

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
Bill Kendig, 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*

August 15, 2022
REGULAR MEETING
6:00 p.m.

Ways to participate in the meeting:

IN PERSON

IN WRITING: You can submit written comments to the Planning Commission Clerk at msb.planning.commission@matsugov.us. Comments must be submitted the Friday before the meeting.

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: 08/01/2022

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 22-26 A conditional use permit in accordance with MSB 17.30 – Conditional Uses, for earth materials extraction activities, for the extraction of approximately 6,390,000 cubic yards of earth material from an extraction site totaling 154.5 acres within two parcels, which total 657.5 acres; Tax ID #20N04W08A001; within Township 20 North, Range 4 West, Section 7 and 8, Seward Meridian. Public Hearing: September 19, 2022 (Applicant: Matanuska-Susitna Borough Division of Land Management; Staff: Mark Whisenhunt, Planner II)

Resolution 22-28 A conditional use permit in accordance with MSB 17.60 – Conditional Uses, for the operation of a marijuana cultivation facility at 1198 East Sage Road; Tax ID #18N01W15D005; within Township 18 North, Range 1 West, Section 15, Seward Meridian. Public Hearing: September 19, 2022 (Applicant: Derke Clark and Janet Clark, of Checkmate Harvest Company; Staff: Mark Whisenhunt, Planner II)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

V. COMMITTEE REPORTS

VI. AGENCY/STAFF REPORTS

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

VIII. LAND USE CLASSIFICATIONS

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application*).

X. PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 22-25 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance repealing MSB 17.05 – Essential Service Utilities. Public Hearing: August 15 (Staff: Alex Strawn, Planning and Land Use Director)

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

Resolution 22-29 A resolution of the Matanuska-Susitna Borough Planning Commission recommending denial of an ordinance repealing MSB 17.06 – Electrical Generating and Delivery Facility, in its entirety.

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 861-8432 at least one week in advance of the meeting.

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The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on August 1, 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. Richard Allen, Assembly District #2
Ms. Patricia Chesbro, Assembly District #3, Vice-Chair
Mr. Michael Rubeo, Assembly District #4 (Arrived at 6:07 PM)
Mr. Bill Kendig, Assembly District #5
Mr. Stafford Glashan, Assembly District #6, Chair
Mr. Curt Scoggin, Assembly District #7

Planning Commission members absent and excused were:

Staff in attendance:

Ms. Peggy Horton, Planner II
Mr. Mark Whisenhunt, Planner II
Ms. Kelsey Anderson, Planner II
Ms. Kim Sollien, Planning Services Manager
Mr. Rick Antonio, Planner II
Mr. Alex Strawn, Planning and Land Use Director
Ms. Denise Michalske, Assistant Attorney
Ms. Hannah Steketee, Assistant Attorney
Ms. Karol Riese, Planning Depart. Administrative Specialist/Planning Commission Clerk

*Indicates that the individual attended telephonically.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. Mark Whisenhunt.

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved without objection.

IV. CONSENT AGENDA

- A. Minutes Regular Meeting Minutes: July 18, 2022
- B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
- C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 22-25 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance repealing MSB 17.05 – Essential Service Utilities. Public Hearing: August 15 (Staff: Alex Strawn, Planning and Land Use Director)

GENERAL CONSENT: The consent agenda was approved without objection.

V. COMMITTEE REPORTS - *(There were no committee reports.)*

VI. AGENCY/STAFF REPORTS

A. Capital Improvement Program (CIP) New Process (Staff: Kelsey Anderson, Planner II)

Ms. Anderson provided a report of the new process.

Commissioners questioned staff regarding: an example of something that would not qualify; useful life time.

VII. AUDIENCE PARTICIPATION (Three minutes per person.)

(There were no persons to be heard.)

The following persons spoke regarding Resolution 22-25: Amber McDonough, Camden Yehle, Beverly Cutler, and Thenon Baer.

VIII. LAND USE CLASSIFICATIONS - *(There were no land use classifications.)*

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 22-22 A conditional use permit in accordance with MSB 17.60 – Conditional Uses, for a marijuana cultivation facility located at 23161 W. Ayrshire Avenue; Tax ID #4136B03L004; within Township 16 North, Range 4 West, Section 32, Seward Meridian. (Applicant: Branden Bartlett dba Denali Farms, and his attorney, Jana Weltzin; Staff: Peggy Horton, Planner II)

Chair Glashan read the resolution title into the record.

Ms. Horton provided a staff report:

- staff recommended approval of the resolution with conditions.

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

Ms. Weltzin, the applicant's representative, provided an overview of their application.

Commissioners questioned the applicant regarding: retail facility locations
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 Chesbro moved to approve Planning Commission Resolution 22-22. The motion was seconded.

Discussion ensued

VOTE: The main motion passed without objection.

Resolution 22-24 A conditional use permit in accordance with MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities, for the extraction of 42,000 cubic yards of earth material from two extraction sites totaling four acres within four parcels, which total 8.35 acres; Tax ID #8101B01L002, 8102B01L003, 8102B02L001, and 8102B02L002; located within the Township 18 North, Range 1 East, Section 31, Seward Meridian. (Applicant: John Sommer of AK Frontier Rental, LLC; Staff: Mark Whisenhunt, Planner II)

Chair Glashan read the resolution title into the record.

Mr. Whisenhunt provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding: hours of operation; estimation of time to move material; MSB enforcing guidelines of DEC

Applicant was not in attendance.

Chair Glashan opened the public hearing.

The following persons spoke regarding Planning Commission Resolution 22-24: Theron Bair (North Lakes Community Council)

Applicant arrived at 6:50 PM.

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

Commissioners questioned the applicant regarding: length of time of operation; suggestion of NLCC amendment “The permit shall restrict the permissible time of extraction operations daily from 11am to 3pm on weekdays and 9am to 5pm on Saturdays, which should minimize traffic disruptions and other issues.”

Chair Glashan re-opened the public hearing.

The following persons spoke regarding Planning Commission Resolution 22-24: Rob Hanson

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

MOTION: Commissioner Kendig moved to approve Planning Commission Resolution 22-24.
The motion was seconded.

Discussion ensued

VOTE: The main motion passed without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS

Resolution 22-19 A resolution of the Matanuska-Susitna Borough Planning Commission recommending the Matanuska-Susitna Borough Assembly move to repeal MSB 17.10 – Overlay Districts. (Staff: Kelsey Anderson, Planner II)

Chair Glashan read the resolution title into the record.

Ms. Anderson provided a staff report.

Commissioners questioned staff regarding: mapping application use by elderly.

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 Kendig moved to approve Planning Commission Resolution 22-19.
The motion was seconded.

Discussion ensued

VOTE: The main motion passed without objection.

Resolution 22-23 A resolution of the Matanuska-Susitna Borough Planning Commission recommending the Matanuska-Susitna Borough Assembly move to repeal MSB 17.06 – Electrical Generating and Delivery Facility, in its entirety. (Staff: Alex Strawn, Planning and Land Use Director)

Chair Glashan read the resolution title into the record.

Mr. Strawn provided a staff report.

Commissioners questioned staff regarding: significant change; hamper to future energy; eliminates public comment; megawatts; and public process through the RCA.

Chair Glashan opened the public hearing.

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

MOTION: Commissioner Kendig moved to approve Planning Commission Resolution 22-23
The motion was seconded.

Discussion ensued

VOTE: The main motion failed with Commissioners Scoggin, Chesbro, Allen, Glashan in opposition.

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

XII. UNFINISHED BUSINESS

Resolution 22-27 A resolution of the Matanuska-Susitna Borough Planning Commission recommending denial of the Beverly Lake Lake Management Plan.

Chair Glashan read the resolution title into the record.

MOTION: Commissioner Allen moved to approve Planning Commission Resolution 22-27.
The motion was seconded.

Discussion ensued

MOTION: Commissioner Chesbro moved a primary amendment Change 3rd Whereas to read “Whereas, 54% of voters approved the plan including 52% of lakefront owners;” and add another whereas to read “this lake has dedicated public access.” The motion was seconded. By Commissioner Glashan

VOTE: The primary amendment passed with Commissioners Rubeo, Scoggin, and Kendig in opposition.

VOTE: The main motion passed as amended with Commissioners Chesbro and Glenn in opposition.

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

XIV. COMMISSION BUSINESS

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

Mr. Strawn provided a brief update on projects that will be coming before the Planning Commission.

(Commission Business was presented, and no comments were noted.)

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT

The regular meeting adjourned at 7:45 p.m.

STAFFORD GLASHAN, Planning
Commission Chair

ATTEST:

KAROL RIESE, Planning Commission Clerk

Minutes approved: _____

INTRODUCTION FOR PUBLIC HEARING QUASI-JUDICIAL

Resolution No. PC 22-26

**Matanuska-Susitna Borough Division of Land
Management - CUP for earth material extraction**

(Page 11-30)

INTRODUCTION FOR 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

Email: permitcenter@matsugov.us

Matanuska-Susitna Borough
Development Services

APR 05 2022

Received

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

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

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

Application fee must be attached, check one:

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

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

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

Subject Property: Township: 20N, Range: 04W, Section: 07, 08, Meridian: S.M.

MSB Tax ID# 20N04W07A001, 20N04W08A001

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

STREET ADDRESS: _____

FACILITY / BUSINESS NAME: MSB Land and Resource Management Division

Ownership: A written authorization by the owner must be attached for an agent or contact person, if the owner is using one for the application. Is authorization attached? ☐ Yes ☐ No ☒ N/A

Name of Property Owner

Matanuska-Susitna Borough

Mailing: 350 E. Dahlia Avenue

Palmer, AK 99645

Phone: Hm _____ Fax _____

Wk 861-7867 Cell _____

E-mail lmb@matsugov.us

Name of Agent / Contact for application

Emerson Krueger, Natural Resource Manager

Mailing: 350 E. Dahlia Avenue

Palmer, AK 99645

Phone: Hm _____ Fax _____

Wk 861-7867 Cell _____

E-mail ekrueger@matsugov.us

Description What type(s) of material is being extracted? Pit Run

Total acreage area of all parcels on which the activity will occur: 657.5 acres

Total acreage area of earth material extraction activity: 154.5 acres

Total cubic yards extraction per year: 500,000 (Estimate)

Total projected cubic yards to be extracted: 6,390,000

What is the estimated final year extraction will occur? 2053 unless there are project delays

Required information

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

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

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

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

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

3. Submit a reclamation plan including the following:

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

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

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

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

MSB Tax account #(s) 20N04W07A001 & 20N04W08A001 and, I hereby apply for approval of conditional use permit for earth material extraction activities on the property as described in this application.

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


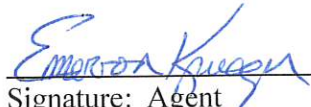
I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorizations may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health,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

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

I understand that this permit may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to operators on this property, and to the buyer when I sell the land. Additionally, I agree to comply with 17.30.120 Transfer of Conditional Use Permit, in the event this permit is transferred to a subsequent property owner.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, and at other times necessary to monitor compliance.

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

	Eric Phillips	4/24/2022
Signature: Property Owner	Printed Name	Date
	Emerson Krueger	4/4/2022
Signature: Agent	Printed Name	Date

*Received by Mark Whisenhunt
on 6-10-2022*

EARTH MATERIAL EXTRACTION APPLICATION

MATANUSKA-SUSITNA BOROUGH

East Kashwitna

20N04W07A001 & 20N04W08A001

June 10, 2022

*Received by Mark Whisenhunt on
6-10-2022*

**MATANUSKA-SUSITNA BOROUGH
LAND AND RESOURCE MANAGEMENT DIVISION**

**East Kashwitna
MSB Parcel Tax IDs
20N04W07A001 & 20N04W08A001**

**PROPOSED GRAVEL MINING PLAN OF OPERATIONS
AND SITE PLAN REQUIREMENTS**

The following information is an attachment to the Matanuska-Susitna Borough (MSB) application for Earth Materials Extractions activities that do not occur within four feet of the water table under MSB 17.30, Conditional Use Permit (CUP).

1. Plan of Operation

The Matanuska-Susitna Borough Parcel Tax IDs 20N04W07A001 & 20N04W08A001 are located approximately 0.6 miles east of the Parks Highway near milepost 77. This Proposed Gravel Mining Plan (Plan) details the activities and dates of operation for material extraction proposed to prepare the parcel for future development. Exhibit 1 includes a vicinity map for the parcels.

A Site Plan for the parcels is provided in Exhibit 2, depicting the proposed project area, buffers, and truck haul routes. A vicinity map, site map, the landowners within one-mile, wetlands and waterbodies within one mile, and other features are shown in Exhibits 1-4.

The current plan includes a future borrow source located within the property boundaries. The maximum area proposed for gravel extraction within the two parcels is approximately 152.3 acres. Parcel Tax ID 20N04W07A001 is 117.5 acres. The proposed gravel extraction would occur on approximately 101 acres on this parcel. Parcel Tax ID 20N04W08A001 is 540 acres. The proposed gravel extraction would occur on approximately 51 acres of this parcel. The remaining acreage is set aside as buffers and visual screening. Property surrounding the parcels are a mix of agricultural/industrial to the north, undeveloped, and vacant land to the south and west. The parcel to the north is within an Interim Materials District.

The ultimate goal of the gravel extraction activities is to prepare the parcels for development. The property is owned by the Matanuska-Susitna Borough (MSB). Modifications to the Plan will be submitted to the Land and Resources Management Division (MSB-LRMD), as needed, by the Contractor authorized to develop the site prior to the commencement of any mining activities.

The project is expected to last 30 years, but may need to be extended if delays occur. Full development of the borrow source is anticipated to be complete by 2053. Reclamation of the mined area is required prior to future development. Future development has not been defined at this time. The site will be developed by the proposed material extraction to support such following land uses as residential, commercial, agricultural, and industrial. This location has not been identified for any future public facilities. Incremental reclamation will leave areas where mining has been completed in a vegetated condition suitable for use as public open space. However, given the layout of the mining plan, public recreation on the site will be prohibited until mining is complete for safety reasons.

Material extraction may be competitively bid via contract or lease. The operator of the material extraction project is herein referred to as the Contractor.

Extraction operations will be at the Contractor's discretion and are not seasonally dependent. Hours of operation are expected to be Monday through Sunday from 6:00 a.m. to 11:00 p.m., but may be extended during the construction season.

A section line easement connects the northern boundary of the site to the Parks Highway. This access route may be used as a haul route. There is a constructed railroad crossing and driveway on the Parks Highway at this location. Existing access roads and a railroad siding on the adjoining private material site may be used as part of the extraction operation. Haul routes will be maintained.

The Site Plan illustrates the potential access route. Furthermore, the Site Plan indicates two mining phases. This application is for all mining phases indicated on these drawings.

A development plan will be prepared by the Contractor, based on project needs and request for access and/or use made to the MSB-LRMD. If a modification of the site plan or development plan is required, a modified plan will be submitted to MSB-LRMD to determine if an amendment to the permit will be required. Structures, either permanent or semi-permanent, and processing equipment will be permitted within the site. All contract specifications or use agreements for authorized use of this site shall be required to adhere to the Permit conditions and operational details. Plan deviations must be submitted to the MSB-LRMD by the Contractor for review and approval prior to site development and/or material extraction.

The schedule for excavation and reclamation will be more thoroughly defined by the Contractor developing the site, and will be required in all bid packages. Reclamation will be required. Mined areas will be reclaimed as public open space until such time as future development is proposed.

A 25-foot undisturbed vegetated buffer will be retained in Phase 1 along the northern parcel boundary. The earthen berm will abut the section line easement along the northern boundary of Phase 2. The areas within the section line easement will be left above the grade of the remainder of the subject property to promote road drainage. These areas will be graded to retain storm water runoff on the property.

Retaining an undisturbed 100-foot natural vegetative buffer along all wetlands will prevent any problems, such as erosion, sedimentation, draining, and flooding on property adjoining the boundaries of the site. In addition, these 100-foot buffers may be extended as required by the U.S. Army Corps of Engineers if additional undisturbed buffers are required.

Retaining an undisturbed 25-foot natural vegetative buffer along the western boundary of the site will prevent problems with the adjacent Alaska Railroad. However, if the railroad is to be utilized for hauling material, a portion of this 25-foot buffer may be removed for access to the train cars.

The groundwater table elevation for the site was assessed to be at an elevation of 210-feet by a geotechnical firm in 2021. The Contractor that develops the site will be required to install wells to document the seasonal high water table to ensure the floor of extraction remains at least four feet above it.

