

☒ President: Bill Gamble
☒ Vice President: Terry Gorlick
☒ Secretary: Lisa Behrens
☒ Treasurer: Dave Malo
____ Member at Large: Ben Tew
☒ Member at Large: David Haggard
____ Member at Large: Jodi Riddell

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SEP 18 2023
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PO Box 520931
Big Lake, AK 99652-0931

Executive Board Meeting – August 1, 2023 – 7:00 PM (Rescheduled from July 25)
Big Lake Family Restaurant

MINUTES

1.) Call to Order/ Determination of Quorum

By: Bill Gamble Quorum: Yes Time: 07:11pm

2.) Pledge of Allegiance

3.) Agenda Approval Motion: Terry Gorlick Second: Dave Haggard

4.) Previous Meeting Minutes Approval (June 27, 2023)

Motion: Dave Malo Second: Dave Haggard Copy signed: Bill Gamble

5.) Presentation(s)

5.) Treasurer's Report Checking: \$ Savings: \$ (Deferred to August 8 General Membership meeting)

6.) Correspondence From DNR re: proposed Beaver Meadows land sale

7.) Unfinished Business

1. Membership process

- a. Membership contact list maintenance (update – Ben – deferred to August 8 meeting)
- b. Renewal notification/inquiry to past BLCC members (Lisa will start making contacts)
- c. Membership fees handling (update – Dave Malo & Ben – deferred to next E-board mtg.)
- d. Membership application forms retention? (Lisa willing to scan & add folder to Google drive)
Board agrees on proposal to maintain membership forms as recommended. Terry Gorlick and Dave Malo will forward the forms they have, to scan and preserve.

2. BLCC 2023 Grants

- a. Committee volunteers – Terry Gorlick, Margaret Billinger, Cathy Kramer and Lynn Harned.
Committee will meet this week and present to general membership during August 8 meeting.
- b. Applications received and distributions (update from Terry Gorlick)

3. BLCC Bylaws review

- a. Committee volunteers – Ben Tew, Bill Gamble, Lisa Behrens
- b. Example bylaws received from – Meadow Lakes, Fishhook, WACO
- c. Schedule first meeting Fall 2023

8.) New Business

1. Future speakers for General Membership meetings.
Terry Gorlick for August 8 – Beaver Meadows land sale
Terry Hess for August 8 – DNR perspective for questions re: Beaver Meadows land sale
2. Beaver Meadows Subdivision (*info document from Bill Haller forwarded to board members via Lisa, email*)
Terry Gorlick presented map and explained intended scope of the sale and project.
Bill Gamble prepared a draft resolution for Board Officers' review, to be presented for General Membership consideration on August 8, requesting extension of the public comment period.

Motion to submit resolution to General Membership: Terry Gorlick Second: Dave Haggard

Lisa will prepare a sign-in sheet showing all current voting members for the August 8 general membership meeting, in anticipation of a General Membership vote on this resolution.

3. West Susitna Access – current proposal forthcoming regarding making part of the route public access.
4. Pet crematorium at Big Lake Road roundabout – comments/observations by board members, and guest Cindy Bettine. Cindy contacted the borough and learned that MSB has received many calls from concerned residents, but the borough currently has no authority to take action.

9.) Persons to be Heard (3 Minute Maximum time per person)

Cindy Bettine – in favor of resolution to extend the Beaver Meadows land sale public comment period.

10.) Announcements

11.) Board Member Closing Comments

Bill Gamble: Beaver Meadows land sale has been elevated to state legislative level. BLCC resolution will assist them in their efforts.

Terry Gorlick:

Dave Malo:

Dave Haggard:

Ben Tew:

Jodi Riddell:

Lisa Behrens:

12.) Adjournment

Motion: Terry Gorlick Second: Dave Malo Time: 8:05pm



Signature – Bill Gamble, President – Big Lake Community Council

Date

9/12/2023

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PO Box 520931
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General Membership Meeting – August 8, 2023, 7:00 PM
Big Lake Lions Recreation Center

MINUTES

1.) Call to Order/ Determination of Quorum

By: Bill Gamble Time: 7:05pm

Quorum: Yes

Attendees: 16 voting members, 18 non-voting attendees

2.) Pledge of Allegiance

3.) Agenda Approval

Motion: Terry Gorlick Second: Dave Malo

4.) Previous Meeting Minutes Approval (July 11, 2023)

Motion: Terry Gorlick Second: Ben Tew Copy signed: Bill Gamble

5.) Presentation(s)

1. Terry Gorlick re: Beaver Meadows Land Sale proposal (7:10pm to 7:32)

(Terry Hess from DNR also present, as well as Fred Wagner from MSB Platting Department)

Terry provided map and handouts of the proposed land sale area, with explanation of the proposed project. Introduced two resolutions: one by the BLCC Executive Board, and one from the Rocky Lake neighborhood residents' group.

Audience Comments/Questions:

Terry Hess – DNR: We are in the public comment period now. On August 22 there will be a public meeting from 5:00-7:00pm here at Big Lake Lions Club. All concerned residents are welcome to attend and ask questions, provide comment. The MSB will be involved in the process when active subdivision processes begin. All action will have to go through the MSB Platting process. May take up to 5 years before development would begin.

Bill Gamble: (to Terry Hess) Has there ever been a similar land sale in an area as populated as the Big Lake area is?

6.) Treasurer's Report

Checking: \$ 39,138.11

Savings: \$ 1918.77

Petty Cash: \$100

Dividends: \$1.70

7.) Membership Report

Ben Tew: 59 total paid members for 2023 (including 5 new/renewal applications received this meeting)

8.) Reports

1. Legislative (State House & Senate)

Senator Shower: No report available

Representative McCabe: West Lakes Boulevard, "100% my fault." Based on commentary from local residents, it seemed logical to ask SOA to sell state property along West Lakes, to generate property tax revenue. That is the reason DNR is involved now in the (Beaver Meadows) proposed land sale. State of Alaska and DNR have done all applicable studies and are willing to extend the public comment period. Willing to take questions from concerned residents at this time, and pivot on the matter, if necessary.

John Rodda: I'm baffled that our legislator pushed this without prior communication with this community council. Isn't this the forum where that would usually have been introduced? John requests that the BLCC resolution goes forward as written, to ensure that a thoughtful, transparent public-participation process is followed. This comes as a surprise to the community and seems to have skipped appropriate notification to those who would be affected.

Representative McCabe: State of Alaska / DNR are offering this for public comment and are willing to abandon the project in light of significant public opposition. People in the community came to me and indicated that this could be a good idea. Mr. McCabe approached SOA and DNR and asked for a project to be proposed in the area. This project has been proposed. If the community doesn't want it, that will be respected, and the project may be shelved.

Terry Gorlick: I was one of the community members who approached Rep. McCabe with some ideas for use of the state-owned property in the area. Terry had ideas for youth hunting area, etc.

Fred Wagner: Verified that MSB has platting authority over SOA/DNR projects in every organized borough. There has been miscommunication that this subdivision project would not involve MSB.

Norm Lawler: Would like to verify that the individuals who approached Rep. McCabe indicated that a 5-mile section of West Lake Boulevard has no tax-revenue producing properties on it. I don't understand the impetus for requesting a state land sale in this area. Who are the people who want this and requested action from our state legislator? What is their impetus for asking for this? It sounds like the benefit of this process is to have more property tax revenue in this RSA? Why does it appear that so much of this land is not "high ground" and not developable? Please verify that ALL applicable studies have been done, as you said earlier. The earlier statement that "those types of studies are not normally shared or made available to the public" is not correct. That requirement is a part of Alaska legislative code. It cannot be kept from the public. It sounds like the primary impetus for this is to generate additional tax revenue and provide better road maintenance funding, but it does not seem to be following normal process.

John Rodda: Has the project area changed since the initial release of information to the public? This seems like a much larger area is mapped out than the amount of land that can actually be developed.

Rep. McCabe: I am here to speak for this community. I will bring your opinion and commentary to DNR, and if the community does not want this, or wants it to be done differently, that is what I will take forward from this meeting. I will speak with the voice of this community, to ensure that if this is done, it must be done right.

Rep. McCabe: Legislative report – legislation proposed to update a 1970s regulation that will make it less complicated to qualify for a CDL, given the current shortage of commercial truck drivers in Alaska. DOT STIP program will be heard on August 22 – has to do with roads in Mat Su & Big Lake area.

John Rodda: I appreciate our legislative support that resulted in the 2024 Arctic Winter Games being held here in Mat Su.

