

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

Vern Halter, Mayor

PLANNING COMMISSION
Mary Anderson, Vice-Chair, District 1
Vacant, District 2
Patricia Chesbro, District 3
Colleen Vague, Chair, District 4
Chris Elder, District 5
Stafford Glashan, District 6
Sassan Mossanen, District 7



Michael Brown, Borough Manager

PLANNING & LAND USE
DEPARTMENT
Alex Strawn, Planning & Land Use Director
Kim Sollien, Planning Services Manager
Jason Ortiz, Development Services
Manager
Fred Wagner, Platting Officer
Karol Riese, Planning Clerk

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

June 21, 2021
REGULAR MEETING
6:00 p.m.

Ways to participate in Planning Commission meetings:

IN PERSON: Should you wish to testify in person, please adhere to a 6-foot distance between yourself and others.

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

TELEPHONIC TESTIMONY:

- Dial 1-855-290-3803; you will hear “joining conference” when you are admitted to the meeting.
- You will be automatically muted and able to listen to the meeting.
- When the Chair announces audience participation or a public hearing you would like to speak to, press *3; you will hear, “Your hand has been raised.”
- When it is your turn to testify, you will hear, “Your line has been unmuted.”
- State your name for the record, spell your last name, and provide your testimony.

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

Items on the consent agenda are considered 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. June 7, 2021, Regular Meeting Minutes.

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

1. **Resolution PC 21-14**, A Conditional Use Permit in accordance with MSB 17.30—Conditional Use Permit (CUP) for Earth Materials Extraction Activities, for the extraction of approximately 2,000,000 cubic yards of earth material from a 105-acre site within a 160-acre parcel, located within Township 17 North, Range 2 West, Section 10, Tax Parcel C001; 17N02W10C001, Seward Meridian. Public Hearing: July 19, 2021 (Applicant: UMIAQ Environmental, on behalf of Colaska Inc. (dba QAP); Staff: Mark Whisenhunt).

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

V. COMMITTEE REPORTS

VI. AGENCY/STAFF REPORTS

VII. LAND USE CLASSIFICATIONS

- A. **Resolution PC 21-13**, A Resolution Of The Matanuska-Susitna Borough Planning Commission Approval Of The Land Classification Of Certain Borough-Owned Lands Proposed For Inclusion In Future Land Sales And One Parcel For Public Retention And Forwarding Recommendation To The Matanuska-Susitna Borough Assembly For Approval (MSB007737) (Staff: Nancy Cameron, Land Management Agent).

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

(None)

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

X. PUBLIC HEARING: LEGISLATIVE MATTERS

- A. **Resolution PC 21-12**, A Resolution Of The Matanuska-Susitna Borough Planning Commission Requesting The Assembly Adopt And Fund A Transportation Infrastructure Package That Includes Projects Listed In The MSB Long Range Transportation Plan (LRTP), The MSB Official Streets And Highways Plan (OSHP), The MSB/MSBSD Safe Routes To Schools Plan And To Complete The Projects Approved By Voters In The 2013 & 2018 Bond Packages, As Well As Other Prioritized Projects, All Of Which Will Reduce Traffic Congestion, Support Economic Development, Improve Connectivity, Enhance Pedestrian And Vehicle Safety, Increase Reliability, And Provide Transportation Choices For Residents (Staff: Kim Sollien, Planning Services Manager and Brad Sworts, Pre-Design and Engineering Division Manager).

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

- A. Upcoming Planning Commission Agenda Items

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (*Mandatory Midnight*)

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

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MINUTES

June 7, 2021

(Pages 5-10)

MINUTES

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
June 7, 2021**

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on June 7, 2021, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Chair Colleen Vague.

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

Planning Commission members present and establishing a quorum:

Vacant, Assembly District #2
Ms. Patricia Chesbro, Assembly District #3
Ms. Colleen Vague, Assembly District #4, Chair
Mr. Chris Elder, Assembly District #5
Mr. Stafford Glashan, Assembly District #6
Mr. Sassan Mossanen, Assembly District #7*

Planning Commission members absent:

Ms. Mary Anderson, Assembly District #1, Vice-Chair

Staff in attendance:

Mr. Alex Strawn, Planning & Land Use Director
Ms. Denise Michalske, Assistant Borough Attorney
Ms. Peggy Horton, Planner II
Ms. Karol Riese, Planning Commission Clerk

*Indicates that the individual attended telephonically.

II. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Peggy Horton.

IV. CONSENT AGENDA

A. Minutes

1. May 17, 2021, regular meeting minutes

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
(None)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

1. **Resolution PC 21-12**, A Resolution Of The Matanuska-Susitna Borough Planning Commission Requesting The Assembly Adopt And Fund A Transportation Infrastructure

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
June 7, 2021**

Package That Includes Projects Listed In The MSB Long Range Transportation Plan (LRTP), The MSB Official Streets And Highways Plan (OSHPP), The MSB/MSBSD Safe Routes To Schools Plan And To Complete The Projects Approved By Voters In The 2013 & 2018 Bond Packages, As Well As Other Prioritized Projects, All Of Which Will Reduce Traffic Congestion, Support Economic Development, Improve Connectivity, Enhance Pedestrian And Vehicle Safety, Increase Reliability, And Provide Transportation Choices For Residents (Staff: Kim Sollien, Planning Services Manager and Brad Sworts, Pre-Design and Engineering Division Manager).

GENERAL CONSENT: The consent agenda was approved without objection.

V. COMMITTEE REPORTS

(There were no committee reports.)

VI. AGENCY/STAFF REPORTS

(There were no Agency/Staff Reports.)

VII. LAND USE CLASSIFICATIONS

(There were no land use classifications.)

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

(There were no persons to be heard.)

Recess at 6:05 p.m.

Resumed at 6:16 p.m.

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

- A. **Resolution PC 21-11**, A Conditional Use Permit Modification In Accordance With MSB 17.70 - Regulation of Alcoholic Beverage Uses; Allowing For The Expansion Of The Beverage Dispensary (Bar And Beer Garden) Associated With Moonstone Farm At 2141 S. Church Street; Tax ID #17N01E16C012; Within Township 17 North, Range 1 East, Section 16, Seward Meridian (Applicant: Michelle Church dba Moonstone Farm; Staff: Peggy Horton).

Chair Vague read the resolution title into the record.

Ms. Horton provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:

- ABC Board for Inspection of changes and Fire Marshall review

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

Ms. Church, applicant, stated that he had nothing further to add and would answer questions.

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
June 7, 2021**

The Fire Marshall is waiting for a report from electrician's then the Fire Marshall will come out and do an inspection. The ABC board, will do a final inspection before they initial (no

Commissioners questioned the applicant regarding:
(none)

Chair Vague opened the public hearing.

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

MOTION: Commissioner Chesbro moved to approve Resolution PC 21-11. The motion was seconded.

Discussion ensued

VOTE: The main motion passed without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS
(There were no legislative public hearings.)

XI. CORRESPONDENCE AND INFORMATION
(There was no correspondence and information.)

XII. UNFINISHED BUSINESS
(There was no unfinished business.)

XIII. NEW BUSINESS - (There was no new business.)

XIV. COMMISSION BUSINESS

- A. Adjudicatory
- B. Upcoming Planning Commission Agenda Items (Staff: Alex Strawn)
(Commission Business was presented, and no comments were noted.)

XV. DIRECTOR AND COMMISSIONER COMMENTS

Mr. Strawn: Advised the Commission that Jason Ortiz accepted the position of Development Services Manager.

Commissioner Mossanen: Congratulations to former Commissioner Ortiz. We will have to make sure not to miss any meetings.

Commissioner Elder: Congratulation to Mr. Ortiz.

Commissioner Glashan: Welcome back!

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
June 7, 2021**

XVI. ADJOURNMENT

The regular meeting adjourned at 6:28 p.m.

COLLEEN VAGUE, Planning Commission
Chair

ATTEST:

KAROL RIESE, Planning Commission Clerk

Minutes approved: _____

INTRODUCTION FOR PUBLIC HEARING LEGISLATIVE

Resolution No. PC 21-14

Condition Use Permit for Earth Materials Extraction

UMIAQ Environmental, on behalf of Colaska Inc.

dba QAP

(Pages 11-46)

INTRODUCTION FOR PUBLIC HEARING

**MATANUSKA-SUSITNA BOROUGH
APPLICATION FOR A CONDITIONAL USE PERMIT
FOR EARTH MATERIALS EXTRACTION**

937 SOUTH SYLVAN ROAD, WASILLA

FEBRUARY 22, 2021

CONTENTS:

APPLICATION

PERMIT FEE CHECK

ATTACHMENT A: SITE DEVELOPMENT PLAN, FIGURES 1-6

ATTACHMENT B: LANDOWNER PERMISSION

ATTACHMENT C: STATE OF ALASKA MATERIAL SITE RECLAMATION PLAN



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

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

Email: permitcenter@matsugov.us

APPLICATION FOR A CONDITIONAL USE PERMIT FOR EARTH MATERIALS EXTRACTION – MSB 17.30

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

THIS APPLICATION IS FOR MATERIALS EXTRACTION THAT **DOES NOT** OCCUR WITHIN FOUR FEET OF THE SEASONAL HIGH WATER TABLE. IF YOUR PLAN INCLUDES EXTRACTION WITHIN FOUR FEET OF THE SEASONAL HIGH WATER TABLE YOU MUST COMPLETE THE APPLICATION SPECIFIC TO THAT PURPOSE.

Application fee must be attached, check one:

☐ \$500 for Administrative Permit (Less than two years **or** less than 7,000cy annually)

☒ \$1,000 for Conditional Use Permit (More than two years **and** more than 7,000cy annually)

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

Subject Property: Township: 17N, Range: 02W, Section: 10, Meridian: Seward
MSB Tax ID# 17N02W10C001

SUBDIVISION: _____ BLOCK(S): _____, LOT(S): C1

STREET ADDRESS: _____

FACILITY / BUSINESS NAME: COLASKA INC. (QAP)

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

Alaska Mental Health Trust Authority

Mailing: 2600 Cordova Street

Anchorage, AK 99503

Phone: Hm _____ Fax _____

Wk (907) 269-8658 Cell (907) 269-8657

E-mail Hollie.chalup@alaska.gov

Name of Agent / Contact for application

UMIAQ Environmental

Mailing: 6700 Arctic Spur Road

Anchorage, AK 99518

Phone: Hm _____ Fax _____

Wk (907) 677-8288 Cell (907) 952-7807

E-mail Emily.McDonald@UICCS.com

Description What type(s) of material is being extracted? Sand and gravel

Total acreage area of all parcels on which the activity will occur: 160 acres

Total acreage area of earth material extraction activity: 105 acres

Total cubic yards extraction per year: 50,000 cubic yards

Total projected cubic yards to be extracted: 2,000,000 cubic yards

What is the estimated final year extraction will occur? 2041

Required information

1. Attach a plan of sufficient detail to demonstrate compliance with the requirements of MSB 17.28.050 and MSB 17.28.060.

Plan of Operation	Attached
Provide seasonal start and end dates	✓
Provide days of the week operations will take place.	✓
Provide hours of operation.	✓
Estimated end date of extraction	✓
Estimated end date of reclamation	✓
Describe all other uses occurring on the site	✓
Describe methods used to prevent problems on adjacent properties, such as lateral support (steep slopes), water quality, drainage, flooding, dust control and maintenance of roads; how will the operation monitor the seasonal high water table to stay at least four feet above it	✓
Provide quantity estimates and topographical information such as cross section drawings depicting depth of excavation, slopes and estimated final grade	✓

2. Submit a site plan. Drawings must be detailed and **drawn to scale**. Drawings under seal of an engineer or surveyor are recommended but not required.

SITE PLAN REQUIREMENTS	Attached
Identify location of permanent and semi-permanent structures on the site for verification of setback requirements. Include wells and septic systems.	✓
Depict buffer areas, driveways, dedicated public access easements, and noise buffers (such as fences, berms or retained vegetated areas), and drainage control such as ditches, settling ponds etc.	✓
Identify wetlands and waterbodies on site and within one mile	✓
Identify existing surrounding land uses within one mile	✓
Identify surrounding property ownership (i.e. public vs. private) within one mile of exterior boundaries	✓
Show entire area intended for gravel/material extraction activity and the boundary of the lot(s) containing the operation. Identify areas used for past and future phases of the activity. Identify phases of proposed mining activities including a map showing the area to be mined, a description of the topography and vegetation, approximate time sequence for mining at particular locations, and general anticipated location of semi-permanent equipment such as conveyor belts, crushers, dredges, batch plants, etc.	✓

Road and access plan that includes anticipated routes and traffic volumes. If the level of activity exceeds the minimum levels specified in MSB 17.61.090, traffic standards, a traffic control plan consistent with state regulations may be required	✓
Visual screening measures that include a detailed description of the type of visual screening to be utilized. Visual screening may include, but is not limited to, berms, natural vegetation, solid fences, walls, evergreen hedges or other means as approved by the commission	✓
Noise mitigation measures that include a description of measures to be taken by the applicant to mitigate or lessen noise impacts to surrounding properties. Measures shall include, but not be limited to, hours of operation of noise-producing equipment, erecting noise barriers (i.e., berms a minimum of 10 feet in height) between noise-producing equipment and adjacent uses, location of noise-producing equipment (i.e., below grade in excavated pit areas), and measures to utilize equipment with noise reduction features	✓
Proposed lighting plan	✓
Other (as required by MSB Planning Department)	

3. Submit a reclamation plan including the following:

Reclamation Plan	Attached
Provided timeline for reclamation at particular locations and that is in compliance with MSB 17.28.067	✓
Provide copy of reclamation financial assurance filed with the State of Alaska (If exempt, provide qualifying documents for exemption)	✓

4. Submit documentation of compliance with borough, state and federal laws:

COMPLIANCE WITH BOROUGH, STATE AND FEDERAL LAWS	Applied for (list file #)	Attached (list file #) or N/A
Mining license as required by the Alaska State Department of Revenue, pursuant to A.S.42.65	✓	Attachment C
Mining permit as required by the Alaska State Department of Natural Resources (ADNR) if extraction activities are to take place on state land	✓	N/A
Reclamation plan as required by ADNR, pursuant to A.S. 27.19	✓	Attachment C
Notice of intent (NOI) for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Environmental Protection Agency (EPA) pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements	✓	
United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity is to take place within wetlands, lakes and streams.		N/A
Other (Such as, driveway / access permits. List as appropriate.)		

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

MSB Tax account #(s) 17N02W10C001 and, I hereby apply for approval of conditional use permit for earth material extraction activities on the property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.28, MSB 17.30 and with all other applicable borough, state and federal laws, including but not limited to, air quality, water quality, and use and storage of hazardous materials, waste and explosives, per MSB 17.30.055.

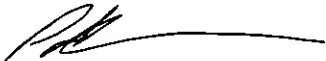
I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorizations may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, 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 may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to operators on this property, and to the buyer when I sell the land. Additionally, I agree to comply with 17.30.120 Transfer of Conditional Use Permit, in the event this permit is transferred to a subsequent property owner.

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, and at other times necessary to monitor compliance.

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

	Patrick Cummins, QAP, For AMHTA	February 19, 2021
Signature: Property Owner	Printed Name	Date

	Emily McDonald	February 19, 2021
Signature: Agent	Printed Name	Date



April 7, 2021

Matanuska-Susitna Borough
Development Services

APR 9 2021

Received

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, AK 99645

Re: Conditional Use Permit Application – Response to Request for Required Information
Tax ID 17N02W10C001 (160-Acre Parcel, No address)

Dear Mr. Whisenhunt:

In response to your letter dated March 23, 2021 requesting information to process QAP's Conditional Use Permit application for earth materials extraction at the parcel identified above, please see information requested below, and attached updated site development plan narrative and figure packet. Also included for your use is the MS Word document of the narrative, with tracked changes from the original submittal.

1. Our data indicates there are more wetlands to consider on the subject property – see attached map. Please address this topic in the narrative and site plan.
Cook Inlet wetlands as identified by the Mat-Su Borough have been updated in the development plan narrative, added to the Site Plan (Figure 2), and the Wetlands Map (Figure 4).

2. There appears to be 50-foot section line easements along the west and south lot lines. They are not shown or considered in the proposed use. The easements will likely change the acreage of the proposed mining area listed on the application, narrative, and site plan. The section line easements have been added to the west and south lot lines of the Site Plan. The acreage of the proposed mining area has been updated in the narrative.

3. A driveway permit is required for the proposed access. Will the Sylvan access be the only site access for the proposed use?
Sylvan Road is proposed as the only access to the property. QAP has begun work on the driveway permit application and submittal is pending.

4. Provide detailed information showing how the access will be designed to prevent trucks from using the oncoming lane to enter the roadway.
Section 1.0 of the attached narrative, second paragraph, has been updated to include:
Proposed driveway access located on the northwestern corner of the parcel is approximately 30 feet in width to accommodate safe entry and exit of haul trucks and vehicles. The driveway will be angled to allow haul trucks to enter the roadway without crossing into the oncoming traffic lane, while ensuring driver line of sight to the south.

5. The 25-foot vegetated buffer along the east and west property line is insufficient visual screening/noise mitigation. For areas being mined within 300 feet of the property line, an

Mat-Su Borough
7 April 2021
Page 2

earthen berm, wall, or the like shall be at least 10 feet in height.
An earthen berm has been added to the Site Plan on all sides of the material source.

6. Please provide the estimated final depth of extraction.
Section 1.0 of the attached narrative, final paragraph, has been edited to read:
Depth to water table will be measured two or more times annually using test holes near proposed extraction areas to ensure extraction depth remains a minimum of four feet above the seasonal high water table. Test holes advanced to approximately 10-15 feet below ground surface did not encounter water. Local well data has been reviewed for this location, and the estimated depth of extraction is anticipated to be 20-30 feet below ground surface. Excavation depth will vary across the parcel in response to subsurface conditions and to ensure efficiency of gravel operation.

7. Clarify the proposed traffic generation. One truck load (a.k.a. "round trip," entering the site and then exiting) is two trips. So 500 loads would equal 1,000 trips.
Section 2.0 of the attached narrative has been updated to include:
Traffic from gravel haul will not be continuous; it will instead be seasonal and project-specific. There is potential for occasional local demand requiring a large haul out of approximately 500 trucks, or 1000 trips, a day. This is not the average but the anticipated maximum.

8. Please provide more details on the proposed noise mitigation measures. See MSB 17.28.060(A)(5).
Section 2.0 of the attached narrative has been edited to read:
Noise mitigation measures include a 10-foot tall earthen berm constructed around the perimeter of the material site. Property line easements and wetlands setback areas will remain vegetated and undisturbed to provide noise dampening to adjacent properties. The hours of operations for rock crushing and screening activities will be limited to the hours of 7am – 7pm to reduce noise to mitigate noise impacts to surrounding properties. This project will supply gravel for Alaska Department of Transportation and Public Facilities (ADOT) community roadways, and follow project-specific specifications for gravel haul, determined by the State for the safety and convenience of the public. QAP will utilize equipment with noise reduction features including proximity backup alarms, activated only when objects are within proximity of equipment sensor while backing.

9. Site Plan:
a. The mining boundary is not clear.
The Site Plan has been updated to clarify mining boundary.
b. Show phases and the estimated timeline for mining the phases.
The Site Plan has been updated to include proposed phases, and Section 1.0 of the attached narrative has been edited to read:
Extraction is proposed in four phases. Phase 1 encompasses approximately 34 acres, and Phase 2 is approximately 32 acres. The exact acreage will be confirmed after delineation of wetlands and wetlands setback. Phases 1 and 2 are anticipated to take one year each, with 50,000 cy being extracted in that time. Phases 1 and 2 will provide gravel for Parks Highway upgrades.

Upon completion of extraction in Phases 1 and 2, Phase 3 will be opened for extraction. Access to Phases 3 and 4 may require a second Sylvan Road driveway access, south of the intersection with West Sun Ridge Circle, to ensure wetlands remain undisturbed. The need for a second driveway will be determined after field-verification of property wetlands by a professional wetlands

Mat-Su Borough
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Page 3

scientist and delineation of 100' wetlands setback. Should a second driveway be required, only one driveway will be utilized for gravel haul at a time.

Phase 3 encompasses approximately 24 acres. Approximately 10,000 cy of gravel will be extracted annually for an estimated 5 years or until available resource is depleted. Phase 4 encompasses approximately 15 acres, and extraction is proposed in a similar fashion to phase 3, with approximately 10,000 cy extracted annually for an estimated 3 years or until available resource is depleted. Market conditions and planned projects will dictate demand. Annual extraction amounts in Phases 3 and 4 may increase to accommodate community infrastructure projects.

c. Provide anticipated haul routes.

The Site Plan has been updated to include anticipated haul routes.

Thank you for your request and assistance with obtaining wetlands data. Please do not hesitate to reach out if additional information or clarification is required. We look forward to getting on the hearing schedule.

Sincerely,

Emily McDonald
Environmental Specialist

Attachments: Site development plan narrative and figure packet

cc: Patrick Cummins, QAP

**APPLICATION FOR A CONDITIONAL USE PERMIT
FOR EARTH MATERIALS EXTRACTION**

Matanuska-Susitna Borough
Development Services

**937 S. SYLVAN ROAD, WASILLA
SITE DEVELOPMENT PLAN**

APR 9 2021

Received

The following information is an attachment to an application for Earth Materials Extraction activities under Matanuska-Susitna (Mat-Su) Borough 17.30, Conditional Use Permit. Figures 1-6 are included to accompany the application.

Location

The project site is located on the East side of S. Sylvan Road (Rd.) approximately 1/2 mile south of the Parks Highway, in Wasilla, Alaska. See location map, Figure 1. This plan applies to the following parcels of land:

- ❖ MTRS: Seward, T17N, R02W, Section 10
- ❖ Tax ID: 17N02W10C001
- ❖ Parcel ID# 45743

Landowner Information

The landowner is the Alaska Mental Health Trust Authority (AMHTA) who has leased the property to Colaska, Inc., doing business as QAP, for purposes of material extraction. Attached please find a letter from AMHTA authorizing QAP to apply for and acquire permits or authorizations from the Mat-Su Borough for purposes of lawfully conducting material mining on the subject parcel (Attachment B)

1.0 Plan of Operation (MSB 17.28.050 & MSN 17.28.060)

The site of the proposed S. Sylvan Road material source is 160 acres, and is currently undeveloped. Vegetation at the site includes mixed spruce forest, birch, and cottonwood. The site is relatively flat with approximately 50 feet of relief. See topographic map, Figure 2. The site is bounded by residential properties to the North, South, and East. To the West is a mix of residential and commercial properties. No other uses are planned to occur on site.

Access to the site is currently a trail from S. Sylvan Road. Development of a driveway access onto S. Sylvan Road is proposed, and a driveway permit application is in development. The driveway would be gated and locked to prevent unauthorized access into the material source. Proposed driveway access located on the northwestern corner of the parcel is approximately 30 feet in width to accommodate safe entry and exit of haul trucks and vehicles. The driveway will be angled to allow haul trucks to enter the roadway without crossing into the oncoming traffic lane, while ensuring driver line of sight to the south.

Dust will be managed by spraying roads and travelled areas with a water truck as needed, and by implementing a site-specific Storm Water Pollution Prevention Plan (SWPPP). The side slopes and floor of the material source will be graded such that storm water and sediments

do not run off site. Limited snow plowing during winter months may take place but is not anticipated.

Current and near-future work requiring sand and gravel on the Parks Highway is the demand for development of the S. Sylvan Road material source. Site clearing and extraction is scheduled to begin in spring 2021, pending receipt of permits.

Operations at the material source will be concentrated between March and October, but may occur year-round, 24-hours per day, and 7 days a week to accommodate project needs. State highway projects commonly schedule construction to occur at night to minimize traffic and safety impacts. Crushing and screening operations will be limited to 7am - 7pm.

Prior to beginning extraction at a phase, each face will be stripped of organics and surface soils. Overburden will be stored on site on non-expandable slopes and used as needed for reclamation. The general sequence of events proposed at the material source is as follows:

1. Take photographs of the site.
2. Survey and locate property corners.
3. Set grade stakes for excavation.
4. Set up construction signs.
5. Grub & stockpile overburden.
6. Begin excavation using an excavator and loaders.
7. Continue the process until sand and gravel is removed.
8. Reclamation.
9. Remove construction signs
10. Take photographs of reclaimed area.

An estimated two million (cy) of usable material is on site, to be confirmed based on subsurface conditions. A cross-section survey will be used to compute the quantity of material removed and replaced. Extraction is proposed in four phases. Phase 1 encompasses approximately 34 acres, and Phase 2 is approximately 32 acres. The exact acreage will be confirmed after delineation of wetlands and wetlands setback. Phases 1 and 2 are anticipated to take one year each, with 50,000 cy being extracted in that time. Phases 1 and 2 will provide gravel for Parks Highway upgrades.

Upon completion of extraction in Phases 1 and 2, Phase 3 will be opened for extraction. Access to Phases 3 and 4 may require a second Sylvan Road driveway access, south of the intersection with West Sun Ridge Circle, to ensure wetlands remain undisturbed. The need for a second driveway will be determined after field-verification of property wetlands by a professional wetlands scientist and delineation of 100' wetlands setback. Should a second driveway be required, only one driveway will be utilized for gravel haul at a time.

Phase 3 encompasses approximately 24 acres. Approximately 10,000 cy of gravel will be extracted annually for an estimated 5 years or until available resource is depleted. Phase 4 encompasses approximately 15 acres, and extraction is proposed in a similar fashion to phase 3, with approximately 10,000 cy extracted annually for an estimated 3 years or until available resource is depleted. Market conditions and planned projects will dictate demand. Annual

extraction amounts in Phases 3 and 4 may increase to accommodate community infrastructure projects.

Reclamation will occur annually in practical locations where mining operations are complete, and at the end of each phase. The final year of mining is anticipated to be 2041, and final reclamation of the site will be completed at that time.

Adjacent properties will be separated by a vegetated 25-foot property line setback and 10' tall earthen berm on all sides. A 100-foot setback from wetlands and waterways will remain undisturbed in accordance with Mat-Su Borough Code 17.28.070. Section line easements, 50-foot in width along the west and south property boundaries, will remain open and access will not be restricted. The mining area includes portions of section line easements that are not within property line setbacks, and inside of the earthen berm.

QAP is experienced at monitoring the seasonal high water table in this region. Depth to water table will be measured two or more times annually using test holes near proposed extraction areas to ensure extraction depth remains a minimum of four feet above the seasonal high water table. Test holes advanced to approximately 10-15 feet below ground surface did not encounter water. Local well data has been reviewed for this location, and the estimated depth of extraction is anticipated to be 20-30 feet below ground surface. Excavation depth will vary across the parcel in response to subsurface conditions and to ensure efficiency of gravel operation.

2.0 Site Plan

The proposed site plan is included on Figure 3. Wetlands and waterbodies within one mile of the site are shown on Figure 4. Property ownership and use within one mile of the site are shown on Figure 5. All easement information is from MSB tax maps. No utilities are known to exist on the parcel.

Development of the site does not include any permanent structures. A portable asphalt plant and/or portable aggregate crushing plant may be temporarily setup on timber and block footings. A portable job office trailer and trucks scales may also be utilized temporarily on site. Power will be provided by a temporary transformer for the portable asphalt plant and office trailer by Matanuska Electric Association (MEA). Portable structures will be removed prior to vacating the property.

Setbacks from property lines (25 feet) and field-verified wetlands (100 feet) will be marked, and extraction will not occur in setback areas. Section line easements, 50-foot in width along the west and south property boundaries, will remain open and access will not be restricted. The mining area encompasses approximately 105 of the parcel's 160 acres.

Vehicle traffic on and off the site will consist of employee vehicles and haul trucks. Traffic from gravel haul will not be continuous; it will instead be seasonal and project-specific. There is potential for occasional local demand requiring a large haul out of approximately 500 trucks, or 1000 trips, a day. This is not the average but the anticipated maximum. Traffic generated will comply with Mat-Su Borough Code 17.61.090, Traffic Standards. Equipment to be used in mining includes, but is not limited to:

- Caterpillar D8 Dozer
- Caterpillar D10 Dozer
- Hitachi ZX450 Excavator
- Caterpillar 980 Loader
- Caterpillar 988 Loader
- Water Truck
- Caterpillar 14 Grader

Visual screening measures proposed include a 10-foot tall earthen berm constructed around the perimeter of the material site to provide cover to adjacent residential properties. In addition, property line setback and wetlands setback areas will remain vegetated and will provide visual screening through woody brush.

Noise mitigation measures include a 10-foot tall earthen berm constructed around the perimeter of the material site. Property line easements and wetlands setback areas will remain vegetated and undisturbed to provide noise dampening to adjacent properties. The hours of operations for rock crushing and screening activities will be limited to the hours of 7am – 7pm to reduce noise to mitigate noise impacts to surrounding properties. This project will supply gravel for Alaska Department of Transportation and Public Facilities (ADOT) community roadways, and follow project-specific specifications for gravel haul, determined by the State for the safety and convenience of the public. QAP will utilize equipment with noise reduction features including proximity backup alarms, activated only when objects are within proximity of equipment sensor while backing. Operations will comply with the maximum permissible sound level limits allowed in MSB Code, per the requirements of MSB 17.28.060 – Site Development Standards and MSB 8.52 – Noise, Amplified Sound, and Vibration.

Mining will take place primarily from March to October when natural light is abundant and need for additional lights is minimal. However, lightplants will be utilized to illuminate mining activities when needed. All lightplants will be directed onto the work at hand and focused away from roadways and residences.

3.0 Reclamation Plan

Overburden encountered during mining will be stockpiled on non-expandable slopes and used for reclamation. Reclamation will occur annually in practical locations where mining operations are complete and upon completion of each phase. Completion of extraction at the material source is anticipated in 2041. When extraction activities have been completed final reclamation will begin.

