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

September 19, 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 by **12:00 PM the Friday before the meeting**.

TELEPHONIC TESTIMONY:

- Dial 1-855-290-3803; you will hear "joining conference" when you are admitted to the meeting.
- You will be automatically muted and able to listen to the meeting.
- When the Chair announces audience participation or a public hearing you would like to speak to, press *3; you will hear, "Your hand has been raised." (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: 08/15/2022

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 22-31 A modification to a Conditional Use Permit in accordance with MSB 17.70 – Regulation of Alcoholic Beverage Uses, for the expansion of an alcoholic beverage dispensary (bar) known as, Floaters located at 2990 South Big Lake Road, Tax ID# 1783B02L003 within Township 17 North, Range 3 West, Section 21, Seward Meridian. Public Hearing: October 3, 2022 (Applicant: Bill Brister of R&B Alaska Inc., dba Floaters; Staff: Mark Whisenhunt, Planner II)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 22-33 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.02 – Mandatory Land Use Permit, to expand the applicability of the chapter. Public Hearing: October 3, 2022 (Staff: Adam Bradway, Planner II)

Resolution 22-34 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance of the Matanuska-Susitna Borough Assembly amending MSB Title 43 – Subdivisions. Public Hearing: October 3, 2022 (Staff: Fred Wagner, Platting Officer)

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)***.

Resolution 22-26 A conditional use permit in accordance with MSB 17.30 – Conditional Use Permit (CUP) 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 #20N04W07A001 and 20N04W08A001; within Township 20 North, Range 4 West, Section 7 and 8, Seward Meridian. (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. (Applicant: Derke Clark and Janet Clark, of Checkmate Harvest Company; Staff: Mark Whisenhunt, Planner II)

X. PUBLIC HEARING: LEGISLATIVE MATTERS

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

Resolution 22-29 A resolution of the Matanuska-Susitna Borough Planning Commission recommending the Assembly not repeal MSB 17.06 – Electrical Generating and Delivery Facility, in its entirety.

Resolution 22-30 A resolution of the Matanuska-Susitna Borough Planning Commission recommending the Assembly not repeal MSB 17.05 – Essential Service Utilities.

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.

This Page Intentionally Left Blank

MATANUSKA-SUSITNA BOROUGH **REGULAR MEETING**
PLANNING COMMISSION MINUTES **August 15, 2022**

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on August 15, 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 establish a quorum:
Mr. Richard Allen, Assembly District #2
Ms. Patricia Chesbro, Assembly District #3, Vice-Chair
Mr. Michael Rubeo, Assembly District #4
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:
Mr. Doug Glenn, Assembly District #1

Staff in attendance:
Mr. Alex Strawn, Planning and Land Use Director
Ms. Hannah Steketee, Assistant Attorney
Ms. Shannon Bodolay, Assistant Attorney
Ms. Karol Riese, Planning Depart. Administrative Specialist/Planning Commission Clerk

*Indicates that the individual attended telephonically.

II. APPROVAL OF AGENDA

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

Commissioner Chesbro made an amendment to the Agenda to move Resolution 22-29 under Unfinished Business to September 19, 2022 due to not being published on the Agenda online. Commissioner Allen seconded.

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

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Alex Strawn.

IV. CONSENT AGENDA

A. Minutes Regular Meeting Minutes: August 1, 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 a 154.5 acre extraction site within two parcels, which total 657.5 acres; Tax ID #20N04W07A001 & 20N04W08A001; within Township 20 North, Range 4 West, Sections 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

GENERAL CONSENT: The consent agenda was approved without objection.

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

VI. AGENCY/STAFF REPORTS - *(There were no Agency/Staff Reports.)*

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

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

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

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. (Staff: Alex Strawn, Planning and Land Use Director)

Chair Glashan read the resolution title into the record.

Commissioner Kendig explained that he is on the MEA board and did not feel it was necessary for him to recuse himself since the matter is quasi-judicial.

Mr. Strawn provided a staff report.

Commissioners questioned staff regarding:
Process of utilities – does not come to the Planning Commission; and the public process

Chair Glashan opened the public hearing.

The following persons spoke in opposition to Planning Commission Resolution 22-25: Patti Fisher, Ann McDonogh, Joe Irvin, Mr. Ratsky, Camden Yehle, and Ms. Cutler.

Chair Glashan invited staff to respond to questions and statements from the audience.

Mr. Strawn stated that he had nothing further to add.

MOTION: Commissioner Kendig moved to approve Planning Commission Resolution 22-25. The motion was seconded. by Commissioner Chesbro

Discussion ensued

VOTE: The main motion failed unanimously without objection.
No (6) Commissioner Kendig, Chesbro, Scoggin, Allen, Rubeo, and Glashan

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

This was moved to the September 19 meeting during the approval of the Agenda.

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

XIV. COMMISSION BUSINESS

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

XV. DIRECTOR AND COMMISSIONER COMMENTS

Clerk: Reminded commissioners of next meetings: September 19, October 4, and joint Assembly meeting on October 11.

Commissioner Chesbro: I think the issue of public input is vital as we move forward in the borough. Appreciate all the comments and the vote.

Commissioner Kendig: I would have loved hearing what Mr. Eugene Haberman said on this.

Commissioner Glashan: Worksession in future.

XVI. ADJOURNMENT

The regular meeting adjourned at 6:37 p.m.

STAFFORD GLASHAN, Planning Commission Chair

ATTEST:

KAROL RIESE, Planning Commission Clerk

Minutes approved: _____

INTRODUCTION FOR PUBLIC HEARING

QUASI-JUDICIAL

Resolution No. PC 22-31

Bill Brister of R & B Alaska Inc., dba Floaters

(Pages 9 - 98)

INTRODUCTION FOR PUBLIC HEARING

APPLICATION MATERIAL

MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department
Development Services Division
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822 • Fax (907) 861-8158
Email: permitcenter@matsugov.us

Matanuska-Susitna Borough
Permit Center
MAR 21 2022
Received

PAID
CK #1623

APPLICATION FOR A CONDITIONAL USE PERMIT
REGULATION OF ALCOHOLIC BEVERAGE USES – MSB 17.70

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:
__X__ **$1,500** for **Liquor Beverage Dispensary**
_____ **$1,500** for **Liquor Package Store**

*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: 17, Range: 3, Section: 21`, Meridian seward
MSB Tax Account # 5178B02L003
SUBDIVISION: Fisher Y BLOCK(S): 2, LOT(S): 3
STREET ADDRESS: 2990 south Big Lake Road Wasilla Alaska
BUSINESS NAME Floaters

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? **o Yes o No o N/A**

Name of Property Owner
R & B Alaska Inc
Address: 12270 east outer Springer lp
Palmer Alaska 99645
Phne: Hm na Fax na
Wk 9079470401 Cell 9079470401
E-mail bill.brister@gmail.com

Name of Agent/ Contact for application
Bill Brister
Address: 12270 east outer Springer lp
Palmer Ak 996445
Phne: Hm _____ Fax _____
Wk _____ Cell 9079470401
E-mail bill.brister@gmail.com

In order to grant a conditional use permit under MSB 17.70, the Planning Commission must find that each of the following requirements have been met. Explain the following in detail:	**Attached**
1. Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?	x
2. Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?	x

3. Are sufficient setbacks, lot area, buffers and other safeguards being provided?	x
4. Is there any potential negative effect upon other properties in the area due to such factors as dust, noise, obtrusive advertising and glare?	x
5. Is there any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector or street from which access to and from the establishment is obtained?	x
6. What measures are being proposed to reduce any negative effect upon adjacent and nearby properties by property line buffers and arterial buffers, planted berms, landscaping, reduction or elimination of obtrusive or garish signing or other features, lowered building elevation, clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors and where the surrounding area is predominantly residential in character, site and building design features that contribute to the residential character of the development?	x
7. Are there adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit?	x
8. Will access to the premises create an unreasonable traffic hazard?	x
9. Will a reasonably expected increase in traffic overtax the existing road system?	x
10. Is the use compatible with the character of the surrounding neighborhood?	x
11. Is there or would the use tend to result in, a high crime rate or a high incidence of alcohol-related accidents in the area?	x
12. Does the applicant or a person with an interest in the application have an interest in a liquor license which was suspended or revoked in the 12 months preceding the application?	x
13. Has the applicant or person with an interest in the application demonstrated that the person is untrustworthy or unfit to conduct the operation of a licensed business, or is a potential source of harm to the public?	x

Supplemental Information – Explain in Detail	**Attached**
1. Maximum occupancy capacity of facility as determined by Fire Marshall	x
2. Number of employees proposed to work on largest work shift.	x
3. Number of regular parking spaced provided.	x
4. Number of handicapped parking spaces provided.	x
5. Is the use a sole occupant in a building or a tenant in a building?	x
6. Total square footage of space in building occupied by this use.	x
7. Hours of operation.	x
8. Noise mitigation measures	x

SITE PLAN – Attach a detailed, to scale, site plan clearly showing the following information:	**Attached**
1. Proposed and existing structure(s) on the site. Indicate which structure(s) will be used for the liquor use. Draw lot dimensions and indicate setback distance of structure(s) from the lot lines, rights-of-way, and waterbodies.	x
2. Dimensions of all structures	x
3. Interior floor plans (specific location of the use or uses to be made of the development)	x
4. Signage – Existing and Proposed	x
5. Location and dimensions for all access points to and from the site to public rights-of-way or public access easements.	x
6. Proposed contouring	na
7. Vegetation and any landscaping	x
8. Buffering – Fences, trees, topography, or berms	x
9. Drainage	x
10. Vehicular and pedestrian circulation patterns	x
11. Exterior site lighting	x
12. Distance(s) to the nearest intersection in all directions from proposed permit site along roads adjacent to the site.	x
13. Location and dimensions of parking areas to be provided	x
14. Boundary protection	x
15. Scale and north arrow.	x

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

MSB Tax parcel ID #(s) 84-441S497 5178B02L003 and, I hereby apply for approval an alcoholic beverage use conditional use permit on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.70 and with all other applicable borough, state or federal laws.

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

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

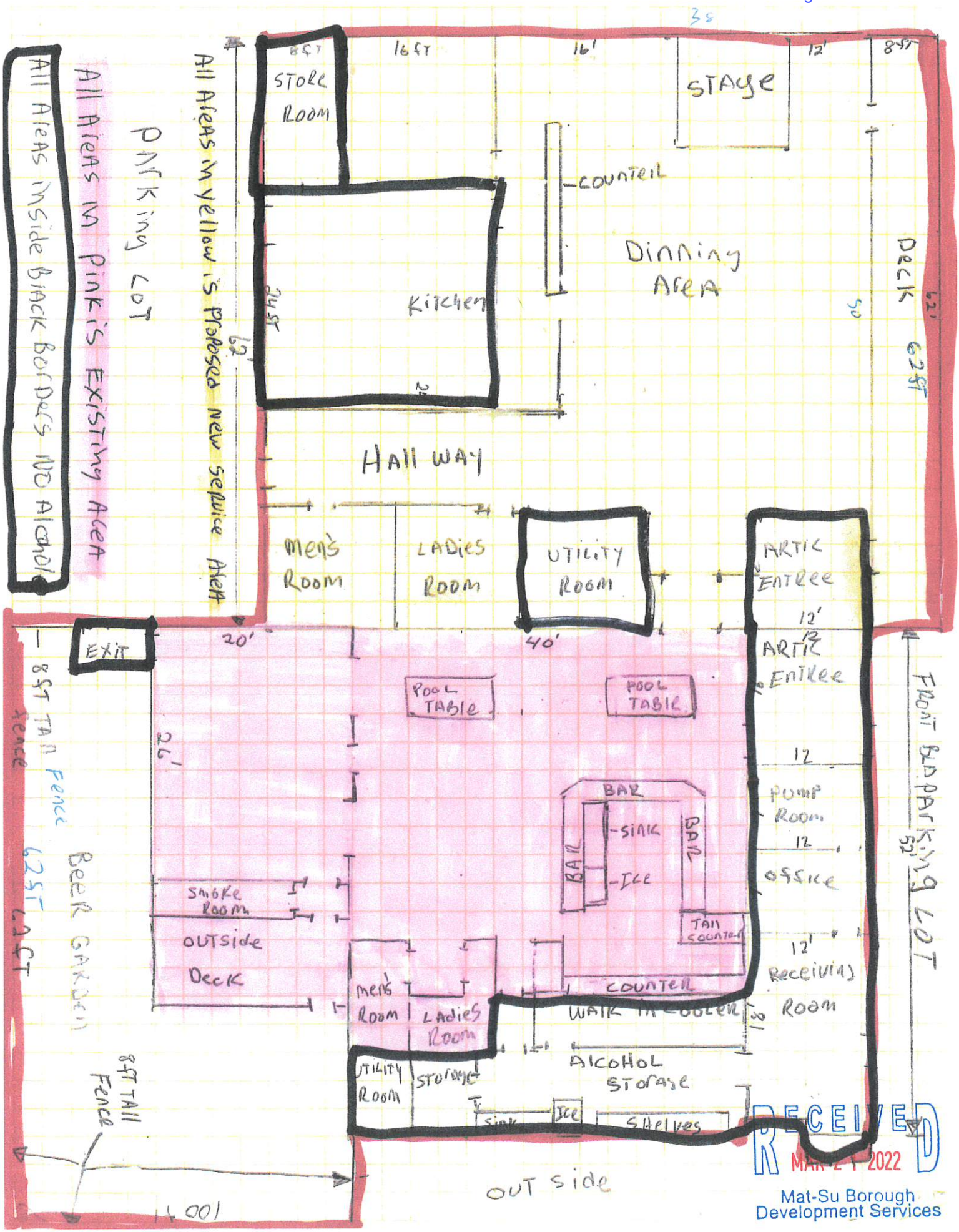
I understand that this permit and zoning status may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to the buyer when I sell the land.

I understand that changes from the approved conditional use permit may require further authorization by the Borough Planning Commission. I understand that failure to provide applicable documentation of compliance with approved requirements, or violation of such requirements will nullify legal status, and may result in penalties.

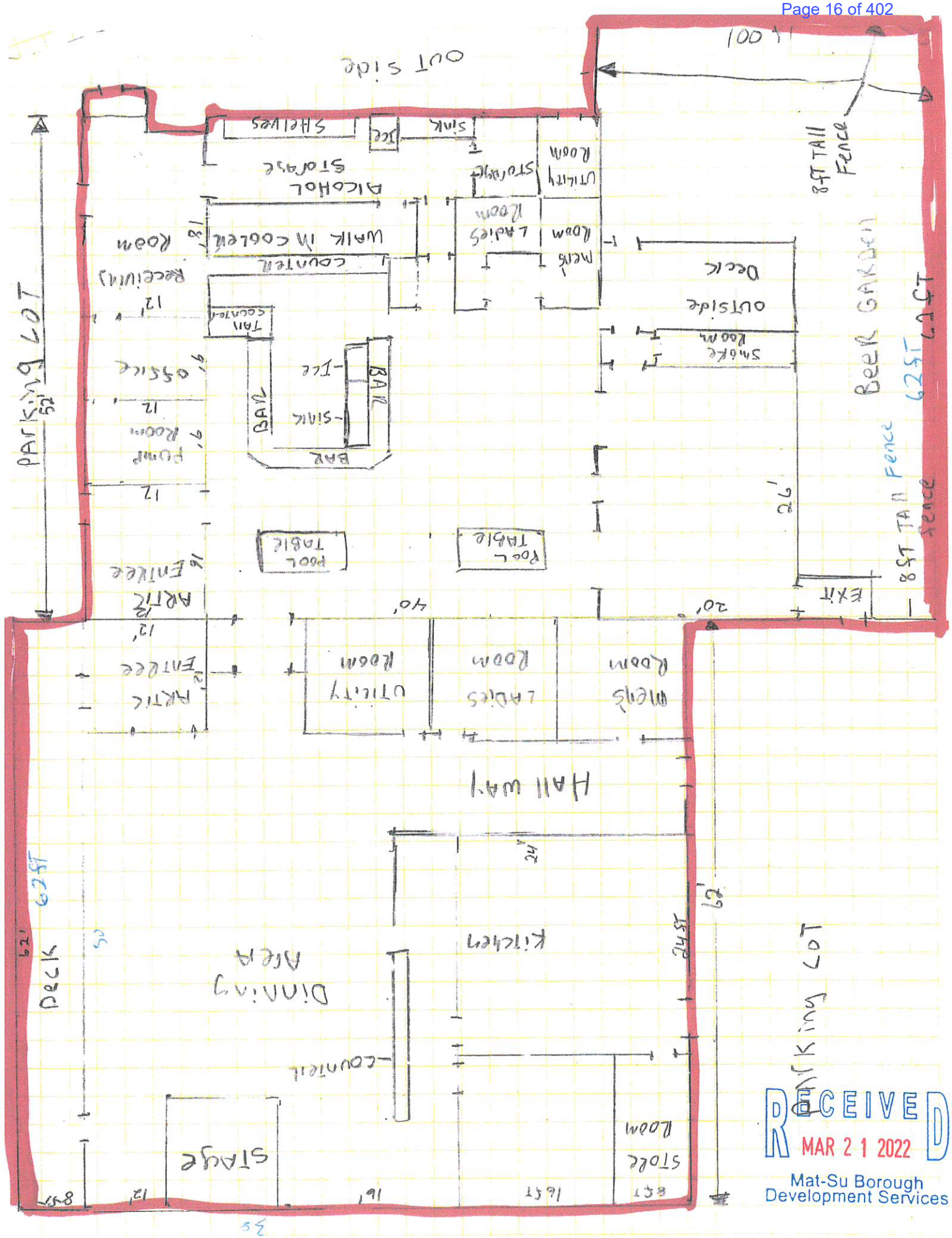
I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, at other times necessary to monitor compliance.

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

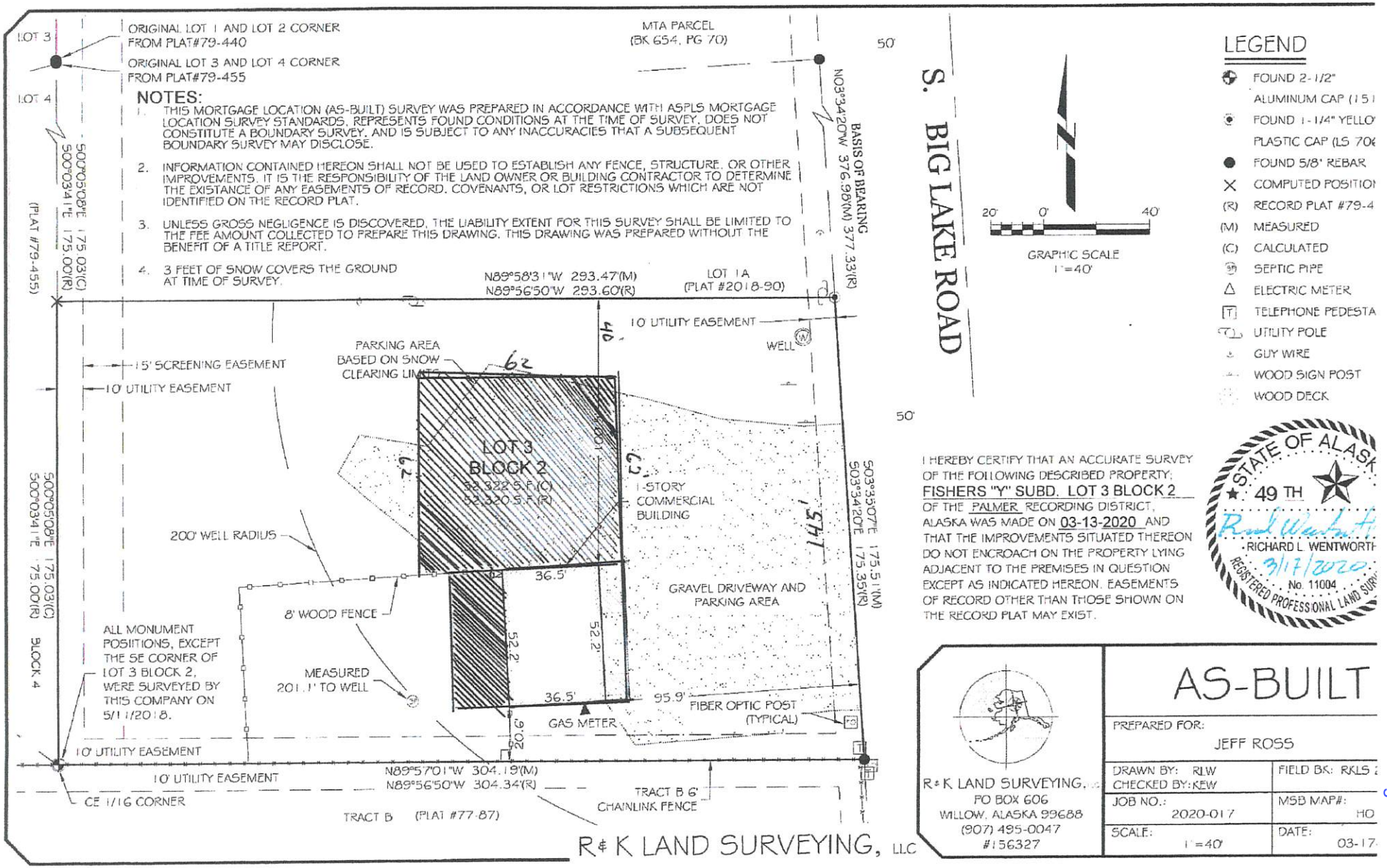
R & B Alaska Inc	R & B Alaska Inc	3-20-22
Signature: Property Owner	Printed Name	Date
Bill Brister	Bill Brister	3-20-22
Signature: Agent	Printed Name	Date



RECEIVED
MAR 21 2022
Mat-Su Borough
Development Services



RECEIVED
MAR 21 2022
Mat-Su Borough
Development Services



I HEREBY CERTIFY THAT AN ACCURATE SURVEY OF THE FOLLOWING DESCRIBED PROPERTY: FISHERS "Y" SUBD. LOT 3 BLOCK 2 OF THE PALMER RECORDING DISTRICT, ALASKA WAS MADE ON 03-13-2020 AND THAT THE IMPROVEMENTS SITUATED THEREON DO NOT ENCROACH ON THE PROPERTY LYING ADJACENT TO THE PREMISES IN QUESTION EXCEPT AS INDICATED HEREON. EASEMENTS OF RECORD OTHER THAN THOSE SHOWN ON THE RECORD PLAT MAY EXIST.

STATE OF ALASKA 49 TH
RICHARD L. WENTWORTH
3/17/2020
No. 11004
REGISTERED PROFESSIONAL LAND SURVEYOR

R & K LAND SURVEYING, LLC
PO BOX 606
WILLOW, ALASKA 99688
(907) 495-0047
#156327

AS-BUILT

PREPARED FOR: JEFF ROSS

DRAWN BY: RLW CHECKED BY: KEW	FIELD BK: RKLS
JOB NO.: 2020-017	MSB MAP#: HO
SCALE: 1"=40'	DATE: 03-17

RESTAURANT EXPANSION
2990 S BIG LAKE ROAD
BIG LAKE, ALASKA 99652



NO.	DATE	REVISION ISSUED FOR:	BY
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-

SCALE: REFER TO DRAWING
DESIGNED BY: BTH
DRAWN BY: TC
CHECKED BY: BTH
APPROVED BY: -
ISSUE STATUS:
PLAN CHECK
AFN:
XXX

ABBREVIATIONS

A.B.	ANCHOR BOLT
A/C	AIR CONDITIONING UNIT
ADJ.	ADJUSTABLE
A.F.F	ABOVE FISNISHED FLOOR
ALUM.	ALUMINUM
ALT.	ALTERNATE
AMP	AMPERAGE
AUTO.	AUTOMATIC
BA	BATHROOM
BD.	BOARD
BED	BEDROOM
BLDG.	BUILDING
BLKG.	BLOCKING
BM	BEAM
BOT.	BOTTOM
CAB.	CABINET
C-DX	
CF	CUBIC FEET
CH.	CHAPTER
CL.	CENTER LINE
CLG.	CEILING
CMU	CONCRETE MASONRY UNIT
CONC.	CONCRETE
COND.	CONDITION
CONT.	CONTINUOUS
CRPT	CARPET
CT	CERAMIC TILE
CY	CUBIC YARD
DBL	DOUBLE
DEG.	DEGREES
DF	DOUGLAS FIR
DIA	DIAMETER
DIM.	DIMENSION(S)
DIV.	DIVISION
DN	DOWN
DP.	DEEP
DR	DOOR
E	EAST
EA.	EACH
ELEC.	ELECTRICAL
ELEV.	ELEVATION
EXIST'G.	EXISTING
EXT.	EXTERIOR
E.W.	EACH WAY
FAU	FORCED AIR UNIT
F.G.	FIXED GLASS
FIN.	FINISH(ED)
FLR.	FLOOR
F.O.P.	FACE OF POST
FOUND.	FOUNDATION
F.O.W.	FACE OF WALL
FRMG.	FRAMING
FT	FOOT (FEET)
GA.	GAUGE
G.F.I.	GROUND FAULT INTERRUPT
G.I.	GALVANIZED IRON
GL.	GLASS
GYP.	GYPSUM
GLU-LAM	GLUE LAMINATED BEAM
HD	HOLDDOWN
HDR.	HEADER
HGT.	HEIGHT
HORIZ.	HORIZONTAL
H.S.	HORIZONTAL SLIDER
HT.	HEIGHT
HVAC.	HEATING, VENTILATION AND AIR CONDITIONING
I.D.	INSIDE DIAMETER
INCL.	INCLUDED
IN	INCH
INSUL.	INSULATION
INT.	INTERIOR
KIT	KITCHEN
LAV	LAVATORY
LAUN	LAUNDRY
LBS.	POUNDS
LINO	LINOLEUM
L.W.	LIGHTWEIGHT

MANUF.	MANUFACTURER
MAT'L	MATERIAL
MAX.	MAXIMUM
MECH.	MECHANICAL
MFR.	MANUFACTURER
MIN.	MINIMUM
MISC.	MISCELLANEOUS
MTL	METAL
N	NORTH
N.E.C.	NATIONAL ELECTRICAL CODE
N.I.C.	NOT IN CONTRACT
NO.	NUMBER
N.T.S.	NOT TO SCALE
O.C.	ON CENTER
O.D.	OUTSIDE DIAMETER
O.G.	ORNAMENTAL GUTTER
OH	OVERHEAD
OPP.	OPPOSITE
PKT.	POCKET
PL	PLATE
PLYWD.	PLYWOOD
PR.	PAIR
PSF	POUNDS PER SQUARE FOOT
PSI	POUNDS PER SQUARE INCH
P.T.	PRESSURE TREATED
P.T.D.F.	PRESSURE TREATED DOUGLAS FIR
PWD.	PLYWOOD
R	RADIUS, RISER
REBAR	REINFORCING STEEL BARS
REF.	REFERENCE
REQ'D	REQUIRED
RM.	ROOM
R.O.	ROUGH OPENING
S	SOUTH
SC	SOLID CORE
SECT.	SECTIONAL(S)
S.F.	SQUARE FOOT (FEET)
S.H.	SINGLE HUNG
SHTG.	SHEATING
SHWR.	SHOWER
SIM.	SIMILAR
SL.	SLIDER
SPEC'C	SPECIFICATIONS
SQ.	SQUARE
STD.	STANDARD
STL	STEEL
STRUCT.	STRUCTURAL
T	TREAD
TEMP.	TEMPERED
T.O.B.	TOP OF BEAM
T.O.P.	TOP OF PLATE
T.O.S.	TOP OF SLAB
TV	TELEVISION
TYP.	TYPICAL
U.B.C.	UNIFORM BUILDING CODE
U.M.C.	UNIFORM MECHANICAL CODE
U.N.O.	UNLESS NOTED OTHERWISE
U.P.C.	UNIFORM PLUMBING CODE
V	VOLT
VERT.	VERTICAL
W	WEST
W/	WITH
WC	WATER CLOSET
WD.	WOOD
W/D	WASHER/DRYER
WH	WATER HEATER
W/O	WITHOUT
WP	WATERPROOF
WWF	WELDED WIRE FABRIC

GENERAL NOTES

GENERAL

1. ALL WORK SHALL COMPLY WITH APPLICABLE REQUIREMENTS OF THE CURRENT STATE AND LOCAL CODES

2. AL WORK SHALL COMPLY WITH THE 2018 IES, IBC, IMC, IPC, IEC, OCCUPANCY GROUP DIVISION, BUILDING USE, PARCEL NUMBER, AND CONSTRUCTION TYPE AS AMMENDED BY STATE OF ALASKA AND LOCAL JURISDICTION AS APPLY TO THIS PROJECT

3. PERMITS: ALL PERMITS AND FEES SHALL BE SECURED AND PAID FOR BY THEN CONTRACTOR OR OWNER.

4. SUBSTITUTION: NO SUBSTITUTIONS SHALL BE MADE WITHOUT THE OWNER'S APPROVAL. ALL CHANGES AFFECTING STRUCTURE SHALL HAVE APPROVAL FROM ENGINEER OF RECORD

5. INTENTION: THE INTENTION OF THE DRAWINGS IS TO INCLUDE ALL LABOR MATERIALS, EQUIPMENT AND TRANSPORTATION NECESSARY FOR COMPLETE AND PROPER EXECUTION OF THE WORK.

6. CHANGES: THE OWNER MAY ORDER EXTRA WORK OR MAKE CHANGES BY ALTERING, ADDING TO OR DEDUCTING FROM THE WORK.

7. CUTTING & PATCHING: ALL TRADES SHALL DO THEIR OWN CUTTING, FITTING & PATCHING, ETC. TO MAKE THE SEVERAL PARTS COME TOGETHER PROPERLY AND FIT IT TO RECEIVE OR BE RECEIVED BY THE WORK OF OTHER TRADES.

8. SCOPE: ALL TRADES SHALL FURNISH ALL LABOR, EQUIPMENT, MATERIALS AND PERFORM ALL WORK AS NECESSARY, INDICATED OR REASONABLY INFERRED OR REQUIRED BY ANY CODE WITH JURISDICTION TO COMPLETE THEIR SCOPE OF WORK FOR A COMPLETE AND PROPER FINISHED PRODUCT.

9. CLEAN-UP: ALL TRADES SHALL AT ALL TIMES KEEP THE PREMISES FREE FROM ACCUMULATION OF WASTE MATERIALS OR RUBBISH CAUSED BY THEIR WORK.

10. TEMPORARY TOILETS: THE CONTRACTOR SHALL PROVIDE TEMPORARY TOILET FACILITIES FOR ALL TRADES UNTIL COMPLETION OF WORK.

11. LINES & LEVELS; THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE BUILDING LINES AND LEVELS. THE CONTRACTOR SHALL COMPARE CAREFULLY THE LINES AND LEVELS SHOWN ON THE DRAWINGS WITH EXISTING LEVELS FOR LOCATION AND CONSTRUCTION OF THE WORK AND SHALL CALL THE ARCHITECT'S ATTENTION TO ANY DIFFERENCES PRIOR TO PROCEEDING WITH WORK.

12. ON SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND SUB-CONTRACTORS. NOTED DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR SHALL REPORT TO ARCHITECT ALL CONDITIONS THAT PREVENT THE PROPER EXECUTION OF THE WORK.

13. CONTRACTOR SHALL ENSURE THAT ALL WORK IS DONE IN A PROFESSIONAL, WORKMANLIKE MANNER BY SKILLED MECHANICS AND SHALL REPLACE ANY AND ALL MATERIAL OR ITEMS DAMAGED BY A SUB-CONTRACTOR'S PERFORMANCE. SUB-CONTRACTORS AND SUPPLIERS ARE HEREBY NOTIFIED THAT THEY ARE TO CONFER AND COOPERATE FULLY WITH EACH OTHER DURING THE COURSE OF CONSTRUCTION TO DETERMINE THEIR EXACT EXTENT AND OVERLAP OF EACH OTHER'S WORK AND TO SUCCESSFULLY COMPLETE THE EXECUTION OF WORK.

GENERAL (CON'T)

14. ARCHITECT SHALL BE NOTIFIED IMMEDIATELY BY THE CONTRACTOR SHOULD ANY DISCREPANCY OR OTHER QUESTIONS ARISE PERTAINING TO THE DRAWINGS AND/OR SPECIFICATIONS.

15. REFER TO THE STRUCTURAL CALCULATIONS FOR ANY QUESTION REGARDING LUMBER GRADES, BEAM AND HEADER SIZES, FOOTINGS, AND SHEAR REQUIREMENTS. NO DEVIATIONS FROM THE STRUCTURAL PLANS, NOTES AND DETAILS SHALL BE MADE WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER OF RECORD. APPROVAL BY THE FIELD INSPECTOR DOES NOT CONSTITUTE AUTHORITY TO DEVIATE FROM PLANS OR SPECIFICATIONS.

16. SPECIFICATIONS TAKE PRECEDENCE OVER THE INFORMATION ON THE DRAWINGS. IN CASE OF CONFLICT, NOTIFY THE ARCHITECT AT ONCE.

17. WATER PIPE AND FITTINGS SHALL BE OF BRASS, COPPER, CAST IRONG OR GALVANIZED STEEL. CAST IRON USED FOR WATER NEED TO BE GALVANIZED IF OVER TWO INCHES IN SIZE.CPVC OR PE WATER PIPE MANUFACTURED TO RECOGNIZED STANDARDS MAY BE USED.

ELECTRICAL PLAN NOTES

1. ALL HARDWIRED LIGHTING IN KITCHEN AND BATHS SHALL COMPLY WITH I.E.C.

2. ALL EXTERIOR FIXTURES SHALL COMPLY WITH I.E.C.

3. ALL FIXTURES LOCATED ABOVE TUBS OR SHOWERS SHALL COMPLY WITH I.E.C.

4. ALL ELECTRICAL OUTLETS IN KITCHEN, BATHS, EXTERIOR OUTLETS AND OUTLETS IN GARAGE SHALL COMPLY WITH I.E.C.

5. ALL SMOKE DETECTORS SHALL COMPLY WITH I.E.C.

6. ELECTRICAL OUTLET AT DISHWASHER SHALL COMPLY WITH I.E.C.

7. ALL FIXTURES AND OUTLETS IN GARAGE SHALL COMPLY WITH I.E.C.

8. GAS & WATER PIPES SHALL BE INSTALLED PER I.E.C.

9. RECESSED CEILING FIXTURES IN INSULATED AREAS SHALL COMPLY WITH I.E.C.

10. RECEPTACLE OUTLETS FOR ELECTRIC RANGES AND DRYERS SHALL COMPLY WITH I.E.C.

11. ALL BATHROOM RECEPTACLES SHALL COMPLY WITH I.E.C.

12. ARC FAULT INTERRUPTER PROTECTION SHALL BE PROVIDED PER I.E.C.

13. PROVIDE GROUNDING ELECTRODE PER I.E.C.

14. INSTALLATION INSTRUCTIONS FOR ALL LISTED EQUIPMENT SHALL BE PROVIDED TO THE FIELD INSPECTOR AT THE TIME OF INSPECTION

15. PROVIDE SMALL APPLIANCE BRANCH CIRCUITS PER I.E.C.

16. PROVIDE ADEQUATE CATV CABLE TO REACH ANY CORNER OF STRUCTURE FOR FUTURE SATELLITE.

FLOOR PLAN NOTES

1. SHOWERS AND TUB/SHOWER COMBINATIONS SHALL BE INSTALLED PER I.B.C. AND I.P.C.

2. PROVIDE APPROVED HOSE BIBS PER I.P.C.

3. THE WATER HEATER TEMPERATURE / PRESSURE RELIEF VALVE SHALL BE INSTALLED PER I.P.C.

4. WATER CLOSETS SHALL BE INSTALLED PER I.P.C.

5. SHOWER HEADS, LAVATORY AND SINK FAUCETS SHALL HAVE A MAXIMUM FLOW RATE PER I.P.C.

6. UNDERFLOOR CLEANOUTS SHALL BE LOCATED PER I.P.C.

7. WARM AIR FURNACE INSTALLED IN AN ATTIC OR FURRED SPACE SHALL COMPLY WITH THE I.B.C. AND I.M.C.

8. PROVIDE FIRE PROTECTION PER I.B.C.

9. VENT DRYER (NIC) TO OUTSIDE AIR PER I.M.C.

10. HANDRAILS SHALL BE INSTALLED PER I.R.C.

11. GUARDRAILS SHALL BE INSTALLED PER I.R.C.

12. PROVIDE 1 HR FIRE SEPARATION PER I.R.C.

13. DOOR FROM HOUSE TO GARAGE SHALL COMPLY WITH I.R.C.

14. ALL GLAZING SHALL COMPLY WITH I.R.C. AND APPLICABLE WUI REQUIREMENTS

15. ALL BEDROOM EGRESS WINDOWS SHALL COMPLY WITH I.R.C.

16. CONSTRUCTION AT SHOWERS SHALL COMPLY WITH I.R.C.

17. CONSTRUCTION OF THE WATER HEATER PLATFORM SHALL COMPLY WITH THE I.R.C.

18. GARAGE CONSTRUCTION SHALL COMPLY WITH I.R.C.

19. ALL AIR DUCTS PENETRATING PROPOSED SEPARATION WALL OR CEILING BETWEEN GARAGE & LIVING SPACE SHALL COMPLY WITH I.R.C.

20. ALL WALLS ARE 2x4, U.N.O.

21. PROVIDE DRAFT STOPS AT ALL CONCEALED LOCATIONS PER I.R.C.

22. FLOOR MATERIAL SHALL MEET MINIMUM SLIP COEFFICIENT REQUIREMENTS

VICINITY MAP



PROJECT DESCRIPTION

BUILDING DESCRIPTION

Occupancy Group	: A-2
Type Of Construction	: V-B NON-SPRINKLERED
Stories	: 1

NEW RESTAURANT EXPANSION
NEW RETAIL SPACE

APPLICABLE BUILDING CODES

APPLICABLE CODES
2018 I.B.C.
2018 I.M.C.
2018 I.P.C.
2018 I.E.C.
2018 I.R.C.
2018 IFC

AREA CALCULATIONS

TOTAL SQUARE FOOTAGE

EXISTING BAR SPACE	1924 S.F.
NEW ENCLOSED ARCTIC ENTRY	530 S.F.
NEW RESTAURANT EXPANSION	2816 S.F.
NEW RETAIL SPACE	1152 S.F.
TOTAL SQ. FT.	6422 S.F.

PROJECT NOTES

THE FINISHED GRADE SHALL FALL 6" MINIMUM WITHIN THE FIRST 10'-0" OF THE BUILDING. LOTS SHALL BE GRADED TO DRAIN ALL SURFACE WATER AWAY FROM FOUNDATION WALLS.

CONSULTANTS

ARCHITECTURAL DESIGNER
MAPLE BROOK ENGINEERING, INC.
CONTACT: BRANDON HELMS, P.E.
PO BOX 491, ST MARIES, IDAHO 83861
PHONE: 208.568.1171

STRUCTURAL ENGINEER
MAPLE BROOK ENGINEERING, INC.
CONTACT: BRANDON HELMS, P.E.
PO BOX 491, ST MARIES, IDAHO 83861
PHONE: 208.568.1171

REVISIONS

-

SHEET INDEX

CS	COVER SHEET
A1.1	ARCHITECTURAL FLOOR PLAN
A2.1	ELEVATIONS
A3.1	SECTION & DETAILS
S0.1	GENERAL STRUCTURAL NOTES
S0.2	TYPICAL DETAILS
S1.1	STRUCTURAL PLANS
S2.1	STRUCTURAL DETAILS
EM1.1	SCHEMATIC ELECTRICAL PLAN SCHEMATIC PLUMBING PLAN
L0.00	COVER SHEET
L1.00	LANDSCAPE LAYOUT PLAN
L1.01	LANDSCAPE MATERIALS NOTES
L1.10	LANDSCAPE MATERIALS PLAN
L1.11	PLAN & LEGEND
L1.20	LANDSCAPE CONSTRUCTION DETAILS
L1.21	LANDSCAPE CONSTRUCTION DETAILS
L1.22	LANDSCAPE CONSTRUCTION DETAILS
L1.23	LANDSCAPE CONSTRUCTION DETAILS
L1.24	LANDSCAPE CONSTRUCTION DETAILS
L1.25	LANDSCAPE CONSTRUCTION DETAILS
L1.26	SHEET DELETED
L1.27	LANDSCAPE CONSTRUCTION DETAILS
L1.28	LANDSCAPE CONSTRUCTION DETAILS
L2.00	SOILS MANAGEMENT PLAN
L2.01	SOILS LEGEND & SPECIFICATION
L2.02	SOILS MANAGEMENT DETAILS/NOTES
L2.10	LANDSCAPE HYDROZONE PLAN
L3.00	IRRIGATION PLAN
L3.01	IRRIGATION PLAN
L3.02	IRRIGATION NOTES & LEGEND
L3.03	IRRIGATION DETAILS
L3.04	IRRIGATION DETAILS
L3.05	IRRIGATION DETAILS
L3.06	IRRIGATION DETAILS
L4.00	PLANTING PLAN
L4.01	PLANTING PLAN
L4.02	PLANTING NOTES & LEGEND
L4.10	PLANTING SPECIFICATIONS
L4.20	PLANTING DETAILS
L5.00	LIGHTING PLAN
L5.01	LIGHTING DETAILS
LS1	STRUCTURAL DETAILS
P-1	POOL
S-1	SPA
P1	POOL SITE PLAN
P1	POOL SITE PLAN
S1	SWIMMING POOL & DETACHED SPA PLANS

NOTE:
WORK DONE ON THIS PROJECT SHALL COMPLY WITH THE 2018 IBC, IMC, IPC, IEC, IFC AND ALL LOCAL CODES, ORDINANCES AND REQUIREMENTS

MAPLE BROOK ENGINEERING, INC.
WWW.MAPLE-BROOK.COM
PO BOX 491
ST MARIES, IDAHO 83861
PHONE: 208.568.1171
EMAIL: INFO@MAPLE-BROOK.COM

SHEET TITLE: COVER SHEET

PROPOSED PROJECT:
RESTAURANT EXPANSION
PROJECT LOCATION: 2990 BIG LAKE ROAD, BIG LAKE, AK 99652

CLIENT:
R&B ALASKA, INC.
CONTACT: BILL BRISTER / PHONE: 907.947.0401
EMAIL: BILL.BRISTER@CMAIL.COM

PROJ. NO.:	11-20138
ISSUE DATE:	4/22/20
SUBMITTAL:	PLAN CHECK
SHEET NO.	CS

ARCHITECTURAL PLAN KEYNOTES

1. ENCLOSE GAP BETWEEN BUILDINGS W/ FRAMED & INSULATED WALL
2. FINISH SLAB AT ENCLOSED GAP
3. ELECTRICAL PANEL
4. WALL MOUNT ADA COMPLIANT LAV
5. 5'-0" DIA ADA TURNING SPACE
6. FURRED PLUMBING WALL
7. ADA COMPLIANT TOILET
8. WALL MOUNTED FOLDING CHANGING TABLE
9. RAISED DINING BAR, COORDINATE W/ OWNER
10. 1 HOUR FIRE RATED WALL W/ 5/8" TYPE 'X' GYP BOARD TO ROOF SHEATHING
11. GREASE EXHAUSTING HOOD
12. STEAM EXHAUSTING HOOD

EXISTING DECK TO REMAIN

EXISTING BUILDING TO REMAIN UNCHANGED

EXISTING OVERHANG TO BE ENCLOSED

EXISTING 3068 ENTRY DOOR

NEW ARCTIC ENTRY
10'-0" CEILING
TILE FLOOR

NEW STORAGE AREA
10'-0" CEILING
CONCRETE FLOOR

NEW ARCTIC ENTRY
10'-0" CEILING
TILE FLOOR

3068 LH DOOR

NEW 3068 OUTSWING ENTRY DOOR

EXISTING 3068 ENTRY DOOR

NEW 3068 OUTSWING ENTRY DOOR

9'-0"

6'-0" | 32'-0" | 14'-0" | 1'-4"

MEN'S ROOM
12'-0" CEILING
SEALED TILE FLOOR

ADA STALL
SEALED TILE FLOOR

ADA STALL
SEALED TILE FLOOR

WOMEN'S ROOM
12'-0" CEILING
SEALED TILE FLOOR

MECHANICAL ROOM
12'-0" CEILING
FINISHED CONCRETE FLOOR

WH | BOILER

3068 RH DOOR SELF CLOSING

3068 OUTSWING EXT ESCAPE DOOR

3068 LH DOOR SELF CLOSING

3068 RH DOOR SELF CLOSING

NEW CASED OPENING

NEW CASED OPENING

ENTRY/HOSTESS
12'-0" CEILING
TILE FLOOR

DINING ROOM
12'-0" CEILING
TILE FLOOR
MOVABLE TABLE SEATING

KITCHEN
12'-0" CEILING
SEALED TILE FLOOR

PLATE WASHER | STOVE | FRYERS | STEAM TABLE

BREAD RACK

DISH WASHER

COLD PREP TABLE | TABLE/ SHELVES

PREP SINK

THREE COMPARTMENT SINK

HANDWASH STATION

FRIDGE

FRIDGE

1 HOUR FIRE SEPARATION WALL

PASS THROUGH WINDOW
6'-0" WIDE

3 DOOR COOLER

3068 LH

DINING BAR
12'-0" CEILING
TILE FLOOR

RECEIVING
12'-0" CEILING
FINISHED CONCRETE FLOOR

RETAIL SALES FLOOR
12'-0" CEILING
FINISHED CONCRETE FLOOR

9080 INSULATED GARAGE DOOR

3068 OUTSWING EXT DOOR

3068 OUTSWING EXT DOOR

3068 OUTSWING EXT DOOR

6020 FIXED SILL = 8'-0"

4050 FIXED SILL = 2'-0"

4050 FIXED

HDU4 | HDU5

62'-0" | 14'-11½" | 26'-5¾" | 10'-2¾" | 7'-6½" | 2'-0¾"

24'-0" | 18'-0"

11'-11¼" | 12'-1" | 5'-1" | 12'-11"

12'-4" | 6'-0" | 2'-4" | 6'-0"

9'-3½" | 34'-0¼" | 28'-5½"

19'-4¾" | 21'-0½" | 4'-11" | 4'-11" | 4'-3½"

18'-9" | 14'-1" | 11'-9" | 8'-0" | 4'-2" | 6'-3½" | 6'-0½" | 1'-3¾" | 14'-1¾"

FLOOR PLAN SCALE: 1/4"=1'-0"

MAPLE BROOK ENGINEERING, INC.
WWW.MAPLE-BROOK.COM
PO BOX 491
ST MARIES, IDAHO 83861
PHONE: 208.245.6177
EMAIL: INFO@MAPLE-BROOK.COM

SHEET TITLE: FLOOR PLAN

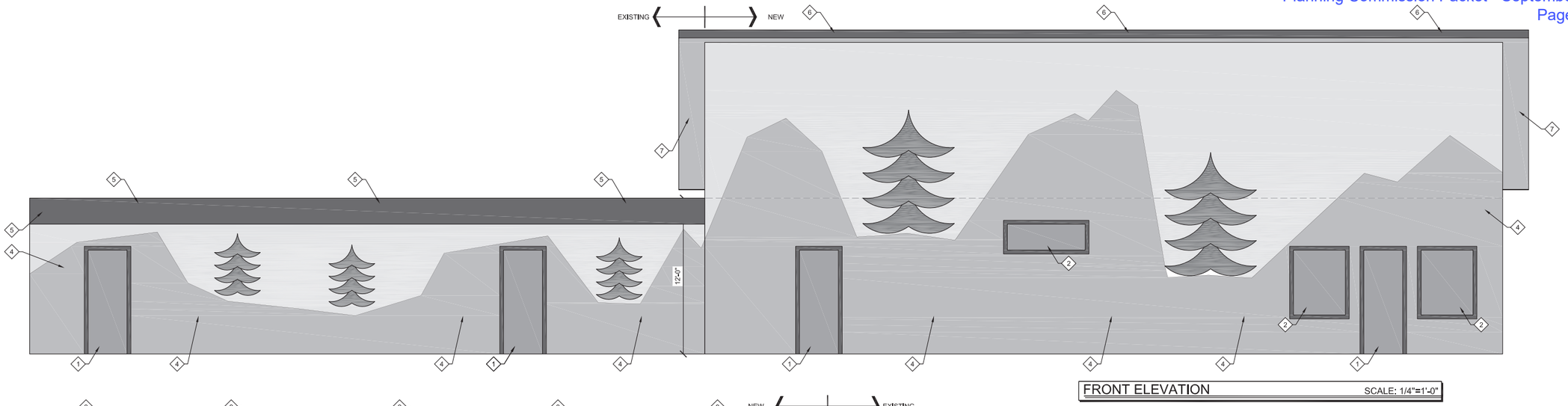
NO.	DATE	REVISION ISSUED FOR:	BY

SCALE: REFER TO DRAWING
DESIGNED BY: BTH
DRAWN BY: TC
CHECKED BY: BTH
APPROVED BY:
ISSUE STATUS:
PLAN CHECK
APN:
XXX

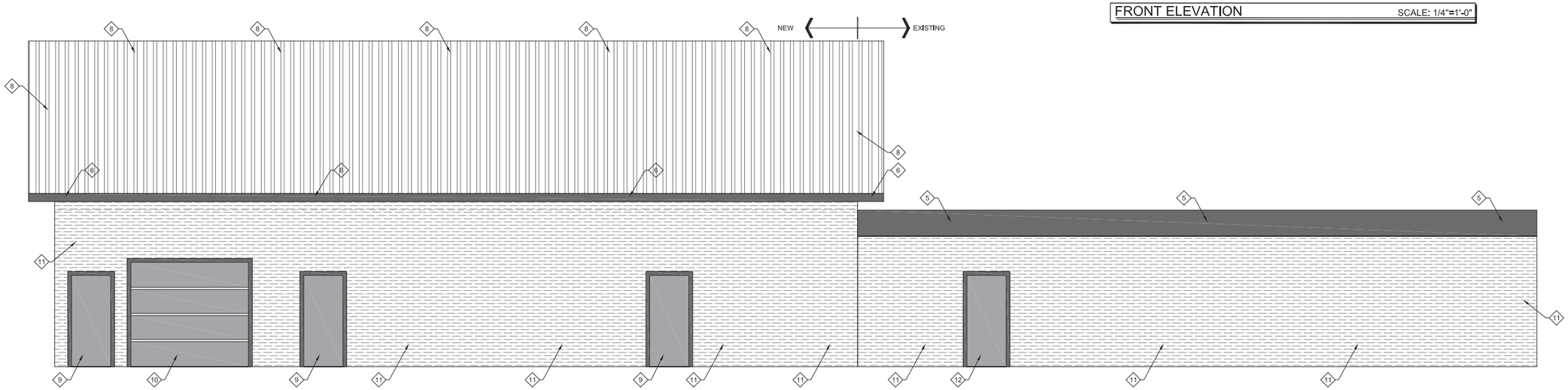
PROPOSED PROJECT:
RESTAURANT EXPANSION
PROJECT LOCATION: 29960 BIG LAKE ROAD, BIG LAKE, AK 99652

CLIENT:
R&B ALASKA, INC.
CONTACT: BILL BRISTER / PHONE: 907-947-0401
EMAIL: BILL.BRISTER@GMAIL.COM

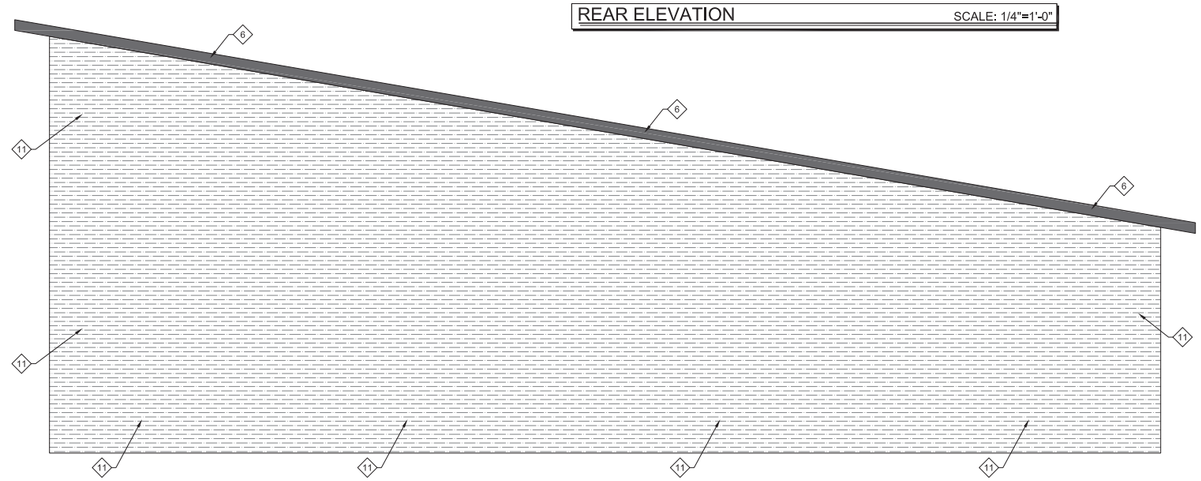
PROJ. NO.:	11-20138
ISSUE DATE:	4/22/20
SUBMITTAL:	PLAN CHECK
SHEET NO.	A1.1



FRONT ELEVATION SCALE: 1/4"=1'-0"



REAR ELEVATION SCALE: 1/4"=1'-0"



RIGHT SIDE ELEVATION SCALE: 1/4"=1'-0"

ELEVATION KEYNOTES

1. GLASS STORE FRONT DOOR, COORDINATE W/ OWNER
2. STOREFRONT WINDOWS, COORDINATE W/ OWNER
3. WINDOW W/ OPEN SIGN, COORDINATE W/ OWNER
4. METAL SIDING W/ MOUNTAINSCAPE SCENE, COORDINATE PATTERN, COLORS & FINISH W/ OWNER
5. METAL FINISH AT (E) PARAPET
6. METAL FASCIA, COORDINATE COLOR W/ OWNER
7. METAL SOFFIT PANEL, COORDINATE W/ OWNER
8. STANDING SEAM METAL ROOF, COORDINATE STYLE & COLOR W/ OWNER
9. SOLID INSULATED SECURITY DOOR, COORDINATE W/ OWNER
10. INSULATED SECURE GARAGE DOOR, COORDINATE W/ OWNER
11. METAL SIDING, COORDINATE STYLE & COLOR W/ OWNER
12. (E) REAR DOOR

STATE OF ALASKA
49th
BRANDON HELMS
No. AEL C 12201
REGISTERED PROFESSIONAL ENGINEER

NO.	DATE	REVISION ISSUED FOR	BY
-	-	-	-

SCALE: REFER TO DRAWING
DESIGNED BY: BTH
DRAWN BY: TC
CHECKED BY: BTH
APPROVED BY: -
ISSUE STATUS: -
PLAN CHECK
APN:
XXX

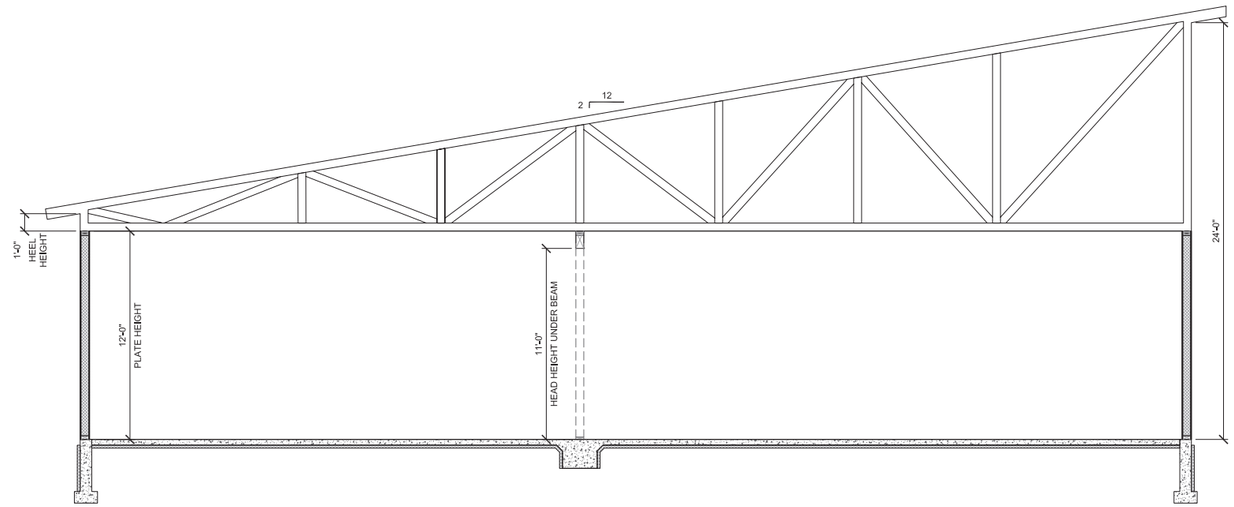
MAPLE BROOK ENGINEERING, INC.
WWW.MAPLE-BROOK.COM
PO BOX 491
ST MARIES, IDAHO 83861
PHONE: 208-245-5757
EMAIL: INFO@MAPLE-BROOK.COM

SHEET TITLE: ELEVATIONS

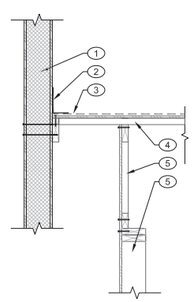
PROPOSED PROJECT:
RESTAURANT EXPANSION
PROJECT LOCATION: 29990 BIG LAKE ROAD, BIG LAKE, AK 99652

CLIENT:
R&B ALASKA, INC.
CONTACT: BILL BRISTER / PHONE: 907-947-0401
EMAIL: BILL.BRISTER@GMAIL.COM

PROJ. NO.:	11-20138
ISSUE DATE:	4/22/20
SUBMITTAL:	PLAN CHECK
SHEET NO.	A2.1



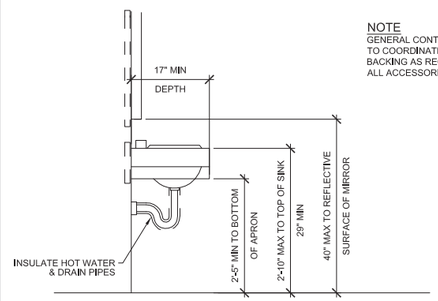
SECTION A-A SCALE: 1/4"=1'-0"



KEYNOTES:

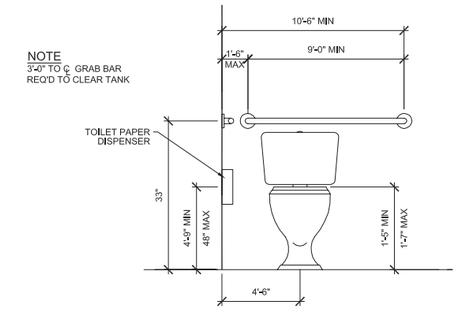
1. NEW SIP WALL PANEL, SEE STRUCT
2. NEW ROOF STRIP WELDED TO (E) ROOF MEMBRANE
3. (E) ROOF MEMBRANE TO REMAIN UNCHANGED
4. (E) ROOF STRUCTURE TO REMAIN
5. (E) ROOF TRUSS TO REMAIN
6. (E) WALL FRAMING TO REMAIN

5 WATERPROOFING AT NEW SIP WALL
REF: SCALE: NO SCALE



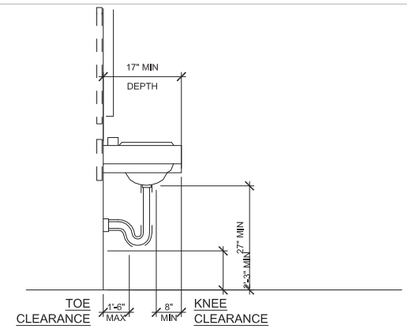
NOTE
GENERAL CONTRACTOR TO COORDINATE BACKING AS REQ'D FOR ALL ACCESSORIES

3 HANDICAP ACCESSIBLE WALL HUNG LAV
REF: SCALE: NO SCALE

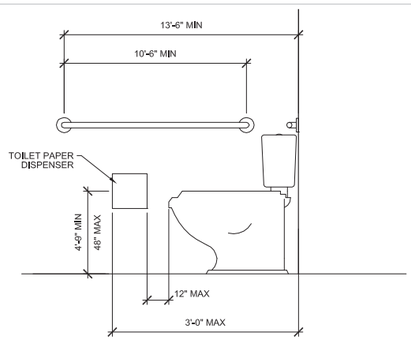


NOTE
3'-6" TO ℄ GRAB BAR REQ'D TO CLEAR TANK

1 HANDICAP ACCESSIBLE WATER CLOSET
REF: SCALE: NO SCALE



4 HANDICAP ACCESSIBLE LAV CLEARANCES
REF: SCALE: NO SCALE



2 HANDICAP ACCESSIBLE WATER CLOSET
REF: SCALE: NO SCALE

MAPLE BROOK ENGINEERING, INC.
WWW.MAPLE-BROOK.COM
PO BOX 491
ST MARIES, IDAHO 83861
PHONE: 208-245-4177
EMAIL: INFO@MAPLE-BROOK.COM

SHEET TITLE: SECTION & DETAILS

NO.	DATE	REVISION ISSUED FOR:	BY
-	-	-	-

SCALE: REFER TO DRAWING
DESIGNED BY: BTH
DRAWN BY: TC
CHECKED BY: BTH
APPROVED BY: -
ISSUE STATUS: -
PLAN CHECK
APN:
XXX

PROPOSED PROJECT:
RESTAURANT EXPANSION
PROJECT LOCATION: 29900 BIG LAKE ROAD, BIG LAKE, AK 99652

CLIENT:
R&B ALASKA, INC.
CONTACT: BILL BRISTER / PHONE: 907-947-0401
EMAIL: BILL.BRISTER@GMAIL.COM

PROJ. NO.:	11-20138
ISSUE DATE:	4/22/20
SUBMITTAL:	PLAN CHECK
SHEET NO.	

A3.1

GENERAL STRUCTURAL NOTES

GENERAL REQUIREMENTS

1. THESE PLANS HAVE BEEN PREPARED USING STANDARDS OF CARE AND COMPLETENESS NORMALLY EXERCISED UNDER SIMILAR CIRCUMSTANCES BY REPUTABLE ENGINEERS IN THIS OR SIMILAR LOCALITIES, THEY NECESSARILY ASSUME THAT THE WORK DEPICTED WILL BE PERFORMED BY AN EXPERIENCED CONTRACTOR AND/OR WORKMEN WHO HAVE A WORKING KNOWLEDGE OF THE APPLICABLE CODE STANDARDS AND REQUIREMENTS AND OF INDUSTRY STANDARD GOOD PRACTICE. AS NOT EVERY CONDITION OR ELEMENT IS (OR CAN BE) EXPLICITLY SHOWN ON THESE DRAWINGS, IT IS UNDERSTOOD THAT THE CONTRACTOR WILL USE INDUSTRY ACCEPTED STANDARD GOOD PRACTICE FOR ALL MISCELLANEOUS WORK NOT EXPLICITLY SHOWN.

2. CALCULATION AND DESIGN OF MISCELLANEOUS NON-STRUCTURAL ITEMS, SUCH AS STAIRS, RAILINGS, NON-STRUCTURAL WALLS AND PREFABRICATED ITEMS, SUCH AS FLOOR AND ROOF TRUSSES, ARE NOT INCLUDED AND ARE TO BE PROVIDED BY OTHERS UNLESS SPECIFICALLY NOTED ON THESE DRAWINGS.

3. THESE DRAWINGS REPRESENT THE FINAL STRUCTURE AND DO NOT INDICATE THE METHOD OF CONSTRUCTION, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE SHORING, BRACING, FORM-WORK, ETC. AS REQ'D FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION. CONSTRUCTION MATERIALS SHALL BE UNIFORMLY SPREAD OUT SUCH THAT THE DESIGN LIVE LOAD PER SQUARE FOOT AS SPECIFIED HEREIN IS NOT EXCEEDED. VISITS TO THE SITE BY THE ENGINEER OF RECORD SHALL NOT INCLUDE INSPECTION OF THE ABOVE ITEMS.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EXCAVATION PROCEDURES INCLUDING SHORING AND PROTECTION OF ADJACENT PROPERTY, STRUCTURES, STREETS AND UTILITIES IN ACCORDANCE WITH THE LOCAL BUILDING DEPARTMENT. ALL WORK OR CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE BUILDING CODES, REGULATIONS AND SAFETY REQUIREMENTS.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL DIMENSIONS, CONDITIONS AND ELEVATIONS WITH ARCHITECTURAL DRAWINGS PRIOR TO START OF CONSTRUCTION. THE CONTRACTOR SHALL INFORM THE ARCHITECT IN WRITING OF ANY DISCREPANCIES OR OMISSIONS NOTED ON THE DRAWINGS. ANY SUCH DISCREPANCY, OMISSION OR VARIATION NOT REPORTED BEFORE START OF CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. WHERE DISCREPANCIES OCCUR IN THE DRAWINGS NOTES AND DETAILS ON DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL STRUCTURAL NOTES AND TYPICAL DETAILS.

6. WHERE REFERENCE IS MADE TO VARIOUS TEST STANDARDS FOR MATERIALS SUCH STANDARDS SHALL BE THE LATEST EDITION AND/OR ADDENDA.

7. OPTIONS ARE FOR CONTRACTOR'S CONVENIENCE. IF ANY OPTION IS USED, THE CONTRACTOR SHALL USE THE LATEST EDITION AND/OR ADDENDA.

8. TYPICAL DETAILS AND NOTES SHALL APPLY, THOUGH NOT NECESSARILY INDICATED AT A SPECIFIC LOCATION ON PLANS, WHERE NO DETAILS ARE SHOWN, CONSTRUCTION SHALL CONFORM TO SIMILAR WORK ON THE PROJECT. DETAILS MAY SHOW ONLY ONE SIDE ON CONNECTION OR MAY OMIT INFORMATION FOR CLARITY.

9. ESTABLISH AND VERIFY ALL OPENINGS AND INSERTS FOR ARCHITECTURAL, MECHANICAL, PLUMBING AND ELECTRICAL WITH APPROPRIATE TRADES, DRAWINGS AND SUBCONTRACTORS PRIOR TO CONSTRUCTION.

10. ALL INSPECTIONS REQUIRED BY THE BUILDING CODES, LOCAL BUILDING DEPARTMENTS, OR BY THESE PLANS SHALL BE PROVIDED BY AN INDEPENDENT INSPECTION COMPANY OR THE BUILDING DEPARTMENT. SITE VISITS BY THE ENGINEER OF RECORD DO NOT CONSTITUTE AN INSPECTION, UNLESS SPECIFICALLY CONTRACTED.

11. SHOP DRAWINGS SHALL BE SUBMITTED FOR ALL STRUCTURAL ITEMS. SHOP DRAWINGS ARE REVIEWED ONLY FOR GENERAL COMPLIANCE WITH THE STRUCTURAL DRAWINGS, REVIEW DOES NOT INDICATE THAT THE SHOP DRAWINGS ARE CORRECT OR COMPLETE, RESPONSIBILITY FOR CORRECTNESS SHALL REST WITH THE CONTRACTOR. ANY CHANGES, SUBSTITUTIONS OR DEVIATIONS FROM CONTRACT DRAWINGS SHALL BE CLOUDED, ANY OF THE AFOREMENTIONED SHALL NOT BE CONSIDERED APPROVED AFTER ENGINEERS REVIEW UNLESS SPECIFICALLY NOTED ACCORDINGLY. THE SHOP DRAWINGS DO NOT SUPERSEDE OR REPLACE THE ORIGINAL CONTRACT DRAWINGS, ANY ENGINEERING PROVIDED BY OTHERS AND SUBMITTED FOR REVIEW SHALL BEAR THE SEAL OF AN APPROPRIATELY REGISTERED ENGINEER. THE ENGINEER OF RECORD SHALL NOT BE RESPONSIBLE FOR THE ADEQUACY OF ENGINEERING DESIGNS PERFORMED BY OTHERS. ALLOW FIVE WORKING DAYS FOR THE ENGINEERS REVIEW. ONE COPY OF EACH SUBMITTAL SHALL BE RETAINED FOR OUR RECORDS.

FOUNDATION

BEARING CAPACITY
FOUNDATIONS WERE DESIGNED USING THE MINIMUM ALLOWABLE BEARING CAPACITY OF 1500 PSF PER 2018 IBC. WE RECOMMEND A GEOTECH REPORT BE COMPLETED, AS WE WILL NOT ASSUME LIABILITY FOR ENGINEERING EXPERTISE NORMALLY PROVIDED BY A REPUTABLE GEOTECHNICAL ENGINEER IF A GEOTECH REPORT IS NOT PROVIDED.

EMBEDMENT
ALL FOOTINGS SHALL MEET MINIMUM EMBEDMENT BELOW GRADE AS NOTED IN BASIS FOR DESIGN, GRADE SHALL BE DEFINED AS THE LOWEST OF THE FOLLOWING:
* BUILDING PAD SUBGRADE
* LOWEST GRADE W/IN 6'-0" OF BUILDING

SLAB ON GRADE
CONVENTIONAL SLABS ON GRADE SHALL BE SUPPORTED BY COMPACTED FILL. FILL MATERIAL SHOULD BE MOISTENED BUT NOT SATURATED JUST PRIOR TO CONCRETE PLACEMENT. CARE SHALL BE TAKEN WHEN PLACING SLABS ON GRADE NOT TO DISTURB FILL MATERIAL.

BACKFILL
BACKFILL AGAINST FOUNDATION WALLS OR EXTERIOR FOUNDATION WALLS SHALL NOT BE PLACED UNTIL AFTER THE TOPS OF THE WALLS ARE RESTRAINED BY THE COMPLETED FLOOR/ROOF STRUCTURE.

DRAINAGE
ADEQUATE DRAINAGE AWAY FROM THE STRUCTURE SHALL BE PROVIDED BY CONTRACTOR OR OTHERS, AS REQ'D

EPOXY ANCHORAGE

1. EPOXY-ANCHORED BOLTS, THREAD ROD & REBAR SHALL BE INSTALLED USING ONE OF THE FOLLOWING EPOXY ADHESIVES:
A. SIMPSON STRONG-TIE SET-XP ADHESIVE ANCHOR SYSTEM

INSTALL THE ABOVE SYSTEM PER THE CURRENT ICC-ES REPORT & MFR.'S RECOMMENDATIONS. ALTERNATE EPOXY ADHESIVE ANCHOR SYSTEMS W/CURRENT ICC-ES APPROVAL MAY BE USED W/PRIOR WRITTEN APPROVAL BY ENGINEER.

BASIS FOR DESIGN

GOVERNING CODE
2018 IBC

GRAVITY DESIGN
ROOF
DL = 20 PSF
RSL = 45 PSF

WIND DESIGN
BASIC WIND SPEED 145 MPH
EXPOSURE C
RISK CATEGORY II

SEISMIC DESIGN
SEISMIC DESIGN CATEGORY D
IMPORTANCE FACTOR 1.0
SDS 1.478

FOUNDATION
ALLOWABLE BEARING PRESSURE 1500 PSF (D+L)
2000 PSF (W/S)

MIN EMBEDMENT:
EXTERIOR FOOTINGS: 42 INCHES
INTERIOR FOOTINGS: 12 INCHES

ALL EMBEDMENTS SHALL BE MEASURED BELOW LOWEST ADJACENT GRADE

CONCRETE

1. MINIMUM 28 DAY STRENGTH:
SLAB ..... 3000 PSI (DESIGNED FOR 2500)
FOOTINGS ..... 3000 PSI (DESIGNED FOR 2500)
WALLS ..... 3000 PSI (DESIGNED FOR 2500)
MAX WATER/CEMENT RATIO 0.5
CONCRETE SLUMP ..... 4 INCHES
FLYASH COMPOSITION 25%

2. CONCRETE MIXES SHALL BE DESIGNED BY A CERTIFIED LABORATORY AND APPROVED BY THE ENGINEER OF RECORD.

3. ALL CONCRETE SHALL BE REGULAR WEIGHT OF 145 POUNDS PER CUBIC FOOT USING HARD ROCK AGGREGATES CONFORMING TO ASTM C33. WATER SHALL BE CLEAN AND POTABLE.

4. PORTLAND CEMENT SHALL CONFORM TO ACI 318, CHAPTER 3.2. TYPE I.

5. NO MORE THAN 90 MINUTES SHALL ELAPSE BETWEEN CONCRETE BATCHING AND CONCRETE PLACEMENT UNLESS APPROVED BY THE ENGINEER OR AUTHORIZED TESTING AGENCY.

6. CONCRETE MIXING, PLACEMENT, AND QUALITY SHALL BE PER ACI 318, CHAPTER 5. MECHANICALLY VIBRATE ALL CONCRETE WHEN PLACED EXCEPT SLAB ON GRADE OR ON COMPOSITE STEEL DECK WHICH NEED BE VIBRATED ONLY AROUND AND UNDER FLOOR DUCTS OR SIMILAR ELEMENTS. REMOVE ALL DEBRIS FROM FORMS BEFORE PLACING CONCRETE. CONCRETE SHALL NOT BE DROPPED THROUGH REINFORCING STEEL (AS IN WALLS AND COLUMNS) SO AS TO CAUSE SEGREGATION OF AGGREGATES. UNCONFINED FALL OF CONCRETE SHALL NOT EXCEED FIVE FEET. CARE SHALL BE TAKEN IN PLACING SLABS ON GRADE NOT TO DISTURB FILL MATERIAL.

7. ALL ITEMS TO BE CAST IN CONCRETE SUCH AS REINFORCING, DOWELS, BOLTS, ANCHORS, PIPES, SLEEVES, ET CETERA SHALL BE SECURELY POSITIONED IN THE FORMS BEFORE PLACING THE CONCRETE.

8. CONCRETE SLAB ON GRADE CONTROL JOINTS SHALL BE SAW CUT SUCH THAT THE ENCLOSED AREA DOES NOT EXCEED 150 SQUARE FEET (APPROXIMATELY 12'-0"X12'-0").

9. PIPES OTHER THAN ELECTRICAL CONDUITS SHALL NOT BE EMBEDDED IN STRUCTURAL CONCRETE EXCEPT WHERE SPECIFICALLY APPROVED BY THE ENGINEER. MAX PIPE SIZE SHALL BE 1/3 OF THE SLAB THICKNESS AND LOCATED AT THE MID-DEPTH. MINIMUM SPACING SHALL BE THREE TIMES THE PIPE DIAMETER. PIPES SHALL NOT IMPAIR THE STRENGTH OF THE MEMBER.

