

## MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

Edna DeVries, Mayor

PLANNING COMMISSION  
Doug Glenn, District 1  
Richard Allen, District 2  
C. J. Koan, District 3 - Chair  
Andrew Shane, District 4 – Vice-Chair  
Linn McCabe, District 5  
Wilfred Fernandez, District 6  
Curt Scoggin, District 7



Michael Brown, Borough Manager

PLANNING & LAND USE DEPARTMENT  
Alex Strawn, Planning & Land Use Director  
Vacant, Planning Services Manager  
Jason Ortiz, Development Services Manager  
Fred Wagner, Platting Officer  
Karol Riese, Planning Clerk  
Corinne Lindfors, Planning Clerk Assistant

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

April 15, 2024  
REGULAR MEETING  
6:00 p.m.

### Ways to participate in the meeting:

**IN PERSON:** You will have 3 minutes to state your oral comment.

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

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

**Resolution 24-04** A conditional use permit in accordance with MSB 17.30 – Conditional Uses Permit for Earth Material Extraction Activities, for the extraction of up to 40,000 cubic yards of earth material per year over a period of 60 years. The activity will occur on a 40-acre parcel at 9002 North Buffalo Mine-Moose Creek Road, Tax ID #18N02E03B005; Public Hearing: May 6, 2024 (Applicant: Jim Baxter for Northern Gravel & Trucking, LLC; Staff: Peggy Horton, Current Planner)

**Resolution 24-06** A conditional use permit in accordance with MSB 17.30 – Conditional Uses Permit for Earth Material Extraction Activities, for the extraction of up to 40,000 cubic yards of rip rap and screened materials annually through 2044. Blasting activities occur at this facility. The quarry is located within the east half of a 20-acre parcel located at 16556 East Back Acres Avenue, Tax ID #17N02E23A017; Public Hearing: May 6, 2024 (Applicant: Jim Psenak; Staff: Peggy Horton, Current Planner)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

V. COMMITTEE REPORTS

VI. AGENCY/STAFF REPORTS

VII. PUBLIC HEARING: 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.*)

**Resolution 24-03** A conditional use permit in accordance with MSB 17.60 – Conditional Uses for the operations of a marijuana retail facility known as, Northern Emerald located at 2803 S. Old Glenn Highway, Building #2; Tax ID #3998000L002; (Applicant: Keith Crocker, for Northern Emerald, LLC; Staff: Rick Benedict, Current Planner)

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*)

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



**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION MINUTES**

**REGULAR MEETING  
April 1, 2024**

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on April 1, 2024, 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 establish a quorum:

- Mr. Doug Glenn, Assembly District #1
- Mr. Richard Allen, Assembly District #2\*
- Ms. C. J. Koan, Assembly District #3
- Mr. Andrew Shane, Assembly District #4\*
- Ms. Linn McCabe, Assembly District #5\*
- Mr. Wilfred Fernandez, Assembly District #6\*

Planning Commission members absent and excused were:

- Mr. Curt Scoggin, Assembly District #7

Staff in attendance:

- Mr. Jason Ortiz, Development Services Manager
- 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.

GENERAL CONSENT: The agenda was approved without objection.

**III. PLEDGE OF ALLEGIANCE**

Commissioner Glenn led the pledge of allegiance.

**IV. CONSENT AGENDA**

A. Minutes Regular Meeting Minutes: March 18, 2024

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

**Resolution 24-03** A conditional use permit in accordance with MSB 17.60 – Conditional Uses, for the operations of a marijuana retail facility known as Northern Emerald, located at 2803 S. Old Glenn Highway, Building #2; Tax ID #53998000L002. Public Hearing: April 15, 2024 (Applicant: Keith Crocker for Northern Emerald, LLC; Staff: Rick Benedict, Current Planner)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

GENERAL CONSENT: The consent agenda was approved without objection.

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION MINUTES**

**REGULAR MEETING  
April 1, 2024**

- V. COMMITTEE REPORTS -** *(There were no committee reports.)*
- VI. AGENCY/STAFF REPORTS -** *(There were no Agency/Staff Reports.)*
- VII. LAND USE CLASSIFICATIONS -** *(There were no land use classifications.)*
- VIII. AUDIENCE PARTICIPATION (Three minutes per person.)**  
*(There were no persons to be heard.)*
- IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS**
- X. PUBLIC HEARING LEGISLATIVE MATTERS**
- XI. CORRESPONDENCE AND INFORMATION**  
*(There was no correspondence and information.)*
- XII. UNFINISHED BUSINESS -** *(There was no unfinished business.)*
- XIII. NEW BUSINESS**
- XIV. COMMISSION BUSINESS**
- A. Upcoming Planning Commission Agenda Items *(Staff: Jason Ortiz)*  
*(Commission Business was presented, and no comments were noted.)*
- XV. DIRECTOR AND COMMISSIONER COMMENTS**

Commissioner Glenn: Thanks for calling in, everyone.  
Commissioner McCabe: Short and sweet.  
Commissioner Shane: I hope you all had a great Easter. Spring is upon us.  
Commissioner Allen: Thanks for allowing us to call in.  
Commissioner Koan: Thank you for your cooperation.

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION MINUTES**

**REGULAR MEETING  
April 1, 2024**

**XVI. ADJOURNMENT**

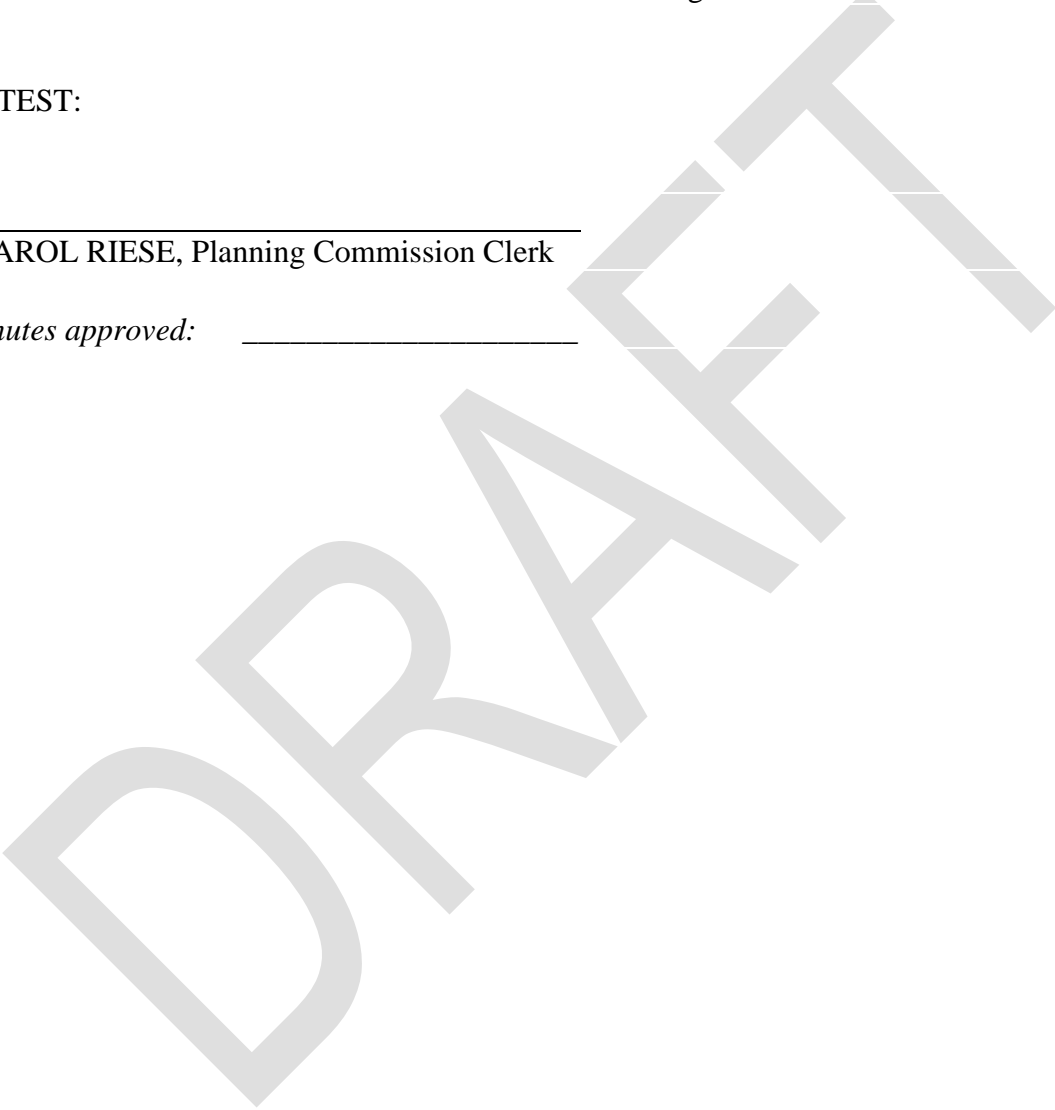
The regular meeting adjourned at 6:00 p.m.

\_\_\_\_\_  
C J KOAN  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
KAROL RIESE, Planning Commission Clerk

*Minutes approved:* \_\_\_\_\_







**INTRODUCTION FOR PUBLIC HEARING  
QUASI-JUDICIAL**

**Resolution No. 24-04**

**Northern Gravel & Trucking**

(Pages 9-62)

**INTRODUCTION FOR PUBLIC HEARING**





# MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

Email: [permitcenter@matsugov.us](mailto:permitcenter@matsugov.us)

RECEIVED  
APR 18 2023  
Mat-Su Borough  
Development Services

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

**NOTE:** Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Borough staff will not process incomplete applications.

**Application fee must be attached, check one:**

- \$1000 for Administrative Permit (Less than two years or less than 7,000cy annually)
- \$1,500 for Conditional Use Permit (More than two years and more than 7,000cy annually)

**Required Attachments:**

- Site plan as detailed on Page 2
- Narrative with operational details and all information required on Page 2
- Reclamation Plan

**Subject Property:**

MSB Tax Account ID#(s): 18N02E03B005

Street Address: 9002 N Buffalo Mine -Moose Creek Rd

Facility/Business Name: Northern Gravel & Trucking llc

**Name of Property Owner**

Northern Gravel & Trucking llc

Mailing: 6940 Rosewood Street

Anchorage, Alaska 99518

Phone: Cell 907-727-0997

Wk 907-522-9505 Hm \_\_\_\_\_

E-mail: northerngravelandtrucking@gmail.com

**Name of Agent / Contact for application**

Jim Baxter

Mailing: \_\_\_\_\_

Phone: Cell 907-727-0997

Wk \_\_\_\_\_ Hm \_\_\_\_\_

E-mail: \_\_\_\_\_

<b>Attach a narrative describing the proposed extraction activities.</b>	<b>Attached</b>
Describe the types of material being extracted.	x ✓
Provide total acreage of all parcels on which the activity will occur.	x ✓
Provide total acreage of earth material extraction activity.	x ✓
Provide total cubic yards to be extracted.	x ✓
Provide the estimated final year extraction will occur.	x ✓
Provide seasonal start and end dates.	x ✓
Provide hours of operation.	x ✓
Provide days of the week operations will take place.	x ✓
Provide proposed peak hour and traffic volume at the peak hour	x ✓
Provide estimated end date of extraction.	2043
Provide estimated end date of reclamation.	2045
Describe all other uses occurring on the site.	✓
Describe methods used to prevent problems on adjacent properties, such as lateral support (steep slopes), water quality, drainage, flooding, dust control, and maintenance of roads.	<i>Attached</i>
Describe how the operation will monitor the seasonal high water table.	NA
Provide quantity estimates and topographical information such as cross section drawings depicting depth of excavation, slopes, and estimated final grade. <sup>-77051</sup>	✓
Provide Reclamation Plan in accordance with MSB 17.28.063 and 17.28.067.	✓

<b>Submit a detailed site plan, <u>drawn to scale</u>. Drawings under the seal of an engineer or surveyor are recommended but not required.</b>	<b>Attached</b>
Identify location of permanent and semi-permanent structures on the site for verification of setback requirements. Include wells and septic systems.	✓
Depict buffer areas, driveways, dedicated public access easements, noise buffers (such as fences, berms or retained vegetated areas), and drainage control such as ditches, settling ponds, etc.	✓
Identify the entire area intended for gravel/material extraction activity.	✓
Identify the property boundary containing the operation.	✓
Identify ADEC Drinking Water Protection Areas wherever proposed project area boundaries fall within drinking water protection area buffer zones.	✓
Identify areas used for past and future phases of the activity.	✓
Provide road and access plan that includes anticipated vehicle routes and traffic volumes. If the level of activity exceeds the minimum levels specified in MSB 17.61.090, Traffic Standards, a traffic control plan consistent with state regulations may be required.	✓
Provide detailed description of the proposed visual screening.	✓
Provide measures to mitigate or lessen noise impacts on surrounding properties.	<i>Attached</i>
Provide proposed lighting plan.	✓

Submit documentation showing compliance with borough, state, and federal laws.	Applied for (list file #)	Attached (list file #) or N/A
Submit mining permit as required by the Alaska State Department of Natural Resources (ADNR) if extraction activities are to take place on state land.	NA	NA
Provide reclamation plan as required by ADNR, pursuant to AS 27.19. Provide copy of reclamation financial assurance filed with the State of Alaska (If exempt, provide qualifying documents for exemption).	Applied	
Provide Notice of Intent (NOI) for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Environmental Protection Agency (EPA) pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements.	Attached	Attached
Provide 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.		Attached
Provide any other applicable permits, such as driveway/access permits; list as appropriate.		Attached

Prior to the public hearing, the applicant must also pay the mailing and advertising fees associated with the application. Staff will provide applicant with a statement of advertising and mailing charges. Payment must be made **prior** to the application presentation at the public hearing.

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

MSB Tax Account ID #(s) 18N02E03B005 and, I hereby apply for approval of conditional use permit for earth material extraction activities on the property as described in this application.

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

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

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

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

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

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

	Jim Baxter	04/10/2023
Signature: Property Owner	Printed Name	Date

_____ Signature: Agent	Printed Name	Date
---------------------------	--------------	------

PERMIT CENTER – FEE RECEIPT FORM

Property Location: 18NO2E03 B005 Applicant: Jim Baxter

	USE PERMITS {100.000.000.341.300}	Fee
<input type="checkbox"/>	8.35 Public Display of Fireworks	\$25.00
<input type="checkbox"/>	8.40.010 Liquor License - Alcohol & Marijuana Control Office (AMCO) Referrals for Matanuska Susitna Borough Review of Issuance, renewal or transfer (location, owner)	\$100.00
<input type="checkbox"/>	8.41.010 Marijuana License - Alcohol & Marijuana Control Office (AMCO) Referrals for Matanuska Susitna Borough Review of Issuance, renewal or transfer (location, owner)	\$100.00
<input type="checkbox"/>	8.52 Temporary Noise Permit	\$1000.00
<input type="checkbox"/>	8.55 Special Events Permit 500 – 1000 Attendees 1000+ Attendees	\$500.00 \$1,000.00
<input type="checkbox"/>	8.55 Special Events Permit Site Monitor Fee	\$300.00
<input type="checkbox"/>	17.02 Mandatory Land Use Permits Commercial	\$25.00 \$150.00
<input type="checkbox"/>	17.04 Nancy Lake Special Land Use District C	\$1,500.00
<input type="checkbox"/>	17.06 Electrical Generating & Delivery Facility	\$500.00
<input type="checkbox"/>	17.08 Hay Flats Special Land Use District Exc	\$1000.00
<input type="checkbox"/>	17.17 Denali State Park Conditional Use Permit	\$1500.00
<input type="checkbox"/>	17.18 Chickaloon Special Land Use District C	\$1500.00
<input type="checkbox"/>	17.19 Glacier View Special Land Use District C	\$1500.00
<input type="checkbox"/>	17.23 Port MacKenzie Development Permit	\$1000.00
<input type="checkbox"/>	17.25 Talkeetna Conditional Use Permit	\$1500.00
<input type="checkbox"/>	17.25 Talkeetna Conditional Use Permit – Variance	\$1500.00
<input type="checkbox"/>	17.27 Sutton Special Land Use District CUP	\$1500.00
<input type="checkbox"/>	17.29 Flood Damage Prevention Developer Permit	\$100.00
<input type="checkbox"/>	17.29 Flood Damage Prevention Developer Permit – Variance	\$500.00
<input type="checkbox"/>	17.30.040 Earth Materials Extraction Admin. Permit	\$1000.00
<input checked="" type="checkbox"/>	17.30.050 Earth Materials Extraction CUP	\$1500.00
<input type="checkbox"/>	17.36 Residential Planned Unit Development Application – Concept Plan – up to 50 Lots Additional Lots or tracts being created – Per Lot	\$500.00 \$100.00
<input type="checkbox"/>	17.48 Mobile Home Park Permit Application	\$500.00
<input type="checkbox"/>	17.52 Residential Land Use District App (Rezone)	\$1,000.00
<input type="checkbox"/>	17.52 Conditional Use Permit Application CUP	\$1,500.00
<input type="checkbox"/>	17.55 Shoreline Setback Exception Application	\$300.00
<input type="checkbox"/>	17.60 Conditional Use Permit Application	\$1500.00
<input type="checkbox"/>	17.61 Commercial/Industrial Core Area Conditional Use Permit	\$1500.00
<input type="checkbox"/>	17.62 Coal Bed Methane	\$1500.00

Matanuska Susitna Borough  
Payment Date Wednesday, April 19, 2023  
Deposit Number 49416  
Operator buck1936  
Real 2023 (Total) \$0.00  
MCR (Planning/Platting) \$1,500.00  
Misc Rec  
Tax Map # 2MISC  
Total Paid \$1,500.00  
Check \$1,500.00  
Change \$0.00  
Receipt Number msb91866029  
4/19/2023 8:47:34 AM  
Paid By NORTHERN GRAVEL & TRUCKING  
Cashier Id. buck1936

<input type="checkbox"/>	17.63 Conditional Use Permit for Racetracks	\$1500.00
<input type="checkbox"/>	17.65 Variance	\$1500.00
<input type="checkbox"/>	17.67 Tall Structures - Network Improvement Permit Nonconforming Use Administrative Permit Conditional Use Permit	\$100.00 \$200.00 \$500.00 \$1500.00
<input type="checkbox"/>	17.70 Regulation of Alcoholic Beverage Use Permit Application	\$1500.00
<input type="checkbox"/>	17.73 Multi-Family Land Use Permit – add \$25.00 for each additional unit beyond 5 units.	\$500.00
<input type="checkbox"/>	17.75 Single-Family Residential Land Use District	\$500.00
<input type="checkbox"/>	17.76 Large Lot Single-Family Residential Land Use District	\$1000.00
<input type="checkbox"/>	17.80 Nonconforming Structures (Amnesty) Pre-Existing Legal Nonconforming (Grandfather)	\$300.00
<input type="checkbox"/>	17.90 Regulation of Adult Businesses – Conditional Use Permit	\$1500.00

	<b>RIGHT-OF-WAY FEES:</b>	
<input type="checkbox"/>	Driveway	\$50.00
<input type="checkbox"/>	Driveway Deposit {100.226.100}	\$150.00
<input type="checkbox"/>	Construction	\$200.00
<input type="checkbox"/>	Utility (Application Fee = \$100 ~ Distance Fee \$0.25/per lineal foot)	
<input type="checkbox"/>	Encroachment	\$150.00
<input type="checkbox"/>	Construction Bond {100.227.000}	

	<b>PLATTING PRE-APPLICATION CONFERENCE:</b>	
<input type="checkbox"/>	Pre-Application Fee	\$50.00

	<b>FEES:</b>	
<input type="checkbox"/>	Flood Plain Development Survey CD	\$10.00
<input type="checkbox"/>	CD/DVD/DVD-R	\$7.50
<input type="checkbox"/>	Construction Manual/Title 43	\$5.00
<input type="checkbox"/>	Plat Map/Tax Map Copies/Mylar	\$5.00
<input type="checkbox"/>	Color Maps	\$12.00
<input type="checkbox"/>	Xerox Copies (B/W = \$0.25 ~ Color \$1.00/page 11X17 Color \$1.75/page)	
<input type="checkbox"/>	Advertising Fees	
<input type="checkbox"/>	Cultural Resources Books or Maps	
<input type="checkbox"/>	Citation Payment (If sent to collections – use total due from Courtview)	
<input type="checkbox"/>	Thumb Drive 2GB = \$5, 4GB = \$8, 8GB = \$10; 16GB = \$15; 32GB = \$20	

\$ 1500.00 Amount Paid    Date: 4/19/23    Receipt # 91866029    By: RB



## Northern Gravel & Trucking Earth Materials Extraction CUP Application

1. The subject property is currently an active gravel mining operation since 2014. The material extracted is soil, sand, gravel, and gravel-related products. The gravel products are stored at the site and will be sold commercially.
2. The parcel where earth material extraction occurs is a 40-acre parcel located west of N. Buffalo Mine Moose Creek Road, approximately 0.6 miles north of the Glenn Highway.
3. According to the site plan submitted on November 21, 2023, approximately 37 acres are expected to be mined.
4. A total of 2,400,000 cubic yards of material is estimated to be extracted over 60 years. This estimate is calculated using the years (60) multiplied by 40,000 cubic yards estimated to be mined annually. The operation uses gravel trucks with pups, which haul 20 cubic yards per truckload.
5. The estimated final year of extraction is 2083.
6. The gravel operation will operate from the beginning of April through the end of October, although the operation will most likely be open when freezing temperatures are not present. During winter, operations will be available only on a special-order or on-call basis.
7. The hours of operation will be Monday through Saturday, 8 a.m. to 8 p.m.
8. The proposed peak hour of traffic will be 3 p.m. to 4 p.m.
9. The traffic volume at the peak hour could be as high as 30 trips, but usually only 20 trips per peak hour. Each time a truck enters or exits the property, it is counted as one trip.
10. The estimated end date of reclamation is 2086, 3 years after the end of material extraction.
11. There is no other use on site.
12. Methods to prevent problems on adjacent properties.
  - a. The site plan reveals the presence of lined settling ponds used to collect recirculated water. These ponds play a crucial role in removing sediment from the water before reusing it in the wash plant. The system consists of pipes and hoses that channel the water from the wash plant to the settling ponds and back again. Collecting the water in these lined ponds prevents the water from infiltrating the ground. The ponds allow sediment to settle out of the water before being reused in the wash plant.
  - b. The operation has a water truck that will be used to control dust as necessary. Water is obtained from nearby streams with authorization from DNR Temporary Water Use Authorization #TWUA A2023-102.
  - c. Northern Gravel and Trucking maintains E. Mikes Lane from the operation's driveway to N. Buffalo Mine Moose Creek Road.
  - d. Initial activity at the site entailed removing vegetation and topsoil from the phase to be mined. Those materials were kept on site for developing the berms at the north and west boundaries. The operation will maintain a minimum 10-foot-tall berm on the north, west, and south boundaries when mining within 300 feet of the boundary line. The operation can create a 10' high visual and noise buffer by working at an elevation at least 10 feet below the closest property line and using the existing topography.
  - e. According to HDL's assessment, the operation does not discharge to wetlands. They analyzed the locations on the property displayed on the borough wetlands viewer. They determined that the wetland areas the viewer shows do not satisfy all the criteria for identifying wetlands.

- f. HDL Engineering performed a stormwater evaluation on the property. HDL said the site drains inward from the south, west, and east to a central discharge path along the site access road in the north-central part of the subject property. Stormwater discharges into a low-lying area on the property to the north, where it infiltrates into the ground or evaporates, and that, in accordance with the evaluation of wetland and jurisdictional status, is not a water of the U.S. Mr. Nolin, owner of the northern property, signed a statement indicating his approval of the drainage onto his property.
  - g. The applicant will ensure the side slopes of the material being extracted will be maintained at their natural angle of repose to prevent sluffing and protect property boundaries.
13. The operation will monitor the seasonal high-water table with the well shown on the site plan. The well drillers stopped drilling at 600 feet after hitting bedrock at 140 feet. This will ensure Northern Gravel operates at least four feet above the seasonal high-water table.
14. Quantity estimates and topographic information.
- a. Quantity estimates. The operation will extract approximately 40,000 cubic yards of gravel annually for 60 years.
  - b. Topographic information is shown on the attached maps.
  - c. The site plan explains that the operation will mine a phase with two elevation changes. The first elevation change will mine to a depth not exceeding 85' from the highest point of the current elevation, which is approximately 906', leaving the pit floor at an approximate elevation of 821'. The second elevation change will mine to a depth not to exceed 170 from the current elevation. The floor of the pit at the end of the extraction should be approximately 736'.
15. Reclamation Plan
- a. Northern Gravel intends to mine approximately 40,000 cubic yards per year for 30 consecutive years, depending upon market demand. The plan involves excavating the pit floor to an elevation of roughly 736 feet above sea level and leveling the site for potential residential development in the future.
  - b. It should be noted that the phases of excavation overlap prior phases. One phase needs to be mined before accessing the next phase. The operation will utilize prior phase areas for access to the next phase. These areas will also be required for additional stockpiles and processing equipment. No reclamation will occur during extraction due to the need to work within the prior phases.
  - c. Northern Gravel has stockpiled approximately 50,000 cubic yards of topsoil on the property's north boundary. This material is for future reclamation of the mined area. The material provides a buffer to adjacent properties during gravel extraction operations.
  - d. Northern Gravel paid the appropriate bond with the State of Alaska for the acreage disturbed. The receipt and letter of approval are attached.
  - e. Junk vehicles, junk vehicle parts, and trash shall be removed.
  - f. During the first year of reclamation:
    - i. Northern Gravel will use topsoil stockpiles to cover any disturbed areas. The minimum compacted depth of the topsoil will be four inches. If more topsoil is required, it will be brought in until all disturbed areas are covered with a four-inch compacted depth.
    - ii. Slopes will be graded to the natural stabilized angle of repose for the existing earth material. Topsoil and seed will be added to the slopes to promote re-growth and stabilization.

- iii. Northern Gravel will observe the revegetation for the remainder of the summer and fall once reclamation has begun. The stockpiled topsoil is full of organics, natural seeds, and vegetation, which will promote regrowth.
  - g. During the three subsequent years of reclamation:
    - i. Northern Gravel will continue to observe the natural growth of the native species and add native seed and vegetation as needed to ensure that sixty percent of the live plant cover of the entire restored area is achieved by the end of the fourth growing season.
    - ii. At the end of reclamation, the natural growth will be self-sustaining.
  - h. Northern Gravel will amend this plan with the Borough as needed, and a landscaping plan will be submitted if a subdivision plan or a future development plan is implemented for this site.
16. Site Plan
- a. The locations of permanent and semi-permanent structures are shown and comply with MSB 17.55, Setbacks. The operation includes a screening plant, crusher, wash plant, and scales.
  - b. During the operation, these structures will remain in the northern portion of the southern 40 acres. There is only one well, and no septic systems are present on the site.
  - c. The site plan shows the 40' buffer areas on the north, west, and south boundaries. The site plan shows the driveway into the operational area. The driveway bisects John Nolin's property to the north and intersects with E. Mikes Lane. Settling ponds are shown on the site plan. The drainage flow is shown in Figure 2 of HDL's Stormwater and Wetland Evaluation Report.
  - d. The gravel trailers, also known as pup trailers, are staged around the central processing area but are kept away from the main roads. Most of the maintenance for the trucks is carried out in Anchorage. Heavy machinery such as dozers, loaders, trucks, and an excavator are staged at the southeast corner of the processing area. The equipment is inspected for leaks daily prior to operation.
  - e. The site plan shows that the earth material extraction activities will be carried out exclusively on the subject property.
  - f. The site plan displays the boundary of the subject 40-acre parcel.
  - g. There are no ADEC Drinking Water Protection Areas impacting this site.
  - h. The site plan shows all phases of the planned earth material extraction.
17. Road and Access Plan
- a. A Driveway permit onto E. Mikes Lane was issued on July 9, 2010. The permit number is D16627.
  - b. The anticipated truck route is right onto E. Mikes Lane and then south onto N. Buffalo Mine Moose Creek Road to the Glenn Highway intersection, and depending on the product's destination, the truck will head north or south.
  - c. The estimated truck traffic will be ten loads per day over 200 days (April through October). Peak traffic hour is expected to be 3 p.m. to 4 p.m. During peak hours, an estimated 20 trips will occur.
    - 10 loads per day = 20 trips per day
    - Baxter uses trucks w/pups per email 8-13-2010 from Mr. Nolin
    - Trucks w/pups are capable of 20 yards per trip
    - 20 yards X 10 loads per day = 200 cubic yards per day
    - 200 cy X 200 days = 40,000 cy per year.

- d. If the activity level exceeds the minimum levels specified in MSB 17.61.090, Traffic Standards, the operation will implement a traffic control plan consistent with state regulations.
18. Visual screening, noise mitigation, and proposed lighting plan
- a. Equipment will be operating at an elevation at least ten feet below the surrounding grade, providing for both visual and noise mitigation. All excavation equipment and trucks have mufflers installed.
  - b. A buffer of trees, roughly 10 feet from the property line, will be retained on the mine property. This buffer is intended to serve as visual screening in case other landowners decide to clear their land or any other development takes place in the vicinity. Suppose that happens and extraction occurs within 300 feet of the boundary. In that case, we will ensure at least a 10-foot-tall by 40-foot-wide berm is placed within the buffer area shown on the site plan or that the topography is such that we are extracting at a level at least 10 feet below the adjoining properties.
  - c. Mine operation will be done in the summer months during daylight hours for the most part when no lighting will be required. If extraction activities occur during the dark winter months, the operation will use portable light plants for lighting. When used, they will only shine on the operation, not adjacent property.
19. Permitting Requirements
- a. A State of Alaska mining permit is not required, as the operation is not on state land.
  - b. Northern Gravel and Trucking paid the required bond amount of \$750.00 for the state-required reclamation plan. The Alaska Department of Natural Resources, Division of Mining, Land, and Water issued a Letter of Acceptance on February 13, 2024.
  - c. HDL Engineers provided a stormwater and wetland evaluation attached to this application. Mr. Means' opinion is that the requirement to obtain Alaska Pollutant Discharge Elimination System (APDES) coverage for the operation of the site does not apply.
  - d. MSB Driveway Permit #D16627.
  - e. ADNR Temporary Water Use Authorization #TWUA A2023-102.

A, TACH #2

## Noise Mitigation Measure Plan and Visual Screening Plan

Noise will be controlled by methods consisting of Berms that will be placed on the most outer limits of the West and South property lines that will be approximately 10 to 12 feet in height. There is a heavily dense treed areas between the mine site and any potential residential or potential noise hazard. A buffer of trees will be left on the mine property of approximately 10 feet from the property line in the event that other land owners decide to clear there land this will leave a permanent buffer for noise and visual screening for any other development that may occur. They will be constructed of the topsoil that is be removed from the areas of the site to be mined. Below is some information on the effectiveness of berms, trees and foliage.

### Attenuation Due To Distance

As in most sound contol problems, both the source and the receiver are near the ground. The discussion here is concerned with this configuration. The loudness, or decible level (abbreviated dB) of a sound decreases inversely with the distance from the source. In other words, the farther the receiver is from the source, the less sound there is at the receiver. To determine the amount of sound reduction or *attenuation* (A) of a source caused by distance between two locations each a distance  $d_1$  and  $d_2$  from the source, the following formula is used.

$$A=20 * \log_{10} ( d_2/d_1 )$$

Where A is the attenuation in decibels (A scale) and  $d_2/d_1$  is the relative distance from the source. If  $d_2$  is greater than  $d_1$  then the attenuation A is positive, or the sound level is less. Otherwise A is negative and the sound is greater. When applying this equation, the sound level a given distance from the source ( $d_1$ ) is usually known and the attenuation of the sound level at a different distance ( $d_2$ ) is desired in order to calculate the sound level at that location. For example, if at 100 feet a given source has a sound level of 80 decibels and the sound level at 1000 feet is needed, the attenuation would be

$$A=20 * \log_{10} ( 1000/100 ) = 20 \text{ decibles}$$

Therefore the sound level at 1000 feet would be 60 dB.

### Excess Attenuation

The equation and calculation above are only valid for a source in a perfect, loss free atmosphere. In reality, considerations must be made for the factors which will cause *excess attenuation*, or attenuation beyond that due to increasing distance from the source. Some examples of excess attenuation are:

1. Sound absorption in air, which is dependent on temperature and humidity
2. Presence of trees, shrubs and other foliage
3. Screens and rigid barriers
4. Wind
5. The acoustic effect of the presence of the ground and any ground cover

All causes of attenuation are additive, that is, each component of attenuation is added together to arrive at the total attenuation. In the following section, the various contributions of the above factors will be examined from a quantitative and practical point of view. Because most phenomena related to sound propagation and attenuation are frequency dependent, it is important to take this into consideration. The calculations in this paper will use the worst case frequency possible.

**Air Absorption and Temperature.** Air absorption is strongly dependent on temperature, relative humidity and frequency because air molecules behave differently as these parameters change. Table 1 shows the attenuation of a 4000 cycle per second sound level per 100 feet due to air absorption as a function of temperature and humidity. It is interesting to note that as the humidity decreases, the attenuation increases. In other words, dry air is a poor conductor of sound compared to humid air.

Attenuation of a 4000 cps Sound Level Due to Air Absorption (dB per 100 feet)										
Temperature		Relative Humidity								
°C	°F	20	30	40	50	60	70	80	90	100
10	50	2.77	2.01	1.49	1.17	0.98	0.84	0.75	0.7	0.66
15	59	2.46	1.61	1.18	0.95	0.81	0.74	0.69	0.66	0.64
20	68	1.92	1.26	0.95	0.81	0.74	0.7	0.67	0.65	0.63
25	77	1.55	1.04	0.85	0.78	0.73	0.7	0.67	0.64	0.62
30	86	1.28	0.93	0.83	0.77	0.73	0.69	0.66	0.63	0.61

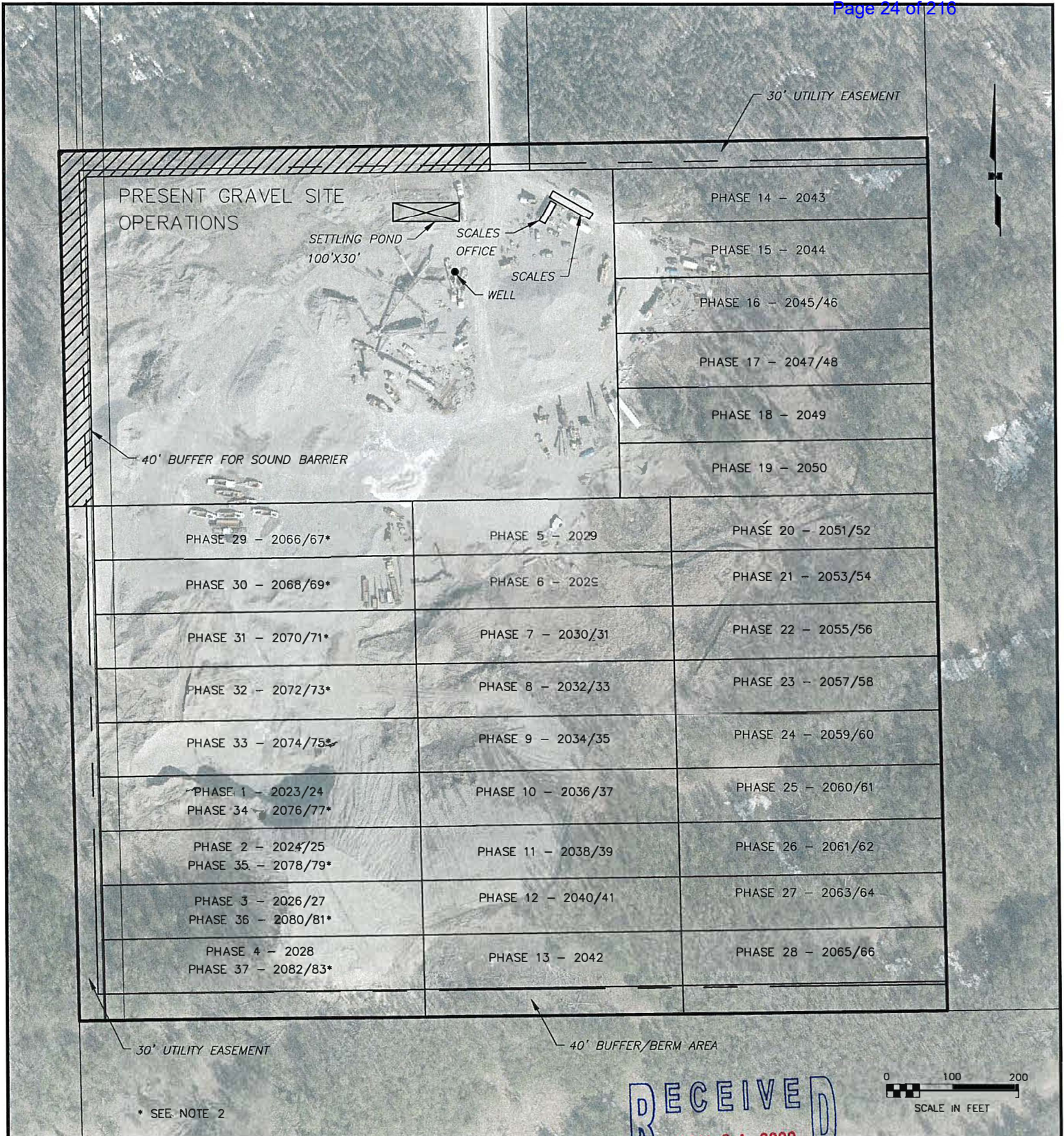
Table 1. Air Absorption Attenuation

**Presence of Trees, Shrubs and Other Foliage.**

During the summer months when activities on the site will be the greatest, trees will provide the most effective barrier to sound propagation because of their leaves. Table 2 describes this type of attenuation and assumes foliage through which there is fairly poor visibility, or that in the range of 50 to 100 feet. For this study, we will neglect attenuation caused by trees and tall foliage in order to arrive at worst case noise levels and to account for the fact that there could be some construction activity during the winter months when the trees have no leaves.

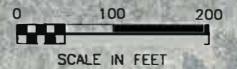
<b>Attenuation of Sound Level Due to Dense Foliage</b>			
<b>Frequency (c/s)</b>	<b>1000</b>	<b>2000</b>	<b>4000</b>
<b>Attenuation (dB/100 feet)</b>	<b>2.0</b>	<b>3.0</b>	<b>5.0</b>

**Table 2. Dense Foliage Attenuation**



\* SEE NOTE 2

RECEIVED  
NOV 21 2023



**NOTE:**

1. SETTling POND, STOCKPILES, CRUSHING, WASHING EQUIPMENT AND WORKING FACES IN THE PIT LOCATION SHALL CONFORM WITH MSHA RULES AND REGULATIONS FOR AN OPEN PIT MINE.

Mat-Su Borough  
Development Services

9002 N BUFFALO MINE - MOOSE CREEK RD  
TOWNSHIP 18 NORTH, RANGE 2 EAST,  
SECTION 3 LOT 8005, SEWARD MERIDIAN





# MEMORANDUM

**Date:** August 7, 2023

**To:** Mr. Jim Baxter  
Northern Gravel and Trucking

**From:** Owen Means, Professional Wetland Scientist, Sr. Environmental Specialist

**Subject:** Stormwater and Wetland Evaluation  
Northern Gravel and Trucking, LLC,  
9002 N. Buffalo Mine-Moose Creek Rd.

- Civil Engineering
- Geotechnical Engineering
- Transportation Engineering
- Aviation Engineering
- W/WW Engineering
- Environmental Services
- Surveying & Mapping
- Construction Administration
- Material Testing

Mr. Jim Baxter of Northern Gravel and Trucking, LLC is seeking assistance and clarification regarding the presence of wetlands and applicability of the Alaska Pollutant Discharge Elimination System (APDES) for an active material site operation at the property known as Township 18N Range 2E Section 3 Lot B5. The subject property is located 0.25 mile south of E Mikes Ln and 0.30 miles west of N. Buffalo Mine-Moose Creek Rd., at 9002 N. Buffalo Mine-Moose Creek Rd., within the Matanuska-Susitna Borough (MSB), Alaska. This memorandum contains a brief evaluation of wetland and stormwater conditions at, and immediately adjacent to, the subject property for the purpose of compliance with MSB Conditional Use Permit requirements.