2. Assembly (District 5)

Member Tew: (no report available)

3. Fire Service (West Lakes Fire Department)

Chief Hightower: For month of July, 89 emergency calls. 91 calls is our maximum capacity. We need more fire responders. 9 of those 89 calls were structure fires, that is also an unprecedented number. A bit of public information here: some structure fires are caused by cigarettes being extinguished in flowerpots. In reality, the planting medium in flowerpots is not regular soil. It is flammable material.

Thank you to Ben Tew on behalf of Lois Parker for mowing in front of the Big Lake mall.

4. Road Service (all boards reporting)

Bill Haller: Several projects have been completed this year. Tolson & Pond Lily non-passable roads have been improved and should now be year-round passable. First two miles of Twin Papoose is going out for bid, to be repaired and see improvement prior to winter this year. West Lakes Boulevard project is waiting for DNR response prior to moving forward. Bond packages affecting Big Lake this fall are more generous than they have been in many years. Burma Road will be a drivable road for its entire length. Other projects will benefit Big Lake as well. This \$74 million bond package will be on the ballot this November. No firm date for improving Big Lake Road at this time. There is still indecision over Hollywood Road improvement vs Big Lake Road upgrade. Calcium chloride application was deferred this year due to the extreme amount of rain. The calcium chloride that was purchased will be saved for next winter season.

Al Bolea: Ice road damage due to fishermen drilling holes in the ice road. What can be done in the future to resolve this? Bill Haller: Contact Alaska Fish & Game and request "Ice Road Etiquette" be added to the Alaska Fishing Guidebook that is distributed with all fishing licenses. Rep. McCabe: Working on funding for ice road plowing this next season. Money is available.

5. Valley Recycling: September period for open dump use for Big Lake residents. Contact Assemblymember Tew for more specific information.

9.) Correspondence

1. Marijuana cultivation facility application: Rollin J's

10.) Unfinished Business

1. Committee Updates:

Bylaws: Will meet in the fall

Grants: Handout provided by Terry Gorlick

Motion to approve current grant applications: Terry Gorlick Second: Ben Tew

Vote of the members present: No objections or questions – applications approve

Capital Improvements: (no update)

2. Lake setback ordinance: Assembly consideration was deferred, and the matter sent to work group.

11.) New Business

1. Beaver Meadows – proposed BLCC resolution to extend public comment until September 2024.

Bill Haller: recommends resolution language change to extend the public comment period to 90 days after the all applicable reports and studies have been released for public review and comment.

Cindy Bettine: Opposes Haller proposal, and supports the resolution to extend the comment period until September 2024. This is a complex issue and deserves that amount of time to review available information.

Phil Hemmers: Does not agree with Terry Gorlick's proposed changes to the DNR land sale map and does not think his proposal should become a part of the BLCC resolution on the matter.

John Rodda: A reminder that the State of Alaska and DNR are not in a hurry. It is reasonable, and leads to transparency, public engagement, and public process to move the 2024 extension resolution forward to DNR.

Mike Butcher: Just received the DNR notification today. Why have the results of the studies that have been done not been released to the public? DNR Rep. Tim Shilling: there has been a miscommunication. All non-confidential studies have been released and are available to the public.

Only the Cultural Heritage study is a confidential report, and it is underway at this time. Bill Gamble: What will be the intent of the August meeting on this land sale proposal, and what information will be available?

Tim Shilling: The August 22 meeting will be a "listening and question/answer" meeting.

Terry Gorlick: can DNR make and distribute a list of links to the studies referenced in the document that was sent out to residents? Terry looked for those items on the DNR site and was unable to locate them.

Proposed amendment to Resolution 23-02 to include language (paragraph #3) from the Rocky Lake residents resolution: Terry Gorlick Second: Dave Haggard

Membership vote: Passed without opposition

Motion to accept Resolution 23-02 as written by BLCC Executive Board and amended with language from the Rocky Lake residents resolution: Terry Gorlick Second: Dave Malo

Membership vote: Passed, with two persons in opposition

12.) Persons to be Heard (3 Minute Maximum time per person)

3 persons on sign-up list, comments made during reports and new business.

13.) Announcements (None)

14.) Board Member Closing Comments

Bill Gamble: August 22 meeting at Big Lake Lions re: continued discussion of Beaver Meadows land sale

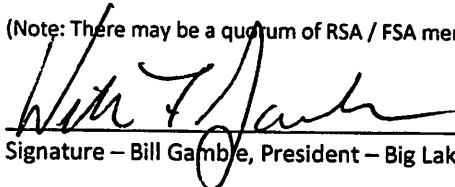
Dave Malo: Drilling holes in ice road; stealing public-funded flowers intended for Big Lake beautification is extremely bothersome. This needs to be addressed

Dave Haggard: Agrees that drilling fishing holes in ice roads signals disrespect for Big Lake residents, and needs to be addressed.

15.) Adjournment

Motion: Terry Gorlick Second: Ben Tew Time: 9:48pm

(Note: There may be a quorum of RSA / FSA members in attendance at the meeting)



Signature – Bill Gamble, President – Big Lake Community Council

9/12/2023
Date

Greater Butte RSA 26

May 10, 2023 at 10:00 am, at Butte Fire Department

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AGENDA: RSA 26 Drive Around

Attendance: Dustin Spidal - MSB 907-354-5149, Conrad Carr – MSB 907-355-0068,

Lucy Klebesadel 907-863-5829, Jim Stocker 907-745-5346, Karl Kopperud 907-745-4318

Started on **Lombardo**, discussed drainage work. **Kuhn, Vera, Bohman**, were fine. **Aurora** (puss pocket at the top near cul-de-sac). **Harmony, Rambling**, 'Fall Creek Estates' **Laurie Ann Cir**, admired the ditches and slope work. **Windless** (loose fines at bottom of hill). **N. Retreat, Browns**, were fine. **Eckert** (one spot had pot holes and was bumpy). **Brimer**, was fine. **Lake George**, no snow storage – driveway gets bermed in. **Brimer, 3 Sisters**, were fine. Passed by **Glengerry, S. Homestead, Tatlow, Lake George, Kathy Marcus Baker. Witherspoon, Placid**, were fine. Passed by **Tranquility. Cozy, Relaxing, Placid**, were fine. Passed by **Ingle. Marley, Sasquatch** (dense new homes), **N Dewey st, Yeti, Hale** (no homes yet). **N Bridge, Rock Ridge**, were fine. Passed by **Old Timber. Backacres** (puss pocket). Discussed what's coming on Weiland's property. Passed by **Maries, S Falk. S Butte Dr.** (design is complete, cul-de-sac is wet with pot holes). **Sea Biscuit** (stress cracks, needs seal). Passed by **Man-O-War. Swaps, Nina** (new homes, lots of stakes), **Peaceful** (has rubber matting over one puss pocket area, more puss pockets). **McCombs, Melanie, Brian, Doc McKinley** (has candles @ puss pocket). **Jessie Jo** (recently cleared/grubbed on S side. **Knikview** (puss pocket). Passed by **Breezy**. Drove the new Colonial Fields subdivision, admired the ditches. **Laura** (65% design). **Kent** (water backed up, flowed over the road. Asked State to reditch). **E John King** was fine. Passed by **Sandvik. Martha, E Culk, Lazenby** were fine. Passed by **Juanita. Robert Lyle** was fine. Passed by **George Plumley, Bergman. Butte Cir** (no ditches or driveway culverts). **E Janes Rd** is paved. Passed by **E Ursa View. E Beautiful Cir, E Merry Cir, E Sunny loop, E Walling Rd, Silver Bullet** was fine. **Lindsey** (end of Walling – white fence is in ROW). Passed by **Carol Ann, Pine Needle, Connie Kay. Butte Airman** (no culverts under driveway, lots of gravel & dust). **Sullivan, S Mitzi Cir** (needs to be graded + 6-8 loads of gravel, it's substandard, no place to move snow to). **Julie Marie** (paved, looks great). Passed by **Barwood, Dilley, Sudaka. Our Rd, Republican** (recent trenching for cell tower). **Pioneer View Dr, Republican, Annette** (were fine, but dusty). **Tempra St.** was fine. Passed by **Twin. Reich** (little bit of washboard, lots of clearing at end). **Birch Hill** (water at end on cul-de-sac). **Felton** (car parked in cul-de-sac). **Ivanhoe, Arnold** (good shape). Passed by **Theresa. Midnight**, climbed out and checked underside of **George Creek Bridge. Ben Hur, Snowball** were fine. Passed by **Doreen, Clare Way. S Dock Cir, E Garden Way** were fine. Passed by **Nystrom Way. Phoenicia** was dusty. **BackHome Dr, Ed Rush, Buckshot**, were fine, but dusty. **Justin Rd** (culverts are buried and full of fines).

