MATANUSKA-SUSITNA BOROUGH **REGULAR MEETING**
PORT COMMISSION **September 21, 2020**

1. CALL TO ORDER; ROLL CALL; PLEDGE OF ALLIGENCE

The regular meeting of the Port MacKenzie Port Commission was called to order at 3:00 p.m. by Vice Chairperson Ms. Helga Larson.

Commission members present and establishing a quorum were:

Ms. Helga Larson Ms. Claudia Roberts
Mr. Randall Kowalke Mr. Bryan Scoresby
Mr. Rob Brown (3:02)

Commission members not present were:

Mr. Tim Anderson and Mr. Mike Janecek

Staff in attendance were:

Mr. George Hays, Acting Borough Manager
Ms. Therese Dolan, Port Operations Manager

Assembly members in attendance were:

Ms. Stephanie Nowers (Phone)

2. APPROVAL OF AGENDA

The agenda was approved as written.

3. APPROVAL OF MINUTES

The minutes from the Port Commission meeting held on July 20, 2020 were approved as written.

4. AGENCY AND STAFF REPORTS

A. Therese Dolan, Port Operations Manager

1) Maintenance

a) FEMA/Earthquake Repair

- Terminal Building
  - FEMA requires every item on the project worksheet to be listed in the contract. Three items were not included in the contract because two of them had since been remedied and the third was going to be added to a larger contract next year. I
  - In order to comply with FEMA's guidance the items have been added and the contract will go out for rebid.
- Rip Rap and High Mast Lights
  - Still waiting for FEMA approval for PND to submit a bid.

b) Barge Dock Maintenance

- 2019 PND performed formal dockside and waterside inspection
- Diversified Construction awarded contract to repair deficiencies found during inspection
- Main work, welding bands across portion of Cell 1 to reinforce interlock

- Repair/replace three ladders
- Remove minor corrosion and repaint with galvanized paint

c) EDA Grant Application
- Applied for a $9M grant to install pile sleeves and a Ro-Ro Ramp
- EDA requested additional information
- Looking favorable

d) NPI update
- Proposed terms given to Assembly on August 4th
- Assembly briefly discussed NPI negotiations
- Moved to Executive Session

e) FERC/AGDC update:
- FERC denied our request for rehearing
- Assembly moved to Executive Session

5. PERSONS TO BE HEARD

Mr. Haberman made comments.

6. OLD BUSINESS

A. Joint meeting with the Port of Anchorage

1) Mr. Anderson asked for this to remain open under old business.

7. NEW BUSINESS

8. ADMINISTRATION AND COMMISSION MEMBER COMMENTS

During closing remarks by Mr. Kowalke stated that all revenue generated in the Port District should be shown as Port revenue instead of being credited to Land Management. A lengthy discussion followed. Mr. Hays stated that he would bring legislation forward addressing the issue. Ms. Larson requested a presentation to address gaps in some commissioner's knowledge about the Port's purpose and capabilities. Ms. Larson closed with, "The Port is the most important piece of property in the Borough."

9. ADJOURNMENT

The meeting adjourned at 3:40 p.m.

_____ _____

Therese M. Dolan, Port Operations Manager Tim Anderson, Chairman

Minutes Approved_____

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
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MEMORANDUM

DATE: September 25, 2020

TO: George Hays, Acting Manager

THRU: Eric Phillips, Community Development Director

FROM: Emerson Krueger, Land Management Specialist

SUBJECT: Port Development Permit for COLASKA to construct a 18'x12' precast concrete pad for installation of a temporary cement silo and installation of a truck scale on the 15.8 acre site, permit MSB007573.

Table of Contents

1. Executive Summary
2. Facts and Circumstances
3. Port Master Plan
4. MSB 17.23 – Port Development Permit
5. Analysis
6. Recommended Conclusions of Law and Findings of Fact
7. Staff Recommendations

Attachments

1. Colaska Operation Plan (2 pages)
2. Site Plan (1 page)
3. Application
4. MSB Authorization Letter to Colaska (1 page)
5. Land Use Permit MSB007573
6. Port Development Permit 17232000001

1. Executive Summary

Description of Applicant's Request:
The applicant is proposing to build an 18 foot by 12 foot by 1.5 foot precast concrete pad within their permitted site for installation of a temporary cement silo. The applicant is also proposing to install a temporary truck scale on their permitted site within the Port District. The applicant has a Borough Land Use Permit, MSB007573, for use of 15.8 acres in the area formerly used by Alutiiq. They recently imported bulk cement from a cargo vessel for storage in the old Alutiiq Warehouse and are now going to export the cement by truck. The Port Development Permit will authorize them to make improvements to support loading and weighing the trucks used to export the bulk cement.

