

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION AGENDA**

Vern Halter, Mayor

PLANNING COMMISSION

Brian Endle, District 1
Thomas Healy, District 2
John Klapperich, Chair, District 3
Bruce Walden, District 4
William Kendig, District 5
Tomas Adams, District 6
Vern Rauchenstein, District 7



John Moosey, Borough Manager

**PLANNING & LAND USE
DEPARTMENT**

Eileen Probasco, Director of Planning &
Land Use
Lauren Driscoll, Planning Services Chief
Alex Strawn, Development Services
Manager
Paul Hulbert, Platting Officer
Mary Brodigan, Planning Clerk

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

**December 7, 2015
REGULAR MEETING
6:00 p.m.**

- I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PLEDGE OF ALLEGIANCE
- IV. CONSENT AGENDA

Items on the consent agenda are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

 - A. MINUTES
 1. October 19, 2015, special meeting minutes
 2. November 2, 2015, regular meeting minutes
 - B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
 - C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS
 1. **Resolution 15-42**, A resolution recommending Assembly adoption of the Seldon Road Extension Corridor Access Management Plan: Public Hearing: December 21, 2015. (*Staff: Mike Campfield*)
 2. **Resolution 15-30**, A resolution adopting an update to the Planning Commission Policies and Procedures Manual. Public Hearing: December 21, 2015. (*Staff: Lauren Driscoll*)
- 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 15-36**, A resolution approving a variance to allow a recently constructed two-story structure to remain set back 32 feet from the ordinary high water mark of Big Lake and 9 feet from the side yard lot line, on lot 9, Clester Extension; 16587 W. Tamarack Cove Drive, within Township 17 North, Range 3 West, Section 29, Seward Meridian. *(Staff: Susan Lee, Applicant: Ivan and Lynne Schuening)*
- B. **Resolution 15-43**, A resolution adopting findings of fact and conclusions of law to support denial of resolution 15-36. *(Staff: Susan Lee, Applicant: Ivan and Lynne Schuening)*
- C. **Resolution 15-44**, A resolution approving a variance to allow an existing one-story cabin to remain set back 14 feet from the Tamarack Cove Drive right-of-way, 7 feet from the side yard lot line and 55 feet from the ordinary high water mark of Big Lake, on lot 9, Clester Extension; 16587 W. Tamarack Cove Drive, within Township 17 North, Range 3 West, Section 29, Seward Meridian, Palmer Recording District. *(Staff: Susan Lee, Applicant: Ivan and Lynne Schuening)*

X. PUBLIC HEARING: LEGISLATIVE MATTERS

- A. **Resolution 15-41**, A resolution recommending the Assembly append the Big Lake Comprehensive Plan to include the Big Lake Community Impact Assessment. *(Staff: Sara Jansen)*
- B. **Resolution 15-39**, A resolution recommending the Assembly place a moratorium on the acceptance and processing of applications to dispose of fee simple interests of previously disposed borough agricultural property. *(Staff: Glenda Smith)*

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

- A. 2016 Planning Commission Meeting Schedule. (*Staff: Mary Brodigan*)
- B. PC Manual Discussion. (*Staff: Lauren Driscoll*)

XIV. COMMISSION BUSINESS

- A. Upcoming Planning Commission Agenda Items. (*Staff: Lauren Driscoll*)

XV. DIRECTOR AND COMMISSIONER COMMENTS**XVI. ADJOURNMENT (Mandatory Midnight)**

In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for definition of "Interested Party." The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the Borough Internet home page, <http://www.matsugov.us>, in the Borough Clerk's office, or at various libraries within the Borough.

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**INTRODUCTION FOR PUBLIC HEARING
LEGISLATIVE**

Resolution No. 15-42

Seldon Road Extension
Corridor Access Management Plan

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INTRODUCTION FOR PUBLIC HEARING



SELDON ROAD EXTENSION

CHURCH ROAD TO PITTMAN ROAD

MATANUSKA-SUSTINA BOROUGH PROJECT FACTS

Project Scope

The purpose of this project is to provide four miles of new roadway between Church Road and Pittman Road. By extending Seldon Road west, from Wasilla into Meadow Lakes, this project helps enhance regional east-west transportation options and improve traffic circulation for residents.

Design and construction will take place in two phases with the first phase beginning at Church Road and extending to the east end of Beverly Lake Road (see map on the back of this fact sheet). The second phase will complete the connection to Pittman Road.

Project Status

Phase I - Church Rd. to Beverly Lake Rd.
2.25 miles of new road is currently under construction; completion is anticipated in the summer of 2015.

Phase II - Beverly Lake Rd. to Pittman Rd.
To extend Seldon Road to Pittman (approximately 1.75 miles) a new alignment was required. A technical route study, along with extensive public meetings and community input, helped the Borough to determine a preferred route (see map on the back of this fact sheet).

Now Phase II of the project is moving forward through preliminary roadway design and right-of-way acquisition. In the fall of 2015, a public meeting will be held to gain public feedback on the detailed road design. Construction of Phase II will be completed at a future date, depending on the availability of funds.

Project Costs

Funding in the amount of approximately \$7.5 million is available for both phases of

the project through a combination of state grant funds and Borough general obligation bonds. The cost for design and construction of Phase I is approximately \$4 million. The remaining \$3.5 million will be used to advance Phase II as far as possible. As Phase II costs are expected to be in the \$9 million range, additional funding will be needed to complete the project through construction.

Benefits

The Seldon Road Extension will:

- Provide a new alternative emergency transportation route.
- Help create a new regional east-west transportation route between Palmer and Meadow Lakes that relieves congestion on high-demand facilities, such as the George Parks Highway.
- Improve area circulation, and decrease travel times.

Contact Information

To learn how you can provide input and stay informed, contact Stantec's public involvement coordinator:

Sara Doyle sara.doyle@stantec.com
(907) 352-7813

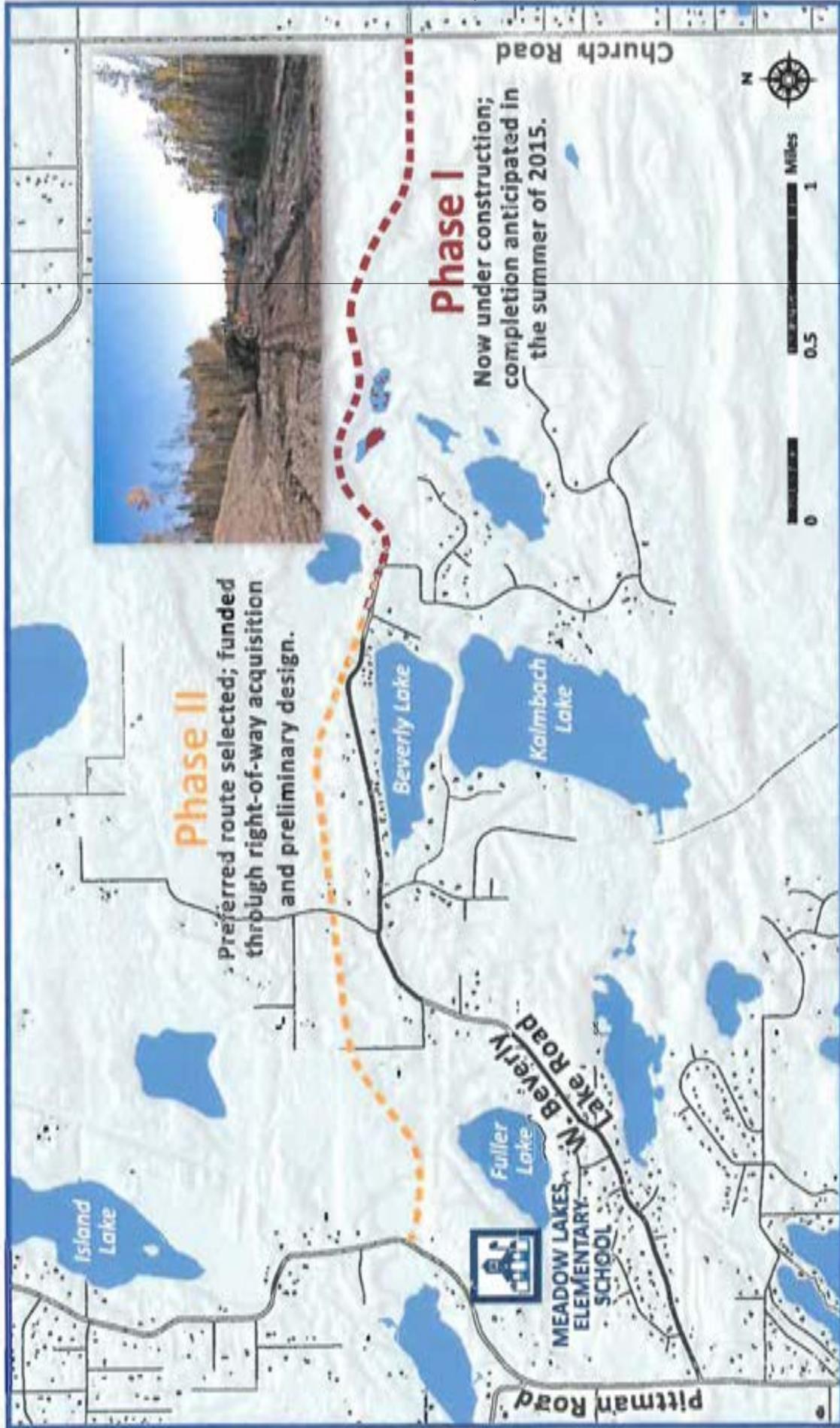
For more information, contact the Borough:

Michael J. Campfield, P.E.
Capital Projects Pre-Design &
Engineering Division
Mike.Campfield@matsugov.us
(907) 861-7719

Also visit the project website (select the Seldon Road Extension link):

www.matsugov.us/projects/seldon-road-extension

Seldon Road Extension Project Church Road to Pittman Road



Matanuska-Susitna Borough



Seldon Road Draft Corridor Access Management Plan

September 23, 2015

**Corridor Access Management Plan
Seldon Road Extension
Church Road to Pittman Road**

Project No. 35411
Wasilla, Alaska



Prepared for:
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, Alaska 99645

Prepared by:
Stantec Consulting Services Inc.
2515 A Street
Anchorage, Alaska 99503
907.276.4245

PUBLIC REVIEW DRAFT

Stantec WO#: 204700260

September 23, 2015

CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD

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CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD

Introduction
September 23, 2015

1.0 INTRODUCTION

The Matanuska-Susitna Borough (MSB) has obtained funding to extend Seldon Road westward from Church Road to Beverly Lake Road. This 1.8-mile new road extension is the first phase of the planned extension of Seldon Road to Pittman Road.

In order to maintain the mobility and safety benefits of this minor arterial road, access will be limited along the new roadway to the extent possible. This *Access Management Plan* will provide the guidelines necessary to manage access along this segment of Seldon Road.

CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD

Purpose of Access Management
September 23, 2015

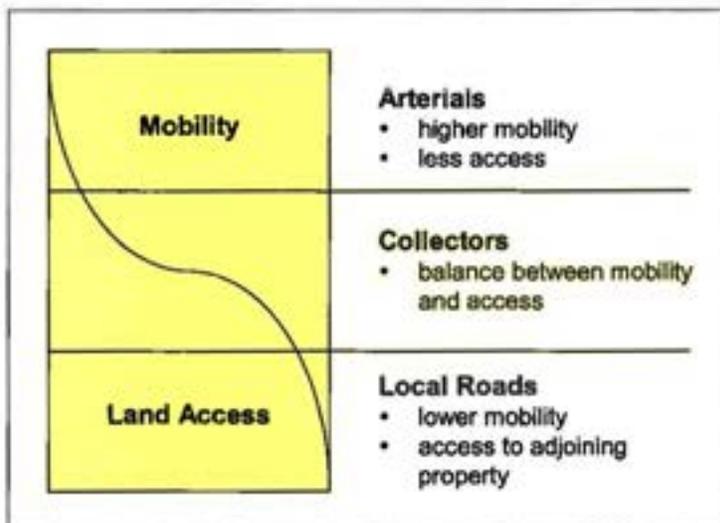
2.0 PURPOSE OF ACCESS MANAGEMENT

The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system.

Access Management Manual (TRB, 2003)

The road network is created to serve a single purpose – the movement of people and goods. From an operational perspective, this can be seen as a two-step process: entering or leaving the road network, and traveling through the road network. Unfortunately, these two steps conflict with each other, especially as volumes increase. That is to say, it is very difficult to enter a road that has a high volume of fast moving traffic. Similarly, a road cannot accommodate a high volume of fast moving traffic, if there are numerous driveways, where motorists are turning on and off of the road. As a result, a hierarchy of road classifications has been developed by the American Association of State Highway and Transportation Officials (AASHTO) that outlines the role each road type should be designed to fill in the road network. Higher classification roads (interstates, arterials) are intended to provide service to higher speed through-traffic, while lower classification roads are designed to provide access to individual parcels and destinations. This is shown graphically in Figure 1. Benefits and techniques for access management are also discussed in National Cooperative Highway Research Program (NCHRP) Report 420, *Impacts of Access Management Techniques* (Transportation Research Board (TRB), 1999)

Figure 2 Roadway Functional Roles



Source: Safety Effectiveness of Highway Design Features, Vol. 1 FHWA, 1992

CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD

Purpose of Access Management
September 23, 2015

In order to maintain the mobility function of the higher class roadways, access must be limited. The most extreme example of this is how access to freeways is limited to interchanges. Arterials do not require such a high level of access control, but some control is prudent. This *Access Management Plan* provides the framework for managing that access.

The Seldon Road Extension is designed as a rural minor arterial, which means it will need a higher level of access control than collector or local roads, but lower level of access control than major arterials or freeways.

Access management must be thoughtfully planned and managed to be successful. Otherwise, driveways and access points end up being located and constructed without regard to how they fit into the entire system, which often leads to inconsistent spacing, multiple conflict points, and poor sight distance, as seen on the Palmer-Wasilla Highway. In the MSB, access management will be implemented by both the Platting Board and through the driveway permit process. The entities that oversee both of these processes must be informed of and supportive of the *Access Management Plan* in order for it to be successful. It is equally important for the agencies to work with the public to ensure understanding and buy-in of the safety, mobility, and public investment benefits of access management while being sensitive to individual landowners needs for access and mobility.

CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD

Benefits of Access management
September 23, 2015

3.0 BENEFITS OF ACCESS MANAGEMENT

Controlling access on roadways provides the following key benefits:

- Helps maintain efficient traffic flow
- Increases public safety
- Protects the public's financial investment in roadway infrastructure

The *Access Management Manual* states that decreasing signal spacing from four per mile to two per mile decreases total delay by 60 percent and vehicle hours of travel by 50 percent. At unsignalized access points, close spacing decreases egress capacity when spacing is less than 1.5 times the acceleration distance. Entering traffic causes slowdowns in through traffic as far as 620 feet upstream of access points.

Similarly, crash rates along corridors with two signals per mile is about half of the rate on corridors with four or more signals per mile. For unsignalized access points, crash rates increase by about 40 percent for each doubling of access density. Crash rates increase as access density increases because intersections have so many conflict points. Additionally, intersections have areas of influence upstream and downstream of the intersection due to speed differentials and decision sight distances. When intersection areas of influence overlap, driver attention is spread over a greater number of potential conflicts, which compounds the conflicts experienced at an isolated intersection. Eliminating overlapping areas of influence at intersections is, therefore, an important element in enhancing roadway safety.

The benefits of access management are experienced by society as a whole. Adjacent land owners may object to having their access limited to provide benefits to society. It is important to recognize that these are not abstract benefits, but are quantifiable benefits that correlate to the investment the public is making in constructing this new facility. Additionally, lack of access management increases congestion, which is a deterrent to potential customers and homebuyers.

It cannot be overstated how important internal neighborhood connectivity is to the efficient operation of arterial roadways. Efficient internal connectivity allows neighbors to travel within their neighborhood as long as possible. In some instances this will keep local traffic off of arterial roads. In other instances, it may mean that instead of a resident making a turn on to Seldon Road only to make another turn on to Church Road, they can access Church Road directly from their neighborhood. This reduces congestion on the road network, reduces left turns at intersections, reduces out of direction travel, and keeps travelers on safer, low-volume streets for more of their trips. To this end, as the adjacent parcels are platted and developed, the road networks need to connect to Pittman Road to the north and west, Church Road to the east, and Srouce Road (extended) to the south. A good example of this is how Little Rain Road and Gentle

CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD

Benefits of Access management
September 23, 2015

Breeze Drive in the Bruce Lake Subdivision are platted all the way to the adjacent parcel boundaries.

In summary, implementing an *Access Management Plan* that manages the location and density of public and private accesses to the roadway helps to promote the safe and efficient travel of the public and maintains the significant investment the public is making in the road network.

CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD

Project Overview for Seldon Road Extension
September 23, 2015

4.0 PROJECT OVERVIEW FOR SELDON ROAD EXTENSION

The extension of Seldon Road from Church Road to Pittman Road is a step toward constructing an east-west corridor connecting Palmer with Houston. The project was divided into two phases for design and construction due to funding constraints. Phase I extends between Church Road and Beverly Lake Road at Windy Bottom Road. Phase II will extend between Phase I and Pittman Road, north of Beverly Lake Road.

Initial studies and planning for the Phase I route were undertaken by the MSB in the 1980s. Based on this work, a 200-foot wide right-of-way (ROW) easement was secured from Church Road to Beverly Lake Road. The Seldon Road extension begins at the intersection of Seldon Road and Church Road, then follows high ground to avoid wetlands until it ties into Beverly Lake Road at Merri Belle Lake Subdivision.

With the exception of three parcels in the Merri Belle Subdivision, construction was through undeveloped lands owned by the State and the MSB.

The alignment for Phase II, between Phase I and Pittman Road, was chosen to minimize right-of-way, utility and construction costs, private property impacts, and environmental impacts. Roadway geometry and access control characteristics were considered for their relative safety benefits. The approved route begins by connection to the end of the Phase I alignment near Windy Bottom Road, and extends in a north westerly direction to stay north of Beverly Lake Road, and then sweeps southwest to intersect Pittman Road near Zehnder Road.

The following table outlines traffic projections developed in support of Seldon Road Extension.

Table 1 Traffic Projections for Seldon Road Extension

	Phase I	Phase II
AADT - 2018	3,500	4,400
AADT - 2038	10,752	9,125
Design Hour Volume	9.0%	9.0%
Truck Percentage	4%	4%
Design Speed	55 M.P.H.	55 M.P.H.
AADT = Average Annual Daily Traffic		

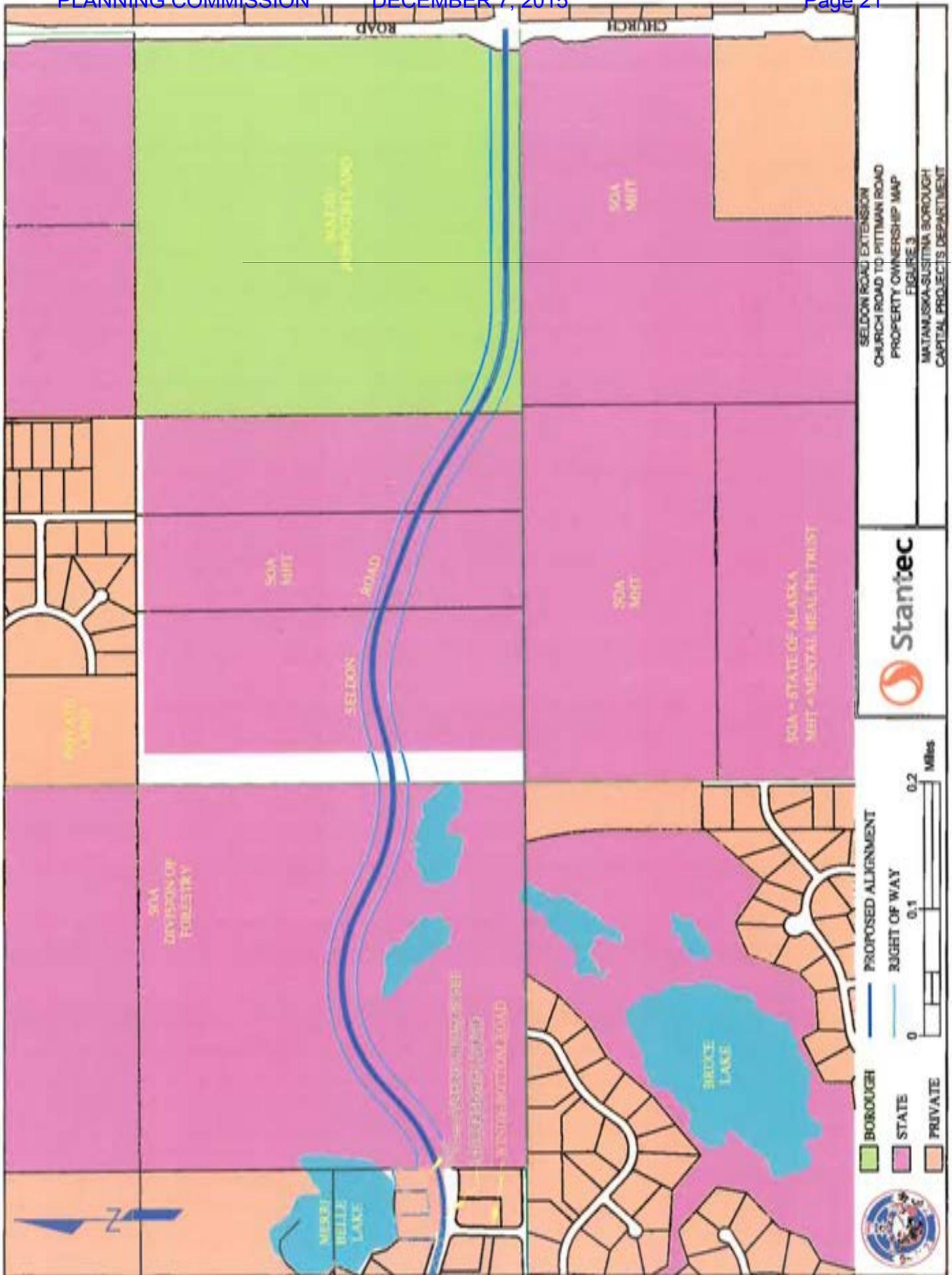


CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD

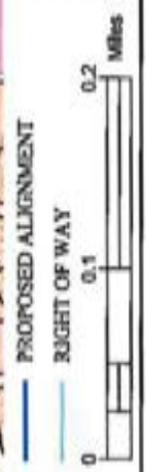
Property Ownership and Parcel Data
September 23, 2015

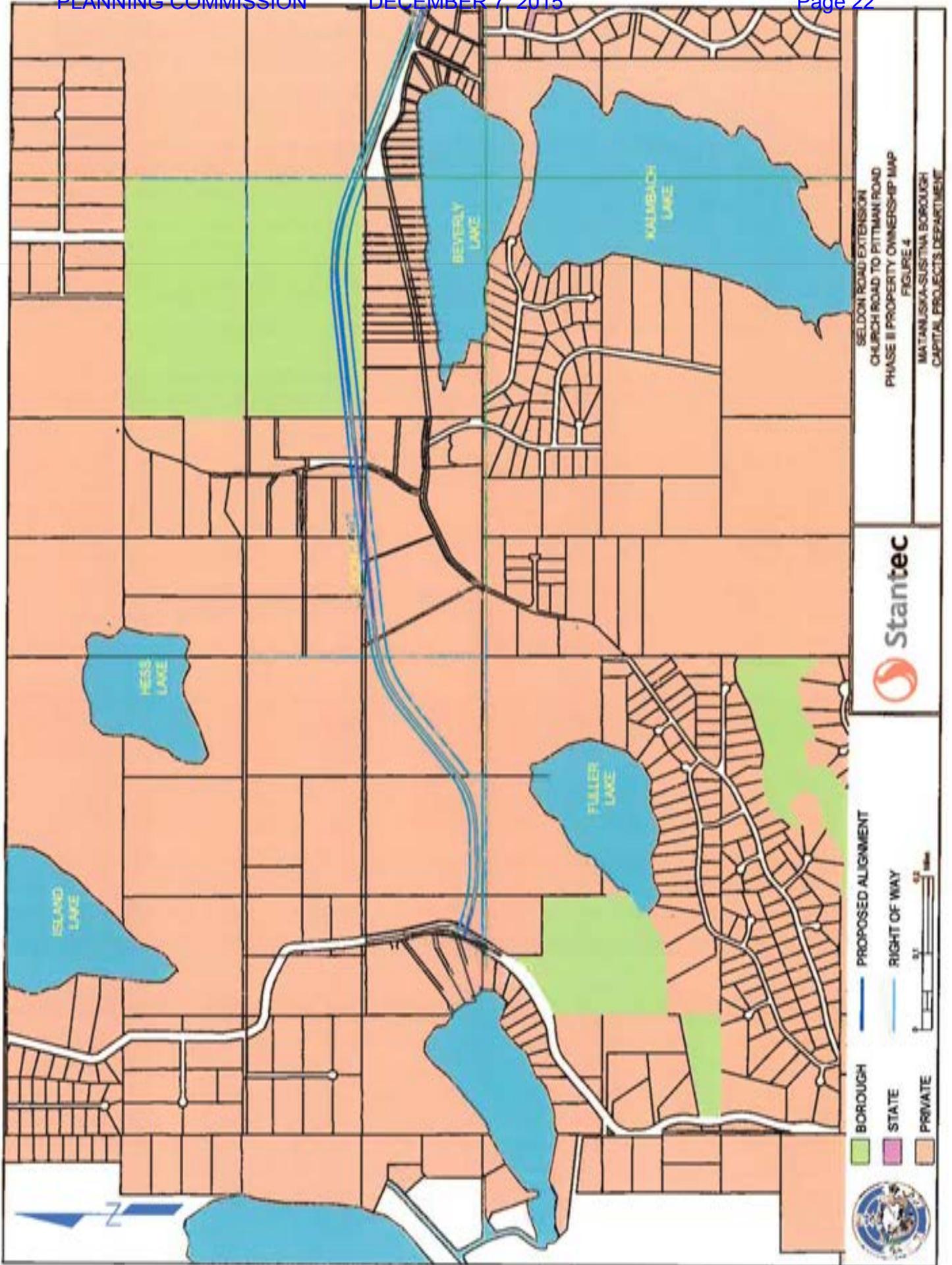
5.0 PROPERTY OWNERSHIP AND PARCEL DATA

Property ownership and parcel data shown in Figure 2 and Figure 3 were developed using data from the MSB GIS Division. Adjacent property is owned by private entities, the MSB and the State of Alaska. New ROW will be acquired from numerous private parcels on the west end of the project and from the MSB Tract at the Church Road intersection.



SELDON ROAD EXTENSION
 CHURCH ROAD TO PITTMAN ROAD
 PROPERTY OWNERSHIP MAP
 FIGURE 3
 MATANUSKA-SUSITNA BOROUGH
 CAPITAL PROJECTS DEPARTMENT





CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD

Access Management Recommendations
September 23, 2015

6.0 ACCESS MANAGEMENT RECOMMENDATIONS

The Access Management Manual recommends the following access spacing for rural minor arterials:

Table 2 Minimum Intersection Spacing Guidelines

	Minimum Access Spacing	
	Feet	Miles
Signalized Intersection		2
Standard Roundabout Access - No Median	2,640	Min. 1/3, 1/2 preferred
Right-in/Right-Out (w/Median)	1,320	1/4
Directional Median Opening	1,320	1/4

It should be noted that signalized intersections, if provided, need to be spaced at regular intervals. This is necessary to provide efficient progression through the series of signals. The ideal spacing for signals depends on the signal timing plans and desired corridor speed.

Ideally, access to the arterial network would coincide with section or partial section lines (1/4, 1/16, etc.) These lines often already have ROW easements and serve as boundaries between neighboring developments. However, topographic constraints can thwart the use of legal parcel boundaries for roads. That is the case for Seldon Road extension, as wetlands exist on one or both sides of Seldon Road at the 1/4 section lines within the Phase I project area. In addition, the existing accesses at Windy Bottom Road and Wyoming Drive do not occur on any regular section line.

Combining the spacing guidelines listed above and the topographic constraints of the Seldon Road Corridor, the access management recommendations for the corridor are as follows:

1. To maintain uninterrupted traffic flow and minimize safety conflicts, Seldon Road shall have a minimum access spacing of 1/3-mile, and preferably 1/2-mile in areas where specific access points have not been identified in this document
2. Restricted (left-in/right-in/right-out) access may be considered 1/6-mile east of Pittman Road and 1/6-mile west of Church Road if commercial development requires such access.
3. Roads intersecting Seldon Road shall serve more than one development and connect to other access points on the road network. New cul-de-sacs directly off Seldon Road shall be prohibited unless serving an area constrained by topography.
4. Access to Seldon Road shall be limited to public roads, and no new driveways shall be permitted.



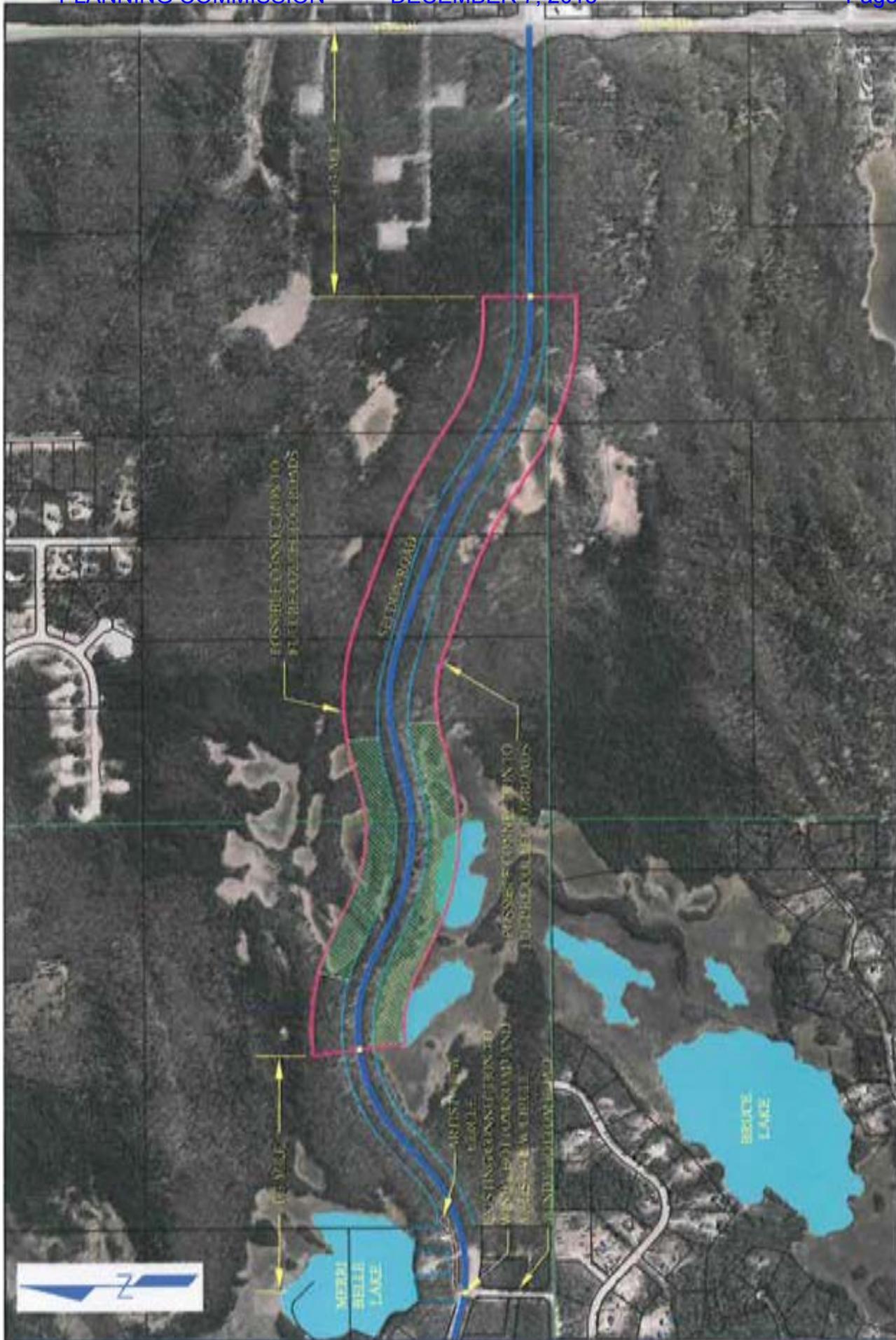
CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD

Access Management Recommendations
September 23, 2015

5. The undeveloped area beginning 1/3-mile west of Church Road and ending 1/3-mile east of the Windy Bottom Road/Artist View Circle intersection is open to development of collector roads on both the north and south sides of Seldon Road. Development of a Collector Road on either side of Seldon Road should take into consideration the probable development of a collector road on the opposite side of Seldon Road to maintain the minimum 1/3-mile access spacing, although 1/2-mile spacing is preferable.
6. The connection at Windy Bottom Road/Artist View Circle that was constructed under the Seldon Road Phase I project shall be maintained. Access to the State of Alaska Department of Natural Resources (DNR) lands may be accessed from the cul-de-sac at the end of Artist View Circle (north of Seldon Road), or from Windy Bottom Road (south of Seldon Road).
7. The driveways from lots 1 through 4 of Merri Belle Subdivision shall connect to the new access road, Artist View Circle. Direct access from these parcels to Seldon Road shall be prohibited.
8. A full access connection to Beverly Lake Road is planned at the section line, approximately 1/2-mile west of the Windy Bottom Road/Artist View Circle intersection. Any future connection to the undeveloped lands to the north shall be made at this intersection. Beverly Drive will not be connected to Seldon Road in order to maintain the minimum spacing.
9. Wyoming Drive will be connected to Seldon Road under the Seldon Extension Phase II project.
10. A future collector road connection may be developed approximately 0.4 miles west of Wyoming Drive if Fishback Road is to be extended along a section line easement. A connection to the north side of the road is possible as well, provided it is directly opposite the Fishback Circle connection.
11. A connection to Zehnder Road and Fuller Lake Subdivision will be made at Monroe Circle. An access to the land north of Zehnder Road is allowable directly opposite the Monroe Circle intersection.
12. The Zehnder Road approach at Pittman Road will be removed due to the close proximity to the Pittman / Seldon intersection. A cul-de-sac will be constructed as part of Seldon Road Extension, Phase II.

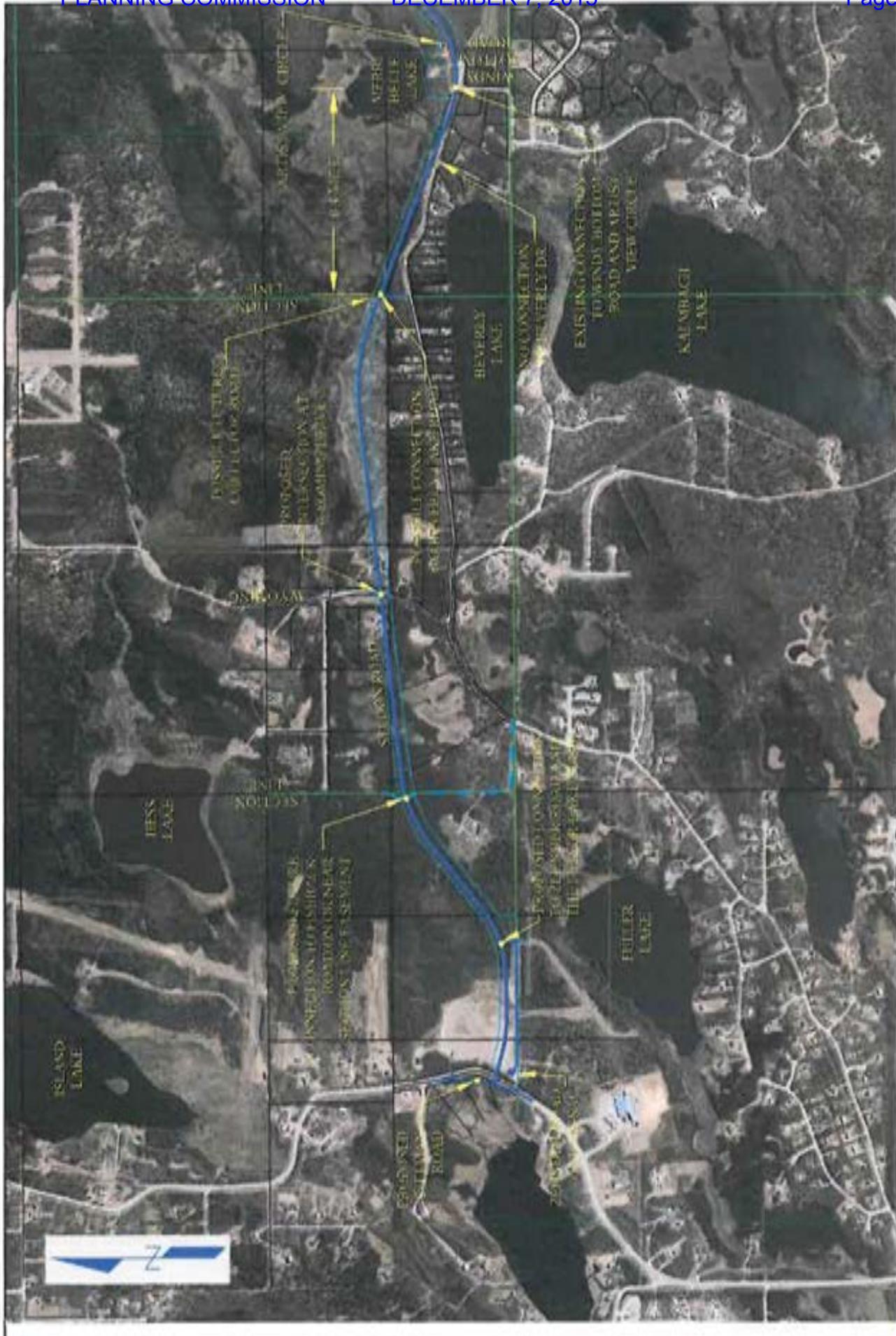
Access recommendations for the Seldon Road corridor are depicted in figures 5 and 6.

The existing Church / Seldon intersection is expected to operate with acceptable levels of service through 2025, but will likely need a roundabout or traffic signal after that time. The addition of turn lanes will also reduce delay and enhance traffic safety at the intersection.



PROPOSED ALIGNMENT
 RIGHT OF WAY
 CONNECTIONS UNLIKELY IN
 HIGH VALUE WETLANDS

SELDON ROAD EXTENSION
 CHURCH ROAD TO PITTMAN ROAD
 ACCESS RECOMMENDATIONS
 FIGURE 5
 MATANUSKA-SUSTINA BOROUGH
 CAPITAL PROJECTS DEPARTMENT



PROPOSED ALIGNMENT
 RIGHT OF WAY

0 0.1 0.2 Miles

SELOON ROAD EXTENSION
 CHURCH ROAD TO PITTMAN ROAD
 PHASE II ACCESS RECOMMENDATIONS
 FIGURE 6
 MATANUSKA-SUSTINA BOROUGH
 CAPITAL PROJECTS DEPARTMENT



Traffic and Safety Report

December 20, 2013

These values are projected daily volumes. Since intersection attributes are based on peak hour turning movement volumes, we must determine how much of the daily traffic occurs during the peak hour and estimate which direction the traffic is going. To that end, we have obtained current hourly count data from both MSB and Alaska Department of Transportation and Public Facilities (DOT&PF) in the project area and collected existing turning movement data. The turning movement data reveal that the peak traffic hour occurs between 4:30 pm and 5:30 pm and that the peak hour volumes are roughly 9.0 percent of the daily traffic numbers. During the peak hour, traffic is generally split 60-percent going north or west and 40-percent going south or east.

To develop turning movement counts for the new intersections, we had to make a few assumptions. We have assumed that Seldon Road will accommodate both local traffic going to developments along the corridor, and regional through-traffic. Since the MSB is experiencing high growth, we assumed that the entire area around the corridor will be developed as housing during the design life of the project. Using a housing density of one dwelling unit per two acres to account for roads and undevelopable areas, we anticipate as many as 900 homes in the adjacent area may contribute traffic to Seldon Road. After assigning the 900 peak hour trips this development would create to the road network, through-traffic was added to our projections until the intersection volumes at the Seldon Road/Church Road intersection matched the peak hour volumes predicted by the ADT projections. The mix of through traffic and new development traffic was then adjusted until the two ADT volumes along Seldon Road matched the hourly volumes we projected. Based on these methods, we estimate that the through-traffic volume will be 390 vehicles in the PM peak hour. Using these assumptions, along with the travel patterns identified through the collected data, we developed turning movement projections for the intersections. The resulting turning movement volumes for each end of the project are shown below. Turning movements at intermediate intersections are attached.

Seldon/Pittman									
		SND		475		SND		TEV = 924	
		78				SND			
		0		145		78			
		SND		SND		SND			
SND		0		EST				SND 79	
0		0		EST				SND 0	
SND		0		EST				SND 230	
		SND		SND		SND			
		0		174		219			
		SND				SND			
		SND		757		SND			

Seldon/Church									
		SND		498		SND		TEV = 1544	
		78				SND			
		78		95		33			
		SND		SND		SND			
SND		46		SND				SND 74	
975		242		SND				SND 372	
SND		91		SND				SND 129	
		SND		SND		SND			
		145		133		106			
		SND				SND			
		SND		699		SND			

Exhibit 2 – 2038 PM Peak Hour Turning Movement Projections

Traffic Analysis

Traffic operations along the corridor have been analyzed using the methodologies defined in the *Highway Capacity Manual* (Transportation Research Board, 2010) (HCM). The HCM provides methods of grading "level of service" (LOS) of roads and intersections on an A through F scale. For new facilities, LOS C is the desired minimum LOS.

LOS on rural road segments is based on average travel speeds and "percent time spent following", and takes into account traffic volumes, road grades, and passing opportunities. Given the conditions along

this facility, and assuming that passing will be prohibited on 60-percent of the road segment, Seldon Road is expected to operate at LOS D by 2038. Although this is below the target of LOS C, a two-lane facility is still appropriate considering the peak hour volume is only 31-percent of the capacity of the road and the long-term shift from primarily through-traffic, which expects higher speeds and lower traffic density, to a higher percentage of local traffic as the area develops.

LOS at intersections is based on anticipated vehicular delay, as shown below. LOS criteria are different for signalized and non-signalized intersections because drivers expect to have to wait at signals, and they get less irritated when waiting at signals because of the knowledge that they will eventually get a green light. Lower delay thresholds are set at non-signalized intersections because when drivers get impatient with waiting, they become more likely to accept riskier gaps in traffic, which increases the likelihood of crashes. In addition, LOS and delay for signalized intersections is based on average conditions at the entire intersection, while LOS and delay at stop controlled or roundabout intersections are reported for the lowest-performing approach. Trafficware's Synchro traffic modeling software was used to conduct the intersection traffic analysis.

LOS	Unsignalized/ Roundabout Average Delay (sec/veh)	Signalized Average Delay (sec/veh)	General Description
A	≤10	≤10	Free Flow
B	>10 - 15	>10 - 20	Stable Flow (slight delays)
C	>15 - 25	>20 - 35	Stable flow (acceptable delays)
D	>25 - 35	>35 - 55	Approaching unstable flow (tolerable delay, occasionally wait through more than one signal cycle before proceeding)
E	>35 - 50	>55 - 80	Unstable flow (intolerable delay)
F	>50	>80	Forced flow (jammed)

Source: Highway Capacity Manual (TRB, 2010)

Exhibit 3 – LOS Criteria

Assuming that Seldon Road is stop controlled at both intersections (at Pittman Road and Church Road) with no new turn lanes, the resulting traffic delays are listed in Exhibit 4. For stop-controlled intersections, the worst approach delay and level of service is reported as the intersection delay and level of service.

	Pittman		Church	
	Delay	LOS	Delay	LOS
Northbound	N/A		N/A	
Westbound	31.4	D	300+	F
Southbound	N/A		N/A	
Eastbound	N/A		300+	F

Exhibit 4 – 2038 LOS with Existing Configurations

Both intersections are projected to fail to meet LOS standards by the design year. As a result, improvements should be considered.

There are several ways to improve LOS at an intersection. The most obvious is to change from stop control to signal or roundabout control. However, there are costs and other disadvantages associated with increasing intersection control, so standard practice is to consider other enhancements first.

Seldon Road/Pittman Road Intersection

At the Pittman Road intersection, the design speeds and traffic volumes suggest that a northbound right turn lane and westbound right turn lane may be justified. Adding only the westbound right turn lane would serve to lower the westbound approach level of service to C, with an average delay of 22.7 seconds. Delay and level of service values for the various improvement options are listed below.

Turn Lane Scenario→	Westbound Right			Westbound Right, Northbound Right			Westbound Right, Northbound Right, Southbound Left		
	Delay	LOS	Queue	Delay	LOS	Queue	Delay	LOS	Queue
Movement ↓									
Westbound Approach	22.7	C		17.4	C		17.3	C	
Westbound Right	10.6	B	25'	9.7	A	25'	9.7	A	25'
Westbound Left	26.9	D	100'	20.1	C	100'	19.9	C	100'
Southbound Left	8.4	A	25'	8.4	A	25'	7.8	A	25'

Exhibit 5 – 2038 LOS at Seldon/Pittman with Turn Lanes and Two-Way Stop Control

Considering the costs of construction, the prevailing traffic patterns, and the expected improvements in delay, the southbound left turn lane is probably not a cost effective improvement.

Seldon Road/Church Road Intersection

At the Seldon Road/Church Road intersection, a variety of improvements were analyzed, up to and including right and left turn lanes on each approach and stop control at each approach. However, none of these improvements result in acceptable LOS.

Since stop control will not adequately serve traffic demands in the design year, different control methods were considered.

Roundabout

A roundabout would serve to maintain acceptable LOS at the Seldon Road/Church Road intersection. A single-lane roundabout would be appropriate and would maintain LOS B in 2038. Average vehicle delays would be as follows:

Approach:	2018			2038		
	Delay	LOS	Queue	Delay	LOS	Queue
Eastbound	5.5	A	25'	7.9	A	50'
Northbound	6.1	A	25'	9.0	A	75'
Westbound	7.1	A	25'	14.6	B	150'
Southbound	5.6	A	25'	9.3	A	50'

Exhibit 6 –Roundabout LOS at Seldon/Church

Research has shown that as people become more familiar with roundabouts, they tend to drive them more aggressively, which has the effect of increasing roundabout capacity over time. This effect is reflected in the LOS values listed above, and explains why there is not much difference in some of the delay values between 2018 and 2038.

From an operational perspective, roundabouts are beneficial because fewer crashes tend to occur at them, and the crashes that do occur tend to be less severe than at traditional intersections. However, roundabouts require motorists to slow down to navigate them during all hours of the day, regardless of if there is conflicting traffic or not.

Signal

A signal warrant analysis was conducted on the 2038 traffic volume projections. There are a series of 9 warranting criteria that are outlined in the Manual on Uniform Traffic Control Devices (MUTCD) to help determine if a traffic signal might be an appropriate intersection control treatment. Three are based on traffic volumes, one on pedestrian volumes, one is safety related, and the others are related to the road network. At the Seldon Road/Church Road intersection, only the volume based warrants are relevant at this time. Based on our traffic projections, all three of the volume based warrants (8-hour, 4-hour, and peak hour) will be met by 2038.

If the Seldon Road/Church Road intersection is signalized, the guidance published in National Cooperative Highway Research Program Report 279 recommends left lanes be provided for the northbound and westbound approaches, and right turn lanes be provided on the westbound, northbound, and eastbound approaches. Left turn lanes could also be provided for the southbound and eastbound left turn lanes since both Seldon Road and Church Road will be widened for the opposing direction left turn lanes. No turn lanes are required for the intersection to meet level of service standards, but they will reduce delay and enhance traffic safety at the intersection. LOS projections for the various turn lane scenarios are shown below.

Volume Year:	No New Turn Lanes		Warranted Turn Lanes		All except Southbound Right	
	Delay	LOS	Delay	LOS	Delay	LOS
2018	8.6	A	8.3	A	8.2	A
2038	31	C	10.3	B	10	A

Exhibit 6 –Signalized LOS at Seldon/Church

Turn lanes will ideally be long enough to enable vehicles to slow from full-speed to stop and contain the vehicle queue. At a minimum, the Alaska Highway Preconstruction Manual requires turn lanes be at least 100 feet long. Turn lane lengths should be as follows:

	Decel Length	Queue Length	Total
Eastbound Left*	410'	25'	435'
Eastbound Right	410'	0'	410'
Northbound Left	410'	50'	460'
Northbound Right	410'	0'	410'
Westbound Left	410'	50'	460'
Westbound Right	410'	0'	410'
Southbound Left*	410'	25'	435'
*Lanes could be 100' minimum			

Exhibit 7 – Signalized Turn Lane Lengths

Even if left turn lanes are not provided for the approaches where they are not warranted (southbound Church Road, or eastbound Seldon Road), if the medians that will be required on these approaches are flush, they should be large enough to accommodate a vehicle waiting to turn left, since it will likely be used for this purpose by motorists anyway. Also, if the medians are not flush, vehicle detection will need to be provided to ensure motorists do not queue up in these areas and end up left unserved by the signal.

Signalization improvements could be phased at the Seldon Road/Church Road intersection to better match up with the anticipated traffic volumes. It would make sense to construct turn lanes with the Seldon Road extension considering the extent of earthwork that will be done. However, it would be possible to maintain two way stop control for a while, move to all-way stop control, and then implement signalization when necessary. The following table outlines when control changes would be required, assuming linear traffic growth between opening year and the design year.

	Two-Way Stop Control	All-Way Stop Control	Meets Signal Warrants in:
No Turn Lanes	2022	2029	2025
Warranted Lanes	2029	2034	2029
All Lanes	2029	2034	2029

Exhibit 8 – Year LOS Falls Under Given Control Type

If two way stop control is used at the Seldon Road/Church Road intersection, the stop control should be moved from Seldon Road to Church Road after Phase 2 is constructed, since it is expected to become the higher volume road at the intersection at that time.

From an operational perspective, the signalization option is beneficial because it can be phased to meet the traffic demands. In addition, once a signal is installed, it can be operated in a manner that accounts for the variability of traffic throughout the day. However, even though the signal can maintain

better level of service than a roundabout, delay is not necessarily less because of the different LOS criteria for roundabouts and signals.

A decision regarding whether to use roundabout or signalization control is best left to the Design Study Report effort, since the decision should also include factors such as impacts to ROW and water resources, as well as construction costs and current or future funding concerns. Either option would work to meet the LOS criteria for the anticipated traffic demand.

Windy Bottom Road

Windy Bottom Road is near the end of Phase 1 and is the only existing intersection along this first phase of the project corridor. It may be that an intersection with Beverly Lake Road is required, depending on the route chosen for Phase 2, but that will be addressed during the phase 2 development process. Windy Bottom Road will be stop controlled at Seldon Road and currently provides the only access for the Bruce Lake Subdivision. This subdivision consists of 150 lots, many of which are undeveloped. Once this subdivision does build out, it will represent about 150 vehicle trips during the PM peak hour. Based on the previously discussed traffic patterns, we would expect about 57 motorists turning left into the subdivision. Using the methodologies listed in NCHRP Report 457, a left turn lane off of Seldon Road would be appropriate, and should be 410 feet long to accommodate vehicle deceleration outside of the through lane. A single lane approach on Windy Bottom Road is appropriate.

Beverly Lake Road

In Phase 2, the Seldon Road Extension will veer north of Beverly Lake Road (BLR) and provide an opportunity for an intersection between BLR and Seldon Road north of Beverly Lake, west of where Beverly Lake Road makes a 60 degree bend to the south. An intersection at this location would provide convenient routing for residents on BLR who want to travel east on Seldon Road. However, this connection would also increase traffic on BLR north of Beverly Lake, due to eastbound traffic from the west end of BLR.

If the BLR/Seldon Road intersection is created, no auxiliary lanes will be necessary, and it should have stop control on the BLR approach.

Wyoming Drive

In Phase 2, Seldon Road will cross Wyoming Drive. This will result in a 4-leg intersection that will operate acceptably with stop control only on the Wyoming Drive approaches. If BLR is connected to Seldon Road separately, no auxiliary turn lanes will be required. If the BLR/Seldon Road intersection is not constructed, the traffic from that intersection will end up using the Wyoming Drive intersection. As a result of the traffic concentration at this location, a westbound left turn lane would be warranted and should be 410 feet long to accommodate vehicle deceleration outside of the through lane.

Traffic Safety

Crash data was collected from the DOT&PF for both the Seldon Road/Church Road intersection and from the Pittman Road segment where Seldon Road is likely to intersect Pittman Road. The data at the Seldon Road/Church Road intersection covers the period from 2008 through 2010, while the data on Pittman Road is from 2006 through 2010.

At the Seldon Road/Church Road intersection, 3 crashes were reported. That corresponds to a crash rate of 1.06 crashes per million entering vehicles. In comparison, the HSIP handbook reports that the statewide average crash rate at a 3-leg, stop controlled intersection is 0.48 crashes per million entering vehicles. The reported crash rate is higher than the statewide average. However, given the relatively low volume of traffic at the intersection and the short data collection period, the difference between observed and statewide average crash rates are not statistically significant. That is to say, there is a good chance the difference in crash rates is due to random chance. We also cannot identify crash patterns due to the small number of crashes. As a result, no specific safety improvements are recommended at this intersection, but new improvements should be designed to current standards.

Along Pittman Road, there were 15 crashes between Beverly Lake Road and Middle Road. Given this segment length of 1.64 miles and 5-year study period, the resulting crash rate is 3.14 crashes per million vehicle miles. The statewide average is 2 crashes per million vehicle miles. However, the statistically significant "critical" rate is 3.16. This means it's likely the difference between the observed and average crash rates is due to random chance. As a result, no specific safety improvements are recommended at the future Seldon Road/Pittman Road intersection, but new improvements should be designed to current standards.

Traffic safety along the project should be pursued by designing the project to current design standards. Stopping sight distance must be maintained along the corridor. For the design speed of 55 miles per hour, 495 feet is necessary for stopping sight distance. Where driveways are present, and at intersections, 610 feet of sight distance is necessary to enable vehicles to enter the road without impacting through traffic. This will likely impact where Seldon Road can tie into Pittman Road.

Lighting should be provided at public road intersections within the corridor. This is supported by DOT&PF's HSIP Handbook, which states that intersection lighting reduces nighttime crashes by 50-percent. Lighting has the benefit of making intersections more conspicuous (aiding navigation), and makes it easier for motorists to identify potentially conflicting traffic. The Illuminating Engineering Society's RP-8, recommends that "isolated traffic conflict points" should be lit to 0.9 foot-candles with a uniformity of 4.0.

As previously mentioned, the signal and roundabout control generally exhibit differing crash patterns and statistics, which could be an important factor to consider when deciding what kind of intersection control to implement. The Alaska HSIP Handbook reports crash rates for various control schemes at 4-leg intersections as follows: two-way stop control is 0.56, all-way stop control is 0.72, signalized is 1.47, and roundabouts are 0.37. Rates are reported as crashes per million entering vehicles.

Sign Inventory

An inventory of signs within the project area has been completed to ensure signing is consistent with current standards. Since the Seldon Road Extension does not currently exist, there are no signs to inventory within the corridor.

At the Seldon Road/Pittman Road intersection, speed limit signs will need to be added on each departure leg of the intersection. Guide signs alerting drivers of the upcoming road should also be installed about 500 feet upstream of the intersection on each approach.

At the Seldon Road/Church Road intersection, speed limit signs need to be added to the departure legs along Church Road. The existing two-direction large arrow sign west of the intersection will need to be removed. Similarly, the R3-5L/R sign and left turn only pavement markings will need to be removed from the existing Seldon Road approach. New "Right Lane Must Turn Right" or "Right Only" signs will

Subject: Seldon Road Traffic and Safety Memorandum

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need be installed to properly delineate the west-bound left turn lane. Guide signs alerting drivers of the upcoming road should also be installed 500 feet upstream of the intersection on each approach, except the westbound approach, which already has a guide sign.

New signing installed for this project will meet current Alaska Traffic Manual standards.

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Subject: DRAFT Seldon Road Traffic and Safety Memorandum

Analysis Outputs

2038 Estimated Peak Hour Trips

		Substation DEVELOPMENT			Easton Church		
		721+ 058			721+ 154		
		124+ 878			124+ 944		
Substation	Substation	10	0	0	0	0	0
	Substation	0	0	0	0	0	0
Easton Church	Easton Church	0	0	0	0	0	0
	Easton Church	0	0	0	0	0	0
124+ 878	124+ 878	0	0	0	0	0	0
	124+ 878	0	0	0	0	0	0
124+ 944	124+ 944	0	0	0	0	0	0
	124+ 944	0	0	0	0	0	0
721+ 058	721+ 058	0	0	0	0	0	0
	721+ 058	0	0	0	0	0	0
721+ 154	721+ 154	0	0	0	0	0	0
	721+ 154	0	0	0	0	0	0

		Substation DEVELOPMENT			Easton Church		
		721+ 058			721+ 154		
		124+ 878			124+ 944		
Substation	Substation	10	0	0	0	0	0
	Substation	0	0	0	0	0	0
Easton Church	Easton Church	0	0	0	0	0	0
	Easton Church	0	0	0	0	0	0
124+ 878	124+ 878	0	0	0	0	0	0
	124+ 878	0	0	0	0	0	0
124+ 944	124+ 944	0	0	0	0	0	0
	124+ 944	0	0	0	0	0	0
721+ 058	721+ 058	0	0	0	0	0	0
	721+ 058	0	0	0	0	0	0
721+ 154	721+ 154	0	0	0	0	0	0
	721+ 154	0	0	0	0	0	0

HCM 2010 TWSC
3: Church Road & Seldon Road

Seldon Road Extension
December 2013

Intersection

Intersection Delay, s/veh 1194.2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	EBL	EBT	SBR
Vol, veh/h	46	242	91	129	372	74	146	133	106	33	95	78
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	150	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	50	263	99	140	404	80	159	145	115	36	103	85

Major/Minor	Minor2	Minor1	Major1	Major2
Conflicting Flow All	939	794	146	918
Stage 1	217	217	-	520
Stage 2	722	577	-	398
Follow-up Headway	3.518	4.018	3.318	3.518
Pot Capacity-1 Maneuver	244	321	901	252
Stage 1	785	723	-	539
Stage 2	418	502	-	628
Time blocked-Platoon, %	-	-	-	-
Mov Capacity-1 Maneuver	-	269	901	# 20
Mov Capacity-2 Maneuver	-	269	-	# 20
Stage 1	678	701	-	466
Stage 2	# 40	434	-	338

	EB	WB	NB	SB
HCM Control Delay, s	+	\$ 3206.2	3	1.3
HCM LOS	-	F		

Intersection Movement	EBL	NBT	NBR	EBLn1	WBLn1	WBLn2	EBL	EBT	EBR
Capacity (veh/h)	1386	-	-	+	67	839	1304	-	-
HCM Lane V/C Ratio	0.114	-	-	+	8.528	0.064	0.028	-	-
HCM Control Delay (s)	7.933	0	-	+	\$ 3506.2	9.6	7.839	0	-
HCM Lane LOS	A	A	-	+	F	A	A	A	-
HCM 95th %tile Q(veh)	0.387	-	-	+	66.28	0.204	0.085	-	-

- : Volume Exceeds Capacity, \$: Delay Exceeds 300 Seconds, Error : Computation Not Defined

HCM 2010 TWSC
6: Pittman Road & Seldon Road

Seldon Road Extension
December 2013

Intersection

Intersection Delay, s/veh 11.2

Movement	N/S/L	E/W/R	NBT	NSR	SEL	SET
Vol, veh/h	230	79	174	219	78	145
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	250	86	189	238	85	158

Maneuver	Minor	Major1	Major2
Conflicting Flow All	635	308	0
Stage 1	308	-	-
Stage 2	327	-	-
Follow-up Headway	3.518	3.318	-
Pot Capacity-1 Maneuver	443	732	-
Stage 1	745	-	-
Stage 2	731	-	-
Time blocked-Platoon, %	-	-	-
Mov Capacity-1 Maneuver	407	732	-
Mov Capacity-2 Maneuver	407	-	-
Stage 1	745	-	-
Stage 2	671	-	-

Approach	WB	NB	EB
HCM Control Delay, s	31.4	0	3
HCM LOS	D		

Link Lane (Approach)	NBT	NBR	W/Cur	SEL	SET
Capacity (veh/h)	-	-	459	1132	-
HCM Lane V/C Ratio	-	-	0.732	0.075	-
HCM Control Delay (s)	-	-	31.4	8.438	0
HCM Lane LOS	-	-	D	A	A
HCM 95th %tile Q(veh)	-	-	5.912	0.242	-

- : Volume Exceeds Capacity, \$: Delay Exceeds 300 Seconds, Error : Computation Not Defined

HCM 2010 Signalized Intersection Summary
3: Church Road & Seldon Road

Seldon Road Extension
December 2013

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SEL	SBT	SBR
Lane Configurations												
Volume (veh/h)	16	83	29	87	115	50	44	89	71	22	64	28
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow veh/h/ln	186.3	186.3	186.3	186.3	186.3	186.3	186.3	186.3	186.3	186.3	186.3	190.0
Lanes	1	1	1	1	1	1	1	1	1	1	1	0
Cap, veh/h	386	375	319	416	375	319	904	1047	890	862	696	298
Arrive On Green	0.20	0.20	0.20	0.20	0.20	0.20	0.56	0.56	0.56	0.56	0.56	0.56
Sat Flow, veh/h	1200	1863	1583	1264	1863	1583	1290	1863	1583	1206	1238	531
Grp Volume(v), veh/h	17	90	32	95	125	54	48	97	77	24	0	100
Grp Sat Flow(s),veh/h/ln	1200	1863	1583	1264	1863	1583	1290	1863	1583	1206	0	1769
Q Serve(g_s), s	0.4	1.4	0.6	2.3	1.9	1.0	0.6	0.8	0.8	0.3	0.0	0.9
Cycle Q Clear(g_c), s	2.4	1.4	0.6	3.7	1.9	1.0	1.5	0.8	0.8	1.1	0.0	0.9
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		0.30
Lane Grp Cap(c), veh/h	386	375	319	416	375	319	904	1047	890	862	0	994
V/C Ratio(X)	0.04	0.24	0.10	0.23	0.33	0.17	0.05	0.09	0.09	0.03	0.00	0.10
Avail Cap(c_a), veh/h	783	992	843	835	992	843	904	1047	890	862	0	994
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00
Uniform Delay (d), s/veh	12.6	11.3	11.0	12.9	11.6	11.2	3.8	3.4	3.4	3.7	0.0	3.4
Incr Delay (d2), s/veh	0.0	0.3	0.1	0.3	0.5	0.2	0.1	0.2	0.2	0.1	0.0	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile Back of Q (50%), veh/ln	0.1	0.4	0.2	0.5	0.6	0.3	0.1	0.2	0.2	0.1	0.0	0.2
Lane Grp Delay (d), s/veh	12.6	11.7	11.1	13.1	12.1	11.4	3.9	3.6	3.6	3.7	0.0	3.6
Lane Grp LOS	B	B	B	B	B	B	A	A	A	A		A
Approach Vol, veh/h		139			274			222			124	
Approach Delay, s/veh		11.7			12.3			3.7			3.7	
Approach LOS		B			B			A			A	
Timing												
Assigned Phs		4			8			2			6	
Phs Duration (G+Y+Rc), s		10.8			10.8			23.0			23.0	
Change Period (Y+Rc), s		4.0			4.0			4.0			4.0	
Max Green Setting (Gmax), s		18.0			18.0			19.0			19.0	
Max Q Clear Time (g_c+I1), s		4.4			5.7			3.5			3.1	
Green Ext Time (p_c), s		1.3			1.3			1.2			1.2	
Summary HCM 2010												
HCM 2010 Ctrl Delay				8.2								
HCM 2010 LOS				A								
Notes												

HCM 2010 Signalized Intersection Summary
3: Church Road & Seldon Road

Seldon Road Extension
December 2013

Movement	EBL	EBT	EPR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↖	↗	↘	↖	↗	↘	↑	↗		↕	
Volume (veh/h)	16	83	29	87	115	50	44	89	71	22	64	28
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow veh/h/ln	190.0	186.3	186.3	186.3	186.3	186.3	186.3	186.3	186.3	190.0	186.3	190.0
Lanes	0	1	1	1	1	1	1	1	1	0	1	0
Cap, veh/h	150	345	330	414	389	330	887	1037	882	234	603	227
Arrive On Green	0.21	0.21	0.21	0.21	0.21	0.21	0.56	0.56	0.56	0.56	0.56	0.56
Sat Flow, veh/h	134	1655	1583	1264	1863	1583	1290	1863	1583	194	1083	408
Grp Volume(v), veh/h	107	0	32	95	125	54	48	97	77	124	0	0
Grp Sat Flow(s), veh/h/ln	1789	0	1583	1264	1863	1583	1290	1863	1583	1685	0	0
Q Serve(g_s), s	0.0	0.0	0.6	2.3	1.9	1.0	0.6	0.8	0.8	0.0	0.0	0.0
Cycle Q Clear(g_c), s	1.6	0.0	0.6	4.0	1.9	1.0	1.8	0.8	0.8	1.1	0.0	0.0
Prop In Lane	0.16		1.00	1.00		1.00	1.00		1.00	0.19		0.24
Lane Grp Cap(c), veh/h	496	0	330	414	389	330	887	1037	882	1064	0	0
V/C Ratio(X)	0.22	0.00	0.10	0.23	0.32	0.16	0.05	0.09	0.09	0.12	0.00	0.00
Avail Cap(c_a), veh/h	1042	0	835	817	983	835	887	1037	882	1064	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	11.3	0.0	10.9	13.0	11.5	11.1	4.0	3.5	3.5	3.8	0.0	0.0
Incr Delay (d2), s/veh	0.2	0.0	0.1	0.3	0.5	0.2	0.1	0.2	0.2	0.2	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile Back of Q (50%), veh/ln	0.5	0.0	0.2	0.5	0.6	0.3	0.1	0.2	0.2	0.3	0.0	0.0
Lane Grp Delay (d), s/veh	11.5	0.0	11.0	13.3	11.9	11.3	4.1	3.7	3.7	3.8	0.0	0.0
Lane Grp LOS	B		B	B	B	B	A	A	A	A		
Approach Vol, veh/h		139			274			222			124	
Approach Delay, s/veh		11.4			12.3			3.8			3.8	
Approach LOS		B			B			A			A	
Phase												
Assigned Phs		4			8			2			6	
Phs Duration (G+Y+Rc), s		11.1			11.1			23.0			23.0	
Change Period (Y+Rc), s		4.0			4.0			4.0			4.0	
Max Green Setting (Gmax), s		18.0			18.0			19.0			19.0	
Max Q Clear Time (g_c+1), s		3.6			6.0			3.8			3.1	
Green Ext Time (p_c), s		1.4			1.3			1.3			1.3	
Level of Service												
HCM 2010 Ctrl Delay				8.3								
HCM 2010 LOS				A								
Notes												

HCM 2010 Signalized Intersection Summary
3: Church Road & Seldon Road

Seldon Road Extension
December 2013

Movement:	ESL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	16	83	29	87	115	50	44	89	71	22	64	28
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow veh/h/ln	190.0	186.3	190.0	190.0	186.3	186.3	190.0	186.3	190.0	190.0	186.3	190.0
Lanes	0	1	0	0	1	1	0	1	0	0	1	0
Cap, veh/h	138	255	82	272	230	343	253	472	317	232	597	225
Arrive On Green	0.22	0.22	0.22	0.22	0.22	0.22	0.55	0.55	0.55	0.55	0.55	0.55
Sat Flow, veh/h	94	1178	380	564	1060	1583	228	856	576	194	1083	408
Grp Volume(v), veh/h	139	0	0	220	0	54	222	0	0	124	0	0
Grp Sat Flow(s),veh/h/ln	1652	0	0	1624	0	1583	1660	0	0	1685	0	0
Q Serve(g_s), s	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	4.1	0.0	0.0	4.0	0.0	1.0	2.2	0.0	0.0	1.2	0.0	0.0
Prop In Lane	0.12		0.23	0.43		1.00	0.22		0.35	0.19		0.24
Lane Grp Cap(c), veh/h	475	0	0	501	0	343	1042	0	0	1053	0	0
W/C Ratio(X)	0.29	0.00	0.00	0.44	0.00	0.16	0.21	0.00	0.00	0.12	0.00	0.00
Avail Cap(c_a), veh/h	989	0	0	974	0	827	1042	0	0	1053	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	0.00	1.00	0.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	11.5	0.0	0.0	12.1	0.0	10.9	4.0	0.0	0.0	3.7	0.0	0.0
Incr Delay (d2), s/veh	0.3	0.0	0.0	0.6	0.0	0.2	0.5	0.0	0.0	0.2	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile Back of Q (50%), veh/ln	0.7	0.0	0.0	1.2	0.0	0.3	0.6	0.0	0.0	0.3	0.0	0.0
Lane Grp Delay (d), s/veh	11.8	0.0	0.0	12.7	0.0	11.2	4.4	0.0	0.0	4.0	0.0	0.0
Lane Grp LOS	B			B		B	A			A		
Approach Vol, veh/h		139			274			222			124	
Approach Delay, s/veh		11.8			12.4			4.4			4.0	
Approach LOS		B			B			A			A	
Timer:												
Assigned Phs		4			8			2			6	
Phs Duration (G+Y+Rc), s		11.5			11.5			23.0			23.0	
Change Period (Y+Rc), s		4.0			4.0			4.0			4.0	
Max Green Setting (Gmax), s		18.0			18.0			19.0			19.0	
Max Q Clear Time (g_c+I1), s		6.1			6.0			4.2			3.2	
Green Ext Time (p_c), s		1.5			1.5			1.6			1.6	
Intersection Summary:												
HCM 2010 Ctrl Delay				8.6								
HCM 2010 LOS				A								

HCM 2010 Signalized Intersection Summary
3: Church Road & Seldon Road

Seldon Road Extension
December 2013

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBR
Lane Configurations		+			+	+		+			+
Volume (veh/h)	46	242	91	129	372	74	146	133	106	33	95
Number	7	4	14	3	8	18	5	2	12	1	6
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00	1.00
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow veh/h/ln	190.0	186.3	190.0	190.0	186.3	186.3	190.0	186.3	190.0	190.0	186.3
Lanes	0	1	0	0	1	1	0	1	0	0	1
Cap, veh/h	90	258	82	183	378	704	296	241	161	145	344
Arrive On Green	0.44	0.44	0.44	0.44	0.44	0.44	0.38	0.38	0.38	0.38	0.38
Sat Flow, veh/h	0	580	184	186	850	1583	491	639	427	138	910
Grp Volume(v), veh/h	412	0	0	544	0	80	419	0	0	224	0
Grp Sat Flow(s),veh/h/ln	764	0	0	1037	0	1583	1556	0	0	1690	0
Q Serve(g_s), s	0.0	0.0	0.0	0.0	0.0	1.3	5.7	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	20.0	0.0	0.0	20.0	0.0	1.3	9.8	0.0	0.0	4.1	0.0
Prop In Lane	0.12		0.24	0.26		1.00	0.38		0.27	0.16	0.38
Lane Grp Cap(c), veh/h	429	0	0	561	0	704	698	0	0	731	0
V/C Ratio(X)	0.96	0.00	0.00	0.97	0.00	0.11	0.60	0.00	0.00	0.31	0.00
Avail Cap(c_a), veh/h	429	0	0	561	0	704	698	0	0	731	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	0.00	1.00	0.00	1.00	1.00	0.00	0.00	1.00	0.00
Uniform Delay (d), s/veh	11.7	0.0	0.0	12.9	0.0	7.3	11.6	0.0	0.0	10.0	0.0
Incr Delay (d2), s/veh	33.2	0.0	0.0	30.2	0.0	0.1	3.8	0.0	0.0	1.1	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile Back of Q (50%), veh/ln	6.1	0.0	0.0	8.5	0.0	0.3	3.5	0.0	0.0	1.5	0.0
Lane Grp Delay (d), s/veh	44.9	0.0	0.0	43.1	0.0	7.4	15.3	0.0	0.0	11.1	0.0
Lane Grp LOS	D			D		A	B			B	
Approach Vol, veh/h		412			624			419			224
Approach Delay, s/veh		44.9			38.5			15.3			11.1
Approach LOS		D			D			B			B
Timer											
Assigned Phs		4			8			2			6
Phs Duration (G+Y+Rc), s		24.0			24.0			21.0			21.0
Change Period (Y+Rc), s		4.0			4.0			4.0			4.0
Max Green Setting (Gmax), s		20.0			20.0			17.0			17.0
Max Q Clear Time (g_c+I1), s		22.0			22.0			11.8			6.1
Green Ext Time (p_c), s		0.0			0.0			1.7			2.8
Intersection Summary											
HCM 2010 Ctrl Delay				30.6							
HCM 2010 LOS				C							
Notes											

HCM 2010 Signalized Intersection Summary
3: Church Road & Seldon Road

Seldon Road Extension
December 2013

Movement	EBL	EBT	EBL	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑	↑	↑	↑	↑	↑	↑	↑		↑	↑
Volume (veh/h)	46	242	91	129	372	74	146	133	106	33	95	78
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow veh/h/ln	190.0	186.3	186.3	186.3	186.3	186.3	186.3	186.3	186.3	190.0	186.3	190.0
Lanes	0	1	1	1	1	1	1	1	1	0	1	0
Cap, veh/h	154	604	617	392	725	617	571	787	669	156	377	266
Arrive On Green	0.39	0.39	0.39	0.39	0.39	0.39	0.42	0.42	0.42	0.42	0.42	0.42
Sat Flow, veh/h	144	1550	1583	1016	1863	1583	1191	1863	1583	138	892	630
Grp Volume(v), veh/h	313	0	99	140	404	80	159	145	115	224	0	0
Grp Sat Flow(s),veh/h/ln	1695	0	1583	1016	1863	1583	1191	1863	1583	1659	0	0
Q Serve(g_s), s	0.0	0.0	1.7	5.3	7.2	1.4	4.3	2.1	1.9	0.0	0.0	0.0
Cycle Q Clear(g_c), s	7.2	0.0	1.7	12.6	7.2	1.4	8.0	2.1	1.9	3.6	0.0	0.0
Prop In Lane	0.16		1.00	1.00		1.00	1.00		1.00	0.16		0.38
Lane Grp Cap(c), veh/h	758	0	617	392	725	617	571	787	669	800	0	0
V/C Ratio(X)	0.41	0.00	0.16	0.36	0.56	0.13	0.28	0.18	0.17	0.28	0.00	0.00
Avail Cap(c_a), veh/h	848	0	706	450	831	706	571	787	669	800	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	9.5	0.0	8.5	15.0	10.1	8.4	10.8	7.7	7.7	8.1	0.0	0.0
Incr Delay (d2), s/veh	0.4	0.0	0.1	0.6	0.7	0.1	1.2	0.5	0.6	0.9	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile Back of Q (50%), veh/ln	1.7	0.0	0.5	1.1	2.4	0.4	1.2	0.8	0.6	1.3	0.0	0.0
Lane Grp Delay (d), s/veh	9.9	0.0	8.6	15.6	10.8	8.5	12.0	8.2	8.2	9.0	0.0	0.0
Lane Grp LOS	A		A	B	B	A	B	A	A	A		
Approach Vol, veh/h		412			624			419			224	
Approach Delay, s/veh		9.6			11.6			9.6			9.0	
Approach LOS		A			B			A			A	
Timer												
Assigned Phs		4			8			2			6	
Phs Duration (G+Y+Rc), s		20.6			20.6			22.0			22.0	
Change Period (Y+Rc), s		4.0			4.0			4.0			4.0	
Max Green Setting (Gmax), s		19.0			19.0			18.0			18.0	
Max Q Clear Time (g_c+I1), s		9.2			14.6			10.0			5.6	
Green Ext Time (p_c), s		3.5			2.0			1.8			2.3	
Performance Summary												
HCM 2010 Ctrl Delay			10.3									
HCM 2010 LOS			B									
Notes												

HCM 2010 Signalized Intersection Summary
3: Church Road & Seldon Road

Seldon Road Extension
December 2013

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SSR
Lane Configurations												
Volume (veh/h)	46	242	91	129	372	74	146	133	106	33	95	78
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow veh/h/ln	186.3	186.3	186.3	186.3	186.3	186.3	186.3	186.3	186.3	186.3	186.3	190.0
Lanes	1	1	1	1	1	1	1	1	1	1	1	0
Cap, veh/h	336	655	557	429	655	557	633	836	710	628	424	350
Arrive On Green	0.35	0.35	0.35	0.35	0.35	0.35	0.45	0.45	0.45	0.45	0.45	0.45
Sat Flow, veh/h	908	1863	1583	1016	1863	1583	1191	1863	1583	1115	945	780
Grp Volume(v), veh/h	50	263	99	140	404	80	159	145	115	36	0	188
Grp Sat Flow(s), veh/h/ln	908	1863	1583	1016	1863	1583	1191	1863	1583	1115	0	1725
Q Serve(g_s), s	1.9	4.3	1.7	4.8	7.2	1.4	3.8	1.9	1.7	0.8	0.0	2.7
Cycle Q Clear(g_c), s	9.1	4.3	1.7	9.1	7.2	1.4	6.5	1.9	1.7	2.7	0.0	2.7
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		0.45
Lane Grp Cap(c), veh/h	336	655	557	429	655	557	633	836	710	628	0	774
V/C Ratio(X)	0.15	0.40	0.18	0.33	0.62	0.14	0.25	0.17	0.16	0.06	0.00	0.24
Avail Cap(c_a), veh/h	446	882	750	552	882	750	633	836	710	628	0	774
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00
Uniform Delay (d), s/veh	14.5	9.8	9.0	13.3	10.8	8.9	8.9	6.6	6.6	7.4	0.0	6.8
Incr Delay (d2), s/veh	0.2	0.4	0.2	0.4	0.9	0.1	0.9	0.5	0.5	0.2	0.0	0.7
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile Back of Q (50%), veh/ln	0.4	1.3	0.5	0.9	2.3	0.4	1.0	0.7	0.6	0.2	0.0	0.9
Lane Grp Delay (d), s/veh	14.7	10.2	9.1	13.7	11.7	9.0	9.8	7.1	7.1	7.6	0.0	7.6
Lane Grp LOS	B	B	A	B	B	A	A	A	A	A		A
Approach Vol, veh/h		412			624			419			224	
Approach Delay, s/veh		10.5			11.8			8.1			7.6	
Approach LOS		B			B			A			A	
Times												
Assigned Phs		4			8			2			6	
Phs Duration (G+Y+Rc), s		18.1			18.1			22.0			22.0	
Change Period (Y+Rc), s		4.0			4.0			4.0			4.0	
Max Green Setting (Gmax), s		19.0			19.0			18.0			18.0	
Max Q Clear Time (g_c+I1), s		11.1			11.1			8.5			4.7	
Green Ext Time (p_c), s		3.0			3.0			1.9			2.3	
Performance Summary												
HCM 2010 Ctrl Delay			10.0									
HCM 2010 LOS			A									

HCM 2010 TWSC
6: Pittman Road & Seldon Road

Seldon Road Extension
December 2013

Intersection

Intersection Delay, s/veh 8.3

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	230	79	174	219	78	145
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	250	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	250	86	189	238	85	158

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Conflicting Flow All	635	308	0	0	427	0
Stage 1	308	-	-	-	-	-
Stage 2	327	-	-	-	-	-
Follow-up Headway	3.518	3.318	-	-	2.218	-
Pot Capacity-1 Maneuver	443	732	-	-	1132	-
Stage 1	745	-	-	-	-	-
Stage 2	731	-	-	-	-	-
Time blocked-Platoon, %	-	-	-	-	-	-
Mov Capacity-1 Maneuver	407	732	-	-	1132	-
Mov Capacity-2 Maneuver	407	-	-	-	-	-
Stage 1	745	-	-	-	-	-
Stage 2	671	-	-	-	-	-

Movement	WB	NB	SB
HCM Control Delay, s	22.7	0	3
HCM LOS	C		

Movement	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	407	732	1132	-
HCM Lane V/C Ratio	-	-	0.614	0.117	0.075	-
HCM Control Delay (s)	-	-	26.9	10.6	8.438	0
HCM Lane LOS	-	-	D	B	A	A
HCM 95th %tile Q(veh)	-	-	3.973	0.397	0.242	-

Notes

- : Volume Exceeds Capacity, \$: Delay Exceeds 300 Seconds, Error . Computation Not Defined

HCM 2010 TWSC
6: Pittman Road & Seldon Road

Seldon Road Extension
December 2013

Intersection

Intersection Delay, s/veh 6.5

Movement	WBL	WBR	NBT	NBR	SBL	SBR
Vol, veh/h	230	79	174	219	78	145
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	250	-	250	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	250	86	189	238	85	158

	Minor1		Major1		Major2	
Conflicting Flow All	516	189	0	0	189	0
Stage 1	189	-	-	-	-	-
Stage 2	327	-	-	-	-	-
Follow-up Headway	3.518	3.318	-	-	2.218	-
Pot Capacity-1 Maneuver	519	853	-	-	1385	-
Stage 1	843	-	-	-	-	-
Stage 2	731	-	-	-	-	-
Time blocked-Platoon, %			-	-	-	-
Mov Capacity-1 Maneuver	484	853	-	-	1385	-
Mov Capacity-2 Maneuver	484	-	-	-	-	-
Stage 1	843	-	-	-	-	-
Stage 2	682	-	-	-	-	-

	WB		NB		SB
HCM Control Delay, s	17.4		0		2.7
HCM LOS	C				

Minor Lane / Major Movement	NBT	NBR	WBLn1	WBLn2	SBL	SBR
Capacity (veh/h)	-	-	484	853	1385	-
HCM Lane V/C Ratio	-	-	0.517	0.101	0.061	-
HCM Control Delay (s)	-	-	20.1	9.7	7.769	0
HCM Lane LOS			C	A	A	A
HCM 95th %tile Q(veh)	-	-	2.915	0.335	0.195	-

Notes

- : Volume Exceeds Capacity, \$: Delay Exceeds 300 Seconds, Error : Computation Not Defined

HCM 2010 TWSC
6: Pittman Road & Seldon Road

Seldon Road Extension
December 2013

Intersection

Intersection Delay, s/veh 6.4

Movement	WBL	WBR	NBT	NBR	SBL	SBR
Vol, veh/h	230	79	174	219	78	145
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	250	-	250	250	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	250	86	189	238	85	158

Stage/Major

	Minor1		Minor2	Major1	Major2
Conflicting Flow All	516	189	0	0	189
Stage 1	189	-	-	-	-
Stage 2	327	-	-	-	-
Follow-up Headway	3.518	3.318	-	-	2.218
Pot Capacity-1 Maneuver	519	853	-	-	1385
Stage 1	843	-	-	-	-
Stage 2	731	-	-	-	-
Time blocked-Platoon, %			-	-	-
Mov Capacity-1 Maneuver	487	853	-	-	1385
Mov Capacity-2 Maneuver	487	-	-	-	-
Stage 1	843	-	-	-	-
Stage 2	686	-	-	-	-

Approach

	WB	NB	SB
HCM Control Delay, s	17.3	0	2.7
HCM LOS	C		

Capacity

	NBT	NBR	WBLn?	WBLn?	SBL	SBR
Capacity (veh/h)	-	-	487	853	1385	-
HCM Lane VIC Ratio	-	-	0.513	0.101	0.061	-
HCM Control Delay (s)	-	-	19.9	9.7	7.769	-
HCM Lane LOS			C	A	A	
HCM 95th %ile Q(veh)	-	-	2.884	0.335	0.195	-

Notes

- : Volume Exceeds Capacity, \$: Delay Exceeds 300 Seconds, Error : Computation Not Defined

General & Site Information		v2.1							
Analyst:	W Webb								
Agency/Co:	USKH Inc								
Date:	12/13/2013								
Project or PHF:	1405000								
Year, Peak Hour:	2018 PM								
County/District:	MSB								
Intersection Name:	Seidon Road/Church Road								
Volumes		Entry Legs (FROM)							
		N (1)	NE (2)	E (3)	SE (4)	S (5)	SW (6)	W (7)	NW (8)
Exit Legs (TO)	N (1), vph			50		89		16	
	NE (2), vph								
	E (3), vph	22				71		82	
	SE (4), vph								
	S (5), vph	64		37				29	
	SW (6), vph								
	W (7), vph	28		115		114			
	NW (8), vph								
Output	Total Vehicles	113	0	251	0	204	0	129	0
Volume Characteristics		N	NE	E	SE	S	SW	W	NW
% Cars		100%	100%	96%	100%	96%	100%	96%	100%
% Heavy Vehicles		0%	0%	4%	0%	4%	0%	4%	0%
% Bicycle		0%	0%	0%	0%	0%	0%	0%	0%
# of Pedestrians (ped/hr)		0	0	0	0	0	0	0	0
PHF		0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
F _{EV}		1.000	1.000	0.962	1.000	0.962	1.000	0.962	1.000
F _{ped}		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Entry/Conflicting Flows		N	NE	E	SE	S	SW	W	NW
Flow to Leg # N (1), pcu/h		0	0	56	0	101	0	18	0
NE (2), pcu/h		0	0	0	0	0	0	0	0
E (3), pcu/h		24	0	0	0	81	0	94	0
SE (4), pcu/h		0	0	0	0	0	0	0	0
S (5), pcu/h		69	0	98	0	0	0	33	0
SW (6), pcu/h		0	0	0	0	0	0	0	0
W (7), pcu/h		30	0	130	0	49	0	0	0
NW (8), pcu/h		0	0	0	0	0	0	0	0
Entry flow, pcu/h		123	0	284	0	231	0	145	0
Conflicting flow, pcu/h		277	0	169	0	136	0	191	0
Roundabout Type		Standard Single Lane or Urban Compact							
Enter type here...		Standard Single Lane							

Results: Approach Measures of Effectiveness								
HCM 2010 Model (build)	N	NE	E	SE	S	SW	W	NW
Entry Capacity, vph	856	NA	918	NA	948	NA	897	NA
Entry Flow Rates, vph	123	NA	273	NA	222	NA	140	NA
V/C ratio	0.14		0.30		0.23		0.16	
Control Delay, s/veh	6		7		6		6	
LOS	A		A		A		A	
95th % Queue (ft)	13		33		24		14	
Calibrated Model (future)	N	NE	E	SE	S	SW	W	NW
Entry Capacity, vph	1091	NA	1169	NA	1208	NA	1143	NA
Entry Flow Rates, vph	123	NA	273	NA	222	NA	140	NA
V/C ratio	0.11		0.24		0.19		0.13	
Control Delay, sec/pcu	4		5		5		4	
LOS	A		A		A		A	
95th % Queue (ft)	10		25		18		11	
Notes: v2.1								
Unit Legend: vph = vehicles per hour PHF = peak hour factor F _{HV} = heavy vehicle factor pcu = passenger car unit								
Bypass Lane Merge Point Analysis (if applicable)								
Bypass Characteristics	Bypass #1	Bypass #2	Bypass #3	Bypass #4	Bypass #5	Bypass #6		
Select Entry Leg from Bypass (FROM)								
Select Exit Leg for Bypass (TO)								
Does the bypass have a dedicated receiving lane?								
Volumes								
Right Turn Volume removed from Entry Leg								
Volume Characteristics (for entry leg)								
PHF								
F _{HV}								
F _{ped}								
NOTE: Volume Characteristics for Exit Leg are already taken into account								
Entry/Conflicting Flows								
Entry Flow, pcu/hr								
Conflicting Flow, pcu/hr								
Bypass Lane Results (HCM 2010 Model)								
Entry Capacity of Bypass, vph								
Flow Rates of Exiting Traffic, vph								
V/C ratio								
Control Delay, s/veh								
LOS								
95th % Queue (ft)								
Approach w/Bypass Delay, s/veh								
Approach w/Bypass LOS								

General & Site Information		v2.1							
Analyst:	W Webb								
Agency/Co:	USKH Inc								
Date:	12/13/2013								
Project or PI#:	1405000								
Year, Peak Hour:	2038 PM								
County/District:	MSB								
Intersection Name:	Seldon Road/Church Road								
Volumes		Entry Legs (FROM)							
		N (1)	NE (2)	E (3)	SE (4)	S (5)	SW (6)	W (7)	NW (8)
Exit Legs (TO)	N (1), vph			74		153		46	
	NE (2), vph								
	E (3), vph	43				106		242	
	SE (4), vph								
	S (5), vph	95		149				91	
	SW (6), vph								
	W (7), vph	78		327		148			
	NW (8), vph								
Output	Total Vehicles	205	0	575	0	385	0	379	0
Volume Characteristics		N	NE	E	SE	S	SW	W	NW
% Cars		100%	100%	96%	100%	96%	100%	96%	100%
% Heavy Vehicles		0%	0%	4%	0%	4%	0%	4%	0%
% Bicycle		0%	0%	0%	0%	0%	0%	0%	0%
# of Pedestrians (ped/hr)		0	0	0	0	0	0	0	0
PHF		0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
F _{HV}		1.000	1.000	0.962	1.000	0.962	1.000	0.962	1.000
F _{ped}		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Entry/Conflicting Flows		N	NE	E	SE	S	SW	W	NW
Flow to Leg # N (1), pcu/h		0	0	83	0	150	0	52	0
NE (2), pcu/h		0	0	0	0	0	0	0	0
E (3), pcu/h		36	0	0	0	120	0	274	0
SE (4), pcu/h		0	0	0	0	0	0	0	0
S (5), pcu/h		103	0	146	0	0	0	103	0
SW (6), pcu/h		0	0	0	0	0	0	0	0
W (7), pcu/h		85	0	421	0	165	0	0	0
NW (8), pcu/h		0	0	0	0	0	0	0	0
Entry flow, pcu/h		223	0	650	0	435	0	428	0
Conflicting flow, pcu/h		731	0	367	0	361	0	284	0
Roundabout Type		Standard Single Lane or Urban Compact							
Enter type here...		Standard Single Lane							

Results: Approach Measures of Effectiveness								
HCM 2010 Model (build)	N	NE	E	SE	S	SW	W	NW
Entry Capacity, vph	544	NA	753	NA	757	NA	818	NA
Entry Flow Rates, vph	223	NA	625	NA	418	NA	412	NA
V/C ratio	0.41		0.83		0.55		0.50	
Control Delay, s/veh	13		28		13		11	
LOS	B		D		B		B	
95th % Queue (ft)	50		242		89		75	
Calibrated Model (future)	N	NE	E	SE	S	SW	W	NW
Entry Capacity, vph	693	NA	959	NA	965	NA	1042	NA
Entry Flow Rates, vph	223	NA	625	NA	418	NA	412	NA
V/C ratio	0.32		0.68		0.45		0.41	
Control Delay, sec/pcu	9		15		9		8	
LOS	A		B		A		A	
95th % Queue (ft)	35		144		62		53	
Notes:								v2.1
								Unit Legend: vph = vehicles per hour PHF = peak hour factor F _{HV} = heavy vehicle factor pcu = passenger car unit
Bypass Lane Merge Point Analysis (If applicable)								
Bypass Characteristics	Bypass #1	Bypass #2	Bypass #3	Bypass #4	Bypass #5	Bypass #6		
Select Entry Leg from Bypass (FROM)								
Select Exit Leg for Bypass (TO)								
Does the bypass have a dedicated receiving lane?								
Volumes								
Right Turn Volume removed from Entry Leg								
Volume Characteristics (for entry leg)								
PHF								
F _{HV}								
F _{ped}								
NOTE: Volume Characteristics for Exit Leg are already taken into account								
Entry/Conflicting Flows								
Entry Flow, pcu/hr								
Conflicting Flow, pcu/hr								
Bypass Lane Results (HCM 2010 Model)								
Entry Capacity of Bypass, vph								
Flow Rates of Exiting Traffic, vph								
V/C ratio								
Control Delay, s/veh								
LOS								
95th % Queue (ft)								
Approach w/Bypass Delay, s/veh								
Approach w/Bypass LOS								

Highway Capacity Manual Two Lane Uninterrupted Flow Analysis

Design Speed	55 See PER		
2035 Volume	10572 From DOT Model	Advancing	611
Design Hourly Volume	0.086 From DOT/MSB Tube Counts	Opposing	379
Split	0.6 From DOT Tube Counts		
Trucks	0.04		
PHF	0.9		

LOS is based on Average Travel Speed and Percent Time Spent Following

$$ATS = FFS - 0.0076(v.d.ats + v.o.ats) - f.np$$

FFS 55 (no lane width or access adjustments)

$$v.d.ats = V_d / (PHF \times f.g \times f.hv)$$

V.d	611	
f.g	0.97	From HCM 15.9 (Assume Rolling Terrain)
f.hv	0.986193	1.7 From HCM 15.11 (Assume Rolling Terrain)
<u>v.d.ats</u>	<u>710</u>	

$$v.o.ats = V_o / (PHF \times f.g \times f.hv)$$

v.o	379	
f.g	0.88	From HCM 15.9 (Assume Rolling Terrain)
f.hv	0.979432	2.05 From HCM 15.11 (Assume Rolling Terrain)
<u>v.o.ats</u>	<u>489</u>	

f.np 2.6 from HCM 15.15 (Assume 60% no passing zones)

ATS 43.3

$$PTSF = BPTSF.d + f.np * (v.d / (v.d + v.o))$$

$$v.d.ptsf = V_d / (PHF \times f.g \times f.hv)$$

v.d	611	
f.g	0.97	From HCM 15.16 (Assume Rolling Terrain)
f.hv	0.996016	1.2 From HCM 15.18 (Assume Rolling Terrain)
<u>v.d.ptsf</u>	<u>703</u>	

$$v.o.ptsf = V_o / (PHF \times f.g \times f.hv)$$

v.o	379	
f.g	0.89	From HCM 15.16 (Assume Rolling Terrain)
f.hv	0.987167	1.65 From HCM 15.18 (Assume Rolling Terrain)
<u>v.o.ptsf</u>	<u>479</u>	

f.np

v 1182

f.np 30.2 From HCM 15.21 (Assume 60% No Passing)

$$BPTSF.d = 100 * (1 - \exp(a * (v.d)^b))$$

a -0.0026 From HCM 15.20

b 0.9 From HCM 15.20

BPTSF.d 61.26959

PTSF 79.22321

Input Data

Project: 1465000 Seldon
 North/South: Pittman Rd
 East/West: Parks Hwy
 Date: 11/05/2013
 Field Person: Chuck Hillier/George Tschuchner
 Notes:

V - Vehicles
 B - Bus
 T - Truck
 PHF - Peak Hour Factor
 Highlighting indicates peak hour

PM	MB			ES			SB			WB			PHF															
	RIGHT	THRU	LEFT																									
16:15	0	12	0	0	78	1	2	13	0	2	23	0	0	12	0	0	37	1	0	0	1	95	0	1	2	0	1	
16:30	9	1	0	0	96	1	6	21	0	1	25	0	1	6	0	1	26	1	0	40	0	0	133	0	5	9	0	0
16:45	10	0	1	0	79	1	5	13	0	0	29	0	1	11	1	0	19	0	0	53	0	0	129	4	1	8	0	0
17:00	7	0	0	0	80	7	3	18	0	1	29	0	0	6	0	0	29	1	0	48	0	0	118	0	3	4	0	0
17:15	13	0	0	0	57	3	2	8	0	0	30	0	0	30	0	0	28	0	0	45	0	0	130	1	2	11	0	0
17:30	7	0	0	0	79	1	0	15	0	0	27	0	0	15	0	0	26	0	0	49	0	0	109	0	2	7	0	0
17:45	9	0	0	0	63	1	1	9	0	1	20	0	0	3	0	0	19	0	0	38	0	1	130	0	1	3	0	0
18:00	4	0	0	0	40	0	1	7	0	0	21	0	0	7	0	0	42	0	0	42	0	3	137	1	1	6	0	0
Peak Volume	40	12	0	0	32	381	69	114	0	108	36	114	0	42	0	0	396	36	0	154	489	306	489	34	24	6	0	0
% PHF	5%	0%	0%	2%	0%	7%	6%	2%	0%	2%	3%	2%	0%	3%	0%	0%	2%	3%	0%	1%	1%	3%	3%	4%	1%	1%	0%	0%

PM Peak Hour

Pittman Rd @ Parks Hwy		THRU @ 1622	
16:15	12	0	0
16:30	9	1	0
16:45	10	0	1
17:00	7	0	0
17:15	13	0	0
17:30	7	0	0
17:45	9	0	0
18:00	4	0	0

2481 ADT

Traffic Count Field Report

Road Name: Seldon Road

Road Code w/ counter location #: 4805-003

Count site location in relation to adjacent roads and/or objects: 100 yds East of Church Rd (ie. Roads, buildings, mailboxes, etc.)

