

By: Mark Whisenhunt  
Introduced: November 6, 2017  
Public Hearing: December 4, 2017  
Action: Failed

**MATANUSKA-SUSITNA BOROUGH**  
**PLANNING COMMISSION RESOLUTION NO. 17-50**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH MSB 17.30 - CONDITIONAL USE PERMIT (CUP) FOR EARTH MATERIALS EXTRACTION ACTIVITIES, FOR THE EXTRACTION OF approximately 3,000,000 CUBIC YARDS OF EARTH MATERIAL FROM A 31.5-ACRE SITE WITHIN A 37.56-ACRE PARCEL, LOCATED WITHIN TOWNSHIP 16 NORTH, RANGE 4 WEST, SECTION 3, TAX PARCEL A5 (16N04W03A005), SEWARD MERIDIAN.

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WHEREAS, an application for a Conditional Use Permit was submitted by Isaac Pearson, dba Purinton Products, LLC to remove earth materials from 21252 W. Susitna Parkway (Tax ID# 16N04W03A005) within Township 16 North, Range 4 West, Section 3, Parcel A5, 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, 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 earth material extraction activity is 31.5 acres; and

WHEREAS, 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, an Alaska State Department of Revenue license is not required for this application because Alaska law was amended in 2012 and rock, sand and gravel quarries are now exempt from the requirement; and

WHEREAS, an Alaska State Department of Natural Resources (ADNR) mining permit is not required for this application because the extraction activities will not take place on state land; and

WHEREAS, an ADNR reclamation plan with financial assurance was accepted by ADNR for this project site; and

WHEREAS, a storm water pollution prevention plan (SWPPP) has been developed and submitted with the application material; and

WHEREAS, a United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act is not required

for this application as the applicant is not proposing any extraction activity to take place within any identified wetlands, lakes, streams, or other waterbodies; and

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

WHEREAS, a 25-foot vegetative buffer remains along the east, west, and south property lines; and

WHEREAS, 10-foot tall berms have been constructed encompassing the mining area on the east, north, and west sides; and

WHEREAS, other than through the access point, the operation is not visible from West Susitna Parkway; and

WHEREAS, according to the application material, water trucks will be used as needed during operations as a dust control measure; and

WHEREAS, according to the application material, slopes will be left at a 2:1 (H:V) slope which meets the standards of MSB code 17.28.067(D) that requires a maximum 50 percent (2:1) slope or the natural stabilized angle of repose of the existing earth material; 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, the Big Lake Comprehensive Plan identifies *"Green Infrastructure - Natural Features to be Protected"* on Map 7, within the plan; and

WHEREAS, the Big Lake Comprehensive Plan does not identify the subject parcel as *"Green Infrastructure"*; 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, 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, earthen berms and vegetative buffers have been incorporated into the operation plan as noise mitigation measures; and

WHEREAS, according to the application material, upon completion of mining, the mining area will be the same elevation as West Susitna Parkway and will be compacted with a two percent slope, effecting leaving its use and value intact; and

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

WHEREAS, lands abutting the site to the east, west, and south are undeveloped. West Susitna Parkway abuts the parcel to the north; and

WHEREAS, all land to the south is owned by the Matanuska-Susitna Borough, most of which is classified for forest management; and

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

WHEREAS, two lots within the Robertson subdivision recently obtained an administrative permit to extract gravel to level the property and make more usable area; 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, access is made directly onto West Susitna Parkway; and

WHEREAS, the proposed hours of operation are 7:00 AM to 7:00 PM, daily; and

WHEREAS, all of the site plan and site development requirements have been provided; and

WHEREAS, an asphalt / hot mix plant is not proposed as part of this application; and

WHEREAS, a batch plant is not proposed as part of this application; and

WHEREAS, the driveway accessing the site has been upgraded via an MSB Driveway Permit to allow truck traffic to make a right-turn from the subject parcel onto West Susitna Parkway without crossing into the oncoming lane, as required by condition #11 of the Administrative Permit; and

WHEREAS, according to the site development plan, proposed permanent and semi-permanent structures associated with the proposed use meet setback requirements; and

WHEREAS, according to the site plan, earth material extraction activities will not take place within 100-feet of any identified wetlands or waterbodies; and

WHEREAS, maps are included in the record identifying surrounding property ownership, existing land uses, wetlands, and waterbodies within ½ mile of the proposed site; and

WHEREAS, a site plan is included in the record showing the location of the earth materials extraction site, including phases of mining within the subject parcel; and

