

**Resolution 23-01
Big Lake Brewing
Company LLC**

HANDOUT

www.matsugov.us

Matanuska-Susitna Borough

MATANUSKA-SUSITNA BOROUGH NOTICE OF PUBLIC MEETINGS

All meetings of recognized boards, committees, and commissions of the Borough are open to the public and are held at Borough offices, 350 E. Dahlia Ave., Palmer, AK, unless specified otherwise. Three or more Assembly Members may be present at advertised public meetings of federal, state, and local governments or other entities. Meetings are scheduled as follows:

BOARD	DATE	TIME	LOCATION
Planning Commission (To Participate—CANCELED—Telephonically Call 855-290-3803)	12/19/22	6:00 pm	Assembly Chambers
Road Service Area Task Force 2022	12/20/22	2:00 pm	Lower Level Conference Room
Assembly Regular Meeting (To Provide Public Comment Telephonically Call 855-225-2326)	12/20/22	6:00 pm	Assembly Chambers
Abbreviated Plat	12/21/22	8:30 am	Assembly Chambers
Abbreviated Plat	12/28/22	8:30 am	Assembly Chambers

If you would like further information on any of these meetings or are interested in serving on any of the advisory boards, please call the Borough Clerk's Office at 907-861-8683, Monday through Friday, 8 a.m. to 5 p.m. The Borough's website address is: <https://www.matsugov.us/publicmeetings>

Disabled persons needing reasonable accommodation in order to participate at a Borough Board/Commission meeting should contact the Borough ADA Coordinator at 907-861-8432 at least one week in advance of the meeting.

The Planning Team meetings scheduled are: (Planning teams consist of Planning staff and members of the public who are appointed by the Planning Commission to work on community comprehensive plans and special land use districts, and community planning meetings.)

None

The Community Council meetings scheduled are: (Community Councils are not agencies or subgroups of the Borough. There may be a quorum of Mat-Su Borough advisory boards in attendance at community council meetings.)

Fishhook Community Council Board Meeting	12/19/22	6:00 pm	Zoom.com ID: 890 9660 1234 Passcode: 598969
Glacier View Community Council	12/20/22	6:30 pm	Glacier View School
Gateway Community Council	12/21/22	6:00 pm	Extreme Fun Center's Sky Lounge & Zoom.com ID: 891 2154 8496 Passcode: 046319
Big Lake Community Council Board Meeting	12/27/22	6:00 pm	Big Lake Family Restaurant
Sutton Community Council	12/28/22	7:00 pm	Sutton Public Library

Publish Date: December 16, 2022

1222-15

ASSEMBLY AGENDA ASSEMBLY CHAMBERS 350 EAST DAHLIA AVENUE, PALMER

ASSEMBLY REGULAR MEETING 6:00 PM TUESDAY, DECEMBER 20, 2022

20-073

Ways you can submit comment, participate telephonically, or observe the Assembly meeting:

IN WRITING: You can submit written comments to leg.com@matsugov.us

TELEPHONIC TESTIMONY:

- Dial 1-855-225-2326; 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 Mayor announces audience participation or a public hearing you would like to speak to, press *3; you will hear "Your hand has been raised."
- When it is your turn to testify you will hear "Your line has been unmuted."
- State your name for the record, spell your last name, and provide your testimony.

OBSERVE: observe the meeting via the live stream video at:

- <https://matanuska.legistar.com/Calendar.aspx>
- <https://www.facebook.com/MatSuBorough>
- Matanuska-Susitna Borough - YouTube

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. PLEDGE OF ALLEGIANCE

V. MINUTES OF PRECEDING MEETINGS

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS (MSB 2.12.082; Seven minutes per person)

1. Reports From Cities
2. Matanuska-Susitna Borough School District
3. State Of Alaska

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee On School Issues
2. Assembly Public Relations

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Road Service Area Task Force Report

22-208 Final Road Service Area Task Force Report

Attachments: 12/20/22 - Report

D. ATTORNEY COMMENTS

E. CLERK COMMENTS

F. CITIZEN AND OTHER CORRESPONDENCE

- 22-206 1. Abbreviated Plat: 11/23/22, 12/07/22
2. Aviation Advisory Board: 07/21/22

3. Big Lake Community Council: 07/12/22, 08/09/22

4. Planning Commission: 10/03/22, 10/17/22, Resolution No's 22-33, 22-35, 22-36, 22-37, 22-38

5. Platting Board: 11/03/22

6. Tanaina Community Council: 11/22/22

Attachments: 12/20/22 - Citizen and Other Correspondence

G. INFORMATIONAL MEMORANDUMS

IM 22-246

Reporting Conclusion Of Contract No. 21-145B With Western Construction And Equipment, For Denelle Street And Saphire Road Improvements Project.

Attachments: IM 22-246

IM 22-254

Informing The Assembly Of The Manager's Signature On Amendment No. 5 For A Time Extension Only To PW74 For The 2018 November Cook Inlet Earthquake.

Attachments: IM 22-254

VII. SPECIAL ORDERS

A. PERSONS TO BE HEARD (MSB 2.12.081; Three Minutes Per Person.)

(Requires 11 Days Advance Notice And Must Otherwise Be In Compliance With The Necessary Code Requirements. If No Advance Notice Is Given, Persons Wishing To Speak May Do So Under The Audience Participation Section Of The Agenda.)

B. PUBLIC HEARINGS (Three Minutes Per Person.)

RS 22-103

A Resolution Adopting The 2022 Capital Improvement Program.

Attachments: RS 22-103
IM 22-221

RS 22-116

A Resolution Approving The Changes Needed To Update The Fiscal Year 2024 Schedule Of Rates And Fees Effective July 1, 2023.