**Wetlands**

A review of *Cook Inlet Wetlands* indicates wetlands may be present within, or immediately adjacent to, the northern, northeastern, southern, and southeastern portions of the subject property, as shown on the attached Figure 1.

HDL Engineering Consultants, LLC (HDL) performed a wetland determination on July 6, 2023, at the lowest elevation location within the mapped wetland area to the north of the subject property where wetland indicators were most likely to be present (Figure 1). The wetland determination was performed in accordance with the Regional Supplement to the *Corps of Engineers Wetland Delineation Manual: Alaska Region (Version 2.0)*. The results of the wetland determination indicates that the mapped wetland area does not meet all wetland determination criteria as defined by U.S. Army Corps of Engineers (USACE) regulation at 33 CR 3283.(c)(1) and MSB Code 17.125.010. Mapped wetlands present on the south and southeast portions of the subject property were also visited to evaluate if similar conditions were present in those locations. Observations were made of the dominant vegetation, surface hydrology, and top layer of soil visible at the ground surface. The observed conditions were substantially similar to those at the wetland determination site and support the conclusion that the mapped

*Stormwater and Wetland Evaluation – Northern Gravel and Trucking, LLC  
August 7, 2023*

wetlands do not meet all wetland determination criteria. A wetland determination data form and photo observation forms are attached.

The mapped wetlands were also evaluated for potential jurisdictional status in accordance with the U.S. Supreme Court's interpretation of waters of the U.S. in the May 25, 2023 decision in *Sackett v. Environmental Protection Agency*. All of the previously mapped wetlands that are adjacent to the subject property are situated within depression topography. The low lying areas within the depressions are entirely surrounded by higher elevation ridges, forming concave landforms where there are no physical inlets or outlets where surface water has the potential to enter or leave. For these reasons, the areas would not be subject to USACE jurisdiction under the current definition of waters of the U.S. because there is no direct surface water connection to any other water of the U.S. See Figures 2 and 3 for topographic contours and locations of adjacent wetlands.

### **APDES Applicability**

The APDES applies to activities involving land disturbance equal to or greater than one acre and where stormwater runoff from the site has the potential to discharge to waters of the U.S. The site drains inward from the south, west, and east to a central discharge path along the site access road in the north-central part of the subject property. Stormwater discharges into a low-lying area where it infiltrates into the ground or evaporates and that, in accordance with the evaluation of wetland and jurisdictional status above, is not a water of the U.S.

It is my opinion that the site does not result in a discharge to waters of the U.S., including jurisdictional wetlands, and the requirement to obtain APDES coverage for operation of the site does not apply. In addition, wetland buffers do not apply since mapped wetlands in the vicinity of the site do not meet all of the USACE-defined wetland determination criteria.

Should the MSB require a formal Jurisdictional Determination from USACE, additional wetland determination field data and a formal wetland delineation report may be required for the conclusions and opinion stated here to remain valid.

If there are any questions relating to this evaluation of wetlands and stormwater, please contact me at the phone number or email address listed below.

Sincerely,  
HDL Engineering Consultants, LLC

Owen Means, PWS  
Sr. Environmental Specialist  
e: omeans@HDLalaska.com | o: 907.564.2120 | d: 907.564.2143

*Stormwater and Wetland Evaluation – Northern Gravel and Trucking, LLC*  
*August 7, 2023*




**Attach:** Figure 1. Existing Wetland Mapping & Wetland Determination / Observation Points  
Figure 2. Topography and Stormwater Flow  
Figure 3. Adjacent Wetlands  
Wetland Determination Data Form and Photo Observation Documentation



H:\ch02\03\_015\_Sutton\_Buffalo\_Creek\_Mine (NCT)\GIS\GIS.aprx

Service Layer Credits

**Legend**

-  Parcels (MSB)
-  Applicant Property Boundary
-  Cook Inlet Wetlands

**Figure 1.**  
**Existing Wetland Mapping & Wetland Determination / Observation Points**

Project/Site:  
9002 N. Buffalo Mine-Moose Creek Rd  
T18N, R2E, Section 3, Lot B005, Seward Meridian

Prepared for:  
Northern Gravel & Trucking, LLC  
Mr. James Baxter

Prepared by:  
HDL Engineering Consultants, LLC

Date:  
8/4/2023





H:\ch02\015\_Sutton Buffalo Creek Mine (NCT)\GIS\GIS\_015.aprx

Service Layer Credits: Matanuska Susitna Borough, Maxar, Microsoft

### Legend

- Parcels (MSB)
- Applicant Property Boundary
- Stormwater Flow

**Figure 2.**  
**Topography & Stormwater Flow**

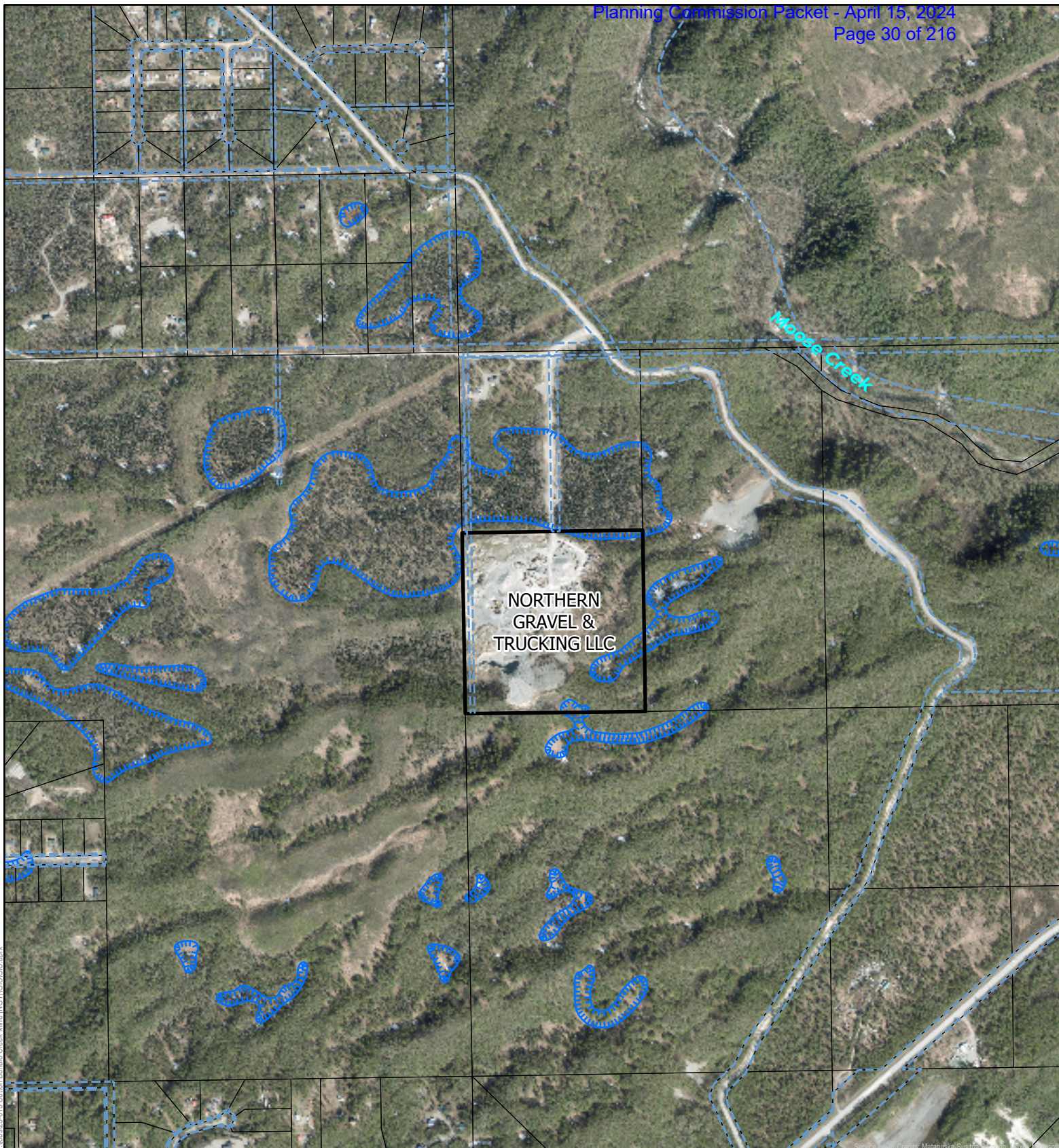
Project/Site:  
9002 N. Buffalo Mine-Moose Creek Rd  
T18N, R2E, Section 3, Lot B005, Seward Meridian

Prepared for:  
Northern Gravel & Trucking, LLC  
Mr. James Baxter

Prepared by:  
HDL Engineering Consultants, LLC

Date:  
8/4/2023








H:\ebc\23\015 Sullivan Buffalo Creek Mine (NCT)\GIS\GIS.aprx

Source: Google Earth, Matanuska-Sustina Borough, Alaska

**Legend**

-  Parcels (MSB)
-  Applicant Property Boundary
-  Cook Inlet Wetlands

**Figure 3.**  
**Adjacent Wetlands**

Project/Site:  
9002 N. Buffalo Mine-Moose Creek Rd  
T18N, R2E, Section 3, Lot B005, Seward Meridian

Prepared for:  
Northern Gravel & Trucking, LLC  
Mr. James Baxter

Prepared by:  
HDL Engineering Consultants, LLC

Date:  
8/4/2023



<b>U.S. Army Corps of Engineers</b> <b>WETLAND DETERMINATION DATA SHEET – Alaska Region</b> See ERDC/EL TR-07-24; the proponent agency is CECW-CO-R	<b>OMB Control #: 0710-0024, Exp: 11/30/2024</b> <b>Requirement Control Symbol EXEMPT:</b> <b>(Authority: AR 335-15, paragraph 5-2a)</b>
---	--

Project/Site: TOWNSHIP 18N RANGE 2E SECTION 3 LOT B5 Borough/City: MSB Sampling Date: 7/6/2023  
 Applicant/Owner: Jim Baxter, Northern Gravel and Trucking Sampling Point: 1  
 Investigator(s): Owen Means Landform (hillside, terrace, hummocks, etc.): Depression  
 Local relief (concave, convex, none): Concave Slope (%): 0  
 Subregion: LRR W1, MLRA 224 (Cook Inlet Lowlands) Lat: 61.6834 Long: -149.08498 Datum: NAD83  
 Soil Map Unit Name: Kashwitna silt loam, sloping and moderately steep NWI classification: Upland  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No      (If no, explain in Remarks.)  
 Are Vegetation     , Soil     , or Hydrology      significantly disturbed? Are "Normal Circumstances" present? Yes X No       
 Are Vegetation     , Soil     , or Hydrology      naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <u>    </u> No <u>X</u> Hydric Soil Present? Yes <u>X</u> No <u>    </u> Wetland Hydrology Present? Yes <u>X</u> No <u>    </u>	<b>Is the Sampled Area within a Wetland?</b> Yes <u>    </u> No <u>X</u>
Remarks:	

**VEGETATION – Use scientific names of plants.**

<u>Tree Stratum</u>	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>Populus tremuloides</u>	5	Yes	FACU	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>8</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>25.0%</u> (A/B)																
2. <u>Picea glauca</u>	20	Yes	FACU																	
3. <u>    </u>																				
4. <u>    </u>																				
50% of total cover: <u>13</u>		20% of total cover: <u>5</u>																		
<u>    </u> = Total Cover <u>25</u>																				
<u>Sapling/Shrub Stratum</u>	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>Salix bebbiana</u>	10	Yes	FAC	<b>Prevalence Index worksheet:</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: right;">Total % Cover of:</td> <td style="width:50%; text-align: left;">Multiply by:</td> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>0</u></td> <td>x 2 = <u>0</u></td> </tr> <tr> <td>FAC species <u>28</u></td> <td>x 3 = <u>84</u></td> </tr> <tr> <td>FACU species <u>48</u></td> <td>x 4 = <u>192</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>76</u> (A)</td> <td><u>276</u> (B)</td> </tr> <tr> <td colspan="2" style="text-align: center;">Prevalence Index = B/A = <u>3.63</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>0</u>	x 2 = <u>0</u>	FAC species <u>28</u>	x 3 = <u>84</u>	FACU species <u>48</u>	x 4 = <u>192</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>76</u> (A)	<u>276</u> (B)	Prevalence Index = B/A = <u>3.63</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>0</u>	x 2 = <u>0</u>																			
FAC species <u>28</u>	x 3 = <u>84</u>																			
FACU species <u>48</u>	x 4 = <u>192</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>76</u> (A)	<u>276</u> (B)																			
Prevalence Index = B/A = <u>3.63</u>																				
2. <u>Betula neoalaskana</u>	1	No	FACU																	
3. <u>Rosa acicularis</u>	5	Yes	FACU																	
4. <u>Viburnum edule</u>	5	Yes	FACU																	
5. <u>    </u>																				
6. <u>    </u>																				
50% of total cover: <u>11</u>		20% of total cover: <u>5</u>																		
<u>    </u> = Total Cover <u>21</u>																				
<u>Herb Stratum</u>	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>Equisetum arvense</u>	15	Yes	FAC	<b>Hydrophytic Vegetation Indicators:</b> ___ Dominance Test is >50% ___ Prevalence Index is ≤3.0 <sup>1</sup> ___ Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) ___ Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
2. <u>Mertensia paniculata</u>	1	No	FACU																	
3. <u>Geranium erianthum</u>	1	No	FACU																	
4. <u>Calamagrostis canadensis</u>	3	No	FAC																	
5. <u>Chamaenerion angustifolium</u>	5	Yes	FACU																	
6. <u>Heracleum maximum</u>	5	Yes	FACU																	
7. <u>    </u>																				
8. <u>    </u>																				
9. <u>    </u>																				
10. <u>    </u>																				
50% of total cover: <u>15</u>		20% of total cover: <u>6</u>																		
<u>    </u> = Total Cover <u>30</u>																				
Plot Size (radius, or length x width) <u>15' radius</u>	% Bare Ground <u>0</u>																			
% Cover of Wetland Bryophytes <u>0</u>	Total Cover of Bryophytes <u>    </u>																			
(Where applicable)																				
Remarks:																				

**SOIL**

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-8	2.5Y 4/2	100					Loamy/Clayey	possible aquitard
8-10	7.5YR 2.5/1	100					Peat	
10-17	5Y 4/1	90	5YR 4/6	10	C	PL	Loamy/Clayey	Prominent redox concentrations
17-26	7.5YR 2.5/3	100					Loamy/Clayey	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

<b>Hydric Soil Indicators:</b> <input type="checkbox"/> Histosol or Histel (A1) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Alaska Gleyed (A13) <input checked="" type="checkbox"/> Alaska Redox (A14) <input type="checkbox"/> Alaska Gleyed Pores (A15)	<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b> <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8) <input type="checkbox"/> Red Parent Material (F21) <input type="checkbox"/> Very Shallow Dark Surface (F22)	<input type="checkbox"/> Alaska Color Change (TA4) <sup>4</sup> <input type="checkbox"/> Alaska Alpine Swales (TA5) <input type="checkbox"/> Alaska Redox With 2.5Y Hue <input type="checkbox"/> Alaska Gleyed Without Hue 5Y or Redder Underlying Layer <input type="checkbox"/> Other (Explain in Remarks)
--	--	--

<sup>3</sup>One indicator of hydrophytic vegetation, one primary indicator of wetland hydrology, and an appropriate landscape position must be present unless disturbed or problematic.  
<sup>4</sup>Give details of color change in Remarks.

<b>Restrictive Layer (if observed):</b> Type: _____ Depth (inches): _____	<b>Hydric Soil Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
---	---

Remarks:

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> <u>Primary Indicators (any one indicator is sufficient)</u> <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Other (Explain in Remarks)	<u>Secondary Indicators (2 or more required)</u> <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Salt Deposits (C5) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input checked="" type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
--	--	---

<b>Field Observations:</b> Surface Water Present?    Yes _____    No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present?      Yes _____    No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present?        Yes _____    No <input checked="" type="checkbox"/> Depth (inches): _____ (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
---	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:



Project/Site:	TOWNSHIP 18N RANGE 2E SECTION 3 LOT B5	Sampling Date:	7/6/2023
Applicant/Owner:	Jim Baxter, Northern Gravel and Trucking	Sampling Point:	1
Investigator(s):	Owen Means	Watershed/Stream:	Matanuska River Watershed

Remarks: Site was in lowest elevation area within a large depressional area on the south-facing mountain slopes above the Matanuska River. Overall landscape was 'crevasse-moraine' type.



Subject: Vegetation, Plot Area.



Subject: Left: soil profile; right: redox features.

Project/Site:	TOWNSHIP 18N RANGE 2E SECTION 3 LOT B5			Sampling Date:	7/6/2023
Applicant/Owner:	Jim Baxter, Northern Gravel and Trucking			Sampling Point:	2
Investigator(s):	Owen Means	Lat:	61.68194	Long:	-149.08901
		Datum:	NAD83		
Watershed/Stream:	Matanuska River Watershed		NWI Classification:	Upland	
If Still Water, Approximate Size (acres):	N/A		&	Estimated depth at deepest:	N/A
If Flowing Water, Average Width (ft):	N/A	,	Avg. depth (ft):	N/A	& Substrate: N/A

Remarks: Photo point within southern lobe of wetland mapped as a discharge slope by *Cook Inlet Wetlands*. Area has a ~15% slope and is heavily dominated by upland vegetation including white spruce, Alaska paper birch, quaking aspen, balsam poplar, fireweed, and prickly rose.



Subject: View of north-facing slopes.

Project/Site:	TOWNSHIP 18N RANGE 2E SECTION 3 LOT B5			Sampling Date:	7/6/2023
Applicant/Owner:	Jim Baxter, Northern Gravel and Trucking			Sampling Point:	3
Investigator(s):	Owen Means	Lat:	61.67973	Long:	-149.08198
		Datum:	NAD83		
Watershed/Stream:	Matanuska River Watershed		NWI Classification:	Upland	
If Still Water, Approximate Size (acres):	N/A		&	Estimated depth at deepest:	N/A
If Flowing Water, Average Width (ft):	N/A	,	Avg. depth (ft):	N/A	& Substrate: N/A

Remarks: Photo point within wetland mapped as a depression-type by *Cook Inlet Wetlands*. Similar to point 1, dominant vegetation includes white spruce, quaking aspen, fireweed, Bebb's willow, field horsetail, and cow parsnip. Site is isolated from other possible nearby wetlands with no surface drainage features.



Subject: Open canopy white spruce/aspen woodland.

**From:** [John Nolin](#)  
**To:** [Peggy Horton](#)  
**Cc:** [Jim Baxter](#)  
**Subject:** Re: Runoff from Northern Gravel  
**Date:** Monday, February 5, 2024 7:12:25 PM

---

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

**Peggy :**

**As per your request.**

**It's fine that Northern Gravels runoff from parcel T18NR2ESec3 Lot B5 follows the natural flow to the low part of my property T18N02ESec3 Lot B4, where it infiltrates and evaporates .**

John Nolin  
14410 Mikes Lane  
Box 4496  
Palmer Alaska 99645

907-232-2726



## MATANUSKA-SUSITNA BOROUGH

### Public Works Department

350 East Dahlia Avenue • Palmer, AK 99645  
Phone (907) 745-9806 • Fax (907) 745-9825

### Final Driveway Permit

Number: D010 - 089

The Matanuska-Susitna Borough has performed the Final Inspection of your driveway. The driveway has been adequately constructed to Borough standards and to the conditions outlined by the initial driveway Inspector. Your Approved Driveway Permit number is referenced above. Please keep this letter along with a copy of your driveway application.

If you have any concerns about the driveway, be sure to reference the Driveway Permit number above when calling our office.

**MATANUSKA-JITNA BOROUGH PUBLIC WORKS DEPARTMENT**

Application **P010256** shall to Construct and Maintain Driveway on Public R. **5-Way**

PERMITTEE'S NAME: John Nolin  
 MAILING ADDRESS: Box 4496 Palmer AK 99645  
 TELEPHONE NO.: 907-232-2726  
 STREET NAME: MIKES LANE 3213  
 SUBDIVISION NAME: N/A  
 BLOCK/LOT NO.: N/A  
 TAX ID: 118N02F03B004

PERMIT NO. D010-080  
(To be issued after final inspection approval)

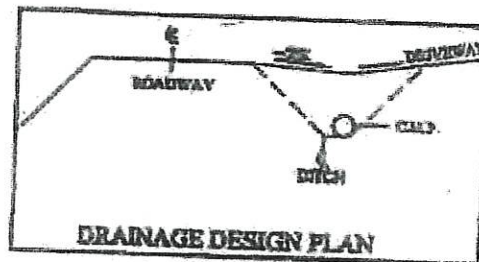
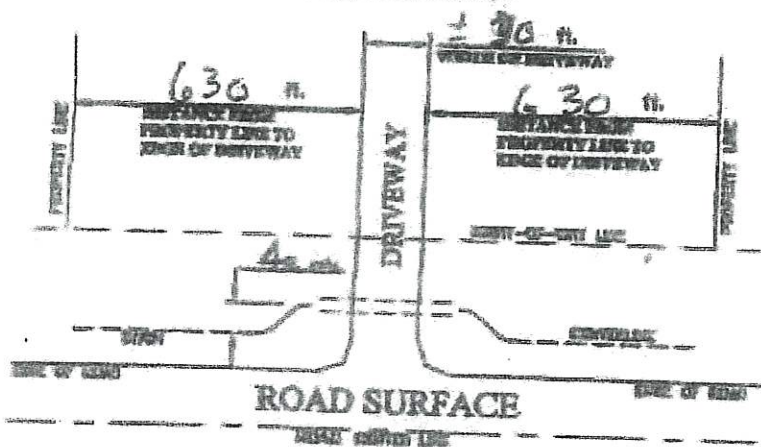
**OFFICE USE ONLY P010256**

APPROVED FOR CONSTRUCTION	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	DATE
Head Mechanic Supervisor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2/7/10
Right of Way Agent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7/1/10
TRACKING NO.:	TO <u>10-315</u>		
IS COLVERT NEEDED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
IF YES, SEE COLVERT INFORMATION BELOW			
COLVERT LENGTH	FT.	SIZE (DIA)	IN.
COLVERT TYPE		DITCH DEPTH	IN.

EXPECTED COMPLETION DATE: FINISHED

**PLEASE COMPLETE SKETCH BELOW**  
 Driveway must be installed in accordance with the below sketch and special conditions

This permit will be void if no work is accomplished by the expected completion date. Installation without a permit will be treated as an unauthorized encroachment.



ROAD SURFACE TYPE: ASPH.  PAVED   
 (Mark the driveway in accompanying note)

SHOW NORTH ARROW, use it pertains to the right of way you are entering onto. **(K)**

IF PAVED ROAD, APRON LENGTH TO BE 2' MINIMUM

The Permittee certifies that he/she is the owner, lessee, or authorized agent of the property, that the conditions, restrictions and regulations of the borough will be complied with and that he/she will maintain the driveway in accordance with the provisions on the reverse side of this permit. The Permittee agrees not to plow or cause to be plow, snow from driveway onto the above named public way. Once the driveway is completed to the required specifications, notify the Public Works Department at 745-9806 to request an inspection for final approval.

SPECIAL CONDITIONS UPON APPROVAL: IMPROVE SECTION LINE PERCH AS DISCUSSED.

I certify that I have read the conditions on the back and that my proposed driveway complies with all conditions.

PERMITTEE: John P Nolin  
Signature of Permittee

DATE OF APPLICATION: 6/14/2010

PERMIT GRANTED BY: [Signature]  
Borough Representative

DATE OF FINAL APPROVAL: 7/28/10

<b>DRIVEWAY APPLICATION FEE</b>	
Subject to: Matanuska-Jitna Borough, 150 E. Fifth, Palmer, AK 99645	
PRIOR TO CONSTRUCTION	\$25.00
AFTER CONSTRUCTION BEGINS	\$50.00

Tax Map #: 1N15 Section #: 33 RSA #: 5

DATE PAID: 6-22-10

DATE SENT: 7/19/10 ax  
(To Permittee)

CHECK \_\_\_\_\_ CLEP \_\_\_\_\_  
CASE: 25.00 DISMANCE \_\_\_\_\_

Alaska Business License # 942717

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

Division of Corporations, Business, and Professional Licensing  
PO Box 110806, Juneau, AK 99811-0806

This is to certify that

**NORHTERN GRAVEL & TRUCKING LLC**

6940 ROSEWOOD STREET, ANCHORAGE, AK 99518

owned by

NORTHERN GRAVEL & TRUCKING, LLC

is licensed by the department to conduct business for the period

November 21, 2022 to December 31, 2024  
for the following line(s) of business:

48 - Transportation and Warehousing



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.  
It is not transferable or assignable.

Julie Sande  
Commissioner



**Matanuska-Susitna Borough Business License #: 42976**

350 E. Dahlia Ave, Palmer, Alaska 99645

**Effective Date:** JAN 11 2023

**Expiration Date:** DEC 31 2024

**This license must be prominently displayed.  
It is not transferable or assignable.**

This license shall not be taken as permission to do business in the State without having complied with the other requirements of the laws of the State of Alaska or the United States.

DEPARTMENT OF FINANCE

**NORTHERN GRAVEL AND TRUCKING  
JAMES W BAXTER  
6940 Rosewood St.  
ANCHORAGE, AK 99518**

**Business Location(s): ANCHORAGE**

This is to certify that the licensee named above holds a Matanuska-Susitna Borough business license covering the period listed above.



STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF LAND AND WATER MANAGEMENT

BOOK 0565 PAGE 563

ADL No. 75430

RIGHT OF WAY PERMIT

THIS AGREEMENT made and entered into this 3rd day of October 1988, by and between the STATE OF ALASKA, acting by and through the Department of Natural Resources, Division of Land and Water Management, hereinafter referred to as the grantor and the State of Alaska, acting through the Department of Natural Resources, whose address is Southcentral Region, P.O. Box 107005, Anchorage, Alaska 99510-7005, hereinafter referred to as the permittee.

WITNESSETH, that in accordance with the provisions of Sec. 38.05.850, A.S. and the rules and regulations promulgated thereunder, the permittee having filed an application for a right-of-way within the Palmer Recording District for a public access road with the Division of Land and Water Management together with a map showing the definite location thereon of the line of right-of-way which the permittee has adopted and agrees to be the specific and definite location of the aforesaid right-of-way, and

WHEREAS, it is understood and agreed by the permittee herein that, as a condition to the granting of the right-of-way applied for, the land covered by said right-of-way shall be used for no purpose other than the location, construction, operation and maintenance of said right-of-way over and across the following described State lands, to wit: lying within the SW1/4 SW1/4 Section 34, Township 19 North, Range 2 East, Seward Meridian, containing 0.6 acres, more or less and shall extend a width of 100 feet.

TO HAVE AND TO HOLD the same until the above described land shall no longer be used for the above mentioned purpose and subject to conditions and reservations elsewhere set forth herein.

The sketch map labeled Attachment "A" revealing the right-of-way granted herein shall be attached hereto and made a part hereof.

In the event that the right-of-way granted shall in any manner conflict with or overlap a previously granted right-of-way the permittee herein shall use this right-of-way in such a manner as not to interfere with the peaceful use and enjoyment of the previously issued right-of-way and no improvements shall be constructed by the permittee herein upon the overlapping area unless the consent therefore has first been obtained from the permittee under the pre-existing right-of-way.

The permittee in the exercise of the rights and privileges granted by this indenture shall comply with all regulations now in effect or as hereafter established by the Division of Land and Water Management and all other Federal, State or local laws, regulations or ordinances applicable to the area herein granted.

RECEIVED  
JAN 22 2013

PERMIT CENTER

Right-of-Way Permit  
ADL 75430

BOOK 0565 PAGE 564

Page 2

Upon abandonment, termination, revocation or cancellation of this indenture, the permittee shall within ninety (90) days remove all structures and improvements from the area herein granted, except those owned by the grantor and shall restore the area to the same or similar condition as the same was upon the issuance of this permit. Should the permittee fail or refuse to remove said structures or improvements, within the time allotted, they shall revert to and become the property of the grantor. However, the permittee shall not be relieved of the cost of the removal of the structures, improvements and/or cost of restoring the area. Provided further, however, that the grantor, in his discretion, may alter or modify the requirements contained in this provision if it is in the best interest of Alaska to do so.

The permittee shall utilize the lands herein granted consistent with the purposes of the proposed use, as revealed by the application therefor, and shall maintain the premises in a neat and orderly manner and shall adopt and apply such safety measures as shall be necessary, proper and prudent with respect to the use to which the land is subjected.

The permittee shall take all reasonable precaution to prevent and suppress brush and forest fires. No material shall be disposed of by burning in open fire during the closed season unless a permit therefor has first been obtained from the agency empowered by law to issue such permits.

Prior to any construction or development that will use, divert, obstruct, pollute or utilize any of the waters of the State, the permittee shall first obtain approval therefor from the Commissioner of the Department of Fish and Game and file an image copy thereof with the grantor.

Any lands included in this permit which are sold under a contract to purchase shall be subject to this permit. Upon issuance of title to the purchaser, this permit shall remain in effect until its date of expiration.

In case the necessity for the right-of-way shall no longer exist, or the permittee should abandon or fail to use the same, then this permit shall terminate.

The State of Alaska shall be forever wholly absolved from any liability for damages which might result to the permittee herein on account of this permit having been cancelled, forfeited, or terminated prior to the expiration of the full time for which it was issued.

Right-of-Way Permit  
ADL 75430

BOOK 0565 PAGE 565

Page 3

NOW THEREFOR, in accordance with the provisions of Section 38.05.850 A.S. and the rules and regulations promulgated thereunder and in accordance with the conditions heretofore set forth or attached hereto and made a part hereof, the permittee herein is hereby authorized to locate, construct, operate and maintain said right-of-way over and across the lands herein described, provided that nothing in this agreement obligates the Southcentral Region, Division of Land and Water Management to actually construct, operate or maintain said right-of-way, it being grantor's intent that said right-of-way be a public right-of-way to be constructed, operated and maintained by the public acting through whatever means or agency may be available and authorized.

IN WITNESS WHEREOF, the said grantor has caused these presents to be signed in duplicate and the permittee herein has hereunto affixed his signature on the day and year first above written.

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES

Permittee: Veronica Gilbert  
Veronica Gilbert  
Southcentral Regional Manager  
Division of Land and  
Water Management

UNITED STATES OF AMERICA )  
State of Alaska ) ss

This is to certify that on the 3rd day of October, 1958, before me, personally appeared Veronica Gilbert to be known and known to me to be the person named in and who executed said document and acknowledged voluntarily signing the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

James Hardaway  
Notary Public in and for the State of Alaska  
My Commission Expires 2-25-2010



BOOK 0565 PAGE 566

Right-of-Way Permit  
ADL 75430

Page 4

GRANTOR:

*[Signature]*  
Gary Gustafson, Director  
Division of Land and Water  
Management

UNITED STATES OF AMERICA )  
State of Alaska ) 55

This is to certify that on the 3rd day of October, 1988, before me, personally appeared [Signature] to be known and known by me to be the person named in and who executed said document and acknowledged voluntarily signing the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

*[Signature]*  
Notary Public in and for the State  
of Alaska

My commission expires \_\_\_\_\_

RETURN RECORDED DOCUMENT TO: Mat-Su Area Office, Division of Land and  
Water Management, 1830 E. Parks Highway, Suite A-116, Wasilla, Alaska  
99687-9006

88-017058

NIC

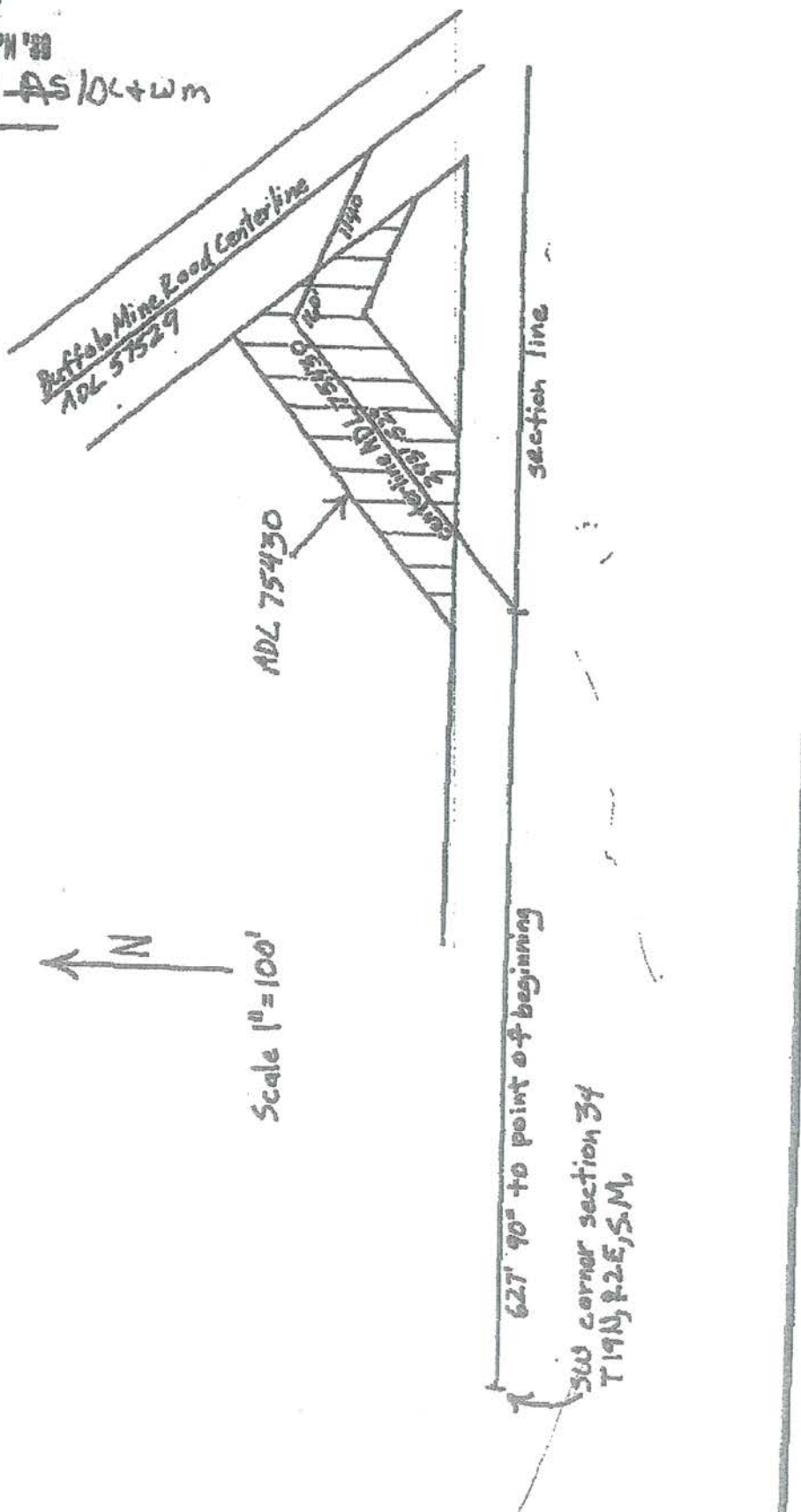
RECORDED-FILED  
PALMER REG.  
DISTRICT

Attachment "A"  
ADL 75430

BOOK 0565 PAGE 567

Oct 25 1 56 PM '88

REQUESTED BY AS/OL+Wm  
ADDRESS \_\_\_\_\_



## Peggy Horton

---

**From:** Jim Baxter <northerngravelandtrucking@gmail.com>  
**Sent:** Thursday, June 22, 2023 12:52 PM  
**To:** Peggy Horton  
**Subject:** Fwd: EDMS - Permit Issued - Authorization Ready - AKR06NE-A0320, Northern Gravel & Trucking LLC-Gravel Pit

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

----- Forwarded message -----

**From:** Alaska DEC EDMS <[edms\\_noreply@alaska.gov](mailto:edms_noreply@alaska.gov)>  
**Date:** Mon, Jun 19, 2023 at 5:35 PM  
**Subject:** EDMS - Permit Issued - Authorization Ready - AKR06NE-A0320, Northern Gravel & Trucking LLC-Gravel Pit  
**To:** <[northerngravelandtrucking@gmail.com](mailto:northerngravelandtrucking@gmail.com)>

This is to notify you that **Alaska Department of Environmental Conservation** has issued the authorization/registration for Northern Gravel & Trucking LLC-Gravel Pit. Details are below:

Form Name: **Multi-Sector No Exposure Certification (NEC)**  
Submission Reference Number: **HPV-H5EW-QMW3A**  
System Receipt Date: **June 19, 2023**  
Facility, Site, or Project Name: **Northern Gravel & Trucking LLC-Gravel Pit**  
Permit Number: **AKR06NE-A0320 v1.0**  
Permit effective date: June 19, 2023  
Permit expire date: June 18, 2028

You can access EDMS using the link below to navigate to your permit. If applicable, the authorization packet will be in the documents tab on the issued permit AKR06NE-A0320.

<https://dec.alaska.gov/Applications/Water/EDMS/ncore/>

This is an automated email sent by Alaska Environmental Data Management System (EDMS).

If you have questions regarding the information in this message, please contact **EDMS** support at:  
<https://dec.alaska.gov/water/edms/edms-help>.

--

Sincerely,  
James Baxter, Owner  
Northern Gravel & Trucking LLC  
6940 Rosewood St.  
Anchorage AK 99518  
(907) 522-9505



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Environmental  
Conservation**  
DIVISION OF WATER

Wastewater Discharge Authorization Program

555 Cordova Street  
Anchorage, Alaska 99501-2617  
Main: 907.269.6285  
Fax: 907.334.2415  
[www.dec.alaska.gov/water/wastewater](http://www.dec.alaska.gov/water/wastewater)

June 19, 2023

**Company:**

Northern Gravel & Trucking LLC  
ATTN: James Baxter  
6940 Rosewood St  
Anchorage, AK 99518

**Facility:**

Northern Gravel & Trucking LLC-Gravel Pit  
9002 Buffalo Mine Road  
Palmer, AK 99645  
Latitude, Longitude: 61.681231, -149.08550

Re: Permit Number: **AKR06NE-A0320 v1.0**

This letter acknowledges that you have submitted a complete No Exposure Certification for exclusion from the APDES industrial storm water permitting requirements. This facility has been granted exclusion from permitting under the terms and conditions imposed by the DEC's Storm water Multi-Sector General Permit (MSGP)(AKR060000). Exclusion for this site began on **06/19/2023**.

As stated above, this letter acknowledges receipt of a complete No Exposure Certification. However, it is not a DEC determination of the validity of the information you provided. Your eligibility for exclusion is based on the validity of the certification you provided. Your signature on the No Exposure Certification form certifies that you have read, understood, and are implementing all of the applicable requirements. An important aspect of this certification requires that you correctly determine whether you are eligible for exclusion.

Please note that a complete No Exposure Certificate must be submitted once every five years. If conditions change resulting in the exposure of materials and activities to storm water, you must obtain coverage under an APDES storm water permit immediately.

An electronic copy of the MSGP and additional storm water guidance material can be viewed and downloaded on the Alaska DEC's storm water website at <http://dec.alaska.gov/water/wastewater/stormwater/multisector/>

If you have any questions regarding your No Exposure Certification or other questions concerning the Multi-Sector General Permit, please call 907-269-6285.

Thank you for using the EDMS <https://dec.alaska.gov/Applications/Water/EDMS/>.

**From:** [Jim Baxter](#)  
**To:** [Peggy Horton](#)  
**Subject:** Fwd: Reclamation Bonding  
**Date:** Thursday, February 15, 2024 10:09:42 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

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

Peggy:  
Northern Gravel & Trucking has already paid for the bond (financial assurance). I'm forwarding you the receipts for your records.  
Sincerley,  
Maia Hatter, Office Assistant  
Northern Gravel & Trucking

----- Forwarded message -----

From: **Micelotta, Cinnamon A (DNR)** <[cinnamon.micelotta@alaska.gov](mailto:cinnamon.micelotta@alaska.gov)>  
Date: Tue, Feb 13, 2024 at 9:29 AM  
Subject: Reclamation Bonding  
To: Jim Baxter <[northerngravelandtrucking@gmail.com](mailto:northerngravelandtrucking@gmail.com)>

Hi Jim,

Per our conversation on the phone, on the reclamation plan form #7 "the total acreage of mining operation that is subject to the bonding requirement for the current year" should reflect the acreage of land that is going to be disturbed, not the expiration year. I have provided what you submitted below. Because you confirmed that you will be disturbing 5 acres, I can move forward with processing this once the rest of the bond is paid. The amount required for the statewide bonding pool is \$150.00 per acre. \$112.50 per acre is refundable and \$37.50 per acre is non-refundable. You intend to disturb 5 acres of land which would make your total required bond amount \$750.00 (5x150=750) you have already paid \$150.00 towards this, therefore the remaining amount due is \$600.00. This can be paid by calling our Public Information Center and letting them know that you would like to pay for a bond and that you are participating in the Statewide Bonding Pool. Please let me know if you have any questions.