Road Surface: (circle) Paved, Gravel, Dirt

Posted Speed _____ MPH

Set: 08/12/11 11:50 AM

Battery Voltage: 6.55

Counter Serial #: 0027684

Count Objective: L01

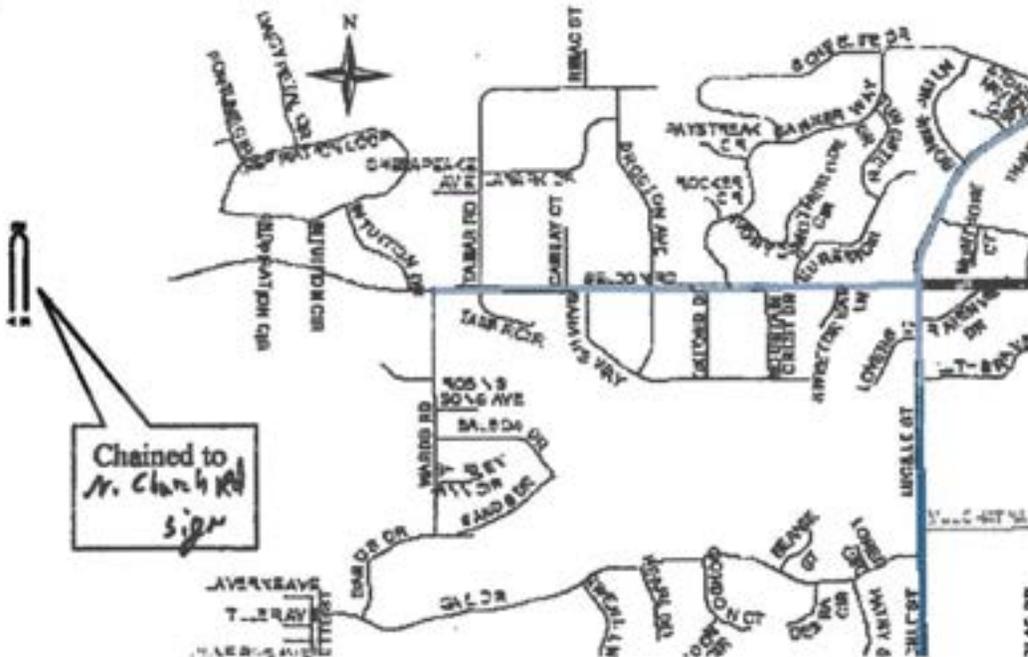
Road Tube Layout Type/Settings LLI

Traffic Tech Initials: [Signature]

Checked: Date Time Count Volts

Pulled: Date Time Count Volts

Diagram of Set-up: Include North arrow, A&B tube layout, adjacent cross streets, driveways and sufficient permanent physical features or distance estimates to accurately describe location.



Notes: New pavement 2007

Site ID: J003000000
 Station Num: 480500300000
 Start Date/Time: 09/01/12 00:00
 End Date/Time: 09/30/12 23:59

Start/End	0:00	0:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	Total	
09/01	25	11	4	13	29	46	65	109	111	133	137	139	164	189	142	137	132	118	113	107	100	101	70	86	83	2051	
09/02	19	14	10	6	4	11	19	34	75	81	125	183	181	142	101	142	109	107	100	101	79	83	79	83	83	2011	
09/03	19	13	4	3	10	29	51	77	63	60	144	168	164	164	164	164	164	164	164	164	164	164	164	164	164	1912	
09/04	12	0	4	7	11	34	108	148	139	125	119	107	110	130	160	159	201	205	165	136	114	76	26	26	26	2334	
09/05	11	7	7	6	7	28	82																			180	
09/06																											
09/07																											
09/08																											
09/09																											
09/10																											
09/11																											
09/12																											
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09/23																											
09/24																											
09/25																											
09/26																											
09/27																											
09/28																											
09/29																											
09/30																											
09/01-09/30	1,015	455	225	118	253	259	579	402	448	549	554	680	616	632	679	663	620	467	418	341	244	181				100.00%	
Year Volume	69	45	26	27	48	118	253	259	579	402	448	549	554	680	616	632	679	663	620	467	418	341	244	181			6518

Mon was Labor day = 26.61
 was 26.61

Traffic Count Field Report

Road Name: Beverly Lake Road

Road Code w/ counter location #: 242-008

Count site location in relation to adjacent roads and/or objects: at crest of hill chained to power pole # 31-2
(ie. Roads, buildings, mailboxes, etc.)

Road Surface: (circle) Paved, Gravel, Dirt

Posted Speed 30 MPH

Set: 7/11/12 1:15 PM
Date Time

Battery Voltage: 6.36

Counter Serial #: 27684

Count Objective: V21

Road Tube Layout Type/Settings L6 I

Traffic Tech Initials: (Signature)

Checked: 7-12 AM
Date Time Count Volts

7-13 PM
Date Time Count Volts

Checked: 7-16 AM
Date Time Count Volts

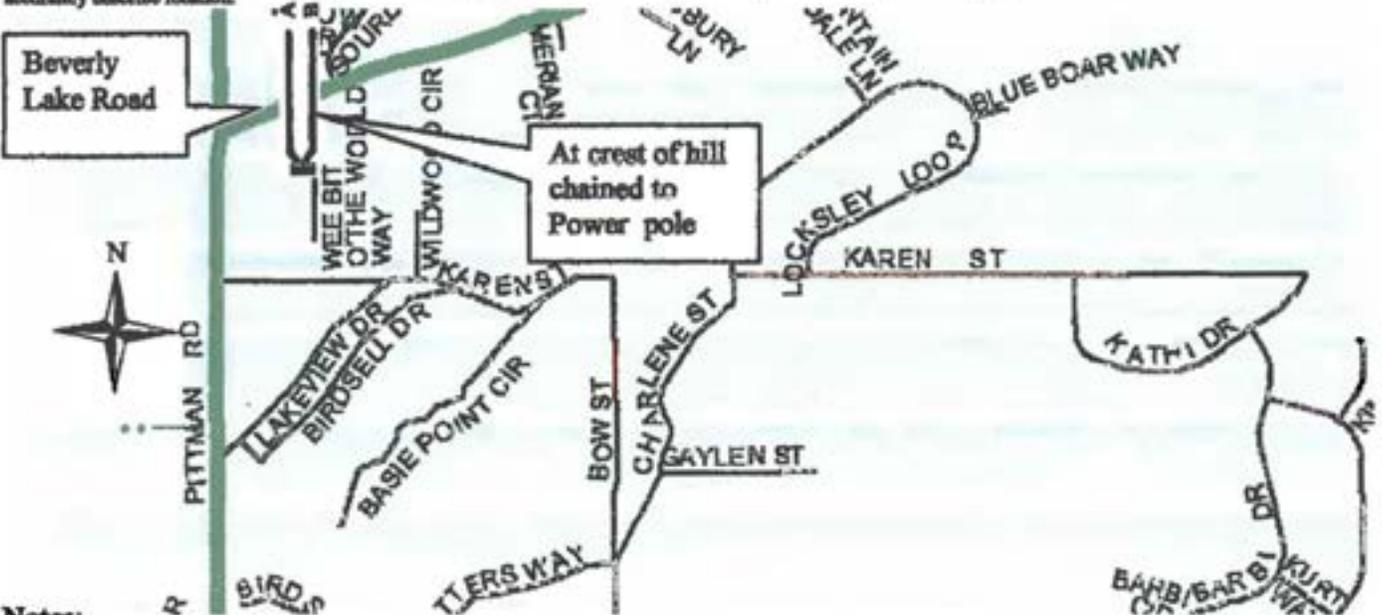
Checked: 7-18 AM
Date Time Count Volts

Checked: _____
Date Time Count Volts

Checked: _____
Date Time Count Volts

Pulled: 7-19 AM
Date Time Count Volts

Diagram of Set-up: Include North arrow, A&B tube layout, adjacent cross streets, driveways and sufficient permanent physical features or distance estimates to accurately describe location.



Notes: _____

Traffic Count Field Report

Road Name: Beverly Lake Road

Road Code w/ counter location #: 242-009

Count site location in relation to adjacent roads and/or objects: 50 yds West of North Kalmbach Drive
(ie. Roads, buildings, mailboxes, etc.)

Road Surface: (circle) Paved, Gravel, Dirt

Posted Speed 30 MPH

Set: 7/11/17 1:15 PM
Date Time

Battery Voltage: 6.55

Counter Serial #: 30989

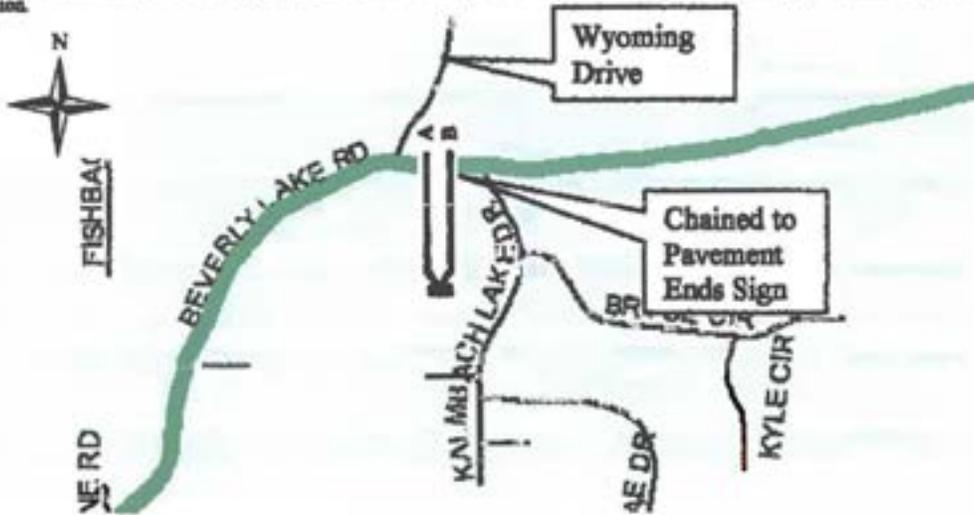
Count Objective: V01

Road Tube Layout Type/Settings L6I

Traffic Tech Initials: (M)

Checked:	Date	Time	Count	Volts
	7-12	AM		
	7-13	PM		
Checked:	7-16	AM		
Checked:	7-18	AM		
Checked:				
Checked:				
Pulled:	7-19	AM		

Diagram of Set-up: Include North arrow, A&B tube layout, adjacent cross streets, driveways and sufficient permanent physical features or distance estimates to accurately describe location.



Notes: had dog in nearby house watch out!

N61°36.934'
W149°36.348'

170088 MP 1.007 Seldoon rd btwn Wards rd & Church rd 062012.txt
 20W 15 9 8 4 8 17 31 34 31 40 48 44 54 60 66 90 126 130 118 100 71 61 29 18 1212
 21T 12 4 7 5 6 9 19 36 38 55 57 58 63 62 92 78 104 150 118 92 108 66 49 23 1311
 22F 21 7 1 7 3 13 21 42 35 53 68 67 87 91 68 102 119 141 121 84 87 77 49 23 1388
 0235 22 17 6 2 5 9 14 16 24 45 55 85 109 104 121 94 104 75 78 57 50 47 45 1279 *
 24S 25 11 12 6 6 0 8 9 31 35 50 39 63 77 81 63 107 73 76 54 45 42 28 14 955 *
 025M 9 7 5 4 8 12 16 43 34 48 41 56 63 63 82 72 65 132 99 58 75 55 32 11 1130 *
 26T 13 6 3 2 6 14 24 37 47 59 47 55 69 64 75 71 103 131 111 85 62 47 27 22 1180 *
 27W * * * * *
 28T * * * * *
 29F * * * * *
 030S * * * * *

WADT = 1208
 JUNE
 LEGEND: D=DAY OF WEEK, N=NOT VERIFIED, I=INVENTED *-MISSING DATA OR 0 COUNT IN LINE, +=MON-0024 START/STOP TIME 13-10-23 09:37:56
 1P8P
 3
 0601-TWY-R006 ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
 RAW VOLUME DATA

STATION DIRECTION ALIAS ROUTE MIPT NAME
 5733000 0 EAST-WEST 170088 1.007 SELDOON RD BTWN WARDS ROAD & CHURCH ROAD - TOTAL
 DMI 0100 0300 0300 0400 0500 0600 0700 0800 0900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 TOTAL
 JUNE 2012
 01F * * * * *
 002S * * * * *
 03S * * * * *
 004M * * * * *
 05T * * * * *
 06W * * * * *
 07T * * * * *
 08F * * * * *
 008S * * * * *
 10S * * * * *
 018M * * * * *
 12T * * * * *
 13W * * * * *
 14T * * * * *
 15F * * * * *
 016S * * * * *
 17S * * * * *
 018M * * * * *
 19T * * * * *
 20M * * * * *
 21T * * * * *
 22F * * * * *
 023S * * * * *
 24S * * * * *
 025M * * * * *
 26T * * * * *
 27W * * * * *
 28T * * * * *
 29F * * * * *
 030S * * * * *

WADT = 2308
 JUNE
 LEGEND: D=DAY OF WEEK, N=NOT VERIFIED, I=INVENTED *-MISSING DATA OR 0 COUNT IN LINE, +=MON-0024 START/STOP TIME

170066 MP 1.535 Pittman Rd w of Beverly Lake S of Phillips Dr 062010.txt 13-10-23 09:30:53

170066 MP 1.535 Pittman Rd w of Beverly Lake S of Phillips Dr 062010.txt

170066 MP 1.535 Pittman Rd w of Beverly Lake S of Phillips Dr 062010.txt

ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
RAW VOLUME DATA

STATION	DIRECTION	ALIAS	ROUTE	MIPT NAME	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	TOTAL
57605000	1	NORTH	170066	1.535 PITTMAN RD - W OF BEVERLY LAKE RD AND SOUTH OF PHILLIPS DRIVE - NB																						
01T	3	4	6	15	33	65	74	69	82	92	82	79	93	81	81	80	78	63	30	39	29	22	22	22	1269	
02W	11	8	3	13	34	55	71	66	73	84	78	82	97	76	83	83	74	86	69	73	38	26	19	1305		
03T	10	3	1	5	15	32	60	65	66	89	101	93	87	70	88	108	101	102	86	89	84	64	27	31	1477	
04F	13	10	7	4	9	14	26	33	54	89	82	76	110	99	83	85	77	88	72	83	65	40	37	14	1270	
05S	14	8	1	4	8	4	28	38	70	71	76	86	80	93	106	93	89	85	72	59	49	40	11	1189		
06S	20S	1	10	8	6	41	50	69	59	85	85	100	87	73	92	98	88	88	61	55	36	37	15	1327		
07M	22T	8	3	0	8	12	32	59	72	67	56	74	86	73	85	79	95	99	89	98	84	69	48	28	1362	
08T	23W	13	7	6	3	13	36	50	73	65	56	81	63	95	89	70	79	97	87	90	57	49	39	36	17	1281
09W																										
10T																										
11F																										
12S																										
13S																										
14M																										
15T																										
16W																										
17T																										
18F																										
19S																										
20S																										
21M																										
22T																										
23W																										
24T																										
25F																										
26S																										
27S																										
28M																										
29T																										
30W																										

JUNE MNDT = 1315
LEGEND: D-DAY OF WEEK, M-NOT VERIFIED, I-INVENTED *-MISSING DATA OR 0 COUNT IN LINE, +-MON-0024 START/STOP TIME

ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
RAW VOLUME DATA

STATION	DIRECTION	ALIAS	ROUTE	MIPT NAME	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	TOTAL
57605000	5	SOUTH	170066	1.535 PITTMAN RD - W OF BEVERLY LAKE RD AND SOUTH OF PHILLIPS DRIVE - SB																						
01T	6	11	1	6	3	16	17	35	53	60	67	66	79	80	112	92	124	119	74	83	52	33	25	23	1230	
02W	15	6	2	1	8	11	27	36	40	42	71	71	72	94	84	86	100	108	94	87	68	42	27	1399		
03T	18F	11	6	5	2	5	17	17	33	47	55	84	67	82	81	138	104	100	109	112	90	70	53	23	1330	
04F	19S	11	6	5	2	5	17	17	33	47	55	84	67	82	81	138	104	100	109	112	90	70	53	23	1330	
05S	21M	11	14	9	8	9	10	17	34	49	65	62	62	98	105	100	98	100	92	91	59	62	45	23	1244	
06S																										
07M																										
08T																										
09W																										
10T																										
11F																										
12S																										
13S																										
14M																										
15T																										
16W																										
17T																										
18F																										
19S																										

170066 HP 0-.99? Pittman Rd S of Lakeview Dr N of Bible Camp 072012.txt 13-10-23 09:29:21
 1
 0801-TNW-8006 ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATION DIRECTION ALIAS ROUTE MIPT NAME
 57602500 1 NORTH 170066 0.997 PITTMAN RD, SOUTH OF LAKEVIEW DR & NORTH OF BIBLE CAMP - NB
 DNKI 0100 0200 0300 0400 0500 0600 0700 0800 0900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 TOTAL
 JULY 2012

01S	18	9	9	8	24	53	68	126	99	132	129	136	153	127	137	111	154	144	103	99	135	60	38	30	2102	
002M	16	8	7	5	15	61	80	133	106	117	142	111	126	144	120	136	148	120	111	105	145	74	38	25	2093	
03T	25M	11	3	17	22	48	78	115	139	115	110	122	140	142	160	129	149	130	137	96	130	77	44	42	2154	
04W	26T	18	8	10	15	49	91	107	114	123	133	128	124	156	110	140	138	182	121	93	170	87	50	35	2210	
05T	27F	31	9	9	22	40	84	108	131	141	134	133	166	145	155	133	152	157	154	120	121	103	68	34	2359	
06F	028S	31	15	9	2	7	27	28	48	85	119	112	157	146	130	113	126	118	117	95	88	64	44	33	1855	
007S	29S	23	12	6	2	6	20	12	32	62	98	134	118	131	144	111	110	115	121	96	91	92	73	39	21	1859
08S	030M	16	7	7	10	21	57	81	118	134	131	121	126	139	130	128	129	153	125	95	102	69	46	31	2104	
009M	31T																									

JULY WADT = 2067
 LEGEND: D=DAY OF WEEK, N=NOT VERIFIED, I=IMVENTED *-MISSING DATA OR 0 COUNT IN LINE, +=NOW-0024 START/STOP TIME 13-10-23 09:29:21
 1
 0801-TNW-8006 ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATION DIRECTION ALIAS ROUTE MIPT NAME
 57602500 5 SOUTH 170066 0.997 PITTMAN RD, SOUTH OF LAKEVIEW DR & NORTH OF BIBLE CAMP - SB
 DNKI 0100 0200 0300 0400 0500 0600 0700 0800 0900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 TOTAL
 JULY 2012

01S	18	9	9	8	24	53	68	126	99	132	129	136	153	127	137	111	154	144	103	99	135	60	38	30	2102	
002M	16	8	7	5	15	61	80	133	106	117	142	111	126	144	120	136	148	120	111	105	145	74	38	25	2093	
03T	25M	11	3	17	22	48	78	115	139	115	110	122	140	142	160	129	149	130	137	96	130	77	44	42	2154	
04W	26T	18	8	10	15	49	91	107	114	123	133	128	124	156	110	140	138	182	121	93	170	87	50	35	2210	
05T	27F	31	9	9	22	40	84	108	131	141	134	133	166	145	155	133	152	157	154	120	121	103	68	34	2359	
06F	028S	31	15	9	2	7	27	28	48	85	119	112	157	146	130	113	126	118	117	95	88	64	44	33	1855	
007S	29S	23	12	6	2	6	20	12	32	62	98	134	118	131	144	111	110	115	121	96	91	92	73	39	21	1859
08S	030M	16	7	7	10	21	57	81	118	134	131	121	126	139	130	128	129	153	125	95	102	69	46	31	2104	
009M	31T																									


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13-10-23 09:27:13
170066 MP 0.203 Pittman Rd N of Golden Dr 062010.txt
ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
0801-TWV-8006
STATION DIRECTION ALIAS ROUTE MIPT NAME
57601000 1 NORTH 170066 0.203 PITTMAN RD, N OF GOLDEN DR - NB
DNI 0100 0200 0300 0400 0500 0600 0700 0800 0900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 TOTAL
JUNE 2010
01T .....
02M .....
03T .....
04F .....
0055 .....
06S .....
007M .....
08T .....
09W .....
10T .....
11F .....
012S .....
13S .....
014W .....
15T .....
16W .....
17T .....
18F .....
019S .....
20S .....
022M .....
22T .....
23M .....
24T .....
25F .....
026S .....
27S .....
028M .....
29T .....
30M .....
JUNE MAUT = 2158
LEGEND: D=DAY OF WEEK, N=NOT VERIFIED, I=INVENTED *-MISSING DATA OR 0 COUNT IN LINE, +-MON-0024 START/STOP TIME
13-10-23 09:27:13
0801-TWV-8006
ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
STATION DIRECTION ALIAS ROUTE MIPT NAME
57601000 5 SOUTH 170066 0.203 PITTMAN RD, N OF GOLDEN DR - SB
DNI 0100 0200 0300 0400 0500 0600 0700 0800 0900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 TOTAL
JUNE 2010
01T .....
02M .....
03T .....
04F .....
0055 .....
06S .....
007M .....
08T .....
09W .....
10T .....
11F .....
012S .....
13S .....
014W .....
15T .....
16W .....
17T .....
18F .....
019S .....

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170066 MP 0.203 Pittman Rd N of Golden Dr 062010.txt

205	16	7	6	7	22	62	102	130	139	117	134	109	151	147	138	146	132	131	142	100	98	66	49	27	2178
021M	16	15	7	9	15	70	98	148	122	137	141	123	137	151	153	147	146	168	125	108	86	80	45	26	2273
22T	22	3	3	10	17	59	102	137	118	141	134	179	165	171	182	125	150	162	143	130	112	90	55	44	2454
23M	29	17	5	13	21	22	39	67	81	141	143	167	176	155	172	152	148	139	118	111	112	94	65	50	2237
0265	29	19	18	8	5	10	20	48	58	107	134	118	163	132	138	125	123	150	137	104	85	62	37	28	1859
27S	12	3	7	8	15	62	92	137	135	126	114	153	131	149	138	142	140	136	116	108	85	77	59	42	2187
028M	15	9	8	10	26	64	101	139	125	109	129	129	153	143	150	132	119	136	136	132	102	61	39	26	2194
29T	30M																								

JUNE MADIT = 2197
 LEGEND: D=DAY OF WEEK, N=NOT VERIFIED, I=INVENTED *-MISSING DATA OR 0 COUNT IN LINE, +=MON-0024 START/STOP TIME 13-10-23 09:27:13
 1P3PM
 0601-TM-0006 ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
 RAW VOLUME DATA

STATION DIRECTION ALIAS ROUTE MIPT NAME
 57601000 S NORTH-SOUTH 170066 0.203 PITTMAN RD. N OF GOLDEN DR - TOTAL
 DAT 0100 0200 0300 0400 0500 0600 0700 0800 0900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 TOTAL
 JUNE 2010

01T	48	15	16	10	29	72	117	159	190	184	222	210	265	297	277	329	306	332	353	277	263	171	148	82	4373	
02M	52	36	16	18	21	76	119	183	176	201	217	236	259	291	306	335	339	370	326	283	233	215	134	61	4503	
03T	56	33	16	16	30	63	119	173	167	225	223	315	330	329	354	289	366	383	373	330	259	248	147	111	4955	
04F	75	42	24	28	34	33	56	88	130	204	241	292	343	304	340	319	288	334	298	255	234	209	169	110	4460	
065	69	56	35	26	17	19	29	58	90	175	198	192	286	299	297	286	289	300	281	217	188	148	99	54	3710	
27S	028M	39	13	19	17	21	67	102	173	177	208	194	263	246	285	267	312	332	354	333	280	212	191	154	96	4355
29T	30M	41	26	22	18	31	73	122	176	163	159	207	221	277	305	282	316	313	361	378	307	249	195	101	70	4413
JUNE																								MADIT = 4396		

LEGEND: D=DAY OF WEEK, N=NOT VERIFIED, I=INVENTED *-MISSING DATA OR 0 COUNT IN LINE, +=MON-0024 START/STOP TIME

170056 WP 2.567 Church rd btwn Seldon & Pittman 082012.txt
13-10-23 09:22:06

1
0801-TW-8006 ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
RAW VOLUME DATA

STATION DIRECTION	ALIAS	ROUTE	MIPT NAME	RAW VOLUME DATA																						
57582000 I NORTH	170056	2.567 CHURCH ST BTWN SELDON & PITTMAN/SHAMPINE LN - NB		0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	TOTAL	
01M																										
02T																										
03F																										
004S																										
05S	13	3	2	3	3	6	7	21	41	50	67	79	74	63	60	48	57	34	39	33	33	17	773	*		
06M	5	3	2	0	3	10	12	20	29	42	43	44	42	64	62	78	59	50	42	33	12	736	*			
07T	6	6	2	4	2	7	20	23	37	41	30	59	57	62	54	74	54	63	67	45	29	20	839	*		
08W	12	4	1	3	2	6	14	22	23	29	32	31	46	51	79	51	66	70	59	47	23	22	754	*		
09T	11	1	7	2	1	4	13	32	38	29	30	57	48	67	69	85	71	62	53	41	34	19	831	*		
10F	12	5	1	2	4	8	17	30	33	32	42	39	55	52	45	60	70	66	61	57	35	51	25	806	*	
011S	17	7	4	5	2	4	10	15	21	42	95	44	70	63	73	54	68	74	47	50	26	33	43	871	*	
12S	9	13	2	3	6	22	25	41	33	62	61	76	70	59	60	68	68	44	37	27	11	815	*			
013M																										
14T																										
15W																										
16T																										
17F																										
018S																										
19S																										
020M																										
21T																										
22W																										
23T																										
24F																										
025S																										
26S																										
027M																										
28T																										
29W																										
30T																										
31F																										

AUGUST MAOT = 804
LEGEND: D=DAY OF WEEK, N=NOT VERIFIED, I=INVENTED *-MISSING DATA OR 0 COUNT IN LINE, +=NON-0024 START/STOP TIME
13-10-23 09:22:06

1
0801-TW-8006 ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
RAW VOLUME DATA

STATION DIRECTION	ALIAS	ROUTE	MIPT NAME	RAW VOLUME DATA																						
57582000 S SOUTH	170056	2.567 CHURCH ST BTWN SELDON & PITTMAN/SHAMPINE LN - SB		0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	TOTAL	
01M																										
02T																										
03F																										
004S																										
05S	12	6	18	4	8	7	11	22	32	51	54	68	64	49	48	45	57	47	36	33	25	30	18	793	*	
06M	10	8	1	1	15	6	14	33	35	49	46	48	59	68	50	49	66	38	50	34	36	21	18	739	*	
07T	7	10	2	4	7	33	36	44	35	47	30	42	51	39	46	47	46	43	27	22	20	12	719	*		
08W	4	3	2	3	5	35	22	42	44	37	28	30	39	40	41	48	47	45	52	37	34	31	15	806	*	
09T	10	5	2	1	5	31	25	38	45	39	34	41	52	43	52	47	49	62	48	45	28	14	17	790	*	
10F	7	3	2	2	4	20	28	39	35	42	50	35	42	48	48	40	45	36	42	32	35	39	10	756	*	
011S	8	7	5	6	1	9	13	27	24	40	39	68	99	49	47	66	48	54	41	51	41	35	21	840	*	
12S	8	8	3	1	8	8	9	21	33	43	37	65	61	67	50	63	51	60	48	41	37	31	8	769	*	
013M																										
14T																										
15W																										
16T																										
17F																										
018S																										

170055 MP 2.567 Church rd btwn Seldon & Pittman 062012.txt

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195
020M
21T
22W
23T
24F
0255
26S
027M
28T
29W
30T
31F
AUGUST WADT = 766
LEGEND: D=DAY OF WEEK, N=NOT VERIFIED, I=INVENTED *-MISSING DATA OR 0 COUNT IN LINE, +=NOW-0024 START/STOP TIME 13-10-23 09:22:06
1Page
0601-TWY-8006 ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
STATION DIRECTION ALIAS ROUTE MIPT NAME
57382000 9 NORTH-SOUTH 170055 2.567 CHURCH ST BTWN SELDON & PITTMAN/SWAMPINE LN - TOTAL
DN1 0100 0200 0300 0400 0500 0600 0700 0800 0900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 TOTAL
AUGUST
2012
02M
03W
03F
0045
05S
006M
07T
08W
09T
10F
011S
12S
013M
14T
15W
16T
17F
018S
19S
020M
21T
22W
23T
24F
025S
26S
027M
28T
29W
30T
31F
AUGUST WADT = 1574
LEGEND: D=DAY OF WEEK, N=NOT VERIFIED, I=INVENTED *-MISSING DATA OR 0 COUNT IN LINE, +=NOW-0024 START/STOP TIME

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170056 HP 1.85 Church btwn Spruce & Seldon 072009.txt
13-10-23 09:18:24

170056 HP 1.85 Church btwn Spruce & Seldon 072009.txt
ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

1
0601-TWV-0006

STATION DIRECTION ALIAS ROUTE MIPT NAME
57313000 1 NORTH 170056 1.850 CHURCH RD BTWN SPRUCE AVE & SELDON RD - NB
DNI 0100 0200 0300 0400 0500 0600 0700 0800 0900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 TOTAL
JULY 2009

01M	02M	03M	04M	05M	06M	07M	08M	09M	10M	11M	12M	13M	14M	15M	16M	17M	18M	19M	20M	21M	22M	23M	24M	0255	265	027M	281	29M	30T	31F	JULY	MAOT =																																																																																																																																													
30	18	12	12	6	10	21	41	65	75	110	125	131	126	142	130	132	105	117	90	64	58	48	1674	38	16	9	6	4	6	6	14	21	44	76	73	129	111	115	115	128	98	114	100	88	77	66	31	1485	17	8	3	6	7	12	13	45	66	85	84	104	93	113	118	145	162	141	121	99	75	48	33	1682	31	9	5	3	4	5	17	48	68	76	73	99	119	141	124	160	167	188	153	116	114	80	51	24	1886	17	9	5	2	3	13	20	46	57	70	75	79	127	103	97	144	161	199	159	119	106	159	74	29	1873	15	13	7	6	3	11	20	40	44	59	63	81	86	109	114	119	165	205	172	114	113	88	65	32	1744	22	10	6	1	4	14	17	38	57	79	76	100	125	99	114	145	178	193	166	133	107	83	72	47	1886	1747

LEGEND: D=DAY OF WEEK, N=NOT VERIFIED, I=INVENTED *-MISSING DATA OR 0 COUNT IN LINE, +=NON-0024 START/STOP TIME
13-10-23 09:18:24

ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATION DIRECTION ALIAS ROUTE MIPT NAME
57313000 5 SOUTH 170056 1.850 CHURCH RD BTWN SPRUCE AVE & SELDON RD - SB
DNI 0100 0200 0300 0400 0500 0600 0700 0800 0900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 TOTAL
JULY 2009

01M	02M	03M	04M	05M	06M	07M	08M	09M	10M	11M	12M	13M	14M	15M	16M	17M	18M	19M	20M	21M	22M	23M	24M	0255	265	027M	281	29M	30T	31F	JULY	MAOT =																																																																																																																																													
30	18	12	12	6	10	21	41	65	75	110	125	131	126	142	130	132	105	117	90	64	58	48	1674	38	16	9	6	4	6	6	14	21	44	76	73	129	111	115	115	128	98	114	100	88	77	66	31	1485	17	8	3	6	7	12	13	45	66	85	84	104	93	113	118	145	162	141	121	99	75	48	33	1682	31	9	5	3	4	5	17	48	68	76	73	99	119	141	124	160	167	188	153	116	114	80	51	24	1886	17	9	5	2	3	13	20	46	57	70	75	79	127	103	97	144	161	199	159	119	106	159	74	29	1873	15	13	7	6	3	11	20	40	44	59	63	81	86	109	114	119	165	205	172	114	113	88	65	32	1744	22	10	6	1	4	14	17	38	57	79	76	100	125	99	114	145	178	193	166	133	107	83	72	47	1886	1747

1P80R 0801-TWV-8006		170000 MP 9.33 Parks E of Church 062012.txt		13-10-23 09:49:05																								
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21F	133	76	52	43	45	66	154	246	333	453	523	630	701	716	781	897	967	1108	1018	799	556	533	304	220	11964	
22F	134	95	58	61	36	82	142	251	378	449	601	688	834	884	951	967	1128	1151	1130	1030	765	611	437	311	13155	
023S	214	139	74	79	74	61	97	202	307	431	641	846	835	948	1005	932	878	785	712	634	500	411	329	259	11404	
24S	179	115	80	53	49	34	80	101	241	325	469	527	699	699	680	687	646	609	546	484	421	330	233	165	8452	
025M	104	67	28	42	42	66	117	225	349	421	487	615	680	734	779	815	942	1143	954	659	515	361	274	175	30594	
26T	118	78	36	39	35	60	132	265	320	446	452	565	656	741	708	819	1015	1142	977	695	523	429	291	180	10722	
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21T	210	141	93	94	152	443	759	968	1032	1160	1140	1337	1450	1450	1515	1622	1649	1784	1632	1233	922	885	550	376	22603	
22F	241	159	88	115	137	420	723	921	1075	1181	1323	1445	1695	1720	1747	1705	1883	1825	1754	1509	1166	1019	784	579	23214	
023S	343	242	149	130	143	192	311	531	688	957	1299	1564	1608	1668	1761	1635	1647	1505	1366	1211	1044	928	790	556	22208	
24S	363	209	146	105	99	144	176	258	802	802	1159	1348	1664	1684	1703	1628	1477	1402	1260	1055	878	691	454	319	19551	
025M	184	120	62	97	145	469	704	941	1007	1099	1150	1436	1437	1497	1485	1557	1721	1842	1490	1076	822	672	481	276	21770	
26T	196	123	73	83	134	464	768	1008	1046	1095	1140	1293	1395	1445	1414	1456	1746	1817	1549	1081	865	733	486	295	21705	
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Preliminary Engineering Report

November 2014

**PRELIMINARY ENGINEERING REPORT
SELDON ROAD EXTENSION – PHASE II**

PROJECT NO. 35411
Wasilla, Alaska



Prepared for:
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November 2014

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Acronyms

AADTannual average daily traffic
AASHTOAmerican Association of State Highway and Transportation Officials
ADEC	.....Alaska Department of Environmental Conservation
ADT	.....average daily traffic
Corridor	.....Bogard-Seldon Corridor
DOT&PF	.....State of Alaska Department of Transportation and Public Facilities
FHWA	.....Federal Highway Administration
H	.....horizontal
LOS	.....level of service
L RTP	.....Long Range Transportation Plan
MSB	.....Matanuska-Susitna Borough
MUTCD	.....Manual of Uniform Traffic Control Devices
PCM	.....Alaska Highway Preconstruction Manual
PGDHS	.....Policy on Geometric Design of Highways and Streets
ROW	.....right-of-way
SHPO	.....State Historic Preservation Office®
SSHC	.....Standard Specifications for Highway Construction
TESthreatened, endangered and sensitive (species)
Vvertical
VPDvehicles per day

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Wasilla, Alaska
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1.0 INTRODUCTION

Seldon Road is a two-lane, minor arterial roadway stretching for several miles in the Wasilla area. It currently terminates at Church Road. The Seldon Road Extension project will extend Seldon Road past Church Road to a proposed new intersection with Pittman Road. This 4-mile-long project will include two phases. Seldon Road Extension – Phase I is currently being constructed from Seldon Road to Beverly Lake Road, with a scheduled completion in summer 2015. Seldon Road Extension – Phase II will begin at Beverly Lake Road and end at Pittman Road providing access for Pittman Road area residents travelling to Wasilla, as well as providing alternative access from Pittman Road to Church Road.

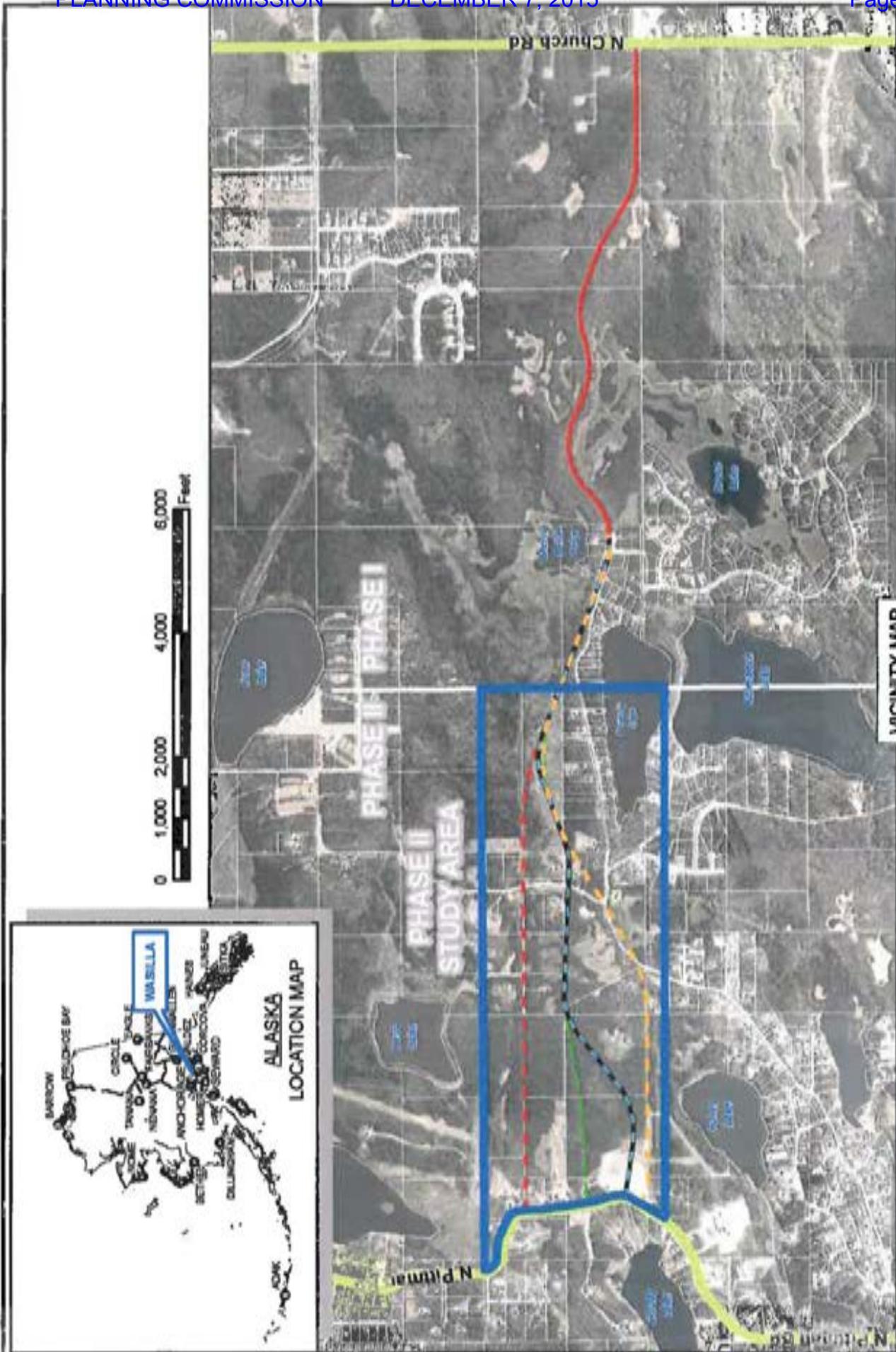
This Preliminary Engineering Report for the Seldon Road Extension – Phase II documents and summarizes the purpose and need, development of alternatives, engineering analysis performed, and recommendations for roadway improvements. The Seldon Road – Phase II study area is shown on Figure 1, Vicinity Map.

2.0 HISTORY AND EXISTING CONDITIONS

Seldon Road is located in the Matanuska-Susitna Borough (MSB), and runs parallel to the Parks Highway. The Parks Highway is the primary east-west corridor through MSB, and provides regional and statewide transportation. The Seldon Road Extension is a continuation of an east-west corridor; the Bogard-Seldon Corridor (Corridor) anticipated to connect Palmer and Houston.

The project was initially identified in the 1980s and was designed to the preliminary design stage by DeCamp-Brown & Associates and more recently evaluated in a planning study conducted by the State of Alaska Department of Transportation and Public Facilities (DOT&PF) in cooperation with the MSB and the Federal Highway Administration (FHWA). This planning study developed conceptual improvements for five roadway segments on four facilities, one of which is Seldon Road Extension. The facility concepts were developed to meet the intention of the Long Range Transportation Plan (LRTP) in addressing arterial grid system inadequacies.

For the Seldon Road Extension, DOT&PF evaluated 3 possible routes, including one that followed the existing Beverly Lake Rd. to its terminus at Pittman Rd. Due to the extensive ROW impacts and associated costs and safety concerns this option is not feasible. No further evaluation of this route was performed. Refer to *DOT&PF Five Arterials Planning Study* for further information. A Seldon Road graphic from the study is included in Appendix D.



VICINITY MAP

SELDON ROAD EXTENSION - PHASE II
VICINITY MAP
FIGURE 1

MATANUSKA-SUSITNA BOROUGH
DEPT OF PUBLIC WORKS - PROJECT MANAGEMENT AND ENGINEERING



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3.0 PURPOSE AND NEED

This area of the MSB has experienced rapid growth in the past few years resulting in a boom in land development and a corresponding increase in roadway traffic. The MSB has identified a need to extend Seldon Road. The purpose of the project is to make improvements to enhance through-traffic mobility and improve local community traffic access and safety resulting from recent and projected growth within the Corridor.

Rapid growth and development in this area is causing congestion on surrounding corridors including the Parks Highway. Continued economic and population growth is projected. Conflict occurs between roadway through-traffic and local community traffic, which leads to crashes and slows mobility (travel speeds) for through-traffic.

Area plans including the MSB's LRTP and the local *Meadow Lakes Comprehensive Plan* demonstrate a need and desire to plan for and manage growth in the project area – the fastest growing region in the state. Expanding the roadway network to better distribute local traffic and reduce traffic congestion and accidents is a primary element of local planning. To that end, establishing a better road network plan for the project Corridor will accommodate development along the Corridor while reducing driveway access and the occurrence of associated accidents.

4.0 COMMUNITY ACTIVITY AND TRANSPORTATION CONTEXT

The Seldon Road Phase II Study Area is located in Meadow Lakes, a predominantly rural residential area, with homes on large lots ranging from around 1-acre to 40 acres. On Pittman Road along the western boundary of the study area, additional land uses include a gravel pit, an automotive service business, and two community facilities: the Meadow Lakes Elementary School, and a Borough Public Safety Facility (Station 71). There are also several small airstrips in the area. Overall traffic volumes are fairly low relative to other parts of the Mat-Su Valley, and the region's population is fairly dispersed (according to the 2010 census, 7,570 residents live in the 70 square mile Meadow Lakes area.)

In terms of study area traffic, residents at a project open house mentioned safety and congestion issues on Pittman Road near the Meadow Lakes Elementary School during peak traffic hours, largely due to its curves and winter driving conditions. The *Meadow Lakes Comprehensive Plan* also indicates that growing levels of through-traffic are negatively impacting residential roads. The plan identifies the desire for a "hierarchy of roads with higher

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capacity collectors, buffered from residential development.” Roads identified for collector status include Beverley Lake Road and Meadow Lakes Loop Road. Routes identified for future collector status include a new east-west route crossing through the center of the community (Meadow Lakes Comprehensive Plan Executive Summary, page ix), namely the Seldon Road Extension project.

As the Seldon Road Extension project continues from Church Road westward toward Houston, physical conditions in the region will make arterial connectivity more challenging and potentially costly. From Meadow Lakes west to Houston, the landscape is dotted with more than twenty lakes, several streams, wetland complexes, and pockets with poor soils and high water tables. As a result, prime development land is generally focused on narrow uplands between lakes and wetlands, making it harder for the road extension to avoid direct impacts to individual properties, including homes, and to control access by limiting driveways along the new facility. Historic homes also pose a unique challenge as many (including along Beverly Lake Road) are sometimes grandfathered by the State of Alaska because they violate setback and lot size requirements; acquiring even a small portion of these parcels for the arterial may make existing well and septic systems unusable for these dwellings.

Considering this overall context, and anticipating these physical and cost challenges in our study area, Phase II alignments were evaluated over a number of months using a range of suitability, cost, impact, and traffic evaluation criteria. Additionally, the project considered how Phase II connects with Pittman Road, and potential westward linkages toward Houston. Figure 3 highlights potential links that could complete the east-west Palmer to Houston arterial, and also lists the alignment's source.

5.0 DESIGN DESIGNATIONS / DESIGN CRITERIA

The documents listed below provide the design standards for this project:

- *A Policy on Geometric Design of Highways and Streets (PGDHS)*, 2001, American Association of State Highway and Transportation Officials (AASHTO).
- *Standard Specifications for Highway Construction (SSHC)*, 2004, Department of Transportation and Public Facilities (DOT&PF).
- *Alaska Highway Preconstruction Manual (PCM)*, January 2005, DOT&PF.
- *Manual of Uniform Traffic Control Devices (MUTCD)*, 2003, as modified by the Alaska Supplement, December 22, 2005.

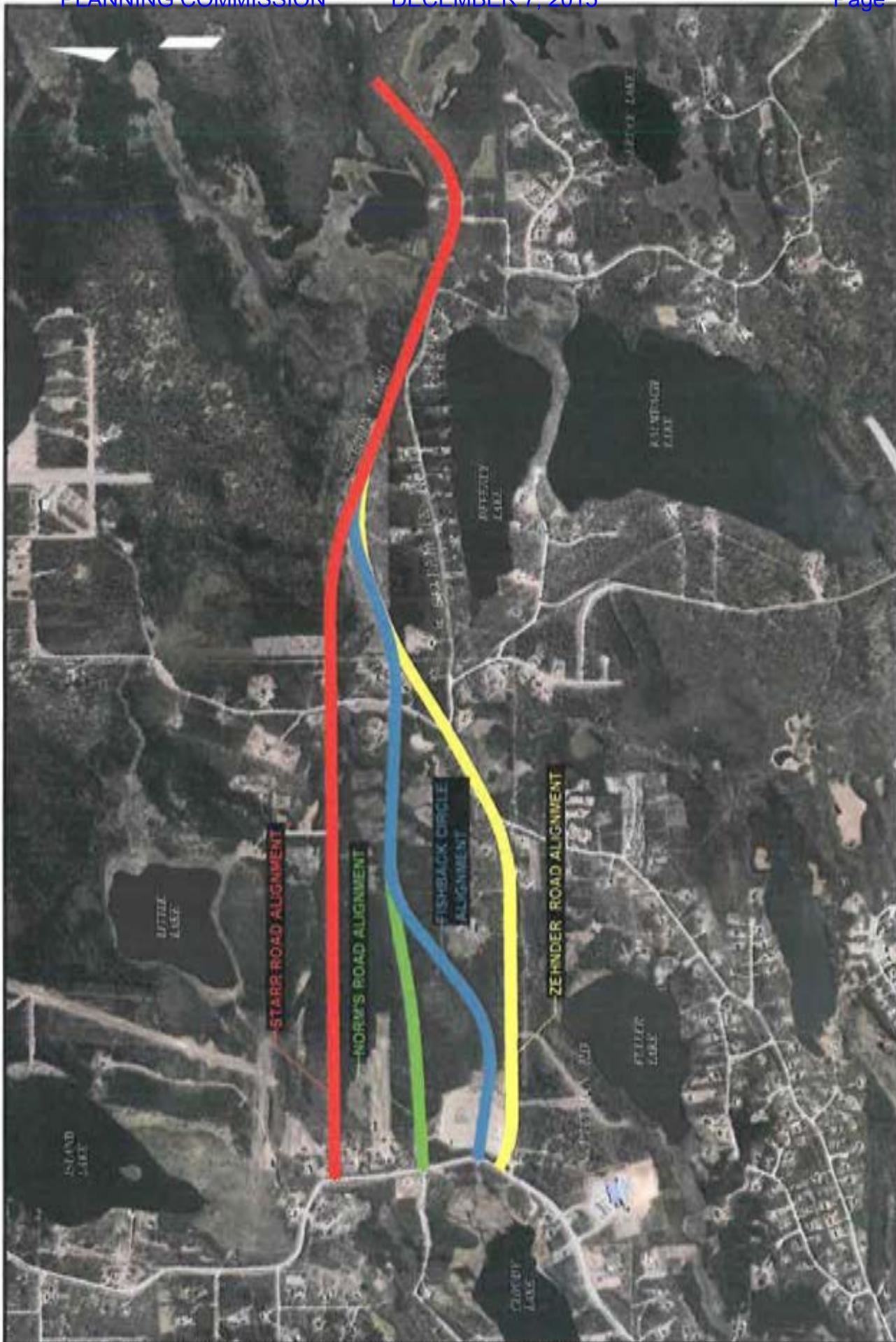
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TABLE 1: DESIGN CRITERIA

Design Particular	Value	Source
Design Functional Classification	Arterial	MSB
Design Year ADT	9,125 (2138)	Traffic Analysis
Design Speed	55 mph	AASHTO GB page 474
Access	Partial Control	AASHTO GB page 486
Minimum LOS	C	MSB Goal
Acceptable LOS in Heavily Developed Area	D	AASHTO GB page 474
Typical Section		
Lane Width	12 feet	PCM, Table 1130-8
Shoulder Width	8 feet	PCM, Table 1130-8
Right-of-Way Width	160 feet	MSB
Side Slope Ratios		
Cut	2:1 (H:V)	PCM
Fill	4:1 (H:V)	PCM
Roadway Cross Slope	2%	PCM, Figure 1130-1
Maximum Super-elevation Rate	6%	PCM
Horizontal Alignment		
Minimum Radius	1065 feet	PCM, Figure 1120-1
Minimum Length of Curve	825 feet	PCM, Figure 1120-1
Desirable Length of Curve	1650 feet	PCM, Figure 1120-1
Clear Zone Width	30 feet	PCM, Figure 1130-2
Minimum Stopping Sight Distance	495 feet	PCM, Figure 1120-1
Vertical Alignment		
Minimum Grade	0.5%	PCM, Figure 1120-1
Maximum Grade	7%	PCM, Figure 1120-1
Minimum K-value	114	AASHTO GB Exh 3-76

6.0 ALTERNATIVES

Five alternatives are being considered, with one being a "no action" alternative. The other four alternatives consist of different horizontal alignments and intersections with Pittman Road and are illustrated in Figure 2. A comprehensive comparison table of each alignment can be found in Appendix B.



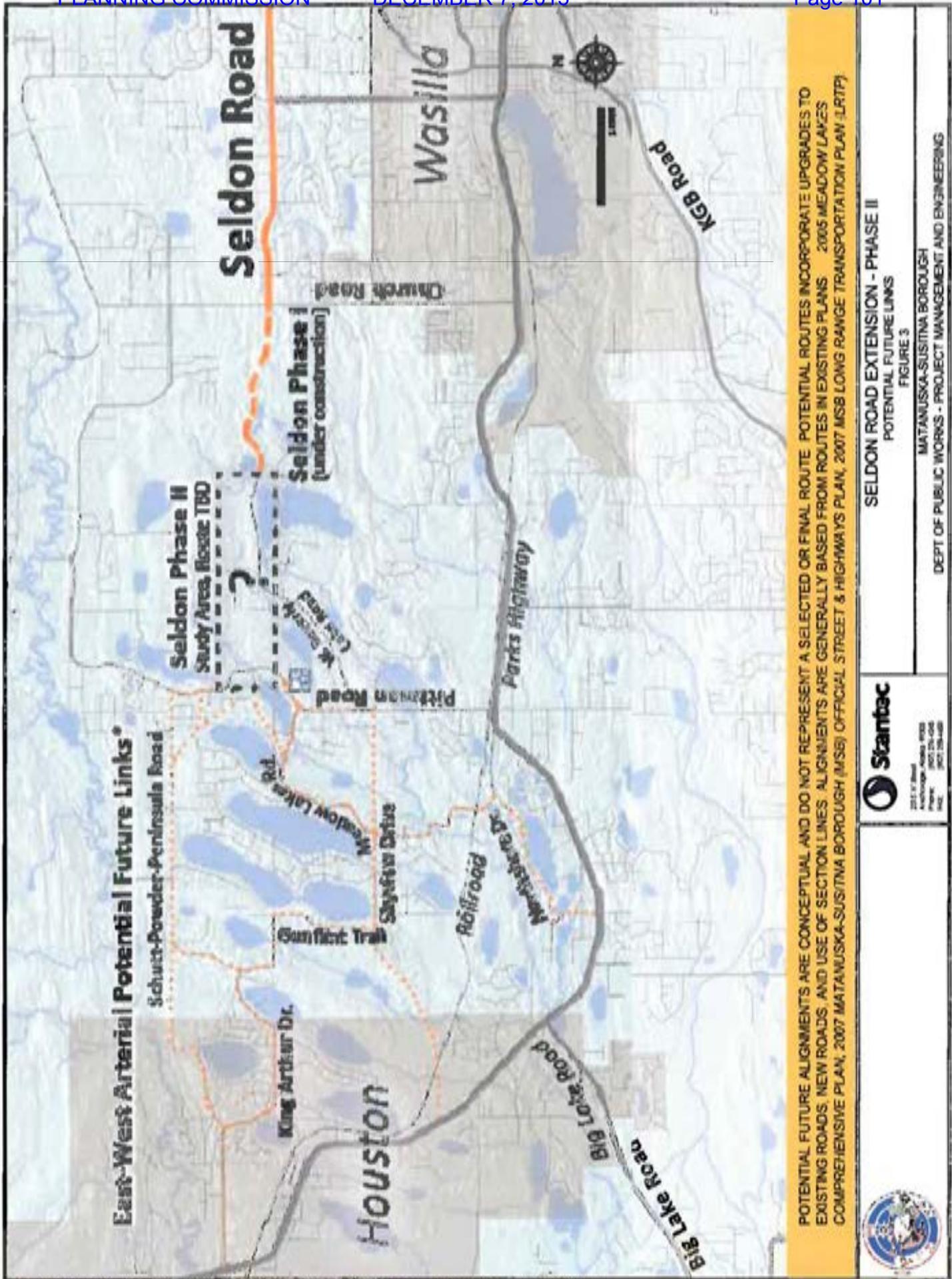
SELDON ROAD EXTENSION - PHASE II
ALIGNMENT ALTERNATIVES
FIGURE 2

MATANUSKA-SUSITNA BOROUGH
DEPT OF PUBLIC WORKS - PROJECT MANAGEMENT AND ENGINEERING



2015.12.04
MORNING STAR RD
PAPER: 100-214-006
ENC: 100-214-040





POTENTIAL FUTURE ALIGNMENTS ARE CONCEPTUAL AND DO NOT REPRESENT A SELECTED OR FINAL ROUTE. POTENTIAL ROUTES INCORPORATE UPGRADES TO EXISTING ROADS, NEW ROADS, AND USE OF SECTION LINES. ALIGNMENTS ARE GENERALLY BASED FROM ROUTES IN EXISTING PLANS. 2005 MEADOW LAKES COMPREHENSIVE PLAN, 2007 MATANUSKA-SUSITNA BOROUGH (MSB) OFFICIAL STREET & HIGHWAYS PLAN, 2007 MSB LOW RANGE TRANSPORTATION PLAN (LRTP).

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SELDON ROAD EXTENSION - PHASE II
 POTENTIAL FUTURE LINKS
 FIGURE 3
 MATANUSKA-SUSITNA BOROUGH
 DEPT OF PUBLIC WORKS - PROJECT MANAGEMENT AND ENGINEERING

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6.1 ALTERNATIVE 1 – “NO ACTION”

Under the no-action alternative, there would be no connection made from Seldon Road to Pittman Road. Consequences of this action would allow congestion to increase along the Parks Highway corridor. Traffic operations would be negatively impacted with queues forming. Local traffic access and circulation in the Meadow Lakes area will become increasingly difficult. This alternative does not meet the purpose and need for the project.

6.2 ALTERNATIVE 2 – “ZEHNDER ROAD ALIGNMENT”

This alternative ties into Seldon Road Extension Phase I at the existing Beverly Lake Road alignment heading to the section line along the north edge of the subdivision and continues to the intersection of W Beverly Lake Road and Wyoming Drive. It then proceeds to Fishback Circle, and runs along the section line to Pittman Road. This route was identified, in part, as the Seldon Road Extension alignment by the MSB in the 1980's. The portion along Beverly Lake Road was shifted to the north behind the residential subdivision, per Assembly resolution 03-145, to minimize ROW impacts and costs.

Pros:

1. Utilizes an existing section line easement.
2. Minimizes wetland impacts.
3. Minimizes private property impacts.
4. Lower overall construction cost.

Cons:

1. Reduced access control with several direct residential access points.
2. Residential access points create turning conflict points.
3. Pittman Road intersection has limited sight distance.

6.3 ALTERNATIVE 3 – “FISHBACK CIRCLE ALIGNMENT”

This alternative ties into Seldon Road Extension Phase I at the existing Beverly Lake Road alignment heading to the section line along the north edge of the subdivision and continues along the section line to a point approximately 2,000 feet west of Wyoming Drive. It then turns southwest intersecting Pittman Road about 400 feet north of the section line easement.

Pros:

1. Minimizes Wetland Impact.

Cons:

1. Increased private property impacts.
2. Some direct residential access.
3. Higher overall construction cost.

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6.4 ALTERNATIVE 4 – “STARR ROAD ALIGNMENT”

This alternative ties into Seldon Road Extension Phase I at the existing Beverly Lake Road alignment heading northwest where it follows the existing West Starr Road alignment west to the intersection with Pittman Road.

Pros:

1. Straight east-west alignment.
2. Reduced direct residential access.
3. Utilizes an existing roadway ROW.

Cons:

1. Highest overall construction cost.
2. Highest wetland impacts.
3. Limited sight distance at Pittman Road Intersection.

6.5 ALTERNATIVE 5 – “NORM’S ROAD ALIGNMENT”

This alternative ties into Seldon Road Extension Phase I at the existing Beverly Lake Road alignment heading to the section line along the north edge of the subdivision and continues along the section line to a point approximately 2,000 feet west of Wyoming Drive. It then proceeds west-southwest intersecting Pittman Road at Norm’s Road.

Pros:

1. Intersection with Pittman Road provides good sight distance.
2. Low overall construction cost.
- 3.

Cons:

1. Several direct residential access points.
2. Private structure relocation.

6.6 PREFERRED ALTERNATIVE

The alternatives were evaluated using a range of suitability, cost, impact, and traffic evaluation criteria. Additionally, the project considered how Seldon Road Extension Phase II connects with Pittman Road, and potential westward linkages toward Houston. The alternatives were given weighted scores based on the evaluation criteria and Alternative 3 – “Fishback Circle Alignment” was determined to be the most reasonable and practicable. Norm’s Road (Alt 5) had an equal weighted score, but requires the relocation of a structure. Zehnder Road (Alt 2) finished third in the comparative scoring. Preliminary plan and profile sheets for the alternatives have been included in Appendix A. The Starr Road alignment is not included in the drawings as

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It is not considered practicable. A table comparing the weighted alignment scoring is shown in Appendix C.

7.0 TYPICAL SECTIONS

The two-lane rural section consists of one 12-foot lane in each direction, 8-foot shoulders on each side, and a detached 10-foot paved pathway. Side slopes along the highway will be 4:1, with 2:1 slopes outside the clear zone. The ROW width needed to accommodate the proposed improvements and slope limits is expected to be 160 feet.

The typical sections are found with the plans in Appendix A.

8.0 GENERAL ALIGNMENT

To minimize ROW and wetland impacts, the preferred alternative follows a curving horizontal alignment that seeks to avoid wetlands and ROW acquisition while balancing cut and fill.

The vertical alignment generally follows the surrounding terrain, which would be classified as hilly. All vertical curves exceed the minimum design standards for new construction. There are no grades that are considered steep. The steepest grade is 3.6 percent, which is well below the 7 percent allowable for new construction.

9.0 TRAFFIC AND SAFETY ANALYSIS

A traffic and safety analysis for the entire Seldon Road Corridor was completed during the Phase I design process using traffic models developed during transportation planning studies. The following discussion is a summary of the information relevant to Phase II.

The proposed extension of Seldon Road, between Church Road and Pittman Road, is part of a facility concept in the MSB LRTP that would extend Seldon Road and upgrade existing portions of the Corridor to form a minor arterial that would relieve traffic congestion on the George Parks Highway and provide faster travel times for local area residents. Extending Seldon Road provides the next link in an east-west corridor envisioned to reach from Palmer to Houston. This link will shorten the commuting time for Meadow Lakes area residents travelling to Wasilla and points east, improve emergency evacuation, and provide secondary access in case of road closures.

Traffic modeling for the MSB LRTP indicates that without major improvements, such as the Seldon Road Extension, many area roads will be at or over capacity by 2025.

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Design criteria consistent with an arterial are necessary to safely accommodate the traffic anticipated for this corridor as the area population continues to increase.

Since the Seldon Road Extension represents a new link in the MSB's transportation network, projected traffic volumes must be developed using traffic planning methodologies. These take into account where people live, work, and shop to estimate where they are traveling, and what will be the most desirable route for those travels. A comprehensive traffic planning model was developed to support MSB's 2007 LRTP. This modeling projects that by 2025 there will be 7,515 vehicles per day on Seldon Road near the Church Road intersection. The design year for this project is 2038, which means that the traffic volume will need to be projected forward 13 more years. The LRTP projects 4.3 percent population growth throughout the MSB through 2025. Since the LRTP accounts for development in the vacant land around the Seldon Road Extension, growth in traffic along Seldon Road is not likely to continue at a 4.3 percent growth rate. As a result, we have assumed a growth rate of 2 percent for the period between 2025 and 2038. That results in an annual average daily traffic (AADT) of 9,125 vehicles per day in the design year.

AADT of 9,125 will result in a level of service (LOS) D when measured by average travel speed, and LOS D when measured by percent time spent following. Although LOS C is the MSB's target LOS for road projects, the peak hour traffic is only expected to be 26 percent of the capacity of the road. Given this low volume to capacity ratio, a two-lane road is appropriate for the volume of traffic expected.

Intersection improvements will be necessary at Pittman Road, and may be necessary at Wyoming Drive. At Pittman Road, Seldon Road should be stop controlled with right and left turn lanes. Pittman Road will remain uncontrolled and should be retrofitted with a northbound right turn lane. At Wyoming Drive, a westbound left turn lane will be warranted if Beverly Lake Road does not connect with Seldon Road. If Beverly Lake Road does connect to Seldon Road separately, a left turn lane will not be necessary at Wyoming Drive. All turn lanes should be 410 feet long to accommodate vehicle deceleration.

Intersections should be lit to enhance traffic safety and improve wayfinding for motorists. The Illuminating Engineering Society's RP-8, recommends that "isolated traffic conflict points" should be lit to 0.9 foot-candles with a uniformity of 4.0.

10.0 CORRIDOR ACCESS CONTROL

Arterial roads provide a high level of mobility and are intended to carry substantial volumes of traffic over relatively long distances and at relatively high speeds. Direct property access may be provided, but must be carefully managed to preserve arterial mobility and avoid creating unsafe and congested traffic operations. Effective access management will not only enhance

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the original LOS of the facility, but may also preserve the original LOS as further development occurs. An access management plan will be developed for the roadway following alignment selection.

10.1 ACCESS CONTROL BY ZONING

Subdivision or zoning ordinances should require that the developer of a major traffic generator provide a suitable connection to the arterial road (or preferably to a cross street) comparable to that for a well-designed street intersection serving a similar volume of traffic.

10.2 ACCESS CONTROL THROUGH DRIVEWAY REGULATIONS

Driveway controls are desirable to ensure that future driveways are located so they result in minimum interference with the free movement of traffic.

11.0 PEDESTRIAN AND BICYCLE FACILITIES

The proposed 10-foot paved multi-use pathway will serve pedestrians and bicyclists. It runs along the south side of Seldon Road for the length of the project. The pathway will be located as necessary to fit the recommended improvements. This will be an extension of an existing pathway which currently begins at the Seldon Road-Lucille Street intersection.

12.0 ILLUMINATION

No illumination is proposed for the length of the Seldon Road Extension, except at intersections. Due to the rural nature of the project area, illumination is only recommended at intersections, which are expected to be at Wyoming Street and at Pittman Road.

13.0 DRAINAGE

It is anticipated that excavations for the project will generally be associated with road cuts in the hilly areas and will not likely penetrate into the groundwater table. However, groundwater may be present as localized pockets of perched groundwater on top of lenses of less permeable soil or if excavating in boggy areas. In general, excavation and backfill work should be closely coordinated such that seepage and surface runoff is not allowed to collect and stand in open excavations. Likewise, the ground surface around excavations should be contoured to drain away from the excavation, and the excavation bottoms should be graded to drain to a sump or topographic low. Drainage around the road should be provided to reduce the effects of

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seasonal frost in the new road surface. Drainage structures should be designed so that positive drainage will be maintained and surface water is directed off the pavement surface and away from the structural section. Typical drainage improvements for the project will consist of drainage ditches and culverts that will ultimately convey water off the site. Localized drainage structures such as sub-drains, piped storm drains, and cross alignment drainage may also need to be considered in areas with special drainage needs.

14.0 SOIL CONDITIONS

The project corridor between Beverly Lake Road and Pittman Road is largely undeveloped with moderately sloped, hilly terrain, numerous wetland areas, and appears vegetated with moderately dense stands of spruce, birch, shrubs, and other ground cover.

The "Zehnder Road Alignment," will intersect 1,500 feet of the West Beverly Lake Road alignment, and 150 feet of the North Wyoming Drive alignment; these are partly developed with lots and dwellings. West Beverly Lake Road and North Wyoming Drive are paved surface rural roadways.

The "Fishback Circle Alignment" and "Norm's Road Alignment," will intersect 1,000 feet of the West Beverly Lake Road alignment, and 150 feet of the North Wyoming Drive alignment; these are partly developed with lots and dwellings. West Beverly Lake Road and North Wyoming Drive are paved surface rural roadways.

The "Starr Road Alignment," will intersect 1,000 feet of the West Beverly Lake Road alignment, and 2,000 feet of the West Starr Road alignment; these are partly developed with lots and dwellings. West Starr Road is a graveled surface rural roadway.

Development of the corridor will largely consist of constructing a stable subgrade to support the new road, which will require new embankments, road cuts, development of the pavement structural section, and drainage provisions. Alignments intersecting existing roadway corridors will benefit from the stability of the existing roadway subgrades.

A Natural Resources Conservation Service (NRCS) soils investigation was performed roughly within the boundaries of the project corridor.

According to the report, the soils in upland areas of the corridor consist of a relatively thin mantle of silty loess overlying sandy and gravelly outwash materials. The remaining deposits, occurring in depressions or along creek beds, consist of poorly drained silts or organic soils. The report indicates that groundwater depths are expected to be generally greater than about 6 to 8 feet in areas underlain by outwash and less than 1-foot in the topographically low areas.

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15.0 EMBANKMENT AND PAVEMENT DESIGN

New embankments will be needed and should be constructed to provide a stable, supportive structure for the proposed new roadway. Elements that will contribute to this overall goal include proper site preparation, stable embankment slopes, and good construction practices and controls (compaction and gradation).

The native ground surface beneath the footprint of the embankment expansion areas will need some preparation to receive embankment fill prior to developing the new embankments. Preparation activities will likely consist of clearing and grubbing and/or removal of unsuitable soils (i.e.: organics, or soft, compressible soils).

New embankments should be constructed of Selected Material Type C (as defined in the 2004 DOT&PF *Standard Specifications for Highway Construction*) or better fill over existing mineral soils. Embankment fills should be placed with proper moisture density control. Given the likely gradation of the soils in this area, we anticipate that most of the soil excavated along the alignment (excluding topsoil) will meet the gradation requirements for Selected Material Type C or better fill and may therefore be reused in embankment construction. Explorations and laboratory testing will be needed to evaluate the suitability of onsite materials for use in the pavement structural section. Embankments constructed with compacted Selected Material Type C or better materials containing maximum fines content of about 20 percent can likely maintain embankment slopes of approximately 2 horizontal (H) to 1 vertical (V). If fill materials with greater than about 20 percent fines are used, then embankment slopes on the order of 3H or 4H to 1V will be required for stability. It should be noted that Selected Material Type C materials can be difficult to handle during construction due to sensitivity to moisture and disturbance.

Pavement design in Southcentral Alaska is typically based on estimated frost penetration and the frost classification of the subgrade materials rather than anticipated loading. This generally leads to a thicker structural section than strength calculations would require. Our recommended structural sections for preliminary design purposes and various subgrade conditions are provided below. These recommendations are intended for use in preliminary design and are subject to change based on actual subsurface conditions or refined traffic estimates. Final structural section design will be based on DOT&PFs design method. Based on 2038 traffic projections with anticipated truck and vehicle loading, the equivalent axle loading for this segment of Seldon Road is 1,154,986.

It is recommended to provide 24 inches of Selected Material Type A, 4 inches of D-1 Base Course, 2 inches of (ATB) Asphalt Treated Base, and 2 inches of asphalt cement (AC) Pavement.

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16.0 STRUCTURES

At present, there are no structures planned for this project.

17.0 RIGHT-OF-WAY

Significant ROW acquisition will be required for construction of Seldon Road Extension – Phase II. The proposed ROW width for the corridor is 160 feet. Existing section line easements and MSB ROW should be utilized to the maximum extent possible considered in the evaluation of roadway alignment alternatives.

18.0 UTILITY RELOCATION AND COORDINATION

There are minor utility conflicts anticipated for the Seldon Road Extension from Beverly Lake Road to Pittman Road. The existing utilities in the area of the project generally consist of overhead electrical power lines operated by Matanuska Electric Association, buried fiber optic cable operated by Matanuska Telephone Association near the ROWs, and natural gas lines operated by Enstar Natural Gas Company. Both ends of the project may have utility impacts as well existing roadways; these will be examined during the design phase. It is assumed that the intersection with Pittman Road will remain un-signalized.

19.0 ENVIRONMENTAL CONSIDERATIONS

Environmental considerations include a threatened, endangered, and sensitive (TES) candidate species, the olive-sided flycatcher, which may utilize habitat within the project area.. There are many mapped wetlands present along the alignment corridor, including ponds.

Environmental commitments may include:

- If contaminated materials are discovered during construction, all work near the contaminated site will be stopped until Alaska Department of Environmental Conservation (ADEC) is contacted and an action plan is approved.
- The Contractor will stop work if archeological or cultural resources are encountered during exploration, excavation, or construction. Work at the specific site will not resume until the Project Engineer and State Historic Preservation Officer (SHPO) have been notified and SHPO has issued a clearance to the Project Engineer.

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- Use guardrail and 1.5:1 slopes in areas of wetlands to reduce impact.
- Protect adjacent wetlands, streams, and lakes with Best Management Practices during construction.
- Wetland Mitigation

20.0 MAINTENANCE CONSIDERATIONS

Seldon Road will be maintained by MSB. The roadway extension's additional lanes, pathway, striping, landscaping, culverts, and lighting will increase maintenance costs. Maintenance costs for each of the alignment alternative are expected to be approximately the same. DOT&PF is expected to maintain the lighting at Pittman Road, while the MSB will be responsible for maintaining all other aspects of the roadway.

21.0 COST ESTIMATE

The preliminary construction cost estimates for the Seldon Road Extension Phase II project alternatives is shown below:

	Zehnder Road	Fishback Circle	Starr Road	Norm's Road
Right-of-Way (ROW)	\$1,636,000	\$2,230,000	\$1,842,000	\$1,838,000
Wetland Mitigation	\$157,500	\$162,500	\$240,000	\$152,500
Intersection Upgrades	\$50,000	\$50,000	\$50,000	\$50,000
Utilities	\$300,000	\$200,000	\$500,000	\$200,000
Construction Cost	\$7,100,000	\$7,100,000	\$7,500,000	\$6,750,000
Estimated Total	\$9,243,500	\$9,742,500	\$10,132,000	\$8,990,500

Three of the four alignment alternatives have construction cost estimates within 10% of each other and are virtually the same, except for the Starr Road alignment.

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Appendix A – DRAWINGS

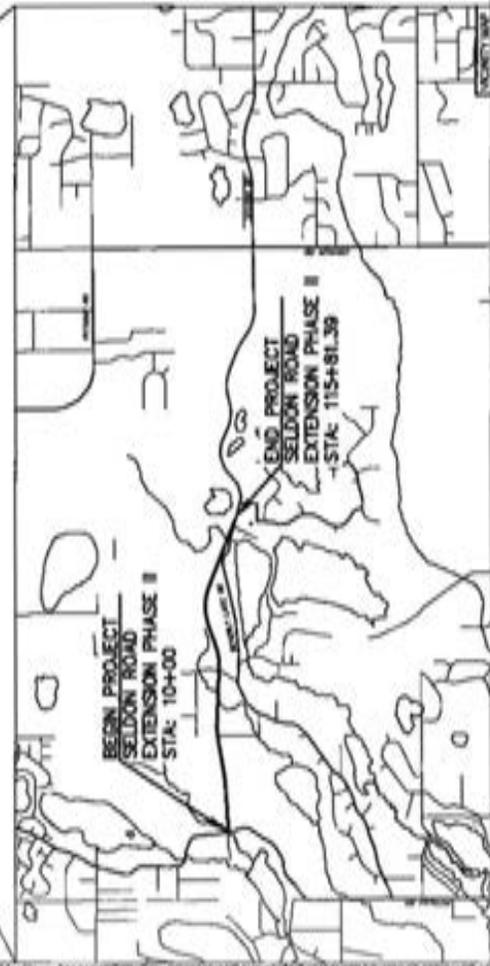
MATANUSKA-SUSITNA BOROUGH CAPITAL PROJECTS DEPARTMENT



SELDON ROAD EXTENSION PHASE II

GRADING, PAVING, AND STRIPING

PROJECT NUMBER:
35411

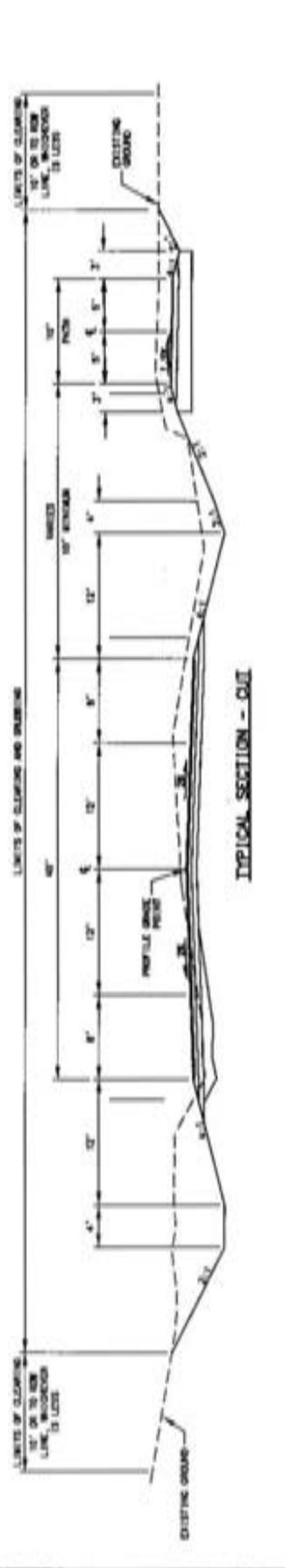
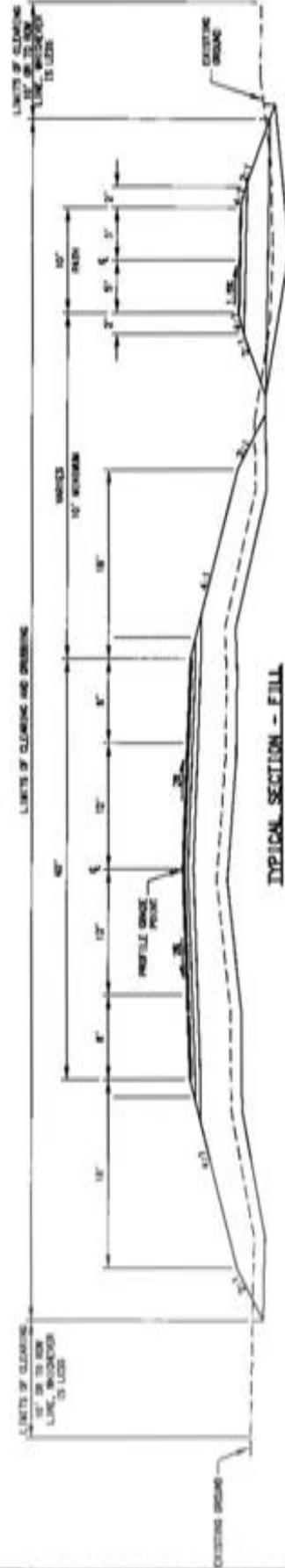


DESIGN DESIGNATIONS			
ROADWAY SECTION	FUNCTIONAL CLASS	AS.P.C. DIST.	DESIGN SPEED
SELDON ROAD EXTENSION PHASE I	ARTERIAL	0000	35 MPH
SELDON ROAD EXTENSION PHASE II	MAJOR COLLECTOR	0000	45 MPH
CHURCH ROAD	MAJOR COLLECTOR	0000	35 MPH
STANLEY LAKE ROAD	LOCAL ROAD	0000	30 MPH

PROJECT SUMMARY		
ROADWAY SECTION	WIDTH	LENGTH
SELDON ROAD EXTENSION PHASE I	46'	1.5000'

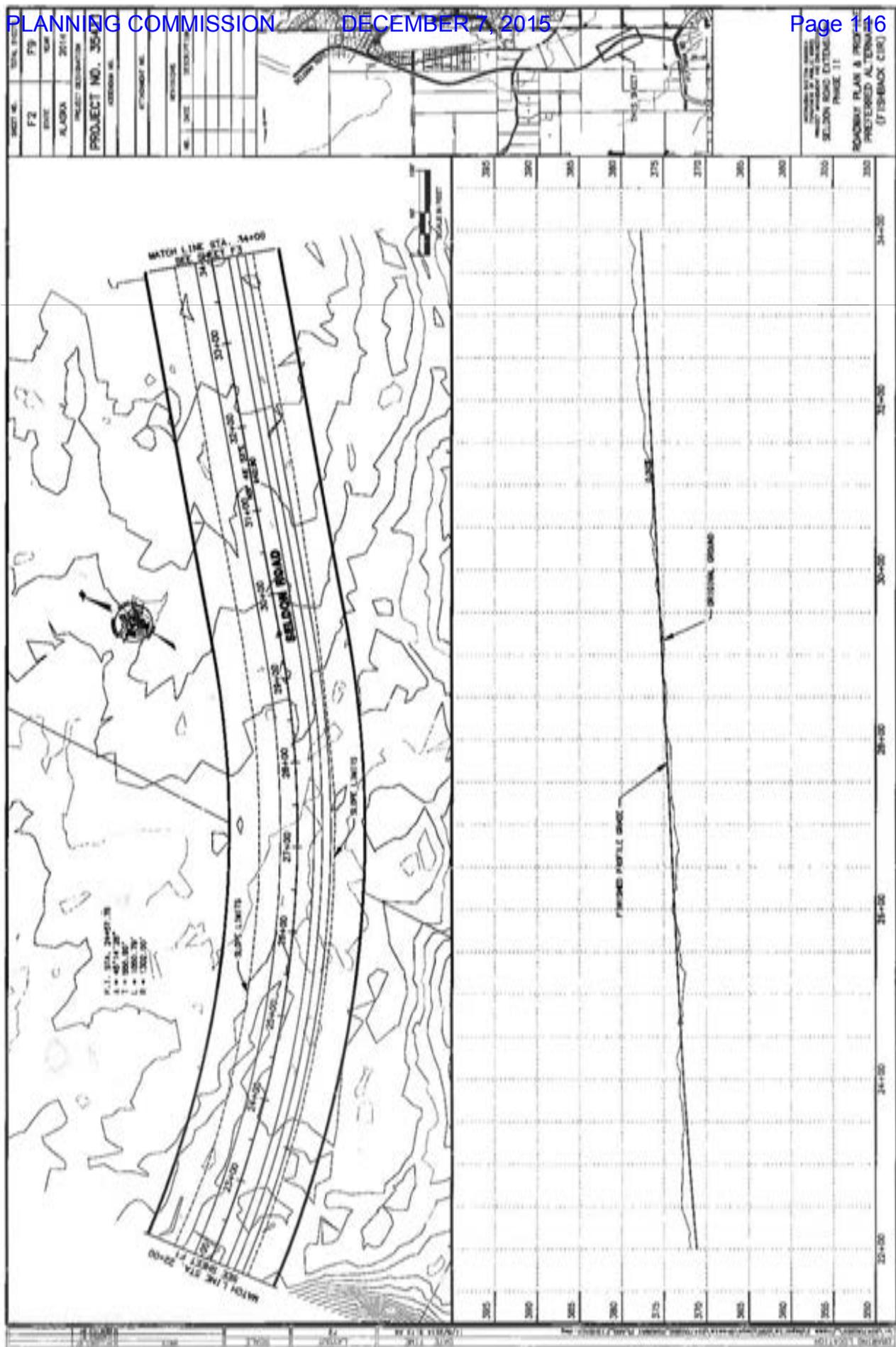
NO.	DATE	REVISIONS

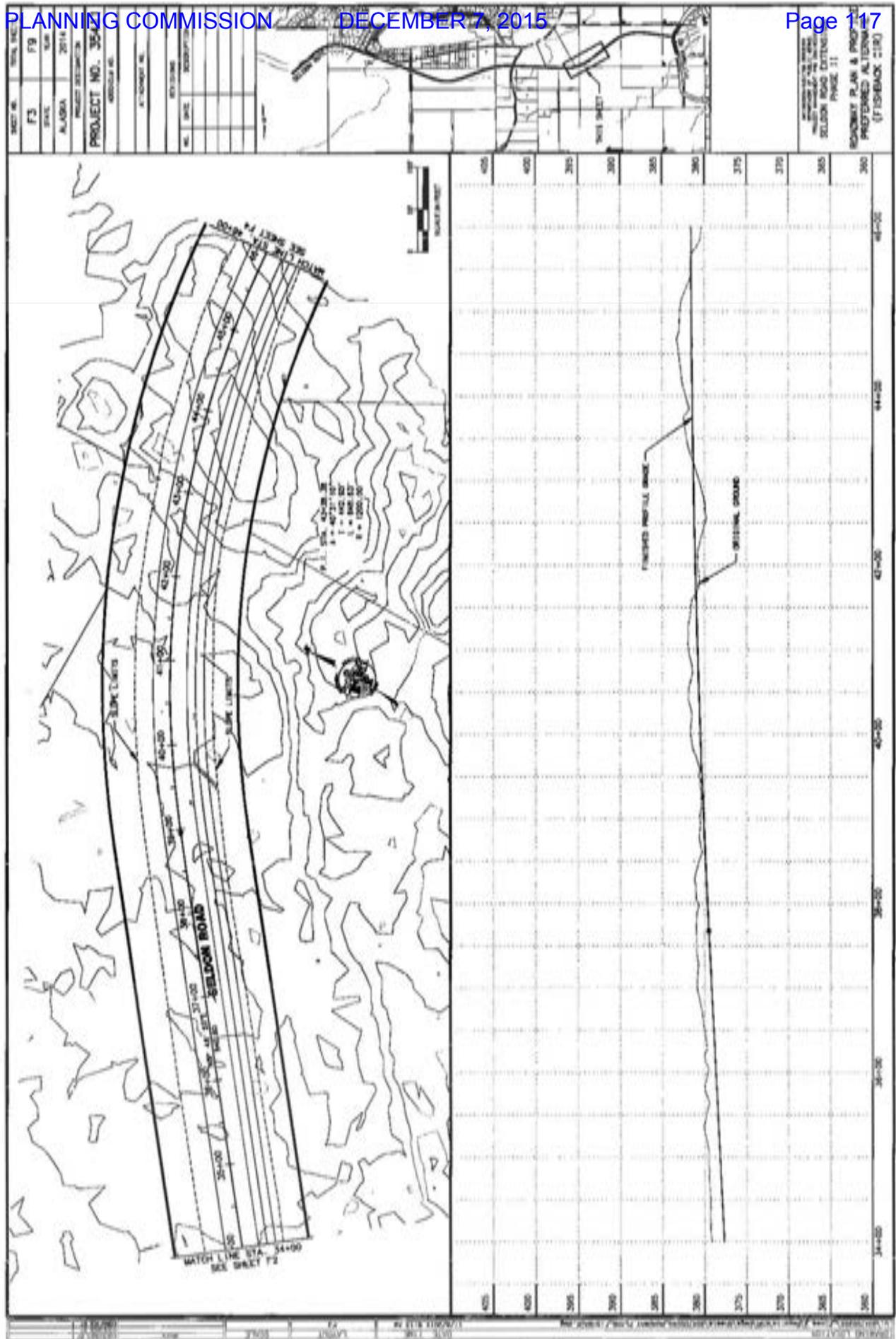
STATE	ALASKA
PROJECT IDENTIFICATION	30411
YEAR	2014
HEET NO.	B1

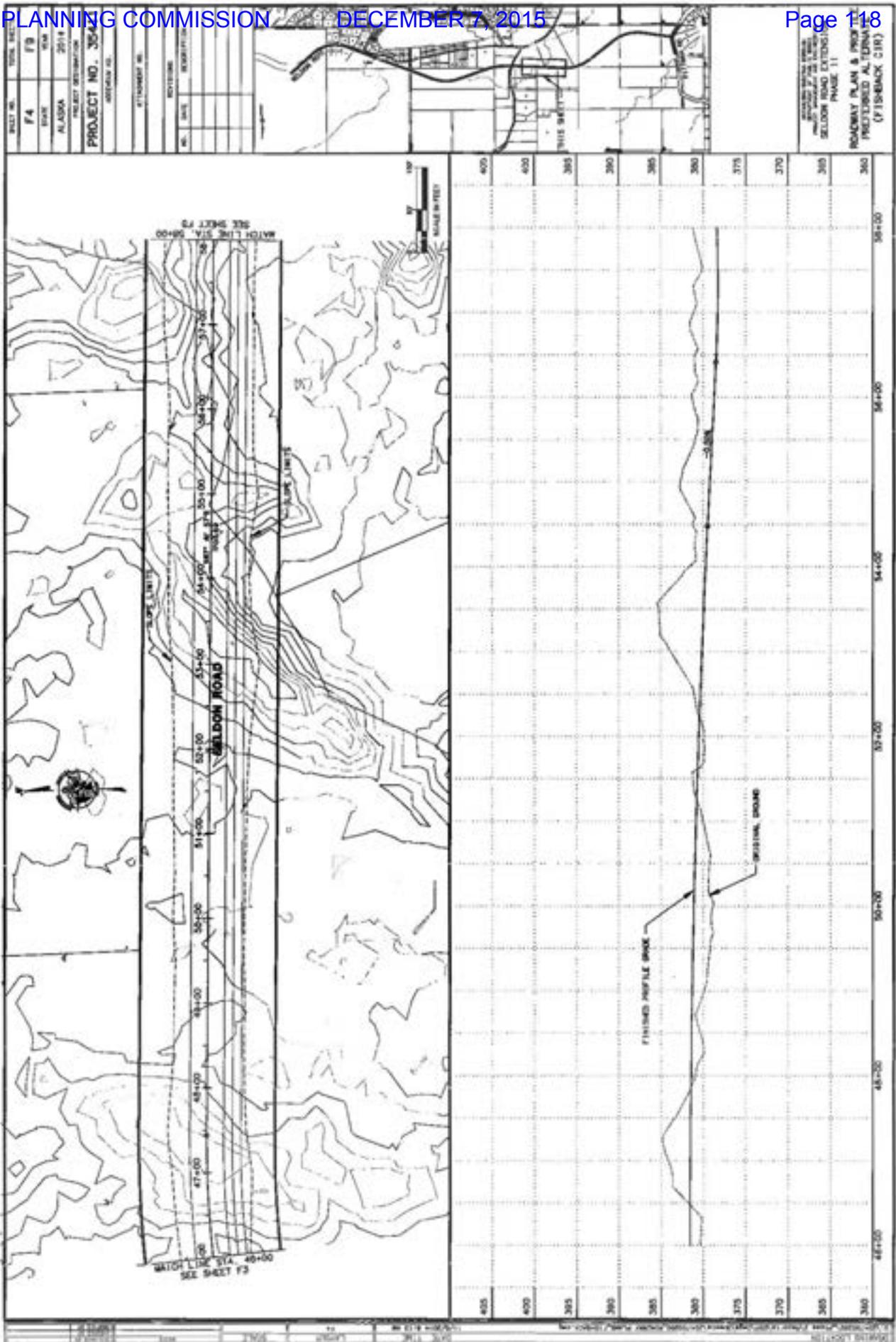


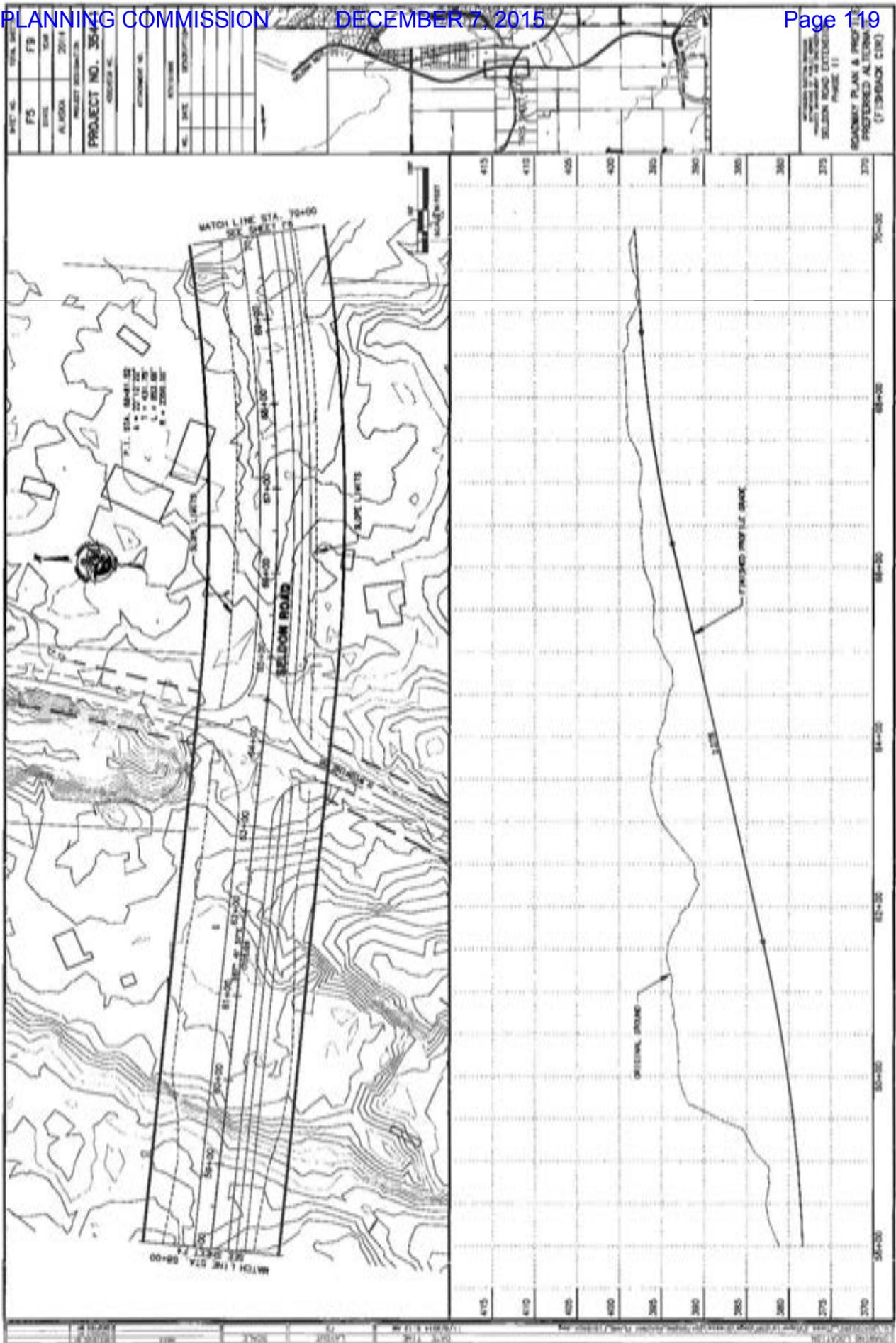
SELDON ROAD EXTENSION
PHASE II
TYPICAL SECTIONS

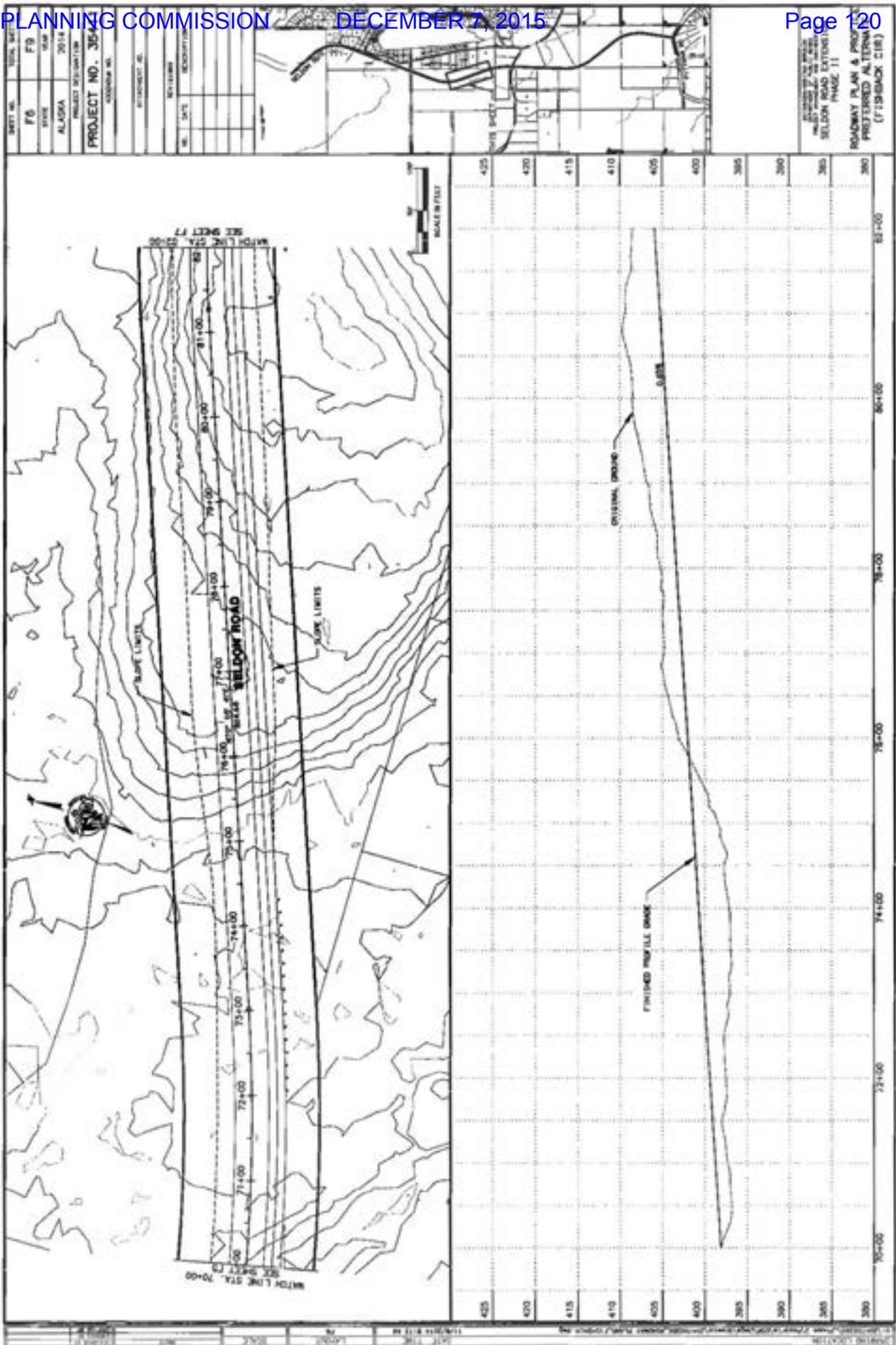


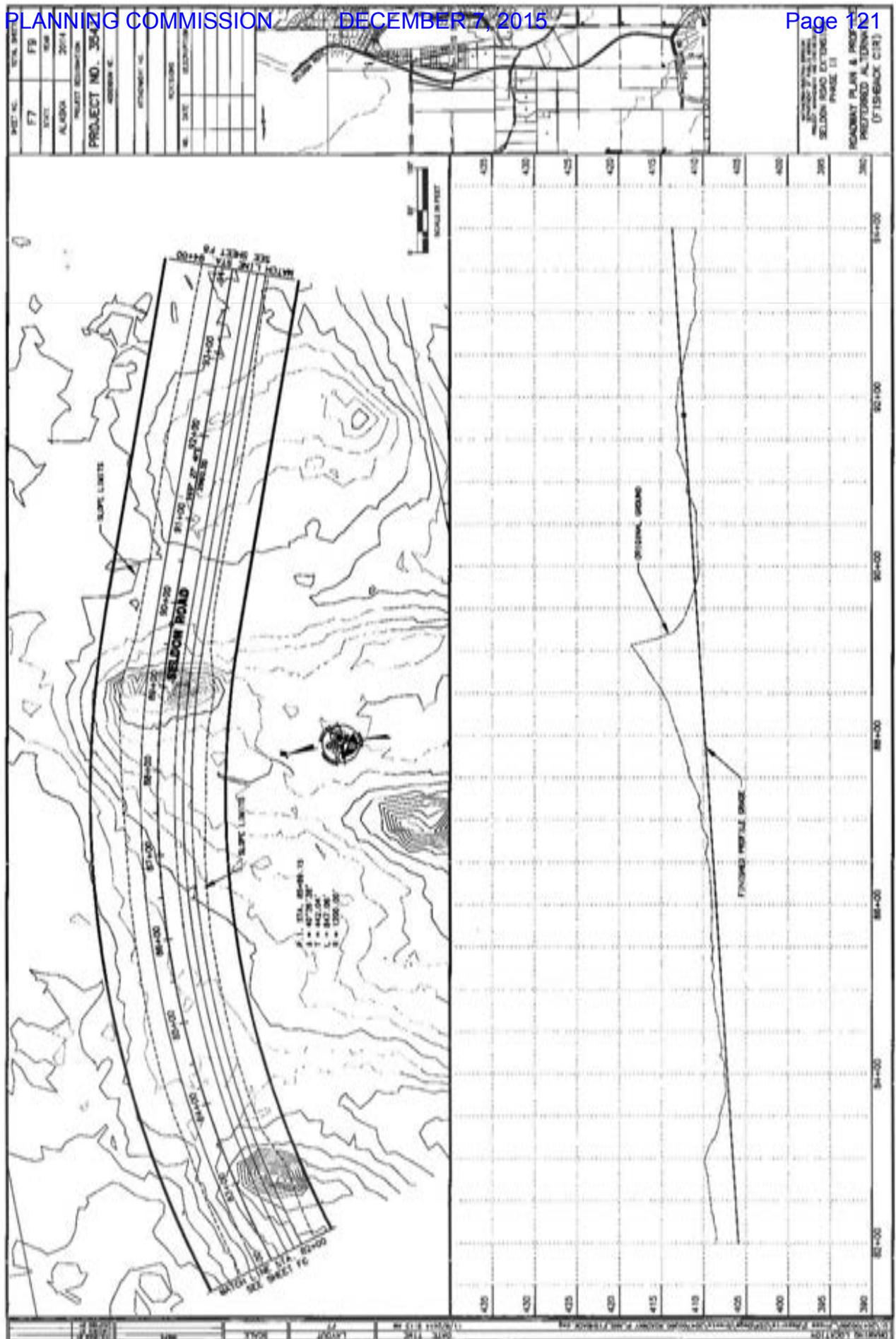


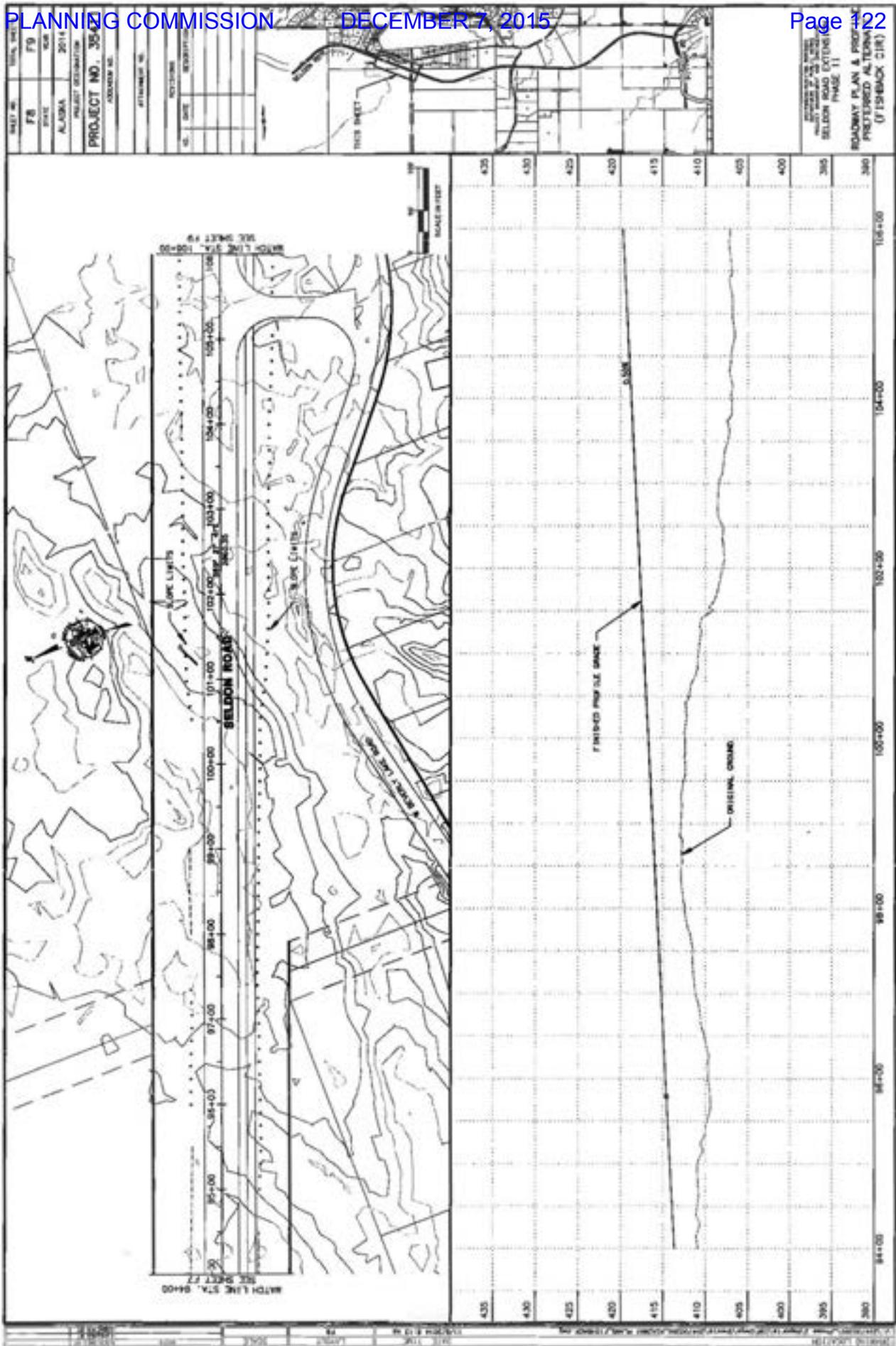






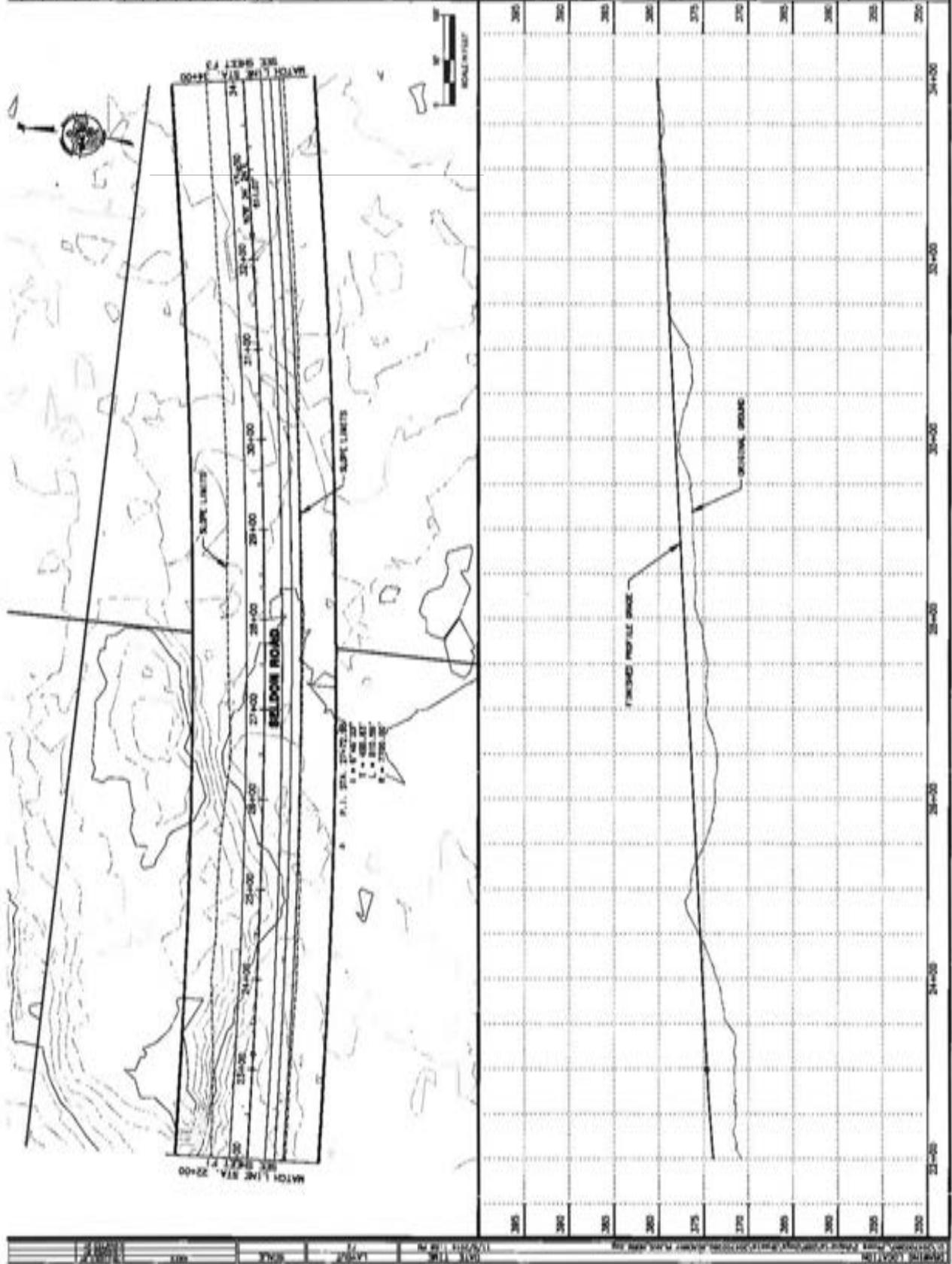




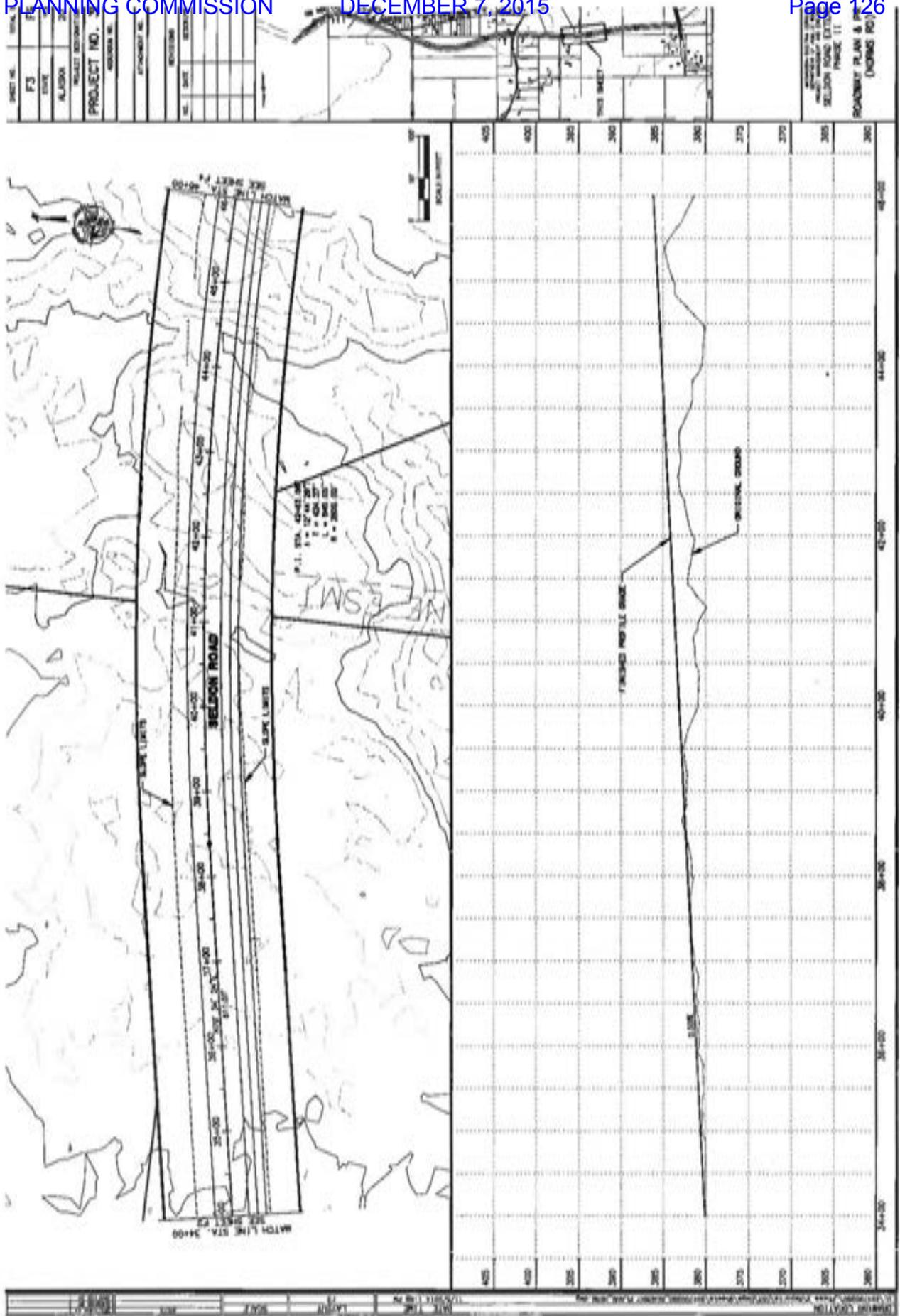




PROJECT NO.	F2
PROJECT NAME	ALABAMA
PROJECT NO.	3
PROJECT NAME	SELDON ROAD EXTENSION
PROJECT NO.	3
PROJECT NAME	PHASE 11
PROJECT NO.	3
PROJECT NAME	ROADWAY PLAN & PROFILE
PROJECT NO.	3
PROJECT NAME	(NO. 101)



