

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION AGENDA**

Edna DeVries, Mayor

Michael Brown, Borough Manager

PLANNING COMMISSION
Doug Glenn, District 1 – Vice-Chair
Richard Allen, District 2 – Chair
Brendan Carpenter, District 3
Michael Collins, District 4
Linn McCabe, District 5
Ivan Fonov, District 6
Curt Scoggin, District 7



PLANNING & LAND USE DEPARTMENT
Alex Strawn, Planning & Land Use Director
Jason Ortiz, Planning & Land Use Deputy Director
Wade Long, Development Services Manager
Fred Wagner, Platting Officer
Lacie Olivieri, Planning Clerk

*Assembly Chambers of the
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer*

March 2, 2026
REGULAR MEETING
6:00 p.m.

Ways to participate in the meeting:

IN-PERSON: You will have 3 minutes to present your oral comment.

IN WRITING: You can submit written comments to the Planning Commission Clerk at msb.planning.commission@matsugov.us.

Written comments are due at noon on the Friday prior to 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.”
- 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://www.facebook.com/MatSuBorough>
- Matanuska-Susitna Borough - YouTube

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: January 19, 2026

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 26-01 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Repealing A General Standard Of MSB 17.30 Conditional Use Permit (CUP) For Earth Materials Extraction Activities.
Public Hearing Date: March 16, 2026
Staff: Alex Strawn, Planning and Land Use Director

V. COMMITTEE REPORTS

VI. AGENCY/STAFF REPORTS

VII. LAND USE CLASSIFICATIONS

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

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

X. PUBLIC HEARING: LEGISLATIVE MATTERS

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (*Mandatory Midnight*)

Individuals with disabilities requiring reasonable accommodation to participate in a Planning Commission Meeting should contact the Borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.

MINUTES

January 19, 2026

MATANUSKA-SUSITNA BOROUGH

Edna DeVries, Mayor

PLANNING COMMISSION
Doug Glenn, District 1 – Vice Chair
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Brendan Carpenter, District 3
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*Assembly Chambers of the
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer*

PLANNING COMMISSION MEETING MINUTES January 19, 2026

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

The Matanuska-Susitna Borough Planning Commission's regular meeting was held on January 19, 2026, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. Chair Carpenter called the meeting to order at 6:00 p.m.

Present: – Commissioner Carpenter
Commissioner McCabe
Commissioner Glenn
Commissioner Allen

Absent/Excused: Commissioner Collins
Commissioner Scoggin

Staff Present: – Mr. Alex Strawn, Planning and Land Use Director
Ms. Lacie Olivieri, Planning Department Admin
Ms. Erin Ashmore, Assistant Borough Attorney
Mr. Alexander Lowe, Assistant Borough Attorney

II. APPROVAL OF AGENDA

Chair, Allen, inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Glenn.

IV. CONSENT AGENDA

A. MINUTES: Regular Meeting Minutes – January 5, 2025

B. INTRODUCTION FOR PUBLIC HEARING QUASI-JUDICIAL MATTERS
(There were no Quasi-Judicial Introductions)

C. INTRODUCTION FOR PUBLIC HEARING LEGISLATIVE MATTERS
(There were no Legislative Introductions)

Chair Allen read the Consent Agenda into the record.

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**

VIII. **AUDIENCE PARTICIPATION** (Three minutes per person.)

There being no persons to be heard, Audience Participation was closed without objection.

IX. **PUBLIC HEARING QUASI-JUDICIAL MATTERS**

Resolution 25-28 A Variance In Accordance With MSB 17.65 Variances. Alan & Gloria Hunsuck and Dylan & Sabrena Stenger Submitted An Application For A Variance From The 75-Foot Setback Requirements Under MSB 17.55, To Allow For Construction Of A 1,500 Square Foot Cabin At Its Closest Location Of 27-Foot From Big Lake.

Staff: Rebecca Skjothaug, Current Planner

Chair Allen read the resolution title into the record.

Chair Allen read the Ex-parte memo asking questions of the commissioners.

Staff, Ms. Rebecca Skjothaug, presented her staff report.

Chair Allen inquired if commissioners had any questions for staff.

Commissioner Allen inquired if the suggestion that staff had was approved by the applicants.

Chair Allen inquired if the applicant had anything to say.

The applicant had nothing to say.

Chair Allen inquired if commissioners had any questions for staff.

Commissioners had no questions for the applicant.

Chair Allen opened the public hearing.

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

MOTION: Commissioner McCabe moved Planning Commission Resolution 25-28. The motion was seconded by Commissioner Glenn.

MOTION: Commissioner McCabe moved to the amendment as proposed by staff. The motion was seconded by Commissioner Carpenter.

VOTE: The motion passed without objection as amended.

X. PUBLIC HEARING LEGISLATIVE MATTERS

XI. CORRESPONDENCE AND INFORMATION

(Correspondence and information were presented, and no comments were noted)

XII. UNFINISHED BUSINESS

(There was no unfinished business.)

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

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

XV. DIRECTOR AND COMMISSIONER COMMENTS

Commissioner Glenn: No Comment

Commissioner McCabe: Thanks for a really easy meeting

Commissioner Carpenter: No comment

Wade Long: February 2, we have no agenda items so there will be no meeting. The week after that is presidents day, a holiday, so there will be no meetings in the month of February

Commissioner Allen: It's good seeing all of you, I look forward to a productive 2026.