Attachments: RS 22-116
IM 22-240

OR 22-136

An Ordinance Amending MSB 17.60, Conditional Uses, To Add Hours Of Operation For Marijuana Retail Facilities And Adding Additional Standards For Retail Facilities That Allow On-Site Consumption Of Marijuana.

Sponsors: Hale

Attachments: OR 22-136
IM 22-243

OR 22-137

An Ordinance Amending MSB 17.60, Conditional Uses, To Change The Applicability And Standards For Marijuana Cultivation Facilities.

Sponsors: Hale

Attachments: OR 22-137
IM 22-245

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

D. CONSENT AGENDA

1. RESOLUTIONS

RS 22-120

A Resolution Establishing Dates Certain For Payment, Delinquency, Protest, And Appeal Of 2023 Regular Assessment And Tax Rolls, Business Inventory Filing, And For The Commencement Of Hearings Before The Board Of Equalization.

Attachments: RS 22-120
IM 22-253

RS 22-121

A Resolution Directing The Manager To Waive Burma Personal Use Firewood Fees For Life Changers Program Participants.

Sponsors: Tew

Attachments: RS 22-121
IM 22-255

RS 22-122

A Resolution Approving The Reclassification Of A Regular, Full-Time Accounting Assistant I For The Finance Department, Revenue And Budget Division, To A Regular, Full-Time Division Administrative Specialist.

Attachments: RS 22-122
IM 22-256

2. ACTION MEMORANDUMS

AM 22-143

Approve Additional Utility Relocate Cost Of \$49,577.24 To Enstar For Belair Estates Project (Monte Carlo Lane, Corvette Drive, Vega Circle, Caprice Drive And Impala Court), Project No. 30039.

Attachments: AM 22-143

AM 22-146

Vacate A Portion Of A 40-Foot Wide Right-Of-Way Of West Riffle Street, A Portion Of A 20-Foot Wide Right-Of-Way Of South Cataract Street And A Portion Of 20-Foot Wide Right Of Way Of West Cut Leaf Birch Avenue. Located In Section 20, Township 17 North, Range 1 West, Seward Meridian.

Attachments: AM 22-146

AM 22-147

Award Of Contract No. 23-045C To HDL Engineering Consultants, LLC. In The Contract Amount Of \$135,966 To Design Pavement Rehabilitation On Seldon Road And Improvements To Lucille Street.

Attachments: AM 22-147

AM 22-149

Approval Of Change Order No. 4 To Contract No. 19-109P With All Points North LLC. For The Hatcher Pass Survey And Platting, To Extend The Completion Time To June 30, 2023.

Attachments: AM 22-149

AM 22-150

Approval Of A Contract Amendment For Northern Asphalt Construction, Inc., Contract No. 22-052B, To Extend The Project Completion Date To September 30, 2023, For Cormorant Way Road Improvements, Project No. 30039.

Attachments: AM 22-150

AM 22-151

Approval Of Contract Amendment No. 3 To Contract No. 22-063P, With Moffit And Nichol, For Design Pile Sleeve Protection For Port Mackenzie, To Add \$207,573 For Additional Design Services And To Extend The Contract Completion Date To December 31, 2024.

Attachments: AM 22-151

AM 22-152

Award Of Proposal No. 23-020P To HDL Engineering Consultants, LLC. For The Contract Amount Of \$274,051 To Design Upgrades To Meadow Lakes Loop.

Attachments: AM 22-152

AM 22-153

Acceptance Of Late Filed and Retroactive Senior Citizen and Disabled Veteran Exemption Applications

Attachments: AM 22-153

AM 22-155

Approval Of The Road Service Area Road Improvement Project List - 2023.

Attachments: AM 22-155



Edna DeVries, Mayor
(907) 861-8682 - Work
(907) 795-8133 - Cell
Edna.DeVries@matsugov.us

Tim Hale, #1
(907) 590-8243
TimHaleDistrict1@gmail.com

Stephanie Nowers, #2
(907) 831-6299
StephanieNowersDistrict2@gmail.com

Dee McKee, #3
(907) 373-3630
Dee.McKee@matsugov.us

Robert Yundt, #4
(907) 232-8340
robbyundtmsb@gmail.com

Clayton Tew, #5
(907) 841-8688
mokietew@gmail.com

Jesse Sumner, #6
(907) 715-7388
jessesumnerdistrict6@gmail.com

Ron Bernier, #7
(907) 354-7877
Ron.Bernier@matsugov.us



VIII. UNFINISHED BUSINESS

IX. VETO

X. NEW BUSINESS

A. INTRODUCTIONS (For Public Hearing 01/03/23, Assembly Chambers)

- OR 23-003** An Ordinance Accepting And Appropriating An Additional \$210,000 From The Alaska State Department Of Transportation And Public Facilities, Regional Transportation Organization Project For The Performance Of Premetropolitan Planning Organization Planning Efforts.
- RS 23-001: A Resolution Approving The Amended Scope Of Work And Budget, And Extending Date Of Completion Though May 31, 2024, To Support Premetropolitan Planning Organization Planning Activities.

Attachments: OR 23-003
RS 23-001
IM 23-005

B. MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

- 22-207** Mayoral Requests for Confirmation

Attachments: 12/20/22 - Vacancy Report

C. OTHER NEW BUSINESS

D. REFERRALS (For Referral To The Planning Commission For 90 Days Or Other Date Specified By The Assembly)

- OR 23-002** An Ordinance Amending MSB 17.55, Setbacks And Screening Easements; And MSB 17.80, Nonconforming Structures, To Allow Buildings To Be Built Within 75-Feet Of A Waterbody.

Sponsors: Yundt and Tew

Attachments: OR 23-002
IM 23-002

XI. RECONSIDERATION

- OR 22-078** An Ordinance Adopting MSB 15.24.030, Beverly Lake, Lake Management Plan; And Amending MSB 17.59, Lake Management Plan Implementation.

