

By: Mark Whisenhunt
Introduced: May 7, 2018
Public Hearing: May 21, 2018
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-14**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING THE MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT FOR THE EXTRACTION OF 2,000,000 CUBIC YARDS OF EARTH MATERIAL FROM A 52.3-ACRE SITE WITHIN A 55.83-ACRE PARCEL, LOCATED WITHIN TOWNSHIP 23 NORTH, RANGE 4 WEST, SECTION 32, TAX PARCEL C1 (23N04W32C001), SEWARD MERIDIAN.

WHEREAS, an application for was submitted by Colaska (dba QAP) to modify an existing conditional use permit to remove earth materials from 55339 S. Parks Highway (Tax ID# 23N04W32C001); located within Township 23 North, Range 04 West, Section 32, Seward Meridian; and

WHEREAS, the applicant is specifically requesting three changes: 1) Expanding the hours and days of operation to 7:00 a.m. - 7:00 p.m., daily. The existing Conditional Use Permit restricts the operation to 7:00 a.m. - 7:00 p.m., Monday through Saturday. 2) Extending the expiration of the permit by one year, to 2028. 3) Expanding the size of the operation to 52.3 acres, with an extraction of approximately 2,000,000 cubic yards of material. The existing Conditional Use Permit allows the extraction of approximately 600,000 cubic yards of material from a 20-acre site within the subject parcel; and

WHEREAS, MSB 17.30.110 allows a property owner to apply for a modification of a Conditional Use Permit; 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, on April 3, 2017, Colaska (dba QAP) obtained approval from the MSB Planning Commission to conduct a commercial earth materials extraction operation on the subject property, through the adoption of Planning Commission Resolution 17-05; and

WHEREAS, Colaska (dba QAP) is currently operating in accordance with Conditional Use Permit #173020160001; and

WHEREAS, the total footprint for earth material extraction activity is 52.3 acres; and

WHEREAS, earth material extraction activity is expected to begin in May and end in November annually, with the expected final year of extraction occurring in 2028; 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, per the application material, a qualified person has determined a storm water pollution prevention plan (SWPPP) is not required as there is no reasonable potential to cause a discharge of storm water into any waters of the United States; 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 Susitna (formerly Y) Community Council planning area. The Y Community Council Area Comprehensive Plan was adopted in 2007; and

WHEREAS, according to the application material, a 25-foot vegetative buffer with a 15-foot tall berm will encompass the mining area; and

WHEREAS, according to the application material, the applicant is proposing to increase the height of the earthen berms by 5 feet, for a total height of 15 feet; and

WHEREAS, according to the application material, proximity alarms have been installed on all vehicles preventing unnecessary backup alarm noises; and

WHEREAS, two haul routes have been identified: 1) direct access onto an unnamed access road within the Parks Highway right-of-way, then proceed to the frontage road known as S. Parka Parkway, and then proceed north or south on the Parks Highway to the location of the road project. 2) During the Parks Highway upgrade project, the site will access the highway project area directly; and

WHEREAS, the applicant is not proposing to mine below or within four feet of the seasonal high water table; and

WHEREAS, according to the application material, the applicant will install monitoring wells to ensure the operation does not mine below or within four feet of the seasonal high water table; and

WHEREAS, according to the application material, slopes will be left at 2:1 (H:V) which meets the standards of MSB 17.28.067(D)

which requires a maximum 50 percent (2:1) slope or the natural stabilized angle of repose of the existing earth material; and

WHEREAS, goal four of the Y Community comprehensive plan states: *Guide location and character of development with significant off-site impacts to minimize impacts on environmental and community quality, particularly industrial activities and natural resource development, e.g. coal-bed methane, logging, gravel extraction, etc. Encourage forms of development that create economic opportunity and help sustain the area's rural character, including agriculture and timber harvesting; and*

WHEREAS, under Standards for Specific Uses of the Y Community comprehensive plan it states: *Sand and Gravel Extraction - The following policies apply to all existing and future operations:·An approved Master Plan for Operations and Reclamation is required prior to commencing operations. Operators must put up a performance bond ensuring compliance to the master plan and other development standards. · Reclamation required - Return the land to a useable state. Noise - If necessary to avoid disrupting neighboring uses, build sound reducing walls around the operation. · Use of residential roads by trucks, heavy equipment is a significant community concern. The amount and timing of use shall be limited to avoid congestion, noise, dust and safety impacts on community roads; and*

WHEREAS, an operations plan was submitted to the Borough as part of the application material; and

WHEREAS, an ADNR reclamation plan with financial assurance was accepted by ADNR for this project site; 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, water trucks will be used on gravel haul routes and at the site as needed during operations as a dust control measure; and