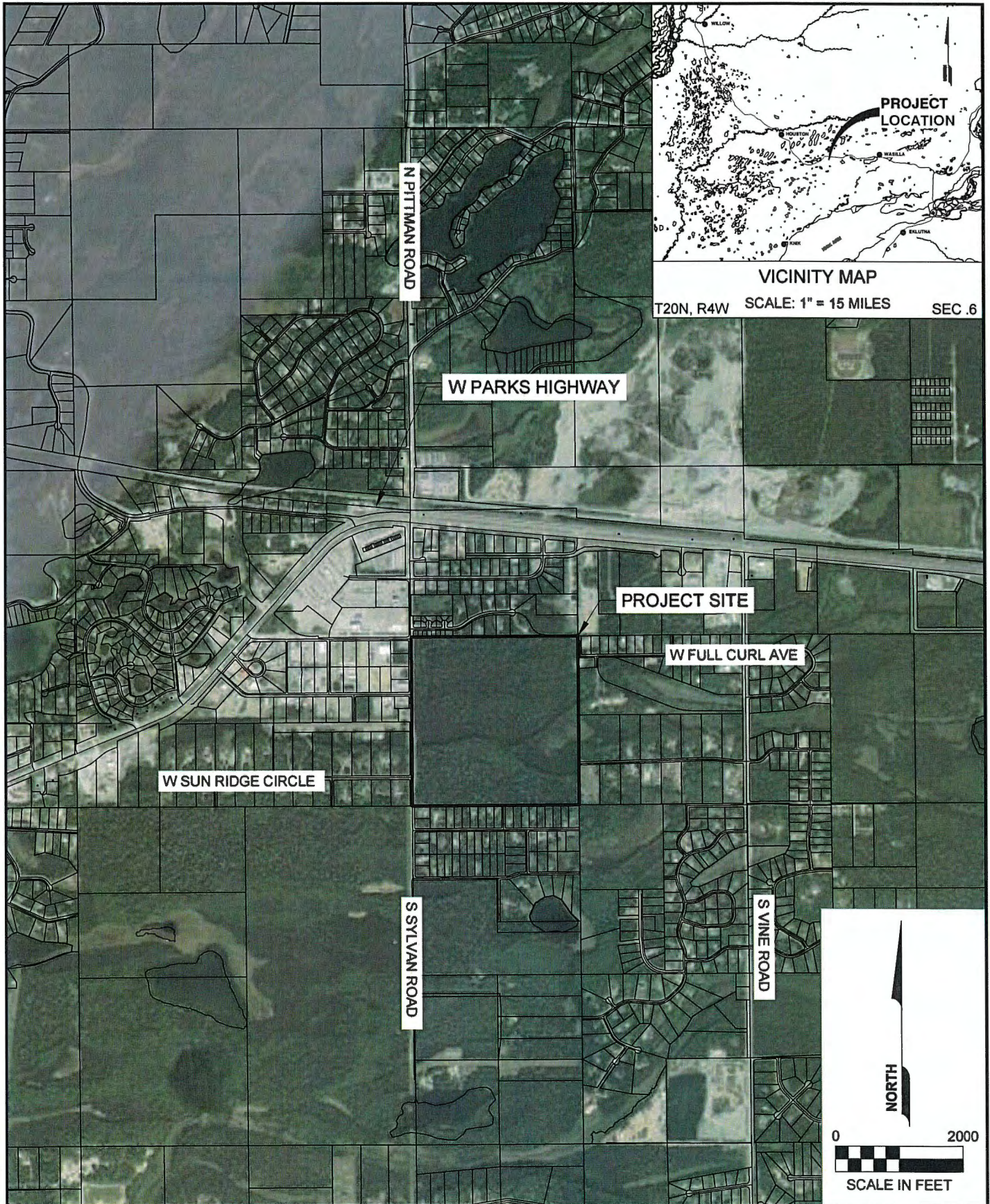
Final reclamation will include grading of slopes to be 2H:1V or flatter, and track walking to minimize erosion. Slopes and disturbed areas will be seeded with Alaska certified seeds. Please see the typical reclamation section, Figure 6. A copy of the reclamation financial assurance filed with the State of Alaska is attached to this application (Attachment C).

4.0 Compliance with Borough, State, and Federal Laws

Attached please find the Material Site Reclamation Plan submitted to the State of Alaska (Attachment C). The Alaska Department of Natural Resources (ADNR) permit is pending. A site-specific SWPPP will be developed and implemented, and a NOI will be submitted for coverage under the appropriate Alaska Pollutant Discharge Elimination System (APDES) permit. Material extraction is not proposed in wetlands or waters of the United States, and therefore the project does not require a permit from the U.S. Army Corps of Engineers (USACE).

5.0 Summary and Phasing Plan Assumptions

Demand for gravel will be dictated by market conditions and planned community projects. Annual extraction amounts may increase or decrease to accommodate projects. Gravel haul may not occur for several years between phases, or occur only sporadically, until there is local demand for the gravel resource.

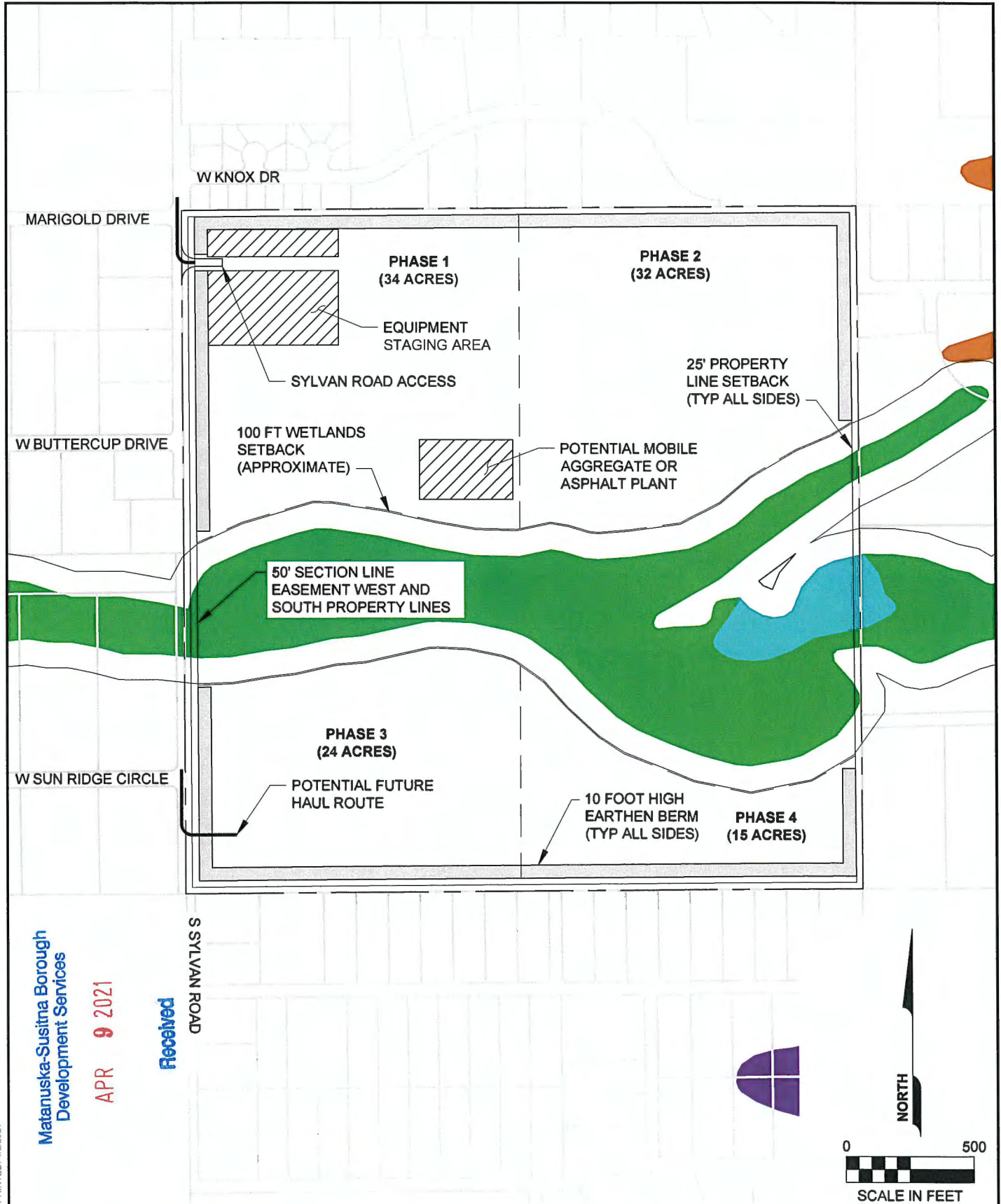


937 SOUTH SYLVAN ROAD CONDITIONAL USE PERMIT

LOCATION MAP

WASILLA, ALASKA

DATE:	03/26/2021	DRAWN BY:	SM	SHEET:	FIGURE 1
SCALE:	AS SHOWN	CHECKED BY:	EM	JOB No:	05-2019.01



Matanuska-Susitna Borough
Development Services

APR 9 2021

Received



937 SOUTH SYLVAN ROAD CONDITIONAL USE PERMIT

SITE PLAN

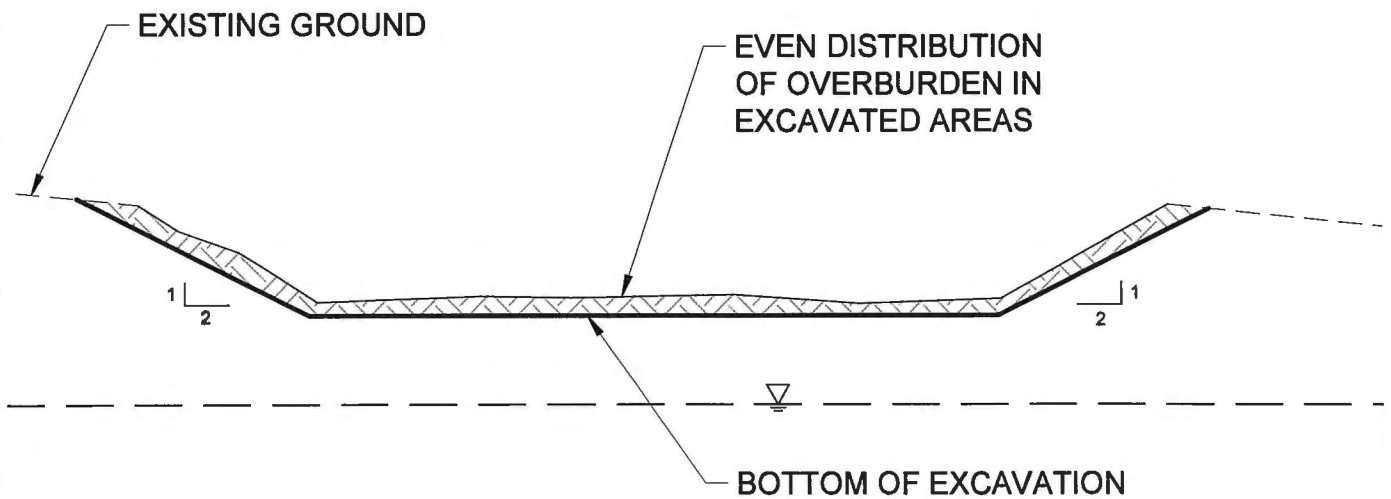
WASILLA, ALASKA

DATE:	03/26/2021	DRAWN BY:	SM	SHEET:	FIGURE 2
SCALE:	AS SHOWN	CHECKED BY:	EM	JOB No:	05-2019.01

Matanuska-Susitna Borough
Development Services

APR 9 2021

Received



1
FIG 3

TYPICAL RECLAMATION SECTION

SCALE: N.T.S.

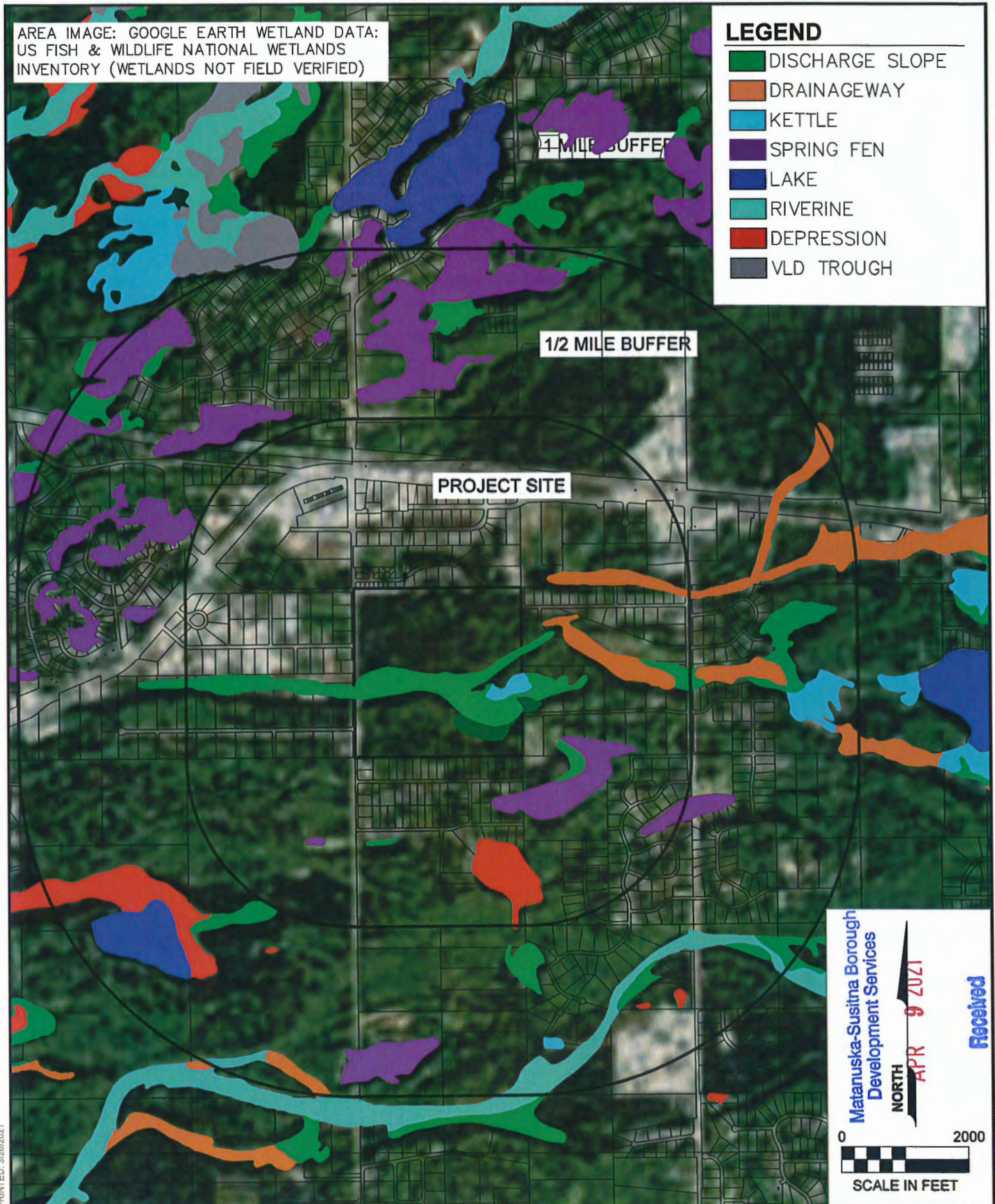


937 SOUTH SYLVAN ROAD CONDITIONAL USE PERMIT

RECLAMATION SECTION

WASILLA, ALASKA

DATE:	03/26/2021	DRAWN BY:	SM	SHEET:	FIGURE 3
SCALE:	AS SHOWN	CHECKED BY:	EM	JOB No:	05-2012.01

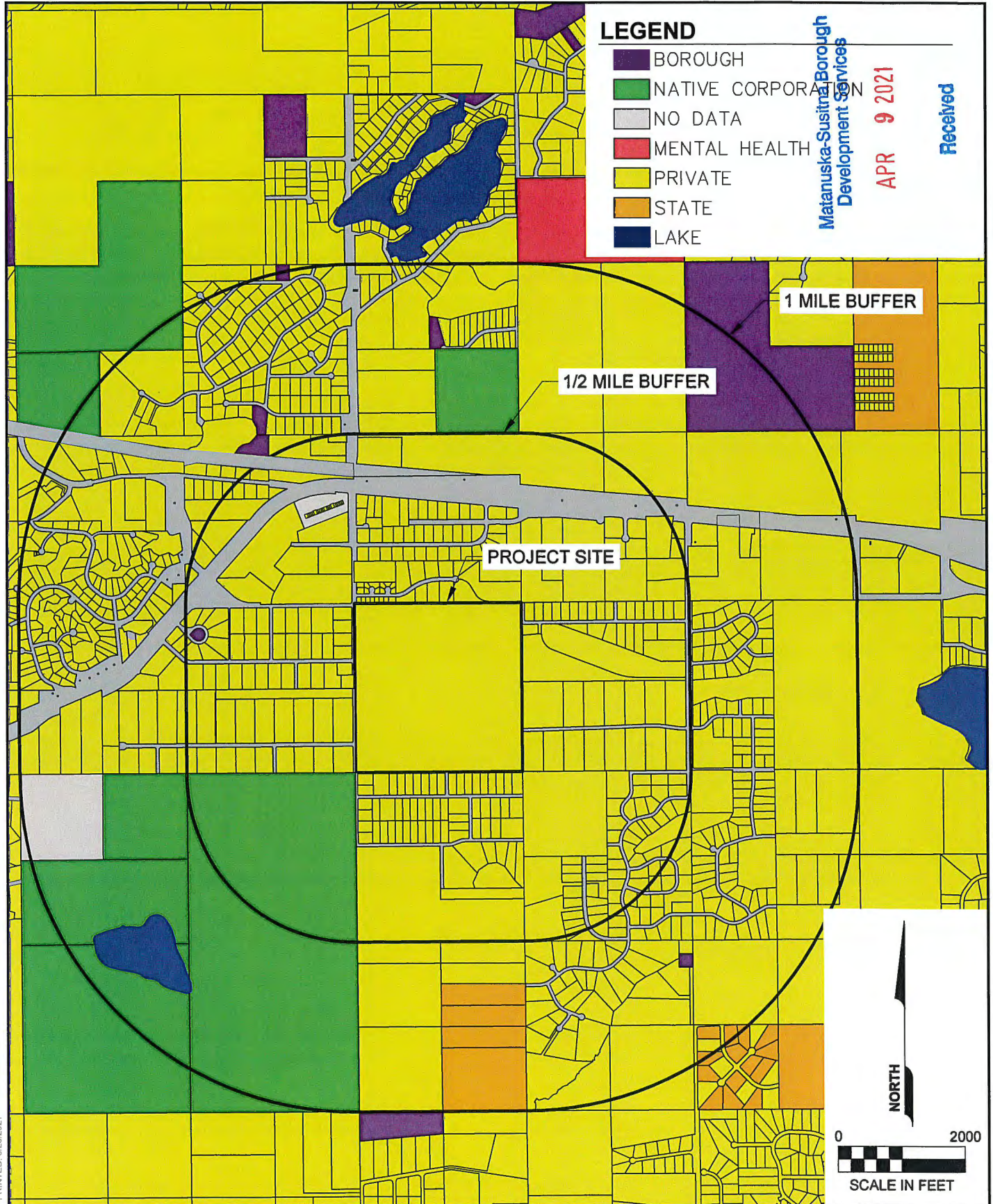


937 SOUTH SYLVAN ROAD CONDITIONAL USE PERMIT

WETLANDS

WASILLA, ALASKA

DATE:	03/26/2021	DRAWN BY:	SM	SHEET:	FIGURE 4
SCALE:	AS SHOWN	CHECKED BY:	EM	JOB No:	05-2019.01



Matanuska-Susitna Borough
Development Services

APR 9 2021

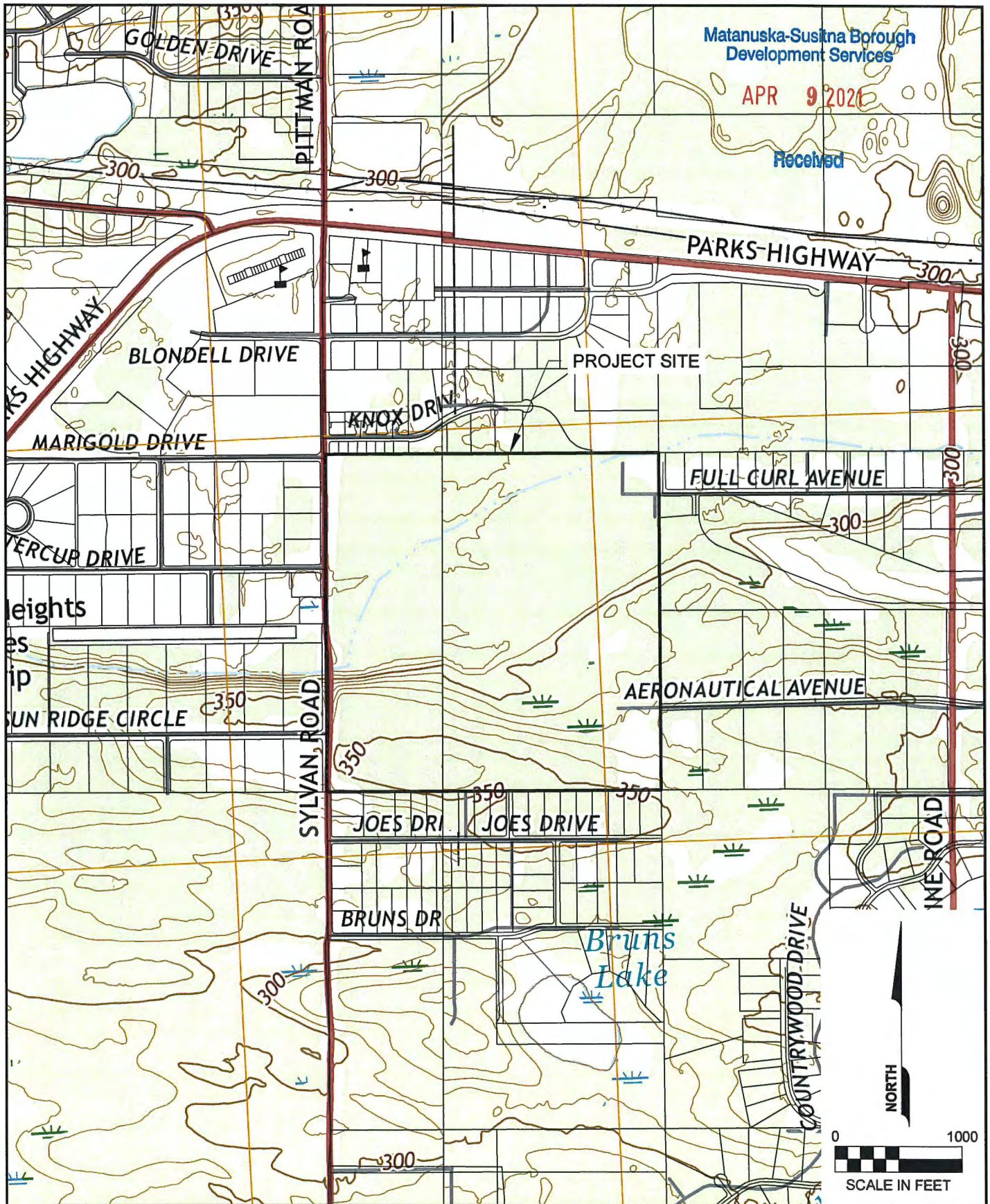
Received



937 SOUTH SYLVAN ROAD CONDITIONAL USE PERMIT
PROPERTY OWNERSHIP AND USE
WASILLA, ALASKA

DATE:	03/26/2021	DRAWN BY:	SM	SHEET:	FIGURE 5
SCALE:	AS SHOWN	CHECKED BY:	EM	JOB No:	05-2019.01

FILE: 05-2019.01_Ownership.dwg PRINTED: 3/26/2021



937 SOUTH SYLVAN ROAD CONDITIONAL USE PERMIT

TOPOGRAPHIC MAP

WASILLA, ALASKA

DATE:	03/26/2021	DRAWN BY:	SM	SHEET:	FIGURE 6
SCALE:	AS SHOWN	CHECKED BY:	EM	JOB No:	05-2019.01

ATTACHMENT B: LANDOWNER PERMISSION



Trust
Land Office

2600 Cordova Street, Suite 201
Anchorage, AK 99503
Tel 907.269.8658
alaskamentalhealthtrust.org/trust-land-office/

February 17, 2021

Matanuska-Susitna Borough
Planning and Land Use Department
350 East Dahlia Avenue
Palmer, AK 99645

RE: Conditional Use Permit Application
937 S. Sylvan Road, Wasilla, Alaska
S017N002W10, Lot C1
MSB ID# 17N02W10C001

This letter serves as authorization for QAP whose address is 240 W. 68th Avenue, Anchorage, AK 99518, to apply for and acquire permits or authorizations from the Matanuska-Susitna Borough for purposes of lawfully conducting material mining on the above stated parcel, owned by the Alaska Mental Health Trust Authority. This authorization is contingent on the execution of a material sale contract between the Trust Land Office and QAP (MHT 9200764).

This letter also grants permission for Borough staff members to enter onto the property as needed to process this application and monitor compliance with respective authorizations issued by the Borough.

Thank you,

A handwritten signature in blue ink, appearing to read 'Hollie Chalup', written in a cursive style.

Hollie Chalup
Mineral & Energy Resource Manager
(907) 269-8657
Hollie.chalup@alaska.gov

CC: Patrick Cummins, QAP

ATTACHMENT C: STATE OF ALASKA MATERIAL SITE RECLAMATION PLAN AND BOND

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

☐ Northern Region
3700 Airport Way
Fairbanks, AK 99709
(907) 451-2740

☒ Southcentral Region
550 W 7th Ave., Suite 900C
Anchorage, AK 99501-3577
(907) 269-8552

☐ Southeast Region
400 Willoughby, #400
P.O. Box 111020 Juneau, AK 99801
(907) 465-3400
(907) 586-2954
soro@alaska.gov

MATERIAL SITE RECLAMATION PLAN OR
LETTER OF INTENT/ANNUAL RECLAMATION STATEMENT
AS 27.19.030 – 27.19.050

Receipt Type: 17

Non-refundable filing fee for reclamation plan: See current Director's Fee Order for applicable fees.

In accordance with Alaska Statute 27.19, reclamation is required of all mining operations, including sand and gravel extraction. Completion of this form will meet the law's requirements for a **reclamation plan** (see below for filing requirements; due date: at least 45 days before mining is proposed to begin; requires approval by the Division of Mining, Land and Water). Completion of this form will also serve as a **letter of intent** for operations exempt from the plan requirement (due date: before mining begins). No approval is required for a letter of intent, but a miner who files a letter of intent must, before December 31, file an **annual reclamation statement** (Section 8 of this form).

Check applicable box:

☒ A.. RECLAMATION PLAN (REQUIRED if the operation will disturb five or more acres this year, OR 50,000 cubic yards, OR if the operation has a cumulative disturbed area of five or more acres)

☐ B. RECLAMATION PLAN—VOLUNTARY (for an operation below limits shown in Box A but wanting to qualify for the statewide bonding pool)

☐ C. LETTER OF INTENT (less than five acres to be disturbed AND less than 50,000 cubic yards AND less than five acres unreclaimed area)
NOTE: A miner who files a letter of intent is also required to file an annual reclamation statement at the end of the year.

THIS RECLAMATION PLAN/LETTER OF INTENT IS FOR CALENDAR YEAR 2021-2031
(IF YOU CHECKED EITHER BOX A OR B ABOVE AND PROPOSE A MULTI-YEAR PLAN, STATE ALL YEARS COVERED.)

1. **MINER INFORMATION** (IF THERE IS MORE THAN ONE MINER, ATTACH A LIST OF THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ALL OTHER OWNERS, OPERATORS, OR LEASEHOLDERS OF THE MINING OPERATION)

Patrick S. Cummins

NAME OF MINER WHO WILL SERVE AS AGENT FOR NOTICE PURPOSES

240 W. 68th Avenue

ADDRESS (NOTIFY THE DEPARTMENT OF ANY LATER CHANGE OF ADDRESS)

Anchorage

AK

99518

907-522-2211

CITY

STATE

ZIP CODE

TELEPHONE

Alaska Mental Health Trust Authority, Trust Land Office, Ste 100, 2600 Cordova St., Anchorage, AK 99503

NAME OF LANDOWNER (IF OTHER THAN MINER) OR PUBLIC LAND MANAGEMENT AGENCY

FEDERAL OR STATE CASEFILE NUMBER (IF ANY) ASSIGNED TO THE SITE

- ☐ If extraction occurs within a flood plain, the reclamation activity shall reestablish a stable bed and bank profile such that river currents will not be altered and erosion and deposition patterns will not change.

NOTE: If you propose to use reclamation measures other than those shown above, or if the private landowner or public land manager of the site requires you to use stricter reclamation measures than those shown above, attach a list of those measures to this plan.