Attachments: OR 22-078
IM 22-139
12/20/22 - Tew Reconsideration

XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT

Disabled Persons Needing Reasonable Accommodation In Order To Participate At An Assembly Meeting Should Contact The Borough ADA Coordinator At 861-8432 At Least One Week In Advance Of The Meeting.

Publish Date: December 16, 2022

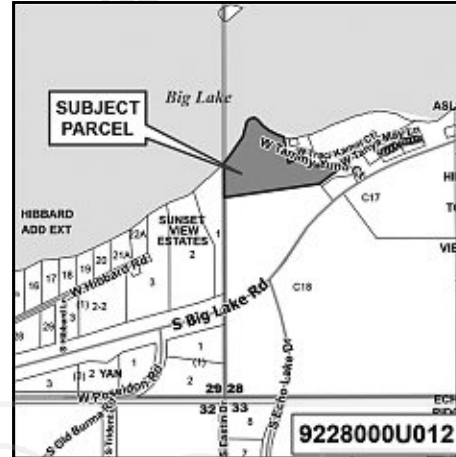
1222-16

MATANUSKA-SUSITNA BOROUGH THREE OR MORE

There may be a quorum of the Road Service Area Task Force attending the Assembly Meeting on Tuesday, December 20th, at 6 p.m. – located in Assembly Chambers.

Publish Date: December 16, 2022

1222-17



PUBLIC HEARING

Whitney Dow, for Big Lake Brewing Company LLC., submitted an application for a conditional use permit under MSB 17.70 – Conditional Use for Alcoholic Beverage Uses. The site is located at 5120 South Big Lake Road, Tax ID #9228000U012; within Township 17 North, Range 3 West, Section 28, Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, February 6, 2023**, 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 Rick Benedict, Planner II, by phone: 907-861-8527. Provide written comments by e-mail to rick.benedict@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 **Friday, January 20, 2023**, 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: December 16, 2022

1222-14

All Ice Fishing Houses must be registered

annually with the Mat-Su Borough prior to locating them on the following lakes: **Diamond Lake, Big Lake, Lake Five, Little Question Lake, Question Lake, and the Unnamed Lakes in Sections 30 & 31 between Question Lake and Talkeetna Spur Road.**

Ice Houses shall not be located closer than 75 feet from the high water mark of the lake and shall not be located closer than 30 feet in any direction from one another Ice House

2022/2023 Registration must be displayed on the ice fishing house.

Registration forms can be found on the Borough website at www.matsugov.us, or call the Mat-Su Borough Development Service Permit Center at 861-7822 for Registration Forms.



Edna DeVries, Mayor
(907) 861-8682 - Work
(907) 795-8133 - Cell
Edna.DeVries@matsugov.us

Tim Hale, #1
(907) 590-8243
TimHaleDistrict1@gmail.com

Stephanie Nowers, #2
(907) 831-6299
StephanieNowersDistrict2@gmail.com

Dee McKee, #3
(907) 373-3630
Dee.McKee@matsugov.us

Robert Yundt, #4
(907) 232-8340
robundtmsb@gmail.com

Clayton Tew, #5
(907) 841-8688
mokietew@gmail.com

Jesse Sumner, #6
(907) 715-7388
jessesumnerdistrict6@gmail.com

Ron Bernier, #7
(907) 354-7877
Ron.Bernier@matsugov.us

To see a complete listing of all boards and commissions, please go to <http://www.matsugov.us/boards> and scroll to the bottom of the page, and click on membership.



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

Department of Transportation and
Public Facilities

Program Development and Statewide Planning
Anchorage Field Office

4111 Aviation Avenue
P.O. Box 196900
Anchorage, AK 99519-6900
Main number: 907-269-0520
Fax number: 907-269-0521
Website: dot.state.ak.us

January 25, 2023

Fred Wagner, Platting Officer
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, Alaska 99645

Re: Plat Review

Dear Mr. Wagner:

The Alaska Department of Transportation and Public Facilities (DOT&PF) has reviewed the following plats and has the following comments:

- **TA07 Stagier Frontier Survey Snowshoe Woods Phase 2 AOB**
 - Replat subdivision with secondary access to Talkeetna Spur Road. DOT&PF recommends, if possible, to try to replat access across from Comsat Road to allow DOT&PF and the MSB a consolidated intersection to focus capital improvements on.
 - Applicant will need to apply for an Approach Road Review (ARR) with DOT&PF's ROW division for access to Talkeetna Spur Road. Applications can be made on the departments ePermit website at: <https://dot.alaska.gov/row/Login.po>, please contact the regional permit officer at 1-800-770-5263 with questions.
 - Any proposed connection to a DOT&PF facility will need to meet state design standards.
 - No objection to the proposed subdivision.
- **Big Lake Brewing – Conditional Use Permit CMP-7-6-3-22561 Section Line Easement fencing and encroachment (re pages 20-21)**
 - DOT&PF does not support blocking public access utilizing section line easements (SLE). We recommend that the site plan reconfigured to not block public access.
 - The Alaska Department of Natural Resources manages section line easements. The applicant will need to contact ADNR regarding any SLE vacations or encroachments. Regulations and ADNR contacts can be found on their website: <https://dnr.alaska.gov/mlw/survey/ev/>

All properties accessing DOT&PF roads must apply to Right of Way for a driveway permit and/or approach road review, subject to provisions listed in 17 AAC 10.020. Any previously issued access permits become invalid once the property undergoes a platting action and must be reissued.

We recommend the petitioner verify all section line easements and DOT&PF road rights-of-way adjacent to their property. For assistance, the petitioner may contact the Engineering group within the Right of Way section in DOT&PF at (907) 269-0700. The petitioner is liable to remove any improvements within the easements and rights-of-way that impede the operation and maintenance of those facilities even if they are not shown on the plat, so it is in the petitioner's best interest to identify the exact locations and widths of any such easements or rights-of-way before they improve the property.