Constitution Dr (no ditches, no culverts on driveways). Passed by **Bending Birch**. **Americana** was fine. Passed by **Reliance**. **S River Dr, Sun Dance** (puss pocket). **Wycoff** (very pot holey), **Georgia Blvd** (puss pocket), **Baker Rd, River Rd at Wycoff** (puss pocket). **S River Rd** (puss pocket). **Twin Peaks** (cluttered with autos, very narrow). This completed our drive around. Apx. 5:30pm.

Lucy Klebesadel
14 Sept '23

Karl Kopperud

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on August 21, 2023, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Chair Koan.

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

Planning Commission members present and establishing a quorum:

Mr. Doug Glenn, Assembly District #1
Mr. Richard Allen, Assembly District #2*
Ms. C. J. Koan, Assembly District #3
Vacant, Assembly District #4
Ms. Linn McCabe, Assembly District #5
Mr. Curt Scoggin, Assembly District #7

Planning Commission members absent and excused were:

Mr. Wilfred Fernandez, Assembly District #6

Staff in attendance:

Ms. Peggy Horton, Planner II
Mr. Alex Strawn, Planning and Land Use Director
Ms. Kim Sollien, Planning Services Manager
Ms. Maija DiSalvo, Planner II
Ms. Kelsey Anderson, Planner II
Ms. Shannon Bodolay, Assistant Attorney
Ms. Corinne Lindfors, Development Services Division Administrative Specialist
Ms. Karol Riese, Planning Depart. Administrative Specialist/Planning Commission Clerk*

*Indicates that the individual attended telephonically.

II. APPROVAL OF AGENDA

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

Chair Koan requested to move Resolution 23-04, Essential Services to the beginning of the Legislative order.

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

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. Bill Kendig.

IV. CONSENT AGENDA

A. Minutes Regular Meeting Minutes: August 7, 2023

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 23-31 A Conditional Use Permit in accordance with MSB 17.60 – Conditional Uses; for the operation of a Marijuana Retail Facility known as Talkeetna Connection, located at 39209 South Talkeetna Spur Road, Tax ID #24N04W29D002; within Township 24 North, Range 4 West, Section 29, Seward Meridian; Public Hearing: September 18, 2023; (Applicant: Talkeetna Connection; Staff: Rick Benedict, Planner II)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

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

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

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

GENERAL CONSENT: The consent agenda was approved without objection.

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

Amber McDonough spoke regarding having the community councils come in and discuss borough cleanup – Thank you to the borough for doing that.

There being no one persons to be heard, Chair Koan closed the Audience Participation.

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 23-33 A Conditional Use Permit in Accordance with MSB 17.17 – Denali State Park Special Land Use District to Operate a Commercial Use (Horse & Wagon Rides). Located at 10578 East Walter Harper Way, Tax ID #29N05W33D012 & 29N05W33D028, within Township 29 North, Range 5 West, Section 33, Seward Meridian; (Applicant: Steven Van Troba dba D & S Trail Rides; Staff: Peggy Horton, Planner II)

Chair Koan read the resolution title into the record.

Chair Koan read the ex-parte memo asking questions of the Planning Commissioners.

Ms. Horton provided a staff report.

Mr. Van Troba provided a brief report stating he fixed the issue with the barn that was on the property line.

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

MOTION: Commissioner Scoggin moved to approve Planning Commission Resolution 23-33. The motion was seconded. by Commissioner Glenn.

Discussion ensued

MOTION: Commissioner McCabe made a primary amendment item #4 to be excluded. The motion was seconded. By Commissioner Glenn.

~~4. Remove a portion of the horse stables' south end to bring the building into compliance with MSB 17.55. Provide staff with photographic evidence of the removal.~~

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS

Resolution 23-04 A Resolution of the Matanuska-Susitna Borough Planning Commission Recommending Approval of an Ordinance Amending MSB 17.05 – Essential Service Utilities by Providing Additional Process and Standards for Approval; (Staff: Alex Strawn, Planning and Land Use Director)

Chair Koan read the resolution title into the record.

Mr. Strawn provided a staff report.

Commissioners had no questions for staff.

Chair Koan opened the public hearing.

The following persons spoke in regarding Planning Commission Resolution 23-04: Bill Kendig, Will Klatt, Patty Fisher, Amber McDonough, William Hastings, Paul Cook, and Mr. Ravensky.

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

Mr. Strawn had no response to questions and statements from members of the audience.

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

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

MOTION: Commissioner Glenn moved to approve Planning Commission Resolution 23-04. The motion was seconded. by Commissioner Scoggin.

Discussion ensued

VOTE: The main motion failed
YES: Commissioner Allen

NO: Commissioners McCabe, Scoggin, Glenn, and Koan

Resolution 23-20 A Resolution of the Matanuska-Susitna Borough Planning Commission Recommending the Matanuska-Susitna Borough Assembly adoption of the 2023 Coordinated Human Services Transportation Plan Update; (Staff: Maija DiSalvo, Planner II)

Chair Koan read the resolution title into the record.

Ms. DiSalvo provided a staff report.

Commissioners questioned staff regarding:

- Strategies/Priorities

Chair Koan opened the public hearing.

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

MOTION: Commissioner Glenn moved to approve Planning Commission Resolution 23-20. The motion was seconded by Commissioner McCabe.

Discussion ensued

MOTION: Commissioner Scoggin made a motion to table Resolution 23-20 until the end of the meeting. The motion was seconded by Commissioner McCabe.

VOTE: The motion passed unanimously.

Planning Commission took a break at 8:00 p.m.

Planning Commission returned at 8:10 p.m.

Chair Koan re-read Resolution 23-20 into the record

Discussion Continued.

MOTION: Commissioner Glenn moved a primary amendment to add a “Be it Further Resolved” as stated below. The motion was seconded by Commissioner McCabe.

BE IT FURTHER RESOLVED, the Commission recommends the Assembly request a summary of changes that were made with this proposed update and request an analysis of overall cost that the existing transit system has to taxpayers.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed without objection.

Resolution 23-30 A Resolution of the Matanuska-Susitna Borough Planning Commission Recommending the Matanuska-Susitna Borough Assembly Approval of the Matanuska-Susitna Borough's Bicycle and Pedestrian Plan; (Staff: Kelsey Anderson, Planner III)

Chair Koan read the resolution title into the record.

Ms. Anderson provided a staff report.

Chair Koan opened the public hearing.

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

MOTION: Commissioner Glenn moved to approve Planning Commission Resolution 23-30. The motion was seconded by Commissioner McCabe.

Discussion ensued

VOTE: The main motion passed without objection.

The Planning Commission resumed to discussion of Resolution 23-20.

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

XII. UNFINISHED BUSINESS - *(There was no unfinished business.)*

XIII. NEW BUSINESS - *(There was no 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

Alex Strawn School Site Selection Committee vacant seat; Waterbodies Setback Advisory Board; dealing with legislative matters and you have questions, I urge you to contact staff to answer your questions prior to the meeting.

Commissioner Glenn Appreciate all of you.

Commissioner Scoggin Thank you staff.

Commissioner Koan Appreciate all the plans and information you put together.

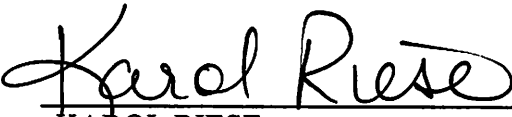
XVI. ADJOURNMENT

The regular meeting adjourned at 8:38 p.m.



C J KOAN
Planning Commission Chair

ATTEST:



KAROL RIESE
Planning Commission Clerk

Minutes approved: September 18, 2023

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MATANUSKA-SUSITNA BOROUGH

PLANNING COMMISSION RESOLUTION NO. 23-24

By: Peggy Horton
Introduced: June 19, 2023
Public Hearing: September 18, 2023
Action: APPROVED

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO OPERATE A SCHOOL BUS TRANSPORTATION FACILITY WITHIN THE CORE AREA, AT 1600 SOUTH TANYA COURT, TAX ID# 81930001009A AND 7964000L002; LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 1 EAST, SECTION 16, SEWARD MERIDIAN.

