

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

Edna DeVries, Mayor

PLANNING COMMISSION

Doug Glenn, District 1
Richard Allen, District 2
Patricia Chesbro, District 3, Vice-Chair
Michael Rubeo, District 4
Chris Elder, District 5
Stafford Glashan, District 6, Chair
Vacant, 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*

February 7, 2022
REGULAR MEETING
6:00 p.m.

Ways to participate in the meeting:

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 msb.planning.commission@matsugov.us.

TELEPHONIC TESTIMONY:

(We are having intermittent technical difficulties with our software; if you would like to submit comments, please submit comments to the email address above by the Friday before the meeting.)

- 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.” (There may be a delay, please be patient with the system.)
- 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.

Ways to observe the meeting:

FACEBOOK LIVE at www.facebook.com/MatSuBorough

- Questions or comments will **not** be answered; please call the number above if you have a comment or concern.

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

II. APPROVAL OF AGENDA

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA

A. MINUTES

Regular Meeting Minutes: 01/17/2022

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution PC 22-02

A Resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.30 Conditional Use Permit for Earth Materials Extraction Activities to allow for an exemption of 20,000 cubic yards annually without a permit, Public Hearing: February 28, 2022 (Staff: Alex Strawn, Planning and Land Use Director).

V. COMMITTEE REPORTS

A. Susitna Basin Recreation Rivers Advisory Board Meeting (January 27, 2022)
(Commissioner Elder)

VI. AGENCY/STAFF REPORTS

VII. LAND USE CLASSIFICATIONS

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

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*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*).

X. PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution PC 22-01

A Resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance repealing 17.68 Outdoor Shooting Facilities (Staff: Alex Strawn, Planning and Land Use Director).

Resolution PC 22-03

A Resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance exempting the Borough Landfill from earth materials extraction permit code

requirements to allow gravel mining on the property, which has been designated as reserve use lands – Sanitary Landfill (Staff: Alex Strawn, Planning and Land Use Director).

XI. CORRESPONDENCE & INFORMATION

- A. Email from Beau Gibb regarding development of Matanuska Greenbelt dated 1/31/2022.

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS:

- A. Upcoming Planning Commission Agenda Items
- B. School Site Selection Committee Seat

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (*Mandatory Midnight*)

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MINUTES

January 17, 2022

(Pages 5 - 10)

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on January 17, 2022, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:01 p.m. by Acting Chair, Jason Ortiz.

Acting Chair, Jason Ortiz moved the Pledge of Allegiance before Approval of Agenda – approved unanimously.

I. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Jason Ortiz.

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

Planning Commission members present and establish a quorum:

Mr. Doug Glenn, Assembly District #1
Ms. Patricia Chesbro, Assembly District #3
Mr. Chris Elder, Assembly District #5 *
Mr. Stafford Glashan, Assembly District #6

Planning Commission members absent and excused were:

Mr. Richard Allen, Assembly District #2
District #4 and District #7 seats are vacant

Staff in attendance:

Mr. Alex Strawn, Planning and Land Use Director
Mr. Jason Ortiz, Development Services Manager
Ms. Denise Michalske, Assistant Borough Attorney

*Indicates that the individual attended telephonically.

APPROVAL OF AGENDA

GENERAL CONSENT: The agenda was approved as amended without objection.

II. ELECTIONS

A. Chair

MOTION: Commissioner Chesbro made a motion to nominate Stafford Glashan to Chair. The motion was seconded.

Stafford Glashan, Chair, took over the meeting.

B. Vice-Chair

MOTION: Commissioner Allen made a motion to nominate Commissioner Chesbro to vice-chair. The motion was seconded.

III. CONSENT AGENDA

A. Minutes December 6, 2021 – Regular Meeting

B. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution PC 22-01 A Resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance repealing 17.68 Outdoor Shooting Facilities. Public Hearing: February 7, 2022 (Staff: Jason Ortiz, Development Services Manager).

Resolution PC 22-02 A Resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.30 Conditional Use Permit for Earth Materials Extraction Activities to allow for an exemption of 20,000 cubic yards annually without a permit. Public Hearing: February 7, 2022 (Staff: Jason Ortiz, Development Services Manager).

Resolution PC 22-03 A Resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance exempting the Borough Landfill from earth materials extraction permit code requirements to allow gravel mining on the property, which has been designated as reserve use lands – Sanitary Landfill. Public Hearing: February 7, 2022 (Staff: Jason Ortiz, Development Services 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.)

The following persons spoke:

Jeffrey Hesse, of Talkeetna Community Council spoke about requesting the Planning Commission extend Planning Commission resolution PC22-02.

Audience Participation was closed

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS
(There were no Quasi-Judicial Public Hearings)

XI. CORRESPONDENCE AND INFORMATION

XII. UNFINISHED BUSINESS

(There was no unfinished business.)

XIII. NEW BUSINESS

Discussion ensued about removing Resolution PC22-01 from the Consent Agenda and determining how to process this to return the legislation to the Assembly within 90 days.

MOTION: Commissioner Chesbro moved to remove PC22-02 from the Consent Agenda and put it on the Agenda for Introduction on February 7, 2021. The motion was seconded.

MOTION: Commissioner Chesbro moved to add a special meeting on February 28, 2022, to address PC22-02 only. The motion was seconded.

XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items *(Staff: Alex Strawn)*

Discussion ensued regarding Future Agenda Items Memorandum.

XV. DIRECTOR AND COMMISSIONER COMMENTS

Mr. Ortiz: Quasi-Judicial items can go to appeal. There should be no fact-finding missions. Welcome aboard, Commissioner Glenn.

Mr. Strawn: Congratulations to Commissioner Glenn. Welcome aboard. Congratulations to Commissioner Glashan for his chairmanship and all the glory that comes with that. Remember, with Great power comes great responsibility. Congratulations to Commissioner Chesbro on her Vice-Chair seat. Hopefully, you do not have to do that too often; I'm sure you will do fine when you start. Welcome, Commissioner Glenn to the Board.

Ms. Michalske I want to reiterate again to make sure there is no discussion regarding any of the cases – not just the one that is listed here.– but especially the one that is listed here. I know that a number of the commissioners were not involved, but you may be involved in the future. The Chairperson is capable of calling a special meeting without anyone else.

Commissioner Glenn: I appreciate being here. Thank you for your services to this board. I look forward to the opportunity. I don't know what I am doing, but I am going to learn. Thank you.

Commissioner Chesbro: Congratulations on your new-found power; welcome to the board, and I look forward to getting lots done. I think we will have an exciting meeting on the 7th already.

Commissioner Elder: Congratulations going forward – it is going to be a great year.

Commissioner Glashan: I appreciate all of your support in becoming Chair. I was glad to hear from the Talkeetna Community Council that they are keeping an eye on what is going on. And I appreciate having that special meeting to give them a chance to weigh in and lightening the load on the 7th.