10. PROTECT CONCRETE FROM DAMAGE OR REDUCED STRENGTH DUE TO COLD OR HOT WEATHER IN ACCORDANCE W/ ACI 305 & 306.

11. ACI RECOMMENDATIONS TO CONTROL SLAB ON GRADE CRACKING:
* 1 1/2" MAX AGGREGATE SIZE
* ACI 302 AGGREGATE SPECIFICATION USING MIN OF #8 AND #4 AGGREGATES TO PROVIDE A WELL-GRADED AGGREGATE MIX.
* PROVIDE CONTROL JOINTS AT LEAST TIMES THE SLAB THICKNESS IN FEET O.C.
EACH WAY (MAX) (IE: 4" SLAB=8'-0" TO 12'-0" JOINTS).
* MAX WATER/CEMENT RATIO=0.50

12. REINFORCEMENT SHALL BE GRADE 60 DEFORMED BARS. LAP BARS 48 BAR DIAMETERS (18" MIN).

REINFORCING STEEL

1. REINFORCING STEEL SHALL CONFORM TO THE REQUIREMENTS OF ASTM A615. REINFORCING SHALL BE GRADE 60 (FY = 60 KSI) DEFORMED BARS FOR ALL BARS #4 & LARGER AND ALL BARS USED FOR CONCRETE WALLS. REINFORCING MAY BE GRADE 40 (FY = 40 KSI) DEFORMED BARS FOR ALL BARS #3 & SMALLER UNO ON PLANS OR DETAILS. ALL REINFORCING TO BE WELDED SHALL BE ASTM A706, GRADE 60 ALLOY WELDABLE STEEL.

2. ALL DIMENSIONS SHOWING THE LOCATION OF REINFORCING STEEL NOT NOTED AS "CLEAR" OR "CLR" ARE TO CENTER OF STEEL. MIN COVER FOR NON-PRESTRESSED CONCRETE REINFORCING SHALL BE AS FOLLOWS, UNO ON PLANS OR DETAILS:

EXPOSURE CONDITION:	COVER:	TOLERANCES (+/-):
FTGS & SLABS ON GRADE	3"	3/8"
WALLS	1 1/2"	3/8"

3. LAP SPLICES OF REINFORCING STEEL IN CONCRETE BEAMS, SLABS & FTGS SHALL BE ACCORDING TO ACI 318 CHPT 12 OR LAP SCHEDULE WHERE PRESENT, UNO. STAGGER SPLICES A MIN OF ONE LAP LENGTH, NO TACK WELDING OF REINFORCEMENT BARS ALLOWED. LATEST ACI CODE AND DETAILING MANUAL APPLY. PROVIDE BENT CORNER BARS TO MATCH & LAP W/HORIZ BARS AT ALL CORNERS & INTERSECTIONS PER TYP DETAILS WHERE PROVIDED. VERT WALL BARS SHALL BE SPLICED AT OR NEAR FLOOR LINES, SPLICE TO BARS AT CENTER LINE OF SPAN & BOTTOM BARS AT THE SUPPORT IN SPANDRELS, BEAMS, GRADE BEAMS, ETC.,., UNO.

REBAR LAP SCHEDULE

BAR	(a) LAP	(b) 1,7 LAP
#3	18"	31"
#4	18"	31"
#5	23"	39"
#6	28"	48"
#7	36"	62"
#8	47"	80"
#9	59"	101"
#10	75"	128"
#11	92"	157"

(a) WHERE SPLICES ARE STAGGERED AT LEAST ONE LAP LENGTH, USE THESE LAP LENGTHS.

(b) WHERE MORE THAN 1/3 OF BARS ARE SLICED AT ONE LOCATION, USE THESE LAP LENGTHS.

4. MECHANICAL SPLICE COUPLERS SHALL HAVE CURRENT ICC-ES APPROVAL AND SHALL BE CAPABLE OF DEVELOPING 125% OF THE STRENGTH OF THE BAR.

5. WELDING OF REINFORCING BARS, METAL INSERTS & CONNECTIONS SHALL CONFORM TO AWS D1.4 & SHALL BE MADE ONLY AT LOCATIONS SHOWN ON PLANS OR DETAILS. ALL REINFORCING SHALL BE BENT COLD. BARS SHALL NOT BE UNBENT & RE-BENT.

6. REINFORCING BAR SPACING SHOWN ON PLANS ARE MAX ON CENTERS & PLACED PER CRSI SPECIFICATIONS & HANDBOOK. DOWEL ALL VERT REINFORCING TO FOUNDATION. SECURELY TIE ALL BARS IN LOCATION BEFORE PLACING CONCRETE.

HOLDOWN ANCHORAGE

1.HOLDOWNS SHALL BE SIMPSON STRONG-TIE OR EQUAL & SHALL BE INSTALLED PER MFR.'S SPECS, VERIFY LOCATION OF HOLDOWNS W/ROUGH FRAMING LAYOUT TO ENSURE PROPER & ACCURATE INSTALLATION.

2. EMBEDDED ANCHOR BOLTS FOR HOLDOWNS SHALL CONFORM TO THE TABLE CONTAINED BELOW, BOLT DIA SHALL BE AS SPECIFIED BY HOLDOWN MFR. BOLTS. SHALL HAVE STANDARD HOOK OR STANDARD HEX AT EMBEDDED END.

3. HOLDOWN ANCHORS AT ENDS OF SHEAR WALLS MAY BE ANCHORED TO THE SLAB W/EPOXY-GROUTED ALL-THREAD BAR IN DRILLED HOLE, USE SIMPSON SET-XP HIGH STRENGTH EPOXY OR HILTI HIT HY-150 ADHESIVE SYSTEM. ALTERNATIVE EPOXY SYSTEMS MAY BE USED PROVIDED THAT ICC-ES REPORTS ARE SUBMITTED AND APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. INSTALL PER MFR. SPEC'S. SPECIAL INSPECTION IS REQUIRED DURING ALL EPOXY-ANCHORED BOLT INSTALLATIONS. SEPARATE PERMIT & APPROVAL MAY BE REQUIRED BY THE BLDG DEPT FOR EPOXY INSTALLATIONS.

4. HOLDOWN ANCHORAGE, HOLDOWN SUBSTITUTION, AND/OR ANCHORAGE SUBSTITUTION AS ALLOWED BY THE PREVIOUS SECTION SHALL BE MADE ACCORDING TO THE FOLLOWING SCHEDULES:

SIMPSON H.D.:	BOLT:	EMBEDMENT:	POST:
HDU2	PAB5	6 1/2"	DBL 2x
HDU4	PAB5	6 1/2"	DBL 2x
HDU5	PAB5	6 1/2"	DBL 2x
HDU8	PAB7	9"	6x
HDU11	PAB8	12"	6x
HDU14	PAB8	12"	6x

STRAP TIE HOLD DOWNS	ALTERNATE HOLD DOWNS
LSTHD8	HDU2
STHD10	HDU5
STHD14	HDU8

WOOD

SAWN LUMBER
SAWN LUMBER FRAMING SHALL COMPLY WITH THE LATEST EDITION OF THE WESTERN WOOD PRODUCTS OR THE WEST COAST LUMBER INSPECTION BUREAU. ALL SAWN LUMBER SHALL BE STAMPED WITH THE GRADE MARK OF AN APPROVED LUMBER GRADING AGENCY. ALL SAWN LUMBER SHALL BE DOUGLAS FIR LARCH, NO. 2 (UNO).

PLYWOOD
STRUCTURAL USE PANELS SHALL BE PERFORMANCE RATED BY THE AMERICAN PLYWOOD ASSOCIATION (APA). PANELS SHALL COMPLY WITH ICC-ES REPORT, EXP. 1. INSTALL PER MANUFACTURER'S RECOMMENDATIONS. STRUCTURAL USE PANELS SHALL CONFORM TO UBC STANDARD 23-2 & 23-3. PLYWOOD SHALL BE FIVE-PLY SHEATHING LAY UP PLYWOOD WITH FACE GRAIN PERPENDICULAR TO SUPPORTS. PLYWOOD MAY BE ORIENTED PER SHEAR WALL SCHEDULE. WHERE APPLIES, ORIENTED STRAND BOARD (OSB) MAY BE SUBSTITUTED FOR PLYWOOD, PROVIDE BLOCKING AT PANEL EDGES WHERE INDICATED ON PLANS OR SHEAR WALL SCHEDULE. PANELS SHALL CONFORM TO THE FOLLOWING NOMINAL PANEL THICKNESS, SPAN RATING AND NAILING PATTERN (UNO):

THICKNESS	GRADE	USE	SPAN	NAILING(EDGE/FIELD)
7/16"	RATED	WALLS/ROOF	24/16	8d @ 6"/12"
15/32"	RATED	WALLS/ROOF	32/16	8d @ 6"/12"
1/2"	RATED	WALLS/ROOF	32/16	8d @ 6"/12"
19/32"	RATED	ROOF	40/20	10d @ 6"/12"
5/8"	RATED	ROOF	40/20	10d @ 6"/12"
3/4"	RATED	ROOF	48/24	10d @ 6"/12"
3/4" T&G STRUCT I		FLOOR	48/24	10d @ 6"/12"

BOTTOM PLATES
ANY BOTTOM OR SOLE PLATES RESTING ON CONCRETE OR MASONRY SHALL BE PRESSURE TREATED DOUG FIR SOLE PLATES AND SHALL BE ANCHORED TO THE FOUNDATION AS NOTED IN THE ANCHOR BOLT SECTION OF THE GSN.

CONNECTORS
1. ALL NAILS, EXCEPT 16d, SHALL BE COMMON WIRE NAILS (UNO). 16d NAILS MAY BE SINKERS OR BOX (UNO). NAIL HEADS SHALL BE DRIVEN FLUSH WITH THE WOOD SURFACE OVER OR UNDER DRIVEN NAILS ARE NOT ACCEPTABLE.

2. JOIST HANGERS SHALL BE SIMPSON OR EQUIVALENT WITH CURRENT ICC-ES APPROVAL.

3. ALL BOLTS SHALL BE INSTALLED IN HOLES 1/16" LARGER THAN THE DIA OF THE BOLT. BOLTS AND NUTS SEATING ON WOOD SHALL HAVE CUT STEEL WASHERS UNDER HEADS AND NUTS, DING THREADS TO PREVENT LOOSENING, LAG BOLTS SHALL BE INSTALLED IN PRE-DRILLED HOLES BY TURNING WITH A WRENCH.

4. WHERE METAL CONNECTORS ARE INSTALLED IN, OR EXPOSED TO POTENTIALLY CORROSIVE ENVIRONMENTS OR MATERIALS, FOLLOW MANUFACTURER'S RECOMMENDATIONS IN ORDER TO PROTECT THE CONNECTORS AGAINST DAMAGE THAT MAY ADVERSELY AFFECT THE LONG TERM PERFORMANCE OF THE HARDWARE.

5. MINIMUM NAILING SHALL BE PER IBC

FLOOR JOISTS
1. DO NOT NOTCH OR DRILL JOISTS OR LOADS BEARINGS STUDS W/OUT PRIOR APPROVAL OF THE ENGINEER THROUGH THE ARCHITECT.

2. PROVIDE DOUBLE FLOOR JOISTS UNDER WALLS RUNNING PARALLEL TO FLOOR FRAMING.

3. PROVIDE 2x BLOCKING BETWEEN JOISTS AT INTERIOR SUPPORTS.

4. TO MINIMIZE DEFLECTION, INSTALL ONE ROW OF FLOOR BRIDGING AT CENTER OF SPAN WHEN SPAN IS BETWEEN 10'-0" & 15'-0", AND 2 ROWS OF BRIDGING AT THIRD POINTS WHEN SPANS EXCEED 15'-0".

5. PREFAB PLYWOOD WEB I JOISTS (TJI OR EQUAL) SHALL BE DESIGNED, FABRICATED AND ERECTED IN ACCORDANCE WITH THE LATEST EDITION OF ICC-ES REPORT. CONNECTORS & BEARINGS FOR I JOISTS SHALL BE FURNISHED BY A JOIST MANUFACTURER. ADDITIONAL MEMBERS SHALL BE SUPPLIED AS REQ'D TO SUPPORT MECHANICAL EQUIPMENT.

MANUFACTURED LUMBER PRODUCTS
ALL MANUFACTURED LUMBER PRODUCTS SHALL BE DOUG FIR MANUFACTURED IN ACCORDANCE WITH TRUS JOIST MACMILLAN MANUFACTURING STANDARDS REFERENCED IN ICC-ES REPORT OR APPROVED EQUAL, MEETING THE FOLLOWING CRITERIA:

1. LAMINATED VENEER LUMBER (LVL):
E = 1,900 KSI
Fb = 2,600 PSI
Fc(PERP) = 750 PSI
Fc(PAR) = 2310 PSI
Fv = 285 PSI

2. PARALLEL STRAND LUMBER (PSL):
E = 2,000 KSI
Fb = 2,900 PSI
Fc(PERP) = 750 PSI
Fc(PAR) = 2900 PSI
Fv = 290 PSI

3. LAMINATED STRAND LUMBER (LSL) (1,3E):
E = 1,300 KSI (1,500 KSI (1,5E))
Fb = 1,700 PSI (2,250 PSI (1,5E))
Fc(PERP) = 680 PSI (750 PSI (1,5E))
Fc(PAR) = 1,400 PSI (1,950 PSI (1,5E))
Fv = 400 PSI (400 PSI (1,5E))
G = 81,250 PSI (96,750 PSI (1,5E))

GLUE LAMINATED BEAMS
GLUE-LAMINATED BEAMS (GLB) SHALL BE DOUGLAS FIR COMBINATION 24F-V4 AT SIMPLE SPAN BEAMS & 24F-V8 AT CANTILEVERED & MULTI-SPAN BEAMS, UNO, & SHALL HAVE THE FOLLOWING MIN PROPERTIES:

Fb = 2,400 PSI Fv = 190 PSI
Fc (PERPENDICULAR) = 750 PSI E = 1,800,000 PSI

FABRICATION & HANDLING SHALL CONFORM W/ THE LATEST ACT & ASTM STANDARDS. BEAMS SHALL BE MANUFACTURED W/2000' RADIUS MIN CAMBER UNLESS CAMBER IS SPECIFICALLY NOTED ON THE DRAWINGS. ALL LAMINATIONS SHALL BE 1 1/2" MIN THICK.

OVERBUILD FRAMING
CONNECT FRAMING AT OVERBUILD AREAS PER TYPICAL DETAILS. OVERBUILD FRAMING SHALL BE PER THE FOLLOWING TABLE:
SIMPLE ROOF FRAMING OR ROOF OVERBUILD FRAMING

MAXIMUM HORIZONTAL SPAN	JOIST (@ 24" O.C.)	RIDGE/VALLEY/HIP FRAMING
4'-0"	2x6	2x8
10'-0"	2x8	2x10
13'-0"	2x10	2x12
17'-0"	2x12	2 - 2x12
20'-0"	2x14	2 - 2x14

SIMPLE CEILING FRAMING

MAXIMUM HORIZONTAL SPAN	JOIST (@ 16" O.C.)
8'-0"	2x4
14'-0"	2x6
20'-0"	2x8

FRAMING NOT BEARING ON SUPPORT SHALL BE HUNG USING SIMPSON LU, U, IUP, LSU, OR LSSU TYPE HANGERS DESIGNATED FOR THE JOIST SIZE. AT SPANS LESS THAN 10'-0", SIMPSON A34 OR 4-16d NAILS MAY BE USED. AT SPANS LESS THAN 5'-6", 3-16d NAILS MAY BE USED.

PREFAB WOOD TRUSS

1. BOTTOM CHORDS OF TRUSSES, ACTING AS CEILING MEMBERS, MUST BE ABLE TO SUPPORT A 10 PSF CONCURRENT LIVE LOAD PER CBC REQ'D.

2. THE TRUSS MFR. SHALL BE RESPONSIBLE FOR THE DESIGN & FABRICATION OF THE PRE-ENGINEERED TRUSSES & SHALL DESIGN THE TRUSSES PER THE DESIGN CRITERIA IN THE GENERAL STRUCTURAL NOTES.

3. THE TRUSSES SHALL BE DESIGNED TO CARRY ANY ADDT'L LOADS DUE TO MECH UNITS, OVERHEAD DOORS, ROOF OVERBUILDS, UP OR DOWN LATERAL OVERTURNING FORCES, ETC.

4. THE TRUSSES SHALL BE DESIGNED PER THE LATEST BUILDING CODE & LOCAL ORDINANCES. DESIGN MUST ALSO TAKE INTO ACCOUNT UNBALANCED SNOW LOADS, SNOW DRIFTING, INCREASED SNOW LOANS ON EAVES & IN VALLEYS, IMPACT LOADS FROM FALLING SNOW & ICE, ETC.

5. TRUSSES SHALL BE DESIGNED FOR LOADS AS SPECIFIED IN THE BASIS FOR DESIGN &/OR PLAN. DEFLECTIONS SHALL NOT EXCEED SPAN/360 FOR LIVE LO AND & SPAN/240 FOR TOTAL LOAD. TRUSS MEMBERS SHALL BE DESIGNED FOR COMBINED STRESSES BASED ON THE WORST LOADING CONDITION. TRUSS BEARING LENGTHS SHALL NOT EXCEED WIDTH OF SUPPORTING ELEMENTS AS INDICATED ON PLANS, TRUSS MFR. RESPONSIBLE FOR TRUSS TO TRUSS, TRUSS TO BEAM, TRUSS TO LEDGER HANGER SPECIFICATIONS, ETC.

6. THE TRUSS MFR. SHALL INDICATE PROPER BRACING OF MEMBERS AS WELL AS BRACING FOR TRUSS ERECTION.

7. ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO FABRICATION.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THE TRUSSES PER THE TRUSS MFRS RECOMMENDATIONS & SPECIFICATIONS, NO WEB OR CHORD SIZE CHANGES SHALL BE MODIFIED IN THE FILES W/O PRIOR WRITTEN APPROVAL FROM TRUSS MFR.

9. THE PROJECT ENGINEER, OR ENGINEER OF RECORD, IS NOT RESPONSIBLE FOR THE PRE-ENGINEERED TRUSSES NOR FOR THE INSTALLATION, ETC OF THE TRUSSES. ALL ENGINEERING PROVIDED BY THE TRUSS MFR, OR THEIR REPRESENTATIVES SHALL BE SUBMITTED FOR REVIEW & SHALL BEAR THE SEAL OF AN APPROPRIATELY REGISTERED ENGINEER.

10. WHERE TRUSS MFR. INDICATES MECHANICAL CONNECTION TO BE PROVIDED BY THE BLDG DESIGNER TO RESIST AN UPLIFT VALUE AS SPECIFIED IN THE TRUSS CALCULATIONS, THE REQ'D CONNECTION SHALL BE PER THE FOLLOWING TABLE, UNO ON PLANS. CONNECTION SHALL BE IN ADDITION TO THE MIN REQS OF THE GOVERNING BLDG CODE. PER THE GSN, ALL SPECIFIED HARDWARE SHALL BE INSTALLED PER RECOMMENDATIONS OF THE MFR. UPLIFT FORCES WHICH EXCEED VALUES IN THE TABLE BELOW SHALL BE SPECIFICALLY ADDRESSED BY THE ENGINEER OF RECORD, AS NOTED ON PLANS.

UPLIFT VALUE	TOP PLATE ATTACHMENT
0-200	(3) 15d TOENAILS - MIN TRUSS TO TOP PLATE CONNECTION
201-400	SIMPSON H5 - TRUSS TO TOP PLATE
401-600	SIMPSON H2.5A - TRUSS TO TOP PLATE*
601-930	SIMPSON H7 - TRUSS TO STUD*
931-1300	SIMPSON H15 - TRUSS TO STUD*

* FASTEN STUD TO FOUNDATION W/HGA10 W/(4) 1/4"x3" MIN TITEN SCREWS TO FOUNDATION & (4) sos 1/4x1-1/2 WOOD SCREWS TO STUD.

ANCHOR BOLTS AT STUD WALLS

1. THE INFORMATION IN THIS SECTION APPLIES ONLY TO WOOD-FRAMED WALL ANCHORAGE AT FOUNDATION. HOLDOWN ANCHOR BOLTS ARE NIT ADDRESSED IN THIS SECTION.

2. ALL BOTTOM PLATES (INTERIOR & EXTERIOR) RESTING ON CONCRETE OR MASONRY SHALL BE ANCHORED W/MIN 5/8" DIA x 7" EMBED CAST-IN-PLACE ANCHOR BOLTS AT 48" O.C. MAX UNO ON PLANS OR SHEAR WALL SCHEDULE. PROVIDE MIN (2) ANCHOR BOLTS PER BOTTOM PLATE PIECE, PROVE A MIN (1) ANCHOR BOLT LOCATED NOT MORE THAN 9" OR LESS THAN 4" FROM EACH END OF EACH PIECE, ANCHOR BOLTS FOR HOLDOWNS SHALL NOT BE CONSIDERED AS THE REQUIRED ANCHOR BOLTS FOR SHEAR WALLS. NUTS SHALL BE SECURELY FASTENED AGAINST. BUT NOT RECESSED INTO, BOTTOM PLATE. ALL NUTS SHALL HAVE MIN 1/4" THICK x 3" SQ PLATE WASHERS.

3. INTERIOR ANCHOR BOLTS AND ACCEPTABLE SUBSTITUTIONS SHALL BE AS FOLLOWS:

3A. INTERIOR ANCHOR BOLTS ARE DEFINED AS ANCHOR BOLTS THAT ARE LOCATED A MIN OF 6" FROM SLAB EDGES, STEPS, TURNDOWNS, OPENINGS, OR SIMILAR DISCONTINUITIES, & DO NOT INCLUDE ANCHORS FOR HOLDOWNS.

3B. INTERIOR CAST-IN-PLACE ANCHOR BOLTS MAY BE SUBSTITUTED W/HILTI KWIK-BOLT OR RAMSET TRUBOLT EXPANSION ANCHORS OF EQUAL OR GREATER DIA W/THE FOLLOWING MIN ELEMENTS:

DIAMETER	MIN EMBEDMENT
5/8"	2 3/4"
3/4"	3 1/4"

3C. INSTALL EXPANSION BOLTS ACCORDING TO ICC-ES REPORT & MFR. RECOMMENDATIONS. CONTRACTOR MAY USE ALTERNATE EXPANSION BOLT W/EQUAL OR GREATER VALUE PROVIDED CURRENT ICC-ES REPORT IS SUBMITTED & APPROVED BY THE ENGINEER PRIOR TO INSTALLATION.

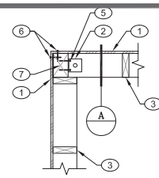
3D. INTERIOR NON LOAD-BEARING PARTITION WALLS MAY BE ANCHORED TO THE SLAB W/10,140-INCH MIN SHANK DIA SHOTPINS AT 32" O.C. MAX.

3E. INTERIOR ANCHOR BOLTS MAY BE SUBSTITUTED W/SHOTPINS USING EITHER RAMSET 3300 SERIES OR HILTI OR ANY EQUIVALENT ICC-ES-APPROVED POWDER DRIVEN FASTENER W/AT LEAST 200 LBS ALLOWABLE SHEAR RESISTANCE IN 2000 PSI CONCRETE PER THE BELOW SCHEDULE. INSTALL ALL FASTENERS PER ICC-ES REPORT & MFR. RECOMMENDATIONS. EMBED 1 1/4" MIN. INSTALL SHOTPINS SO AS NOT TO SPLIT BOTTOM PLATE. IF SPLITTING OCCURS, EQUIVALENT EXPANSION BOLTS SHALL BE INSTALL PER ABOVE RECOMMENDATIONS.

SPECIFIED ANCHOR BOLT	SHOTPIN SPACING BASED ON MIN SHANK DIA 0.170-INCH DIA	0.140-INCH DIA
5/8" DIA AT 72" O.C.	8 1/2"	6"
5/8" DIA AT 60" O.C.	7"	–
5/8" DIA AT 48" O.C.	5 1/2"	–
3/4" DIA AT 72" O.C.	6"	–

4. EXTERIOR BOLTS AND ACCEPTABLE SUBSTITUTIONS SHALL BE AS FOLLOWS:

4A. EXTERIOR ANCHOR BOLTS ARE DEFINED AS ALL ANCHOR



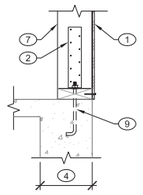
PLAN - BOLTED HOLD DOWN

KEYNOTES:

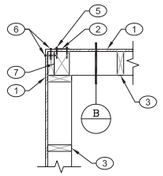
1. WALL SHEATHING PER SHEAR WALL SCHEDULE
2. HOLD DOWN, SEE PLAN
3. WOOD STUD WALL, SEE PLAN
4. FOUNDATION, SEE PLAN
5. ATTACHMENT TO FRAMING PER HOLD DOWN MANUFACTURER
6. EDGE NAILING PER SHEAR WALL SCHEDULE
7. HOLD DOWN POST/DBL STUDS
8. SHEATHING MAY BE NOTCHED AT STRAP HOLD DOWN TO PROVIDE SMOOTH FINISH
9. ANCHOR BOLT W/ 2" HOOK PER GENERAL STRUCTURAL NOTES

NOTES:

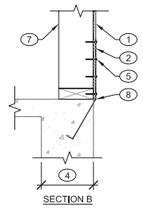
A. ALL HOLD DOWN ANCHOR BOLTS SHALL HAVE 3" MIN CLEAR COVER TO BOTTOM OF FOOTING.



SECTION A



PLAN - STRAP HOLD DOWN



SECTION B

10 TYPICAL SHARED HOLD DOWN AT CORNER

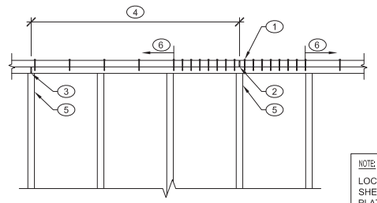
REF: SCALE: NO SCALE

KEYNOTES (CON'T):

6. INCREASE NAIL SPACING TO AVOID SPLITTING (UP TO 8" O.C. MAX)
7. BEAM MAY ACT AS BOTTOM MOST MEMBER. STRAP BEAM TO BOTTOM MOST MEMBER ADJACENT TO BEAM W/ CS16 (3'-0" LONG) EACH SIDE IF TOP PLATE IS SPLICED ON TOP OF BEAM
8. TOP PLATE MAY BE SPLICED ONLY IF BEAM SPAN IS GREATER THAN 6'-0". NAIL EACH SIDE OF SPLICE PER KEYNOTE #1

KEYNOTES:

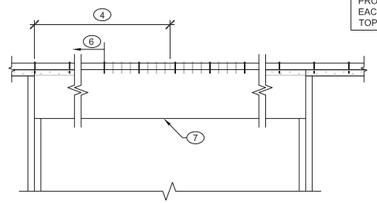
1. (36) 16d NAILS EACH SIDE OF JOINT IN TOP MOST PLATE MEMBER, SPACE NAILS IN SAME ROW 2" O.C. MIN. STAGGER NAILS AND SPACE EVENLY TO AVOID SPLITTING
2. JOINT IN TOP MOST MEMBER
3. JOINT IN BOTTOM MOST MEMBER
4. OFFSET JOINTS 48" MIN
5. ALIGN STUD BELOW BREAK IN EITHER TOP PLATE MEMBER



SPLICE AT DOUBLE TOP PLATE

NOTE:

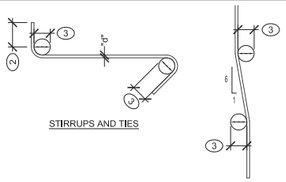
LOCATE SPLICE AWAY FROM SHEAR WALLS. WHERE TOP PLATE MUST BE SPLICED AT SHEAR WALLS, PROVIDE MSTC28 STRAP AT TOP MOST PLATE MEMBER (ALT: PROVIDE CS16 W/ 8d NAILS EACH HOLE EACH SIDE OF TOP MOST PLATE MEMBER)



SPLICE AT BEAM

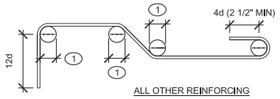
7 TYPICAL TOP PLATE SPLICE

REF: SCALE: NO SCALE



STIRRUPS AND TIES

OFFSET BAR



ALL OTHER REINFORCING

KEYNOTES:

1. 6"d"FOR #5 BARS AND SMALLER; 12"d" FOR #6 THROUGH #8 BAR
2. MIN FINISHED BEND DIAMETER FOR STIRRUPS AND TIES ONLY
   4"d" FOR #5 & SMALLER
   6"d" FOR #6 THROUGH #8
3. 6"d" FOR #3 THROUGH #8 BARS

NOTES:

A. "d" = BAR DIAMETER

B. ALL REINFORCEMENT SHALL BE COLD BENT UNLESS OTHERWISE NOTED ON DRAWINGS.

3 STANDARD REBAR BENDS

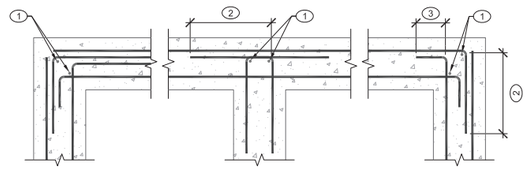
REF: SCALE: NO SCALE

NOTES:

A. WHERE SINGLE LAYER OF REINFORCEMENT OCCURS, PLACE REBAR AS SHOWN FOR OUTSIDE BARS

KEYNOTES:

1. (2) #5 BARS AT WALLS, TYP.
2. LAP REINFORCEMENT PER GSN
3. 6" LAP, MIN



ALTERNATE CORNER | TYPICAL INTERSECTION | TYPICAL CORNER

4 REBAR AT FOOTING OR MASONRY INTERSECTIONS

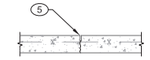
REF: SCALE: NO SCALE

NOTES:

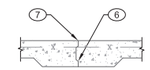
A. SAW CUTS SHALL BE MADE SOON ENOUGH TO PREVENT SHRINKAGE CRACKING, BUT NOT SO SOON AS TO CAUSE SPALLING

B. ZIP STRIP OR TOOLED JOINT MAY BE USED IN LIEU OF SAW CUT

CONTRACTORS OPTION TO USE EITHER SAWN OR FORMED JOINT



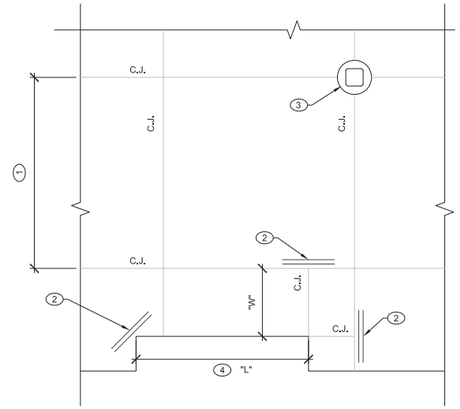
SAW CUT



FORMED KEY

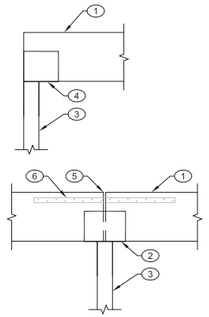
KEYNOTES:

1. JOINT SPACING, 10' MAX FOR 4" SLAB
2. (2) #4x48" DOWLS AT SLAB MIDHEIGHT AT ALL JOINT DISCONTINUITIES
3. ALIGN CONTROL JOINTS W/ COLUMN, WHERE OCCURS
4. "L" SHALL NOT EXCEED 15 TIMES "W" FOR RECT SECTIONS
5. SAWCUT JOINT EQUAL TO 1/4 SLAB THICKNESS
6. CONT. PREFORMED KEY
7. POUR JOINT



1 SLAB CONTROL JOINT

REF: SCALE: NO SCALE



11 WOOD BEAM AT WOOD POST

REF: SCALE: NO SCALE

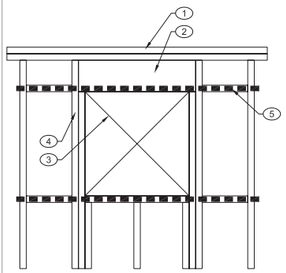
KEYNOTES:

1. WOOD BEAM, SEE PLAN
2. SIMPSON CCQ COLUMN CAP
3. WOOD POST, SEE PLAN
4. SIMPSON ECCQ COLUMN CAP
5. 1/4" GAP (MAX), WHERE OCCURS
6. SIMPSON MST37 STRAP UNLESS OTHERWISE NOTED ON PLANS AT BREAK IN BEAM

NOTES:

A. ADJOINING FRAMING NOT SHOWN FOR CLARITY

B. STRAP MAY BE PLACED ON TOP OF BEAMS AT CONTRACTORS OPTION



8 FORCE TRANSFER STRAPS AT SHEAR WALL

REF: SCALE: NO SCALE

KEYNOTES:

1. DOUBLE TOP PLATE, SPLICE PER PLAN NOTES
2. HEADER, SEE PLAN
3. OPENING, SEE PLAN
4. TRIMMER/KING STUDS PER PLAN NOTES
5. CONT SIMPSON CS14 STRAP W/ 8d NAILS EA HOLE. ALIGN STRAP W/ HEADER & SILL OF WINDOW. PROVIDE 2x BLOCKING UNDER STRAP. EXTEND STRAP TWICE OPENING WIDTH OR WRAP STRAP 8" MIN AROUND BUILDING CORNER EACH END.

NOTES:

A. PROVIDE EDGE NAILING PER SHEAR WALL CALLOUT AROUND OPENING & ALONG TOP & BOTTOM PLATE.

B. SEE PLAN FOR LOCATION WHERE STRAPPING IS REQ'D

NOTES:

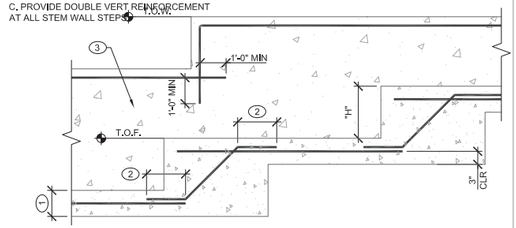
A. BOTTOM OF ALL FOOTINGS SHALL BE LEVEL

B. ALTERNATE HOOKS OF VERT STEM WALL REINFORCEMENT INTO STRIP FOOTING (NOT SHOWN FOR CLARITY)

C. PROVIDE DOUBLE VERT REINFORCEMENT AT ALL STEM WALL STEPS

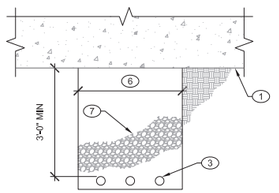
KEYNOTES:

1. CONT STRIP FOOTING, SEE PLAN FOR THICKNESS AND REINFORCEMENT
2. LAP REINFORCEMENT PER GSN
3. STEM WALL, SEE PLAN FOR THICKNESS AND REINFORCEMENT



5 STEP IN STRIP FOOTING

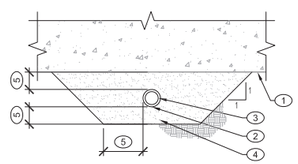
REF: SCALE: NO SCALE



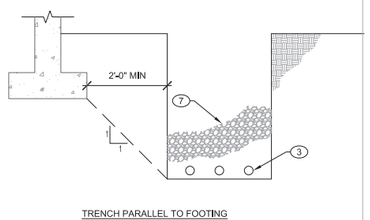
DEEP TRENCH

KEYNOTES:

1. BOTTOM OF CONCRETE FOOTING
2. SLEEVE SIZED TO PROVIDE 1/2" MIN CLEARANCE AROUND UTILITY
3. UTILITY LINE
4. SLURRY GROUT PLACED PRIOR TO PLACEMENT OF FOOTING CONCRETE
5. CLEARANCE EQUAL TO SLEEVE DIA (6" MIN)
6. 3'-0" MAX WIDTH
7. BACKFILL AND RECOMPACT TRENCH PER GSN



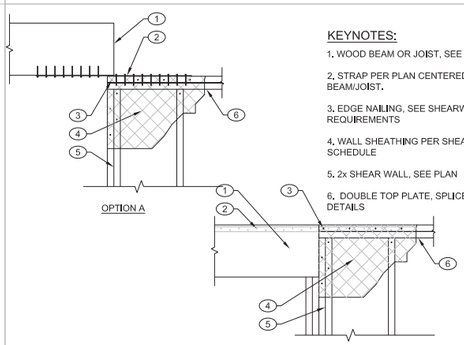
SHALLOW TRENCH



TRENCH PARALLEL TO FOOTING

2 CONTINUOUS FOOTING AT UTILITY TRENCH

REF: SCALE: NO SCALE



OPTION A

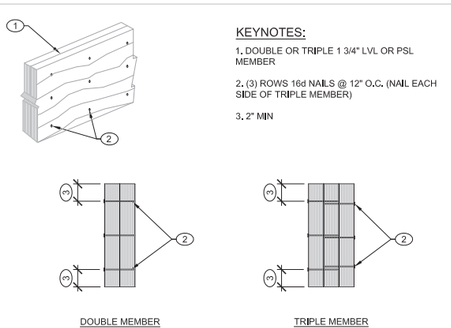
OPTION B

KEYNOTES:

1. WOOD BEAM OR JOIST, SEE PLAN
2. STRAP PER PLAN CENTERED ON END OF BEAM/JOIST.
3. EDGE NAILING, SEE SHEARWALL REQUIREMENTS
4. WALL SHEATHING PER SHEAR WALL SCHEDULE
5. 2x SHEAR WALL, SEE PLAN
6. DOUBLE TOP PLATE, SPLICE PER TYPICAL DETAILS

9 DRAG BEAM/JOIST

REF: SCALE: NO SCALE



DOUBLE MEMBER | TRIPLE MEMBER

KEYNOTES:

1. DOUBLE OR TRIPLE 1 3/4" LVL OR PSL MEMBER
2. (3) ROWS 16d NAILS @ 12" O.C. (NAIL EACH SIDE OF TRIPLE MEMBER)
3. 2" MIN

6 BUILT UP BEAM

REF: SCALE: NO SCALE

MAPLE BROOK ENGINEERING, INC.
WWW.MAPLE-BROOK.COM
PO BOX 491
ST MARIES, IDAHO 83861
PHONE: 208-245-1871
EMAIL: INFO@MAPLE-BROOK.COM

SHEET TITLE: TYPICAL STRUCTURAL DETAILS

NO.	DATE	REVISION ISSUED FOR:	BY

SCALE: REFER TO DRAWING
DESIGNED BY: BTH
DRAWN BY: TC
CHECKED BY: BTH
APPROVED BY:
ISSUE STATUS:
PLAN CHECK
APN:
XXX

PROPOSED PROJECT:
RESTAURANT EXPANSION
PROJECT LOCATION: 2990 BIG LAKE ROAD, BIG LAKE, AK 99652

CLIENT:
R&B ALASKA, INC.
CONTACT: BILL BRISTER / PHONE: 907-947-0401
EMAIL: BILL.BRISTER@GMAIL.COM

PROJ. NO.:	11-20138
ISSUE DATE:	4/22/20
SUBMITTAL:	PLAN CHECK
SHEET NO.	

S0.2

STRUCTURAL PLAN KEYNOTES

1. EPOXY FOOTING/STEM WALL REINFORCEMENT 4" MIN INTO (E) FOUNDATION W/ SIMPSON SET-XP EPOXY NO SPECIAL INSPECTION REQ'D
2. CONNECT NEW FOOTING TO (E) FOUNDATION W/ WF1,0
3. INFILL GAP BETWEEN SLABS W/ NEW SLAB ON GRADE TO MATCH NEW SLAB ON GRADE.
4. WALL TO (E) ROOF W/ 2x6 DF #2 STUDS @ 16" O.C. W/ 3/8" SHEATHING W/ 8d NAILS @ 6"/12" NAILING
5. STRAP NEW WALL TOP PLATE TO EXISTING TOP PLATE W/ SIMPSON MSTC40 STRAP
6. STRAP TOP PLATE TO SIP WALL W/ CMSTC16 STRAP. LAP STRAP 24" ONTO TOP PLATE & ATTACH TO SIP WALL W/ #6 DECK SCREWS EA HOLE W/ 8-0" MIN LENGTH
7. STRAP INFILL WALL TO (E) TOP PLATE W/ MSTC28 STRAP
8. ATTACH END STUD OF INFILL W/ SIP SCREWS @ 8" O.C. MAX
9. INTERIOR 2x6 FRAMED BEARING WALL
10. ALIGN TRUSS W/ FIRE RATED WALL. SHEATHE BOTH SIDES OF TRUSS W/ 5/8" TYPE 'X' GYP BOARD TO ROOF SHEATHING

STRUCTURAL PLAN NOTES

A. CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO START OF CONSTRUCTION. DISCREPANCIES SHALL BE RESOLVED WITH ARCHITECT PRIOR TO CONSTRUCTION.

B. CONTRACTOR TO VERIFY ALL EXISTING STRUCTURAL ELEMENTS TO REMAIN ARE FREE FROM DEFECT. REPLACE IN KIND OR CONTACT EOR FOR DESIGN OF REPLACEMENT ELEMENT.

C. ROOF TRUSS LAYOUT IS CONCEPTUAL & MAY BE MODIFIED. REFER TO THE FINAL, STAMPED APPROVED TRUSS LAYOUT DRAWINGS PROVIDED BY TRUSS MANUFACTURER FOR ALL TRUSS LAYOUTS.

D. ALL ROOF SHEATHING SHALL BE ⅞" APA RATED SHEATHING W/ 10d NAILS @ 4" O.C. (EDGE & BOUNDARY NAILING) AND 10d NAILS @ 12" O.C. (FIELD NAILING) UNLESS OTHERWISE NOTED ON PLANS.

E. ATTACH ALL ROOF TRUSSES TO WALL TOP PLATE W/ SIMPSON H1 CLIP, U.N.O.

F. ALL TRUSS HANGERS AT GIRDER TRUSSES SHALL BE SPECIFIED BY THE TRUSS MANUFACTURER.

G. ALL EXTERIOR WALLS SHALL BE 5 1/2" SIP PANELS W/ TYPE 'S' (OSB) OR TYPE 'L' (LUMBER) SPLINES, U.N.O. SPLICE SINGLE TOP PLATES W/ MSTC40 STRAP

H. CONNECT ALL CORNERS OF SIP WALL PANELS W/ SIP SCREWS @ 18" O.C. MAX, U.N.O.

J. ATTACH ALL SIP PANELS PER SHEAR WALL SCHEDULE 'A' UNLESS OTHERWISE NOTED ON PLANS.

K. SEAL ALL JOINTS IN SIP WALL, FLOOR AND ROOF PANELS PER MANUFACTURER PUBLISHED RECOMMENDATIONS WITH MASTIC & SIP TAPE.

L. FOR OPENINGS GREATER THAN 8'-0" IN WALLS UP TO 10'-0", PROVIDE (2) 2X6 DF #2 KING STUDS, U.N.O.

M. ALL FOOTINGS SHALL MEET MINIMUM EMBEDMENT SPECIFIED BY THE GENERAL STRUCTURAL NOTES, SEE SHEET S0.1

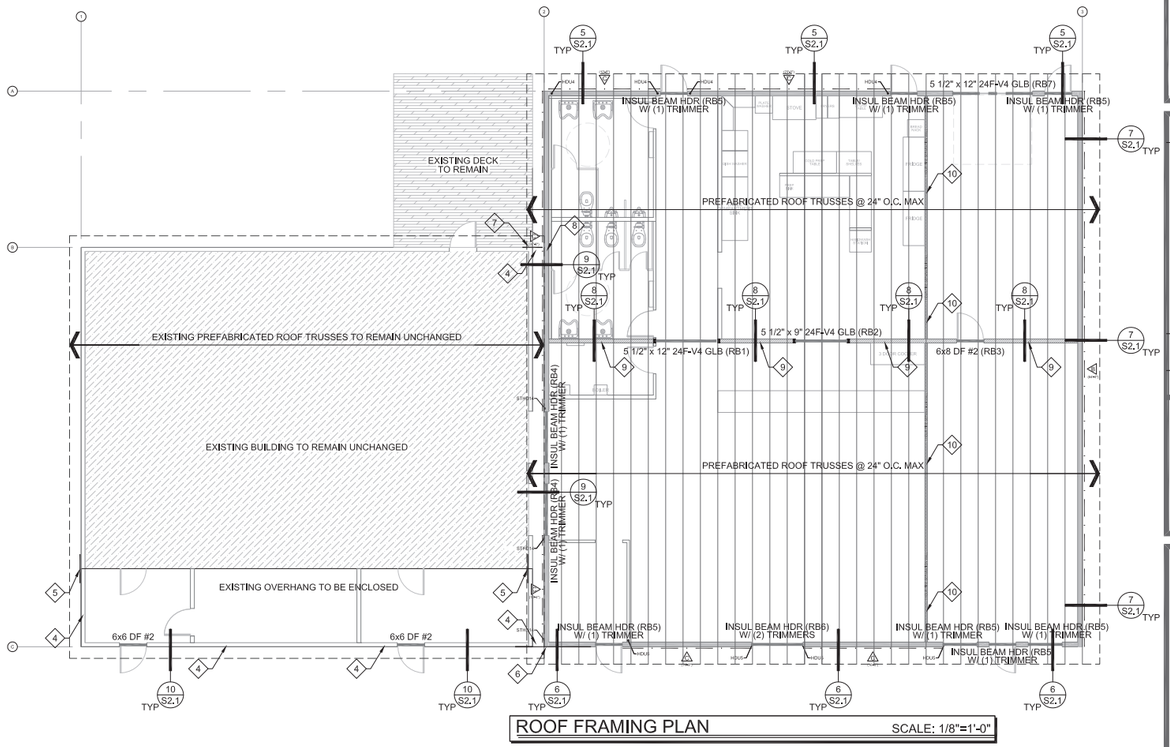
N. ALL STEM WALLS SHALL BE 8" MIN WIDTH W/ (1) #4 BAR CONT TOP & BOTTOM. WHERE STEM WALL HEIGHT EXCEEDS 24", PROVIDE #4 BARS HORIZONTAL @ 12" O.C. MAX

P. DEEPEN FOOTING AS REQ'D TO ALLOW FOR HOLD DOWN BOLT PLACEMENT. EXTEND DEEPENED FOOTING 24" EA SIDE OF ANCHOR

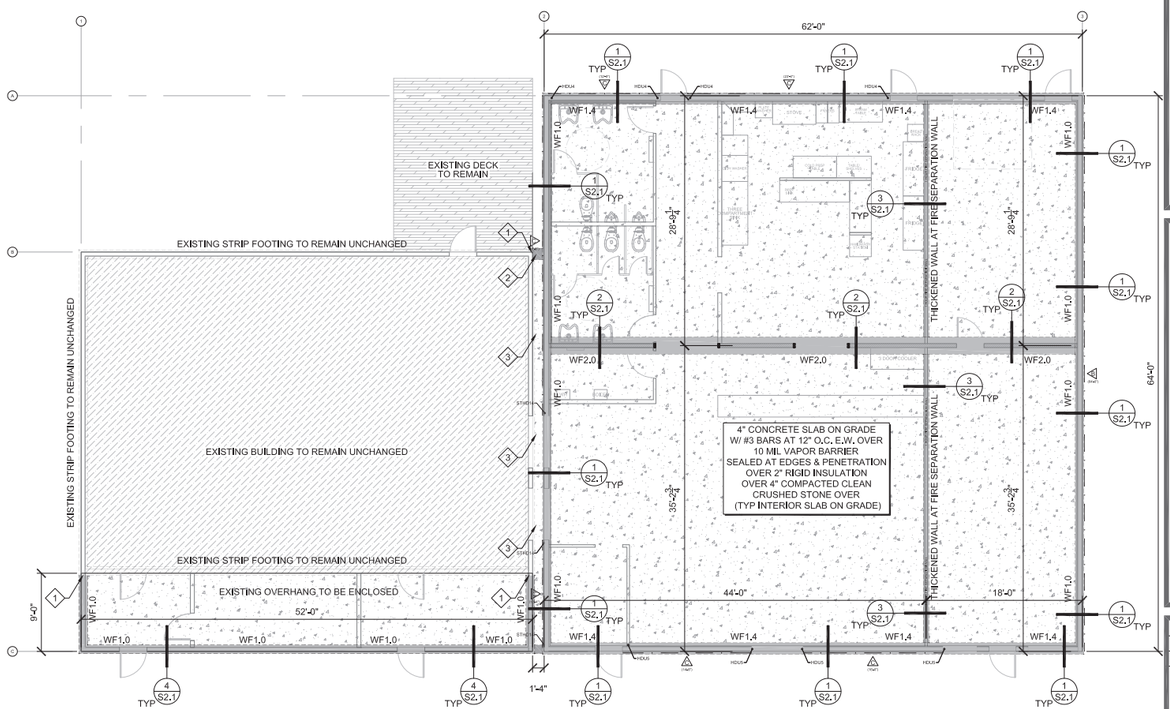
PREMIER S.I.P. PANEL SHEAR WALL SCHEDULE (NTA PRS032808-3)

MARK	ATTACHMENTS					ALLOWABLE SHEAR (plf)	A35/LTP4 SPACING
	TOP PLATE	BOTTOM PLATE	VERT FRAMING	SOLE NAILING	SILL ANCHORAGE		
A	8d BOX NAIL @ 6" O.C.	8d BOX NAIL @ 6" O.C.	8d BOX NAIL @ 6" O.C. (2 ROWS)	(2) 16d NAILS @ 12" O.C.	5/8" x 10" A.B. @ 4'-0" O.C.	250	20" O.C.
B	8d BOX NAIL @ 6" O.C.	8d BOX NAIL @ 6" O.C.	8d BOX NAIL @ 6" O.C. (2 ROWS)	(2) 16d NAILS @ 12" O.C.	5/8" x 10" A.B. @ 2'-6" O.C.	350	15" O.C.
C	8d BOX NAIL @ 3" O.C. (2 ROWS)	8d BOX NAIL @ 3" O.C. (2 ROWS)	8d BOX NAIL @ 3" O.C. (4 ROWS)	SDS 1/4"x6" @ 5" O.C. W/ 3x PLATE	5/8" x 12" A.B. @ 1'-6" O.C. W/ 3x PLATE	720	7 1/2" O.C.
D	8d BOX NAIL @ 2" O.C. (2 ROWS)	8d BOX NAIL @ 2" O.C. (2 ROWS)	8d BOX NAIL @ 2" O.C. (4 ROWS)	SDS 1/4"x6" @ 4" O.C. W/ 3x PLATE	5/8" x 12" A.B. @ 1'-4" O.C. W/ 3x PLATE	920	5 1/2" O.C.

NOTES:
1. USE SHEAR WALL TYPE A FOR ALL WALLS NOT NOTED ON PLANS.
2. PANEL TYPE MAY BE EITHER L OR S TYPE PANELS W/ MINIMUM OSB FACE THICKNESS OF 7/16"
3. FRAMING LUMBER SHALL BE DOUGLAS FIR-LARCH HAVING A SPECIFIC GRAVITY OF 0.50 MINIMUM
4. DOUBLE TOP PLATE IS REQUIRED FOR ALL WALLS REQUIRING (2) ROWS OF TOP PLATE NAILING
5. ALL VERTICAL FRAMING SHALL BE DOUBLE STUDS OR 4x NOMINAL FRAMING
6. SPLINES ARE 7/16"x3" OSB FOR WALL TYPES A & B AND 3/4"x3" FOR WALL TYPES C & D.
7. ALL ANCHOR BOLTS SHALL BE EMBEDDED PER GENERAL STRUCTURAL NOTES
8. A MINIMUM OF (2) ANCHOR BOLTS SHALL BE USED ON EACH SILL PLATE SEGMENT. PROVIDE (1) ANCHOR BOLT W/IN 9" OF EACH END OF SEGMENT, AND NOT W/IN 4 1/2" OF END OF PLATE
9. PRESSURE TREATED SILL PLATES SHALL BE USED WHEN IN CONTACT WITH CONCRETE OR MASONRY
10. ALL NUTS ON ANCHOR BOLTS SHALL BE SECURELY FASTENED AGAINST SILL PLATE WITHOUT THE NUT OR THE WASHER BEING RECESSED INTO THE PLATE.
11. ALL NUTS SHALL HAVE 1/4"x3"x3" PLATE WASHERS
12. STAGGER ALL NAILS TO AVOID SPLITTING FRAMING MEMBERS



ROOF FRAMING PLAN SCALE: 1/8"=1'-0"



FOUNDATION PLAN SCALE: 1/8"=1'-0"

BRANDON HELMS
No. AEL C 12201
REGISTERED PROFESSIONAL ENGINEER
STATE OF ALASKA

NO.	DATE	REVISION ISSUED FOR:	BY

SCALE: REFER TO DRAWING
DESIGNED BY: BTH
DRAWN BY: TC
CHECKED BY: BTH
APPROVED BY:
ISSUE STATUS:
PLAN CHECK
APN:
XXX

MAPLE BROOK ENGINEERING, INC.
WWW.MAPLE-BROOK.COM
PO BOX 491
ST MARIES, IDAHO 83861
PHONE: 208.245.1177
EMAIL: INFO@MAPLE-BROOK.COM

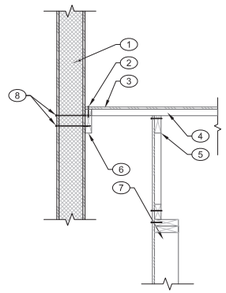
SHEET TITLE: STRUCTURAL PLANS

PROPOSED PROJECT:
RESTAURANT EXPANSION
PROJECT LOCATION: 2990 BIG LAKE ROAD, BIG LAKE, AK 99652

CLIENT:
R&B ALASKA, INC.
CONTACT: BILL BRISTER / PHONE: 907.947.0401
EMAIL: BILL.BRISTER@GMAIL.COM

PROJ. NO.:	11-20138
ISSUE DATE:	4/22/20
SUBMITTAL:	PLAN CHECK
SHEET NO.	S1.1

Planning Commission Packet - September 19, 2022
Page 25 of 102

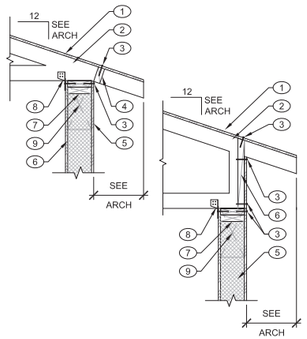


KEYNOTES:

1. NEW SIP WALL PANEL, SEE PLAN AND SHEAR WALL SCHEDULE
2. (E) ROOF SHEATHING EDGE NAILING
3. (E) ROOF SHEATHING TO REMAIN UNCHANGED
4. OUTRIGGER TO REMAIN UNCHANGED
5. (E) ROOF TRUSS TO REMAIN UNCHANGED
6. (E) 2x FASCIA TO REMAIN
7. (E) WALL FRAMING TO REMAIN
8. (2) SIP SCREWS @ 16" O.C. STAGGERED

9 NEW SIP WALL AT (E) ROOF

REF: SCALE: NO SCALE

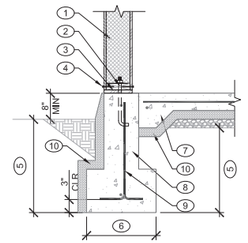


KEYNOTES:

1. ROOF SHEATHING, SEE PLAN
2. PREFAB ROOF TRUSS, SEE LAYOUTS
3. EDGE NAILING, SEE PLAN NOTES & SHEARWALL REQUIREMENTS
4. CONT 2x BLOCKING, CONNECT TO TOP PLATE W/ A35 CLIPS PER SHEAR WALL SCHED
5. SIP WALL PANEL, SEE PLAN & SHEAR WALL SCHEDULE
6. FULL DEPTH TRUSS BLOCKING OVER BEARING WALL, DESIGN FOR DRAG OF 250 PLF. CONNECT TO TOP PLATE PER SHEAR WALL SCHEDULE
7. TOP PLATE, SEE PLAN & SHEAR WALL SCHEDULE
8. SIMPSON H5 CLIP EACH TRUSS
9. HEADER, WHERE OCCURS

5 ROOF TRUSS AT SIP BEARING WALL

REF: SCALE: NO SCALE



KEYNOTES

1. SIP WALL PANEL, SEE PLAN & SHEAR WALL SCHEDULE
2. CONT. BOTTOM PLATE, ATTACHMENT PER SHEAR WALL REQUIREMENTS.
3. PT PLYWOOD RIPPED TO MATCH OVERALL WIDTH OF WALL
4. EDGE NAILING PER SHEAR WALL SCHEDULE
5. MIN EMBEDMENT PER GSN, SEE S0.1
6. CONT FOOTING, SEE PLAN FOR WIDTH AND REINFORCEMENT.
7. SLAB, SEE PLAN FOR THICKNESS & REINFORCING, PROVIDE (1) #4 BAR AT PERIMETER
8. 8" STEM WALL W/ #4 BARS @ 12" O.C. HORIZONTALLY
9. #4 DOWELS @ 18" O.C. (ALTERNATE HOOKS)
10. RIGID FOAM INSULATION

1 SLAB AT STEM WALL

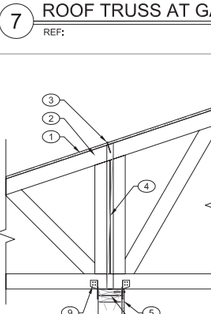
REF: SCALE: NO SCALE

KEYNOTES:

1. EXISTING CANTILEVERED ROOF TRUSS TO REMAIN
2. EXISTING ROOF SHEATHING TO REMAIN
3. EDGE NAILING, 8d NAILS @ 6" O.C. MAX, UNLESS NOTED OTHERWISE
4. ⅜" MIN APA RATED SHEATHING
5. 2x6 STUDS @ 16" O.C. MAX
6. DBL TOP PLATE, SPLICE PER TYPICAL DETAILS
7. SIMPSON H3 CLIP EA TRUSS

10 NEW FRAMED WALL AT (E) ROOF

REF: SCALE: NO SCALE

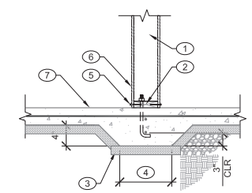


KEYNOTES:

1. ROOF SHEATHING, SEE PLAN
2. PREFAB ROOF TRUSS, SEE LAYOUTS
3. EDGE NAILING, SEE PLAN NOTES & SHEARWALL REQUIREMENTS
4. OPTIONAL SHEATHING OVER TRUSS BLOCKING, ATTACH W/ 8D NAILS @ 6" O.C. MAX
5. SIP WALL PANEL, SEE PLAN & SHEAR WALL SCHEDULE
6. FULL DEPTH TRUSS BLOCKING OVER BEARING WALL. DESIGN FOR DRAG OF 250 PLF. CONNECT TO TOP PLATE PER SHEAR WALL SCHEDULE
7. TOP PLATE, SEE PLAN & SHEAR WALL SCHEDULE
8. SIMPSON H5 CLIP EACH TRUSS
9. HEADER, WHERE OCCURS

6 ROOF TRUSS AT SIP BEARING WALL

REF: SCALE: NO SCALE

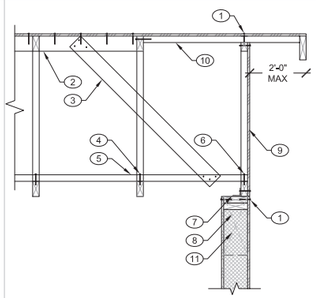


KEYNOTES

1. 2x STUD WALL, SEE PLAN.
2. CONT. BOTTOM PLATE, ATTACHMENT PER SHEAR WALL REQUIREMENTS.
3. MIN EMBEDMENT PER GSN.
4. CONT FOOTING, SEE PLAN FOR WIDTH AND REINFORCEMENT.
5. EDGE NAILING, SEE SHEARWALL REQUIREMENTS. (6" O.C. MAX)
6. WALL SHEATHING AS OCCURS.
7. SLAB, SEE PLAN FOR THICKNESS & REINFORCING.
8. RIGID FOAM UNDER SLAB, SEE PLAN

2 INTERIOR STRIP FOOTING

REF: SCALE: NO SCALE



KEYNOTES:

1. EDGE NAILING
2. 2x4 BLOCK TO RECIEVE EDGE NAILING
3. 2x4 KICKER BRACE @ 48" O.C. W/ (3)16d NAILS EACH END
4. (3) 16d NAILS INTO EA TRUSS
5. 2x6x4'-0" (MIN) BRACE @ 48" O.C.
6. (4) 16d NAILS INTO TRUSS CHORD
7. SIMPSON A35 @ 24" O.C. MAX OR PER SHEAR WAL SCHEDULE
8. SIP WALL PANEL W/ 2x TOP PLATE, SPLICE PER TYPICAL DETAILS OR PLAN NOTES
9. SHEATHE TRUSS PER SHEAR WALL SCHEDULE MARK '1', U.N.O.
10. 2x4 OUTRIGGER @ 24" O.C. W/ (2) 16d END NAILS AT END TRUSS. NOTCH GABLE TRUSS TOP CHORD PER TRUSS MANUFACTURER
11. WOOD BEAM WHERE OCCURS, SEE PLAN

7 ROOF TRUSS AT GABLE END

REF: SCALE: NO SCALE

KEYNOTES

1. 2x STUD WALL, SEE PLAN.
2. CONT. BOTTOM PLATE, ATTACHMENT PER SHEAR WALL MARK 'A', U.N.O.
3. RIGID FOAM UNDER SLAB, SEE PLAN
4. 12" WIDE THICKENED SLAB UNDER FIRE WALL
5. 6d COOLER NAILS @ 6" O.C. AT ALL EDGES, TYPICAL
6. ⅝" TYPE 'X' GYP BOARD EA SIDE OF WALL
7. SLAB, SEE PLAN FOR THICKNESS & REINFORCING.

3 THICKENED SLAB AT FIRE WALL

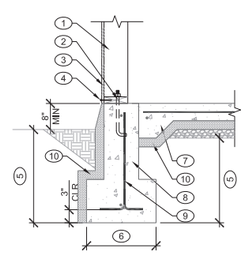
REF: SCALE: NO SCALE

KEYNOTES:

1. ROOF SHEATHING, SEE PLAN
2. PREFAB ROOF TRUSS, SEE LAYOUTS
3. EDGE NAILING, SEE PLAN NOTES & SHEARWALL REQUIREMENTS
4. FULL DEPTH TRUSS BLOCKING OVER BEARING WALL.
5. WALL SHEATHING, WHERE OCCURS
6. DBL TOP PLATE, SPLICE PER TYPICAL DETAILS
7. HEADER/BEAM, WHERE OCCURS
8. FRAMED BEARING WALL, SEE PLAN
9. SIMPSON H5 CLIP EACH TRUSS

8 ROOF TRUSS AT INTERIOR BEARING WALL

REF: SCALE: NO SCALE



KEYNOTES

1. WALL FRAMING, SEE PLAN & SHEAR WALL SCHEDULE
2. CONT. BOTTOM PLATE, ATTACHMENT PER SHEAR WALL REQUIREMENTS.
3. WALL SHEATHING PER SHEAR WALL SCHEDULE 'A', U.N.O.
4. EDGE NAILING PER SHEAR WALL SCHEDULE
5. MIN EMBEDMENT PER GSN, SEE S0.1
6. CONT FOOTING, SEE PLAN FOR WIDTH AND REINFORCEMENT.
7. SLAB, SEE PLAN FOR THICKNESS & REINFORCING. PROVIDE (1) #4 BAR AT PERIMETER
8. 8" STEM WALL W/ #4 BARS @ 12" O.C. HORIZONTALLY
9. #4 DOWELS @ 18" O.C. (ALTERNATE HOOKS)
10. RIGID FOAM INSULATION

4 SLAB AT STEM WALL

REF: SCALE: NO SCALE

STATE OF ALASKA
49th
BRANDON HELMS
No. AELC 12201
REGISTERED PROFESSIONAL ENGINEER

NO.	DATE	REVISION ISSUED FOR:	BY

SCALE: REFER TO DRAWING
DESIGNED BY: BTH
DRAWN BY: TC
CHECKED BY: BTH
APPROVED BY:
ISSUE STATUS:
PLAN CHECK
AFN:
XXX

MAPLE BROOK ENGINEERING, INC.
WWW.MAPLE-BROOK.COM
PO BOX 491
ST MARIES, IDAHO 83861
PHONE: 208.245.1771
EMAIL: INFO@MAPLE-BROOK.COM

SHEET TITLE: STRUCTURAL DETAILS

PROPOSED PROJECT:
RESTAURANT EXPANSION
PROJECT LOCATION: 2990 BIG LAKE ROAD, BIG LAKE, AK 99652

CLIENT:
R&B ALASKA, INC.
CONTACT: BILL BRISTER / PHONE: 907.947.0401
EMAIL: BILL.BRISTER@GMAIL.COM

PROJ. NO.:	11-20138
ISSUE DATE:	4/22/20
SUBMITTAL:	PLAN CHECK
SHEET NO.	

S2.1

ELECTRICAL, MECHANICAL AND PLUMBING NOTES

NOTE: FLOURESCENT LIGHTING IN ALL ROOMS WITH 1ST SWITCH LOCATION

⊙ SD= SMOKE DETECTOR
COD = CARBON MONOXIDE DETECTOR

NOTE: VERIFY ALL LIGHTING / OUTLET LOCATIONS AND SWITCH LOCATIONS W/ GENERAL CONTRACTOR & OWNER.

PROVIDE ELECTRICAL STUBS FOR LANDSCAPE LIGHTING. (VERIFY LOCATIONS W/ OWNER)

VERIFY SECURITY SYSTEM W/ OWNER.

PROVIDE HOLIDAY LIGHTS / OUTLETS AT EAVES TO SWITCH INSIDE. (VERIFY W/ OWNER PRIOR TO INSTALLATION)

VERIFY LOCATION OF DSL LINES W/ OWNER PRIOR TO INSTALLATION.

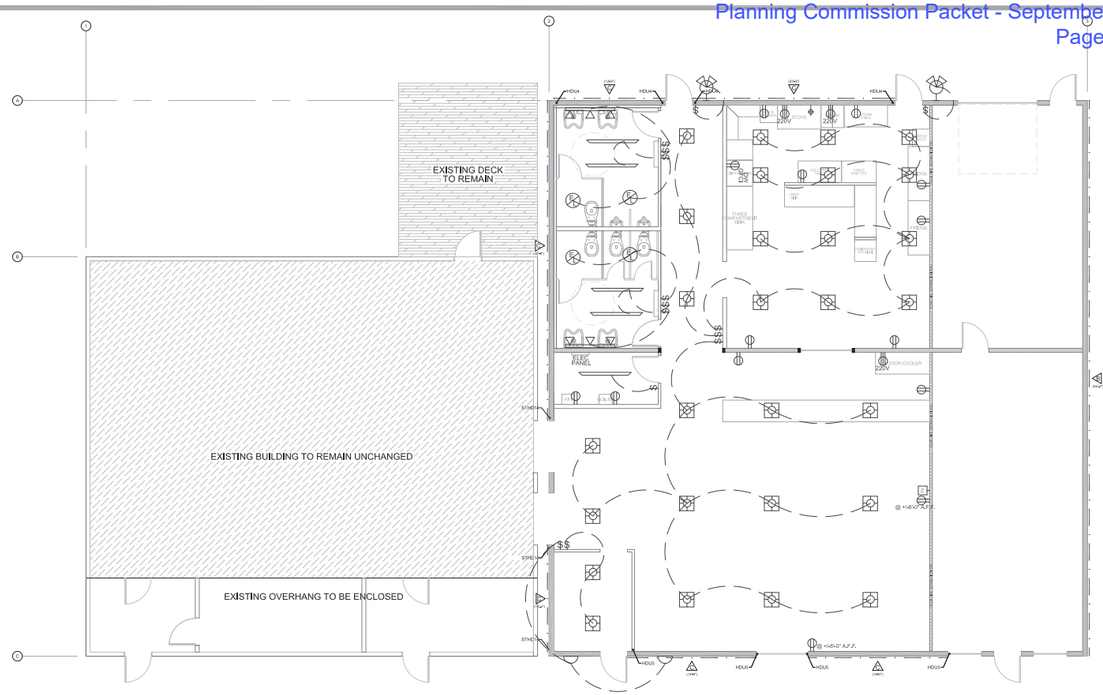
PROVIDE 400 AMP MAIN PANEL MINIMUM VERIFY LOCATION W/ GENERAL CONTRACTOR & OWNER.

1. MECHANICAL, ELECTRICAL AND PLUMBING SYSTEMS ARE SHOWN FOR INTENT ONLY. THESE SYSTEMS SHALL BE ENGINEERED BY OTHERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER INSTALLATION AND PLACEMENT.
2. FAN/LIGHTS IN WET OR DAMP LOCATIONS SHALL BE LABELED "SUITABLE FOR WET OR DAMP LOCATIONS". (PER SECTION NEC 410-4.A OF THE NEC.)
3. PROVIDE 4" DIA. SMOOTH METAL DRYER VENT W/ BACKDRAFT DAMPER TO EXTERIOR AS SHOWN ON PLAN. VENT RUN SHALL COMPLY WITH MNFR.'S SPECS. AND SCTN. 504 & 908 OF THE UNIFORM MECHANICAL CODE. LENGTH OF RUN MAY EXCEED 14'-0" IF DIA. OF VENT IS INCREASED ACCORDING TO THE 1991 JANUARY/FEBUARY EDITION OF ICBO'S BUILDING STANDARDS CODE INTERPRETATION.
4. ALL EXHAUST FANS SHALL HAVE BACKDRAFT DAMPERS.
5. ALL TUBS AND SHOWERS SHALL HAVE PRESSURE BALANCE OF THERMOSTATIC MIXING VALVE CONTROL PER UPC 410.7.
6. PROVIDE A MINIMUM OF 2-20 AMP CIRCUITS TO KITCHEN COUNTERTOPS FOR SMALL APPLIANCES PER NEC 210.52.
7. ALL AIR DUCTS PENETRATING SEPARATION WALL OR CELIING BETWEEN GARAGE AND LIVING AREAS SHALL BE 26 GA. MINIMUM.
8. ALL INCANDESCENT LIGHTING FIXTURES RECESSED INTO INSULATED AREAS SHALL BE APPROVED FOR ZERO-CLEARANCE INSULATION COVER.
9. LIGHTING IN KITCHEN & BATHROOMS SHALL HAVE AN EFFICACY OF AT LEAST 40 LUMENS PER WATT.
10. SMOKE DETECTORS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING AND SHALL BE EQUIPPED WITH A BATTERY BACKUP. THE ALARM SHALL BE AUDIBLE IN ALL SLEEPING AREAS OF THE DWELLING.
11. PROVIDE INDIVIDUAL CONTROL VALVES OF PRESSURE BALANCE TYPE OF THERMOSTATIC MIXING VALVE TYPE, SUCH THAT WATER TEMPERATURE MAXIMUM IS A SETTING OF 120 DEG. (F).
12. CEILING ELECTRICAL BOXES SHALL BE APPROVED FOR CEILING FAN SUPPORT.
13. PROVIDE ARC-FAULT CIRCUIT INTERRUPTER PROTECTION FOR ALL 125V. 15 & 20 AMP RECEPTACLE OUTLETS INSTALLED IN DWELLING BEDROOMS. (NEC 210-12)
14. BATHROOM RECEPTACLES ARE TO BE SUPPLIED BY AT LEAST ONE 20-AMP BRANCH CIRCUIT AND SHALL HAVE NO OTHER OUTLETS. (NEC 210-52d)

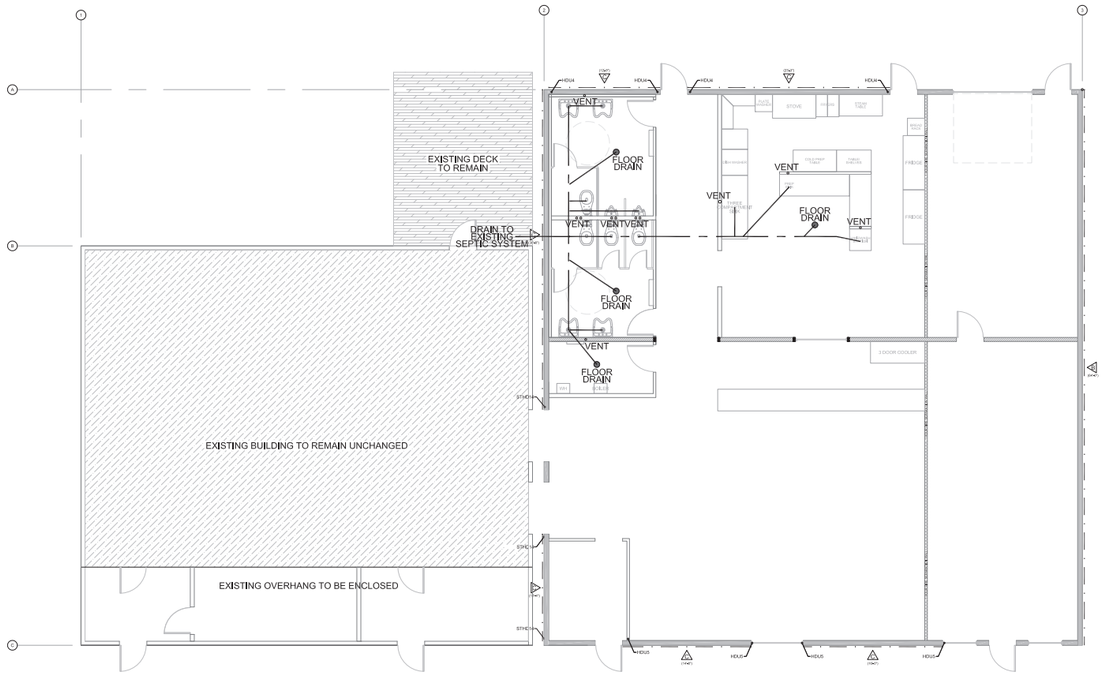
ELECTRICAL SYMBOLS

CF	CEILING FAN		WALL LIGHT/SCONCE
CF	CEILING FAN W/ LIGHT		HEAT LAMP/LIGHT
	DUPLEX RECEPTACLE W/ LOWER SWITCHED		SUSPENDED FIXTURE
	110V DUPLEX RECEPTACLE OUTLET		FLUSH FIXTURE CEILING MOUNTED
GFCI	110V GROUND FAULT RECEPTACLE OUTLET		EXHAUST / LIGHT
	SINGLE RECEPTACLE OUTLET		WALL LIGHT FIXTURE
220V	220V OUTLET		FLOOD LIGHT OR SENSOR
WP GFCI	WATER PROOF RECEPTACLE OUTLET		BREAKER BOX
$	SINGLE POLE SWITCH	J	JUNCTION BOX
$D	DIMMER SWITCH		RECESSED CAN LIGHT
$3	THREE-WAY SWITCH	B	BELL
$4	FOUR-WAY SWITCH		TELEVISION
$AD	AUTOMATIC DOOR SWITCH		PHONE
$T	TIME SWITCH		LAN
$GFI	GROUND FAULT SWITCH	F	FLOURESCENT
	SMOKE/CO DETECTOR		LIGHT BAR/TRACK LIGHT
	RECESSED SPOT LIGHT		LED LIGHT BAR
	PENDANT LIGHT FIXTURE	G	GAS METER
	RECESSED FLOURESCENT	HB	HOSE BIB
T	THERMOSTAT		GAS STUB
	DISCONECT SWITCH - PROVIDE MIN. OF 30"X36" CLEAR SPACE		KEY

IMPORTANT NOTE: FINAL LAYOUT SHALL REQUIRE APPROVAL BY OWNER AND CERTIFIED ELECTRICIAN'S STAMP. ELECTRICAL PLAN MUST MEET ALL LOCAL AND NATIONAL ELECTRICAL CODES W/ STANDARD PRACTICE.