WHEREAS, DOWL Engineering, for National Express, applied for a Conditional Use Permit under MSB 17.61 - Core Area, to operate a school bus transportation facility at 1600 South Tanya Court, Tax ID# 8193000L009A and 7964000L002; within Township 17 North, Range 1 East, Section 16, Seward Meridian (hereinafter "subject property"); and

WHEREAS, the Planning Commission has reviewed this application with respect to applicable standards set forth in MSB 17.61; and

WHEREAS, the Planning Commission conducted a public hearing on September 18, 2023, on this matter; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission hereby adopts the following findings of fact:

WHEREAS, #1 the subject property has been and is proposed to continue to be used commercially as a school bus transportation facility; and

WHEREAS, #2 the land uses along South Tanya Court consist of industrial, residential, and commercial; and

WHEREAS, #3 land uses to the north and northeast of the subject property are industrial, indicated by the gravel extraction activity. Southeast and across South Tanya Court is a residential use community with four homes built on a ridge overlooking the Parks Highway, with lot sizes ranging from 1.3 to 2 acres. The land uses south and southwest are commercial. Directly west of the subject property and approximately 50 feet higher in elevation is a residential use development of 19 lots, between 1.4 to 2.8 acres, not fully built out; and

WHEREAS, #4 the proposed use will access South Tanya Court, which intersects with East Blue Lupine Drive, approximately 450 feet from the bus facility's gated entrance; and

WHEREAS, #5 East Blue Lupine Drive is classified as a major collector and managed by the State of Alaska Department of Transportation and Public Facilities (ADOT&PF); and

WHEREAS, #6 South Tanya Court is classified as residential and managed by the Matanuska-Susitna Borough (MSB); and

WHEREAS, #7 the subject properties total 9.99 acres, with two metal buildings serving as an office and maintenance garage; and

WHEREAS, #8 the facility includes a 10,000-gallon above-ground diesel fuel storage tank and Diesel Exhaust Fluid (DEF) storage building; and

WHEREAS, #9 the applicant installed the fuel storage tank on an asphalt pad for refueling the buses; and

WHEREAS, #10 according to the application material, the fuel within the storage tank is used for fueling the buses and not for retail sales; and

WHEREAS, #11 according to the application material, a 10,000-gallon above-ground diesel fuel storage tank and DEF storage building are placed on the common property line between Lot 9A and Lot 2; and

WHEREAS, #12 the placement of the fuel storage tank and DEF storage building on the common property line violated the applicable setbacks; and

WHEREAS, #13 the subject properties consist of Lot 2 of RIP Subdivision, Plat #2019-164, and Lot 9A of Jensen Subdivision, Plat #2021-133; and

WHEREAS, #14 the applicant sought a lot line adjustment through the borough's platting process; and

WHEREAS, #15 the lot line adjustment plat received preliminary approval on July 6, 2023; and

WHEREAS, #16 at the time of this resolution, MSB Platting Division staff is awaiting a final plat for review and recordation for compliance with MSB Title 43; and

WHEREAS, #17 the weight of the diesel fuel stored in the fuel storage tank exceeds 10,000 pounds; and

WHEREAS, #18 according to the application material and site visit, the fuel storage tank is double-walled, surrounded by jersey barriers, and has leak detection and monitoring systems; and

WHEREAS, #19 the fuel storage tank is located outside a designated flood hazard area; and

WHEREAS, #20 as specified in the SWPPP, the applicant constructed asphalt-paved drives on both sides of the fuel storage tank, which are sloped toward the tank to capture any spills or leakage; and

WHEREAS, #21 according to the application material, the school bus facility is generally open from 4:30 a.m. to 7:30 p.m., Monday through Friday, excluding holidays; and

WHEREAS, #22 according to the application material, the exterior lighting will have downward-directed fixtures to provide safe lighting for the facility without impacting the nearby neighbors; and

WHEREAS, #23 there is a six-foot tall chain-link fence around the entire parcel with a gate open during hours of operation; and

WHEREAS, #24 according to an email from DOWL on August 25, 2023, the applicant will place privacy slats within the chain-link fence along South Tanya Court to obscure the view of the facility; and

WHEREAS, #25 the applicant submitted a TIA Methods and Assumptions Memorandum for concurrence from MSB and ADOT&PF prior to initiating the TIA (DOWL email dated 5-24-22); and

WHEREAS, #26 the Methods and Assumptions Memorandum dated July 20, 2022, indicates when buses are converted to Passenger Car Equivalents per the Highway Capacity Manual (HCM), the peak hour volume is in excess of 250 vehicles (Methods and Assumption Memo dated 7-20-22); and

WHEREAS, #27 the applicant provided a Traffic Impact Analysis (TIA) for the use (DOWL CUP Narrative Page 6); and

WHEREAS, #28 the TIA evaluates the potential traffic impacts associated with the Tanya Court Bus Facility development at eight key intersections in the opening year and design year (ten years from the opening year) and analyzes crash history (TIA Pages 1 & 5); and

WHEREAS, #29 the TIA included an analysis of two years, 2022 and 2032. In each of these years, they estimated and analyzed the traffic without the bus facility and the traffic generated by the bus facility; and

WHEREAS, #30 the TIA makes the following findings/recommendations: 1) No capacity-related off-site intersection improvements are required of the MSB School District and National Express; 2) Safety mitigation will not be required of the development, and ADOT&PF will continue monitoring the safety

concerns identified to find potential solutions; 3) A turn warrant analysis at the Tanya Court and Blue Lupine intersection indicated that a right turn lane be explored for the westbound right turning movement. According to the TIA, MSB School District and National Express will be required to work with ADOT&PF and MSB to find a solution "that provides the greatest public benefit, at the least private cost," consistent with Alaska Administrative Code (TIA Section 5.0); and

WHEREAS, #31 the eight intersections analyzed in the TIA are considered two-way stop-controlled intersections (TWSC) or roundabouts (TIA Table 2); and

WHEREAS, #32 MSB 17.61.140(A) defines Level of Service (LOS) as a qualitative measure describing operational conditions within a traffic stream, based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, and convenience. Six LOS, from A to F, are used to represent a range of operating conditions with LOS A representing the best operating conditions and F the worst; and

WHEREAS, #33 the LOS for a TWSC intersection is defined by the control delay for each minor approach and major street left-turn movement (HCM 2010, Volume 3, Chapter 19); and

WHEREAS, #34 the LOS for a roundabout intersection is defined by the control delay for each approach (HCM 2010, Volume 3, Chapter 21); and

WHEREAS, #35 the TIA reports two LOS ratings for each stop-controlled intersection, displayed in the LOS column as X/X in TIA Tables 2, 6, 8 & 9 (see Appendix A); and

WHEREAS, #36 the two LOS ratings are described as the LOS as defined by the HCM, and the LOS for the approach with the highest control delay (See Appendix A); and

WHEREAS, #37 the LOS as defined by the HCM is considering the delay of the intersection as a whole; and

WHEREAS, #38 the LOS with the highest control delay considers only the delay for the highest or critical movement; and

WHEREAS, #39 the ADOT&PF Central Region Traffic & Safety Engineer indicated to the Borough that they only consider the LOS as defined by the HCM until the control delay of a single approach exceeds 180 seconds (ADOT&PF [Scott Thomas] email 11-15-22); and

WHEREAS, #40 ADOT&PF manages Parks Highway, Trunk Road, Blue Lupine Drive, and Hyer Road; and

WHEREAS, #41 MSB relies on ADOT&PF for their input and expertise in the management of their roads and suggests the Planning Commission do the same for this project; and

WHEREAS, #42 the TIA indicates that in the opening year with the development during the AM Peak Hour and the PM Peak Hour, the LOS, as defined by the HCM, of each intersection meets the standards of MSB 17.61.090 (A) & (B) (TIA Tables 2 & 8) (See Appendix A); and

WHEREAS, #43 The TIA indicates in the opening year with development at the PM Peak Hour, LOS of the westbound approach of Hyer Road and Blue Lupine Drive intersection is D when analyzing the highest control delay; however, the control delay is less than 180 seconds, therefore only the LOS as defined by HCM is considered in the analysis, which is B, compliant with MSB 17.61.090(B) (TIA Tables 2 & 8) (See Appendix A); and

WHEREAS, #44 the TIA indicates that in the opening year without the development during the PM peak hour, the LOS of the westbound approach of the Parks Highway Northbound Terminal at Trunk Road intersection is F with a control delay of 75.5 seconds (TIA Table 2) (See Appendix A); and

WHEREAS, #45 the TIA indicates that in the opening year with the development during the PM Peak Hour, the westbound approach of the Parks Highway Northbound Terminal at Trunk Road intersection control delay deteriorates by 16% to 87.7 seconds to a LOS of F; however, the control delay is less than 180 seconds and therefore only the LOS as defined by HCM is considered in the analysis, which is C, compliant with MSB 17.61.090(B) (TIA Table 8) (See Appendix A); and

WHEREAS, #46 the TIA indicates that in the design year without the development during the PM Peak Hour, the LOS, as defined by the HCM, and the LOS of the westbound approach of the Parks Highway

Northbound Terminal at Trunk Road intersection is F with a control delay of 268.1 seconds (TIA Table 6) (See Appendix A); and