If any section line easements or road rights-of-way exist within the bounds of their plat, we recommend the petitioner dedicate them. If there is an existing right-of-way or easement, the petitioner is unable to develop that portion of the property yet continues to pay property taxes on it; dedicating will remove that cost to the petitioner.

If there are any questions regarding these comments please feel free to contact me at (907) 269-0512 or david.post@alaska.gov.

Sincerely,



David Post
Surface Transportation Manager

cc: Scott Thomas, P.E., Regional Traffic Engineer, Traffic Safety and Utilities, DOT&PF
Brad Sworts, MSB Transportation Manager
Jacob Ciufo, P.E., Regional Hydrologist, DOT&PF
Sean Baski, Chief, Highway Design, DOT&PF
Matt Walsh, Property Management Supervisor, Right of Way, DOT&PF
Noah King, P.E. Project Manager, DOT&PF

Rick Benedict

From: Rick Benedict
Sent: Friday, January 27, 2023 5:12 PM
To: Whitney Dow; Richard Stryken; Matt Dow; todd@howdieinc.com
Cc: Jason Ortiz; Peggy Horton
Subject: February 6, 2023 Planning Commission Packet - Resolution 23-01 - CUP application for Big Lake Brewing Company, LLC
Attachments: Re_ Request for Review and Comments_ MSB 17.70 – Conditional Use for Alcoholic Beverage Uses1.pdf

Good afternoon,

Please use the following link to view the Planning Commission packet which contains all materials related to the application for Conditional Use Permit for Alcoholic Beverage Uses. Page 170 of the packet specifically addresses the comments concerning the parking lot and drainage plan. I've also attached additional comments received after the linked packet was finalized.

[MATANUSKA-SUSITNA BOROUGH \(matsugov.us\)](https://matsugov.us)

The drainage plan requires the information described in its definition and be stamped by a State of Alaska Civil Engineer. The following is the definition of a drainage plan per MSB 17.125.010:

“Drainage plan” means a plan that is prepared and stamped by a civil engineer authorized to operate in the state of Alaska, which contains the following:

- (a) background information:
 - (i) project description;
 - (ii) existing (predevelopment) conditions; and
 - (iii) proposed future (development) conditions

You may reference MSB 17.70.100(A)(1)(b) and (c) in code [Title 17 \(codepublishing.com\)](https://codepublishing.com) which requires the Borough to consider certain factors such as water drainage, and in this instance an approved drainage plan to ensure the preservation Big Lake's water quality.

[Title 17 \(codepublishing.com\)](https://codepublishing.com)

Respectfully,

Rick Benedict – Planner II
Development Services Division
Matanuska-Susitna Borough
(907)861-8527 direct

Rick Benedict

From: Jamie Taylor
Sent: Tuesday, January 31, 2023 5:42 PM
To: Rick Benedict
Cc: Peggy Horton; Brad Sworts; Alex Strawn; Mike Campfield; Daniel Dahms
Subject: RE: Request for Review and Comments: MSB 17.70 – Conditional Use for Alcoholic Beverage Uses

Hi Rick –

Sorry for the delayed response.

Parking lots with 40 or more parking spaces are considered to be potential stormwater hotspots (a concentrated source of storm water pollution) by the Alaska Department of Environmental Conservation. Because of the proximity to Big Lake, it is important that runoff from the proposed parking area be appropriately treated before it is discharged. While filter strips do provide a minor benefit as a stormwater quality treatment method, they are not considered to be effective as a primary treatment for pollutants of concern such as sediment and toxic contaminants such as oil, gas, and heavy metals. Additionally, the vegetated buffer as shown on the plan does not meet generally accepted design standards for filter strips.

I would like to reiterate that plans showing site grading and storm water controls, whether labeled “Site Plan,” “Drainage Plan,” or “Landscaping Plan,” should only be accepted if prepared by a civil or environmental engineer registered in the State of Alaska. Even though MSB code allows for site plans to be prepared by surveyors, state statutes and regulations do not.

Thank you,

Jamie Taylor, PE (she/her)
Civil Engineer
Matanuska-Susitna Borough
Department of Public Works
t: 907-861-7765 c: 907-355-9810
jamie.taylor@matsugov.us
<http://www.matsugov.us/>

From: Rick Benedict <Rick.Benedict@matsugov.us>
Sent: Wednesday, January 25, 2023 9:55 AM
To: Jamie Taylor <Jamie.Taylor@matsugov.us>
Cc: Elaine Flagg <Elaine.Flagg@matsugov.us>; Peggy Horton <Peggy.Horton@matsugov.us>
Subject: RE: Request for Review and Comments: MSB 17.70 – Conditional Use for Alcoholic Beverage Uses

Morning Jamie,

I received a response to the request for additional information you were seeking. I’ve attached a revised certified landscape plan for review.

Thank you,

Rick

From: Jamie Taylor <Jamie.Taylor@matsugov.us>
Sent: Tuesday, January 24, 2023 12:25 PM
To: Rick Benedict <Rick.Benedict@matsugov.us>
Cc: Elaine Flagg <Elaine.Flagg@matsugov.us>; Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Re: Request for Review and Comments: MSB 17.70 – Conditional Use for Alcoholic Beverage Uses

Hi Rick -

I would need to know the length and slope of the vegetative buffer and more specific grading details and dimensions of the parking area to see how sheet flow will be maintained. Drainage plans and details should be designed by a civil engineer registered in the State of Alaska.