DATE	11-10-15
BY	AK
CHECKED	AK
SCALE	AS SHOWN
PROJECT NO.	3
PROJECT NAME	SELDON ROAD EXTENSION
PROJECT NO.	3
PROJECT NAME	PHASE 11
PROJECT NO.	3
PROJECT NAME	ROADWAY PLAN & PROFILE
PROJECT NO.	3
PROJECT NAME	(NO. 101)

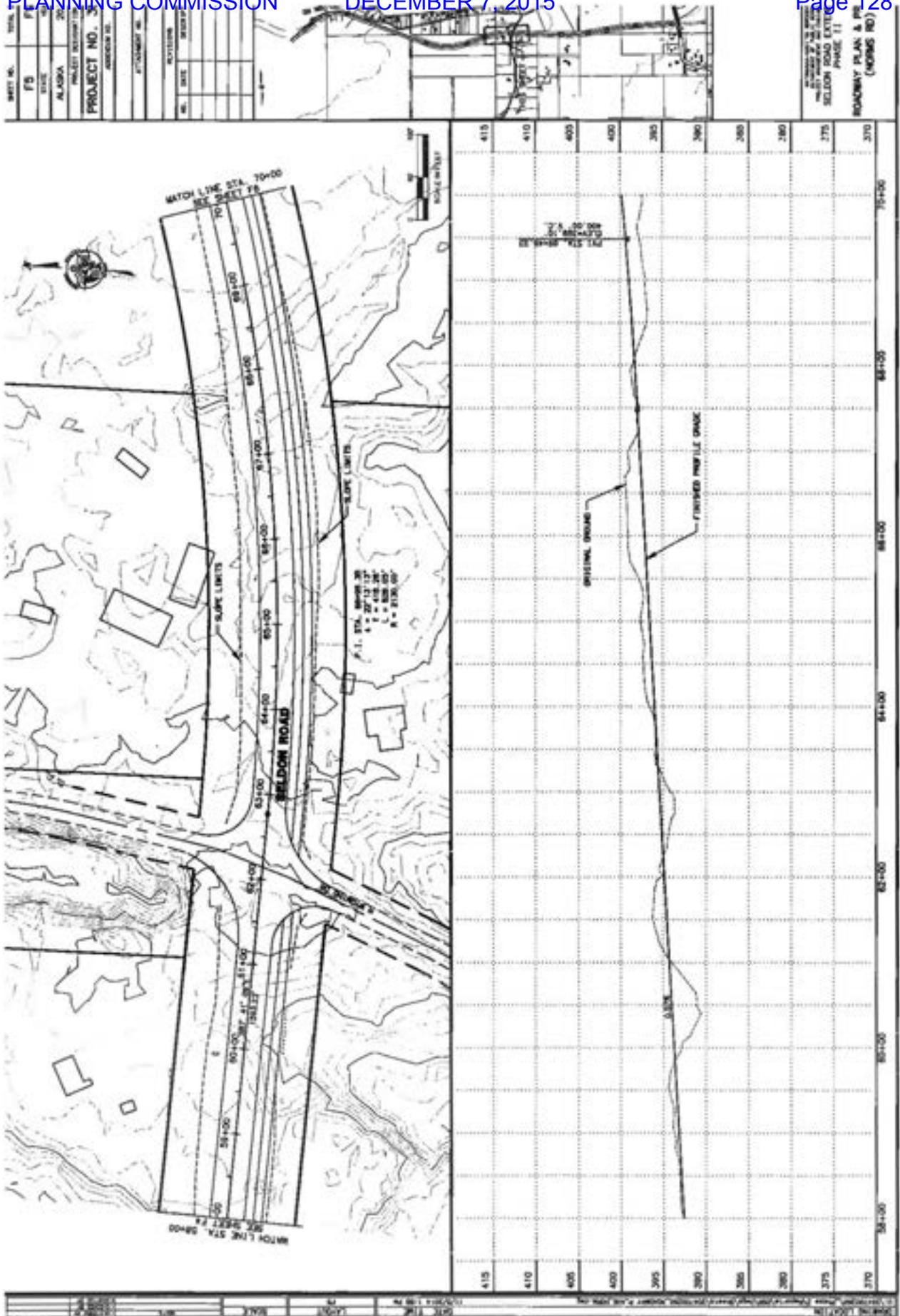


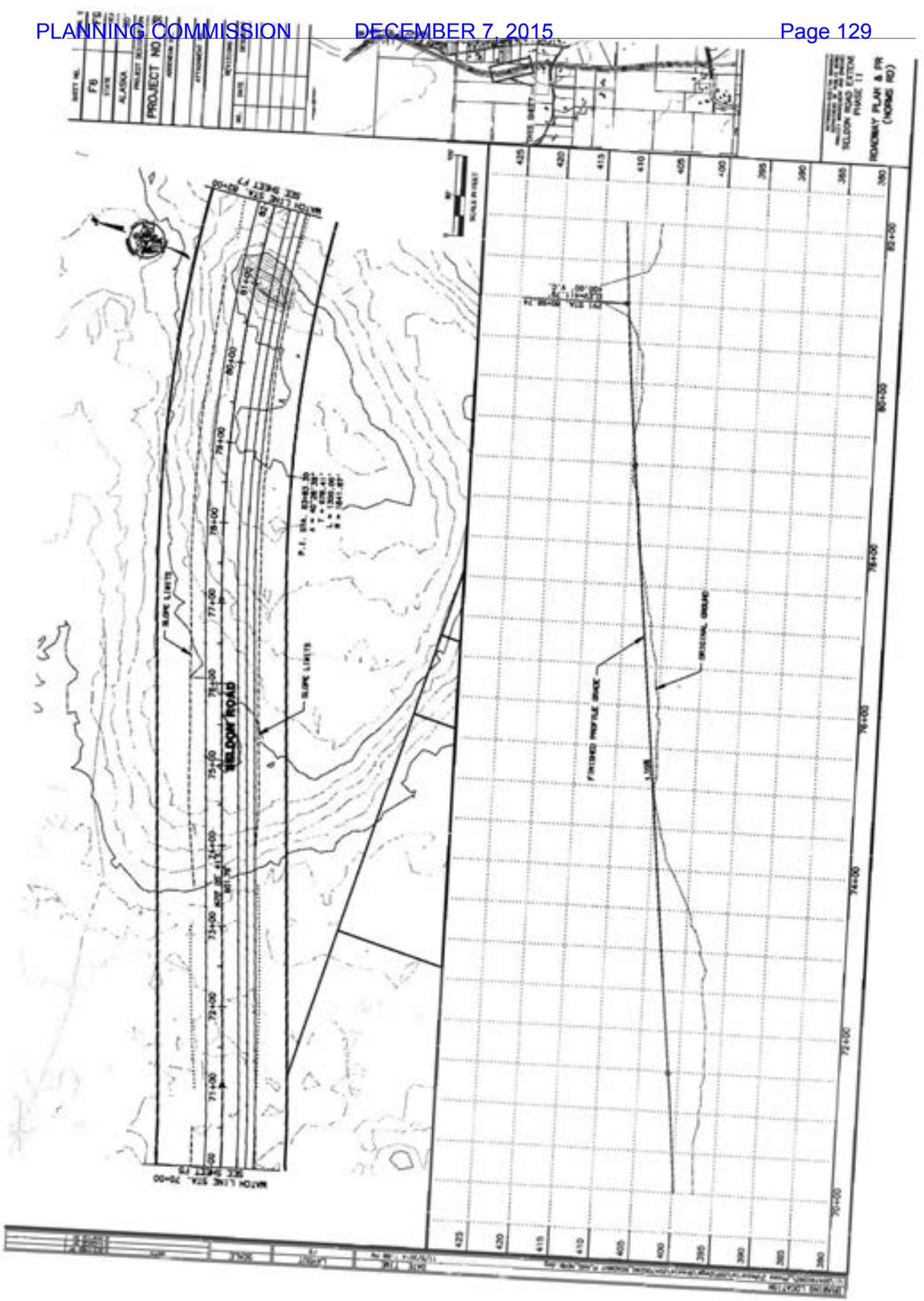
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STATE	ALASKA
PROJECT NO.	11
CONTRACT NO.	
SECTION	
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DATE	
REVISION	

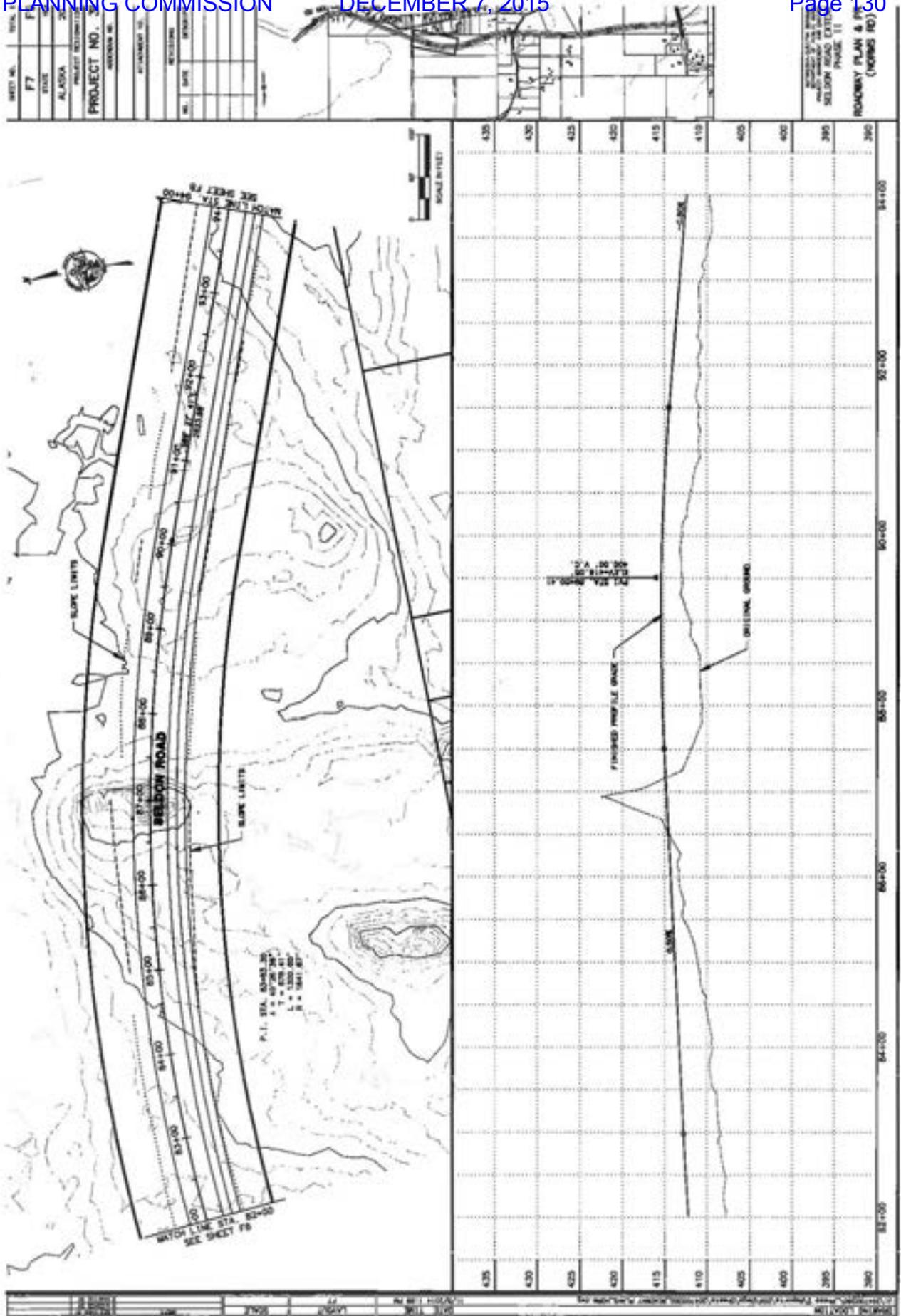


APPROVED FOR THE STATE OF ALASKA
 Seldon Road (Elev.)
 PARCEL 11
 ROADWAY PLAN & PROFILE
 (NO. 10) (NO. 10)

DATE	NO.	BY	REVISION









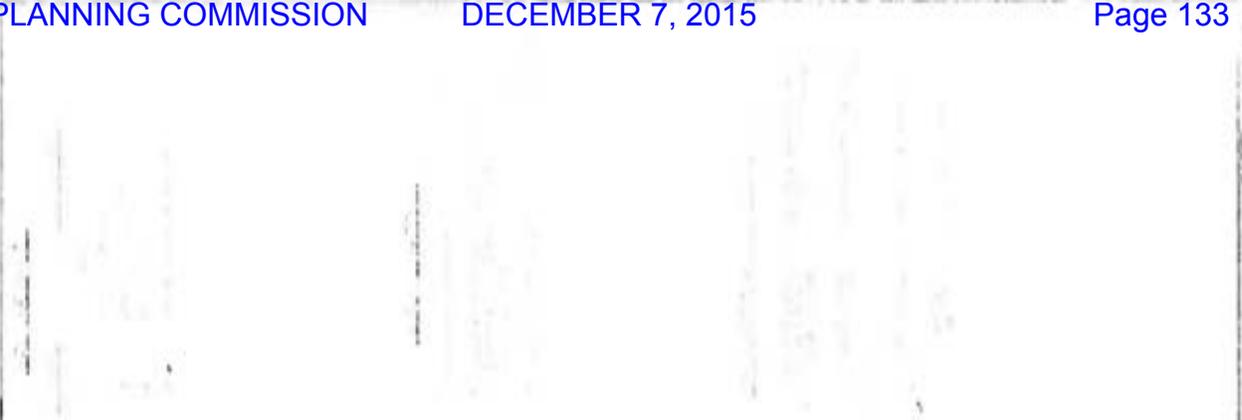
MATANUSKA - SUSITNA BOROUGH
DEPARTMENT OF PUBLIC WORKS

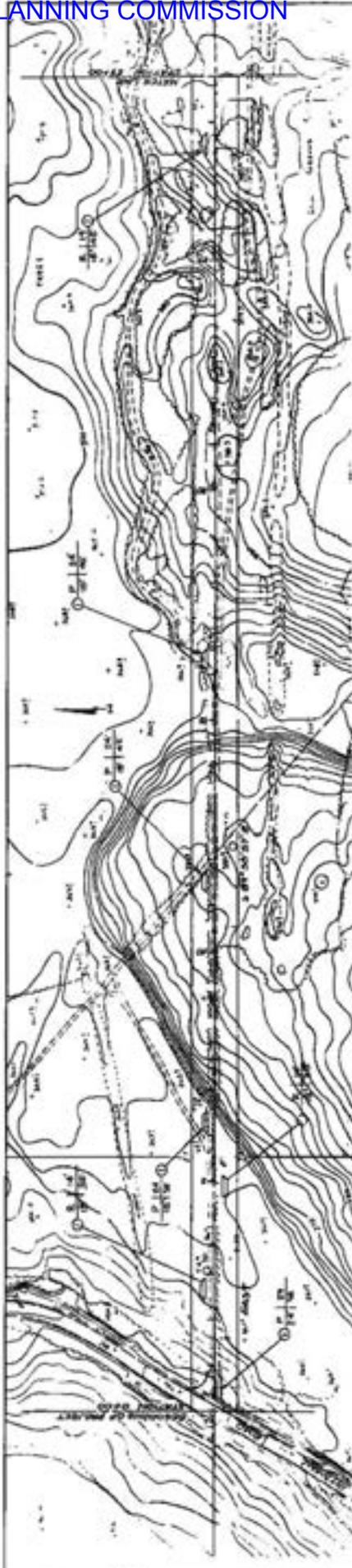
PLAN & PROFILE
PROPOSED HIGHWAY PROJECT

**PITTMAN - WASILLA FISHHOOK
CONNECTOR ROAD**

GRADING & DRAINAGE

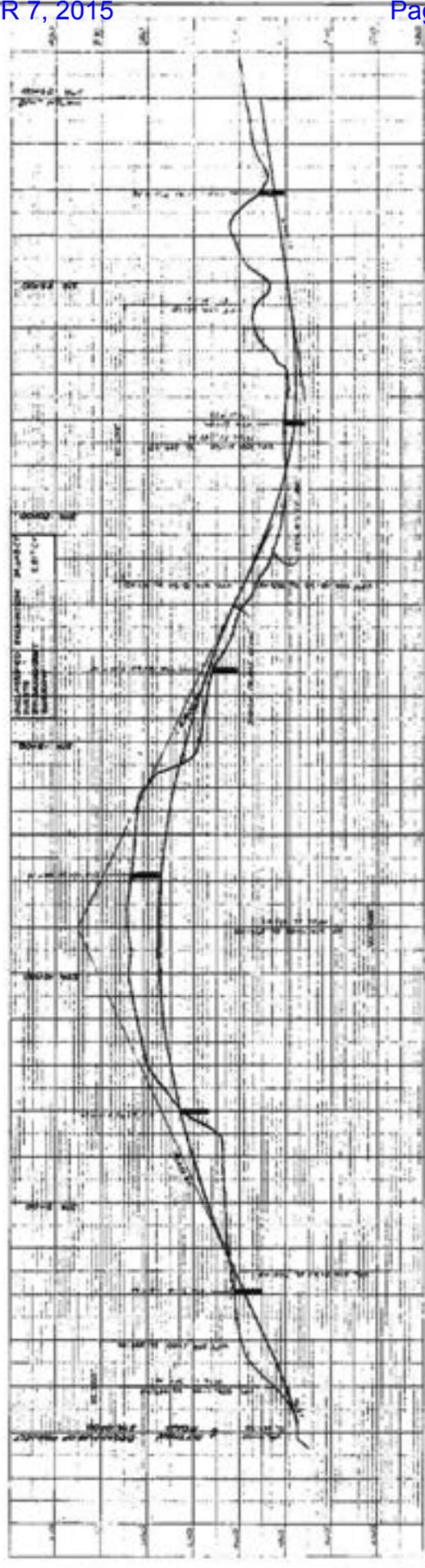
De Camp - Brown & Associates



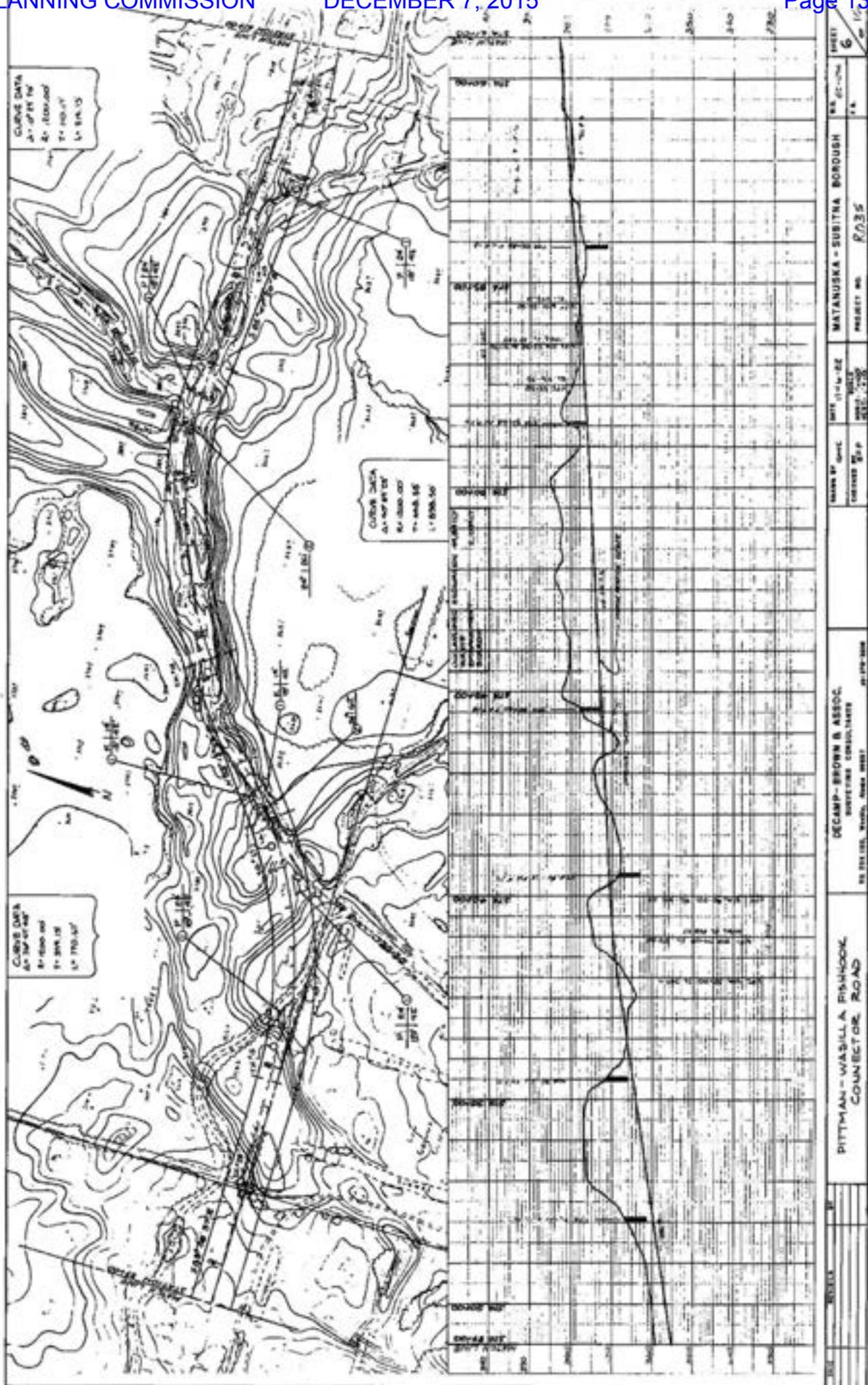


GENERAL NOTES

1. ALL DIMENSIONS ARE AS SHOWN UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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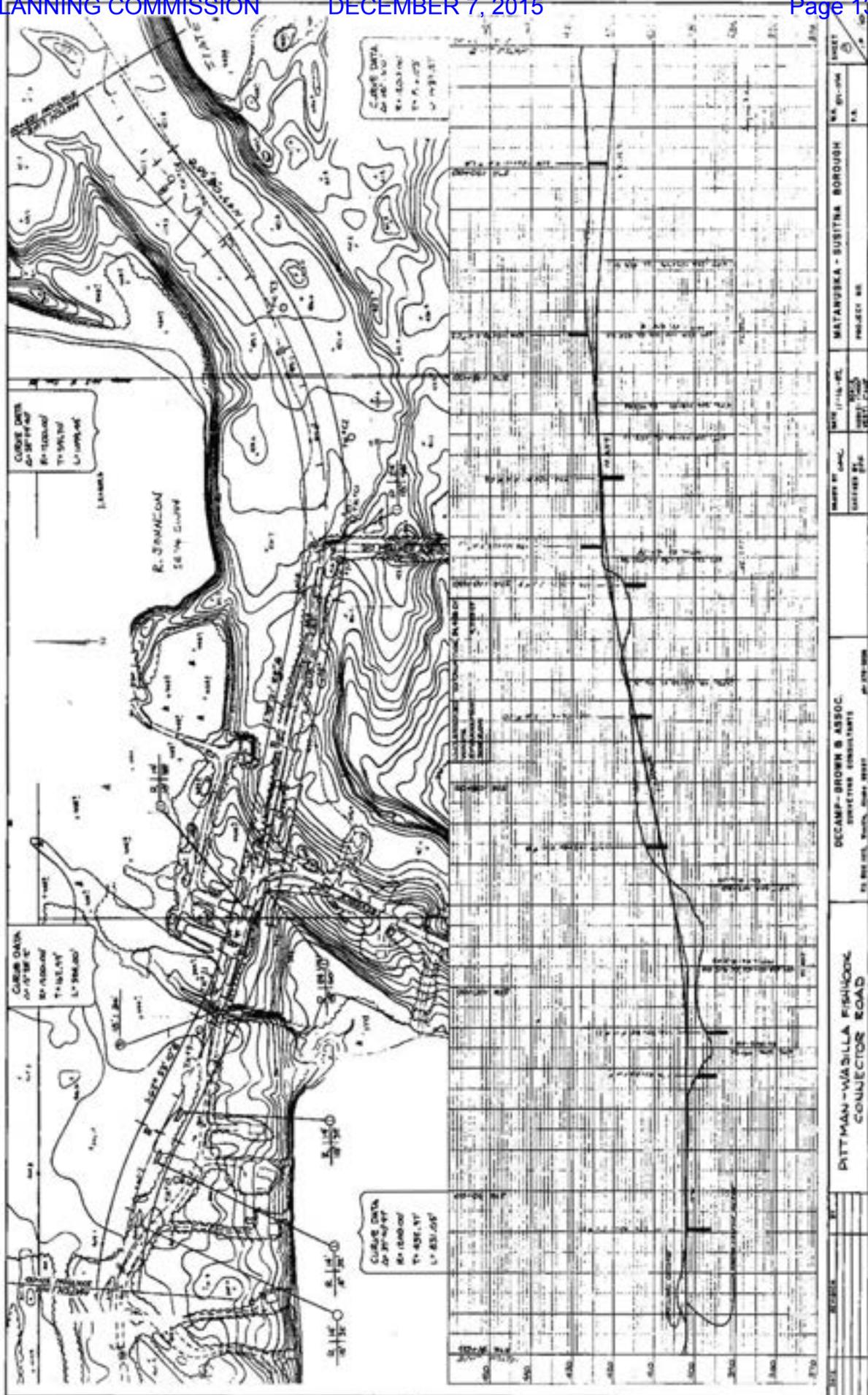
DATE	REVISION	BY	NO.	PROJECT NO.	PROJECT NAME	SCALE	SHEET NO.	TOTAL SHEETS
				15-000	PITTMAN - WASILLA FISH HOOK COUNTRACTOR ROAD	AS SHOWN	5	5
		DRAWN BY: J.C.		CHECKED BY: J.C.		DATE: 12/15/15		
		DESIGNED BY: J.C.		PROJECT NO.:		PROJECT NAME:		
		CONSULTANT:		PROJECT NO.:		PROJECT NAME:		
		PROJECT NO.:		PROJECT NAME:				



DECAMP-BROWN & ASSOC.
SURVEYING & CONSULTANTS
25 1ST ST. SUITE 200, SEASIDE, NH 03081

PITTMAN - WABILL A. PRINHOOD
COUNTECTOR ROAD

DATE: 12/2/15
SHEET: 6 OF 16
PROJECT NO: R035
MATTANUSKA - SUBITRA BOROUGH



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Appendix B– ALTERNATIVE ALIGNMENT EVALUATION

**Seldon Road Extension: Phase II
Alternative Alignment Comparison**

Alignment Evaluation Criteria	"Zehnder Road Alignment"	"Fishback Circle Alignment"	"Starr Road Alignment"	"Norm's Road Alignment"
Construction Cost				
Right-of-Way	\$ 1,636,000	\$ 2,230,000	\$ 1,842,000	\$ 1,838,000
Wetland Mitigation	\$ 157,500	\$ 162,500	\$ 240,000	\$ 152,500
Intersection Upgrades	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Utilities	\$ 300,000	\$ 200,000	\$ 500,000	\$ 200,000
Construction Cost	\$ 7,100,000	\$ 7,100,000	\$ 7,500,000	\$ 6,750,000
Estimated Total	\$ 9,243,500	\$ 9,742,500	\$ 10,132,000	\$ 8,990,500
Transportation Outcomes				
Linear feet of new roadway	2.0 miles	2.0 miles	2.0 miles	2.0 miles
Straightness for speed, efficiency, and safety	3 curves	4 curves	1 curve	3 curves
Number of driveways directly off the roadway	8 driveways	4 driveways	1 driveways	5 driveways
Pittmans Intersection safety: distance from school	893 feet	1,133 feet	2,755 feet	1,767 feet
Pittman intersection safety: sight distance	200 feet from curve	On curve	125 feet from curve	553 feet from curve
Community Impacts				
Private property impacted	14 - Parcels 13.7 acres	13 - Parcels 18.6 acres	14 - Parcels 15.4 acres	13 - Parcels ** 15.3 acres
Existing dwellings closer than 100' to right-of-way	5 properties	4 properties	2 properties	5 properties
Wetland acres impacted	6.3 acres	6.5 acres	9.6 acres	6.1 acres
Stream crossings	2 streams	2 streams	3 streams	2 streams

** Structure relocation required

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Appendix C – ALTERNATIVE ALIGNMENT WEIGHTED SCORES

**Seldon Road Extension: Phase II
Alternative Alignment Weighted Scores**

Alignment Evaluation Criteria	Weighted Percentage	Raw Score Alignment Ranking (See scoring legend below)				Weighted Score Alignment Ranking (Low score favorable)			
		Zehnder Road	Fishback Circle	Starr Road	Norm's Road	Zehnder Road	Fishback Circle	Starr Road	Norm's Road
Construction Cost - Overall	25%	2	2	4	1	0.50	1.00	0.50	0.25
Private Property Impacts	20%	1	2	2	3	0.20	0.40	0.40	0.60
Wetland Impacts	10%	1	2	4	3	0.10	0.40	0.20	0.30
Roadway Geometry	15%	3	3	1	2	0.45	0.15	0.45	0.30
Direct Residential Driveways	15%	4	2	1	2	0.60	0.15	0.30	0.30
Existing Dwelling (100' buffer)	10%	3	2	1	3	0.30	0.10	0.20	0.30
Pittman Intersection: Sight Distance	5%	3	1	4	1	0.15	0.20	0.05	0.05
		17	14	17	15	2.30	2.40	2.10	2.10
		<i>Raw Score Totals</i>				<i>Weighted Score Totals</i>			

Alignment Scoring Legend
1- Strongest Compliance with Criteria
2- Moderate Compliance with Criteria
3 -Low Compliance with Criteria
4 -Minimum Compliance/No Compliance with Criteria

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Appendix D– DRAFT MSB FIVE ARTERIALS (EXCERPT)

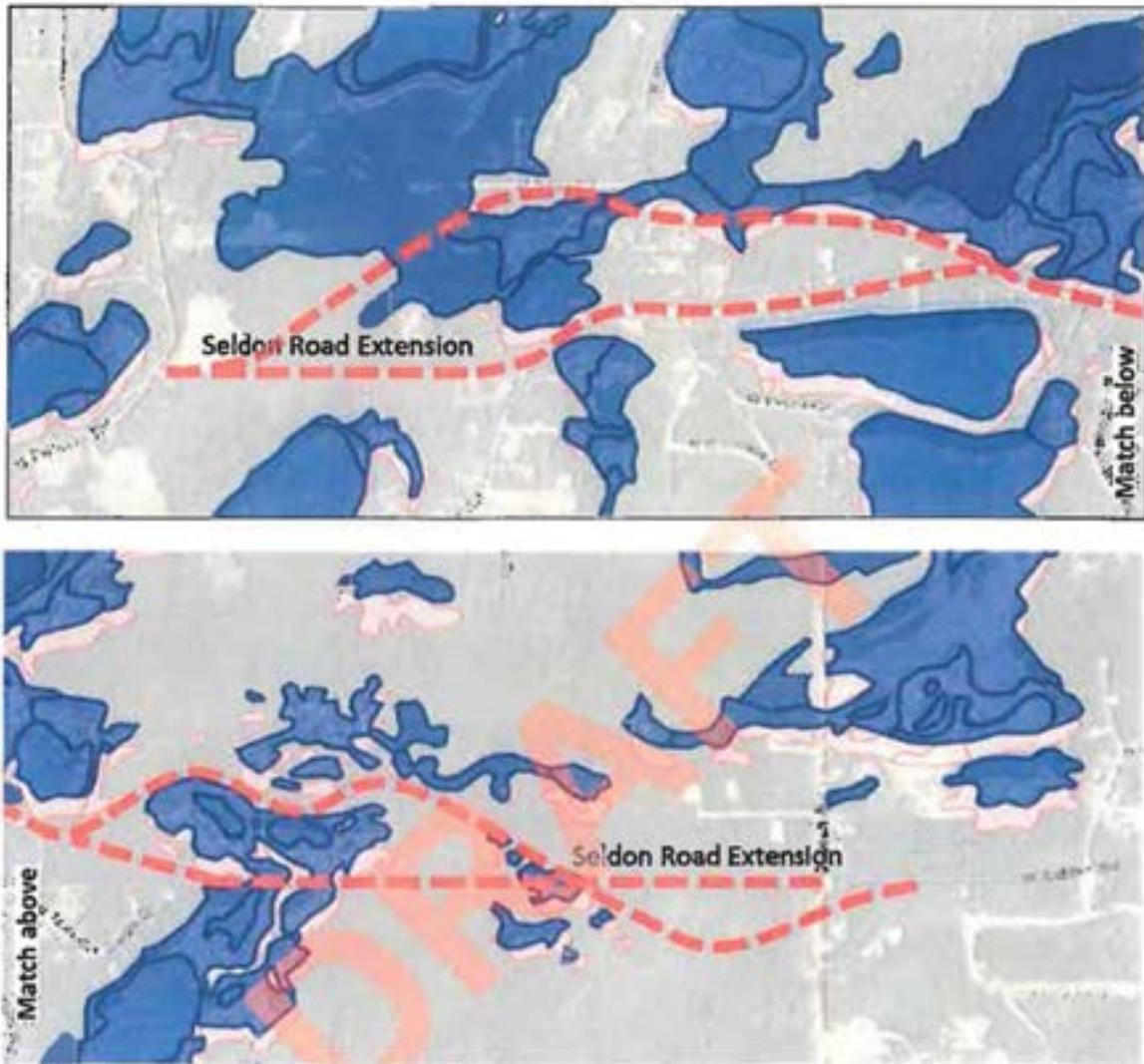


Figure 3-11. MSB Wetlands Mapping, Seldon Road Extension

Matanuska-Susitna Borough Project Update!

Phase II Design

Join project staff and your neighbors to offer input on road and pathway design, access control (driveways and intersections), and safety.



FINAL PUBLIC MEETING

1741 N. Pittman Road (MP 2.0)
Meadow Lakes Elementary School
(in the Library)

Tuesday **20th**
October
5:30 pm - 7:30 pm

Drop in anytime, open house format

Seldon Road Extension Phase II Pittman Road to N. Beverly Drive

Project Time Line

Phase II Seldon Road Extension

Pittman Road to N. Beverly Drive

March 2015: A preferred Phase II alignment was selected and confirmed by Mat-Su Borough Assembly.

Summer 2015: Field work is complete for the selected alignment (including survey, soils, wetlands, and cultural resources).

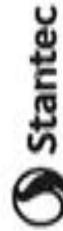
Fall 2015: Right-of-way purchase negotiations begin.

October 20, 2015: Public Meeting #3 - Final project meeting to seek community input on Phase II design, access control (driveways, road intersections), and Pittman traffic flow/orientation alternatives.

2016+: Complete right-of-way acquisition and advance design to 75% level. Seek funding to complete the project.

For more information contact:

Stantec, Sara Doyle
Public Involvement Coordinator
Wasilla: 352-7815 sara.doyle@stantec.com



Seldon Road Extension project website:
www.matsugov.us/projects/seldon-road-extension

Stantec
351 W. Parks Highway, Suite 200
Wasilla, Alaska 99654

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Meeting Materials

November 13, 2014

STATION 1

Sign In, Project Overview, & Public Input

At this station:

Tonight's event

- Sign In & Orientation
 - Input Form
- Meeting Objectives
 - Ground Rules

Project overview

- East-West Corridor History
 - Project Scope & Goals
- Project Timeline & Status

Next steps

- INPUT DEADLINE December 8, 2014:
 - Public Input forms
- Preliminary Engineering Report (PER)
 - www.matsugov.us/project/roads/bond-projects
- Alignment Selection & Approval (MSB Staff, Transportation Advisory Board, Planning Commission, and Assembly)

... and any general project or public input questions you may have.

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Welcome to Public Meeting #2

Seldon Road Extension, Phase II
Windy Bottom Road to Pittman Road

November 13, 2014 • 5:00 – 8:00 pm • Meadow Lakes Elementary School

We need your input!

Please visit each of the four Open House Stations, look at the displays, and ask questions. Then complete the input form attached to this agenda and return it to the sign-in table before you leave.

If you prefer to mail or email your input, send **by December 8, 2014** to:

Sara Doyle, Stantec (formerly USKH)
351 W. Parks Highway, Suite 200,
Wasilla, AK 99654
sara.doyle@stantec.com
Fax: 376-7819 Phone: 352-7813

Station 1.

Sign In, Project Overview, & Public Input

Sara Doyle – Public Involvement, Stantec

Station 2.

Alignment History, Suitability, & Criteria

Kacy Hillman, Environmental Analyst, Stantec

Station 3.

Preliminary Routes & Evaluations

Steve Kari, Principal Transportation Engineer, Stantec
Will Webb, Transportation Engineer, Stantec
Charles Hakari, Transportation Engineer, Stantec

Station 4.

Right-of-Way Acquisition Q&A

Fred Mortimer, Right of Way Agent, Dryden and LaRue

Project Goals:

- 1) Finalize Phase I design (completed)
- 2) Evaluate Phase II routes (underway)
- 3) Phase II design (future)

Meeting Objectives:

To share findings and gather public input to help the Borough select a final preferred route.

Project Timeline:

Fall 2013 (Public Meeting #1)
Project Kick-Off

Winter 2014

Phase I Preliminary Design
Phase II Route Evaluation

Summer 2014

Phase I Construction starts

November 2014 (Public Meeting #2)

Phase II Route Alternatives

December 2014 – February 2015

Phase II Route Alignment
Selection & Approval

Spring 2015 (Public Meeting #3)

Phase II Draft (75% Design);
Begin ROW Acquisition

2016-2018 (Pending Funding)

Phase II Final Design & Construction

Ground Rules:

- ✓ **Be respectful;** use a courteous voice.
- ✓ **Listen** to learn.
- ✓ **Contribute** to the project and improve outcomes by sharing your knowledge, concerns, and feedback.



Please give us your input

Seldon Road Extension, Windy Bottom Road to Pittman Road

Welcome to our project meeting. Help improve project outcomes by sharing feedback.

Please return your input tonight or by December 8, 2014 to:

Sara Doyle, Stantec (formerly USKH), 351 W. Parks Highway, Suite 200, Wasilla, AK 99654

Fax: 376-7819 Phone: 352-7813 Email: sara.doyle@stantec.com

1) Please describe your interest in the Seldon Road Extension project (e.g. neighbor, property owner, desire for better transportation, real estate professional, etc.):

2) Rank your priorities for selecting a Seldon Extension Phase II alignment (between Windy Bottom Road and Pittman Road) by ranking the evaluation criteria below

Rank your 1st, 2nd, 3rd, 4th, and 5th priorities (1st is the most important, 5th is the least):

_____ **Project Cost:** Achieve cost savings by using existing rights-of-way, public land, section lines, and by avoiding natural constraints.

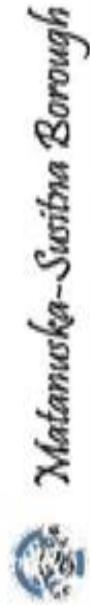
_____ **Roadway Geometry:** Limit curves and use direct, straight tangents as much as possible, both for safety and to improve east-west travel efficiency.

_____ **Intersection:** Locate the intersection with Pittman to enable high-capacity westward travel in the future (Phase III extension), with good sight distances, setback from traffic generators (e.g., school).

_____ **Private Property Impacts:** Minimize private property impacts, high acquisition costs, and loss of taxable property value.

_____ **Natural Resource Impacts:** Limit impacts to wetlands, streams and wildlife habitat.

3) Are there any other criteria or issues you want the Borough to consider as part of the Seldon Road Extension project?



Seldon Road Extension Project



Approximate miles of east-west arterial road from Palmer to Houston. The corridor will eventually provide 60% of the arterial road network. The corridor will be 60% constructed by 2015.

PROJECT SCOPE

The Matanuska-Susitna Borough and Stantec, formerly USKH, are midway through a project to extend Seldon Road between Church Road and Pittman Road. This new arterial road represents the next link in an east-west corridor envisioned to reach from Palmer to Houston.

PROJECT STATUS

Project Status	Phase I - Church Road to Seldonia Lake Road	Phase II - Seldonia Lake Road to Pittman Road
Alignment Exploration	100% Complete	70% Complete
Preliminary Engineering	100% Complete	In Progress
Right-of-Way Acquisition / Easement	100% Complete	Anticipated 2015
Final Plans & Specifications	100% Complete	Anticipated 2015
Construction	80% Complete	Pending Funding



Project Scope & Status

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STATION 2

Alignment History, Suitability, & Criteria

At this station:

History

- Phase II Route Studies: 1980 to 2013
- 1984 Pittman-Lucille Connector
- 2013 Arterial Study

Suitability

- Phase II Study Area
- Phase II Lakes, Waterways, Wetlands and other natural features
- Many alignments were considered, including a number of routes proposed by the public at our kick-off public meeting.

Criteria

- DRAFT Alignment Evaluation Criteria based on project public input.
- 4 PRELIMINARY ALIGNMENTS evaluated against criteria:
 - Zehnder Road
 - Fishback Circle
 - Norm's Road
 - Starr Road

... and any other study area questions you may have.

Seldon Road Extension Project



Routes Evaluated in Preliminary Engineering Report (PER)

- Fishback Road Alignment (Prop. Roadbed)
- North's Road Alignment (2nd Roadbed)
- Seldner Road Alignment (2nd Roadbed)
- Star Road Alignment (1st Roadbed)

- Perennial Stream
- Intermittent Stream
- Wetland/Seasonal Wetland
- Emergent Wetland
- Forested Wetland
- Shrub-Savanna Wetland
- Pond
- Lake

Seldon Extension Phase II Study Area



Legend



Phase II Wetland Reconnaissance

STATION 3

Preliminary Routes & Evaluations

At this station:

Our Preliminary Engineering Report's (PER) top rated alignments
(full report at www.matsugov.us/project/roads/bond-projects)

**Zehnder Road
Alignment**

Ranked #3

- Construction Cost
- Transportation Outcomes
- Community Impacts

**Fishback Circle
Alignment**

Ranked #1

- Construction Cost
- Transportation Outcomes
- Community Impacts

**Norm's Road
Alignment**

Ranked #2

- Construction Cost
- Transportation Outcomes
- Community Impacts

... and any other engineering/design questions you may have.





Seldon Road Extension Project



Alignment Evaluation Criteria

Construction Cost	
Right-of-Way (1,607')	\$1,436,000
Wetland Mitigation	\$157,500
Intersection Upgrades	\$50,000
Utilities	\$300,070
Construction	\$7,100,000
Estimated Total	\$9,143,570

Transportation Outcomes	
Linear feet of new arterial roadway	2.0 miles
Straightness for speed, efficiency, and safety	2 curves
Number of alleyways directly off the roadway	8 alleyways
Pitman Intersection safety distance from school	893 feet
Pitman Intersection safety: sight distance	200 feet from curve

Community Impacts	
Private properties impacted	14 Parcels 13.7 acres
Existing dwellings closer than 100' to right-of-way	5 properties
Wetland acres impacted	4.3 acres
Stream crossings	2 streams

Zehnder Road Alternative Alignment





Seldon Road Extension Project



Alignment Evaluation Criteria

Construction Cost	
Right-of-Way (1167)	\$2,230,000
Wetland Mitigation	\$142,500
Intersection Upgrades	\$50,000
Utilities	\$200,000
Construction	\$7,100,000
Estimated Total	\$9,742,500

Transportation Outcomes	
Linear feet of new arterial roadway	2.0 miles
Straightness for speed, efficiency, and safety	4 curves
Number of driveways directly off the roadway	4 driveways
Minimum intersection safety distance from school	1,132 feet
Minimum intersection safety sight distance	On curve

Community Impacts	
Private properties impacted	13 Parcels 18.4 acres
Existing dwellings closer than 100' to right-of-way	4 properties
Wetland acres impacted	4.5 acres
Stream crossings	2 streams



Fishback Circle Alternative Alignment

STATION 4

Right-of-Way (ROW) Acquisition

At this station:

ROW Process

- How the process works
- Property owner compensation
 - Timeline

Alignment Impacts

- Properties with possible ROW acquisition in the Phase II Study area
- Preliminary conversations with property owners

... and any other ROW questions you may have.



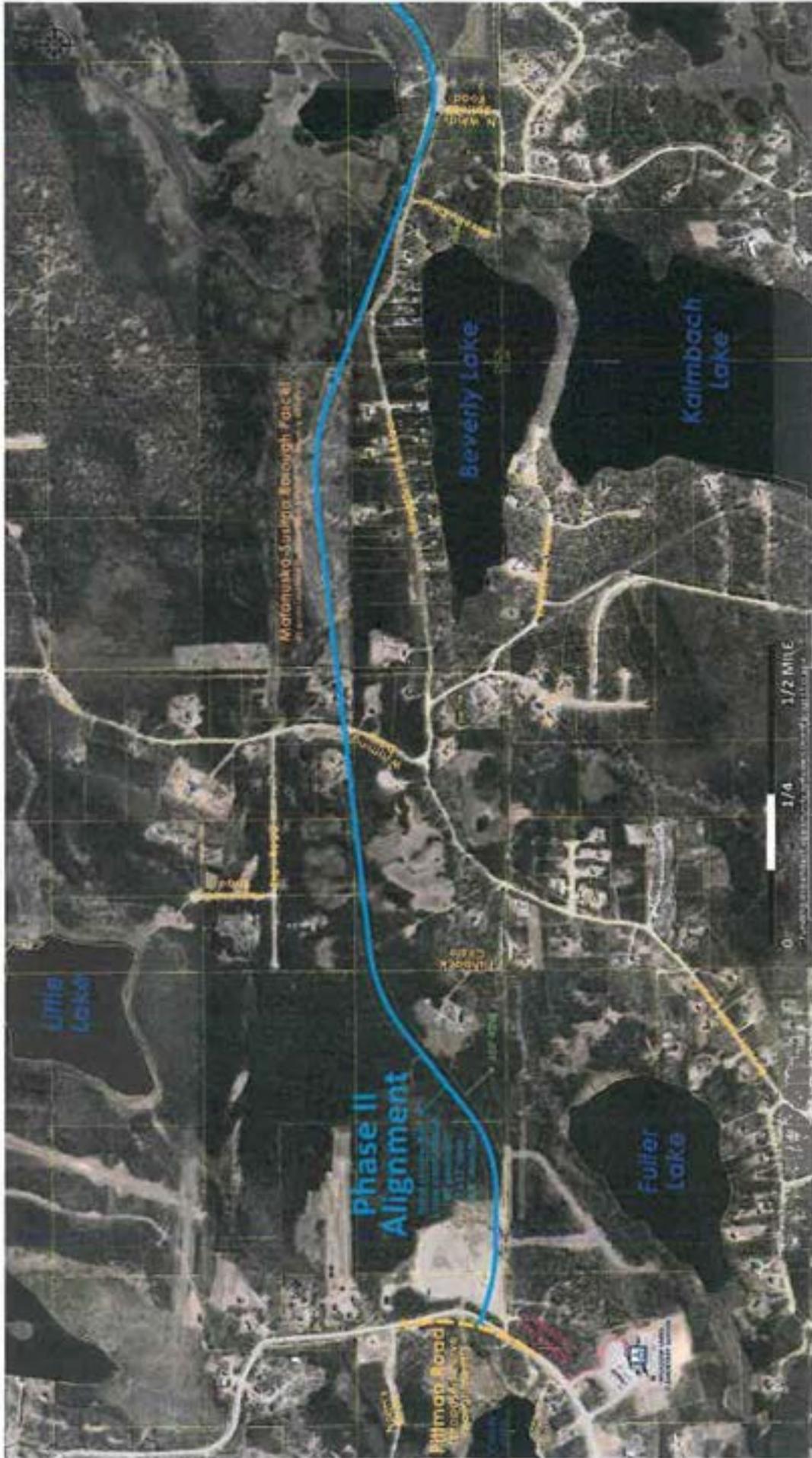
Seldon Road Extension Phase II Preliminary 160' Alignments

 Matamoras-Sucina Borough

Phase II Preferred Alignment Map

Seldon Road Extension Project

Phase II Alignment



Matanuska-Susitna Borough



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TAB Draft Meeting Minutes

November 18, 2015

VI. APPROVAL OF MINUTES OF PRECEDING MEETING

- A. October 28, 2015 (Regular Meeting)

MOTION: Mr. David Lurdin moved that the minutes of the October 28, 2015 meeting be approved Mr. Ken Walch seconded.

GENERAL CONSENT: The minutes were approved without objection.

VII. INFORMATION FROM THE CHAIR

Discussed the growth of the student population in the MSB this year

Transportation systems are very important to the Valley

Spoke on the concerns of the seniors who live in the outlying areas of the Valley

Believes mass transit will be more and more important

VIII. REPORTS FROM OTHER BOARDS AND COMMITTEES

- A. AAB – Beth Fread

B. Parks, Rec. & Trails – Sonya Lankey-Walden. Update on the joint meeting with TAB.

- C. RSA's – Dan Elliott (*not here today*)

XI. AGENCY AND STAFF REPORTS

- A. Cities

1. Palmer – *no one here today*

2. Wasilla – Mr. Bill Klebesadel, Deputy Public Works Director

- Main Street Couplet
- Lucas Road
- Clapp/Mack
- Spoke on Trunk Road Extension to the north

3. Houston – *no one here today*

- B. State Agencies

None today

- C. MSB Staff

1. Brad Sworts, MSB Transportation Manager

- a. Clapp/Mack update on the signal lights; should be done by 12/1

- b. Trunk Road Extension East is shut down for winter; there will be some finishing up in the spring

- c. Bogard Road Extension East is substantially done now; the construction contractor will have to do some landscaping next spring

- d. PMRE – 5 of the 6 segments are done; still need to get Segment 2 done (right of way should be done the spring of 2016, then we will be waiting on funding)

2. Jessica Smith, MSB Transportation Planner

- a. Got the final draft of the MPO report earlier this week; she will get it to us by the end of the month

- b. Met with Chickaloon Transit and Sunshine Transit re the LRTP

- c. RFP for the Transit Feasibility Study is out now

- d. RASP Phase II survey responses will be taken through the end of the month

- e. Met with the Assembly, the Planning Commission, the Tri-Cities and the Platting Board – gave them the same MPO presentation that she gave to us at our last meeting

D. Tribal Organizations

None today

E. Transit

1. Mr. Casey Anderson, Alaska Mobility Coalition update (*not here today*)

X. PRESENTATIONS

A. Sean Baski, ADOT&PF

1. Glenn Highway into Palmer ("Glenn Hwy MP 34-42") project status
2. Fairview Loop Safety and Pathway Improvements project status

B. Carla Smith, ADOT&PF

1. Moose Creek Canyon ("Glenn Hwy MP 53-56") project status
Website: www.glennhighwayatmoosecreek.com

C. Edith Mckee, ADOT&PF

1. Schedule of the section of Glenn Highway being moved towards the Musk Ox Farm ("Glenn Hwy MP 49") project status

XI. AUDIENCE PARTICIPATION (*limited to three minutes*)

Kenna Hueling

- Spoke on public transportation for youth and seniors. Is concerned that we need to have a bus route so the busses are coordinated both within the Borough and from the Borough to Eagle River and Anchorage. Spoke on the benefits that public transportation could provide. Is frustrated that the transit providers don't seem to be interested in helping the college kids. Spoke on housing struggles, too, as well as transportation issues that impact the students.

Mr. Eugene Carl Haberman

- Complemented the TAB on how their meetings are run
- Spoke on troubles at a KABATA's recent meeting
- Mentioned that the MEA application was recently approved but it was not done well
- Was a bit frustrated when he couldn't hear the audience introductions

XII. UNFINISHED BUSINESS

A. High Tower Lighting (light pollution). ADOT&PF's future plans

1. Let's discuss with ADOT&PF what it is that we want to know about. Then they will give a presentation to us in December. Discussion.

MOTION: Ms. Sonya Walden moved that we to move this to December's meeting and ask ADOT&PF to come and talk with us in January; seconded by Mr. LaMarr Anderson.

AMENDMENT: Mr. David Lundin asked that we amend the motion so that we only meet during the December meeting and have the discussion and presentation in the same meeting; seconded by Mr. LaMarr Anderson

VOTE ON THE AMENDMENT: no objection

VOTE ON THE AMENDED MOTION: no objection

XIII. NEW BUSINESS

A. **TAB Resolution 15-12, IN SUPPORT OF THE SELDON ROAD EXTENSION CORRIDOR ACCESS MANAGEMENT PLAN**

MOTION FOR APPROVAL: Mr. David Lundin, seconded by Mr. Ken Walch. Discussion with Mr. Mike Campfield, MSB Environmental Engineer.

AMEENDMENT: Mr. LaMarr Anderson moved that the resolution be amended to read "a" in both THEREFORE paragraphs from "the" and "this"; seconded by Mr. Rick Besse. Discussion.

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AMENDMENT: Mr. David Lundin moved that we leave the words alone and ask that Mr. Mike Campfield submit updated graphics for figures 4 and 6 to reflect Option 2; seconded by Ms. Sonya Walden.

VOTE ON THE FIRST AMENDMENT: Mr. LaMarr Anderson withdrew his amendment

VOTE ON THE SECOND AMENDMENT: no objections

VOTE ON APPROVING THE RESOLUTION: no objection and this resolution passes as amended with the updated graphics

B. Positions Expiring 12-31-2015

1. At-Large 2: LaMarr Anderson (has served two terms; is not eligible to reapply)
2. Environmental: Rick Besse (has served two terms; is not eligible to reapply)
3. Transportation Industry: Ken Walsh (has served two terms; is not eligible to reapply)

XIV. UPCOMING MEETING REMINDER(S)

- A. Our next regular TAB meeting will be on Wednesday, December 16, 2015, 2:00 - 4:30 pm in the MSB Assembly Chambers.
- B. Our joint meeting with the Parks, Rec. & Trails Advisory Board will be on Wednesday, December 16, 2015, 4:30 – 6:00 pm in the MSB Assembly Chambers.
- C. 2016 Meeting Schedule – the Board members requested that we move the November meeting to the 30th and move the December meeting to the 21st.
- D. Meeting Deadlines for Next TAB Meeting

XVI. COMMENTS FROM THE BOARD

Ms. Sonya Walden

She's going to miss the Board members who are leaving
 Enjoys working with the staff
 Hopes we all have a great thanksgiving

Mr. Ken Walsh

Thinks ADOT&PF did a great job on their presentations and wants to be sure they know he appreciates their information

Agrees that public transit is becoming increasingly important in the MSB; likes the view that Kenna brought to the Board.

Feels that the Borough hasn't taken a very financially aggressive position with public transit
 Believes that we badly need a strengthened public transit system
 Hopes that positive action can be taken on this topic

Mr. David Lundin

No comment

Mr. LaMarr Anderson

No comment

Mr. Rick Besse

He will be around one more meeting

Thinks that the TAB has been a good experience

Wonders when the "powers that be" will understand that they will have to pay for community improvements. Is frustrated that the Assembly didn't do anything with the bond project resolution that the TAB passed earlier this year.

Thinks the Board has been positive. Feels we need to keep working with the "powers that be" to help them understand that we should keep trying for bond projects and put a package of some sort to the voters because it's still growing out here.

The TAB is an advisory board to the Assembly regarding transportation. He thinks the roads will end up in a big mess if we don't do something.

Mr. Don Carney

In the public transportation arena, there are profitable routes and not-so-profitable routes. When we're dealing with nonsubsidized or poorly subsidized transportation organizations, they have no choice but to operate in the profitable areas. The only way to fix this is servicing the not-so-profitable areas becomes part of the requirements to get additional support for funding from other agencies. We each must continue to campaign for a public transit system that addresses our issues and also for maintaining our infrastructure. None of this comes cheaply.

The TAB is an advisory board; it reminds him of the daughter of one of the Greek gods who was cursed with seeing the future but no one would believe her. Because of that, he appreciates everyone's help even more.

Good that we have so many people in the Valley who care and support our projects. Look at the road and school bond projects that were recently passed. We've established some credibility because people can see that their tax money is well spent. Believes we need to keep moving forward.

Enjoys being on this advisory board and working with the Board members.

XVII. ADJOURNMENT

With no further business at hand, the meeting was adjourned at 4:04 p.m.

Mr. Don Carney, Chair

ATTEST:

Ms. Debbie Passmore, Board Admin. Support

**INTRODUCTION FOR PUBLIC HEARING
LEGISLATIVE**

Resolution No. 15-30

PC Policies and Procedures Manual Update

(Page 183 - 288)

INTRODUCTION FOR PUBLIC HEARING

MSB
Planning Commission Handbook

Review Draft
November, 2015



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7833 • Fax (907) 861-7876

www.matsugov.us • planning@matsugov.us

Letter from the Planning Director

Members of the Planning Commission provide an invaluable service to our Borough. They advise the Assembly on a wide variety of subjects by making recommendations on important policy matters. Over the years, the services and programs provided by the Borough have expanded. Without the assistance of the Planning Commission, the Assembly could give many complex and significant matters only a perfunctory review. The detailed studies and considered advice of the Planning Commission are often catalysts for innovative programs and improved services.

Serving on the Planning Commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. If we are to have government "of the people, by the people and for the people," we must have the continued participation of the many dedicated board and commission members. Making local government effective and responsive is everybody's responsibility.

The Planning Commission, together with the Planning Department and the Assembly, has an important role that involves providing support and direction to citizens and community leaders to guide the future development of the Borough. This is done by working with citizens in the creation of Comprehensive Plans and through the administration of our Borough's Special Use Districts, subdivision, and preservation ordinances that are intended to regulate the use of land so that it is consistent with our Borough's plans.

The main job of the Planning Commission and the Planning Department is to work together toward the vision established in the Comprehensive Plan by establishing ordinances and more detailed project plans that will make that vision a reality.

On behalf of the Matanuska Susitna Borough, I wish to thank the Planning Commission for their service and extend an invitation to all residents of the Borough to give serious consideration to serving on a citizens' advisory body.

A handwritten signature in cursive script, appearing to read "Eileen Probasco".

Eileen Probasco

Planning and Land Use Director

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I. AN OVERVIEW OF PLANNING

Citizen Participation

The Matanuska Susitna Borough's system of boards and commissions provides a way for residents to participate in the Borough's decision making process by advising the Assembly on numerous issues.

The governmental decision-making process has other citizen participation mechanisms, such as speaking at public hearings, speaking before the Assembly, serving on boards and commissions, participating in neighborhood based organizations such as community councils, petitioning and letter writing, and, of course, voting.

The Borough believes it is not only the right, but also the duty of citizens to participate in planning for their future, and that the Borough has a responsibility to provide Commissioners with the tools to carry out their charge. That responsibility includes having established codes to help guide decisions, providing for annual trainings for Commissioners, and providing supplemental written support such as the State of Alaska Planning Commission Handbook, various professional publications, and this handbook.

The board and commission system provides the opportunity to interact creatively with people of all ages, interests and backgrounds. Democracy can be realized when citizens are able to come together across neighborhood and economic lines to assist in making the community decisions that will shape all of their lives. While Commissioners are themselves appointed from within the community, it is important that they in turn ensure that a wide variety of viewpoints from the rest of the community are considered when commissions make recommendations to the Assembly. Commissioners should treat these widely varying viewpoints of other Commissioners and member of the public with respect so that all citizens are encouraged to participate in government.

The Borough enjoys a wide variety of Assembly appointed citizen boards, commissions and committees which advise the Assembly on numerous issues. As citizen participation has evolved into a vital and integral part of local government, the number of commissions has steadily grown so that there are now approximately twenty-seven such bodies functioning within the Borough, not counting the councils, boards and committees within Palmer, Wasilla, and Houston, which are independent of the Borough Assembly and not within the purview of this manual.

Brief History of Planning in the United States

Community planning in the United States dates back to the early days of the republic. Colonial Philadelphia, Williamsburg, and the new capital of Washington, D.C., were planned towns where the streets and public buildings were designed before development began. These cities followed the model established by European cities to build according to an overall design. Boulevards were arranged in relation to monumental public buildings and extensive parks to enhance the visual impression of the city. The City Beautiful movement of the late 19th century provided momentum for reform. Influenced by the 1893 Chicago World's Fair, planners began looking at the physical layout of parks, streets, civic centers and transportation systems with an emphasis on aesthetics. The City Practical movement after World War I focused on the engineering, legal, social and

administrative aspects of community problems.

The U.S. Department of Commerce issued the Standard City Planning Enabling Act in 1927 in response to growing interest in regional planning. Community planning began in earnest in the 1930's and 1940's as federal expenditures helped fund numerous planning studies. Local planning activity increased dramatically with the passage of Section 701 of the Federal Housing Act of 1954. Many communities used Section 701 monies to create community plans to meet federal funding requirements as well as address local issues. The program was discontinued in 1981. Contemporary community planning is typically initiated at the local level with state enabling statutes for local planning in all states. Planning continues to be widely held as an essential approach for achieving local health, safety, and community welfare.

Planning in Alaska

There are five classes of Boroughs in Alaska: first-class, second-class, third-class, non-unified home rule, and home rule. Alaska state law requires that all but third-class Boroughs provide for planning, platting, and land use regulation. First-class, second-class, and home rule cities are also required to provide for planning, platting and land-use regulation. Local governments in the Matanuska-Susitna Borough are classed in the following manner:

Class of Local Governments in the Matanuska-Susitna Borough	
Jurisdiction	Class
Matanuska-Susitna Borough	Second-Class Borough
City of Palmer	Home-Rule
City of Wasilla	First-Class
City of Houston	Second-Class

**Please see the appendix for more information about the different classes of Boroughs in the State of Alaska

As local planners operating within the state of Alaska, it is important that you familiarize yourself with the Alaska Planning Commission Handbook you were given in your initial packet. It can be found [online, as well, at https://www.planning.org/chapters/alaska/pdf/planningcommissionhandbook.pdf.](https://www.planning.org/chapters/alaska/pdf/planningcommissionhandbook.pdf)

Planning in the Matanuska Susitna Borough

The Matanuska Susitna Borough was incorporated as a second-class Borough in 1964. As such, the Borough is required by state statute to provide for planning, platting and land use regulation.

All Boroughs, whether general law or home-rule, must exercise planning powers on an area-wide basis, both inside and outside their cities. AS 29.40.010(b) authorizes a Borough to delegate to a city any of its planning powers and duties. The Matanuska Susitna Borough has delegated planning powers to the Cities of Palmer, Wasilla, and Houston and, having done so, is now responsible for planning in only the areas outside these cities.

Planning Commission Function

The Planning Commission's activities fall into three categories: quasi-judicial, administrative (Commission business) and advisory to the Assembly on legislative matters. The Borough code (msb15.04.015) spells out the Planning Commission's functions in detail:

- I. The commission shall:
 - a. prepare and recommend to the assembly a comprehensive plan, a zoning ordinance to implement the plan, a subdivision ordinance and official map of the Borough, and modifications to these documents. The commission shall publish notice and hold at least one public hearing before submitting its recommendations on the plans, ordinances, and maps to the assembly;
 - b. investigate and report on the location and design of any public facility, including, but not limited, to public buildings, docks, beaches, ski ground, statue, memorial, park parkway, boulevard, road, trail, playground, public street, alley or grade of a facility before final action is taken by the Borough or any department, office or agency;
 - c. investigate and prepare, under the directions and conditions as the assembly may from time to time request, the commission's recommendations on a capital improvement program, and to review the program periodically and revise it from time to time, but not less frequently than annually. The annual capital improvement program shall constitute permanent records of the commission, which shall be public records;
 - d. investigate and recommend to the assembly for adoption by ordinance, with the amendments as the commission believes necessary and proper because of local conditions, the published codes of technical regulations as relate to the functions planning, platting, and zoning;
 - e. investigate and prepare, from time to time, and to initiate on its own motion in the absence of directions from the assembly, reports of the availability of public lands by selection, transfer at less than appraised value, and otherwise for Borough purposes;
 - f. investigate and prepare reports on the location and establishment of outdoor public recreation and public campgrounds; and
 - g. review all requests for enactment or amendment to planning, platting and land use regulations, including, but not limited to, comprehensive plans, special land use districts, zoning, and conditional use requirements. At a minimum, this shall include all amendments to MSB Titles 8, 11, 15, 17, 28, and 43. (Ord. 09-025(AM), § 4, 2009; Ord. 94-071 (subl), § 4 (part), 1994)

II. SERVING ON A COMMISSION

Membership

Application Procedure

Planning Commission appointment recommendations are made by the Borough Mayor to the Assembly. A comprehensive list of current boards and commissions and the applications to apply are available in the Borough Clerk's office. This information may also be obtained through the Borough's website at <http://www.matsugov.us/boards>. Completed applications should be returned to the Clerk's office. The Clerk's office will prepare a vacancy report, which includes the applicants for all open board and commission seats, and will forward the report to the Mayor for review.

Appointments

Appointments to the Planning Commission are regulated under Borough Code 15.08.020 which states, "The mayor shall make appointments subject to confirmation by the assembly. Representation from as many assembly districts as is feasible shall be sought on the commission, but all commission members shall be appointed for their expertise and knowledge of the community and shall represent the entire Borough."

The Mayor will make his/her determinations based on the vacancy report, then send the report back to the Clerk's office. The Clerk's office then includes the vacancy report with the Mayor's recommendations in a packet for the Assembly for approval. Once an applicant is approved by the Assembly, which usually takes two (2) regular Assembly meetings, the Clerk's office will notify applicants should they be appointed.

If appointed to the Planning Commission, the applicant will receive a packet from the Clerk's office that includes a confirmation letter, the State of Alaska Public Offices Commission (APOC) paperwork, and the Oath of Office, all of which must be completely filled out and, if necessary, notarized and returned to the Clerk's office prior to taking office or attending any meetings. No new appointee can sit on their board or commission until ALL paperwork has been officially received by the Clerk's office.

Terms of Office

Members of the Planning Commission serve a three (3) year term, unless replacing a member who has left prior to the end of their term. In such a case, if it is less than eighteen (18) months to the end of the previous member's term, the new member may apply for that seat and serve a full three (3) year term in addition to the time served as replacement.

Appointments are held annually for every third seat, as outlined in MSB 15.08.030: "The seats shall be numbered and appointments made shall follow numerical sequence according to the following schedule:

- a) Seats 1, 4, and 7 beginning January 1, 1976;
- b) Seats 2, 5, and 8 beginning January 1, 1977;
- c) Seats 3, 6, and 9 beginning January 1, 1978."

Vacating a seat simply involves writing a letter to that effect and delivering it to the Borough

Clerk's office. Delivery may be in person, by post, or in email format.

Residency Requirements

Planning Commission members must be registered to vote in the Matanuska Susitna Borough. (MSB 15.08.010)

Alaska Public Offices Commission (APOC)

Members of the Borough Planning Commission are required by Alaska's Public Official Financial Disclosure Law, AS 39.50, to file the Alaska Public Offices Commission financial disclosure statement with the State of Alaska, and provide a copy to the Borough Clerk. Upon your appointment to the Commission, the information you need to file the disclosure statement will be in the packet you will receive from the Clerk. Each financial disclosure statement must be an accurate representation of your financial affairs and, to the extent known, the financial affairs of specified family members for the prior calendar year. *It must be filed under oath. Failure to return a notarized copy to the Clerk's office will result in a delay in your officially taking office.*

Alaska's Public Official Financial Disclosure Law was originally called the Conflict of Interest Law, although it doesn't regulate or prohibit conflicts of interest. It merely requires that certain public officials file an annual statement disclosing their financial interests held during the preceding year. It is intended to do three things:

- a) Discourage public officials from promoting a private or business interest in their performance of a public duty;
- b) Assure that public officials are free of the influence of undisclosed private or business interests in their official acts; and
- c) To develop accountability in government by permitting public review of the personal finances of office holders.

Oath of Office

As a public official serving the people of the Matanuska Susitna Borough, you must take an oath that you will "support and the Constitution of the United States, the Constitution of the State of Alaska, and the Matanuska-Susitna Borough Code," and, "will honestly, faithfully, and impartially discharge [your] duties as a member of the Planning Commission to the best of [your] ability..." Please see appendix for copy of full oath

Attendance Requirements

While absences due to illness or other significant reasons are at times unavoidable, it is imperative that you attend as many meetings as possible in order to fully understand the issues before the Commission and to represent the people of the Borough to the fullest. Your voice is important in the decision making that affects the people and the Borough, and it can't be heard if you're not there.

MSB 4.05.030 was written, in part, to address the issue of absenteeism on boards and commissions. It states that removal from a board or commission may occur if a member cannot attend meetings for 90 calendar days (or more), or if the member is out of the Borough for 90 days (or more), or if the member misses more than three (3) consecutive regular meetings.

Stipend Information

As a member of the Planning Commission, you will receive a stipend of fifty dollars (\$50.00) per meeting for regular and special meetings, not to exceed four (4) meetings in a calendar month.

You may also receive mileage roundtrip from your place of business or your home to the primary location of these meetings. You cannot receive mileage for other business as a Planning Commissioner, nor can you claim mileage above and beyond going directly to and from Commission meetings.

Ethics and Conflict of Interest

Alaska State Law (AS 39.50.090 Prohibited Acts)

Reads as follows:

(a) A public official may not use the official position or office for the primary purpose of obtaining personal financial gain or financial gain for a spouse, dependent child, mother, father, or business with which the official is associated or in which the official owns stock. A public official other than an elected or appointed municipal official may not use the official's position or office for the primary purpose of obtaining financial gain for the official's domestic partner.

(b) A person may not offer or pay to a public official, and a public official may not solicit or receive money for legislative advice or assistance, or for advice or assistance given in the course of the official's public employment or relating to the public employment. However, this prohibition does not apply to a chair or member of a state commission or board or municipal officer if the subject matter of the legislative advice or assistance is not related directly to the function of the commission, board, or municipal body served by the municipal officer; this exception from the general prohibition does not apply to one whose service on a state commission or board constitutes the person as a full-time state employee under this title.

(c) A public official may not represent a client before a state agency for a fee. However, this prohibition does not apply to a municipal officer, or chairman or member of a state commission or board except with regard to representation before that commission or board; this exception from the general prohibition does not apply to one whose service on the commission or board constitutes the person as a full-time state employee under this title.

(d) A municipal officer may not represent a client for a fee before the municipal body the officer serves.

(e) Violation of this section is a misdemeanor, punishable upon conviction by a fine of not less than \$500 nor more than \$2000, by imprisonment up to one year, or by both.

(f) In this section, "public official" includes, in addition to the persons specified in AS 39.50.200(a), chairmen and members of all commissions and boards created by statute or administrative action as agencies of the state.

MSB Code of Ethics (MSB 2.71)

Commissioners should consistently act diligently or with "due diligence." Due diligence is the process of systematically researching, verifying and evaluating the matters before it. This duty of care can be considered to be exercised well when it is carried out ethically and in accordance with best practices.

Having been appointed by the Borough for service, a Planning Commissioner is considered a "municipal official," and is governed by the Matanuska Susitna Borough Code of Ethics. Borough requirements are found in Section 2.71 of the Matanuska Susitna Borough Code. These

requirements reflect the ethical standards set out in Alaska State Law and relate primarily to conflicts of interest and prohibited acts. Specific ethical topics covered in this section of the Borough code include:

- Misuse of official position
- Nepotism
- Receiving improper gifts
- Improper influence in Borough grants, contracts, leases, or loans
- Representing private and public interests
- Personal or financial interest
- Campaigning
- Improper use or disclosure of information

Additionally, generally accepted planning ethics as expressed by the American Planning Association should be observed, as well, as long as they do not conflict with State Law or Borough code.

**A copy of MSB 2.71 can be found in the appendix of this manual.

Ex Parte Communication

There are a couple of situations that can involve ethical challenges that are common occurrences in the ordinary operation of the Commission that merit special comment. These are ex parte communication and determination of conflict of interest.

"Ex parte" is a Latin phrase meaning "on one side only; by or for one party." An ex parte communication occurs when a party to a quasi-judicial matter (such as a request for a conditional use permit or a request for a variance), or someone involved with a party, talks or writes to or otherwise communicates directly with a decision maker about the issues of the case without the other parties' knowledge. *Direct communication with an applicant should not occur.* Likewise, communication with any neighbors, community interests or any other interested party – including Borough planners - should not occur on substantive issues. Communication about a planning item should be limited to speaking with the Planning Commission Clerk about scheduling or other procedural matters until the case is presented publicly. This approach facilitates fairness, independent judgment and an unbiased approach to decision making.

Disclosure Statements Required (APOC)

According to the Alaska Public Office Commission's, "Who is APOC?" the Alaska Public Offices Commission is "a quasi-judicial regulatory agency which administers four laws upholding the public's right to know the financial affairs of lobbyists and their employers, public officials and candidates for state and local offices."

New Commissioners will be given the necessary information for logging into the APOC site as part of their packet from the Borough Clerk's office. For more information, you can go to the website at: <http://www.doa.alaska.gov/apoc/>.

MSB Board of Ethics

Determining whether or not there is a conflict of interest is another common occurrence in the

ordinary operation of the Commission. However, conflicts can be largely avoided if a Commissioner makes use of the MSB Board of Ethics for advisory opinions prior to making any decisions that may incur or involve a conflict of interest. The MSB Board of Ethics can be an invaluable resource for Planning Commissioners, saving time and money by preventing litigation stemming from a conflict of interest charge.

If a complaint is filed against a Commissioner, it is the likely sole responsibility of the Commissioner to cover any expenses incurred, including the hiring of legal representation, if need be. It's much better to utilize the MSB Board of Ethics prior to making a decision, than to have to meet with them after the fact as the defendant in a claim. Remember: if you're concerned that a decision or action may involve a conflict of interest for yourself, you can seek an advisory opinion from the Board of Ethics prior to taking any action. The Board is an excellent advisory resource for Commissioners.

The Purposes and Policies of Code reads as follows (MSB 2.71.020):

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

(B) *To encourage high moral and ethical standards:*

(1) *To establish standards of ethical conduct.*

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

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

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

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

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

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

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

(1) *in a representative democracy, the representatives are drawn from society, and therefore cannot and should not be without personal and financial interests in the decisions and policies of Borough government;*

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

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

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

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

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

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

The Board of Ethics is comprised of fifteen (15) seats, and their duties are:

- To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with MSB 2.17;
- To conduct hearings, recommend disciplinary action, assess penalties, and make referrals;
- To recommend changes to the ethics code;
- To investigate complaints alleging violation of the standards of the ethics code upon written request of any municipal official;
- to issue an advisory opinion, in writing, as to any questions of conflicts of interest;
- to make recommendations to the Assembly for amendments to the ethics code and for other legislation affecting the subject matter of the ethics code;
- to provide a continuing program of education, assistance and information about the ethics code to persons to whom it applies;
- to timely process complaints concerning acts subject to the code; and
- to create and revise policies and procedures as necessary to transact business under the ethics code.

Additional Ethical Guidelines

The planning process is a very unique function in the life of the community. In addition to the specifics of the Borough code, ethical principles specific to the planning process have been developed by the American Planning Association and the Planning Commission should aspire to them as a best practice. These principles apply not only to the Planning Commission, but to the Planning Staff as well. The entire set of principles are included in the Appendix and presented under the three following headings:

- "The Planning process must continuously pursue and faithfully serve the public interest."
- "Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained."
- "APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest."

Recusal

When potential conflicts are identified, it is the duty of the subject of the conflict to make the circumstances known and initiate recusal of themselves. Recusal is removal of oneself from the process of decision making including vacating the space in which the decision is being deliberated and determined. In other words, the Commissioner with a conflict should *exit the meeting room until the item is complete*.

MSB 2.71.080 addresses mandatory recusal, in which case a Commissioner must recuse themselves without preamble if a matter or proceeding comes before the Planning Commission that involves any "person who is, or has been, a client of the [Commissioner] or the [Commissioner's] firm or partnership within the 12-month period immediately preceding the date of the action."

To recuse yourself, should the need arise, you simply need to state, for the record, that there may be a potential for conflict of interest and the nature of the conflict, and therefore are recusing yourself from the matter at hand.

Sometimes a conflict of interest can appear after a Commissioner has already been involved in a matter. If that should happen, contact Planning Department Staff and the Board of Ethics immediately to determine what steps need to be taken to protect yourself and the public decision making process.

Recusal Procedures for Quasi-Judicial Actions:

Chair reads the memorandum regarding quasi-judicial actions into the record;

1. queries commissioners to determine if any of them have a financial interest in the proposed Conditional Use Permit (CUP);
2. have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed CUP; and
3. if all commissioners are able to be impartial in a decision

If any commissioner answers "yes" to questions 1 or 2, or "no" to question 3, both the borough staff and the applicant will be given the opportunity to ask further questions. A place amongst the Commission, and if any Commissioner objects to the Chair's ruling. The Commissioner in question does not vote on whether he or she has a conflict.

Recusal Procedures for Legislative (Advisory) Actions:

Commissioners declare conflicts of interest or anything that may be perceived as a conflict of interest. Chair invites questions from the commission, staff, and the applicant (if applicable). Following this, the Chair will rule on whether or not the Commissioner has a conflict of interest. A vote will take place amongst the Commission, should any Commissioner object to the Chair's ruling. The Commissioner in question does not vote as to whether he or she has a conflict.

Planning Commission Best Practices

Not only does duty of care involve ethical behavior, it involves diligent involvement in the discharge of the public's business. This section highlights some of the best practices that have been identified as necessary for the exercise of the high duty of care expected of Planning Commissioners.

State of Alaska Open Meetings Act (AS 44.62.310)

The Alaska Open Meetings Act legislates the methods by which public meetings are conducted in the state of Alaska. It applies to all meetings, including teleconferencing, of any and all Alaska governmental bodies of a public entity, unless exempt by stature. The Alaska Open Meetings Act generally ensures that members of the public have both the right to attend government meetings and the right to speak before the body holding the meeting.

**See appendix for full statute

Serving the Public Interest

This was touched on in the beginning, under Citizen Participation, but it is such a vital component of the Planning Commissioner's job that it bears going into further detail. What is considered in the realm of the "public interest" is continually being defined and redefined through the democratic processes of a free society. However, there are certain characteristics of the "public interest" that are enduring. These characteristics can be used to understand what is in the public interest at a particular time and in the presence of a particular set of circumstances. There are

two major ways of conceiving of the public interest which are important to keep in mind as a Planning Commissioner.

First, the element of public interest associated with economic negative externalities. In economics, an externality is the cost or benefit that affects a party who did not choose to incur that cost or benefit. For example, manufacturing activities that cause air pollution can impose health and clean-up costs on entire communities. Planning in many cases mediates negative externalities through its operation often by finding itself evaluating and assessing costs and benefits of development activity in order to properly steward the future of the community.

Second, the public interest is concerned with the broad civic vision of a community for achieving desired community goals. For example, a community may have a goal of preserving a particular environmental feature such as a river or a built feature like a historic downtown. Such a goal cannot be achieved through the uncoordinated action of individuals. The coordination of action and the community pursuit of such long range goals over time are within the purview of the public interest. In this sense, duly developed and adopted plans and their implementation programs should be considered to embody the public interest and their application to the community is to be stewarded by the Planning Commission.

Working Knowledge of Controlling Authority

Controlling Authority for the Planning Commission are those plans, ordinances and standards that impact development activity. Commissioners should acquire a working knowledge of the controlling authority under which the Commission will make its decisions. Periodic review and update training on the authority is an important component to the planning program.

Working Knowledge of Case Materials

Planning Staff is charged with the responsibility of producing thorough and complete staff reports summarizing requests and the facts related to these requests. Each Commissioner is charged with the responsibility of reviewing these materials to a standard of "working knowledge." Caseloads vary with economic conditions, time of year and other factors. A Commissioner could reasonably expect to spend several hours reviewing material for each meeting.

Site Visits

To prevent violations of due process or the Alaska Open Meetings Act, site visits by members of the Planning Commission are not recommended for quasi-judicial matters, except in very limited and special circumstances. If the Planning Commission determines a site visit is necessary, the site visit must be treated as a Planning Commission meeting, and the appropriate notifications, agendas and procedures relating to such meetings should be followed.

If a Planning Commissioner, or the Planning Commission, should require more information regarding a property relating to a quasi-judicial matter, they need to contact Planning Staff in writing through the Planning Commission Clerk, so that Planning Staff and the applicant can be provided an opportunity to make a site visit and provide documentation (written or video) to the Planning Commission. The Planning Staff are here to assist the Planning Commission as much as possible and providing information from site visits is just one of the ways they can make the Commission's job easier.

Relationship with Planning Staff

Planning Commissioners are encouraged to interact with the Planning Staff on specific cases and matters of more general and long range planning interest. Planning Commission members may seek informal information or request more formal action related to procedures or ordinances.

Formal interaction generally comes with the need for Staff to complete certain work tasks.

In the case of formal interactions, initiatives that require Planning and Land Use Department Staff to draft new ordinances or procedures or to modify existing ordinances or procedures, must first have Planning Commission approval and, in some cases, Assembly approval. After receiving such approval, the Planning Director shall undertake the necessary actions to accomplish the Planning Commission request or directive.

To manage communication efficiently when interacting with Planning Staff, the following protocols should be observed:

1. All official communication between Commissioners, including but not limited to email, should be transmitted through the Planning Commission Clerk. Failure to do so could inadvertently create a serial meeting, which occurs when members of a body communicate with each other, either directly or indirectly, through whatever medium, to develop collective concurrence.

2. Commissioners should never use the "reply all" function of their email, even via "bcc++", as this could also create a serial meeting.

3. All questions and requests submitted by the Commission need to be in writing, so copies can be given to the applicant and made available to all interested parties and the public upon request.

4. Commissioners may submit questions to the Planning Commission Clerk concerning quasi-judicial and legislative matters, or to request additional information from the applicant at the time of the introduction at an open meeting.

Ongoing Education and Training

While there is no formal requirement in Alaska for a Planning Commissioner to receive ongoing training, it is fundamentally important for a Planning Commissioner to engage in continuing education and training. The field of planning is rapidly changing and dynamic, and the Planning Department will periodically offer opportunities for Commissioner training through organizations such as the Alaska APA.

III. Borough Organization and Function

As a Planning Commissioner, it is important to understand the organizational structure of the Borough, along with the responsibilities of the individual departments and how they fit as a whole.

Mayor

The Mayor presides at all Assembly meetings. The Mayor may take part in the discussion of matters before Assembly, but may not vote, except in the case of a tie. He/She also acts as the ceremonial head of the Borough and signs documents on behalf of the Borough upon Assembly authorization.

The Mayor is responsible for appointing members of boards and commissions with confirmation by the Assembly, except for members of the Board of Adjustment and Assembly members serving of the Board of Equalization, for confirmation by the Assembly.

The Mayor holds specific veto powers. See MSB 2.08.040

Assembly

The legislative power of the borough is vested in the Assembly. The Matanuska-Susitna Borough Assembly is comprised of seven members elected from districts for staggered three-year terms for no more than two consecutive full terms.

The Assembly approves the budget, sets the mill rate for taxation, appropriates funds to provide for Borough services, and establishes policy which is executed by the administration.

Under specific direction of the Assembly is the Borough Attorney, Borough Clerk and Borough Manger. These three positions and their staff work directly for the Assembly.

Office of the Borough Attorney

- a) The Office of the Borough Attorney provides legal advice and counsel regarding the Matanuska Susitna Borough government and is direct legal counsel for the Borough Assembly.
- b) The Borough Attorney is the legal advisor for the Borough. The Borough Attorney's advice is provided to the Assembly and Mayor, Administration, as well as Borough Officers, Departments, and Divisions. The Borough Attorney's Office represents the Borough before the Office of Administrative Appeals, Board of Equalization, Animal Care & Regulation Board, and the Board of Adjustments and Appeals, as well as civil and minor offense criminal proceedings in State Court, and on rare occasion, Federal Courts.
- c) The Borough Attorney's Office also confers with borough employees on various legal matters, to include review of contracts, agreements, and disputes. The Borough Attorney's Office prepares and reviews legal documents, governmental legislation, ordinances, contracts, licenses, and deeds, and legal opinions. The Borough Attorney's Office attends various borough meetings in an advisory capacity.
- d) The Borough Attorney does not provide legal advice or representation to the general public.

Office of the Borough Clerk

- a) The Office of the Borough Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels.
- b) Administers all borough Elections. The Clerk also prepares petitions and verifies signatures for initiatives, referendum, and recall elections.
- c) Manages borough records for active and inactive files, develops retention schedules and procedures for inventory, storage, and destruction of all Borough records as necessary.
- d) Assures that public records, including ordinances, resolutions, rules, regulations, and codes are available for public inspection as required by law.
- e) Publishes and gives notice of meetings to the Assembly members and the public of the time, place, and location of the meetings.
- f) Prepare agendas and Assembly packets; provide for codification of ordinances; keeps a journal of all Assembly meetings; and, takes oaths, affirmation, and acknowledgements as necessary.
- g) Serves as parliamentarian to the Borough Assembly and advises other borough boards on parliamentarian procedures.
- h) Has custody of the official municipal seal and attests (confirms to be genuine) deeds, and other documents, such as ordinances, resolutions, minutes, and contracts, by signing and affixing the Borough seal.