5. ALTERNATE POST-MINING LAND USE

- ☒ The mining site is public land. The land management agency's land use plan (if any) for post-mining land use is: _____
- ☐ The mining site is public land. As allowed by AS 27.19.030(b), I propose to reclaim it to the following post-mining land use: _____
- ☐ The mining site is private property. The private landowner plans to use it for the following post-mining land use: _____

6. ATTACHMENTS

- ☒ If the mining operation has additional owners, operators, or leaseholders not shown on p. 1 of this form, attach a list of their names, addresses, and telephone numbers.
- ☒ Attach a USGS map at a scale no smaller than 1:63,360 (inch to the mile) showing the general vicinity of the mining operation and the specific property to be mined. Option: If you checked Box C on the first page of this form and the mining site is adjacent to an airport or public highway, state the name of the airport or the name and milepost of the public highway.
- ☒ Attach a diagram of the mined area (this term includes the extraction site, stockpile sites, overburden disposal sites, stream diversions, settling ponds, etc.) and the mining operation as a whole (this term includes the roads you plan to build, your power lines, support facilities, etc.). Show and state the number of acres to be mined during the year. (If you checked Box A or B on the first page of this form and your plan covers more than one year, show each year's work.) Show the location corners or property boundaries of the site in relation to the reclamation work and any other areas affected by the operation.
- ☒ Attach a list of the equipment (type and quantity) to be used during the reclamation activity.
- ☒ A time schedule of events must be attached that includes dates and activities related to this reclamation plan.
- ☐ If the site is private land not owned by the miner, attach a signed, notarized statement from the landowner indicating the landowner's consent to the operation. The landowner may also use the consent statement to notify the department that the landowner plans a post-mining land use incompatible with natural revegetation and therefore believes that reclamation to the standard of AS 27.19.020 is not feasible.
- ☐ For those miners that are required to file an annual reclamation statement, attach photographs and/or videotapes dated and described as to location of the reclamation activity that was completed.
- ☐ If you propose to use reclamation measures other than those listed on this form, or if the private landowner or public land manager of the site requires you to use stricter reclamation measures, attach a list of those measures.

Operations Plan

January 2021

Land Owner:

State of Alaska
Alaska Mental Health Trust Authority
Trust Land Office
Suite 100 2600 Cordova St.
Anchorage, AK 99503

Contact:

Patrick Cummins
240 W. 68th Avenue
Anchorage, AK 99518
Phone (907) 522-2211

Location:

The project site is located on the East side of the S. Sylvan Rd. approximately ½ mile south of the Parks Highway at 937 S. Sylvan Rd. Wasilla, AK. This plan applies to the following parcels of land.

Legal Description:

Township 17 North, Range 2 West, Section 10, Seward Meridian, Lot C1
Mat-Su Borough Tax Parcel ID# 17N02W10C001

Purpose:

The purpose of this work is sand and gravel extraction and reclamation.

Site Description:

The property is 160 acres that are undeveloped. It is bounded by residential properties to the North, South, and East. To the West is mixed residential and commercial properties. The site consists of mixed spruce forest, birch, and cottonwood.

Access:

Current access is on a trail off S. Sylvan Rd. Planned access would be from S. Sylvan Rd. with a developed driveway. The driveway access would be gated and locked to restrict access when not in use.

Buildings and Structures:

There are currently no buildings on the site. Planned uses do not include any permanent structures. A portable asphalt plant and/or portable aggregate crushing plant may be temporarily setup on timber & block footings. A portable job office trailer and trucks scales may also be setup. All portable structures will be removed prior to vacating the property.

Power Source:

Power would be provided with a temporary transformer for the portable plants and office by MEA.

for extraction will be dependant on the market conditions. Reclamation will occur annually on non-expandable slopes after material extraction has ceased in an area. Reclamation of the final portion of the property is estimated to be completed by 2041.

Equipment used for Mining:

Anticipated equipment to be used in mining includes, but not limited to, the following.

1. Caterpillar D8 Dozer
2. Caterpillar D10 Dozer
3. Hitachi ZX450 Excavator
4. Caterpillar 980 Loader
5. Caterpillar 988 Loader
6. Water Truck
7. Caterpillar 14 Grader

Additional Information:

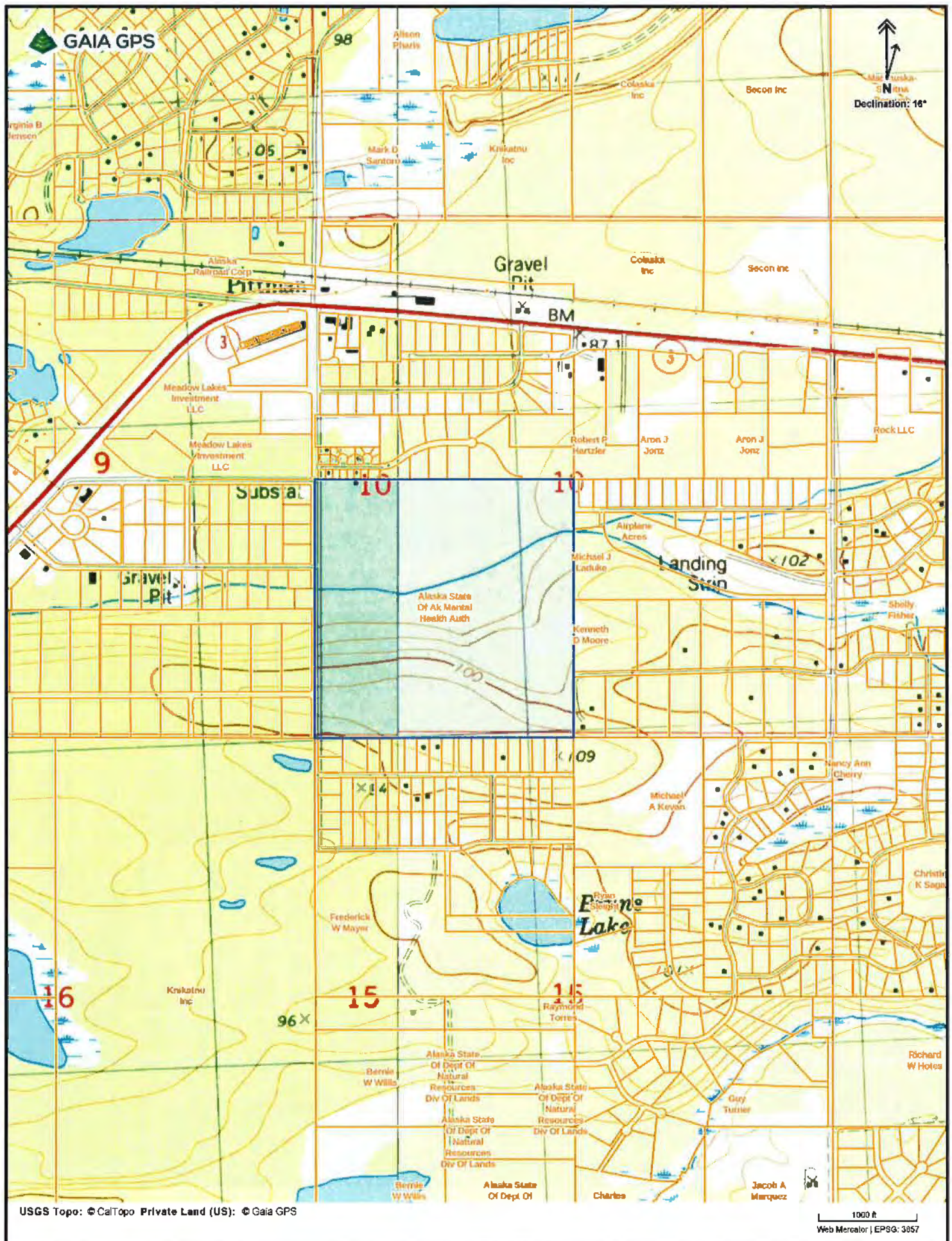
QAP will be mining approximately 144 of the 160 acres of land within the parcel. The depth of excavation will vary so as not to go within 4 feet of the seasonal high water table. Setbacks of 25 feet from property lines and 100 feet from wetlands and waterways will be maintained. All areas mined by QAP will be reclaimed using overburden. Reclamation will occur annually in practical locations where mining operations are complete.

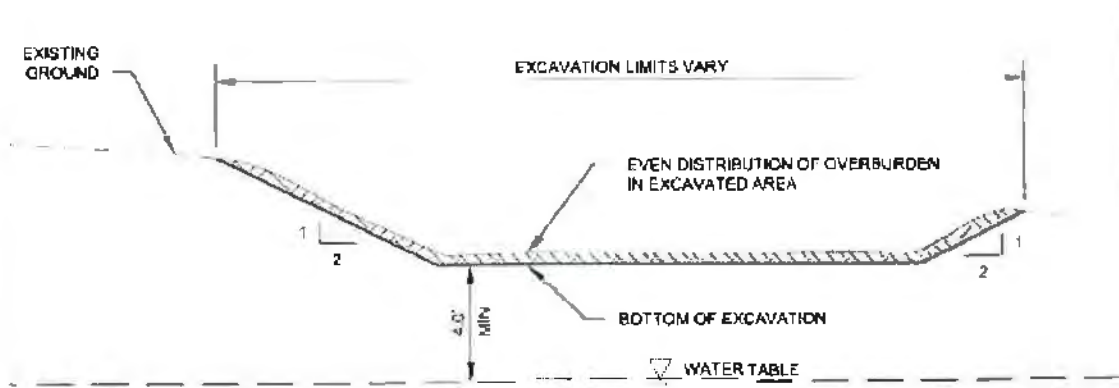
Reclamation:

Any overburden that is encountered during mining will be stockpiled on non-expandable slopes and used for reclamation. QAP will track walk the slopes and seed all disturbed areas. Certified seeds will be used. All slopes will be a 2H:1V or flatter.

Attachments and Drawings:

- Vicinity Map
- Topo Map
- Site Map
- Typical Section





1
FIG 3

TYPICAL RECALMATION SECTION

SCALE: N.T.S.



Colaska Inc., dba QAP
State of Alaska, Mental Health Trust
Typical Section

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

☐ Northern Region
3700 Airport Way
Fairbanks, AK 99709
(907) 451-2705

☒ Southcentral Region
550 W 7th Avenue, Ste 900C
Anchorage, AK 99501-3577
(907) 269-8552

☐ Southeast Region
400 Willoughby, #400
Juneau, AK 99801
(907) 465-3400

LAND USE PERFORMANCE GUARANTY
(CORPORATE SURETY)

Contract, Permit, or Lease – State File # _____
Surety Bond No. 015212679

Know all people by these presents, that the undersigned

QAP, a (corporation) partnership / sole proprietor / LLC /
Joint Venture – circle one), organized and existing under the laws of the State of AK, as Principal, and
Liberty Mutual Insurance Company organized and existing under the laws of the State of
MA and licensed to do business in the State of Alaska, as Surety, are held and firmly bound unto the
State of Alaska, Department of Natural Resources, in the sum of One Hundred Eight Thousand Dollars and 00/100 DOLLARS,
(\$ 108,000.00) for the payment of which sum we hereby jointly and severally bind ourselves, our successors, and assigns.

THE OBLIGATIONS of this bond are as follows:

1. The Principal is by written agreement entering into a contract, permit, or lease with the State of Alaska ("the State") involving State land, which agreement is identified as Reclamation Bond - Medial Health Trust (State file # and agreement type), hereinafter "the agreement," and is, by reference, incorporated fully herein in all its terms and made a part of this bond.
2. In accordance with State regulations at 11 AAC 96.060, the Alaska Department of Natural Resources ("the department") has determined that the Principal is required to furnish the State of Alaska a corporate surety bond, acceptable to the department and conditioned upon compliance with all terms of the agreement.
3. The Principal has chosen to post this corporate surety bond with the department as a guarantee that the obligations, terms, and conditions of the agreement will be completed as required by the Alaska Land Act, AS 38.05, and attendant regulations at 11 AAC 96.
4. The coverage of this bond extends to the Principal's obligations under the agreement and under applicable laws and regulations, to assure that all of the activities on and uses of the land subject to the agreement are conducted by the Principal in compliance with the obligations, terms, and conditions of the agreement.
5. Upon a determination by the State that the Principal has satisfactorily complied with the obligations, terms and conditions of the agreement pertaining to activities on and uses of the land, and the applicable laws and regulations, then the obligations of this bond shall be released; otherwise, this bond shall remain in full force and effect until released in writing by the State.
6. The Principal and Surety agree that:
 - (a) unless the Principal has replaced this bond with other guaranty acceptable to the department conditioned upon compliance with all terms of the agreement, coverage under this bond shall extend to and include any extension(s) in time of the agreement, such coverage to continue irrespective of the expiration of the obligations, terms, and conditions originally set forth in the agreement; the Surety shall not cancel this bond unless released in writing by the State;
 - (b) notwithstanding any modifications of the agreement approved by the department, this bond remains in full force and the Surety waives, as a defense against the State, any right to notice of any such modifications;
 - (c) The department shall review this bond from time to time and may require an adjustment in the amount of the bond. No increase in bond amount shall bind the surety without the surety's written consent;
 - (d) the neglect or forbearance of the State in enforcing against the Principal performance by the Principal of any obligation, term, or condition of the agreement shall not in any way release the Principal or Surety from liability under this bond;
 - (e) whenever the Principal shall be, and is declared by the State to be, in default under the obligations, terms, and conditions of the agreement, the State shall notify the Principal and Surety. Upon receipt of a notice of the Principal's default from the State and demand by the State for performance or payment, the Surety shall promptly pay the face value of this bond to the State, or in lieu of paying the face amount, the director may approve the Surety's remedy of the default by the Surety fully completing the performance of the Principal's obligations under the agreement. The Surety's completion of the performance of the Principal's obligations under the agreement does not relieve the Principal of its obligations under the agreement;

- (f) the Principal or the Surety must promptly notify the department and the principal of any action filed alleging the insolvency or bankruptcy of the Surety or the Principal or alleging any violations which could result in suspension or revocation of the surety's right to do business in the State of Alaska; and
- (g) upon the incapacity of the Surety by reason of bankruptcy, insolvency, or suspension or revocation of its license, the Principal shall be deemed to be without bond coverage in violation of 11 AAC 96.060 and AS 38.05 and subject to enforcement actions described therein.

[Copy, fill-out, and attach the below if more signatures are necessary]

PRINCIPAL

Signed and executed this 5th day of February, 2021
BY: Todd Porter General Manager
(Print name) (Title)
240 W. 68th Avenue, Anchorage, AK 99518
(Address of Principal)
By: [Signature]
(Signature of Officer/owner/partners/members/managing member) (Seal)

ACKNOWLEDGEMENT OF PRINCIPAL

The foregoing instrument was acknowledged before me by Todd Porter this 5th day of February, 2021
(Name of Individual)
Witness my hand and official seal [Signature]
(Signature of Notary Public)
My Commission Expires: 02/06/2023
(Seal)

SURETY

Signed and executed this 2nd day of February, 2021
BY: Joshua Sanford Attorney-in-Fact
(Print name) (Title)
175 Berkeley Street, Boston, MA 02116
(Address of Surety)
By: [Signature]
(Signature of Officer) (Seal)

ACKNOWLEDGEMENT OF SURETY

The foregoing instrument was acknowledged before me by Joshua Sanford this 2nd day of February, 2021
(Name of Individual)
Witness my hand and official seal [Signature]
(Signature of Notary Public)
Brendan Fletcher My Commission Expires: 2/28/2025
(Seal)

BRENDAN FLETCHER
NOTARY PUBLIC - CT 180835
My Commission Expires Feb. 28, 2025 (Seal)

APPROVAL AND ACCEPTANCE BY THE STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

By: _____
Signature of Authorized State Representative Title Date

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees. To confirm the validity of this Power of Attorney call 610-832-8240 between 9:00 am and 4:30 pm EST on any business day.



**Liberty
Mutual.**
SURETY

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Joshua Sanford of the city of New York, state of NY its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge the following surety bond.

Principal Name: QAP

Obligee Name: State of Alaska, Department of Natural Resources

Surety Bond Number: 015212679

Bond Amount: See Bond Form

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 12th day of December, 2018.



The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: David M. Carey

David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA
COUNTY OF MONTGOMERY

ss

On this 12th day of December, 2018, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal of King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella

Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Ronice C. Llewellyn, the undersigned, Assistant Secretary, of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company do hereby certify that this power of attorney executed by said Companies is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 2nd day of February, 2021.



By: Ronice C. Llewellyn

Ronice C. Llewellyn, Assistant Secretary



LIBERTY MUTUAL INSURANCE COMPANY
FINANCIAL STATEMENT — DECEMBER 31, 2019

Assets		Liabilities	
Cash and Bank Deposits.....	\$778,754,989	Unearned Premiums.....	\$8,007,146,482
*Bonds — U.S Government.....	2,780,808,610	Reserve for Claims and Claims Expense	21,532,853,787
*Other Bonds.....	12,645,608,792	Funds Held Under Reinsurance Treaties.....	507,868,920
*Stocks	16,385,435,431	Reserve for Dividends to Policyholders.....	1,143,826
Real Estate.....	235,608,378	Additional Statutory Reserve.....	125,722,000
Agents' Balances or Uncollected Premiums.....	6,217,983,641	Reserve for Commissions, Taxes and	
Accrued Interest and Rents.....	102,273,390	Other Liabilities	4,117,460,075
Other Admitted Assets	11,957,106,292	Total.....	\$34,292,195,090
Total Admitted Assets	<u>\$51,103,579,523</u>	Special Surplus Funds.....	\$32,768,443
		Capital Stock.....	10,000,075
		Paid in Surplus.....	10,044,978,933
		Unassigned Surplus.....	6,723,636,983
		Surplus to Policyholders.....	16,811,384,434
		Total Liabilities and Surplus.....	<u>\$51,103,579,524</u>



* Bonds are stated at amortized or investment value; Stocks at Association Market Values.
The foregoing financial information is taken from Liberty Mutual Insurance Company's financial statement filed with the state of Massachusetts Department of Insurance.

I, TIM MIKOLAJEWSKI, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the foregoing is a true, and correct statement of the Assets and Liabilities of said Corporation, as of December 31, 2019, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Seattle, Washington, this 27th day of March, 2020.

TAMikolajewski

Assistant Secretary



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LAND USE CLASSIFICATION

Resolution PC 21-13

Classifying Borough Lands For Future Land Sales (MSB007737)

(Pages 47-98)

LAND USE CLASSIFICATIONS



MATANUSKA-SUSITNA BOROUGH
Community Development Department
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7869 • Fax (907) 861-8635
E-mail: lmb@matsugov.us

MEMORANDUM

DATE: June 9, 2021

TO: Matanuska-Susitna Borough Planning Commission

THRU: Eric Phillips, Community Development Director *EP*

FROM: Nancy Cameron, Land Management Agent *NSC*

FOR: Planning Commission Agenda of June 21, 2021
Land Classification and Public Hearing
(MSB007737)

SUBJECT:

Land classification recommendations for Assembly approval of Borough-owned parcels for inclusion in future land sales and one parcel for retention.

SUMMARY:

The 27 parcels contained herein are proposed for land classification as private recreation, general purpose, agricultural and public recreation. If so approved by the Assembly, with exception of the public recreation parcel being retained, the other parcels will be offered in the 2021 Competitive Sealed Bid in late summer/early fall, with subsequent offering through over-the-counter sales.

To assist the Planning Commissioner in their review, a Best Interest Finding, Parcel List and Maps are included with Resolution No. 21-13.

**BEST INTEREST FINDING
For the
Classification of Borough-owned Land**

I. Summary of Proposed Action

In response to Assembly priorities, the Land & Resource Management Division developed a five-year land retention and disposal plan identifying borough-wide parcels for future land sales and for future public purpose need. In accordance with the plan, inter-department review and public notice was conducted for the 27 borough-owned parcels contained herein which have been selected for land classification and proposed inclusion in the 2021 Competitive Bid Land Sale or for proposed public retention. Parcels not sold when offered under competitive bid are automatically eligible for subsequent land sales, pursuant to MSB 23.10.210.

II. Property Site Factors

A. Location: The subject parcels are located throughout the borough in several key locations to include Trinity Lakes, Kenny Creek, Talkeetna Spur, Caswell, Willow, Big Lake/Houston, Meadow Lakes and Point MacKenzie.

B. Minimum Bid/Pricing: In accordance with MSB 23.10.060 determination of fair market value is based on borough tax assessment or the appraised value as determined by third party appraisal.

Minimum bids on all the parcels, with exception of three, will be the tax assessed value. Minimum bid on these three parcels will be based on appraised value by third party appraisals. These parcels were specifically acquired for right-of-way projects and if sold, all proceeds will be returned to the specific project funds. The three affected parcels are: Pt MacKenzie, Merri Belle Lake, and Stepan Lake.

C. Classification: The sale parcels are to be classified for general purpose, private recreational, and agricultural use. Parcel 21-24 will be dually classified as General Use and Public Recreation. A list of the parcels is attached to legislation as “Exhibit A,” along with maps showing parcel locations.

D. Parcel Information:

Parcels 21-01 through 21-06 are located within Trinity Lakes Subdivision, a remote platted subdivision approved by the State and Borough. Several of these parcels were publicly nominated, and are accessed typically via floatplane. The Borough has previously classified and sold the majority of parcels in Trinity Lakes, and the parcels contained herein are the remaining Borough-owned parcels to be classified. These parcels are well suited for private recreational use. Most of these parcels have been nominated by the public for inclusion in the competitive bid thereby increasing the likelihood of sale. There are six parcels included on Trinity Lake ranging between 2.28 – 5.88 acres. Minimum bids range from \$12,400 - \$20,600 based on tax assessed value.

Legal: Block 3, Lots 4, 5 & 8; Block 5, Lots 17, 21 & 29, Trinity Lakes Subdivision, ASLS 74-13, Plat No. 74-218, Anchorage RD. (SOA Patent No. 2082)

Parcels 21-07 through 21-14 are located within Kenny Creek Subdivision, a remote platted subdivision approved by the State and Borough. This high recreation area is popular with snow machine enthusiast offering private cabin sites, and is typically accessed via winter trails. Like Trinity Lakes parcels, the Borough has previously classified and sold the majority of parcels in Kenny Creek, and the parcels contained herein are the remaining Borough-owned parcels to be classified. These parcels are well suited for private recreational use. Several of these parcels have been nominated by the public for inclusion in the competitive bid thereby increasing the likelihood of sale. There are seven parcels included in Kenny Creek all being 5.0 acres in size. Minimum bid is the same for each parcel at \$9,000 based on tax assessed value. OF NOTE: Parcel 21-08 was pulled from the sale list as it has been retained for public access through Kenny Creek Subdivision.

Legal: Block 3, Lot 13; Block 16, Lot 3; Block 24, Lots 1, 2, 3 & 4; Block 27, Lot 2, Kenny Creek Subdivision, ASLS 80-143, Plat No. 81-67, Talkeetna RD. (SOA Patent No. 20332)

Parcel 21-15 is located on Talkeetna Spur just south of Comsat Road. The parcel is accessed directly from the Spur road and is well suited for general use. The parcel was nominated by the public for inclusion in the competitive bid thereby increasing the likelihood of sale. This parcel is 4.82 acres. Minimum bid is \$28,900 based on tax assessed value.

Legal: E1/2 SE1/4, Sec. 31, Township 26 North, Range 4 West, S.M., lying west of Talkeetna Spur Road, Talkeetna RD. (SOA Patent No. 1032)

Public Comments Received:

- 1) John Strassenburg comment is to retain this parcel for future public use.

Parcels 21-16 through 21-22 are located in Buckwoods Subdivision on the north side of upper Caswell Lakes Subdivision. Access is from the Parks Highway at MP 93 to Hidden Hills Drive through Caswell Subdivision. These parcels were taken by Clerks Deed 1987 and prior for non-payment of taxes and have been held for over 30 years. All re-purchase rights of the former record owners and those declaring an interest in the properties has been extinguished. When the parcels were taken under foreclosure, it was the practice at the time to retain them for simplicity; however, over the past several years the Borough has found it more practical to offer them to the public and there is high interest from the public to purchase them. These parcels are well suited for residential or private recreational use and have been nominated by the public for inclusion in the competitive bid, thereby increasing the likelihood of sale. There are seven parcels in Buckwoods Subdivision ranging between .92 – 1.01 acres. Minimum bids range from \$4,900 - \$5,600 based on tax assessed value.

Legal: Block 2, Lot 6; Block 3, Lots 1, 2 & 3; Block 4, Lots 5 & 7; Block 5, Lot 7, Buckwoods Phases II & III, Plat No. 85-202, Palmer RD. (Clerks Deed 1987 and prior)

Public Comments Received:

- 1) Richard/Linda Newman comment revolves around recreational use of the property vs full time residential use and lack of law enforcement to control reckless use and trespass of neighboring property.

Parcel 21-23 is located on the west side of upper Caswell Lake Subdivision Access is from the Parks Highway at MP 93 to Hidden Hills Drive through Caswell Subdivision, though existing roads into the parcel may not be fully developed. This parcel is well suited for general use. This parcel is 40.04 acres. Minimum bid is \$43,200 based on tax assessed value.

Legal: Lot 4A, Alaska State Supplemental Cadastral Plat, Plat No. 85-39, Palmer RD. (SOA Patent No. 8084 (5023))

Parcel 21-24 is comprised of two Government Lots (GLO 2 & 5) which are two separate legal lots of record that were conveyed to the Borough by the State of Alaska. GLO lots may be legally conveyed as a stand-alone lot. The parent parcel includes both GLO lots and is identified for assessment purposes as tax parcel 19N04W07B002 containing 63.68 acres. The parent parcel was nominated by the public for inclusion in the proposed competitive bid land sale; however, un-surveyed existing winter trails run through the property and connect to dedicated trail systems. The un-surveyed trails are noted in the adopted MSB Recreation Trails Plan as the Lucky Shot Trail and are recommended for dedication when funding becomes available. Staff is recommending the north half (GLO 2) be classified as General Use for purpose of future sale once the trails are surveyed and the actual acreage and value can be determined for GLO 2. The south half (GLO 5) is recommended for classification as Public Recreation Lands to be retained for purpose of current and future trail connectivity and public use.

Legal: GLO 2 & 5, T19N, R4W Sec 7, SM, AK., Palmer RD. (SOA Patent No. 4675)

Public Comments Received:

- 1) Steve Charles, Willow Trails Committee Chair, states this parcel has unreserved, but historically used and identified trails running through it which the committee would like to see preserved.
- 2) Clayton Arterburn publicly nominated this parcel and is very familiar with and supportive of the Willow trails. Nominee understands the importance of preserving the trails but is requesting the north half (GLO 2) be considered for future sale when the trails are surveyed.

Parcel 21-25 is located off Burma Road. The parcel lies within Carpenter Lake Alaska Subdivision, ASLS 74-12 (Plat No. 74-49) and has approximately 1,689 feet of lake frontage with access directly onto Carpenter Lake Road. There is a total of fifteen owners with actual frontage on the lake, including the Borough-owned Lot 1, and Burma Road ROW.

Pre-subdivision, the land adjacent to Carpenter Lake, including what is now Lot 1, was classified in 1969 as Public Recreation; however, in 1974 when Carpenter Lake subdivision (Plat No. 74-49) was recorded, plat note #14 was included and states "Lot 1 is for public use and shall not be sold."

In early 1993, Fish & Game submitted a construction permit application to the Borough requesting permission to develop lake access via Farmers Road with construction start-up planned that spring. The Borough Planning Commission adopted Resolution 90-18 recommending approval to dedicate a 25' wide easement off the west section line easement for public lake access (via Farmer Road) and Resolution 90-21 recommending the Borough Assembly to issue a letter of non-objection to permit use of section line easements within

Section 32 for public access to Carpenter Lake. Assembly Resolutions 90-062 and 90-063 concurred with the Commission's recommendations. Construction Permit C-163 was subsequently issued to Fish & Game on April 21, 1993 to construct the west access.

With public access established, Planning Commission Resolution 93-49 recommended repealing the 1969 land classification of "Public Recreation" citing the plat note and two additional public lake access points guaranteeing continued public access, camping and boat launching were already in place. Assembly Resolution 69-39 concurred and the old land classification was repealed.

The Carpenter Lake Management Plan adopted by the Assembly in 2006 states in Section 2.4 Social/Demographic – Usage, (paraphrased) those in attendance at the meetings prefer to keep the existing access at its current location, a future walk-in only access could possibly be provided at the southeastern shoreline through the Borough parcel, only a minimal amount of land – not the entire 18+ acres of this parcel would need development for such a trail (walk-in access).

Currently the constructed public lake access on the west side of the lake is fairly primitive with a small boat launch and parking area that is used by the public and by Fish & Game to stock the lake. To the east, the Burma Road ROW dedicated by Plat 93-57 is an undeveloped, large public lake access adjacent to the east side of Lot 1. Lot 1 has never been developed, nor are there plans or funding to develop lake access and associated amenities within Lot 1. Lot 1 comprises 18.92 acres and it is Land & Resource Management intent to subdivide this parcel into two new lots of record at 9.4+/- acres each and offer them for public land sale in the future, which is in-line with other development on the lake for residential and private recreational use. If the recommended land classification of General Purpose is approved by the Assembly, AND if approval is obtained by the platting authority to remove the plat note and subdivide the parcel, the new lots will be included in a future land sale – probably in 2022.

Legal: Lot 1, Alaska State Land Survey 74-12, Plat No. 74-49, Palmer RD. (SOA Patent No. 1949)

Public Comments Received:

- 1) Kenneth/Cynthia Farmer purchased the property lying adjacent to the public access off Farmers Road in 2005. Their comments include current public access on the west (e.g.: Farmers Rd) does not have the amenities to support public use and his property is adversely affected, and public access should be developed on Lot 1 with boat ramp, parking lot, camping area and toilets.
- 2) James/Theresa Mills own property on the lake and state opposition to removing the plat note and re-plat of Lot 1, which they feel should remain public to guaranteed access to lake, citing Alaska Statute and Alaska Constitution's "Public Use Doctrine" and the plat note runs with the land and cannot be randomly change at the whim of the Borough.
- 3) Kathleen Weeks, NMW Investments, LLC and Principal of Law Office of Kathleen A. Weeks, owns property adjacent to Lot 1 and provided comments which mirror the Mills sentiment, but also included a packet with some historical background of the land, experts from and interpretation of the Alaska Constitution and Public Trust Doctrine, Alaska Statute, and citing case law.
- 4) Nick Weeks owns property in the area and states Lot 1 should be a public campground and public access boat launch. Two other signatures with comments are included with

Mr. Weeks' citing their agreeance with his sentiment and the peace they now have would be highly disrupted.