2. Site Plan Requirements

The site of the proposed material extraction is isolated. No operational restrictions are deemed necessary to minimize off-site effects of material processing. Material extraction activities will be located close to the working face of the excavation to maximize efficiency. This includes laydown areas and vehicle parking. Laydown areas are locations where material is stored. Mining will commence at the north end of the property and is anticipated to proceed south. Crushers, screening plants, asphalt plants, or batch plants may be used at this location. A screening plant is planned for use in this operation. A screening plant is equipment used to separate materials based on grain size. No earthen berms are anticipated to be required to mitigate. It is not expected to, however, if processing equipment sound levels, measured at the nearest residential properties exceed the sound levels by receiving land use in MSB 17.28.060(A)(5), earthen berms around the equipment will be installed.

Sand and Gravel Extraction Operations

Total excavation of the site is estimated to include approximately 6,390,000 cubic yards of pit-run material and is expected to be excavated between 2023 and 2053. The total acreage from which material will be extracted is approximately 152.3. This excludes the vegetative buffers as well as the wetland buffers. The Borough intends to solicit bids from Contractors to complete material extraction. The volume estimate is based on the best available information. Actual excavation volumes and controls will be determined by the data collected from boreholes and monitoring wells and will be included in the contract for site development.

Conventional bulldozers, track-mounted backhoes, rubber-tired loaders, 10-12 cubic yard (CY) capacity dump trucks, and 18-30 CY capacity side or belly dump trucks will be used in the operation. Typically the hauling will be done using a 25 CY side-dump truck. A majority of the material may be loaded onto trains from the adjacent existing material site. Local material hauling on the road system is anticipated to be 10% of the total annual extraction. An estimated average of 500,000 CY per year will be extracted from the site. Approximately 50,000 CY may be hauled annually via the local road system. Assuming a four-month operational period for local construction projects, six days a week, using 25 CY trucks, this could result in 500 CY per day being hauled off-site. This could be 20 25-yard trucks resulting in 40-trips per day. This is based on the assumption that a majority of the material extracted from the site each year will be transported on the railroad. The anticipated traffic levels indicate no traffic impact analysis is required.

Blasting will not occur on site.

The working depth will typically be approximately 28 feet below original grade, as long as the depth of excavation remains a minimum of four feet above the seasonal high ground water table. Groundwater monitoring will be required by the Contractor to ensure mining activities will not encroach within four feet of the seasonal high ground water level.

Development of the site is anticipated to begin from the north, and will depend on the Contractor selected and their plans for utilization of the material. The mining plan is based on the premise of first developing the approximately 51-acre phase one, providing an approximately 1,681,800 CY. Mining phase one could start as early as 2023, once the timber has been salvaged from the site. The roughly 51-acres in phase one would be excavated and developed into a preliminary

operations area, where material processing and stockpiling would occur. Mining phase two would add additional operational area allowing for greater efficiency in the extraction and processing operations. Mining phase two might be opened up enough to develop rail access if necessary. Although the preliminary geotechnical data suggest the best construction material is in phase one. The majority of phase two will not begin until phase one is reclaimed by spreading soil, fertilizer, and seed. The heterogeneity of the material types in phase two will require the Contractor to selectively extract the material. This is anticipated to reduce the efficiency of the operation and require additional time to complete the larger acreage.

Most of the material extracted may be leaving the site via conveyor to a stockpile adjacent to a railcar loader. Truck haul routes are shown in Exhibit 2 – Site Plan. A water truck and/or sweeper may be used for dust control as needed. Haul routes will be maintained.

The operations area will be situated within the active phase of the excavation to minimize negative off-site effects of processing and handling activities. The operations area is anticipated to shift as the site is developed and is therefore not shown on the Site Plan. Reject material will be stockpiled for future road development in areas adjacent to the section line easement along the northern boundary. Detailed layout of temporary and permanent facilities will be determined by the Contractor hired to develop the site.

The site is currently wooded and undeveloped. The landform for the area indicates the surficial deposits are comprised of a relic river terrace in phase 1 and a typical glaciofluvial deposit comprised of very hilly terrain in phase two. Existing geotechnical data consist of six test pits, excavated in 2021 to an average depth of about 15-feet.

Organic overburden from the site will be stockpiled for use in reclamation.

I. Structures

A 25-foot setback is required from all property lines for structures, permanent or portable facilities, and equipment or material storage per MSB 17.28.070(A). Structures commonly associated with material extraction sites are planned for use within the site boundaries. All structures and processing equipment will be sited within the mining phases in accordance with the required setbacks.

II. Buffer areas and Driveways

Buffers, haul routes and public access easements are shown in Exhibit 2. No driveway permit is anticipated to be required. The Parks Highway Access Development Permit covers the existing driveway at Milepost 77.4. The Contractor will be required to obtain all necessary permits to construct access and development within the section line easements and wetlands. Development within the section line easements will require State authorization. Operations may continue year-round depending on winter weather conditions and demand. Driveways will be maintained during active operational periods. Buffers for this parcel include a 25-foot buffer along the western boundary.

A minimum 100 foot buffer has been incorporated into the Project Area along all mapped wetlands. Additional wetland buffers will be included as required by the U.S. Army Corps of Engineers.

A small portion of the southern boundary of phase one abuts a parcel owned by the Mental Health Trust. An earthen berm will be constructed along the northern boundary of the site. Any work within the section line easements will be appropriately permitted. The areas along the west boundary may be developed for rail access. The limited extent of the material extraction from parcel Tax ID 20N04W08A001 eliminates the need for a buffer along the eastern boundary. Retaining a 25-foot undisturbed vegetative buffer along the northern boundary of phase one will screen it from the agricultural and industrial parcels to the north. The section line easement along the northern boundary of phase two along with an earthen berm will screen the operation from the land to the north. Land to the north is owned and operated by a material extraction contractor. Earthen berms will be constructed along the northern boundary to screen the operation from the parcels to the north. Once mining is complete, the Borough will plant trees along the northern property line to visually screen the subject parcel to the north. This visual screen is included in anticipation of future public use of the site once material extraction is complete. The Contractor will be required to obtain the necessary permits for work within the section lines easements.

All traffic associated with the material extraction will ingress and egress the site from the northern section line easement, via a new connection to the existing driveway and rail crossing, or the Railroad. Vehicle parking will occur within the active mining phase, not within the section line easements.

III. Wetlands and Waterbodies

No wetland areas are located in the area proposed for mining. Exhibit 3 shows all wetlands within a one-mile radius of the proposed mining site.

IV. Existing and Surrounding Land Uses

Property surrounding the site is undeveloped, Borough-owned land to the south, west, and east. There is an undeveloped parcel of Mental Health Trust land to the south. The land north is an existing private material site. Surrounding properties within a one-mile radius are identified in Exhibit 4. A list of all neighboring property owners within this same radius is also provided with this Exhibit.

The Willow Community Comprehensive Plan was reviewed during development of this application. No future uses for this property were identified. The Willow comprehensive plan (adopted 2013) includes a preference for construction of a Parks Highway Bypass. The intent of the bypass is to allow through traffic to go around the designated town center. The Plan suggests a potential route for the highway bypass that takes off from White's Crossing, east of the railroad, rejoining the existing highway near Kashwitna Lake. This route for the bypass may intersect some portion of the proposed material site. However, the proposed mining plan would not leave the property unsuitable for future road construction. In addition, the Alaska Department of Transportation have identified a preferred bypass route which is much shorter than the route in the Plan. The ADOT bypass route would not be close to the proposed material extraction area.

The LRMD is in discussions with ADOT about securing the Borough-owned properties along the Parks Highway for future road projects. The subject parcels are not included in any future Parks Highway projects. The approved Parks Highway Access Development Permit authorizes the existing driveway at milepost 77.4 to be utilized for the proposed haul routes to the subject parcels.

The Contractor shall work with Alaska Railroad to meet their requirements to utilize the existing rail crossing.

The language in the Willow comprehensive plan requires the Borough to work with the Willow Community to identify and reserve parcels for future public facility development. While this has not resulted in identifying the subject parcels for public facilities, the proposed material extraction will leave the parcels in a condition suitable for a future public facility, such as a fire station or park.

The proposed material extraction is in conformance with the Comprehensive Plan and MSB 17.30. The proposed material extraction is intended to prepare the site for future development which could include public facilities. The Reclamation Plan for the site is intended to leave the site in a condition suitable for use as public open space.

The reclamation plan is robust in its requirements for utilization of all organic overburden on site to be retained to support future use of the property for open space. The material extraction activities will not leave a scar or one big hole in the ground. The site will be available for use as public open space until such time as it is developed. The proposed extraction activities are consistent with the Willow Area Community Comprehensive Plan.

The proposed material extraction operation conforms to the approved Borough land classifications:

20N04W07A001 – classified in 1985 for a future landfill. The MSB Department of Public Works has indicated the proposed material extraction on this parcel does not conflict with the designation of this parcel for a future landfill. Material extraction is often required before a parcel can be used as a landfill.

20N04W08A001 – classified in 2006 as watershed lands. This 540-acre parcel includes approximately 300-acres of wetlands. LRMD is working on re-classifying the portion of this parcel identified for future material extraction as resource management. The proposed material extraction on 80-acres of the parcel excludes the 100-foot wetland buffer, required by Borough code to protect water quality. Limited material extraction from a portion of the uplands on this parcel and subsequent reclamation is not anticipated to have any measurable effect on the water quality or wetland habitat.

v. Road and Access Plan

All traffic may ingress and egress the site via a new road connection along the northern boundary of the parcels to an existing permitted driveway on the Parks Highway. Site access is shown in the Site Plan in Exhibit 2. Existing haul routes on the adjacent material site may also be used for site access. Development of a haul route along the north property boundary is expected to require a U.S. Army Corps of Engineers permit for fill in wetlands. The Contractor will be required to obtain and comply with the permit.

Construction-related traffic may be expected to generate up to three trips per hour, during the peak construction season. A majority of the material extracted from the site may be conveyed to a stockpile area adjacent to the railroad and loaded on railcars.

VI. Visual Screening Measures

No residential areas or recreational trails are located in the vicinity of the proposed area of development. Visual screening includes a combination of 25-foot undisturbed vegetative buffers and earthen berms as illustrated in Exhibit 2. A 25-foot undisturbed vegetated buffer will be maintained along the western boundary, along the railroad. A portion of this buffer may be removed if earth materials are to be loaded directly onto the train. The northern boundary of the site includes an earthen berm and a vegetated buffer. The portion of phase one that borders Mental Health Trust property will include an earthen berm. The eastern boundary abuts vacant Borough-owned land.

VII. Noise Mitigation

There are no residential areas or recreational trails located in the vicinity of the proposed area of development. The below-grade excavation will help to attenuate work area noise to acceptable levels consistent with the stipulations of MSB 17.28.060(A)(5). Additionally, haul trucks removing the material from the site will be required to have the appropriate mufflers installed to minimize noise pollution in the adjacent neighborhoods. The remote location will provide additional noise mitigation. Earthen berms around processing equipment will be constructed when off-site noise levels exceeds the levels listed in MSB 17.28.060(A)(5).

VIII. Lighting Plan

Most of the work will be conducted primarily during daylight hours without the need for artificial lighting. The contractor will be required to obtain approval from MSB for any artificial lighting. Lighting may be used to illuminate activities in the work area, if needed. All lighting will be focused away from nearby residential areas and will be directed only onto the work at hand. Exterior lighting must be located and shielded to direct light towards the ground, in order to minimize light spillage onto adjacent properties and upward in to the night sky. Illumination or other fixtures mounted higher than 20 feet or 150 watts or more must have downward directional shielding, in accordance with MSB 17.28.060(A)(6).

IX. Dust Plan

Road dust control is a concern of high priority. The contract for development of this site shall contain a specific bid item to provide watering for dust control.

Borough staff or their agent will monitor conditions throughout construction and direct the construction contractor to water the roadway and haul routes as needed to prevent dust from becoming a problem. It is also anticipated that measures to reduce any by-product dirt transport from the borrow site by vehicle tires will be implemented within the borrow pit. The vegetative buffers are intended to mitigate off-site migration of dust. Mud tracked off-site onto public roads will be swept or washed as necessary.

X. Stormwater Pollution Prevention Plan (SWPPP)

The site will be developed to contain all stormwater runoff. The Contractor will be required to develop and implement a SWPPP and associated permitting for the life of the project. The SWPPP

will be provided to the Borough for review and approval prior to commencement of extraction activities.

XI. Reclamation Plan

The site will be excavated to create a generally flat area with small rolling hills, in order to prepare the site for future development. The site will be available for use as open space once mining is complete. Reclamation of the property will leave the site in a condition suitable for use as public open space until the site is needed for development. To this end, the organic overburden will be stockpiled onsite and used, if necessary, to construct earthen berms for visual screening. The overburden will be distributed over the site upon completion of mining activities and the site will be seeded and fertilized to promote rapid revegetation.

Reclamation of each phase of mining will be completed within four growing seasons after completion. Slopes will be graded to a maximum 50% slope, and graded to blend with surrounding undisturbed topography. All surfaces will be stabilized and protected from erosion. Vegetative cover will be established and maintained over all disturbed areas on the site in conformance with the current Alaska Department of Natural Resources Revegetation Manual for Alaska. Reseeding of reclaimed areas will utilize certified seed suitable for Alaska, free of noxious weeds and undesirable plants identified in 11 AAC 34.020. Sixty percent live cover of the entire reclaimed area will be achieved by the end of the fourth growing season after completion of a mining phase. However, equipment access through each mining phase will be maintained and remain un-reclaimed until mining and reclamation of the last phase is complete.

At least 12" of organic overburden are estimated to be on site based on available data. All organic overburden will be stockpiled onsite and used for reclamation.

The Reclamation Plan and bond will be filed with the State when a contractor is selected to begin extraction activities.

XII. Long-Term Plan

This plan is specifically for the extraction of materials to prepare the site for the future development and open space. The site is classified for watershed lands, resource management, and reserve use. Excavation to level the site for the future public facilities is anticipated to include 6,390,000 cubic yards of pit-run materials. Excavation is expected to take place from 2023 through 2053. The Borough Land and Resource Management Division is requesting this Conditional Use Permit to cover the activities associated with the development of this site.

