

By: Peggy Horton
Introduced: June 19, 2023
Public Hearing: September 18, 2023
Action: APPROVED

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 23-24**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO OPERATE A SCHOOL BUS TRANSPORTATION FACILITY WITHIN THE CORE AREA, AT 1600 SOUTH TANYA COURT, TAX ID# 81930001009A AND 7964000L002; LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 1 EAST, SECTION 16, SEWARD MERIDIAN.

WHEREAS, DOWL Engineering, for National Express, applied for a Conditional Use Permit under MSB 17.61 - Core Area, to operate a school bus transportation facility at 1600 South Tanya Court, Tax ID# 8193000L009A and 7964000L002; within Township 17 North, Range 1 East, Section 16, Seward Meridian (hereinafter "subject property"); and

WHEREAS, the Planning Commission has reviewed this application with respect to applicable standards set forth in MSB 17.61; and

WHEREAS, the Planning Commission conducted a public hearing on September 18, 2023, on this matter; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission hereby adopts the following findings of fact:

WHEREAS, #1 the subject property has been and is proposed to continue to be used commercially as a school bus transportation facility; and

WHEREAS, #2 the land uses along South Tanya Court consist of industrial, residential, and commercial; and

WHEREAS, #3 land uses to the north and northeast of the subject property are industrial, indicated by the gravel extraction activity. Southeast and across South Tanya Court is a residential use community with four homes built on a ridge overlooking the Parks Highway, with lot sizes ranging from 1.3 to 2 acres. The land uses south and southwest are commercial. Directly west of the subject property and approximately 50 feet higher in elevation is a residential use development of 19 lots, between 1.4 to 2.8 acres, not fully built out; and

WHEREAS, #4 the proposed use will access South Tanya Court, which intersects with East Blue Lupine Drive, approximately 450 feet from the bus facility's gated entrance; and

WHEREAS, #5 East Blue Lupine Drive is classified as a major collector and managed by the State of Alaska Department of Transportation and Public Facilities (ADOT&PF); and

WHEREAS, #6 South Tanya Court is classified as residential and managed by the Matanuska-Susitna Borough (MSB); and

WHEREAS, #7 the subject properties total 9.99 acres, with two metal buildings serving as an office and maintenance garage; and

WHEREAS, #8 the facility includes a 10,000-gallon above-ground diesel fuel storage tank and Diesel Exhaust Fluid (DEF) storage building; and

WHEREAS, #9 the applicant installed the fuel storage tank on an asphalt pad for refueling the buses; and

WHEREAS, #10 according to the application material, the fuel within the storage tank is used for fueling the buses and not for retail sales; and

WHEREAS, #11 according to the application material, a 10,000-gallon above-ground diesel fuel storage tank and DEF storage building are placed on the common property line between Lot 9A and Lot 2; and

WHEREAS, #12 the placement of the fuel storage tank and DEF storage building on the common property line violated the applicable setbacks; and

WHEREAS, #13 the subject properties consist of Lot 2 of RIP Subdivision, Plat #2019-164, and Lot 9A of Jensen Subdivision, Plat #2021-133; and

WHEREAS, #14 the applicant sought a lot line adjustment through the borough's platting process; and

WHEREAS, #15 the lot line adjustment plat received preliminary approval on July 6, 2023; and

WHEREAS, #16 at the time of this resolution, MSB Platting Division staff is awaiting a final plat for review and recordation for compliance with MSB Title 43; and

WHEREAS, #17 the weight of the diesel fuel stored in the fuel storage tank exceeds 10,000 pounds; and

WHEREAS, #18 according to the application material and site visit, the fuel storage tank is double-walled, surrounded by jersey barriers, and has leak detection and monitoring systems; and

WHEREAS, #19 the fuel storage tank is located outside a designated flood hazard area; and

WHEREAS, #20 as specified in the SWPPP, the applicant constructed asphalt-paved drives on both sides of the fuel storage tank, which are sloped toward the tank to capture any spills or leakage; and

WHEREAS, #21 according to the application material, the school bus facility is generally open from 4:30 a.m. to 7:30 p.m., Monday through Friday, excluding holidays; and

WHEREAS, #22 according to the application material, the exterior lighting will have downward-directed fixtures to provide safe lighting for the facility without impacting the nearby neighbors; and

WHEREAS, #23 there is a six-foot tall chain-link fence around the entire parcel with a gate open during hours of operation; and

WHEREAS, #24 according to an email from DOWL on August 25, 2023, the applicant will place privacy slats within the chain-link fence along South Tanya Court to obscure the view of the facility; and

WHEREAS, #25 the applicant submitted a TIA Methods and Assumptions Memorandum for concurrence from MSB and ADOT&PF prior to initiating the TIA (DOWL email dated 5-24-22); and