WHEREAS, #47 the TIA indicates that in the design year with the development during the PM Peak Hour, the LOS as defined by HCM, and the LOS of the westbound approach of the Parks Highway Northbound Terminal at Trunk Road intersection remains an F and the control delay deteriorates by 11% to 298.0 seconds (TIA Table 9) (See Appendix A); and

WHEREAS, #48 according to the applicant at a coordination meeting on July 31, 2023, in the design year (2032), the employee's cars departing from the development add to the traffic on the Trunk Road overpass and therefore reduce the number of gaps available for left turn and through movements at the Parks Highway Northbound Terminal at Trunk Road intersection; and

WHEREAS, #49 the TIA indicates that in the design year with the development at the PM Peak Hour, the LOS of the westbound approach of the Hyer Road and Blue Lupine Drive intersection is D; however, the control delay is less than 180 seconds therefore only the LOS as defined by HCM is considered, which is B, compliant with MSB 17.61.090(B) (TIA Table 9) (See Appendix A); and

WHEREAS, #50 according to the TIA, DOWL performed an evaluation of turn lane warrants to determine if right-turn lanes are needed in the opening year for the westbound right-turning movement from Blue Lupine Drive to Tanya Court. The two types of

right-turn lanes explored were tapers and pockets (TIA Section 4.5.1); and

WHEREAS, #51 according to the TIA, Section 4.5.1, the turn lane warrants presented are for unsignalized intersections; and

WHEREAS, #52 according to an email from DOWL on May 8, 2023, and August 3, 2023, their discussions with ADOT&PF concluded that a right turn taper was appropriate for the Blue Lupine Drive intersection with Tanya Court due to a variety of constraints, including right-of-way width availability, existing pathway location, and existing driveway locations to the east (DOWL emails dated 5-8-23 and 8-3-23); and

WHEREAS, #53 according to an email from DOWL on May 8, 2023, DOWL is coordinating the right-turn lane construction with MSB Department of Public Works (DPW) and the MSB contractor working on the Tanya Court upgrade project (DOWL Email 5-8-23); and

WHEREAS #54 according to an email from DOWL on August 21, 2023, MSB DPW agreed to add the turn lane construction into the MSB Tanya Court upgrade project; and

WHEREAS, #55 in their managerial capacity for Blue Lupine Drive, ADOT&PF will review the construction plans as part of the MSB Tanya Court Upgrade Project Approach Road Review (ARR); and

WHEREAS, #56 the applicant will be responsible for the cost associated with the right-turn taper portion of the project, as confirmed in an email from DOWL on August 28, 2023; and

WHEREAS, #57 the TIA included a safety analysis that evaluated crashes by severity, type, and location at each study intersection from 2010 to 2019 [Methods and Assumptions Memo 6-20-22 & TIA Section 2.6]; and

WHEREAS, #58 the TIA indicates that the crash rates at all the TWSC intersections studied except for the Parks Highway Northbound at Hyer Road are lower than the statewide average (TIA Section 2.6); and

WHEREAS, #59 the TIA indicates the crash rates at the Parks Highway Northbound Terminal at Hyer Road exceed the statewide average for that type of intersection. However, analysis of the collision data does not indicate a discernable pattern that could be mitigated by safety improvements and the development traffic is not using the critical movements at this intersection (TIA Section 2.6); and

WHEREAS, #60 the applicant is actively working with the MSB Permit Center and DPW to finalize the driveway permit onto South Tanya Court (MSB email dated 5-8-23); and

WHEREAS, #61 according to the application material, the office building is 52.6' from the northeast lot line and 114.8' from the west lot line. The maintenance garage is set back from the west lot line by 127.2' and from the South Tanya Court right-of-way by 76.7' on the northeast corner and 55.8' from the

southeast corner. The fuel storage tank is set back 200' from the South Tanya Court right-of-way (Site Plan dated 8-12-22); and

WHEREAS, #62 the applicant submitted an Environmental Compliance Handbook describing general Customer Service Center (CSC) guidelines for the use. This document reviews environmental regulations applicable to the activities typically undertaken at the company's facilities and details actions to be taken to ensure compliance (CUP Narrative Section 4.4); and

WHEREAS, #63 according to the application material, the Storm Water Pollution Prevention Plan (SWPPP) and Spill Prevention, Control, and Countermeasure Plan (SPCC) are site-specific (SWPPP Sec 2 & SPCC Sec 3); and

WHEREAS, #64 according to the application material, the SWPPP is intended to establish procedures, methods, and containment systems to prevent impacts to storm water (SWPPP Appendix E); and

WHEREAS, #65 according to the application material, the SPCC's purpose is to prevent a release of petroleum-based substances into navigable waters of the United States (Site Specific Environmental Plan Section 1.1.2); and

WHEREAS, #66 the applicant submitted MSB Deputy Fire Marshal approved plan reviews for the wash bay renovation (#2022-138), the office building (#2022-127), and the fuel storage tank (#2023-010) to indicate the development complies with the applicable fire code (CUP Appendix 5); and

WHEREAS, #67 according to the application material, the well installed on the property was operating as private but was reclassified as Transitory Non-Commercial due to the property's current use. The Alaska Department of Environmental Conservation (ADEC) reviewed the modifications necessary to bring the well up to the new standards and issued Interim Approval to Operate (ADEC letter dated July 27, 2023); and

WHEREAS, #68 according to the application material, the ADEC approved a Separation Distance Waiver for the water well and wastewater system (ADEC Letter dated April 5, 2023); and

WHEREAS, #69 the fuel storage tank and DEF storage building are considered structures as they are constructed or created and located on or above the ground, or attached to something fixed to the ground and are not exempted from the definition of structure specified in MSB 17.55.004; and

WHEREAS, #70 the closest residential structure is approximately 350 feet south of the proposed use; and

WHEREAS, #71 the applicant is not proposing any outdoor amplified sound activities; and

WHEREAS, #72 noise level readings were taken at the facility on April 18, 2022, and May 10, 2022; and

WHEREAS, #73 MSB Staff performed six 10-minute sound level readings on April 18, 2022, from 8:51 a.m. to 10:45 a.m., to

measure the sound generated by the facility operation, as well as the ambient noise level; and

WHEREAS, #74 according to The Complete Illustrated Book of Development Definitions Fourth Edition, Ambient Noise Level is defined as "The normal or existing level of noise from existing conditions or activities at a given location;" and

WHEREAS, #75 according to the definitions in MSB 17.61.140, "Sound Level means that quantity measured by a sound level meter using A-weighting (dBA) and the slow setting as specified in the American National Standards Institute specification;" and

WHEREAS, #76 the measurements of ambient sound levels taken on April 18, 2022, were as follows:

An ambient sound level reading from 10:03 a.m. to 10:13 a.m. on the subject property at the corner nearest the buses resulted in an average of 43.6 dBA; staff noted five incidents of noise not originating from the subject property; and

An ambient sound level reading from 10:19 a.m. to 10:29 a.m. on South Tanya Court across from the driveway of 1661 South Tanya Court resulted in an average of 57.2 dBA; staff noted five incidents of noise not originating from the subject property; and

WHEREAS, #77 the ambient sound levels measured on April 18, 2022, were from 43.6 dBA to 57.2 dBA; and

WHEREAS, #78 the measurements of the facility operation sound level readings on April 18, 2023, with the buses running, were as follows:

The facility operation sound level reading from 8:51 a.m. to 9:01 a.m. on the subject property at the corner nearest the buses resulted in an average of 54.3 dBA; staff noted five incidents of noise not originating from the subject property; and

The facility operation sound level reading from 9:18 a.m. to 9:28 a.m. on South Tanya Court across from the driveway of 1661 South Tanya Court resulted in an average of 52 dBA; staff noted six incidents of noise not originating from the subject property; and

The facility operation sound level reading from 9:43 a.m. to 9:53 a.m. at the property stake nearest the running buses and off of East Updraft Road resulted in an average of 47.9 dBA; staff noted six incidents of noise not originating from the subject property; and

The facility operation sound level reading from 10:34 a.m. to 10:45 a.m. on South Tanya Court across from the driveway of 1661 South Tanya Court resulted in an average of 59.5 dBA; staff noted seven incidents of noise not originating from the subject property; and

WHEREAS, #79 the sound level of the facility operations with the buses running on April 18, 2022, was 47.9 dBA to 59.5 dBA; and

WHEREAS, #80 the April 18, 2022 sound level measurements were taken when the bus engines were running and the bus horns and backup devices were not in use; and

WHEREAS, #81 significant noises from outside the subject property impacted the April 18, 2023, sound level measurement results; and

WHEREAS, #82 the maximum permissible sound level indicated for 7 a.m. to 10 p.m., Monday through Friday, is 60 dBA when the sound source is from a commercial operation and the land use of the adjacent property is residential (MSB 17.61.080); and