**Land and Resource
Management Division**

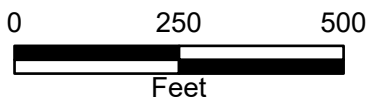
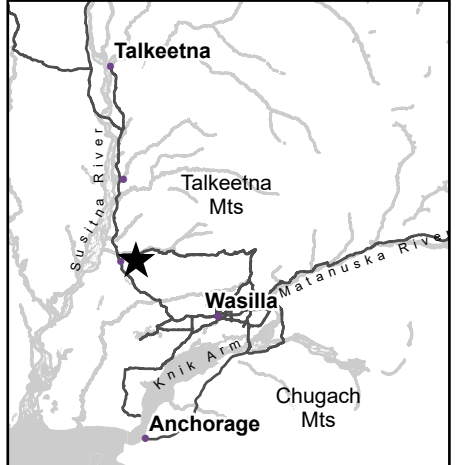


Kashwitna East
Material Extraction
CUP Application

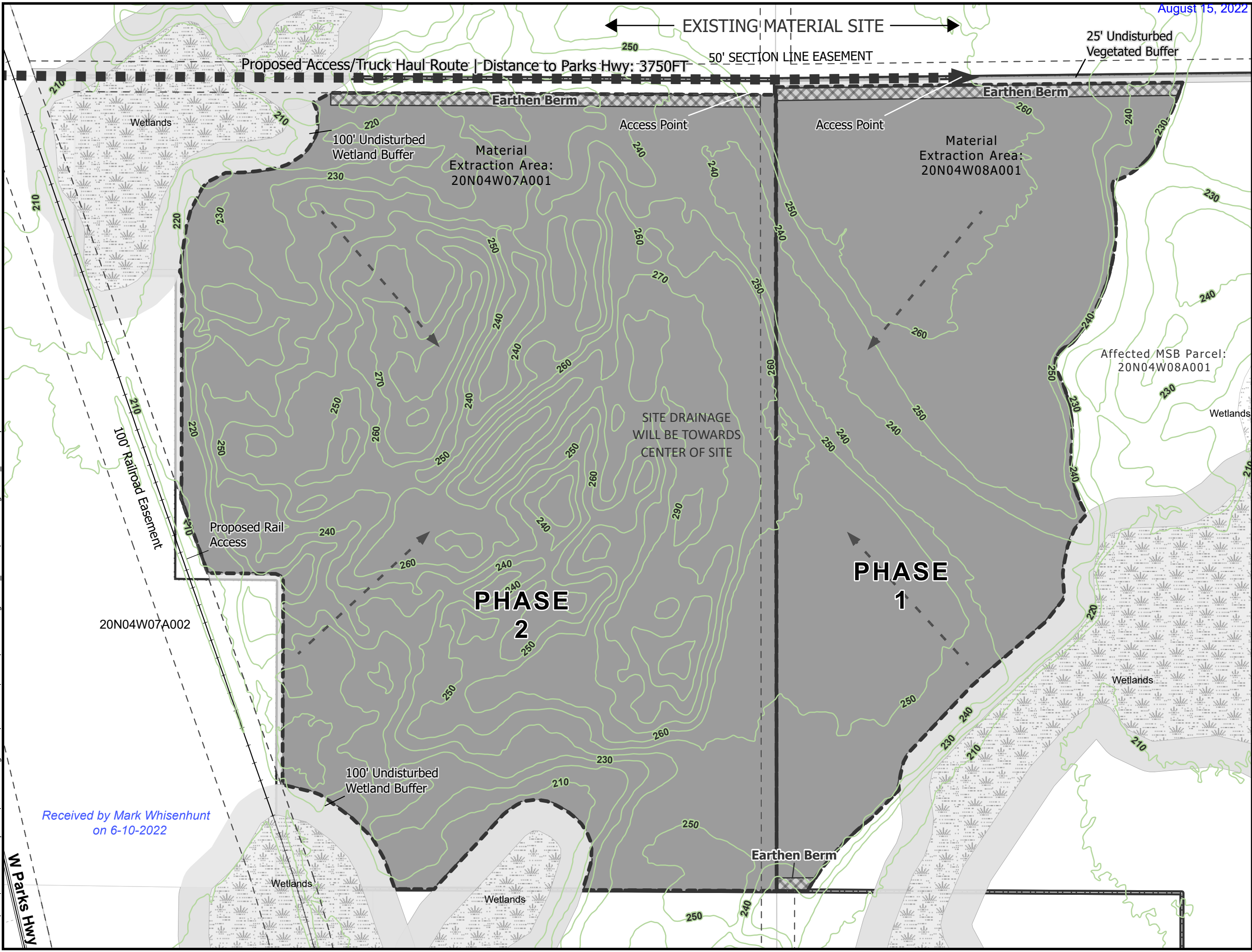
**Exhibit 2
Site Plan Layout
Operational Features
Existing Topography
(10' Contours)**

- Kashwitna East Project Area
- Material Extraction Area
- PROPOSED ACCESS
- Easements & ROWs
- MSB Wetland Mapping

*Project Area boundaries are GIS representations
and have not been surveyed.*



Date: June 2022
Sources: MSB GIS, MSB LRMD, AK DOT
Projection: NAD 83 AK ST PLN Z4
Location: MSB
Author: MSB LRMD/GIS



Received by Mark Whisenhunt
on 6-10-2022

Path: P:\User\Comm Development\Land Management\Resources\Gravel\LandManagement_Gravel.aprx

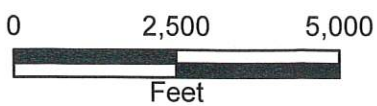
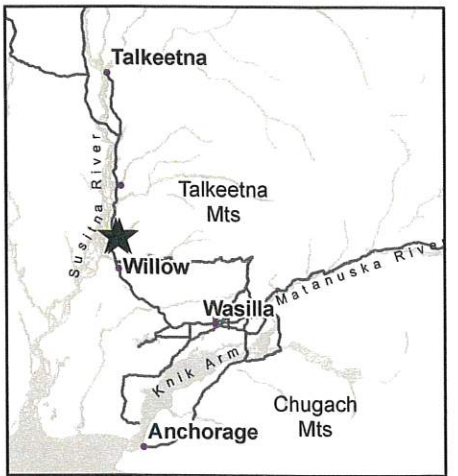


Kashwitna East
Material Extraction
CUP Application

Exhibit 1
Vicinity Map

Legend

- Kashwitna East Project Area
- Affected MSB Parcels
- Section Lines
- Parcels



Date: April 2022
Sources: MSB GIS, MSB LRMD, AK DOT
Projection: NAD 83 AK ST PLN Z4
Location: MSB
Author: MSB LRMD/GIS



Land and Resource
Management Division



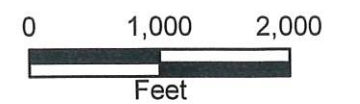
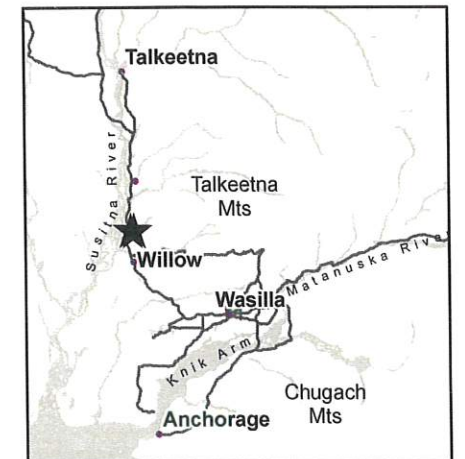
Kashwitna East
Material Extraction
CUP Application

Exhibit 3
Wetlands and
Waterbodies Map

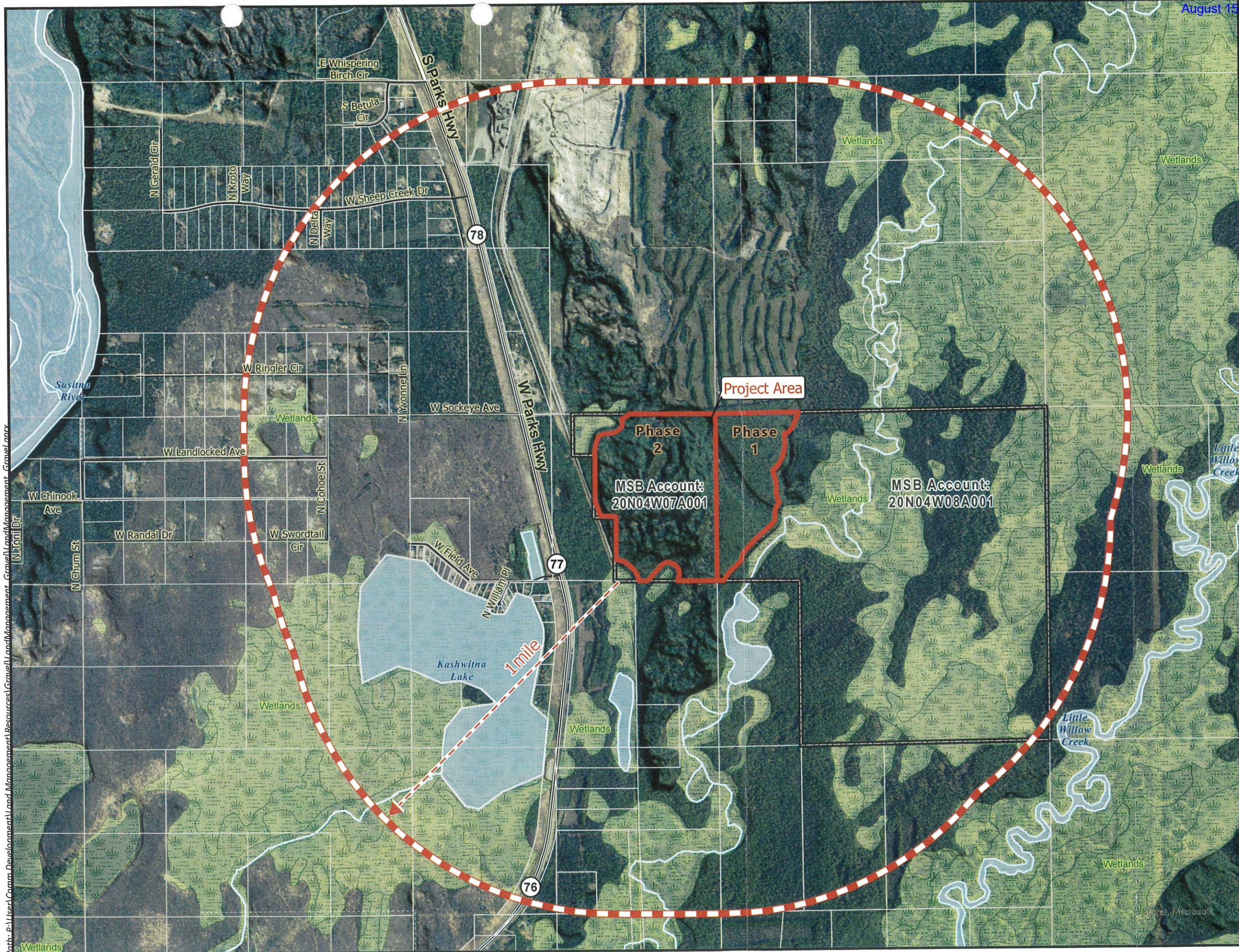
Legend

- 1mi Buffer from Project Area
- Kashwitna East Project Area
- Affected MSB Parcels
- MSB Wetland Mapping
- MSB Waterbodies

Project Area boundaries are GIS representations
and have not been surveyed.



Date: April 2022
Sources: MSB GIS, MSB LRMD, AK DOT
Projection: NAD 83 AK ST PLN Z4
Location: MSB
Author: MSB LRMD/GIS

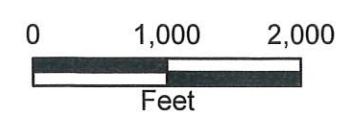
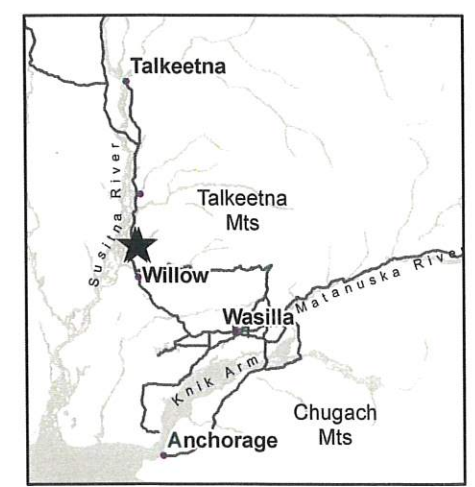




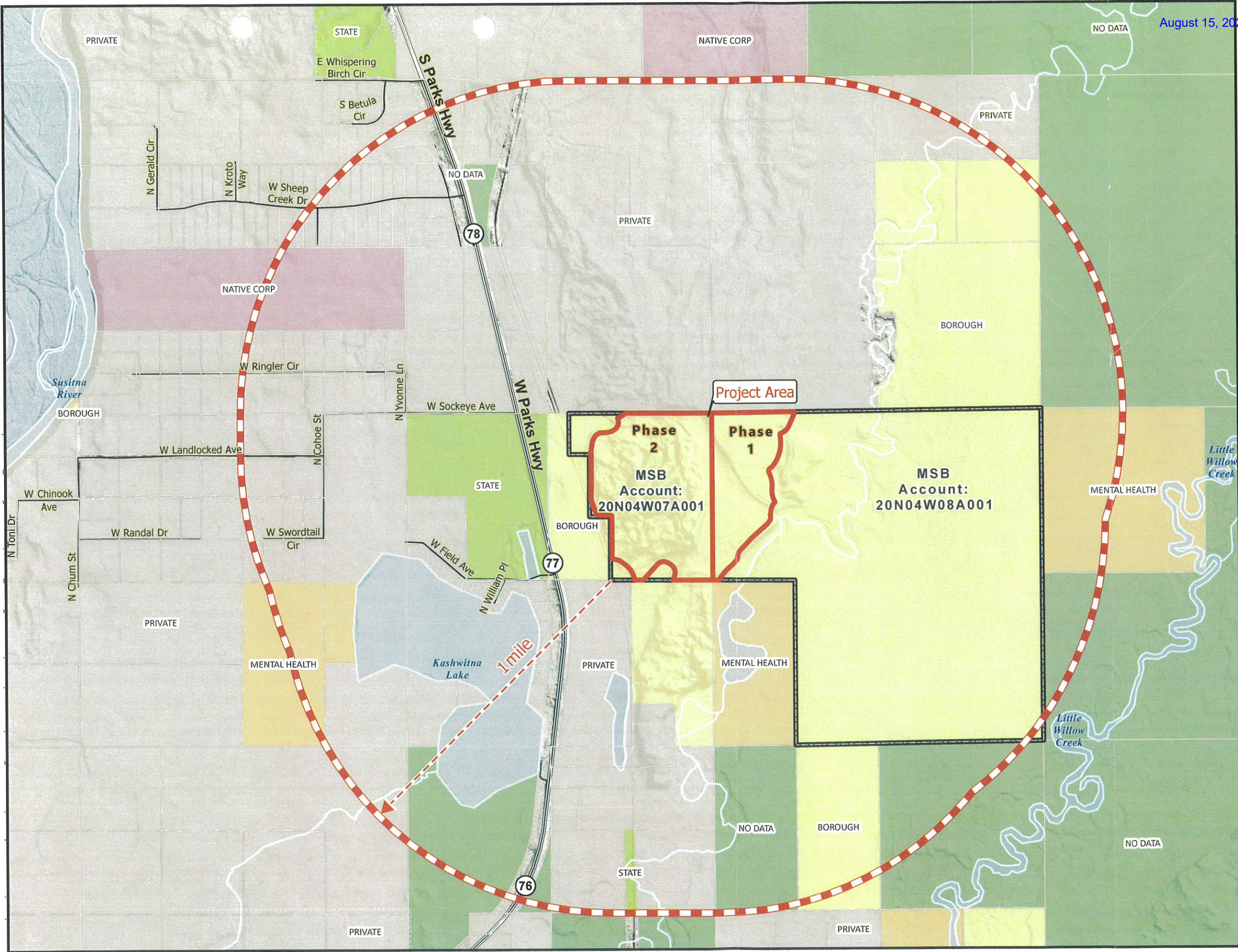
Kashwitna East
Material Extraction
CUP Application

Exhibit 4
Surrounding
Land Ownership

- LAND STATUS
- BOROUGH
 - CITY
 - MENTAL HEALTH
 - NATIVE CORP
 - PRIVATE
 - STATE
 - NO DATA - LIKELY STATE



Date: April 2022
Sources: MSB GIS, MSB LRMD, AK DOT
Projection: NAD 83 AK ST PLN Z4
Location: MSB
Author: MSB LRMD/GIS



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INTRODUCTION FOR PUBLIC HEARING QUASI-JUDICIAL

Resolution No. PC 22-28

**Derke Clark and Janet Clark of
Checkmate Harvest Company**

(Page 31 - 68)

INTRODUCTION FOR PUBLIC HEARING

MAY 02 2022

**MATANUSKA-SUSITNA BOROUGH****Planning and Land Use Department****Received****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.