XVI. ADJOURNMENT

The regular meeting adjourned at 6:13 p.m.

RICHARD ALLEN
Planning Commission Chair

ATTEST:

LACIE OLIVIERI
Planning Commission Clerk

Minutes approved: _____

DRAFT

**INTRODUCTION FOR
PUBLIC HEARING LEGISLATIVE**

Resolution No. 26-01

A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Repealing A General Standard Of MSB 17.30 Conditional Use Permit (CUP) For Earth Materials Extraction Activities.

Public Hearing Date: March 16, 2026

Staff: Alex Strawn, Planning and Land Use Director

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING A GENERAL STANDARD OF MSB 17.30 CONDITIONAL USE PERMIT (CUP) FOR EARTH MATERIALS EXTRACTION ACTIVITIES.

AGENDA OF: February 17, 2026

ASSEMBLY ACTION:

AGENDA ACTION REQUESTED: Refer to Planning Commission for 90 days.

Route To	Signatures
Originator	 Recoverable Signature X A l e x S t r a w n Signed by: Alex
Department Director	 Recoverable Signature X A l e x S t r a w n Signed by: Alex
Finance Director	 Recoverable Signature X C h e y e n n e H e i n d e l Signed by: Cheyenne Heindel
Borough Attorney	X N i c h o l a s S p i r o p o u l o s Signed by: Nicholas Spiropoulos 1 / 2 3 / 2 0 2 6
Borough Manager	X M i c h a e l B r o w n Signed by: Mike Brown 1 / 2 3 / 2 0 2 6
Borough Clerk	 Recoverable Signature X L o n n i e M c K e c h n i e Signed by: Lonnie McKechnie

ATTACHMENT (S): Ordinance Serial No. 26-021 (1 p)
 MSB 17.30 (13 pp)
 Planning Commission Resolution No. 26-___ (pp)

SUMMARY STATEMENT: This ordinance is at the request of Assemblymember Sumner.

The proposed ordinance repeals MSB 17.30.060(A)(1). Within Title 17, earth materials extraction is the only conditional use permit subject to a specific comprehensive plan consistency standard. Alaska Statute 29.40.040(A) provides that comprehensive plans are to be implemented through the adoption of land use regulations. Accordingly, when a conditional use complies with the applicable land use standards, the use is considered consistent with the comprehensive plan. The Borough's comprehensive plans are adopted as guiding policy documents and are not self-implementing. The

existing standard effectively assigns the comprehensive plan a regulatory role beyond its intended purpose. The proposed ordinance removes this standard while maintaining the intent and operation of the Borough's established conditional use review processes.

The proposed ordinance supports the goals and objectives of the Borough Comprehensive Plan.

Matanuska-Susitna Borough Comprehensive Plan

Goal E-3: Create an attractive environment for business investment.

- Policy E3-2: Institute appropriate land use guidelines and regulations that reduce land use conflicts and protect residents and businesses.

RECOMMENDATION OF ADMINISTRATION: Refer to Planning Commission and then introduce and set for public hearing.

CHAPTER 17.30: CONDITIONAL USE PERMIT (CUP) FOR EARTH MATERIALS EXTRACTION ACTIVITIES

Section

[17.30.010 Intent and purpose](#)

[17.30.020 Applicability](#)

[17.30.025 Nonconforming uses](#)

[17.30.030 Types of permits available](#)

[17.30.035 Application procedures](#)

[17.30.037 Material extraction below or within four feet of the seasonal high water table](#)

[17.30.040 Criteria to qualify for an administrative permit](#)

[17.30.050 Planning commission approval](#)

[17.30.055 Required compliance with state and federal laws](#)

[17.30.060 General standards for approval](#)

[17.30.110 Amendment of conditional use permit](#)

[17.30.120 Transfer of a conditional use permit](#)

[17.30.130 Termination of permit](#)

[17.30.140 Violations, enforcement, and penalties](#)

[17.30.150 Appeal procedures](#)

17.30.010 INTENT AND PURPOSE.

(A) It is the intent of the Matanuska-Susitna Borough to recognize the value and importance of promoting the utilization of natural resources within its boundaries. The purpose of this chapter is to allow resource extraction activities while promoting the public health, safety, order, prosperity, and general welfare of the Matanuska-Susitna Borough through regulation of land use to reduce the adverse impacts of land uses and development between and among properties. It is the further purpose of this chapter to promote compatible, orderly development. These purposes are accomplished by:

- (1) allowing for a public review process for earth materials extraction activities in the Matanuska-Susitna Borough;
- (2) enhancing the character and stability of residential, agricultural, business, commercial, and industrial areas, promoting the orderly and beneficial development of such areas by the owner/permittee in a manner that will not devalue the extraction site or neighboring properties for future beneficial uses upon completion of gravel extraction;
- (3) promoting diversified land use and economic opportunity;
- (4) encouraging the most appropriate uses of land;
- (5) enhancing the natural, manmade, and historical amenities of the Matanuska-Susitna Borough;
- (6) recognizing and preserving traditional uses of land within the Matanuska-Susitna Borough; and
- (7) protecting and enhancing the quality, peace, quiet and safety of the Matanuska-Susitna Borough neighborhoods.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.020 APPLICABILITY.