Borough Manager

- a) The Manager is the Chief Administrative Officer of the Borough, and is responsible for the proper administration of all Borough affairs and implementation of Borough policy as established by the Assembly. The Manager has ultimate responsibility and authority for the proper functioning of the Borough.
- b) The Manger is responsible for the direction of all Borough employees except for those in the Clerk's and Attorney's offices. The direction and supervision of the Borough staff is distributed among the departments established by ordinance.
- c) The Manager is appointed by the Assembly and serves at its pleasure. An elected official may not be appointed Manager sooner than one year after leaving office.

Borough Departments

The Manger is responsible for the direction of all Borough employees except for those in the Clerk's and Attorney's offices. The direction and supervision of the Borough staff is distributed among the departments and their directors.

The Borough has eight departments and numerous facilities located throughout the Borough. Below you will find a list of all Borough departments and a brief description of each.

Departments are listed in alphabetical order.

Administration

Administration Department is comprised of four divisions including, Animal Care and Regulations, Human Resources, Port MacKenzie, and Public Affairs. The Administration department is managed by the Borough Manager. In addition to clerical staff need to assist the Manager, the department also includes the Assistant Borough Manger.

The Administration Department is responsible for the proper administration of all Borough affairs and implementation of Borough policy.

Animal Care and Regulations

The Animal Care & Regulations Division (MSB ACR) is comprised of two sections, Animal Shelter and Enforcement. The animal shelter section is responsible for care of the animals within the MSB Animal shelter and management of the facility. The enforcement section includes Animal Care Officers who work to ensure the welfare of the borough's domesticated animals and enforce the regulations set forth in Borough code.

Human Resources

The Human Resources Division facilitates the development of the borough's workforce through effective employee recruiting and supervisor training. The division is responsible for providing guidance and direction to all personnel regarding policies and procedures.

Port Mackenzie

The Port is responsible for management of all activity at and involving Port MacKenzie, including infrastructure development and management of all port related facilities.

Public Affairs

Public Affairs Division is responsible for the development and implementation of Borough's communications strategy and objectives. Public Affairs develops the communications plan and implements a broad range of public relations activities such as press releases, the Annual Report, and multi-media presentation for legislative issues or special projects.

Capital Projects Department

The Capital Projects Department is comprised of three Divisions, Pre-Design, Engineering, and Purchasing. The Capital Projects Department is responsible for the designing and building of all Borough capital projects; this includes roads, school, and other public facilities. Since much of the work with capital projects involves purchasing and contracts the Borough's Purchasing Department is housed within the Capital Projects Department.

Pre-Design and Engineering

The Pre-Design and Engineering Divisions are responsible for continually improving the quality of the borough's transportation network and providing our citizens with the safest, most efficient, environmentally sound and balanced transportation system possible.

The Planning Department works closely with this division. When a project is selected from plans like the Long Range Transportation Plan or Capital Improvement Plan, the project enters the design and construction phase. This phase involves a lot of teamwork between the planners and pre-design staff. Often environmental documents, public outreach, route selection, and other preliminary

documents are done with a diverse team for both planning and pre-design. Division responsibilities include:

Pre-design Responsibilities include:

- Identification & programming of MSB, State and Federal funding for road, bridge, railroad, transit and airport projects
- Implementing the preliminary design and environmental phase of transportation projects
- Coordination with Planning and Agency review
- Collection and analysis of traffic data throughout the borough
- Right-of-way acquisition

Engineering Responsibilities include:

- Transportation engineering (roads, bridges, transit) design and construction management
- Environmental analysis and engineering (water, wastewater, septage, storm water, and solid waste)
- Private development and subdivision review, plat review
- Road certification
- In-house design and mapping
- Provide technical advice and consultation to other departments within the borough related to the application of science and technology
- Project Management

Purchasing

Purchasing is responsible for the management and dissemination of contracting opportunities throughout the borough in a fair, competitive manner and in accordance with borough code and governmental purchasing standards. Purchasing is also responsible for tagging, inventorying, and final disposition of borough property.

Community Development Department

The Community Development Department is comprised of three sections, Land Management, Trails Management, and Recreational Services.

The Community Development Department is responsible for the management of borough-owned land for economic and community development; to generate revenue through the use and sale of borough-owned land and resources; and provide library services, community enrichment classes and activities, and recreational services to enrich the lives of our community

Land Management

The Land & Resource Management Division has two main functions. Under Land and Resource Sales, borough-owned properties conveyed from the State of Alaska as Municipal Entitlement Lands, acquired through tax special assessment foreclosure, purchase, exchange or donation are used to generate revenue through sales, leases, and permits. Tax- and LID-foreclosed properties are sold and put back on the tax roll. In addition to offering land for sale, Land Management permits a variety of uses on borough-owned land, such as sites for tourism activities, float plane tie-downs, industrial and commercial staging areas, campsites and access to remote cabins.

Trails Management

Trails Management, in conjunction with the Division of Recreational Services, provides for the reservation and dedication, management and maintenance of recreational trails.

Recreation Services

Recreational Services provides indoor and outdoor recreational opportunities, programs, services, and facilities to enrich the lives of the Mat-Su residents and visitors. This includes:

- Libraries
- Pool
- Parks
- Ice rinks

Emergency Services Department

The Emergency Services Department is comprised of several sections including, Fire Service, Emergency Medical Service (EMS), Fire Code, Emergency Management and Water Rescue.

The Department of Emergency Services is responsible for fire protection and emergency medical services; fire and building code enforcement, water, technical, off-road, and hazmat rescue services; emergency management and community preparedness programs; Enhanced 911 services; and emergency vehicle maintenance.

There are eight FSAs spread throughout the Borough. They include Central Mat-Su , West-Lakes, Point Mackenzie, Talkeetna, Butte, Caswell, Sutton, Willow, and Greater Palmer. Between the FSAs they cover the majority of the Core Area and the populated areas along the Parks Highway headed North and the eastern areas of Sutton and Butte. A Fire Service Areas (FSA) is a tax revenue generating unit of the Borough that pays specifically for fire and EMS services.

Fire Service

Fire Service handles all fire related activity within the FSAs. This includes responding to calls for both urban and wild fires. Fire Service also provides backup to the State in the case of a large scale wild fires. Fire fighters also respond to technical rescues such as car crashes and assist EMS when needed.

Emergency Medical Service (EMS)

EMS includes all services related to ambulance and paramedic services.

Fire Code

Fire code and permitting within certain FSAs for various types of buildings are administered by the Emergency Services Department. Areas not covered by Borough are maintained by the State Fire Marshall's office.

Emergency Management

Emergency preparedness and incident management are the responsibility of the Emergency Management section. This also includes preparing and managing the Emergency Operations Center (EOC) and compliance with State and federal laws related to disasters.

Water Rescue

Water rescue consists of a specialized team that works Borough-wide on all water related rescues, this includes body recovery.

Finance Department

The Finance Department is comprised of three divisions, Accounting, Assessment, and Revenue and Budget Divisions.

The Finance Department is responsible for the assessment of properties, maintenance of records and associated levy and collection of taxes, preparation and implementation of the annual budget and other appropriations, central treasury, fixed assets, purchasing functions, and fiscal activities.

Accounting

The Accounting Division includes payroll, accounts payable, and all grant reporting. Accounting is also responsible for recording and accounting for all budget, expenditure and revenue transactions to the general ledger and the capital projects ledger, and is responsible for preparing for the annual financial audit.

Assessments

The Assessment Division is a state-mandated function carried out by the borough. Also, by state statute, the division is responsible for maintaining accurate ownership records of all properties within the borough. This division provides the value conclusions on over 63,000 properties within and throughout the geographical boundaries of the borough and administers state mandated exemption programs and optional borough exemptions.

Revenue and Budget

The Division is responsible for all billing and collection of taxes, solid waste fees, land sales/leases, registrations, business licenses, special assessments, and other miscellaneous receivables and fees that the Borough assesses or charges. The division is responsible for compiling the annual budget. The division is also responsible for recording and accounting for all budget transactions to the general ledger. Additionally, included in this division is responsibility for the formation of Local Improvement Districts (LIDs). Also, the foreclosure of properties due to nonpayment of taxes and LIDs is a duty of this division as is the monitoring of those individuals or corporations in bankruptcy status.

Information Technology Department

The Information Technology Department is comprised of three sections, Geographic Information Services, Business Integration, and Technology Infrastructure.

The Information Technology Department is responsible for collaboration with various Borough departments and divisions to support the business functions of the borough by:

- Providing computer access, telephone and internet services, and technical training to employees.
- Investing in information technology infrastructure and software.
- Ensuring critical systems are functional in the event of a catastrophic event.

Geographic Information Systems

The GIS Division harnesses "the power of where" by making available the most timely and accurate mapping information to borough departments and the public in order to bring only the highest quality of service to the Mat-Su Valley.

Business Integration & Technology Infrastructure

- Develops, manages, and integrates new hardware and systems into the Borough's IT environment.

- The Service Desk provides technical support and assistance for all telephone, network, and computer related hardware and software issues for all borough employees, Assembly members and public citizens. They also provide life-cycle management support for all borough desktop computers and software including reporting, quoting, imaging and placements.
- Develop and maintain the Borough's website.

Planning and Land Use Department

The Planning and Land Use Department is comprised of three divisions, Development Services, Planning, and Platting.

The Planning and Land Use Department is responsible for services that include protecting historic properties, assisting in permitting needs, providing code compliance information, supporting environmental services, long range planning, and the subdivision of land.

Development Services

The Permit Center assists the public in determining permitting needs and obtaining permits for most borough development activities, manages all driveway access onto borough roads, processes all utility, encroachment, construction and other Right-of-Way permits, and manages development in rights-of way and easements.

The Code Compliance provides services for the administration and enforcement of ordinances, regulations, and the flood damage prevention program. In addition, Code Compliance also provides:

- Disaster mitigation/response planning;
- Coordinates the in-house review of private and public agency projects for compliance with related plans, ordinances and policies;
- Assistance in the development of new and revised plans and ordinances and conducts full code compliance activities in all areas of the borough except the cities of Palmer, Wasilla and Houston.
- Public information and education on Matanuska Susitna Borough ordinances;
- Field inspections, investigates violations and takes appropriate action to gain compliance

Planning

Long Range Planning Section is responsible for developing long range plans including land use, transportation, and public facilities plans; plans concerning the development and growth of the borough; and the development of the capital improvement program. In addition, Planners assists with the development of regulations and other means of implementing adopted plans, and acts as liaison with other public agencies relating to land use planning. In fulfilling these responsibilities, the division works with citizen groups, community councils, incorporated cities, advisory boards, the Planning Commission, and the Assembly.

Environmental Services section works with volunteers, residents, agencies, and other governments to monitor and assess the Borough's environmental resources. In addition, the Environmental Services Division develops management plans regarding Mat-Su environmental resources and provides information and recommendations to Borough administration and decision-making bodies to sustain and protect the quality of Mat-Su's environmental resources.

The responsibilities of the Cultural Resources Section are to protect historic properties and to help stimulate or encourage local economies through historic

preservation. This is done through a variety of ways including: assuring compliance with the National Historic Preservation Act; increasing awareness of cultural resources when land uses and economic development are being considered; maintaining a Certified Local Government status; working with the state on their Overall Comprehensive Preservation Plan; incorporating the borough's plan with the state and federal plan; and working with other divisions and departments to promote and protect cultural resources. Other responsibilities include working with museums, historical societies and native groups to ensure borough-wide historical data is being accurately disseminated to the public.

Platting

The Platting Division oversees the subdivision of land within the Matanuska-Susitna Borough. Division staff assists the public in understanding and complying with the subdivision requirements specified by state and Borough regulations. This involves the review of proposals to subdivide land; dedicate public use easements; and vacate public rights-of-way. Staff works with the State Recorders Office to facilitate recording of subdivision plats and resolutions. They provide copies of recorded subdivision plats and file information to the public upon request. In addition, the division is responsible for contract administration for the survey of Borough Municipal Entitled Lands.

Public Works Department

The Public Works Department is comprised of two divisions, Operation and Maintenance and Solid Waste.

The Public Works Department is responsible for the management of the Borough's infrastructure and related support services. Responsibilities of the Public Works Department include:

- Manage and inspect construction projects
- Inspect subdivision road construction
- Design and obtain public rights-of-way
- Road maintenance
- Perform operations and maintenance for Borough buildings and vehicles
- Provide custodial services for the DSJ Administration Building
- Manage Central Landfill and the Transfer Sites (Solid Waste Division)
- Manage the Talkeetna Water and Sewer Public Utility.

Operation and Maintenance

The Operations and Maintenance (O & M) Division manages road improvement projects, natural resource projects, and community projects.

Solid Waste

The Solid Waste Division provides a system for refuse disposal in the Borough critical to ensuring refuse is not accumulated on private property or discarded on vacant land.

IV. MEETING PROCEDURES

Basic Rules

All meetings of the MSB Planning Commission will be open to the public and follow the guidelines set forth in the aforementioned Alaska Open Meetings Act. Meetings are usually on the first and third Mondays of every month, with exceptions for holidays or special meetings. You will receive a calendar in your packet from the Borough Clerk's office. Meetings follow Robert's Rules of Order, and you will receive packets containing the pertinent information to be covered as well as the agenda for the meeting from the Planning Commission Clerk prior to the Planning Commission meeting for you to review and familiarize yourself with information to be covered.

Public Notice

The Planning Commission Clerk is responsible for advertising Planning Commission meetings to the public. He/She will place an advertisement at least ten (10) days prior to the meeting in a local newspaper of general circulation.

Polling, Quorum, and Voting

A quorum (the established minimum number of Commission members present during a meeting) is necessary in order for the Planning Commission to conduct any business and to vote on any matters before the Commission. The Planning Commission Clerk will poll Commissioners at least three (3) days prior to the meeting to determine if there is a quorum, and will communicate this information to the Chair. If there is not a quorum, the meeting will have to be rescheduled for a later date. A quorum for the Planning Commission is four (4) members, as there are seven (7) members on the Commission.

All Planning Commission actions shall be by a vote of a majority of the commissions authorized membership. The number of affirmative votes needed to pass a motion is the same number which constitutes a quorum (four affirmative votes.)

If a roll call vote is used, the Clerk will call the roll ensuring that the names are called in a different order for each roll call vote. After all Commissioners have voted, the Clerk announces the vote and whether or not the motion passes. All motions and votes will be included in the meeting action minutes.

Cancellation of Meetings

As soon as it becomes apparent to the Planning Commission Clerk that there will not be a quorum of Commissioners at the meeting, or the meeting needs to be cancelled for other reasons, he/she will attempt to contact all Commissioners both by telephone and email to notify them that the meeting will be cancelled. It is the Planning Commission Clerk's responsibility to also notify Borough Staff, applicants and any presenters.

Parliamentary Procedure and Robert's Rules of Order

Per MSB 15.08.100, meetings shall be conducted under the current edition of *Robert's Rules of Order Newly Revised*, and such modified or amended rules as may be adopted by the Commission.

Processing Motions

When a motion is made and seconded, it should be stated by the maker and repeated by the Chair prior to debate. After discussion has ended and immediately prior to the vote, the Chair clearly states the motion with amendments. All motions require a second.

Withdrawing Motions

A motion may not be withdrawn by the mover without the consent of the member seconding it.

Reconsideration of a Vote

The Commission may reconsider their action on a vote taken previously. This is limited to actions taken at the meeting currently in session. In order to reconsider a vote, the motion to reconsider must be made by a Commissioner from the prevailing side of the original vote. The motion must be made prior to adjournment of the meeting.

Order and Decorum

Conduct of Commissioners

While the Commission is in session, members should not interrupt the proceedings or any Commissioner that has the floor. A Commissioner, once recognized, should not be interrupted when speaking unless it is to call him/her to order. If a Commissioner is called to order, he/she should cease speaking until the question of order can be determined. If determined to be in order by the Chair, he/she should be permitted to proceed.

After being recognized by the Chair, Commissioners may briefly question individuals speaking during audience participation or testifying during a public hearing, but may not enter into a discussion with the individual.

Conduct of Public in Attendance

Persons attending the meeting should observe the rules and procedures of the Planning Commission and should not disrupt Commission business by interrupting Commissioners; speaking out of turn; shouting; preventing or attempting to prevent others who have the floor from speaking; making disruptive noises such as boos, hisses, and clapping; and entering into or remaining in an area of the Commission without consent. Any messages or contact with any member of the Commission during a meeting should be through the Planning Commission Chair.

Members of the public that do not follow the rules for decorum may be asked to leave the meeting. If a member of the public creates a significant physical disruption to the conduct of the meeting or acts in a threatening manner towards another member of the public, the applicant, staff, or Commissioners, law enforcement personnel may be called to remove the individual from the premises.

Members of the public must sign-in before speaking. Sign-in sheets are available at the back of the room or at the podium. Although not required, each person addressing the Commission should state and spell their name and state the location of their residence. After recognition by the Chair, all remarks should be addressed to the Commission as a body and not to any specific member. No one other than the Commission and the person having the floor may enter into any

discussion, either directly or through a member of the Commission, without the permission of the Chair. No questions may be asked of a Commission member except through the Chairperson.

Interested persons may address the Commission on any subject concerning Borough business during audience participation except for those items that have been advertised and scheduled for public hearing during that meeting. Those items advertised for public hearing cannot be discussed during audience participation and must wait for the public hearing. Once a public hearing has been opened by the Chair, members of the public will be invited to provide testimony. Commissioners may question members of the public following their testimony, but may not engage in discussion. Testimony and questions should remain germane to the agenda item.

Rules of Debate

Every member desiring to speak should first address the Chair, and upon recognition by the Chair, should confine him/herself to the question under debate.

The Planning Commission Chair may participate in debate and has the same rights and privileges enjoyed by the other members of the Commission, however the Chair should be the last to speak and should not attempt to unduly influence the Commission.

Public Hearings

A public hearing is a formal proceeding before the Planning Commission in which the public is permitted to provide testimony into the record. Testimony may be either presented orally or in writing prior to the close of the public hearing.

Action

All actions must be clearly stated in the form of a motion, receive a second, and then be voted upon. All motions require a minimum of four affirmative votes to take action. All formal actions of the commission shall be by resolution.

Hearing from the Staff

Typically the staff report immediately follows the Chair's reading of the resolution title into the record. The purpose of the staff report is to give a brief overview of the business item and to identify key facts, findings, and recommendations from staff.

Staff is available to the Commission for questions and comments throughout the meeting. The Commission may question staff, request further information or give further direction.

Hearing from the Applicant (Quasi-judicial)

The Applicant, or their representative, will be given an opportunity to provide an overview of their application after the Chair has read the resolution title into the record, and staff has provided a staff report, and prior to the opening of the public hearing. The Applicant is under no obligation to provide an overview of their application.

The Applicant, or their representative, will be given 15 minutes to present an overview of their

application, but are not required to do so. Commissioners may question the Applicant, but there will be no Commissioner discussion at this time. The Applicant, or their representative, will be given an additional 15 minutes to rebut questions and comments made by members of the public after the closure of the public hearing. The Applicant is under no obligation to provide a rebuttal. Additional time may be given to the applicant, or their representative, upon determination by the Commission that the complexity of the matter warrants the additional time.

Hearing from the Public

Public testimony will commence after the Chair has read the resolution title into the record, staff has provided a staff report, and the applicant (if any) has been given the opportunity to provide an overview of their application.

Members of the public will be given three minutes to provide testimony. Representatives of state, city, and Borough agencies, and recognized representatives of city councils will be given five minutes.

Impartiality and Standards of "Fair Play"

Each Commissioner should be aware of the need to maintain basic standards of fair play and impartiality. This awareness must also speak to the need to avoid the appearance of bias. The Chair has the primary responsibility to ensure that the varying points of view are heard, that the hearing or work session proceeds in a timely manner, and that the options for future action by the Commission are clearly stated.

Joint Meetings of Commissions/Assembly

The Assembly and Planning Commission shall meet jointly on the fourth Tuesday of March and October for purposes as they deem appropriate (MSB 2.12.075). A joint meeting may be changed to a different day or may be cancelled by the Mayor and Planning Commission Chair. The Assembly and Planning Commission may meet additionally as they see fit. Generally joint meetings are informational or educational in nature and do not result in any action being taken.

Prohibited Serial Meetings

A serial meeting is one in which a quorum of the body communicates with each other, directly or indirectly, through whatever medium, to develop collective concurrence. Serial meetings are in violation of the Open Meetings Act (OMA). Commissioners should be aware of the potential for serial meetings and never hit "reply all" when responding by email.

Meeting Location

Planning Commission meetings are generally held in the Assembly Chambers at the MSB Dorothy Swanda Jones Building at 350 E. Dahlia Avenue, Palmer, Alaska. Occasionally meetings must be held at other locations due to scheduling conflicts. These meetings are generally held in another public building such as a school or city facility.

If a meeting is moved to another location, the new location will be advertised in the local newspaper and on the Borough website. Additionally, signs with the new location of the meeting will be placed at the entrances of the Borough building.

Agenda

The purpose of the agenda is to inform the public and the Commission regarding the matters to be discussed. Prior to each meeting, the Planning Commission Clerk, at the direction of the Planning and Land Use Director, will prepare and distribute an agenda which includes: Call to Order and Roll Call; Approval of the Agenda, Pledge of Allegiance, Consent Agenda (for items that are considered to be routine and non-controversial and will be approved by one motion), Committee Reports, Agency and Staff Reports, Land Use Classifications (are we going to eliminate this section and place the items under a new section?), Audience Participation, Public Hearings on Quasi-judicial Matters, Public Hearings on Legislative (Advisory) Matters, Correspondence and Information, Unfinished Business, New Business, Commission Business, and Director and Commissioner Comments.

Order Of Business

At every regular meeting, the order of business shall be as follows (MSB 15.08.110):

- Call to Order/Roll Call/Determination of a Quorum
- Approval of the Agenda
- Pledge of Allegiance
- Consent Agenda
 - Approval of the Minutes
 - Introductions for Public Meetings
- Committee Reports;
- Agency and Staff Reports
- Land Use Classifications (I am hoping that we can change code and put this under new business and have public hearings or create another section on the agenda for various public hearings)
- Audience Participation (for items other than public hearings – three minutes per person)
- Public Hearings (three minutes per person)
- Correspondence and Information
- Unfinished Business
- New Business (will there be any issues with have a public hearing for some items listed in the area or can we set up a new section on public hearings)
- Commission Business
- Director and Commissioner Comments
- Adjournment

Notice Requirements

In order to protect the right of the public to know when meetings are held, adequate notice must be made. Regular meetings are scheduled and approved by the Commission during a meeting in January of the previous year. The annual meeting schedule will be published as least once in a local newspaper. Agendas are published in the "Notice of Public Meetings" section of the Borough's

website and in the local newspaper. .

Meeting Types

Regular Meetings

A regular meeting shall be held at least once a month. Special meetings may be called by the Commission Chair or shall be called by the Commission Chair at the request of three members. (MSB 15.08.080)

Special Meetings

Special meetings are those not on the regular meeting schedule and may be called by the Commission Chair or shall be called by the Commission Chairperson at the request of three members. Only items that are described on the agenda may be discussed or acted upon. Commissioners may take action during special meetings and may provide direction to staff. Members of the public are allowed to comment during audience participation.

Work Sessions

A work session is not on the regular meeting schedule and is a meeting at which no action is taken and no direction is provided to staff. Work sessions may be called by the Planning and Land Use Director, Commission Chair, or may be called by the Commission Chair at the request of three members. Work sessions are used for educational and non-voting discussions only, and only items that are described on the agenda may be discussed. There are no minutes taken since there are no actions taken. Typically, there is no public testimony during a work session.

Public Hearings

Public hearings are held for legislative (advisory) and quasi-judicial items.

Continuing a Public Hearing:

On occasion the commission may elect to continue a public hearing until a meeting at a later date due to:

- new and potentially substantive information that was submitted late and was not reviewed by staff, the applicant, and/or the public
- the absence of a commissioner that wished to participate
- commission, staff, and/or applicants desire to have more commissioners present to take action.

Procedure:

- Chair opens public hearing
- Members of the public are invited to speak
- Chair entertains a motion to continue the public hearing until time certain
- The motion is made and seconded
- Four or more commissioners vote in favor of continuing the public hearing until time certain

- Does not require re-noticing, some application require mailings and additional outreach to the community prior to the public hearing. Since the public hearing is continued not cancelled the requirement has been met. The continued public hearing will be noticed on the next published agenda.
- Members of the public that have already testified will not be allowed to testify at the next meeting unless the Chair or the Commission determines that there is a reason to allow duplicate testimony

Re-opening a Public Hearing:

On occasion the commission may elect to re-open a public hearing at a meeting at a later date if there is new and potentially substantive information that was submitted late and was not reviewed by staff, the applicant, and the public, and the commission is requesting additional information.

Procedure:

- Commissioner moves to re-open a public hearing and continue to a date time certain
- The motion is seconded
- Four or more commissioners vote in favor of re-opening the public hearing on a specified date
- Re-noticing is required; the re-noticing standards are derived from application requirements.
- The Chair or Commission will determine if members of the public that have already testified will be allowed to testify again due to new and potentially substantive information.

Legislative

While the MSB Assembly has broad executive powers, the Planning Commission is limited to an advisory role to the Assembly with legislative matters. In other words, they do not have the ability to legislate.

Legislative Actions can vary greatly and address a broad range of issues. Examples of legislative type actions include Ordinances, Land Use Classifications, Interim Materials Districts, Special Use Districts, Comprehensive Plans, and Approval of the Capital Improvement Program.

Quasi-Judicial

When the Planning Commission is called upon formally to hear facts and make a decision, they are performing a quasi-judicial function since this is similar to what judges do in court. This duty most commonly arises for requests for conditional use permits (CUP's) and variances.

Quasi-Judicial Actions include items such as Conditional Use Permits (CUP), Earth Material Extraction (MSB 17.30), Junkyards and Refuse Areas (MSB 17.60), Race Tracks (MSB 17.63), Waste Incinerators (MSB 17.64), Tall Structures (MSB 17.67), Alcoholic Beverage Uses (MSB 17.70), Adult Businesses (MSB 17.90), and Variances (MSB 17.65).

New Business (Administrative)

This can include items like Naming Geographic Features (MSB 15.04.025), approval of a Planning Team, updating the PC Policies and Procedures Manual, and approval of the startup of a

Comprehensive Plan.

Commission Packets

Packet items are due to the Planning Commission Clerk at least 12 days prior to the scheduled meeting. The Planning Commission Clerk will make every effort to have an electronic version of the packet available to the Commission and members of the public on the Borough website ten days prior to the scheduled meeting. Hard copies will be mailed or delivered to Commissioners no later than five days prior to the meeting. Commissioners may opt out of receiving hard copies of the packet by notifying the Clerk in writing. Commissioners may also make arrangements to pick up their packets at their convenience. Whenever practicable, minutes of the previous meeting and any background materials pertinent to the agenda shall be included in the packet.

Action Minutes

The Planning Commission Clerk shall keep an accurate record of the Commission's proceedings and transactions by preparing and providing action minutes similar to those provided to the Borough Assembly. Action minutes should not be confused with transcripts. Per *Robert's Rules of Order*, which the Planning Commission generally follows, minutes are a record of what was done at the meeting (action taken) and not what was said. Individuals interested in actual discussions will be referred to the audio recording of the meeting and not the minutes.

Reasons for making a motion, debate, and audience testimony and reaction will not be included in the action minutes. The action minutes will, however, list the date, time, and place of the meetings, the members and staff in attendance, and a clear and concise description of final actions taken. Motions are indicated "moved" and "seconded", and a breakdown of the vote is included.

Adjournment

The Matanuska-Susitna Borough Planning Commission has a mandatory adjournment of midnight.

V. PLANNING COMMISSION ORGANIZATION AND FUNCTION

Planning Commission Roles and Responsibilities

State Statute (AS 29.40.020 (b)(1) and (2)), and Borough Ordinance (MSB 15.04) define the authority and responsibilities of the Planning Commission. Ordinarily, the Planning Commission will be reviewing or investigating land use matters and preparing reports or recommendations for the Assembly on those matters.

Commissioner Responsibilities

Planning Commissioners need to be aware that planning is evolving and ongoing while remaining cognizant of the interrelationship of planning to community goals, priorities, and budget constraints. Commissioners represent the entire community, not just the people in their neighborhood or voting district, and should use their knowledge of the community and their unique position to articulate local values.

Public meeting and hearings provide an opportunity for direct interaction between Commissioners and community residents. They give local residents an opportunity to see the Commission in action, and give Commission Members the chance to hear first-hand about the concerns of local residents. Planning Commission meetings are often the first contact that members of the public have with local government and land use issues, so it is important for Commissioners to act in a way that increases the understanding of land uses and issues, and increases the respect for the responsiveness of government.

In addition to understanding, educating and guiding the community in its growth and development, Planning Commissioners need to understand the legislative and quasi-judicial processes involved in their role as advisory to the Assembly. Please see Chapter IV, Public Hearings for more detail on the processes.

The Commission has authority to approve or deny applications for variances and conditional use permits, and is an integral part of the Comprehensive Plan process for individual communities as well as the Borough as a whole. The Planning Commission is responsible for assisting communities with the development, maintenance and implementation of comprehensive plans, to protect the Boroughs planning process, and to foster long-term interests. It's important that a Commissioner be courageous enough to make the hard decisions that will inevitably be brought forth.

The Planning Commission can initiate planning projects when it recognizes a problem or a need that can be accommodated with available staff time and budget. Projects requiring significant staff time or budget appropriations will need Assembly approval. *Understand that there are limits to what the Commission can do.* Have a clear understanding about when the Commission's role is advisory to the Assembly and when it that of the final decision maker.

In short, the Planning Commission's Roles and Responsibilities are:

- Understand Land Use Planning;
- Reflect the Values of the Community;
- Hold Public Meetings and Hearings;
- Educate the Public on Land Use;

- Understand the Legislative and Quasi-judicial Processes;
- Act on Variances and Conditional Use Permits;
- Make Decisions and Recommendations;
- Prepare Comprehensive Plans; and
- Understand the Opportunities and Limits of Planning Commission Authority

Planning Commission Chair Responsibilities

- Conducts meetings and maintains order
- Encourage relevant testimony by making the criteria for decisions clear
- Ensure that time limits are met
- Keep Commission discussion on track and germane to the subject
- Summarizes as needed
- Diffuses hostility
- Asks for ideas and opinions from each commissioner
- Uphold the appropriate codes.
- Rules on recusals (Please see Recusal Procedures in Appendix _)*

Planning Staff Responsibilities

Planning Staff plays a vital role in the land use planning process and the effectiveness of the Planning Commission. It is the responsibility of Staff to perform necessary research, prepare staff reports, and provide guidance to communities with developing and updating comprehensive plans and special use districts. The Commission will interact most often with the planning department's management team and the Planners. The department has several types of Planners. The current Planners handle permitting issues such as variances and conditional uses. Long Range Planners handle the majority of borough plans in addition to specialized areas like cultural resources, environment, and transportation.

To be really effective, the Planning Commission and Planning Staff must work as a team. The Commission provides perspective on community needs and attitudes, and gives endorsements to plans, reports and recommendations.

Staff provides technical advice on procedure and content, and keeps the Commission informed of developments in the community. Planning Commissioners can expect that minutes accurately reflect Commission actions, and that staff reports are readable and received with adequate time for review. (Please recognize that sometimes flexibility is needed.)

To work well as a team, both groups must treat each other with respect and consideration. Demeaning or rude behavior from either side creates tension and unproductive work environments.

Planning Commissioners should not hesitate to call Staff for research information, advice on law, history, land use, or other pertinent information. It is important to remember that in addition to working with the Planning Commission, staff must also address real time and budget restraints, and deal with the priorities of the Assembly and Borough Management.

Planning Staff Responsibilities include:

- Accept and reject land use applications, ensuring that applications are complete, which saves time and confusion at PC meetings;
- Prepare staff reports which identifies issues with applications, and details criteria and conditions for approval;
- Handle public notification and other administrative tasks;
- Prepare finding of fact and conclusions of law, draft resolutions, and compile packet material and comments;
- Stay current on Borough and State regulations;
- Conduct planning studies on a wide range of subjects, including but not limited to, population and economic trends, natural resource and environmental management, housing, transportation, and community development;
- Work with citizen groups and consultants to gather input related to necessary updates to land use regulations, comprehensive plans and policies, area and regional plans, and interagency agreements;
- Formulate innovative and effective methods of public involvement and citizen education for all projects;
- Perform research and statistical analysis of planning related issues and prepare reports, graphics and maps necessary to convey research effectively;
- Perform spatial analysis and produce maps using geographical information system technology; and
- Serve as staff for special and select committees of the Assembly, Planning Commission, ad hoc committees, or other borough committees assigned by special projects or studies.

Planning and Land Use Director Responsibilities

- Plans, organizes, and directs the work and programs of the department which entails broad and diverse programs involving planning, platting, land use code compliance, and cultural resources;
- Ensures consistent application and compliance of land use codes, platting regulations, and other related land use laws;
- Confers with real estate developers, state and federal agencies, property owners, realtors, and others on questions regarding planning and zoning regulation and land use control;
- Develops and writes land use regulations, resolutions, and ordinances working in concert with the Planning Commission;

- Prepares requests for proposals and administers contracts and grants;
- Coordinates activities of citizen advisory boards and serves as ex-officio member of Planning Commission; prepares Planning Commission agenda and materials; serves as a member of policy review committees and planning teams; and
- Formulates policies, programs, and budgets and oversees implementation; conducts program evaluations; resolves departmental issues.

Planning Commission Clerk Responsibilities

The Planning Commission Clerk is responsible for ensuring all necessary paperwork, notifications, communications, and meetings are completed or conducted according to Borough Code, state law, and Robert's Rules. He/She is the Parliamentarian for all meetings, which includes:

- Preparing commission agendas, resolutions, and packets;
- Notifying commissioners of meetings;
- Taking and keeping record of the minutes and proceedings of the Planning Commission;
- Assisting the Chair during meetings by keeping a record of motions, tallying votes, and other such actions;
- Keeping attendance records and notifying the Chair of absences and vacancies;
- Keeping a record of meeting attendance, travel and other reimbursable expenses of the Commission, and submitting bills for payment;
- Maintaining and having available at meetings a copy of the applicable version of Robert's Rules of Order Newly Revised, and such Special Rules of Order and Standing Orders as may be adopted by the Commission;
- Posting agendas, minutes, resolutions, and packets on the web;
- Advertising agendas in the local newspaper(s);
- Advertising meetings and events in which three or more commissioners may be in attendance; and
- Holding the Seal of the Planning Commission.

In addition, the Planning Commission Clerk is the primary source and conduit of information and communication between Planning Commissioners and Planning Staff. Utilizing the Planning Commission Clerk for communication with staff or applicants can help prevent conflicts of interest.

The Assistant Planning Commission Clerk shall act in the absence of the Planning Commission Clerk.

Applicant Responsibilities

Applicants for permits have significant responsibilities. The Applicant bears the burden of proof! The Applicant is responsible for demonstrating that they have met the criteria needed for approval, and that the land use is consistent with the comprehensive plan.

Property owners who are unfamiliar with the land use process may be daunted by the requirement that they prove their case. Generally Staff works hard to help the applicant understand the criteria on which a decision will be based and offer advice on the type of information to present. It is not the responsibility of Staff, the Planning Commission, or the Assembly to justify an application or provide burden of proof.

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Appendix A

State of Alaska Municipal Boundaries and Borough Incorporation

Department of Commerce, Community, and Economic Development
Division of Community and Regional Affairs

State of Alaska > Commerce > Community & Regional Affairs > Local Government Online > Municipal Government > Borough Incorporation

LOCAL GOVERNMENT ONLINE (LOGON)

MUNICIPAL BOUNDARIES

Borough Incorporation

▼ Introduction

"Borough incorporation" means the creation of a regional municipal government to provide government and services at the regional level. There are four types of organized boroughs in Alaska, with some differences in how they are organized and varying powers and duties. These differences are discussed in detail in the Division of Community and Regional Affairs' publication, Local Government in Alaska.

Those interested in incorporation, should carefully review the publications identified in the Additional Resources section of this chapter.

▼ Narrative

Borough incorporation requires a big commitment of time and other resources. Before making a decision to begin work on incorporation, a lot of thought should be given to researching and planning the process. The borough incorporation process follows a set chain of events, which formally begins when a signed petition and other required documents are filed with the Local Boundary Commission (LBC). Staff from the Division of Community and Regional Affairs then reviews the petition and documentation and submits it to the LBC with any recommendations.

A region must have an adequate economy, population, transportation, and communication infrastructure to support the proposed borough government. Moreover, the population of the region must be socially, culturally, and economically interrelated and integrated in a regional context. The proposed boundaries must embody the characteristics intended for borough governments. Also, the proposal must serve the broad policy benefit to the public statewide. A region may incorporate a borough government if it meets the standards established in law (Article X of the Constitution of the State of Alaska, AS 29.05.031, AS 29.05.100, 3 AAC 110.045 - .065, and 3 AAC 110.900 - .980).

This chapter provides an overview of basic information about borough incorporation. Incorporation is a complex matter that cannot be covered completely in this brief overview. This overview does, however, provide information and links to applicable law, additional publications, and staff available to provide assistance on borough incorporation.

▼ Frequently Asked Questions

What are the available options for borough incorporation?

There are four types of organized borough government in Alaska (unified home rule, home rule, first class, and second class.)

State law requires organized boroughs to provide education on an areawide basis (AS 29.35.160). All organized boroughs must also provide planning, platting, land use regulation, and tax collection and assessment on an areawide basis. State law does not mandate boroughs to provide any other particular service or facility; however, each class of borough government has broad authority to exercise powers. Every borough also has certain general obligations, including annual audits or financial reports, regular elections, codification of ordinances, regular meetings of the borough assembly, etc.

When proposing incorporation of a home rule borough (unified or non-unified), petitioners must prepare a charter, which is the equivalent of a local government constitution. It is important to keep in mind that writing a charter requires a lot of community know-how and commitment beyond that required for incorporation of a general law borough.

Who can petition to incorporate?

A borough government is usually created by a petition submitted by voters within a region. (Although the State can create borough governments on its own initiative, it has not done so since 1963-64 when it incorporated eight boroughs.)

A voter-initiated petition to incorporate a borough must be signed by at least:

- 15% of the number of voters inside home rule and first class cities within the area proposed for borough incorporation that voted during the last general election; and
- 15% of the number of voters outside home rule and first class cities within the area proposed for borough incorporation that voted during the last general election.

What are the "pros" and "cons" of borough incorporation?

The advantages and disadvantages of forming a new borough government will vary depending on the community and the type of borough proposed for incorporation. Generally, people supporting incorporation stress that a borough would provide greater local control and the means to provide essential local services. People against incorporation generally focus on new taxes and fees among the possible problems. Also, if the community is within a city, critics frequently stress that the city can provide any needed services, and that a borough would just be an unnecessary additional layer of government. It is important to explore the pros and cons of incorporation carefully before beginning any work on incorporation.

Are there criteria that guide the development of a borough incorporation petition?

Yes, the criteria are found in Article X of the Constitution of the State of Alaska, AS 29.05.031, AS 29.05.100, and 3 AAC 110.045 -.065. These criteria should be carefully reviewed when deciding whether to incorporate and what type of incorporation to pursue. If the prospective petitioners decide to pursue incorporation, the criteria should also be used to guide the development of the petition. The Department of Commerce, Community, and Regional Affairs will frame its recommendation to the LBC based on these criteria, and the LBC will apply these same criteria to judge the merits of the petition.

What boundaries are appropriate for a new borough?

Borough governments are regionally-based municipalities. Legal standards for borough boundaries are provided in Article X (particularly Section 3) of the Constitution, AS 29.05.031 and 3 AAC 110.045-.060.

Are State grants available to study the feasibility and need for a new borough government?

No. State funding for studies of a prospective borough government is not currently available.

Does the State provide technical assistance to citizens who wish to incorporate?

Yes, the staff of the Local Boundary Commission provides certain assistance to prospective petitioners. Assistance includes providing petition forms and sample successful proposals, consultation regarding policy issues, guidance regarding technical matters and direction concerning sources of information needed to complete a petition. While the State can provide some assistance, the burden of preparing a proper petition remains with the petitioners.

If a group opposes incorporation, does the State assist it as well?

Yes. The staff of the Local Boundary Commission will also provide assistance to any individual and organization that wishes to express views opposing an incorporation proposal. Assistance to opponents might include providing sample responsive briefs filed in opposition to prior petitions, consultation regarding policy issues, guidance regarding technical matters, and direction where fundamental information is needed to complete a responsive brief in opposition to a proposal can be obtained.

Can a petition be amended after it is filed?

Yes, the petitioners may amend the petition. The Local Boundary Commission can also amend or impose conditions on an incorporation proposal following a public hearing. Ideally, however, with careful planning and proper consultation before the filing of a petition, amendments can be avoided. Amending a petition may, under certain circumstances, cause delays in the consideration of the petition.

How long does it take to incorporate?

It typically takes several months (in some cases a year or more depending on the local effort) to prepare a proper petition. Prospective petitioners are encouraged to work closely with the LBC staff in developing a petition. Once a petition is completed and the necessary signatures have been gathered, the petition is filed with the Local Boundary Commission. The process for review of the proposal by the LBC typically takes about one year. If the Commission approves the petition, the State will conduct a local election on the matter. The process for the incorporation election typically involves about three months.

▼ **Additional Resources**

Publications:

- [Background on Boroughs in Alaska](#)
- [Model Borough Boundary Study](#)
- [Local Government in Alaska](#)
- [The Need to Reform State Laws Concerning Borough Incorporation and Annexation](#)

Recommended web site search topics:

- Borough incorporation
- Alaska borough standards
- Local Boundary Commission
- Local Government in Alaska
- Department of Law

▼ **Applicable Laws and Regulations**

Alaska Constitution, Article X

- Section 1 Purpose and construction, local self-government, local government units.
- Section 2 Local self-government powers, taxing authority.
- Section 3 Boroughs, standards required to be established, classification, method of organization.
- Section 5 Service Areas, financing services.
- Section 12 Boundaries.
- Section 14 Agency to advise and assist local governments.

Alaska Statutes

- AS 29.03.010 -.030 Unorganized borough
- AS 29.04.010 Home rule
- AS 29.04.020 -.030 General law
- AS 29.04.050 -.060 Borough reclassification
- AS 29.05.031 Incorporation of a borough or unified municipality, standards
- AS 29.05.060 Petition, required information, maps, proposed operating budget, signatures, powers.
- AS 29.05.070 Review, deficient application.
- AS 29.05.080 Investigation, Commerce informational meetings, notice.
- AS 29.05.090 Hearing, public hearing.
- AS 29.05.100 Decision, LBC amendment/conditions, decision criteria, appeal under the Administrative Procedures Act.
- AS 29.05.110 Incorporation election, notification to director of elections, election on incorporation, municipal officials, voter qualifications, powers, charter.
- AS 29.05.120 Election of initial officials, nomination form, elections supervisor, terms in office.
- AS 29.05.130 Integration of special districts and service areas, time limit, fees, taxes, assessments.
- AS 29.05.140 Transition, time limit; effect of ordinances, rules, and procedures; written notice.
- AS 29.05.150 Challenge of legality, time limit.
- AS 44.33.810 Local Boundary Commission, appointment.
- AS 44.33.812 Powers and Duties.
- AS 44.33.814 Meetings and Hearings.
- AS 44.33.816 Minutes and Records.
- AS 44.33.818 Notice of Public Hearings.
- AS 44.33.820 Quorum.
- AS 44.33.822 Boundary Change.
- AS 44.33.824 Expenses.
- AS 44.33.826 Hearings on boundary changes.
- AS 44.33.828 When boundary changes take effect.

Alaska Administrative Code

- 3 AAC 110.045 Community of interests
- 3 AAC 110.050 Population
- 3 AAC 110.055 Resources
- 3 AAC 110.060 Boundaries
- 3 AAC 110.065 Best interests of state
- 3 AAC 110.400 Applicability
- 3 AAC 110.410 Petitioners authorized petitioners, signature requirements.
- 3 AAC 110.420 Petition, form, supporting brief, exhibits.
- 3 AAC 110.425 Legislative review annexation petitions.
- 3 AAC 110.430 Consolidation of petitions.
- 3 AAC 110.440 Technical review of petitions, Commerce review, deficient petition.
- 3 AAC 110.450 Notice of petition, time limit and method for providing notice.
- 3 AAC 110.460 Service of petition, recipients and method of delivery, availability of all petition documents for public review.
- 3 AAC 110.470 Proof of notice and service.
- 3 AAC 110.480 Responsive briefs and written comments, filing with Commerce, affidavit of delivery to petitioner.
- 3 AAC 110.490 Reply brief, filing with Commerce, affidavit of delivery to respondent.
- 3 AAC 110.500 Limitations on advocacy, adherence to regulations, commission contact with interested parties.
- 3 AAC 110.510 Informational sessions, Commerce determination of adequate public information sessions, affidavit.
- 3 AAC 110.520 Departmental public meetings, notice, affidavit of posting, presiding officer, meeting summary, postponement, relocation.
- 3 AAC 110.530 Departmental report, draft review and comment.
- 3 AAC 110.540 Amendments and withdrawal, time limit, petition signatures, notice, service.
- 3 AAC 110.550 Commission public hearing, notice, public service announcement, postponement, relocation.
- 3 AAC 110.560 Commission hearing procedures, presiding officer, commission quorum, limit on comments, witnesses, sworn testimony, timely submission of documents.
- 3 AAC 110.570 Decisional meeting, time limit, commission quorum, change to comply with law, minutes, statement of considerations, decision, affidavit.

- 3 AAC 110.580 Reconsideration, time limit, denial or acceptance of request.
- 3 AAC 110.590 Certain local action annexations, applicable regulations.
- 3 AAC 110.600 Local action/local option elections, election by director of elections under AS 15, election by municipality.
- 3 AAC 110.610 Legislative review, amendment to consider as local action/option procedure, legislative review of commission decision.
- 3 AAC 110.620 Judicial review, appeal and judicial review in accordance with Administrative Procedure Act.
- 3 AAC 110.630 Effective date and certification, Voting Rights Act approval, certification of election, legislative review deadline, certificate of change, recordation.
- 3 AAC 110.640 Scheduling, chairperson order setting/amending schedule, timeline, postponement.
- 3 AAC 110.650 Resubmittals and reversals, denial of previous similar petition, request for reversal of decision.
- 3 AAC 110.660 Purpose of procedural regulations, relaxation or suspension of procedural regulation, commission discretion, guidelines.
- 3 AAC 110.900 Transition, submission of transition plan; assumption of powers, duties, responsibilities, assets, and liabilities; time limit on execution of plan; approved agreement.
- 3 AAC 110.910 Statement of non-discrimination.
- 3 AAC 110.920 Determination of community, factors considered in determining whether the term community applies.
- 3 AAC 110.970 Determination of essential city or borough services, guidelines.
- 3 AAC 110.980 Determination of best interests of the state, guidelines.
- 3 AAC 110.990 Definitions.

Revised 12/15/2014

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Appendix B

MSB Code of Ethics

MSB 2.7I

CHAPTER 2.71: CODE OF ETHICS**Section**

2.71.005	Definitions
2.71.010	Short title
2.71.020	Purposes and policies of code
2.71.030	Applicability
2.71.040	Board of ethics; created; membership
2.71.050	Board of ethics; reimbursement
2.71.060	Board of ethics; powers and duties
2.71.070	Conflict of interests; prohibited acts
2.71.080	Recusal
2.71.090	Employment of municipal officials
2.71.100	Conflict-of-interest report
2.71.110	Prohibited actions
2.71.120	Request for board opinion
2.71.130	Confidentiality
2.71.140	Filing and initial processing of complaint
2.71.150	Screening
2.71.160	Procedure for notification
2.71.170	Probable cause for hearing
2.71.180	Pre-hearing conference
2.71.190	Hearing procedures
2.71.200	Penalties and other remedies
2.71.210	Time limitation
2.71.220	Protection of public interest
2.71.230	Education and training

2.71.005 DEFINITIONS.

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

- "Appointed officials" includes the manager, clerk, attorney, purchasing officer, finance director, deputies, and persons acting in their behalf.
- "Benefit" means anything that is to a person's advantage or self-interest, or from which a person profits, regardless of the financial gain, including any dividend, pension, salary, acquisition, agreement to purchase, transfer of money, deposit, loan or loan guarantee, promise to pay, grant, contract, lease, money, goods, service, privilege, exemption, patronage, advantage, advancement, or anything of value.
- "Board" means the borough ethics board.
- "Board secretary" means the clerk or the person selected by the clerk to be the secretary to the board.
- "Borough" means all units of the Matanuska-Susitna Borough unless the context clearly indicates otherwise.

- "Clear and convincing evidence" means evidence indicating that the thing to be proved is highly probable or reasonably certain. This is a greater burden than preponderance of the evidence, the standard applied in most civil trials, but less than evidence beyond a reasonable doubt, the norm for criminal trials.
- "Complainant" means a person filing a complaint with the ethics board.
- "Confidential information" means information obtained in the course of holding public office or employment, which is not available to members of the public and which the official is not authorized to disclose, except to designated individuals or bodies, including written and non-written information.
- "Designated supervisor" means a municipal official's designated supervisor, or the person responsible for supervision of that municipal official. The clerk is the designated supervisor for the mayor and the assembly, but only under circumstances delineated in MSB [2.71.070](#) regarding reporting certain information to a designated supervisor.
- "Entity" means an organization (such as a business or governmental unit) that has a legal identity apart from its members.
- "Ex parte" means a communication between a person and the ethics board or an ethics board member regarding a matter pending before the board when other parties are not present. This does not include communications with the ethics board clerk or the borough clerk's office regarding procedural matters.
- "Financial interest" means:
 - (1) an interest held by a person subject to this code or an immediate family member, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit in an amount over \$1,000; or
 - (2) holding a position in a business, such as an officer, director, trustee, partner, employee, or the like, or holding a position of management.
- "Hearing officer" means an officer of the Matanuska-Susitna Borough Office of Administrative Hearings under MSB [2.29](#).
- "Immediate family member" means a municipal official's grandparents, parents, children, grandchildren, siblings, spouse or domestic partner, spouse's children, spouses of children, or a regular member of the official's household.
- "Municipal official" includes the following:
 - (1) elected or appointed Matanuska-Susitna Borough officials;
 - (2) Matanuska-Susitna Borough employees;
 - (3) all paid or unpaid members of boards, commissions and committees of the Matanuska-Susitna Borough; and
 - (4) school board members.

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

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

(Ord. 11-022, § 3 (part), 2012)

2.71.010 SHORT TITLE.

This chapter shall be known as the code of ethics.

(Ord. 11-022, § 3 (part), 2012)

2.71.020 PURPOSES AND POLICIES OF CODE.

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

(B) To encourage high moral and ethical standards:

- (1) To establish standards of ethical conduct.
- (2) To promote ethics education for all municipal officials.
- (3) To provide clear guidance to municipal officials of the ethical procedures and standards of the borough:
 - (a) to recommend procedures that promote ethical behavior and hold municipal officials responsible and accountable for their behavior;
 - (b) to promote borough procedures that protect municipal officials from harassment or retribution should they raise concerns about activities that do not appear to be in line with good government, honest services or other ethical behavior.
- (4) To provide for the consideration of potential ethical problems before they arise.
- (5) To provide for the fair and effective administration and enforcement of this code.

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

- (1) in a representative democracy, the representatives are drawn from society, and therefore cannot and should not be without personal and financial interests in the decisions and policies of borough government;
- (2) people who serve as municipal officials retain their rights to interests of a personal or financial nature; and
- (3) standards of ethical conduct for municipal officials need to distinguish between those minor and insubstantial conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.

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

- (1) financial interest in the matter is insubstantial, or of a type that is possessed generally by the public or a large class of persons to which the municipal officer belongs; or
- (2) action or influence would have insubstantial or conjectural effect on the matter.
- (3) A financial interest over \$1,000 is presumed substantial under this chapter. A lesser amount is

presumed insubstantial.

(Ord. 11-022, § 3 (part), 2012)

2.71.030 APPLICABILITY.

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

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

(Ord. 11-022, § 3 (part), 2012)

2.71.040 BOARD OF ETHICS; CREATED; MEMBERSHIP.

(A) There is created a board of ethics with a total membership of 15 persons designated by seats numbered one through 15. All members shall be residents of the Matanuska-Susitna Borough in accordance with MSB [4.05.040](#). For any matter to be set for pre-hearing conference under MSB [2.71.180](#) to come before the board for a full hearing under MSB [2.71.190](#) or for any matter involving an advisory opinion, a panel consisting of five members next in numerical order shall be called.

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

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

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

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

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

(G) Any member of the board who has conflicting interests, including being a complainant, in any matter under active investigation may not participate in the matter as a panel member and the next member shall be called for the panel.

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

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

(Ord. 11-022, § 3 (part), 2012)

2.71.050 BOARD OF ETHICS; REIMBURSEMENT.

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

(Ord. 11-022, § 3 (part), 2012)

2.71.060 BOARD OF ETHICS; POWERS AND DUTIES.

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

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

(Ord. 11-022, § 3 (part), 2012)

2.71.070 CONFLICT OF INTERESTS; PROHIBITED ACTS.

(A) *Misuse of official position.*

- (1) A municipal official may not grant, obtain, or receive directly or indirectly, any special consideration, treatment, or advantage, for themselves or others, beyond what is generally available to borough residents.
- (2) A municipal official may not, among other things:
 - (a) seek other employment or contracts through the use or attempted use of official position;

- (b) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the borough;
- (c) use borough time, property, equipment or other facilities to benefit substantial financial interests;
- (d) take or withhold official action in order to affect a matter in which the municipal official has a substantial financial interest; or
- (e) attempt to benefit a personal or financial interest through coercion of another municipal official covered by the code.
- (f) No municipal official in his or her official capacity or using their title may publicly promote products or services. However, this does not prohibit a municipal official from answering inquiries by other governmental officials, consumer organizations, or product information services.

(B) *Nepotism.*

- (1) Nepotism is prohibited.

(C) *Receiving improper gifts.*

- (1) A municipal official or a member of the official's immediate family may not solicit, accept, or receive, directly or indirectly, a gift in any form, that is a substantial financial interest to the officer under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment, or constitute a benefit for past performance of official duties, actions, or judgment. Going away parties, parting gifts, social activities, and other events of this type are exempt.
- (2) A municipal official subject to this code shall notify the official's designated supervisor of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, within 30 days after the date of its receipt, if the municipal official may take or withhold (or took or withheld) official action that affects the giver.
- (3) Municipal officials may request guidance from the board concerning whether acceptance of a particular gift is prohibited.
- (4) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.
- (5) Gifts that are not connected with the recipient's status as a municipal official are outside the scope of this chapter and no disclosure is required.

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

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

execution, or administration of the borough grant, contract, lease, or loan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A municipal official or a former municipal official may not disclose any confidential information obtained formally or informally as part of his or her work for the borough or due to his or her position with the borough, or use any such confidential information to further his or her own or any other person or entity's personal or financial gain. "Confidential information" means information obtained

In the course of holding public office or employment, which is not available to members of the public and which the official is not authorized to disclose, except to designated individuals or bodies, including written and non-written information. When such information is also available through channels open to the public, officials are not prohibited from disclosing the availability of those channels.

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

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

(Ord. 11-022, § 3 (part), 2012)

2.71.080 RECUSAL.

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

(Ord. 11-022, § 3 (part), 2012)

2.71.090 EMPLOYMENT OF MUNICIPAL OFFICIALS.

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

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

(C) A municipal official who leaves borough service may not, for one year after leaving borough service, represent, advise or assist a person for compensation regarding the following:

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

(D) A municipal official who leaves borough service may not, for one year after leaving borough service, represent, advise, or assist the borough for compensation in any manner unless the borough assembly, in its sole and absolute discretion, approves the compensation. This section does not apply where the

official is re-hired, elected, or appointed into a position within the borough.

(Ord. 11-022, § 3 (part), 2012)

2.71.100 CONFLICT-OF-INTEREST REPORT.

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

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

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

(1) the name of each person doing business with or receiving benefit from the borough from which a municipal official or member of the official's immediate family has received a benefit in an amount in excess of \$500 during the preceding year if the officer knew of the benefit incurred;

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

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

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

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

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

2.71.110 PROHIBITED ACTIONS.

(A) It is unlawful:

- (1) for any municipal official to willfully fail or refuse to file a written statement required by this code, or to knowingly make any false statement of a material fact in any written statement so filed;
- (2) for any person to intentionally file an ethics complaint they know to be false, against any municipal official;
- (3) for any person to fail or refuse, to appear before the board of ethics pursuant to an order of the board;
- (4) for any person to refuse to be sworn or to affirm or to answer any material or proper question;
- (5) for any person to fail to produce, upon reasonable notice, any material or proper documents, papers, books, accounts, letters, or records in the person's possession or under the person's control;
- (6) for any person having been duly sworn to fail to tell the truth by knowingly giving false testimony as to any material matter; or
- (7) to violate any provision of this code.

(Ord. 11-022, § 3 (part), 2012)

2.71.120 REQUEST FOR BOARD OPINION.

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

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

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

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

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

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

participating and voting on the matter;

- (2) the mayor shall rule on a request by an assembly member to be excused;
- (3) the deputy mayor shall rule on a request by the mayor to be excused;
- (4) the decision on a request to be excused may be overridden by four affirmative votes of the assembly, except that the member to whom the ruling applies shall not vote on the question.

(Ord. 11-022, § 3 (part), 2012)

2.71.130 CONFIDENTIALITY.

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

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

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

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

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

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

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

(Ord. 11-022, § 3 (part), 2012)

2.71.140 FILING AND INITIAL PROCESSING OF COMPLAINT.

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

(B) A complaint shall:

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

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

(D) Procedures.

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

(Ord. 11-022, § 3 (part), 2012)

2.71.150 SCREENING.

- (A) *Standard of review.* The hearing officer shall review each complaint filed to determine whether it is:
 - (1) properly completed;
 - (2) clear and understandable; and
 - (3) contains allegations, which if true could constitute conduct in violation of this code.
- (B) The hearing officer shall screen the complaint in closed adjudicatory session. The request for all information and the response shall be kept confidential.
- (C) After the screening, the hearing officer shall, by formal order:
 - (1) accept the complaint in whole or in part; or
 - (2) reject the complaint in its entirety.
- (D) In addition, after the screening, the hearing officer shall by formal order:
 - (1) refer allegations of violations of municipal, state, or federal law outside the board's authority to the proper authority for appropriate disposition; and
 - (2) refer a complaint outside the jurisdiction of this code to the manager if the complaint alleges a violation of the personnel rules or other matters.

(Ord. 11-022, § 3 (part), 2012)

2.71.160 PROCEDURE FOR NOTIFICATION.

- (A) *Rejection.* If the complaint is rejected, the clerk shall notify the complainant and respondent of the hearing officer's rejection of the complaint, including a copy of the complaint, within ten calendar days of its decision.
- (B) *Acceptance.* If the hearing officer accepts a complaint, in part or in whole, the clerk shall notify the complainant and respondent of the acceptance of the complaint. The hearing officer shall request the

respondent to provide full and fair disclosure, in writing, of all facts and circumstances pertaining to the alleged violation(s). Misrepresentation of material facts in a response to the hearing officer is a violation of this code. The respondent shall provide a response within 20 calendar days after service. An additional time period of ten to 20 days may be granted in writing by the hearing officer. At the conclusion of the prescribed time, the hearing officer may continue its investigations or immediately proceed to determining probable cause.

(C) *Reception of information.* Within 20 days of receiving the requested information, the clerk shall forward the information to the hearing officer who shall proceed in determining probable cause.

(D) *Lack of response from respondent.* If the 20-day limit for response has expired, and no response has been received from the respondent, the clerk shall forward the information to the hearing officer who shall proceed in determining probable cause.

(Ord. 11-022, § 3 (part), 2012)

2.71.170 PROBABLE CAUSE FOR HEARING.

(A) The hearing officer shall consider all information gathered and determine whether or not there is probable cause to believe that a violation of this code has occurred.

(B) If probable cause is not found, all parties are notified and the information gathered remains confidential.

(C) If probable cause is determined by the hearing officer, the documents and all subsequent proceedings, outside of deliberations or closed adjudicatory sessions, are open to the public. Release of such documents shall be subject to restrictions imposed by other provisions of law, if applicable.

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

(Ord. 11-022, § 3 (part), 2012)

2.71.180 PRE-HEARING CONFERENCE.

(A) All parties shall be notified of the pre-hearing conference.

(B) The pre-hearing conference may include:

(1) setting a time and place for the hearing within 45 days of the pre-hearing conference unless extensions are granted;

(2) stipulation as to matters of fact;

(3) simplifying issues;

(4) identifying and scheduling pre-hearing matters;

(5) setting the briefing schedule and establishing dates for witness lists; and

(6) resolving other pre-hearing matters before the hearing.

(C) In the event that a proposed settlement agreement had been reached it may be announced at the

pre-hearing conference and a hearing scheduled for the board to consider only the settlement;

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

(Ord. 11-022, § 3 (part), 2012)

2.71.190 HEARING PROCEDURES.

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

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

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

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

- (1) the parties may summon witnesses and request the production of records, books, and papers by the issuance of subpoenas; and
- (2) subpoenas shall be served as prescribed by Rule 45 of the Alaska Rules of Civil Procedure. Failure of any person to comply with a subpoena or order issued by the board is a violation of borough code. Remedies, enforcement actions and penalties for such violations shall be consistent with the terms of MSB [1.45](#). Such remedies are not exclusive and the borough may pursue any and all legal and equitable remedies available under law necessary to enforce such subpoenas and orders, including application to superior court.

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

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

(G) Written arguments and exhibits shall be submitted by the date determined at the pre-hearing

conference. Written arguments and exhibits submitted shall become part of the record, and shall be mailed or personally served to the board and the parties within seven business days after the written arguments and exhibits are due.

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

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

- (1) Introduction of the case;
- (2) opening statement by complainant;
- (3) opening statement by respondent;
- (4) complainant witnesses:
 - (a) complainant questions witnesses;
 - (b) respondent may cross-examine the complainant's witnesses;
 - (c) board members may ask questions of the complainant's witnesses;
- (5) respondent's witnesses:
 - (a) respondent questions witnesses;
 - (b) complainant may cross-examine the respondent's witnesses;
 - (c) board members may ask questions of the complainant's witnesses;
- (6) complainant's closing statement;
- (7) respondent's closing statement; and
- (8) complainant rebuttal.

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

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

(K) *Decision of the board.* The board may deliberate in closed adjudicatory session. A finding of a

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

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

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

(Ord. 11-022, § 3 (part), 2012)

2.71.200 PENALTIES AND OTHER REMEDIES.

(A) The board, upon a finding of a violation of this code in the case of current or former official, may singly or in combination:

- (1) impose a civil fine of not more than \$5,000;
- (2) order divestiture, establishment of a blind trust, restitution or forfeiture;
- (3) order the municipal official to stop engaging in any official action related to the violation;
- (4) recommend that the official's appointing authority take disciplinary action, including dismissal. In the event the board recommends disciplinary action and the manager or appointing authority disagrees with the recommendation, the manager or appointing authority must provide a written explanation for the manager or appointing authority's action to the board within ten days of service of the board's decision.

(B) If the board determines that a non-salaried member of a board or commission has violated this code, it:

- (1) shall order the member to refrain from voting, deliberating or participating in the matter;
- (2) may order restitution; or
- (3) may recommend to the appropriate appointing authority that the member be removed from the board or commission.

(C) Notwithstanding other provisions of the borough code, a violation of this code is grounds for removal of a board or commission member for cause. If the ethics board recommends that any board or commission member be removed from office, the board shall forward its recommendation to the mayor and the assembly.

(D) If the ethics board determines that a former municipal official has violated this code, it shall issue a public statement of its findings, conclusions and recommendations. Additionally, it shall recommend the borough seek all available recommended remedies.

(E) Disciplinary action for violation shall be as follows:

(1) The board of ethics, on behalf of the borough, may censure or reprimand any person or entity it finds has violated this code and/or recommend to the appointing authority: demotion, suspension, discharge or other disciplinary actions. Should the responsible municipal official not wish to follow the recommendations of the board, a written explanation shall be provided to the board within 30 days of the board's final decision.

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

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

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

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

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

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

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

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

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

(Ord. 11-022, § 3 (part), 2012)

2.71.210 TIME LIMITATION.

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

(Ord. 11-022, § 3 (part), 2012)

2.71.220 PROTECTION OF PUBLIC INTEREST.

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

(Ord. 11-022, § 3 (part), 2012)

2.71.230 EDUCATION AND TRAINING.

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

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

(Ord. 11-022, § 3 (part), 2012)

The Matanuska-Susitna Borough Code is current through Ordinance 15-118, passed September 15, 2015.

Disclaimer: The Borough Clerk's Office has the official version of the Matanuska-Susitna Borough Code. Users should contact the Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Appendix C

American Planning Association Ethical Principles in Planning

Ethical Principles in Planning

(As Adopted May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated

8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;
9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;
11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

APA members who are practicing planners continuously pursue improvement in their planning competence well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. Strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;
2. Do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business stating or implying that they are prepared, willing or able to influence decisions by improper means;
3. Participate in continuing professional education;
4. Contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;
5. Accurately represent their qualifications to practice planning as well as their education and affiliations;
6. Accurately represent the qualifications, views, and findings of colleagues;
7. Treat fairly and comment responsibly on the professional views of colleagues and members of other professions;
8. Share the results of experience and research which contribute to the body of planning knowledge;
9. Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness in the situation;
10. Contribute time and information to the development of students, interns, beginning practitioners and other colleagues;
11. Strive to increase the opportunities for women and members of recognized minorities to become professional planners;
12. Systematically and critically analyze ethical issues in the practice of planning.

Appendix D

Alaska Open Meetings Act

Department of Commerce, Community, and Economic Development
Division of Community and Regional Affairs

State of Alaska > Commerce > Community & Regional Affairs > Local Government Online > Local Government & Elected Officials > Open Meetings Act

LOCAL GOVERNMENT ONLINE (LOGON)

ELECTED OFFICIALS

Open Meetings Act

▼ Introduction

The State of Alaska's Open Meetings Act (AS 44.62.310-.312) requires that all meetings of a public entity's governing body be open to the public and that the body provide reasonable notice of its meetings. The Open Meetings Act (OMA) is intended to ensure that decisions made and actions taken are public knowledge and represent the will of the public that the governing body serves.

In essence, the OMA protects the public's right to know.

► Narrative

To be able to protect the public's right to know, the OMA requires that:

- all deliberations and action taken by a public entity must be done in public view, with limited exceptions;
- the public must be provided prior knowledge of all steps occurring in the decision making process, with limited exceptions; and that
- individual actions of an official are made known.

In order for these requirements to have full effect, meetings must occur as provided in the notice; and, with few exceptions, the public must be allowed to involve itself in the meeting. The public must also have access to materials being considered during the meeting.

In addition to laying out specific steps required for meetings and allowable exceptions, the statutes addressing open meetings speak about the state's policy regarding what authority the public has delegated to governing bodies. Following is a synopsis.

According to the 'State Policy Regarding Meetings' (AS 44.62.312):

- The government exists to aid in conducting the people's business.
- Government units should act and deliberate openly.
- The people do not yield sovereignty to government agencies that serve them.
- Public servants have not been given the right to decide what is good or not good for the people to know.
- People should remain informed so they may retain control over the government they created.
- The use of teleconferences is for convenience of the parties, public, and government.
- The Open Meetings Act should be narrowly construed to effectuate these policies and avoid unnecessary exemptions

► Frequently Asked Questions

What is the Open Meetings Act?

The State of Alaska's Open Meetings Act (AS 44.62.310-.312), is a law that addresses the meetings of public entities; it protects the public's right to know and their opportunity to be heard. Among other things, the Act:

- defines public meetings and public entities;
- lays out specific requirements for public notice;
- requires that all meetings of a governmental body of a public entity are open to the public;
- lays out provisions for attendance at meetings and voting methods;
- lays out provisions for distribution of meeting materials; and
- lists the few exceptions to the act as well as matters that may be discussed in executive session.

In order to assure that the public information/participation provisions of the act are met, the act requires that the public entity must provide "reasonable" notice that meets the requirements of the act. To meet these notice requirements the notice must:

- be provided within a reasonable amount of time prior to the meeting;
- include the date, time, and place of the meeting;
- be posted at the principal office of the public entity, in addition to any other methods and locations stated in local ordinance; and
- be done in the same way each time (consistent).

What is the definition of a meeting that would fall under the provisions of the Open Meetings Act?

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes

a public meeting. The act makes a distinction between what constitutes a meeting of a policy/decision making body and what constitutes a meeting of an advisory only body.

A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a *subject that the body is authorized to act and set policy on* and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact.

A meeting of an advisory only body is a prearranged gathering to consider a matter on which the entity is *authorized to advise and assist the decision making body* and is subject to the provisions of the act. The act doesn't specify a number, so two or more members, if the gathering is prearranged for the purpose of conducting any business of the entity, could constitute a meeting.

What types of meetings might be conducted that would require notice under the Open Meetings Act?

Following are the most common types of meetings that would be subject to the Open Meetings Act:

Regular Meetings: State law requires that the governing body conduct its business at regularly scheduled meetings that are open to the public. Regular meetings must be held at least once a month and may be held more often, as required or established in local ordinance. The local code of ordinances should provide the date, time, and place of regular meetings so that everyone knows when regular meetings will take place. The public shouldn't have to wonder about the meeting time, date, and place always changing. If at times it is necessary to reschedule the regular meeting, notice must be posted informing the public that the regular meeting has been rescheduled and when it will be held.

Special Meetings: Special meetings have the same requirements as regular meetings, except that they are called for a different time than that fixed for regular meetings. For example, local ordinance may require that the governing body hold its regular meeting on the third Tuesday of each month at 7:00 PM at the municipal offices. If the governing body must meet earlier, it can call a special meeting for a different date. The special meeting does not take place instead of the regular meeting, it is in addition to the regular meeting. Special meetings should be held rarely and only to address time sensitive issues. A special meeting may be held with less than 24 hours notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held.

Emergency Meetings: Emergency meetings are held to address situations that are so urgent that the governing body must meet right away. An emergency meeting may be held if a majority of the members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members.

Committee Meetings: Permanent ("standing") committees and temporary ("ad hoc") committees of the governing body may be formed to study particular issues in more detail. Standing committees may include the finance committee, public works committee, and/or a facilities committee. Ad hoc committees are formed to address a specific situation and are disbanded once the situation has been dealt with. Committees may be composed of all members of the governing body (referred to as a committee of the whole), or of fewer members, usually three. A committee cannot take action on behalf of the full governing body but instead makes a recommendation to the governing body for the governing body's action. Usually the committee of the whole meets to discuss items that are not ready for action but need further discussion in an informal setting. For example, the annual budget usually requires a work session before it is formally adopted.

Board of Equalization: The governing body, or its appointees, sits as the Board of Equalization in municipalities that levy a property tax. AS 29.45.200(a) states, "the governing body sits as a board of equalization for the purpose of hearing an appeal from a determination of the assessor." A property owner who believes the assessor has made a mistake in the yearly valuation of their property may appeal the assessor's decision to the board of adjustment, which meets once a year.

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How much notice is required to meet the "reasonable" public notice provision of the Open Meetings Act?

How much notice is required depends on the complexity of the issue and the potential effect it will have. Proper public notice must be provided in advance of the proposed action and local ordinances should state the minimum number of days that notice is required. This number should be adjusted up if the situation warrants additional notice. Special and emergency meetings require only 24 hours notice or less. If less notice is given, absent members must waive the notice requirement. Notice requirements for work sessions and committee meetings should follow the same guidelines as those established in local ordinance for regular meetings.

There are minimum mandatory notice requirements for certain actions, such as notice of a public hearing on a proposed ordinance, or election notice. There is, however, no specific number of days spelled out in statute that defines "reasonable." The general tone of case law on the subject has essentially found that reasonable notice provides enough notice that a concerned party will have notice of a proposed action within enough time to be involved in the deliberations. This could vary anywhere from three months to three days. The notice also has to provide enough information to let the public know what subjects will be covered in the meeting. If a complete agenda isn't available at the time of posting, a summary will work until the complete agenda is available.

Local ordinances should contain all of the requirements for public notice of meetings including what to include in the notice, where the notices are posted, and how soon before the meeting the notices are posted.

Where and how does notice have to occur?

State law, AS 44.62.310(e), requires that reasonable notice include the date, time, and place of the meeting; and, if by teleconference, the location of any teleconferencing facilities. It also provides that notice may be given in print or broadcast media; that it be posted at the principal office of the public entity or, if no principal office, at a location designated by the governing body; and that it be done in the same way each time "consistent."

In addition to the locations required in statute, notice should be posted at well-used locations in the community like the post office, the store, government offices, and the community bulletin board. It may also be published in a newspaper of general circulation in the community or broadcast over a local radio station in addition to any other means and locations stated in local ordinance.

Are there exceptions to the Open Meetings Act and what subjects may be discussed in executive session?

Exceptions to the OMA are discussed in the Executive Session section of LOGON.

Is secret ballot voting allowed under the act?

Almost always, no. In addition to requiring that deliberations of a governing body be open to the public, the act also requires that the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote, including meetings conducted by teleconference. The one exception is organizational meetings of a governing body to elect members to various offices, which are exempted from the requirement that the vote of each member be made public (AS 44.62.310(e)).

Is telephone polling considered a violation of the Open Meetings Act?

Whether a phone poll by a member or agent of the governing body would be considered a violation of the act, depends on the subject matter. If the matter involves an administrative or procedural issue that would warrant public discussion, a phone poll may be conducted. If, however, the phone poll touches on an issue that should be discussed in an open meeting or can have the effect of swaying opinion on a public issue, it could be considered a violation of the act.

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Who enforces the Open Meetings Act?

It is the responsibility of the administration and governing body to assure that the provisions of the Open Meetings Act are enforced. Any individual may contest an action administratively through local channels that they think was done in violation of the Open Meetings Act and ultimately may, within 180 days, file a court action if the issue isn't remedied locally AS 44.62.310(f).

There are several court cases that have ruled in favor of the Open Meetings Act. When deciding these cases, the court doesn't just consider whether a violation has occurred, but also considers whether the action has interfered with the public process that the act was intended to protect.

What is the cure for a violation of the Open Meetings Act?

Actions taken at meetings that are found to be in violation of the Open Meetings Act may be voided. Failing to provide proper notice can cost a great deal of money to defend in addition to the wasted time and effort involved. The governing body can attempt an informal cure by holding another meeting in compliance with the Open Meetings Act and conducting a substantial and public reconsideration of the matters.

If a lawsuit is filed, the court may void any action taken by the governing body if the court finds that, considering all of the circumstances, the public interest in compliance with the law outweighs the harm that would be caused by voiding the action AS 44.62.310(f).

In deciding whether to void an action, the court must consider:

- (1) the expense that may be incurred if the action is voided;
- (2) the disruption that may be caused if the action is voided;
- (3) the possibility of additional litigation if the action is voided;
- (4) the extent to which the subject has previously been considered in compliance with the act;
- (5) the amount of time that has passed since the action was taken;
- (6) the degree to which the action has come to be relied on;
- (7) whether and to what extent the governmental body has, before or after the lawsuit was filed, engaged in or attempted to engage in public reconsideration of the matter;
- (8) the degree to which the violations were willful, flagrant, or obvious;
- (9) the degree to which the governing body failed to adhere to the policy under AS 44.62.312 (a).

This does not apply to an advisory only body that has no authority to establish policies and make decisions for the public entity (AS 44.62.310(g)).

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What effect does attorney client privilege have in dealings between a public entity and its attorney?

Executive session procedure requires that the reason for calling the executive session is clearly stated. The attorney-client privilege exemption to the Open Meetings Act is limited to matters where public interest may be injured. This might include how to avoid legal liability, litigation strategies and candid discussion of facts, a proposed settlement conference, and a conference on a decision to appeal.

In addition to the rights protected under the Open Meetings Act, what rights can the public expect under state law?

In addition to the rights protected under the Open Meetings Act, Title 29 reiterates the requirement that all meetings be open to the public and also provides that the public will have the right to be heard at regular and special meetings AS 29.20.020.

AS 29.20.160 lays out the procedures that a governing body must follow in conducting its meetings. These procedures include:

- Provision for identification of the presiding and deputy-presiding officers;
- The requirement that the governing body hold at least one regular monthly meeting, unless otherwise provided by ordinance;
- The requirement that the governing body shall provide at least 24-hours notice for special meetings or absent members must waive the notice requirement;
- Clarification on how actions of the governing body are adopted and what constitutes a quorum;
- The requirement that all members present shall vote on every question, unless required to abstain; and
- The requirement that a governing body maintain a journal of its proceedings that is available to the public.

AS 29.20.380 assigns certain meeting duties and responsibilities to the municipal clerk. These include:

- Attendance at public meetings;
- Keeping the journal;
- Assuring that notice and other requirements for public meetings are complied with;
- Assuring that public records are available for public inspection;
- Managing and maintaining public records; and
- Preparing agendas and agenda packets.

Who enforces the local rules under which a municipality conducts its meetings?

Governing bodies must have procedures in place and follow them for their meetings. Some of these procedures are in Title 29 and other statutes. Others are in the local ordinances, which are usually more specific and detailed than Title 29, or in rules of procedure adopted by the governing body.

Essentially, the presiding officer enforces the rules by following them when conducting a meeting and, when there is a question of procedure, the clerk, acting as parliamentary advisor, researches the question and proposes an answer, which the presiding officer then rules on. Members of the public also enforce the rules by questioning whenever something occurs that doesn't seem to follow the rules. The last resort for enforcement is a lawsuit.

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Additional Resources

Publications:

- Perkins Cole, [Alaska's Open Meetings Law](#), by Gordon Tans, October 2002, 3rd Edition
- [A Primer for City Council Members](#)
- [The Mayor's Handbook: A Primer for Small City Mayors](#)

Recommended web site search topics:

- Alaska's Open Meetings Act

Applicable Laws and Regulations

Alaska Constitution

- Article I, Section 1 Inherent rights.
- Article I, Section 2 Source of government.
- Article I, Section 22 Right of privacy.

Alaska Statutes

- AS 29.20.020 Public meetings, opportunity to be heard.
- AS 29.20.160 Procedures of governing bodies.
- AS 29.20.250 Powers and duties of mayor.
- AS 29.20.300-.320 Boards and commissions
- AS 29.20.380 Municipal clerk duties, official journal.
- AS 29.20.500 Powers and duties of a manager.
- AS 40.25.110-.120 Public records open to inspection, exceptions.
- AS 44.62.310 Government meetings public.
- AS 44.62.312 State policy regarding meetings.

Appendix E

Legislative

Vs.

Quasi-Judicial

Some Key Differences between Legislative and Quasi-Judicial Zoning Decisions

Duties and Powers: Legislative and Quasi Judicial Functions

from MMA's *Handbook for Municipal Officers* prepared by Joseph J. Wathen, MMA Staff Attorney - June, 1991

Legislative Role

While the City Council has very broad executive powers, their legislative, or law-making, powers are limited to what is granted by either state law or local charter or ordinance. In other words, they have no inherent right to legislate.

Ordinances and Regulations, Policies and Bylaws. Legislation which is enacted at the local level is usually enacted in the form of an ordinance, although local law is sometimes enacted as regulation. There is no clear and simple distinction between an "ordinance" and a "regulation." An ordinance is usually defined as a law adopted by a town or city, while a regulation may be adopted by state, federal, municipal or other agencies. In practical terms, an ordinance and regulation are often the same thing and may both operate as law.

A "policy" adopted by the City Council is something different from an ordinance or regulation. "Policy" in the broad sense is the municipal officers' statement of general goals, but has no specific force or application. "Policy" in the specific sense refers to a written or unwritten procedure for dealing with a particular situation. For example, the City Council can adopt a personnel policy which describes the rights and duties of employees. Or, the City Council can adopt a policy on how to run their own meetings and the hours of operation for the City offices. This type of policy is often called a "by-law," and regulates internal matters. A policy cannot be used to regulate outside matters such as land uses, parking, and so on. Those matters must be controlled by ordinance or regulation.

While the Planning Commission is unable to pass ordinances, they may be asked by either the City Council or residents to (direct staff to) develop a particular ordinance for Council approval. An example is a request for a noise ordinance. The City Council is not legally required to prepare an ordinance; should the council decide to take action this responsibility is generally delegated to staff.

Statutory authority for the City Council to make law. The City Council is the City's legislative body. No other body is authorized to make laws. Likewise, no other body is authorized to make exceptions to laws unless specifically allowed by ordinance (such as through a variance).

Quasi-Judicial Role

When the Planning Commission is called upon formally to hear facts and make a decision, they are performing a quasi-judicial function since this is similar to what judges do in court. This duty most commonly arises for requests for variances and conditional uses.

The Planning Commission also acts in a quasi-judicial capacity when they act as an appeals board for decisions made administratively (by staff). Most ministerial decisions are non-discretionary, however, and appeals are rare. Ministerial decisions can generally be answered by "yes" or "no;" either you meet the approval criteria or you don't. There is no discretion in determining compliance.

This remainder of this document was created/compiled by Evan MacKenzie, City Planner

CITIZEN INFORMATION ABOUT QUASI-JUDICIAL PROCEEDINGS!

This document was modified from a document created by the City of Longmont, CO.
Planning and Development Services Division longmont.planning@ci.longmont.co.us

Applying constitutional due process (fair hearing) requirements, state and federal courts have characterized certain City Council decisions as legislative and others as "quasi-judicial." It is important to understand the differences between legislative and quasi-judicial decisions because the courts require both the City Council and Planning Commission to follow special procedures for "quasi-judicial" matters.

The Council's Legislative Functions

The Council normally operates as a policy-making body. In that capacity, the Council gathers information at public hearings, from informal conversations with citizens and others, from memoranda prepared by City staff, and from other sources. The Council then deliberates and implements a policy by enacting an ordinance. This is a legislative process by which the Council creates citywide policy that operates prospectively from the effective date of the ordinance. For example, when the Council enacts an ordinance setting future citywide noise standards, it is acting in its policy-making, or legislative capacity.

The Council's Quasi-Judicial Functions

Occasionally the Council must act in a manner similar to a judge in a court of law. Courts call this kind of action adjudicatory, or "quasi-judicial". In a quasi-judicial proceeding, the Council is not setting new policy but is applying policies expressed by an existing ordinance, statute or regulation to past or present facts presented at a hearing. In other words, much like a court, the Council is applying the law to facts gathered at the hearing to arrive at its decision. Quasi-judicial land use decisions usually apply only to a few specific properties and are not effective citywide. For example, when the Council hears an appeal of a Planning and Zoning Commission decision on a specific property or development, it is generally operating in its quasi-judicial capacity.

Some Examples of Quasi-Judicial Council Decisions

Determining whether a particular Council decision involves legislative or quasi-judicial action sometimes requires analysis of court decisions. As a rule, however, "site-specific" land use decisions (including most rezoning decisions)² are generally quasi-judicial. On the other hand, courts generally consider the rezoning of large areas consisting of many properties legislative³. "Other quasi-judicial matters include historic preservation district permits, conditional and special use permits, and variances."⁴

1 The City prepared this material for general public information. When prepared, it was a summary and paraphrase of applicable rules and court decisions. As a summary, it omits many details that could be important to particular cases or questions. In addition, court decisions, ordinances and statutes adopted after preparation of this material may alter its accuracy, completeness or applicability. Therefore, citizens should use this material as a general reference only.

2 Snyder v. City of Lakewood, 189 Colo. 421, 542 P.2d 371 (1975) (site-specific rezoning), Reynolds v. City Council of the City of Longmont, 680 P.2d 1350 (Colo. App. 1984) (subdivision plat)

3 Jafay v. Board of County Commissioners of Boulder County, 848 P.2d 892, 898 (Colo. 1993)

4 Gerald E. Dahl, Advising Quasi-Judges: Bias, Conflicts of Interest, Prejudgment, at Ex Parte Contacts, The Colorado Lawyer, Vol. 33, No. 3 [Page 69], March 2004

Special Rules for Quasi-Judicial Decisions

In making quasi-judicial decisions, due process (which means a constitutionally fair procedure) generally requires that **the decision-making body follow certain rules, including:**

- The City must provide advance notice and a reasonable opportunity for interested persons to present evidence and argument at the hearing.
- The decision-making body must make a record of the proceeding, including all information it considers in making its decision. City staff will collect letters, email messages and documents submitted at least seven business days before the hearing and will include them in the record of the hearing. If there is an appeal of the Planning Commission's decision, the City Council will look to see if evidence in the record supports the Commission's decision. If there is an appeal of the City Council's decision, the reviewing court will look to see if evidence in the record supports the Council's decision.

- The decision-making body must not consider any information received outside the record (this is called "ex parte communication"), so everyone has a fair opportunity to hear the evidence and argument. This includes written and verbal communication, from any source, including other Planning Commission /City Council members.

Ex Parte Communication

Information (verbal, written, electronic or graphic) received outside of the record is "ex-parte communication." Courts generally hold that such communication is improper and may provide legal grounds for overturning a decision. This rule against ex-parte communication promotes impartial decisions by ensuring disclosure of all evidence and argument presented to the Council in its deliberation and decision. The rule also gives everyone involved a fair chance to respond to all information that may affect the decision.

Communication with Council Members

Council members and citizens are free to discuss legislative matters at any time. However, both City Council and Planning Commission members should not receive information on a pending quasi-judicial matter outside of the official record (including any hearings on the matter).

Quasi-Judicial

The action taken and discretion exercised by public administrative agencies or bodies that are obliged to investigate or ascertain facts and draw conclusions from them as the foundation for official actions.

As a general rule, only courts of law have the authority to decide controversies that affect individual rights. One major exception to this general rule is the power of an Administrative Agency to make decisions concerning the rights of parties. An administrative agency is a body of government created by a legislature and charged with supervision and regulation of a particular area of governmental concern. Part of the regulatory power given to an administrative agency is the power of adjudication. Under the Federal Administrative Procedure Act (60 Stat. 237 [5 U.S.C.A. § 551 et seq.]), an agency engages in adjudication when it follows a process for the formulation of an order. With the exception of rule making, any decision by an agency that has a legal effect is a quasi-judicial action. Oregon local governments follow local procedural law, not the federal law.

Complaints against administrative agencies often arise when an agent denies benefits or places restrictions on an individual. For example, a homeowner who seeks to build another structure on her property must obtain approval from a number of administrative agencies. If the local conservation agency refuses to issue a permit for the building of a new structure, the homeowner may appeal this decision in a hearing before the agency's administrative board. The board may hear testimony and examine evidence at the hearing, and then it will decide whether to issue the permit or uphold the agency's refusal.

Quasi-judicial activity is limited to the issues that concern the particular administrative agency. For example, the Planning Commission may issue a decision on issues concerning administration of discretionary land use issues, but it may not write new laws or amend the existing laws that guide the decision-making process.

The Planning Commission may hold a formal hearing to make a decision only when required by statute. A formal hearing is a complete hearing with the presentation of testimony, evidence, and arguments. An informal hearing usually is a simple meeting and discussion between an agent of the agency and the individual affected by the agency's actions. As a general rule, the scope of a hearing depends on the importance of the right at issue. If the Internal Revenue Service attempts to take away a person's homestead, for example, a full hearing would be required. By contrast, when an agent of the Department of Safety issues a small fine for illegal parking, the agency needs to provide only a brief, one-to-one meeting with a hearing officer regarding the issuance of the fine.

Quasi-judicial action by an administrative agency may be appealed to a court of law. With a few exceptions, a plaintiff generally must exhaust all remedies available through an agency before appealing the agency's decision in a case. In Oregon, a plaintiff may not proceed directly to the Land Use Board of Appeals (LUBA) or the Court of Appeals without exhausting all remedies available in the local jurisdiction. A decision of the Planning Commission must proceed through the City Council before an appeal may be filed with a higher body.

Further readings

Mashaw, Jerry L., Richard A. Merrill, and Peter M. Shane. 1992. *Administrative Law: The American Public Law System; Cases and Materials*. 3d ed. St. Paul, Minn.: West.

Cross-references

Administrative Law and Procedure; Bureaucracy; Public Administrative Bodies; Regulation.

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quasi-judicial adj., adv. referring to the actions of an agency, board, or other government entity in which there are hearings, orders, judgments or other activities similar to those conducted by courts. Example: a public utilities hearing on setting telephone company rates is quasi-judicial. (See: *judicial, quasi*)

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Risk Management in the Land Use Context: A Primer on How to Avoid Being Sued

Local government actions related to the development of land, such as planning, zoning, and platting, are a frequent source of litigation. Land use decisions routinely affect, sometimes significantly, the value of land parcels, which tends to generate litigation from property owners seeking to maximize their properties' value. Sometimes lawsuits cannot be avoided; however, the following information will help you to minimize your risk of having to defend against land use claims. Here are a few concepts that you need to know and follow, along with suggestions for avoiding land use lawsuits:

1. Involve Professional Staff and Consultants.

Guidance from planners, engineers, lawyers, and surveyors should be sought throughout the process. They will make sure you are up to date on industry and professional standards, and current laws. From the time that a land use application is filed to the final decision, the assistance of experts will help in creating a defensible record and a sound decision. The land use process has become too complex and technical to navigate without some professional assistance.

2. Stay Current.

Know the applicable laws and keep local codes and procedures current with appellate court decisions, Growth Management Hearings Board decisions, and state statutes. Promptly inform staff and decision makers of new decisions. Schedule yearly reviews of your land use code to make sure it meets any new requirements.

3. Timeliness and Notice.

Project permit applications are required to be processed within deadlines established by state statutes and local codes. Statutes and codes require that notice is given in a certain manner at certain times and usually that public hearings are held. Make sure all required notices are given and hearings held. Develop checklists or summaries for the different types of applications you process. The checklists should identify the various deadlines and notices applicable to the particular application.

4. Legislative Hearings vs. Quasi-Judicial Hearings.

Decision-making bodies—boards, councils, and commissions—must understand when they are acting in a **legislative** role and when they are acting in a **quasi-judicial** role. The legal standards for what constitutes a valid decision differ depending upon which role applies. Quasi-judicial hearings require legal due process for the applicant. More leeway exists when acting in a legislative capacity. Hence, more lawsuits arise from quasi-judicial hearings than from legislative hearings.

Decisions of general applicability affecting the community at large are usually **legislative** in nature. The following land use actions are legislative:

- Adoption, amendment, or revision of comprehensive plans;
- Adoption of area-wide zoning ordinances;
- Adoption of area-wide zoning amendments.

Quasi-judicial land use actions are that determine the legal rights, duties or privileges of specific parties in a hearing or other contested case proceeding. The characteristics of matters that are quasi-judicial are the following:

- The decision applies an existing policy or law rather than creating a new one;
- The proceedings seek to reach a fact-based decision between two distinct alternatives;
- The decision has a greater affect on a limited number of specific persons and a lesser affect on the general community at large.

Examples of decisions that are quasi-judicial include subdivisions, preliminary plat approvals, conditional use permits, rezones of specific parcels of property, variances, and other types of discretionary zoning permits if a hearing must be held by statute or local ordinance. If a single proceeding combines both legislative and quasi-judicial functions, treat it as a quasi-judicial proceeding.

5. Fairness and Appearance of Fairness.

Government staff and decision makers should avoid making promises to applicants or project opponents. Furthermore, the decision makers and government staff should avoid prejudging applications and must not have a personal interest at stake in the matter. Personal interests include financial gain or ownership, family or social connections, associational or membership ties, and being employed by an applicant or interested party.

Washington is one of a few states that has the Appearance of Fairness Doctrine, which requires decision makers who act in a quasi-judicial role to not only be free from actual bias, but also the appearance of bias. To determine whether a violation of the Appearance of Fairness Doctrine has occurred, the question asked is this: Would a fair minded person in attendance at this hearing say that everyone was heard who should have been heard, and that the decision maker was impartial and free from outside influences? To avoid violations of the Appearance of Fairness Doctrine, base decisions solely upon the record, allow everyone to be heard who wants to be heard, and give reasonable credit to all information presented, while according the information the weight, or lack thereof, that it deserves.

6. No *Ex Parte* Contacts in Quasi-Judicial Proceedings.

Ex parte contacts are those between a decision maker and one side in a controversy for which that decision maker will issue a ruling. Quasi-judicial decision makers should not have *ex parte* contact with either side in a case. *Ex parte* contacts always should be avoided. If such contact occurs, however, it may be cured by publicly disclosing the substance of the *ex parte* contact, placing it into the record, and providing opportunity for rebuttal by opposing sides.

Contact among decision-makers outside of a hearing is permitted. However, **decision-makers shall not discuss pending quasi-judicial decisions outside of a hearing.**

7. Follow Written Hearing Procedures.

Proper procedures are important to avoid due process violations, and written procedures are more likely to be followed than unwritten ones. Written procedures make everyone aware of the process in advance. Procedures, for example, may detail the order of the hearing, rules of respect and decorum, and urge those with common views to choose a spokesperson.

8. Base Decisions on the Record.

Quasi-judicial land use decisions must be based on and supported by the "record." The record consists of testimony at the hearing and all documents submitted at the hearing, and those submitted outside the hearing but within a set timeframe (no *ex-parte* contacts). You should preserve quasi-judicial hearing testimony by either a tape recording or court reporter. The documents are typically letters making arguments, maps, staff reports, and drawings, which are numbered and admitted as official exhibits and entered into the record. Only hearing testimony and documents officially submitted into the record should be used to render a decision. Make sure tape recordings are audible and that all speakers, including the decision makers, state their names before speaking.

9. Consider All Relevant Facts in the Record and Apply Them to the Law.

Quasi-judicial decision-making requires applying the law to the facts and coming to logically supportable decisions. However, not all facts are equal and it is the duty of decision makers to weigh facts and determine their probative value. A staff report is a good starting point because it should identify all relevant facts available at a given point in time. Neighborhood opposition to a project, standing alone without reference to facts relevant to the decision, is not a legitimate basis for denial of a land use application. Likewise, unsubstantiated opinions have little value. Quasi-judicial hearings are not popularity contests, but forums for gathering relevant facts that bear upon the decision criteria stated in state law and local codes.

10. Create a Written Statement of Findings.

A clear, written decision applying facts to the applicable law will help avoid lawsuits. The written finding should demonstrate that open, considered deliberation occurred, not a *pro forma* decision of a predetermined outcome. The written decision must be more than just an approval of the minutes of the hearings. If the Commission does not adopt the findings and conclusions of staff as their own, it is appropriate to request staff to draft a final written

decision including the Commission's findings and conclusions and bring it to the next meeting for review and approval.

FINDINGS OF FACT OR FINDINGS OF OPINION?

11. Identify Potential "Problem" Projects Early.

Recognizing those land use projects that are potential "problems," such as an unclassified use, a novel or controversial development, or a contentious developer, early in the process may be helpful for avoiding liability and lawsuits. When you or your staff identify a potentially problematic project, it is crucial to seek guidance from professionals such as lawyers, planners, and engineers.

Prepared by Michael B. Tierney, Esq. The information provided herein is intended as a general overview and is not intended to guide decisions or provide legal advice in any particular instance. Application of the information in this article to specific situations should always be accompanied by advice from professionals in the land use field. (Edited by Evan MacKenzie, City of Pendleton staff)
http://www.ciaw.us/files/documents/Land_Use_Doc.pdf

Let's say you get pulled over by a police officer for going 70 in a 55 zone. You don't engage in a discussion with the officer (or a judge) over whether or not the 55-mph zone is appropriate. You were speeding, and the officer issued a citation. If you wish to take up the issue with the local City Council to have the speed limit changed to 70, you can do that. But until the speed limit is changed, the officer acted appropriately. Changing the speed limit after the fact doesn't retroactively mean you didn't break the law.

The situation is somewhat similar for the Planning Commission. Acting similar to a judge, the Commission would determine the appropriate penalty for speeding; they would not contemplate whether or not the speed limit should be changed or what the appropriate speed limit should be. Only the City Council can do that, in a public hearing, after proper notice and opportunity to comment have been provided.

The Comprehensive Plan, Zoning Ordinance, Transportation System Plan, etc. are adopted by Council; they have the rule of law and cannot be amended or waived except by ordinance. If somebody comes before the Planning Commission to request an exception to the plans, it is not within the Commission's power to decide whether or not the plans are "right." The plans have been made; it is the Commission's duty to act in a quasi-judicial manner to determine a proposal's compliance with the plans – nothing more, nothing less. A specific request for a variance, substantiated by findings and conclusions that all applicable criteria to grant approval are met, is the only way to approve an exception to the law.

The Commission must weigh all requests based on compliance with adopted standards. The Commission must make **findings of fact and conclusions of law**, based on the approval criteria, that the application merits approval (or denial). Only after addressing all of the appropriate approval criteria, and agreeing that the application either meets or doesn't meet those criteria, can the Commission arrive at a decision. Discussion of issues not related to the approval criteria should be avoided. Testimony that does not relate to the approval criteria, or does not provide the decision-makers with appropriate information to make a finding, should not be considered as pertinent to the decision. Likewise, Commission members should keep their comments centered on the approval criteria and to what degree the proposal does or does not comply with those criteria. If there is any question regarding compliance, it is helpful to make a finding that states exactly what the criterion is and how the request meets that criterion. "The subdivision application meets the approval criteria for residential density in the R-2 zone **because** the proposed density of 8 units per acre is above the minimum of six units per acre and below the maximum of 12 units per acre."