Staff Response: A.S. 38.05.127 (a) (2) which states "upon finding that the body of water or waterway is navigable or public water, provide for the specific easements or rights-of-way necessary to ensure free access to and along the body of water, unless the commissioner finds that regulating or limiting access is necessary for other beneficial uses or public purposes." As shown above, there are two public access points to the lake – one on the west which is used by the public and Fish and Game, and one on the east via a 50' wide section line easement lying within Lot 1 and adjacent to Burma Road ROW which is controlled by the Borough. AS 29.40.120 states a recorded plat may be altered or re-platted by the platting authority on petition of the borough thereby it is within the right of the Borough to petition the platting authority to remove the plat note and re-plat Lot 1.

Public access to Carpenter Lake is not being denied or limited by removing the plat note or subdividing the parcel. Conveying the property into private hands will add revenue to the public tax roll and allow better use of the property than has been the case for the past 47 years when the 1974 subdivision was recorded.

Parcel 21-26, previously known as the Trytten Farm, is located in the Pt. MacKenzie area off Guernsey Road, just north of Alsop Road and the Goose Creek Correctional Center. The property was created under the state's Point Mack Ag Project, ASLS 80-111 (dairy industry project) and is subject to a perpetual covenant running with the land that limits the land to agricultural purposes and uses. The parcel has no dairy production in place at this time and instead, is farmed for hay which meets the Ag covenant.

The Borough and the Alaska Railroad Corporation (ARRC) jointly proposed construction and operation of a new 32 mile rail line connecting the Borough's Port MacKenzie to ARRC's rail line in Houston, Alaska. Following National Environmental Policy Act review, the Surface Transportation Board authorized the ARRC to build and operate the new rail line in December 2011. Construction of the first of six construction phases began in 2012 with \$184 million dollars spent to date and another \$140 million dollars needed to complete the 32-mile extension.

The Borough acquired the farm in 2015 for the sole purpose of dedicating part of the new rail corridor known as the Port MacKenzie Rail Extension Project. The parcel is subject to an ROW easement for the corridor (recorded at 2017-001326-0, Palmer Recording District) which encompasses approximately 12 acre within its east boundary. If the parcel is sold, all proceeds from the sale will be returned to the project. This parcel (excluding the ROW easement) is 301.75 acres. Minimum bid is \$521,000 based on third party appraisal completed on Dec 27, 2018.

Legal: Tract 22A, Alaska State Land Survey 80-111, Plat No. 82-80, Palmer RD. (Warranty Deed 2015-000868-0)

Public Comments Received:

1) Wayne/Veronica Brost agree with selling property, but would prefer an outcry auction.

Parcel 21-27 is located on Merri Belle Lake off Beverly Lake Road. The parcel was acquired in 2014 as part of Seldon Road Extension, Phase 1, Project 35411. Acquisition included the lot in its entirety with 14,469+/- s/f reserved as a ROW easement. The parcel lies within Merri Bell Lake Subdivision and has approximately 167 feet of lake frontage with access directly onto Beverly Lake Road. If the parcel is sold all proceeds from the sale will be returned to the project. This parcel (excluding the ROW easement) is .79 acres. Minimum bid is \$104,600 based on third party appraisal completed on Feb 8, 2014. Legal: Block 1, Lot 3, Merri Belle Lake Subdivision, Plat No. 2007-41, Palmer RD. (Warranty Deed 2014-012573-0)

Parcel 21-28 is located on Stepan Lake northwest of Big Lake Road MP 3. It was acquired in 2016 as part of MSB Right-of-way Project 14-21-004171 to improve the safety and road standards of Ryan's Creek Drive. Acquisition included the lot in its entirety with a 50,846+/- s/f public use easement reserved for right-of-way and future gravel extraction for continuing road improvements. The parcel lies within Stepan Lake Alaska Subdivision and has approximately 380 feet of lake frontage with access directly onto Ryan's Creek Drive. If the parcel is sold all proceeds from the sale will be returned to the project. This parcel (excluding the ROW easement) is 2.70 acres. Minimum bid is \$70,000 based on third party appraisal completed on May 26, 2016. Legal: Lot 1, Stepan Lake Alaska Subdivision, Plat No. 67-32, Palmer RD. (Warranty Deed 2016-014723-0)

- E. Parcel Descriptions: A parcel description list is attached as EXHIBIT A (2 pgs.), to include the parcel maps.
- F. Land Status: All parcels were received from the state of Alaska by Patent or by deed. All purchasers are responsible to obtain necessary permits to construct access across streams, or to fill wet areas, or for development in flood areas. All notices, conditions, requirements, information and photos are contained in the individual parcel files and will be available for public inspection during normal business hours.
- G. Adopted Plans and Title Restrictions:
 - 1. Adopted Land Use Plans include the Big Lake, Point McKenzie, Trapper Creek and Willow Comprehensive Plans, Susitna Area Plan, Willow Sub-Basin Area Plan, Natural Resource Management Units Plan (NRMU), and Recreation Trails Plan.
 - 2. Title Restrictions – No title restrictions affect any of the proposed parcels. There are recorded Covenants for those parcels located within subdivisions which will be provided in the parcel files for public review.
- H. Surrounding Land Uses: General Purpose, Residential, and Recreational.
- I. Natural resources within parcels: Timber, gravel, and watershed.
- J. Parcel access is by constructed and unconstructed roads, trails (winter and summer), section line easements, and by air. As will be outlined in the sale brochure, it is the

responsibility of the purchaser to determine, acquire, construct, maintain and/or defend the right to use any access route.

III. Review and Comments

All parcels have undergone significant departmental review. Such review includes historical data, topography, access, adopted Borough plans, desirability of location, land value, and highest and best use of land. Lands are selected for classification and potential sale through public nomination, the 2012 build-out analysis, available historic data, and collaboration with other Borough departments.

Inter-department review revealed no objection to the proposed classification, retention, or sale of these parcels. Public Notice was conducted in accordance with MSB 23.05.025. Public comments are included under the specific parcels in Section II, D, with copy of public comments attached to this Best Interest Finding.

IV. Analysis & Discussion

The Land & Resource Division utilizes public land sales as a revenue source to sustain current and future department and area-wide Borough needs. Revenue received is used for road projects, community organization projects, trail surveys, and land acquisitions.

Since late 2019 and throughout 2020, there has been an overwhelming uptick of interest regarding available Borough land. 2020 sales to include tax foreclosure, competitive bid, and over-the-counter land sales saw a record high number of buyers with over \$2 million in assessed value returned to the tax rolls in 2020 through these sales. Staff believes this continuing trend of buying interest is highly unusual, but may in part be due to public desire for a place to safely recreate without pandemic concerns combined with added expendable income from government stimulus payouts. Conveying public lands into private hands increases the Borough's tax roll and allows economic gain by virtue of the development – whether for recreational cabins, single-family residences, agriculture, or commercial use.

Numerous phone calls have been received by staff regarding potential upcoming land sales, how the sale process works, and requests to add their email contact information to the Land & Resource Management land sale notification list. This notification list is for the specific purpose of letting interested parties know when any borough land sale is commencing. The list grows weekly and contains over 1,100 names.

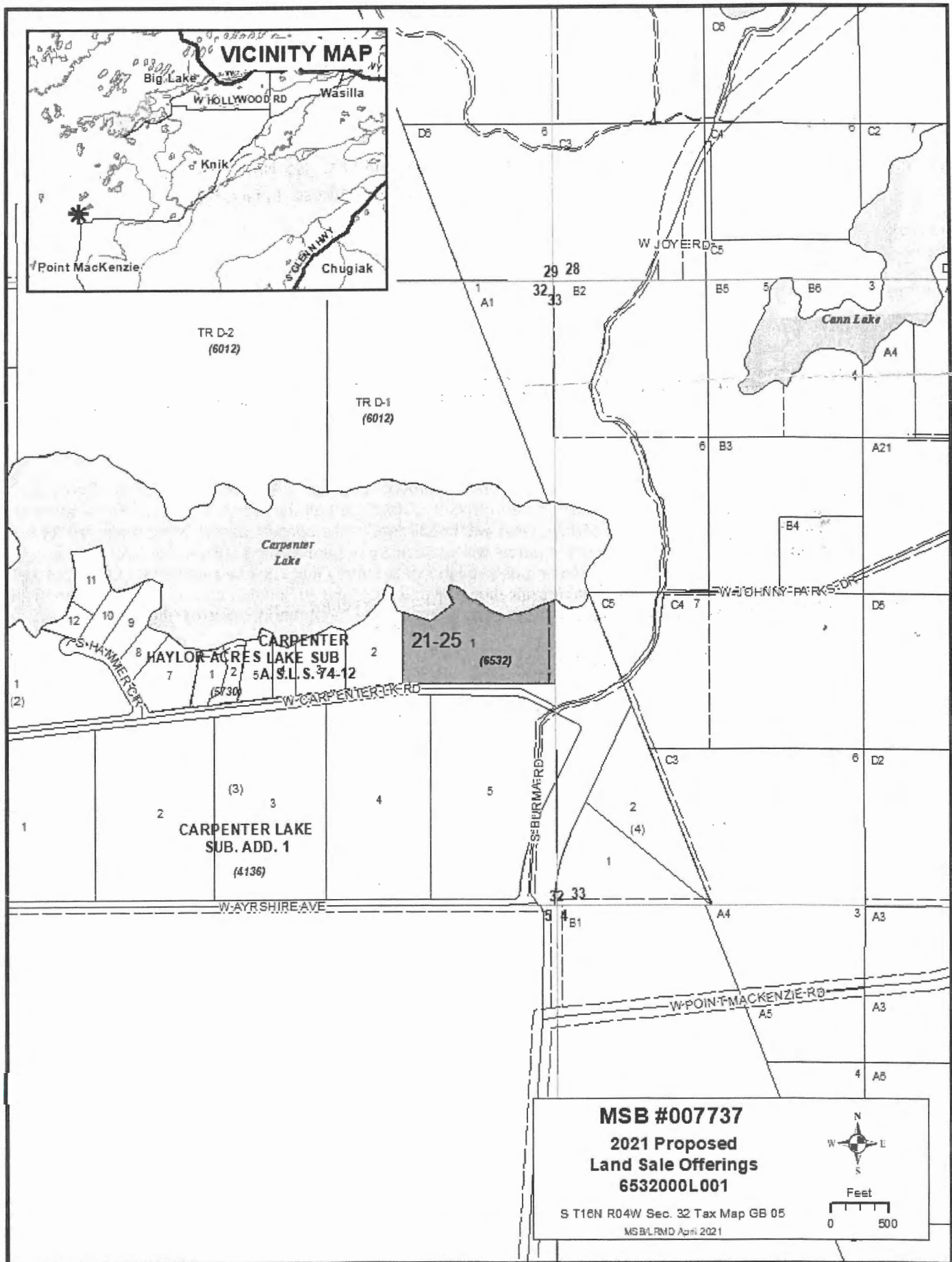
Under certain land sale programs, the Borough may offer finance terms which provide for affordable down payments and reasonable monthly payments for up to 10 years, dependent on the price and amount to be financed. Financing is set up through an escrow account with First National Bank Alaska wherein a deed of trust is recorded and monthly payments are tracked by the Land Management Division. The Borough interest rate charged for the 2021 Competitive Sealed Bid is based upon the current Wall Street Prime Rate plus an additional 5.0% charged by the Borough. As of May 2021, current prime is 3.25%; therefore, if this rate remains the Borough will charge 8.25% interest for Borough-financing. Not wanting to directly compete with private lenders, the higher interest rate charged by the Borough encourages buyers to pay in cash vs apply for in-house financing by the Borough. The Legal Rate of Interest pursuant to Alaska state statute AS 45.45.010

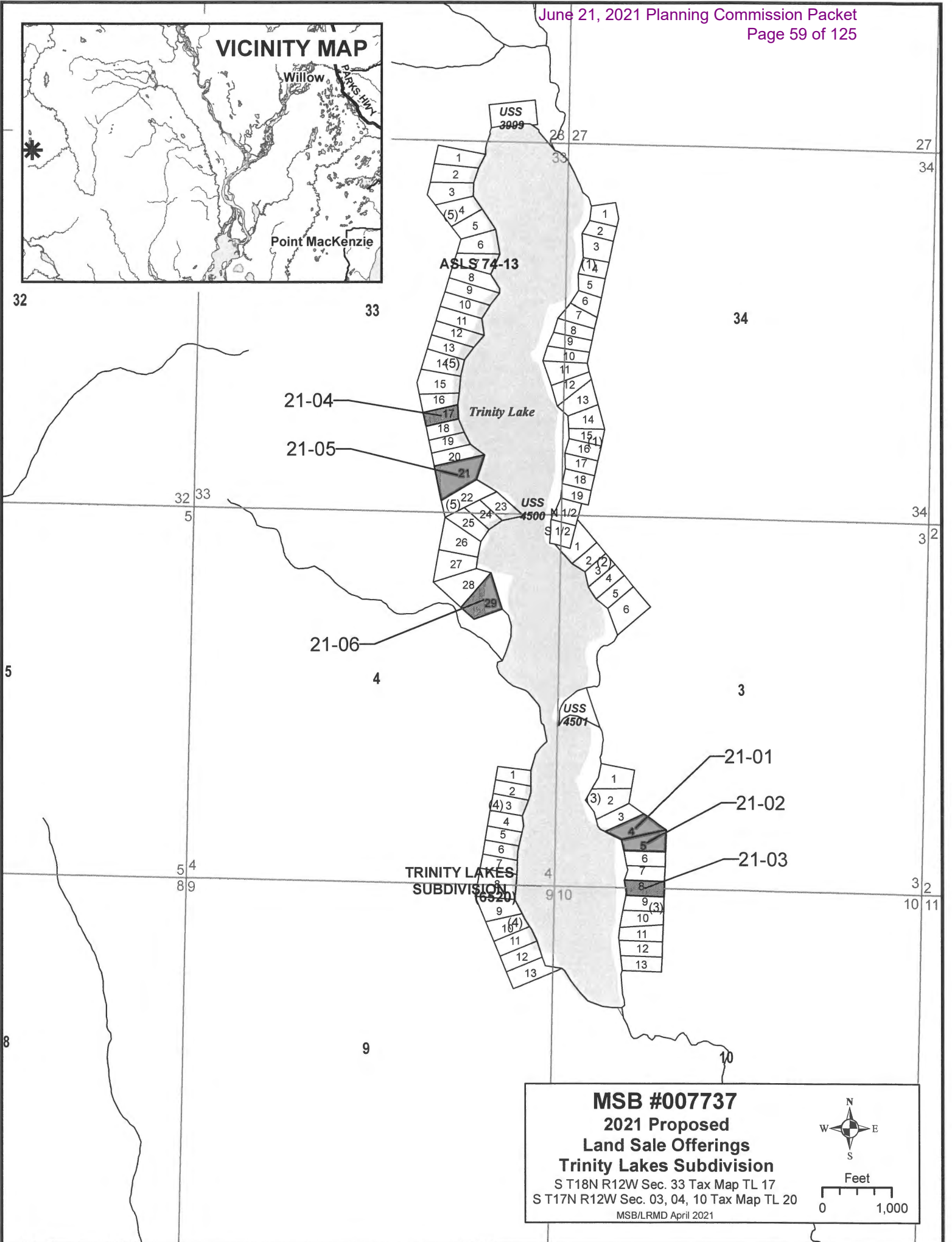
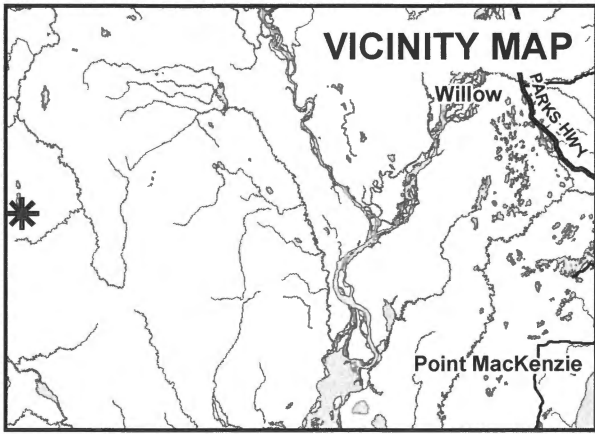
cannot exceed 10.5 %. The three ROW project parcels are not eligible for Borough financing and will require cash closings, without exception.

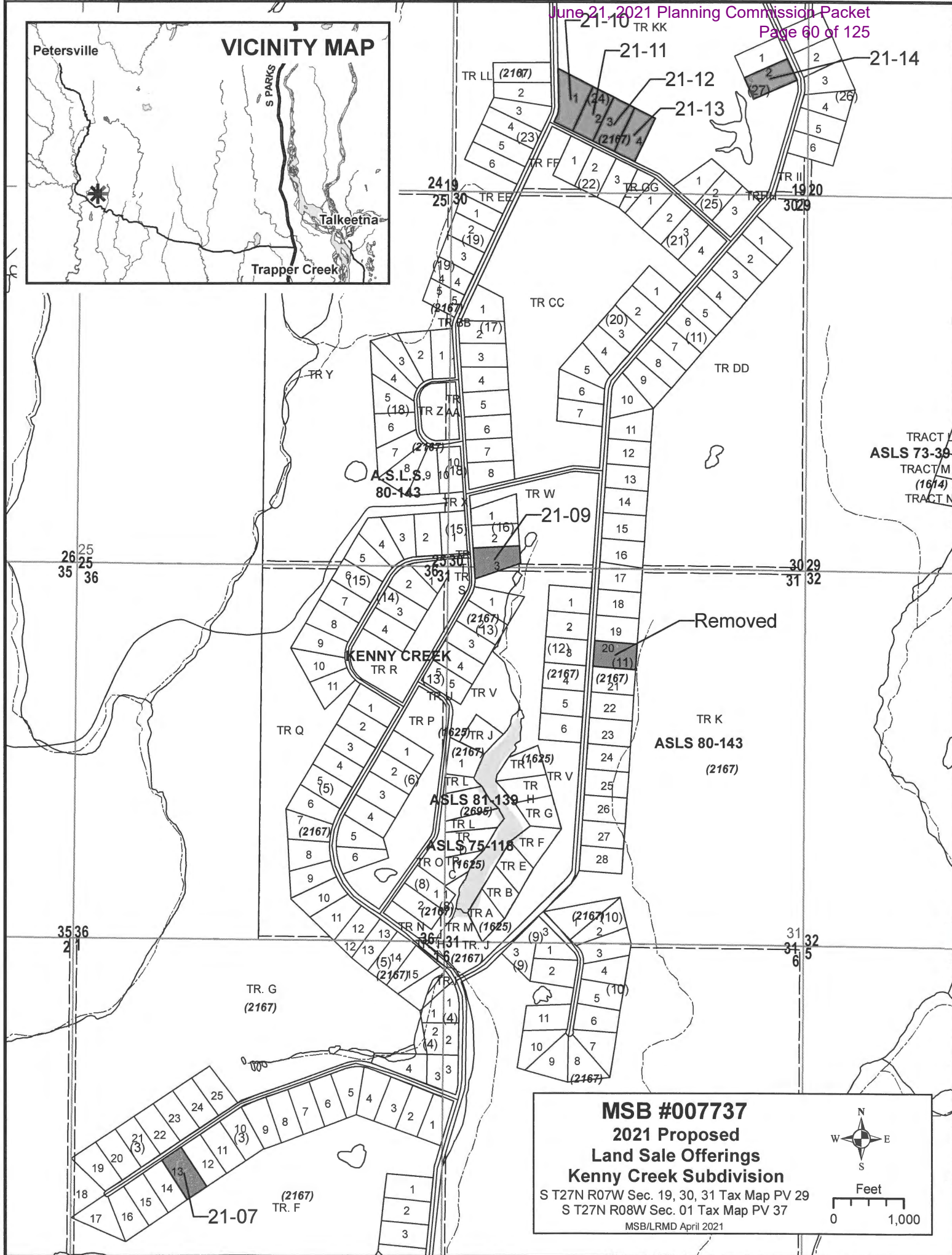
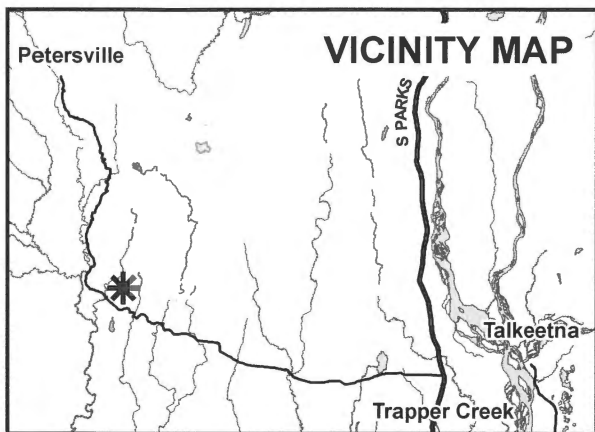
Lands are classified in accordance with MSB 23.05.100. The selected parcels fall under Private Recreation Lands which are those lands that, because of location, physical features, or adjacent development, are presently or potentially valuable as outdoor recreational areas and may be best utilized by private development; or General Purpose Lands which are those lands that, because of location, physical features, or adjacent development, location, or size of area may be suitable for a variety of uses; or Agricultural Lands which are those lands which, because of soils, location, physical or climatic features, or adjacent development, are presently or potentially valuable for the production of agricultural crops. Public Recreation Lands are those lands that, because of location, physical features, or adjacent development, are presently or potentially valuable to the public as natural or developed recreational or historic areas.

V. Administrative Recommendation

The Community Development Department, Land & Resource Management Division respectfully requests Planning Commission approval of the land classifications as proposed for the parcels contained herein for purpose of inclusion in future land sales, and for one parcel to be retained for public recreation use, and forwarding a recommendation to the Borough Assembly for approval.







MSB #007737
2021 Proposed
Land Sale Offerings
Kenny Creek Subdivision
S T27N R07W Sec. 19, 30, 31 Tax Map PV 29
S T27N R08W Sec. 01 Tax Map PV 37
MSB/LRMD April 2021

North arrow pointing up, with W, E, S, N labels.

Scale bar: 0 to 1,000 Feet.



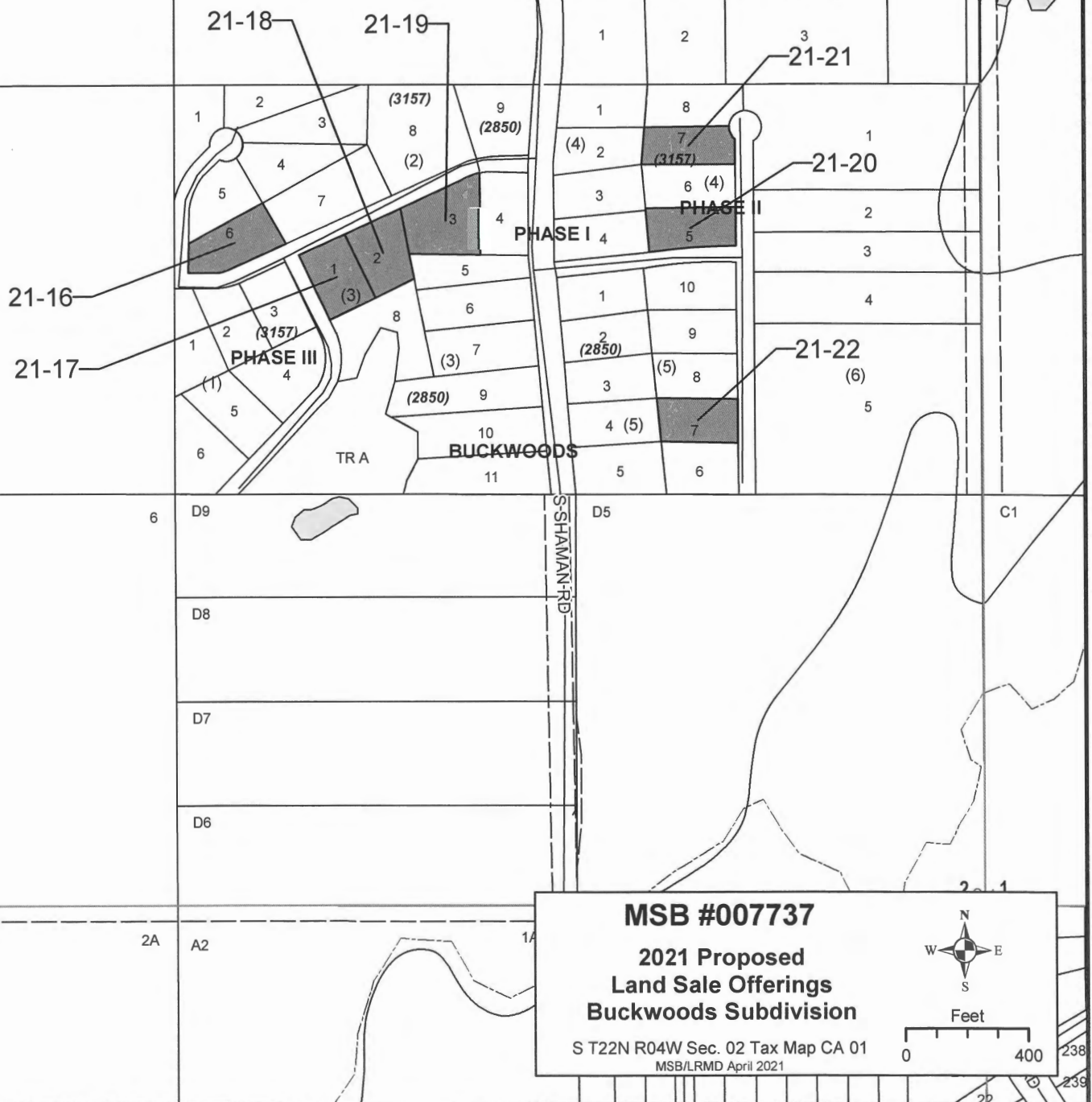
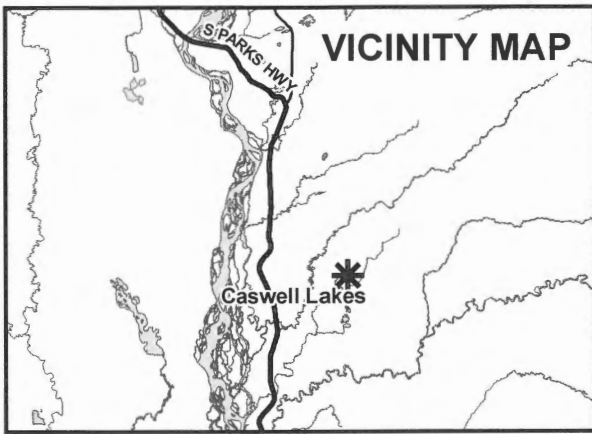
**2021 Proposed
Land Sale Offerings
26N04W31D003**

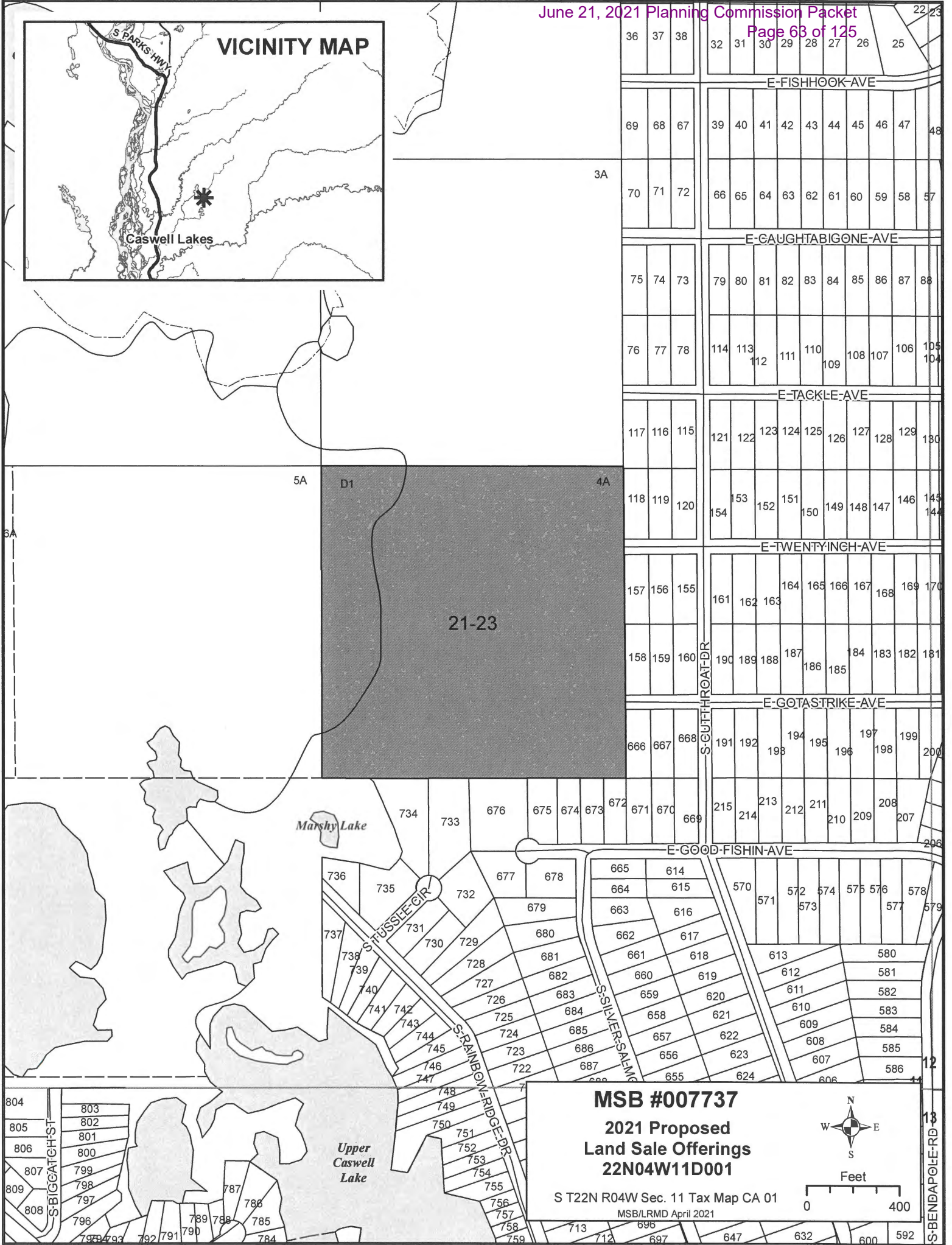
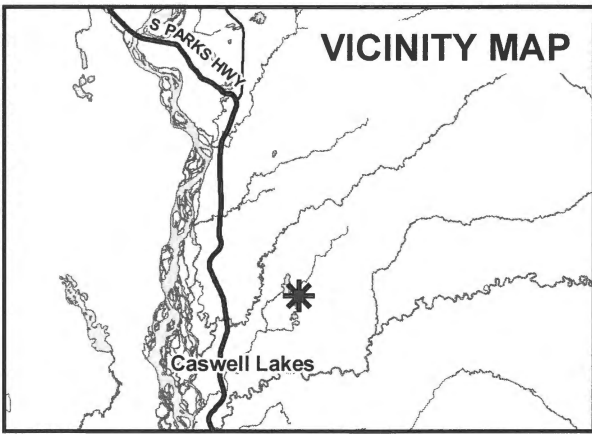
S T26N R04W Sec. 31 Tax Map TA 07
MSB/LRMD April 2021