XVI. ADJOURNMENT

The regular meeting adjourned at 6:23 p.m.

STAFFORD GLASHAN
Planning Commission Chair

ATTEST:

KAROL RIESE
Planning Commission Clerk

Minutes approved: _____

INTRODUCTION FOR PUBLIC HEARING LEGISLATIVE

Resolution No. PC 22-02

A RESOLUTION OF THE MATANUSKA-SUSITNA
PLANNING COMMISSION RECOMMENDING
APPROVAL OF AN ORDINANCE AMENDING MSB
17.30 CONDITIONAL USE PERMIT FOR EARTH
MATERIAL EXTRACTION ACTIVITIES TO ALLOW
FOR AN EXEMPTION OF 20,000 CUBIC YARDS
ANNUALLY WITHOUT A PERMIT.

(Pages 11 - 26)

INTRODUCTION

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 22-003



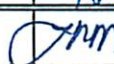

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.30 CONDITIONAL USE PERMIT FOR EARTH MATERIALS EXTRACTION ACTIVITIES TO ALLOW FOR AN EXEMPTION OF 20,000 CUBIC YARDS ANNUALLY WITHOUT A PERMIT.

AGENDA OF: December 7, 2021

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Refer to Planning Commission for 90 days and thereafter, introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator	NS	for Assemblymember Tew
	Planning Director	J.O.	11/19/2021
	Finance Director		
	Borough Attorney		
	Borough Clerk	 11/29/21	

ATTACHMENT(S): Fiscal Note: YES ___ NO X
Ordinance Serial No. 22-002 (7 pp)

SUMMARY STATEMENT: This ordinance is sponsored by Assemblymember Tew to amend MSB 17.30 Conditional Use Permit for Earth Materials Extraction Activities to allow for an annual extraction of earth material up to 20,000 yards annually without a permit.

Currently, MSB 17.30 regulates earth materials extraction activities. Extraction of 2,000 cubic yards or less annually on any one parcel does not require an administrative or conditional use permit. For extraction activities which do not exceed 2 years and do not exceed an annual volume of 7,000 yards, an administrative permit is allowable. Beyond those limits, a conditional use permit from the Matanuska-Susitna Borough Planning Commission is required to engage in earth materials extraction activities as defined in the code.

The annual exemption limit of 2,000 yards is too low. The intent of raising the exemption is to allow the citizens and owners of this resource to use and develop the resource without unnecessary regulation and expense. Resource development is one of the primary activities in the State of Alaska and the Matanuska-Susitna Borough should be encouraging development and use of our natural resources. By lowering costs of development, materials prices will be lower which will benefit everyone in our community as we continue to experience the highest population growth rate in Alaska.

This ordinance will raise the annual exemption limit for earth materials extraction to 20,000 cubic yards. Below that amount, no permit will be necessary. Above that amount, a permit from the Matanuska-Susitna Borough Planning Commission is required. There will no longer be a need for an administrative permit process because the current levels of extraction for needing that permit are below 20,000 cubic yards. Therefore the administrative permitting process for earth materials extraction activities will be deleted from the code.

CODE ORDINANCE

Sponsored by: Assemblymember Tew
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-002**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.30, CONDITIONAL USE PERMIT FOR EARTH MATERIALS EXTRACTION ACTIVITIES, TO ALLOW FOR AN EXEMPTION OF 20,000 CUBIC YARDS ANNUALLY WITHOUT A PERMIT.

WHEREAS, the intent and rationale for this ordinance are found in the accompanying Informational Memorandum No. 22-003.

BE IT ENACTED:

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

Section 2. Amendment of section. MSB 17.30.020 is hereby amended to read as follows:

17.30.020 APPLICABILITY.

(A) This chapter applies to all private and public lands in the borough except where the use is prohibited by ordinance within a special land use district. Where a special land use district regulates earth materials extraction as a conditional use, the granting of a conditional use permit shall require compliance with this chapter. Where this chapter is in conflict with the conditional use permit conditions of the special land use district, the more restrictive conditions shall apply.

(B) This chapter does not apply within the cities of Houston, Palmer, or Wasilla, or the Port MacKenzie Special Use District.

(C) This chapter applies to commercial earth materials extraction activities where the principal activity of use of the property is the extraction of earth materials.

(D) This chapter does not apply when earth material extraction activity is not intended for sale or barter.

(E) Annual extraction of more than [2,000] 20,000 cubic yards of earth materials on property that has not been granted a permit or pre-existing legal nonconforming status as of the date of the enactment of this chapter is required to obtain a conditional use permit [OR ADMINISTRATIVE PERMIT].

(F) [Repealed by Ord. 11-153, § 13, 2011]

(G) Extraction of [2,000] 20,000 cubic yards or less annually on any one parcel does not require [AN ADMINISTRATIVE OR] a conditional use permit. Where a site is exempt under this subsection the exemption is revoked if operations proceed within four feet of the seasonal high water table.

(H) This chapter shall not apply to earth material extraction activities on land owned by the state of Alaska that are in existence as of the date of adoption of the ordinance codified in this chapter except for such operations that extract materials within four feet of the water table. Where a site is exempt under this subsection the exemption is revoked if operations proceed to within four feet of the water table.

Section 3. Amendment of section. MSB 17.30.030 is repealed as

follows:

[17.30.030 TYPES OF PERMITS AVAILABLE.

(A) THERE ARE TWO TYPES OF PERMITS AVAILABLE FOR EARTH MATERIALS EXTRACTION:

(1) ADMINISTRATIVE PERMIT - A USE PERMIT APPROVED BY THE DIRECTOR WITH PUBLIC NOTIFICATION MAY BE ISSUED IF THE PROPOSED DEVELOPMENT MEETS THE MINIMUM THRESHOLDS FOR AN ADMINISTRATIVE DECISION.

(2) CONDITIONAL USE PERMIT - A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING COMMISSION AFTER A PUBLIC HEARING, WHEN THE PROPOSED DEVELOPMENT GOES BEYOND THE MINIMUM THRESHOLD FOR AN ADMINISTRATIVE PERMIT.]

Section 4. Amendment of section. MSB 17.30.035 is amended as follows:

17.30.035 APPLICATION PROCEDURES.

(A) For all permits required under this chapter, the following shall be submitted to the department:

(1) a completed application form provided by the department;

(2) a site development plan in accordance with MSB 17.28.050 and 17.28.060;

(3) the fee in the amount designated in MSB 17.99; and

(4) reclamation plan in accordance with MSB 17.28.063.

(B) The director may reject any application which is

incomplete or fails to meet the requirements of this section. The rejection shall be in writing and shall state the deficient items. Once the deficiencies have been corrected, the complete application will be processed.