WHEREAS, #26 the Methods and Assumptions Memorandum dated July 20, 2022, indicates when buses are converted to Passenger Car Equivalents per the Highway Capacity Manual (HCM), the peak hour volume is in excess of 250 vehicles (Methods and Assumption Memo dated 7-20-22); and

WHEREAS, #27 the applicant provided a Traffic Impact Analysis (TIA) for the use (DOWL CUP Narrative Page 6); and

WHEREAS, #28 the TIA evaluates the potential traffic impacts associated with the Tanya Court Bus Facility development at eight key intersections in the opening year and design year (ten years from the opening year) and analyzes crash history (TIA Pages 1 & 5); and

WHEREAS, #29 the TIA included an analysis of two years, 2022 and 2032. In each of these years, they estimated and analyzed the traffic without the bus facility and the traffic generated by the bus facility; and

WHEREAS, #30 the TIA makes the following findings/recommendations: 1) No capacity-related off-site intersection improvements are required of the MSB School District and National Express; 2) Safety mitigation will not be required of the development, and ADOT&PF will continue monitoring the safety

concerns identified to find potential solutions; 3) A turn warrant analysis at the Tanya Court and Blue Lupine intersection indicated that a right turn lane be explored for the westbound right turning movement. According to the TIA, MSB School District and National Express will be required to work with ADOT&PF and MSB to find a solution "that provides the greatest public benefit, at the least private cost," consistent with Alaska Administrative Code (TIA Section 5.0); and

WHEREAS, #31 the eight intersections analyzed in the TIA are considered two-way stop-controlled intersections (TWSC) or roundabouts (TIA Table 2); and

WHEREAS, #32 MSB 17.61.140(A) defines Level of Service (LOS) as a qualitative measure describing operational conditions within a traffic stream, based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, and convenience. Six LOS, from A to F, are used to represent a range of operating conditions with LOS A representing the best operating conditions and F the worst; and

WHEREAS, #33 the LOS for a TWSC intersection is defined by the control delay for each minor approach and major street left-turn movement (HCM 2010, Volume 3, Chapter 19); and

WHEREAS, #34 the LOS for a roundabout intersection is defined by the control delay for each approach (HCM 2010, Volume 3, Chapter 21); and

WHEREAS, #35 the TIA reports two LOS ratings for each stop-controlled intersection, displayed in the LOS column as X/X in TIA Tables 2, 6, 8 & 9 (see Appendix A); and

WHEREAS, #36 the two LOS ratings are described as the LOS as defined by the HCM, and the LOS for the approach with the highest control delay (See Appendix A); and

WHEREAS, #37 the LOS as defined by the HCM is considering the delay of the intersection as a whole; and

WHEREAS, #38 the LOS with the highest control delay considers only the delay for the highest or critical movement; and

WHEREAS, #39 the ADOT&PF Central Region Traffic & Safety Engineer indicated to the Borough that they only consider the LOS as defined by the HCM until the control delay of a single approach exceeds 180 seconds (ADOT&PF [Scott Thomas] email 11-15-22); and

WHEREAS, #40 ADOT&PF manages Parks Highway, Trunk Road, Blue Lupine Drive, and Hyer Road; and

WHEREAS, #41 MSB relies on ADOT&PF for their input and expertise in the management of their roads and suggests the Planning Commission do the same for this project; and

WHEREAS, #42 the TIA indicates that in the opening year with the development during the AM Peak Hour and the PM Peak Hour, the LOS, as defined by the HCM, of each intersection meets the standards of MSB 17.61.090(A) & (B) (TIA Tables 2 & 8) (See Appendix A); and

WHEREAS, #43 The TIA indicates in the opening year with development at the PM Peak Hour, LOS of the westbound approach of Hyer Road and Blue Lupine Drive intersection is D when analyzing the highest control delay; however, the control delay is less than 180 seconds, therefore only the LOS as defined by HCM is considered in the analysis, which is B, compliant with MSB 17.61.090(B) (TIA Tables 2 & 8) (See Appendix A); and

WHEREAS, #44 the TIA indicates that in the opening year without the development during the PM peak hour, the LOS of the westbound approach of the Parks Highway Northbound Terminal at Trunk Road intersection is F with a control delay of 75.5 seconds (TIA Table 2) (See Appendix A); and

WHEREAS, #45 the TIA indicates that in the opening year with the development during the PM Peak Hour, the westbound approach of the Parks Highway Northbound Terminal at Trunk Road intersection control delay deteriorates by 16% to 87.7 seconds to a LOS of F; however, the control delay is less than 180 seconds and therefore only the LOS as defined by HCM is considered in the analysis, which is C, compliant with MSB 17.61.090(B) (TIA Table 8) (See Appendix A); and