Feet

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MSB #007737

**2021 Proposed
Land Sale Offerings
22N04W11D001**

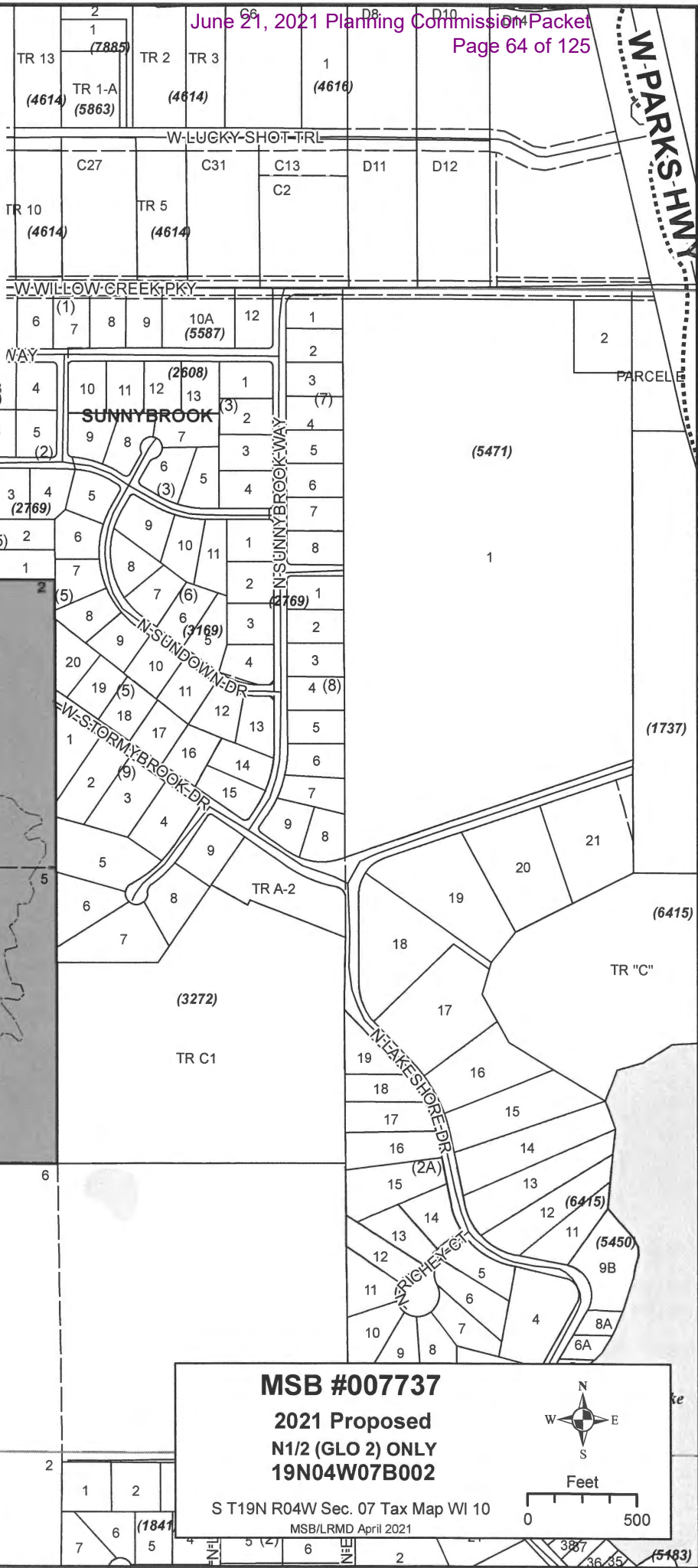
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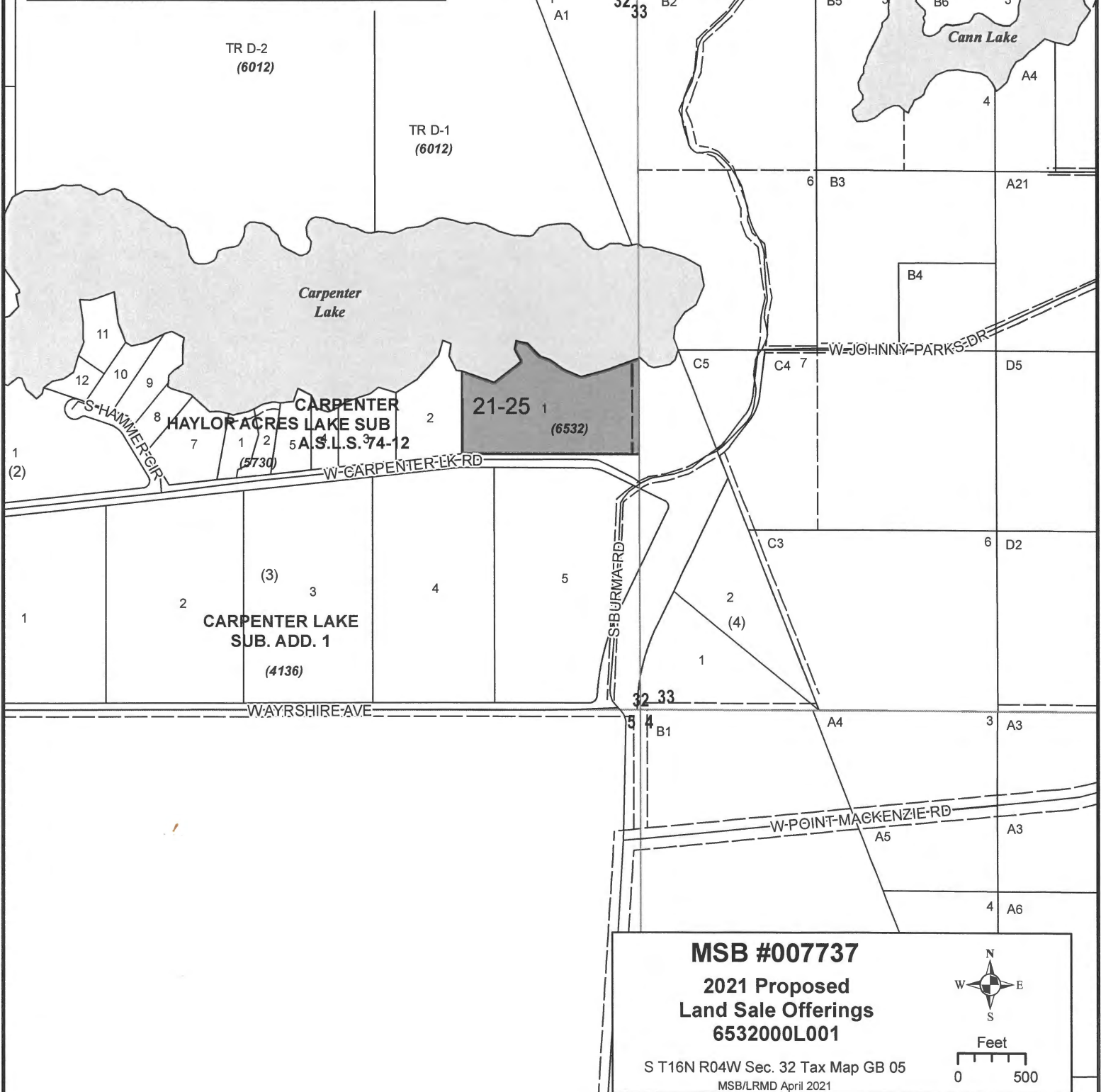
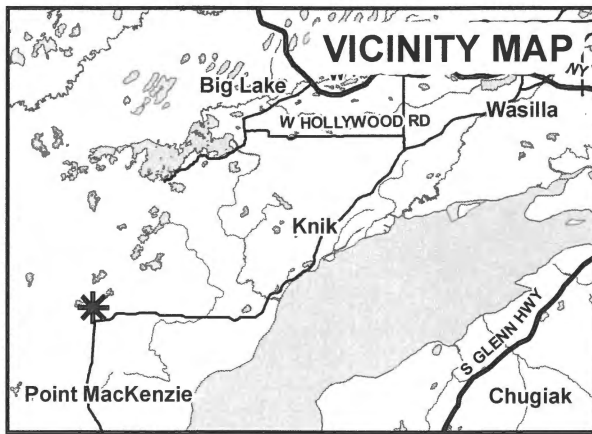
MSB/LRMD April 2021

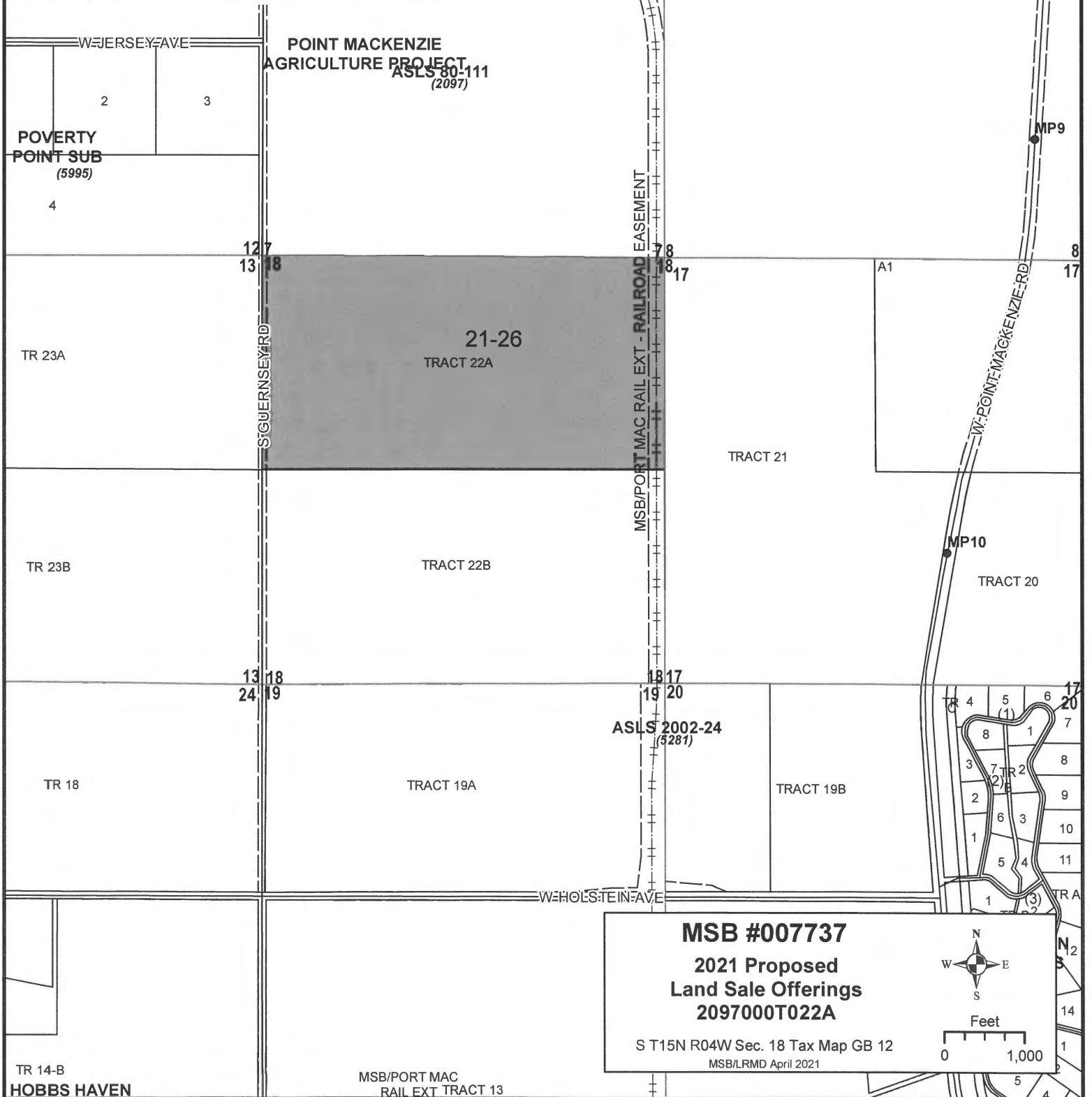
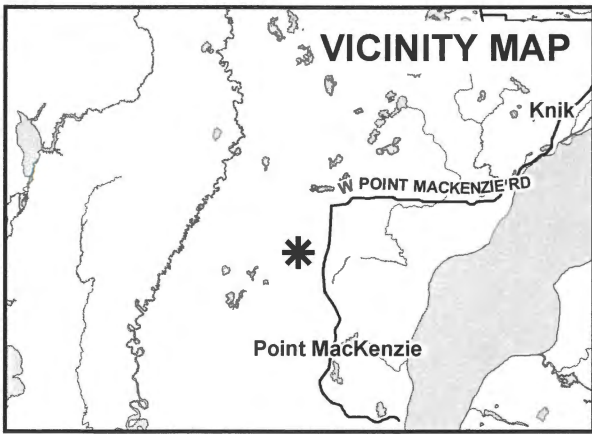
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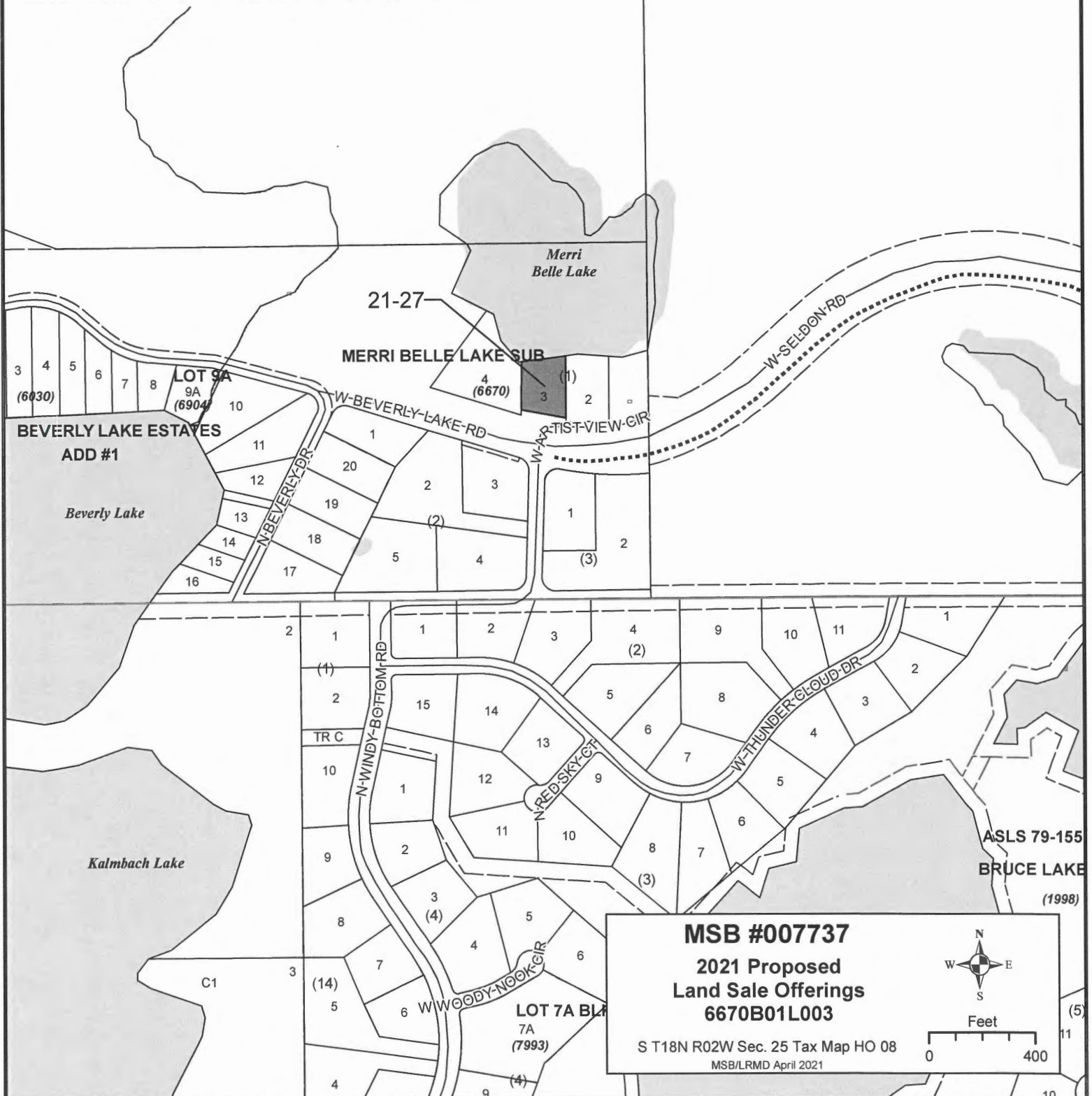
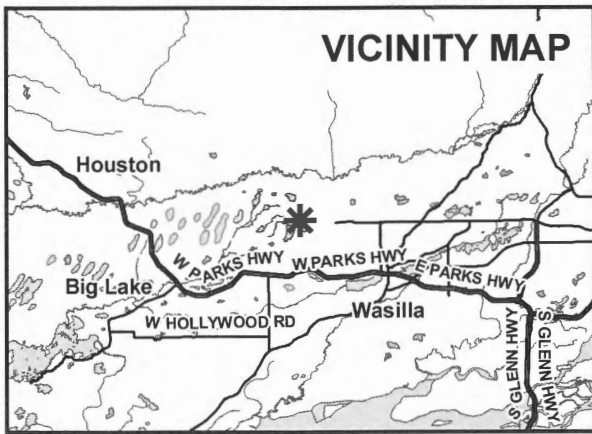
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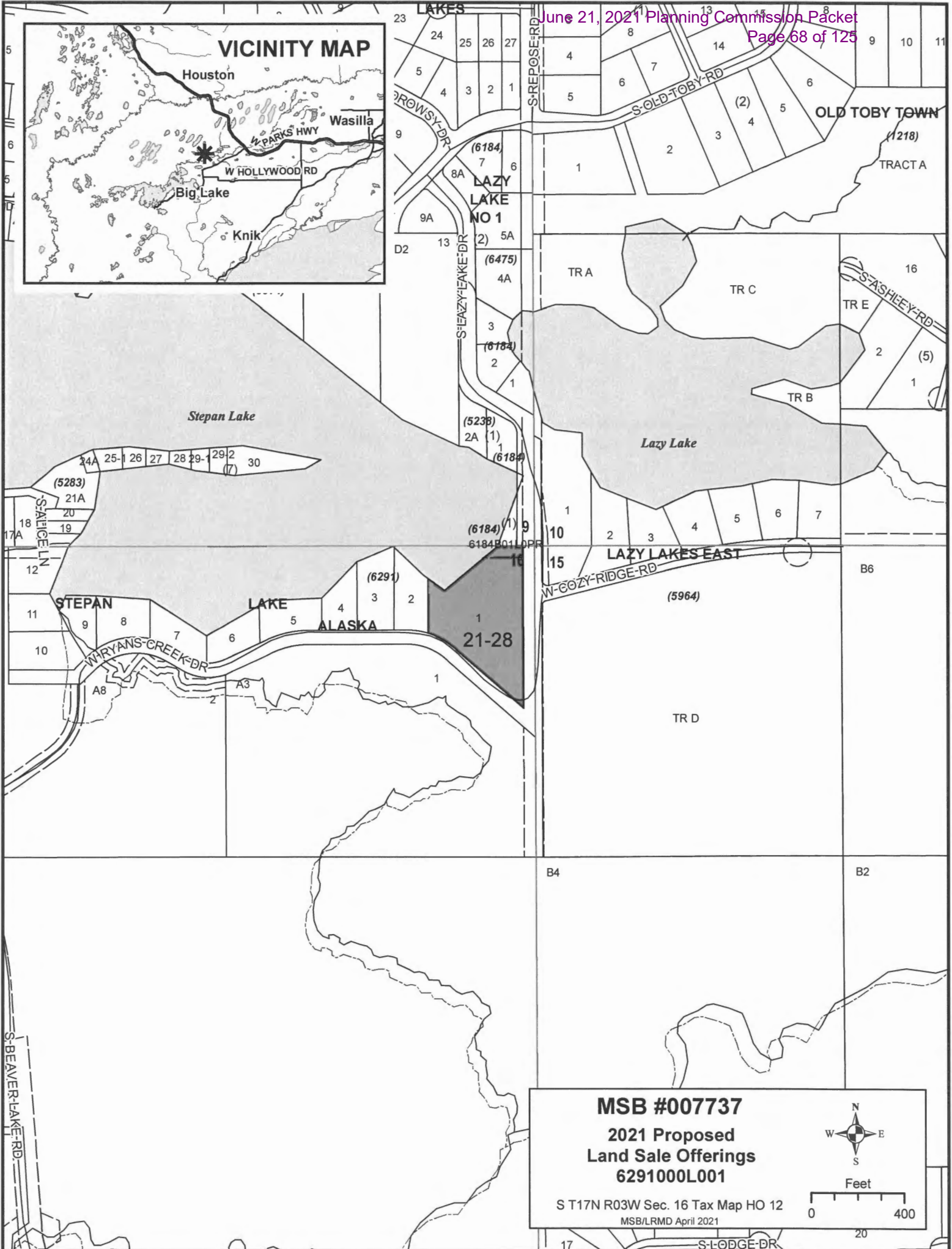
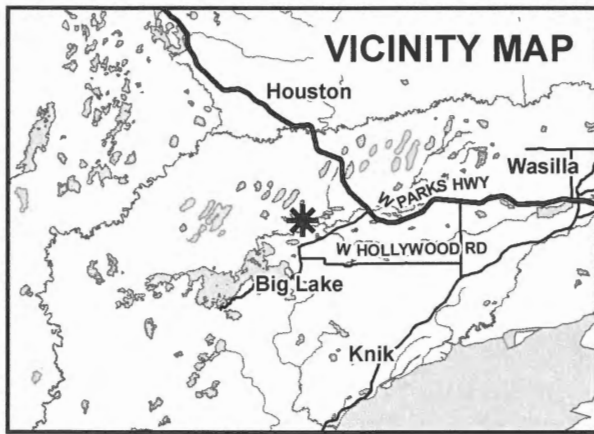






VICINITY MAP

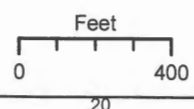




MSB #007737

**2021 Proposed
Land Sale Offerings
6291000L001**

S T17N R03W Sec. 16 Tax Map HO 12
MSB/LRMD April 2021



Nancy Cameron

Proposed Parcel 21-15

From: John <jsandrw@matnet.com>
Sent: Sunday, June 6, 2021 10:51 PM
To: Nancy Cameron; Land Management
Subject: msb007737 2021 competitive sealed bid 21-15

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]
June 6, 2021

To: Nancy Cameron, Land Management Division
Matanuska Susitna Borough

From: John Strassenburgh, Talkeetna

Re: Public comment MSB0007737; 26N04W31D003 parcel number 21-15

I write to express my concerns about the proposed reclassification for potential sale of borough owned parcel 26N04W31D003 (parcel number 21-15), located on the west side of the Talkeetna Spur Road near its intersection with Comsat Road.

This parcel is approximately 5.5 acres in size, located adjacent to the Spur Road up on the bluff near Talkeetna, just south of the new Library. This is well above Talkeetna's flood plain. The Borough's 2008 Talkeetna Public Facilities draft report describes this site as "....located centrally to the larger community."

Even though its elongated shape limits somewhat the potential uses of the parcel, it is very important that the Borough retain ownership. We do not know what the borough will require for facility infrastructure in the future, and it is important to take the long view.

For example, the original, preliminary site for the new library was in the flood plain, near the site of the old library. Closer examination of this site revealed a need to evaluate other options. This evaluation process of selecting a site for the new library showed us that building in the flood plain, below the bluff, is not feasible and is not a prudent use of borough funds. It also showed the benefit of the borough retaining ownership of its lands within or near communities.

For a number of reasons, including potential flood issues, the library now sits along the east side of the Spur Road just north of Comsat (26N04W31A007). Its companion parcel is 26N04W31A006. A006 and A007 were, in 1999 one parcel, and offered in the spring of 1999, for sale to the public as parcel 99-44. The Borough withdrew this parcel from the sale due to community opposition.

The borough subdivided the parcels into A006 and A007, and both (separately) were again offered for sale to the public a few years later (there is some question whether this second offering was in 2002 or 2005). Again, after hearing from the public, the MSB withdrew the parcels from the sale.

It is a good thing the community spoke and the Borough listened, because this is where the library sits is today.

I see a parallel here. It wasn't expected that the library would be built on either A006 or A007, but that's what happened. I hope the MSB realizes the potential for a similar scenario to occur with the subject parcel 21-15 (D003).

We don't know what the future will bring. If there is a flood that damages, say, the fire hall to the extent that it must be rebuilt, the borough would be very unlikely to make such an investment in the flood plain. The Borough would need an alternate, safe, place to rebuild. I think it would be foolish for the borough to toss aside any of the options (even a 5.5 acre elongated parcel), whether it be for a new fire hall or whatever else what might be required.

I hope the borough reconsiders its decision to reclassify 21-15 (D003) for sale. The appraised value of D003 (21-15) is only \$28,900, so the borough isn't giving much up by being prudent and retaining ownership, and saving money in the long run.

Thank you for your consideration.

Sincerely,
John Strassenburgh



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

26 222N04W02D008
NEWMAN RICHARD & LINDA TR (Estate of)
1824 MILTON RD
NAPA CA 94559

Proposed Parcels 21-16 thru 22

MATANUSKA-SUSITNA BOROUGH
PUBLIC NOTICE

Type: Classification/Sale (MSB007737)

**Tax ID: 3157B02L006, 3157B03L001, 2 & 3,
and 3157B04L005 & 7**

The Matanuska-Susitna Borough Land & Resource Management Division is seeking Planning Commission recommendation of land classification and Assembly approval to sell the above identified Borough-owned parcels. If so approved, the parcels may be included in the 2021 Competitive Sealed Bid Land Sale and subsequent land sales which have not been scheduled, but are planned for fall 2021. Proposed parcels are located throughout the Borough and a complete list is available during normal business hours at the Land & Resource Management office in Palmer. Land classifications include a mix of Private Recreation and General Purpose use, with one Agriculture use parcel in Point MacKenzie.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division or visit the Public Notice Section on the borough's web page www.matsugov.us. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **June 7, 2021**. If you have questions about this request: call Nancy Cameron at 861-7848 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (please refer to **MSB007737, 2021 Competitive Sealed Bid, when submitting comments**).

Comments: The concern we have for those who purchase these properties for "recreational use" is the lack of respect for the homeowners that live in the area full time. (Examples: Fireworks, shooting guns, illegal bon fires, loud music, reckless driving and trespassing with ATV's / snowmobiles). When needed, the state troopers and fire department are not able to respond in a timely matter to protect people, property + nature itself.

Signature: (Estate of Richard & Linda Newman) 47842 S. Shaman Rd. Willow, AK Thank you -

Richard L. Newman
[Signature]

(If you need more space for comments please attach a separate sheet of paper.)

MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

Nancy Cameron

Proposed Parcel 21-24

From: Jill Irsik
Sent: Wednesday, May 19, 2021 3:07 PM
To: Nancy Cameron
Subject: FW: MSB007737
Attachments: Willow Survey Project map.pdf

From: Steve Charles <scharles@mtaonline.net>
Sent: Wednesday, May 19, 2021 3:02 PM
To: Land Management <Land.Management@matsugov.us>
Subject: MSB007737

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

Nancy,

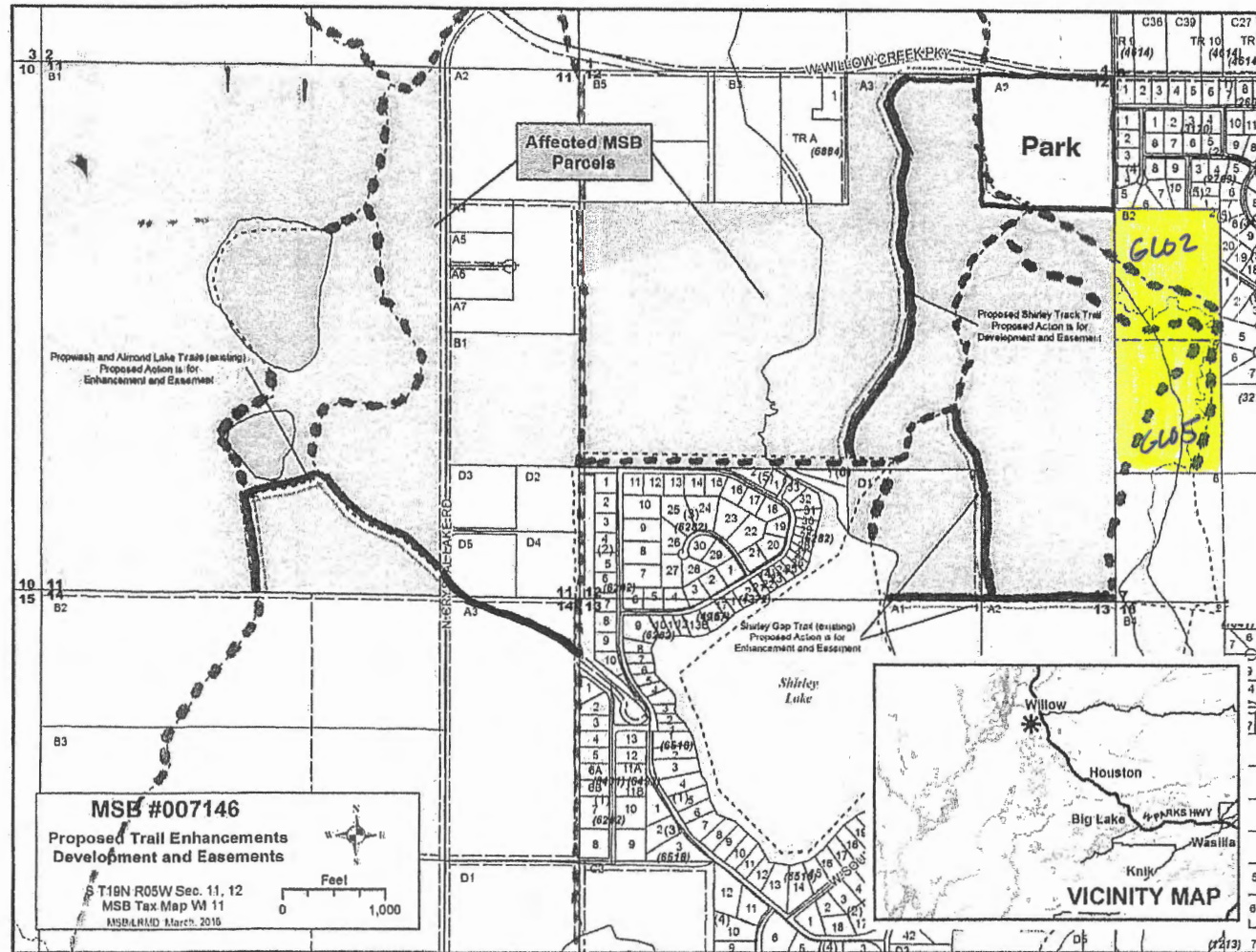
I left you a phone message concerning this possible land sale. The Willow Trail Committee manages two significant winter trails in this parcel and so we have some concerns about this sale. Attached is a map of trails we are working on easements with the Borough. Questions:

1. Any chance this sale could be rescinded?
2. Can the parcel be divided to sell the northern portion, the only one with buildable land?
3. If it can be divided, can we reclassify the southern portion to match that of the Willow Management Unit that is adjacent?
4. If none of the above works, can we have survey and easement acquisition be a condition of sale?

Steve Charles, Chair
Willow Trail Committee

Note: Please blame all typos on this tiny keyboard and anything that makes no sense on autocorrect.

Willow Creek SRA



Comments are in compliance with MSB Code 23.05.025
ON BOTTOM AND RIGHT OF STAMP

to Willow CC

*This public notice & request
PLEASE TAP

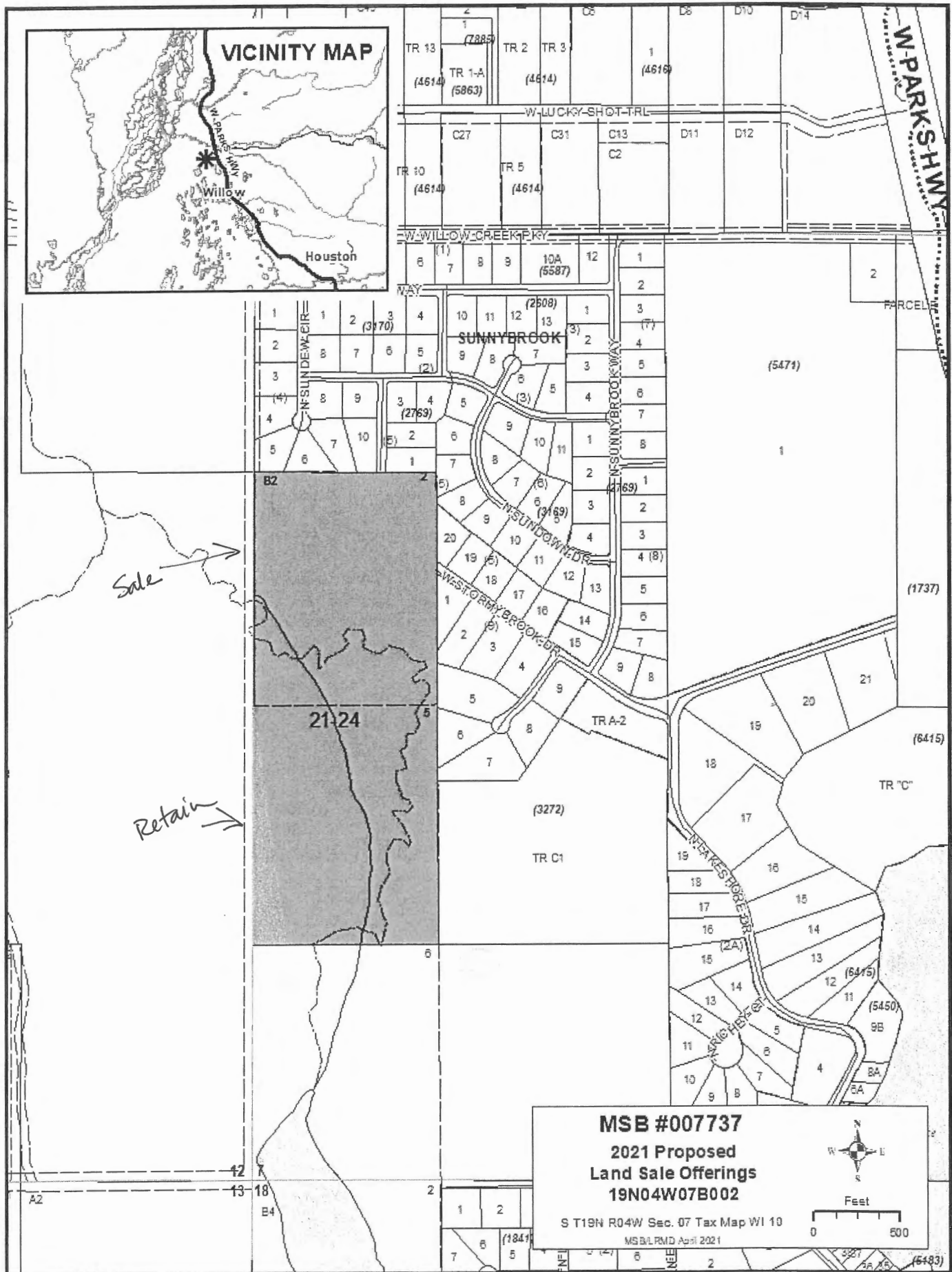
Nancy Cameron

Proposed Parcel 21-24

From: Clay Arterburn <clayton74@gmail.com>
Sent: Tuesday, June 1, 2021 11:49 AM
To: Nancy Cameron
Subject: Parcel 19N04W07B002

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

I am writing to request that the northern government lot of Parcel 19N04W07B002 not be retained and remain unzoned for possible future inclusion in a MSB Land Sale. This lot is desirable uplands situated between existing subdivision lots with road access from two sides. It is prime for residential use or small scale agriculture. While the southern portions of this parcel contains valuable community winter use trails, the northern government lot is not used for community recreation. In addition it sits in close proximity to another community 40 acre parcel of uplands so retaining the northern government lot for community uplands use would be unnecessary.



*This public notice & request for comments is in compliance with MSB Code 23.05.025
PLEASE TAPE CLOSED ON BOTTOM AND RIGHT OF STAMP



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

2 54136B02L001
FARMER KENNETH A
FARMER CYNTHIA DAVIS
23795 W CARPENTER LK RD
BIG LAKE AK 99623

Proposed Parcel 21-25

MATANUSKA-SUSITNA BOROUGH
PUBLIC NOTICE

Type: Classification/Sale (MSB007737)

Tax ID: 6532000L001

The Matanuska-Susitna Borough Land & Resource Management Division is seeking Planning Commission recommendation of land classification and Assembly approval to potentially sell the above identified Borough-owned parcel. You are receiving this notice as a property owner within 600 feet of the specific parcel being proposed for land classification and potential sale. If so approved, the parcel will additionally require platting approval to subdivide with the intent to create two parcels, and remove a plat note imposed by the state survey that Lot 1 be retained for public purpose, which is not defined. Other proposed parcels for classification and potential sale are located throughout the Borough and a full list is available during normal business hours at the Land & Resource Management office in Palmer.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division or visit the Public Notice Section on the borough's web page www.matsugov.us. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **June 7, 2021**. If you have questions about this request: call Nancy Cameron at 861-7848 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (please refer to **MSB007737, 2021 Competitive Sealed Bid, when submitting comments**).

Comments: *We object to the removal of note 14 "Lot 1 is reserved for public use and shall not be sold" on Plat 74-49, and the subsequent subdividing and sale of the property.*

Our objections and reasoning are contained in the attached note.

Signature: *[Signature]*

(If you need more space for comments please attach a separate sheet of paper.)

MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

As stated on the public notice comment form, we object to the removal of note 14 "**Lot 1 is reserved for public use and shall not be sold.**" on Plat 74-49 and the subsequent sub-dividing and sale of the property.

Public Use

The public notice states that the public purpose (use) was not defined. No, Not on the Plat. However, the intention was clear. The lot was intended to be used for public access. In fact, the department of Fish and Game had designed a public access area for the lot.

The lot is big enough to build public access complete with a boat ramp, parking lot, camping area and port-a-potties.

Current Public Access

The current public access for Carpenter lake is on the West end of the lake adjoining my property. The access is a narrow strip of land with a poorly and hastily designed boat ramp. The area has no toilet facilities and a small parking area. No camping is permitted.

The lack of toilet facilities does not hinder or otherwise restrain the natural human digestive processes. As a result, my woods have become a public latrine.

I am also convinced that the makeshift parking area extends onto my property, adding to the above-mentioned trespassing.

Although overnight camping is prohibited, it does occur. There is no enforcement of the policy other than what we and our neighbors can perform without getting shot.

Opening Lot 1 as the primary public access for Carpenter Lake would alleviate these problems.

Signed: _____

Kenneth and Cynthia Davis Farmer

CARPENTER LK ADD #1 BLOCK 2 LOT 1



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

MATANUSKA-SUSITNA BOROUGH
PUBLIC NOTICE

Proposed Parcel 21-25
Tax ID: 6532000L001

Type: Classification/Sale (MSB007737)

The Matanuska-Susitna Borough Land & Resource Management Division is seeking Planning Commission recommendation of land classification and Assembly approval to potentially sell the above identified Borough-owned parcel. If so approved, the parcel will additionally require platting approval to subdivide with the intent to create two parcels, and remove a plat note imposed by the state survey that Lot 1 be retained for public purpose, which is not defined. Other proposed parcels for classification and potential sale are located throughout the Borough and a full list is available during normal business hours at the Land & Resource Management office in Palmer.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division or visit the Public Notice Section on the Borough's web page www.matsugov.us. Public comment is invited on this request. If you have any comments please mail or deliver them to the Borough offices at the address indicated above, no later than **June 7, 2021**. If you have questions about this request: call Nancy Cameron at 861-7848 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (please refer to **MSB007737, 2021 Competitive Sealed Bid, when submitting comments**).

Comments: As the owners of Lot 3, Plat #74-49, we oppose the replatting and/or sale of Lot #1, Plat #74-49 as a violation of the Alaska Statute A.S. 38.05.157, and the Alaska Constitution's "Public Use Doctrine" which orders the preservation of public access to Alaska's navigable waters and public waterways. The proposed subdivision and sale of Lot 1 is in direct violation of the Plat Note#14 which the bidders and purchasers of all area lots have relied upon. Plat Note#14 "runs with the land" and cannot be randomly changed at the whim of the Matanuska-Susitna Borough. The Plat Note requires the use of Lot #1 for public purposes and particularly for guaranteeing access to Carpenter Lake.

Signature: _____

J. S. 7 m. Mills

(If you need more space for comments please attach a separate sheet of paper.)

MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

Kathleen A. Weeks
23139 W. Carpenter Lake Rd
Wasilla AK

June 1, 2021

From: Kathleen A. Weeks, Manager/Owner of 6178
NMW Investments, LLC

Re: Lot 1, Plat # 74-49 Palmer Recording

email: kathleenweeks@me.com

Proposed Parcel 21-25

COMMENT TO MSB007737, Re: Tax ID # 6532000L001

As the owner of Lot 2, Plat #74-49, I oppose the replatting and/or sale of Lot #1, Plat #74-49 as a violation of the Alaska Statute A.S. 38.05.157, and the Alaska Constitution's "Public Use Doctrine" which orders the preservation of public access to Alaska's navigable waters and public waterways. The proposed subdivision and sale of Lot#1 is in direct violation of the Plat Note#14 which the bidders and purchasers of all area lots have relied upon. Plat Note#14 "runs with the land" and cannot be randomly changed at the whim of the Matanuska-Susitna Borough. The Plat Note requires the use of Lot #1 for public purposes and particularly for guaranteeing access to Carpenter Lake. A detailed analysis follows.

A. Misleading Public Notice:

In the Matanuska-Susitna Borough Public Notice regarding the proposed subdivision and sale of Lot 1 Plat# 74-49, the Borough fails to include the complete plat note for Lot 1. The Plat Note # 14 reads: "Lot 1 is reserved for public use and shall not be sold." (emphasis added)

B. Background Regarding Borough Information Provided to Bidders:

When all of the lots in Plat# 74-49 and Plat 93-57 went to sale at public auction, I purchased Lot 2, Plat#74-49 directly to the west of Lot 1. In 1993, I wrote to the Borough regarding Plat Note#14 (see attached). I learned that the Alaska Department of Fish and Game had initiated a request on July 21, 1993 to construct an access road parking pad and a concrete boat ramp on Lot 1. Copies of the correspondence from the Borough is attached hereto as Exhibit "A." I shared the information with others who were interested in the sale. There is no public access to Carpenter Lake on any of the north side of the lake. Prior to statehood, the entire north side of Carpenter Lake was transferred via federal patent to the Carpentier homesteaders with no public access rights reserved. In 1993, Bidders/Buyers had concerns about the very limited public access to this mile-long lake. Floatplanes frequently came in and out but boats had a much harder time finding the isolated nominal access on the west side of the lake. Cars drove up and down Carpenter Lake Road but there is no water access point, even today. The reservation of Lot#1 for "public use and shall not be sold" made sense because public access was guaranteed and the state was already planning an access road through Lot#1 and a concrete public boat launch.

C. The Alaska Constitution Requires Access to Navigable Waters and Public Waterbodies

Even before Statehood, Alaska set the framework for resource management in the Alaska Constitution in 1956. Article VIII is clear in its expression of management policy pertinent to coastal resources and access:

"It is the policy of the State to encourage the settlement of its lands and the development of its resources by making them available for maximum use consistent with the public interest."

Section 1

"Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use."

Section 3

"Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial user, or purposes."

Prior to the enactment of either the federal or-state coastal management programs, Alaska was involved in providing access to and along navigable and public waters. Three areas of concern have been key to the development of Alaska's access policies: land selection, land management, and land disposal activities.

D. The Alaska Department of Natural Resources has repeatedly explained the "Public Trust Doctrine" that guides land use in Alaska

From the Alaska Department of Natural Resources paper "Policies and Procedures on Ownership and Management of Navigable and Public Waters, June 18, 1996:

"State ownership of the beds of navigable waters is an inherent attribute of state sovereignty protected by the United States Constitution. Utah v. United States, 482 U.S. 193 (1987). Under the doctrine, all states enter the Union on an equal footing with respect to sovereign rights and powers, title to the beds of navigable waters in Alaska vested in the newly formed State of Alaska in 1959. In addition, under the Alaska Constitution and the public trust doctrine, all waters in the state are held and managed by the state in trust for the use of the people, regardless of navigability."

The Alaska DNR paper goes on to explain the Public Trust Doctrine that prevents the State of Alaska from conveying to others their duties to preserve access to navigable waters:

" Public Trust Doctrine

"The state has special duties and management constraints with respect to state-owned land underlying navigable waters. These special duties and management constraints arise from the Alaska Constitution. The Alaska Constitution contains numerous provisions embracing the principles commonly known as the public trust doctrine. The public trust doctrine is remarkable both for its age and for its vigor. Rooted in the customs of the seafaring Greeks and Romans, it has evolved to become one of the most effective safeguards of public rights. Basically, the trust reflects an understanding of the ancient concept that navigable waters, their beds and their banks, should be enjoyed by all the people because they are too important to be reserved for private use.

In America, the concept of public rights to public waters was recognized since the early days of the Massachusetts Bay Colony where the great Pond Ordinance of 1641

guaranteed the right to fish and fowl in ponds greater than 10 acres, along with the freedom to pass through private property to do so.

By 1821, American courts were pronouncing the law of public trust as we know it today. This does not mean that no water-related development can take place. The public trust doctrine permits states to improve waterways by constructing ports, docks and wharves, thus furthering the purposes of the trust. Generally speaking, the people's trust rights may be alienated only in ways that further overall trust uses, and in relatively small parcels.

Illinois Central Railroad Company v. Illinois, 146 U.S. 387, 452 (1892), involved a grant by the State of Illinois of one thousand acres of the bed of Lake Michigan, constituting the entire harbor of the City of Chicago, to the Illinois Central Railroad. The U.S. Supreme Court held that the grant was revocable, that the state held the land in trust for the public, and that it was powerless to relinquish its rights as trustee.

The court went on to say that land underlying navigable waters is much more than a simple property right.

[I]t is a title different in character from that which the state holds in lands intended for sale. It is different from the title which the United States holds in the public lands which are open to preemption and sale. It is a title held in trust for the people of the state that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein freed from the obstruction or interference of private parties... The trust devolving upon the state for the public, and which can only be discharged by the management and control of property in which the public has an interest, cannot be relinquished by a transfer of the property.

In the 19th century the purposes of the trust were generally described as "commerce, navigation and fishery." This was logical because the major waterways were essential highways of commerce. But as other values became increasingly important, courts began to recognize recreation and environmental protection among the purposes for which the trust exists. As a California court said in 1971, "with our ever increasing leisure time...and the ever increasing need for recreational areas it is extremely important that the public need not be denied use of recreational water...the rule is that a navigable stream may be used by the public for boating, swimming, fishing, hunting and all recreational purposes." *People ex rel. Baker v. Mack*, 19 Cal. App. 3d 1040, 1044 (1971).

The Alaska constitution provides protections similar to the public trust doctrine protections that cannot be disregarded by the legislature or overruled by the courts. Article VIII, Sec. 3 provides; "Wherever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use." After reviewing the public trust doctrine in *Owsichuk v. State*, 763 P.2d 488 (Alaska 1988), the Alaska Supreme Court explained that "the common use clause was intended to engraft in our constitution certain trust principles guaranteeing access to the fish, wildlife and water resources of the state."

- (2) upon finding that the body of water or waterway is navigable or public water, provide for the specific easements or rights-of-way necessary to ensure free access to and along the body of water, unless the commissioner finds that regulating or limiting access is necessary for other beneficial uses or public purposes.
- (b) The department shall adopt regulations implementing this section.
- (c) Nothing in this section affects valid existing rights or limits in any way the constitutional right of the public to use and have free access to the navigable or public waters of the state.
- (d) Upon application by a municipality or an affected owner of land, the department may vacate, release, modify, or relocate an easement and right-of-way for public access to or along navigable or public waters reserved by the department in a patent issued under AS 29.65 or former AS 29.18, if the commissioner determines the action is consistent with the public interest.
- (e) The establishment of easements or rights-of-way for oil and gas, gas only, and mineral leases under (a) of this section need not be made until the leases are ready to be developed.
- (f) *Rights-of-way or easements to waterways established under (a)(2) of this section shall be established approximately once each mile* unless the commissioner makes a written finding that regulating or limiting access is necessary for other beneficial uses or public purposes.
- (g) The commissioner may exchange land under AS 38.50 to create access to public water of the state.

F. What are "Navigable Waters" for the purpose of Alaska Public Access?

Pursuant to this grant of authority, the Alaska State Legislature, in AS 38.05.365(12), defined "navigable waters" as follows:

"navigable waters" means any water of the state forming a river, stream, lake, pond, slough, creek, bay, sound, estuary, inlet, strait, passage, canal sea or ocean, or any other body of water or waterway within the territorial limits of the state or subject to its jurisdiction, that is navigable in fact for any useful public purpose, including but not limited to water suitable for commercial navigation, floating of logs, landing and takeoff of aircraft, and public boating, trapping, hunting waterfowl and aquatic animals, fishing, or other public recreational purposes.

This definition of navigable waters does not define state ownership of submerged land in Alaska. The definition of navigability for ownership purposes was discussed in the Alaska DNR paper mentioned earlier. This definition, however, does define what types of waterbodies in Alaska are available for public use under the Alaska statutes.

G. In Alaska, Plat Notes “Run with the land” and put the world on notice of restrictions and reservations that the public can rely upon

The significance of a Plat Note was explained by the Alaska Supreme Court in *Spinell Homes, Inc. v. Municipality of Anchorage*, 78 P.3d 692 (Alaska 2003). The Alaska Supreme Court wrote:

“[P]lat notes contain a restrictive covenant that runs with the land... When the platting authority placed notes on the relevant plats indicating the landscaping requirements, *Spinell [Homes, Inc.]* was placed on constructive notice of those requirements.

Plat notes are covenants that run with the land and are enforceable by the municipality against subsequent owners.” *Supra.*, at p. __.

Plat Note #14 to Plat 74-49 was intended to preserve the public welfare, particularly to preserve the access to Carpenter Lake as a navigable waterway. All of the north side of the Lake had been homesteaded before statehood and no public access had been preserved. In 1993 the MatSu Borough was planning to sell more than 20 lots (See also Plat #93-57). No public access to the Lake was reserved on any of those 20+ lots. But public access/use was guaranteed by the Plat Note #14 on Lot #1. Only the public use reservation of Lot #1 allowed MatSu Borough to meet the requirements of A.S. 38.05.127 to preserve access to navigable waters.

H. Alaska Statute 38.05.127(f) requires public access to navigable waters at least every mile along the waterbody.

Because Carpenter Lake is over mile long, Alaska State Statute 38.05.127 requires that MatSu Borough preserve public access every mile along the waterway. Access is required on the southeast end of the Lake and the northwest end also. The Matanuska Susitna Borough was required to reserve a public access on the easterly end of Carpenter Lake Road (as it did in the Plat Note #14 to Plat 74-49 regarding the dedication of Lot #1 to no further sale). Lot # 1 must remain in MatSu Borough’s ownership to preserve public access to Carpenter Lake, a navigable waterway.

CONCLUSION

The Matanuska-Susitna Borough cannot randomly discard Plat Notes for its convenience. The public relies upon plats and plat notes for public roads and access. Lot #1 on Plat 74-49 was set aside “*not to be sold*” to assure access to Carpenter Lake and an area set a guarantees side for public purposes. Plat notes “run with the land” and govern all purchasers thereafter. Alaska Statute 38.05.127 mandates access every mile for all navigable waters. Lot #1 cannot be subdivided or sold.

Submitted June 2, 2021
Kate A. Webb

LAW OFFICES OF
KATHLEEN A. WEEKS
425 "G" STREET, SUITE 850
ANCHORAGE, ALASKA 99501

PHONE: (907) 276-4445

FAX (907) 279-6603

September 29, 1993

Linda M. Kelly
Real Property Analyst
Land Management Division
350 E. Dahlia Avenue
Palmer, Alaska 99645

SENT BY FACSIMILE
745-9876


RE: Matanuska-Susitna Borough Land Sale Bid #93-97

Dear Ms. Kelly:

Can you please provide me with any information regarding the plat note which makes Lot 1 immediately beside me on Carpenter Lake a public use area? Do you have any idea whether the Mat-Su Borough has any specific plans for what public use they plan to make of that lot?

Thank you.

Sincerely,


Kathleen A. Weeks

KAW/akl



MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645-6488

Phone 745-4801 • Fax 745-9876

LAND MANAGEMENT DIVISION

September 30, 1993

Kathleen A. Weeks
Attorney at Law
425 G Street, Suite 850
Anchorage, AK 99501

RE: MSB 2094 - Parcel 96
Land Sale Bid # 93-97

Dear Ms. Weeks:

This is in response to your letter of September 29, 1993 regarding Note # 14 on the plat for ASLS 74-12 (Plat # 74-40 - Palmer Recording District). The note states " Lot 1 is reserved for public use and shall not be sold".

Public use can mean many things. Typically, when land is in an unimproved state, it would allow casual use by members of the public for recreation and access. A decision could be made by the borough to expend public funds and "improve" the public use by installing facilities which are commonly associated with a park or other public facility. Such decisions are made through the public process and are typically initiated by a request for the facilities from an assembly member, member of the public, another public agency or local community council.

The State of Alaska, Dept. of Fish and Game initiated a request on July 21, 1993 to construct an access road, parking pad and single width concrete boat ramp across a portion of Lot 1. The proposal has not even been processed for inter-departmental or community council review at this time. Based on those findings, it would go to the Planning Commission for review and eventually to the Assembly for action. It is anticipated that the processing will occur over the winter months, and I can not forecast an outcome.

Other public access exist on the east and west ends of Carpenter Lake. The manager of the borough engineering division has the ability, under borough code, to issue construction permits within dedicated public access. The construction under the permits must meet certain borough engineering guidelines. It is my understanding that SOA, DF&G reviewed those sites for their proposed facility and determined that Lot 1 was a better site due to lake depth and other construction concerns. The use of Lot 1, will require authorization from the assembly.

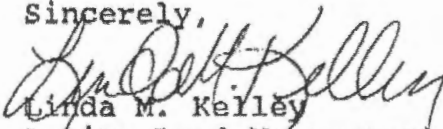
I have enclosed a sketch of the SOA, DF&G's proposal for your information. I must emphasize that it has not been reviewed or approved by the borough. I can not represent to you that it is the way the facility would be constructed, or even if the proposal will be approved.

It is important that you inform me of your intentions regarding your bid on parcel 96 no later than Tuesday, October 5. Once you have executed the purchase agreement, you have the ability to request that the MSB agree to an assignment of your right to purchase. In accordance with page 3, item 10 (Assignments), the MSB's consent must be in writing, and it may be withheld for any reason. The borough will not withhold its approval unreasonably.

The primary reason the borough would withhold its approval, would be if the outcome would be contrary to the public and boroughs best interest. Basically, if the assignee(s) met the bidder/buyer qualification criteria and are agreeable to meeting all of the terms and conditions of the sale, including your bid price and terms, the approval to assign would be forthcoming.

I hope this meets your request for information. Please contact me at your earliest convenience, time is truly "of the essence".