If the Commission agrees with the findings and conclusions in the staff report, any member of the Commission may make a motion to adopt the findings and conclusions prepared by staff as their own. Ideally, there will be two separate motions: the first to accept the findings and conclusions made by staff, and the second to make a decision based on those findings. If, however, the Commission wishes to make findings and conclusions other than (or perhaps contrary to or in addition to) those prepared by staff, it should do so prior to accepting a motion for approval or denial of the request. If new or different findings have been proposed by any member of the Commission, the Commission should have a separate vote to accept those findings prior to accepting a motion for approval or denial (based on those specific findings and conclusions). If there are any questions regarding compliance with the approval criteria, it can be helpful for both the Commission members and the audience to have the Commission address each criterion individually, take a yes/no vote on the findings and conclusion, and then move on to the next criterion. Issues that the Commission may not find necessary to debate should still be agreed upon before moving on. This keeps the record clean, and allows the Commissioners to debate a motion on findings separately from a motion to approve or deny.

Each applicable criterion should be addressed individually. If there are four criteria that must be satisfied in order to make a motion to grant approval, the Commission should go through each criterion individually and confirm that the criterion is or is not met. Only after the Commission accepts staff's findings or makes its own findings and makes a conclusion should the Commission move on to the next criterion.

If the Commission is in general agreement that three of the four criteria are met, they may move through those three criteria quickly and then focus discussion only on the undecided criterion, regardless of the order. This may result in a more orderly meeting, at the discretion of the Commission.

When making findings, it is helpful to include the word "because" to show specifically how the criterion is met. For example, the fourth criterion in considering a variance is:

The variance requested is the minimum variance that would alleviate the hardship.

The Commission must have already made a finding that a hardship exists that is unique to the property. The Commission must then make a finding that the variance requested is the minimum variance to eliminate the hardship. If an alternate development proposal would relieve the hardship without approval of a variance, or if a lesser variance request would accomplish the same or a similar goal, the Commission may make a finding that the criterion is not met because the applicant has not proven that no possible alternatives exist. Were all alternatives exhausted? Is the hardship specific to the property (which may be used to justify approval), or is it a hardship suffered by a person (which may not be used to justify approval)?

Applicants, staff, Commission members and the general public must all know what the applicable criteria are in advance of a hearing. The Commission chair should not accept testimony from the applicant or the audience (or debate from members of the Commission) that does not relate to the approval criteria, unless the person can demonstrate relevance. There are a number of good reasons for this. The code establishes clear and objective standards for all proposals to meet. The applicant knows exactly what criteria will be relevant to the decision ahead of time. It directs staff to process applications in a consistent manner. It provides the basis for any argument by a member of the public in order to demonstrate compliance (or lack thereof) with the standards. It provides a basis for making defensible findings of fact and conclusions of law, which justify a decision. It provides the basis for appeal of a decision, as well as a defense of the appeal. It protects all parties involved. In short, no surprises.

Often those in opposition will attempt to assert that criteria beyond those contained in the staff report are applicable to a particular decision or type of action. Pursuant ORS 197.829(1), the City reserves the right to interpret its own ordinances. The Commission may consult with the City Attorney if questions arise regarding what criteria are applicable to a decision.

Planning Commission members and staff do not serve to decide whether or not the code is right; they serve to implement the code. If any permit, or an exception to the code is to be approved, it shall be pursuant to satisfaction of applicable criteria. The code itself is not up for debate.

ORS 197.829(1) requires that LUBA must affirm a local government's interpretation of a provision of its land use regulations unless LUBA determines that the interpretation:

- (a) Is inconsistent with the express language of the comprehensive plan or land use regulation;
- (b) Is inconsistent with the purpose for the comprehensive plan or land use regulation;

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Appendix F

Planning Department Organization Chart

Organization Chart Template

About this template

This template contains three organization charts, one on each of the following pages. The charts were created using different methods.

- The chart on page 2 was created in Microsoft Office PowerPoint 2003 and pasted into Microsoft Office Publisher 2003 as a picture. Use the chart if you do not have PowerPoint or Word installed. You can make changes to the chart directly in Publisher 2003 or 2007.
- The chart on page 3 was created in PowerPoint, and then pasted into Publisher as an embedded object. Use the chart if you have PowerPoint 2003 or 2007 installed.
- The chart on page 4 was created in Microsoft Office Word 2003, and then pasted into Publisher as an embedded object. Use the chart if you have Word 2002 or 2003 installed.

Using this template

To use this template, click the page on the page number that contains the chart you want to use. (The page number is located on the left side of the Publisher status bar.) Modify the organization chart and delete the charts you don't want. You can also insert the page you want into another publication, and then modify it.

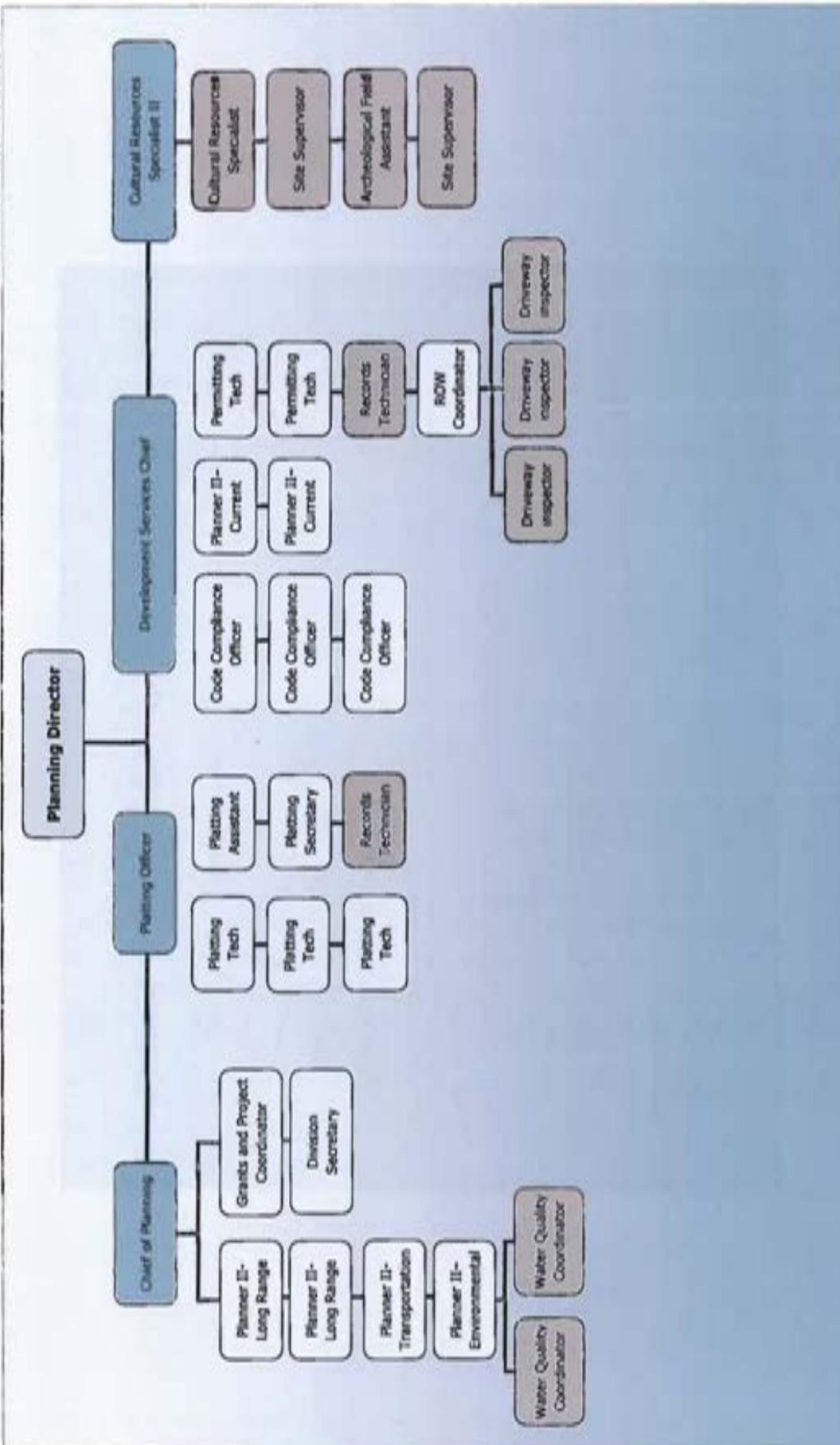
Editing the charts in this template

- **Page 2: Publisher Organization Chart**
To edit the organization chart on this page, use Publisher's **Advanced Drawing Tools** to create new boxes and lines. To add a new column, on the **Object** toolbar, click **AutoShapes**, point to **Columns**, and then click the connector you want. To add a new column, on the **Object** toolbar, click **AutoShapes**, point to **Basic Shapes**, and then click the shape you want. You can also use the chart schemes and text schemes to restructure the way the chart looks.
- **Page 3: Embedded PowerPoint Organization Chart**
To edit this approach on the chart, in the **Chart** task pane, click **Tools**, and then click **Microsoft Office Word 2003** or **Microsoft Office Word 2007**. Use the **Organization Chart** toolbar. Use the **Organization Chart** toolbar to make the changes you want, and then click **Submit** to return to Publisher.
- **Page 4: Embedded Word Organization Chart**
To edit this approach on the chart, in the **Chart** task pane, click **Tools**, and then click **Microsoft Office Word 2003** or **Microsoft Office Word 2007**. Use the **Organization Chart** toolbar. Use the **Organization Chart** toolbar to make the changes you want, and then click **Submit** to return to Publisher.



PLANNING & LAND USE DEPARTMENT
VIA THE NORTHERN DISTRICT OF BRITISH COLUMBIA

MSB Planning and Land Use Department – Organization Chart



Updated: June 2015

Appendix G

Oath of Office

BOARD AND COMMISSION MEMBERS, BEFORE ATTENDING MEETINGS AND TAKING OFFICE SHALL TAKE AND SIGN THE FOLLOWING OATH OR AFFIRMATION:

OATH OF OFFICE

I, _____, having been duly appointed as an official of the Matanuska-Susitna Borough, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the Matanuska-Susitna Borough Code; and that I will honestly, faithfully, and impartially discharge my duties as a member of the _____ to the best of my ability, so help me God.

Signed this _____ day of _____, 2014

Subscribed and sworn to before me, a Notary Public
this _____ day of _____, 2014.

Notary Public in and for Alaska.
My Commission Expires: _____

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Appendix H

Planning Powers Poster



Planning Process for Alaska Communities

The Planning Commission is pleased to announce the release of the Planning Process for Alaska Communities. This document provides a comprehensive overview of the planning process and the role of the Planning Commission. It is intended to serve as a guide for communities and stakeholders involved in the planning process.

The Planning Process for Alaska Communities is a comprehensive guide that outlines the steps and procedures for developing and implementing community plans. It covers the entire process, from initial planning to final implementation and monitoring. The document is designed to be user-friendly and accessible to a wide range of community members, including local government officials, residents, and business leaders.

Key features of the Planning Process for Alaska Communities include:

- Clear and Concise Language:** The document is written in plain language to ensure that it is easy to understand for all community members.
- Practical Examples:** The document includes numerous examples and case studies to illustrate the planning process in action.
- Comprehensive Coverage:** The document covers all aspects of the planning process, from initial planning to final implementation and monitoring.
- Accessible Format:** The document is available in both print and digital formats, making it easy to access and use.

For more information about the Planning Process for Alaska Communities, please contact the Planning Commission at [phone number] or [website].

Planning Process for Alaska Communities



State of Alaska
Department of Community, Continuity and Economic Development
Division of Community & Regional Affairs

Author: [Name]
Editor: [Name]
Reviewer: [Name]

Publication Information:
Published by the State of Alaska, Department of Community, Continuity and Economic Development, Division of Community & Regional Affairs.
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PUBLIC HEARING
QUASI-JUDICIAL

Resolution No. 15-36

Waterbody Setback for New Construction

Resolution No. 15-43

Supporting Denial of 15-36

Resolution No. 15-44

Waterbody Setback for Existing Structure

(Page 289 - 436)

PUBLIC HEARING

STAFF REPORT

STAFF REPORT FOR 2015 STRUCTURE

PLANNING COMMISSION RESOLUTION NO. 15-36

PLANNING COMMISSION RESOLUTION NO. 15-43



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

E-mail: permitcenter@matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

File Number: 176520150002

Applicant & Property Owner Ivan & Lynne Schuening

Request: Planning Commission Resolution No. 15-36
Planning Commission Resolution No. 15-43

Request for a setback variance for a structure constructed in 2015 in accordance with MSB 17.65 – Variances

Location: Clester Extension, Lot 9; 16587 W. Tamarack Cove Drive; within Township 17 North, Range 3 West, Section 29, Seward Meridian

Size of Property: .20 acres

Public Hearing: December 7, 2015

Planning Commission Action: The planning commission shall conduct a public hearing and render a decision on the application for a setback variance

Reviewed By: Eileen Probasco, Planning & Land Use Director *EP*
Alex Strawn, Development Services Manager *AS*

Staff: Susan Lee, Planner II *Susan*

Recommendation: Denial

EXECUTIVE SUMMARY

A setback variance request has been submitted to allow a two-story structure constructed in 2015, measuring 22' x 36' in size, to remain setback 32 feet from the ordinary high water mark of Big Lake and 9.1 feet from the west side yard lot line. In order to grant a variance, the planning commission must find that each of the requirements of MSB 17.65.020(A) has been met.

LAND USE

Existing Land Use:

The lot is currently developed with a one-story cabin and the newly constructed two-story structure. In addition to the two main structures on the lot, there is a shed on the west side of the lot and two docks.

Surrounding Land Use:

The subject lot is located in Clester Extension Subdivision on the south side of Big Lake. The surrounding properties are developed with recreational/part-time residences and full-time residences. The lots in Clester Extension range in size from .11 acres to .86 acres in size.

Staff conducted an analysis of 26 of the surrounding lots in the area. The analysis only looked at the waterbody setbacks. Borough assessment records and LiDAR-derived water break line and building footprint data were used for the analysis. The analysis indicates that the majority of the lots are developed with one primary residential structure. These residential structures are either in compliance with the setback requirements or are legal nonconforming structures. Of the 26 structures analyzed, there is one that has additional living quarters in a separate building from the primary residence. This structure is in compliance with the setback requirements. Refer to the *Commonly Enjoyed Use Analysis* figure in the packet.

HISTORY

In May of 2015 the MSB Code Compliance Division received a complaint regarding construction of a new foundation for a structure set back less than 75 feet from Big Lake and less than 10 feet from the side yard lot line. A Code Compliance Officer contacted the property owner regarding this construction and the setback issues. Construction continued and an Enforcement Order was issued on July 22, 2015 which required that all construction activities cease and to provide the borough with a certified site plan showing that the required setbacks were being met. Construction on the structure has continued in order to close it in from the elements. The applicant requested a determination as to whether the Borough would consider the structure to be a boathouse for purposes of exemption to the waterbody setback requirement. The applicant has stated that the structure is a boathouse, but will have guest accommodations on the second floor. The MSB Development Services Manager issued a determination to the property owners that the subject structure, as constructed, did not fit the definition of a boathouse. Borough code does not allow habitable structures within the waterbody setback requirement. On August 25, 2015 the variance application was submitted in order to attempt to resolve the setback violations. (Copies of the Enforcement Order, determination, and policy are included in the packet).

COMPREHENSIVE PLAN

The property is located within Big Lake planning area. The Big Lake Comprehensive Plan Update (August 2009) is applicable to the subject property. Two of the land use goals of the plan are:

- *Provide for freedom to enjoy our properties – The plan supports a balance of freedom to use property as individuals choose up to that point where one person's use limits the rights of neighbors to enjoy their property. Responsible land use should be in harmony with surrounding land use without damaging the health, safety and welfare of adjacent property.*

- **Protect the natural environment** – *As the area grows, actions are needed to avoid detrimental effects on well water, quality of surface water, habitat, wetlands and other natural environmental features.*

Four types of residential areas are identified in the plan. The subject property is identified as "Close-In Residential", which is defined as more concentrated, closer to services. This district takes in relatively concentrated residential access; these areas are distinguished by being closer to services than dispersed residential areas."

The plan has established some Development Guidelines. Some of the guidelines that pertain to this property are as follows:

- **Natural Vegetation/Site Disturbance** – Encourage retention of existing natural vegetation and replant disturbed areas. Grading and clear cutting the entire parcel prior to selling or developing land is strongly discouraged.
- **Protection of Water Quality** – Use of land adjoining waterbodies should be designed to minimize impacts on water quality. Actions to achieve this goal include minimizing removal of natural vegetation along the majority of the edge of lakes, streams or wetlands, to keep lawn chemicals, silt, and septic effluents out of the watershed, to inhibit bank erosion and provide habitat for wildlife such as ducks and loons, while providing some screening of development.
- **Building Setbacks from Waterbodies (new structures)** – require at least the MSB 75' minimum development setback from streams, lakes, wetlands and other waterbodies; "development" is defined as habitable structures. Non habitable structures, such as boathouses, shed, decks or saunas can be built within 75' of lakes and streams, but these improvements should be designed to have minimal environmental and visual impact on the adjoining waterway.
- **Building Setbacks from Waterbodies (existing non-compliant structures)** – for buildings developed after the date (1987) of the setback ordinance (Chapter 17.55 of the Borough Code of Ordinances) and prior to the adoption of the Borough's land use permit (2007), special consideration should be given, in keeping with state statutes, to approving setback violation appeals caused by inadequate information and communications of that information to property owners. This is not advocating blanket approvals of setback violations but rather that leeway be given to approving violations that have no adverse impact on surrounding properties and waterbodies, and which occurred as honest mistakes and not as overt violations of the criteria by people who knew or should have known better. The plan recommends these approvals contain restrictions on expanding the encroachment or rebuilding a destroyed structure. However, all requests for variances must be considered in accordance with Alaska Statute 29.40.040(B).

The variance request for the structure constructed in 2015 is not consistent with the Big Lake Comprehensive Plan as this structure was constructed in 2015. This structure is a large, secondary structure, providing living quarters. It is a habitable structure constructed less than 75 feet from Big Lake, as well as less than 10 feet from the west side yard lot line. This structure is out of character from the existing residential development in the area. The plan does take a position of promoting the protection of water quality and minimizing impacts to waterbodies, natural vegetation and the environment. This request does not meet Alaska Statute 29.40.040(B) for approval of a variance.

The Matanuska-Susitna Borough Comprehensive Plan (2005 Update) also pertains to this property. Two of the land use goals state:

Goal (LU-1): *Protect and enhance the public safety, health, and welfare of Borough residents.*

Policy LU-1: *Provide for consistent, compatible, effective and efficient development within the borough.*

Goal (LU-2): *Protect residential neighborhoods and associated property values.*

Policy LU2-1: *Develop and implement regulations that protect residential development by separating incompatible uses, while encouraging uses that support such residential uses including office, commercial and other mixed-use developments that are shown to have positive cumulative impacts to the neighborhood.*

The proposed setback variance for the 2015 structure is inconsistent with the policies and goals of the MSB Comprehensive Plan (2005 Update). The variance will allow inconsistent development which does not protect the public safety, health, and welfare of the community, which setbacks are designed to further. The structure is set back less than 75 feet from Big Lake and less than 10 feet from the west side yard lot line. The structure is out of character with the existing residential development in the area.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

Finding: Notices were mailed to all property owners within Clester Extension and within 600 feet of the subject property. A total of 31 notices were mailed. The public hearing notice was published in the October 13, 2015 Frontiersman. The application material was posted on the borough's web site. The application material was also mailed to the Big Lake Community Council. The community council did not submit comments.

In addition to the applicant's responses to code sections 17.65.020 and 17.65.030, see the attached Survey Memorandum from Max Schillinger, PE, PLS, All Points North.

Section 17.65.020 Requirements for Granting a Variance

(A) In order to grant a variance to the regulations of MSB title 17, the planning commission must find that each of the following requirements has been met:

(1) There are unusual conditions or circumstances that apply to the property for which the variance is sought.

Applicant Response: *The lot size is not large enough to drive around the boathouse to put a boat/trailer in the boathouse on the lakeside. So, we are asking for a variance to back our boats into the boathouse to launch. Therefore we need two doors on the boathouse.*

Staff Findings:

Finding: The subject lot is .20 acres in size.

Finding: Clester Extension was platted in 1959, which was prior to the adoption of borough setback requirements in 1973.

Finding: The dimensions of Lot 9, Clester Extension are 106 feet long on the west side, 90 feet on the east side, 100 feet wide on the south side (right-of-way) and 78 feet wide on the north (lake side).

Finding: A habitable structure cannot be constructed on this lot due to the lot dimensions.

Finding: The applicant constructed the subject structure.

Finding: The applicant was notified by the borough that the structure was in violation of setback requirements when construction of the foundation was initiated.

Finding: The borough issued an Enforcement Order which required that all construction activities cease and to provide the borough with a certified site plan showing the required setbacks.

Finding: Construction on the structure continued after the Enforcement Order was issued.

Finding: The structure is set back 9.1 feet from the west side yard lot line and 32 feet from the ordinary high water mark of Big Lake.

Finding: There is an existing one-story cabin on this lot.

Finding: The construction of this second structure adds a second habitable structure to the lot.

Finding: The applicant has stated that this structure is a boathouse with guest accommodations on the second floor of the structure.

Finding: The structure is not designed to function as a boathouse.

Finding: The structure is considered a habitable structure since it will provide guest accommodations.

Finding: Habitable structures are not allowed within the 75 foot waterbody setback.

Finding: Structures are not allowed within the 10 foot side yard setback.

Finding: The 2015 structure measures 22' x 36' in size and is two-stories in height.

Finding: The 2015 structure is substantially larger than the one-story cabin on the lot.

Conclusions of Law: Based on the above findings, there are unusual conditions or circumstances applicable to this property as the lot is substandard in size and was platted prior to the adoption of borough setback requirements. A habitable structure cannot be constructed on this lot without a setback variance. The applicant had use of the property with the existing one-story cabin on the lot. The 2015 structure is the second

substantially larger habitable structure on the lot. The applicant knowingly constructed this structure in violation of the setback requirements (MSB 17.65.020(A)(1)).

(2) The strict application of the provisions of this title could deprive the applicant of rights commonly enjoyed by other properties under the terms of this title.

Applicant Response: *The strict application of the provisions of this title would deprive us rights commonly enjoyed by other properties if the provisions did not apply on a case by case manner due to lot configurations.*

Staff Findings:

Finding: The subject lot is substandard in size and was platted prior to the adoption of borough setback requirements.

Finding: A habitable structure cannot be constructed on this lot without a setback variance.

Finding: The applicant had reasonable use of this property with the existing cabin on the lot prior to constructing this new structure.

Finding: Construction of the 2015 structure added a second, substantially larger, habitable structure to the lot.

Finding: Staff conducted an analysis of commonly enjoyed uses in the area. Twenty-six (26) lots in the area were researched. One of these lots has additional living quarters in a separate building from the primary residence. This structure is in compliance with the setback requirements. (Refer to the *Commonly Enjoyed Use Analysis* in the packet).

Finding: Two habitable structures on a lot is not a commonly enjoyed use in the area.

Finding: Illegally constructed structures should not be considered a use that is commonly enjoyed by others.

Finding: Constructing a structure in violation of the setback requirements does not deprive the applicant of rights commonly enjoyed by other properties, as the majority of other properties in the area are in compliance with the setback requirements or are legal nonconforming structures and do not have a second habitable structure.

Conclusions of Law: The strict application of the provisions of this title would not deprive the applicant of rights commonly enjoyed by other properties, as the applicant has use of the property with the existing cabin on the lot. Two habitable structures on a lot is not a commonly enjoyed use in the area. Illegally constructed structures should not be considered a use that is commonly enjoyed by others (MSB 17.65.020(A)(2)).

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

Applicant Response: *If the variance were granted it would definitely not be injurious to nearby property nor harmful to the public welfare. The lot is adjacent to a property line that goes straight up a hillside, basically useless property. This would not be an infringement on anyone's property.*

Staff Findings:

Finding: According to MSB Ordinance 05-023, non-point source pollution (pollution that is caused by runoff from land and flooding) is one of the leading causes of waterbody degradation in areas of rapid development.

Finding: The 75 foot waterbody setback assists in reducing non-point source pollution.

Finding: Through MSB Ordinance 05-023, the Assembly found that there is a need to further reduce the impacts from non-point source pollution and adopted voluntary best management practices for development around waterbodies.

Finding: Adherence to best management practices will reduce non-point source pollution and prevent long term waterbody degradation from non-point source pollution.

Finding: Development within the 75 foot setback directly contributes to non-point source pollution and waterbody degradation.

Finding: Property values will be maintained or enhanced and future waterbody remediation costs avoided if best management practices are adhered to.

Finding: It is in the public's best interest to maintain property values.

Finding: The lot is wide enough for the structure to have been built in compliance with the 10 foot side yard setback requirement.

Finding: The purpose of setbacks is to create light, air and open space between properties.

Conclusions of Law: Granting the variance will be injurious to nearby properties, or harmful to the public welfare, because it will allow additional residential development within the 75 foot setback requirement, which will contribute to non-point source pollution. Granting the variance will decrease the light, air and open space between properties (MSB 17.65.020(A)(3)).

(4) The granting of the variance will be in harmony with the objectives of this title and any applicable comprehensive plans.

Applicant Response: *I have no other option. The boathouse will stop theft and keep our property clean and not looking cluttered and junkie.*

Staff Findings:

Finding: 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.

Finding: The subject lot is substandard in size and a habitable structure cannot be legally constructed on this lot without a setback variance.

Finding: There is an existing one-story cabin on the lot.

Finding: Construction of the 2015 structure added a second, substantially larger, habitable structure to the lot.

Finding: The proposed setback variance is inconsistent with the policies and goals of the MSB Comprehensive Plan (2005 Update) as the variance will allow inconsistent development which does not protect the public safety, health, and welfare of the community which setbacks are designed to further.

Finding: Through MSB Ordinance 05-023, the Assembly found that there is a need to further reduce the impacts from non-point source pollution and adopted voluntary best management practices for development around waterbodies.

Finding: The Big Lake Comprehensive Plan Update (August 2009) established development guideline: *Natural Vegetation/Site Disturbance – Encourage retention of existing natural vegetation and replant disturbed areas. Grading and clear cutting the entire parcel prior to selling or developing is strongly discouraged.*

Finding: The Big Lake Comprehensive Plan Update (August 2009) established development guideline: *“Protection of Water Quality – Use of land adjoining waterbodies should be designed to minimize impacts on water quality. Actions to achieve this goal include minimizing removal of natural vegetation along the majority of the edge of lakes, streams or wetlands, to keep lawn chemicals, silt, and septic effluents out of the watershed, to inhibit bank erosion and provide habitat for wildlife such as ducks and loons, while providing some screening of development.”*

Finding: The Big Lake Comprehensive Plan Update (August 2009) established development guideline: *“Building Setbacks from Waterbodies (new structures) – require at least the MSB 75’ minimum development setback from streams, lakes, wetlands and other waterbodies; “development” is defined as habitable structures. Non-habitable structures, such as boathouses, sheds, decks or saunas can be built within 75’ of lakes and streams, but these improvements should be designed to have minimal environmental and visual impact on the adjoining waterway.”*

Conclusions of Law: Based on the above findings, the proposed variance is inconsistent with the intent of MSB 17.65, the Matanuska-Susitna Borough Comprehensive Plan (2005 Update), and the Big Lake Comprehensive Plan Update (2009) (MSB 17.65.020(A) (4)).

(5) *The deviation from the requirement of this title that is permitted by the variance will be no more than is necessary to permit a reasonable use of the property.*

Applicant Response: *No more land would be used other than what is necessary for the boathouse to function in harmony with the lot configurations.*

Staff Findings:

Finding: There is reasonable use of this lot without a variance, as there is an existing one-story cabin on the lot.

Finding: The 2015 structure added a second, substantially larger, habitable structure to the lot.

Conclusions of Law: Based on the above findings, deviation from this title is not necessary to permit reasonable use of the property, as there was reasonable use of the lot with the existing cabin. The 2015 structure added a second, substantially larger habitable structure to the lot (MSB 17.65.020(A)(5)).

Section 17.65.030 Cases Where Variance is Illegal

(A) A variance from this title may not be granted if:

(1) Special conditions that require the variance are caused by the person seeking the variance.

Applicant Response: *We bought a one bedroom cabin on Big Lake, after being informed by (2) realtors it could be added on with no problem. There were no restrictions or permits required to do the addition. It was grandfathered in. Hindsight, if we had known there were restrictions, I would not have purchased the cabin. Especially for the inflated price, and all the additional problems that have mounted up. Our peace of heaven has caused us a lot of hell. With all the restrictions none of the lots are legal to build on. Our setback problem began with the first survey.*

Staff Findings:

Finding: The person seeking the variance constructed the structure.

Finding: The applicant chose this particular structure design at this specific location.

Finding: The applicant was made aware of the possible setback violation when construction of the structure's foundation was first initiated.

Finding: There was an existing cabin on the lot when the applicant purchased the property.

Finding: There is reasonable use of the lot without the variance for the 2015 structure.

Finding: The applicant did not create the substandard size lot.

Conclusions of Law: Based on the above findings, the person seeking the variance caused the need for the variance as he is requesting the variance in order to resolve a setback violation for constructing the 2015 structure within 75 feet of Big Lake and less than 10 feet from the west side yard lot line (MSB 17.65.030(A)(1)).

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

Applicant Response: *When we came up, our intention was to have family, friends & especially grandchildren be able to stay with us. It was & is impossible with one bedroom to do so. We love the trapper's cabin for our use.*

Staff Findings:

Finding: The subject lot is not in a special land use district.

Finding: Residential structures are permitted on this property.

Finding: The variance, if granted, will allow an illegally constructed structure to remain in its current location.

Conclusions of Law: Based on the above findings, the variance, if granted, will not permit a land use in a district in which that use is prohibited, as residential structures are permitted on this site. The variance, if granted will allow an illegally constructed structure to remain in its current location (MSB 17.65.030(A)(2)).

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

Applicant Response: *There are currently no longer any hotels in Big Lake. That means we would have to go 19 miles to Wasilla to find additional lodging. Thirty-eight additional miles a day. I am not asking to build an apartment – just a bedroom above the boathouse. My mom is 87 years old and can't drive. Most of our grandchildren are not old enough to drive.*

Staff Findings:

Finding: The request to allow the 2015 structure to remain in this location is a matter of the applicant's preference and convenience.

Conclusions of Law: Based on the above findings the variance is being sought solely to relieve the pecuniary hardship or inconvenience as the applicant chose to build this particular structure at this specific location in violation of the setback requirements. The request to allow this structure to remain in this location is a matter of the applicant's preference and convenience (MSB 17.65.030(A)(3)).

STAFF RECOMMENDATIONS

Staff is recommending denial of this variance request for the 2015 structure as it does not meet all of the requirements in MSB 17.65.020(A) for approval and violates two of the prohibitions contained in MSB 17.65.030(A). See also Alaska Statute 29.40.040(b)(1-3). Should the Planning Commission choose to approve the variance for the 2015 structure they must make findings for approval and amend the resolution.

**STAFF REPORT FOR ONE-STORY CABIN
PLANNING COMMISSION RESOLUTION NO. 15-44**



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

E-mail: permitcenter@matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

File Number: 176520150002

Applicant & Property Owner Ivan & Lynne Schuening

Request: Planning Commission Resolution No. 15-44
Request for a setback variance for expansion of a one-story cabin in accordance with MSB 17.65 – Variances

Location: Clester Extension, Lot 9; 16587 W. Tamarack Cove Drive; within Township 17 North, Range 3 West, Section 29, Seward Meridian

Size of Property: .20 acres

Public Hearing: December 7, 2015

Planning Commission Action: The planning commission shall conduct a public hearing and render a decision on the application for a setback variance

Reviewed By: Eileen Probasco, Planning & Land Use Director *EP*
Alex Strawn, Development Services Manager *AS*

Staff: Susan Lee, Planner II *Susan*

Recommendation: Approval

EXECUTIVE SUMMARY

A setback variance request has been submitted to allow an existing one-story cabin to remain set back 14 feet from the Tamarack Cove Drive right-of-way, seven feet from the east side yard lot line and 55 feet from the ordinary high water mark of Big Lake. In order to grant a variance the planning commission must find that each of the requirements of MSB 17.65.020(A) has been met.

LAND USE

Existing Land Use:

The lot is currently developed with a one-story cabin and the two-story structure constructed in 2015. In addition to the two main structures on the lot, there is a shed on the west side of the lot and two docks.

Surrounding Land Use:

The subject lot is located in Clester Extension Subdivision on the south side of Big Lake. The surrounding properties are developed with recreational/part-time residences and full-time residences. The lots in Clester Extension range in size from .11 acres to .86 acres in size.

HISTORY

The original portion of the existing cabin was constructed in 1960, which was prior to the adoption of borough setback requirements. When the cabin was originally constructed it was set back 22 feet from the Tamarack Cove Drive right-of-way and less than 75 from Big Lake. In 1991 an addition to the east side of the cabin was constructed. This addition is in violation of the waterbody and right-of-way setback requirements. Between 2008 and 2012 the cabin was raised and a foundation/crawl space was constructed and a deck on the lakeside of the cabin was constructed. The 2008 - 2012 additions are in violation of the waterbody and side yard setback requirements. The current owner did not construct these additions. The original structure was eligible for pre-existing legal nonconforming status (grandfather rights). The structure is no longer eligible for a pre-existing legal nonconforming status determination due to the date of construction of the additions. Borough code 17.80.060(A)(1) states in part "*A nonconforming structure may not be enlarged or altered vertically or horizontally in a way which would increase the height, width, depth, areas, or volume of the structure except as specifically allowed by the current code for similar new structures in that location.*"

The owner applied for pre-existing legal nonconforming status (grandfather rights) for the one-story cabin. However, staff conducted a site visit and researched the borough assessment records and determined that subsequent additions had been constructed to the cabin in violation of the setback requirements. Staff discussed this with the applicant and the decision was made to also include the one-story cabin in the variance request for the 2015 structure.

COMPREHENSIVE PLAN

The property is located within the Big Lake planning area. The Big Lake Comprehensive Plan Update (August 2009) is applicable to the subject property. Two of the land use goals of the plan are:

- *Provide for freedom to enjoy our properties – "The plan supports a balance of freedom to use property as individuals choose up to that point where one person's use limits the rights of neighbors to enjoy their property. Responsible land use should be in harmony with surrounding land use without damaging the health, safety and welfare of adjacent property.*
- *Protect the natural environment – As the area grows, actions are needed to avoid detrimental effects on well water, quality of surface water, habitat, wetlands and other natural environmental features.*

Four types of residential areas are identified in the plan. The subject property is identified as "Close-In Residential", which is defined as more concentrated, closer to services. This district takes in relatively concentrated residential access; these areas are distinguished by being closer to services than dispersed residential areas."

The plan has established some Development Guidelines. Some of the guidelines that pertain to this property are as follows:

- **Natural Vegetation/Site Disturbance** – Encourage retention of existing natural vegetation and replant disturbed areas. Grading and clear cutting the entire parcel prior to selling or developing land is strongly discouraged.
- **Protection of Water Quality** – Use of land adjoining waterbodies should be designed to minimize impacts on water quality. Actions to achieve this goal include minimizing removal of natural vegetation along the majority of the edge of lakes, streams or wetlands, to keep lawn chemicals, silt, and septic effluents out of the watershed, to inhibit bank erosion and provide habitat for wildlife such as ducks and loons, while providing some screening of development.
- **Building Setbacks from Waterbodies (new structures)** – require at least the MSB 75' minimum development setback from streams, lakes, wetlands and other waterbodies; "development" is defined as habitable structures. Non habitable structures, such as boathouses, shed, decks or saunas can be built within 75' of lakes and streams, but these improvements should be designed to have minimal environmental and visual impact on the adjoining waterway.
- **Building Setbacks from Waterbodies (existing non-compliant structures)** – for buildings developed after the date (1987) of the setback ordinance (Chapter 17.55 of the Borough Code of Ordinances) and prior to the adoption of the Borough's land use permit (2007), special consideration should be given, in keeping with state statutes, to approving setback violation appeals caused by inadequate information and communications of that information to property owners. This is not advocating blanket approvals of setback violations but rather that leeway be given to approving violations that have no adverse impact on surrounding properties and waterbodies, and which occurred as honest mistakes and not as overt violations of the criteria by people who knew or should have known better. The plan recommends these approvals contain restrictions on expanding the encroachment or rebuilding a destroyed structure. However, all requests for variances, must be considered in accordance with Alaska Statute 29.40.040(B).

The variance request for the one-story cabin is consistent with the Big Lake Comprehensive Plan. The original portion of the structure was constructed in 1960, prior to the adoption of borough setback requirements. However, subsequent additions increased the size of the nonconforming structure. The current owner did not construct the additions to the cabin. The lot is substandard in size and a habitable structure cannot be constructed in compliance with the setback requirements. The Big Lake Comprehensive Plan does not directly address the expansion of structures built legally at the time of construction. The one-story cabin is not out of character with the existing residential development in the area and is a reasonable use of the property.

The Matanuska-Susitna Borough Comprehensive Plan (2005 Update) also pertains to this property. Two of the land use goals state:

Goal (LU-1): *Protect and enhance the public safety, health, and welfare of Borough residents.*

Policy LU-1: *Provide for consistent, compatible, effective and efficient development within the borough.*

Goal (LU-2): *Protect residential neighborhoods and associated property values.*

Policy LU2-1: *Develop and implement regulations that protect residential development by separating incompatible uses, while encouraging uses that support such residential uses including office, commercial and other mixed-use developments that are shown to have positive cumulative impacts to the neighborhood.*

The variance request for the one-story cabin is consistent with the policies and goals of the MSB Comprehensive Plan (2005 Update) as a residential structure cannot be constructed on the lot without a setback variance and the cabin is similar to the residential development in the area.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

Finding: Notices were mailed to all property owners within Clester Extension and within 600 feet of the subject property. A total of 31 notices were mailed. The public hearing notice was published in the October 13, 2015 *Frontiersman*. The application material was posted on the borough's web site. The application material was also mailed to the Big Lake Community Council. The community council did not submit comments.

Section 17.65.020 Requirements for Granting a Variance

(A) In order to grant a variance to the regulations of MSB title 17, the planning commission must find that each of the following requirements has been met:

(1) There are unusual conditions or circumstances that apply to the property for which the variance is sought.

Staff Findings:

Finding: The subject lot is .20 acres in size.

Finding: Clester Extension was platted in 1959, which was prior to the adoption of borough setback requirements in 1973.

Finding: The dimensions of Lot 9, Clester Extension are 106 feet long on the west side, 90 feet on the east side, 100 feet wide on the south side (right-of-way) and 78 feet wide on the north (lake side).

Finding: A habitable structure cannot be constructed on this lot due to the lot dimensions.

Conclusions of Law: Based on the above findings, there are unusual conditions or circumstances applicable to this property as the lot is substandard in size and was platted prior to the adoption of borough setback requirements. A habitable structure cannot be constructed on this lot without a setback variance. (MSB 17.65.020(A)(1)).

(2) The strict application of the provisions of this title could deprive the applicant of rights commonly enjoyed by other properties under the terms of this title.

Staff Findings:

Finding: The subject lot is substandard in size and was platted prior to the adoption of borough setback requirements.

Finding: A habitable structure cannot be constructed on this lot without a setback variance.

Finding: The one-story cabin is not out of character with the residential development in the area, as the majority of other properties in the area are developed with only one habitable structure.

Conclusions of Law: The strict application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties, as the lot is substandard in size and was platted prior to the adoption of borough setback requirements. A habitable structure cannot be constructed on the lot without a setback variance. The majority of the surrounding properties are developed with only one single-family residence (MSB 17.65.020(A)(2)).

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

Staff Findings:

Finding: Based on the evidence submitted, the subject structure would not be harmful to the public, nor would it be injurious to nearby property.

Finding: The one-story cabin has been at this location since 1960 and there have not been any complaints filed regarding the cabin and the subsequent additions to the cabin.

Finding: Pre-existing legal nonconforming status (grandfather rights) had not been previously applied for or approved for the one-story cabin.

Finding: The cabin was eligible for pre-existing legal nonconforming status (grandfather rights) until the subsequent additions were constructed which enlarged the nonconforming structure.

Finding: The original 20' x 22' cabin was enlarged with an 11' x 18' addition in 1991. Sometime between 2008 and 2012 a deck was added and the cabin was raised to add a foundation/crawlspace.

Conclusions of Law: Granting the variance will not be injurious to nearby property, nor harmful to the public welfare (17.65.020(A)(3)).

(4) The granting of the variance will be in harmony with the objectives of this title and any applicable comprehensive plans.

Staff Findings:

Finding: 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.

Finding: The subject lot is substandard in size and a habitable structure cannot be legally constructed on this lot without a setback variance.

Finding: The one-story cabin is similar to other residential structures in the area.

Finding: The Big Lake Comprehensive Plan Update (2009) established development guideline: *“Building Setbacks from Waterbodies (existing non-compliance structures) – for buildings developed after the date (1987) of the setback ordinance (Chapter 17.55 of the Borough Code of Ordinances) and prior to the adoption of the Borough’s land use permit (2007), special consideration should be given, in keeping with state statutes, to approving setback violation appeals caused by inadequate information and communication of that information to the property owners.” This is not advocating blanket approvals of setback violations but rather that leeway be given to approving violations that have no adverse impact on surrounding properties and waterbodies, and which occurred as honest mistakes and not as overt violations of the criteria by people who knew or should have known better. The plan recommends these approvals contain restrictions on expanding the encroachment or rebuilding a destroyed structure.” However, all requests for variances must be considered in accordance with Alaska Statute 29.40.040(B).”*

Finding: The Big Lake Comprehensive Plan Update (2009) does not directly address the expansion of structures built legally at the time of construction. The plan does take a position of promoting the protection of water quality and minimizing impacts to waterbodies, natural vegetation and the environment.

Finding: The variance request is consistent with the Big Lake Comprehensive Plan Update (2009) as the original portion of the cabin was constructed prior to the adoption of borough setback requirements. The current owner did not construct the additions to the cabin.

Finding: The lot is substandard in size and a habitable structure cannot be constructed on this lot without a setback variance.

Finding: The one-story cabin is in character with the existing residential development in the area.

Finding: Two of the land use goals of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) state:

- **Goal (LU-1):** *Protect and enhance the public safety, health, and welfare of Borough residences*
- **Policy LU-1:** *Provide for consistent, compatible, effective, and efficient development within the Borough.*

- **Goal (LU-2):** *Protect residential neighborhoods and associated property values.*
- **Policy LU2-1:** *Develop and implement regulations that protect residential development by separating incompatible uses, while encouraging uses that support such residential uses including office, commercial and other mixed-use developments that are shown to have positive cumulative impacts to the neighborhood.*

Conclusions of Law: Based on the above findings, the proposed variance does meet the intent of MSB 17.65 and does meet Alaska Statute 29.40.040(B) for approval and is consistent with the goals of the Big Lake Comprehensive Plan Update (2009) and the goals and policies of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) (MSB 17.65.020(A)(4)).

(5) The deviation from the requirement of this title that is permitted by the variance will be no more than is necessary to permit a reasonable use of the property.

Staff Findings:

Finding: Clester Extension was platted prior to the adoption of borough setback requirements.

Finding: Lot 9, Clester Extension is substandard in size and a habitable structure cannot be constructed on this lot without a setback variance.

Finding: The one-story cabin is in character with the existing residential development in the area.

Conclusions of Law: Based on the above findings, deviation from this title is no more than necessary to permit a reasonable use of the property as a habitable structure cannot be constructed on the lot without a setback variance and the one-story cabin is in character with the surrounding residential development (MSB 17.65.020(A)(5)).

Section 17.65.030 Cases Where Variance is Illegal

(A) A variance from this title may not be granted if:

(1) Special conditions that require the variance are caused by the person seeking the variance.

Staff Findings:

Finding: The person seeking the variance did not construct the original structure or the subsequent additions.

Finding: The applicant did not create the substandard lot size.

Finding: A habitable structure cannot be constructed on the substandard size lot without a setback variance.

Conclusions of Law: Based on the above findings, the special conditions that require the variance were not caused by the applicant as he did not create the substandard lot size or construct the cabin and subsequent additions (MSB 17.65.030(A)(1)).

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

Staff Findings:

Finding: The subject lot is not in a special land use district.

Finding: Residential structures are permitted on this property.

Finding: The variance, if granted, will allow an existing one-story cabin to remain in its current location.

Conclusions of Law: Based on the above findings, the variance, if granted, will not permit a land use in a district in which that use is prohibited, as residential structures are permitted on this site. The variance, if granted, will allow an existing one-story cabin to remain in its current location (MSB 17.65.030(A)(2)).

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

Staff Findings:

Finding: The applicant did not construct the original cabin or subsequent additions.

Finding: Clester Extension was platted prior to the adoption of borough setback requirements.

Finding: Lot 9, Clester Extension is substandard in size.

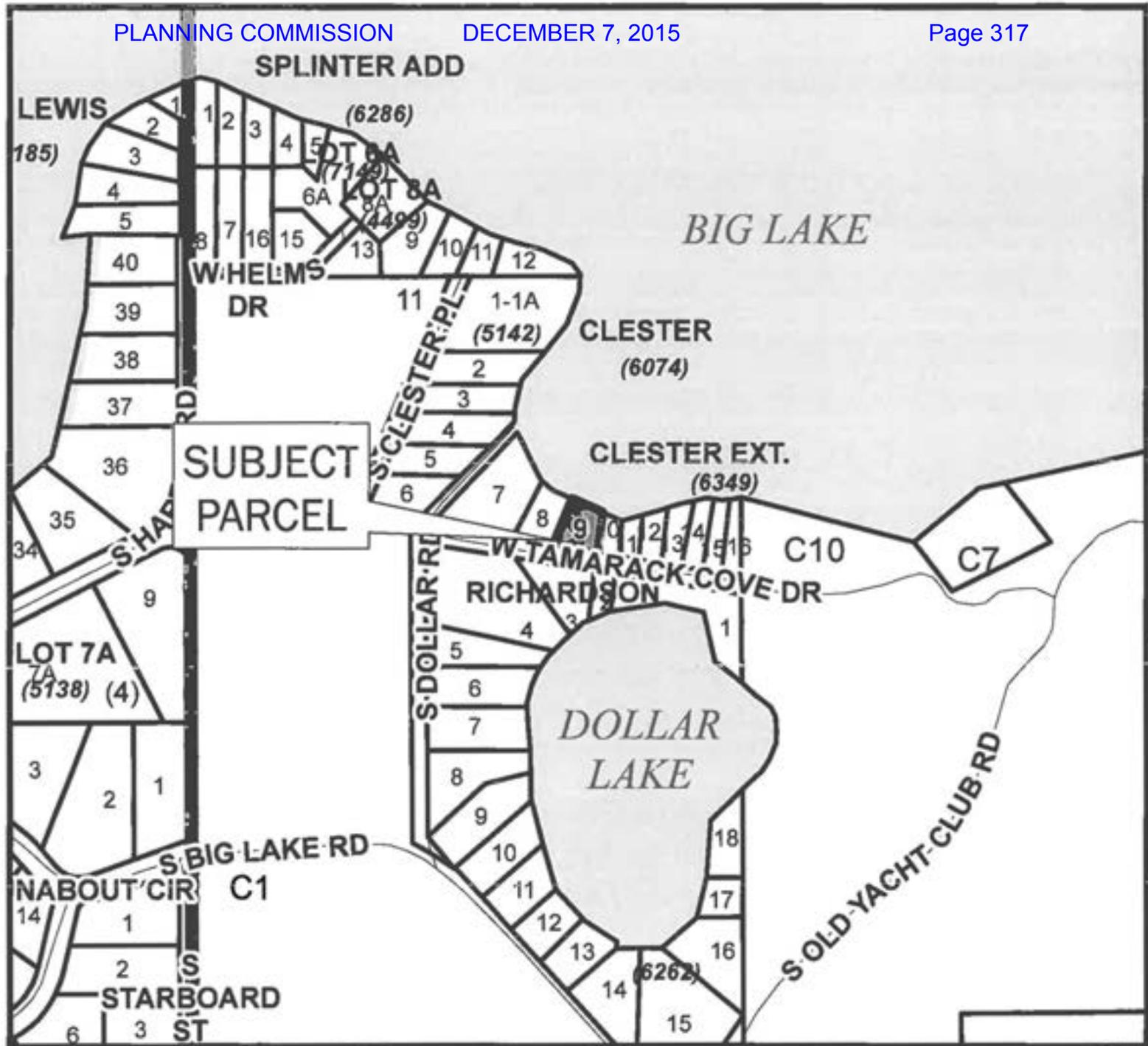
Finding: A habitable structure cannot be constructed on this lot without a setback variance.

Conclusions of Law: Based on the above findings the variance is not being sought solely to relieve pecuniary hardship or inconvenience as the current owners did not construct the structure and a habitable structure cannot be constructed on this lot without a setback variance (MSB 17.65.030(A)(3)).

STAFF RECOMMENDATIONS

Staff is recommending approval of the variance request as it meets the requirements in MSB 17.65 for approval. Should the Planning Commission choose to deny the variance for the one-story cabin they must make findings for denial and amend the resolution.

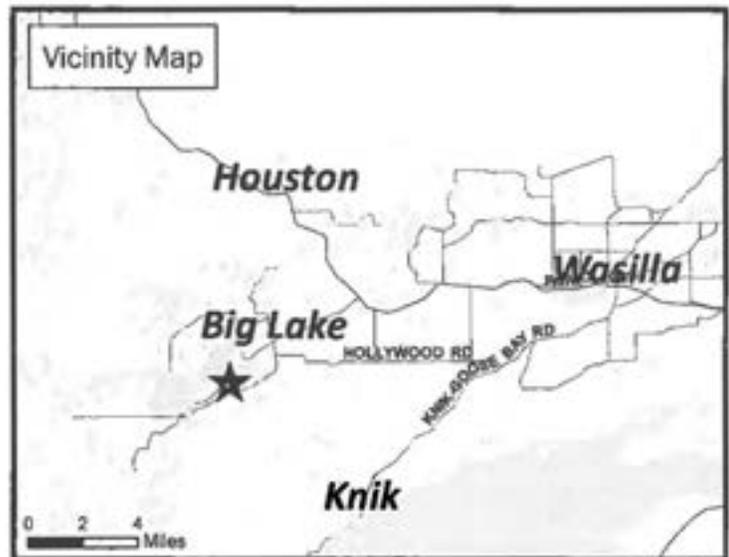
VICINITY MAP



6349000L009

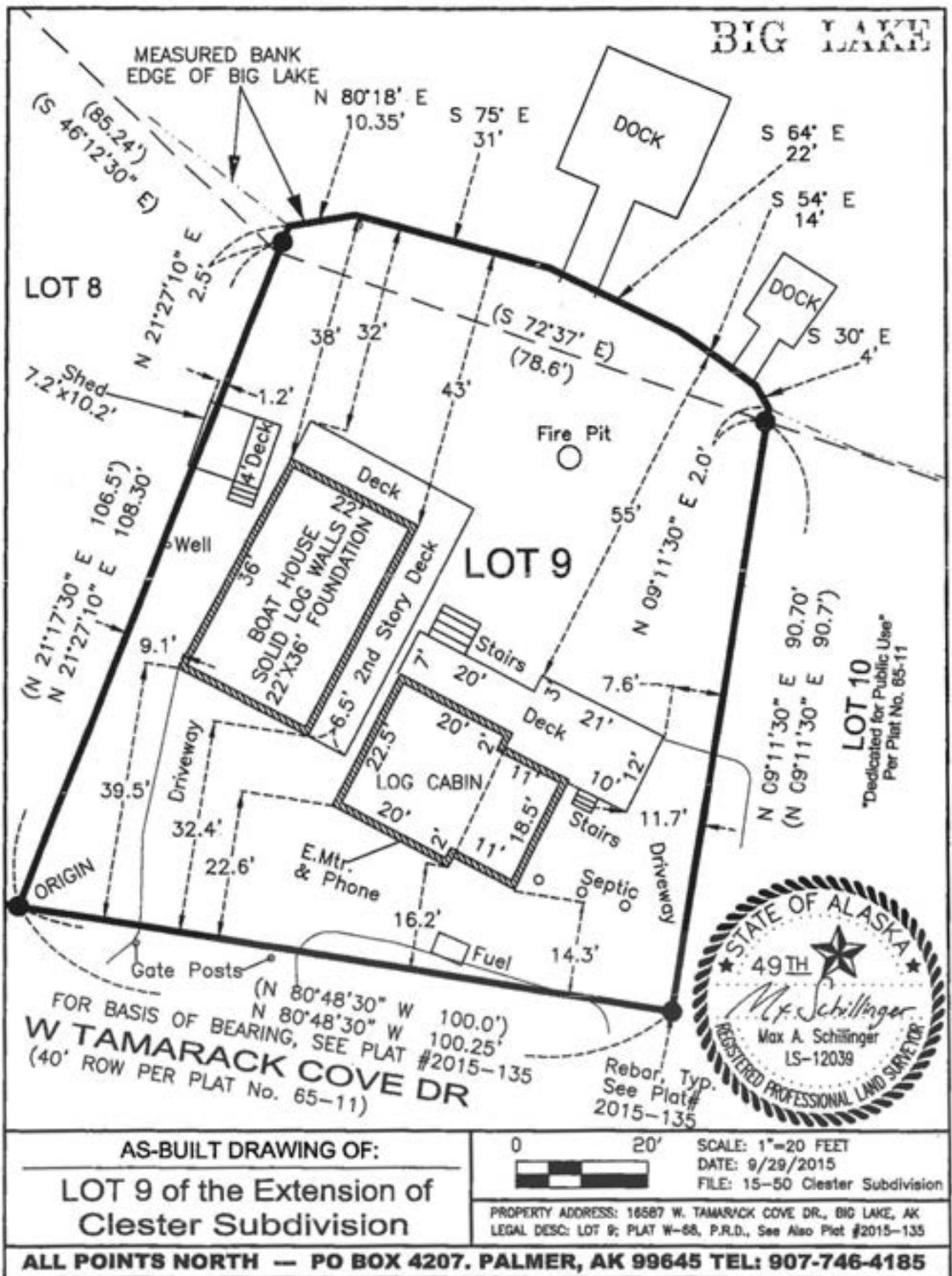


This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding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



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SITE PLAN



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CORNER NOTES

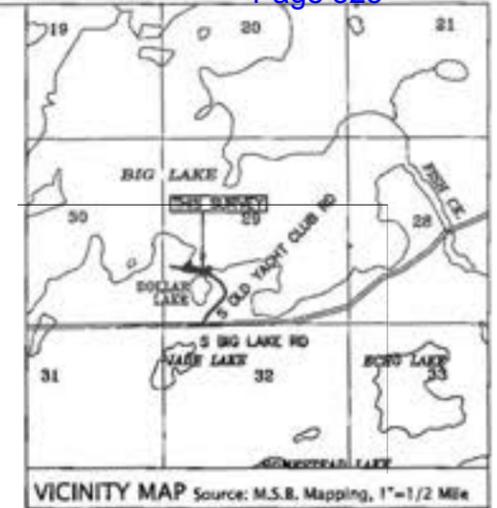
- (A) Found 5/8" rebar with red plastic cap pipe marked "LS 4588", 12" below ground. Held as survey origin.
- (B) Found 1/2" Iron pipe, no cap, leaning northeasterly towards Big Lake. Tie to base and held as northwest corner of Lot 11.
- (C) Found 5/8" rebar with red plastic cap pipe marked "LS 4588", flush.
- (D) Found bent 5/8" rebar with red plastic cap pipe marked "LS 4588", tie to base of rebar.
- (E) Found 5/8" rebars with no caps.
- (F) Found 5/8" rebar with red plastic cap pipe marked "LS 4588".
- (G) Found 1 1/2" Iron Pipe as noted on plat W-68.
- (H) Found 1/2" Iron pipes with no caps.
- (I) Found 1/2" Iron pipe, loose, tie base.
- (J) Found 1 1/2" Iron pipe, extending horizontally out of the bank of Big Lake.

BASIS OF BEARINGS

The Basis of Bearings of this Survey is found monuments for the southwest corner of Lot 11, and the southeast corner of Lot 15, having a record bearing of N 80°48'30" W per Plat Numbers W-68 and 65-11, Palmer Recording District.

LEGEND

- () Record Data per Clester Extension Subdivision, Plat Number W-68, unless otherwise noted.
- Other Found Monuments as described in corner notes.
- ✕ Monument searched for and not found.
- Set 5/8" Rebar with plastic cap marked "SCHILLINGER LS 12039"
- (A) Corner Note Designation, See Corner Notes.
- Record Lot Lines, Plat Numbers W-68 and 65-11
- Measured lot lines



SURVEYORS STATEMENT

I hereby certify that I am a Professional Land Surveyor registered in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, and the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

Date: September 15, 2015



SURVEYOR

Max A. Schillinger
All Points North
P.O. Box 4207,
Palmer, AK. 99645

SCALE: 1" = 20 Feet



SURVEY NOTES

- 1) This survey does not constitute a subdivision as defined by A.S. 40.15.490 (2).
- 2) The purpose of this survey is to locate existing monuments and set missing monuments for Lot 9, Clester Extension Subdivision, Plat Number W-68, Palmer Recording District, Alaska.

RECORD OF SURVEY OF

LOT 9
CLESTER EXTENSION SUBDIVISION

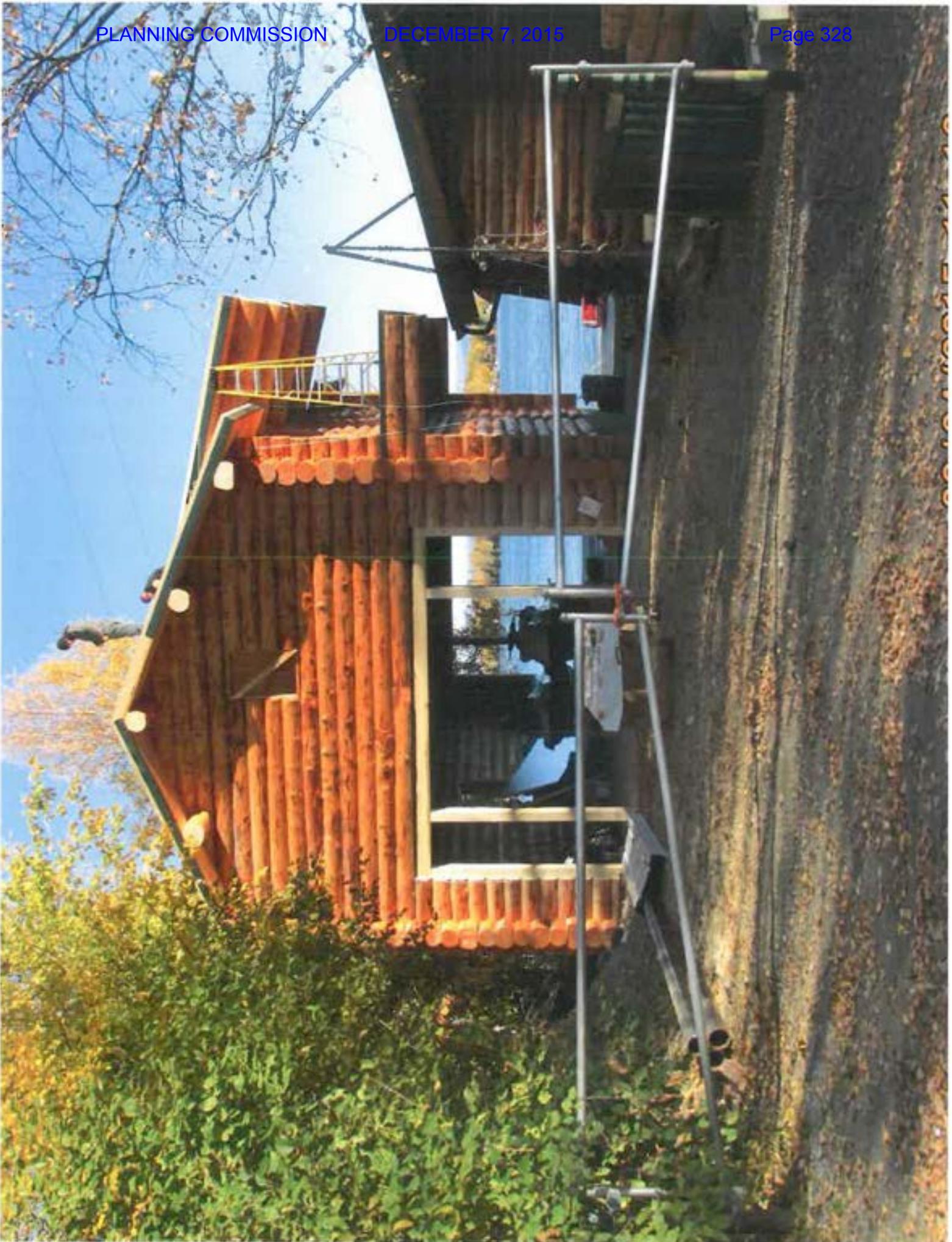
WITHIN T 17 N., R 3 W., SECTION 4, SEWARD MERIDIAN
PALMER RECORDING DISTRICT, ALASKA

Date: 9-7-2015 Proj: 15-50 Sheet: 1 of 1

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SITE PHOTOGRAPHS







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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

Matanuska - Susitna Borough
Development Services

AUG 25 2015

PALD

APPLICATION FOR A VARIANCE – MSB 17.65

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 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: 17N, Range: 3W, Section: 29, Meridian

MSB Tax Acct # 23490006009

SUBDIVISION: Cluster Subd. BLOCK(S): , LOT(S): 9

STREET ADDRESS:

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

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

Name of Property Owner Name of Agent/ Contact for application

Ivan + Lynne Schuurman

Address: 20357 Hwy 99E Address:

Aurora, AK 97007

Phne: Hm 503-278-2557 Fax Phne: Hm Fax

Wk 503-678-2700 Cell 503-313-4317 Wk Cell

E-mail Ivans@okg.com E-mail

Description	Attached
A variance from MSB 17. <u> </u> 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.	

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.

Ivan & Lyane Schuening
Ivan & Lyane Schuening *Ivan & Lyane Schuening*
 Signature: Property Owner Printed Name Date 8-11-15

Signature: Agent _____ Printed Name _____ Date _____

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.	Attached
1. What unusual conditions or circumstances apply to the property for which the variance is sought?	
2. How the strict application of the provisions of this title will deprive you of the rights commonly enjoyed by other properties under the terms of this title.	
3. Why the granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.	
4. How will the granting of the variance be in harmony with the objectives of this title and any applicable comprehensive plans?	
5. How the deviation from the requirements of this title as permitted by the variance will be no more than is necessary to permit a reasonable use of the property.	

A variance may <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.	Attached
1. The special conditions that require the variance are caused by the person seeking the variance.	
2. The variance will permit a land use in a district in which that use is prohibited.	
3. The variance is sought solely to relieve pecuniary hardship or inconvenience.	

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

MSB Tax parcel ID #(s) 63490001009 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.

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SEP 15 2015

Received

1.) The lot size is not large enough to drive around the boathouse to put a boat/trailer in the boathouse on the lakeside. So, we are asking for a variance to back our boats into the boathouse to launch. Therefore we need two doors on the boathouse.

2.) The strict application of the provisions of this title would deprive us rights commonly enjoyed by other properties if the provision did not apply on a case by case manner due to lot configurations.

3.) If the variance were granted it would definitely not be injurious to nearby property nor harmful to the public welfare - The lot is adjacent to a property line that goes straight up a hillside; basically useless property - This would not be an infringement on anyone's property.

Matanuska - Susitna Borough
Development Services

SEP 15 2015

Received

4) I have no other option. The boat house will stop that and keep our property clean and not looking cluttered and junkie.

5.) No more land would be used
other than what is necessary for
the boathouse - to junction
in harmony with the lot
Configurations -

Mataruska - Susitna Borough
Development Services

SEP 15 2015

Received

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A Variance may not be granted if any of the Conditions listed below are true — Explain why each condition is not applicable to this application.

1.) We bought a one bedroom cabin on Big Lake, after being informed by (2) realtors it could be added on with no problem. There were no restrictions or permits required to do the addition. It was grandfathered in — Hindsight, if we had known there were restrictions, I would not have purchased the cabin, especially for the inflated price, and all the additional problems that have mounted up. Our peace of heaven has caused us alot of hell. With all the restrictions none of the lots are legal to build on — Our setback problem began with the first survey.

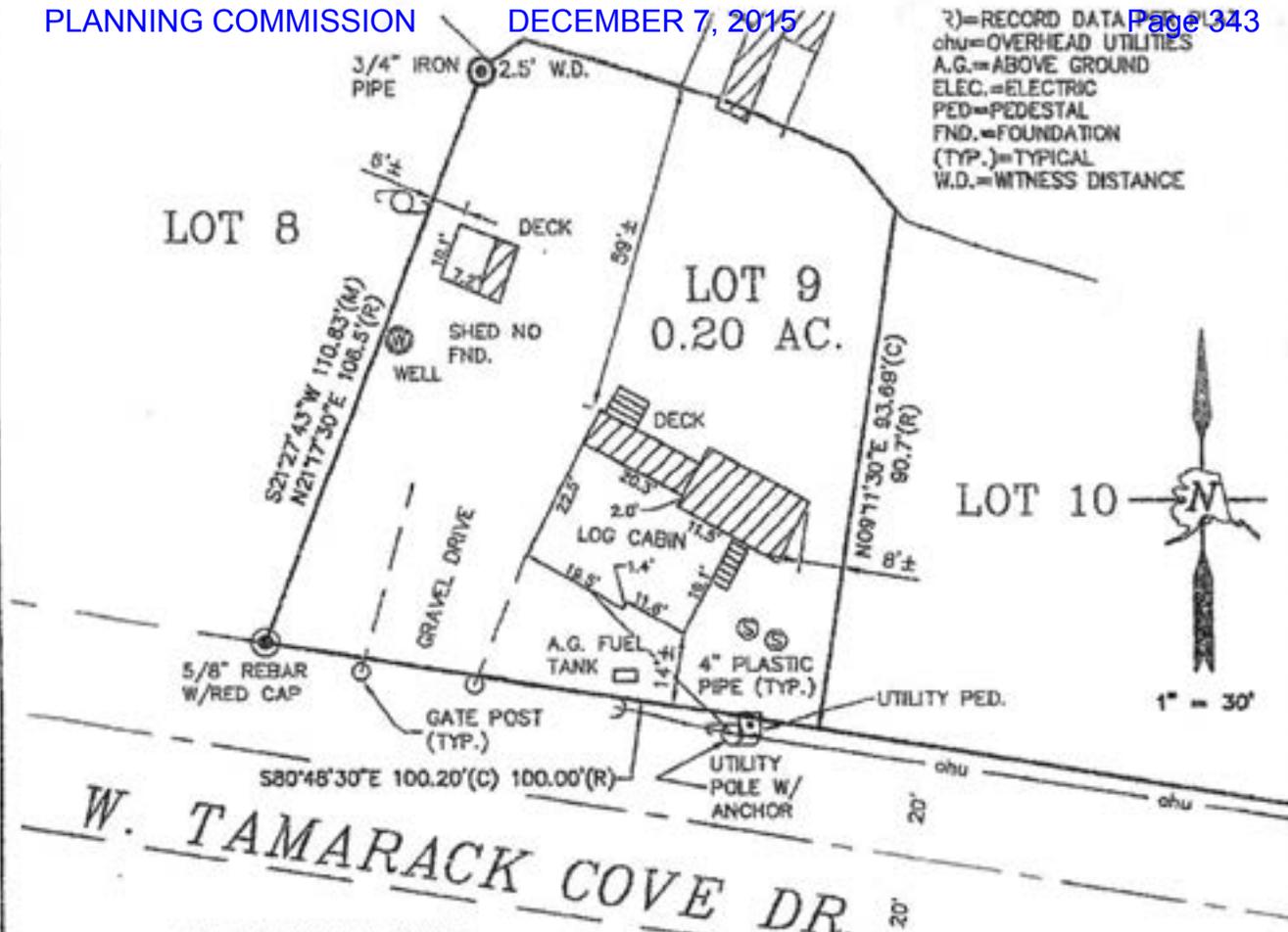
2.) When we come up, our intention was to have family, friends & especially grandchildren be able to stay with us — It was & is impossible with one bedroom to do so. We love the trappers cabin for our use —

(3.) There are currently no longer any hotels in Big Lake. That means we would have to go 19 miles to Wasilla to find additional lodging. Thirty-Eight additional miles a day - I am not asking to build an apartment - just a bedroom above the boathouse - my mom is 87 years old and can't drive - most of our grandchildren are not old enough to drive -

Matanuska - Susitna Borough
Development Services

SEP 15 2015

Received



?)=RECORD DATA
 ohu=OVERHEAD UTILITIES
 A.G.=ABOVE GROUND
 ELEC.=ELECTRIC
 PED=PEDESTAL
 FND.=FOUNDATION
 (TYP.)=TYPICAL
 W.D.=WITNESS DISTANCE

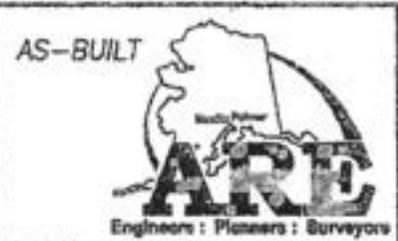


BASIS OF BEARING DERIVED FROM RECOVERED MONUMENTS AT THE SW CORNER OF LOT 9 TO THE SE CORNER OF LOT 16 58°48'30"E 450.00'(R) 450.93'(M)

COPY

NOTES:
 1. EXCEPTING FOR GROSS NEGLIGENCE, THE LIABILITY FOR THIS SURVEY SHALL NOT EXCEED THE COST OF PREPARING THIS SURVEY.
 2. THIS SURVEY REPRESENTS VISIBLE IMPROVEMENTS & CONDITIONS ON THE DATE OF SURVEY.
 3. THIS DOCUMENT DOES NOT CONSTITUTE A BOUNDARY SURVEY & IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE.
 4. THIS SURVEY SUBSTANTIALLY COMPLIES WITH ASPLS MORTGAGE STANDARDS.
 5. TIES TO PARTIALLY MONUMENTED OR UNMONUMENTED PROPERTY LINES ARE ±1 FT.
 6. THIS SURVEY PERFORMED FOR MAN SCHUENING, IT SHOULD ONLY BE USED FOR A SINGLE PROPERTY TRANSACTION. REUSE OF THIS DRAWING FOR ANY PURPOSE NOT STATED ABOVE WITHOUT THE EXPRESS WRITTEN CONSENT OF ALASKA RIM ENGINEERING, INC. IS A VIOLATION OF FEDERAL COPYRIGHT LAW.

EXCLUSION NOTE: IT IS THE RESPONSIBILITY OF THE OWNER 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.



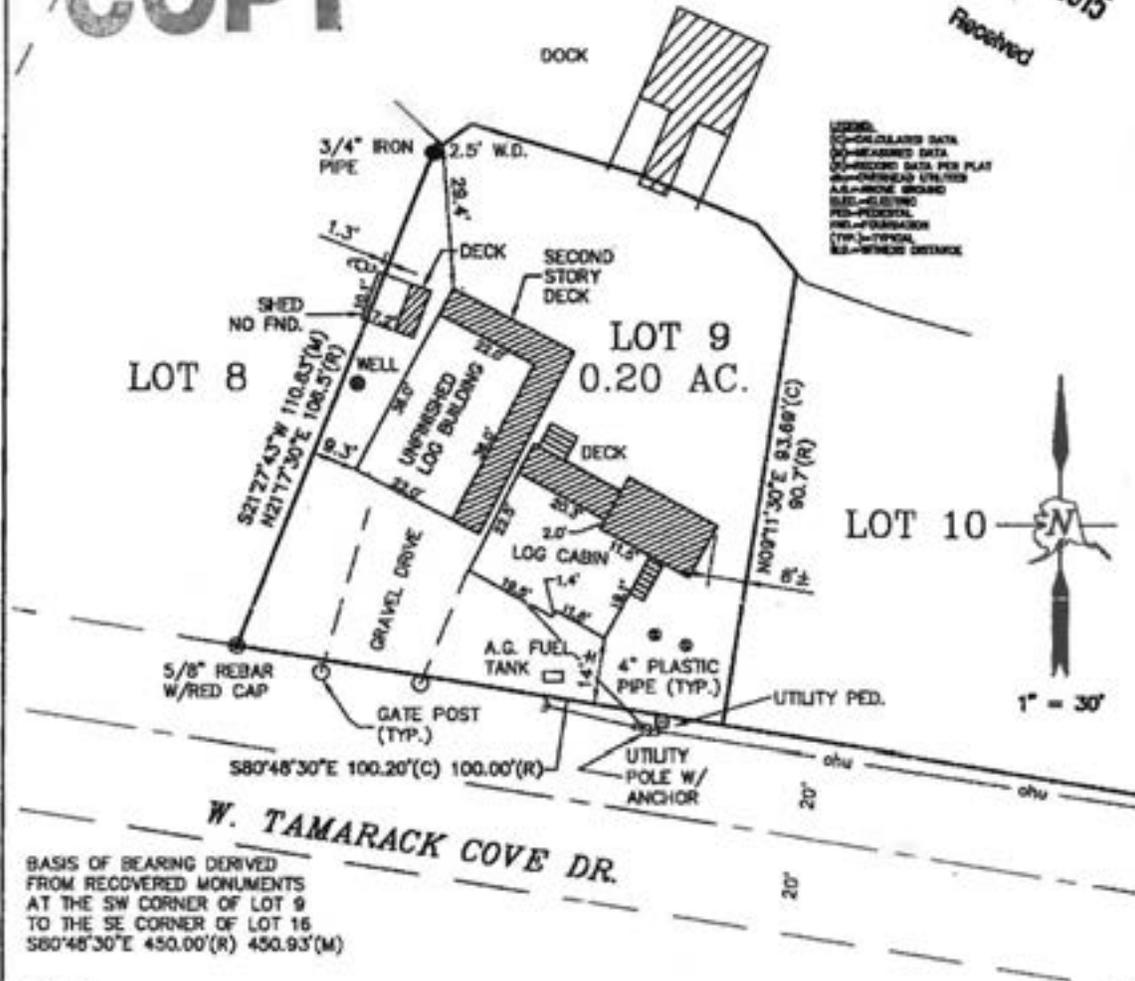
ALASKA RIM ENGINEERING, INC.
 9131 E. FRONTAGE RD., SUITE 1
 PALMER, ALASKA 99845
 PH: (907)745-0222 : FAX: (907)746-0222
 EMAIL: akrim@alaskarim.com : WEB: www.alaskarim.com

WO: 1500113	FB: 15-02
PAGE: 1 of 1	TM: HO 13
SCALE: 1" = 30'	
FILE: 1500113AS	

I HEREBY CERTIFY THAT A MORTGAGE INSPECTION WAS PERFORMED UNDER MY DIRECTION ON THE FOLLOWING DESCRIBED PROPERTY:
 CLESTER EXTENSION SUBDIVISION, LOT 9,
 PLAT No. 0-068W, PALMER RECORDING DISTRICT, PALMER, ALASKA.
 SURVEYED ON THE 5th OF MARCH, 2015.

COPY

Matanuska - Sustina Borough
Code Compliance
JUL 30 2015
Received



BASIS OF BEARING DERIVED FROM RECOVERED MONUMENTS AT THE SW CORNER OF LOT 9 TO THE SE CORNER OF LOT 16
 S80°48'30"E 450.00'(R) 450.93'(M)

RECORD:
 RELOCATED SHED
 ADDED UNFINISHED LOG BUILDING AND DECK
 7/25/15 W.O. 1500637

NOTES:

1. EXCEPTING FOR GROSS NEGLIGENCE, THE LIABILITY FOR THIS SURVEY SHALL NOT EXCEED THE COST OF PREPARING THIS SURVEY.
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ALASKA RIM ENGINEERING, INC.
 9131 E. FRONTAGE RD., SUITE 1
 PALMER, ALASKA 99645
 PH: (907)745-0222 : FAX: (907)746-0222
 EMAIL: akrim@alaskarim.com : WEB: www.alaskarim.com

WO: 1500113 FB: 15-02
 PAGE: 1 of 1 TM: HO 13
 SCALE: 1" = 30' FILE: 1500637RC

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 CLESTER EXTENSION SUBDIVISION, LOT 9,
 PLAT No. 0-068W, PALMER RECORDING DISTRICT, PALMER, ALASKA.
 SURVEYED ON THE 5th OF MARCH, 2015.

LAND SURVEYING &
CIVIL ENGINEERING

Ph 907-746-4185 | Fx 907-746-4186

To: **Alex Strawn**
MSB Development Services Manager
350 E. Dahlla
Palmer, AK. 99645
907-861-7854

Date: **9/14/2015**Job: **15-50 Big Lake Clester**

Subject: **Survey Memorandum to accompany the variance applications**
For Ivan and Lynne Schuening, MSB Tax ID #6349000L009

Matanuska - Susitna Borough
Development Services

SEP 15 2015

MEMORANDUM

Received

Mr. Strawn,

I was retained in August of this year to survey and monument Lot 9 of the Extension of Clester Subdivision, Plat No. W-68, Palmer Recording District. The results of the survey are shown on the attached preliminary Record of Survey. This survey is planned to be recorded later this month, and I will provide you with a final recorded copy.

This survey discovered several facts that may affect MSB's decision regarding the variance application. Please note that all of these facts and circumstances are unique to the parcel and were not caused by the applicant.

BOUNDARY LOCATION UNCERTAINTIES:

- 1) Plat No. W-68 was surveyed in 1959. That plat shows only two monuments having been definitively set: one iron pipe at the northeast and one at the northwest corner of the subdivision. The plat shows small circles for the rest of the lot corners, without any indication of what (if anything) was set. These two iron pipes agree with record positions within 2 feet.
- 2) The survey I performed found several various "secondary" rebars and iron pipes, most of which also agree with the original record plat dimensions within several feet.
- 3) Given the uncertainty in locating the original Plat W-68 lot positions, the modern precise application of setbacks (i.e. sideyard setback 10.00 feet) may be unrealistic.



LAND SURVEYING &
CIVIL ENGINEERING

Ph: 907-746-4185 | F: 907-746-4186

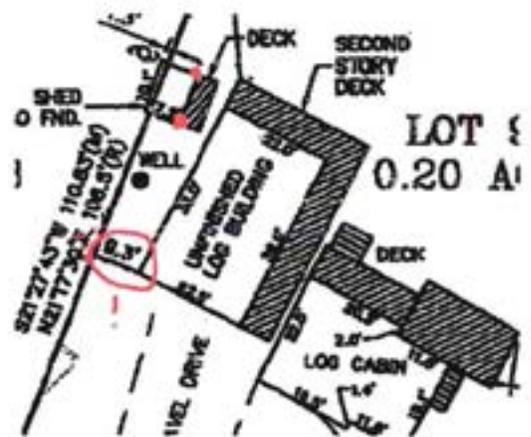
ASBUILT LOCATION PROBLEMS:

- 4) Mr. Schuening was provided with an asbuilt survey (also known as mortgage location survey), when purchasing this lot. Using this first asbuilt, Mr. Schuening had the reasonable belief that the proposed boat house would easily fit adjacent between the existing cabin and existing shed, and allow for nearly a 20 foot setback.



Excerpt of First Asbuilt

- 5) When questions arose about the location of the new boathouse, Mr. Schuening hired the same surveyors that performed the first asbuilt. The second asbuilt revealed the sideyard for the boat house to be only 9.3 feet. Furthermore the surveyor claimed that Mr. Schuening "moved" the shed. What actually occurred appears to be a simple but significant drafting mistake of the location of the shed. The shed was originally plotted in the first asbuilt on the incorrect west side of the red points, but correctly plotted on the second one. Mr. Schuening was not intending to build within 9' of the line.



Excerpt of Second Asbuilt

- 6) Generally, licensed surveyors caution and disclaim the owners not to use asbuilts to establish structures placed on or real close to property lines, such as fences. However, in my opinion the public should reasonably be able to rely on a surveyors asbuilt not contain gross blunders of locations of facilities, such as the shed in the first asbuilt.

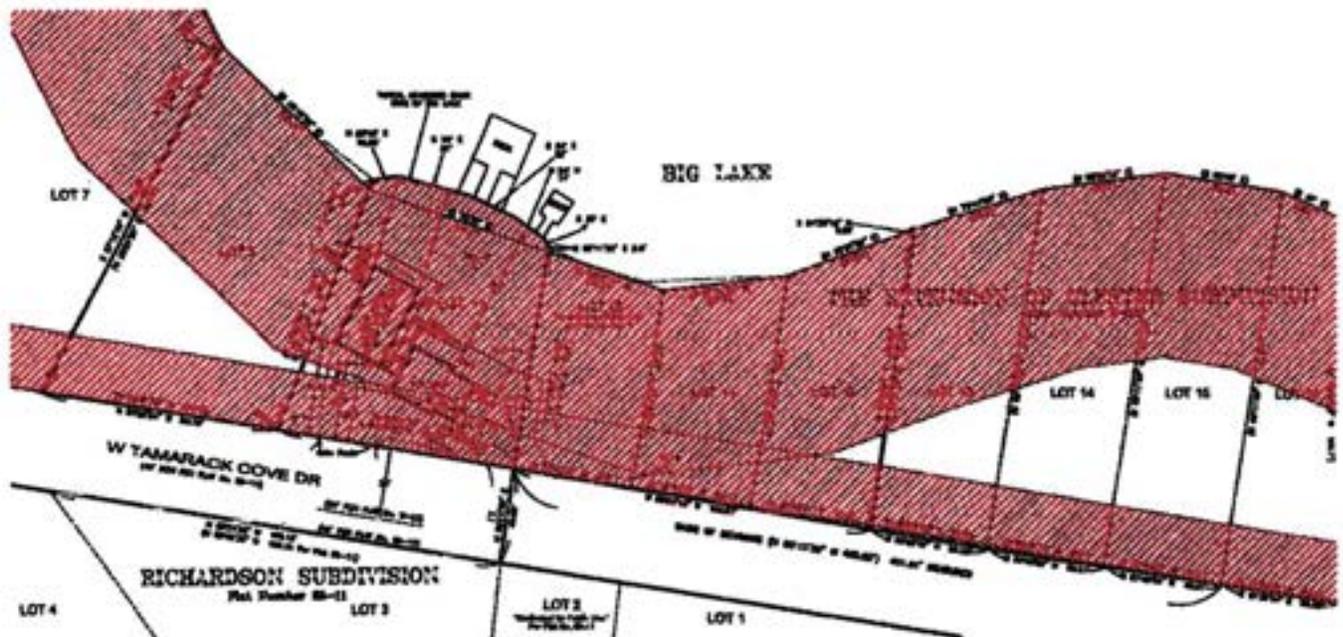


LAND SURVEYING &
CIVIL ENGINEERING

P: 907-746-4185 | F: 907-746-4186

SUBDIVISION DESIGN PROBLEMS:

- 7) The Extension of Clester Subdivision was created well before the current MSB setbacks of 25' frontyard, 10' sideyard, and 75' water setback.
- 8) Should one apply just the frontyard and water setbacks alone to the subdivision layout, nearly all lots in this subdivision would be unbuildable, as shown in red. It appears only Lots 7, 14, 15, and 16 have any buildable room.
- 9) Given these constrictions, Mr. Schuening's development is not alone in being in violation of current setbacks.



Excerpt of Record of Survey, with red water and road setbacks shown

For more information, see attached Record of Survey and Extension to the Clester Subdivision plat. Please contact me for more information on this matter,
Sincerely,

Max A. Schillinger, PE, PLS

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Kendra Johnson

From: Alex Strawn
Sent: Friday, September 25, 2015 11:56 AM
To: Kendra Johnson
Subject: Ivan Schuening's "Boathouse"

Hi Kendra,

On September 10, 2015 I met with Mr. Schuening and his surveyor Max Schillinger to discuss requirements for their variance application. Towards the end of the meeting Mr. Schuening asked if he could go ahead and shell in the structure to avoid damage from the weather. I told him that I understood why he would want to do that and that we would not enforce the stop work order if he is simply protecting the structure from the elements. I made it very clear that he did so at his own risk as we consider it an illegal structure that may have to be removed in the future.

Alex Strawn

Development Services Manager
Matanuska-Susitna Borough
350 E. Dahlia Palmer, AK 99645
(907) 861-7854

Susan Lee

From: Susan Lee
Sent: Friday, September 25, 2015 12:34 PM
To: 'ivans@ovs.com'
Cc: Alex Strawn
Subject: Clester Extension Lot 9 Variance

Importance: High

Dear Mr. Schuening:

While reviewing the application for pre-existing legal nonconforming status (grandfather rights), staff conducted a site visit and researched the borough assessment records. Based on the site visit and information in the assessment records, it appears that there have been subsequent additions to cabin on Lot 9, Clester Extension, after 1960. It appears that the addition to the east side of the cabin was constructed approximately in 1991. Also, based on the borough records, sometime between 2008 and 2012, the structure was raised and a foundation/crawl space was constructed and the deck on the lakeside of the cabin was constructed. Based on this information, the cabin is no longer eligible for pre-existing legal nonconforming status due to the date(s) of construction of the expansion of the structure. Borough code 17.80.060(A)(1) states in part "A nonconforming structure may not be enlarged or altered vertically or horizontally in a way which would increase the height, width, depth, area, or volume of the structure except as specifically allowed by the current code for similar new structures in that location". If you dispute this information you are welcome to conduct your own research to determine the date(s) of construction of these additions.

Our question to you is, do you want to include the cabin in the variance request? Should you include the cabin in the variance request the application form will have to be revised to include the cabin. The site plan will also have to be revised to show the dimensions of the addition and the deck. If the cabin is included in the variance request, additional public notices will be required. In addition, due to the notice requirements, the public hearing will have to be changed to a later date, as we will not be able to make the deadlines for the November 2 public hearing date.

Please let us know by Monday, September 28 as to what you would like to do.

If you have any questions or require additional information please contact me at (907) 861-7862 or slee@matsugov.us or my supervisor Alex Strawn at (907) 861-7854 or astrawn@matsugov.us.

Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

Susan Lee

From: Susan Lee
Sent: Tuesday, September 29, 2015 9:42 AM
To: ivans@ovs.com
Cc: Alex Strawn
Subject: Variance Request

Hi Ivan:

This e-mail is to confirm our September 28, 2015 conversation regarding the variance request on Lot 9, Clester Extension. Since the original cabin on the lot has been enlarged, it is no longer eligible for pre-existing legal nonconforming status (grandfather rights). The cabin will be included in the variance request with the structure that is currently under construction. Since the application is being modified the public hearing will be rescheduled from November 2 to possibly December 7.

Should you have any questions or need additional information please let me know.

Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

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COMMENTS

Susan Lee

From: Frankie Barker
Sent: Tuesday, October 27, 2015 9:52 AM
To: Susan Lee
Subject: Comments on Clester Extension

The applicant is requesting a variance for a structure that he recently constructed which is 32 feet from the edge of the Big Lake. MSB Code 17.55.020 requires a 75 foot setback from water bodies for any habitable structure or garage. Since the structure is designed to be used as a garage and as a residence for friends and family, it is in violation of the code. The applicant built a new structure knowing that there were setback problems with the original cabin on the land. The 75 foot setback from water bodies has been a standard rule in MSB for over two decades. While the original cabin may have been grandfathered in, this new structure is illegal.

In addition, MSB Ordinance 05-023 *Best Management Practices for Development Around Waterbodies* recommends preserving a minimum 75 foot wide naturally vegetated buffer along the shore to protect water quality, fish and wildlife and reduce erosion. Big Lake is listed by the State of Alaska as an impaired water body. Allowing this type of structure to be constructed and remain within the 75 foot setback can contribute to additional degrading of the shoreline and the impaired water quality status of the lake.

Frankie Barker
Environmental Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer, AK 99645
907- 861-8439
frankie.barker@matsugov.us

Susan Lee

From: Theresa Taranto
Sent: Tuesday, September 22, 2015 12:14 PM
To: Susan Lee
Subject: RE: Request for Comments - Clester Extension Variance Request

FIRM 8015, X Zone
Open case # G20150044 since 5/26/15. CCO Kendra Johnson

Thanks,

*Theresa Taranto
Development Services Division
Administrative Specialist*

*Mat-Su Borough
350 E Dahlia Ave.
Palmer, Alaska 99645
907-861-8574*

From: Susan Lee
Sent: Wednesday, September 16, 2015 2:26 PM
To: meadow@matanuska.com; rglenn@mta-telco.com; Elizabeth Welant; Lloyd Smith; Theresa Taranto; Eileen Probasco; Lauren Driscoll; Frankie Barker; Paul Hulbert; Laura Newton; Dan Mayfield
Cc: Kendra Johnson
Subject: Request for Comments - Clester Extension Variance Request

Hi All:

Attached is a request for a setback variance to allow an existing structure to remain setback less than 75 feet from Big Lake and less than 10 feet from the side yard lot line. Please review and submit any comments you may have to me by **October 9, 2015**.

Thank you, Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

Susan Lee

From: Nancy Cameron
Sent: Thursday, September 17, 2015 8:12 AM
To: Susan Lee
Subject: FW: Request for Comments - Clester Extension Variance Request
Attachments: Request for Comments Application Material.pdf

No borough lands affected. LRM has no objection to variance request.

Nancy Cameron
Land Management Agent
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, AK 99645
(907) 861-7848
nancy.cameron@matsugov.us

From: Elizabeth Weiant
Sent: Wednesday, September 16, 2015 2:40 PM
To: Nancy Cameron
Subject: FW: Request for Comments - Clester Extension Variance Request

From: Susan Lee
Sent: Wednesday, September 16, 2015 2:26 PM
To: mearow@matanuska.com; rglenn@mta-telco.com; Elizabeth Weiant; Lloyd Smith; Theresa Taranto; Eileen Probasco; Lauren Driscoll; Frankie Barker; Paul Hulbert; Laura Newton; Dan Mayfield
Cc: Kendra Johnson
Subject: Request for Comments - Clester Extension Variance Request

Hi All:

Attached is a request for a setback variance to allow an existing structure to remain setback less than 75 feet from Big Lake and less than 10 feet from the side yard lot line. Please review and submit any comments you may have to me by **October 9, 2015**.

Thank you, Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

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Matanuska-Susitna Borough
 Planning & Land Use Department
 Development Services Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

DECEMBER 7, 2015

US POSTAGE PERMIT NO. 128
 ZIP 99645
 02 14
 0601399-05 OCT 14 2015

Matanuska - Susitna Borough
 Development Services

56349000L008 14
 GOARD KEVIN T & JANET
 16609 W TAMARACK COVE DR
 WASILLA AK 99623-4895

NOV 12 2015

FIRST CLASS MAIL

Received

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

Application or Item: Application for a variance to the setback requirements
Matanuska-Susitna Borough Code Section: MSB 17.55 -- Setbacks and MSB 17.65 - Variances

Applicant: Ivan & Lynne Schuening

Request: A variance application to allow a rectangular building 36' in size, to remain set back 32 feet from the ordinary high water mark of Big Lake and 9.1 feet from the west side yard lot line and to allow an existing one-story cabin to remain set back 14 feet from the Tamarack Cove Drive right-of-way, 7 feet from the east side yard lot line and 55 feet from the ordinary high water mark of Big Lake.

Location: Clester Extension, Lot 9; 16587 W. Tamarack Cove Drive; within Township 17 North, Range 3 West, Section 29, Seward Meridian.

The Planning Commission will conduct a public hearing in the Borough Assembly Chambers, Palmer, Alaska, on this item on December 7, 2015. The meeting begins at 6:00 p.m. **Public hearings begin at 6:15 p.m.** 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 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.

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.

Application material may be viewed online at www.matsugov.us and clicking on 'Public Notices'. Application material may also be reviewed in the Borough Permit Center. If you have any questions or, would like to send us comments, concerning the proposed action, this form may be used for your convenience by filling in the information below and mailing it to the Matanuska-Susitna Borough, Development Services Division, Planning Department, 350 East Dahlia, Palmer, Alaska 99645. You may fax comments to 861-7876 or e-mail to slee@matsugov.us. For additional information please contact Susan Lee, Planner II, at 861-7862. Comments received prior to November 13, 2015 will be included in the Planning Commission packet for the Commissioner's review and information. Comments received after that date will not be included in the staff report to the Planning Commission. If there is not enough room below, please attach this sheet to another piece of paper. **In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for definition of "Interested Party". The procedures governing appeals to the Board of Adjustment and 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.**

Name: KEVIN & JANET GOARD **Address:** 16609 W. TAMARACK COVE

Location/Legal Description of your property: CLESTER EXTENSION LOT 8

Comments: _____

Note: Vicinity Map Located on Reverse Side

Kevin and Janet Goard
16609 W Tamarack Cove Dr
Wasilla, Ak. 99623
(Clester Extension Lot 8)

Matanuska - Susitna Borough
Development Services

Nov, 13 2015

NOV 12 2015

Received

Re: Schuening Variance request (Clester Extension Lot 9)

To MSB Planning Commission,

As you can see by the map, we live on the lot located directly to the west of the Schuening's. As construction has continued throughout the summer, despite a stop work order, we have talked with Alex Strawn a few times trying to figure out what our responsibilities would be in response to this whole mess...and now this variance request. So, here are our thoughts...

As the slab was being poured we realized this was going to be a big boat house! Ivan told us a few times that it was a boat house with a "bunk room" above. We presumed/ lead to believe(?) the upstairs was to be a smaller area with lots of deck, not the two story building it turned out to be. He was well aware of the requirements for a boat house and that it could not be used for living quarters. He has hired a local contractor to build this and I would like to believe his contractor informed him of the requirements and local ordinances??

Personal feelings- We have no problem with a boat house. As we have watched this going up this summer we have told many that it is the nicest fence we have ever seen. It does block us from noise in that direction. But on another personal note, as winter is coming upon us, it is blocking that low sun on the horizon...which is disappointing to us. Which leads to the observation that it seems to be way over built for the area and neighborhood and lot size...to each his own as it is his money. And then of course, we wonder how this will increase our taxes in the future?

We built our home in 1993, knowing that we would live here full time one day. We have been blessed for the last two years in realizing that dream to come true! With the lot next door being the size it is, we never envisioned that any one would build anything more on it.

Ultimately, we are trying to be a good neighbor. We will "live with" whatever determination the MSB Planning Commission arrives at. I know that many around the lake have pushed the limits in regard to the MSB regulations when building "boat houses". If you are asking my suggestion, the regulations need to be tightened up so this doesn't happen again.

Thank you for your time and let us know if you have further questions.

Sincerely, Kevin and Janet Goard



Matanuska-Susitna Borough
 Planning & Land Use Department
 Development Services Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645

PLANNING COMMISSION

DECEMBER 7, 2015

Page 361



56286000L012 18
 LASKY MICHAEL A JR & BARI E
 PO BOX 520850
 BIG LAKE, AK 99652-0850

OCT 30 2015

Received FIRST CLASS MAIL

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

Application or Item: Application for a variance to the setback requirements
Matanuska-Susitna Borough Code Section: MSB 17.55 – Setbacks and MSB 17.65 - Variances

Applicant: Ivan & Lynne Schumring
Request: A variance application has been submitted to allow remain set back 32 feet from the ordinary high wa

an existing one-story cabin to remain set back 14 feet from the Tamarack Cove Drive right-of-way, 7 feet from the east side yard lot line and 55 feet from the ordinary high water mark of Big Lake.
Location: Clester Extension, Lot 9; 16587 W. Tamarack Cove Drive; within Township 17 North, Range 3 West, Section 29, Seward Meridian.

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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 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.

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.

Application material may be viewed online at www.matsugov.us and clicking on 'Public Notices'. Application material may also be reviewed in the Borough Permit Center. If you have any questions or, would like to send us comments, concerning the proposed action, this form may be used for your convenience by filling in the information below and mailing it to the Matanuska-Susitna Borough, Development Services Division, Planning Department, 350 East Dahlia, Palmer, Alaska 99645. You may fax comments to 861-7876 or e-mail to slee@matsugov.us. For additional information please contact Susan Lee, Planner II, at 861-7862. Comments received prior to November 13, 2015 will be included in the Planning Commission packet for the Commissioner's review and information. Comments received after that date will not be included in the staff report to the Planning Commission. If there is not enough room below, please attach this sheet to another piece of paper. **In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for definition of "Interested Party".** The procedures governing appeals to the Board of Adjustment and 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.

Name: Michael & Bari Lasky **Address:** 4317 S. Clester Place / Big Lake
Location/Legal Description of your property: 1-1A & 12 Clester 6074 AK 99652
Comments: See attached comments please & Thank you!

Note: Vicinity Map Located on Reverse Side

Faxed
 10/28/15

Comments regarding Cluster Extension, Lot 9: 16587 W. Tamarak Cove Drive, Big Lake, AK 99652.

We feel that there was blatant disregard for structure setbacks violating building codes and compliance.

No "voluntary compliance" at all.

Knowingly allowed violations to occur.

Asking forgiveness not permission

If the Schuening's get away with the violations, others will feel they can, too, build with disregard to setbacks and code compliance.

We hope others in our area that are building learn from this mistake and appropriate action is taken as it went way to far and could have been shut down sooner and removed.

We voluntarily complied with all setbacks and wanted to do the right thing when we built.

What's right is right and what's wrong is wrong. Building that structure as it stands is wrong.

Boathouse...really??

We don't want to be "compliance police" but when we see something so wrong being built and other friends and neighbors come to us and say "how are they getting away with that" it makes us take a stand in hopes of making a difference in protecting the lake.

Thank you for your consideration in this matter.

The Lesky's

Bari + Mike

Filed
10/28/15

Susan Lee

From: Carol Wineck <wineck@gci.net>
Sent: Monday, November 09, 2015 12:27 PM
To: Susan Lee
Subject: FW: Comments on the Ivan Schuening Variance

Matanuska - Susitna Borough
Development Services

NOV 09 2015

Received

Carol Wineck
Mailing address: 1807 McKinley Ave.
Anchorage, Alaska 99517-2687

Property location: 16499 W. Tamarack Cove Drive Big Lake, Alaska
Legal description of property: lots 13,14,15,16 Clester Extension Subdivision,
according to Plat W-68, Palmer Recording District,
Third Judicial District, State of Alaska

Comments:

My concern is not so much what had been done by previous owners, but the new construction done by Mr. Schuening. I have not met the Schuenings, and take no pleasure in siding against them. I find it very distressing, but can not remain silent.

