

By: Planning Commission  
Public Hearing: December 18, 2017  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 17-58**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW TO SUPPORT DENIAL OF RESOLUTION 17-50, WHICH IS A REQUEST BY PURINTON PRODUCTS, LLC TO CONDUCT EARTH MATERIALS EXTRACTION ACTIVITIES ON 16N04W03A005.

WHEREAS, Planning Commission Resolution 17-50 was for approval of a Conditional Use Permit to remove earth materials from 21252 W. Susitna Parkway (Tax ID# 16N04W03A005); located within Township 16 North, Range 4 West, Section 3, Seward Meridian; and

WHEREAS, on December 4, 2017 the Planning Commission held and closed the public hearing for Resolution 17-50; and

WHEREAS, on December 4, 2017 the Planning Commission failed to garner a majority vote for approval, which constitutes denial of the Conditional Use Permit; and

WHEREAS, it is the purpose of MSB Chapter 17.30 to allow resource extraction activities while promoting the public health, safety, and general welfare of the Borough through the regulation of land uses to reduce the adverse impacts of land uses and development between and among property owners; and

WHEREAS, it is further the purpose of MSB 17.30 to promote orderly and compatible development; and

WHEREAS, the Planning Commission has reviewed this application, associated materials, and the staff report, with respect to standards set forth in MSB 17.30 and MSB 17.28; and

WHEREAS, the total footprint for the proposed earth material extraction activity is 31.5 acres; and

WHEREAS, the proposed earth material extraction activity is expected to begin in May when the site has thawed through November when the site freezes, with the expected final year of extraction occurring in 2050; and

WHEREAS, this property is located within the Big Lake Community Council planning area; and

WHEREAS, the subject parcel is located within the *Highway-Oriented Commercial and Light Industrial Uses* area as identified in the Big Lake Comprehensive Plan; and

WHEREAS, earth materials extraction as an industrial use is discouraged within the "highway-oriented commercial and light industrial" area as shown in the Big Lake Comprehensive Plan; 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 to 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, the intent of the 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: *"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, the *"Establish Community-Wide Development Guidelines, Highway-Oriented Commercial and Light Industrial Uses"* section of the Big Lake Comprehensive Plan states that, *"Industrial uses in predominantly residential areas is discouraged,"* and lists goals that industrial uses: i. Not be harmful to public health, safety and general welfare; ii. Minimize negative impacts on surrounding land uses from excessive traffic, noise, odors or

lighting; iii. Provide visual screening, vegetative buffers or wider setbacks to reduce visual impacts of industrial operations on surrounding uses; iv. Protect the natural environment and the integrity of the surrounding area; v. Obtain all necessary local, state and federal permits"; and

WHEREAS, land uses within one-half mile of the site contain a mixture of commercial, undeveloped and residential uses; and

WHEREAS, the Robertson Subdivision located east of the subject parcel consists of 19 lots, six of which have been developed with residential homes; and

WHEREAS, parcels to the west range from five to 13 acres in size and are mixed with undeveloped and residential uses; and

WHEREAS, Purinton Parkway Subdivision and K'enaka Subdivision are to the north. About half are developed with residential homes and the remaining are undeveloped; and

WHEREAS, testimony by residents and property owners in the vicinity of the subject property stated opposition to the proposal based on the potential for negative impacts related to noise, dust and traffic and stated these impacts are already occurring as a result of gravel extraction and processing approved under an administrative permit issued by the Borough for this property; and

WHEREAS, testimony by residents and property owners in the vicinity of the subject property stated that the current operation is noisy; and

WHEREAS, the nearby subdivision (to the north) has many homes that may be affected by the noise and dust from the gravel mining operation; and

WHEREAS, comments received in writing and during the public hearing regarding the proposed use raised the following concerns:

- Potential negative impact to environment due to runoff from site
- Dust and air pollutants may impact nearby residential uses
- Noise pollution may impact nearby residential uses
- Proximity to residential uses
- May be dangerous to school bus routes in the area
- Potential negative impact to property values
- Potential negative impact to the aquifer
- Proposed use in not consistent with the Big Lake Comprehensive Plan; and

WHEREAS, the applicant's reclamation plan is incomplete as it does not include Phase 3 of the mining plan; and

WHEREAS, the applicant's storm water pollution prevention plan is incomplete as it does not include Phase 3 of the mining plan.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned

findings of fact and makes the following conclusions of law supporting denial of Planning Commission Resolution 17-50:

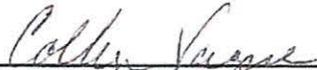
1. The application material has not met all of the requirements to demonstrate compliance with state and federal laws (MSB 17.30.055(A)); and
2. The conditional use is not consistent with the applicable comprehensive plan (MSB 17.30.60(A)(1)); and
3. The proposed use with conditions, will detract from the value, character and integrity of the surrounding area (MSB 17.30.060(A)(2)); and
4. The applicant has not met all of the requirements of this chapter (MSB 17.30.060(A)(3)); and
5. The proposed use with conditions, will be harmful to the public health, safety, convenience and welfare due to negative impacts such as noise, dust, and traffic (MSB 17.30.060(A)(4)); and
6. Sufficient setbacks, lot area, buffers and other safeguards are not being provided (MSB 17.30.60(A)(5)); and
7. The surrounding property ownership, existing land uses, and wetlands and water bodies within the notification area have been identified (MSB 17.28.060(A)(1)); and
8. Phases of proposed mining activities, description of the topography and vegetation, and approximate time sequence

for the duration of the mining activity have been determined. No permanent, semi-permanent, or portable equipment related to the conditional use are anticipated to be located within the required setbacks (MSB 17.28.60(A)(2)); and

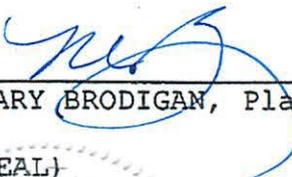
9. The proposed traffic route and traffic volumes have been identified. Traffic generated from the proposed use will not exceed 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles a day, as specified in MSB 17.61.090, Traffic Standards (MSB 17.28.60(A)(3)); and
10. Visual screening has been identified through existing vegetation and earthen berms (MSB 17.28.60(A)(4)); and
11. There is no evidence the proposed use with conditions, will meet the noise standards in accordance with MSB 17.28.060(A)(5); and
12. The proposed use meets lighting standards in accordance with MSB 17.28.060(A)(6); and
13. Earth materials extraction activities will not take place within 100-feet of any identified wetlands or waterbodies and will not take place below or within four feet of the seasonal high water table in accordance with MSB 17.28.060(A)(7)(a-b).

BE IT FURTHER RESOLVED, that this is a final determination which may be appealed in accordance with MSB 15.39.140 by filing a written notice of appeal with the Borough Clerk within 21 days from the date this determination was issued. If an appeal is not filed as described in the preceding sentence, the right to appeal is forfeited.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 18<sup>th</sup> day of December, 2017.

  
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COLLEEN VAGUE, Chair

ATTEST

  
\_\_\_\_\_  
MARY BRODIGAN, Planning Clerk

(SEAL)



YES: Vague, Anderson, Healy, and Chesbro

NO: Elder, Glashan, and Rauchenstein