[(C) IF THE MINIMUM CRITERIA FOR AN ADMINISTRATIVE PERMIT CAN BE MET, THE DIRECTOR WILL NOTIFY SURROUNDING PROPERTY OWNERS IN ACCORDANCE WITH MSB 17.03, PUBLIC NOTIFICATION, EXCEPT THAT THE NOTIFICATION AREA WILL BE ONE-HALF MILE. WITHIN 30 DAYS OF ACCEPTANCE OF THE APPLICATION, THE ADMINISTRATIVE PERMIT WILL BE ISSUED WITH CONDITIONS TO ADDRESS CONCERNS RAISED BY NEIGHBORING PROPERTY OWNERS, AND AS DEEMED APPROPRIATE BY THE DIRECTOR, TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.]

(D) [Repealed by Ord. 11-153, § 15, 2011]

(E) [IF THE PROPOSED DEVELOPMENT EXCEEDS THE MINIMUM CRITERIA FOR AN ADMINISTRATIVE PERMIT, A] A public hearing before the planning commission shall be conducted within 45 calendar days of the acceptance of a complete application in accordance with MSB 17.03, public notification, except that the notification area will be one-half mile. The applicant may waive the 45-day limit.

(F) The planning commission shall hear any interested parties and shall render a decision on the application for a conditional use permit within 30 calendar days from the date of public hearing, unless the applicant agrees to a time extension. In the granting of a conditional use permit, the planning commission shall state

in writing the conditions of approval of the permit.

Section 5. Amendment of section. MSB 17.30.040 is repealed as follows:

[17.30.040 CRITERIA TO QUALIFY FOR AN ADMINISTRATIVE PERMIT.

(A) TO QUALIFY FOR AN ADMINISTRATIVE PERMIT, ALL OF THE FOLLOWING CRITERIA MUST BE MET:

(1) [REPEALED BY ORD. 16-102, § 11, 2016]

(2) EXTRACTION ACTIVITIES SUBJECT TO THE PERMIT SHALL NOT EXCEED:

(A) TWENTY-FOUR MONTHS. A ONE-TIME EXTENSION OF SIX MONTHS MAY BE GRANTED ADMINISTRATIVELY UPON WRITTEN REQUEST FROM THE APPLICANT; PROVIDED, THAT ALL CONDITIONS OF THE PERMIT HAVE BEEN MET; OR

(B) ANNUAL VOLUME OF 7,000 CUBIC YARDS (ONE CUBIC YARD EQUALS ONE AND ONE-HALF TONS) OR LESS; AND

(3) ANY PROPOSED BATCH PLANT USE SHALL NOT EXCEED 24 MONTHS.

(B) THE DIRECTOR MAY ALSO SET BASIC CONDITIONS OF APPROVAL FOR ISSUANCE OF THE ADMINISTRATIVE PERMIT, AS APPROPRIATE FOR THE AREA IN WHICH THE DEVELOPMENT IS SITED, FOR THE FOLLOWING:

(1) SETBACKS (NO LESS THAN MINIMUM SETBACK REQUIREMENTS AS ESTABLISHED IN MSB 17.55; HOWEVER, MAY BE INCREASED AS APPROPRIATE FOR EXISTING SURROUNDING DEVELOPMENT);

(2) VISUAL SCREENING, NOISE MITIGATION, LIGHTING

RESTRICTIONS AND ROADS/ACCESS RESTRICTIONS AS APPROPRIATE FOR SURROUNDING DEVELOPMENT AND IN ACCORDANCE WITH DEVELOPMENT STANDARDS REFERENCED IN MSB 17.28.060, SITE DEVELOPMENT STANDARDS; AND

(3) ROAD MAINTENANCE MAY BE REQUIRED BY PERMITTEE.]

Section 6. Amendment of section. MSB 17.30.060 is amended as follows:

17.30.060 GENERAL STANDARDS FOR APPROVAL.

(A) In granting [AN ADMINISTRATIVE PERMIT OR] a conditional use permit, the [DIRECTOR OR] commission must make the following findings:

(1) that the use is not inconsistent with the applicable comprehensive plan;

(2) that the use will preserve the value, spirit, character, and integrity of the surrounding area;

(3) that the applicant has met all other requirements of this chapter pertaining to the use in question;

(4) that granting the permit will not be harmful to the public health, safety and general welfare; and

(5) that the sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in MSB 17.30.050(B).

Section 7. Amendment of section. MSB 17.30.150 is amended as follows:

17.30.150 APPEAL PROCEDURES.

(A) The provisions of MSB 15.39 govern appeals from a decision of the planning commission granting, denying, modifying, or revoking a conditional use permit under this chapter. [THE PROVISIONS OF MSB 15.39 GOVERN AN APPEAL OF A PLANNING DEPARTMENT ENFORCEMENT ACTION OR DECISION.]

Section 8. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2022.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



John Moosey
City Manager

City of Palmer
231 W. Evergreen Ave.
Palmer, Alaska 99645-6952
(907) 761-1317
E-mail: jmoosey@palmerak.org
www.palmerak.org

December 15, 2021

Mayor Edna DeVries
Matanuska-Susitna Borough Assembly
350 E Dahlia Avenue
Palmer, AK 99645

RE: Ordinance No. 22-002 and Ordinance No. 22-003

Dear Mayor and Assembly,

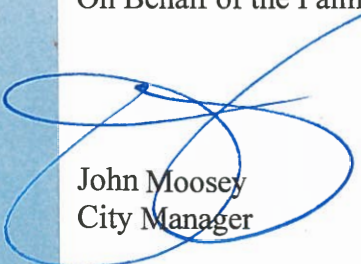
I am writing on behalf of the City of Palmer to express our concerns with Ordinance 22-002 and Ordinance 22-003. We greatly appreciate your foresight in directing both issues to the Matanuska-Susitna Planning Commission as the first action. Seeking public input is also our main concern.

The City of Palmer is not opposed to gravel mining operations. In fact, we have two active mining operations within our city limits. Our concern is with eliminating future public notice, public comment and replacing with an automatic approval. Any disruption to a neighborhood within the City of Palmer is an issue. We do not believe that a mining operation could be deemed too small to avoid public notice, comment and required approval within the City of Palmer.

In addition, the entrance to the City of Palmer is of great consequence. The City of Palmer is the host of many economic and social activities where aesthetics is important. Mining, conveyor belts and industrial noise may negatively impact our city.

The City of Palmer however has no concern with a gravel tax should the Matanuska-Susitna Borough take action.

On Behalf of the Palmer City Council,


John Moosey
City Manager

City of Palmer

From: [Kaylene Johnson-Sullivan](#)
To: [MSB Planning Commission](#)
Subject: MSB Ordinance 22-002
Date: Friday, January 28, 2022 8:45:43 PM

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

To the Public Planning Committee :

We would like to go on the record as strongly OPPOSING MSB Ordinance 22-002 that drops the requirement of conditional use permits for development, particularly as it relates to the Matanuska Greenbelt area. This is a treasured public space for an enormous and varied population of recreational users. The public should be given the opportunity to review and weigh in on any development that would have an impact on this important public space. To drop the requirement of conditional use permits would give developers the green light that anything goes on public lands without the input of the public that uses them.