I want to say, up front, that I am prejudice against people who violate the land use regulations. My husbands plans for a garage where swiftly curtailed when I inquired as to the status of a drainage near our property. I was told by Mat-Su Borough, that even though a culvert was put in by my father in 1960, and drainage improved upon by me, in more recent years, and even though a section dried up each summer, it was considered a water course. We had spent upwards of \$5,000.00 in site preparation, but could not build where we wanted, given the setback requirements.

Disregarding the land use regulations, Mr. Schuening has built an enormous building on a small lot. It appears this property encroaches on every boundary, including upwards, given that is is underneath the powerline. Even his driveway gate is in the roadway.

Tamarack cove and this property has had numerous surveys. Many clear markers exist, above ground, both at the lake edge and at the roadway.

In my time at Big Lake I can recall 6 separate owners of Mr. Schuening's property. Two couples shared with me their reasons for moving. They could not add on, given the constraints of the lot, and needed more space, a garage or work shop. In what way is it fair that Mr. Schuening is able to do what others before him could not. What about the Gourds, who see only a large and looming roof and wall, where they thought nothing could ever be built to obstructs their view to the east and the mountains. What about the Fikes who have lost their view of Big Lake. What about the Laskys who built there lovely new home and had

to make changes, at no small expense., multiple times, to comply with the Mat-Su Land Use Regulations. And what about my, now deceased, husband who never did get his garage. Others of us have played by the rules, however expensive or disappointing. Why was Mr. Schuening never stopped this spring, when his construction was brought to the attention of the borough by other property owners in the area. Even now, work continues on his building.

Mr. Schuening is the owner of Oregon Valley Greenhouses. At his business website, he states that he has been in business for 20 years, making greenhouses up of up to 40 feet, and other outdoor structures

of various styles and sizes. Since he is in the business of making a product that is installed on other peoples property, I think is is fair to assume he is familiar with the existence of building codes and land use regulations.

It is my feeling that Mr. Schuening knew full well what the building restrictions where. Neighbors told me that, long before construction started, as early as February of this year, he was made aware there were set back regulations and he could only build a boat house. If he had some confusion as to what the difference between an "on the land" garage and an "over the water" boathouse was, he should have found out, before building.

It appears there has been a couple feet of fill added to the shoreline to make this property deeper than it once was, but using the original footage, the depth of Mr. Schuenings lot, on the west side, it is 106.5 feet. Given that the required setback from the lake is 75 feet and the set back from the road is 25 feet, Mr. Schuening would have been legal to build a 6 and a half foot building. He built a building with a depth of 36 feet.

He came to Alaska, built what he wanted, where he wanted. Ignoring the land use regulations. He listened to no one who told him he shouldn't. He listened to no one who told him to stop.

The repercussions of that are your hands.

Thank you,
Carol Wineck
Phone 1-907- 562-5387

MAPS



Legend

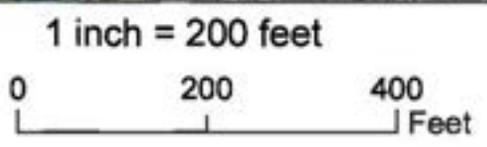
- 600 ft notification area
- Clester Ext Lot 9
- Parcels

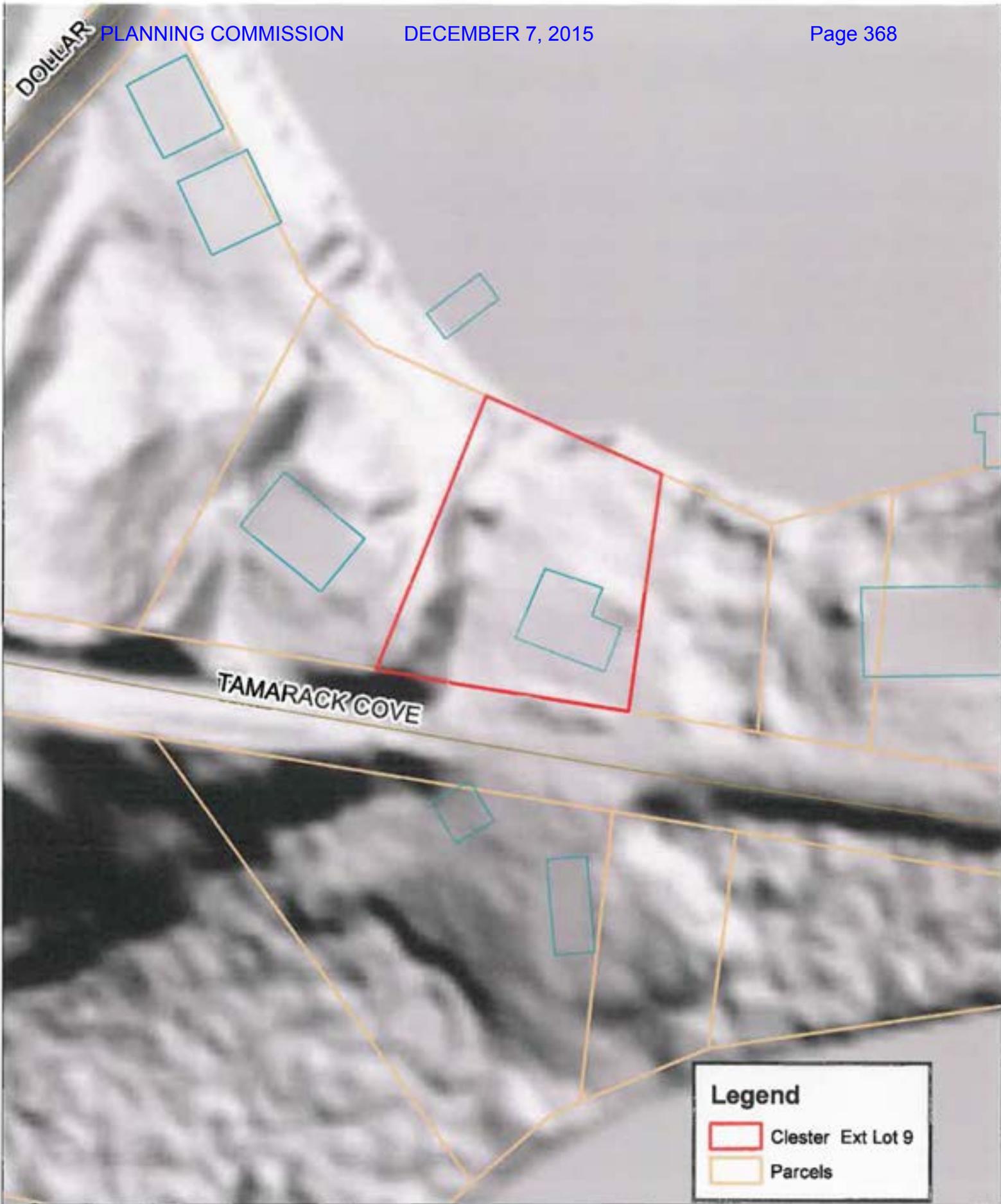


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6349000L009





Legend

- Clester Ext Lot 9
- Parcels

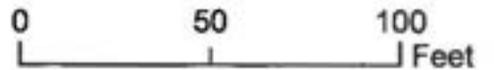


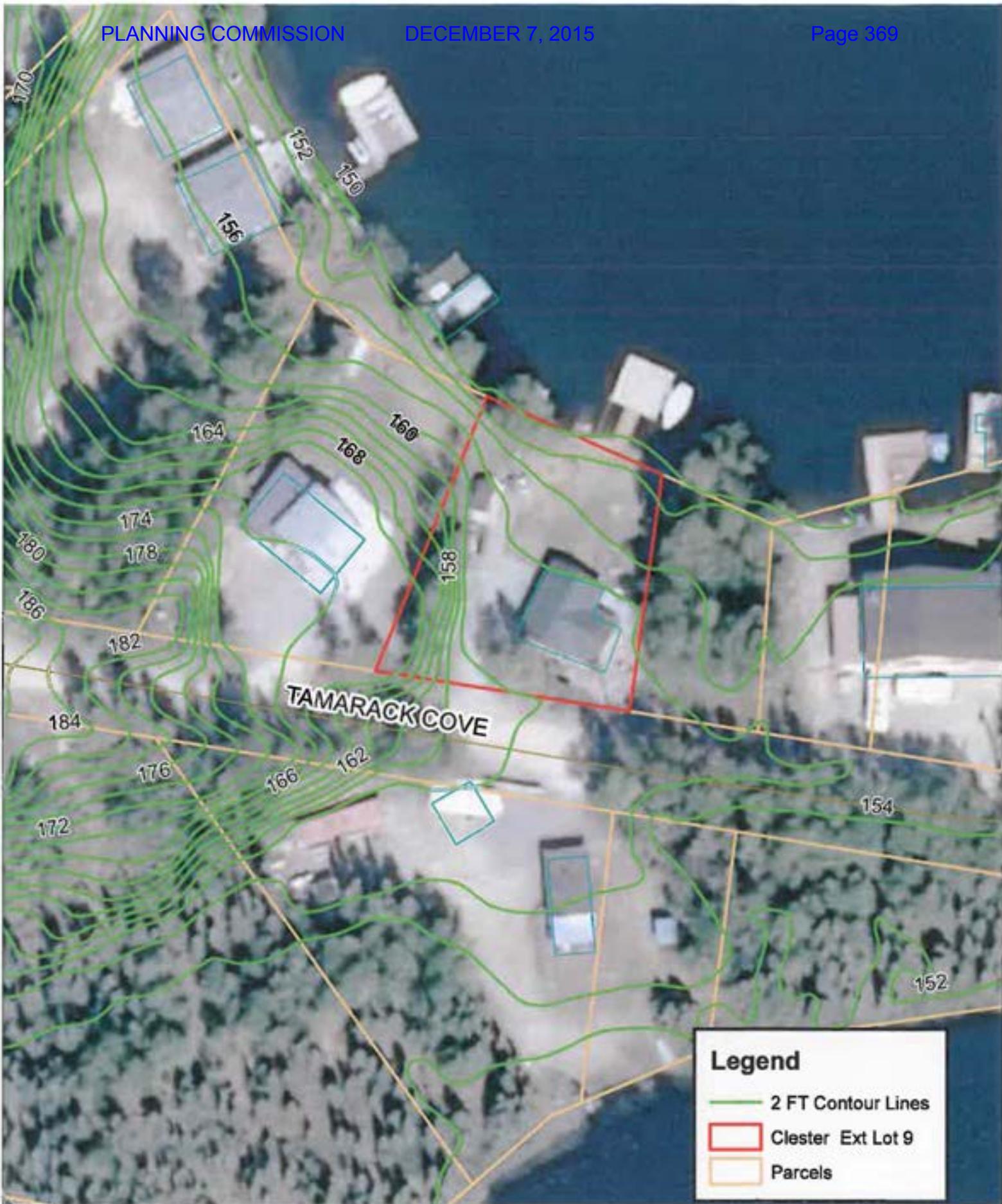
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6349000L009

1 inch = 50 feet





TAMARACK COVE

Legend

- 2 FT Contour Lines
- Clester Ext Lot 9
- Parcels

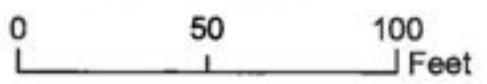


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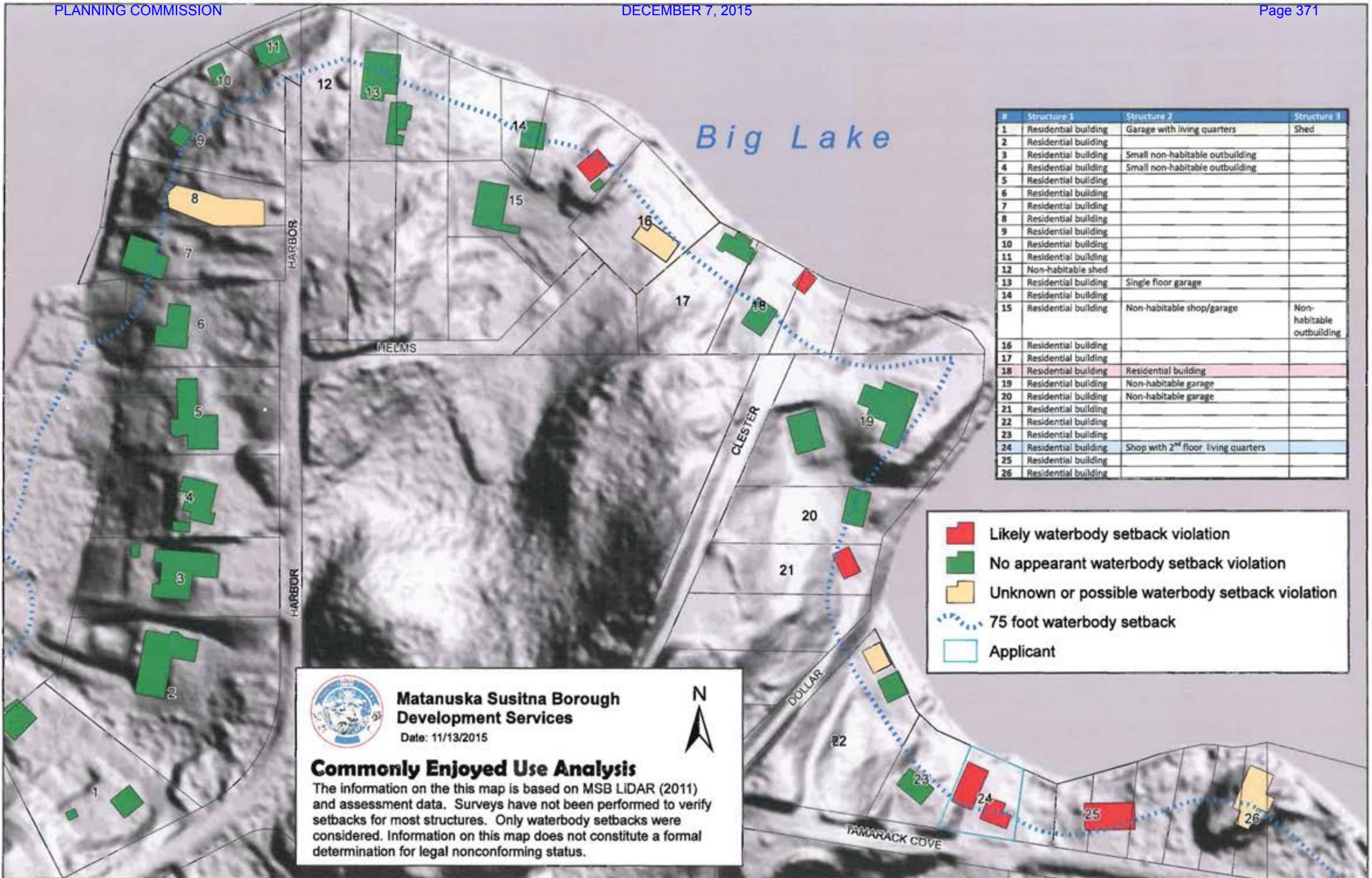


6349000L009

1 inch = 50 feet



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#	Structure 1	Structure 2	Structure 3
1	Residential building	Garage with living quarters	Shed
2	Residential building		
3	Residential building	Small non-habitable outbuilding	
4	Residential building	Small non-habitable outbuilding	
5	Residential building		
6	Residential building		
7	Residential building		
8	Residential building		
9	Residential building		
10	Residential building		
11	Residential building		
12	Non-habitable shed		
13	Residential building	Single floor garage	
14	Residential building		
15	Residential building	Non-habitable shop/garage	Non-habitable outbuilding
16	Residential building		
17	Residential building		
18	Residential building	Residential building	
19	Residential building	Non-habitable garage	
20	Residential building	Non-habitable garage	
21	Residential building		
22	Residential building		
23	Residential building		
24	Residential building	Shop with 2 nd floor living quarters	
25	Residential building		
26	Residential building		

-  Likely waterbody setback violation
-  No apparent waterbody setback violation
-  Unknown or possible waterbody setback violation
-  75 foot waterbody setback
-  Applicant



**Matanuska Susitna Borough
Development Services**

Date: 11/13/2015



Commonly Enjoyed Use Analysis

The information on this map is based on MSB LIDAR (2011) and assessment data. Surveys have not been performed to verify setbacks for most structures. Only waterbody setbacks were considered. Information on this map does not constitute a formal determination for legal nonconforming status.

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ADDITIONAL INFORMATION

- **Mandatory Land Use Permit**
- **Enforcement Order (EO2015-0004)**
- **Administrative Determinations**
- **Ordinance Serial No. 05-023**
- **Planning Commission Resolution No. 04-59**
- **Voluntary Best Management Practices for Development
Around Waterbodies**
- **Alaska Statute 29.40.040**

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MA, ANUSKA-SUSITNA BOROUGH
PERMIT CENTER

350 East Dahlia Avenue • Palmer, AK 99645
(907) 861-7822 • Fax (907) 861-8407
E-mail: PermitCenter@matsugov.us

RECEIVED
JUL 13 2015
PERMIT CENTER

MANDATORY LAND USE PERMIT APPLICATION

Property Owner: (Name) Ivan Schuening			Applicant/Agent: (Name) Ivan Schuening		
Mailing Address PO Box 298912			Mailing Address		
City Wasilla	State AK	Zip Code 99629	City	State	Zip Code
Phone 503-343-4317	Cell (optional)	Fax (optional)	Phone	Cell (optional)	Fax (optional)
E-mail (optional) ivans@ovg.com			E-mail (optional)		

Project Street Address: 16587 West Tamarack Cove Drive

MSB Tax Account ID #: 6349000L009 **Lot Size:** 0.2 acres, or _____ sq ft

Type of Application <i>(check all that apply)</i>	Project Description <i>(check all that apply)</i>	Water Supply <i>Existing or Proposed</i>	Sewage Disposal <i>Existing or Proposed</i>
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial _____ sq ft. <input type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	<input type="checkbox"/> Single-Family Dwellings <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Agriculture <input type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Other <u>Boathouse</u>	<input checked="" type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input type="checkbox"/> City water <input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input type="checkbox"/> Public/Community <input type="checkbox"/> Pit Privy (Not allowed in Core Area) <input type="checkbox"/> Other _____

WATER FRONTAGE

Does this property have water frontage? If yes, identify water body. Yes No

Is this property located in a flood plain or flood way? Yes No

Big Lake

If you feel the space provided is insufficient for your responses, please attach a sheet(s) with the additional information. Additional sheets should identify the applicant, project, and should clearly indicate which section the information corresponds with.

I hereby certify that the information submitted on this application is complete and accurate to the best of my knowledge and that I am the applicant or agent of the same as stated in the attached documentation.

I understand that by making an application for a Land Use permit, the owners grant permission to borough staff member(s) to enter onto the property for the purpose of processing the application and monitoring compliance with code and required permits.

Printed Name Ivan Schuening **Signature** *Ivan Schuening* **Date** 06/29/2015

How would you like to receive your permit? _____ Mail _____ Pick up
 (Please choose one. If neither is marked, the permit will be mailed.)

1702-2015-0001

APPLICATION CHECKLIST
(Include with application packet)

Failure to provided ALL the components of the site plan and application material will result in a returned application.

All Land Use Permit applications shall include the following information:

- 1) A complete Mandatory Land Use Permit Application form (including this checklist)
- 2) A vicinity Map;
- n/a 2) Letter of authorization, (required if not current recorded owner);
- n/a 3) Proof of Purchase, (required if purchased within last 60 days);
- 4) One (1) copy of a noncertified site plan with all components identified in the check list below;
- 5) Appropriate filing fee (listed below).
- 6) Drawings or photos (optional)

Site Plan For reference only, see attached example site plan

All site plans shall:

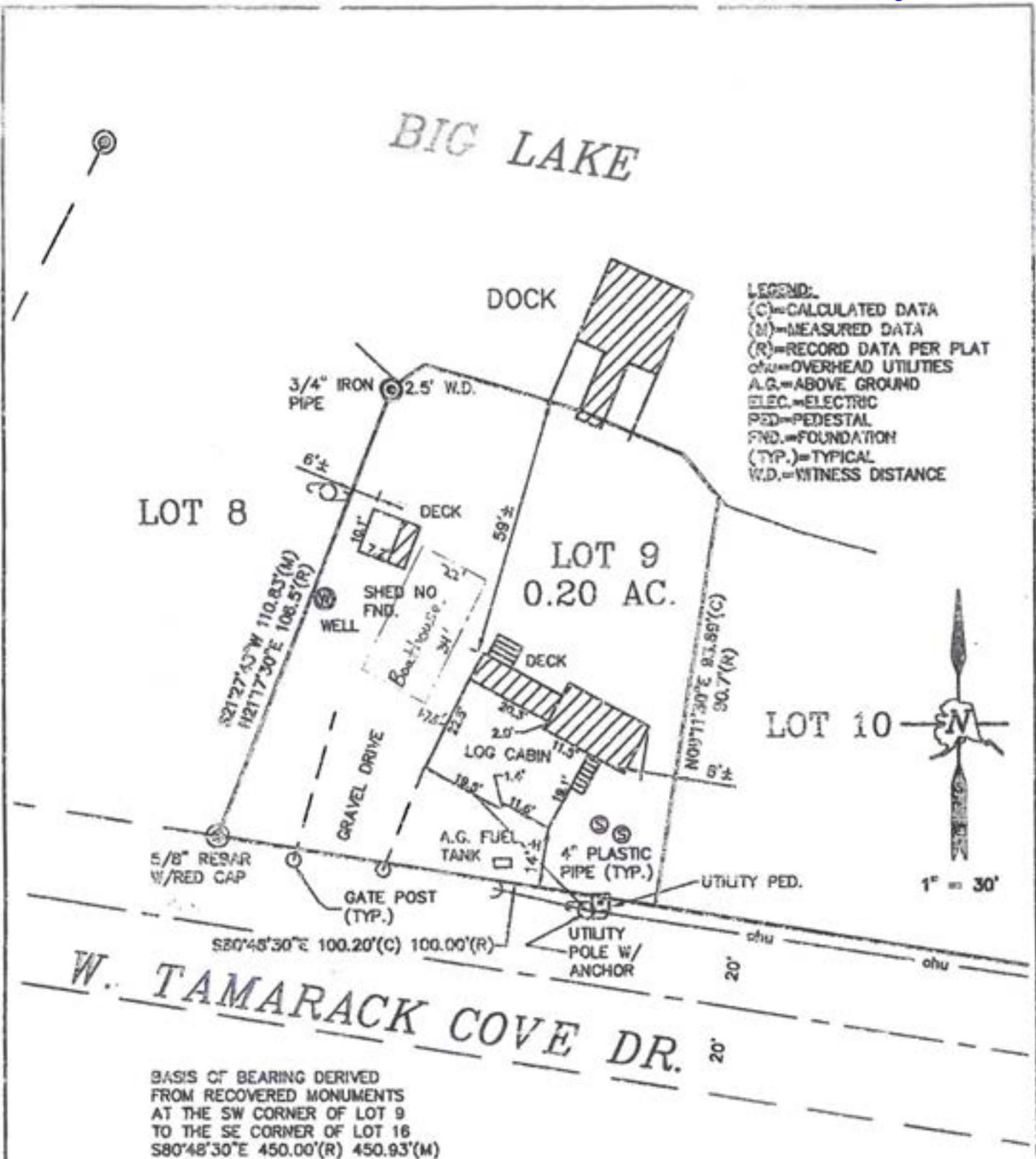
- 1) Be drawn **TO SCALE** using **standard engineering** intervals such as 1" = 30', 1" = 50' or similar as required by project size. Show the scale on site plan;
- 2) Display a North arrow;
- 3) Clearly identify boundaries of parcel;
- 4) Indicate size, location, setback dimensions and separation of any existing and proposed structures (including accessory structures and garages) with distances from property lines noted.
- 5) Indicate the date of preparation or date of the latest amendment since original submittal;
- 6) Include names of adjacent roadways and existing or proposed means of legal access (including private access drives).
- 7) Display location and name of adjacent water bodies;
- 7) Indicate intended use of proposed structures; (attached)

June 29, 2015

Intended Use of Proposed Structure located at Lot 9, Clester Ext

The intended use of the proposed structure is;

- Boat Storage on first level
- Storage, possible dry guest housing on second level



Kendra Johnson

From: Michelle Olsen
Sent: Thursday, July 23, 2015 9:37 AM
To: Kendra Johnson; Lauren Driscoll
Subject: Ivan Shuening
Attachments: EPSON001.PDF

This is the only other email I have regarding the site plan

Michelle Olsen, CFM
Permit Technician
Matanuska-Susitna Borough
350 E Dahlia Ave
Palmer, AK 99645
(907) 861-7871

From: finwrks [mailto:finwrks@yahoo.com]
Sent: Tuesday, July 21, 2015 7:30 AM
To: Michelle Olsen
Subject: Fwd: Re: Land Use Permit

Sent via the Samsung Galaxy S® 5 ACTIVE™, an AT&T 4G LTE smartphone

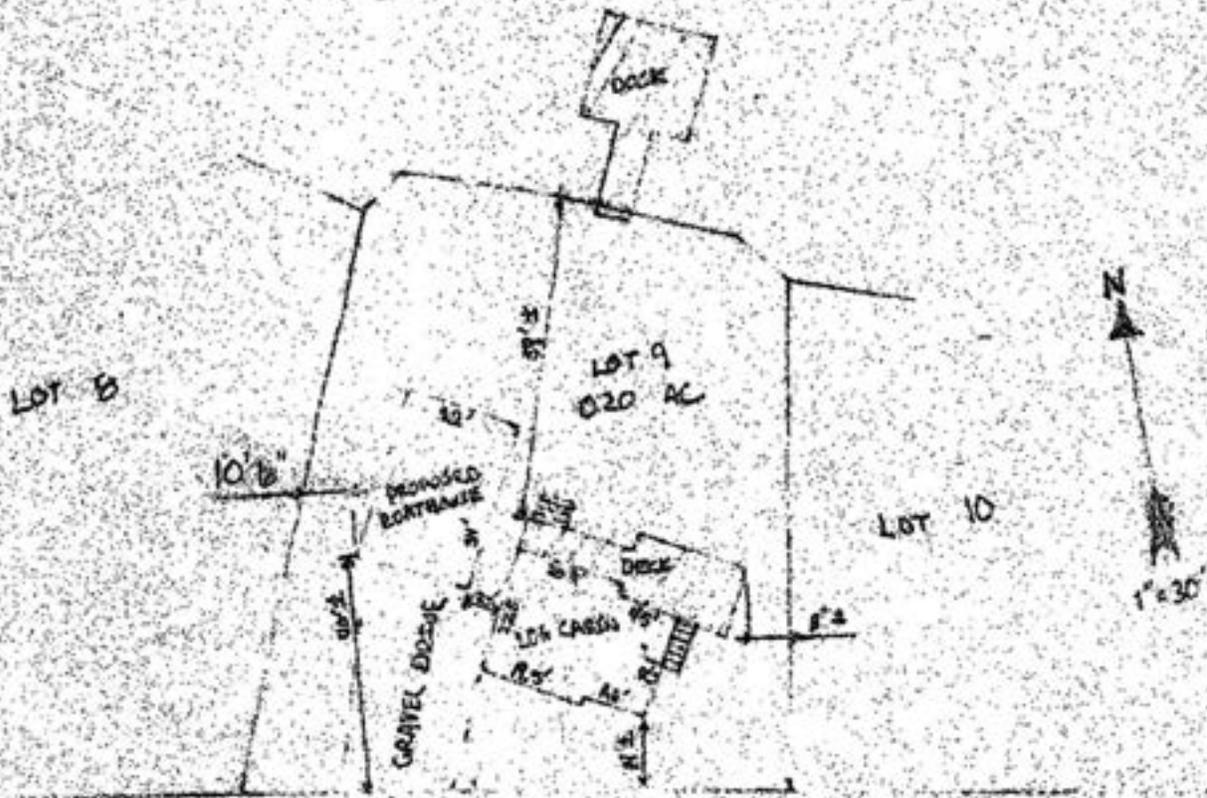
----- Original message -----

From: finwrks <finwrks@yahoo.com>
Date: 07/20/2015 2:17 PM (GMT-09:00)
To: michelle.olson@matsugov.us
Subject: Fwd: Re: Land Use Permit

Hello Michelle,
The as built you received previously was not accurate, it was based on a previous as-built.
These are the correct measurements.
Thank you,
Jason Underhill
9073788263

Sent via the Samsung Galaxy S® 5 ACTIVE™, an AT&T 4G LTE smartphone

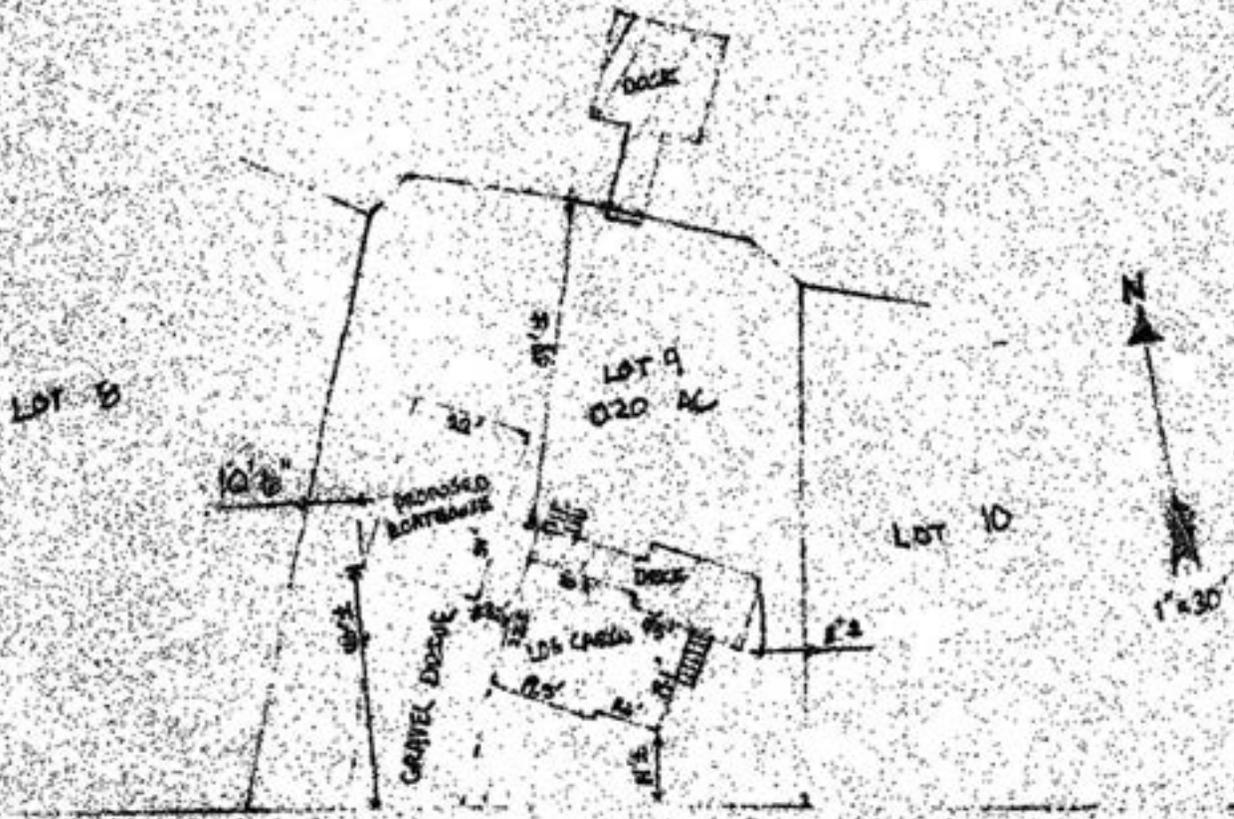
BIG LAKE



W. TAMARACK COVE DR.

June 29, 2015

BIG LAKE



N. TAMRACK COVE DR.

June 29, 2015

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Michelle Olsen

From: Michelle Olsen
Sent: Monday, July 13, 2015 4:20 PM
To: 'ivans@ovg.com'
Subject: Land Use Permit
Attachments: 2015_07_13_15_56_19.pdf

ON Hold

Hello Ivan,

I have a couple concerns with regard to the Mandatory Land Use Permit Application that you submitted for your property on Tamarack Cove Drive.

First, according to the attached site plan you submitted, it shows a side lot line setback of 8' +/- . According to MSB 17.55.010(B) Except where specifically provided other-wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line. Therefore, the building will have to be set farther over or made smaller to accommodate that setback requirement.

Second, Your notes indicate "dry guest accommodations". According to MSB 17.55.020(B) Docks, piers, marinas, aircraft hangars, and boathouses may be located closer than 75 feet and over the water, provided they are not used for habitation and do not contain sanitary or petroleum fuel storage facilities.

Please submit a site plan depicting your boathouse situated in such a way that it does meet the 10' setback requirements.

Thank you,

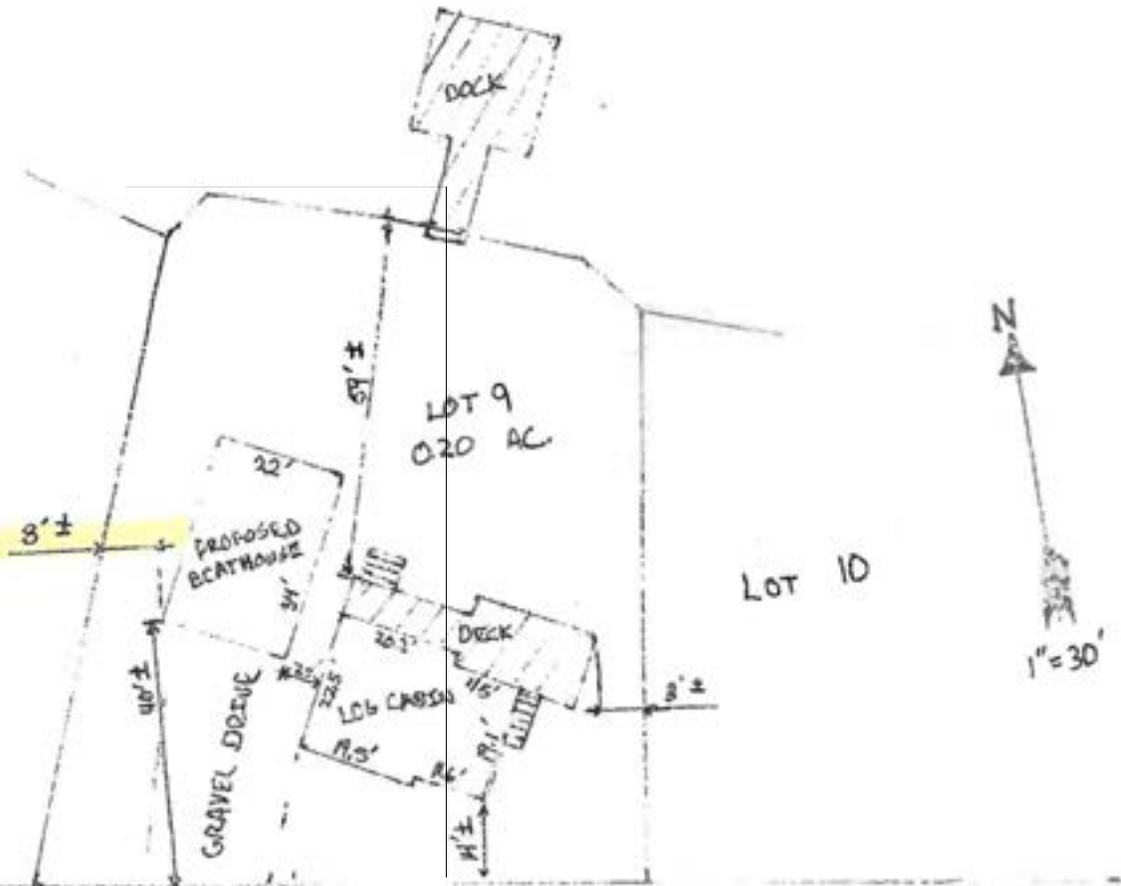
Michelle Olsen, CFM
Permit Technician
Matanuska-Susitna Borough
350 E Dahlia Ave
Palmer, AK 99645
(907) 861-7871

BIG LAKE

LOT 8

LOT 9
0.20 AC

LOT 10



W. TAMARACK COVE DR.

- June 29, 2015.

Matanuska-Susitna Borough



Legend

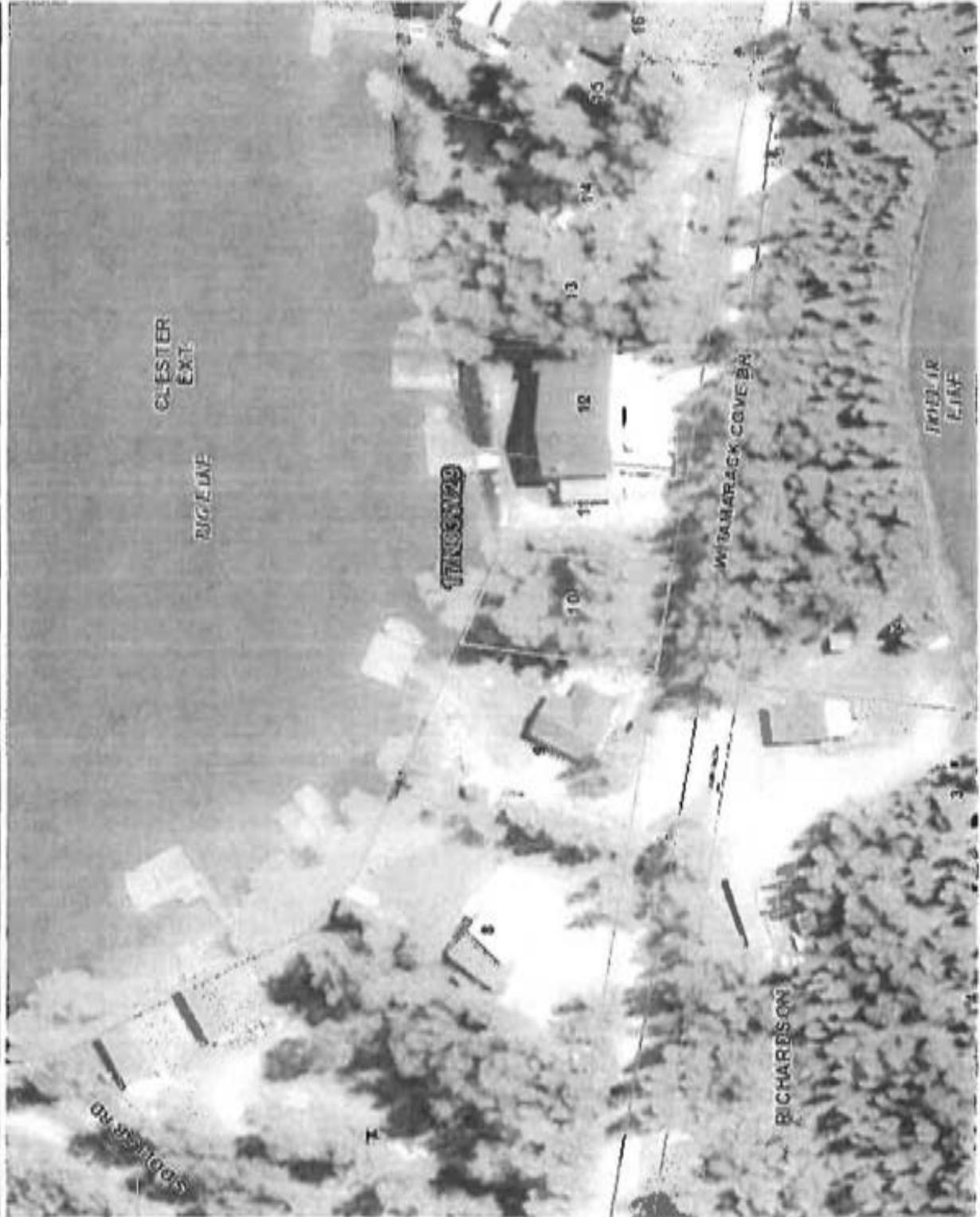
- Public Facilities**
- Administrative
 - Animal Control
 - City Hall or Courthouse
 - Community Center
 - Landfill or Transfer Station
 - Library
 - Medical
 - Post Office
 - Public Safety Fire and/or EMS
 - Public Safety Law Enforcement
 - School
- Alaska Railroad**
- Streets**
- Highway
 - Major Street
 - Medium Street
 - Minor Street
 - Primitive Road
 - Private Road
- Met-Su Borough Boundary**
- Incorporated Cities**
- Parcels**
- Flood Zone**

1: 872



Notes

This map was automatically generated using Geocortex Essentials.



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Reported on 08/05/2015 11:02 AM

AD_1983_StatePlane_Alaska_4_FIPS_5004_Feet

Matanuska-Susitna Borough



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-8506 • Fax (907) 861-7876

E-mail: kevin.sumner@matsugov.us

ENFORCEMENT ORDER (EO2015-0004) NOTICE OF VIOLATION OF BOROUGH CODE

Subject Property: 17N03W29, 6349000L009 Clester Extension

Owner: Ivan & Lynne Schuening
20357 HWY 99E NE
Aurora, OR 97002-9262

COPY

This Enforcement Order is issued to Ivan & Lynne Schuening (Property Owners) under the authority of Matanuska-Susitna Borough (MSB) code 1.45.

**VIOLATIONS: Building a habitable structure within the setbacks for shorelands;
Building a structure within the setbacks for side lot lines.**

MSB Title 17.55.010 SETBACKS: (B) Except where specifically provided other-wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line.

MSB Title 17.55.020 SETBACKS FOR SHORELANDS: (A) Except as provided in subsection (B) of this section, no structure or footing shall be located closer than 75 feet from the high water mark of a watercourse or body of water. Except as provided otherwise, eaves may project three feet into the required setback area. (B) Docks, piers, marinas, aircraft hangars, and boathouses may be located closer than 75 feet and over the water, provided they are not used for habitation and do not contain sanitary or petroleum fuel storage facilities. Structures permitted over water under this subsection shall conform to all applicable state and federal statutes and regulations.

REQUIRED ACTIONS:

1. Cease all construction activities on the structure located on Lot 9 of Clester Extension subdivision Big Lake, Alaska.
2. Provide the Matanuska Susitna Borough a certified site plan by a surveyor licensed in the State of Alaska showing all required shoreline and side lot line setbacks are met.

The described violation(s) are infractions under MSB 1.45. Every day a violation continues is a separate violation. Failure to comply with Borough Code and this Order may result in further action by the Matanuska-Susitna Borough including but not limited to, citation for violation of Borough Code, fines, and other penalties authorized under MSB Code. This order may be appealed in accordance with MSB 15.39 within 21 business days of the date this order is served.

Issued by: Kendra Johnson, Code Compliance Officer

Issuance Date: 7-22-2015

Date/Time of service 7-23-15, Service by X posting on site, personal delivery.

Served by MSB Rep. 

EO2015-0004

Kendra Johnson

From: Kendra Johnson
Sent: Wednesday, July 22, 2015 12:44 PM
To: 'ivans@ovg.com'
Cc: Lauren Driscoll
Subject: Emailing: EO2015-0004 Schuening - for service
Attachments: EO2015-0004 Schuening - for service.pdf

Ivan,
I am emailing you a copy of the Enforcement Order as well as posting a copy on site, mailing the original via Certified Return Receipt mail and will hand deliver a copy to Lynne if she is on site as well.

The enforcement order is being posted as the structure has surpassed a boat house definition by having habitable "guest accommodations". As well as your site plan submitted shows the structure does not meet the 10 foot setback requirement as required under MSB 17.55.010.

You will need to submit a certified site plan by a registered surveyor showing the structure meets the required setbacks and either obtain a Variance for the "guest accommodations" or remove the walls of the 2nd level.

If you have further questions you may contact my current supervisor Lauren Driscoll, Planning Chief at 907-861-7855 or myself at 907-861-7861

Kendra Johnson, CFM
Code Compliance Officer
Matanuska Susitna Borough
(907)861-7861

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Alex Strawn

From: Alex Strawn
Sent: Friday, August 07, 2015 3:10 PM
To: 'ivans@ovg.com'
Subject: Boathouse determination
Attachments: Administrative Determination - Schuening - Corrected.pdf

Hi Ivan,

Please see the attached determination. Contact me ASAP so we can work towards a solution. Also, please note that the enforcement order requiring you to cease construction activity on the site is still in effect. Thank you.

Alex Strawn
Development Services Manager
Matanuska-Susitna Borough
350 E. Dahlia Palmer, AK 99645
(907) 861-7854

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**MATANUSKA-SUSITNA BOROUGH****Planning and Land Use Department****Development Services Division**

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7854 • Fax (907) 861-7876

Email: alex.strawn@matsugov.us

DATE: August 6, 2015

TO: Ivan Schuening

FROM: Alex Strawn, Development Services Manager

SUBJECT: Request for formal determination regarding boathouse

LOCATION: 6349000L009

ATTACHED: Administrative Definition of Boathouse (August 1993; 2 pp)

Mr. Schuening,

This is in your response to your request for determination as to whether the Borough would consider the structure you are building to be a boathouse for purposes of exemption to setback requirements under MSB 17.55.020(B). Specifically, can the structure still be considered a boathouse if it has a second floor and garage doors facing both the water and the street? My determination is as follows:

1. Second floor - You have stated that the second floor will be used solely for the purpose of storing private watercraft. If this is indeed the sole purpose of the second floor, it is allowable as part of a boathouse. Any habitation or other use of either floor of the boathouse would constitute a violation of Borough code. It is my request that you record a signed statement that the structure is not to be used for any purpose other than storage of private watercraft. This will increase the likelihood that any subsequent owners of the property will have this knowledge available to them.

Note: MSB Code does not specifically define "boathouse" for the purposes of MSB 17.55. Therefore, per MSB 17.125.005(B), we utilize the most recent publication of "The Illustrated Book of Development Definitions." The Illustrated Book of Development Definitions defines "boathouse" as "*An enclosed or partially enclosed structure designed for the use and storage of private watercraft.*"

2. Dual garage doors -- Unfortunately, having a second garage door facing the street makes the structure ineligible as a boathouse. This determination is based on a policy made by the previous Borough Manager (see attached). The policy states "Exempt boathouses

shall be designed, constructed and oriented for primary access by boats directly to a water body. Exempt boathouses may not have more than incidental accessory access to a street or driveway and may not be useable as a garage or habitable structure without significant alteration." The Borough has been consistent in application of this policy since it was established (August 1993). Based on its large size, the street-facing garage door clearly exceeds what would be considered incidental accessory access.

3. If you are willing to take the steps necessary to make the structure fit within the definition of a boathouse, and your neighbor agrees to the lot line change, we can discuss lifting enforcement Order EO2015-0004) issued on 7/22/2015. However, even if that is the case, it would be strongly recommended that you cease any further construction as you are not guaranteed that the structure can be made legal.

Please contact me as soon as possible so that we can determine a path going forward. Thank you.

This is a final determination which may be appealed in accordance with MSB 15.39.140 by filing a written notice of appeal with the Borough Clerk within 21 days from the date this determination was issued. If an appeal is not filed as described in the preceding sentence, the right to appeal is forfeited.

Sincerely,



Alex Strawn

Development Services Manager

MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645-6488

Planning and Land Use Department

Code Compliance Division (907) 745-9865

FAX (907) 745-9876



MEMORANDUM

DATE: August 25, 1993

TO: John Duffy, Planning Director *JD*

FROM: Ken Hudson, Chief of Code Compliance *KH*

SUBJECT: Administrative Definition of Boathouse

MSB Code 17.55. (Setbacks), establishes minimum structural setbacks from water bodies. Garages and habitable structures are subject to the 75 foot setback. Boathouses and aircraft hangars may be located closer than 75 feet and over the water, provided they are not used for habitation and do not contain sanitary or petroleum fuel storage facilities. Unfortunately the terms (boathouse) and (aircraft hangars) are not defined. Staff has encountered the problem of defining what exactly is a boathouse when people have stated that the structure they have built is a boathouse and not a garage or habitable structure. This is especially true in cases where the structure does not access the water directly, is oriented directly to street use and has evidence of use as a garage or habitation.

Staff is recommending that definitions be adopted for "boathouse" and "aircraft hangar". Until such time as definitions are formally adopted by the assembly and become part of code staff requests administrative directive to utilize the proposed definitions for the purpose of implementing MSB 17.55. Staff has discussed appropriate definitions of boathouse with the Alaska Dept. of Fish and Game and ADNR. As a result of those discussions and an analysis of issues related to shoreline setbacks under borough code, staff recommends the following definitions be adopted;

Boathouse means a roofed structure which is used to completely or partially enclose and store boats and boating accessories. For the purpose of implementing MSB 17.55.020 a boathouse which is exempt from a minimum shoreline setback for structures shall be a structure built over, in or immediately adjacent to a water body and used solely for storing boats and boating accessories. Exempt boathouses shall be designed, constructed and oriented for primary access by boats directly to a water body. Exempt boathouses may not have more than incidental accessory access to a street or driveway and may not be useable as a garage or habitable structure without significant alteration.

Aircraft hangar means a roofed structure which is used to completely or partially enclose and store aircraft and aircraft accessories. For the purpose of implementing MSB 17.55.020 an aircraft hangar exempt from minimum shoreline setbacks for structures must be built over, in, or immediately adjacent to the water and used solely for storing aircraft and aircraft accessories. Exempt aircraft hangars must be designed, constructed, and oriented for primary access by airplanes directly to a water body. Exempt aircraft hangars may not have more than incidental accessory upland access to air strips, streets, or driveways.

**MATANUSKA-SUSITNA BOROUGH****Planning and Land Use Department****Development Services Division**

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7854 • Fax (907) 861-7876

Email: alex.strawn@matsugov.us

DATE: September 6, 2015

TO: Ivan Schuening

FROM: Alex Strawn, Development Services Manager

SUBJECT: Request for formal determination regarding boathouse

LOCATION: 6349000L009

ATTACHED: Administrative Definition of Boathouse (August 1993; 2 pp)

Mr. Schuening,

This is in your response to your request for determination as to whether the Borough would consider the structure you are building to be a boathouse for purposes of exemption to setback requirements under MSB 17.55.020(B). Specifically, can the structure still be considered a boathouse if it has a second floor and garage doors facing both the water and the street? My determination is as follows:

1. **Second floor** - You have stated that the second floor will be used solely for the purpose of storing private watercraft. If this is indeed the sole purpose of the second floor, it is allowable as part of a boathouse. Any habitation or other use of either floor of the boathouse would constitute a violation of Borough code. It is my request that you record a signed statement that the structure is not to be used for any purpose other than storage of private watercraft. This will increase the likelihood that any subsequent owners of the property will have this knowledge available to them.

Note: MSB Code does not specifically define "boathouse" for the purposes of MSB 17.55. Therefore, per MSB 17.125.005(B), we utilize the most recent publication of "The Illustrated Book of Development Definitions." The Illustrated Book of Development Definitions defines "boathouse" as *"An enclosed or partially enclosed structure designed for the use and storage of private watercraft."*

2. **Dual garage doors** – Unfortunately, having a second garage door facing the street makes the structure ineligible as a boathouse. This determination is based on a policy made by the previous Borough Manager (see attached). The policy states "Exempt boathouses

shall be designed, constructed and oriented for primary access by boats directly to a water body. Exempt boathouses may not have more than incidental accessory access to a street or driveway and may not be useable as a garage or habitable structure without significant alteration." The Borough has been consistent in application of this policy since it was established (August 1993). Based on its large size, the street-facing garage door clearly exceeds what would be considered incidental accessory access.

3. If you are willing to take the steps necessary to make the structure fit within the definition of a boathouse, and your neighbor agrees to the lot line change, we can discuss lifting enforcement Order EO2015-0004) issued on 7/22/2015. However, even if that is the case, it would be strongly recommended that you cease any further construction as you are not guaranteed that the structure can be made legal.

Please contact me as soon as possible so that we can determine a path going forward. Thank you.

This is a final determination which may be appealed in accordance with MSB 15.39.140 by filing a written notice of appeal with the Borough Clerk within 21 days from the date this determination was issued. If an appeal is not filed as described in the preceding sentence, the right to appeal is forfeited.

Sincerely,



Alex Strawn
Development Services Manager

MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645-6488

Planning and Land Use Department

Code Compliance Division (907) 745-9865

FAX (907) 745-9876



MEMORANDUM

DATE: August 25, 1993

TO: John Duffy, Planning Director *JD*

FROM: Ken Hudson, Chief of Code Compliance *KH*

SUBJECT: Administrative Definition of Boathouse

MSB Code 17.55. (Setbacks), establishes minimum structural setbacks from water bodies. Garages and habitable structures are subject to the 75 foot setback. Boathouses and aircraft hangars may be located closer than 75 feet and over the water, provided they are not used for habitation and do not contain sanitary or petroleum fuel storage facilities. Unfortunately the terms (boathouse) and (aircraft hangars) are not defined. Staff has encountered the problem of defining what exactly is a boathouse when people have stated that the structure they have built is a boathouse and not a garage or habitable structure. This is especially true in cases where the structure does not access the water directly, is oriented directly to street use and has evidence of use as a garage or habitation.

Staff is recommending that definitions be adopted for "boathouse" and "aircraft hangar". Until such time as definitions are formally adopted by the assembly and become part of code staff requests administrative directive to utilize the proposed definitions for the purpose of implementing MSB 17.55. Staff has discussed appropriate definitions of boathouse with the Alaska Dept. of Fish and Game and ADNR. As a result of those discussions and an analysis of issues related to shoreline setbacks under borough code, staff recommends the following definitions be adopted;

Boathouse means a roofed structure which is used to completely or partially enclose and store boats and boating accessories. For the purpose of implementing MSB 17.55.020 a boathouse which is exempt from a minimum shoreline setback for structures shall be a structure built over, in or immediately adjacent to a water body and used solely for storing boats and boating accessories. Exempt boathouses shall be designed, constructed and oriented for primary access by boats directly to a water body. Exempt boathouses may not have more than incidental accessory access to a street or driveway and may not be useable as a garage or habitable structure without significant alteration.

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NON-CODE ORDINANCE

By: Borough Manager
Introduced: 01/18/05
Public Hearing: 02/01/05
Adopted: 02/01/05

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 05-023**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING VOLUNTARY BEST MANAGEMENT PRACTICES FOR DEVELOPMENT AROUND WATER BODIES.

WHEREAS, non-point source pollution (pollution that is caused by runoff from land and flooding) is one of the leading causes of waterbody degradation in areas of rapid development; and

WHEREAS, the Matanuska-Susitna Borough is experiencing exponential population growth; and

WHEREAS, the current Borough linear waterbody setback for habitable structures and garages provides limited protection from the effects of land-clearing, fertilizers, additional structures and other polluting activities around water bodies; and

WHEREAS, following best management practices for development around water bodies has been shown to significantly reduce non-point source pollution; and

WHEREAS, property values, riparian habitat, human health and water quality will be maintained or enhanced and future waterbody remediation costs avoided if best management practices are followed; and

WHEREAS, the Assembly finds that there is a need for reducing the impacts from non-point source pollution by recommending adherence to certain best management practices around water bodies.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

Section 2. Establishment of voluntary best management practices. The intent of the proposed best management practices is to reduce non-point source pollution by minimizing:

1. runoff from impervious surfaces;
2. sedimentation from land disturbance;
3. nutrient enrichment from septic systems and fertilizers;
4. loss of shoreline and land riparian values; and
5. pollution from gasoline or oil, or other substances harmful to water bodies.

The Matanuska-Susitna Borough Assembly hereby adopts the following voluntary best management practices to be followed when developing around water bodies to read as follows:

1. To the extent feasible and practical, maintain the natural shoreline or riparian habitat.

- a. Preserve a minimum 75 foot wide buffer of continuous, undisturbed native vegetation along at least 50 percent of the parcel's shoreline or streambank.

b. Along the remaining 50 percent of shoreline, limit vegetation removal to what is necessary to accommodate paths, docks, or other limited development.

2. To the extent feasible and practical, minimize impervious surfaces on shoreline lots.

a. Limit impervious surfaces to a maximum of 25 percent of lot area.

b. minimize impervious surfaces as much as possible within 75 feet of the water's edge.

3. Avoid adding sand beaches or adding fill material to lakeshore, stream banks or wetland areas.

4. Adhere to the state of Alaska regulations that require a 100 foot separation of septic systems from water bodies. Maintain septic systems so that nutrients and contaminants stay out of the water.

5. Use landscaping practices that will reduce degradation of waterbodies, including:

a. test soils to see if fertilizers are needed and if needed use sparingly;

b. maintain a small lawn area and plant native species to reduce fertilizer use; and

c. avoid fertilizer use completely within 50 feet of the water's edge.

6. In addition to maintaining the 75 foot setback for habitable structures and garages, maintain a minimum 75 foot distance from the water's edge for:

- a. additional permanent or accessory buildings;
- b. driveways, roads and other impervious surfaces;
- c. livestock or dog quarters or yards;
- d. manure or compost piles; and
- e. long-term vehicle or equipment storage.

Reasonable exceptions may include boathouses, floatplane hangers, marinas, piers and docks that need to be closer than 75 feet to serve their purpose.

Section 3. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 1 day of February, 2005.

/S/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/S/

MICHELLE M. MCGEHEE, CMC, Borough Clerk (SEAL)

PASSED UNANIMOUSLY: Woods, Allen, Colberg, Kvalheim, Simpson,
Colver, and Vehrs

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION SERIAL NUMBER 04-59

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING
COMMISSION RECOMMENDING THE ASSEMBLY ADOPT VOLUNTARY BEST
MANAGEMENT PRACTICES FOR DEVELOPMENT AROUND WATERBODIES.

WHEREAS, rapid urbanization is occurring in the Matanuska-Susitna Borough and presents a concern for the long term health of waterbodies, shorelines and riparian areas; and

WHEREAS, nonpoint source pollution stemming from urbanization is the greatest source of waterbody degradation nationwide; and

WHEREAS, adherence to best management practices will reduce nonpoint source pollution and prevent long term waterbody degradation from nonpoint source pollution; and

WHEREAS, existing Borough ordinances do not adequately address the causes of or impacts due to nonpoint source pollution; and

WHEREAS, property values will be maintained or enhanced and future waterbody remediation costs avoided if best management practices are adhered to.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission recommends the Borough Assembly adopt voluntary best management practices for development around waterbodies in order to minimize:

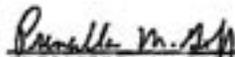
- Runoff from impervious surfaces; and
- Sedimentation from land disturbance; and
- Nutrient enrichment from septic systems and fertilizers; and
- Loss of shoreline habitat; and

- Pollution from gasoline or oil, or other substances harmful to waterbodies.

Adopted by the Matanuska-Susitna Borough Planning Commission this 6 of December, 2004



HELGA LARSON, Chair



PRISCILLA M. GOFF, Planning Clerk

(SEAL)



HOW CAN YOU HELP PROTECT WATER QUALITY?

Voluntary Best Management Practices For Development around Waterbodies

Best Management Practice	Rationale
<p>Maintain the natural shoreline or riparian habitat.</p> <ul style="list-style-type: none"> • Preserve a minimum 75 foot wide buffer of continuous, undisturbed native vegetation along at least 50% of the parcel's shoreline or stream bank. • Along remaining 50% of shoreline, limit vegetation removal to what is necessary to accommodate paths, docks, or other limited development. 	<p>Protects water quality by reducing nutrient loading in lakes and minimizing temperature changes to stream environments.</p> <p>Provides flood control and reduces erosion and sedimentation.</p> <p>Protects fish and wildlife habitat by providing cover, nest sites and spawning areas.</p>
<p>Minimize impervious surfaces on shoreline lots.</p> <ul style="list-style-type: none"> • Limit to maximum of 25% of lot area. • Minimize as much as possible within 75 feet of the water's edge. 	<p>Impervious surfaces such as pavement, roof tops, and compacted soil allow runoff to enter waterbodies more readily.</p> <p>Runoff in residential or commercial areas may contain phosphorus and other nutrients that lead to oxygen deficits and algal blooms.</p>
<p>Avoid adding sand beaches or adding fill material to lakeshore, stream banks or wetland areas.</p>	<p>Sand or fill reduces water clarity, is harmful to aquatic life and may contain phosphorus that enriches waterbodies.</p>
<p>Adhere to the state of Alaska's 100 foot waterbody separation for septic systems and outhouses, and keep septic systems in good working order.</p>	<p>Bacterial contamination from poorly maintained or leaking septic systems or outhouses is a human health concern.</p> <p>Nutrients from poorly functioning septic systems or outhouses are waterbody pollutants.</p>
<p>Use landscaping practices that will reduce degradation of waterbodies, including:</p> <ul style="list-style-type: none"> • Test soils to see if fertilizers are needed and use sparingly. • Design a smaller lawn to reduce fertilizer use. • Use native species that grow well without fertilizer. • Avoid fertilizer use completely within 50 feet of the water's edge. 	<p>Lawns are often over-fertilized, which leads to harmful levels of nutrients in the water.</p> <p>Lawns are not as effective as natural vegetation for pollution filtration.</p> <p>Lawns do not provide protective cover for fish and wildlife populations that are part of the waterbody system.</p>
<p>Maintain at least a 75 foot distance from the water's edge for:</p> <ul style="list-style-type: none"> • Additional permanent or accessory buildings. • Driveways, roads and other impervious surfaces. • Livestock or dog quarters or yards. • Manure or compost piles. • Long-term vehicle or equipment storage. <p><small>Exceptions may include boathouses, floatplane hangers, marinas, piers and docks that need to be closer than 75 feet to serve their purposes.</small></p>	<p>Protects human health and water quality by reducing contamination from animal waste, compost, fuels, sediment and other substances that pollute waterbodies.</p>

Mat-Su Borough Ordinance 05-023 established voluntary measures that property owners can use to protect the quality of our lakes, streams and wetlands. For more information, contact the Matanuska-Susitna Borough, Department of Planning and Land Use at 745-9851.

Sec. 29.40.040. Land use regulation.

(a) In accordance with a comprehensive plan adopted under AS 29.40.030 and in order to implement the plan, the assembly by ordinance shall adopt or amend provisions governing the use and occupancy of land that may include, but are not limited to,

(1) zoning regulations restricting the use of land and improvements by geographic districts;

(2) land use permit requirements designed to encourage or discourage specified uses and construction of specified structures, or to minimize unfavorable effects of uses and the construction of structures;

(3) measures to further the goals and objectives of the comprehensive plan.

(b) A variance from a land use regulation adopted under this section may not be granted if

(1) special conditions that require the variance are caused by the person seeking the variance;

(2) the variance will permit a land use in a district in which that use is prohibited; or

(3) the variance is sought solely to relieve pecuniary hardship or inconvenience.

**PLANNING COMMISSION
RESOLUTION**

PLANNING COMMISSION RESOLUTION NO. 15-36

&

PLANNING COMMISSION RESOLUTION NO. 15-43

By: Susan Lee
Introduced: November 2, 2015
Public Hearing: December 7, 2015
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 15-36**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A VARIANCE TO THE WATERBODY AND SIDE YARD SETBACKS FOR A TWO-STORY STRUCTURE CONSTRUCTED IN 2015 ON LOT 9, CLESTER EXTENSION; PALMER RECORDING DISTRICT.

WHEREAS, an application for a variance from the setback requirements of MSB 17.55.010(B) and 17.55.020(A) has been received to allow a newly constructed two-story habitable structure, measuring 22' x 36' in size, to remain set back 9.1 feet from the west side yard lot line and 32 feet from the ordinary high water mark of Big Lake on Lot 9, Clester Extension; 16587 W. Tamarack Cove Drive; within Township 17 North, Range 3 West, Section 29, Seward Meridian; and

WHEREAS, at its closest point the structure is set back 32 feet from the ordinary high water mark of Big Lake and 9.1 feet from the west side yard lot line, as indicated on the site plan in the record; and

WHEREAS, the Planning Commission conducted a public hearing on December 7, 2015 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 Matanuska-Susitna Borough Planning Commission hereby finds this application does meet the standards of MSB 17.65.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission approves the setback variance for the newly constructed two-story habitable structure on Lot 9, Clester Extension.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2015.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

By: Susan Lee
Introduced: November 2, 2015
Public Hearing: December 7, 2015
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 15-43**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW TO SUPPORT DENIAL OF RESOLUTION 15-36.

WHEREAS, Resolution No. 15-36 was for approval of a setback variance to allow a newly constructed two-story habitable structure, measuring 22' x 36' in size to remain set back 9.1 feet from the west side yard lot line and 32 feet from the ordinary high water mark of Big Lake on Lot 9, Clester Extension; 16587 W. Tamarack Cove Drive; within Township 17 North, Range 3 West, Section 29, Seward Meridian; and

WHEREAS, the Planning Commission conducted a public hearing on December 7, 2015 on this matter; and

WHEREAS, the Planning Commission's vote on the motion failed to garner a majority vote on December 7, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission denied the setback variance based on the following findings of fact and conclusions of law:

1. The subject lot is .20 acres in size.
2. Clester Extension was platted in 1959, which was prior to the adoption of borough setback requirements in 1973.

3. The dimensions of Lot 9, Clester Extension are 106 feet long on the west side, 90 feet on the east side, 100 feet wide on the south side (right-of-way) and 78 feet wide on the north (lake side).
4. A habitable structure cannot be constructed on this lot due to the lot dimensions.
5. The applicant constructed the subject structure.
6. The structure is set back 9.1 feet from the west side yard lot line and 32 feet from the ordinary high mark of Big Lake.
7. The applicant was notified by the borough that the structure was in violation of setback requirements when construction of the foundation was initiated.
8. The borough issued an Enforcement Order which required that all construction activities cease and to provide the borough with a certified site plan showing the required setbacks.
9. Construction of the structure continued after the Enforcement Order was issued.
10. There is an existing one-story cabin on this lot.
11. The construction of this second structure adds a second habitable structure to the lot.

12. The applicant has stated that this structure is a boathouse with guest accommodations on the second floor of the structure.
13. The structure is not designed to function as a boathouse.
14. The structure is considered a habitable structure since it will provide guest accommodations.
15. Habitable structures are not allowed within the 75 foot waterbody setback.
16. Structures are not allowed within the 10 foot side yard setback.
17. The 2015 structure measures 22' x 36' in size and is two-stories in height.
18. The 2015 structure is substantially larger than the one-story cabin on the lot.
19. There are unusual conditions or circumstances applicable to this property as the lot is substandard in size and was platted prior to the adoption of borough setback requirements, however, the applicant had reasonable use of the property with the existing one-story cabin on the lot and the applicant knowingly constructed this structure in violation of the setback requirements (MSB 17.65.020(A)(1)).

20. Staff conducted an analysis of commonly enjoyed uses in the area. Twenty-six (26) lots in the area were researched. One of these lots has additional living quarters in a separate building from the primary residence. This structure is in compliance with the setback requirements.
21. Two habitable structures on a lot is not a commonly enjoyed use in the area.
22. Illegally constructed structures should not be considered a use that is commonly enjoyed by others.
23. Constructing a structure in violation of the setback requirements does not deprive the applicant of rights commonly enjoyed by other properties, as the majority of other properties in the area are in compliance with the setback requirements or are legal nonconforming structures.
24. The strict application of the provisions of this title would not deprive the applicant of rights commonly enjoyed by other properties, as the applicant had use of the property with the existing cabin on the lot (MSB 17.65.020 (A) (2)).
25. According to MSB Ordinance 05-023, non-point source pollution (pollution that is caused by runoff from

- land and flooding) is one of the leading causes of waterbody degradation in areas of rapid development.
26. The 75 foot waterbody setback assists in reducing non-point source pollution.
 27. Through MSB Ordinance 05-023, the Assembly found that there is a need to further reduce the impacts from non-point source pollution and adopted voluntary best management practices for development around waterbodies.
 28. Adherence to best management practices will reduce non-point source pollution and prevent long term waterbody degradation from non-point source pollution.
 29. Development within the 75 foot setback directly contributes to non-point source pollution and waterbody degradation.
 30. Property values will be maintained or enhanced and future waterbody remediation costs will be avoided if best management practices are adhered to.
 31. It is in the public's best interest to maintain property values.
 32. The lot is wide enough for the structure to have been built in compliance with the 10 foot side yard setback requirement.

33. The purpose of setbacks is to create light, air and open space between properties.
34. Granting the variance will be injurious to nearby properties, or harmful to the public welfare, because it will allow additional residential development within the 75 foot setback requirement, which will contribute to non-point source pollution. Granting the variance will decrease the light, air and open space between properties (MSB 17.65.020(A)(3)).
35. MSB Chapter 17.65 - Variances, was written to grant relief to property owner's whose lots are impacted by topographic constraints and/or existing land use regulations thereby making the lot undevelopable.
36. The proposed setback variance is inconsistent with the policies and goals of the MSB Comprehensive Plan (2005 Update) as the variance will allow inconsistent development which does not protect the public safety, health, and welfare of the community which setbacks are designed to further.
37. Through MSB Ordinance 05-023, the Assembly found that there is a need to further reduce the impacts from non-point source pollution and adopted voluntary best management practices for development around waterbodies.

38. The Big Lake Comprehensive Plan Update (2009) established development guideline: "Natural Vegetation/Site Disturbance - Encourage retention of existing natural vegetation and replant disturbed areas. Grading and clear cutting the entire parcel prior to selling or developing is strongly discouraged."
39. The Big Lake Comprehensive Plan Update (2009) established development guideline: "Protection of Water Quality - Use of land adjoining waterbodies should be designed to minimize impacts on water quality. Actions to achieve the goal include minimizing removal of natural vegetation along the majority of the edge of lakes, streams or wetlands, to keep lawn chemicals, silt, and septic effluents out of the watershed, to inhibit bank erosion and provide habitat for wildlife such as ducks and loons, while providing some screening of development."
40. The Big Lake Comprehensive Plan Update (2009) established development guideline: "Building Setbacks from Waterbodies (new structures) - require at least the MSB 75' minimum development setback from streams, lakes, wetlands and other waterbodies; "development" is defined as habitable structures. Non-habitable

structures, such as boathouses, sheds, decks or saunas can be built within 75' of lakes and streams, but these improvements should be designed to have minimal environmental and visual impact on the adjoining waterbody."

41. The proposed variance is inconsistent with the intent of MSB 17.65, the Matanuska-Susitna Borough Comprehensive Plan (2005 Update), and the Big Lake Comprehensive Plan Update (2009) (MSB 17.65.020(A)(4)).
42. There is reasonable use of this lot without a variance, as there is an existing one-story cabin on the lot.
43. The 2015 structure added a second, substantially larger, habitable structure to the lot.
44. Deviation from this title is not necessary to permit reasonable use of the property, as there was reasonable use of the lot with the existing cabin. The 2015 structure added a second, substantially larger habitable structure to the lot (MSB 17.65.020(A)(5)).
45. The person seeking the variance constructed the structure.
46. The applicant chose this particular structure design at this specific location.

47. The person seeking the variance caused the need for the variance as the applicant constructed the structure in violation of the setback requirements (MSB 17.65.030(A)(1)).

48. The variance, if granted, will allow an illegally constructed structure to remain in its current location (MSB 17.65.030(A)(2)).

49. The request to allow the 2015 structure to remain in this location is a matter of the applicant's preference and convenience.

50. The variance is being sought solely to relieve pecuniary hardship or inconvenience as the applicant chose to build this particular structure at this specific location in violation of the setback requirements. The request to allow this structure to remain in this location is a matter of the applicant's preference and convenience (MSB 17.65.030(A)(3)).

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ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2015.

JOHN KLAPPERICH, Chair

ATTEST

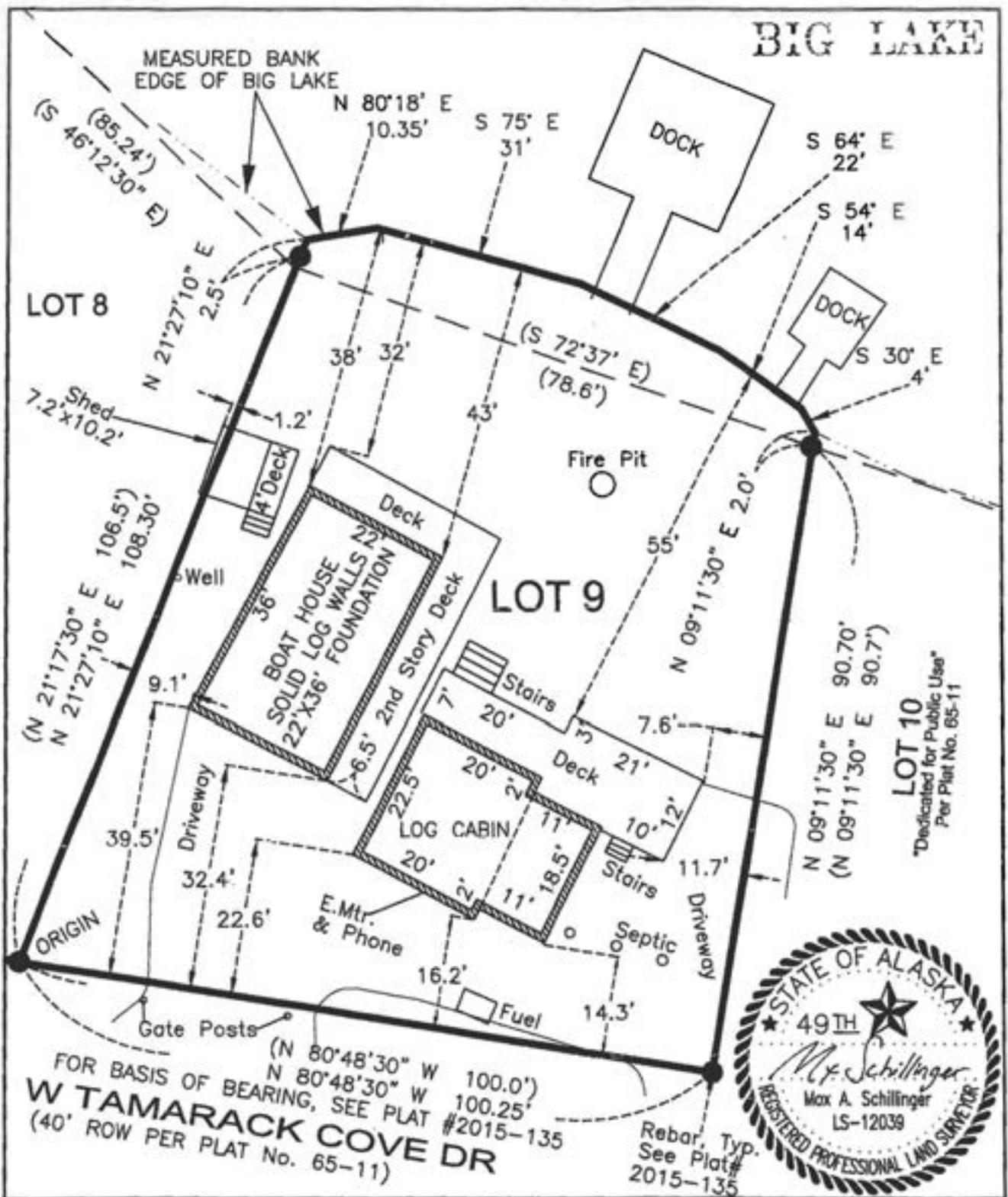
MARY BRODIGAN, Planning Clerk

(SEAL)

DRAFT

YES:

NO:



AS-BUILT DRAWING OF:

LOT 9 of the Extension of Clester Subdivision

0 20' SCALE: 1"=20 FEET
DATE: 9/29/2015
FILE: 15-50 Clester Subdivision

PROPERTY ADDRESS: 16587 W. TAMARACK COVE DR., BIG LAKE, AK
LEGAL DESC: LOT 9; PLAT W-68, P.R.D., See Also Plat #2015-135

ALL POINTS NORTH — PO BOX 4207. PALMER, AK 99645 TEL: 907-746-4185

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PLANNING COMMISSION RESOLUTION NO. 15-44

By: Susan Lee
Introduced: November 2, 2015
Public Hearing: December 7, 2015
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 15-44**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A VARIANCE TO THE WATERBODY, RIGHT-OF-WAY AND SIDE YARD SETBACKS FOR A ONE-STORY CABIN ON LOT 9, CLESTER EXTENSION, PALMER RECORDING DISTRICT.

WHEREAS, an application for a variance from the setback requirements of MSB 17.55.010(B) and 17.55.020(A) has been received to allow an existing one-story cabin to remain setback less than 10 feet from the east side yard lot line, less than 25 feet from the Tamarack Cove Drive right-of-way and less than 75 feet from the ordinary high water mark on Big Lake on Lot 9, Clester Extension (Plat# W-68); 16587 W. Tamarack Cove Drive; within Township 17 North, Range 3 West, Section 29, Seward Meridian; and

WHEREAS, at its closest point the structure is set back 7.6 feet from the east side yard lot line, 14.3 feet from the Tamarack Cove Drive right-of-way, and 55 feet from the ordinary high water mark of Big Lake, as indicated on the site plan in the record; and

WHEREAS, the Planning Commission reviewed this application, associated materials, and the staff report with respect to standards set forth in MSB 17.65.020 and 17.65.030; and

WHEREAS, the Planning Commission conducted a public hearing on December 7, 2015 on this matter; and

WHEREAS, the Planning Commission finds this application does meet the standards for approval in MSB 17.65.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission approves the setback variance based on the following findings of fact and conclusions of law:

1. The subject lot is .20 acres in size.
2. Clester Extension was platted in 1959, which was prior to the adoption of borough setback requirements in 1973.
3. The dimensions of Lot 9, Clester Extension are 106 feet on the west side, 90 feet on the east side, 100 feet wide on the south side (right-of-way) and 78 feet wide on the north side (lake side).
4. A habitable structure cannot be constructed on this lot due to the lot dimensions.
5. There are unusual conditions or circumstances applicable to this property as the lot is substandard in size and was platted prior to the adoption of borough setback requirements. A habitable structure cannot be constructed on this lot without a setback variance (MSB 17.65.020 (A) (1)).

6. The one-story cabin is not out of character with the residential development in the area, as the majority of other properties in the area are developed with only one habitable structure.
7. The strict application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties, as the lot is substandard in size, a habitable structure cannot be constructed on this lot without a setback variance, and the majority of the surrounding properties are developed with only one single-family residence (MSB 17.65.020(A)(2)).
8. Based on the evidence submitted, the subject structure would not be harmful to the public, nor would it be injurious to nearby properties.
9. The one-story cabin has been at this location since 1960 and there have not been any complaints filed regarding the cabin and the subsequent additions to the cabin.
10. Pre-existing legal nonconforming status (grandfather rights) had not been previously applied for or approved for the one-story cabin.
11. The cabin was eligible for pre-existing legal nonconforming status (grandfather rights) until the

subsequent additions were constructed which enlarged the nonconforming structure.

12. The original cabin measured 20' x 22' in size and was enlarged with an 11' x 18.5' addition in 1991. Sometime between 2008 and 2012 a deck was added, and the cabin was raised to add a foundation/crawlspace.
13. Granting the variance will not be injurious to nearby property, nor harmful to the public welfare as the cabin has been at this location since 1960 and was enlarged with a small addition and deck (MSB 17.65.020(A)(3)).
14. 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.
15. The one-story cabin is similar to other residential structures in the area.
16. The Big Lake Comprehensive Plan Update (2009) established development guideline: "*Building Setbacks from Waterbodies (existing non-compliance structures) - for buildings developed after the date (1987) of the setback ordinance (Chapter 17.55 of the Borough Code of Ordinances) and prior to the adoption of the Borough's land use permit (2007), special*

consideration should be given, in keeping with state statutes, to approving setback violation appeals caused by inadequate information and communication of that information to the property owners." This is not advocating blanket approvals of setback violations but rather that leeway be given to approving violations that have no adverse impact on surrounding properties and waterbodies, and which occurred as honest mistakes and not as overt violations of the criteria by people who knew or should have known better. The plan recommends these approvals contain restrictions on expanding the encroachment or rebuilding a destroyed structure." However, all requests for variances must be considered in accordance with Alaska Statute 29.40.040(B)."

17. The Big Lake Comprehensive Plan Update (2009) does not directly address the expansion of structures built legally at the time of construction. The plan does take a position of promoting the protection of water quality and minimizing impacts to waterbodies, natural vegetation and the environment.
18. The variance request is consistent with the Big Lake Comprehensive Plan Update (2009) as the original

portion of the cabin was constructed prior to adoption of borough setback requirements.

19. Two of the land use goals of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) state:

Goal (LU-1): *Protect and enhance the public safety, health, and welfare of Borough residences.*

Policy LU-1: *Provide for consistent, compatible, effective, and efficient development within the Borough.*

Goal (LU-2): *Protect residential neighborhoods and associated property values.*

Policy LU2-1: *Develop and implement regulations that protect residential development by separating incompatible uses, while encouraging uses that support such residential uses including office, commercial and other mixed-use developments that are shown to have positive cumulative impacts to the neighborhood.*

20. The proposed variance does meet the intent of MSB 17.65 and does meet Alaska Statute 29.40.040(B) for approval and is consistent with the goals of the Big Lake Comprehensive Plan Update (2009) and the goals and policies of the Matanuska-Susitna Borough-Wide Comprehensive Plan (2005 Update) (MSB 17.65.020(A)(4)).

21. Deviation from this title is no more than necessary to permit a reasonable use of the property as a habitable structure cannot be constructed on the lot without a setback variance and the one-story cabin is in character with the surrounding residential development (MSB 17.65.020(a)(5)).
22. The person seeking the variance did not construct the original structure or the subsequent additions.
23. The applicant did not create the substandard lot size.
24. The special conditions that require the variance were not caused by the applicant as the applicant did not create the substandard lot size or construct the cabin and subsequent additions (MSB 17.65.030(A)(1)).
25. The variance, if granted, will not permit a land use in a district in which that use is prohibited, as residential structures are permitted on this site. The variance, if granted, will allow an existing one-story cabin to remain in its current location (MSB 17.65.030(A)(2)).
26. The variance is not being sought solely to relieve pecuniary hardship or inconvenience as the current owners did not construct the structure and a habitable structure cannot be constructed on the lot without a setback variance (MSB 17.65.030(A)(3)).

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2015.

JOHN KLAPPERICH, Chair

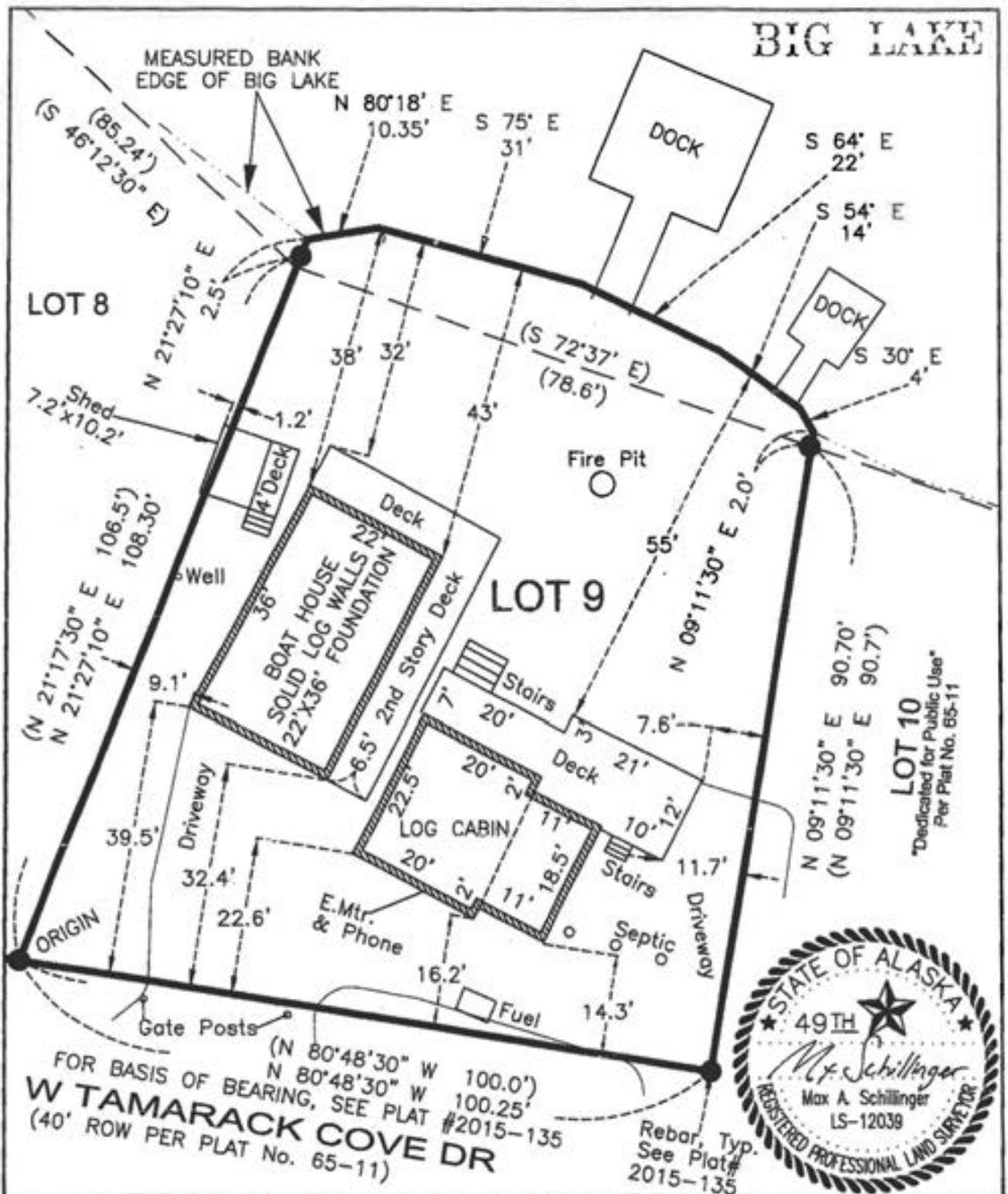
ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:



AS-BUILT DRAWING OF:
LOT 9 of the Extension of Clester Subdivision

0 20' SCALE: 1"=20 FEET
 DATE: 9/29/2015
 FILE: 15-50 Clester Subdivision

PROPERTY ADDRESS: 16587 W. TAMARACK COVE DR., BIG LAKE, AK
 LEGAL DESC: LOT 9; PLAT W-68, P.R.D., See Also Plat #2015-135

ALL POINTS NORTH — PO BOX 4207. PALMER, AK 99645 TEL: 907-746-4185

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PUBLIC HEARING
LEGISLATIVE

Resolution No. 15-41

Appending the Big Lake Comp Plan to include the
Big Lake Corridor Impact Assessment
And
Identifying Route 3A as the Preferred Route

(Page 437 - 534)

PUBLIC HEARING

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPENDING THE BIG LAKE COMPREHENSIVE PLAN MSB 15.24.030(B) (10) WITH THE BIG LAKE CORRIDOR IMPACT ASSESSMENT, MARCH 2014, AND IDENTIFYING ROUTE 3A AS THE SELECTED ROUTE BY THE BIG LAKE COMMUNITY COUNCIL.

AGENDA OF: October 20, 2015

Assembly Action:

MANAGER RECOMMENDATION: Refer to Planning Commission.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: *[Signature]*

Route To:	Department/Individual	Initials	Remarks
X	Originator/Sara Jansen	<i>[Signature]</i>	
	Capital Projects Director		
	Public Works Director		
X	Planning and Land Use Director	<i>[Signature]</i>	
	Community Development Director		
	Emergency Services Director		
	Finance Director		
X	Borough Attorney	<i>NS</i>	
X	Borough Clerk	<i>[Signature]</i>	10/13/15 <i>[Signature]</i>

ATTACHMENT (S): Fiscal Note: YES _____ NO X
 Ordinance Serial No. 15-143 (2 pp)
 Big Lake Community Council Resolution 2014-102
 2 pp)
 Big Lake Community Impact Assessment (without
 appendices) (83 pp)
 Big Lake Community Impact Assessment Appendix A -
 (1 pp)
Planning Commission Resolution 14-20 (3pp)

SUMMARY STATEMENT:

The 1996 Big Lake Comprehensive Plan was updated in August, 2009. The update was spurred by the changing nature of the community as it transforms from a primarily recreation community to more of a family-oriented, year round community. There are three priority transportation goals addressing roadways in the plan. Those are:

- Develop a safe and efficient road system to the Parks Highway;
- Support regional development through improvements in Borough transportation infrastructure; and
- Expand the existing road system to provide access to residents currently without access; ensuring public safety needs are met.

Specific plan strategies include working with the Borough and DOT&PF to ensure the design and eventual construction of the road from Port MacKenzie (Port) to Parks Highway, development of a Big Lake downtown bypass, and establishment of a corridor preservation program (Strategies 2, 3, and 9).

The update of the comprehensive plan required numerous meetings with a planning team and the general Big Lake community prior to its passage. The Big Lake Community Council developed a transportation committee to focus solely on this important aspect of the plan. After the plan was adopted, the committee continued to meet and concentrate on transportation improvements in the Big Lake area. Further, the community was successful in lobbying the State Legislature for funds to conduct a Corridor Impact Assessment (CIA), for the Port to Parks Route.

A CIA identifies socioeconomic impacts to a community that could result from an improved highway connection. The Big Lake CIA was a public process which took place in the community over approximately 18 months from September, 2012 to March, 2014 when the report was finalized. The Big Lake CIA identified one-mile wide corridors that represented general locations for highway connections, based on previous transportation studies. Additionally, the project team worked with MSB staff, community residents and other stakeholders to add additional corridors and to refine each corridor with the specific alternative to be studied. Two of these corridors were not evaluated for detailed community impacts due to high costs, wetland impacts and community sentiment. The remaining five alternatives were analyzed on land use, mobility and access, economic conditions, public services, physical, visual, safety, displacement and

The CIA was based upon the clear statement of community goals and attitudes from the Comprehensive Plan. The plan served as the lens through which all the assessments regarding the routes were filtered. In addition to the specific transportation goals, the three policies of greatest significance to the CIA process from the plan are:

- The desire to develop a land-use "road-map" setting out general intentions for the location and intensity of future development;
- The creation of an attractive, walkable and concentrated Big Lake town center; and
- The desire to protect the natural environment.

Key findings were identified for all five of the corridors and presented to the community. The Assessment was finalized in March, 2014.

The goal of the CIA was to perform a thorough Assessment, not to select one route. Subsequent to the conclusion of the CIA, the Big Lake Community Council focused on the task of selecting a preferred route. Three public meetings of the Big Lake Community Council Transportation Committee were held to discuss the options. On June 10, 2014 the Big Lake Community Council passed Resolution Serial No. 214-12 in Support of Route 3A.

The Community Council then requested that the Borough Assembly nominate Route 3A of the Big Lake Community Impact Assessment to the Statewide Transportation Improvement Program for funding of the environmental phase of the Point MacKenzie Road to Parks Highway Connection. The Borough Assembly passed Resolution 14-087 on September 2, 2014. Further at the April 14, 2015, Community Council meeting a motion was unanimously approved to support the CIA as the formative document to convey the community's wishes regarding the Port to Parks highway.

To solidify the Community's desired route, and incorporate the information contained within the Big Lake Corridor Impact Assessment, the Big Lake Community Council requests that Route 3A of the Port to Parks Highway Connection be appended to the Big Lake Community Comprehensive Plan, along with the CIA document without appendices).

Recommendation: Refer an ordinance to the Planning Commission for 60 days, appending the Big Lake comprehensive plan MSB 15.24.030(b)(10) with the Big Lake Corridor Impact Assessment, March 2014, and Appendix A which identifies Route 3A Port to Parks Route as the selected route by the Big Lake Community Council.

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Introduced: June 10, 2014

Member Hearing: June 10, 2014

Adopted by Unanimous Vote: June 10, 2014

Big Lake Community Council
Big Lake Community Impact Assessment
Resolution Serial No. 2014-102 in support of Route 3A

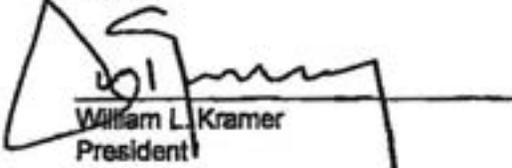
The Big Lake Community Council requests the Alaska Department of Transportation and Public Facilities to nominate a project into the Statewide Transportation Improvement Program to provide funding for the environmental phase of the Point MacKenzie Road to Parks Highway connection.

- WHEREAS, the State of Alaska legislature is proposing to fund construction of the Knik Arm Crossing estimated to begin in 2016; and
- WHEREAS, the Port MacKenzie Rail Extension is proceeding on schedule with service to the Port anticipated in 2016; and
- WHEREAS, traffic from both Knik Arm Crossing and the additional Port activity produced by the Port MacKenzie Rail Extension will be using the Point MacKenzie Road and Knik-Goose Bay Road, the later of which funnels truck traffic directly into Wasilla, a high traffic congestion location; and
- WHEREAS, the Alaska Department of Transportation (ADOT&PF) has designated the Knik Arm Crossing and the western (MSB side) bridge access highway as part of the National Highway System; and
- WHEREAS, the ADOT&PF has designated Point MacKenzie Road, Burma Road and South Big Lake Road as part of the Alaska Highway System for a future connection between the Port and Parks Highway; and
- WHEREAS, the Knik Arm Crossing/Port to Parks Highway route will likely become part of the National Highway System and be developed with federal funding; and
- WHEREAS, the Big Lake Community Impact Assessment (CIA) provided public involvement, preliminary design and reconnaissance information on a number of additional routes to move Knik Arm Crossing and Port MacKenzie traffic to the Parks Highway; and
- WHEREAS, the originally proposed route through the City center of Big Lake is not consistent with the 2009 Big Lake Comprehensive Plan nor the desires of the community; and
- WHEREAS, the Big Lake Community Council has participated in the CIA and studied the findings included in the assessment, the Big Lake Community Council endorses route 3A as most consistent with the Big Lake Comprehensive Plan and the community desires; and
- WHEREAS, the Big Lake Community Impact Assessment was meant to assist decision makers as they go through the future process to select a preferred alignment; and

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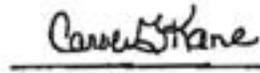
- WHEREAS, an environmental document is the next step in choosing which of the routes within the CIA will move forward as the preferred alternative; and
- AND NOW THEREFORE after studying impacts on the community of Big Lake of the Knik Arm Crossing and Port MacKenzie Rail Extension being completed in the near future, it would be prudent to request a project into the Statewide Transportation Improvement Program to provide funding for the environmental phase of the Big Lake transportation corridor of the Point MacKenzie Road to Parks Highway connection.

Signed:



William L. Kramer
President

Attested:



Carol G. Kane
Secretary

IM15-198
OR15-143

By:	Lauren Driscoll
Introduced:	07/07/14
Public Hearing:	07/21/14
Action:	Passed

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 14-20**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING ASSEMBLY NOMINATION OF ROUTE 3A OF THE BIG LAKE COMMUNITY IMPACT ASSESSMENT TO THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM FOR FUNDING OF THE ENVIRONMENTAL PHASE OF THE POINT MACKENZIE ROAD TO PARKS HIGHWAY CONNECTION

WHEREAS, the State of Alaska legislature is proposing to fund construction of the Knik Arm Crossing estimated to begin in 2016; and

WHEREAS, the Port MacKenzie Rail Extension is proceeding on schedule with service to the Port anticipated in 2016; and

WHEREAS, traffic from both Knik Arm Crossing and the additional Port activity produced by the Port MacKenzie Rail Extension will be using the Point MacKenzie Road and Knik-Goose Bay Road, the latter of which funnels truck traffic directly into Wasilla, a high traffic congestion location; and

WHEREAS, the Alaska Department of Transportation and Public Facilities has designated Point MacKenzie Road, Burma Road and South Big Lake Road as part of the Alaska Highway System for a future connection between the Port and Parks Highway; and

WHEREAS, the Knik Arm Crossing/Port to Parks Highway route will likely become part of the National Highway System and be developed with federal funding; and

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WHEREAS, the Big Lake Community Impact Assessment (CIA) provided public involvement, preliminary design and reconnaissance information on a number of additional routes to move Knik Arm Crossing and Port MacKenzie traffic to the Parks Highway; and

WHEREAS, the originally proposed route through the city center of Big Lake is not consistent with the 2009 Big Lake Comprehensive Plan nor the desires of the community; and

WHEREAS, the Big Lake Community Council has participated in the CIA and studied the findings, and the Big Lake Community Council endorses route 3A as most consistent with the Big Lake Comprehensive Plan and the community's desires; and

WHEREAS, the Big Lake Community Impact Assessment was meant to assist decision makers as they go through the future process to select a preferred alignment; and

WHEREAS, an environmental document is the next step in choosing which of the routes within the CIA will move forward as the preferred alternative; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission, after studying the near future impacts of the Knik Arm Crossing and Port MacKenzie Rail Extension on the community of Big Lake, finds that it would be prudent to request the inclusion of the project into the Statewide Transportation Improvement Program (STIP) to provide funding for the environmental phase of the Big

Lake transportation corridor of the Point MacKenzie Road to Parks Highway connection.

NOW, THEREFORE, BE IT BE RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends Assembly support of the Big Lake Community Council's request to the Alaska Department Of Transportation And Public Facilities on the nomination of Route 3a of the Big Lake Community Impact Assessment into the Statewide Transportation Improvement Program to provide funding for the environmental phase of the Point Mackenzie Road to Parks Highway Connection.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 21st day of July, 2014.