Jamie

From: Rick Benedict <Rick.Benedict@matsugov.us>
Sent: Tuesday, January 24, 2023 8:21 AM
To: Jamie Taylor <Jamie.Taylor@matsugov.us>
Cc: Elaine Flagg <Elaine.Flagg@matsugov.us>; Peggy Horton <Peggy.Horton@matsugov.us>
Subject: RE: Request for Review and Comments: MSB 17.70 – Conditional Use for Alcoholic Beverage Uses

Good morning, Jamie,

I received an updated landscape plan addressing the items you noted. Can you please take a look and let me know if it's satisfactory.

Thank you,

Rick Benedict – Planner II
Development Services Division
Matanuska-Susitna Borough
(907)861-8527 direct

From: Jamie Taylor <Jamie.Taylor@matsugov.us>
Sent: Thursday, January 19, 2023 2:38 PM
To: Rick Benedict <Rick.Benedict@matsugov.us>
Cc: Elaine Flagg <Elaine.Flagg@matsugov.us>
Subject: RE: Request for Review and Comments: MSB 17.70 – Conditional Use for Alcoholic Beverage Uses

The site plan or landscape plan does not indicate how the parking lot is or will be graded. It is imperative for water quality protection that runoff from impervious areas (pavement, roof, etc) not discharge to the lake without appropriate treatment.

I believe an encroachment permit would be required for the proposed fence in the SLE.

Jamie Taylor, PE (she/her)
Civil Engineer
Matanuska-Susitna Borough

Department of Public Works

t: 907-861-7765 c: 907-355-9810

jamie.taylor@matsugov.us

<http://www.matsugov.us/>

From: Rick Benedict <Rick.Benedict@matsugov.us>

Sent: Monday, December 12, 2022 3:20 PM

To: Rick Benedict <Rick.Benedict@matsugov.us>

Subject: Request for Review and Comments: MSB 17.70 – Conditional Use for Alcoholic Beverage Uses

Good Afternoon,

APPLICANT: Whitney Dow, for Big Lake Brewing Company LLC.

LOCATION: Tax ID #9228000U012; within Township 17 North, Range 3 West, Section 28, Seward Meridian, RSA 21

An application for a conditional use permit under MSB 17.70 – Conditional Use for Alcoholic Beverage Uses. The Planning Commission will conduct a public hearing on this request on February 6, 2023.

Application materials may be viewed online at www.matsugov.us by clicking on 'All Public Notices & Announcements'. A direct link to the application material is here:

[Matanuska-Susitna Borough - Big Lake Brewing Company, LLC. - Conditional Use Permit Application for Alcoholic Beverage Use \(matsugov.us\)](http://www.matsugov.us)

Comments are due on or before **Friday, January 20, 2023** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Regards,

Rick Benedict

Planner II – Development Services Division

Matanuska-Susitna Borough

(907) 861-8527 direct

From: [Todd Nugent](#)
To: [Rick Benedict](#)
Subject: RE: Agency Comments for Proposed Fencing and Drainage Plans
Date: Friday, February 3, 2023 2:20:57 PM
Attachments: [SouthPortCondosSIGNEDSitePlan03FEB23.pdf](#)

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

As promised Rick, see attached.

From: Rick Benedict <Rick.Benedict@matsugov.us>
Sent: Wednesday, February 1, 2023 4:06 PM
To: Todd Nugent <Todd@howdieinc.com>
Cc: Richard Besse <besse@besseengineering.onmicrosoft.com>
Subject: RE: Agency Comments for Proposed Fencing and Drainage Plans

Thank you sir!

From: Todd Nugent <Todd@howdieinc.com>
Sent: Wednesday, February 1, 2023 4:04 PM
To: Rick Benedict <Rick.Benedict@matsugov.us>
Cc: Richard Besse <besse@besseengineering.onmicrosoft.com>
Subject: RE: Agency Comments for Proposed Fencing and Drainage Plans

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

Rick,

My civil engineer Rick Besse is working on his review letter and site plan as we speak, he just returned from some time off and is falling a little behind, I expect to get you the documents tomorrow afternoon.

Noted Jamie's comments below.

Todd

From: Rick Benedict <Rick.Benedict@matsugov.us>
Sent: Wednesday, February 1, 2023 3:32 PM
To: Todd Nugent <Todd@howdieinc.com>
Cc: Whitney Dow <whitneykdow@gmail.com>; Matt Dow <mattgdow@aol.com>; Richard Stryken <rstryken@gmail.com>; Alex Strawn <Alex.Strawn@matsugov.us>; Jason Ortiz <Jason.Ortiz@matsugov.us>; Peggy Horton <Peggy.Horton@matsugov.us>
Subject: FW: Agency Comments for Proposed Fencing and Drainage Plans

Good afternoon Mr. Nugent,

I'm following up on our talk last Friday concerning the Borough's requirement that a certified drainage plan for the brewery's parking lot be provided. You mentioned having an engineer lined up,

and potentially having a plan drafted sometime this week. I wanted to check in with you to see how that is going?

Also, the Borough engineer who reviewed the current application materials provided some additional information today and asked it to be relayed to you for consideration when developing the plan. Please take the following into consideration when working with your engineer in developing the plan:

Parking lots with 40 or more parking spaces are considered to be potential stormwater hotspots (a concentrated source of storm water pollution) by the Alaska Department of Environmental Conservation. Because of the proximity to Big Lake, it is important that runoff from the proposed parking area be appropriately treated before it is discharged. While filter strips do provide a minor benefit as a stormwater quality treatment method, they are not considered to be effective as a primary treatment for pollutants of concern such as sediment and toxic contaminants such as oil, gas, and heavy metals.

Additionally, the vegetated buffer as shown on the plan does not meet generally accepted design standards for filter strips.