- (A) This chapter applies to all private and public lands in the borough except where the use is prohibited by ordinance within a special land use district. Where a special land use district regulates earth materials extraction as a conditional use, the granting of a conditional use permit shall require compliance with this chapter. Where this chapter is in conflict with the conditional use permit conditions of the special land use district, the more restrictive conditions shall apply.
- (B) This chapter does not apply within the cities of Houston, Palmer, or Wasilla, or the Port MacKenzie Special Use District.
- (C) This chapter applies to commercial earth materials extraction activities where the principal activity of use of the property is the extraction of earth materials.
- (D) This chapter does not apply when earth material extraction activity is not intended for sale or barter.
- (E) Annual extraction of more than 2,000 cubic yards of earth materials on property that has not been granted a permit or pre-existing legal nonconforming status as of the date of the enactment of this chapter is required to obtain a conditional use permit or administrative permit.
- (F) *[Repealed by Ord. 11-153, § 13, 2011]*

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

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

(Ord. 16-102, § 10, 2016; Ord. 12-096, § 3, 2012; Ord. 11-153, § 13, 2011; Ord. 08-043, §§ 2, 3, 2008; Ord. 07-130, § 2, 2007; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.025 NONCONFORMING USES.

(A) At the date of adoption of the ordinance codified in this chapter, or amendments thereto, earth materials extraction activities that have been granted a permit or pre-existing legal nonconforming status are permitted to continue subject to the provisions of this section.

(B) *[Repealed by Ord. 11-153, § 14, 2011]*

(C) *[Repealed by Ord. 11-153, § 14, 2011]*

(D) Legal nonconforming extraction operations shall comply with MSB 17.28.067(A) through (D).

(E) Operations with pre-existing legal nonconforming status that extract material below or within four feet of the seasonal high water table shall conduct operations in accordance with the requirements outlined in MSB [17.30.037\(D\)](#), except that MSB [17.30.037\(D\)](#)(8)(b) through (d) shall not apply.

(F) Nonconforming status shall expire if material extraction or earth material processing activity ceases for longer than five years.

(Ord. 11-153, § 14, 2011; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.030 TYPES OF PERMITS AVAILABLE.

(A) There are two types of permits available for earth materials extraction:

(1) *Administrative permit* – a use permit approved by the director with public notification may be issued if the proposed development meets the minimum thresholds for an administrative decision.

(2) *Conditional use permit* – a conditional use permit granted by the planning commission after a public hearing, when the proposed development goes beyond the minimum threshold for an administrative permit.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.035 APPLICATION PROCEDURES.

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

- (1) a completed application form provided by the department;
- (2) a site development plan in accordance with MSB 17.28.050 and 17.28.060;
- (3) the fee in the amount designated in MSB 17.99; and
- (4) reclamation plan in accordance with MSB 17.28.063.

(B) The director may reject any application which is incomplete or fails to meet the requirements of this section. The rejection shall be in writing and shall state the deficient items. Once the deficiencies have been corrected, the complete application will be processed.

(C) If the minimum criteria for an administrative permit can be met, the director will notify surrounding property owners in accordance with MSB 17.03, public notification, except that the notification area will be one-half mile. Within 30 days of acceptance of the application, the administrative permit will be issued with conditions to address concerns raised by neighboring property owners, and as deemed appropriate by the director, to protect the public health, safety and general welfare.

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

(E) If the proposed development exceeds the minimum criteria for an administrative permit, a public hearing before the planning commission shall be conducted within 45 calendar days of the acceptance of a complete application in accordance with MSB 17.03, public notification, except that the notification area will be one-half mile. The applicant may waive the 45-day limit.

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

(Ord. 11-153, § 15, 2011: Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.037 MATERIAL EXTRACTION BELOW OR WITHIN FOUR FEET OF THE SEASONAL HIGH WATER TABLE.

(A) Extraction of material below or within four feet of the seasonal high water table requires a permit under this section except:

- (1) material extraction in navigable water performed under the authority of the state or federal

governments.

(B) Prior to application for a water table extraction permit, the following requirements shall be met:

(1) installation of a sufficient number of monitoring wells and test pits, as recommended by a qualified professional, to adequately determine groundwater flow direction, hydraulic gradient, water table and seasonal high water table elevation, and monitor groundwater quality upgradient and downgradient of the proposed activity on the property on which the activity will take place. Monitoring well and test pit locations must provide the qualified professional with adequate information to characterize the entire property that will be permitted for material extraction:

(a) Monitoring wells shall be installed, maintained, and decommissioned in accordance with 18 AAC 80.015.

(b) Well casing elevations shall be surveyed to a vertical accuracy of 0.01 feet by a registered land surveyor.

(c) Monitoring well logs and a report must be submitted to the Alaska Department of Natural Resources (ADNR) prior to time of application. The submittal to ADNR must comply with 11 AAC 93.140 by showing well construction parameters and information.

(2) collection of a sufficient number of representative groundwater samples, as recommended by a qualified professional, to determine baseline water quality.

(a) Baseline representative groundwater samples shall be collected biannually (either mid-summer and fall or fall and late winter) from monitoring wells, and at a minimum, be analyzed for arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, total nitrite/nitrates, phosphates, total dissolved solids, fecal coliform bacteria, benzene, toluene, ethylbenzene, and xylenes by appropriate methods approved by the state. Additional analytes shall be included if recommended by a qualified professional and based on review of regulated potential sources of contamination within one-half mile of the boundary of the property on which the activity will take place;

(b) Representative groundwater samples shall be collected under supervision of a qualified professional using sampling methods and analytical methods as defined by a state-certified laboratory. Sampling methods shall include documentation to assure acquisition of representative samples.