**7. RECLAMATION BONDING (REQUIRED ONLY IF YOU CHECKED BOX A or B ON THE FIRST PAGE OF THIS FORM)**

The total acreage of my mining operation that is subject to the bonding requirement for the current year is  
2083 acres (add acreages stated in Section 3(a) and 3(d) of this form).

**11 AAC 97.425(c)** Except for an operation whose bond amount is reduced below \$750 per acre under [11 AAC 97.420\(b\)](#), the percentages set by (b) of this section result in a bonding pool deposit of \$112.50 per acre and an annual nonrefundable fee of \$37.50 per acre.

Cinnamon Micelotta

Natural Resource Specialist

Department of Natural Resources

Division of Mining, Land, and Water

South Central Regional Land Office

Materials Program



550 W 7<sup>th</sup> Ave Ste 900c  
Anchorage, AK 99501-3577

Ph: (907) 269-8560



RECORD SUCCESSFULLY ADDED -AGMNT NOT BUILT- RECEIPT NUMBER: 5115282  
NRB0100P DEPARTMENT OF NATURAL RESOURCES DATE 02/13/2024  
NR01 RECEIPTING TIME 10:15:50

-----  
ACTION CODE: A RECEIPT NUMBER: \_5115282

ADL/LOAN NUMBER: LAS\_\_ 34868 \_\_ RECEIPT DATE: \_2 / 13 / 2024  
RECEIPT AMOUNT: \_\_\_\_\_600.00 RECEIPT TYPE: 11  
CASH AMOUNT: \_\_\_\_\_ FISCAL PERIOD: C  
CHECK NUMBER: \_\_\_\_\_ CHECK DATE: \_\_ / \_\_ / \_\_\_\_  
BANKCARD NUMBER: 2758 BRAND: VI

FUTURE PMT CODE: \_  
RETURN REASON: \_

CASH DRAWER: 802  
PRINT CODE: \_

COMMENTS: BD MATERIAL SALE BOND \_\_\_\_\_  
AGREEMENT NAME: NORTHERN GRAVEL & TRUCKING, LLC  
ADDRESS: 6940 ROSEWOOD STREET ANCHORAGE AK 99518

REMITTER NAME: MIA\_\_\_\_\_ HADDID \_\_\_\_\_  
ADDRESS: 6940 ROSEWOOD ST \_\_\_\_\_  
: ANCHORAGE \_\_\_\_\_ AK 99518 \_\_\_\_\_ ALTERNATE PRINTER: \_\_\_\_\_

-----  
NEXT CODE \_\_ PF1=HELP PF4=Reset PF8=R&B Main Menu PF11=ADDITIONAL RECEIPT



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Natural Resources

DIVISION OF MINING, LAND & WATER  
Southcentral Regional Land Office

550 West 7th Avenue, Suite 900C  
Anchorage, Alaska 99501-3577  
Main: 907.269.8503  
TTY: 711 or 800-770-8973  
Fax: 907.269.8913

February 13, 2024

Northern Gravel & Trucking  
6940 Rosewood Street  
Anchorage, AK 99518

Re: LAS 34868– Non-State Land Reclamation Plan Approval

Dear Northern Trucking & Gravel,

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Office (SCRO), received your Non-State Reclamation Plan (NSRP) for the reclamation of 5 acres after extracting 40,000 cubic yards of material. According to the application, the subject site is located on private lands of Northern Gravel & Trucking within Section 3 of Township 18 North, Range 2 East, Seward Meridian.

Thank you for submitting a NSRP for extraction activities taking place from 2023 through 2033. After reviewing the reclamation plan we have determined that the plan is complete as submitted. The proposed reclamation measures are appropriate provided that the operation is conducted in a manner that will prevent unnecessary and undue degradation of land and water resources, and the operation shall be reclaimed using current reclamation methods so that the site is left in a stable and safe condition.

Per Alaska Statute (AS) 27.19.040(a) financial assurance is required. Development of the proposed 5-acre material site requires \$750 of financial assurance per acre of mined area; therefore, your bond amount is \$3,750. In lieu of paying this amount, which would be refunded in its entirety should the requirements of reclamation be met, you may pay into a statewide bonding pool. This requires payment in the amount of \$150 per acre with \$112.50 being refundable, and \$37.50 being non-refundable. If you chose to utilize the statewide bonding pool, your bond amount is \$750.00. Of that amount, \$187.50 would not be refunded after completion of reclamation.

This acceptance letter does not alleviate the necessity to obtain authorizations required by other agencies and entities for this activity. If you have any questions, please feel free to contact Cinnamon Micelotta at (907) 269-8560 or at [cinnamon.micelotta@alaska.gov](mailto:cinnamon.micelotta@alaska.gov).

Sincerely,

A handwritten signature in blue ink that reads "Todd Derks".

Todd Derks  
Acting Natural Resource Manager 2



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Fish and Game

HABITAT SECTION  
Matanuska-Susitna Area Office

1801 South Margaret Drive, Suite 6  
Palmer, Alaska 99645-6736  
Main: 907.861.3200  
Fax: 907.861.3232

### FISH HABITAT PERMIT FH23-IV-0278

**ISSUED:** November 21, 2023  
**EXPIRES:** October 1, 2028

James Baxter  
Northern Gravel & Trucking, LLC  
6940 Rosewood Street  
Anchorage, AK 99518

**RE: Water Withdrawal**

Unnamed Stream  
Section 28, T 19 N, R 2 E, SM  
Location: 61.7103 N, 149.0919 W

Dear James Baxter:

Pursuant to the Fishway Act at AS 16.05.841, the Alaska Department of Fish and Game (ADF&G) Habitat Section has reviewed your proposal to withdrawal water from an unnamed stream, a tributary to Premier Creek, for use as supplemental water for gravel extraction operations.

#### Project Description

According to your application, you plan to withdrawal water seasonally, May 1 through September 30, from the unnamed stream at the above listed location. Withdrawals will be at a rate of 300 gallons per minute with a 4-inch intake for a total of up to 60,000 gallons per day for approximately ten days per season. Seasonally you expect to withdrawal up to 1,000,000 gallons. The purpose of this withdrawal is to supplement water for gravel extraction operations at your private property located within Section 3, T 18 N, R 2 E, SM. Your permit application and all materials, maps, and drawings are hereby adopted by reference into this permit.

#### Fishway Act

The unnamed stream is not currently documented to support anadromous fish species but supports a suite of resident fish species including Dolly Varden.

In accordance with AS 16.05.841, your project is approved subject to the project description, the following stipulations and permit terms.

1. The water pump intake structure must be enclosed and centered within a screened intake structure with a maximum screen-mesh size of 1/8 inches. The intake structure must be designed so that the water velocity does not exceed 0.5 feet per second at the screen/water interface.
2. The screened intake shall be inspected for damage (torn screen, crushed screen, screen separated from intake ends, etc.) Any damage observed shall be repaired to conform to the original specifications prior to use.

**Permit Terms**

This letter constitutes a permit issued under the authority of AS 16.05.841 and must be retained on site during project activities. Please be advised that this determination applies only to Habitat Section regulated activities; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Habitat Section and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any provision contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is a Habitat Section responsibility. Therefore, we recommend you consult the Habitat Section before considering any deviation from the approved plan.

You shall give an authorized representative of the state free and unobstructed access to the permit site, at safe and reasonable times, for the purpose of inspecting or monitoring compliance with any provision of this permit. You shall furnish whatever assistance and information the authorized representative reasonably requires for monitoring and inspection purposes.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. You shall mitigate any adverse effect upon fish or wildlife, their habitats, or any restriction or interference with public use that the commissioner determines was a direct result of your failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

Please direct questions about this permit to Habitat Biologist Crystal Moenaert at (907) 861-3204 or [crystal.moenaert@alaska.gov](mailto:crystal.moenaert@alaska.gov).

Sincerely,

Doug Vincent-Lang  
Commissioner



By: Sarah Myers  
Matanuska-Susitna Area Manager  
Habitat Section  
(907) 861-3200

-clm

cc:	A. Ott, Habitat	S. Ivey, SF	Permits, SF	D. Ledford, AWT
	L. Hegg, AWT	S. Myers, Habitat	Permits, DNR SCRO	Permits, DNR TWUA
	Pagmaster, COE			



**ALASKA DEPARTMENT OF NATURAL RESOURCES**  
**Division of Mining, Land, and Water**  
**Water Resources Section**  
550 West 7<sup>th</sup> Avenue, Suite 1020, Anchorage, AK 99501-3562

**TEMPORARY WATER USE AUTHORIZATION**  
**TWUA A2023-102**

Pursuant to AS 46.15, as amended and the rules and regulations promulgated thereunder, permission is hereby granted to Northern Gravel & Trucking LLC (hereinafter authorization holder), 6940 Rosewood Street, Anchorage, AK 99518 and their contractors, **to use water from the sources described below.** Water use is for gravel material site activities located at the gravel pit on Buffalo Mine Road, May 1<sup>st</sup> to September 30<sup>th</sup> for five years.

SOURCES & AMOUNT OF WATER

1. Unnamed Tributary to Premier Creek in Section 3, Township 18 North, Range 2 East, Seward Meridian. **The maximum daily withdrawal is limited to 60,000 gallons with a combined project total not to exceed 2,000,000 gallons, May 1<sup>st</sup> to September 30<sup>th</sup>.**
2. Spring box/ infiltration gallery, at MP 1.45 Buffalo Mine Road in Section 3, Township 18 North, Range 2 East, Seward Meridian. **The maximum daily withdrawal is limited to 60,000 gallons with a combined project total not to exceed 2,000,000 gallons May 1<sup>st</sup> to September 30<sup>th</sup>.**

STRUCTURES TO BE CONSTRUCTED AND USED

Changes in the natural state of water are to be made as stated herein and for the purposes indicated. As described in the application materials and ADF&G permit: screened water intake, pump(s) with up to a 4" intake and an output up to 400 gallons per minute, pipe/hose and a 6,000 gallon water truck.

During the effective period of this authorization, the authorization holder shall comply with the following conditions:

CONDITIONS

1. This authorization does not authorize the authorization holder to enter upon any lands until proper rights-of-way, easements or permission documents from the appropriate landowner have been obtained.
2. The authorization holder is responsible for obtaining and complying with other permits/approvals (state, federal or local) that may be required prior to beginning water withdrawal pursuant to this authorization.
3. Follow acceptable engineering standards in exercising the privilege granted herein.
4. Comply with all applicable laws, and any rules and/or regulations issued thereunder.
5. Except for claims or losses arising from negligence of the State, defend and indemnify the State, the State's agents, and the State's employees against and hold each of them harmless from any and all claims, demands, suits, loss, liability and expense (including attorney fees) for injury to or death of persons and damages to or loss of property arising out of or connected with the exercise of the privileges covered by this authorization.

6. Notify the Water Resources Section upon change of address.
7. Failure to respond to a request for additional information during the term of the authorization may result in the termination of this authorization.
8. The authorization holder shall allow an authorized representative of the Water Resources Section to inspect, at reasonable times, any facilities, equipment, practices or operations regulated or required under this authorization.
9. This authorization, or a copy thereof, shall be kept at the site of the authorized project described herein. The authorization holder is responsible for the actions of contractors, subcontractors, agents or other persons who perform work to accomplish the approved project and shall ensure that workers are familiar with the requirements of this authorization.
10. The Water Resources Section may modify this authorization to include different limitations, expand monitoring requirements, evaluate impacts, or require restoration at the site.
11. Pursuant to AS 46.15.155(f), the Department may impose conditions or limitations on an authorization to protect the water rights of other persons or to protect fish and wildlife habitat, human health, or other public interests.
12. Pursuant to AS 46.15.155(i), 11 AAC 93.210(b) and 11 AAC 93.220(f), temporary authorizations are subject to amendment, modification, suspension, or revocation to supply water to lawful appropriators of record, protect the water rights of other persons or the public interest.
13. Any false statements or representations in any application, record, report, plan or other document filed or required to be maintained under this authorization may result in the termination of this authorization.
14. Monitor water withdrawals and/or diversions for each day of actual use for each authorized water source and when withdrawals and/or diversions for each authorized water source reached 90% of the authorized limit for that water source submit this information to this office prior to the initiation of any further withdrawals and/or diversions of the respective water source.
15. Operations shall be conducted in such a way as to prevent any petroleum products or hazardous substances from contaminating surface or ground water. Pumps will not be fueled or serviced within 100 feet of a pond, lake, stream, river, or other water body unless the pumps are situated within a catch basin designed to contain any spills. Vehicles will not be fueled or serviced within 100 feet of a pond, lake, stream, river, or other water body. Equipment shall not be stored or serviced within 100 feet of any water body. Vehicles leaking fuel, hydraulic fluids, or other pollutants shall not be operated below the ordinary high-water elevation of a surface source. In case of accidental spills, absorbent pads and spill response kits shall be readily available. Appropriate disposal methods for waste products shall be followed.
16. Operations shall not cause or contribute to the spread of preexisting or authorization holder caused contaminant plumes. All spills and contamination known or encountered must be immediately reported to the Alaska Department of Environmental Conservation (ADEC) and the Alaska Department of Natural Resources (DNR). Authorization holder shall cooperate with lawful prohibitions, restrictions, instructions, stop work orders or work plan requirements issued by ADEC for authorization holder's projects.

17. All equipment used at or adjacent to water bodies and water sources must always be clean and free from contamination and invasive species (terrestrial and aquatic) to prevent the introduction of contamination and invasive species to the water body.
18. Water bodies shall not be altered to facilitate water withdrawal or disturbed in any way. If banks, shores or beds are inadvertently disturbed, excavated, compacted or filled by activities attributable to this project, they shall be immediately stabilized to prevent erosion and resultant sedimentation of the water body which could occur both during and after operations. The Water Resources Section is to be notified immediately if the above occurs. Additional corrective action may be required by ADNR and the land manager/owner.
19. The placement of equipment shall not unnecessarily hinder public access.
20. Water discharge (including runoff) shall not create erosion, sedimentation, or other hazards within adjacent or nearby properties, road rights-of-way, stormwater drainage systems, sanitary sewer systems or water bodies.
21. Adequate flow and water levels must remain in the river to support indigenous aquatic life and provide for the efficient passage and movement of fish.
22. Any water intake structure in fish bearing waters (including a screened enclosure, well-point, sump or infiltration gallery) shall be designed to prevent the entrainment, impingement and/or entrapment of fish and shall be installed and maintained at each intake location. The water pump intake structure must be enclosed and centered within a screened intake structure with a maximum screen mesh size of 1/4 inch. The intake structure must be designed so that the water velocity does not exceed 0.5 feet per second at the screen/water interface when the pump is operating.
23. The authorization holder shall inspect the intake screen for damage (torn screen, crushed screen, screen separated from intake ends, etc.) after each use and prior to each deployment. Any damage or blockage observed must be repaired prior to use of the structure. The structure must always conform to the original design specifications while in use.
24. Silt fencing, silt sock, sorbent booms or other suitable containment techniques must be used, as necessary, to minimize the introduction of suspended solids into flowing waters and storm drain systems.
25. Issuance of this authorization does not give the authorization holder the right to block or dam a water course.
26. There shall be no wheeled, tracked, excavating, or other machinery or equipment operated below the ordinary highwater line to facilitate water withdrawal or diversion pursuant to this authorization.
27. Record and immediately report to this office all complaints relating to pumping activities and discharge, including requests for information from residents, should the situation occur.
28. Deviations from the project description submitted with the application which affect water amounts, season of use, capacity, flow, operation or point of discharge/diversion must be approved by the Water Resources Section in writing prior to implementation.
29. Only water use is being authorized with this authorization. No ground disturbance, clearing, mulching, mowing, removal of the vegetative mat, rutting or other land use can occur in conjunction with the activities in this authorization without the express approval of the land manager/owner.

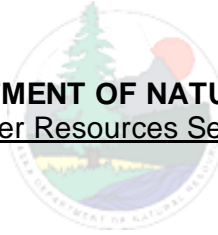


This Temporary Water Use Authorization is issued pursuant to 11 AAC 93.220. No water right or priority is established by a temporary water use authorization issued pursuant to AS 46.15.155(c). Water so used is subject to appropriation by others.

**This authorization shall expire on September 30, 2029.**

Date issued: January 22, 2024

Approved:   
Jessie Zimmerman, Manager  
Water Resources Section



**ALASKA DEPARTMENT OF NATURAL RESOURCES**  
Water Resources Section

TO: Jessie Zimmerman  
 FROM: Kyle Kidder

DATE: January 22, 2024  
 FILE NUMBER: TWUA A2023-102

The subject Temporary Water Use Authorization (TWUA) case file has been reviewed for accuracy and conformance with statutes and regulations. The following comments, recommendations or corrections are presented.

**Brief Project Description:** Water withdrawals using a 4-inch pump and 20 feet of hose or pipe with a maximum pump rate of 35-gpm from a tributary to Premier Creek at approximately MP 3.8 of Buffalo Mine Road and a spring box/infiltration gallery at approximately MP 1.45 Buffalo Mine Road and hauled in a 6,000-gallon water tanker ten times per day, for use at a gravel material site located at 9200 Buffalo Mine Road.

**Location & Amount of Water:** 1. Tributary of Premier Creek at MP 3.8 Buffalo Mine Road, in Section 28 of Township 19 North, Range 2 East, SM. 60,000 gallons per day (GPD); 2,000,000 gallons per year (GPY).  
 2. Spring box/infiltration gallery, MP 1.45 Buffalo Mine Road, Section 3 of Township 18 North, Range 2 East, SM. 60,000 GPD; 2,000,000 GPY.

Check for duplicate water use: None.

**Agency Review:** Dated August 11, 2023, with comments due by 5PM August 25, 2023.

**ADF&G-Habitat:** Crystal Moenaert with ADF&G Habitat Section commented in an email dated August 29, 2023, that a Fish Habitat Permit will be needed. DNR's response: On November 21, 2023, Mr. Baxter supplied a fish habitat permit FH23-IV-0278 for water withdrawals for an unnamed stream a tributary to Premier Creek.

Please see the Effect on Fish & Game section below.

**DEC – Drinking Water:** No comments were received.

**DEC – Water Permitting:** No comments were received.

**DEC – Contaminated Sites:** No comments were received.

**DNR-Southcentral Region Lands:** No comments were received.

**Matanuska Susitna Borough:** Peggy Horton with the Mat-Su Borough commented that the location of the tributary to Premier Creek was past the borough-maintained road and that the spring box location was within MSB Parcel 51951 and did not have any more comments.

**US Army Corps of Engineers:** No comments were received.

Appropriators of Record,  
 Temporary Authorizations:

A DNR Land Administration System search of the case category for Water (Excluding the case status "Closed") occurred within the legal description below:

Section(s)	Township	Range	Meridian	Water Source
28	19 North	2 East	Seward	Tributary of Premier Creek
3	18 North	2 West	Seward	Spring box

The search revealed one subsurface water right, one reservation of water and no surface water rights, and no Temporary Water Use Authorizations (see below):

File Type	File Number	Case Type	Case Subtype	Case Status	Customer Name	MTR	SEC	Near requested Water Source
LAS	28699	801	SUB	36	Ronald Bowen	T019NR002E	28	Drilled well 68 feet
LAS	27142	803	RES	11	Chickaloon Village Council	T019NR002E	28	Moose Creek

LAS 28699 is for a drilled well 68 feet deep for 500 gallons per day for domestic use from Lot Twelve (12), Tract B, Ridge Runner Subdivision, Phase 2, according to Plat No. 99-102 filed in the Palmer Recording District, Third Judicial District, State of Alaska. The Surface water withdrawals are 908 feet southeast of the drilled well and will not affect the prior appropriator.

LAS 27699 is an application for Moose Creek from the Chickaloon Village Council. The water withdrawal is 330 feet north of the confluence with Premier Creek and Premier Creek is 1,218 feet from the confluence to Moose Creek. Water withdrawals from TWUA will not affect the application for the reservation of water from Moose Creek.

**Water Availability:**

For Unnamed Creek a tributary to Premier Creek, the estimated daily discharge of the requested water source was determined using a simple estimation approach where the river channel is x feet in width, y feet in depth, with a stream flow of .25 to 1.0 (depending on the channel). Aerial photography and GIS depictions were used to derive channel width and depth. The river at the withdrawal point has a width of 10', an estimated depth of 1' and a stream flow of 1.00, resulting in 6,436,200 gallons of daily discharge. To conform with current water resources practices, any authorization resulting from this application would limit the withdrawal from any one source to 20% of available water. If the maximum daily total of the requested water withdrawals was removed from this source (60,000 gallons for TWUA A2023-102), it would equal 0.93% of the daily flow for Unnamed Creek a tributary of Premier Creek under the twenty percent threshold. DNR does not anticipate an adverse effect to this source.

For the spring-box it was previously issued under TWUA A2013-195 for 60,000 gallons per day.

Only water withdrawal activities are authorized by TWUA A2023-102. No long-term effects to the water sources are expected.

**Proposed Means of Diversion:** Adequate. As described in the application materials: screened water intake, pump(s) with up to a 4" intake and an output up to 400 gallons per minute, pipe/hose and 6,000-gallon water truck(s).

**Proposed Use of Water:** Water will be used for material (gravel) site operations.

**Effect upon access to navigable or public water:** DNR does not anticipate the issuance of this TWUA will restrict access to navigable or public water ways. A condition will be in the authorization noting that access cannot be unnecessarily blocked.

**Effect on Fish & Game:** DNR does not anticipate any impacts to fish and game. ADF&G issued Fish Habitat Permit FH23-IV-0278 for the withdrawals from unnamed creek a tributary to Premier Creek. The permits have the following stipulations, which will be incorporated into the DNR authorization:

1. Each water intake structure shall be designed to prevent the entrainment, impingement and/or entrapment of fish and shall be installed and maintained at each intake location. The effective screen openings may not exceed 0.25 inches (1/4-inch), and water

velocity at the screen/water interface may not exceed 0.5 feet per second when the pump is operating.

2. Intake screen(s) shall be inspected for damage (torn screen, crushed screen, screen separated from intake ends, etc.) prior to each deployment. Any damage observed must be repaired prior to use of the structure. The structure must always conform to the original design specifications while in use.

Effect on Public Recreation: DNR does not anticipate an adverse effect on public recreation.

Effect on Public Health: DNR does not anticipate an effect on public health. A review of the contaminated sites database did not locate any known active contaminated sites or sites with institutional controls (IC) within a ¼ mile of a withdrawal location. Any authorization that results from this application will require the applicant to contact DEC and DNR-Water if contamination is known or encountered.

A search of the DEC-Drinking Water Source Protection Areas map did not locate a drinking water protection area within a ¼ mile of a withdrawal location.

Determination: The authorization for TWUA A2023-102 will be issued with Conditions and Advisories, including, but not limited to:

1. A Condition stating, "Pursuant to 11 AAC 93.220 (f), this authorization may be suspended by the Department of Natural Resources to protect the water rights of other persons or the public interest."
2. Conditions requiring immediate notification of DEC and DNR if contamination is known or encountered, either preexisting or authorization holder caused. Additional conditions will require compliance with DEC authorizations.
3. A condition will be in the authorization stating that access cannot be unnecessarily blocked.
4. Conditions incorporating the ADF&G stipulations noted above.

It is determined by DNR that given the documentation above, this proposed authorization is unlikely to adversely affect the water source or unduly affect the right of an appropriator of record, as defined in 11 AAC 93.970(38). It is interpreted that the proposed use of water is in the public interest. This file contains no evidence of the likelihood of harm to the public interest. Furthermore, it is inferred that the applicant has the intent and ability to complete the projects.

Authorized water use does not mean actual water use. Water use varies from year to year depending on the project. A temporary water use authorization is not a water right and does not establish priority. All authorizations are temporary and are subject to appropriation by others (AS 46.15.155(c)). The Department may issue conditions, limitations, suspend or terminate an authorization if necessary to protect the public interest, the right of a prior appropriator, human health or to protect fish and wildlife habitat (AS 46.15.155(f)(i); 11 AAC 93.210(b); 11 AAC 93.220(f)).

This determination is effective upon the date of the concurring signature.

*(signature page following)*

Kyle W. Kidder  
\_\_\_\_\_  
Kyle Kidder, Natural Resource Specialist

1/22/2024  
\_\_\_\_\_  
Date

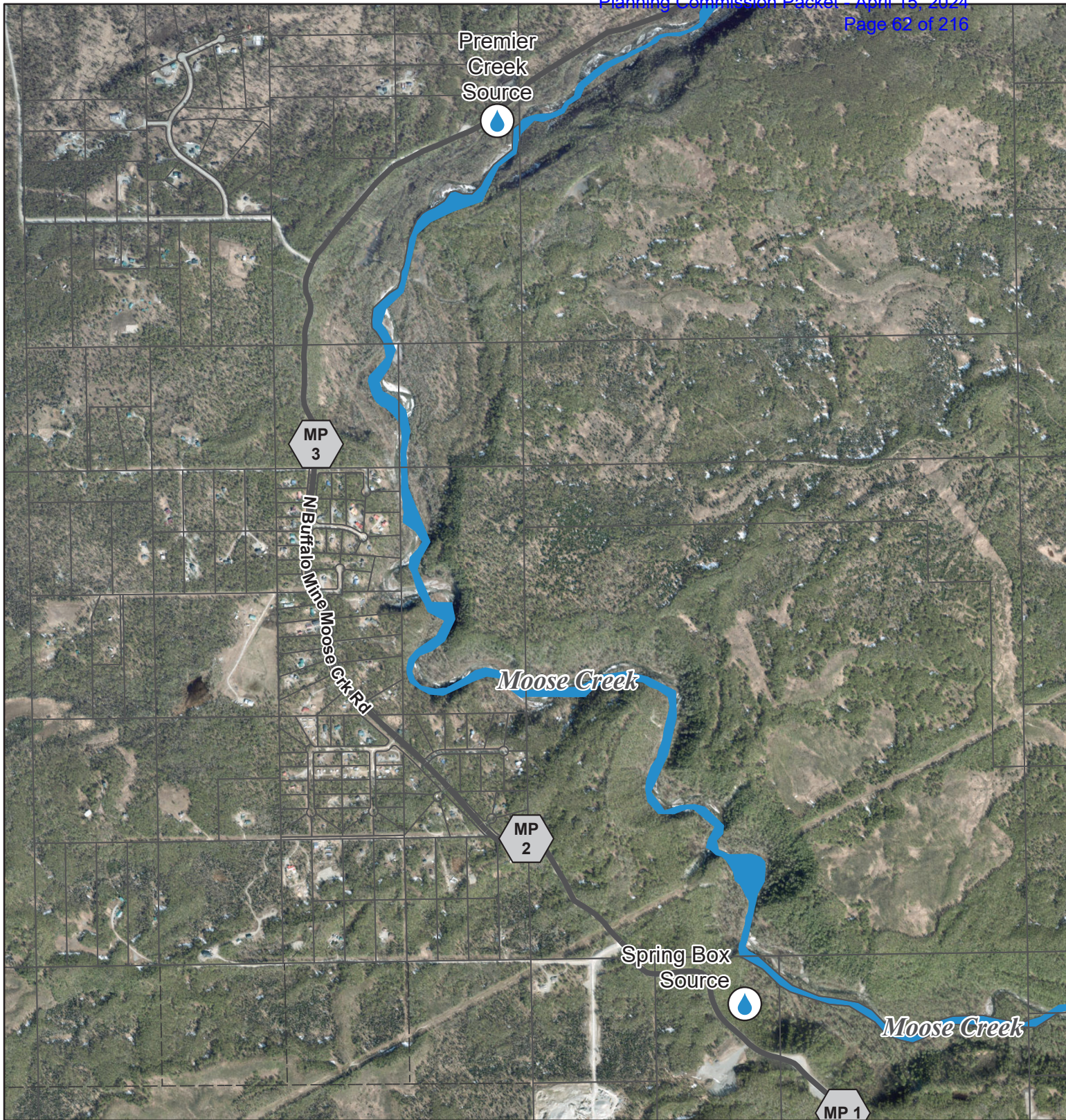
JZ I Concur

\_\_\_\_\_ I Do Not Concur

Jessie Zimmerman  
\_\_\_\_\_  
Jessie Zimmerman, Manager

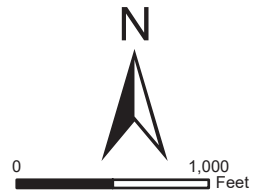
1/22/2024  
\_\_\_\_\_  
Date

An eligible person affected by this decision may appeal to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department. Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). A copy of 11 AAC 02 is available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.



# Northern Gravel & Trucking Water Withdrawal Locations

This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858.



**INTRODUCTION FOR PUBLIC HEARING  
QUASI-JUDICIAL**

**Resolution No. 24-06**

**Back Acres**

(Pages 63-88)

**INTRODUCTION FOR PUBLIC HEARING**







# MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department  
Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

Email: [permitcenter@matsugov.us](mailto:permitcenter@matsugov.us)

MAY 08 2023

Received

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

**NOTE:** Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Borough staff will not process incomplete applications.

**Application fee must be attached, check one:**

- \$1000 for Administrative Permit (Less than two years or less than 7,000cy annually)
- \$1,500 for Conditional Use Permit (More than two years and more than 7,000cy annually)

**Required Attachments:**

- Site plan as detailed on Page 2
- Narrative with operational details and all information required on Page 2
- Reclamation Plan

**Subject Property:**

MSB Tax Account ID#(s): 17N02E23A017

Street Address: 16556 E BACK ACRES AVE

Facility/Business Name: BACK ACRES LLC

**Name of Property Owner**

BACK ACRES LLC

Mailing: 15127 E Peaceful Lane  
Palmer, AK 99645

Phone: Cell 615-428-3792

Wk \_\_\_\_\_ Hm 615-241-1172

E-mail: mwarborn@gmail.com

**Name of Agent / Contact for application**

Jim Psenak Construction LLC

Mailing: PO Box 419  
Palmer, AK 99645

Phone: Cell 907-355-8330

Wk 907-745-8330 FAX: 745-8333

E-mail: jpc-alpine@qci.net

**CMP-7-6-3-23444**

PLN - DVS - Permits - DVS - 17N02E23A017 - Earth  
Materials Extraction - 10179

<b>Attach a narrative describing the proposed extraction activities.</b>	<b>Attached</b>
Describe the types of material being extracted.	Pof O #1 ?
Provide total acreage of all parcels on which the activity will occur.	" ✓
Provide total acreage of earth material extraction activity.	" ✓
Provide total cubic yards to be extracted.	" ✓
Provide the estimated final year extraction will occur.	" ✓
Provide seasonal start and end dates.	Pof O #2 ✓
Provide hours of operation.	" ✓
Provide days of the week operations will take place.	" ✓
Provide proposed peak hour and traffic volume at the peak hour	" ✓
Provide estimated end date of extraction.	" ✓
Provide estimated end date of reclamation.	" ✓
Describe all other uses occurring on the site.	Pof O #3 ✓
Describe methods used to prevent problems on adjacent properties, such as lateral support (steep slopes), water quality, drainage, flooding, dust control, and maintenance of roads.	Pof O #4 x
Describe how the operation will monitor the seasonal high water table.	Pof O #4 x
Provide quantity estimates and topographical information such as cross section drawings depicting depth of excavation, slopes, and estimated final grade.	Pof O #5
Provide Reclamation Plan in accordance with MSB 17.28.063 and 17.28.067.	Narrative p93

<b>Submit a detailed site plan, <u>drawn to scale</u>. Drawings under the seal of an engineer or surveyor are recommended but not required.</b>	<b>Attached</b>
Identify location of permanent and semi-permanent structures on the site for verification of setback requirements. Include wells and septic systems.	SPR #1 site Plan
Depict buffer areas, driveways, dedicated public access easements, noise buffers (such as fences, berms or retained vegetated areas), and drainage control such as ditches, settling ponds, etc.	SPR #2, Pof O #4 + Site Plan
Identify the entire area intended for gravel/material extraction activity.	SPR #2 + Site Plan
Identify the property boundary containing the operation.	Site Plan
Identify ADEC Drinking Water Protection Areas wherever proposed project area boundaries fall within drinking water protection area buffer zones.	SPR #3
Identify areas used for past and future phases of the activity.	Site Plan
Provide road and access plan that includes anticipated vehicle routes and traffic volumes. If the level of activity exceeds the minimum levels specified in MSB 17.61.090, Traffic Standards, a traffic control plan consistent with state regulations may be required.	Pof O #5 + SPR #6
Provide detailed description of the proposed visual screening.	SPR #7
Provide measures to mitigate or lessen noise impacts on surrounding properties.	SPR #8
Provide proposed lighting plan.	SPR #9

Submit documentation showing compliance with borough, state, and federal laws.	Applied for (list file #)	Attached (list file #) or N/A
Submit mining permit as required by the Alaska State Department of Natural Resources (ADNR) if extraction activities are to take place on state land.		N/A
Provide reclamation plan as required by ADNR, pursuant to AS 27.19. Provide copy of reclamation financial assurance filed with the State of Alaska (If exempt, provide qualifying documents for exemption).		N/A
Provide Notice of Intent (NOI) for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Environmental Protection Agency (EPA) pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements.		N/A
Provide United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity is to take place within wetlands, lakes, and streams.		N/A
Provide any other applicable permits, such as driveway/access permits; list as appropriate.		D18316

Prior to the public hearing, the applicant must also pay the mailing and advertising fees associated with the application. Staff will provide applicant with a statement of advertising and mailing charges. Payment must be made **prior** to the application presentation at the public hearing.

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

MSB Tax Account ID #(s) 17N02E23A017 and, I hereby apply for approval of conditional use permit for earth material extraction activities on the property as described in this application.

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

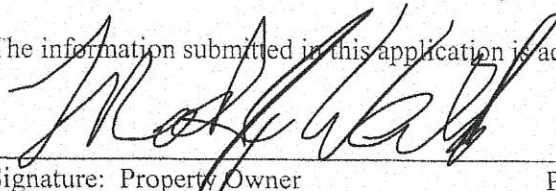
I understand that other rules such as local, state, and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorizations may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health,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

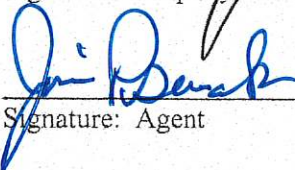
I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

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

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

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

 Mark J Uprichard  
Signature: Property Owner Printed Name Date

 JIM PSENAK 3-29-23  
Signature: Agent Printed Name Date

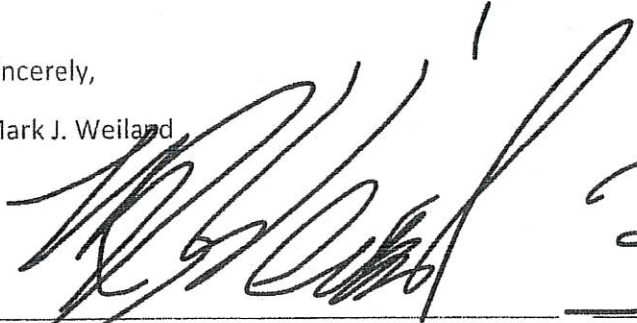
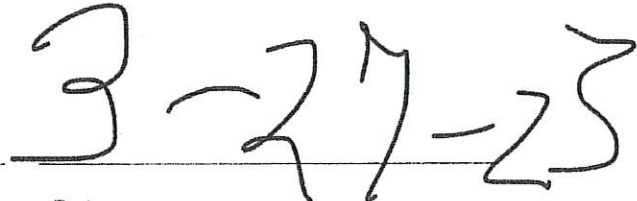
3/21/2023

To whom it may concern,

Jim Psenak and all related employees of Jim Psenak Construction LLC have my permission to enter the location listed below for excavation purposes.

Located at MSB Tax ID #17N02E023A017 (16556 E Back Acres Ave.)

Sincerely,  
Mark J. Weiland

---

Signature Date

## Jim Psenak Construction LLC

P O Box 419 Palmer, AK 99645

[Jpc-alpine@gci.net](mailto:Jpc-alpine@gci.net)

Office 907-745-8330 – Cell 907-355-8330

Matanuska-Susitna Borough Tax Account ID # 17N02E23A017

Back Acres LLC – Mining & Operations Plan

### Narrative for Conditional Use Permit Application

#### Plan of Operation:

1. The footprint of hard rock to be extracted is approximately 5 acres of the 20-acre parcel. Activity will occur within those 5 acres in 3 phases. The entire operation, including the driveway, stockpile areas, scales, vegetative and noise buffers, and truck turning area, is approximately 10 acres.

Approximately 40,000 cubic yards (CY) of rip rap and screened materials will be extracted from the property yearly for the next 2 years. The material comes in all shapes and sizes and is used for various public and private projects. The total amount of material to be extracted from the operation is approximately 400,000 CY. The last year of extraction is expected to be 2044.

2. The operation will be continuous; however, extended periods of inactivity are expected.
3. Operations will occur Monday through Saturday, 7:00 a.m. through 7:00 p.m.
4. Peak operating hour will be 9:00 a.m. to 10:00 a.m. A maximum of 10 trucks may enter and leave the site during the peak hour for a total of 20 trips. The activity level will not exceed those traffic levels specified in MSB 17.61.090, Traffic Standards.
5. The estimated end date of extraction will be August 2044.
6. Reclamation shall comply with MSB 17.28.063 & 17.29.067. The operation estimates the end date of reclamation to be August 2048. By the end of the fourth growing season, reclamation should be complete in accordance with MSB 17.28.067(G)(2).
7. No other uses will be occurring on this site.
8. To prevent problems on adjacent properties, any runoff water will be contained on site by 10-foot-tall earthen berms with a 2:1 (H:V) slope, the topography of the property, and undisturbed vegetation. The driveway to Back Acres Road slopes away from the intersection, so no stormwater flows north. There is a drainage catchment ditch on the west side of the driveway. See the Site Plan for arrows showing the direction of possible drainage. See Exhibit A for the letter from Sandy Childs, an Alaskan Certified Erosion &

Sediment Control Lead, who provided certification that there is no danger of storm water discharge to waters of the U.S. or MS4 leading to waters of the U.S. MS4 is an acronym for Municipal Separate Storm Sewer Systems.

A water truck will be used to keep the dust down within the pit and on the roads.

The operation is removing rock from a large granite hill. Slopes created by extracting rip rap will be maintained and must be sloped and benched according to the Mine Safety and Health Administration (MSHA) requirements. There will be no erosion of the slopes.

9. The project is on a solid granite base. The current elevation of the hill is 220 feet. The Site Plan indicates an elevation of 178 feet, the planned elevation when Phase 1 is complete. At no time will the project mine below 120 feet, which is the existing floor of the quarry. A test hole will be dug in late April or early May 2024 to check if the quarry floor is at least four feet above groundwater. If not, the final excavation elevation will be adjusted to maintain a four-foot clearance from seasonal high groundwater.
10. The western area of the property will be left undisturbed.
11. The property is not within a mapped Special Flood Hazard Area.
12. See the Site Plan for topographical information.
13. The operation will process rip rap for various projects. The extracted rip rap will be loaded into highway trucks and hauled on East Back Acres Avenue to Old Glenn Highway, then to the different project locations. The activity level will not exceed those traffic levels specified in MSB 17.61.090, Traffic Standards.
14. Phase 1 of the project will end at an elevation of 178 feet. Phase 2 will end at an elevation of 138 feet. Phase 3 will end at an elevation of 120 unless the test pit shows the elevation needs to be adjusted to ensure it is four feet above seasonal high groundwater.
15. Blasting is performed on an as-needed basis. Blasting material is not stored on-site; it is ordered as needed. Blasting will occur only after 10:00 a.m. and before 5:00 p.m. Monday through Friday. Blasting is done in compliance with MSHA regulations. MSHA requires notification of owners of property within the blast area. The notification is done before blasting. Except for the driveway, the entire north side of the property is heavily forested. The operation focuses on large granite boulders for rip rap, so the blasts are small and targeted. The blasting is done in a way that pushes the face out and drops the material on the ground. The locations where blasting is carried out and the charges used are of smaller size, which ensures that no rocks are created that can fly outside the property boundaries. Moreover, the blasting areas are situated far enough from the surrounding property lines to prevent any flying rocks from landing on adjacent roads or residences. After blasting occurs, the large boulders are transported to the holding area, and the fines are stored.
16. After excavation, the top of the slope will have a 10-foot-tall vegetated berm that will deter wildlife or unauthorized persons from wandering onto the site.

