

NON-CODE ORDINANCE

Sponsored By: Borough Manager
Introduced: 01/26/16
Public Hearing: 02/02/16
Adopted: 02/02/16

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-008**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING PLANNING COMMISSION RESOLUTION 15-40(AM) AND OTHER REASONS FOR DENYING A PROPOSED INTERIM MATERIALS DISTRICT KNOWN AS B&E CONSTRUCTION, LOCATED WITHIN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 17 NORTH, RANGE 2 WEST, SEWARD MERIDIAN.

WHEREAS, the rationale and intent of this ordinance are found in IM 16-015 and Planning Commission Resolution 15-40(AM) which accompanies this ordinance; and

WHEREAS, an application for an interim materials district (IMD) 38.9 acres in size, was submitted by B&E Construction to remove earth materials from 4603 North Pittman Road, located within the northeast 1/4 of the southeast 1/4 of section 24, Township 18 North, Range 2 West, Seward Meridian, State of Alaska excepting therefrom any section line or right-of-way easements that may exist on said property; and

WHEREAS, it is the intent of the Borough to recognize the value and importance of promoting the utilization of natural resources within its boundaries; and

WHEREAS, the purpose of MSB 17.28 is to establish an interim materials district within the Borough to allow resource extraction activities as an interim use of land while promoting

the public health, safety, order, prosperity, and general welfare of the Borough through regulation of land use in order to reduce the adverse impacts of land uses and development between and among properties; and

WHEREAS, it is the further purpose of MSB 17.28 to promote compatible and orderly development; and

WHEREAS, the Planning Commission has reviewed this application, associated materials, and the staff report, with respect to standards set forth in MSB 17.28; and

WHEREAS, the Planning Commission conducted a public hearing on October 19, 2015, on this interim materials district request; and

WHEREAS, the Planning Commission recommends denial of the proposed B&E Construction interim materials district as detailed in Planning Commission Resolution 15-40 (AM); and

WHEREAS, the subject property is located within the boundary of the Meadow Lakes Comprehensive Plan (2005) planning area; and

WHEREAS, the subject property is in the land use district designated as Rural Residential Area by the Meadow Lakes Comprehensive Plan; and

WHEREAS, according to the Meadow Lakes Comprehensive Plan, the objective of the Rural Residential Area is to "Keep this area an attractive, safe, family-oriented residential community.

Maintain the existing low density residential pattern and rural atmosphere, with a predominance of open space and natural landscapes. Protect environmental quality, particularly the quality of surface and subsurface water used for domestic purposes. Allow a continuation of limited, small-scale commercial uses where such uses are compatible with residential uses and the use will not adversely affect adjoining properties or the natural environment;" and

WHEREAS, the Meadow Lakes Comprehensive Plan (2005) specifically discourages new, larger scale resource development activities within the rural residential area; and

WHEREAS, the proposed interim materials district is inconsistent with Meadow Lakes Comprehensive Plan (2005), Land Use Goal One: Maintain the community's rural character because it would establish an area allowing a large scale resource development in the Rural Residential Area; and

WHEREAS, the Meadow Lakes Community Council submitted comments in opposition of the proposed interim materials district; and

WHEREAS, the applicant has met the standards applicable in MSB 17.28.050 Site Development Plan Required; and MSB 17.28.060 Site Development Standards; but that as the interim materials district is currently proposed, the Assembly finds the interim

materials district is inconsistent with the Meadow Lakes Comprehensive Plan; and

WHEREAS, on April 29, 2015, Alaska State Department of Conservation issued a notice of violation to B&E Construction for violating 18 Alaska Administrative Code 60.200(a), by unlawfully disposing of construction and demolition (C&D) debris and tires on the subject property; and

WHEREAS, on May 14 and June 25, 2015, the Alaska State Department of Conservation issued orders/letters requiring the removal of all C&D debris and tires from the subject property by October 31, 2015; and

WHEREAS, the complete removal of all the construction and demolition debris and tires required to make the property compliant with the order had not occurred by the time of the Planning Commission public hearing and still has not occurred; and

WHEREAS, according to the Borough Code Compliance office, B&E Construction is storing junk vehicles and junk vehicle parts outdoors in the proposed interim materials district and using them as part of their commercial operation, which requires a conditional use permit to be compliant with Borough code; and

WHEREAS, on October 6, 2015, the United States Army Corps of Engineers confirmed there is an active violation of Section

404 of the Clean Water Act, on the subject property, but beyond the interim materials district boundary; and

WHEREAS, as a result, the applicant is not in compliance with all local, state, and federal laws (MSB 17.28.080(C)(2)(c) and 17.28.040(A)); and

WHEREAS, the proposed interim materials district would also have a negative effect on the public health, safety, and general welfare because the proposed site for the district is not in compliance with all local, state, and federal laws; and

WHEREAS, the Matanuska-Susitna Borough Assembly denies this request.

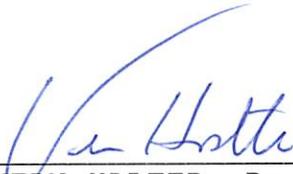
BE IT ENACTED:

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Assembly Action. The Assembly hereby adopts each and every reason outlined in the above statements, and the reasons included in the Planning Commission Resolution 15-40(AM), explicitly incorporated herein. As a result, the Assembly hereby rejects the proposed interim materials district, known as B&E Construction and there will be no amendment to Title 17.

Section 3. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this
2 day of February, 2016.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



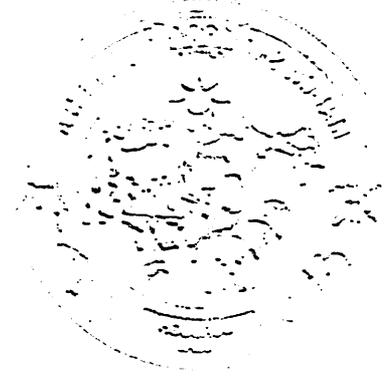
PASSED UNANIMOUSLY: Sykes, Beck, McKee, Colligan, Mayfield,
Doty, and Kowalke.

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