Application fee must be attached:

☐ \$1,500 for Marijuana Retail Facility
☒ \$1,500 for Marijuana Cultivation Facility

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

Required Attachments for a Marijuana Cultivation Facility:

☒ Wastewater and Waste Material Disposal Plan – 17.60.160 (A)
☒ Odor Mitigation and Ventilation Plan – 17.60.160 (B)
☒ Hazardous Chemicals Information – 17.60.160 (C)
☒ Security plan – 17.60.160 (D)

Required Attachments for Both Retail and Cultivation Facilities:

☒ Documentation demonstrating full compliance with applicable fire code – 17.60.150 (D) (2)

Subject Property: Township: 18, Range: 1W, Section: 15, Meridian: SEWARD

MSB Tax ID# 218N01W15D005

SUBDIVISION: _____ BLOCK(S): _____, LOT(S): D5

STREET ADDRESS: 1198 EAST SAGE ROAD

FACILITY / BUSINESS NAME: CHECKMATE HARVEST COMPANY LLC

Ownership: A written authorization by the owner must be attached for an agent or contact person, if the owner is using one for the application. Is authorization attached? ☐ Yes ☐ No ☒ N/A

Name of Property Owner**Name of Agent / Contact for application**DEREK CLARK & JANET CLARKMailing: PO BOX 9568

Mailing: _____

KETCHIKAN, AK 99901Phone: Hm 907-225-1454 Fax _____

Phone: Hm _____ Fax _____

Wk _____ Cell 907-821-8210

Wk _____ Cell _____

E-mail seakr@kpunet.net

E-mail _____

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.	DIAGRAMS #1, #2, #3
Signage – Existing and Proposed.	NONE
Location and dimensions for all access points to and from the site to public rights-of-way or public access easements.	YES
Buffering – Fences, vegetation, topography, berms, and any landscaping	YES
Drainage	YES
Vehicular and pedestrian circulation patterns.	YES
Exterior site lighting.	YES
Location and dimensions of parking areas to be provided	YES
Scale and north arrow using standard engineering intervals such as 1" = 30', 1" = 50' or similar as required by project size.	YES

Map – Attach a detailed, to scale, vicinity map clearly showing the following information:	DIAGRAM #4
Identify all existing land uses within 1,000 feet.	YES
Scale and north arrow using standard engineering intervals such as 1" = 30', 1" = 50' or similar as required by project size.	YES

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:	ATTACHMENTS
Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?	YES
Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?	NO
Are sufficient setbacks, lot area, buffers and other safeguards being provided?	YES
Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to the conditional use in this section?	YES
Describe measures taken to prevent any potential negative effect upon other properties in the area due to such factors as noise and odor.	YES
Describe measures taken to reduce negative effects upon adjacent properties by: <ul style="list-style-type: none"> 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 	ATTACHED
Describe how this use is compatible with the character of the surrounding area.	ATTACHED
Current status of State License application process – 17.60.150 (D) (1)	ATTACHED

17.60.170 Standards for Marijuana Retail Facilities:	N/A
Describe how the subject parcel is appropriate for the proposed conditional use. Include information detailing: <ul style="list-style-type: none"> • The proximity of the proposed use to existing businesses; • The proximity of parcels developed with residential uses; • Whether the roads associated with the proposed use have been, or will be, appropriate for commercial use; and • Proposed hours of operations. 	N/A
Provide information showing minimum parking standards have been met as required by MSB 17.60.170 (B) and (C).	N/A

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

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

MSB Tax account #(s) 218N01W15D005 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.

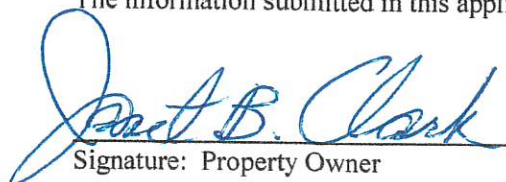
I understand all activity must be conducted in compliance with all applicable standards of MSB 17.60 and with all other applicable borough and state.

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

JANET B. CLARK
Printed Name

5/1/2022
Date

Signature: Agent

Printed Name

Date

CONDITIONAL USE PERMIT FOR MARIJUANA RELATED FACILITIES – MSB 17.60 AUTHORIZATIONS

DCCED Alcohol & Marijuana Control Office – Standard Marijuana Cultivation Facility Permit #24115

During the April 13-14, 2022 meeting of the Marijuana Control Board meeting, the board approved Checkmate Harvest Company LLC's Standard Marijuana Cultivation Facility application with delegation to the director. Included in this packet is the approval letter.

MATANUSKA-SUSITNA BOROUGH DRIVEWAY PERMIT - Included with this packet is MAT-SU BORO Driveway Permit #D18449.

STATE FIRE MARSHALL CODE REVIEW - Checkmate Harvest Company LLC filed an Application for Fire and Life Safety Plan Review with the State Fire Marshall Office on March 16, 2022. The Plan Review # is 2022Anch1151.

In a letter (attached) dated March 24, 2022, the Fire Marshall Office provided a list of additional information needed prior finalizing their review of the application. Upon receipt of the request for additional information, Checkmate Harvest Company LLC hired Welsh Whiteley Architects, LLC to provide the additional information requested. On April 8, 2002 Welsh Whiteley Architects, LLC requested an extension to the Fire Marshall's deadline to provide the requested information. On the same day, the Fire Marshall Office extended the deadline until June 7, 2022 (extension letter attached).

Checkmate Harvest Company LLC request that the Mat-Su Boro proceed with processing this Conditional Use Permit prior to final approval being obtained from the Fire Marshall Office.



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West Seventh Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

April 21, 2022

Checkmate Harvest Company LLC
DBA: Checkmate Harvest Company
Via: derekclark10@hotmail.com

Re: Checkmate Harvest Company #24115

Dear Checkmate Harvest Company LLC:

At the April 13-14, 2022 meeting of the Marijuana Control Board in Anchorage, Alaska, the board voted to approve your new Standard Marijuana Cultivation Facility application with delegation to the director. Delegation means that the board has authorized me to issue the license once all outstanding approvals are received.

Attached are post-approval instructions and the pre-inspection checklist, which provide information on your next steps. Please note that the pre-inspection checklist is informational. You will be provided with an individualized checklist at the appropriate time.

Please contact marijuana.licensing@alaska.gov with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carrie Craig".

Carrie Craig
Acting Director/Records and Licensing Supervisor

cc: License File
Matanuska-Susitna Borough



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

DRIVEWAY PERMIT

PERMIT # D18449
TAX PARCEL ID # 18N01W15D005

March 26, 2014

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.

Property owner to maintain driveway approach in accordance with the provisions and standards of the permit. Culverts need to be cleaned annually to maintain drainage.

Any changes in land use or modifications of the driveway may require additional permitting. If you have any questions or concerns about your driveway or this permit, you may contact the Permit Center at 907-861-7822.

Sincerely,
Jennifer Monnin, CFM
Permit Technician

RECEIVED
JUL 11 2022

Mat-Su Borough
Development Services

State of Alaska
Office of the State Fire Marshal
Plan Review

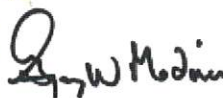
This is to certify that the plans for this building were reviewed by the *State Fire Marshal*
on July 11, 2022 for conformance with AS 18.70.010 -- 100; 13 AAC 50.027.

This certificate shall be posted in a conspicuous place on the premises named
Checkmate Harvest 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 #: **2022Anch1151**

By:



Authority: AS 18.70.080

Form: 12-741

(6/01)

Full Plan Review

Greg Medina
Plans Examiner 1



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Plan Review Bureau - Anchorage

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.2004
Fax: 907.269.0098

July 11, 2022

Derek Clark
PO Box 872621
Wasilla, AK 99687

SUBJECT: Checkmate Harvest - Full Plan Review
CITY: Wasilla
PLAN REVIEW: 2022Anch1151
TYPE OF CONSTRUCTION: VB
OCCUPANCY: F-1
2012 INTERNATIONAL BUILDING AND FIRE CODE

Dear Derek Clark:

Plans for 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 above facility. You are prohibited to occupy this building until construction is completed as approved. Any changes to the approved plans must be submitted to this office for review and approval.

Approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulations of the Municipal Government. The plans have not been reviewed for compliance with the federal Americans with Disabilities Act or structural requirements.

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,

A handwritten signature in black ink, appearing to read "Greg Medina".

Greg Medina
Plans Examiner 1

Enclosure: Approval Certificate

RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Plan Review Bureau - Anchorage

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.2004
Fax: 907.269.0098

March 24, 2022

Derek Clark
PO Box 872621
Wasilla, AK 99687

SUBJECT: Checkmate Harvest - Full Plan Review
CITY: Wasilla
PLAN REVIEW: 2022Anch1151
TYPE OF CONSTRUCTION: VB
OCCUPANCY: F-1
2012 INTERNATIONAL BUILDING AND FIRE CODE

Dear Derek Clark:

Plans for the subject facility have been reviewed by this office for conformity with the State Fire and Life Safety Regulations. However, before construction, alteration, or repairs may begin, the list of item(s) on the following page(s) require clarification and/or new drawings must be submitted for approval.

Please provide the above information to our office within thirty (30) days from the date of this letter.

If you have any questions on this matter, please contact us at the address above.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Medina".

Greg Medina
Plans Examiner 1

Reference is made to the above cited plan review, specifically to item(s):

1. Insufficient information provided to perform a plan review. Provide the following:
Foundation plans for each structure; electrical plans for each structure, mechanical plans for each structure; door sizes, corridor widths, stairs? provide the rise and run; Provide handrail details, Fire extinguishers - locations / types and sizes, Provide the ground snow loads / 3 second wind speed / seismic design category for each structure, basement?, Crawl space?, Code Reference: Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. IBC. 107.2.1
2. Provide construction details for all walls, exterior walls from foundation to the roof. Code Reference: 107.2.4 Exterior wall envelope / Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used. IBC. 107.2.4
3. Provide a dimensional site plan, giving the distances from each face of each building or structural to each other, property lines, fuel tanks...Code Reference: 107.2.5 Site plan / The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted. IBC. 107.2.5
4. Provide documentation the local fire authority or their designee has been involved in discussions regarding fire apparatus access, premises identification, fire protection water supplies and key boxes. IFC. Chapter 5



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Plan Review Bureau - Anchorage

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.2004
Fax: 907.269.0098

April 08, 2022

Derek Clark
PO Box 872621
Wasilla, AK 99687

SUBJECT: Checkmate Harvest - Full Plan Review
CITY: Wasilla
PLAN REVIEW: 2022Anch1151
TYPE OF CONSTRUCTION: VB
OCCUPANCY: F-1
2012 INTERNATIONAL BUILDING AND FIRE CODE

Dear Derek Clark:

The extension you requested on April 08, 2022, is granted until June 07, 2022. Your written certification of compliance of the item(s) listed on the following page(s) must be forwarded to this office by the above date.

If you have any questions or need further assistance, please feel free to contact our office at the address above.

Sincerely,

A handwritten signature in black ink that reads "Greg Medina".

Greg Medina
Plans Examiner 1

Reference is made to the above cited plan review, specifically to item(s):

1. Insufficient information provided to perform a plan review. Provide the following:
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4. Provide documentation the local fire authority or their designee has been involved in discussions regarding fire apparatus access, premises identification, fire protection water supplies and key boxes. IFC. Chapter 5

CONDITIONAL USE PERMIT FOR MARIJUANA RELATED FACILITIES – MSB 17.60 ATTACHMENTS

WASTEWATER & WASTE MATERIAL DISPOSAL PLAN

All watering will be done by drip irrigation or hand watering. Run off will be collected and used to water in the future. Since all nutrients will be of natural origins it will be only beneficial to the soil beneath the greenhouses, if any spills. Waste water from the bathroom runs into the septic tank under the greenhouses.

With any solid or liquid waste that is contaminated w/ marijuana, Checkmate Harvest Company will notify Alaska Marijuana Control Board (AMCO) of waste. We will hold onto waste for a minimum of 3 days, after notifying AMCO. If there are no objections from AMCO waste will be ground up and mixed with other compostable waste to create an unusable mixture per statute. Other compostable waste may include but not be limited to; food, paper, yard waste, cardboard, animal manure. This will then be composted for home garden use, feed to animals or taken to landfill for solid waste disposal depending upon the composition.

Checkmate Harvest Company will also maintain a record the waste in the marijuana inventory tracking system required under [3 AAC 306.730](#); and keep a record through the marijuana inventory tracking system of the final destination of marijuana waste made unusable.

AAC 306.740 Waste Disposal states in part:

(d) Marijuana plant waste must be made unusable by grinding the marijuana plant waste and mixing it with at least an equal amount of other compostable or non-compostable materials. A marijuana establishment may use another method to make marijuana waste unusable if the board approves the method in advance. Material that may be mixed with the marijuana waste includes

(1) compostable materials including food waste, yard waste, vegetable based grease or oils, or other wastes approved by the board when the mixed material can be used as compost feedstock or in another organic waste method such as an anaerobic digester with approval of any applicable local government entity; or

(2) non-compostable materials including paper waste, cardboard waste, plastic waste, oil, or other wastes approved by the board when the mixed material may be delivered to a permitted solid waste facility, incinerator, or other facility with approval of any applicable local government entity.

ODOR MITIGATION & VENTILATION PLAN

The restricted area is set back by more than 85 feet on the street side of the property and more than 200 feet from all other sides of the property. Property is a 10 acre lot which means there are no close neighbors.

No growing will be done outside of containers or greenhouses at Checkmate Harvest Company. We will have carbon filtering/scrubbing in each of the greenhouses, shipping containers and also where drying, trimming and storage are taking place. This will control all odors made by the marijuana growing facility. Carbon filters will be changed yearly or more often as needed and we will keep a record of doing so.

Checkmate will also conduct "smell test" on a bi-weekly basis. A Checkmate employee will walk to the edge of the property and attempt to smell marijuana. If marijuana is smelled, the employee will determine the quantity of smell as none, low, medium and high and record such in the facilities "smell" log. Checkmate will retest on a weekly basis if smell quantity is low or medium. Adjustments to the carbon filters and scrubbing mechanisms will occur if a smell test returns a recording of "high" or if multiple consecutive test results in a recording of a medium.

If odor mitigation is unsuccessful then another method of mitigation will be attempted with input from outside experts.

HAZARDOUS CHEMICALS INFORMATION

Checkmate Harvest Company will not use any bottled fertilizers or chemicals. We plan to use natural farmer's techniques to make food for micros and plants. This will be accomplished with animal manures, composting, mushroom bags, brewing micro teas, collecting natural bacteria and fungus, vinegars, plant ferments, fish compost, bones from animals and collected sea water. All of which will be beneficial to the ecosystem and surrounding property.

Checkmate Harvest Company will not use any unnatural pesticides or pest control. We plan to use predator insects and companion plants (i.e. tomatoes, basil) as a means to control unwanted pests.

SECURITY PLAN

Checkmate's security plan will meet or exceed the regulatory requirements of 3 AAC 306.715 and 3 AAC 306.720.

Checkmate Harvest Company will not have any signs at its establishment that will identify the facility as a marijuana cultivation operation, because it does not want to attract attention.

No trespassing signs and video surveillance signs will be displayed at the property access points. Video surveillance and staff will be used to alert management of unauthorized persons on the property. Law

enforcement will be notified if any unauthorized persons fail to leave at the request of Checkmate Harvest Company.

The front door of the office building is the only access point. It will have sufficient lighting which will be on 24/7 to facilitate continuous video surveillance. All parts of the fence will have cameras and motion sensor lights to help facilitate surveillance.

- A. Video Surveillance: 24/7 - video surveillance of all restricted areas, entries to restricted areas, the front door and along all outside fencing will be taken, recorded and stored. All records will be kept at a minimum of 40 days or as directed by government authorities. The records will be stored inside the locked office, in a locked space only accessible by license or agents authorized by licenses.
- B. Checkmate Harvest Company will have cameras installed on the licensed premises to meet all state and local requirements. For access points to the facility, video surveillance will be adequate to identify individuals within 20 feet of entrance. At all times, employees and visitors will wear their badges so their ID can be verified on video. The copy of IDs and visitor log in the book will help in identification of any individual inside premises.
- C. Inside the office will be a locked space where video surveillance recording equipment and associated retained records will be stored. Only owners will have a key to the locked space. Video records will be kept a minimum of 40 days. Law enforcement, agents of the Marijuana Control Board or any other authorized third parties will have access to locked space by contacting one of the owners and providing appropriate evidence of their authority, at which time the owner will unlock the space.

Fencing: all restricted areas are fenced by exterior walls of buildings or an 8 foot wood fence.

Entry Points: The front door of the office building will be the only exterior access point that an employee, agent or visitor could lawfully gain access to a restricted area. A coded key pad will be on the front door for security. There will be a locked emergency gate in the fencing, which will only be opened from the inside of the restricted area. An alarm will be activated if the emergency gate is opened.

Alarm systems: A 24/7 alarm system will be in place.

An alarm system that meets regulatory requirements will be attached to the front door and the emergency gate. The emergency gate alarm will be active 24/7. The front door will be active when closed for business. These are the only two entrances/exits on the exterior of the restricted area. All other doors and windows will be behind large fence. All breaches will trigger an alert to a third party service which will alert the owner or agent of the owner.

Since non-lawful access could be accomplished by scaling the large fence, a motion detector will be alarmed upon closing at the end of the day or when no authorized agent is on premises. When triggered

the alarm system will alert a third party security service. All authorized agents will be trained on how to set alarm.

If the facility has a breached in security, Checkmate will notify the Department of Commerce, Community, and Economic Development, Alcohol and Marijuana Control Office as soon as reasonably practical and in any case not more than 24 hours after any unauthorized access to the premises per 3 AAC 306.715.