WHEREAS, #83 the average sound level reading on April 18, 2022, was 52.4 dBA - which is below the permissible sound level of 60 dB(A) during that time period if the receiving property is residential; and

WHEREAS, #84 when the April 18, 2022 sound level measurements of the facility operation are compared with the ambient sound level measurements taken that day, on average, the facility operation with running buses only raised the ambient sound levels by approximately 2.3 dBA; and

WHEREAS, #85 MSB Staff performed two 15-minute sound level readings on May 10, 2022, prior to 7 a.m., to measure the ambient

noise as well as the sounds generated by the facility operation;
and

WHEREAS, #86 the ambient sound level reading taken on May 10, 2022, was as follows:

The ambient sound level reading from 5:59 a.m. to
6:14 a.m. resulted in an average of 65 dBA; and

WHEREAS, #87 the ambient sound level reading of 65 dBA, taken on May 10, 2022 prior to 7 a.m., exceeded the maximum permissible sound level noted in MSB 17.61.080(B), which was 55 dBA (5 dBA higher than 50 dBA for 15 minutes); and

WHEREAS, #88 a commercial operation next to a residential use is allowed to exceed the maximum permissible sound level by 5 dBA for a total of 15 minutes in any one hour pursuant to Table 1 of MSB 17.61.080(A); and

WHEREAS, #89 the facilities operation sound level reading, taken with 52 buses running on May 10, 2022, was as follows:

The facility operations sound level reading from
6:31 a.m. to 6:46 a.m. resulted in an average of 65.1
dBA; and

WHEREAS, #90 the results of the sound level readings on May 10, 2022, show that the buses produced a statistically insignificant increase in noise; and

WHEREAS, #91 a comparison of the measured ambient sound levels and the sound levels measured during facility operations

demonstrates that the buses produced a statistically insignificant increase in noise; and

WHEREAS, #92 the measurements suggest the total sound level (the facility operation sound and ambient sound combined) could rise above the ambient sound level by approximately 0.1 dB with 52 buses running. However, MSB Staff use a Type II noise meter, which has an accuracy of +/- 2 dB or better according to American National Standards Institute (ANSI) S1.4-1983; and

WHEREAS, #93 the record includes some complaints about noise from the proposed development; the record reflects complaints that buses from the proposed development honk their horns starting at about 4:45 in the morning until about 6:30; and

WHEREAS, #94 comments in the record also state that the school buses from the proposed development are equipped with safety backup tone devices which sound as buses and employee vehicles arrive/depart/jockey multiple cycles per day; and

WHEREAS, #95 suppressing the noise of school bus horns and backup tone devices would defeat the safety effect and therefore, the noises produced are exempt from compliance with MSB 17.16.080; and

WHEREAS, #96 according to the site plan, the applicant will provide 210 designated employee parking spaces; and

WHEREAS, #97 according to the site plan, the facility has 146 bus parking spaces; and

WHEREAS, #98 according to the site plan, the applicant will provide six additional parking spaces designated for persons with disabilities; and

WHEREAS, #99 according to the application material, the applicant will provide an asphalt parking area with six Americans with Disabilities Act (ADA) compliant parking spaces with access aisles, striping, signage, and concrete wheel stops; and

WHEREAS, #100 according to the application material, the proposed on-site parking is primarily for buses and employees; and

WHEREAS, #101 according to the application material, all proposed parking is provided on-site; no off-site parking is proposed; and

WHEREAS, #102 according to the application material, the facility has 145 buses and 210 employees; and

WHEREAS, #103 diesel fuel is considered a hazardous substance pursuant to MSB 17.61.100(C)(5); and

WHEREAS, #104 according to the application material, there will be no discharging of diesel fuel on-site; and

WHEREAS, #105 according to the application material, diesel fuel will not be disposed of on-site; and

WHEREAS, #106 according to the application material, no hazardous waste incinerator is proposed at this site; and

WHEREAS, #107 according to the application material, spill response training is required for all employees working at this facility; and

WHEREAS, #108 Section 312(a) of the Emergency Planning and Community Right-to-Know Act (EPCRA) requires the owner or operator of facilities subject to Section 311 EPCRA to submit an emergency and hazardous chemical inventory form by March 1 of each calendar year; and

WHEREAS, #109 Section 312 of the EPCRA describes two reporting tiers for providing information on hazardous chemicals at a subject facility. Durham School Services fuel storage tank falls within the Tier II reporting threshold; and

WHEREAS, #110 Tier II reporting information is shared with the State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC) to develop local emergency plans; and

WHEREAS, #111 ADEC requires submissions of the Tier II inventory forms to the E-Plan - Emergency Response Information System; and

WHEREAS, #112 Durham School Services submitted the facility's fuel storage tank inventory form with the E-Plan - Emergency Response Information System on February 7, 2023; and

WHEREAS, #113 the applicant provided all the site plans and operational information; and

WHEREAS, #114 the Durham School Services contract with MSB School District expires on June 30, 2031;

WHEREAS, #115 the TIA evaluates the traffic impacts associated with the bus facility from 2022 to 2032.

WHEREAS, #116 the 2032 evaluation of the traffic with the development at the Parks Highway Northbound Terminal at Trunk Road intersection shows the LOS at the PM peak hour is an F; and

BE IT THEREFORE RESOLVED, The Matanuska-Susitna Borough Planning Commission hereby adopts the following conclusions of law relating to the need for a conditional use permit for the proposed operation pursuant to MSB 17.61:

1. The sound level testing performed by MSB staff prior to full facility operation indicates the proposed use may generate a statistically insignificant amount of regulated noise in excess of the levels permitted by MSB 17.61.080 and beyond the boundaries of the lot line of the site on which it is located.
2. Because the proposed use is a commercial use that generates traffic in excess of 100 vehicles during the morning or afternoon peak hour, the operation requires a conditional use permit pursuant to MSB 17.61.020(A)(2).
3. Because the proposed operation stores a hazardous substance (diesel fuel) on-site more than 10,000 pounds,

the proposed operation requires a conditional use permit pursuant to MSB 17.61.100(C)(5).

BE IT FURTHER RESOLVED, The Matanuska-Susitna Borough Planning Commission hereby adopts the following conclusions of law supporting approval of Planning Commission Resolution 23-24 pursuant to MSB 17.61.070 - MSB 17.61.110:

1. Based on the surrounding land uses, sufficient lot size, road system upgrades, facility development plans, and traffic analysis, the proposed use will preserve or not materially detract from the value, character and integrity of the surrounding area (Staff Report)(MSB 17.61.070(B)(1)).
2. Based on the traffic analysis, road system upgrades, safety and environmental aspects of the application, and the lot line adjustment, the proposed use will not be harmful to public health, safety, convenience, and general welfare of the public (Staff Report)(MSB 17.61.070(B)(2)).
3. Based on the facility development plans, the lot size, and lot line adjustment plat, sufficient setbacks, lot area, buffers, or other safeguards are being provided (Staff Report and lot line adjustment plat)(MSB 17.61.070(B)(3)).

4. Even though the ambient noise levels at the property line of the receiving land have been measured, the condition limiting the facility's regulated sound level to 5 dBA above ambient noise level will allow the facility to operate without causing an unreasonable noise level beyond the subject property (Staff Report Recommendations) (MSB 17.61.080).
5. The proposed use will be a new commercial use that generates traffic in excess of 100 vehicles during the morning or afternoon peak hour (MSB 17.61.090(A)).
6. The proposed use will be a new commercial use that generates traffic in excess of 250 vehicles during the peak traffic hour of the adjacent highway (MSB 17.61.090(B)).
7. Although the delay at the intersection of the westbound movement at the Parks Highway Northbound Terminal at Trunk Road is projected to deteriorate by 11% in 2032, which is more than 10% contemplated by MSB 17.61.090(B), the Parks Highway and Trunk Road are both ADOT&PF facilities. ADOT&PF has been consulted and is not requiring the applicant to mitigate that projected 2032 delay at this time, and this conditional use permit will expire that year (TIA Section 5.0) (TIA Figure 7 and Section 5.0) (MSB 17.61.090(A)).