SCHEMATIC ELECTRICAL PLAN SCALE: 1/8"=1'-0"



SCHEMATIC PLUMBING PLAN SCALE: 1/8"=1'-0"

STATE OF ALASKA
BRANDON HELMS
No. AEL C 12201
REGISTERED PROFESSIONAL ENGINEER

NO.	DATE	REVISION ISSUED FOR:	BY

SCALE: REFER TO DRAWING
DESIGNED BY: BTH
DRAWN BY: TC
CHECKED BY: BTH
APPROVED BY:
ISSUE STATUS:
PLAN CHECK
APN: XXX

MAPLE BROOK ENGINEERING, INC.
WWW.MAPLE-BROOK.COM
PO BOX 491
ST MARIES, ID 83861
PHONE: 208-245-4177
EMAIL: INFO@MAPLE-BROOK.COM

SHEET TITLE: ELECTRICAL/PLUMBING

PROPOSED PROJECT:
RESTAURANT EXPANSION
PROJECT LOCATION: 2990 BIG LAKE ROAD, BIG LAKE, AK 99652

CLIENT:
R&B ALASKA, INC.
CONTACT: BILL BRISTER / PHONE: 907-947-0401
EMAIL: BILL.BRISTER@GMAIL.COM

PROJ. NO.:	11-20138
ISSUE DATE:	4/22/20
SUBMITTAL:	PLAN CHECK
SHEET NO.	

EM1.1

Permit No. 31724

State of Alaska

Department of Transportation and Public Facilities

Driveway Permit 31724

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

Owner:	R&R Alaska inc DBA Floaters
Mailing Address:	12270 East Outer Springer Loop, Wasilla, AK 99654
Driveway location: 2990 S Big Lake Road - Lot 2, Block 3 Fishers Y Subd Plat 79-440, Tax Parcel ID.1783B02L003	

Design Criteria

A.	Driveway width	24	Feet
B.	Left edge clearance	50	Feet
C.	Right edge clearance	95	Feet
D.	Left return radius	40	Feet
E.	Right return radius	40	Feet
F.	Shoulder width	2	Feet
G.	Approach angle	90	Degrees
H.	Curb type	None	
I.	Curb to sidewalk distance	10	
J.	Left driveway foreslope	6:1	Or match existing
K.	Right driveway foreslope	6:1	Or match existing
L.	Culvert length	65	Feet (field fit)
M.	Landing grade	2	Percent
N.	Landing length	30	Feet
O.	Culvert size	18	Inches
P.	Culvert type	Corrugated Metal Pipe (CMP)	
Q.	Ditch depth	3	Feet
R.	Shoulder type	Gravel	
S.	Road surface type	Paved	
T.	Driveway surface type	Asphalt	

RECEIVED
JUN 27 2022
Mat-Su Borough
Development Services

Permit No. 31724

This permit applies only to the State right of way.

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

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

The Department is not obligated to change its maintenance practices to accommodate a driveway constructed under a permit, or to incur any additional expense removing snow berms or other obstructions from a driveway within a right of way resulting from the Department's activities, or activities under a permit issued under 17 AAC 15.

Owner is responsible for adjusting, relocating or removing the driveway without cost or liability to the Department if the use or safety of the highway requires.

This permit is not a property right but a temporary authorization, revocable by the State upon violation of any permit terms or conditions, or for other reasons. All reasonable attorney's fees and costs associated with legal or enforcement actions related to the terms and conditions of this permit will be borne by the Owner.

Any survey monument or monument accessory that is disturbed or destroyed during construction or maintenance of the driveway will be restored or replaced by a Land Surveyor licensed in the State of Alaska.

The Owner will be responsible for all necessary Federal, State, and Municipal permits and licenses required by law, pay all taxes and special assessments lawfully imposed upon the permitted area, and pay other fees and charges assessed under applicable law.

Placement of fill material in waters of the U.S., including wetlands and streams, requires prior authorization from the U.S. Army Corps of Engineers. It is the responsibility of the owner to contact the Corps before filling activities take place.

The Owner shall construct and maintain a driveway in such a manner that the highway, and all of the highway's appurtenances or facilities, including drainage facilities, pipes, culverts, ditches, traffic control devices, street lights, pathways, and sidewalks are not impaired or endangered in any way by the construction or maintenance. If you damage any improvements within the State owned right of way, you will be responsible for returning them to their previous condition. The Department will inspect and approve the restored improvements.

Owner will indemnify, defend, and hold harmless the State, and its officers, employees, and contractors, from any and all claims or actions resulting from injury, death, loss, or damage sustained by any person or personal property resulting directly or indirectly from Owner's use of or activities in the permitted area.

Permit No. 31724

Landings from all paved roads must be paved and maintained from edge of the road to the length of the landing as stipulated in this permit.

If a culvert is required by this driveway permit, culvert ends must be installed at the time of installation and maintained continuously by the owner.

No person shall place, leave, or deposit upon any street, avenue, alley, sidewalk, or other public right of way any snow or ice which has been removed from a private driveway, private parking area, or the adjacent property. Owner is responsible for contractor's actions concerning placement of snow from Owner's property.

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

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

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

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

Attachments included as part of this permit are:

- DOT&PF As Built
- DOT&PF Approach Summary

I, Robert Brister, acknowledge and accept that (R&R Alaska inc. DBA Floaters.) will comply with all the provisions and conditions that the Department of Transportation and Public Facilities has included as a condition of issuing this permit.

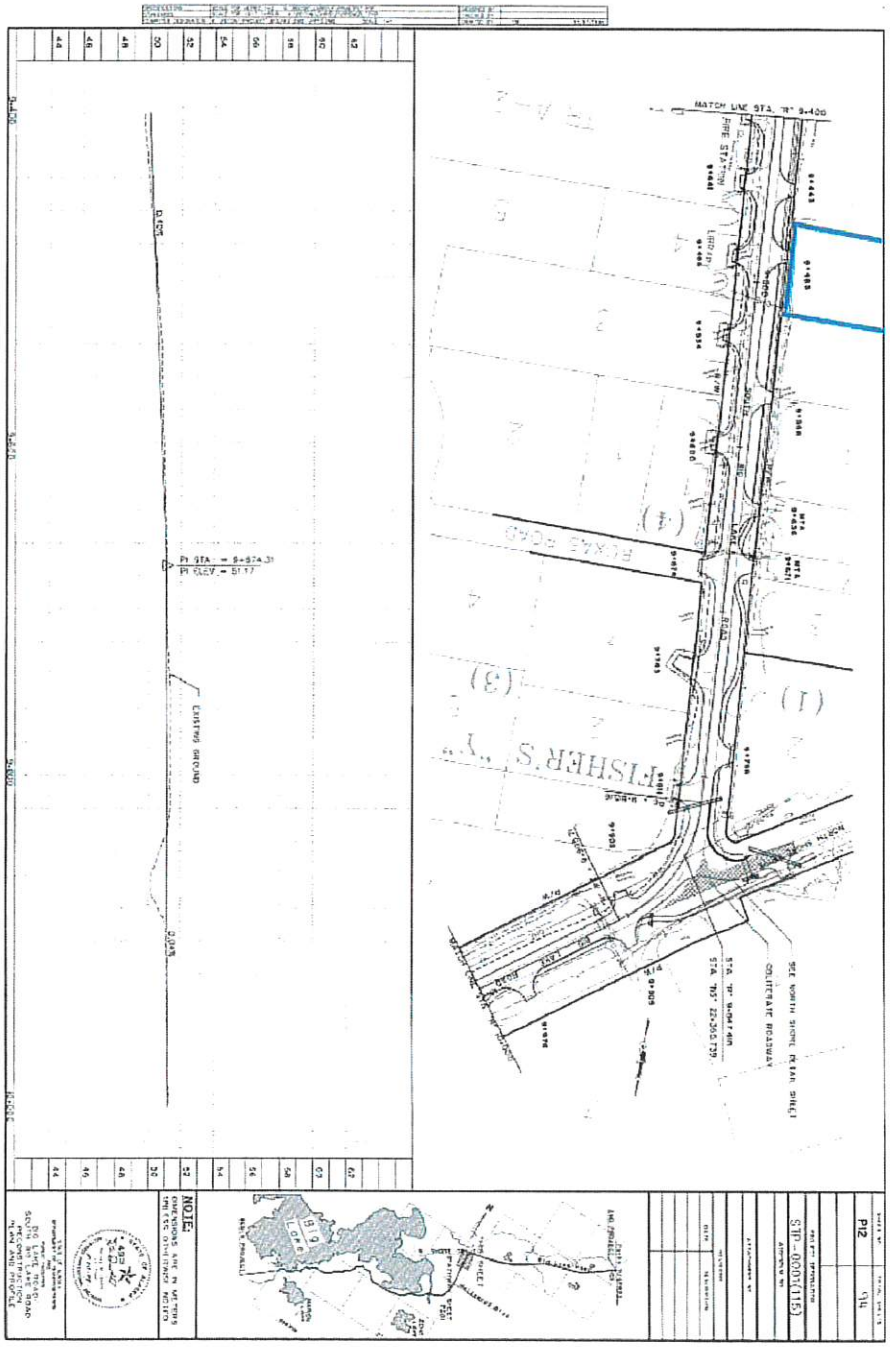
Owner Signature — Date: 6/10/22

DOT&PF Signature — Date: 06.14.22

gjk

Permit No. 31724

DOT&PF As-Built



DOT&PF Approach Summary

Attention Matanuska Susitna Borough Planning Department:

The purpose for the application contained within is to extend Floaters Pub existing Beverage Dispensary License (BDL) to include Floaters family restaurant. There has been a pub at this location since approximately June of 1970. While we would like to serve alcoholic beverages in the restaurant area our vison is for a family friendly establishment with the alcohol being subdued in the restaurant area with alcohol advertising being limited to the menu, and all drinks served in unlabeled glasses not in bottles or cans. The addition of a family-oriented restaurant will allow us to better serve the community, host special events and fund raisers for local nonprofits and reduce our reliance on special use permits from the Alcohol Beverage Control Board. The area of the requested expansion of the BDL is listed in the attached drawings.

Respectfully

Bob Brister, Bill Brister

Floaters Pub & family restaurant.

RECEIVED
JUN 27 2022
Mat-Su Borough
Development Services

RECEIVED
JUN 27 2022
Mat-Su Borough
Development Services

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

Floaters is located at 2990 south Big Lake road there has been a pub or bar at this location since approximately June 1970. This is a predominately commercial area, Floaters is bordered on one side by an empty office building and on the other by an empty fabrication shop. Extension of the Beverage dispensary license (BDL) to the restaurant area will provide local job opportunities and enable Floaters to better serve the needs of the community as well as host banquet and mid-size group gatherings. Enabling the service of alcoholic beverages to guest in these areas would be a service that guests would expect, and not detract from the value, character or integrity of community.

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

Floaters is an existing pub purchased by the current owners June 2020. There have been no instances where law enforcement has needed to respond to our business since that time. Extending our current BDL to cover the restaurant will allow our guests to enjoy alcoholic beverages with their meal. As there are no nearby restaurants with a BDL that have year-round access, we expect the facility to offer the community a more covenant alternative than driving several miles to an alternative location. The facility will also add much needed jobs to the local economy.

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

The property as it currently stands meets all setbacks, lot area, buffers, and safeguards. The building is set back approximately 100 feet from south Big Lake road, approximately 20 feet from the south side yard lot line, approximately 40 feet from the north lot line, and approximately 100 feet from the west lot line. The nearest school is approximately 3000 feet away and the nearest church is approximately one mile away.

4. Is there any potential negative effect upon other properties in the area due to such factors as dust, noise, obtrusive advertising and glare?

Extending the existing BDL to cover the restaurant will not create any dust or increase noise from the existing facility. Existing lot lighting and lighted signage is aimed downward inside our parking lot and set back from the road. Extending the BDL to cover the restaurant will not impact on signage, lighting or glare.

5. Is there any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector or street from which access to and from the establishment is obtained?

The expansion of the beverage dispensary license within the existing building does not change any of the current flows of traffic or in any way create a negative impact on the safe and efficient flow of traffic.

6. What measures are being proposed to reduce any negative effects upon adjacent and nearby properties by property line buffers and atrial buffers, planted berms, landscaping, reduction or elimination of obtrusive or garish signing or other features, lowered building elevation, clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exists onto the highways, arterials and collectors and where the surrounding area is predominately residential character of the development?

The facility is located in a commercial area on south Big Lake road. It has a well-maintained entrance to the facility. The north lot line has a 6-foot wooden fence the south lot line has a 6-foot chain link fence, the west lot line is 100 feet and has a green belt. The front of the building will be upgraded with flower beds and additional foliage in summer of 2022. Extending the BDL to the restaurant will not change the existing nature of the area.

7. Are there adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit?

Extending the existing BDL to include the restaurant area is not expected to

substantially increase the demand for parking, there is currently adequate parking to accommodate a full house in both the pub and restaurant.

8. Will access to the premise create an unreasonable traffic hazard?

The existing pattern has been functioning with no hazard since 1970. Extending the existing BDL to the restaurant will have no impact on the existing traffic pattern.

9. Will a reasonably expected increase in traffic overtax the existing road system?

Floaters is accessed by a borough-maintained road. We do not believe extending the BDL to cover the existing restaurant area will cause an increase in traffic that would overtax the road.

10. Is the use compatible with the character of the surrounding neighborhood?

Floaters is located in a primarily industrial area with an empty office building on one side and an empty insulation fabrication shop on the other. Floaters has an existing BDL for the pub, extending the service area to include the restaurant would not impact the character of the surrounding industrial area.

11. Is there or would the use tend to result in a high crime rate or a high incidence of alcohol-related accidents in the area?

There has been a full-service beverage dispensary at this location for approximately 50 years, extending the service to cover the restaurant area allowing patrons to have food with their beverage would not increase crime or alcohol related incidents. Floaters is a veteran owned family run business that prides itself on responsible service of alcohol. Patrons ability to have a meal with their alcoholic beverage reduces the likelihood of over indulgence. The restaurant is a family friendly environment. All staff are required to maintain current professional alcohol training certificates. There is a zero-tolerance policy for over service of alcohol or

the use of drugs on the premises. No persons are allowed in the alcohol service area if they are intoxicated. Floaters also offers free taxis to customers that feel they may need rides back to nearby lodging.

12. Does the applicant or a person with an interest in the application have an interest in a liquor license which was suspended or revoked in the last 12 months preceding the application?

    No

13. Has the applicant or person with an interest in the application demonstrated that the person is untrustworthy or unfit to conduct the operation of a licensed business, or is a potential source of harm to the public?

    The applicants have lived in Alaska since 1974 and in the Matanuska Susitna Borough since 1991. William Brister operated a successful auto repair business in Palmer for 12 years has worked as a utility operations manager. Robert Brister worked as a Navy Corpsman, Paramedic and a Safety supervisor. Both Robert and William Brister have recently worked as DOD (Department of defense) contractors in positions requiring Federal background checks and security clearances and were subject to random drug testing. The bar manager PJ Brister has managed several pubs and bars including the American Legion in Palmer.

SUPPLEMENTAL INFORMATION

1. Maximum occupancy capacity of facility as determined by Fire Marshall

   The existing pub area is rated for 65 persons. The restaurant is rated for 95 however due to social distancing we have limited seating to 76 seats we expect to maintain seating at this level as it makes a more pleasant atmosphere for our patrons and the public has come to expect a little more room.

2. Number of employees needed to work on the largest work shift.

   We expect to have 6 employees on shift. Extending the existing Beverage dispensary license (BDL) to cover the restaurant area is not expected to have a significant impact on staffing levels.

3. Number of regular parking spaces provided

   We have parking available in the front and rear of the facility combined we have parking for a minimum of 66 vehicles

4. Number of handicap spaces provided

   We have 4 designated handicap parking spaces.

5. Is the use a sole occupant in a building or a tenant in a building?

   Floaters is the sole occupant.

6. Total square footage of space in building occupied by this use

   The existing pub covered by the BDL is 1720 square feet. The total square footage of the restaurant is 3844 this area includes many areas where alcohol would not be served including kitchens, storerooms and utility rooms. The area we would like to extend the BDL to cover is 1516 square feet dining area.

7. Hours of operation

   The pub is open 11am to 10 pm Sunday to Wednesday and 11am to midnight

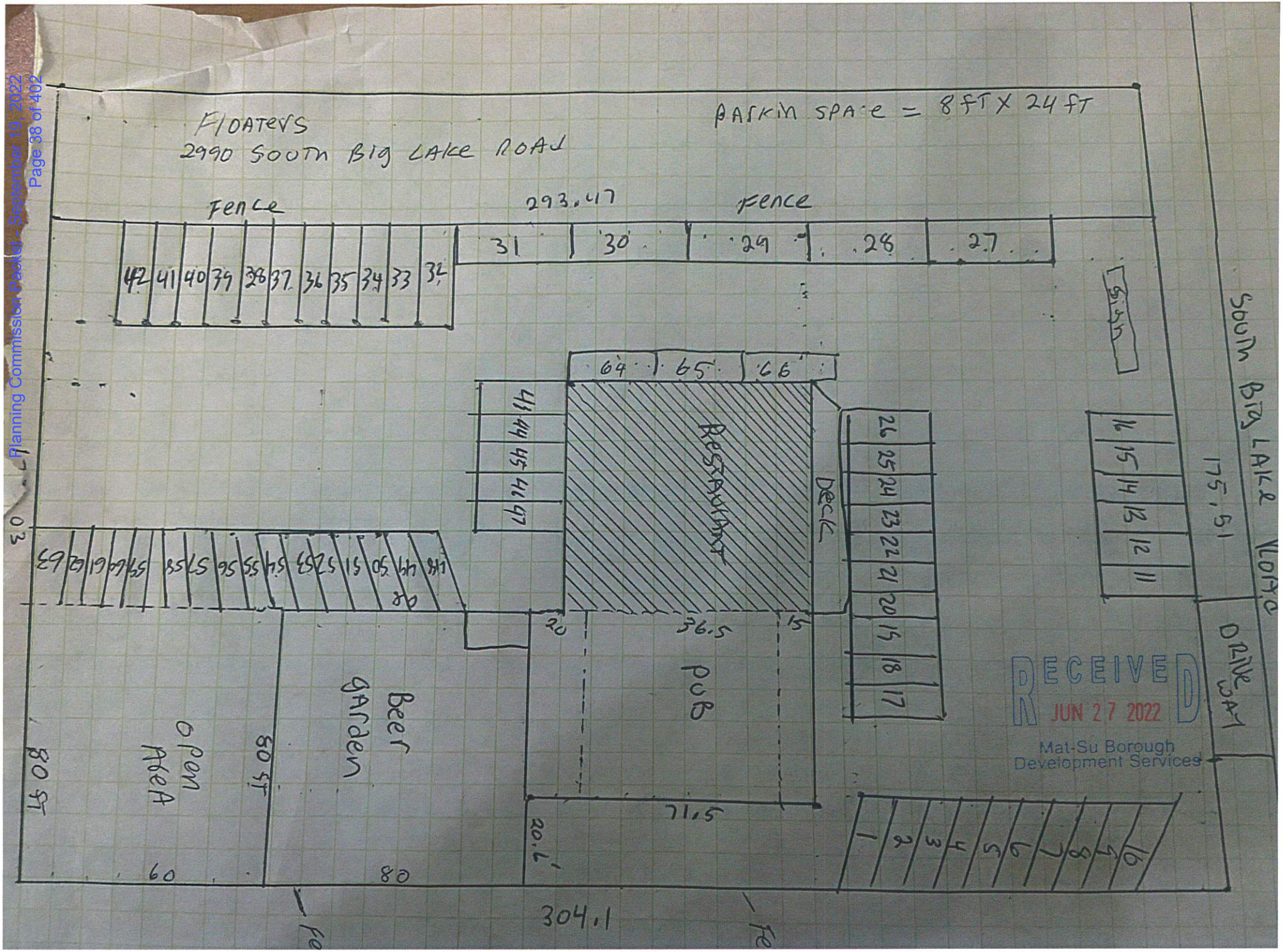
Thursday to Saturday.

The restaurant will be open 11am – 8pm Monday thru Friday and 8 am to 10 pm Saturday and Sunday.

8. Noise mitigation measures

There are several noise mitigation measures. The exterior walls are made of Structural insulated panels that are very effective at noise suppression. We have built in dead spaces and incorporated noise suppressive building materials into the facility. We do not expect that extending the existing BDL to cover the restaurant will cause any increase in noise from the facility. We work closely with our nearest neighbors to ensure noise is not an issue and regularly monitor noise levels at our property lines. Our nearest neighbors on 3 sides are closed businesses the nearest residential property is behind our building approximately 300 feet through a small green belt. We do have a fenced and approved outdoor beer garden where patrons can enjoy a game of corn hole or horseshoes both low noise events. We do not currently plan on hosting outdoor music events or other loud events. If we were to hold a special outdoor event we would ensure that it was held on a weekend and concluded at a reasonable hour no later than 10pm and would coordinate with our neighbors

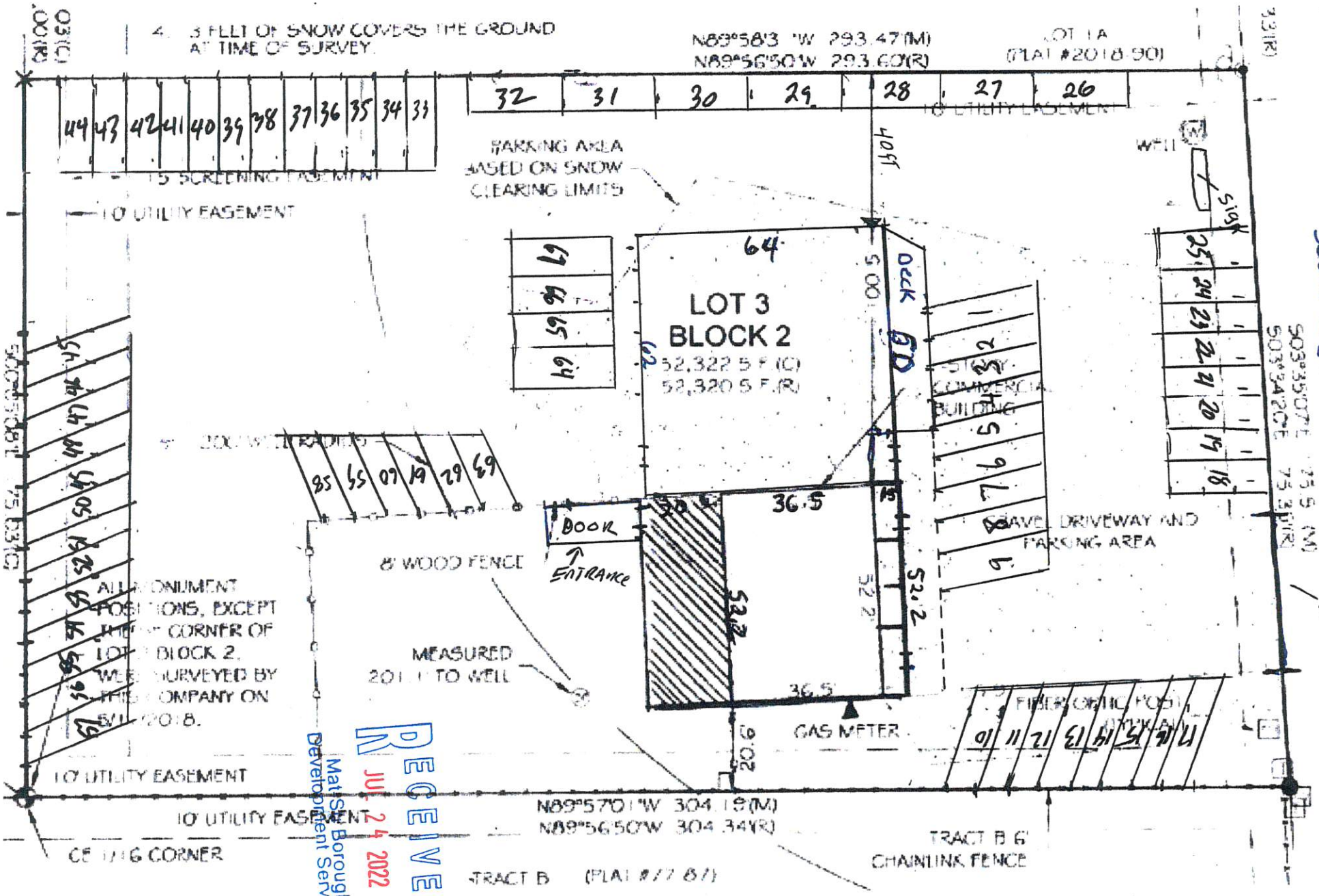
Planning Commission Packet - September 19, 2022
Page 38 of 402



Mark Whisenhunt

From: robert brister <bob.brister@hotmail.com>
Sent: Sunday, July 24, 2022 8:57 AM
To: Mark Whisenhunt
Subject: Response to conditional land use permit
Attachments: asbuilt new (1).pdf; Mr.docx

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]
Mr. Whisenhunt please see the attached response pertaining to our conditional land use permit.



RECEIVED
JUL 24 2022
Matanuska-Susitna Borough
Development Services

Mr. Whisenhunt

Per our previous conversation regarding your response to Floaters conditional land use permit dated July 8 2022.

Item 1. (a) The submitted site plan is insufficient. a. Per MSB 17.70.030(B) the site plan must show "the proposed or existing location of all buildings and structures on the site, size, height and bulk of building, signage, access points, buffering, proposed contouring and landscaping, drainage, vehicular and pedestrian circulation patterns, parking areas and the specific location of the use or uses to be made of the development shall be submitted with the application."

Per our discussion

The proposed or existing location of all buildings and structures on the site is on multiple previously submitted documents including the accepted floor plan.

The size and height are on previously submitted documents, as we have discussed and agreed the bulk of the building is an irrelevant term.

Signage, is clearly noted on the previously submitted document.

The only access point is the driveway, the driveway is on a state-maintained road. There are no dedicated pedestrian access points the nearest being a bike path that is on the state land not ours and thus not on our drawing.

Buffering such as fences, berms, green belts are clearly noted on the previously submitted drawings.

There are no proposed contouring or landscaping changes, it's a flat gravel lot the same as on the existing and approved conditional land use permit. The contour of the lot is unchanged from the existing approved conditional land use permit.

There are no changes to drainage it's a flat gravel lot with little runoff. The drainage is unchanged from the existing approved conditional land use permit.

There are no dedicated pedestrian circulation patterns on the exterior of the building, as far as vehicle traffic there is one access point at the driveway it is a gravel parking lot, parking spaces and walkways are not marked on the lot.

Parking spaces are clearly on the drawing submitted as on previous drawings as noted above they are not marked on the lot itself as it's a gravel lot.

I understand your main concern was that you believe the hand drawn site map submitted was not to scale, the attached drawing is to scale.

Item 1B Also, see page 3 of the application for a list of items to be shown on the site plan (i.e. toscale).

Everything mentioned on page 3 that exist on our lot is listed on the drawing or previously submitted drawings such as the accepted floor plan we cannot indicate items that do not exist such as a dedicated pedestrian access on the drawing. The drawing is to scale.

RECEIVED
JUL 24 2022
Mat-Su Borough
Development Services

Item 1C c. Ensure anything mentioned in the narrative must be shown on the site plan (i.e. access from property, parking spaces etc…).

All existing physical structures are included on the site plan, there are also numerous things in the narrative that are not traditionally included or effectively conveyed in a site plan such as hours of operation, number of employees expected on a shift, is the use compatible with the surrounding area ect. If there is something specific you require we will certainly attempt to provide it, the statement above is very broad and general we believe we have complied with it.

Item 1d d. Show any public/private easements on the subject parcel

There are no easements on our lot therefore there are no easements on the drawing.

. • (a-d) The picture of a hand drawn site plan is insufficient and does not meet any of the requirements noted above. It may be beneficial to acquire help to develop your site plan.

Per our discussion the only issue you could specifically name was the quality of the picture and that you did not believe it was to scale, we believe we have adequately addressed that issue, in addition we have spoken with the borough mayor and assembly members who have assured us that a hand drawn plan with minor scale discrepancies would not be considered a significant issue by the assembly and would not interfere with it being approved.

Item 3 3. Please detail all noise mitigation measure related to music and any outdoor activities which take place.

• The updated narrative mention there may be outdoor music events, but only provided an end time of 10:00p.m. Outdoor music events can be very disruptive to neighboring property, which is why it is important to provide detailed information related to such an event (including noise mitigation measures, source location of outdoor music, expected volume/decibels etc…).

We are not seeking to add any music events that would fall outside of our previously approved existing conditional land use permit that is currently in effect. The single residential property that borders our land is approximately 300 feet from our facility and are frequent customers in our eatery, we maintain a good relationship with them and have had no complaints. We frequently monitor sound levels at our property line with an Extech sound level meter to ensure we are in compliance with 8.52 noise and amplified sound and vibration. If we were to hold an outdoor event with a band or loud music we will seek a temporary noise permit per MSB 8.55.

Based on our discussion I believe your primary concern was the scale map and clarification of some missing features and noise mitigation issues. I do hope this clarifies our response and addresses your concerns, if there is anything further needed please feel free to contact me at 907 7154382, or email Bob.brister@hotmail.com.

. Bob Brister

Peggy Horton

From: robert brister <bob.brister@hotmail.com>
Sent: Wednesday, August 10, 2022 4:52 PM
To: Bill Brister; Peggy Horton
Subject: Re: Floaters

[**EXTERNAL EMAIL** - CAUTION: Do not open unexpected attachments or links.]
Bill and I have reviewed the document and approve the changes please move forward with the application.

From: Bill Brister <bill.brister@gmail.com>
Sent: Wednesday, August 10, 2022 4:47 PM
To: robert brister <bob.brister@hotmail.com>
Subject: Fwd: Floaters

Sent from my iPhone

Begin forwarded message:

> **From:** Peggy Horton <Peggy.Horton@matsugov.us>
> **Date:** August 9, 2022 at 4:10:34 PM AKDT
> **To:** bill.brister@gmail.com, robert brister <bob.brister@hotmail.com>, Alex Strawn <Alex.Strawn@matsugov.us>
> **Subject: FW: Floaters**
>
> To all,
>
> Please address any response to me as Mr. Strawn will be out the rest of the week. Let us know if the site plan is adequate to show your development or if any changes are needed and confirm the statements below, please.
>
> Thank you,
>
> Peggy Horton
> Matanuska-Susitna Borough
> Development Services Division
> Planner II
> 907-861-7862
>
> ---
>
> **From:** Alex Strawn <Alex.Strawn@matsugov.us>
> **Sent:** Tuesday, August 9, 2022 3:53 PM
> **To:** bill.brister@outlook.com
> **Cc:** Peggy Horton <Peggy.Horton@matsugov.us>
> **Subject:** Floaters
>
> Good afternoon Bill,

It was a pleasure meeting with you and Bob today. Attached is the site plan I assisted you in putting together based on the information you provided. A few things mentioned at the visit today included the following:

There is a 8-10 tall berm along the western boundary of the property.
There will be no amplified outdoor music. A special event permit will be obtained for any event involving amplified outdoor music.
There is an outdoor beer garden gate that will remained locked while the bar is in operation.
The public must go through the pub in order to access the outdoor beer garden.
Signage on the front of the restaurant is lit with a backlight.
There is now plywood on the western side of the beer garden fence as a noise mitigation measure.

Please confirm that these statements are true and add anything I missed.

Thanks,
Alex Strawn
Planning & Land Use Director

Matanuska-Susitna Borough
350 E. Dahlia
Palmer, AK 99645
(907) 861-7850

SITE PLAN



Floaters Site Plan

1 inch = 20 feet

0 20 40 Feet

August 9, 2022

Recent Correspondence

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Friday, March 18, 2022 3:45 PM
To: 'bill.brister@gmail.com'
Subject: 2014 Conditional Use Permit and Blank Application from
Attachments: 2014 Permit Approval packet.pdf; Alcoholic Beverage Uses Application.pdf

Good Afternoon Bill,

I have attached a blank application form and the 2014 Conditional Use Permit for Floaters. In a separate email, I'll send you an example application to help you build your application.

General Conditional Use Permit modification process:

- Conditional Use Permits and modifications thereof are required to have a public hearing in front of the Matanuska-Susitna Borough Planning Commission. Prior to scheduling the hearing, we are required review your application and request/obtain all pertinent information in order to evaluate your request as the standards of MSB 17.70. Once we have received all required information and deem the application "complete," we will schedule a hearing. The hearing will be held approximately 8 to 10 week from the day we deem the application complete.
- We will then send out public notices in accordance with MSB 17.03. You are required to pay the advertising and mail costs related to these notices. These costs usually do not exceed $150 total.
- All comments we receive will be forwarded to you. You may choose to respond to the comments, but are not required to. Your response should be sent to me directly.
- The staff working on your request will write a report and recommendation to the Planning Commission. When the report is finalized, it will be provided to you and to the Planning Commission. It will also be available for the public to review.
- At the public hearing you will have a 15 minute period available to you. You may use this time as you wish. Some applicants choose to have a presentation to clarify any topics of concern, but most use it to just be available for questions the Planning Commission may have. In any event, it is available to you.
- The Planning Commission typically make a decision on the request on the same night of the public hearing.

If you have questions, please feel free to give me a call or email. Thank you.

Respectfully,

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

MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
Development Services Division
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822 • Fax (907) 861-7876
E-mail: permitcenter@matsugov.us

July 22, 2014

Jeff Ross
Floaters
P.O. Box 521731
Big Lake, AK 99652

SUBJECT: **Approval of Modified Conditional Use Permit for Floaters Beverage Dispensary**
LOCATION: Fishers "Y" Subdivision, Block 2, Lot 3; 2990 S. Big Lake Road

Dear Mr. Ross:

On July 21, 2014 the Borough Planning Commission approved the Alcoholic Beverage Uses Conditional Use Permit for the enlargement of the outdoor service area and modification of the hours for outdoor amplified music in the Floaters beer garden. The Commission based this decision set forth in Planning Commission Resolution 14-19. A copy of this resolution is attached to the conditional use permit.

Please be advised that in accordance with MSB 15.39 – Board of Adjustment and Appeals, an appeal may be filed within 21 days from the date on which the written decision was issued. Appeals are filed with the Borough Clerk's office.

Should you have any questions or require additional information please let me know.

Sincerely,

Susan Lee
Planner II

Pc: Alcoholic Beverage Control Board

MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
Development Services
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822 • Fax (907) 861-7876
Email: PermitCenter@matsugov.us

REGULATION OF ALCOHOLIC BEVERAGE USES
CONDITIONAL USE PERMIT

PERMIT#: 177020140002

ACTION: In accordance with Matanuska-Susitna Borough Code 17.70, a conditional use permit to enlarge the outdoor service and modify the hours for outdoor amplified music in the Floaters beer garden is hereby granted as referenced within this document.

EFFECTIVE DATE: July 21, 2014

PERMITTED SITE: Fishers "Y" Subdivision, Block 2, Lot 3; 2990 S. Big Lake Road; Township 17 North, Range 3 West, Section 31, Seward Meridian

PERMITTEE: Jeff & PJ's Living Trust (Jeff & Pamela Ross)
P.O. Box 521731
Big Lake, AK 99652

PROPERTY OWNER: Jeff & PJ's Living Trust (Jeff & Pamela Ross)
P.O. Box 521731
Big Lake, AK 99652

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

This permit does not constitute a license from the State of Alaska, Alcoholic Beverage Control Board. The permittee is required to comply with all applicable Alaska Statute provisions and all conditions of any license issued there under.

Specific Conditions of the Permit:

1. The owner and/or operator shall comply with all other applicable federal, state, and local regulations.

2. If the operation expands or alters from the information submitted in the application, an amendment to the conditional use permit shall be required.

3. Signage and lighting shall be limited to that which does not directly shine onto the adjacent properties or thoroughfares.

4. There shall be no outdoor amplified music between 10 p.m. and 12 p .m. (Noon), Monday – Sunday.

5. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 – Noise, Amplified Sound and Vibration.

6. The existing vegetative buffers shall be maintained as depicted on the site plan.

7. The fence surrounding the outdoor service area shall be maintained in good repair.

8. The service gate shall remain locked when the outdoor service area is in operation.

9. Patrons shall enter the outdoor service area through the bar.

10. All parking for the facility shall be on-site.

11. The 1998 and 2006 Conditional Use Permits are still in effect, except for the modifications to the outdoor service area and the hours for outdoor amplified music.

This permit is approved by Matanuska-Susitna Borough Planning Commission Resolution No. 14-19, passed on July 21, 2014. A copy of the resolution and site plan are attached. This permit may be appealed within 21 days of approval in accordance with MSB 15.39 Board of Adjustment and Appeals.

Eileen Probasco, Director
Planning and Land Use Department

July 22, 2014
Date of Issuance

This Page Intentionally Left Blank

By: Susan Lee
Introduced: June 16, 2014
Public Hearing: July 21, 2014
Action: Passed

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 14-19

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE EXPANSION OF THE OUTDOOR SERVICE AREA AT FLOATERS; LOCATED ON FISHERS "Y" SUBDIVISION, BLOCK 2, LOT 3; 2990 S. BIG LAKE ROAD; WITHIN TOWNSHIP 17 NORTH, RANGE 3 WEST, SECTION 31, SEWARD MERIDIAN.

WHEREAS, an application has been received from Jeff & PJ's Living Trust for the modification of the Floaters conditional use permit under MSB 17.70; and

WHEREAS, a conditional use permit is required for the modification of an existing conditional use in accordance with the terms of the existing permit; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.70.100 and 17.70.110; and

WHEREAS, the applicant is proposing to add 6,500 square feet to the existing 1,320 square foot outdoor service area; and

WHEREAS, a liquor beverage dispensary has operated almost continually at this location since 1978; and

WHEREAS, an outdoor service area has been in operation at this facility since 2006; and

WHEREAS, Floaters is located on South Big Lake Road which is mostly developed with commercial properties; and

WHEREAS, the proposed conditional use permit modification is consistent with the Big Lake Comprehensive Plan; and

WHEREAS, there have not been any complaints filed regarding the operation of a beverage dispensary at this location; and

WHEREAS, the nearest other operating beverage dispensary in the Big Lake area is The Islander on Big Lake about two miles from this site; and

WHEREAS, the adjacent properties to the back (west) side of this lot are developed with residences, however, they are not visible from the bar or outdoor service area; and

WHEREAS, the site is in an area where uses are continuing established trend of a commercial center development along the South Big Lake Road; and

WHEREAS, the conditional use is compatible with and will preserve or not materially detract from the value, character and integrity of the surrounding area; and

WHEREAS, the Borough has no record of complaints filed under MSB Code 8.40, Liquor License Referrals, against the existing beverage dispensaries in the area; and

WHEREAS, the nearest school is Big Lake Elementary which is about 3,000 feet from this site; and

WHEREAS, the nearest church is about one mile from this site; and

WHEREAS, State regulations preclude beverage dispensaries within 200 feet of a school or church; and

WHEREAS, there are warning signs posted on both sides of the driveway alerting drivers of the bike path that runs in front of the property; and

WHEREAS, no evidence has been submitted indicating that this conditional use will be harmful to the public health, safety, convenience and welfare; and

WHEREAS, the existing building is set back over 100 feet from South Big Lake Road, about 20 feet from the south side yard lot line and about 100 feet from the north and west lot lines; and

WHEREAS, the proposed enlarged outdoor service area will be adjacent to the south side yard lot line, about 50 feet from the west (rear) lot line, and about 100 feet from the north side yard lot line; and

WHEREAS, the outdoor service area will be surrounded by fencing that is a combination of chain link and eight foot high wood fencing; and

WHEREAS, the gate on the north side of the fence is locked; and

WEHREAS, patrons must enter the beer garden through the bar. There is no exterior entrance into the outdoor service area; and

WHEREAS, there is a planted vegetative buffer along the north property line and a natural vegetative buffer along the south and west property lines; and

WHEREAS, sufficient setbacks, lot area, buffers or other safeguards are being provided; and

WHEREAS, there are two building mounted signs on the front of the building; and

WHEREAS, no new signage is proposed; and

WHEREAS, there is exterior lighting on the front and rear entrances and north corners of the property; and

WHEREAS, the exterior lights are on dusk timers and motion sensors and do not shine directly onto adjacent properties or thoroughfares; and

WHEREAS, the parking lot is gravel covered; and

WHEREAS, the outdoor service area will be open during the same time as the bar; and

WHEREAS, the current hours of operation are from 2 p.m. to 8 p.m., seven days a week; and

WHEREAS, there may be speakers in the outdoor service area connected to the television, radio or juke box; and

WHEREAS, there will not be any routine live music in the beer garden; and

WEHREAS, there will not be any outside amplified music from 10 p.m. to 12 p.m. (Noon), Monday - Sunday; and

WHEREAS, the operation must comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 - Noise, Amplified Sound and Vibration; and

WHEREAS; there will not be any negative effects upon the properties in the area due to such factors as dust, noise, obtrusive advertising and glare; and

WHEREAS, Floaters is accessed from South Big Lake Road from a 50 foot wide driveway; and

WHEREAS, traffic patterns have been established with the existing development on the site; and

WHEREAS, this stretch of South Big Lake Road is straight with no site obscuring objects; and

WHEREAS, there should not be any negative effect on the safe, efficient flow of traffic on any highway, arterial, collector or street from which access to and from the establishment is obtained; and

WHEREAS, measures are in place to reduce any negative effect upon adjacent and nearby properties, as the building is one-story in height, no new driveways are proposed, no new advertising is proposed, the outdoor service area is fence, and the outdoor service area can only be accessed through the bar; and

WHEREAS, based on the borough parking policy, 22 spaces are required; and

WHEREAS, adequate parking is being provided as there is room for at least 30 regular parking spaces and one handicapped accessible parking space at this facility; and

WHEREAS, parking spaces are 10' x 20' in size with 25' of backing; and

WHEREAS, no new driveways are proposed for this facility; and

WHEREAS, traffic will be able to circulate through the parking areas; and

WHEREAS, parking areas are located on the east (front) and north sides of the building; and

WHEREAS, the enlargement of the beer garden should not change the established traffic patterns for this site; and

WHEREAS, access to the premise should not create an unreasonable traffic hazard; and

WHEREAS, the expansion of the beer garden should not greatly increase traffic in the area; and

WHEREAS, traffic will be similar to retail sales establishments generally permitted in the area; and

WHEREAS, the problem of increasing traffic along the two-lane South Big Lake Road created by increasing commercialization of the road should not be attributed to this one use; and

WHEREAS, traffic should not overtax the existing road systems; and

WHEREAS, there have not been any complaints filed with the borough regarding the operation of the beverage dispensary and associated outdoor service area at this establishment; and

WHEREAS, the proposed modification to the existing facility will be operating within an established commercial area that continues to expand and develop; and

WHEREAS, the proposed beer garden expansion is compatible with the character of the surrounding neighborhood; and

WHEREAS, staff obtained accident data from the Bureau of Highway Patrol for one square mile around the facility for the years 2012 - 2014 (to date) and there have been a total of 25 accidents for Driving Under the Influence; and

WHEREAS, there is no information available to determine where the individuals involved in the alcohol-related accidents obtained the alcoholic beverages; and

WHEREAS, based on all available information, this use will not result in a high crime rate or high incidence of alcoholic-related accidents in the area; and

WHEREAS, there is no evidence that the expansion of the outdoor service area for the beverage dispensary at this location will increase the crime rate in the area or increase alcohol-related accidents; and

WHEREAS, the Alcoholic Beverage Control Board (ABC) has no record of violations by Jeff or PJ Ross or Floaters; and

WHEREAS, the applicant has not had a liquor license suspended or revoked in the 12 months preceding the application; and

WHEREAS, there have not been any complaints filed or violations with the borough regarding the operation of a beverage dispensary at this location; and

WHEREAS, no information has been submitted indicating the applicant is untrustworthy or unfit to conduct business in the borough or that the applicant is a potential source of harm to the public; and

WHEREAS, the applicant has demonstrated that he is not untrustworthy or unfit to conduct business in the borough or that the applicant is a potential source of harm to the public; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission adopts the findings of fact outlined in the staff report prepared and presented in the record for this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby finds this application does meet the standards of MSB 17.70.100 and 17.70.110 and does hereby approve the conditional use permit for the expansion of the outdoor service area at Floaters with the following conditions:

1. The owner and/or operator shall comply with all other applicable federal, state, and local regulations.
2. If the operation expands or alters from the information submitted in the application, an amendment to the conditional use permit shall be required.
3. Signage and lighting shall be limited to that which does not directly shine onto the adjacent properties or thoroughfares.
4. There shall be no outdoor amplified music between 10 p.m. and 12 p.m. (Noon), Monday – Sunday.
5. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 – Noise, Amplified Sound and Vibration.
6. The existing vegetative buffers shall be maintained as depicted on the site plan.
7. The fence surrounding the outdoor service area shall be maintained in good repair.
8. The service gate shall remain locked when the outdoor service area is in operation.
9. Patrons shall enter the outdoor service area through the bar.
10. All parking for the facility shall be on-site.

11. The 1998 and 2006 Conditional Use Permits are still in effect, except for the modifications to the outdoor service area and the hours for outdoor amplified music.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 21st day of July, 2014.

JOHN KLAPPERICH, Chair

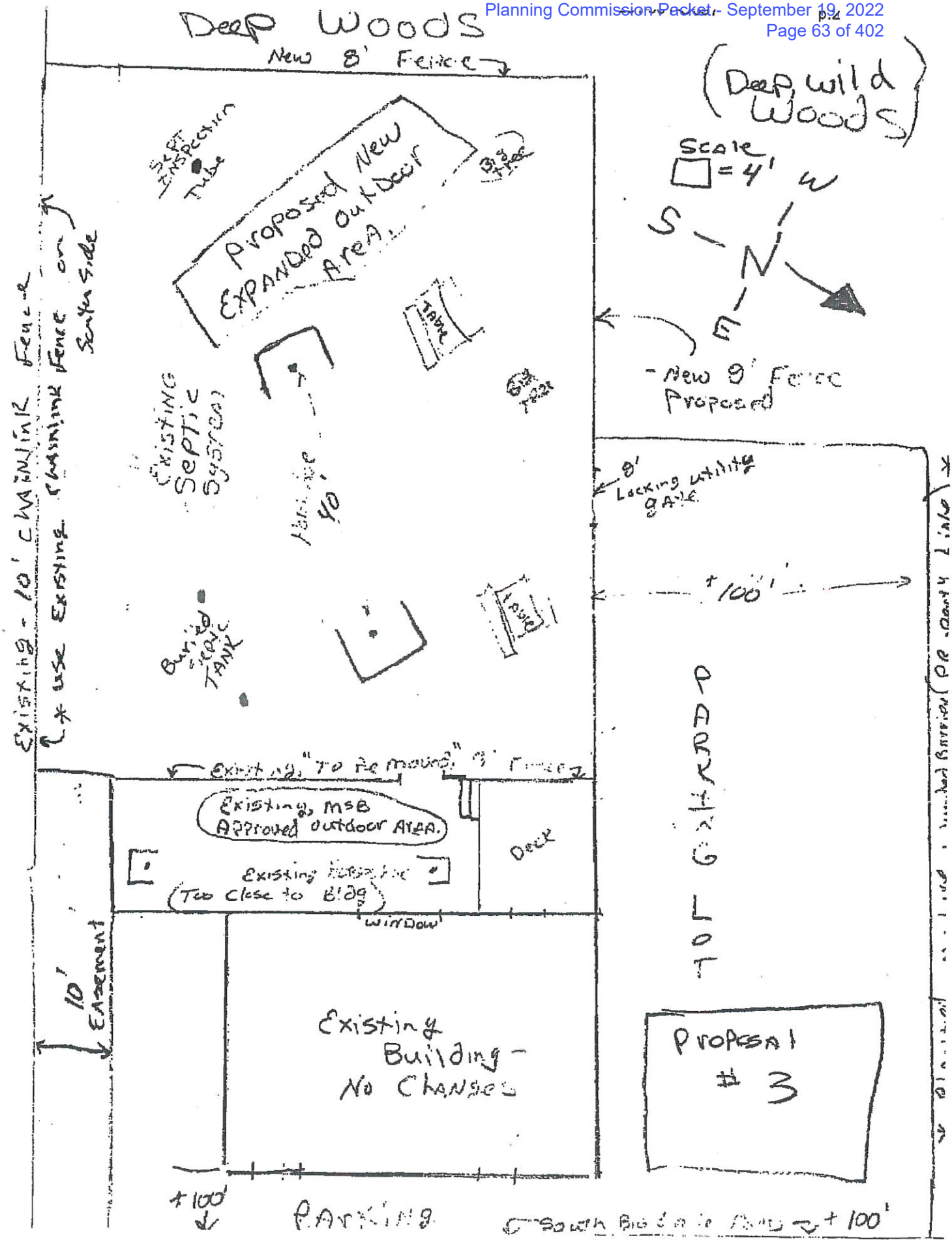
ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

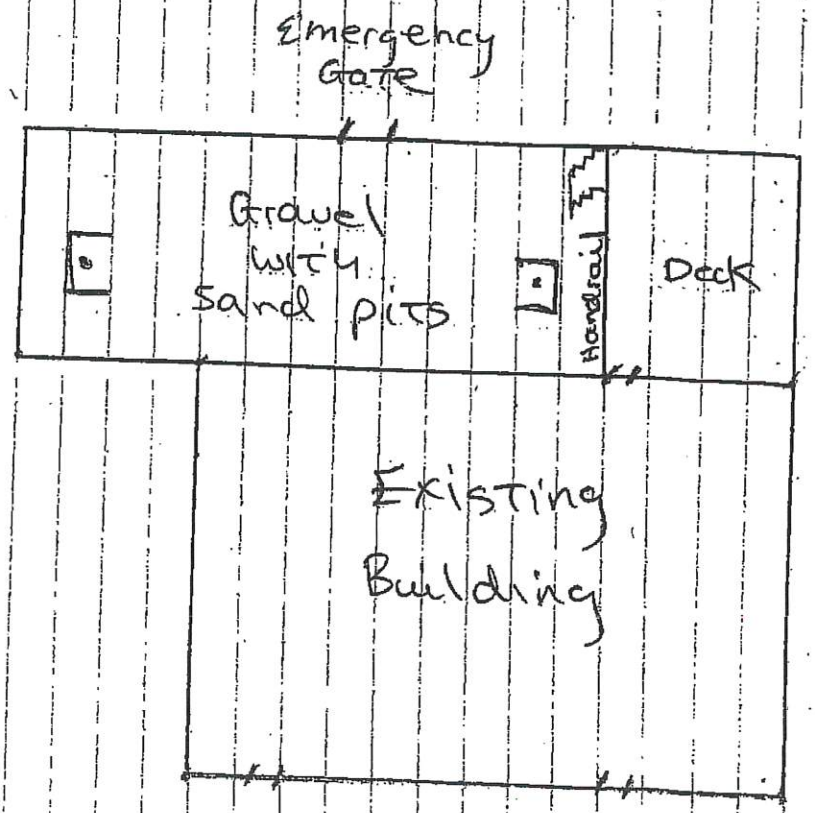
YES: Erdle, Healy, Klapperich, Walden, Kerdig, and Rauchenstein

NO:


Deep Woods
New 8' Fence
(Deep wild Woods)
Scale = 4'
S
N
W
E
- New 8' Fence Proposed
Proposed New EXPANDED outdoor Area
SEPT Inspection Tube
Existing Septic System
TANK
Buried Septic TANK
Existing - 10' CHAINLINK Fence
* use Existing CHAINLINK Fence on South side
8' Locking Utility GATE
+100'
Existing "To Be moved" 8' Fence
Existing MSB Approved outdoor AREA.
Deck
Existing Building (Too Close to Bldg)
WINDOW
10' Easement
Existing Building - No Changes
PARKING LOT
Proposal # 3
+100'
PARKING
South Building Line
+100'

~~Proposed~~ ~~modifications~~ Scale [ ] = 4 ft

Existing, Approved Beer garden



Deck is approx 18 in off the ground.
8 ft fence all around still leaves
6½ ft of containment around
the deck area

MATANUSKA-SUSITNA BOROUGH
350 East Dahlia Avenue, Palmer, Alaska 99645-6488
Planning Department
Code Compliance Division (907) 745-9862
FAX (907) 745-9876
e-mail: *ccb@msb.co.mat-su.ak.us*

ALCOHOLIC BEVERAGE USES
CONDITIONAL USE PERMIT #9802

Pursuant to MSB 17.70, the Planning Commission of the Matanuska-Susitna Borough granted this permit on November 16, 1998 by approval of Planning Commission Resolution No. 98-53(AM).

THIS PERMIT IS ISSUED TO:

Robin and Gerald Jeffery for Robin's Landing liquor beverage dispensary.

This permit recognizes the right of the permittee or his lawful successor-in-interest to operate and use the following described premises:

T.R.S.M.: Township 17 North, Range 3 West, Section 21, Seward Meridian
TAX PARCEL ID#: 1783B02L003 (Fishers "Y" Subdivision, Block 2, Lot 3)

for the following use: Liquor Beverage Dispensary

in conformance with the approved application and site plan, a copy of which is attached hereto, and the conditions specific to Resolution No. 98-53(AM).

This permit grants no additional rights to the holder of this permit other than the identification of a use which has been determined by the Borough to be authorized under MSB 17.70.

This permit does not constitute a license from the Alcoholic Beverage Control Board. The permittee is required to comply with all applicable Alaska statute provisions and all conditions of any license issued thereunder.

The violation of any condition of approval of this permit or of Federal, State or Matanuska-Susitna Borough laws governing the permitted use may constitute grounds for revoking this permit or for other actions or penalties authorized by law. No use is permitted by this permit other than as specifically described, including all conditions and terms of this permit.

This decision may be appealed within 15 Borough business days of the date of approval by the Planning Commission in accordance with MSB 15.39 Board of Adjustment and Appeals.

Marcell Martin

Marcell Martin, Director
Planning and Land Use Department

11/18/98
Date of Issuance

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION 98-53 (AM)

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT UNDER MSB 17.70 TO ESTABLISH A BEVERAGE DISPENSARY AT BLOCK 2, LOT 3, FISHERS "Y" SUBDIVISION

WHEREAS, an application has been received from Gerald and Robin Jeffery for a conditional use permit under MSB 17.70 to establish a beverage dispensary, known as Robin's Landing, at Block 2, Lot 3, Fishers "Y" Subdivision; and

WHEREAS, the Planning Commission has reviewed the application with respect to standards set forth in MSB 17.70.100 and 17.70.110; and

WHEREAS, the Commission finds that the conditional use will be compatible with and will not materially detract from the value character and integrity of the surrounding areas as the developed properties surrounding the proposed facility are mostly commercial and a beverage dispensary (Ship Ahoy) operated at this location from 1978 to 1997; and

WHEREAS, the Commission finds that granting this conditional use permit will not be harmful to the public health, safety, convenience and welfare; and

WHEREAS, sufficient setbacks, lot area, buffers, and other safeguards are being provided, as the site plan indicates that the building is in compliance with the setback requirements and the applicant will be planting a vegetative buffer around the site; and

WHEREAS, there will not be any negative effects upon other properties in the area as there will be a building mounted sign and the exterior lighting will be limited to that which does not directly shine on to adjacent properties or thoroughfares; and

WHEREAS, there should not be any negative effects to the safe efficient flow of traffic on to South Big Lake Road as the driveway is existing and this stretch of the road is straight with no site obscuring objects; and

WHEREAS, adequate parking facilities will be provided for the proposed facility; and

WHEREAS, the Commission finds that there is no evidence that the location of a liquor beverage dispensary at this location would increase the crime rate in the area or increase alcohol-related accidents; and

WHEREAS, the Commission finds that according to the records of the Alaska Alcoholic Beverage Control Board, the owners of the liquor license of this proposed facility have not been guilty of any violations of regulations of that Board; and

WHEREAS, the Planning Commission found no reason to believe that the applicant or any person with an interest in the application has demonstrated that he or she is untrustworthy or unfit to conduct the operation of a licensed business, or are a potential source of harm to the public because the Alaska Alcoholic Beverage Control Board reported that the applicants had no record of violations of its regulations.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Planning Commission hereby adopts the staff report as findings in this matter and does hereby grant a permit under MSB 17.70 to Gerald and Robin Jeffery to establish a liquor beverage dispensary at Block 2, Lot 3, Fishers "Y" Subdivision, in accordance with application materials submitted with the following conditions:

1. The applicant comply with all other applicable federal, state and local regulations.
2. If the operation expands and/or alters, the Planning Commission will review the expansion and/or alteration plans for compliance with the intent of MSB 17.70.
3. Plant and maintain a vegetative buffer (as indicated in the application material) for a buffer and boundary protection along the property lines by July 30, 1999.
4. If Robin's Landing does not begin operating within three years from the date of issuance of the conditional use permit, the applicant will submit a request for an extension of time to begin operation, to the Planning Commission for review.

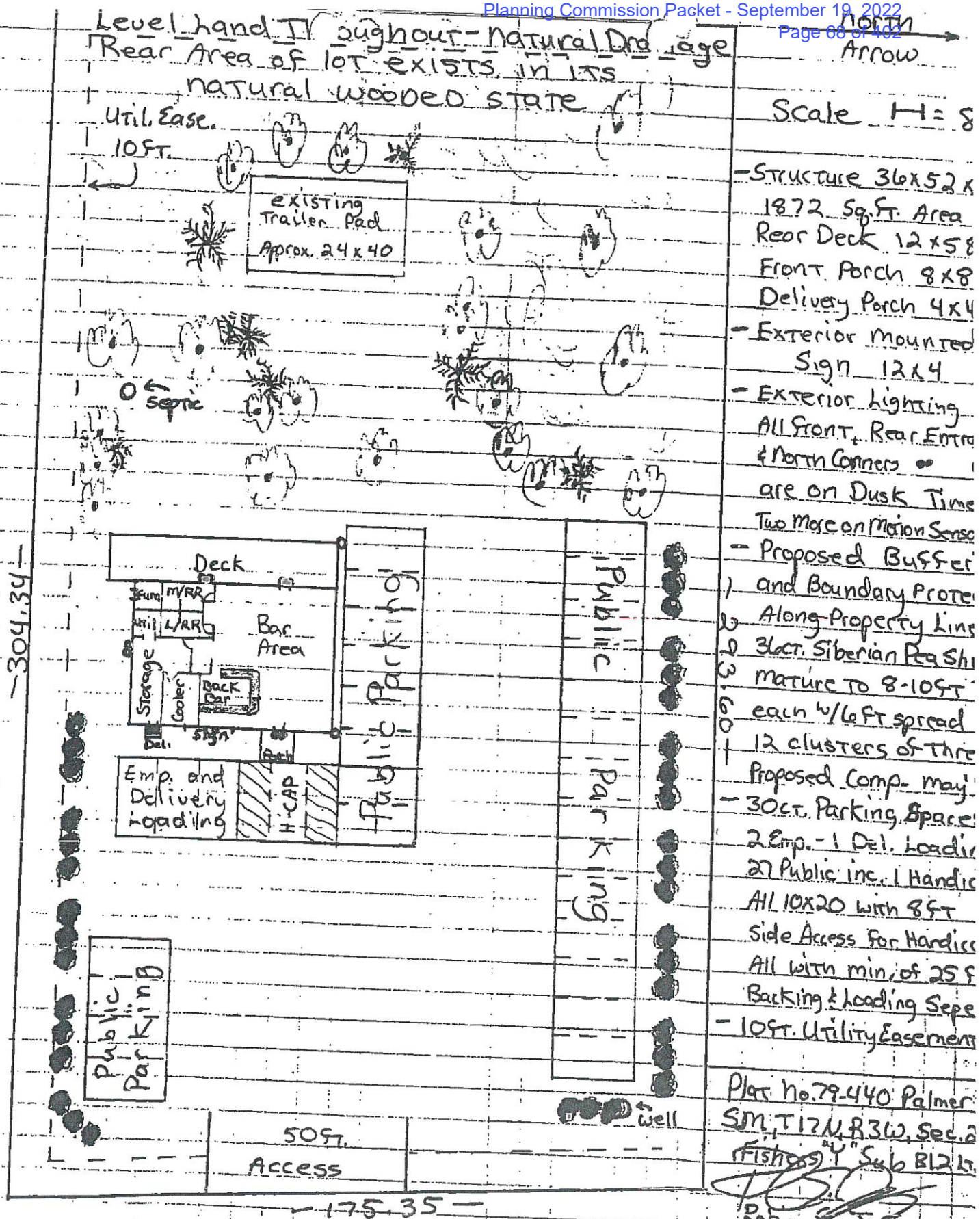
ADOPTED by the Matanuska-Susitna borough Planning Commission this 16 day of November, 1998.

CRAIG SAVAGE, Chair

ATTEST:

PRISCILLA M. GOFF, Planning Clerk
(SEAL)

Pln/pmg/reso/pc9853


Level land throughout - Natural Drainage
Rear Area of lot exists in its natural wooded state
Util. Ease. 10Ft.
existing Trailer Pad Approx. 24x40
Septic
Deck
Furn
MYRR
Util
L/AR
Bar Area
Storage
Cooler
Back Bar
Del.
Sign
Path
Emp. and Delivery Loading
Handicap
Parking
Public Parking
Public Parking
Well
50Ft. Access
304.34
175.35
North Arrow
Scale 1"=8
-Structure 36x52 x
1872 Sq.Ft. Area
Rear Deck 12x58
Front Porch 8x8
Delivery Porch 4x4
-Exterior mounted
Sign 12x4
-Exterior lighting
All Front, Rear Entra
& North Corners
are on Dusk Time
Two more on Motion Sens
-Proposed Buffer
and Boundary Prote
Along Property Lins
36Ct. Siberian Pea Shr
mature to 8-10Ft
each w/6Ft spread
12 clusters of Thre
Proposed Comp. may
-30Ct. Parking Space
2 Emp. - 1 Del. Loadi
27 Public inc. 1 Handic
All 10x20 with 8Ft
Side Access for Handic
All with min. of 25 F
Backing & Loading Sepe
-10Ft. Utility Easement
Plat No. 79-440 Palmer
SM, T17N, R3W, Sec. 2
(Fishers) "Y" Sub Bl2 Lt
Robin E. Jeffery
892-7939
.25 mile
To Hollywood Blvd.
Big Lake Rd
.20 mile
To Roxas Rd.

MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
Planning Division
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 745-9833 • Fax (907) 745-9876
Email: planning@matsugov.us

MATANUSKA-SUSITNA BOROUGH
ALCOHOLIC BEVERAGE USES
CONDITIONAL USE PERMIT – CUP 2006-0004

Pursuant to MSB 17.70, the Planning Commission of the Matanuska-Susitna Borough granted this permit on November 20, 2006 by approval of Planning Commission Resolution No. 06-55.

THIS PERMIT IS ISSUED TO:

Robin Jeffery for Robin's Landing liquor beverage dispensary.

This permit recognizes the right of the permittee or his lawful successor-in-interest to operate and use the following described premises:

T.R.S.M.: Township 17 North, Range 3 West, Section 21, Seward Meridian
LOCATION ID: Fishers "Y" Subdivision, Block 2, Lot 3 (1783B02L003)

for the following use: Outdoor beverage service area (beer garden)

in conformance with the approved application and site plan, a copy of which is attached hereto, and the conditions specific to Resolution No. 06-55.

This permit grants no additional rights to the holder of this permit other than the identification of a use which has been determined by the Borough to be authorized under MSB 17.70.

This permit does not constitute a license from the Alcoholic Beverage Control Board. The permittee is required to comply with all applicable Alaska Statute provisions and all conditions of any license issued thereunder.

The violation of any condition of approval of this permit of Federal, State, or Matanuska-Susitna Borough laws governing the permitted use may constitute grounds for revoking this permit or for other actions or penalties authorized by law. No use is permitted by this permit other than as specifically described, including all conditions and terms of this permit.

This decision may be appealed within 15 calendar days of the date of approval by the Planning Commission in accordance with MSB 15.39 Board of Adjustment and Appeals.

M Murph O'Brien, Director
Planning and Land Use Department

11/21/08
Date of Issuance

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION 06-55

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITONAL USE PERMIT UNDER MSB 17.70 TO MODIFY THE BEVERAGE DISPENSARY CONDITIONAL USE PERMIT AT ROBIN'S LANDING ON BLOCK 2, LOT 3, FISHERS "Y" SUBDIVISION, WITHIN TOWNSHIP 17 NORTH, RANGE 3 WEST, SECTION 21, SEWARD MERIDIAN

WHEREAS, an application has been received from Robin Jeffery dba Robin's Landing, for a conditional use permit under MSB 17.70 to modify the existing permit by allowing beverage service outdoors in a fully enclosed area of horseshoe pits and a deck on Block 2, Lot 3, Fishers "Y" Subdivision; and

WHEREAS, the planning commission has reviewed this application with respect to standards set forth in MSB 17.70.100 and 17.70.110; and

WHEREAS, Robin's Landing has had a permitted beverage dispensary at this location since 1998 and there have not been any complaints filed regarding its operation; and

WHEREAS, this property is in an area where uses are continuing an established trend of a commercial center development along the South Big Lake Road; and

WHEREAS, the modification to the beverage dispensary conditional use permit is compatible with and should not detract from the character of the neighborhood; and

WHEREAS, the Borough has no record of complaints filed under MSB Code 8.40 (Liquor License Referrals) against the existing liquor beverage dispensaries in the area; and

WHEREAS, the facility is located within the Big Lake Comprehensive Plan planning area, which does not specifically address liquor beverage dispensaries; and

WHEREAS, the Borough code does not limit the number of these types of businesses in a given area; and

WHEREAS, the proposed use does not appear to be significantly harmful to the public health, safety, or welfare if operated in accordance with State alcohol laws and with Borough regulations; and

WHEREAS, the existing building and proposed modifications are in compliance with the setback requirements; and

WHEREAS, the outdoor service area will be enclosed within an eight foot high privacy fence; and

WHEREAS, the residences in the adjacent subdivision to the back of Robin's Landing are not visible from this facility; and

WHEREAS, sufficient setbacks, lot area, buffers, and other safeguards are being provided; and

WHEREAS, no new signage or lighting is proposed for the outdoor service area; and

WHEREAS, the hours of operation for the outdoor area will be the same as the bar; and

WHEREAS, there will not be any outdoor entertainment, such as amplified music; and

WHEREAS, Robin's Landing is accessed from South Big Lake Road and this stretch of the road is straight with no site obscuring objects; and

WHEREAS, there should not be any negative effect to the safe efficient flow of traffic along South Big Lake Road as the road is straight with no site obscuring objects in this area and traffic should be similar to retail businesses generally permitted in the Borough; and

WHEREAS, the proposed modification is to an existing facility that has been in operation since 1998 and the addition of the outdoor service area (deck and horseshoe pits) should not have a significant impact on the surrounding area; and

WHEREAS, based on the borough's parking policy, 22 parking spaces are required and 29 spaces are provided. Adequate parking is being provided; and

WHEREAS, no new driveways are proposed for this facility; and

WHEREAS, the addition of the outdoor service area to Robin's Landing should not increase traffic in the area. The problem of increasing traffic along the two-lane South Big Lake Road created by increasing commercialization of the road should not be attributed to this one use; and

WHEREAS, Robin's Landing has been operating at this location since 1998 and the proposed modification to the existing facility will be operating within an established commercial area that continues to expand and develop; and

WHEREAS, staff finds no standards that makes the proposed modification inherently incompatible with its surrounding neighborhood; and

WHEREAS, the nearest church is located approximately one mile away and Big Lake Elementary School is about .70 of a mile south of the site and State regulations preclude beverage dispensary licenses within 200 feet of a church or school; and

WHEREAS, staff collected accident data for one square mile around the facility for the years 2003 – 2004 and during this time period there were 15 accidents in the area, of which four were alcohol related; and

WHEREAS, presently there is no information available to determine where the individuals involved in the alcohol-related accidents obtained the alcoholic beverages; and

WHEREAS, no other information was received that indicates that this use would result in a high crime rate or high incidence of alcoholic-related accidents in the area; and

WHEREAS, the Alcoholic Beverage Control Board has no record of violations by Robin Jeffery dba Robin's Landing; and

WHEREAS, staff has no information indicating that the applicant is untrustworthy or unfit to conduct business in the borough or that the applicant is a potential source of harm to the public.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission finds this application does meet the standards of MSB 17.70.100 and 17.70.110 and does hereby approve the modification to the conditional use permit to allow an outdoor service area (deck and horseshoe pit area), with the following conditions:

1. The applicant shall comply with all other applicable federal, state, and local regulations.
2. If the operation expands or alters, an amendment to the conditional use permit shall be required.
3. No amplified music in the outside service area during Sunday through Thursday from noon to 4 p.m. and from 10 p.m. to noon, and on Friday and Saturday from noon to 4 p.m. and from 11 p.m. to noon and comply with all requirements of MSB Chapter 8.52 – Amplified Sound and Vibration.
4. The applicant will maintain the fence in good repair.

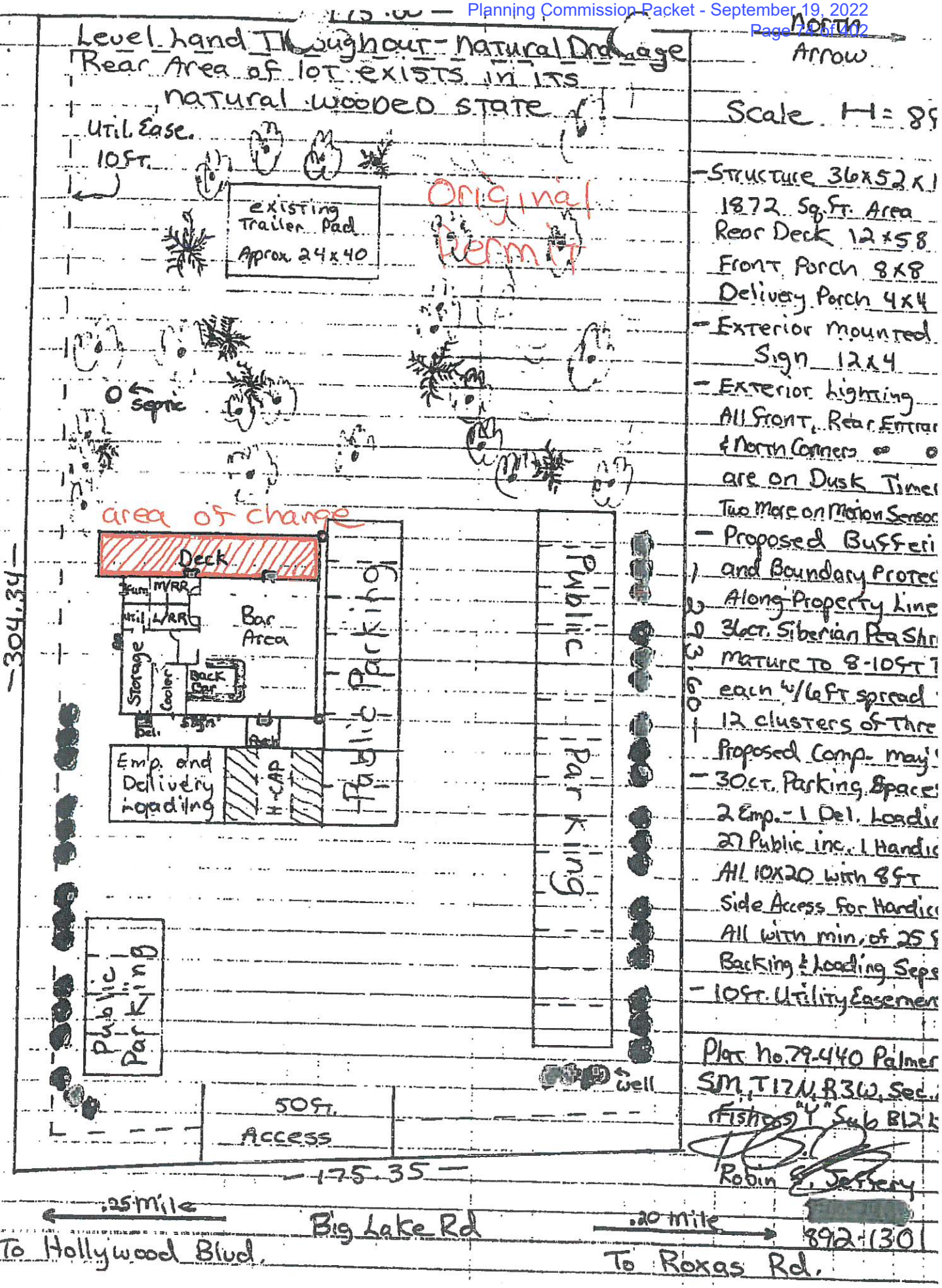
ADOPTED by the Matanuska-Susitna Borough Planning Commission this 20 day of NOVEMBER, 2006.

