

By: Mark Whisenhunt
Introduced: March 7, 2016
Public Hearing: March 21, 2016
Action: Failed

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-08**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING ASSEMBLY APPROVAL OF AN INTERIM MATERIALS DISTRICT, KNOWN AS LAKESIDE SAND & GRAVEL; IN TOWNSHIP 17 NORTH, RANGE 4 WEST, SECTION 25, PARCEL# B19 (TAX ID# 17N04W25B019), SEWARD MERIDIAN.

WHEREAS, an application for an Interim Materials District (IMD) was submitted by William and Helen Heairet (dba Lakeside Sand & Gravel) to remove earth materials from 19116 West Belarde Boulevard, located within the northwest one-quarter of the northwest one-quarter of Section 25, Township 17 North, Range 04 West, Seward Meridian; and

WHEREAS, it is the intent of the Matanuska-Susitna Borough to recognize the value and importance of promoting the utilization of natural resources within its boundaries; 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 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, findings of fact and conclusions of law have been listed in the staff report; and

WHEREAS, the Planning Commission conducted a public hearing on March 21, 2016 regarding this IMD request; and

WHEREAS, the Planning Commission finds that the proposed Interim Materials District is compatible with the goals and policies of the Big Lake Comprehensive Plan; and

WHEREAS, The Big Lake Community Council submitted comments on March 9, 2016, indicating the Council has no objection to the Interim Materials District request; and

WHEREAS, the applicant has met all of the requirements of MSB 17.28.050 and 17.28.060, and is in compliance with all local, State, and Federal laws; and

WHEREAS, the Planning Commission finds that the proposed Interim Materials District, when in compliance with local, State, and Federal laws does not negatively affect public health, safety or general welfare.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby finds this application does

meet the standards of MSB 17.28 and adopts the findings of fact and conclusions of law within the staff report and hereby recommends approval of the designation of Interim Materials District known as B&E Construction with the following conditions:

1. The operation shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and an amendment to the Interim Materials District shall be required prior to any alteration or expansion of the material extraction operation.
3. Material extraction shall be limited to the areas identified in the applicant's site plan with the Matanuska-Susitna Borough "Received" date stamp of October 28, 2015.
4. Prior to operating, the IMD boundary shown in the applicant's site plan with the Matanuska-Susitna Borough "Received" date stamp of October 28, 2015, shall be located and marked on the property by a surveyor licensed to operate in the State of Alaska. Said markers shall be maintained in a visible condition to ensure extraction activities stay within the extraction area boundary.

5. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected for leaks daily.
6. On-site maintenance of vehicles shall be done in an area where all leaks can be contained with drip pans or other discharge prevention devices.
7. All hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
8. Visual screening shall be achieved and maintained by using a combination of earthen berms 10-feet in height to north and south, and maintaining the topographical buffer as described in the application material.
9. A Matanuska-Susitna Borough Driveway Permit shall be obtained for access onto Belarde Boulevard prior to operating.
10. Large "side dump" vehicles or tandem end dumps shall not be used in conjunction with this use unless certification from a professional engineer has deemed access to and from the subject parcel and use of the intersection of Belarde Boulevard and West Lake Boulevard is safe for said vehicles and other motorists to use. If upgrading the intersection and/or Belarde Boulevard is necessary, a construction permit

shall be obtained from the Matanuska-Susitna Borough prior to beginning any work in a public right-of-way.

11. All construction exits shall comply with standard Alaska Pollutant Discharge Elimination System requirements to minimize off-site vehicle tracking of sediments and discharges to storm water.
12. The operation shall comply with the maximum permissible sound level limits allowed in MSB Code, per the requirements of MSB 17.28.060(A)(5)(a) - Site Development Standards and MSB 8.52 - Noise, Amplified Sound, and Vibration.
13. All extraction activities, including all activities that cause noise, dust, or traffic, shall be limited to 8am to 6pm, Monday through Saturday, except rock crushing and screening activities are limited to 8am to 5pm, Monday through Friday.
14. If cultural remains are found during material extraction activities, the MSB Cultural Resources Division shall be contacted immediately so the remains can be documented.
15. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.

16. Borough staff shall be permitted to enter onto any portion of the property to monitor compliance with permit requirements. Such access will at a minimum be allowed on demand when activity is occurring and, with prior verbal or written notice, and at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of the Interim Materials District.
17. The operation shall comply with the reclamation standards of MSB 17.28.067.
18. If reclamation information is updated annually with the State of Alaska, Department of Natural Resources, the applicant shall provide a copy of the updated information to the MSB Planning Department.
19. An asphalt plant (aka hot mix or batch plant) shall not be operated at this site.
20. Dust control shall be achieved at the gravel pit, rock screener, crusher, and roads as necessary.
21. If illumination devices are required, they shall not be greater than 20 feet in height, shall utilize downward directional shielding devices, and shall meet the requirements of MSB 17.28.060(A)(6) Lighting Standards.

22. All activity shall be conducted in compliance with state or federal regulations governing the items listed in MSB 17.28.040(B)(1), 17.28.040(B)(2), and 17.28.040(B)(3).
23. Authorization for earth material extraction activities approved by this legislation shall expire on December 31, 2040.
24. The IMD must be approved by the Matanuska-Susitna Borough Assembly.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Planning Commission recommends Assembly approval of the designation of Interim Materials District for the 40 acres within the property located at 19116 W. Belarde Boulevard.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2016.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES: Kendig and Rauchenstein

NO: Anderson, Healy, Klapperich, and Vague