Summary Analysis:
To qualify for a port development permit, land use or development proposals must demonstrate that adequate street capacity will be provided and describe the anticipated vehicular traffic to and from the site including probable types and sizes of vehicles.

Trip generation rates shown below are from the Institute of Transportation Engineers, *Trip Generation*, Volume 2, page 22, Land Use: 030, Intermodal Truck Terminal. Truck terminals are facilities where goods are transferred between trucks, trucks and railroads, or trucks and ports. There were only five studies conducted in support of the data below. Caution should be noted in using the data below given the small sample size and the urban setting of the studies. The five sample sites included roughly 51% incoming trucks for delivery. The proposed operation received bulk cement via ocean going vessel. The trip generation anticipated from the operation is not expected to exceed 10% of the projected trip generation from the manual. Borough Land Use Permit MSB007573 authorizes use of 15.8 acres, or 688,248 square feet gross floor area (sq ft GFA). The applicants use of the 15.8 acres amounts to a significantly lower total lower GFA.

Highest Trip Rate	Trip Generation/1000 sq ft GFA	Total Estimated Trips	10% of Est. Trips
Vehicle trips per 1000 sq ft GFA	1.89	353	35*

*Trips rounded to nearest whole number

The maximum projected trips per day at the site is 35 trips. This level of traffic is not anticipated to generate any negative traffic effects. The threshold for a traffic impact analysis is 100 truck trips per day. The projected trip generation is based on information provided by the applicant for their land use permit.

In addition, to qualify for a port development permit, land use or development proposals must conform to all applicable borough codes and the Port Master Plan.

The proposed activities appear to be in accordance that all applicable codes and the master plan.

The applicant will be using an existing driveway.

2. Facts and Circumstances

Applicant:
Jon Fuglestad, Colaska, LLC

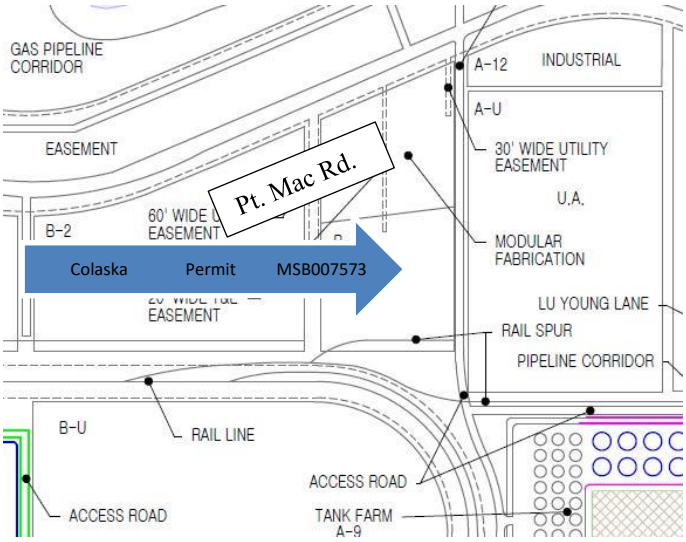
Property Owner:
Matanuska-Susitna Borough

Location of Properties:
MSB Permit MSB007573
37385 W. Port MacKenzie Road
Port Master Plan Update Lease Lot B-1
Township 14 North, Range 04 West, Section 23, Tract 1
MSB Parcel Tax ID 7170000T001

Land Use

Existing Land Use:
The parcel consists of cleared, grubbed, relatively flat uplands with a 22,500sqft warehouse, a water well, and septic system. The existing driveway was constructed by the Alutiiq Corporation under a previous borough lease.

Description and Character of Surrounding Area:
The borough parcels adjoining the permit lot to the west and south are cleared and grubbed and reserved for land use associated with the rail extension. The University land to the east is undeveloped. The Port MacKenzie Rail Extension is adjacent to the south.