HELGA LARSON, Chair

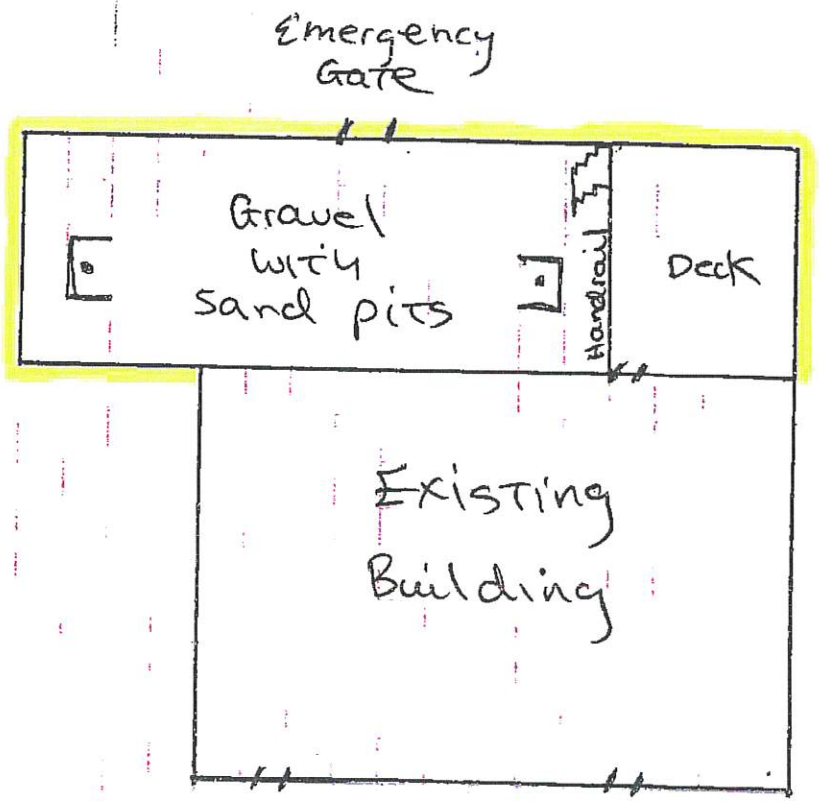
ATTEST:

PRISCILLA M. GOFF, Planning Clerk

(SEAL)


Level Land Throughout - Natural Drainage
Rear Area of lot exists in its natural wooded state
Util. Ease. 10Ft.
existing Trailer Pad Approx. 24x40
Original Permit
North Arrow
Scale 1"= 8
-Structure 36x52 x1
1872 Sq. Ft. Area
Rear Deck 12x58
Front Porch 8x8
Delivery Porch 4x4
-Exterior mounted Sign 12x4
-Exterior Lighting
All Front, Rear Entra
& North Corners
are on Dusk Time
Two More on Motion Senso
-Proposed Buffer
and Boundary Protec
Along Property Line
36ct. Siberian Pea Shr
Mature to 8-10Ft T
each 4'/6Ft spread
12 clusters of Thre
Proposed Comp. may
-30ct. Parking Space
2 Emp. - 1 Del. Loadi
27 Public inc. 1 Handi
All 10X20 with 8Ft
Side Access for Handi
All with min. of 25
Backing & Loading Sep
-10Ft. Utility Easemen
area of change
Deck
M/RR
Util
L/RR
Bar Area
Storage
Cooler
Back Bar
Sign
Del.
Back
Emp. and Delivery loading
H-CAP
Public Parking
Public Parking
Public Parking
Well
50Ft. Access
-304.34-
-175.35-
Plat No. 79-440 Palmer
SM, T17N, R3W, Sec.
Fish Eggs "Y" Sub Bl2 L
Robin E. Jeffery
[redacted]
892-130
.25 mile
To Hollywood Blvd.
Big Lake Rd
.20 mile
To Roxas Rd.

Proposed modifications scale □ = 4 ft



Deck is approx 18 in off the ground. 8 ft fence all around still leaves 6½ ft of containment around the deck area

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Monday, March 21, 2022 7:17 AM
To: 'Bill Brister'
Subject: RE: Example MSB 17.70 Application Material

Breweries do not require a Conditional Use Permit, so there is no application on file. Thank you.

Respectfully,

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

From: Bill Brister <bill.brister@gmail.com>
Sent: Saturday, March 19, 2022 10:03 AM
To: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Subject: RE: Example MSB 17.70 Application Material

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]
Good morning Sir
Can I get a copy of the Big Lake Brewery as it is closer to what we are doing. Thanks

Bill Brister
R & B Alaska inc.
12270 E Outer Springer Loop
Palmer Alaska 99645
PH. 9079470401

From: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Sent: Friday, March 18, 2022 4:02 PM
To: bill.brister@gmail.com
Subject: Example MSB 17.70 Application Material

Example application for your convenience. Attached.

Respectfully,

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

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Friday, April 22, 2022 2:00 PM
To: 'Bill Brister'
Subject: Floaters RFAI Letter 4-22-22
Attachments: Floaters RFAI Letter 4-22-22.pdf

Please see the attached letter requesting information related to your application to modify and existing Conditional Use Permit. Thank you.

Respectfully,

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

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

April 22, 2022

Bill Brister
12270 E. Outer Springer Loop
Palmer, AK 99645

SUBJECT: CUP Application for Alcoholic Beverage Use – Request for Required Information
LOCATION: 2990 South Big Lake Road (Tax ID# 1783B02L003)

Dear Mr. Brister,

Borough staff has reviewed the application material and the site plan(s) submitted on March 21, 2022 to modify an existing conditional use permit for Alcoholic Beverage Use (Beverage Dispensary) per MSB 17.70 on the above referenced property. It has been determined that the following information needs to be provided and/or clarified in order to process this request:

1. The submitted site plan is insufficient.
   a. Per MSB 17.70.030(B) the site plan must show "the proposed or existing location of all buildings and structures on the site, size, height and bulk of building, signage, access points, buffering, proposed contouring and landscaping, drainage, vehicular and pedestrian circulation patterns, parking areas and the specific location of the use or uses to be made of the development shall be submitted with the application."
   b. Also, see page 3 of the application for a list of items to be shown on the site plan (i.e. to-scale).
   c. Ensure anything mentioned in the narrative must be shown on the site plan (i.e. access from property, parking spaces etc…).
   d. Show any public/private easements on the subject parcel.
   e. The submitted floor plans must also be to-scale and detailed sufficiently (a legend may help).
   f. We cannot accept a certified as-built which has been hand modified by a person other than the certifier.

2. The narrative mentions "SIP." Please identify this and all other acronyms.

3. Please detail all noise mitigation measure related to music and any outdoor activities which take place.

4. The narrative mentions the hours of operation being 11:00am to 12:00pm. Did you mean 11:00am to 12:00am (midnight)? Please update narrative appropriately.

5. Please provide a copy of the approved driveway permits for the access points onto the subject property.

Once an application has been determined to be complete, staff will begin the public notification process and schedule a public hearing.

Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-8527, or email: mark.whisenhunt@matsugov.us. Thank you for your time and consideration on this matter.

Respectfully,



Mark Whisenhunt
Planner II
Matanuska-Susitna Borough

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

July 8, 2022

Bill Brister
12270 E. Outer Springer Loop
Palmer, AK 99645

SUBJECT: CUP Application for Alcoholic Beverage Use – Request for Required Information
LOCATION: 2990 South Big Lake Road (Tax ID# 1783B02L003)

Dear Mr. Brister,

Borough staff has reviewed the application material and the site plan(s) submitted on June 27, 2022 to modify an existing conditional use permit for Alcoholic Beverage Use (Beverage Dispensary) per MSB 17.70 on the above referenced property. It has been determined that the following information needs to be provided and/or clarified in order to process this request:

1. The submitted site plan is insufficient.
   a. Per MSB 17.70.030(B) the site plan must show "the proposed or existing location of all buildings and structures on the site, size, height and bulk of building, signage, access points, buffering, proposed contouring and landscaping, drainage, vehicular and pedestrian circulation patterns, parking areas and the specific location of the use or uses to be made of the development shall be submitted with the application."
   b. Also, see page 3 of the application for a list of items to be shown on the site plan (i.e. to-scale).
   c. Ensure anything mentioned in the narrative must be shown on the site plan (i.e. access from property, parking spaces etc…).
   d. Show any public/private easements on the subject parcel.
      - *(a-d) The picture of a hand drawn site plan is insufficient and does not meet any of the requirements noted above. It may be beneficial to acquire help to develop your site plan.*
   e. The submitted floor plans must also be to-scale and detailed sufficiently (a legend may help).
      - *Floor plans of the expansion have been received.*
   ~~f. We cannot accept a certified as-built which has been hand modified by a person other than the certifier.~~
      - *This item is resolved. Thank you.*

~~2. The narrative mentions "SIP." Please identify this and all other acronyms.~~

- *This item is resolved. Thank you.*

3. Please detail all noise mitigation measure related to music and any outdoor activities which take place.
    - *The updated narrative mention there may be outdoor music events, but only provided an end time of 10:00p.m. Outdoor music events can be very disruptive to neighboring property, which is why it is important to provide detailed information related to such an event (including noise mitigation measures, source location of outdoor music, expected volume/decibels etc…).*

~~4. The narrative mentions the hours of operation being 11:00am to 12:00pm. Did you mean 11:00am to 12:00am (midnight)? Please update narrative appropriately.~~
    - *This item is resolved. Thank you.*

~~5. Please provide a copy of the approved driveway permits for the access points onto the subject property.~~
    - *This item is resolved. Thank you.*

Once an application has been determined to be complete, staff will begin the public notification process and schedule a public hearing.

Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-8527, or email: mark.whisenhunt@matsugov.us. Thank you for your time and consideration on this matter.

Respectfully,

Mk Whisenhunt
Planner II
Matanuska-Susitna Borough

From:	Peggy Horton
To:	Mark Whisenhunt
Subject:	FW: Floaters CUP Application Bullet Points
Date:	Tuesday, August 23, 2022 10:43:35 AM
Attachments:	Floaters RFAI Letter 7-28-22.pdf

From: Peggy Horton
Sent: Thursday, July 28, 2022 3:46 PM
To: bill.brister@gmail.com; robert brister <bob.brister@hotmail.com>
Subject: Floaters CUP Application Bullet Points

Please read attached letter for bullet points. I tried to be as complete as possible and give you some reasoning for our questions.

Thank you,

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

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

July 28, 2022

Bill Brister & Bob Brister
12270 E. Outer Springer Loop
Palmer, AK 99645

SUBJECT: CUP Application for Alcoholic Beverage Use – Request for Required Information

Dear Mr. Brister and Mr. Brister,

I just want to start out by saying I understand that you are frustrated with the back and forth. Perhaps what is needed is an in-person meeting, at your place, or here at the borough building, where we can go over the application in full. This is an open invitation, let me know.

On Monday, July 25, 2022, the participants in a meeting (Mr. Bob Brister; Mayor Devries; Peggy Horton, Planner II; and Alex Strawn, Planning and Land Use Director) agreed to provide you bullet points for what is needed to fulfill a complete application. I developed this list after looking at the application available to me in our computer records and in paper form within the project folder. Unfortunately, I did not have access to previous phone conversations or email traffic between you and Mark Whisenhunt.

- When we speak about the requirements on a site plan, not everything needs to go on a single site plan, you may include multiple site plans to show the required items.
  Discussion: The site plans should not show conflicting information as this would bring confusion into the mix. So far we have the 2020 as-built submitted with the original application with your drawing on it, a parking diagram submitted 6/27/2022, a new site plan with a different parking pattern, showing the expanded building, and with vehicular and pedestrian circulation submitted 7/26/2022, and engineer's plans of the existing facility.

- My understanding is, you want to move forward with the plans already provided. Is that true, or will you provide a site plan using a scale (which we can verify using a scaled ruler in our office) such as 1" = 30' or 1" = 50', or 10' increments thereof?
  Discussion: The dimensions of the lot as shown on the 2020 as-built are the same as used on the parking plan/vehicle & pedestrian circulation plan submitted on 7/26/22, although the dimensions are really very hard to read, almost indecipherable. We see all the buildings, but we do not see a scale used. A scaled site plan lets the Planning Commission and staff see exactly how each component will fit and how much space, both empty and filled, there is on the property. It also ensures the development is built and used in accordance with the approved plans.

- Show on a site plan the location and type of existing vegetation to be retained and any proposed new vegetation. We don't need genus and species, just terms such as trees, bushes, plants, grasses, etc.

  Discussion: The property has changed since 2014 (when the last update to the CUP was approved). Sound mitigation efforts approved in 2014 for Floaters included the "deep woods" along the western property line and the "deep wild woods" at the northwest corner. Those woods existed in 2016, but do not today (according to our 2021 aerial photography). The 2020 as-built shows a 10' utility easement and a 15' screening easement along the western property line. This screening easement was one of the vegetative buffers used in the 2006 and 2014 CUP for sound mitigation. The parking plan submitted 7/26/2022 shows that these two areas are proposed for parking and no longer used for a screening easement or as sound mitigation.

- The original narrative states flower beds will be installed spring 2022. Currently there are a few flower baskets hanging from the pub roofline. Decide what will be in your application.

  Discussion: This should be discussed in your landscaping description.

- Please provide a copy of the original 2020 as-built, without your drawing on it, to show the existing easements on the property along the eastern, western, and southern sides.

- Are any of the light fixtures on the outside of the facility producing glare or light onto the neighboring properties?

  Discussion: The application narrative states you are directing the lights downward, but if they are producing glare or light onto neighboring properties, there may be a requirement to place shields on them to mitigate that light spillage.

- Put all the signage for your business on the site plan or discuss in a narrative format. Is any of the signage lit in a way that will shine onto adjacent properties or into the road? If so, you may wish to change that so it does not.

  Discussion: The code requires signage be shown on the site plan. The Floaters sign by the road is the only sign shown on any of the site plans provided. The sign on the front of the restaurant and on the roof of the pub are not described on your site plan or in the narrative. If you don't show it on the site plan, tell us about it in your narrative.

- Will you have outdoor amplified sound from a jukebox, or other noise making system? If yes, explain how you will keep the noise from impacting the current or future neighbors or neighboring commercial operations. Type and placement of speakers, times, decibel level, etc. are important factors for approval.

  Discussion: You have stated an understanding that the operation shall comply with the maximum permissible sound level limits allowed per MSB 8.52 and if you decide to have outdoor band or music event you will obtain a temporary noise permit. The 2014 CUP approved the outdoor music partially due to the noise mitigation measures of the "deep woods" along the west boundary and the "deep wild woods" at the northwest corner. Those are no longer in place according to your most recent parking plan.

- The times approved in 2014 for no outdoor amplified music in the beer garden were 10 p.m. to 12 p.m. (noon) Monday – Sunday. Do you want to keep those same hours or change them? If changed, to what hours? If not doing any outdoor music, just say so.

- Can the public enter the outdoor service area without going through the bar?

- Is there an outdoor service area gate and will it remain locked when the outdoor service area is in operation?

Once an application has been determined to be complete, staff will begin the public notification process and schedule a public hearing.

Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-7862, or email: peggy.horton@matsugov.us. Thank you for your time.

Respectfully,

Peggy Horton

Peggy Horton
Planner II
Matanuska-Susitna Borough

Peggy Horton

From: Peggy Horton
Sent: Tuesday, August 9, 2022 4:10 PM
To: bill.brister@gmail.com; robert brister; Alex Strawn (Alex.Strawn@matsugov.us)
Subject: FW: Floaters
Attachments: Floaters.pdf

To all,

Please address any response to me as Mr. Strawn will be out the rest of the week. Let us know if the site plan is adequate to show your development or if any changes are needed and confirm the statements below, please.

Thank you,

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

From: Alex Strawn <Alex.Strawn@matsugov.us>
Sent: Tuesday, August 9, 2022 3:53 PM
To: bill.brister@outlook.com
Cc: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Floaters

Good afternoon Bill,

It was a pleasure meeting with you and Bob today. Attached is the site plan I assisted you in putting together based on the information you provided. A few things mentioned at the visit today included the following:

- There is a 8-10 tall berm along the western boundary of the property.
- There will be no amplified outdoor music. A special event permit will be obtained for any event involving amplified outdoor music.
- There is an outdoor beer garden gate that will remained locked while the bar is in operation.
- The public must go through the pub in order to access the outdoor beer garden.
- Signage on the front of the restaurant is lit with a backlight.
- There is now plywood on the western side of the beer garden fence as a noise mitigation measure.

Please confirm that these statements are true and add anything I missed.

Thanks,
Alex Strawn
Planning & Land Use Director

Matanuska-Susitna Borough
350 E. Dahlia
Palmer, AK 99645

(907) 861-7850

From: Mark Whisenhunt
To: robert brister
Cc: Bill Brister
Subject: RE: Floaters LLC: Complete Application
Date: Friday, August 19, 2022 10:28:00 AM

Hi Bob,

I sent the email below to Bill yesterday. I'll be sure to include you as well in the future. Thanks.

Respectfully,

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

From: Mark Whisenhunt
Sent: Thursday, August 18, 2022 3:06 PM
To: Bill Brister <bill.brister@gmail.com>
Subject: Floaters LLC: Complete Application

Greetings,

You now have a complete application associated with your request for a Conditional Use Permit to expand your beverage dispensary (bar) operation. I have scheduled a public hearing in front of the Planning Commission for ***October 3, 2022 at 6:00 p.m.,*** in the Borough Assembly Chambers. The address is 350 E. Dahlia Avenue in downtown Palmer. Additionally, I have begun the public notification process.

Please note: At the public hearing you will have a 15 minute period available to you. You may use this time as you wish. Some applicants choose to have a presentation to clarify any topics of concern, but most use it to just be available for questions the Planning Commission may have. In any event, it is available to you.

Public Notice Process: I will keep you posted on any public comments we receive. After I receive the costs for the mailing and advertising, I will send you a letter requesting payment of said costs. You can expect the letter in about 2-3 weeks, via email.

Please let me know if you have any questions. Thank you for your time.

Respectfully,

Mark Whisenhunt
Planner II

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

Mark Whisenhunt

From: Peggy Horton
Sent: Tuesday, August 23, 2022 10:44 AM
To: Mark Whisenhunt
Subject: FW: Floaters

From: Kendra Johnson <Kendra.Johnson@matsugov.us>
Sent: Wednesday, July 27, 2022 2:58 PM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Floaters


Pub
Floater's
Floater's


Pub


Floater's


Pub
Floater's


Floater's
Pub
Restaurant
NOW OPEN


Floater's


Pub

This Page Intentionally Left Blank

INTRODUCTION FOR PUBLIC HEARING

LEGISLATIVE

Resolution No. PC 22-33

Amending MSB 17.02 - Mandatory Land Use Permit

(Pages 99 - 112)

INTRODUCTION FOR PUBLIC HEARING

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 22-193

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.02 MANDATORY LAND USE PERMIT; AND A RESOLUTION AMENDING THE SCHEDULE OF FEES.

AGENDA OF: October 18, 2022

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Planning Director		
	Finance Director		
	Borough Attorney		
	Borough Clerk		

ATTACHMENT(S): Fiscal Note: YES X NO _____

Planning Commission Resolution No. 22-33 (2 pp)
Resolution Serial No. 22-082 (1 pp)
Ordinance Serial No. 22-104 (5 pp)

SUMMARY STATEMENT:

Background

In 2007 the Matanuska-Susitna Borough Assembly approved Ordinance 06-192, enacting MSB 17.02 Mandatory Land Use Permit. This permit was intended to improve the level of compliance with existing Borough code by providing pertinent regulatory information to those proposing development. Most commonly this permit applied to the construction or placement of any building exceeding 480 square feet, but also applied to certain additions, changes in use, development within the flood hazard area, and development within

the Borough's 75' waterbody setback.

This permit had three intended benefits:

1. Improved the process by which code was communicated to the public and increased compliance with Borough code.
2. Prevented Borough residents from building illegally; particularly related to Borough setbacks. This reduced code enforcement fees, variance applications, and bank financing issues if the owner wanted to sell their property.
3. Provided important land use data that allowed the borough to understand and plan for land use in a more complete way.

In 2011 the Matanuska-Borough Assembly amended MSB 17.02 to significantly reduce its scope, to only apply to proposed buildings within 75' of any watercourse or waterbody.

In March of 2022, the Borough Planning and Land Use Director gave a presentation at the joint Assembly and Planning Commission meeting which discussed options to manage growth and guide land use. The presentation included a discussion of the potential benefits of reinstituting a comprehensive land use permit. During this meeting, the Director was asked to bring forward, for Assembly consideration, legislation that would re-expand the applicability of the land use permit.

Amendment

The proposed code ordinance modifies MSB 17.02 to make it widely applicable. The legislation also proposes changes to make the process less burdensome on applicants and more efficient for staff. Changes include:

- Development exceeding 480 square feet will once again require a permit, but changes in primary use and small additions will not.
- Anyone will now be able to voluntarily request a permit to ensure their project is in compliance with Borough Code.
- A mandatory land use permit is not required if the development also requires a higher level land use permit (Conditional Use Permit, Multifamily Permit, etc.)
- Site plans no longer need to be certified or to scale, greatly reducing the burden on the applicant and eliminating time-consuming back and forth with the permit center.
- Currently, fees are set at $25 for residential uses and $150 for commercial uses. New fees are proposed at a flat $50 to keep applicant costs low and because the effort of staff work does not significantly change based on the use of the proposed building.

RECOMMENDATION OF ADMINISTRATION:

Staff respectfully recommends adoption of Ordinance 22-104.

Action:

MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 22-082

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING THE SCHEDULE OF FEES FOR 17.02 MANDATORY LAND USE PERMITS.

WHEREAS, the requirement for a mandatory land use permit was originally adopted in 2007; and

WHEREAS, in 2011 the applicability of MSB 17.02 was amended to only apply to buildings within 75 feet of a waterbody; and

WHEREAS, Ordinance 22-104 expands the applicability of MSB 17.02 and modifies some of the requirements; and

WHEREAS, Ordinance 22-104 does not differentiate between various types of uses.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly amends the schedule of fees for mandatory land use permit under MSB 17.02 to a flat fee of $50.

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

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-104

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.02 MANDATORY LAND USE PERMIT.

BE IT ENACTED:

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

Section 2. Amendment of section. MSB 17.02.020 is hereby amended as follows:

(A) The land owner or authorized agent shall obtain a land use permit from the Matanuska-Susitna Borough Planning Department prior to the commencement of:

(6) [THE] construction or placement of any building within 75 feet of any watercourse or waterbody[.];

(7) construction or placement of any building whose gross floor area is 480 square feet or larger;

(8) additions of 480 square feet or larger to existing buildings;

(B) A landowner or authorized agent may voluntarily request a land use permit for any development that is potentially regulated under MSB Title 17.

(C) A permit is not required under this chapter when the proposed use is subject to another permit within Title 17.

Section 3. Amendment of section. MSB 17.02.030 is hereby amended as follows:

(A) A complete land use permit application shall be submitted to the planning and land use director on a form provided by the planning and land use department.

(B) A complete land use permit application will contain the following attachments:

[(1) A VICINITY MAP; AND]

(2) [A NONCERTIFIED] site plan[.];

(a) site plans are not required to be certified but shall clearly identify the following:

(i) north arrow;

(ii) boundaries of parcel;

(iii) size, location, and setback dimensions of proposed structures;

(iv) names and location of adjacent roadways;

(v) location of rights-of-way and public easements within and adjacent to the parcel;

Location and name of adjacent

waterbodies;

(vi) location of subsurface sewage disposal systems; and

(vii) intended use of proposed structures.

Section 4. Amendment of section. MSB 17.02.040 is hereby amended as follows:

(A) The planning and land use director or designated staff shall determine whether an application for a land use permit is complete. [AN INCOMPLETE APPLICATION SHALL BE SENT TO THE APPLICANT WITH] **For incomplete applications,** a written explanation of application deficiencies **shall be provided** within seven working days of the date the application is received in the planning and land use department.

[(B) A DRIVEWAY PERMIT APPLICATION MAY BE SUBMITTED WITH A LAND USE PERMIT APPLICATION. THE FEE PAYMENT CAN BE MADE CONCURRENTLY WITH THE LAND USE PERMIT FEES. APPROVED DRIVEWAY PERMITS WILL BE ISSUED FROM THE DEPARTMENT OF PUBLIC WORKS BY MAIL WITHIN TWO WEEKS FROM THE DATE A COMPLETE APPLICATION IS SUBMITTED.]

(C) In reviewing a land use permit application, the planning and land use director shall make specific findings explaining how the proposal does or does not

conform to the requirements of this title. The planning and land use director also may provide options as to how the proposal may conform to these requirements.

(D) The planning and land use director shall render a decision within ten working days from the date the application is determined complete[FOR APPLICATIONS CONTAINING A CERTIFIED SITE PLAN. THE DIRECTOR WILL RENDER A DECISION WITHIN 20 WORKING DAYS FROM THE DATE THE APPLICATION IS DETERMINED COMPLETE.FOR APPLICATIONS CONTAINING A NONCERTIFIED SITE PLAN].

(1) Permits under this chapter shall be reviewed and approved based on compliance with Borough code, including but not limited to the following:

(a) setbacks;

(b) special land use districts;

(c) flood hazard areas;

(d) driveway permits;

(e) conditional uses; and

(f) multi-family development permits.

(E) If a decision is not rendered within the allotted review time, the applicant shall be entitled to a complete refund of fees.

[(F) THE PLANNING AND LAND USE DIRECTOR MAY REVOKE ANY PERMIT IF THE DEVELOPMENT DOES NOT CONFORM TO THE

APPROVED APPLICATION.]

[(G) FOR APPLICATIONS THAT REQUIRE EXCEPTIONAL REVIEW AND ANALYSIS DUE TO THE COMPLEXITY OF THE PROPOSAL, THE BOROUGH AND THE APPLICANT MAY ENTER INTO AN AGREEMENT TO EXTEND THE APPLICATION REVIEW TIME.]

[(H) A COPY OF THE APPROVED PERMIT SHALL BE POSTED ON THE SUBJECT PROPERTY IN A LOCATION AND MANNER CLEARLY VISIBLE TO THE PUBLIC FOR THE DURATION OF THE PERMITTED CONSTRUCTION ACTIVITIES.]

(I) Appeals from a decision granting or denying a land use permit under this chapter shall be filed and conducted in accordance with MSB 15.39.

Section 5. Effective date. This ordinance shall take effect January 1, 2023.

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

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

This Page Intentionally Left Blank

By: Alex Strawn
Introduced: September 19, 2022
Public Hearing: October 3, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-33

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.02 – MANDATORY LAND USE PERMIT TO EXPAND THE APPLICABILITY OF THE CHAPTER.

WHEREAS, the requirement for a mandatory land use permit was originally adopted in 2007; and

WHEREAS, the permit was required in a variety of circumstances but most commonly applied to the construction of buildings over 480 square feet; and

WHEREAS, the intent of the permit was to improve compliance with Borough code, and minimize costly mistakes for Borough residents; and

WHEREAS, the permit provided important land use data that improved planning processes and studies; and

WHEREAS, in 2011 the applicability of MSB 17.02 was amended to only apply to buildings within 75 feet of a waterbody; and

WHEREAS, the proposed ordinance will expand the applicability of the permit while reducing the associated requirements to ensure ease of use and efficient service for the public.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of MSB 22-104 an ordinance of the Matanuska-Susitna Borough Assembly amending MSB 17.02 – Mandatory Land Use Permit.

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

_____
Stafford Glashan, Chair

ATTEST

_____
KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

INTRODUCTION FOR PUBLIC HEARING

LEGISLATIVE

Resolution No. PC 22-334

Ordinance of the MSB Assembly Amending MSB Title 43 - Subdivisions

(Pages 113 - 180)

INTRODUCTION FOR PUBLIC HEARING

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM **IM No. 22-192**

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB TITLE 43 – SUBDIVISIONS.

AGENDA OF: October 18, 2022

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator – F. Wagner		
	Planning Director – A. Strawn		
	Public Works Director		
	Borough Attorney		
	Borough Clerk		

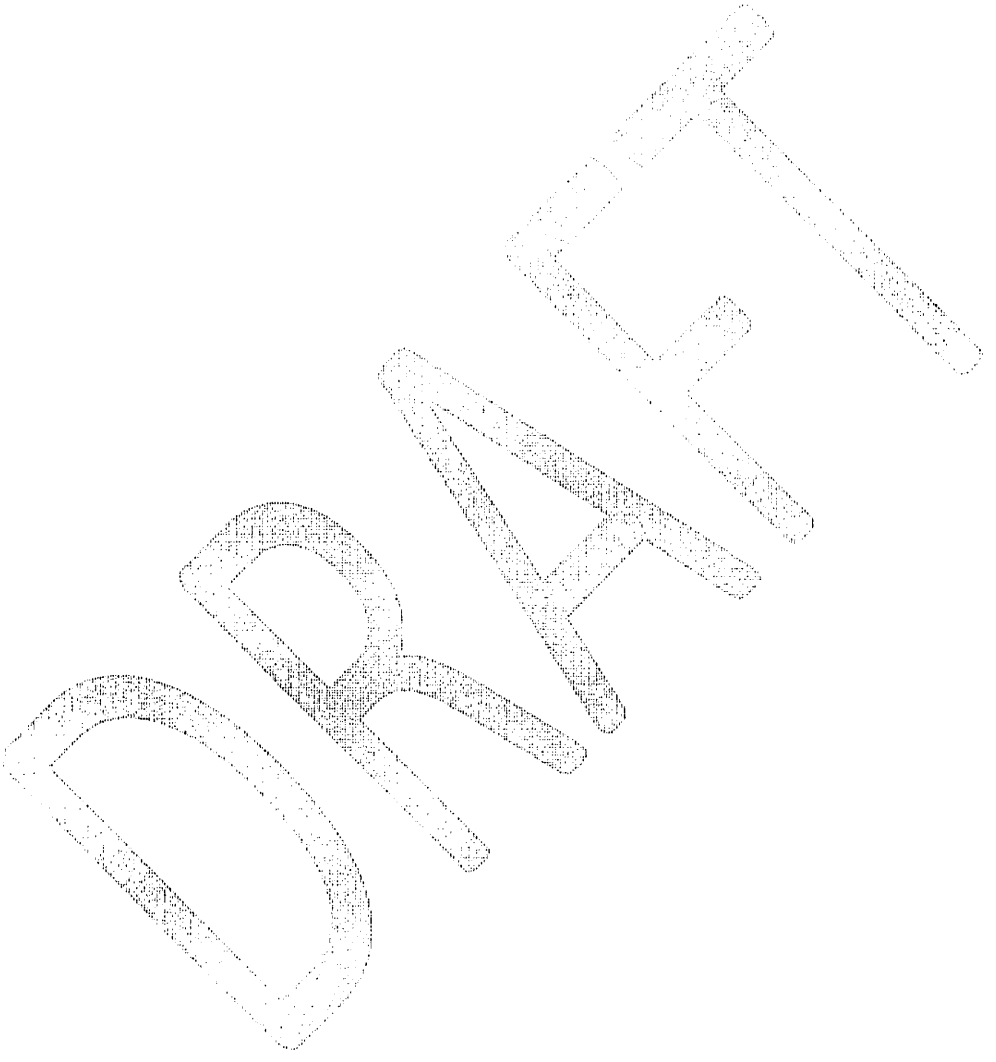
ATTACHMENT(S): Fiscal Note: YES ____ NO __X__
Ordinance Serial No. 22-103 (15 pp)
Planning Commission Resolution 22-34 (2 pp)
Platting Board Resolution 2021-149 (2 pp)
Title 43 – Subdivisions (44 pp)

SUMMARY STATEMENT:
On April 17, 2012 the Assembly adopted Title 43, a major revision to the subdivision code. The Assembly directed the Platting Board and Planning Commission to review the new regulations and report back findings. Platting staff worked with the two boards to identify changes, and several amendments were subsequently adopted thereafter based on the findings.

In March 2017, the Assembly directed staff to continue to compile suggested changes to Title 43. In May 2019, Platting Staff presented 29 recommendations for amendments or changes to the Platting Board for consideration. After 10 public work sessions

held between 2019 and 2022, the Platting Board approved Resolution 2021-149 to address proposed changes to Title 43 dealing with items compiled by Platting Staff.

RECOMMENDATION OF ADMINISTRATION:
Staff respectfully recommends considering adoption of Ordinance 22-103.



CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-103

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING TITLE 43: SUBDIVISIONS.

BE IT ENACTED:

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

Section 2. Amendment of subsection. MSB 43.10.060(E), is hereby amended as follows:

(E) Unless the conditions of approval resolve the violation, the platting authority shall not approve an application where it finds [THAT] **a violation exists on** the property that is the subject of the application [CURRENTLY IS IN VIOLATION]:

Section 3. Amendment of subsection. MSB 43.10.065(B), is hereby amended to read as follows:

(B) Forms of notice are as follows:

(1) publication in a newspaper of general circulation in the borough one week prior to the public hearing.

(2) notices shall be mailed at least 21 days before the public hearing to:

(a) all record owners of property within a **minimum** distance of 1,200 feet of the exterior boundary of the property that is the subject of the application, or to the record owners of at least the five tax parcels nearest the property that is the subject of the application, whichever is the greater number of **parcels** [PERSONS]; and

(b) if the property described in the application lies within a recorded subdivision, to all record owners within that subdivision.

(c) *Exception for abbreviated plats, right-of-way acquisition* ***maps*** *[PLATS],* ***or*** waivers*[, OR ELIMINATION OR MODIFICATION OF EASEMENTS DESCRIBED IN MSB 43.15.032].* Public notices shall be mailed to all record owners of property within a **minimum** distance of 600 feet of the exterior boundary of the property that is the subject of the application, or to the record owners of at least the five tax parcels nearest the property that is the subject of the application, whichever is the greater number of **parcels** [PERSONS].

(i) Mailing notices to all record owners within a recorded subdivision is not a requirement for public hearings involving abbreviated

plats, right-of-way acquisition **maps** [PLATS], **or** waivers[, OR ELIMINATION OR MODIFICATION OF EASEMENTS DESCRIBED IN MSB 43.15.032].

(d) All notices shall be mailed to the record owner at the address stated in the current property tax record of the borough assessor.

(3) When the property that is the subject of an application lies within the boundaries of a community council recognized by the assembly, notice shall be mailed to the community council at least 21 days before the public hearing.

(4) The platting officer **or the planning and land use director** may direct that additional notice of the public hearing be given. The platting board, at its discretion, may also direct additional notice of the public hearing be given. However, the failure to give additional notice shall not affect the validity of any proceeding under this title.

Section 4. Amendment of subsection. MSB 43.15.032(A), is hereby amended to read as follows:

(A) The platting board shall review and act upon all petitions requesting elimination or modification of platted utility, drainage, sanitation, slope, snow

storage, buffer, and screening easements; provided, that:

(1) the authority having jurisdiction over the easement consents;

(a) however, if the beneficiary of an easement refuses to authorize a vacation, the platting board may approve the vacation if the following conditions are met:

(i) there are currently no existing improvements **of the easement beneficiary** within the subject easement [OF THE EASEMENT BENEFICIARY] or a portion of the easement will remain which includes the improvements;

(ii) if necessary a substitute easement is provided; and

(iii) findings of facts support granting the vacation;

Section 5. Amendment of subsection. MSB 43.15.049(G), is hereby amended to read as follows:

(G) *Minor plat alterations.*

(1) The purpose of this section is to resolve platting issues and/or improve the subdivision design and function without burdening staff, the petitioner,

and the board with the additional time and costs to rehear the case.

(2) The platting officer is authorized to approve minor changes to an approved preliminary plat or master plan during review of the final plat for the following. Any amendment or modification of the preliminary plat shall be limited to the following:

(a) The total number of lots may be reduced;

(b) The total number of lots may not be increased;

(c) Individual lot sizes may not be reduced by more than 20 percent per lot, and at no point to less than the minimum requirements that the preliminary plat was approved under. The aggregate of the proposed reductions shall not exceed one acre;

(d) Proposed right-of-way or easements may be moved up to [25]**60** feet if approved by the platting officer;

(e) *[Repealed by Ord. 17-033, § 47,2017]*

(f) Approved external accesses cannot be changed; and

(g) Amendments and modifications cannot

create setback violations.

(h) Location of phase lines may be changed provided the plat remains in compliance with MSB Title 43 and does not conflict with previously approved platting board conditions.

Section 6. Repeal of subsection. MSB 43.15.051(U), is hereby repealed in its entirety:

[(U) TWO BLUE LINES SHALL BE SUBMITTED FOR FINAL REVIEW.]

Section 7. Amendment of subsection. MSB 43.15.053(E), is hereby amended to read as follows:

(E) Certificate to plat. Every final plat of a subdivision submitted for recording shall be accompanied by a certificate to plat or a preliminary commitment for title insurance, executed **by a title insurance company**, no more than seven days prior to [RECORDING] **obtaining the Planning and Land Use Director's signature**, [BY A TITLE INSURANCE COMPANY,] confirming that the title of the land described and shown on the plat is in the name of the person signing the certificate of ownership as it is shown on the plat, or in the name of the corporation as shown in the certificate of ownership.

Section 8. Amendment of subsection. MSB 43.15.054(C), is

hereby amended to read as follows:

(C) *Other markers*. Additional markers for lot corners may be galvanized iron pipe of no less than one-half-inch inside diameter, [24]**30** inches in length, or five-eighths-inch by [24]**30**-inch steel reinforcing rod with self-identifying caps identifying [MARKERS THAT CLEARLY IDENTIFY MARKER LOCATION, YEAR OF SETTING, AND] the land surveyor's state of Alaska registration number. **Monuments located in pavement may be may be five-eighths-inch-by-12-inch rebar with metallic cap.**

Section 9. Amendment of subsection. MSB 43.15.054(E), is hereby amended as follows:

(E) Additional markers required. Required additional markers shall be of types prescribed in subsection (C) of this section, and[, WHETHER SET PRIOR TO OR SUBSEQUENT TO THE RECORDING OF THE PLAT,] shall be set at all of the following locations:

Section 10. Amendment of subsection. MSB 43.20.060(D), is hereby amended to read as follows:

(D) Subdivisions shall provide through connecting rights-of-way of residential collector standard minimum (as defined in the MSB Subdivision Construction Manual) to all adjoining stub rights-of-way and unsubdivided

parcels, where feasible, to improve interconnectivity and[/OR] public safety. If it is shown by the applicant to be unnecessary for future development and/or public safety, then a reduction to a lesser road right-of-way standard or an elimination of the requirement to provide access shall be applied to all of (or a portion of) the right-of-way that is being considered for a reduced standard.

Section 11. Amendment of subsection. MSB 43.20.100(C), is hereby amended to read as follows:

(C) [Gated s]**S**ubdivisions [and] **with** private roads shall be approved, provided they meet the following criteria:

(1) Internal roads conform to the requirements of the Subdivision Construction Manual for residential standards minimum except as allowed in this section;

(2) Emergency services shall be provided access to deliver services within the private subdivision;

(3) There is no possibility or public necessity to provide for public through traffic because alternate legal access to adjoining properties is available and that access is constructible in accordance with Subdivision Construction Manual standards;

(4) Private road maintenance is guaranteed.

(a) The applicant shall submit a documented plan stating the following:

(i) what seasons road maintenance will be performed,

(ii) contact information for road maintenance,

(iii) length of the maintained roads in feet, and

(iv) surface type;

(5) Existing lots created within subdivisions recorded with platted private roads may be subdivided using the private roads as the legal and physical access.

(6) Access from borough approved gated subdivisions is allowed provided the private road right-of-way serving as access is included in the platting action.

(7) When Gated subdivisions are outside of a road service area, internal roads shall conform to the requirements of the Subdivision Construction Manual for pioneer or mountain road standards minimum.

(8)Flag lots accessed by private roads are exempt from MSB 43.20.300(E)(4).

(9) Utility easements within gated subdivisions shall not be granted to the borough on a plat unless the

utility easement is accessible by public rights-of-way.

(10) Private roads used as access shall be designated as a Tract.

Section 12. Amendment of subsection. MSB 43.20.100(E), is hereby amended as follows:

(E) A subdivision plat whose sole purpose is to separate/divide a home/headquarters site in a Matanuska-Susitna Borough agricultural rights parcel under former MSB Title 13 is exempt from the road construction standards of the MSB Subdivision Construction Manual; provided, that the following conditions are fulfilled:

(1) prior to preliminary plat submittal the agriculture rights property owner is to obtain assembly approval of the [SALE] **subdivision** of the home/headquarters site through an application made to the borough land and resource management division;

Section 13. Amendment of subparagraph. MSB 43.20.100(F)(2)(b), is hereby amended as follows:

(b) This provision of code will not require the petitioner to upgrade any road [PRIOR] **providing access** to the subject parcel that is [OR HAS BEEN] maintained by the state or an incorporated

municipality.

Section 14. Amendment of Paragraph. MSB 43.20.120(A)(2), is hereby amended as follows:

(2) The right-of-way is an easement or fee interest at least 50 feet in width dedicated or irrevocably conveyed to the public.[; OR]

Section 15. Amendment of Paragraph. MSB 43.20.281(E)(1), is hereby amended to read as follows:

(1) Minimum individual lot area may be reduced up to 25 percent by the dedication of an equal area of usable open space within the subdivision; provided, that:

(a) Each non-open space lot, in which the lot area was reduced, has 10,000 square feet of contiguous usable septic area delineated on the plat, unless served by a municipal or community wastewater system;

(b) The open space area is connected by public access, or is attached to an existing open space or greenbelt area that has public access. If it is proposed to attach to an existing open space or greenbelt area, the access must be in an area that is feasible for the intended use; and

(c) Open space shall be irrevocably dedicated to the municipality or borough, or irrevocably dedicated to the subdivision owners. [AND CANNOT BE RESUBDIVIDED.]

(d) Open space may only be resubdivided provided the aggregate change is 2,000 square feet or less and does not conflict with previously approved platting board conditions.

Section 16. Amendment of subsection. MSB 43.20.300(E), is hereby amended to read as follows:

(E) *Flag lots.*

(1) Flag lots are defined in MSB 43.05.005 and further defined as having a pole portion which is 100 feet wide or less.

(2) The pole portion of flag lots shall:

(a) not be included in the usable area calculations;

(b) not be included in the depth-to-width ratio;

(c) not exceed a length of 2,640 feet.

(3) Utility easements and utilities shall be located outside of the length of the flag pole portion of the lot:

(a) excepting where the flag pole is greater than 75 feet wide to accommodate utilities.

(4) When served by road access, multiple flag lots within the proposed subdivision with pole portions adjoining shall:

(a) share a common access point to the road at the road right-of-way line;

(b) be overlaid with a public use easement over the width of the pole portion and extend into the flag portion an adequate distance to provide for a turnaround designed to Subdivision Construction Manual standards;

(i) applies to lots greater than **3** [2.5] acres;

(ii) applies to the greater

(c) be served by a public use easement created to provide sufficient access to subject parcels when a common access point is a requirement for subdividing.

(5) For flag lots containing **3** [2.5] acres or less, the minimum pole portion width is:

(a) 30 feet where 2 or more pole portions are adjoining;

(b) 40 feet for a single pole portion;

(i) 45 feet of frontage if access is onto a cul-de-sac.

(6) For lots greater than **3** [2.5] acres, the minimum pole portion width is:

(a) 30 feet where 2 or more pole portions are adjoining;

(i) 45 feet of frontage if access is onto a cul-de-sac;

(b) 60 feet for a single pole portion.

(7) Flag lots are limited to 10 percent of the total number of lots for any subdivision of 60 or more lots, up to a maximum of 10 flag lots, and no more than 6 lots for a subdivision of less than 60 lots. The calculated amount shall be rounded to the greater number in case of a fraction of 0.5 or greater, and rounded to the lesser number in case of a fraction of less than 0.5.

Section 17. Amendment of subsection. MSB 43.35.003(A), is hereby amended to read as follows:

(A) Appeals to the platting board **filed by any person entitled to appeal the decision under MSB 15.39.130** shall be filed within ten days of the platting

officer's written decision on abbreviated plats, 40-acre exemptions, waivers, and right-of-way acquisition plats.

Section 18. 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)

Introduced: December 16, 2021
Public Hearing: January 6, 2022
Action: January 6, 2022

MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD RESOLUTION NO. 2021-149

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLATTING BOARD RECOMMENDING ASSEMBLY APPROVAL OF AMENDMENTS TO MSB TITLE 43 SUBDIVISIONS, AS OUTLINED IN THE "TITLE 43 PARKING LOT 2021" MEMO.

WHEREAS, the assembly directed platting staff to continue to compile suggested changes to Title 43 at the May 18, 2017 regular meeting; and

WHEREAS, staff prepared draft amendments for the platting board to review, the platting board held ten public hearings on the items throughout 2019 and 2021, listened to public testimony and with the assistance of staff and the public, crafted language to address amendments to Title 43; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Platting Board hereby recommends assembly approval of amendments to MSB Title 43 Subdivisions, as outlined in the "Title 43 Parking Lot 2021" memorandum and recommends the assembly make them effective upon adoption.

ADOPTED by the Matanuska-Susitna Borough Platting Board this 6th day of January, 2022.

WILFRED FERNANDEZ, Chair or
ALAN LEONARD, Vice Chair

ATTEST

SLOAN VONGUNTEN, Platting Clerk

(SEAL)

YES: Bush, Vau Dell, Anderson, Cottini, Leonard, Shadrach

TITLE 43: SUBDIVISIONS
TABLE OF CONTENTS

43.05 GENERAL PROVISIONS

SECTION		
43.05.005	Definition of Terms	Pg. 3
43.05.010	General	Pg. 5
43.05.015	Purpose and Scope	Pg. 5
43.05.030	Penalties and Remedies	Pg. 5
43.05.035	Fees	Pg. 6
43.05.040	Violations, Enforcement, and Penalties	Pg. 6
43.05.050	Owner Authorization	Pg. 6

43.10 PLATTING BOARD

SECTION		
43.10.010	Board Established; Delegation	Pg. 7
43.10.015	Composition, Appointment, and Qualifications	Pg. 7
43.10.020	Term	Pg. 7
43.10.025	Vacancies	Pg. 7
43.10.030	Compensation	Pg. 7
43.10.035	Officers	Pg. 7
43.10.036	Seal	Pg. 8
43.10.037	Staff Assistance	Pg. 8
43.10.040	Meetings; Quorum	Pg. 8
43.10.045	Rule of Procedure	Pg. 8
43.10.050	Action on Application or Appeal	Pg. 8
43.10.055	Conflict of Interest; Ex Parte Contact	Pg. 8
43.10.060	Platting Authority Procedure	Pg. 8
43.10.065	Notice; Public Hearing	Pg. 9

43.15 PLAT APPROVAL, ABBREVIATED PLAT SUBDIVISIONS, AND VACATIONS

SECTION		
43.15.005	General Administration	Pg. 11
43.15.010	Preapplication Conference	Pg. 11
43.15.012	Forty-Acre Exemption	Pg. 12
43.15.016	Preliminary Plat Submittal and Approval	Pg. 13
43.15.021	Public Use Easement Acceptance Procedure	Pg. 14
43.15.022	Waivers	Pg. 15
43.15.025	Abbreviated Plats	Pg. 16

43.15.032 Elimination or Modification of Utility, Drainage, Sanitation, Slope, Snow Storage, Buffer and Screening Easements... Pg. 16
43.15.035 Vacations..... Pg. 17
43.15.040 Section Line & State Recognized RS-2477 Easement Vacations..... Pg. 18
43.15.049 Final Plat; General Provisions..... Pg. 19
43.15.051 Final Plat; Submitted..... Pg. 20
43.15.052 Final Plat; Plat Note..... Pg. 21
43.15.053 Final Plat; Certificates..... Pg. 21
43.15.054 Final Plat; Surveyor Requirements..... Pg. 23
43.15.055 Final Plat; Dedications, Improvements, Recording..... Pg. 24
43.15.065 Waiver of Standards for Resubdivision of Substandard Lots..... Pg. 24
43.15.070 Right-of-Way Acquisition Plats..... Pg. 24
43.15.075 Variance; Standards for Approval..... Pg. 26

43.20 SUBDIVISION DEVELOPMENT STANDARDS

SECTION

43.20.020 Standards; General..... Pg. 27
43.20.040 Development Standards Districts..... Pg. 27
43.20.060 Dedication to Public..... Pg. 27
43.20.100 Access Required..... Pg. 28
43.20.120 Legal Access..... Pg. 31
43.20.130 Major Road Corridors..... Pg. 31
43.20.140 Physical Access..... Pg. 31
43.20.281 Area..... Pg. 32
43.20.300 Lot and Block Design..... Pg. 34
43.20.320 Frontage..... Pg. 34-1
43.20.340 Lot Dimensions..... Pg. 34-1

43.25 EXISTING PLAT STATUS AND VALIDATION

SECTION

43.25.025 Severability..... Pg. 35

43.35 RECONSIDERATION AND APPEALS

SECTION

43.35.003 Appeals of Platting Officer Decision..... Pg. 37
43.35.005 Reconsideration by Platting Board..... Pg. 37
43.35.015 Appeals..... Pg. 38

43.55 SUBDIVISION AGREEMENTS

SECTION

43.55.010	Subdivision Agreement Required.....	Pg. 39
43.55.015	Assembly Approval Required.....	Pg. 40
43.55.020	Completion Date.....	Pg. 40
43.55.025	Cost of Required Public Improvements.....	Pg. 40
43.55.030	Guarantee of Completion of Public Improvements.....	Pg. 40
43.55.035	Release of Guarantee.....	Pg. 41
43.55.037	Warranty.....	Pg. 41
43.55.040	Warranty; Correction of Deficiencies.....	Pg. 41
43.55.050	Release of Warranty.....	Pg. 41
43.55.055	Default.....	Pg. 41
43.55.060	Enforcement.....	Pg. 42
43.55.065	Other Municipalities as Beneficiary.....	Pg. 42

TITLE 43: SUBDIVISIONS

Chapter

43.05 GENERAL PROVISIONS

43.10 PLATTING BOARD

43.15 PLAT APPROVAL, ABBREVIATED PLAT SUBDIVISIONS, AND VACATIONS

43.20 SUBDIVISION DEVELOPMENT STANDARDS

43.25 EXISTING PLAT STATUS AND VALIDATION

43.35 RECONSIDERATION AND APPEALS

43.55 SUBDIVISION AGREEMENTS

CHAPTER 43.05: GENERAL PROVISIONS

Section

43.05.005 Definition of terms
43.05.010 General
43.05.015 Purpose and scope
43.05.030 Penalties and remedies
43.05.035 Fees
43.05.040 Violations, enforcement, and penalties
43.05.045 Procedure pamphlet [Repealed]
43.05.050 Owner authorization

43.05.005 DEFINITION OF TERMS.

(A) For the purpose of this title, the following definitions of terms shall apply in all cases:

- "Aliquot part" means a rectangular portion of a section created by midpoint protraction as defined by the BLM manual of survey instructions, unless historical records show otherwise.
- "Applicant." See "Petitioner."
- "Block" means a group of lots existing within well-defined and fixed boundaries, being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name by which it may be identified.
- "Block length" means the distance between intersections of through streets measured between the right-of-way lines of the intersecting streets, which distance is the longest dimension of a block.
- "Borough" means the Matanuska-Susitna Borough.
- "Commercial" means a land use or business enterprise for the purpose of buying or selling goods or services.
- "Days" means calendar days unless otherwise stated.
- "Dedication" means the appropriation of land, or an easement therein, by the owner, for the use of the public, and accepted for such use by or on behalf of the public.
- "Drainage easement" means an easement for the containment, construction, repair, or maintenance of storm or melt water drainage normally adjoining a public right-of-way and dedicated to the borough.
- "Easement" means any strip of land reserved by the subdivider for public utilities, drainage, sanitation, or other specified use, the title to which shall remain in the property owner, subject to the right of use designated on the subdivision plat or other document. For the purpose of this title an easement shall not be interpreted to be a fee dedication when noted or granted on a plat.
- "Ex parte" means by or for one party; done for, on behalf of, or on the application of one party only; without notice to or the presence of the other party.
- "Fee simple" means an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited. Commonly, a synonym for ownership.
- "Final plat" means a drawing of a subdivision which complies with this title.
- "Flag lot" means a parcel of land shaped like a flag, with a narrow staff or pole extending to a road right-of-way or other access way.
- "Governing body" means the Matanuska-Susitna Borough Assembly.
- "Interconnectivity" means the provision for legal right of access granted to adjoining properties, at a location that is practical for future road construction, to plan or provide for a safe and efficient transportation system.
- "Land surveyor" or "surveyor" means a person currently registered as a professional land surveyor with the state of Alaska.
- "Lot" means the least fractional part of subdivided lands having fixed boundaries and having an assigned number, or other name through

which it may be identified.

- "Meander line" means a traverse of a body of water for the purpose of determining the size and location of the body of water. For riparian owners, meander lines do not represent the boundary lines; the body of water where it exists represents the true boundary line. When meander lines are nonriparian, they may become land boundary lines.
- "Monument" means a fixed physical object marking a point on the surface of the earth for commencing or controlling a survey or to establish a property corner.
- "Municipality" means a political subdivision incorporated under the laws of the state that is home rule or general law city or borough.
- "Offeror." See "Petitioner."
- "Open space" means any land or area, the preservation of which in its present use would conserve scenic, cultural, or natural resources; protect water bodies or water quality; enhance neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or increase recreation opportunities.
- "Parcel" means a fractional part of land described by metes and bounds or aliquot parts that are five acres in size or larger and identified in waivers or 40-acre exemptions by document.
- "Petitioner" means a person or a person's representative who submits a formal request or application for a platting action.
- "Plat" means a map representing a tract or parcel of land showing the subdivision of such land into lots, blocks and streets, or other divisions, and other information in compliance with the requirements of all applicable sections of this title and of local ordinances, and may include the terms "replat" or "final plat."
- "Platting authority" means the platting board, platting officer, planning and land use director, or other person making a platting decision.
- "Preliminary plat" means a map or delineated representation of a tract or parcel of land showing the prominent features of a proposed subdivision of such land submitted to an approving authority for the purpose of preliminary approval.
- "Public improvements" can include but are not limited to: roads, drainage, ditching, signage, cut/fill slopes, trails, bike paths, walkways, public parks and recreation facilities, monumentation, authorized encroachments, utilities, and areas needed for snow storage and other improvements as necessary.
- "Public use easement" provides the rights for ingress, egress, roadways, rights-of-way, public utilities, and slopes for cuts and fills. The rights are to the public in general, and public utilities governed by permits required under federal, state, and local laws and regulations. May also be known as public access easements and rights-of-way.
- "Record owner" means the person or persons listed as the owner on the property tax records of the borough assessor.
- "Replat" means the redelineation of an existing lot, block, or tract of a previously recorded subdivision involving the change of property lines and, after vacation, the altering of dedicated streets, easements, or public areas.
- "Right-of-way" means a strip of land reserved, used or to be used for a street, alley, walkway, airport, railroad, or other public or private purpose.
- "Slope easement" means an easement for the construction, repair, or maintenance of a sloped area of ground adjoining a public right-of-way.
- "Snow storage easement" means an easement for snow storage normally adjoining a road right-of-way.
- "Street" means and includes all access ways for common use, such as traveled ways, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and cul-de-sacs, and includes all the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved.
- "Subdivider" means a person holding any legal or equitable interest in land being subdivided. The term shall also include all heirs, assigns, or successors in interest, or representatives of the subdivider.
- "Subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions, or the combining of two or more lots, tracts, or parcels into one lot, tract, or parcel for the purpose, whether immediate or future, of sale, or lease for more than ten years including any re-subdivision, and, when appropriate to the context, the process of subdividing of the land actually subdivided.
- "Tract" means an area of land which has been defined, but has not been designated by lot

and block numbers.

- "Trail" means a traveled way which provides recreational, aesthetic, alternate transportation, or educational opportunities and may also provide access for subdividing properties.
- "Usable building area" means area outside of minimum usable septic area and easements where building is prohibited, and outside of setbacks from the following: rights-of-way, easements for public use, section line easements, water bodies, and lot lines.
- "Usable open space area" means that portion within a plat-designated open space which meets the requirements of MSB 43.20.281.
- "Usable septic area" means that portion of a lot, tract, or parcel that provides septic function on the property and as further defined in MSB 43.20.281.
- "Utility easement" means an area in which the rights to construct, install, repair, and maintain utility distribution and service facilities are exercised.
- "Walkway" means a right-of-way or easement dedicated for pedestrian access.
- "Water body" means a discrete and significant element of surface water, including all or part of lakes, reservoirs, streams, rivers, canals, and coastal waters.
- "Watercourse" means a depression formed by water moving over the earth; any natural or artificial channel through which water flows perennially or intermittently. Includes natural waterways that have been channelized, but does not include manmade channels, ditches, or underground drainage and sewage systems.

(B) In instances where a word is not included in this section nor in the applicable section, reference will be made first to the most recent publication of "The Illustrated Book of Development Definitions," then to "Webster's New Universal, Unabridged Dictionary."

(Ord. 17-033, § 2, 2017; Ord. 15-036, § 2, 2015: Ord. 11-072, § 3 (part), 2012)

43.05.010 GENERAL.

(A) This title shall be referred to and cited as the "Matanuska-Susitna Borough Platting Regulations." The platting officer shall provide copies of this title and the department of public works Subdivision Construction Manual to any person upon request at a reasonable charge.

(Ord. 17-033, § 3, 2017: Ord. 11-072, § 3 (part), 2012)

43.05.015 PURPOSE AND SCOPE.

(A) This title is to promote the common good and welfare with regard to platting of subdivisions. This title establishes consistent minimum guidelines for the regulation of the subdivision and platting of lands within the borough. The purpose of this title is to incorporate AS 29.40.070, which includes but is not limited to the control of:

(1) form, sizes, and other aspects of subdivision, dedications, and vacations of land;

(2) dimensions and design of lots;

(3) street width, arrangement, and rights-of-way, including requirements for public access to lots and installation of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage, and other public utility facilities and improvements; and

(4) dedication of streets, rights-of-way, public utility easements, and areas considered necessary by the platting authority for other public uses.

(B) The following list of documents are to be incorporated within this title as if fully set forth in this title:

(1) BLM manual of survey instructions; and

(2) *[Repealed by Ord. 17-033, § 40, 2017]*

(3) Subdivision Construction Manual.

(C) Each manual, excepting for the BLM manual of survey instructions, may be modified by the platting board subject to review by the planning commission and adoption by the assembly.

(Ord. 17-033, § 40, 2017: Ord. 11-072, § 3 (part), 2012)

43.05.030 PENALTIES AND REMEDIES.

(A) The owner or agent of the owner of land who publicly offers by any means to sell, transfer, or who sells or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved and filed in accordance with this title is guilty of an infraction, and upon conviction is punishable by a fine of not more than $500 for each lot or parcel offered for sale, transferred, sold, or included in a contract to be sold.

(B) No person may file or seek to have a plat filed unless it has been approved in accordance with this title. A person who knowingly violates this subsection is punishable upon conviction by a fine of not more than $500.

(C) The borough or any aggrieved person may bring a civil action to enjoin any violation of this title, any transfer or sale of an unlawfully subdivided parcel and the violation of any term or condition of any plat or other entitlement approved under this title, and to obtain damages for any injury the plaintiff suffered as a result of the violation. In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed $500. An action for injunction under this section may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of an existing or threatened violation, the superior court shall enjoin the violation.

(D) Each act or condition in violation of this title, or any term or condition of any plat or other entitlement under this title, and every day during which the act or condition occurs shall constitute a separate violation of this title.

(Ord. 11-072, § 3 (part), 2012)

43.05.035 FEES.

(A) The assembly shall establish a schedule of fees for applications and appeals under this title by resolution. The schedule of fees shall be posted in the borough offices and may be altered or amended only by the assembly.

(Ord. 17-033, § 4, 2017: Ord. 11-072, § 3 (part), 2012)

43.05.040 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Except as otherwise specified in this title, violations of this title are infractions.

(B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(Ord. 11-072, § 3 (part), 2012)

43.05.045 Procedure Pamphlet. [Repealed by Ord. 17-033, § 5, 2017]

43.05.050 OWNER AUTHORIZATION.

(A) All platting entitlement applications must be made by the owner, or authorized agent of the owner, of the property subject to the entitlement. The authorization must be in writing, executed by the owner, and include the names, mailing addresses, and telephone numbers for both the owner and the authorizing agent.

(B) A certificate to plat or a preliminary commitment for title insurance prepared by a title company is to be submitted with an application for a vacation, abbreviated plat, preliminary plat, public use easement, waiver, or 40-acre exemption. The title report or preliminary commitment for title insurance must be current within 120 days of submittal of the application.

(C) The platting action will be unaffected if ownership changes during the platting process; provided, that an updated certificate to plat, or preliminary commitment for title insurance, is received by the platting division.

(Ord. 16-018, §§ 2, 3, 2016; Ord. 11-072, § 3 (part), 2012)

CHAPTER 43.10: PLATTING BOARD

Section

43.10.010 Board established; delegation
43.10.015 Composition, appointment, and qualifications
43.10.020 Term
43.10.025 Vacancies
43.10.030 Compensation
43.10.035 Officers
43.10.036 Seal
43.10.037 Staff assistance
43.10.040 Meetings; quorum
43.10.045 Rule of procedure
43.10.050 Action on application or appeal
43.10.055 Conflict of interest; ex parte contact
43.10.060 Platting authority procedure
43.10.065 Notice; public hearing

43.10.010 BOARD ESTABLISHED; DELEGATION.

(A) There is established a platting board which, pursuant to A.S. 29.40.080, is delegated the platting function of the borough. The platting board shall hear and decide applications for approval of preliminary plats, variances, public use easements, plat note amendments, and vacations of public interest in accordance with this title.
(Ord. 16-018, § 4, 2016: Ord. 11-072, § 3 (part), 2012)

43.10.015 COMPOSITION, APPOINTMENT, AND QUALIFICATIONS.

(A) The platting board shall consist of seven members with two additional at-large alternates.

(B) The mayor shall appoint board members subject to assembly confirmation. Representation from as many assembly districts as is feasible shall be sought on the board.

(C) Each board member shall be a registered voter of the borough.
(Ord. 11-072, § 3 (part), 2012)

43.10.020 TERM.

(A) A board member's term shall be three years, with staggered expiration dates. An unexpired term that began before the effective date of the ordinance codified in this title shall continue until the time for its expiration under the law in effect when the term began. A board member's term shall be governed by MSB 4.05.050.
(Ord. 11-072, § 3 (part), 2012)

43.10.025 VACANCIES.

(A) A vacancy on the board shall be filled as provided in MSB 43.10.015 for the remainder of the term of the former member.

(B) A vacancy occurs as provided in MSB 4.05.030(B).
(Ord. 11-072, § 3 (part), 2012)

43.10.030 COMPENSATION.

(A) Board members shall be compensated at a rate of $50 per meeting for regular and special meetings, not to exceed four meetings in a calendar month. All requests for reimbursement shall be for actual expenses incurred on authorized board business.
(Ord. 15-036, § 3, 2015: Ord. 11-072, § 3 (part), 2012)

43.10.035 OFFICERS.

(A) The board annually shall select from its membership a chairperson and vice-chairperson. The chairperson shall preside at meetings of the board and shall represent the board as directed by its

membership. The vice-chairperson shall act in the absence of the chairperson. The platting officer shall act as secretary to the board.
(Ord. 11-072, § 3 (part), 2012)

43.10.036 SEAL.

(A) The board shall adopt a seal of two concentric circles within which appear the words "Matanuska-Susitna Borough Platting Board," "Seal," and "State of Alaska." It shall be retained in the custody of the platting officer.
(Ord. 11-072, § 3 (part), 2012)

43.10.037 STAFF ASSISTANCE.

(A) The platting board shall be assisted by the platting officer and the platting officer's staff.
(Ord. 11-072, § 3 (part), 2012)

43.10.040 MEETINGS; QUORUM.

(A) The platting board shall hold a regular meeting twice a month. The chairperson or three board members may call a special meeting of the board.

(B) A majority of the authorized membership of the board constitutes a quorum. All board actions shall be by vote of a majority of the board's authorized membership who are qualified to vote on the question under MSB 43.10.055.
(Ord. 11-072, § 3 (part), 2012)

43.10.045 RULE OF PROCEDURE.

(A) The board may, by resolution, adopt its own written rules of procedure, consistent with this title, governing the conduct of its proceedings. In all matters of procedure not governed by such rules or this title, the current edition of Robert's Rules of Order, Newly Revised, shall govern.
(Ord. 11-072, § 3 (part), 2012)

43.10.050 ACTION ON APPLICATION OR APPEAL.

(A) The board shall take formal action by voting on an application or to grant an appeal from the platting officer's decision. The board's decision shall be recorded in a notice prepared by the secretary to the board. The notice shall include separate finding of fact supporting the decision, based upon the facts presented to the board and the board's debate on the matter. A notice is adopted as a decision of the board when it is signed by the chairperson, or the board's authorized representative if the chairperson is not available.
(Ord. 17-033, § 6, 2017: Ord. 15-036, § 4, 2015: Ord. 11-072, § 3 (part), 2012)

43.10.055 CONFLICT OF INTEREST; EX PARTE CONTACT.

(A) A board member shall not participate in deliberation or vote on a question if:

(1) the board member or a member of the board member's immediate family has a substantial financial interest in any property affected by the decision; and

(2) the board member or a member of the board member's immediate family could foreseeably profit in any material way through a favorable or unfavorable decision.

(B) Board members shall be impartial in all administrative decisions, both in fact and in appearance. No board member may receive or otherwise engage in ex parte contact with the applicant or appellant, or other parties interested in the application or appeal, or members of the public, concerning the application or appeal or issues presented in an application or notice of appeal, either before the hearing or during any period of time the matter is submitted for decision or subject to reconsideration.
(Ord. 11-072, § 3 (part), 2012)

43.10.060 PLATTING AUTHORITY PROCEDURE.

(A) The platting board shall act on an application for preliminary plat, variance, public use easement, plat note amendment, elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements, or vacation of public interest only after holding a public hearing on the application. The platting board shall hear applications for vacations at the hearing on the preliminary plat to which they pertain if an application for plat approval has been filed or is required. The platting board shall consider any preliminary or final plat affected by the vacation of public interest.

(B) The platting authority shall, within 60 days of the submission of an application for preliminary plat approval, approve or disapprove the preliminary plat or return it to the applicant for modification or correction. If the platting authority fails to act within a 60-day period, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand, unless the applicant consents to an extension of the 60-day period. An application for preliminary plat approval is submitted to the platting authority when it is submitted in proper form in accordance with MSB 43.15.016.

(C) The platting authority shall approve an application after finding that the application conforms to the standards set forth in this title and other applicable statutes and ordinances. The findings of the platting authority shall be set forth in the notice approving or disapproving the application.

(D) The platting authority may approve an application subject to conditions that it finds necessary to implement the purposes of this title. The conditions shall be set forth in the motion and notice approving the application.

(E) Unless the conditions of approval resolve the violation, the platting authority shall not approve an application where it finds that the property that is the subject of the application currently is in violation:

(1) of this title;

(2) of any condition of approval of a variance;

(3) of a subdivision plat;

(4) of any other land use entitlement granted under this title;

(5) of the terms of any other agreement with the borough;

(6) except where multiple violations exist and the platting action is remedying one or more of these violations.

(F) Written notification of platting authority's decision approving or disapproving an application shall be mailed to the applicant within ten days of the platting authority meeting at which the decision was made. If the application is approved, a final plat or a resolution setting forth the decision of the platting authority shall be filed with the district recorder after all conditions of approval have been met. The failure of any person to receive any notice required under this section, where borough records indicate the notice was mailed, shall not affect the validity of any proceeding under this title.

(Ord. 17-033 §§ 7, 8, 41, 2017; Ord. 16-018, § 5, 2016; Ord. 15-036, § 5, 2015: Ord. 11-072, § 3 (part), 2012)

43.10.065 NOTICE; PUBLIC HEARING.

(A) Notice of any public hearing required under this title shall be given in accordance with this section.

(B) Forms of notice are as follows:

(1) publication in a newspaper of general circulation in the borough one week prior to the public hearing.

(2) notices shall be mailed at least 21 days before the public hearing to:

(a) all record owners of property within a distance of 1,200 feet of the exterior boundary of the property that is the subject of the application, or to the record owners of at least the five tax parcels nearest the property that is the subject of the application, whichever is the greater number of persons; and

(b) if the property described in the application lies within a recorded subdivision, to all record owners within that subdivision.

(c) *Exception for abbreviated plats, right-of-way acquisition plats, waivers, or elimination or modification of easements described in MSB 43.15.032.* Public notices shall be mailed to all record owners of property within a distance of 600 feet of the exterior boundary of the property that is the subject of the application, or to the record owners of at least the five tax parcels nearest the property that is the subject of the application, whichever is the greater number of persons.

(i) Mailing notices to all record owners within a recorded subdivision is not a requirement for public hearings involving abbreviated plats, right-of-way acquisition plats, waivers, or elimination or modification of easements described in MSB 43.15.032.

(d) All notices shall be mailed to the record owner at the address stated in the current property tax record of the borough assessor.

(3) When the property that is the subject of an application lies within the boundaries of a community council recognized by the assembly, notice shall be mailed to the community council at least 21 days before the public hearing.

(4) The platting officer may direct that additional notice of the public hearing be given. The platting board, at its discretion, may also direct additional notice of the public hearing be given. However, the failure to give additional notice shall not affect the validity of any proceeding under this title.

(C) Every notice required by this section shall state the date, time, and location of the public hearing, a description of the action requested, a description of the property that is the subject of the application, the names of the applicants, and owners of the subject property.

(D) From the time of filing an application or an appeal until the time of the hearing on the application, the application or appeal, together with all plans, data, and other supporting material, shall be available for public inspection at the platting division.

(E) The failure of any person to receive any notice required under this section, where the records of the borough indicate the notice was provided in a timely and proper manner, shall not affect the validity of any proceeding under this title.

(F) Notice of vacation of a public right-of-way which has been approved and recommended by the platting board shall be sent to the public body having the jurisdiction to approve or veto the vacation. The public body shall make their finding within 30 days to approve or veto the platting board action or the action of the platting board shall automatically be approved.

(G) Notice of right-of-way, public use easement, section line easement, or RS-2477 easement vacation requests shall be posted and maintained by the applicant 30 days prior to the public hearing. The notices shall state the date, time, and place of the public hearing and be located in a manner clearly visible to the public. These notices must be posted along the boundary of the property at all common points of access to that portion of the easement or right-of-way that is subject of the application. The notices shall be in the format approved by the platting officer. The applicant shall submit an affidavit verifying that this posting has been made.

(Ord. 16-018, § 6, 2016; Ord. 15-036, § 6, 2015: Ord. 11-072, § 3 (part), 2012)

CHAPTER 43.15: PLAT APPROVAL, ABBREVIATED PLAT SUBDIVISIONS, AND VACATIONS

Section

43.15.005 General administration
43.15.010 Preapplication conference
43.15.012 Forty-acre exemption
43.15.015 Preliminary plat [Repealed]
43.15.016 Preliminary plat submittal and approval
43.15.021 Public use easement acceptance procedure
43.15.022 Waivers
43.15.025 Abbreviated plats
43.15.032 Elimination or modification of utility, drainage, sanitation, slope, snow storage, buffer, and screening easements
43.15.035 Vacations
43.15.040 Section line and state recognized RS-2477 easement vacations
43.15.045 Plat approval [Repealed]
43.15.049 Final plat; general provisions
43.15.051 Final plat; submitted
43.15.052 Final plat; plat note
43.15.053 Final plat; certificates
43.15.054 Final plat; surveyor requirements
43.15.055 Final plat; dedications, improvements, recording
43.15.065 Waiver of standards for resubdivision of substandard lots
43.15.070 Right-of-way acquisition plats
43.15.075 Variance; standards for approval

43.15.005 GENERAL ADMINISTRATION.

(A) The platting board shall act upon applications for preliminary plats, variances, public use easements, plat note amendments, elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements, and vacations of public interest within the procedures outlined by AS 29.40.110 and this title.

(B) The platting officer shall act upon applications for abbreviated plats, waivers, 40-acre exemptions, and right-of-way acquisition plats.

(1) The platting officer shall determine whether agency, department, or public comments provided are within the regulatory authority of this chapter and whether they should apply to a platting action.

(C) Leaseholds located within municipal airports are exempt from the requirement to plat.

(D) Commercial leases of ten years or greater are exempt from this title.

(Ord. 17-033, § 42, 2017: Ord. 15-036, § 7, 2015: Ord. 11-072, § 3 (part), 2012)

43.15.010 PREAPPLICATION CONFERENCE.

(A) Before submitting an application requiring platting authority approval, a petitioner shall attend a conference with the platting staff. The purposes of the conference are to inform the staff of the petitioner's development plans, and to inform the petitioner of the borough's development policies, public improvements, and platting procedures and requirements as they pertain to the proposed application. Borough staff may recommend modifications to conform the proposed application to those policies, procedures, and requirements. The platting officer may waive a preapplication conference if the platting officer finds that it is not necessary to accomplish these purposes.

(B) At least ten business days before the preapplication conference, the petitioner shall submit to the platting staff the proposed platting action with enough detail so the platting officer can gain a full understanding of the petitioner's intentions.

(C) *[Repealed by Ord. 17-033, § 9, 2017]*

(D) No proceeding under this section binds the platting authority in their review of any plat, or

relieves a petitioner of the responsibility of independently becoming familiar with the procedures and standards for approval of an application under this title.
(Ord. 17-033, § 9, 2017; Ord. 15-036, § 8, 2015: Ord. 11-072, § 3 (part), 2012)

43.15.012 FORTY-ACRE EXEMPTION.

(A) *Purpose clause.* The purpose of this section is to allow the land owner to divide or combine large parcels of land by document in an expedited manner.

(B) *Exemptions.* The platting officer shall exempt parcels from the provisions of this title where all the following conditions are met:

(1) The smallest parcel created is 40 acres in size, or is one-sixteenth of a section as defined by "aliquot part";

(2) The parcel is to be conveyed by deed;

(3) The parcels or tracts created can be described by:

(a) aliquot part; or

(b) a metes and bounds description, provided the description is under the seal of a land surveyor;

(4) The document does not alter:

(a) an existing plat of record, including tracts on a cadastral plat; or

(b) parcels created via the waiver process;

(5) A certificate to plat shall be required, consistent with the requirements of MSB 43.15.053(E);

(6) Signatures of consent are provided on affidavits from all parties holding a legal or equitable interest in the property to be recorded with the document;

(7) No more than four parcels shall be created from the parent parcel(s);

(8) The applicant demonstrates that legal access as defined by MSB 43.20.120 exists to all parcels or tracts created and is suitable for future borough standard road construction.

(a) The suitability of legal access for future road construction shall be documented by the applicant based on the following information available from existing records within the Matanuska-Susitna Borough:

(i) air photos;

(ii) *[Repealed by Ord. 17-033, § 43, 2017]*

(iii) topographic mapping; and

(iv) other available data.

(b) The platting officer shall review within ten working days the legal access documentation and its "suitability" for future road construction.

(c) *[Repealed by Ord. 17-033, § 43, 2017]*

(i) Access for parcels located two miles beyond the limits of the core comprehensive planning area may be from a trail shown to be constructible to the trail standards listed in MSB 43.20.060; however, no trail construction is required for 40-acre exemption approval.