## Site Plan Requirements

1. One semi-permanent structure containing weight scales is located on the west side of the driveway, approximately 100 feet back from Back Acres Avenue. There are two berms constructed as containment walls for rip rap stockpiles. These containment walls are not for noise mitigation. There are no wells or septics on the property.
2. The west 10 acres will be left in its green vegetative state. Approximately 5 acres of the east 10 acres will be where the mining activity will occur—most specifically, the southeast section. The driveway is located in the north section. A 60-foot-wide length of the northeast section extending down the property's eastern edge will remain with the existing vegetation for a visual buffer.
3. Bodenburg Creek is within one mile of the property and intersects the southwest corner of the property at an elevation of 116 feet. No planned activity will occur in this area, leaving it in its vegetative state.

The attached ADEC Drinking Water Protection Areas map shows no drinking water protection areas on this property. See Exhibit B.

All mining activity is well above water tables. A test hole will be dug in late April or early May 2024 to check if the quarry floor is at least 4 feet above groundwater. If not, the final excavation elevation will be adjusted to maintain a 4-foot clearance from seasonal high groundwater.

4. Surrounding property ownership and land use within one mile is residential, farming, or public. See Exhibit C.
5. See the Site Plan for topography, vegetation, mining location, and semi-permanent equipment. The area will be mined in stages from the north face of the quarry and also at the top, mining down from the highest elevation. The lowest elevation mining will occur is 120 feet, which is the quarry's floor.
6. Visual screening will be achieved by existing vegetation remaining in place on the property's northern, western, and northeast corners. Visual screening on the east side of the property is in place due to the topography of the quarry and a 60' wide buffer of existing vegetation west of the Snoops Road right-of-way.
7. Noise mitigation is achieved by the existing vegetation (trees, grass, etc.) remaining in place on the northern and western sides of the property. The material stockpiles at the northwest area of the floor act as noise buffers to the north and west. 40' wide and 10' high overburden stockpiles act as noise buffers along the north and east sides of the property. Noise screening along the rest of the eastern boundary will be from the topography due to mining along the north face.

The current excavation process takes rip rap from the hill's northern side, so a topographic barrier will provide the noise and visual barrier to the east and south. A 10' tall or greater berm is made of untouched granite on the south side.

The use of exhaust mufflers on the equipment will help muffle the engine noise.



8. Work will be performed during daylight hours. If lighting is necessary, it will consist of downward directional and shielded lighting. This lighting will not produce glare onto neighboring residential properties.

**The Reclamation Plan** This was written to comply with MSB 17.28.063 & 17.28.067

1. Reclamation shall occur within four growing seasons of Phase 3 being completed.
2. The mining phases overlap one another; therefore, reclamation will not occur until after Phase 3.
3. Any junk vehicles, junk vehicle parts, and trash will be removed from the site.
4. Slopes will be graded to MSHA standards, which is 45-degree slopes to 15' wide benches, eliminating a tall cliff face. No layers within the rock need stabilization, but there are areas on the hill that are not adequate for rip rap and are, therefore, removed to gain access to the beneficial granite.
5. Surface water quality shall be protected by implementing applicable best management practices described in the current publication of the Best Management Practices for Gravel Pits.
  - a. Overburden and topsoil stockpiled on the site will be used for reclamation purposes. These vegetative berms are currently graded to ensure slope stability.
  - b. Backfill materials will be free of contamination, brush, rubbish, organics, logs, stumps, and other materials not suitable for stable fills.
6. A vegetative cover will be established to avoid erosion. A minimum of 4 inches of topsoil will be spread over the disturbed areas except for the granite slopes. A backhoe and dozer are the only equipment expected to be used during reclamation.
7. A vegetative cover shall be maintained over the disturbed areas. Sixty percent of the restored area's live plant cover shall be achieved by the end of the fourth growing season after Phase 3 is completed.
8. Hydroseeding may be used on disturbed and soil-spread areas.
9. Sixty percent of the live plant cover of the restored area shall be achieved by the end of the fourth growing season after the last phase is completed.
10. Reseeding of reclaimed areas shall utilize certified seed suitable for Alaska conditions that is free of noxious weeds or undesirable plant species identified in 11 AAC 34.020, Prohibited and Restricted Noxious Weeds.
11. The owner may sell the property for a housing development once the property is mined to 120 feet, the floor level of the quarry.

**Documentation showing compliance with MSB, State, and Federal Laws.**

1. Mining is not taking place on state land; no mining permit is required.
2. Pursuant to AS 27.19.050, we are considered a small operation with a total project being on less than 5 acres with less than 50,000 CY mined per year. We filed a Letter of Intent

with the Department of Natural Resources (DNR) and provided the Borough with the Letter of Acceptance (LAS 34901) dated 2-22-24, received from DNR, Exhibit D.

3. SWPPP N/A, See Letter of Certification from AK-CECSL, Exhibit A
4. The US Army Corps of Engineers' permit is N/A; no wetlands are present in the operating area. The western side of the 20-acre property, where Bodenbug Creek crosses, is not being mined.
5. All Department of Transportation (DOT) regulations and requirements will be observed.
6. The driveway permit was approved in 2021; permit #D18316, Exhibit E.

June 20, 2023

To Whom it May Concern,

Upon review of the site pertaining to Back Acres Quarry located at 16556 E. Back Acres Avenue prepared by Jim Psenak Construction, LLC it has been determined according to Alaska Certified Erosion & Sediment Control Lead (AK-CESCL) under requirements for DEC Construction General Permit that there is no danger of the discharge of storm water to waters of the U.S. or MS4 leading to water of the U.S.

Therefore, there is no requirement for a DEC Construction General Permit or a Notice of Intent (NOI) to be filed or a SWPPP.

Signed by:



A handwritten signature in blue ink, appearing to read "Sandy Childs", is written over a horizontal line.

Sandy Childs  
Alaska Certified Erosion & Sediment Control Lead  
Certificate # AGC-23-0131



Certificate #  
AGC-23-0131

**Sandy Childs**

Has successfully completed training for  
Alaska Certified Erosion & Sediment Control Lead

**S. Trasky**

Approved AK-CESCL Instructor

Course Date: 3/29/2023  
Expiration Date: 3/29/2026  
Location: *Virtual* | Sponsor: AGC

RECEIVED  
SEP 21 2023

https://www.arcgis.com/home/webmap/print.html

Mat-Su Borough  
Development Services

Rock Quarry

My Map

- Drinking\_Water\_Protection\_Areas**
- Zone A (GW-Several Months Time of Travel or SW 1000 ft buffer) □
  - Zone B (GW-2 Yr Time of Travel or SW-1 mile buffer) □
  - Zone C Surface Water (Watershed Boundary) □
  - Zone E Ground Water Surface Water Influence (1000 ft buffer) □
  - Zone F Ground Water Surface Water Influence (1 mile buffer) □
  - Zone G Ground Water Surface Water Influence (Watershed Boundary) □
  - Provisional Protection Areas □

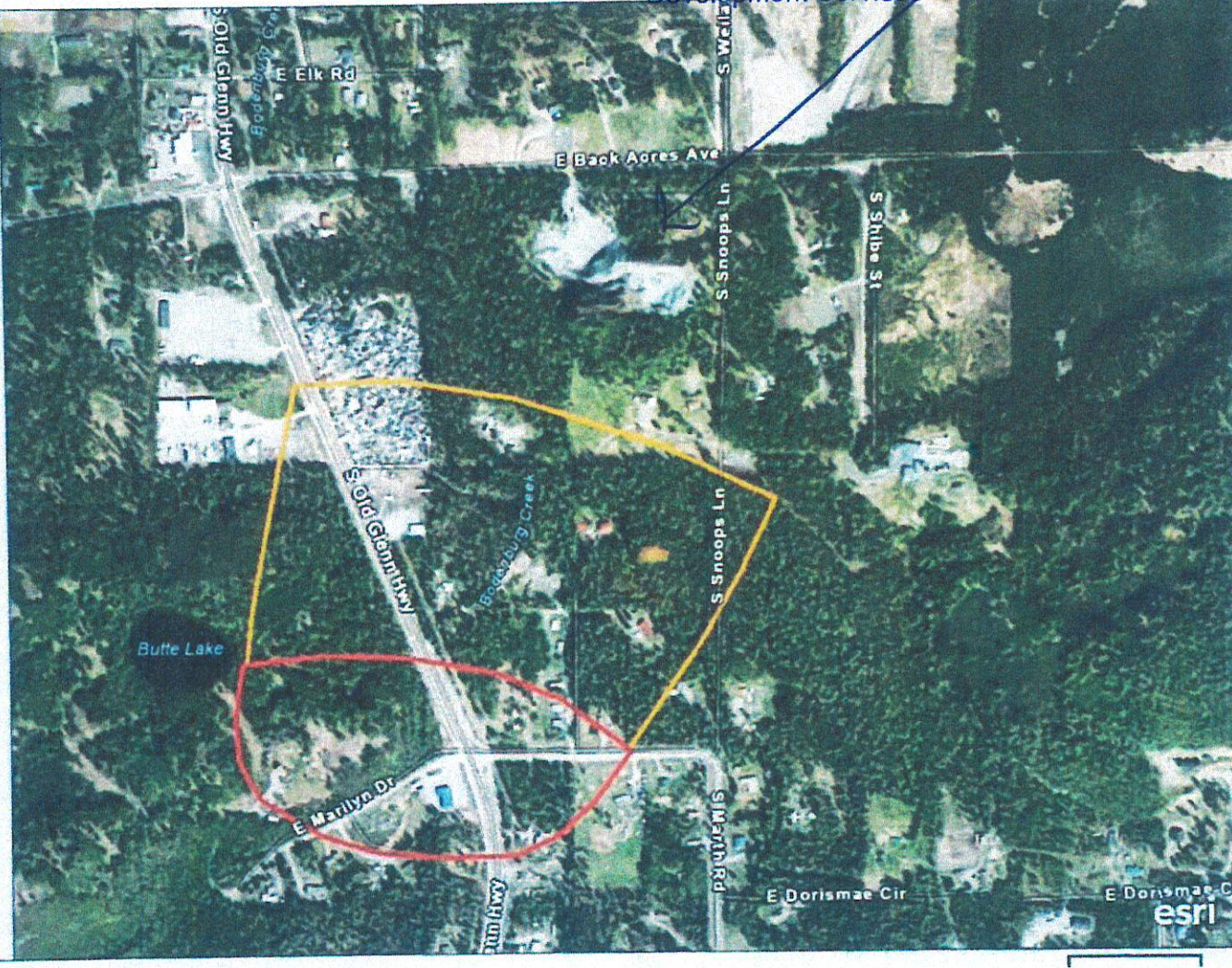
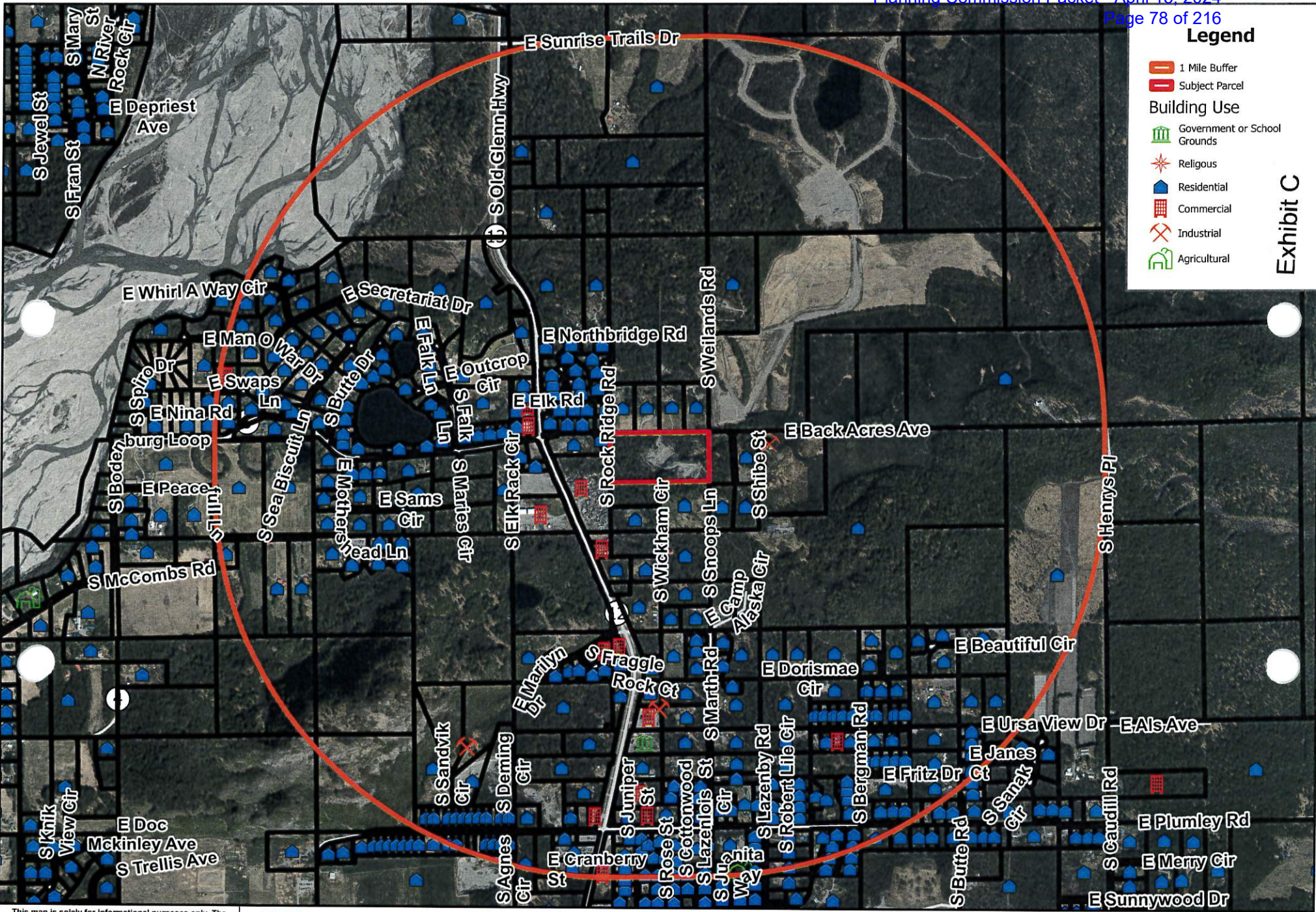


Exhibit B

Legend

-  1 Mile Buffer
-  Subject Parcel
- Building Use**
-  Government or School Grounds
-  Religious
-  Residential
-  Commercial
-  Industrial
-  Agricultural

Exhibit C

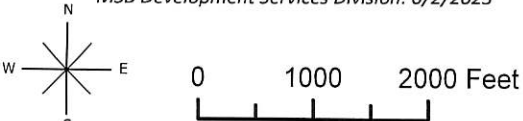


This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858



# 1 Mile Buffer Land Use Map

MSB Development Services Division: 6/2/2023





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Natural Resources

DIVISION OF MINING, LAND & WATER  
Southcentral Regional Land Office

550 West 7th Avenue, Suite 900C  
Anchorage, Alaska 99501-3577  
Main: 907.269.8503  
TTY: 711 or 800-770-8973  
Fax: 907.269.8913

February 22, 2024

Psenak Construction, LLC  
Attn: Jim Psenak  
PO Box 419  
Palmer, AK 99645

Re: LAS 34901 – Non-State Land Material Site Letter of Intent Approval

Dear Mr. Psenak,

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Land Office (SCRO), received your Non-State Land Letter of Intent with attachments on 02/21/2024. The subject site is located on privately owned land in the N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 23, Township 017 N, Range 002 E, Seward Meridian.

Thank you for submitting a Letter of Intent for activities taking place in 2024. After reviewing your letter of intent, SCRO has determined the plan is acceptable, provided the operation is conducted in a manner that will prevent unnecessary and undue degradation of land and water resources.

Per Alaska Statute (AS) 27.19.050(a) financial assurance is not required. Development of 4.5 acres does not meet the threshold requiring financial assurance; therefore, no bond is required. This acceptance letter does not alleviate the necessity to obtain authorizations required by other agencies and entities for this activity. If you have any questions, please feel free to contact Colleen Lowe at (907) 269-8555 or at [colleen.lowe@alaska.gov](mailto:colleen.lowe@alaska.gov).

Respectfully,

A handwritten signature in blue ink that reads "Todd Derks".

Todd Derks  
Acting Natural Resource Manager  
Southcentral Regional Land Office

Exhibit D

**Michelle Olsen**

---

**From:** Michelle Olsen  
**Sent:** Thursday, December 30, 2021 9:01 AM  
**To:** 'akmcginn@yahoo.com'  
**Subject:** Driveway Approval

**DRIVEWAY PERMIT**

PERMIT # D18316  
TAX PARCEL ID # 17N02E23A017

The Matanuska-Susitna Borough has performed the Final Inspection of the existing driveway. The driveway has been adequately constructed to Borough standards and to the conditions outlined by the initial driveway inspector. **Your Approved Driveway Permit Number is listed above.**

**Please keep this letter.**

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

Sincerely,  
Michelle Olsen, CFM  
Permit Technician



F-13425



**MATANUSKA-SUSITNA BOROUGH**  
350 East Dahlia Avenue, Palmer, Alaska 99645  
**DEVELOPMENT SERVICES**  
(907) 745-9822 Fax (907) 746-7407  
E-mail: PermitCenter@matsugov.us

RECEIVED  
Send App Ack to E-mail  
AUG 07 2013  
PERMIT CENTER

**Driveway Permit Application**

D18316

PERMIT NO. ~~D013425~~

Application Fee \$25

Property Owner: (Name) Backacres, LLC	Applicant/Agent: (Name) Robert Kennerson
Mailing Address P.O. Box 1924	Mailing Address P.O. Box 1161
City Palmer State AK Zip Code 99645	City Palmer State AK Zip Code 99645
Phone Cell (optional) Fax (optional) 615-241-1172	Phone Cell (optional) Fax (optional) 746 5107   232 5292   746 7476
E-mail (optional) akmcginn@yahoo.com	E-mail (optional) arabian@mtaonline.net
Site Address: 16556 E. Backacres Ave 350	Property Tax ID # 17N02E23A017
Applying for Access Onto: E. Backacres Ave	Driveway Location Will Be Marked With: Existing - not marked possible marker loca
Expected Completion Date ASAP	Driveway Surface Type GRAVEL
IF ACCESS IS ONTO A PAVED ROAD, APRON LENGTH TO BE 2' MINIMUM	

**OFFICE USE ONLY**

Driveway Inspector Approval Date:	Tax Map: PA 14 TRS S 17N02E23 RSA 26
Right-of-Way Coordinator Approval Date:	/ /
Is Culvert Needed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Distances:
Culvert Length: Size:	Left: 640 Width: 25 Right: 640
Culvert Type: Ditch Depth:	

Special Provisions Upon Approval: Good for Final.	Inspection #'s 21592

I hereby certify that the information submitted on this application is complete and accurate to the best of my knowledge and that I am the applicant or agent of the same as stated in the attached documentation. By signing this permit I acknowledge and agree to accept the Driveway Standards and Provisions attached to this permit.

PERMITEE: Robert Kennerson  
Signature of Permittee

DATE: 8-6-2013

PERMIT GRANTED BY: Michelle Olson

DATE: 12/30/2021 Exhibit E

CMP-7-6-3-6711

PLN - DVS - Permits - 17N02E23A017 - Driveway - D013425

SCANNED

PAID 26  
8/7/13  
T. Finance A.D.

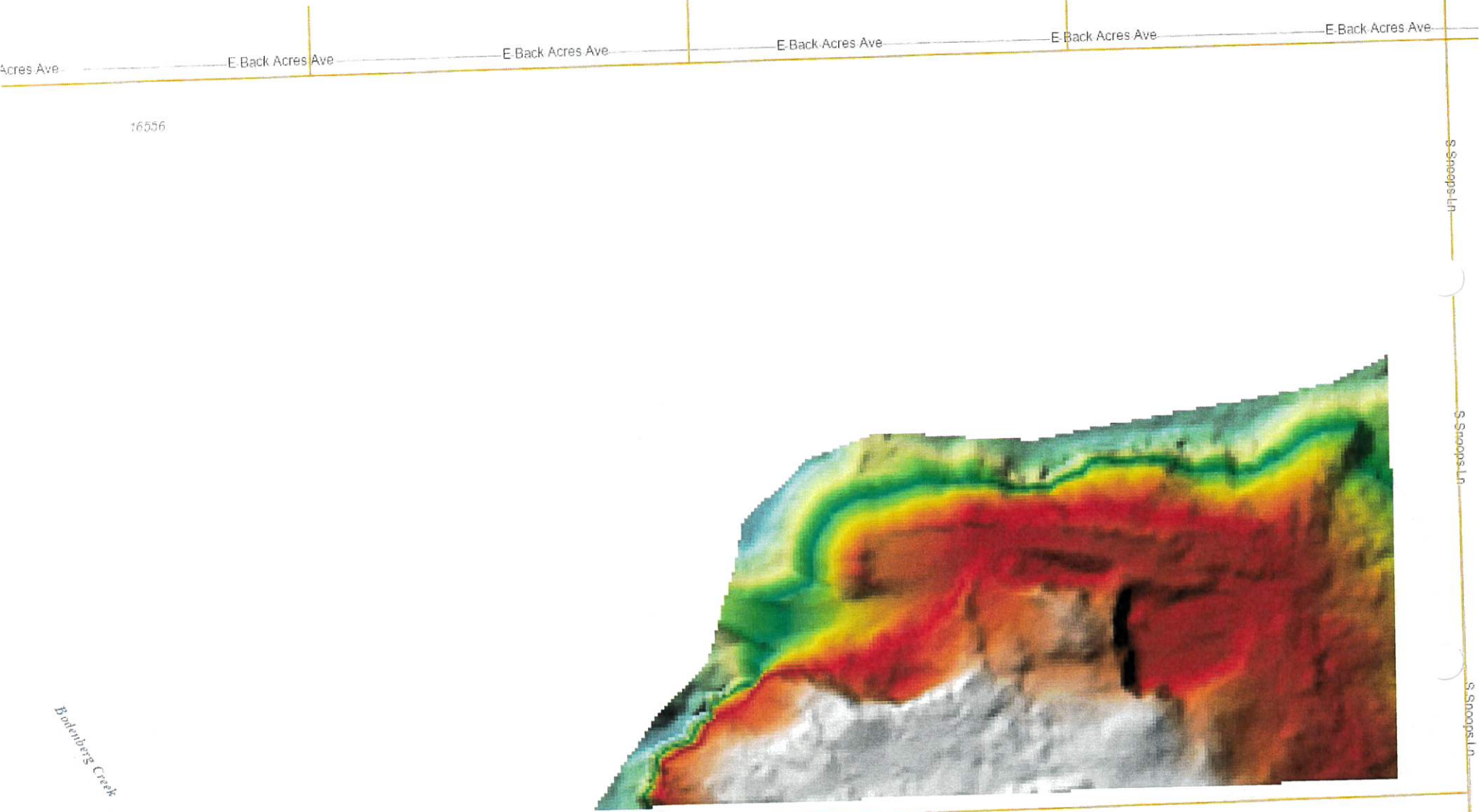
## Material Estimate

**From:** Nick Srebernak <Nick.Srebernak@matsugov.us>  
**Sent:** Thursday, September 28, 2023 10:54 AM  
**To:** Peggy Horton <Peggy.Horton@matsugov.us>  
**Subject:** Rip Rap Volume

This spit out a number of 10,913,619 cubic feet which calculates to 404,208 cubic yards.

I clipped the elevation raster to the shape shown below and calculated volume above a horizontal plane of 120 feet.

**Nick Srebernak**  
Matanuska-Susitna Borough  
GIS Addressing Specialist  
(907) 861-7885  
[Nick.Srebernak@matsugov.us](mailto:Nick.Srebernak@matsugov.us)



Elevation Raster used for material estimate

A1

Bode

Geoprocessing ▾ □ ✕

← Surface Volume + ?

Parameters Environments

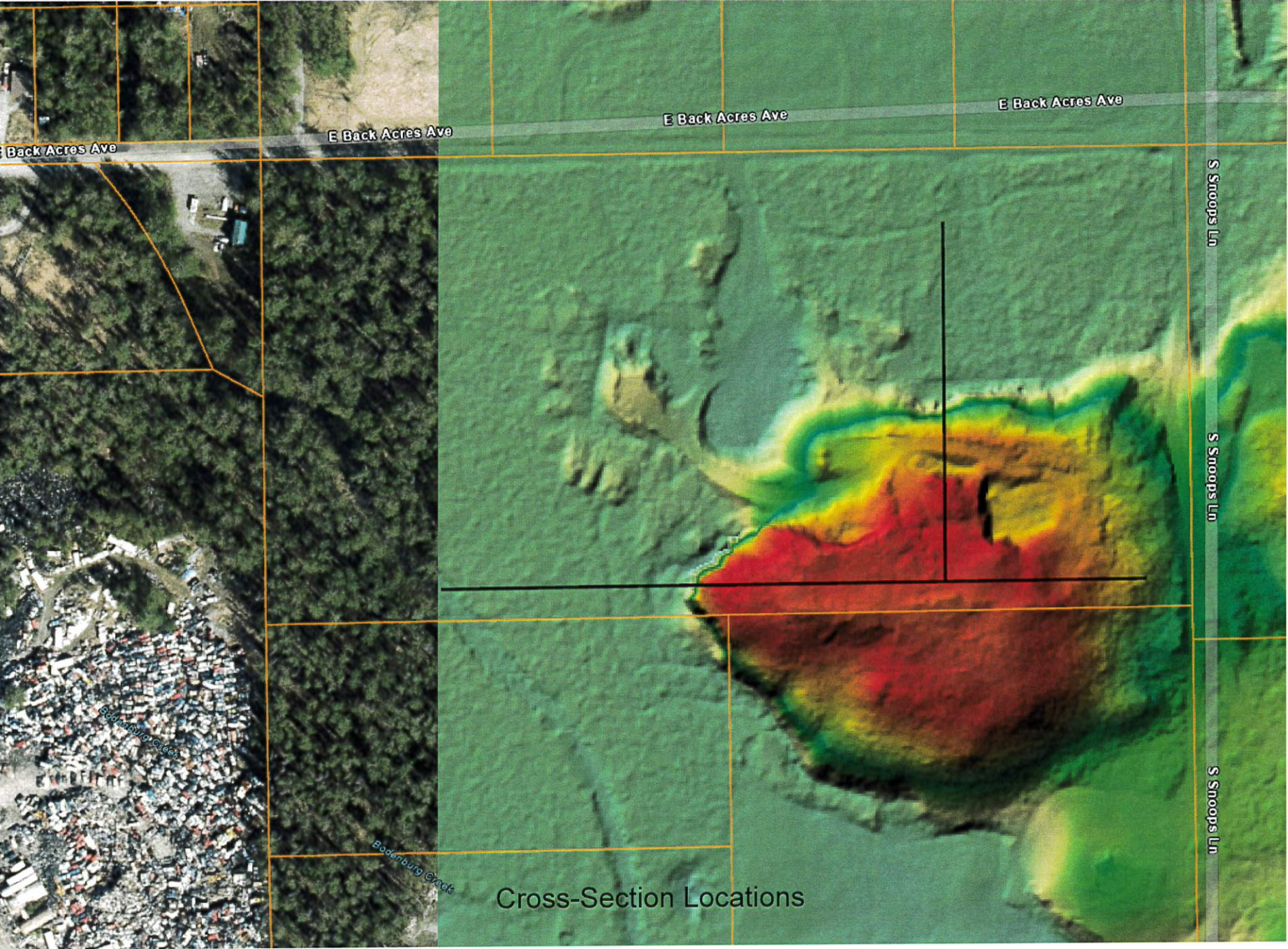
Input Surface  
Extract\_BE\_62 ▾ 📁

Output Text File  
C:\Users\sreb1579\AppData\Local\Temp\1\ArcGISProTemp20632\Untitled\ForPeggy.txt 📁

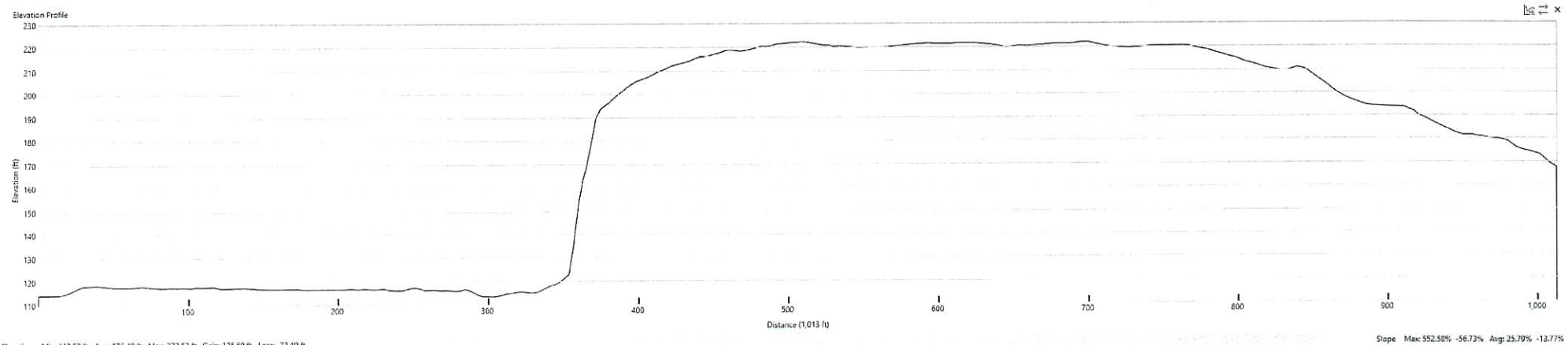
Reference Plane  
Above the Plane ▾

Plane Height 120

▶ Run ▾

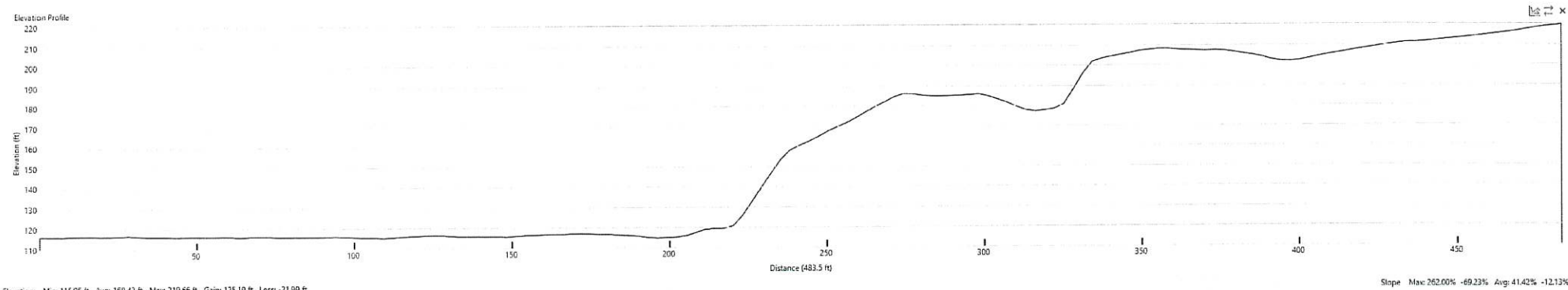


Cross-Section Locations

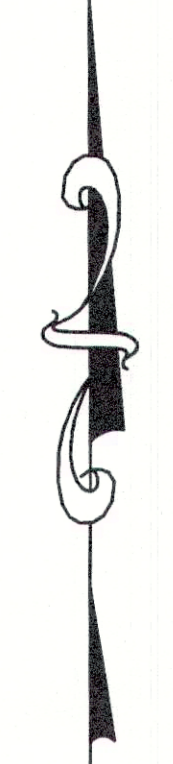
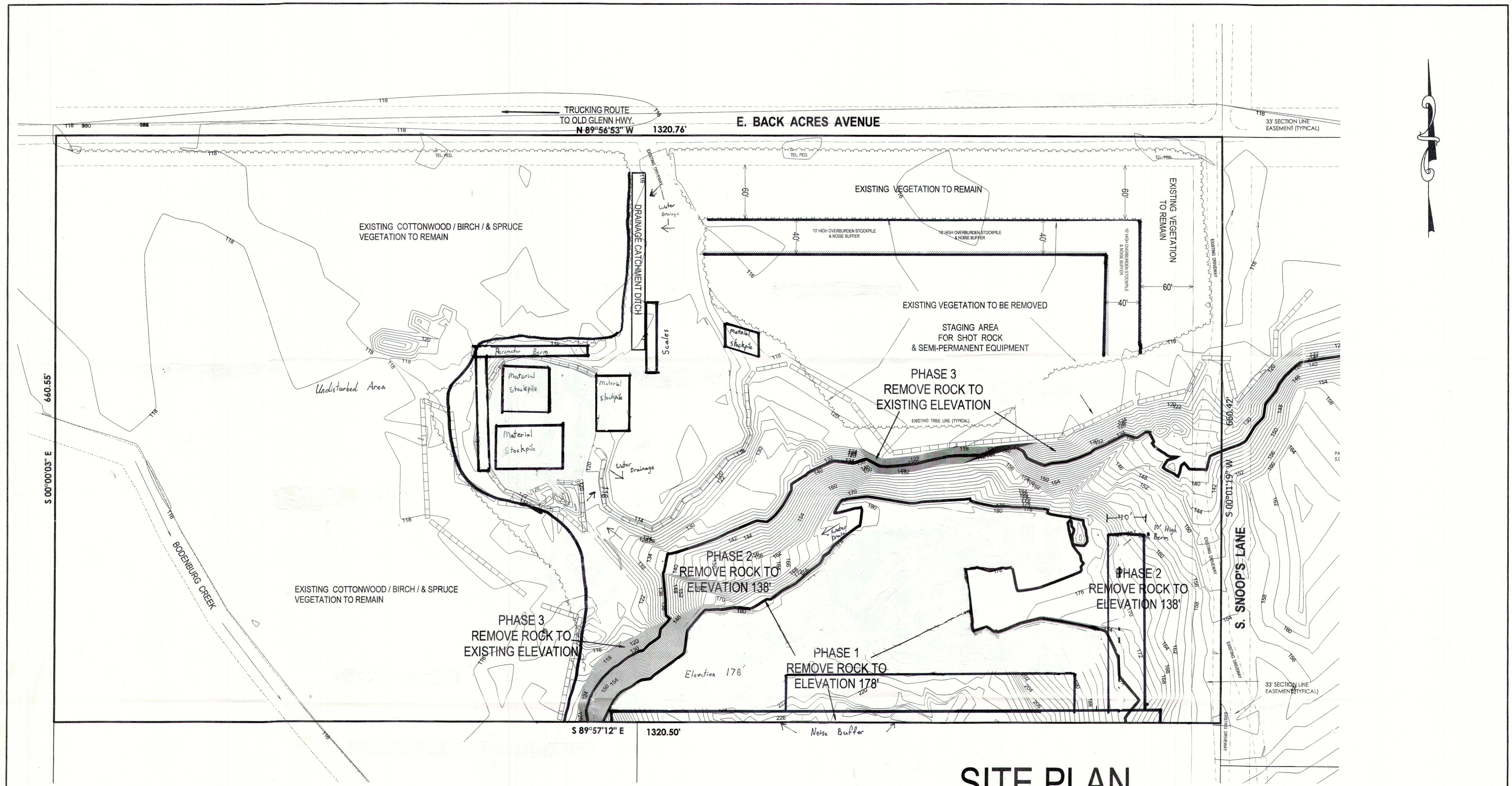


Elevation Min: 113.52 ft Avg: 176.40 ft Max: 222.52 ft Gain: 125.69 ft Loss: -72.40 ft

East-West Cross-Section



North-South Cross-Section



NOTE:

- 1) ELEVATIONS DERIVED FROM OPUS SOLUTION NAVD 88 COMPUTED USING GEOID 12A
- 2) BASE FLOOD ELEVATIONS ARE NAVD 88 DETERMINED FROM INTERPOLATING DATA STATED IN THE BODENBURG BUTTE SPECIAL FLOOD INSURANCE STUDY
- 3) CONTOUR INTERVAL = 2'

SCALE: 1" = 50'



# SITE PLAN

## BACKACRES ROCK QUARRY

N 1/2 NE 1/4 NE 1/4  
SECTION 23, TOWNSHIP 17N, RANGE 02E  
SEWARD MERIDIAN

\* Revised copy prepared by JPC.  
PREPARED BY KEYSTONE SURVEYING & MAPPING, INC.  
P.O. BOX 2216, PALMER, ALASKA 99645



05/07/23



**PUBLIC HEARING  
QUASI-JUDICIAL**

**Resolution No.**

**24-03**

**Northern Emerald**

(Pages 89-214)

**PUBLIC HEARING**





## MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

www.matsugov.us

### DEVELOPMENT SERVICES DIVISION STAFF REPORT

**Date:** April 3, 2024

**File Number:** M10294


**Applicant:** Keith Crocker, for Northern Emerald LLC

**Property Owner:** Patrick Patrick & Day LLC

**Request:** Planning Commission Resolution 24-03  
Conditional Use Permit for the Operation of a Marijuana Retail Facility in accordance with MSB Chapter 17.60 – Conditional Uses

**Location:** 2803 S. Old Glenn Hwy, Building #2  
Tax ID# 53998000L002

**Size of Facility:** 520 Square Feet

**Reviewed By:** Jason Ortiz, Development Services Manager 

**Staff:** Rick Benedict, Current Planner

**Staff Recommendation:** Approval with conditions

---

### EXECUTIVE SUMMARY

A conditional use permit application has been submitted to operate a marijuana retail facility in a commercial structure of approximately 520 square feet at 2803 S. Old Glenn Highway. MSB 17.60.030 requires a conditional use permit to operate a marijuana retail facility in the borough. Unless this type of use is maintained under and in accordance with a lawfully issued permit, a marijuana retail facility is declared to be a public nuisance. Operation of such land use without a permit is prohibited.

## LAND USE

### **Existing Land Use:**

The subject parcel is one acre in size and is situated east of and adjacent to South Old Glenn Highway. The property contains one other commercial-use building housing a state-licensed and borough-permitted alcohol package store doing business as Git-N-Go Liquor. The applicant proposes a new 20' x 26' structure on the subject property north of the existing liquor store containing a marijuana retail facility.

The operation has been awarded a marijuana retail store license through the State of Alaska Alcohol and Marijuana Control Office, currently in delegated status until the applicant obtains a conditional use permit to operate within the borough. The proposed use accesses South Old Glenn Highway, for which the applicant has been issued a driveway permit by the State of Alaska, Department of Transportation and Public Facilities.

### **Surrounding Land Use:**

The area surrounding the subject parcel consists of a mix of commercial, industrial, residential, and vacant properties. Several commercial uses exist to the north, such as a vehicle towing and recovery service and auto salvage yard. To the east and west across South Old Glenn Highway are vacant parcels, and to the south are residential uses.

South Old Glenn Highway is a state-maintained arterial roadway that can handle residential and commercial traffic. Within a mile in both directions, the frontage on South Old Glenn Highway consists of residential, vacant, commercial, and industrial land uses. The proposed use is approximately 247 feet northwest of the nearest residential structure.

## REVIEW OF APPLICABLE CRITERIA AND FINDINGS

### **MSB 17.03 – Public Notification**

On January 29, 2024, 12 notices were mailed to all property owners within a 600-foot radius of the use. The notification for the permit application was published in the Frontiersman newspaper on February 14, 2024. The application material was emailed to internal and outside agencies and posted on the Borough website for public review on January 29, 2024. The proposed use is within the Butte Community Council area, for which notice was mailed on January 29, 2024. The Butte Community Council met on March 13, 2024, and staff has yet to receive any comments from the council related to the proposed use. No comments were received from the public.