WHEREAS, #46 the TIA indicates that in the design year without the development during the PM Peak Hour, the LOS, as defined by the HCM, and the LOS of the westbound approach of the Parks Highway

Northbound Terminal at Trunk Road intersection is F with a control delay of 268.1 seconds (TIA Table 6) (See Appendix A); and

WHEREAS, #47 the TIA indicates that in the design year with the development during the PM Peak Hour, the LOS as defined by HCM, and the LOS of the westbound approach of the Parks Highway Northbound Terminal at Trunk Road intersection remains an F and the control delay deteriorates by 11% to 298.0 seconds (TIA Table 9) (See Appendix A); and

WHEREAS, #48 according to the applicant at a coordination meeting on July 31, 2023, in the design year (2032), the employee's cars departing from the development add to the traffic on the Trunk Road overpass and therefore reduce the number of gaps available for left turn and through movements at the Parks Highway Northbound Terminal at Trunk Road intersection; and

WHEREAS, #49 the TIA indicates that in the design year with the development at the PM Peak Hour, the LOS of the westbound approach of the Hyer Road and Blue Lupine Drive intersection is D; however, the control delay is less than 180 seconds therefore only the LOS as defined by HCM is considered, which is B, compliant with MSB 17.61.090(B) (TIA Table 9) (See Appendix A); and

WHEREAS, #50 according to the TIA, DOWL performed an evaluation of turn lane warrants to determine if right-turn lanes are needed in the opening year for the westbound right-turning movement from Blue Lupine Drive to Tanya Court. The two types of

right-turn lanes explored were tapers and pockets (TIA Section 4.5.1); and

WHEREAS, #51 according to the TIA, Section 4.5.1, the turn lane warrants presented are for unsignalized intersections; and

WHEREAS, #52 according to an email from DOWL on May 8, 2023, and August 3, 2023, their discussions with ADOT&PF concluded that a right turn taper was appropriate for the Blue Lupine Drive intersection with Tanya Court due to a variety of constraints, including right-of-way width availability, existing pathway location, and existing driveway locations to the east (DOWL emails dated 5-8-23 and 8-3-23); and

WHEREAS, #53 according to an email from DOWL on May 8, 2023, DOWL is coordinating the right-turn lane construction with MSB Department of Public Works (DPW) and the MSB contractor working on the Tanya Court upgrade project (DOWL Email 5-8-23); and

WHEREAS #54 according to an email from DOWL on August 21, 2023, MSB DPW agreed to add the turn lane construction into the MSB Tanya Court upgrade project; and

WHEREAS, #55 in their managerial capacity for Blue Lupine Drive, ADOT&PF will review the construction plans as part of the MSB Tanya Court Upgrade Project Approach Road Review (ARR); and

WHEREAS, #56 the applicant will be responsible for the cost associated with the right-turn taper portion of the project, as confirmed in an email from DOWL on August 28, 2023; and

WHEREAS, #57 the TIA included a safety analysis that evaluated crashes by severity, type, and location at each study intersection from 2010 to 2019 [Methods and Assumptions Memo 6-20-22 & TIA Section 2.6]; and

WHEREAS, #58 the TIA indicates that the crash rates at all the TWSC intersections studied except for the Parks Highway Northbound at Hyer Road are lower than the statewide average (TIA Section 2.6); and

WHEREAS, #59 the TIA indicates the crash rates at the Parks Highway Northbound Terminal at Hyer Road exceed the statewide average for that type of intersection. However, analysis of the collision data does not indicate a discernable pattern that could be mitigated by safety improvements and the development traffic is not using the critical movements at this intersection (TIA Section 2.6); and

WHEREAS, #60 the applicant is actively working with the MSB Permit Center and DPW to finalize the driveway permit onto South Tanya Court (MSB email dated 5-8-23); and

WHEREAS, #61 according to the application material, the office building is 52.6' from the northeast lot line and 114.8' from the west lot line. The maintenance garage is set back from the west lot line by 127.2' and from the South Tanya Court right-of-way by 76.7' on the northeast corner and 55.8' from the

southeast corner. The fuel storage tank is set back 200' from the South Tanya Court right-of-way (Site Plan dated 8-12-22); and

WHEREAS, #62 the applicant submitted an Environmental Compliance Handbook describing general Customer Service Center (CSC) guidelines for the use. This document reviews environmental regulations applicable to the activities typically undertaken at the company's facilities and details actions to be taken to ensure compliance (CUP Narrative Section 4.4); and

WHEREAS, #63 according to the application material, the Storm Water Pollution Prevention Plan (SWPPP) and Spill Prevention, Control, and Countermeasure Plan (SPCC) are site-specific (SWPPP Sec 2 & SPCC Sec 3); and

