NON-CODE ORDINANCE

Sponsored By: Borough Manager
Introduced: 04/19/16
Public Hearing: 05/03/16
Adopted: 05/03/16

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-049(SUB)

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING REASONS FOR DENIAL OF A PROPOSED INTERIM MATERIALS DISTRICT KNOWN AS LAKESIDE SAND AND GRAVEL, LOCATED WITHIN THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 4 WEST, SEWARD MERIDIAN.

WHEREAS, the rationale and intent of this ordinance are found in IM 16-076 and the staff report which accompanies this ordinance; and

WHEREAS, an application for an Interim Materials District (IMD), 40 acres in size, was submitted by William and Helen Heairet (dba Lakeside Sand and 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 4 West, 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 21, 2016, on this IMD request; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 16-18 recommending denial of the proposed IMD known as Lakeside Sand and Gravel; and

WHEREAS, the subject property is located within the boundary of the Big Lake Comprehensive Plan planning area; and

WHEREAS, the subject property is in the land use district designated as *Dispersed Residential Area by the Big Lake Comprehensive Plan*; and

WHEREAS, according to the Big Lake Comprehensive Plan, *Dispersed Residential* is described as "*rural residential areas, where lots sizes are larger and the natural setting is more dominant. This is currently the most predominant land use density in the Big Lake area.*"; and

WHEREAS, the intent of the Big Lake Comprehensive Plan is to identify and encourage a general pattern of development that best meets the community goals and to "*accommodate growth while holding onto characteristics that make Big Lake a good place to live and visit.*"; and

WHEREAS, in the Land Use and Environment Goals section of the Big Lake Comprehensive Plan it states: "*The overarching goal of this plan is protect Big Lake's special character as a place to live and visit while accepting and even encouraging growth. Without guidance, as the area grows, the community risks losing these qualities that makes Big Lake a distinctive place - its undeveloped open spaces, good views, wildlife, and out-the-door access to recreation. At the same time, growth in the community can bring many benefits, providing new places for people to live, creating new opportunities for local employment, and generally leading to a more vital community.*"; and

WHEREAS, in the Land Use and Environment Goals section of the Big Lake Comprehensive Plan it states: "*Provide for Freedom to Enjoy our Properties - The plan supports a balance of freedom to use property as individuals chose up to that point where one person's use limits the rights of neighbors to enjoy their property. Responsible land use should be in harmony with surrounding land use without damaging the health, safety and welfare of adjacent property.*"; and

WHEREAS, in the Strategies to Achieve Land Use Goals section, Strategy 1 states: *"Develop a land use "roadmap" setting out general intentions for the location and intensity of development - to provide for growth, protect Big Lake's environment and rural character, encourage concentrated commercial development, and allow for the efficient provision of community infrastructure."*; and

WHEREAS, in the Strategies to Achieve Land Use Goals section, Residential Areas it states: *"Four types of residential areas are identified. In all four of these areas, the predominate character is encouraged to remain residential, as it is today; however home-based businesses and other commercial uses are acceptable. If and when such non-residential occurs, such uses are encouraged be developed in a manner that is compatible with the predominately residential character of these areas."*; and

WHEREAS, in the Strategies to Achieve Land Use Goals section, Strategy 3 it states: *"The Big Lake natural environment is at the heart of the community's quality of life and economy. Over the course of the meetings to prepare this plan, the public was clear on what they value about the Big Lake natural environment: Clean water - keep lakes, streams, wetlands, etc. free from septic pollution, hydrocarbons, non-point source pollution such as nitrates & fertilizers, etc.; Clean air - keep*

it clean; discourage air polluting industries; Natural beauty - retain the landscape that reflects the natural beauty of the land; Dark night skies - minimize light pollution; "Natural quiet" - minimize noise pollution"; and

WHEREAS, in the Strategies to Achieve Land Use Goals section, under the Development Guidelines of Strategy 4, it states: *"Natural Vegetation/Site Disturbance - Encourage retention of existing natural vegetation and replant disturbed areas. Grading and clear cutting the entire parcel prior to selling or developing land is strongly discouraged."*; and

WHEREAS, in the Strategies to Achieve Land Use Goals section, under the Development Guidelines of Strategy 4, it states: *"Commercial Uses/Home-based Businesses in Predominately Residential Areas - The plan supports a variety of home based businesses and residential-compatible commercial uses in predominately residential areas, but encourages these uses to be designed to not impact neighbors. Subdivisions can address this to some extent through protective covenants. Guidelines for home-based businesses and other commercial activities in predominately residential areas include: Discourage high-volume or high-traffic activities; businesses should not create nuisances of excessive people and vehicle traffic; Minimize the offsite evidence of business operation - noise, smells, litter, odors, and public safety calls; Use special screening and wider*

setbacks to reduce visual impacts of business operations on surrounding residences.; Screen dumpsters, service entries; Avoid using bright lights that wash onto adjoining properties; Use unobtrusive signage."; and

WHEREAS, while the applicant has met the applicable standards in MSB 17.28.050, Site Development Plan Required, and MSB 17.28.060, Site Development Standards, as proposed the Assembly finds the proposed Interim Materials District is inconsistent with the Big Lake Comprehensive Plan; and

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

BE IT ENACTED:

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

Section 2. Assembly action. The Matanuska-Susitna Borough Assembly hereby adopts each and every reason outlined in the above statements, and the reasons included in Planning Commission Resolution Serial No. 16-18, explicitly incorporated herein. As a result, the Matanuska-Susitna Borough Assembly hereby rejects the proposed Interim Materials District, known as Lakeside Sand and Gravel 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 3 day of May, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

YES: Sykes, Beck, McKee, Colligan, Doty, and Kowalke

NO: Mayfield