

CODE ORDINANCE

Sponsored by: Borough Manager
Introduced: 09/06/16
Public Hearing: 09/20/16
Adopted: 09/20/16

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-113**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.28.090(A), ADDING AN INTERIM MATERIALS DISTRICT KNOWN AS DENALI HIGHWAY MILE 99, LOCATED WITHIN TOWNSHIP 19 SOUTH, RANGE 2 WEST, SECTIONS 10 AND 15, FAIRBANKS MERIDIAN.

WHEREAS, the rationale and intent of this ordinance are found in IM No. 16-166 which accompanies this ordinance, and Planning Commission Resolution No. 16-28; and

WHEREAS, an application for an interim materials district (IMD) was submitted by the Alaska State Department of Transportation and Public Facilities to remove material from 69.91 acres located within Township 19 South, Range 2 West, Sections 10 and 15, Fairbanks 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 IMD 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 August 15, 2016, regarding this IMD request; and

WHEREAS, the Planning Commission found that the proposed IMD is compatible with the goals and policies of the Boroughwide Comprehensive Plan (2005 Update); 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 August 15, 2016, the Planning Commission adopted Resolution No. 16-28 recommending approval of the IMD.

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:

(13) Denali Highway Mile 99, Township 19 South

Range 2 West, Section 10: That portion of the southeast

1/4 lying south of the Denali Highway and Section 15:

That portion of the north 1/2 northeast 1/4 lying south
of the Denali Highway, Fairbanks Meridian.

Section 3. Special Conditions. The approved IMD 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 expansions of the material extraction operation.
3. Material extraction shall be limited to the areas identified in the site plans received by the Borough June 8, 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. If a project is planned for the site that requires a Storm Water Pollution Prevention Plan (SWPPP), a copy of the approved SWPPP 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 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 Planning Department

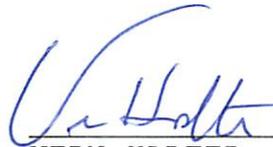
shall be contacted immediately so the remains can be documented.

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 IMD.
14. The applicant and/or operator shall comply with the reclamation standards of MSB 17.28.067.
15. Visual screening shall be achieved and maintained by using a combination of the esker ridges near the Denali Highway right-of-way and along the section line easement on the east boundary. A 50-foot wide undisturbed buffer will be maintained around the remaining perimeter of the site.
16. If mining activities take place within 300-feet of the property boundaries, visual buffers a minimum of 10-feet in height, including vegetative buffers and/or earthen berms shall be employed.

17. 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 20 day of September, 2016.



VERN HALTER, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



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