(3) Determination of seasonal high water table elevation, groundwater flow direction, hydraulic gradient, and water table elevation for the site shall be measured under supervision of a qualified professional.

(4) A written report shall be completed by a qualified professional that makes a determination about the potential adverse effects to groundwater and surface water body elevation, groundwater and surface water

quality, surrounding water users and adjacent properties. The determination shall be based on available data, interpretations of the data and knowledge of groundwater processes.

(5) The report shall be submitted with the conditional use permit application and shall:

- (a) identify existing public water system sources (i.e., wells, springs, surface water intakes), as identified by the state, that are located within one-half mile of the boundary of the property on which the activity will take place;
- (b) identify actual or presumed private drinking water wells located within one-half mile of the boundary of the property on which the activity will take place and include a copy of the available well logs. The qualified professional shall inspect ADNR well log records available for properties within one-half mile of the boundary of the property on which the activity will take place;
- (c) identify public drinking water source capture areas less than or equal to the distance of the two-year-time-of-travel isochron as identified or approved by the state, located within one-half mile of the boundary of the property on which the activity will take place;
- (d) identify existing regulated potential sources of contamination within at least one-half mile of the boundary of the property on which the activity will take place;
- (e) contain maps at appropriate scales presenting the results of the well search, the setbacks required by subsection (D)(8) of this section, and illustrating wetlands and water bodies; at least one map shall show identified potential sources of contamination;
- (f) include the water table elevation monitoring data, groundwater sampling analytical results, monitoring well logs and records of any test pits, and a discussion of the seasonal high water table determination;
- (g) evaluate subsurface hydrologic conditions and identify potential adverse effects that may occur as a result of material extraction. The evaluation of the hydrologic conditions shall include identifying confining layers; and
- (h) The report and all data relied upon in creation of the report shall be provided to the borough and shall be available to the public for inspection and review by members of the public.

(6) A monitoring plan shall be completed by a qualified professional with appropriate action levels requiring additional investigation and monitoring to assess potential adverse effects to groundwater or surface water.

- (a) The monitoring plan shall include a field sampling plan; and

(b) The plan shall contain all well construction and development details.

(C) In addition to the application requirements for a conditional use permit for earth materials extraction, the application for a water table extraction permit shall include:

- (1) a description of the proposed extent and depth of material extraction beneath the seasonal high water table.
- (2) a written report that meets the requirements of subsection (B) of this section, a monitoring plan, and a spill prevention, control, and countermeasures plan as required by this section.
- (3) a fee in the amount designated by the assembly in accordance with this chapter.
- (4) a certificate of general liability insurance with limits not less than \$1,000,000 per occurrence/\$1,000,000 aggregate for operations involving less than 40 acres and \$2,000,000 per occurrence/\$2,000,000 aggregate for operations involving 40 acres or larger. Insurance shall insure liability for bodily injury and property damage and be written on the Insurance Services Office form number CG0001 12 07 or a form as broad as CG0001 12 07. The certificate of insurance shall include 30 days' notice of cancellation to the borough. The borough shall be named on the applicant's general liability policy as an additional insured and the applicant shall waive their rights of subrogation against the borough. Such insurance shall remain in full force and effect in the specified amounts for the duration of the permit period. Insurance coverage must include liability for providing comparable alternate sources of drinking water to all impacted parties served by any private or public water system adversely affected as a result of the activity.
- (5) a certificate of pollution liability insurance with limits of \$1,000,000 per occurrence/\$1,000,000 aggregate including third party bodily injury and property damage and cleanup costs. If the responsible party's pollution liability (environmental) insurance is written on a claims-made form, the responsible party shall provide insurance for a period of three years after expiration or termination of the permit. The policy(ies) shall evidence a retroactive date, no later than the effective date of the conditional use permit.

(D) Operating standards for extraction within or below four feet of the seasonal high water table are as follows:

- (1) Implement a monitoring plan that meets the requirements of this chapter. If existing wells will provide sufficient data, no additional wells are required;
- (2) Implement the spill prevention, control and countermeasures plan in accordance with Environmental Protection Agency's requirements for above ground storage tank operations regardless of the quantity of petroleum products on site;
 - (a) Fuel storage containers larger than 50 gallons shall be contained in impermeable berms and

basins capable of retaining 110 percent of the storage capacity;

(b) Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface;

(c) Locate above ground storage tanks farthest from the path of groundwater flow to private and public water systems and farthest from state-approved drinking water source capture areas, and outside the setbacks for all drinking water sources;

(d) Equipment operating within the area of excavation shall be maintained to minimize leaks of petroleum fluids. Equipment that releases petroleum fluids to the environment shall be repaired as soon as practical. The responsible party or owner shall contain the leaks immediately on discovery; and

(e) In the event of a reportable release of regulated contaminants, notification shall include the director and shall occur concurrently with the state and federal agencies, if applicable.

(3) Groundwater flow direction, hydraulic gradient, and groundwater table elevation for the subject parcel shall be measured at least monthly during active extraction. Monitoring wells must be maintained or replaced with equivalent monitoring wells.

(4) Collect groundwater samples biannually prior to seasonal excavation startup and within two weeks of seasonal shutdown from the down-gradient and cross-gradient monitoring wells. Sample collection shall be conducted in accordance with sampling methods defined by a state certified laboratory.