We are big trail supporters. We purchase MatSu Borough annual parking passes for ourselves and gift them to many people as a way to support trails in our area. We use the trails for hiking, biking, horseback riding, and skiing. Please vote to protect these wonderful trails. Vote NO on MSB Ordinance 22-002.

Thank you.
Bill Sullivan
Kaylene Johnson-Sullivan
Palmer, AK

From: horsegal@mtaonline.net
To: [MSB Planning Commission](#)
Subject: MSB ordinance 22-002
Date: Saturday, January 29, 2022 8:31:26 AM

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

I am writing in opposition to the proposed MSB ordinance 22-002. The ordinance would not only be applicable to landfill property but all private and public lands with the borough and allows for an increase in annual extraction activities that would no longer require permit reviews.

Our valley is small, and part of the attraction to the valley is access to trails and greenbelts. I am a lifelong valley resident, and it continues to dismay me how little regard there is for keeping our greenspaces despite public outcry. Particularly there has been huge public expression opposing any gravel extraction from the Matanuska Valley greenbelt which apparently falls on deaf ears. Development and monetary gains are the priority. I can see the not so distant future, we will be reminiscing about 'the good old days' when we had green spaces and trails in the heart of our valley for all to enjoy. That's where we are headed.

Conditional use permits are designed to ensure that the use is in harmony with the purposes of a zoning ordinance and that a use will not adversely affect a neighborhood if certain requirements and conditions are met. Blanket approval of such large scale gravel extractions removes the government and public from a review process. It allows no opportunity for regulation and the application of requirements that would prevent an operation from activities injurious to adjacent property owners or harmful to public welfare. To make a case that is too costly to require such review is ludicrous as any prospective developer would rather not pay for a permit but sound governing dictates that permits are necessary to protect the public interest.

Thank you,
Terri Mielke

By: Alex Strawn
Introduced: February 7, 2022
Public Hearing: February 28, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 22-02

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.30
CONDITIONAL USE PERMIT FOR EARTH MATERIALS EXTRACTION ACTIVITIES
TO ALLOW FOR AN EXEMPTION OF 20,000 CUBIC YARDS ANNUALLY WITHOUT
A PERMIT.

WHEREAS, Currently, MSB 17.30 regulates earth materials
extraction activities; and

WHEREAS, extraction of 2,000 cubic yards or less annually on
any one parcel does not currently require an administrative or
conditional use permit; and

WHEREAS, the annual exemption limit of 2,000 yards is too low;
and

WHEREAS, the intent of raising the exemption is to allow the
citizens and owners of this resource to use and develop the
resource without unnecessary regulation and expense; and

WHEREAS, resource development is one of the primary
activities in the State of Alaska, and the Matanuska-Susitna
Borough should be encouraging development and use of our natural
resources; and

WHEREAS, by lowering costs of development, material prices will be lower which will benefit everyone in our community as we continue to experience the highest population growth rate in Alaska; and

WHEREAS, extraction activities which exceed an annual volume of 20,000 cubic yards should be required to obtain a conditional use permit from the Matanuska-Susitna Borough Planning Commission, regardless of duration; and

WHEREAS, earth materials extraction operations that do not extract 20,000 cubic yards annually should be exempt from MSB permitting requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval

ADOPTED by the Matanuska-Susitna Borough Planning Commission this __ day of _____, 2022.

Stafford Glashan, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

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PUBLIC HEARING LEGISLATIVE

Resolution No. PC 22-01

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING RECOMMENDING APPROVAL
OF AN ORDINANCE REPEALING 17.68 OUTDOOR
SHOOTING FACILITIES.

(Pages 27 - 40)

PUBLIC HEARING

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 22-001

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY
REPEALING MSB 17.68 OUTDOOR SHOOTING FACILITIES.

AGENDA OF: December 7, 2021

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Refer to Planning Commission for 90 days
and thereafter, introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER:



Route To:	Department/Individual	Initials	Remarks
	Originator	NS	for Assemblymember Sumner
	Planning Director	J.O. (ACTING)	
	Finance Director	CK	
	Borough Attorney	JS	
	Borough Clerk	Ann 11/29/21	(Signature)

ATTACHMENT(S): Fiscal Note: YES ___ NO X
Ordinance Serial No. 22-001 (1 pp)
MSB 17.68 (6 pp)

SUMMARY STATEMENT: This ordinance is sponsored by Assemblymember
Sumner to repeal MSB 17.68 Outdoor Shooting Facilities.

On November 17, 2020, the Matanuska-Susitna Borough Assembly
adopted Ordinance Serial No. 20-025 with accompanying IM 20-047 to
establish a conditional use permitting process for outdoor
shooting ranges.

The enactment process of the ordinance garnered significant
attention from the public and much debate. As enacted, MSB 17.68
applies to the entire Matanuska-Susitna Borough. With the varying
and diverse nature of the Matanuska-Susitna Borough, the "one size
fits all" approach does not work well for more rural and remote
locations. If at all, an ordinance containing regulations could
be applied only where the population density warrants it. If there

are areas of the Matanuska-Susitna Borough where subdistricts within certain Special Land Use Districts have high density, a proposal could be brought to the Assembly to enact regulations to meet those specific local conditions. However, such a broad brush regulation simply doesn't make sense for most areas of the Matanuska-Susitna Borough.

CHAPTER 17.68: OUTDOOR SHOOTING FACILITIES

Section

17.68.010 Intent

17.68.020 Definitions

17.68.030 Applicability

17.68.040 Application procedures

17.68.050 General standards

17.68.060 Operating standards

17.68.070 Appeals

17.68.080 Termination of permit

17.68.090 Transfer of permit

17.68.100 Nonconforming uses

17.68.110 Violations, enforcements, and penalties

17.68.010 INTENT.

(A) It is the intent of this chapter to allow outdoor shooting facilities to operate within the borough while minimizing the likelihood that people, domestic animals, or properties will be jeopardized.

(Ord. 20-025, § 2, 2020)

17.68.020 DEFINITIONS.

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

"Firing lane" means the expected path of gunfire from the firing position to the target.

"Firing line" means a line parallel to the targets behind which firearms are discharged.

"Firing position (point)" means an area where firearms are discharged, having a specified width and depth that is occupied by a shooter, their equipment and, if appropriate, an instructor.

"Outdoor shooting facility" means real property used for commercial, educational, or nonprofit shooting activities, typically involving rifles, shotguns, pistols, silhouettes, skeet, trap, or black powder.