8. All other road segments and intersections analyzed in the TIA are at an acceptable level of service on the opening date and ten years from the opening date pursuant to MSB 17.61.090(B).
9. The installation of a right-turn lane at the intersection of East Blue Lupine Drive and South Tanya Court will mitigate impacts of the buses on East Blue Lupine Drive by removing turning vehicles from the travel lane (MSB 17.61.090(A)).
10. Adequate parking will be provided because there are sufficient parking spaces shown on the site plan for all the employees and buses (CUP parking layout)(MSB 17.61.090(C)).
11. The fuel storage tank is outside of any designated flood hazard area (CUP Narrative Page 13)(MSB 17.61.100(D)(1)).
12. The fuel will not be discharged to any portion of the subject property (CUP Narrative Page 13)(MSB 17.61.100(D)(2)).
13. The fuel will not be disposed of on-site (CUP Narrative Page 13)(MSB 17.61.100(D)(3)).
14. The facility will not have a hazardous waste, medical waste, or an industrial waste incinerator on the property (CUP Narrative Page 13)(MSB 17.61.100(D)(4)).

15. The facility has prepared an emergency response plan for the 10,000-gallon above-ground diesel fuel storage tank (CUP Narrative Page 13) (MSB 17.61.100(E)).
16. Based on the surrounding land uses, road system upgrades, sound level restrictions, and proposed facility lighting, the proposed use is compatible with and will not adversely affect the surrounding residential uses (CUP Narrative Page 16 (MSB 17.61.110(B)(1))).
17. Based on the surrounding land uses, road system upgrades, proposed facility development plans, and traffic analysis, the proposed use will not adversely affect property values of surrounding areas (CUP Narrative Page 16) (MSB 17.61.110(B)(2)).
18. The proposed use will not create unreasonable noise levels beyond the property of the proposed location due to the condition that the operation comply with a maximum permissible sound level of 5 dBA above ambient noise to limit the additional noise allowed over the existing ambient noise (Staff Report Recommendations) (MSB 17.61.110(B)(3)).
19. Based upon the completed traffic analysis, the development at Parks Highway Northbound at Trunk Road will have limited impact on the safe and efficient flow

of traffic on highways, arterials, collectors, or streets from which access to and from the business occurs. The manager of those rights-of-way (ADOT&PF) does not require off-site mitigation by the facility and instead will continue monitoring the safety concerns identified to find potential solutions (TIA Page 1, 22 & 25) (MSB 17.61.110(B)(4)).

20. Based on the above findings, the proposed use will provide on-site parking facilities adequate for the use and no off-street parking will be required (Application parking layout) (MSB 17.61.110(B)(5)).

21. The varied land uses adjacent to the subject parcels, the road upgrade and improvement projects, plus the facility's development plans, will reduce any negative effect upon adjacent properties (Staff Report & CUP Narrative Page 17) (MSB 17.61.110(B)(6)).

22. The application material has met all of the purposes of this chapter as the development is compatible with the surrounding uses, and the traffic and regulated noise will have limited impact on the surrounding area (CUP Narrative Page 17) (MSB 17.61.110(B)(7)).

BE IT FURTHER RESOLVED, the Planning Commission concludes this application meets the applicable standards of MSB 17.61.

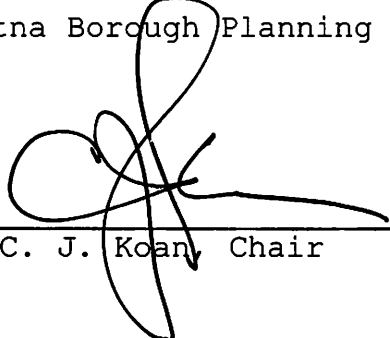
BE IT FURTHER RESOLVED, The Planning Commission hereby approves the Core Area Conditional Use Permit to operate a school bus transportation facility with the following conditions:

1. Remove the 10,000-gallon above-ground diesel fuel storage tank and Diesel Exhaust Fluid (DEF) storage building or have the property line moved to eliminate the encroachment prior to October 15, 2024.
2. The facility shall install the Americans with Disabilities Act (ADA) parking area as described in the site plans prior to October 15, 2024.
3. The operation shall comply with all other applicable federal, state, and local regulations.
4. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
5. The facility shall comply with a maximum permissible regulated sound level of 5 dBA above ambient noise at any time of the day. This condition shall include a provision to allow short-duration regulated noises exceeding 5 dBA between 7 a.m. and 7 p.m., consistent with the intent of MSB 17.61.080(B). This condition

would not apply to or restrict the use of safety devices such as bus horns and backup tone devices.

6. The applicant shall be responsible for the cost associated with the right-turn lane portion of the MSB Tanya Court Upgrade project and construction of the turn lane shall be completed by August 15, 2025, regardless of the status of the MSB upgrade project.
7. The facility shall obtain an approved driveway permit to access South Tanya Court prior to August 15, 2025.
8. The conditional use permit issued for the proposed use shall expire on June 30, 2032.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 18 day of September 2023.


C. J. Koan, Chair

ATTEST



~~CORINNE LINDFORS~~ KAROL RIESE

Acting Planning Clerk

(SEAL)

YES:

Commissioner Allen, McCabe, Fernandez, Scoggin, Glenn, +
Koan (6)

NO:

PLANNING COMMISSION RESOLUTION NO. 23-24

Appendix A

Table 2. Intersection Operations, 2022 Existing Year

Intersection	Traffic Control	Critical movement ^a	AM Peak Hour		Critical movement ^a	PM Peak Hour	
			8:30 – 09:30			4:15 – 5:15	
			Delay	LOS ^b		Delay	LOS ^b
Blue Lupine Drive & Tanya Court	TWSC	SB	9.4	A/A	SB	10.3	A/B
Trunk Road & Blue Lupine Drive	Roundabout	-	4.6	A	-	9.5	A
Hyer Road & Blue Lupine Drive	TWSC	WB	11.0	A/B	WB	18.6	A/C
Parks Highway Northbound Terminal at Trunk Road	TWSC	WB	19.2	A/C	WB	75.5	C/F
Parks Highway Southbound Terminal at Trunk Road	Roundabout	-	13.3	B	-	10.7	B
Parks Highway Northbound Terminal at Hyer Road	TWSC	WB	9.9	A/A	WB	15.1	A/C
Parks Highway Southbound Exit Terminal at Fireweed Road	TWSC	SB	11.2	A/B	SB	15.0	A/C
Fireweed Road & Hyer Road	TWSC	SB	11.5	A/B	SB	12.6	A/B

^a Delay reported for the critical movement at TWSC intersections. Critical movement = movement with the greatest delay

^b First LOS rating is intersection LOS based on intersection delay. Second LOS rating based on delay for the highest movement.

Table 6. Intersection Operations, 2032 Background

Intersection	Traffic Control	Critical movement ^a	AM Peak Hour		Critical movement ^a	PM Peak Hour	
			8:30 – 09:30			4:15 – 5:15	
			Delay	LOS ^b		Delay	LOS ^b
Blue Lupine Drive & Tanya Court	TWSC	SB	9.4	A/A	SB	10.4	A/B
Trunk Road & Blue Lupine Drive	Roundabout	-	5.0	A	-	12.9	B
Hyer Road & Blue Lupine Drive	TWSC	WB	11.2	A/B	WB	20.6	A/C
Parks Highway Northbound Terminal at Trunk Road	TWSC	WB	28.4	A/D	WB	268.1	F/F
Parks Highway Southbound Terminal at Trunk Road	Roundabout	-	8.1	A	-	15.2	C
Parks Highway Northbound Terminal at Hyer Road	TWSC	WB	10.0	A/B	WB	17.9	A/C
Parks Highway Southbound Exit Terminal at Fireweed Road	TWSC	SB	11.6	A/B	SB	16.7	A/C
Fireweed Road & Hyer Road	TWSC	SB	11.8	A/B	SB	13.1	A/B

^a Delay reported for the critical movement at TWSC intersections. Critical movement = movement with the greatest delay

^b First LOS rating is intersection LOS based on intersection delay. Second LOS rating based on delay for the highest movement.

Table 8. Intersection Operations, 2022 Opening Year with Development

Intersection	Traffic Control	Critical movement ^a	AM Peak Hour		Critical movement ^a	PM Peak Hour	
			8:30 – 09:30			4:15 – 5:15	
			Delay	LOS ^b		Delay	LOS ^b
Blue Lupine Drive & Tanya Court	TWSC	SB	11.1	A/B	SB	11.9	A/B
Trunk Road & Blue Lupine Drive	Roundabout	-	5.3	A	-	11.1	B
Hyer Road & Blue Lupine Drive	TWSC	WB	12.6	A/B	WB	27.5	B/D
Parks Highway Northbound Terminal at Trunk Road	TWSC	WB	20.4	A/C	WB	87.7	C/F
Parks Highway Southbound Terminal at Trunk Road	Roundabout	-	7.0	A	-	11.0	B
Parks Highway Northbound Terminal at Hyer Road	TWSC	WB	10.4	A/B	WB	17.2	A/C
Parks Highway Southbound Exit Terminal at Fireweed Road	TWSC	SB	13.2	A/B	SB	20.9	A/C
Fireweed Road & Hyer Road	TWSC	SB	13.0	A/B	SB	13.9	A/B

^a Delay reported for the critical movement at TWSC intersections. Critical movement = movement with the greatest delay

^b First LOS rating is intersection LOS based on intersection delay. Second LOS rating based on delay for the highest movement.