WHEREAS, a topographic contour map, bare earth map, and aerial photography are included in the record. These items show topographic features and vegetation of the subject property and adjacent properties; and

WHEREAS, according to the application material, the proposed operation does not anticipate generating traffic in excess of 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles per day; and

WHEREAS, noise levels exceeding the levels in MSB 17.28.060 are prohibited; and

WHEREAS, according to the application material, if lighting is needed, exterior lighting will be located and shielded to

direct the light towards the ground in order to minimize light spillage onto adjacent properties and upward into the night sky. Illumination or other fixtures mounted higher than 20 feet or 150 watts or more will have downward directional shielding; and

WHEREAS, the Planning Commission conducted a public hearing on December 4, 2017 on this matter.

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 approval of Planning Commission Resolution 17-50:

1. All of the requirements to demonstrate compliance with state and federal laws have been met (MSB 17.30.055(A)); and
2. The conditional use is consistent with the applicable comprehensive plan (MSB 17.30.60(A)(1)); and
3. The proposed use with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.30.060(A)(2)); and
4. The applicant has met all of the requirements of this chapter. (MSB 17.30.060(A)(3)); and
5. The proposed use with conditions, will not be harmful to the public health, safety, convenience and welfare (MSB 17.30.060(A)(4)); and



6. Sufficient setbacks, lot area, buffers and other safeguards are 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 achieved through existing vegetation and earthen berms (MSB 17.28.60(A)(4)); and
11. The proposed use with conditions, meets 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 the Planning Commission finds this application does meet the applicable standards of MSB 17.30 and 17.28 and does hereby approve the conditional use permit for the earth material extraction activities with the following conditions:

1. The owner and/or operator shall comply with all applicable federal, state, and local regulations.
2. A copy of the approved permit shall be provided to each contractor company working at the site and a copy of the permit shall be posted on the subject property in a location and manner clearly visible to the public for the duration of the permitted activities.
3. All aspects of the operation shall comply with the description detailed in the application material and an amendment to the Conditional Use Permit shall be required prior to any alteration or expansion of the material extraction operation.

4. Material extraction shall be limited to the 31.5-acre area identified in the applicant's site plan(s) with a date and time stamp of, August 11, 2017 - 8:13am.
5. The 10-foot tall earthen berm on the north, east, and west sides of the mining area identified on the site plan shall be maintained.
6. The vegetative buffer surrounding the proposed mining area shown on the site plan(s), submitted on May 8, 2017, shall be left undisturbed.
7. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected for leaks at the end of each day.
8. 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.
9. Any hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
10. 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.
11. Access shall be maintained in a manner that will allow truck traffic making a right-turn from the subject

parcel onto West Susitna Parkway without crossing into the oncoming lane.

12. All track-out sediments from the site shall be removed from the right-of-way daily.
13. Dust control shall be achieved at the mining site, rock crushing area, and the access area at the site.
14. The operation shall comply with the maximum permissible sound level limits allowed in MSB Code, per the requirements of MSB 17.28.060 - Site Development Standards and MSB 8.52 - Noise, Amplified Sound, and Vibration.
15. All extraction activities, including all activities that cause noise, dust, or traffic, shall be limited to 7am to 7pm, Monday through Saturday, except crushing activities are limited to 8am to 5pm, Monday through Friday.
16. As indicated in the application material, neither a batch plant nor hot mix plant shall be used at the site.
17. The rock crusher shall be located and operated in the central portion of the parcel, as shown on the site plan, to maximize its distance from residential developments in the area.

18. If cultural remains are found during material extraction activities, the MSB Planning Department shall be contacted immediately so the remains can be documented.
19. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.
20. Borough staff shall be permitted to enter onto any portion of the property to monitor compliance with permit requirements. Such access will at 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 this Conditional Use Permit.
21. The property owner and/or operator shall comply with the reclamation standards of MSB 17.28.067.
22. A traffic control plan consistent with state regulations shall be in place, prior to generating traffic volumes that exceed the levels specified in MSB 17.61.090.
23. 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.

24. Authorization for earth material extraction activities approved by this Conditional Use Permit shall expire on December 31, 2050.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this \_\_\_\_ day of \_\_\_\_, 2017.

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COLLEEN VAGUE, Chair

ATTEST

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MARY BRODIGAN, Planning Clerk

(SEAL)

YES: Elder and Rauchenstein

NO: Vague, Healy, Chesbro, and Glashan