"Surface danger zone (SDZ)" means a depiction of the mathematically predicted area a projectile will return to earth either by direct fire or by ricochet. The SDZ is the area extending from a firing point to a distance downrange based on the projectiles fired.

(Ord. 20-025, § 2, 2020)

17.68.030 APPLICABILITY.

(A) This chapter applies in all areas of the borough including special land use districts and residential land use districts. Where this chapter is in conflict with the conditions of a special land use district or residential land use district, the most restrictive conditions shall apply.

(B) This chapter does not apply within the cities of Houston, Palmer, or Wasilla.

(C) This chapter applies to all outdoor shooting facilities except outdoor shooting facilities that are used exclusively for:

- (1) archery or air guns;
- (2) law enforcement or United States military purposes; or
- (3) fully enclosed facilities designed to offer a completely controlled shooting environment.

(D) This chapter does not regulate the discharge of firearms on private property where the property is not open to the public on an education, nonprofit, or membership basis.

(Ord. 20-025, § 2, 2020)

17.68.040 APPLICATION PROCEDURES.

(A) An application for an outdoor shooting facility permit may be initiated by a property owner or the owner's authorized agent and shall be filed on a form provided by the borough.

- (1) The application for an outdoor shooting facility permit shall be accompanied by an appropriate filing fee as established by the assembly, payable to the borough.
- (2) The application shall include the following:
 - (a) a certified site plan drawn to scale showing a complete layout of the range including location of backstops, firing lanes, firing positions, firing lines, side berms, target areas, and baffles;

- (b) identification of all buildings within 1,000 feet of the firing positions;
- (c) dimensions and construction materials of all backstops, baffles, firing lanes, and side berms;
- (d) maximum caliber of firearm to be allowed at the range, if any;
- (e) certification by a professional civil engineer or other qualified professional registered in the state of Alaska under AS 08.48 that the facility is designed to meet the requirements of MSB 17.68.050(A)(3) and (4);
- (f) a site-specific environmental stewardship plan for managing shooting-associated materials, in accordance with EPA best management practices; and
- (g) surface danger zones as determined by a professional engineer registered in the state of Alaska under AS 08.48.

(B) The director or designated staff shall determine whether an application for an outdoor shooting facility is complete. The director shall provide the applicant with a written explanation of application deficiencies within ten working days of the date the application is received.

(C) Notification for outdoor shooting facilities shall be in accordance with MSB 17.03, Public Notification, except that the notification area will be one-half mile.

(D) Within 45 calendar days of receipt of a complete application, the director shall approve the permit upon determination that the standards of this chapter have been met.

(Ord. 20-025, § 2, 2020)

17.68.050 GENERAL STANDARDS.

(A) In granting a permit under this chapter, the director shall make findings that all of the following standards have been met:

- (1) Firing positions are located at least 1,000 feet from all habitable buildings which are not on the same parcel.
 - (a) This standard only applies to buildings which were in existence at the time that application was made for the outdoor shooting facility.
- (2) There are no habitable buildings within the surface danger zone.
- (3) The proposed backstops are:

- (a) impenetrable to all calibers used at the facility;
 - (b) designed to contain all projectiles within the designated shooting area;
 - (c) constructed of material that does not cause unintended ricochet of projectiles; and
 - (d) connected to each side berm.
- (4) The proposed side berms shall:
- (a) be constructed parallel to firing lanes;
 - (b) extend the length of the firing lanes, from the backstop to the firing line;
 - (c) be a minimum of eight feet in height;
 - (d) be designed to contain all projectiles within the designated shooting area;
 - (e) be impenetrable to all calibers used at the facility;
 - (f) be constructed of material that does not cause unintended ricochet of projectiles.
- (5) The director may waive the requirement for side berms if it is determined they are not necessary because of natural topographic features.
- (6) Shotgun-only ranges are exempt from subsections (A)(3) through (5) of this section.
- (7) Outdoor shooting facilities may not be designed in a manner that directs projectiles into or over waterbodies or wetlands.

(Ord. 20-025, § 2, 2020)

17.68.060 OPERATING STANDARDS.

- (A) Hours of operation shall not to exceed 8 a.m. to 9 p.m.
- (B) No sound resulting from the outdoor shooting facility is allowed to exceed 90 dB(a) as measured at the nearest building within the boundary of the property of the receiving land.

(Ord. 20-025, § 2, 2020)

17.68.070 APPEALS.

- (A) Appeals from a decision of the director granting or denying a permit under this chapter shall be filed and conducted in accordance with MSB 15.39.

(Ord. 20-025, § 2, 2020)

17.68.080 TERMINATION OF PERMIT.

(A) Except as otherwise specified by this code, a permit issued under this chapter will become null and void under the following conditions:

- (1) notification of termination of the permit for failure to comply with an order to correct violations of a permit;
- (2) failure to initiate the use for which the permit was issued within five years of the date of the permit issuance;
- (3) cessation of the use for which the permit was issued for a period exceeding five consecutive years.

(Ord. 20-025, § 2, 2020)

17.68.090 TRANSFER OF PERMIT.

(A) Except as otherwise specified by this code, the privileges and requirements of a permit issued under this chapter shall run with the land.

(B) Within 90 days of recording the transfer of ownership of the subject land, the new owner must provide written notification and a signed acknowledgment that the new owner assumes responsibility for compliance with the requirements of the permit.

(Ord. 20-025, § 2, 2020)

17.68.100 NONCONFORMING USES.

(A) Within the borough there may be commercial outdoor shooting facilities that have commenced actual construction or are in existence as of the effective date of the ordinance codified in this chapter. Such facilities which were lawful before the effective date of the ordinance codified in this chapter, but which would otherwise be prohibited, regulated or restricted under this chapter, are allowed to continue but shall not be expanded except as provided in this chapter.

(B) No nonconforming use shall be constructed or operated except in accordance with these regulations, except to the extent it was in existence or under actual construction as of the effective date of the ordinance codified herein or amendment thereto.

(Ord. 20-025, § 2, 2020)

17.68.110 VIOLATIONS, ENFORCEMENTS, AND PENALTIES.

(A) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB

1.45.

(B) In addition to other applicable penalties, failure to correct the violation of this code, after reasonable notice, may result in revocation of the permit.

(C) Complaints received by the borough of violations of state or federal law will be forwarded to the appropriate agency for enforcement.

(D) Authorized representatives of the borough shall be allowed to inspect the site and related records at reasonable times for the purpose of monitoring compliance with all permit conditions.

(E) The permittee shall assist and cooperate with authorized inspections upon reasonable notice from the borough.

(Ord. 20-025, § 2, 2020)

CODE ORDINANCE

Sponsored by: Assemblymember Sumner
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-001**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING
MSB 17.68, OUTDOOR SHOOTING FACILITIES.

WHEREAS, the intent and rationale for this ordinance are found
in the accompanying Informational Memorandum No. 22-001.

