Transportation (ADOT) to obtain a finalized driveway permit.
13. The State of Alaska Fire Marshal has issued Plan Review Certificates #2020Anch1325 and 1326, approving the construction of the proposed use.
14. A copy of approved Plan Review Certificates #2020Anch1325 and 1326 have been provided.

Discussion: Staff recommends a condition which requires the applicant to provide the Borough with a copy the finalized ADOT driveway permit.

Conclusions of Law: Based on the above findings, and with conditions, sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.70.100(A)(1)(c)).

(2) *General Standards. In considering whether the general standards are satisfied, the planning commission may weight factors contributing or detracting from the development of a safe, convenient and attractive community, including, but not limited to:*

(a) *Any potential negative effect upon other properties in the area due to such factors as dust, noise, obtrusive advertising and glare.*

Findings of Fact:

1. According to the application material, the existing access and future parking area on the north side of the building will be paved to control dust. The rear (east) side of the building will remain largely unpaved.
2. According to the application material, lighting is shielded and downward directional to minimize light spillage from the property.
3. No additional lighting will be added in relation to the proposed use.
4. Signs will be limited to the fuel canopy and the building itself.
5. The closest residential structure is approximately 500 feet northwest of the proposed use.
6. The applicant is not proposing any outdoor amplified sound activities.
7. The operation must comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 – Noise, Amplified Sound and Vibration.

Conclusions of Law: Based on the above findings, and with conditions, there will not be any negative effects upon the properties in the area due to such factors as dust, noise, obtrusive advertising and glare (MSB 17.70.100(A)(2)(a)).

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

Findings of Fact:

1. The proposed use will not change the existing access onto the Parks Highway.

2. The property accesses the Parks Highway at two locations approximately 300 feet apart from one another.
3. Parks Highway is classified as an arterial road, which is capable of accommodating high volumes of traffic.
4. The applicant is actively working with the Alaska Department of Transportation (ADOT) to obtain a finalized driveway permit.
5. The building was originally constructed in 1983 and operated as the “Trapper Creek Inn” until December 2019.
6. The existing facility has adequate area to handle the commercial traffic.
7. The package store will not greatly increase the traffic in the area.

Discussion: Staff recommends a condition which requires the applicant to provide the Borough with a copy the finalized ADOT driveway permit.

Staff researched data in the Institute of Transportation Engineers Trip Generation Manual 10th Edition (ITE 10). The proposed use would be categorized as a “liquor store” (land use code 899). Staff found several studies related to trip generation within the manual, however, every study was completed in an urban/suburban area. The proposed use is in a rural area and as such, staff believes it would be inappropriate to apply the aforementioned data.

The existing use is categorized as a “convenience market with gas pumps (land use code 853). Generally speaking, a convenience market with gas pumps, generates significantly more traffic than a liquor store. For example, the ITE 10 shows a data set of 34 sites studied which found that a convenience market with gas pumps in an urban/suburban area produced on average 50 trips during a weekday peak hour (4:00pm – 6:00pm), per 1,000 square feet of gross floor area. The ITE 10 also shows a data set of 7 sites studied which found that a liquor store in an urban/suburban area produced on average 18 trips during a weekday peak hour (4:00pm – 6:00pm), per 1,000 square feet of gross floor area. Staff believes the addition of the proposed use to the existing convenience market with gas pumps, will add little traffic to the existing traffic volumes.

Conclusions of Law: Based on the above findings, and with conditions, the proposed use will not negatively affect the safe, efficient flow of traffic on any highway, arterial, collector or street from which access to and from the establishment is obtained (MSB 17.70.100(A)(2)(b)).

(c) The effectiveness of any measures to reduce any negative effect upon adjacent and nearby properties by property line buffers and arterial buffers, planted berms, landscaping, reduction or elimination of obtrusive or garish signing or other features, lowered building elevation, clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exists onto highways, arterials and collectors, and where the surrounding area is predominantly residential in character, site and building design features that contribute to the residential character of the development.

Findings of Fact:

1. The subject parcel is approximately 9.89 acres in size.
2. The proposed expansion will be approximately 29 feet from the Parks Highway right-of-way, 210 feet from the south side lot line, and 350 from the east side lot line.
3. No additional lighting will be added in relation to the proposed use.
4. Signs will be limited to the fuel canopy and the building itself.
5. The building was originally constructed in 1983 and operated as the “Trapper Creek Inn” until December 2019.
6. The exterior of the proposed expansion will match the existing portion of the building’s exterior.
7. The proposed use is not within a developed residential subdivision.
8. The Parks Highway is adjacent to the west side of the property. The intersection of the Parks Highway and Petersville Road is approximately 400 feet northwest of the property. There is an airstrip and hangar adjacent to the south side of the property. A property abutting to the north was previously a lodge, but is current no longer operating. There are some residential homes and cabins to the east and west of the property. The Trapper Creek Library and public safety building are southwest of the property, on the west side of the Parks Highway.
9. The proposed use will not change the existing access onto the Parks Highway.
10. Parks Highway is classified as an arterial road, which is capable of accommodating high volumes of traffic.
11. The applicant is actively working with the Alaska Department of Transportation (ADOT) to obtain a finalized driveway permit.

Conclusions of Law: Based on the above findings, and with conditions, measures will be in place to reduce any negative effect upon adjacent and nearby properties (MSB 17.70.100(A)(2)(c)).

(d) Whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit.

Finding of Fact:

1. According to the site plan, a total of 13 customer parking spaces will be provided, in addition to the 6 fueling stalls.
2. According to the application material, the applicant is removing the existing parking within the public right-of-way, and constructing more parking within the subject parcel.
3. According to the site plan, 1 customer parking space designated for persons with disabilities will be provided.

Conclusion of Law: Based on the above findings, and with conditions, adequate parking will be provided (MSB 17.70.100(A)(2)(d)).

(e) Whether access to the premises will create an unreasonable traffic hazard.

Findings of Fact:

1. The proposed use will not change the existing access onto the Parks Highway.
2. The property accesses the Parks Highway at two locations approximately 300 feet apart from one another.
3. Parks Highway is classified as an arterial road, which is capable of accommodating high volumes of traffic.
4. The applicant is actively working with the Alaska Department of Transportation (ADOT) to obtain a finalized driveway permit.
5. The building was originally constructed in 1983 and operated as the “Trapper Creek Inn” until December 2019.
6. The existing facility has adequate area to handle the commercial traffic.
7. The package store will not greatly increase the traffic in the area.

Discussion: Staff recommends a condition which requires the applicant to provide the Borough with a copy the finalized ADOT driveway permit.

Staff researched data in the Institute of Transportation Engineers Trip Generation Manual 10th Edition (ITE 10). The proposed use would be categorized as a “liquor store” (land use code 899). Staff found several studies related to trip generation within the manual, however, every study was completed in an urban/suburban area. The proposed use is in a rural area and as such, staff believes it would be inappropriate to apply the aforementioned data.

The existing use is categorized as a “convenience market with gas pumps (land use code 853). Generally speaking, a convenience market with gas pumps, generates significantly more traffic than a liquor store. For example, the ITE 10 shows a data set of 34 sites studied which found that a convenience market with gas pumps in an urban/suburban area produced on average 50 trips during a weekday peak hour (4:00pm – 6:00pm), per 1,000 square feet of gross floor area. The ITE 10 also shows a data set of 7 sites studied which found that a liquor store in an urban/suburban area produced on average 18 trips during a weekday peak hour (4:00pm – 6:00pm), per 1,000 square feet of gross floor area. Staff believes the addition of the proposed use to the existing convenience market with gas pumps, will add little traffic to the existing traffic volumes.

Conclusion of Law: Based on the above findings, and with conditions, access to the premises will not create an unreasonable traffic hazard (MSB 17.70.100(A)(2)(e)).

(f) Whether a reasonably expected increase in traffic will overtax existing road systems.

Findings of Fact:

1. The proposed use will not change the existing access onto the Parks Highway.
2. The property accesses the Parks Highway at two locations approximately 300 feet apart from one another.

3. Parks Highway is classified as an arterial road, which is capable of accommodating high volumes of traffic.
4. The applicant is actively working with the Alaska Department of Transportation (ADOT) to obtain a finalized driveway permit.
5. The building was originally constructed in 1983 and operated as the “Trapper Creek Inn” until December 2019.
6. The existing facility has adequate area to handle the commercial traffic.
7. The package store will not greatly increase the traffic in the area.

Conclusion of Law: Based on the above findings, and with conditions, traffic will not overtax existing road systems (MSB 17.70.100(A)(2)(f)).

(g) Whether the use is incompatible with the character of the surrounding neighborhood.

Findings of Fact:

1. The land uses along the Parks highway consist of residential, commercial, industrial and recreational uses.
2. The closest package store to the proposed use is approximately 0.7 miles further north on the Parks Highway.
3. The Parks Highway is adjacent to the west side of the property. The intersection of the Parks Highway and Petersville Road is approximately 400 feet northwest of the property. There is an airstrip and hangar adjacent to the south side of the property. The property abutting to the north was previously a lodge but its current operating status is unknown. There are some residential homes and cabins to the east and west of the property. The Trapper Creek Library and public safety building are southwest of the property, on the west side of the Parks Highway.
4. The proposed use will not change the existing access onto the Parks Highway.
5. Parks Highway is classified as an arterial road, which is capable of accommodating high volumes of traffic.
6. The applicant is proposing to construct an addition to the existing convenience market. The addition will be to the first floor with exterior access to a basement level to the rear. The alcoholic beverage package store will be approximately 1,540 square feet in size. The remainder of the first floor will continue to be occupied by convenience market.
7. The proposed use is not within a developed residential subdivision.
8. According to the application material, the proposed hours of operation for the package store are 9:00 a.m. to 10:00 p.m., daily.
9. The building was originally constructed in 1983 and operated as the “Trapper Creek Inn” until December 2019.

10. The exterior of the proposed expansion will match the existing portion of the building's exterior.

Conclusion of Law: Based on the above findings, and with conditions, the proposed use is compatible with the character of the surrounding area (MSB 17.70.100(A)(2)(g)).

- (3) *The commission shall deny the application if it does not meet the application standards.*

17.70.110 Special Standards for Liquor Uses.

(A) *In addition to the general standards, a commercial use shall only be approved if it meets the requirements of this section.*

(B) *An application shall be denied if the planning commission finds, based on the evidence presented, that one or more of the following are applicable.*

- (1) *There is, or the use would tend to result in, a high crime rate or a high incidence of alcohol-related accidents in the area.*

Findings of Fact:

1. There is no information available to determine where the individuals involved in the alcohol-related accidents obtained the alcoholic beverages.
2. A package store does not serve liquor on the premises.
3. On-site consumption of alcohol is prohibited.
4. Persons under the age of 21 are prohibited from purchasing alcoholic beverages.
5. Alaska Statute 04.16.030 specifically prohibits the sale of alcoholic beverages to drunken persons.

Conclusion of Law: Based on the above findings, and with conditions, the proposed use will not increase the crime rate in the area or increase alcohol-related accidents (MSB 17.70.110(B)(1)).

(2) *The applicant or a person with an interest in the application has had an interest in a liquor license which was suspended or revoked in the 12 month preceding the application.*

Finding of Fact:

1. The State Alcohol and Marijuana Control Office (AMCO) has no record of violations by Three Bears Alaska, Inc.

Conclusion of Law: Based on the above finding, the applicant has not had a liquor license suspended or revoked in the 12 months preceding the application (MSB 17.70.110(B)(2)).

(3) *The applicant or person with an interest in the application demonstrated that the person is untrustworthy or unfit to conduct the operation of a licensed business, or is a potential source of harm to the public.*

Finding of Fact:

1. Staff has no information indicating the applicant, Three Bears Alaska, Inc. is untrustworthy or unfit to conduct business in the borough or that the applicant is a potential source of harm to the public.

Conclusion of Law: Based on the above finding, the applicant is trustworthy or fit to conduct business in the borough and the applicant is not a potential source of harm to the public (MSB 17.70.110(B)(3)).

STAFF RECOMMENDATIONS

Staff recommends approval of the conditional use permit to operate an alcoholic beverage package store within a convenience market with gas pumps at 23471 S. Parks Hwy (Tax ID# 7561000L001). The proposed use meets all the standards of MSB 17.70.100 and 17.70.110. Staff also recommends the following conditions:

1. The operation shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. Prior to operation, a copy of the final approval for access issued by ADOT, including site plans, shall be provided to the MSB Development Services Division. All access shall be developed as approved by ADOT.
4. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
5. The hours of operation shall be limited to 9:00 a.m. to 10:00 p.m. daily.

If the Planning Commission chooses to deny this permit, findings for denial must be prepared by the Commission.

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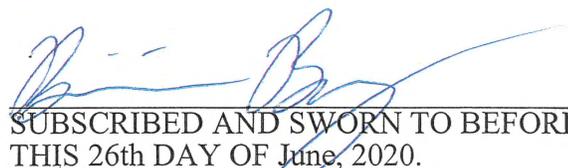
(907) 352-2250 ph
(907) 352-2277 fax

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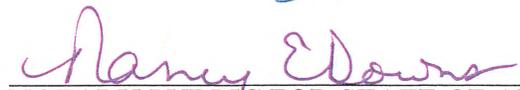
UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY
PERSONALLY APPEARED BEFORE **BENJAMIN BORG** WHO, BEING
FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE IS THE
LEGAL AD CLERK OF THE **FRONTIERSMAN**
PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA
SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA
AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE
COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

06/26/2020

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF
THE RATE CHARGED PRIVATE INDIVIDUALS.


SUBSCRIBED AND SWORN TO BEFORE ME
THIS 26th DAY OF June, 2020.

NOTARY PUBLIC
NANCY E DOWNS
STATE OF ALASKA
MY COMMISSION EXPIRES AUG. 25, 2023


NOTARY PUBLIC FOR STATE OF ALASKA

MAT-SU BOROUGH/PAGE
6.26
ACCOUNT NUMBER 405249

PUBLIC HEARING

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, **August 17, 2020**, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. You are invited to attend.

An application for a conditional use permit under MSB 17.70 – Regulation of Alcoholic Beverages Uses, has been submitted by Steve Mierop, on behalf of Three Bears Alaska, Inc. for the operation of an alcoholic beverage package store, located at 23471 S. Parks Hwy; Tax ID #7561000L001; within Township 26 North, Range 5 West, Section 29, Seward Meridian.

***Please Note: Due to the ongoing Coronavirus/ COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough website. The public is encouraged to check the Borough website prior to attending the public hearing for any changes to the meeting schedule or method.**

In Person Participation: Should you wish to attend in person, please adhere to a 6-foot distance between yourself and others; Masks are not required but are encouraged. **Telephonic Testimony:** Dial 1-855-225-1887; You will hear “Joining Conference” when you are admitted to the meeting. You will be muted and able to listen to the meeting. When the Chairperson announces audience participation or a public hearing you would like to speak to, press *3; you will hear “Your hand has been raised.” When it is your turn to testify you will hear “Your line has been unmuted.” State your name for the record, spell your last name, and provide your testimony.

The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information from the applicant at the time of introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application material may also be reviewed at the Borough Permit Center. For additional information, you may contact Mark Whisenhunt, Planner II, at 861-8527. Written comments can be mailed to: MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may e-mail comments to mark.whisenhunt@matsugov.us. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an “interested party.” See MSB 15.39.010 for the definition of “interested party.” The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough.

Written comments are due on or before **July 24, 2020** and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Publish Date: June 26, 2020

06-26-20





Certificate of Bulk Mailing – Domestic

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For each additional 1,000 pieces, or fraction thereof

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Acceptance employee must cancel affixed (by round-date) at the time

If payment of total fee due is being paid by Permit Imprint, include the PostalOne!® Transaction Number here: _____

Number of Identical Weight Pieces 14	Class of Mail 1st	Postage for Each Mailpiece Paid <input type="checkbox"/> Verified	Number of Pieces to the Pound 96
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Total Number of Pounds 5.202	Total Postage Paid for Mailpieces 7.55	Fee Paid 8.55
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Mailed For Dev Services	Mailed By Mikki
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Postmaster's Certification

It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.

[Signature]
(Postmaster or Designee)



7561000L001 1
THREE BEARS ALASKA INC
455 N PITTMAN RD, STE B
WASILLA, AK 99623

9997000U0303 2
ALASKA WIRELESS NETWORK LLC
2550 DENALI ST, STE 1000
ANCHORAGE, AK 99503

9997000U0503 3
VERTICAL BRIDGE S3 ASSETS LLC
PO BOX 460169
HOUSTON, TX 77056

3055000L002 4
ROBSON KEITH E
PO BOX 13074
TRAPPER CREEK, AK 99683-3074

26N05W29A009 5
TORRES MIGUEL CARLOS
1031 W 121ST ST
ANCHORAGE, AK 99515-3261

3055000L001 6
EUBANKS WILLIAM S & DEAN BRUCE A
PO BOX 369
WILLOW, AK 99688-0369

5892000L005 7
SMITH JAY H JR & VIRGINIA
PO BOX 291
BURNS, OR 97720-0291

5892000L006 8
SMITH JAY H JR & VIRGINIA
PO BOX 291
BURNS, OR 97720-0291

7561000L002 9
DOOLEY ENTERPRISES LLC
PO BOX 13389
TRAPPER CREEK, AK 99683-3389

5892000T00A 10
GARRETT CHAS L
HC 89 BOX 5605
WILLOW, AK 99688-9608

26N05W29D008 11
DEVON ZONA G LVG TR
PO BOX 13369
TRAPPER CREEK, AK 99683

26N05W29D001 12
PORTERFIELD EDW & JOANNE
PO BOX 13075
TRAPPER CREEK, AK 99683-0075

26N05W29A005 13
YORK LLC
PO BOX 13167
TRAPPER CREEK, AK 99683-0167

26N05W28C001 14
MATANUSKA-SUSITNA BOROUGH
350 E DAHLIA AVE
PALMER, AK 99645-6488

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Community Council - Trapper Creek

Board Expiration

<input type="text" value="Trapper Creek Commu"/>	<input type="text"/>	<input type="text"/>	Board Position	<input type="text" value="Correspondence - Trapper Creek CC"/>
Company Representing	<input type="text"/>		Term	<input type="text"/> to <input type="text"/>
<input type="text" value="PO Box 13021"/>			Type of Term	<input type="text"/> <input type="text"/>
<input type="text" value="Trapper Creek"/>	<input type="text" value="AK"/>	<input type="text" value="99683"/>	Member Title	<input type="text"/>
Home	<input type="text" value="(907) 320-7669"/>	Work	<input type="text"/>	Cell <input type="text"/>
			E-mail	<input type="text" value="trappercreek2010@gmail.com"/>

<input type="text" value="Ritenburgh"/>	<input type="text" value="David"/>	<input type="text"/>	Board Position	<input type="text" value="Member 1 - Trapper Creek CC"/>
Company Representing	<input type="text"/>		Term	<input type="text"/> to <input type="text"/>
<input type="text" value="PO Box 13270"/>			Type of Term	<input type="text"/> <input type="text"/>
<input type="text" value="Trapper Creek"/>	<input type="text" value="AK"/>	<input type="text" value="99683"/>	Member Title	<input type="text" value="Chairperson"/>
Home	<input type="text" value="(907) 320-7669"/>	Work	<input type="text"/>	Cell <input type="text"/>
			E-mail	<input type="text" value="ritenburghs@aol.com"/>

<input type="text" value="Morrill"/>	<input type="text" value="James"/>	<input type="text"/>	Board Position	<input type="text" value="Member 2 - Trapper Creek CC"/>
Company Representing	<input type="text"/>		Term	<input type="text"/> to <input type="text"/>
<input type="text" value="PO Box 13155"/>			Type of Term	<input type="text"/> <input type="text"/>
<input type="text" value="Trapper Creek"/>	<input type="text" value="AK"/>	<input type="text" value="99683"/>	Member Title	<input type="text" value="Board Member"/>
Home	<input type="text" value="(360) 721-6711"/>	Work	<input type="text"/>	Cell <input type="text"/>
			E-mail	<input type="text" value="jmorrell490@att.net"/>

<input type="text" value="Grelson"/>	<input type="text" value="Janet"/>	<input type="text"/>	Board Position	<input type="text" value="Member 3 - Trapper Creek CC"/>
Company Representing	<input type="text"/>		Term	<input type="text"/> to <input type="text"/>
<input type="text" value="PO Box 13505"/>			Type of Term	<input type="text"/> <input type="text"/>
<input type="text" value="Trapper Creek"/>	<input type="text" value="AK"/>	<input type="text" value="99683"/>	Member Title	<input type="text" value="Secretary"/>
Home	<input type="text" value="(907) 733-8301"/>	Work	<input type="text"/>	Cell <input type="text"/>
			E-mail	<input type="text" value="littrose1@aol.com"/>

<input type="text" value="Twigg"/>	<input type="text" value="Duronda"/>	<input type="text"/>	Board Position	<input type="text" value="Member 4 - Trapper Creek CC"/>
Company Representing	<input type="text"/>		Term	<input type="text"/> to <input type="text"/>
<input type="text" value="PO Box 13312"/>			Type of Term	<input type="text"/> <input type="text"/>
<input type="text" value="Trapper Creek"/>	<input type="text" value="AK"/>	<input type="text" value="99683"/>	Member Title	<input type="text" value="Treasurer"/>
Home	<input type="text" value="(907) 232-0848"/>	Work	<input type="text"/>	Cell <input type="text"/>
			E-mail	<input type="text"/>

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Community Council - Trapper Creek

Board Expiration

<input type="text" value="Miller"/>	<input type="text" value="Levi"/>	<input type="text"/>	Board Position	<input type="text" value="Member 5 - Trapper Creek CC"/>
Company Representing <input type="text"/>			Term	<input type="text"/> to <input type="text"/>
<input type="text" value="PO Box 13075"/>			Type of Term	<input type="text"/> <input type="text"/>
<input type="text" value="Trapper Creek"/>	<input type="text" value="AK"/>	<input type="text" value="99683"/>	Member Title	<input type="text" value="Vice Chairperson"/>
Home <input type="text" value="(907) 841-4837"/>	Work <input type="text"/>	Cell <input type="text"/>	E-mail <input type="text"/>	

Information Contact	<input type="text" value="Teleconference: Local 373-2663 Code 991090"/>
Total Board Members	<input type="text"/>
Meeting Schedule	<input type="text" value="3rd Thursday of each month at 6:30 p.m. @ Community Park Building (Please check the Notice of Public Meetings schedule at: www.matsugov.us/publicmeetings for meeting information.)"/>
Meeting Location	<input type="text" value="Trapper Creek Community Park Building"/>
Board Notes	<input type="text" value="Teleconference is available: Locally dial 373-2663 / Participant Code 991090, or dial 907-622-2663 if not in local area. Established by RS 82-09"/>

«NAME»
«ADDRESS_1»
«ADDRESS_2»
«ADDRESS_3»

The Planning Commission of the Matanuska-Susitna Borough will consider the following:

Applicant: Steve Mierop, on behalf of Three Bears Alaska, Inc.
Location: 23471 S. Parks Hwy; Tax ID #7561000L001;
within Township 26 North, Range 5 West, Section 29, Seward Meridian
Request: An application for a conditional use permit under MSB 17.70 – Regulation of Alcoholic Beverages Uses, has been submitted for the operation of an alcoholic beverage package store.

The Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, *August 17, 2020 at 6:00 p.m.* in the Borough Assembly Chambers, 350 E. Dahlia Avenue, in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information from the applicant at the time of introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing. Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

***Please Note: Due to the ongoing Coronavirus/COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough website. The public is encouraged to check the Borough website prior to attending the public hearing for any changes to the meeting schedule or method.**

In Person Participation: Should you wish to attend in person, please adhere to a 6-foot distance between yourself and others; Masks are not required but are encouraged. **Telephonic Testimony:** Dial 1-855-225-1887; You will hear “Joining Conference” when you are admitted to the meeting. You will be muted and able to listen to the meeting. When the Chairperson announces audience participation or a public hearing you would like to speak to, press *3; you will hear “Your hand has been raised.” When it is your turn to testify you will hear “Your line has been unmuted.” State your name for the record, spell your last name, and provide your testimony.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application material may also be viewed at the Borough Permit Center. For additional information, you may contact Mark Whisenhunt, Planner II, at 861-8527. Written comments can be mailed to: MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may e-mail comments to mark.whisenhunt@matsugov.us. In order to be eligible to file an appeal for a decision of the Planning Commission, a person must be designated an “interested party.” See MSB 15.39.010 for the definition of “interested party.” The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough. Written comments are due on or before **July 24, 2020** and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Name: _____ **Mailing Address:** _____

Location/Legal Description of your property: _____

Comments: _____

Note: Vicinity Map Located on Reverse Side

A
L
A
S
K
A

2016-000597-0

Recording District 321 Talkeetna

05/24/2016 12:30 PM

Page 1 of 8



THIS COVER SHEET HAS BEEN ADDED TO THIS DOCUMENT TO PROVIDE SPACE FOR RECORDING DATA. THIS COVER SHEET APPEARS AS THE FIRST PAGE OF THE DOCUMENT IN THE OFFICIAL PUBLIC RECORD.

DO NOT DETACH

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

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-15**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A VARIANCE TO THE RIGHT-OF-WAY SETBACK REQUIREMENT FOR THE TRAPPER CREEK INN HANDICAP ACCESS RAMP/DECK, LOCATED ON MSB WAIVER 93-14PWm, RECORDED AT 93-55W, August 12, 1993, TALKEETNA RECORDING DISTRICT; WITHIN TOWNSHIP 26 NORTH, RANGE 5 WEST, SECTION 29, SEWARD MERIDIAN, MSB TAX ACCOUNT# 26N05W29D007.

WHEREAS, an application for a variance from the setback requirements of MSB 17.55.010(A) has been received to allow the existing handicap access ramp/deck at the Trapper Creek Inn, to remain set back less than 25 feet from the Parks Highway right-of-way, on MSB Waiver 93-14PWm, recorded at 93-55W, August 12, 1993, Talkeetna Recording District, within Township 26 North, Range 5 West, Section 29, Seward Meridian; and

WHEREAS, at its closest point the handicap access ramp/deck is set back 15.9 feet from the Parks Highway right-of-way; and

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

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

WHEREAS, the subject lot is 26.61 acres in size; and



WHEREAS, this waiver parcel was created in 1993; and

WHEREAS, the Trapper Creek Inn building was constructed in 1983 and was built in compliance with the 25 foot right-of-way setback requirement; and

WHEREAS, the handicap access ramp/deck was constructed by previous owners in order to bring the structure into compliance with the mandatory Americans with Disabilities Act (ADA) of 1990; and

WHEREAS, the Americans with Disabilities Act required that handicap access be provided at this facility; and

WHEREAS, according to the application material the ground slopes downward along the south side of the building, creating a much steeper climb for access and the fuel pumps and gas station are located on the north side of the building; and

WHEREAS, the only public access to the business is on the west side of the building; and

WHEREAS, the handicap access ramp/deck is constructed within compliance of ADA specifications, as a smaller sized ramp would not meet ADA compliance requirements; and

WHEREAS, there are unusual conditions or circumstances applicable to this property as the handicap access ramp/deck was constructed at this particular location in order to bring the Trapper Creek Inn into compliance with the Americans with Disabilities Act requirements; and



WHEREAS, the strict application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties, as the mandatory handicap access was constructed at the only feasible location on the building; and

WHEREAS, at its closest point the handicap access ramp is set back 15.9 feet from the Parks Highway right-of-way; however, at its closest point the ramp is set back 91.5 feet from the highway pavement; and

WHEREAS, no written comments in opposition to the variance request were received; and

WHEREAS, the handicap access ramp/deck will not be harmful to the public, nor will it be injurious to nearby property; and

WHEREAS, the access ramp/deck provides handicap access to the Trapper Creek Inn; and

WHEREAS, granting the variance will not be injurious to nearby properties, or harmful to the public welfare; and

WHEREAS, MSB Chapter 17.65 - Variances, was written to grant relief to property owners whose lots are impacted by topographic constraints and/or existing land use regulations thereby making the lot undevelopable; and

WHEREAS, the proposed setback variance is consistent with the policies and goals of the MSB Comprehensive Plan (2005 Update), as the variance will allow the structure to remain in compliance with the Americans with Disabilities Act; and



WHEREAS, the proposed variance is only for the handicap access ramp/deck; and

WHEREAS, deviation from this title is necessary to permit reasonable use of the property as handicap access was a mandatory requirement of the Americans with Disabilities Act; and

WHEREAS, the person seeking the variance did not construct the handicap access ramp/deck; and

WHEREAS, the handicap access ramp/deck was constructed by previous owners of the Trapper Creek Inn; and

WHEREAS, the handicap access ramp/deck was constructed in order to bring the Trapper Creek Inn into compliance with the Americans with Disabilities Act; and

WHEREAS, placing the handicap access ramp/deck around the back of the building is impractical; and

WHEREAS, the person seeking this variance is doing so in order to resolve the setback violation in order to subdivide the property into two lots; and

WHEREAS, the person seeking the variance did not cause the need for the variance; the Americans with Disabilities Act of 1990 caused the need for the variance; and

WHEREAS, the subject lot is not in a special land use district; and



WEHREAS, commercial uses are permitted on this property;
and

WHEREAS, the variance, if granted, will not permit a land use in a district in which that use is prohibited, as commercial structures, with handicap access ramps are allowed at this location; and

WHEREAS, the variance is being sought so that the handicap access ramp/deck can remain in its current location; and

WHEREAS, the variance is not being sought solely to relieve pecuniary hardship or inconvenience as the handicap access ramp/deck was constructed in order to bring the Trapper Creek Inn into compliance with the Americans with Disabilities Act.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission approves the setback variance for the handicap access ramp/deck at the Trapper Creek Inn.