Checkmate Harvest Company's policy only allows people over the age of 21 access to the restricted area of the facility or to any marijuana items produced, stored or transferred to or from the facility. The restricted area is defined by state regulations, as any part of the licensed premises where marijuana is grown, processed, tested, stored or stocked. The front door of the office is the only point of access where a visitor can get into the restricted area. This door will be of commercial grade and have commercial locks. It will also be secured at all times and will have appropriate signage to indicate the presence of a restricted area. At the front door of the office any visitor must show ID as required in 3 AAC 306.350 to prove they are 21 years of age or older. If 21 years of age or older and visiting for a valid purpose, a copy of the ID will be made and kept for record keeping. An authorized Checkmate agent will assign a guest number, provide a temporary visitor badge and will escort the visitor at all times. The visitor badge will be surrendered upon leaving the restricted area. A log book will be filled out and kept on premise. The log will record the following info: visitor name, date of birth, guest number, time in/out and reason for visit. We do not expect to have many visitors. An authorized agent will be permitted to escort up to 5 visitors at a time.

REQUIREMENTS OF MSB 17.60

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

The Facility is located on 10 acres of land. In general the surrounding area is either undeveloped land or lands being used for agricultural purposes. Existing residential housing is located on larger lots, some as large as 10 acres in size.

The development of a cultivation facility is compatible with “the value, character and integrity of the surrounding area” since the majority of lands adjacent to the Checkmate Harvest Company LLC facility are used for agricultural purposes.

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

No. The conditional use permit is for a marijuana cultivation facility which is an agricultural enterprise. The majority of existing lands in the area is either used for agricultural purposes or exists in a natural state.

Checkmate Harvest Company LLC will operate the facility in a manner that brings the least attention to the operation which will minimize any harmful effects the welfare, safety and convenience of the public. In addition, the facility will be operated as an organic growth site with no harmful chemicals or substances being used or stored on-site.

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

Yes. The facility is located on a 10 acre parcel of land and setbacks are approximately twice the required standard listed in 17.60.160(E). A substantial portion of the property is buffer from the ROW of East Sage Road by an earthen berm and the entire cultivation operation is located behind an eight foot tall wooden fence.

Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to the conditional use in this section?

YES

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

Grow operations will occur inside greenhouses that are surrounded by an eight foot tall wooden fence. The walls of the greenhouse and the fence will both act as buffers to reduce any noise associated with the grow facility. The use of motorized equipment will be minimal and consist of small gas powered equipment such as a rotor tiller. Noise from such equipment will be akin to a home owner mowing the grass around their home.

Negative effects of any odor from the cultivation facility will be minimized by carbon filters/scrubbers and the distance that any odor will need to travel for anyone to smell. Biweekly "smell test" will provide Checkmate with the needed information to adjust filters/scrubbers if any odor from cultivation is detected.

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

The Checkmate Harvest Company LLC facility meets or exceeds all of the Standards for a Marijuana Cultivation Facility listed under 17.60.160.

The parcel that the facility is located on is approximately 10 acres in size. Property line and right of way buffers are at least twice the required distances listed under 17.60.160(E). The majority of the property remains in a nature state. An earthen berm along the ROW for East Sage Road hides a significant portion of the cultivation facility. In addition the entire facility is located behind an eight foot tall wooden fence.

Describe how this use is compatible with the character of the surrounding area.

The Checkmate Harvest Company LLC facility is a Marijuana Cultivation Facility. The operation is located adjacent to existing residential development on a dead end street. The majority of the acreage surrounding the property is currently being used for agricultural purposes or exists in a nature setting (undeveloped/vacant).

June 30, 2022

Mr. Mark Whisenhunt

Development Services Division

Matanuska-Susitna borough

350 East Dahlia Avenue

Palmer, AK 99645



RE: Checkmate Harvest Company LLC - Condition Use Permit Application for Marijuana Cultivation Facility – Additional Information Request

Dear Mr. Whisenhunt,

Checkmate Harvest Company LLC is submitting the following information per the Borough's request for additional information in regards to Checkmate Harvest Company LLC's application for a Conditional Use Permit to operate a marijuana cultivation facility under MSB 17.60.

1. Insufficient Site Plan

- a. Attached is an updated site plan showing location of the cultivation facility in relationship to its location on the property leased by Checkmate and in relationship to other surrounding properties in the area. All of the information provided the Fire Marshall's office on June 21, 2022 is included as an attachment to this information update. The updated site plan is part of the additional information that will be provided to the State's Fire Marshall Office per their request for additional information based on their review of the June 21, 2022 submittal.
- b. Parking area is now shown on the Site Plan(s).
- c. There are 2 emergency gate exits located as shown on the update site plan; one is a single four (4) foot wide gate located to the south of the office building on the west side of the secure area. The gate will swing outwards to facilitate exiting the secure facility during an emergency. The second gate is located on the east wall of the secure area as shown on the site plan and will be two (2) five (5) foot gates that swing outwards from the secure area. The 2 gates will latch to each other in the middle of the emergency opening on the inside of

the fence and swing open outwards to enable a quick exit from the secure area in case of an emergency.

- d. Distances from the secure area (cultivation facility) are marked on the site plan included in the State Fire Marshall information packet. The distances from the property line/right-of-way/public use easement are as follows:

Cultivation Facility north to E. Sage Road centerline is 115' to the south edge of the right-of-way is 90'.

Cultivation Facility west to property line is 257.3' as shown of the Fire Marshall drawing. The Updated Site Plan shows the office building being rotated to the west. This rotated is being done to address the Fire Marshall's concern regarding the distance between the office building and the existing residence. With the rotation of the office the distance from the front of the office to the west property line is 243', the distance from the fence surrounding the secure area to the west property line remains at 257.3'.

Cultivation Facility south to property line is 435'; the distance from the facility to the edge of section line easement is 402'.

Cultivation Facility east to property line is 330'. From the facility to the edge of the section line easement is 297'.

- e. Compost area is now shown on the updated site plan at the southeast corner of the secure area.
 - f. Fencing is shown on the updated site plan as a series of long and short dashes.
- 2. **Land Use Map** – attached is an update land use map entitled LAND USE MAP – CHECKMATE.
 - 3. **Hazardous Chemical Information** – As stated in the Conditional Use application submitted in May of this year; Checkmate Harvest Company LLC does not plan on using any bottled fertilizers or chemicals at the cultivation facility instead nutrients will be provided via using natural farmer's techniques to produce nutrients for plant growth. All nutrients used during cultivation will be stored in the 8'x8' area located at the southeast corner of Building 2 on the updates site plan.
Cleaning materials will also be stored in the 8'x8' area of building 2. Storage will be consistent with the Material Safety Data Sheets (MSDS) provided by the manufacturer of each cleaning compound, sanitizing agent, and chemical. MSDS sheets will be located at the site of storage so the owners and any future employees can refer to the sheets when obtaining the cleaning materials for use. In addition to complying with the MSDS information, each product will be stored in a manner to protect against contamination of marijuana or a marijuana product and in compliance with any applicable local, state, or federal law.
 - 4. **Security Plan** – The Security Plan (attached) has been updated to include educating employees on security measures. At this time, Checkmate Harvest Company LLC has no plans to hire any

employees to work at the cultivation facility. All work will be performed by the owners of Checkmate Harvest Company LLC.

5. **Employees** - Checkmate Harvest Company LLC has no plans to hire any employees to work at the cultivation facility. All work will be performed by the owners of Checkmate Harvest Company LLC.
6. **Filters** – Checkmate Harvest Company LLC will use Ac Infinity Cloudline T4 exhaust fans coupled with Can-Fan Can-Lite carbon filters in all buildings and greenhouses. Each greenhouse will also be equipped with a thermostatically controlled shutter exhaust fan coupled with an Airbox 4+ Stealth Edition 3500CFM exhaust filter. The AC Infinity Cloudline exhaust fans will run constantly to provide a negative air pressure environment in the greenhouse with the exhaust fan and Airbox filter used to control air temperature in the greenhouse. All fans and carbon filters will be operated per manufacturer recommendations with carbon filters changed at manufacturer recommended intervals or when smell test indicate that marijuana can be smelled at or near property lines.
7. **Fire Marshall** - The latest information (7-8-22) provided the State Fire Marshall Office is attached. Also attached is the West Lakes Fire Department's "Access Letter" which is required as part of the State Fire Marshall review.
8. **Lighting** - 3 AAC 306.715(b)(1) requires that a licensed premises have "exterior lighting to facilitate surveillance". 3AAC 306.720(a)(2) requires video surveillance at "each entrance to the exterior of the licensed premises". 3AAC306.715(b) requires that the video camera must produce a clear view adequate to identify any individual within 20 feet of each entrance to the licensed premises. Exterior lighting at the secure facility will be established to comply with the above regulations while adjusted to minimize light spillage onto adjacent properties. The only continuous lighting will be at the office building front door and will be located to provide adequate lighting to identify anyone captured by surveillance video within 20 feet of the entrance. The front door is approximately 243' from the western property line and approximately 115' from centerline of East Sage Road. Additional lighting for surveillance will be established in such a manner that the perimeter of the secure area is lighted only when motion is detected within 20' of the fence and will be angled to produce sufficient light to identify someone captured via video while minimizing light spillage. Except for a small portion of the lease property along the ROW for E. Sage Road, the cultivation facility is filtered from adjacent property by vegetation including mature hardwood and softwood trees which will help filter any light from reaching neighboring property. Checkmate Harvest Company LLC will defer to the expertise of the electrical contractor (contractor to have an administrative certificate) hired to construct the electrical system for the facility to provide the lighting required by regulations while minimizing spillage onto neighboring properties. An adaptive management approach will be used to adjust lighting once installed to ensure that again regulation requirements will be met while minimizing spillage. Checkmate believes this is a better approach than stating a static height, direction and type of lighting that will be used.
9. **Setback violations** – Checkmate Harvest Company LLC assumes that the Mat-Su Borough Condition Use Permit for a marijuana cultivation facility will be for the standard cultivation facility approved by the AMOC in April 2022. Checkmate Harvest Company LLC leases only the

northern half of the 1198 East Sage Road property and has no control or authority in regards to the remaining area of the property. The setback requirements of MSB 17.60.160(E) for a conditional use permit for a marijuana cultivation facility are being met by the site plan(s) approved by the AMOC , the submitted site plans for the State Fire Marshall and the plans submitted for the CUP.

Please contact us if you have any additional questions or need additional information.

Regards,



Janet Clark

Member

Checkmate Harvest Company LLC

Attachments:

Updated Site Plan

Fire Marshall CHECKMATE HARVEST FEV. 1(Plan Review submittal)

West Lakes Fire Department Access Letter

LAND USE MAP - CHECKMATE

CHECKMATE Security Plan

SECURITY PLAN

This Security Plan for the Standard Cultivation Facility located at 1198 East Sage Road must be read by all employees of Checkmate Harvest Company LLC. Upon completion of reading the Security Plan, each employee will sign the bottom of the Plan acknowledging that they have read the Plan, understand the Plan and have been provided the opportunity to ask for clarification of any section of the Plan if needed for the employee to develop a working knowledge of the Plan.

Updates to the Plan will be attached to this Plan as numbered and dated amendments. Amendments will supersede this Plan once the date of amendment has past.

Checkmate's security plan meets or exceeds the regulatory requirements of 3 AAC 306.715 and 3 AAC 306.720.



Checkmate Harvest Company will not have any signs at its establishment that will identify the facility as a marijuana cultivation operation, because it does not want to attract attention.

No trespassing signs and video surveillance signs will be displayed at the property access points. Video surveillance and staff will be used to alert management of unauthorized persons on the property. Law enforcement will be notified if any unauthorized persons fail to leave at the request of Checkmate Harvest Company.

The front door of the office building is the only access point. It will have sufficient lighting which will be on 24/7 to facilitate continuous video surveillance. All parts of the fence will have cameras and motion sensor lights to help facilitate surveillance.

- A. Video Surveillance: 24/7 - video surveillance of all restricted areas, entries to restricted areas, the front door and along all outside fencing will be taken, recorded and stored. All records will be kept at a minimum of 40 days or as directed by government authorities. The records will be stored inside the locked office, in a locked space only accessible by license or agents authorized by licenses.
- B. Checkmate Harvest Company will have cameras installed on the licensed premises to meet all state and local requirements. For access points to the facility, video surveillance will be adequate to identify individuals within 20 feet of entrance. At all times, employees and visitors will wear their badges so their ID can be verified on video. The copy of IDs and visitor log in the book will help in identification of any individual inside premises.
- C. Inside the office will be a locked space where video surveillance recording equipment and associated retained records will be stored. Only owners will have a key to the locked space. Video records will be kept a minimum of 40 days. Law enforcement, agents of the Marijuana Control Board or any other authorized third parties will have access to locked space by contacting one of the owners and providing appropriate evidence of their authority, at which time the owner will unlock the space.

Fencing: all restricted areas are fenced by exterior walls of buildings or an 8 foot wood fence.

Entry Points: The front door of the office building will be the only exterior access point that an employee, agent or visitor could lawfully gain access to a restricted area. A coded key pad will be on the front door for security. There will be a locked emergency gate in the fencing, which will only be opened from the inside of the restricted area. An alarm will be activated if the emergency gate is opened.

Alarm systems: A 24/7 alarm system will be in place.

An alarm system that meets regulatory requirements will be attached to the front door and the emergency gate. The emergency gate alarm will be active 24/7. The front door will be active when closed for business. These are the only two entrances/exits on the exterior of the restricted area. All other doors and windows will be behind large fence. All breaches will trigger an alert to a third party service which will alert the owner or agent of the owner.

Since non-lawful access could be accomplished by scaling the large fence, a motion detector will be alarmed upon closing at the end of the day or when no authorized agent is on premises. When triggered the alarm system will alert a third party security service. All authorized agents will be trained on how to set alarm.

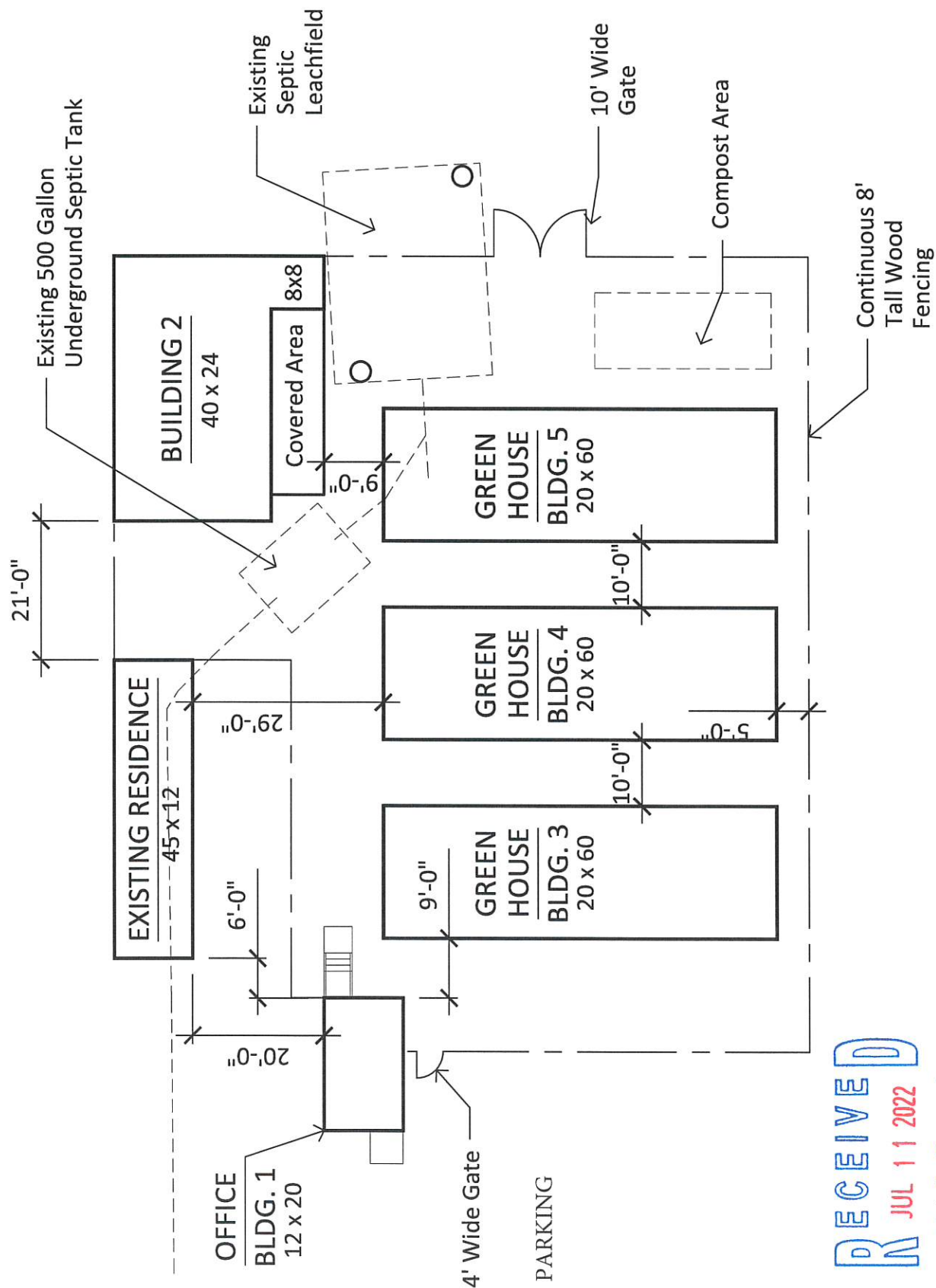
If the facility has a breached in security, Checkmate will notify the Department of Commerce, Community, and Economic Development, Alcohol and Marijuana Control Office as soon as reasonably practical and in any case not more than 24 hours after any unauthorized access to the premises per 3 AAC 306.715.