BE IT ENACTED:

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

Section 2. Repeal of section. MSB 17.68 Outdoor Shooting
Facilities is hereby repealed.

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

ADOPTED by the Matanuska-Susitna Borough Assembly this - day
of -, 2022.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

Beverly W. Cutler
8470 N. Russet Road
Palmer, Alaska 99645
bevcut@gmail.com

January 31, 2022

To: Mat Su Borough Planning Commission
350 East Dahlia
Palmer, Alaska 99645

Regarding: PC 22-01
Statement of Opposition to Proposed Resolution Recommending Approval of MSB 22-01
Repeal of Outdoor Shooting Range Ordinance MSB 17.68

Dear Commissioners,

I hope to testify at next week's February 7, 2022 hearing by telephone or Teams. Meanwhile, I ask you accept this letter from me.

I'm a resident of District 6. More than three years ago, many of my neighbors, and other members of my district, and members of the general public from all over the Valley, approached various borough representatives and officials about our perceived need for borough control regarding where and how a person owning land in the Valley should be able to create or install an "outdoor shooting range." I'll note that most of us, including myself, live outside the Core Area.

What followed was significant research, exchange of ideas, and debate, culminating in the passage of MSB 17.68 in 2020. Please be aware that many community councils also supported that legislation, exercising the very responsibilities that their various Community Development Plans contained— development plans which you know the MSB had to work very hard to get them to come up with, and to buy into.

My husband and I (he's a retired Alaska State Trooper) were motivated to be part of this effort seeking regulation because in 2018 we had suddenly found ourselves living next to what sounded like a war zone for hours on end in the afternoon or weekend, after having occupied our MSB farm property for more than 40 years. We live in what most definitely qualifies as a "rural or remote location."

Yet proponents of the current repeal effort seem to think that regulation or control aren't necessary in "most parts of the valley." Our experience shows that position is wrong. Further, common sense tells you that one could live where there are fewer than 10 humans per square mile and still need this ordinance.

First, insufferable noise next to one's residence is a major detractor from human enjoyment of life. It both takes away the peace and privacy of the rural residences our community holds dear, and also becomes a major detriment to the monetary value of the

property. It appears some of the supporters of this repeal effort are developers. I'm sure they don't want to be building a lovely isolated \$400,000 home for sale only to find out a high powered shooting range has just been created on the next property.

More importantly, physical safety for people and animals on property is a prime consideration for the planning commission. The law that was passed contains protective provisions requiring certain distances from firing line be met, berm construction parameters, and the like.

Wetlands and soil preservation are additional important issues for the Valley and for this planning commission. Any location where a huge number of spent bullets, casings and similar will concentrate should be governmentally regulated and not pollute our wetlands and soils due to whatever seepage occurs afterward.

Finally, but not exhaustively, have we not already had enough danger and destruction from fires in this Valley in modern times? Our "accidentally started" fire situation has become even worse now with continued spruce beetle kill on the scale we recently had. Repeated firings of multiple weapons simultaneously clearly pose such a risk. Where and how our beautiful lands get protected from wildfires innocently starting, then spreading, is a large concern especially in rural and remote areas.

No one supporting MSB 17.68, then or now, wants to keep Mat Su property owners from the ordinary Mat Su privilege of siting in one's rifle on one's own property if one has a safe way of doing so without harm to the basic interests of others. But today's Valley is not our grandfathers' valley. That the Borough has needed a Planning Commission for many years now tells us that. We have grown from a pre-pipeline population of several thousand people to over 100,000 people.

Borough permissions that apply to all locations are necessary for any firing activity that takes place to the extent that an actual shooting range exists for their endeavor. MSB 17.68 is moderate. It does not even provide as much regulation as many proponents wanted. It requires only an administrative decision process, made by just a single person working for the MSB, not a requirement that one seek a special ordinance, or assembly approval, or similar.

No law ever ends up with perfect wording, due to how legislation gains traction in order to get approval. Should the proponents of repeal of MSB 17.68 want instead to propose a better wording for parts of the ordinance, or add some new definitions, we should all listen to earnest proposals for same. But throwing out the baby with the bath is childish, and retrograde. We have come too far protecting each other and our environment to toss out this progress now.

Further, no regulation should be tossed out simply because a lot of work was done to get it passed and a lot of people spoke up about it — the second reason suggested by the proponents, that it "garnered significant attention from the public and much debate." If that were to become a rule of thumb for tossing out legislation, it would kill the very American goal that we encourage community and stakeholder comment on pending legislation.

Thank you very much for considering my statement.

Very truly yours,

Beverly W. Cutler

By: Alex Strawn
Introduced: January 17, 2022
Public Hearing: February 7, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 22-01

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING APPROVAL OF AN ORDINANCE REPEALING 17.68 OUTDOOR
SHOOTING FACILITIES.

WHEREAS, On November 17, 2020 the Matanuska-Susitna Borough
Assembly adopted Ordinance Serial No. 20-025 establishing a
conditional use permitting process for Outdoor Shooting Ranges;
and

WHEREAS, the enactment process of the ordinance garnered
significant attention from the public and much debate; and

WHEREAS, as enacted, MSB 17.68 applies to the entire
Matanuska-Susitna Borough. With the varying and diverse nature of
the Matanuska-Susitna Borough, the "one size fits all" approach
does not work well for more rural and remote locations; and

WHEREAS, a broad brush regulation does not make sense for
most areas of the Matanuska-Susitna Borough and an ordinance
containing regulations could be applied only where the population
density warrants it.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna
Borough Planning Commission hereby recommends adoption of

ordinance 22-001, an ordinance of the Matanuska-Susitna Borough Assembly repealing MSB 17.68 Outdoor Shooting Ranges.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this ____ day of _____, 2022.

Stafford Glashan, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

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PUBLIC HEARING LEGISLATIVE

Resolution No. PC 22-03

A RESOLUTION OF THE MATANUSKA-SUSITNA
BOROUGH PLANNING COMMISSION
RECOMMENDING APPROVAL OF AN ORDINANCE
EXEMPTING THE BOROUGH LANDFILL FROM
EARTH MATERIALS EXTRACTION PERMIT CODE
REQUIREMENT TO ALLOW GRAVEL MINING ON
THE PROPERTY, WHICH HAS BEEN DESIGNATED
AS RESERVE USE LANDS - SANITARY LANDFILL.

(Pages 41 - 54)

PUBLIC HEARING

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 22-004

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY EXEMPTING THE BOROUGH LANDFILL FROM EARTH MATERIALS EXTRACTION PERMIT CODE REQUIREMENTS TO ALLOW GRAVEL MINING ON THE PROPERTY, WHICH HAS BEEN DESIGNATED AS RESERVE USE LANDS - SANITARY LANDFILL.