### **Section 17.60.100 General Standards**

(A) *A conditional use may be approved only if it meets with the requirements of this section in addition to any other standards required by this chapter:*

(B) *In granting a conditional use permit, the planning commission must make the following findings:*

(1) *the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area;*

### **Findings of Fact:**

1. The subject parcel is approximately one acre in size.

2. According to the application material, the proposed use will be situated on the subject property approximately 24' north of the existing Git-N-Go Liquor store.
3. According to the application material, the Git-N-Go Liquor store will continue to operate on the subject property within the existing commercial structure located south of and adjacent to the proposed marijuana retail store.
4. The borough issued the Git-N-Go Liquor store a conditional use permit to operate an alcohol package store.
5. The applicant has submitted an authorization form signed by the property owner, permitting Northern Emerald to operate as a marijuana retail store within building #2.
6. According to the application material, the proposed retail facility will be wholly contained within a new 20' x 26' commercial structure of approximately 520 square feet.
7. According to the application material, the building exterior is gray metal with brown log siding covering the front upper portion and will have green doors on the front and back.
8. According to the application material, the structure will not have any windows.
9. The proposed use will access South Old Glenn Highway via a state-permitted driveway.
10. South Old Glenn Highway is considered an arterial roadway with many uses along its frontage, including residential, vacant, commercial, and industrial.
11. The proposed use is approximately 247 feet northwest of the nearest residential structure.
12. There are multiple commercial and industrial businesses within the surrounding area, such as a vehicle towing and recovery service, auto salvage yard, alcohol package store, market store, and pizza shop.
13. According to the application material, the operation will have one front-lit 4' x 6' advertisement sign made of wood and aluminum, green and white in color, and attached to the apex of the proposed building.
14. According to the application material, there will be no advertising signage for the proposed marijuana store installed along the South Old Glenn Highway right-of-way.
15. According to the application material, the proposed marijuana retail store will not generate noise or odors.
16. According to the application material, the proposed hours of operation are 8:00 a.m. to 12:00 a.m., seven days a week.
17. The proposed use is located approximately 162 feet from South Old Glenn Highway to the west, approximately 61 feet to the northern property line, approximately 62 feet to the eastern property line, and approximately 96 feet from the southern property line.
18. Consumption of marijuana is prohibited at the site.
19. Persons under 21 are prohibited from entering the facility.
20. According to the application material, signs will be posted at the proposed use's entrance, prohibiting loitering, and soliciting.
21. According to the application material, exterior lighting will be shielded to prevent light pollution.

**Conclusion of Law:** Based on the above findings, the proposed use will not detract from the value, character, and integrity of the surrounding area (MSB 17.60.100(B)(1)).

---

(2) *that granting the conditional use permit will not be harmful to the public health, safety, convenience, and welfare;*

**Findings of Fact:**

1. The proposed use will access South Old Glenn Highway via a state-permitted driveway.
2. South Old Glenn Highway is considered an arterial roadway with many uses along its frontage, including residential, vacant, commercial, and industrial.
3. The proposed use is approximately 247 feet northwest of the nearest residential structure.
4. There are multiple commercial and industrial businesses within the surrounding area, such as a vehicle towing and recovery service, auto salvage yard, alcohol package store, market store, and pizza shop.
5. According to the application material, the proposed marijuana retail store will not generate noise or odors.
6. According to the application material, the proposed hours of operation are 8:00 a.m. to 12:00 a.m., seven days a week.
7. Consumption of marijuana is prohibited at the site.
8. Persons under 21 are prohibited from entering the facility.
9. According to the application materials, employees of the proposed use will immediately check the identification of all persons who enter the facility.
10. According to the application material, signs will be posted at the proposed use's entrance, prohibiting loitering, and soliciting.
11. According to the application material, exterior lighting will be shielded to prevent light pollution.
12. According to the application material, the operation will utilize an alarm and video surveillance system as part of its security plan.
13. 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.
14. According to the application material, the operation has a security plan, which includes educating employees on all security measures.
15. On April 27, 2023, the Alaska Fire Marshal issued an approved Plan Review #2023ANCH0117 for the commercial structure.
16. The commercial structure fully complies with the State of Alaska fire code.

**Conclusion of Law:** Based on the above findings, the proposed use will not be harmful to public health, safety, convenience, and welfare (MSB 17.60.100(B)(2)).

---

(3) *that sufficient setback, lot area, buffers, or other safeguards are being provided to meet the conditions listed in subsections (B)(1) through (3) of this section; and*

**Findings of Fact:**

1. The subject parcel is approximately one acre in size.
2. According to the application material, the proposed use will be situated on the subject property approximately 24' north of the existing Git-N-Go Liquor store.
3. According to the application material, the proposed retail facility will be wholly contained within a new 20' x 26' commercial structure of approximately 520 square feet.
4. The proposed use is approximately 247 feet northwest of the nearest residential structure.
5. The proposed use is located approximately 162 feet from South Old Glenn Highway to the west, approximately 61 feet to the northern property line, approximately 62 feet to the eastern property line, and approximately 96 feet from the southern property line.

**Conclusion of Law:** Based on the above findings, sufficient setbacks, lot area, buffers, and other safeguards are being provided (MSB 17.60.100(B)(3)).

---

*(4) the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in this section.*

**Finding of Fact:**

1. All the required site plans and operational information have been provided by the applicant.

**Conclusion of Law:** The application material has met all the requirements of this chapter (MSB 17.60.100(B)(4)).

---

**Section 17.60.150 General Standards for Marijuana Related Facilities**

*(A) In addition to the standards set forth by MSB 17.60.100, the planning commission shall weigh factors which contribute or detract from the development of a safe, convenient, and attractive community, including, but not limited to:*

*(1) any potential negative effect upon other properties in the area due to such factors as noise and odor.*

**Findings of Fact:**

1. According to the application material, the proposed retail facility will be wholly contained within a new 20' x 26' commercial structure of approximately 520 square feet.
2. The proposed use is approximately 247 feet northwest of the nearest residential structure.
3. There are multiple commercial and industrial businesses within the surrounding area, such as a vehicle towing and recovery service, auto salvage yard, alcohol package store, market store, and pizza shop.
4. According to the application material, no industrial equipment or processes generate noise or odors associated with the use.
5. According to the application material, the proposed hours of operation are 8:00 a.m. to 12:00 a.m., seven days a week.
6. The proposed use is located approximately 162 feet from South Old Glenn Highway to the west, approximately 61 feet to the northern property line, approximately 62 feet to the eastern property line, and approximately 96 feet from the southern property line.
7. Consumption of marijuana is prohibited at the site.

**Conclusion of Law:** Based on the above findings, the proposed use will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).

---

- (2) *the effectiveness of measures to reduce negative effects upon adjacent properties by:*
- (a) *increased property line and right-of-way buffers;*
  - (b) *planted berms and landscaping;*
  - (c) *site and building design features which contribute to the character of the surrounding area.*

**Findings of Fact:**

1. According to the application material, the proposed retail facility will be wholly contained within a new 20' x 26' commercial structure of approximately 520 square feet.
2. According to the application material, the building exterior is gray metal with brown log siding covering the front upper portion and will have green doors on the front and back.
3. According to the application material, the structure will not have any windows.
4. South Old Glenn Highway is considered an arterial roadway with many uses along its frontage, including residential, vacant, commercial, and industrial.
5. The proposed use is approximately 247 feet northwest of the nearest residential structure.
6. According to the application material, the proposed use will be situated on the subject property approximately 24' north of the existing Git-N-Go Liquor store.
7. There are multiple commercial and industrial businesses within the surrounding area, such as a vehicle towing and recovery service, auto salvage yard, alcohol package store, market store, and pizza shop.
8. According to the application material, the operation will have one front-lit 4' x 6' advertisement sign made of wood and aluminum, green and white in color, and attached to the apex of the proposed building.
9. According to the application material, there will be no advertising signage for the proposed marijuana store installed along the South Old Glenn Highway right-of-way.
10. The proposed use is located approximately 162 feet from South Old Glenn Highway to the west, approximately 61 feet to the northern property line, approximately 62 feet to the eastern property line, and approximately 96 feet from the southern property line.

**Conclusion of Law:** Based on the above findings, measures are in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).

---

- (3) *whether the use is compatible with the character of the surrounding area.*

**Findings of Fact:**

1. South Old Glenn Highway is considered an arterial roadway with many uses along its frontage, including residential, vacant, commercial, and industrial.
2. The proposed use is approximately 247 feet northwest of the nearest residential structure.
3. According to the application material, the proposed use will be situated on the subject property approximately 24' north of the existing Git-N-Go Liquor store.



4. There are multiple commercial and industrial businesses within the surrounding area, such as a vehicle towing and recovery service, auto salvage yard, alcohol package store, market store, and pizza shop.
5. According to the application material, the proposed marijuana retail store will not generate noise or odors.
6. According to the application material, the proposed hours of operation are 8:00 a.m. to 12:00 a.m., seven days a week.
7. The proposed use is located approximately 162 feet from South Old Glenn Highway to the west, approximately 61 feet to the northern property line, approximately 62 feet to the eastern property line, and approximately 96 feet from the southern property line.
8. Consumption of marijuana is prohibited at the site.
9. The State of Alaska, Alcohol and Marijuana Control Office awarded the operation a marijuana retail store license currently in a delegated status.

**Conclusion of Law:** Based on the above findings, the proposed use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).

---

*(B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located within:*

- (1) One thousand feet of school grounds;*

*(C) Separation distances referenced in subsection (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.*

**Finding of Fact:**

1. The closest school (Butte Elementary School) is approximately 6,100 feet from the proposed use.

**Conclusion of Law:** Based on the above finding, the proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).

---

*(D) Prior to final approval of the permit the applicant shall provide written documentation demonstrating that:*

- (1) all applicable licenses have been obtained as required by 3 AAC 306.005.*

**Findings of Fact:**

1. The State of Alaska Marijuana Control Board meeting conducted March 8-9, 2023, voted to approve Northern Emerald retail marijuana store license #32759 with delegation.
2. A copy of the delegated approval for the applicant's marijuana retail facility was provided to the MSB Development Services Division.

**Conclusion of Law:** Based on the above findings, the applicant provided a copy of documents demonstrating that all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60.150(D)(1)).

---

(2) from the fire marshal having jurisdiction, that the proposed conditional use is in full compliance with applicable fire code, including but not limited to AS 18.70.010 through 18.70.160, Fire Protection, and 13 AAC 50.025 through 50.080, Fire Code.

**Findings of Fact:**

1. On April 27, 2023, the Alaska Fire Marshal issued an approved Plan Review #2023ANCH0117 for the commercial structure.
2. The commercial structure fully complies with the State of Alaska fire code.
3. The applicant provided a copy of the approved Plan Review #2023ANCH0117.

**Conclusion of Law:** Based on the above findings, the proposed use is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

---

**Section 17.60.170 Standards for Marijuana Retail Facilities**

(A) *Marijuana retail facilities shall only be approved upon finding by the commission that the proposed facility is located on a parcel that is appropriate for commercial use. At a minimum, the commission shall consider:*

- (1) *proximity of the proposed use to existing businesses;*
- (2) *proximity to parcels developed for residential use; and*
- (3) *whether roads associated with the proposed use have been, or will be, appropriate for commercial use.*

**Findings of Fact:**

1. The proposed use will access South Old Glenn Highway via a state-permitted driveway.
2. South Old Glenn Highway is considered an arterial roadway with many uses along its frontage, including residential, vacant, commercial, and industrial.
3. The proposed use is approximately 247 feet northwest of the nearest residential structure.
4. According to the application material, the proposed use will be situated on the subject property approximately 24' north of the existing Git-N-Go Liquor store.
5. There are multiple commercial and industrial businesses within the surrounding area, such as a vehicle towing and recovery service, auto salvage yard, alcohol package store, market store, and pizza shop.
6. The proposed use is located approximately 162 feet from South Old Glenn Highway to the west, approximately 61 feet to the northern property line, approximately 62 feet to the eastern property line, and approximately 96 feet from the southern property line.

**Conclusion of Law:** Based on the above findings, the proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).

---

(B) *The minimum number of parking spaces for retail facilities shall be one space per 350 square feet of net floor area. Each parking space shall be at least: 20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet.*

**Findings of Fact:**

1. According to the application material, the proposed retail facility will be wholly contained within a new 20' x 26' commercial structure of approximately 520 square feet.
2. A marijuana retail facility with an area of 520 square feet must provide two parking spaces, one of which must be ADA-compliant.
3. According to the application material, four parking spaces will be provided for the proposed use; one of which will comply with ADA requirements.
4. 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.
5. Each parking space is twenty feet long and ten feet wide.
6. There are no vertical clearance limitations on site.

**Conclusion of Law:** Based on the above findings, the proposed use meets the minimum number of parking spaces for retail facilities (MSB 17.60.170(B)).

---

*(C) Parking spaces shall be provided to comply with current Americans with Disabilities Act (ADA) guidelines.*

**Findings of Fact:**

1. A marijuana retail facility with an area of 520 square feet must provide two parking spaces, one of which must be ADA-compliant.
2. According to the application material, four parking spaces will be provided for the proposed use; one of which will comply with ADA requirements.
3. 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.
4. Each parking space is twenty feet long and ten feet wide.
5. There are no vertical clearance limitations on site.

**Conclusion of Law:** Based on the above findings, the proposed use complies with current ADA parking space guidelines (MSB 17.60.170(C)).

---

**STAFF RECOMMENDATIONS**

Staff recommends approving the Conditional Use Permit to operate a marijuana retail facility, 520 square feet in size, at 2803 S. Old Glenn Hwy, Building #2, Tax ID#3998000L002. The proposed use meets all the standards in MSB 17.60.100, 17.60.150, and 17.60.170. Staff recommends approval of this permit with the following conditions:

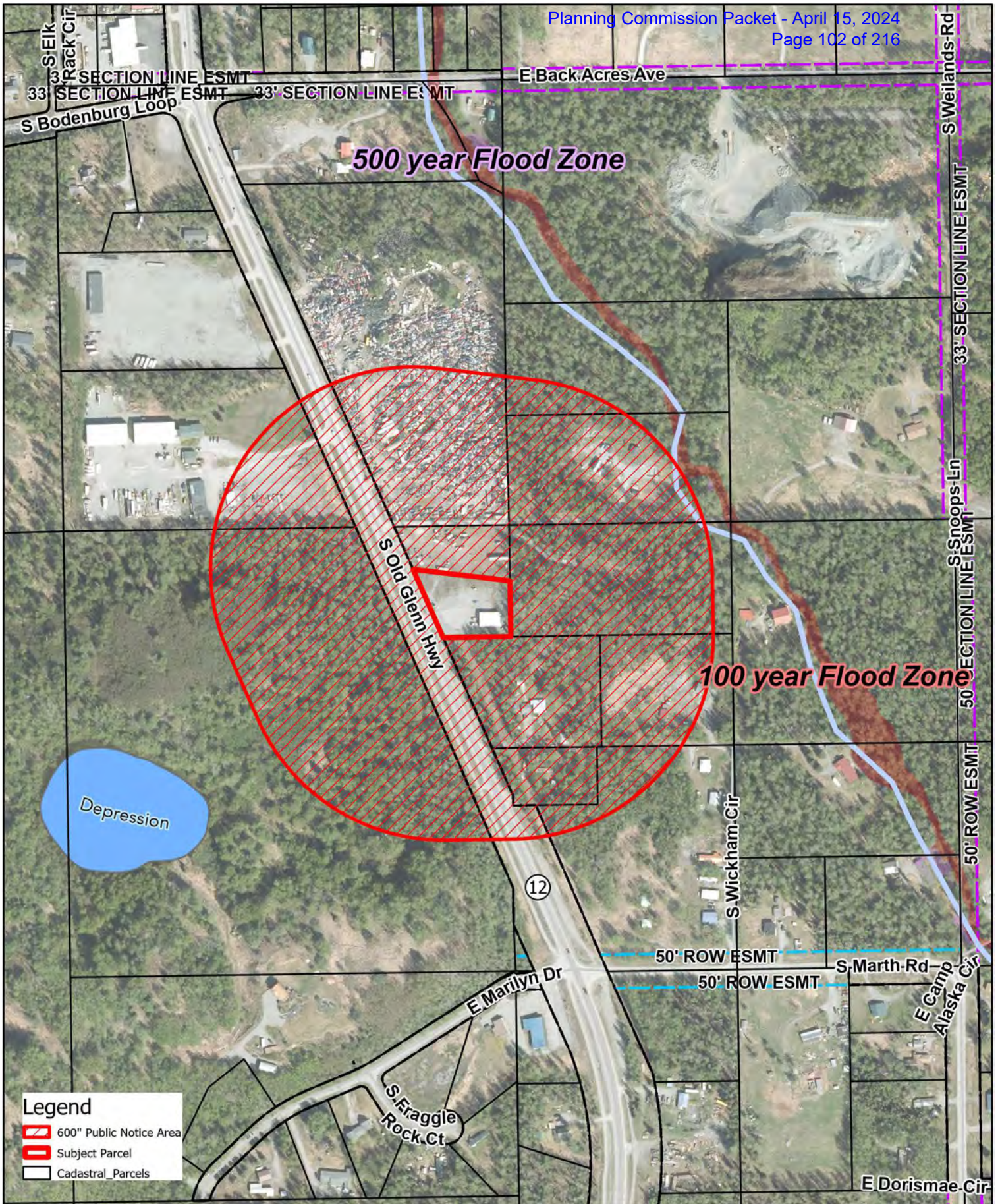
1. The operation shall comply with all applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to 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. The hours of operation will not exceed 8:00 a.m. to 12:00 a.m., seven days a week.

If the Planning Commission chooses to deny this application, findings for denial must be prepared by the Commission.

# MAPS



**Legend**

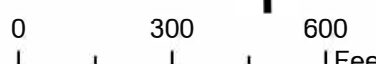
- 600' Public Notice Area
- Subject Parcel
- Cadastral Parcels

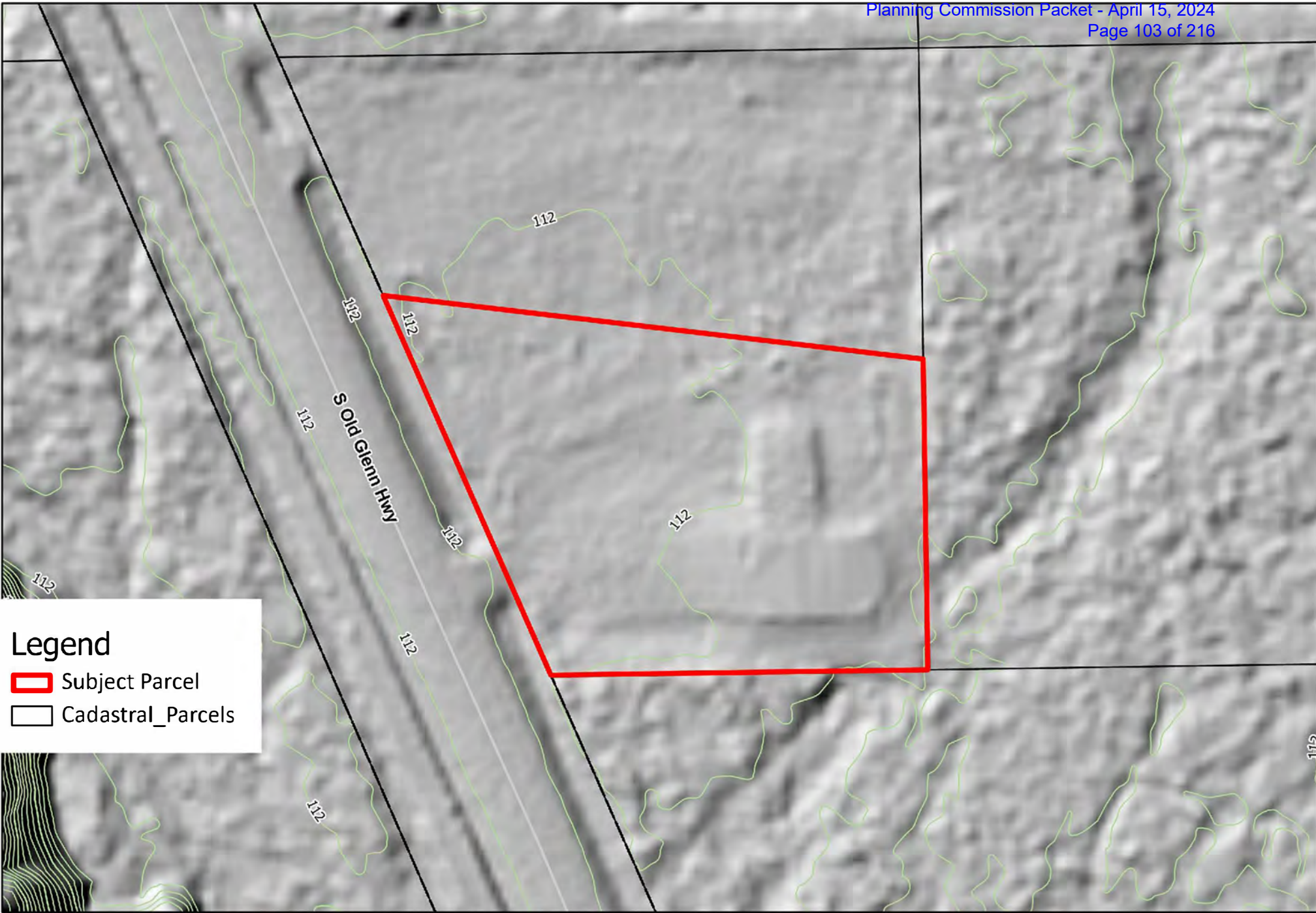
This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858



## 600' Public Notification Area

### Tax ID #3998000L002





### Legend

- Subject Parcel
- Cadastral\_Parcels

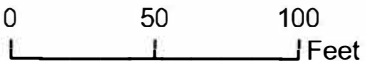
This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858

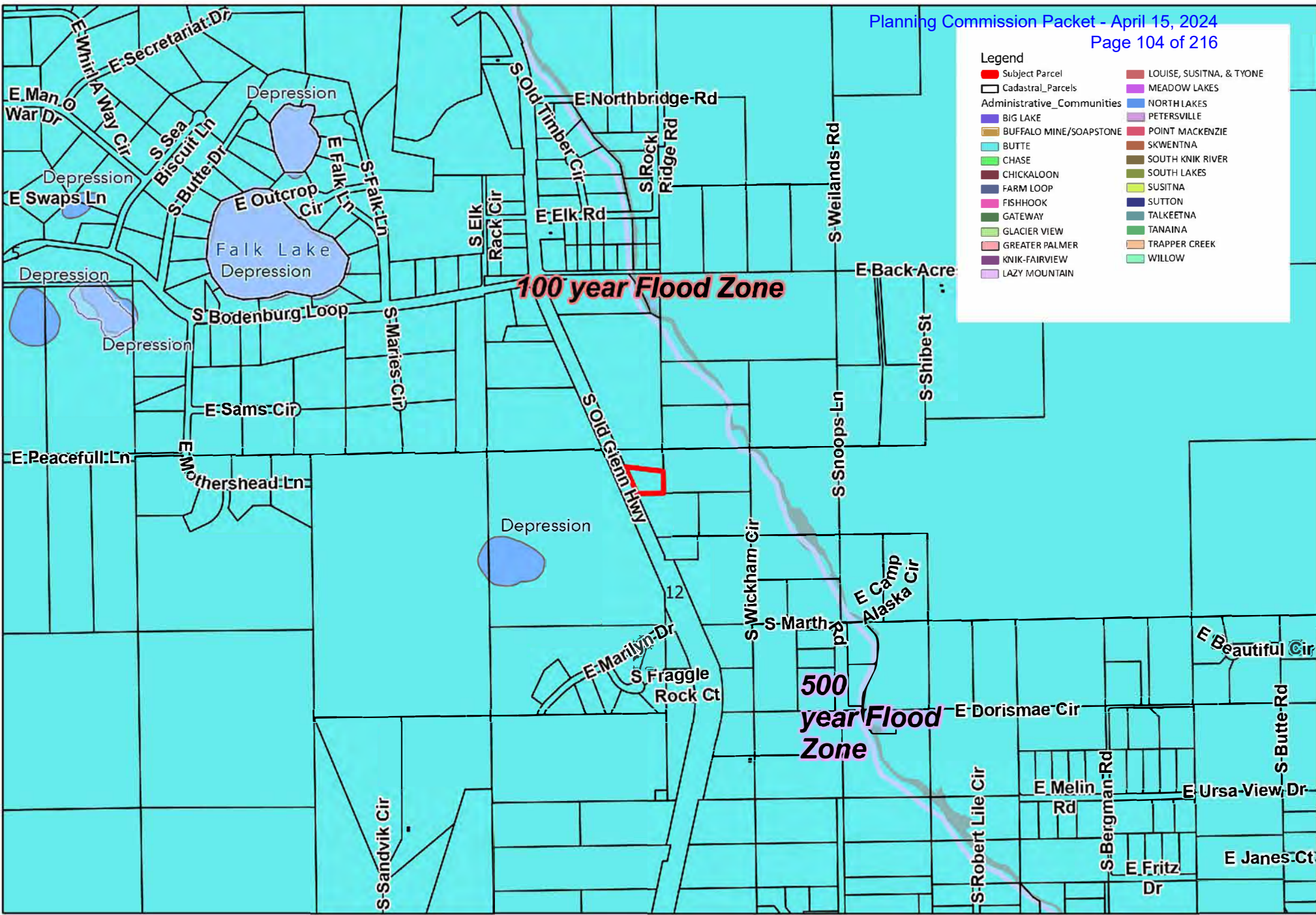


## 2019 Hillshade with Contours

### Tax ID #3998000L002

MSB Development Services Division: 3/28/2024





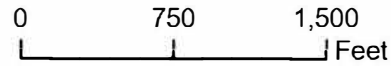
This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858



# Butte Community Council Area

## Tax ID #3998000L002



MSB Development Services Division: 3/28/2024







**Legend**

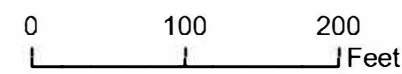
-  Subject Parcel
-  Cadastral\_Parcels

This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858



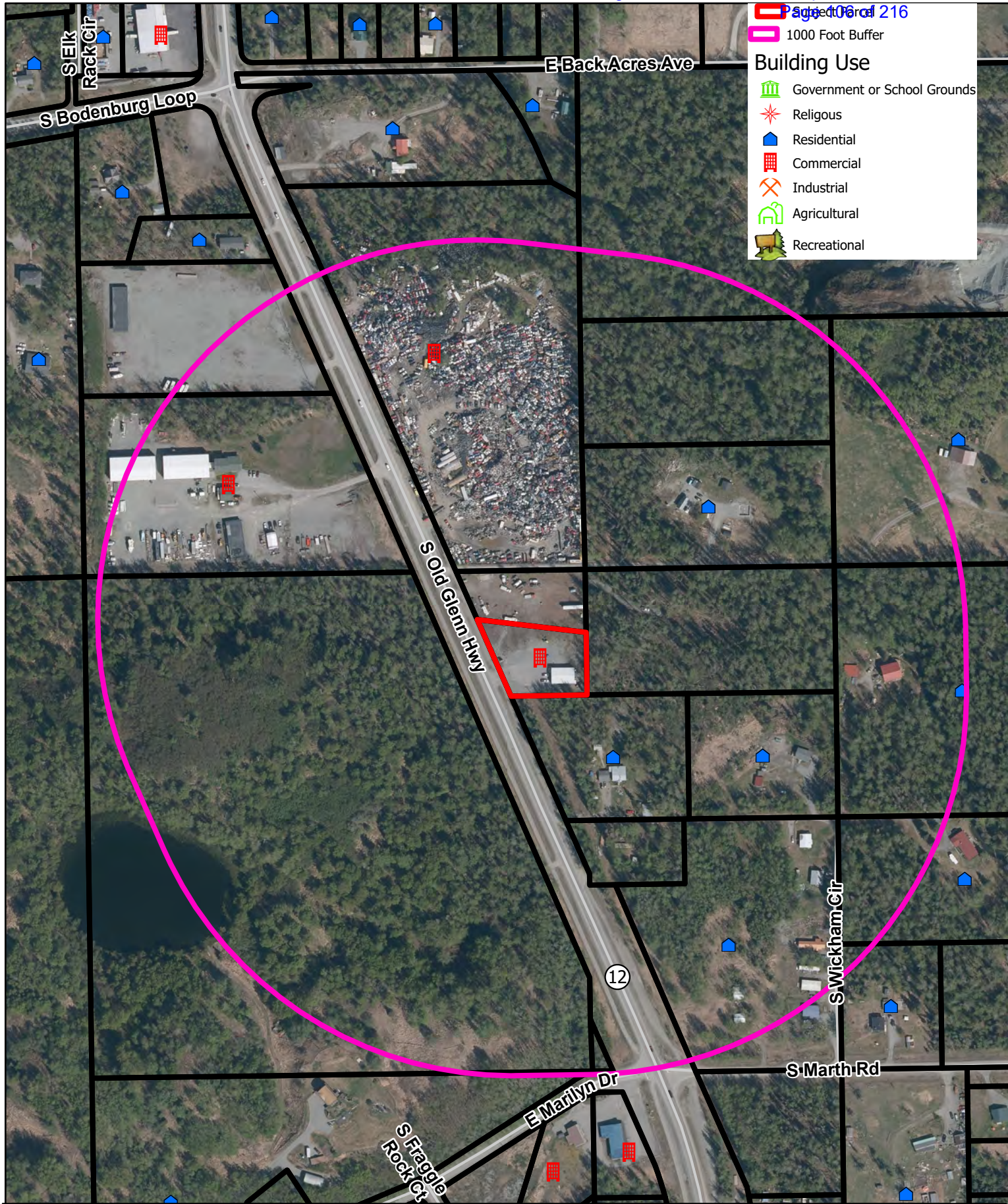
World Imagery Map  
Tax ID #3998000L002

MSB Development Services Division: 3/28/2024



**Building Use**

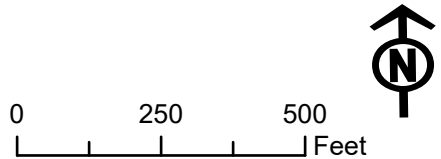
-  Government or School Grounds
-  Religious
-  Residential
-  Commercial
-  Industrial
-  Agricultural
-  Recreational



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858



**Land Use Map for  
3998000L002**



# **PUBLIC NOTICING**

**From:** [Rick Benedict](#)  
**To:** [Northern Emerald](#)  
**Subject:** Northern Emerald CUP - Public Hearing & Public Notice  
**Date:** Thursday, March 21, 2024 9:46:00 AM

---

Good morning,

The conditional use permit application for Northern Emerald has been distributed for comments. In accordance with the requirements of MSB 17.03 – Public Notification, the applicant shall pay the cost of mailings or advertisements required by the ordinance specific to that action. The Matanuska-Susitna Borough must receive payment **before** the public hearing. Please be advised of the following charges:

Advertising:	\$108.00
Mailing:	<u>11.10</u>
TOTAL DUE:	\$119.10

The advertisement was published in the February 14, 2024 edition of the Frontiersman. In addition, notifications were mailed to all properties within 600 feet of the subject property and to the Butte Community Council.

The public hearing with the Planning Commission is scheduled for **April 15, 2024**. Public hearings begin at **6:00 p.m.** and are held in the public meeting hall located on the first floor of the Mat-Su Borough building. Attending or being represented at that meeting would be in your best interest.

Please contact me should you have any questions or require additional information.

Respectfully,

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

**PERMIT CENTER – FEE RECEIPT FORM**

Property Location: 2803 S. Old Glenn Hwy Applicant: Northon Emerald #M10294

<b>USE PERMITS</b> {100.000.000.341.300}	<b>Fee</b>
<b>8.35</b> Public Display of Fireworks	<b>\$25.00</b>
<b>8.40.010</b> Liquor License - Alcohol & Marijuana Control Office (AMCO) Referrals for Matanuska Susitna Borough Review of Issuance, renewal or transfer (location, owner)	<b>\$100.00</b>
<b>8.41.010</b> Marijuana License - Alcohol & Marijuana Control Office (AMCO) Referrals for Matanuska Susitna Borough Review of Issuance, renewal or transfer (location, owner)	<b>\$100.00</b>
<b>8.52</b> Temporary Noise Permit	<b>\$1000.00</b>
<b>8.55</b> Special Events Permit 500 – 1000 Attendees 1000+ Attendees	<b>\$500.00</b> <b>\$1,000.00</b>
<b>8.55</b> Special Events Permit Site Monitor Fee / Per Day	<b>\$300.00</b>
<b>17.02</b> Mandatory Land Use Permits	<b>\$50.00</b>
<b>17.04</b> Nancy Lake Special Land Use District CUP	<b>\$1,500.00</b>
<b>17.06</b> Electrical Generating & Delivery Facility Application	<b>\$500.00</b>
<b>17.08</b> Hay Flats Special Land Use District Exception Application	<b>\$1000.00</b>
<b>17.17</b> Denali State Park Conditional Use Permit	<b>\$1500.00</b>
<b>17.18</b> Chickaloon Special Land Use District CUP	<b>\$1500.00</b>
<b>17.19</b> Glacier View Special Land Use District CUP	<b>\$1500.00</b>
<b>17.23</b> Port MacKenzie Development Permit	<b>\$1000.00</b>
<b>17.25</b> Talkeetna Conditional Use Permit	<b>\$1500.00</b>
<b>17.25</b> Talkeetna Conditional Use Permit – Variance	<b>\$1500.00</b>
<b>17.27</b> Sutton Special Land Use District CUP	<b>\$1500.00</b>
<b>17.29</b> Flood Damage Prevention Development Permit	<b>\$100.00</b>
<b>17.29</b> Flood Damage Prevention Development Permit –Variance	<b>\$500.00</b>
<b>17.30.040</b> Earth Materials Extraction Admin. Permit	<b>\$1000.00</b>
<b>17.30.050</b> Earth Materials Extraction CUP	<b>\$1500.00</b>
<b>17.36</b> Residential Planned Unit Development Application – Concept Plan – up to 50 Lots Additional Lots or tracts being created – Per Lot	<b>\$500.00</b> <b>\$100.00</b>
<b>17.48</b> Mobile Home Park Permit Application	<b>\$500.00</b>
<b>17.52</b> Residential Land Use District App (Rezone)	<b>\$1,000.00</b>
<b>17.52</b> Conditional Use Permit Application CUP	<b>\$1,500.00</b>
<b>17.55</b> Shoreline Setback Exception Application	<b>\$300.00</b>
<b>17.60</b> Conditional Use Permit Application	<b>\$1500.00</b>
<b>17.61</b> Commercial/Industrial Core Area Conditional Use Permit	<b>\$1500.00</b>
<b>17.62</b> Coal Bed Methane	<b>\$1500.00</b>

	<b>17.63</b> Conditional Use Permit for Racetracks	\$1500.00
	<b>17.65</b> Variance	\$1500.00
	<b>17.67</b> Tall Structures - Network Improvement Permit Nonconforming Use Administrative Permit Conditional Use Permit	\$100.00 \$200.00 \$500.00 \$1500.00
	<b>17.70</b> Regulation of Alcoholic Beverage Use Permit Application	\$1500.00
	<b>17.73</b> Multi-Family Land Use Permit – add \$25.00 for each additional unit beyond 5 units.	\$500.00
	<b>17.75</b> Single-Family Residential Land Use District CUP	\$500.00
	<b>17.76</b> Large Lot Single-Family Residential Land Use District Conditional Use Permit Application	\$1000.00
	<b>17.80</b> Nonconforming Structures (Amnesty) Pre-Existing Legal Nonconforming (Grandfather)	\$300.00
	<b>17.90</b> Regulation of Adult Businesses – Conditional Use Permit	\$300.00
	<b>28.60</b> Timber Transport Permit	\$1500.00
		\$300.00

	<b>RIGHT-OF-WAY FEES:</b>	
	Driveway	\$50.00
<input type="checkbox"/>	Driveway Deposit {100.226.100}	\$150.00
	Construction	\$200.00
	Utility (Application Fee = \$100 ~ Distance Fee \$0.25/per lineal foot)	
	Encroachment	\$150.00
	Construction Bond {100.227.000}	

	<b>PLATTING PRE-APPLICATION CONFERENCE:</b>	
	Pre-Application Fee	\$50.00

	<b>FEES:</b>	
	Flood Plain Development Survey CD	\$10.00
	CD/DVD/DVD-R	\$7.50
	Construction Manual/Title 43	\$5.00
	Plat Map/Tax Map Copies/Mylar	\$5.00
	Color Maps	\$12.00
	Xerox Copies (B/W = \$0.25 ~ Color \$1.00/page 11X17 Color \$1.75/page)	
X	Advertising Fees	119.10
	Cultural Resources Books or Maps	
<input type="checkbox"/>	Citation Payment (If sent to collections – use total due from Courtview)	
	Thumb Drive 2GB = \$5, 4GB = \$8, 8GB = \$10; 16GB = \$15; 32GB = \$20	

\$ 119.10 Amount Paid Date: 3/27/24 Receipt # 1553 By: MC

Matanuska-Susitna Borough  
Finance  
350 E Dahlia Avenue  
Palmer, AK 99645  
907-861-8610  
Welcome

03/28/2024 02:30PM Madeline C  
000074-0010 000001553  
Payment Effective Date 03/28/2024

**MISCELLANEOUS RECEIPT**

1000000000 341300 -	
Planning - Platting -	
2024 Item: 57	
1 @ \$119.1000	
1000000000 341300 -	
Planning - Platting -	
Map Fees	\$119.10
	-----
	\$119.10
<b>Subtotal</b>	<b>\$119.10</b>
<b>Total</b>	<b>\$119.10</b>
 CHECK	 \$119.10
Check Number 2895	
	-----
<b>Change due</b>	<b>\$0.00</b>

Paid by: GIT N GO LIQUOR

Thank you for your payment

CUSTOMER COPY

# **Frontiersman**

*Growing with the Valley since 1947.*

5751 E. MAYFLOWER CT.  
Wasilla, AK 99654

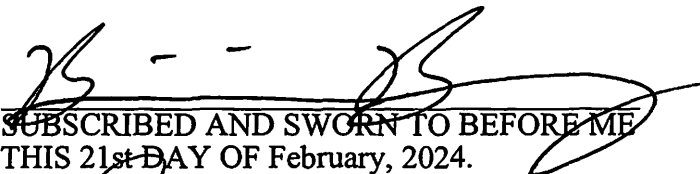
(907) 352-2250 ph  
(907) 352-2277 fax

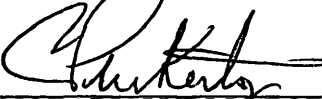
## **AFFIDAVIT OF PUBLICATION**

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION  
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY  
PERSONALLY APPEARED BEFORE **BENJAMIN BORG** WHO, BEING  
FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE IS THE  
LEGAL AD CLERK OF THE **FRONTIERSMAN**  
PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA  
SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA  
AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE  
COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

**02/14/2024**

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF  
THE RATE CHARGED PRIVATE INDIVIDUALS.

  
SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 21<sup>st</sup> DAY OF February, 2024.

  
NOTARY PUBLIC FOR STATE OF ALASKA

MAT-SU BOROUGH/PAGE  
2.14  
ACCOUNT NUMBER 405249

**CHRISTY PINKERTON**  
Notary Public  
State of Alaska  
My Commission Expires  
October 09, 2027





## PUBLIC HEARING

Keith Crocker, on behalf of Northern Emerald, applied for a Conditional Use Permit under MSB 17.60 – Conditional Uses for the Operation of a Marijuana Retail Facility. The proposed operation is at 2803 S. Old Glenn Highway, Building #2 (Tax ID# 53998000L002).

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on Monday, April 15, 2024, at 6:00 p.m. in the Borough Assembly Chambers at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission, and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at [www.matsugov.us](http://www.matsugov.us) by clicking "All Public Notices & Announcements." For additional information, contact Rick Benedict, Current Planner, at (907) 861-8527. Provide written comments by e-mail to [rick.benedict@matsugov.us](mailto:rick.benedict@matsugov.us), or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. To be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of an interested party. The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: [www.matsugov.us](http://www.matsugov.us), in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before March 22, 2024, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report but will be provided to the Commission at the meeting.

