

By: Alex Strawn  
Introduced: October 3, 2016  
Public Hearing: October 17, 2016  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 16-35**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION MODIFYING MSB 17.28 AND MSB 17.30 IN ORDER TO ELIMINATE THE INTERIM MATERIALS DISTRICT PROCESS.

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WHEREAS, the Borough has regulated gravel extraction since September 2005; and

WHEREAS, currently, potential gravel operators have three options when applying for the ability to extract gravel within the Borough; and

WHEREAS, the existing three-tier system has led to uncertainty and confusion regarding which process applies; and

WHEREAS, while administrative permits and conditional use permits are quasi-judicial in nature, interim materials districts are legislative; and

WHEREAS, the IMD process is very similar to a Conditional Use Permit in that it is approval or denial of a specific operation on a single piece of property; and

WHEREAS, zoning designations generally are not established for a particular operation on a single parcel, rather they are used to designate appropriate uses for a broader geographic area; and

WHEREAS, Alaska Statute 29.40.020(b)(2) requires that the Planning Commission review, recommend, and administer measures necessary to implement the comprehensive plan, including land use permits, established by the Assembly, which are designed to encourage or discourage specified uses; and

WHEREAS, because large gravel operations have similar impacts as other land use permits within the Borough, it is appropriate that they would be adjudicated by the Planning Commission rather than the Assembly; and

WHEREAS, Interim materials districts are not appealable by either the applicant or other interested parties; and

WHEREAS, lack of an appeal process for approval or denial of development applications has potential legal implications dealing with rights to due process; and

WHEREAS, this ordinance will clarify and streamline the process and give all parties, residents, and developers an avenue for appeal.

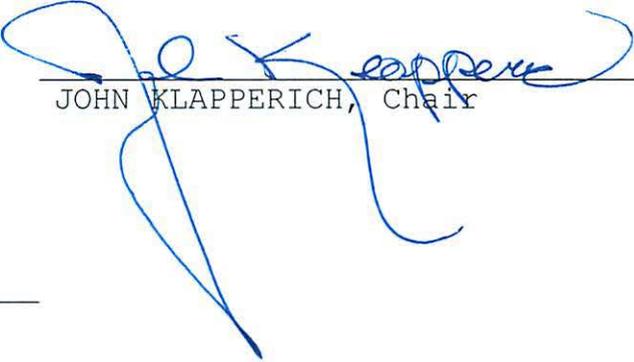
NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of an ordinance modifying MSB 17.28 and MSB 17.30 in order to eliminate the interim materials district process.

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ADOPTED by the Matanuska-Susitna Borough Planning Commission this 17<sup>th</sup> day of October, 2016.

  
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JOHN KLAPPERICH, Chair

ATTEST

  
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MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Klapperich, Anderson, Healy, Kendig, Adams, and Raichenstein*  
NO: *Vague*