

CODE ORDINANCE

PENDING

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Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-090**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.28.090(A), ADDING AN INTERIM MATERIALS DISTRICT KNOWN AS CENTRAL LANDFILL, LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 1 EAST, SECTION 1, PARCEL D5 (TAX ID# 17N01E01D005), SEWARD MERIDIAN.

WHEREAS, the rationale and intent of this ordinance are found in IM 16 - 128 which accompanies this ordinance, and Planning Commission Resolution 16-21; and

WHEREAS, an application for an Interim Materials District was submitted by the MSB Land & Resource Management Division to remove earth materials from Parcel D5, located within Township 17 North, Range 1 East, Section 1, 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, the Planning Commission conducted a public hearing on May 16, 2016 regarding this IMD request; and

WHEREAS, the Planning Commission found that the proposed Interim Materials District is compatible with the goals and policies of all applicable comprehensive plans; and

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

WHEREAS, on May 16, 2016 the Planning Commission adopted Resolution 16-21 recommending approval of the interim materials district.

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:

(12) Central Landfill, TOWNSHIP 17N, RANGE 01

EAST, SEWARD MERIDIAN, ALASKA, Section 1: S $\frac{1}{2}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Containing 120 acres, more or less. A portion
of the described Parcel #2 on Waiver Resolution
approved and adopted by the Matanuska-Susitna Borough
Platting Board on October 16, 1986, as Plat 87-6W.

Section 3. Special Conditions. The approved Interim
Materials District shall be subject to 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 included with the application.
4. Visual screening shall be achieved and maintained by maintaining the topographical buffer as described in the application material.
5. The section line easements within the Interim Materials District must be vacated or a Matanuska-Susitna Borough Construction permit shall be obtained prior to operating within any section line easement.

6. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected for leaks daily.
7. 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.
8. All hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
9. 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.
10. Dust control shall be achieved at the gravel pit, rock screener, crusher, and roads as necessary.
11. 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.
12. 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.

13. If cultural remains are found during material extraction activities, the MSB Cultural Resources Division shall be contacted immediately so the remains can be documented.
14. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.
15. 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.
16. 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).

Section 4. Effective date. This ordinance shall take effect upon adoption.

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

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)