Publish Date: February 14, 2024

0224-04

**From:** [Ben Borg](#)  
**To:** [Alice Hawkes](#); [Lacie Olivieri](#); [Rick Benedict](#); [Corinne Lindfors](#); [Karol Riese](#); [Kayla Kinneen](#); [Theresa Taranto](#); [Melisa Orozco](#); [Fred Shepard](#); [Estelle Wiese](#); [Petra Albecker](#)  
**Subject:** 2.14 MSB Pages proofs  
**Date:** Friday, February 9, 2024 3:20:01 PM  
**Attachments:** [WCC697935 lr\\_unlocked.pdf](#)  
[WCC697936 lr\\_unlocked.pdf](#)

---

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

See attached.

--

**Ben Borg**

907-987-2059 cell (call or text)

907-600-1696 office



# Matanuska-Susitna Borough

[www.matsugov.us](http://www.matsugov.us)

## PUBLIC HEARING

Keith Crocker, on behalf of Northern Emerald, applied for a Conditional Use Permit under MSB 17.60 – Conditional Uses for the Operation of a Marijuana Retail Facility. The proposed operation is at 2803 S. Old Glenn Highway, Building #2 (Tax ID# 53998000L002).

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, April 15, 2024**, at 6:00 p.m. in the Borough Assembly Chambers at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission, and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

## -ABANDONED VEHICLES SUBJECT TO DISPOSAL-

The following abandoned vehicles are subject to disposal by the Matanuska-Susitna Borough's Solid Waste Division. The vehicles were tagged as abandoned in the Matanuska-Susitna Borough right-of-way at the listed locations. You have the right to appeal pursuant to MSB 10.12.090.

**Impound#:** 2413  
**Vehicle Description:** 2007 Green Toyota Yaris Sedan **LIC:** FBM469  
**VIN:** JTDDBT923571092271

**MSB ROW Location:** Gunflint Dr. Wasilla Alaska  
**Place of Impoundment:** 1201 N 49th State St, Palmer, AK 99645  
**Impound#:** 2402

**Vehicle Description:** 2007 Red Chev Cobalt **LIC:** JNR994  
**VIN:** 1G1AK58F377334117  
**MSB ROW Location:** E. Faltman Court Palmer Alaska  
**Place of Impoundment:** 1201 N 49th State St, Palmer, AK 99645

**Impound#:** 1231  
**Vehicle Description:** 2001 Silver Lincon Navigator **LIC:** FUM991  
**VIN:** 5LMFU28A11LJ00074  
**MSB ROW Location:** N. Williwaw Way, Wasilla Alaska  
**Place of Impoundment:** 1201 N 49th State St, Palmer, AK 99645

**Impound#:** 3588  
**Vehicle Description:** Orange, White & Black Ford F250 Truck **LIC:** FTV557  
**VIN:** Not Available  
**MSB ROW Location:** W. Halston Ave. Big Lake Alaska  
**Place of Impoundment:** 1201 N 49th State St, Palmer, AK 99645

**The vehicles will be disposed of by auction or auto wrecker on or after March 7<sup>th</sup>, 2024.**

 **FOR MORE INFORMATION, call the MSB Solid Waste Division at (907) 861-7600.**

Publish Date: February 14, 2024

0224-18

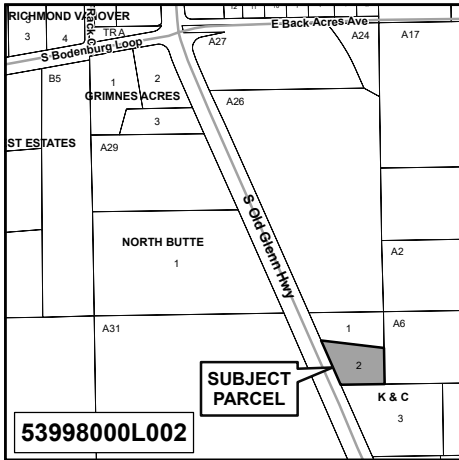
## All Ice Fishing Houses must be registered

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

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

2023/2024 Registration must be displayed on the ice fishing house.

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



Application materials may be viewed online at [www.matsugov.us](http://www.matsugov.us) by clicking "All Public Notices & Announcements." For additional information, contact Rick Benedict, Current Planner, at (907) 861-8527. Provide written comments by e-mail to [rick.benedict@matsugov.us](mailto:rick.benedict@matsugov.us), or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. To be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of an interested party. The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: [www.matsugov.us](http://www.matsugov.us), in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before **March 22, 2024**, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report but will be provided to the Commission at the meeting.

Publish Date: February 14, 2024

0224-04

## ALASKA BOARD OF FISHERIES

<https://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo>

Three or more members of the Fish and Wildlife Commission may be attending the following meeting:  
Upper Cook Inlet Finfish Meeting at the Egan Civic and Convention Center, Anchorage, AK  
February 23-March 6

Publish Date: February 14, 2024

0224-03



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

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

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

Dee McKee, #3  
(907) 373-3630  
[Dee.McKee@matsugov.us](mailto:Dee.McKee@matsugov.us)

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

Bill Gamble, #5  
(907) 232-0103  
[Bill.Gamble@matsugov.us](mailto:Bill.Gamble@matsugov.us)

Dmitri Fonov, #6  
(907) 861-8546  
[fonov@matsugov.us](mailto:fonov@matsugov.us)

Ron Bernier, #7  
(907) 354-7877  
[Ron.Bernier@matsugov.us](mailto:Ron.Bernier@matsugov.us)

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

**From:** [Ben Borg](#)  
**To:** [Rick Benedict](#)  
**Cc:** [Petra Albecker](#)  
**Subject:** Re: 2.14 MSB Pages proofs  
**Date:** Wednesday, March 20, 2024 1:37:47 PM

---

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

WIDTH	3	C
<b>HEIGHT</b>	<b>4.8</b>	INCHES
AREA	14.400	C*INCHES
RATE	\$7.50	/(C*INCH)
COST/INSERTION	\$108.00	
<b># INSERTIONS</b>	<b>1</b>	
<b>TOTAL</b>	<b>\$108.00</b>	

On Wed, Mar 20, 2024 at 1:15 PM Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)> wrote:

Hello,

Can I please obtain the cost for publication of the Northern Emerald public notice?

Respectfully,

Rick Benedict – Current Planner

Development Services Division

Matanuska-Susitna Borough

(907)861-8527 direct

---

**From:** Ben Borg <[ben.borg@frontiersman.com](mailto:ben.borg@frontiersman.com)>

**Sent:** Friday, February 9, 2024 3:18 PM

**To:** Alice Hawkes <[Alice.Hawkes@matsugov.us](mailto:Alice.Hawkes@matsugov.us)>; Lacie Olivieri <[Lacie.Olivieri@matsugov.us](mailto:Lacie.Olivieri@matsugov.us)>; Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)>; Corinne Lindfors <[Corinne.Lindfors@matsugov.us](mailto:Corinne.Lindfors@matsugov.us)>; Karol Riese <[Karol.Riese@matsugov.us](mailto:Karol.Riese@matsugov.us)>; Kayla Kinneen <[Kayla.Kinneen@matsugov.us](mailto:Kayla.Kinneen@matsugov.us)>; Theresa Taranto

<[Theresa.Taranto@matsugov.us](mailto:Theresa.Taranto@matsugov.us)>; Melisa Orozco <[melisa.orozco@matsugov.us](mailto:melisa.orozco@matsugov.us)>; Fredi Shepard <[Fredi.Shepard@matsugov.us](mailto:Fredi.Shepard@matsugov.us)>; Estelle Wiese <[Estelle.Wiese@matsugov.us](mailto:Estelle.Wiese@matsugov.us)>; Petra Albecker <[petra.albecker@frontiersman.com](mailto:petra.albecker@frontiersman.com)>  
**Subject:** 2.14 MSB Pages proofs

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

See attached.

--

**Ben Borg**

907-987-2059 cell (call or text)

907-600-1696 office

--

**Ben Borg**

907-987-2059 cell (call or text)

907-600-1696 office

**From:** [Rick Benedict](#)  
**To:** [Ben Borg](#)  
**Cc:** [Petra Albecker](#); [Corinne Lindfors](#); [Karol Riese](#)  
**Subject:** MSB Page Ad: Northern Emerald  
**Date:** Monday, January 29, 2024 10:13:00 AM  
**Attachments:** [Ad Request Form Northern Emerald.pdf](#)  
[53998000L002 Ad Layout.pdf](#)  
[Newspaper Ad - Northern Emerald.docx](#)

---

Hello,

Please see the attached ad, map, and ad request for publication on Wednesday, February 14, 2024.

Thank you!

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

**ADVERTISEMENT ORDER**  
**MATANUSKA-SUSITNA BOROUGH**

**350 East Dahlia Avenue**  
**Palmer, Alaska 99645**

PUBLISHER	MANDATORY PUBLICATION DATES {By MSB Code}	PREFERRED PUB. DATES	DATES FOR FILLER ADS (space permitting)
<b>FRONTIERSMAN</b> (contract)	Wednesday, February 14, 2024		
<b>Anchorage Daily News</b>			
<b>Talkeetna Good Times</b> {publishes once a month}			
<p>[ X ] Borough Page                      [ ] Classified/Legal                      [ ] Display Ad Acct #(100.120.113.422.000)</p> <p><b>THE ATTACHED MATERIAL MUST BE PRINTED IN ITS ENTIRETY ON THE DATES SHOWN ABOVE. AN AFFIDAVIT OF PUBLICATION IS REQUIRED PRIOR TO PAYMENT.</b></p> <p><b>A PROOF IS REQUESTED ON DISPLAY ADS FOR APPROVAL, PRIOR TO PUBLICATION.</b></p> <p>Please email display ad proof to Attn: <u>Rick Benedict</u> Email: <a href="mailto:rick.benedict@matsugov.us">rick.benedict@matsugov.us</a>                      and <u>Corinne Lindfors</u> Email: <a href="mailto:corinne.lindfors@matsugov.us">corinne.lindfors@matsugov.us</a></p>			

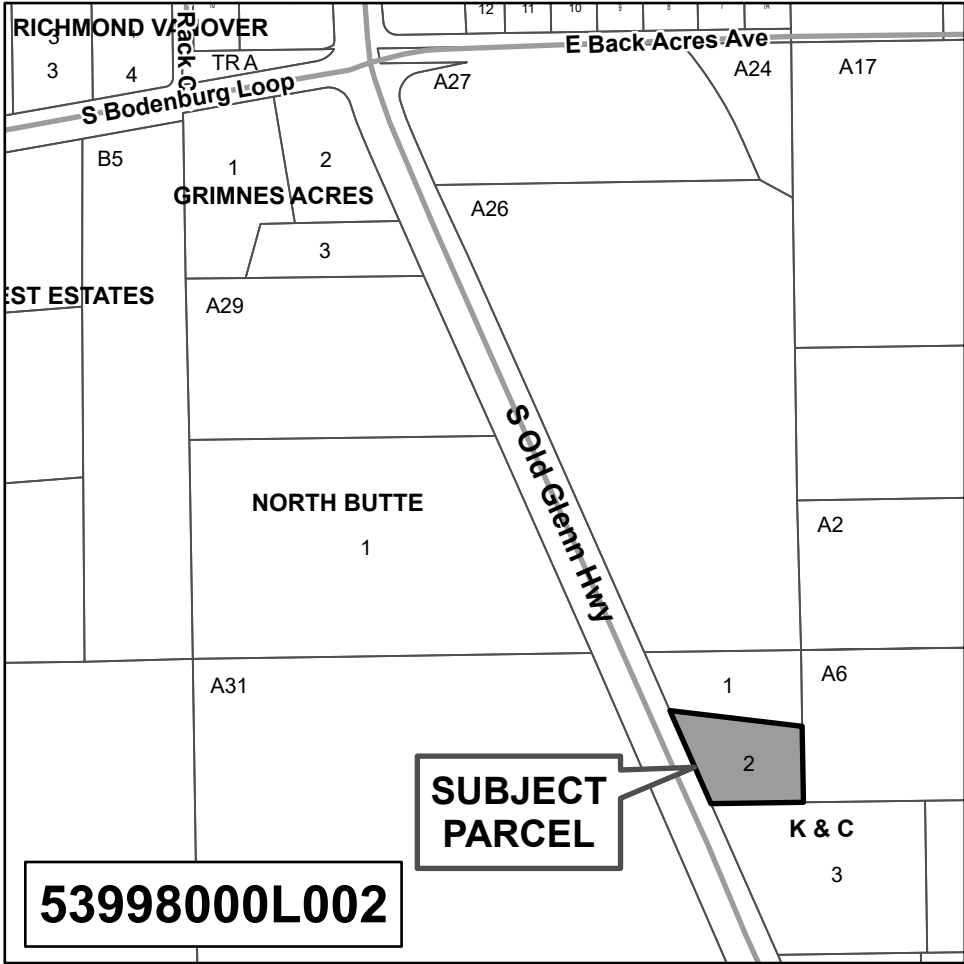
**See attached Advertisement**

---

**Requested by: Rick Benedict**  
Emailed: 1-29-24

**Approved by:** \_\_\_\_\_  
**Date:** \_\_\_\_\_







**Certificate of Bulk Mailing – Domestic**

**Fee for Certificate**

Up to 1,000 pieces (1 certificate for total number)

For each additional 1,000 pieces, or fraction thereof

Duplicate Copy

Use  
 Current  
 Price List  
 (Notice 123)

**Postage:** Mailers must affix meter, PC Postage®, or (uncanceled) postage stamps here in payment of total fee due.



Acceptance employee must cancel postage affixed (by round-date) at the time of mailing.

If payment of total fee due is being paid by Permit Imprint, include the *PostalOne!*® Transaction Number here: \_\_\_\_\_

Number of Identical Weight Pieces <i>12</i>	Class of Mail <i>1st</i>	Postage for Each Mailpiece Paid <input checked="" type="checkbox"/> Verified	Number of Pieces to the Pound <i>45</i>
--	-----------------------------	---	--

Total Number of Pounds <i>4.102</i>	Total Postage Paid for Mailpieces <i>\$7.00</i>	Fee Paid <i>\$11.10</i>
--	--	----------------------------

Mailed For <i>Dev # Serv</i>	Mailed By <i>David L</i>
---------------------------------	-----------------------------

**Postmaster's Certification**

It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.

*[Signature]*  
 (Postmaster or Designee)





MSB Mailing List Application

3998000L002

Show search results for 39980...

Enhanced Search

By Shape By Value By Spatial Results

Features selected: 12

**17N02E23A022**  
 General Ownership: PRIVATE  
 Legal Description: TOWNSHIP 17N RANGE 2E SECT  
 P\_ID: 29578  
 OWNER\_1: HEIDELBERG GARY L & NANCY L  
 SUBDNUM: 0  
 MAILING\_ADDRESS\_LINE\_B: 2812 S WICKHAM CIR  
 MAILING\_ADDRESS\_CITY: PALMER  
 MAILING\_ADDRESS\_STATE: AK  
 MAILING\_ADDRESS\_ZIP: 99645  
 LANDVALUE: 27000  
 LANDASSD: 0  
 BLDGVALUE: 163200

**From:** [Rick Benedict](#)  
**To:** [Corinne Lindfors](#)  
**Cc:** [Karol Riese](#)  
**Subject:** Public Mailing - Northern Emerald CUP - Marijuana Retail Facility  
**Date:** Monday, January 29, 2024 10:36:00 AM  
**Attachments:** [Public Notice Mailing Northern Emerald CUP.docx](#)  
[53998000L002 Main Layout.pdf](#)

---

Hi Corinne,

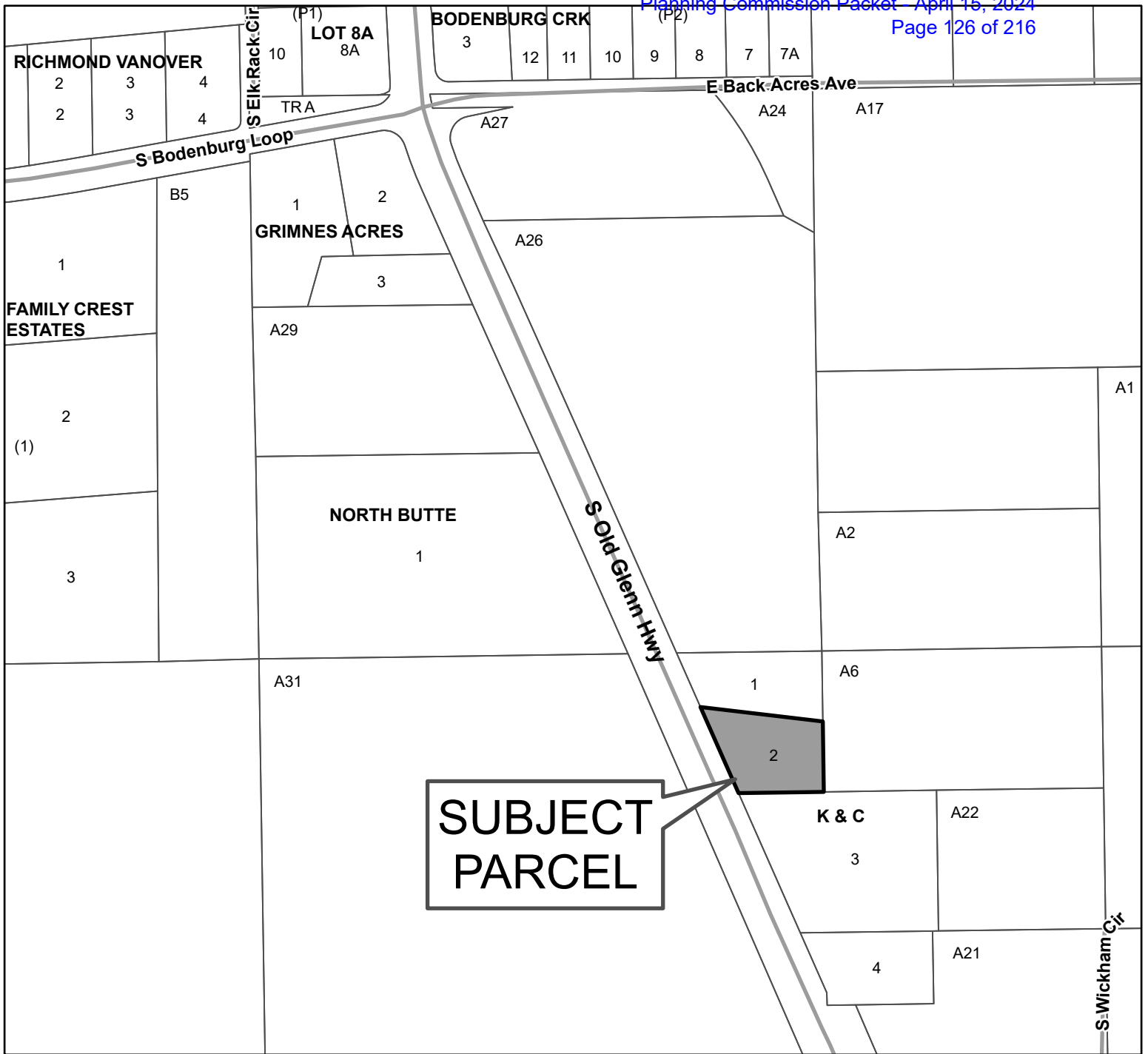
Another mailing request, please

A request for mailing by Friday, February 16. The notice area is to all property owners within 600 feet of the exterior boundary of the property subject to this application and to the Butte Community Council at the following address:

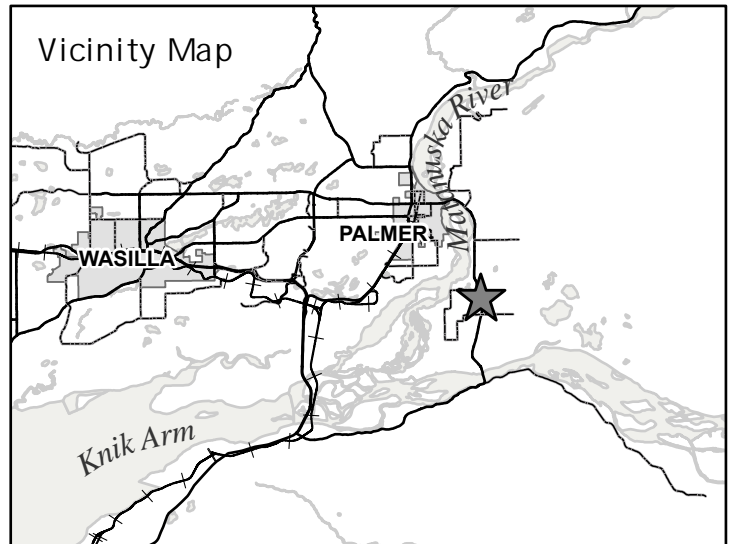
Butte Community Council  
3881 S. Butte Road  
Palmer, AK 99645

Thank you!

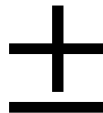
Rick Benedict – Current Planner  
Development Services Division  
Matanuska-Susitna Borough  
(907)861-8527 direct



**53998000L002**



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858.



**From:** [Rick Benedict](#)  
**To:** [Rick Benedict](#)  
**Bcc:** [DEC Agency Reviews](#); [msb.hpc@gmail.com](mailto:msb.hpc@gmail.com); ["mearow@matanuska.com"](mailto:mearow@matanuska.com); [row@mtasolutions.com](mailto:row@mtasolutions.com); [row@enstarnaturalgas.com](mailto:row@enstarnaturalgas.com); [GCI ROW](#); [Tom Adams](#); [Don Thomas](#); [Jamie Taylor](#); [Brad Sworts](#); [Charlyn Spannagel](#); [Alex Strawn](#); [Jason Ortiz](#); [Karol Riese](#); [Corinne Lindfors](#); [Permit Center](#); [Peggy Horton](#); [Fred Wagner](#); [Planning](#); [John Aschenbrenner](#); [Eric Phillips](#); [Daniel Dahms](#); [Tammy Simmons](#); [Peggy Horton](#); [License Reviews](#); [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov); [Lesley Norris](#); [Land Management](#); [imb@matsugov.us](mailto:imb@matsugov.us); [Michelle Olsen](#); [TimHaleDistrict1@gmail.com](mailto:TimHaleDistrict1@gmail.com); [Chad Cameron Contact](#); [mitzi.99645@hotmail.com](mailto:mitzi.99645@hotmail.com); [gnilsson@mtaonline.net](mailto:gnilsson@mtaonline.net); [robert.hicks@gmail.com](mailto:robert.hicks@gmail.com); [jstocker@mtaonline.net](mailto:jstocker@mtaonline.net); [lucykleeb@hotmail.com](mailto:lucykleeb@hotmail.com); [kmk@matnet.com](mailto:kmk@matnet.com); [buttecouncil@gmail.com](mailto:buttecouncil@gmail.com); [idrhymer@yahoo.com](mailto:idrhymer@yahoo.com); [1lindagrace@gmail.com](mailto:1lindagrace@gmail.com); [janet@gci.net](mailto:janet@gci.net); [bl@raceak.com](mailto:bl@raceak.com); [ronjohnson@gci.net](mailto:ronjohnson@gci.net); [wtaylor@york@gmail.com](mailto:wtaylor@york@gmail.com); [ejg48ak@gmail.com](mailto:ejg48ak@gmail.com)  
**Subject:** Request for Review and Comments: MSB 17.60 – Conditional Use for Marijuana Retail Facility  
**Date:** Monday, January 29, 2024 12:05:00 PM

---

Good Afternoon,

APPLICANT: Keith Crocker, on behalf of Northern Emerald

LOCATION: 2803 S. Old Glenn Highway, Building #2, Palmer, AK 99645  
Tax ID# 53998000L002; Lot 2 within Township 17 North, Range 02 East, Section 23, Seward Meridian, RSA 026

An application for a Conditional Use Permit under MSB 17.60 – Conditional Uses for the Operation of a Marijuana Retail Facility. The Planning Commission will conduct a public hearing on this request on Monday, April 15, 2024, at 6:00 p.m.

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

[Matanuska-Susitna Borough - Public Hearing Notice for a Conditional Use Permit Application - Marijuana Retail Facility \(matsugov.us\)](#)

Comments are due on or before **Friday, March 22, 2024**, and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Respectfully,

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

**Site Visit Photos**  
**Conducted 3/29/2024**





View to northeast from subject property of proposed marijuana retail store. Git-N-Go Liquor located south and adjacent to proposed use.



View to northeast from subject property of proposed marijuana retail store.



View to northeast from the backside of the proposed use showing surrounding area.



View to northwest from subject property of the backside of the proposed marijuana retail store.



View to west from subject property. Proposed marijuana retail store right of photo, Git-N-Go Liquor depicted left of photo.



View to west from the backside of the proposed marijuana retail store.



View to southwest from subject property of the backside of the proposed marijuana retail store. Git-N-Go Liquor depicted in the background of photo.



View to south from subject property of the north-side of the proposed marijuana retail store.





View to southeast from subject property of the front-side of the proposed marijuana retail store.



View to the northeast from the Old Glenn Highway right-of-way depicting the northern area of the subject property and proposed marijuana retail store.



View to the north from the Old Glenn Highway right-of-way depicting the northwest portion area of the subject property and Git-N-Go Liquor advertising sign.



View to the east from the Old Glenn Highway right-of-way of the subject property with the Git-N-Go Liquor store and proposed marijuana retail store in background.

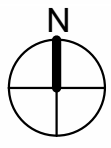
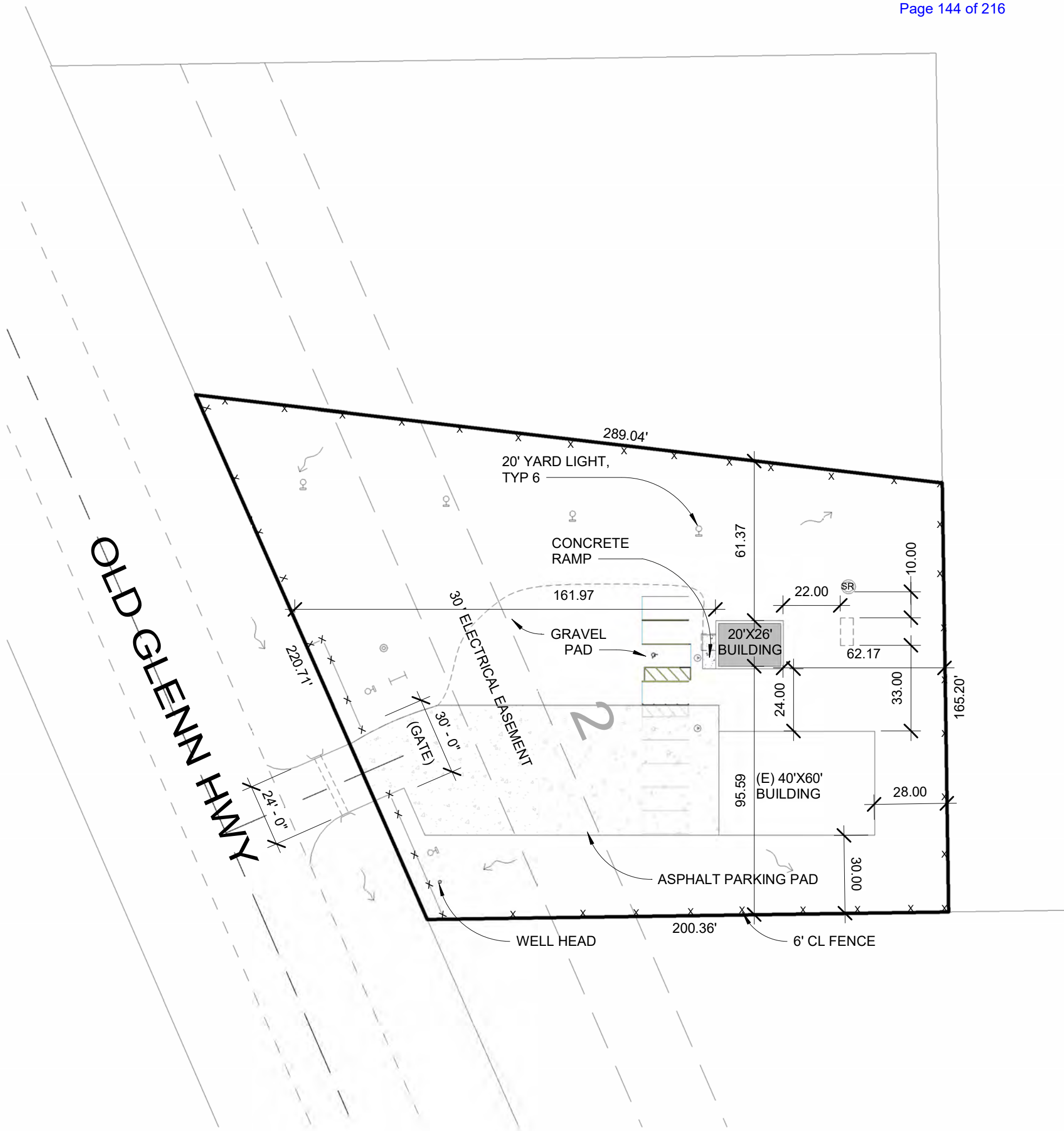


View to the south from the Old Glenn Highway right-of-way depicting the southwest portion of the subject property.



View to the west from the subject property depicting the surrounding area west of the proposed marijuana retail store.







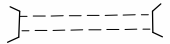
# **SITE PLAN**



**SITE PLAN**

SCALE: 1" = 40'-0"

**LEGEND**

-  500 GAL. SEPTIC RING (SYSTEM INSPECTED AND EPA APPROVED)
-  1000 GAL. SEPTIC TANK
-  YARD LIGHT
-  SIGN
-  ADA PARKING SIGN, MOVEABLE
-  DRAINAGE ARROW
-  CORRUGATE METAL PIPE

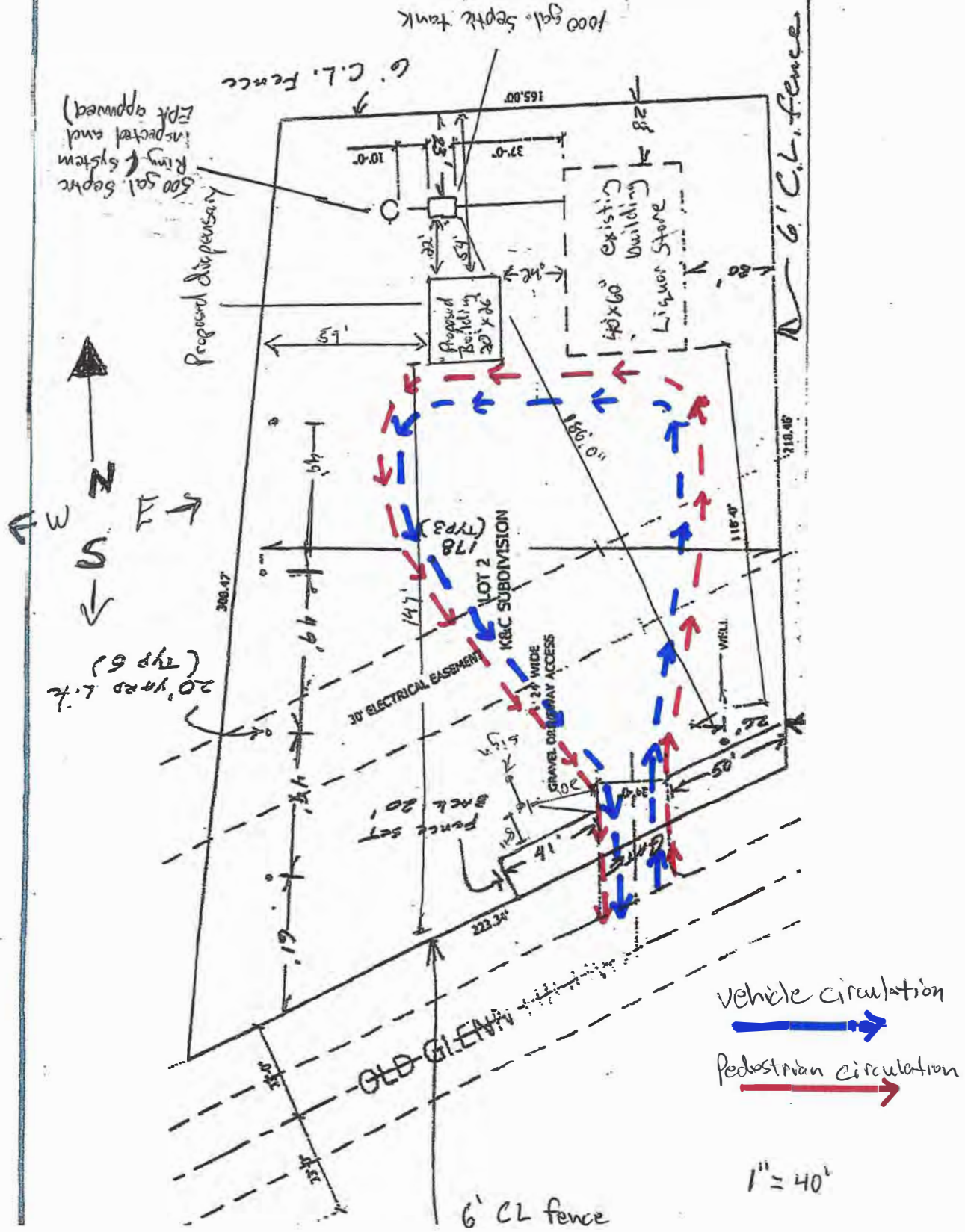


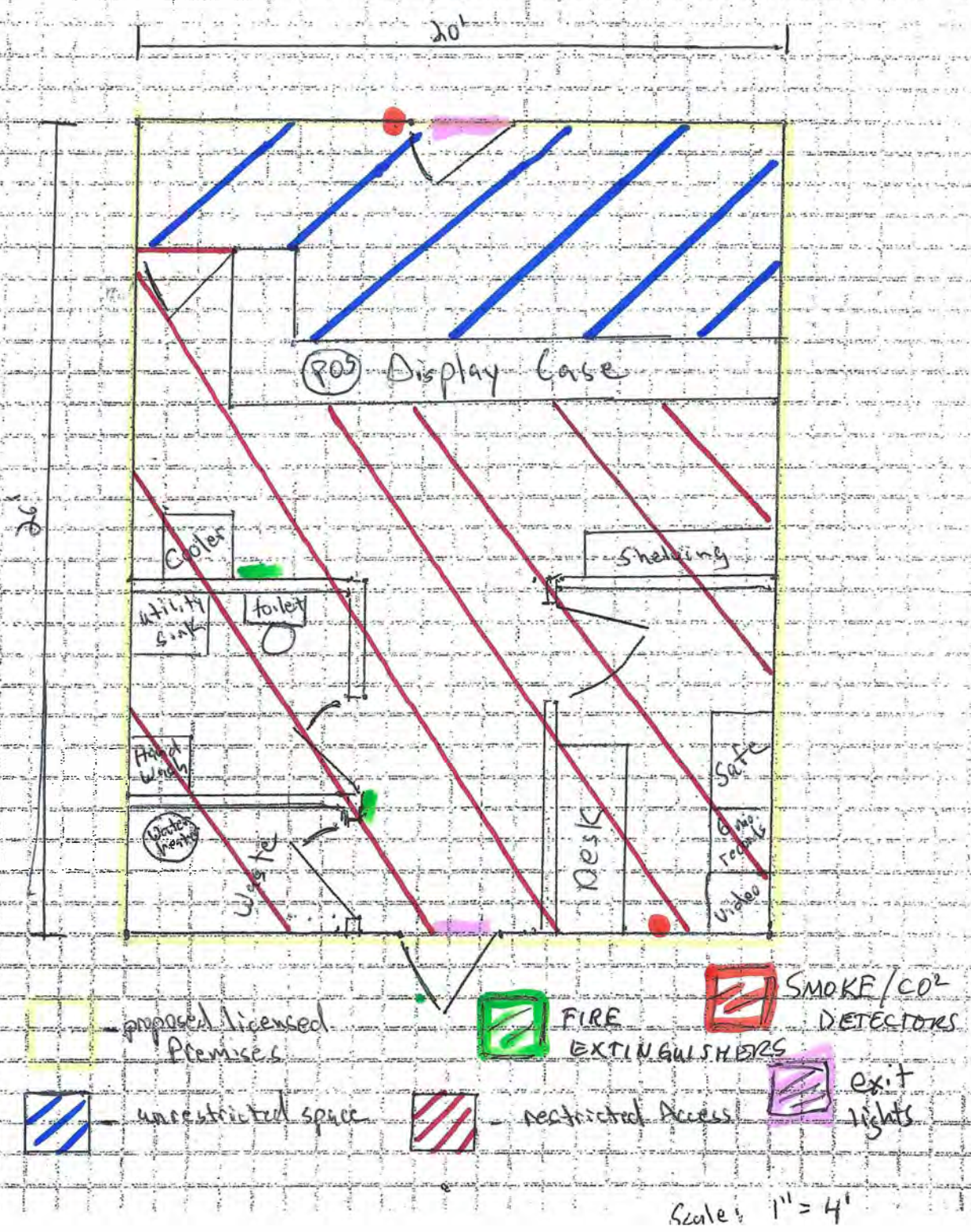
Reference:

<p><b>LEGAL DESCRIPTION:</b> K&amp;C SUBDIVISION, LOT 2 PARCEL ID: 51226</p>	<p><b>NORTHERN EMERALD RETAIL SHOP</b></p> <p>Project No.: 2023050 Client Project No.:</p>	<p><b>G0.02</b></p> <p>Date: 08/01/2023</p>
--	--	---



# Vehicle and Pedestrian Site Map Circulation





# **APPLICATION MATERIAL**



# MATANUSKA-SUSITNA BOROUGH

## Planning and Land Use Department Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

Email: [permitcenter@matsugov.us](mailto:permitcenter@matsugov.us)

### CONDITIONAL USE PERMIT FOR MARIJUANA RELATED FACILITIES – MSB 17.60

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

**Application fee must be attached:**

- \$1,500 for Marijuana Retail Facility
- \$1,500 for Marijuana Cultivation Facility

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

**Required Attachments for a Marijuana Cultivation Facility:**

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

**Required Attachments for Both Retail and Cultivation Facilities:**

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

**Subject Property:** Township: \_\_\_\_\_, Range: \_\_\_\_\_, Section: \_\_\_\_\_, Meridian: \_\_\_\_\_

MSB Tax ID# 53998000L002

SUBDIVISION: K&C BLOCK(S): \_\_\_\_\_, LOT(S): 2

STREET ADDRESS: 2803 S Old Glenn Hwy, Building #2, Palmer, AK 99645

FACILITY / BUSINESS NAME: Northern Emerald, LLC DBA Northern Emerald

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

**Name of Property Owner**

Patrick Patrick & Day LLC

**Name of Agent / Contact for application**

Keith Crocker / Jana Weltzin

Mailing: 600 N Eckert Street, Palmer, AK 99645

Mailing: 00 N. Eckert Street, Palmer, AK 99645

Phone: Hm \_\_\_\_\_ Fax \_\_\_\_\_

Phone: Hm \_\_\_\_\_ Fax \_\_\_\_\_

Wk \_\_\_\_\_ Cell \_\_\_\_\_

Wk \_\_\_\_\_ Cell 907-321-5808

E-mail northernemeraldalaska@gmail.com

E-mail northernemeraldalaska@gmail.com

<b>Site Plan – Attach a detailed, to scale, site plan clearly showing the following information:</b>	<b>Attached</b>
Proposed and existing structure(s) on the site. Indicate which structure(s) will be used for the proposed use. Dimensions and locations of all existing and proposed structures on the site in relationship to all property lines.	Yes
Signage – Existing and Proposed.	Yes
Location and dimensions for all access points to and from the site to public rights-of-way or public access easements.	Yes
Buffering – Fences, vegetation, topography, berms, and any landscaping	Yes
Drainage	Yes
Vehicular and pedestrian circulation patterns.	Yes
Exterior site lighting.	Yes
Location and dimensions of parking areas to be provided	Yes
Scale and north arrow using standard engineering intervals such as 1" = 30', 1" = 50' or similar as required by project size.	Yes

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

<b>In order to grant a conditional use permit under MSB 17.60, the Planning Commission must find that each of the following requirements have been met. Explain the following in detail:</b>	<b>Attached</b>
Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?	Yes, Please see Narrative
Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?	No
Are sufficient setbacks, lot area, buffers and other safeguards being provided?	Yes
Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to the conditional use in this section?	Yes
Describe measures taken to prevent any potential negative effect upon other properties in the area due to such factors as noise and odor.	Yes, Please see Narrative
Describe measures taken to reduce negative effects upon adjacent properties by: <ul style="list-style-type: none"> <li>• Increased property line and right-of-way buffers</li> <li>• Planted berms and landscaping</li> <li>• Site and building design features which contribute to the character of the surrounding area</li> </ul>	Yes, Please see Narrative
Describe how this use is compatible with the character of the surrounding area.	Pls See Narrative
Current status of State License application process – 17.60.150 (D) (1)	Approved by AMCO

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

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

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

MSB Tax account #(s) 53998000L002 and, I hereby apply for approval of a conditional use permit to operate a marijuana related facility on the property as described in this application.