Sincerely,



Linda M. Kelley
Acting Land Management Officer

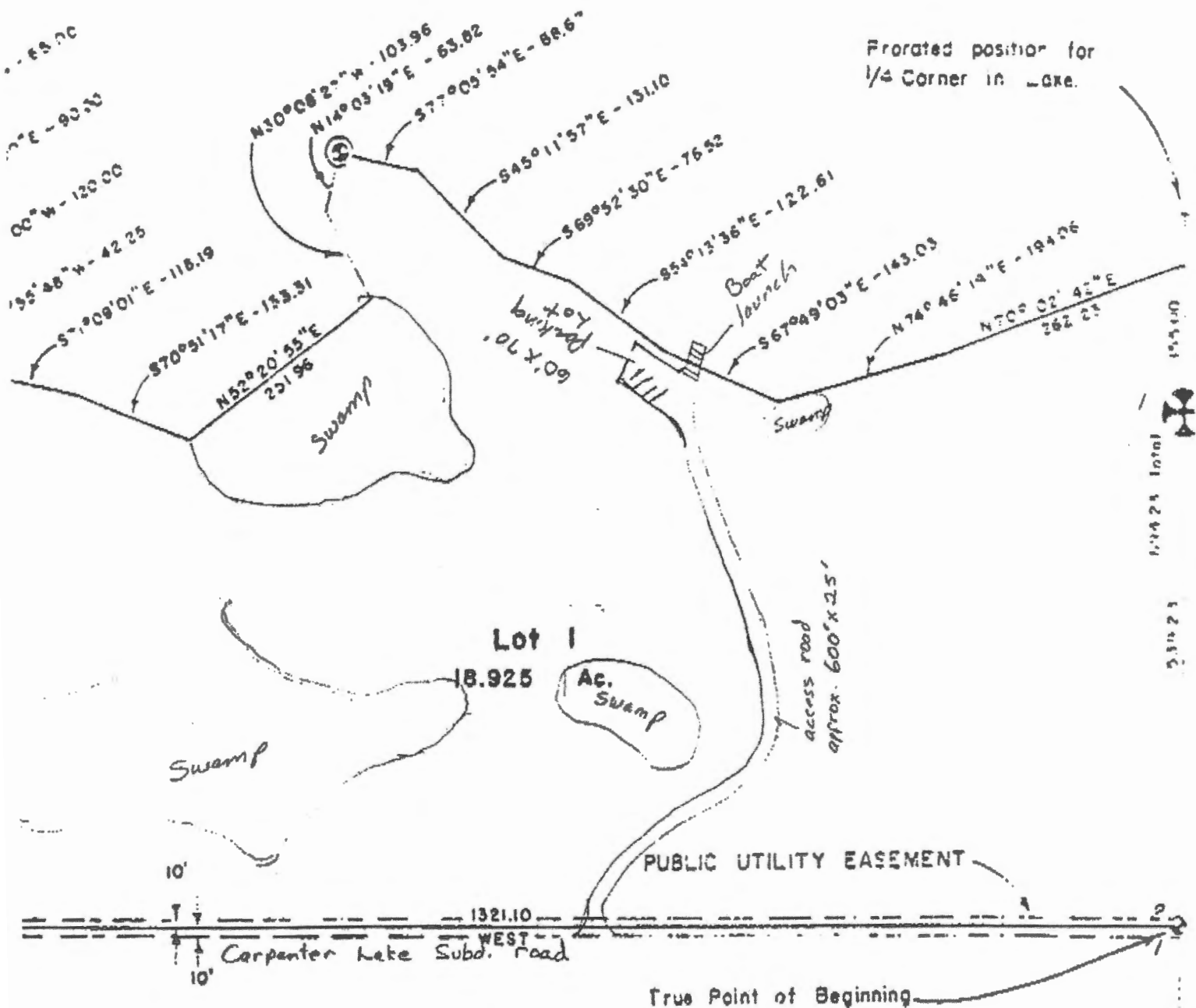
Enclosure

cc: reading file
MSB 2094

ID:

OCT 04 '93

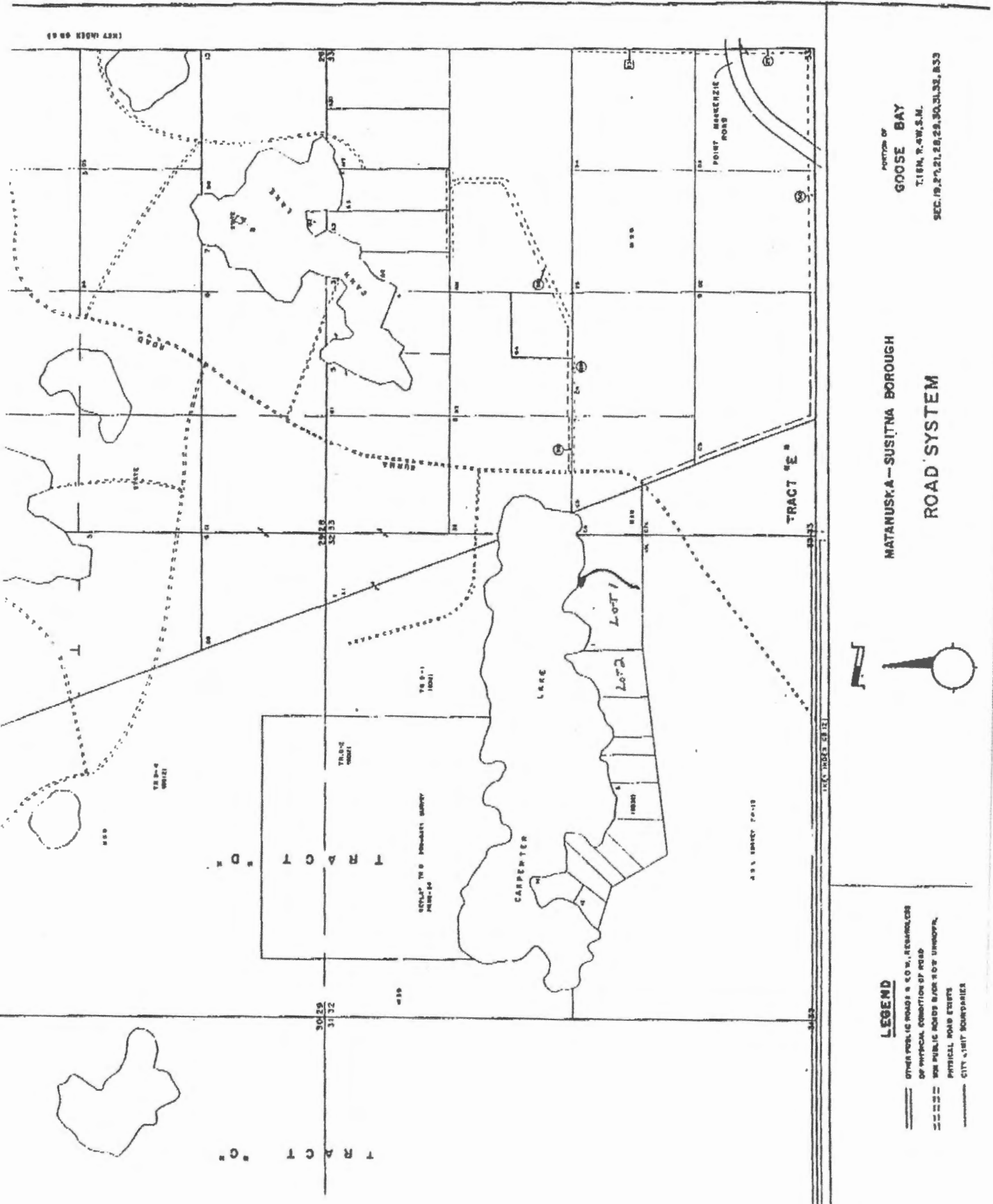
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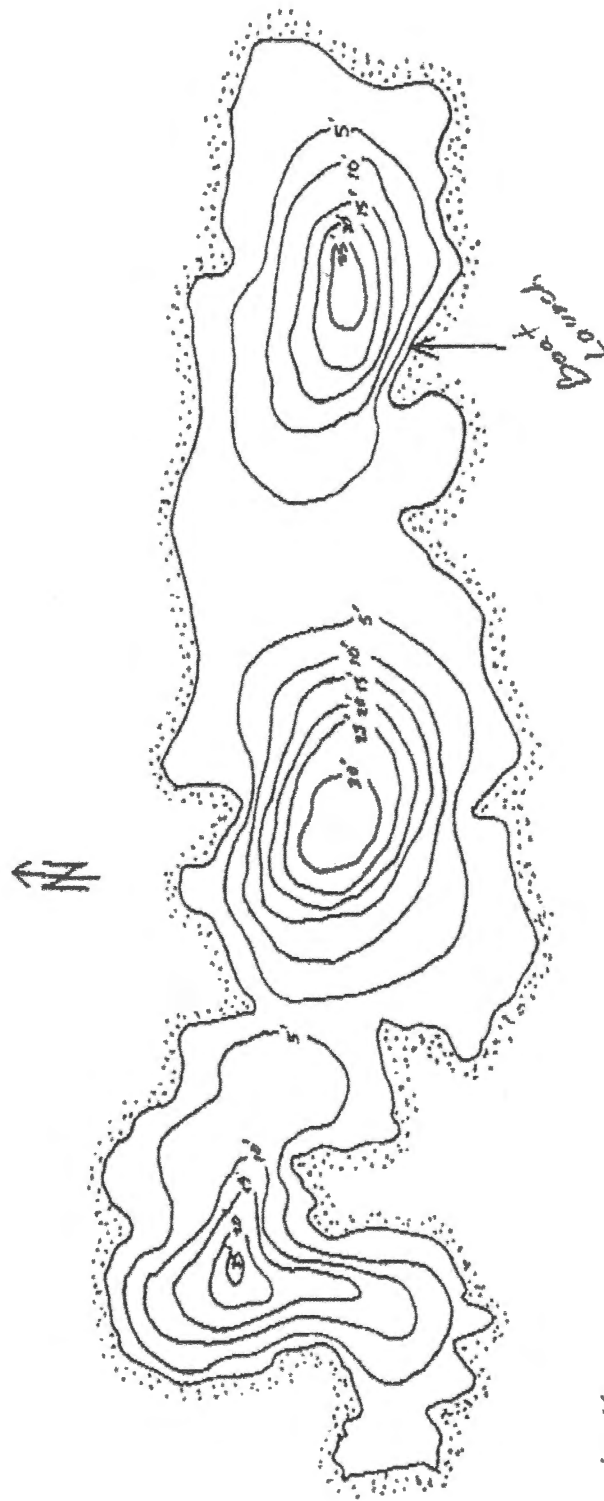


IFICATE OF REGISTERED LAND SURVEYOR

I hereby certify that I am a registered professional land surveyor and that this map represents the survey made by me or under my direct supervision, and that the monuments shown thereon actually exist as located, and that all dimensional and other data are correct within the limits of accuracy established by the Matanuska-Susitna Borough.

4, 10, 11, 11





Compton Lake

Gen Loc. - 61°26'N 150°29'W

Elevation - 175'

Surface Area - 176.4 Acres

Volume - 1426.16 Acres Ft

Max. Depth - 30'

Mean Depth - 8.08'

Shoreline Length - 3.79 Miles

Shoreline Development 2.04

Scale 1" = 757.35'

Surveyed Oct, 1987



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

MATANUSKA-SUSITNA BOROUGH
PUBLIC NOTICE

Proposed Parcel 21-25
Tax ID: 6532000L001

Type: Classification/Sale (MSB007737)

The Matanuska-Susitna Borough Land & Resource Management Division is seeking Planning Commission recommendation of land classification and Assembly approval to potentially sell the above identified Borough-owned parcel. If so approved, the parcel will additionally require platting approval to subdivide with the intent to create two parcels, and remove a plat note imposed by the state survey that Lot 1 be retained for public purpose, which is not defined. Other proposed parcels for classification and potential sale are located throughout the Borough and a full list is available during normal business hours at the Land & Resource Management office in Palmer.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division or visit the Public Notice Section on the Borough's web page www.matsugov.us. Public comment is invited on this request. If you have any comments please mail or deliver them to the Borough offices at the address indicated above, no later than **June 7, 2021**. If you have questions about this request: call Nancy Cameron at 861-7848 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (please refer to **MSB007737, 2021 Competitive Sealed Bid, when submitting comments**).

Comments: See attached page

Signature: Nicholas D. Weber

(If you need more space for comments please attach a separate sheet of paper.)

MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

I strongly oppose the sell of lot 1 at Carpenter Lake to private property. It is amazingly difficult to access lakes in the area due to an overwhelming amount of private property and the lack of maintained trails or roads despite the fact that most lakes in the area are stocked with fish in efforts to provide sport anglers water to fisht. Also, so many lakes in the region have no land set aside for public access or public camping. I believe that there should be a public campground and public access boat launch for Carpenter Lake, especially as it appears that most lakes in the general 20 mile radius to include, Stephen lake, Ann lake, Jewell Lake, Horseshoe lake, Cann Lake, Lost Lake, Dollar lake have only a small trail or maybe one or two parking spaces for access.

I love to fish the local lakes and snow machine or ATV to them, but it is getting increasingly difficult to access these lakes lately. Horseshoe Lake for instance is a really bumpy, muddy road that is barely navigable. It's sad to me to see our trails and lakes blocked by private property these days. When my family and friends bought land at Carpenter Lake they and I relied on a future public access to the lake and a possible campground boat launch facility to use for gatherings. Carpenter Lake is in a great location to provide an easy access to the lake for summer family activities, unlike Seven Mile Lake, which is only accessible to the public in the winter. Burma Road comes in to close proximity of Carpenter Lake yet lot 1 is the only possible way to provide access via Burma Rd, as the Carpenter family owns most of the east side of the lake and land along Burma Rd. I don't think its fair to Alaskans to sell public lands set aside for public use and access to lakes and trails just to make a little money, that is what is destroying the appeal of living in an area with stocked lakes and public trails for fishing, dog mushing, and ATVs. After talking with many neighbors, I believe they all agree with me and value our public access to the lakes of the area.

Thank you for listening



Nick Weeks
18716 W Point Mackenzie Rd
Wasilla AK 99623

I whole heartly agree ~~with~~ ^{with} the above statement made by Nick Weeks. I support Lot 1 of Carpenter lake to remain public lands.

Brooke Wilson, Point Mackenzie resident & land user



I strongly disagree with the sale of lot 1. It would many disrupt the peace that we have now. Please keep lot 1 of carpenter lake public. ~~scumfa Pratt~~



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

4 52097000T027
BROST WAYNE J & VERONICA P
14580 S GUERNSEY RD
WASILLA AK 99623

Proposed Parcel 21-26

MATANUSKA-SUSITNA BOROUGH
PUBLIC NOTICE

Type: Classification/Sale (MSB007737)

Tax ID: 2097000T022A

The Matanuska-Susitna Borough Land & Resource Management Division is seeking Planning Commission recommendation of land classification and Assembly approval to sell the above identified Borough-owned parcel. You are receiving this notice as a property owner within 600 feet of the specific parcel being proposed for classification and sale. If so approved, the parcel may be included in the 2021 Competitive Sealed Bid Land Sale and subsequent land sales which have not been scheduled, but are planned for fall 2021. Proposed parcels are located throughout the Borough and a complete list is available during normal business hours at the Land & Resource Management office in Palmer. Land classifications include a mix of Private Recreation and General Purpose use, with one Agriculture use parcel in Point MacKenzie.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division or visit the Public Notice Section on the borough's web page www.matsugov.us. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **June 7, 2021**. If you have questions about this request: call Nancy Cameron at 861-7848 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (please refer to **MSB007737, 2021 Competitive Sealed Bid, when submitting comments**).

Comments: *Why would you (Borough) not sell this ag parcel? It has not been competitively bid since spring of 2019. Someone is operating it now, and in 2020 land is in demand and prices have gone up. My preference would be an outcry auction.*

Signature: *Wayne Brost - Veronica Brost*

(If you need more space for comments please attach a separate sheet of paper.)

MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

By: Nancy Cameron
Public Hearing: June 21, 2021
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 21-13**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING THE LAND CLASSIFICATION OF CERTAIN BOROUGH-OWNED LANDS PROPOSED FOR INCLUSION IN FUTURE LAND SALES AND FOR PUBLIC RETENTION, AND FORWARDING RECOMMENDATION TO THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY FOR APPROVAL (MSB007737).

WHEREAS, borough land sales are a source of revenue for borough and community projects; and

WHEREAS, there is significant public interest in acquiring land through borough land sale programs; and

WHEREAS, the benefit of transferring public land into private hands has economic development potential and increases revenue to the borough tax roll; and

WHEREAS, certain Borough-owned parcels have been identified for retention and disposal through the Land & Resource Division; and

WHEREAS, public notice was conducted in accordance with MSB 23.05.025, with public comments attached; and

WHEREAS, a Best Interest Finding is attached hereto providing analysis and discussion of the parcels in accordance with MSB 23.05.030, along with a parcel list and maps; and

WHEREAS, lands are classified in accordance with MSB 23.05.100 and the selected parcels fall under Private Recreation

Lands because of location, physical features, or adjacent development are presently or potentially valuable as outdoor recreation areas and may be best utilized by private development; General Purpose Lands because of physical features, adjacent development, location, or size of the area, may be suitable for a variety of uses, or do not lend themselves to more limited classification under other land descriptions; Agricultural Lands because of soils, location, physical features, or adjacent development are presently or potentially valuable for the production of agricultural crops; and Public Recreation Lands because of location, physical features, or adjacent development are presently or potentially valuable to the public as natural or developed recreational or historic areas.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby approves the classification of the Borough-owned parcels as stated herein for purpose of inclusion in future land sales and public retention, and forwarding recommendation to the Matanuska-Susitna Borough Assembly for approval.

ADOPTED by the Matanuska-Susitna Borough Planning
Commission this ____ day of ____, 2021.

COLLEEN VAGUE, Chair

ATTEST:

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

2021 Competitive Sealed Bid Land Sale (MSB007737)
Parcel List, Location, Acreage, and Land Classification

Parcel Number	MSB Tax ID Number	Location Area / Acreage	Land Classification	Minimum Bid
21-01	6520B03L004	Remote fly-in: Trinity Lakes, west of Susitna/Yentna River confluence 3.59 acres	Private Recreation	\$15,300
21-02	6520B03L005	Remote fly-in: Trinity Lakes, west of Susitna/Yentna River confluence 3.38 acres	Private Recreation	\$15,200
21-03	6520B03L008	Remote fly-in: Trinity Lakes, west of Susitna/Yentna River confluence 2.75 acres	Private Recreation	\$12,400
21-04	6520B05L017	Remote fly-in: Trinity Lakes, west of Susitna/Yentna River confluence 2.28 acres	Private Recreation	\$12,000
21-05	6520B05L021	Remote fly-in: Trinity Lakes, west of Susitna/Yentna River confluence 5.88 acres	Private Recreation	\$20,600
21-06	6520B05L029	Remote fly-in: Trinity Lakes, west of Susitna/Yentna River confluence 4.56 acres	Private Recreation	\$18,200
21-07	2167B03L013	Remote snow machine/ATV: Kenny Creek north of Petersville Road 5.00 acres	Private Recreation	\$9,000
21-09	2167B16L003	Remote snow machine/ATV: Kenny Creek north of Petersville Road 5.00 acres	Private Recreation	\$9,000
21-10	2167B24L001	Remote snow machine/ATV: Kenny Creek north of Petersville Road 5.00 acres	Private Recreation	\$9,000
21-11	2167B24L002	Remote snow machine/ATV: Kenny Creek north of Petersville Road 5.00 acres	Private Recreation	\$9,000
21-12	2167B24L003	Remote snow machine/ATV: Kenny Creek north of Petersville Road 5.00 acres	Private Recreation	\$9,000
21-13	2167B24L004	Remote snow machine/ATV: Kenny Creek north of Petersville Road 5.00 acres	Private Recreation	\$9,000
21-14	2167B27L002	Remote snow machine/ATV: Kenny Creek north of Petersville Road 5.00 acres	Private Recreation	\$9,000
21-15	26N04W31D003	Talkeetna: Talkeetna Spur Road MP 12 4.82 acres	General Purpose	\$28,900
21-16	3157B02L006	Caswell: Parks Hwy MP 93 north of Caswell Lakes Subdivision .92 acres	Private Recreation	\$5,600
21-17	3157B03L001	Caswell: Parks Hwy MP 93 north of Caswell Lakes Subdivision .92 acres	Private Recreation	\$5,600
21-18	3157B03L002	Caswell: Parks Hwy MP 93 north of Caswell Lakes Subdivision .92 acres	Private Recreation	\$5,600
21-19	3157B03L003	Caswell: Parks Hwy MP 93 north of Caswell Lakes Subdivision 1.01 acres	Private Recreation	\$4,900
21-20	3157B04L005	Caswell: Parks Hwy MP 93 north of Caswell Lakes Subdivision .93 acres	Private Recreation	\$5,600
21-21	3157B04L007	Caswell: Parks Hwy MP 93 north of Caswell Lakes Subdivision .93 acres	Private Recreation	\$5,600
21-22	3157B05L007	Caswell: Parks Hwy MP 93 north of Caswell Lakes Subdivision .92 acres	Private Recreation	\$5,600

Parcel Number	MSB Tax ID Number	Location Area / Acreage	Land Classification	Minimum Bid
21-23	22N04W11D001	Caswell: Parks Hwy MP 93 west of Caswell Lakes Subdivision 40.04 acres	General Purpose	\$43,200
21-24	19N04W07B002	Willow: Parks Hwy MP 71 north of Willow Lake off Willow Creek Pkwy 63.68 acres	N1/2General Purpose S1/2Public Recreation	N/A
21-25	6532000L001	Big Lake: Burma Road to Carpenter Lake Road 18.93 acres	General Purpose	\$134,700
21-26	2097000T022A	Pt. MacKenzie: North of Alsop Road off Guernsey Road 301.75 acres (excludes 12.1 acres for ROW esmt area)	Agriculture	\$521,000
21-27	6670B01L003	Meadow Lakes: West end of Seldon where it turns into Beverly Lakes Road .79 acres (excludes .33 acres for ROW esmt area)	General Purpose	\$104,600
21-28	6291000L001	Big Lake: MP 3 Big Lake Road to Beaver Lake Road 2.70 acres (excludes 1.19 acres for ROW esmt area)	General Purpose	\$70,000

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PUBLIC HEARING
LEGISLATIVE

Resolution No. PC 21-12

Transportation Infrastructure Package

(Pages 99-120)

PUBLIC HEARING



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Planning Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7833

www.matsugov.us

MEMORANDUM

DATE: June 14, 2021

TO: Matanuska-Susitna Borough Planning Commission

THRU: Alex Strawn, Planning and Land Use Director

FROM: Kim Sollien, Planning Services Manager

SUBJECT: Resolution PC 21-12, Transportation Infrastructure Package

SUMMARY STATEMENT:

The Borough Planning and Public Works staff have developed a list of road, pedestrian pathway, and public transit infrastructure development projects necessary to alleviate our most pressing traffic congestion issues, to diversify transportation choices for residents, enhance connectivity between communities, and make our major roadways safer for highway vehicles, pedestrians, and bicycle users.

Transportation planning takes many shapes and forms in the Mat-Su. The plan that provides the framework for all long-term transportation decisions in the Borough is the 2035 Long Range Transportation Plan (LRTP). The LRTP was developed for the Assembly to provide information about limitations in our transportation network and offer solutions to increase the level of service provided to residents by the Borough. The LRTP also identified specific short, mid, and long-term projects necessary to build out our transportation system and support our growing communities' needs. Many of the projects listed in the transportation system infrastructure package are identified in the LRTP.

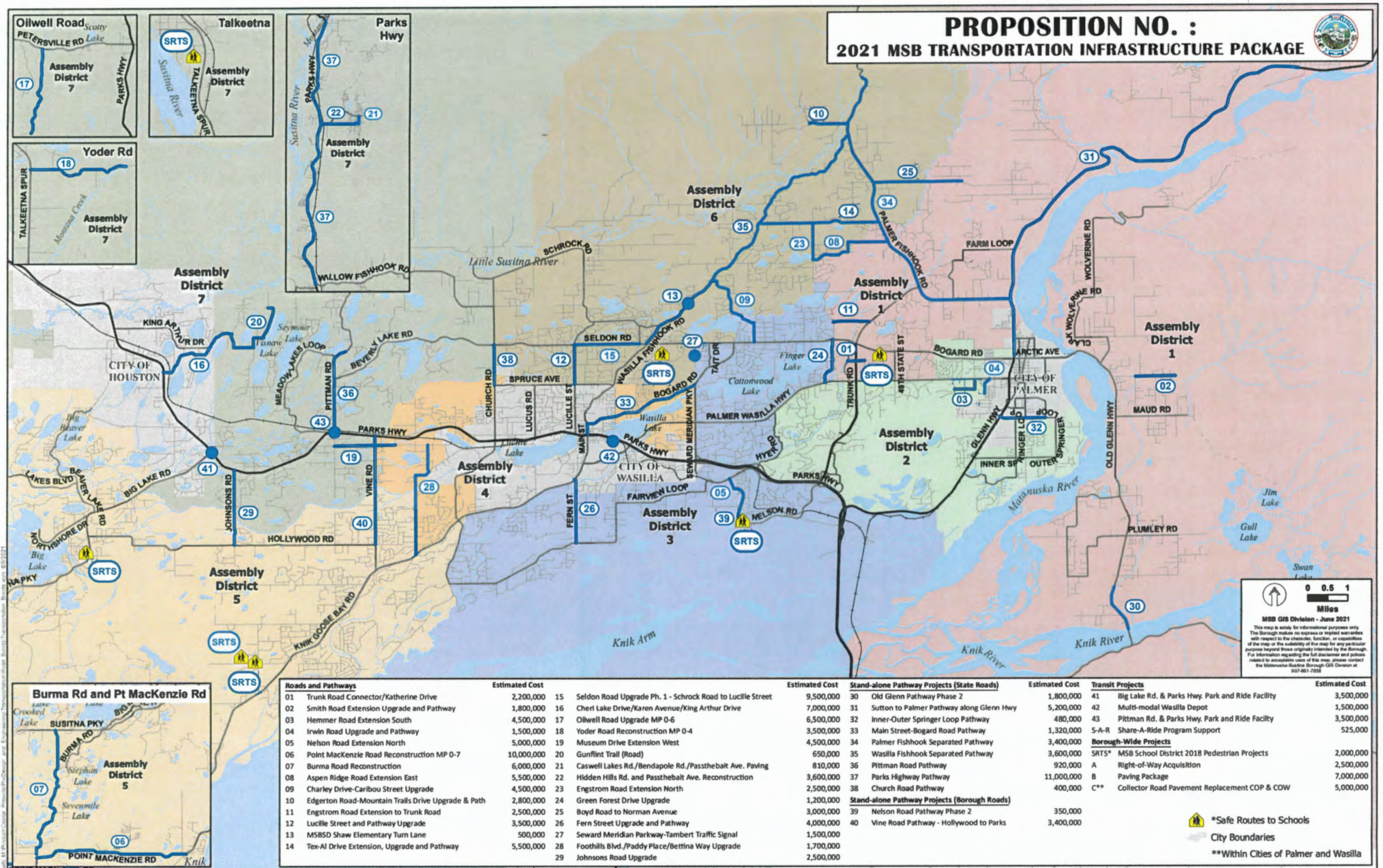
In addition to the LRTP, the development of our transportation system is also implemented through several other specific plans and lists that the MSB uses to guide development and prioritize capital investment in infrastructure. All of these plans and lists have gone through individual public engagement and public notice

periods. Below is a list of other plans and lists that have been used to generate this list of projects.

- Official Streets & Highways Plan
- Capital Improvement Program
- Road Improvement Program
- Safe Routes To Schools
- Unfinished projects from 2013 and 2018 voter-approved transportation bonds
- Budgeted Capital Projects List
- School District Recommendations

Planning and Public Works staff have also reached out to the local cities and Road Maintenance Superintendents for recommendations.

IT and GIS staff have developed a website to engage the public in helping prioritize this list. To see the public involvement and interest in these projects, please go to www.matsugov.us/transportation21.