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ADOPTED by the Matanuska-Susitna Borough Planning Commission this 18th day of April, 2016.

[Handwritten Signature]

JOHN KLAPPERICH, Chair

ATTEST

[Handwritten Signature]

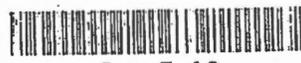
MARY BRODIGAN, Planning Clerk

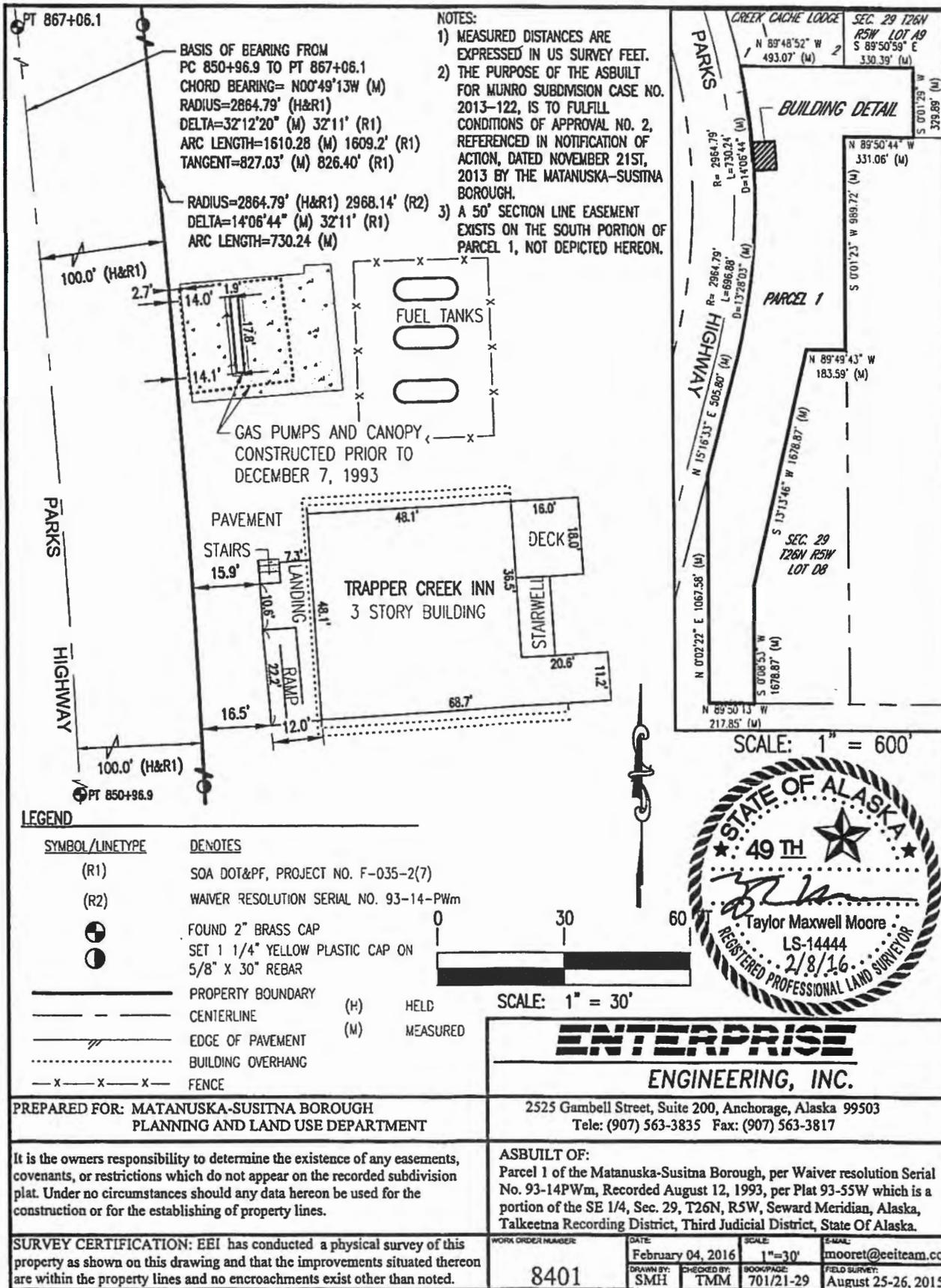


*With Recording Bureau to: Matanuska-Susitna Borough
Planning Department
345 E. Dahlia Avenue
Palmer, Alaska 99645*

YES: *Klapperich, Anderson, Healy, Vague, Kendig, Adams,
and Rauchenstein*

NO:

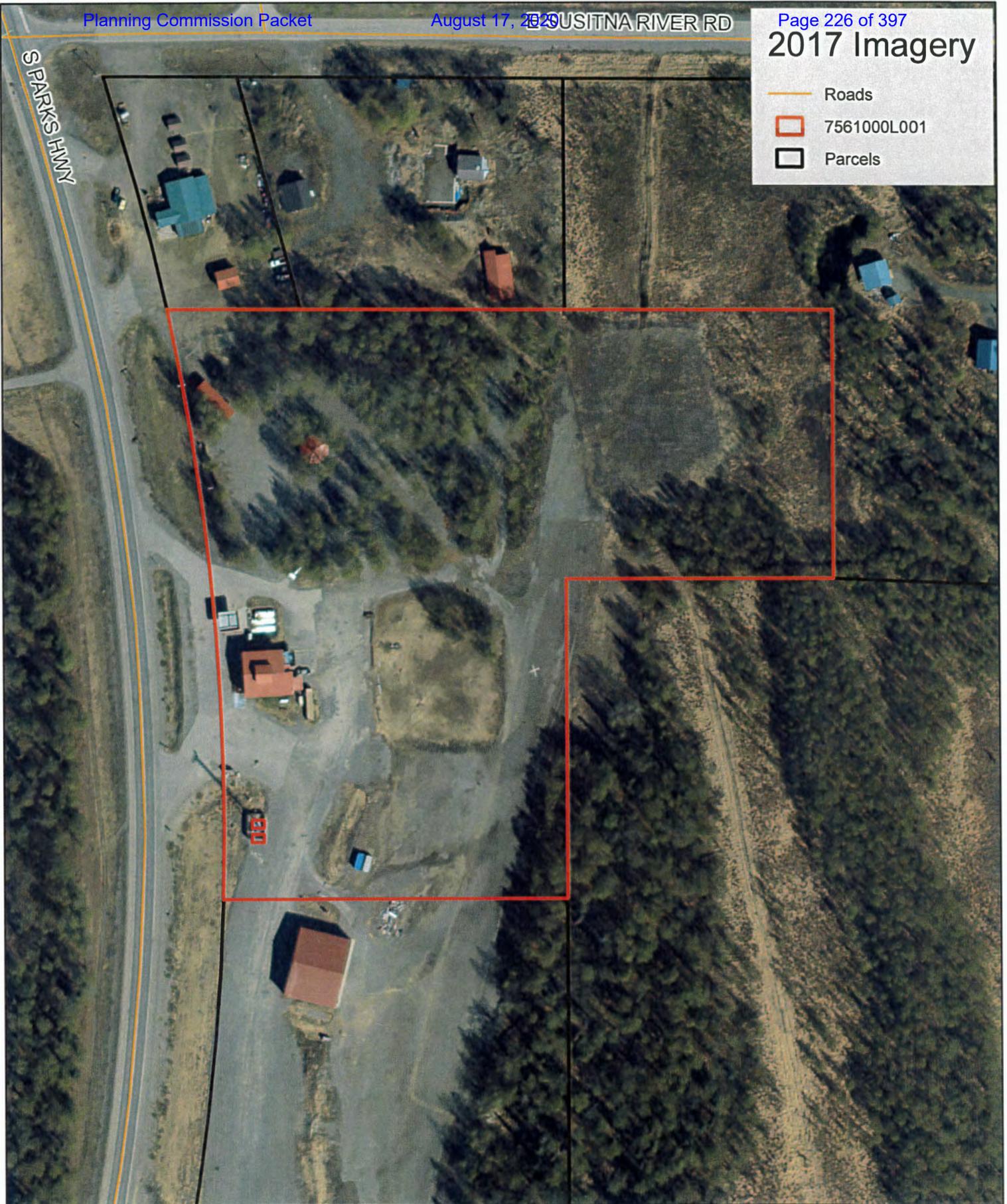




2017 Imagery

S SPARKS HWY

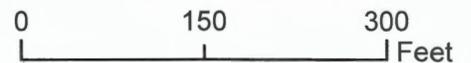
-  Roads
-  7561000L001
-  Parcels



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-961-7801.

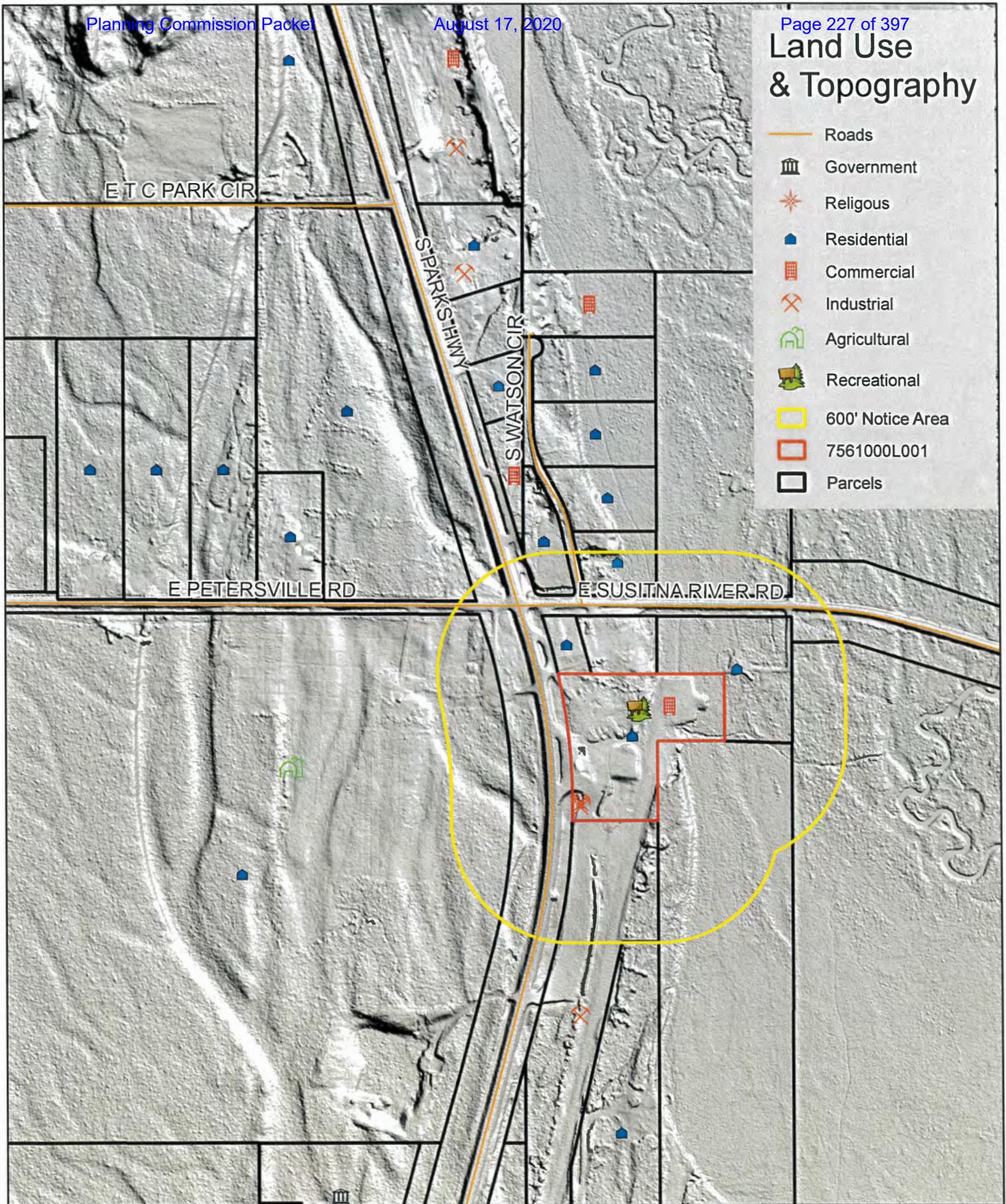
Date: 8/6/2020

1 inch = 150 feet



Land Use & Topography

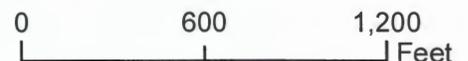
-  Roads
-  Government
-  Religious
-  Residential
-  Commercial
-  Industrial
-  Agricultural
-  Recreational
-  600' Notice Area
-  7561000L001
-  Parcels



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Date: 8/6/2020

1 inch = 600 feet



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**Photos taken by
Mark Whisenhunt during
August 4, 2020 site visit**



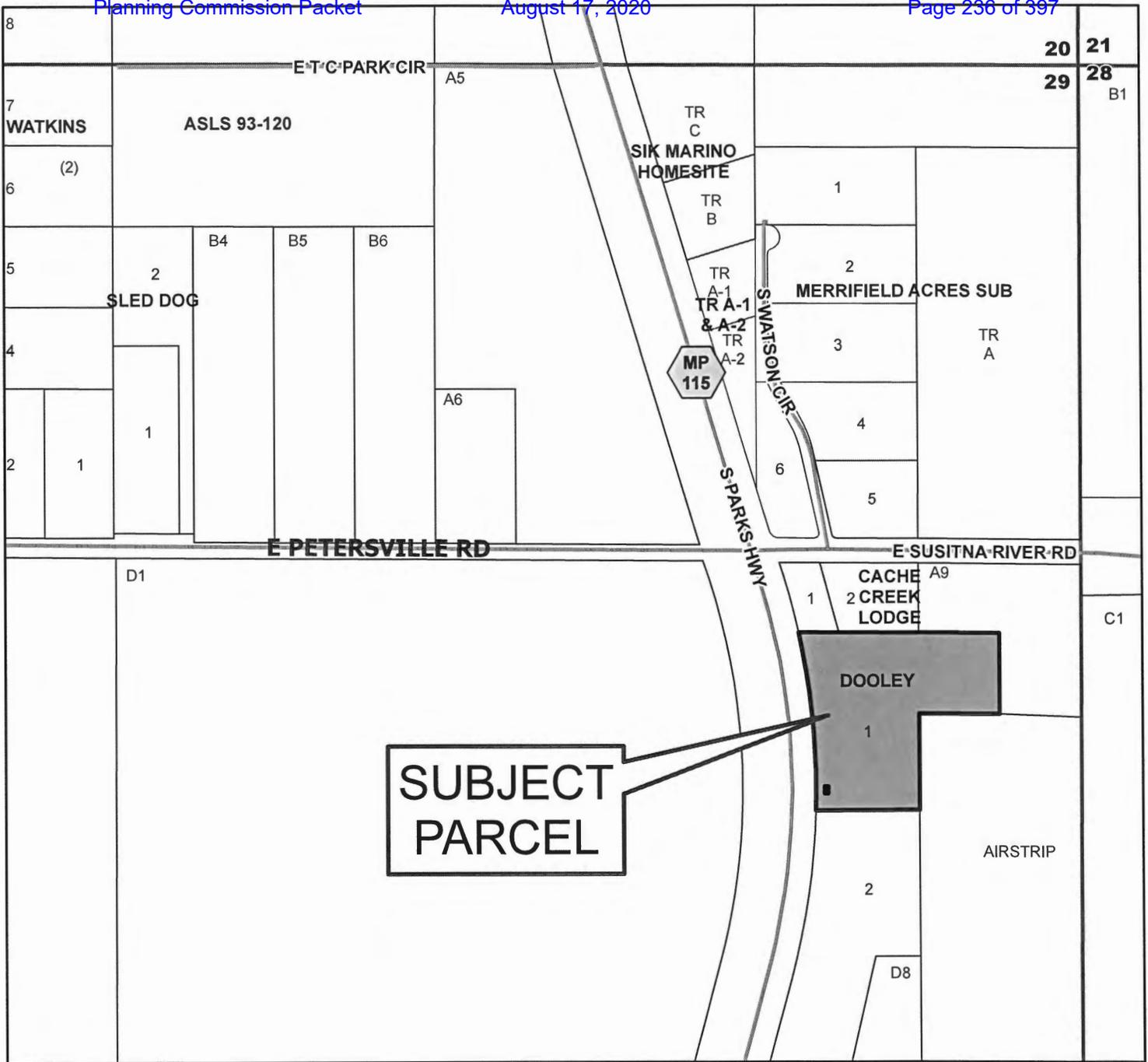








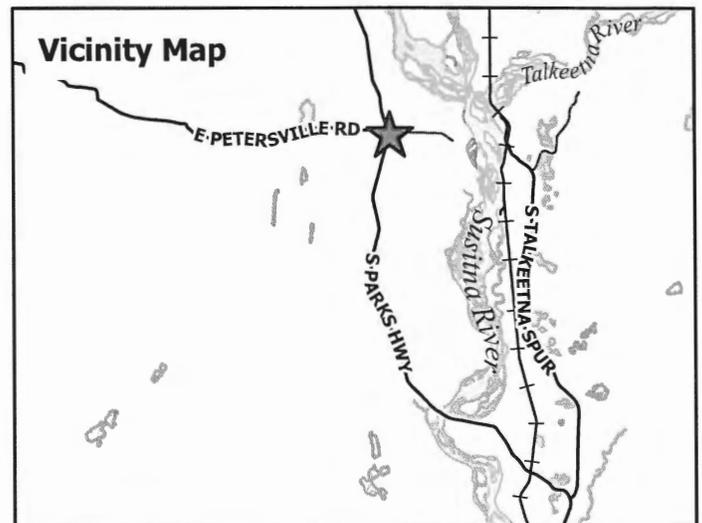
VICINITY MAP



7561000L001



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APPLICATION MATERIAL



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

Matanuska-Susitna Borough
Development Services

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

Email: permitcenter@matsugov.us

MAY 05 2020

APPLICATION FOR A CONDITIONAL USE PERMIT REGULATION OF ALCOHOLIC BEVERAGE USES – MSB 17.70

Received

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

Application fee must be attached:

_____ \$1,000 for Liquor Beverage Dispensary

\$1,000 for Liquor Package Store

PAID
CK# 35540

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

Subject Property Township: 26 N, Range: 5 W, Section: 29, Meridian Seward

MSB Tax Account # 7561000L001

SUBDIVISION: Dooley BLOCK(S): _____, LOT(S): 1

STREET ADDRESS: 23471 S. Parks Highway, Trapper Creek, AK

(US Survey, Aliquot Part, Lat. /Long. etc) Lat. N62°18'51" Long. W150°13'53"

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

Name of Property Owner
Three Bears Alaska, Inc.
Address: 445 N. Pittman Rd, Ste. B
Wasilla, AK 99623
Phne: Hm _____ Fax 357.4312
Wk 357.4311 Cell 907.980.0721
E-mail steve@threebearsalaska.com

Name of Agent/ Contact for application
Address: _____
Phne: Hm _____ Fax _____
Wk _____ Cell _____
E-mail _____

In order to grant a conditional use permit under MSB 17.70, the Planning Commission must find that each of the following requirements have been met. Explain the following in detail:	Attached
1. Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?	✓
2. Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?	✓

3. Are sufficient setbacks, lot area, buffers and other safeguards being provided?	✓
4. Is there any potential negative effect upon other properties in the area due to such factors as dust, noise, obtrusive advertising and glare?	✓
5. Is there any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector or street from which access to and from the establishment is obtained?	✓
6. What measures are being proposed to reduce any negative effect upon adjacent and nearby properties by property line buffers and arterial buffers, planted berms, landscaping, reduction or elimination of obtrusive or garish signing or other features, lowered building elevation, clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors and where the surrounding area is predominantly residential in character, site and building design features that contribute to the residential character of the development?	✓
7. Are there adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit?	✓
8. Will access to the premises create an unreasonable traffic hazard?	✓
9. Will a reasonably expected increase in traffic overtax the existing road system?	✓
10. Is the use compatible with the character of the surrounding neighborhood?	✓
11. Is there or would the use tend to result in, a high crime rate or a high incidence of alcohol-related accidents in the area?	✓
12. Does the applicant or a person with an interest in the application have an interest in a liquor license which was suspended or revoked in the 12 months preceding the application?	✓
13. Has the applicant or person with an interest in the application demonstrated that the person is untrustworthy or unfit to conduct the operation of a licensed business, or is a potential source of harm to the public?	✓

Supplemental Information – Explain in Detail	Attached
1. Maximum occupancy capacity of facility as determined by Fire Marshall	✓
2. Number of employees proposed to work on largest work shift.	✓
3. Number of regular parking spaced provided.	✓
4. Number of handicapped parking spaces provided.	✓
5. Is the use a sole occupant in a building or a tenant in a building?	✓
6. Total square footage of space in building occupied by this use.	✓
7. Hours of operation.	✓
8. Noise mitigation measures	✓

SITE PLAN – Attach a detailed, to scale, site plan clearly showing the following information:	Attached
1. Proposed and existing structure(s) on the site. Indicate which structure(s) will be used for the liquor use. Draw lot dimensions and indicate setback distance of structure(s) from the lot lines, rights-of-way, and waterbodies.	✓
2. Dimensions of all structures	✓
3. Interior floor plans (specific location of the use or uses to be made of the development)	✓
4. Signage – Existing and Proposed	✓
5. Location and dimensions for all access points to and from the site to public rights-of-way or public access easements.	✓
6. Proposed contouring	✓
7. Vegetation and any landscaping	✓
8. Buffering – Fences, trees, topography, or berms	✓
9. Drainage	✓
10. Vehicular and pedestrian circulation patterns	✓
11. Exterior site lighting	✓
12. Distance(s) to the nearest intersection in all directions from proposed permit site along roads adjacent to the site.	✓
13. Location and dimensions of parking areas to be provided	✓
14. Boundary protection	✓
15. Scale and north arrow.	✓

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

MSB Tax parcel ID #(s) 7561000L001 and, I hereby apply for approval an alcoholic beverage use conditional use permit on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.70 and with all other applicable borough, state or federal laws.

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

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

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

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

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

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

By: Three Bears Alaska, Inc.
 Stephen D. Mierop 04.30.2020
Signature: Property Owner Printed Name Date

Signature: Agent Printed Name Date

THREE BEARS ALASKA, INC.
Application for Conditional Use Permit
Regulation of Alcoholic Beverage Uses – MSB 17.70

Received on
June 19, 2020

Basic Information (Questions 1 – 13)

1. Yes. The package store is being added on to an existing commercial building. The new package store is a commercial use that is compatible with the surrounding area and is part of a number of upgrades being made to the existing building and property. These upgrades will add value to the surrounding area by modernizing the community's primary store, modernizing one of the community's two fuel stations, and adding a brand new and totally modern package store.
2. No. The types of products being offered are already available in at least one other location in the community. Our new package store will simply be another location from which Borough residents and visitors may choose to obtain these products. Additionally, long before "carding hard" was required anywhere in the State, we have always (for over 20 years) required customers to show us a valid ID showing that they are 21 or older. Further—and again for over 20 years—our register system has been and is designed such that a transaction to purchase alcohol cannot be completed without a valid birthdate being entered. All of our cashiers who handle alcohol transactions receive all training and certificates required by all applicable State and local laws and regulations. Among other things, such training includes how to detect invalid IDs, how to properly deal with minors who attempt to enter the premises, and how to deal with and NOT sell alcohol products to intoxicated persons.
3. Yes. Please see the related survey and plan set.
4. No. Paved and gravel areas will prevent and control dust. Noise will be no more than already present from current traffic and commercial activity in the area. Advertising will be the same as at our other stores in the Borough and will be non-obtrusive. Lighting will be the same as at similar locations we currently operate in the Borough.
5. No. We are doing nothing that will change existing traffic patterns or flows or access to and from the property.
6. The package store is a relatively minor addition on the south side of a large existing building. This side of the building faces parking on the property itself, and the adjacent property to the south is an airstrip. Further, the package store addition will only have one story above ground level, which means that it will be shorter than the rest of the building and thus relatively unobtrusive. The addition was designed by a local registered architect and local registered engineers and is designed to blend in with the existing building which itself has been part of the community since the 1980s. We are not adding any signage. Rather, we are just adding our name (usually shortened to just "Three Bears") to some of the existing signage. Other than two

or three wall-mounted downward directional and shielded light fixtures, we are not adding any other lighting in connection with the addition of the package store. Further, all of the lighting that is yet to come with the relocated fuel station is downward directed, shielded, and otherwise designed to minimize light spillage.

7. Yes. There will be adequate on-site parking. Further, we are removing all parking spaces that were previously located within the State right of way and we are adding additional parking spaces elsewhere on the property such that we have sufficient parking. (Please see site plan.

8. No. The project is a small addition to a long-established commercial property in the community and will not present any unusual traffic patterns.

9. No. The project is not the type to increase overall traffic on the existing road system. Further, based on conversations and correspondence with AK DOT in December 2019, we believe that our existing access to the Parks Highway is more than adequate. Also, because DOT was not able to locate the original driveway permits for this location and because of this Application for Conditional Use Permit and our upcoming construction of the relocated fuel station, we are in the process of getting new driveway permits from DOT for this location. It should be noted that some DOT personnel believed they recalled being involved with the original driveway permits, but still, no one could locate them. We believe that we will continue to have direct and adequate access to the Parks Highway.

10. Yes. In some ways, the store that Three Bears has acquired and is modernizing has been—literally for decades—a major part of what people think of as “the neighborhood” in Trapper Creek. And Three Bears has a long and deep history of operating stores in communities throughout Alaska and of tailoring our stores to each individual community.

11. No. The project will contain a package store along with a convenience store and fuel station. We card every single package store customer and every single tobacco/nicotine product customer.

12. No.

13. No.

Supplemental Information (Items 1 – 7)

1. 51 for the package store (per Fire Marshal’s required formula/calculation)

2. 5

3. 10

4. 1

5. Three Bears Alaska, Inc. is the sole occupant of the building, but the use is a partial use (the rest of the building contains a convenience store, a laundromat, showers, and rooms for lodging)

6. 1,450

7. The package store will operate from 9:00 a.m. to 10:00 p.m. during summer/high season and potentially shorter hours during the rest of year

8. The very low amount of noise generated by a project like this is generally not sufficient to require mitigation.

Mark Whisenhunt

From: Steve Mierop <steve@threebearsalaska.com>
Sent: Wednesday, August 5, 2020 3:16 PM
To: Mark Whisenhunt
Subject: RE: Three Bears Trapper Creek

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Mark,

Just in. One more update. DOT is now saying 3 to 4 weeks until they're done. And as we've discussed before, all indications are that we'll be receiving permits for both existing driveways/access points off the Parks Highway.

Again, please let us know if you need anything else.

All the best,

Steve

VP/CFO
907-357-4311 x303 Voice
907-357-4312 Fax
907-980-0721 Mobile
Steve@ThreeBearsAlaska.com



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From: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Sent: Wednesday, August 5, 2020 14:27
To: Steve Mierop <steve@threebearsalaska.com>
Subject: RE: Three Bears Trapper Creek

Thanks!

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

From: Steve Mierop <steve@threebearsalaska.com>
Sent: Wednesday, August 5, 2020 2:26 PM
To: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Subject: RE: Three Bears Trapper Creek

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Mark,

When we checked last week, everything was in for review.

Our civil engineer is checking right now. Trying to have an update for you before the end of the day. We will let you know whether we hear back or not. Again, we already know that they've accepted our submission and it's under review.

Back in touch soon.

All the best,

Steve

VP/CFO
907-357-4311 x303 Voice
907-357-4312 Fax
907-980-0721 Mobile
Steve@ThreeBearsAlaska.com



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From: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>

Sent: Wednesday, August 5, 2020 11:15

To: Steve Mierop <steve@threebearsalaska.com>

Subject: Three Bears Trapper Creek

Hi Steve,

Any response about finalized driveway permits by chance?