WHEREAS, #64 according to the application material, the SWPPP is intended to establish procedures, methods, and containment systems to prevent impacts to storm water (SWPPP Appendix E); and

WHEREAS, #65 according to the application material, the SPCC's purpose is to prevent a release of petroleum-based substances into navigable waters of the United States (Site Specific Environmental Plan Section 1.1.2); and

WHEREAS, #66 the applicant submitted MSB Deputy Fire Marshal approved plan reviews for the wash bay renovation (#2022-138), the office building (#2022-127), and the fuel storage tank (#2023-010) to indicate the development complies with the applicable fire code (CUP Appendix 5); and

WHEREAS, #67 according to the application material, the well installed on the property was operating as private but was reclassified as Transitory Non-Commercial due to the property's current use. The Alaska Department of Environmental Conservation (ADEC) reviewed the modifications necessary to bring the well up to the new standards and issued Interim Approval to Operate (ADEC letter dated July 27, 2023); and

WHEREAS, #68 according to the application material, the ADEC approved a Separation Distance Waiver for the water well and wastewater system (ADEC Letter dated April 5, 2023); and

WHEREAS, #69 the fuel storage tank and DEF storage building are considered structures as they are constructed or created and located on or above the ground, or attached to something fixed to the ground and are not exempted from the definition of structure specified in MSB 17.55.004; and

WHEREAS, #70 the closest residential structure is approximately 350 feet south of the proposed use; and

WHEREAS, #71 the applicant is not proposing any outdoor amplified sound activities; and

WHEREAS, #72 noise level readings were taken at the facility on April 18, 2022, and May 10, 2022; and

WHEREAS, #73 MSB Staff performed six 10-minute sound level readings on April 18, 2022, from 8:51 a.m. to 10:45 a.m., to

measure the sound generated by the facility operation, as well as the ambient noise level; and

WHEREAS, #74 according to The Complete Illustrated Book of Development Definitions Fourth Edition, Ambient Noise Level is defined as "The normal or existing level of noise from existing conditions or activities at a given location;" and

WHEREAS, #75 according to the definitions in MSB 17.61.140, "Sound Level means that quantity measured by a sound level meter using A-weighting (dBA) and the slow setting as specified in the American National Standards Institute specification;" and

WHEREAS, #76 the measurements of ambient sound levels taken on April 18, 2022, were as follows:

An ambient sound level reading from 10:03 a.m. to 10:13 a.m. on the subject property at the corner nearest the buses resulted in an average of 43.6 dBA; staff noted five incidents of noise not originating from the subject property; and

An ambient sound level reading from 10:19 a.m. to 10:29 a.m. on South Tanya Court across from the driveway of 1661 South Tanya Court resulted in an average of 57.2 dBA; staff noted five incidents of noise not originating from the subject property; and

WHEREAS, #77 the ambient sound levels measured on April 18, 2022, were from 43.6 dBA to 57.2 dBA; and

WHEREAS, #78 the measurements of the facility operation sound level readings on April 18, 2023, with the buses running, were as follows:

The facility operation sound level reading from 8:51 a.m. to 9:01 a.m. on the subject property at the corner nearest the buses resulted in an average of 54.3 dBA; staff noted five incidents of noise not originating from the subject property; and

The facility operation sound level reading from 9:18 a.m. to 9:28 a.m. on South Tanya Court across from the driveway of 1661 South Tanya Court resulted in an average of 52 dBA; staff noted six incidents of noise not originating from the subject property; and

The facility operation sound level reading from 9:43 a.m. to 9:53 a.m. at the property stake nearest the running buses and off of East Updraft Road resulted in an average of 47.9 dBA; staff noted six incidents of noise not originating from the subject property; and

The facility operation sound level reading from 10:34 a.m. to 10:45 a.m. on South Tanya Court across from the driveway of 1661 South Tanya Court resulted in an average of 59.5 dBA; staff noted seven incidents of noise not originating from the subject property; and

WHEREAS, #79 the sound level of the facility operations with the buses running on April 18, 2022, was 47.9 dBA to 59.5 dBA; and

WHEREAS, #80 the April 18, 2022 sound level measurements were taken when the bus engines were running and the bus horns and backup devices were not in use; and

WHEREAS, #81 significant noises from outside the subject property impacted the April 18, 2023, sound level measurement results; and

WHEREAS, #82 the maximum permissible sound level indicated for 7 a.m. to 10 p.m., Monday through Friday, is 60 dBA when the sound source is from a commercial operation and the land use of the adjacent property is residential (MSB 17.61.080); and