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

WHEREAS, lands abutting the site contain undeveloped and residential uses; and

WHEREAS, large undeveloped parcels ranging from 10 to 40 acres in size are directly to the south and west; and

WHEREAS, to the north, northeast, and southwest there is a mix of vacant land and residential homes on parcels ranging from one to eight acres in size; and

WHEREAS, earth material extraction activity is expected to begin in May and end in November annually, with the expected final year of extraction occurring in 2028; and

WHEREAS, the Parks Highway and Alaska Railroad abut the parcel to the northwest and west; 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, according to the application material, the proposed crusher and hot mix asphalt plant will be located at the southern area of the property, which is maximizing the distance to residential uses as required by condition #14 of Conditional Use Permit #173020160001; and

WHEREAS, all of the site plan(s) and site development information have been provided; and

WHEREAS, the applicant is required to obtain and comply with an Environmental Protection Agency (EPA) Air Quality Permit for the operation of the hot mix asphalt plant; and

WHEREAS, MSB 17.30.055(B) requires the operation to comply with State and Federal laws pertaining to air quality, water quality, and the use and storage of hazardous materials, waste and explosives; and

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

WHEREAS, maps are included in the record identifying surrounding property ownership, existing land uses, 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 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, Matanuska-Susitna Borough data lists S. Parka Parkway as a minor collector road that is maintained by the Borough; and

WHEREAS, according to the application material, it is estimated that at peak operation, the site will produce approximately 40 trips an hour; and

WHEREAS, Noise levels exceeding the levels in 17.28.060(A)(5)(a) 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 and illumination or other fixtures mounted higher than 20 feet or 150 watts or more will have downward directional shielding; and

WHEREAS, National Wetlands Inventory data shows wetlands near the parcel but not within the parcel boundaries; and

WHEREAS, the Planning Commission conducted a public hearing on May 21, 2018 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 18-14:

1. All of the requirements to demonstrate compliance with state and federal law have been met (17.30.055(A)); and
2. The proposed modification is not inconsistent with the applicable comprehensive plan (MSB 17.30.60(A)(1)); and
3. The proposed modification with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.30.060(A)(2)); and
4. The application material has met all of the requirements of this chapter (MSB 17.30.060(A)(3)); and
5. The proposed modification 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. Location of the 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 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 trips during the morning or afternoon peak hour or more than 750 trips per day, as specified in MSB 17.61.090, Traffic Standards (MSB 17.28.60(A)(3)); and
10. Existing vegetation and earthen berms will be used to meet the visual screening measures (MSB 17.28.60(A)(4)); and
11. The proposed modification with conditions, meets the noise standards in accordance with MSB 17.28.060(A)(5); and
12. The proposed modification 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 in accordance with MSB 17.28.060(A)(7).

BE IT FURTHER RESOLVED, that the Planning Commission finds the proposed modification does meet the applicable standards of MSB 17.30 and 17.28 and does hereby modifies the conditional use permit approved on April 3, 2017 for the earth material extraction activities, by approving the following conditions to supersede conditions two, three, four, five, thirteen, fourteen, and twenty-one of Planning Commission Resolution 17-05:

1. All aspects of the operation shall comply with the description detailed in the application material related to this request for modification. An amendment to the Conditional Use Permit shall be required prior to any alteration or expansion of the material extraction operation.
2. Material extraction shall be limited to the area (approximately 52.3 acres in size) identified in the applicant's site plan(s) with the "received" stamp dated April 11, 2018.
3. The 15-foot tall earthen berms encompassing the mining area identified on the site plan(s) with the "received" stamp dated April 11, 2018, shall be maintained.
4. The vegetative buffer surrounding the proposed mining area shown on the site plan(s) with the "received" stamp dated April 11, 2018, shall be maintained.

5. All extraction activities, including all activity that causes noise, dust, or traffic, shall remain limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday and 7a.m. to 7 p.m. on Sundays with traffic prohibited from Parka Way.
6. In order to maximize the distance from the residential areas, the rock crusher and hot mix plant shall be operated in the location identified in the applicant's site plan(s) with the "received" stamp dated April 11, 2018.
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. Authorization for earth material extraction activities approved by this modification of Conditional Use Permit #173020160001 shall expire on December 31, 2028.

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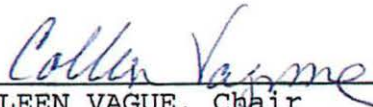
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ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 21st day of May, 2018.



COLLEEN VAGUE, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



APPROVED UNANIMOUSLY: Vague, Patterson, Chesbro, Elder,
Glashan, and Mossanen