Respectfully,

Mark Whisenhunt

Planner II

Matanuska-Susitna Borough

Office: (907) 861-8527

mark.whisenhunt@matsugov.us



MATANUSKA-SUSITNA BOROUGH

Real Property Detail for Account: 7561000L001

Site Information

Account Number 7561000L001 Subdivision DOOLEY
 Parcel ID 527883 City None
 TRS S26N05W29 Map TA05 Tax Map
 Abbreviated Description DOOLEY LOT 1
 (Not for Conveyance)

Site Address 23471 S PARKS HWY

Ownership

Owners THREE BEARS ALASKA INC Buyers
 Primary Owner's Address STE B 455 N PITTMAN RD WASILLA AK Primary Buyer's Address
 99623

Appraisal Information

Appraisal				Assessment			
Year	Land Appraised	Bldg. Appraised	Total Appraised	Year	Land Assessed	Bldg. Assessed	Total Assessed ¹
2020	\$24,700.00	\$359,700.00	\$384,400.00	2020	\$24,700.00	\$359,700.00	\$384,400.00
2019	\$24,700.00	\$341,000.00	\$365,700.00	2019	\$24,700.00	\$341,000.00	\$365,700.00
2018	\$24,700.00	\$328,500.00	\$353,200.00	2018	\$24,700.00	\$328,500.00	\$353,200.00

Building Information

Structure	Residential Units	Condition	Basement	Year Built	Foundation	Well	Use	Design	Construction Type	Building Appraisal	Septic
Structure 2 of 3	0	Standard	None	1992	None		Mobile Home Parks	Commercial	None	\$25100	
Structure 0 of 3	2	Standard	None	2010	Other		Transient Lodging	Commercial	Mix	\$20700	
Structure 1 of 3	0	Standard	Full	1983	Unknown	Well 1 - Drilled Well	Retail General Merchandis	Commercial	Frame	\$313900	Septic - 1 - Septic Tank

Building Item Details

Building Number	Description	Area	Percent Complete
Tax/Billing Information			
Year	Certified	Zone	Mill
2020	No	0052	::
2019	Yes	0052	15.369
2018	Yes	0052	15.289
Recorded Documents			
Date	Type		
12/13/2019	WARRANTY DEED (ALL TYPES)		
Recording Info (offsite link to DNR)			
Talketna 2019-001772-0			

Tax Account Status ²

Status	Tax Balance	Farm	Disabled Veteran	Senior	Total	LID Exists
Current	(\$2,810.22)		\$0.00	\$0.00	\$0.00	\$0.00No

Land and Miscellaneous

Gross Acreage	Taxable Acreage	Assembly District	Precinct	Fire Service Area	Road Service Area
9.89	9.89	Assembly District 007	10-040		030 Trapper Creek RSA

¹ Total Assessed is net of exemptions and deferrals, rest, penalties, and other charges posted after Last Update Date are not reflected in balances.

² If account is in foreclosure, payment must be in certified funds.

Last Updated: 5/5/2020 12:00:30 AM



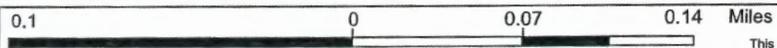
Matanuska-Susitna Borough



Legend

- Road Mileposts
- Roads
 - Highway
 - Major Road
 - Medium Road
 - Minor Road
 - - Primitive Road
 - - Private Road
- + Alaska Railroad
- ▭ Mat-Su Borough Boundary
- ▭ Incorporated Cities
- ▭ Parcels
- - Government Lot Lines
- ROW and Easements
 - - ROW Road
 - - ROW RR
 - - ROW Easement
 - - Section line easement
- ▭ Subdivisions
- ▭ Lakes and Rivers
- Streams
- ▭ 100 year Flood Zone
- ▭ Section Lines

1:4,514



WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Matanuska-Susitna Borough

Reported on 05/05/2020 02:34 PM

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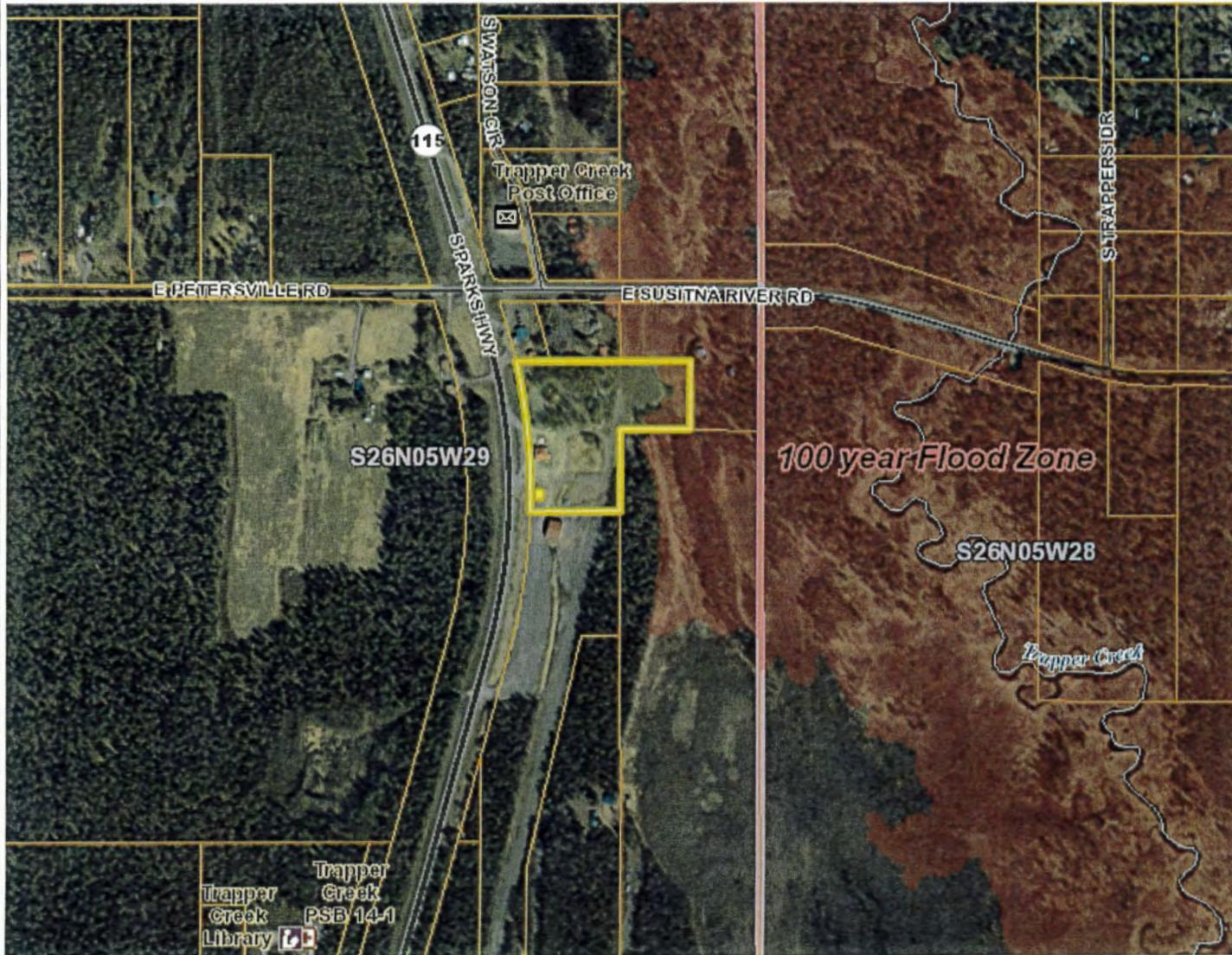
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Notes

This map was automatically generated using Geocortex Essentials.

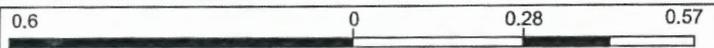


Matanuska-Susitna Borough



- Legend**
- Road Mileposts
 - Roads
 - Highway
 - Major Road
 - Medium Road
 - Minor Road
 - - Primitive Road
 - - Private Road
 - + Alaska Railroad
 - ▭ Mat-Su Borough Boundary
 - ▭ Incorporated Cities
 - ▭ Parcels
 - ▭ Government Lot Lines
 - ▭ Lakes and Rivers
 - ▭ Streams
 - ▭ 100 year Flood Zone
 - ▭ Section Lines

1: 18,056



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Notes

This map was automatically generated using Geocortex Essentials.

From: [Steve Mierop](#)
To: [Mark Whisenhunt](#)
Subject: FW: 2020Anch1325 and 1326 Approval letters and certificates [Three Bears - Trapper Creek]
Date: Tuesday, August 4, 2020 3:23:38 PM
Attachments: [image001.jpg](#)
[2020Anch1326ApplLtr.pdf](#)
[2020Anch1326ApplCert.pdf](#)
[2020Anch1325ApplLtr.pdf](#)
[2020Anch1325ApplCert.pdf](#)

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Mark,

Here are the Fire Marshal approval letters and the Certificates.

Please let us know if you need anything else.

All the best,

Steve

VP/CFO
907-357-4311 x303 Voice
907-357-4312 Fax
907-980-0721 Mobile
Steve@ThreeBearsAlaska.com



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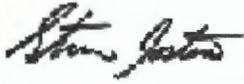
RECEIVED
By Mark Whisenhunt at 3:32 pm, Aug 04, 2020

State of Alaska
Office of the State Fire Marshal
Plan Review

This is to certify that the plans for this building were reviewed by the *State Fire Marshal* on July 15, 2020 for conformance with AS 18.70.010 -- 100; 13 AAC 50.027.

This certificate shall be posted in a conspicuous place on the premises named Three Bears #47 (23471 S. Parks Hwy.) and shall remain posted until construction is completed.

NOTICE: Any changes or modifications to the approved plans **must** be resubmitted for review by the *State Fire Marshal*.

Plan Review #: 2020Anch1325 By: 

Authority: AS 18.70.080
Form: 12-741
(6/01)

Renovation / Remodel ONLY

Steven Josten
Plans Examiner



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Plan Review Bureau - Anchorage

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.2004
Fax: 907.269.0098

July 15, 2020

Scott Jones
SAJJ Architecture, LLC
6375 Kulis Drive
Anchorage, AK 99502

SUBJECT: Three Bears #47 (23471 S. Parks Hwy.) -
Renovation / Remodel
CITY: Trapper Creek
PLAN REVIEW: 2020Anch1325
OCCUPANCY: M
2012 INTERNATIONAL BUILDING AND FIRE CODE

Dear Scott Jones:

Plans for the subject facility have been reviewed by this office for conformity with the State Fire Safety Regulations and are hereby approved as submitted. Enclosed is a certificate of approval that must be posted on the premises until completion of the above facility. You are prohibited to occupy this building until construction is completed as approved. Any changes to the approved plans must be submitted to this office for review and approval.

Approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulations of the Municipal Government. The plans have not been reviewed for compliance with the federal Americans with Disabilities Act or structural requirements.

It must be understood that the inclusion of and compliance with State Fire Safety Regulations does not preclude the necessity of compliance with the requirements of local codes and ordinances.

If we can be of further assistance in this matter, please feel free to contact us at the address above.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Josten".

Steven Josten
Plans Examiner

Enclosure: Approval Certificate

RECEIVED

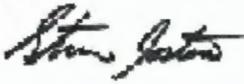
By Mark Whisenhunt at 3:32 pm, Aug 04, 2020

State of Alaska
Office of the State Fire Marshal
Plan Review

This is to certify that the plans for this building were reviewed by the *State Fire Marshal* on July 20, 2020 for conformance with AS 18.70.010 -- 100; 13 AAC 50.027.

This certificate shall be posted in a conspicuous place on the premises named Three Bears #47 (23471 S. Parks Hwy.) and shall remain posted until construction is completed.

NOTICE: Any changes or modifications to the approved plans **must** be resubmitted for review by the *State Fire Marshal*.

Plan Review #: 2020Anch1326 By: 

Steven Josten
Plans Examiner

Authority: AS 18.70.080
Form: 12-741
(6/01)

Addition ONLY



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Plan Review Bureau - Anchorage

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.2004
Fax: 907.269.0098

July 20, 2020

Scott Jones
SAJJ Architecture, LLC
6375 Kulis Drive
Anchorage, AK 99502

SUBJECT: Three Bears #47 (23471 S. Parks Hwy.) - Addition
CITY: Trapper Creek
PLAN REVIEW: 2020Anch1326
TYPE OF CONSTRUCTION: VA
OCCUPANCY: M
2012 INTERNATIONAL BUILDING AND FIRE CODE

Dear Scott Jones:

Plans for the subject facility have been reviewed by this office for conformity with the State Fire Safety Regulations and are hereby approved as submitted. Enclosed is a certificate of approval that must be posted on the premises until completion of the above facility. You are prohibited to occupy this building until construction is completed as approved. Any changes to the approved plans must be submitted to this office for review and approval.

Approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulations of the Municipal Government. The plans have not been reviewed for compliance with the federal Americans with Disabilities Act or structural requirements.

It must be understood that the inclusion of and compliance with State Fire Safety Regulations does not preclude the necessity of compliance with the requirements of local codes and ordinances.

If we can be of further assistance in this matter, please feel free to contact us at the address above.

Sincerely,

A handwritten signature in black ink that reads "Steven Josten".

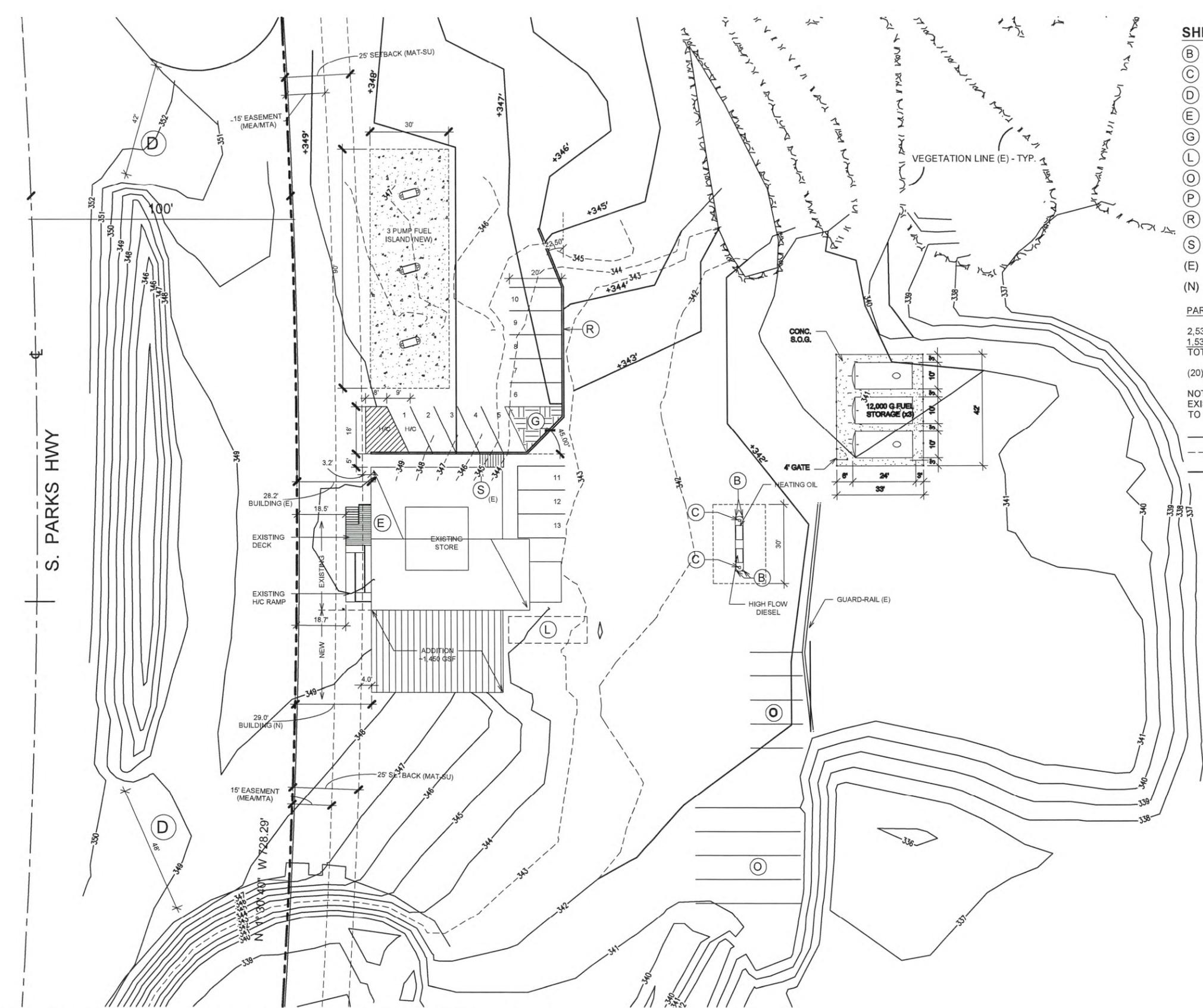
Steven Josten
Plans Examiner

Enclosure: Approval Certificate

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SITE PLAN

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SHEET NOTES

- (B) BOLLARD
- (C) COLUMN
- (D) DRIVEWAY (EXISTING)
- (E) ENTRY
- (G) GRAVEL / GRASS
- (L) LOADING BERTH (10' x 30')
- (O) OVERFLOW PARKING
- (P) PARKING, 9' x 18' W/ 2' OVERHANG
- (R) RETAINING WALL (N)
- (S) STEPS
- (E) EXISTING
- (N) NEW

PARKING (MERCANTILE)
 2,536 / 350 = 7.25 (EXISTING) (STORE)
 1,536 / 350 = 4.38 (NEW) (LIQUOR STORE)
 TOTAL: 12 P/S ("M" OCCUPANCY)

(20) PARKING SPACES (NEW) PROVIDED

NOTE:
 EXISTING LOWER LEVEL RESTROOMS HAVE PARKING TO EAST / BACKSIDE OR COMING FROM RV PARKING

- TOPO LINE (EXTING - TO REMAIN)
- - - TOPO LINE (EXISTING / MODIFIED)
- TOPO LINE (NEW / PROPOSED)

REV: NO. DATE

SAJJ ARCHITECTURE, LLC
 SCOTT A. JONES SONES@SAJARCHITECTURE.COM ANCHORAGE, AK 99502

**THREE BEARS STORE # 47
 LIQUOR STORE ADDITION**
 Trapper Creek, AK

DR: CH
 CK: SAJ
 DT: 06/17/2020
 JB: PRISM
 DWG: PARKING

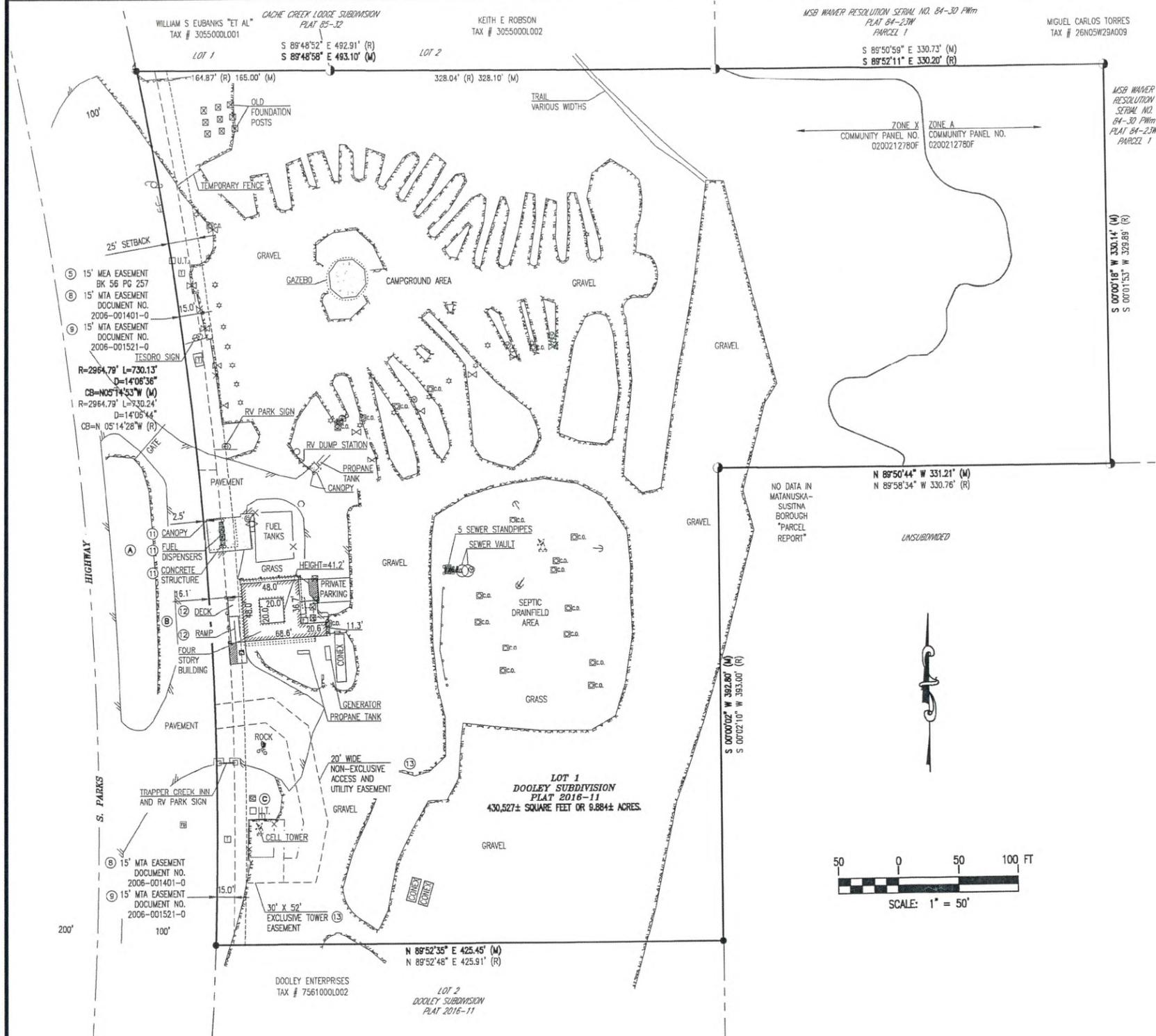
A2.T

Received on
June 19, 2020

SITE PLAN - THREE BEARS #47 - PARKING AND TOPOGRAPHY

11X17 DRAWINGS ARE HALF THE INDICATED SCALE"

* MATSU SUB. * 06/19/2020 *



NOTES REGARDING TABLE A

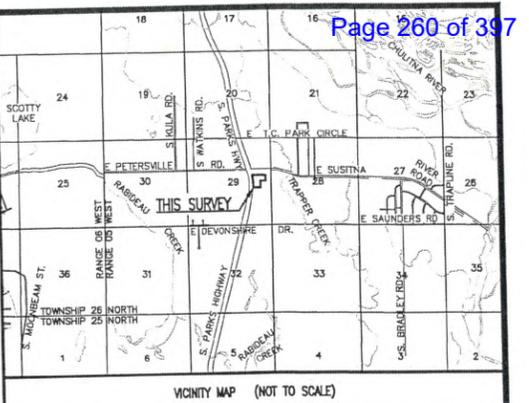
ITEM 2: PROPERTY ADDRESS OBSERVED WHILE CONDUCTING THIS SURVEY AND PER TITLE COMMITMENT NO. 338369: 23471 S. PARKS HIGHWAY, WILLOW, AK 99568.	ITEM 7a: IN SOME AREAS, THE FOUNDATION OF THE BUILDING WAS NOT EXPOSED.	ITEM 14: THE INTERSECTION OF SOUTH PARKS HIGHWAY AND E PETERSVILLE ROAD IS 391 FEET± NORTHWEST OF THE NORTHWEST PROPERTY CORNER, LOT 1.
ITEM 3: THIS PROPERTY IS IN FLOOD ZONE X THAT IS DEFINED AS AREAS OF MINIMAL FLOOD HAZARD AND ZONE A THAT IS DEFINED AS SPECIAL FLOOD HAZARD AREAS REFERENCED IN THE FLOOD INSURANCE RATE MAP, IDENTIFIED AS COMMUNITY PANEL NO. 0200212780F, WHICH BEARS A DATE OF 9/27/2019. APPROXIMATE LOCATION OF ZONE A IS PLOTTED HEREON.	ITEM 7b(1): THE BUILDING FOOTPRINT IS 2,538± SQUARE FEET.	ITEM 16: AT THE TIME OF THE FIELD SURVEY, THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
ITEM 4: GRASSLAND AREA OF THE SUBJECT PROPERTY IS 430,527± SQUARE FEET OR 9.884± ACRES.	ITEM 7c: THE HEIGHT OF THE BUILDING IS 41.2 FEET. SEE SURVEY MAP FOR THE LOCATION OF MEASURED HEIGHT.	ITEM 17: AT THE TIME OF FIELD SURVEY, THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED. THE SURVEYOR DID NOT OBSERVE ANY INDICATION, OR HAS KNOWLEDGE OF ANY PROPOSED CHANGES FOR THE ADJUTING RIGHTS-OF-WAY.
ITEM 6b: A ZONING REPORT WAS NOT PROVIDED TO THE SURVEYOR BY THE CLIENT. A 25' RIGHT-OF-WAY SETBACK IS REFERRED TO DOCUMENT 2016-000597-0.	ITEM 9: AT THE TIME OF THE FIELD SURVEY THERE WAS 1 ACCESSIBLE PARKING SPACE DELINEATED BY A HANDICAP SIGN AND PAINT MARKS AND 1 PRIVATE PARKING SPACE.	ITEM 19: THERE ARE NO PLOTTABLE OFFSITE EASEMENTS OR SERVITUDES DISCLOSED IN DOCUMENTS PROVIDED BY FIDELITY TITLE AGENCY OF ALASKA, LLC IN ORDER NO. F-73880.
	ITEM 10a: THERE WERE NO PARTY OR COMMON WALLS SHARED BY TRAPPER CREEK INN WITHIN LOT 1, DOOLEY SUBDIVISION.	
	ITEM 11: LOCATION OF UTILITIES WERE LIMITED TO OBSERVED EVIDENCE AND ARE PLOTTED HEREON.	

SCHEDULE B - SECTION II - SPECIAL EXCEPTIONS

- EXCEPTIONS PER FIDELITY TITLE AGENCY OF ALASKA, LLC, COMMITMENT NO.: F-73880, DATED OCTOBER 16, 2019, WITH AN EFFECTIVE DATE OF OCTOBER 14, 2019, AT 8:00 A.M. -NOTES THAT APPEAR IN ALL CAPS ARE THE LAND SURVEYORS COMMENTS ON THE EXCEPTION.
- Reservations and exception as contained in the United States Patent and/or in Acts authorizing the issuance thereof, said patent was recorded December 22, 1969 in Book 40 at Page 290. -DOCUMENT IS BLANKET IN NATURE AND NOT PLOTTED HEREON
 - Reservations and exceptions as contained in U.S. Patent, including but not limited to the reservations of all oil, gas and mineral rights: Recorded: August 26, 1971 Book: 45 Page: 213 No further examination has been made as to the estate created by said reservation. -DOCUMENT IS BLANKET IN NATURE AND NOT PLOTTED HEREON
 - Easement for electrical transmission and/or telephone distribution and incidental purposes, including terms and provisions thereof: Granted To: Matanuska Electric Association, Inc. Recorded: April 25, 1975 Book: 56 Page: 237 Affects: Blanket Easement -DOCUMENT IS BLANKET IN NATURE AND NOT PLOTTED HEREON
 - Easement for electrical transmission and/or telephone distribution and incidental purposes, including terms and provisions thereof: Granted To: Matanuska Electric Association, Inc. Recorded: April 25, 1975 Book: 56 Page: 257 Affects: As described therein -AFFECTS PARCEL, PLOTTED AS SHOWN
 - Easement for electrical transmission and/or telephone distribution and incidental purposes, including terms and provisions thereof: Granted To: Matanuska Electric Association, Inc. Recorded: May 1, 1984 Book: 100 Page: 816 Affects: Blanket Easement -DOCUMENT IS BLANKET IN NATURE AND NOT PLOTTED HEREON
 - Easement for electrical transmission and/or telephone distribution and incidental purposes, including terms and provisions thereof: Granted To: Matanuska Telephone Association, Inc. Recorded: August 18, 2006 Reception No.: 2006-001401-0 Affects: The West 15 feet -AFFECTS PARCEL, PLOTTED AS SHOWN
 - Easement for electrical transmission and/or telephone distribution and incidental purposes, including terms and provisions thereof: Granted To: Matanuska Telephone Association, Inc. Recorded: September 5, 2008 Reception No.: 2006-001521-0 Affects: The West 15 feet -AFFECTS PARCEL, PLOTTED AS SHOWN
 - Easement for electrical transmission and/or telephone distribution and incidental purposes, including terms and provisions thereof: Granted To: Matanuska Electric Association, Inc. Recorded: October 21, 2015 Reception No.: 2015-022853-0 Affects: Blanket Easement NOTE: Said document was recorded in the Palmer Recording district and should be rerecorded in the Talkeetna Recording District. -DOCUMENT IS BLANKET IN NATURE AND NOT PLOTTED HEREON
 - Legal Nonconforming Status Determination Order, including terms and provisions thereof, to the record of which reference is hereby made: Executed By: Matanuska-Susitna Borough Recorded: March 3, 2016 Reception No.: 2016-000398-0 -AFFECTS PARCEL, PLOTTED AS SHOWN
 - Matanuska-Susitna Borough Planning Commission Resolution No. 16-15, including terms and provisions thereof, establishing the improvement district set out below, to the record of which reference is hereby made District: Talkeetna Recorded: May 24, 2016 Reception No.: 2016-000597-0 For: Approving a variance to the right-of-way setback requirement for the Trapper Creek Inn handicap access ramp/deck, located on MSB Waiver 93-14P/Wm, recorded at 93-55W, August 12, 1993 -AFFECTS PARCEL, PLOTTED AS SHOWN
 - Easement and Assignment of Lease Agreement, including terms and provisions thereof, for the purpose set out therein, to the record of which reference is hereby made: In Favor of: AMN Tower Company, LLC, Delaware limited liability company Recorded: October 4, 2017 Reception No.: 2017-001397-0 Affects: As described therein -AFFECTS PARCEL, PLOTTED AS SHOWN

LEGEND

(M) MEASURED	☆ LIGHT POLE	⊗ TOWER
(R) RECORD PER PLAT 2016-11	⊙ OUTSIDE ELECTRICAL PLUG	⊠ WATER VALVE
● FOUND PRIMARY MONUMENT	— POLE GUIDE WIRE	+ WATER WELL
● FOUND YELLOW PLASTIC CAP, MARKED "LS 14444" ON 3/4" REBAR	⊖ POWER POLE	— PROPERTY BOUNDARY
○ BOLLARD	○ POLE	- - - ADJACENT PARCEL BOUNDARY
⊖ ELECTRICAL METER	⊠ POST	- - - EASEMENT
⊖ ELECTRICAL SWITCH CABINET	○ SEWER VAULT	- - - SETBACK
⊖ ELECTRICAL TRANSFORMER	○ SIGN	- - - BUILDING OVERHANG
⊖ FIBER OPTIC VAULT	⊖ SEWER CLEANOUT/STANDPIPE	- - - STRUCTURE
⊖ FUEL VAULT	⊖ STORMDRAIN INLET	- - - PAVEMENT EDGE
⊖ HANDICAP PARKING	⊖ TELEPHONE PEDESTAL	- - - CURB
		- - - CONCRETE
		- - - GRAVEL
		- - - FENCE
		- - - GUARD RAIL



VICINITY MAP (NOT TO SCALE)

- GENERAL NOTES**
- PROPERTY LINE DIMENSIONS HEREON ARE MEASURED AND EXPRESSED IN U.S. SURVEY FEET.
 - THIS SURVEY HAS BEEN CONDUCTED IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS", EFFECTIVE FEBRUARY 23, 2016.
 - UNDERGROUND UTILITIES WERE NOT LOCATED OR SURVEYED BUT MAY EXIST WITHIN THE SURVEYED AREA (SEE "NOTES REGARDING TABLE A" ITEM 11).
 - DIMENSIONS TO BUILDINGS ARE MEASURED TO STRUCTURE FOUNDATIONS OR TO SIDING IF NO FOUNDATION IS EXPOSED.
 - EXISTING ROOF OVERHANGS ON STRUCTURES ARE DEPICTED HEREON.