[Handwritten signature of John Klapperich]

JOHN KLAPPERICH, Chair

ATTEST

[Handwritten signature of Mary Brodigan]

MARY BRODIGAN, Planning Clerk

(SEAL)

YES: *Erdle, Healy, Klapperich, Walden, Hendig, and Rauchenstein*
NO:

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OR 15-143*

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**Big Lake
Community Impact
Assessment**

**Matanuska-Susitna
Borough
350 E. Dahlia Avenue
Palmer, AK 99645**

March 2014

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Acknowledgements

Project Sponsor

Matanuska Susitna Borough

- Brad Sworts, Pre-Design & Engineering Manager
- Lauren Driscoll, Chief of Planning
- Michael Campfield, PE

Special thanks to the following people for the contribution to this report:

- Paul DuClos
- Andrew Niemiec
- Michael Rovito
- Joe Perkins
- Allen Kemplen
- Jim Clemenson
- Jim Simon
- Margaret Billinger
- Gerard Billinger
- Scott Rose
- Gary Swearer
- Bill Haller
- Bill Kramer
- Cathy Mayfield
- Dan Mayfield
- Bill Heariet
- Ina Mueller
- Jacob Snedeker
- Roxann Dayton
- Cindy Bettini
- Darwin Fischer
- Rosa Shilanski
- Todd Rinaldi
- Seth Kelley

The Big Lake CIA was funded by a grant to the Matanuska-Susitna Borough from the State of Alaska.

Executive Summary

The purpose of the Big Lake Community Impact Assessment (CIA) is to identify socioeconomic impacts to the Big Lake Community that could result from an improved highway connection between the Point MacKenzie Road/Ayrshire Road intersection and the Parks Highway. The CIA is meant to inform the Big Lake Community, the Matanuska Susitna Borough (MSB), and other decision makers as they go through the future process to select a preferred alignment.

Big Lake Community Council

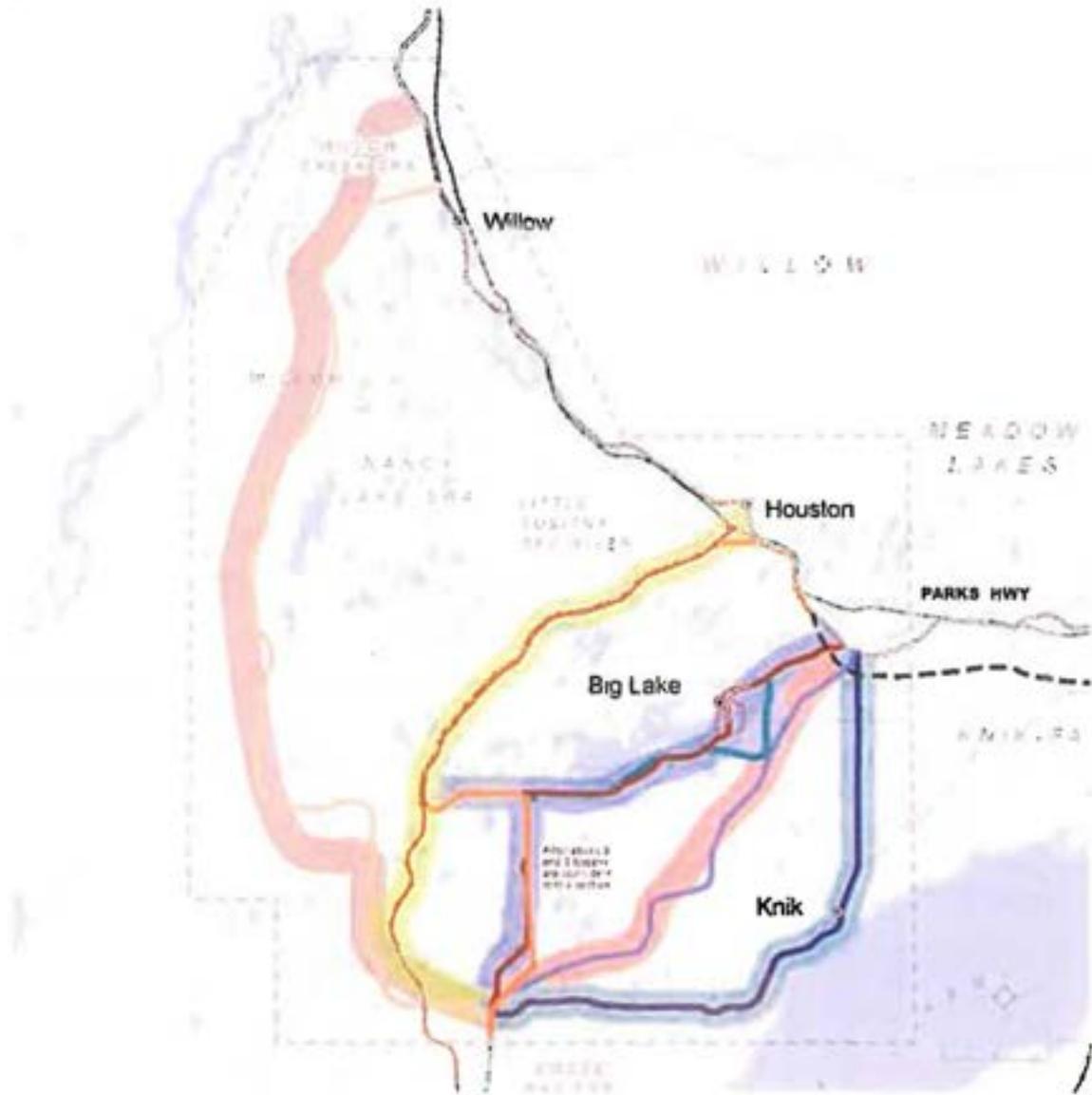
The Big Lake Community Council (BLCC) is located in the western MSB west of the Parks Highway and east of the Little Susitna River. Big Lake is the largest of several lakes in the locale that collectively have supported a growing community provided winter and summer recreation opportunities for South-central Alaskans for over 60 years. The Big Lake Community has been transitioning from a weekend and recreation destination to a year-round community as people retire; choose to raise their families; and transportation improvements have reduced the commute time to Anchorage for employment to a reasonable time period. Existing and proposed transportation infrastructure developments have the potential to impact the Big Lake community. The new Port MacKenzie Rail Extension is located to the west of Big Lake and ties into the Alaska Railroad mainline near Houston. Activity and development at Port MacKenzie is increasing. Both Port Mackenzie, and the proposed Knik Arm Crossing when completed, have the potential to increase traffic in the area dramatically. The BLCC recognized that it could be impacted by these developments and successfully secured funds from the State Legislature through the MSB to develop the Big Lake Community Impact Assessment.

Alternative Identification

The CIA process was initiated by identifying alternative routes that could be evaluated. The alternative identification process started with identifying one-mile wide corridors that represent general locations for a highway connection. Those corridors were based on routes that had been analyzed as part of previous transportation studies. The project team worked with MSB staff, Big Lake community residents, and other stakeholders to add additional corridors and to refine each corridor into a specific alternative to be studied (see Figure ES-1). Two corridors were not evaluated for detailed community impacts: Corridor 1 because it had high costs, trail impacts, and low anticipated usage; and Corridor 4 because of unacceptable wetland impacts, affects on the Aurora Dog mushing area; and community sentiment. At the end of the alternative identification process, five alternatives were carried forward into the CIA phase for additional analysis. Those five alternatives are:

- Alternative 2 – Rail Route (highway would parallel the railroad)
- Alternative 3 – City Center/Existing Road Route
- Alternative 3 Bypass - Option A
- Alternative 3 Bypass - Option B
- Alternative 5 - Johnson Road Route

Figure ES-3. Alternative 2



BIG LAKE ALTERNATIVES MAP

Big Lake Community Impact Assessment

- Alternative 1
- Alternative 2
- Alternative 3
- Alternative 3 Bypass
- Alternative 4
- Alternative 5
- Big Lake Town Center
- Community Council Boundary
- Park or Refuge
- Existing Rail
- Port MacKenzie Rail Extension
- LRTP Wasilla Bypass

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CIA Process

These alternatives were analyzed in accord with the FHWA's publication *Community Impact Assessment: A Quick Reference for Transportation* to identify potential socioeconomic impacts on Big Lake. The steps in the FHWA process included defining the study area, developing a community profile, and analyzing impacts. Topics of impact analysis included:

- Land use
- Mobility and Access
- Economic Conditions
- Public Services
- Physical
- Visual
- Safety
- Displacement
- Social and Psychological

Connection to Comprehensive Plan

The Big Lake Comprehensive Plan provides a clear statement of community goals and attitudes on a range of subjects relevant to the CIA including land use, transportation, and economic development. Understanding the intentions of the 2009 Comprehensive Plan is an essential starting point, and ultimately the overarching framework and lens through which any assessments or planning reports should be prepared for the Big Lake community. This ensures that any conclusions, recommendations and/or proposed projects accurately capture and are measured against the goals and interests of the Big Lake community. Through the development of the Big CIA, the project team worked closely with the community, and more specifically, the Big Lake Community Council Transportation Committee, to ensure this important objective was met.

Background to the Comprehensive Plan

From 2008-2009, the community of Big Lake updated and approved its 1996 comprehensive plan. The need for the update was driven by the significant changes in the community over the previous decades. In the 1970's and into the 1990's Big Lake was primarily a location for second homes, most of which were of modest size and mostly owned by Anchorage residents. During this time, Big Lake was also a place where people with modest resources could find and purchase land, usually well back from the core area surrounding the primary water body (Big Lake), for low prices.

In recent years, more people have chosen to live in Big Lake year round, commuting to jobs in the southern Mat-Su Borough or in Anchorage. In addition, more people are coming to Big Lake to retire. Modest cabins are being transformed into larger, costly second homes. In general, the area is becoming more of a family-oriented, year-round community.

While the area has experienced an influx of relatively wealthy second home owners and retirees, there are still many people in the community with very modest means. In the words of one Big Lake planning team member, "there are now two Big Lakes, one relatively wealthy and one relatively poor." Through the comprehensive planning process, the community wanted a plan that would serve the needs of all residents.

The natural environment is important to Big Lake's economy, image and way of life. The community clearly wants to maintain the integrity of the natural environment, and the predominately forested natural appearance of the community, requiring new strategies as the community grows.

As the community has grown, there have been a number of surprising side effects, including growing water quality concerns, traffic and road safety concerns, and a broad desire by the community to have a greater voice in the future of Big Lake. External pressures with current or likely future impacts on the community include new employment centers, like the Goose Creek Correctional Center, the general outward growth of the Mat-Su core, and proposed transportation projects, including the north south connector that is the focus of the Big Lake CIA.

Planning Process

In light of these changes and challenges, the community rallied behind the need for a comprehensive plan. Big Lake's residents, landowners and other stakeholders were actively engaged in the preparation of the comprehensive plan. Specific steps included regular meetings of a 40-member stakeholder advisory group ("planning team"), public workshops, and the creation of work groups for key issues that emerged through the process.

Comprehensive Plan "Vision"

As part of the comprehensive planning process, the community laid out a general vision for the future of Big Lake, which helped guide all the remaining elements of the plan. The main elements of this vision are listed below; this vision is particularly relevant to this CIA project because location of the future road could have a major impact on these intentions.

- A main street small town; a town with a stronger community core.
- A recreational community.
- A community with the character of a traditional American small town, with expanded commercial, civic services and employment, and a clearer sense of identity.
- Maintained and improved open spaces, and other recreation and tourism resources; preservation of trails and good public access to Big Lake and other water bodies.
- A way to manage development to protect the beauty and environment of Big Lake.

Specific Plan Policies Relevant to CIA

The Big Lake Comprehensive Plan recognizes that the community will almost certainly grow and change in the future. The Plan aims to guide and accommodate growth while holding onto characteristics that make the Big Lake community a good place to live and visit. Relevant land use policies include:

- Coordinate the planning of land use and community services and facilities.
- Strengthen the Big Lake Economy – Improve local opportunities for jobs and businesses, to help Big Lake become a stronger, more stable year round community.

- **Protect the Natural Environment** – As the area grows, actions are needed to avoid detrimental effects on well water, quality of surface water, habitat, wetlands and other natural environmental features.
- **Provide for Freedom to Enjoy our Properties.**
- **Protect Big Lake for Future Generations** – The plan embraces the concept that residents are not only owners of our property for a period of time but that we have obligations as “caretakers” of that property for the benefit of future “owners” and obligations to the overall health of our natural and social environment.

The Comprehensive Plan presents a number of specific strategies to reach these goals. Three policies of greatest significance to the CIA process are summarized below:

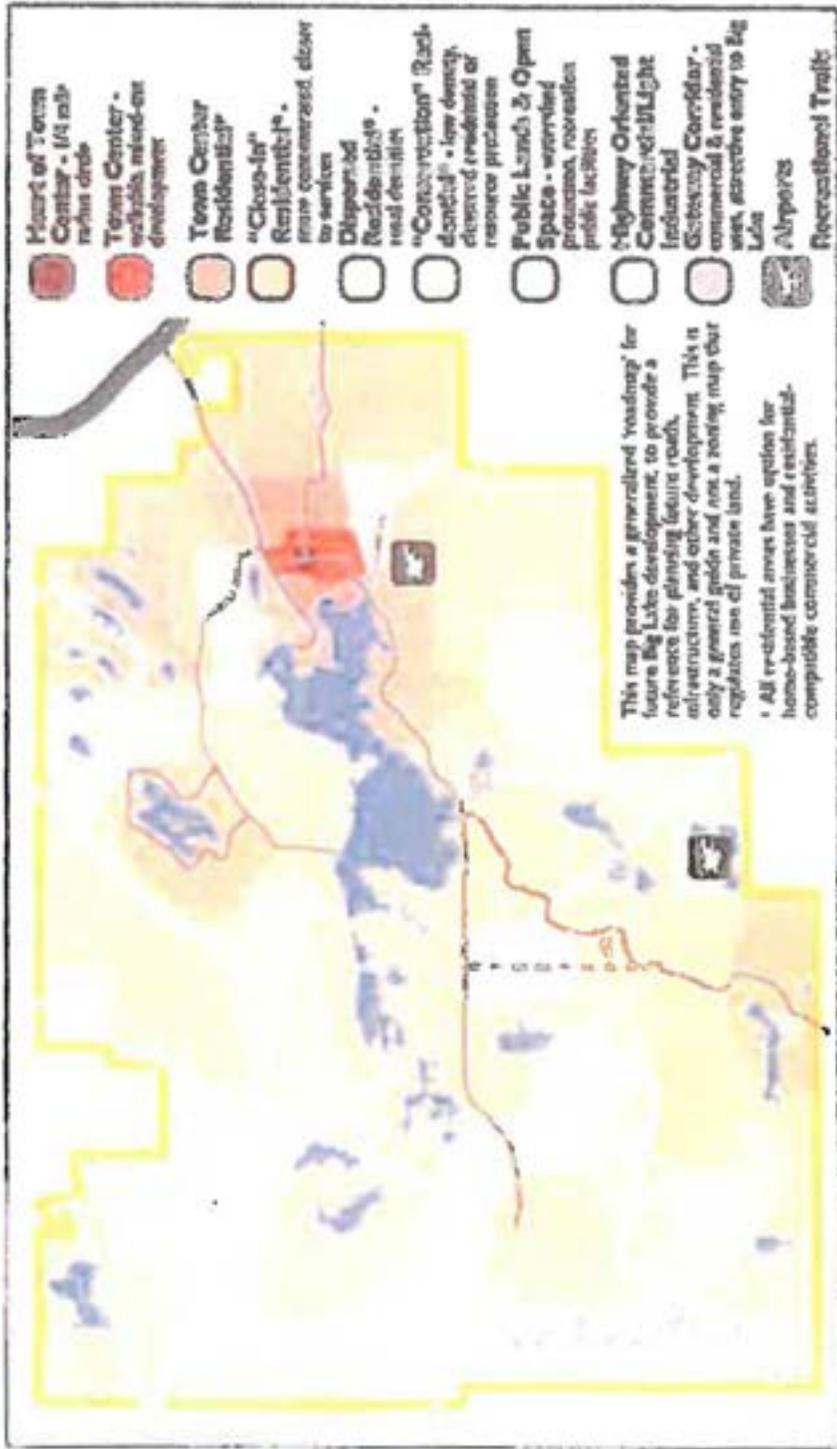
- **Develop a land use “roadmap”** setting out general intentions for the location and intensity of future development, to provide for growth, protect Big Lake’s environment and rural character, encourage concentrated commercial development, and allow for the efficient provision of community infrastructure (see Figure ES-2).
- **Create a Big Lake town center**, an attractive, walkable, concentrated center for Big Lake commercial, civic, recreational and social activities.
- **Protect the natural environment**, including water quality, air quality, and natural beauty of the area.

The comprehensive plan sets out a number of transportation policies focused on road system, and the link between land use and roadways. Three main goals of relevance to this CIA are:

- **Improve Big Lake area roads** – Develop a safe and efficient road system that provides connection to the Parks Highway and access to land in the Big Lake area.
- **Support regional development** through improvements in Borough transportation infrastructure.
- **Expand existing road system** to provide access to residents currently without access ensuring public safety needs are met.

Big Lake Community Impact Assessment

Figure ES-2 Big Lake Comprehensive Plan Roadmap



An outgrowth of Minnesota's Economic Revitalization Act. This map is to comply for the University of Minnesota with Minnesota's Economic Revitalization Act.

Map Date: 10/15/15
Map By: [Name]



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CIA Results

This section summarized the socioeconomic impacts for the alternatives studied in the CIA.

Alternative 2

Alternative 2 starts at Point MacKenzie Road/Ayrshire Road and connects to the Parks Highway at Houston (see Figure ES-3). This corridor parallels the Port MacKenzie Rail Extension (PMRE) project corridor. The PMRE project was approved by the Surface Transportation Board and is currently being constructed.

The key findings for Alternative 2 are:

- The area near the New Burma Road/Susitna Parkway intersection is likely to develop as a commercial center
- Land use along Burma Road is likely to change
- Growth potential in areas adjacent to the alternative is limited from the end of Susitna Parkway to just south of Houston due to poorly drained soil.
- Approximately 912 acres in Big Lake Community Council (and 1,086 acres total) of land would be converted to transportation use
- Most land needed for right of way is owned by the Alaska Mental Health Trust, followed by private land, MSB land, and Native corporation land
- Consistent with *Big Lake Comprehensive Plan* as most of route designated "conservation residential" – low density and/or clustered residential.
- Least likely to divert traffic away from the Big Lake Town Center
- Traffic on Big Lake Road in the Big Lake Town Center could be close to 11,500 cars per day at Build Out (almost 5,000 more vehicles per day than 2012 traffic level of 6,510)
- Increased traffic on west side of Big Lake Community Council area
- No anticipated impacts to public facilities such as school, parks, and recreation areas
- Substantial impacts to the officially recognized trails in the area
- Least likely to change emergency response times
- Least impacts on community cohesion as it does not split established neighborhoods
- Least likely to encourage population growth that would alter the size and social character of the Big Lake community
- Would change the quality of life in the areas to the north, west, and south of Big Lake.
- Would have the lowest population at Build Out

Figure 20-5 Alternative 2



ALTERNATIVE 2 - Rail Route

- | | |
|---------------------------|-------------------------------|
| Highway Existing | Big Lake Town Center |
| Major Arterial Existing | Community Council Boundary |
| Minor Arterial Existing | Park or Refuge |
| Major Collector, Existing | Existing Rail |
| Major Collector, Planned | Port MacKenzie Rail Extension |
| Minor Collector, Existing | L RTP Waula Bypass |
| Minor Collector, Planned | |

Proposed

- Highway
- Interchange
- Road

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Alternative 3

Alternative 3 starts at Point MacKenzie Road/Ayrshire Road and connects to the Parks Highway near Big Lake Road (see Figure ES-4). This corridor generally follows Burma Road, Susitna Parkway, South Big Lake Road, and Big Lake Road.

The key findings for Alternative 3 are:

- Major changes in land use are anticipated in the Big Lake Town Center
- The intersection of New Burma Road/Susitna Parkway is likely to develop as a commercial center
- Has moderate to high growth potential as most land is considered suitable for development
- Much of the corridor already has road access and existing development. Land available for development along New Burma Road corridor.
- Approximately 802 acres in Big Lake Community Council (and 846 acres total) of land would be converted to transportation use
- Most land needed for right of way is owned privately or by the MSB
- Substantial changes to the Big Lake Town Center are anticipated including:
 - Physically dividing the Town Center into an east and west side which would have a substantial impact on community cohesion
 - Substantial pressure to convert the Big Lake Town Center into a commercial strip
 - May result in the core business area being spread out over a wider area
 - Town center may become more highway/auto oriented
 - Greatest increase in traffic volumes on Big Lake Road through the Town Center
 - Traffic on Big Lake Road in the Big Lake Town Center could be close to 21,500 cars per day at Build Out (substantially greater than the 2012 traffic volume of 6,510 AADT)
 - Highest potential for positive and negative direct employment effects in the town center
 - Highest potential for traffic noise to impact noise sensitive land uses in town center
- Inconsistent with *Big Lake Comprehensive Plan*
- Would potentially upgrade several existing roads to a four-lane highway
- Potential impacts to Fire Station 8-1, library, post office, and Big Lake Elementary
- Impacts to Fish Creek Park and Jordan Lake Park are anticipated
- Moderate impacts to the officially recognized trails in the area
- Potential for safety conflicts in town center between through traffic and local traffic
- Generally faster emergency response times are anticipated although congestion in the Town Center may cause delays during peak periods.
- Would negatively impact quality of life by having a substantial affect on the small town feel and recreational quality along the south and east shores of Big Lake
- Would have the second lowest change on population at Build Out

Figure 20-6 Alternative 3



ALTERNATIVE 3 - City Center/Existing Road Route

Big Lake Community
Project Report Layout

- | | |
|---------------------------|-------------------------------|
| Highway, Existing | Big Lake Town Center |
| Major Arterial, Existing | Community Council Boundary |
| Minor Arterial, Existing | Park or Refuge |
| Major Collector, Existing | Existing Rail |
| Major Collector, Planned | Port Mackenzie Rail Extension |
| Minor Collector, Existing | LRTP Wasita Bypass |
| Minor Collector, Planned | |

Proposed

- Highway
- Interchange

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Alternative 3 Bypass – Option A and Option B

There are two Alternative 3 Bypass options (see Figures ES-5 and ES-6) as there are several different potential locations for a bypass. Option A was developed to represent a bypass within 0.5 miles of the Big Lake Town Center while Option B was developed to reflect a bypass several miles outside the Town Center. Alternative 3 Bypass – Option A is similar to Alternative 3, except that it includes a short bypass around the Big Lake Town Center to the west (between Echo Lake Drive and Maplewood Drive). The bypass is approximately one mile east of Big Lake Road. Alternative 3 Bypass – Option B is the same as Alternative 3 between Port MacKenzie Road and Echo Lake Drive. At Echo Lake Drive, the alignment continues east to Johnson Road, staying south of Fish Creek. The alignment follows Johnson Road north to the Parks Highway.

The key findings for Alternative 3 Bypass – Option A and B are:

- Major changes in land use are anticipated east of the Big Lake Town Center
- The intersection of New Burma Road/Susitna Parkway is likely to develop as a commercial center
- The land adjacent to both bypasses is considered to have low to moderate growth potential. Much of the soils along the bypasses are poorly draining making the land relatively costly to develop
- Some existing development along the corridor but there is also some vacant land that can be developed
- With Option A, approximately 803 acres in Big Lake Community Council (and 865 acres total) of land would be converted to transportation use. With Option B, approximately 764 acres in Big Lake Community Council (and 931 acres total) of land would be converted to transportation use
- Most of the land needed for right of way is owned privately or the MSB
- Little pressure on Big Lake Town Center to develop as a commercial strip.
- Consistent with the *Big Lake Comprehensive Plan* although the plan identified a bypass closer to the Town Center (similar to Option A)
- Minor changes to existing traffic patterns are anticipated
- Likely to have moderate impacts to the traffic volume in the Town Center. Option A will likely remove more traffic from the Town Center than Option B
- Traffic on Big Lake Road in the Big Lake Town Center could be close to 5,300 cars per day at Build Out with Option A (slightly less than 2012 traffic volume of 6,510) and 17,800 with Option B (substantially higher than 2012 traffic volumes).
- Would potentially upgrade several existing roads to a four-lane highway
- Would leave the Big Lake Town Center physically intact
- Could pull employment away from Town Center and into adjacent areas
- Little impact to existing public facilities is anticipated
- Will have a moderate impact on the trail network
- Emergency response times are likely to be faster
- Is likely to have less effect on residential neighborhoods
- Substantial impact on recreational/residential quality of life along Big Lake's south shore

Big Lake Community Impact Assessment

Figure 80-5 Alternative 3 Bypass Option A



ALTERNATIVE 3 BYPASS - OPTION A

- | | | |
|---------------------------|-------------------------------|----------------------------|
| Highway, Existing | Big Lake Train Center | Proposed |
| Major Arterial, Existing | Community Council Boundary | |
| Minor Arterial, Existing | Park or Refuge | Highway |
| Major Collector, Existing | Existing Rail | Minor Collector - Proposed |
| Major Collector, Planned | Port MacKenzie Rail Extension | Bridge over Fish Creek |
| Minor Collector, Existing | LRTP Waska Bypass | |
| Minor Collector, Planned | | |

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Alternative 5

Alternative 5 starts at Point MacKenzie/Ayrshire Road and connects to the Parks Highway east of Big Lake (see Figure ES-7). This corridor generally follows Port MacKenzie Road, Knik Goose Bay Road, and Johnson Road.

The key findings for Alternative 5 are:

- Commercial/residential development likely along southern Knik-Goose Bay and Johnson Roads
- Moderate growth potential as approximately 20-30% of land along this route is poorly drained and would be relatively costly to develop
- Some land along the route is already developed but there is some vacant land available for new development
- Approximately 10 acres within the Big Lake Community Council (and 914 acres total) of land would be converted to transportation use
- Most of the land needed for right of way is privately owned
- Little to no pressure on the Big Lake Town Center to develop into an unplanned commercial strip
- Avoids major conflicts with the *Big Lake Comprehensive Plan*
- Minor changes to existing traffic patterns anticipated.
- Minimal effect on traffic volumes in the Town Center
- Traffic on Big Lake Road in the Big Lake Town Center could be close to 10,300 cars per day at Build Out which is greater than the 2012 traffic volume of 6,510
- Substantial impact to traffic volumes on South Knik Goose Bay and Johnson Roads.
- Potential for park and ride service
- Substantial impact to existing roads possible as the alternative could replace portions of the existing Point MacKenzie and Knik-Goose Bay Roads
- Limited impacts to the Big Lake Town Center
- Some commercial/business development may move from the Town Center to along Knik Goose Bay and Johnson Roads
- No impacts to public facilities within the Big Lake Community Council are anticipated
- Minimal impacts to the trail network
- Little change in emergency response times anticipated
- Less likely to change the size and social character of the Big Lake community
- Highest change in population at Build Out

Figure RC-6 Alternative 5



ALTERNATIVE 5 - Johnson Road Route

- Highway Existing
- Major Arterial Existing
- Minor Arterial Existing
- Major Collector Existing
- Major Collector Planned
- Minor Collector Existing
- Minor Collector Planned

- Big Lake Town Center
- Community Council Boundary
- Park or Refuge
- Existing Rail
- Port MacKenzie Rail Extension
- LRTP Wasilla Bypass

Proposed

- - - Highway
- Interchange
- Road
- Bridge over Fish Creek

Big Lake Community Impact Assessment

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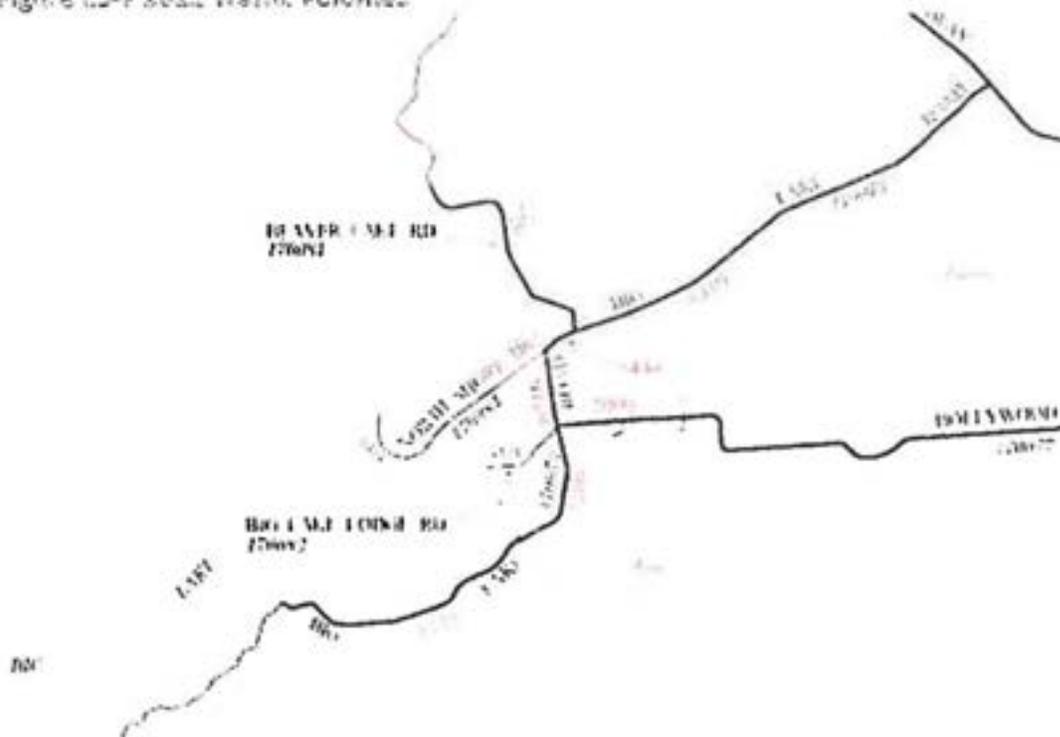
Summary

The CIA demonstrates that Alternative 2 and Alternative 5 had the fewest direct impacts to the Big Lake community as they avoid going through the Big Lake Town Center by several miles. However, Alternative 2 is less desirable because, according to the traffic forecast (Appendix C), very little traffic (approximately 4,800 AADT) will use this alternative while approximately 9,200 AADT will remain on Big Lake Road near the Town Center. In 2012, this segment of Big Lake Road had a traffic volume of 6,510 (see Figure ES-7). Alternative 2 mainly serves freight traffic going between Port MacKenzie and Fairbanks but it does not provide service to traffic as a whole. Traffic will use other roadways such as Burma/Big Lake Road and Knik Goose Bay Road creating unacceptable levels of congestion on these routes.

Alternative 3 Bypass – Option B has similar concerns. While this alternative would keep a highway out of the Town Center, travel forecasting indicates traffic would remain on Big Lake Road in the Town Center resulting in high traffic volumes (approximately 17,800 AADT) at Build Out and congestion through town.

Alternative 3 Bypass – Option A and Alternative 5 both avoid a highway in the Town Center and change traffic patterns in a positive way to avoid unacceptable levels of congestion in the Town Center thereby reducing impacts to the Big Lake community. Both of these alternatives were carried forward for additional reconnaissance level engineering study in the Big Lake Highway Reconnaissance Study (see Appendix F).

Figure ES-7 2012 Traffic Volumes



Source: DOT&PF, 2012 Traffic Volume Map

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Alternative 3 has the greatest impacts to the Big Lake Community Council and Big Lake Town Center by dividing the community with a controlled access highway. Alternative 3 provides a baseline for comparing other alternatives (because it was the route previously studied the Alaska Department of Transportation and Public Facilities (DOT&PF) so it was also carried forward for additional study in the Big Lake Highway Reconnaissance Study.

Conclusion

The Big Lake CIA does not identify a preferred route. Rather, it identifies positive and negative socioeconomic impacts of each alternative on the Big Lake community and the MSB. The information contained in this CIA will help the Big Lake community and policy makers such as the MSB Assembly and DOT&PF make informed decisions as to which route option provides the greatest benefits with the least impacts. Potential future steps in selecting a preferred alternative include updating of the Big Lake Comprehensive Plan, the Matanuska Susitna Borough (MSB) Long Range Transportation Plan (LRTP), the MSB Official Streets and Highway Plan (OSHP), and an environmental impact statement (EIS). The information presented in the CIA should be a great help to continue the project development process for a future connection between Port MacKenzie and the Parks Highway.

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- Appendix C: Maps showing forecasted traffic at Build Out
- Appendix D: Summary of Public Outreach activities
- Appendix E: Results of the Big Lake CIA Build-out Analysis
- Appendix F: Highway Reconnaissance Report

Abbreviations and Acronyms

ACS	American Community Survey
ARRC	Alaska Railroad Corporation
BLCC	Big Lake Community Council
BL Town Center	Big Lake Town Center
CIA	Community Impact Assessment
CDP	Census-designated place
DOL&WD	Alaska Department of Labor & Workforce Development
DOT&PF	Alaska Department of Transportation & Public Facilities
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
FSA	Fire Service Area
KAC	Knik Arm Crossing
KGB	Knik Goose Bay
L RTP	Long-Range Transportation Plan
MASCOT	Matanuska-Susitna Community Transit
MEA	Matanuska Electric Association
MSB	Matanuska-Susitna Borough
MTA	Matanuska Telephone Association
PMRE	Port MacKenzie Rail Extension
ROW	Right of Way
RSA	Road Service Area

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1.0 Introduction

The intent of the Big Lake Community Impact Assessment (CIA) is to identify socioeconomic impacts to the Big Lake Community Council (BLCC) that could result from an improved highway connection between the Point MacKenzie Road/Ayrshire Road intersection and the Parks Highway (see Figure 1-1). This study assumes the completion of the Knik Arm Crossing (KAC) and associated road improvements along Point MacKenzie Road and full development of Port MacKenzie. When the bridge is completed and the port is built out, traffic in the Big Lake community could increase dramatically, and local stakeholders are concerned about the potential impacts. The Matanuska-Susitna Borough (MSB) received a State appropriation to conduct this CIA to help the local community and decision makers evaluate routes and discuss the community impacts to Big Lake.

Figure 3-2: Project Vicinity



VICINITY MAP AND STUDY AREA

- Roadway Re-construction Study Area
- Impact Analysis Study Area
- Big Lake Town Center
- Houston Impact Analysis Study Area
- Community Growth Boundary
- Park or Village
- Highway
- Existing Rail
- Fort Mc. Kenzie Rail Extension

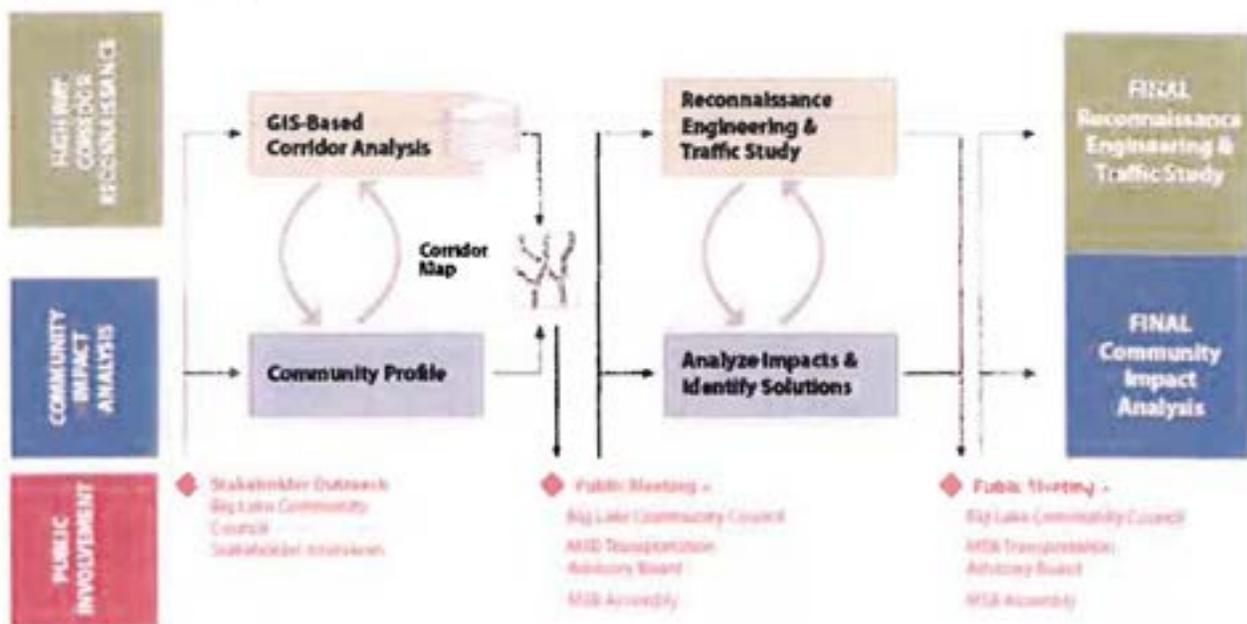
Big Lake Community Impact Assessment

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1.1 What Was The Process Used in the Study?

The Big Lake CIA was developed using an iterative process (shown below) to provide baseline information where information could be influenced based on anticipated impacts and stakeholder input. The intent was to integrate the Highway Reconnaissance Study and the CIA information with public input. Because of desire for a collaborative public process, the first task was to establish a public involvement strategy (Appendix C) and integrate opportunities for public input into the process. The team started with a community profile (Chapter 3) and a corridor identification effort (Appendix A). The intent of this effort was to identify potential corridors that avoid key areas in the first place rather than trying to mitigate impacts later. Early efforts were made at determining the size (number of lanes) (See Figure 1-3) of the highway to realistically identify potential highway corridors that would meet the need of improved highway access between Port MacKenzie and Parks Highway. Once the corridors were identified, more detailed reconnaissance engineering and impact analysis was conducted to refine the routes and associated impacts.

Figure 1-3 Planning Process



1.2 What is a Community Impact Assessment?

A Community Impact Assessment (CIA) is a process to evaluate the effects of a transportation action (such as a road corridor) on a community and its quality of life. A CIA is a recommended part of road project planning that:

- Shapes outcomes of the project;
- Documents the current and anticipated social environment of a geographic area – with and without the road corridor; and

- Looks at mobility, safety, employment, relocation, isolation, and other important community issues.

1.3 This CIA was developed in accord with the Federal Highway Administration's (FHWA) guidelines. Why is a highway connection needed?

Without a new Parks Highway Connection serving Port MacKenzie and the KAC, traffic to and from these facilities will have to travel along the Knik Goose Bay Road (KGB) to Vine Road to access the Parks Highway and then head north to the interior. This routing limits the use of the KAC and may add significant mileage (depending on route) to traffic trying to access Port MacKenzie from the Parks Highway. A new Parks Highway connection west of Vine Road would serve multiple regional transportation needs, including:

- The need to address the projected significant increase in automobile and truck traffic in the corridor due to new development including the Goose Creek Correctional Center; Port MacKenzie Industrial District; the KAC; the Alaska Railroad Rail Reserve, and increasing commercial, residential, and recreational use in the area.
- The need to improve the existing road network, which is not adequate to carry increased volumes of traffic from the KAC and Port MacKenzie to the Parks Highway.
- The need to move freight north out of Port MacKenzie and freight from the Interior south to the Port in an efficient and effective manner.
- The need to move residential and commercial traffic between the Parks Highway and the KAC in an efficient and effective manner.

1.4 What is a Highway Reconnaissance Engineering Study?

The highway reconnaissance engineering study in Appendix F is an engineering analysis to help determine what routes may be used to connect Port MacKenzie to the Parks Highway through the Big Lake area. The reconnaissance engineering study considers terrain, physical constraints, and engineering criteria to evaluate potential alignments. The purposes of the highway reconnaissance study are to:

- Determine what routes may be used to move Port MacKenzie to Parks Highway traffic through the Big Lake area;
- Improve the mobility of people and goods between the Port MacKenzie area and the Parks Highway;
- Improve safety for motorized and non-motorized traffic;
- Accommodate projected traffic growth related to the KAC, Port MacKenzie, the Goose Creek Correctional Center, and other commercial and residential development in the Point MacKenzie area; and
- Provide cost estimates.

1.5 What would the highway look like?

Eventually, the highway will be a high-speed, limited access, four-lane divided roadway with limited pedestrian facilities with the option for frontage roads. It would be similar to the Parks

Highway east of Wasilla. As traffic demand is anticipated to be relatively light to start and to grow over time, the road is expected to be developed in phases as improvements are needed. For example, sections of the road are likely to be constructed initially as two-lane roads, and as traffic increases, expanded to four lanes (see Figure 1-). A 400-foot right of way (ROW) corridor, sufficient to accommodate the final highway, would be acquired before any road construction begins.

1.6 Why did Big Lake conduct a Community Impact Assessment?

The community of Big Lake lies north of the Port MacKenzie area and would likely receive the most benefits and impacts from a new Parks Highway Connection. Looking ahead at the possibility of a new highway located near or through the Big Lake community, residents want to identify potential impacts early in the process to be able to make informed decisions about the future of their community.

The community of Big Lake's major concern is the potential for a road corridor through the downtown core and the impacts generated by the additional traffic. A CIA gives the people of Big Lake a voice in the road corridor development decision-making process. The CIA provides the community of Big Lake a chance to ensure that community values and concerns receive proper attention prior to and during project development. The study also provides community members a forum for input early in the process to help guide decisions. The CIA will help:

- Identify the location for a highway corridor that can provide an efficient trucking route to/from Port MacKenzie as well as accommodate commuter traffic from the Knik-Goose Bay, Meadow Lakes, Big Lake, and Houston areas if the KAC is constructed;
- Plan for future community growth and land use decisions;
- Involve the community in the process to minimize community disruption and maximize community benefits; and
- Identify and document residents' concerns about the effects of a major highway through neighborhoods and community centers.

This CIA is intended to provide a general overview about the types of socioeconomic impacts to be expected. Detailed impacts about each route will be assessed as part of a future environmental document such as an Environmental Assessment or Environmental Impact Statement.

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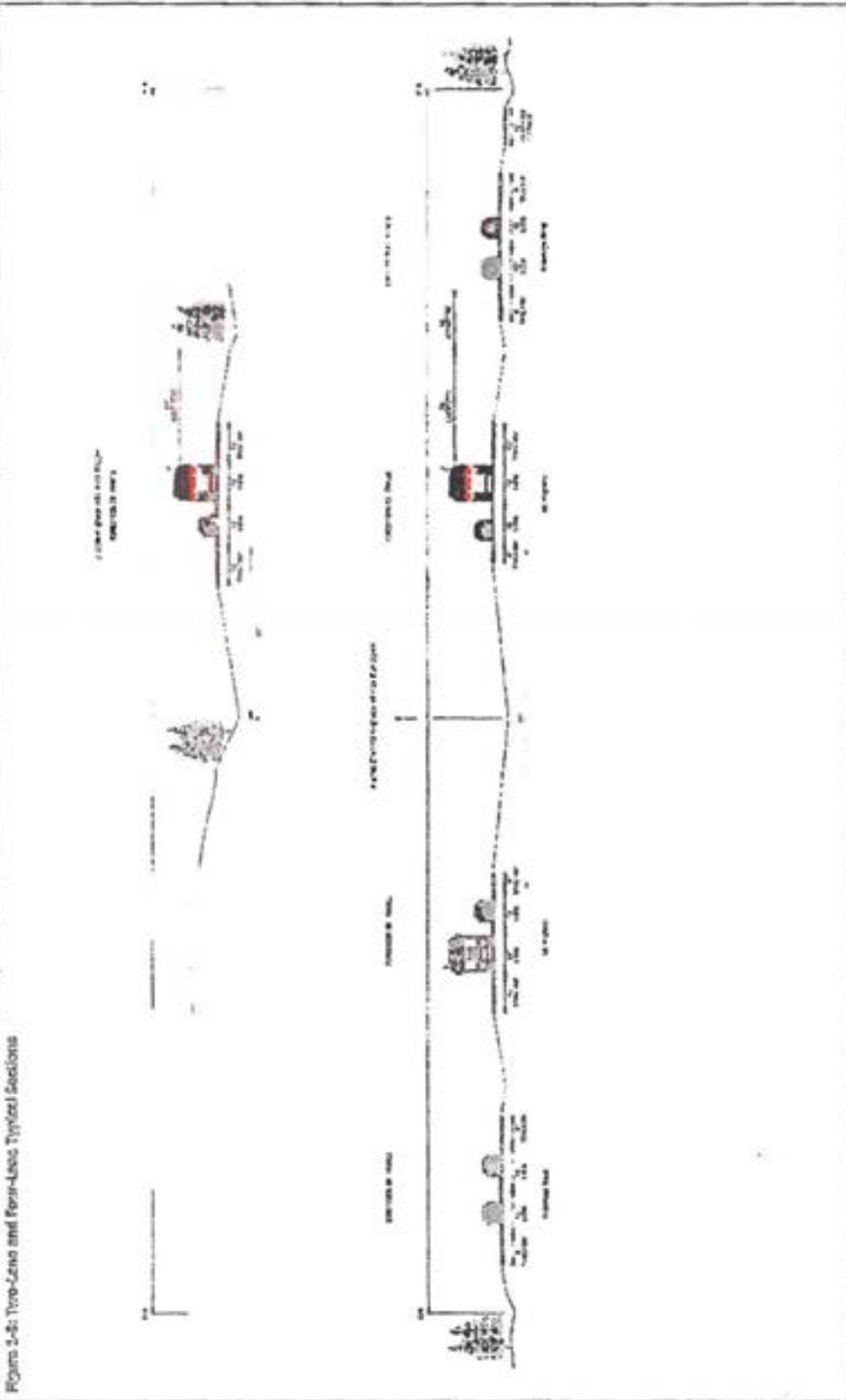


Figure 3-6: Two-Lane and Four-Lane Typical Sections

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1.7 How were stakeholders involved in the process?

A very active public involvement and information program was developed to ensure that the Big Lake community was a partner in developing the CIA. The public involvement activities included public meetings, committee meetings, newsletters, and a project website. Project team members conducted interviews with policy makers, the Alaska Department of Transportation & Public Facilities (DOT&PF), Knik Arm Crossing and Toll Authority (KABATA) highway users, truckers, local residents, and businesses to ensure they had an opportunity to provide input to the CIA. Project team members attended several BLCC Transportation Sub-Committee meetings to receive immediate feedback on project issues, corridor alignments, and impacts. MSB staff was also actively involved and worked hand in hand with the consultant team and community members to ensure that project information was disseminated regularly and clearly and local concerns were addressed and incorporated into the CIA.

The following specific meetings and events were conducted:

- September 12, 2012 Big Lake Community Council Meeting
- October 16, 2012 Big Lake Community Council Transportation Committee Meeting
- October 23, 2012 Big Lake Community Meeting #1
- December 17, 2012 Big Lake Chamber Meeting: Project Update
- February 5, 2013 Big Lake Community Council Transportation Committee Meeting
- February 15-17, 2013 Big Lake Winter Fest
- April 1, 2013 Big Lake Chamber Meeting: Project Update
- May 23, 2013 Big Lake Community Council Transportation Committee Meeting
- August 7, 2013 Mat-Su Transportation Fair
- September 19, 2013 Big Lake Community Meeting #2
- November 13, 2013 Big Lake Community Council Transportation Committee Meeting

A number of groups were contacted and participated at one or both of the two communitywide meetings and/or at one or more the Big Lake Transportation Committee Meetings. In most cases, more than one person from each of the major stakeholder groups participated in the community and/or BLCC Transportation Sub-Committee meetings. The main stakeholder groups involved in the Big Lake Community Impact Assessment process included (in alphabetical order):

- Alaska Department of Transportation and Public Facilities
- Aurora Dog Musers Club
- Big Lake Chamber of Commerce
- Big Lake Community Council
- Big Lake Residents and Property Owners
- CIRI Corporation
- Cook Inlet Regional Inc.
- City of Houston
- KABATA
- Knikatu Inc.

- Mat-Su Borough Leadership – Mayor and Assembly Members
- Mat-Su Borough Port Commission Members
- Mat-Su Borough Staff
- State House Representative

Additionally, project team members conducted individual interviews with the following individuals to get input and obtain perspective on other key projects and development in the project area.

- Paul DuClos, Port Commission Member, Big Lake Resident
- Andrew Niemiec + Michael Rovito, Knik Arm Bridge Toll Authority
- Joe Perkins, Mat-Su Borough Project Manager, Port Mackenzie Rail Extension (PMRE)
- Allen Kemplen, Alaska Department of Transportation (DOT), Mat-Su Regional Planner
- Jim Clemenson, Big Lake Resident + Former Chair of Road Service Area
- Jim Simon, Principal, Big Lake Elementary School

For additional information on stakeholder outreach activities, please see Appendix D.

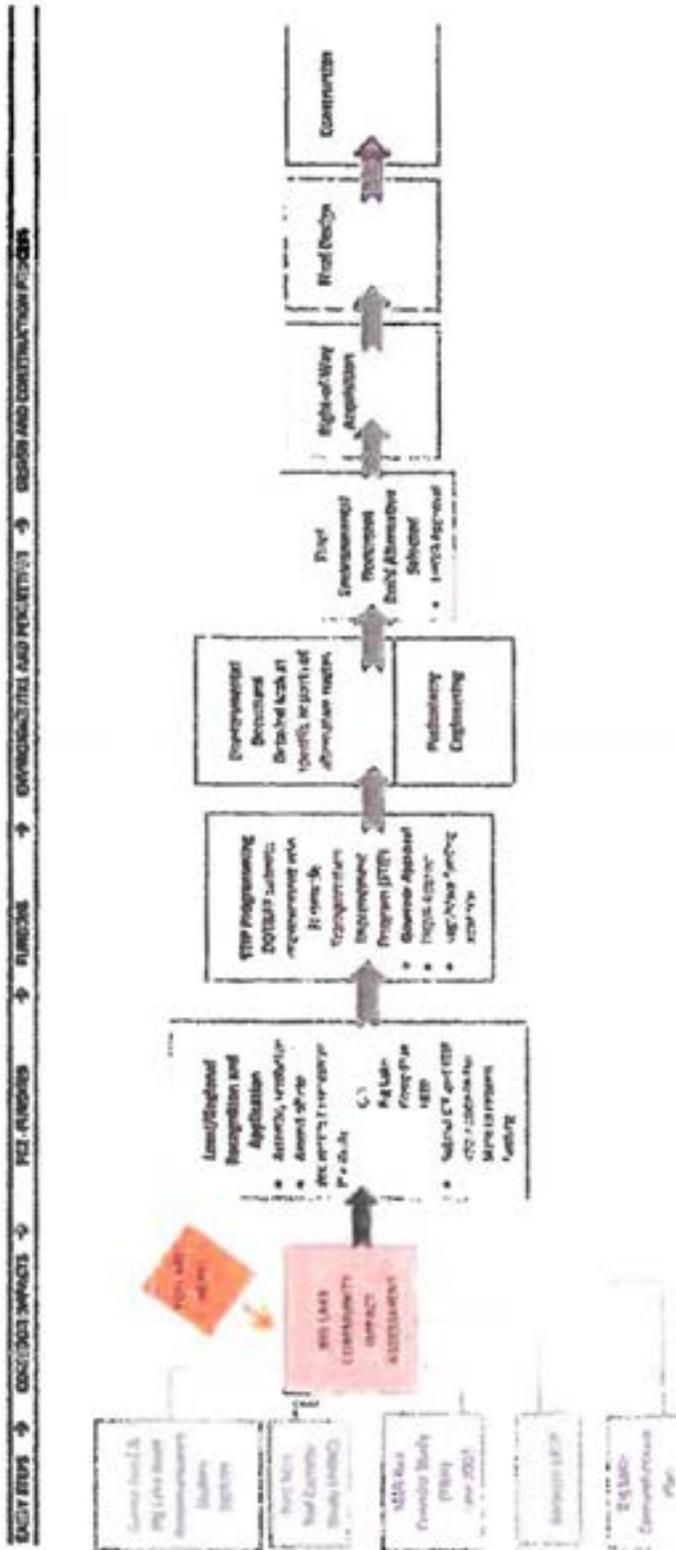
1.8 How will the results of the CIA be used? Where does it fit in the planning process?

The CIA fits early into a continuum of ongoing transportation planning for the study area (see Figure 1-4). The intent of the CIA is to identify and evaluate potential routing options based on socio-economic impacts. The decision on which route will be developed (if any) will be made by elected officials or decision makers through subsequent planning and environmental processes (e.g. the MSB Long Range Transportation Plan or an environmental process such as an Environmental Assessment or Environmental Impact Statement).

Big Lake Community Impact Assessment

Figure 3-6: Route Selection Process

BIG LAKE ROAD CORRIDOR COMMUNITY IMPACT ASSESSMENT AND CORRIDOR RECOGNANCE STUDY
ONE STEP IN THE PROCESS TO SELECT THE RIGHT ROUTE FOR A MAJOR NORTH SOUTH ROADWAY



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2.0 Alternatives

This chapter describes how the alternatives studied as part of the CIA were identified and evolved throughout the process.

2.1 How were the corridors developed?

The KAC and Port MacKenzie have long been regional transportation priorities. A critical component to these major developments has been an improved connection to the Parks Highway. Additionally, the MSB's Long Range Transportation Plan (LRTP) and *Big Lake Community Comprehensive Plan* identified various transportation improvements in and around Big Lake to address growth and development issues.

Error! Reference source not found. depicts the various highway and rail routes considered over the years. Sources of historical routes include the Matanuska-Susitna Borough (MSB) Long Range Transportation Plan 2007 Update, the Burma Road Improvements Reconnaissance Engineering Report (DOT&PF 2011), the South Big Lake Road Realignment Reconnaissance Engineering Report (DOT&PF 2010), the Port MacKenzie Rail Corridor Study (ARRC 2007), the Matanuska-Susitna Borough Rail Corridor Study (Tryck Nyman Hayes, 2003), the 2010 BLCC Transportation Projects Location Map, and the BLCC Comprehensive Plan (Agnew::Beck 2009).

The first step for the project team was to identify the routes with the most potential and any new routes that should be studied. The team used GIS mapping to identify environmental, physical, and other constraints such as soils, slopes, lakes, wetlands, parks and refuge lands, and property ownership. These maps were layered into a constraints map. The historical routes and the constraints maps were then used together to identify potential highway corridors. Each corridor was approximately one mile wide and reflected the general location of a potential connection between Port Mackenzie Road/Ayrshire Road and the Parks Highway.

Based on the results of this analysis, four corridors (and two variants)¹ were identified as having potential for further study (see Figure 2-2). These corridors were presented at a BLCC Transportation Sub-Committee meeting and at an October 2012 public meeting. Based on the feedback from meeting participants and MSB staff, the locations of the corridors were refined. It was also decided that all corridors should be retained for further study.

¹ One variant was called Corridor 3A because it was the same as Corridor 3 except it bypassed the Big Lake Town Center. The second variant was called Corridor 3B. Similar to Corridor 3, it followed Burma Road from Port MacKenzie Road to West Susitna Parkway. From there, Corridor 3B, headed west to Corridor 2. It then followed Corridor 2 to the Parks Highway.

Figure 2-3: Historic Routes

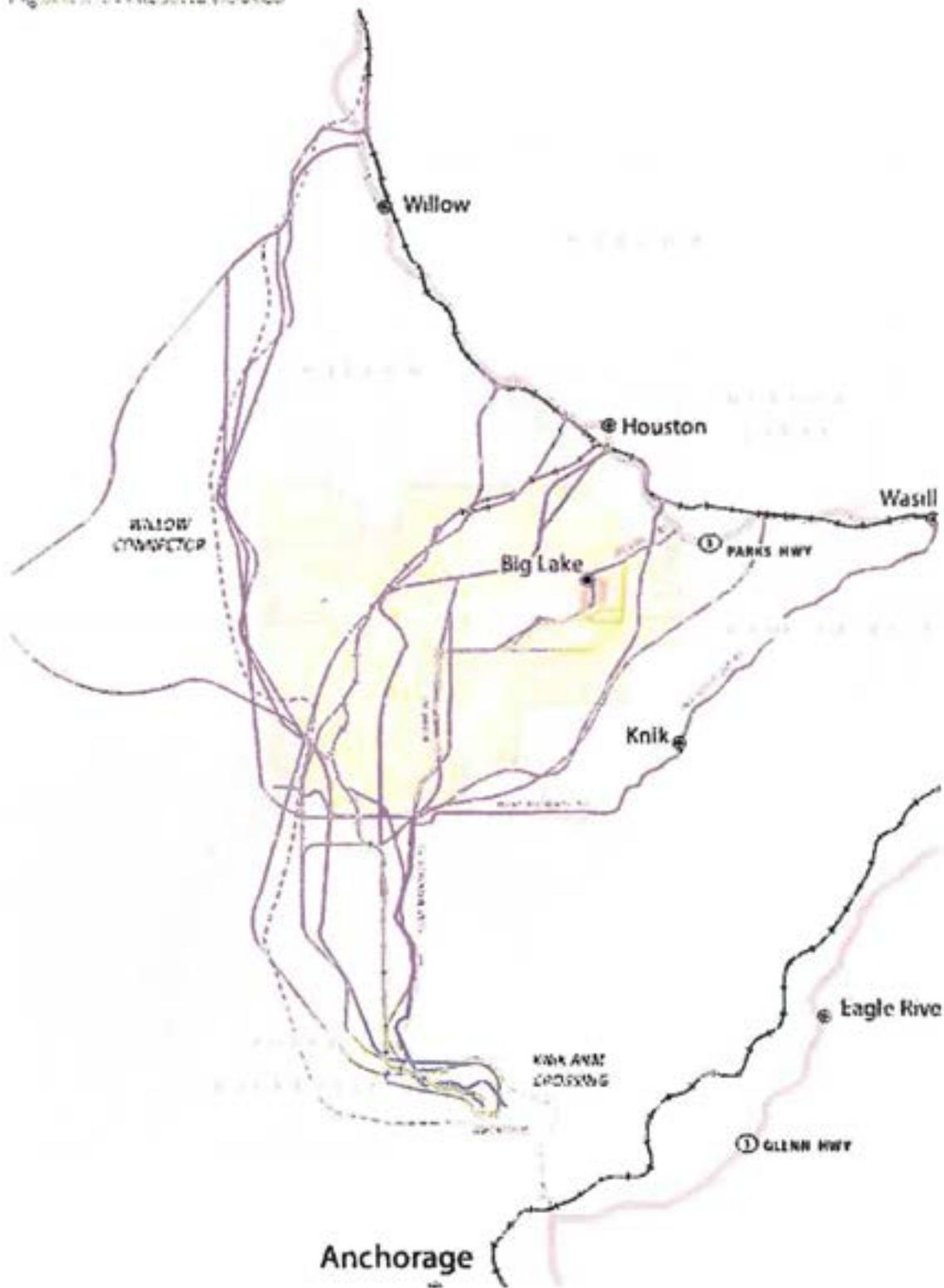
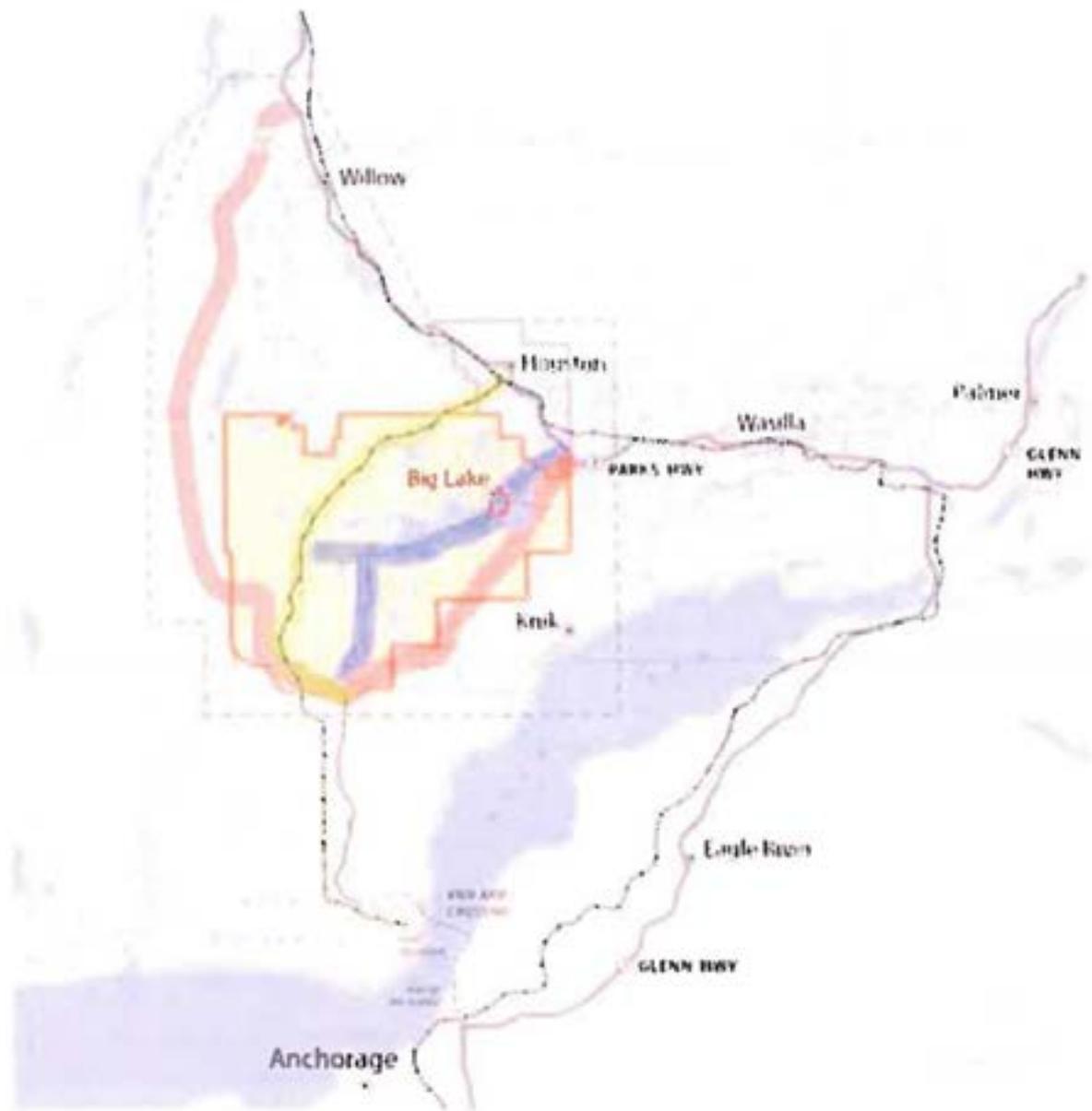
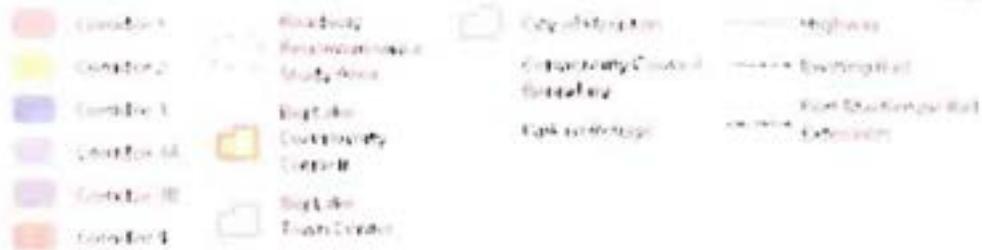


Figure 2-2: Initial Corridors



BIG LAKE CORRIDOR MAP

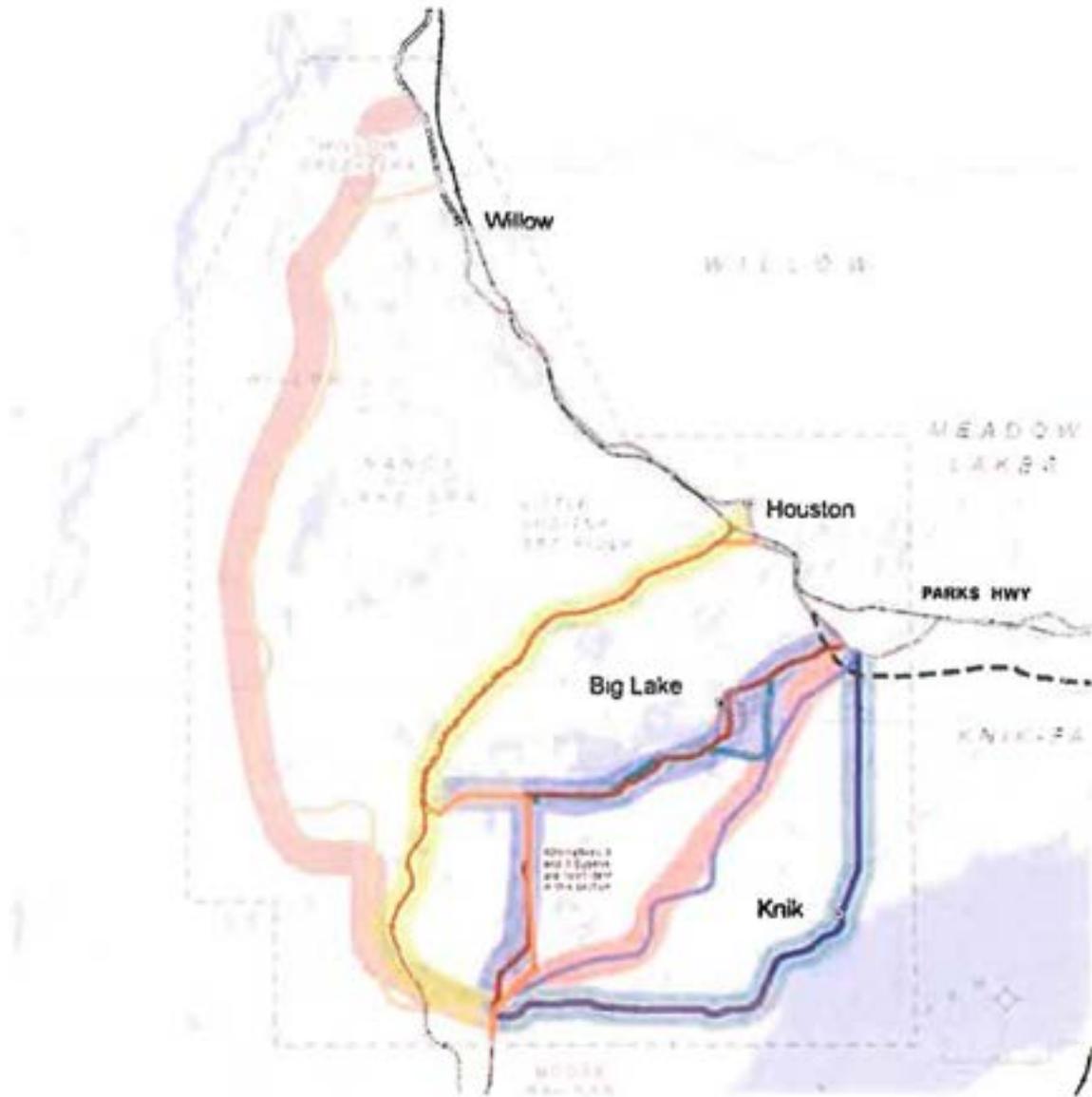


2.2 Initial Alternative Alignments

The next step was to move from the one mile wide corridors to more refined alternative alignments. To do that, within each corridor, engineered alignments (alternatives) were developed according to the design criteria for a controlled access highway as depicted in Figure 1-3: Two-Lane and Four-Lane Typical Sections. The design criteria identify many important elements about the road such as roadway width, allowable grade, curve radius, etc. Different types of roads have different criteria so an alignment that is acceptable for a 2-lane, 35 mile an hour collector road may not work for a 4 lane, 70 mile per hour highway. In addition, different types of transportation modes have different criteria. For example, a railroad has different curve and grade requirements than a highway so the most suitable location for a highway may not be the same as the most suitable location for a rail line.

Each highway alignment was studied from an engineering perspective and considered environmental constraints, preliminary cost estimate, and the ability to meet transportation needs. At this time, members of the public, elected officials, and MSB staff expressed interested in a corridor that used Knik-Goose Bay and Johnson Roads. It was concluded that this alternative should be studied as part of the CIA. They also concluded that alternative alignment for Corridor 2 should not follow the Port MacKenzie Rail Extension south of West Susitna Parkway. Instead, it should follow Corridor 3B. The resulting alternatives (400-foot wide highway alignments) are shown on Figure 2-3. For additional information about the corridor/alternative development, please see Appendix A: Corridor Screening.

Figure 3-5: Initial Alternative Alignment



BIG LAKE ALTERNATIVES MAP

- Alternative 1
- Alternative 2
- Alternative 3
- Alternative 3 Bypass
- Alternative 4
- Alternative 5
- Big Lake Town Center
- Community Council Boundary
- Park or Refuge
- Existing Rail
- Port MacKenzie Rail Extension
- LRTP Wasilla Bypass

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After consultation with the BLCC Transportation Sub-Committee and MSB staff, it was decided that Alternative 1² was not reasonable for further study because it crosses extensive wetland areas and the Little Susitna River, and crosses and/or is adjacent to State parks and refuges. Alternative 1 was the longest corridor and had the highest cost estimate. Alternative 1 was also the farthest west of all the alternatives. Because of its location, it did not connect the Port and KAC with the population centers in the MSB. Traffic would be expected to use Knik Goose Bay Road and the Burma/Big Lake Road corridors, resulting in unacceptable congestion levels on these routes³. The impacts of this route to the Big Lake community would be negligible due to its far westward location with respect to the Big Lake Town Center.

Alternative 4 was considered not reasonable because of the amount of wetlands being crossed and impacts to the Aurora Dog Mushing trail network.

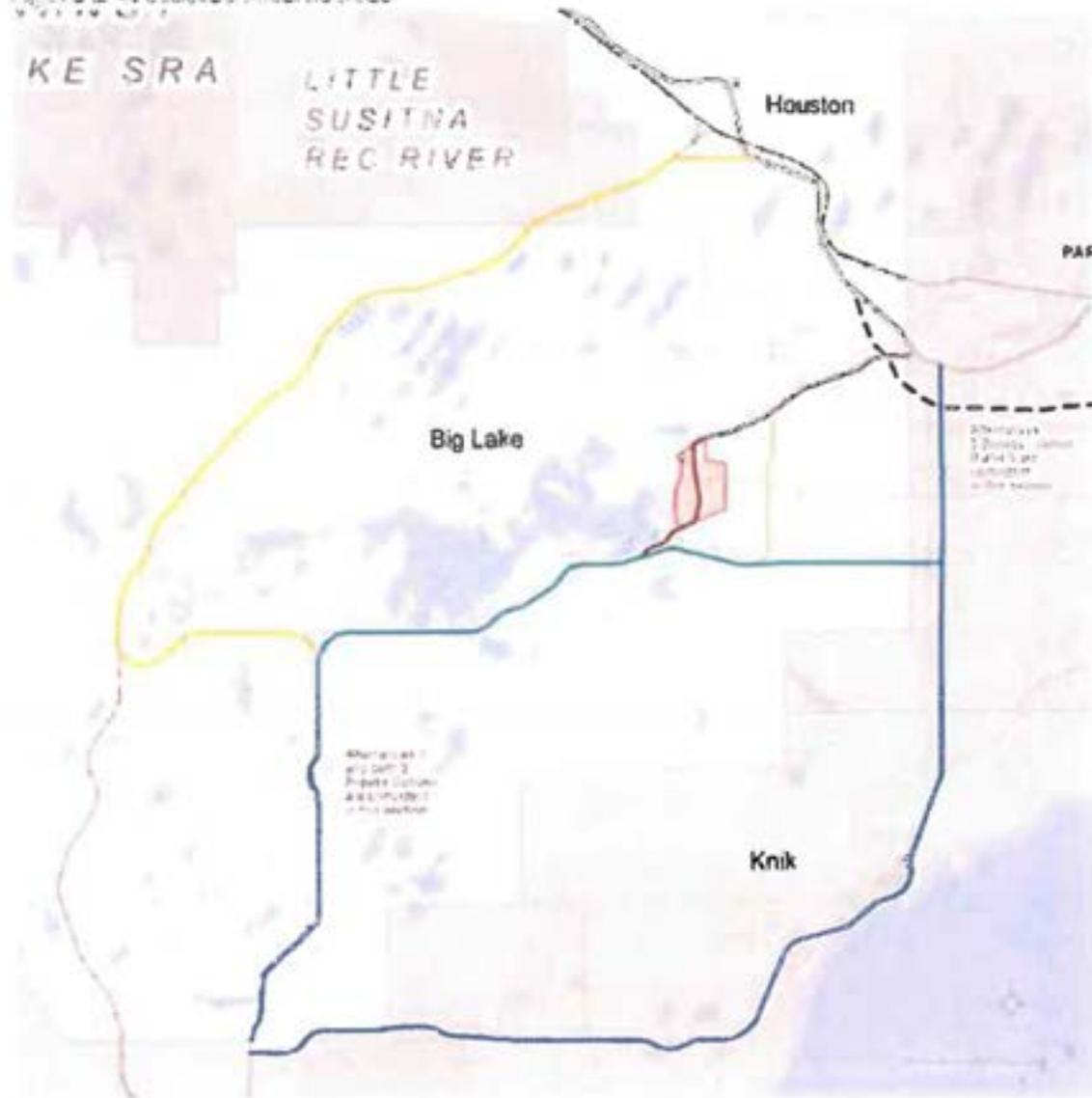
In addition, as Corridor 3 Bypass was refined and screened, there was much discussion regarding how downtown Big Lake should be bypassed. There were advantages to having the bypass within 0.5 miles of downtown Big Lake (spurring economic development and being accessible to Big Lake residents) as well as advantages of locating the bypass further away (moving high-speed traffic and noise further away). In the end, it was decided that both Big Lake Town Center bypass options would be explored in the CIA - one closer in to downtown (Option A) and one further away (Option B).

All other alternatives (2, 3, 3 Bypass – Option A, 3 Bypass – Option B, and 5) were studied as part of the CIA (see Figure 2-5). The analyzed alternatives are described in more detail below. Maps showing each studied alternative in greater detail are located in Appendix B. Additional information on the screening process can be found in Appendix A.

² Alternative 1 refers to the highway alignment developed in Corridor 1.

³ Subsequent traffic analysis confirmed that Alternative 1 has low traffic volumes and unacceptable levels of congestion on Knik Goose Bay and the Burma/Big Lake Road corridor. For results of the traffic forecast, please see Appendix C.

Figure 2-4: Studied Alternatives



BIG LAKE STUDIED ALTERNATIVES

Big Lake Community Impact Assessment

- Alternative 2
- Alternative 3
- Alternative 3 Bypass - Option A
- Alternative 3 Bypass - Option B
- Alternative 5
- Big Lake Town Center
- Community Center
- Boundary
- Park or Refuge
- Existing Rail
- - - Fort MacKenzie Rail Extension
- - - LRTP Wasilla Bypass

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2.2.2 Alternative 2 – Rail Route

Alternative 2 starts at Point MacKenzie Road/Ayrshire Road and connects to the Parks Highway at Houston. This corridor parallels the Port MacKenzie Rail Extension (PMRE) project corridor. The PMRE project was approved by the Surface Transportation Board and is currently being constructed.

2.2.3 Alternative 3 – City Center/Existing Road Route

Alternative 3 starts at Point MacKenzie Road/Ayrshire Road and connects to the Parks Highway near Big Lake Road. This corridor generally follows Burma Road, Susitna Parkway, South Big Lake Road, and Big Lake Road. Portions of this alignment have had reconnaissance reports completed by DOT&PF including South Big Lake Road (2010) and Burma Road (2011). No reconnaissance reports were prepared for Big Lake Road including the segment through downtown.

2.2.4 Alternative 3 Bypass – Option A

Alternative 3 Bypass – Option A is similar to Alternative 3, except that it includes a short bypass around the Big Lake Town Center to the west (between Echo Lake Drive and Maplewood Drive). The bypass is approximately one mile east of Big Lake Road.

2.2.5 Alternative 3 Bypass – Option B

Alternative 3 Bypass – Option B is the same as Alternative 3 and Alternative 3 Bypass Option A between Port MacKenzie Road and Echo Lake Drive. At Echo Lake Drive, the alignment continues east to Johnson Road, staying south of Fish Creek. The alignment follows Johnson Road north to the Parks Highway.

2.2.6 Alternative 5 – Johnson Road Route

Alternative 5 starts at Point MacKenzie/Ayrshire Road and connects to the Parks Highway east of Big Lake. This corridor generally follows Port MacKenzie Road, Knik Goose Bay Road, and Johnson Road.

2.3 Traffic Analysis

Knowing the traffic volumes and traffic patterns that result from a new roadway can be helpful in identifying impacts. For example, a new roadway changes traffic patterns and may result in one area being quieter while another gets noisier or experiences other changes related to traffic impacts.

A traffic forecast was developed to identify future traffic volumes and patterns that result from each alternative. The traffic forecast was based on the MSB’s Traffic Model. Traffic forecasts were developed using the 2010 socioeconomic conditions and the 2035 roadway network. In order to incorporate the MSB build out projections for each alternative, base year traffic volumes were grown using the growth increase predicted by the MSB build out model to forecast future traffic volumes.

The traffic forecast showed that Alternative 2 did not attract large volumes of traffic and could potentially result in congestion on Burma/Big Lake Road and Knik Goose Bay Road. Traffic on Big Lake Road in the Big Lake Town Center could be close to 11,500 cars per day at Build Out. This is almost double the 2012 traffic volume of 6,510 (see Figure 2-5). Alternative 3 would attract high traffic volume. In the Big Lake Town Center, traffic volumes could be close to 21,500 vehicles per day. Alternative 3 Bypass – Option A was similar to Alternative 3 except traffic in downtown Big Lake was reduced to approximately 5,300 vehicles per day and the majority of traffic used the highway to bypass the town center. In Alternative 3 Bypass – Option B, the bypass did not attract as much traffic as Option A resulting in high traffic volumes (17,800 AADT) in downtown Big Lake. Alternative 5 resulted in high traffic volumes along Knik Goose Bay Road. Traffic in the Big Lake Town Center was approximately 10,300 vehicles per day.

Traffic volumes for 2012 are shown in Figure 2-5. See Appendix C for the traffic forecast.

Figure 2-5: 2012 Traffic Volumes



Source: DOT&PF, 2012 Traffic Volume Map

3.0 Big Lake Community Profile

The purpose of the community profile is to describe the existing context of the roadway corridor, discuss key features to avoid, and serve as a baseline for identifying potential impacts. The community profile describes the demographics, economics, community values, historical background, infrastructure, transportation, public services, housing, land use, planned development, community focal points, and informal meeting places within the BLCC (see Figure 3-1).

The main data sources for the profile are the 2010 U.S. Census, the 2006–2010 American Community Survey (ACS), the Big Lake Comprehensive Plan Update, the MSB website, the Alaska Department of Labor and Workforce Development (DOL&WD), the MSB Regional Aviation System Plan, the MSB Public Facilities Plan, the Big Lake Water Quality Improvement documents and website, and public outreach activities such as interviews and public meetings.

3.1 Historical background and context

The Athabascan Dena'ina Alaska Natives who originally inhabited the area, congregating primarily at the intersections of streams and lakes, are considered Big Lake's first inhabitants. Big Lake's modern history started around 1899, when miners traversed through the area via dogsled to reach the Talkeetna Mountains. Starting around 1920, people began homesteading in Big Lake. By 1959, there were several lodges and children's camps on the lake, in addition to many cottages (around 300) that were built and owned in the Big Lake area.

In June 1996, the "Miller's Reach" wildfire destroyed more than 37,500 acres in the Big Lake and Houston area, including 433 buildings and homes.

In the 1960s and 1970s, lakefront lots became much more accessible and development began to increase. As the 1970s and 1980s progressed, the Big Lake area was dominated primarily by modest cabins that families from Anchorage would use on the weekends and during the summer. In recent years, a larger share of Big Lake property owners have made Big Lake their permanent residence. In addition to Big Lake gaining more year-round citizens, it has also seen the average footprint of its homes increase. Many of the original cabins have been replaced with larger houses for retirement, year-round living, or continued seasonal use.

3.2 Community values and issues

In 2009, the Big Lake community engaged in a planning process to update the 1996 *Big Lake Comprehensive Plan*. A series of workshops and community meetings led to the identification of key community values and issues that were considered and addressed.

Valuing environmental preservation and community development, the community is focused primarily on balancing two broad objectives: to maintain community qualities that initially drew residents and visitors to the area, while also supporting Big Lake's transition into a year-round community. Big Lake residents want to maintain the area's abundant open space, lakes, and forest, while also promoting the development of adequate services, economic opportunity, quality neighborhoods, and the sense of community that is promoted by having a lively, walkable Town Center. To achieve the community's broad goals in consideration of its values, Big Lake is addressing the following key issues: changing demographics, natural environment and recreational opportunities, water quality, economic development, and how to best guide the community's future.

Changing Demographics. Big Lake's demographics are changing. Many retirees and older workers are coming to Big Lake on a year-round basis. As a result, land prices are rising, and expectations about public services and facilities are increasing.

Natural Environment and Recreational Opportunities. The natural environment is important to not only Big Lake's economy, but also to its way of life. The community wants to maintain the natural environment and is developing strategies that will protect the environment as the community grows. Providing more recreational opportunities and improved public access to the lake are also important to community residents.

Water Quality. Meeting water quality standards in a community that is comprised of many small and substandard lots, and where the use of two-stroke engines and personalized watercraft is frequent, continues to be a significant challenge. The community is currently developing an initiative to work with the Alaska Department of Environmental Conservation and the Environmental Protection Agency to improve Big Lake's water quality.

Economic Development. While Big Lake has experienced an influx of relatively wealthy year-round residents and retirees, the community remains home to many low-income families. The community wants to address the needs of all of its residents by ensuring the community has economic development opportunities and affordable housing to help Big Lake become a stronger, more stable, year-round community.

Influencing Our Future. There are several large projects that are planned or under development that have the potential to have a noticeable impact on Big Lake. These include the KAC, Port MacKenzie, the PMRE, and the Parks Highway Alternative Corridor. During the recent Comprehensive Plan Update, the community worked hard to engage a wide range of stakeholders representing different interests to identify ways to allow future development, while still protecting the environment and the rural character of Big Lake.

3.3 Population and demographic characteristics

According to the 2010 U.S. Census, Big Lake⁴ has a population of 3,350 people (Table 3-1). This is an increase of 715 (27.1 percent) from 2000. Approximately 3.8 percent of MSB residents live in Big Lake.

Table 3-1 Population of the MSB and Big Lake

Year	MSB	Big Lake	% of MSB Population in Big Lake
1990	39,683	1,477	3.7
2000	59,322	2,968	4.4
2010	88,995	3,350	3.8

Big Lake has an aging population. The median age for Big Lake is 42.4, which is higher than the MSB's median age of 34.8. Big Lake has 23.6 percent (790) of the population under 18, which is lower than the overall MSB percentage (28.9 percent). Big Lake also has a higher percentage (11.2 percent) of residents age 65 and over as compared to the MSB overall (7.9 percent). Big Lake has a lower percentage of households with children under 18 and a higher percentage of households with people who are 65 and over. Of the 1,372 households in Big Lake, 399 (29.1 percent) have children under 18 years of age and 284 (20.7 percent) have people who are 65 years and older. Of the 31,824 households in the MSB, 12,294 (38.6 percent) households have children under 18 years old and 5,287 (16.6 percent) households have people who are 65 years and over.

Big Lake has smaller households and families as compared to MSB. The average household size in Big Lake is 2.4, which is smaller than the MSB's average household size of 2.8.

The population of Big Lake is approximately 86 percent white alone and 14 percent minority. The largest minority group is American Indian and Alaska Native. Approximately 3 percent are Hispanic or Latino. The population of the MSB is also predominantly white, with 84.9 percent of the people classifying themselves as white alone. Similar to Big Lake, the largest minority group is American Indian and Alaska Native, and approximately 3.7 percent are Hispanic or Latino.

Big Lake has a slightly higher percentage of males than females. In Big Lake, there are 1,762 males (52.6 percent) and 1,588 females (47.4 percent). This is similar to the distribution of the MSB overall, which has 46,040 males (51.7 percent) and 42,955 females (48.3 percent).

3.4 Economics

Big Lake, like the rest of the MSB, has a relatively high percentage of residents over the age of 16 who do not participate in the labor force. According to DOL&WD, 1,379 Big Lake residents aged 16 or older (51.9 percent) were employed in 2011, and total wages were \$52,650,489. In the MSB, approximately 56.9 percent of residents aged 16 and over participated in the labor force. Most workers in Big Lake are employed by the private sector (83.6 percent) which is similar to the overall MSB rate (82.4 percent). Many residents are employed outside the BLCC,

⁴ Census information is reported for the Big Lake Census Designated Place (CDP) as this is the closest census geography to the BLCC.

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in other locations in the MSB or in Anchorage. Approximately 66.3 percent of workers in Big Lake are employed year-round, which is similar to the MSB level of 69.7 percent.

The top five occupations of Big Lake residents by number of workers are:

- Cashier (60)
- Retail salesperson (51)
- Secondary school teacher, except special and career/technical education (31)
- Construction Laborer (30)
- Carpenter (29)

While the order is different, these occupations are in the top 10 list of occupations held by MSB workers.

By industry, approximately one quarter (24.5 percent) of all workers in Big Lake are in trade, transportation, and utilities. The next closest Big Lake industry is construction, at 13.5 percent. In the MSB overall, trade, transportation, and utilities industry employees make up 21.0 percent of all workers, but the second-highest industry is education and health services with 15.1 percent. Overall, only 10.8 percent of workers in the MSB are in construction.

Big Lake households tend to earn less than other MSB households. The 2006–2010 ACS estimated that Big Lake had an average median household income of \$61,250 (with a margin of error of \$17,943) and a per capita income of \$25,987 (with a margin of error of \$3,529). This is lower than the MSB's median household income of \$67,703 (with a margin of error of \$1,956) and per capita income of \$27,910 (with a margin of error of \$554). According to the ACS, approximately 13.5 percent of Big Lake residents had incomes below the poverty level, which is higher than the MSB's poverty rate (9.9 percent).

3.5 Infrastructure

There are no public water, sewer, or storm drain systems in Big Lake. Most of Big Lake uses individual wells and septic systems. Some residents haul water and use outhouses. The MSB operates a refuse transfer station (Big Lake Transfer Station). Services provided include solid waste disposal and battery, oil, and paint collection. Other materials must be brought to the Central Landfill. Piped natural gas is available in some parts of the BLCC. Big Lake is located in the Matanuska Electric Association (MEA) service area. MEA is a member-owned cooperative. The Matanuska Telephone Association (MTA) is a member-owned telecommunications cooperative that offers telecommunications service to the Big Lake area.

3.6 Transportation

There are no highways within Big Lake, although one of the primary access points to the BLCC is via Big Lake Road from the Parks Highway. Some of the major roads within BLCC include South Big Lake Road, West Susitna Parkway, Burma Road, and West Hollywood Road (see Figure 3-2). Most of the BLCC is located within the Big Lake Road Service Area (RSA) but portions of the southeast community council are located in the Knik RSA and a portion on the western edge of the BLCC is outside an RSA.

There is no fixed-route public transportation offered within Big Lake. The closest Matanuska-Susitna Community Transit (MASCOT) stop is at the Spenard Builders Supply, which is just outside the BLCC boundaries.

The Big Lake Airport is owned by the DOT&PF. It has a 2,435-foot by 70-foot gravel airstrip and is used primarily for general aviation purposes. Adjacent to the airport, the MSB owns a floatplane pull-out ramp on the Fish Creek canal. Float planes operate on Big Lake and other lakes in the area. Many of these lakes are not registered with the Federal Aviation Administration (FAA) as seaplane bases. There are also several seaplane bases and landing strips that are privately owned and are for private use.

There are also several boat launches and a marina to support recreational watercraft (see Figure 3-2).

There is no rail in Big Lake. However, the Alaska Railroad Corporation (ARRC) and MSB are currently developing the PMRE, a rail extension from Houston to Port MacKenzie that will cross through the Big Lake Community Council (see Figure 3-2).

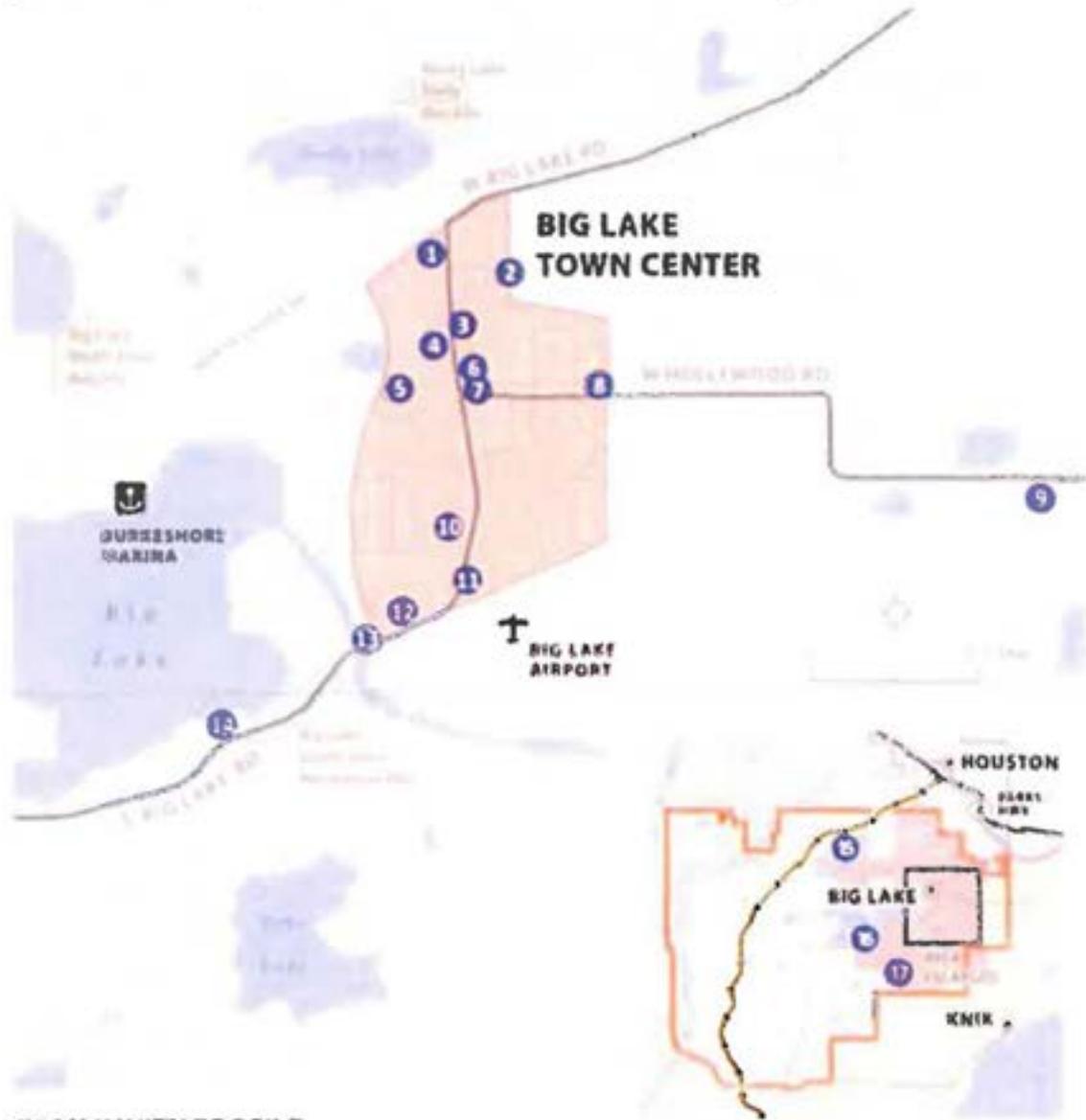
3.7 Public services

Big Lake is located in the Matanuska-Susitna Borough School District. The only school in Big Lake is the Big Lake Elementary School (see Figure 3-2). It teaches preschool through grade 5. In the 2011–2012 school year, Big Lake Elementary had 431 students and 25 teachers. Most students in grades 6 to 12 attend Houston Middle School or Houston High School. Students in Big Lake also use correspondence study programs.

There are no hospitals in the Big Lake community. The closest major medical facility is the Mat-Su Regional Medical Center near Wasilla.

Big Lake Community Impact Assessment

Figure 3-12: Community Facilities, Focal Points and Informal Meeting Places



COMMUNITY PROFILE

Community Facilities

- | | |
|--------------------------------|--|
| 1 U.S. Post Office | 11 Green's Food Stop |
| 2 Big Lake Town Center | 12 Church of the Lakes Catholic Church |
| 3 Fire Station #1 | 13 Park Creek Park |
| 4 Big Lake Library | 14 Big Lake Planning Center and Market |
| 5 Timber Lake Park | 15 Fire Station #2 |
| 6 Big Lake Super Store | 16 Big Lake Staff Center |
| 7 Big Lake Family Restaurant | 17 Run-a-Stop Market Food Truck |
| 8 Fort White Fellowship Center | |
| 9 Transfer Station | |
| 10 Big Lake Elementary | |

- Big Lake Community Center
- Big Lake Steam Laundry
- City of Houston Staff Park
- USF Camp Refuge on Lake Westfall
- Big River

- Highways
- Existing Road
 - Proposed Highway and Extension
 - Van Goyne Drive
 - Big Lake
 - Medina Lake
 - Medina Lake

Big Lake Information by MapInfo Associates

Big Lake has a volunteer fire department and two fire stations (Stations 8-1 and 8-2). Station 8-1 is the Edward Beech Public Safety Building, and Station 8-2 is the Jack Helms Public Safety Building and Training Grounds (Figure 3-2). The eastern portion of BLCC is located in the West Lakes Fire Service Area. Other than a small portion of the community council near the Goose Bay State Game Refuge, the rest of the community council is outside a fire service area.

Fire Station 8-1



One of the seven libraries in the Matanuska-Susitna Library Network is located in Big Lake (Figure 3-2). Currently, it is open Monday through Saturday and is closed on Sundays and holidays. It is a 6,940-square-foot facility and has paid staff and a public meeting space.

Big Lake has an extensive trail system, but most trails are not surveyed, mapped, or secured in public ownership easements (Figure 3-1). The community is working actively to document trail routes and to reserve easements and ROW for trails that cross private lands so that the trails can continue to be used. The trails are used most intensively in the winter.

Big Lake and other water bodies are important recreational resources in the study area and are used for boating and swimming. Maintaining legal and physical access to the lake is an ongoing challenge.

Big Lake Public Library



The State of Alaska has three recreation areas with facilities in the vicinity of Big Lake: the Big Lake North State Recreation Site, the Big Lake South State Recreation Site, and the Rocky Lake State Recreation Site (Figure 3-2). These sites are important resources to the community and visitors to the area. The community wants to see these areas, as well as the MSB boat launch site (located at the southern end of South Big Lake Road), supported, strengthened, and expanded to accommodate year-round recreation opportunities.

A small portion of the Susitna Flats State Game Refuge is located near the southwest corner of the community council (Figure 3-1). The game refuge was created in 1976 to protect fish and wildlife populations and for the public use of fish and wildlife and their habitat. Popular recreation activities in the refuge include wildlife viewing, photography, hunting, and fishing.

The Little Susitna River (Figure 3-1), located near the western edge of the community council, is another popular recreation area. Common recreation activities on or along the river include fishing, camping, wildlife viewing, photography, hunting, and boating.

Big Lake has several other small but well-used parks, including the MSB-owned Fish Creek Day Park that is maintained by the local Airmen’s Association (Figure 3-2).

3.8 Housing

The number of housing units in Big Lake is increasing. In 2010, there were an estimated 2,780 housing units in Big Lake, which made up 7 percent of the MSB’s housing stock. Since 2000, average annual growth of Big Lake housing stock has been approximately 3 percent per year. This growth rate is higher than the growth rate during the previous decade, but is still below the growth rate in the MSB (Table 3-2).

Table 3-2: Housing Units in the MSB and Big Lake

Housing Estimates	MSB			Big Lake		
	1990	2000	2010	1990	2000	2010
Total Housing Units	20,953	27,329	41,329	1,933	2,122	2,780
Average Annual Percent Change	n/a	3%	5%	n/a	1%	3%

Source: US Census 100% data (1990, 2000, 2010)

Homes in Big Lake range substantially, from small cabins with no indoor plumbing to large lakeside retreats. Despite a wide range of sizes and amenities, housing in Big Lake is comprised predominately of single-family homes. Similar to 2000, as of 2010, approximately 87 percent of the Big Lake housing stock was single-family.

In Big Lake, seasonal homes make up a substantial share of the overall housing stock (45 percent as of 2010, compared to 18 percent in the MSB; Figure 3-3).

However, there are indicators that this trend is changing. In 2000, a higher share of the housing units (48 percent) was seasonal. In recent years, many homes on or near Big Lake have been substantially rehabilitated and expanded upon, facilitating their transition to year-round residences.

Figure 3-3: Seasonal and Non-Seasonal Housing Units, 2010



Source: US Census

Home values in Big Lake are rising. According to the ACS, the median home value in 2010 was \$185,000 (Table 3-3). A recent survey of 63 multiple listing service homes for sale indicates a median list price of \$220,000 in Big Lake. The current list of homes for sale ranges from \$33,000 to \$1.2 million.

Table 3-3: Median Home Value

Location	2000	2010	Average Annual Growth
Anchorage	\$161,000	\$270,000	6.8%
MSB	\$126,000	\$212,000	6.8%
Big Lake	\$108,000	\$185,000	7.1%

Source: US Census, ACS

Big Lake is currently experiencing low housing vacancy rates. Data from the 2006–2010 ACS measured the homeowner vacancy rate at 2.4 percent and the rental vacancy rate at 6.1 percent. A typical vacancy rate in a housing market is 5 percent, with a 2.4 percent rental vacancy rate. For the MSB, the homeowner vacancy rate was measured at 1.6 percent, while the rental vacancy rate was 5.9 percent. As a result, those looking to purchase a home or move to Big Lake, like elsewhere in the MSB, may not have many options.