AGENDA OF: December 7, 2021

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Refer to Planning Commission for 90 days and thereafter, introduce, and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: WB

Route To:	Department/Individual	Initials	Remarks
	Originator	DM DM	For: Assemblymember Sumner
	Planning	GB	
	Finance	CV	
	Borough Attorney	BS	
	Borough Clerk	ARM 11/29/21	

ATTACHMENT(S): Fiscal Note: YES ____ NO X
Ordinance Serial No. 22-003 (2 pp)

SUMMARY STATEMENT: Matanuska-Susitna Borough (MSB) Planning Department seeks the support of the Assembly to exempt the Borough landfill from existing code requirements related to gravel mining on the property designated as Reserve-use Lands - Sanitary Landfill in 1989 in Resolution Serial No. 89-182. The exemption will provide authority to execute efficient cell construction and gravel disposal necessary for the operation of the landfill and will save an average of approximately one million dollars every two years or more than \$50 million over the useful life of the facility.

The ability to economically construct cells and manage gravel within the Palmer Central Landfill has a Borough-wide impact. Granting the Solid Waste Division the authority to manage excess gravel through material sales significantly reduces the capital infrastructure and operating costs of the landfill, which helps

keep waste disposal fees low.

Mining one cell at a time with separate permits and contracts is inefficient and more costly than systematically excavating and disposing of excess material. Authority to continuously dispose of the excess gravel allows a value-producing alternative to the landfill development process. Savings from gravel sales generate a \$2 to \$3 million reduction in the construction cost of each landfill cell. These sales help the Assembly slow the growth of disposal fees and provide cost savings to every resident, business, government and non-government organization in the Borough.

Recent events where obtaining small gravel mining permits was required by code resulted in the loss of a contract estimated to have a remaining savings value of over \$4.2 million. In 2016, the Land Management Division, at the request of the Solid Waste Division, put forth a request for an Interim Materials District (IMD) (see Ordinance Serial No. 16-090, IM No. 16-128) encompassing an area that would allow excavations to take place creating a new Construction and Demolition (C&D) cell (C&D Cell 2) and the next two Municipal Solid Waste (MSW) cells.

The IMD includes only a portion of the Central Landfill, effectively removing an area already approved by the Assembly and permitted by the State of Alaska for landfill use. Mining the remaining landfill cells would provide a construction cost savings and would earn gravel sales. Additionally, gravel reject, used extensively at the landfill for waste cover and road repair, could be mined and stockpiled as a valuable and useful material, saving additional money over time.

Should the Assembly waive the permit requirements for the Central Landfill, it would retain the authority to oversee cell construction and gravel disposal at the landfill through the contract award process. This action keeps decisions that impact every resident and business in the Borough at the Assembly level rather than allowing such wide-reaching decisions to be made at a lower level.

The Solid Waste Division will continue to develop the landfill property with cost efficiency, low impact on our neighbors and trail protection as top priorities. Costs continue to rise in the waste disposal business as regulatory requirements increase and as population growth results in more demand for waste disposal. Authorizing cost-efficient cell construction with excess gravel disposal will help reduce costs and keep rates low.

CODE ORDINANCE

Sponsored by: Assemblymember Sumner

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-003**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.30.020, CONDITIONAL USE PERMIT (CUP) FOR EARTH MATERIAL EXTRACTION ACTIVITIES (APPLICABILITY), TO EXCLUDE THE CUP REQUIREMENT WITHIN THE BOUNDARIES OF THE MSB CENTRAL LANDFILL.

BE IT ENACTED:

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

Section 2. Amendment of section. MSB 17.30.020 is hereby amended as follows:

(I) This chapter does not apply within the boundaries of the Central Landfill as defined by MSB Resolution Serial No. 89-182.

Section 3. Repeal of subsection. MSB 17.28.090(12) is hereby repealed in its entirety.

[(12) CENTRAL LANDFILL, TOWNSHIP 17 NORTH, RANGE 01 EAST, SEWARD MERIDIAN, ALASKA, SECTION 1: SOUTH 1/2 SOUTHWEST 1/4, NORTHEAST 1/4 SOUTHWEST 1/4, CONTAINING 120 ACRES, MORE OR LESS. A PORTION OF THE DESCRIBED PARCEL NO. 2 ON WAIVER RESOLUTION APPROVED AND ADOPTED BY THE MATANUSKA-SUSITNA BOROUGH PLATTING BOARD ON OCTOBER 16, 1986, AS PLAT 87-6W.]

Section 4. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2022.

EDNA DEVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)



John Moosey
City Manager

City of Palmer
231 W. Evergreen Ave.
Palmer, Alaska 99645-6952
(907) 761-1317
E-mail: jmoosey@palmerak.org
www.palmerak.org

December 15, 2021

Mayor Edna DeVries
Matanuska-Susitna Borough Assembly
350 E Dahlia Avenue
Palmer, AK 99645

RE: Ordinance No. 22-002 and Ordinance No. 22-003

Dear Mayor and Assembly,

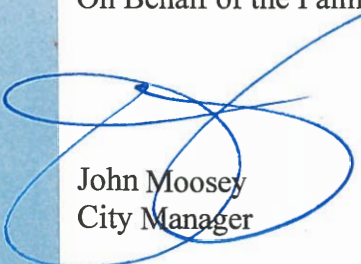
I am writing on behalf of the City of Palmer to express our concerns with Ordinance 22-002 and Ordinance 22-003. We greatly appreciate your foresight in directing both issues to the Matanuska-Susitna Planning Commission as the first action. Seeking public input is also our main concern.

The City of Palmer is not opposed to gravel mining operations. In fact, we have two active mining operations within our city limits. Our concern is with eliminating future public notice, public comment and replacing with an automatic approval. Any disruption to a neighborhood within the City of Palmer is an issue. We do not believe that a mining operation could be deemed too small to avoid public notice, comment and required approval within the City of Palmer.

In addition, the entrance to the City of Palmer is of great consequence. The City of Palmer is the host of many economic and social activities where aesthetics is important. Mining, conveyor belts and industrial noise may negatively impact our city.

The City of Palmer however has no concern with a gravel tax should the Matanuska-Susitna Borough take action.

On Behalf of the Palmer City Council,


John Moosey
City Manager

City of Palmer

By: Jason Ortiz
Introduced: January 17, 2022
Public Hearing: February 7, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 22-03

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE EXEMPTING THE BOROUGH LANDFILL FROM EARTH MATERIALS EXTRACTION PERMIT CODE REQUIREMENTS TO ALLOW GRAVEL MINING ON THE PROPERTY, WHICH HAS BEEN DESIGNATED AS RESERVE USE LANDS - SANITARY LANDFILL.