WHEREAS, #83 the average sound level reading on April 18, 2022, was 52.4 dBA - which is below the permissible sound level of 60 dB(A) during that time period if the receiving property is residential; and

WHEREAS, #84 when the April 18, 2022 sound level measurements of the facility operation are compared with the ambient sound level measurements taken that day, on average, the facility operation with running buses only raised the ambient sound levels by approximately 2.3 dBA; and

WHEREAS, #85 MSB Staff performed two 15-minute sound level readings on May 10, 2022, prior to 7 a.m., to measure the ambient

noise as well as the sounds generated by the facility operation;
and

WHEREAS, #86 the ambient sound level reading taken on May 10, 2022, was as follows:

The ambient sound level reading from 5:59 a.m. to 6:14 a.m. resulted in an average of 65 dBA; and

WHEREAS, #87 the ambient sound level reading of 65 dBA, taken on May 10, 2022 prior to 7 a.m., exceeded the maximum permissible sound level noted in MSB 17.61.080(B), which was 55 dBA (5 dBA higher than 50 dBA for 15 minutes); and

WHEREAS, #88 a commercial operation next to a residential use is allowed to exceed the maximum permissible sound level by 5 dBA for a total of 15 minutes in any one hour pursuant to Table 1 of MSB 17.61.080(A); and

WHEREAS, #89 the facilities operation sound level reading, taken with 52 buses running on May 10, 2022, was as follows:

The facility operations sound level reading from 6:31 a.m. to 6:46 a.m. resulted in an average of 65.1 dBA; and

WHEREAS, #90 the results of the sound level readings on May 10, 2022, show that the buses produced a statistically insignificant increase in noise; and

WHEREAS, #91 a comparison of the measured ambient sound levels and the sound levels measured during facility operations

demonstrates that the buses produced a statistically insignificant increase in noise; and

WHEREAS, #92 the measurements suggest the total sound level (the facility operation sound and ambient sound combined) could rise above the ambient sound level by approximately 0.1 dB with 52 buses running. However, MSB Staff use a Type II noise meter, which has an accuracy of +/- 2 dB or better according to American National Standards Institute (ANSI) S1.4-1983; and

WHEREAS, #93 the record includes some complaints about noise from the proposed development; the record reflects complaints that buses from the proposed development honk their horns starting at about 4:45 in the morning until about 6:30; and

WHEREAS, #94 comments in the record also state that the school buses from the proposed development are equipped with safety backup tone devices which sound as buses and employee vehicles arrive/depart/jockey multiple cycles per day; and

WHEREAS, #95 suppressing the noise of school bus horns and backup tone devices would defeat the safety effect and therefore, the noises produced are exempt from compliance with MSB 17.16.080; and

WHEREAS, #96 according to the site plan, the applicant will provide 210 designated employee parking spaces; and

WHEREAS, #97 according to the site plan, the facility has 146 bus parking spaces; and

WHEREAS, #98 according to the site plan, the applicant will provide six additional parking spaces designated for persons with disabilities; and

WHEREAS, #99 according to the application material, the applicant will provide an asphalt parking area with six Americans with Disabilities Act (ADA) compliant parking spaces with access aisles, striping, signage, and concrete wheel stops; and

WHEREAS, #100 according to the application material, the proposed on-site parking is primarily for buses and employees; and

WHEREAS, #101 according to the application material, all proposed parking is provided on-site; no off-site parking is proposed; and

WHEREAS, #102 according to the application material, the facility has 145 buses and 210 employees; and

WHEREAS, #103 diesel fuel is considered a hazardous substance pursuant to MSB 17.61.100(C)(5); and

WHEREAS, #104 according to the application material, there will be no discharging of diesel fuel on-site; and

WHEREAS, #105 according to the application material, diesel fuel will not be disposed of on-site; and

WHEREAS, #106 according to the application material, no hazardous waste incinerator is proposed at this site; and

WHEREAS, #107 according to the application material, spill response training is required for all employees working at this facility; and

WHEREAS, #108 Section 312(a) of the Emergency Planning and Community Right-to-Know Act (EPCRA) requires the owner or operator of facilities subject to Section 311 EPCRA to submit an emergency and hazardous chemical inventory form by March 1 of each calendar year; and

WHEREAS, #109 Section 312 of the EPCRA describes two reporting tiers for providing information on hazardous chemicals at a subject facility. Durham School Services fuel storage tank falls within the Tier II reporting threshold; and

WHEREAS, #110 Tier II reporting information is shared with the State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC) to develop local emergency plans; and

WHEREAS, #111 ADEC requires submissions of the Tier II inventory forms to the E-Plan - Emergency Response Information System; and

WHEREAS, #112 Durham School Services submitted the facility's fuel storage tank inventory form with the E-Plan - Emergency Response Information System on February 7, 2023; and

WHEREAS, #113 the applicant provided all the site plans and operational information; and

WHEREAS, #114 the Durham School Services contract with MSB School District expires on June 30, 2031;

WHEREAS, #115 the TIA evaluates the traffic impacts associated with the bus facility from 2022 to 2032.