(a) Representative groundwater samples shall be analyzed, at a minimum, for benzene, toluene, ethylbenzene, xylenes, and total dissolved solids, by methods approved by a certified laboratory as well as any analyte identified in the water quality monitoring data with a concentration within 15 percent of the applicable water quality standards established by state regulation. Groundwater sample analysis shall include testing for analytes that may indicate water quality changes including, but not limited to, pH, conductivity, nitrates, sulfates, sodium, calcium, magnesium, bicarbonate, and potassium.

(b) Analytical sampling results and water elevation monitoring data shall be retained for two years following completion of reclamation activities and shall be provided to the director upon request.

(i) If the monitoring data indicates that a maximum contaminant level set under 18 AAC 80 has been exceeded, or if the water level measurements indicate a shift, beyond natural variability, in the elevation of the water table, the owner or responsible party shall report that result to the department within 48 hours of notification.

(c) A qualified professional shall annually submit a report to the department that includes:

- (i) a table of monitoring results;
 - (ii) water quality sample analytical results in a table that includes the appropriate maximum contaminant levels established under 18 AAC 80; and
 - (iii) water table elevation monitoring data.
- (5) Operations shall not breach or extract material from a confined aquifer or a confining layer beneath a perched aquifer currently used as a drinking water source.
- (a) If evidence suggests a confined aquifer or confining layer has been breached, or if groundwater or surface water elevation changes rapidly or beyond natural variation, the director shall be notified within 24 hours.
 - (i) A hydrologic assessment, conducted by a qualified professional, to determine the affected area and the nature and degree of effects and a description of potential repair or mitigation options shall be submitted to the director within 14 calendar days of notification;
 - (ii) Repair or mitigation sufficient to address identified effects shall be initiated as soon as practical, not to exceed 45 calendar days from the date the assessment is received by the director;
- (6) Proof of insurance as required by subsection (C)(4) of this section to mitigate impacts arising from the extraction activity shall be maintained until completion and acceptance of reclamation activities.
- (7) Operations should be conducted in accordance with the current publication of the State of Alaska's User Manual Best Management Practices for Gravel Pits.
- (8) Operations shall maintain the following setbacks:
- (a) sixty-five feet from the property line, except where operations encompass contiguous parcels and extraction within four feet of the seasonal high water table is proposed across adjoining lot lines;
 - (b) five hundred feet from the nearest downgradient drinking water source;
 - (c) three hundred fifty feet from the nearest cross-gradient drinking water source; and
 - (d) two hundred feet from the nearest upgradient drinking water source.
 - (i) Minimum separation distances shall not apply to drinking water sources constructed after a permit to extract material below the water table has been issued.

(Ord. 11-153, § 16, 2011)

17.30.040 CRITERIA TO QUALIFY FOR AN ADMINISTRATIVE PERMIT.

(A) To qualify for an administrative permit, all of the following criteria must be met:

(1) *[Repealed by Ord. 16-102, § 11, 2016]*

(2) extraction activities subject to the permit shall not exceed:

(a) twenty-four months. A one-time extension of six months may be granted administratively upon written request from the applicant; provided, that all conditions of the permit have been met; or

(b) annual volume of 7,000 cubic yards (one cubic yard equals one and one-half tons) or less; and

(3) any proposed batch plant use shall not exceed 24 months.

(B) The director may also set basic conditions of approval for issuance of the administrative permit, as appropriate for the area in which the development is sited, for the following:

(1) setbacks (no less than minimum setback requirements as established in MSB 17.55; however, may be increased as appropriate for existing surrounding development);

(2) visual screening, noise mitigation, lighting restrictions and roads/access restrictions as appropriate for surrounding development and in accordance with development standards referenced in MSB 17.28.060, site development standards; and

(3) road maintenance may be required by permittee.

(Ord. 16-102, § 11, 2016; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.050 PLANNING COMMISSION APPROVAL.

(A) *[Repealed by Ord. 16-102, § 12, 2016]*

(B) The commission may set conditions of approval for issuance of the conditional use permit, as appropriate for the area in which the development is sited, for the following:

(1) setbacks (no less than minimum setback requirements as established in MSB 17.55; however, may be increased as appropriate for existing surrounding development);

(2) visual screening, noise mitigation, lighting restrictions and roads/access restrictions as appropriate for surrounding development and in accordance with development standards referenced in MSB 17.28.060,

site development standards;

- (3) road maintenance may be required of the permittee; and
- (4) length of time of operation and location of batch plants.

(Ord. 16-102, § 12, 2016: Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.055 REQUIRED COMPLIANCE WITH STATE AND FEDERAL LAWS.

(A) All applicants for permits for earth materials 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 for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Department of Environmental Conservation (DEC) pursuant to the Alaska Pollutant Discharge Elimination System (APDES) 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.

(B) In addition to the requirements in subsection (A) of this section, all activity shall be conducted in compliance with state or federal regulations governing the items listed below. Written documentation of compliance with these regulations is not required. Complaints received by the borough of violations of requirements within this section will be forwarded to the appropriate agency for enforcement.

- (1) *Air quality.*
 - (a) EPA air quality control permit is required for asphalt plants and crushers.
 - (b) ADNR burn permit is required for brush or stump burning. Combustibles shall be stockpiled separate from noncombustibles, and burn permit requirements shall be followed.
 - (c) ADEC dust control and air quality regulations pertaining to burning activities shall be followed.