WHEREAS, exempting the landfill from permitting requirements for gravel extraction will provide authority to execute efficient cell construction and gravel disposal necessary for the operation of the landfill and will save an average of approximately one million dollars every two years or more than \$50 million over the useful life of the facility; and

WHEREAS, the ability to economically construct cells and manage gravel within the Palmer Central Landfill has a Borough-wide impact; and

WHEREAS, granting the Solid Waste Division the authority to manage excess gravel through material sales significantly reduces the capital infrastructure and operating costs of the landfill, which helps keep waste disposal fees low; and

WHEREAS, mining one cell at a time with separate permits and contracts is inefficient and more costly than systematically excavating and disposing of excess material; and

WHEREAS, authority to continuously dispose of the excess gravel allows a value-producing alternative to the landfill development process; and

WHEREAS, savings from gravel sales generate a \$2 to \$3 million reduction in the construction cost of each landfill cell. These sales help the Assembly slow the growth of disposal fees and provide cost savings to every resident, business, government and non-government organization in the Borough; and

WHEREAS, the MSB would retain the authority to oversee cell construction and gravel disposal at the landfill through the contract award process; and

WHEREAS, the Solid Waste Division will continue to develop the landfill property with cost efficiency, low impact on our neighbors and trail protection as top priorities; and

WHEREAS, costs continue to rise in the waste disposal business as regulatory requirements increase and as population growth results in more demand for waste disposal. Authorizing cost-efficient cell construction with excess gravel disposal will help reduce costs and keep rates low.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of ordinance 22-003 an ordinance of the Matanuska-Susitna Borough Assembly exempting the borough landfill from earth materials extraction permit code requirements to allow gravel mining on the property, which has been designated as reserve use lands - sanitary landfill.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ____ day of _____, 2022.

Stafford Glashan, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

By: Alex Strawn
Introduced: January 17, 2022
Public Hearing: February 7, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 22-03

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE EXEMPTING THE BOROUGH LANDFILL FROM EARTH MATERIALS EXTRACTION PERMIT CODE REQUIREMENTS TO ALLOW GRAVEL MINING ON THE PROPERTY, WHICH HAS BEEN DESIGNATED AS RESERVE USE LANDS - SANITARY LANDFILL.

WHEREAS, exempting the landfill from permitting requirements for gravel extraction will provide authority to execute efficient cell construction and gravel disposal necessary for the operation of the landfill and will save an average of approximately one million dollars every two years or more than \$50 million over the useful life of the facility; and

WHEREAS, the ability to economically construct cells and manage gravel within the Palmer Central Landfill has a Borough-wide impact; and

WHEREAS, granting the Solid Waste Division the authority to manage excess gravel through material sales significantly reduces the capital infrastructure and operating costs of the landfill, which helps keep waste disposal fees low; and

WHEREAS, mining one cell at a time with separate permits and contracts is inefficient and more costly than systematically excavating and disposing of excess material; and

WHEREAS, authority to continuously dispose of the excess gravel allows a value-producing alternative to the landfill development process; and

WHEREAS, savings from gravel sales generate a \$2 to \$3 million reduction in the construction cost of each landfill cell. These sales help the Assembly slow the growth of disposal fees and provide cost savings to every resident, business, government and non-government organization in the Borough; and

WHEREAS, the MSB would retain the authority to oversee cell construction and gravel disposal at the landfill through the contract award process; and

WHEREAS, the Solid Waste Division will continue to develop the landfill property with cost efficiency, low impact on our neighbors and trail protection as top priorities; and

WHEREAS, costs continue to rise in the waste disposal business as regulatory requirements increase and as population growth results in more demand for waste disposal. Authorizing cost-efficient cell construction with excess gravel disposal will help reduce costs and keep rates low.

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ADOPTED by the Matanuska-Susitna Borough Planning Commission this ____ day of _____, 2022.

Stafford Glashan, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

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CORRESPONDENCE & INFORMATION

From: [Beau Gibb](#)
To: [MSB Planning Commission](#)
Subject: Matsu Greenbelt
Date: Monday, January 31, 2022 6:44:42 AM

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

Good morning,

I'm writing in opposition to the development of Matanuska greenbelt, specifically the proposal of removing the public input aspect of future developments. In a state as vast as Alaska I find it difficult to believe that degradation of a public space that is so widely popular is the only option for sourcing gravel.

I understand that the conveyor belt is the least encroaching of two options and that developers have threatened a road with gravel trucks if the conveyor belt is voted down.

My wife and I both live in the gateway area and use the greenbelt throughout winter and summer months. It's our local source of trails for bike riding, dog walking, and paddle boarding. We were upset to see the excavator tracks when development potential was being carried out and voiced our opposition to the development from that point on.

Thank you for your time and consideration I hope that money doesn't blur the line of progress for our beautiful borough.

--

Beau Gibb
OTR design + build LLC
(907) 227-6556
Otrdesign.com


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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: January 26, 2022
TO: Planning Commissioners
FROM: Alex Strawn, Planning and Land Use Director 
SUBJECT: Tentative Future PC Items

Upcoming PC Actions

Quasi-Judicial

- The Green Spot – Marijuana Retail Facility Modificaiton, 1783B04L001 (Staff: Mark Whisenhunt)
- Green Degree (Clapp) – Marijuana Retail Facility, 1011B01T001-2 (Staff: Peggy Horton)
- Frontier Plaza Subdivision – Earth Material Extraction, 18N10E31A004 (Staff: Mark Whisenhunt)
- Talkeetna Connection – Marijuana Retail Facility, 24N04W29D002 (Staff: Peggy Horton)
- Valley Country Store #4 – Alcoholic Beverage Package Store, 4928000L001 (Staff: Peggy Horton)
- Valley Country Store #4 – Core Area CUP, 4928000L001 (Staff: Peggy Horton)
- Dime Bag – Marijuana Facility, 6298B01L002 (Staff: Peggy Horton)
- AK Legacy Genetics – Standard Marijuana Cultivation Facility, 6315B01L011 (Staff: Peggy Horton)
- Premier Homes – Earth Material Extraction, 17N02W34D003 (Staff: Peggy Horton)

Legislative

- Lake Management Plan Update (Staff: Kelsey Anderson)
- Historic Preservation Plan (HPP) (Staff: Adam Bradway)
- Municipal Separate Storm Sewer System (MS4) (Staff: Ted Eischeid)
- Pre-Metropolitan Planning Organization (MPO) Development (Staff: Kim Sollien)
- Bike and Pedestrian Plan (Staff: Kim Sollien)

- Capital Improvement Program (CIP) (Staff: Kelsey Anderson)
- Official Streets And Highway Plan (OSHP) (Staff: Kim Sollien)
- MSB Borough-Wide Comprehensive Plan (Staff: Kim Sollien)
- Marijuana Code Update (Staff: Alex Strawn)
- Glacier View Comprehensive Plan Update (Staff: Kim Sollien)
- Coordinated Human Services Transportation Plan (Staff: Leda Borys)