Table 9. Intersection Operations, 2032 Build Conditions

Intersection	Traffic Control	Critical movement ^a	AM Peak Hour		Critical movement ^a	PM Peak Hour	
			8:30 – 09:30			4:15 – 5:15	
			Delay	LOS ^b		Delay	LOS ^b
Blue Lupine Drive & Tanya Court	TWSC	SB	11.2	A/B	SB	12.1	A/B
Trunk Road & Blue Lupine Drive	Roundabout	-	5.8	A	-	15.5	C
Hyer Road & Blue Lupine Drive	TWSC	WB	12.9	A/B	WB	32.9	B/D
Parks Highway Northbound Terminal at Trunk Road	TWSC	WB	31.0	A/D	WB	298.0	F/F
Parks Highway Southbound Terminal at Trunk Road	Roundabout	-	8.5	A	-	16.4	C
Parks Highway Northbound Terminal at Hyer Road	TWSC	WB	10.6	A/B	WB	20.9	A/C
Parks Highway Southbound Exit Terminal at Fireweed Road	TWSC	SB	13.8	A/B	SB	24.4	A/C
Fireweed Road & Hyer Road	TWSC	SB	13.4	A/B	SB	14.5	A/B

^a Delay reported for the critical movement at TWSC intersections. Critical movement = movement with the greatest delay

^b First LOS rating is intersection LOS based on intersection delay. Second LOS rating based on delay for the highest movement.

RECEIVED
SEP 20 2023
CLERKS OFFICE

By: Rick Benedict
Introduced: August 21, 2023
Public Hearing: September 18, 2023
Action: ADOPTED

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 23-31**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING THE APPROVAL OF A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 39209 S. TALKEETNA SPUR ROAD, TAX ID #24N04W29D002, WITHIN TOWNSHIP 24 NORTH, RANGE 4 WEST, SECTION 29, SEWARD MERIDIAN.

WHEREAS, an application has been received from Alysa Tunnell Eastwood for a conditional use permit for the operation of a marijuana retail facility located at 39209 S. Talkeetna Spur, Tax ID# 24N04W29D002; within Township 24 North, Range 4 West, Section 29, Seward Meridian; and

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

WHEREAS, the subject parcel is 11 acres in size; and

WHEREAS, according to the application material, the proposed use will occupy one acre of leased area within the subject parcel; and

WHEREAS, according to the application material, the applicant has received written permission from the property owner, in the form of a lease, to operate on the subject property as a marijuana retail store; and

WHEREAS, according to the application material, the proposed retail facility will be wholly contained within a commercial structure that is approximately 576 square feet in size; and

WHEREAS, according to the application material, the proposed structure is new construction and designed by a professional engineering firm; and

WHEREAS, according to the application material, the exterior of the structure will be dark grey and constructed entirely of steel; and

WHEREAS, the proposed use accesses South Talkeetna Spur Road; and

WHEREAS, according to the application material, an application for a driveway permit has been submitted and is pending issuance by the State of Alaska, Department of Transportation and Public Facilities; and

WHEREAS, according to the application material, a planted berm will be installed along the Spur Road to delineate the driveway approach; and

WHEREAS, South Talkeetna Spur Road is considered a major arterial with many different uses on its frontage, including residential, commercial, and industrial; and

WHEREAS, the closest residential structure is located to the southeast and is approximately 585 feet away from the proposed use; and

WHEREAS, according to the application material, the subject parcel contains a mixture of commercial structures, such as a real estate office, two restaurants, and an espresso shop; and

WHEREAS, there are multiple commercial businesses within the surrounding area such as, but not limited to, two alcohol package stores, a marijuana manufacturing facility, a gas station and mini-mart, a grocery store, a hardware store, a sandwich shop, and a financial institution; and

WHEREAS, according to the application material, the operation will have two advertisement signs, each no larger than 4800 square inches in size. One will be attached to the front of the building, constructed of metallic materials, and illuminated from below. The second will be installed on the subject property, adjacent to the operations driveway approach on the southwest where access is made from Talkeetna Spur Road, constructed of natural wood materials painted with earth-toned colors, and will not utilize lighting; and

WHEREAS, according to the application material, no industrial equipment or processes generate noise or odors associated with the use; and

WHEREAS, according to the application material, the proposed hours of operation are 12:00 p.m. to 10:00 p.m. daily; and

WHEREAS, the proposed use is located approximately 50 feet from South Talkeetna Spur Road to the north and west, approximately 225 feet to the eastern property line, approximately 565 feet to the southern property line, and approximately 845 feet from the South Parks Highway right-of-way to the southwest; and

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

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

WHEREAS, according to the application material, signs will be posted at the entrance to the proposed use prohibiting any loitering and soliciting; and

WHEREAS, according to the application material, the operation will utilize eight downward directional floodlights, two on each side of the business, to deter criminal activity by lighting the area surrounding the building; and

WHEREAS, according to the application material, security cameras will be installed in well-lit areas on the interior and exterior of the building facing entrances, exits, and the cashier area; and

WHEREAS, according to the application materials, employees of the proposed use will immediately check the identification of all persons who enter the facility; and

WHEREAS, according to the application material, the operation will utilize an alarm and video surveillance system as part of its security plan; and

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

WHEREAS, on August 19, 2022, the Alaska Fire Marshal issued an approved Plan Review (#2021Anch1476) for the commercial structure; and

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

WHEREAS, the applicant provided a copy of the approved Plan Review #2021Anch1476; and

WHEREAS, according to the application material, all expired marijuana products will be mixed with compostable material and the waste will be disposed of at the local landfill station; and

WHEREAS, the closest commercial building is located on the subject parcel, approximately 175 southwest of the proposed use; and

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

WHEREAS, the State of Alaska, Alcohol and Marijuana Control Office awarded the operation a marijuana retail store license which is currently in a delegated status; and

WHEREAS, the closest school (Little Su Valley Junior and Senior High School) is approximately 1,150 feet away from the proposed use; and

WHEREAS, at the State of Alaska Marijuana Control Board meeting conducted June 23-24, 2021, the Board voted to approve Talkeetna Connection Retail Marijuana Store License #27317 with delegation; and

WHEREAS, a copy of the delegated approval for the applicant's marijuana retail facility has been provided to the MSB Development Services Division; and

WHEREAS, a marijuana retail facility of 576 square feet in size is required to provide two parking spaces with one ADA-compliant space; and

WHEREAS, according to the application material, two parking spaces will be provided for the proposed use; one of which will comply with ADA requirements; and

WHEREAS, the Americans with Disabilities Act of 2010 exempts businesses with small parking lots of four or fewer spaces from the requirement of posting signage for accessible spaces; and

WHEREAS, each parking space is 20 feet in length and ten feet wide; and

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

WHEREAS, ADA guidelines require one van-accessible parking space, 11 feet wide with a five-foot-wide parking aisle, for every 1 to 25 spaces; and

WHEREAS, according to the site plan, one van-accessible parking space, 10 feet wide with an eight-foot-wide parking aisle is being provided; and

WHEREAS, according to the application material, the surface of the accessible space and access aisle will be smooth, stable, and level; and

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 23-31:

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

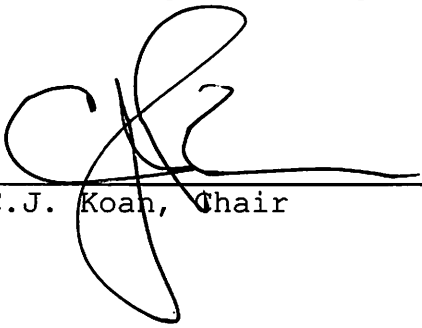
7. The proposed use, with conditions, is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
8. The proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).
9. The applicant has provided documentation demonstrating all applicable licenses pertaining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

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

1. The operation shall comply with all 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. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
4. On-site consumption of marijuana and marijuana products is prohibited.
5. Within one year of the issuance of this permit, the applicant must provide to the borough a copy of the approved driveway permit, issued by the State of Alaska Department of Transportation and Public Facilities.
6. Signage must not be installed, including overhang, within the State of Alaska Department of Transportation and Public Facilities right-of-way.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 18th day of September, 2023.



C.J. Koan, Chair

ATTEST



KAROL RIESE, Planning Clerk


(SEAL)

YES: (6) Commissioners Allen, Scoggin, Glenn, McCabe,
Koan, Fernandez

NO: (0)