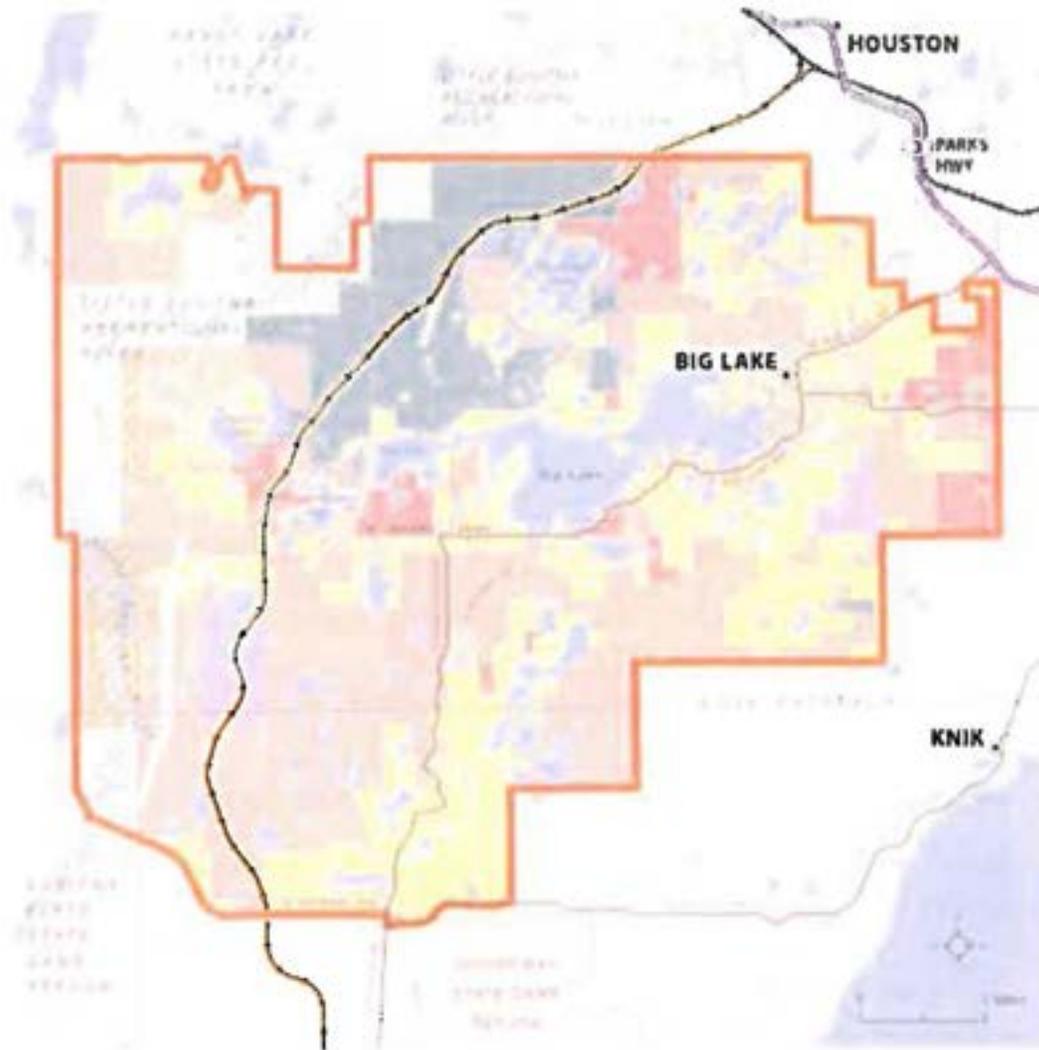
One notable characteristic of the Big Lake housing market is the size of its lots, both those with existing homes and those that are vacant. A 2009 analysis of parcels from the MSB Tax Assessor indicated that at least half of the lots in Big Lake are smaller than 40,000 square feet. This lot footprint is smaller than the square foot minimum currently required by MSB code for parcels relying on on-site wells and wastewater systems. This is a result of the fact that many of Big Lake’s lots were subdivided before minimum lot size regulations were applied or enforced. These smaller lots with onsite wells and septic systems can have health and water quality impacts that are challenging for homeowners and the community to address.

3.9 Land use and ownership

The total area of the Big Lake Community Council is 87,371 acres. The current land use designations reflect the private development patterns around Big Lake and the surrounding lake system. The majority of development is comprised of single-family residential units. Commercial development is concentrated primarily along Big Lake Road from the Parks Highway to the Big Lake airport. Many undeveloped tracts of land are held by the State of Alaska, the Alaska Mental Health Trust, the MSB, and Alaska Native corporations (Figure 3-4).

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Figure 5-4: Land Ownership, 2010



LAND OWNERSHIP

- | | | | |
|-----------------|----------------|---------------------------|-------------|
| Municipal | Public/Utility | Big Lake Community Center | Boundary |
| Private | State | Community Center Boundary | Interstate |
| Public/Utility | Corporation | City of Houston | State/Local |
| Forest | Military | | Airport |
| Other/Corporate | | | State/Local |

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Table 3-4 Land Ownership, 2010

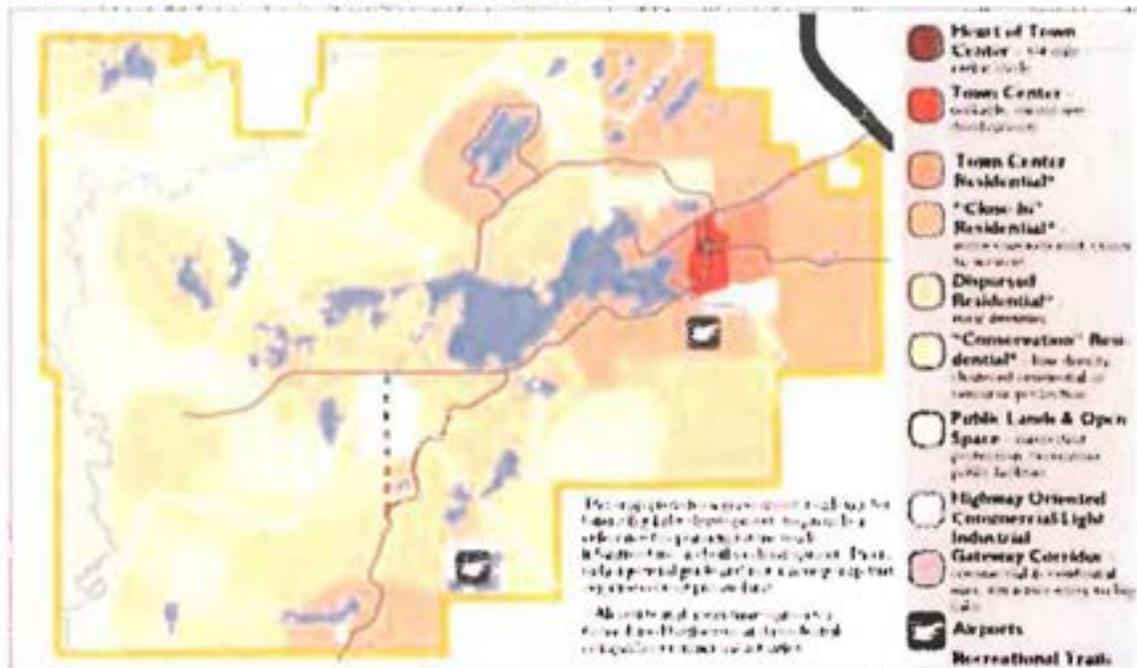
Land Owner	Acres	% Total
MSB	20,350	23%
Cooperative	47	0%
Federal	8	0%
Mental Health Trust	8,827	10%
Native Corporation	4,369	5%
Private	25,176	29%
Public University	1,935	2%
State	9,769	11%
NA	8,736	10%
No Data	7,479	9%
Total	87,371	100%

Source: 2010 MSB GIS parcel data

More than a third of the land in the BLCC area is State or MSB land (Table 3-4). As the State and the MSB plan for the use of those lands, the community has the opportunity to identify properties for recreation, habitat, and watershed purposes, as well as to identify specific areas for new development.

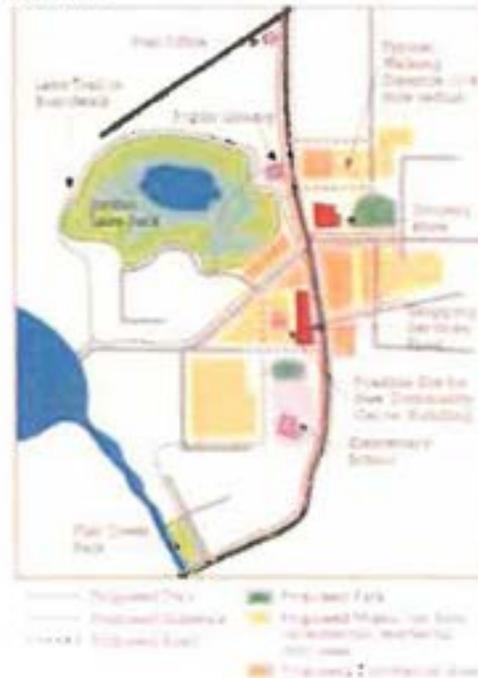
As part of the Big Lake Comprehensive Plan Update, a roadmap to future land use decisions was developed (Figure 3-5). Uses identified in the roadmap include a Town Center area (described below) and a range of other uses, which are summarized in Section 3.10, Planned Development.

Figure 3-5: Big Lake Comprehensive Plan Roadmap



Town Center. A Town Center is defined as the location where commercial development should be concentrated within a one-quarter mile radius. A Town Center should, in addition to being concentrated at its center, be walkable and include a mix of uses. The Big Lake Town Center (BL Town Center) was determined by the community to be located at the corner of Hollywood Boulevard and Big Lake Road (Figure 3-6).

Figure 3-6: Proposed Big Lake Town Center Plan from the 2009 Big Lake Comprehensive Plan Update



Residential Uses. The roadmap (Figure 3-5) calls for providing a range of residential uses, including higher densities close to the BL Town Center and more dispersed residential uses throughout the community.

The roadmap (Figure 3-5) also identifies key areas where land should be protected for watersheds, recreational opportunities, public facilities, and the need to develop a gateway commercial and a highway-oriented commercial corridor.

3.10 Planned development

The planned development in the Big Lake area includes both private development and public improvements and facilities. There are four categories that describe the different types of development occurring now or possibly in the future: small subdivisions, larger subdivisions, possible future subdivisions, and upsizing current homes.

Small Subdivisions. According to the MSB Platting Division, the MSB processes approximately five small subdivisions per year in the Big Lake area. Typically in Big Lake, small subdivisions are the result of landowners who subdivide a lot into two or three lots, which are then sold to those interested in building housing.

Larger Subdivisions. Currently, the MSB is processing one eight-lot subdivision off South Big Lake Road, between Jade Lake and Big Lake. According to the MSB Platting Division, larger subdivisions similar to this one are rare.

Possible Future Subdivisions. With the availability of large tracts of vacant land owned by public, private, or institutional land owners (Alaska Mental Health Trust, the State, the MSB, Alaska Native corporations, and individual private owners), there is the possibility for the

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development of larger subdivisions in and around Big Lake. Additionally, future development on larger tracts of vacant land will be informed by the *Big Lake Comprehensive Plan* and the development regulations in place to implement the Plan's policies.

3.11 Community focal points and informal meeting places

Like people in many low-density rural communities, most Big Lake residents and visitors enjoy their privacy and the chance to get away from the hustle of more urbanized areas. At the same time, community members enjoy the chance to interact with friends and neighbors.

Current community focal points and gathering areas where Big Lake residents connect with their family, friends, and neighbors are listed below. The majority of these locations are located in "downtown" Big Lake (Figure 3-2).

- Post Office
- Big Lake Elementary School
- Library
- Several local grocery stores and restaurants, such as the Big Lake Super Store (Tesoro Station), Steve's Food Boy, and Big Lake Family Restaurant
- Churches, including Faith Bible Fellowship Center and Our Lady of the Lake Catholic Church
- Outdoor gathering places, including Jordan Lake Park and Fish Creek Park, North and South State Recreation Sites, and the community trail system
- Big Lake Lion's Club
- Burkeshore Marina and Big Lake Powersports/South Port Marina
- Fire Station

As in all communities, much of the socializing in Big Lake occurs in private homes. Also important are the still-private, but more visible, docks and yards that front on local lakes.

The *Big Lake Comprehensive Plan* outlines goals and strategies to improve opportunities for "public life." These include improving the BL Town Center, adding a new community center, and developing a better, more extensive, and pedestrian-friendly system of Town Center roads and sidewalks.

4.0 Big Lake Impact Assessment

4.1 Introduction

This chapter presents an analysis of the potential highway alternative for the community of Big Lake in accord with the FHWA’s publication *Community Impact Assessment: A Quick Reference for Transportation*⁵. The analysis examines the relationship between the proposed National Highway System connections and community life in Big Lake.

Only the Alternatives 2, 3, 3 Bypass Option A, 3 Bypass Option B, and 5 are studied in detail in the CIA (see Figure 4-1). For the purposes of this analysis, Alternative 3 represents the baseline because it is the route that DOT&PF had originally proposed. The following general considerations guided the analysis:

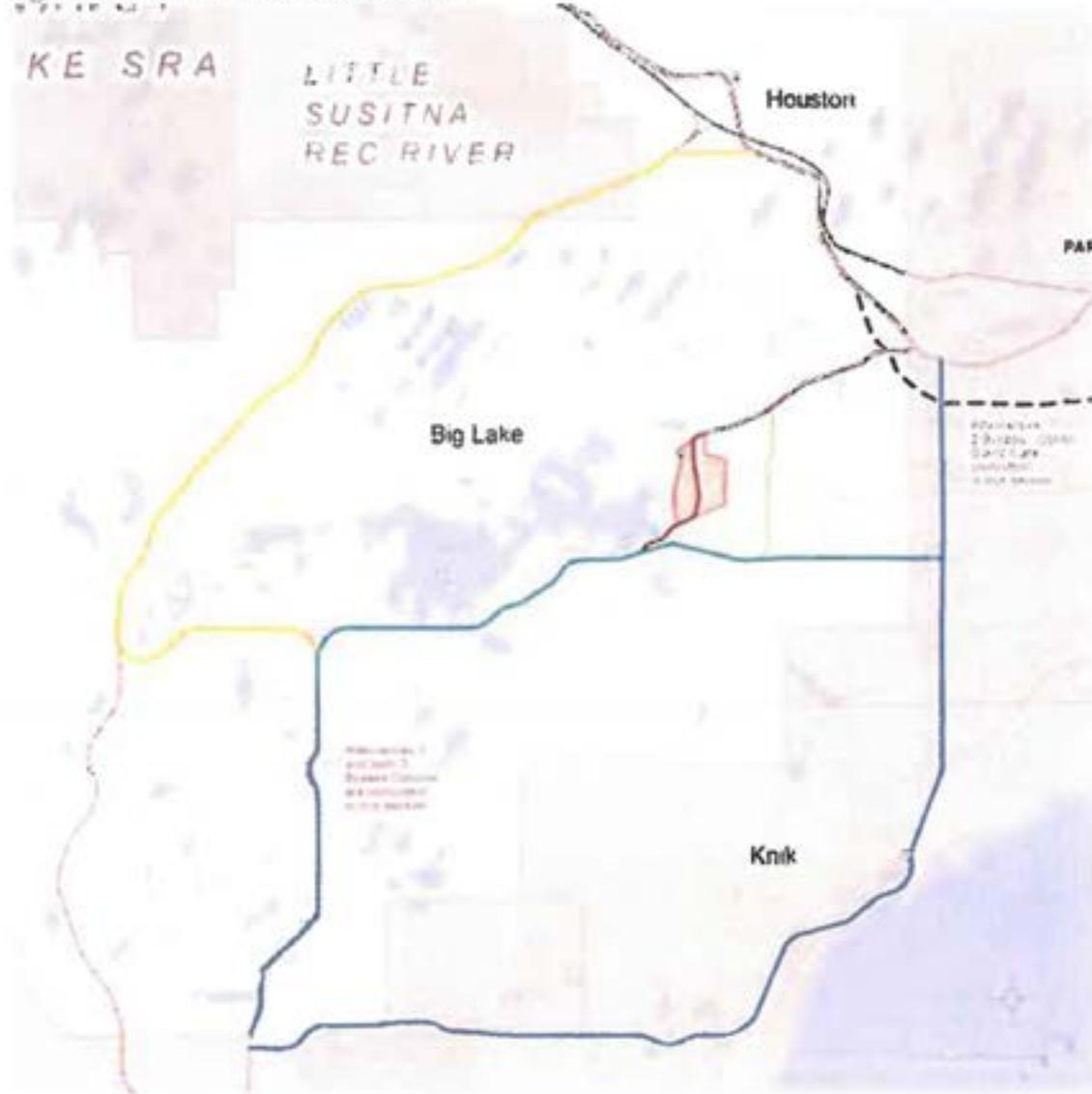
- Recognizing both positive and negative impacts;
- Considering short-term and long-term impacts;
- Identifying secondary and cumulative effects;
- Identifying impacts relative to community goals as expressed in the *Big Lake Comprehensive Plan*;
- Incorporating public concerns and issues identified through our public outreach;
- Focusing on primary issues or topics of potential controversy; and
- Recognizing that the big drivers of change in the community will be the incremental growth of the MSB as a whole, and the construction of the Knik Arm Crossing. More direct access to Anchorage and 3 percent annual population growth will make Big Lake a very different place. The specific corridor chosen is an important but secondary change.

The following topics have been studied for this analysis:

- Land use
- Mobility and Access
- Economic Conditions
- Public Services
- Physical
- Visual
- Safety
- Displacement
- Social and Psychological
- Build Out Analysis

⁵ A section on the MSB Build Out Analysis was added by request from the community.

Figure 4-1: CIA Evaluated Alternatives



BIG LAKE STUDIED ALTERNATIVES

- Alternative 2
- Alternative 3
- Alternative 3 Bypass - Option A
- Alternative 3 Bypass - Option B
- Alternative 5
- Big Lake Train Center
- Community Council Boundary
- Park of Refuge
- Existing Rail
- Port MacKenzie Rail Extension
- L RTP Wasila Bypass

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4.2 Land Use

This section evaluates and compares the expected land use impacts of the five alternatives. It considers the land to be used for the highway connection as well as the development potential for adjacent areas. Conclusions about the impacts of the road on land use reflect consideration of several factors: the physical characteristics of the land, current land ownership and land uses, and broader trends in the regional and statewide economy.

As discussed in more detail below, the five alternatives are likely to have quite different effects on land use.

- Alternative 2, on the west side of Big Lake, crosses through land with physical constraints, including poorly drained soils and a planned adjoining railroad line. While this route provides road access to previously inaccessible areas, the amount of development is expected to be limited.
- Alternative 3 crosses the BL Town Center, and would bring increased mobility and traffic into and through the existing community. This would accelerate growth and change in the area.
- Alternative 3 Bypass Options A and B would avoid the disruption to the BL Town Center, while still bringing better access and commercial opportunities to the area.
- Alternative 5 would have relatively limited impacts on Big Lake, as it passes to the east of the BLCC boundary.

Table 4-1 summarizes the potential land use impacts

Table 4-1: Land Use Impacts Summary

Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
Expected changes in land use?	<ul style="list-style-type: none"> • Minor, mostly along New Burma Rd. • Intersection at New Burma/ Susitna Pkwy develops as a commercial center. • Railroad is a barrier to change to the west. • Moderate effects on Houston Town Center. 	<ul style="list-style-type: none"> • Major changes in BL Town Center. • Intersection at New Burma/ Susitna Pkwy develops as a commercial center. 	<ul style="list-style-type: none"> • Major changes east of BL Town Center. • Intersection at New Burma/ Susitna Pkwy develops as a commercial center. 	<ul style="list-style-type: none"> • Intensification of commercial/ residential uses along southern Knik-Goose Bay and Johnson roads. • Moderate effects on northern Knik-Fairview community.
How will growth along the corridor be affected by land quality?	<ul style="list-style-type: none"> • Limited growth potential since 70% of land adjoining this route is poorly drained and is 	<ul style="list-style-type: none"> • Moderate to high growth potential since less than 5% of land along this route is poorly drained; portions have 	<ul style="list-style-type: none"> • Low to moderate growth potential since 50% of adjoining land along the bypass routes is poorly drained and 	<ul style="list-style-type: none"> • Moderate growth potential since 20-30% of land adjoining this route is poorly

Big Lake Community Impact Assessment

Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
	relatively costly to develop.	topographic limitations increasing development costs.	is relatively costly to develop.	drained and is relatively costly to develop.
Vacant land available for development?	<ul style="list-style-type: none"> Large majority of land along this route is vacant and undeveloped and is located both east and west of railroad. Development is limit by soil conditions and wetlands. 	<ul style="list-style-type: none"> Much of this corridor already has road access and existing development; land available along New Burma Road corridor. 	<ul style="list-style-type: none"> Large majority of land along east-west portion is vacant; northern portion already has road access and is 50-60% developed. 	<ul style="list-style-type: none"> Large majority of land along east-west portion is vacant; northern portion already has road access and is 50-60% developed. Further northern development limited by wetlands and soils.
Likelihood to develop into unplanned commercial strip?	<ul style="list-style-type: none"> Least likely to divert traffic from BL Town Center. Traffic through downtown could create commercial pressure. Increased traffic in Houston may lead to increased pressure. 	<ul style="list-style-type: none"> Substantial pressure on BL Town Center. Could become a commercial strip with frontage roads. 	<ul style="list-style-type: none"> Little pressure on BL Town Center. Should develop more like Eagle River. 	<ul style="list-style-type: none"> Pressure on BL Town Center avoided. Growth pressure will shift east.
Consistent with Land Use Policies in the Big Lake Comprehensive Plan?	<ul style="list-style-type: none"> Consistent. Most of route designated "conservation residential" – low density and/or clustered residential. 	<ul style="list-style-type: none"> Arterial through BL Town Center is inconsistent with Plan's Town Center goals. Route serves area designated for a combination of commercial and residential uses. 	<ul style="list-style-type: none"> Consistent. Most of route designated "dispersed residential" or "close in" residential. 	<ul style="list-style-type: none"> Avoids major conflicts with Plan by running along the east edge of the BLCC.
Effects on the Big Lake Comprehensive Plan vision for road?	<ul style="list-style-type: none"> This alternative opens up the opportunity for a new road on the west and north side of Big Lake, as recommended 	<ul style="list-style-type: none"> The Plan identifies the need to reserve a corridor that travels slightly east of downtown Big Lake, not through downtown as shown 	<ul style="list-style-type: none"> The Plan identifies the need to reserve a corridor that swings slightly east of downtown Big Lake (similar to Option A), not 4-5 	<ul style="list-style-type: none"> Little effect on planned roads in Big Lake.

Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
	by the Plan.	in this alternative.	miles east of downtown as shown in Option B.	

The key findings are:

- Alternative 3 is expected to have the most impact on land use in the BL Town Center, and Alternative 2 will have the least impact.
- Alternative 3 has the most potential for development, as land along this corridor is better suited for construction, but it also has the most existing development.
- Alternative 3 is the least consistent with the *Big Lake Comprehensive Plan*.

Bringing a major highway into the Big Lake area would lead to several types of land use changes, including direct impact to areas dedicated to road construction. Table 4-2 shows the amount of land converted to transportation use and distinguishes between land in the BLCC area and the total area affected by any given route. As the table shows, the five routes convert quite different amounts of land. Alternative 2 converts the largest number of acres of land within the BLCC (912 acres), followed by Alternatives 3 (801.7 acres) and 3 Bypass (763.8 acres). Alternative 5 is located mostly south and east of Big Lake and converts only 10 acres within the BLCC boundaries.

Table 4-2: Land Use within the BLCC Converted to Transportation/ROW Use (Acres)

Land Use Category	Alternative									
	2		3		3 Bypass				5	
					Option A		Option B			
	BLCC	Total	BLCC	Total	BLCC	Total	BLCC	Total	BLCC	Total
Residential	82.7	92.7	132.0	140.0	167.5	175.0	137.4	218.5	1.0	216.3
Transient Lodging	0.0	0.0	0.5	0.5	0.0	0.0	0.0	0.0	0.0	0.0
Mobile Home	2.6	2.9	2.0	3.4	3.3	3.7	1.8	9.4	0.0	11.2
Residential/Commercial	0.0	0.0	0.8	0.8	0.0	0.0	0.0	0.0	0.0	0.0
Commercial	0.0	0.0	22.3	22.5	6.3	6.5	2.9	6.0	0.0	5.6
Industrial	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Manufacturing	0.0	0.0	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
Agricultural	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4	0.0	0.0
Churches	0.0	0.0	1.7	1.7	0.0	0.0	0.0	0.0	0.0	2.6
Communications	0.0	0.0	0.2	0.2	0.0	0.0	0.0	0.0	0.0	0.0
Education	0.0	0.0	8.5	8.5	0.0	0.0	0.0	0.0	0.0	0.0
N/A	0.0	1.5	1.8	2.0	3.0	3.1	1.8	1.8	0.0	2.1
Public Administration	0.0	0.0	0.9	0.9	0.0	0.0	0.0	0.0	0.0	3.2
Recreation*	0.0	0.0	1.1	1.1	0.0	0.0	0.0	0.0	0.0	0.0
ROW/Vacant	24.6	32.4	40.9	40.9	0.0	0.0	35.2	41.7	0.3	167.2

Land Use Category	Alternative									
	2		3		3 Bypass				5	
					Option A		Option B			
	BLCC	Total	BLCC	Total	BLCC	Total	BLCC	Total	BLCC	Total
Transportation	0.0	0.0	2.9	2.9	0.0	0.0	0.0	0.0	0.0	0.0
Vacant	798.7	952.6	581.8	616.7	619.8	673.1	581.3	650.6	8.8	505.7
Total	912.0	1,085.6	801.7	846.3	803.2	864.7	763.8	931.4	10.1	913.9

Note: Based on a 400-foot corridor. Totals may not match due to rounding.

*This information reflects the land use categories listed in the MSB GIS data. Land may be used for more than one purpose. For example, transportation corridors using undeveloped ground are often used for recreational trails, hunting, etc.

4.3 Mobility and Access

The new highway connection will change traffic patterns in Big Lake because it provides a new route for drivers to use. Changes in traffic patterns will largely depend on the proximity of residents to the alternative. Alternative 2 is more likely to change traffic patterns for residents located to the west of the PMRE by giving them a new route to access the Parks Highway and West Susitna Parkway. Alternative 2 will have a lesser change on traffic patterns for residents east of the alternative because of the limited number of crossings of the PMRE. Alternatives 3, 3 Bypass Options A or B, and 5 will have minor changes in traffic patterns because they are largely following existing roadways. Alternative 3 and 3 Bypass Options A and B is likely to have the biggest impact on those living near South Big Lake Road and the BL Town Center. Alternative 5 will have a bigger impact on traffic patterns for those living on the eastern edge of the BLCC boundary.

Due to the higher speeds and lack of stop lights, the highway is expected to attract traffic away from other roads which may result in traffic volumes decreasing on other roadways. Changes in traffic patterns will also depend on the type and amount of development located along the road. Areas with new development, especially commercial/retail development, are likely to cause people’s travel patterns to change as they start to access new destinations. Table 4-3 summarizes mobility and access by alternative.

Table 4-3: Mobility and Access

Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
Change to Traffic Patterns	<ul style="list-style-type: none"> Port to Parks Highway through traffic will be mostly west of BL Town Center. A certain level of traffic will still tend to use Big Lake Rd. with congestion in the BL Town Center. Moderate increase to Houston Town Center. 	<ul style="list-style-type: none"> Least changes as alternative mostly follows established roads; controlled access will eliminate some existing connections to existing routes. 	<ul style="list-style-type: none"> Minor changes as alternatives mostly follow existing roads; controlled access will eliminate some connections to existing routes. 	<ul style="list-style-type: none"> Minor changes as alternative mostly follows existing roads east of Big Lake; controlled access will eliminate some connections to existing routes. Unlikely to see sharp increase on local Big Lake roads.

Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
Change To Traffic In Town Center	<ul style="list-style-type: none"> Moderate effect. Traffic will still tend to use Big Lake Rd. with added congestion in BL Town Center. Additional commercial traffic and possible congestion in Houston Town Center. 	<ul style="list-style-type: none"> Greatest increase in traffic because it bisects the BL Town Center 	<ul style="list-style-type: none"> Moderate because of their close proximity to BL Town Center. Bypass options will tend to moderate the effect downtown. Option A will make a bigger difference than Option B. 	<ul style="list-style-type: none"> Minimal effect to BL Town Center. Likely to have a substantial affect to South Knik Goose Bay and Johnson roads. Will remove Port traffic from BL Town Center
Public Transit	<ul style="list-style-type: none"> Unlikely to increase transit service. 	<ul style="list-style-type: none"> Unlikely to substantially increase transit service as it does not provide a direct route between Wasilla and Anchorage. Potential for park and ride service. 	<ul style="list-style-type: none"> Unlikely to substantially increase transit service given it does not provide a direct route between Wasilla and Anchorage. Potential for park and ride service. 	<ul style="list-style-type: none"> Would provide the most direct route from population centers in MSB to Anchorage via KAC. Potential for park and ride service.
Pedestrian and Bicycle Access	<ul style="list-style-type: none"> Roadside trail may result in slight improvement. 	<ul style="list-style-type: none"> Roadside trail may result in slight improvement. 	<ul style="list-style-type: none"> Roadside trail may result in slight improvement. 	<ul style="list-style-type: none"> Roadside trail may result in slight improvement.
Change to Existing/ Planned Roads	<ul style="list-style-type: none"> Minimal as mostly follows new alignment. Upgrades and modifies Burma Road. Creates new Parks Highway interchange at Houston Town Center. 	<ul style="list-style-type: none"> Substantial as it upgrades and modifies existing Burma and Big Lakes roads, converting them to highway New interchange at the southern end of Houston at the Big Lake Road/Parks Hwy intersection. 	<ul style="list-style-type: none"> Substantial as most of the route would upgrade existing roads except for portions through the BL Town Center. Bypass will tend to moderate the effect downtown 	<ul style="list-style-type: none"> Substantial as it requires the reconstruction of existing Johnson/ Knik Goose Bayroads and other roads. Johnson Road extension would be required.

The key findings are:

- Alternative 3 will have the biggest impact on traffic in the BL Town Center.
- None of the alternatives are likely to have a substantial impact on public transit and pedestrian and bike access.
- Alternative 2 is likely to have the least impact on the existing road system due to the route being a new roadway through wetlands where development has not occurred. Alternative 2 added a new highway which expands the roadway network compared to other alternatives which may replace some existing roads with the highway. Congestion on some roadways in the area is possible.

The project will change existing or planned roads because of the need to develop a supporting road network that allows people to get to/from the proposed project. The degree of impact on existing/planned roads will depend on the final configuration and use of existing roadways. Some existing roadways may be upgraded as a part of the new road corridor. Others may act as frontage roads to new construction. The final configuration will not be decided until a later date. Existing or planned roads likely to be impacted are summarized in Table 4-4.

Table 4-4: Effects on Existing or Planned Roads

Change	Alternative			
	2	3	3 Bypass A & B	5
Likely to need upgrade or major modification	<ul style="list-style-type: none"> W. Susitna Pkwy west of S. Purinton W. Millers Reach Road between the new highway and the Parks Highway 	<ul style="list-style-type: none"> S. Burma Road between Port MacKenzie Road and S. Purinton S. Purinton between S. Burma and W. Susitna Pkwy W. Susitna Pkwy between S. Purinton and S. Big Lake S. Big Lake Road 	<ul style="list-style-type: none"> S. Burma Road between Port MacKenzie Road and S. Purinton S. Purinton between S. Burma and W. Susitna Pkwy W. Susitna Pkwy between S. Purinton and S. Big Lake S. Big Lake Road Hughes Homestead Road Sunset Ave Johnson Road between Sunset Ave and Parks Highway 	<ul style="list-style-type: none"> Port MacKenzie Road Knik Goose Bay Road Johnson Road
Roadway so longer connected				<ul style="list-style-type: none"> Brocker Lake Clay Chapman Sunset No Name

In all alternatives, there will be some roads that no longer allow through traffic. At the highway, the road will either be changed into a dead-end road or connected to a frontage road with ultimate access at a highway interchange. For example, on Alternative 5, traffic will not be able to directly connect to Johnson Road from Sunset Avenue. When the project is built, traffic will only be able to use interchanges and will have to use a frontage road or other road to access connecting streets.

4.4 Economic Conditions

All five corridors have the potential to increase economic activity. Economic activity and employment is likely to develop along each alternative although the type and quantity of activity will vary depending on land use. Economic impacts are summarized in Table 4-5.

Table 4-5: Economic Conditions Summary

Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
Business Impacts	<ul style="list-style-type: none"> Limited/neutral business impacts to the BL Town Center. Businesses will likely develop at the New Burma Road/Susitna Pkwy junction. Potential increase in business activities in Houston. 	<ul style="list-style-type: none"> Substantial impacts to the BL Town Center. Will bisect, relocate, and spread out the core business district making it more highway/ auto-oriented. Businesses will likely develop at the New Burma Road/Susitna Pkwy junction. 	<ul style="list-style-type: none"> Would divert development from the BL Town Center but would leave the core intact. Potential for increased business development along the east/west corridor running to the Johnson Road north/south corridor. Development may be limited by poor soils. 	<ul style="list-style-type: none"> Limited business impacts to the BL Town Center. Businesses will likely develop along Johnson Road north/south corridor and S. Knik Goose Bay Road. There may be some business development pulled away from BL Town Center. Commercial development may occur near the Big Lake Road and Hollywood intersection.
Employment Impacts	<ul style="list-style-type: none"> Concentrated along Burma Road and Susitna Pkwy with a minor potential for diversion away from the BL Town Center. Houston could see additional employment at northern intersection with the Parks Highway. Potential increase in service sector jobs in Houston. 	<ul style="list-style-type: none"> Highest potential for direct employment effects (both positive and negative) for the BL Town Center. Road development would divide the BL Town Center and could lead to sprawl style strip development. Moderate increase to southern Houston in the Big Lake Road/ Parks Highway intersection area. 	<ul style="list-style-type: none"> Corridor could pull employment from the BL Town Center while leaving it physically intact. Highest direct employment effects would be felt at the intersection with Johnson Road, along Burma Road, and at the along the Johnson /South Knik-Goose Bay roads. 	<ul style="list-style-type: none"> Lowest direct employment potential for BL and the highest for south and west Knik-Fairview Community Council. Big Lake employment would likely be limited to the Burma/Ayrshire road junction. The west end of Hollywood is likely to develop commercially and may provide a second gateway to the BL Town Center. Knik area employment could be spread along the road corridor.
Big Lake Tax Base	<ul style="list-style-type: none"> Big Lake lacks direct taxing authority. Limited 	<ul style="list-style-type: none"> Big Lake lacks direct taxing authority. Increased 	<ul style="list-style-type: none"> Similar to Corridor 2 with less direct effect on the BL 	<ul style="list-style-type: none"> Corridor 5 would likely have limited direct effect on Big

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Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
	potential MSB property tax base increases at road termini and junctions.	development within the BLCC could increase Big Lake tax base over time.	Town Center and more development towards the eastern edge of the BL CC.	Lake's future tax base. Future tax base could develop to the east.

The key differences between the alternatives are:

- Alternative 3 would bisect the BL Town Center, while the other alternatives would keep it intact.
- Alternative 3 is likely to focus employment in the BL Town Center area, while the other alternatives are likely to result in employment dispersed along the corridor.

4.5 Public Services

Table 4-6 summarizes impacts to public services by alternative.

Table 4-6: Public Services

Impact Category	Corridor			
	2	3	3 Bypass (A&B)	5
Public Facility Relocations or Impacted (within 0.25 mile) ^A	• No existing public facilities identified along corridor.	• Potential effects to Fire Station 8-1, Library and Post Office. Each of these facilities is within 0.25 mile.	• No existing public facilities identified along the corridor.	• No identified public facilities affected in BLCC. Corridor is adjacent/near to proposed Knik school campus.
School Impacts	• No impact	• Impact to Big Lake Elementary School.	• No Impact	• May provide more direct access to the Knik school campus.
Parks and Recreation Areas		• Impacts to Fish Creek Park and Jordan Lake Park		
Big Lake Trail Impacts*	• Substantial (9 trail crossings)	• Moderate (4 trail crossings)	• Moderate (A has 6 trail crossings and B has 5)	• Minimal (0 trail crossings)
Total Trail Crossings*	• Substantial • (10 trail crossings)	• Moderate • (4 trail crossings)	• Moderate (A has 6 trail crossings and B has 5)	• Minimal (2 trail crossings)

^APublic facility generally refers to a building or structure used for government or civic purposes such as post offices, police stations, libraries, post offices, etc.

*Only officially recognized trails were analyzed. Trails may be crossed multiple times.

Key findings include:

- Alternative 3 is the only alternative likely to impact existing public facilities.
- Alternative 3 is the only alternative to impact the Big Lake Elementary School.

- While all alternatives are likely to impact lakes, open spaces and other areas used for recreational purposes, only Alternative 3 will impact official parks (Fish Creek and Jordan Lake parks)
- Alternative 2 has the highest number (10) of trail crossings impacted, while Alternative 5 has the fewest (2).

4.6 Physical

Traffic related noise is likely to increase near each of the alternatives. Traffic noise may be more noticeable in areas that are currently undeveloped or have very few noise sources. The level of traffic noise that occurs will vary depending on the amount of traffic, type of vehicles on the roadway, and the level of ambient noise. The project has a 400 foot ROW meaning property boundaries will be approximately 150 feet away from the highway (in areas with a frontage road, the distance between the road edge and the property boundary is approximately 80 feet). These separations act as a noise buffer to help reduce noise on nearby properties. Traffic noise is usually a concern for noise-sensitive land uses within 500 feet of the roadway edge.

Table 4-7 summarizes the physical conditions impacts, including noise, walls or barriers, and dust and/or odors, for each alternative.

Table 4-7: Physical Conditions

Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
Noise	<ul style="list-style-type: none"> • Least effect as it has the most undeveloped land. PMRE embankment will help shield noise. • Some effect to Houston Town Center 	<ul style="list-style-type: none"> • Traffic related noise will increase and has the highest potential to impact noise sensitive land uses concentrated in BL Town Center. • Will affect residential areas south and east of Big Lake. 	<ul style="list-style-type: none"> • Increase in traffic related noise in residential areas. Bypass lessens affect in BL Town Center. • Will affect residential areas south of Big Lake. 	<ul style="list-style-type: none"> • Increase in traffic related noise expected to increase along Johnson/ Knik Goose Bay roads and as it passes by proposed Knik school campus.
Presence of walls or other barriers	<ul style="list-style-type: none"> • PMRE embankment is a barrier to being able to cross the corridor except at limited designated intersections. 	<ul style="list-style-type: none"> • Fencing is likely through developed areas; similar to Seward Highway in Anchorage if noise impact criteria are exceeded and meets noise policy requirements. 	<ul style="list-style-type: none"> • Fencing is likely through developed areas; similar to Seward Highway in Anchorage if noise impact criteria are exceeded and meets noise policy requirements. 	<ul style="list-style-type: none"> • Fencing is likely through developed areas; similar to Seward Highway in Anchorage if noise impact criteria are exceeded and meets noise policy requirements.
Dust/Odor	<ul style="list-style-type: none"> • Least impact due to lack of adjacent development. 	<ul style="list-style-type: none"> • Increased dust from winter sanding and truck traffic especially on 	<ul style="list-style-type: none"> • Increased dust from winter sanding and truck traffic will affect 	<ul style="list-style-type: none"> • Increased dust from winter sanding and truck traffic will affect

	<ul style="list-style-type: none"> Limited Impacts to Houston during construction. 	the south and east sides of the lake and BL Town Center	people on the south side of Big Lake.	people along Johnson/ Knik Goose Bay roads. <ul style="list-style-type: none"> Minor impact in Big Lake.
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Key findings include:

- All alternatives will be similar in that sections will be fenced for safety reasons or noise mitigation. The PMRE will be an additional barrier in Alternative 2.
- All alternatives will result in an increase in traffic noise. The increase in noise will have more of an impact in areas with residential development.
- All alternatives are similar in that dust will increase due to winter sanding. The impact will depend on the amount of adjacent development.

4.7 Visual

Visual impacts of the road will vary depending on the width of the road, the presence or absence of frontage roads, and the uses that may develop along the road.

As described above, the corridor to be established will be 400 feet wide, allowing for four travel lanes (two in each direction), and frontage roads on each side of the highway. Initially this highway may be limited to two lanes, and only grow to four lanes or four lanes with frontage roads, at a later date as traffic demands.

Large portions of the four alternatives pass through land that is currently undeveloped, or areas designated by the community plan for low density residential uses. If the new road eventually triggers substantial development along adjoining frontage roads, particularly commercial development, changes in the visual environment will be significant. Where the highway in Big Lake has limited access and no adjoining development, visual impact will be reduced.

Another key factor affecting visual impacts is the nature of the terrain. In areas that are fairly flat and lack many trees (e.g., the northern half of Alternative 2), the road and accompanying development would be more visible than in rolling, tree-covered terrain where topography and/or vegetation would limit visibility. Conversely, construction of a major highway in hilly terrain requires more terrain-altering cuts and fills.

Finally, visual impacts are noticeable to the degree there are already people and activities in the area. For example, there is little development (but significant winter recreation use) in the vicinity of Alternative 2. In contrast, many people live and recreate in the vicinity of Alternative 3.

Table 4-8 summarizes the visual impacts of the four alternatives.

Table 4-6: Visual Conditions

Impact Category	Corridor			
	2	3	3 Bypass (A&B)	5
How will the routes affect Big Lake's visual character?	<ul style="list-style-type: none"> Land mostly vacant and undeveloped fewer people to see the new road. May substantially affect visual character at trail crossings. May substantially impact Houston Town Center. 	<ul style="list-style-type: none"> Would significantly change the visual character along the entire route from Ayrshire to Parks Highway Changes would be less significant along the B.L. Road commercial corridor near the Parks Hwy. Highway through downtown would substantially change the visual character. 	<ul style="list-style-type: none"> Similar impacts as Alt 3. The bypass east of B.L. is currently mostly vacant and undeveloped, but a new road in this area would substantially change the visual character. 	<ul style="list-style-type: none"> Much of this route already has road access, and existing development. Expansion of the highway along existing KGB road would create less significant visual impacts than along undeveloped sections of the Johnson Road segment of this and compared to the other alternatives.

Key findings include:

- Alternative 2 is likely to be seen by the fewest number of people but passes through the most undeveloped natural areas. It is adjacent to the PMRE.
- Alternative 5 is likely to have the least visual impacts since much of this alignment follows existing roads.

4.8 Safety

Traffic safety is likely to change as a result of the project. As the project will increase the amount of traffic in the area, the number of traffic accidents in Big Lake is likely to increase. However, divided highways tend to be safer than other roadway types because of the lack of turning traffic and the reduced potential for head-on collisions. Alternative 5 is largely outside the BLCC and is not expected to result in a substantial change to traffic safety in Big Lake.

Table 4-9 summarizes impacts on traffic safety, pedestrian and bicycle safety, crime, and emergency response times.

Table 4-6: Safety Summary

Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
Traffic Safety	<ul style="list-style-type: none"> Controlled access improves safety by reducing conflict points. This route will likely have lower traffic volumes. Traffic will still use and increase along Big Lake Road increasing traffic/safety conflicts in the BL Town Center. More likely to have wildlife related traffic incidents. 	<ul style="list-style-type: none"> Controlled access improves safety by reducing conflict points. Big Lake residents would be the main users of this route. Increased traffic through BL Town Center may increase safety conflicts in BL Town Center. 	<ul style="list-style-type: none"> Controlled access improves safety. Big Lake residents would be the main users of this route. Traffic bypasses downtown, less safety conflicts there with a bypass. 	<ul style="list-style-type: none"> Controlled access improves safety. This alternative serves the greatest population density meaning most benefit to the travelling public.
Pedestrian and Bicycle Safety	<ul style="list-style-type: none"> Least likely to be used by pedestrians and bicyclists as a transportation route because there is less potential for nearby development. Potential impact to more developed areas of Houston. 	<ul style="list-style-type: none"> Pedestrian and bicycle crossings and related facilities will be incorporated into the final design to address BL Town Center needs. Potential impacts in the southern Houston area. 	<ul style="list-style-type: none"> With bypass, most impacts to the BL Town Center are averted. Option A may have potential impacts in the southern Houston area. Option B has no impacts to Houston since the highway ties into Johnson Road well east of Houston's city limits. 	<ul style="list-style-type: none"> Little affect on pedestrians or bicycles in BLCC since development occurs along its eastern boundary.
Crime	<ul style="list-style-type: none"> Unlikely to change 	<ul style="list-style-type: none"> Unlikely to change 	<ul style="list-style-type: none"> Unlikely to change 	<ul style="list-style-type: none"> Unlikely to change
Emergency Response Times	<ul style="list-style-type: none"> Least change in response time. Out of the way nature makes it less useful for core population areas. May require additional facilities in Houston. 	<ul style="list-style-type: none"> Generally faster response times to and from BL Town Center though increased congestion in the Town Center may cause some delays during peak hours. 	<ul style="list-style-type: none"> Faster response times to and from BL Town Center. 	<ul style="list-style-type: none"> Little change to response times in the BLCC. Potential improvement elsewhere. Connects into highest population centers.

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Key findings include:

- Alternative 3 is likely to have the biggest change on pedestrian and bicycle safety because of its proximity to the BL Town Center.
- All alternatives are unlikely to change crime.
- All alternatives increase access and should improve emergency response times. Alternative 2 is likely to see the smallest reduction in response time, while Alternative 3 is likely to result in the biggest reduction in response time.

4.9 Displacement

For each alternative, a 400 foot ROW⁶ would be acquired by DOT&PF. While less ROW could be acquired for the initial two-lane highway, acquiring enough ROW for the ultimate four-lane divided highway is preferred because it ensures the ROW is available when it is needed, and helps reduce the possibility of incompatible development occurring. It would also reduce the ROW cost in the long-term as land prices typically increase over time. ROW for each alternative will need to be acquired from multiple land owners before the project can be built. Figure 3-4 shows a map of land ownership. Table 4-10 summarizes land acquisition by ownership.

The amount of land acquired from any given parcel is typically not known until the final design has been developed. For example, roadway designs often shift to avoid taking property from both sides of a roadway, to acquire land from undeveloped parcels, publically owned land, etc.

Table 4-10: ROW Land Ownership in the SACC

Owner	Corridor									
	2		3		3 Bypass				5	
					Option A		Option B			
	BLCC	Total	BLCC	Total	BLCC	Total	BLCC	Total	BLCC	Total
Private	242.1	279.7	412.7	456.2	448.8	492.3	413.1	553.9	7.2	588.2
MSB	209.2	209.2	143.7	143.7	154.5	154.5	181.4	182.0	1.9	21.5
State of Alaska	23.6	23.6	35.9	35.9	42.2	42.2	23.9	29.1	0.0	5.2
Mental Health Trust	327.6	327.6	0.0	0.0	0	0	0.0	0.0	0.0	10.6
Federal	0.0	0.0	0.0	0.0	0	0	0.0	0.0	0.0	0.0
City	0.0	0.0	0.0	0.0	0	0	0.0	0.0	0.0	0.0
Cooperative	0.0	0.0	1.2	1.2	0	0	0.0	0.0	0.0	2.7
Public University	0.0	0.0	4.6	4.6	35.5	35.5	27.0	27.0	0.0	46.2
Native Corporation	68.2	188.9	31.0	32.1	32.1	32.1	53.3	56.2	0.7	44.0
Unknown	42.9	56.6	172.6	172.6	90.1	108.1	65.1	83.2	0.3	195.5
Total	913.5	1,085.6	801.7	846.3	803.2	864.7	763.8	931.4	10.1	914.0

⁶ Property will be acquired in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policy Act on 1970, as amended. This would ensure that impacts to property owners are minimized and that just compensation of all properties is paid to owners and tenants of the impacts property.

Key findings include:

- Alternative 2 would require the most ROW, while Alternative 3 would require the least.
- Alternatives 2, 3, 3 Bypass, and 5 would involve acquiring a substantial amount of land from private owners.
- Alternative 2 would acquire substantial amounts of land that is owned by the MSB and the Alaska Mental Health Trust.
- Most of the land needed for Alternative 3 or Alternative 3 Bypass Option A and B is within the BLCC.
- Most of the land (98.9 percent) needed for Alternative 5 is outside the BLCC.

The land along Alternative 2 is largely undeveloped and will likely not require many, if any, business relocations. This corridor is along the PMRE. If the rail extension creates new development, the amount of business relocations is likely to increase. The most likely area for business relocations is where the highway connects to the Parks Highway.

Alternative 3 is likely to have the most business relocations as there are concentrations of businesses in the BL Town Center and along Big Lake Road.

The number of business relocations may be minimized by refining the location of the highway and by implementing access management policies that prevent new development from occurring along the alternative.

4.10 Social and Psychological

Big Lake is currently a small community with many of the social features often found in small towns. The majority of people living in the community share strong ties, in particular, a connection to outdoor recreation and open space. The combination of the community's small size and the common bond to the outdoors means people tend to share social values and know many of their neighbors.

Table 4-11 summarizes the potential impacts to the social characteristics of the community and the community's overall quality of life.

Table 4-23: Social and Psychological Summary

Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
How will the routes affect "downtown" Big Lake?	<ul style="list-style-type: none"> Relatively little impact on cohesion; does not split established neighborhoods 	<ul style="list-style-type: none"> A route through the heart of downtown would be a substantial barrier affecting residential and commercial cohesion 	<ul style="list-style-type: none"> Avoids splitting BL Town Center. Creates a barrier with areas east of the BL Town Center. Easterly version of the bypass avoids significant positive or negative effects on the BL Town Center's small town feel. Location called for in the Plan would create more of a barrier at the eastern edge of town. 	<ul style="list-style-type: none"> Relatively little impact within the BLCC.
How will the routes alter the size and social character of Big Lake?	<ul style="list-style-type: none"> Least likely to encourage population growth due to its westerly location. 	<ul style="list-style-type: none"> Substantial effects through the center of the BL Town Center. Would physically divide the community; more centered around autos and less around pedestrians. 	<ul style="list-style-type: none"> Avoids the heart of the BL Town Center, encouraging growth east of the community but with less disruption to downtown character. 	<ul style="list-style-type: none"> Largely outside of Big Lake. Less likely to lead to growth in Big Lake that would change its character. Likely to shift growth east of Big Lake affecting social character and growth to the east.
How will the routes affect residential neighborhoods?	<ul style="list-style-type: none"> Minor. Majority of land is vacant and undeveloped. Section of road near Papoose Lakes would separate these areas from points east. 	<ul style="list-style-type: none"> Substantial. A major highway on this alignment would divide the residential neighborhoods along this corridor. 	<ul style="list-style-type: none"> Similar affects as Alternative 3. Bypass area is currently mostly vacant and undeveloped, having less effect on neighborhoods. 	<ul style="list-style-type: none"> Minor effects on Big Lake neighborhoods. A major highway on this route would impact the western and southern Knik-Fairview Community Council area.

Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
How will the routes affect quality of life?	<ul style="list-style-type: none"> • Would alter the character of areas north, west, and south of Big Lake That are important for trails and make a large contribution to the experience and quality of life in the community. 	<ul style="list-style-type: none"> • Substantial affect on the BL Town Center. Would affect the small town feel. Substantial effect on recreational/residential quality of life along the south and east shores of Big Lake near the corridor. 	<ul style="list-style-type: none"> • Easterly version of the bypass avoids major positive or negative effects on BL Town Center's small town feel. Substantial effect on recreational/residential quality of life along the south shore of Big Lake. 	<ul style="list-style-type: none"> • Largely avoids affects on Big Lake, only impacting its eastern boundary. • Will affect connectivity of and cohesion between Big Lake and Knik-Fairview. • Avoids areas of concentrated trail use.

Summary of key findings include:

- Alternatives 2 and 5 are least likely to change the character of the Big Lake Town Center.
- Alternative 3 would work against the community's goal of creating an active, walkable, mixed use "main street" environment.
- Alternative 2 is least likely to encourage population growth.
- Alternative 3 is most likely to change Big Lake's small town feel.

4.11 Build Out Analysis

The community of Big Lake requested that the CIA be compared to the MSB's *50 year Build Out Analysis*, prepared for the MSB by demographer Shannon Bingham. The build out analysis projects the amount and generalized locations of future development. It assumes a 3.09 percent annual growth rate and current land use patterns. The build out analysis assumes construction of the KAC, which leads to steady expansion of development of the land north of the proposed bridge. For Big Lake, the build out analysis shows the population growing from 3,300 to 15,000 people by 2060.

The *amount* of additional population growth in the MSB projected in the build out analysis is unaffected by the location of the proposed highway corridor. Rather, the *location* of population growth is affected by the location of the road corridor, as described in other sections of this report. Three illustrations of the way the assumptions in the build out analysis are integrated with this report are presented below:

Commercial Development: A primary assumption driving the location of growth in the build out analysis is the location of major road intersections. Three of the four highway alternatives would create an important commercial node at the intersection of the "new Burma Road" and the West Susitna Parkway. Expectations for growth at this location are the same in the build out analysis and the assessment in this report.

Residential Development: As discussed in previous sections, Alternative 2, the westernmost of the four corridors, is likely to spur less development along its boundaries than the other options

because of physical constraints and its distance from centers of employment, services and facilities, and population. More growth is associated with the three more easterly alternatives. As noted above, the build out analysis assumes a fixed amount of residential growth, and the effect of the alternative road corridors would be moving that growth to different locations.

Density of Residential Development: The density of development depends on the water and sewer infrastructure serving an area. For example, on-site septic systems typically need one acre of land to meet applicable environmental standards. This limits the amount of development that can occur. Switching to public water and sewer can allow densities to increase substantially.

Table 4-12 summarizes the population increases that could potentially occur depending on the type of infrastructure (septic or public sewer).

Table 4-12: 2060 BLCC Build Out Population Predictions

Impact Category	Alternative			
	2	3	3 Bypass (A&B)	5
2060 BLCC Build Out Population Assuming KAC and New Parks Highway Connection with Septic				
Base Population	15,114	15,114	15,114	15,114
Route Impact	2,879	4,661	5,741/5,625	6,173
Total Population	17,993	19,775	20,855/20,739	21,287
2060 BLCC Build Out Population Assuming KAC and New Parks Highway Connection with Public Sewer				
Base Population	15,114	15,144	15,114	15,114
Route Impact	5,984	10,439	11,951/11,835	12,815
Total Population	20,498	25,553	27,065/26,949	27,929

The key findings are:

- The further east the alternative is, the more the future population shifts in that direction. Alternative 5 has the biggest shift in population while Alternative 2 has the smallest.
- The type of water and sewer infrastructure influences the amount of population change. Public water and sewer can support higher population densities than on site well and septic systems.

For additional information about the build out analysis, please see Appendix E.

5.0 Alternatives to be Carried Forward into Reconnaissance Engineering

In conclusion, all of the alternatives identified have positive and negative impacts on the Big Lake community and the MSB. The CIA demonstrates that Alternative 2 and Alternative 5 had the fewest impacts to the Big Lake community as these avoid going through the Big Lake Town Center by several miles. However, Alternative 2 is less desirable because, according to the traffic forecast, very little traffic will use this alternative. This route mainly serves freight traffic going between Port MacKenzie and Fairbanks but it does not provide service to traffic as a whole. Traffic will use other roadways such as Burma/Big Lake Road and Knik Goose Bay Road creating unacceptable levels on congestion on these routes. Alternative 3 Bypass – Option B has similar concerns. While the bypass would keep a highway out of the Town Center, traffic forecasting indicates traffic would remain on Big Lake Road in the Town Center resulting in high traffic volumes and congestion. While Alternative 2 and Alternative 3 Bypass – Option B avoid direct impacts to the Big Lake Town Center, they would result in negative impacts associated with traffic and congestion. Alternative 3 Bypass – Option A and Alternative 5 both avoid a highway in the Town Center and change traffic patterns in a way that avoids unacceptable levels of congestion in the Town Center thereby reducing impacts to the Big Lake community. Both of these alternatives were carried forward for additional study in the Big Lake Highway Reconnaissance Study (see Appendix F).

Alternative 3 appears to have the most impacts to the Big Lake community and Big Lake Town Center by dividing the community with a controlled access highway. Alternative 3 provides a baseline for comparing other alternatives because it was the route proposed by DOT&PF so it was also be carried forward for additional study in the Big Lake Highway Reconnaissance Study.

The Highway Reconnaissance Study refined the location and cost estimate of these three alternatives. The cost estimates for a four-lane highway range from approximately \$572.8 million for Alternative 3 to \$668.5 million for Alternative 3 Bypass – Option A. These costs should be considered a reconnaissance level estimate and will need to be refined as work on the project advances. One of the most expensive components of the cost estimate is ROW cost. Consequently, balancing ROW cost against other costs and impacts is an important consideration if the project moves forward.

The reconnaissance study concluded that additional analysis of ROW impacts and costs of maintaining access along existing roadways is needed to further refine estimates of costs and impacts. The current alternatives follow existing roadways for much of their length. Many of the parcels along each alternative have already been developed increasing the cost of this land and making access or purchasing access is an important consideration. Shifting the alternative to use more undeveloped land may reduce the ROW cost and reduce some of the impacts associated with a new highway. Additional engineering and environmental analysis, and coordination with stakeholders is required to balance engineering considerations, cost, and community concerns.

6.0 Conclusion

In conclusion, all of the alternatives identified have positive and negative impacts on the Big Lake community and the MSB.

The key findings for Alternative 2 are:

- The area near the New Burma Road/Susitna Parkway intersection is likely to develop as a commercial center
- Land use along Burma Road is likely to change
- Growth potential in areas adjacent to the alternative is limited from the end of Susitna Parkway to just south of Houston due to poorly drained soil.
- Approximately 912 acres in Big Lake Community Council (and 1,086 acres total) of land would be converted to transportation use
- Most land needed for right of way is owned by the Alaska Mental Health Trust, followed by private land, MSB land, and Native corporation land
- Consistent with *Big Lake Comprehensive Plan* as most of route designated “conservation residential” – low density and/or clustered residential.
- Least likely to divert traffic away from the Big Lake Town Center
- Traffic on Big Lake Road in the Big Lake Town Center could be close to 11,500 cars per day at Build Out (almost 5,000 more vehicles per day than 2012 traffic level of 6,510)
- Increased traffic on west side of Big Lake Community Council area
- No anticipated impacts to public facilities such as school, parks, and recreation areas
- Substantial impacts to the officially recognized trails in the area
- Least likely to change emergency response times
- Least impacts on community cohesion as it does not split established neighborhoods
- Least likely to encourage population growth that would alter the size and social character of the Big Lake community
- Would change the quality of life in the areas to the north, west, and south of Big Lake.
- Would have the lowest population at Build Out

The key findings for Alternative 3 are:

- Major changes in land use are anticipated in the Big Lake Town Center
- The intersection of New Burma Road/Susitna Parkway is likely to develop as a commercial center
- Has moderate to high growth potential as most land is considered suitable for development
- Much of the corridor already has road access and existing development. Land available for development along New Burma Road corridor.
- Approximately 802 acres in Big Lake Community Council (and 846 acres total) of land would be converted to transportation use
- Most land needed for right of way is owned privately or by the MSB
- Substantial changes to the Big Lake Town Center are anticipated including:

- Physically dividing the Town Center into an east and west side which would have a substantial impact on community cohesion
- Substantial pressure to convert the Big Lake Town Center into a commercial strip
- May result in the core business area being spread out over a wider area
- Town center may become more highway/auto oriented
- Greatest increase in traffic volumes on Big Lake Road through the Town Center
- Traffic on Big Lake Road in the Big Lake Town Center could be close to 21,500 cars per day at Build Out (substantially greater than the 2012 traffic volume of 6,510 AADT)
- Highest potential for positive and negative direct employment effects in the town center
- Highest potential for traffic noise to impact noise sensitive land uses in town center
- Inconsistent with *Big Lake Comprehensive Plan*
- Would potentially upgrade several existing roads to a four-lane highway
- Potential impacts to Fire Station 8-1, library, post office, and Big Lake Elementary
- Impacts to Fish Creek Park and Jordan Lake Park are anticipated
- Moderate impacts to the officially recognized trails in the area
- Potential for safety conflicts in town center between through traffic and local traffic
- Generally faster emergency response times are anticipated although congestion in the Town Center may cause delays during peak periods.
- Would negatively impact quality of life by having an substantial affect on the small town feel and recreational quality along the south and east shores of Big Lake
- Would have the second lowest change on population at Build Out

The key findings for Alternative 3 Bypass – Option A and B are:

- Major changes in land use are anticipated east of the Big Lake Town Center
- The intersection of New Burma Road/Susitna Parkway is likely to develop as a commercial center
- The land adjacent to both bypasses is considered to have low to moderate growth potential. Much of the soils along the bypasses are poorly draining making the land relatively costly to develop
- Some existing development along the corridor but there is also some vacant land that can be developed
- With Option A, approximately 803 acres in Big Lake Community Council (and 865 acres total) of land would be converted to transportation use. With Option B, approximately 764 acres in Big Lake Community Council (and 931 acres total) of land would be converted to transportation use
- Most of the land needed for right of way is owned privately or the MSB
- Little pressure on Big Lake Town Center to develop as a commercial strip.
- Consistent with the *Big Lake Comprehensive Plan* although the plan identified a bypass closer to the Town Center (similar to Option A)
- Minor changes to existing traffic patterns are anticipated

- Likely to have moderate impacts to the traffic volume in the Town Center. Option A will likely remove more traffic from the Town Center than Option B
- Traffic on Big Lake Road in the Big Lake Town Center could be close to 5,300 cars per day at Build Out with Option A (slightly less than 2012 traffic volume of 6,510) and 17,800 with Option B (substantially higher than 2012 traffic volumes).
- Would potentially upgrade several existing roads to a four-lane highway
- Would leave the Big Lake Town Center physically intact
- Could pull employment away from Town Center and into adjacent areas
- Little impact to existing public facilities is anticipated
- Will have a moderate impact on the trail network
- Emergency response times are likely to be faster
- Is likely to have less effect on residential neighborhoods
- Substantial impact on recreational/residential quality of life along Big Lake's south shore

The key findings for Alternative 5 are:

- Commercial/residential development likely along southern Knik-Goose Bay and Johnson Roads
- Moderate growth potential as approximately 20-30% of land along this route is poorly drained and would be relatively costly to develop
- Some land along the route is already developed but there is some vacant land available for new development
- Approximately 10 acres within the Big Lake Community Council (and 914 acres total) of land would be converted to transportation use
- Most of the land needed for right of way is privately owned
- Little to no pressure on the Big Lake Town Center to develop into an unplanned commercial strip
- Avoids major conflicts with the *Big Lake Comprehensive Plan*
- Minor changes to existing traffic patterns anticipated.
- Minimal effect on traffic volumes in the Town Center
- Traffic on Big Lake Road in the Big Lake Town Center could be close to 10,300 cars per day at Build Out which is greater than the 2012 traffic volume of 6,510
- Substantial impact to traffic volumes on South Knik Goose Bay and Johnson Roads.
- Potential for park and ride service
- Substantial impact to existing roads possible as the alternative could replace portions of the existing Point MacKenzie and Knik-Goose Bay Roads
- Limited impacts to the Big Lake Town Center
- Some commercial/business development may move from the Town Center to along Knik Goose Bay and Johnson Roads
- No impacts to public facilities within the Big Lake Community Council are anticipated
- Minimal impacts to the trail network
- Little change in emergency response times anticipated
- Less likely to change the size and social character of the Big Lake community

- Highest change in population at Build Out

The Big Lake CIA does not select a preferred alternative. The information contained in the CIA will help the Big Lake residents and policy makers such as the MSB Assembly and DOT&PF make informed decisions as to which alternatives have potential and should be explored further as part of future planning efforts such as the Long Range Transportation Plan and the Big Lake Comprehensive Plan. Additional analysis and study will help decision makers identify which alternative for a future connection between Port MacKenzie and the Parks Highway and balances community goals with benefits to the regional transportation system.

Appendix A - October 2015

Since the completion of the Community Impact Assessment (CIA) in March of 2014, three subsequent actions were taken by the Big Lake Community and the Matanuska-Susitna Borough.

1. The Big Lake Community Council passed Resolution 2014-102 in Support of Route 3A on June 10, 2014

At the conclusion of the CIA, the community council continued to meet and assess each of the routes identified in the CIA. In June, 2014 the Big Lake Community Council passed a resolution in support of Route 3A, noting the original route proposed by the State of Alaska Department of Transportation and Public Facilities was not consistent with the 2009 Big Lake Comprehensive Plan. The resolution states the *"Big Lake Community Council endorses route 3A as most consistent with the Big Lake Comprehensive Plan and the community desires"*.

Resolution 2014-102 noted it would be prudent to request a project into the Statewide Transportation Improvement Program (STIP) to provide funding for the environmental phase of the Big Lake transportation corridor of the Point MacKenzie Road to the Parks Highway Connection.

2. The Matanuska-Susitna Borough Assembly passed Resolution 14-087 to Nominate Route 3A to the STIP for the Environmental Phase of the Project on September 2, 2014.

The Matanuska-Susitna Borough Assembly passed a resolution acknowledging receipt of the Big Lake Community Council Resolution 2014-102, and nominated to the Alaska State Department of Public Transportation and Public Facilities' Statewide Transportation Improvement funding for the environmental phase (EIS) of the Point MacKenzie Road to Parks Highway Connection.

3. The Big Lake Community Council voted to support the CIA as the formative document for the Point MacKenzie Road to Parks Highway Connection on April 14, 2015.

The Big Lake Community Council (BLCC) passed a motion confirming the BLCC's desire to use the CIA as a formative document informing Borough decision makers of the community's wishes regarding the "Ports to Park Highway" through the community. A subsequent request was made to the Borough to have the Big Lake Community Impact Assessment and the BLCC Resolution Serial No. 2014-102 in support of route 3A included in the Big Lake Comprehensive Plan.

Route 3A is the community's choice of the road corridor.

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CODE ORDINANCE

Sponsored by: Assembly Member Mayfield

Introduced:

Public Hearing:

Action:

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-143

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPENDING THE BIG LAKE COMPREHENSIVE PLAN MSB 15.24.030 (B) (10) WITH THE BIG LAKE CORRIDOR IMPACT ASSESSMENT, MARCH 2014, AND RECOGNIZING ROUTE 3A AS THE SELECTED ROUTE BY THE BIG LAKE COMMUNITY COUNCIL.

BE IT ENACTED:

Section 1. Classification. Section 2 of this ordinance is of a general and permanent nature and shall become a part of the Borough Code. All other sections are non-code.

Section 2. Amendment of paragraph MSB 15.24.030 (B) (10) is hereby amended as follows:

(10) Big Lake Community Council Area, Comprehensive Plan (Ord. 09-060 dated August 4, 2009) as appended on , 2015 by Ordinance 15-_____ ;

Section 3. Big Lake Corridor Impact Assessment. The Matanuska Susitna Borough Assembly recognizes that the Big Lake Community Council has selected Route 3A as the Big Lake Community Council's preferred alternative for the Port to Parks road corridor by appending the entire Corridor Impact Assessment to the Big Lake comprehensive Plan, with that recognition.

Section 4. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this _____ day of _____, 2015.

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

**PUBLIC HEARING
LEGISLATIVE**

Resolution No. 15-39

Moratorium on Acceptance and Processing of Applications
To Dispose of Fee Simple Interests
Of Previously Disposed Borough Agricultural Property

(Page 535 - 556)

PUBLIC HEARING

**MATANUSKA-SUSITNA BOROUGH****Community Development Department
Land and Resources Management Division**

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7869 • Fax (907) 861-9635

Email: lmb@matsugov.us**LAND AND RESOURCES MANAGEMENT DIVISION STAFF REPORT**

Request: Planning Commission Resolution 15-39

Assembly Ordinance 15-039 introduced on 3/17/2015 and referred to the Agriculture Advisory Board and Planning Commission on 5/27/15

Location: All Matanuska-Susitna Borough agriculture restricted property.

Public Hearing: December 7, 2015

Planning Commission Action: The planning commission shall conduct a public hearing and render a recommendation to the Borough Assembly on a moratorium on the acceptance and processing of applications to dispose of fee simple interest on preciously disposed agricultural property.

Reviewed By: Eric Phillips, Community Development Manager 

Staff: Glenda Smith, SR/WA 

Staff Recommendation: Recommend moratorium

EXECUTIVE SUMMARY

The Borough has previously disposed of agricultural property under Title 15, Title 13, and Title 23. The sales have disposed of different property rights and imposed covenants, conditions, and restrictions that are different under each Title.

The borough has previously accepted applications with regard to the disposal of development rights ≤ 5 acres in size for the purpose of placement of a home site and a combination of the Ag rights and development rights. The combination of property rights convey fee simple title to allow agricultural owners to obtain loans for such needs as building a house or improvements to the farm. Applications to purchase retained rights have been submitted in recent years to allow conversion of the classification. There are no clear policies for this type of application, all such applications to date have been denied; however, the Assembly has proposed a moratorium on accepting applications while the Agriculture Advisory Board reviews potential policies for use by the Assembly.

REVIEW OF APPLICABLE CRITERIA

PUBLIC NOTIFICATION

Ordinance Serial No. 15-039 was originally sponsored by Assemblymember Sykes and was public noticed on the website and in the newspaper associated with introduction and the public hearing at the Assembly meeting. The Agriculture Advisory Board (AAB) resolution 15-02 was public noticed in correlation with the AAB meeting. Members of the public were present and spoke at the Agriculture Advisory Board meeting on October 14.

DISCUSSION

As with other land uses, without zoning or agricultural districts, the surrounding land use is mixed and many agricultural parcels would be useful for material extraction or residential use. However, only 5% of Alaska residents \$2 billion food budget being is satisfied with borough products compared to borough focus is agricultural use first on appropriate properties. This has presented a challenge particularly in areas where parcels were sold with a mixed use, i.e. approximately half of the acreage as a material site and approximately half as agricultural rights.

Borough comprehensive plans do not guide agricultural property use.

Existing Agricultural Sale Programs:

Title 15 was the first program under which the borough sold land with an agricultural classification. The properties were appraised twice, once for an unencumbered fair market value and once for a fair market value based on a deed restriction for agricultural use only. The deed restriction follows the land in perpetuity. Large parcels were sold with the thought that large acreage, ≥ 300 acres, was necessary for a successful farm. These farm units were later subdivided into property no less than 40 acres in size and the sales that occurred were not always of land suitable for field crops. Subsequent sales also did not always state the property had a perpetual deed restriction for Ag use only.

Title 13 was the second program under which the borough sold land with an agricultural classification. The most borough agriculture property sold was under Title 13. Title 13 sales were patterned after state Ag sales programs and the plan at the time was to provide agriculturally classified land with a price that would appeal equally to beginning farmers and farmers with more experience by selling only the agricultural rights

"Ag rights." Title 13 provided for Agricultural Land Sales, but MSB 13.30.120 (B) required that the sales *"shall not be sold, or granted except for agricultural use"*. This was accomplished, in part, by the use of the term *"Agricultural Rights"* as the interest conveyed to the farm unit buyer. Agricultural rights were determined to be 10% of the "bundle of sticks" of ownership and the agricultural rights were sold for 10% of the fair market value. The borough retained the other 90% of the "bundle of sticks" or the "development rights" as the borough titled them. Title 13 also established that other steps had to occur to obtain a "fee simple" title to a 5-acre home site by this provision in MSB 13.30.120(G)(3) *"The Assembly may grant a release from the terms of the sale an amount of land sufficient for a farm residence and/or farm related facilities, provided that the land is situated so as to conform to all planning, platting, subdivision and other regulations of the Borough. Such land shall then be sold and granted to the purchaser in fee simple at current full and true value for cash paid at the time of sale."*

The MSB retained (by not conveying) the “*Development Rights*” defined in Title 13 as “*the rights to subdivide or use the surface of the land for residential, commercial, or industrial uses which are not a part of the farming enterprise conducted on the land.*”.

Several farm unit owners were allowed to subdivide and purchase the fee simple 5-acres; however, there was no restriction on ownership, i.e. the Assembly did not require the farm unit remain intact. Thus, the farm unit owner could have originally purchased an 80-acre farm unit, subdivided a 5-acre home site and purchased the fee simple property rights, retained ownership of the 5-acre fee simple parcel, and sold the Ag rights only property to a qualified applicant with the approval of the manager. Some Ag rights only properties were transferred without borough approval and this has created difficulty with several Ag rights only properties where the purchaser was interested in a non-Ag use and applications have been made to remove the Ag covenants. Some information at the borough has stated that would require Assembly approval and the payment of the fair market value of the development rights. That, however, is not what the Assembly actually said in MSB 13.30.120(G)(3); stating such land as required for a farm residence and farm-related facilities would be sold and granted to the purchaser in fee simple “at current full and true value for cash paid at the time of sale.”

Title 23 agricultural property sales have been conveyed fee simple with covenants, conditions, and restrictions that the property be used for agricultural purposes in perpetuity
Resolution 15-02, “A resolution of the Matanuska Susitna Borough Agricultural Advisory Board recommending the Assembly place a moratorium on the acceptance and processing of applications to dispose of fee simple interests of previously disposed borough agricultural property” passed with no objection.

Food Security, Availability, and the Economy: Only an estimated 5–10% of Alaska's food is from in-state agriculture, although as recently as 1955, 55% of food consumed in-state was grown in Alaska. (<http://redoubtreporter.wordpress.com/2012/10/24/homegrown-revolution-gardeners-expand-to-tackle-alaskas-food-insecurity/>)

Additionally, meals for a family of four can cost 2.5 times more in Alaska than in Portland, Oregon, and anecdotal evidence indicates that some food prices can reach 600–1000% the cost in the Lower 48. (K. T. Stevenson, H. B. Rader, L. Alessa, A. D. Kliskey, A. Pantoja, M. Clark, and J. Smeenk, “Sustainable Agriculture for Alaska and the Circumpolar North: Part II. Environmental, Geophysical, Biological and Socioeconomic Challenges,” *Arctic* 67, no. 3: 296–319.)

Additionally, when Alaska is in the rollercoaster grip of oil and gas decline, it is difficult not to look at the economic potential in agriculture. The food industry is a significant part of the economy, generating more than \$5 billion in sales each year. In fact, the combined sectors of food manufacturing, grocery stores, and dining employ 12 times more people than the oil and gas sector, and supply more than twice the payroll. Although Alaska doesn't currently own many major titles in agricultural production for human consumption (it has the smallest agricultural industry despite being the largest state in the Union), it does best the rest of the United States in terms of the percentage of farm cash receipts that are sold directly from farmers to consumers (i.e., 3.8%, or 13 times the national average).

(https://akfoodpolicycouncil.files.wordpress.com/2013/07/14-09-17_building-food-security-in-ak_ken-meter_lr.pdf)

The Agriculture Advisory Board will be analyzing borough code, Land and Resource Management Division policies and procedures for agriculture sales and leases, and will provide recommendations to the Assembly for improved agriculture programs in the Borough, local food availability, food security, and economically beneficial industry through fresh agricultural and value-added products.

STAFF RECOMMENDATIONS

Staff recommends a moratorium on the acceptance and processing of applications to dispose of fee simple interest on previously disposed agricultural property and recommends the Planning Commission forward that recommendation to the Borough Assembly.

DOCUMENT TRACKING REPORT

DOCUMENT An Ordinance Placing A Moratorium On The Acceptance And Processing Of Applications To Dispose Of Fee Simple Interests Of Previously Disposed Agricultural Property. (Sponsored by Assemblymember Sykes)

DATE	STATUS
3-17-15	Introduced & P.H., Act for 4-7-15
4-7-15	Postponed to 5/5/15
	See minutes & for pending motion to Refer
5/5/15	Postponed to 5/27/15
5-27-15	Referred to Ag Board & Planning Commission for 180 days - Due Back November 23, 2015

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MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 15-073

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY PLACING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS TO DISPOSE OF FEE SIMPLE INTERESTS OF PREVIOUSLY DISPOSED BOROUGH AGRICULTURAL PROPERTY

AGENDA OF: March 17, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator	Sykes District 1	
	Community Development Director	EQ	
	Borough Attorney	MB fms	
	Borough Clerk	JU	

ATTACHMENT (S): Fiscal Note: NO X YES _____
Ordinance Serial No. 15-039 (3 pp)

SUMMARY STATEMENT: The purpose of this ordinance is to provide the ad hoc agricultural advisory committee sufficient time to consider instituting an Agriculture Advisory Board, and for such Board to work towards a recommendation to provide the Assembly guidance on Borough processes relating to agricultural property, before the Assembly considers additional applications to dispose of any remaining interest it has in properties for which the agricultural rights have already been disposed.

The ordinance itself is simply designed to stop the Borough from processing any applications for the release of the Borough's rights or the disposal of its development rights and fee interest in previously disposed agricultural properties until March 10, 2016. That should provide the Borough sufficient time to put a policy in place that the Assembly can consider in evaluating a proposal after the March 10, 2016 date.

RECOMMENDATION OF ADMINISTRATION: Administration respectfully requests approval.

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PENDING MOTION: Assemblymember Halter moved to refer this ordinance to the Agricultural Advisory Board and the Planning Commission for 120 days.

NON-CODE ORDINANCE

Sponsored By: Assemblymember Sykes
Introduced:
Public Hearing:
Adopted:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-039**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY PLACING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS TO DISPOSE OF FEE SIMPLE INTERESTS OF PREVIOUSLY DISPOSED BOROUGH AGRICULTURAL PROPERTY

WHEREAS, MSB Titles 15, 13, and 23 have governed the disposals of Borough-owned real property or any interests in real property by the Borough over time;

WHEREAS, one of these titles govern the disposal of the Borough's remaining property interests in those properties where the agricultural rights have already been disposed of at lower than the fair market value, and the remaining rights are retained in Borough ownership;

WHEREAS, the Assembly currently acts upon an application from the agricultural rights owner for such disposal without a policy;

WHEREAS, it appears there is a heightened interest from the public requesting the Borough to release all of its rights and/or dispose of the development rights and provide clear fee simple interests of its agriculture land;

WHEREAS, on September 2, 2014 the Assembly passed IM No. 15-019 establishing an ad hoc agricultural advisory committee to analyze whether or not the Boroughs should institute an

Agricultural Advisory Board to consider issues relating to the disposal of Borough agricultural land, among other issues; and

WHEREAS, the ad hoc agricultural advisory committee is still working toward a recommendation to the Assembly;

BE IT ENACTED:

Section 1. Classification. This Ordinance is a non-code ordinance.

Section 2. Moratorium. Notwithstanding any other provisions of Borough code, the Matanuska-Susitna Borough Assembly institutes a moratorium on the Borough accepting and processing new applications under Title 15, 13 or 23 received after March 10, 2015 for the release of the Borough's rights and/or the disposal of the development rights owned by the Borough in previously disposed agricultural properties until March 10, 2016.

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

ADOPTED by the Matanuska-Susitna Borough Assembly this
__ day of _____, 2015.

LARRY DeVILBISS, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

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**MATANUSKA-SUSITNA BOROUGH
AGRICULTURAL ADVISORY BOARD
RESOLUTION NO 15-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AGRICULTURAL ADVISORY BOARD RECOMMENDING ASSEMBLY PLACE A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS TO DISPOSE OF FEE SIMPLE INTERESTS OF PREVIOUSLY DISPOSED BOROUGH AGRICULTURAL PROPERTY.

WHEREAS, the purpose of the agricultural board is to provide advice to the assembly and manager on agricultural issues; and

WHEREAS, Matanuska-Susitna Borough titles 15, 13, and 23 have governed the disposals of Borough-owned real property or any interests in real property by the Borough over time; and

WHEREAS, these titles govern the disposal of the Borough's remaining property interest in those properties where the agricultural rights have already been disposed of at lower than the fair market value, and the remaining rights are retained in Borough ownership; and

WHEREAS, the Assembly currently acts upon an application from the agricultural rights owner for such disposal without a policy; and

WHEREAS, it appears there is a heightened interest from the public requesting the Borough to sell all of its rights and/or dispose of the development rights and provide clear fee simple interests of its agriculture land; and

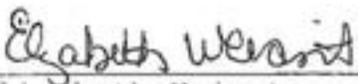
WHEREAS, the Assembly requests the Agricultural Advisory Board to work towards a recommendation to provide the Assembly guidance on Borough processes relating to agricultural property before the Assembly considers additional applications to dispose of any remaining interest it has in properties for which the agricultural rights have already been disposed.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Real Agricultural Advisory Board recommends the Matanuska-Susitna Borough Assembly place a moratorium on the acceptance and processing of applications to dispose of development rights of previously disposed borough agricultural rights only property.

ADOPTED by the Matanuska-Susitna Borough Agricultural Advisory Board this 14th day of October 2015.


Norman Harris, Chairman

ATTEST:


Elizabeth Weiant,
Department Administrative Specialist

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Agriculture Advisory Board

Board Expiration

vacancy **Board Position** AGAB (01) Palmer Soil/Water Conservation District

Company Representing **Member Title** **Term** to 12/31/2015

Type of Term

Home **Work** **Cell** **E-mail**

Zobel Dick **Board Position** AGAB (02) Wasilla Soil/Water Conservation District

Company Representing **Member Title** **Term** 9/15/2015 to 12/31/2016

PO Box 872683 **Type of Term** 1 Partial

Wasilla AK 99687

Home (907) 376-5640 **Work** (907) 376-5640 **Cell** **E-mail** spuds1@mtaonline.net

Marsh Kenneth L **Board Position** AGAB (03) Upper Susitna Soil/Water Conservation Distr

Company Representing **Member Title** **Term** 8/18/2015 to 12/31/2017

PO Box 13011 **Type of Term** 1 Full

Trapper Creek AK 99683

Home (907) 733-2557 **Work** **Cell** (907) 841-1162 **E-mail** Trappercreekmuseum@yahoo.com

VanderWeele Jenny **Board Position** AGAB (04) Alaska Farm Bureau - Mat-Su Chapter

Company Representing **Member Title** **Term** 10/20/2015 to 12/31/2015

PO Box 258 **Type of Term** 1 Partial

Palmer AK 99645

Home (907) 745-1508 **Work** (907) 864-5408 **Cell** **E-mail** rjbs@mtaonline.net

Harris Norman R **Board Position** AGAB (05) Palmer Center for Sustainable Living

Company Representing **Member Title** **Term** 8/18/2015 to 12/31/2016

PO Box 3978 **Type of Term** 1 Partial

Palmer AK 99645

Home (907) 745-8468 **Work** (907) 746-9475 **Cell** **E-mail** nrharris@alaska.edu

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Agriculture Advisory Board

Board Expiration

vacancy **Board Position** AGAB (06) Knowledge and/or Experience Production of

Company Representing **Member Title** **Term** **to** 12/31/2017

Type of Term

Home **Work** **Cell** **E-mail**

Hecimovich Derylee "Lee" **Board Position** AGAB (07) Knowledge and/or Experience Livestock, Alt

Company Representing **Member Title** **Term** 8/18/2015 **to** 12/31/2015

PO Box 488 **Type of Term** 1 Partial

Palmer AK 99645

Home (907) 745-8009 **Work** (907) 745-3360 **Cell** **E-mail** dahecmovich@alaska.edu

Brainard Donald J **Board Position** AGAB (08) Knowledge and/or Experience in Field Crops

Company Representing **Member Title** **Term** 9/1/2015 **to** 12/31/2016

PO Box 1183 **Type of Term** 1 Partial

Willow AK 99688

Home (907) 495-5462 **Work** **Cell** **E-mail** brainard@mtaonline.net

Skinner James **Board Position** AGAB (09) Knowledge and/or Experience in Floriculture,

Company Representing **Member Title** **Term** 8/19/2015 **to** 12/31/2017

HC89 Box 1780 **Type of Term** 1 Full

Willow AK 99688

Home (907) 495-1186 **Work** **Cell** **E-mail** onthego88bc@gmail.com

Peltier Kon J **Board Position** AGAB (10) Knowledge and/or Experience Ag Econ Dev,

Company Representing **Member Title** **Term** 8/18/2015 **to** 12/31/2015

PO Box 2433 **Type of Term** 1 Partial

Palmer AK 99645

Home **Work** (907) 244-0236 **Cell** **E-mail** alasken@kw.com

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Agriculture Advisory Board

Board Expiration

Johnson	Erik "Moe"	<input type="checkbox"/>	Board Position	AGAB (11) At-Large Member		
Company Representing			Member Title	Term	8/18/2015	to 12/31/2016
1190 S Lower Rd			Type of Term			
Palmer			AK	99645	1	Partial
Home	(907) 841-2796	Work	(907) 761-3863	Cell		
				E-mail	erik.johnson@alaska.gov	

VanderWeele	Braden	<input type="checkbox"/>	Board Position	AGAB (12) Non-Voting Youth Intern		
Company Representing			Member Title	Term	10/20/2015	to 12/31/2017
PO Box 258			Type of Term			
Palmer			AK	99645	1	Full
Home	(907) 746-1508	Work		Cell		
				E-mail	rjbs@mtaonline.net	

Information Contact	Community Development Department 861-7869
Total Board Members	12 Members
Meeting Schedule	TBD
Meeting Location	TBD
Board Notes	Board established OR 15-050; IM 15-088. All matters pertaining to the Agriculture Advisory Board, unless otherwise specified shall be governed by MSB 4.05. Seven members shall constitute a quorum.

By: Glenda Smith
Introduced: November 2, 2015
Public Hearing: December 7, 2015
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 15-39**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING THE ASSEMBLY PLACE A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS TO DISPOSE OF FEE SIMPLE INTERESTS OF PREVIOUSLY DISPOSED BOROUGH AGRICULTURAL PROPERTY.

WHEREAS, the purpose of the agricultural board is to provide advice to the assembly and manager on agricultural issues; and

WHEREAS, Matanuska-Susitna Borough titles 15, 13, and 23 have governed the disposals of Borough-owned real property or any interests in real property by the Borough over time; and

WHEREAS, these titles govern the disposal of the Borough's remaining property interest in those properties where the agricultural rights have already been disposed of at lower than the fair market value, and the remaining rights are retained in Borough ownership; and

WHEREAS, the Assembly currently acts upon an application from the agricultural rights owner for such disposal without a policy; and

WHEREAS, it appears there is a heightened interest from the public requesting the Borough to sell all of its rights and/or

dispose of the development rights and provide clear fee simple interests of its agriculture land; and

WHEREAS, on October 14, 2015, the Agricultural Advisory Board adopted Resolution 15-02 recommending a moratorium on the acceptance and processing of applications to dispose of fee simple interests of previously disposed borough agricultural property; and

WHEREAS, the Planning Commission conducted a public hearing on December 7, 2015, and heard public testimony on the proposed moratorium on the acceptance and processing of applications to dispose of development rights of previously disposed borough agricultural rights only property.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission recommends the Matanuska-Susitna Borough Assembly place a moratorium on the acceptance and processing of applications to dispose of development rights of previously disposed borough agricultural rights only property.

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ADOPTED by the Matanuska-Susitna Borough Planning
Commission this ___ day of ___, 2015.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

NEW BUSINESS

2016 Planning Commission Meeting Schedule

Draft PC Policies and Procedures Manual Discussion

(Page 557 – 562)

NEW BUSINESS

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION

Regular Meeting Schedule for 2016

Planning Commission Regular Meetings

Planning Commission Meeting Date	Agenda Items Due Cut-Off Date 5 P.M.	Packet Items Due Cut-Off Date 5 P.M.
Monday, January 04, 2016	Monday, December 14, 2015*	Wednesday, December 16, 2015*
Monday, January 18, 2016	Monday, January 04, 2016	Wednesday, January 06, 2016
Monday, February 01, 2016	Monday, January 18, 2016	Wednesday, January 20, 2016
Monday, March 07, 2016	Monday, February 22, 2016	Wednesday, February 24, 2016
Monday, March 21, 2016	Monday, March 07, 2016	Wednesday, March 09, 2016
Monday, April 04, 2016	Monday, March 21, 2016	Wednesday, March 23, 2016
Monday, April 18, 2016	Monday, April 04, 2016	Wednesday, April 06, 2016
Monday, May 02, 2016	Monday, April 18, 2016	Wednesday, April 20, 2016
Monday, May 16, 2016	Monday, May 02, 2016	Wednesday, May 04, 2016
Monday, June 06, 2016	Monday, May 23, 2016	Wednesday, May 25, 2016
Monday, June 20, 2016	Monday, June 06, 2016	Wednesday, June 08, 2016
Monday, July 18, 2016	Monday, June 27, 2016**	Wednesday, June 29, 2016**
Monday, August 01, 2016	Monday, July 18, 2016	Wednesday, July 20, 2016
Monday, August 15, 2016	Monday, August 01, 2016	Wednesday, August 03, 2016
Monday, September 19, 2016	Friday, September 2, 2016***	Wednesday, September 07, 2016
Monday, October 03, 2016	Monday, September 19, 2016	Wednesday, September 21, 2016
Monday, October 17, 2016	Monday, October 03, 2016	Wednesday, October 05, 2016
Monday, November 07, 2016	Monday, October 24, 2016	Wednesday, October 26, 2016
Monday, December 05, 2016	Monday, November 14, 2016****	Wednesday, November 16, 2016****
Monday, December 19, 2016	Monday, December 05, 2016	Wednesday, December 07, 2016
Monday, January 16, 2017	Friday, December 30, 2016*****	Wednesday, January 4, 2017*****

*Due to Christmas Holiday 2015

**Due to Independence Day Holiday (7/4/16)

***Due to Labor Day Holiday (9/5/2016)

****Due to Thanksgiving 2016

*****Due to New Years 2017

Joint Assembly/Planning Commission Meetings

Assembly/Planning Commission Meeting Date	Finance Cut-Off Date 5 P.M.	Agenda Cut-Off Date 5 P.M.
Tuesday, March 22, 2016	Wednesday, March 09, 2016	Friday, March 11, 2016
Tuesday, October 25, 2016	Wednesday, October 12, 2016	Friday, October 14, 2016

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Please see
“Introduction for Public
Hearing - Planning
Commission Resolution
15-30” for the New
Business Agenda Item,
page 183 through 288.

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COMMISSION BUSINESS
Upcoming PC Agenda Items

(Page 563 - 570)

COMMISSION BUSINESS

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: November 20, 2015

TO: Planning Commissioners

FROM: Eileen Probasco, Director of Planning and Land Use

SUBJECT: Items tentatively scheduled for future PC Meetings or Administrative Actions and Updates on PC items sent to the Assembly

December 21, 2015 (*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**

- **Resolution 15-42**, A resolution recommending Assembly adoption of the Seldon Road Extension Corridor Access Management Plan: (*Staff: Mike Campfield*)
- **Resolution 15-30**, A resolution adopting an update to the Planning Commission Policies and Procedures Manual. Public Hearing: (*Staff: Lauren Driscoll*)

Unfinished Business*(None)***New Business***(None)*

(None)

January 4, 2016 (*MSB Assembly Chambers*)

Introduction for Public Hearing Quasi-Judicial

- **Resolution 16-02**, A request for a variance to allow an existing single-family residence to remain set back 14.6 feet from a section line easement on the west side of the lot. The structure is located on Block 2, lot 9, End Of The Rainbow Subdivision; 420 S. Robin Circle; within Township 17 North, Range 2 West, Section 9, Seward Meridian. (*Applicant: Neal and Brenda Bullock, Staff: Susan Lee*)

Introduction for Public Hearing Legislative

- **Resolution 16-01**, A resolution recommending Assembly approval of an Ordinance amending MSB 17.60, to include permit requirements and standards for marijuana related facilities. (*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

- Planning Commission Election of Chair and Vice Chair

January 18, 2016 (*MSB Assembly Chambers*)

Introduction for Public Hearing Quasi-Judicial

(None)

Introduction for Public Hearing Legislative

(None)

Agency/Staff Reports

(None)

Land Use Classifications

(None)

Public Hearing Quasi-Judicial

- **Resolution 16-02**, A request for a variance to allow an existing single-family residence to remain set back 14.6 feet from a section line easement on the west side of the lot. The structure is located on Block 2, lot 9, End Of The Rainbow Subdivision; 420 S. Robin Circle; within Township 17 North, Range 2 West, Section 9, Seward Meridian. (*Applicant: Neal and Brenda Bullock, Staff: Susan Lee*)

Public Hearing Legislative

- **Resolution 16-01**, A resolution recommending Assembly approval of an Ordinance amending MSB 17.60, to include permit requirements and standards for marijuana related facilities. (*Staff: Mark Whisenhunt*)

Unfinished Business

(None)

New Business

(None)

Commission Business

(None)

Upcoming PC ActionsQuasi-Judicial

- Victor Damyan junkyard CUP, 17N02W27B006. (*Staff: Susan Lee*)
- Rocky Lake Setback Variance. (*Applicant: Michael Solmonson, Staff: Mark Whisenhunt*)
- Earth Materials Extraction CUP, 18N02W27D009. (*Applicant: T&J Gravel, Staff: Susan Lee*)
- Todd Basilone, Talkeetna SpUD CUP. (*Staff: Susan Lee*)

Legislative

- Sign Ordinance: adopting 17.53 Sign Standards (*Staff: Alex Strawn*)
- Denali State Park SpUD. (*Staff: Eileen Probasco*)
- Noise and Sound Code Update (Throughout MSB Code): Amendments will make noise and sound requirements more consistent, enforceable, and reasonable. (*Staff: Mark Whisenhunt*)
- Denali Hwy, MP 99, IMD, T19N, R2W. Section 10 & 15, FM. (*Applicant: AKDOT, Staff: Susan Lee*)
- Alsop East IMD, 6822000T00A. (*Applicant: MSB Land Management, Staff: Susan Lee*)
- Happy Heairet IMD, 17N04W25B019. (*Staff: Mark Whisenhunt*)
- Central Landfill Earth Materials Extraction IMD. (*Staff: TBD*)

Other Upcoming Administrative Actions (Not going to the PC)

- Nash/Chijuk Creek NRMU Timber Transportation Permit. (Staff: Susan Lee)
- MEA Eklutna Generation Station Public Participation Plan, Segment 2. (Staff: Susan Lee)
- MEA Lazelle Substation into Herning Substation Public Participation Plan. (Staff: Susan Lee)
- Winding Brook Multi-family Permit. (Staff: Susan Lee)
- Davis Legal Nonconforming Status Determination for a structure. (Staff: Susan Lee)
- Potter Place Phase 2, Legal Nonconforming Status Determination for a Structure. (Staff: Susan Lee)
- US Survey 3488 Pre-existing Legal Nonconforming Status Determination for a Structure. (Staff: Mark Whisenhunt)
- Trudell, Pre-existing Legal Nonconforming Status Determination for a Structure. (Staff: Susan Lee)
- Williwaw # 2, Legal Nonconforming Status Determination for a Structure. (Staff: TBD)
- Big Lake Heights #1, Legal Nonconforming Status Determination for a Structure. (Staff: Susan Lee)

PC Decisions Currently Under Appeal

- **Resolution 15-01**, a resolution adopting findings of fact and conclusions of law to support the Planning Commissions failure to approve Resolution 14-33. (CMS appeal of BOAA decision to Superior Court on March 31, 2015)

Updates/Presentations/Work Sessions

- Planning Commission Powers (Staff: Lauren Driscoll, Alex Strawn, and Assistant Borough Attorney)

Updates on PC items going to the Assembly (Pending)

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
<p>Resolution 15-20, A resolution recommending Assembly approval of an Interim Materials District (IMD) in accordance with MSB 17.28 – Interim Materials District, for the extraction of 1,000,000 cubic yards of earth material from a 22-acre site within a 60-acre parcel, located at 22347 S. Watkins Road, Trapper Creek, within Township 26 North, Range 5 West, Section 20, Tax Parcel B008 (26N05WB008), Seward Meridian. (<i>Applicant: Trapper Creek Gravel, Staff Mark Whisenhunt</i>)</p>		ORD # 15-__	IM # 15-__
<p>Actions:</p>	<p>06/01/15 - PC Introduction 06/15/15 – PC Public Hearing – Amended/Approved 12/01/15 – Assembly Introduction 12/15/15 – Assembly Public Hearing</p>		

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
<p>Resolution 15-29, a resolution recommending Assembly adoption of the FY2017-2022 Capital Improvement Program. (<i>Staff: Sara Jansen</i>)</p>		ORD # 15-__	IM # 15-__
<p>Actions:</p>	<p>08/03/15 - PC Introduction 08/18/15 – PC Public Hearing – Approved 12/01/15 – Assembly Introduction 12/15/15 – Assembly Public Hearing</p>		

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
Resolution 15-35 , A resolution recommending Assembly approval of an Interim Materials District (IMD) in accordance with MSB 17.28 – Interim Materials District, for the extraction of 540,000 cubic yards of earth material from 38.9-acre site within a 120-acre parcel, located within Township 18 North, Range 2 West, Section 24, Tax Parcel D1 (Tax ID 18N02W24D0001), Seward Meridian. (Staff: Mark Whisenhunt, Applicant: B&E Construction)		ORD # 15-__	IM # 15-__
Actions:	09/21/15 - PC Introduction 10/19/15 – PC Public Hearing – Amended/Failed 11/02/15 – Unfinished Business – Reso 15-40 Supporting Denial 12/01/15 – Assembly Introduction 12/15/15 – Assembly Public Hearing		

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
Resolution 15-38 , A resolution recommending the Assembly amend the Platting Procedures Pamphlet concerning the Platting Board public hearing time. (Staff: Eileen Probasco)		Reso # 15-103	IM # 15-224
Actions:	10/19/15 - PC Introduction 11/02/15 – PC Public Hearing – Approved 11/03/15 – Assembly Consent Agenda – Postponed until 12/01/15		