Please also reference - [Alaska Storm Water Guide](#)

Respectfully,

Rick Benedict – Planner II
Development Services Division
Matanuska-Susitna Borough
(907)861-8527 direct

From: Rick Benedict

Sent: Friday, January 27, 2023 11:38 AM

To: Whitney Dow <whitneykdow@gmail.com>; Matt Dow <mattgdow@aol.com>; Richard Stryken <rstryken@gmail.com>

Cc: Jason Ortiz <Jason.Ortiz@matsugov.us>; Peggy Horton <Peggy.Horton@matsugov.us>

Subject: Agency Comments for Proposed Fencing and Drainage Plans

Good morning Whitney,

I'm following up on our phone call earlier this morning. Please find attached a letter from the State of Alaska, Department of Transportation and Public Facilities (DOT&PF), concerning your application for a CUP to operate a beverage dispensary. DOT&PF provided feedback in connection with a public notice that was sent out in relation to the public hearing scheduled for February 6th.

The letter DOT&PF submitted specifically addresses the section line easement (SLE) located on the west side of the property where site plans submitted indicate proposed fencing will be installed within the SLE. The installation of fencing within the SLE is not supported by DOT&PF. They have provided several options which include reconfiguring the site plan to not block the public access, to

apply for an encroachment permit for the proposed fence within the SLE, and/or apply to have the SLE vacated. Vacating may be difficult to obtain approval for being the SLE is adjacent to a body of water.

Additionally, a Borough civil engineer responded to the public notice expressing concern that runoff from impervious surfaces on the subject parcel has the potential to enter Big Lake and cause environment problems. A site plan submitted by Hanson Land Solutions on January 23, 2023, was not sufficient to determine if the drainage plan on the property is effective in mitigating the potential for runoff from entering Big Lake.

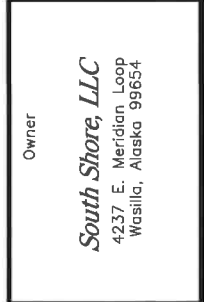
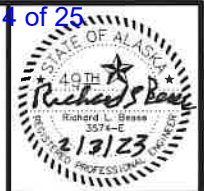
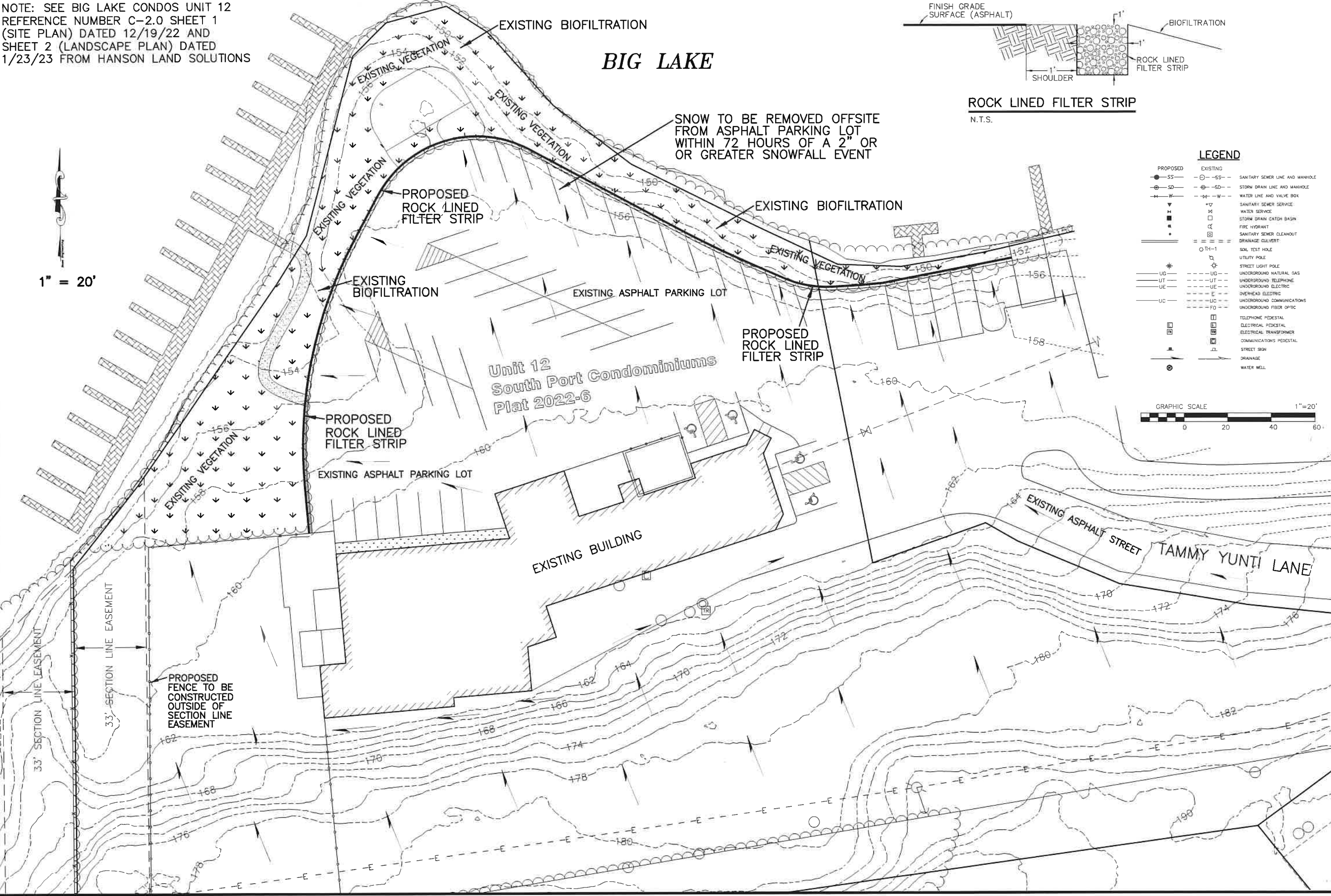
The Borough will require a civil engineer licensed by the State of Alaska to approve the drainage plans. If the engineer determines that the current drainage plan is effective, a certified drainage plan from that engineer will need to be submitted prior to the public hearing. Should the engineer find that the current drainage plan is not effective, a temporary drainage plan must be developed and submitted before the public hearing date. Conditions of approval will be placed on the CUP for a temporary drainage plan to be in effect by the time of operating under the CUP, and ultimately a final plan will need to be developed and in place before the end of the 2023 construction season.

