# 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
Mike Rubeo, District 4
VACANT, District 5
Stafford Glashan, District 6, Chair
Curt Scoggin, 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

April 18, 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 may submit written comments to the Planning Commission Clerk at <a href="msb.planning.commission@matsugov.us">msb.planning.commission@matsugov.us</a>.

#### **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: 04/04/2022

- B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
- C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS
- V. COMMITTEE REPORTS
- VI. AGENCY/STAFF REPORTS
- VII. LAND USE CLASSIFICATIONS
- VIII. AUDIENCE PARTICIPATION (three minutes per person, for items not scheduled for public hearing)
- IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (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).
- **Resolution PC 22-05**

A conditional use permit in accordance with MSB 17.60 – Conditional Use Permit for a marijuana retail facility located at 2888 South Clapp Street, Tax ID #1011B01T001-2; within Township 17 North, Range 1 West, Section 19, Seward Meridian (Applicant: Kerby Comen for Green Degree; Staff: Peggy Horton, Planner II).

**Resolution PC 22-09** 

A conditional use permit in accordance with MSB 17.60 – Conditional Use Permit for the operation of a marijuana retail facility located at 2893 S. Big Lake Road, Unit #4, Tax ID #1783B04L001; within Township 17 North, Range 3 West, Section 21, Seward Meridian (Applicant: Jolyn Jillson, dba The Green Spot, LLC; Staff: Mark Whisenhunt, Planner II).

# X. PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution PC 22-13 A resolution of the Matanuska-Susitna Borough Planning

Commission recommending adoption of the Matanuska-Susitna Borough 2022 Official Streets and Highways Plan update (Staff:

Adam Bradway, Planner II).

Resolution PC 22-16 A resolution of the Matanuska-Susitna Borough Planning

Commission recommending Assembly adoption of an ordinance amending MSB 17.05 to exclude the Port MacKenzie Special Use

District (Staff: Tracy McDaniel, Real Property Anaylst).

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 to participate at a Planning Commission Meeting should contact the Borough ADA Coordinator at 907-861-8432 at least one week in advance of the meeting.

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# MINUTES April 4, 2022

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# **MINUTES**

REGULAR MEETING April 4, 20202

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on Arpil 4, 2022, 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 Stafford Glashan.

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

Planning Commission members present and establishing a quorum:

Mr. Doug Glenn, Assembly District #1

Mr. Michael Rubeo, Assembly District #4

Mr. Stafford Glashan, Assembly District #6, Chair

Mr. Curt Scoggin, Assembly District #7

Planning Commission members absent and excused were:

Mr. Richard Allen, Assembly District #2

Ms. Patricia Chesbro, Assembly District #3, Vice-Chair

VACANT, Assembly District #5

#### Staff in attendance:

Mr. Jason Ortiz, Development Services Manager

Ms. Denise Michalske, Assistant Borough Attorney

Ms. Karol Riese, Planning Depart. Administrative Specialist/Planning Commission Clerk

Mr. Joseph Metzger, Planner II

#### II. APPROVAL OF AGENDA

Chair Glashaninquired 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 Mr. Joe Metzger.

# IV. CONSENT AGENDA

A. Minutes Regular Meeting Minutes: 03/21/2022

# B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

# **Resolution PC 22-05** A conditional use permit in accordance with MSB 17.60 –

Conditional Use Permit (CUP) for a marijuana retail facility located at 2888 South Clapp Street, Tax ID# 1011B01T001-2; within Township 17 North, Range 1 West, Section 19, Seward Meridian, Public Hearing: April 18, 2022 (Applicant: Kerby Comen for Croon Degrees Stoff, Paggy Horton Planner II)

Green Degree; Staff: Peggy Horton, Planner II).

**Resolution PC 22-09** A conditional use permit in accordance with MSB 17.60 –

Conditional Uses, allowing for the operation of a marijuana retail

REGULAR MEETING April 4, 20202

facility located at 2893 S. Big Lake Road, Unit #4, Tax ID #1783B04L001; within Township 17 North, Range 3 West, Section 21, Seward Meridian, Public Hearing: April 18, 2022 (Applicant: Jolyn Jillson, dba The Green Spot, LLC; Staff: Mark Whisenhunt, Planner II).

# C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution PC 22-13 A resolution of the Matanuska-Susitna Borough Planning

Commission recommending adoption of the Matanuska-Susitna Borough 2022 Official Streets and Highways Plan update, Public Hearing: April 18, 2022 (Staff: Adam Bradway, Planner II).

Resolution PC 22-16 A resolution of the Matanuska-Susitna Borough Planning

Commission recommending Assembly adoption of an ordinance amending MSB 17.05 to exclude the Port MacKenzie Special Use District, Public Hearing: April 18, 2022 (Staff: Tracy McDaniel,

Real Property Analyst).

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

**Resolution PC 22-15** A resolution of the Matanuska-Susitna Borough Planning Commission recommending Assembly approval of the dual land classification of a borough-owned parcel for forest management and general purpose (MSB007874) (Staff: Joe Metzger, Land Management Specialist).

Chair Glashan read the resolution title into the record.

Mr. Metzger provided a staff report.

Commissioners questioned staff regarding:

• Attempt in 2014/2015 of fair market value sale for shooting range.

Chair Glashan opened the public hearing.

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

MOTION: Commissioner Rubeo moved to approve Planning Commission Resolution 22-15. The motion was seconded.

**No Discussion** 

**VOTE:** The main motion passed without objection.

**VIII. AUDIENCE PARTICIPATION** (Three minutes per person.) (There were no persons to be heard.)

# IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (There was no correspondence and information.)

# X. PUBLIC HEARING LEGISLATIVE MATTERS (There was no correspondence and information.)

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

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

# XIII. NEW BUSINESS

A. Susitna Basin Recreation Rivers Advisory Board Seat Chair Glashan will hold the seat.

# XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items (Staff: Jason Ortiz) (Commission Business was presented, and no comments were noted.)

# XV. DIRECTOR AND COMMISSIONER COMMENTS

Commissioner Glashan: Thanks for the honor of another position.

REGULAR MEETING April 4, 20202

# XVI. ADJOURNMENT

The regular meeting adjourned at 6:14 p.m.	
	STAFFORD GLASHAN, Planning
	Commission Chair
ATTEST:	
ATTEST.	
KAROL RIESE, Planning Commission Clerk	
Minutes approved:	

# PUBLIC HEARING QUASIJUDICIAL Resolution No. PC 22-05 Green Degree

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**PUBLIC HEARING** 



# MATANUSKA-SUSITNA BOROUGH

# Planning and Land Use Department Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645 Phone (907) 861-7822 www.matsugov.us

# DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date:

April 6, 2022

File Number:

176020210001

Applicant:

Kerby Coman for Green Degree

**Property Owner:** 

David J. Doyle

Request:

Planning Commission Resolution 22-05

Conditional Use Permit for the operation of a marijuana retail facility in accordance with MSB Chapter 17.60 -

Conditional Uses

Location:

2888 South Clapp Street, Tax ID# 1011B01T001-2, within

Township 17 North, Range 1 West, Section 19, Seward

Meridian

Size of Facility:

Approximately 1,200 Square Feet

Reviewed By:

Alex Strawn, Planning & Land Use Director

Jason Ortiz, Development Services Manager

Staff:

Peggy Horton, Planner II Pu

**Staff Recommendation:** 

Approval with conditions

# **EXECUTIVE SUMMARY**

A conditional use permit application has been submitted for the operation of a marijuana retail facility. The applicant is proposing to operate the facility in a commercial building that is approximately 1,200 square feet in size. According to the application material, the entire retail licensed area, including office space, will be 973.2 square feet. MSB 17.60.030 requires a conditional use permit for the operation of a marijuana retail facility. Unless this type of use is maintained under and in accordance with a lawfully issued permit, a marijuana retail facility is declared to be a public nuisance. Operation of such a land use without a permit is prohibited.

# LAND USE

# Existing Land Use/Background:

The subject parcel was forested land prior to 2012. Between 2014 and 2016, the Borough and City of Wasilla executed a project to construct the South Clapp Street and West Fairview Loop signalized intersection with South Knik-Goose Bay Road. The project's right-of-way acquisition divided a tract within Church Subdivision to create this 1.8 acre lot. The southern portion of this lot is utilized for South Knik-Goose Bay Road right-of-way. The useable area of the lot, approximately 41,000 square feet, is surrounded on all three sides with public rights-of-way.

The commercial structure was placed on the property for this use in 2020, but needs to be moved to meet the setback requirements of MSB 17.55. Once the building is moved, evidence that it meets the structural setback restrictions will be necessary. The building has not been moved as of the writing of this report; however, a foundation is constructed in preparation for the move.

# Surrounding Land Uses:

The proposed use will access South Clapp Street, which is classified as a collector road. As a collector, South Clapp Street is capable of handling traffic from residential and commercial uses. South Knik-Goose Bay Road is classified as a major arterial and has several different uses on its frontage including commercial, industrial, and residential. The surrounding area is comprised of mixed uses and parcels range in size from approximately one acre to approximately eight acres. There are a variety of land uses within 1,100 feet, including single and multifamily residential, convenience store and gas station, mini-storage facility, package store, and church property. A vacant property, directly across South Clapp Street, is cleared of vegetation and currently offered for sale. The proposed use is located southeast of, and approximately 300 feet from, the closest residential structure. South Clapp Street abuts the use to the northeast and South Knik-Goose Bay Road abuts the use to the southeast. The old Clapp Street right-of-way and 33-foot wide section line easement, directly west of the proposed use, is now an unpaved traveled way, no longer for vehicular use. The lots to the west and those south of South Kink-Goose Bay Road are residential in nature.

# REVIEW OF APPLICABLE CRITERIA AND FINDINGS

# MSB 17.03 - Public Notification

Staff mailed 45 notices to property owners within Church Subdivision, to those within a 600-foot radius of the use, and to the Knik-Fairview Community Council on February 22, 2022. The Frontiersman published the public notice in both the February 18 and 25, 2022 issues. Staff posted the application material on the Borough website for public review on February 14, 2022. Staff also emailed the public notice and a request for comments to the Knik-Fairview Community Council, borough offices, and outside agencies on February 14, 2022. Knik-Fairview Community Council responded with a letter of non-objection. Staff received one comment from a member of the public in opposition to the proposed location. The objection noted the proximity of the use to a school bus route. Staff notes marijuana related conditional uses shall not be located within 1,000 feet of school grounds. However, the proximity to school bus routes or school bus stops is not a factor addressed in code.

# Section 17.60.100 General Standards

- (A) A conditional use may be approved only if it meets with the requirements of this section in addition to any other standards required by this chapter:
- (B) In granting a conditional use permit, the planning commission must make the following findings:
  - (1) the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area;

# Findings of Fact:

- According to the application material, the proposed retail facility will be wholly contained within a 1,200 square foot commercial structure.
- 2. The proposed use has no industrial equipment or processes that generate noise.
- 3. The proposed use will access South Clapp Street from an existing, permitted driveway.
- South Clapp Street is classified as a collector and is capable of accommodating traffic associated with commercial use.
- 5. South Clapp Street has many different uses fronting on it, including residential, recreational, and commercial.
- 6. South Knik-Goose Bay Road is classified as a major arterial and has several different uses on its frontage including commercial, industrial, and residential.
- 7. The proposed hours of operation are 8:00 a.m. until 5:00 a.m., daily.
- According to the application material, the proposed use will be located approximately 130
  feet from the South Clapp Street right-of-way, approximately 38 feet to the South KnikGoose Bay Road right-of-way and approximately 26 feet from the section line easement
  along the west side.
- 9. The proposed use is located southeast of, and approximately 300 feet from, the closest residential structure.
- 10. There are a variety of land uses within 1,100 feet, including single and multifamily residential, convenience store and gas station, mini-storage facility, package store, and church property.
- 11. Consumption of marijuana is prohibited at the site.
- 12. Persons under the age of 21 are prohibited from entering the facility.
- 13. According to the application material, loitering will not be allowed.

**Discussion:** The structure is currently about 22 feet from the 33-foot section line easement on the west side. Staff recommends a condition requiring a surveyor's as-built drawing, performed after moving the building, showing the location and dimensions of the commercial structure to indicate compliance with MSB 17.55, Setback, and Screening Easements.

Conclusion of Law: Based on the above findings, the proposed use, with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).

(2) that granting the conditional use permit will not be harmful to the public health, safety, convenience, and welfare;

# Findings of Fact:

- The closest school (Snowshoe Elementary) is approximately 8,800 feet from the proposed use.
- 2. Consumption of marijuana is prohibited at the site.
- 3. Persons under the age of 21 are prohibited from entering the facility.
- 4. The proposed use will access South Clapp Street from an existing, permitted driveway.
- South Clapp Street is classified as a collector and is capable of accommodating traffic associated with commercial use.
- 6. According to the application material, security cameras, motion detectors, and lighting are used to monitor all activities at the facility.
- 7. According to the application material, the use will have a backlit sign on the front of the commercial structure, facing the intersection of South Clapp Street and South Knik-Goose Bay Road. A second, double-sided sign, in a cabinet approximately 5 feet by 7 feet, will be located at the southeast corner of the lot and will also be backlit.
- The Central Mat-Su Fire Department Deputy Fire Marshal issued Plan Review #2021-084 for the commercial structure.
- The commercial structure is in full compliance with the applicable State of Alaska fire code.
- 10. The proposed use is located southeast of, and approximately 300 feet from, the closest residential structure.
- 11. After proper notification of the State of Alaska Alcohol & Marijuana Control Office, all marijuana products deemed unusable are ground up with trash and disposed of in the onsite dumpster. The final destination for the waste is the landfill.

Conclusion of Law: Based on the above findings, the proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).

(3) that sufficient setback, lot area, buffers, or other safeguards are being provided to meet the conditions listed in subsections (B)(1) through (3) of this section; and

- According to the application material, the proposed use will be located approximately 130
  feet from the South Clapp Street right-of-way, approximately 38 feet to the South KnikGoose Bay Road right-of-way, and approximately 26 feet from the section line easement
  along the west side.
- The closest school (Snowshoe Elementary) is approximately 8,800 feet from the proposed use.
- 3. The proposed use will access South Clapp Street from an existing, permitted driveway.

- 4. South Clapp Street is classified as a collector and is capable of accommodating traffic associated with commercial use.
- 5. South Clapp Street has many different uses fronting on it, including residential, recreational, and commercial.
- South Knik-Goose Bay Road is classified as a major arterial and has several different uses on its frontage including commercial, industrial, and residential.
- According to the application material, security cameras, motion detectors, and lighting are used to monitor all activities at the facility.
- 8. The Central Mat-Su Fire Department Deputy Fire Marshal issued Plan Review #2021-084 for the commercial structure.
- The commercial structure is in full compliance with the applicable State of Alaska fire code.

**Discussion:** The structure is currently about 22 feet from the 33-foot section line easement on the west side. Staff recommends a condition requiring a surveyor's as-built drawing, performed after moving the building, showing the location and dimensions of the commercial structure to indicate compliance with MSB 17.55, Setback, and Screening Easements.

Conclusion of Law: Based on the above findings, and with conditions, sufficient setbacks, lot area, buffers and other safeguards are being provided (MSB 17.60.100(B)(3)).

(4) the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in this section.

# Finding of Fact:

- The applicant has provided all of the required site plans and operational information other than evidence the commercial structure has been moved to meet the setback requirements of MSB 17.55.
- The Central Mat-Su Fire Department Deputy Fire Marshal issued Plan Review #2021-084 for the commercial structure.

**Discussion:** The structure is currently about 22 feet from the 33-foot section line easement on the west side. Staff recommends a condition requiring a surveyor's as-built drawing, performed after moving the building, showing the location and dimensions of the commercial structure to indicate compliance with MSB 17.55, Setback, and Screening Easements.

Conclusion of Law: Based on the above findings, and with conditions, the application material has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).

# Section 17.60.150 General Standards for Marijuana Related Facilities

(A) In addition to the standards set forth by MSB 17.60.100, the planning commission shall weigh factors which contribute or detract from the development of a safe, convenient, and attractive community, including, but not limited to:

(1) any potential negative effect upon other properties in the area due to such factors as noise and odor.

# Findings of Fact:

- 1. According to the application material, the proposed retail facility will be wholly contained within a 1,200 square foot commercial structure.
- 2. The proposed use has no industrial equipment or processes that generate noise.
- 3. According to the application material, all retail operations will be taking place indoors.
- 4. According to the application material, no outdoor activity is planned that will create additional noise or odor.
- 5. Consumption of marijuana is prohibited at the site.
- 6. According to the application material, loitering will not be allowed.

Conclusion of Law: Based on the above findings, the proposed use will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).

- (2) the effectiveness of measures to reduce negative effects upon adjacent properties by:
  - (a) increased property line and right-of-way buffers;
  - (b) planted berms and landscaping;
  - (c) site and commercial structure design features which contribute to the character of the surrounding area.

- According to the application material, the proposed retail facility will be wholly contained within a 1,200 square foot commercial structure.
- According to the application material, the proposed use is 973.2 square feet in size.
- The Central Mat-Su Fire Department Deputy Fire Marshal issued Plan Review #2021-084 for the commercial structure.
- The commercial structure is in full compliance with the applicable State of Alaska fire code.
- 5. According to the application material, the applicant's landscaping involved leveling the lot and is currently proposing some grass seeding and possibly tree planting.
- According to the application material, the commercial structure will have lighting on all four sides, which will be downward directional and shielded to minimize light spillage on neighboring properties and into nearby traffic.
- 7. According to the application material, the use will have a backlit sign on the front of the commercial structure, facing the intersection of South Clapp Street and South Knik-Goose Bay Road. A second, double-sided sign, in a cabinet approximately 5 feet by 7 feet, will be located at the southeast corner of the lot and will also be backlit.
- 8. According to the application material, the proposed use will be located approximately 130 feet from the South Clapp Street right-of-way, approximately 38 feet to the South Knik-

- Goose Bay Road right-of-way and approximately 26 feet from the section line easement along the west side.
- 9. According to the application material, the structure will meet all applicable setback requirements of MSB 17.55.

**Discussion:** The structure is currently about 22 feet from the 33-foot section line easement on the west side. Staff recommends a condition requiring a surveyor's as-built drawing, performed after moving the building, showing the location and dimensions of the commercial structure to indicate compliance with MSB 17.55, Setback, and Screening Easements.

Conclusion of Law: Based on the above findings, and with conditions, measures are in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).

(3) whether the use is compatible with the character of the surrounding area.

- According to the application material, the proposed retail facility will be wholly contained within a 1,200 square foot commercial structure.
- The Central Mat-Su Fire Department Deputy Fire Marshal issued Plan Review #2021-084 for the commercial structure.
- The commercial structure is in full compliance with the applicable State of Alaska fire code.
- 4. The proposed use will access South Clapp Street from an existing, permitted driveway.
- According to the application material, the commercial structure will have lighting on all four sides, which will be downward directional and shielded to minimize light spillage on neighboring properties and into nearby traffic.
- South Clapp Street is classified as a collector and is capable of accommodating traffic associated with commercial use.
- 7. South Clapp Street has many different uses fronting on it, including residential, recreational, and commercial.
- 8. South Knik-Goose Bay Road is classified as a major arterial and has several different uses on its frontage including commercial, industrial, and residential.
- There are a variety of land uses within 1,100 feet, including single and multifamily residential, convenience store and gas station, mini-storage facility, package store, and church property.
- 10. The proposed use is located southeast of, and approximately 300 feet from, the closest residential structure.
- 11. According to the application material, the proposed use will be located approximately 130 feet from the South Clapp Street right-of-way, approximately 38 feet to the South Knik-Goose Bay Road right-of-way and approximately 26 feet from the section line easement along the west side.
- 12. The proposed hours of operation are 8:00 a.m. until 5:00 a.m., daily.

- 13. Consumption of marijuana is prohibited at the site.
- 14. According to the application material, loitering will not be allowed.

**Discussion:** The structure is currently about 22 feet from the 33-foot section line easement on the west side. Staff recommends a condition requiring a surveyor's as-built drawing, performed after moving the building, showing the location and dimensions of the commercial structure to indicate compliance with MSB 17.55, Setback, and Screening Easements.

Conclusion of Law: Based on the above findings, and with conditions, the proposed use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).

- (B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located within:
  - (1) One thousand feet of school grounds;
- (C) Separation distances referenced in subsection (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

# Finding of Fact:

 The closest school (Snowshoe Elementary) is approximately 8,800 feet from the proposed use.

**Conclusion of Law:** Based on the above finding, the proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).

- (D) Prior to final approval of the permit the applicant shall provide written documentation demonstrating that:
  - (1) all applicable licenses have been obtained as required by 3 AAC 306.005.

#### Findings of Fact:

- The State of Alaska Marijuana Control Board (AMCO) voted to approve Green Degree Clapp Street Retail Marijuana Store License # 27096 with delegation at the August 18-19, 2021 meeting.
- Planning staff received a copy of AMCO's delegated approval for the applicant's marijuana retail facility.

Conclusion of Law: Based on the above findings, documentation demonstrating the applicant obtained all applicable licenses pertaining to 3 AAC 306.005 was provided to planning staff (MSB 17.60.150(D)(1)).

(2) from the fire marshal having jurisdiction, that the proposed conditional use is in full compliance with applicable fire code, including but not limited to AS 18.70.010 through 18.70.160, Fire Protection, and 13 AAC 50.025 through 50.080, Fire Code.

- The Central Mat-Su Fire Department Deputy Fire Marshal issued Plan Review #2021-084 for the commercial structure.
- The commercial structure is in full compliance with the applicable State of Alaska fire code.
- 3. The applicant provided a copy of the approved Plan Review #2021-084.

Conclusion of Law: Based on the above findings, the proposed use will be in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

# Section 17.60.170 Standards for Marijuana Retail Facilities

- (A) Marijuana retail facilities shall only be approved upon finding by the commission that the proposed facility is located on a parcel that is appropriate for commercial use. At a minimum, the commission shall consider:
  - (1) proximity of the proposed use to existing businesses;
  - (2) proximity to parcels developed for residential use; and
  - (3) whether roads associated with the proposed use have been, or will be, appropriate for commercial use.

# **Findings of Fact:**

- 1. The proposed use will access South Clapp Street from an existing, permitted driveway.
- South Clapp Street is classified as a collector and is capable of accommodating traffic associated with commercial use.
- South Clapp Street has many different uses fronting on it, including residential, recreational, and commercial.
- 4. South Knik-Goose Bay Road is classified as a major arterial and has several different uses on its frontage including commercial, industrial, and residential.
- 5. There are a variety of land uses within 1,100 feet, including single and multifamily residential, convenience store and gas station, mini-storage facility, package store, and church property.
- According to the application material, the commercial structure will have lighting on all four sides, which will be downward directional and shielded to minimize light spillage on neighboring properties and into nearby traffic.
- The proposed use is located southeast of, and approximately 300 feet from, the closest residential structure.
- 8. According to the application material, the proposed use will be located approximately 130 feet from the South Clapp Street right-of-way, approximately 38 feet to the South Knik-Goose Bay Road right-of-way and approximately 26 feet from the section line easement along the west side.

Conclusion of Law: Based on the above findings, the proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).

(B) The minimum number of parking spaces for retail facilities shall be one space per 350 square feet of net floor area. Each parking space shall be at least: 20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet.

# **Findings of Fact:**

- 1. According to the application material, the net floor area is approximately 1,200 square feet in size.
- 2. A marijuana retail facility, 1,200 square feet in size, is required to provide three parking spaces with one Americans with Disabilities Act (ADA) compliant space.
- 3. According to the application material, eleven customer parking spaces are proposed.
- 4. According to the application material, each parking space is 20 feet in length and ten feet wide.
- 5. There are no vertical clearance limitations on site.

**Conclusion of Law:** Based on the above findings, the proposed use meets the minimum number of parking space for retail facilities (MSB 17.60.170(B)).

(C) Parking spaces shall be provided to comply with current Americans with Disabilities Act guidelines.

# **Findings of Fact:**

- 1. A marijuana retail facility, 1,200 square feet in size, is required to provide three parking spaces with one ADA compliant space.
- 2. According to the application material, 11 customer parking spaces proposed.
- 3. ADA guidelines require one van accessible parking space with an eight-foot wide parking aisle, for every 1 to 25 spaces.
- 4. According to the application material, each parking space is 20 feet in length and ten feet wide.
- 5. According to the application material, one ADA compliant space is provided.

**Discussion:** Current ADA guidelines require the surface of accessible spaces and access aisles to be smooth, stable, and virtually level in all directions to ensure safe use for people with disabilities. Staff recommends a condition requiring that the parking access aisle be in compliance with current ADA guidelines, within one year of the date of decision.

**Conclusion of Law:** Based on the above findings, and with conditions, the proposed use complies with current ADA parking space guidelines (MSB 17.60.170(C)).

# STAFF RECOMMENDATIONS

Staff recommends approval of the conditional use permit to operate a Marijuana Retail Facility, approximately 1,200 square feet in size, at 2888 South Clapp Street, Tax ID #1011B01T001-2.

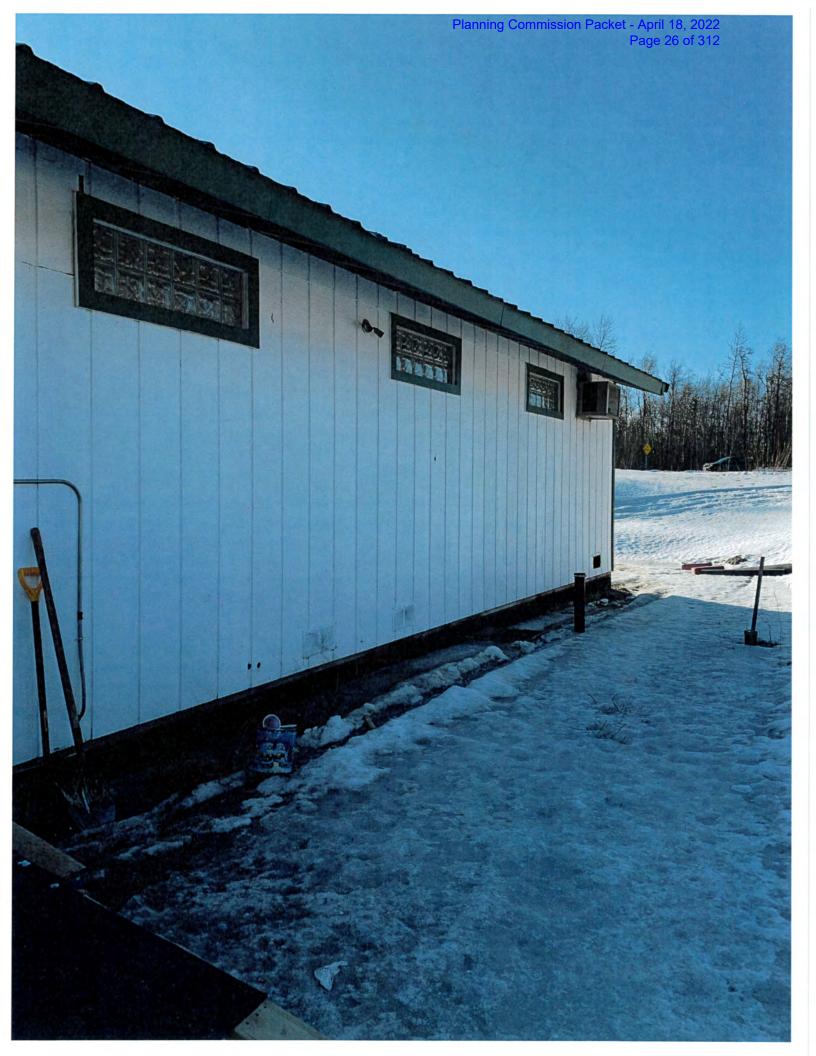
The proposed use meets all of the standards in MSB 17.60.100, 17.60.150, and 17.60.170 with the conditions listed. Staff recommends approval of this permit with the following conditions:

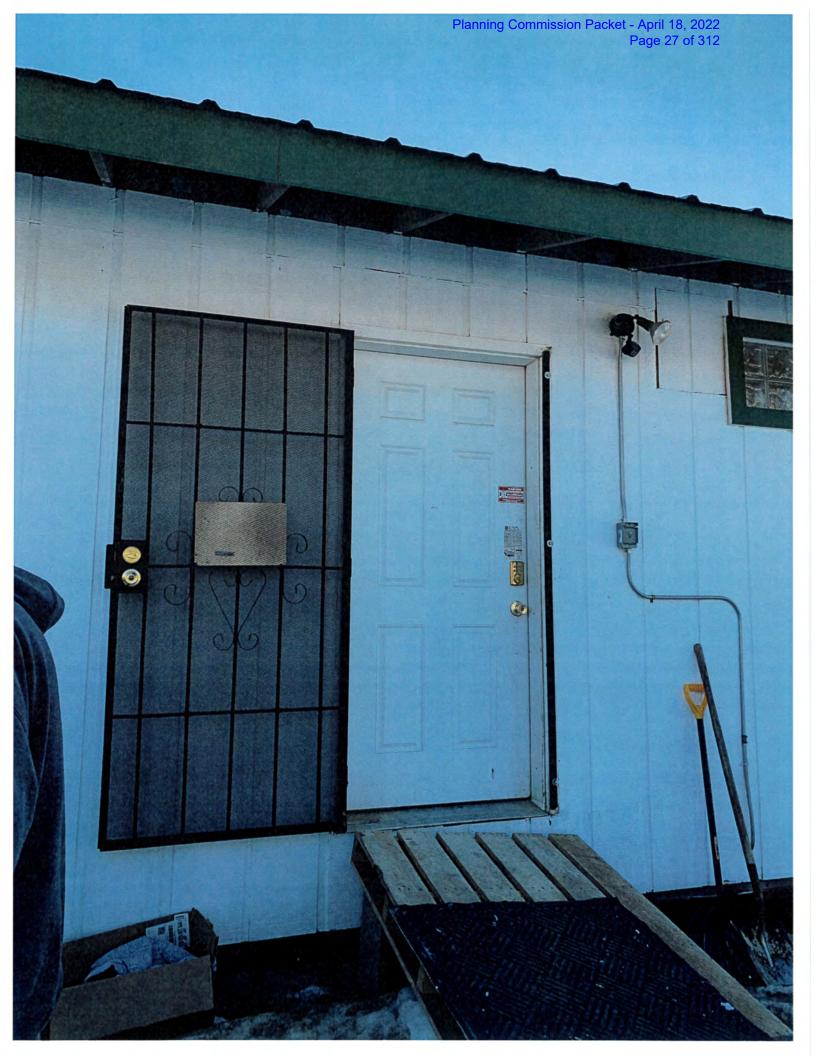
- 1. Prior to operating, the applicant shall provide to Planning Staff, a surveyor's as-built drawing, performed after moving the building, showing the location and dimensions of the commercial structure to indicate compliance with MSB 17.55, Setback and Screening Easements.
- 2. The ADA parking access aisle shall be painted, and shall be compliant with the current ADA guidelines, within one year of the date of decision.
- 3. The operation shall comply with all applicable state and local regulations.
- 4. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
- 5. Borough staff shall be permitted to enter the premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
- 6. The hours of operation shall not exceed 8:00 a.m. -5:00 a.m., daily.
- 7. On-site consumption of marijuana and marijuana products is prohibited.

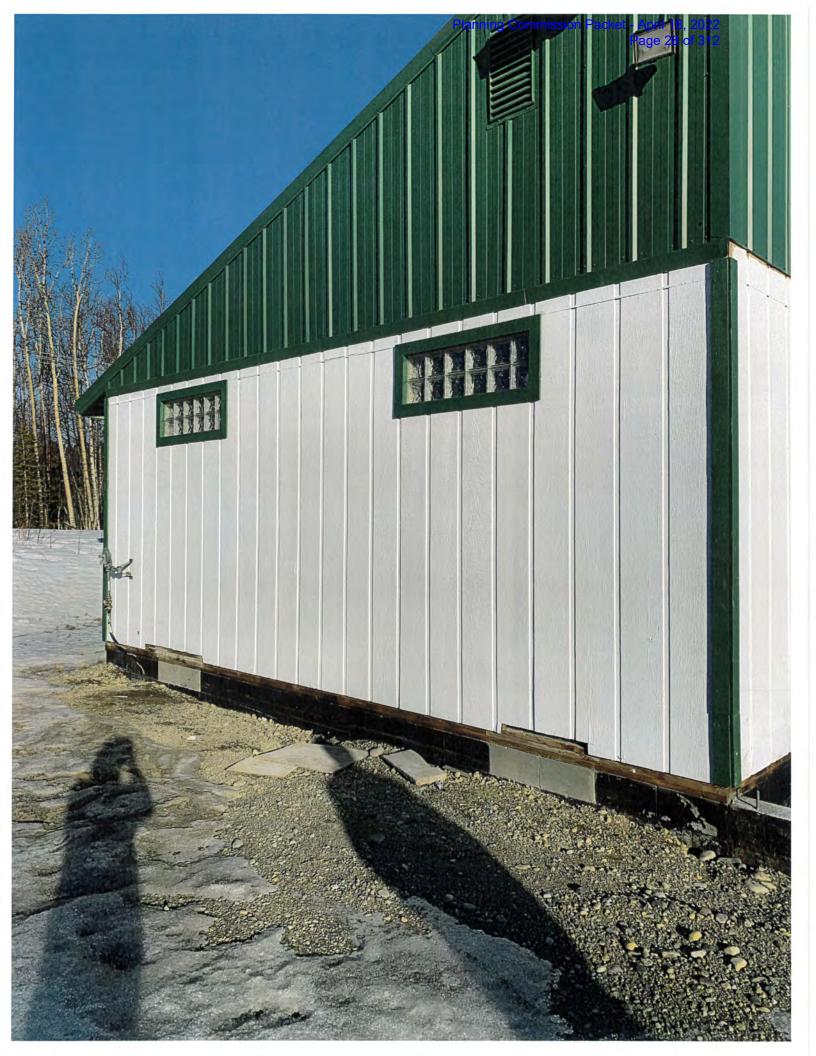
If the Planning Commission chooses to deny this modification, findings for denial must be prepared by the Commission.













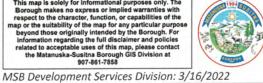








This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpos beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitina Borough GIS Division at 907-861-7858



1011B01T001-2

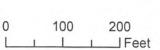


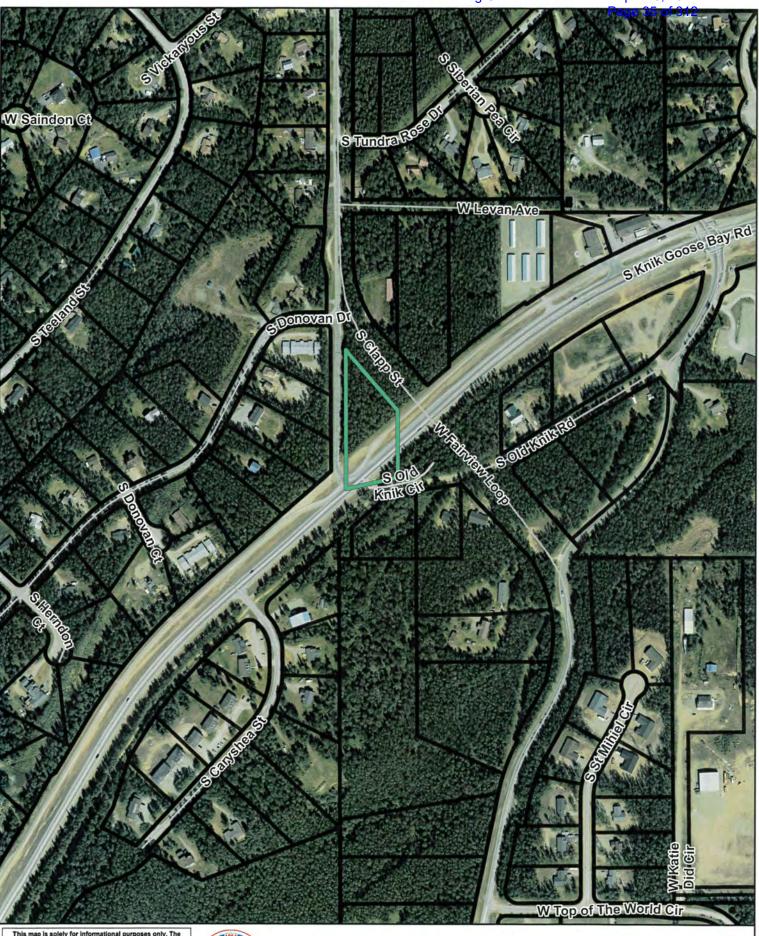


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Bare Earth Map for 1011B01T001-2





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2011 Aerial Imagery for 1011B01T001-2

250 500 \_\_\_\_\_\_\_Feet

# Public Hearing Notice for a Marijuana Retail Facility Conditional Use Permit Application

The Matanuska-Susitna Borough Planning Commission will consider an application under MSB 17.60 – Conditional Uses. Green Degree, submitted an application for a conditional use permit for operation of a marijuana retail facility. The site is located at 2888 South Clapp Street, Tax ID #1011B01T001-2; within Township 17 North, Range 2 West, Section 19, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on *Monday, April 18, 2022*, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." For additional information, you may contact Peggy Horton, Planner II, by phone: 907-861-7862. Provide written comments by e-mail to <a href="mailto:peggy.horton@matsugov.us">peggy.horton@matsugov.us</a>, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

Please Note: Due to the ongoing Coronavirus/COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough website. The public is encouraged to check the Borough website prior to attending the public hearing for any changes to the meeting schedule or method.

The public may provide verbal testimony in person at the meeting or telephonically by calling 1-855-290-3803. 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 and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: <a href="https://www.matsugov.us">www.matsugov.us</a>, in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before <u>March 9, 2022</u> and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

# Frontiersman Growing with the Valley since 1947.

5751 E. MAYFLOWER CT. Wasilla, AK 99654

(907) 352-2250 ph (907) 352-2277 fax

### AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY
PERSONALLY APPEARED BEFORE BENJAMIN BORG WHO, BEING
FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE IS THE
LEGAL AD CLERK OF THE FRONTIERSMAN
PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA
SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA
AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE
COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

### 02/18/2022

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF THE RATE CHARGED PRIVATE INDIVIDUALS.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 18th DAY OF February, 2022.

NOTARY PUBLIC FOR STATE OF ALASKA

MAT-SU BOROUGH/PAGE 2.18

ACCOUNT NUMBER 405249

NOTARY PUBLIC NANCY E DOWNS STATE OF ALASKA MY COMMISSION EXPIRES AUG. 25, 2023

### **PUBLIC HEARING**



The Matanuska-Susitna Borough Planning Commission will consider an application under MSB 17.60 – Conditional Uses. Kerby Coman of Green Degree submitted an application for a conditional use permit for operation of a marijuana retail facility. The site is located at 2888 South Clapp Street, Tax ID #1011B01T001-2; within Township 17 North, Range 2 West, Section 19, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on *Monday, April* 18, 2022, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

may contact Peggy Horton, Planner II, by phone: 907-861-7862. Provide written comments by e-mail to peggy.horton@matsugov.us, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

Please Note: Due to the ongoing Coronavirus/COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough website. The public is encouraged to check the Borough website prior to attending the public hearing for any changes to the meeting schedule or method.

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Comments are due on or before <u>March 9, 2022</u> and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Publish Date: February 18, 2022

0222-17

### Frontiersman Growing with the Valley since 1947.

5751 E. MAYFLOWER CT. Wasilla, AK 99654

(907) 352-2250 ph (907) 352-2277 fax

### AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY PERSONALLY APPEARED BEFORE BENJAMIN BORG WHO, BEING FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE IS THE LEGAL AD CLERK OF THE FRONTIERSMAN PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

02/25/2022

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF THE RATE CHARGED PRIVATE INDIVIDUALS.

SUBSCRIBED AND SWORN TO BEFORE MI THIS 25th DAY OF February, 2022.

NOTARY PUBLIC NANCYEDOWNS STATEOFALASKA MY COMMISSION EXPIRES AUG. 25, 2023

MAT-SU BOROUGH/PAGE 2.25

ACCOUNT NUMBER 405249

# PUBLIC HEARING The Matanu Commission with 17.60 - Condition of the site is located by the

The Matanuska-Susitna Borough Planning Commission will consider an application under MSB 17.60 – Conditional Uses. Kerby Coman of Green Degree submitted an application for a conditional use permit for operation of a marijuana retail facility.

The site is located at 2888 South Clapp Street, Tax ID #1011B01T001-2; within Township 17 North, Range 2 West, Section 19, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on *Monday, April 18, 2022*, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www. matsugov.us by clicking on "All Public Notices 907-861-7862. Provide written comments by e-mail to peggy.horton@matsugov.us, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

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Comments are due on or before <u>March 22, 2022</u> and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Publish Date: February 25, 2022

0222-24

Matanuska-Susitna Borough Development Services Division 350 E. Dahlia Avenue Palmer, Alaska 99645

tara0609 25 2/18/2022 11:21:36 AM

The Matanuska-Susitna Borough Planning Commission will consider the following:

An application under MSB 17.60 – Conditional Uses. Kerby Coman for Green Degree submitted an application for a conditional use permit for operation of a marijuana retail facility. The site is located at 2888 South Clapp Street, Tax ID #1011B01T001-2; within Township 17 North, Range 2 West, Section 19, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on <u>Monday, April 18, 2022, at 6:00 p.m.</u> in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." For additional information, you may contact Peggy Horton, Planner II, by phone: 907-861-7862. Provide written comments by e-mail to <a href="mailto:peggy.horton@matsugov.us">peggy.horton@matsugov.us</a>, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

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Comments are due on or before <u>March 9, 2022</u> and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Name:	Mailing Address:					
Location/Legal Description of your property:						
Comments:						
Ç—————————————————————————————————————						

Note: Vicinity Map Located on Reverse Side

51313B07L003 1 2875 DONOVAN LLC 357 E PARKS HWY WASILLA AK 99654

51313B05L009 4 BASNETT TROY D& APRIL LEE 5891 E GERSHMEL LOOP PALMER AK 99645

51313B07L007 7 CHILDS CLAYTON & TAMARA PO BOX 876078 WASILLA AK 99687-6078

51011B01T001-2 DOYLE DAVID J PO BOX 873982 WASILLA AK 99687

51012B02L001 13 MANUAL STEVEN E & RUTH B TR PO BOX 870376 WASILLA AK 99687-0376

51313B09L001 16 MORRISS DANIEL 3001 S CARYSHEA ST WASILLA AK 99623

51313B07L005 19 NORTHERN LIGHTS PROPERTIES LLC %DENNIS KEMPEN MANAGER 1001 N SHORE DR WASILLA AK 99654-6547

51313B07L004 ROUSEY JAMES 1500 VALLEY SIDE CIR WASILLA AK 99654-8839

52720B01L001 25 ZAVACKY MICHAEL D 2631 S TUNDRA ROSE DR WASILLA AK 99623

Planning Commission Packet - April 18, 2022 ADAMSON SPENCER & HEATHER 2750 S DONOVAN DR

56972000L002 5 BENEDICT JOEL B 5018 W FAIRVIEW LOOP WASILLA AK 99654

WASILLA AK 99623

51313B07L001 8 COLE BRAD REAL ESTATE LLC 12743 W AUCKLAND ST MERIDIAN ID 83642-7344

51313B05L010 11 GREEN ALLEN S 2900 S DONOVAN DR WASILLA AK 99654-8753

51313B09L002 14 MARQUARDT JAY J& DEANNA L 3101 S CARYSHEA ST WASILLA AK 99623

51011B01T001-1 17 MTN VILLAGE LLC 4701 E SHORELINE CIR WASILLA, AK 99654

55391B02T004B 20 PRITCHETT LEONARD 810 N VOSS CIR WASILLA AK 99623

57924000L002A SWARTZBACKER ALLEN F 5000 W FAIRVIEW LOOP WASILLA, AK 99654-0572

tara0609 25 26 2/18/2022 11:21:36 AM

Page 42 of 312 59997000U0267 ALASKA WIRELESS NETWORK KNIK-FAIRVIEW AREA TAX DEPARTMENT 2550 DENALI ST STE 1000 ANCHORAGE AK 99503

51313B05L006 6 CARLSON RANDY R & TORRI L PO BOX 873145 WASILLA, AK 99687-3145

51313B05L008 9 DONOVAN EST OWNERS ASSN 4100 W OSE WASILLA, AK 99654

57597B02T006A 12 LITTLE RUDA ENTERPRISES LLC 217 E ARCTIC AVE PALMER AK 99645-6257

56972000L001 15 MARQUARTDT JAY MARQUARDT DEANNA L PO BOX 91494 ANCHORAGE AK 99509-1494

51012B02L002 18 NIGHSWONGER EMILEE E PO BOX 875286 WASILLA AK 99687

51313B07L002 21 RHOADS MICHAEL I & NANETH T 2865 S DONOVAN DR WASILLA AK 99654

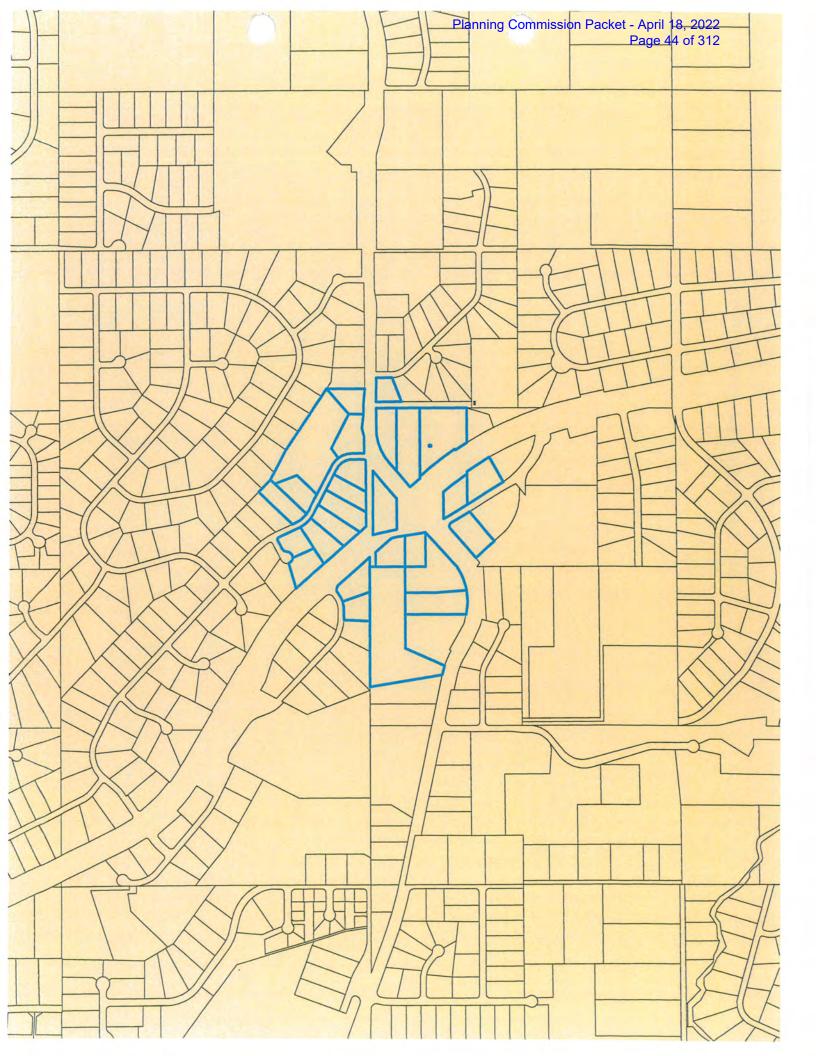
51313B07L006 24 UNUTOA TANIELU F II 2921 S DONOVAN CT WASILLA AK 99623-9778

Enik Fairview Comm. Council 70 Box & MAII Wasilla, AK 91687



### Certificate of Bulk Mailing - Domestic

Fee for Certificate		Postage: Mailers must affix meter, PC Postage <sup>®</sup> , or (uncanceled) postage stamps here in payment of total fee due.
Up to 1,000 pieces (1 certificate for total number)	Use Current	US POSTAGE METITNEY BOW
For each additional 1,000 pieces, or fraction thereo	Price List (Notice 123)	Acceptance employee must cancel postage
Duplicate Copy		affixed (by round-date) at the time of mailing  If payment of total fee due is being
Number of Identical Weight Pieces  Class of Mail Postage for Each Mailpiece Paid  Verifie  Total Number of Pounds  Solution Solut	Pound	paid by Permit Imprint, include the PostalOne!® Transaction Number here:
Postmaster's Certification		
It is hereby certified that the number of mailpieces associated postage and fee were verified. This cer provide evidence that a piece was mailed to a part	tificate does not	
(Postmaster or Designee)		





### MATANUSKA-SUSITNA BOROUGH

### Planning and Land Use Department **Development Services Division**

350 East Dahlia Avenue • Palmer, AK 99645 Phone (907) 861-7822

www.matsugov.us

Matanuska-Susitna Borough Development Services

Received

APR 05 2022

March 3, 2022

Kerby Coman for Green Degree 124 W. Swanson Avenue Wasilla AK 99654



Request for Payment of Advertising & Mailing Fees SUBJECT: LOCATION: 2888 S. Clapp Street, (Tax ID# 1011B01T001-2)

Dear Mr. Coman:

The request for a conditional use permit on the above referenced property has been distributed for comments. In accordance with the requirements of MSB 17.03 - Public Notification, the applicant shall pay the cost of mailings or advertisements required by ordinance specific to that action. Please be advised of the following charges:

Advertising: \$104.63 Mailing: \$ 9.35 TOTAL DUE: \$113.98

The advertisement was published in the February 18, 2022 Frontiersman. Please pay the fees at your earliest convenience. Should you have any questions or require additional information please contact me at the above address, phone, or e-mail: peggy.horton@matsugov.us.

Respectfully,

Peggy Horton

Peggy Horton Planner II Matanuska-Susitna Borough 907-861-7862

### Peggy Horton

From: Peggy Horton

Sent: Monday, February 14, 2022 10:00 AM

Allen Kemplen AICP-CTP - DOT&PF (allen.kemplen@alaska.gov); Melanie Nichols To:

(Melanie.nichols@alaska.gov); Kyler Hylton (kyler.hylton@alaska.gov);

mearow@matanuska.com; 'row@mtasolutions.com'; 'row@enstarnaturalgas.com'; GCI ROW (ospdesign@gci.com); Fire Code; Jill Irsik (Jill.Irsik@matsugov.us); Eric Phillips; regpagemaster@usace.army.mil; Terry Dolan; 'jim.jenson@matsugov.us'; Jamie Taylor; Brad Sworts; Elaine Flagg; Charlyn Spannagel; Alex Strawn; MSB Planning Division (planning@matsugov.us); Fred Wagner; Permit Center; John Aschenbrenner;

'robyundtmsb@gmail.com'; 'tundraquest@mtaonline.net'; 'nicolerealty19@gmail.com'; 'billydoc56@hotmail.com'; 'cci1@wwdb.org'; 'pcook@alaskan.com'; 'gina@ritaccos.com';

'uprise@mtaonline.net'

!!!!!!! Change to Request for Review and Comments: Green Degree - Clapp St Marijuana Subject:

Retail Facility CUP

Slight change for this review. Please have your comments in by March 9, 2022.