- SIGNIFICANT OBSERVATIONS**
- BASED ON THE COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO.: 338369, PROVIDED BY THE CLIENT, AND THIS SURVEY, SHOWS THE FOLLOWING ENCROACHMENTS:
- THE FUEL DISPENSERS, STRUCTURE AND CANOPY ENCRDACH INTO THE 25 FOOT SETBACK. FUEL DISPENSERS, STRUCTURE AND CANOPY QUALIFIES FOR LEGAL NONCONFORMING STATUS PER DOCUMENT 2016-000398-0, TALKEETNA RECORDING DISTRICT, STATE OF ALASKA.
 - THE DECK AND RAMP ENCRDACH INTO THE 25 FOOT SETBACK. THE DECK AND RAMP HAVE BEEN GRANTED A VARIANCE PER DOCUMENT 2016-000597-0, TALKEETNA RECORDING DISTRICT, STATE OF ALASKA.
 - THE ELECTRIC SWITCH CABINET, ELECTRIC TRANSFORMER AND TELEPHONE PEDESTAL ARE LOCATED OUTSIDE AN EASEMENT.

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE TALKEETNA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA AND IS DESCRIBED AS FOLLOWS:

LOT 1, DOOLEY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 2016-11, IN THE RECORDS OF THE TALKEETNA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

SURVEYOR'S CERTIFICATE

TO: THREE BEARS ALASKA, INC., BANK OF AMERICA, N.A., FIDELITY TITLE AGENCY OF ALASKA, LLC, MAT-SU TITLE AGENCY, LLC, AND STEWART TITLE GUARANTY COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(b), 7(c), 7(b)(1), 7(c), 8, 9, 10(a), 11 (LIMITED TO OBSERVED EVIDENCE), 13, 14, 16, 17, and 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON OCTOBER 17, 2019.

Stacy M. Wessel
 Stacy M. Wessel, P.L.S.
 REGISTERED LAND SURVEYOR NO. LS-107877
 IN THE STATE OF ALASKA

ALTA/NSPS LAND TITLE SURVEY

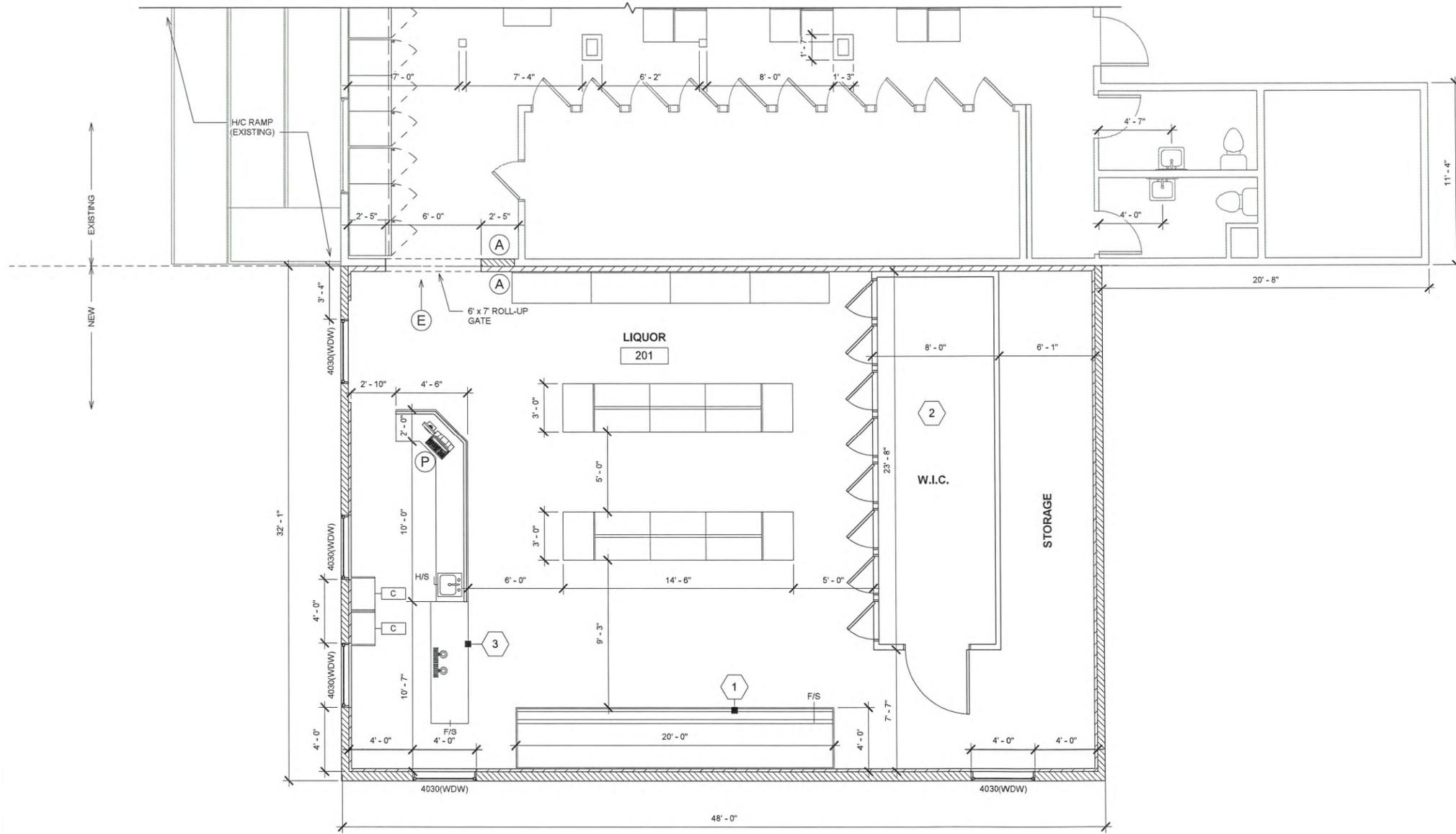
for
LOT 1
DOOLEY SUBDIVISION
(PLAT NO. 2016-11)
TALKEETNA RECORDING DISTRICT

Located within:
 Section 29, Township 28 North, Range 5 West, Seward Meridian, Alaska

ENTERPRISE ENGINEERING, INC.

2525 Gambell Street, Suite 200, Anchorage, Alaska 99503
 Tele: (907) 563-3835 Fax: (907) 563-3817

Drawn: SMW PN: 9567 Date of Survey: October 7-17, 2019 Sheet: 1 of 1
 Checked: C.A.B. Scale: 1" = 50' Field Book: 701 Page: 56-58 Date: 12/05/2019



SHEET NOTES

- (A) ADD SIGN: "GATE TO REMAIN OPEN DURING BUSINESS HOURS."
- (C) CIGARETTE DISPENSER
- (E) EGRESS
- (P) POINT OF SALE
- F/S FLOOR SINK
- H/S HAND SINK
- (E) EXISTING
- (N) NEW

A2.4 EQUIPMENT LIST:

- 1 OPEN FACE COOLER
- 2 W.I.C. REFER UNIT
- 3 KEGERATOR

1 PLAN - MAIN LEVEL - NEW(LIQUOR)
1/4" = 1'-0"

REV NO: DATE

SAJJ ARCHITECTURE, LLC
SCOTTA.JONES_SJONES@SAJJARCHITECTURE.COM ANCHORAGE, AK 99502

THREE BEARS
Trapper Creek, AK

DR: CH
CK: SAJ
DT: 03/31/2020
JB: PRISM
DWG: LEVEL 2 (N)

A2.4

Received on
June 19, 2020



REV NO: DATE

SAJJ ARCHITECTURE, LLC
ANCHORAGE, AK 99502
SCOTT A. JONES SJONES@SAJJARCHITECTURE.COM

THREE BEARS
Trapper Creek, AK

DR: CH
CK: SAJ
DT: 03/31/2020
JB: PRISM
DWG: COMPLETED
STORE

A2.5

SHEET NOTES

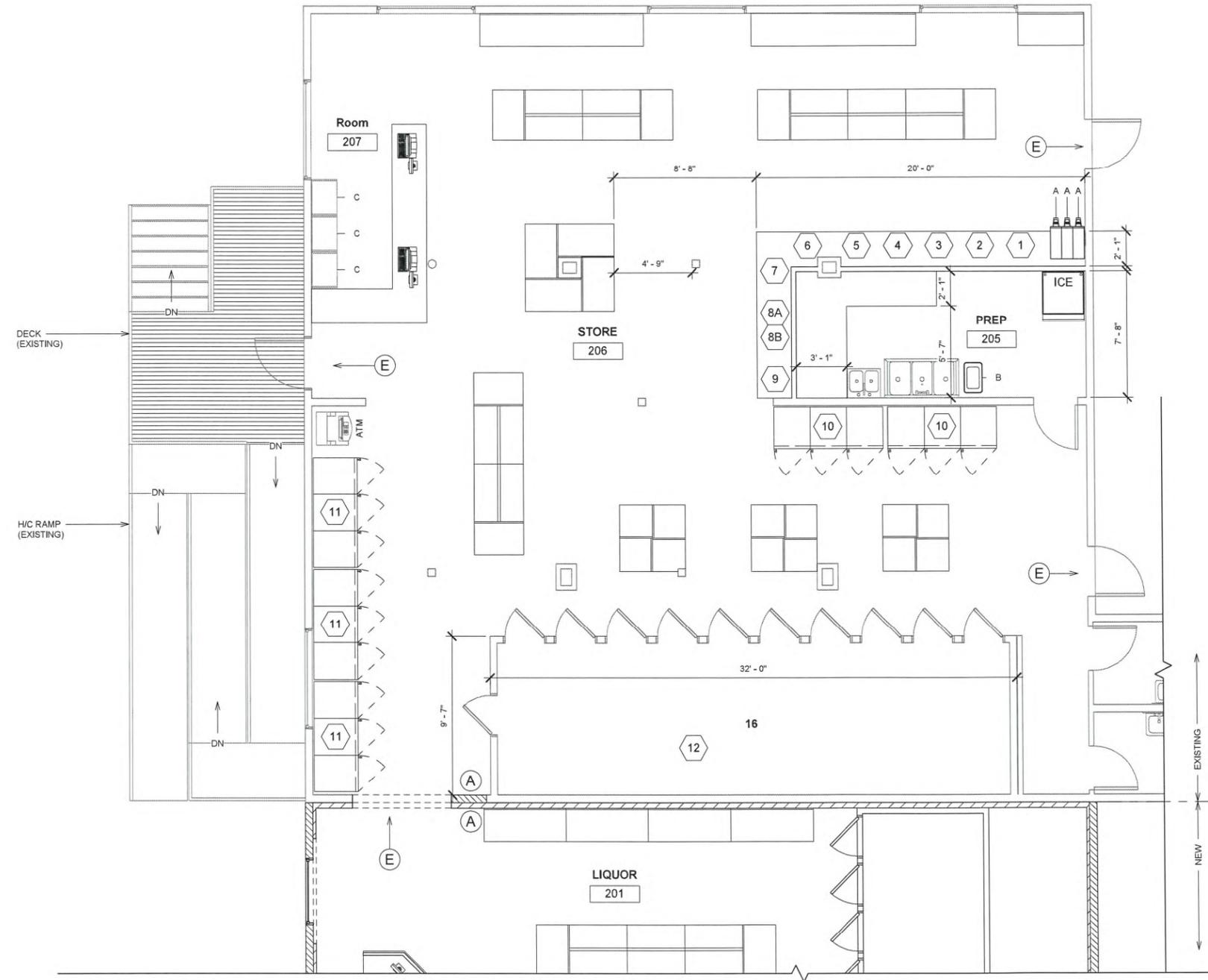
- (A) ADD SIGN: "GATE TO REMAIN OPEN DURING BUSINESS HOURS."
- (E) EGRESS
- (G) GUARDRAIL (+42", 4" MAX OPENING)
- (H) HANDRAIL (+36", 1.5"Ø W/ 1.5" HAND CLEARANCE)
- (E) EXISTING
- (N) NEW

A2.5 EQUIPMENT LIST: M/E

		QTY
1	MICROWAVE X 1	1
2	SLUSH PUPPY MACHINE (120V / 20AMP)	1
3	STOELTING SOFT SERVE ICE CREAM MACHINE	1
4	BUNN IMIX CAPPUCCINO MACHINE	1
5	BUNN COFFEE MACHINE	1
6	COKE SODA MACHINE (120V / 20AMP)	1
7	NACHO MACHINE	1
8A	HOT DOG ROLLER	1
8B	HOT DOG BUN WARMER	1
9	ORION HOT FOOD WARMER & DISPLAY MENU	1
10	3-DOOR REACH-IN FREEZER	2
11	3-DOOR REACH-IN COOLER	3
12	WALK-IN COOLER [EXISTING]	1

EQUIPMENT LIST: OTHER

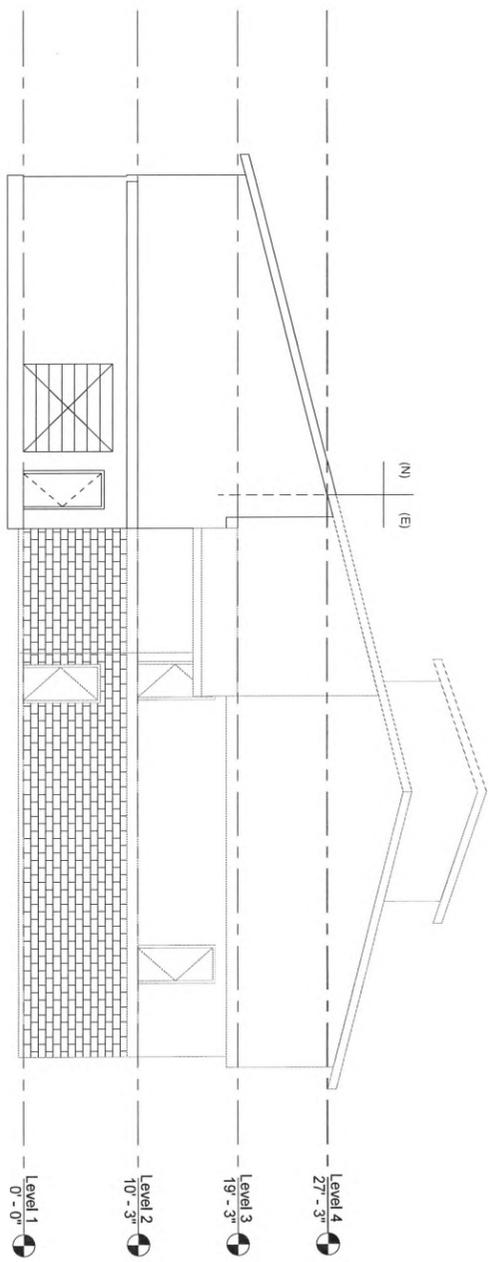
- A. DISPOSABLE CUP DISPENSER
- B. TRASH
- C. CIGARETTE DISPENSER



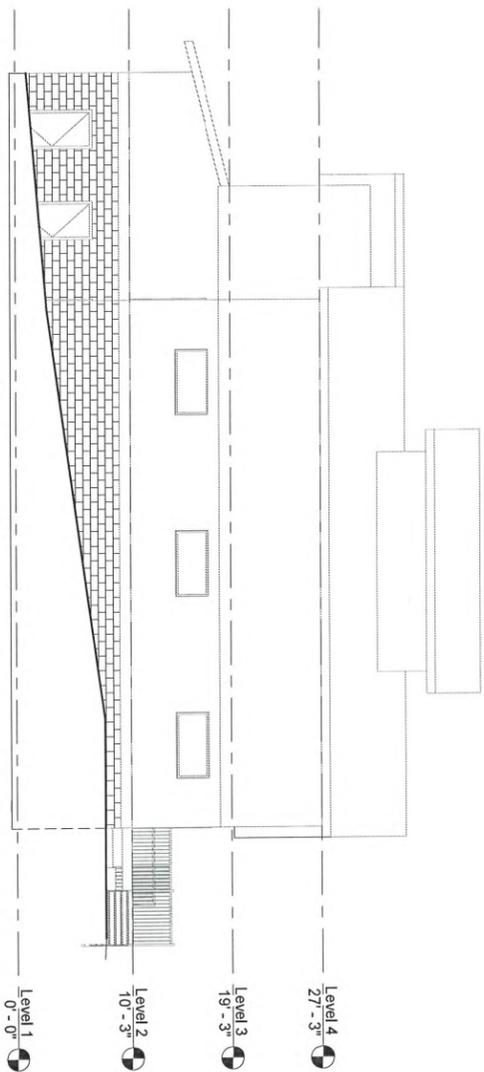
1 PLAN - MAIN LEVEL - NEW - STORE
1/4" = 1'-0"

11X17 DRAWINGS ARE HALF THE INDICATED SCALE"

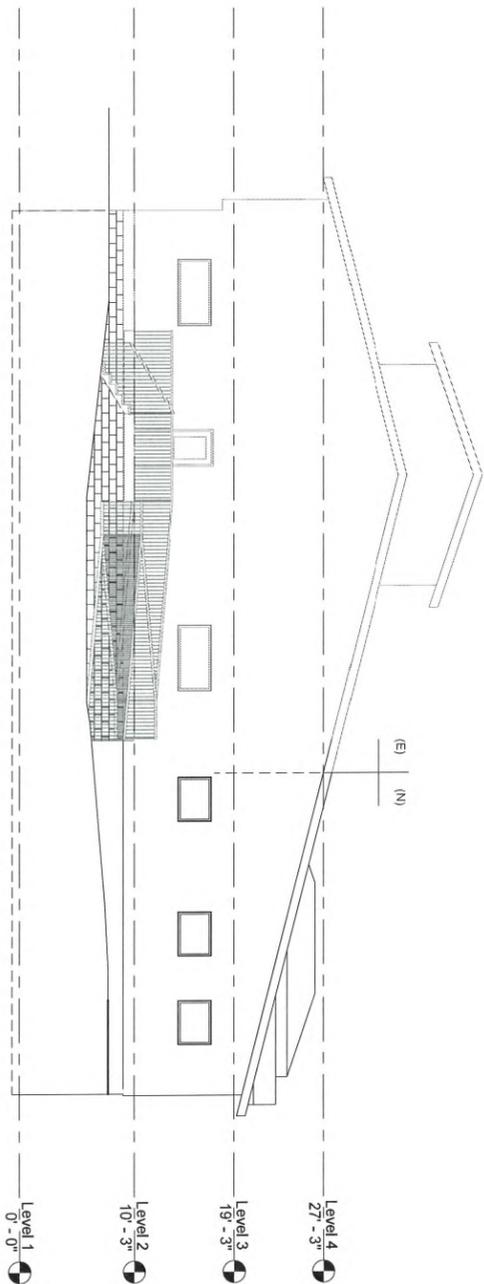
1 EAST
1/8" = 1'-0"



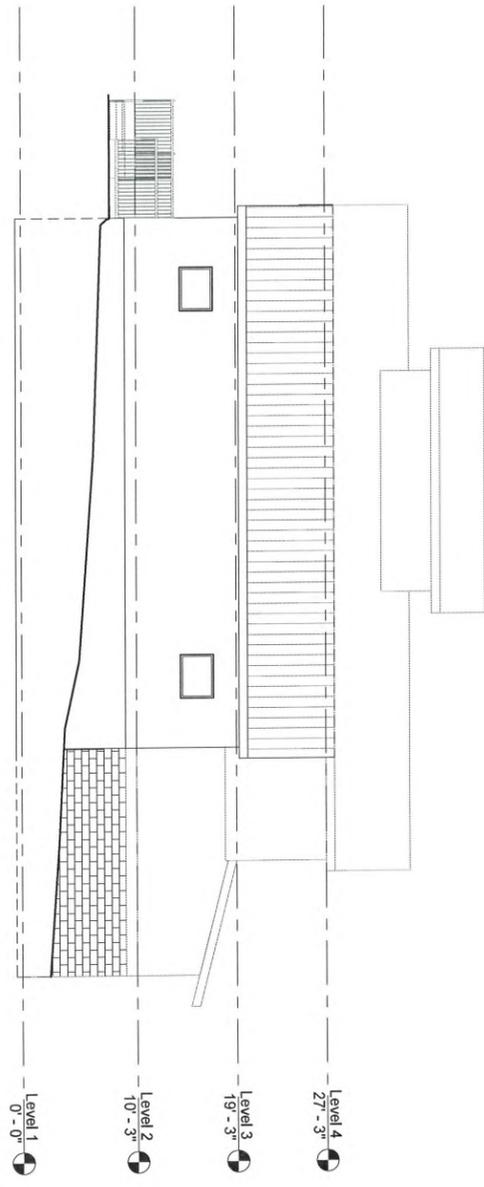
2 NORTH
1/8" = 1'-0"



4 WEST
1/8" = 1'-0"



3 SOUTH
1/8" = 1'-0"



A3.1

DR: CH
CK: SAJ
DT: 03/31/2020
JB: PRISM
DWG: ELEVATION

THREE BEARS
Trapper Creek, AK

SAJJ ARCHITECTURE, LLC
SCOTT A. JONES SJONES@SAJJARCHITECTURE.COM ANCHORAGE, AK 99502

REV NO: DATE



* MATSU SUB. * 03/31/2020 *

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COMMENTS

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Agency Comments

Mark Whisenhunt

From: Taunnie Boothby
Sent: Monday, July 27, 2020 4:35 PM
To: Mark Whisenhunt
Subject: RE: RFC Three Bears-Talkeetna CUP Alcoholic Beverages Uses - package store
26N05W29 7561000L001 DUE: July 24, 2020
Attachments: Three Bears 23471 S Parks Hwy Tax Id 7561000L001 Flood Map 2019.pdf; Three Bears
23471 S Parks Hwy Tax Id 7561000L001 Wetlands Map.pdf

Thanks Mark, Sorry for the confusion. Please disregard the previous comments. Let me know if you have any questions.

- 1) This parcel has FEMA mapped Special Flood Hazard Area (SFHA) identified on it, see attached map. If further development in the SFHA is desired, a permit will be required prior to development in accordance with MSB 17.29.
- 2) Wetlands are present on the property per the wetland mapping. Please consult with the USACE for development in the wetlands, see attached map.

Taunnie L. Boothby, CFM, Planner II
Matanuska-Susitna Borough
Planning Department
907-861-8526
taunnie.boothby@matsugov.us

From: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Sent: Monday, July 27, 2020 9:21 AM
To: Taunnie Boothby <Taunnie.Boothby@matsugov.us>
Subject: RE: RFC Three Bears-Talkeetna CUP Alcoholic Beverages Uses - package store 26N05W29 7561000L001 DUE: July 24, 2020

Good Morning Taunnie,

The comments are not clear and seem to be inaccurate. Can you please review / correct your comments and resend them with a map so the applicant knows what you are talking about when I forward them? Thank you.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

From: Taunnie Boothby <Taunnie.Boothby@matsugov.us>
Sent: Wednesday, July 22, 2020 6:28 PM
To: Karol Riese <Karol.Riese@matsugov.us>; Adam Bradway <Adam.Bradway@matsugov.us>
Cc: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Subject: RE: RFC Three Bears-Talkeetna CUP Alcoholic Beverages Uses - package store 26N05W29 7561000L001 DUE: July 24, 2020

- 1) Mapped Special Flood Hazard Area – if further development in the SFHA a permit will be required prior to development.
- 2) Wetlands are present in the Northwest corner of the property - – Consult with the USACE for development.

Taunnie L. Boothby, CFM, Planner II
Matanuska-Susitna Borough
Planning Department
907-861-8526
taunnie.boothby@matsugov.us

-----Original Appointment-----

From: Karol Riese <Karol.Riese@matsugov.us>

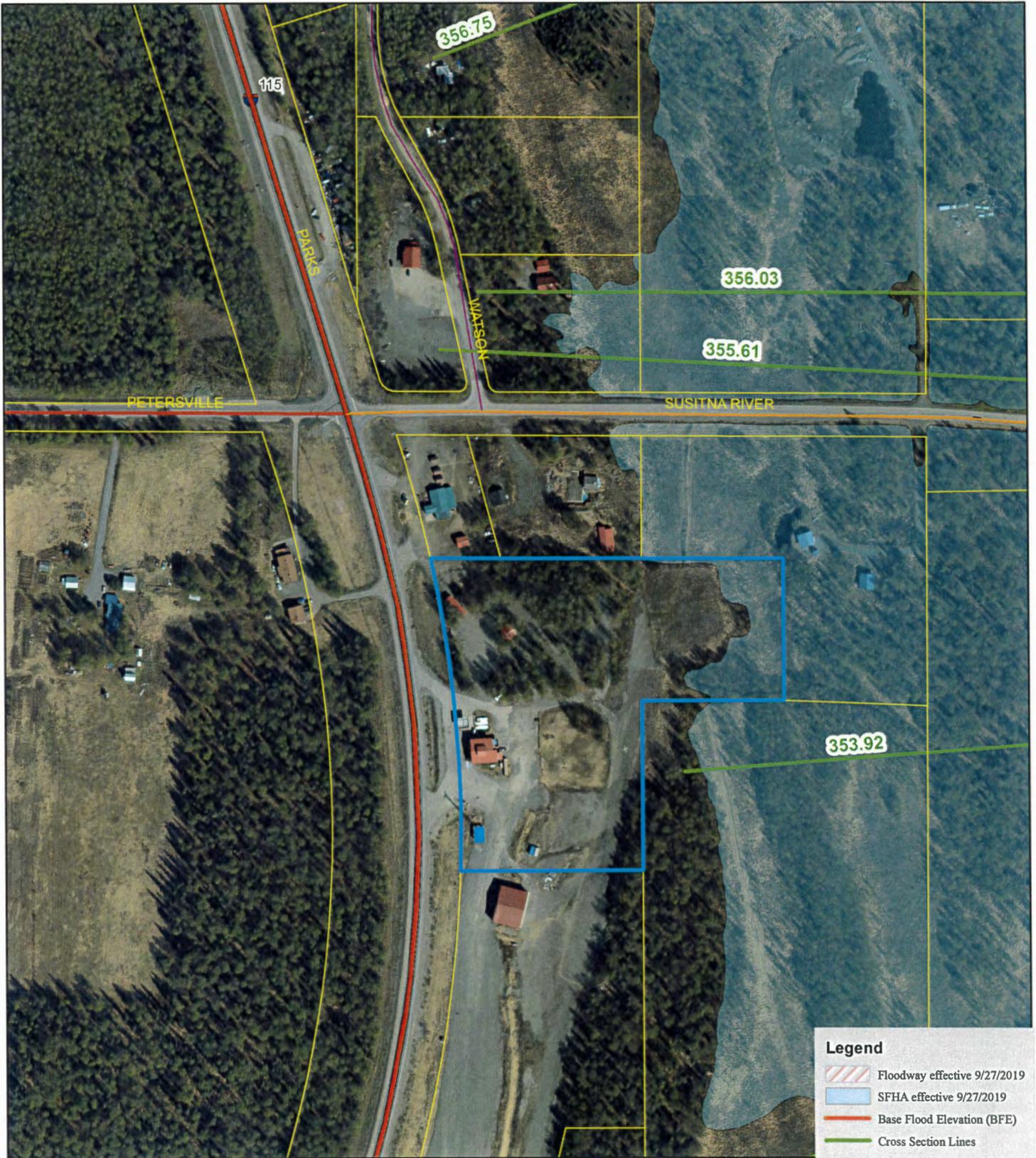
Sent: Wednesday, June 24, 2020 2:06 PM

To: Karol Riese; Adam Bradway; Taunnie Boothby

Subject: RFC Three Bears-Talkeetna CUP Alcoholic Beverages Uses - package store 26N05W29 7561000L001 DUE: July 24, 2020

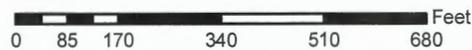
When: Wednesday, July 22, 2020 12:00 AM to Thursday, July 23, 2020 12:00 AM (UTC-09:00) Alaska.