WHEREAS, #116 the 2032 evaluation of the traffic with the development at the Parks Highway Northbound Terminal at Trunk Road intersection shows the LOS at the PM peak hour is an F; and

BE IT THEREFORE RESOLVED, The Matanuska-Susitna Borough Planning Commission hereby adopts the following conclusions of law relating to the need for a conditional use permit for the proposed operation pursuant to MSB 17.61:

1. The sound level testing performed by MSB staff prior to full facility operation indicates the proposed use may generate a statistically insignificant amount of regulated noise in excess of the levels permitted by MSB 17.61.080 and beyond the boundaries of the lot line of the site on which it is located.
2. Because the proposed use is a commercial use that generates traffic in excess of 100 vehicles during the morning or afternoon peak hour, the operation requires a conditional use permit pursuant to MSB 17.61.020 (A) (2).
3. Because the proposed operation stores a hazardous substance (diesel fuel) on-site more than 10,000 pounds,

the proposed operation requires a conditional use permit pursuant to MSB 17.61.100(C)(5).

BE IT FURTHER RESOLVED, The Matanuska-Susitna Borough Planning Commission hereby adopts the following conclusions of law supporting approval of Planning Commission Resolution 23-24 pursuant to MSB 17.61.070 – MSB 17.61.110:

1. Based on the surrounding land uses, sufficient lot size, road system upgrades, facility development plans, and traffic analysis, the proposed use will preserve or not materially detract from the value, character and integrity of the surrounding area (Staff Report)(MSB 17.61.070(B)(1)).
2. Based on the traffic analysis, road system upgrades, safety and environmental aspects of the application, and the lot line adjustment, the proposed use will not be harmful to public health, safety, convenience, and general welfare of the public (Staff Report)(MSB 17.61.070(B)(2)).
3. Based on the facility development plans, the lot size, and lot line adjustment plat, sufficient setbacks, lot area, buffers, or other safeguards are being provided (Staff Report and lot line adjustment plat)(MSB 17.61.070(B)(3)).

4. Even though the ambient noise levels at the property line of the receiving land have been measured, the condition limiting the facility's regulated sound level to 5 dBA above ambient noise level will allow the facility to operate without causing an unreasonable noise level beyond the subject property (Staff Report Recommendations) (MSB 17.61.080).
5. The proposed use will be a new commercial use that generates traffic in excess of 100 vehicles during the morning or afternoon peak hour (MSB 17.61.090(A)).
6. The proposed use will be a new commercial use that generates traffic in excess of 250 vehicles during the peak traffic hour of the adjacent highway (MSB 17.61.090(B)).
7. Although the delay at the intersection of the westbound movement at the Parks Highway Northbound Terminal at Trunk Road is projected to deteriorate by 11% in 2032, which is more than 10% contemplated by MSB 17.61.090(B), the Parks Highway and Trunk Road are both ADOT&PF facilities. ADOT&PF has been consulted and is not requiring the applicant to mitigate that projected 2032 delay at this time, and this conditional use permit will expire that year (TIA Section 5.0) (TIA Figure 7 and Section 5.0) (MSB 17.61.090(A)).

8. All other road segments and intersections analyzed in the TIA are at an acceptable level of service on the opening date and ten years from the opening date pursuant to MSB 17.61.090(B).
9. The installation of a right-turn lane at the intersection of East Blue Lupine Drive and South Tanya Court will mitigate impacts of the buses on East Blue Lupine Drive by removing turning vehicles from the travel lane (MSB 17.61.090(A)).
10. Adequate parking will be provided because there are sufficient parking spaces shown on the site plan for all the employees and buses (CUP parking layout) (MSB 17.61.090(C)).
11. The fuel storage tank is outside of any designated flood hazard area (CUP Narrative Page 13) (MSB 17.61.100(D)(1)).
12. The fuel will not be discharged to any portion of the subject property (CUP Narrative Page 13) (MSB 17.61.100(D)(2)).
13. The fuel will not be disposed of on-site (CUP Narrative Page 13) (MSB 17.61.100(D)(3)).
14. The facility will not have a hazardous waste, medical waste, or an industrial waste incinerator on the property (CUP Narrative Page 13) (MSB 17.61.100(D)(4)).