(2) *Water quality.*

(a) EPA or ADEC regulations controlling spills, spill reporting, storage and disposal of oil, anti-freeze and hydrocarbons.

(3) *Use and storage of hazardous materials, waste and explosives.*

(a) EPA regulations controlling use of hazardous materials shall be followed.

(b) Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (FBATFE) regulations shall be followed when storing or using explosives.

(C) Failure to comply with any of the requirements in subsections (A) and (B) of this section is a violation of the permit, and is subject to enforcement pursuant to MSB [17.30.140](#).

(IM 07-289, page 2 (part), presented 11-13-07; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.060 GENERAL STANDARDS FOR APPROVAL.

(A) In granting an administrative permit or a conditional use permit, the director or commission must make the following findings:

- (1) that the use is not inconsistent with the applicable comprehensive plan;
- (2) that the use will preserve the value, spirit, character, and integrity of the surrounding area;
- (3) that the applicant has met all other requirements of this chapter pertaining to the use in question;
- (4) that granting the permit will not be harmful to the public health, safety and general welfare; and
- (5) that the sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in MSB [17.30.050](#)(B).

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.110 AMENDMENT OF CONDITIONAL USE PERMIT.

(A) A conditional use permit may be amended by application to the department and approval by the planning commission. The applicant shall provide the department an update of all information required in the original permit, shall describe the proposed changes in detail, and shall provide copies of any additional state and federal permits which the amendments may require. The notice and hearing provisions of this chapter shall apply to an amendment to the permit.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.120 TRANSFER OF A CONDITIONAL USE PERMIT.

(A) A permit may be transferred subject to the conditions of MSB 17.60.180.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.130 TERMINATION OF PERMIT.

(A) A permit shall terminate under this chapter subject to the conditions in MSB 17.60.190.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.140 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Unless otherwise specified, any violation of this chapter is an infraction.

(B) It is a violation to conduct commercial earth material extraction activities without a permit issued under this chapter unless designated as an interim materials district or as a pre-existing legal nonconforming use in accordance with MSB 17.28 or MSB [17.30.025](#).

(C) It is a violation to operate with a permit issued under this chapter but in violation of any criteria or condition which was necessary for the issuance of the permit.

(D) Enforcement of the provisions of this chapter and associated penalties shall be consistent with the terms and conditions of MSB 1.45.

(Ord. 11-153, § 17, 2011; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.150 APPEAL PROCEDURES.

(A) The provisions of MSB 15.39 govern appeals from a decision of the planning commission granting, denying, modifying, or revoking a conditional use permit under this chapter. The provisions of MSB 15.39 govern an appeal of a planning department enforcement action or decision.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

Sec. 29.40.040. Land use regulation.

(a) In accordance with a comprehensive plan adopted under AS 29.40.030 and in order to implement the plan, the assembly by ordinance shall adopt or amend provisions governing the use and occupancy of land that may include, but are not limited to, zoning regulations restricting the use of land and improvements by geographic districts;

(1) land use permit requirements designed to encourage or discourage specified uses and construction of specified structures, or to minimize unfavorable effects of uses and the construction of structures;

(2) measures to further the goals and objectives of the comprehensive plan.

(b) A variance from a land use regulation adopted under this section may not be granted if

(1) special conditions that require the variance are caused by the person seeking the variance;

(2) the variance will permit a land use in a district in which that use is prohibited;
or

(3) the variance is sought solely to relieve pecuniary hardship or inconvenience. (§ 11 ch 74 SLA 1985)

Sec. 29.40.050. Appeals from administrative decisions.

(a) By ordinance the assembly shall provide for an appeal from an administrative decision of a municipal employee, board, or commission made in the enforcement, administration, or application of a land use regulation adopted under this chapter. The assembly may provide for an appeal to a court, hearing officer, board of adjustment, or other body. The assembly shall provide for an appeal from a decision on a request for a variance from the terms of a land use regulation when literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the district.

(b) By ordinance the assembly may provide for appointment of a hearing officer, or for the composition, appointment, and terms of office of a board of adjustment or other body established to hear appeals from administrative actions. The assembly may define proper parties and prescribe evidentiary rules, standards of review, and remedies available to the hearing officer, board of adjustment, or other body. (§ 11 ch 74 SLA 1985)

Sec. 29.40.060. Judicial review.

(a) The assembly shall provide by ordinance for an appeal by a municipal officer or person aggrieved from a decision of a hearing officer, board of adjustment, or other body to the superior court.

(b) An appeal to the superior court under this section is an administrative appeal heard solely on the record established by the hearing officer, board of adjustment, or other body. (§ 11 ch 74 SLA 1985)

CODE ORDINANCE

Sponsored by: Sumner

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 26-021**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING
A GENERAL STANDARD OF MSB 17.30, CONDITIONAL USE PERMIT (CUP) FOR
EARTH MATERIALS EXTRACTION ACTIVITIES.

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 paragraph. MSB 17.30.060 (A) (1) 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 -, 2026.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

By: A. Strawn
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 26-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE REPEALING A GENERAL STANDARD OF MSB 17.30 CONDITIONAL USE PERMIT (CUP) FOR EARTH MATERIALS EXTRACTION ACTIVITIES.

