CODE ORDINANCE

By: Borough Manager
Introduced: 04/05/16
Public Hearing: 04/19/16
Postponed to 05/17/16: 04/19/16
Amended: 05/17/16
Adopted: 05/17/16

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-037

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.28.090(A), ADDING AN INTERIM MATERIALS DISTRICT KNOWN AS ALSOP EAST PIT, LOCATED ON A PORTION OF TRACT A, POINT MACK PHASE I SUBDIVISION, WITHIN TOWNSHIP 15 NORTH, RANGE 4 WEST, SECTION 27, SEWARD MERIDIAN.

WHEREAS, the rationale and intent of this ordinance are found in IM 16-056 which accompanies this ordinance; and

WHEREAS, an application for an interim materials district (IMD) was submitted by the Land and Resource Management Division to remove earth materials from a portion of Tract A, Point Mack Phase I Subdivision, located within Township 15 North, Range 4 West, Section 27, Seward Meridian; 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 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 March 7, 2016, regarding this IMD request; and

WHEREAS, the Planning Commission found that the proposed IMD is compatible with the goals and policies of the Point MacKenzie Community Comprehensive Plan (2011); and

WHEREAS, the Planning Commission found that the proposed IMD has met the site development standards of MSB 17.28 including compliance with all required local, state, and federal laws; and

WHEREAS, on March 7, 2016, the Planning Commission adopted Resolution 16-07 recommending approval of the IMD; and

WHEREAS, it is the desire of the Assembly to establish a Point MacKenzie Road Improvement Reserve Fund to supplement needed capital improvements and maintenance costs associated with increased haul truck traffic along Point MacKenzie Road; and

WHEREAS, it is recommended that $0.75 per cubic yard of all materials removed from within this IMD shall be appropriated into the Point MacKenzie Road Improvement Reserve Fund; and

WHEREAS, if a severance tax is enacted on gravel, deposits into the Point MacKenzie Road Improvement Reserve Fund shall cease. All deposits remaining in the Point Mackenzie Road Improvement fund shall remain in the fund until needed by the project.

BE IT ENACTED:

Section 1. Classification. Sections 1, 3, and 4 are non-code, Section 2 of this ordinance is of a general and permanent nature and shall become part of the Borough code.

Section 2. Amendment of section. MSB 17.28.090(A) is hereby amended as follows:

(11) Alsop East Pit, within Township 15 North, Range 4 West, Seward Meridian, Section 27: South one-half South one-half containing 160 acres, more or less, according to the Point Mack Subdivision, Phase I, Tracts 1 through 3 and Tract A, recorded in the Palmer Recording District on August 28, 2008, as Plat 2008-68. Excluding: A setback 300-feet in width from Alsop Road, pursuant to the Natural Resource Management Unit Plan. A setback 100-feet in width around any wetlands or water bodies, pursuant to the

Natural Resource Management Unit Plan. A setback 100-feet in width along the west, south, and east boundaries of the South one-half South one-half Section 27, pursuant to the Natural Resource Management Plan. A utility right-of-way 300-feet in width along the east boundary of the South one-half Southwest one-quarter, located in the Palmer Recording District, Third Judicial District, state of Alaska.

Section 3. Special Conditions. The approved Interim Materials District shall be subject to the following conditions:

1. The owner and/or operator 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 IMD 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 application site plans dated August 11, 2015, and February 22, 2016.
4. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected by the operator for leaks at the end of each day.
5. 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.

6. All hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
7. A Storm Water Pollution Prevention Plan (SWPPP) approved by the Environmental Protection Agency (EPA) for the cumulative impact of the IMD shall be provided to the Planning Department prior to operating.
8. 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.
9. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.
10. 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.
11. 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.
12. If cultural remains are found during material

extraction activities, the MSB Cultural Resources Division, shall be contacted immediately so the remains can be documented.

13. 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.

14. The applicant and/or operator shall comply with the reclamation standards of MSB 17.28.067.

15. Reclamation shall be executed in accordance with the Memorandum of Understanding (MOU) dated April 26, 1999, included in the application material.

16. Visual screening shall be achieved and maintained by using a combination of a 100-foot wide natural vegetation buffer around the west, south and east perimeters of the site and an additional 300-foot wide vegetation buffer between the project boundaries and Alsop Road, as described in the application material. In areas of the site where the natural vegetation has been previously logged up to the property line, a berm at least 10 feet in height between

the work area and the 100-foot wide buffer strip shall be constructed.

17. An undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including wetlands. The 100-foot buffer shall be clearly demarcated prior to any work conducted, including but not limited to, clearing, grubbing, and staging of equipment or materials.

18. All permits related to access development shall be obtained prior to operating.

19. 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).

20. The hours of operation shall be limited to 7 a.m. to 10 p.m., Monday through Saturday.

21. Dust control shall be achieved at the gravel pit, rock screener, crusher, and roads as necessary.

22. The IMD must be approved by the Matanuska-Susitna Borough.

Section 4. Establishment of fees. A fee of $.75 per cubic yard of all materials removed from within this IMD shall be appropriated into the Point MacKenzie Road Improvement Reserve Fund, unless a severance tax is enacted.

Section 5. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 17 day of May, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

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