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

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

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

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

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

*Keith Crocker*  
agent for Patrick, Patrick & Day  
KEITH CROCKER  
6/21/23  
Signature: Property Owner Printed Name Date

*Jana Welton*  
JANA WELTON  
6/21/23  
Signature: Agent Printed Name Date

PERMIT CENTER – FEE RECEIPT FORM

Property Location: 53998000L002  
2803 S 21st Glenn

Applicant: JDW LLC on behalf of Northern Emerald

USE PERMITS {100.000.000.341.300}	Fee
8.35 Public Display of Fireworks	\$25.00
8.40.010 Liquor License - Alcohol & Marijuana Control Office (AMCO) Referrals for Matanuska Susitna Borough Review of Issuance, renewal or transfer (locatio	\$100.00
8.41.010 Marijuana License - Alcohol & Marijuana Control Office Susitna Borough Review of Issuance, renewal or transfer (locatio	
8.52 Temporary Noise Permit	
8.55 Special Events Permit 500 – 1000 Attendees 1000+ Attendees 8.55 Special Events Permit Site Monitor Fee / Per Day	
17.02 Mandatory Land Use Permits	
17.04 Nancy Lake Special Land Use District CUP	
17.06 Electrical Generating & Delivery Facility Application	
17.08 Hay Flats Special Land Use District Exception Application	
17.17 Denali State Park Conditional Use Permit	
17.18 Chickaloon Special Land Use District CUP	
17.19 Glacier View Special Land Use District CUP	
17.23 Port MacKenzie Development Permit	
17.25 Talkeetna Conditional Use Permit	
17.25 Talkeetna Conditional Use Permit – Variance	
17.27 Sutton Special Land Use District CUP	
17.29 Flood Damage Prevention Development Permit	
17.29 Flood Damage Prevention Development Permit –Variance	
17.30.040 Earth Materials Extraction Admin. Permit	
17.30.050 Earth Materials Extraction CUP	
17.36 Residential Planned Unit Development Application – Concept Plan – up to 50 Lots Additional Lots or tracts being created – Per Lot	
17.48 Mobile Home Park Permit Application	
17.52 Residential Land Use District App (Rezone)	
17.52 Conditional Use Permit Application CUP	\$1,500.00
17.55 Shoreline Setback Exception Application	\$300.00
X 17.60 Conditional Use Permit Application <i>marijuana retail</i>	\$1500.00
17.61 Commercial/Industrial Core Area Conditional Use Permit	\$1500.00
17.62 Coal Bed Methane	\$1500.00

Matanuska Susitna Borough  
Payment Date Tuesday, June 27, 2023  
Deposit Number 49950  
Operator thom1274  
Total 2023 (Total) \$0.00  
Fees (Planning/Platting) \$1,500.00  
Lic Rec  
Map # 2MISC  
Total Paid \$1,500.00  
Check \$1,500.00  
Change \$0.00  
Receipt Number msb91870951  
2023 9:16:31 AM  
By JDW, LLC  
Operator Id. thom1274

17.63	Conditional Use Permit - Racetracks	\$1500.00
17.65	Variance	\$1500.00
17.67	Tall Structures -	
	Network Improvement Permit	\$100.00
	Nonconforming Use	\$200.00
	Administrative Permit	\$500.00
	Conditional Use Permit	\$1500.00
17.70	Regulation of Alcoholic Beverage Use Permit Application	\$1500.00
17.73	Multi-Family Land Use Permit – add \$25.00 for each additional unit beyond 5 units.	\$500.00
17.75	Single-Family Residential Land Use District CUP	\$500.00
17.76	Large Lot Single-Family Residential Land Use District Conditional Use Permit Application	\$1000.00
17.80	Nonconforming Structures (Amnesty) Pre-Existing Legal Nonconforming (Grandfather)	\$300.00
17.90	Regulation of Adult Businesses – Conditional Use Permit	\$300.00
28.60	Timber Transport Permit	\$1500.00
		\$300.00

<b>RIGHT-OF-WAY FEES:</b>		
	Driveway	\$50.00
<input type="checkbox"/>	Driveway Deposit {100.226.100}	\$150.00
	Construction	\$200.00
	Utility (Application Fee = \$100 ~ Distance Fee \$0.25/per lineal foot)	
	Encroachment	\$150.00
	Construction Bond {100.227.000}	

<b>PLATTING PRE-APPLICATION CONFERENCE:</b>		
	Pre-Application Fee	\$50.00

<b>FEES:</b>		
	Flood Plain Development Survey CD	\$10.00
	CD/DVD/DVD-R	\$7.50
	Construction Manual/Title 43	\$5.00
	Plat Map/Tax Map Copies/Mylar	\$5.00
	Color Maps	\$12.00
	Xerox Copies (B/W = \$0.25 ~ Color \$1.00/page 11X17 Color \$1.75/page)	
	Advertising Fees	
	Cultural Resources Books or Maps	
<input type="checkbox"/>	Citation Payment (If sent to collections – use total due from Courtview)	
	Thumb Drive 2GB = \$5, 4GB = \$8, 8GB = \$10; 16GB = \$15; 32GB = \$20	

\$ 1,500.00 Amount Paid      Date: REC'D 6/23/23      Receipt # MSB91870951      By: Thom 1274  
*Ref # 49950*



**From:** [Brenda Butler](#)  
**To:** [Rick Benedict](#); [Peggy Horton](#)  
**Cc:** [Northern Emerald](#); [Jana Weltzin](#); [Randi Baker](#)  
**Subject:** Northern Emerald, LLC DBA Northern Emerald license #32759 Conditional Use Permit Application  
**Date:** Wednesday, June 21, 2023 10:40:13 AM  
**Attachments:** [32759 Board Action Letter Retail MSB.pdf](#)  
[Commercial Driveway Permit - Existing .pdf](#)  
[CUP Application - Northern Emerald .pdf](#)  
[drainage plan.pdf](#)  
[MSB CUP Narrative - Northern Emerald.pdf](#)  
[1000 foot buffer map.pdf](#)  
[drawing floorplan emergency.pdf](#)  
[Owner & Agent Permission Letter for Use and Occupancy of Premises.pdf](#)  
[parking plan.pdf](#)  
[PLAN REVIEW APPROVED LETTER.pdf](#)  
[sitemap.pdf](#)  
[vehicle pedestrian circulation.pdf](#)

---

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

Good Morning Peggy and Rick,

On behalf of Northern Emerald, please find the attached application for a conditional use permit and its supplemental documents.

Fees will be mailed to your office today.

Please contact our office if you have any questions or concerns.

Thank you and have a wonderful day!

--

***\*\* Please REPLY ALL when responding to this Email\*\****

***Brenda Butler***

JDW Counsel  
Senior Paralegal, Notary Public  
& Accounts Payable/Receivable  
901 Photo Avenue, Second Floor  
Anchorage, Alaska 99503  
907-231-3750  
[brenda@jdwcounsel.com](mailto:brenda@jdwcounsel.com)  
[info@jdwcounsel.com](mailto:info@jdwcounsel.com)

The author of this email is not an attorney. This communication does not constitute legal advice and should not be construed as such. The information contained in this message is privileged and confidential. It is intended only to be read by the individual or entity named above or their designee. If the reader of this message is not the intended recipient, you are on notice that any distribution of this message, in any form is strictly prohibited. If you have received this message in error, please immediately notify the sender by telephone at 630-913-1113 and delete or destroy any copy of this message. Thank you.

Think green, please don't print unnecessarily



THE STATE  
of **ALASKA**

GOVERNOR MICHAEL J. DUNLEAVY

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

ALCOHOL & MARIJUANA CONTROL OFFICE

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

March 16, 2023

Northern Emerald, LLC  
DBA: Northern Emerald  
Via: [northernemeraldalaska@gmail.com](mailto:northernemeraldalaska@gmail.com)

Re: Northern Emerald #32759

Dear Northern Emerald, LLC:

At the March 8 – 9, 2023 meeting of the Marijuana Control Board in Fairbanks, Alaska, the board voted to approve your new retail marijuana application with delegation to the director. Delegation means that the board has authorized me to issue the license once all outstanding approvals are received.

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

Please contact [marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov) with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Carrie Craig".

Carrie Craig  
Records and Licensing Supervisor

For  
Joan Wilson, Director

cc: License File  
Matanuska - Susitna Borough

# ALCOHOL & MARIJUANA CONTROL OFFICE

[State of Alaska](#) / [Commerce](#) / [Marijuana](#) / [License Search](#) / License #32759

## L I C E N S E N U M B E R 32759

[Return to Search Results](#)

**License Number:** 32759

**License Status:** Delegated

**License Type:** Retail Marijuana Store

**Doing Business As:** Northern Emerald

**Business License Number:** 2153479

**Issue Date:**

**Effective Date:**

**Expiration Date:**

**Email Address:** [northernemeraldalaska@gmail.com](mailto:northernemeraldalaska@gmail.com)

**Physical Address:** 2803 S. Old Glenn Hwy  
Building #2  
Palmer, AK 99645  
UNITED STATES

**Licenses:** Northern Emerald, LLC [10190803](#)

**Entity Officials:** Keith Crocher  
Patrick O'Neal  
William Little  
Jason Wood  
Travis Grande

### Onsite Consumption Endorsement

**Status:**

**Approval Date:**

**Issue Date:**

**Effective Date:**

**RETAIL MARIJUANA STORE CONDITIONAL  
USE PERMIT NARRATIVE**

**Northern Emerald, LLC**

**DBA Northern Emerald**

**a locally owned and operated business**

Submitted: \_\_\_\_\_, 2023

Prepared by:



**JDW, LLC**  
**Jana D. Weltzin, Esq.**  
**901 Photo Avenue, Second Floor**  
**Anchorage, AK 99503**  
**[jana@jdwconsult.com](mailto:jana@jdwconsult.com)**  
**630-913-1113**  
**907-231-3750**

**On behalf of:**  
**Northern Emerald, LLC**

Introduction:

We are pleased to introduce life-long Alaskan entrepreneurs, Keith Crocker, Patrick O’Neal, Jason Wood and Travis Grande. This group is a partnership of motivated and successful business owners in the Mat-Su Borough. Prior to venturing into cannabis, currently the group owns and operates a local liquor license.

Keith Crocker, a member of Northern Emerald, LLC has been selected by the company to act as the operations manager to handle day to day tasks and obtain all necessary approvals for this venture.

Keith Crocker is an Alaskan resident who has called this beautiful state his home since 1977. Over the years, Keith has had the privilege of living in several incredible cities, including Homer, Ketchikan and Juneau. Keith attended the University of Alaska in Juneau and the Western Culinary Institute in Portland Oregon where he learned the skills necessary to excel in the food and beverage industry. For the past 32 years, Keith has worked in the beverage industry and for 30 of those years, he has also been involved in the restaurant business. Along the way, Keith has developed a passion for entrepreneurship and now owns several businesses in Juneau, as well as serving as a co-owner of the Git N Go store in Butte. In addition to Keith’s professional endeavors, he is also a trustee and board chair for the Juneau Elks Lodge. Keith is committed to promoting fellowship, charity and community service through this organization, and he takes great pride in being able to give back to his community in this way. Keith is incredibly grateful for the opportunities he has been given to learn, grow, and serve throughout his life. Keith is dedicated to his craft, his passion for entrepreneurship and his commitment to community service are all values that he holds dear. Keith looks forward to continuing to make a positive impact on the world around him whatever way he can.

This Conditional Use Permit (“CUP”) application for a Retail Marijuana Store is requesting approval from this Honorable Commission. Northern Emerald’s retail application has been approved with delegation by the Marijuana Control Board “MCB” during the March 2023 meeting.

**Required attachments for a marijuana retail facility conditional use permit narrative:**

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

The proposed use is compatible with adjacent properties and fits succinctly into the area as there is a mix of uses in the area – the area consists of very large, treed lots, that house commercial uses and some residential uses. The property faces S Old Glenn Hwy and is situated for commercial use. The entire licensed area, including the restroom, pack/prep/inventory storage rooms and the retail sales floor will be approximately 520 square feet. The proposed use fits into the harmony of the surrounding uses both in size and design. The facility is located on a 1-acre lot off S Old Glenn Hwy. As the facility’s lot is surrounded by remotely located, large undeveloped lots, there are very few neighbors, the majority of the lots surrounding the facility are large empty parcels with the

exception of Wasilla Towing which sits on the lot next to the proposed retail facility. Therefore, the proposed use will not detract from the character, value, and integrity of the surrounding area. The facility will not produce any noise pollution and has an odor control method in place.

Steps have been taken to reduce the potential negative effects of the proposed use upon adjacent properties. The facility design utilizes its existing natural landscaping and larger than required setbacks, as the lot has been previously approved through a conditional use permit for the co-located Liquor license package store. The property exterior to the building will be maintained in a manner conducive to a professional appearance as not to present an eye sore to the public or surrounding neighbors. Northern Emerald has cleared the land and is diligently working on interior and exterior renovations to preserve the character of the neighborhood and property values by creating a clean exterior design that fits into the area design. As discussed in this narrative, Northern Emerald is located next to commercial use businesses, including their co-located Liquor Package Store that has been previously approved through an MSB conditional use permit and intends to operate the new retail store as any other business in a competitive market and in a professional manner as all commercial businesses in the area are doing.

The proposed use will meet all compatible uses allowed on adjacent properties and will improve the overall neighborhood as the premises will not emit odor, will not produce excess dust, will not produce noise pollution, and will have parking & loading on the licensed premises to cut down traffic congestion on the street, thus fitting in with adjacent property uses. As detailed in the attached site plan, there will be ample space for parking on the premises and will have appropriate accessibility spaces under the Americans with Disabilities Act.

The facility will be equipped with a 24-hour monitoring alarm system, exterior lighting, and video surveillance. All entrances are secured by commercial locking mechanisms and video surveillance to capture individuals within twenty (20) feet. Inside the licensed premises, video surveillance will cover all areas of the facility (apart from the bathroom) 24/7 (which is stored for a minimum of 40 days) to monitor and identify all activity. Specific portions of the store will be designated as restricted access areas, with signs posted prominently around the premises stating, “Restricted Access Area: Visitors Must Be Escorted” and “Video Surveillance in Progress.”

In the event a non-employee/agent of the company needs to access the restricted access area of the retail establishment, the company visitor policy will be adhered to. A visitor will need to show their valid photo identification and obtain a visitor badge to be clearly displayed at all times while in the restricted access areas. All restricted access area visitors must be pre-approved by management (except for AMCO officials, law enforcement or an agent of the Matanuska Susitna Borough) - there should be no unscheduled and unexpected visitors into the restricted access area of the retail. Northern Emerald staff must accompany visitors throughout the entire visit, with no more than five visitors to one staff member while in the restricted access area – again, there likely will not be visitors to the retail restricted access area, because that area is for inventory storage and control and is separate from the retail display floor where customers can visit the store and purchase products. To maintain the security of the facility and to ensure control over all marijuana products, access to the restricted access areas will be monitored and always restricted.

Access will only be granted to employees and licensees, AMCO agents, law enforcement and the limited exception of scheduled pre-approved visitors. Additionally, Northern Emerald's interior signage will indicate that any members of the public are not allowed unescorted access in the retail restricted access designated area. On the exterior entrance, signage warning the public that only persons who are over the age of 21 may enter the retail establishment. Distinct and apparent cameras will be placed throughout and around the facility to encourage people to not attempt unauthorized access and to discourage criminal activity in the retail and around the surrounding areas.

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

No – Northern Emerald has a detailed security system and plan, diversion/inversion/theft control policies, and a loitering check plan.

The facility is a commercial marijuana retail store that will only allow access to those who are at least 21 years of age or older and have produced a valid, government-issued photo identification (ID) for staff to inspect before being accepted into the retail floor. There is no onsite consumption allowed at this retail establishment – and no customers will be allowed to consume in their vehicles in the parking lot – the parking lot will have distinct and apparent cameras pointed towards to parking lot to further discourage consuming in vehicles and loitering. A Northern Emerald employee shall perform regular parking lot and perimeter checks throughout the day, frequent but unscheduled so no member of the public picks up on a scheduled pattern, to ensure that no persons are loitering in the area, to identify any persons who may be scoping the facility out for illegal purposes or planning a robbery, and to check to ensure that no customers are consuming product on the property and/or in their vehicles.

√ All marijuana and marijuana products will be displayed in locked display cabinets for customers to view. The area behind the cabinets will be a restricted access area and signage will be displayed accordingly. Employees will open the cabinet from within the restricted access area and place product into exit packaging (i.e., packaging that is child resistant, resealable and opaque) at the cash register before handing it to the customer. Once a customer's transaction is complete, they will be instructed by an employee to exit the retail store.

√ In order to ensure Northern Emerald will only allow access to persons over the age of 21, the retail establishment will check the ID of every person attempting to enter the retail store. Anyone under the age of 21 or who does not produce a valid form of photo ID issued by a federal or state agency authorized to issue ID cards will be asked to leave the premises, no matter how familiar the employee is with the customer. Any employee checking ID's will have a valid marijuana handler permit and be trained to recognize altered/forged photo ID's.

Additional protections to ensure the prevention of any negative impact on the public health, safety, convenience, and welfare:

✓ The facility will be equipped with a 24-hour monitoring alarm system, bright prominent exterior lighting that is downward facing to minimize light pollution to neighboring lots and a video surveillance system. All entrances are secured by commercial locking mechanisms and video surveillance to capture individuals within 20 feet of all points of entry. Inside the licensed premises, video surveillance will cover all areas of the facility (with the exception of the bathroom) 24/7 (which is stored for a minimum of 40 days) to monitor and identify all activity. All visitors must be preapproved by the licensee or a manager (with the exception of AMCO agents, MSB agents and law enforcement). To maintain the security of the facility and all marijuana products, access to the facility will always be monitored and restricted. Access to restricted access areas will only be granted to employees and licensees, AMCO agents, MSB agents, law enforcement and the limited exception of scheduled pre-approved visitors. Access to the sales floor will only be granted to customers who possess and provide a valid ID that evidences they are over the age of 21. Distinct and apparent cameras will be placed throughout and around the facility to encourage people to not attempt unauthorized access to the restricted access area and to discourage any criminal or mal-intent activity.

✓ On-site video surveillance will continuously monitor all areas of the premises. Employees will perform mandatory inventory counts each week, check counts against Metrc records and compare with point-of-sale reports to ensure no diversion or inversion is occurring, and document the reports as official business records. Northern Emerald will not tolerate any theft, inversion, and diversion, and all employees will complete mandatory training in recognizing such activity. Northern Emerald management team understands that diversion can happen in two ways - inversion and diversion - and is equally profitable diverting product out of the legal system as it is diverting product from the illegal system into the legal market. In the event that an employee is caught stealing marijuana *or* infusing the facility with non-regulated black-market product, Northern Emerald will notify local law enforcement immediately, comply with all directives, and provide all necessary information and records for the investigation. Northern Emerald will take the necessary steps to ensure that illegal conduct by an employee does not compromise the facility's license and legitimate business operations. Once a theft is reported, the licensee or manager will update the product records in the tracking system, as needed, to maintain an accurate and comprehensive accounting for all marijuana products and inventory. Northern Emerald will comply with all inquiries and investigations lodged by AMCO as a result. Documentation related to marijuana theft will be maintained as a business record for five (5) years and made available to AMCO upon request. Video recordings will be stored for forty (40) days. Cameras will provide a full view of the retail floor, entryway, safes, storage, and product packaging areas. Security monitors and video recording equipment will be securely located onsite.

✓ Qualified candidates will be hired on a probationary period during which they will receive training and evaluation specific to their position. Training will include internal policies and procedures; state statutes and regulations; diversion, theft, and inversion prevention; sanitation and hygiene; legalities and regulation of recreational cannabis at state and federal levels; Metrc use; point of sale system functions and use; identification of fake IDs, and safety protocols. Training will take place throughout the year when topics arise that need further explanation or refreshing.



A licensee or manager will present training and education to employees. As proper safety and security procedures are of the utmost importance to Northern Emerald, the most up-to-date reading materials will always be available to employees. Prior to beginning work, employees will be expected to understand the following: (1) Alaska laws, regulations, and codes governing the marijuana industry and marijuana establishments; (2) all of the permitting requirements to act as a marijuana handler (including obtaining a Marijuana Handler card from a state-approved course provider prior to commencing employment) and to work in a marijuana establishment; (3) Northern Emerald standards, operational protocol, and best practices with regard to marijuana retail sales; (4) general safety procedures and security protocol; (5) how to think defensively if threatening situations occur; (6) in-depth information about particular strains and their features; (7) in-depth information on the requirements of each room, task, and system; and (8) the general federal, state, and local employment regulations by which Northern Emerald is governed. To ensure full coverage for each position, all employees will be cross-trained on the requirements of each job.

✓ Northern Emerald will have “No Loitering” signs clearly posted around the licensed premises. If an employee suspects that a person is loitering, they will be given a verbal warning to leave the premises or else law enforcement will be notified. Trained employees will maintain regular periodic checks around the property to deter any unauthorized entrance or loitering around the facility. The exterior lighting system will keep the premises well-lit during closed hours and provide extra lighting for all surveillance recordings. Exterior lighting will be shielded and downward directional to mitigate any unwanted light pollution. Lighting will be frequently checked by an employee to ensure that lighting is adequate to prevent dark spots and capture the best facial image of every person who approaches the facility. If there are any issues with the quality of the surveillance capture, the lighting will be calibrated and/or additional lighting will be installed. All outdoor lighting will be shielded to protect against inclement weather and vandalism.

The facility’s architectural design incorporates lighting that will project light on to the building and downward. The alarm system will monitor for intrusions with motion detectors on all access points during closed hours, including the entrance to the licensed facility and secured storage. Live security footage will also be accessible to licensee and management via their cellular phones, so they may keep an eye on the facility even when they are away. Any attempted or actual intrusion will prompt an automatic, electronic alert to the security company who will then contact local law enforcement and the licensee or manager. All alarm systems and devices will be tested every six (6) months.

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

As described previously, Northern Emerald is located within a 1-acre parcel. This application and the layout of Northern Emerald meets the required setbacks, buffers, and lot area. The entire retail store is enclosed in a commercial-grade building.

There will be plenty of onsite parking developed on the site for this use, including accessible spaces.

The facility has incorporated all measures to reduce the negative effects of the surrounding properties, including but not limited to natural landscaping screening and a modest architectural design that will not take away from the character of the surrounding area.

The facility will not produce any noise pollution and has an odor control method in place. A robust security plan and the “no loitering” policy will be implemented and thoroughly communicated to all employees. Additional safeguards include the following:

✓ The lighting fixtures will be positioned at an inaccessible height with sturdy housings to deter vandalism and common obstructions. The bulbs will be extremely bright to maximize visibility and deter crime. The exterior lighting will be checked daily by the manager on duty or licensee to ensure that each light in the system is operational, and that each mount is positioned for optimum recording clarity and to deter unauthorized presence on the premises. The buildings architectural design incorporates shielded lighting to prevent light pollution. Northern Emerald’s co-located liquor license package store also has exterior lighting which is an added security measure for the retail store.

✓ A third-party security company will install the alarm system and to continuously monitor the electronic notifications in the event the alarm is triggered. The security company will periodically visit to check and maintain the equipment.

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

Yes.

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

The proposed use will produce very little noise. Northern Emerald does not anticipate any noise to come from the facility, and if any noise is to be produced it will be comparable to surrounding land uses. The roads that serve the facility and surrounding uses fluctuate in traffic flow during the weekends of the summer months due to tourism, however, do not seem to be used to their maximum capacity; therefore, any increase in traffic flow on the roads serving the area will be sufficient to serve the area with this new proposed retail use.

Northern Emerald will abide by a strict “no odor” policy per MSB 17.60.150(A)(1) that will ensure no odor is detectible by the public from outside the facilities. This use is a retail establishment and should not have any issued with odor seeping out from the retail to the outside air. However, in abundance of caution, odor control methods will be utilized and will consist of a number of methods meant to eliminate odors by utilizing methods including sealed container and air sanitizers throughout the building and when transporting marijuana to/from the premises. All marijuana at the retail facility will be either pre-packaged in smell proof packaging for sale, deli style enclosed

jars that are only opened to take product out for sale to a customer and is repacked prior to exiting the facility, or in enclosed jars in small amounts for customers to smell.

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

The facility is compatible with the character of the surrounding area as it exists on a largely remote property with very few neighboring lots (which are distanced well beyond the required setback distances). As well, there are some vacant land parcels nearby that have yet to be developed. The secluded character of the surrounding parcels and their uses are a good fit for a marijuana retail store. Within 1000 feet of the proposed location, there appears to be two parcels that are used as residential only and one parcel that appears to be a mix of commercial and residential use. The remaining parcels within 1000 feet are either vacant or commercial in use.

Current status of State License Application Process.

The Application was approved by the Marijuana Control Board during their March 2023 meeting.

Misc. Items and Information.

*Please see attached parking layout diagram, which complies with MSB 17.60.170(B) and (C).*

Proposed hours of operation for the retail establishment shall be Monday – Sunday, 8 am – Midnight.

Number of employees onsite will be between 1 and 4, depending on employee shifts, season, and other needs of the store.

Northern Emerald has been reviewed and approved by the State Fire Marshal – See the attached certificate of approval.

The logo for the store is classy and professional that consists of the company name and an emerald-colored dragon fly (see below). Northern Emerald will have up to two signs on the exterior of the facility. Each 5.5' x 6' sign will be front lit during operating hours and off during closed hours. No sign will exceed 4,800 square inches as per AMCO regulations.

Thank you for your dedication to the Community and for your thoughtful consideration of this conditional land use application.



June 14, 2023

Owner & Agent Permission Letter for Use and Occupancy of Premises

Matanuska-Susitna Borough  
Planning and Land Use Department  
Development Services Division  
350 East Dahlia Avenue  
Palmer, Alaska 99645

**Re: Northern Emerald – Owner & Agent Authorization**

Dear Planning Office,

I, Keith Crocker, member of Patrick Patrick & Day LLC hereby grants permission for Northern Emerald, LLC to lease and use my property located at 2803 S. Old Glenn Hwy, Building #2, Palmer, AK 99645 as a Marijuana Retail Store. I am aware that Northern Emerald, LLC will be commercially selling marijuana, and marijuana products on this property once the conditional use permit is approved by the Matanuska-Susitna Borough.

I, Keith Crocker, of Northern Emerald, authorize Jana Weltzin and her firm of JDW, LLC to take all necessary actions to apply for and obtain one (1) conditional use permits for the operation of a Marijuana Retail Store of the property owned by Patrick Patrick Day LLC located at Township 17N Range 2E Section 17 Lot 2, commonly known as 2803 S Old Glenn Hwy, Building #2, Palmer, AK 99645.

If you have any questions regarding this correspondence, please feel free to contact me.

Sincerely,



Keith Crocker – Member of  
Northern Emerald, LLC  
&  
Patrick Patrick & Day, LLC



Department of Public Safety  
DIVISION OF FIRE AND LIFE SAFETY  
Plan Review Bureau – Anchorage  
5700 East Tudor Road  
Anchorage, Alaska 99705-1225  
Main: 907.269.2004  
Fax: 907.269.0098

05/02/2023

Return to Applicant: Patrick O'Neal  
600 N. Eckert  
Palmer, AK 99645

SUBJECT: Northern Emerald - Palmer - Full Plan Review  
ADDRESS: 2803 S. Old Glenn Hwy #2  
CITY: Palmer  
PLAN REVIEW: 2023ANCH0117  
TYPE OF CONSTRUCTION: II-B  
OCCUPANCY: M Mercantile  
2021 INTERNATIONAL BUILDING AND FIRE CODE

Dear Patrick O'Neal:

Plans for the Full Plan Review have been reviewed by this office for conformity with the State Fire Safety Regulations and are hereby approved. Enclosed is a certificate of approval that must be posted on the premises until completion of the above project.

Other requirements have been identified for your project. An application with shop drawings for the Automatic Fire System must be submitted for review and approval within ninety (90) days and prior to the installation on the system.

**It is prohibited to occupy this building until construction is completed, and if applicable, the Automatic Fire System(s) is installed, tested, and certified as operable.** Any changes to the approved plans must be submitted to this office for review and approval.

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

It must be understood that the inclusion of and compliance with State Fire Safety Regulations does not preclude the necessity of compliance with the requirements of local codes and ordinances.

If we can be of further assistance in this matter, please feel free to contact us at the address above.

Approved By:  
Oscar Lage  
Building Plans Examiner I  
oscar.lage@alaska.gov

Enclosure: Approval Certificate

Plan Review Approval Letter & Certificate  
Grantor: State of Alaska, Department of Public Safety, Division of Fire & Life Safety  
Grantee: PATRICK PATRICK & DAY LLC  
Recording District:  
Legal Description:

State of Alaska  
Office of the State Fire Marshal  
Plan Review

This is to certify that the plans for this building were reviewed by the *State Fire Marshal* on 4/27/2023 for conformance with AS 18.70.010 -- 100; 13 AAC 50.027.

This certificate shall be posted in a conspicuous place on the premises named Northern Emerald - Palmer and shall remain posted until construction is completed.

**NOTICE:** Any changes or modifications to the approved plans **must** be resubmitted for review by the *State Fire Marshal*.

Plan Review #: 2023ANCH0117 By: *Oscar Lage*

Authority: AS 18.70.080  
Form: 12-741  
(6/01)

Oscar Lage  
Building Plans Examiner I

**Full Plan Review**

**From:** [REBECCA O'NEAL](#)  
**To:** [Rick Benedict](#)  
**Subject:** CUP info  
**Date:** Monday, December 18, 2023 8:48:16 PM  
**Attachments:** [CUP application.docx](#)

---

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

Hi Rick, Here is the requested information addressing the 7 areas that needed clarification. I have included the CUP info in a word document and scans of the state and borough business license. Our new DOT driveway permit has been approved, but we are waiting on the signed copy. I will forward that to you when we receive it.  
Thanks, Pat

1. Site plan and map update submitted.
2. We plan to mount a 4' X 6' sign on the apex of the building. The sign will be made of wood and aluminum with primary colors of green and white.
3. The business will not produce marijuana waste. It will produce only the normal waste associated with a retail business. That waste will be collected in a dumpster and sent to the landfill by the waste management contractor.
4. Attached is the current state and borough business licenses.
5. Estimated maximum per hour vehicle usage for 2803 S. Old Glen Highway, Palmer AK:  
The maximum number of vehicles per hour using the driveway at this address is estimated to be 28 vehicles per hour. This number was calculated using a manual vehicle count during the peak sales hour (4:30pm - 5:30pm) over a one month period at the existing business. The maximum number of vehicles observed per hour over this counting period was 22. The addition of a second smaller business at this location is expected to generate an additional business volume of 25%. This would increase the maximum usage by 6 vehicles during the peak business hour. This will result in a total estimate of 28 vehicles an hour for the peak business hour. However, this number may be reduced because some traffic will utilize both businesses.
6. Our new commercial driveway permit has been approved and we are only waiting for the DOT signed copy. The old permit #19811 is being replaced with new permit #33100. I will send the signed copy when we receive it.
7. The site will have two businesses. The existing business is 2400 sq. ft., and the proposed business is 520 sq. ft. There will be 10 parking spaces including 2 handicap spaces.



**From:** [Northern Emerald](#)  
**To:** [Rick Benedict](#)  
**Subject:** CUP info Northern Emerald  
**Date:** Friday, January 12, 2024 7:02:26 AM  
**Attachments:** [NE State Biz License PDF.eml.msg](#)

---

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

Hi Rick, The signage adjacent to the access gate is for the adjacent business not Northern Emerald. I have attached a copy of the new state business license. The DOT driveway permit has been approved and I have been told that they will have the departmental signatures complete and sent to us by next week. I will forward it to you upon receipt. Thanks, Pat

Alaska Business License # **2153479**

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

Division of Corporations, Business, and Professional Licensing

PO Box 110806, Juneau, AK 99811-0806

This is to certify that

**Northern Emerald**

600 N. Eckert Street, Palmer, AK 99645

owned by

Northern Emerald, LLC

is licensed by the department to conduct business for the period

January 11, 2024 to December 31, 2025

for the following line(s) of business:

44-45 - Retail Trade



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Julie Sande  
Commissioner

**From:** [Northern Emerald](#)  
**To:** [Rick Benedict](#)  
**Subject:** fully executed driveway permit Northern Emerald  
**Date:** Thursday, March 21, 2024 7:09:57 AM  
**Attachments:** [33100 Fully Executed Permit.pdf](#)

---

**[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]**  
Here is a copy off the driveway permit. Let me know if you need anything else. Thanks, Pat

Permit No. 33100



**State of Alaska**  
**Department of Transportation and Public Facilities**

**Driveway Permit 33100**

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

Owner:	Patrick Patrick and Day LLC
Mailing Address:	1575 N. Golden Hills Circle Palmer, AK 99645
Driveway location (highway, address, subdivision, legal description milepost, etc.)	
Palmer DW - 2803 S. Old Glenn Highway, Lot 2 K&C Subdivision	

**Design Criteria**

A.	Driveway width	24	Feet
B.	Left edge clearance	50	Feet
C.	Right edge clearance	149	Feet
D.	Left return radius	40	Feet
E.	Right return radius	40	Feet
F.	Shoulder width	5	Feet
G.	Approach angle	90	Degrees
H.	Curb type	None	
I.	Curb to sidewalk distance	N/A	
J.	Left driveway foreslope	4:1	Or match existing
K.	Right driveway foreslope	4:1	Or match existing
L.	Culvert length	32	Feet (field fit)
M.	Landing grade	2	Percent
N.	Landing length	30	Feet
O.	Culvert size	18	Inches
P.	Culvert type	CMP	
Q.	Ditch depth	2	Feet
R.	Shoulder type	Paved	
S.	Road surface type	Paved	
T.	Driveway surface type	Asphalt	

This permit applies only to the State right of way.

**Permit No. 33100**

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

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

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

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

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

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

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

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

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

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

**Permit No. 33100**

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

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

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

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

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

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

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

Attachments included as part of this permit are:

- Site Plan

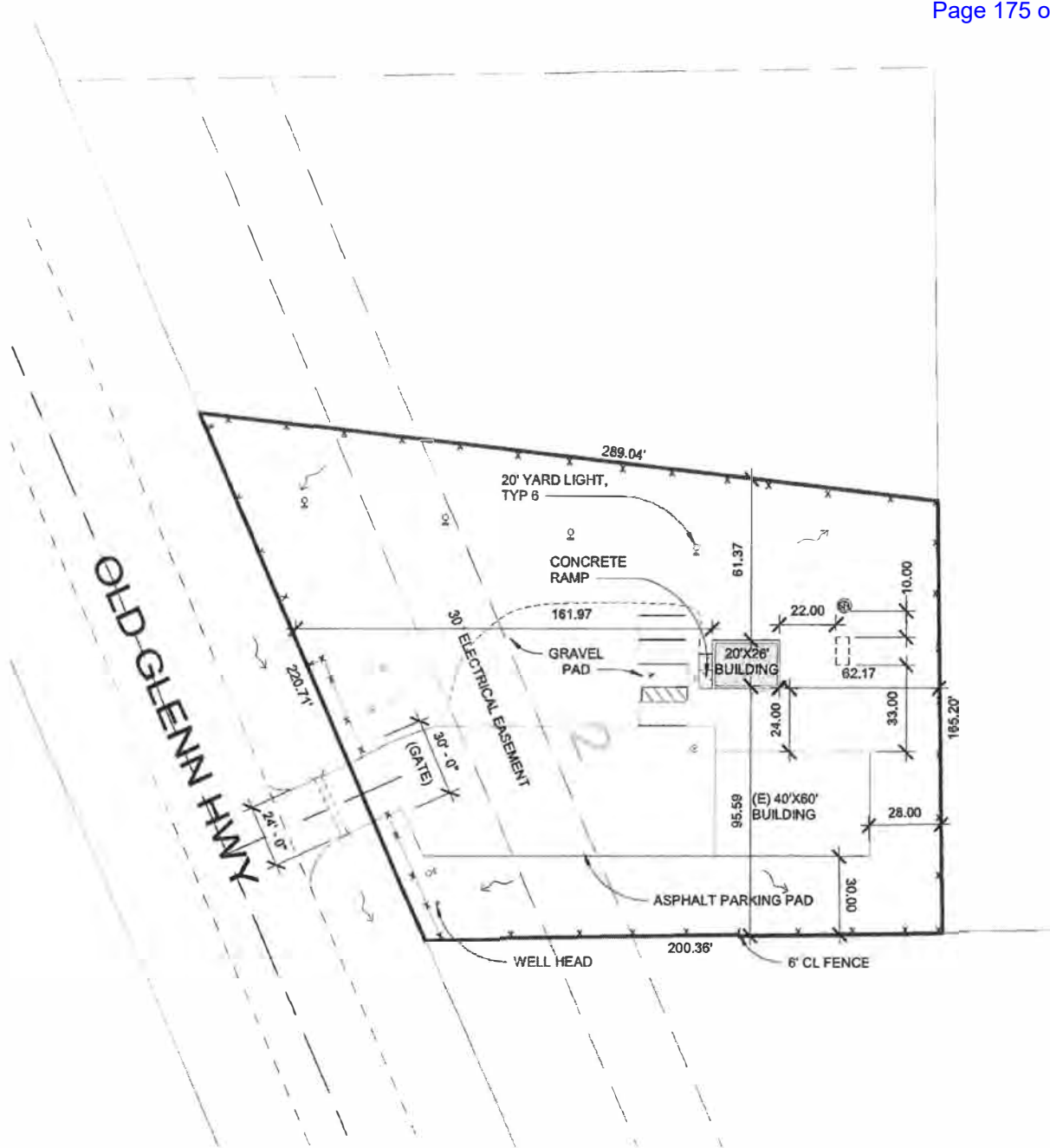
I, John D. New, acknowledge and accept that Patrick Patrick and Day LLC, will comply with all the provisions and conditions that the Department of Transportation and Public Facilities has included as a condition of issuing this permit.

John D. New  
Owner Signature

12/16/23  
Date

Melanie  
DOT&PF Signature rw








3/6/2024  
Date



**SITE PLAN**

SCALE: 1" = 40'-0"

**LEGEND**

-  500 GAL. SEPTIC RING (SYSTEM INSPECTED AND EPA APPROVED)
-  1000 GAL. SEPTIC TANK
-  YARD LIGHT
-  SIGN
-  ADA PARKING SIGN, MOVEABLE
-  DRAINAGE ARROW
-  CORRUGATE METAL PIPE



Reference:

<p><b>LEGAL DESCRIPTION:</b>                  K&amp;C SUBDIVISION, LOT 2                  PARCEL ID: 51226</p>	<p><b>NORTHERN EMERALD RETAIL SHOP</b></p> <p>Project No.: 2023050                  Client Project No.:</p>	<p><b>G0.02</b></p> <p>Date: 08/01/2023</p>
--	---	---

**From:** [Northern Emerald](#)  
**To:** [Rick Benedict](#)  
**Subject:** Re: fully executed driveway permit Northern Emerald  
**Date:** Tuesday, March 26, 2024 4:15:50 PM

---

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

Hi Rick, The building exterior is gray metal with a brown log siding covering the upper portion of the front. It will have green doors on front and back with no windows in the structure. Pat

On Thu, Mar 21, 2024 at 3:56 PM Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)> wrote:

Pat,

After reviewing some of our previous emails, I realized I had never received a description of the proposed marijuana store. Can you please briefly describe the building materials and proposed store exterior colors? I am working on the building description for my staff report to the commission.