15. The facility has prepared an emergency response plan for the 10,000-gallon above-ground diesel fuel storage tank (CUP Narrative Page 13) (MSB 17.61.100(E)).
16. Based on the surrounding land uses, road system upgrades, sound level restrictions, and proposed facility lighting, the proposed use is compatible with and will not adversely affect the surrounding residential uses (CUP Narrative Page 16 (MSB 17.61.110(B)(1))).
17. Based on the surrounding land uses, road system upgrades, proposed facility development plans, and traffic analysis, the proposed use will not adversely affect property values of surrounding areas (CUP Narrative Page 16) (MSB 17.61.110(B)(2)).
18. The proposed use will not create unreasonable noise levels beyond the property of the proposed location due to the condition that the operation comply with a maximum permissible sound level of 5 dBA above ambient noise to limit the additional noise allowed over the existing ambient noise (Staff Report Recommendations) (MSB 17.61.110(B)(3)).
19. Based upon the completed traffic analysis, the development at Parks Highway Northbound at Trunk Road will have limited impact on the safe and efficient flow

of traffic on highways, arterials, collectors, or streets from which access to and from the business occurs. The manager of those rights-of-way (ADOT&PF) does not require off-site mitigation by the facility and instead will continue monitoring the safety concerns identified to find potential solutions (TIA Page 1, 22 & 25) (MSB 17.61.110(B)(4)).

20. Based on the above findings, the proposed use will provide on-site parking facilities adequate for the use and no off-street parking will be required (Application parking layout) (MSB 17.61.110(B)(5)).

21. The varied land uses adjacent to the subject parcels, the road upgrade and improvement projects, plus the facility's development plans, will reduce any negative effect upon adjacent properties (Staff Report & CUP Narrative Page 17) (MSB 17.61.110(B)(6)).

22. The application material has met all of the purposes of this chapter as the development is compatible with the surrounding uses, and the traffic and regulated noise will have limited impact on the surrounding area (CUP Narrative Page 17) (MSB 17.61.110(B)(7)).

BE IT FURTHER RESOLVED, the Planning Commission concludes this application meets the applicable standards of MSB 17.61.

BE IT FURTHER RESOLVED, The Planning Commission hereby approves the Core Area Conditional Use Permit to operate a school bus transportation facility with the following conditions:

1. Remove the 10,000-gallon above-ground diesel fuel storage tank and Diesel Exhaust Fluid (DEF) storage building or have the property line moved to eliminate the encroachment prior to October 15, 2024.
2. The facility shall install the Americans with Disabilities Act (ADA) parking area as described in the site plans prior to October 15, 2024.
3. The operation shall comply with all other applicable federal, state, and local regulations.
4. 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.
5. The facility shall comply with a maximum permissible regulated sound level of 5 dBA above ambient noise at any time of the day. This condition shall include a provision to allow short-duration regulated noises exceeding 5 dBA between 7 a.m. and 7 p.m., consistent with the intent of MSB 17.61.080(B). This condition

would not apply to or restrict the use of safety devices such as bus horns and backup tone devices.

6. The applicant shall be responsible for the cost associated with the right-turn lane portion of the MSB Tanya Court Upgrade project and construction of the turn lane shall be completed by August 15, 2025, regardless of the status of the MSB upgrade project.
7. The facility shall obtain an approved driveway permit to access South Tanya Court prior to August 15, 2025.
8. The conditional use permit issued for the proposed use shall expire on June 30, 2032.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 18 day of September 2023.



C. J. Koan, Chair

ATTEST



~~CORINNE LINDFORS~~ **KAROL RIESE**

~~Acting~~ Planning Clerk

(SEAL)

YES: Commissioner Allen, McCabe, Fernandez, Scoggin, Glenn, +
Koan (6)

NO: (0)

PLANNING COMMISSION RESOLUTION NO. 23-24
Appendix A

Table 2. Intersection Operations, 2022 Existing Year

Intersection	Traffic Control	Critical movement ^a	AM Peak Hour		Critical movement ^a	PM Peak Hour	
			8:30 – 09:30			4:15 – 5:15	
			Delay	LOS ^b		Delay	LOS ^b
Blue Lupine Drive & Tanya Court	TWSC	SB	9.4	A/A	SB	10.3	A/B
Trunk Road & Blue Lupine Drive	Roundabout	-	4.6	A	-	9.5	A
Hyer Road & Blue Lupine Drive	TWSC	WB	11.0	A/B	WB	18.6	A/C
Parks Highway Northbound Terminal at Trunk Road	TWSC	WB	19.2	A/C	WB	75.5	C/F
Parks Highway Southbound Terminal at Trunk Road	Roundabout	-	13.3	B	-	10.7	B
Parks Highway Northbound Terminal at Hyer Road	TWSC	WB	9.9	A/A	WB	15.1	A/C
Parks Highway Southbound Exit Terminal at Fireweed Road	TWSC	SB	11.2	A/B	SB	15.0	A/C
Fireweed Road & Hyer Road	TWSC	SB	11.5	A/B	SB	12.6	A/B

^a Delay reported for the critical movement at TWSC intersections. Critical movement = movement with the greatest delay

^b First LOS rating is intersection LOS based on intersection delay. Second LOS rating based on delay for the highest movement.