3. Port Master Plan

This property is located south of Point MacKenzie Road in the Port District. The Port Master Plan specifically identifies this parcel for fabrication. The excerpt from the Master Plan shows conceptual lease lot B-1. The applicant has a permit to use the north half of this 30-acre parcel. The temporary land use permit authorizes the applicant to store bulk cement in the existing warehouse. The layout drawing from the master plan shown here illustrates the location of the proposed development which, given its temporary nature, does not present a conflict with the Master Plan.

4. MSB 17.23 – Port Development Permit

Section 17.23.150 Development Permit Required.

(A) All development and use of land authorized within the special use district shall require prior authorization by issuance of a port district use permit from the borough manager or designee. Other permits or authorization may be required for specific uses or development.

(B)Required port development permits shall be issued to the lessee or the lessee's authorized agent as prescribed by this chapter.

(C)Applicants may contact the borough manager to schedule a pre-application conference. It shall be the responsibility of the applicant to become familiar, and comply with the regulations, policies, and procedures of the borough.

(D)Applications for a port development permit shall be submitted on forms provided by the borough with attached supplemental material as appropriate.

1. The applicant shall include all information with the application sufficient to describe the proposal and demonstrate compliance of the proposal with applicable borough codes. Applications shall include appropriate site plans and necessary textual descriptions to depict and describe the location, setbacks, dimensions, height, bulk, area, floor plans, layout, appearance, materials, use, standards of construction, operations, mitigation methods for negative impacts, schedules, and all other aspects of the proposal necessary to show the proposed construction needed to determine compliance with borough code.
2. The application shall be accompanied by an application fee as required under MSB 17.99.

(E) Site plan and technical drawing requirements shall be signed and sealed by a professional land surveyor, civil engineer, or architect or landscape architect registered in Alaska as appropriate to the drawing.

(F)Proposals for development shall demonstrate that adequate street capacity will be provided and describe any traffic control measures proposed to mitigate negative traffic impacts on public rights-of-way. Proposals must include:

(1)a statement describing anticipated vehicular traffic to and from the site including probable types/size of vehicles to be used by the business, and vehicle generation rate based on standard trip generation tables; and may require (2)a traffic impact analysis (TIA) where applicant establishes that proposed development will generate more than 200 average daily traffic trips, or more than 100 truck trips per day.

(G)A port development permit shall be acted upon within 45 calendar days.

17.23.160PERMIT APPLICATION REVIEW.

Upon determination that a complete application has been received, the borough manager shall commence review of the project for conformance with all applicable codes and the port master plan. An application is deemed complete when all of the material listed in MSB 17.23.150(D), (E), and (F) have been received by the borough manager.

17.23.165PERMIT STANDARDS.

(A)Unless otherwise specified for cause, a permit shall terminate two years from the date of issuance if the subject development or use has not commenced. Unless otherwise specified for cause, a port district use permit shall terminate 30 calendar days after written notice by the borough to the applicant of determination by the borough that substantial construction has not occurred on the permitted development for 24 consecutive months.

(B)Upon completion of construction authorized by a permit issued under this section, the permittee shall notify the borough manager in writing of completion. The borough may inspect the site to determine compliance with the requirements of the permit.

(C)Prior to construction of any structure subject to state fire codes, the permittee shall obtain a state of Alaska fire marshal approval and submit a copy of the approval to the borough manager.

(D)The borough manager may approve an application subject to any conditions that are necessary to implement the purposes of this title, or conform the application to this title or other applicable statutes or ordinances.

17.23.170SETBACKS.

(A)Minimum structural setback requirements are prescribed in MSB 17.55.

(B)Structures which are subject to minimum setbacks from lot lines shall also be separated from each other by a minimum of ten feet or as required by the national fire code, most recent edition adopted by Alaska.

(C)Except within the PID-I and WDD districts, all non-water dependent driveways, vehicle parking areas, loading facilities, and vehicle or equipment storage areas shall be set back a minimum of 75 feet from any water body.

17.23.180STREET INTERSECTION VISIBILITY.

(A)Fences, walls, hedges, or other plantings or structures erected, planted, or placed within a triangular area formed by intersecting right-of-way lines at a corner shall be designed to provide the minimum corner sight distance as specified in the borough subdivision construction manual as adopted, or revised, pursuant to MSB 16.20.140.

(B)Precautions shall be taken so as not to obscure visibility of oncoming cars or passing pedestrians and vehicles backing out of driveways or parking lots onto public rights-of-way.

17.23.190ROAD STANDARDS.