This DRAFT list is a compilation of transportation infrastructure projects for consideration for potential bonding														
Label	Projects	Description	Assembly District	Cost Estimate (need to update)	Design	Length (miles)	Functional Classification	Average Daily Traffic (ADT)	School Access	Improves Access-Safety	Previous Bond Project	Multi-Modal /pathway	2035 LRTP	2007 OSHP
	Trunk Road Connector /Katherine Drive	Project would complete design and construct a collector road from Springfield Road to Trunk Road and Trunk to Manhattan Way providing access to a new school site and the Midtown Estates Subdivision.	1	\$ 2,200,000	75%	0.4	Minor Collector		Y	Y	2013 & 2018	Y	Y	
	Smith Road Extension Upgrade and Pathway	This project will upgrade the MSB owned segment of Smith Road providing improved and safer residential and recreational trailhead access.	1	\$ 1,800,000		0.9	Minor Collector			Y	2018	Y	Y	Y
	Hemmer Road Extension South	This project will improve safety and access to the Valley Pathways School and a large residential subdivision by extending Hemmer Road south of the Palmer Wasilla Highway.	2	\$ 4,500,000		1.0	Major Collector		Y	Y		Y	Y	Y
	Irwin Road Upgrade & Pathway	This project will upgrade this road to collector standards and provide pedestrian/bike path for several large subdivisions.	2	\$ 1,500,000		0.4	Minor Collector			Y				
	Nelson Road Extension North	This project would provide major collector road access from the Nelson Road/Withers Road intersection to Fairview Loop and include an at- grade rail crossing.	3	\$ 5,000,000		0.4	Major Collector			Y		Y	Y	Y
	Point MacKenzie Road Reconstruction MP 0-7	This project would add shoulders, reconstruct the embankment and pave Pt. MacKenzie Road from KGB Road to Ayrshire Road providing improved/safer access to Port MacKenzie, the Goose Creek Correctional Center and the Point MacKenzie Agricultural District.	5	\$ 10,000,000	Geotech Complete	7.0	Major Arterial			Y		N	Y	Y

	Burma Road Reconstruction	Burma Road would be reconstructed to a collector level road from Ayrshire Road to Purinton Parkway providing all development in the Point MacKenzie area an improved/safer secondary access route.	5	\$ 6,000,000	15%	4.5	Major Collector			Y		N	Y	Y
	Aspen Ridge Road Extension East	Extend Aspen Ridge Road to Palmer Fishhook Road providing another outlet for traffic currently adding to the traffic congestion on Engstrom Road.	6	\$ 5,500,000		1.3	Minor Collector			Y	2018	N	Y	Y
	Charley Drive-Caribou Street Upgrade	Project would widen and upgrade this heavily used corridor to a borough collector level from Bogard Road to Wasilla Fishhook.	6	\$ 4,500,000		2.3	Minor Collector			Y		N		Y
	Edgerton Road-Mtn. Trails Drive Upgrade & Pathway	Project would upgrade Ederton Road from Palmer Fishhook Road to Mountain Trails Drive with pathway extending to GPRA Parking Lot.	6	\$ 2,800,000	35%	Rd. 1.0 Path 2.0	Minor Collector			Y		Y		
	Engstrom Road Extension to Trunk Road	Project would provide connection from Engstrom to Trunk Road connecting to a segment of Homestead Road north of the Trunk-Bogard roundabout reducing heavy traffic on Engstrom Road.	6	\$ 2,500,000		0.9	Minor Collector			Y		N	Y	
	Lucille Street and Pathway Upgrade	Project would upgrade Lucille Street and pathway from Spruce Street to Seldon Road and add turn lane for Tanaina Elem. School	6	\$ 3,500,000	65%	1.0			Y	Y	2013	Y		
	MSB School District (MSBSD) Shaw Elementary Turn Lane	Add left-turn lane on the southbound lane of Wasilla Fishhook for safer access to Shaw Elementary.	6	\$ 500,000		0.1	Minor Arterial		y	y				
	Tex-Al Drive Extension Upgrade and Pathway	Connect east & west segments of Tex-Al, upgrade the rest of the corridor and provide a pedestrian pathway.	6	\$ 5,500,000	25%	3.0	Minor Collector			Y	2018	Y	Y	Y

	Seldon Rd. Upgrade Ph. 1 - Schrock Rd. to Lucille Street	Project would design, purchase ROW and relocate utilities to upgrade Seldon Road between Schrock Road and Lucille Street to Arterial level road with pathway. This segment of road carries one of the borough's highest average daily traffic volumes (5,000+ ADT).	6	\$ 9,500,000		1.5	Major Collector			Y		Y	Y	Y
	Cheri Lake Drive/Karen Avenue/King Arthur Drive	Corridor upgrade/improvements - City of Houston nomination.	7	\$ 7,000,000	35%	3.1	Minor Collector			Y	2018	N		
	Oilwell Road Upgrade MP 0-6	Petersville Road to Kroto Creek Bridge -Upgrade to Borough Collector level standards	7	\$ 6,500,000	100%	6.0	Major Collector			Y		N	Y	Y
	Yoder Road Reconstruction MP 0-4	Embankment improvements and pave Yoder Road from Talkeetna Spur to Montana Creek Bridge	7	\$ 3,500,000		4.0	Minor Collector			Y		N		Y
	Museum Drive Extension West	This project extends Museum Drive from Museum Place (Parks Hwy. MP 47.5) to Silvan Road creating access for a large commercial district and numerous subdivisions.	7	\$ 4,500,000	100%	1.5	Minor Collector			Y		N	Y	
	Gunflint Trail (Road)	Project would upgrade Gunflint from King Arthur Road to Powder Drive.	7	\$ 650,000	95%	1.3	Minor Collector							Y
	Caswell Lakes Rd./Bendapole Rd./Passthebaite Ave. Paving	Pave from Caswell Lakes Road down Benapole Road to Hidden Hills Road.	7	\$ 810,000		3.5	Major Collector							Y
	Hidden Hills and Passthebaite Ave. Reconstruction	Reconstruct Hidden Hills Road from the Parks Highway to Caswell Loop and Passthebaite Avenue to Bendapole.	7	\$ 3,600,000		3.6	Major Collector							Y
	Engstrom Road Extension North	Aspen Ridge Road to Tex-Al. This project would provide a collector road for access for residents on the north end of Engstrom who currently use residential subdivision roads as well as a more complete secondary road network for accessing arterials such as Palmer-Fishhook, Wasilla-Fishhook, and Bogard Roads.	1,3	\$ 2,500,000	35%	1.0	Minor Collector			Y		N	Y	Y

Green Forest Drive Upgrade	This project will upgrade Green Forest Drive to Borough collector level standards to more adequately carry the heavy traffic load.	1,3	\$ 1,200,000	1.2	Minor Collector			Y		N		Y
Boyd Road to Norman Avenue	Project would provide a collector level road connection from Palmer-Fishhook Road to Norman Avenue via a Hermann Avenue extension and upgrade providing secondary access for many subdivisions.	1,6	\$ 3,000,000	2.2	Minor Collector			Y		N		Y
Fern Street Upgrade and Pathway	This project would upgrade Fern Street to borough collector level road standards and include a paved pathway between KGB Road and Fairview Loop. City of Wasilla nomination.	3,4	\$ 4,000,000	1.6	Minor Collector			Y		Y	Y	
Seward Meridian Parkway-Tambert Traffic Signal	Project would provide safe crossing of Seward Meridian Parkway for students and pedestrians living to the east.	3,6	\$ 1,500,000	N/A	Arterial		Y	Y				
Foothills Blvd./Paddy Place/Bettina Way Upgrade	This project would upgrade the road corridor to collector standards from KGB Road to Museum Drive.	4,5	\$ 1,700,000	3.0	Minor Collector			Y		N	Y	Y
Johnsons Road Upgrade	This project would upgrade Johnson Road between Hollywood Road and the Parks Highway	5,7	\$ 2,500,000	2.3	Minor Collector			Y		N		Y
STAND-ALONE PATHWAY PROJECTS (STATE ROADS)												
Old Glenn Pathway Phase 2	Project would extend the pathway from Sodak Circle to Knik River	1	\$ 1,800,000	1.2	Minor Arterial			Y	2011	Y		
Sutton to Palmer Pathway along Glenn Hwy.	This project would provide a pathway connection between Eska Street in Sutton to Auklet Avenue in Palmer	1	\$ 5,200,000	13.0	Interstate			Y		Y	y	
Inner-Outer Springer Loop Pathway	Cope Industrial Way to the Glenn Highway	2	\$ 480,000	1.2	Major & Minor Collector			Y		Y	y	

Main Street-Bogard Road Pathway	Adjacent to Main Street & Bogard Rd. to S.M.P	4	\$ 1,320,000		3.3	Minor Arterial			Y		Y	y	
Palmer Fishhook Separated Pathway	Glenn Hwy. to Little Susitna River Bridge	1,6	\$ 3,400,000		8.5	Minor Arterial			Y		Y	y	
Wasilla Fishhook Separated Pathway	Palmer Fishhook Road to Seldon Road	6	\$ 3,600,000		9.0	Minor Arterial			Y		Y	y	
Pittman Road Pathway	Seldon Road to Parks Highway	7	\$ 920,000		2.3	Major Collector			Y		Y	y	
Parks Highway Pathway	Talkeetna Spur to Willow Fishhook Rd.	7	\$ 11,000,000		27.5	Interstate			Y		Y	y	
Church Road Pathway	Seldon Road to Spruce Avenue	4,6,7	\$ 400,000		1.0	Major Collector			Y		Y	y	
STAND-ALONE PATHWAY PROJECTS (BOROUGH ROADS)													
Nelson Road Pathway Phase 2	Machetanz Elementary School to Withers Rd.	3	\$ 350,000	100%	1.0	Major Collector							
Vine Road Pathway	From Hollywood Road along Vine Road to Parks Highway	4,5,7	\$ 3,400,000	10%	3.4	Major Arterial			Y		Y	y	
TRANSIT PROJECTS - that help address the traffic congestion issue in and around Wasilla													
Big Lake Rd. & Parks Hwy. Park and Ride Facility	Commuter vehicle parking and bus drop-off/pick-up facility to reduce traffic congestion	(5) & 7	\$ 3,500,000			Collector-Interstate Hwy.			Y			Y	
Share-A-Ride Program Support	Provide funding for 6 Share-A-Ride Vans to reduce traffic congestion. The majority use of this program is from Mat-Su residents that commute to Anchorage or the military bases.	1-6	\$ 525,000			Interstate Hwy.			Y			Y	
Multi-modal Wasilla Depot	This project would provide for land acquisition and site preparation for a new transit facility which would act as a commuter, bus & passenger rail hub for the core area of the borough reducing traffic congestion. (The acquired property and site improvements will be transferred to the City of Wasilla.)	1-7	\$ 1,500,000	10%		Interstate Hwy.			Y			Y	

	Pittman Rd. & Parks Hwy. Park and Ride Facility	Commuter vehicle parking and bus drop-off/pick-up facility to reduce traffic congestion	7	\$ 3,500,000			Collector-Interstate Hwy.			Y			Y	
	Borough-Wide Projects													
	Right-of-Way Acquisition	Project will purchase ROW for road extensions or roads that need upgraded to collector level standards.	1-7	\$ 2,500,000			Collectors & Arterials			Y				
	Paving Package	Repave \$1M worth of roads in each Assembly district.	1-7	\$ 7,000,000			Collectors & Arterials			Y				
	MSB School District 2018 Pedestrian Projects	Safe Routes to Schools Implementation: -Big Lake Elementary, Machetanz Elementary, Larson Elementary, Dena'ina Elementary and Redington Highschool, Colony Middle School, and Talkeetna Elementary.	1,3,5,6,7	\$ 2,000,000		Varies			Y	Y	2018	Y		
	Collector Road Pavement Replacement COP & COW	Repave roads in partnership with City of Palmer and City of Wasilla	1,2,3,4	\$ 5,000,000			Collectors			Y				

DRAFT
SORTED BY
ASSEMBLY DISTRICT

This DRAFT list is a compilation of transportation infrastructure projects for consideration for potential bonding														
Label	Projects	Description	Assembly District	Cost Estimate (need to update)	Design	Length (miles)	Functional Classification	Average Daily Traffic (ADT)	School Access	Improves Access-Safety	Previous Bond Project	Mulli-Modal /Pathway	2035 LRTP	2007 OSHP
	Trunk Road Connector/Katherine Drive	Project would complete design and construct a collector road from Stringfield Road to Trunk Road and Trunk to Manhattan Way providing access to a new school site and the large Midtown Estates Subdivision.	1	\$ 2,200,000	75%	0.4	Minor Collector	N/A	Y	Y	2013 & 2018	Y	Y	
	Smith Road Extension Upgrade and Pathway	This project will upgrade the MSB owned segment of Smith Road providing improved and safer residential and recreational trailhead access.	1	\$ 1,800,000		0.9	Minor Collector			Y	2018	Y	Y	Y
	Old Glenn Pathway Phase 2	Project would extend the pathway from Sodak Circle to Knik River providing a safe pedestrian and bike facility connecting to the existing pathway all the way into Palmer.	1	\$ 1,800,000	65% (ROW acquisition also underway)	1.2	Minor Arterial			Y	2011	Y		
	Hemmer Road Extension South	This project will improve safety and traffic signal access to the Valley Pathways School and a large residential subdivision by extending Hemmer Road south of the Palmer Wasilla Highway.	2	\$ 4,500,000		1.0	Major Collector		Y	Y		Y	Y	Y
	Point MacKenzie Road Reconstruction MP 0-7	This project would add shoulders, reconstruct the embankment and pave Pt. MacKenzie Road from KGB Road to Ayrshire Road providing improved/safer access to Port MacKenzie, the Goose Creek Correctional Center and the Point MacKenzie Agricultural District.	5	\$ 10,000,000	Geotech Complete	7.0	Major Arterial			Y		N	Y	Y
	Lucille Street and Pathway Upgrade	Project would upgrade Lucille Street and pathway from Spruce Street to Seldon Road and provide a turn lane for Tanaina Elem. School	6	\$ 3,500,000	65%	1.0			Y	Y	2013	Y		

	Tex-Al Drive Extension Upgrade and Pathway	Connect east & west segments of Tex-Al, upgrade the rest of the corridor to include a pedestrian pathway.	6	\$ 5,500,000	25%	3.0	Minor Collector			Y	2018	Y	Y	Y
	Seldon Rd. Upgrade Ph. 1 - Design and ROW - Schrock Rd. to Lucille Street	Project would design, purchase ROW and relocate utilities to upgrade Seldon Road between Schrock Road and Lucille Street to Arterial level road with pathway. This segment of road carries one of the borough's highest average daily traffic volumes (5,000+ ADT).	6	\$ 5,500,000		1.5	Major Collector			Y		Y	Y	Y
	Cheri Lake Drive/Karen Avenue/King Arthur Drive	Corridor upgrade/improvements to a large residential area - City of Houston nomination.	7	\$ 7,000,000	35%	3.1	Minor Collector			Y	2018	N		
	Caswell Lakes Rd./Bendapole Rd./Passthebait Ave. Paving	Pave from Caswell Lakes Road down Benapole Road to Hidden Hills Road.	7	\$ 810,000		3.5	Major Collector							Y
	Hidden Hills and Passthebait Ave. Reconstruction	Reconstruct Hidden Hills Road to collector level road from the Parks Highway to Caswell Loop and Passthebait Avenue to Bendapole.	7	\$ 3,600,000		3.6	Major Collector							Y
	MSB School District 2018 Pedestrian Projects	Safe Routes to Schools Implementation: -Big Lake Elementary, Machetanz Elementary, Larson Elementary, Dena'ina Elementary and Redington Highschool, Colony Middle School, and Talkeetna Elementary.	1,3,5,6,7	\$ 2,000,000		Varies			Y	Y	2018	Y		
	Boyd Road to Norman Avenue	Project would provide a collector level road connection from Palmer-Fishhook Road to Norman Avenue via a Hermann Avenue extension and upgrade providing secondary access for many subdivisions.	1,6	\$ 3,000,000		2.2	Minor Collector			Y		N		Y

	Fern Street Upgrade and Pathway	This project would upgrade Fern Street to borough collector level road standards and include a paved pathway between KGB Road and Fairview Loop. City of Wasilla nomination.	3,4	\$ 4,000,000		1.6	Minor Collector			Y		Y	Y	
	Seward Meridian Parkway-Tambert Traffic Signal	Project would provide safe crossing of Seward Meridian Parkway for students attending three schools as well as for pedestrians living to the east.	3,6	\$ 1,500,000		N/A	Arterial		Y	Y				
	Vine Road Pathway	Design and construct a pathway from Hollywood Road along Vine Road to Parks Highway	4,5,7	\$ 3,400,000	10%	3.4	Major Arterial			Y		Y	y	
	Total		All	\$ 60,110,000										
	Projects Beyond the \$60M Limit													
	Irwin Road Upgrade & Pathway	This project will upgrade this road to collector standards and provide pedestrian/bike path for several large subdivisions.	2	\$ 1,500,000		0.4	Minor Collector			Y				
	Nelson Road Extension North	This project would provide major collector road access from the Nelson Road/Withers Road intersection to Fairview Loop and include an at-grade rail crossing.	3	\$ 5,000,000		0.4	Major Collector			Y		Y	Y	Y
	Burma Road Reconstruction	Burma Road would be reconstructed to a collector level road from Ayrshire Road to Purinton Parkway providing all development in the Point MacKenzie area an improved/safer secondary access route.	5	\$ 6,000,000	15%	4.5	Major Collector			Y		N	Y	Y
	Aspen Ridge Road Extension East	Extend Aspen Ridge Road to Palmer Fishhook Road providing another outlet for traffic currently adding to the traffic congestion on Engstrom Road.	6	\$ 5,500,000		1.3	Minor Collector			Y	2018	N	Y	Y

Charley Drive-Caribou Street Upgrade	Project would widen and upgrade this heavily used corridor to a borough collector level from Bogard Road to Wasilla Fishhook.	6	\$ 4,500,000		2.3	Minor Collector			Y		N		Y
Edgerton Road-Mtn. Trails Drive Upgrade & Pathway	Project would upgrade Edgerton Road from Palmer Fishhook Road to Mountain Trails Drive with pathway extending to GPRA Parking Lot.	6	\$ 2,800,000	35%	Rd. 1.0 Path 2.0	Minor Collector			Y		Y		
Engstrom Road Extension to Trunk Road	Project would provide connection from Engstrom to Trunk Road connecting to a segment of Homestead Road north of the Trunk-Bogard roundabout reducing heavy traffic on Engstrom Road.	6	\$ 2,500,000		0.9	Minor Collector			Y		N	Y	
MSB School District (MSBSD) Shaw Elementary Turn-Lane	Add left-turn lane on the southbound lane of Wasilla Fishhook for safer access to Shaw Elementary.	6	\$ 500,000		0.1	Minor Arterial		Y	Y				
Seldon Rd. Upgrade Ph. 1 - Schrock Rd. to Lucille Street	Project would design, purchase ROW and relocate utilities to upgrade Seldon Road between Schrock Road and Lucille Street to Arterial level road with pathway. This segment of road carries one of the borough's highest average daily traffic volumes (5,000+ ADT).	6	\$ 9,500,000		1.5	Major Collector			Y		Y	Y	Y
Oilwell Road Upgrade MP 0-6	Petersville Road to Kroto Creek Bridge - Upgrade to Borough Collector level standards	7	\$ 6,500,000	100%	6.0	Major Collector			Y		N	Y	Y
Yoder Road Reconstruction MP 0-4	Embankment improvements and pave Yoder Road from Talkeetna Spur to Montana Creek Bridge	7	\$ 3,500,000		4.0	Minor Collector			Y		N		Y

Museum Drive Extension West	This project extends Museum Drive from Museum Place (Parks Hwy. MP 47.5) to Silvan Road creating access for a large commercial district and numerous subdivisions.	7	\$ 4,500,000	100%	1.5	Minor Collector			Y		N	y	
Gunflint Trail (Road)	Project would upgrade Gunflint from King Arthur Road to Powder Drive.	7	\$ 650,000	95%	1.3	Minor Collector							Y
Engstrom Road Extension North	Aspen Ridge Road to Tex-Al. This project would provide a collector road for access for residents on the north end of Engstrom who currently use residential subdivision roads as well as a more complete secondary road network for accessing arterials such as Palmer-Fishhook, Wasilla-Fishhook, and Bogard Roads.	1,3	\$ 2,500,000	35%	1.0	Minor Collector			Y		N	Y	Y
Green Forest Drive Upgrade	This project will upgrade Green Forest Drive to Borough collector level standards to more adequately carry the heavy traffic load.	1,3	\$ 1,200,000		1.2	Minor Collector			Y		N		Y
Foothills Blvd./Paddy Place/Bettina Way Upgrade	This project would upgrade the road corridor to collector standards from KGB Road to Museum Drive.	4,5	\$ 1,700,000		3.0	Minor Collector			Y		N	Y	Y
Johnsons Road Upgrade	This project would upgrade Johnson Road between Hollywood Road and the Parks Highway	5,7	\$ 2,500,000		2.3	Minor Collector			Y		N		Y
STAND-ALONE PATHWAY PROJECTS (STATE)													
Sutton to Palmer Pathway along Glenn Hwy.	This project would provide a pathway connection between Eska Street in Sutton to Auklet Avenue in Palmer	1	\$ 5,200,000		13.0	Interstate			Y		Y	y	

	Inner-Outer Springer Loop Pathway	Cope Industrial Way to the Glenn Highway	2	\$ 480,000		1.2	Major & Minor Collector			Y		Y	y	
	Main Street-Bogard Road Pathway	Adjacent to Main Street & Bogard Rd. to S.M.P	4	\$ 1,320,000		3.3	Minor Arterial			Y		Y	y	
	Palmer Fishhook Separated Pathway	Glenn Hwy. to Little Susitna River Bridge	1,6	\$ 3,400,000		8.5	Minor Arterial			Y		Y	y	
	Wasilla Fishhook Separated Pathway	Palmer Fishhook Road to Seldon Road	6	\$ 3,600,000		9.0	Minor Arterial			Y		Y	y	
	Pittman Road Pathway	Seldon Road to Parks Highway	7	\$ 920,000		2.3	Major Collector			Y		Y	y	
	Parks Highway Pathway	Talkeetna Spur to Willow Fishhook Rd.	7	\$ 11,000,000		27.5	Interstate			Y		Y	y	
	Church Road Pathway	Seldon Road to Spruce Avenue	4,6,7	\$ 400,000		1.0	Major Collector			Y		Y	y	
	STAND-ALONE PATHWAY PROJECTS (BOROUGH ROADS)													
	Nelson Road Pathway Phase 2	Machetanz Elementary School to Withers Rd.	3	\$ 350,000	100%	1.0	Major Collector							
	TRANSIT PROJECTS - that help address the traffic congestion issue in and around Wasilla													
	Big Lake Rd. & Parks Hwy. Park and Ride Facility	Commuter vehicle parking and bus drop-off/pick-up facility to reduce traffic congestion	(5) & 7	\$ 3,500,000			Collector-Interstate Hwy.			Y			Y	
	Share-A-Ride Program Support	Provide funding for 6 Share-A-Ride Vans to reduce traffic congestion. The majority use of this program is from Mat-Su residents that commute to Anchorage or the military bases.	1-6	\$ 525,000			Interstate Hwy.			Y			Y	
	Multi-modal Wasilla Depot	This project would provide for land acquisition and site preparation for a new transit facility which would act as a commuter, bus & passenger rail hub for the core area of the borough reducing traffic congestion. (The acquired property and site improvements will be transferred to the City of Wasilla.)	1-7	\$ 1,500,000	10%		Interstate Hwy.			Y			Y	

	Pittman Rd. & Parks Hwy. Park and Ride Facility	Commuter vehicle parking and bus drop-off/pick-up facility to reduce traffic congestion	7	\$ 3,500,000			Collector-Interstate Hwy.			Y			Y	
	BOROUGH_WIDE PROJECTS													
	Right-of-Way Acquisition	Project will purchase ROW for road extensions or roads that need upgraded to collector level standards.	1-7	\$ 2,500,000			Collectors & Arterials			Y				
	Paving Package	Repave \$1M worth of roads in each Assembly district.	1-7	\$ 7,000,000			Collectors & Arterials			Y				
	Collector Road Pavement Replacement COP & COW	Repave roads in partnership with City of Palmer and City of Wasilla	1,2,3,4	\$ 5,000,000			Collectors			Y				
		Total	All	\$ 111,045,000										

DRAFT
STAFF PRIORITY

By: K. Sollien
Introduced: June 7, 2021
Public Hearing: June 21, 2021
Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 21-12**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING THE ASSEMBLY ADOPT AND FUND A TRANSPORTATION INFRASTRUCTURE PACKAGE THAT INCLUDES PROJECTS LISTED IN THE 2035 LONG RANGE TRANSPORTATION PLAN (LRTP), THE 2007 OFFICIAL STREETS AND HIGHWAYS PLAN (OSHPP), AND THE 2014 SAFE ROUTES TO SCHOOLS PLAN, TO COMPLETE THE PROJECTS APPROVED BY VOTERS IN THE 2013 & 2018 BOND PACKAGES, AS WELL AS OTHER PRIORITIZED PROJECTS, ALL OF WHICH WILL REDUCE TRAFFIC CONGESTION, SUPPORT ECONOMIC DEVELOPMENT, IMPROVE CONNECTIVITY, ENHANCE PEDESTRIAN AND VEHICLE SAFETY, INCREASE RELIABILITY, AND PROVIDE TRANSPORTATION CHOICES FOR RESIDENTS.

WHEREAS, the Matanuska-Susitna Borough (Borough) is the fastest growing borough in the State; and

WHEREAS, with the ever increasing population, there is a need to accelerate improvements and connections within our transportation system network which includes roads, transit and pedestrian facilities; and

WHEREAS, the Borough's Long Range Transportation Plan (LRTP) identifies seven goals including the need to provide transportation choices, improve connectivity, improve mobility, make our transportation system safer, and to support economic vitality; and

WHEREAS, the Borough's LRTP also included a list and proposed budget for a number of Short, Medium, and Long-term road projects

and identified the need for additional transit and pedestrian facilities; and

WHEREAS, the LRTP identified \$1.3 billion worth of needed transportation infrastructure improvements between 2016 and 2035; and

WHEREAS, during this same time period, the Borough's population is expected to more than double to 189,900 residents; and

WHEREAS, the Official Streets and Highways Plan, Capital Improvement Program, Safe Routes to School Plan, and Comprehensive Plans, also identify priority transportation projects; and

WHEREAS, to implement these plans to improve our transportation infrastructure, funding needs be programmed so that construction can begin as early as possible in order to prevent additional connectivity, congestion, and safety issues from getting worse; and

WHEREAS, it is in the best interest of Borough residents to fund and construct key elements of the Borough's transportation system.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Planning Commission supports the list of borough staff recommended projects in the 2021 Transportation Infrastructure Package; and

BE IT FURTHER RESOLVED, the Matanuska-Susitna Borough

Planning Commission recommends the Borough Assembly prioritize those projects already approved by previous voter approved bonding efforts; and

BE IT FURTHER RESOLVED, the Matanuska-Susitna Borough Planning Commission recommends the Assembly develop new funding mechanisms for the construction of public collector and arterial roads, public transit facilities, and pedestrian pathways in the Borough to improve our transportation system.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ____ day of June, 2021.

Coleen Vague, Chair

ATTEST:

Karol Riese, Planning Commission Clerk

(SEAL)

YES:

NO:

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COMMISSION BUSINESS

Upcoming PC Agenda Items

(Pages 121-125)

COMMISSION BUSINESS




MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822
www.matsugov.us

MEMORANDUM

DATE: June 10, 2021

TO: Planning Commissioners

FROM: Alex Strawn, Planning and Land Use Director 

SUBJECT: Items tentatively scheduled for future PC Meetings and Updates on PC items sent to the Assembly

July 19, 2021 (*MSB Assembly Chambers*)

Introduction for Public Hearing: Quasi-Judicial

Resolution PC 21-15, An Application Under MSB 17.65 – Variances, Has Been Submitted By Richard Toussaint For A Variance To The Minimum 25-Foot Setback To A Public Right-Of-Way And To the Minimum 75-Foot Shoreline Setback Requirements Under MSB 17.55. Located At 3874 South Wolverine Drive, Tax ID #5147000L004, Within Township 17 North, Range 3 West, Section 28, Seward Meridian. Public Hearing: August 2, 2021 (Applicant: Richard Toussaint; Staff: Peggy Horton).

Introduction For Public Hearing: Legislative

(None)

Agency/Staff Reports

(None)

Land Use Classifications

(None)

Public Hearing: Quasi-Judicial

Resolution PC 21-14, A Conditional Use Permit in accordance with MSB 17.30— Conditional Use Permit (CUP) for Earth Materials Extraction Activities, for the extraction of approximately 2,000,000 cubic yards of earth material from a 105-acre site within a 160-acre parcel, located within Township 17 North, Range 2 West, Section 10, Tax Parcel C001; 17N02W10C001, Seward Meridian (Applicant: UMIAQ Environmental, on behalf of Colaska Inc. (dba QAP); Staff: Mark Whisenhunt).

Public Hearing: Legislative
(None)

Unfinished Business
(None)

New Business
(None)

Commission Business

- Upcoming Planning Commission Agenda Items

Upcoming PC Actions

Quasi-Judicial

- D&S Alaskan Trail Rides, Inc. – Denali SpUD, 29N05W33D012 and 29N05W33D028 (Staff: Mark Whisenhunt)
- Alaskan Originals – Marijuana Retail Facility, 5060B01L001A (Staff: Mark Whisenhunt)
- Bad Gramm3r – Modification to Conditional Use Permit for Marijuana Retail Facility, 1068000L020 (Staff: Mark Whisenhunt)
- BAM Alaska, Inc. – Marijuana Cultivation Facility – 2080B02L007 (Staff: Peggy Horton)
- 2nd Amendment, LLC – Marijuana Cultivation Facility – 17N04W35C001 (Staff: Peggy Horton)
- Green Degree (Clapp) – Marijuana Retail Facility – 1011B01T001-2 (Staff: Peggy Horton)
- Aldeman – Multi-family Development Application – 17N01W18B011 (Staff: Peggy Horton)

Legislative

- Lake Management Plan Update (Staff: Kelsey Anderson)
- Historical Preservation Plan (Staff: Adam Bradway)
- Municipal Separate Storm Sewer System (Staff: Ted Eischeid)
- Metropolitan Planning Organization (Staff: Kim Sollien)
- Capital Improvement Program (CIP) (Staff: Kelsey Anderson)
- Official Streets And Highway Plan (Staff: Kim Sollien)
- MSB Borough-Wide Comprehensive Plan (Staff: Kim Sollien)
- Marijuana Code Update (Staff: Alex Strawn)

PC Decisions Currently Under Appeal

- Resolution PC 20-29**, A Resolution Of The Matanuska-Susitna Borough Planning Commission Adopting Findings Of Fact And Conclusions Of Law Supporting The Denial Of PC Resolution 20-18 Concerning A Request For A Variance From MSB 17.55 To Allow An Existing Single-Family Residence To Encroach Into The Required 75-Foot Waterbody Setback At 5782 S. Big Lake Road Tax ID# 6142000L006; Within Township 17 North, Range 3 West, Section 29, Seward Meridian (Applicant: Dennelle Seetomona on behalf of Janice Ellsworth; Staff: Mark Whisenhunt).

BOAA Case # 20-03

The decision of the Planning Commission was upheld.

Filed in Superior Court.

Updates on PC items before the Assembly (Pending/Complete)

Reso		ORD/Reso #	IM
Resolution PC 21-03 , A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.55 To Exempt Signs From Setbacks To Rights-Of-Way And Property Lines (Staff: Alex Strawn).		ORD # 21-019	IM # 21-047
Actions:	03/15/21 – PC Introduction 04/05/21 – PC Public Hearing – Approved 05/04/21 – Assembly Introduction 05/18/21 – Assembly Public Hearing - Approved		
Reso		ORD/Reso #	IM
Resolution PC 21-07 , A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Adopting MSB 17.31 Supplemental Wetlands Mitigation Provisions For Large-Scale Projects Requiring United States Army Corps Of Engineers Individual Permits Under Section 404 Of The Clean Water Act; And Amending MSB 1.45.100 Schedule Of Fines For Infractions (Staff: Ted Eischeid).		ORD # 21-025	IM # 21-051
Actions:	04/05/21 – PC Introduction 05/03/21 – PC Public Hearing 05/18/21 – Assembly Introduction 06/01/21 – Assembly Public Hearing - Failed		