Table 6. Intersection Operations, 2032 Background

Intersection	Traffic Control	Critical movement ^a	AM Peak Hour		Critical movement ^a	PM Peak Hour	
			8:30 – 09:30			4:15 – 5:15	
			Delay	LOS ^b		Delay	LOS ^b
Blue Lupine Drive & Tanya Court	TWSC	SB	9.4	A/A	SB	10.4	A/B
Trunk Road & Blue Lupine Drive	Roundabout	-	5.0	A	-	12.9	B
Hyer Road & Blue Lupine Drive	TWSC	WB	11.2	A/B	WB	20.6	A/C
Parks Highway Northbound Terminal at Trunk Road	TWSC	WB	28.4	A/D	WB	268.1	F/F
Parks Highway Southbound Terminal at Trunk Road	Roundabout	-	8.1	A	-	15.2	C
Parks Highway Northbound Terminal at Hyer Road	TWSC	WB	10.0	A/B	WB	17.9	A/C
Parks Highway Southbound Exit Terminal at Fireweed Road	TWSC	SB	11.6	A/B	SB	16.7	A/C
Fireweed Road & Hyer Road	TWSC	SB	11.8	A/B	SB	13.1	A/B

^a Delay reported for the critical movement at TWSC intersections. Critical movement = movement with the greatest delay

^b First LOS rating is intersection LOS based on intersection delay. Second LOS rating based on delay for the highest movement.

Table 8. Intersection Operations, 2022 Opening Year with Development

Intersection	Traffic Control	Critical movement ^a	AM Peak Hour		Critical movement ^a	PM Peak Hour	
			8:30 – 09:30			4:15 – 5:15	
			Delay	LOS ^b		Delay	LOS ^b
Blue Lupine Drive & Tanya Court	TWSC	SB	11.1	A/B	SB	11.9	A/B
Trunk Road & Blue Lupine Drive	Roundabout	-	5.3	A	-	11.1	B
Hyer Road & Blue Lupine Drive	TWSC	WB	12.6	A/B	WB	27.5	B/D
Parks Highway Northbound Terminal at Trunk Road	TWSC	WB	20.4	A/C	WB	87.7	C/F
Parks Highway Southbound Terminal at Trunk Road	Roundabout	-	7.0	A	-	11.0	B
Parks Highway Northbound Terminal at Hyer Road	TWSC	WB	10.4	A/B	WB	17.2	A/C
Parks Highway Southbound Exit Terminal at Fireweed Road	TWSC	SB	13.2	A/B	SB	20.9	A/C
Fireweed Road & Hyer Road	TWSC	SB	13.0	A/B	SB	13.9	A/B

^a Delay reported for the critical movement at TWSC intersections. Critical movement = movement with the greatest delay

^b First LOS rating is intersection LOS based on intersection delay. Second LOS rating based on delay for the highest movement.

Table 9. Intersection Operations, 2032 Build Conditions

Intersection	Traffic Control	Critical movement ^a	AM Peak Hour		Critical movement ^a	PM Peak Hour	
			8:30 – 09:30			4:15 – 5:15	
			Delay	LOS ^b		Delay	LOS ^b
Blue Lupine Drive & Tanya Court	TWSC	SB	11.2	A/B	SB	12.1	A/B
Trunk Road & Blue Lupine Drive	Roundabout	-	5.8	A	-	15.5	C
Hyer Road & Blue Lupine Drive	TWSC	WB	12.9	A/B	WB	32.9	B/D
Parks Highway Northbound Terminal at Trunk Road	TWSC	WB	31.0	A/D	WB	298.0	F/F
Parks Highway Southbound Terminal at Trunk Road	Roundabout	-	8.5	A	-	16.4	C
Parks Highway Northbound Terminal at Hyer Road	TWSC	WB	10.6	A/B	WB	20.9	A/C
Parks Highway Southbound Exit Terminal at Fireweed Road	TWSC	SB	13.8	A/B	SB	24.4	A/C
Fireweed Road & Hyer Road	TWSC	SB	13.4	A/B	SB	14.5	A/B

^a Delay reported for the critical movement at TWSC intersections. Critical movement = movement with the greatest delay

^b First LOS rating is intersection LOS based on intersection delay. Second LOS rating based on delay for the highest movement.