Thank you,

---

**From:** Northern Emerald <[northernemeraldalaska@gmail.com](mailto:northernemeraldalaska@gmail.com)>  
**Sent:** Thursday, March 21, 2024 7:08 AM  
**To:** Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)>  
**Subject:** fully executed driveway permit Northern Emerald

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

Here is a copy off the driveway permit. Let me know if you need anything else. Thanks, Pat



**CORRESPONDENCE AND  
DEFICIENT APPLICATION  
MATERIALS**

**From:** [Northern Emerald](#)  
**To:** [Rick Benedict](#)  
**Subject:** Re: CUP info Northern Emerald  
**Date:** Wednesday, March 20, 2024 12:42:44 PM

---

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

Hi Rick, I am waiting to hear back from Mo Beckworth with DOT. I just contacted him again. We submitted our signed portion of the driveway permit on Dec.18. Mo said that the permit was accepted and only needed DOT signatures. I've contacted him multiple times, and he says it's in the queue waiting for signatures. He is aware that we have a CUP hearing on April 15. I will follow up with you after my conversation with Mo. Thanks, Pat

On Wed, Mar 20, 2024 at 11:34 AM Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)> wrote:

Pat,

Have you received word from the state on your signed DOT driveway permit? I want to add a copy of the document to my staff report for commission review.

Thank you,

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

---

**From:** Northern Emerald <[northernemeraldalaska@gmail.com](mailto:northernemeraldalaska@gmail.com)>  
**Sent:** Friday, January 12, 2024 7:01 AM  
**To:** Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)>  
**Subject:** CUP info Northern Emerald

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

Hi Rick, The signage adjacent to the access gate is for the adjacent business not Northern Emerald. I have attached a copy of the new state business license. The DOT driveway permit has been approved and I have been told that they will have the departmental signatures complete and sent to us by next week. I will forward it to you upon receipt. Thanks, Pat

**From:** [Rick Benedict](#)  
**To:** [Northern Emerald](#)  
**Cc:** [Jana Weltzin](#); [Randi Baker](#); [Brenda Butler](#)  
**Subject:** Northern Emerald CUP - Complete Application  
**Date:** Friday, January 26, 2024 1:10:00 PM

---

Good Afternoon,

The updated application materials submitted on January 12, 2024, have been reviewed, and the application has been determined complete. The pending action by AKDOT to finalize the subject property's driveway permit will be added to the staff report to the Planning Commission, recommending a condition of approval that the applicant obtain the final driveway permit within a set amount of time and provide a copy to the Borough. This recommendation will be removed if the final AKDOT driveway permit is provided before the public hearing.

A resolution recommending approval will be introduced on the Planning Commission agenda during the April 1, 2024, regular meeting. The Planning Commission will conduct the public hearing at the next regular meeting on Monday, April 15, 2024. A public notice will be mailed and advertised according to MSB 17.03.020, within the next few weeks. Public comments will be due by March 22, 2024. Please note that applicants shall pay all costs associated with mailings and advertisements. I will forward you that information once I have been provided with the cost of these items.

Please email or give me a call if you have any questions.

Respectfully,

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

**From:** [Rick Benedict](#)  
**To:** [Brenda Butler](#)  
**Cc:** [Jana Weltzin](#); [Northern Emerald](#); [Randi Baker](#)  
**Subject:** Northern Emerald, LLC DBA Northern Emerald license #32759 Conditional Use Permit Application  
**Date:** Wednesday, January 10, 2024 4:31:00 PM  
**Attachments:** [Northern Emerald CUP RFAI 1-10-24.pdf](#)

---

Good afternoon,

I have completed a review of the updated application material submitted on December 19, 2023, for the Northern Emerald CUP. Attached is a request for additional information concerning missing or deficient items noted within the submitted materials.

Please let me know if you have any questions after reviewing the request.

Respectfully,

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



## MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

[www.matsugov.us](http://www.matsugov.us)

January 10, 2024

JDW, LLC  
Attn: Jana Weltzin  
600 N. Eckert Street  
Palmer, AK 99645

**SUBJECT: Northern Emerald Conditional Use Permit Application  
Request for Required Information**

**LOCATION: 2803 S. Old Glenn Hwy, Building #2, Tax ID: 53998000L002**

Dear Ms. Weltzin,

Borough staff has reviewed the application material submitted on December 19, 2023, for a conditional use permit to operate a marijuana retail facility under MSB 17.60 on the above-referenced property. It has been determined that the following information needs to be provided and/or clarified to process this request:

1. The site plan submitted on August 29, 2023, identifies signage adjacent to the access gate. Provide a narrative to describe this signage if related to the proposed operation. The narrative should detail the type of construction materials used and the coloring. If the sign is related to the adjacent commercial business, please state that in your narrative.
2. The copy of the State of Alaska business license provided on December 19, 2023, expired on December 31, 2023. Please provide a copy of the current Alaska state business license for the proposed use.
3. Please provide a copy of the state-issued driveway permit for the subject property when received. If the permit is not received by the public hearing date, a recommendation to the Planning Commission will be made to provide it prior to operation.

Should you have any questions or require additional information, please contact me by phone at (907) 861-8527 or email at [rick.benedict@matsugov.us](mailto:rick.benedict@matsugov.us).

Respectfully,

*Rick Benedict*

MSB Current Planner  
(907) 861-8527 Direct

Cc: Patrick O'Neal

**From:** [MD C](#)  
**To:** [Rick Benedict](#)  
**Cc:** [bponeal@mtaonline.net](mailto:bponeal@mtaonline.net)  
**Subject:** Re: Northern Emerald - Site Plan  
**Date:** Tuesday, August 29, 2023 2:39:29 PM

---

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

Thanks Rick, I have been working with the Owner on the remainder of your questions, I believe we have them all covered with one exception. The DOT driveway question is eluding us at the moment. I believe Pat is working with DOT to get the correct application in for the driveway information to include the marijuana license.

Regards,

Mike

---

**From:** Rick Benedict <Rick.Benedict@matsugov.us>  
**Sent:** Tuesday, August 29, 2023 2:24 PM  
**To:** MD C <mdcoop\_ak@hotmail.com>  
**Cc:** [bponeal@mtaonline.net](mailto:bponeal@mtaonline.net) <[bponeal@mtaonline.net](mailto:bponeal@mtaonline.net)>  
**Subject:** RE: Northern Emerald - Site Plan

Mike,

I've reviewed the updated site plan and find it acceptable. I will add it to the previously accepted application materials. Thank you for making the adjustments.

The remaining items needed were requested in a letter emailed to JDW Counsel on July 11, 2023. If you have any questions, please reach out to me.

Respectfully,

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

---

**From:** MD C <mdcoop\_ak@hotmail.com>  
**Sent:** Tuesday, August 29, 2023 9:16 AM  
**To:** Rick Benedict <Rick.Benedict@matsugov.us>  
**Cc:** [bponeal@mtaonline.net](mailto:bponeal@mtaonline.net)  
**Subject:** Re: Northern Emerald - Site Plan

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

Rick, thanks for the review comments. I have attached the updated site plan for your review. I have included my review responses below in red.

1. The site plan is still not to scale. I was not able to view, or print, the site plan to correspond to the scaling it indicated, 1=40'. I tried various printing configurations and none of them reflected the correct scaling. Perhaps you have a hard copy or can revisit the electronic copy to see if there was an issue.

accepted, updated scale set.

4. Drainage needs to be indicated on the updated site plan. Using arrows to reflect drainage throughout the property is acceptable and should be included in the legend.

accepted, I will add drainage arrow to legend

5. The "North" arrow has not been included.

The North arrow is to the left of the view title, I will update to make clearer.

7. Distances from all sides of the proposed building to each property line (north, east, south, and west) have not been shown on the updated site plan.

Accepted, will update all distances to property line.

9. Identify any buffering on the subject property. Six-foot chain link fencing was included. However, is there any vegetation, topography, berms, or any other types of visual buffering that exists, or is being proposed that has not been included in the site plan?

This site is flat and has been cleared of all trees out to the fence line. No further site developments are planned on this site.

11. Dimensions of the access point (driveway) have not been included in the updated site plan.

Accepted, I will update site access to include dimensions.

Thanks,

Mike

---

**From:** Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)>  
**Sent:** Monday, August 28, 2023 2:12 PM  
**To:** MD C <[mdcoop\\_ak@hotmail.com](mailto:mdcoop_ak@hotmail.com)>  
**Cc:** [bponeal@mtaonline.net](mailto:bponeal@mtaonline.net) <[bponeal@mtaonline.net](mailto:bponeal@mtaonline.net)>  
**Subject:** RE: Northern Emerald - Site Plan

Mike,

I've reviewed the updated site plan submitted on 8/22/23. I've noted some deficiencies below:

1. The site plan is still not to scale. I was not able to view, or print, the site plan to correspond to the scaling it indicated, 1=40'. I tried various printing configurations and none of them reflected the correct scaling. Perhaps you have a hard copy or can revisit the electronic copy to see if there was an issue.
2. Drainage needs to be indicated on the updated site plan. Using arrows to reflect drainage throughout the property is acceptable and should be included in the legend.
3. The "North" arrow has not been included.
4. Distances from all sides of the proposed building to each property line (north, east, south, and west) have not been shown on the updated site plan.
5. Identify any buffering on the subject property. Six-foot chain link fencing was included. However, is there any vegetation, topography, berms, or any other types of visual buffing that exists, or is being proposed that has not been included in the site plan?
6. Dimensions of the access point (driveway) have not been included in the updated site plan.

Respectfully,

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

---

**From:** MD C <[mdcoop\\_ak@hotmail.com](mailto:mdcoop_ak@hotmail.com)>  
**Sent:** Tuesday, August 22, 2023 11:18 AM  
**To:** Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)>  
**Cc:** [bponeal@mtaonline.net](mailto:bponeal@mtaonline.net)  
**Subject:** Northern Emerald - Site Plan

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

Good Morning Rick, I have attached an updated site plan for your review. I have cc'd the owner on this email for his reference.

If you have any questions or comments, please let me know.

Mike Cooper





## **MATANUSKA-SUSITNA BOROUGH**

**Planning and Land Use Department**

**Development Services Division**

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

[www.matsugov.us](http://www.matsugov.us)

July 11, 2023

JDW, LLC

Attn: Jana Weltzin

600 N. Eckert Street

Palmer, AK 99645

**SUBJECT: Northern Emerald Conditional Use Permit Application  
Request for Required Information**

**LOCATION: 2803 S. Old Glenn Hwy, Building #2, Tax ID: 53998000L002**

Dear Ms. Weltzin,

Borough staff has conducted an initial review of the application material and the site plan(s) submitted on June 21, 2023, for a conditional use permit to operate a marijuana retail facility under MSB 17.60 on the above-referenced property. It has been determined that the following information needs to be provided and/or clarified to process this request:

1. The proposed site map, parking plan, vehicle and pedestrian site map, drainage plan, and interior building plan are not to scale. In addition, the site map and parking plan do not contain a legend to identify features on the maps. Please update the plans and maps to incorporate the proper scaling and use of legends.
2. Provide additional narrative to expand upon the street and building signage design features to include a description of the construction materials, coloring, and proposed locations. The site plans and maps need to make clear the proposed locations of all advertising signs.
3. Will there be any marijuana-related waste derived from the use? If so, please detail the disposal method and where the waste ends up, such as the borough landfill or transfer station.
4. Provide copies of current state and borough business licenses pertaining to this proposed use.

5. Provide a narrative detailing the amount of traffic that is expected to be generated by the proposed use, including shared traffic volumes in connection with the existing alcohol package store on the subject property.
6. Provide a copy of the state-issued driveway permit for the subject property. If a driveway permit is currently being processed by DOT&PF, please provide copies of records to reflect the status of the application.
7. Please provide a narrative to describe the number of parking spaces that will be dedicated to the proposed use, including the number of ADA-compliant spaces. Please also depict this information on any site maps and parking plan maps.

Once an application has been determined to be complete, staff will begin the public notice process. Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-7862, or email: [rick.benedict@matsugov.us](mailto:rick.benedict@matsugov.us). Thank you for your time and consideration on this matter.

Respectfully,

*Rick Benedict*

Rick Benedict  
MSB Planner II  
907-861-8527

**From:** [Brenda Butler](#)  
**To:** [Rick Benedict](#)  
**Cc:** [Northern Emerald](#); [Jana Weltzin](#); [Randi Baker](#)  
**Subject:** Re: Northern Emerald, LLC DBA Northern Emerald license #32759 Conditional Use Permit Application  
**Date:** Tuesday, July 11, 2023 2:45:19 PM

---

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

Thank you Rick, we will get the requested information to you as soon as possible.

Have a great day!

On Tue, Jul 11, 2023 at 2:40 PM Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)> wrote:

Good afternoon Brenda,

I have completed an initial review of the application material for the Northern Emerald CUP. Attached is a request for additional information concerning missing or deficient items noted within the submitted materials.

Please let me know if you have any questions after reviewing the request.

Respectfully,

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

---

**From:** Brenda Butler <[brenda@jdwounsel.com](mailto:brenda@jdwounsel.com)>  
**Sent:** Wednesday, June 21, 2023 10:38 AM  
**To:** Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)>; Peggy Horton <[Peggy.Horton@matsugov.us](mailto:Peggy.Horton@matsugov.us)>  
**Cc:** Northern Emerald <[northernemeraldalaska@gmail.com](mailto:northernemeraldalaska@gmail.com)>; Jana Weltzin <[jana@jdwounsel.com](mailto:jana@jdwounsel.com)>; Randi Baker <[randi@jdwounsel.com](mailto:randi@jdwounsel.com)>  
**Subject:** Northern Emerald, LLC DBA Northern Emerald license #32759 Conditional Use Permit Application

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

Good Morning Peggy and Rick,

On behalf of Northern Emerald, please find the attached application for a conditional use permit and its supplemental documents.

Fees will be mailed to your office today.

Please contact our office if you have any questions or concerns.

Thank you and have a wonderful day!

--

*\*\* Please REPLY ALL when responding to this Email\*\**

*Brenda Butler*

JDW Counsel  
Senior Paralegal, Notary Public  
& Accounts Payable/Receivable  
901 Photo Avenue, Second Floor  
Anchorage, Alaska 99503  
907-231-3750  
[brenda@jdwcounsel.com](mailto:brenda@jdwcounsel.com)  
[info@jdwcounsel.com](mailto:info@jdwcounsel.com)

The author of this email is not an attorney. This communication does not constitute legal advice and should not be construed as such. The information contained in this message is privileged and confidential. It is intended only to be read by the individual or entity named above or their designee. If the reader of this message is not the intended recipient, you are on notice that any distribution of this message, in any form is strictly prohibited. If you have received this message in error, please immediately notify the sender by telephone at 630-913-1113 and delete or destroy any copy of this message. Thank you.

Think green, please don't print unnecessarily

--

*\*\* Please REPLY ALL when responding to this Email\*\**

*Brenda Butler*

JDW Counsel

Senior Paralegal, Notary Public  
& Accounts Payable/Receivable  
901 Photo Avenue, Second Floor  
Anchorage, Alaska 99503  
907-231-3750  
[brenda@jdwcounsel.com](mailto:brenda@jdwcounsel.com)  
[info@jdwcounsel.com](mailto:info@jdwcounsel.com)

The author of this email is not an attorney. This communication does not constitute legal advice and should not be construed as such. The information contained in this message is privileged and confidential. It is intended only to be read by the individual or entity named above or their designee. If the reader of this message is not the intended recipient, you are on notice that any distribution of this message, in any form is strictly prohibited. If you have received this message in error, please immediately notify the sender by telephone at 630-913-1113 and delete or destroy any copy of this message. Thank you.

Think green, please don't print unnecessarily

**State of Alaska**  
**Department of Transportation and Public Facilities**

**Driveway and Approach Road**  
**Permit #19811**

This permit allows the permittee to construct and maintain a driveway or approach road within a State owned highway Right of Way.

Residential/Private       Commercial       Government Agency

**Applicant:** Stanley and Joanne Johnson

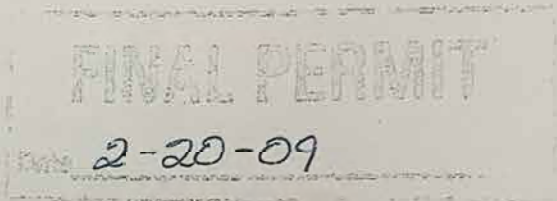
**Mailing Address:** 3060 N. Lazy Eight Court  
 Suite 2 Box 184  
 Wasilla, AK 99654

**Contact Name:** Joanne Johnson

**E-mail Address:** jojofrom@yahoo.com

**Phone:** (907) 982-3335

**Fax:** \_\_\_\_\_



**Driveway or Approach Road location (highway, subdivision, legal description milepost, etc.)**

Palmer D/W - 2803 Old Glenn Highway - Lot 2, K&C Subdivision - TAX Id #3998000L002      **Constructed**  
 through DOT Project

**Proposed or Existing:**

**Anticipated Completion Date:**

EXISTING

10/30/2009

**Number of lots served:**

**Max. number of vehicles in any 1 hour:**

1

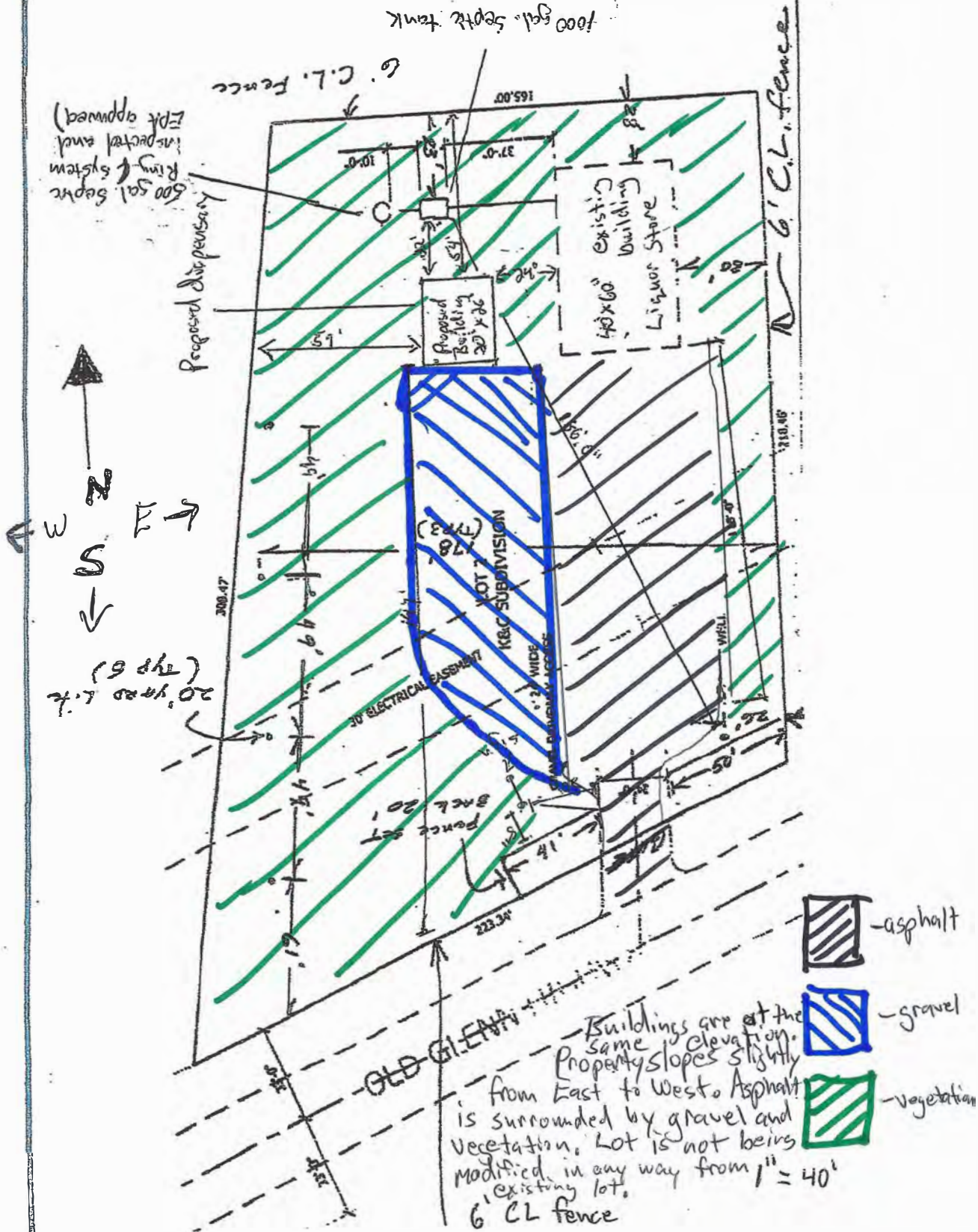
10

**Zoning Designation:**

**Proposed Land Use:**

Liquor Store

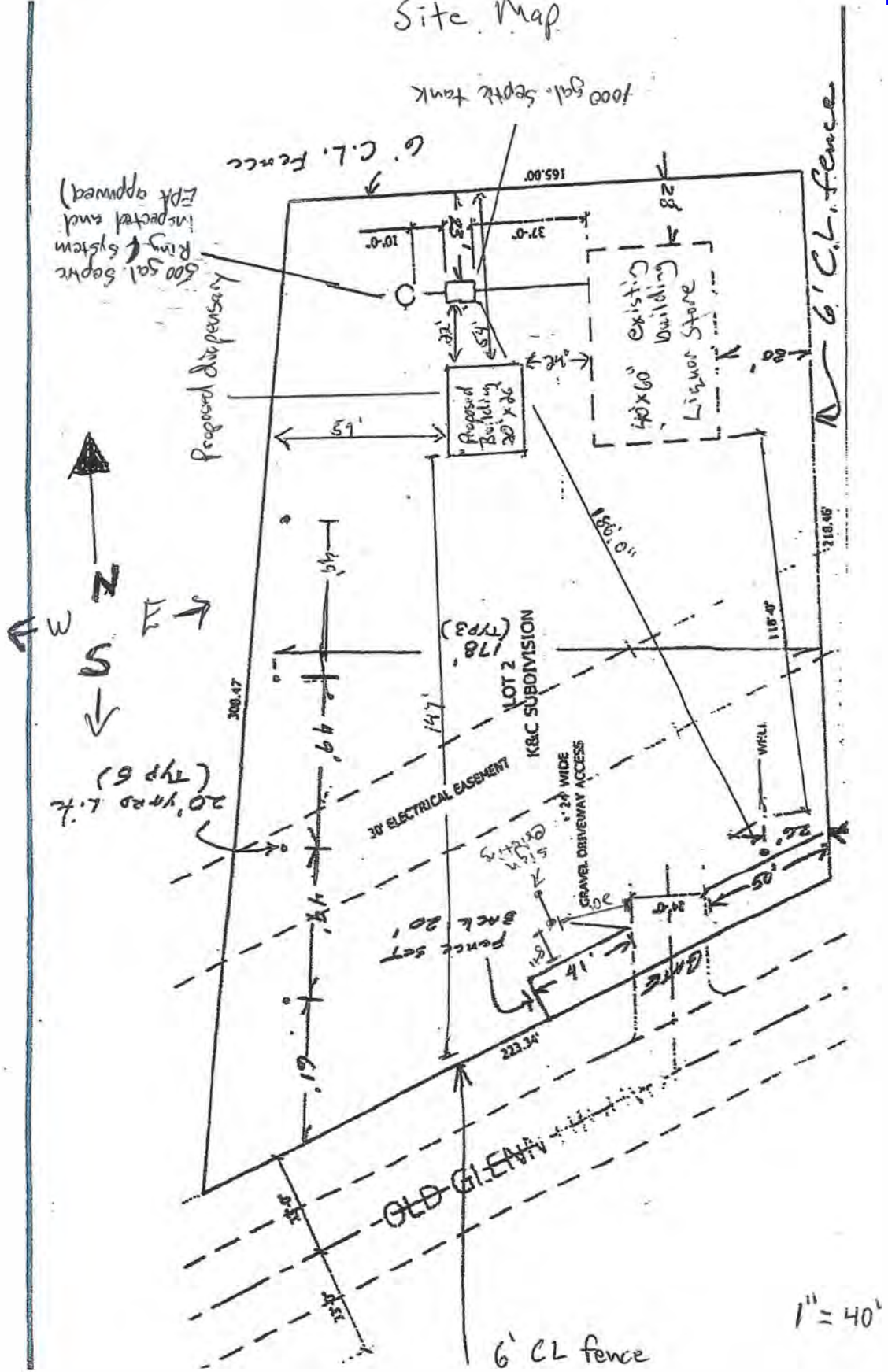
# Drainage Plan Site Map







# Site Map



## **Agency Comments**

**From:** [Daniel Dahms](#)  
**To:** [Rick Benedict](#)  
**Cc:** [Brad Sworts](#); [Jamie Taylor](#); [Tammy Simmons](#)  
**Subject:** RE: Request for Review and Comments: MSB 17.60 – Conditional Use for Marijuana Retail Facility  
**Date:** Tuesday, March 19, 2024 1:46:27 PM

---

Rick,

Disregard PD&E's previous comment. PD&E has no comments.

Daniel Dahms, PE  
Department of Public Works  
Pre-Design and Engineering Division

---

**From:** Daniel Dahms  
**Sent:** Wednesday, March 13, 2024 3:49 PM  
**To:** Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)>  
**Cc:** Brad Sworts <[Brad.Sworts@matsugov.us](mailto:Brad.Sworts@matsugov.us)>; Jamie Taylor <[Jamie.Taylor@matsugov.us](mailto:Jamie.Taylor@matsugov.us)>; Tammy Simmons <[Tammy.Simmons@matsugov.us](mailto:Tammy.Simmons@matsugov.us)>  
**Subject:** RE: Request for Review and Comments: MSB 17.60 – Conditional Use for Marijuana Retail Facility

Rick,

The proposed drainage plan shows drainage patterns leaving the site with no mechanism for filtration or infiltration. Petitioner should update drainage plan to include an area on-site for water to infiltrate.

Daniel Dahms, PE  
Department of Public Works  
Pre-Design and Engineering Division

---

**From:** Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)>  
**Sent:** Monday, January 29, 2024 12:06 PM  
**To:** Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)>  
**Subject:** Request for Review and Comments: MSB 17.60 – Conditional Use for Marijuana Retail Facility

Good Afternoon,

APPLICANT: Keith Crocker, on behalf of Northern Emerald

LOCATION: 2803 S. Old Glenn Highway, Building #2, Palmer, AK 99645  
Tax ID# 53998000L002; Lot 2 within Township 17 North, Range 02 East, Section  
23, Seward Meridian, RSA 026

An application for a Conditional Use Permit under MSB 17.60 – Conditional Uses for the Operation of a Marijuana Retail Facility. The Planning Commission will conduct a public hearing on this request on Monday, April 15, 2024, at 6:00 p.m.

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

[Matanuska-Susitna Borough - Public Hearing Notice for a Conditional Use Permit Application - Marijuana Retail Facility \(matsugov.us\)](#)

Comments are due on or before **Friday, March 22, 2024**, and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Respectfully,

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

**From:** [Skylar Furlong](#)  
**To:** [Rick Benedict](#)  
**Cc:** [Sterling Lopez](#)  
**Subject:** RE: Request for Review and Comments: MSB 17.60 – Conditional Use for Marijuana Retail Facility  
**Date:** Monday, March 4, 2024 9:21:45 AM  
**Attachments:** [image001.png](#)  
[No Comment MSB\\_CUP\\_2803\\_S\\_Old\\_Glenn\\_Hwy.pdf](#)

---

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

Good morning,

Attached is ENSTAR's no comment letter for the conditional use permit for MSB Case 17.60.

Regards,

**Skylar Furlong**

Environmental Permitting & Compliance Specialist  
ENSTAR Natural Gas Company, LLC  
C (907) 252-1294  
O (907) 714-7521  
[Skylar.Furlong@enstarnaturalgas.com](mailto:Skylar.Furlong@enstarnaturalgas.com)



---

**From:** Rick Benedict <Rick.Benedict@matsugov.us>  
**Sent:** Monday, January 29, 2024 12:06 PM  
**To:** Rick Benedict <Rick.Benedict@matsugov.us>  
**Subject:** Request for Review and Comments: MSB 17.60 – Conditional Use for Marijuana Retail Facility

**CAUTION:** This email originated outside of ENSTAR/TSU. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are not sure, use the "Report Phish" button or contact [enstar.helpdesk@enstarnaturalgas.com](mailto:enstar.helpdesk@enstarnaturalgas.com)

Good Afternoon,

APPLICANT: Keith Crocker, on behalf of Northern Emerald

LOCATION: 2803 S. Old Glenn Highway, Building #2, Palmer, AK 99645  
Tax ID# 53998000L002; Lot 2 within Township 17 North, Range 02 East, Section 23, Seward Meridian, RSA 026

An application for a Conditional Use Permit under MSB 17.60 – Conditional Uses for the

Operation of a Marijuana Retail Facility. The Planning Commission will conduct a public hearing on this request on Monday, April 15, 2024, at 6:00 p.m.

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

[Matanuska-Susitna Borough - Public Hearing Notice for a Conditional Use Permit Application - Marijuana Retail Facility \(matsugov.us\)](#)

Comments are due on or before **Friday, March 22, 2024**, and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Respectfully,

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



**ENSTAR Natural Gas Company, LLC**

Engineering Department, Right of Way Section  
401 E. International Airport Road  
P. O. Box 190288  
Anchorage, Alaska 99519-0288  
(907) 277-5551  
FAX (907) 334-7798

March 4, 2024

Matanuska-Susitna Borough, Platting Division  
350 East Dahlia Avenue  
Palmer, AK 99645-6488

**Subject: Conditional Use Permit – Marijuana Retail Facility – MSB Case 17.60  
2803 S Old Glen Hwy, Building #2, Palmer, AK 99654**

To whom it may concern:

ENSTAR Natural Gas Company, LLC has reviewed the conditional use permit for the operation of a marijuana retail facility at 2803 S Old Glenn Hwy, Building #2, Plamer, AK 99654 (MSB Case 17.60).

We have no comments or concerns related to this activity.

If you have any questions, please feel free to contact me at (907) 714-7521 or by email at [skylar.furlong@enstarnaturalgas.com](mailto:skylar.furlong@enstarnaturalgas.com).

Sincerely,

A handwritten signature in blue ink that reads "Skylar Furlong".

Skylar Furlong  
Right of Way and Permitting Agent  
ENSTAR Natural Gas Company, LLC  
O: (907) 714-7521

## **Public Comments**



**From:** [Mitzi Van Asdlan](#)  
**To:** [Rick Benedict](#)  
**Subject:** Re: Request for Review and Comments: MSB 17.60 – Conditional Use for Marijuana Retail Facility  
**Date:** Friday, February 16, 2024 3:54:12 PM

---

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

Thank you for the additional information. I went by there today to see that, yes, there is now another small building on the property. I am glad to see that it uses the same driveway onto the Old Glenn Highway with the Git N' Go.

Regards,

Mitzi Van Asdlan

---

**From:** Rick Benedict <Rick.Benedict@matsugov.us>  
**Sent:** Thursday, February 15, 2024 11:51 AM  
**To:** Mitzi Van Asdlan <mitzi.99645@hotmail.com>  
**Subject:** RE: Request for Review and Comments: MSB 17.60 – Conditional Use for Marijuana Retail Facility

Mitzi,

The proposed business will be located off S. Old Glenn Highway, on the same property and adjacent to the Git N' Go liquor store. The address and Tax ID referenced in the notice are correct and searchable via Google Maps and Google Earth. Other mapping platforms should provide the same results.

Respectfully,

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

---

**From:** Mitzi Van Asdlan <mitzi.99645@hotmail.com>  
**Sent:** Wednesday, February 14, 2024 3:43 PM  
**To:** Rick Benedict <Rick.Benedict@matsugov.us>  
**Subject:** Re: Request for Review and Comments: MSB 17.60 – Conditional Use for Marijuana Retail Facility

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

I have searched for this address both by driving to the area that seems to be correct and by looking on the borough tax maps. The search of the tax maps indicates that neither the tax number nor the physical address are correct.

Can you point out where this proposed business is to be located? We already have two such

businesses within a mile of the area I think is referred to in this email. Thank you.

Mitzi Van Asdlan  
907-229-7584  
[Mitzi.99645@hotmail.com](mailto:Mitzi.99645@hotmail.com)

Sent from my iPhone

On Jan 29, 2024, at 12:15, Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)> wrote:

Good Afternoon,

APPLICANT: Keith Crocker, on behalf of Northern Emerald

LOCATION: 2803 S. Old Glenn Highway, Building #2, Palmer, AK 99645  
Tax ID# 53998000L002; Lot 2 within Township 17 North, Range 02  
East, Section 23, Seward Meridian, RSA 026

An application for a Conditional Use Permit under MSB 17.60 – Conditional Uses for the Operation of a Marijuana Retail Facility. The Planning Commission will conduct a public hearing on this request on Monday, April 15, 2024, at 6:00 p.m.

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

[Matanuska-Susitna Borough - Public Hearing Notice for a Conditional Use Permit Application - Marijuana Retail Facility \(matsugov.us\)](#)

Comments are due on or before **Friday, March 22, 2024**, and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Respectfully,

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

**DRAFT**

**PLANNING COMMISSION  
RESOLUTION**



By: Rick Benedict  
Introduced: April 1, 2024  
Public Hearing: April 15, 2024  
Action:

**MATANUSKA-SUSITNA BOROUGH**  
**PLANNING COMMISSION RESOLUTION NO. PC 24-03**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 2803 S. OLD GLENN HIGHWAY, TAX ID#39980001002.

---

WHEREAS, an application has been received from Keth Crocker on behalf of Northern Emerald, LLC for a conditional use permit for the operation of a marijuana retail facility at 2803 S. Old Glenn Highway, TAX ID#39980001002; and

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

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, marijuana retail facilities are declared to be a public nuisance; and

WHEREAS, the subject parcel is approximately one acre in size; and

WHEREAS, according to the application material, the proposed use will be situated on the subject property approximately 24' north of the existing Git-N-Go Liquor store; and

WHEREAS, according to the application material, the Git-N-Go Liquor store will continue to operate on the subject property

within the existing commercial structure located south of and adjacent to the proposed marijuana retail store; and

WHEREAS, the borough issued the Git-N-Go Liquor store a conditional use permit to operate an alcohol package store; and

WHEREAS, the applicant has submitted an authorization form signed by the property owner, permitting Northern Emerald to operate as a marijuana retail store within building #2; and

WHEREAS, according to the application material, the proposed retail facility will be wholly contained within a new 20' x 26' commercial structure of approximately 520 square feet; and

WHEREAS, according to the application material, the building exterior is gray metal with brown log siding covering the front upper portion and will have green doors on the front and back; and

WHEREAS, according to the application material, the structure will not have any windows; and

WHEREAS, the proposed use will access South Old Glenn Highway via a state-permitted driveway; and

WHEREAS, South Old Glenn Highway is considered an arterial roadway with many uses along its frontage, including residential, vacant, commercial, and industrial; and

WHEREAS, the proposed use is approximately 247 feet northwest of the nearest residential structure; and

WHEREAS, there are multiple commercial and industrial businesses within the surrounding area, such as a vehicle towing

and recovery service, auto salvage yard, alcohol package store, market store, and pizza shop; and

WHEREAS, according to the application material, the operation will have one front-lit 4' x 6' advertisement sign made of wood and aluminum, green and white in color, and attached to the apex of the proposed building; and

WHEREAS, according to the application material, there will be no advertising signage for the proposed marijuana store installed along the South Old Glenn Highway right-of-way; and

WHEREAS, according to the application material, the proposed marijuana retail store will not generate noise or odors; and

WHEREAS, according to the application material, the proposed hours of operation are 8:00 a.m. to 12:00 a.m., seven days a week; and

WHEREAS, the proposed use is located approximately 162 feet from South Old Glenn Highway to the west, approximately 61 feet to the northern property line, approximately 62 feet to the eastern property line, and approximately 96 feet from the southern property line; and

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

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

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

WHEREAS, according to the application material, exterior lighting will be shielded to prevent light pollution; and

WHEREAS, all the required site plans and operational information have been provided by the applicant; 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, 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 material, the operation has a security plan, which includes educating employees on all security measures; and

WHEREAS, on April 27, 2023, the Alaska Fire Marshal issued an approved Plan Review #2023ANCH0117 for the commercial structure; and



WHEREAS, the commercial structure fully complies with the State of Alaska fire code; and

WHEREAS, the applicant provided a copy of the approved Plan Review #2023ANCH0117; and

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

WHEREAS, the State of Alaska Marijuana Control Board meeting conducted March 8-9, 2023, voted to approve Northern Emerald retail marijuana store license #32759 with delegation; and

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

WHEREAS, the closest school (Butte Elementary School) is approximately 6,100 feet from the proposed use; and

WHEREAS, a marijuana retail facility with an area of 520 square feet must provide two parking spaces, one of which must be ADA-compliant; and

WHEREAS, according to the application material, four 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 twenty feet long and ten feet wide; and

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

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.60.100, 17.60.150 and 17.60.170; and

WHEREAS, the Planning Commission conducted a public hearing on April 15, 2024, on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 24-03:

1. The proposed use, with conditions, will not detract from the value, character, and integrity of the surrounding area (MSB 17.60.100(B)(1)).
2. The proposed use, with conditions, will not be harmful to the public health, safety, convenience, and welfare (MSB 17.60.100(B)(2)).
3. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.60.100(B)(3)).
4. The application material meets all of the requirements of this chapter (MSB 17.60.100(B)(4)).

5. The proposed use, with conditions, will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).
6. Measures are in place, with conditions, to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).
7. The proposed use, with conditions, is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
8. The proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).
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 before 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 violate this conditional use permit.
4. On-site consumption of marijuana and marijuana products is prohibited.
5. The hours of operation shall not exceed 8:00 a.m. to 12:00 a.m., seven days a week.

ADOPTED by the Matanuska-Susitna Borough Planning Commission  
this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
C.J. Koan, Chair

ATTEST

\_\_\_\_\_  
KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

DRAFT





## MATANUSKA-SUSITNA BOROUGH

### Planning and Land Use Department

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

[www.matsugov.us](http://www.matsugov.us)

### MEMORANDUM

DATE: April 4, 2024

TO: Planning Commissioners

FROM: Alex Strawn, Planning and Land Use Director

A handwritten signature in blue ink, consisting of a stylized 'A' and 'S' inside a circle.

SUBJECT: Tentative Future PC Items

---

### Upcoming PC Actions

#### Quasi-Judicial

- Houdini's Herbs – Marijuana Retail Facility; 6298B01L002 (Staff: Peggy Horton)
- The Aardvark – Alcoholic Beverage Dispensary; 1454000L001 (Staff: Peggy Horton)
- Smoke Out Point – Marijuana Retail Facility; 2209B02L001A (Staff: Rick Benedict)
- Craft Cannabis Cabin – Marijuana Retail Facility; 1842B01L007 (Staff: Rick Benedict)
- Ficklin Gravel Products LLC – Earth Materials Extraction; 16N04W03A009 (Staff: Rick Benedict)
- Mountain Gravel Investments – Earth Materials Extraction; 18N01E35C006 (Staff: Peggy Horton)
- Meadow Lakes Holiday – Alcohol Package Store; 17N02W09A014 & 17N02W09A022 (Staff: Rick Benedict)
- Butte Land Co. – Earth Materials Extraction; 17N02E35A024 (Staff: Peggy Horton)
- New Horizons Telecom – Tall Structure; 17N03E30A012 (Staff: Rick Benedict)
- Shoreline Cannabis – Marijuana Retail Facility; 5274B03L007

**Legislative**

- Historic Preservation Plan (HPP) (Staff: Gerrit Verbeek)
- MSB Borough-Wide Comprehensive Plan (Staff: Alex Strawn)
- Glacier View Comprehensive Plan Update (Staff: Leda Borys)
- Corridor Studies (Staff: Alex Strawn)
- Public Transit Plan (Staff: Alex Strawn and Maija DiSalvo)
- Amending MSB 17.59 Standardize definitions for lake management regulations (Staff: Alex Strawn)