Thank you Peggy Horton Planner II

From: Peggy Horton

Sent: Monday, February 14, 2022 9:34 AM

To: Allen Kemplen AICP-CTP - DOT&PF (allen.kemplen@alaska.gov) <allen.kemplen@alaska.gov>; Melanie Nichols

(Melanie.nichols@alaska.gov) <Melanie.nichols@alaska.gov>; Kyler Hylton (kyler.hylton@alaska.gov) <kyler.hylton@alaska.gov>; mearow@matanuska.com; 'row@mtasolutions.com' <row@mtasolutions.com';

'row@enstarnaturalgas.com' <row@enstarnaturalgas.com>; GCI ROW (ospdesign@gci.com) <ospdesign@gci.com>; Fire

Code <Fire.Code@matsugov.us>; Jill Irsik (Jill.Irsik@matsugov.us) <Jill.Irsik@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; regpagemaster@usace.army.mil; Terry Dolan <Terry.Dolan@matsugov.us>;

'jim.jenson@matsugov.us' <jim.jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Brad Sworts

<Brad.Sworts@matsugov.us>; Elaine Flagg <Elaine.Flagg@matsugov.us>; Charlyn Spannagel

<Charlyn.Spannagel@matsugov.us>; Alex Strawn <Alex.Strawn@matsugov.us>; MSB Planning Division

<Permit.Center@matsugov.us>; John Aschenbrenner < John.Aschenbrenner@matsugov.us>; 'robyundtmsb@gmail.com' <robyundtmsb@gmail.com>; 'tundraquest@mtaonline.net' <tundraquest@mtaonline.net>; 'nicolerealty19@gmail.com'

<nicolerealty19@gmail.com>; 'billydoc56@hotmail.com' <billydoc56@hotmail.com>; 'cci1@wwdb.org'

<cci1@wwdb.org>; 'pcook@alaskan.com' <pcook@alaskan.com>; 'gina@ritaccos.com' <gina@ritaccos.com>;

'uprise@mtaonline.net' <uprise@mtaonline.net>

Subject: Request for Review and Comments: Green Degree - Clapp St Marijuana Retail Facility CUP

Good Morning,

Kerby Coman of Green Degree APPLICANT:

LOCATION: Tax ID #1011B01T001-2; within Township 17 North, Range 1 West, Section 19, Seward Meridian RSA:

17

An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the operation of a marijuana cultivation facility. The Planning Commission will conduct a public hearing on this request on <u>April 18</u>, 2022.

Application materials may be viewed online at <a href="https://www.matsugov.us">www.matsugov.us</a> by clicking on 'All Public Notices & Announcements'. A direct link to the application material is here:

https://matsugov.us/publicnotice/public-hearing-notice-for-a-marijuana-retail-facility-conditional-use-permitapplication

Comments are due on or before March 9, 2022 and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Regards,

Peggy Horton Matanuska-Susitna Borough Development Services Division Planner II 907-861-7862

# MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

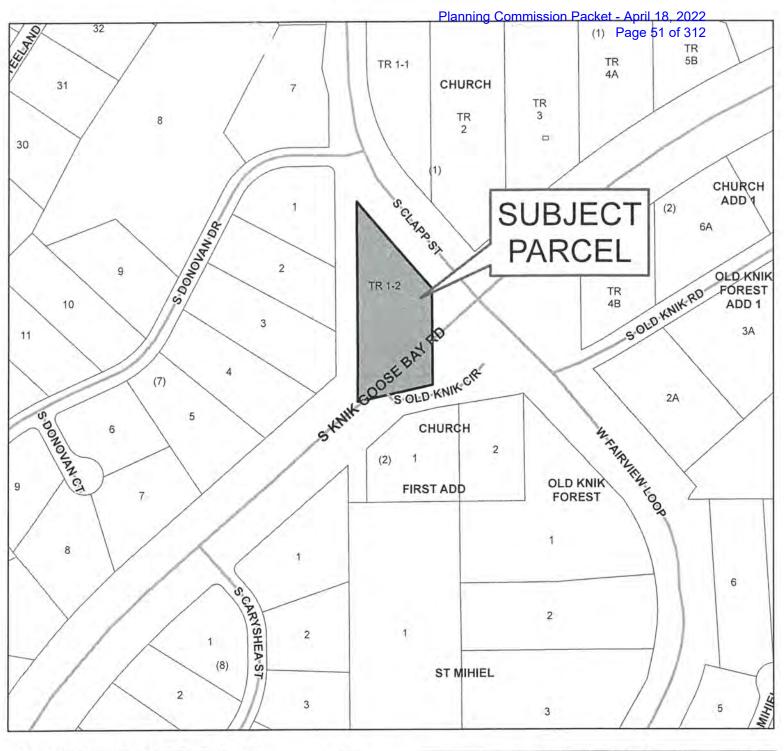
Community Co	uncil - Knik-Fairview		Beard Exp					
Knik-Fairview Co	mmun	Board Position	Correspondence - Knik CC					
Company Represen	rting		Term to					
PO Box 877291			Type of Term					
Wasilla	AK 99687	Member	1 1 2 2 2					
lions	Work	Cell	E-mail					
Johnson	William	Beard Position	Member 1 - Knik CC					
Company Represed	rtleg		Term to					
10601 W Togowo	oods Dr		Type of Term					
Wasilla	AK 99623	Member	Treasurer					
<b>Home</b> (907) 376	-7056 Work (907) 232-6	466 <b>Call</b>	E-mail tundraquest@mtaonline.net					
Weller  Company Repression PO Box 879378  Wasilla	Nicole AK 99687	Reard Position  Member	Member 2 - Knik CC  Term to  Type of Term  Board Member					
Nome	Work	<b>Cell</b> (907) 4	414-0013 <b>E-mail</b> nicolerealty19@gmail.com					
Kendig	William (Bill)	Beard Position	Member 3 - Knik CC					
Company Represen	rting		Term toto					
PO Box 873785			Type of Term					
Wasilla	AK 99687	Member	President					
(907) 841	-8291 <b>Work</b> (907) 841-8	291 <b>Cell</b>	E-mail billydoc56@hotmail.com					
Tilton	Berkley H.	Beard Position	Member 4 - Knik CC					
Company Ropresed	rting		Term to					
PO Box 870948			Type of Term					
Wasilla	AK 99687	Member	Board Member					
		697 <b>Call</b> (907) 3						

Friday, January 21, 2022 Page 1 of 2

# MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Community Council - I	Knik-Fairview			Board Exp
Cook	Patrick	Board Position	Member 5 -	- Knik CC
Company Representing				Term to
2600 S Hatcher Pass St	7.		Type of Term	
Wasilla	K 99654	Member	Vice President	t
(907) 373-1989	Work	Cell	E-mail	pcook@alaskan.com
Ritacco	Gina	Beard Position	Member 6	- Knik CC
Company Representing				Term to
2521 E Mountain Village	Dr Suite B #543		Type of Term	
Wasilla	K 99654	Member	Board Membe	r
lione .	Work	<b>Cell</b> (630) 9	901-2338 <b>E-mail</b>	gina@ritaccos.com
Johnson	Teri	Board Position	Member 7	- Knik CC
Company Representing				Term to
10601 W Togowoods Dr			Type of Term	
Wasilla	K 99623	Member	Secretary	
(907) 376-7056	<b>Work</b> (907) 232-6866	Cell	E-mail	uprise@mtaonline.net
Information Contact				
Total Board Members				
Meeting Schedule	See Board Notes. (Pleas www.matsugov.us/public			
Meeting Location	Settlers Bay Lodge Upsta	airs		
Board Notes:		esday of each n	nonth (except Dece	., May, Aug and Nov. at 7 p.m.; Board ember) at 6:30 p.m.; Annual meeting

# **VICINITY MAP**

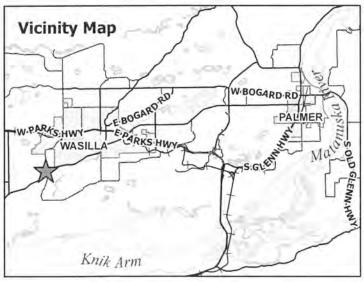


# 1011B01T001-2

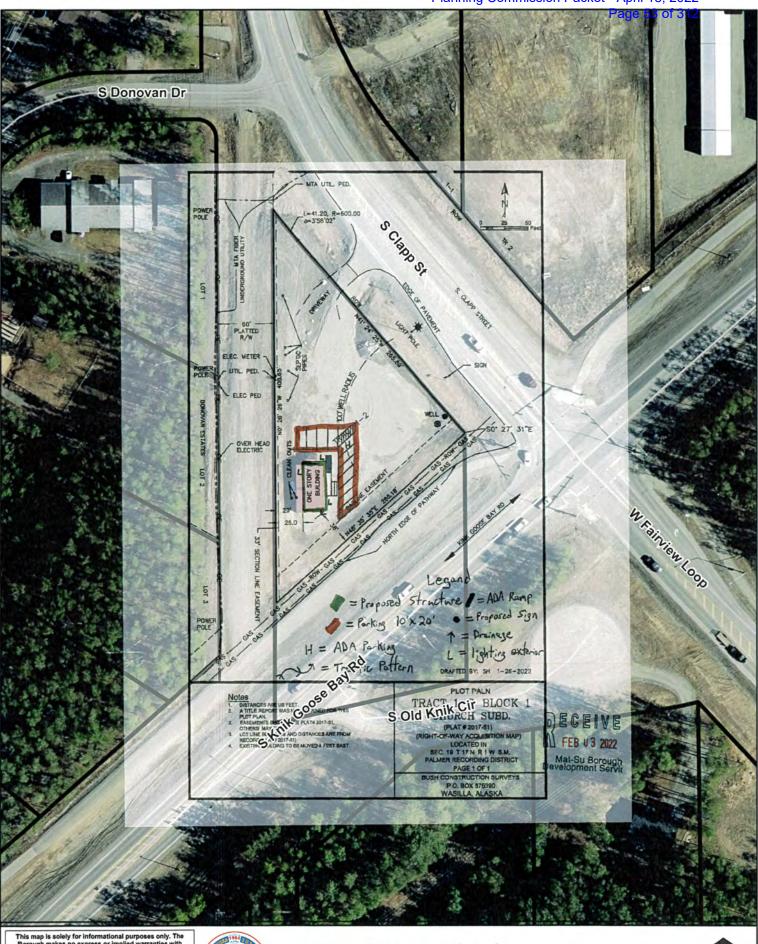


This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858.





# SITE PLAN



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitina Borough GIS Division at 907-861-7858



Site Plan Overlay for 1011B01T001-2



MSB Development Services Division: 3/1/2022

# **APPLICATION MATERIAL**

Matanuska-Susitna Borough Development Services



# MATANUSKA-SUSITNA BOROUGH 2 2 2020

### Planning and Land Use Department Development Services Division

Received

350 East Dahlia Avenue • Palmer, AK 99645 Phone (907) 861-7822 • Fax (907) 861-8158

Email: permitcenter a matsugov.us

### CONDITIONAL USE PERMIT FOR MARIJUANA RELATED FACILITIES – MSB 17.60

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

Application fee must be attached:	
\$1,000 for Marijuana Retail Facility	
\$1,000 for Marijuana Cultivation Facility	
Prior to the public hearing, the applicant must also p the application. Applicants will be provided with Payment must be made prior to the application present	a statement of advertising and mailing charges
Required Attachments for a Marijuana Cultivation	Facility:
Wastewater and Waste Material Disposal Plan	1-17.60.160 (A)
Odor Mitigation and Ventilation Plan – 17.60.	160 (B)
Hazardous Chemicals Information – 17.60.160 Security plan – 17.60.160 (D)	) (C)
Required Attachments for Both Retail and Cultivar Documentation demonstrating full compliance	tion Facilities: with applicable fire code – 17.60.150 (D) (2)
Subject Property: Township: 17W, Range: 01 w MSB Tax ID# 1011 B 01 T 001 - 2	, Section: 19/45, Meridian: 5
SUBDIVISION: Church	
STREET ADDRESS: 2888 5 Clape 5	BLOCK(S): 1 , LOT(S): TR-1-2
D. CO. 100.	1
FACILITY / BUSINESS NAME: Green Dec	ree
Ownership: A written authorization by the owner mu	ist be attached for an agent or contact person, if the
owner is using one for the application. Is authorization	attached? Yes No N/A
Name of Property Owner	Name of Agent / Contact for application
DAVED J. POYLE	Kerbin Comen
Mailing: P,O, BOX 873982	Mailing: 124 W Swanson Are
WASZUCA, At 99687	Wasila AK 99654
Phone: Hm907-992-4/27ax N/A	Phone: Hm 88+-3 53 Fax
Wk N/1+ Cell 947-992-4127	
E-mail ddgy/e 7784 @ gmail.com	
E-mail ady 1/2 1/84 - gm411, com	E-mail Kerby @ green degree, net

Site Plan - Attach a detailed, to scale, site plan clearly showing the following information:	Attached
Proposed and existing structure(s) on the site. Indicate which structure(s) will be used for the proposed use. Dimensions and locations of all existing and proposed structures on the site in relationship to all property lines.	V
Signage – Existing and Proposed.	/
Location and dimensions for all access points to and from the site to public rights-of- way or public access easements.	V
Buffering - Fences, vegetation, topography, berms, and any landscaping	V
Drainage	/
Vehicular and pedestrian circulation patterns.	,
Exterior site lighting.	/
Location and dimensions of parking areas to be provided	
Scale and north arrow using standard engineering intervals such as 1" = 30', 1" = 50' or similar as required by project size.	V

Map - Attach a detailed, to scale, vicinity map clearly showing the following information:	Attached		
Identify all existing land uses within 1,000 feet.			
Scale and north arrow using standard engineering intervals such as $1" = 30$ ', $1" = 50$ ' or similar as required by project size.	/		

In order to grant a conditional use permit under MSB 17.60, the Planning Commission must find that each of the following requirements have been met. Explain the following in detail:	Attached
Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?	V
Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?	/
Are sufficient setbacks, lot area, buffers and other safeguards being provided?	/
Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to the conditional use in this section?	/
Describe measures taken to prevent any potential negative effect upon other properties in the area due to such factors as noise and odor.	/
Describe measures taken to reduce negative effects upon adjacent properties by:  Increased property line and right-of-way buffers  Planted berms and landscaping  Site and building design features which contribute to the character of the surrounding area	<b>/</b>
Describe how this use is compatible with the character of the surrounding area.	V.
Current status of State License application process – 17.60.150 (D) (1)	V

Revised 4/4/2017	Permit#	Page 2 of 3

17.60.170 Standards for Marijuana Retail Facilities:	Attached
Describe how the subject parcel is appropriate for the proposed conditional use. Inc information detailing:	clude
<ul> <li>The proximity of the proposed use to existing businesses;</li> <li>The proximity of parcels developed with residential uses;</li> <li>Whether the roads associated with the proposed use have been, or will appropriate for commercial use; and</li> <li>Proposed hours of operations.</li> </ul>	
Provide information showing minimum parking standards have been met as require MSB 17.60.170 (B) and (C).	ed by

Floor Plan for Marijuana Retail Facilities – Attach a detailed, to scale, floor plan clearly showing the following information:	Attached
Dimensions of all structures.	1
Interior floor plans (specific location of the use or uses to be made of the development).	V
Net floor area square footage calculations.	1

MSB	Tax	accou	nt #(s)	io	BOIT	001	-2							and.	
hereby	app	ly for	approval	of a	conditional	use	permit	to	operate	a	marijuana	related	facility	on t	the

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

property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.60 and with all other applicable borough and state.

I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

I 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.

Signature: Property Owner		Printed Name	1\$/16/2424 Date
lus	Cun	Kerby Comes	1-18-21
Signature: Agent		Printed Name	Date
Revised 4/4/2017	Permit#		Page 3 of 3



# Kerby's Corporation Conditional Use Permit for Marijuana Related Facility

The following supplemental documentation is for attachment to the Conditional Use Permit Application for Kerby's Corporation, doing business as Green Degree, for a Retail Marijuana Store License location at 2888 S Clapp St. Wasilla AK 99623.

### 1. SITE PLAN

### 1.1. PROPOSED AND EXISTING SITE STRUCTURES

See attached Plot Plan.

### 1.2. SIGNAGE

Green Degree will use three signs that will identify the store by its business name and logo. The following are dimensions, descriptions and placements of each sign.

- a) Sign #1 will be attached to the front of the building and will be cut out letters backlit and will not exceed 4800 square inches.
- b) Sign #2 & #3 will be located on the southeast corner of the lot. It will be double sided accounting for 2 of the 3 signs, they will be cabinets and will be back lit and will be approximately 5'x7' in dimensions.

### 1.3. PUBLIC RIGHTS OF WAY

See attached As-Built.

1.4. BUFFERING

See attached Map

1.5. DRAINAGE

See attached Site Plan.

1.6. VEHICULAR AND PEDESTRIAN CIRCULATION PATTERNS

See attached Site Plan.

1. 7. EXTERIOR SITE LIGHTING

See attached Site Plan.

1.8. LOCATION AND DIMENSIONS OF PARKING AREA

See attached Site Plan.

1.9. SCALE AND NORTH ARROW

See attachments.

### 2. MAP

2.1. IDENTIFY ALL EXISTING LAND USES WITHIN 1000 FEET

See attached Map.

2.2. SCALE AND NORTH ARROW

See attached Map.

### 3. ADDITIONAL INFORMATION

3.1.IS THE CONDITIONAL USE COMPATIBLE WITH AND WILL IT PRESERVE OR NOT MATERIALLY DETRACT FROM THE VALUE, CHARACTER OF THE SURROUNDING AREA?

Yes. The building in which this marijuana retail store is housed is a commercial building. This use is compatible seeing how there are multiple commercial uses adjacent to this lot.

3.2. WILL THE GRANTING OF THE CONDITIONAL USE PERMIT BE HARMFUL TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE?

No. We have been operating cannabis stores in Wasilla for over 3 years and have done nothing but helped the community and economy. We also will have certain plans in place to ensure public health and safety such as: Managers and employees will be preventing diversion of marijuana or marijuana products by surveilling visitors and other staff for suspicious behaviors and or activities. Signs will be posted that warn people of the security cameras in use. Surveillance cameras will also be positioned to capture all areas where Marijuana will be. Inventory will be taken on a daily and weekly basis, any and all inventory discrepancies will be investigated. All restricted access areas will have signs posted that read "RESTRICTED ACCESS AREA Visitors must be escorted". Employees will manage any member of the public to ensure they do not gain access to restricted access areas without permission. There will always be an employee monitoring restricted access area entrances during all work shifts. All restricted access areas will be behind locked commercial grade doors equipped with commercial grade locks during non-business hours. Premises have alarm systems in place at every exterior door and window with motion detectors where needed. All cameras will be placed in such a way to produce a clear unobstructed view adequate enough to identify any individual inside the licensed premises or within 20 feet of each entrance to the licensed premises. Any and all cannabis waste this facility produces gets rendered unusable waste by being ground up with trash and being disposed of in the onsite dumpster.

3.3. ARE SUFFICIENT SETBACKS, LOT AREA, BUFFERS AND OTHER SAFEGUARDS BEING PROVIDED?

We currently have plans on moving the building to comply with setbacks. We are hoping to accomplish this late February Early March. All required setbacks will be met once we move the build to the East 4 feet. Lot area, buffers, and other safeguards have been met and are provided. Currently the property is within state and borough regulations.

- 3.4. DOES THE CONDITIONAL USE FULFILL ALL OTHER REQUIREMENTS OF MSB CHAPTER 17.60 PERTAINING TO THE CONDITIONAL USE IN THIS SECTION?
  Yes.
- 3.5. DESCRIBE MEASURES TAKEN TO PREVENT ANY POTENTIAL NEGATIVE EFFECT UPON OTHER PROPERTIES IN THE AREA DUE TO SUCH FACTORS AS NOISE OR ODOR. The establishment will not be increasing the amount of noise or odor in the area. All retail operations will be taking place indoors nor do we plan on having anything outdoors that will create any additional noise or odor, therefore this should not increase any noise or have any effect on the odor of the atmosphere.
- 3.6. DESCRIBE MEASURES TAKEN TO REDUCE NEGATIVE EFFECTS UPON ADJACENT PROPERTIES BY:
- a. INCREASED PROPERTY LINE AND RIGHT-OF-WAY BUFFERS
- i. Not Applicable.

### b. PLANTED BERMS AND LANDSCAPING

- ii. When we took possession of this lot it needed a lot of work. We have done a lot of excavating and so far. The excavating that has taken place was installing a well and septic system and leveling the lot. The landscaping taking place will be some grass seed in areas with topsoil. and possibly some planted trees for beautification.
- c. SITE AND BUILDING DESIGN FEATURES WHICH CONTRIBUTE TO THE CHARACTER OF THE SURROUNDING AREA
- iii. We have painted the exterior siding, building a front porch and updating the interior to make it more appealing to the public. There will be no changes to the exterior or the interior of the building that will negatively impact adjacent properties.
- 3.7. DESCRIBE HOW THIS USE IS COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA.

The building in which this marijuana retail store is housed is a commercial building. The lot has great access from Clapp St. There are multiple commercial uses adjacent to the lot on both Knik- Goose Bay Rd and Clapp St.

3.8. CURRENT STATUS OF STATE LICENSE APPLICATION PROCESS

We currently have an application turned in with Central Mat-Su Fire Code Office for our Fire Marshal Review and we are currently approved with AMCO for our State Marijuana License.

### 4. STANDARDS FOR MARIJUANA RETAIL FACILITY

## 4.1 DESCRIBE HOW THE SUBJECT PARCEL IS APPROPRIATE FOR THE PROPOSED CONDITIONAL USE

The overall use of that section of Clapp St. is used commercially and the building Green Degree is located has been used for commercial. It meets all the required setbacks and buffers. Our proposed hour of operation is mon-sun 8am to 5am. These hours of operation are appropriate for this location because: This is primarily a commercial part of Clapp St. a few residential neighbors that have vegetative buffering between the proposed building and the neighbors homes. This will have no impact on any residential parcels, It poses no threat to public safety or the surrounding area, See attached map for identification of surrounding parcels.

4.2 PROVIDE INFORMATION SHOWING MINIMUM PARKING STANDARDS

HAVE BEEN MET AS REQUIRED BY MSB 17 .60.170 (8) AND (C)

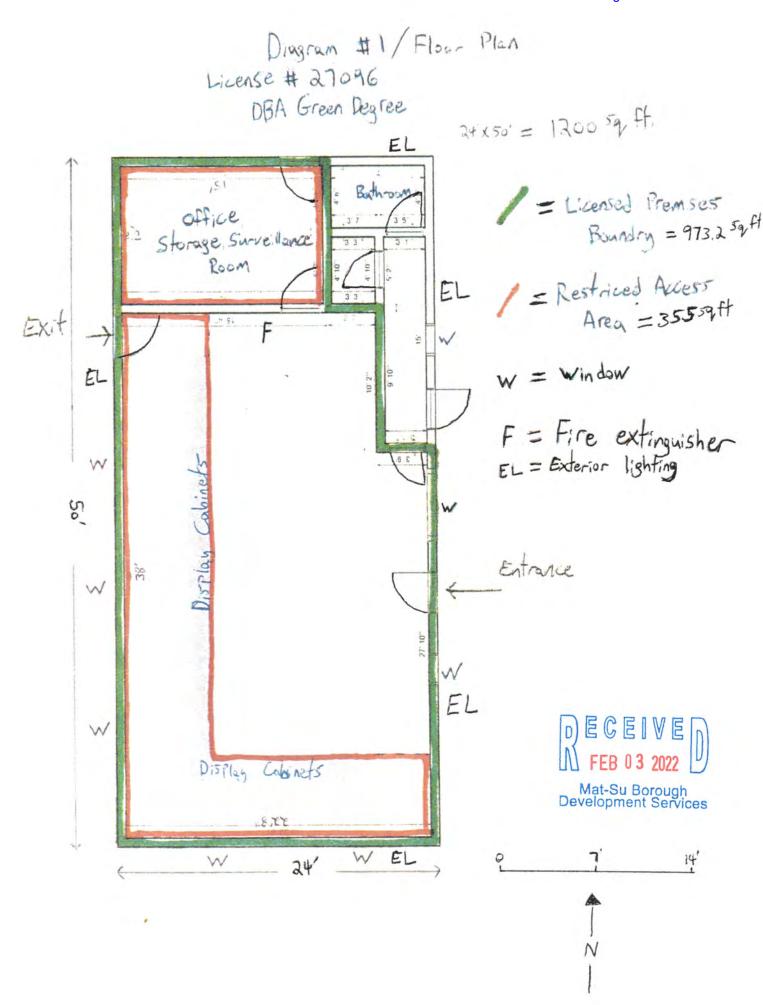
Each parking spot is  $10' \times 20'$  A handicap parking sign will be hung in the designated handicap parking spot.

### 5. FLOOR PLAN

5.1 DIMENSIONS OF ALL STRUCTURES
See attached Floor Plan
5.2 INTERIOR FLOOR PLANS
See attached Floor Plan
5.3 NET FLOOR AREA SQUARE FOOTAGE CALCULATIONS
See attached Floor Plan

### 6. Additional Information

- 6.1 We will have anywhere from 2 to 7 employees staffing this location at any given time.
- 6.2 At this time we do not plan on getting an Onsite Consumption Endorsement from the state to allow us to have consumption of marijuana within the licensed premises. If and when we do then we will follow proper channels which would include changes to our Conditional Use Permit.
- 6.3 All employees will be policing the premises to ensure that no loitering is taking place. If there is a person that seems to be loitering staff will ask that person to leave and will escort that individual off the premises.
- 6.4 All Exterior Lighting will be downward directional and shaded to minimize light spillage on neighboring properties and into nearby traffic.



From: To: Kerby Coman Peggy Horton

Subject: Date: Re: Green Degree - Clapp St questions Wednesday, March 9, 2022 4:23:58 PM

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

1. Will the signs on the building and at the corner of the lot be lit at all times, or just when the facility is open?

Answer: Open at all times

- 2. Is the dumpster used for unusable marijuana waste locked? Where is it located? Answer: The dumpster that will be used for general trash as well as marijuana waste may be locked and will be located somewhere within the property lines.
- Where does the waste wind up? In the landfill?
   All waste other than human waste produced by this facility will end up in the landfill.

On Wed, Mar 9, 2022 at 11:17 AM Peggy Horton < Peggy. Horton@matsugov.us wrote:

Hi Kerby,

I just have a few questions.

- 1. Will the signs on the building and at the corner of the lot be lit at all times, or just when the facility is open?
- 2. Is the dumpster used for unusable marijuana waste locked? Where is it located?
- 3. Where does the waste wind up? In the landfill

Thank you,

Peggy Horton

Matanuska-Susitna Borough

Development Services Division

Planner II

907-861-7862



### MATANUSKA-SUSITNA BOROUGH

### Planning and Land Use Department Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645 Phone (907) 861-7822 www.matsugov.us

February 3, 2022

ATTN: Kerby Coman 124 W. Swanson Ave. Wasilla AK 99654

SUBJECT: Conditional Use Permit Application – Request for Required Information

LOCATION: Church Block 1. Tract 1-2 (Tax ID: 1011B01T001-2)

Dear Mr. Coman,

Borough staff has reviewed the application material and the site plan(s) submitted on January 27, 2022 for a Conditional Use Permit to operate a Marijuana Retail Facility under MSB 17.60 on the above referenced property. It has been determined that the following information needs to be provided and/or clarified in order to process this request:

- MSB 17.60.170(C) requires parking spaces to comply with current ADA guidelines. The site plan shows one space designated, however it does not fully comply with the guidelines. I have attached ADA guidelines for your convenience.
  - a. Revise site plan to show handicap parking spaces that comply with ADA guidelines, see attached with highlighted areas of importance.
  - b. Ensure the site plan is 'to scale' as required on page 2 of the application.
- During the conversations we had with your previous application at this location, I asked if you had contacted the gas company about parking within the gas easement, you stated there will no longer be parking within the gas easement. The current Site Plan shows parking within the gas easement again.
  - a. Please address this inconsistency in your application material.
- Diagram #1/Floor Plan does not use a common engineering scale, such as 1" = 30' or 1" = 50'.
   We are unable to calculate the necessary information for our staff report to the Planning Commission.
  - a. Provide square footage of the licensed premises boundary <u>and</u> restricted access area (the green and red colored areas on the floor plan).
- 4. In your March 3, 2021 email you mentioned there will be 4 employees at this location at any given time. Is that still the plan?

- Update your narrative to include that information for our staff report to the Planning Commission.
- 5. Will consumption of marijuana be allowed at the site:
  - Please update your narrative to include that information for our staff report to the Planning Commission.
- 6. How does the business intend to address loitering?
  - a. Please update your narrative to include that information for our staff report to the Planning Commission.
- 7. Exterior lighting on the site plan shows lighting on all four sides of the building. The Diagram #1/Floor Plan only shows exterior lighting on two sides of the building.
  - a. Update the drawing(s) as needed.
- 8. What type of exterior lighting is proposed? Will it be downward directional and shaded to minimize light spillage on neighboring properties and into nearby traffic?
  - a. Please update your narrative to include that information.

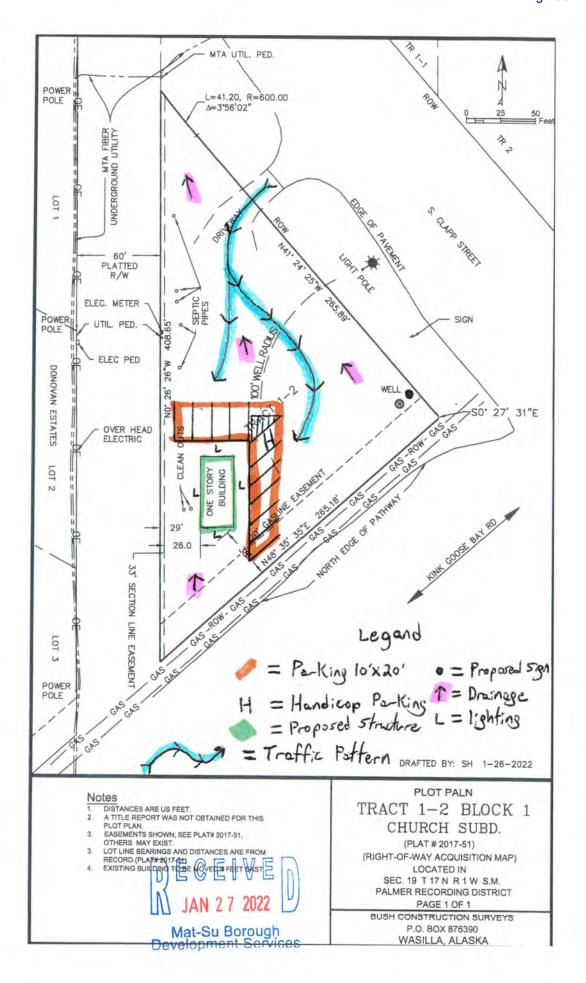
Once an application has been determined to be complete, staff will schedule the public hearing and begin the public notice process. Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone 861-7862, or email: peggy.horton@matsugov.us. Thank you for your time and consideration on this matter.

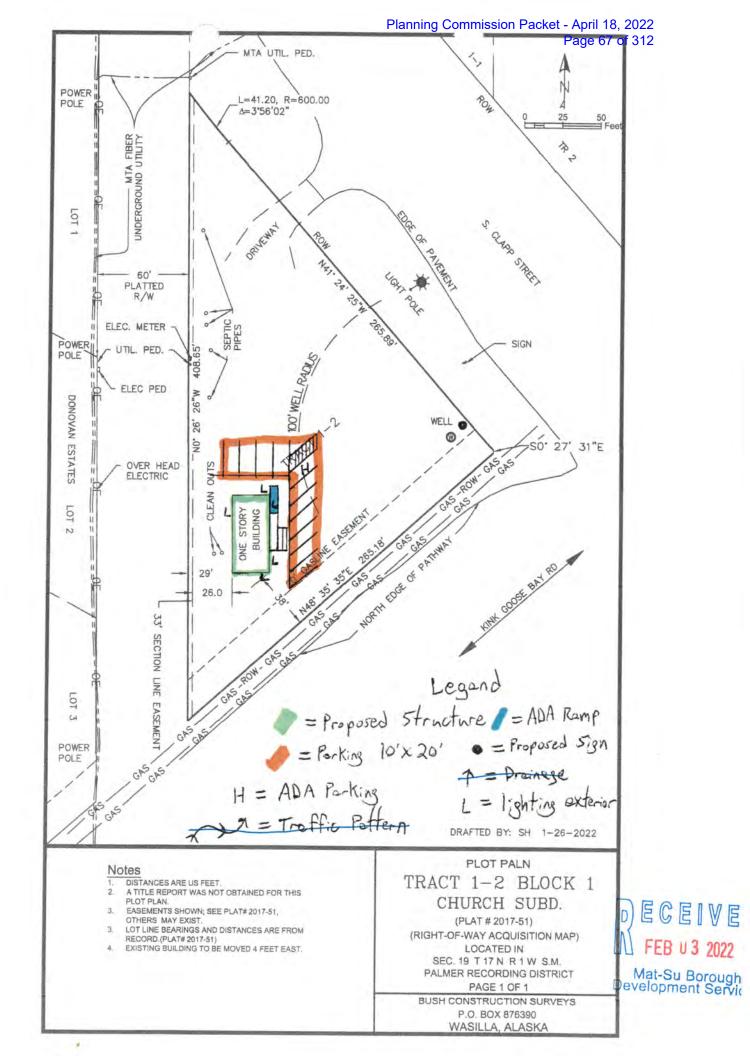
Regards,

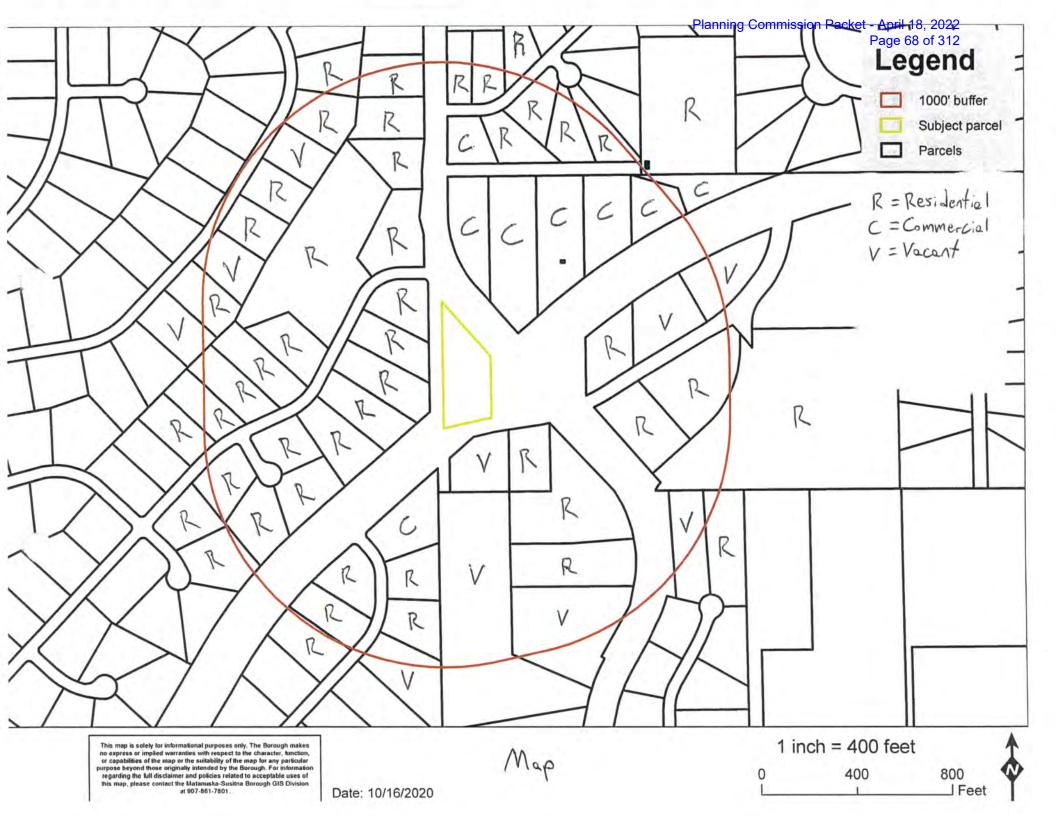
Peggy Horton

Peggy Horton Planner II Matanuska-Susitna Borough

Attachment: ADA Guidelines







### Letter of Authorization

David Doyle, Owner of the property located at 2888 S Clapp St Wasilla AK 99623 do here-by authorize Kerby Coman and his affiliates to act as agent and contact person for this conditional use permit.

Date 14/16/2424

David Doyle

Property Owner (907) 982-4127



# Matanuska-Susitna Borough Planning and Land Use Department Development Services Division

350 East Dahlia Ave Palmer, AK 99645 Phone (907) 861-7822 / Fax (907) 861-8158 www.matsugov.us

### FINAL DRIVEWAY ACCEPTANCE

May 29, 2019

The Matanuska-Susitna Borough has performed the Final Inspection of the driveway on tax parcel **1011B01T001-2**. Your Approved Driveway Permit Number is **D22027**.

### Please keep this letter.

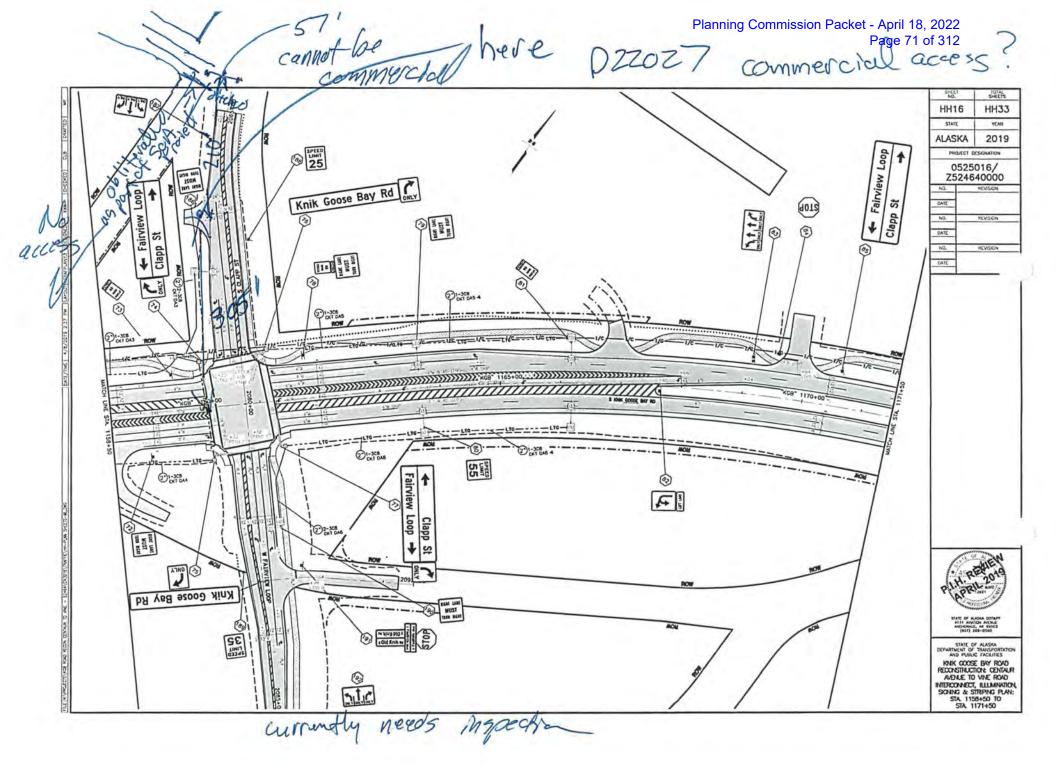
NOTE: The driveway is approved in its current condition. Should changes be made to the size or location of the driveway this permit shall become null and void and a new driveway permit will need to be obtained.

If you have any questions or concerns about your driveway or this permit, you may contact the Permit Center at 907-861-7822.

Sincerely,

George W. Hays

Deputy Borough Manager



# Department of Commerce, Community, and Economic Development ALCOHOL & MARIJUANA CONTROL OFFICE

State of Alaska / Commerce / Marijuana / License Search / License #27096

### **LICENSE NUMBER 27096**

Return to Search Results

License Number: 27096

License Status: Delegated

License Type: Retail Marijuana Store

Doing Business As: GREEN DEGREE

**Business License Number: 1033365** 

Issue Date:

**Effective Date:** 

**Expiration Date:** 

Email Address: kerby@greendegree.net

Physical Address: 2888 S Clapp St

Wasilla, AK 99623 UNITED STATES

Licensees: Kerby's Corporation 10036431

Entity Officials: Kerby Coman

**Onsite Consumption Endorsement** 

Status:

**Approval Date:** 

**Issue Date:** 

**Effective Date:** 

MSB • Department of Emergency Services • Central Mat-Su Fire Department

# Fire & Life Safety Division

Physical: Station 51 – 1911 S Terrace Court, Palmer Mailing: 101 W Swanson Avenue • Wasilla, AK 99654

Office (907) 861-8030 • Fax (907) 861-8157 • E-mail: FireCode@matsugov.us

March 31, 2022

Mat-Su Borough
Development Services

Kerby Coman Green Degree 124 W Swanson Ave Wasilla AK 99654 907-884-3153 kerby@greendegree.net

SUBJECT: Green Degree

FIRE SERVICE AREA: Central Mat-Su FSA

PLAN REVIEW: 2021-084
TYPE OF CONSTRUCTION: VB
OCCUPANCY TYPE: B

2012 INTERNATIONAL BUILDING AND FIRE CODE

Kerby:

Plans for remodeling the subject facility have been reviewed by this office for conformity with the State Fire Safety Regulations and are hereby approved as submitted. Enclosed is a certificate of approval that must be posted on the premises until completion of the remodel work. Any changes to the approved plans must be submitted to this office for review and approval. You are prohibited to occupy this building until construction is completed for which plans have been examined and approved.

It must be understood that the inclusion of and compliance with State Fire Safety Regulations does not preclude the necessity of compliance with the requirements of local codes and ordinances. Also understand that approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulations. The plans have not been reviewed for compliance with the Federal Americans with Disabilities Act or structural requirements.

If we can be of further assistance in this matter, please contact us at the address above.

Sincerely,

Joshua P. Henson Deputy Fire Marshal

Herson

### Fire and Life Safety Division

Central Mat-Su Fire Service Area No. 130 - District 1 Department of Emergency Services, Matanuska-Susitna Borough

#### Plan Review #2021-084

#### **Green Degree**

#### Tenant Improvement Approval

This is to certify that the plans for this building were reviewed by CMSFD's Fire & Life Safety Division on 3/31/2022, for conformance with AS 18.70.010–100; 13 AAC 50.027. This certificate becomes invalid 180 days after the work on the site is commenced within 180 days after issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the time work is commenced. An extension may be requested at the above mentioned address.

This certificate shall be posted in a conspicuous place on the premises listed above and shall remain posted until construction is completed. **Notice:** Any changes or modifications to the approved plans must be resubmitted for review by the Central Mat-Su Fire Department.

Authority: AS 18.70.080, 13 AAC 50.075 & MSB RS 06-054



# **COMMENTS**

#### **Peggy Horton**

From: Jamie Taylor

Sent: Monday, March 14, 2022 2:54 PM

To: Peggy Horton

Subject: RE: !!!!!!! Change to Request for Review and Comments: Green Degree - Clapp St

Marijuana Retail Facility CUP

Sorry my comments are late. I'm not sure what this building was used for before, but they will likely need a new driveway permit now due to change in land use. A note on the 2019 driveway permit says it 'cannot be commercial'. A high volume driveway at that location should be fine under current standards.

Jamie Taylor, PE (she/her)
Civil Engineer
Matanuska-Susitna Borough
Department of Public Works
t: 907-861-7765 c: 907-355-9810

jamie.taylor@matsugov.us http://www.matsugov.us/

From: Peggy Horton < Peggy.Horton@matsugov.us> Sent: Monday, February 14, 2022 10:00 AM

**To:** Allen Kemplen AICP-CTP - DOT&PF (allen.kemplen@alaska.gov) <allen.kemplen@alaska.gov>; Melanie Nichols (Melanie.nichols@alaska.gov) <Melanie.nichols@alaska.gov>; Kyler Hylton (kyler.hylton@alaska.gov)

<kyler.hylton@alaska.gov>; mearow@matanuska.com; row@mtasolutions.com; row@enstarnaturalgas.com; GCI ROW (ospdesign@gci.com) <ospdesign@gci.com>; Fire Code <Fire.Code@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; regpagemaster@usace.army.mil; Terry Dolan <Terry.Dolan@matsugov.us>;

Jim Jenson < James. Jenson@matsugov.us>; Jamie Taylor < Jamie. Taylor@matsugov.us>; Brad Sworts

<Brad.Sworts@matsugov.us>; Elaine Flagg <Elaine.Flagg@matsugov.us>; Charlyn Spannagel

<Charlyn.Spannagel@matsugov.us>; Alex Strawn <Alex.Strawn@matsugov.us>; Planning

<MSB.Planning@matsugov.us>; Fred Wagner <Frederic.Wagner@matsugov.us>; Permit Center

<Permit.Center@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; robyundtmsb@gmail.com; tundraquest@mtaonline.net; nicolerealty19@gmail.com; billydoc56@hotmail.com; cci1@wwdb.org;

pcook@alaskan.com; gina@ritaccos.com; uprise@mtaonline.net

Subject: !!!!!!! Change to Request for Review and Comments: Green Degree - Clapp St Marijuana Retail Facility CUP

Slight change for this review. Please have your comments in by March 9, 2022.

Thank you Peggy Horton Planner II

From: Peggy Horton

Sent: Monday, February 14, 2022 9:34 AM

To: Allen Kemplen AICP-CTP - DOT&PF (allen.kemplen@alaska.gov) <a href="mailto:allen.kemplen@alaska.gov">allen.kemplen@alaska.gov</a>; Melanie Nichols (Melanie.nichols@alaska.gov) <a href="mailto:Melanie.nichols@alaska.gov">Melanie.nichols@alaska.gov</a>; Kyler Hylton (kyler.hylton@alaska.gov) <a href="mailto:kyler.hylton@alaska.gov">kyler.hylton@alaska.gov</a>; mearow@matanuska.com; 'row@mtasolutions.com' <a href="mailto:row@mtasolutions.com">row@mtasolutions.com</a>;



ENSTAR Natural Gas Company A DIVISION OF SEMCO ENERGY

Engineering Department, Right of Way Section 401 E. International Airport Road P. O. Box 190288 Anchorage, Alaska 99519-0288 (907) 277-5551 FAX (907) 334-7798

February 14, 2022

Matanuska-Susitna Borough, Planning Division 350 East Dahlia Avenue Palmer, AK 99645-6488

To whom it may concern:

ENSTAR Natural Gas Company has reviewed the following conditional use permit and has no comments or recommendations.

 Marijuana Related Facilities (MSB Case # 17.60)

If you have any questions, please feel free to contact me at 334-7944 or by email at james.christopher@enstarnaturalgas.com.

Sincerely,

James Christopher

Right of Way & Compliance Technician

**ENSTAR Natural Gas Company** 

James Christopher

# Knik Fairview Community Council

A Non-Profit Corporation

Bill Kendig, President PO Box 877291 Wasilla, AK 99687

February 16, 2022

Mat-Su Borough Planning Commission 350 E Dahlia Avenue Palmer, Alaska 99645

Dear Planning Commission,

At the February 16, 2022 Board Meeting of the Knik Fairview Community Council the application for a Conditional Use Permit for a Marijuana Retail Facility for Green Degree was discussed. There was unanimous approval by a quorum of the board members present. At that meeting a motion was made, seconded, and passed by the Board of Directors to send this letter of non-objection regarding the aforementioned application.

Sincerely,

Bill Kendig

Matanuska-Susitna Borough Development Services Division 350 E. Dahlia Avenue Palmer, Alaska 99645

> Matanuska-Susitna Borough Development Services

> > MAR: 0 8 7022

Received

51313B07L002 21 RHOADS MICHAEL I & NANETH T 2865 S DONOVAN DR WASILLA AK 99654

The Matanuska-Susitna Borough Planning Commission will consider the following:

An application under MSB 17.60 – Conditional Uses. Kerby Coman for Green Degree submitted an application for a conditional use permit for operation of a marijuana retail facility. The site is located at 2888 South Clapp Street, Tax ID #1011B01T001-2; within Township 17 North, Range 2 West, Section 19, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on <u>Monday, April 18, 2022, at 6:00 p.m.</u> in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." For additional information, you may contact Peggy Horton, Planner II, by phone: 907-861-7862. Provide written comments by e-mail to <a href="mailto:peggy.horton@matsugov.us">peggy.horton@matsugov.us</a>, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

Please Note: Due to the ongoing Coronavirus/COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough website. The public is encouraged to check the Borough website prior to attending the public hearing for any changes to the meeting schedule or method.

The public may provide verbal testimony in person at the meeting or telephonically by calling 1-855-290-3803. 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 and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: <a href="https://www.matsugov.us">www.matsugov.us</a>, in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before <u>March 9, 2022</u> and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

provided to the Commission at the meeting.	
Name: Naneth Rho ads or Michael, Mailing Address: 2865 South Don ovan Driad Rhods Description of your property:	
Location/Legal Description of your property: Wall/ 12 , 416 99623	
Comments: the proposed bocation is UNACCEPTABLE, it is close to school	5/
bus route, near the boarder as our property. Even marily	iana
was regalized by the government, I don't like it near my	
home and small children I It will bring undesirable eter	7
home and small children. It will bring undesirable efe	new
to my peaceful neighborhood?	

# PLANNING COMMISSION RESOLUTION

By: Peggy Horton Introduced: April 4, 2022 Public Hearing: April 18, 2022

Action:

# MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RESOLUTION NO. 22-05

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 2888 SOUTH CLAPP STREET, TAX ID# 1011B01T001-2, WITHIN TOWNSHIP 17 NORTH, RANGE 1 WEST, SECTION 19, SEWARD MERIDIAN.