WHEREAS, Assembly Ordinance 26-021 repeals MSB 17.30.060 (A) (1); and

WHEREAS, within Title 17, earth materials extraction is the only conditional use permit subject to a specific comprehensive plan consistency standard; and

WHEREAS, Alaska Statute 29.40.040 (A) provides that comprehensive plans are to be implemented through the adoption of land use regulations; and

WHEREAS, the Borough's comprehensive plans are adopted as guiding policy documents and are not self-implementing; and

WHEREAS, the existing standard effectively assigns the comprehensive plan a regulatory role beyond its intended purpose; and

WHEREAS, the proposed ordinance removes this standard while maintaining the intent and operation of the Borough's established conditional use review processes; and

WHEREAS, the proposed ordinance supports the goals and objectives of the Borough Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Assembly Ordinance 26-021.

ADOPTED by the Matanuska-Susitna Borough Planning Commission on this __ day of _____, 2026.

RICHARD ALLEN, Chair

ATTEST

LACIE OLIVIERI, Planning Clerk

(SEAL)

YES:

NO:

COMMISSION BUSINESS

2*1*****5-DIGIT 99645
 MBS PLANNING COMMISSION
 350 E DAHLIA AVE
 PALMER AK 99645-6411



SHAW ELEMENTARY ACCESS OPEN HOUSE

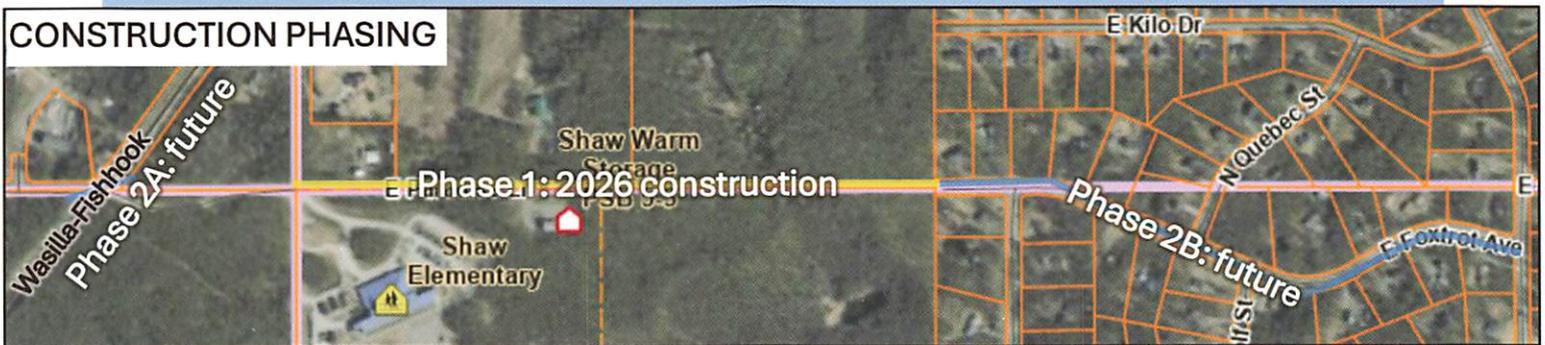
Date: Wednesday, January 28, 2026, 5:00 pm to 7:00 pm

Location: Shaw Elementary School, 3750 E Paradise Lane

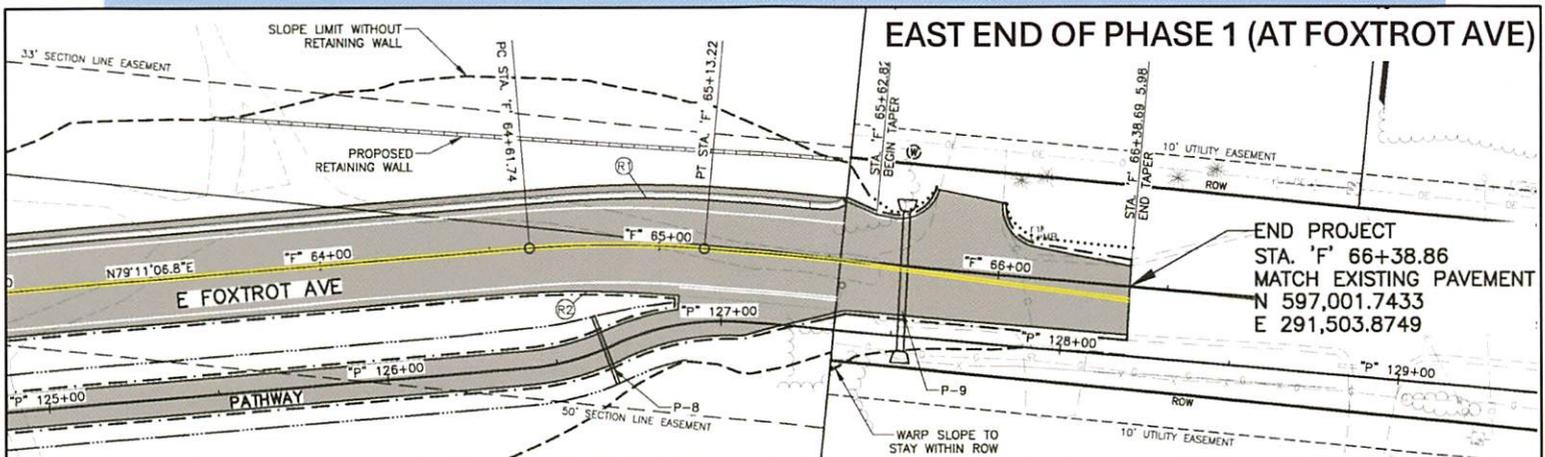
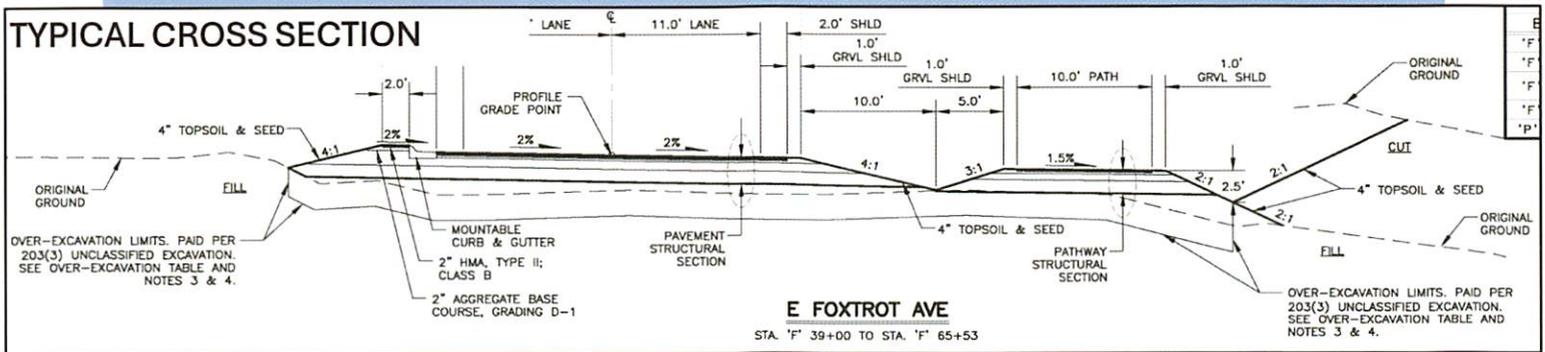
Zoom option: <https://bit.ly/ShawElemOpenHouse>