(A)The purpose of the following provisions is to establish standards for the design of streets in the district that will promote the safety and convenience of vehicular traffic, minimize the cost of

street construction, and minimize the long-term cost for maintenance and repair of streets thereby encouraging appropriate development of the lands within the district.

(B)Each proposed street within the district shall be designed for its entire length to meet or exceed the minimum standard. These standards shall be applicable to the design and construction of all new commercial/industrial streets within this special land use district.

(C)Engineering criteria are:

1. The road surface of all streets shall be no less than 24 feet in width and designed to provide two continuous moving lanes within which no parking is permitted;
2. The road cross section shall provide two feet of structural gravel with additional design necessary based on the sub-grade materials;
3. The top six inches of the road prism shall be gravel no larger than two inches and contain 5 percent to 15 percent fines;
4. Roads 1400 feet or more in length shall meet or exceed the design criteria for a roadway speed of 35 miles per hour; and
5. Roads less than 1400 feet in length shall meet or exceed the design criteria for a roadway speed of 25 miles per hour.

17.23.195 PARKING AND LOADING FACILITIES.

(A)General provisions. It is the responsibility of the applicant to provide sufficient off-street vehicle and equipment parking, loading, and storage facilities for the subject use. It is the responsibility of the permittee to determine the appropriate number of required spaces for proposed uses and ensure they are provided and maintained. In the event the provided number of parking spaces proves to be insufficient to serve the use, it is the responsibility of the permittee to immediately provide additional parking as required by this chapter sufficient to eliminate the need for parking or loading to occur on the street.

17.23.200 LANDSCAPING AND BUFFER SCREENING.

(A)Landscaping and buffers shall be consistent with the Point MacKenzie port master plan. Use of native species is encouraged. Existing vegetation may provide the required buffer screening. This section is intended to:

(1)reduce incompatibility of uses by requiring a screen or buffer to minimize the harmful impact of wind, erosion, flooding, noise, dust, odor, glare or artificial light intrusion, and other impacts created by nearby uses;

(2)Allow the surrounding lands to act as a natural drainage system and ameliorate storm water drainage problems, reduce the harmful effects to underground water reservoirs, permit the return of precipitation to the ground water strata; and

(3)enhance the appearance of industrial uses, parking lots, storage yards, and enhance property value in the area.

(B)Standards for landscaping and screening may be waived, modified, or increased by the borough manager upon finding the change is necessary or appropriate to implement the purpose and intent of this section. Generally, use of topographic features, fences, walls, architectural features, or different locations for screening will be required in lieu of the listed standards.

(C)The permittee, his agents and assigns, shall be responsible for the maintenance, repair, and replacement of all landscaping and screening required by the provisions of this section. All vegetation shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences, walls, and other structures shall be maintained in good repair. (Ord. 00-154, § 2 (part), 2000)

17.23.210 SIGNS.

Off-premise signs of lessees are permitted within the port district in accordance with the permit issued by the borough manager. In no event shall an off-site sign exceed 32 square feet in area nor be more than 15 feet in height. A port district directory and map may be provided by the borough at the entrance to the district.

5. Analysis

Colaska, Inc. submitted an application for Port Development Permit to install temporary, pre-cast concrete blocks to construct a pad for installation of a temporary cement silo and installation of a truck scale.

A pre-application meeting was held July 21, 2020.

It is the intent of the Matanuska-Susitna Borough to recognize the value and importance of promoting the development of land within the Port District by those businesses that benefit from access to tidewater. The purpose of chapter 17.23 is to:

(1) provide for orderly development of a port and related industrial district;

(2) provide for a sufficient water area to allow vessel movement, maneuvering, docking, servicing, and product handling;

(3) provide for sufficient land area to accommodate factories, industrial uses, processing plants, service facilities, and circulation routes needed for port development;

(4) maximize employment opportunities;

(5) obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and

(6) to provide reasonable flexibility for expansion and change in use.

Staff Recommendation:

Approval, subject to conditions, and based on the following Conclusions of Law and Findings of Fact.

6. Recommended Conclusions of Law and Findings of Fact

The applicant has submitted the required site plan and site plan development information:

- The surrounding property owners, existing land uses, and wetlands and waterbodies within the area have been identified. There are no waterbodies or wetlands near the site. The site is not located within a floodplain.
- The applicant is permitted to use an already developed site.
- The proposed activities are constructing a temporary cement loading silo and one truck scale for export of bulk cement.