Where:



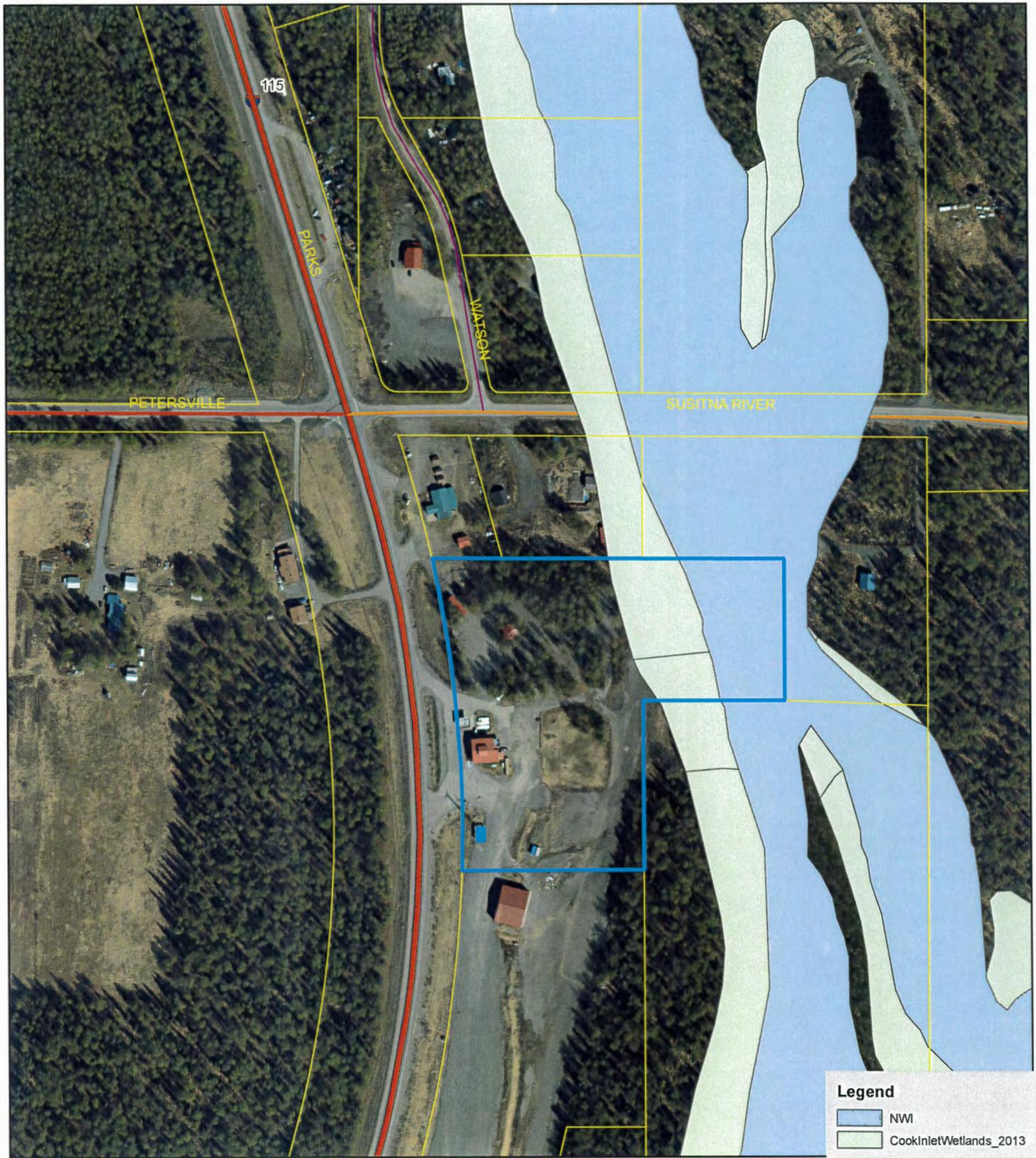
Matanuska Susitna Borough
Permit Center

Date: 7/27/2020



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

Wetlands



Legend

- NW
- CookInletWetlands_2013



**Matanuska Susitna Borough
Permit Center**

Date: 7/27/2020



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Mark Whisenhunt

From: Adam Bradway
Sent: Wednesday, July 22, 2020 9:38 AM
To: Mark Whisenhunt
Cc: Karol Riese
Subject: RE: Request for Review: Three Bears Trapper Creek CUP

Hello Mark,

I have no comments to make on this application. Thank you for the opportunity to comment.

Adam Bradway

Matanuska-Susitna Borough: Planner II
E Dahlia Ave, Palmer, Alaska
(907) 861-8608

From: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Sent: Tuesday, June 23, 2020 10:42 AM
To: allen.kemplen@alaska.gov; tucker.hurn@alaska.gov; melanie.nichols@alaska.gov; kyle.hylton@alaska.gov; mearow@matanuska.com; row@mtasolutions.com; row@enstarnaturalgas.com; ospdesign@gci.com; Fire Code <Fire.Code@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; Jude Bilafer <Jude.Bilafer@matsugov.us>; Cindy Corey <Cindy.Corey@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Charlyn Spannagel <Charlyn.Spannagel@matsugov.us>; Karol Riese <Karol.Riese@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Tam Boeve <Tamboevedistrict7@gmail.com>; trappercreek2010@gmail.com; ritenburghs@aol.com; littlrose1@aol.com
Subject: Request for Review: Three Bears Trapper Creek CUP

DATE: June 23, 2020

TO: Various Governmental Agencies

FROM: Mark Whisenhunt, Planner II

SUBJECT: Request for Review and Comments Related to a Request for a Conditional Use Permit for the operation of an alcoholic beverage package store.

LOCATION: 23471 S. Parks Hwy; Tax ID #7561000L001;
within Township 26 North, Range 5 West, Section 29, Seward Meridian

APPLICANT: Steve Mierop, on behalf of Three Bears Alaska, Inc.

An application for a conditional use permit under MSB 17.70 – Regulation of Alcoholic Beverages Uses, has been submitted for the operation of an alcoholic beverage package store. The Planning Commission will conduct a public hearing on this request on August 17, 2020.

Application materials may be viewed online at www.matsugov.us by clicking on 'All Public Notices & Announcements'. Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:

<https://www.matsugov.us/publicnotice/three-bears-trapper-creek-conditional-use-permit>

Written comments are due on or before **July 24, 2020** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department
Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

August 3, 2020

Mark Whisenhunt, Planner II
Matanuska-Susitna Borough
Planning & Land Use Department
350 East Dahlia Avenue
Palmer, Alaska 99645-6488

Dear Mr. Whisenhunt:

ENSTAR Natural Gas Company has reviewed the following conditional use permits:

- Conditional Use Permit
(23471 S. Parks Highway)
- Determination of Nonconforming Status
(Tax ID# 19N04W33D020)
- Conditional Use Permit
(572 S. Vine Road)

We have no comments or concerns related to these activities.

If you have any questions, please feel free to contact me at 334-7911 or by email at skylar.shaw@enstarnaturalgas.com.

Sincerely,

A handwritten signature in black ink that reads "Skylar Shaw".

Skylar Shaw
ROW & Compliance Technician
ENSTAR Natural Gas Company

Mark Whisenhunt

From: Theresa Taranto
Sent: Thursday, June 25, 2020 10:18 AM
To: Mark Whisenhunt
Subject: RE: Request for Review: Three Bears Trapper Creek CUP

FIRM 2780, X and A Zone
No other comments.

Thank you,

Theresa Taranto
Mat-Su Borough
Development Services
Administrative Specialist

350 E Dahlia Ave.
Palmer, Alaska 99645
907-861-8574
www.matsugov.us

From: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Sent: Tuesday, June 23, 2020 10:42 AM
To: allen.kemplen@alaska.gov; tucker.hurn@alaska.gov; melanie.nichols@alaska.gov; kyler.hylton@alaska.gov; mearow@matanuska.com; row@mtasolutions.com; row@enstarnaturalgas.com; ospdesign@gci.com; Fire Code <Fire.Code@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; Jude Bilafer <Jude.Bilafer@matsugov.us>; Cindy Corey <Cindy.Corey@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Charlyn Spannagel <Charlyn.Spannagel@matsugov.us>; Karol Riese <Karol.Riese@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Tam Boeve <Tamboevedistrict7@gmail.com>; trappercreek2010@gmail.com; ritenburghs@aol.com; littlrose1@aol.com
Subject: Request for Review: Three Bears Trapper Creek CUP

DATE: June 23, 2020

TO: Various Governmental Agencies

FROM: Mark Whisenhunt, Planner II

SUBJECT: Request for Review and Comments Related to a Request for a Conditional Use Permit for the operation of an alcoholic beverage package store.

LOCATION: 23471 S. Parks Hwy; Tax ID #7561000L001;
within Township 26 North, Range 5 West, Section 29, Seward Meridian

APPLICANT: Steve Mierop, on behalf of Three Bears Alaska, Inc.

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Public Comments

**Staff did not receive any
comments from the public in
reference to this item.**

PLANNING COMMISSION RESOLUTION

By: Mark Whisenhunt
Introduced: August 3, 2020
Public Hearing: August 17, 2020
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 20-27

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AN ALCOHOLIC BEVERAGE PACKAGE STORE WITHIN A CONVENIENCE STORE, AT 23471 SOUTH PARKS HIGHWAY, TAX ID# 7561000L001; LOCATED WITHIN TOWNSHIP 26 NORTH, RANGE 5 WEST, SECTION 29; SEWARD MERIDIAN.

WHEREAS, an application has been received from Steve Mierop, on behalf of Three Bears Alaska, Inc., for a conditional use permit for the operation of an alcoholic beverage package store within a convenience store at 23471 South Parks Highway (Tax ID# 7561000L001); within Township 26 North, Range 5 West, Section 29, Seward Meridian; and

WHEREAS, MSB code 17.70.020 requires a conditional use permit for the operation of an alcoholic beverage package store; and

WHEREAS, the land uses along the Parks highway consist of residential, commercial, industrial and recreational uses; and

WHEREAS, The closest package store to the proposed use is approximately 0.7 miles further north on the Parks Highway; and

WHEREAS, the Parks Highway is adjacent to the west side of the property. The intersection of the Parks Highway and Petersville Road is approximately 400 feet northwest of the property. There is an airstrip and hangar adjacent to the south side of the property. A property abutting to the north was

previously a lodge but is no longer operating. There are some residential homes and cabins to the east and west of the property. The Trapper Creek Library and public safety building are southwest of the property, on the west side of the Parks Highway; and

WHEREAS, the proposed use will not change the existing access onto the Parks Highway; and

WHEREAS, Parks Highway is classified as an arterial road, which is capable of accommodating high volumes of traffic; and

WHEREAS, the applicant is proposing to construct an addition to the existing convenience market. The addition will be to the first floor with exterior access to a basement level to the rear. The alcoholic beverage package store will be approximately 1,540 square feet in size. The remainder of the first floor will continue to be occupied by convenience market; and

WHEREAS, the proposed use is not within a developed residential subdivision; and

WHEREAS, according to the application material, the proposed hours of operation for the package store are 9:00 a.m. to 10:00 p.m., daily; and

WHEREAS, the building was originally constructed in 1983 and operated as the "Trapper Creek Inn" until December 2019; and

WHEREAS, the exterior of the proposed expansion will match the existing portion of the building's exterior; and

WHEREAS, according to the State Alcohol and Marijuana Control Office (AMCO), Three Bears Alaska Inc. currently operates ten other package stores throughout the State of Alaska; and

WHEREAS, the State Alcohol and Marijuana Control Office (AMCO) has no record of any suspensions or revocations for any of their licenses; and

WHEREAS, the nearest school (Trapper Creek Elementary) is approximately 12,000 feet west of the site. State regulations preclude package store licenses within 200 feet of a school; and

WHEREAS, the applicant is actively working with the Alaska Department of Transportation (ADOT) to obtain a finalized driveway permit; and

WHEREAS, the State of Alaska Fire Marshal has issued Plan Review Certificates #2020Anch1325 and 1326, approving the construction of the proposed use; and

WHEREAS, a copy of approved Plan Review Certificates #2020Anch1325 and 1326 have been provided; and

WHEREAS, the subject parcel is approximately 9.89 acres in size; and

WHEREAS, the proposed expansion will be approximately 29 feet from the Parks Highway right-of-way, 210 feet from the south side lot line, and 350 from the east side lot line; and

WHEREAS, the proposed use will be accessed from within the convenience market; and

WHEREAS, on-site consumption of alcohol is prohibited; and

WHEREAS, persons under the age of 21 are prohibited from purchasing alcoholic beverages; and

WHEREAS, Alaska Statute 04.16.030 specifically prohibits the sale of alcoholic beverages to drunken persons; and

WHEREAS, there will be separate cashier counters for the alcoholic beverage package store and convenience market; and

WHEREAS, the closest residential structure is approximately 500 feet northwest of the proposed use; and

WHEREAS, according to the application material, the existing access and future parking area on the north side of the building will be paved to control dust. The rear (east) side of the building will remain largely unpaved; and

WHEREAS, according to the application material, lighting is shielded and downward directional to minimize light spillage from the property; and

WHEREAS, no additional lighting will be added in relation to the proposed use; and

WHEREAS, signs will be limited to the fuel canopy and the building itself; and

WHEREAS, the applicant is not proposing any outdoor amplified sound activities; and

WHEREAS, the operation must comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 - Noise, Amplified Sound and Vibration; and

WHEREAS, the package store will not greatly increase the traffic in the area; and

WHEREAS, according to the site plan, a total of 13 customer parking spaces will be provided, in addition to the 6 fueling stalls; and

WHEREAS, according to the application material, the applicant is removing the existing parking within the public right-of-way, and constructing more parking within the subject parcel; and

WHEREAS, according to the site plan, 1 customer parking space designated for persons with disabilities will be provided; and

WHEREAS, the property accesses the Parks Highway at two locations approximately 300 feet apart from one another; and

WHEREAS, there is no information available to determine where the individuals involved in the alcohol-related accidents obtained the alcoholic beverages; and

WHEREAS, there is no information indicating the applicant, Three Bears Alaska, Inc. is untrustworthy or unfit to conduct business in the borough or that the applicant is a potential source of harm to the public; and

WHEREAS, the Planning Commission has reviewed this application with respect to applicable standards set forth in MSB 17.70; and

WHEREAS, the Planning Commission conducted a public hearing on August 17, 2020 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 20-27:

1. The proposed use is compatible with and will preserve or not materially detract from the value, character and integrity of the surrounding area (MSB 17.70.100(A)(1)(a)).
2. The proposed use will not be harmful to the public health, safety, convenience, and welfare (MSB 17.70.100(A)(1)(b)).
3. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.70.100(A)(1)(c)).
4. There will not be any negative effects upon the properties in the area due to such factors as dust, noise, obtrusive advertising and glare (MSB 17.70.100(A)(2)(a)).
5. The proposed use will not negatively affect the safe, efficient flow of traffic on any highway, arterial,

- collector or street from which access to and from the establishment is obtained (MSB 17.70.100(A)(2)(b)).
6. Measures will be in place to reduce any negative effect upon adjacent and nearby properties (MSB 17.70.100(A)(2)(c)).
 7. Adequate parking will be provided (MSB 17.70.100(A)(2)(d)).
 8. Access to the premises will not create an unreasonable traffic hazard (MSB 17.70.100(A)(2)(e)).
 9. Traffic will not overtax existing road systems (MSB 17.70.100(A)(2)(f)).
 10. The proposed use is compatible with the character of the surrounding area (MSB 17.70.100(A)(2)(g)).
 11. The proposed use will not increase the crime rate in the area or increase alcohol-related accidents (MSB 17.70.110(B)(1)).
 12. The applicant has not had a liquor license suspended or revoked in the 12 months preceding the application (MSB 17.70.110(B)(2)).
 13. The applicant is trustworthy or fit to conduct business in the borough and the applicant is not a potential source of harm to the public (MSB 17.70.110(B)(3)).

BE IT FURTHER RESOLVED, the Planning Commission finds this application does meet the standards of MSB 17.70 and does hereby

approve the conditional use permit for the operation of an alcoholic beverage package store within a convenience market, with the following conditions:

1. The operation shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. Prior to operation, a copy of the final approval for access issued by ADOT, including site plans, shall be provided to the MSB Development Services Division. All access shall be developed as approved by ADOT.
4. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
5. The hours of operation shall be limited to 9:00 a.m. to 10:00 p.m. daily.

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

COLLEEN VAGUE, Chair

ATTEST

KAROL RIECE, Planning Clerk

(SEAL)

YES:

NO:

DRAFT

PUBLIC HEARING QUASI-JUDICIAL

Resolution No. PC 20-28

Garod Jacobsen dba Alaska Car Crushing CUP

(Page 289 - 390)

PUBLIC HEARING

STAFF REPORT

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MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

www.matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date: August 6, 2020

File Number: 176020190003

**Applicant/
Property Owner:** Garold Jacobsen (dba Alaska Car Crushing)

Request: Planning Commission Resolution 20-28

Modification of a Conditional Use Permit to expand the operation of an existing junkyard/refuse area in accordance with MSB Chapter 17.60 – Conditional Uses

Location: 572 S. Vine Road and 600 S. Vine Road; Tax ID #6919000L002 & 6919000L001; within Township 17 North, Range 2 West, Section 10, Seward Meridian

Size of Property: Lot 2: 4.6 acres and Lot 1: 4.59 acres

Reviewed By: Alex Strawn, Acting Director of Planning and Land Use. 

Staff: Mark Whisenhunt, Planner II 

Staff Recommendation: Approval with conditions

EXECUTIVE SUMMARY

A request for modification to a conditional use permit has been submitted to expand an existing junkyard/refuse area operation. The existing operation includes vehicle recycling, vehicle impound for law enforcement agencies, scrap metal storage, derelict/abandoned vehicle storage and salvage, and towing services for the public at large.

Per MSB 17.60.030, junkyards/refuse areas are declared to be potentially damaging to property values and usefulness of adjacent properties or potentially harmful to the public health, safety, and welfare and are permitted only upon the issuance of a conditional use permit. Unless such uses are maintained under and in accordance with a lawfully issued permit, such uses are declared to be public nuisances. Maintenance of such a land use without a permit is prohibited.

The subject property is located within the Meadow Lakes Community Council boundary and within Assembly District 7.

BACKGROUND

In 2000, the applicant obtain a Conditional Use Permit to operate the junkyard/refuse facility on one of his two 5-acre lots.

In 2005, 2006, 2007, 2008 and 2010 an annual inspection was conducted by the Borough Code Compliance office. No violations or changes were noted during the inspections.

In January 2016, Code Compliance Officer Pamela Ness inspected the operation. She found that the operation had spread onto the adjoining lot, which is also owned by the applicant. Officer Ness opened a complaint case and sent a certified letter to Mr. Garold Jacobsen. The certified letter was signed for by someone other than Mr. Jacobsen.

On January 31, 2019 Officer Ness followed up on the open case and found the operation to still be operating on both lots. Officer Ness gave a written warning to Mr. Jacobsen in person.

On February 7, 2019 Mr. Jacobsen submitted an application with fee to modify the existing Conditional Use Permit #CUP00-0004. Staff sent the applicant a letter requesting more information on April 1, 2019. Supplemental information from the applicant was submitted on August 5, 2019. On August 16, 2019, staff sent the applicant an updated letter noting the application was still insufficient and requesting more information.

On February 8, 2019 Officer Ness reported a possible violation related to filling wetland on the subject property to the US Army Corps of Engineers (USACE). On November 8, 2020, USACE concluded that no violation existed and closed the complaint.

In October 2019, the applicant informed our office that they had hired Acutek to develop an appropriate application for their request. On April 21, 2020 a new application was submitted to our office. On May 13, 2020 staff sent the applicant an email noting a couple of deficiencies. On June 22, 2020 staff reviewed updated information submitted on June 15, 2020 and determined the application to be complete.

LAND USE

Existing Land Use:

The two subject parcels combine for a total of approximately 9.19 acres in size. Lot 2 of the Car Crushing Flats Subdivision obtained a Conditional Use Permit to operate a junkyard/refuse area in 2000. In 2016, Borough staff found the operation had expanded onto Lot 1. The junkyard/refuse area currently occupies approximately 7.73 acres of the 9.19. An area approximately 1.46 acres in size on the south side of Lot 1 remains vegetated and undisturbed, providing a buffer from the operation to the abutting parcels to the south.

Surrounding Land Uses:

The subject parcel sits on the west side of the Vine Road right of way. The existing permitted site abuts the north side lot line. Further north, northeast, and northwest are more commercial operations. The intersection of Vine Road and the Parks Highway is approximately 600 feet north of the operation. An undeveloped 10-acre parcel abuts the west side lot line. Large undeveloped parcels sit on the east side of the Vine right-of-way. Several one acre lots with residential and agricultural uses abut to the south.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

On July 7, 2020 notices were mailed to all property owners within a 600-foot radius of the property. A total of 16 notices were mailed. The permit application notification was published in the June 26, 2020 issue of the *Frontiersman*. The application material was posted on the Borough web site for public review on June 22, 2020. The public notice, application material, and a request for comments were emailed to the Meadow Lakes Community Council on June 22, 2020. Staff did not receive any comments from the public or the community council.

Staff received one comment from the public. The comment did not object to the expansion, but requested better screening from the public right-of-way. The applicant responded to the comment, which has been added to the application material portion of the packet.

Section 17.60.100 General Standards

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

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

(1) the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area;

Findings of Fact:

1. Lot 2 of Car Crushing Flats has been operated as a junkyard/refuse area through Conditional Use Permit #CUP00-04, since the year 2000.
2. The subject parcel sits on the west side of the Vine Road right of way. The existing permitted site abuts the north side lot line.
3. Further north, northeast, and northwest are more commercial operations. An undeveloped 10-acre parcel abuts the west side lot line. Large undeveloped parcels sit on the east side of the Vine right-of-way. Several one acre lots with residential and agricultural uses abut to the south.
4. An area approximately 1.46 acres in size on the south side of Lot 1 remains vegetated and undisturbed, providing a buffer from the operation to the abutting parcels to the south.
5. The intersection of Vine Road and the Parks Highway is approximately 600 feet north of the operation.
6. All uses adjacent to the intersection of Vine Road and the Parks Highway are commercial or industrial.

Discussion: The southeast area of the expansion is insufficiently screened. Some screening panels appear to be only four feet tall. Staff recommends a condition requiring adequate screening.

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

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

Findings of Fact:

1. According to the application material, recyclable material and vehicles will have fluids removed prior to being placed into the proposed expansion area.
2. Fluids are removed within a pole barn with a concrete containment floor. The proposed expansion will not effect this practice.
3. Fluids are placed in 55-gallons drums for storage.
4. Fluids and batteries are removed by a third party contractor.
5. Vehicles are inspected for leaks. Absorption pads are used when a leak is discovered.
6. As an additional measure to prevent any potential pollutants from migrating off property, a bio-swale has been constructed along the west side of the operation.
7. The applicant has developed a hazardous materials work plan.
8. A copy of the hazardous materials work plan has been provided.

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

(3) that sufficient setback, lot area, buffers, or other safeguards are being provided to meet the conditions listed in subsections (B)(1) through (3) of this section; and

Findings of Fact:

1. Lot 2 of the Car Crushing Flats Subdivision is approximately 4.6 acres in size. Lot 1 of the Car Crushing Flats Subdivision is approximately 4.59 acres in size. The two parcels combine for a total of approximately 9.19 acres in size.
2. Lot 2 of Car Crushing Flats has been operated as a junkyard/refuse area through Conditional Use Permit #CUP00-04, since the year 2000.
3. In 2016, Borough staff found the operation had expanded onto Lot 1. The junkyard/refuse area currently occupies approximately 7.73 acres of the 9.19.
4. An area approximately 1.46 acres in size on the south side of Lot 1 remains vegetated and undisturbed, providing a buffer from the operation to the abutting parcels to the south.
5. According to the application material, recyclable material and vehicles will have fluids removed prior to being placed into the proposed expansion area.

6. Fluids are removed within a pole barn with a concrete containment floor. The proposed expansion will not effect this practice.
7. Fluids are placed in 55-gallons drums for storage.
8. Fluids and batteries are removed by a third party contractor.
9. Vehicles are inspected for leaks. Absorption pads are used when a leak is discovered.
10. As an additional measure to prevent any potential pollutants from migrating off property, a bio-swale has been constructed along the west side of the operation.
11. The applicant has developed a hazardous materials work plan.
12. A copy of the hazardous materials work plan has been provided.
13. An eight foot tall chain link fence surrounds the entire facility, except for the southwest corner. The fence consists of a six-foot tall chain link fabric with two foot vertical arms atop that accommodate three strains of barb wire.
14. An impound lot and company vehicle parking are directly adjacent to the Vine Road right-of-way. The junkyard operation sits behind this area and is screened by buildings and wood frame fencing with metal panels.
15. The southeast area of the expansion is insufficiently screened. Some screening panels appear to be only approximately four feet tall.
16. An area approximately 1.46 acres in size on the south side of Lot 1 remains vegetated and undisturbed, providing a buffer from the operation to the abutting parcels to the south.

Discussion: The southeast area of the expansion is insufficiently screened. Some screening panels appear to be only four feet tall. Staff recommends a condition requiring adequate screening.

Conclusion of Law: Based on the above findings, sufficient setbacks, lot area, buffers and other safeguards are being provided (MSB 17.60.100(B)(3)).

(4) the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in this section.

Finding of Fact:

1. All of the required site plans and operational information have been provided by the applicant.

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

Section 17.60.110 Junkyards and Refuse Area Standards

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

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

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

Findings of Fact:

1. According to the application material, the police impound area, towing lots, and parking area abut the Vine Road right-of-way.
2. An eight foot tall chain link fence surrounds the entire facility, except for the southwest corner. The fence consists of a six-foot tall chain link fabric with two foot vertical arms atop that accommodate three strains of barb wire.
3. An impound lot and company vehicle parking are directly adjacent to the Vine Road right-of-way. The junkyard operation sits behind this area and is screened by buildings and wood frame fencing with metal panels.
4. The southeast area of the expansion is insufficiently screened. Some screening panels appear to be only approximately four feet tall.
5. An area approximately 1.46 acres in size on the south side of Lot 1 remains vegetated and undisturbed, providing a buffer from the operation to the abutting parcels to the south.

Discussion: The southeast area of the expansion is insufficiently screened. Some screening panels appear to be only four feet tall. Staff recommends a condition requiring adequate screening.

Conclusion of Law: Based on the above findings, and with conditions, the fencing and existing vegetation will obscure the site from any traveled or public right-of-way on a year-round basis (MSB 17.60.110(A-B)).

(C) The commission shall evaluate whether the applicant is suitable to establish, maintain, or operate the proposed use under the requirements of this chapter.

- (1) *Suitability of the applicant shall be based upon the applicant's history of compliance with relevant local, state, and federal laws.*
- (2) *Review for suitability shall be limited to no more than five years preceding the application.*

Findings of Fact:

1. In January 2016, Code Compliance Officer Pamela Ness inspected the operation. She found that the operation had spread onto the adjoining lot, which is also owned by the applicant.
2. Officer Ness opened a complaint case and sent a certified letter to Mr. Garold Jacobsen. The certified letter was signed for by someone other than Mr. Jacobsen.
3. On January 31, 2019 Officer Ness followed up on the open case and found the operation to still be operating on both lots. Officer Ness gave a written warning to Mr. Jacobsen in person.

4. On February 7, 2019 Mr. Jacobsen submitted an application with fee to modify the existing Conditional Use Permit #CUP00-0004. Staff sent the applicant a letter requesting more information on April 1, 2019.
5. On February 8, 2019 Officer Ness reported a possible violation related to filling wetland on the subject property to the US Army Corps of Engineers (USACE). On November 8, 2020, USACE concluded that no violation existed and closed the complaint.
6. Supplemental information from the applicant was submitted on August 5, 2019. On August 16, 2021, staff sent the applicant an updated letter noting the application was still insufficient and requesting more information.
7. In October 2019, the applicant informed the Planning Department that they had hired Acutek to develop an appropriate application for their request.
8. On April 21, 2020 a new application was submitted to Planning Department. On May 13, 2020 Borough staff sent the applicant an email noting a couple of deficiencies.
9. On June 22, 2020 Borough staff reviewed updated information submitted on June 15, 2020 and determined the application to be complete.
10. Since receiving the writing warning, the applicant has been responsive to gain compliance with Borough code.
11. Other than expanding the operation with the proper permit modification, the Borough is not aware of any other violations of Borough code.
12. Other than expanding the operation with the proper permit modification, the applicant has demonstrated the operation meets the operational standard for a junkyard/refuse area.