WHEREAS, Kerby Coman, for Green Degree, submitted a conditional use permit application for the operation of a marijuana retail facility at 2888 South Clapp Street, Tax ID# 1011B01T001-2, located within Township 17 North, Range 1 West, Section 19, Seward Meridian; and

WHEREAS, MSB 17.60.030(A)(4) requires a conditional use permit for the operation of a marijuana retail facility; and

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, marijuana retail facilities are declared to be a public nuisance; and

WHEREAS, according to the application material, the proposed retail facility will be wholly contained within a 1,200 square foot commercial structure; and

WHEREAS, the proposed use has no industrial equipment or processes that generate noise; and

WHEREAS, the proposed use will access South Clapp Street from an existing, permitted driveway; and

WHEREAS, South Clapp Street is classified as a collector and is capable of accommodating traffic associated with commercial use; and

WHEREAS, South Clapp Street has many different uses fronting on it, including residential, recreational, and commercial; and

WHEREAS, South Knik-Goose Bay Road is classified as a major arterial and has several different uses on its frontage including commercial, industrial, and residential; and

WHEREAS, the proposed hours of operation are 8:00 a.m. until 5:00 a.m., daily; and

WHEREAS, according to the application material, the proposed use will be located approximately 130 feet from the South Clapp Street right-of-way, approximately 38 feet to the South Knik-Goose Bay Road right-of-way and approximately 26 feet from the section line easement along the west side; and

WHEREAS, the proposed use is located southeast of, and approximately 300 feet from, the closest residential structure; and

WHEREAS, there are a variety of land uses within 1,100 feet, including single and multifamily residential, convenience store and gas station, mini-storage facility, package store, and church property; and

WHEREAS, consumption of marijuana is prohibited at the site; and

WHEREAS, persons under the age of 21 are prohibited from entering the facility; and

WHEREAS, according to the application material, loitering will not be allowed; and

WHEREAS, the closest school (Snowshoe Elementary) is approximately 8,800 feet from the proposed use; and

WHEREAS, according to the application material, security cameras, motion detectors, and lighting are used to monitor all activities at the facility; and

WHEREAS, the Central Mat-Su Fire Department Deputy Fire Marshal issued Plan Review #2021-084 for the commercial structure; and

WHEREAS, the commercial structure is in full compliance with the applicable State of Alaska fire code; and

WHEREAS, the applicant provided a copy of the approved Plan Review #2021-084; and

WHEREAS, after proper notification of the State of Alaska Alcohol & Marijuana Control Office, all marijuana products deemed unusable are ground up with trash and disposed of in the onsite dumpster. The final destination for the waste is the landfill; and

WHEREAS, the applicant has provided all of the required site plans and operational information other than evidence the

commercial structure has been moved to meet the setback requirements of MSB 17.55; and

WHEREAS, according to the application material, all retail operations will be taking place indoors; and

WHEREAS, according to the application material, no outdoor activity is planned that will create additional noise or odor; and WHEREAS, according to the application material, the proposed use is 973.2 square feet in size; and

WHEREAS, according to the application material, the applicant's landscaping involved leveling the lot and is currently proposing some grass seeding and possibly tree planting; and

WHEREAS, according to the application material, the commercial structure will have lighting on all four sides, which will be downward directional and shielded to minimize light spillage on neighboring properties and into nearby traffic; and

WHEREAS, according to the application material, the structure will meet all applicable setback requirements of MSB 17.55; and

WHEREAS, the State of Alaska Marijuana Control Board (AMCO) voted to approve Green Degree Clapp Street Retail Marijuana Store License# 27096 with delegation at the August 18-19, 2021 meeting; and

WHEREAS, planning staff received a copy of AMCO's delegated approval for the applicant's marijuana retail facility; and

WHEREAS, according to the application material, the net floor area is approximately 1,200 square feet in size; and

WHEREAS, a marijuana retail facility, 1,200 square feet in size, is required to provide three parking spaces with one Americans with Disabilities Act (ADA) compliant space; and

WHEREAS, according to the application material, eleven customer parking spaces are proposed, and

WHEREAS, according to the application material, each parking space is 20 feet in length and ten feet wide, and

WHEREAS, there are no vertical clearance limitations on site; and

WHEREAS, according to the application material, 11 customer parking spaces are proposed; and

WHEREAS, ADA guidelines require one van accessible parking space with an eight-foot wide parking aisle, for every 1 to 25 spaces; and

WHEREAS, according to the application material, one ADA compliant space is provided; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.60.100, 17.60.150 and 17.60.170; and

WHEREAS, the Planning Commission conducted a public hearing on April 18, 2022 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 22-05:

- 1. The proposed use, with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).
- 2. The proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).
- 3. The proposed use, with conditions, will provide sufficient setbacks, lot area, buffers and other safeguards (MSB 17.60.100(B)(3)).
- 4. The application material, with conditions, has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).
- 5. The proposed use will not negatively affect other properties due to factors such as noise and odor (MSB  $17.60.150\,(A)\,(1)$ ).
- 6. The proposed use, with conditions, has measures in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).

- 7. The proposed use, with conditions, is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
- 8. The proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).
- 9. Documentation demonstrating the applicant obtained all applicable licenses pertaining to 3 AAC 306.005 was provided to planning staff (MSB 17.60.150(D)(1)).
- 10. The proposed use will be in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).
- 11. The proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).
- 12. The proposed use meets the minimum number of parking space for retail facilities (MSB 17.60.170(B)).
- 13. The proposed use, with conditions, complies with current ADA parking space guidelines (MSB 17.60.170(C)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.60 and does hereby approve the conditional use permit for the operation of a marijuana retail facility, with the following conditions:

1. Prior to operating, the applicant shall provide to Planning Staff, a surveyor's as-built drawing, performed after moving the building, showing the location and dimensions of the commercial structure to indicate

- compliance with MSB 17.55, Setbacks and Screening Easements.
- 2. The ADA parking access aisle shall be painted, and shall be compliant with the current ADA guidelines, within one year of the date of decision.
- 3. The operation shall comply with all applicable state and local regulations.
- 4. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
- 5. Borough staff shall be permitted to enter the premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
- 6. The hours of operation shall not exceed 8:00 a.m. 5:00 a.m., daily.
- 7. On-site consumption of marijuana and marijuana products is prohibited.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 18 day of April, 2022.

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

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# PUBLIC HEARING QUASI-JUDICIAL

Resolution No. PC 22-09
The Green Spot, LLC

(Page 93 - 78)

**PUBLIC HEARING** 



#### 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 www.matsugov.us

#### DEVELOPMENT SERVICES DIVISION STAFF REPORT

File Number:

M10234

Applicant:

Jolyn Jillson, dba The Green Spot, LLC

**Property Owner:** 

Robert Jillson

Request:

Planning Commission Resolution 22-09

Conditional Use Permit for the operation of a Marijuana Retail Facility in accordance with MSB Chapter 17.60 –

Conditional Uses

Location:

2893 S. Big Lake Road, Unit 4 (Tax ID# 1783B04L001);

within Township 17 North, Range 3 West, Section 21,

Seward Meridian

Size of Facility:

1,462.5 Square Feet

Reviewed By:

Alex Strawn, Planning & Land Use Director

Jason Ortiz, Development Services Manager , O .

Staff:

Mark Whisenhunt, Planner II,

**Staff Recommendation:** 

Approval with conditions

#### **EXECUTIVE SUMMARY**

A conditional use permit application has been submitted for the operation of a marijuana retail facility. The applicant is proposing to operate the facility in Unit 4 of an existing commercial structure. The proposed retail facility is approximately 1,462.5 square feet in size. The operation is currently operating in Unit 1 of the same building. MSB code 17.60.030 requires a conditional use permit for the operation of marijuana retail facilities. Unless this type of use is maintained under and in accordance with a lawfully issued permit, a marijuana retail facility is declared to be a public nuisance. Operation of such a land use without a permit is prohibited.

#### **HISTORY**

The subject property was part of a parcel that was originally subdivided in 1979 and known as Fishers "Y" Subdivision, via Plat #79-440. The subject lot was developed for and has been used as commercial since 1983.

The Green Spot has been operating in Unit 1 of the subject structure since receiving a Conditional Use Permit (#176020170014) in 2017. The currently operation is approximately 567 square feet in size. The Development Service Division has not received any complaints or found any violations of code related to the existing operation.

#### LAND USE

#### **Existing Land Use:**

The subject lot has two legal access points. One onto South Big Lake Road and the other onto W. Lions Court. Other than new signage, there are no planned changes to the exterior appearance of the existing structure. The existing commercial building is 40 feet by 160 feet for a total of approximately 6,400 square feet in size. The property owner/applicant also owns and operates a laundry mat facility, and marijuana cultivation facility in the same building.

#### **Surrounding Land Uses:**

South Big Lake Road is dominated by commercial and industrial uses on its frontage; however, there are a couple of other uses. To the south, southwest, and north there are commercial developments such as a construction business, a bar, and various retail businesses respectively. Behind the property to the east is an undeveloped property that is mostly forested. Across Big Lake Road to the west, there is a commercial building with office spaces and an industrial utility building. Further north, there are addition commercial developments, and an industrial mining site. Further south, there are more commercial development, the Big Lake Library, and a fire station.

#### REVIEW OF APPLICABLE CRITERIA AND FINDINGS

#### MSB 17.03 – Public Notification:

On March 1, 2022 notices were mailed to all property owners within a 600-foot radius of the property as well as to the Big Lake Community Council. A total of 15 notices were mailed. The permit application notification was published in the March 2, 2022 issue of the Frontiersman. The application material was posted on the Borough web site for public review on February 25, 202. The public notice, application material, and a request for comments were emailed to all members listed on the Big Lake Community Council contact list on February 25, 2022. Staff did not receive any comments from the community council or from the public.

#### Section 17.60.100 General Standards

- (A) A conditional use may be approved only if it meets with the requirements of this section in addition to any other standards required by this chapter:
- (B) In granting a conditional use permit, the planning commission must make the following findings:
  - (1) the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area;

#### **Findings of Fact:**

- 1. The subject lot was developed for and has been used as commercial since 1983.
- 2. Other than new signage, there are no planned changes to the exterior appearance of the existing structure.
- 3. The proposed operation is wholly contained within Unit 4 of the existing commercial building.
- 4. South Big Lake Road is dominated by commercial and industrial uses on its frontage.
- 5. South Big Lake Road abuts the parcel to the west and West Lions Court abuts the parcel to the north.
- 6. The subject parcel is surrounded by commercial developments and vacant land.
- 7. To the south, southwest, and north there are commercial developments such as a construction business, a bar, and various retail businesses respectively. Behind the property to the east is an undeveloped property that is mostly forested. Across Big Lake Road to the west, there is a commercial building and an industrial utility building.
- 8. The attached map labeled "Land Use" dated April 6, 2022 shows the commercial nature of the uses on South Big Lake Road.

Conclusion of Law: Based on the above findings and with conditions, the proposed use will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).

(2) that granting the conditional use permit will not be harmful to the public health, safety, convenience, and welfare;

#### **Findings of Fact:**

- 1. The closest school (Big Lake Elementary School) is approximately 3,100 feet away from the proposed use.
- 2. Consumption of marijuana is prohibited at the site.
- 3. The subject lot has two legal access points. One onto South Big Lake Road and the other onto West Lions Court.
- 4. South Big Lake Road is classified as a Major Collector, which is capable of accommodating traffic generated by several commercial land uses.
- 5. West Lions Court is classified as a Minor Collector, which has the ability to accommodate high access to commercial land uses.
- 6. Persons under the age of 21 are prohibited from entering the proposed facility.
- 7. According to the application material, the proposed use has a security plan in place which includes education of employees on all security measures.
- 8. According to the security plan, security cameras, motion detectors, and lighting will be used to monitor all activities at the facility.
- 9. After proper notification of the State of Alaska Alcohol & Marijuana Control Office; all marijuana products deemed unusable will be mixed with household food waste and dirt,

and disposed of at a State of Alaska approved facility and in compliance with ADEC regulations.

Conclusion of Law: Based on above findings and with conditions, the proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).

(3) that sufficient setback, lot area, buffers, or other safeguards are being provided to meet the conditions listed in subsections (B)(1) through (3) of this section; and

#### **Findings of Fact:**

- 1. The subject lot has two legal access points. One onto South Big Lake Road and the other onto West Lions Court.
- 2. South Big Lake Road is classified as a Major Collector, which is capable of accommodating traffic generated by several commercial land uses.
- 3. West Lions Court is classified as a Minor Collector, which has the ability to accommodate high access to commercial land uses.
- 4. The existing building is approximately 74 feet from the South Big Lake Road right-of-way, 100 feet front the south side lot line, 36 feet from the east side lot line, and approximately 50 feet from the West Lions Court right-of-way.
- 5. The existing structure meets all applicable setback requirements required by MSB 17.55 Setbacks and Screening Easements.
- 6. The closest school (Big Lake Elementary School) is approximately 3,100 feet away from the proposed use.
- 7. According to the application material, the proposed use has a security plan in place which includes education of employees on all security measures.
- 8. According to the security plan, security cameras, motion detectors, and lighting will be used to monitor all activities at the facility.

Conclusion of Law: Based on the findings above, sufficient setbacks, lot area, buffers and other safeguards are being provided (MSB 17.60.100(B)(3)).

(4) the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in this section.

#### Finding of Fact:

1. All of the required site plans and operational information have been provided by the applicant.

**Conclusion of Law:** The applicant has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).

#### Section 17.60.150 General Standards for Marijuana Related Facilities

- (A) In addition to the standards set forth by MSB 17.60.100, the planning commission shall weigh factors which contribute or detract from the development of a safe, convenient, and attractive community, including, but not limited to:
  - (1) any potential negative effect upon other properties in the area due to such factors as noise and odor.

#### **Findings of Fact:**

- 1. The proposed operation is wholly contained within Unit 4 of the existing commercial building.
- 2. There is no industrial equipment or any processes that generate noise associated with the proposed use.
- 3. Consumption of marijuana is prohibited at the site.
- 4. According to the application material, all marijuana will be stored in sealed, odor control packaging.
- 5. According to the application material, loitering will not be allowed; helping to ensure noise and odor will not be an issue.

**Conclusion of Law:** Based on the above findings and with conditions, the proposed use will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).

- (2) the effectiveness of measures to reduce negative effects upon adjacent properties by:
  - (a) increased property line and right-of-way buffers;
  - (b) planted berms and landscaping;
  - (c) site and building design features which contribute to the character of the surrounding area.

#### **Findings of Fact:**

- 1. The subject lot was developed for and has been used as commercial since 1983.
- 2. Other than new signage, there are no planned changes to the exterior appearance of the existing structure.
- 3. South Big Lake Road is dominated by commercial and industrial uses on its frontage.
- 4. The subject parcel is surrounded by commercial developments and vacant land.
- 5. To the south, southwest, and north there are commercial developments such as a construction business, a bar, and various retail businesses respectively. Behind the property to the east is an undeveloped property that is mostly forested. Across Big Lake Road to the west, there is a commercial building and an industrial utility building.
- 6. The attached map labeled "Land Use" dated April 6, 2022 shows the commercial nature of the uses on South Big Lake Road.
- 7. The existing building is approximately 74 feet from the South Big Lake Road right-of-way, 100 feet front the south side lot line, 36 feet from the east side lot line, and approximately 50 feet from the West Lions Court right-of-way.

- 8. The existing structure meets all applicable setback requirements required by MSB 17.55 Setbacks and Screening Easements.
- 9. No new landscaping or berms are planned or required by code.

Conclusion of Law: Based on the above finding and with conditions, measures are in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).

(3) whether the use is compatible with the character of the surrounding area.

#### **Findings of Fact:**

- 1. The subject lot was developed for and has been used as commercial since 1983.
- 2. Other than new signage, there are no planned changes to the exterior appearance of the existing structure.
- 3. The proposed operation is wholly contained within Unit 4 of the existing commercial building.
- 4. South Big Lake Road is dominated by commercial and industrial uses on its frontage.
- 5. The subject parcel is surrounded by commercial developments and vacant land.
- 6. To the south, southwest, and north there are commercial developments such as a construction business, a bar, and various retail businesses respectively. Behind the property to the east is an undeveloped property that is mostly forested. Across Big Lake Road to the west, there is a commercial building and an industrial utility building.
- 7. The attached map labeled "Land Use" dated April 6, 2022 shows the commercial nature of the uses on South Big Lake Road.
- 8. The subject location has been used for commercial purposes for approximately 34 years.

Conclusion of Law: Based on the above findings and with conditions, the proposed use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).

- (B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located within:
  - (1) One thousand feet of school grounds;
- (C) Separation distances referenced in subsection (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

#### **Finding of Fact:**

1. The closest school (Big Lake Elementary School) is approximately 3,100 feet away from the proposed use.

**Conclusion of Law:** Based on the above finding, the proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).

- (D) Prior to final approval of the permit the applicant shall provide written documentation demonstrating that:
  - (1) all applicable licenses have been obtained as required by 3 AAC 306.005.

#### **Findings of Fact:**

- 1. On May 15, 2017, the State of Alaska Marijuana Control Board voted to approve The Green Spot Retail Marijuana Store License # 10060.
- 2. The Green Spot Retail Marijuana Store License # 10060 has been provided.

**Discussion:** The Green Spot Retail Marijuana Store License # 10060, is currently active for Unit 1. The operation is require to complete a "License Premises Diagram Change" to move into the proposed Unit 4. The State will not complete that process until the operation receives approval from the local government.

**Conclusion of Law:** Based on the above findings, documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60150(D)(1)).

(2) from the fire marshal having jurisdiction, that the proposed conditional use is in full compliance with applicable fire code, including but not limited to AS 18.70.010 through 18.70.160, Fire Protection, and 13 AAC 50.025 through 50.080, Fire Code.

#### Findings of Fact:

1. The State of Alaska Fire Marshal's office has issued Plan Review #2021Anch1770, allowing The Green Spot, LLC to occupy Unit 4 of 2893 S. Big Lake Road.

Conclusion of Law: Based on the above findings, the proposed use is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

#### Section 17.60.170 Standards for Marijuana Retail Facilities

- (A) Marijuana retail facilities shall only be approved upon finding by the commission that the proposed facility is located on a parcel that is appropriate for commercial use. At a minimum, the commission shall consider:
  - (1) proximity of the proposed use to existing businesses;
  - (2) proximity to parcels developed for residential use; and
  - (3) whether roads associated with the proposed use have been, or will be, appropriate for commercial use.

#### **Findings of Fact:**

- 1. The subject lot was developed for and has been used as commercial since 1983.
- 2. Other than new signage, there are no planned changes to the exterior appearance of the existing structure.
- 3. South Big Lake Road is dominated by commercial and industrial uses on its frontage.
- 4. The subject lot has two legal access points. One onto South Big Lake Road and the other onto West Lions Court.

- 5. South Big Lake Road is classified as a Major Collector, which is capable of accommodating traffic generated by several commercial land uses.
- 6. West Lions Court is classified as a Minor Collector, which has the ability to accommodate high access to commercial land uses.
- 7. The subject parcel is surrounded by commercial developments and vacant land.
- 8. To the south, southwest, and north there are commercial developments such as a construction business, a bar, and various retail businesses respectively. Behind the property to the east is an undeveloped property that is mostly forested. Across Big Lake Road to the west, there is a commercial building and an industrial utility building.
- 9. The attached map labeled "Land Use" dated April 6, 2022 shows the commercial nature of the uses on South Big Lake Road.
- 10. The subject location has been used for commercial purposes for approximately 39 years.

**Conclusion of Law:** Based on the above findings and with conditions, the proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).

(B) The minimum number of parking spaces for retail facilities shall be one space per 350 square feet of net floor area. Each parking space shall be at least: 20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet.

#### **Findings of Fact:**

- 1. The proposed use is approximately 1,462.5 square feet in size.
- 2. The minimum parking spaces required for a facility 1,462.5 square feet in size is five spaces.
- 3. According to the site plan, 14 customer parking spaces will be provided.
- 4. According to the site plan, each space will be 20 feet in length and ten feet wide.

Conclusion of Law: Based on the above findings, the proposed use meets the minimum number of parking space for retail facilities (MSB 17.60.170(B)).

(C) Parking spaces shall be provided to comply with current Americans with Disabilities Act guidelines.

#### **Findings of Fact:**

- 1. ADA guidelines require one van accessible parking space with an eight foot wide parking isle, for every 1 to 25 spaces.
- 2. According to the site plan, 14 customer parking spaces will be provided.
- 3. According to the site plan, two van accessible parking space with an eight foot wide parking isle will be provided.

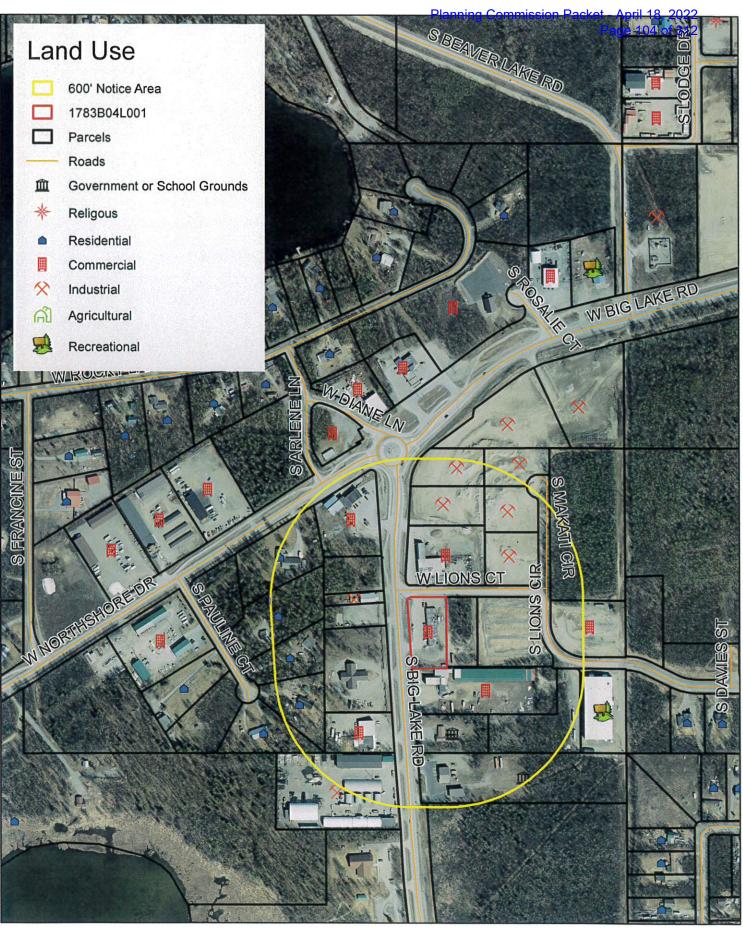
**Conclusion of Law:** Based on the above findings, the proposed use complies with current ADA parking space guidelines (MSB 17.60.170(C)).

#### STAFF RECOMMENDATIONS

Staff recommends approval of the conditional use permit to operate a Marijuana Retail Facility, approximately 1,462.5 square feet in size, at 2893 S. Big Lake Road, Unit 4 (Tax ID# 1783B04L001). The applicant meets all of the standards in MSB 17.60.100, 17.60.150, and 17.60.170. Staff recommends approval of this permit with the following conditions:

- 1. The owner and/or operator shall comply with all applicable state and local regulations.
- 2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
- 3. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 Noise, Amplified Sound and Vibration.
- 4. The hours of operation shall be limited to 10:00 a.m. 10:00 p.m., daily.
- 5. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.

If the Planning Commission chooses to deny this permit, findings for denial must be prepared by the Commission.



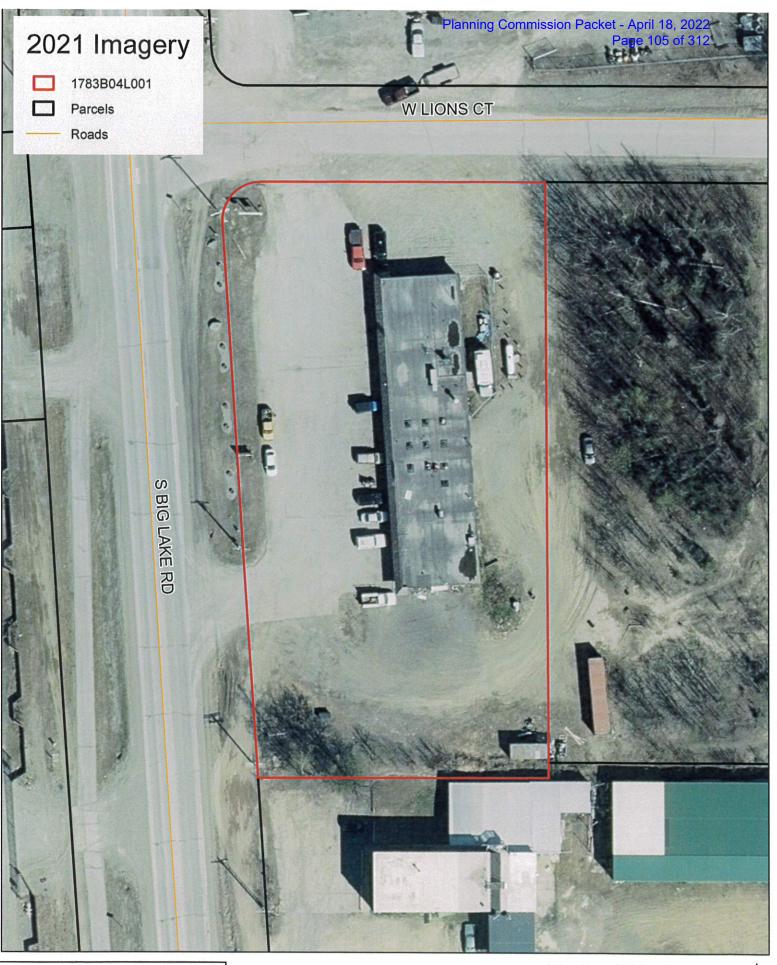
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Date: 4/6/2022 2021 Aerial Imagery 1 inch = 400 feet

0 400 800

L Feet





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Date: 4/6/2022 2021 Aerial Imagery 1 inch = 50 feet

50

100 \_\_l Feet



# MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Community Council - Big	Lake			Board Exp
Big Lake Community C		<b>Board Position</b>	Correspon	idence - Big Lake CC
Company Representing				Term to
PO Box 520931		T	/pa of Term	
Big Lake AK	99652	Member	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Home V	Work	Cell	E-mail	
Gambel Bill	I .	<b>Board Position</b>	Member 1	- Big Lake CC
Company Representing			,	Term to
PO Box 520504		T <sub>1</sub>	/pe of Term	
Big Lake AK	99652-0504	Member	President	
Home V	Work	<b>Cell</b> (907) 232	-0103 <b>E-mail</b>	akchief@mtaonline.net
Ross	<i>c</i>	Board Position	Mombor 2	- Big Lake CC
			Member 2	
Company Representing			me of Years	Term to
		Member	<b>/pe of Term</b> Secretary	
loms V	Work	<b>Cell</b> (907) 232	-0321 <b>E-mai</b>	alaskajeff@hotmail.com
Malo	ive	Board Position	Member 3	- Big Lake CC
Company Representing				Term to
		T	pe of Term	
		Member	Treasurer	
Home V	Work	<b>Cell</b> (503) 559	-9378 <b>E-mail</b>	chinookdesigns@hotmail.com
Parson Jill		Board Position	Member 4	- Big Lake CC
Company Representing				Term to
PO Box 521315			pe of Term	
Big Lake AK	99652	Member	po or reim	
			F	
<b>Home</b> (907) 892-4404 <b>V</b>	Work	Cell	E-mail	jparson@mtaonline.net

# MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Community Council -	Big Lake			Board Exp
Reeves	Becky	<b>Board Position</b>	Member 5	- Big Lake CC
ompany Representing				Term to
			Type of Term	
		Member		
ome	Work	<b>Cell</b> (907) 7	727-1628 <b>E-mail</b>	chinook_99516@yahoo.com
Gorlick	Terry	Board Position	Member 7	- Big Lake CC
ompany Representing	Tony			Term to
			Type of Term	
		Member	Vice Presider	nt
ome	Work	<b>Call</b> (907) 2	244-4304 <b>E-mail</b>	terryg@ak.net
otal Board Members Neeting Schedule	www.matsugov.us/publ	icmeetings for me		otice of Public Meetings schedule at: )
Meeting Location	Big Lake Lions Recreat			
oard Notes:	Established by RS 85-2	ZZA.		

Tuesday, April 6, 2021 Page 2 of 2

Matanuska-Susitna Borough Development Services Division 350 E. Dahlia Avenue Palmer, Alaska 99645

tara0609

2/28/2022 11:36:13 AM

The Planning Commission of the Matanuska-Susitna Borough will consider the following:

Applicant:

Jolyn Jillson, dba The Green Spot, LLC

Location:

2893 S. Big Lake Road Unit #4 (Tax ID# 1783B04L001);

within Township 17 North, Range 3 West, Section 21 Seward Meridian

Request:

An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the operation of a marijuana retail facility. This existing facility is

proposing to move from Unit #1 to Unit #4 within the same building.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on <u>Monday</u>, <u>April 18</u>, <u>2022</u>, <u>at 6:00 p.m.</u> in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

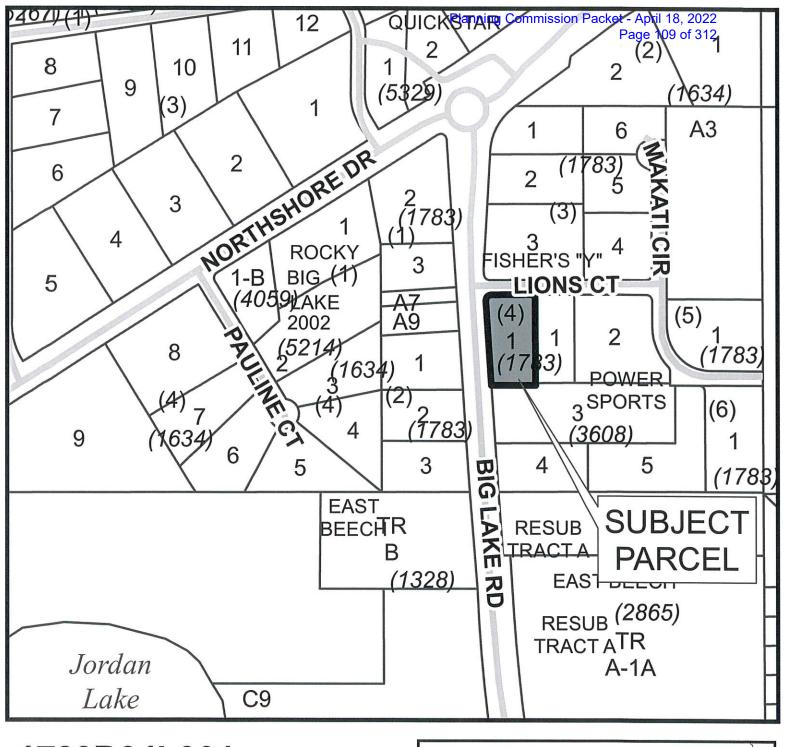
Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." For additional information, you may contact Mark Whisenhunt, Planner II, by phone: 907-861-8527. Provide written comments by e-mail to <a href="mark.whisenhunt@matsugov.us">mark.whisenhunt@matsugov.us</a>, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony in person at the meeting or telephonically by calling 1-855-290-3803. 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 and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: <a href="www.matsugov.us">www.matsugov.us</a>, in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before <u>March 25, 2022</u> and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Name:	Mailing Address:	
Location/Legal Description of your property:		
Comments:		

Note: Vicinity Map Located on Reverse Side



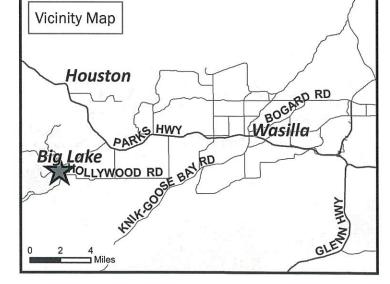
### 1783B04L001



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7801.



500



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Up to 1,000 pieces (1 certificate for total number)	Use Current	TATELEMENT OF THE PROPERTY BOWES
For each additional 1,000 pieces, or fraction thereof	Price List (Notice 123)	Acceptance employee must cancel pos
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Number of Class of Mail Postage for Identical Weight	Number of Pieces to the	paid by Permit Imprint, include the PostalOne!® Transaction Number here:
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It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.	sented and the ate does not ar address.	nission Packe
(Postmaster or Designee)		t - Ap Page
PS Form <b>3606-D</b> , January 2016 PSN 7530-17-000-5548	-5548	See Reverse for Instructions 110 of 312

Planning Commission Packet - April 18, 2022

1804L005 2 51783B06L001 Page 111 of 312

57773B02L001A 1 ALASKA PRIVATE EQUITY LLC PO BOX 520777 BIG LAKE AK 99652

51634B04L004 BROTZMAN MISTY D PO BOX 520200 BIG LAKE AK 99652

55214B01L001 7 FISHER ROBT B & BARBARA L PO BOX 520209 BIG LAKE, AK 99652-0209

217N03W21A009 10 MATANUSKA TELEPHONE ASSN PO BOX 3550 PALMER, AK 99645-3550

53608000L005 13 STEINAU KATHRINE C 14063 HALSTON RD WASILLA AK 99623

tara0609 15 2/28/2022 11:36:13 AM 51634B04L005 2 BAKER ROBERT C PO BOX 298746 WASILLA AK 99629

51634B04L003 5
DRUMM CALEB BRADEN
DRUMM ERIN
547 E MOUNTAIN ASH LOOP
WASILLA AK 99654

51783B04L001 8 JILLSON ROBERT C PO BOX 520964 BIG LAKE AK 99652-0964

51783B02L003 11 R & B ALASKA INC 12270 E OUTER SPRINGER LOOP PALMER AK 99645

53608000L003 14 SWENSON CARL R & MELANIE PO BOX 520301 BIG LAKE AK 99652 55214B01L002 6 FAIT GARY PO BOX 520781 BIG LAKE, AK 99652-0781

**BIG LAKE LIONS CLUB INC** 

BIG LAKE AK 99652-0048

PO BOX 520048

217N03W21A003 9 LANNET ERNEST G & LISA I DECL TR PO BOX 110821 ANCHORAGE AK 99511-0821

52865000T00A-1A 12
REDUS ONE LLC
8TH FLOOR
1 INDEPENDENT DR
JACKSONVILLE FL 32202

15 BIG LAKE COMMUNITY COUNCIL PO BOX 520652 BIG LAKE, AK 99652

### **Mark Whisenhunt**

From:

Mark Whisenhunt

Sent:

Monday, February 28, 2022 11:31 AM

To:

'allen.kemplen@alaska.gov'; 'melanie.nichols@alaska.gov'; 'mearow@matanuska.com';

'row@enstarnaturalgas.com'; 'row@mtasolutions.com'; 'ospdesign@gci.com';

'firecode@matsugov.us'; Jill Irsik; Eric Phillips; Terry Dolan (Terry.Dolan@matsugov.us); Jamie Taylor; Brad Sworts; Charlyn Spannagel; Theresa Taranto; Andy Dean; John Aschenbrenner (John.Aschenbrenner@matsugov.us); 'mokietew@gmail.com'; Bill

Gambel; Jeff Ross; Dave Malo; Jill Parson; Becky Reeves; Terry Gorlick

Subject:

RE: Request for Comments: Green Spot 2022

CORRECTION NOTICE: The correct Tax ID# is 1783B04L001.

Sorry for the inconvenience.

Respectfully,

Mark Whisenhunt Planner II Matanuska-Susitna Borough Office: (907) 861-8527

mark.whisenhunt@matsugov.us

From: Mark Whisenhunt

Sent: Friday, February 25, 2022 9:59 AM

To: 'allen.kemplen@alaska.gov' <allen.kemplen@alaska.gov>; 'melanie.nichols@alaska.gov'

<melanie.nichols@alaska.gov>; 'mearow@matanuska.com' <mearow@matanuska.com>; 'row@enstarnaturalgas.com'

<row@enstarnaturalgas.com>; 'row@mtasolutions.com' <row@mtasolutions.com>; 'ospdesign@gci.com'

<ospdesign@gci.com>; 'firecode@matsugov.us' <firecode@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>; Eric Phillips

<Eric.Phillips@matsugov.us>; Terry Dolan (Terry.Dolan@matsugov.us) <Terry.Dolan@matsugov.us>; Jamie Taylor

</

<Charlyn.Spannagel@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean

<Andy.Dean@matsugov.us>; John Aschenbrenner (John.Aschenbrenner@matsugov.us)

<John.Aschenbrenner@matsugov.us>; mokietew@gmail.com; Bill Gambel <akchief@mtaonline.net>; Jeff Ross

<alaskajeff@hotmail.com>; Dave Malo <chinookdesigns@hotmail.com>; Jill Parson <jparson@mtaonline.net>; Becky

Reeves <chinook\_99516@yahoo.com>; Terry Gorlick <terryg@ak.net>

Subject: Request for Comments: Green Spot 2022

Date:

February 25, 2022

To:

Various Agencies

From:

Mark Whisenhunt, Planner II

Subject:

Request for Review and Comments

Project:

Conditional Use Permits for a marijuana retail facility.

Location:

2893 S. Big Lake Road Unit #4 (Tax ID# <del>1783B01L001</del> 1783B04L001); within Township 17 North, Range 3

West, Section 21 Seward Meridian

Applicant:

Jolyn Jillson, dba The Green Spot, LLC

An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the operation of a marijuana retail facility. This existing facility is proposing to move from Unit #1 to Unit #4 within the same building. The Planning Commission will conduct a public hearing for this request on April 18, 2022.

Application material may be viewed online at <a href="www.matsugov.us">www.matsugov.us</a> by clicking on "All Public Notices & Announcements." A direct link to the application material is here:

https://www.matsugov.us/publicnotice/the-green-spot-2022-marijuana-retail-facility-conditional-use-permit

Written comments are due on or before <u>March 25, 2022</u> and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

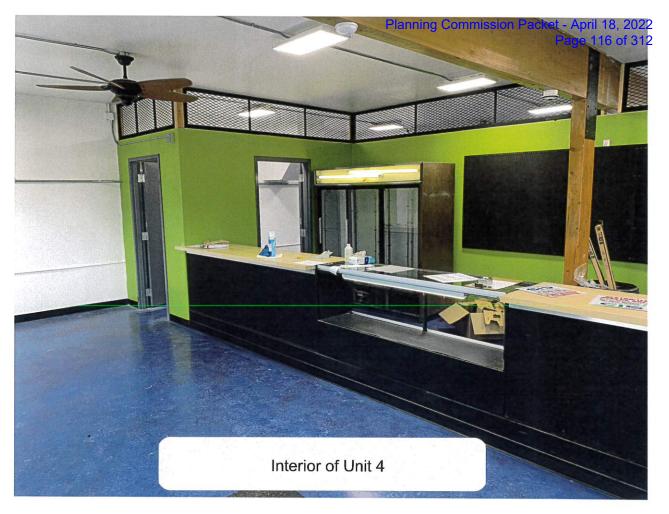
Respectfully,

Mark Whisenhunt Planner II Matanuska-Susitna Borough Office: (907) 861-8527 mark.whisenhunt@matsugov.us

### Photos taken by Mark Whisenhunt during April 3, 2022 site visit

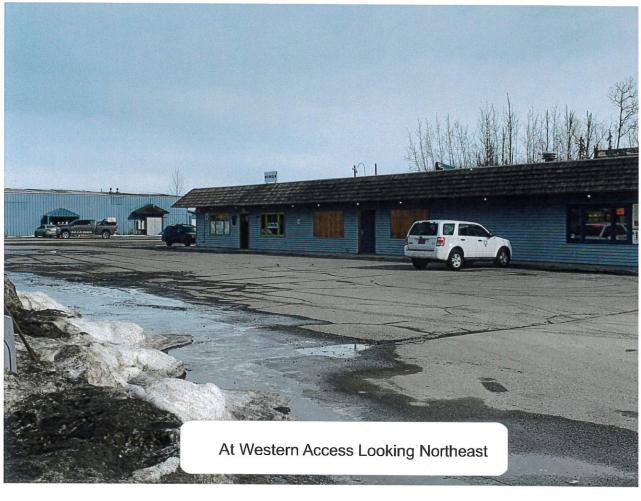




















### Conditional Use Permit #176020170014 & PC Resolution #17-37



### MATANUSKA-SUSITNA BOROUGH

### Planning and Land Use Department

350 East Dahlia Avenue • Palmer, AK 99645 Phone (907) 861-7833 • Fax (907) 861-8158 Email: planning@matsugov.us

### CONDITIONAL USE PERMIT FOR A MARIJUANA RETAIL FACILITY

PERMIT#: 176020170014

**ACTION:** In accordance with provisions in Matanuska-Susitna Borough Code 17.60, a Conditional Use Permit for a Marijuana Retail Facility is hereby approved as referenced within this document. This permit is for the operation of a Marijuana Retail Facility known as The Green Spot on the permitted site noted below. This decision is based on the findings of fact and conclusions of law contained within MSB Planning Commission Resolution No. 17-37, dated September 18, 2017.

**EFFECTIVE DATE:** 

October 24, 2017

PERMITTED SITE:

2893 S. Big Lake Road, Suite 1

Tax ID# 1783B04L001

**PERMITTEE** 

The Green Spot, LLC

PO Box 520964 Big Lake, AK 99652

PROPERTY OWNER:

Robert Jillson III PO Box 520964

Big Lake, AK 99652

### General Requirements and Conditions:

All development and use of the permitted site shall occur as described in the approved application submitted and as further specified by the conditions listed herein. Any variation from the requirements or conditions of this permit, or from borough code, may be grounds for penalties as authorized by borough code.

### Specific conditions of the permit for the operation of a marijuana retail facility:

- 1. The owner and/or operator shall comply with all applicable state and local regulations.
- 2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.

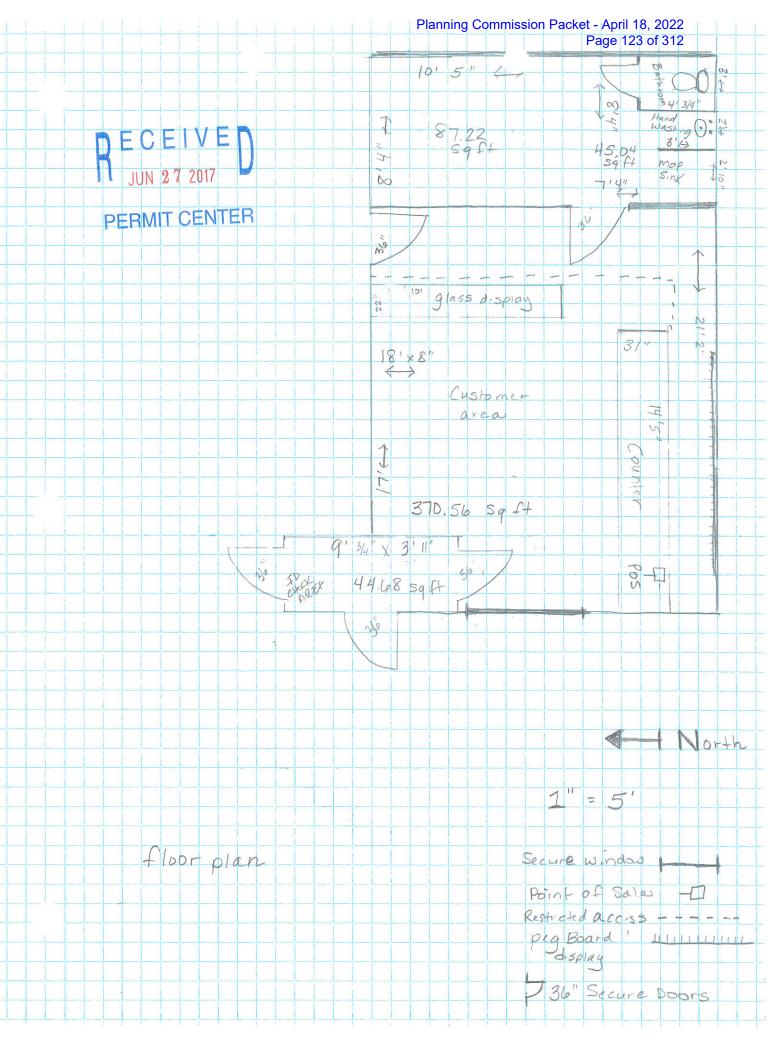
- 3. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 Noise, Amplified Sound and Vibration.
- 4. The hours of operation shall not exceed 9:00 a.m. 10:00 p.m., daily.
- 5. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
- 6. Prior to operating, the ADA Compliant parking space and access isle detailed in the application material shall be installed.
- 7. Prior to operating, a copy of all licenses issued by the State of Alaska Marijuana Control Board shall be provided the MSB Development Services Division.

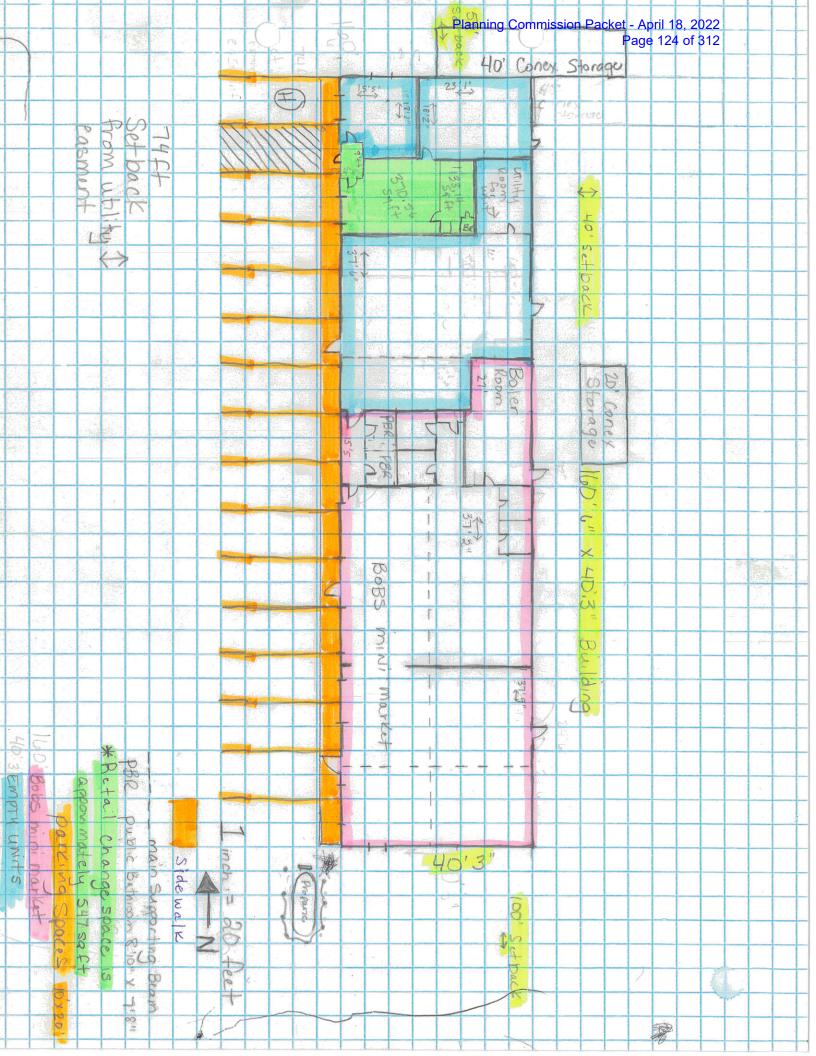
Eileen Probasco, Director

Planning & Land Use Department

October 24, 2017

Date of Issuance





Mark Whisenhunt Bv:

Introduced: August 21, 2017

Sept. 18, 2017 Public Hearing:

Approved Action:

### MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RESOLUTION NO. 17-37

OF THE MATANUSKA-SUSITNA BOROUGH RESOLUTION PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 2893 SOUTH BIG LAKE ROAD, SUITE 1, LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 3 WEST, SECTION 21; TAX ID# 1783B04L001, SEWARD MERIDIAN.

WHEREAS, an application has been received Williams, on behalf of The Green Spot, LLC, for a conditional use permit for the operation of a marijuana retail facility at 2893 S. Big Lake Road, Suite 1, located within Township 17 North, Range 3 West, Section 21; Tax ID# 17873B04L001, Seward Meridian; and

WHEREAS, MSB 17.60.030(A)(4) requires a conditional use permit for the operation of a marijuana retail facility; and

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, marijuana retail facilities are declared to be a public nuisance; and

WHEREAS, the subject lot was developed for and has been used as commercial since 1983; and

WHEREAS, other than new signage and additional lighting, there are no planned changes to the exterior appearance of the existing structure; and

Adopted: September 18, 2017

WHEREAS, the proposed operation is wholly contained within Suite 1 of the existing commercial building; and

WHEREAS, South Big Lake Road is dominated by commercial and industrial uses on its frontage; and

WHEREAS, South Big Lake Road abuts the parcel to the west and West Lions Court abuts the parcel to the north; and

WHEREAS, the subject parcel is surrounded by commercial developments and vacant land; and

WHEREAS, to the south, southwest, and north there are commercial developments such as a construction business, a bar, and various retail businesses respectively. Behind the property to the east is an undeveloped property that is mostly forested. Across Big Lake Road to the west, there is a vacant parcel and an industrial utility building; and

WHEREAS, the attached map labeled "Building Uses and Topography" dated September 3, 2017 shows the commercial nature of the uses on South Big Lake Road; and

WHEREAS, the closest school (Big Lake Elementary School) is approximately 3,100 feet away from the proposed use; and

WHEREAS, Consumption of marijuana is prohibited at the site; and

WHEREAS, the subject lot has two legal access points. One onto South Big Lake Road and the other onto West Lions Court; and

Planning Commission Resolution 17-37 Adopted: September 18, 2017

WHEREAS, South Big Lake Road is classified as a Major Collector, which is capable of accommodating traffic generated by several commercial land uses; and

WHEREAS. West Lions Court is classified as a Minor Collector, which has the ability to accommodate high access to commercial land uses; and

WHEREAS, persons under the age of 21 are prohibited from entering the proposed facility; and

WHEREAS, according to the application material, the includes proposed use has a security plan in place which education of employees on all security measures; and

WHEREAS, according to the security plan, security cameras, motion detectors, and lighting will be used to monitor all activities at the facility; and

WHEREAS, after proper notification of the State of Alaska Alcohol & Marijuana Control Office; all marijuana products deemed unusable will be mixed with household food waste and dirt, and disposed of at a State of Alaska approved facility and in compliance with ADEC regulations; and

WHEREAS, the existing building is approximately 74 feet from the South Big Lake Road right-of-way, 100 feet front the south side lot line, 36 feet from the east side lot line, and approximately 37 feet from the West Lions Court right-of-way; and

Adopted: September 18, 2017

WHEREAS, the existing structure meets all applicable setback requirements required by MSB 17.55 - Setbacks and Screening Easements; and

WHEREAS, all of the required site plans and operational information have been provided by the applicant; and

WHEREAS, there is no industrial equipment or any processes that generate noise associated with the proposed use; and

WHEREAS, according to the application material, all marijuana will be stored in sealed, odor control packaging; and

WHEREAS, according to the application material, loitering will not be allowed; helping to ensure noise and odor will not be an issue; and

WHEREAS, on May 15, 2017, the State of Alaska Marijuana Control Board voted to approve The Green Spot Retail Marijuana Store License # 10060 with delegation; and

WHEREAS, a copy of the delegated approval for The Green Spot Retail Marijuana Store License # 10060 has been provided; and

WHEREAS, the State of Alaska Fire Marshal's office has issued Plan Review #2017Anch1358 for Tenant Occupancy Change, allowing The Green Spot, LLC to occupy Suite 1 of 2893 S. Big Lake Road; and

WHEREAS, the proposed use is approximately 567 square feet in size; and

Planning Commission Resolution 17-37

WHEREAS, the minimum parking spaces required for a facility 567 square feet in size is 2 spaces; and

WHEREAS, according to the site plan, 14 customer parking spaces will be provided; and

WHEREAS, according to the site plan, each space will be 20 feet in length and ten feet wide; and

WHEREAS, according to the site plan, each space will be 20 feet in length and ten feet wide; and

WHEREAS, ADA guidelines require one van accessible parking space with an eight-foot-wide parking isle, for every 1 to 25 spaces; and

WHEREAS, according to the site plan, one van accessible parking space with an eight-foot-wide parking isle will be provided; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.60.100, 17.60.150 and 17.60.170; and

Whereas, the Planning Commission conducted a public hearing on September 18, 2017 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 17-37:

Planning Commission Resolution 17-37 Adopted: September 18, 2017

- 1. The proposed use, with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).
- 2. The proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).
- 3. Sufficient setbacks, lot area, buffers and other safeguards are being provided (MSB 17.60.100(B)(3)).
- 4. The applicant has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).
- 5. The proposed use will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).
- 6. Measures are in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).
- 7. The proposed use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
- 8. The proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).
- 9. Documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60150(D)(1)).
- 10. The proposed use is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

Planning Commission Resolution 17-37 Adopted: September 18, 2017

- 11. The proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).
- The proposed use meets the minimum number of parking 12. space for retail facilities (MSB 17.60.170(B)).
- The proposed use complies with current ADA parking 13. space guidelines (MSB 17.60.170(C)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.60 and does hereby approve the conditional use permit for the operation of a marijuana retail facility, with the following conditions:

- 1. and/or operator shall comply with The owner all applicable state and local regulations.
- 2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
- 3. comply with The operation shall the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 - Noise, Amplified Sound and Vibration.
- 4. The hours of operation shall not exceed 9:00 a.m. -10:00 p.m., daily.

Adopted: September 18, 2017

Planning Commission Packet - April 18, 2022 Page 132 of 312

5. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.

6. Prior to operating, the ADA compliant parking space and access isle detailed in the application material shall be installed.

7. Prior to operating, a copy of all licenses issued by the State of Alaska Marijuana Control Board shall be provided the MSB Development Services Division.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this  $18^{\rm th}$  day of September, 2017.

COLLEEN VAGUE Chair

ATTEST

MARY BRODIGAN, Planning Clerk

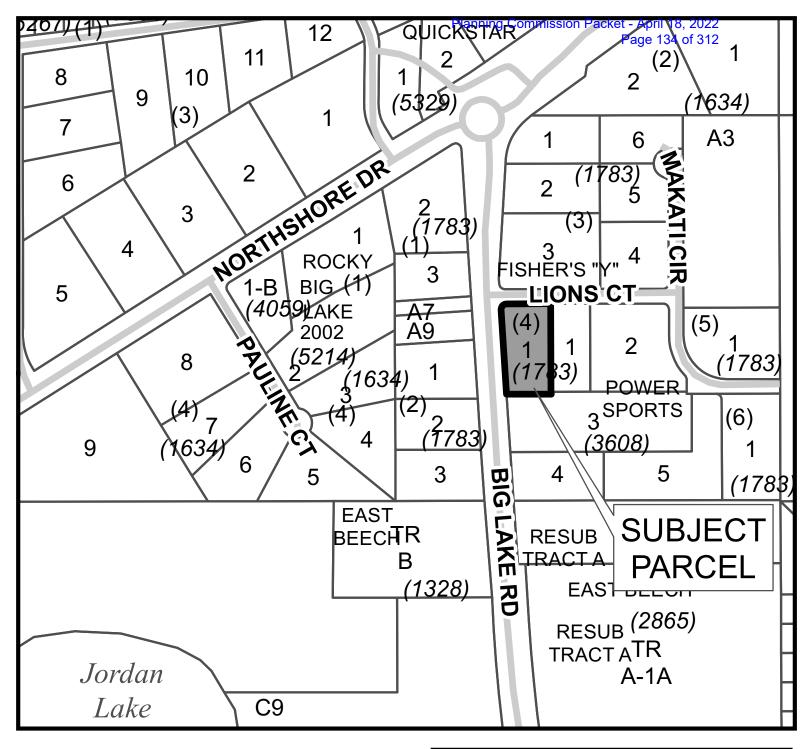
(SEAL)

الماليان ورووول

YES: Vague, and Rauchenstein Chesks, Elder, Glashan,

NO:

### **VICINITY MAP**

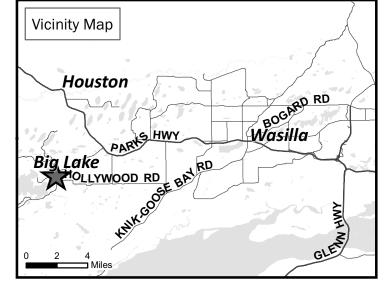


### 1783B04L001



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7801.

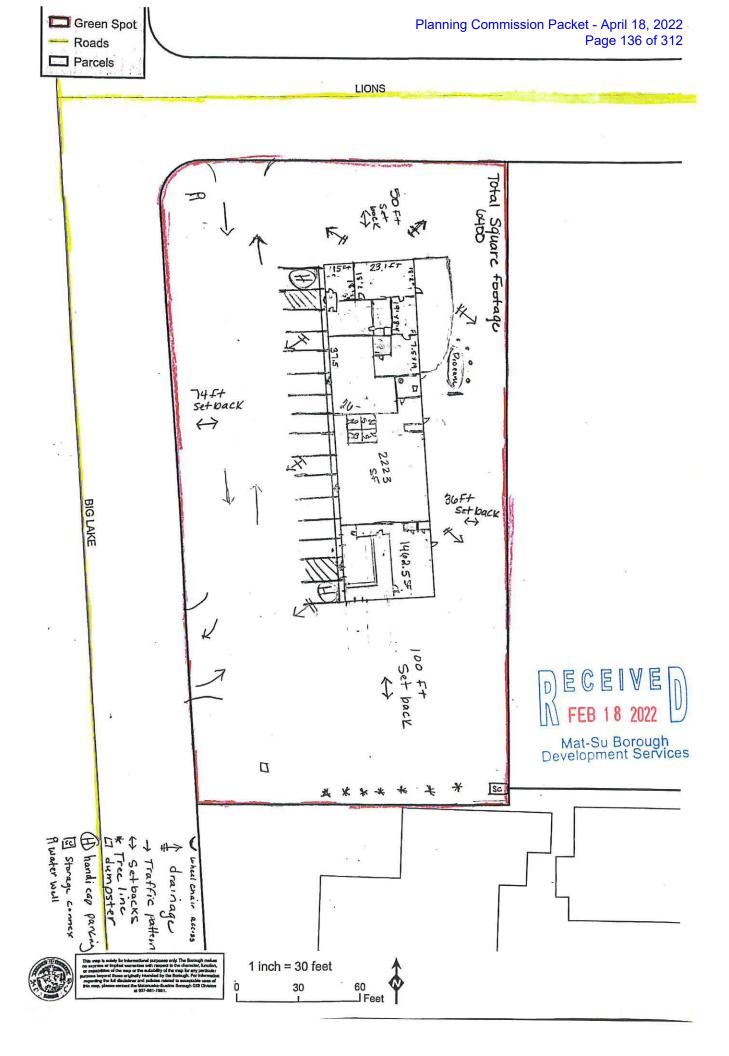




MSB Information Technology/GIS June 02, 2017

500

### **SITE PLAN**



### **APPLICATION MATERIAL**

## MAR.

### MATANUSKA-SUSIJENA:BORQUGH8, 2022

### Planning and Land Use Department 138 of 312 Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645 Phone (907) 861-7822 • Fax (907) 861-8158 Email: permitcenter@matsugov.us

### CONDITIONAL USE PERMIT FOR MARIJUANA RELATED FACILITIES – MSB 17.60

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

Mat-Su Borough Development Services the mailing and advertising fees associated with attement of advertising and mailing charges. In before the Borough Planning Commission.
ility: 7.60.160 (A) (B)
Facilities: applicable fire code – 17.60.150 (D) (2)
ection: 21, Meridian: Seward  BOYLOOL  OCK(S): 4, LOT(S): 1  Big Lake rd: # 4  of Uc,
e attached for an agent or contact person, if the
ched?  \( \text{Yes}  \text{No}  \text{N/A}
Jolyn Jilson
ailing: DO BOX 520964
319 Lake AK 99652 907-898-4411 HmFax
kCell_907-355-4410
mail JOJOTT @ MTADNLINE NET

Revised 7/21/21

Permit# <u>M</u>|0234

Page 1 of 3

Site Plan – Attach a detailed, to scale, site plan clearly showing the following information:	et - Abtilandhead 22
Proposed and existing structure(s) on the site. Indicate which structure(s) will be used	Page 139 of 312
for the proposed use. Dimensions and locations of all existing and proposed structures	
on the site in relationship to all property lines.	· ·
Signage – Existing and Proposed.	~
Location and dimensions for all access points to and from the site to public rights-of-	
way or public access easements.	
Buffering - Fences, vegetation, topography, berms, and any landscaping	~
Drainage	
Vehicular and pedestrian circulation patterns.	
Exterior site lighting.	
Location and dimensions of parking areas to be provided	
Scale and north arrow using standard engineering intervals such as 1" = 30', 1" = 50' or	
similar as required by project size.	V

Map – Attach a detailed, to scale, vicinity map clearly showing the following information:	Attached
Identify all existing land uses within 1,000 feet.	larana.
Scale and north arrow using standard engineering intervals such as 1" = 30', 1" = 50' or	
similar as required by project size.	

In order to grant a conditional use permit under MSB 17.60, the Planning Commission must find that each of the following requirements have been met. Explain the following in detail:	Attached
Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?	
Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?	V
Are sufficient setbacks, lot area, buffers and other safeguards being provided?	
Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to the conditional use in this section?	V
Describe measures taken to prevent any potential negative effect upon other properties in the area due to such factors as noise and odor.	<u></u>
Describe measures taken to reduce negative effects upon adjacent properties by:  Increased property line and right-of-way buffers  Planted berms and landscaping  Site and building design features which contribute to the character of the	
Surrounding area  Describe how this use is compatible with the character of the surrounding area.	V
Current status of State License application process – 17.60.150 (D) (1)	

evised 7/21/21	Permit#
evised //Z1/Z1	Perimit#

17.60.170 Standards for Marijua	na Retail Faciliti	es: Planning Commission Pa	icket - April 18, 2022		
Describe how the subject parcel is	appropriate for th	e proposed conditional use. Inclu-	de Fage 140 of 312		
information detailing:					
<ul> <li>The proximity of the property</li> </ul>	osed use to existin	g businesses;			
<ul> <li>The proximity of parcels of</li> </ul>	leveloped with res	idential uses;			
<ul> <li>Whether the roads associated</li> </ul>	ated with the pro	oposed use have been, or will b	e,		
appropriate for commercia	l use; and				
<ul> <li>Proposed hours of operation</li> </ul>	ons.				
Provide information showing mini	mum parking stan	dards have been met as required	ру		
MSB 17.60.170 (B) and (C).			· V		
Floor Plan for Marijuana Retai		ich a detailed, to scale, floor pla	Attached		
clearly showing the following inf	ormation:				
Dimensions of all structures.	Cil	1 1 60 1 1 1			
Interior floor plans (specific location		es to be made of the development	· V		
Net floor area square footage calcu	liations.				
OWNER'S STATEMENT: I am	owner of the follo	wing property:			
	•				
MSB Tax account #(s) 183 BOLOO and I hereby apply for approval of a conditional use permit to operate a marijuana related facility on the property as described in this application.					
property as described in this application.					
I understand all activity must be conducted in compliance with all applicable standards of MSB 17.60 and with all other applicable borough and state.					
I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.					
I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.					
I 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.					
Robert & John Signature: Property Owner	Jills-n	Robert & Jolyn 12 Printed Name J. LLSOn Date	-15.2021		
Signature: Agent		Printed Name Date			
Revised 7/21/21	Permit#		Page 3 of 3		

### ALCOHOL & MARIJUANA CONTROL OFFICE

State of Alaska / Commerce / Marijuana / License Search / License #10060

### **LICENSE NUMBER 10060**

Return to Search Results

License Number: 10060

License Status: Active-Operating

License Type: Retail Marijuana Store

Doing Business As: THE GREEN SPOT LLC.

**Business License Number: 1045783** 

Issue Date: 09/17/2021

Effective Date: 09/17/2021

Expiration Date: 08/31/2022

Email Address: jojo77@mtaonline.net

Physical Address: 2893 S. BIG LAKE RD. SUITE 1

BIG LAKE, AK 99652 UNITED STATES

Licensees: THE GREEN SPOT LLC. 10046281

Entity Officials: ROBERT JILLSON III

JOLYN JILLSON

Affiliates: ROBERT JILLSON III

JOLYN JILLSON

**Onsite Consumption Endorsement** 

Status:

**Approval Date:** 

Issue Date:

**Effective Date:** 

### Introduction

The green spot LLC is seeking to relocate for the purpose of selling retail cannabis at 2893 S Big Lake Rd Big Lake Alaska 99652. The establishment is co-locating with Bobs mini market. Attached you will find the required documents for completion of the permitting process. The green spot is owned by Robert (Bobby) and Jolyn Jillson and we look forward to working closely with the borough in order to quickly complete the permitting process.

Hours of operation the green spot is open for business 10:00 AM to 10:00 PM seven days of the week.

The green spot is located on the corner of South Big Lake road and West lions court in Big Lake. The new location would be located at the same address only at the opposite end of the building unit 4. The total size of the new location is 1462.5 square feet this will allow for more space for packaging, employee workspace and space for our customers to social distance.

### Loitering prevention

The green spot is a small establishment and therefore loitering and noise are not a realistic problem we will face at this time period. however, Employees are required to keep customer interactions to no longer than 10 minutes, in the previous years we have been in operation transactions are usually no longer than 3-5 minutes per customer and employees are trained on how to diffuse difficult situations for the purpose of maintaining a calm and professional purchasing experience for our customers.

No onsite consumption, odor mitigation is unnecessary.

At this time, no consumption of marijuana or marijuana Products will be allowed on site by any guest or employee as we do not have nor intend to have an onsite consumption endorsement. Therefore, the retail store will emit no odor of marijuana to be mitigated. The site has ample parking spaces accessible to the establishment which is far and above the permit requirements.

Site location details:

The location of the site is far outside any buffer zones for protected uses.

The site is..

- > 3/4 mile from the nearest school.
- > 1700 feet West of Big Lake lions Recreation Center.
- > 323 feet from neighboring businesses. Nails hair salon, Big Lake liquor.
- > 137 feet north of Carl And Melanie Swensons building which consists of Big Lake Arctic Cat, a storage facility and apartments in the upper level.

### Signage and advertising,

The green spot will have one external sign with green blocked letters affixed to the top of the building.

One of the same blocked letters in sticker form in the window.



Internal and external advertising will not promote curative or therapeutic effects or excessive consumption. All advertising will avoid false or misleading claims allowing methods applied and a page of 21 consuming a marijuana product. Advertising will also avoid the use of cartoons or images that appeal to children or those who are under 21 years of age.

### Security plan

As longtime community members we value the safety and comfort of our residents and therefore will meet all required security measures by the state for marijuana related establishments. There will be sufficient exterior lighting and camera coverage to cover 20 feet outside of the location and every inch of the establishment except for the bathroom.

### Wastewater and waste material plan

The green spot is committed to preventing diversion through the consumption of waste products.

Waste determination is defined as if the product is its cured form and something that could not be sold to the public it will be recorded as waste. If the product is not labeled and packaged in accordance with the packaging guidelines in chapter 306 it will be recorded as waste.

All marijuana and marijuana products that are removed from inventory as waste will be Recorded in metric and held in a locking compost bin in the storage area. The owners will remove the compost and take it to an approved location, after three days has been given to AMCO as required.

Liquid product waste will consist of handwashing and mop waters.

As stated above the director will be notified three days in advance of waste product removal and will be recorded in metric.

The compost mixture will include grasses and leaves and food scraps and soil. All marijuana waste will be broken down and mixed which the soil mixture to begin composting process.

Once waste has been created or discovered it will be weighed and logged in metric and placed in a locking plastic bin in the storage area. When that bin is nearing full it will be flagged for waste removal in metric and the director will be notified.

### Neighborhood compatibility

We believe that our proposed facility relocation will not detract from the value, Character and integrity of the surrounding area. The green spot team believes that granting our conditional use permit will diminish unregulated market activity of sales of marijuana and marijuana products allowing our community the ability to decrease access to underage consumers of marijuana and marijuana products as it has done in Colorado.

We are all aware that many residents of Big Lake area consume cannabis already. Approving our Relocation would provide a space for those residents to obtain legal, regulated, dosed and tested marijuana and marijuana products. As the market normalizes, we will see diminished unregulated market activity and less access to underage consumers just as alcohol converted to a regulated market in 1933 and the years that followed.

Thank you for taking the time to consider our relocating proposal,

Robert C jillson III/Jolyn Jillson
The green spot LLC
2893 S Big Lake Rd.
Big Lake Alaska 99652
Attention; matanuska susitna borough
Planning in Land use Department
Development Service Division
350 E dahlia Ave

Palmer AK 99645

Planning Commission Packet - April 18, 2022 Page 144 of 312

subject conditional use permit application for marijuana retail facility relocation current location 2893 S Big Lake Rd suite 1 proposed location 2893 S Big Lake Rd suite 4 Tax # 17838B0L001

Matanuska borough Planning Commission questions

### Is the conditional use compatible with and will it preserve or not material detract from the value, character and integrity of the surrounding area?

Yes, a conditional use permit for the green spot LLC will preserve and has not material detracted from the value or character of our surrounding area. The green spot LLC has been located in a commercially used area of Big Lake. We have notified our surrounding business owners of our potential business relocation. We have not had any opposition regarding our potential relocation. Our business neighbors seem to have welcomed the idea.

### Will the granting of the conditional use permit be harmful to the public health, safety, Convenience and welfare?

No the granting of this conditional use permit to The green spot LLC relocation will only promote public safety by providing a safe location for purchasing tested, regulated and taxed marijuana for Matanuska Susitna borough residents. The green spot LLC has high quality security system along with strict security plan, waste management plan, diversion prevention plan an loitering prevention plan which will enhance the safety of the residents of the Matanuska Susitna borough.

### Are sufficient setbacks, lot areas, buffers and other safeguards being provided?

Yes, the green spot LLC setbacks are sufficient we have a 50 foot set back on the north side of the current location of the green spot LLC on the east side of the green spot Llc we have a 36 foot set back. At the South end we have a conservative 100 foot setback, to the West we have a 74 foot set back. On the South side there is somewhat of a tree stump and dirt berm and small wooded area between Our proposed location and Big Lake Arctic Cat. To the east of the green spot LLC is an undeveloped lot period to the West is South Big Lake Rd on the West side of South Big Lake Rd is MTA business.

Does the conditional use permit fulfill all other requirements of Matanuska Susitna Borough chapter 17.60 pertaining to the conditional use in this section?

Yes, we fulfill all other requirements set out in Matanuska Susitna Borough chapter 17.60.

Describe measures taken to prevent any potential negative effect upon other properties in the area due to such factors as noise or odor?

Planning Commission Packet - April 18, 2022

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The green spot LLC is taking preventative measures to ensure that odor is not an issue, being that on site consumption is not allowed and odor controlled packaging will be used. Odor will not be an issue, noise also should not be an issue. No cartoon type characters or other marijuana depicting signs will be used. Signs will be plain green blocked letters no larger than 4800 square inches to be in compliance with statues set by AMCO.

# Nonconforming use/ structures:

This proposed facility will not be an expansion it is an existing legal conforming structure. The proposed facility is an existing unit in a longstanding building it has law full existed in the core Big Lake area since the early 1980s. Our location is a legal conforming business location and has been for 35 plus year period the building itself was built in the early 1980s as a laundromat in the years since it was built there has been no 12 months lapse in business and it has been a home to several different businesses. The unit that we are proposing to relocate to has been home to several different types of retail businesses in example a laundry facility, Mini market, Esspresso and a garden supply store.

### Security/security plans

I have provided a copy of the entire security pack it it will allow you to see actual views as well as placement and types of cameras. The security system is monitored 24 hours a day by Cordoso IT solutions LLC. The security system consists of multiple cameras, panic button, security pad window /glassbreak sensors and motion sensors. It ensures that if ever there is a breach in the system during close operation hours local authorities are called immediately as well as the business owners. The green spot LLC has two panic buttons to ensure that if the business is robbed the employees can signal the local authorities immediately as well. If ever there is such we have a strict policy to stay calm, render the money and comply with all demands to ensure the safety of all employees and customers in the event there are customers while a crime was committed. They will immediately lock all doors after the perpetrator has left they will stay in locked down until police arrived, they will stay in give statements to local authorities. All camera footage will be provided to the police. Our security and video surveillance system is a high quality commercial system it is monitored 24 hours a day by Cordoso IT solutions LLC. I am aware my explanation of security is a bit vague however this information is I believe made public and letting the public see your exact security plan could potentially cause a breach in security. All employees are required to pass a background check and have current marijuana handlers permit. All employees of The green spot LLC will have an ID badge. All employees of the green spot LLC are required to have their marijuana handler permit on them at all times or on premise while working. There will also be a copy of them in the employees personnel files. Employee badges will have employees names, position and photograph on them. ID badges are for all employees being full time or part time. ID badges can be and will be revoked immediately for misuse. The ID may only be used by the employee it was issued to with no exceptions.

# Describe measures taken to reduce negative effects upon adjacent properties by:

The green spot LLC has taken many measures to be a positive impact in our community and prevent negative effects from our business. We have a well maintained lot that is completely paved with ample

parking meeting ADA guidelines. Our signage will not depict any marijuana pictures or characters as not to appeal to underage persons. It is a plain blocked lettered signal to underage persons. It is a plain blocked lettered signal to underage persons. It is a plain blocked lettered signal to underage persons. It is a plain blocked lettered signal to underage persons. It is a plain blocked lettered signal to underage persons. It is a plain blocked lettered signal to underage persons.

# Waste/ Waste removal

Our waste container will be a small lockable tote that will be located in the security/storage area of the green spot LLC. Accessible only by the green spot LLC employees. Once the compost has been recorded into metric system and three days notice then given to Amco it will be mixed with other household food waste and dirt. It will be then move from the green spot LLC to an AMCO approved facility. Always will be logged in a logbook with date and time what the waste was how much there is. Our waste bin will be located in such a place where all actions will be recorded to detour diversion. Being that we are retail store there should not be an abundance of waste.

### **Driveway permits**

Driveway permits were obtained in 2017 during the process of our first conditional use permitting process. Two driveway permits one through the Matanuska Susitna Borough from the driveway that pulls out onto lions ct. and one through the state of Alaska for the driveway that pulls in and out of S. Big Lake rd.

# **Outdoor lighting**

The lighting on the front part of the building West facing side there are 16 lights. They are mounted on the underside of the overhang above the sidewalk that illuminates the entire 160 foot length. On the north facing side we have 5 mounted. On the rear side of the building east facing side we have outdoor lights at every rear door and a couple spotlights for darker areas during winter months. There is sufficient lighting to clearly identify a person 20 foot from the licensed premises exterior points.

### Drainage

The water usually runs north to South in the parking lot it runs down to the low side South side of the parking lot to the ditch and culvert. We do our best to keep it plowed and sanded in the winter months. During spring and summer it runs off pretty quickly so there are not large puddles of standing water.

#### Describe how this is compatible with the character of the surrounding area?

We are located in the heart of the commercial area of Big Lake. We are surrounded by commercial businesses in every direction.

#### Signage

The green spot LLC has one sign fixed to the rooftop with plain green blocked lettering. There is also the same sign in sticker form attached to the window, no larger than 48 square inches. We have no loitering and no one under the age of 21 signs on the outside of the store.

**Current status of license application:** in progress conditional use permit must be obtained prior to premises relocation.



**West Lakes Fire Department** Hwy. Wasilla, Alaska 99623

10073 W. Parks

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Planning Commission Packet - April 18, 2022

Phone:

(907) 861-8200 / Fax: (907) 861-8190

Access Letter 12/8/2021

Robert and Jolyn Jillson The Green Spot 2953 S. Big Lake Rd. Big Lake AK, 99623

This letter is in regards to an access letter needed by the State of Alaska Fire Marshalls office of Life and Safety for emergency access to your retail Business. The retail shop is being relocated from the north side of your strip mall to the far south end of your building. Assistant Chief James Keel completed a site survey along with an initial brief pre-fire plan of the Business. The West Lakes fire department has no issues with access to the building or the property. There is ample room for first arriving units along with additional room for staging multiple apparatus. Water supply is no issue since your Business is located less than a quarter mile away from station 81 this also includes multiple fill sites and two additional fire Departments stations within five miles of your location. The West Lakes fire Department will require an additional Knox box be added to the new location of the retail store for afterhours emergencies should they arise. West-Lakes fire Department would also require a full pre-fire plan be completed prior to the Business opening. If you any questions feel free to contact me.

Respectfully

Assistant Chief James Keel West Lakes Fire Department 10073 W. Parks Hwy Wasilla AK, 99623 Desk: 907-861-8085 Cell: 907-354-8211



Planning Commission Packet - April 18, 2022 Control Office Alcohol and Marijuana Control Office Page W 2024 Control Office Page W 2024 Control Office Anchorage, AK 99501

MJ License #:

marijuana.licensing@alaska.gov

https://www.commerce.alaska.gov/web/amco Phone: 907.269.0350

10060

**Alaska Marijuana Control Board** 

# Form MJ-14: Licensed Premises Diagram Change

# What is this form?

Licensee:

This licensed premises diagram change form is required for all marijuana establishment licensees seeking to alter the functional floor plan or reduce or expand the area of the establishment's existing licensed premises.

The required \$250 change fee may be made by check, cashier's check, or money order.

Enter information for the business seeking to be licensed, as identified on the license application.

The Green Spot LLC

Any other areas that must be labeled for specific license types

This form must be completed and submitted to AMCO's main office prior to altering the existing floor plan, and along with an initiated application for an Onsite Consumption Endorsement if applicable. The licensed premises may not be altered unless and until the application has been approved by the board.

Section 1 – Establishment Information

License Type:	Marijuana Retail				
Doing Business As:	The Green Spot				
Premises Address:	2893 S. Big Lake Rd. U	Jnit #1			
City:	Big Lake	State:	Alaska	ZIP:	99652
10 m	Section 2 – Re	quired Information			
For your security, do not	t include locations of security camer		Company of the Company	nd other	security devices.
la mer et a samt amanda i distributi					
The following details m	iust be included:				
License num	nber and DBA				
☑ Legend or k	ey				
✓ Color coding					
□ Dimensions					
Labels					
True north					
Surveillance					
Restricted a	emises boundary				
Storage are	as exits, and windows				
	tions, and counters				
- vvaiis, parti	tions, and counters				

Items marked with a double asterisks (\*\*) are only required for those retail marijuana establishments that are submitting the MJ-14 form in conjunction with an onsite consumption endorsement application.

[Form MJ-14] (rev 4/25/2019)

Serving area\*\*

MA Employee monitoring area\*\*

**™** Ventilation exhaust points, if applicable\*\*

Page 1 of 3



# Form MJ-14: Licensed Premises Diagram Change

Section	3 -	Summary	of	Changes
---------	-----	---------	----	---------

Provide a summary of the changes for which you are requesting approval.

Relocating from unit#1 to unit #4 at the Same address, Same building.

# Section 4 – Declarations

Read each statement below, and then sign your initials in the corresponding box to the right [if applicable]:	Initials
f a local building permit is required, I have attached a copy of it to this form.	d
The proposed changes conform to all applicable public health, fire, and safety laws.	d
have included a title, lease or other documentation showing sole right of possession to the additional area(s) if the additional area(s) are not already part of my approved licensed premises.	4

As a marijuana establishment licensee, I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete. Signature of licensee

My commission expires: 9/21/2024

Subscribed and sworn to before me this 11 day of January, 20 22.

[Form MJ-14] (rev 4/25/2019)

10060

Page 2 of 3



# Alaska Marijuana Control Board

# Form MJ-14: Licensed Premises Diagram Change

S	ection 5 – Approvals		
Local Government Review is required to be comple	ted before submission to the Alcohol and Mariju	iana Control Office.	200 0000
Local Government Review (to be completed by an	Yes No	o Pending	
The proposed changes shown on this form conform			
A local building permit is required for the proposed	d changes.		
Signature of local government official	Building Permit #	Date	
Printed name of local government official	Title	er o	
The state of the s	ction 6 – AMCO Review	16	
AMCO Review:		Approved	Disapproved
Signature of AMCO Enforcement Supervisor	Signature of Director		
Printed name of AMCO Enforcement Supervisor  AMCO Comments:	Printed name of Director	Date	
	Equipped to the second of the	10 L	

[Form MJ-14] (rev 4/25/2019)

license # 10060

Page 3 of 3



# Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY Plan Review Bureau - Anchorage

> 5700 East Tudor Road Anchorage, Alaska 99 507-1225 Main; 907,269,2004 Fax: 907,269,0098

January 07, 2022

Robert & Jolyn Jillson The Green Spot, LLC PO Box 520964 Big Lake, AK 99652

SUBJECT:

Eastshore Business Park (2893 S Big Lake Rd) -

Renovation / Remodel

CITY:

Big Lake

PLAN REVIEW:

2021Anch1770

OCCUPANCY:

F-1

2012 INTERNATIONAL BUILDING AND FIRE CODE

-Dear Robert & Jolyn Jillson:

Plans for the Renovation / Remodel have been reviewed by this office for conformity with the State Fire Safety Regulations and are hereby approved. Enclosed is a certificate of approval that must be posted on the premises until the project has been completed according to the approved plans and all regulations have been adhered to.

Approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulations of the Municipal Government.

It must be understood that the inclusion of and compliance with State Fire Safety Regulations does not preclude the necessity of compliance with the requirements of local codes and ordinances.

If we can be of further assistance in this matter, please feel free to contact us at the address above.

Sincerely.

Steven Josten

Plans Examiner

Enclosure:

Approval Certificate

# State of Alaska Office of the State Fire Marshal Plan Review

This is to certify that the plans for this building were reviewed by the State Fire Marshal on January 07, 2022 for conformance with AS 18.70.010 -- 100; 13 AAC 50.027.

This certificate shall be posted in a conspicuous place on the premises named Eastshore Business Park (2893 S Big Lake Rd)

and shall remain posted until construction is completed.

NOTICE: Any changes or modifications to the approved plans must be resubmitted for review by the State Fire Marshal.

Plan Review #: 2021Anch1770

Authority: AS 18.70.080

Form: 12-74 Renovation / Remodel ONLY

Steven Josten Plans Examiner PLANNING COMMISSION

SEPTEMBER 18, 2017

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Matanuska - Susitna Borough Development Services

Permit No. 27534

JUL 0 6 2017



# State of Alaska

Department of Transportation and Public Facilities

# Driveway Permit #27534

This permit allows the owner to construct and maintain a driveway within a State owned highway Right of Way.

Owner:

Robert C. Jilson, III & Jolyn Jilson

Mailing Address:

P.O. Box 520964 Big Lake, AK 99652

Driveway location (highway, address, subdivision, legal description milepost, etc.)

Big Lake D/W - 2893 S. Big Lake, Tax ID #1783B4L001

Plat 79-440 - SOA PJ #STP0001(115)

# Design Criteria

Driveway width	29	Feet	Road surface type		Paved
Left edge clearance	187	Feet	Shoulder type		Gravel
Right edge clearance	61	Feet	Landing surface type		Asphalt
Left return radius	24	Feet	Left driveway fore slope		3:1
Right return radius	24	Feet	Right driveway fore lope		3:1
Shoulder width	4	Feet	Ditch depth	2	Feet
Approach angle	90	Degrees	Culvert Type	Alur	ninum/Steel
Landing grade	1	Percent	Culvert Size	18	Inches
Landing length	74	Feet	Culvert Length	65	Feet

This permit applies only to the State right of way.

This permit grants permission for a driveway allowing access to and from your property onto a State maintained highway. It does not permit the following within the right of way or within that portion of a driveway that is within the right of way: (1) Parking of vehicles "for sale"; (2) Obstructions of any kind (i.e. logs, cables, fencing, etc.); (3) Advertising signs or banners/flags; (4) Parking vehicles with signs/advertising on the side.

A driveway constructed under permit within a highway right-of-way is the property of the State, but all cost and liability arising from the construction, operation, or maintenance of a driveway is at the sole expense of those lands served.

Page 1 of 4

Page 235

Permit No. 27534

If driveway construction or maintenance interferes with the public's safety and/or use of facilities within State owned right of way, you will be directed to stop work until adjustments are made.

While doing construction or maintenance activities do not park equipment or stockpile material on the shoulder during non-working hours.

Owner is responsible for sight distance clearing of brush and obstructions adjacent to their property

Contact the Department for information about acceptable driveway markers (i.e., size, materials, distance, etc.) for placement within the right of way.

Attachments included as part of this permit are:

· Site Plan

I, <u>Robert J. Ilsoo</u> III, acknowledge and accept that Bob's Mini Market will comply with all the provisions and conditions that the Department of Transportation and Public Facilities has included as a condition of issuing this permit.

Owner Signature

Date

DOT&PF Signature

\_

Page 3 of 4



# MATANUSKA-SUSITNA BOROUGH Development Services Division Permit Center

350 East Dahlia Avenue • Palmer, AK 99645 Phone (907) 861-7822 • Fax (907) 861-8158 permitcenter@matsugov.us

# FINAL DRIVEWAY ACCEPTANCE

# PERMIT # D017223 TAX PARCEL ID # 1783B04L001

September 18, 2017

The Matanuska Susitna Borough has performed the Final Inspection of your driveway. The driveway has been adequately constructed to Borough standards and to the conditions outlined by the initial driveway inspector. Your Approved Driveway Permit number is listed above.

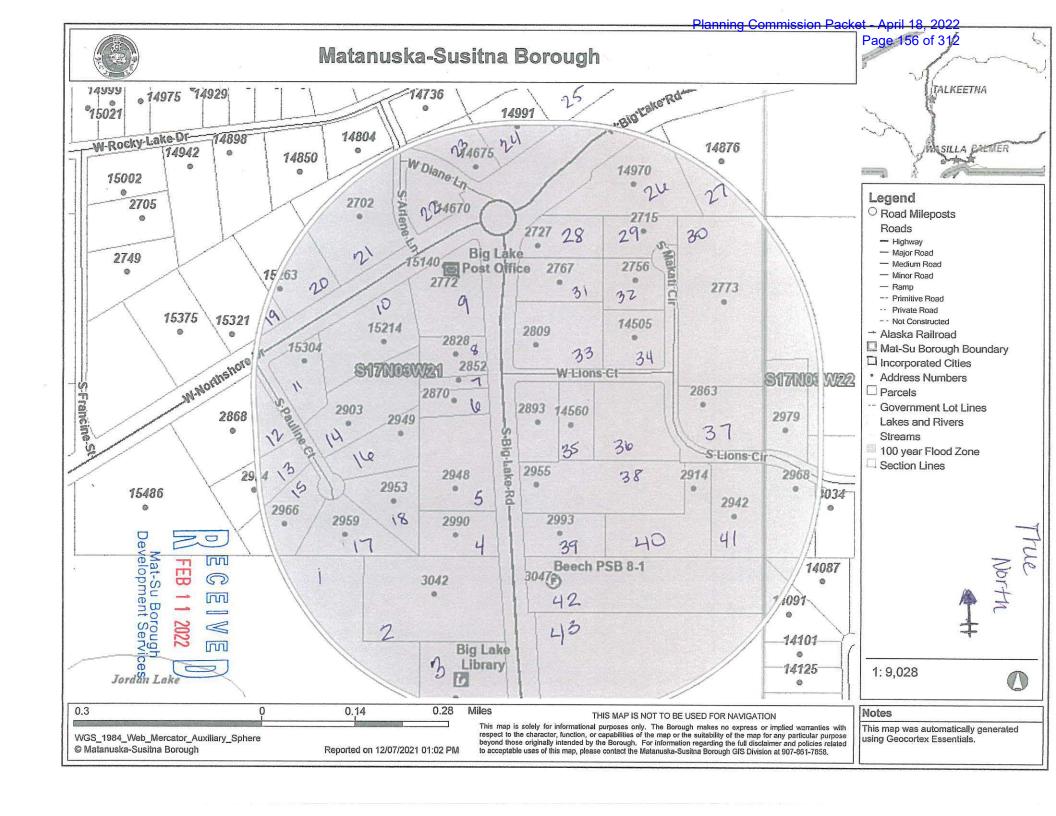
Please keep this letter.

If you have any questions, please call 861-7822, be sure to reference your permit number.

If any changes or improvements need to be made to this driveway, you will need to re-apply for a new driveway permit. Remember to maintain your driveway and help lower maintenance costs to the Borough. Annually clean out deposited materials in your culvert, ditches, and remove any light brush in the right-of-way that may grow up and block your line of sight of the road and traffic.

Sincerely,

Michelle Olsen, CFM Permit Technician



Planning Commission Packet - April 18, 2022 Page 157 of 312

- Chen Ming Tze (Res)
- 2. Redus one (com)
- 3. Big Lake Library(com)
- 4. R&B Alaska(com)
- 5. Redus one (com)
- 6. MTA (com)
- 7. MTA (com)
- 8. Fishers Y (com)
- 9. Post Office (com)
- 10. Robert & Barbara Fisher(Res)
- 11. Robert & Barbara Fisher (RES)
- 12. Cole Family trust (Res)
- 13. Cole Steven & Kathleen(Res)
- 14. Fait Gary(Res)
- 15. Cole Steven & Kathleen(Res)
- 16. Maslanka William(Res)
- 17. Baker Robert(Res)
- 18. Brotzman Misty(Res)
- 19. Mcghan Construction(com)
- 20. Craig Troy(Res)
- 21. Weaver Janet (Res)
- 22. Cloud Nine investments(com)
- 23. Pankowski James & Diane(Com)
- 24. Rebel Land and Dev Ilc (COM)
- 25. Rmb Ilc (com)
- 26. Robert & Barbara Fisher(COM)
- 27. Robert & Barbara Fisher(com)
- 28. Fishers y (com)
- 29. Fishers y (com)
- 30. Lannett Ernest & Lisa
- 31. Redus one (Com)
- 32. Fishers y (com)
- 33. Fishers Y (Com)
- 34. Fishers y (com)
- 35. Fishers y(com)
- 36. Fishers Y (Com)
- 37. Big Lake Lions (com)
- 38. Swenson Carl & Melanie (com)
- 39. Mat su borough
- 40. Steinau Katherine(Res)
- 41. Big Lake Lions(Com)
- 42. Mat su borough
- 43. Redus one (com)

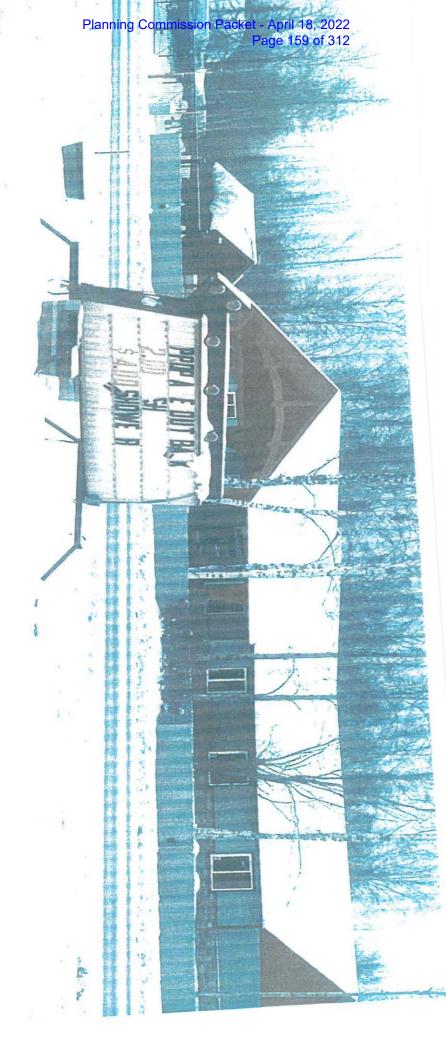






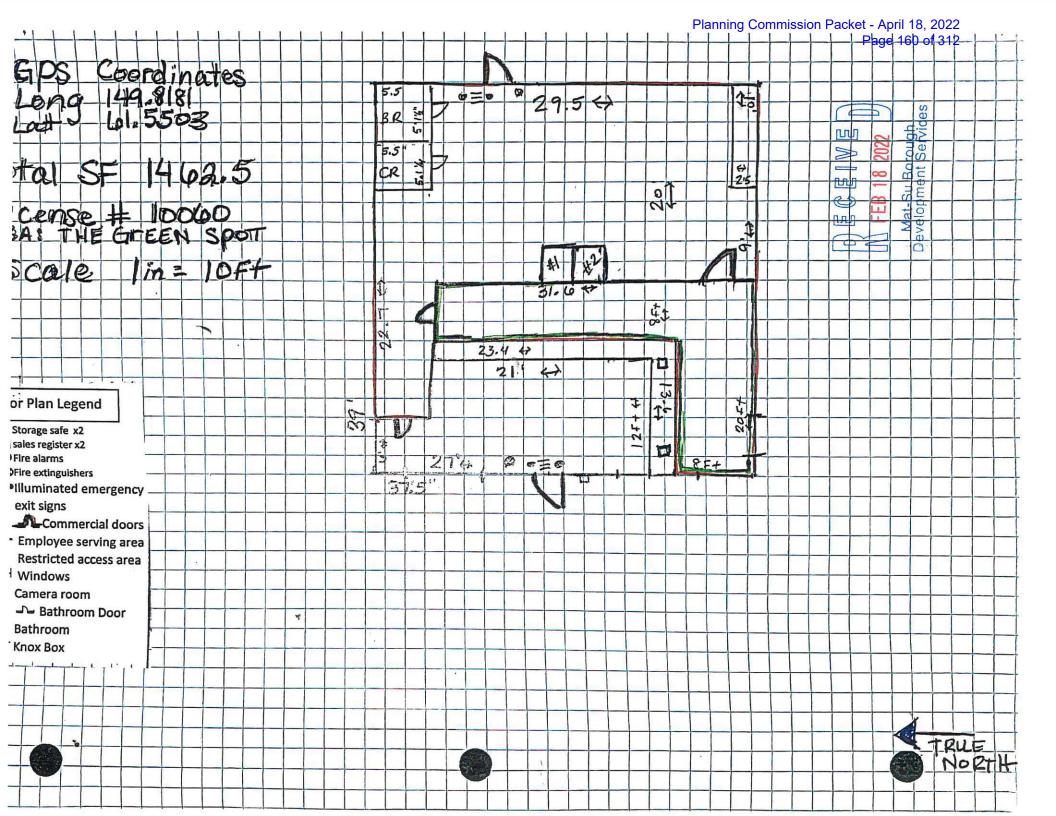






DECEIVE N FEB 1 1 2022

Mat-Su Borough Development Services



# **COMMENTS**

# **Mark Whisenhunt**

From:

Jamie Taylor

Sent:

Friday, March 25, 2022 6:36 PM

To:

Mark Whisenhunt

Cc:

Elaine Flagg

Subject:

RE: Request for Comments: Green Spot 2022

#### No comment.

Jamie Taylor, PE (she/her)
Civil Engineer
Matanuska-Susitna Borough
Department of Public Works
t: 907-861-7765 c: 907-355-9810

jamie.taylor@matsugov.us http://www.matsugov.us/

From: Mark Whisenhunt < Mark. Whisenhunt@matsugov.us>

Sent: Friday, February 25, 2022 9:59 AM

**To:** allen.kemplen@alaska.gov; melanie.nichols@alaska.gov; mearow@matanuska.com; row@enstarnaturalgas.com; row@mtasolutions.com; ospdesign@gci.com; Fire Code <Fire.Code@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>;

Eric Phillips < Eric. Phillips@matsugov.us>; Terry Dolan < Terry. Dolan@matsugov.us>; Jamie Taylor

<Jamie.Taylor@matsugov.us>; Brad Sworts <Brad.Sworts@matsugov.us>; Charlyn Spannagel

<Charlyn.Spannagel@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean

<Andy.Dean@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; mokietew@gmail.com; Bill Gambel <akchief@mtaonline.net>; Jeff Ross <alaskajeff@hotmail.com>; Dave Malo <chinookdesigns@hotmail.com>; Jill Parson <jparson@mtaonline.net>; Becky Reeves <chinook 99516@yahoo.com>; Terry Gorlick <terryg@ak.net>

Subject: Request for Comments: Green Spot 2022

Date:

February 25, 2022

To:

Various Agencies

From:

Mark Whisenhunt, Planner II

Subject:

Request for Review and Comments

Project:

Conditional Use Permits for a marijuana retail facility.

Location:

2893 S. Big Lake Road Unit #4 (Tax ID# 1783B01L001); within Township 17 North, Range 3 West, Section

21 Seward Meridian

Applicant:

Jolyn Jillson, dba The Green Spot, LLC

An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the operation of a marijuana retail facility. This existing facility is proposing to move from Unit #1 to Unit #4 within the same building. The Planning Commission will conduct a public hearing for this request on April 18, 2022.

Application material may be viewed online at <a href="https://www.matsugov.us">www.matsugov.us</a> by clicking on "All Public Notices & Application material is here:

A direct link to the application material is here:

# https://www.matsugov.us/publicnotice/the-green-spot-2022-marijuana-retail-facility-conditional-use-permit

Written comments are due on or before <u>March 25, 2022</u> and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Respectfully,

Mark Whisenhunt Planner II Matanuska-Susitna Borough Office: (907) 861-8527

mark.whisenhunt@matsugov.us

# **Mark Whisenhunt**

From:

Theresa Taranto

Sent:

Tuesday, March 1, 2022 12:47 PM

To:

Mark Whisenhunt

Subject:

RE: Request for Comments: Green Spot 2022

FIRM 8015, X Zone No other comments.

Thank you,

# Theresa Taranto

Mat-Su Borough Development Services Administrative Specialist

350 E Dahlia Ave. Palmer, Alaska 99645 907-861-8574 www.matsugov.us

From: Mark Whisenhunt < Mark. Whisenhunt@matsugov.us>

Sent: Friday, February 25, 2022 9:59 AM

**To:** allen.kemplen@alaska.gov; melanie.nichols@alaska.gov; mearow@matanuska.com; row@enstarnaturalgas.com; row@mtasolutions.com; ospdesign@gci.com; Fire Code <Fire.Code@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jamie Taylor

<Jamie.Taylor@matsugov.us>; Brad Sworts <Brad.Sworts@matsugov.us>; Charlyn Spannagel

<Charlyn.Spannagel@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean

<Andy.Dean@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; mokietew@gmail.com; Bill Gambel <akchief@mtaonline.net>; Jeff Ross <alaskajeff@hotmail.com>; Dave Malo <chinookdesigns@hotmail.com>; Jill Parson <jparson@mtaonline.net>; Becky Reeves <chinook\_99516@yahoo.com>; Terry Gorlick <terryg@ak.net>

Subject: Request for Comments: Green Spot 2022

Date:

February 25, 2022

To:

Various Agencies

From:

Mark Whisenhunt, Planner II

Subject:

Request for Review and Comments

Project:

Conditional Use Permits for a marijuana retail facility.

Location:

2893 S. Big Lake Road Unit #4 (Tax ID# 1783B01L001); within Township 17 North, Range 3 West, Section

21 Seward Meridian

Applicant:

Jolyn Jillson, dba The Green Spot, LLC

An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the operation of a marijuana retail facility. This existing facility is proposing to move from Unit #1 to Unit #4 within the same building. The Planning Commission will conduct a public hearing for this request on April 18, 2022.

Application material may be viewed online at <a href="www.matsugov.us">www.matsugov.us</a> by clicking on "All Public Notices & Announcements." A direct link to the application material is here:

https://www.matsugov.us/publicnotice/the-green-spot-2022-marijuana-retail-facility-conditional-use-permit

Written comments are due on or before <u>March 25, 2022</u> and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Respectfully,

Mark Whisenhunt Planner II Matanuska-Susitna Borough Office: (907) 861-8527

mark.whisenhunt@matsugov.us



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department, Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

February 25, 2022

Matanuska-Susitna Borough, Planning Division 350 East Dahlia Avenue Palmer, AK 99645-6488

To whom it may concern:

ENSTAR Natural Gas Company has reviewed the following conditional use permit request and has no comments or recommendations.

• Green Spot 2022- Conditional Use Permit (MSB Case # 17.60)

If you have any questions, please feel free to contact me at 334-7944 or by email at james.christopher@enstarnaturalgas.com.

Sincerely,

James Christopher

Right of Way & Compliance Technician

**ENSTAR Natural Gas Company** 

James Christopher

**Public Comments** 

# Staff did not receive any comments from the public in reference to this item.

# PLANNING COMMISSION RESOLUTION

By: Mark Whisenhunt

Introduced: April 4, 2022 Public Hearing: April 18, 2022

Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-09

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 2893 SOUTH BIG LAKE ROAD, UNIT 4, TAX ID# 1783B04L001, WITHIN TOWNSHIP 17 NORTH, RANGE 3 WEST, SECTION 21, SEWARD MERIDIAN.

WHEREAS, an application has been received from Jolyn Jillson, dba The Green Spot, LLC, for a conditional use permit for the operation of a marijuana retail facility at 2893 S. Big Lake Road, Unit 4, Tax ID# 17873B04L001, within Township 17 North, Range 3 West, Section 21;, Seward Meridian; and

WHEREAS, MSB 17.60.030(A)(4) requires a conditional use permit for the operation of a marijuana retail facility; and

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, marijuana retail facilities are declared to be a public nuisance; and

WHEREAS, the subject lot was developed for and has been used as commercial since 1983; and

WHEREAS, other than new signage and additional lighting, there are no planned changes to the exterior appearance of the existing structure; and

WHEREAS, the marijuana retail facility is currently operating in Unit 1 of the same building, as approved in Conditional Use Permit # 176020170014; and

WHEREAS, the proposed operation is wholly contained within unit 4 of the existing commercial building; and

WHEREAS, South Big Lake Road is dominated by commercial and industrial uses on its frontage; and

WHEREAS, South Big Lake Road abuts the parcel to the west and West Lions Court abuts the parcel to the north; and

WHEREAS, the subject parcel is surrounded by commercial developments and vacant land; and

WHEREAS, to the south, southwest, and north there are commercial developments such as a construction business, a bar, and various retail businesses respectively. Behind the property to the east is an undeveloped property that is mostly forested. Across Big Lake Road to the west, there is a commercial building and an industrial utility building; and

WHEREAS, the attached map labeled "Land Use" dated April 6, 2022 shows the commercial nature of the uses on South Big Lake Road; and

WHEREAS, the closest school (Big Lake Elementary School) is approximately 3,100 feet away from the proposed use; and

WHEREAS, Consumption of marijuana is prohibited at the site; and

WHEREAS, the subject lot has two legal access points. One onto South Big Lake Road and the other onto West Lions Court; and

WHEREAS, South Big Lake Road is classified as a Major Collector, which is capable of accommodating traffic generated by several commercial land uses; and

WHEREAS, West Lions Court is classified as a Minor Collector, which has the ability to accommodate high access to commercial land uses; and

WHEREAS, persons under the age of 21 are prohibited from entering the proposed facility; and

WHEREAS, according to the application material, the proposed use has a security plan in place which includes education of employees on all security measures; and

WHEREAS, according to the security plan, security cameras, motion detectors, and lighting will be used to monitor all activities at the facility; and

WHEREAS, after proper notification of the State of Alaska Alcohol & Marijuana Control Office; all marijuana products deemed unusable will be mixed with household food waste and dirt, and disposed of at a State of Alaska approved facility and in compliance with ADEC regulations; and

WHEREAS, the existing building is approximately 74 feet from the South Big Lake Road right-of-way, 100 feet front the

south side lot line, 36 feet from the east side lot line, and approximately 50 feet from the West Lions Court right-of-way; and

WHEREAS, the existing structure meets all applicable setback requirements required by MSB 17.55 - Setbacks and Screening Easements; and

WHEREAS, all of the required site plans and operational information have been provided by the applicant; and

WHEREAS, there is no industrial equipment or any processes that generate noise associated with the proposed use; and

WHEREAS, according to the application material, all marijuana will be stored in sealed, odor control packaging; and

WHEREAS, according to the application material, loitering will not be allowed; helping to ensure noise and odor will not be an issue; and

WHEREAS, on May 15, 2017, the State of Alaska Marijuana Control Board voted to approve The Green Spot Retail Marijuana Store License # 10060; and

WHEREAS, The Green Spot Retail Marijuana Store License # 10060 has been provided; and

WHEREAS, the State of Alaska Fire Marshal's office has issued Plan Review #2021Anch1770 allowing The Green Spot, LLC to occupy Unit 4 of 2893 S. Big Lake Road; and

WHEREAS, the proposed use is approximately 1,462.5 square feet in size; and

WHEREAS, the minimum parking spaces required for a facility 1,462.5 square feet in size is five spaces; and

WHEREAS, according to the site plan, 14 customer parking spaces will be provided; and

WHEREAS, according to the site plan, each space will be 20 feet in length and ten feet wide; and

WHEREAS, according to the site plan, each space will be 20 feet in length and ten feet wide; and

WHEREAS, ADA guidelines require one van accessible parking space with an eight-foot-wide parking isle, for every 1 to 25 spaces; and

WHEREAS, according to the site plan, two van accessible parking space with an eight-foot-wide parking isle will be provided; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.60.100, 17.60.150 and 17.60.170; and

Whereas, the Planning Commission conducted a public hearing on April 18, 2022 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned

findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 22-09:

- 1. The proposed use, with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).
- 2. The proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).
- 3. Sufficient setbacks, lot area, buffers and other safeguards are being provided (MSB 17.60.100(B)(3)).
- 4. The applicant has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).
- 5. The proposed use will not negatively affect other properties due to factors such as noise and odor (MSB  $17.60.150\,(A)\,(1)$ ).
- 6. Measures are in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).
- 7. The proposed use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
- 8. The proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).
- 9. Documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60150(D)(1)).

- 10. The proposed use is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).
- 11. The proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).
- 12. The proposed use meets the minimum number of parking space for retail facilities (MSB 17.60.170(B)).
- 13. The proposed use complies with current ADA parking space guidelines (MSB 17.60.170(C)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.60 and does hereby approve the conditional use permit for the operation of a marijuana retail facility, with the following conditions:

- The owner and/or operator shall comply with all applicable state and local regulations.
- 2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
- 3. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 Noise, Amplified Sound and Vibration.

- 4. The hours of operation shall not exceed 10:00 a.m. 10:00 p.m., daily.
- 5. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this \_\_\_ day of \_\_\_\_, 2022.

	STAFFORD GLASHAN, Chair
ATTEST	
KAROL RIESE, Planning Clerk	<del>_</del>
(SEAL)	

YES:

NO:

# PUBLIC HEARING LEGISLATIVE

# Official Streets and Highway Plan Update

**Resolution No. PC 22-13** 

(Page 179 - 242)

# **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

### PLANNING DIVISION STAFF REPORT

DATE:

April 18, 2022

SUBJECT:

2022 Official Streets and Highways Plan Update

RESOLUTION NO.: Planning Commission Resolution 22-13

REVIEWED BY:

Alex Strawn, Planning & Land Use Director

Kim Sollien, Planning Services Manager

STAFF:

Adam Bradway, Planner II

### SUMMARY STATEMENT

The Matanuska-Susitna Borough (MSB) Official Streets and Highways Plan (OSHP) is a map that identifies future road corridors and road upgrades necessary to safely and efficiently accommodate our growing population and its transportation needs. The OSHP is a map-based component of the MSB Long Range Transportation Plan (LRTP) focused on preserving future road corridors. The OSHP is one of the Borough's most used transportation planning tools and was last updated in 2007.

Since 2007 the population of the Borough has grown dramatically, and it is projected to continue to grow at a similar pace in the future. Many roads have been built to accommodate this growth and many more roads will be needed in the coming years. Population growth also puts pressure on important future road corridors. As land is subdivided and developed, it is key that land is also reserved for road corridors to ensure that we can develop an effective road network going forward. Due to these factors, MSB staff identified the need for a comprehensive update of the OSHP, which will take into account existing conditions and plan for future infrastructure needs.

Funding for the OSHP update was provided through a 2020 Memorandum Of Agreement (MOU) between the MSB and the Alaska Department of Transportation & Public Facilities (AKDOT&PF), which included federal earmark funds dedicated to the project. This funding was used to hire a contractor to assist the Borough with the update. In coordination with staff and a technical steering committee, the contractor analyzed existing and future development and its impacts on our road network, looked at population growth assumptions, and examined how development-constrained lands might limit corridor development. This data was used to draft the OSHP map with the appropriate infrastructure recommendations. The consultant and staff also

developed a final methodology report to highlight the data used to justify the corridor recommendations.

MSB Planning Staff is handling public outreach and education for the project. Staff developed a robust project webpage, an interactive map-based public comment tool, and have offered presentations to numerous MSB advisory boards. All comments submitted by the public, the cities, agency partners, and MSB Departments have been reviewed and addressed by staff. A comments summary will be presented at the public hearings for the Planning Commission and Assembly.

### THE PLAN

The OSHP assesses growth in the Borough and identifies key elements of the region's transportation system that will be needed to serve its growing communities. Some of the road corridors identified in the OSHP will be needed sooner, while others might not be needed for a very long time. Population growth will guide the need for infrastructure. The value of having the OSHP is that it allows us to plan for these connections now, limiting traffic congestion, safety issues, and more expensive road projects in the future. Once adopted by the Assembly, the OSHP is placed in MSB code in Title 15. Having the OSHP codified ensures that all future platting actions are reviewed against the OSHP to ensure that the corridors are identified and preserved.

### Goals of the OSHP:

- Promote safe & efficient travel
- Reduce traffic congestion
- Lower road project costs
- Improve quality of life

### **OSHP Deliverables:**

The OSHP update produced three main deliverables. The OSHP thoughtfully outlined better connectivity options for our higher class road network, assigned a functional class to our corridors, and identified primary intersections. These deliverables can be viewed by looking at the attached OSHP maps.

### Connectivity Recommendations

• These recommendations (indicated as dotted lines on the OSHP) are the road connections that will be needed, as the Borough builds out, to effectively accommodate population growth and increased traffic. The OSHP looks at all roads in the Borough but focuses on collector level roads, because these are the roads most often built by the Borough, because there is a need for more of these roads, and because they are essential for a complete road network.

### **Functional Classification Recommendations**

The OSHP assigns functional classifications (indicated by color on the OSHP) to help with
road design and engineering. Functional classifications are used to explain the "type" of
road and are used for designing and upgrading roads to ensure that they are efficiently
meeting the traffic demand and that they function the way they are intended to.

• Functional classifications can be complex, but local examples can be helpful for reference.

Classification	Approximate Speed	Example
Interstate	55-65 MPH	Parks Highway
Major Arterial	55 MPH	Trunk Road
Minor Arterial	35-45 MPH	Seldon Road
Major Collector	35-45 MPH	Hollywood Road
Minor Collector	30-35 MPH	Smith Road
Local Road	15-35 MPH	Most subdivision roads

### Primary Intersection Recommendations

This deliverable is a study that assigned ideal intersection locations for roads classified as
arterial or interstate. These roads function at their best when the number of intersections is
limited. Intersection location and spacing is an important part of planning for an efficient
road system, and these interesections are often key commercial centers and economic
generators.

Note: Some large infrastructure projects (ex. Knik Arm Bridge) were left off of the map; once these projects have more concrete funding sources and alignments, the OSHP will need to be updated to include them.

### How is the OSHP used?

The OSHP is a tool used to help guide development so that it does not interfere with future road projects. Currently, this tool is most commonly used during the platting process to reserve space for future road connections. The Borough's Subdivision Construction Manual ensures that new subdivisions do not conflict with the OSHP. The platting process and Borough driveway standards also help to ensure that new roads are built at appropriate intersection locations.

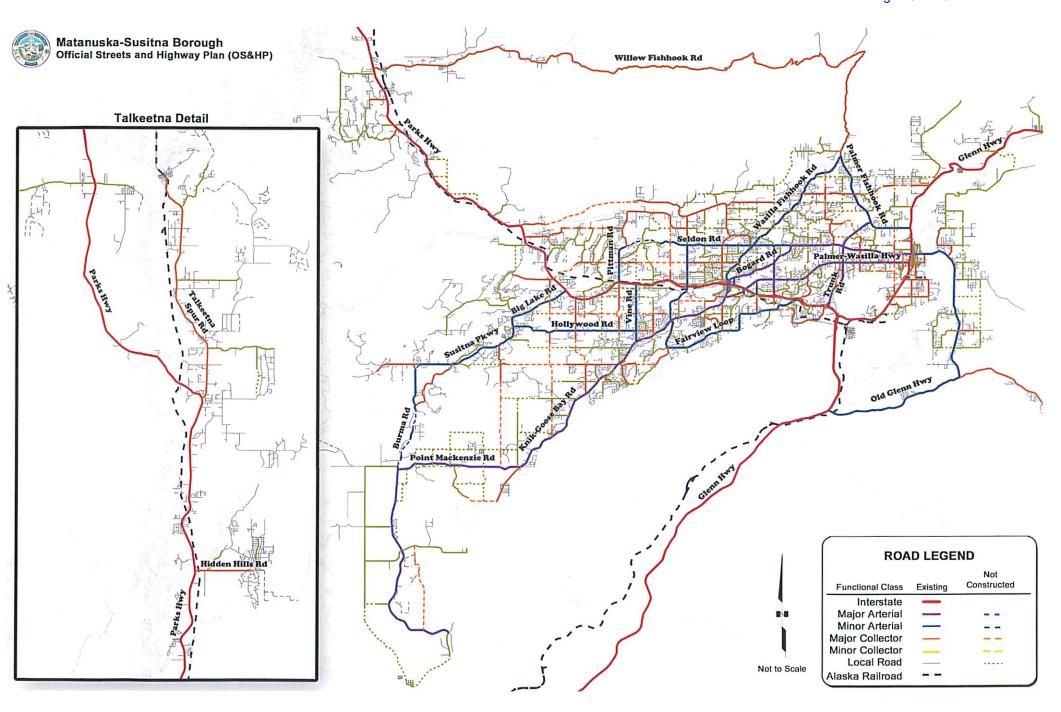
Developing the OSHP is a Planning function of the Borough's larger road development process. Platting ensures the OSHP corridor is preserved and the Public Works Department uses the OSHP to identify new road projects and upgrades. Roads identified in the OSHP are often pulled out and included in prioritized funding lists like the Road Improvement Projects list, or the Long Range Transportation Plan projects list.

Note: The OSHP is designed to be a living document and will need to be updated periodically as the Borough's population grows, subdivisions and commercial developments are created, and when roads are built.

### **Staff Recommendations**

The Matanuska-Susitna Borough Official Streets and Highways Plan is a valuable transportation planning tool used to ensure the development of a safe and efficient road network.

Staff respectfully recommends the adoption of Planning Commission Resolution 22-13, recommending the adoption of the Matanuska-Susitna Borough 2022 Official Streets and Highways Plan Update.

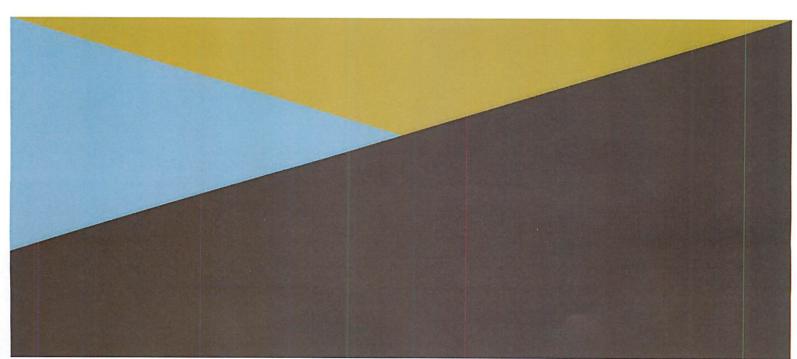


# Matanuska Susitna Borough Official Streets and Highway Plan

Summary Report

January 2022







The Official Streets and Highway Plan (OS&HP) for the Mat-Su Borough is a planning tool that supports the healthy and efficient growth of the community through road network infrastructure.

### The Role of Roads in a Community

Roads are vital components of a healthy community. At the simplest level, roads are conduits for the efficient and safe interconnection of people, goods, and services. But the role of effective roads in our community is much greater and far-reaching. Traffic moving through a road network is the lifeblood of a community and roads are the veins through which that lifeblood travels. Roads set the foundation for how members of a community live, feel, and interact. An efficient road network not only saves time out of a drivers' day, but it produces a community that has less stress when they arrive home from work, has more time to pursue personal goals and leisure activities in the evening, is more likely to visit businesses or friends during the day, is more trusting of its neighbors and public servants, and creates less pollution while achieving greater safety. And safety means more than just fewer crashes on the road. It means a community with less sadness, less anxiety, less disruption, less tax burden for emergency services and community support. Safe and efficient roads mean students that get to school on time, families that travel and do more outside of the home. It means packages that are delivered and store shelves that are stocked and businesses that are thriving, and members of the community that are less hindered in their pursuit of happiness. The efficiency of roads sets the foundation for the mood and well-being of a community.

### Growth in the Mat-Su Borough

The mood and well-being of the Mat-Su Borough is positive. And this is part of what makes the Mat-Su Borough a community that people want to be a part of. It is a community that provides citizens with unique opportunities with beautiful landscapes, wonderful trail networks and lakes and rivers all encircling a core area of quaint downtowns and access to good jobs and local services. It is many of these things that have resulted in the Mat-Su borough's exceptional growth in recent years. The Borough currently houses over 108,000 residents. This population is

six times what was living in the Borough in 1980, and 20% more than the population in the 2010 census. This would be considered a remarkable growth rate for any rural community in the nation, but especially in Alaska, where the population in other regions has been steadily decreasing over this same period. People want to live in the Mat-Su Borough. Housing development has been extremely active to provide homes for new residents. Business development has been bursting to provide goods to the expanding population. Every year, the Mat-Su Borough leaps further away from being a sleeper community for Anchorage and closer to a stand-alone community, with more residents living and working, and traveling during the day, inside the Mat-Su Borough. And all major demographic studies agree on continued growth within the MSB through, at least, 2045.

### 180,000 160,000 140,000 120,000 Population 100,000 0 80,000 60,000 40,000 20,000 1950 1960 1970 1980 1990 2000 2010 2020 2030 2040 2050 Year - Historical Populations — O — 2019 Estimate — — - TDM Assumption — — - Dept. Of Labor Averages

Mat-Su Borough Population History and Projections

Mat-Su Borough Population History and Projections

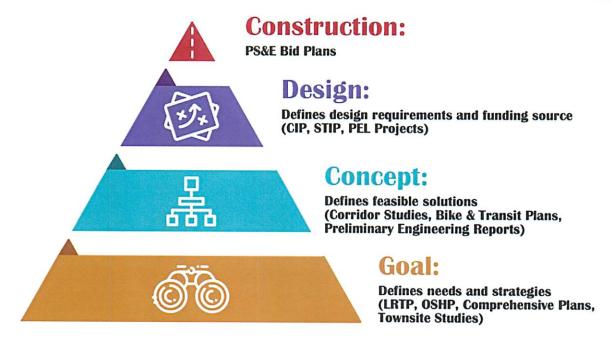
### The Nature of Road Development

But not all aspects of a community can grow as quickly as housing and business development. As the population expands, so do the needs of that population in services and infrastructure, and at the bottom of that pile of growing demands is a road network in the Mat-Su Borough that is struggling to keep up. Roads support the community, and the road network is straining under the weight of the new growth. We can see this strain in congested roads, backed-up intersections, failing traffic signals, delayed commuters and emergency services, frequent accidents with increased severity, lack of pedestrian pathway connections and bicycle facilities. All of these are

a result of road infrastructure that is slow to develop coming into conflict with immediate growth and development.

Road infrastructure is struggling to be built at a rate that keeps up with the rate of demand. The challenge is that it takes a very long time to create a road. Roads are expensive and take a serious commitment of community resources. But their expense is greater than simply funding needs. Roads also have high costs in terms of the community impacts that they require. Roads take up space and materials. They relocate and reroute traffic in a way that needs to be delicately considered and balanced. They affect the environment, both natural and societal. The community cost of a road is high, and because of this high community cost, they must be carefully planned, discussed, evaluated, designed, redesigned, reevaluated, all in a process that often takes decades before a single shovel of dirt can be moved to begin construction. This is the nature of road development. And while this is happening, the community is continuing to expand and grow and change, sometimes limiting the options for road development and making the solutions more difficult, costly, and further delayed.

The demand for an improved road network typically is not obvious until a problem in the network starts to directly affect the community. Adequate road networks are taken for granted. Inadequate road networks are obvious because they result in frequent congestion delays and safety issues. One of the problems with road network planning is that once a problem is obvious to a community, it is often too late to implement the best possible options. The solutions to the problem are often limited because of adjacent development and density and other constraints. For this reason, road infrastructure must be planned and studied well in advance of problems occurring, and possible solutions must be preserved for when the community is ready to build them. The transportation issues need to be modeled and forecasted and then the solutions need to be documented and studied. And then these solutions need to be protected by everyone involved in the development of the community.



The Path of Road Development from Planning to Construction

The planning process for developing roads begins by setting transportation goals and priorities for the community. As part of this step, the projected changes in the community are examined to determine possible ways to prepare the community to meet these goals. This process of forecasting and documenting issues and solutions is what is called the OS&HP. The OS&HP for the Mat-Su Borough is determined using a process of predicting where and when future housing and business development will occur and deciding how the road network may need to adapt to achieve the planning goals.

The OS&HP is the result of a Borough-wide study that examined existing and future population and employment and how the road network will handle the traffic demand. The study was conducted by a team led by Mat-Su Borough Planning with the involvement and direct input of members from all other Mat-Su Borough departments, as well as City and DOT Planners and policy makers. The output of the OS&HP study is a mitigation plan map that addresses the predicted future road impacts. The OS&HP map is a planning-level vision of the future road network that would best support the expected demands. The map shows two core

### **OS&HP Goals**

- Link Planning to Engineering Design and Construction
- Provide a Plan for the Development of an Appropriate Road Network
- Guide Future Land Use
- Preserve Safe & Efficient Travel
- Promote Economic Development
- Produce Lower Cost Projects
- Extend Project Design Lives
- Improve Quality of Life

elements of the plan: Proposed future road alignments and road functional classifications.

### Proposed Road Networks

The proposed future road alignments in the OS&HP are new connections that were deemed important for the safe and efficient operation of the future road network. These are connections that consider:

- The number of cars expected on the road segments
- The operation and location of intersections
- The proper spacing of major arterial access points
- The possible closure of left-turn access on and off arterial roads and interstates
- Alternative exits out of isolated communities
- Parallel routes to better distribute intraregional trips traveling from one side of the Valley to the other

These are the key elements that were considered by the team when deciding whether to include a road in the plan. For example, if three disconnected subdivisions exist off a major arterial road, a future connection may be added to the OS&HP to allow connectivity between the subdivisions in case of an upgrade to the major arterial needs to close left-turn access at two of the three intersections. If the access was restricted, the OS&HP road connections could be made and all three subdivisions would have a route to a median opening. This would reduce indirect travel and U-turns on the arterial road, which would be safer and provide better traffic control and flow. Note that in this example, the connection would be shown on the OS&HP map, but the construction of the connections would be contingent on a possible upgrade to the arterial road. If the upgrade were to occur, the options would be available due to the implementation of the OS&HP.

This is to say, the OS&HP often is a plan that reserves options for road improvements that are contingent on things such as local housing development, large business developments, major highway projects, or general borough growth. Projects in the OS&HP alone are not tied to a particular construction year or funding cycle. The purpose of the OS&HP is simply to communicate a future need so that development can occur in such a way that it does not cripple the ability of the Borough to design a safe and effective road network to support its citizens. As the road planning process continues, roads and connections in the OS&HP may advance to further levels of development through studies, design projects.

Although many of the roads in the OS&HP are contingent on future growth, many segments in the plan represent connections that are already needed due to development that has outpaced road infrastructure improvements. These roads are likely already in the pipeline of road development, being studied, designed, or planned for construction. These projects are likely included in the LRTP or adopted as part of the Capital Improvement Plan.

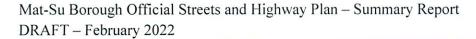
Also note, the alignments of the roads in the OS&HP are drawn by the team based on a realistic engineering consideration of the design constraints of the area. However, the actual alignment of

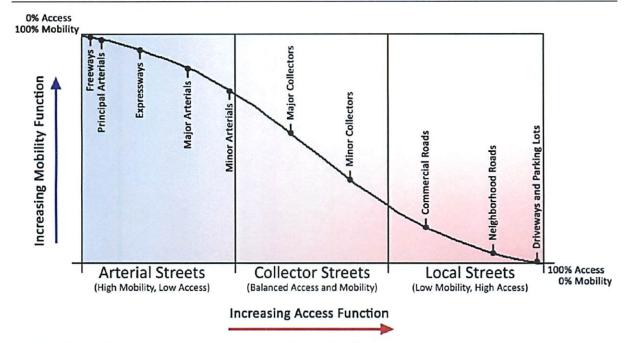
the roads may change over time since they would require further survey and proper design before construction. The main concern of the OS&HP is the connectivity of the roadway and the type of road being considered.

### Functional Classifications

The second core element of the OS&HP is functional classification. Road functional classifications are a way of identifying the design criteria that will be used when designing the road. The criteria will determine things like speed limits, lane widths, intersection treatments, shoulder types, etc. Design manuals often base these criteria on functional classifications found in plans like the OS&HP.

Not all roads are the same. Drivers expect different things on different roads along their routes. The proper design of a road network to meet the different driver expectations and behaviors is an important and delicate task that cannot be overstated. In general, there are two main expectations of a driver: Access and Mobility. Access is the ability for a road to safely and efficiently provide access to and from destinations adjacent to a roadway. Mobility is the ability for a road to safely and efficiently allow travel through an area at a relatively high and consistent rate of speed. These two expectations are often in direct conflict with each other. Mixing drivers on the same roadway with different expectations can cause severe problems. Therefore, an adequate road network will be designed to separate drivers with different access and mobility expectations. This means subdivision roads with frequent driveways will be designed to reduce travel speeds and assist in the entrance and exit of the roadway. But roads where people are expecting to travel long distances will be designed to actively restrict the ability of drivers to access adjacent destinations.





The Relationship Between Access and Mobility in Functional Classification Systems

Drivers expecting access and drivers expecting mobility are in direct conflict with one another and must ideally be kept separate in the road network on roads designed to serve their needs. If high mobility drivers are on roads designed for high access, we often refer to this as "Cutthrough Traffic" and we implement traffic calming, such as speed humps, to dissuade this activity. This helps mitigate the safety concern on the local road, but it doesn't address the bigger problem which is that drivers are not finding the mobility routes that they are expecting to find in the network. Similarly, dense commercial development along a major arterial will lead to a high mix of drivers expecting access at driveways mixed with mobility drivers which leads to high speed, high severity crashes. The driveways could be closed to mitigate the crash risk, but it likewise does not address the deeper issue of providing drivers with a road network that meets their needs safely and efficiently. The OS&HP is designed to assign functional classifications to the road network in a way that addresses this deeper need.

The OS&HP uses the following functional classification system:

- Interstate Highway
- Major/Minor Arterial Roads
- Major/Minor Collector Roads
- Local Roads

### Primary Intersections

An additional element of the OS&HP maps is the location of primary intersection on the Interstate and Arterial road network. The term "Primary Intersections" was coined by the 2021

OS&HP as a way to identify preferred intersection locations where future road connections should be prioritized. These locations were determined with the agreement of ADOT&PF staff and are selected based on road geometry and spacing recommendations from access management manuals.

### *Implementation*

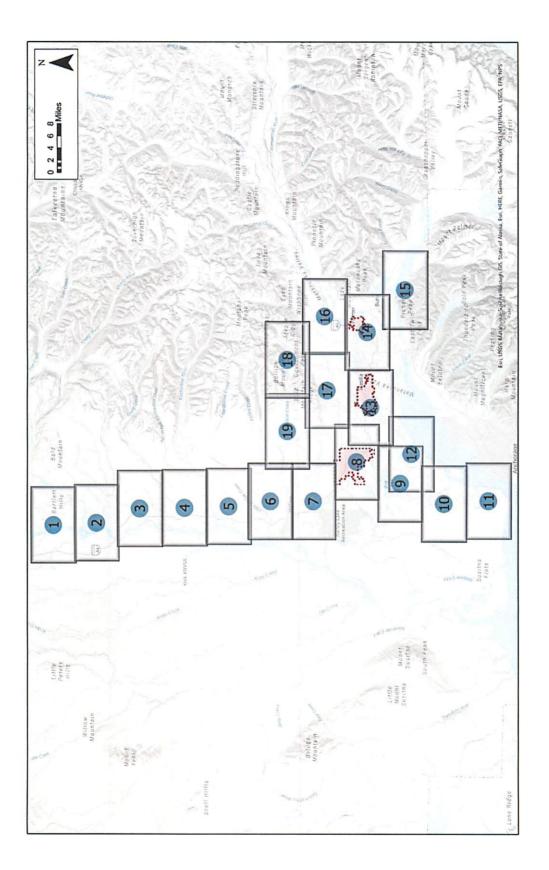
There are three main goals of the OS&HP Implementation:

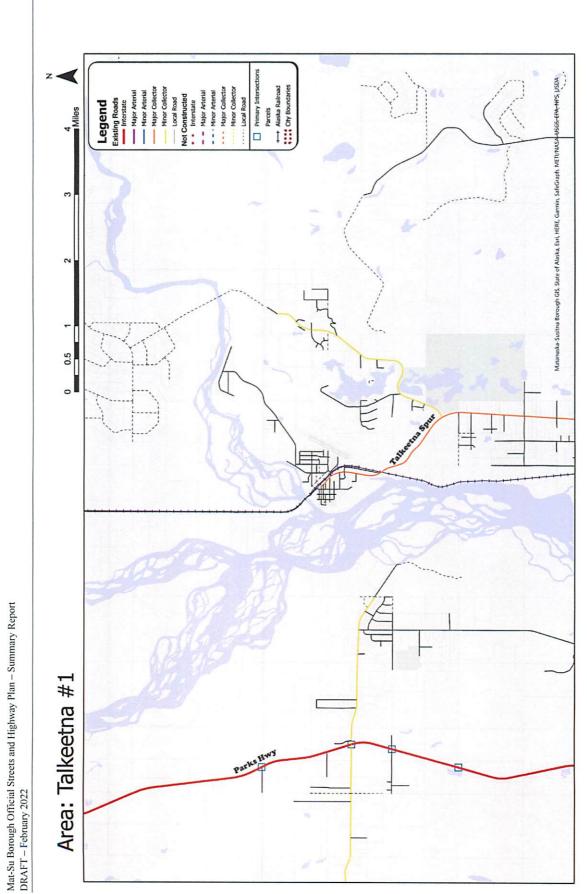
- 1. Preserve ROW for future road projects
- 2. Guide road designs to fit the intended function
- 3. Direct new road connections to intersect arterial roads at the most appropriate locations

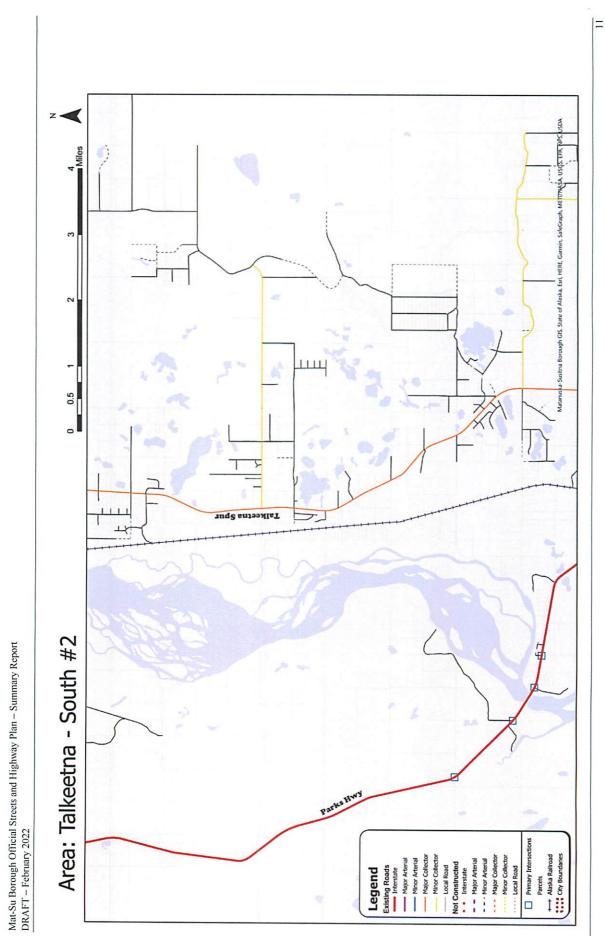
To achieve these goals, the OS&HP will be implemented by decision-makers at every level of the community development process as agreed upon by the steering committee for the project which was made up of representatives from various departments and agencies.

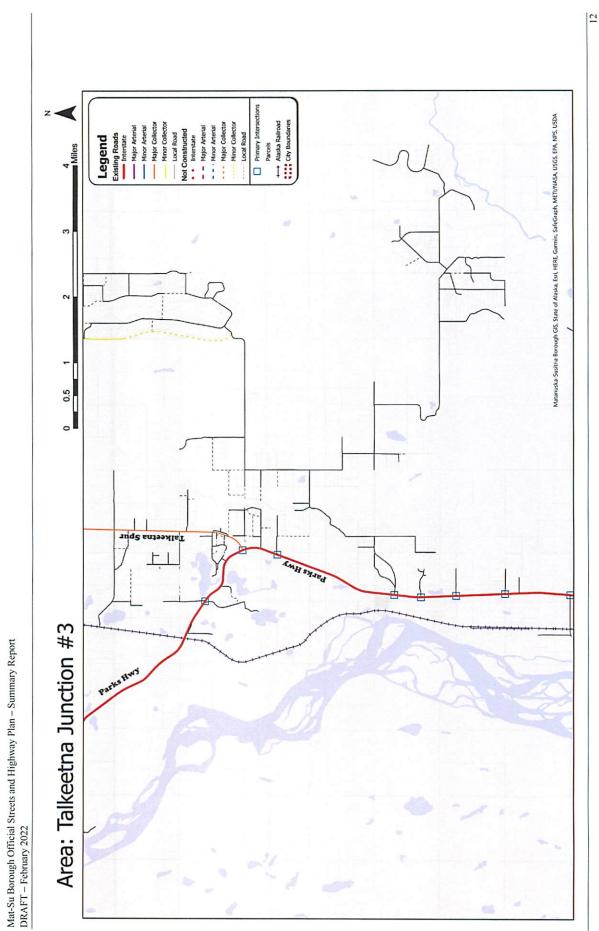
The following maps present the 2021 Official Streets and Highway Plan for the Matanuska-Susitna Borough including planned roads, road functional classifications, and primary intersection points.

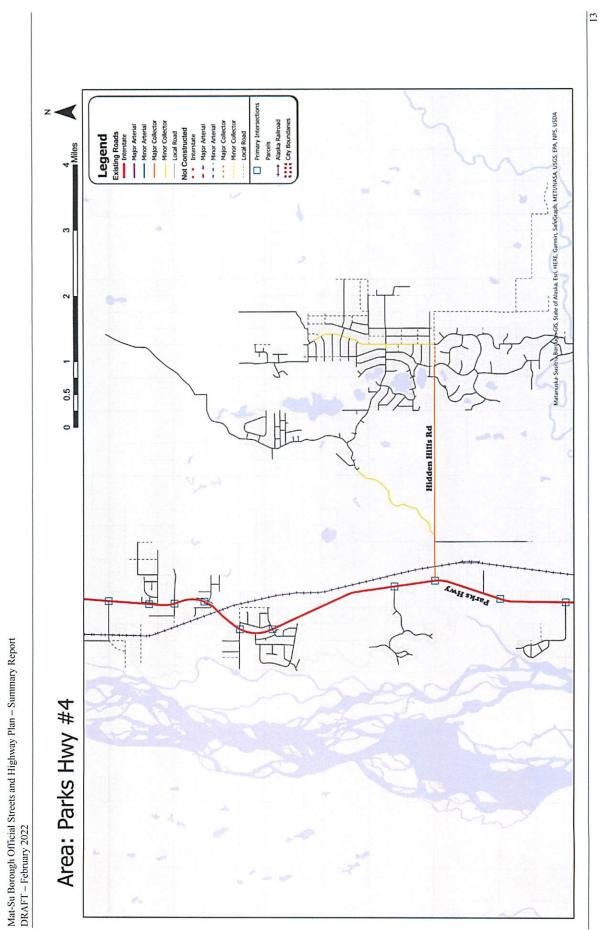
Mat-Su Borough Official Streets and Highway Plan – Summary Report DRAFT – February 2022

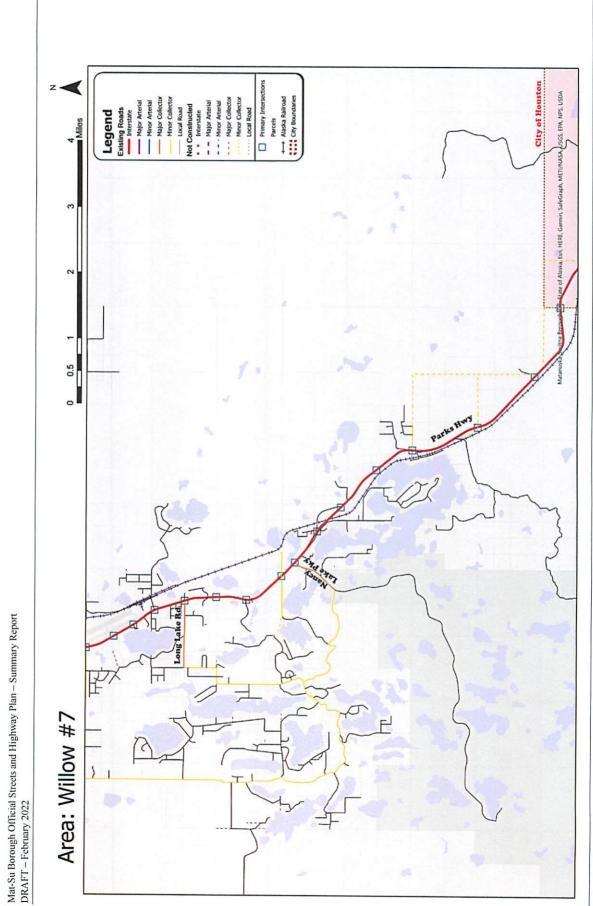


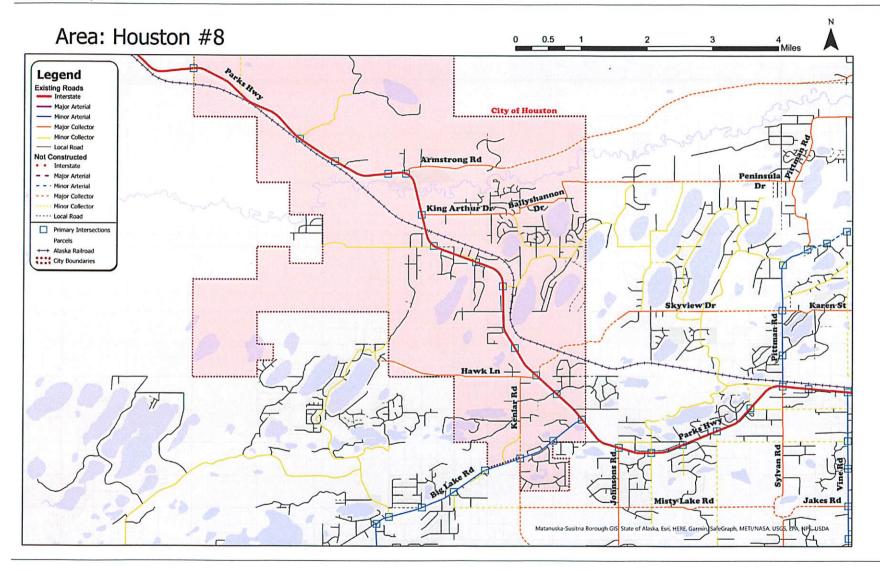


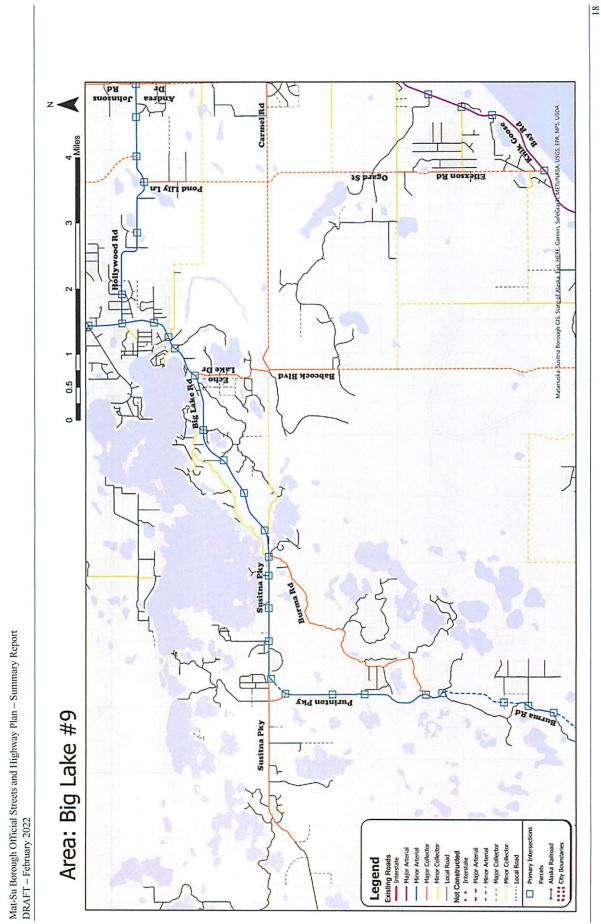


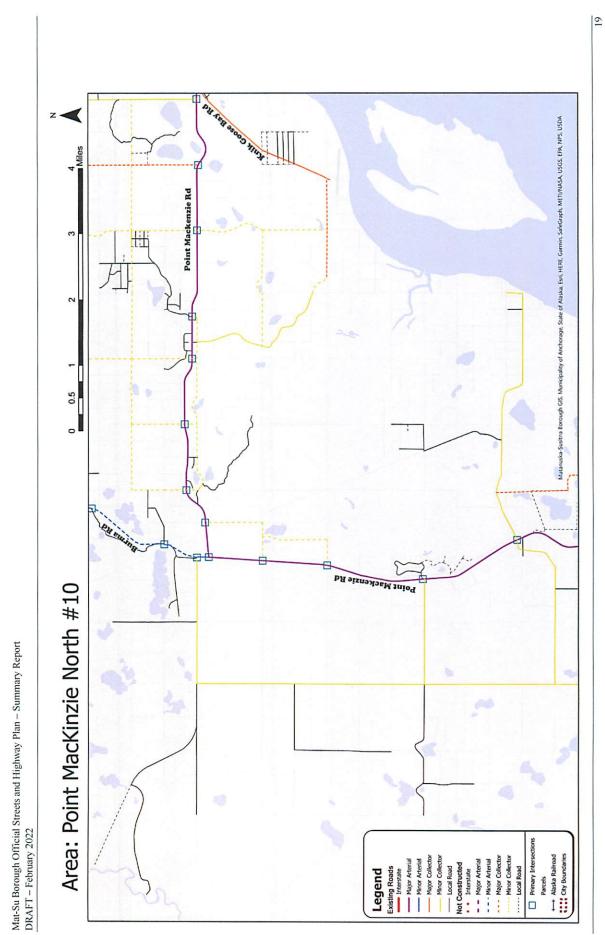


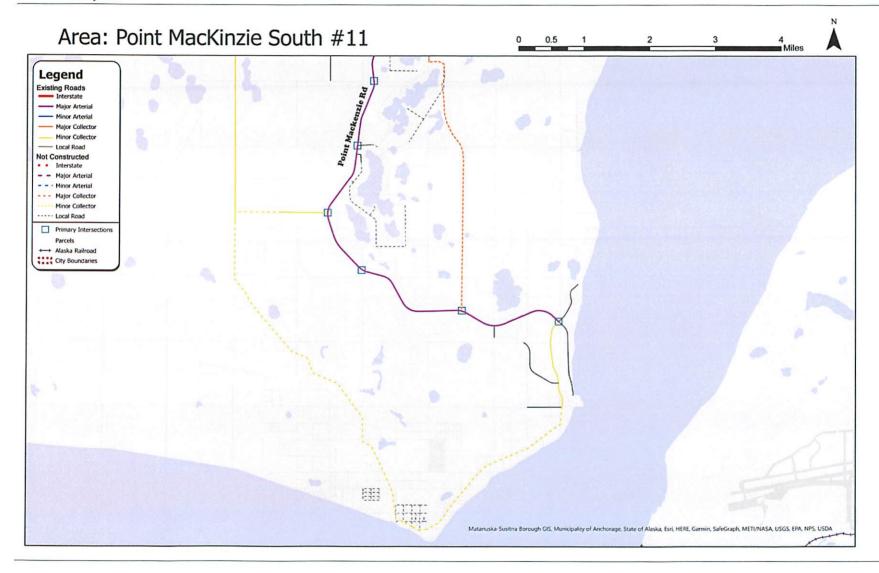


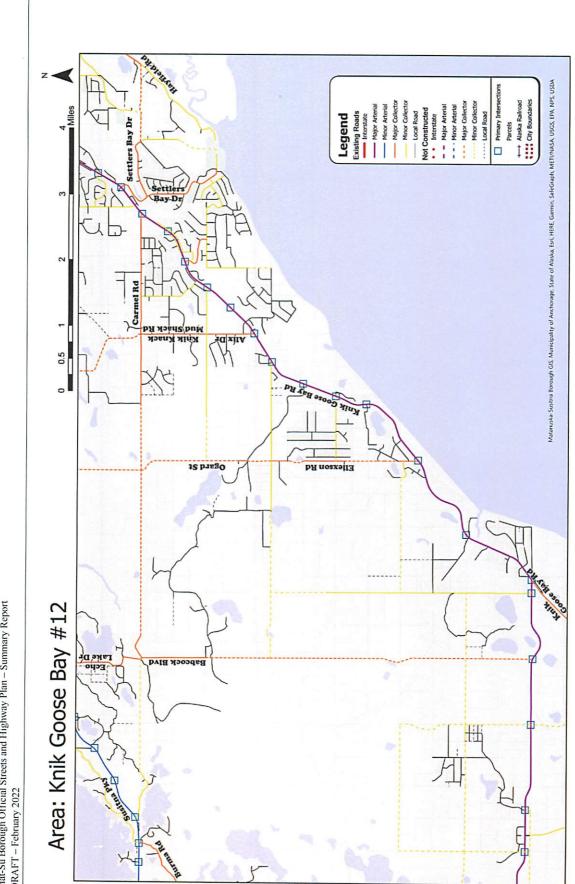




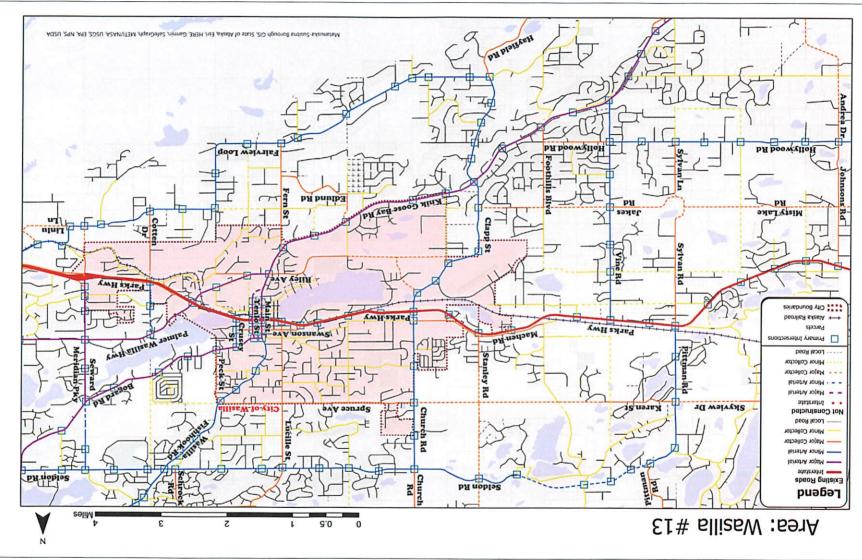




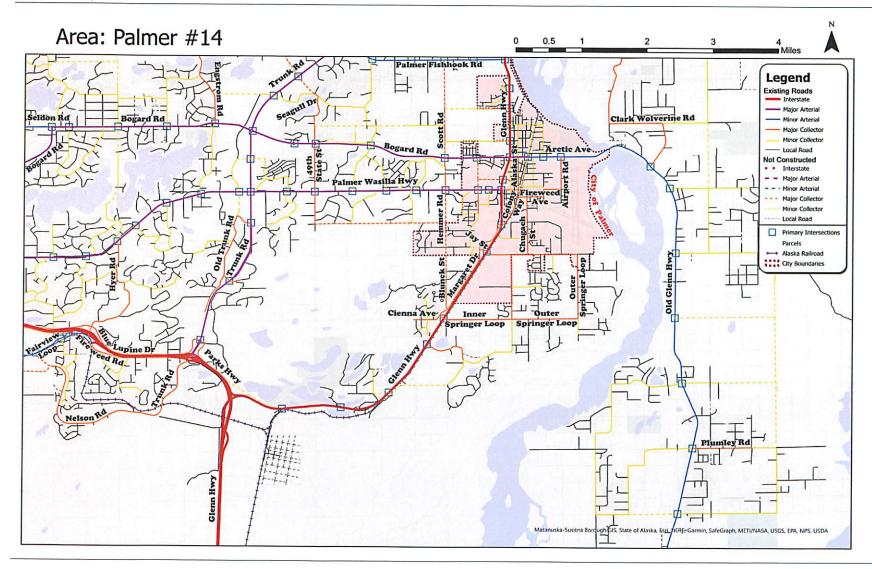


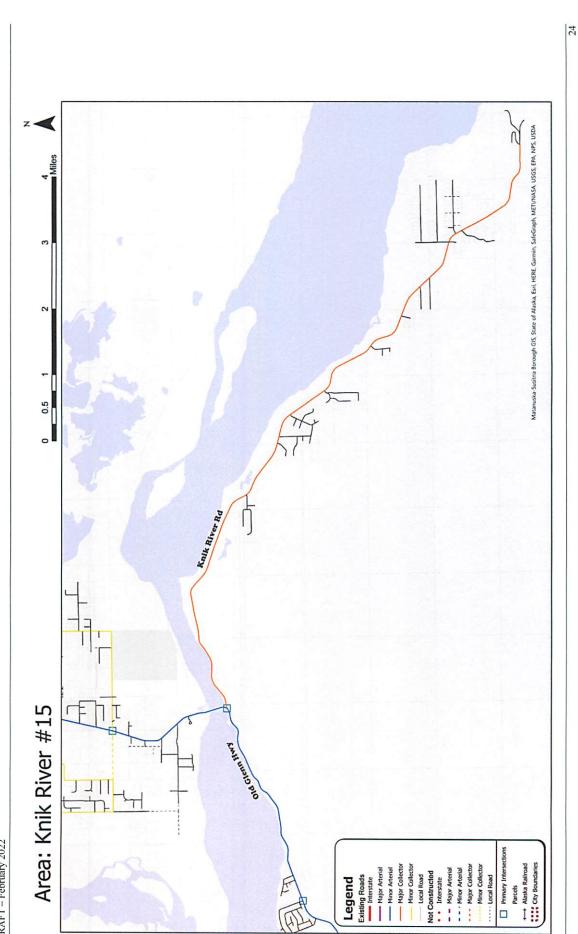


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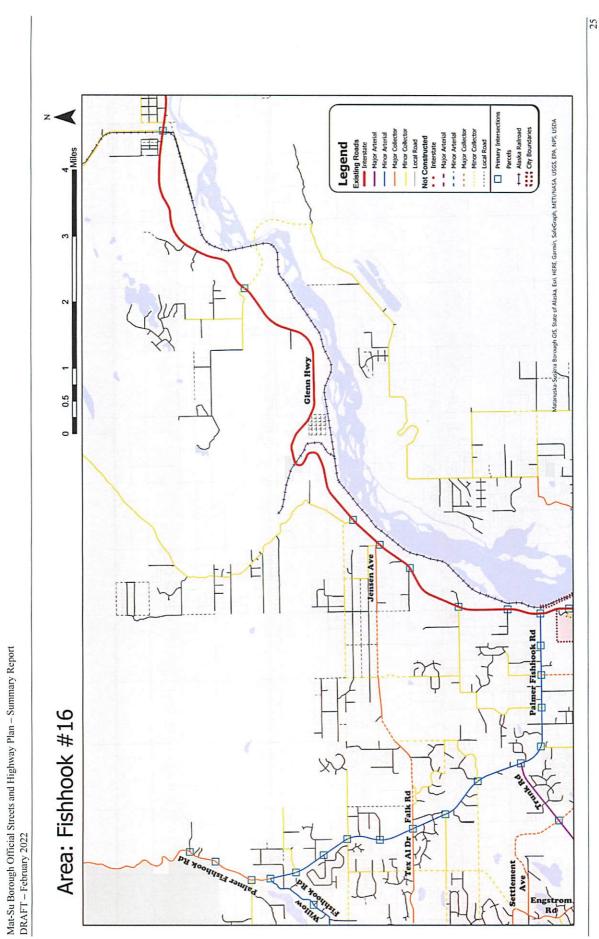


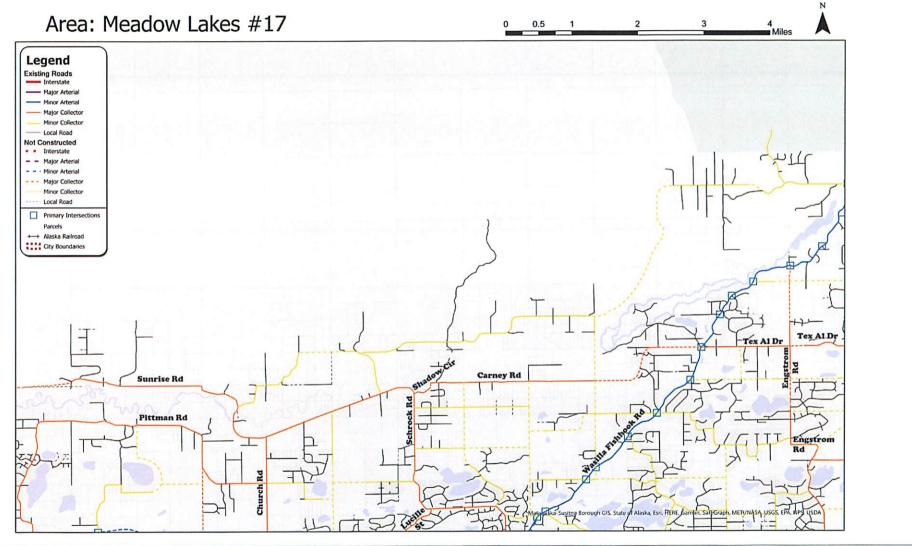
Mat-Su Borough Official Streets and Highway Plan – Summary Report

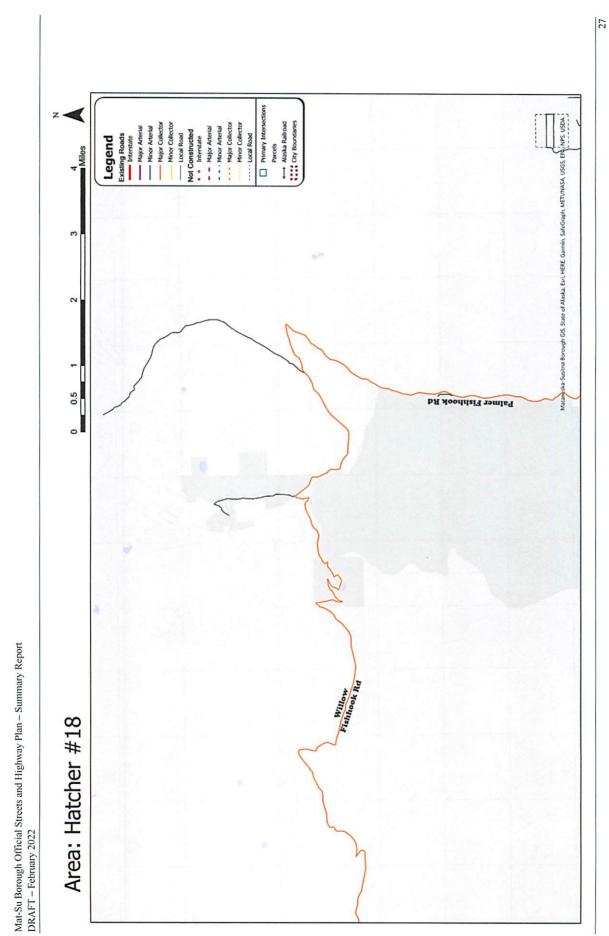


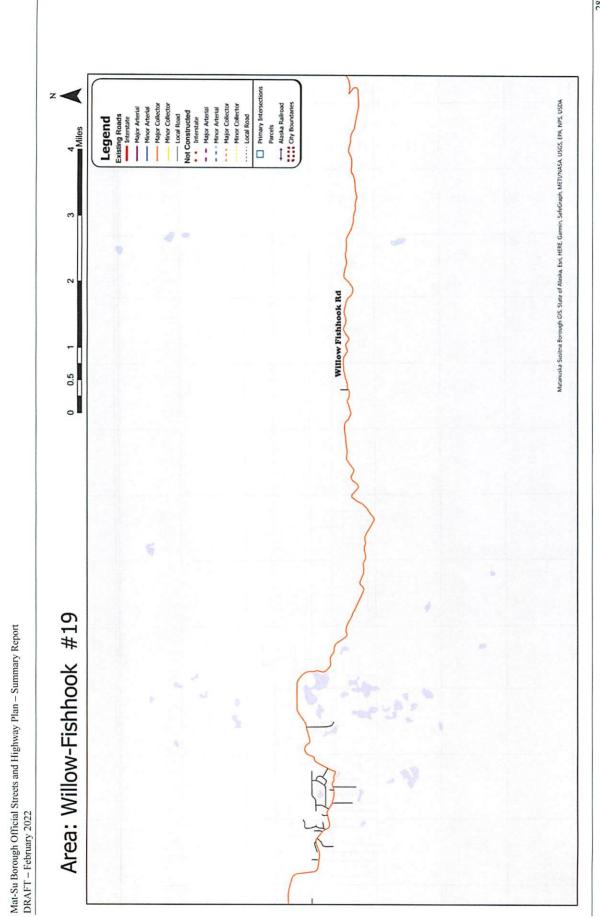


Mat-Su Borough Official Streets and Highway Plan – Summary Report DRAFT – February 2022









# Official Streets and Highways Plan (OSHP) - Update

### Frequently Asked Questions

#### What is the OSHP?

 A map that identifies future road corridors and road upgrades necessary to safely and efficiently accommodate our growing population and its transportation needs. The OSHP was last updated in 2007.

### How is the OSHP used?

- Once adopted by the Assembly, the OSHP update is placed in MSB code in Title 15. All future platting
  actions are reviewed against the OSHP to ensure the corridors identified on the map are preserved.
- The OSHP is also used by Matanuska-Susitna Borough Public Works to identify new road projects and upgrades.

### The Official Streets and Highways Plan vs the Long Range Transportation Plan?

• The OSHP is a map-based component of the Borough's Long Range Transportation Plan (LRTP).

OSHP	LRTP
Focused on roads	<ul> <li>All modes of transportation (roads, rail, transit, bike, pedestrian, etc.)</li> </ul>
<ul> <li>Looks at all collector and arterial roads that will be needed when development occurs</li> </ul>	<ul> <li>Looks at collector and arterial roads needed until 2035 &amp; that there will likely be funding for</li> </ul>
Does not prioritize roads	<ul> <li>Prioritizes which roads should be built next</li> </ul>
<ul> <li>Developed specific road connection needs</li> </ul>	<ul> <li>Developed general goals and strategies</li> </ul>
Map-based	Document based

### What are functional (road) classifications?

- Classifications are a way to explain what type of road is being talked about. The three broad categories
  are Local Road (lower speed, less traffic, e.g subdivision roads), Collector (medium speed, medium traffic,
  e.g Smith Road), and Arterial (higher speed, more traffic, e.g Trunk Road).
- The OSHP looks at all collector and arterial roads, but focuses on collector level roads, as these are the roads most often built by the Borough.

### Why do functional classifications matter?

Functional classifications are the link between <u>planning</u> and <u>road design</u>. They help turn a line on the map
into an engineered road. They communicate how wide a road should be, how fast the speed limit should
be, how many access points a road should have, and many other characteristics.

### Are all of the roads on this map owned and maintained by the Borough?

 No, many of the roads identified in the OSHP are owned or maintained by Alaska Department of Transportation & Public Facilities (AKDOT&PF), the City of Wasilla, and the City of Palmer. We incorporated plans and comments from those entities in our process.

#### What data was used to create the OSHP?

- The project team utilized Geographic Information systems (GIS) to review population and employment trends, current land use, current roads and infrastructure, community planning documents, and physical constraints (water, steep hills, etc.).
- The project team also used computer modeling to project where and when population growth will happen, and the number of vehicles that will be driving every day based on those population projections.

#### Where did the not constructed (NC) roads come from?

- All the data listed above was used to determine where population will grow. From that we determined
  where new roads will be needed to accommodate that growth.
- The project team also went road by road with our technical steering committee to make sure that all of the proposed roads are realistic.

#### When are all these roads being built?

- It all depends on population growth, need, and funding. Some of these road connections will happen soon, others might not happen for a very long time, but if we don't plan for them now we will end up with traffic problems, and more expensive roads in the future.
- When an area of the Borough starts growing rapidly, the OSHP roads in that area will take priority over the roads in areas that aren't growing as rapidly.

### How will I know when a road is getting built near me?

- The OSHP is just the first step. Typically before one of these roads are built they will end up on a priority list (Capital Projects List, Road Improvement Projects List, Long Range Transportation Plan), and need to be funded; those steps involve public meetings, and possibly ballot questions for bond initiatives.
- Remember that the Borough is not the only one that builds roads. Other government agencies and private developers also build roads.
- Roads take a long time to build, which is good for making sure that the public is notified and involved.

### I need a road now! How do I get a road prioritized and built?

- Get involved in the planning and prioritization processes. Speak to your local RSA, Assembly members, and Borough staff to tell us what you need. A great place to start would be submitting a comment on the OSHP, in writing or at the OSHP webpage.
- If you don't see the road you are looking for on the OSHP, let us know that too.

### What does it mean if an OSHP road is through my property?

- The Matanuska-Susitna Borough may build this road at some point. If and when depends on population growth, Assembly approval, and funding. The alignments on the OSHP are close but not final, until the road is designed by engineers, the exact alignment is unknown.
- It does mean that if you subdivide your land you will need to make sure that your subdivision does not conflict with the OSHP. And depending on the classification of the OSHP road, you may need to ensure that access to the road is appropriate.
- · Get in contact with us to learn more.

#### How can I submit comments?

- Submit comments on the project page (<a href="https://oshp-msb.hub.arcgis.com/">https://oshp-msb.hub.arcgis.com/</a>) Using the map comment tool you can show us the exact location you want to talk about.
- Submit written comments to:

The Permit Center

350 E. Dahlia Ave., Palmer, AK 99645



## MATANUSKA-SUSITNA BOROUGH

# Planning and Land Use Department Planning Division

350 East Dahlia Avenue • Palmer, AK 99645 Phone (907) 861-7833 www.matsugov.us

# Official Streets and Highways Plan 2022 Update Public Involvement Summary

## Plan Update Timeline

- **January 2020:** Memorandum of Understanding between MSB and AKDOT&PF signed, dedicating federal earmark funds to the OSHP update.
- August 2020: Kinney Engineering hired as a consultant, work plan established, and technical steering committee organized.
- October 2020: Kick off presentation at joint Planning Commission/Assembly meeting to inform policy makers of OSHP update.
- **November 2020:** Existing Conditions Report completed. Review of existing GIS data, current infrastructure, development, and existing long range community and transportation plans. Reviewed by steering committee.
- December 2020: Growth Study analysis completed. This study forecasted how much the
  population of the MSB will grow in the future and where that growth will happen. The
  Growth Study analysis was used to understand where traffic will occur in the future, how
  many trips will be generated from proposed population growth and development and to
  plan for future infrastructure needs. Reviewed by steering committee.
- **Spring and Summer 2021**: Draft OSHP map highlighting infrastructure recommendations was completed. The steering committee performed a detailed review of the document, at multiple meetings going through recommendations road by road to ensure accuracy, feasibility, and need.
- June 2021: AKDOT&PF submitted significant comments. Planning staff and the consultant team reviewed each comment and determined if they would be included.
- July 2021: Contract and project timeline extension was necessary to make the modifications to many maps based on ADOT&PF recommendations.
- Fall and Winter 2021: Incorporation of comments and drafting of OSHP Technical Report, Implementation Plan, and Summary Document.
- February 2022: Final deliverables submitted to technical steering committee.
- **Spring 2022:** The OSHP was released for public review and comment and Planning Staff began Public Outreach and Public Meetings

## **Public Outreach and Public Meetings**

**Technical Steering Committee** who oversaw the project included staff from the City of Palmer, City of Wasilla, AKDOT&PF, MSB School District, and MSB staff.

**Public meetings** to date include presentations to Local Road Service Area Advisory Board, Transportation Advisory Board, and MSB Platting Board.

**Project Website** including educational materials, documents, maps, and interactive public comment tool was developed and social media was used to help the public access the interactive website.

The Public Comment Period ran for six weeks from February 16th 2022- March 31 2022.

- -We received 31 individual comments from the public.
- -The project website had over 1700 interactions.
- Staff emailed responses to all commenters who included contact information. Letters were mailed to individual if no email was provided.
- All comments are included in this packet with staff response and recommendation. General comment themes are summarized below.
  - o The majority of comments received were general opposition to new road connections for fear of increased traffic impact. These comments often assume OSHP roads will be constructed in the near future.
    - Response: The OSHP is a planning document, while some of these connections are not needed at this time, staff suggests that they remain in the document to help ensure that options are available if they are needed in the future as population grows. We can absolutely understand residents wanting to maintain the character of their community. The community may not want new connections now, but they will likely be needed in the future. A future connection identified on this plan does not mean that it will be funded or built any time soon. However, if these roads are removed from the OSHP other routes may be designed in the future that will likely have more impact on the community. Planning early will minimize conflicts and issues should a road be needed in the future.
  - o Some comments suggested new road connections, proposed alternatives, or deletion of unbuildable connections.
    - Response: These suggestions were closely looked at and incorporated if appropriate. AKDOT&PF submitted significant comments of this nature.
  - o Some comments asked about needed improvements to specific roads.
    - Response: These comments have been included if they were not already.
       Comments about current road projects have been directed to Public Works.

	All Written Comments		
			Change to the
			OSHP
Project	Comment	Response	Recommended?
		į	
		During the technical review of the draft	
		OSHP Planning asked Public Works to	
		provide a cost estimate of this proposal.	
		The Borough estimated the cost of this	
		proposal at \$21 million. This alignment	
		was not selected due to substantial cost	
		and impact and because there are better	
		more cost effective options. Planning	
		staff and the Consultant proposed	
		corridors on the OSHP that when	
	Suggestion of an alternative Nelson Road connection: The proposed	implemented will address the access,	
	alternative provided by Bill Tucker is an update to a proposal he submitted	connectivity and safety issues in the	i
	in 2009. This proposal was provided for consideration for the 2021 OSHP update. The alignment includes an extension of Nelson Road North to the	Nelson Road at a higher return on investment. This area was also studied in	
	Parks Highway frontage road, with a grade-separated crossing of the	depth during a 2009 reconnaissance	
	railroad. The proposal also includes an upgrade to Fairview Loop, with	study. That study returned the two	
Nelson Rd-	another grade-separated crossing and a three-leg roundabout to tie into	options included in the OSHP as the most	
	the new Nelson Road extension.	beneficial.	No
t dir victo coop	AKDOT&PF submitted significant comments related to their roads and	beneficial.	110
	facilities borough wide. ADOT comments were generally focused on plans		ŀ
	for projects that they have identified in the STIP. ADOT also made	Planning reviewed each comment and	Yes, changes were
	significant comments along intersections connecting to the Parks Highway	many were incorporated into the OSHP.	made
General	corridor.	Comments are included in this packet.	administratively
			1
		It is the oninion of Planning staff that all	
		It is the opinion of Planning staff that all	i i
		of the alignments shown in the draft	
		of the alignments shown in the draft 2021 OSHP for this area should be	
		of the alignments shown in the draft	
		of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and	
		of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and maintain the corridors for future road	
	At the November 16, 2021 Assembly meeting, as a response to public	of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and maintain the corridors for future road construction. Preserving the corridor	
	notification about the development of the Boyd to Norman connection by	of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and maintain the corridors for future road construction. Preserving the corridor now is less impactful and more cost	
	notification about the development of the Boyd to Norman connection by the RSA, community members attended the meeting asking for the	of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and maintain the corridors for future road construction. Preserving the corridor now is less impactful and more cost effective than acquiring it in the future. The Boyd-Norman connection is the lowest cost, lowest impact connection in	
	notification about the development of the Boyd to Norman connection by the RSA, community members attended the meeting asking for the Assembly to not build this connection. The Community cited an increased	of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and maintain the corridors for future road construction. Preserving the corridor now is less impactful and more cost effective than acquiring it in the future. The Boyd-Norman connection is the lowest cost, lowest impact connection in the neighborhood and would improve	
	notification about the development of the Boyd to Norman connection by the RSA, community members attended the meeting asking for the Assembly to not build this connection. The Community cited an increased traffic, crime, cost as the main reasons to not construct this road.	of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and maintain the corridors for future road construction. Preserving the corridor now is less impactful and more cost effective than acquiring it in the future. The Boyd-Norman connection is the lowest cost, lowest impact connection in the neighborhood and would improve emergency response. This connection	Connection was
David D.	notification about the development of the Boyd to Norman connection by the RSA, community members attended the meeting asking for the Assembly to not build this connection. The Community cited an increased traffic, crime, cost as the main reasons to not construct this road.  Community members testified that they don't want secondary access. RSA	of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and maintain the corridors for future road construction. Preserving the corridor now is less impactful and more cost effective than acquiring it in the future. The Boyd-Norman connection is the lowest cost, lowest impact connection in the neighborhood and would improve emergency response. This connection has been planned for over 40 years.	removed at the
•	notification about the development of the Boyd to Norman connection by the RSA, community members attended the meeting asking for the Assembly to not build this connection. The Community cited an increased traffic, crime, cost as the main reasons to not construct this road.  Community members testified that they don't want secondary access. RSA 23 does not support the project. The community prefers Falk-Jensen	of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and maintain the corridors for future road construction. Preserving the corridor now is less impactful and more cost effective than acquiring it in the future. The Boyd-Norman connection is the lowest cost, lowest impact connection in the neighborhood and would improve emergency response. This connection has been planned for over 40 years. Planning recommends Boyd to Norman	removed at the request of the
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Norman Ave Bear St -	notification about the development of the Boyd to Norman connection by the RSA, community members attended the meeting asking for the Assembly to not build this connection. The Community cited an increased traffic, crime, cost as the main reasons to not construct this road. Community members testified that they don't want secondary access. RSA 23 does not support the project. The community prefers Falk-Jensen connection as it avoids heavily populated streets.  Extend Bear St along the section line up to Heart Lake Loop to provide a	of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and maintain the corridors for future road construction. Preserving the corridor now is less impactful and more cost effective than acquiring it in the future. The Boyd-Norman connection is the lowest cost, lowest impact connection in the neighborhood and would improve emergency response. This connection has been planned for over 40 years. Planning recommends Boyd to Norman remain on the OSHP.	removed at the request of the
Norman Ave Bear St - Heart Lake	notification about the development of the Boyd to Norman connection by the RSA, community members attended the meeting asking for the Assembly to not build this connection. The Community cited an increased traffic, crime, cost as the main reasons to not construct this road. Community members testified that they don't want secondary access. RSA 23 does not support the project. The community prefers Falk-Jensen connection as it avoids heavily populated streets.  Extend Bear St along the section line up to Heart Lake Loop to provide a secondary route for the Wolf Lake community to Bogard. Would be a good	of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and maintain the corridors for future road construction. Preserving the corridor now is less impactful and more cost effective than acquiring it in the future. The Boyd-Norman connection is the lowest cost, lowest impact connection in the neighborhood and would improve emergency response. This connection has been planned for over 40 years. Planning recommends Boyd to Norman remain on the OSHP.	removed at the request of the Borough Manager
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Boyd Rd- Norman Ave Bear St - Heart Lake Loop	notification about the development of the Boyd to Norman connection by the RSA, community members attended the meeting asking for the Assembly to not build this connection. The Community cited an increased traffic, crime, cost as the main reasons to not construct this road. Community members testified that they don't want secondary access. RSA 23 does not support the project. The community prefers Falk-Jensen connection as it avoids heavily populated streets.  Extend Bear St along the section line up to Heart Lake Loop to provide a secondary route for the Wolf Lake community to Bogard. Would be a good candidate  Hello, how do I found out if W.Youngtree Dr. is getting paved? We are on a	of the alignments shown in the draft 2021 OSHP for this area should be retained to preserve right of way and maintain the corridors for future road construction. Preserving the corridor now is less impactful and more cost effective than acquiring it in the future. The Boyd-Norman connection is the lowest cost, lowest impact connection in the neighborhood and would improve emergency response. This connection has been planned for over 40 years. Planning recommends Boyd to Norman remain on the OSHP.  The project team had already included this connection and the intersection has been marked as a primary intersection.	removed at the request of the Borough Manager
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		to maintain the character of your	İ
		community. Our goal with the OSHP is to	
		create a long-range plan that anticipates	
		growth, not necessarily an urgent to-do	ŀ
		list. In that sense, the community may not want new connections now, but they	
1		will likely be needed in the future. A	ł
		future connection identified on this plan	
		does not mean that it will be funded or	
		built any time soon. However, if these	
		roads are removed from the OSHP other	
		routes may be designed in the future	
	Soapstone Subdivision: Additional access to this neighborhood is not	that may have more impact on the	1
Hermann Ave	needed. It will NOT improve our quality of life, nor promote safe & efficient	community. Planning early will minimize	
	travel. Please contact the residents PRIOR to adding this to your final to do	conflicts and issues should a road be	
Subdivision	list.	needed in the future.	No.
		needed in the luture.	NO
1		Fairview Lp is a DOT road and an	
		example of a road that needs policies	
		and upgrades to help it function as it is	
		intended. Classifying the road as an	
ļ	I think you need to relook at FVL as a minor artery. It's a raceway and	Arterial will encourage some of those	
	speeds approach 55-65 MPH on stretches. Soft or non existent shoulders	changes. The proposed collector roads in	
	and heavy banks make it dangerous. Straighten and finish your projects on	the region will also help relieve pressure	
	FVL for once. We have been waiting	from the road.	No
			110
		We agree with your concerns. The OSHP	
		addresses them by identifying the	
Intersection	The inter door FVL & Hayfield Rd is dangerous. There should be a 4-way	intersection and road as needing	
	stop, roundabout, or something to slow/stop the traffic there. Especially	upgrades. This intersection has been	
Loop &	dangerous is trying to turn left from FVL into Hayfield. Please consider this.	labeled as primary, which means it is	
	Thanks.	important and needs to be prioritized.	No
		This alignment is the lowest impact route	
		in the area, if this road is removed from	
		the OSHP another route may be designed	
		in the future that may have more impact	
	j	on the community. This road may not be	
1		wanted or needed now, but it likely will	i
		at some point in the future. Planning	
Jensen to Falk	Please do not punch this road through, there many houses along Jensen	early will minimize conflicts and issues	
to Soapstone	and 35-45 mph is too fast. Also it will create more traffic for a small area.	should the road be built.	No

This alignment is the lowest impact route in the area, if this road is removed from the OSHP another route may be designed in the future that may have more impact on the community. We can absolutely understand wanting to maintain the character of your community. Our goal with the OSHP is to create a long-range plan that anticipates growth, not necessarily an urgent to-do list. In that sense, the community may not want new connections now, but they will likely be needed in the future. A future connection identified on this plan does not mean that it will be funded or built any time soon. Planning early will will not be a large concentration of homes built here and this will add traffic minimize conflicts and issues should a road be needed in the future.
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roads are removed from the OSHP other
routes may be designed in the future
that may have more impact on the
community. Planning early will minimize
conflicts and issues should a road be
Do NOT want ANY extension of Soapstone road. Most people bought on needed in the future. Also, the
Soapstone BECAUSE OF its limited access. And any extension of Soapstone connections identified are not final

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1		We can absolutely understand wanting	
		to maintain the character of your	
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4		create a long-range plan that anticipates	
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1		roads are removed from the OSHP other	
		routes may be designed in the future	
		<u> </u>	
ļ		that may have more impact on the	
	All of the roads you want to build in the soapstone area. I strongly	community. Planning early will minimize	
	oppose!!! You are ruining the reason people live here. No one wants there.	conflicts and issues should a road be	
Soapstone	Please take our opposition seriously. We live on Norman.	needed in the future.	No
		1	
		Mo can absolutely understand	
		We can absolutely understand wanting	
		to maintain the character of your	
		community. Our goal with the OSHP is to	
		create a long-range plan that anticipates	
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		will likely be needed in the future. A	
		<b>b</b> .	
ŀ		future connection identified on this plan	
		does not mean that it will be funded or	
		built any time soon. However, if these	
ł		roads are removed from the OSHP other	
		routes may be designed in the future	
Soapstone rd,		that may have more impact on the	
Jensen,	I oppose these road extensions. They would bring traffic into a quiet	community. Planning early will minimize	
	neighborhood changing it for the negative. There are already other ways to		
rd	access these roads that are sufficient	needed in the future.	No
1			
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		We can absolutely understand wanting	
]		to maintain the character of your	
		community. Our goal with the OSHP is to	
		create a long-range plan that anticipates	
1			
1		growth, not necessarily an urgent to-do	
		list. In that sense, the community may	
		not want new connections now, but they	
		will likely be needed in the future. A	
		future connection identified on this plan	
]		does not mean that it will be funded or	
]		built any time soon. However, if these	
1		roads are removed from the OSHP other	
]			
Evergreen	This is actually a trail that our pointh or and all lides are and different	routes may be designed in the future	
Evergreen	This is actually a trail that our neighborhood children use on a daily basis.	that may have more impact on the	
	Please do not make this a road. We do not want or need this proposed	community. Planning early will minimize	
	road in our neighborhood. We do not want to become a thoroughfare for	conflicts and issues should a road be	
and Norman	traffic.	needed in the future.	No

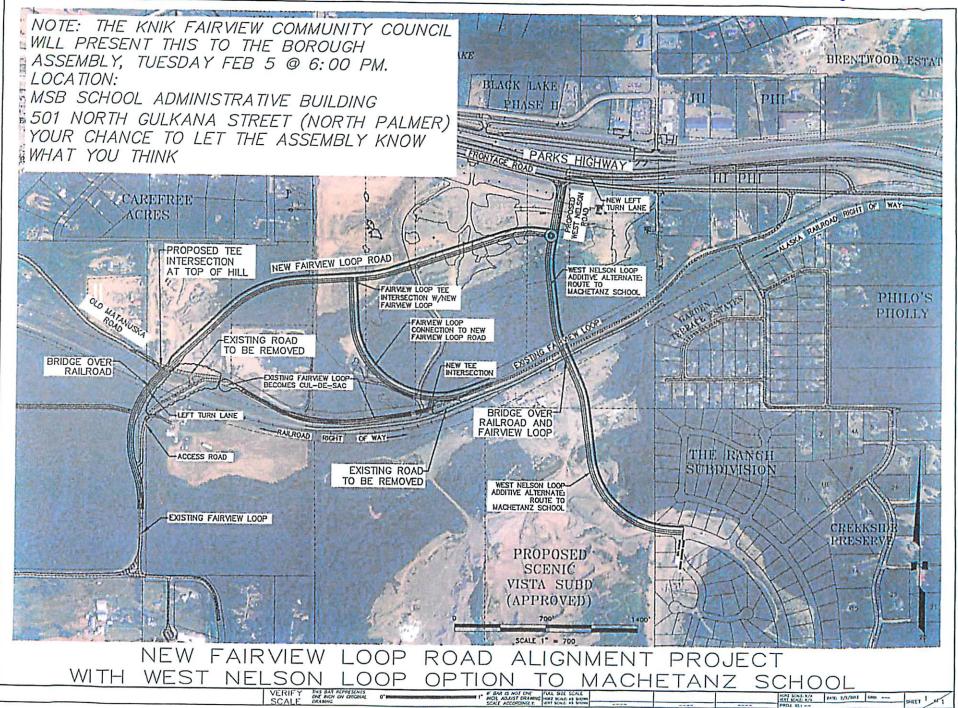
		T	
d second	Due to growth, a second access point in the Soapstone area is essential.  Hermann to Buffalo Mine extension is a huge waste of money. I'm open to an option that isn't a main thoroughfare that brings more commuter traffic	MSB Planning agrees, a connection between the Soapstone neighborhood and Buffalo Mine is not the most cost effective secondary access location. This connection was added to replace the more cost effective Boyd-Norman connection which was removed due to public opposition. This connection was a suggestion from AKDOT&PF If this connection is removed, the Boy-d Norman connection should be added	
access point	but is also fiscally responsible.	back.	No
<del>                                     </del>			
Norman Ave		MSB Planning agrees, a connection between the Soapstone neighborhood and Buffalo Mine is not the most cost effective secondary access location. This connection was added to replace the more cost effective Boyd-Norman connection which was removed due to public comment. The community may not want new connections now, but they will likely be needed in the future. A future connection identified on this plan does not mean that it will be funded or built any time soon. If these roads are removed from the OSHP other routes may be designed in the future that may have more impact on the community. Planning early will minimize conflicts and issues should road be needed in the future. This is not a to-do list, it is a long range plan.	No
	I listed the main road because it appears there are several plans for this	We can absolutely understand wanting to maintain the character of your community. Our goal with the OSHP is to create a long-range plan that anticipates growth, not necessarily an urgent to-do list. In that sense, the community may not want new connections now, but they will likely be needed in the future. A future connection identified on this plan does not mean that it will be funded or built any time soon. However, if these roads are removed from the OSHP other routes may be designed in the future that may have more impact on the community. Planning early will minimize conflicts and issues should a road be needed in the future.	No

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		Yes, the timeline will depend on	
		population growth, need, Assembly	
1		approval, and funding. A future	
Į.		connection identified on this plan does	
ł		not mean that it will be funded or built	
		any time soon. Planning early will	
		minimize conflicts and issues should road	
E Jensen	Is the plan to connect E lensen to E Koonen ad. And if so when?	be needed in the future. This is not a to-	
L Jeliseli	Is the plan to connect E Jensen to E Koenen rd. And if so when?	do list, it is a long range plan.	No
ì		MCP Planning agrees a connection	
		MSB Planning agrees, a connection	
		between the Soapstone neighborhood	
ļ		and Buffalo Mine is not the most cost	
		effective secondary access location. A	
		secondary access will be needed at some	:
		point for emergency preparedness. This	
		connection was added to replace the	
		more cost effective Boyd-Norman	
		connection which was removed due to	
		public opposition. This connection was a	
	This extension has no purpose and will upset more people than it will help.	suggestion from AKDOT&PF If this	
	There is very little traffic that leaves the soapstone area to head north on	connection is removed, the Boy-d	
Spapstone/hii	the Glenn. Residents from both soapstone and buffalo mine don't want	Norman connection should be added	
ffalo mine	more traffic. That is why we live here	back.	No
	more women made is winy we live liefe	Dack.	No
		We can absolutely understand wanting	
		to maintain the character of your	
1		community. Our goal with the OSHP is to	
1		create a long-range plan that anticipates	
ł		growth, not necessarily an urgent to-do	
		list. In that sense, the community may	
		not want new connections now, but they	
		will likely be needed in the future. A	
		future connection identified on this plan	
J		does not mean that it will be funded or	
1		built any time soon. However, if these	
1		1	
		roads are removed from the OSHP other	
	loon amaged to pay and all developing to the first	routes may be designed in the future	
	I am opposed to any and all development associated with any connector	that may have more impact on the	
	roads linking langes Norman holiday subdivision and sabbatis hills	community. Planning early will minimize	
]	development to any outside or existing roads	conflicts and issues should a road be	
Soapstone rd	There is strong opposition across the neighborhood.	needed in the future.	No
1		This connection may not be built any	
1		time soon, but it is meant to plan for an	
	Waste of tax payers money	effective collector road network so that	
	Where new Evergreen crosses Norman and up to Hermann has been tried	higher speed traffic is kept off of local	
	before and was way to steep of a grade	roads and flows into and out of the	
1	Hermann just opens up the backside of land that already backs up to state	neighborhood safely and efficiently.	
	land makes no sense	These connections are not final	
	Taxes already to high		
Norman	TONCS OFFERDY TO THEFT	alignments, and may look different	N
		when/if they are built.	No

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		We can absolutely understand wanting	<b>.</b>
		to maintain the character of your	l
		community. Our goal with the OSHP is to	
i		create a long-range plan that anticipates	
		growth, not necessarily an urgent to-do	
1			
i		list. In that sense, the community may	
ļ		not want new connections now, but they	ŀ
		will likely be needed in the future. A	
		future connection identified on this plan	
Evergreen to		does not mean that it will be funded or	
farm loop		built any time soon. However, if these	
connection,		roads are removed from the OSHP other	
Jensen road		routes may be designed in the future	
extension,		that may have more impact on the	1
Hermann	There is no need to connect these two neighborhoods in this manner.	community. Planning early will minimize	
road	These roads do not need extended at this time, the neighborhood will be	conflicts and issues should a road be	
extension.			<b>l.</b> .
extension.	massively effected in a negative way if these proposed roads are built.	needed in the future.	No
		L	}
		At this level, this alignment was	
		determined to be the lowest impact	
ł		route in the area. These are not final	
Are Fishhook		alignments, if this road is prioritized and	
#16 - Tex-Al		funded in the future these two routes	
Dr. and Falk	It would be a waste of money to build Jensen Rd when you could connect	will likely be looked at in much more	
Rd.	to Soapstone via a ROW already reserved to make the connection	detail. Right now, Jensen has ROW	
connection to	Soapstone. I live at 12400 Soapstone - my home is 6 inches from the	platted for a future road and has far	
Jensen	Jensen ROW.	1 -	<b>.</b>
Jensen -	Jensen now.	fewer driveways.	No
ļ		L.	
		This connection may not be built any	
		time soon, but it is meant to plan for an	
		effective collector road network so that	
		higher speed traffic is kept off of local	
i		roads and flows into and out of the	
İ	Absolutely not a good plan in many respects. To tie in Herman would be	neighborhood safely and efficiently.	
	way too steep for a road. They tried that many years back and left me, a	These connections are not final	
Soapstone	property owner nothing but an eyesore. And to what purpose why should	1	
Herman	we honor the past mistakes ?	alignments, and may look different	
Heiman	we nonor the past mistakes ?	when/if they are built.	No
1			
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l			
l		We can absolutely understand wanting	
		to maintain the character of your	
		community. Our goal with the OSHP is to	
		create a long-range plan that anticipates	
I		growth, not necessarily an urgent to-do	
<b>j</b>		list. In that sense, the community may	
		not want new connections now, but they	
		will likely be needed in the future. A	
		future connection identified on this plan	
		does not mean that it will be funded or	
		built any time soon. However, if these	
		roads are removed from the OSHP other	
		routes may be designed in the future	
	It is troubling the Borough doesn't respect this communities wishes for this	that may have more impact on the	
	area. We spoke up loud & clearly against any new road improvements in	community. Planning early will minimize	
	our area when this was brought up recently. The Hermann one especially is		
		iconnucts and issues should a road he	
	a TOTAL WASTE of tax-payers money.	needed in the future.	No

		<del></del>	
	It is also sad that you only give people 255 characters to type their	The amount of characters was limited by	
Sannstana	message. Why is this done this way, what is the problem with expanding	the mapping software used. You are	
Soapstone Area	the amount of space available so people have enough room to truly express their points and concerns?		
Alea	their points and concerns?	comments to the Borough as well.	No
		Left turn access at this intersection is	
		unlikely because Trunk Road is a high	]
l		speed road. These arterial roads have	
İ	Original plans for the new Trunk Rd had SB left turn access to Duchess from		Yes, consider
i	S. Trunk. Didn't happen. Need left turn access into the neighborhood w/o	traffic to flow. Planning agrees that a	extending frontage
Duchess and	going all the way down to the roundabout. Use College Rd intersection if	frontage road connection to College Dr is	
Trunk	necessary.	neceassary.	intersection
			intersection
		The connections on the OSHP are not	
1		final alignments, they are for planning	Yes, the Assembly
		purposes and will likely change some	should consider
		when/if the road moves to design stage.	requesting this
1		When this road is built will depend on,	corridor move to
		population growth, need, Assembly	the section line.
ľ		approval, and funding. This road will	This would likely be
		likely not be built anytime soon. The	a more expensive
	The existing road is not built to specifications and is not maintained by the	corridor bisects your property because	road project, but
	Borough. Can this road be built along the existing section line adjacent to	we were attempting to avoid the	would reduce
W. Misty Lake	W. Misty Lake Rd? We are planning to build on the portion of the property	wetlands present within the section line	neighborhood
Rd	you are bisecting!	easement.	impact.
1			
		The connections and upgrades planned	
		for this area, specifically the Hermon Rd	
		upgrade and extension to the Palmer-	
		Wasilla Hwy, will relieve cut through	
		traffic and improve the intersection. This	
Ì		project is funded and will be managed by	
į		AKDOT, it is scheduled for construction	
	This road has become a major cut through for people avoiding the parks	around 2023. Once this project is built,	
	highway from Seward meridian. They cut through to the sonic plaza, or just		
Whispering	cut through. Speeds are high and traffic is non stop. A block at Herman road		
woods Dr.	would be great. Thanks.	Whispering Woods.	No
		The connections and upgrades planned	
		for this area, specifically the Hermon Rd	
		upgrade and extension to the Palmer-	ļ
		Wasilla Hwy, will relieve cut through	
		traffic and improve the intersection. This	
		project is funded and will be managed by	
		AKDOT, it is scheduled for construction	
Herman road		around 2023. Once this project is built,	
and Parks	<del>-</del>	traffic will have more efficient options and will not need to cut through	
	Whispering Woods to avoid it. Help!	Whispering Woods.	No.
	THE PERSON OF TH	**************************************	No
	The proposed connection of S Settlers Bay Dr, and the connection between	These connections were an oversight and	
Settlers Bay	S Settlers Bay Dr and S Hayfield Road are not constructible due to the	will not be able to be built. They will be	Yes, removed
	Borough's recent conservation easement which restricts development.	removed administratively.	administratively.
	G		outimistratively.

**Full Version of Comments Received Physically** 



#### 6-4-21 MatSu Borough Draft OSHP Review

### **DOTPF Traffic and Safety Comments on intersections and alternative routes, functions**

(See the KMZ files from DOTPF for the correlation of primary intersections.

This includes the October 2020 Parks Hwy Access Development Permits ADP approved by DOTPF and MSB, DOTPF unsignalized intersections rankings, and existing and future intersections mapping for the HSIP Program.)

#### **TALKEETNA**

- MSB Lands west of Trapper Creek are critical to retaining a Bypass option to address local speed concerns. Otherwise a bypass may never occur and the main Parks Hwy will need to maintain its high speed function in Trapper Creek. Concur it is too soon to show a route in OSHP as stated in Implementation Plan – however, parcels should be flagged/shaded for careful ROW planning before further subdivision.
- 1 primary intersection to the library/fire station can be shown south of Trapper Creek.

#### **WILLOW**

- 3 primary intersections in Parks ADP permitting are not shown
- 4 primary intersections shown are not primary in Parks ADP permitting
- MSB Lands east of Willow are critical to a Willow Bypass plan, otherwise a bypass may never occur.
   Concur it is too soon to show a route in OSHP as stated in Implementation Plan however, parcels should be flagged for careful ROW planning before further subdivision.
- There are several Section Line Easements essential and well positioned in the terrain to serve development of large tracts of lands.
- One should be shown on this sheet as a road extension.

#### **SHEEP CREEK - KASHWITNA**

 Several Section Line Easements N and S of Willow Map 1 are in place to provide ideal parallel frontage/backage options to develop lands further next to the Parks Hwy. Intent to use these options in an OSHP is consistent with referenced manuals and includes:

MP 61-65 north of hwy

MP 78-81 west of hwy

MP 82-83 east of hwy

MP 86-87 west of hwy

MP 87.5-88 east of hwy

MP 92-96 west of hwy

MP 102-107 south of hwy

- Two more maps added to the OSHP would show some essential SLE's. These SLE's are documented in the Parks ADP mapping.
- These SLE's should be shown in the OSHP so we steer towards using them, rather than vacating them.

#### **HOUSTON**

5 primary intersections not shown but mapped and approved in the Parks ADP

- 3 are not primary intersections
- Essential MSB parcels off of Hawk Lane may be critical to rail spur and Parks Hwy bypass feasibility in Houston. Recommend putting a shade on those parcels for transportation set asides prior to other uses.
- There are essential SLE's in the NW corner of this map that parallel and cross the Parks Hwy to large tracts.

#### Big Lake

MSB lands on Hollywood Road are essential to solving sharp curves and pioneer alignments in two
areas. Recommend showing these lands as "essential to transportation planning" and careful
planning of ROW widths and setbacks to Hollywood Road.

#### WASILLA

- Fairview Lp Rd at Linlu lane is a primary intersection to existing lands with greater feasibility to serve Nelson Rd area than other options shown.
- 4 intersections shown are not primary meaning not likely to serve LT's or signals in the long term.
- A Leota/Endeavor connection appears underway with developer planning at KGB/Endeavor
- DOTPF concurs with SM extension South in past correspondence RE Nelson Rd area and Fariview Loop Road/Abby Blvd concerns. This fits the goal fo maximizing Collector and Arterial access to interchanges for the most residents and businesses possible.

#### **KNIK-GOOSE BAY**

- 3 primary intersections have been mapped by DOTPF for signal spacing to match long term growth of large parcels and frontage roads.
- 3 existing intersections are not primary. They are likely to be rerouted to long term primary intersections.
- A Settler's Bay Hayfield Rd connection is recommended. Much housing is still going in with lower ermergency access and limited access to turn bays and signals out on KGB.

#### **FISHHOOK**

- The first primary intersection would be ½ mile west of the Glenn Hwy with greater N-S connectivity than the site shown. DOTPF selects future signal locations and major intersections on state routes.
- Is Trunk Rd Extension supported by LRTP modeling in lieu of Glenn Hwy expansion in Palmer?
   Does it offer local governments their goals towards a Boulevard in Palmer through AADT
   reduction? This would qualify as a future goal review as stated in the Implementation Plan, that is
   not yet ready for the OSHP or LRTP modeling. If the MSB and City of Palmer desire the Interstate
   route relocated out of Palmer, then now is the time to plan for it otherwise it will remain due to
   lack of options in 30 years.

#### **PALMER**

- Fairview Lp Rd at Linlu lane is a primary intersection to existing lands with greater feasibility to serve Nelson Rd area than other options shown. RR Xing as shown is not feasible w/o also realigning Fairview Loop Road away from ARRC for school bus storage and may not be approvable for safety without engineering study. DOTPF/ARRC joint policy requires and engineering study look at reducing RR Xing conflicts — which Linlu Lane connection does.
- Shennum/Shoreline and Hay St to the south are a large neighborhood split dependent on PW Hwy for most access. Long term, eventual Hay St crossover should be considered to maximize connectivity to the Fairview/Nelson area, schools and other services. Would be same as McCarrey St in Anchorage for example.
- MatSu Regional Hospital requires a 2<sup>nd</sup> point of access for emergency response. Look at the potential to extend Glenn 34-42 frontage at Matanuska Lake to Woodworth Loop.
- "4 Corners" CIRI and 3Bears are at risk of enough congestion to lead to stop and go traffic backing into adjacent signals in the long term. The area is served by poor signal spacing in proximity to new Trunk Road. Examine Ray Lane or a new intersection and internal perimeter route west of these facilities that can remain signalized with less congestion. A gateway to 1 million square feet of retail at the Old Trunk Road intersection will fail the PW Hwy in the long term. A relocated signal is best planned in the OSHP and LRTP as a larger system. This cannot be easily resolved within the limitations of individual TIA's for individual parcels.
- Show Midtown/Golden Hills, Colleen Street as planned.
- Old Glenn access to Burkholder Lake and hundreds of acres is needed via Section Line. There's
  enough traffic to support a middle connector rather than divert all traffic to the curves at Back
  Acres Rd or Maud Rd. If traffic is concentrated without new connectors then signals are more
  likely to be warranted. With more roads, signals can be avoided for a longer time.
- PW Hwy N/S disconnect needs solutions. An E-W Collector S of the Hwy can serve more access to signals - including schools, sports centers etc. Rather than building more signals and more congestion on the main highway. This also improves emergency circulation and school bus routing less need for bus stops on the main hwy.
- A Mat R Xing is more of a goal than a known route, just like Interstate bypasses. Crossing the
  braided river is best at a canyon or unbraided area. The Glenn is too wide and steep for an ideal atgrade intersection at 58 mile Road, but may work as a grade separation in the very long term.

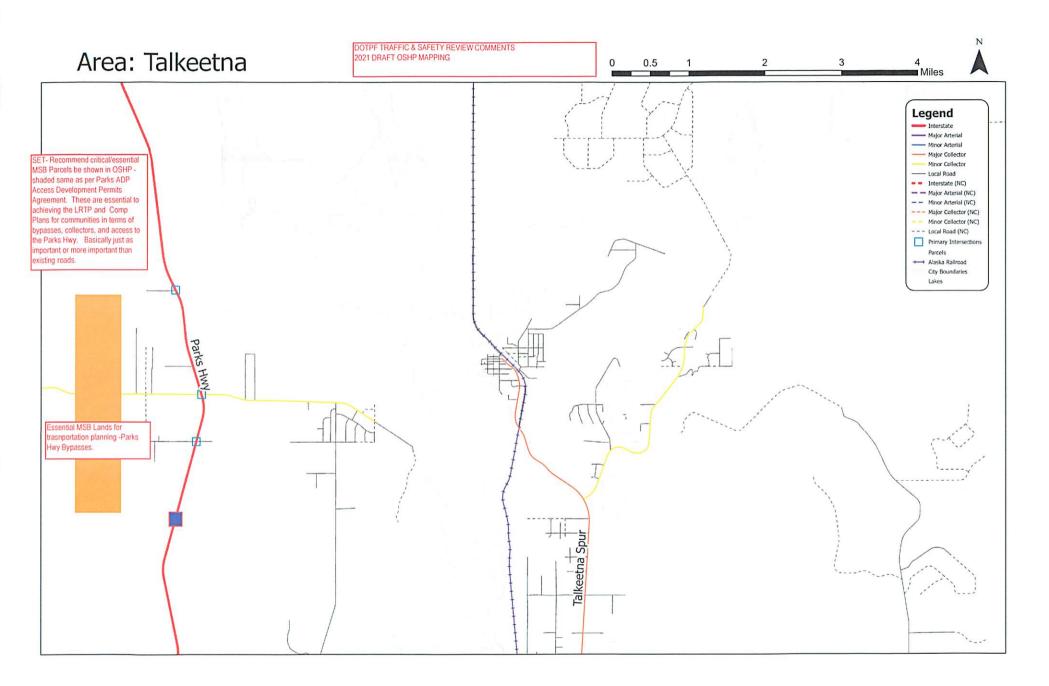
#### **KNIK RIVER**

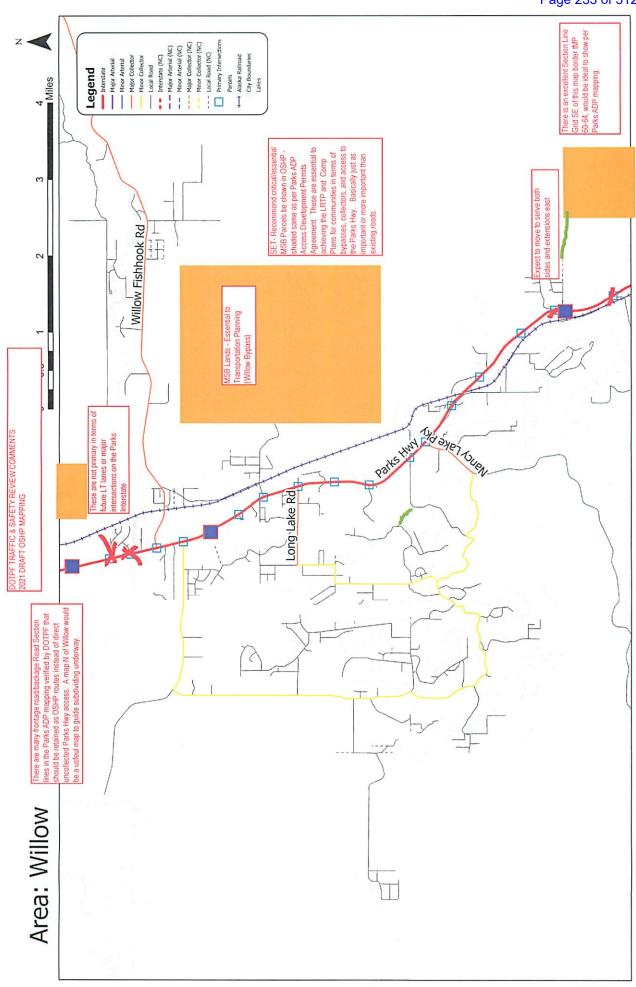
• It appears River Road is better positioned for an intersection and visibility on the N end rather than the south end of the loop.

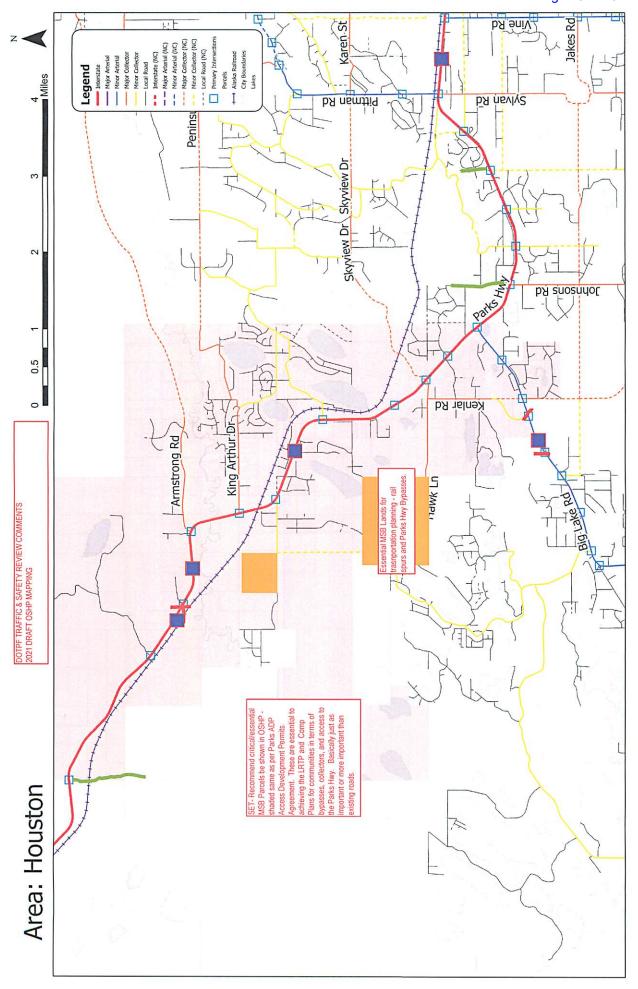
#### **OTHER**

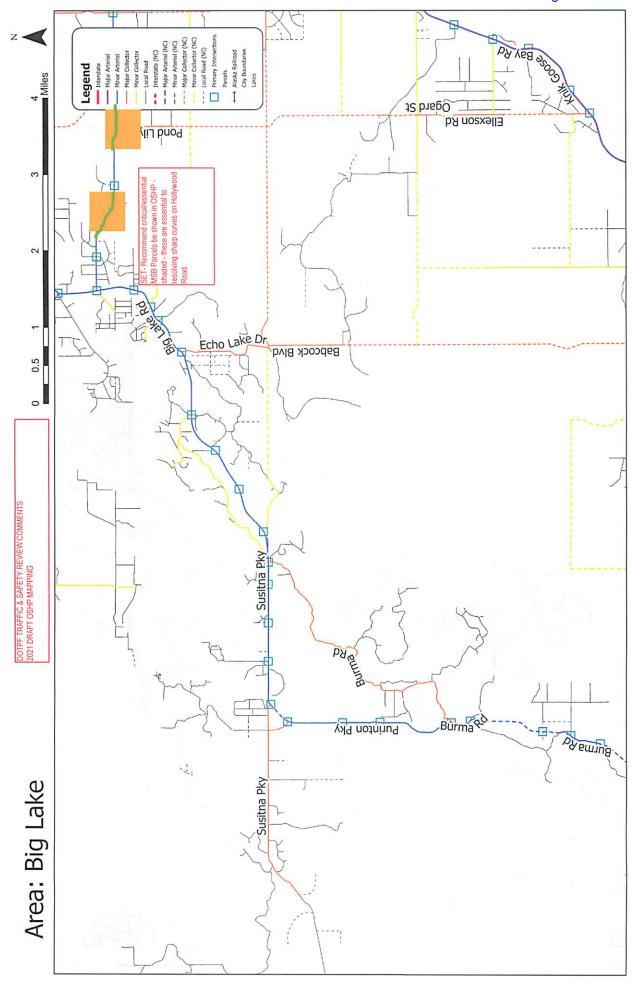
 Other apparent OSHP collectors/connectors were mapped in the DOTPF "Over the Shoulder" review of the OSHP in February 2, 2021 mapping, attached.

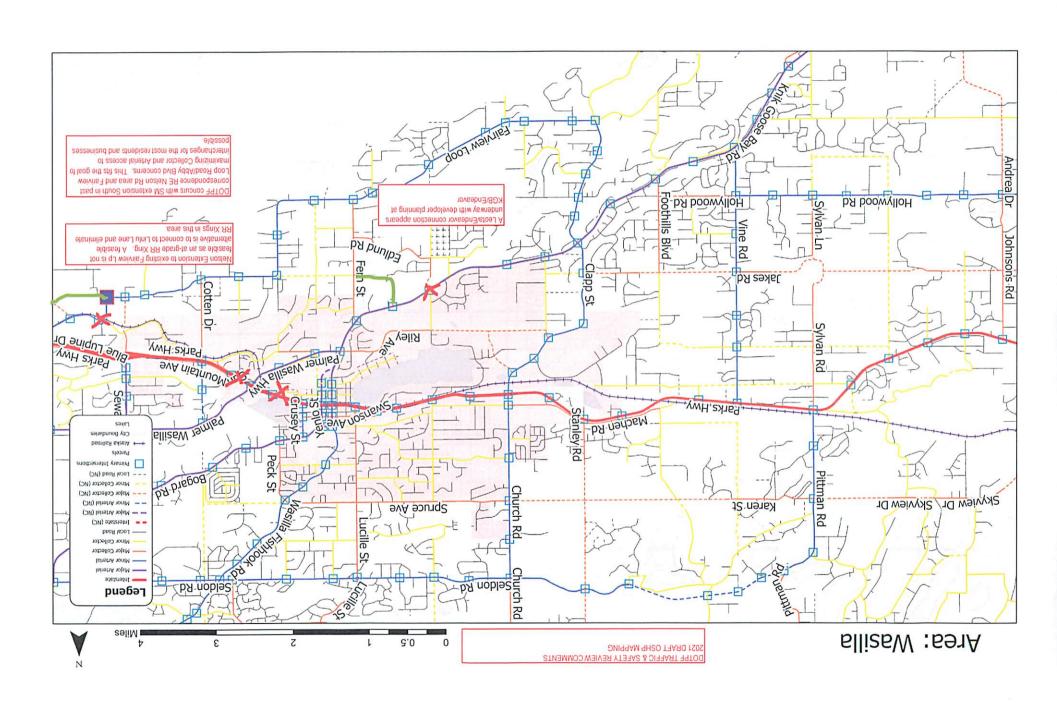
3

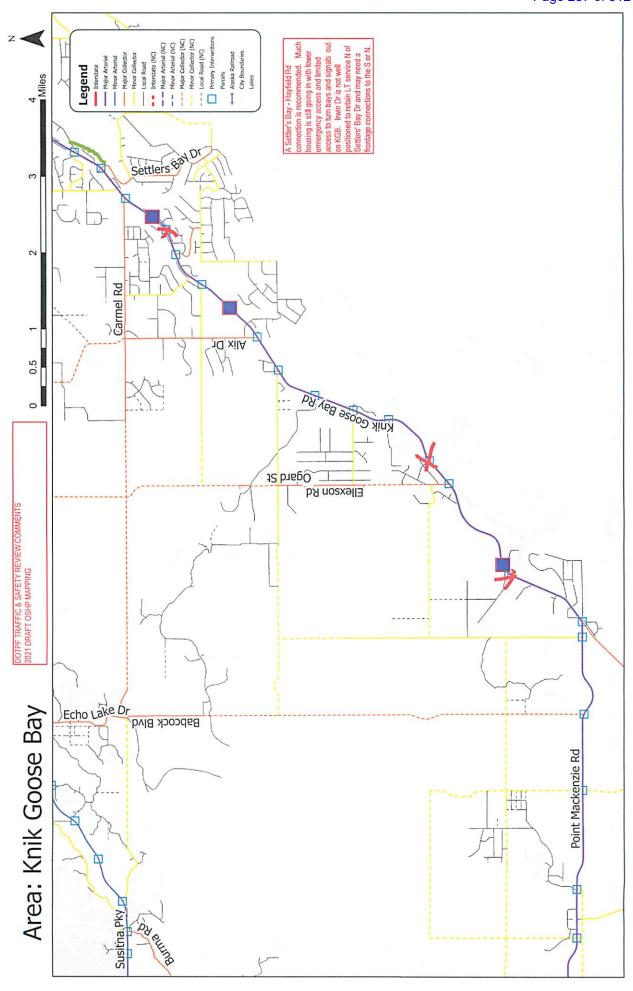


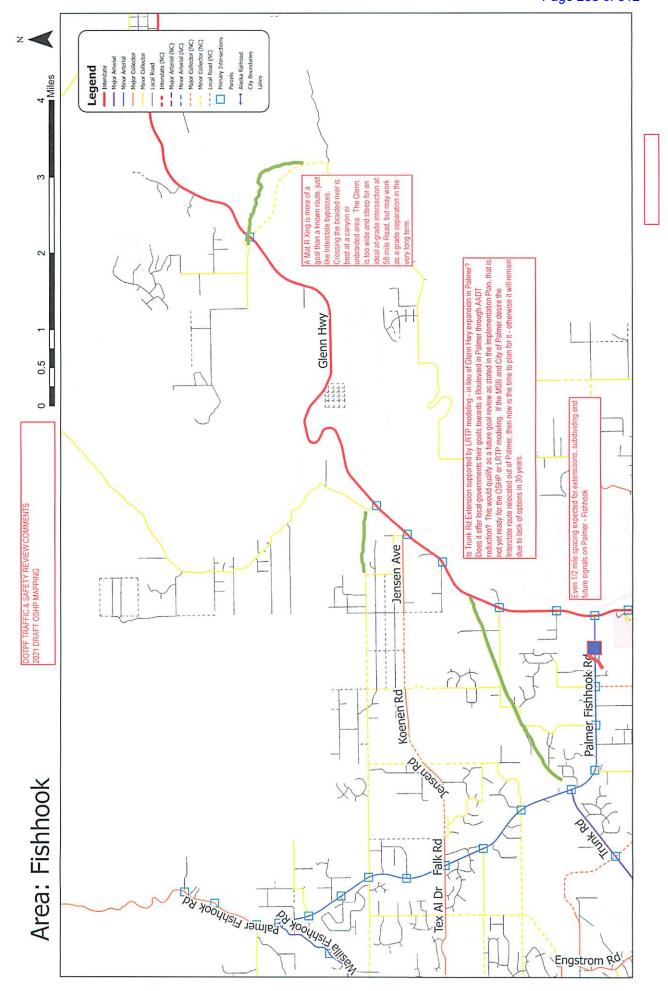


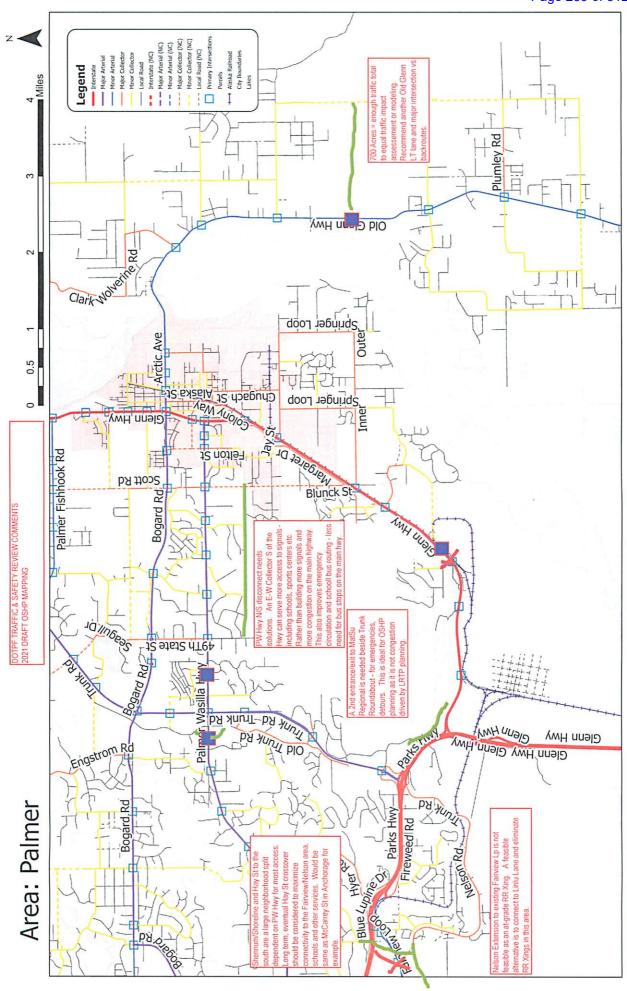


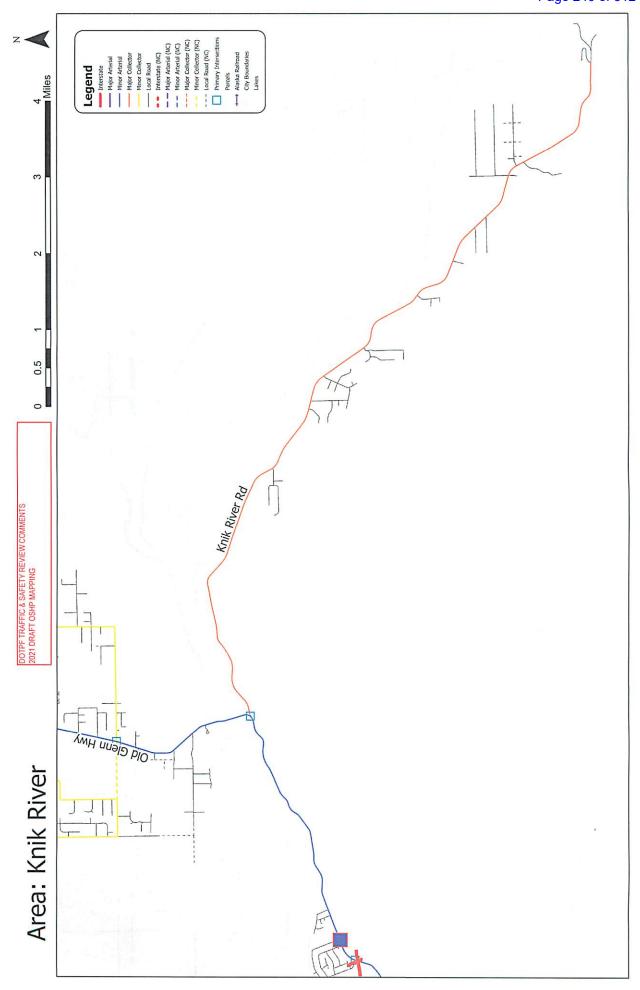












By: Introduced:

Adam Bradway

Public Hearing:

April 4, 2022 April, 18 2022

Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 22-13

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING ADOPTION OF THE MATANUSKA-SUSITNA BOROUGH 2022 OFFICIAL STREETS AND HIGHWAYS PLAN UPDATE.

WHEREAS, the Official Streets and Highways Plan (OSHP) is a transportation planning tool that identifies future road corridors and road upgrades necessary to accommodate the Borough's growing population and its transportation needs; and

WHEREAS, the OSHP is a part of the Borough's Long Range Transportation Plan, is map-based, and focuses on road infrastructure needs; and

WHEREAS, the OSHP will provide a thoughtful, proactive, and comprehensive basis for planning, platting, and transportation decisions; and

WHEREAS, the OSHP will help the Borough preserve future road corridors, reducing right-of-way costs and addressing road network deficiencies before they happen; and

WHEREAS, the OSHP will enhance safety, reduce congestion, reduce negative impacts on neighborhoods, and lower transportation costs; and

Planning Commission Resolution PC 22-13 Adopted:

Page 1 of 2

Planning Commission Packet - April 18, 2022 Page 242 of 312

WHERE AS, future road corridors and upgrades to existing roads should be planned early in order to ensure a safe and efficient road network.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends adoption of the 2022 Matanuska-Susitna Borough Official Streets and Highways Plan Update.

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

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

# PUBLIC HEARING LEGISLATIVE

# Amending MSB 17.05 to exclude the Port MacKenzie Special Use District

Resolution No. PC 22-16

(Pages 243 - 308)

**PUBLIC HEARING** 

## **Matanuska-Susitna Borough**

LAND & RESOURCE MANAGEMENT DIVISION



#### **MEMORANDUM**

TO: Matanuska-Susitna Borough Planning Commission

THROUGH: Alex Strawn, Planning Director

THROUGH: Eric Phillips, Community Development Director

FROM: Tracy K. McDaniel, Asset Manager

DATE: March 22, 2022 for the April 18, 2022 Public Hearing

RE: A Resolution Recommending the Borough Assembly Adoption of an Ordinance

Amending MSB Title 17.05 Essential Service Utilities to Exclude the Port MacKenzie

Special Use District.

MSB 17.05 Essential Service Utilities was adopted by Ordinance Serial No. 07-076 as a means to provide an extended public notice process for certain types of utility services that includes the Port MacKenzie Special Use District but excludes the city boundaries of Houston, Palmer, and Wasilla. The code was adopted as a result of public concern and lack of public notification for a utility expansion for Mat-Su Regional Hospital where the utility corridor ran through the borough landfill, Crevasse Moraine trail system, and the University of Alaska property.

MSB 17.23, Port MacKenzie Special Use District adopted by Ordinance Serial No. 00-154, as amended, is the only recognized industrial/commercial district within the Borough, aside from industrial/commercial land within the city limits of Wasilla, Palmer, and Houston. The Port MacKenzie Special Use District code provides the intent, purpose, and use of land within the special use district. The code established specific zoning districts within boundaries of the special use district for commercial, industrial, and conservation development on borough-owned lands.

Furthermore, the Port MacKenzie Master Plan 2016 Update "relates directly to its status as an official statement of public policy adopted by the Matanuska-Susitna Borough Assembly." The master plan

is a source of information for borough-owned land uses and opportunities for private use and investment as a basis to protect existing development.

Amending MSB 17.05 to except the Port MacKenzie Special Use District as codified under MSB 17.23 assures and provides for the zoning and land use goals of the Port MacKenzie Master Plan 2016 Update, and provides for efficient commercial, industrial, and economic development on boroughowned lands. The Port MacKenzie Master Plan 2016 Update, Section 5 Facilities/Utilities, includes a utility layout map (Appendix A) for the development of utilities for water, wastewater, storm water systems, electrical services, pipelines, conveyors, and natural gas. To review the master plan, visit <a href="https://www.matsugov.us/plans/port-mackenzie-master-plan">https://www.matsugov.us/plans/port-mackenzie-master-plan</a>.

On April 18, 2022, Resolution Serial No. 22-02 will be presented to the Matanuska-Susitna Borough Port Commission for their consideration and support prior to the Matanuska-Susitna Borough Planning Commission meeting. Staff will provide an update at the Planning Commission meeting.

The Land and Resource Management Division respectfully request the Matanuska-Susitna Borough Planning Commission adoption of Resolution Serial No. 22-16 recommending Borough Assembly approve by ordinance an amendment to MSB Title 17.05 excluding the Port MacKenzie Special Use District as codified under MSB 17.23.

#### **CODE CHANGE**

#### 17.05.020 APPLICABILITY.

(A) This chapter applies to all areas of the borough except within the city boundaries of Houston, Palmer, [AND] Wasilla, and the Port MacKenzie Special Use District boundary. This chapter applies to municipal utilities that extend beyond city boundaries and the Port District boundary into unincorporated borough lands.

#### **ATTACHMENTS**

- 1. Assembly IM 07-130 and Ordinance 07-076
- 2. MSB Chapter 17.05 Essential Service Utilities
- 3. MSB Chapter 17.23 Port MacKenzie Special Use District
- 4. Port MacKenzie Master Plan, 2016 Update, Chapter 5
- 5. Port MacKenzie Master Plan, 2016 Update, Chapter 5, Appendix A

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 07-130

SUBJECT: AN ORDINANCE ADOPTING MSB 17.02 ESSENTIAL SERVICE UTILITIES

AGENDA OF: JUNE 5, 2007

ASSEMBLY ACTION: OR 07-076 Was adopted without Objection. 6/19/07

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN DUFFY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator: E. Probasco	EP	
2	Public Works Director	300	5/18/07
,	Planning and Land Use Director	MMO	sliklot
3	Community Development Director	\$	5/18/07
Ч	Finance Director	du	5/18/07
5	Borough Attorney	NS.	
Ь	Borough Clerk	ARCHA	LMM.

ATTACHMENT(S): Fiscal Note: Yes No X
Ordinance Serial No. 07- (7 pages)
Planning Commission Resolution 07-26: (1 page)
Written comments received: (6 pp)

#### SUMMARY STATEMENT:

In the summer of 2005, a major transmission line extension was being planned to provide necessary utility services to the new hospital. The route that was intended to be used by the utility companies ran through the borough landfill, the Crevase Moraine trail system, and University of Alaska property. As a result of public concern, lack of public notification and the potential impact to the landfill and trail system through the moraine, the borough drafted an ordinance requiring a conditional use permit review and approval process by the planning commission, and circulated it for public review.

The first draft required an extensive application process and submittal requirements, a lengthy review and approval time frame, and submittal of final project development standards, for design, site requirements, and environmental review. The draft received substantial opposition from the following utilities:

Matanuska Electric Association Chugach Electric Association Matanuska Telephone Association Golden Valley Electric Association Municipal Light & Power Alaska Natural Gas Development Authority Enstar

Other comments were also received, with suggestions for modifications. The most significant point that was raised by the comments in opposition was the fact that the types of transmission facilities that were intended to be covered by the ordinance, were already under the authority of the Regulatory Commission of Alaska, and the ordinance went beyond the scope of the borough's regulatory authority.

After further review and recommendation by the borough attorney, an amended draft document was prepared. The intent of the amended ordinance is to ensure that the opportunity for input with respect to the extension of major utility transmission systems is afforded to the public.

The key components of the ordinance are:

- Development of a public participation plan by the utility
- Review and acknowledgement of the public participation plan by the planning director
- Submittal of decisional document to the planning director by the utility

The public review draft of the ordinance was distributed on March 16, 2007, with a comment deadline of April 13, 2007. Comments were received and reviewed, and staff made suggestions for several amendments and presented the document to the Planning Commission. The commission held a public hearing on May 7, 2007, made several other minor amendments, and adopted resolution 07-26 recommending assembly approval of the ordinance. Staff supports the changes made by the commission. Written comments received are summarized below:

COMMENTOR	SUMMARY OF COMMENTS	SUMMARY OF STAFF RESPONSE
MEA	Change "right-of-way" to "public way" which is defined in MSB 11.20, and remove reference to privately owned land in Type I	Changes made - see 17.02.030

Page 2 of 4

City of Suggests ordinance This suggestion has been	
datebook in the Calbert	
extensions by municipal ordinance. 17.02.040(A)	(1)
utilities within minimum requirements,	
service areas granted allows for following the	
by Regulatory own public process, as 1	long
Commission of Alaska   as it meets established	ŀ
(which are outside of   state or federal	
their municipal guidelines. The only the	
boundaries). the city will need to do	o in
addition to what they	
already do is provide pr	
notice of the project to	<b>o</b>
the director, and upon	
completion of public	ļ
participation, a decision	onal
document (17.02.040(C).	No
change necessary.	
City of Similar comments to Same comments as listed	for
Wasilla City of Palmer City of Palmer, above.	
Friends of Wants wider The commission made	
Mat-Su notification including amendments to include	ŀ
all affected community councils in	_
councils SPUDS, wants notification process, to	o
the public hearing to require that copies of	ļ
be held by the planning written comments be	
commission, wants submitted to the director	OT.
copies of public with the decisional	_
comments to be included document, and to require with decisional notification be posted or	
with decisional notification be posted of document, wants impact the utility's and the	211
analysis of noise & borough's websites.	
lighting, wants the	
borough to require that	Ì
the utility should	
consider existing	
roads, or corridors	
etc. for location of	
the route or facility.	
MSB Suggest adding language Changes made, added	
Community to make sure that subsection (d) to	
Development state, federal or 17.20.040(A)(1)	
utility board adopted	
guidelines for public	
process must at least	
meet our minimums.	
MSB Port Suggests ordinance Regulations that apply	to
should not apply to other public municipality	ties
Port District.   and utilities should al	so
be complied with by bore	_
agencies. No changes m	ade.
Other MSB   Mostly typographical in   Made corrections	
departments nature	

## RECOMMENDATION OF ADMINISTRATION:

Staff recommends assembly approval of Ordinance 07-\_\_\_\_, adopting MSB 17.02 Essential Service Utilities.

Page 4 of 4

## MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RESOLUTION NO. 07-26

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING THAT THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPT MSB 17.02 ESSENTIAL SERVICE UTILITIES.

WHEREAS, the Matanuska-Susitna Borough is the fastest growing region in the state of Alaska; and

WHEREAS, due to increased development in the borough, the need for essential service utilities is also increasing; and

WHEREAS, the Matanuska-Susitna Borough supports providing for the installation of essential services such as telephone, pipelines, electric transmission lines and substations in such a manner that negative impacts to the health, safety and welfare of borough residents and properties are minimized.

WHEREAS, the borough intends to ensure that the opportunity for public input into extension of major utility transmission facilities is provided for; and

WHEREAS, MSB 17.02 Essential Service Utilities is intended to provide the opportunity for public input when major utility transmission facilities are planned; and

WHEREAS, essential services planning efforts which include a public participation component will ensure that borough residents will have an opportunity for input and help maximize the benefit of the utility extension to all residents of the borough.

NOW THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Planning Commission recommends the borough assembly adopt MSB 17.02 Essential Service Utilities.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this  $\frac{1}{2}$  day of  $\frac{1}{2}$  2007.

PRISCILLA M. GOFF, Planning Clerk

(SEAL)

IM 67-130 OBOT-076



# Matanuska Electric Association, Inc.

P.O. Box 2929 Palmer, Alaska 99645-2929 Telephone: (907) 745-3231 Fax: (907) 761-9368 MSB Planning Division

APR 1 3 2007

RECEIVED

April 13, 2007

Mr. Murph O'Brien
Director of Planning and Land Use
Department of Planning and Land Use
Matanuska-Susitna Borough
350 East Dahlia
Palmer, AK 99645

Re: Draft Ordinance 17.02 ("Essential Service Utilities") dated March 6, 2007

Dear Mr. O'Brien:

This letter provides Matanuska Electric Association's comments on the March 6, 2007 public review draft of the proposed Mat-Su Borough Ordinance 17.02, regarding essential service utilities. First of all, MEA wants to thank Borough Staff for working with us on curing a number of the problems related to earlier drafts of this proposed ordinance. However, upon reviewing the current draft, there is an ambiguity that MEA believes must be clarified.

Specifically, MEA is concerned about proposed MSB 17.02.030, which currently states:

All proposed Type I essential service utilities, when installed or extended in any public right-of-way, borough owned land, or privately owned land, shall require a permit issued by the borough in accordance with MSB 11.30.030....

MSB 11.30.030 is the existing Borough ordinance requiring utilities to obtain a borough utility permit prior to placing utility infrastructure in a "public way." The term "public way" is defined in MSB 11.30.010 as being:

Any public right-of-way, street, road, alley, section line easement (that is not maintained by the state of Alaska or within the incorporated limits of any city that exercises road powers), public easement, public use easements, drainage easements, public utility easement (not to include private utility easements or easements dedicated to a certain utility), public traveled way, prescriptive right-of-way, and includes those areas used for road maintenance and snow storage or any other public right-of-way over which the borough exercises its jurisdiction. (emphasis added)

IM07-130

Mr. Murph O'Brien Mat-Su Borough April 13, 2007 Page 2

MEA primarily utilizes the exception in MSB 11.30.010 and .030 to connect individual meters to our distribution system. In 2002, MEA connected 2,141 new services to our distribution system. In 2003, this number was 2,306. In 2004, this number was 2,514. In 2005, this number was 2,876, and in 2006, it was 2,286. It would clearly be unreasonable to burden MEA with filing over 2,000 additional Type I permit applications per year, and it is equally unreasonable to anticipate that the Borough could timely process this number of permit applications.

Therefore, MEA suggests that proposed MSB 17.02.030 be clarified to state as follows:

All proposed Type I essential service utilities, when installed or extended in any public right-of-way, borough owned land, or privately owned land, shall require a permit issued by the borough in accordance with MSB 11.30.030, unless the Type I essential service utility is installed in private utility easements or easements dedicated to a certain utility.

This modification would unambiguously preserve the MSB 11.30.010 and .030 exception, which MEA understood to be agreeable to the Borough. If you have any questions, please call me at 761-9275.

Sincerely,

CC:

James L. Walker Senior Counsel

Nicholas Spiropoulos, Esq., Borough Attorney

IM67-130 01307-076



## "Alaska at its Best!"

# CITY OF PALMER

231 West Evergreen Avenue Palmer, Alaska 99645 Phone (907) 745-3271 • Fax (907) 745-0930 www.citvofpalmer.org

MSB Planning Division

April 12, 2007

Eileen Probasco, Planner II Planning and Land Use Department Matanuska-Susitna Borough 350 E. Dahlia Ave. Palmer, AK 99645

APR 1 6 2007 RECEIVED

Dear Ms. Probasco:

This letter contains the City of Palmer's comments on the Borough's draft Essential Service Utilities ordinance.

Palmer operates public water and wastewater utilities in service areas granted by the Regulatory Commission of Alaska that extend beyond the Palmer city limits. The attached map shows these service area boundaries and the present Palmer city limits.

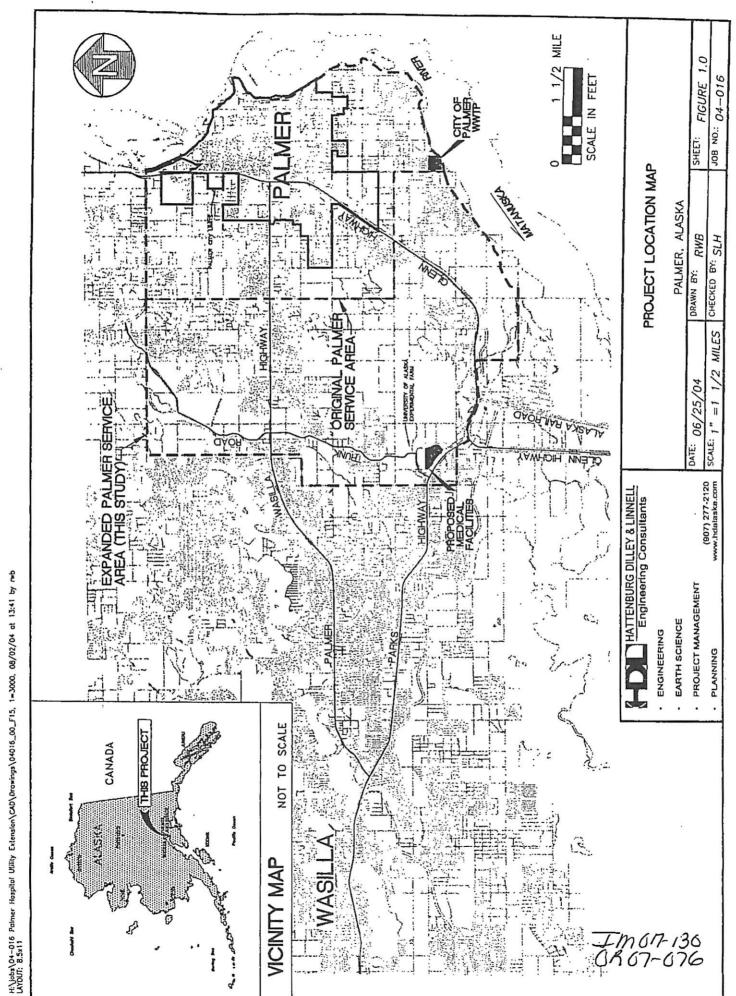
Section 17.02.020 will exempt utility extension projects inside the Palmer city limits from the ordinance requirements, but the requirements will apply to Palmer utility extensions outside the city limits. Palmer's obligations to provide water and wastewater utility service in Palmer's utility service areas exist regardless of its municipal boundary. The applicability of Borough utility regulation proposed by the ordinance should be based on utility service area boundaries, not municipal boundaries.

Borough regulations requiring public participation in the utility extension planning process is not necessary in Palmer's case. Palmer municipal code section 13.08.070 A. requires Palmer city council approval of any utility extension outside the city limits. This procedure provides an adequate public process for review of Palmer water or wastewater utility extension projects.

For these reasons, Palmer believes the Borough's Essential Service Utilities ordinance should exempt utility extensions by municipal utilities within service areas granted by the Regulatory Commission of Alaska, and asks that the ordinance be amended to make that change.

Thank you for the opportunity to comment on the proposed ordinance. If you have any questions, please contact me at 761-1304. and the second s

Thomas Healy City Manager



Page 1 of 1

#### Eileen Probasco

From: Pam Graham

Sent: Thursday, March 29, 2007 8:31 AM

To: Eileen Probasco

Subject: FW: City of Wasilla Comments on Draft MSB 17.02

I think this is for the Essential Services Ord.

Is that yours?

----Original Message-----

From: Archie Giddings [mailto:agiddings@ci.wasilia.ak.us]

Sent: Thursday, March 29, 2007 8:29 AM

To: Planning

Cc: Sandra Garley; Mayor Keller

Subject: City of Wasilla Comments on Draft MSB 17.02

17.02.020 APLICABILITY; states that this chapter applies to municipal utilities that extend beyond city boundaries.

The City believes that the Type II provisions of this chapter should not apply to municipal utilities that extend beyond city boundaries where state and federally funded projects require a NEPA finding with public involvement. The City is concerned with having two public involvement programs for any one project.

It appears that 17.02.040.A.1.a, may have been intended to cover this issue. Will the municipality be expected to submit to the MSB a public involvement plan for review and approval when extending utilities beyond their boundary and a NEPA finding is required by the funding agency? The municipalities should be exempt from the Borough's review and approval of the public involvement process under these conditions.

Thank you for considering these comments.

Archie Giddings, P.E. Public Works Director City of Wasilla 290 E. Herning Ave Wasilla, AK 99654 907-373-9018

In 67-130

Friends of Mat-Su P O Box 116 Palmer, AK 99645

April 12, 2007 Matanuska-Susitna Borough Department of Planning and Land Use

RE: Essential Service Utilities Ordinance Serial No. 07-

Friends of Mat Su (FoMS) strongly supports the MSB Essential Service Ordinance with the following amendments to the current draft:

Section (A) 1 a. MSB will provide information to the utility to notify affected community councils, communities with SPUDS, etc... (How will SPUDS affect this process?)

We feel that Section (A) 2 (Public Meeting and Public Hearing) should be moved to Section 1 Under this section (b) the *Planning Commission* should hold a minimum of one formal public hearing in the process to allow for an unbiased and fair formal public testimony. The public hearing will be held in an area central to the area impacted by the proposed action or in the assembly chambers. Additional public hearings should be held in accordance with state and federal laws as well as the utility's bylaws.

Section (A) 2 c. ii. Public postings should also be included on the utility's website and the MSB website.

**Section (C)** Upon completion of the public participation plan's elements, the applicant shall create and submit to the director a decisional document that describes how the public participation plan was implemented, *copies of all public comments and public testimony*.

#### Further recommendations:

- 1. An impact analysis of the audible noise and lighting that will be generated by the proposed utility.
- 2. The location of the route or facility should consider using corridors presently used for public roads, railroads, existing utilities, or on corridors which were previously used for such purposes and which are being retained for future public or utility purposes.

Sincerely, *Kimi Poutody* 

MSB Planning Division.

Mimi Peabody Projects Coordniator Foms2@pobox.mtaonline.net 746-0128

RECEIVED

APR 1 2 2007

IMB7-130 URB7-676

Page 1 of 2

#### Eileen Probasco

From: Marc VanDongen

Sent: Thursday, March 22, 2007 1:51 PM

To: Eileen Probasco

Cc: Sev Jones

Subject: RE: Draft Ordinance MSB 17.02---Essential Service Utilities

#### Eileen,

One other area this ordinance should not apply to is the Port. We will have a continuing requirement to extend utilities throughout the Port District every time we add a company to a lease. We have a SPUD and Port Master Plan which governs what happens in the Port District. The public should not even be concerned with what we are doing as far as utility extensions within the Port District, so the Port should be exempted from the ordinance.

Thanks, Marc

Marc Van Dongen Port Director, Port MacKenzie (907) 746-7414 www.portmackenzie.com

# "Proud to Serve the Mat-Su Borough"

----Original Message-----From: Eileen Probasco

Sent: Thursday, March 22, 2007 1:25 PM

To: Marc VanDongen Cc: Sev Jones

Subject: RE: Draft Ordinance MSB 17.02---Essential Service Utilities

Thank you Mark.
I'll forward your comments to Sev.
Eileen

-----Original Message-----From: Marc VanDongen

Sent: Thursday, March 22, 2007 1:13 PM

To: Eileen Probasco

Cc: Keith Rountree; Bill Klebesadel; Murph O'Brien

Subject: Draft Ordinance MSB 17.02---Essential Service Utilities

Eileen,

IMO7-130 0807-076 I just reviewed the Draft ordinance MSB 17.02 pertaining to Essential Service Utilities, and have the following comments:

I can understand having this ordinance for Borough and private lands that are <u>not</u> along established roads and utility corridors. However, this ordinance should not apply where there are established roads with utility easements. You're looking at a cost of \$10,000 - \$15,000 (maybe more) to comply with the public notice, public hearing, advertising, and decision document processing every time a utility needs to be extended. You're also looking at a 4 - 6 month delay to comply with the ordinance. The ordinance should focus on non-standard utility extensions.

Marc

Marc Van Dongen Port Director, Port MacKenzie (907) 746-7414 www.portmackenzie.com

"Proud to Serve the Mat-Su Borough"

Im 67-130

COMMUNITY DEVELOPMENT



# MATANUSKA-SUSITNA BOROUGH Planning and Land Use Department Planning Division

350 East Dahlia Avenue • Palmer, AK 99645 Phone (907) 745-9833 • Fax (907) 745-9876

Email: planning@matsugov.us

#### **MEMORANDUM**

DATE:

March 19, 2007

TO:

Distribution

FROM:

Eileen Probasco, Planner II

SUBJECT:

REQUEST FOR REVIEW AND COMMENTS

PROJECT:

An ordinance adopting MSB 17.02 - Essential Service Utilities A few suspections, It we can lisally do Thum

LOCATION: Borough Wide

**RESPONSE DUE DATE:** 

April 13, 2007

The Essential Services draft ordinance is available for public review. A copy of the draft ordinance is attached. Additional copies are available at the Matanuska-Susitna Borough planning division office on the second floor of the borough building, or by going to the following link: http://www.matsugov.us/Planning/publicreviewdocs.cfm. Comments should be submitted by 5 p.m., April 13, 2007.

The Planning Commission will hold a public hearing on this draft ordinance on May 7, 2007. If we receive no comments from you we will assume you have no objections to this draft ordinance.

Distribution:	Transportation Planning
✓ Borough Manager (info only)	Community Development Director
Collections	Engineering Division Manager
Assessment	Port Director
Planning Division	Emergency Services Director
Environmental Planning	Assemblymembers
Platting Division	Community Council — Au
Code Compliance	Agency Distribution (see attached)
Cultural Resources	In167-1

services, while ensuring that all feasible mitigation measures are taken to protect the scenic qualities of the Matanuska Susitna Borough. Essential services should be installed in cognizance of existing and projected demands for such services.

#### 17.02.020 APLICABILITY

This chapter applies to all areas of the borough except within the city boundaries of Houston. Palmer and Wasilla. This chapter applies to municipal utilities that extend beyond city boundaries into unincorporated borough lands.

# 17.02.030 TYPE I ESSENTIAL SERVICE UTILIT

All proposed Type I essential service utilities, when installed or extended in any public right-of-way, borough owned land, or privately owned land, shall require a permit issued by the borough in accordance with MSB 11.30.030.

# 17.02 040 TYPE TI ESSENTIAL SERVICE UTILITY

All proposed Type II essential service utilities shall require a public involvement program in accordance with a public participation plan as submitted by the utility in all areas of the borough excluding the cities of Houston, Palmer and Wasilla.

IM67-130 OBO-016 (A) Within 20 calendar days of receipt of the proposed public participation plan, the director shall provide the applicant with written acknowledgement of receipt of the plan, along with any recommendations concerning the proposed process.

#### 1. Minimum Requirements

a. The utility's public involvement must comply with established state or federal guidelines governing their utility for adequate public notice, public process, public meetings or public hearings.

b. If no established state or federal guidelines apply to the proposed action, the utility shall follow its own utility board adopted guidelines for public notification and involvement.

or federal guidelines or utility board adopted guidelines, the public involvement program will consist of the following minimum requirements:

Public Meeting and Public Hearing

a. A minimum of one public meeting will be held by the utility and shall be held central to the area impacted by propose action.

IM67-130

March 6, 2007 Page 3 of 6

- b. A minimum of one formal public hearing will be held by the Utility later in the process to allow for formal public testimony. The public hearing will be held in an area central to the area impacted by proposed action.
- public hearing to occur a minimum of 15 days in advance of the public meeting of public hearing. The public notice will include:

i. Three in newspaper of general circulation within the borough;

ii. Public postings in local areas at libraries, public buildings, schools, stores, laundromages, lodges, etc.;

iti Public service announcements on local radio stations starting 15 days before the public meeting and

- iv. Mailings as appropriate.
- (B) Implementation of the public participation plan shall commence within 120 days from the issuance date of written acknowledgement.
- (C) Upon completion of the public participation plan's elements, the applicant shall create and submit to the director a decisional document that describes

ブバク-136 ころの-のし March 6, 2007 Page 4 of 6 how the public participation plan was implemented, the nature of public comment, the chosen course of action, timeline for construction, and the public's appeal process.

17.02.050 DEFINITIONS

"Type I Essential Service Utility" means any above or below ground structures of facilities used for utility distribution including:

Electricity Distribution: medium voltage (less than 50KV) power lines, low voltage electrical substations and pole mounted transformers; and low voltage (less than 1000V) distribution wiring to provide service to individual customers.

Service Pipeline: A distribution line that transport gas, oil, water, or sewage from a common source of supply to the meter set assembly or distribution end-point to provide service to individual customers.

"Type II" Essential Service Utility" means any above ground or below ground structures or facilities used for utility transmission including:

Electricity Transmission: high voltage (50KV or higher) power lines, high voltage electrical

> IM07-130 CB07-076



# MATANUSKA-SUSITNA BOROUGH Planning and Land Use Department Planning Division

RECEIVED
MAR 2 0 2007
PLATTING DIV.

350 East Dahlia Avenue • Palmer, AK 99645 Phone (907) 745-9833 • Fax (907) 745-9876

Email: planning@matsugov.us

# R

MSB Planning Division

#### **MEMORANDUM**

$\mathbf{r}$	٨	TE.

March 19, 2007

Distribution

FROM:

TO:

Eileen Probasco, Planner II

SUBJECT:

REQUEST FOR REVIEW AND COMMENTS

PROJECT:

An ordinance adopting MSB 17.02 - Essential Service Utilities

LOCATION: Borough Wide

RESPONSE DUE DATE:

April 13, 2007

The Essential Services draft ordinance is available for public review. A copy of the draft ordinance is attached. Additional copies are available at the Matanuska-Susitna Borough planning division office on the second floor of the borough building, or by going to the following link: <a href="http://www.matsugov.us/Planning/publicreviewdocs.cfm">http://www.matsugov.us/Planning/publicreviewdocs.cfm</a>. Comments should be submitted by 5 p.m., April 13, 2007.

The Planning Commission will hold a public hearing on this draft ordinance on May 7, 2007. If we receive no comments from you we will assume you have no objections to this draft ordinance.

Distribution:	Transportation Planning
── Borough Manager (info only)	Community Development Director
Collections	Engineering Division Manager
Assessment	Port Director
Planning Division	Emergency Services Director
Environmental Planning	Assemblymembers
Platting Division	Community Council — All
Code Compliance	Agency Distribution (see attached)
Cultural Resources	Ino.130 0807-016



# MATANUSKA-SUSITNA BOROUGH Planning and Land Use Department **Planning Division**

350 East Dahlia Avenue • Palmer, AK 99645 Phone (907) 745-9833 • Fax (907) 745-9876 Email: planning@matsugov.us

#### **MEMORANDUM**

DATE:

March 19, 2007

TO:

Distribution

FROM:

Eileen Probasco, Planner II

SUBJECT:

REQUEST FOR REVIEW AND COMMENTS

PROJECT:

Med Planning Division PROCEINED An ordinance adopting MSB 17.02 - Essential Service Utilities

LOCATION: Borough Wide

**RESPONSE DUE DATE:** 

April 13, 2007

The Essential Services draft ordinance is available for public review. A copy of the draft ordinance is attached. Additional copies are available at the Matanuska-Susitna Borough planning division office on the second floor of the borough building, or by going to the following link: http://www.matsugov.us/Planning/publicreviewdocs.cfm. Comments should be submitted by 5 p.m. April 18, 2007,

The Planning Commission will hold a public hearing on this draft ordinance of May 7,2007. If we receive no comments from you we will assume you have no objections to this draft ordinance.

Distribution:	Transportation Planning
── Borough Manager (info only)	Community Development Director
Collections	Engineering Division Manager
Assessment	Port Director
Planning Division	Emergency Services Director
Environmental Planning	Assemblymembers
Platting Division	Community Council — Acc
Code Compliance	Agency Distribution (see attached)
Cultural Resources	IMOT-
	Mondra Corre

(A) Within 20 calendar days of receipt of the proposed public participation plan, the director shall provide the applicant with written acknowledgement of receipt of the plan, along with any recommendations concerning the proposed process.

# 1. Minimum Requirements

- a. The utility's public involvement must comply with established state or federal guidelines governing their utility for adequate public notice, public process, public meetings or public hearings.
- b. If no established state or federal guidelines apply to the proposed action, the utility shall follow its own utility board adopted guidelines for public notification and involvement.
- c. If there are no established state of federal guidelines or utility board adopted guidelines, the public involvement program will consist of the following minimum requirements:

Public Meeting and Public Hearing

a. A minimum of one public meeting will be held by the utility and shall be held central to the area impacted by propose action.

IN167-130 UBOI-UTG CODE ORDINANCE

Introduced: 06/05/07 Public Hearing: 06/19/07

Adopted: 06/19/07

#### MATANUSKA-SUSITNA BOROUGH ORDINANCE SERIAL NO. 07-076

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 17.05, ESSENTIAL SERVICE UTILITIES.

#### BE IT ENACTED:

Section 1. <u>Classification</u>. This ordinance is of a general and permanent nature and shall become a part of the borough code.

Section 2. Adoption of chapter. MSB 17.05 is hereby adopted to read as follows:

#### SECTION

17.05.010	Purpose
17.05.020	Applicability
17.05.030	Type I Essential Service Utility
17.05.040	Type II Essential Service Utility
17.05.050	Definitions

#### 17.05.010 PURPOSE

(A) The purpose of this chapter is to provide for public participation in the decision affecting the installation of essential service utilities in such a manner that they enhance the health, safety and general welfare of borough residents and properties while minimizing negative impacts. This chapter

recognizes the importance and benefits of essential services, while ensuring that all feasible mitigation measures are taken to protect the scenic qualities of the Matanuska Susitna Borough. Essential services should be installed in cognizance of existing and projected demands for such services.

#### 17.05.020 APPLICABILITY

(A) This chapter applies to all areas of the borough except within the city boundaries of Houston, Palmer, and Wasilla. This chapter applies to municipal utilities that extend beyond city boundaries into unincorporated borough lands.

#### 17.05.030 TYPE I ESSENTIAL SERVICE UTILITY

(A) All proposed Type I essential service utilities, when installed or extended in any public way or borough-owned land, shall require a permit issued by the borough in accordance with MSB 11.30.030.

#### 17.05.040 TYPE II ESSENTIAL SERVICE UTILITY

(A) All proposed Type II essential service utilities shall require a public involvement program in accordance with a public participation plan as submitted by the utility in all areas of the borough excluding the cities of Houston, Palmer, and Wasilla.

(B) Within 20 calendar days of receipt of the proposed public participation plan, the director shall provide the applicant with written acknowledgement of receipt of the plan, along with any recommendations concerning the proposed process. The public involvement program, at a minimum, must contain the following:

# (1) Minimum Requirements:

- (a) the utility's public involvement program must comply with established state and federal guidelines governing the utility including adequate public notice, public process, public meetings, or public hearings;
- (b) if no established state or federal guidelines apply to the proposed action, the utility shall follow its own utility board adopted guidelines for public notification and involvement;
- (c) if there are no established state, federal or utility board adopted guidelines, the public involvement program will consist of the minimum requirements outlined in MSB 17.05.030(B)(2), Public Involvement; and
- (d) if a state, federal or utility board adopted public involvement program is used, they

must at least meet or exceed the minimum guidelines in MSB 17.05.030(B)(2), Public Involvement.

#### (2) Public Involvement:

- (a) a minimum of one public meeting will be held by the utility and shall be held in an area central to the area impacted by proposed action;
- (b) a minimum of one formal public hearing will be held by the utility later in the process to allow for formal public testimony. The public hearing will be held in an area central to the area impacted by proposed action; and
- (c) notice of the public meeting and public hearing to occur a minimum of 15 days in advance of the public meeting or public hearing. The public notice will include:
- (i) three notices in a newspaperof general circulation within the borough;
- (ii) public postings in local areas such as libraries, public buildings, schools, stores, laundromats, lodges, on the utility's website, and on the Matanuska-Susitna Borough's website, etc.;
- (iii) public service announcements on local radio stations starting 15 days before the public meeting; and

- (iv) Mailings, as appropriate,
  including notification of all affected community
  councils.
- (C) Implementation of the public involvement program shall commence within 120 days from the issuance date of written acknowledgement.
- (D) Upon completion of the public involvement program elements, the applicant shall create and submit to the director a decisional document that describes how the public involvement program was implemented, the nature of public comment, the chosen course of action, timeline for construction, and the public's appeal process. Copies of all written public comments and an audio record, if available, shall be included in the decisional document.

#### 17.05.050 DEFINITIONS

- "Type I Essential Service Utility" means any above or below ground structures or facilities used for utility distribution including:
- (a) "Electricity distribution" means medium voltage (less than 50KV) power lines, low voltage electrical substations and pole mounted transformers; and low voltage (less than 1000V) distribution wiring to provide service to individual customers; and

- (b) "Service pipeline" means a distribution. line that transports gas, oil, water, or sewage from a common source of supply to the meter set assembly or distribution end-point to provide service to individual customers.
- "Type II Essential Service Utility" means any above ground or below ground structures or facilities used for utility transmission including:
- (a) "Electricity transmission" means high voltage (50KV or higher) power lines, high voltage electrical substations and pole-mounted transformers, and high-voltage distribution or transmission wiring; and
- (b) "Transmission pipeline" means Pipelines installed for the purpose of transmitting gas, oil, water, or sewage from a source or sources of supply to one or more distribution centers, to one or more large volume customers, or a pipeline installed to interconnect sources of supply. In typical cases, transmission lines differ from distribution lines in that they operate at higher pressures, are longer, and the distance between connections is greater.

Section 3. <u>Effective date</u>. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 19 day of June, 2007.

LYNNE WOODS, Deputy Borough Mayor

ATTEST:

MICHELLE M. MCGEHEE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Woods, Church, Kvalheim, Bettine, Wells, and Kluberton

#### **CHAPTER 17.05: ESSENTIAL SERVICE UTILITIES**

Section

17.05.010 Purpose

17.05.020 Applicability

17.05.030 Type I essential service utility

17.05.040 Type II essential service utility

17.05.050 Definitions

#### 17.05.010 PURPOSE.

(A) The purpose of this chapter is to provide for public participation in the decision affecting the installation of essential service utilities in such a manner that they enhance the health, safety and general welfare of borough residents and properties while minimizing negative impacts. This chapter recognizes the importance and benefits of essential services, while ensuring that all feasible mitigation measures are taken to protect the scenic qualities of the Matanuska Susitna Borough. Essential services should be installed in cognizance of existing and projected demands for such services.

(Ord. 07-076, § 2 (part), 2007)

#### 17.05.020 APPLICABILITY.

(A) This chapter applies to all areas of the borough except within the city boundaries of Houston, Palmer, and Wasilla. This chapter applies to municipal utilities that extend beyond city boundaries into unincorporated borough lands.

(Ord. 07-076, § 2 (part), 2007)

#### 17.05.030 TYPE I ESSENTIAL SERVICE UTILITY.

(A) All proposed Type I essential service utilities, when installed or extended in any public way or boroughowned land, shall require a permit issued by the borough in accordance with MSB 11.30.030.

(Ord. 07-076, § 2 (part), 2007)

#### 17.05.040 TYPE II ESSENTIAL SERVICE UTILITY.

(A) All proposed Type II essential service utilities shall require a public involvement program in accordance with a public participation plan as submitted by the utility in all areas of the borough excluding the cities of Houston, Palmer, and Wasilla.

- (B) Within 20 calendar days of receipt of the proposed public participation plan, the director shall provide the applicant with written acknowledgement of receipt of the plan, along with any recommendations concerning the proposed process. The public involvement program, at a minimum, must contain the following:
  - (1) Minimum requirements.
    - (a) the utility's public involvement program must comply with established state and federal guidelines governing the utility including adequate public notice, public process, public meetings, or public hearings;
    - (b) if no established state or federal guidelines apply to the proposed action, the utility shall follow its own utility board adopted guidelines for public notification and involvement;
    - (c) if there are no established state, federal or utility board adopted guidelines, the public involvement program will consist of the minimum requirements outlined in subsection (B)(2) of this section, Public Involvement; and
    - (d) if a state, federal or utility board adopted public involvement program is used, they must at least meet or exceed the minimum guidelines in subsection (B)(2) of this section, Public Involvement.
  - (2) Public involvement.
    - (a) a minimum of one public meeting will be held by the utility and shall be held in an area central to the area impacted by proposed action;
    - (b) a minimum of one formal public hearing will be held by the utility later in the process to allow for formal public testimony. The public hearing will be held in an area central to the area impacted by proposed action; and
    - (c) notice of the public meeting and public hearing to occur a minimum of 15 days in advance of the public meeting or public hearing. The public notice will include:
      - (i) three notices in a newspaper of general circulation within the borough;
      - (ii) public postings in local areas such as libraries, public buildings, schools, stores, laundromats, lodges, on the utility's website, and on the Matanuska-Susitna Borough's website, etc.;
      - (iii) public service announcements on local radio stations starting 15 days before the public meeting; and

- (iv) mailings, as appropriate, including notification of all affected community councils.
- (C) Implementation of the public involvement program shall commence within 120 days from the issuance date of written acknowledgement.
- (D) Upon completion of the public involvement program elements, the applicant shall create and submit to the director a decisional document that describes how the public involvement program was implemented, the nature of public comment, the chosen course of action, timeline for construction, and the public's appeal process. Copies of all written public comments and an audio record, if available, shall be included in the decisional document.

(Ord. 07-076, § 2 (part), 2007)

#### 17.05.050 **DEFINITIONS**.

- "Type I essential service utility" means any above or below ground structures or facilities used for utility distribution including:
  - (1) "Electricity distribution" means medium voltage (less than 50KV) power lines, low voltage electrical substations and pole-mounted transformers; and low voltage (less than 1,000V) distribution wiring to provide service to individual customers; and
  - (2) "Service pipeline" means a distribution line that transports gas, oil, water, or sewage from a common source of supply to the meter set assembly or distribution endpoint to provide service to individual customers.
- "Type II essential service utility" means any aboveground or below ground structures or facilities used for utility transmission including:
  - (1) "Electricity transmission" means high-voltage (50KV or higher) power lines, high-voltage electrical substations and pole-mounted transformers, and high-voltage distribution or transmission wiring; and
  - (2) "Transmission pipeline" means pipelines installed for the purpose of transmitting gas, oil, water, or sewage from a source or sources of supply to one or more distribution centers, to one or more large volume customers, or a pipeline installed to interconnect sources of supply. In typical cases, transmission lines differ from distribution lines in that they operate at higher pressures, are longer, and the distance between connections is greater.

(Ord. 07-076, § 2 (part), 2007)

# CHAPTER 17.23: PORT MACKENZIE SPECIAL USE DISTRICT

#### Section

Section	
17.23.010	Intent and purpose
17.23.020	Establishment of district boundaries
17.23.030	Amendments
17.23.040	Conformance required
17.23.050	Fees
17.23.060	Allowed principal and accessory uses, prohibited uses
17.23.100	Port districts established
17.23.105	Port commercial district (PCD)
17.23.110	Port industrial district - One (PID-I)
17.23.120	Port industrial district - Two (PID-II)
17.23.130	Waterfront dependent district (WDD)
17.23.135	Conservation district (CD)
<u>17.23.140</u>	Terminal moraine district (TMD) [Repealed]
17.23.141	_Port industrial district IMD (PID-IMD) [Repealed]
17.23.145	_Unzoned remainder [Repealed]
17.23.150	Development permit required
17.23.160	Permit application review
17.23.165	Permit standards
17.23.170	Setbacks

17.23.175 Standards for junkyards/refuse areas

e Matanuska-Susitna Borough Code is current through Ordinance 21-114, and legislation passed through January 4, 20;

17.23.180 Street intersection visibility

17.23.190 Road standards

17.23.195 Parking and loading facilities

17.23.200 Landscaping and buffer screening

17.23.210 Signs

17.23.220 Variances

17.23.230 Violations, enforcement, and penalties

17.23.240 Schedule of fines

17.23.250 Appeals

#### 17.23.010 INTENT AND PURPOSE.

- (A) The intent of this chapter is to:
  - (1) protect the public health, safety, and general welfare;
  - (2) provide for orderly development;
  - (3) stimulate systematic development of transportation, public facilities, and other infrastructure;
  - (4) implement the recommendations of the Point MacKenzie port master plan; and
  - (5) regulate nuisances.
- (B) The purpose of this chapter is to:
  - (1) provide for orderly development of a port and related industrial district;
  - (2) provide for a sufficient water area to allow vessel movement, maneuvering, docking, servicing, and product handling;
  - (3) provide for sufficient land area to accommodate factories, industrial uses, processing plants, service facilities, and circulation routes needed for port development;
  - (4) maximize employment opportunities;

e Matanuska-Susitna Borough Code is current through Ordinance 21-114, and legislation passed through January 4, 20

- (5) obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and
- (6) to provide reasonable flexibility for expansion and change in use.
- (C) Use of land within this special land use district shall be in accordance with this chapter.
- (D) The requirements of this chapter may not address all approvals, permits, and authorizations required for a use or development. It shall be the responsibility of the applicant to identify and comply with all necessary laws, regulations, policies, and procedures of the borough, state, and federal government, any applicable plat notes, and other private covenants or restrictions.

(Ord. 00-154, § 2 (part), 2000)

#### 17.23.020 ESTABLISHMENT OF DISTRICT BOUNDARIES.

This chapter is to establish consistency between the approved boundaries and definitions for the Port MacKenzie special use district, the Point MacKenzie port master plan, and the area meriting special attention (AMSA), for the application of the Port MacKenzie special use district authorities.

(Ord. 00-154, § 2 (part), 2000)

#### 17.23.030 AMENDMENTS.

The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed pursuant to the requirements of MSB 15.24. Any amendments shall be consistent with the Point MacKenzie port master plan, the Matanuska-Susitna coastal management plan, including the area meriting special attention (AMSA), and other applicable borough, state, and federal land use plans and subsequent amendments.

(Ord. 00-154, § 2 (part), 2000)

#### 17.23.040 CONFORMANCE REQUIRED.

- (A) No building, structure, land, or water area located within the Port MacKenzie special use district, hereinafter referred to as "the district," shall be used or occupied, and no building, structure, or part thereof shall hereafter be erected except in conformity with the regulations specified in this chapter.
- (B) Except where otherwise specified, the requirements of this chapter are cumulative to the other requirements of borough code.
- (C) Where conflicting codes occur, the provisions of this chapter shall apply.

(Ord. 11-133, § 3, 2011; Ord. 00-154, § 2 (part), 2000)

#### 17.23.050 FEES.

Fees required under this chapter will be established in accordance with MSB 17.99.

(Ord. 00-154, § 2 (part), 2000)

#### 17.23.060 ALLOWED PRINCIPAL AND ACCESSORY USES, PROHIBITED USES.

- (A) All uses authorized under borough code are allowed within the district unless specifically prohibited by this chapter. Accessory uses that are normal and customary to authorized uses are allowed on the same lot as the principal use.
  - (1) Worker construction camps are allowed for the term of a project.
- (B) The following uses are prohibited within the district:
  - (1) adult businesses;
  - alcoholic beverage sales;
  - (3) correctional community residential centers;
  - (4) race tracks; and
  - (5) residential dwelling units.

(Ord. 11-133, § 4, 2011: Ord. 00-154, § 2 (part), 2000)

#### 17.23.100 PORT DISTRICTS ESTABLISHED.

- (A) The total boundaries of the area covered in this chapter will be identical to the port boundaries established by MSB 18.02.020, Boundaries. For purposes of this chapter, the special use district will be defined as port industrial district one (PID-I), port industrial district two (PID-II), waterfront dependent district (WDD), the port commercial district (PCD), and the port conversion district (CD).
- (B) [Repealed by Ord. 09-120, § 2, 2009].
- (C) The boundaries of these districts will remain unchanged, regardless of ownership, subdivision action, or changes to other service district, city, or community council boundaries, unless so changed by official ordinance within this section.

(Ord. 11-133, § 5, 2011; Ord. 09-120, § 2, 2009; Ord. 05-143, § 3, 2005; Ord. 00-154, § 2 (part), 2000)

#### 17.23.105 PORT COMMERCIAL DISTRICT (PCD).

(A) The following areas located within the port district are designated port commercial district subject to the

#### provisions of this chapter:

All of Section 14, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting the N 1/2 of N 1/2 of Section 14, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; the S 1/2 of Section 15, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; that portion of the E 1/2 E 1/2 of Section 22, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies north of and to the centerline of W Point Mackenzie

Road; that portion of the W 1/2 of Section 23, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies north of and to the centerline of W Point Mackenzie Road.

- (B) The PCD is designated for port-related commercial and light industrial land uses intended primarily to support water-dependent and water-related uses as allowed principal uses. Uses not related to marine/rail-related land uses in the district are discouraged. This district is intended to accommodate low to moderate intensity office and industrial parks, which are generally developed as commercial subdivisions. The location, type, scale and density/intensity of supporting and secondary uses shall be compatible with the Port Master Plan, and the overall character of the existing, as well as the proposed future development of the area.
- (C) Allowed principal uses and structures are as follows:
  - professional and business offices;
  - (2) light, medium, and heavy assembly and manufacturing;
  - (3) warehousing, wholesaling, distribution, and similar uses, and light manufacturing, fabrication, and assembling of components;
  - (4) packaging and processing;
  - (5) non-retail manufacturing agent and display rooms, offices of building trades contractor (not including outside storage or use of a vehicle in excess of one-ton capacity or any equipment, machinery, ditching machines, tractors, bulldozers, or other heavy construction equipment);
  - (6) storage/warehousing excluding bulk storage of liquids;
  - (7) transportation terminals including freight terminals;
  - (8) vocational, technical, business, trade or industrial schools, and similar uses;
  - (9) transmission and relay towers;
  - (10) natural resource extraction, processing, and refining; and

- (11) essential services, including water, sewer, gas, telephone, radio, and electric.
- (D) Accessory uses and structures are allowed, if those uses and structures are of a nature customarily incidental and clearly subordinate to an allowed or permitted principal use or structure and, unless otherwise provided, these uses and structures are located on the same lot (or a contiguous lot in the same ownership) as the principal use. Where a building or portion thereof is attached to a building or structure containing the principal use, the building or portion shall be considered as a part of the principal building, and not as an accessory building. Accessory uses shall not involve operations or structures not in keeping with character of the district where located.
- (E) Minimum lot area and width requirements.
  - (1) Lots intended to be serviced by septic tanks shall have at least 10,000 square feet of building area and 10,000 square feet of contiguous useable septic area surrounded by a well exclusion area extending 150 feet from the perimeter of the septic area for wells intended to serve no more than 24 people, otherwise the well exclusion area extends 200 feet.
- (F) There is no maximum lot coverage requirement.

(Ord. 13-043, § 4, 2013; Ord. 11-133, § 8, 2011)

#### 17.23.110 PORT INDUSTRIAL DISTRICT - ONE (PID-I)

(A) The following areas located within the port district are designated port industrial district - one (PID-I) land use district subject to the provisions of this chapter:

That portion of Section 20 and Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies northeasterly of a line from the NW corner of Section 20 to the SE corner of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting that portion of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA lying northeasterly above and to the centerline of W Point Mackenzie Road; all of Section 22, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting the E 1/2 E 1/2 lying northerly above and to the centerline of W Point Mackenzie Road; all of Section 23, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA except the W 1/2 lying northerly above and to the centerline of W Point Mackenzie Road; All of Section 24, excepting Lot 1 and NE 1/4 NW 1/4 NW 1/4 Section 24, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 25, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 26, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 26, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 27, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 27, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 27, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 27, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA.

(B) The PID-I district is designated for port uses necessary to operate a commercial/industrial port. This

district is reserved and shall not be committed to non-port-related uses.

- (C) Permitted uses in the PID-I district are those commercial and industrial uses which comprise or directly support port activity and which require close proximity and direct access to the docks, including but not limited to:
  - (1) transportation corridors for rail, roads, conveyor, and pipeline transport systems;
  - (2) light industrial uses;
  - (3) heavy industrial uses;
  - (4) commercial uses directly supporting the port work force such as restaurants and provision of goods and services that require location very near the docks to meet the daily needs of the port operations and work force:
  - (5) industrial docks;
  - (6) transportation facilities, roads, railways, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges;
  - short-term cargo storage, and marshaling areas required to efficiently conduct transshipment;
  - (8) ship yards for service, repair, and construction of ships;
  - (9) moorage, marinas, fueling, and other ship services;
  - (10) offices supporting permitted uses which are directly necessary to conduct those permitted uses at the site;
  - (11) natural resource extraction only as part of an approved plan to prepare sites for portrelated development;
  - (12) public safety and government services, public lands, and institutions.
- (D) Permits within the PID-I will be reviewed by the borough manager for approval or disapproval.

(Ord. 13-043, § 2, 2013; Ord. 11-133, § 7, 2011; Ord. 09-120, § 3, 2009; Ord. 00-154, § 2 (part), 2000)

#### 17.23.120 PORT INDUSTRIAL DISTRICT - TWO (PID-II).

(A) The following areas located within the port district are designated port industrial district - two (PID-II) land use district subject to the provisions of this chapter:

e Matanuska-Susitna Borough Code is current through Ordinance 21-114, and legislation passed through January 4, 20:

All of Section 12, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting Lot 1 and Lot 2, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 13, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting Lot 4, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA and excepting a leased parcel recorded in Book 161 at Page 435 in the Palmer Recording District; that portion of Section 20 and Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies southwesterly of a line from the NW corner of Section 20 to the SE corner of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; that portion of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies northerly and easterly above and to the centerline of W Point Mackenzie Road; all of Section 28, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 29, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting the S 1/2 SW 1/4 Section 29, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; N 1/2 NE 1/4 Section 33, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; N 1/2 NW 1/4 and NE 1/4 and N 1/2 SE 1/4 Section 34, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; W 1/2 NW 1/4 and W 1/2 NW 1/4 SW 1/4 Section 35, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA.

- (B) The PID-II district is designated for uses that have port-related activities, support port-related activities, are necessary to operate a commercial or industrial facility, or serve a public need.
- (C) Permitted uses in the PID-II district are those commercial and industrial uses which comprise or support port activities, or other government or public facilities including but not limited to:
  - (1) transportation corridors for rail, roads, conveyor, and pipeline transport systems;
  - (2) light industrial uses;
  - (3) heavy industrial uses:
  - (4) bulk material storage and bulk fuel storage;
  - (5) commercial uses directly supporting the port work force such as restaurants and the provision of goods and services that require a location near the docks to meet the daily needs of port operations and work force:
  - (6) transportation facilities, roads, railways, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges, cargo storage, fueling, and other services;
  - (7) offices supporting permitted uses at the site:

- (8) natural resource extraction only as part of an approved plan to prepare sites for development;
- (9) correctional facilities such as jails, prisons, and community correctional facilities; and
- (10) public safety and government services, public lands, and institutions.
- (D) Permits within the PID-II will be reviewed by the borough manager for approval or disapproval.

(Ord. 13-043, § 3, 2013; Ord. 11-133, § 8, 2011; Ord. 09-120, § 4, 2009; Ord. 00-154, § 2 (part), 2000)

#### 17.23.130 WATERFRONT DEPENDENT DISTRICT (WDD).

- (A) The following area within the district is designated waterfront dependent (WDD) land use district subject to the provisions of this chapter: land and water comprising the tidelands and submerged lands described in MSB 18.02.020(D).
- (B) The WDD is designated for waterfront uses necessary to operate a commercial/industrial port. This district is reserved and shall not be committed to nonport uses.
- (C) Permitted uses in the WDD are those commercial and industrial uses which comprise or directly support port activity and which require close proximity and direct access to the docks, including, but not limited to:
  - (1) transportation corridors for rail, roads, docks, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges;
  - (2) short-term cargo storage and staging areas required to efficiently conduct transshipment;
  - (3) ship yards for service, repair, and construction of ships;
  - (4) moorage and marinas;
  - (5) fueling and other ship services;
  - (6) offices supporting permitted uses which are directly necessary to conduct those permitted uses at the site:
  - (7) natural resource extraction as part of an approved plan to prepare sites for port-related development;
  - (8) public safety and government services; and
  - (9) commercial uses directly supporting the port work force such as the provision of goods and services that require location very near the docks to meet the daily needs of the port operations and work force.

(D) Activities within the WDD will be reviewed by the borough manager for approval or disapproval.

(Ord. 13-043, § 5, 2013; Ord. 00-154, § 2 (part), 2000)

#### 17.23.135 CONSERVATION DISTRICT (CD).

(A) The following areas located within the port district are designated port conservation district (CD) land use district subject to the provisions of this chapter:

All of Section 10 and Section 11, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; N1/2 N1/2, Section 14, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; N1/2, Section 15, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA.

- (B) The CD is designated to protect resources and functional values that have been identified by the borough as providing benefits to the public. This district is reserved and shall not be committed to non-port-related uses.
- (C) Permitted uses in the CD are those that do not result in significant erosion or damage to habitat, or result in or increase ground or water pollution including:
  - (1) maintenance, repair, and replacement of existing structures and infrastructure exterior improvements, roads, and public recreation trails;
  - (2) corridors for roads and utility transmission systems;
  - (3) year-round recreational nonmotorized trails and winter-only motorized trails;
  - (4) minor vegetation management (trimming, pruning, or removal) for reasons of public safety or for the replacement of invasive species with indigenous species;
  - (5) removing those noxious weeds or undesirable plant species identified in the current North American Weed Free Forage Certification Standards List and those weeds declared noxious in 11 AAC 34.020, Prohibited and Restricted Noxious Weeds.
- (D) Prohibited uses in the CD include those that result in alteration of watercourses, dumping of trash, soil, dirt, fill, vegetative, or other debris, regrading, or construction.

(Ord. 13-043, § 6, 2013; Ord. 11-133, § 9, 2011)

17.23.140 Terminal moraine district (TMD). [Repealed by Ord. 05-143, § 4, 2005] 17.23.141 Port industrial district IMD (PID-IMD). [Repealed by Ord. 11-133, § 10, 2011] 17.23.145 Unzoned remainder. [Repealed by Ord. 11-133, § 11, 2011] 17.23.150 DEVELOPMENT PERMIT REQUIRED.

- (A) All development and use of land authorized within the special use district shall require prior authorization by issuance of a port district use permit from the borough manager or designee. Other permits or authorization may be required for specific uses or development.
  - (1) Maintenance activities are exempt from the requirement to obtain a port development permit.
- (B) Port development permits shall be issued to the lessee or the lessee's authorized agent as prescribed by this chapter. At a minimum, permits will be required for the following:
  - (1) structures greater than 400 square feet in gross area on the ground level or more than 30 feet in height above average grade; or
  - (2) structures using permanent foundations such as pilings or footings; or
  - (3) expansion of a structure by more than 400 square feet or 25 percent of the structure's original footprint, whichever is less; or
  - (4) temporary units, including location of a mobile home; or
  - (5) excavation or fill of more than 50 cubic yards of material; or
  - (6) communication towers or antennas over 30 feet in height; or
  - (7) on-site utilities, including but not limited to, water, sewer, storm drain, electric, communications, natural gas, and other wire and pipelines; or
  - (8) construction of any type within rights-of-way, easements, buffer strips, utility corridors, etc., shall be consistent with MSB 11.30.040(B), (C), and (E) as shown on either a recorded plat or on an approved borough master plan.
- (C) Applicants may contact the borough manager to schedule a pre-application conference. It shall be the responsibility of the applicant to become familiar and comply with the regulations, policies, and procedures of the borough.
- (D) Applications for a port development permit shall be submitted on forms provided by the borough with attached supplemental material as appropriate.
  - (1) The applicant shall include all information with the application sufficient to describe the proposal and demonstrate compliance of the proposal with applicable borough codes. Applications shall include appropriate site plans and necessary textual descriptions to depict and describe the location, setbacks, dimensions, height, bulk, area, floor plans, layout, appearance, materials, use, standards of construction,

operations, mitigation methods for negative impacts, schedules, and all other aspects of the proposal necessary to show the proposed construction needed to determine compliance with borough code.

- (2) The application shall be accompanied by an application fee as required under MSB 17.99.
- (E) Site plan and technical drawing requirements shall be signed and sealed by a professional land surveyor, civil engineer, or architect or landscape architect registered in Alaska as appropriate to the drawing.
- (F) Proposals for development shall demonstrate that adequate street capacity will be provided and describe any traffic control measures proposed to mitigate negative traffic effects on public rights-of-way. Proposals must include:
  - (1) a statement describing anticipated vehicular traffic to and from the site including probable types/size of vehicles to be used by the business, and vehicle generation rate based on standard trip generation tables; and may require
  - (2) a traffic impact analysis (TIA) where applicant establishes that proposed development will generate more than 200 average daily traffic trips, or more than 100 truck trips per day.
- (G) The manager or designee will notify surrounding property owners in accordance with MSB 17.03, Public Notification. Notice will also be given to the port commission. Any concerns raised will be considered in processing the application, as deemed appropriate by the manager or his designee, to protect the public health, safety, and general welfare. A complete port development permit application shall be acted upon within 45 calendar days of receipt by the department.

(Ord. 18-030, § 4, 2018; Ord. 11-146, §§ 2—6, 2011; Ord. 11-133, § 12, 2011; Ord. 00-154, § 2 (part), 2000)

#### 17.23.160 PERMIT APPLICATION REVIEW.

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

(Ord. 00-154, § 2 (part), 2000)

#### 17.23.165 PERMIT STANDARDS.

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

e Matanuska-Susitna Borough Code is current through Ordinance 21-114, and legislation passed through January 4, 20

- (B) Upon completion of construction authorized by a permit issued under this chapter, the permittee shall notify the borough manager in writing of completion. The borough may inspect the site to determine compliance with the requirements of the permit.
- (C) Prior to construction of any structure subject to state fire codes, the permittee shall obtain a state of Alaska fire marshal approval and submit a copy of the approval to the borough manager.
- (D) The borough manager may approve an application subject to any conditions that are necessary to implement the purposes of this title, or conform the application to this title or other applicable statutes or ordinances.

(Ord. 11-146, § 7, 2011; Ord. 00-154, § 2 (part), 2000)

#### 17.23.170 SETBACKS.

- (A) Minimum structural setback requirements are prescribed in MSB 17.55.
- (B) Structures which are subject to minimum setbacks from lot lines shall also be separated from each other by a minimum of ten feet or as required by the national fire code, most recent edition adopted by Alaska.
- (C) All non-water dependent driveways, vehicle parking areas, loading facilities, and vehicle or equipment storage areas shall be set back a minimum of 75 feet from any water body except:
  - (1) within the PID-I and WDD districts; and
  - (2) that such facilities shall be set back a minimum of 200 feet from the ordinary high water mark of Lake Lorraine.

(Ord. 11-133, § 13, 2011; Ord. 00-154, § 2 (part), 2000)

#### 17.23.175 STANDARDS FOR JUNKYARDS/REFUSE AREAS.

- (A) In considering port development permit applications for junkyards, the manager shall take the following into account:
  - (1) the nature and development of surrounding properties;
  - (2) the need to protect the local economy, adjacent land owners, and the motoring public from economically depressing and unsightly roadside locations;
  - (3) the proximity of churches, schools, hospitals, public buildings, recreation areas, or other places of public gathering;

- (4) the sufficiency in number of other similar business establishments in the vicinity;
- (5) the adequacy of fences and other types of enclosures to prevent the unsightly display of a junkyard;
- (6) the health, safety, and general welfare of the public;
- (7) whether adequate protections are in place to prevent contamination of soil, surface water and groundwater; and
- (8) the suitability of the applicant to establish, maintain, or operate the proposed use under the requirements of this chapter.
  - (a) Suitability of the applicant shall be based upon the applicant's history of compliance with relevant local, state, and federal laws.
  - (b) Review for suitability shall be limited to no more than five years preceding the application.

(Ord. 18-030, § 3, 2018)

#### 17.23.180 STREET INTERSECTION VISIBILITY.

- (A) Fences, walls, hedges, or other plantings or structures erected, planted, or placed within a triangular area formed by intersecting right-of-way lines at a corner shall be designed to provide the minimum corner sight distance as specified in the borough subdivision construction manual as adopted, or revised.
- (B) Precautions shall be taken so as not to obscure visibility of oncoming cars or passing pedestrians and vehicles backing out of driveways or parking lots onto public rights-of-way.

(Ord. 00-154, § 2 (part), 2000)

#### 17.23.190 ROAD STANDARDS.

- (A) The purpose of the following provisions is to establish standards for the design of streets in the district that will promote the safety and convenience of vehicular traffic, minimize the cost of street construction, and minimize the long-term cost for maintenance and repair of streets thereby encouraging appropriate development of the lands within the district.
- (B) Each proposed street within the district shall be designed for its entire length to meet or exceed the minimum standard. These standards shall be applicable to the design and construction of all new commercial/industrial streets within this special land use district.
- (C) Engineering criteria are:
  - (1) The road surface of all streets shall be no less than 24 feet in width and designed to provide two

continuous moving lanes within which no parking is permitted;

- (2) The road cross section shall provide two feet of structural gravel with additional design necessary based on the sub-grade materials;
- (3) The top six inches of the road prism shall be gravel no larger than two inches and contain 5 percent to 15 percent fines;
- (4) Roads 1,400 feet or more in length shall meet or exceed the design criteria for a roadway speed of 35 miles per hour; and
- (5) Roads less than 1,400 feet in length shall meet or exceed the design criteria for a roadway speed of 25 miles per hour.

(Ord. 00-154, § 2 (part), 2000)

#### 17.23.195 PARKING AND LOADING FACILITIES.

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

(Ord. 00-154, § 2 (part), 2000)

#### 17.23.200 LANDSCAPING AND BUFFER SCREENING.

- (A) Landscaping and buffers shall be consistent with the Point MacKenzie port master plan. Use of native species is encouraged. Existing vegetation may provide the required buffer screening. This section is intended to:
  - (1) reduce incompatibility of uses by requiring a screen or buffer to minimize the harmful impact of wind, erosion, flooding, noise, dust, odor, glare or artificial light intrusion, and other impacts created by nearby uses:
  - (2) Allow the surrounding lands to act as a natural drainage system and ameliorate storm water drainage problems, reduce the harmful effects to underground water reservoirs, permit the return of precipitation to the ground water strata; and
  - (3) enhance the appearance of industrial uses, parking lots, storage yards, and enhance property value in the area.

- (B) Standards for landscaping and screening may be waived, modified, or increased by the borough manager upon finding the change is necessary or appropriate to implement the purpose and intent of this section. Generally, use of topographic features, fences, walls, architectural features, or different locations for screening will be required in lieu of the listed standards.
- (C) The permittee, his agents and assigns, shall be responsible for the maintenance, repair, and replacement of all landscaping and screening required by the provisions of this section. All vegetation shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences, walls, and other structures shall be maintained in good repair. (Ord. 00-154, § 2 (part), 2000)

#### 17.23.210 SIGNS.

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

(Ord. 00-154, § 2 (part), 2000)

#### 17.23.220 VARIANCES.

Applications and procedures for obtaining variances from standards of this chapter shall be as prescribed in MSB 17.65.

(Ord. 00-154, § 2 (part), 2000)

#### 17.23.230 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

- (A) Unless specified otherwise, any violation of this chapter is an infraction.
- (B) [Repealed by Ord. 17-103, § 9, 2017]
- (C) Enforcement of the provisions of this chapter and associated penalties shall be consistent with the terms and conditions of MSB 1.45.
- (D) [Repealed by Ord. 17-103, § 9, 2017]

(Ord. 17-103, § 9, 2017: Ord. 00-154, § 2 (part), 2000)

#### 17.23.240 SCHEDULE OF FINES.

Minimum fines for infractions of this chapter will be \$100 per violation, unless otherwise specified by code.

(Ord. 00-154, § 2 (part), 2000)

#### 17.23.250 APPEALS.

Appeals from decisions of the manager or designee may be made under the provisions of MSB 15.39.030(A)(1).

e Matanuska-Susitna Borough Code is current through Ordinance 21-114, and legislation passed through January 4, 20:

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Only an adjacent property owner or competing applicant who is directly affected by the decision may appeal.

(Ord. 18-030, § 5, 2018: Ord. 00-154, § 2 (part), 2000)

Future transportation improvements should also consider Volume to Capacity (V/C) ratio in conjunction with LOS grades to develop an appropriate and proficient surface transportation system. The V/C ratio is a measure of traffic demand on a facility (expressed as volume) compared to its traffic-carrying capacity. Traffic volumes of a particular roadway are generally expressed as average daily traffic (ADT) or vehicle per hour (VPH) for a specific street segment. Potential choke points due to future rail service, transportation of modular products via heavy trucks, and peak ferry traffic may indicate that a roadway facility is operating at or near capacity. Port traffic moving at an acceptable rate of speed will perform at suitable LOS grades. However, segments of the transportation system may indicate the facility is operating at or near capacity despite acceptable LOS grades. In-road traffic counting loops should be installed to provide long-term data for use in determining need for future improvements.

#### 5. Facilities/Utilities

#### 5.1 Introduction

This chapter addresses the existing and future facility and utility needs for development of Port MacKenzie. Utilities, as a group, include emergency/fire suppression, potable water, wastewater, storm water systems, electrical service, pipelines, conveyors, and natural gas. The availability of such utilities and facilities will encourage the development of Port MacKenzie for large-scaled industrial, manufacturing and commercial uses. Utility layout is shown in the Port MacKenzie Layout Drawings in Appendix A. All utilities should be buried when crossing public roads and railways to allow for unfettered movement of tall freight.

An important consideration for future utility and facility requirements is the estimation of potential industrial, manufacturing and commercial activity. Utility and facility needs can be estimated by the overall utility usage of certain land uses and the distribution and intensity of these uses.

Identification of locations/routes of major infrastructure and utilities in the Port needs to be a priority. When parcels are leased for development, it needs to occur in a manner that ensures Port infrastructure needs are not compromised.

## 5.2 Terminal Building

A 7,000-square foot terminal building was constructed in 2006 at the southeast end of the barge dock. It was originally intended to act as the terminal for the proposed ferry, however, since the ferry is no longer being considered, the building is currently being used for Port activities. The terminal building includes office space, storage, and restroom areas. There are seven office spaces, three of which are currently being used by the borough, and 4 which are being leased out.

### **5.3** Security Posts

Two security posts have been installed. One is at the end of Don Young Road at the beginning of the barge dock. The other is at the intersection of Point MacKenzie Road and Lu Young Lane. The general public will be directed by signage to a security post at the beginning of Don Young Road.

The Security Gate will control traffic proceeding along Don Young Road to and from the dock. Locations for future security posts are illustrated on the Port layout drawings in Appendix A.

#### 5.4 Deep-Draft Dock

Port MacKenzie contains a fully integrated and operational deep-water marine port with a 1,200-foot deep-draft dock. The deep-draft dock, with -60 feet Mean Low Low Water (MLLW), is capable of handling the world's largest vessels. The deep-draft dock is equipped with a conveyor system capable of loading bulk commodities at up to 2,000 tons/hour. An additional trestle will allow for more rapid transport of cargo on and off vessels. The design will also allow for roll-on/roll-off containers. Future development of the deep-draft dock must accommodate fuel and cement loading and unloading.

#### 5.5 Barge Dock

The 14.7-acre open-cell barge dock has a 500-foot bulkhead barge dock with a depth to MLLW of -20 feet. Improvement of the barge dock with a bulkhead landing on the south side should occur to assist with loading large modules. Space for loading and unloading racks for liquid petroleum and liquefied natural gas should be established in the near term.

#### 5.6 Conveyors

A 3,000-foot long, 5-foot wide, privately owned elevated conveyor system extends from the 22-acre bulk material stockpile area down to the deep-draft dock. Expansion of the conveyor corridor to service the interior of the rail loop as well as the area identified for truck coal will require additional conveyor belts. This expansion will allow bulk commodities to be loaded at a higher volume per hour. The existing conveyor was designed to accommodate a second conveyor on the same support structures. Additional conveyors are anticipated to be necessary to service the expanded deep-draft dock.

## 5.7 Pipelines

Pipelines are a necessary component of Port infrastructure. Pipelines will be constructed on the east and south sides of the tank farm to facilitate the loading and unloading of bulk fuel shipments onto both rail tankers and tanker trucks. The pipeline corridor is illustrated in the port layout drawings in Appendix A. A portion of the pipeline corridor has been surveyed and monumented from the southern end of the tank farm to the waterside of the barge dock. Multiple pipelines will be constructed to permit the loading and unloading of not only bulk liquid products but also bulk cement, liquefied natural gas, and other liquid petroleum products. Additional pipeline corridor must be engineered and surveyed from the tank farm to the Knik Arm Crossing.

#### 5.8 Potable Water

In the near term, incremental development of industrial land uses will require the construction of on-site well systems for potable water. As the Port develops into a world class export facility, placement of storage tanks, treatment facilities, pumping stations and piping need to be carefully

considered in the overall facility and utility evaluation. The demand for potable water will be evaluated based on the composition of commercial and industrial land uses compared to the consumption of each type of use. Placement of potable water systems will be evaluated based on industrial density, soil composition and the topographical features of the Port District. A six-inch well was constructed and tested to determine the availability and suitability of water within the Port Commercial District. The locations of the two test wells drilled as part of the water and wastewater evaluation are shown on Figure 9 as well as the service area limits.

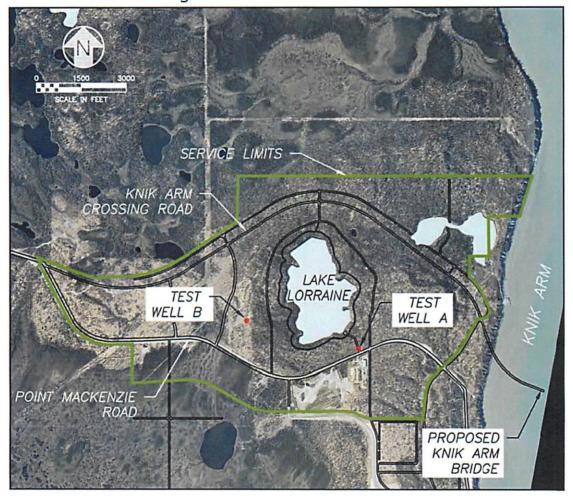
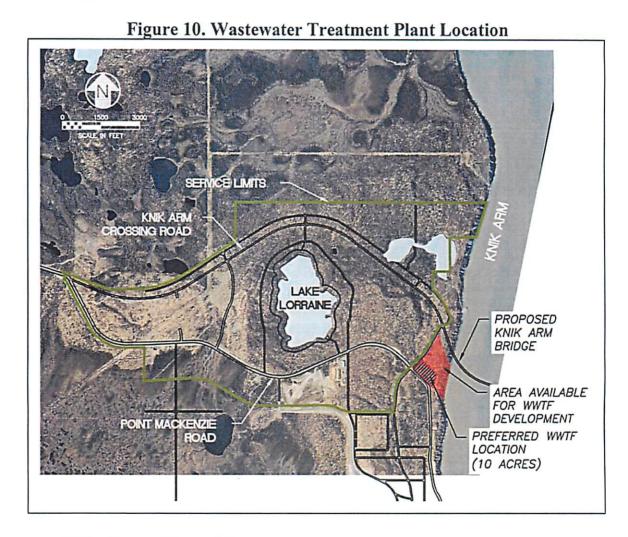


Figure 9. Water Well Locations

# 5.9 Wastewater Management

Development of industrial land uses will utilize on-site septic facilities for wastewater management. Continuous development of industrial and commercial uses will require the construction of large-scale treatment facilities to efficiently manage wastewater. Location of treatment plants, pumping stations and possibly irrigation land (to meet federally mandated tertiary treatment standards) must be identified and planned to meet local demand.

An area has been designated to be served by piped sewer and water service to achieve maximum development density. Because of the uncertainty and flow limitations with large subsurface discharges, this Master Plan includes a Waste Water Treatment Plant (WWTP) that will surface discharge into the Knik Arm. The future WWTP must be capable of treating the expected flow at full build-out. A WWTP is typically sized to treat the design flow rate for a 20 to 30-year planning horizon, plus additional space to at least double the plant size should forecasts underestimate growth. The shaded region in Figure 10 identifies an approximate 70-acre area that is suitable for a future WWTP. The preferred WWTF location within the available area is also shown. This location is ideal because it is inside of the Port's secure perimeter and is situated lower than the surrounding areas.



# 5.10 Storm Water Management

Storm water is the surface runoff that results from rain and snowmelt that flows over land or impervious surfaces. Development at Port MacKenzie will alter the land's natural retention and absorption capabilities. An increase in industrial and commercial activity will introduce a host of pollutants (i.e., sediment, oil, grease, metals, salt, pathogens and/or other toxins). These pollutants can accumulate on impervious surfaces such as rooftops, roads, storage areas, and parking lots

which can be picked up by storm water runoff as it moves across these surfaces. Uncontrolled storm water discharges from Port activities can negatively affect water quality, elevate pollutant concentrations and change natural hydrologic patterns.

The state's approved program is called the Alaska Pollutant Discharge Elimination System (APDES) Program. The APDES storm water permit requirements are based largely on a pollution-prevention approach. The most effective storm water management techniques emphasize preventing rain and snowmelt from coming into contact with pollutants and preventing discharges directly to nearby receiving waters. APDES storm water permits require operators of permitted activities or systems to use best management practices (BMPs) designed to effectively protect water quality for their particular site conditions and activity. BMPs include ditches, curbs, gutters, man-made channels, storm drains, storm sewers and similar means of collecting or conveying runoff that do not connect with a wastewater collection system or treatment plant. Development of the Port District shall utilize BMPs for the facilitation of storm water management systems.

Two efforts have occurred documenting various storm water challenges at Port MacKenzie (USKH, 2012 and PND, 2013). Both studies include similar recommendations. In general, a Drainage Plan should be prepared to address the long-range development at the Port to provide a phased approach for installation of storm drainage collection, conveyance, treatment and disposal infrastructure to support development of industry and ongoing Port operations. An alternative is to develop an Area-Wide Drainage Plan for approval from the Alaska Department of Environmental Conservation (ADEC) in addition to an Area-Wide Storm Water Pollution Prevention Plan (SWPPP). The Drainage Plan should display drainage basins and where they will drain in addition to the proper treatment of the discharge while the Area-Wide SWPPP will set minimum standards for temporary and permanent erosion and sediment control within the Port District. Future developers in the Port District will need to conform to the Area-Wide plans, and developers would be able to utilize the SWPPP and amend their individual project into the document.

Allowing lessees to individually determine how best to manage on-site storm water runoff is unlikely to result in an overall coordinated, efficient and functional storm water management system at Port MacKenzie. Some near-term storm water management issues were identified in these reports and should be addressed in the next five years. The highest priority is engineering and constructing a storm water management system for the Knik Arm Bluff along Don Young Road and above the barge dock.

Finally, the groundwater movement within the Port District is not well understood but has clearly contributed to erosion of the bluff, cut slopes, roadway saturation, winter icing and generally increased the cost of constructing and maintaining facilities in this area. Additional site investigations and studies should be conducted to determine the location, extent, and nature or the groundwater near the bluff face and within Elmendorf Moraine where it will have the greatest effect on future development and operation of the Port.

#### 5.11 Electric

Two high-voltage electric transmission lines (230 kilovolt) enter the Port District from the southwest heading northeast. The lines turn north after crossing Point MacKenzie Road and branch once to the east where a buried transmission line crosses the Knik Arm to Elmendorf Air Force Base.

Three-phase electric power is available along Point MacKenzie Road to the barge dock. The lines are buried the last 2.3 miles. Matanuska Electric Association currently supplies electric power to the Port District via a substation and multiple 13.8 kV overhead lines. Although this power output is sufficient for the demands of current operators, incremental development will require additional electrical power loads. Electric service requirements will be determined by the electrical demand of future land uses. The location for future substation development and easement is illustrated in Figure 11.

#### Lake Lorraine Sub-Station

As development occurs, electric power use will need to maintain capacity to power individual industrial and commercial uses within the Port District. A substation should be pursued as a top priority to encourage the development of industrial and commercial land uses. An ideal location is north of Lake Lorraine, where dense commercial development is encouraged. The area west of Lake Lorraine and north of Point MacKenzie Road has been identified as suitable for a power generation facility.

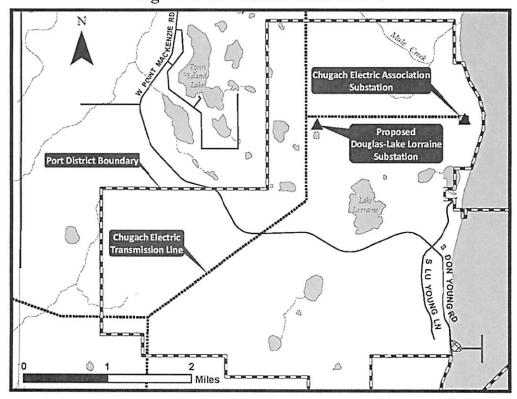


Figure 11: Electrical Substations

#### 5.12 Natural Gas

Planning for a Port MacKenzie power plant is prudent given the anticipated capacity of industrial, manufacturing and commercial uses. Natural gas delivery will be developed to sustain large-scale industrial and commercial activity at Port MacKenzie. Currently plans call for a 10-inch, high-pressure gas transmission line to be extended from Mile 39 Beluga pipeline located approximately 14 miles away for near-term natural gas usage. Distribution lines within the Port District will be developed in multiple grid patterns.

#### 5.13 Communications

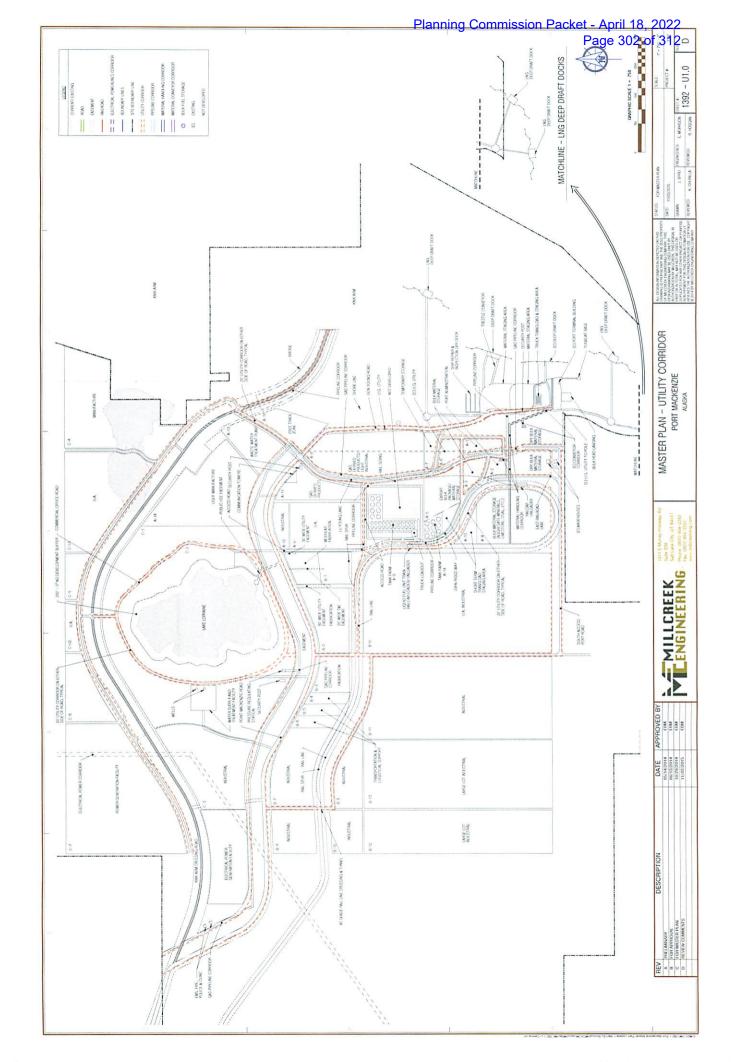
A telephone-microwave-relay facility was constructed by Matanuska Telephone Association to receive signals from another tower in Eagle River. Telephone lines are also buried within the utility easement. Internet service was upgraded to high speed DSL in 2007. Fiber optic lines were installed later.

#### 6. Recommendations

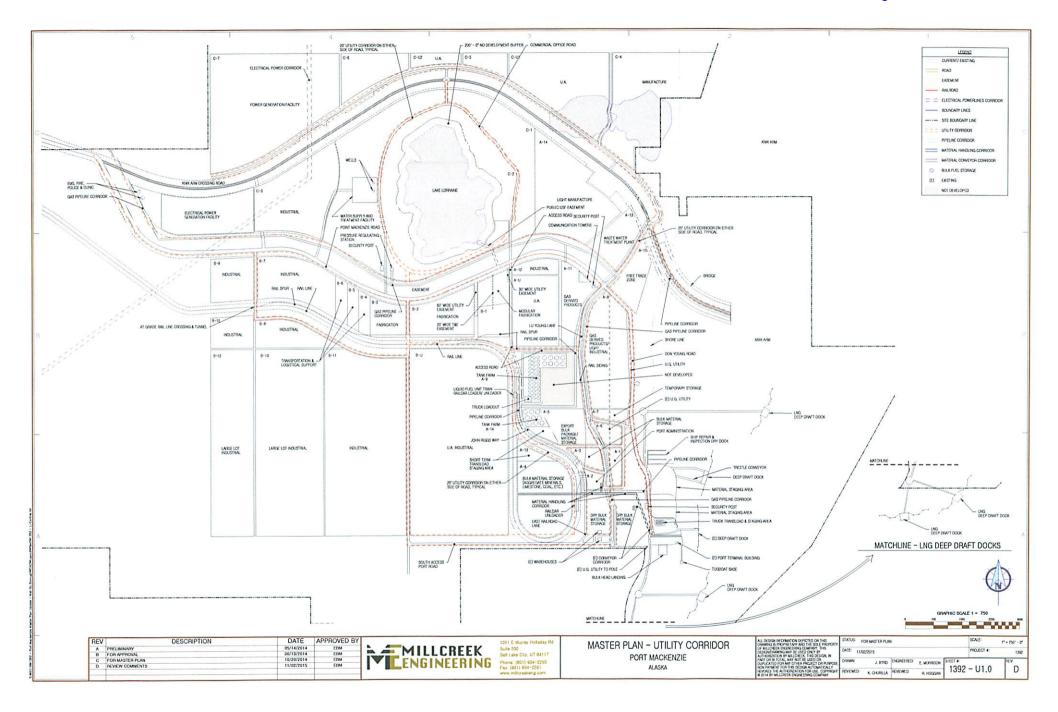
The following recommendations are the result of issues that arose during the Master Plan development that were not addressed in depth in the plan because of timing or other appropriate reasons. They include suggestions of future assessments, reviews and studies to meet or enhance specific actions to support the business of a successful Port District. The recommendations are not listed in priority order.

#### 6.1 Administrative

- 1) The Master Plan should continue to be a living document with updates after significant Port development activities or every three to five years.
- 2) A Port Management Code should be developed to serve as guidance for items such as:
  - administrative operating procedures
  - leasing procedures and requirements, including timing of environmental audits before, during and after leasing;
  - standards and special permit and lease stipulations unique to the Port
  - tenant responsibilities
- 3) Review of Borough Code 17.23, Point Mackenzie Port Special Use District, 18, the Port and others to offer changes which will make management of the Port District more efficient.
- 4) Create a more informative, interactive web presence both as a marketing tool and as a means for public access to information about the Port.
- 5) Develop a forward-thinking marketing plan for the Port that examines potential positioning strategies best suited for the Port.
- 6) Develop a Port Business Plan that guides future infrastructure maintenance and investment.
- 7) Develop options for leasing practices. Evaluate if competition for leases, rights or franchises will be effective in sustaining competition and maintaining incentives for Port improvements. The evaluation should include consideration of:



Planning Commission Packet - April 18, 2022 14N04W02 14N04W01 14N04W05 14N04W03 14N04W06 W JIMARY RD 14N03W10 4N04W12 14N04W07 sland bake Conservation District 1779 acres W BAKER FARM RD Available for Lease Available for Lease (Formerly PacArctic) ac 42 +/- acres 7 +/- acres 14N03W16 14N03W1 4N04W18 UNIVERSITY Colaska Building and Land Permit 15 +/- acres Telecom Tower Easement 14NO3W21 Six milhogwil 14N04W19 Knik Spring Lak Waterfront endent Distr andent Dis ArmCentral Alaska Energy (CAE) - Vitus Lease reen Lak KABATA F 6 +/- acres Port Industrial S DON YOUNG District - Two 2317 acres UNIVERSITY Tuo miostrake. 14N03W27 14N04W30 OF ALASKA Port Industrial Fish District - One 2992 acres POINT MACKENZIE Available for Lease PORT DISTRICT 16 +/- acres LAND STATUS Available for Approximately 6,000 acres of potentially developable MSB land exists within the ease 7 +/- acres Port District, this excludes the buffer around Lake Lorraine, the proposed 14N03W32 14N04W32 14N04W33 14N03W31 KABATA right-of-way, the Waterfront Dependent District, and the Conservation Special Use District. Colaska Building and BOROUGH Land Permit PUBLIC UNIVERSITY 13.5 +/- acres MSB LEASE/PERMIT PROPERTIES MSB OWNED TIDELANDS SELECTED TIDELANDS 13N04W03 13N04W02 13N03W06 13N03W05 13N04W04 PORT SPECIAL USE DISTRICTS (10.046 TOTAL ACRES) CAE Proposed Lease 17+/- acres Cook Source: Esti, DigitalGlobe, GeoEye, Earth Star Geographics, CNES/Alro 13N04W09 13N04W08 IGN, and the GIS User Community



By: Introduced:

T. McDaniel

Public Hearing:

April 4, 2022 April 18, 2022

Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION SERIAL NO. 22-16

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING ASSEMBLY ADOPTION OF AN ORDINANCE AMENDING MSB 17.05 TO EXCLUDE THE PORT MACKENZIE SPECIAL USE DISTRICT.

WHEREAS, MSB 17.05 Essential Service Utilities code requires an extended public notice process for certain types of utility services that includes the Port MacKenzie Special Use District; and

WHEREAS, the Port MacKenzie Master Plan 2016 Update and MSB 17.23 identify special use districts within Port MacKenzie and recognizes this district as the only industrial/commercial district within the Borough aside from industrial/commercial land within the city limits of Houston, Palmer, and Wasilla; and

WHEREAS, the cities of Houston, Palmer and Wasilla are excluded from the requirements under 17.05; and

WHEREAS, amending MSB 17.05 to exclude the Port MacKenzie Special Use District is consistent with the cities within the Borough, and is consistent with the Port MacKenzie Special Use District (MSB 17.23) having its own designated zoning districts and land use regulations; and

WHEREAS, The Port MacKenzie Master Plan Update 2016 is a

source of information for borough-owned land uses and is used as a basis to protect existing development; and

WHEREAS, the Port MacKenzie Master Plan 2016 Update, Section 5 Facilities/Utilities, provides a utility layout map (Appendix A) for the development of utilities for water, wastewater, storm water systems, electrical services, pipelines, conveyors, and natural gas on borough-owned lands; and

On April 18, 2022, Resolution Serial No. 22-16 will be presented to the Matanuska-Susitna Borough Port Commission for their consideration and support.

NOW, THEREFORE, BE IT RESOLVED, the Matanuska-Susitna Borough Planning Commission hereby recommends approval of an Assembly ordinance amending MSB 17.05 to exclude the Port MacKenzie Special Use District as follows:

#### 17.05.020 APPLICABILITY.

(A) This chapter applies to all areas of the borough except within the city boundaries of Houston, Palmer, [AND] Wasilla, and the Port MacKenzie Special Use District boundary. This chapter applies to municipal utilities that extend beyond city boundaries and the Port District boundary into unincorporated borough lands.

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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# **COMMISSION BUSINESS**

# **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:

April 5, 2022

TO:

**Planning Commissioners** 

FROM:

Alex Strawn, Planning and Land Use Director



SUBJECT:

Tentative Future PC Items

#### **Upcoming PC Actions**

#### Quasi-Judicial

- Frontier Plaza Subdivision Earth Material Extraction, 18N10E31A004 (Staff: Mark Whisenhunt)
- Talkeetna Connection Marijuana Retail Facility, 24N04W29D002 (Staff: Peggy Horton)
- Dime Bag Marijuana Retail Facility, 6298B01L002 (Staff: Peggy Horton)
- AK Legacy Genetics Standard Marijuana Cultivation Facility, 6315B01L011 & L012 (Staff: Peggy Horton)
- Premier Homes Earth Material Extraction, 17N02W34D003 (Staff: Peggy Horton)
- Green Jar Hatcher Pass Marijuana Retail Facility, 4316B01L0064 (Staff: Jason Ortiz)
- Green Go, LLC Marijuana Cultivation Facility, 17N01W11A020 (Staff: Mark Whisenhunt)
- Floaters Alcoholic Beverage Dispensary Expansion, 1783B02L003 (Staff: Mark Whisenhunt)
- QAP Church-Seldon, Earth Material Extraction, 18N01W31A015 (Staff: Peggy Horton)
- Denali Farms Marijuana Cultivation Facility, 4136B03L004 (Staff: Peggy Horton)

#### Legislative

- Historic Preservation Plan (HPP) (Staff: Adam Bradway)
- Municipal Separate Storm Sewer System (MS4) (Staff: Kim Sollien)
- Pre-Metropolitan Planning Organization (MPO) Development (Staff: Kim Sollien)
- Bike and Pedestrian Plan (Staff: Kim Sollien)
- Capital Improvement Program (CIP) (Staff: Kelsey Anderson)
- MSB Borough-Wide Comprehensive Plan (Staff: Kim Sollien)
- Marijuana Code Update (Staff: Alex Strawn)
- Glacier View Comprehensive Plan Update (Staff: Leda Borys)
- Coordinated Human Services Transportation Plan (Staff: Leda Borys)