Please provide any updates or requested information to address these items as they become available. If you have any questions concerning the above, please contact me.

Respectfully,

Rick Benedict – Planner II
Development Services Division
Matanuska-Susitna Borough
(907)861-8527 direct

NOTE: SEE BIG LAKE CONDOS UNIT 12
REFERENCE NUMBER C-2.0 SHEET 1
(SITE PLAN) DATED 12/19/22 AND
SHEET 2 (LANDSCAPE PLAN) DATED
1/23/23 FROM HANSON LAND SOLUTIONS



SOUTH PORT CONDOMINIUMS
SITE DRAINAGE PLAN
UNIT 12, SOUTH PORT CONDOMINIUMS (PLAT 2022-6)
PALMER RECORDING DISTRICT, STATE OF ALASKA

REVISIONS	

JOB NO.	B22-01
DATE	08/08/23
DRAWING	SOUTHPORT2022DW3
REVIEWED	RLB

SITE DRAINAGE PLAN

SHEET NO.
C-1

By: Rick Benedict
Introduced: January 16, 2023
Public Hearing: February 6, 2023
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 23-01

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A RESTAURANT WITH FULL-SERVICE BAR, AT 5120 S. BIG LAKE ROAD, TAX ID# 9228000U012; LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 3 WEST, SECTION 28, SEWARD MERIDIAN.

WHEREAS, an application has been received from Whitney Dow of Big Lake Brewing Company, LLC, for a conditional use permit to operate a restaurant with full-service bar at 5120 S. Big Lake Road (Tax ID#9228000U012); within Township 17 North, Range 3 West, Section 28, Seward Meridian; and

WHEREAS, MSB 17.70.020 requires a conditional use permit for the operation of an alcoholic beverage dispensary (bar); and

WHEREAS, the building currently housing Big Lake Brewing Company (formerly known as the South Port Marina Building), was constructed in 1997 according to Borough assessment records; and

WHEREAS, the building has been commercially used since its construction; and

WHEREAS, prior commercial uses of the subject building or property have included retail, recreational/boat sales and service, restaurants, and brewery; and

WHEREAS, the proposed use will occupy the entire building, which is approximately 18,500 square feet in size; and

WHEREAS, the subject property has been used commercially since the late 1970's and is 3.44 acres in size; and

WHEREAS, South Big Lake Road has residential, commercial, recreational, and vacant land uses along its frontage; and

WHEREAS, Big Lake has commercial, recreational, vacant, and residential uses on its shorefronts; and

WHEREAS, there are no complaints from the public on record regarding the operation of a beverage dispensary at this location; and

WHEREAS, the remainder of South Port Condominiums is used for the internal driveway system, parking, storage, and residential condominiums; and

WHEREAS, the closest residential structures are condominiums located approximately 470 feet east of the proposed use; and

WHEREAS, according to the application material, Big Lake Brewing Company will be open for business seven days a week. The proposed hours of operation are 11:00 a.m. to 10:00 p.m., Sunday - Wednesday, and 11:00 a.m. to 12:00 a.m. Thursday - Saturday; and

WHEREAS, according to the application material, there will be indoor and outdoor amplified music. The operation will use noise monitoring equipment to maintain noise levels to within permissible levels of MSB 8.52; and

WHEREAS, according to the application material and landscape plan, the indoor/outdoor music stage and beer garden is located on the west-side of the subject property; and

WHEREAS, according to the application material, the use of natural land features such as trees, and a minimum six-foot privacy fence will be installed to reduce the effects of noise; and

WHEREAS, according to the application material, music events will be restricted to one performance per week; sometimes two on holiday weekends; and

WHEREAS, Big Lake abuts the subject property to the north. South Big Lake Road abuts the overflow parking area to the south. A commercial use storage facility sits on a parcel south of South Big Lake Road. The State of Alaska Department of Natural Resources owns and operates Big Lake South Recreation Site and Boat Launch, located to the east. Sunset View Resort is located to the west and is used commercially for vacation rentals and special events; and

WHEREAS, the proposed use will access West Tammy Yunti Court, which is a paved private road that services the South Port Condominiums; and

WHEREAS, West Tammy Yunti Court connects to South Big Lake Road, which is classified as a major collector, and is capable of accommodating traffic generated by several commercial uses; and

WHEREAS, the State of Alaska Fire Marshal has issued Plan Reviews 2021Anch1759 and 2021Anch1760 for the foundation and framing for the proposed use; and

WHEREAS, the nearest school (Big Lake Elementary School) is approximately 4,500 feet northeast of the site. State regulations preclude beverage dispensary (bar) licenses within 200 feet of a school; and

WHEREAS, the operator of the proposed use is required to operate in accordance with Alaska laws and statutes, which include but are not limited to, mandatory alcohol server education; and

WHEREAS, Alaska Statute 04.16.030 specifically prohibits the sale of alcoholic beverages to drunken persons; and

WHEREAS, persons under the age of 21 are prohibited from being served alcoholic beverages; and

WHEREAS, the existing structure is approximately 92 feet south of Big Lake, 109 feet from the south lot line, 121 feet from the west side lot line, and 33 feet from the east side lot line; and

WHEREAS, the Alcohol & Marijuana Control Office (AMCO) has no record of violations by the applicant or persons with interest within the prior 12 months; and