(d) The applicant shall be required to submit plan, profile, and cross-sections if existing grades along proposed route exceed 10 percent, or if existing utilities or other land/water features appear to create impediments to road design meeting Subdivision Construction Manual standards;

(9) An as-built of all structures or improvements within the parcel boundaries is provided, or a letter from a land surveyor stating that no setback violations exist or will be created by this platting action; and

(10) For parcels described by metes and bounds, all parcel corners shall be surveyed and monumented and a record of survey or a detailed sealed drawing prepared by a land surveyor shall be recorded with the 40-acre exemption document. The survey shall be tied to at least two platted subdivision corners or two aliquot part corners set by the state or federal government, or land surveyor, or any combination of the preceding.

(C) *Exemption document.* The document exempting a parcel from the provisions of this title shall be reviewed by the platting officer. The platting officer shall approve the exemption document within ten working days once the exemption submittal meets the conditions of this subsection. Upon approval of the document, the platting officer shall execute the approved document, signed by the planning director, and it shall be affixed with the platting board seal. It is the responsibility of the applicant to pay all appropriate fees.

(D) The decision of the platting officer in this matter is final unless appealed in accordance with

MSB 43.35.
(Ord. 17-033, § 43, 2017: Ord. 16-018, §§ 7, 8, 2016; Ord. 15-036, § 9, 2015: Ord. 11-072, § 3 (part), 2012)

43.15.015 Preliminary Plat. [Repealed by Ord. 15-036, § 10, 2015]

43.15.016 PRELIMINARY PLAT SUBMITTAL AND APPROVAL.

(A) An application for conceptual plat approval shall be submitted with plat copies as needed, with the following data and appropriate fees:

(1) topographic information of the proposed subdivision and surrounding area within 100 feet relative to existing and proposed property lines. Contours shall be a minimum five feet if the ground slope is less than 10 percent and ten feet if the ground slope is greater than 10 percent;

(a) Topographic information shall be stamped by a land surveyor verifying current conditions;

(b) Platted subdivision lots are exempt from providing topographic information when:

(i) eliminating a lot line; or

(ii) moving a lot line where the aggregate amount affected by the move is less than 2,000 square feet;

(2) public rights-of-way and platted easements within 100 feet of the proposed subdivision boundary;

(3) adjacent property lines shown with dashed lines to show their general relationship to the proposed subdivision;

(4) approximate locations of visible existing roadways, driveways, sewage systems, wells, above-ground utilities, excavations, bridges, and culverts within 100 feet of the proposed subdivision boundary unless access is denied to the surveyor;

(5) preliminary horizontal location of streets, water supply, sewage disposal systems, or other public improvement details to indicate conformance with municipal standards;

(6) soils and engineering data as required by this title.

(a) Applications proposing community or municipal water supply and/or wastewater disposal systems shall submit a conceptual plan.

(b) Wells and septics on any property within the protective well radius of a proposed community or municipal water system shall be shown relative to the existing and proposed property lines.

(B) All plats, maps, drawings, or other illustrations required for conceptual review under these regulations shall show the following:

(1) title block;

(2) subdivision name;

(3) scale;

(4) north arrow;

(5) date;

(6) subdivider's name and address;

(7) surveyor's or other preparer's address;

(8) description of the parcel being subdivided;

(9) sheet number;

(10) total area; and

(11) vicinity map which includes the following:

(a) scale of one inch equals one mile showing a 20-square-mile area minimum (rural); one inch equals 300 feet showing a one-sixteenth-square-mile area (urban), or as necessary to indicate the subdivision and adjacent property;

(b) townships, ranges, and sections; and

(c) principal road systems, major water bodies and watercourses, and location of subdivision;

(12) dedicated rights-of-way, patent reservations, section line easements, and other easements or reservations, public or private, within the proposed subdivision boundaries showing location, dimensions, and purposes;

(13) the location of existing improvements within the proposed subdivision, such as structures as defined in MSB 17.55, roadways, driveways, sewage systems, wells, above-ground utilities, excavations, bridges, and culverts relative to the existing and proposed property lines;

(14) the location of water bodies, drainage courses, and, when required by MSB 17.29.160, flood hazard information, within the proposed subdivision;

(15) proposed lot lines, tract lines, utility and other easements, rights-of-way, including

approximate dimensions and area of all lots and tracts, approximate curve radii, tangent lengths, and similar information;

(16) proposed public or open space areas.

(C) Within ten business days of submittal, the application shall be accepted or rejected for failure to meet the requirements of subsections (A) and (B) of this section. The rejection shall be in writing and shall state the deficient items. Once the deficiencies are corrected, the application shall be immediately accepted.

(D) The statutory 60-day period for approval or nonapproval begins on the date the application is accepted for public hearing.

(E) *[Repealed by Ord. 17-033, § 12, 2017]*

(F) Public hearings for vacations may occur at the same time as the preliminary plat approval hearing.

(G) The applicant may acquire any required "other agency" review.

(H) *Preliminary plat approval; effect and duration.* The effect of the approval of the preliminary plat is as follows:

(1) The approval of a preliminary plat does not constitute approval of the subdivision or the acceptance of any dedication within the subdivision, but only authorizes the applicant to prepare the final plat. Application for approval of a final plat, including any final plat submitted under a phased development master plan, may be submitted only after approval of the preliminary plat, and only while the approval of the preliminary plat remains effective;

(2) Approval of a preliminary plat expires 72 months after the date of the written notice of platting authority action, unless the platting authority first extends its duration at the request of the applicant. The platting officer may grant two extensions, not to exceed two years each. Only the platting board has authority to grant additional extensions. The platting authority may approve an extension only if it finds that the conditions supporting approval of the preliminary plat have not materially changed;

(3) Where a subdivider intends to develop a subdivision in phases, approval of the preliminary plat shall be conditioned upon the subdivider's compliance with a phased development master plan prepared by a subdivider and approved by the platting board. Approval of a master plan for phased development expires 72 months after the date of the written notice of platting board action unless an extension is approved by the platting authority in the same manner extensions of preliminary plats are approved under subsection (H)(2) of this section;

(4) An appeal from the decision of the platting authority regarding plat approval shall follow MSB 43.35, Reconsideration and Appeals. Filing an appeal or reconsideration shall extend the 72-month approval period until the appeal or reconsideration is resolved;

(5) A subdivider may proceed upon an expired preliminary plat or master plan for phased development only with a new application;

(6) An applicant may seek modification of a preliminary plat or phased development master plan prior to expiration of the plan or plan approval or prior to the expiration of an extension granted pursuant to MSB 43.10.060(B). The applicant seeking modification shall pay a public hearing fee and meet the requirements of MSB 43.10.065. There shall be no petitions to modify vacations approved by the assembly unless the petition to modify involves an area of land not affected by the approved vacation; and

(7) *[Repealed by Ord. 17-033, § 14, 2017]*

(8) A plat (master plans for phased development, abbreviated plats, regular plats) approved under provisions of the former MSB Titles 16 and 27 shall be granted an administrative extension of an additional five years effective from the date of adoption of the ordinance codified in this section. This five-year extension is in addition to all previously granted extensions and starts at the end of the previously approved expiration date of the extension or original plat expiration date, whichever is later.

(I) The platting authority's action on an approved preliminary plat shall be noted on the final plat, with a reference to the date by which that action was taken.

(Ord. 17-033, §§ 10 – 14, 2017; Ord. 16-018, § 9, 2016; Ord. 15-036, § 11, 2015)

43.15.021 PUBLIC USE EASEMENT ACCEPTANCE PROCEDURE.

(A) Prior to acceptance by the borough and recordation, the offeror for a public use easement shall submit a legal description of the proposed easement together with a drawing depicting the

location of the proposed easement. If the proposed easement is in the form of a metes and bounds description, the description shall be submitted under the seal of a land surveyor. In lieu of a written legal description, a drawing showing the location and dimensions of the public use easement under the seal of a land surveyor shall be submitted.

(B) The legal description or drawing shall be reviewed for accuracy and completeness. If deficiencies are found, a written explanation of any deficiencies will be returned to the offeror within ten working days of the date the application is received. Once the deficiencies have been corrected, the public use easement will be processed.

(C) The offeror shall prove that the public use easement is in a practical location where road construction is feasible in accordance with the Subdivision Construction Manual. The offeror shall be required to submit plan, profile, and cross-sections if existing grades along proposed route exceed 10 percent, or if existing utilities or other land/water features appear to create impediments to road design meeting Subdivision Construction Manual standards.

(D) If road construction is proposed, all permits and approvals from federal, state, or other municipal regulatory agencies applicable to the construction of the road shall be submitted to platting staff.

(E) Public use easements shall be surveyed, monumented on the exterior, or the centerline if approved by the platting officer, and either shown on a record of survey, an associated plat, or a detailed sealed drawing prepared by a land surveyor which shall be recorded with the public use easement document.

(F) It is the responsibility of the offeror to pay all applicable fees.

(G) In acting on applications under this section the platting authority shall use the standards and procedures of MSB 43.10.060. Public noticing shall be in accordance with MSB 43.10.065.

(H) Upon compliance with subsections (A) through (G) of this section, a public use easement form with the approved legal description, bearing acknowledgment of acceptance by the borough and being signed by all individuals holding a legal or equitable interest in the property involved, shall be recorded. This provision does not require the signatures of holders of subsurface estate interests in the land being dedicated.

(I) Approval of an application under this section expires 72 months after the date of the written notification of the platting authority action, unless an extension is approved by the platting authority in the same manner extensions of preliminary plats are approved under MSB 43.15.016(H)(2).

(Ord. 17-033, § 44, 2017: Ord. 16-018, §§ 10—12, 2016; Ord. 11-072, § 3 (part), 2012)

43.15.022 WAIVERS.

(A) Those portions of this title specifically addressing the preparation, submission for approval, and recording of a plat shall not apply to waiver subdivisions for which the preparation, submission for approval, and recording of a plat has been waived, upon proof that:

(1) each parcel has legal and physical access to a constructed public road, and that the road utilized for access meets the following minimum requirements, unless the state or local government has accepted responsibility for construction and maintenance:

(a) Roads shall be constructed to a residential standard unless superseded by other provisions elsewhere within this title;

(b) The roadway, including any slopes, cuts, and fills actually used for access, is located entirely within the easement or right-of-way dedicated to the public or over other legal access, as defined in MSB 43.20.120.

(c) If a waiver is proposed along an existing maintained borough road, the petitioner shall not be required to upgrade said road;

(2) each lot or tract created is five acres in size or larger and the waiver of subdivision requirements will create no more than four parcels, an unlimited number of waivers from the original parent parcel are allowed;

(3) no dedication of public right-of-way, easement or other public area is required;

(4) proof has been submitted demonstrating that reasonable utility easements are provided;

(5) prior to recordation, all parcel corners shall be surveyed and monumented. A record of survey shall be recorded in the State Recording District Office. The survey shall be tied to at least two platted subdivision corners or two aliquot part corners set by the state or federal government, or land surveyor, or any combination of the preceding;

(6) *[Repealed by Ord. 17-033, § 17, 2017]*

(7) the parcels or tracts created can be described by:

(a) aliquot part; or

(b) a metes and bounds description, provided the description is under the seal of a land surveyor; and

(8) the applicant for approval of the plat waiver provides supporting written information including all soils and engineering data as required by this title.

(B) All waiver requests shall be made to the platting officer and shall be accompanied by:

(1) one completed waiver application form with tax official certification and notarized signature of the owner, and notarized signature of the mortgagee, if applicable;

(2) a neat, legible drawing on a sheet of 8.5-inch by 11-inch paper, or even increment of paper, showing location of markers, recorded easements, improvements, parent parcel boundaries, severed parcel boundaries, arrow indicating north, section, township and range;

(3) a review and reservation, if applicable, of utility easements;

(4) The proof of ownership shall be a certificate to plat or a preliminary commitment for title insurance in accordance with MSB 43.05.050.

(5) All waiver subdivision requests shall be submitted to the platting officer for approval. Within ten business days of submittal, the application shall be accepted, or rejected for failure to meet the requirements of the afore subsections.

(C) Public notice of waiver subdivisions shall follow the procedures of MSB 43.10.065, pertaining to actions requiring a public hearing, and written comments on the waiver application shall be accepted. A public hearing is not required for waiver subdivisions.

(D) The decision of the platting officer in this matter is final unless appealed in accordance with MSB 43.35.

(Ord. 17-033, §§ 15 – 17, 2017; Ord. 16-018, § 13, 2016: Ord. 11-072, § 3 (part), 2012)

43.15.025 ABBREVIATED PLATS.

(A) The platting officer shall review and act upon all preliminary plats that shall only move or eliminate lot lines, or create no more than four tracts or lots, and that shall not:

(1) deny legal and physical access to and from all lots or tracts created by, or adjacent to, the subdivision, or require construction of improvements necessary for access, other than the improvement of an existing, publicly dedicated right-of-way to current standards; nor

(2) alter a dedicated street or right-of-way, or require any dedication; nor

(3) require a vacation of a public dedication; nor

(4) require a variance from a subdivision regulation.

(B) Plats to remove lot lines on a subdivision plat of record are exempt from provisions of the code which require:

(1) usable area report submittals;

(2) legal and physical access;

(3) as-built survey; and

(4) topographic information.

(C) In acting on an application under this section, the platting officer shall use the standards and procedures used by the platting board in acting on applications under MSB 43.10.060. The platting officer shall approve or disapprove the plat within 30 days of the submission of the application.

(D) The decision of the platting officer in this matter is final unless appealed in accordance with MSB 43.35.

(E) Public notice of abbreviated plats shall follow the procedures of MSB 43.10.065, pertaining to actions requiring a public hearing.

(Ord. 16-018, § 14, 2016; Ord. 15-036, § 12, 2015: Ord. 11-072, § 3 (part), 2012)

43.15.032 ELIMINATION OR MODIFICATION OF UTILITY, DRAINAGE, SANITATION, SLOPE, SNOW STORAGE, BUFFER, AND SCREENING EASEMENTS.

(A) The platting board shall review and act upon all petitions requesting elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements; provided, that:

(1) the authority having jurisdiction over the easement consents;

(a) however, if the beneficiary of an easement refuses to authorize a vacation, the platting board may approve the vacation if the following conditions are met:

(i) there are currently no existing improvements within the subject easement of the easement beneficiary or a portion of the easement will remain which includes the improvements;

(ii) if necessary a substitute easement is provided; and

(iii) findings of facts support granting the vacation;

(2) if the elimination or modification of easement is due to an encroachment, an as-built survey must be submitted with the original petition; and

(3) a vacation resolution is recorded along with a graphic representation showing the specific area eliminated and any alternate easements proposed.

(B) In acting on applications under this section the platting board shall use the standards and procedures under MSB 43.10.060. The platting board shall act upon the application within 60 days of the acceptance for public hearing.

(C) Public noticing shall be in conformance with MSB 43.10.065.

(D) Approval of an application under this section expires 72 months after the date of the written notification of platting authority action, unless an extension is approved by the platting authority in the same manner extensions of preliminary plats are approved under MSB 43.15.016(H)(2).

(Ord. 17-033, § 45, 2017: Ord. 16-018, § 15, 2016: Ord. 11-072, § 3 (part), 2012)

43.15.035 VACATIONS.

(A) All applicants and actions for vacations shall conform to AS 29.40.120 through 29.40.160.

(B) A dedication to public use of land or interests in land may be vacated if the dedication is no longer necessary for present or future public use. The platting board shall review applications for vacations as follows:

(1) The platting board shall ordinarily approve vacations of public rights-of-way if:

(a) the vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation; or

(b) the surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed; or

(c) the right-of-way is not being used, a road is impossible or impractical to construct, and alternative access has been provided;

(2) The platting board shall not ordinarily approve vacations of public interests in land if:

(a) the surrounding area in which the vacation is sought is undeveloped or is developing and equivalent or better access is not provided;

(b) the vacation is of a public right-of-way providing access to a lake, river, or other area with public interest or value, unless alternate or better access is provided or exists;

(c) the proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;

(d) objections to the vacation are made by persons with an interest in land adjacent to or affected by the vacation, or by any government agency or department which has a responsibility to the public which may be affected by the vacation;

(i) the platting board may approve the vacation if the following conditions are met:

(aa) there are currently no existing improvements within the subject easement of the easement beneficiary or a portion of the easement will remain which includes the improvements;

(bb) if necessary a substitute easement is provided; and

(cc) findings of facts support granting the vacation;

(3) In other cases, the platting board shall review requested vacations on a case-by-case basis to determine whether the property is necessary or desirable for present or future public use. Public rights-of-way in areas shall be assumed to have a public use unless proven otherwise.

(C) Title to a vacated area shall be determined as follows:

(1) Title attaches to the lot or lands bordering on the vacated area in proportionate amounts, except that if the area originally was dedicated by different persons, original boundary lines shall be adhered to so that the area which lies on one side of the boundary line shall attach to the abutting property on that side, and the area which lies on the other side of the boundary line shall

attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. However, if a public square is vacated, the title to it vests in the city, if it lies within a city, or in the borough if it lies within the borough area outside cities, and if the property vacated is a lot or tract, title vests in the rightful owner.

(2) If a municipality acquired the vacated area for legal consideration or by express dedication to and acceptance by the municipality other than as a prerequisite to plat approval, the fair market value of the vacated area shall be deposited with the platting authority before the final act of vacation, to be paid over to the municipality upon final vacation.

(3) Other provisions of this subsection notwithstanding, the platting board may determine all or a portion of a vacated area should be dedicated to another public purpose, and if so, title to the area vacated and held for another public purpose remains in the borough or city, as applicable.

(D) A decision to grant a vacation is not effective unless approved by the city council if the vacated area is a street or public land of a city, or by the assembly in other cases. The platting board shall immediately give notice to the council or assembly of a vacation which is approved. The council or assembly shall have 30 days from the date of the notice to either consent to the vacation or veto it. Notice of veto of the vacation shall be immediately given to the platting board. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation.

(E) Public noticing shall be in conformance with MSB 43.10.065. Notice of platting authority approval shall be sent to the public body having jurisdiction in accordance with MSB 43.10.065.

(F) Approval of an application under this section expires 72 months after the date of the written notification of platting authority action, unless an extension is approved by the platting authority in the same manner extensions of preliminary plats are approved under MSB 43.15.016(H)(2).

(Ord. 17-033, §§ 18 – 21, 2017; Ord. 16-018, § 16, 2016; Ord. 15-036, § 13, 2015: Ord. 11-072, § 3 (part), 2012)

43.15.040 SECTION LINE AND STATE RECOGNIZED RS-2477 EASEMENT VACATIONS.

(A) This title provides standards for the vacation of section line easements and state recognized RS-2477 easements, also referred to as rights-of-way acquired under former 43 U.S.C. 932.

(B) An application for vacation of a section line easement or RS-2477 easement shall contain the following:

(1) a preliminary finding of approval from the appropriate agency of the state of Alaska;

(2) documentation by a land surveyor establishing the existence of a valid section line easement or RS-2477 easement within the area to be vacated, stating the width of the section line easement or RS-2477 easement and verifying the existence and width of any adjoining section line easements or RS-2477 easements;

(3) legal description of the section line easement or RS-2477 easement proposed for vacation;

(4) reason for vacation request;

(5) plat copies, as needed, of a section line or RS-2477 vacation plat, drawn to the requirement of the state of Alaska;

(6) current Alaska State Department of Transportation and Public Facilities and Department of Natural Resources final approval required prior to recordation pursuant to AS 19.30.410;

(7) *[Repealed by Ord. 16-018, § 17, 2016]*

(8) demonstration that a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all present and reasonably foreseeable uses pursuant to AS 19.30.410. In making this determination, the platting board shall consider comments from utilities concerning the adequacy of alternative access to provide for utility facilities and services; and

(9) demonstration that the vacation shall meet the standards set forth under MSB 43.15.035.

(C) Public notice of the vacation shall follow the procedures of MSB 43.10.065. Notice of platting authority approval shall be sent to the public body having jurisdiction in accordance with MSB 43.10.065.

(Ord. 17-033, § 46, 2017: Ord. 16-018, §§ 17, 18, 2016; Ord. 11-072, § 3 (part), 2012)

43.15.045 Plat Approval. [Repealed by Ord. 15-036, § 14, 2015]

43.15.049 FINAL PLAT; GENERAL PROVISIONS.

(A) *Board review.* The platting officer shall review all plats subdividing lands within the borough boundaries.

(B) *Review for deficiencies.* The platting officer shall review and check all final plats for deficiencies. Where deficiencies are found, the plat shall be returned to the subdivider for alteration or correction by the land surveyor responsible for the survey and the plat. The platting officer shall approve or disapprove the final plat within 20 days of submittal of the plat. If disapproved, the final plat shall be returned to the subdivider with specification of the deficiencies. The platting officer shall approve or disapprove the second final plat within ten days of resubmittal.

(C) *Dedication and adoption.* All streets and other public areas shown on the plat shall be dedicated to the public for the use and purpose specified in the plat upon:

(1) owner's signature on the plat or affidavit;

(2) planning and land use director's approval; and

(3) recordation of the plat in compliance with this title.

(D) *Duplication of names.* Road and subdivision names may not duplicate existing road or subdivision names in spelling or sound to avoid confusion with existing names.

(E) *Service area boundary requirements.* It shall be a condition of subdivision approval that no lot, tract, or parcel be split by a service area boundary. Proposals to create a lot, tract, or parcel that would be split by a service area boundary must realign the service area boundary prior to final plat approval.

(F) *Utility easements.*

(1) A snow storage easement if granted can be placed within a utility easement if there is no overriding surface conflict.

(2) A utility easement can be placed within a slope easement.

(G) *Minor plat alterations.*

(1) The purpose of this subsection is to resolve platting issues and/or improve the subdivision design and function without burdening staff, the petitioner, and the board with the additional time and costs to rehear the case.

(2) The platting officer is authorized to approve minor changes to an approved preliminary plat or master plan during review of the final plat for the following items. Any amendment or modification of the preliminary plat shall be limited to the following:

(a) The total number of lots may be reduced;

(b) The total number of lots may not be increased;

(c) Individual lot sizes may not be reduced by more than 20 percent per lot, and at no point to less than the minimum requirements that the preliminary plat was approved under. The aggregate of the proposed reductions shall not exceed one acre;

(d) Proposed rights-of-way or easements may be moved up to 25 feet if approved by the platting officer;

(e) *[Repealed by Ord. 17-033, § 47, 2017]*

(f) Approved external accesses cannot be changed; and

(g) Amendments and modifications cannot create setback violations.

(H) Prior to final plat recordation, all permits and approvals from federal, state, or municipal regulatory agencies shall be submitted to platting staff.

(I) Prior to final plat approval, State of Alaska Department of Environmental Conservation (ADEC) review and approval are required for community or municipal water supply systems or wastewater disposal systems (certificate to operate, if required by ADEC).

(1) As-builts or record drawings for any community or municipal water and wastewater disposal systems installed are required.

(2) Wells used for community or municipal water systems shall be shown with their protective well radius.

(a) Protective well radii extending more than 125 feet on adjoining property are prohibited unless:

(i) an easement is obtained; or

(ii) that portion of the adjoining property that is inside the well radius and

beyond 125 feet is deemed unusable for septic area. (Ord. 17-033, § 47, 2017: Ord. 11-072, § 3 (part), 2012)

43.15.051 FINAL PLAT; SUBMITTED.

(A) The final plat shall be prepared in substantial conformance with this section and the preliminary plat as approved.

(B) The subdivider shall submit the original of the final plat, which shall be reproducible, drawn to scale, on mylar or equivalent, and be of good drafting in ink, with lettering by template instrument or equivalent.

(C) The sheet sizes shall be 18 inches by 24 inches, 24 inches by 36 inches, 31.5 inches by 34 inches, or 32 inches by 36 inches, in accordance with the State Recorder's Office requirements.

(D) If more than one sheet is necessary to accurately portray the lands subdivided, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines to show where other sheets adjoin. When more than one sheet is submitted, all sheets shall be the same size.

(E) A readable standard scale shall be used of one inch equals 50 feet, 100 feet, or increments of 100, or as allowed by the platting officer. In all cases, the scale used shall be clearly stated.

(F) The name of the subdivision shall be shown in bold letters in the title block of each sheet included.

(G) A prominent north arrow shall be drawn on every sheet. The basis of bearing shall be clearly stated. No magnetic bearings shall be allowed.

(H) All monuments to be of record shall be adequately described and clearly identified on the plat.

(I) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement, and other areas shown on the plat, as well as the other boundaries of the lands subdivided.

(J) All distances shall be shown in feet and to the nearest one-hundredth foot, and in accordance with the definition of a United States survey foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.

(K) The course of every boundary line shown on the plat shall be indicated by a direct bearing reference. All bearings shown shall be given to the nearest degree, minute, and second of arc.

(L) Curve data shall be stated in terms of radius, central angle, tangent, length of curve, chord length and bearing. Curve data shall be shown for the line affected, and the information shall be tabulated with proper reference.

(M) The true boundary shall be clearly indicated on the plat by bold line.

(N) All interior excepted parcels shall be clearly indicated and labeled "not a part of this plat."

(O) All adjoining properties shall be identified, and where the adjoining properties are a part of a recorded subdivision, the name of that subdivision and the plat number shall be shown. If the subdivision platted is a resubdivision of a part or whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. The fact it is a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.

(P) The plat shall clearly show the location, dimension, and uses of all plottable easements created by this plat and those easements of record as indicated in the certificate to plat. If unplottable, the easements shall be referenced within a plat note.

(Q) No strip of land shall be reserved by the subdivider unless the strip of land is of sufficient size and shape to be of some practical use or service, as determined by the platting officer.

(R) All blocks shall be numbered in consecutive order. All lots within each block shall be numbered in consecutive order. All streets shall be named, numbered, or lettered in a manner acceptable to the platting officer and in compliance with MSB 11.20.

(S) The purpose of all area dedicated to the public or private shall be clearly indicated or stated on the plat.

(T) A vicinity map is required which shall include the following:

(1) scale of one inch equals one mile, showing a 20-square-mile area minimum (rural); one inch equals 300 feet showing a one-sixteenth-square-mile area, or as necessary to indicate the subdivision and adjacent property or as approved by the platting officer;

(2) townships, ranges, and sections; and

(3) principal road systems, major water

bodies and watercourses, and location of subdivision substantially centered within the vicinity map.

(U) Two blue lines shall be submitted for final review.

(Ord. 17-033, §§ 22, 23, 48, 2017; Ord. 15-036, § 15, 2015: Ord. 11-072, § 3 (part), 2012)

43.15.052 FINAL PLAT; PLAT NOTE.

(A) *Written notes.* Written notes may not ordinarily appear on any subdivision plat except as explicitly provided in this title or as reasonably necessary to accomplish the purposes of this title. Notes relating to land use may not appear unless otherwise required by law. Notes relating to land use which appear on any plat shall be effective only to the extent that the notes do not conflict with land use regulations adopted by the borough.

(B) *Flood hazard area identification.* All lots, blocks, tracts, or parcels affected by the floodplain regulations adopted by the borough shall be noted on the face of the plat. The notification shall be a written statement, stating the affected lots, blocks, and tracts by description and the reports and date of the reports and date of the report used to make the determination of the floodplain. A flood hazard area, if identified, shall be labeled "Flood Hazard Area" in bold, solid, one-inch-high letters. The base flood elevation and floodplain shall be shown as required by MSB 17.29.160, General standards for flood hazard reduction.

(C) *Water supply and sewage disposal note.* No individual water supply system or sewage disposal system shall be permitted on any lot unless the system is located, constructed, and equipped in accordance with the requirements, standards, and recommendations of the State of Alaska Department of Environmental Conservation, which governs those systems.

(D) *Other federal, state, or local requirements.* There may be federal, state, and local requirements governing land use. The individual parcel owner shall obtain a determination whether these requirements apply to the development of parcels shown on the plat to be recorded.

(E) *Restrictive covenants.* Covenants, conditions, and restrictions may be submitted with the final plat for recordation. All reservations or restrictive covenants shall be referenced by the book, page, or serial number and recording district on the plat in the following form:

> Restrictive covenants were recorded in the _____ recording district on ____, 20__, in book ___, page ____ (or serial number) _____.

(Ord. 16-018, § 19, 2016; Ord. 15-036, § 16, 2015: Ord. 11-072, § 3 (part), 2012)

43.15.053 FINAL PLAT; CERTIFICATES.

(A) *Certificates of ownership.* Each plat of a subdivision filed for record shall contain a certificate of ownership. The certificate shall be signed in black ink and acknowledged by all parties having any legal and equitable interest in the lands subdivided before an officer duly authorized to take acknowledgements of deeds, in the same manner in which deeds are required to be acknowledged. If the title interest is vested in a corporation, it shall also be signed and acknowledged by the designee of the corporation with the authority of its board of directors. Where any person holding any mortgage, lien, or other legal or equitable interest in the lands has not signed the certificate of ownership, the affidavit or title opinion shall be accompanied by the written consent, properly signed and acknowledged, of the person to the approval of the plat. This subsection does not require the signatures of holders of subsurface estate interests in the land being subdivided or dedicated. The ownership and dedication certificate shall be substantially as follows:

> (I) (We) certify that (I am) (we are) the owner(s) of the property shown and described in this plan and that (I) (We) adopt this plan of subdivision by (my) (our) free consent(,)(.) (dedicate) (all rights-of-way) (and public areas) (to the Matanuska-Susitna Borough) and (grant all easements to the use shown). (delete inapplicable phrases)
>
> _____
> Owner's name and address
>
> _____
> Date

(B) *Notary's acknowledgments.* A notary acknowledgment shall be substantially as follows:

NOTARY'S ACKNOWLEDGMENT

This is to certify that on the _____ day of _____, 20___, before me, the undersigned, a Notary Public in and for the state of Alaska, duly commissioned and sworn, personally appeared _____, to me known to be the persons described in and who executed the above instrument; and who acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year in this certificate first above written.

_____
Notary for the state of Alaska

My commission expires: _____

Or:

NOTARY ACKNOWLEDGEMENT

Subscribed and sworn to before me this _____day of _____, 20____, for _____.

_____
Notary for the state of Alaska

My commission expires:_____

(C) *Surveyor's certificate.* A surveyor's certificate shall be substantially in one of the forms that follow, whichever is appropriate:

I, (surveyor's name and land surveyor number), hereby certify that I am a registered professional land surveyor in the state of Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments shown on the plat actually exist as described, and that all dimensional and other details are true and correct to the best of my knowledge.

(SEAL)

I, (surveyor's name and land surveyor number), hereby certify that I am a registered professional land surveyor in the state of Alaska and that this plat was prepared by me or under my direct supervision using record dimensions from Plat #_____.

(SEAL)

(D) *Planning and land use director's certificate.* A certificate of approval for signature by the planning and land use director shall be substantially in a form as follows:

I certify that this subdivision plan has been found to comply with the land subdivision regulations of the Matanuska-Susitna Borough, and that the plat has been approved by the platting authority by plat resolution number _____, dated _____ 20__, and that this plat has been approved for recording in the office of the recorder in the _____ district, Third Judicial District, State of Alaska in which the plat is located.

_____, 20___

_____
Planning and Land Use Director

ATTEST:

_____
Platting Clerk

(E) *Certificate to plat.* Every final plat of a subdivision submitted for recording shall be accompanied by a certificate to plat or a preliminary commitment for title insurance, executed no more than seven days prior to recording, by a title insurance company, confirming that the title of the land described and shown on the plat is in the name of the person signing the certificate of ownership as it is shown on the plat, or in the name of the corporation as shown in the certificate of ownership.

(F) *Certificate of payment of taxes.* Every final plat of a subdivision submitted for recording shall be accompanied by a certificate from the tax collecting official or city treasurer stating that all special assessments and borough real property taxes levied against the property are paid in full. In the case of real property taxes, if approval is sought between January 1st and the tax due date, the certificate shall

state there are certified funds on deposit with the borough in an amount sufficient to pay estimated real property taxes for the current year at the time of recording. The certificate shall be as follows:

CERTIFICATION OF PAYMENT OF TAXES

I hereby certify that all current taxes and special assessments through _____, 20___, against the property, included in the subdivision or resubdivision, have been paid.

_____
Tax Collection Official (Borough)

I hereby certify that all current taxes and special assessments through _____, 20___, against the property, included in the subdivision or resubdivision, have been paid.

_____
Tax Collection Official (City)

(Ord. 17-033, §§ 24, 49, 50, 2017; Ord. 16-018, §§ 20, 21, 2016; Ord. 15-036, § 17, 2015: Ord. 11-072, § 3 (part), 2012)

43.15.054 FINAL PLAT; SURVEYOR REQUIREMENTS.

(A) *Qualifications of persons making survey and plat; certification.* Any subdivision of land within the borough shall be surveyed by a land surveyor or by persons under the surveyor's direct supervision who shall certify on the subdivision plat that the plat is a true and correct representation of the lands surveyed. The certification shall bear the signature, registration number, and the official seal of the surveyor. Nothing in this section shall be construed to prevent the preparation of preliminary plats by any person. In all cases, the certification required on the final plat shall be signed by a land surveyor.

(B) *Monuments of record; permanent control monuments.* Prior to offering any subdivision plat for recording, the land surveyor shall establish or confirm the prior establishment of at least two permanent control monuments on the boundaries of the land being subdivided. Permanent control monuments shall consist of a magnetized aluminum or brass-capped pipe, 30 inches in length, and a minimum of two inches in diameter. Drive-in rods and monument caps are allowable when a dig-in type monument is impractical. The monument shall be marked to identify its location, and shown and described on the final plat. The monument shall also have stamped on the cap the registration number of the land surveyor and the year it is set. Other existing monuments such as GLO monuments, rocks, and trees, which do not meet these specifications, shall be acceptable only if they can be verified as to location. This requirement shall not apply when the subdivision is a replat and the boundary has been previously monumented.

(C) *Other markers.* Additional markers for lot corners may be galvanized iron pipe of no less than one-half-inch inside diameter, 24 inches in length, or five-eighths-inch by 24-inch steel reinforcing rod with self-identifying markers that clearly identify marker location, year of setting, and the land surveyor's state of Alaska registration number.

(D) *[Repealed by Ord. 17-033, § 51, 2017]*

(E) *Additional markers required.* Required additional markers shall be of types prescribed in subsection (C) of this section, and, whether set prior to or subsequent to the recording of the plat, shall be set at all of the following locations:

(1) at every corner and angle point of every lot, block, or parcel of land created;

(2) at every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street, railroad, or other way; and

(3) at every point of curve, point of tangency, point of reversed curve, or point of compounded curve on each and every right-of-way line established.

(F) *Destruction of survey monuments.* Any person who willfully disturbs or destroys a record survey monument shall be responsible for its replacement or be guilty of an infraction punishable by a fine of $250 for each occurrence.

(G) *Exemption.* A subdivision plat, the sole purpose of which is to eliminate lot lines on a subdivision plat of record, shall be exempt from the survey and monumentation requirements of this section.

(Ord. 17-033, §§ 25, 26, 51, 2017; Ord. 15-036, § 18, 2015: Ord. 11-072, § 3 (part), 2012)

43.15.055 FINAL PLAT; DEDICATIONS, IMPROVEMENTS, RECORDING.

(A) Offers to dedicate rights-of-way, roadways, easements, or other public areas to the public on a final plat are accepted by the appropriate governmental agency upon approval and recordation of the final plat by the borough in compliance with subsection (C) of this section. Unless otherwise provided, by accepting an offered dedication, the agency assumes no obligation to establish, operate, or maintain any public service, improvement, or facilities in the area dedicated.

(B) The platting officer may not approve the final plat and no final plat may be recorded until:

(1) the subdivider completes and obtains the borough's or city's final acceptance of all the public improvements required in the subdivision; or

(2) the subdivider has entered into a subdivision agreement with the appropriate municipal government.

(C) Upon the subdivider's compliance with subsection (B) of this section, and also the acceptance of the dedications offered on the approved final plat, the platting officer shall submit the plat to the district recorder upon approval of the planning and land use director in accordance with AS 40.15. The cost of the recording shall be borne by the subdivider.

(Ord. 17-033, § 27, 2017; Ord. 15-036, § 19, 2015: Ord. 11-072, § 3 (part), 2012)

43.15.065 WAIVER OF STANDARDS FOR RESUBDIVISION OF SUBSTANDARD LOTS.

(A) The standards applicable to the subdivision of land may be waived by the platting officer for the resubdivision of substandard lots if the following conditions are met:

(1) one or more lots involved in the resubdivision are substandard lots, as defined in subsection (B) of this section;

(2) because of separate ownerships, unavailability of sufficient additional land, and similar reasons, it is not reasonable to require the replat of the lot in a manner that will bring the lot into conformance with all the requirements applicable to the replat;

(3) one or more of the conditions that make the lot substandard under the present code would be reduced or eliminated under the proposed replat;

(4) the number of substandard lots after the replat may not be more than before the replat; except, if one or more conforming lots would be made nonconforming under the proposed replat, the platting officer may waive the requirement of this paragraph if:

(a) the number of conforming lots that shall be made nonconforming is the minimum that could be reasonably included to minimize or eliminate the existing nonconformity;

(b) the new nonconforming conditions do not create a significant violation of the purposes and policies behind the standard violated;

(5) overall, the benefits to the public from the reduction or elimination of the prohibited conditions would outweigh the disadvantages of any increase in the number or extent of prohibited conditions. The creation of a new condition that violates the applicable provisions of borough code, or expansion of an existing condition, is strongly discouraged and shall be permitted only for compelling reasons.

(B) For the purpose of this section, a "substandard lot" is a lot that was lawfully created and met all conditions of the applicable provisions of law and ordinance at the time the plat was approved by the platting authority, or at the time it was filed if platting authority approval was not required by state law at the time it was filed, but does not conform to one or more of the applicable standards of MSB Title 17 or this title.

(Ord. 11-072, § 3 (part), 2012)

43.15.070 RIGHT-OF-WAY ACQUISITION PLATS.

(A) *Alternate procedure.* A plat for a subdivision created by a government agency's acquisition of a road, street, highway, right-of-way, railroad right-of-way, or airport parcel is subject to approval under this section and is not subject to any other approval procedure for plats under this chapter.

(B) *Submission requirements.* A government right-of-way acquisition plat submitted under this section shall contain the following information:

(1) the location, name, and number of the project for which the acquisition is required;

(2) the proposed timetable for acquisition and construction;

(3) the dimensions and area of the parcels

to be acquired and of each remainder parcel; and

(4) the names of the property owners identified by parcel.

(C) *Right-of-way acquisition plat.* A right-of-way acquisition plat shall conform to the submission requirements of subsection (B) of this section and to the other provisions of this title; provided, that:

(1) a right-of-way acquisition plat is not subject to any of the other submission requirements for plats under this title;

(2) a right-of-way acquisition is not subject to the Subdivision Construction Manual;

(3) survey requirements of this title are not applicable to a right-of-way acquisition plat unless otherwise provided by written agreement between the borough and the government agency applying for the plat; the borough shall require remonumentation or reference monumentation of subdivision control monuments, aliquot part section corner monuments, and government survey control monuments that will be disturbed, destroyed, or lost as a result of the proposed project; and

(4) the state, its agencies, instrumentalities, or political subdivision and the Matanuska-Susitna Borough may acquire or obtain conveyances, including dedication of lots or tracts of a right-of-way acquisition plat, before submittal of a right-of-way acquisition plat for approval by the Matanuska-Susitna Borough. A right-of-way acquisition conveyance may be recorded before approval and recording of the right-of-way acquisition plat.

(D) *Action.* Actions necessary prior to approval of a final plat include:

(1) The platting officer and the appropriate government agency shall review the right-of-way acquisition plat for completeness. If the proposed plat does not meet the requirements of this section, it shall be returned to the submitting agency with an explanation of the deficiencies.

(2) The platting officer shall make the decisions required by this section unless a government agency applying for the plat requests a public hearing before the platting board.

(3) The public notice and hearing requirements applicable to plats submitted for approval by the platting authority apply to right-of-way acquisition plats submitted to the borough for action. If the submitting agency requests a public hearing before the platting board, or if the agency appeals the borough decision under subsection (D)(6) of this section, the public notice and hearing requirements applicable to other plats submitted to the platting board shall apply.

(4) The preliminary approval of a right-of-way acquisition plat is effective for 120 months. The platting authority may grant an extension of up to 120 months for recording the final plat upon the finding that it is in the public interest to do so.

(5) The platting authority, as appropriate, may require as a condition of final plat approval any action it finds appropriate under the circumstances of the proposed plat or project, insofar as those actions are consistent with state law, including, but not limited to, the acquisition of remainder parcels that will not meet the applicable minimum requirements for lot size or dimensions. The platting authority may also require the realignment or reconstruction of any abutting or intersecting road or street right-of-way adversely affected by the acquisition or project.

(6) The decision of the platting officer in this matter is final unless appealed in accordance with MSB 43.35. An appeal under this subsection is treated as an original subdivision application.

(7) Unless otherwise agreed to in writing by the platting officer, all monumentation, remonumentation, right-of-way alignment, and reconstruction and other requirements of the borough or of this title shall be met before approval of the final plat unless it is clearly impractical or legally impossible to accomplish prior to final plat approval. Any action required as a condition of final plat approval, but not to be accomplished prior to the approval, shall be completed under the terms and conditions as are set out in writing by the borough. Any survey markers that control the length or direction of any property line shall be reset according to the new location. Secondary monumentation of all property corners, points of curves and angle points along the new right-of-way shall be required.

(E) *Application.* Except to the extent otherwise agreed to in writing by the platting officer, the provisions of this title other than those specifically excepted under this section shall apply to right-of-way acquisition plats.

(Ord. 16-018, § 22, 2016; Ord. 15-036, § 20, 2015: Ord. 11-072, § 3 (part), 2012)

43.15.075 VARIANCE; STANDARDS FOR APPROVAL.

(A) A variance from the requirements of MSB 43.20 may be granted only if the platting board finds all of the following:

(1) the granting of the variance shall not be detrimental to the public health, safety, or welfare, or injurious to adjacent property;

(2) the variance request is based upon conditions of the property that are atypical to other properties;

(3) Because of unusual physical surroundings, shape, or topographical conditions of the property for which the variance is sought, or because of the taking of a part of the property through condemnation or because of surrounding development or conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property; and

(4) Only one variance fee shall be charged per platting action when multiple variances are requested.

(Ord. 17-033, § 28, 2017: Ord. 11-072, § 3 (part), 2012)

CHAPTER 43.20: SUBDIVISION DEVELOPMENT STANDARDS

Section

43.20.020 Standards; general
43.20.040 Development standards districts
43.20.055 Rural and remote access [Repealed]
43.20.060 Dedication to public
43.20.100 Access required
43.20.120 Legal access
43.20.130 Major road corridors
43.20.140 Physical access
43.20.280 Area [Repealed]
43.20.281 Area
43.20.300 Lot and block design
43.20.320 Frontage
43.20.340 Lot dimensions

43.20.020 STANDARDS; GENERAL.

(A) This chapter establishes general design standards for subdivision development which, except as provided otherwise, govern all subdivisions in the borough.

(B) Construction of improvements within subdivision shall also comply with official construction standards for public improvements under the Subdivision Construction Manual.

(Ord. 17-033, § 52, 2017: Ord. 11-072, § 3 (part), 2012)

43.20.040 DEVELOPMENT STANDARDS DISTRICTS.

(A) It is the purpose of this section to provide a means of establishing different development requirements for the subdivision of land in recognition of the diverse conditions in the borough, ranging from highly urbanized to undeveloped, remote areas without conventional road access; to provide a means of establishing different development requirements in identified areas that are tailored more to the needs of the areas; and to provide a means in individual cases of reducing certain requirements in remote areas where the requirements are inconsistent with the public need for access, subdivision improvements, and other platting requirements.

(B) Cities to which the assembly has delegated by ordinance the authority to administer specific design and construction standards shall administer the standards pursuant to the delegation.

(C) The assembly, by ordinance, may establish one or more development standards districts in which there are subdivision development standards in addition to, or different from, those specified in this chapter. The ordinance may be adopted only after the planning commission has considered the ordinance and made its recommendation to the assembly, and after a public hearing on the ordinance before the assembly, notice of which shall be given as provided in MSB 43.10.065.

(Ord. 15-036, § 21, 2015: Ord. 11-072, § 3 (part), 2012)

43.20.055 Rural and Remote Access. [Repealed by Ord. 17-033, § 29, 2017]

43.20.060 DEDICATION TO PUBLIC.

(A) All roads shall be dedicated to the public, except as provided in MSB 43.20.100(C); provided, that a subdivider shall be required only to provide the designated right-of-way width within the subdivision, and one-half of the designated right-of-way width of the street on the exterior boundary of the subdivision with the dedication secured from the adjacent property owner before final plat approval.

(B) When accepting roadway dedication, the platting authority shall conduct a public hearing.

(C) Roads shall be dedicated for access to all lots within the subdivision and parcels of land adjacent to the subdivision except that access to adjoining lands does not have to be provided where

legal and constructible alternative access is available. Dedications shall be a minimum of 60 feet wide and sufficient to carry all traffic generated by the subdivision and to provide residential rights-of-way for projected traffic through the subdivision. Sixty-foot radius rights-of-way shall be dedicated at temporary and permanent cul-de-sacs.

(D) Subdivisions shall provide through connecting rights-of-way of residential collector standard minimum (as defined in the MSB Subdivision Construction Manual) to all adjoining stub rights-of-way and unsubdivided parcels, where feasible, to improve interconnectivity and/or public safety. If it is shown by the applicant to be unnecessary for future development and/or public safety, then a reduction to a lesser road right-of-way standard or an elimination of the requirement to provide access shall be applied to all of (or a portion of) the right-of-way that is being considered for a reduced standard.

(E) The platting board may require the dedication or improvement, or dedication and improvement, of rights-of-way, tracts, or easements no narrower than ten feet in width to accommodate the construction of walkways up to eight feet in width in any of the following circumstances:

(1) if a walkway is indicated as appropriate in the borough's comprehensive plan or other ordinance, i.e., special land use district (SPUD);

(2) if the walkway is reasonably necessary to provide safe and efficient pedestrian access to a school, playground, park, shopping center, public cemetery, transportation, or other community facility; or

(3) if the walkway is reasonably necessary to provide connectivity to a dedicated right-of-way in an adjoining subdivided or unsubdivided parcel.

(4) The above requirements for dedication of additional right-of-way for a walkway shall apply only where a walkway cannot be contained within the legal right-of-way reserved for a street.

(a) Plats or master plans of 20 lots or less shall be exempt from requirements to construct a walkway, unless evidence is presented supporting the need for pedestrian safety or the walkway will provide connectivity to other pedestrian facilities.

(Ord. 17-033, § 53, 2017: Ord. 16-018, § 24, 2016; Ord. 11-072, § 3 (part), 2012)

43.20.100 ACCESS REQUIRED.

(A) There shall be legal and physical road access provided to all subdivisions and to all lots within subdivisions, except as allowed by subsection (B) of this section and any other exemption within this title.

(B) Upon finding that no practical means of providing road access to a proposed subdivision exists and upon a showing that permanent public access by air, water, or railroad is both practical and feasible, the platting board shall waive the road requirements of subsection (A) of this section. If other than road access is approved, the mode of access shall be noted on the plat.

(C) Gated subdivisions and private roads shall be approved, provided they meet the following criteria:

(1) Internal roads conform to the requirements of the Subdivision Construction Manual for residential standards minimum except as allowed in this section;

(2) Emergency services shall be provided access to deliver services within the private subdivision;

(3) There is no possibility or public necessity to provide for public through traffic because alternate legal access to adjoining properties is available and that access is constructible in accordance with Subdivision Construction Manual standards;

(4) Private road maintenance is guaranteed.

(a) The applicant shall submit a documented plan stating the following:

(i) what seasons road maintenance will be performed,

(ii) contact information for road maintenance,

(iii) length of the maintained roads in feet, and

(iv) surface type;

(5) Existing lots created within subdivisions recorded with platted private roads may be subdivided using the private roads as the legal and physical access.

(D) *[Repealed by Ord. 17-033, § 30, 2017]*

(E) A subdivision plat whose sole purpose is to separate/divide a home/headquarters site in a Matanuska-Susitna Borough agricultural rights parcel under former MSB Title 13 is exempt from the road construction standards of the MSB Subdivision Construction Manual; provided, that the following conditions are fulfilled:

(1) prior to preliminary plat submittal the agriculture rights property owner is to obtain assembly approval of the sale of the home/ headquarters site through an application made to the borough land and resource management division;

(2) the maximum parcel size is five acres for the home/headquarters site;

(3) only two parcels can be created from the farm unit parcel, the home/headquarters site and the remainder;

(4) the applicant demonstrates that legal access as defined in MSB 43.20.120, Legal Access, exists to all parcels or tracts created, and the suitability of the legal access for future residential road construction is documented by a land surveyor or civil engineer hired by the applicant;

(5) the property is to be surveyed and monumented and a plat submitted in conformance with MSB 43.15.016, Preliminary plat submittal and approval, 43.15.049, Final plat; general provisions, and 43.15.051, Final plat; submitted;

(6) a plat note declaring that the borough is not responsible for road construction or road maintenance; and

(7) a plat note restricting further subdivision of the parcels being created.

(F) *Rural and remote access.* The provisions of this subsection provide a different set of access and road construction standards for rural and remote subdivisions:

(1) If the subject property is outside of a road service area, legal access to all lots shall be required and pioneer standard road construction is allowed for physical access.

(a) For subdivisions greater than ten lots, a parking area of sufficient size shall be reserved and constructed if no provisions are made for winter maintenance of the subdivision roads.

(b) For a plat of four lots or less outside of a road service area, legal access shall be provided to all lots and construction of a road is not required; provided, that:

(i) a note shall be placed on the plat to state that if any of the lots or parcels are further subdivided which would create more than the original lots created, a road must be constructed to minimum pioneer standards to provide physical access to the lots being further subdivided.

(2) For a plat or waiver of four lots or less within a road service area, legal access must be provided to all lots and physical access to the lots may be by a pioneer standard road; provided, that:

(a) A note shall be placed on the plat to state that if any of the lots or parcels are further subdivided which would create more than the original lots created, a road must be constructed to minimum residential standards to provide physical access to the lots being further subdivided.

(b) This provision of code will not require the petitioner to upgrade any road prior to the subject parcel that is or has been maintained by the state or an incorporated municipality.

(G) *Remote subdivision access for parcels outside of a road service area.* The purpose of this subsection is to allow for recreational use and subdivision of lands outside of road service areas where road access to a proposed remote subdivision is not practicable given the size of the subdivision, the cost of subdividing, assessed value of the property, and the cost of providing access due to the location, topographical constraints, and terrain, and it is not the desire of the subdivider to have road access, and proposed access is via trails, creeks, rivers, or lakes by snowmobile, on foot, skis, dog team, off-road vehicle, boat, railroad, or airplane. The following legal and physical access requirements apply:

(1) Legal access shall be provided for internal roads or trails to all parcels, and internal rights-of-way shall be a minimum of 60 feet wide. Legal access can be provided for by plat or by a recorded public use easement document, or other public access easement such as a section line easement.

(2) External legal access to a remote subdivision can be provided by any of the following and shall be a minimum of 100 feet wide for terrestrial access to accommodate reroutes of trails within the right-of-way or easement, excepting that for subdivisions of ten lots or less may be 50 feet wide:

(a) a navigable waterway;

(b) a float plane accessible lake;

(c) an airstrip as approved by applicable agencies including FAA, DOT, or other

agencies; where an airstrip is used, a plat note shall be added that no maintenance or upgrades will be provided by the borough; or

(d) railroad.

(3) *Private property rights.* Access routes shall not trespass upon private lands, and shall avoid conflicts with adjoining and nearby private properties.

(4) Sufficient land area shall be dedicated for parking at the permanent public access point unless the applicant demonstrates that it is unnecessary to serve the proposed subdivision. Physical improvement shall be made to a required parking area to handle the average number of vehicles using the area at one time, to include clearing and grubbing, a base constructed of suitable soils, and grading and drainage improvements as necessary.

(5) *Physical access.*

(a) Internal access roads or trails shall be constructible. Internal and external physical trail access shall meet the following minimum standards:

(i) a minimum of ten feet wide;

(ii) avoid wetlands where possible;

(iii) be cleared and grubbed;

(iv) have hardened surface with a minimum of one-foot-thick gravel base or use existing soils where suitable as determined by an engineer;

(v) be shaped to drain;

(vi) provide drainage improvements such as culverts for water crossings and make grading improvements to avoid ponding in low areas:

(aa) when transiting across unavoidable natural features where improvements will be continually inundated by natural forces, a subdivider will not be required as a condition of plat approval to provide improvements that cannot be permanent due to natural circumstances. However, a subdivider must demonstrate why such areas are unavoidable, given the size of the subdivision, the expected disruption to access, and the cost of avoiding such disruption. Except that disruption which is expected to be so frequent as to render the access unusable for any significant part of a season will not be allowed;

(bb) where trails encounter large water crossings such as creeks and rivers and it is not feasible to install culverts or construct a bridge, an open water crossing will be allowed; provided, that it is approved by the agencies having jurisdiction over the waterway and stream bank stabilization improvements are installed where needed;

(vii) for transit across wetland or marshy conditions, installation of approved matting shall be allowed to be substituted for a hardened surface as specified above.

(6) All subdivisions under this section shall have a plat note which reads:

> The borough is not responsible for maintenance or upgrades of any access improvements to parcels created under this provision.

(H) *DNR remote recreational projects.* The purpose of this section is to specify the legal and physical access requirements for parcels created under the Alaska Department of Natural Resources (DNR) Remote Recreational Land Disposal Program(s) and only these standards shall apply. This program typically consists of large staking area of state land where selected entrants stake their own parcel within the staking area which is subsequently surveyed and conveyed to the entrants by the state.

(1) *Preliminary plat approval.* The DNR shall submit a preliminary plat application to the platting officer for review and approval by the platting board containing the following:

(a) boundary of the proposed staking area;

(b) proposed external winter and/or summer access, vehicle parking, and staging areas to the staking area;

(c) the maximum number of proposed parcels; and

(d) identify a proposed main trail or means of access through the staking area from the access point or points.

(i) If a trail is the main access within the staking area, it shall be within a 60-foot-wide right-of-way.

(2) *Final plat submittal and approval.*

(a) The final plat for this section shall conform with provisions of MSB 43.15.051 through 43.15.055.

(b) The final location of the main

trail or access through the staking area may be adjusted by the petitioner from the location shown on the preliminary plat.

(c) A plat note shall be added stating the borough is not responsible for maintenance or upgrades of any access improvements to parcels created under this provision.

(I) *Replatting remote recreational parcels.* The provisions of this section shall apply to the subdivision of parcels created under DNR land disposal programs including Remote Parcel, Open to Entry (AS 38.05.077), Homesteads (AS 38.09) and Remote Recreational land programs.

(1) Said parcels may be subdivided into not more than three lots with each having a minimum lot size of two and one-half acres.

(2) Lots created herein are exempt from other legal and physical access provisions contained within this code.

(3) In lieu of a usable area report, a note shall be placed on the plat that wastewater disposal systems shall comply with ADEC regulations.

(Ord. 17-033, § 30, 2017: Ord. 16-018, § 25, 2016; amended during 4/15 supplement; Ord. 11-072, § 3 (part), 2012)

43.20.120 LEGAL ACCESS.

(A) The applicant shall provide the platting division a right-of-way document verifying the existence of legal access. In this title, legal access exists only if one of the following is met:

(1) An unrestricted, public right-of-way connects the subdivision to a constructed public transportation system and one of the following is met:

(a) The applicant's land surveyor submits to the platting division for review and approval documentation and an opinion demonstrating that the right-of-way exists; or

(b) The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located, or that access or right-of-way is maintained by the state of Alaska or an incorporated municipality; or

(c) The applicant provides documentation satisfactory to the borough demonstrating the legal access is guaranteed through judicial decree;

(2) The right-of-way is an easement or fee interest at least 50 feet in width dedicated or irrevocably conveyed to the public; or

(B) The applicant proves that the proposed access can be constructed practically and economically within the legal access documented.

(Ord. 17-033, § 31, 2017: Ord. 15-036, § 23, 2015: Ord. 11-072, § 3 (part), 2012)

43.20.130 MAJOR ROAD CORRIDORS.

(A) Subdivisions of any lots abutting or within 100 feet of a national, state, or borough road classified as a highway or arterial road in the MSB Long Range Transportation Plan or its future updates are subject to the provisions of this section.

(B) The distance between direct accessways onto national, state, or borough roads classified as highways or arterial roads shall be maximized and shall be 650 feet or greater when measured at centerline unless preexisting conditions and preexisting nonconforming lots do not allow. Access shall be by collector street, frontage road, or shared driveways, where feasible. A property adjacent to a road described in subsection (A) of this section shall not be denied access where an existing road or driveway causes an access to have less than 650 feet of separation.

(C) Variances may be granted in the interest of public safety and in those cases where preexisting legal nonconforming lots of record cannot comply with the standard after good faith negotiation with adjacent property owners has failed to provide a shared access that would conform to the standards of this chapter. Variances will maintain the greatest possible distance between access points. Variances may be granted to allow shared access to multiple contiguous pre-existing legal nonconforming lots subject to the same criteria listed for individual lots.

(Ord. 17-033, § 32, 2017)

43.20.140 PHYSICAL ACCESS.

(A) Roads used for access and internal circulation shall:

(1) conform to the existing requirements of the Subdivision Construction Manual; and

(2) be located entirely within dedicated or legal rights-of-way; and

(a) Prior to recordation, a surveyor's sealed drawing shall be submitted

showing traveled ways within existing or proposed rights-of-way and any slopes steeper than 2.5 to 1 that extend beyond the right-of-way limits.

(b) A centerline profile shall be provided for those sections of streets exceeding 6 percent grade.

(Ord. 17-033, § 54, 2017: Ord. 11-072, § 3 (part), 2012)

43.20.280 Area. [Repealed by Ord. 15-036, § 24, 2015]

43.20.281 AREA.

(A) Unless designated otherwise by another authority having jurisdiction, minimum lot sizes shall be as follows:

(1) Except as allowed under subsections (A)(2), (3), and (4) of this section, all lots within this district shall contain at least 40,000 square feet of area with at least 10,000 square feet of usable building area and 10,000 square feet of contiguous usable septic area. Lots having 20,000 square feet or less of the total of usable building area and usable septic area shall have 10,000 square feet of contiguous usable septic area surrounded by a well exclusion area extending 100 feet from the perimeter, delineated and reserved on the plat at the discretion of the platting board.

(a) Usable septic area is that area where seasonal high water table is a minimum of eight feet below the surface. Where water is encountered at ten feet or less below the surface, the seasonal high subsurface water is to be determined between May 1st and October 30th, and:

(i) that area where slopes are less than 25 percent;

(ii) that area which is more than 100 feet from open water, surface waters, and wetlands;

(iii) that area which is located at least 50 feet from the top of a slope which is greater than 25 percent and has more than ten feet of elevation change;

(iv) that area which is not within an area dedicated to public use;

(v) that area which is outside of utility or other easements that would affect the use of the areas for on-site septic installation;

(vi) that area which is outside of a protective well radius;

(vii) that area which is outside of any known debris burial site; and

(viii) *[Repealed by Ord. 17-033, § 55, 2017]*

(b) Water table and ability of soils to accept effluent shall be determined by a number of borings or test holes sufficient to indicate subsurface conditions over the entire area of the subdivision. All of the borings and test holes shall be located within the perimeter of the proposed subdivision. Borings and test holes must have the following minimum depths below the ground surface:

(i) in areas known or suspected to contain permafrost, the lesser of:

(aa) twenty feet deep; or

(bb) a depth at which permafrost or an impermeable layer is encountered; and

(ii) the least depth associated with the following conditions, where they apply:

(aa) two feet below the depth where the water table is encountered;

(bb) twelve feet deep for shallow trench or bed systems;

(cc) sixteen feet deep for areas where deep trench or seepage pits will likely be used;

(dd) the depth to bedrock, clay, or other impermeable strata with an expected percolation rate slower than 120 minutes per inch; or

(ee) As determined by the engineer, a lesser depth as required to verify usable areas is acceptable for hand-dug excavations on parcels with limited or no access for heavy equipment.

(c) The minimum number of test holes shall be determined by the engineer.

(d) When the water table is encountered in the test holes, the depth to the seasonal high water table must be determined by:

(i) monitoring test holes or soil borings at times between May and October (inclusive);

(ii) soil mottling or staining analyses;

(iii) interpretation of levels of standing open water;

(iv) local knowledge and experience, if approved by the borough; or

(v) a combination of these methods.

(e) The depth to any seeps must be noted and may require subsequent monitoring.

(f) Soils in a usable wastewater disposal area must be:

(i) clearly shown to be visually classified as GW, GP, SW, or SP under the Unified Soils Classification System and expected to have a percolation rate of 15 minutes per inch or less (faster);

(ii) clearly shown to be GM or SM under the Unified Soils Classification System by a sieve analysis; or

(iii) shown by a percolation test conducted in accordance with (ADEC) Alaska State Department of Environmental Conservation regulations to have a percolation rate of 60 minutes per inch or less (faster).

(g) These borings or test holes shall be accomplished under the direct supervision of a state of Alaska registered civil engineer, who shall submit soil logs and other findings in writing to the Matanuska-Susitna Borough certifying 10,000 square feet of contiguous usable area for septic drain field use.

(h) Where lots, tracts, or parcels exceed five acres in size, the platting authority may accept a reduced number of test holes or other supporting information, accomplished under the direct supervision of a state of Alaska registered engineer.

(i) The platting authority shall exempt the submission requirements of MSB 43.15.016(A)(6) for purposes of fulfilling usable area requirements for subdivisions of land where:

(i) the lot size is 400,000 square feet or greater and an engineer or land surveyor submits a detailed topographic narrative; or

(ii) the existing subdivision was previously approved by the Alaska State Department of Environmental Conservation or by the Borough after July 1, 1996, and the proposed subdivision action is limited to moving one or more lot lines, provided the aggregate square footage affected is 2,000 square feet or less.

(2) Lots containing at least 20,000 square feet but less than 40,000 square feet must be serviced by an approved municipal or community water or municipal or community septic system. The platting authority may approve lots having at least 20,000 square feet, provided each lot is serviced by an approved municipal or community water system or municipal or community wastewater system. A community wastewater disposal system shall include a common wastewater disposal site on separate lot(s) that serves the entire subdivision.

(a) Lots containing at least 20,000 square feet but less than 40,000 square feet not served by an approved municipal or community septic system must have a minimum 10,000 square feet of usable septic area and are exempt from the usable building area requirement.

(3) The platting authority may approve lots having less than 20,000 square feet but at least 7,200 square feet if served by a community or municipal water system and community or municipal sewage disposal facilities.

(4) For those areas not served by municipal sewer and water, lots less than 20,000 square feet must be approved by a planned unit development as authorized by MSB 17.36.

(B) Within jurisdictions having authority, minimum lot sizes and dimensions shall be those established under or pursuant to the applicable provisions of MSB Title 17; however, where a size or dimension has not been established under or pursuant to MSB Title 17, the applicable provision of this title applies.

(C) If a condemnation by a governmental agency reduces the area of a lot below the minimum required by this section, the area after condemnation shall be the minimum area required for that lot if that lot met the minimum requirements before the condemnation and the resulting area after the condemnation is not less than 80 percent of the minimum required.

(D) Exclusive of open space, lots designated or dedicated for a public or utility purpose with no on-lot sewer shall have no minimum lot size but shall have restrictions, requirements, designations, or dedications noted on the plat.

(E) *Open space incentive.* The intent of this subsection is to support the goals, policies, and objectives of the Matanuska-Susitna Borough Parks, Recreation, and Open Space Plan.

(1) Minimum individual lot area may be reduced up to 25 percent by the dedication of an equal area of usable open space within the subdivision; provided, that:

(a) Each non-open space lot, in

which the lot area was reduced, has 10,000 square feet of contiguous usable septic area delineated on the plat, unless served by a municipal or community wastewater system;

(b) The open space area is connected by public access, or is attached to an existing open space or greenbelt area that has public access. If it is proposed to attach to an existing open space or greenbelt area, the access must be in an area that is feasible for the intended use; and

(c) Open space shall be irrevocably dedicated to the municipality or borough, or irrevocably dedicated to the subdivision owners and cannot be resubdivided.

(2) Additional nonusable area may be attached to the usable open space area, but shall not be used for calculations in the reduction of lot size.

(3) Open space area is exempt from lot configuration; however, the minimum width of any open space area shall be a minimum of 20 feet.

(4) Usable open space area shall be a minimum of 30,000 contiguous square feet.

(a) Usable open space area has a seasonal high groundwater table no closer than two feet below the surface, and is outside of existing or proposed utility, slope, or public use easements and does not include any other existing or proposed easements that would normally disturb the natural vegetative state.

(5) The proposed open space area shall connect to adjacent open space areas when prudent and feasible.

(6) Open space area shall be delineated and identified on the plat.

(7) Community wells and community septic systems shall not be allowed on open space dedicated to a municipality or the borough but are allowed in open space areas if accepted by the subdivision owners. Protective well radii may be allowed in open space areas.

(Ord. 17-033, § 55, 2017; Ord. 16-018, §§ 26, 27, 2016; Ord. 15-036, § 25, 2015)

43.20.300 LOT AND BLOCK DESIGN.

(A) The length of a block shall be not less than 400 feet, no more than 3,000 feet, or less than 800 feet along collector or arterial roads.

(B) No lot under 2 acres in size shall have an average depth of more than 3 times the average width, except:

(1) Lots of 40,000 square feet minimum shall have an average width of at least 125 feet when they exceed the 3-to-1 ratio due to unusable area or natural ground slope exceeding 25 percent;

(2) Lots of 20,000 square feet minimum shall have an average width at least 85 feet when they exceed the 3-to-1 ratio due to unusable area or natural ground slope exceeding 25 percent grade.

(C) Lots 2 acres to 10 acres may have an average depth of no more than 4 times its average width.

(1) Lots 2 to 10 acres shall have an average width of at least 125 feet when they exceed the 4-to-1 ratio due to unusable area or natural ground slope exceeding 25 percent.

(D) *[Repealed by Ord. 17-033, § 34, 2017]*

(E) *Flag lots.*

(1) Flag lots are defined in MSB 43.05.005 and further defined as having a pole portion which is 100 feet wide or less.

(2) The pole portion of flag lots shall:

(a) not be included in the usable area calculations;

(b) not be included in the depth-to-width ratio;

(c) not exceed a length of 2,640 feet.

(3) Utility easements and utilities shall be located outside of the length of the flag pole portion of the lot:

(a) excepting where the flag pole is greater than 75 feet wide to accommodate utilities.

(4) When served by road access, multiple flag lots within the proposed subdivision with pole portions adjoining shall:

(a) share a common access point to the road at the road right-of-way line;

(b) be overlaid with a public use easement over the width of the pole portion and extend into the flag portion an adequate distance to provide for a turnaround designed to Subdivision Construction Manual standards;

(i) applies to lots greater than 2.5 acres;

(c) be served by a public use easement created to provide sufficient access to subject parcels when a common access point is a requirement for subdividing.

(5) For flag lots containing 2.5 acres or less, the minimum pole portion width is:

(a) 30 feet where 2 or more pole

portions are adjoining;

(b) 40 feet for a single pole portion;

(i) 45 feet of frontage if access is onto a cul-de-sac.

(6) For lots greater than 2.5 acres, the minimum pole portion width is:

(a) 30 feet where 2 or more pole portions are adjoining;

(i) 45 feet of frontage if access is onto a cul-de-sac;

(b) 60 feet for a single pole portion.

(7) Flag lots are limited to 10 percent of the total number of lots for any subdivision of 60 or more lots, up to a maximum of 10 flag lots, and no more than 6 lots for a subdivision of less than 60 lots. The calculated amount shall be rounded to the greater number in case of a fraction of 0.5 or greater, and rounded to the lesser number in case of a fraction of less than 0.5.

(Ord. 17-033, §§ 33 – 35, 2017; Ord. 16-018, § 28, 2016: Ord. 15-036, § 26, 2015: Ord. 11-072, § 3 (part), 2012)

43.20.320 FRONTAGE.

(A) Exclusive of flag lots, lots shall contain a minimum of 60 feet of frontage, unless located on a cul-de-sac, in which case the minimum frontage may be 45 feet.

(B) Frontage for flag lots is pursuant to MSB 43.20.300(E).

(Ord. 17-033, § 36, 2017: Ord. 15-036, § 27, 2015: Ord. 11-072, § 3 (part), 2012)

43.20.340 LOT DIMENSIONS.

(A) Lots adjacent to a watercourse or body of water shall be a minimum of 125 feet in width at the waterline, as measured directly between property corners at the waterline, or a minimum of 85 feet in width if community sewerage is provided to the lot.

(1) For flag lots where water is the only legal access, water body frontage is pursuant to MSB 43.20.300(E).

(Ord. 17-033, § 39, 2017: Ord. 15-036, § 28, 2015: Ord. 11-072, § 3 (part), 2012)

CHAPTER 43.25: EXISTING PLAT STATUS AND VALIDATION

Section

43.25.015 Existing plats validated [Repealed]
43.25.020 Recorded plats [Repealed]
43.25.025 Severability

43:25.015 Existing Plats Validated. [Repealed by Ord. 15-036, § 29, 2015]

43.25.020 Recorded Plats. [Repealed by Ord. 15-036, § 30, 2015]

43.25.025 SEVERABILITY.

(A) If any provisions of this title shall be declared invalid, the invalidity shall not affect any other portion of this title which can be given effect without the invalid provision, and to this end the provisions of this title are declared to be severable. (Ord. 11-072, § 3 (part), 2012)

CHAPTER 43.35: RECONSIDERATION AND APPEALS

Section

43.35.003 Appeals of platting officer decision
43.35.005 Reconsideration by platting board
43.35.015 Appeals

43.35.003 APPEALS OF PLATTING OFFICER DECISION.

(A) Appeals to the platting board shall be filed within ten days of the platting officer's written decision on abbreviated plats, 40-acre exemptions, waivers, and right-of-way acquisition plats.

(1) A written notice of appeal shall be submitted to the platting division.

(2) The notice of the appeal shall state the reason for the appeal, which must be based on one or more of the following:

(a) the decision of the platting officer is in violation of borough code, state or federal law;

(b) there was a clerical error in the decision;

(c) there is newly discovered evidence or a change in circumstances which by due diligence could not have been discovered before the original hearing; or

(d) there was a substantial procedural error in the original proceedings.

(3) New evidence submitted after acceptance of the appeal shall not be considered or presented to the platting board.

(B) Within ten days from the date the appeal was filed the platting division shall provide the notice of the appeal to the applicant and any party who provided oral testimony at the public hearing or filed written comments prior to the platting officer's original decision.

(C) Written comments on appeal must be filed with the platting division ten days before the platting board meeting where the appeal will be considered. Only the parties filing written submittals or requesting to be heard in writing ten days prior to the appeal hearing may testify at the appeal hearing.

(D) The appeal hearing shall be set no later than 45 days after the appeal is filed unless cause is shown by the party requesting the appeal that the hearing be expedited or continued. If the platting board does not act on the appeal within the 45 days then the decision of the platting officer stands.

(Ord. 17-033, § 37, 2017: Ord. 16-018, § 29, 2016; Ord. 11-072, § 3 (part), 2012

43.35.005 RECONSIDERATION BY PLATTING BOARD.

(A) The platting board may reconsider its decision upon petition of any person entitled to appeal the decision under MSB 15.39.120 filed within ten days of the date the written "notification of platting board action" is issued.

(B) The platting board may reconsider its decision only if it finds:

(1) there was a clerical error in the decision;

(2) the decision resulted from fraud, misrepresentation, or mistake;

(3) there is newly discovered evidence or a change in circumstances which by due diligence could not have been discovered before the original hearing;

(4) the board acted without jurisdiction in the original proceeding; or

(5) there was substantial procedural error in the original proceedings.)

(C) The petitioner shall state one or more of the bases for reconsideration listed in subsections (B)(1) through (5) of this section in the petition for reconsideration and briefly explain why those bases for reconsideration apply to the petition.

(D) The platting board shall review the petition at its next regular meeting and decide whether to reconsider the matter. The decision to reconsider the

matter shall be based on the petition and any oral argument of the petitioner, which the board may decide to hear.

(E) If the petition for reconsideration is granted, the platting board shall set the matter on its agenda for rehearing only after notifying all people giving testimony and all people required to receive notice of the original petition under MSB 43.10.065. Parties shall have ten days from the date of notice that a reconsideration hearing has been granted to file written comments and inform the platting division of their intent to participate in the hearing.

(F) The reconsideration hearing shall be conducted in the same manner as the original proceeding.

(G) The platting board's decision at the reconsideration hearing shall be final, and no further petitions for reconsideration shall be entertained.

(H) The timely filing of a motion for reconsideration shall suspend the time for filing an appeal until the motion for reconsideration is resolved by the platting board.

(I) The timely filing of a petition for reconsideration from the granting of a vacation shall suspend the 30-day time period required for assembly or city council approval or denial of the proposed vacation until the matter is resolved by the platting board.

(Ord. 17-033, § 38, 2017; Ord. 16-018, § 30, 2016; Ord. 11-072, § 3 (part), 2012)

43.35.015 APPEALS.

(A) Appeals from decisions of the platting board may be made under the provisions of MSB 15.39.

(Ord. 11-072, § 3 (part), 2012)

CHAPTER 43.55: SUBDIVISION AGREEMENTS

Section

43.55.010 Subdivision agreement required
43.55.015 Assembly approval required
43.55.020 Completion date
43.55.025 Cost of required public improvements
43.55.030 Guarantee of completion of public improvements
43.55.035 Release of guarantee
43.55.037 Warranty
43.55.040 Warranty; correction of deficiencies
43.55.050 Release of warranty
43.55.055 Default
43.55.060 Enforcement
43.55.065 Other municipalities as beneficiary

43.55.010 SUBDIVISION AGREEMENT REQUIRED.

(A) *Agreement.* Where subdivision improvements are required under this title as a condition of plat approval the subdivider may enter into a subdivision agreement with the borough in accordance with this chapter. Road access must be at least 85 percent complete, all lots within the plat being recorded having access. All signage must be installed. All drainage improvements must be installed providing functioning drainage throughout the subdivision prior to entering into a subdivision agreement; minor improvements are allowed to the functioning drainage system under the subdivision agreement.

(B) *Application.* Application for a subdivision agreement shall be made to the platting division. The application shall include a tentative schedule of all proposed construction of public improvements and the subdivider's estimate of the cost of each required public improvement, itemized materials list, plans, specifications, descriptions of work, the limits of the work area, the methods to be employed, storm water pollution prevention plans, and any other pertinent data and information necessary for the platting division to evaluate the proposed installation. The borough may require a showing of the subdivider's financial responsibility.

(C) *Contents of agreement.* The subdivision agreement shall include, but need not be limited to, the following provision:

(1) a designation of the public improvements required to be constructed;

(2) the construction and inspection requirements of the borough for which the improvements are constructed;

(3) the time schedule for completing the improvements;

(4) the guarantee required by MSB 43.55.030;

(5) *[Repealed by Ord. 17-033, § 56, 2017]*

(6) the allocation of costs between the borough and the subdivider for required public improvements;

(7) the warranty required by MSB 43.55.037;

(8) the consent of the subdivider for the ownership of specified public improvements to vest with the municipality upon final acceptance by the borough;

(9) a warranty that the subdivider has title to the subdivision property and the authority to execute the subdivision agreement;

(10) *[Repealed by Ord. 17-033, § 56, 2017]*

(11) a provision that all work shall be performed pursuant to Matanuska-Susitna Borough specifications for subdivision improvements or, where city specifications are applicable, city specifications for such improvements;

(12) a provision that work shall not commence until plans have been approved by the

platting division and notice to proceed is given.
(Ord. 17-033, § 56 (part), 2017: Ord. 11-072, § 3 (part), 2012)

43.55.015 ASSEMBLY APPROVAL REQUIRED.

(A) Approval by the assembly shall be required to enter into subdivision agreements where borough participation in the cost of the required public improvements is involved, and approval by the city within which the subdivision is located shall be required to enter into subdivision agreements where city participation in the cost of the required public improvements is involved.
(Ord. 17-033, § 56 (part), 2017: Ord. 11-072, § 3 (part), 2012)

43.55.020 COMPLETION DATE.

(A) The improvements required under the terms of the subdivision agreement shall be fully completed for final acceptance within two years of the date of execution of the agreement, unless upon a showing of good cause the subdivision agreement is extended by the platting division for an additional one-year period. The platting board may grant further extensions following the standards and procedures of MSB 43.10.060.
(Ord. 17-033, § 56 (part), 2017: Ord. 15-036, § 31, 2015: Ord. 11-072, § 3 (part), 2012)

43.55.025 COST OF REQUIRED PUBLIC IMPROVEMENTS.

(A) *Elements of cost.* The cost of any public improvements includes the cost of design, engineering, contract administration, inspection, testing, and surveillance as well as the work, labor, and materials furnished for the construction of the improvement. Little Davis Bacon wages shall be used to estimate costs.

(B) *Apportionment.* The subdivision agreement shall require the subdivider to pay all the costs as follows:

(1) all direct and indirect costs incurred by the borough in supplying and administering the method of public improvement guarantee provided for in MSB 43.55.030;

(2) all costs for inspection for final acceptance and warranty repairs of any required public improvements. Surveillance shall be performed by the borough during the course of construction and up to the point of final acceptance of the completed project. Inspection shall be performed by the borough during the warranty period;

(3) all direct and indirect costs of plan review, agreement review, and administration and attendant costs;

(4) all costs of all subdivision improvements required as a condition of plat approval, except those costs of an improvement the borough has agreed to pay that are attributable to oversizing;

(5) the manager may promulgate and amend a schedule of fees and charges to recover the costs set out in subsections (B)(1) through (4) of this section.
(Ord. 17-033, § 56 (part), 2017: Ord. 11-072, § 3 (part), 2012)

43.55.030 GUARANTEE OF COMPLETION OF PUBLIC IMPROVEMENTS.

(A) *Guarantee.* To assure the installation of required public improvements which are not accepted at the time the final plat is filed, the subdivision agreement shall require the subdivider to guarantee the completion of all the improvements by the method specified below. The amount of guarantee shall be determined on the basis of the borough's cost estimate and shall be adequate for the borough to complete construction of the public improvements. The guarantee shall remain in effect until final acceptance of the public improvements and successful completion of the warranty period.

(B) *Cost estimates.* The borough's estimate shall state the estimated cost of completion for each required public improvement, using Little Davis Bacon wages. Cost estimates for each required public improvement shall be approved by the borough engineer through the platting division. For purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage of overrun allowance shall be added to the total estimated cost of public improvements as follows:

Total Estimated Cost of Improvement	Percent for Overrun Allowance
$0 to $500,000	25 percent

Total Estimated Cost of Improvement	Percent for Overrun Allowance
Over $500,000	15 percent

(C) *Method of public improvement guarantee.* The subdivision agreement shall include the following method to guarantee the construction of required public improvements:

(1) *[Repealed by Ord. 17-033, § 56, 2017]*

(2) *Deposit in escrow.* The subdivider shall deposit a cash sum equal to the estimated cost of the remaining required public improvements plus overrun allowances as provided above either with the borough or in escrow with the responsible financial institution authorized to do such business in the state of Alaska. In the case of an escrow account, the subdivider shall file with the borough an escrow agreement which includes the following terms:

(a) Funds of the escrow account shall be held in trust until released by the borough and may not be used or pledged by the subdivider as security in any matter during the period other than payment for the improvements.

(b) In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall immediately make all funds in the account available to the borough for use in the completion of those improvements.

(3) *[Repealed by Ord. 17-033, § 56, 2017]*

(Ord. 17-033, § 56 (part), 2017: Ord. 11-072, § 3 (part), 2012)

43.55.035 RELEASE OF GUARANTEE.

(A) The borough shall release the obligation for performance guarantees upon the final acceptance of the improvement and the successful completion of the warranty period.

(Ord. 17-033, § 56 (part), 2017: Ord. 11-072, § 3 (part), 2012)

43.55.037 WARRANTY.

(A) *Warranty of improvements.* The subdivider shall warrant and guarantee that required public improvements constructed under the agreement have been constructed in accordance with the approved plans, shall remain in good condition and meet all applicable specification for one year after final acceptance of all improvements required to be constructed. The warranty includes defects in design, workmanship, materials, and any damage to improvements caused by the subdivider, its agents, or others engaged in work to be performed under the subdivision agreement.

(B) *Security for warranty.* To secure the warranty, the guarantee of performance provided in MSB 43.55.030 shall remain in effect until the end of the warranty period.

(Ord. 17-033, § 56 (part), 2017: Ord. 11-072, § 3 (part), 2012)

43.55.040 WARRANTY; CORRECTION OF DEFICIENCIES.

(A) Within a reasonable time as allowed by the borough, the subdivider shall correct, to the satisfaction of the borough, all deficiencies occurring in required improvements during the warranty period. Notification shall be made by any reasonable method. If the subdivider fails to repair or reconstruct the deficiency within the time specified above, the borough shall make the repair at the subdivider's sole expense. The borough may then bill the subdivider for the cost of the repair or declare the guarantee amount forfeited or demand payment of the note.

(Ord. 17-033, § 56 (part), 2017: Ord. 11-072, § 3 (part), 2012)

43.55.050 RELEASE OF WARRANTY.

(A) Inspection shall be made by the borough at the end of the warranty period and prior to the release of the guarantee. All deficiencies shall be corrected prior to release of the guarantee. Upon satisfactory correction of all deficiencies, the borough shall release the guarantee.

(Ord. 17-033, § 56 (part), 2017: Ord. 11-072, § 3 (part), 2012)

43.55.055 DEFAULT.

(A) *Default on agreement or warranty.* In the event the subdivider defaults on any obligation to construct required public improvements, to repair the improvements under the warranty, or to pay the costs or fees to the borough as are due it, the borough

may demand immediate payment of costs and fees or for the construction or warranty of any improvements. All funds received by the borough shall be used for any construction, repair, or reconstruction necessary to ensure:

(1) that all required public improvements are built to specifications necessary to receive final acceptance; and

(2) the improvements remain in good condition for the completion of the warranty period.

(B) *Use of proceeds.* The borough may use guarantee funds for the construction, repair, or maintenance of required public improvements from the date of initial default until three years after the funds have become available to the borough for the use, except that no use shall be made of the funds later than one year after satisfactory completion and final acceptance of the work. The borough shall pay the subdivider all guarantee funds which were not used or obligated for the completion of the improvements after either:

(1) the final acceptance of all public improvements and successful completion of the warranty period; or

(2) the three-year period provided for above.

(Ord. 17-033, § 56 (part), 2017: Ord. 11-072, § 3 (part), 2012)

43.55.060 ENFORCEMENT.

(A) All provisions of this chapter are mandatory and may not be altered by the subdivision agreement. The obligations contained in this chapter may be enforced through an action to enforce the ordinance codified in this chapter as well as an action in contract.

(Ord. 17-033, § 56 (part), 2017: Ord. 11-072, § 3 (part), 2012)

43.55.065 OTHER MUNICIPALITIES AS BENEFICIARY.

(A) Where the public improvements are to become the property of a municipality within the borough, the borough may require that the municipality be a beneficiary of any undertaking of the subdivider, and of any guarantees and warranties to secure the performance of the subdivision agreement with respect to the improvements. The term "municipality" includes the borough and cities with the Matanuska-Susitna Borough.

(B) Where, by borough ordinance, a municipality is given authority to determine, accept, release, or take similar actions relating to subdivision improvement guarantees or warranties, or the ordinance provides for procedures or standards that are different from the provisions of this chapter, the ordinance governs to the extent of its coverage of the actions.

(Ord. 17-033, § 56 (part), 2017: Ord. 11-072, § 3 (part), 2012)

By: Fred Wagner
Introduced: September 19, 2022
Public Hearing: October 3, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-34

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB TITLE 43 – SUBDIVISIONS.

WHEREAS, On April 17, 2012 the Assembly adopted Title 43, a major revision to the subdivision code. The Assembly directed the Platting Board and Planning Commission to review the new regulations and report back findings. Platting staff worked with the two boards to identify changes, and several amendments were subsequently adopted thereafter based on the findings; and

WHEREAS, In March 2017, the Assembly directed staff to continue to compile suggested changes to Title 43; and

WHEREAS, In May 2019, Platting Staff presented 29 recommendations to the Platting Board for consideration of amendments correcting errors and to make code more legally defensible; and

WHEREAS, The Platting Board held 10 public work sessions between 2019 and 2022, listened to public testimony and with the assistance of staff and the public, crafted language to address amendments to Title 43; and

WHEREAS, On January 6, 2022 the Platting Board approved Platting Board Resolution 2021-149 to address proposed changes to Title 43 dealing with items compiled by Platting Staff; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends assembly approval of ordinance 22-103.

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

Stafford Glashan, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

This Page Intentionally Left Blank

PUBLIC HEARING QUASI-JUDICIAL

Resolution No. PC 22-26

CUP in accordance with MSB 17.30 - Conditional Use Permit for Earth Materials Extraction Activities

(Pages 181 - 266)

PUBLIC HEARING

STAFF REPORT

MATANUSKA-SUSITNA BOROUGH

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

DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date:	September 7, 2022
File Number:	173020220001
Applicant:	Emerson Krueger, Natural Resource Manager, on behalf of MSB Land and Resource Management Division
Property Owner:	Matanuska-Susitna Borough
Request:	Planning Commission Resolution 22-26 Request for Earth Materials Extraction Conditional Use Permit in accordance with MSB Chapter 17.30 – Conditional Use Permit (CUP) for Earth Materials Extraction Activities
Location:	Tax IDs# 20N04W07A001 and 20N04W08A001 (No Street Address); within Township 20 North, Range 4 West, Section 7 and 8, Seward Meridian
Size of Properties:	Approximately 657.5 acres
Size of Mining Site:	Approximately 152.3 acres
Reviewed By:	Jason Ortiz, Development Services Manager
Staff:	Mark Whisenhunt, Planner II
Staff Recommendation:	Approval with conditions

EXECUTIVE SUMMARY

The Conditional Use Permit will allow for the removal of approximately 6,390,000 cubic yards of earthen material through 2053 The total area of earth material extraction activity will occur on approximately 152.3 acres within the approximately 657.5 acre parcels. A Conditional Use Permit for material extraction is required under MSB 17.30 – Conditional Use Permit (CUP) for Earth Materials Extraction Activities. The subject parcel is located in Assembly District 7 and is within the Willow Area Community Organization Planning Area.

LAND USE

Existing Land Use/Background:
The subject parcels are currently undeveloped. The western parcel (20N04W07A001) is approximately 117.5 acres in size and was classified as a future landfill site in 1985.

The eastern parcel (20N04W08A001) is approximately 540 acres in size and was classified as watershed land in 2006. This parcel has approximately 300 acres of wetlands. As proposed, there will be a 100-foot undisturbed vegetative buffer from the wetlands.

Surrounding Land Uses:
The Kashwitna Interim Materials District (IMD) abuts the proposed use to the north. The Alaska Railroad abuts the site directly to the west. The Parks Highway is located further west. All parcels abutting the subject properties to the northeast, east, southeast, south, southwest, and west, are undeveloped and range in size from 24 acres to 640 acres. The closest residential structure is located west of the Parks Highway and is approximately 1,000 feet from the boundary of the proposed use. Land uses within one-half mile of the site include industrial, residential, commercial, vacant, and recreational. All development not associated with the IMD is located to the west of the proposed use and on the other side of the railroad right-of-way.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification
Notices were mailed to all property owners within a half-mile radius of the property and to the Willow Area Community Organization. A total of 41 notices were mailed on July 12, 2022. The permit application notification was published in the July 13, 2022 issue of the Frontiersman newspaper. The application material was posted on the Borough web site for public review on July 7, 2022. The request for comment was emailed to various agencies and to the Willow Area Community Council on July 8, 2022. Willow Area Community Organization did not submit any comments for the proposed use. Staff received one comment from the public on the request. The comment stated the site was too close to the recreational property and would degrade the use of lake front properties.

The Alaska Railroad submitted a comment recommending conditions requiring the proposed use to obtain a permit to cross the railroad right-of-way.

17.30.055 REQUIRED COMPLIANCE WITH STATE AND FEDERAL LAWS.
(A) All applicants for permits for earth material extraction are required to demonstrate compliance with state and federal law. Prior to final approval of the permit, the applicant or agent shall provide written documentation of compliance with the following:

(1) mining license as required by the Alaska State Department of Revenue, pursuant to A.S. 43.65;

(2) mining permit as required by the Alaska State Department of Natural Resources (ADNR) if extraction activities are to take place on state land;

(3) reclamation plan as required by ADNR, pursuant to A.S. 27.19;

(4) 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; and

(5) 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.

Findings of Fact:

1. An Alaska State Department of Revenue mining license is not required for this application, because Alaska law was amended in 2012 and rock, sand and gravel quarries are now exempt from the requirement.
2. An Alaska State Department of Natural Resources (ADNR) mining permit is not required for this application, because the extraction activities will not take place on state land.
3. A reclamation plan has been developed as required by Alaska State Department of Natural Resources (ADNR), pursuant to A.S. 27.19, and has been submitted as part of this application.
4. The application material indicates the site will be developed to contain storm water runoff. Prior to beginning operations, a contractor will be required to develop a detailed storm water pollution prevention plan (SWPPP).
5. A United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act is not required for this application as the applicant is not proposing any extraction activity to take place within any identified wetlands, lakes, streams, or other waterbodies.

Discussion: Staff recommends a condition requiring all wetlands be delineated by a qualified person and that the 100-foot undisturbed vegetative buffer surrounding the identified wetlands, adjacent to the extraction site, be identified and marked by a professional land surveyor, licensed to operate in the State of Alaska, prior to beginning extraction activities.

Access to the site is made through a section line easement, which appears to contain some wetlands. Staff recommends a condition requiring a US Army Corps of Engineer Jurisdictional Determination and a permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344 (if required) prior to operating.

Conclusion of Law: All of the requirements to demonstrate compliance with state and federal laws have been met (MSB 17.30.055(A)).

Section 17.30.060 General Standards for Approval

(A) In granting a conditional use permit, the commission must make the following findings:

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

Findings of Fact:

1. The property is located within the Willow Community Area planning area.
2. Overall Goal 3 of the Willow Area Community Comprehensive Plan States: “Encourage sustainable economic development, balancing private property rights, use of natural resources, and the protection of our natural environment.”

3. Goal 2 of the Willow Area Community Comprehensive Plan States: "Respect existing private property rights while minimizing impacts to neighboring property owners."
4. Goal 5 of the Willow Area Community Comprehensive Plan States: "Maintain the quality of Willow's natural environment and scenic beauty, while allowing for necessary improvements to support growth."
5. Goal E3 of The Matanuska-Susitna Borough Comprehensive Development Plan (2005) states: "Create an attractive environment for business investment."
6. Policy E3-3 of The Matanuska-Susitna Borough Comprehensive Development Plan (2005) states: "Enhance the transportation infrastructure to reduce travel times and improve transport efficiencies and safety."
7. The Kashwitna IMD abuts the proposed use to the north. The Alaska Railroad abuts the site directly to the west. The Parks Highway is located further west. All development not associated with the IMD is located to the west of the proposed use and on the other side of the railroad right-of-way.
8. All parcels abutting the subject properties to the northeast, east, southeast, south, southwest, and west, are undeveloped and range in size from 24 acres to 640 acres.
9. The closest residential structure is located west of the Parks Highway and is approximately 1,000 feet from the boundary of the proposed use.
10. The western parcel (20N04W07A001) is approximately 117.5 acres in size and was classified as a future landfill site in 1985.
11. The eastern parcel (20N04W08A001) is approximately 540 acres in size and was classified as watershed land in 2006. This parcel has approximately 300 acres of wetlands. As proposed, there will be a 100-foot undisturbed vegetative buffer from the wetlands.
12. Land uses within one-half mile of the site include industrial, residential, commercial, vacant, and recreational.
13. The proposed operation is not visible from the Parks Highway.
14. According to the application material, water trucks will be used as needed during operations as a dust control measure.
15. According to the application material, earthen berms, vegetation, and below-grade excavation will be used as noise mitigation and visual screening.
16. The application material indicates the site will be developed to contain storm water runoff. Prior to beginning operations, a contractor will be required to develop a detailed storm water pollution prevention plan (SWPPP).
17. The applicant is not proposing to mine below or within four feet of the seasonal high water table.
18. The application material indicates monitoring wells will be used to monitor groundwater on the subject property.
19. According to the application material, slopes will be left at a 2:1 (H:V) or flatter slope which meets the standards of MSB 17.28.067(D) that requires a maximum 50 percent (2:1) slope or the natural stabilized angle of repose of the existing earth material.

Conclusion of Law: Based on the above findings, and with conditions, the proposed use is consistent with the applicable comprehensive plans (MSB 17.30.060(A)(1)).

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

Findings of Fact:

1. The Kashwitna IMD abuts the proposed use to the north. The Alaska Railroad abuts the site directly to the west. The Parks Highway is located further west. All development not associated with the IMD is located to the west of the proposed use and on the other side of the railroad right-of-way.
2. All parcels abutting the subject properties to the northeast, east, southeast, south, southwest, and west, are undeveloped and range in size from 24 acres to 640 acres.
3. The closest residential structure is located west of the Parks Highway and is approximately 1,000 feet from the boundary of the proposed use.
4. The western parcel (20N04W07A001) is approximately 117.5 acres in size and was classified as a future landfill site in 1985.
5. The eastern parcel (20N04W08A001) is approximately 540 acres in size and was classified as watershed lands in 2006. This parcel has approximately 300 acres of wetlands. As proposed, there will be a 100-foot undisturbed vegetative buffer from the wetlands.
6. Land uses within one-half mile of the site include industrial, residential, commercial, vacant, and recreational.
7. The proposed operation is not visible from the Parks Highway.
8. According to the application material, water trucks will be used as needed during operations as a dust control measure.
9. According to the application material, earthen berms, vegetation, and below-grade excavation will be used as noise mitigation and visual screening.
10. The application material indicates the site will be developed to contain storm water runoff. Prior to beginning operations, a contractor will be required to develop a detailed storm water pollution prevention plan (SWPPP).
11. The applicant is not proposing to mine below or within four feet of the seasonal high water table.
12. The application material indicates monitoring wells will be used to monitor groundwater on the subject property.
13. According to the application material, slopes will be left at a 2:1 (H:V) or flatter slope which meets the standards of MSB 17.28.067(D) that requires a maximum 50 percent (2:1) slope or the natural stabilized angle of repose of the existing earth material.
14. According to the application material, the proposed hours of operation are expected to be Monday through Sunday from 6:00 a.m. to 11:00 p.m., but may be extended.
15. According to the application material, most material is expected to be transported from the site via railcar, with an estimated 40 vehicle trips per day.

16. According to the application material, the final year of material extraction is estimated to end in 2053.

Conclusion of Law: Based on the above findings, and with conditions, the proposed use will not detract from the value, character and integrity of the surrounding area (MSB 17.30.060(A)(2)).

---

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

Finding of Fact:

1. All of the site plan and site development requirements have been provided.

Conclusion of Law: The applicant has met all of the requirements of this chapter (MSB 17.30.060(A)(3)).

---

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

Findings of Fact:

1. The Kashwitna IMD abuts the proposed use to the north. The Alaska Railroad abuts the site directly to the west. The Parks Highway is located further west. All development not associated with the IMD is located to the west of the proposed use and on the other side of the railroad right-of-way.
2. All parcels abutting the subject properties to the northeast, east, southeast, south, southwest, and west, are undeveloped and range in size from 24 acres to 640 acres.
3. The closest residential structure is located west of the Parks Highway and is approximately 1,000 feet from the boundary of the proposed use.
4. The western parcel (20N04W07A001) is approximately 117.5 acres in size and was classified as a future landfill site in 1985.
5. The eastern parcel (20N04W08A001) is approximately 540 acres in size and was classified as watershed lands in 2006. This parcel has approximately 300 acres of wetlands. As proposed, there will be a 100-foot undisturbed vegetative buffer from the wetlands.
6. Land uses within one-half mile of the site include industrial, residential, commercial, vacant, and recreational.
7. The proposed operation is not visible from the Parks Highway.
8. According to the application material, water trucks will be used as needed during operations as a dust control measure.
9. According to the application material, earthen berms, vegetation, and below-grade excavation will be used as noise mitigation and visual screening.
10. The application material indicates the site will be developed to contain storm water runoff. Prior to beginning operations, a contractor will be required to develop a detailed storm water pollution prevention plan (SWPPP).
11. The applicant is not proposing to mine below or within four feet of the seasonal high water table.

12. The application material indicates monitoring wells will be used to monitor groundwater on the subject property.
13. According to the application material, slopes will be left at a 2:1 (H:V) or flatter slope which meets the standards of MSB 17.28.067(D) that requires a maximum 50 percent (2:1) slope or the natural stabilized angle of repose of the existing earth material.
14. According to the application material, the proposed hours of operation are expected to be Monday through Sunday from 6:00 a.m. to 11:00 p.m., but may be extended.
15. According to the application material, most material is expected to be transported from the site via railcar, with an estimated 40 vehicle trips per day.
16. The proposed operation will use an existing railroad crossing at Sockeye Avenue.
17. According to the application material, the final year of material extraction is estimated to end in 2053.

Discussion: The Alaska Railroad submitted a comment asking the applicant to obtain an updated permit for the railroad crossing. Staff recommends a condition requiring the applicant to obtain an Alaska Railroad crossing permit prior to beginning extraction activities.

Conclusion of Law: Based on the above findings, and with conditions, the proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.30.060(A)(4)).

---

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

Findings of Fact:

1. The Kashwitna IMD abuts the proposed use to the north. The Alaska Railroad abuts the site directly to the west. The Parks Highway is located further west. All development not associated with the IMD is located to the west of the proposed use and on the other side of the railroad right-of-way.
2. All parcels abutting the subject properties to the northeast, east, southeast, south, southwest, and west, are undeveloped and range in size from 24 acres to 640 acres.
3. The closest residential structure is located west of the Parks Highway and is approximately 1,000 feet from the boundary of the proposed use.
4. The western parcel (20N04W07A001) is approximately 117.5 acres in size and was classified as a future landfill site in 1985.
5. The eastern parcel (20N04W08A001) is approximately 540 acres in size and was classified as watershed lands in 2006. This parcel has approximately 300 acres of wetlands. As proposed, there will be a 100-foot undisturbed vegetative buffer from the wetlands.
6. The proposed operation is not visible from the Parks Highway.
7. According to the application material, water trucks will be used as needed during operations as a dust control measure.
8. According to the application material, earthen berms, vegetation, and below-grade excavation will be used as noise mitigation and visual screening.

9. The application material indicates the site will be developed to contain storm water runoff. Prior to beginning operations, a contractor will be required to develop a detailed storm water pollution prevention plan (SWPPP).
10. The applicant is not proposing to mine below or within four feet of the seasonal high water table.
11. The application material indicates monitoring wells will be used to monitor groundwater on the subject property.
12. According to the site plan, earth material extraction activities will not take place within 100 feet of any identified wetlands or waterbodies.

Conclusion of Law: Based on the above findings, and with conditions, sufficient setbacks, lot area, buffers, or other safeguards are being provided (MSB 17.30.060(A)(5)).

Section 17.28.060 Site Development Standards
(A) Standards for site development plan are as follows:

(1) identification of surrounding property owners, existing land uses, and wetlands and waterbodies within one-quarter mile of the site;

Findings of Fact:
1. Maps are included in the record identifying surrounding property ownership, existing land uses, wetlands, and waterbodies within one-half mile of the proposed site.
2. According to the site plan, earth material extraction activities will not take place within 100 feet of any identified wetlands or waterbodies.

Conclusion of Law: The surrounding property ownership, existing land uses, and wetlands and water bodies within the notification area have been identified (MSB 17.28.060(A)(1)).

(2) 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.;

Findings of Fact:
1. A site plan is included in the record showing the location of the earth materials extraction site, including phases of mining within the subject parcel.
2. A topographic contour map, bare earth map, and aerial photography are included in the record. These items show topographic features and vegetation of the subject property and adjacent properties.
3. According to the application material, the proposed permanent and semi-permanent structures associated with the proposed use meet setback requirements.

Conclusion of Law: Phases of proposed mining activities, description of the topography and vegetation, and approximate time sequence for the duration of the mining activity have been

identified. No permanent, semi-permanent, or portable equipment are anticipated to be located within the required setbacks (MSB 17.28.060(A)(2)).

(3) The road and access plan shall include anticipated routes and traffic volumes, and shall be approved by the director. 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*

Findings of Fact:

1. According to the application material, most material is expected to be transported from the site via railcar, with an estimated 40 vehicle trips per day.
2. The proposed operation will use an existing railroad crossing at Sockeye Avenue.

Conclusion of Law: The proposed traffic route and traffic volumes have been identified. Traffic generated from the proposed use will not exceed 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles a day, as specified in MSB 17.61.090, Traffic Standards (MSB 17.28.060(A)(3)).

(4) visual screening measures shall include a detailed description of the type of visual screening to be utilized, and shall be maintained as necessary during the course of extraction activities. 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. If mining is planned to be conducted within 300 feet of the property line, berms or other visual screening methods shall be a minimum of ten feet in height. If mining is planned to be conducted greater than 300 feet from the property line, the applicant shall utilize commission-approved screening methods to minimize visual impacts of the mining operation. The commission shall adopt policies and procedures to assist applicants in developing screening plans. In its discretion, the commission may waive screening requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary. Screening requirements shall be required in consideration of and in accordance with existing uses of adjacent property at the time of designation of the interim materials district. An interim materials district shall not be required to screen the district from uses which arise after the designation of the interim materials district;

Finding of Fact:

1. According to the application material, earthen berms, vegetation, and below-grade excavation will be used as noise mitigation and visual screening.
2. The proposed operation is not visible from the Parks Highway.

Conclusion of Law: Visual screening measures such as vegetation and earthen berms will be used for the proposed operation (MSB 17.28.060(A)(4)).

(5) noise mitigation measures shall include a description of measures to be taken by the applicant to mitigate or lessen noise impacts to surrounding properties and shall include, but not be limited to, hours of operation of noise-producing equipment,

erecting noise barriers (i.e., berms a minimum of ten 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.

(a) no sound resulting from the earth materials extraction activities shall create a sound level that exceeds the limits set forth for the existing receiving land use category in Table 1 when measured at or within the property boundary of the receiving land us:

Table 1. Sound Levels by Receiving Land Use

Receiving Land Use Category	***Time***	***Sound Level Limit (dB(A))***
Residential Use	*7 a.m. – 10 p.m.*	*60*
	10 p.m. – 7 a.m.	*50*
Commercial Use	*7 a.m. – 10 p.m.*	*70*
	10 p.m. – 7 a.m.	*60*
Industrial Use or Undeveloped Land	*At all times*	*80*

(b) [Repealed by Ord. 08-150, § 2, 2008]

(c) for any sound that is of short duration, between the hours of 7 a.m. and 7 p.m. the levels established in Table 1 may be increased by:
(i) five dB(A) for a total of 15 minutes in any one hour; or
(ii) ten dB(A) for a total of five minutes in any hour; or
(iii) fifteen dB(A) for a total of one and one-half minutes in any one-hour period.

(d) an interim materials district or a conditional use permit for earth materials extraction activities shall not be required to provide noise mitigation measures to mitigate or lessen noise impacts if a land use requiring lesser noise levels than for an industrial area arises on properties adjacent to earth materials extraction sites after the designation of the interim materials district or the effective date of the conditional use permit.

Findings of Fact:

1. According to the application material, earthen berms, vegetation, and below-grade excavation will be used as noise mitigation and visual screening.
2. The Kashwitna IMD abuts the proposed use to the north. The Alaska Railroad abuts the site directly to the west. The Parks Highway is located further west. All development not associated with the IMD is located to the west of the proposed use and on the other side of the railroad right-of-way.
3. All parcels abutting the subject properties to the northeast, east, southeast, south, southwest, and west, are undeveloped and range in size from 24 acres to 640 acres.

4. The closest residential structure is located west of the Parks Highway and is approximately 1,000 feet from the boundary of the proposed use.
5. The western parcel (20N04W07A001) is approximately 117.5 acres in size and was classified as a future landfill site in 1985.
6. The eastern parcel (20N04W08A001) is approximately 540 acres in size and was classified as watershed lands in 2006. This parcel has approximately 300 acres of wetlands. As proposed, there will be a 100-foot undisturbed vegetative buffer from the wetlands.
7. According to the application material, the proposed hours of operation are expected to be Monday through Sunday from 6:00 a.m. to 11:00 p.m., but may be extended.
8. Noise levels exceeding the levels in MSB 17.28.060 are prohibited.

Discussion: Given the rural location of the proposed use, coupled with the minimum development in the surrounding area and the proposed buffers, staff recommends a condition allowing the operation to operate 24 hours a day, seven days a week.

Conclusion of Law: Noise mitigation measures include retaining vegetative buffers and constructing earthen berms will ensure that sounds generated from earth material extraction activities do not exceed sound levels set forth in MSB 17.28.060(A)(5)(a). Noise levels exceeding the levels in 17.28.060(A)(5)(a) are prohibited.

---

(6) lighting standards are:
(a) exterior lighting shall be located and shielded to direct the light towards the ground, in order to minimize light spillage onto adjacent properties and upward into the night sky.
(b) illumination or other fixtures mounted higher than 20 feet or 150 watts or more shall have downward directional shielding.

Finding of Fact:

1. According to the application material, if lighting is needed, exterior lighting will be located and shielded to direct the light towards the ground to minimize light spillage onto adjacent properties and upward into the night sky. Illumination or other fixtures mounted higher than 20 feet or 150 watts or more will have downward directional shielding.

Conclusion of Law: Based on the above finding, and with conditions, the proposed use meets lighting standards in accordance with MSB 17.28.060(A)(6).

---

(7) Except as permitted by MSB 17.30.037, the following restrictions shall apply: an undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including wetlands (unless permitted by U.S. Army Corps of Engineers 404 Permit, MSB 17.28.040(A)(5)). This regulation shall not apply to manmade water bodies being constructed during the course of the materials extraction activities.
(a) an undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other

water body, including wetlands (unless permitted by United States Army Corps of Engineers 404 Permit, MSB 17.28.040(A)(5)).

(b) a four-foot vertical separation between all excavation and the seasonal high water table shall be maintained.

Findings of Fact:

1. According to the site plan, earth materials extraction activities will not take place within 100 feet of any identified wetlands or waterbodies.
2. Maps are included in the record identifying surrounding property ownership, existing land uses, wetlands, and waterbodies within one-half mile of the proposed site.
3. The applicant is not proposing to mine below or within four feet of the seasonal high water table.

Conclusion of Law: The operation will not conduct earth material extraction activities within 100 linear feet of any identified wetland, stream, river or other waterbody and the operation will not mine below or within four feet of the seasonal high water table (MSB 17.28.060(A)(7)(a – b)).

STAFF RECOMMENDATIONS

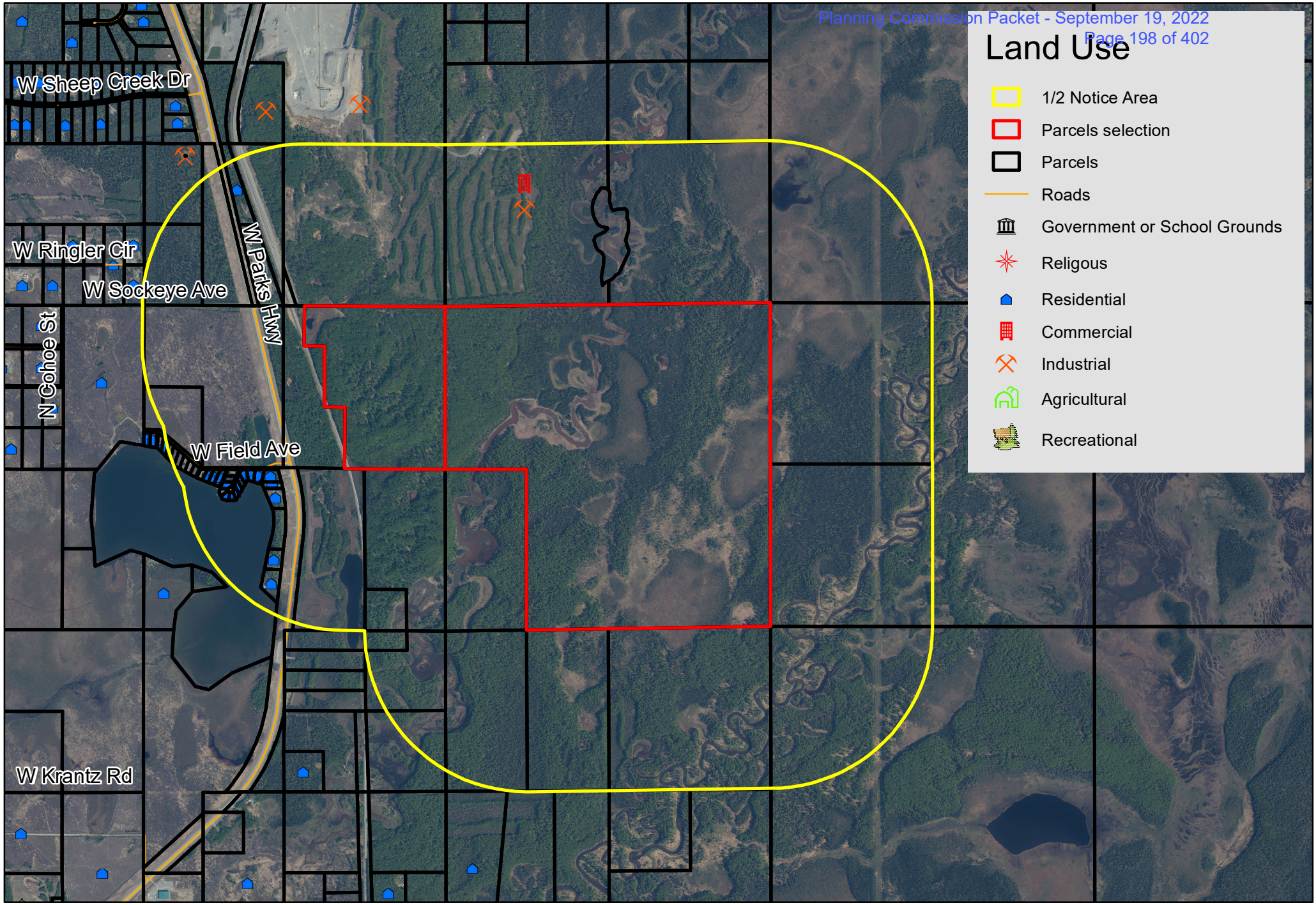
Staff recommends approval of the Conditional Use Permit for Earth Materials Extraction Activity to commercially extract approximately 6,390,000 cubic yards through 2053, from parcels 20N04W07A001 and 20N04W08A001. The application meets all the standards of MSB 17.30 and 17.28 and staff recommends approval of this permit with the following conditions:

1. The operation shall comply with all applicable federal, state, and local regulations.
2. A copy of the approved permit shall be provided to each contractor company working at the site.
3. All aspects of the operation shall comply with the description detailed in the application material and an amendment to the Conditional Use Permit shall be required before any alteration or expansion of the material extraction operation.
4. Material extraction shall be limited to the approximate 152.3-acre area identified in the application material and depicted on the applicant's site plan(s).
5. All applicable State of Alaska Department of Transportation permits and all applicable Alaska Railroad permits shall be obtained and provided to the Borough, prior to beginning any earth materials extraction activities.
6. A US Army Corps of Engineers Jurisdictional Determination shall be obtained before developing the access road. If required by the Jurisdictional Determination, a permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344 shall be obtained before operating.
7. A qualified wetlands delineator shall identify the edge of all wetlands at the site. The 100-foot undisturbed vegetative buffer surrounding the identified wetlands adjacent to the extraction site shall be identified and marked by a professional land surveyor, licensed to operate in the State of Alaska, prior to beginning extraction activities
8. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected for leaks at the end of each day.

9. On-site maintenance of vehicles shall be done in an area where all leaks can be contained with drip pans or other discharge prevention devices.
10. Any hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
11. All construction exits shall comply with standard Alaska Pollutant Discharge Elimination System requirements to minimize off-site vehicle tracking of sediments and discharges to storm water.
12. All track-out sediments from the site shall be removed from the right-of-way daily.
13. The operation shall perform dust mitigation techniques as described in the application as-needed to minimize dust impacts to the surrounding areas.
14. The operation may operate 24 hours per day, seven days per week, however, the operation shall comply with the maximum permissible sound level limits allowed in MSB Code, per the requirements of MSB 17.28.060 – Site Development Standards and MSB 8.52 – Noise, Amplified Sound, and Vibration.
15. If cultural remains are found during material extraction activities, the MSB Planning Department shall be contacted immediately so the remains can be documented.
16. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.
17. Borough staff shall be permitted to enter onto any portion of the property to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring and, with prior verbal or written notice, and at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
18. The operation shall comply with the reclamation standards of MSB 17.28.067.
19. If illumination devices are required, they shall not be greater than 20 feet in height, shall utilize downward directional shielding devices, and shall meet the requirements of MSB 17.28.060(A)(6) lighting standards.
20. Authorization for earth material extraction activities approved by this Conditional Use Permit shall expire on December 31, 2053.

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

MAPS



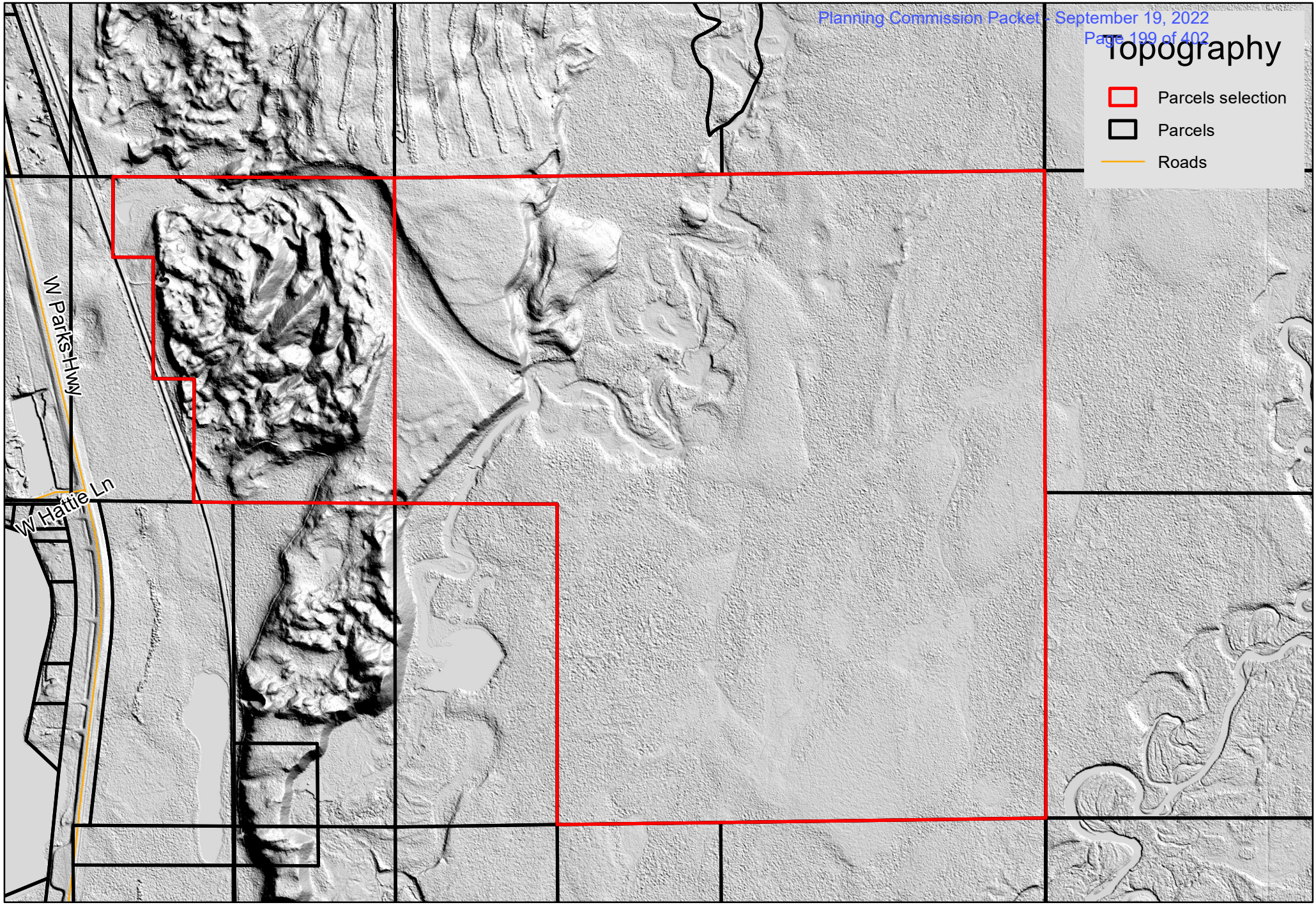
This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding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

Date: 9/2/2022

1 inch = 2,000 feet

0 2,000 4,000 Feet

N



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

Date: 9/2/2022

1 inch = 1,000 feet

0 1,000 2,000 Feet

N

PUBLIC NOTICING

UNITED STATES POSTAL SERVICE®

Certificate of Bulk Mailing — Domestic

Fee for Certificate

Up to 1,000 pieces (1 certificate for total number)

For each additional 1,000 pieces, or fraction thereof

Duplicate Copy ☐

Use Current Price List (Notice 123)

Postage: Mailers must affix meter, PC Postage®, or (uncanceled) postage stamps here in payment of total fee due.

US POSTAGE PITNEY BOWES
ZIP 99645 $ 009.95⁰
02 4W
0000368428 JUL 12 2022

Acceptance employee must cancel affixed (by round-date) at the time o

If payment of total fee due is being paid by Permit Imprint, include the *PostalOne!*® Transaction Number here: _____

Number of Identical Weight Pieces	Class of Mail	Postage for Each Mailpiece Paid	Number of Pieces to the Pound
1 Foreign 40 Regular	1st	☐ Verified	45

Total Number of Pounds	Total Postage Paid for Mailpieces	Fee Paid
14.402	10 1.40 22.80	9.95

Mailed For	Mailed By
Dev Service	Nikki

PALMER AK 99645 JUL 12 2022 USPS

Postmaster's Certification

It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.

P D

(Postmaster or Designee)

Dev. Svc.

56212000L015 1
ADAMS JESS
PO BOX 861
WILLOW, AK 99688-0861

220N04W08C001 2
ALASKA STATE OF
AK MENTAL HEALTH TR AUTH
STE 100
2600 CORDOVA ST, ANCHORAGE AK 99503-2745

56212000L009 3
ALDRIDGE DONALD E&BARBARA
4006 ARKANSAS
ANCHORAGE, AK 99517

56212000L027 4
ALFORD JAMES P
PO BOX 896
WILLOW AK 99688

220N04W07C002 5
BAILEY RONALD C& TERESA E
910 KATHY PL
ANCHORAGE, AK 99504

220N04W07C003 6
BUDDY TWO INVESTMENTS LLC
PO BOX 85
BRUSH PRAIRIE WA 98606

56212000L013 7
CAGLE DEAN P & KIMBERLY A
11000 BIRCH RD
ANCHORAGE AK 99516-1711

220N04W06C008 8
CELLCO PARTNERSHIP
ATTN: NETWORK REAL ESTATE
180 WASHINGTON VALLEY RD
BEDMINSTER NJ 07921,

220N04W06D001 9
COLASKA INC
240 W 68TH AVE
ANCHORAGE AK 99518-1752

56212000L022 10
EITERER CHRISTIAN & H
A-6561 ISCH G L 280
HOTEL GARNI FLIANA
TIROL AUSTRIA 99999,

56212000L016 11
GATES DOUGLAS J
PO BOX 2255
KENAI AK 99611-2255

220N04W18A004 12
GATEWAY TO DENALI LLC
PO BOX 879170
WASILLA AK 99687

56212000L023 13
GAUSMANN PAUL E
5135 RAYMOND RD
MAYSLICK KY 41055-8903

56212000L014 14
GLASER DONALD E & IRENE S
PO BOX 127
WILLOW, AK 99688-0127

220N04W06C007 15
GRIFFIN JOS D & PAMELA J
PO BOX 696
WILLOW, AK 99688-0696

56212000L024 16
HARRISON PATRICK & TERESA L
17800 ASHLAND DR
ANCHORAGE AK 99516-5763

56212000L026 17
HUFSTETLER JOSHUA
HUFSTETLER ERIKA
12130 WOODWARD DR
ANCHORAGE AK 99516-1951,

220N04W18A003 18
HUTTO HARDY H
375 COUNTY ROAD 454
STOCKDALE TX 78160-6907

220N04W18A012 19
JORDET JASON A
PO BOX 241242
ANCHORAGE, AK 99524-1242

56212000L010 20
KAPELARI FRANK J & JANET M
PO BOX 220587
ANCHORAGE AK 99522-0587

56212000L004 21
KEISOR LVG TR
KEISOR AMBER
3128 MORGAN LOOP
ANCHORAGE AK 99516,

56212000L005 22
KELM SCOTT L & MARY A
30100 EKLUND AVE
EAGLE RIVER, AK 99577

56212000L017 23
KEPPERS CRAIG J & DONA B
1225 SAINT GOTTHARD AVE
ANCHORAGE AK 99508-5046

56212000L003 24
KORPI DAVID C & REBECCA ANNE
PO BOX 822
WILLOW AK 99688-0082

220N04W17C006 25
LEE MARK DOUGLAS & CATHLEEN J
16694 E HUNTLEY RD
PALMER AK 99645-8718

220N04W07D005 26
LENT CHAS T & JENNIFER K
1782 RED FOX LN
FAIRBANKS AK 99709-6665

56212000L025 27
MALINGOWSKI JAMES WALTER
MALINGOWSKI CARLA COOKSON
2944 EASTERN SHORE DR
HAMPTON COVE AL 35763-9339,

220N04W07B002 28
MICHAUD DANIEL R & SUSAN L
PO BOX 873161
WASILLA AK 99687-7361

220N04W06C009 29
MILLS FAMILY TRUST
MILLS DARIN E & CHRISTINE L TRES
3033 RANCHERO DR
LAKE HAVASU CITY AZ 86406,

220N04W18A001 30
NELSON JOHN V DEC TR
NELSON JOHN V TRE
%DAVID WAHTO
11561 HILL CIR, ANCHORAGE AK 99507-6143

56212000L001 31
PAINLESS HOLDINGS LLC
8515 SAHALEE DR
ANCHORAGE AK 99507

220N05W01D016 32
PATTERSON SCOTT & BETTY
HC 89 BOX 205
WILLOW AK 99688-9703

56212000L018 33
PEET LARRY
1150 BALSAM CIR
WASILLA, AK 99654

56212000L019 34
SCHERER TIMOTHY A
SCHACHLE SUSAN
HC 89 BOX 281
WILLOW AK 99688,

220N04W06C006 35
SJOBERG JANET P
40
16940 S OAKLEY RD
CHESANING, MI 48616,

56212000L007 36
STOUT NICHOLAS A
PUCILLO-STOUT M COLLEEN
PO BOX 672616
CHUGIAK AK 99567-2616,

220N04W07D001 37
STROM HENRY G
STROM KAREN L
% TORREN STORM
3811 H ST NE APT 7, AUBURN WA 98002

56212000L008 38
STURGIS JASON A
PO BOX 264
TALKEETNA AK 99676

56212000L002 39
YAGER COMM PROP TR THE
% JONNIE SMITH-YAGER
PO BOX 955
HOMER AK 99603,

220N05W12A001 40
ZIETLOW THOS D& THERESA M
6201 PETRIFIED TREE CIR
ANCHORAGE AK 99507-6719

41
Willow Area Community Council
P.O. Box 1027
WILLOW, AK 99688

Frontiersman
Growing with the Valley since 1947.

5751 E. MAYFLOWER CT.
Wasilla, AK 99654

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

AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY

PERSONALLY APPEARED BEFORE **BENJAMIN BORG** WHO, BEING

FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE IS THE

LEGAL AD CLERK OF THE **FRONTIERSMAN**

PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA

SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA

AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE

COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

07/13/2022

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF

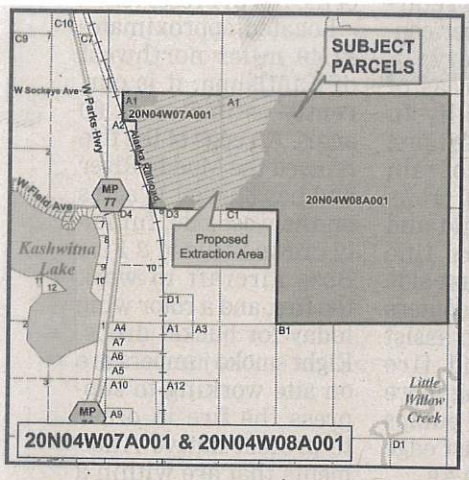
THE RATE CHARGED PRIVATE INDIVIDUALS.

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 13th DAY OF July, 2022.

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

NOTARY PUBLIC FOR STATE OF ALASKA

MAT-SU BOROUGH/PAGE
7.13
ACCOUNT NUMBER 405249



PUBLIC HEARINGS

MSB 17.30 – Conditional Use Permit for Earth Materials Extraction. Matanuska-Susitna Borough Land Management Division submitted an application for Conditional Use Permit to extract approximately 6,390,000 cubic yards of earth materials at Tax IDs# 20N04W07A001 and 20N04W08A001 (No Street Address); within Township 20 North, Range 4 West, Section 7 and 8, Seward Meridian. The extraction is expected to be complete by 2053.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on ***Monday, September 19, 2022, at 6:00 p.m.*** in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

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

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an "interested party." See MSB 15.39.010 for the definition of "interested party." The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before ***August 26, 2022*** and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Publish Date: July 13, 2022

0722-09

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Friday, July 8, 2022 9:57 AM
To: allen.kemplen@alaska.gov; judy.chapman@alaska.gov; dec.agencyreviews@alaska.gov; Myers, Sarah E E (DFG); stephensD@akrr.com; dueberk@akrr.com; usswcd@mtaonline.net; msb.hpc@gmail.com; mearow@matanuska.com; row@enstarnaturalgas.com; row@mtasolutions.com; ospdesign@gci.com; regpagemaster@usace.army.mil; Tom Adams; Jamie Taylor; Brad Sworts; Elaine Flagg; Charlyn Spannagel; planning@matsugov.us; Fred Wagner; Andy Dean; John Aschenbrenner (John.Aschenbrenner@matsugov.us); Ron Bernier; WACO Correspondence; Linda Oxley; Debbie Cook; Tryge Erickson ; LeeAnn Reicks; Chris Stitt; Barbara Ensley; Allen Felt
Subject: Request for Review and Comments: MSB Kashwitna East CUP

Date: July 8, 2022

To: Various Agencies

From: Mark Whisenhunt, Planner II

Subject: Request for Review and Comments

Project: Conditional Use Permits for an earth materials extraction operation.

Location: Tax IDs# 20N04W07A001 and 20N04W08A001 (No Street Address); within Township 20 North, Range 4 West, Sections 7 and 8, Seward Meridian.

Applicant: Matanuska-Susitna Borough Land Management Division

An application for a conditional use permit under MSB 17.30 – Conditional Use Permit for Earth Materials Extraction, has been submitted to extract approximately 6,390,000 cubic yards of earth materials through 2053. The Planning Commission will conduct a public hearing for this request on September 19, 2022 at 6:00 p.m.

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

https://www.matsugov.us/publicnotice/msb-kashwitna-east-conditional-use-permit

Written comments are due on or before ***August 26, 2022*** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Respectfully,

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

MATANUSKA-SUSITNA BOROUGH
DIRECTORY OF ORGANIZATIONS

Community Council - Willow Area Community Organization

Board Exp

Willow Area Communit | | | **Board Position** | Correspondence - WACO

Company Representing | | **Term** | | to |

PO Box 1027 | **Type of Term** | | |

Willow | AK | 99688 | **Member** |

Home | **Work** (907) 495-6633 | **Cell** | **E-mail** admin@waco-ak.org

---

Oxley | Linda | | **Board Position** | Member 1 - WACO

Company Representing | | **Term** | | to |

| **Type of Term** | | |

| | | **Member** | Chair

Home (907) 841-3421 | **Work** | **Cell** | **E-mail** waco_chair@waco-ak.org

---

Erickson | Tryge | | **Board Position** | Member 2 - WACO

Company Representing | | **Term** | | to |

| **Type of Term** | | |

| | | **Member** | At-Large 1

Home | **Work** | **Cell** | **E-mail** at-large1@waco-ak.org

---

Stitt | Chris | | **Board Position** | Member 3 - WACO

Company Representing | | **Term** | | to |

| **Type of Term** | | |

| | | **Member** | Vice Chair

Home | **Work** | **Cell** | **E-mail** waco_vchair@waco-ak.org

---

Cook | Debbie | | **Board Position** | Member 4 - WACO

Company Representing | | **Term** | | to |

| **Type of Term** | | |

| | | **Member** | Secretary

Home | **Work** | **Cell** | **E-mail** waco_secretary@waco-ak.org

---

MATANUSKA-SUSITNA BOROUGH
DIRECTORY OF ORGANIZATIONS

Community Council - Willow Area Community Organization

Board Exp

Reicks | LeeAnn | Board Position: Member 5 - WACO
Company Representing | Term: to
Type of Term
Member: At-Large 2
Home | Work | Cell | E-mail: at-large2@waco-ak.org

Ensley | Barbara | Board Position: Member 6 - WACO
Company Representing | Term: to
Type of Term
Member: At-Large 3
Home | Work | Cell | E-mail: at-large3@waco-ak.org

Felt | Allen | Board Position: Member 7 - WACO
Company Representing | Term: to
Type of Term
Member: Treasurer
Home | Work | Cell | E-mail: waco_treasurer@waco-ak.org

Information Contact	
Total Board Members	8 Members
Meeting Schedule	1st Wednesdayof each month at 7 p.m.; Carnival Planning-3rd Monday each month @ Willow Community Center (Please check the Notice of Public Meetings schedule at: www.matsugov.us/publicmeetings for meeting information.)
Meeting Location	Willow Community Center
Board Notes:	Established by RS 82-029 and 85-160

Photos taken by Mark Whisenhunt during 8-31-22 site visit



At Access/Parks Hwy Looking North



At Access/Parks Hwy Looking West
Towards Sockeye Ave



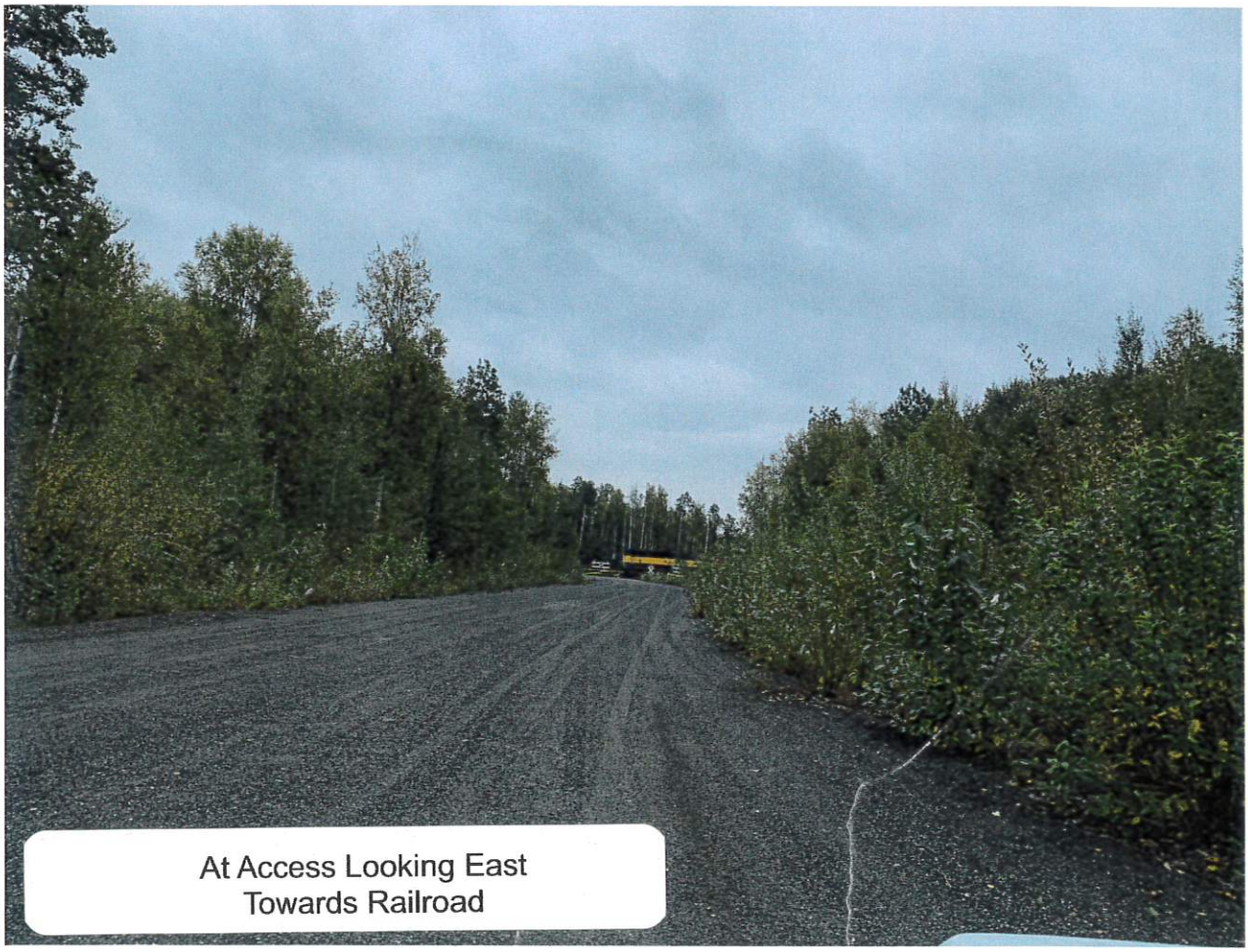
At Access/Parks Hwy Looking South



At Access/Parks Hwy Looking East



At Access/Parks Hwy Looking East



At Access Looking East
Towards Railroad



At Access Looking East
Towards Railroad



At Access Looking East
Towards Railroad



At Access Looking East
Towards Railroad



At Access/Railroad Looking South



At Access/Railroad Looking Southeast



At Access/Railroad Looking East

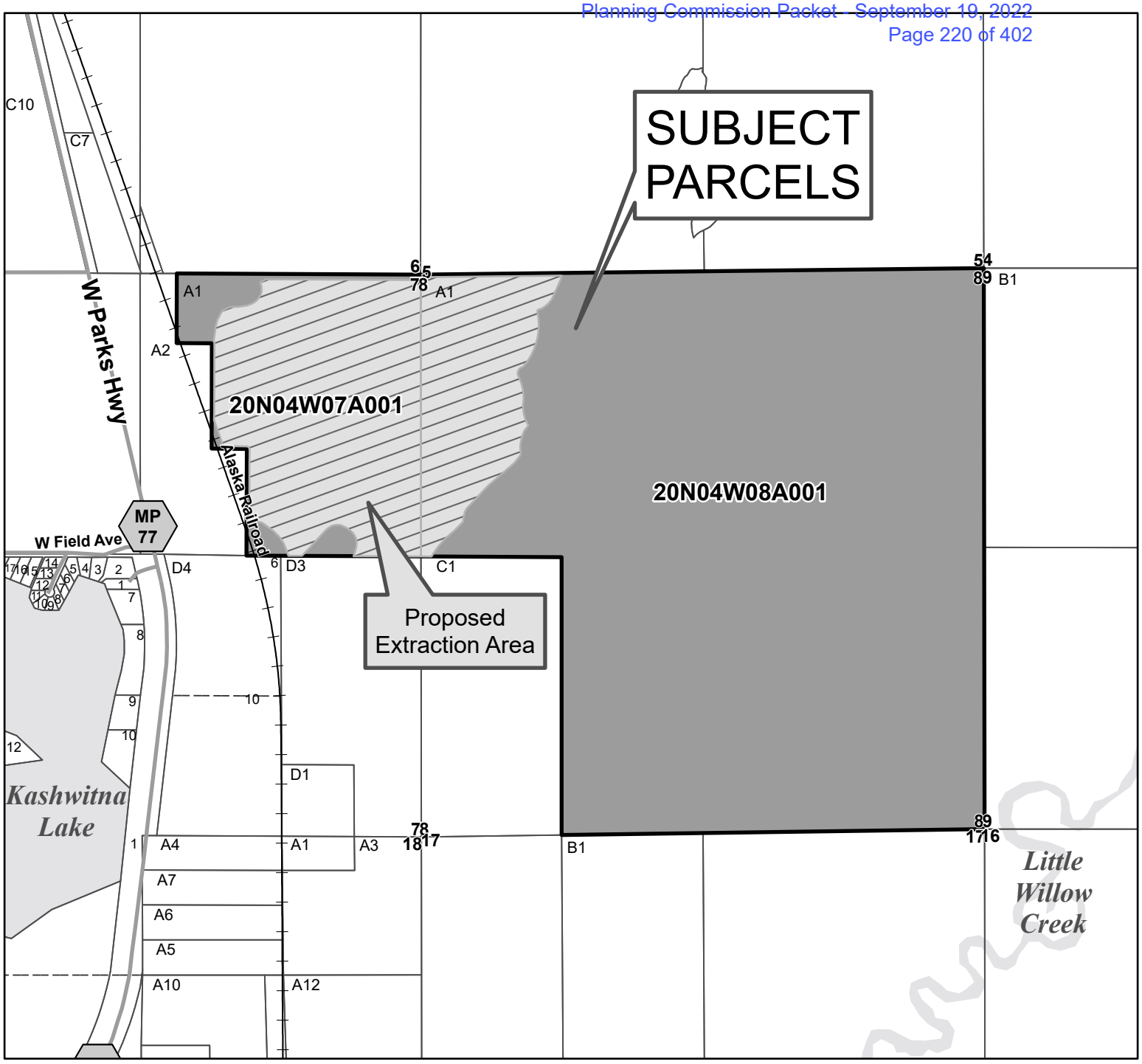


At Access/Railroad Looking Northeast

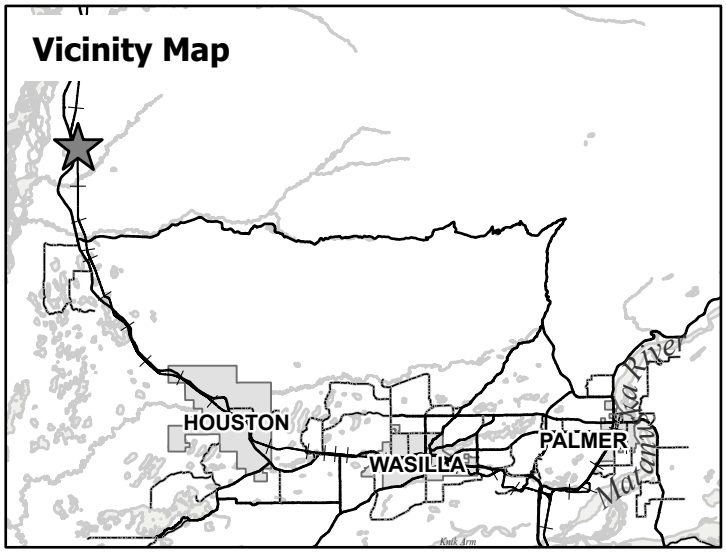


At Access/Railroad Looking North

VICINITY MAP



20N04W07A001 & 20N04W08A001



N

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

MSB Information Technology/GIS
June 15, 2022

0 1,000 Feet

APPLICATION MATERIAL

MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
Development Services Division
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822 • Fax (907) 861-8158
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

Permit # 17302022000 1

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.

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

Planning Commission Packet - September 19, 2022
Page 2 of 402

Matanuska-Susitna Borough
Land and Resource Management Division

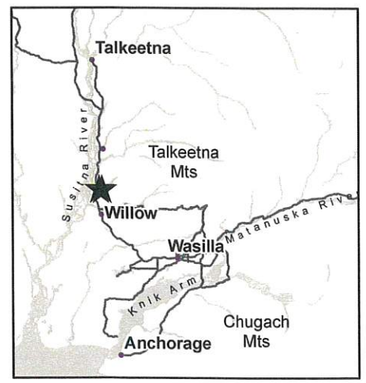
Kashwitna East Material Extraction CUP Application

Exhibit 1
Vicinity Map



Legend

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



N
W E
S

0 2,500 5,000
Feet

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

Matanuska - Susitna Borough
Land and Resource Management Division

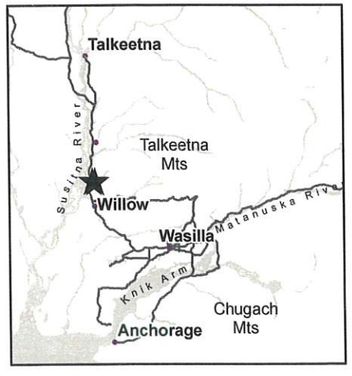
Kashwitna East Material Extraction CUP Application

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.



N
W E
S

0 1,000 2,000
Feet

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

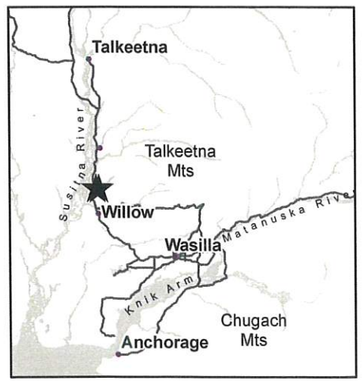
Path: P:\Users\Comm Development\Land Management\Resources\Gravel\Land Management_Gravel.aprx

Matanuska - Susitna Borough
Land and Resource Management Division

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



N
W E
S

0 1,000 2,000
Feet

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

SITE PLAN

EXISTING MATERIAL SITE

Proposed Access/Truck Haul Route | Distance to Parks Hwy: 3750FT

50' SECTION LINE EASEMENT

25' Undisturbed Vegetated Buffer

Earthen Berm

Earthen Berm

Access Point

Access Point

Wetlands

100' Undisturbed Wetland Buffer

Material Extraction Area: 20N04W07A001

Material Extraction Area: 20N04W08A001

Affected MSB Parcel: 20N04W08A001

SITE DRAINAGE WILL BE TOWARDS CENTER OF SITE

100' Railroad Easement

Proposed Rail Access

PHASE 2

PHASE 1

20N04W07A002

100' Undisturbed Wetland Buffer

Earthen Berm

Wetlands

Wetlands

Wetlands

Wetlands

W Parks Hwy

Received by Mark Whisenhunt on 6-10-2022

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

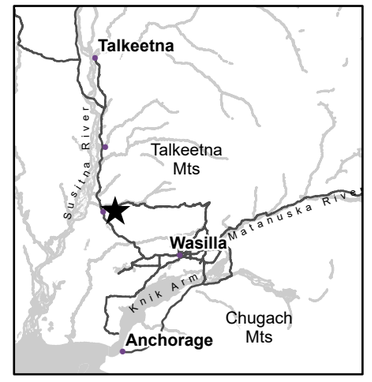
Matanuska-Susitna Borough
Land and Resource Management Division

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.



N
W E
S

0 250 500
Feet

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

COMMENTS

Agency Comments

From: Kate Dueber
To: Mark Whisenhunt
Cc: Brian Lindamood; Christy Terry; Bill O"Leary; Andrew Donovan; "jroskelley@colaska.com"
Subject: MSB Kashwitna East Gravel Development - ARRC Commnets
Date: Wednesday, August 24, 2022 1:47:19 PM
Attachments: image001.png
L220822 - MSB Kashwitna Gravel Development Comments.pdf

[**EXTERNAL EMAIL** - CAUTION: Do not open unexpected attachments or links.]
Mr. Whisenhunt,

The Alaska Railroad has reviewed the MSB Kashwitna East application for a conditional use permit for earth materials extraction. We appreciate the opportunity to review and provide input on the application. Attached please find ARRC's comments.

Please let me know if you have any questions. If you would like this in hard copy, let me know and I'll get it in the mail.

Thanks,

Kate Dueber
Manager ROW & Public Projects
907-265-3026 *office* | 303-513-7370 *mobile*
mailing: PO Box 107500, Anchorage, AK 99510-7500
physical: 327 W Ship Creek Ave, Anchorage, AK 99501
web: www.AlaskaRailroad.com

ALASKA RAILROAD

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or proprietary information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

ALASKA RAILROAD

August 22, 2022

ROW & PUBLIC PROJECTS
TEL 907.265.3026
FAX 907.265.2638

Mark Whisenhunt
Development Services Division
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, AK 99645

RE: MSB Kashwitna East Comments, Application for a Conditional Use Permit for Earth Materials Extraction – MSB 17.30

Dear Mr. Whisenhunt:

The Alaska Railroad Corporation ("ARRC") has reviewed the application dated April 5, 2022 and provided in the public notice for the extraction of earth materials for the property located at Township 20N, Rage 04W, sections 07 & 08. The development plan contained therein shows the development of a section line and use of the crossing located at railroad milepost 192.76, "Sockeye Avenue."

This crossing is presently a private, gated crossing; the permit being held by Quality Asphalt Paving ("QAP") for access to their gravel operation a mile to the north. A Diagnostic Team ("DT") report (attached) was completed in 1996 for the construction of this crossing in accordance with State policy. Signatories to the DT Report include the ARRC, the Matanuska-Susitna Borough ("MSB"), and the Alaska Department of Transportation & Public Facilities (the "Department").

The proposed development of the section line east of the ARRC mainline will change the use of this crossing. The development by MSB, or other parties east of the tracks will require this crossing to become public, with a public entity holding the permit and responsible for the costs associated with any crossing improvements and maintenance. Further, the use of the crossing for the haul of gravel or earthen materials is expressly limited by the present permit, requiring coordination and flag protection by ARRC due to the significant operational risks associated with gravel hauling over crossings.

Therefore, if the application as presented is to be approved, it must be conditional upon:

1. The revision of the current Diagnostic Team Report to reflect the change in use
2. The change in permit holder from a private entity to a public entity (e.g. MSB or the Department)
3. The installation of any upgrades identified as required from the updated DT report to safely accommodate the proposed truck transportation of gravel or earthen materials across the ARRC mainline

ARRC appreciates the opportunity to provide input on this application, and looks forward to working with MSB on this process. Should you have any questions, please do not hesitate to contact me at 907.265.3026.

Sincerely,

Kate Dueber
Manager, ROW and Public Projects

Cc: Brian Lindamood, ARRC Vice President Engineering & Chief Engineer
Christy Terry, ARRC Director External Affairs
Bill O'Leary, ARRC President & Chief Executive Officer
Andrew Donovan, ARRC Director Real Estate Leasing/Permitting
Jeff Roskelley, QAP

Enclosed: MP 193.54 Diagnostic Team Report Sockeye Ave

DIAGNOSTIC TEAM REPORT
Vicinity of ARRC Milepost 193

The Diagnostic Team assembled at the private road crossing at ARRC milepost 193.54 on August 15, 1996. Members of the team included the following:

Mr. Ron Martindale, State of Alaska DOT/PF
Mr. Jim Swing, Matanuska-Susitna Borough
Mr. Roy Thomas, Alaska Railroad Corporation

Also present at the meeting were:
Mr. and Mrs. Ted Berry, private land owners
Mr. Richard Butcher, Alaska Pacific Powder Co., crossing permittee milepost 193.54
Mr. Dan Lommel, Alaska Railroad Corporation

Unable to attend:
Mr. Travis Chapman, private land owner

Background:

An at-grade road crossing of the Alaska Railroad was requested by Mr. Travis Chapman, a private land owner, in June of 1996 to be located on the east-west 1/16th Section Line in the SW 1/4 of Section 6, T20N, R4W, Seward Meridian. Mr. Chapman would access this road crossing from the Parks Highway utilizing a 50-ft road and utility easement he established previously while subdividing a larger land holding. Mr. Chapman originally approached the Alaska Railroad in September of 1979 regarding a road crossing at this same location. At that time, the Railroad had no objection to construction of the crossing, and in September of 1980 advised Mr. Chapman of the anticipated cost. The road crossing was never installed.

In accordance with the Alaska Policy on Railroad/Highway Crossings, revised September 1988, a Diagnostic Team was assembled to perform an evaluation of the proposed crossing area. The evaluation process focuses on planning in an effort to minimize the need for new at-grade road crossings. All new crossings require Diagnostic Team approval. The on-site evaluation considered land ownership, proximity to existing crossings, proximity to the Parks Highway, track alignment and grade, siding extension and track maintenance concerns, geographic restrictions and adjacent landowner concerns.

Discussion/Findings:

The Diagnostic Team made a hi-rail inspection both north and south from the existing road crossing at ARRC milepost 193.54. The inspection area was geographically bounded on the south end by the Little Willow Creek drainage. The ARRC bridge over Little Willow Creek is at milepost 190.50. The north end inspection was bounded by a large wetland area both east and west of the tracks beginning at ARRC milepost 194.4.

The Parks Highway and ARRC alignments are in closest proximity and run almost parallel from milepost 191.2 to milepost 193.4. Outside of these mileposts the alignments diverge northward and southward making a crossing access road significantly longer. Crossing options are as below:

- Allow a new private crossing at milepost 193.0, the location requested by Mr. Chapman. A crossing at this location does not comprehend future area planning and would not eliminate or reduce the need for additional crossings in this same area. The crossing would grant access only to Mr. Chapman.

- Allow use of the existing private crossing at milepost 193.54 by Mr. Chapman in conjunction with a permitted access road along the eastern edge of the ARRC Right-of-Way. This would require the permit for the existing crossing to be executed by both Alaska Pacific Powder Company and Mr. Travis Chapman. Use of the crossing must continue to be controlled by the permittee. Alaska Pacific Powder Company has expressed concerns regarding additional trespass if the locked private crossing gate were used by other parties. This option does not address future development considerations in the area and would only usefully serve those two parcels of property. Additionally, the crossing location is undesirable to the ARRC due to a track curve which restricts site visibility to the south and the presence of the Kashwitna siding immediately to the north.

- Allow construction of a new public road crossing along the south Section 6 boundary line at approximately ARRC milepost 192.75. This would be an extension of the alignment of Sockeye Avenue from the west side of the Parks Highway to the east side and across the ARRC Right-of-Way. The Matanuska-Susitna Borough has a clear section line easement at this location and has broad land holdings, east of the Railroad, which would be accessible along this alignment. Further, there is good potential for feeder roads both northward and southward along intersecting section line easements. The Borough would be the local government authority responsible for the crossing, including easements, and maintenance of crossing site triangles. Mr. Chapman would enter his parcel utilizing an 800 ft. permitted access road northward along the eastern edge of the ARRC Right-of-Way. This crossing location could also be used by Alaska Pacific Powder Company to access their holdings along their south property border. The Railroad has a 0.6% ascending grade with tangent alignment and good visibility at this location.

- Other crossing locations considered included the area north of the existing crossing at milepost 193.54. This would require a longer access road from the Parks Highway, could only serve a very limited area northward due to the presence of the wetland, and would need to cross the Kashwitna siding which may be obstructed by set-out rail cars or trains waiting for a meet. To the south, in Sections 7 and 8, access from the Parks Highway along the south Section 7 line is blocked by a pond and wetland area between the highway and railroad alignments. Further south, in Sections 17 and 18, the distance from the highway increases, Little Willow Creek drainage restricts available access corridors, and the land ownership layout is more involved with a large number of small land parcels clustered along the ARRC Right-of-Way.

Recommendations:

1) Allow construction of a new public road crossing along the south Section 6 boundary line.

This is a desirable location with respect to the Parks Highway and Railroad alignments. The track is near the highway, tangent with mild grade, and without obstructing geographic features. The Borough possesses a clear section line easement. The location is suitable for the anticipated future development and access requirements for State, Borough, and private lands east of the railroad tracks in this area. Crossing site triangles for an assumed vehicle speed of 30 mph extend beyond the Railroad's Right-of -Way onto adjacent private land. If site triangle easements cannot be obtained, the crossing must be protected utilizing stop sign traffic control. The Borough has expressed concerns regarding the initial cost of constructing the crossing. This cost may need to be borne by the party or parties requesting or using the crossing.

2) Eventual closing of the existing road crossing at milepost 193.54.

The existing road crossing at milepost 193.54 is used by Alaska Pacific Powder Co. in their rail to storage to distribution operation. Their property will be accessible from the proposed new crossing along the south Section 6 line. In recognition of the nature of their operation, the crossing may remain open until deemed necessary to close by the ARRC, or until any of the following:

Cease or change the nature of their operation.
Subdivide or sell their land holding.

3) Allow no additional road crossings in the area considered by the Diagnostic Team north of the Sections 7-18 line. It is apparent that crossing issues will inevitably surface in the vicinity of Little Willow Creek, ARRC milepost 190.5, where notable development and land subdividing has occurred without consideration to legal land access. A new crossing along the south Section 6 line will have only minimal immediate effect on improving the Railroad trespass problem at Little Willow Creek but will serve to stop that situation from spreading northward and may play a role in the eventual solution to gaining land access in that area.

Written by: Roy Thomas, Alaska Railroad Corporation

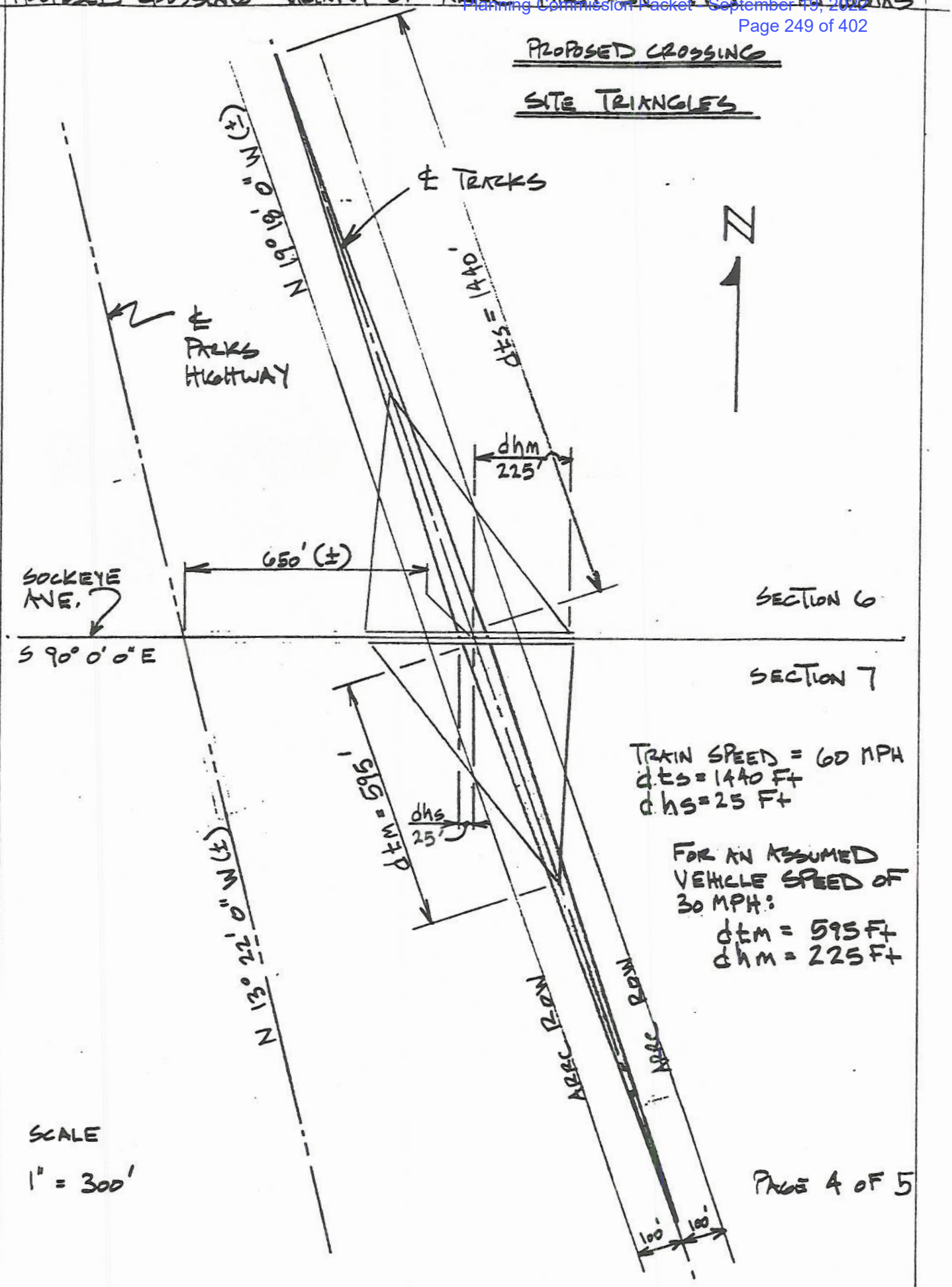
APPROVED:

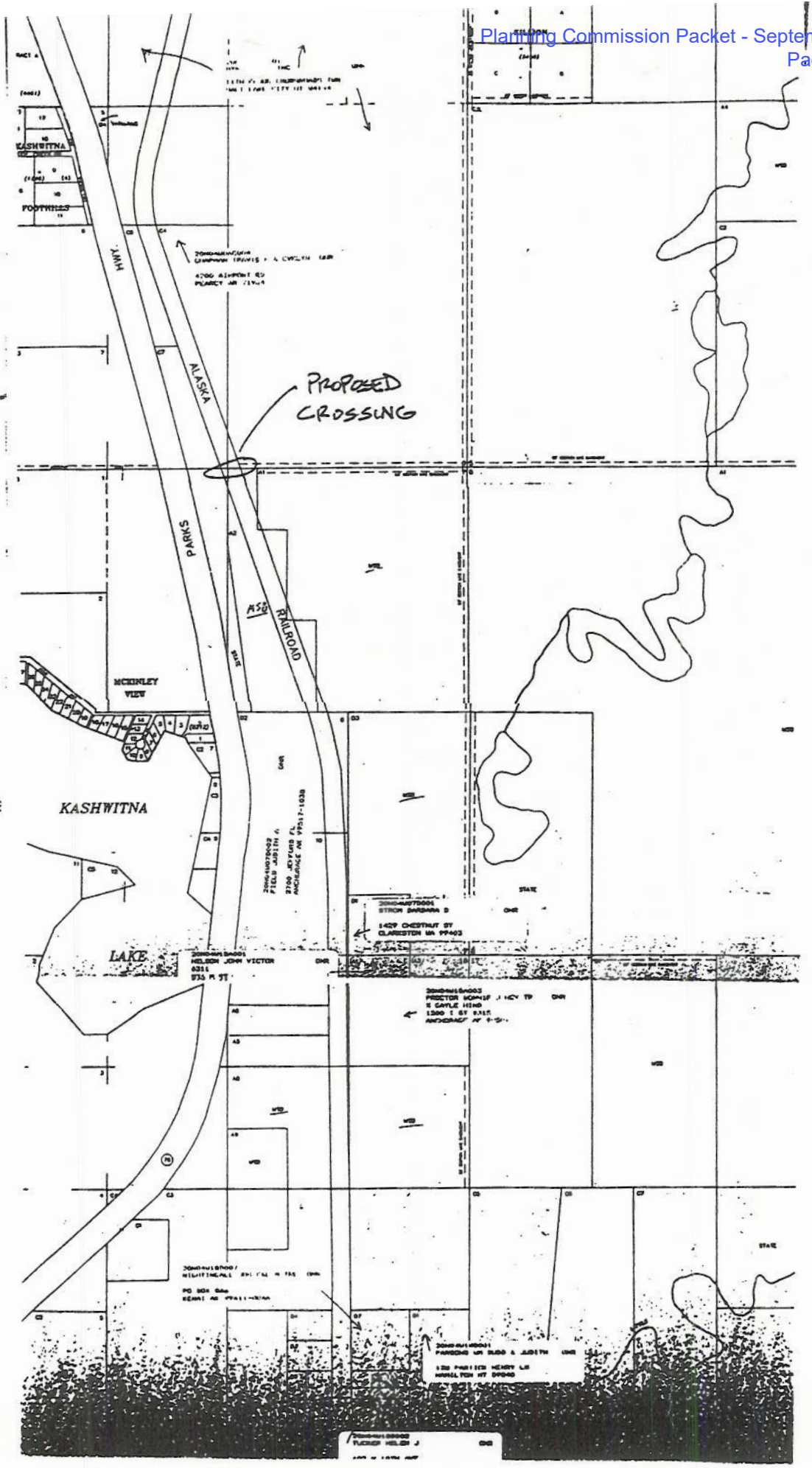
Thomas E. Brooks Chief Engineer
for Alaska Railroad Corporation

for Matanuska-Susitna Borough

for Alaska Department of Transportation and Public Facilities

PROPOSED CROSSING VICINITY OF KRRC MILEPOST 193 BLTRAKS




PROPOSED
CROSSING
HWY
ALASKA
PARKS
RAILROAD
A&N
KASHWITNA
LAKE
MCKINLEY
VIEW
FOOTHILLS
STATE

Public Comments

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

56212000L017 23
KEPPERS CRAIG J & DONA B
1225 SAINT GOTTHARD AVE
ANCHORAGE AK 99508-5046

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

Applicant: Matanuska-Susitna Borough Land Management Division

Location: Tax IDs# 20N04W07A001 and20N04W08A001 (No Street Address); within Township 20 North, Range 4 West, Section 7 and 8, Seward Meridian

Request: An application for a conditional use permit under MSB 17.30 – Conditional Use Permit for Earth Materials Extraction, has been submitted to extract approximately 6,390,000 cubic yards of earth materials through 2053.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on ***Monday, September 19, 2022, at 6:00 p.m.*** in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

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

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an "interested party." See MSB 15.39.010 for the definition of "interested party." The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before ***August 26, 2022*** and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Name: Craig J Keppers ***Mailing Address:*** 1225 Saint Gotthard Ave, ANC 99508

Location/Legal Description of your property: McKinley View Lot 17

Comments: I dont Believe having a gravel pit Located this Close to a recreational Lake is the best use of this property. It will degrade the use of the properties at Lake.

Note: Vicinity Map Located on Reverse Side

DRAFT
PLANNING COMMISSION RESOLUTION

By: Mark Whisenhunt
Introduced: August 15, 2022
Public Hearing: September 19, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 22-26

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE EXTRACTION OF APPROXIMATELY 6,390,000 CUBIC YARDS OF EARTH MATERIAL FROM AN APPROXIMATELY 152.3-ACRE SITE WITHIN TWO PARCELS TOTALING APPROXIMATELY 657.5, TAX IDS# 20N04W07A001 AND 20N04W08A001 (NO STREET ADDRESS); WITHIN TOWNSHIP 20 NORTH, RANGE 4 WEST, SECTION 7 AND 8, SEWARD MERIDIAN.

WHEREAS, an application has been received from Emerson Krueger, Natural Resource Manager, on behalf of MSB Land and Resource Management Division for a conditional use permit for the extraction of earth material at Tax IDs# 20N04W07A001 and 20N04W08A001 (No Street Address); within Township 20 North, Range 4 West, Section 7 and 8, Seward Meridian; and

WHEREAS, it is the intent of the MSB to recognize the value and importance of promoting the utilization of natural resources within its boundaries; and

WHEREAS, it is the purpose of MSB Chapter 17.30 to allow resource extraction activities while promoting the public health, safety, and general welfare of the Borough through the regulation of land uses to reduce the adverse impacts of lands uses and development between and among property owners; and

WHEREAS, it is further the purpose of MSB 17.30 to promote orderly and compatible development; and

WHEREAS, MSB 17.30.020(E) requires a conditional use permit for the annual extraction of more than 2,000 cubic yards of earth materials; and

WHEREAS, an Alaska State Department of Revenue mining license is not required for this application, because Alaska law was amended in 2012 and rock, sand and gravel quarries are now exempt from the requirement; and

WHEREAS, an Alaska State Department of Natural Resources (ADNR) mining permit is not required for this application, because the extraction activities will not take place on state land; and

WHEREAS, A reclamation plan has been developed as required by Alaska State Department of Natural Resources (ADNR), pursuant to A.S. 27.19, and has been submitted as part of this application; and

WHEREAS, the application material indicates the site will be developed to contain storm water runoff. Prior to beginning operations, a contractor will be required to develop a detailed storm water pollution prevention plan (SWPPP); and

WHEREAS, a United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act is not required for this application as the applicant is not proposing any extraction

DRAFT

activity to take place within any identified wetlands, lakes, streams, or other waterbodies; and

WHEREAS, the property is located within the Willow Community Area planning area; and

WHEREAS, averall Goal 3 of the Willow Area Community Comprehensive Plan States: "Encourage sustainable economic development, balancing private property rights, use of natural resources, and the protection of our natural environment"; and

WHEREAS, Goal 2 of the Willow Area Community Comprehensive Plan States: "Respect existing private property rights while minimizing impacts to neighboring property owners"; and

WHEREAS, Goal 5 of the Willow Area Community Comprehensive Plan States: "Maintain the quality of Willow's natural environment and scenic beauty, while allowing for necessary improvements to support growth"; and

WHEREAS, Goal E3 of The Matanuska-Susitna Borough Comprehensive Development Plan (2005) states: "Create an attractive environment for business investment"; and

WHEREAS, Policy E3-3 of The Matanuska-Susitna Borough Comprehensive Development Plan (2005) states: "Enhance the transportation infrastructure to reduce travel times and improve transport efficiencies and safety"; and

WHEREAS, the Kashwitna IMD abuts the proposed use to the north. The Alaska Railroad abuts the site directly to the west.

The Parks Highway is located further west. All development not associated with the IMD is located to the west of the proposed use and on the other side of the railroad right-of-way; and

WHEREAS, all parcels abutting the subject properties to the northeast, east, southeast, south, southwest, and west, are undeveloped and range in size from 24 acres to 640 acres; and

WHEREAS, the closest residential structure is located west of the Parks Highway and is approximately 1,000 feet from the boundary of the proposed use; and

WHEREAS, the western parcel (20N04W07A001) is approximately 117.5 acres in size and was classified as a future landfill site in 1985; and

WHEREAS, the eastern parcel (20N04W08A001) is approximately 540 acres in size and was classified as watershed land in 2006. This parcel has approximately 300 acres of wetlands. As proposed, there will be a 100-foot undisturbed vegetative buffer from the wetlands; and

WHEREAS, land uses within one-half mile of the site include industrial, residential, commercial, vacant, and recreational; and

WHEREAS, the proposed operation is not visible from the Parks Highway; and

WHEREAS, according to the application material, water trucks will be used as needed during operations as a dust control measure; and

DRAFT

WHEREAS, according to the application material, earthen berms, vegetation, and below-grade excavation will be used as noise mitigation and visual screening; and

WHEREAS, the application material indicates the site will be developed to contain storm water runoff. Prior to beginning operations, a contractor will be required to develop a detailed storm water pollution prevention plan (SWPPP); and

WHEREAS, the applicant is not proposing to mine below or within four feet of the seasonal high water table; and

WHEREAS, the application material indicates monitoring wells will be used to monitor groundwater on the subject property; and

WHEREAS, according to the application material, slopes will be left at a 2:1 (H:V) or flatter slope which meets the standards of MSB 17.28.067(D) that requires a maximum 50 percent (2:1) slope or the natural stabilized angle of repose of the existing earth material; and

WHEREAS, according to the application material, the proposed hours of operation are expected to be Monday through Sunday from 6:00 a.m. to 11:00 p.m., but may be extended; and

WHEREAS, according to the application material, most material is expected to be transported from the site via railcar, with an estimated 40 vehicle trips per day; and

WHEREAS, according to the application material, the final year of material extraction is estimated to end in 2053; and

DRAFT

WHEREAS, all of the site plan and site development requirements have been provided; and

WHEREAS, the proposed operation will use an existing railroad crossing at Sockeye Avenue; and

WHEREAS, according to the site plan, earth material extraction activities will not take place within 100 feet of any identified wetlands or waterbodies; and

WHEREAS, maps are included in the record identifying surrounding property ownership, existing land uses, wetlands, and waterbodies within one-half mile of the proposed site; and

WHEREAS, a site plan is included in the record showing the location of the earth materials extraction site, including phases of mining within the subject parcel; and

WHEREAS, a topographic contour map, bare earth map, and aerial photography are included in the record. These items show topographic features and vegetation of the subject property and adjacent properties; and

WHEREAS, according to the application material, the proposed permanent and semi-permanent structures associated with the proposed use meet setback requirements; and

WHEREAS, noise levels exceeding the levels in MSB 17.28.060 are prohibited; and

WHEREAS, according to the application material, if lighting is needed, exterior lighting will be located and shielded to direct

the light towards the ground to minimize light spillage onto adjacent properties and upward into the night sky. Illumination or other fixtures mounted higher than 20 feet or 150 watts or more will have downward directional shielding; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.30 and MSB 17.28; and

WHEREAS, the Planning Commission conducted a public hearing on September 19, 2022 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 22-26:

1. All of the requirements to demonstrate compliance with state and federal laws have been met (MSB 17.30.055(A)).
2. The proposed use, with conditions, is consistent with the applicable comprehensive plans (MSB 17.30.060(A)(1)).
3. The proposed use, with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.30.060(A)(2)).
4. The application material has met all of the requirements of this chapter (MSB 17.30.060(A)(3)).

DRAFT

5. The proposed use, with conditions, will not be harmful to the public health, safety, convenience and welfare (MSB 17.30.060(A)(4)).

6. Sufficient setbacks, lot area, buffers or other safeguards, with conditions, are being provided (MSB 17.30.060(A)(5)).

7. The surrounding property ownership, existing land uses, and wetlands and water bodies within the notification area have been identified (MSB 17.28.060(A)(1)).

8. The area to be mined, description of the topography and vegetation, and approximate time sequence for the duration of the mining activity have been identified. No permanent, semi-permanent, or portable equipment are anticipated to be located within the required setbacks (MSB 17.28.060(A)(2)).

9. The proposed traffic route and traffic volumes have been identified. An access permit is in place with the State that allows 30 trips per hour to Sockeye Avenue (MSB 17.28.060(A)(3)).

10. Visual screening measures such as vegetation and earthen berms will not be required for the proposed operation (MSB 17.28.060(A)(4)).

11. Noise mitigation measures include proximity alarms, seasonal operation dates and the general location of the

DRAFT

use in proximity to conflicting land uses will ensure that sounds generated from earth material extraction activities do not exceed sound levels set forth in, MSB 17.28.060(A)(5)(a). Noise levels exceeding the levels in 17.28.060(A)(5)(a) are prohibited.

12. The proposed use meets lighting standards in accordance with MSB 17.28.060(A)(6).

13. The operation will not conduct earth material extraction activities within 100 linear feet of any identified wetland, stream, river or other waterbody and the operation will not mine below or within four feet of the seasonal high water table (MSB 17.28.060(A)(7)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.30 and MSB 17.28 and does hereby approve the conditional use permit earth material extraction activities with the following conditions:

1. The operation shall comply with all applicable federal, state, and local regulations.

2. A copy of the approved permit shall be provided to each contractor company working at the site.

3. All aspects of the operation shall comply with the description detailed in the application material and an amendment to the Conditional Use Permit shall be

DRAFT

required before any alteration or expansion of the material extraction operation.

4. Material extraction shall be limited to the approximate 152.3-acre area identified in the application material and depicted on the applicant's site plan(s).

5. All applicable State of Alaska Department of Transportation permits and all applicable Alaska Railroad permits shall be obtained and provided to the Borough, prior to beginning any earth materials extraction activities.

6. A US Army Corps of Engineers Jurisdictional Determination shall be obtained before developing the access road. If required by the Jurisdictional Determination, a permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344 shall be obtained before operating.

7. A qualified wetlands delineator shall identify the edge of all wetlands at the site. The 100-foot undisturbed vegetative buffer surrounding the identified wetlands adjacent to the extraction site shall be identified and marked by a professional land surveyor, licensed to operate in the State of Alaska, prior to beginning extraction activities

DRAFT

8. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected for leaks at the end of each day.
9. On-site maintenance of vehicles shall be done in an area where all leaks can be contained with drip pans or other discharge prevention devices.
10. Any hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
11. All construction exits shall comply with standard Alaska Pollutant Discharge Elimination System requirements to minimize off-site vehicle tracking of sediments and discharges to storm water.
12. All track-out sediments from the site shall be removed from the right-of-way daily.
13. The operation shall perform dust mitigation techniques as described in the application as-needed to minimize dust impacts to the surrounding areas.
14. The operation may operate 24 hours per day, seven days per week, however, the operation shall comply with the maximum permissible sound level limits allowed in MSB Code, per the requirements of MSB 17.28.060 – Site Development Standards and MSB 8.52 – Noise, Amplified Sound, and Vibration.

DRAFT

15. If cultural remains are found during material extraction activities, the MSB Planning Department shall be contacted immediately so the remains can be documented.
16. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.
17. Borough staff shall be permitted to enter onto any portion of the property to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring and, with prior verbal or written notice, and at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
18. The operation shall comply with the reclamation standards of MSB 17.28.067.
19. If illumination devices are required, they shall not be greater than 20 feet in height, shall utilize downward directional shielding devices, and shall meet the requirements of MSB 17.28.060(A)(6) lighting standards.
20. Authorization for earth material extraction activities approved by this Conditional Use Permit shall expire on December 31, 2053.

DRAFT

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

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

DRAFT

YES:

NO:

PUBLIC HEARING QUASI-JUDICIAL

Resolution No. PC 22-28

Conditional Use Permit in Accordance with MSB 17.60 - Conditional Uses, for the operation of a marijuana cultivation facility. Derke Clark and Janet Clark, of Checkmate Harvest Company

(Pages 267 - 360)

INTRODUCTION FOR PUBLIC HEARING

STAFF REPORT

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

DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date:	September 7, 2022
File Number:	M10250
Applicant:	Janet Clark, on behalf of Checkmate Harvest Company, LLC
Property Owner:	Derek Clark and Janet Clark
Request:	Planning Commission Resolution 22-28 Conditional Use Permit for the operation of a marijuana cultivation facility in accordance with MSB Chapter 17.60 – Conditional Uses
Location:	1198 East Sage Road, Tax ID# 18N01W15D005; within Township 18 North, Range 1 West, Section 15, Seward Meridian
Reviewed By:	Jason Ortiz, Development Services Manager
Staff:	Mark Whisenhunt, Planner II
Staff Recommendation:	Approval with conditions

EXECUTIVE SUMMARY

A conditional use permit application has been submitted for the operation of a marijuana cultivation facility. The proposed marijuana cultivation facility is approximately 4,864 square feet in size, with approximately 4,560 square feet under cultivation.

MSB 17.60.030 requires a conditional use permit for the operation of marijuana cultivation facilities. Unless this type of use is maintained under and in accordance with a lawfully issued permit, a marijuana cultivation facility is declared to be a public nuisance. Operation of a land use without a permit is prohibited.

LAND USE

Existing Land Use
The subject property is ten acres in size. While it is mostly forested land, the northwest and southwest areas of the property have residential structures. The owner of Checkmate Harvest Company currently resides within the lease area (north half) on the subject property.

Surrounding Land Uses
Properties to the north and east are large agricultural parcels, 20 and 40 acres in size. An adjacent undeveloped 80-acre parcel is to the southeast. A 15-acre parcel abuts to the south with residential development. A 10-acre parcel abuts to the west with residential development.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification
On July 20, 2022, staff mailed seven notices to all property owners within a 600-foot radius of the subject property and to the Tanaina Community Council. The Frontiersman published a public notice about to the application in the July 27, 2022 issue. Staff posted a public notice with the application material on the Borough website on July 19, 2022. The application, public notice, and request for comments were emailed to outside agencies and to the Tanaina Community Council on July 19, 2022. Staff did not receive any comments from the community council or the public.

Section 17.60.100 General Standards
(A) A conditional use may be approved only if it meets with the requirements of this section in addition to any other standards required by this chapter:
(B) In granting a conditional use permit, the planning commission must make the following findings:
(1) the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area;

Findings of Fact:
1. According to the application material, the proposed use will be approximately 4,864 square feet in size, with approximately 4,560 square feet under cultivation.
2. Access to the property is from E. Sage Road onto an existing permitted driveway.
3. The closest residential structure is located to the west, and is approximately 600 feet from the proposed use.
4. Properties to the north and east are large agricultural parcels, 20 and 40 acres in size. An adjacent undeveloped 80-acre parcel is to the southeast.
5. A 15-acre parcel abuts to the south with residential development. A 10-acre parcel abuts to the west with residential development.
6. According to the application material, the proposed use will be set back approximately 90 feet from the Sage Road right-of-way, 297 feet from the section line easement to the east, 402 feet from the section line easement to the south, and 205 feet to the west lot line.
7. The subject parcel is approximately 10 acres in size and is mostly undeveloped and heavily treed with a mixture of birch and spruce.

8. According to the application material, the proposed use will not be open to the public.
9. There are no outdoor processes associated with the proposed use that generate noise or dust.

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

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

Findings of Fact:

1. The closest school (Shaw Elementary) is approximately 12,300 feet away from the proposed use.
2. Access to the property is from E. Sage Road onto an existing permitted driveway.
3. Persons under the age of 21 are prohibited from entering the premises of the proposed use.
4. According to the application material, the proposed use has a security plan in place, which includes education of employees on all security measures.
5. According to the security plan, a combination of surveillance video, alarms, and security doors and locks will be used to secure the site and monitor all activities at the facility.
6. The State of Alaska Fire Marshal has issued Plan Review Certificate #2022Anch1151, approving the construction of the proposed use.
7. The proposed structures are in full compliance with the applicable State of Alaska fire code.
8. After proper notification to the State of Alaska Alcohol & Marijuana Control Office all marijuana products deemed unusable will be mixed with compostable waste, stored in a secure area, and disposed of at the landfill or used for home garden compost.

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

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

Findings of Fact:

1. According to the application material, the proposed use will be set back approximately 90 feet from the Sage Road right-of-way, 297 feet from the section line easement to the east, 402 feet from the section line easement to the south, and 205 feet to the west lot line.
2. The closest residential structure is located to the west, and is approximately 600 feet from the proposed use.
3. The subject property is ten acres in size. While it is mostly forested land, the northwest and southwest areas of the property have residential structures. The owner of Checkmate Harvest Company currently resides within the lease area (north half) on the subject property.

4. The closest school (Shaw Elementary) is approximately 12,300 feet away from the proposed use.
5. Access to the property is from E. Sage Road onto an existing permitted driveway.
6. According to the application material, the proposed use will not be open to the public.
7. According to the application material, the proposed use has a security plan in place, which includes education of employees on all security measures.
8. According to the security plan, a combination of surveillance video, alarms, and security doors and locks will be used to secure the site and monitor all activities at the facility.

Discussion: The West Lakes Assistant Fire Chief has asked the applicant to erect a sign with the address numbers in a visible location. The site plan shows the approximate location of the address sign to be within the road right-of-way. Staff recommends a condition requiring an MSB Encroachment Permit be obtained prior to erecting the sign. The sign may also be erected on the private property without a permit.

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

---

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

Finding of Fact:

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

Conclusion of Law: The application material meets all of the requirements of this chapter (MSB 17.60.100(B)(4)).

Section 17.60.150 General Standards for Marijuana Related Facilities

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

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

Findings of Fact:

1. According to the application material, the proposed use will be approximately 4,864 square feet in size, with approximately 4,560 square feet under cultivation.
2. There are no outdoor processes associated with the proposed use that generate noise or dust.
3. According to the application material, the proposed use will be set back approximately 90 feet from the Sage Road right-of-way, 297 feet from the section line easement to the east, 402 feet from the section line easement to the south, and 205 feet to the west lot line.

4. Properties to the north and east are large agricultural parcels, 20 and 40 acres in size. An adjacent undeveloped 80-acre parcel is to the southeast.
5. A 15-acre parcel abuts to the south with residential development. A 10-acre parcel abuts to the west with residential development.
6. The closest residential structure is located to the west and is approximately 600 feet from the proposed use.
7. According to the application material, the facility will be fitted with charcoal canister filters to remove marijuana odors and the filters will be maintained according to the manufacturer's specifications.
8. According to the application material, the proposed use will not be open to the public.

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

---

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

Findings of Fact:

1. According to the application material, the proposed use will be set back approximately 90 feet from the Sage Road right-of-way, 297 feet from the section line easement to the east, 402 feet from the section line easement to the south, and 205 feet to the west lot line.
2. The subject parcel is approximately 10 acres in size and is mostly undeveloped and heavily treed with a mixture of birch and spruce.
3. The State of Alaska Fire Marshal has issued Plan Review Certificate #2022Anch1151, approving the construction of the proposed use.
4. The proposed structures are in full compliance with the applicable State of Alaska fire code.
5. The closest residential structure is located to the west and is approximately 600 feet from the proposed use.

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

---

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

Findings of Fact:

1. According to the application material, the proposed use will be approximately 4,864 square feet in size, with approximately 4,560 square feet under cultivation.
2. Access to the property is from E. Sage Road onto an existing permitted driveway.
3. The closest residential structure is located to the west and is approximately 600 feet from the proposed use.

4. The subject parcel is approximately 10 acres in size and is mostly undeveloped and heavily treed with a mixture of birch and spruce.
5. Properties to the north and east are large agricultural parcels, 20 and 40 acres in size. An adjacent undeveloped 80-acre parcel is to the southeast.
6. A 15-acre parcel abuts to the south with residential development. A 10-acre parcel abuts to the west with residential development.
7. According to the application material, the proposed use will not be open to the public.
8. There are no outdoor processes associated with the proposed use that generate noise or dust.
9. According to the application material, the proposed use has a security plan in place, which includes education of employees on all security measures.
10. According to the security plan, a combination of surveillance video, alarms, and security doors and locks will be used to secure the site and monitor all activities at the facility.

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

(B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located within:

(1) One thousand feet of school grounds;

(C) Separation distances referenced in subsection (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

Finding of Fact:

1. The closest school (Shaw Elementary) is approximately 12,300 feet away from the proposed use.

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

(D) Prior to final approval of the permit the applicant shall provide written documentation demonstrating that:

(1) all applicable licenses have been obtained as required by 3 AAC 306.005.

Findings of Fact:

1. Checkmate Harvest Company has received delegated approval from the State Marijuana Control Board for marijuana cultivation license #24115, pursuant to 3 AAC 306.005.
2. Written documentation showing delegated approval from the State Marijuana Control Board for marijuana cultivation license #24115 has been provided.

Conclusion of Law: Based on the above findings, the applicant has provided written documentation demonstrating all applicable licenses pursuant to 3 AAC 306.005 have been obtained (MSB 17.60.150(D)(1)).

---

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

Findings of Fact:

1. The State of Alaska Fire Marshal has issued Plan Review Certificate #2022Anch1151, approving the construction of the proposed use.
2. A copy of the approved Plan Review Certificate #2022Anch1151 has been provided.

Conclusion of Law: Based on the above findings, the applicant has provided documentation showing the proposed use is in full compliance with all applicable fire codes (MSB 17.60.150(D)(2)).

Section 17.60.160 Standards for Marijuana Cultivation Facilities

(A) Wastewater and waste material disposal plan. A wastewater and waste material disposal plan shall be submitted which demonstrates that wastewater and waste material associated with the cultivation facility is disposed of in compliance with the Alaska State Department of Environmental Conservation.

Findings of Fact:

1. After proper notification to the State of Alaska Alcohol & Marijuana Control Office all marijuana products deemed unusable will be mixed with compostable waste, stored in a secure area, and disposed of at the landfill or used for home garden compost.
2. According to the application material, the facility will be hand watering or a drip irrigation system to deliver water to the plants. The operation will not produce any wastewater.

Conclusion of Law: Based on the above findings, the wastewater and waste material disposal plan demonstrates compliance with the Alaska State Department of Environmental Conservation (MSB 17.60.160(A)).

(B) Odor mitigation and ventilation plan. The applicant shall provide an odor mitigation plan detailing the effective mitigation of any odors of the proposed uses. Such plan shall demonstrate that the design for the purification of air prevents odors from materially impacting adjoining properties.

Findings of Fact:

1. According to the application material, the proposed use will be approximately 4,864 square feet in size, with approximately 4,560 square feet under cultivation.
2. According to the application material, the proposed use will be set back approximately 90 feet from the Sage Road right-of-way, 297 feet from the section line easement to the east, 402 feet from the section line easement to the south, and 205 feet to the west lot line.
3. The subject parcel is approximately 10 acres in size and is mostly undeveloped and heavily treed with a mixture of birch and spruce.

4. According to the application material, the facility will be fitted with charcoal canister filters to remove marijuana odors and the filters will be maintained according to the manufacturer's specifications.

Conclusion of Law: Based on the above findings, the odor mitigation plan demonstrates mitigation measures will prevent odors from materially impacting adjoining properties (MSB 17.60.160(B)).

(C) Hazardous chemicals. Storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation of marijuana shall comply with all local, state, and federal laws.

Findings of Fact:

1. According to the application material, the facility will store and dispose of nutrients and cleaning materials in compliance with all local, state, and federal laws.
2. According to the application material, the facility will store and dispose of nutrients and cleaning materials pursuant with each manufacturer's recommendations.

Conclusion of Law: Based on the above findings, storage of nutrients and cleaners will comply with all local, state, and federal laws (MSB 17.60.160(C)).

(D) Security. The applicant shall provide a security plan. The plan shall include, but not be limited to, education for employees on security measures.

Findings of Fact:

1. According to the application material, the proposed use has a security plan in place, which includes education of employees on all security measures.
2. According to the security plan, a combination of surveillance video, alarms, and security doors and locks will be used to secure the site and monitor all activities at the facility.

Conclusion of Law: Based on the above findings, a security plan which includes education for employees on security measures has been provided (MSB 17.60.160(D)).

(E) Marijuana cultivation facilities shall be set back 50 feet from public rights-of-way, and 100 feet from side or rear lot lines.

Finding of Fact:

1. According to the application material, the proposed use will be set back approximately 90 feet from the Sage Road right-of-way, 297 feet from the section line easement to the east, 402 feet from the section line easement to the south, and 205 feet to the west lot line.

Conclusion of Law: Based on the above finding, the proposed use meets the setback requirements for marijuana cultivation facilities (MSB 17.60.160(E)).

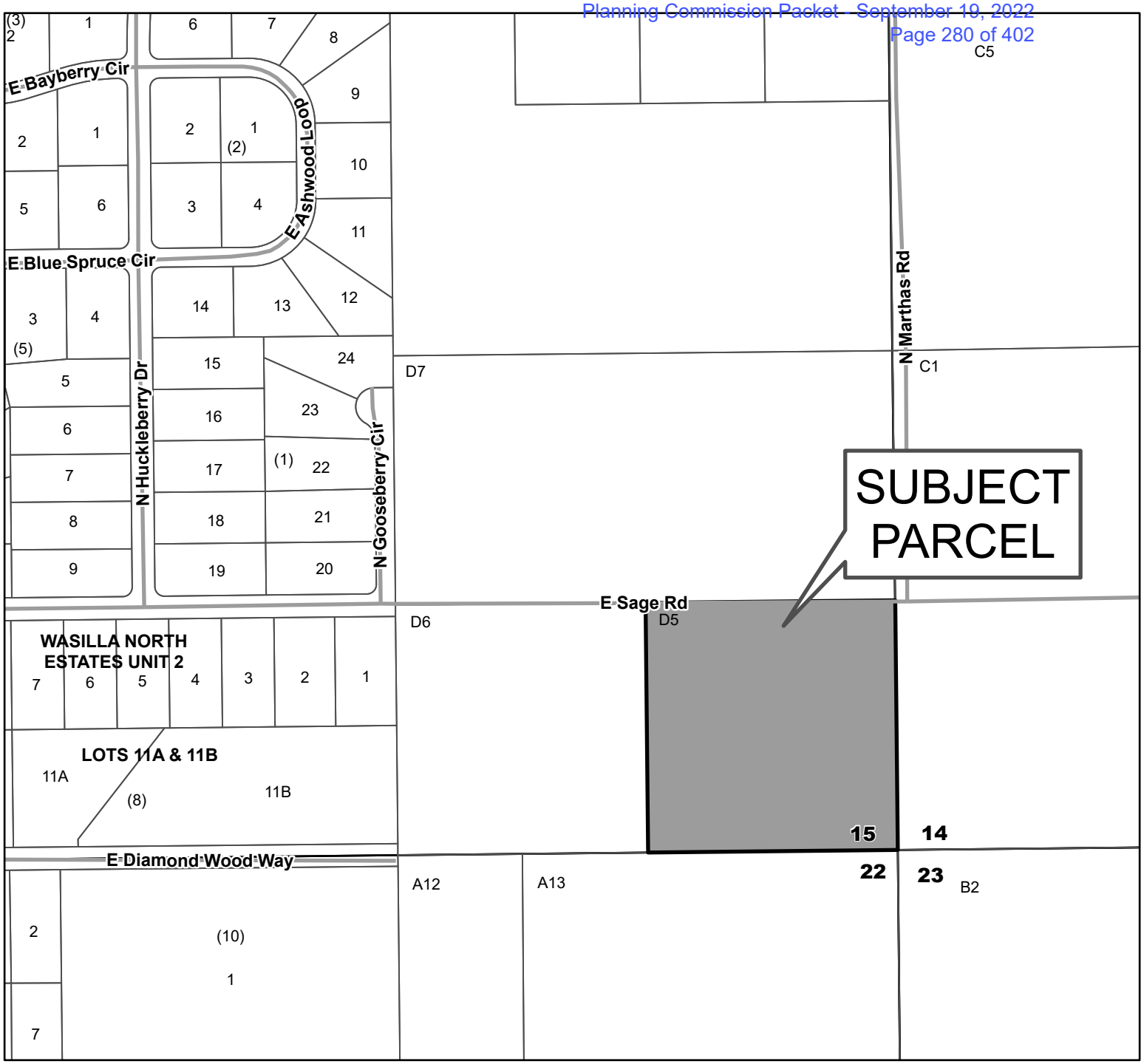
STAFF RECOMMENDATIONS

Staff recommends approval of the conditional use permit to operate a marijuana cultivation facility, at 1198 East Sage Road, Tax ID# 18N01W15D005. The proposed use meets all of the standards in MSB 17.60.100, 17.60.150, and 17.60.160. Staff recommends approval of this permit with the following conditions:

1. The operation shall comply with all applicable state and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
4. Prior to erecting the address sign within the Sage Road right-of-way, an MSB Encroachment Permit shall be obtained.

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

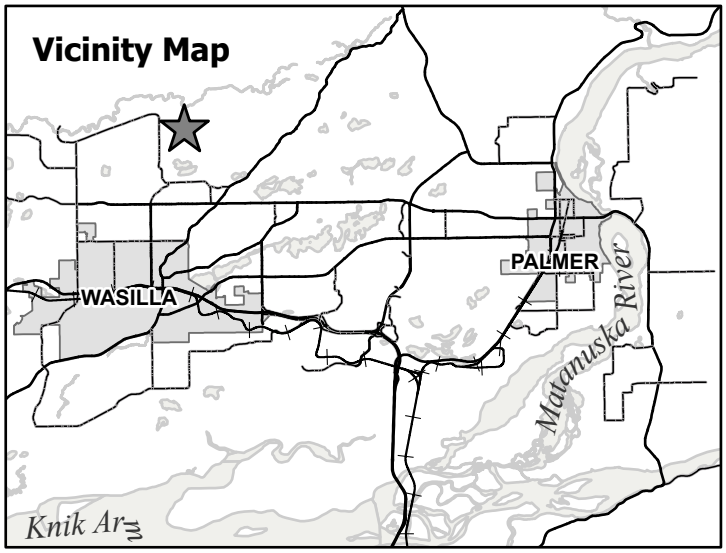
MAPS



18N01W15D005

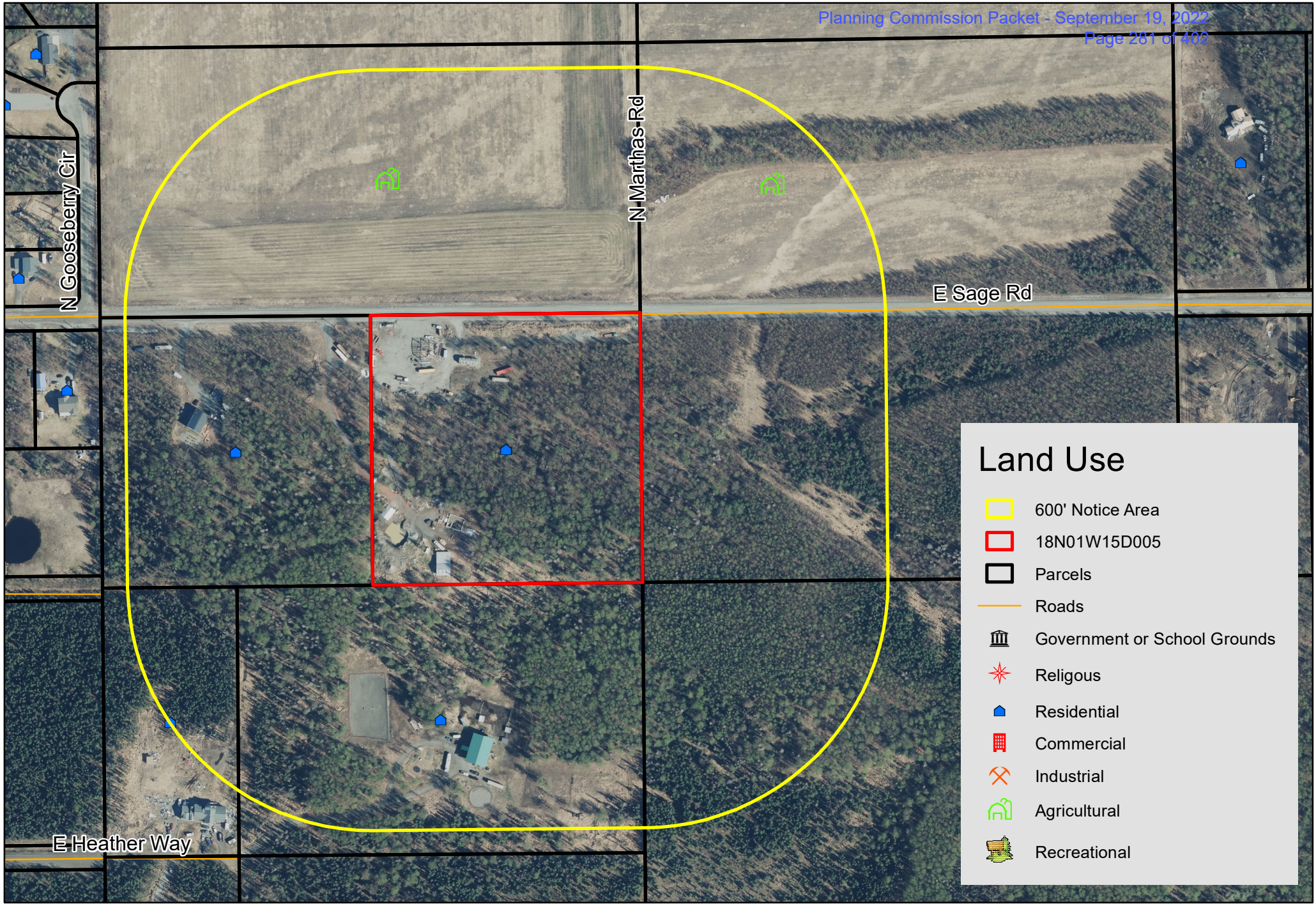
This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding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

N



MSB Information Technology/GIS
May 26, 2022

0 1,000 Feet



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

Date: 9/3/2022

1 inch = 300 feet

0 300 600 Feet

N

PUBLIC NOTICING

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Tuesday, July 19, 2022 2:52 PM
To: allen.kemplen@alaska.gov; dec.agencyreviews@alaska.gov; usswcd@mtaonline.net; msb.hpc@gmail.com; mearow@matanuska.com; row@enstarnaturalgas.com; row@mtasolutions.com; ospdesign@gci.com; Fire Code; Jill Irsik; Eric Phillips; Tom Adams; Jamie Taylor; Brad Sworts; Elaine Flagg; Charlyn Spannagel; planning@matsugov.us; Fred Wagner; Theresa Taranto; Andy Dean; John Aschenbrenner (John.Aschenbrenner@matsugov.us); 'Jesse Sumner'; Aaron Edwards; Colin Fay; Corine Hickey; Gretchen Watson; Michelle Larose; Rachel Lund; Tanaina CC Correspondence
Subject: Request for Comments: Checkmate Harvest Company

DATE: July 19, 2022

TO: Various Governmental Agencies

FROM: Mark Whisenhunt, Planner II

SUBJECT: Request for Review and Comments

PROJECT: Request for a Conditional Use Permit to operate a marijuana cultivation facility

LOCATION: 1198 East Sage Road, Tax ID #18N01W15D005;
within Township 18 North, Range 1 West, Section 15, Seward Meridian

APPLICANT: Derek Clark and Janet Clark, of Checkmate Harvest Company

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on ***Monday, September 19, 2022***, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:

https://www.matsugov.us/publicnotice/checkmate-harvest-company-conditional-use-permit-application-for-marijuana-cultivation-facility

Comments are due on or before ***August 26, 2022***, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting. Thank you for your review.

Respectfully,

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

Frontiersman
Growing with the Valley since 1947.

5751 E. MAYFLOWER CT.
Wasilla, AK 99654

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

AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY

PERSONALLY APPEARED BEFORE **BENJAMIN BORG** WHO, BEING

FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE IS THE

LEGAL AD CLERK OF THE **FRONTIERSMAN**

PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA

SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA

AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE

COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

07/27/2022

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF

THE RATE CHARGED PRIVATE INDIVIDUALS.

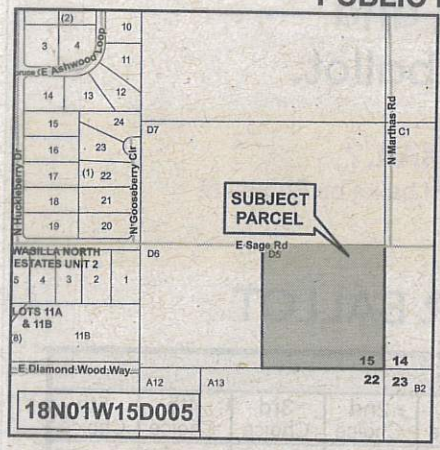
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 27th DAY OF July, 2022.

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

NOTARY PUBLIC FOR STATE OF ALASKA

MAT-SU BOROUGH/PAGE
7.27
ACCOUNT NUMBER 405249

PUBLIC HEARING



Derek Clark and Janet Clark of Checkmate Harvest Company, submitted an application for a conditional use permit under MSB 17.60 – Conditional Uses to operate a marijuana cultivation facility. The site is located at 1198 East Sage Road, Tax ID #18N01W15D005; within Township 18 North, Range 1 West, Section 15, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on ***Monday, September 19, 2022,*** at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

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

The public may provide verbal testimony in person at the meeting or telephonically by calling 1-855-290-3803. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an "interested party". See MSB 15.39.010 for the definition of "interested party". The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before ***August 26, 2022,*** and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Publish Date: July 27, 2022

0722-24

UNITED STATES POSTAL SERVICE®

Certificate of Bulk Mailing — Domestic

Fee for Certificate

Up to 1,000 pieces (1 certificate for total number)

For each additional 1,000 pieces, or fraction thereof

Duplicate Copy ☐

Use Current Price List (Notice 123)

Postage: Mailers must affix meter, PC Postage®, or (uncanceled) postage stamps here in payment of total fee due.



Acceptance employee must cancel p affixed (by round-date) at the time of

If payment of total fee due is being paid by Permit Imprint, include the *PostalOne!*® Transaction Number here: _____

Number of Identical Weight Pieces	Class of Mail	Postage for Each Mailpiece Paid ☐ Verified	Number of Pieces to the Pound
7	1st		45

Total Number of Pounds	Total Postage Paid for Mailpieces	Fee Paid
2.602	3.99	9.95

Mailed For	Mailed By
Dev. Services	Nikki

Postmaster's Certification

It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.



(Postmaster or Designee)

PS Form **3606-D,** January 2016 PSN 7530-17-000-5548

See Reverse for Instructions

218N01W15D005 1
CLARK DEREK
CLARK JANET B
PO BOX 9568
KETCHIKAN, AK 99901

218N01W15D006 2
MRZENA MATTHEW & LISA
PO BOX 876023
WASILLA, AK 99687

218N01W15D007 3
CARNEY BARBARA A
643 W LAKEVIEW AVE
WASILLA, AK 99654-7969

218N01W22A012 4
MASTEJ REV FAM TR
895 E HEATHER WAY
WASILLA, AK 99654-9132

218N01W22A013 5
LOCKE CORINE
% CORINE HICKEY
PO BOX 870342
WASILLA, AK 99687-0342

218N01W23B002 6
ALASKA STATE OF
AK MENTAL HEALTH TR AUTH
2600 CORDOVA ST, STE 100
ANCHORAGE, AK 99503-2745

7
Tanaina Community Council
P.O. Box 870236
Wasilla, AK 99687

MATANUSKA-SUSITNA BOROUGH
DIRECTORY OF ORGANIZATIONS

Community Council - Tanaina

Board Exp

Tanaina Community C | | | Board Position: Correspondence - Tanaina CC
Company Representing: | Term: to
PO Box 870236 | Type of Term:
Wasilla | AK | 99687 | Member:
Home: | Work: | Cell: | E-mail: tanainacommunity@gmail.com

Edwards | Aaron | | Board Position: Member 1 - Tanaina CC
Company Representing: | Term: to
| Type of Term:
| | | Member: Board Member
Home: (907) 444-4750 | Work: | Cell: | E-mail: princeaaronj@hotmail.com

---

Fay | Colin | P | Board Position: Member 2 - Tanaina CC
Company Representing: | Term: to
782 E Heather Way | Type of Term:
Wasilla | AK | 99654 | Member: Board Member
Home: (907) 227-6079 | Work: (907) 707-1215 | Cell: | E-mail: fay.colin@gmail.com

---

Hickey | Corine | | Board Position: Member 3 - Tanaina CC
Company Representing: | Term: to
| Type of Term:
| | | Member: Acting President
Home: | Work: | Cell: | E-mail: corinehickey@gmail.com

Larose | Michelle | | Board Position: Member 5 - Tanaina CC
Company Representing: | Term: to
| Type of Term:
| | | Member: Board Member
Home: (907) 242-0808 | Work: | Cell: | E-mail: michla01234@gmail.com

---

MATANUSKA-SUSITNA BOROUGH
DIRECTORY OF ORGANIZATIONS

Community Council - Tanaina

Board Exp

Lund | Rachel | | Board Position: Member 6 - Tanaina CC

Company Representing: | Term: | to:

Type of Term: | |

Member: Treasurer / Acting Secretary

Home: | Work: | Cell: (907) 351-6785 | E-mail: rachellund04@gmail.com

Watson | Gretchen | | Board Position: Member 7 - Tanaina CC

Company Representing: | Term: | to:

Type of Term: | |

Member: Secretary

Home: | Work: | Cell: | E-mail: gretchgreg11@gmail.com

Information Contact	tanainacommunity@gmail.com
Total Board Members	7 Members
Meeting Schedule	(Please check the Notice of Public Meetings schedule at: www.matsugov.us/publicmeetings for meeting information.)
Meeting Location	Am Vets Post 9, Wasilla
Board Notes:	2.13.2020 took to ACTIVE status from inactive Established by RS 86-03. (2008-2019 was inactive.)

Site Visit Photos



At Access/Sage Road Looking West



At Access/Sage Road Looking South
Towards Property



At Access/Sage Road Looking East



At Access/Sage Road Looking South
Towards Property



At Access/Sage Road Looking South Towards Property



At Access/Sage Road Looking Northeast Towards Farm Fields



At Access/Sage Road Looking Northeast Towards Farm Fields

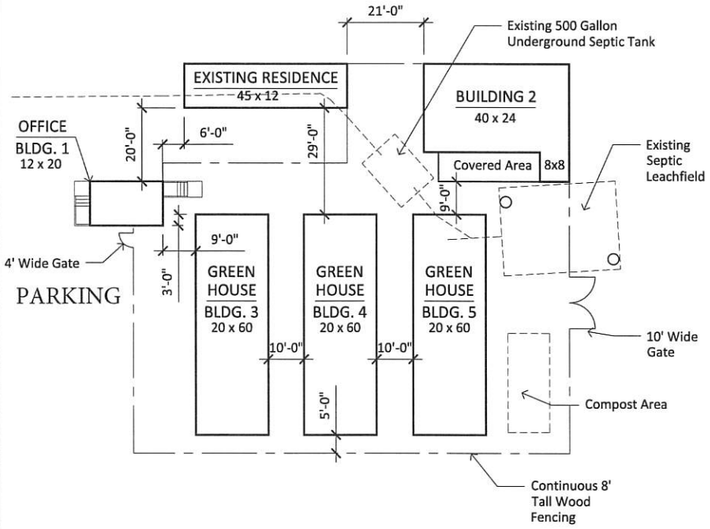


Proposed Use Under Construction


Proposed Use Under Construction

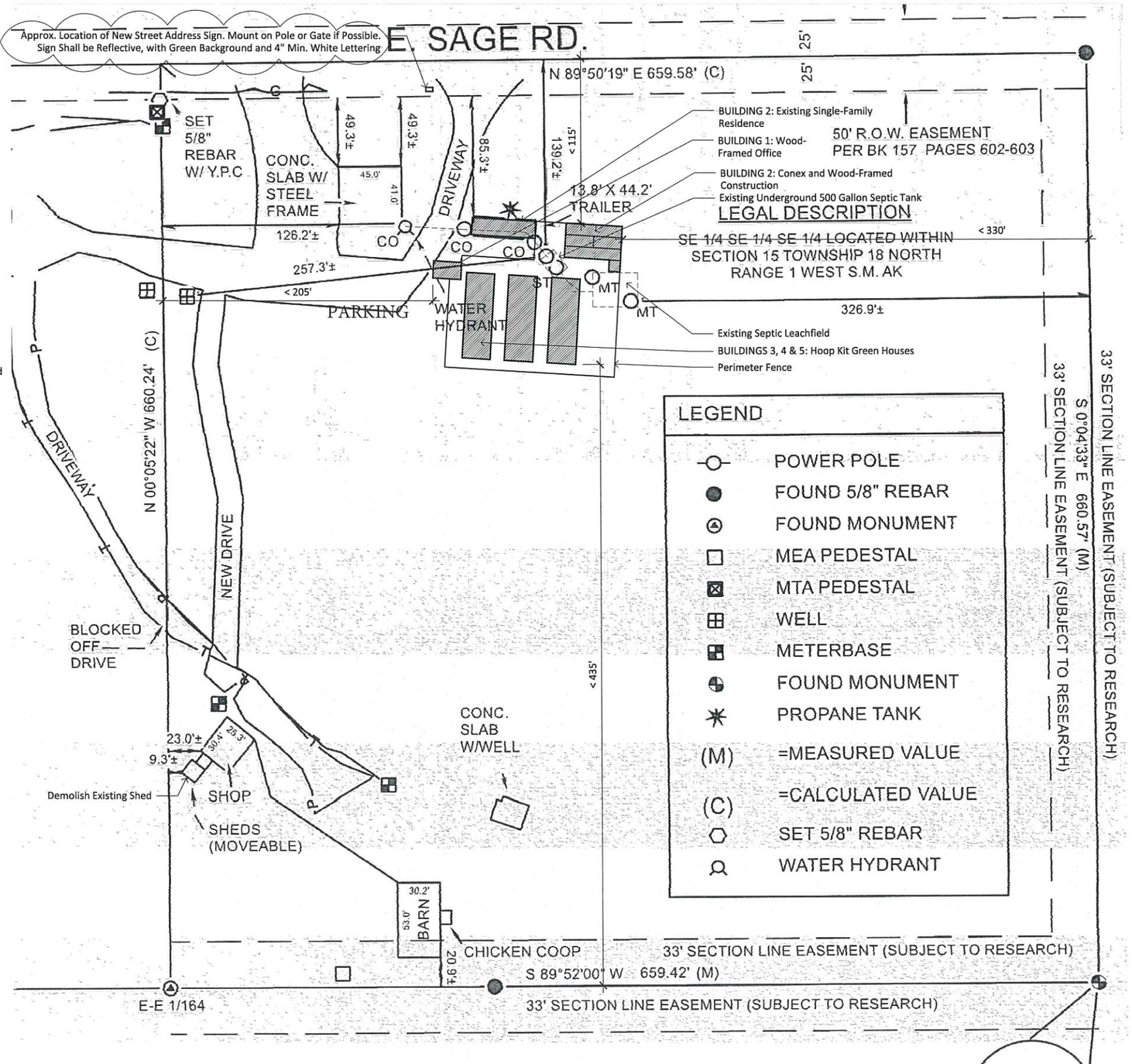
SITE PLAN

RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services



2 Enlarged Site Plan 0 10' 20'

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 0 20' 40' N
Background Image Source: As-Built Site Survey by Denali North

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 are Rev. 1 Unless Otherwise Noted)

STATE OF ALASKA
19TH
Amanda A. Welsh
No. 10519
REGISTERED PROFESSIONAL ENGINEER
July 8, 2022

Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

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

A0.2
Site Plan

APPLICATION MATERIAL

Matanuska-Susitna Borough
Development Services

MAY 02 2022

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

Received

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

Required Attachments for Both Retail and Cultivation Facilities:
_X_ 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 CLARK	
Mailing: PO BOX 9568	Mailing:
KETCHIKAN, AK 99901	
Phone: 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: • 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: • 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.

Janet B. Clark — JANET B. CLARK — 5/1/2022
Signature: Property Owner — Printed Name — 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,

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: Greg Medina

Greg Medina
Plans Examiner 1

Authority: AS 18.70.080
Form: 12-741
(6/01)

Full Plan Review

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,

Greg Medina
Plans Examiner 1

RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services

Enclosure: Approval Certificate

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,

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 form 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, Proved 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,

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 form 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, Proved 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

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

RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services

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 I n 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 potion 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.

RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services

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.

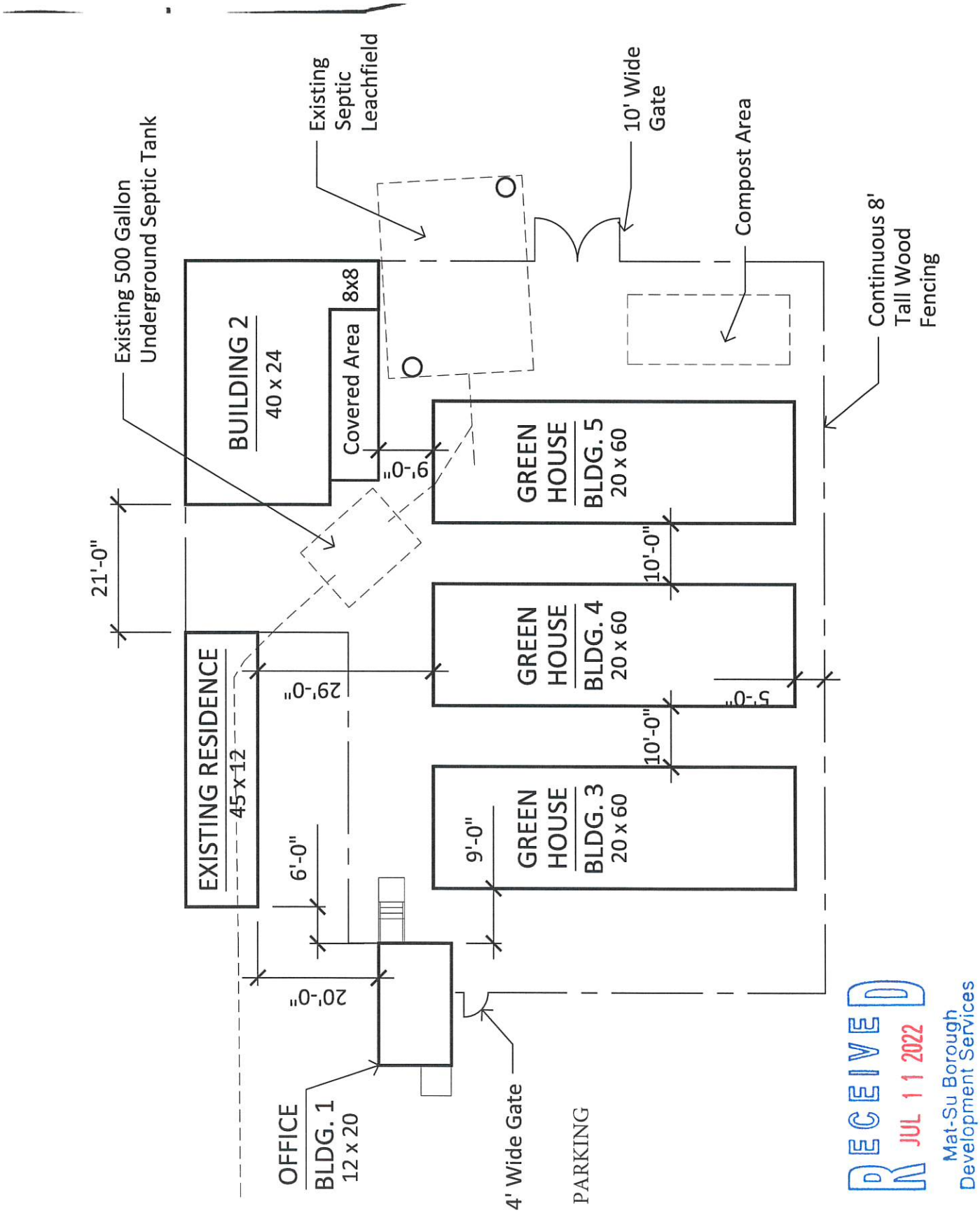
If the facility has a breached in security, Checkmate will notify the Department of Commerce, Community, and Economic Development, Alcohol and Marijuana Control Office as soon as reasonably practical and in any case not more than 24 hours after any unauthorized access to the premises per 3 AAC 306.715.

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:_____



RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services

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

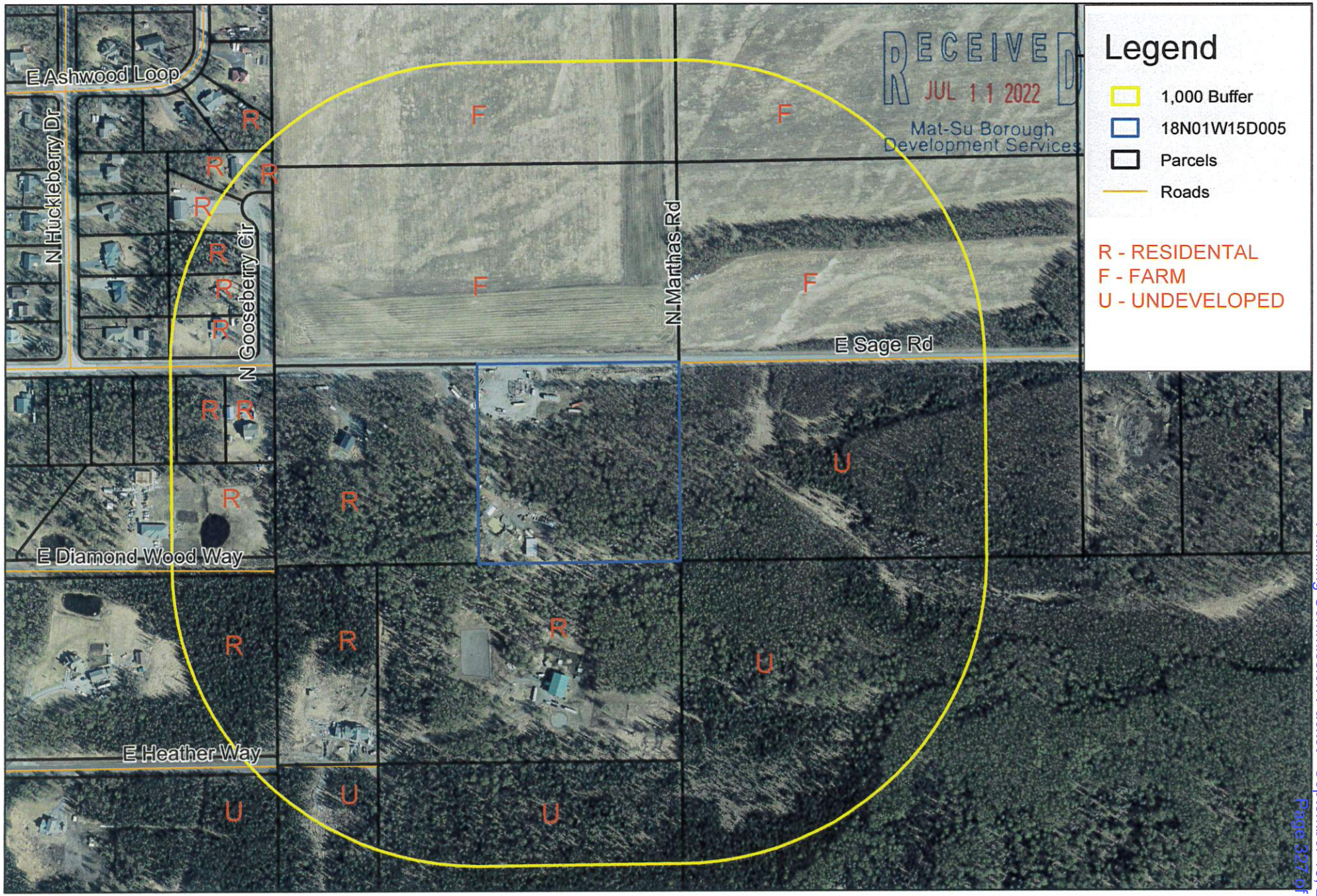
Access Letter

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 t 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

RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services



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

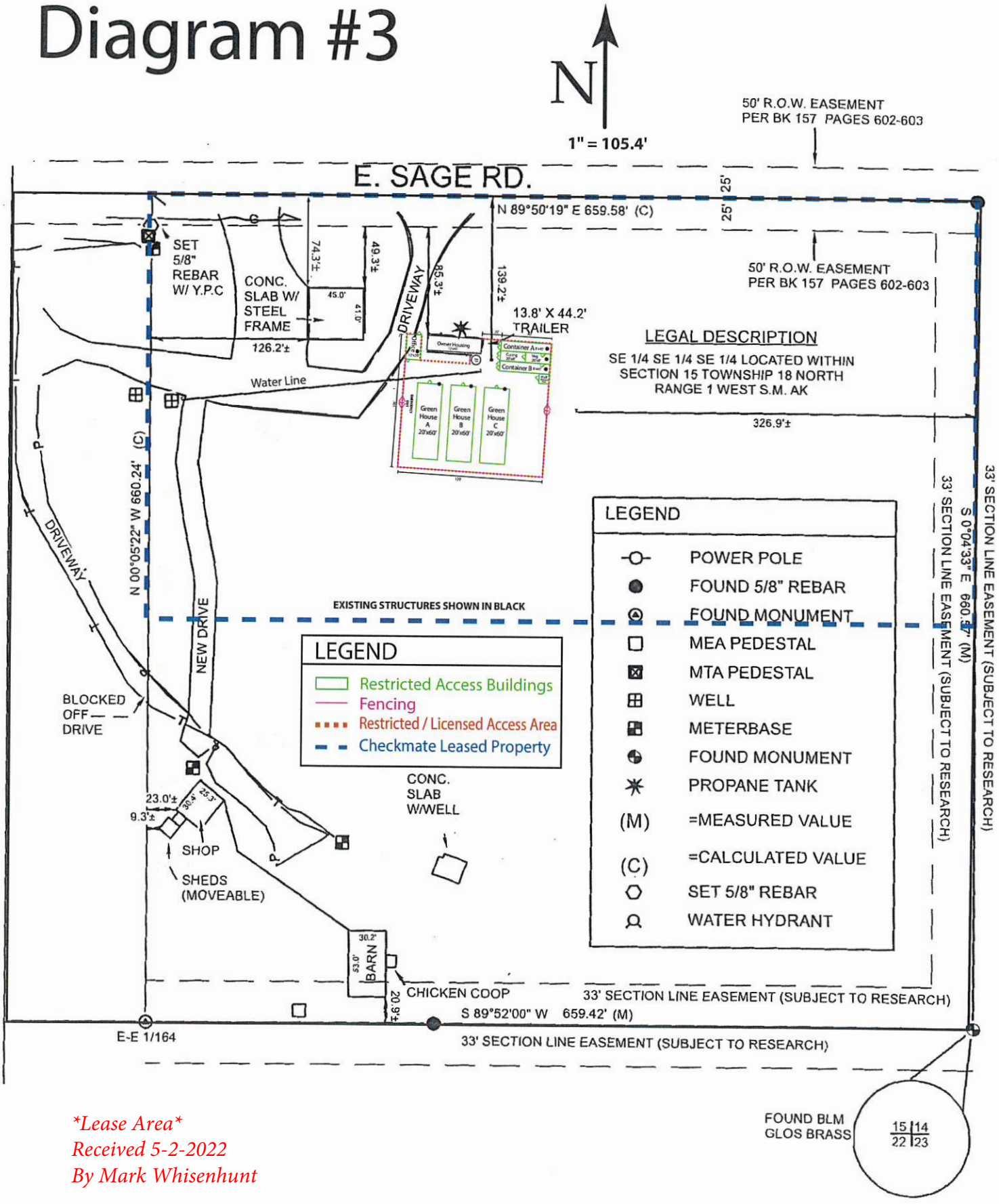
Date: 5/27/2022

1 inch = 400 feet

0 400 800 Feet

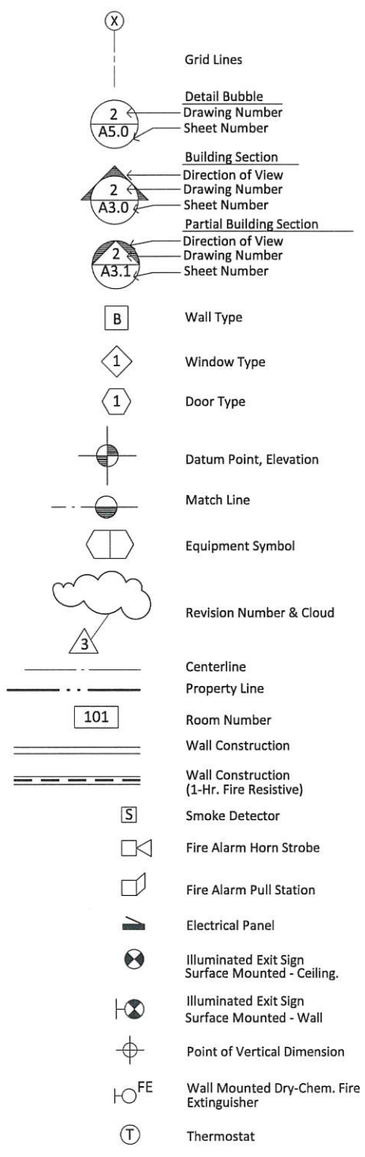
CHECKMATE HARVEST COMPANY LLC

Diagram #3



Lease Area
Received 5-2-2022
By Mark Whisenhunt

DRAWING SYMBOLS



GENERAL NOTES

1. 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).

2. 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

3. 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.

4. 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.

5. Contractor-initiated changes shall be submitted to the Architect for approval prior to fabrication and construction.

6. 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.

7. Contractor shall provide complete O&M information and a copy of all manufacturer's standard warrantees to the Owner, prior to final completion of the project.

8. 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

9. 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.

10. Mechanical and plumbing work shall be done with oversight by a licensed Mechanical Administrator.

11. The mechanical references are diagrammatic in nature. Plans show the general locations of existing mechanical features, unless dimensioned thereon.

12. 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.

13. 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.

14. See general note #7 above.

ELECTRICAL NOTES

1. All work to comply with the National Electrical Code - 2017 (NEC) and referenced standards such as NFPA, as amended by the State of Alaska.

2. All electrical work shall be performed by licensed electricians with oversight by a licensed electrical administrator.

3. 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.

4. 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.

5. 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

6. See general note #7 above.

7. 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.

1. Occupancy: F-1 (Marijuana Cultivation)

2. Construction Type: V-B

3. 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.

4. Building Height (Table 503): Allowed: 1 Story
   Proposed: 1 Story

5. Fire Separations (Chapter 7): The five proposed buildings are within height and total area limitations for one building, so can considered as one building with fire separations required (705.3, Exception).

6. Sprinklers: Not required, based on height and area of the proposed buildings (903.2.4).

7. 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
A0.2	Overall and Enlarged Site Plans
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

RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services

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)



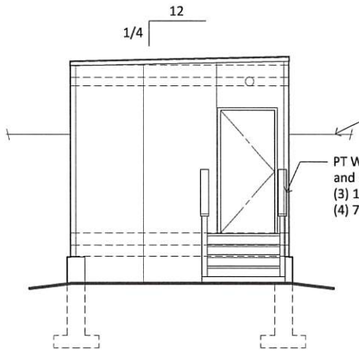
Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

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

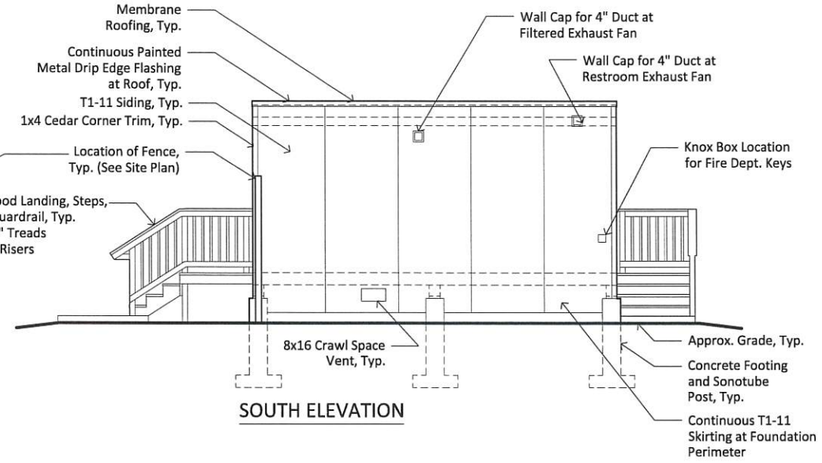
A0.1
Project Information

Permit Set

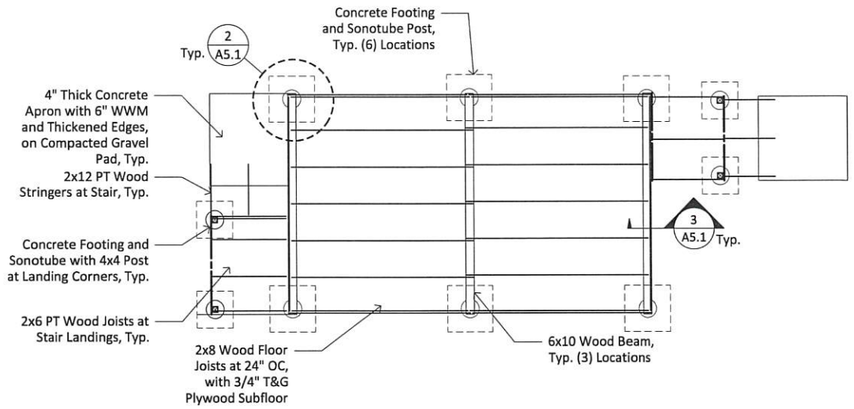
RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services



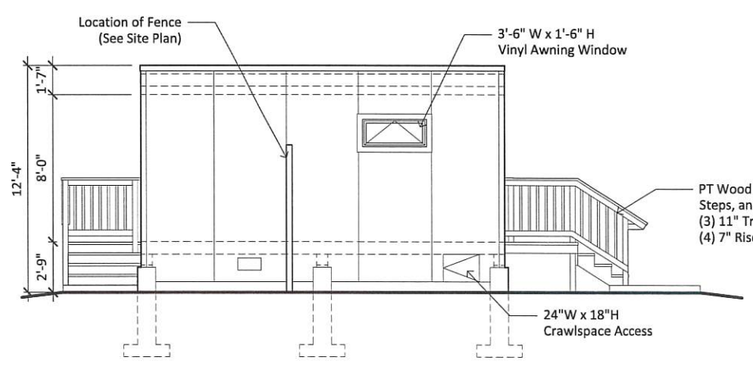
EAST ELEVATION



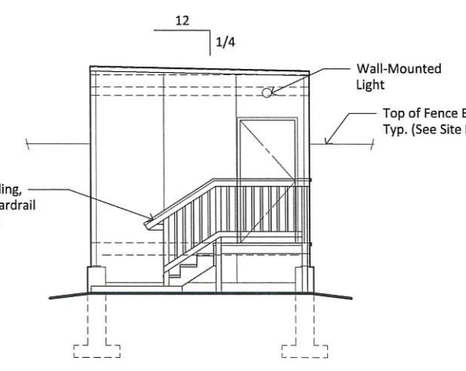
SOUTH ELEVATION



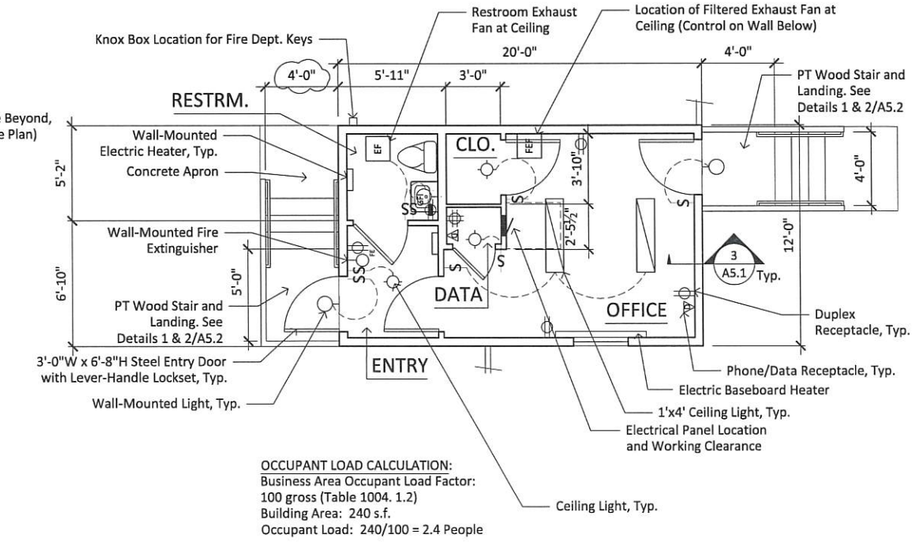
2 Office Foundation Plan 0 2' 4'



NORTH ELEVATION



WEST ELEVATION



OCCUPANT LOAD CALCULATION:
Business Area Occupant Load Factor:
100 gross (Table 1004. 1.2)
Building Area: 240 s.f.
Occupant Load: 240/100 = 2.4 People

3 Office Elevations 0 2' 4'

REV. 1: Floor Plan, Foundation and Plan, and Elevations Modified to show Revised Building Layout, Knox Box Location, Crawlspace Vents and Access, and Stair Information.

1 Office Floor Plan 0 2' 4'

N

Permit Set

WELSH WHITELEY ARCHITECTS

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

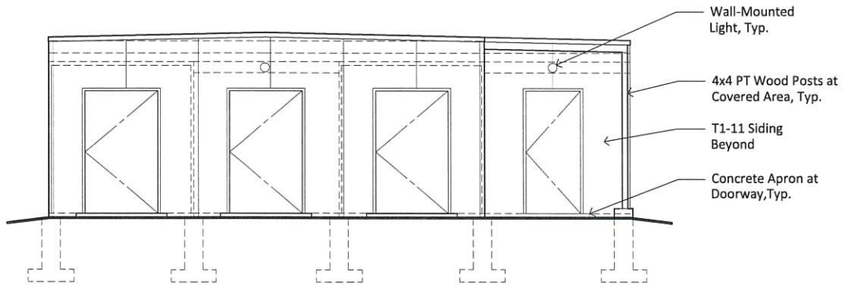
REVISIONS
REV. 7-7-22 (Revisions shown are Rev. 1 Unless Otherwise Noted)

STATE OF ALASKA
49TH
Amanda A. Welsh
No. 10519
REGISTERED PROFESSIONAL ENGINEER
July 8, 2022

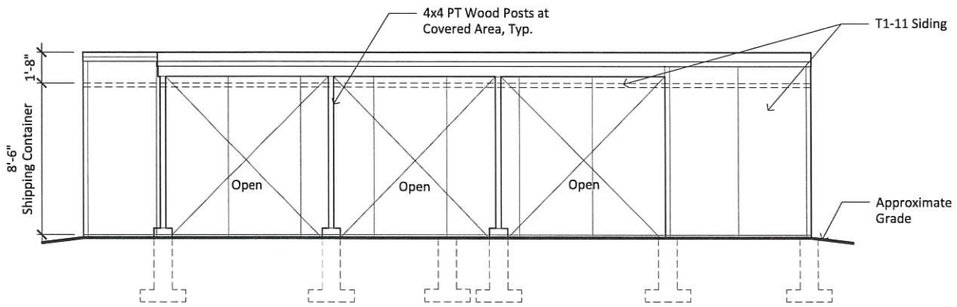
Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

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

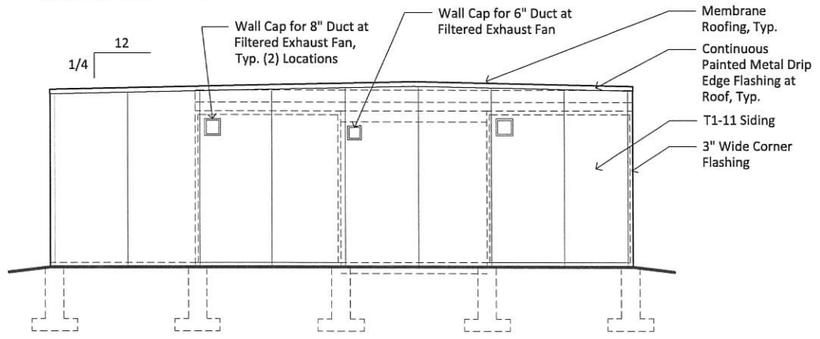
2.1
Building 1 Plans and Elevations



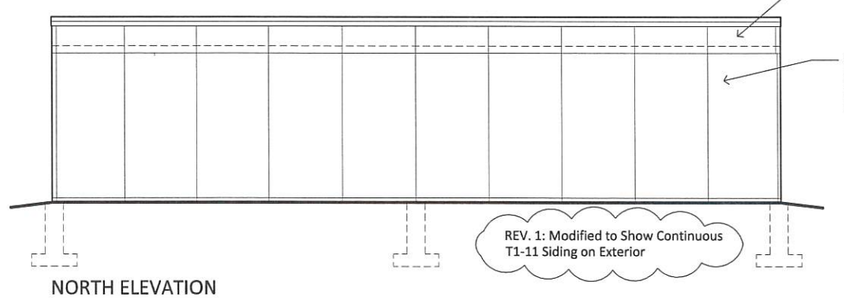
EAST ELEVATION



SOUTH ELEVATION

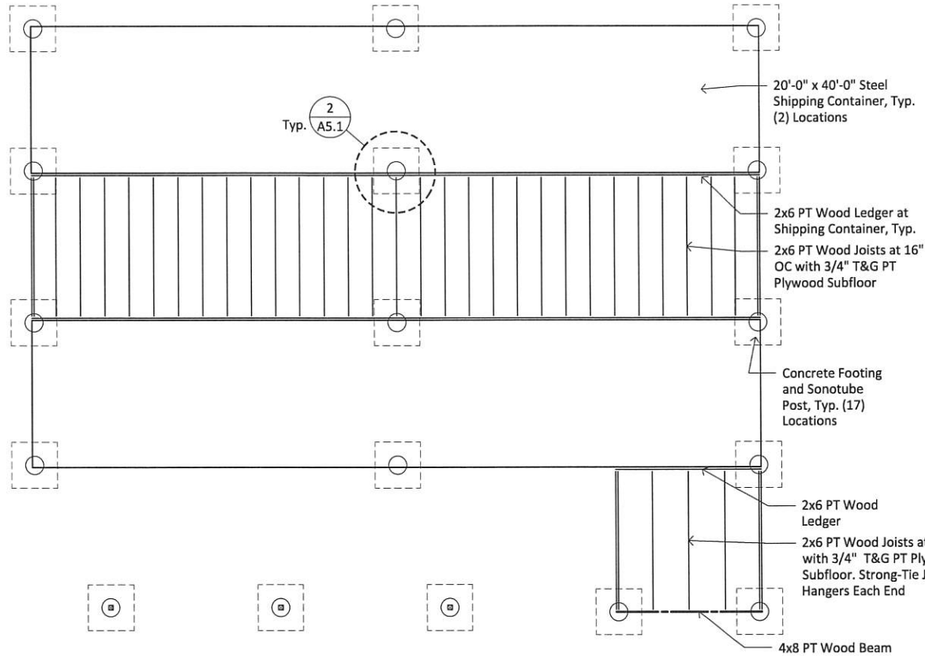


WEST ELEVATION

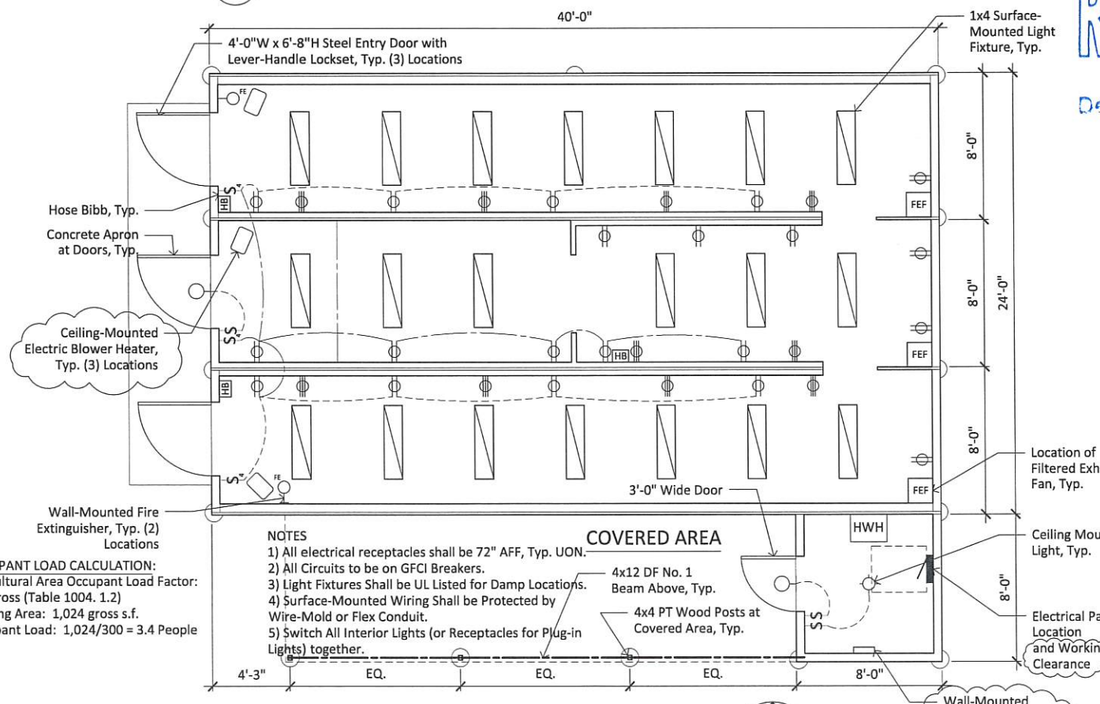


NORTH ELEVATION

3 Building 2 - Elevations 0 2' 4'



2 Building 2 - Foundation Plan 0 2' 4'



OCCUPANT LOAD CALCULATION:
Agricultural Area Occupant Load Factor:
300 gross (Table 1004. 1.2)
Building Area: 1,024 gross s.f.
Occupant Load: 1,024/300 = 3.4 People

NOTES
1) All electrical receptacles shall be 72" AFF, Typ. UON.
2) All Circuits to be on GFCI Breakers.
3) Light Fixtures Shall be UL Listed for Damp Locations.
4) Surface-Mounted Wiring Shall be Protected by Wire-Mold or Flex Conduit.
5) Switch All Interior Lights (or Receptacles for Plug-in Lights) together.

COVERED AREA
4x12 DF No. 1 Beam Above, Typ.
4x4 PT Wood Posts at Covered Area, Typ.

1 Building 2 - Floor Plan 0 2' 4'

N

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 are Rev. 1 Unless Otherwise Noted)

STATE OF ALASKA 49TH
Amanda A. Welsh
No. 10519
PROFESSIONAL ARCHITECT
July 8, 2022

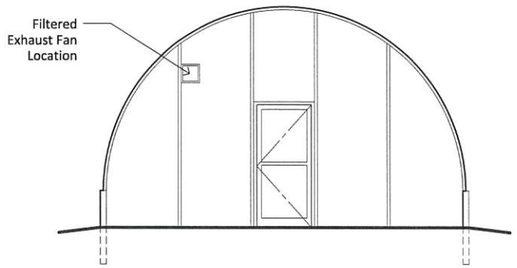
RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services

Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

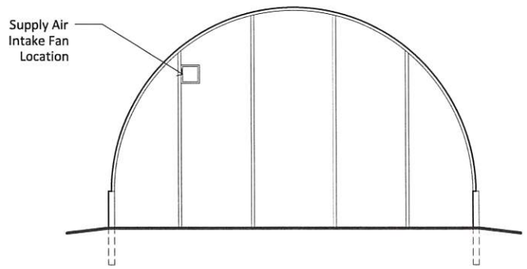
DATE: 07-08-22
PROJ. No.: 2206

Permit Set

2.2 Building 2 Plans & Elevations



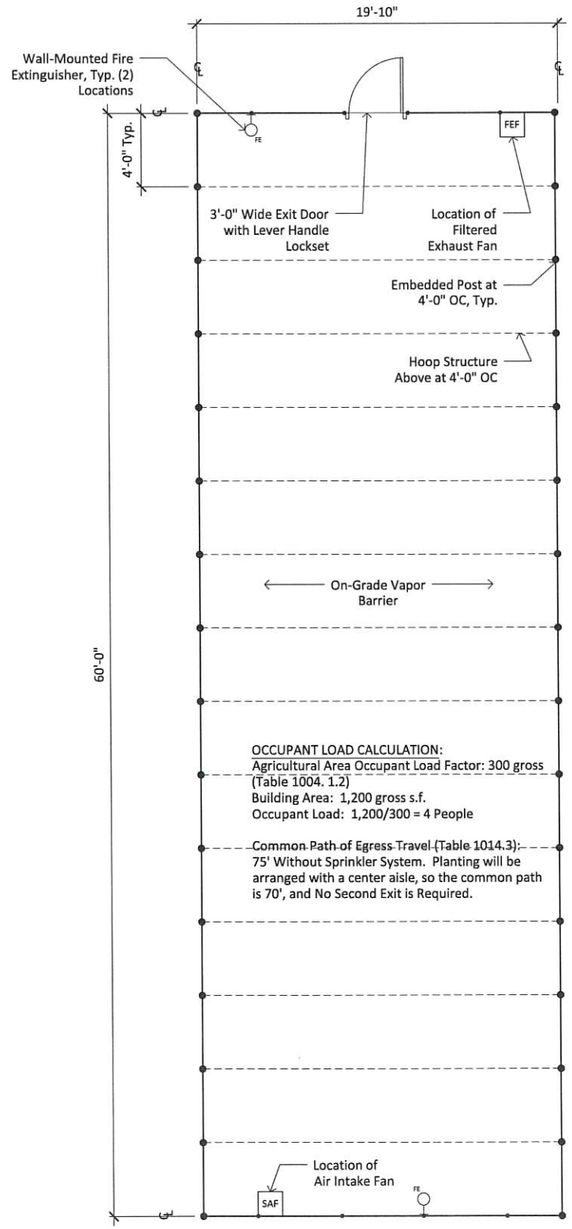
NORTH ELEVATION



SOUTH ELEVATION

EAST & WEST ELEVATION (SIMILAR)

2 Buildings 3, 4 & 5: Seasonal Green House - Elevations 0 2' 4'



1 Buildings 3, 4 & 5: Seasonal Green House - Floor and Foundation Plan 0 2' 4'

N

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

RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services

WELSH WHITELEY ARCHITECTS

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

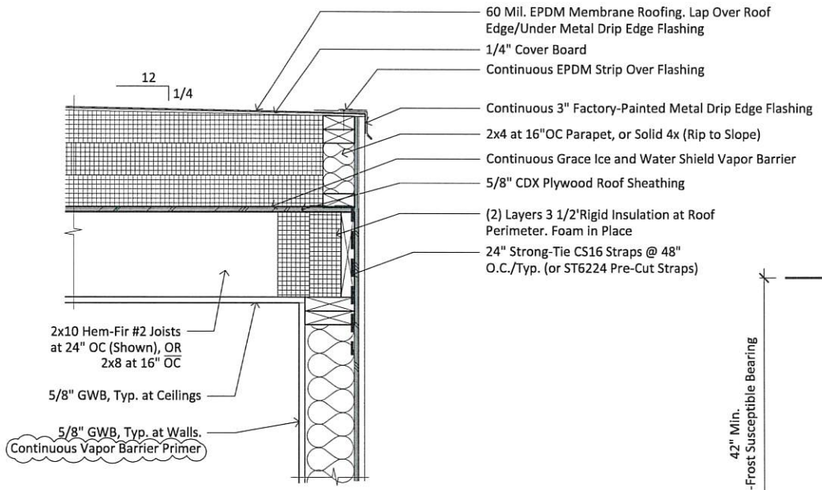
REVISIONS
⚠ REV. 7-7-22 (Revisions shown are Rev. 1 Unless Otherwise Noted)

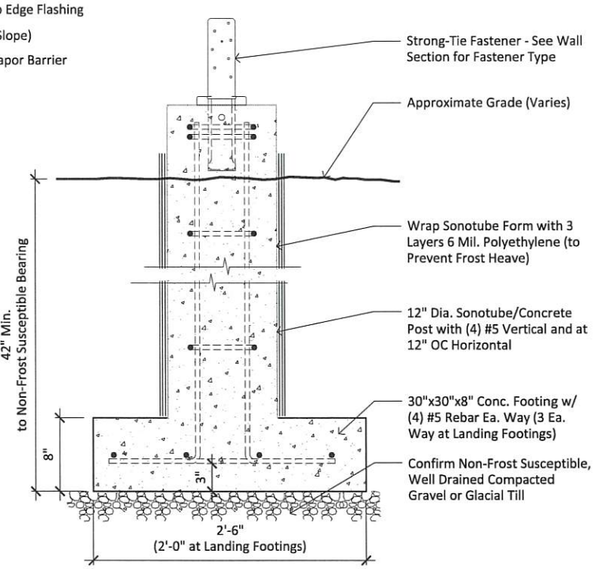
STATE OF ALASKA
49TH
Amanda A. Welsh
No. 10519
PROFESSIONAL
July 8, 2022

Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

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

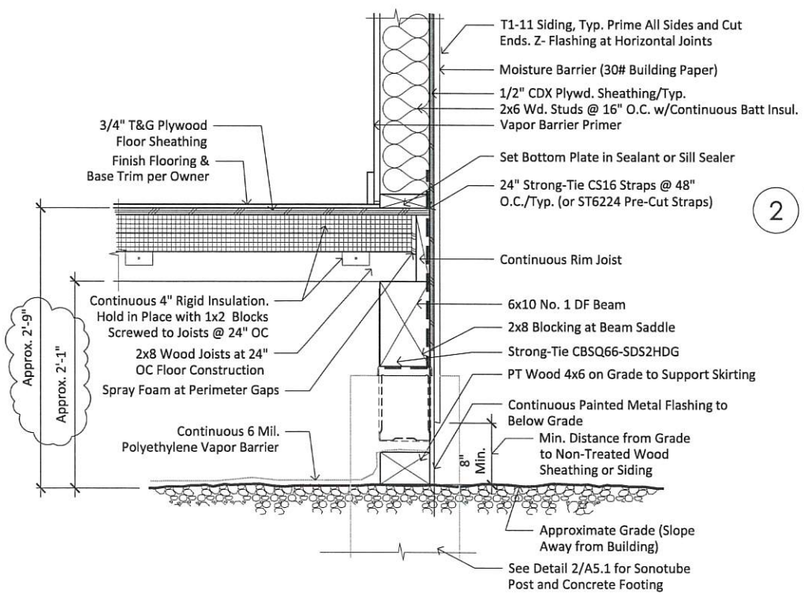
2.3
Buildings 3-5
Plan &
Elevations





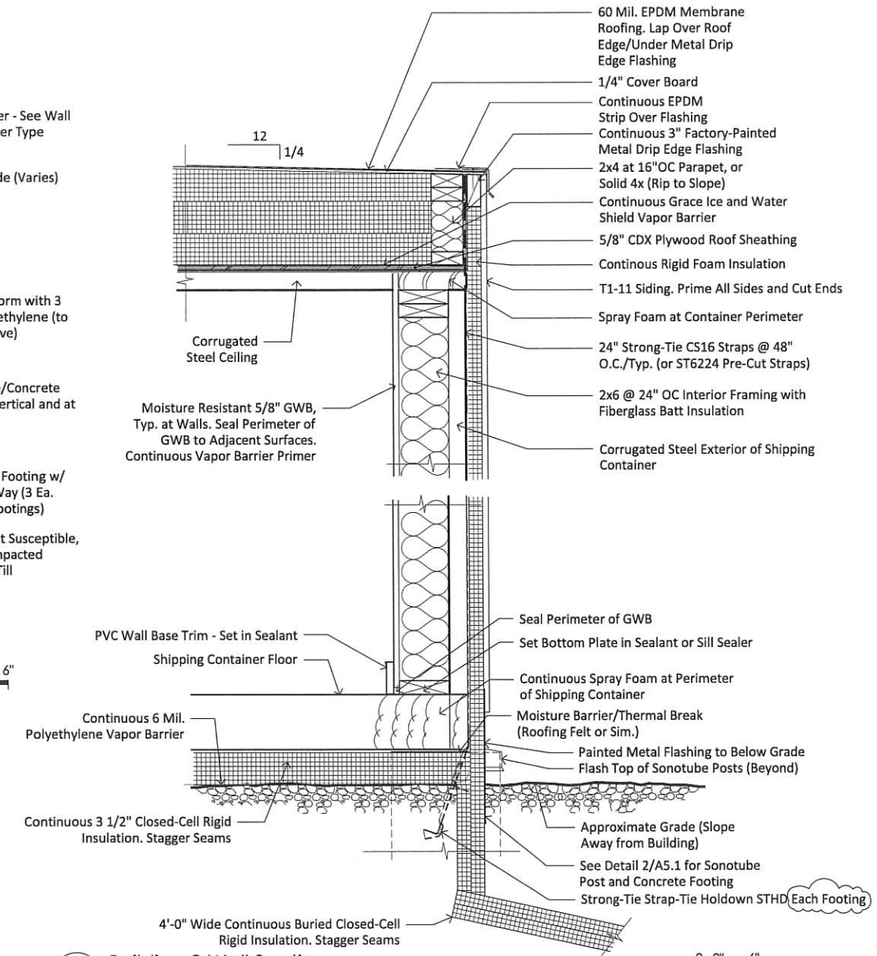
2 Typ. Concrete Footing and Post

0 2" 6"



3 Building 1 Wall Section

0 2" 6"



1 Building 2 Wall Section

0 2" 6"

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

RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services

Permit Set

WELSH WHITELEY ARCHITECTS

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

REVISIONS

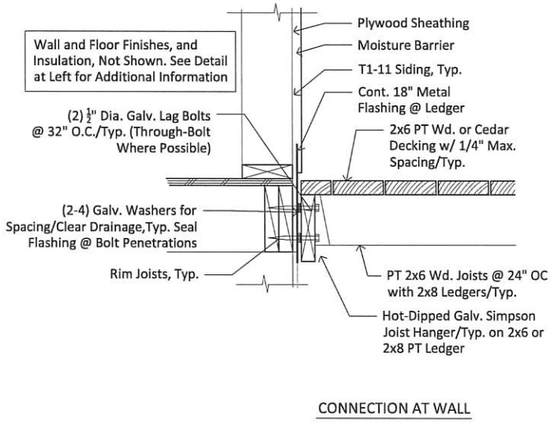
REV. 7-7-22 (Revisions shown are Rev. 1 Unless Otherwise Noted)

STATE OF ALASKA
49TH
Amanda A. Welsh
No. 10519
REGISTERED PROFESSIONAL ENGINEER
July 8, 2022

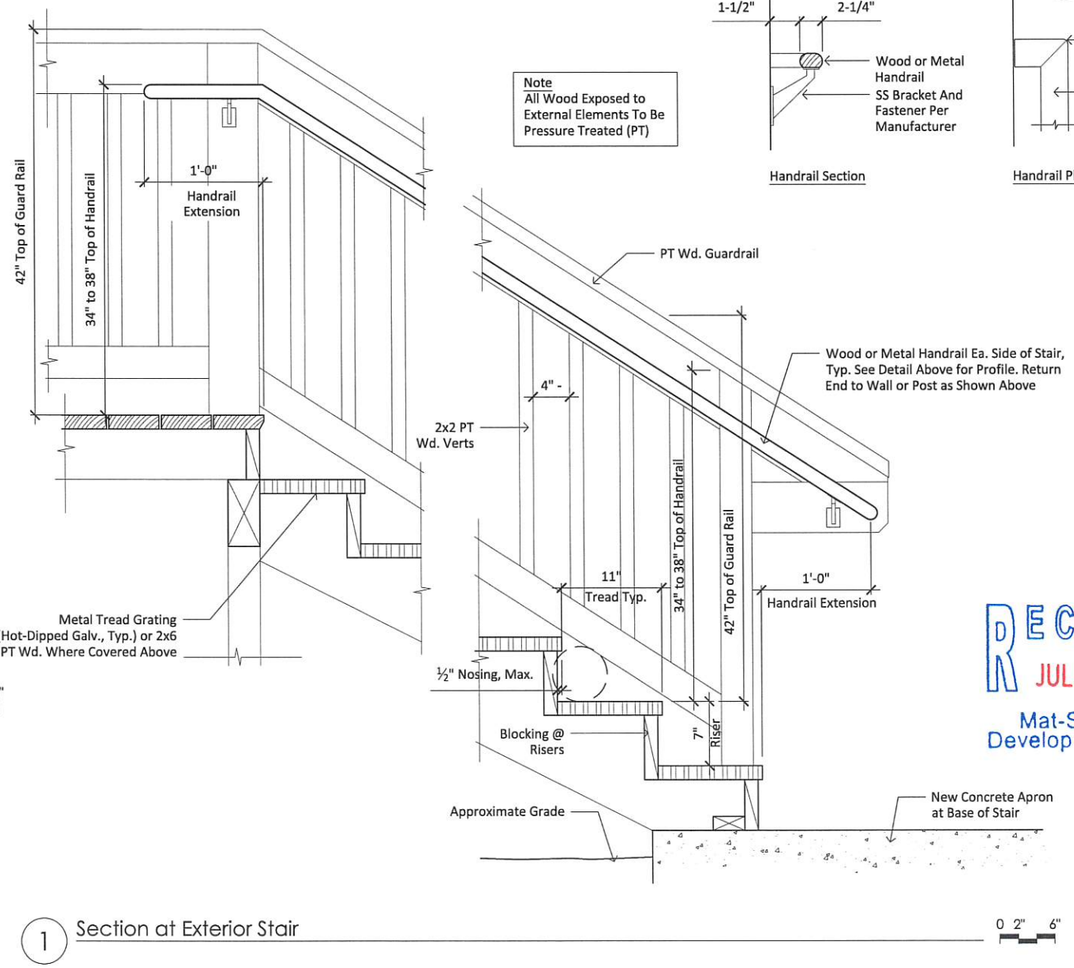
Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

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

A5.1
Details

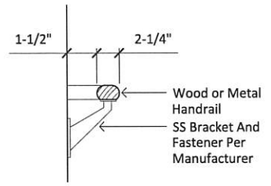


2 Stair Landing Connection at Exterior Wall 0 2" 6"

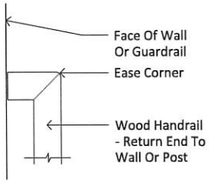


1 Section at Exterior Stair 0 2" 6"

Note
All Wood Exposed to External Elements To Be Pressure Treated (PT)



Handrail Section



Handrail Plan @ Return

RECEIVED
JUL 11 2022
Mat-Su Borough
Development Services

Permit Set

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)

STATE OF ALASKA 19TH Amanda A. Welsh No. 10519 REGISTERED PROFESSIONAL ARCHITECT July 8, 2022

Checkmate Harvest
1198 East Sage Road
Wasilla, Alaska

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

A5.2
Details

CORRESPONDENCE

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Wednesday, August 24, 2022 9:45 AM
To: Clarence Clark; derekclark10@hotmail.com
Subject: Request for Payment: Checkmate Harvest Company CUP

SUBJECT: Request for Payment of Advertising & Mailing Fees
LOCATION: 1198 East Sage Road; Tax ID #18N01W15D005

Greetings:

The Conditional Use Permit application for the proposed use on the above referenced property has been distributed for comments. In accordance with the requirements of MSB 17.03 – Public Notification, the applicant shall pay the cost of mailings or advertisements required by ordinance specific to that action. Please be advised of the following charges:

Advertising:	$ 95.63
Mailing:	$ 13.94
TOTAL DUE:	$109.57

The advertisement was published in the July 27, 2022 Frontiersman. Please pay the fees on or before September 6, 2022. Below is a link to the borough's ecommerce website where you may pay using a credit card. When paying online, select "Other Permits" and enter file # M10250 in the Permit ID section.

Pages - Mat-Su eCommerce Online (matsugov.us)

You may also pay in person at the Permit Center, top floor of the borough building in Palmer, 350 E. Dahlia Ave. ***Please notify me when this has been paid.*** Should you have any questions or require additional information please contact me at the above address, phone# 861-8527, or e-mail: mark.whisenhunt@matsugov.us.

Respectfully,

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

JANET CLARK
CHECKMATE
HARVEST

Permit Center
350 E DAHLIA AVE
PALMER AK 99645-6411
907-8618630
M-n 08/29/2022 12:07 PM

Sub Total: $109.57
Total: $109.57

PURCHASE
APPROVED 084256
Trn ID:#-[illegible] Type:CREDIT
Card Type:VISA CREDIT Number:*15[illegible]
Entry Mode: Chip
AID:A0000000031010 TVR:8080008000
TAD:06021203602000 TSI:6800
ATC:0006 TC:5A6E7FCC491400C6
UN:EE9381EF

THANK YOU

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Tuesday, July 19, 2022 3:09 PM
To: derekclark10@hotmail.com; Clarence Clark
Subject: Complete Application: Checkmate Harvest Company

Greetings,

You now have a complete application associated with your request a Conditional Use Permit for the operation of a marijuana cultivation facility. I have scheduled a public hearing in front of the Planning Commission for ***September 19, 2022 at 6:00 p.m.,*** in the Borough Assembly Chambers. The address is 350 E. Dahlia Avenue in downtown Palmer. Additionally, I have begun the public notification process.

Please note: At the public hearing you will have a 15 minute period available to you. You may use this time as you wish. Some applicants choose to have a presentation to clarify any topics of concern, but most use it to just be available for questions the Planning Commission may have. In any event, it is available to you.

Public Notice Process: I will keep you posted on any public comments we receive. After I receive the costs for the mailing and advertising, I will send you a letter requesting payment of said costs. You can expect the letter in about 3-4 weeks, via email.

Please let me know if you have any questions. Thank you for your time.

Respectfully,

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

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

May 27, 2022

Derek Clark and Janet Clark of
Checkmate Harvest Company
PO Box 9568
Ketchikan, AK 99901

Subject: Conditional Use Permit Application for Marijuana Cultivation Facility – Incomplete
Location: 1198 East Sage Road; Tax ID #18N01W15D005

Dear Applicants,

Borough staff has reviewed the application material and the site plan(s) submitted on May 2, 2022 for a Conditional Use Permit to operate a marijuana cultivation facility under MSB 17.60 on the above referenced property. It has been determined that the following information needs to be provided and/or clarified in order to process this request.

1. Site Plan is insufficient:
    a. The site plan/diagrams are not to-scale. Please ensure it is to a common scale, such as, 1"=100'. Site plans/diagram may be on larger paper, such a11"x17" if needed. They can also be submitted via email if more convenient.
    b. Show the parking area/spaces.
    c. The narrative indicates one emergency gate exit; however, the site plan shows two. Please clarify this topic.
    d. The proposed use should be measured from its closest point to each property line/right-of-way/public use easement.
    e. Show the compost area on the site plan.
    f. Site plan does not show fencing between the office and the owner housing.

2. Land Use Map: Please submit a map showing the land uses within one thousand feet of the subject parcel. I have provided blank maps for your convenience.

3. Hazardous Chemical Information:
    a. Where will nutrients and cleaning materials be stored and disposed of and will it be in accordance with each manufacturer's recommendations? Please update your narrative.

4. MSB 17.60.160 requires your security plan to include education for employee on security measures. Please update the security plan portion of your narrative.

5. What is the estimated number of employees for the proposed use? Please update your narrative.

6. Will the filters be maintained in accordance with the manufacturer's recommendations? Greenhouses typically have large air intake vents for cooling. Are the proposed filters capable of keeping up with that volume of air? Please update your narrative.

7. Please provide the approved fire marshal plan review for the proposed use.

8. Please provide details related to lighting, such as, height, direction, and type. What measures are being taken to prevent light spillage off the property (i.e. downward directional and shielded)?

9. There appears to be setback violations on the property. Please address this matter in the narrative.

Once the items above have been addressed and we have determined the application to be complete, staff will begin the public notice process. Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-8527, or email: mark.whisenhunt@matsugov.us. Thank you for your time and consideration on this matter.

Respectfully,



Mark Whisenhunt, Planner II
Development Services Division
Matanuska-Susitna Borough

COMMENTS

Agency Comments

Mark Whisenhunt

From: James Christopher <James.Christopher@enstarnaturalgas.com>
Sent: Wednesday, July 20, 2022 10:44 AM
To: Mark Whisenhunt
Cc: Andrew Fraiser; Sterling Lopez
Subject: RE: Request for Comments: Checkmate Harvest Company
Attachments: MSB No Comment 17.60.pdf

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

Please see ENSTARS attached letter with no comments.

Thank you,
Jimmy

James Christopher
Right of Way and Compliance Technician
ENSTAR Natural Gas Company
401 E. International Airport Rd.
P.O. Box 190288, Anchorage Ak 99519-0288
907-334-7944

From: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Sent: Tuesday, July 19, 2022 2:52 PM
To: allen.kemplen@alaska.gov; dec.agencyreviews@alaska.gov; usswcd@mtaonline.net; msb.hpc@gmail.com; mearow@matanuska.com; ROW <row@enstarnaturalgas.com>; row@mtasolutions.com; ospdesign@gci.com; Fire Code <Fire.Code@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; Tom Adams <Tom.Adams@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Brad Sworts <Brad.Sworts@matsugov.us>; Elaine Flagg <Elaine.Flagg@matsugov.us>; Charlyn Spannagel <Charlyn.Spannagel@matsugov.us>; Planning <MSB.Planning@matsugov.us>; Fred Wagner <Frederic.Wagner@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; 'Jesse Sumner' <jessesumnerdistrict6@gmail.com>; Aaron Edwards <princeaaronj@hotmail.com>; Colin Fay <fay.colin@gmail.com>; Corine Hickey <corinehickey@gmail.com>; Gretchen Watson <gretchgreg11@gmail.com>; Michelle Larose <michla01234@gmail.com>; Rachel Lund <rachellund04@gmail.com>; Tanaina CC Correspondence <tanainacommunity@gmail.com>
Subject: Request for Comments: Checkmate Harvest Company

CAUTION: This email originated outside of AltaGas. **Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you are not sure, use the **"Report Phish"** button or contact itservicedesk@altagas.ca

DATE: July 19, 2022

TO: Various Governmental Agencies

FROM: Mark Whisenhunt, Planner II

SUBJECT: Request for Review and Comments

PROJECT: Request for a Conditional Use Permit to operate a marijuana cultivation facility

LOCATION: 1198 East Sage Road, Tax ID #18N01W15D005;
within Township 18 North, Range 1 West, Section 15, Seward Meridian

APPLICANT: Derek Clark and Janet Clark, of Checkmate Harvest Company

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on ***Monday, September 19, 2022***, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:

https://www.matsugov.us/publicnotice/checkmate-harvest-company-conditional-use-permit-application-for-marijuana-cultivation-facility

Comments are due on or before ***August 26, 2022***, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting. Thank you for your review.

Respectfully,

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

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

July 20, 2022

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

To whom it may concern:

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

- **Marijuana Related Facility- Conditional Use Permit (MSB Case # 17.60)**

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

Sincerely,

James Christopher

James Christopher
Right of Way & Compliance Technician
ENSTAR Natural Gas Company

Mark Whisenhunt

From: Palmer, Charley (DEC) <charley.palmer@alaska.gov>
Sent: Monday, August 1, 2022 4:28 PM
To: Mark Whisenhunt
Cc: DEC Agency Reviews; Bare, Charity M (DEC); Hill, Amy L (DEC); Stryker, Kimberly S (DEC); McCabe, Gene C (DEC); Crapps, Earl L (DEC); Blankenburg, Robert J (DEC); Hendrickson, Karin D (DEC)
Subject: FW: Request for Comments: Checkmate Harvest Company
Attachments: DEC_PWS_Map.JPG

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

Thank you for the opportunity to comment with respect to public water system (PWS) sources. Given the location(s) provided, this project is not near an active registered PWS source (see attached "DEC_PWS_Map.JPG").

To access our interactive web map, which displays PWS source locations and Drinking Water Protection Areas, please visit https://www.arcgis.com/home/item.html?id=13ed2116e4094f9994775af9a62a1e85.

Please ensure that the applicant is aware of other DEC requirements for this type of permit. See Cannabis Industry Info (alaska.gov).

Regards,
--
Charley Palmer, *Hydrologist 3*
Alaska DEC
Division of Environmental Health
Drinking Water Program
Drinking Water Source Protection

From: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Sent: Tuesday, July 19, 2022 2:52 PM
To: Kemplen, Allen (DOT) <allen.kemplen@alaska.gov>; DEC Agency Reviews <dec.agencyreviews@alaska.gov>; usswcd@mtaonline.net; msb.hpc@gmail.com; mearow@matanuska.com; row@enstarnaturalgas.com; row@mtasolutions.com; ospdesign@gci.com; Fire Code <Fire.Code@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; Tom Adams <Tom.Adams@matsugov.us>; Jamie Taylor <jamie.taylor@matsugov.us>; Brad Sworts <brad.sworts@matsugov.us>; Elaine Flagg <Elaine.Flagg@matsugov.us>; Charlyn Spannagel <Charlyn.Spannagel@matsugov.us>; Planning <MSB.Planning@matsugov.us>; Fred Wagner <Frederic.Wagner@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; 'Jesse Sumner' <jessesumnerdistrict6@gmail.com>; Aaron Edwards <princeaaronj@hotmail.com>; Colin Fay <fay.colin@gmail.com>; Corine Hickey <corinehickey@gmail.com>; Gretchen Watson <gretchgreg11@gmail.com>; Michelle Larose <michla01234@gmail.com>; Rachel Lund <rachellund04@gmail.com>; Tanaina CC Correspondence <tanainacommunity@gmail.com>
Subject: Request for Comments: Checkmate Harvest Company

Some people who received this message don't often get email from mark.whisenhunt@matsugov.us. Learn why this is important

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

DATE: July 19, 2022

TO: Various Governmental Agencies

FROM: Mark Whisenhunt, Planner II

SUBJECT: Request for Review and Comments

PROJECT: Request for a Conditional Use Permit to operate a marijuana cultivation facility

LOCATION: 1198 East Sage Road, Tax ID #18N01W15D005;
within Township 18 North, Range 1 West, Section 15, Seward Meridian

APPLICANT: Derek Clark and Janet Clark, of Checkmate Harvest Company

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on ***Monday, September 19, 2022***, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer.

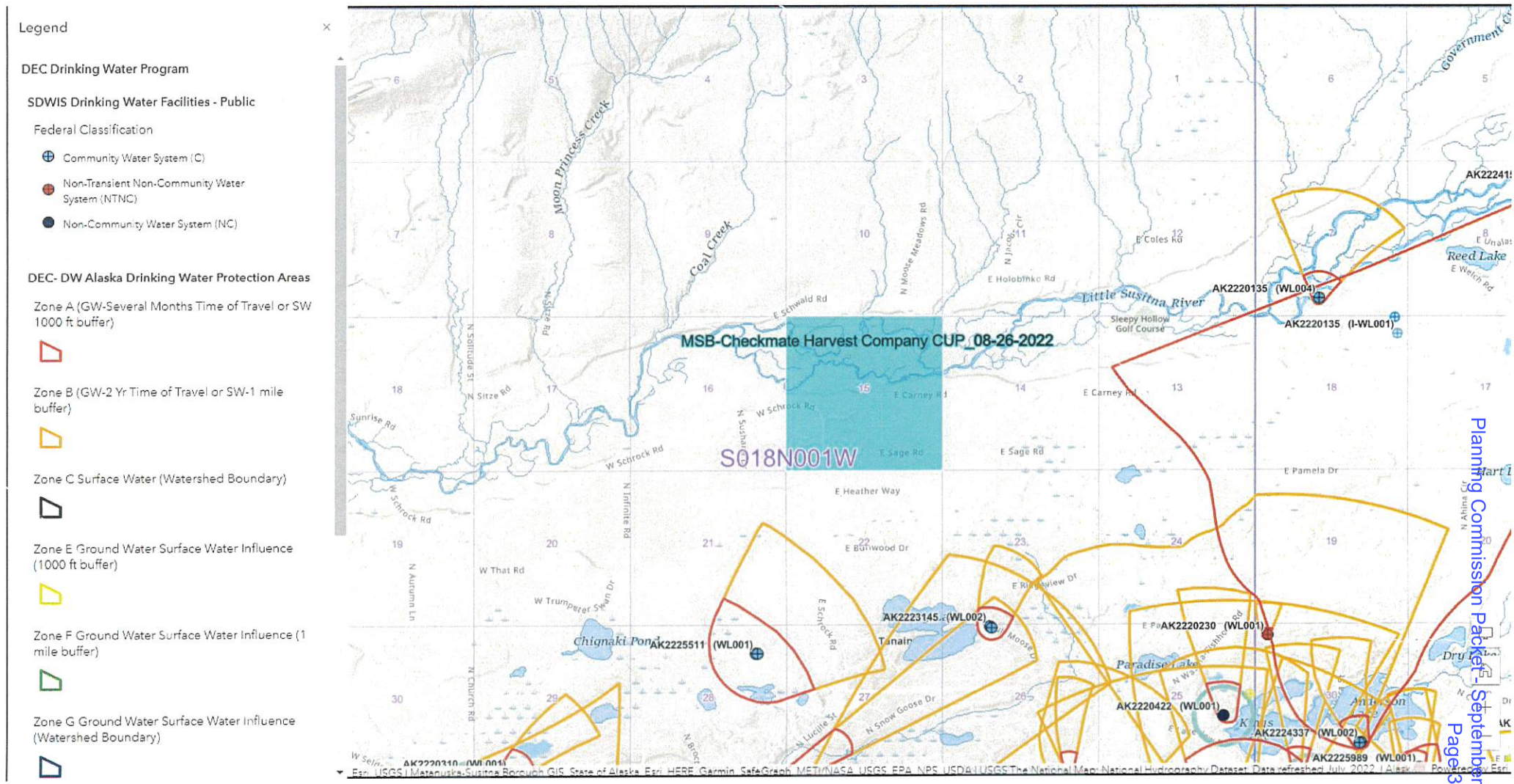
Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:

https://www.matsugov.us/publicnotice/checkmate-harvest-company-conditional-use-permit-application-for-marijuana-cultivation-facility

Comments are due on or before ***August 26, 2022***, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting. Thank you for your review.

Respectfully,

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


Legend
DEC Drinking Water Program
SDWIS Drinking Water Facilities - Public
Federal Classification
Community Water System (C)
Non-Transient Non-Community Water System (NTNC)
Non-Community Water System (NC)
DEC- DW Alaska Drinking Water Protection Areas
Zone A (GW-Several Months Time of Travel or SW 1000 ft buffer)
Zone B (GW-2 Yr Time of Travel or SW-1 mile buffer)
Zone C Surface Water (Watershed Boundary)
Zone E Ground Water Surface Water Influence (1000 ft buffer)
Zone F Ground Water Surface Water Influence (1 mile buffer)
Zone G Ground Water Surface Water Influence (Watershed Boundary)
MSB-Checkmate Harvest Company CUP_08-26-2022
S018N001W
AK2220135 (WL004)
AK2220135 (I-WL001)
AK2223145 (WL002)
AK2225511 (WL001)
AK2220230 (WL001)
AK2220422 (WL001)
AK2224337 (WL002)
AK2225989 (WL001)
Little Susitna River
Reed Lake
Chignaki Pond
Tanain
Paradise Lake
Moon Princess Creek
Coal Creek
E Schwald Rd
E Carney Rd
E Sage Rd
E Heather Way
E Pamela Dr
E Burlwood Dr
W That Rd
W Trumpeter Swan Dr
N Snow Goose Dr
N Lucille St
E Schrock Rd
W Schrock Rd
N Sitze Rd
N Infinite Rd
N Church Rd
N Autumn Ln
E Coles Rd
E Holobinko Rd
N Moose Meadows Rd
Sleepy Hollow Golf Course
Esri, USGS | Matanuska-Susitna Borough GIS, State of Alaska, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA | USGS The National Map: National Hydrography Dataset, Data refreshed July, 2022 | Alask... Powered by Esri

Public Comments

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

DRAFT

PLANNING COMMISSION RESOLUTION

By: Mark Whisenhunt
Introduced: August 15, 2022
Public Hearing: September 19, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 22-28

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT 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.

WHEREAS, an application has been received from Janet Clark, on behalf of Checkmate Harvest Company, LLC for a conditional use permit 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; and

WHEREAS, MSB 17.60.030(A)(5) requires a conditional use permit for the operation of a marijuana cultivation facility; and

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

WHEREAS, according to the application material, the proposed use will be approximately 4,864 square feet in size, with approximately 4,560 square feet under cultivation; and

WHEREAS, access to the property is from East Sage Road onto an existing permitted driveway; and

WHEREAS, the closest residential structure is located to the west, and is approximately 600 feet from the proposed use; and

WHEREAS, properties to the north and east are large agricultural parcels, 20 and 40 acres in size. An adjacent undeveloped 80-acre parcel is to the southeast; and

WHEREAS, a 15-acre parcel abuts to the south with residential development. A 10-acre parcel abuts to the west with residential development; and

WHEREAS, according to the application material, the proposed use will be set back approximately 90 feet from the Sage Road right-of-way, 297 feet from the section line easement to the east, 402 feet from the section line easement to the south, and 205 feet to the west lot line; and

WHEREAS, the subject parcel is approximately 10 acres in size and is mostly undeveloped and heavily treed with a mixture of birch and spruce; and

WHEREAS, according to the application material, the proposed use will not be open to the public; and

WHEREAS, there are no outdoor processes associated with the proposed use that generate noise or dust; and

WHEREAS, the closest school (Shaw Elementary) is approximately 12,300 feet away from the proposed use; and

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

DRAFT

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

WHEREAS, according to the security plan, a combination of surveillance video, alarms, and security doors and locks will be used to secure the site and monitor all activities at the facility; and

WHEREAS, the State of Alaska Fire Marshal has issued Plan Review Certificate #2022Anch1151, approving the construction of the proposed use; and

WHEREAS, a copy of the approved Plan Review Certificate #2022Anch1151 has been provided; and

WHEREAS, the proposed structures are in full compliance with the applicable State of Alaska fire code; and

WHEREAS, after proper notification to the State of Alaska Alcohol & Marijuana Control Office all marijuana products deemed unusable will be mixed with compostable waste, stored in a secure area, and disposed of at the landfill or used for home garden compost; and

WHEREAS, the subject property is ten acres in size. While it is mostly forested land, the northwest and southwest areas of the property have residential structures. The owner of Checkmate Harvest Company currently resides within the lease area (north half) on the subject property; and

DRAFT

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

WHEREAS, Checkmate Harvest Company has received delegated approval from the State Marijuana Control Board for marijuana cultivation license #24115, pursuant to 3 AAC 306.005; and

WHEREAS, written documentation showing delegated approval from the State Marijuana Control Board for marijuana cultivation license #24115 has been provided; and

WHEREAS, according to the application material, the facility will be hand watering or a drip irrigation system to deliver water to the plants. The operation will not produce any wastewater; and

WHEREAS, according to the application material, the facility will store and dispose of nutrients and cleaning materials in compliance with all local, state, and federal laws; and

WHEREAS, according to the application material, the facility will store and dispose of nutrients and cleaning materials pursuant with each manufacturer's recommendations; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.60.100, 17.60.150 and 17.60.160; and

WHEREAS, the Planning Commission conducted a public hearing on September 19, 2022 on this matter.

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

DRAFT

findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 22-28:

1. The proposed use, with conditions, will not detract from the value, character, and integrity of the surrounding area (MSB 17.60.100(B)(1)).
2. The proposed use, with conditions, will not be harmful to the public health, safety, convenience, and welfare (MSB 17.60.100(B)(2)).
3. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.60.100(B)(3)).
4. The application material meets all of the requirements of this chapter (MSB 17.60.100(B)(4)).
5. The proposed use, with conditions, will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).
6. Measures are in place, with conditions, to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).
7. The proposed use, with conditions, is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
8. The proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).

DRAFT

9. The applicant has provided documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60.150(D)(1)).

10. The applicant has provided documentation demonstrating the proposed use is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

11. The wastewater and waste material disposal plan demonstrates compliance with the Alaska State Department of Environmental Conservation (MSB 17.60.160(A)).

12. The odor mitigation plan demonstrates mitigation measures will prevent odors from materially impacting adjoining properties (MSB 17.60.160(B)).

13. Storage of nutrients, natural pesticides, and cleaners will comply with all local, state, and federal laws (MSB 17.60.160(C)).

14. A security plan which includes education for employees on security measures has been provided (MSB 17.60.160(D)).

15. The proposed use meets the minimum setback requirements for marijuana cultivation facilities (MSB 17.60.160(E)).

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

DRAFT

1. The operation shall comply with all applicable state and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
4. Prior to erecting the address sign within the Sage Road right-of-way, an MSB Encroachment Permit shall be obtained

/

/

/

/

/

/

DRAFT

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

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

DRAFT

YES:

NO:

This Page Intentionally Left Blank

UNFINISHED BUSINESS

LEGISLATIVE

Resolution No. PC 22-29

Recommending Approval of an Ordinance Repealing of MSB 17.06, Electrical Generating and Delivery Facility

(Pages 361 - 380)

UNFINISHED BUSINESS

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM **IM No. 22-150**

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING MSB 17.06: ELECTRICAL GENERATING AND DELIVERY FACILITY IN ITS ENTIRETY

AGENDA OF: June 21, 2022

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Refer to Planning Commission.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: MB

Route To:	Department/Individual	Initials	Remarks
	Originator	SNB	for Summer
	Planning Director		
	Finance Director	CN	
	Borough Attorney	SNB	
	Borough Clerk	BSA for TKAR	

ATTACHMENT(S): Fiscal Note: YES ___ NO X
Ordinance Serial No. 22-083 (3 pp)
Chapter 17.06: Electrical Generating and Delivery Facility (6 pp)

SUMMARY STATEMENT:

The intent of this repeal is to make power generation more affordable. The current ordinance requires new electrical generation facilitates to apply for a permit that will be considered by the planning commission. The application process alone is a significant investment in both time and money. With

very high energy costs and international instability, there is a concern the current ordinance hinders cost effective energy production, even sustainable alternative energy facilitates.

RECOMMENDATION OF ADMINISTRATION: Repeal MSB 17.06 in its entirety.

CHAPTER 17.06: ELECTRICAL GENERATING AND DELIVERY FACILITY

Section

17.06.010 Intent

17.06.020 Jurisdiction of chapter provisions

17.06.030 General procedures

17.06.040 Electrical generating facility permit application requirements

17.06.060 Modifications and preexisting uses.

17.06.100 Right to enter

17.06.110 Review of applications; action by planning commission

17.06.120 Application; submittal procedure

17.06.130 Determination of completeness

17.06.140 Public notice

17.06.160 Permit criteria

17.06.165 Required compliance with state and federal laws

17.06.170 Appeals of planning commission decisions

17.06.230 Fees

17.06.010 INTENT.

(A) It is the borough's intent 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,

IM 22-150
OR 22.083

land use, traffic and transportation, hazardous materials handling, waste management, biological resources, soils, geological hazards and resources, and transmission safety.

(Ord. 14-144, § 3 (part), 2015)

17.06.020 JURISDICTION OF CHAPTER PROVISIONS.

(A) This chapter shall apply to the location, construction, and operation of all new electrical generating facilities producing ten megawatts or more on lands within the borough outside of incorporated cities with land use planning power.

(B) Where this chapter is in conflict with the conditions of a special land use district or other borough regulation, the most restrictive conditions apply.

(Ord. 14-144, § 3 (part), 2015)

17.06.030 GENERAL PROCEDURES.

(A) Electrical generating facilities with a generating capacity equal to ten or more megawatts within the borough shall be subject to the provisions of this chapter and any other applicable regulations of the borough, as well as any state or federal agencies having jurisdiction over such activity.

(B) Construction, installation, and operation of electrical generating facilities shall not commence until approval has been granted by the planning commission. The Matanuska-Susitna Borough Planning and Land Use Director, hereinafter referred to as "director," shall serve as the authorized representative of the planning commission to implement the planning commission's approval.

(Ord. 14-144, § 3 (part), 2015)

17.06.040 ELECTRICAL GENERATING FACILITY PERMIT APPLICATION REQUIREMENTS.

(A) An application for a permit for new electrical generating facilities shall be filed by the company(ies) or person(s) seeking to operate such a facility. Application for a permit shall be made in writing on a form or forms provided by the Matanuska-Susitna Borough Planning and Land Use Department, and shall include all of the elements listed in this section.

(B) *Information requirements for an application.*

(1) *Project overview.*

(a) A general description of all project components including the electrical generating facility, the proposed site and related facilities, including the location of the site and substations, switchyards, or other associated transmission equipment serving the facility, the

IM 22-150
OR 22-083

type, size, and capacity of the generating or transmission facilities, fuel type, fuel supply routes and storage facilities, water supply routes and facilities, pollution control systems, and other general characteristics.

(b) A brief summary description of the type of fuel(s) and generating technology to be used at the proposed facility; and the decision-making process and rationale used for choosing the same.

(c) Provide a brief summary of the forecasted demand for electrical energy.

(2) *Project schedule*. For each major project component, the proposed dates of initiation and completion of construction, initial start-up, and full-scale operation of the proposed facilities.

(3) *Project ownership*. A list of all owners and legally responsible entities with more than 9.9 percent interest in the site(s), and the electrical generating facilities.

(4) *Certified site plan*.

(5) *Facility closure/decommissioning*. A brief discussion of how the electrical generating facility closure will be accomplished in the event of permanent cessation of operations.

(6) *Other applicable permits*. A list of all other permits for which the project must apply and receive approval.

(Ord. 14-144, § 3 (part), 2015)

17.06.060 MODIFICATIONS AND PREEXISTING USES.

(A) Approval granted for electrical generating facilities shall expire or be considered revoked if commencement of construction has not occurred within five years of the date of approval.

(B) Where an electrical generating facility permit has been approved and the applicant desires to modify the subject permit due to material changes in the project, an amendment to the original application shall be required. Material changes include, but are not limited to:

(1) the footprint of the project expands beyond the permitted development;

(2) a fuel type or generating technology is used which was not specified as part of the approved development; or

(3) the change is in conflict with a condition placed on the permit by the approving body.

IM 22-150
OR 22-083

(C) If the director determines that there are substantive impacts caused by the modification, the modification shall be reviewed by the planning commission in accordance with this chapter.

(D) The provisions of this chapter shall apply to all facilities for which construction has not commenced or a permit has not been issued as of the effective date.

(Ord. 14-144, § 3 (part), 2015)

17.06.100 RIGHT TO ENTER.

(A) For the purpose of implementing and enforcing this chapter, the director or designee may enter onto subject property during normal business hours upon reasonable notification.

(Ord. 14-144, § 3 (part), 2015)

17.06.110 REVIEW OF APPLICATIONS; ACTION BY PLANNING COMMISSION.

(A) The director shall review such applications and forward a recommendation for approval, conditional approval, or denial with appropriate findings to the planning commission for final action. Final actions of the planning commission shall contain appropriate findings based upon evidence in the record before the planning commission.

(Ord. 14-144, § 3 (part), 2015)

17.06.120 APPLICATION; SUBMITTAL PROCEDURE.

(A) The application shall consist of all items identified in MSB 17.06.040. Prior to formal submittal of the application, the director shall meet with the applicant to discuss and identify any information required to adequately review the proposed facility.

(Ord. 14-144, § 3 (part), 2015)

17.06.130 DETERMINATION OF COMPLETENESS.

(A) The director will review the application for completeness. If the application is incomplete, the applicant will be notified of the deficiency in writing within 30 days of submittal. If the director determines the application is complete, a public hearing shall be scheduled in accordance with this chapter.

(Ord. 14-144, § 3 (part), 2015)

17.06.140 PUBLIC NOTICE.

(A) Notification shall be in accordance with the standards of MSB 17.03, except the notification area will be one-half mile and the notification period will be 45 days.

IM 22-150
OR 22-083

(Ord. 14-144, § 3 (part), 2015)

17.06.160 PERMIT CRITERIA.

(A) The planning commission decision to approve or deny an application for an electrical generating facility permit shall be made and determined based on consideration of the following criteria:

(1) the degree of compatibility of the proposed site plan and land uses with applicable comprehensive plans;

(2) the compatibility and suitability of the project, including fuel storage or delivery routes where applicable, and the site design with surrounding buildings, land uses, ownership and physical characteristics, its size, design and operational characteristics. Factors to be considered include noise levels, impacts upon human health, impacts upon air and water quality, vibration levels, fire protection and emergency response access requirements, visual impacts, fish and wildlife impacts, cultural resources impacts, and traffic safety;

(3) the adequacy of access to and from the project, including to the source of fuel (where applicable) and proposed delivery methods, the effect on pedestrian and vehicular circulation and safety, and mitigation measures proposed to minimize impacts. Factors and impacts to be considered include, but are not limited to, existing and proposed road alignment, intersections, condition, structure, and site distances along all routes; traffic volumes and types of equipment, dust control, and existing road uses;

(4) the impact that the proposed project may have on the need and availability of public services within the area; and

(5) the compatibility of the project to the site conditions, cultural resources, and environmental setting.

(B) The planning commission decision shall be based upon evidence in the record. Within 30 days following the conclusion of the public hearing, a written resolution shall be adopted as its decision on the application. The resolution shall set forth findings based upon evidence in the record of proceedings before the planning commission.

(Ord. 14-144, § 3 (part), 2015)

17.06.165 REQUIRED COMPLIANCE WITH STATE AND FEDERAL LAWS.

(A) All applicants for permits for electrical generating facilities are required to demonstrate compliance with state and federal law. The permit shall be conditioned upon the applicant or agent

IM 22-150
OR 22-083

CODE ORDINANCE

Sponsored by: Sumner
Introduced:
Public Hearing:
Action:

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-083

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING MSB 17.06 ELECTRICAL GENERATING AND DELIVERY FACILITY IN ITS ENTIRETY

WHEREAS, some of the rationale and intent of this ordinance are also found in IM. No. 22-150; and

WHEREAS, one goal of the 2005 Matanuska-Susitna Borough Comprehensive Development Plan is to create an attractive environment for business investment; and

WHEREAS, the 2005 Matanuska-Susitna Borough Comprehensive Development Plan recognizes that the comprehensive plan cannot be implemented entirely by codes and ordinances; and

WHEREAS, it also recognizes that a community is seldom a stagnant place; and

WHEREAS, the 2005 Matanuska-Susitna Borough Comprehensive Development Plan recognizes its implementing ordinances should be adjusted over time; and

WHEREAS, the Matanuska-Susitna Borough Energy Policy was adopted in 2014 as part of the Borough's Comprehensive plan; and

WHEREAS, that energy policy supports the Borough's economic development goals and the diversification of the local economy; and

WHEREAS, that energy policy encourages economic development through promoting cost effective renewable and alternative energy resources, including solar; and

WHEREAS, in 2014 the Borough recognized that the Borough's economic prosperity is dependent on safe, available, reliable and affordable residential, commercial, and industrial energy to supply the Borough's electric, heating and transportation needs; and

WHEREAS, in 2014 the Borough recognized that the worldwide supply and demand for energy will affect the price of energy consumed by all Alaskans; and

WHEREAS, the Borough modified its regulations applicable to these electrical generation facilitates in January of 2015 through the passage of MSB 17.06; and

WHEREAS, there have not been any applications to build any additional electrical generation facilities since the passage of MSB 17.06 in 2015; and

WHEREAS, there is a concern MSB 17.06 will hamper the future development of alternative energy; and

WHEREAS, energy prices are at a record high and the Borough seeks to support the expansion of utility systems in order to minimize the burden of increasing energy costs to Borough residents; and

WHEREAS, this repeal is an attempt to assist to control energy

costs from further escalation.

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 17.06 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)

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

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:

FAILED

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 THE ASSEMBLY FAIL 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 to consider recommending an ordinance which would repeal MSB 17.06 – Electrical Generating and Delivery Facility, in its entirety; and

WHEREAS, the motion to recommend repeal of MSB 17.06 failed to garner support from a majority of the commissioners; and

WHEREAS, repealing this code would make it so there is not a conditional use permit required under the Borough Code or public input that occurs as part of that 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 facilities have the potential to negatively impact surrounding land uses.

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

DRAFT

This Page Intentionally Left Blank

UNFINISHED BUSINESS

LEGISLATIVE

Resolution No. PC 22-30

Recommending the Assembly Fail an Ordinance
Repealing MSB 17.05 - Essential Service Utilities

(Pages 381 - 399)

UNFINISHED BUSINESS

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. 22-093(2 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.

DRAFT

CHAPTER 17.05: ESSENTIAL SERVICE UTILITIES

Section

17.05.010 Purpose

17.05.020 Applicability

17.05.030 Type I essential service utility

17.05.040 Type II essential service utility

17.05.050 Definitions

17.05.010 PURPOSE.

(A) The purpose of this chapter is to provide for public participation in the decision affecting the installation of essential service utilities in such a manner that they enhance the health, safety and general welfare of borough residents and properties while minimizing negative impacts. This chapter recognizes the importance and benefits of essential services, while ensuring that all feasible mitigation measures are taken to protect the scenic qualities of the Matanuska Susitna Borough. Essential services should be installed in cognizance of existing and projected demands for such services.

(Ord. 07-076, § 2 (part), 2007)

17.05.020 APPLICABILITY.

(A) This chapter applies to all areas of the borough except within the city boundaries of Houston, Palmer, Wasilla, and the Port MacKenzie special use district boundary. This chapter applies to municipal utilities that extend beyond city boundaries and the port district boundary into unincorporated borough lands.

(Ord. 22-062, § 2, 2022; Ord. 07-076, § 2 (part), 2007)

17.05.030 TYPE I ESSENTIAL SERVICE UTILITY.

(A) All proposed Type I essential service utilities, when installed or extended in any public way or borough-owned land, shall require a permit issued by the borough in accordance with MSB 11.30.030.

17.05.040 TYPE II ESSENTIAL SERVICE UTILITY.

(A) All proposed Type II essential service utilities shall require a public involvement program in accordance with a public participation plan as submitted by the utility in all areas of the borough excluding the cities of Houston, Palmer, Wasilla, and the Port MacKenzie special use district boundary.

(B) Within 20 calendar days of receipt of the proposed public participation plan, the director shall provide the applicant with written acknowledgement of receipt of the plan, along with any recommendations concerning the proposed process. The public involvement program, at a minimum, must contain the following:

(1) *Minimum requirements.*

(a) the utility's public involvement program must comply with established state and federal guidelines governing the utility including adequate public notice, public process, public meetings, or public hearings;

(b) if no established state or federal guidelines apply to the proposed action, the utility shall follow its own utility board adopted guidelines for public notification and involvement;

(c) if there are no established state, federal or utility board adopted guidelines, the public involvement program will consist of the minimum requirements outlined in subsection (B)(2) of this section, Public Involvement; and

(d) if a state, federal or utility board adopted public involvement program is used, they must at least meet or exceed the minimum guidelines in subsection (B)(2) of this section, Public Involvement.

(2) *Public involvement.*

(a) a minimum of one public meeting will be held by the utility and shall be held in an area central to the area impacted by proposed action;

(b) a minimum of one formal public hearing will be held by the utility later in the process to allow for formal public testimony. The public hearing will be held in an area central to the area impacted by proposed action; and

(c) notice of the public meeting and public hearing to occur a minimum of 15 days in advance of the public meeting or public hearing. The public notice will include:

(i) three notices in a newspaper of general circulation within the borough;

(ii) public postings in local areas such as libraries, public buildings, schools, stores, laundromats, lodges, on the utility's website, and on the Matanuska-Susitna Borough's website, etc.;

(iii) public service announcements on local radio stations starting 15 days before the public meeting; and

(iv) mailings, as appropriate, including notification of all affected community councils.

(C) Implementation of the public involvement program shall commence within 120 days from the issuance date of written acknowledgement.

(D) Upon completion of the public involvement program elements, the applicant shall create and submit to the director a decisional document that describes how the public involvement program was implemented, the nature of public comment, the chosen course of action, timeline for construction, and the public's appeal process. Copies of all written public comments and an audio record, if available, shall be included in the decisional document.

(Ord. 22-062, § 2, 2022; Ord. 07-076, § 2 (part), 2007)

17.05.050 DEFINITIONS.

• "Type I essential service utility" means any above or below ground structures or facilities used for utility distribution including:

(1) "Electricity distribution" means medium voltage (less than 50KV) power lines, low voltage electrical substations and pole-mounted transformers; and low voltage (less than 1,000V) distribution wiring to provide service to individual customers; and

(2) "Service pipeline" means a distribution line that transports gas, oil, water, or sewage from a common source of supply to the meter set assembly or distribution endpoint to provide service to individual customers.

• "Type II essential service utility" means any aboveground or below ground structures or facilities used for utility transmission including:

(1) "Electricity transmission" means high-voltage (50KV or higher) power lines, high-voltage electrical substations and pole-mounted transformers, and high-voltage distribution or transmission wiring; and

(2) "Transmission pipeline" means pipelines installed for the purpose of transmitting gas, oil, water, or sewage from a source or sources of supply to one or more distribution centers, to one or more large volume customers, or a pipeline installed to interconnect sources of supply. In typical cases, transmission lines differ from distribution lines in that they operate at higher pressures, are longer, and the distance between connections is greater.

(Ord. 07-076, § 2 (part), 2007)

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:

WHEREAS, the rationale and intent of this ordinance are also found in IM. No. 22-171; and

WHEREAS, a goal of the 2005 Matanuska-Susitna Borough Comprehensive Development Plan is to create an attractive environment for business investment; and

WHEREAS, the Matanuska-Susitna Borough Energy Policy was adopted in 2014 as part of the Borough's Comprehensive plan; and

WHEREAS, the energy policy recognizes that the Borough's economic prosperity is dependent on safe, available, reliable, and affordable residential, commercial, and industrial energy to supply the Borough's electric, heating, and transportation needs; and

WHEREAS, the energy policy seeks to coordinate governmental functions by reviewing and streamlining regulatory oversight processes; and by supporting the orderly and least-cost expansion of all utility systems in an effort to minimize the burden of increasing energy costs to residents.

DRAFT

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)

DRAFT

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:

DRAFT

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

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:

FAILED

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

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-30

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING THE ASSEMBLY FAIL AN ORDINANCE REPEALING MSB 17.05 - ESSENTIAL SERVICE UTILITIES AND ADOPTING STANDARDS OF APPROVAL FOR NEW ESSENTIAL SERVICE UTILITY INSTALLATIONS.

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, additional essential service utilities are likely to be installed in the Matanuska- Susitna Borough to serve increasing populations and will also impact larger numbers of people; 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 energy; and

DRAFT

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

WHEREAS, the last time MSB 17.05 was implemented there was substantial public involvement; and

WHEREAS, significant opposition to repealing MSB 17.05 was provided during public testimony on August 15, 2022.

NOW, THEREFORE, BE IT RESOLVED, the Matanuska-Susitna Borough Planning Commission hereby recommends the assembly fail an ordinance repealing MSB 17.05 Essential Service Facilities.

BE IT FURTHER RESOLVED, the Matanuska-Susitna Borough Planning Commission recommends the assembly adopt an ordinance adding standards of approval to MSB 17.05. Standards of approval should include meaningful responses to relevant public comments, means to minimize impacts to the natural environment, screening requirements, and other measures that can be reasonably implemented without significant, unnecessary cost to the applicant.

DRAFT

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

Stafford Glashan, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

DRAFT

This Page Intentionally Left Blank

COMMISSION BUSINESS

COMMISSION BUSINESS

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

MEMORANDUM

DATE: September 2, 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 Go, LLC – Marijuana Cultivation Facility; 17N01W11A020 (Staff: Mark Whisenhunt)
- QAP – Church-Seldon – Earth Materials Extraction; 18N01W31A015 (Staff: Peggy Horton)
- Purely Alaskan – Residential Land Use District CUP; 19N04W29A012 (Staff: Mark Whisenhunt)
- The Aardvark – Alcoholic Beverage Dispensary; 1454000L001 (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: Mark Whisenhunt)
- Jewels Acres – Earth Materials Extraction; 6469B02L006 (Staff: Peggy Horton)
- Debach Auto Salvage – Junk Yard; 17N02W22A009 & A010 (Staff: Peggy Horton)
- Big Lake Brewing Company – Alcoholic Beverage Dispensary; 9228000U012 (Staff: Mark Whisenhunt)

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)