Conclusion of Law: Based on the above findings, the applicant has demonstrated they are suitable to establish, maintain, and operate the proposed expansion in accordance with the requirements of this chapter, by keeping the operation with the subject parcels, properly handling and disposing of hazardous fluids, and adequately screening the operation from public rights-of-way (MSB 17.60.110(C)).

(D) The commission shall consider whether adequate controls are in place to prevent contamination of soil, surface water and groundwater.

Finding of Fact:

1. According to the application material, recyclable material and vehicles will have fluids removed prior to being placed into the proposed expansion area.
2. Fluids are removed within a pole barn with a concrete containment floor. The proposed expansion will not effect this practice.
3. Fluids are placed in 55-gallons drums for storage.
4. Fluids and batteries are removed by a third party contractor.
5. Vehicles are inspected for leaks. Absorption pads are used when a leak is discovered.
6. As an additional measure to prevent any potential pollutants from migrating off property, a bio-swale has been constructed along the west side of the operation.

7. The applicant has developed a hazardous materials work plan.
8. A copy of the hazardous materials work plan has been provided.

Conclusion of Law: Based on the above findings, there are adequate controls in place to prevent contamination of soil, surface water and groundwater (MSB 17.60.110(D)).

STAFF RECOMMENDATIONS

Staff recommends approval of the request to modify the existing conditional use permit to expand the junkyard/refuse area at 572 S. Vine Road and 600 S. Vine Road; Tax ID #6919000L002 & 6919000L001. The application meets the applicable standards set forth in MSB 17.60 and staff recommends the following conditions:

1. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
2. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
3. Site obscuring fencing as required by MSB 17.60.110(A) at least eight feet in height shall be installed to visually screen the subject property (Lot 1, Car Crushing Flats Subdivision) from the traveled right-of-way on a year-round basis. Products made for chain link fencing, such as, slats or screening mesh may be added to the existing chain link fence to achieve adequate screening. Adequate screening shall be installed no later than October 31, 2020.
4. The site obscuring fence shall be maintained in good working condition. Repairs shall be made as soon as practicable.
5. Conditions listed in Conditional Use Permit #CUP00-04 remain in effect.

If the Planning Commission chooses to deny this request, findings for denial must be prepared by the Commission.

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Monday, June 22, 2020 4:46 PM
To: 'allen.kemplen@alaska.gov'; 'tucker.hurn@alaska.gov'; 'melanie.nichols@alaska.gov'; 'kyler.hylton@alaska.gov'; 'samantha.carroll@alaska.gov'; 'sarah.wilber@alaska.gov'; 'mearow@matanuska.com'; 'row@mtasolutions.com'; 'row@enstarnaturalgas.com'; 'ospdesign@gci.com'; Fire Code; Jill Irsik; Eric Phillips; 'regpagemaster@usace.army.mil'; Jude Bilafer; Cindy Corey; Terry Dolan; Jim Jenson; Jamie Taylor; Charlyn Spannagel; Karol Riese; Theresa Taranto; Andy Dean; John Aschenbrenner; Tam Boeve; 'TedLeonardDistrict4@gmail.com'; 'info@mlccak.org'; 'Patricia Fisher'; 'gaming@mlccak.org'; 'bylaws@mlccak.org'; 'vp@mlccak.org'; 'education@mlccak.org'; 'treasurer@mlccak.org'; 'Camden Yehle'; 'secretary@mlccak.org'; 'cip@mlccak.org'; 'parks-rec-trails@mlccak.org'
Subject: Request for Review: Alaska Car Crushing

DATE: June 22, 2020
TO: Various Governmental Agencies
FROM: Mark Whisenhunt, Planner II
SUBJECT: Request for Review and Comments Related to a Request for a modification to a Conditional Use Permit for the expansion of an existing junkyard / refuse area operation.
LOCATION: 572 S. Vine Road and 600 S. Vine Road; Tax ID #6919000L002 & 6919000L001); within Township 17 North, Range 2 West, Section 10, Seward Meridian
APPLICANT: Garold Jacobsen (dba Alaska Car Crushing)

An application for the modification of an existing conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the expansion of an existing junkyard / refuse area operation. The Planning Commission will conduct a public hearing on this request on August 17, 2020.

Application materials may be viewed online at www.matsugov.us by clicking on 'All Public Notices & Announcements'. Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:

<https://www.matsugov.us/publicnotice/alaska-car-crushing-conditional-use-permit-modification>

Written comments are due on or before **July 24, 2020** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

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

«NAME»
«ADDRESS_1»
«ADDRESS_2»
«ADDRESS_3»

The Planning Commission of the Matanuska-Susitna Borough will consider the following:

Applicant: Garold Jacobsen (dba Alaska Car Crushing)
Location: 572 S. Vine Road and 600 S. Vine Road; Tax ID #6919000L002 & 6919000L001);
within Township 17 North, Range 2 West, Section 10, Seward Meridian
Request: An application for the modification of an existing conditional use permit under MSB 17.60 –
Conditional Uses, has been submitted for the expansion of an existing junkyard / refuse area.

The Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, **August 17, 2020 at 6:00 p.m.** in the Borough Assembly Chambers, 350 E. Dahlia Avenue, in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information from the applicant at the time of introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing. Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

***Please Note: Due to the ongoing Coronavirus/COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough website. The public is encouraged to check the Borough website prior to attending the public hearing for any changes to the meeting schedule or method.**

In Person Participation: Should you wish to attend in person, please adhere to a 6-foot distance between yourself and others; Masks are not required but are encouraged. **Telephonic Testimony:** Dial 1-855-225-1887; You will hear “Joining Conference” when you are admitted to the meeting. You will be muted and able to listen to the meeting. When the Chairperson announces audience participation or a public hearing you would like to speak to, press *3; you will hear “Your hand has been raised.” When it is your turn to testify you will hear “Your line has been unmuted.” State your name for the record, spell your last name, and provide your testimony. Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application material may also be viewed at the Borough Permit Center. For additional information, you may contact Mark Whisenhunt, Planner II, at 861-8527. Written comments can be mailed to: MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may e-mail comments to mark.whisenhunt@matsugov.us. In order to be eligible to file an appeal for a decision of the Planning Commission, a person must be designated an “interested party.” See MSB 15.39.010 for the definition of “interested party.” The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough. Written comments are due on or before **July 24, 2020** and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Name: _____ **Mailing Address:** _____

Location/Legal Description of your property: _____

Comments: _____

Frontiersman

Growing with the Valley since 1947.

5751 E. MAYFLOWER CT.
Wasilla, AK 99654

(907) 352-2250 ph
(907) 352-2277 fax

AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY
PERSONALLY APPEARED BEFORE **BENJAMIN BORG** WHO, BEING
FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE IS THE
LEGAL AD CLERK OF THE **FRONTIERSMAN**

PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA
SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA
AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE
COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

06/26/2020

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF
THE RATE CHARGED PRIVATE INDIVIDUALS.



SUBSCRIBED AND SWORN TO BEFORE ME
THIS 26th DAY OF June, 2020.

NOTARY PUBLIC
NANCY E DOWNS
STATE OF ALASKA
MY COMMISSION EXPIRES AUG. 25, 2023


NOTARY PUBLIC FOR STATE OF ALASKA

MAT-SU BOROUGH/PAGE
6.26
ACCOUNT NUMBER 405249

PUBLIC HEARING

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the following application for a modification to a conditional use permit on Monday, **August 17, 2020**, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. You are invited to attend.

An application for the modification of an existing conditional use permit under MSB 17:60 – Conditional Uses, has been submitted by Garold Jacobsen (dba Alaska Car Crushing) for the expansion of an existing junkyard / refuse area operation at 572 S. Vine Road and 600 S. Vine Road; Tax ID #6919000L002 & 6919000L001); within Township 17 North, Range 2 West, Section 10, Seward Meridian.

****Please Note: Due to the ongoing Coronavirus/ COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough website. The public is encouraged to check the Borough website prior to attending the public hearing for any changes to the meeting schedule or method.***

In Person Participation: Should you wish to attend in person, please adhere to a 6-foot distance between yourself and others; Masks are not required but are encouraged. ***Telephonic Testimony:*** Dial 1-855-225-1887; You will hear “Joining Conference” when you are admitted to the meeting. You will be muted and able to listen to the meeting; When the Chairperson announces audience participation or a public hearing you would like to speak to, press *3; you will hear “Your hand has been raised.” When it is your turn to testify you will hear “Your line has been unmuted.” State your name for the record, spell your last name, and provide your testimony.

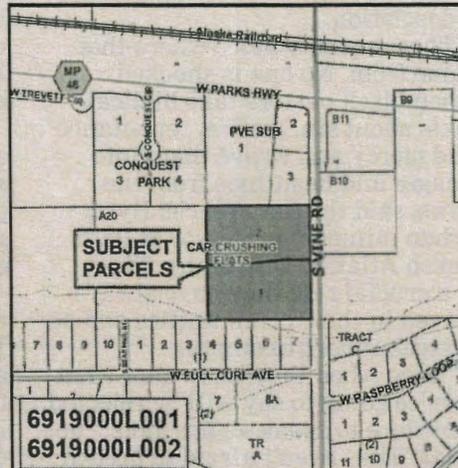
The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information from the applicant at the time of introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application material may also be reviewed at the Borough Permit Center. For additional information, you may contact Mark Whisenhunt, Planner II, at 861-8527. Written comments can be mailed to: MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may e-mail comments to mark.whisenhunt@matsugov.us. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an “interested party.” See MSB 15.39.010 for the definition of “interested party.” The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough.

Written comments are due on or before **July 24, 2020** and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Publish Date: June 26, 2020

06-23-20





Certificate of Bulk Mailing - Domestic

Postage Meters must affix meter, PC Postage[®], or (unconcealed) postage stamps here in payment of total fee due.



Acceptance employees must cancel affixed (by round-date) at the time

if payment of total fee due is being paid by Permit Imprint, include the PostalOne's[®] Transaction Number here:



Fee for Certificate		Use Current Price List (Notice 123)	
Up to 1,000 pieces (1 certificate for total number)			
For each additional 1,000 pieces, or fraction thereof			
Duplicate Copy <input type="checkbox"/>			
Number of Identical Weight Pieces 16	Class of Mail 1st	Postage for Each Mailpiece Paid <input type="checkbox"/> Verified	Number of Pieces to the Pound 96
Total Number of Pounds 5.402	Total Postage Paid for Mailpieces 8-	Fee Paid 8.55	
Mailed For Dev Ser	Mailed By [Signature]		
Postmaster's Certification			
It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.			
[Signature]		(Postmaster or Designee)	

PS Form 3808-D, January 2016 PSN 7530-17-000-5548

See Reverse for Instructions

ALASKA CAR CRUSHING
MAILING LIST
07/07/2020

53090B01L002 1
BEATTIE BRIAN C
8424 BARNETT DR
ANCHORAGE AK 99518

57082000L004 2
CONQUEST PARK LLC
281 S CONQUEST CIR
WASILLA AK 99623-9309

56858000L003 3
CPD ALASKA LLC
201 ARCTIC SLOPE AVE
ANCHORAGE AK 99518-3033

53090B01L006 4
DENI CO
GENERAL DELIVERY
WASILLA AK 99687

51685B01L001 5
GRAHAM DAVID A JR
PO BOX 872665
WASILLA AK 99687-2665

53090B01L007 6
HAUD & CO
630 S. VINE RD., STE 101
WASILLA, AK 99654

53090B02L007 7
HERSCHER RICHARD J
6140 W FULL CURL AVE
WASILLA AK 99654-9438

56919000L001 8
JACOBSEN GAROLD T JR
PO BOX 875193
WASILLA, AK 99687-5193

217N02W10A020 9
JONZ ARON J c/o Willy Rensenbrink
2198 W MORRISON CT
GRAND JUNCTION CO 81507

217N02W11B009 10
ROCK LLC
4150 W AVIATION AVE
WASILLA AK 99654

53090B01L005 11
SHAW JASON
713 W 72ND AVE
ANCHORAGE AK 99518-2127

55195B02L008A 12
STOELTING TOM & A LVG TR
PO BOX 298705
WASILLA AK 99629

51685000T00C 13
THREE A INV
3340 Arctic Blvd., # 106
ANCHORAGE, AK 99503

53090B01L004 14
TIPTON SHARON MARIE
6151 W FULL CURL AVE
WASILLA, AK 99654-9441

217N02W11B010 15
TODD PROP LLC
PO BOX 871395
WASILLA, AK 99687-1395

53090B01L003 16
WATKINS MARY
15662 OAKDALE RD
DALLAS OR 97338-9601

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Community Council - Meadow Lakes

Board Exp

Meadow Lakes Comm	<input type="text"/>	<input type="text"/>	Board Position	Correspondence - Meadow Lakes CC
Company Representing	<input type="text"/>			Term <input type="text"/> to <input type="text"/>
1210 N. Kim Drive, Suite B				Type of Term <input type="text"/> <input type="text"/>
Wasilla	AK	99623-1921	Member	<input type="text"/>
Home	(907) 232-2845	Work	<input type="text"/>	Cell <input type="text"/> E-mail info@mlccak.org

Fisher	<input type="text"/>	<input type="text"/>	Board Position	Member 1 - MLCC - President
Company Representing	<input type="text"/>			Term <input type="text"/> to <input type="text"/>
7362 W Parks Hwy, #154				Type of Term <input type="text"/> <input type="text"/>
Wasilla	AK	99623	Member	President
Home	(907) 357-8616	Work	<input type="text"/>	Cell (520) 465-6856 E-mail psfisher@gci.net

Cannon	<input type="text"/>	<input type="text"/>	Board Position	Member 11 - MLCC - Gaming
Company Representing	<input type="text"/>			Term <input type="text"/> to <input type="text"/>
3009 N Kalmbach Lake Dr				Type of Term <input type="text"/> <input type="text"/>
Wasilla	AK	99623	Member	<input type="text"/>
Home	(907) 357-5187	Work	<input type="text"/>	Cell <input type="text"/> E-mail gaming@mlccak.org

Boyle	<input type="text"/>	<input type="text"/>	Board Position	Member 15 - MLCC - By Laws
Company Representing	<input type="text"/>			Term <input type="text"/> to <input type="text"/>
PO Box 870311				Type of Term <input type="text"/> <input type="text"/>
Wasilla	AK	99687	Member	<input type="text"/>
Home	(907) 355-7393	Work	<input type="text"/>	Cell <input type="text"/> E-mail bylaws@mlccak.org

Conover	<input type="text"/>	<input type="text"/>	Board Position	Member 2 - MLCC - Vice President
Company Representing	<input type="text"/>			Term <input type="text"/> to <input type="text"/>
3291 W Parks Hwy #782				Type of Term <input type="text"/> <input type="text"/>
Wasilla	AK	99632	Member	Vice President
Home	(907) 376-5622	Work	<input type="text"/>	Cell <input type="text"/> E-mail vp@mlccak.org

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Community Council - Meadow Lakes

Board Exp

Benner-Hanson	Lori		Board Position	Member 8 - MLCC - Parks, Rec & Trails
Company Representing			Term	to
PO Box 870172			Type of Term	
Wasilla	AK	99687	Member	
Home	(907) 376-5549	Work	Cell	E-mail parks-rec-trails@mlccak.org

Information Contact	www.mlccak.org
Total Board Members	12 Members
Meeting Schedule	2nd Wednesday of each month at 7 p.m. (Please check the Notice of Public Meetings schedule at: www.matsugov.us/publicmeetings for meeting information.)
Meeting Location	Birch Creek Villas (Meadow Lakes Senior Housing Complex)
Board Notes:	Established by RS 82-68

**Photos taken by
Mark Whisenhunt during
August 4, 2020 site visit**

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Inspection ID: **28448**
Inspection Date: **No Date Assigned** Status: c
 Inspector: **PAMELA NESS** Check Out:
 Letter Date: **01/27/2016**

Notes:

1/12/2016 Contacted by SWS to check the status of Alaska Night & Day - Car Crushings Conditional Use Permit for Lot 1 & 2 of Car Crushing Flats, as they want to extend the contract for the scrap metal to have it removed from 49th State Street Landfill and moved to a permitted site. Research of the file shows that the Conditional Use permit was approved back in Oct 2000 under the previous tax account ID No. 17N02W10A021; In October 2009 the lot line was adjusted to accomodate and fix a setback issue and it created Car Crushing Flats Subdivision. Lot A21 is now what is known as Lot 2 Car Crushing Flats; the CUP was inadvertently attached to Lot 1 and was corrected on 1/15/2016 by Admin Assistant Theresa Taranto to be attached to Lot 2. It has also been observed that Lot 1 is now full of vehicles in various stages of repair/dismantling; Lot 1 is not approved for the commercial activity and there is not a permit application on file. On Lot 2 the fence is in need of repair or replacement to be in the requirements of MSB 17.60.110 Screening.

1/27/2016 Notice of Violation letter prepared and mailed CRR no. 7013-1090-0001-1643-8721 to the property owner Gary Jacobsen (Gerold T Jacobsen Jr.).

kj04506 - 1/27/2016 3:32:22 PM

kj04506 - 1/27/2016 3:32:43 PM

Inspection ID: **29022**
Inspection Date: **4/21/2016** Status: c
 Inspector: **PAMELA NESS** Check Out:

Notes:

Site visit photo taken. Using lot next to lot with CUP and have not amended CUP to reflect this. Metal bales stacked over the fence and visible from the ROW. Gary is working with ASR in Anchorage to haul away and stored cars and metal from the lot.

pn04478 - 6/6/2016 2:25:23 PM

Inspection ID: **36952**
Inspection Date: **1/28/2016** Status: c
 Inspector: **PAMELA NESS** Check Out:
 Letter Date: **01/27/2016**
 Contact Date: **01/28/2016**

Notes:

Inspection ID: **36954**
Inspection Date: **1/31/2019** Status: c
 Inspector: **PAMELA NESS** Check Out:

Notes:

Warning Notice issued.

ness0607 - 1/31/2019 1:34:51 PM

Citation Status:

Date: 01/31/2019

Number: WN0866

Served: 01/31/2018

To Court:

EO Date:

EO #:

SOA #:

WARNING NOTICE WN 0866
MATANUSKA-SUSITNA BOROUGH
VIOLATION OF CODE – COMPLIANCE REQUIRED

NO. G30160003 DATE: 1/31/19
(CASE NUMBER)

Issued To: JACOBSEN, GAROLD T
LAST FIRST MIDDLE

Physical Address: 572 S. VINE ROAD

Mailing Address: P.O. Box 875193

City: WASILLA State: AK Zip: 99687

On 1/31/19 the following violations of MSB Code appear to have occurred.

- Public Nuisance – Junk and Trash MSB 8.50.020 _____
- Encroachment Permits MSB 11.10 _____
- Lake Management Plan Limitations MSB 17.59 _____
- Motorized Uses on Lakes & Waterways MSB 17.58 _____
- Fireworks MSB 8.35 _____
- Littering / Solid Waste Disposal MSB 8.05 _____
- Unauthorized Use of Borough Owned Real Property MSB 23.05.050 _____
- Other CONDITIONAL USES MSB 17.60

JUNK REFUSE PERMIT REQUIRED FOR LOT 69190001001

Located Upon: LOT 1 TRS 17N03W10
Subdivision: CAR CRUSHING FLTS Block _____ Lot 1
MSB Tax ID #: 69190001001

If these violation(s) are not corrected as required, further enforcement (per MSB 1.45) may occur, including fines and other penalties.

COMPLIANCE REQUIRED: Within 30 days from the date of receipt of this notice the following actions are required:

SUBMIT CONDITIONAL USE APPLICATION AND ANY OTHER DOCUMENTS NEEDED FOR THE PERMIT WITH THE FEE INCLUDED

Personal Service HAND DELIVERED BY OFFICER NESS

Other Delivery: Posting Certified Mail (Cert No. _____)

ISSUED BY: OFFICER NESS 1/31/19
(Print) (Date)

Signature: [Signature] 9078618562
(Borough Representative) (Phone Contact)



Matanuska Susitna Borough Permit Center

Date: 1/30/2019

2004



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Matanuska Susitna Borough
Permit Center

Date: 1/30/2019

2011



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0 25 50 100 150 200 Feet

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com®

7013 1090 0001 1643 8721

OFFICIAL USE

Postage	\$ 71	Postmark Here
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)	0.80	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	10.96	

Sent To: Gerald T. Jacobsen Jr
 Street, Apt. No., or PO Box No.: PO Box 875193
 City, State, ZIP+4: Wasilla, AK 99687-5193

PS Form 3800, August See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> K. Kohler <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): KAT C. Date of Delivery: FEB 5 2020</p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to: Gerald T. Jacobsen Jr. PO Box 875193 Wasilla, AK 99687-5193</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>2. Article (Transaction) ID: [Redacted]</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3800, August



1/28/2016 12:22:33 PM



1/28/2016 12:22:39 PM



1/28/2016 12:22:46 PM



1/28/2016 12:22:50 PM



1/28/2016 12:22:53 PM



1/28/2016 12:23:46 PM



1/28/2016 12:23:51 PM



1/28/2016 12:24:14 PM



1/28/2016 12:24:21 PM



1/28/2016 12:24:27 PM



1/28/2016 12:24:41 PM



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Code Compliance Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 745-9876

E-mail: ccb@matsugov.us

NOTICE OF VIOLATION

1/27/2016

Garold T Jacobsen Jr
 PO Box 875193
 Wasilla, AK 99687-5193

Subject: Violation of MSB 17.60. Conditional Uses
 MSB Property ID#: 17N02W10, 6919000L001 & 6919000L002
 Complaint No.: G2016-0003

Dear Gary Jacoben:

Our office was recently contacted to check the status of your Conditional Use Permit for the operation of the junkyard- auto wrecking yard and storing of scrap metal on site. During the review we have found that the existing permit number 00-0004 issued October 17, 2000; is only for what is now lot 2 of Car Crushing Flats.

Conditional Use permit No. 00-0004 was issued and approved under the previous tax account number (17N02W10A021), before the re-plat process was done to fix a lot line and setback issue. This permit transferred to what is now lot 2 of Car Crushing Flats.

It has been observed that the commercial operation and activities of storing junk vehicles, automobile parts, and scrap metal have now encompassed lot 1 of Car Crushing Flats. Lot 1 does not have the required permit for the commercial activity of automobile wrecking yard and is in violation of MSB Code.

The screening required under MSB 17.60.110 for lot 2 Car Crushing Flats, has deteriorated and is in need of repair or replacement along the northern property line (adjacent to the shell gas station).

To bring the property into compliance you will need to cease using lot 1 for the commercial outdoor storage; or obtain a Conditional Use permit for this property; and replace or repair the fence - screening so that vehicles and the yard are not visible from any traveled or public right of way. If we do not receive a permit application and the activities continue, further enforcement action may be taken.

Please contact our office at (907) 861-8562, to discuss any questions you may have regarding this complaint and our process.

Sincerely,

A handwritten signature in purple ink that reads "Pamela Ness".

Pamela Ness, CFM
 Code Compliance Officer

Enclosures: MSB 17.60
 Conditional Use Permit Application

Providing Outstanding Borough Services to the Matanuska-Susitna Community.



Matanuska-Susitna Borough
CONDITIONAL USE PERMIT
MSB 17.60

Permit #: CUP00-04

Pursuant to MSB 17.60, the Planning Commission of the Matanuska-Susitna Borough granted this permit on September 18, 2000 by approval of Planning Commission Resolution No. 00-36.

PERMITTEE:

Gary Jacobson
P.O. Box 875193
Wasilla, AK 99687-5193

PERMIT SITE:

Tax Parcel ID#: 17N02W10A021
Address: 572 South Vine Road

This permit recognizes the right of the permittee or his lawful successor-in-interest to operate and use the premises described above to operate a salvage yard and secured impound lot in conformance with the approved application and site plan, a copy of which is attached hereto, and the following conditions as specified in Resolution No. 00-36.

1. Comply with all applicable federal, state and local ordinances, statutes and regulations;
2. Hours of operation for salvage yard and secured impound lot limited to 8:00 a.m. to 8:00 p.m. six days a week with an "on-call 24 hours" policy for acceptance of vehicles ordered impounded by local authorities.
3. Hours of operation for crusher limited to hours between 8:00 a.m. and 6:00 p.m. during regular workweek (Monday – Friday).
4. Fencing of the perimeter of the property is completed within twenty-four months.
5. Concrete pad for crusher is designed with to contain spills of gas, oil, or other liquids as vehicles are crushed.
6. Three months prior to the abandonment of the conditional use permit, the owner shall be responsible for removing all inoperable vehicles, vehicle parts, machine parts, and equipment brought to the site in the course of operating the salvage yard or secured impound lot.
7. Within sixty days of the issuance of the conditional use permit, the applicant shall submit a drainage plan to borough staff for review and approval to assure that no off-site wetland or water body contamination will occur. The plan shall also describe plans for hazardous waste handling and disposal measures as necessary to meet local, state, or federal standards.
8. Vehicles in the salvage yard area shall not be placed or situated on the property so as to be readily visible from the roadway or adjacent properties.

This permit grants no additional rights to the holder of the permit other than the identification of a use which has been determined by the Borough to be authorized under MSB 17.60.

Violation of any condition of approval of this permit or Matanuska-Susitna Borough laws governing the permitted use may constitute grounds for revocation of this permit or for other actions or penalties authorized by law. No use is permitted by this permit other than as specifically described, including all conditions and terms of this permit.

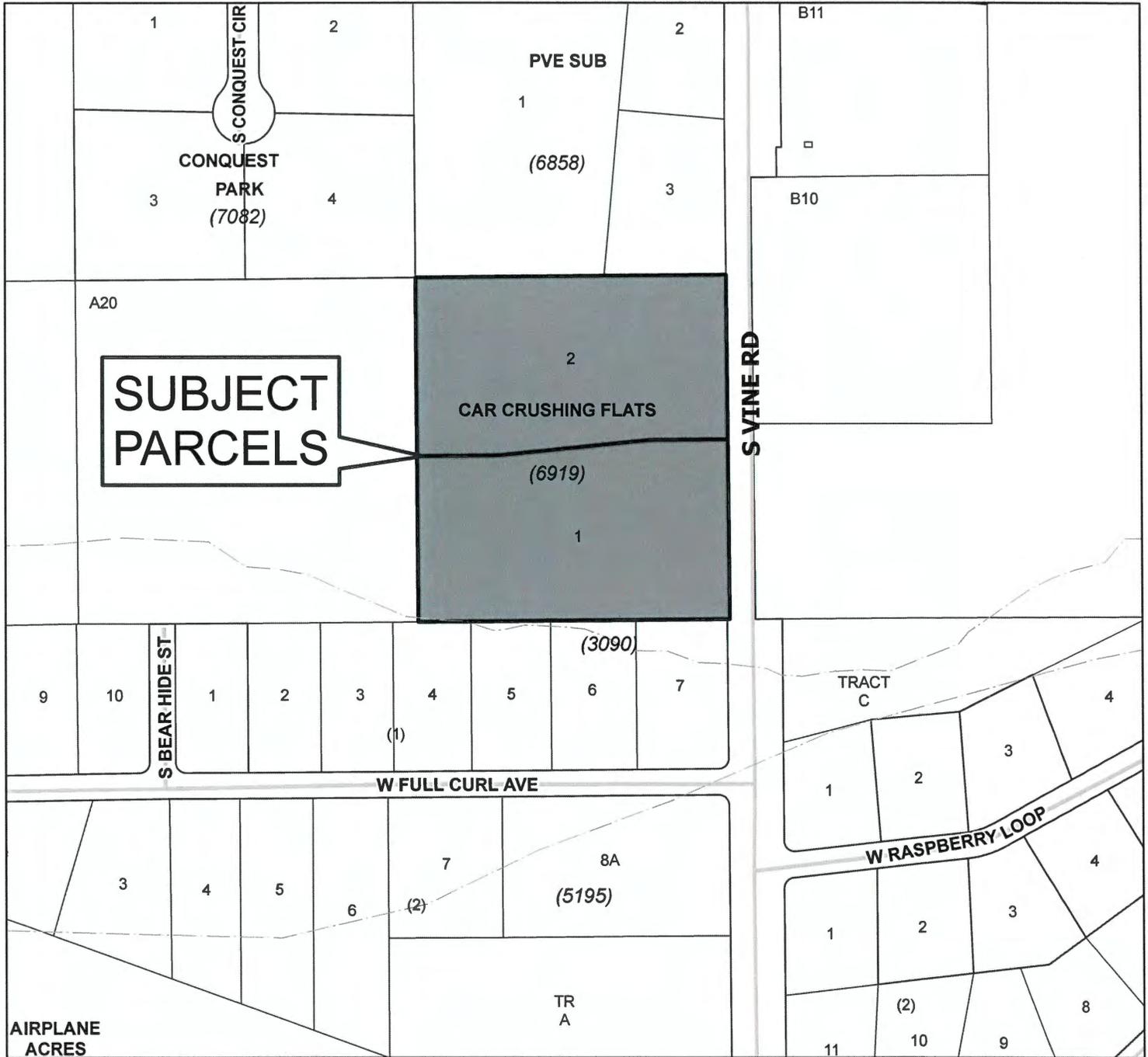
This permit also serves as a Certificate of Location pursuant to AS 08.60.050 through AS 08.60.100.


Cindy Gilder, Director
MSB Planning and Land Use Department

10-17-2000
Date of Issuance

VICINITY MAP

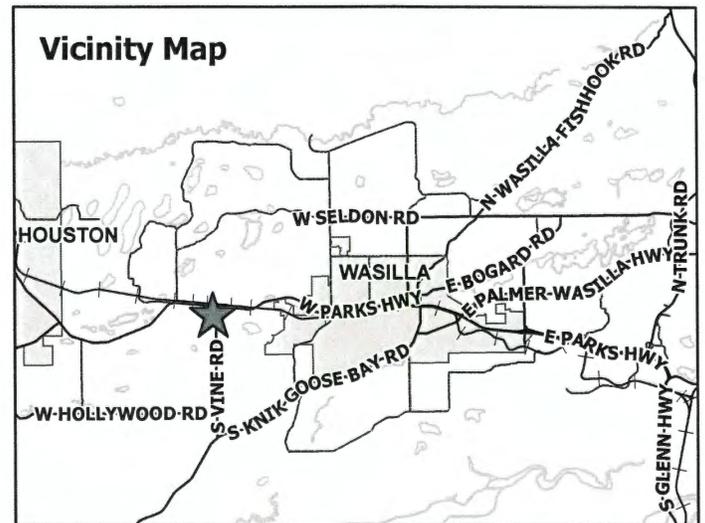
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6919000L001
6919000L002



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APPLICATION MATERIAL

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MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

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

Email: permitcenter@matsugov.us

APPLICATION FOR A JUNKYARD CONDITIONAL USE PERMIT – MSB 17.60

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

Application fee must be attached:

\$1,000 for Junkyard Conditional Use Permit

Received on
5-13-2020

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

Subject Property Township: 17N, Range: 02W, Section: 10, Meridian S

MSB Account # 6919000L001 and L002 **01 & 02**

SUBDIVISION: Car Crushing Flats BLOCK(S): _____, LOT(S): _____

STREETADDRESS: 600 S. Vine Road

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

Name of Property Owner

Garold Jacobsen
Address: PO Box 875188
Wasilla, Alaska 99687
Phne: Hm _____ Fax 373-8375
Wk 357-5865 Cell _____
E-mail akcarcrushing@gmail.com

Name of Agent/ Contact for application

Rebecca Powell / Terry Nicodemus
Address: _____
Phone: Terry 376-8800 Cell 232-6922
Rebecca 232-0992
E-mail rebecca@akcbs.net

In order to grant a conditional use permit under MSB 17.60, the Planning Commission must find that each of the following requirements have been met. Explain the following in detail:	Attached
1. Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?	Yes
2. Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?	Yes
3. Are sufficient setbacks, lot area, buffers and other safeguards being provided?	Yes
4. Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to the conditional use in this section?	Yes

Supplemental Information – Explain in Detail	Attached
1. Number of employees proposed to work on largest work shift	Yes
2. Hours of operation	Yes
3. Noise mitigation measures	Yes
4. How will contaminated materials be handled and disposed of at this site?	Yes
5. Total square footage or acreage of this property	Yes
6. Total square footage or acreage for this use on this site	Yes
7. Are there other existing or proposed uses on this site or will this operation be the sole use of the property? <i>If there are other uses on this property, provide a description.</i>	Yes
8. Use(s) of any proposed building(s) associated with this operation	Yes
9. Copy of Hazardous Material Plan for the operation, if applicable	Yes
10. Type of equipment to be used at this site	Yes
11. What type of containment systems will be in place at this site?	Yes
12. What type of non-permeable surface will be in place at this site?	Yes
13. What will be the daily traffic generation for this use?	Yes
14. Attach a written description of the buffering that will be provided at this site to meet the standards in 17.60.110. <i>This may include conventional solid wood or metal fencing; evergreen or other natural planting sufficient to provide year-round screening; and earthen berm or topography.</i>	Yes

SITE PLAN – Attach a detailed, to scale, site plan clearly showing the following information:	Attached
1. Proposed and existing structure(s) on the site. Indicate which structure(s) will be used for this use. Draw lot dimensions and indicate setback distance of structure(s) from the lot lines, rights-of-way, and waterbodies.	Yes
2. Dimensions of all structures	Yes
3. Location of the use or uses to be made of the development	Yes
4. Location of other uses on the site	Yes
5. Signage – Existing and Proposed	Yes
6. Location and dimensions for all access points to and from the site to public rights-of-way or public access easements	Yes
7. Buffering – Fences, trees, topography or berms	Yes
8. Drainage	Yes
9. Vehicular and pedestrian circulation patterns	Yes
10. Exterior site lighting	Yes
11. Location and dimensions of parking areas to be provided	Yes
12. Location of other uses on the site	Yes
13. Scale and north arrow	Yes

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

MSB Tax parcel ID #(s) 509267 and 509268 and, I hereby apply for approval a junkyard conditional use permit on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.60 and with all other applicable borough, state or federal laws.

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

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

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

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

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

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

<i>Garold Jacobsen</i>	Garold Jacobsen	02/05/2019
Signature: Property Owner	Printed Name	Date

<i>Rebecca Powell</i>	Rebecca Powell	04/20/2020
Signature: Agent	Printed Name	Date

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Friday, August 7, 2020 11:19 AM
To: 'Rebecca Powell'
Subject: RE: Comments - Alaska Car Crushing

Received. Thank you.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

From: Rebecca Powell <rebecca@akcbs.net>
Sent: Friday, August 7, 2020 10:29 AM
To: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Subject: RE: Comments - Alaska Car Crushing

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Good Morning Mark,

This is all Impound storage and Towing services. This is also where our auctions are performed. This actually has nothing to do with the scrap metal recycling or the "junkyard". Half those pictures are the front of our office where our employee/customer parking is.

Picture #1 – DUI/Trooper wreck calls and our two slideback tow trucks

Picture #2 – Our semi and equipment we are not currently using and one of our slideback tow trucks.

Picture #3 – Again our equipment and slideback and some vehicles left from Auction.

Picture# 4 – Directly next to our office – Employee parking

Picture #5 – Directly in front of our office - Customer parking

Picture #6 – Our equipment area and storage area for impound vehicles that we are waiting for either insurance or owners to pick up. We send certified return receipt notices out and must wait at least 30 days before we can either be put up for auction or we send them to the other side of the yard for crushing which is not in any of those pictures.

None of these pictures depict anything to do with our "junkyard" this is all the front and side of our main office and towing/storage area. None of that is junk at all. We have to follow all laws when it comes to impounds, even on the wrecked vehicles as insurance and the owners have the right to their property and it is our duty to securely store their vehicles no matter how mangled the vehicle is. Once all the steps are taken and no one claims the vehicle, it either gets auctioned off or moves to the other side of our yard to the "Junkyard" which is behind our office and shop area where you can not see or take pictures as we have followed the Mat-Su Borough law and made sure you cannot visibly see

it. Our junkyard has lots of crushed bales of scrap metal, our baler and crushing equipment along with our draining pad area, which is not on one of those pictures.

Thank you,
Rebecca / Admin
AK Car Crushing & Recycling LLC
PO Box 875188
Wasilla, AK 99687
(907) 892-JUNK Office
(907) 373-8375 Fax

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Sent: Friday, August 7, 2020 7:07 AM
To: Rebecca Powell <rebecca@akcbs.net>
Subject: Comments - Alaska Car Crushing
Importance: High

Good Morning,

We received one comment with photos, which I have attached. Please call me if you have any questions.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

AK Car Crushing & Recycling LLC

PO Box 875188

Wasilla, AK 99687

Received on
5-13-2020

04/17/2020

RE: Mat-Su Conditional Use Permit

I, Garold Jacobsen, owner and member of AK Car Crushing & Recycling LLC give permission to talk and/or provide information or additional documentation for the conditional use permit # 176020190003 to the following agents:

Rebecca Powell – 907-232-0992 or rebecca@akcbs.net

Terry Nicodemus – 907-376-8800 office 907-232-6922 cell or terry@acuteksurvey.com

Sincerely,



Garold Jacobsen

acutec geomatics LLC

surveyors, planners & land development

5099 E Blue Lupine Drive # 104

Wasilla, Alaska 99654

907-376-8800 Fax 907-376-9629

Email: admin@acutecsurvey.com

Received on
5-13-2020

April 6, 2020

Mr. Mark Whisenhunt
Matanuska-Susitna Borough
Planning and Land Use Department
Development Services Division
350 East Dahlia Avenue
Palmer, Alaska 99645

Re: Conditional Use Permit(CUP) for Alaska Car Crushing and Recycling LLC

Mr. Whisenhunt:

I have been retained as Agent/Contact for the update application of the referenced facility by Gary Jacobsen Owner/Member of Alaska Car Crushing and Recycling LLC. Mr. Jacobsen was issued a Junkyard Conditional Use Permit October 17, 2000. An updated CUP will not detract from the value, character and integrity of the surrounding area since the surrounding area has established mixed residential, commercial, animal husbandry and manufacturing uses. The site will not be harmful to the public health, safety, convenience and welfare in fact the very nature of this business enhances these things.

A major function of this business is the storage of police impounded vehicles. A requirement of this is to be able to see the vehicles from S Vine Road, this is why the impound compounds are visible from the road.

The boundary of the wrecking yard is entirely fenced with a eight feet chain link fence, There are sufficient setbacks, buffers, and other safeguards provided to meet the requirements of MSB 17.60.100. Any storage of junk vehicles are screened from the public roads. There are no impacts to existing schools, churches, and other public gathering places from the activities of the car crushing and recycling center. Mr. Jacobsen facility enhances the public good because there is a way in the Borough to process junk cars and trucks to

useful scrap metal and or recycled auto parts. Alaska Car Crushing and Recycling performs a very useful purpose for our society.

The original site plan that was provided in 2000 CUP submittal showed a oily water catch berm that was not completed because this was replaced by a pole barn with concrete catchment floor. All vehicles that arrive at the processing center for salvaging and or scraping go to this pole barn where all the fluids are removed using a Iron Ax Enviro Rack.

The Enviro Rack is the most superior auto fluid removal and dismantling system on the market today. The Enviro Rack is the first and only self contained fluid removal system on the market. We offer all steel tanks along with a grated catwalk for operator safety. Underneath the catwalk is 249 gallon catch pan and also a 360 gallon tank to catch any spills. No other system on the market comes close to the Enviro Rack. Meet EPA and State level regulations concerning fluid removal. The Enviro Rack is totally air operated. There are no gasoline or electric motors that could create a spark. The Enviro Rack is a safe system. Complete fluid removal takes less than 5 minutes.

We have provided with this submittal a current site plan produced this year by Acutek Geomatics LLC. Depicted on this illustration are drainage arrows and a bio remediation ditch along with a catchment berm. Any contaminants that might leak from the ground will be captured, but it is anticipated that the Enriro Rack will garner all of the potential contaminants. Since less than an acre of ground has ever been disturbed and potential fluid spills have been mitigated a swppp plan is not required.

If you have any questions call me at 907.232.6922



Terry Nicodemus PLS

Agent/Contact for Alaska Car Crushing and Recycling

**Conditional Use Permit
Narrative
Alaska Car Crushing & Recycling LLC**

Received on
6-15-2020

Supplemental Information

1. Number of employees proposed to work on largest work shift

Summer One supervisor and 6 employees

Winter one supervisor and 3 employees

2. Hours of operation

Summer hours one shift from 9 am to 6 pm Monday thru Saturday

Winter hours one shift from 10 am to 5 pm Monday thru Friday

3. Noise mitigation measures

The noisiest equipment on the property is the car crusher, it will not be utilized after 5 pm and not on the weekends. The property is entirely surrounded by industrial, commercial or undeveloped property. There has not been any formal complaints concerning excessive noise from Alaska Car Crushing's operations.

4. How will contaminated materials be handled and disposed of at the site.

All the contaminated materials that are on the property come from the derelict vehicles that are stored on site for recycling and scraping. When a vehicle first comes in it is drained of all fluids in the covered pole barn on the north side of the yard. Batteries are removed and stored in a secure connex for recycling. Fuel is collected and put in fifty gallon barrels for use in the yard. Oil, coolants and lubricants are drained and put into separate barrels for storage until NRC Alaska picks up for disposition. There is an EPA approved spill kit on site for vehicles that are impounded or stored, all yard employees are trained on how to utilize it.

5. Total square footage or acreage of this property

400,212 square feet or 9.19 acres

6. Total square feet or acreage for this use on this site

336,853 square feet or 7.73 acres

7. Are there other existing or proposed uses on this site or will this operation be the sole use of the property?

If there are other uses on this property, provide a description.

Alaska Car Crushing(ACC) operates on Lots 1 & 2, Car Crushing Flats Plat #2009-86, 572 & 600 S Vine Road. There are multiple uses of this property. It is a automobile and truck recycling Operation, a police impound compound, scrap metal storage yard, and a derelict/abandoned automobile and truck storage/salvage yard.

Automobile and Truck Recycling Operation-All vehicles are drained of all fluids in the pole barn with concrete floor with a collection apparatus', the Iron Ax drain racks. The vehicles are then stored in the yard for customer self service parts salvage. Once the vehicle has relinquished mostly all it's recyclable parts it will be crushed and or bailed and stored in the scrap yard.

Police Impound Compound- ACC is set up with a fenced impound lots along with two

Page 1 of 3

wreckers to service the law enforcement community. Two additional Wrecking companies: Metal-In-Motion LLC and All In One LLC. Which all three companies service the law

enforcement and the Mat-Su Borough communities.

Scrap Metal Processing and Storage- ACC processes and excepts from the public scrap metal of all kinds. If the price for scrap metal is advantageous it is then sold. If the price is not advantageous to sell it is stored for the long term. The commercial scales are to weigh incoming scrap metals and scrap processed on site for future disposition.

Derelict / Abandoned Automobile and Truck Storage/Salvage Yard- ACC will pick up from the public any vehicle for a fee and has had in the past will in the future have a contract with the Matanuska-Susitna to pick up abandoned vehicles in the public right of way.

8. *Uses(s) of any proposed building(s) associated with this operation*

There are three buildings on the property a pole barn, a shop and a office with garage.

Pole Barn with concrete containment floor-used to prepare vehicles by all removing fluids, batteries and lubricants

Shop-Maintenance of company equipment is preformed in this building

Office With Garage- Administration is conducted for company and some company vehicles are stabled in the adjoining garage.

9. *Copy of Hazardous Material Plan for the operation, if applicable*

See attached Hazardous Material Plan

10. *Type of equipment to be used at the site*

Two Balers

Two Track Excavators

Crusher

Two Fork Lifts

Drain Rack

Two Wreckers

11. *What type of containment systems will be in place at this site?*

Vehicles that are impounded are inspected for fluid leaks before they are stored. If a leak is discovered spill pads are utilized, if extensive it is brought to the pole barn and put on our drain rack. A spill in the pole barn would be contained by the concrete containment floor. Because most all vehicles do have small leaks there is a bio-wale and containment berm along the east property line to provide that no pollutants migrates off property.

12. *What type of non-permeable surface will be in place at this site?*

The pole barn with it's non-permeable concrete containment floor is in place to backup any possible spills that might get away from the Iron Ax drain system. Hazardous fluids and materials are removed from the vehicles, fluids are placed in 55 gallon drums for removal and processing for NRC Alaska from Anchorage, Alaska to pick up, batteries are stored in a connex for recycling.

13. *What will be the daily traffic generation for this use?*

In the winter, the average visits from the public amount to two. In the summer, the average visits from the public is 10 to 12. There is approximately 7.5 wrecker visits on

Page 2 of 3

average a day.

14. *Attach a written description of the buffering that will be provided at this site to meet the standards in 17.60.110.*

Existing on site, encompassing the entire impounding/recycling/wrecking facility there is a eight feet tall chainlink security fence. The description of said fence is six feet wide chainlink fabric with two foot vertical arms that accommodate three strains of barb wire. The police impound compounds are located along the front of the property and are in full view of S Vine Road a requirement for impound storage. All the scrap metal and junk vehicle storage are behind the police impound areas and Retail/Office, they will be screened by solid wood or metal fencing.

Crowley Petroleum Distribution occupies the property north of the wrecking yard it supplies heating oil, propane, diesel, gasoline and lubricants to residents and commercial businesses in Wasilla and the Matanuska and Susitna Valley. Crowley also offers bulk propane and tank re-fill on site as well as bulk delivery and drummed aviation fuels. They also have a Retail/Convenience store on the property.

West of the recycling facility is an undeveloped 10 acre tract of land.

The property to the south there is 4 one acre lots it appears all four lots are being used for commercial/industrial uses. There could be views to the property from W Full Curl Avenue but this is mitigated by a buffer of trees along the southern portion of the recycling lot.

With all cases we will monitor the buffering and if additional screening is required we will not hesitate to correct the situation.

AK CAR CRUSHING & RECYCLING LLC
PO BOX 875188
WASILLA, ALASKA 99687

Received on
5-13-2020

572 S VINE ROAD (YARD)

Wasilla, Alaska

Hazardous Materials Work Plan

February 06, 2020

Table of Contents:

Section A: Hazardous Material Removal Procedures

- Part 1: Work area set-up and protection
- Part 2: Worker protection and decontamination
- Part 3: Vehicle Battery Removal
- Part 4: Vehicle Fluid Removal
- Part 5: Waste Handling, packaging, labeling, and manifesting procedures
- Part 8: Certification

Section B: Hazardous Material Removal Procedures

Part 1: (1.8.3(a) Work area set-up and protection.

AK Car Crushing & Recycling LLC will be doing the hazard removal of vehicle oil, fuel antifreeze and batteries, during the operation of such tasks, AK CAR CRUSHING & RECYCLING LLC will notify the yard supervisor prior to work commencing. AK CAR CRUSHING & RECYCLING LLC will establish a demarcated work area, allowing Authorized personnel in the work area duration of the work being completed. Containers will be provided for the storage of materials being removed accumulated; these containers will be stored at a designated site. All work procedures will follow 40 CFR 260 thru 263 and 40 CFR 279

Part 2: Worker protection and decontamination

To provide ultimate safety to the employees performing work with the removal of oil, fuel antifreeze and batteries, AK Car Crushing & Recycling LLC will perform the following procedures. First, we will make sure that all the following employees wear the appropriate clothing, such as leather gloves, boots, eye protection and safety vests, which will be appropriate for the job. Decontamination will be in the following manner. First, remove battery from vehicle and place in approve recycling location. Second, place vehicle on approved drain racks. Third, drain oil, fuel and antifreeze into separate 55-gal drums. Forth, place vehicle in staging area to be crushed.

Part 3 Vehicle battery removal

The Vehicle battery is removed from the vehicle and placed upright in a Conex for recycling. The yard employees make sure the batteries are stacked upright to prevent leakage. The supervisor inspects daily and makes sure all batteries are secure. Shrink wrap is used to prevent any falling of batteries prior to shipping out containers to the lower 48 for recycling.

Part 4: Vehicle fluid removal procedures.

The following material, tools, and equipment may be needed for the process of removal of oil, fuel and antifreeze, an onsite assessment will be completed for all tools, materials equipment needed.

1. 3 - 55-gallon open top barrel with lock ring
2. Gloves, Boots and Vest

3. Safety Glasses
4. Electric wire cutters
5. Battery powered drill
6. label for barrels
7. Spill kits

The following procedures will be followed to remove fluids:

1. A walk around the vehicle to check for any metal or other objects that may affect the process of removing fluids is conducted
2. The supervisor uses the front end loader with forks to pick up the vehicle and place on EPA approved racks
3. The supervisor makes sure it is on the racks properly and safe for fluid draining
4. Yard employee starts the process of draining the fluids into separate 55-gal drum via the drain rack.
5. The drums are label appropriately
6. Once the process is complete, the vehicle is removed by the supervisor and loader and placed in staging area
7. Once in staging area, the vehicle is either crushed and recycled or stored for parts
8. EPA approved Spill kits and disposal drum are located by the EPA approved drain racks
9. Inspections will be done daily and noted on site and any spill records.
10. To prevent accidental exposure of workers draining fluids, the following safety precautions will be taken: Employees will wear protective clothing, including eye protection, gloves and boots; it will be ensured that the area of draining fluids is well ventilated to minimize the potential risk for breathing in fumes. Some of the warning signs of exposure include irritation of the eyes, nose, and throat. Below are some safety practices that will be follow if accidental exposure occurs:
 - a) **Eye Contact** - immediately flush with large amounts of water for at least 15 minutes, occasionally lifting upper and lower lids.
 - b) **Skin Contact** - remove contaminated clothing and immediately wash contaminated skin with large amounts of soap and water. Contaminated clothing must be disposed as waste.
 - c) **Breathing Issues** - removal of the person from the area and call 911 for immediate ambulance assistance and transport to the emergency room.
11. Hygiene Practices - Hand washing with soap and water before each break and leaving at end of day. There also will be a separate area for eating and drinking, this area will be designated in the shop or office.

Part 9: Waste handling, packaging labeling and manifesting procedures:

All materials handled by AK CAR CRUSHING & RECYCLING LLC will be properly stored/packaged/labeled and shipped out to facilities where the waste is accepted for proper disposal, or reprocessing. Along with this, AK CAR CRUSHING & RECYCLING LLC will provide the manifests/receipts of all the materials being removed this includes oil and antifreeze, and other equipment possibly collected at the jobsite. AK CAR CRUSHING & RECYCLING LLC will store materials in a containment area that is properly marked onsite until proper pick up of contaminated waste. AK CAR CRUSHING & RECYCLING LLC will coordinate with waste facilities for prompt pickup of waste. NRC Alaska LLC will provide transport and waste disposal as soon as waste is available for pick-up.

Disposal Site and Transporter:

NRC Alaska LLC
 619 East Ship Creek Ave. Anchorage, AK 99501
 (907) 257-1558
 24/7/365 Spill Response (877)375-5040
 www.nrcc.com

Part 10: Certification of Work Plan

The careful application of the preceding work plan will accomplish the goals as set forth in the Statement of Purpose in compliance with applicable State, Federal and Local regulations and requirements set forth by EPA and OSHA. The Supervisor may, at their discretion, revise work practice and procedures if all Federal, State and Local requirements are met and meets EPA and OSHA guidelines.

David Berezyuk
 Project Designer Signature

04/17/2020
 Date

THE ASBESTOS INSTITUTE

Certifies that

David Berezyuk

has attended and received instruction in the EPA approved course

AHERA Project Designer Refresher

on

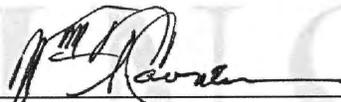
April 03, 2020

and successfully completed and passed the competency exam.

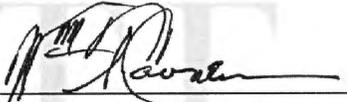
Certificate:
ON-4653-8104-040320

Date of Examination:
3-Apr-2020

Date of Expiration:
03-Apr-2021



William T. Cavness
Director



Approved Instructor

THE ASBESTOS INSTITUTE

20033 N. 19th Ave, Building 6, Phoenix, AZ 85027
602-864-6564 – www.theasbestosinstitute.com

This training meets all requirements for asbestos certification under Toxic Substance Control Act Title II.

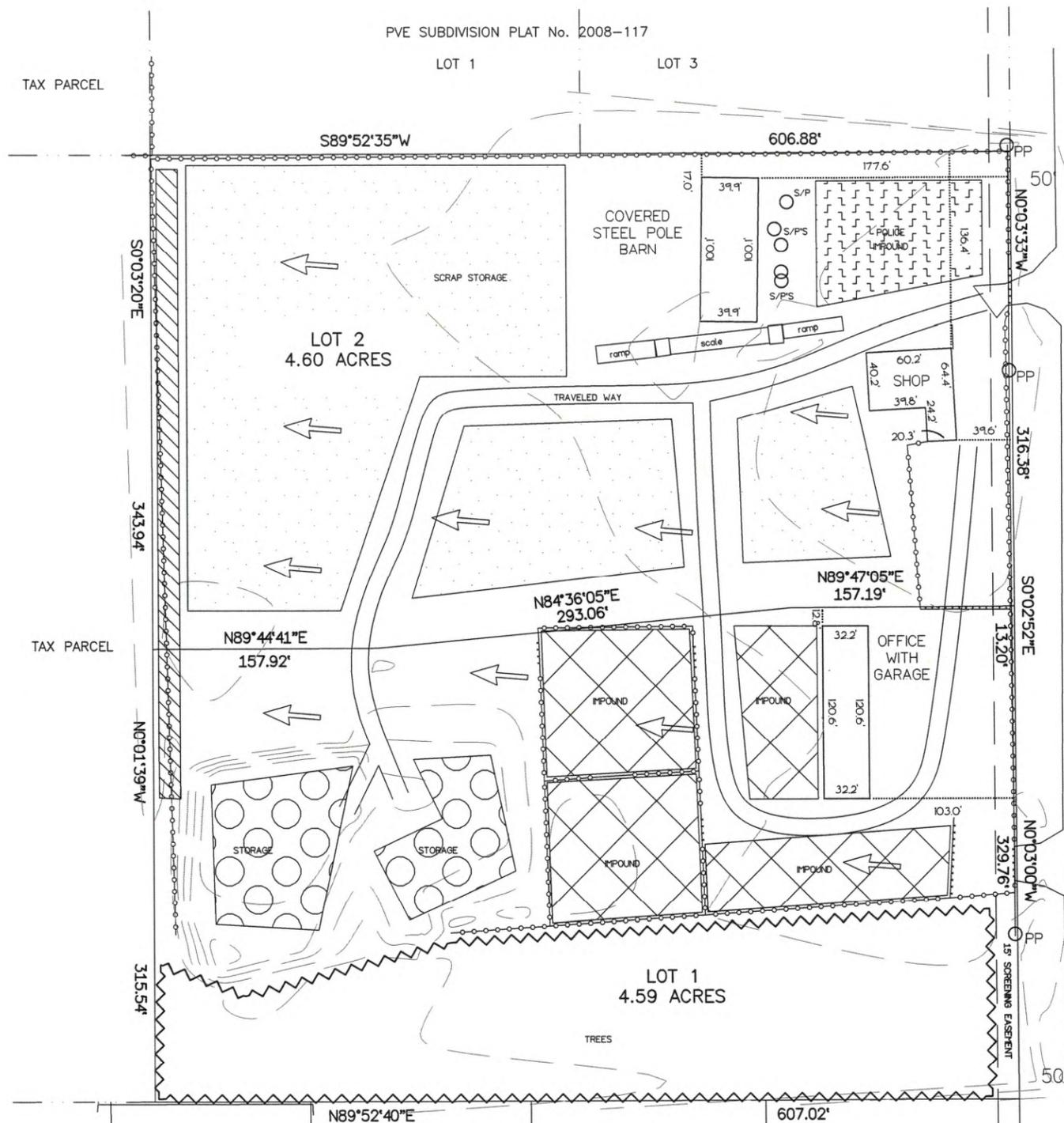
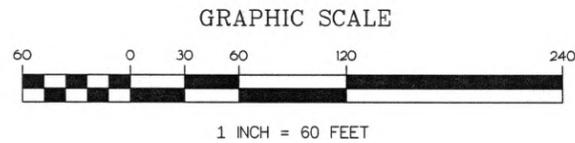
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SITE PLAN

LEGEND

- N 90°00'00" E RECORD DATA
- N 90°00'00" E MEASURED DATA
- SCRAP STORAGE
- POLICE IMPOUND
- VEHICLE STORAGE
- BIO SWALE
- BASIC IMPOUND
- TREE LINE
- 8" CHAIN LINK FENCE

Received on
6-15-2020



NOTES

1. ALL BEARINGS, DISTANCES AND AREAS SHOWN ARE RECORD, UNLESS NOTED OTHERWISE.
2. PURPOSE OF THIS SURVEY IS TO SHOW AREAS OF USE FOR DAILY OPERATIONS OF A CAR CRUSHING FACILITY.
3. STRUCTURES SHOWN WERE VISIBLE AT THE TIME OF THE SURVEY. OTHER IMPROVEMENTS MAY BE COVERED BY SNOW.

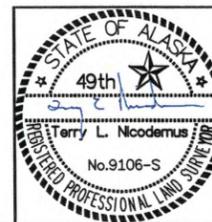
EXCLUSION NOTE:

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

SITEPLAN SURVEY CERTIFICATE:

I HEREBY CERTIFY THAT I, OR SOMEONE UNDER MY DIRECT SUPERVISION, HAVE PERFORMED A SITE-PLAN SURVEY ON THE FOLLOWING DESCRIBED PROPERTY:
LOT 1 AND LOT 2 CAR CRUSHING FLATS

5/19/2020



LOT: 1 & 2	REV. 1
SUBDIVISION: CAR CRUSHING FLATS	
SECTION 10 TOWNSHIP 17N RANGE 2W	
SEWARD MERIDIAN	
PLAT No. 2009-86	MAP No. HO 09
RECORDING DISTRICT PALMER	
PREPARED FOR:	

ACUTEK GEOMATICS LLC		
5089 E. BELLE LUPINE DR. SUITE 104 WASKELA AK 99654		
907-376-8800 FAX 907-376-9629 ACUTEK@GMAIL.COM		
DATE: 5/19/2020	JOB No: 19-09.09	F.B. No: 20-01.1
SCALE: 1" = 60'	DRAWN: TAN	CHECKED: TLN
SITEPLAN		

COMMENTS

Agency Comments

Mark Whisenhunt

From: Theresa Taranto
Sent: Thursday, June 25, 2020 10:16 AM
To: Mark Whisenhunt
Subject: RE: Request for Review: Alaska Car Crushing

FIRM 8055, X Zone
No other comments.

Thank you,

Theresa Taranto
Mat-Su Borough
Development Services
Administrative Specialist

350 E Dahlia Ave.
Palmer, Alaska 99645
907-861-8574
www.matsugov.us

From: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Sent: Monday, June 22, 2020 4:46 PM
To: allen.kemplen@alaska.gov; tucker.hurn@alaska.gov; melanie.nichols@alaska.gov; kyler.hylton@alaska.gov; samantha.carroll@alaska.gov; sarah.wilber@alaska.gov; mearow@matanuska.com; row@mtasolutions.com; row@enstarnaturalgas.com; ospdesign@gci.com; Fire Code <Fire.Code@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; regpagemaster@usace.army.mil; Jude Bilafer <Jude.Bilafer@matsugov.us>; Cindy Corey <Cindy.Corey@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Charlyn Spannagel <Charlyn.Spannagel@matsugov.us>; Karol Riese <Karol.Riese@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Tam Boeve <Tamboevedistrict7@gmail.com>; TedLeonardDistrict4@gmail.com; info@mlccak.org; Patricia Fisher <psfisher@gci.net>; gaming@mlccak.org; bylaws@mlccak.org; vp@mlccak.org; education@mlccak.org; treasurer@mlccak.org; Camden Yehle <camdenyehle@gmail.com>; secretary@mlccak.org; cip@mlccak.org; parks-rec-trails@mlccak.org
Subject: Request for Review: Alaska Car Crushing

DATE: June 22, 2020

TO: Various Governmental Agencies

FROM: Mark Whisenhunt, Planner II

SUBJECT: Request for Review and Comments Related to a Request for a modification to a Conditional Use Permit for the expansion of an existing junkyard / refuse area operation.

LOCATION: 572 S. Vine Road and 600 S. Vine Road; Tax ID #6919000L002 & 6919000L001); within Township 17 North, Range 2 West, Section 10, Seward Meridian

APPLICANT: Garold Jacobsen (dba Alaska Car Crushing)

An application for the modification of an existing conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the expansion of an existing junkyard / refuse area operation. The Planning Commission will conduct a public hearing on this request on August 17, 2020.

Application materials may be viewed online at www.matsugov.us by clicking on 'All Public Notices & Announcements'. Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:

<https://www.matsugov.us/publicnotice/alaska-car-crushing-conditional-use-permit-modification>

Written comments are due on or before ***July 24, 2020*** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

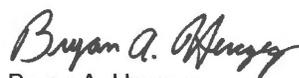
CEPOA-RD-S

DATE: 11-8-2019

MEMORANDUM FOR THE RECORD

SUBJECT: POA-2019-00075, Alaska Car Crushing, Alleged Violation

1. A report of an alleged violation was received from Officer Pamela Ness with Mat-Su Borough Code Compliance on February 8, 2019 regarding a discharge of fill material into wetlands located at Alaska Car Crushing at 572 S. Vine Road, Wasilla, AK.
2. The subject property is located on the west side of S. Vine Road and wetlands are mapped along the south side of the existing gravel pad on the property (Cook Inlet wetland map).
3. Vine Creek has been the subject of previous investigations and site visits associated with wetlands located at the headwaters of Vine Creek. These wetlands were found to be isolated because there was no connection to a traditional navigable water (TNW) and they did not support interstate or foreign commerce (reference POA-2000-1109 and 2016-00322).
4. Corps staff (Herczeg, Gregory, and Holman) conducted a site visit to S. Vine Road at the location of AK Car Crushing on May 9, 2019 (reference photo log). The mapped wetlands (Cook Inlet wetland map) on the subject property were observed on the west side of S. Vine Road.
5. Flow from Vine Creek was observed flowing to the southwest under the Parks Highway but terminated east of and prior to reaching S. Vine Road. Two small channels of Vine Creek were found just east of S. Vine Road but were observed to be dry even though 0.6 inches of rain had fallen in the past 24 hours. Any flow from Vine Creek terminated prior to reaching S. Vine Road. The two culverts under S. Vine Road are located uphill from the terminus of Vine Creek (east side of S. Vine Road). No evidence of flow was observed to or through the culverts and no ordinary high water mark was observed in the culverts.
6. Corps staff also looked for the existence of any drainage along Sylvan Road (west of S. Vine Road). A Culvert was found along Sylvan Road but no evidence of any channel of Vine Creek east of Sylvan Road was observed. No flow through the culvert was observed. Immediately west of the culvert is a large gravel pad and buildings with no evidence of Vine Creek or wetlands.
7. The subject wetlands on AK Car Crushing property are located west of the terminus of Vine Creek. Any flow in Vine Creek terminates east of S. Vine Road. Vine Creek has no connection to a TNW (reference NWI map attached) and the wetlands on AK Car Crushing would not support interstate or foreign commerce therefore they are isolated wetlands and are not subject to Section 404 Clean Water Act jurisdiction.
8. As the subject wetlands are determined to be isolated no Section 404 permit is required and no further action will be taken.


Bryan A. Herczeg
Project Manager

RECEIVED

By Mark Whisenhunt at 7:28 am, Nov 12, 2019

POA-2019-00075
 Alaska Car
 Crushing

USACE ALASKA
DISTRICT

REGULATORY DIVISION

SOUTH BRANCH



<p>DATE: POA-2019-0075 5/9/19</p>	<p>DESCRIPTION: Looking east toward Vine Road at the Sylvan Road crossing. No evidence of Vine Creek, no flow observed and no channel with bed and banks observed.</p>
<p>LOCATION: Sylvan Road</p>	
<p>PHOTO NO. 1</p>	<p>PHOTOGRAPHER: Holman, Kendra</p>

RECEIVED
 By Mark Whisenhunt at 7:30 am, Nov 12, 2019



DATE: POA-2019-0075 5/9/19	DESCRIPTION: Culvert on west side at Sylvan Road crossing. Large gravel pad and building immediately west of culvert. No evidence of a channel or flow observed and no channel with bed and banks observed.
LOCATION: Sylvan Road	
PHOTO NO. 2	PHOTOGRAPHER: Holman, Kendra

RECEIVED
 By Mark Whisenhunt at 7:30 am, Nov 12, 2019



DATE: 5/9/19	POA-2019-0075	DESCRIPTION: Two culverts on the upstream side of Vine Road near terminus of Vine Creek. Channel terminates at an elevation lower than the culverts. Absence of OHW mark on culverts and no defined channel with bed or banks enters culverts.
LOCATION:	Vine Road	
PHOTO NO.	3	PHOTOGRAPHER: Holman, Kendra

RECEIVED
By Mark Whisenhunt at 7:30 am, Nov 12, 2019



DATE: POA-2019-0075 5/9/2019	DESCRIPTION: Terminus of Vine Creek channel ends at the east side of Vine Road then would need to flow uphill to reach culverts due to an increase in elevation at culvert location.
LOCATION: Vine Road	
PHOTO NO. 4	PHOTOGRAPHER: Holman, Kendra

RECEIVED
 By Mark Whisenhunt at 7:30 am, Nov 12, 2019



DATE: POA-2019-0075 5/9/19	DESCRIPTION: The terminus of Vine Creek channel looking upstream (east) from Vine Road. No flow observed.
LOCATION: Vine Road	
PHOTO NO. 5	PHOTOGRAPHER: Holman, Kendra

RECEIVED
By Mark Whisenhunt at 7:30 am, Nov 12, 2019



DATE: POA-2019-0075 5/9/19	DESCRIPTION: Channel of Vine Creek near terminus at Vine Road. Note no flow or water approximately 24 hours after 0.6 inches of rain.
LOCATION: Vine Creek	
PHOTO NO. 6	PHOTOGRAPHER: Holman, Kendra

RECEIVED
 By Mark Whisenhunt at 7:30 am, Nov 12, 2019



DATE: POA-2019-0075 5/9/19	DESCRIPTION: Secondary channel that joins with Vine Creek near Vine Road. Looking west toward Vine Road. Old channel hidden under the vegetation. No flow observed.
LOCATION: Vine Creek	
PHOTO NO. 7	PHOTOGRAPHER: Holman, Kendra

RECEIVED
 By Mark Whisenhunt at 7:30 am, Nov 12, 2019



DATE: POA-2019-0075 5/9/19	DESCRIPTION: Secondary channel that joins with Vine Creek near Vine Road. Looking upstream (west) away from Vine Road.
LOCATION: Vine Creek	
PHOTO NO. 8	PHOTOGRAPHER: Holman, Kendra

RECEIVED
 By Mark Whisenhunt at 7:30 am, Nov 12, 2019



DATE: 5/9/19	POA-2019-0075	DESCRIPTION: Two culverts on west side of Vine Road adjacent to Alaska Car Crushing property. Mapped wetlands continue immediately west of the Vine Road and culverts but no evidence of flow or channel with bed and banks was found.
LOCATION:	Vine Creek	
PHOTO NO.	9	PHOTOGRAPHER: Holman, Kendra

RECEIVED

By Mark Whisenhunt at 7:30 am, Nov 12, 2019



DATE: POA-2019-0075 5/9/19	DESCRIPTION: Vine Creek on south side (downstream) of crossing at the Parks Highway.
LOCATION: Vine Creek	
PHOTO NO. 10	PHOTOGRAPHER: Holman, Kendra

RECEIVED
 By Mark Whisenhunt at 7:30 am, Nov 12, 2019



DATE: POA-2019-0075 5/9/19	DESCRIPTION: Vine Creek where it flows away from the Parks Highway. Southern most area of flow found within Vine Creek.
LOCATION: Vine Creek	
PHOTO NO. 11	PHOTOGRAPHER: Holman, Kendra

RECEIVED
 By Mark Whisenhunt at 7:30 am, Nov 12, 2019

POA-2019-00075

AK Car Crushing - Selected Vine Creek Photo Points & NWI Layer showing end of Vine Creek flow

RECEIVED

By Mark Whisenhunt at 7:26 am, Nov 12, 2019



POA-2019-00075

AK Car Crushing - Selected Vine Creek Photo Points

RECEIVED

By Mark Whisenhunt at 7:27 am, Nov 12, 2019



Public Comments

Mark Whisenhunt

From: Arlene Stoelting <arlene@alpineseptic.com>
Sent: Thursday, August 6, 2020 8:08 PM
To: Mark Whisenhunt
Cc: Tom Stoelting
Subject: Fwd: Jacobson Photos
Attachments: IMG-6283.jpg; IMG-6278.jpg; IMG-6276.jpg; IMG-6275.jpg; IMG-6273.jpg; IMG-6280.jpg; MSB Jacobsen.pdf

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Mark,

See forwarded email with photos of Garrold Jacobsen's Alaska Car Crushing business and our response to the Modification of existing conditional use permit. We are not sure if our home lot, 5651 W Raspberry Loop, is included but is directly across the street from our lot, 700 S Vine Rd., Wasilla AK 99623 and the value of that lot would be impacted as well.

Please provide this information to the Planning Commission at the August 17, 2020 hearing.

----- Forwarded message -----

From: Arlene Stoelting <rooterman.ak@gmail.com>
Date: Thu, Aug 6, 2020 at 7:44 PM
Subject: Jacobson Photos
To: <arlene@alpineseptic.com>

Taken today 8/6/20

--

Arlene Stoelting
907-715-7734

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

55195B02L008A

12

STOELTING TOM & A LVG TR
 PO BOX 298705
 WASILLA AK 99629

The Planning Commission of the Matanuska-Susitna Borough will consider the following:

Applicant: Garold Jacobsen (dba Alaska Car Crushing)
Location: 572 S. Vine Road and 600 S. Vine Road; Tax ID #6919000L002 & 6919000L001; within Township 17 North, Range 2 West, Section 10, Seward Meridian
Request: An application for the modification of an existing conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the expansion of an existing junkyard / refuse area.

The Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, August 17, 2020 at 6:00 p.m. in the Borough Assembly Chambers, 350 E. Dahlia Avenue, in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information from the applicant at the time of introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing. Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

***Please Note: Due to the ongoing Coronavirus/COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough website. The public is encouraged to check the Borough website prior to attending the public hearing for any changes to the meeting schedule or method.**

In Person Participation: Should you wish to attend in person, please adhere to a 6-foot distance between yourself and others; Masks are not required but are encouraged. **Telephonic Testimony:** Dial 1-855-225-1887; You will hear "Joining Conference" when you are admitted to the meeting. You will be muted and able to listen to the meeting. When the Chairperson announces audience participation or a public hearing you would like to speak to, press *3; you will hear "Your hand has been raised." When it is your turn to testify you will hear "Your line has been unmuted." State your name for the record, spell your last name, and provide your testimony. Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." Application material may also be viewed at the Borough Permit Center. For additional information, you may contact Mark Whisenhunt, Planner II, at 861-8527. Written comments can be mailed to: MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may e-mail comments to mark.whisenhunt@matsugov.us. In order to be eligible to file an appeal for a decision of the Planning Commission, a person must be designated an "interested party." See MSB 15.39.010 for the definition of "interested party." The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the borough home page: www.matsugov.us, in the Borough Clerk's office, and at various libraries within the borough. Written comments are due on or before **July 24, 2020** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Name: Tom + Arlene Stoelting Mailing Address: PO Box 298705, Wasilla AK

Location/Legal Description of your property: 700 S Vine Rd., L&A B² Airplane 9962

Comments: Acres; 5651 W Raspberry LP, Wasilla
 B2 / L1 Cranberry Hls.

see attached

Note: Vicinity Map Located on Reverse Side

Response to Applicant Garold Jacobsen (dba Alaska Car Crushing) Application for modification of existing conditional use permit of an existing junkyard.

Tom and Arlene Stoelting own two properties very close to Mr. Jacobsen's site. Both properties will be up for sale within the next two years. Expansion of the junkyard will impact our property values. We don't object to Mr. Jacobsen' having this business but unsightly vehicles so close and visible to Vine Road is a detriment to our neighborhood. We thought that all such vehicles were to be kept out of sight of passing traffic. It certainly appears that way from the following ordinance language.

17.60.110 JUNKYARDS AND REFUSE AREA STANDARDS.

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

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

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

(C) The commission shall evaluate whether the applicant is suitable to establish, maintain, or operate the proposed use under the requirements of this chapter.

- (1) Suitability of the applicant shall be based upon the applicant's history of compliance with relevant local, state, and federal laws.

(2) Review for suitability shall be limited to no more than five years preceding the application.

(D) The commission shall consider whether adequate controls are in place to prevent contamination of soil, surface water and groundwater.

Again, we do not object to this business but would like to see all vehicle, equipment and other things hidden from our view as required by 17.60.110

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PLANNING COMMISSION RESOLUTION

By: Mark Whisenhunt
Introduced: August 3, 2020
Public Hearing: August 17, 2020
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 20-28

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT IN ACCORDANCE WITH MSB 17.60 – CONDITIONAL USES, FOR THE EXPANSION OF AN EXISTING JUNKYARD/REFUSE AREA OPERATION, LOCATED AT 572 S. VINE ROAD AND 600 S. VINE ROAD (TAX ID # 6919000L002 & 6919000L001); WITHIN TOWNSHIP 17 NORTH, RANGE 2 WEST, SECTION 10, SEWARD MERIDIAN.

WHEREAS, an application has been received from Garold Jacobsen, dba Alaska Car Crushing, requesting a modification of a conditional use permit for the expansion of an existing junkyard/refuse area operation, at 572 S. Vine Road and 600 S. Vine Road; Tax ID #6919000L002 & 6919000L001; within Township 17 North, Range 2 West, Section 10, Seward Meridian; and

WHEREAS, Per MSB 17.60.030, junkyards/refuse areas are declared to be potentially damaging to property values and usefulness of adjacent properties or potentially harmful to the public health, safety, and welfare and are permitted only upon the issuance of a conditional use permit; and

WHEREAS, Lot 2 of Car Crushing Flats has been operated as a junkyard/refuse area through Conditional Use Permit #CUP00-04, since the year 2000; and

WHEREAS, The subject parcel sits on the west side of the Vine Road right of way. The existing permitted site abuts the north side lot line; and

WHEREAS, Further north, northeast, and northwest are more commercial operations. An undeveloped 10-acre parcel abuts the west side lot line. Large undeveloped parcels sit on the east side of the Vine right-of-way. Several one acre lots with residential and agricultural uses abut to the south; and

WHEREAS, An area approximately 1.46 acres in size on the south side of Lot 1 remains vegetated and undisturbed, providing a buffer from the operation to the abutting parcels to the south; and

WHEREAS, The intersection of Vine Road and the Parks Highway is approximately 600 feet north of the operation; and

WHEREAS, All uses adjacent to the intersection of Vine Road and the Parks Highway are commercial or industrial; and

WHEREAS, According to the application material, recyclable material and vehicles will have fluids removed prior to being placed into the proposed expansion area; and

WHEREAS, Fluids are removed within a pole barn with a concrete containment floor. The proposed expansion will not effect this practice; and

WHEREAS, Fluids are placed in 55-gallons drums for storage; and

WHEREAS, Fluids and batteries are removed by a third party contractor; and

WHEREAS, Vehicles are inspected for leaks. Absorption pads are used when a leak is discovered; and

WHEREAS, As an additional measure to prevent any potential pollutants from migrating off property, a bio-swale has been constructed along the west side of the operation; and

WHEREAS, The applicant has developed a hazardous materials work plan; and

WHEREAS, A copy of the hazardous materials work plan has been provided; and

WHEREAS, In 2016, Borough staff found the operation had expanded onto Lot 1. The junkyard/refuse area currently occupies approximately 7.73 acres of the 9.19; and

WHEREAS, An eight foot tall chain link fence surrounds the entire facility, except for the southwest corner. The fence consists of a six-foot tall chain link fabric with two foot vertical arms atop that accommodate three strains of barb wire; and

WHEREAS, An impound lot and company vehicle parking are directly adjacent to the Vine Road right-of-way. The junkyard operation sits behind this area and is screened by buildings and wood frame fencing with metal panels; and

WHEREAS, All of the required site plans and operational information have been provided by the applicant; and

WHEREAS, According to the application material, the police impound area, towing lots, and parking area abut the Vine Road right-of-way; and

WHEREAS, On January 31, 2019 Officer Ness followed up on the open case and found the operation to still be operating on both lots. Officer Ness gave a written warning to Mr. Jacobsen in person; and

WHEREAS, On February 7, 2019 Mr. Jacobsen submitted an application with fee to modify the existing Conditional Use Permit #CUP00-0004. Staff sent the applicant a letter requesting more information on April 1, 2019; and

WHEREAS, In October 2019, the applicant informed the Planning Department that they had hired Acutek to develop an appropriate application for their request; and

WHEREAS, On June 22, 2020 Borough staff reviewed updated information submitted on June 15, 2020 and determined the application to be complete; and

WHEREAS, Since receiving the writing warning, the applicant has been responsive to gain compliance with Borough code; and

WHEREAS, Other than expanding the operation with the proper permit modification, the Borough is not aware of any other violations of Borough code; and

WHEREAS, Other than expanding the operation with the proper permit modification, the applicant has demonstrated the operation meets the operational standard for a junkyard/refuse area; and

WHEREAS, the Planning Commission has reviewed this application with respect to the applicable standards set forth in MSB 17.60; and

WHEREAS, the Planning Commission conducted a public hearing on August 17, 2020 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 20-28:

1. the proposed expansion will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).
2. the proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).
3. sufficient setbacks, lot area, buffers and other safeguards are being provided (MSB 17.60.100(B)(3)).
4. The application material has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).

5. the fencing and existing vegetation will obscure the site from any traveled or public right-of-way on a year-round basis (MSB 17.60.110(A-B)).
6. the applicant has demonstrated they are suitable to establish, maintain, and operate the proposed expansion in accordance with the requirements of this chapter, by keeping the operation with the subject parcels, properly handling and disposing of hazardous fluids, and adequately screening the operation from public rights-of-way (MSB 17.60.110(C)).
7. there are adequate controls in place to prevent contamination of soil, surface water and groundwater (MSB 17.60.110(D)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the applicable standards of MSB 17.60 and does hereby approve the modification to conditional use permit #CUP00-04 for the expansion of an existing junkyard/refuse area, with the following conditions:

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

2. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
3. Site obscuring fencing as required by MSB 17.60.110(A) at least eight feet in height shall be installed to visually screen the subject property (Lot 1, Car Crushing Flats Subdivision) from the traveled right-of-way on a year-round basis. Products made for chain link fencing, such as, slats or screening mesh may be added to the existing chain link fence to achieve adequate screening. Adequate screening shall be installed no later than October 31, 2020.
4. The site obscuring fence shall be maintained in good working condition. Repairs shall be made as soon as practicable.
5. Conditions listed in Conditional Use Permit #CUP00-04 remain in effect.

/

/

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

COLLEEN VAGUE, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

DRAFT

YES:

NO:

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COMMISSION BUSINESS
Upcoming PC Agenda Items

(Page 391 - 397)

COMMISSION BUSINESS

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MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

350 East Dahlia Avenue • Palmer, AK 99645

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

Email: planning@matsugov.us

MEMORANDUM

DATE: August 7, 2020

TO: Planning Commissioners

FROM: Alex Strawn, Acting Director of Planning and Land Use

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

September 21, 2020 (*MSB Assembly Chambers*)

Introduction for Public Hearing Quasi-Judicial

(None)

Introduction for Public Hearing Legislative

- Marijuana Code Update (*Staff: Mark Whisenhunt*).

Agency/Staff Reports

(None)

Land Use Classifications

(None)

Public Hearing Quasi-Judicial

- **Resolution 20-31**, a Conditional Use Permit (CUP) in accordance with MSB 17.60 – Conditional Uses; allowing the operation of a junkyard/refuse area, located at 743 West Sunrise Drive (Tax ID#: 640500L006); within Township 18 North, Range 2 West, Section 33, Seward Meridian. Alaska Superior Court has issued an order remanding this item back to the Planning Commission. (*Applicant: Dewayne Creech for Creech’s Junkyard, Staff: Mark Whisenhunt*).
- **Resolution PC 20-32**, a variance request in accordance with MSB 17.65 – Variances for a variance to the shoreline setback requirements of MSB 17.55-Setbacks. The variance would allow for the construction of a 26’ x 24’ single-family residence with deck to be situated approximately 33’ from the shorelands of Middle Caswell Lake. The location of the request is 49572 S. Jumpin Circle (Tax ID# 607000L1067); within Township 22 North, Range 4 West, Section 14, Seward Meridian. Public Hearing: September 21, 2020 (*Applicant: Jason Nixa, Staff: Joe Metzger*).

Public Hearing Legislative

- **Resolution PC 20-22**, Recommending Assembly adoption of MSB 17.31 Supplemental Wetlands Mitigation (*Staff: Ted Eischeid*).

Unfinished Business

(None)

New Business

(None)

Commission Business

- Adjudicatory (*if needed*)
- Upcoming Planning Commission Agenda Items (*Staff: Alex Strawn*)

October 5, 2020 (*MSB Assembly Chambers*)**Introduction for Public Hearing Quasi-Judicial**

(None)

Introduction for Public Hearing Legislative

- Marijuana Code Update (*Staff: Mark Whisenhunt*).

Agency/Staff Reports

(None)

Land Use Classifications

(None)

Public Hearing Quasi-Judicial

(None)

Public Hearing Legislative

(None)

Unfinished Business

(None)

New Business

(None)

Commission Business

- Adjudicatory (*if needed*)
- Upcoming Planning Commission Agenda Items (*Staff: Alex Strawn*)

October 19, 2020 (*MSB Assembly Chambers*)**Introduction for Public Hearing Quasi-Judicial**

(None)

Introduction for Public Hearing Legislative*(None)***Agency/Staff Reports***(None)***Land Use Classifications***(None)***Public Hearing Quasi-Judicial***(None)***Public Hearing Legislative***(None)***Unfinished Business***(None)***New Business***(None)***Commission Business**

- Adjudicatory *(if needed)*
- Upcoming Planning Commission Agenda Items *(Staff: Alex Strawn)*

Upcoming PC Actions**Quasi-Judicial**

- D&S Alaskan Trail Rides, Inc. – Denali SpUD, 29N05W33D012 and 29N05W33D0028 *(Staff: Joe Metzger)*.
- Nu Aspen LLC – Talkeetna SpUD, 5352B12L014A *(Staff: Joe Metzger)*.
- Nu Aspen LLC – Regulation of Alcoholic Beverages, 5352B12L014A *(Staff: Joe Metzger)*.
- Faded Moose Farms, LLC – Marijuana Cultivation Facility, 5902000L001 *(Staff: Mark Whisenhunt)*.
- Northern Alliance – Marijuana Cultivation Facility, 17N04W25D005 *(Staff: Mark Whisenhunt)*.
- Trichs, LLC – Marijuana Retail Facility, 1111B01L011 *(Staff: Joe Metzger)*.
- Hatchers Grass – Marijuana Retail Facility, 6381000L001 *(Staff: Joe Metzger)*.
- Midnight Sun Distributors – Marijuana Retail Facility, 1780B01L001 *(Staff: Joe Metzger)*.
- Colaska, Inc. – MSB 17.30, 20N04W06 *(Staff: Joe Metzger)*.
- R1 Corporation dba The Office – Regulation of Alcoholic Beverages, 9057000L002 *(Staff: Joe Metzger)*.

Legislative

- **Resolution 20-23** a Resolution recommending Assembly approval of an ordinance amending MSB 15.24.030(C), The Matanuska-Susitna Borough Lake Management Plan, adopting MSB 17.59.063 Adoption and Amendment of Regulations on Lakes; and MSB 17.59.065 Regulations on Lakes; and repealing MSB 15.24.031 Initiating and Amending Lake Management Plans, MSB 17.58 Motorized Uses on Lakes and Waterways, and MSB 17.59.060 Limitation of Uses in their entirety (*Staff: Kim Sollien*). Planning Commission to revisit in January 2021.
- Title 17 Consolidation (*Staff: Mark Whisenhunt*).

Other Upcoming Administrative Actions (Not going to the PC)

- Aldeman – Multifamily Permit; 17N01W18B011 (*Staff: Joe Metzger*).
- Birdsell #1 – Nonconforming Structures, 6040B03L016 (*Staff: Joe Metzger*).
- Hinderman - Nonconforming Structures, 6043B01L006 (*Staff: Joe Metzger*).
- Bridgeway Community – Multifamily Development Permit, 17N02W11B005 (*Staff: Joe Metzger*).
- Woodland Park – Nonconforming Structures (amnesty) – 3037B01L027 (*Staff: Joe Metzger*).
- Frontier Dream – Administrative Permit for Earth Materials Extraction, 5745000L002 (*Staff: Mark Whisenhunt*).
- Midnight Landing Lot 2 – Multifamily Permit, 7702000L002 (*Staff: Mark Whisenhunt*).

PC Decisions Currently Under Appeal

- **Resolution PC 19-17**, a Conditional Use Permit in Accordance with MSB 17.60 – Conditional Uses; allowing for the operation of a marijuana retail facility, located at 1204 N. Hyer Spur (Tax ID# 7775000L002); within Township 17 North, Range 1 East, Section 4, Seward Meridian. Appealed to the BOAA. Planning Commission decision upheld by BOAA on September 11, 2019. Appealed to Alaska Superior Court (*Applicant: Teri Zell, on behalf of Higher by Bad Gramm3r, LLC; Staff: Joe Metzger*).
- **Resolution PC 20-29**, a resolution of the Matanuska-Susitna Borough Planning Commission adopting findings of fact and conclusions of law supporting the denial of PC Resolution 20-18 concerning a request for a variance from MSB 17.55 to allow an existing single-family residence to encroach into the required 75-foot waterbody setback at 5782 S. Big Lake Road (Tax ID# 6142000L006); within Township 17 North, Range 3 West, Section 29, Seward Meridian. (*Applicant: Dennelle Seetomona on behalf of Janice Ellsworth, Staff: Joe Metzger*).

Updates on PC items going to the Assembly (Pending)

- **Resolution PC 20-12**, recommending Assembly adoption of MSB 17.68, Outdoor Shooting Facilities, in order to establish standards for commercial, educational, and nonprofit outdoor shooting facilities. Introduction: September 15, 2020 Public Hearing: October 6, 2020 (*Staff: Alex Strawn*).
- **Resolution PC 20-24**, recommending Assembly approval of an ordinance amending MSB 43.05.015(B)(3) to adopt the 2020 Subdivision Construction

Manual. Introduction: August 4, 2020; Public Hearing: August 18, 2020 (*Staff: Alex Strawn*).

- **Resolution PC 20-25**, recommending Assembly approval of an ordinance adopting MSB 11.12 Driveway Standards in order to ensure driveways within borough right-of-ways minimize negative impact to drainage, maintenance, and safety of the traveling public. Introduction: September 15, 2020; Public Hearing: October 6, 2020 (*Staff: Alex Strawn*).

Updates on PC items that went to the Assembly (Complete)

(None)