WHEREAS, according to the application material, any exterior lighting will be low glare, and downward directional; and

WHEREAS, according to the application material, commercial signage for Big Lake Brewing Company which is viewable from S. Big Lake Road has downward directional lighting; and

WHEREAS, the Institute of Transportation Engineers (ITE) Trip Generation, 11th Edition, shows a "Drinking Place" of 18,500-square feet in size is expected to produce approximately 131 trips per peak PM hour based on average trip start/end generation rates; and

WHEREAS, according to the application material and landscape plan, evergreen and deciduous trees will be planted on the north and west sides of the subject property; and

WHEREAS, according to the application material, the existing building is finished with materials and colored to complement the surrounding properties; and

WHEREAS, the operation recently paved the driveway and parking lot with asphalt; and

WHEREAS, according to the site plan and application materials, there will be 42 parking spaces on the north and east sides of the structure. Four are designated as Americans with Disabilities Act (ADA) compliant; and

WHEREAS, according to the site plan and application materials, two overflow parking areas are located south of the building. The first is located on the subject parcel, south of the building, and provides approximately 13,000 square feet of parking

space accommodating up to approximately 43 vehicles. The second is located on a 5.83-acre parcel south of the subject parcel and provides approximately 26,000 square feet of parking space accommodating up to approximately 86 vehicles; and

WHEREAS, according to the application material, the brewery owns and maintains two floating docks connected to the subject parcel which allows access to the business from Big Lake and provides up to 28 slips for boaters; and

WHEREAS, the Big Lake Brewing Company building is located on Unit 12; and

WHEREAS, the proposed use is a restaurant with full bar service. The business will operate and conduct its operations throughout the entire building; and

WHEREAS, Big Lake Brewing Company currently holds alcohol licenses issued by the State of Alaska for restaurant/eating place and brewpub; and

WHEREAS, no information has been submitted indicating that any person/party associated with this application is untrustworthy, unfit to conduct business in the borough, or is a potential source of harm to the public; and

WHEREAS, the State of Alaska Department of Transportation and Public Facilities (ADOTPF) was solicited for comments. ADOTPF responded recommending the site plan be reconfigured to not block

public access, and to contact the Alaska Department of Natural Resources (ADNR) to request vacations of, or encroachments onto Section Line Easements; and

WHEREAS, the Borough's Pre-Design and Engineering Division recommended a civil or environmental engineer design an approved drainage plan due to the potential of contaminated stormwater runoff negatively impacting the water quality of Big Lake; and

WHEREAS, the Planning Commission has reviewed this application with respect to applicable standards set forth in MSB 17.70; and

WHEREAS, the Planning Commission conducted a public hearing on February 6, 2023 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 23-01:

1. The proposed use is compatible with and will preserve or not materially detract from the value, character and integrity of the surrounding area (MSB 17.70.100 (A) (1) (a)).
2. The proposed use will not be harmful to the public health, safety, convenience, and welfare (MSB 17.70.100 (A) (1) (b)).

3. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.70.100(A)(1)(c)).
4. There will not be any negative effects upon the properties in the area due to such factors as dust, noise, obtrusive advertising, and glare (MSB 17.70.100(A)(2)(a)).
5. The proposed use will not negatively affect the safe, efficient flow of traffic on any highway, arterial, collector or street from which access to and from the establishment is obtained (MSB 17.70.100(A)(2)(b)).
6. Measures will be in place to reduce any negative effect upon adjacent and nearby properties (MSB 17.70.100(A)(2)(c)).
7. Adequate parking is provided (MSB 17.70.100(A)(2)(d)).
8. Access to the premises will not create an unreasonable traffic hazard (MSB 17.70.100(A)(2)(e)).
9. Traffic will not overtax existing road systems (MSB 17.70.100(A)(2)(f)).
10. The proposed use is compatible with the character of the surrounding area (MSB 17.70.100(A)(2)(g)).
11. The proposed use is not expected to increase the crime rate in the area or increase alcohol-related accidents (MSB 17.70.110(B)(1)).

12. The applicant has not had a liquor license suspended or revoked in the 12 months preceding the application (MSB 17.70.110(B)(2)).

13. The applicant is trustworthy or fit to conduct business in the borough and the applicant is not a potential source of harm to the public (MSB 17.70.110(B)(3)).

BE IT FURTHER RESOLVED, the Planning Commission finds this application does meet the standards of MSB 17.70 and does hereby approve the conditional use permit for the operation of a restaurant with full-service bar, with the following conditions:

1. The operation shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. The alcohol services provided by the licensed premises shall not exceed that of Alaska Statue AS 04.11.100(g)(2); or exceed any special restrictions placed on the licensed premises by the State of Alaska Alcoholic Beverage Control Board (AMCO).

4. The hours of operation shall be limited to 11:00 a.m. to 10:00 p.m., Sunday - Wednesday, and 11:00 a.m. to 12:00 a.m. Thursday - Saturday.
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. A mixture of evergreen and deciduous trees shall be planted according to the application material by September 15, 2023. The Borough shall be notified upon completion of the planting.
7. A privacy fence at least six feet in height shall be installed according to the application material by September 15, 2023. The Borough shall be notified upon completion of the fencing.
8. Fencing shall not be installed within Section Line Easements (SLE) without first obtaining an encroachment permit from the Alaska Department of Natural Resources (ADNR) or having the Section Line Easement vacated.
9. Big Lake Brewing Company shall use a civil or environmental engineer to develop a drainage plan for the subject property. The engineer shall partner with the Borough's Pre-Design and Engineering Division to design an approved plan by March 31, 2023.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this ____ day of _____, 2023.

William Kendig - Chair

ATTEST

Karol Riese, Planning Clerk

(SEAL)

YES:

NO: