

By: Joe Metzger  
Introduced: July 15, 2019  
Public Hearing: August 5, 2019  
Action: Failed

**MATANUSKA-SUSITNA BOROUGH**  
**PLANNING COMMISSION RESOLUTION NO. PC 19-18(AM)**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE EXTRACTION OF 1,000,000 CUBIC YARDS OF EARTH MATERIAL FROM A 23.5 ACRE SITE WITHIN A 41.2 ACRE PARCEL AT 56218 SOUTH PARKS HIGHWAY (TAX ID# 22N04W06B003); WITHIN TOWNSHIP 22 NORTH, RANGE 4 WEST, SECTION 6, SEWARD MERIDIAN.

WHEREAS, an application has been received from Emily McDonald on behalf of Don Jean Pit for a conditional use permit for the extraction of earth material to support public transportation projects at 56218 S. Parks Highway, (Tax ID# 22N04W06B003); within Township 22 North, Range 4 West, Section 6, Seward Meridian; and

WHEREAS, it is the intent of the MSB 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 lands 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, MSB 17.30.020(E) requires a conditional use permit for the annual extraction of more than 2,000 cubic yards of earth materials; and

WHEREAS, an Alaska State Department of Revenue mining 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, a reclamation plan has been developed as required by Alaska State Department of Natural Resources (ADNR), pursuant to A.S. 27.19, and has been submitted as part of this application; and

WHEREAS, the application material indicates an Alaska Pollution Discharge Elimination System permit will be obtained prior to construction or mining activities, as appropriate.; 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 vegetative buffer of 50-feet will remain to the north and east, while a vegetative buffer of 100-feet will remain between the conditional use and the neighboring Falcon's Ridge subdivision to the south and a 210-foot buffer shall remain intact to the west; and

WHEREAS, the application material indicates 10-foot tall earthen berms will be constructed and maintained on the north, south, and east side of the mining area; and

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

WHEREAS, earthen berms and vegetative buffers have been incorporated into the operation plan as visual and sound mitigation measures; 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, reclamation slopes will be no steeper than 3:1 (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 use is consistent with Goal two of the Y Comprehensive plan: "Protect the scenic quality and environmental quality of land along the Parks Highway and Spur Roads, by encouraging future commercial development to locate in clustered centers, and screening development along the highway. Large scale commercial and heavy industrial uses are discouraged along these highways and in rural residential areas; home-based business, small scale residential-compatible commercial, and established commercial businesses are encouraged"; and

WHEREAS, the use is consistent with Goal four of the Y Comprehensive plan: "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, land uses within one-half mile of the site contain a mixture of undeveloped, recreational, and residential uses; and

WHEREAS, the application material indicates that reclamation will occur immediately after the resource has been mined out and is expected to be completed by June 2029; and

WHEREAS, parcels in the surrounding area range from .9 to 45 acres in size; and

WHEREAS, according to the application material and depicted on the site plan, up to two access points are proposed for the use. Option #1 would access directly to the Parks Highway, while option #2 would access Falcon Road before accessing the Parks Highway; and

WHEREAS, the application material indicates if a batch plant, rock crusher and/or screening plant is used for the operation, it will occur in the proposed primary equipment staging area or the proposed secondary equipment staging area as depicted in the site plan; and

WHEREAS, the proposed locations of the batch plant, rock crusher and/or screening plant is located approximately 500 feet from the closest residential structure; and

WHEREAS, the proposed hours of operation are 7:00 AM to 7:00 PM, Monday through Saturday, unless construction requirements necessitate work outside these times; and

WHEREAS, the application material indicates if illumination devices are needed, they shall not be greater than 20 feet in height and will utilize downward directional shielding devices; and

WHEREAS, according to the site development plan, 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, the application material indicates that during high activity within the pit, the maximum number of truck trips during a 12-hour workday is estimated to be 250; and

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

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

WHEREAS, the Planning Commission conducted a public hearing on August 5, 2019 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 19-18:

1. All of the requirements to demonstrate compliance with state and federal laws have been met (MSB 17.30.055(A)).
2. The proposed use, with conditions, is consistent with the applicable comprehensive plan (MSB 17.30.60(A)(1)).
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)).
4. The application material has met all of the requirements of this chapter (MSB 17.30.060(A)(3)).
5. The proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.30.060(A)(4)).
6. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.30.60(A)(5)).
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)).

8. The area to be mined, 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)).
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)).
10. Existing vegetation and earthen berms will be used to meet the visual screening measures(MSB 17.28.60(A)(4)).
11. Noise mitigation measures include retaining vegetative buffers and constructing earthen berms to ensure that sounds generated from earth material extraction activities do not exceed sound levels set forth in MSB 17.28.060(A)(5)(a). Noise levels exceeding the levels in 17.28.060(A)(5)(a) are prohibited.
12. The proposed use meets lighting standards in accordance with MSB 17.28.060(A)(6).
13. The operation will not conduct earth material extraction activities within 100 linear feet of any identified



wetland, stream, river or other waterbody and the operation will not mine below or within four feet of the seasonal high water table (MSB 17.28.60(A)(7)(a - b)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.30 and MSB 17.28 and does hereby approve the conditional use permit earth material extraction activities with the following conditions:

1. The operation shall comply with all applicable state and local regulations.
2. A copy of the approved permit shall be provided to each contractor company working at the site.
3. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
4. Material extraction shall be limited to the 23.5-acre area identified in the application material.
5. The 10-foot tall earthen berm on the north, east, and south sides of the mining area identified on the site plan shall be constructed and maintained.
6. An undisturbed vegetative buffer shall be maintained as follows: 50-feet to the north and east, 50-feet to the south from the Parks Highway until South Hawk Avenue,

100-feet to the south from South Hawk Avenue until the Susitna River, and 210-feet to the west.

7. Access shall be made directly to the Parks Highway via a State permitted access point.
8. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected for leaks at the end of each day.
9. 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.
10. Any hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
11. All construction equipment and haul trucks shall avoid using subdivision roads outside of the project area to the extent possible, to minimize impact to the subdivision roads and residents.
12. The permit holder shall perform dust mitigation techniques as described in the application as-needed to minimize dust impacts to the surrounding areas.
13. 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.

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.
16. Any crushing activities or batch plants, shall be limited to 8am to 5pm, Monday through Friday.
17. The rock crusher and batch plant shall only be located in the primary or secondary equipment staging area, 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. If necessary, the permit holder shall obtain a Storm Water Pollution Prevention Plan (SWPPP) prior to beginning operations.
20. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.

21. 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.
22. The property owner and/or operator shall comply with the reclamation standards of MSB 17.28.067.
23. All junk, trash, and junk vehicles, as defined in MSB 8.50 shall be removed and properly disposed of prior to the completion of reclamation on the subject parcel.
24. 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.
25. 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.
26. Authorization for earth material extraction activities approved by this Conditional Use Permit shall expire on December 31, 2024.

ADOPTED by the Matanuska-Susitna Borough Planning Commission  
this \_\_\_\_ day of \_\_\_\_, 2019.

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COLLEEN VAGUE, Chair

ATTEST

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MARY BRODIGAN, Planning Clerk

(SEAL)

YES: Elder, Glashan, and Mossanen

NO: Vague, Anderson, and Chesbro