- No traffic impact analysis is necessary as the applicant has indicated about 25 trips are anticipated each day.
- The permit site utilized by the applicant has an existing driveway onto Point MacKenzie Road.

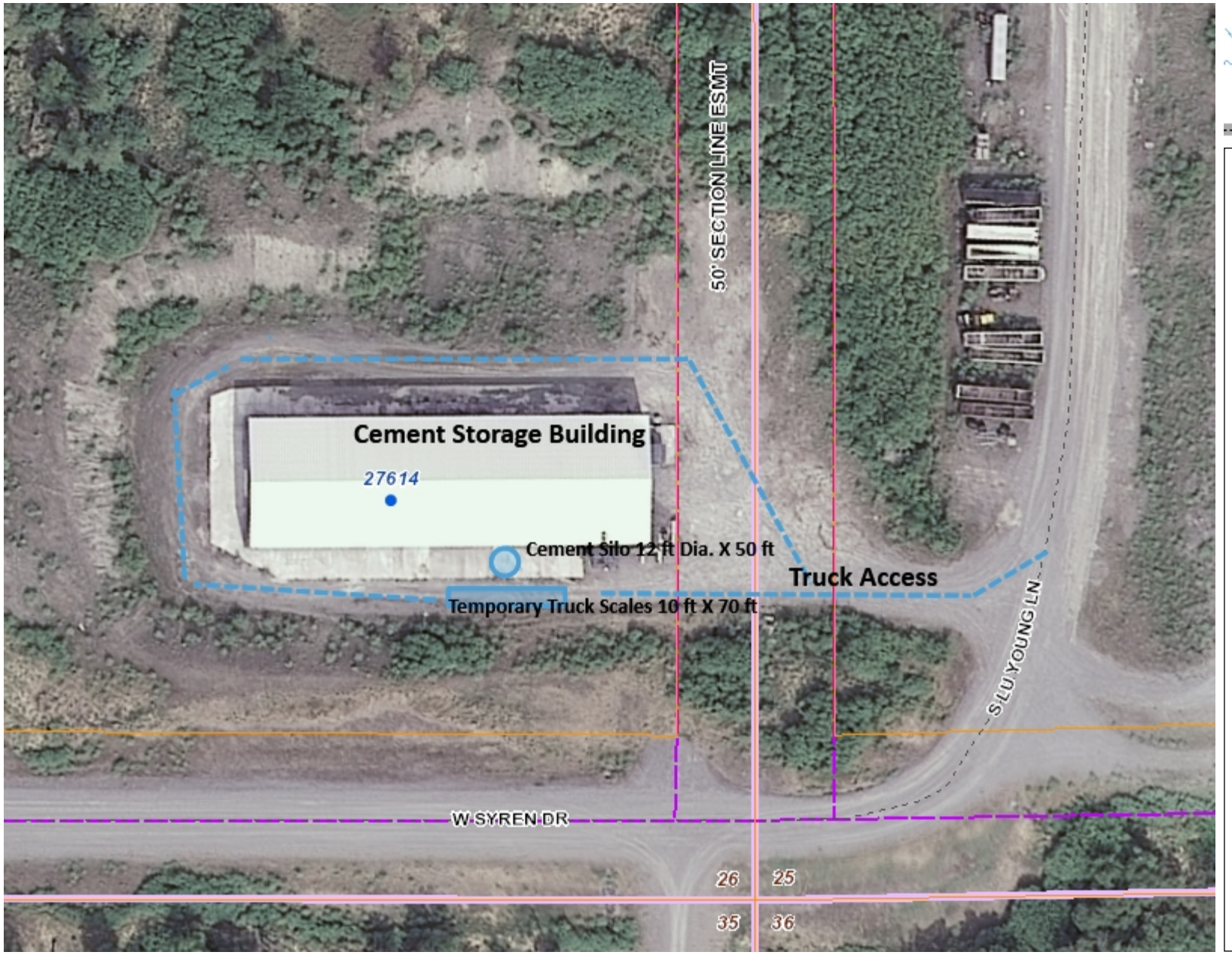
Finding: The proposed activities are in conformance with applicable borough code and the port master plan.