Checkmate Harvest Company's policy only allows people over the age of 21 access to the restricted area of the facility or to any marijuana items produced, stored or transferred to or from the facility. The restricted area is defined by state regulations, as any part of the licensed premises where marijuana is grown, processed, tested, stored or stocked. The front door of the office is the only point of access where a visitor can get into the restricted area. This door will be of commercial grade and have commercial locks. It will also be secured at all times and will have appropriate signage to indicate the presence of a restricted area. At the front door of the office any visitor must show ID as required in 3 AAC 306.350 to prove they are 21 years of age or older. If 21 years of age or older and visiting for a valid purpose, a copy of the ID will be made and kept for record keeping. An authorized Checkmate agent will assign a guest number, provide a temporary visitor badge and will escort the visitor at all times. The visitor badge will be surrendered upon leaving the restricted area. A log book will be filled out and kept on premise. The log will record the following info: visitor name, date of birth, guest number, time in/out and reason for visit. We do not expect to have many visitors. An authorized agent will be permitted to escort up to 5 visitors at a time.

ACKNOWLEDGEMENT:

I, _____ have read the Security Plan for the Checkmate Harvest Company LLC cultivation facility located at 1198 East Sage Road. By signing this document I acknowledge that I have read the Plan, understand the Plan and was provided the opportunity to ask questions in regards to any portion of the Plan and that answers given provided me with the knowledge to understand the Plan.

Employee: _____ DATE: _____



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Development Services



West Lakes Fire Department

10073 W. Parks Hwy. Wasilla, Alaska 99623
Phone: (907) 861-8200 / Fax: (907) 861-8190



Access Letter

C/O Derek and Janet Clark
Checkmate Harvest Comp. LLC
1198 E. Sage Road Wasilla AK 99623

This letter is in response to a letter you received from the State Of Alaska Fire Marshalls office of Health and Safety. On June 30th 2022 Assistant Chief James Keel completed a site survey of the property at 1198 E Sage road. The West Lakes Fire Department has no issues with the site. There is adequate room for apparatus and room for additional apparatus staging along with a clear 360 degrees of the buildings during Emergency needs. There is adequate water sources with a couple miles of the property with additional auto aid departments and within three miles of station 72. The West Lakes Fire Department will request that a reflective sign be placed at the end of the drive way stating the address of the property. This should consist of a green sign with white reflective letter no less than four inches in height. And fixed to a pole or gate should one be installed. The West Lakes Fire Department will also request that the Business add a Knox Box to the building for after hour emergencies. The last request the Fire Department asks for is that a fire pre-plan be done prior to the Business opening. Please feel free to contact Chief Keel should you have any Questions.

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

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Mat-Su Borough
Development Services



Legend

1,000 Buffer

18N01W15D005

Parcels

Roads

R - RESIDENTIAL

F - FARM

U - UNDEVELOPED

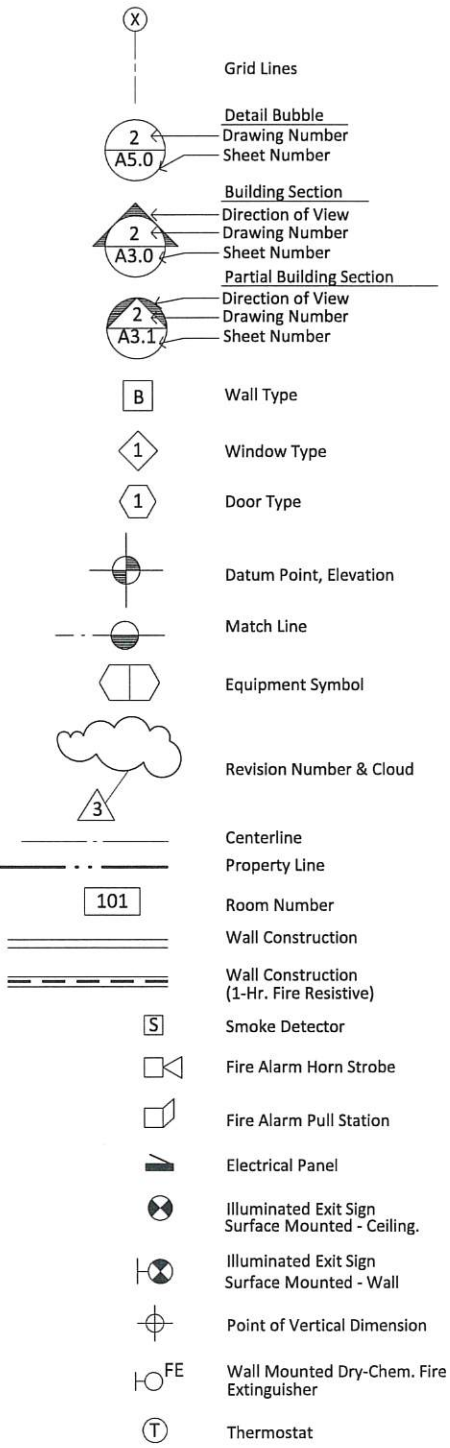
1 inch = 400 feet



Date: 5/27/2022

This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the accuracy, completeness, or reliability of the information contained on this 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 907-981-7801.

DRAWING SYMBOLS



GENERAL NOTES

- All work shall be done in accordance with the International Building Code - 2012 (IBC), International Fire Code - 2012 (IFC), International Mechanical Code - 2012 (IMC), Uniform Plumbing Code - 2015 (UPC), and National Electrical Code - 2017 (NEC), as amended by the State of Alaska; and the Americans with Disabilities Act (ADA).
- Structural Design Requirements:
Roof Snow Load: 40 PSF
Wind Load: 120 MPH 3-Second Gust Ultimate Design Wind Speed
Exposure C
Seismic Load: Ss=1.5, S1=0.68
Floor Load: Based on Building Use; See Floor Plan Drawings
- Contractor shall verify all site conditions and dimensions prior to proceeding with the Work. Any variation from the conditions and dimensions shown on the drawings shall be reported to the Architect for resolution prior to construction.
- Written dimensions shall take precedence over scaled dimensions. Dimensions are to the centerline of columns, and to the face of framing on new wall construction, unless otherwise noted.
- Contractor-initiated changes shall be submitted to the Architect for approval prior to fabrication and construction.
- The Contractor shall contact the Architect immediately for clarification regarding any conflicts between information shown within the construction documents. DO NOT proceed with constructing the questioned item without obtaining further clarification.
- Contractor shall provide complete O&M information and a copy of all manufacturer's standard warranties to the Owner, prior to final completion of the project.
- Fire Extinguishers shown on the floor plans are to be Type 3-A:40-B:C, and are to be wall mounted in accordance with manufacturer's instructions, unless otherwise noted.

MECHANICAL NOTES

- All work shall be done in accordance with the International Mechanical Code - 2012 (IMC) and Uniform Plumbing Code - 2015 (UPC) and referenced standards such as NFPA, as amended by the State of Alaska.
- Mechanical and plumbing work shall be done with oversight by a licensed Mechanical Administrator.
- The mechanical references are diagrammatic in nature. Plans show the general locations of existing mechanical features, unless dimensioned thereon.
- Mechanical and plumbing work shall be bidder-designed and the Mechanical Subcontractor shall provide all materials, calculations and one-line diagrams needed to install plumbing and ventilation prior to the start of construction. Calculations and diagrams must be suitable for permitting and approval by the State Fire Marshal.
- Unless otherwise noted, provide new high-quality materials which are standard and current within the industry, approved by Underwriter's Laboratory (UL) and UL-labeled, or approved and labeled by an equivalent CPSC-accepted testing lab. All products shall be delivered and stored in original containers. Protect all items from dirt, water, chemical, and/or mechanical damage.
- See general note #7 above.

ELECTRICAL NOTES

- All work to comply with the National Electrical Code - 2017 (NEC) and referenced standards such as NFPA, as amended by the State of Alaska.
- All electrical work shall be performed by licensed electricians with oversight by a licensed electrical administrator.
- The electrical references are diagrammatic in nature. Plans show the general locations of electrical devices, unless dimensioned thereon. Make minor relocations as required to provide a symmetrical appearance, or to avoid conflict with other structural, architectural, or mechanical features. The electrical changes shall be bidder-designed and the electrical subcontractor shall provide all lighting and wiring needed to complete the work according to Code.
- Unless otherwise noted, provide new high-quality materials which are standard and current within the industry, approved by Underwriter's Laboratory (UL), and UL-labelled, or approved and labelled by an equivalent CPSC-accepted testing lab. All products shall be delivered and stored in original containers. Protect all items from dirt, water, chemical, and/or mechanical damage. Fixtures and devices for damp or wet locations shall be UL-approved and labelled for such use.
- Mount devices at heights above the finished floor as follows, unless otherwise noted on the plans. Measure height to the top of the boxes.

Switches - 48 inches
Interior Receptacles and Telephone/Data - 18 inches
- See general note #7 above.
- Mount electric heaters in accordance with manufacturer's written instructions for clearances in front of and around each unit.

PROJECT AND CODE INFORMATION

PROJECT DESCRIPTION: Project consists of construction of a group of buildings for the purpose of cultivating marijuana.

CODE: See General Note #1 for Applicable Project Codes. Occupancy load and natural ventilation calculations for the proposed buildings are noted on the Floor Plans.

- Occupancy: F-1 (Marijuana Cultivation)
- Construction Type: V-B
- Building Area (Table 503):

Allowed:	8,500 s.f.
Proposed:	Building 1 240 s.f.
	Building 2 1,024 s.f.
	Building 3 1,200 s.f.
	Building 4 1,200 s.f.
	Building 5 1,200 s.f.
	Total: 4,864 s.f.
- Building Height (Table 503):

Allowed:	1 Story
Proposed:	1 Story
- Fire Separations (Chapter 7): The five proposed buildings are within height and total area limitations for one building, so can be considered as one building with fire separations required (705.3, Exception).
- Sprinklers: Not required, based on height and area of the proposed buildings (903.2.4).
- Fire Alarm System: Not required based on height and occupant load of the proposed buildings (907.2.4).

PARTICIPANTS

PROPERTY OWNER:
Janet Clark
PO Box 9568
Ketchikan, AK 99901
Tel: (907) 220-1950

LEASEE:
Checkmate Harvest
PO Box 872621
Wasilla, AK 99687
Contact: Derek Clark
Tel: (907) 821-8212

ARCHITECT:
Welsh Whiteley Architects, LLC
327 Bawden Street
Ketchikan, AK 99901
Contact: Amanda Welsh, AIA
Email: amanda@welshwhiteley.com
Tel: (907) 225-2412
Fax: (907) 225-2422

MECHANICAL ADMINISTRATOR:
Alaska Clearwater Mechanical, LLC
1231 W. 32nd Ave.
Wasilla, AK 99654
Tel: (907) 892-8600

ELECTRICAL ADMINISTRATOR:
Vannoy Electric
5007 Reliance Rd.
Wasilla, AK 99623
Tel: (907) 357-3383
Email: info@vannoyelectric.com

DRAWING INDEX

- | | |
|------|---|
| A0.1 | Participants, Drawing Index, Code Information, Notes, Drawing Symbols Overall and Enlarged Site Plans |
| A0.2 | |
| A2.1 | Building 1 Floor Plan, Foundation Plan, and Elevations |
| A2.2 | Building 2 Floor Plan, Foundation Plan, and Elevations |
| A2.3 | Typical Buildings 3, 4 & 5 Floor/Foundation Plan and Elevations |
| A5.1 | Building 1 and 2 - Wall Section and Footing Details |
| A5.2 | Building 1 - Stair and Landing Details |



WELSH
WHITELEY
ARCHITECTS

WELSH WHITELEY ARCHITECTS, LLC
327 Bawden Street
Ketchikan, Alaska 99901
(907) 225-2412 Voice
(907) 225-2422 Fax

REVISIONS

REV. 7-7-22
(Revisions shown are Rev. 1 Unless Otherwise Noted)



Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

DATE: 07-08-22
PROJ. No.: 2206

A0.1
Project
Information

Permit Set

WELSH
WHITELEY
ARCHITECTS

WELSH WHITELEY ARCHITECTS, LLC
327 Bowden Street
Ketchikan, Alaska 99901
(907) 225-2412 Voice
(907) 225-2422 Fax

REVISIONS
REV. 7-7-22
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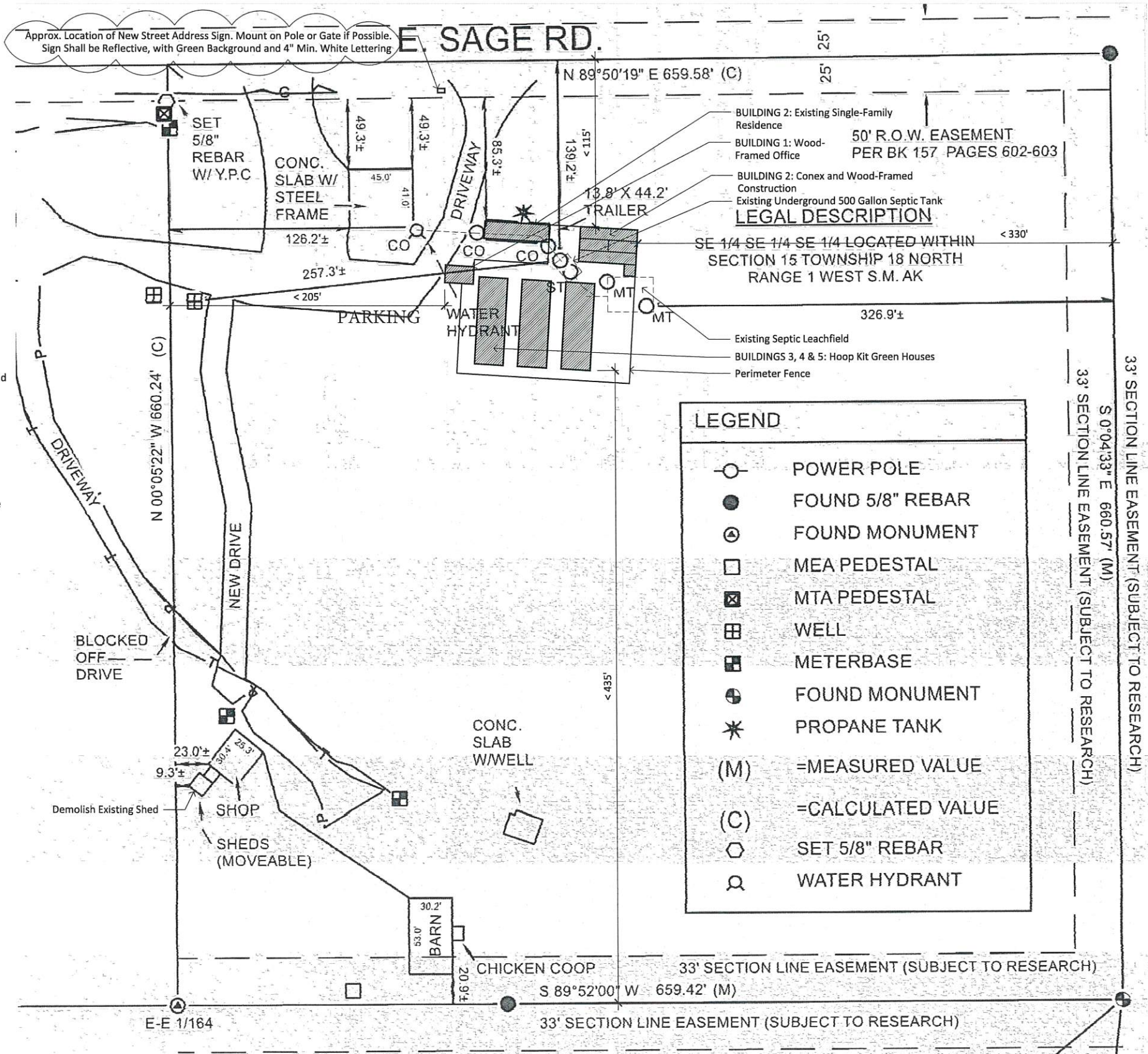


Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

DATE: 07-08-22
PROJ. No.: 2206

A0.2
Site Plan

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2 Enlarged Site Plan
REV. 1 Changes:
Building locations adjusted for 20' clearance from
residence to Building 1. Gate between residence and
Building 2 deleted.