Phone audio: 1-253-215-8782, Meeting ID: 896 5083 2680, Code: 620003

CONSTRUCTION PHASING



TYPICAL CROSS SECTION





SHAW ELEMENTARY ACCESS

OPEN HOUSE

The Mat-Su Borough invites you to view upcoming construction plans, talk to the project team, and provide feedback.

Date: Wednesday, January 28, 2026, 5:00 pm to 7:00 pm

Location: Shaw Elementary School, 3750 E Paradise Lane

Zoom option: <https://bit.ly/ShawElemOpenHouse>

Phone audio: 1-253-215-8782, Meeting ID: 896 5083 2680, Code: 620003

What's Happening

This is to notify you of an upcoming road construction project and to invite you to a project open house.

This project was approved by voters on the 2021 and 2024 bond packages.

Description

This project will change access to Shaw Elementary and to the new Birchtree Charter school.

Primary design elements are:

- A new road and pathway between Foxtrot Avenue and Paradise Lane as shown in the Official Streets & Highways Plan.
- Improvements to the Wasilla Fishhook/Paradise Lane intersection.
- Improvements to Foxtrot Avenue.

Cost

Estimated cost: \$12,000,000.

Project Benefits

The purpose is to improve ease of travel, connectivity, and safety.

Schedule

Phase 1 will go out to bid this spring for construction this summer, concurrent with construction of the new Birchtree Charter school.

Phase 2 construction is anticipated in 2027 or 2028.

Contact Information

Andrew Strahler

Civil Construction Project Manager
Matanuska-Susitna Borough
Andrew.Strahler@matsugov.us
907-861-7710

Camden Yehle

Public Involvement Lead
Yehle & Associates
Camden@yehlealaska.com
907-346-0506

Website: <https://tip21.matsugov.us>



Online Comment Form

Scan the QR code with your phone camera to access the comment form.

<https://bit.ly/ShawComment>

Save the Date: Public Transit Workshops on March 12 & March 24!

From MatSu Valley Planning for Transportation <info@mvpmpo.com>

Date Thu 2/12/2026 3:29 PM

To MSB Planning Commission <msb.planning.commission@matsugov.us>

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

[View this email in your browser](#)



MATSU VALLEY
PLANNING *for*
TRANSPORTATION

YOU'RE INVITED!!

Mark your calendars!



Matsu Valley Planning *for* Transportation wants to hear from you! We are hosting two public transit workshops in March—available both in person & virtually to make it easy for everyone to participate. We'll share results from recent transit surveys in the Mat-Su Borough, hear from local transit providers, and open the floor for conversation and ideas.

WORKSHOP DETAILS

In-person Workshop:

When: March 12, 2026 from 5:30 - 7:00pm

Where: Wasilla Senior Center

1301 S Century Cir, Wasilla, AK 99654

Virtual Workshop:

When: March 24, 2026 from 12:00 - 1:30pm

Where: Online Zoom Meeting

Visit www.mvpmpo.com for details

Come be part of the conversation and learn about what's working, what's next, and the opportunities ahead for transit in our community! *Stay tuned for the full scoop on what's in store – including food, prizes, and everything you need to know to make the most of it!*



Follow Us



MATSU VALLEY PLANNING *for* TRANSPORTATION

Our email is:
info@mvpmpo.com

Our mailing address is:
PO Box 2587 Palmer, AK 99645

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