7. Staff Recommendations

Staff recommends approval of the Port Development Permit to construct the silo pad and install the cement silo and install the truck scale per the MSB Land Use Permit MSB007573, subject to the following conditions:

- Vehicles and equipment will be staged at a designated location and all equipment must be inspected for leaks prior to use each day.
- Applicant will comply with all requirements of Land Use Permit MSB007573.
- If the operation expands or alters, an amendment to this permit is required.
- Any hazardous materials, drips, leaks, or spills will be promptly attended to and properly treated.
- Any materials that are in contact with hazardous materials will be properly disposed of.
- Adherence to the National Pollutant Discharge Elimination System that addresses construction exits to minimize off-site vehicle tracking of sediments and discharges to storm water.

Matanuska-Susitna Borough



Legend

- Road Mileposts
- Roads
  - Highway
  - Major Road
  - Medium Road
  - Minor Road
  - Ramp
  - Primitive Road
  - Private Road
- Alaska Railroad
- Mat-Su Borough Boundary
- Incorporated Cities
- Address Numbers
- Parcels
- Government Lot Lines
- ROW and Easements
  - ROW Road
  - ROW RR
  - ROW Easement
  - Section line easement
- Lakes and Rivers
- Streams
- 100 year Flood Zone
- Section Lines

1: 2,257

0.1 0 0.04 0.07 Miles

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Reported on 10/13/2020 03:50 PM

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Notes

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CODE ORDINANCE

Sponsored by: Mayor Halter
Introduced:
Public Hearing:
Action:

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 20-099

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 18.04.080 (A), MEETINGS; SCHEDULING NOTICE, TO ADDRESS THE FREQUENCY OF SCHEDULED PORT COMMISSION MEETINGS FROM MONTHLY TO QUARTERLY.

BE IT ENACTED:

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

Section 2. Amendment of section. MSB 18.04.080(A) is hereby amended to read as follows:

(A) The port commission shall hold a regular**, quarterly** meeting on the third Monday of [each month] **January, April, July and October** beginning at 3 p.m. Special meetings may be called by the port commission chairperson or upon the request of at least three port commission members.

Section 3. Effective date. This ordinance shall take effect upon adoption.

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

_____
VERN HALTER, Borough Mayor

ATTEST:

_____
LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 20-204

SUBJECT: AMENDING TITLE 18 PORT, TO ADDRESS THE FREQUENCY OF SCHEDULED PORT COMMISSION MEETINGS FROM MONTHLY TO QUARTERLY.

AGENDA OF:

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY GEORGE HAYS, ACTING BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator Therese Dolan		
	Borough Attorney		
	Borough Clerk		

ATTACHMENT(S): Fiscal Note: YES ____ NO X
Ordinance Serial No. 20-___ (2 pp)

SUMMARY STATEMENT:

This legislation is being brought forward at the request of Mayor Halter.

This legislation would change the Port Commission's meeting schedule from monthly to quarterly.

On December 20, 1988 the Assembly approved Ordinance No. 88-222 adopting title 18, Port and establishing the Port Commission.

Their purpose was, "in order to develop and export the region's natural resources, generate employment opportunities within the Borough, attract capital investment by private enterprise, and to promote importation/marshalling of bulk and/or project cargos, may develop, operate and maintain marine and industrial facilities of the port, encourage joint venture projects and meet the demands of the economy."

The Port Commission's applicability and authorities included

"stewardship of the Port District," with the responsibility of promoting and leasing the uplands for commercial or industrial use. Notwithstanding other titles in code, the Port Commission had the authority, "to lease, without Assembly approval, parcels of ten acres or less for a period not to exceed ten years."

On October 2, 1990 the Assembly approved Ordinance 90-042 which, among other things, established the Port Commission as an Advisory Board. The Assembly modified the purpose of the commission by transferring Port District management authority to the Borough Manager and retaining lease approval authority with the Assembly.

Although this modification greatly reduced the work load of the commission, the Assembly did not modify the requirement for monthly meetings. The Port Commission agendas frequently lack pressing or urgent business and over the past five years 30% of their meetings have been canceled. Preparation for these meetings, even when canceled, require significant commitment of Borough resources including advertising costs, hours of staff work and administrative supplies as well as commitment of Borough facilities. Much of the loss in time and expense could be saved through quarterly scheduling with the option for special meetings if necessary.

In light of the projected $16 million dollar budget shortfall from loss of State revenue, reducing meeting expenses is an appropriate and prudent management action.

RECOMMENDATION OF ADMINISTRATION:
Assembly approve quarterly Port Commission meetings with special meetings scheduled as necessary.