1 Overall Site Plan
Background Image Source: As-Built Site Survey by Denali North

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Ketchikan, Alaska 99901
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REVISIONS

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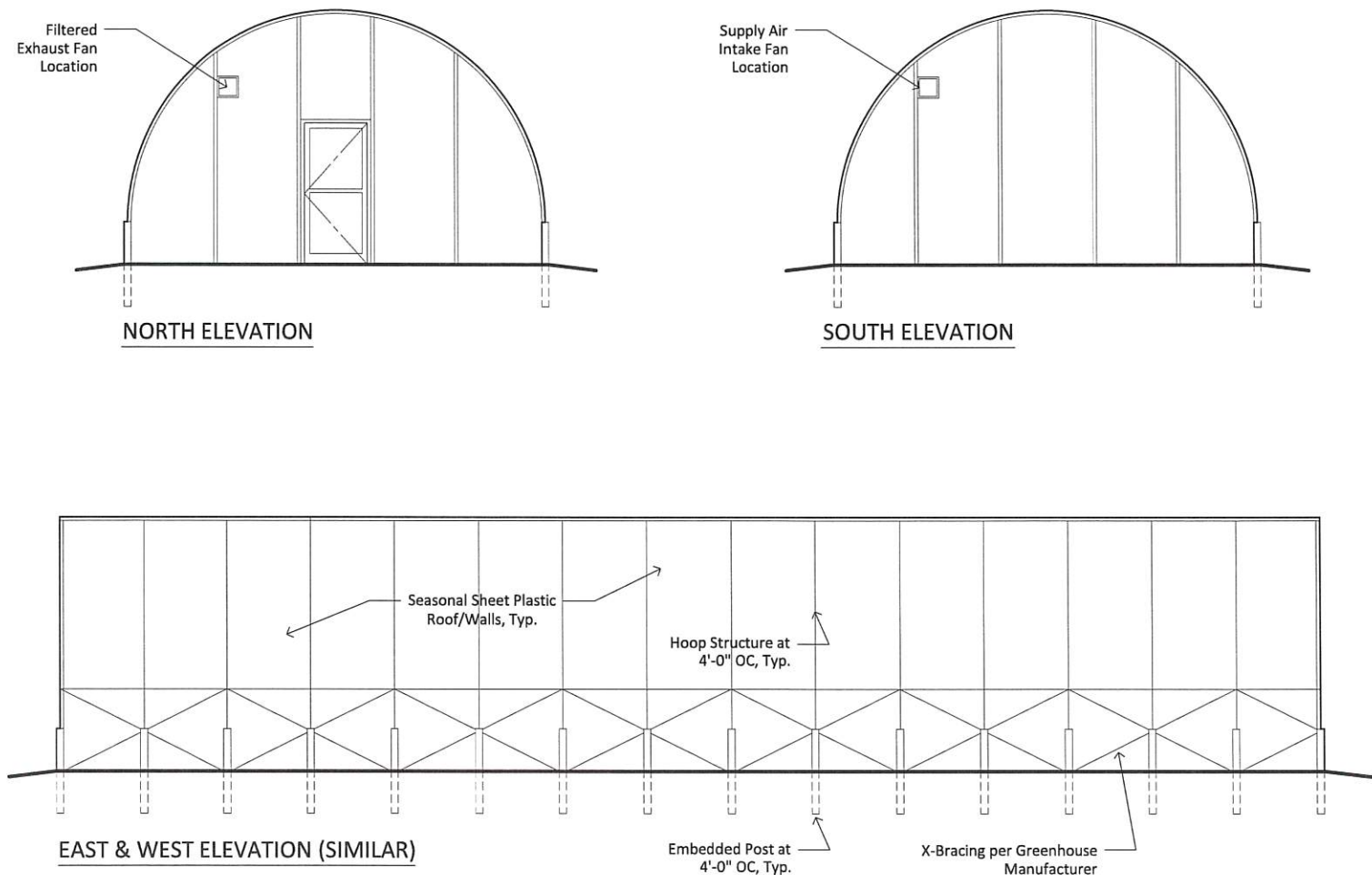


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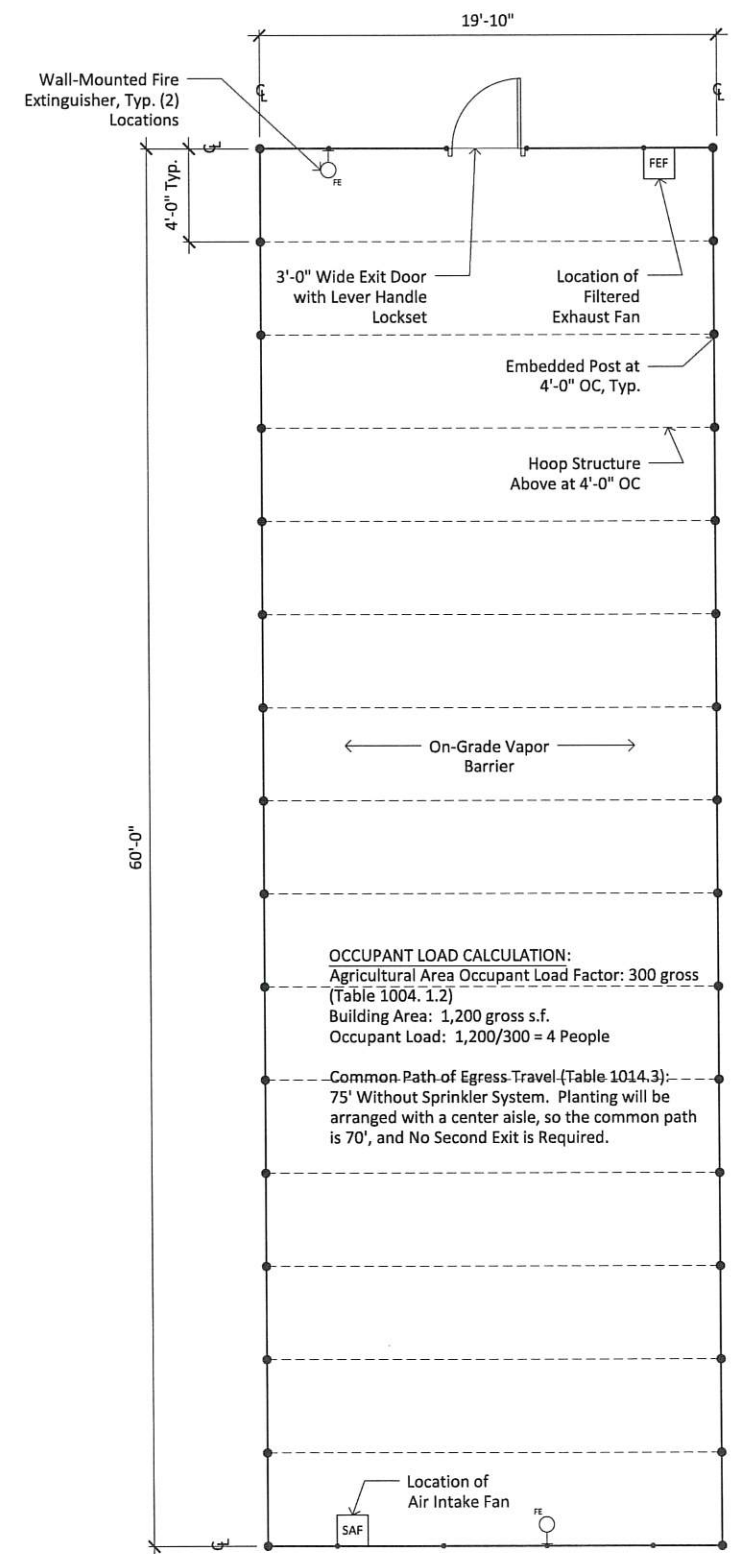
Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

DATE: 07-08-22
PROJ. No.: 2206

2.3
Buildings 3-5
Plan &
Elevations



2 Buildings 3, 4 & 5: Seasonal Green House - Elevations



1 Buildings 3, 4 & 5: Seasonal Green House - Floor and Foundation Plan



NOTES:
1) Buildings 3-5 are pre-manufactured kit green houses ("hoop houses") and are to be assembled in accordance with manufacturer's instructions.
2) Drawings are based on the Bootstrap Farmer All Metal Hoop House.
3) Green Houses will be used from April through September each year. The plastic roof/wall covering will be removed when not in use.

Permit Set

WELSH
WHITELEY
ARCHITECTS

WELSH WHITELEY ARCHITECTS, LLC
327 Bowden Street
Ketchikan, Alaska 99901
(907) 225-2412 Voice
(907) 225-2422 Fax

REVISIONS

REV. 7-7-22
(Revisions shown
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Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

DATE: 07-08-22
PROJ. No.: 2206

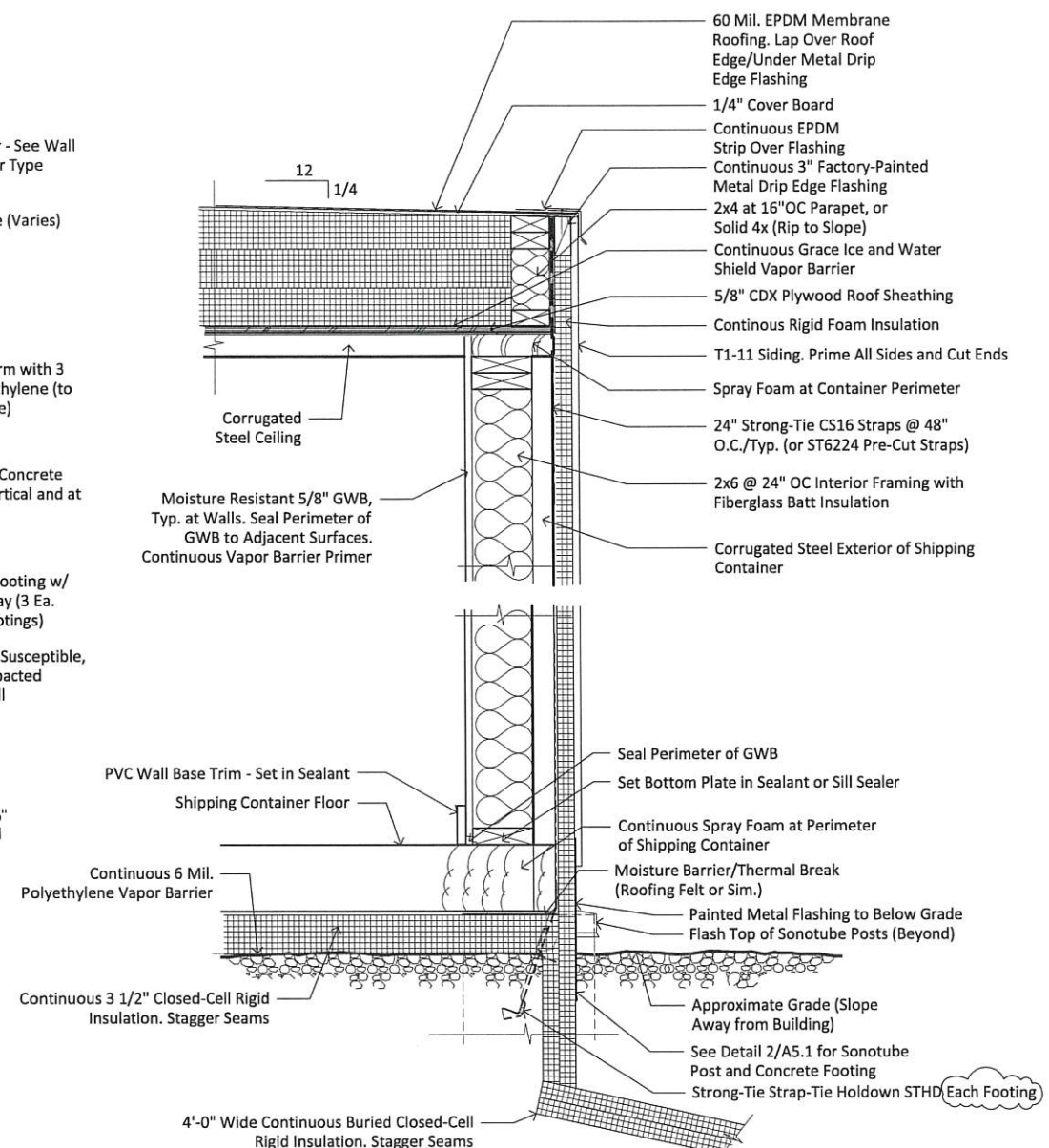
A5.1
Details

Permit Set

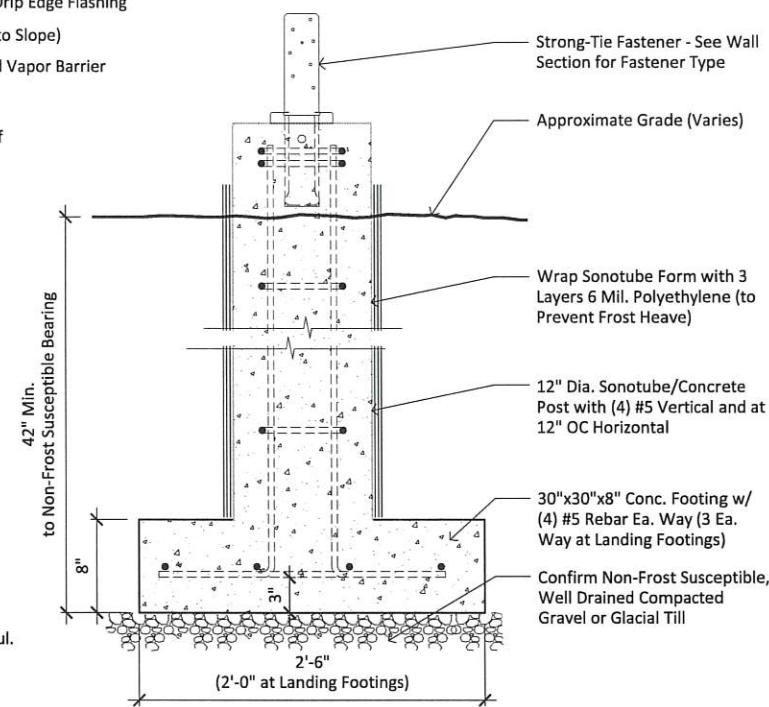
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1 Building 2 Wall Section

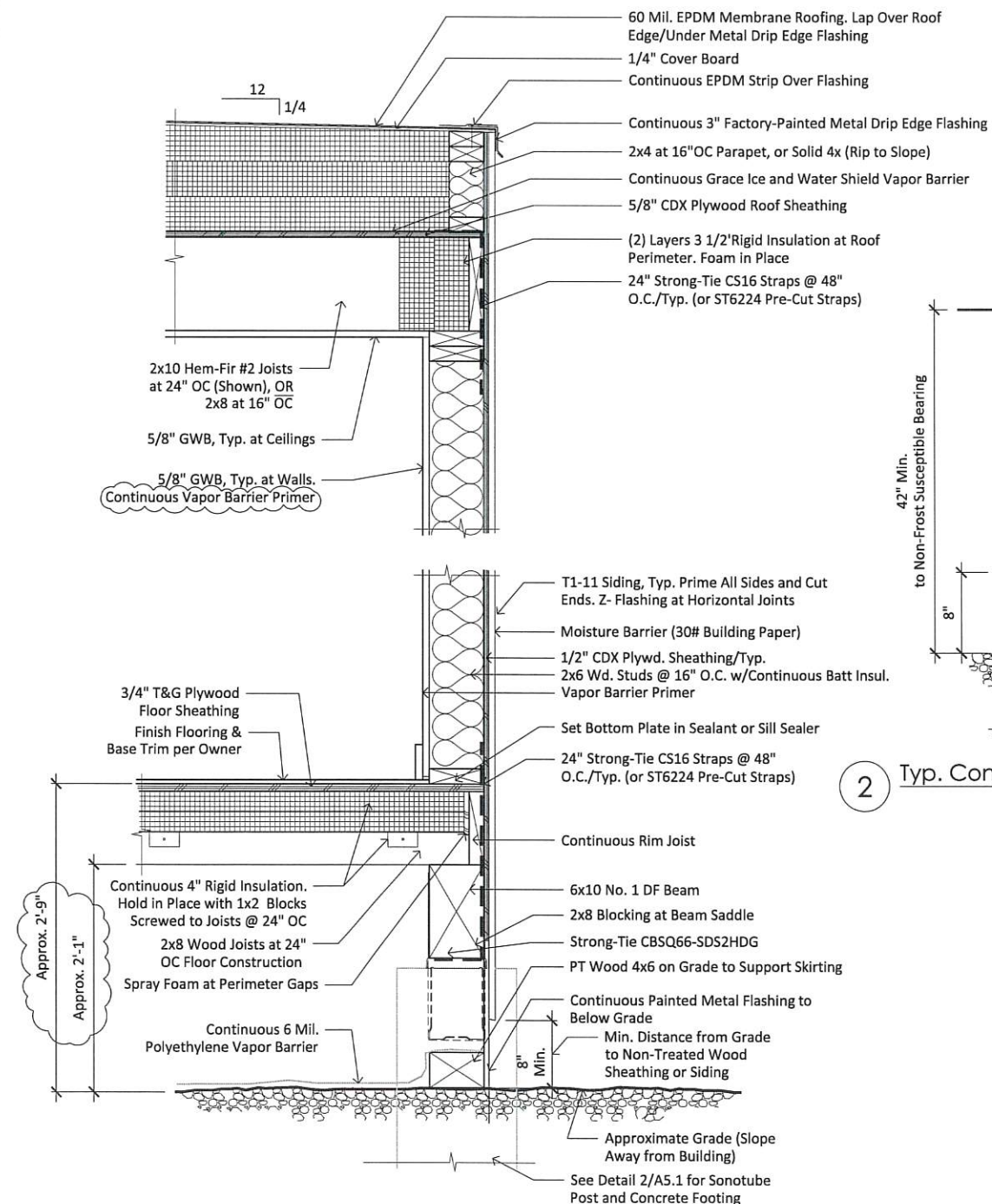
REV. 1: Added Exterior Rigid Insulation and Base Flashing at Walls. Added Below-Grade Rigid Insulation (to Prevent Frost Heave around Building Perimeter)



2 Typ. Concrete Footing and Post



3 Building 1 Wall Section



WELSH
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ARCHITECTS

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REVISIONS

REV. 7-7-22
(Revisions shown
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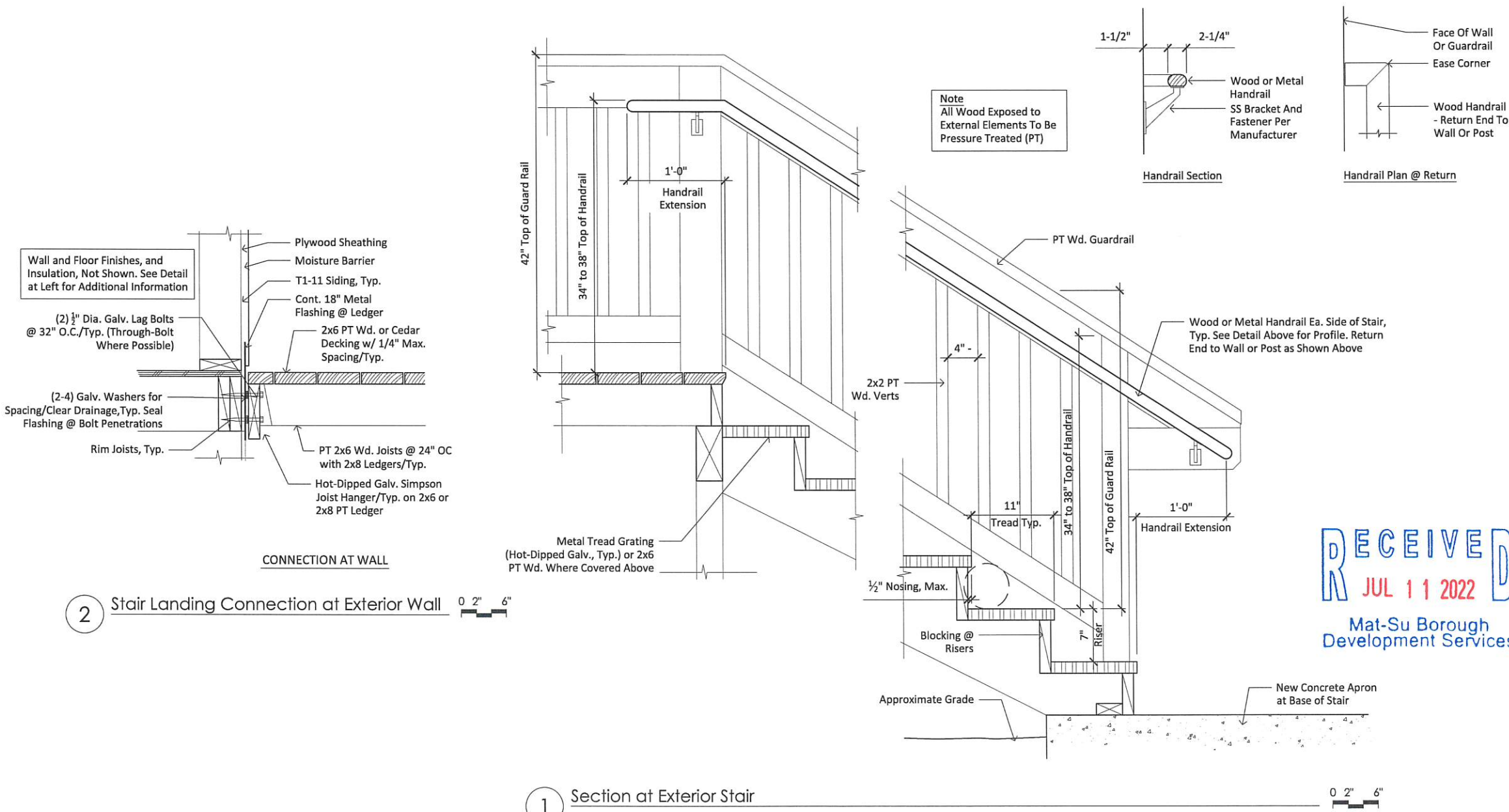


Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

DATE: 07-08-22
PROJ. No.: 2206

A5.2
Details

Permit Set



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Mat-Su Borough
Development Services

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PUBLIC HEARING LEGISLATIVE

Resolution No. PC 22-25

Repeal MSB 17 .05 - Essential Service Utilities

(Pages 69 - 78)

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM **IM No. 22-171**

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY
REPEALING MSB 17.05 ESSENTIAL SERVICE UTILITIES.

AGENDA OF: October 4, 2022

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Community Development Director		
	Planning Director		
	Public Works Director		
	Finance Director		
	Borough Attorney		
	Borough Clerk		

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

SUMMARY STATEMENT:

This ordinance is at the request of Assemblymember Sumner.

MSB 17.05 was originally adopted in 2007 with the stated purpose of providing for public participation in 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. However, while the ordinance required a public process, it did not include any standards for approval, so did not fulfill its intended purpose.

Essential Service Utilities are necessary for the safe, reliable,

and resilient transmission of power and fuel. Requiring a public involvement process increases the cost of installing essential service utilities at a time where there is very high energy costs and international instability.

RECOMMENDATION OF ADMINISTRATION:

Consider adoption of an ordinance repealing MSB 17.05 in its entirety.

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-093**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING
MSB 17.05 ESSENTIAL SERVICE UTILITIES IN ITS ENTIRETY.

BE IT ENACTED:

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

Section 2. Repeal of section. MSB 17.05 is hereby repealed in its entirety.

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

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

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

From: [MSB Planning Commission](#)
To: [Alex Strawn](#)
Subject: FW: Opposed to Res 22-25
Date: Wednesday, August 3, 2022 12:41:00 PM

To include in your packet!

-----Original Message-----

From: Bee Long <woodyfiber17@gmail.com>
Sent: Monday, August 1, 2022 2:28 PM
To: MSB Planning Commission <MSB.Planning.Commission@matsugov.us>
Subject: Opposed to Res 22-25

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

Dear Planning Commission members,
I just learned about this resolution today. I oppose the repeal of
17.05 borough code.

Currently that is the only way that there is a public comment process on the public record for utility services infrastructure.

This resolution is payback for the public daring to question one of the MEA routes in the Fishhook to Pitman Power Project. This route has negative impacts to the Little Su watershed.

We need a public process mandate to protect our property rights and public lands. In fact, the code should be strengthened to require a public process for these projects that goes in from of the Planning Commission.

Becky Long

Greetings Commissioners,

August 1, 2022

My name is Amber McDonough. My husband and I are 20yr landowners in the Fishhook area with a vested interest in responsible development that preserves our community's character. The introduced Resolution 22-025 to repeal MSB 17.05 for Essential Service Utilities is a golden opportunity.

17.05 was recently tested during the Mat-Su Planning Department's review of Matanuska Electric Association's Fishhook to Pittman Power Project. This project was publicly unveiled in May 2021, however the project's impact greatly increased this past September when MEA added a Northern Route with over 10 remote miles of 100' wide right-of-way clearing across the floodplains, wetlands, and farmlands north of the Little Su River. Hundreds of Mat-Su residents participated in the 17.05 process from MEA's initial Open House through the utility's final Appeal Hearing in April 2022.

Ultimately, 17.05 failed Mat-Su residents. It only empowered the Planning Department to confirm MEA completed the required public participation. It did not ensure the utility's Decisional Document incorporated **"all feasible mitigation measures"** to **"enhance the...welfare of borough residents and properties while minimizing negative impacts."** In fact, 17.05 allowed MEA to conceal the nature of the public feedback it received until after it submitted its Decisional Document to Planning Department. This was despite over 90% of comments being against the Northern Route, as noted by Assemblyman Jesse Sumner.

Also 17.05 did not require this major utility project, impacting thousands of residents, be reviewed by the Planning Commission or the Assembly before the Planning Department granted final project approval. Meanwhile, other projects with much smaller footprints such as cell towers, marijuana shops, and gravel pits, all require MSB conditional use permits.

Without 17.05 there is no other forum for Mat-Su residents to voice their concerns about impacts of infrastructure projects or influence utilities to adopt mitigation measures. Therefore, instead of a complete repeal 17.05 it would be best if the Commission drafted an amendment to fix the code's flaws. Based on our experience, crafting 17.05 to align with other existing MSB conditional use permits would better protect public interests and private property rights. I would be happy to suggest improvements to this Resolution prior to its public hearing on August 15th.

Thank you,
Amber McDonough, P.E.
amber.m.mcdonough@gmail.com
(907) 227-3734 / (907) 570-8367

By: A. Strawn
Introduced: August 1, 2022
Public Hearing: August 15, 2022

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-25

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING APPROVAL OF AN ORDINANCE REPEALING MSB 17.05 -
ESSENTIAL SERVICE UTILITIES.

WHEREAS, MSB 17.05 was originally adopted in 2007 with the
stated purpose of providing for public participation in 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; and

WHEREAS, while the ordinance required a public process, it
did not include any standards for approval, so did not fulfill its
intended purpose; and

WHEREAS, essential Service Utilities are necessary for the
safe, reliable, and resilient transmission of power and fuel; and

WHEREAS, requiring a public involvement process increases the
cost of installing essential service utilities at a time where
there is very high energy costs and international instability; and

WHEREAS, the current process requires excessive public
notifications for a process in which public involvement will not
have a substantive impact.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of an ordinance repealing MSB 17.05 Essential Service Facilities, in its entirety.

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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UNFINISHED BUSINESS

Resolution No. 22-29

Denial of the
Repeal of 17.06 - Electrical
Generating and Delivery Facility, in
it's entirety

UNFINISHED BUSINESS

By: A. Strawn
Introduced: July 18, 2022
Public Hearing: August 1, 2022
Approved:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-29**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING DENIAL OF AN ORDINANCE REPEALING MSB 17.06 -
ELECTRICAL GENERATING AND DELIVERY FACILITY, IN ITS ENTIRETY.

WHEREAS, the Matanuska-Susitna Borough Planning Commission held a public hearing on August 1, 2022 regarding an ordinance repealing MSB 17.06 - Electrical Generating and Delivery Facility, in its entirety; and

WHEREAS, repealing this code would make it so there is not a conditional use permit required which would take away the public process; and

WHEREAS, the stated purpose of MSB 17.06 is to allow for the location, construction, and operation of new electrical generating facilities and those associated transmission lines necessary to connect the facilities to any electrical grid within the borough while protecting the public health, safety, convenience, welfare, and environmental surroundings of borough residents. These protections include, but are not limited to: public health, noise, water resources, air quality, socioeconomics, visual resources, cultural resources, land use, traffic and transportation, hazardous materials handling, waste management, biological

resources, soils, geological hazards and resources, and transmission safety; and

WHEREAS, the cost and time associated with obtaining a conditional use permit for an electrical generating facility over ten megawatts is minimal compared to the overall cost of the facility; and

WHEREAS, poorly situated electrical generating facility have the potential to negatively impact surrounding land uses; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends denial of Ordinance Serial No. 22-083, an ordinance repealing MSB 17.06 - Electrical Generating And Delivery Facility, in its entirety.

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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MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

350 East Dahlia Avenue • Palmer, AK 99645


Phone (907) 861-7822

www.matsugov.us

MEMORANDUM

DATE: August 5, 2022

TO: Planning Commissioners

FROM: Alex Strawn, Planning and Land Use Director 

SUBJECT: Tentative Future PC Items

Upcoming PC Actions

Quasi-Judicial

- Talkeetna Connection – Marijuana Retail Facility; 24N04W29D002 (Staff: Peggy Horton)
- Dime Bag – Marijuana Retail Facility; 6298B01L002 (Staff: Peggy Horton)
- Premier Homes – Earth Materials Extraction; 17N02W34D003 (Staff: Peggy Horton)
- Green Jar – Hatcher Pass – Marijuana Retail Facility; 4316B01L006A (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 Materials Extraction; 18N01W31A015 (Staff: Peggy Horton)
- MSB East Kashwitna – Earth Materials Extraction; 20N04W07A001 (Staff: Mark Whisenhunt)
- Purely Alaskan – Residential Land Use District CUP; 19N04W29A012 (Staff: Mark Whisenhunt)
- The Aardvark – Alcoholic Beverage Dispensary; 1454000L001 (Staff: Peggy Horton)
- Talkeetna River Guides – Residential Land Use District CUP; 6436B04L001 (Staff: Peggy Horton)
- Durham School Services – Core Area CUP; 7954000L002 & 8913000L009A (Staff: Peggy Horton)
- Smoke Out Point – Marijuana Retail Facility; 2209B02L001A (Staff: Peggy Horton)

- Harmon Schrock – Earth Materials Extraction; 18N01W15B010 (Staff: Peggy Horton)
- Stash Cannabis Company – Marijuana Retail Facility; 17N03W14C019 (Staff: Peggy Horton)
- Jewels Acres – Earth Materials Extraction; 6469B02L006 (Staff: Peggy Horton)

Legislative

- Historic Preservation Plan (HPP) (Staff: Adam Bradway)
- Municipal Separate Storm Sewer System (MS4) (Staff: Rick Antonio)
- Bike and Pedestrian Plan (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)
- Metropolitan Planning Organization (MPO) Formation (Staff: Kim Sollien)
- Corridor Studies (Staff: Kim Sollien/Adam Bradway)
- Capital Improvement Program (CIP) (Staff: Kelsey Anderson)