

By: Peggy Horton
Introduced: May 1, 2023
Public Hearing: June 05, 2023
Action: ADOPTED

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 23-10**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT UNDER MSB 17.60 FOR THE OPERATION OF A JUNKYARD/SALVAGE YARD AT 6450 WEST JAKES ROAD, TAX ID #17N02W22A009 & 17N02W22A010; WITHIN TOWNSHIP 17 NORTH, RANGE 2 WEST, SECTION 22, SEWARD MERIDIAN.

WHEREAS, Carter Debach applied for a conditional use permit under MSB 17.60 for the operation of a junkyard/salvage yard at 6450 West Jakes Road, Tax ID #17N02W22A009 & 17N02W22A010; and

WHEREAS, MSB 17.60.030(A)(1) requires a conditional use permit for the operation of a junkyard; and

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, junkyard operations are declared to be a public nuisance; and

WHEREAS, the subject property includes two 40-acre parcels for a total area of 80 acres; and

WHEREAS, the northeast corner of the property is approximately 1320 feet west of South Vine Road, which is classified as a minor arterial; and

WHEREAS, the 30-acre parcel directly northwest of the subject property is undeveloped state-owned land. North of the subject land is

a 14-acre parcel, currently in commercial use as a construction yard. The 40-acre parcel at the northeast corner is a former earth material extraction site that ended operation in 2006, now used commercially as a landscaping and excavation business. West, south, and east of the subject properties are vacant or residential land use parcels ranging from 40,000 square feet to 15 acres; and

WHEREAS, land use further north along South Vine Road is a mix of commercial, industrial, and residential use lots, including a permitted junkyard approximately 1.4 miles away. Land uses further south along South Vine Road to South Knik-Goose Bay Road are a mixture of commercial and residential uses, and at the south end is Fire Station 6-2; and

WHEREAS, the subject parcels are currently being used as a residence and to stockpile scrap metal and vehicles in expectation of approval for a Junkyard Conditional Use Permit; and

WHEREAS, Lucille Creek, an anadromous creek, crosses the northwest corner of the property; and

WHEREAS, Matanuska-Susitna Borough Wetlands Viewer shows that a portion of the northwest corner of the property is probable wetlands; and

WHEREAS, the Voluntary Best Management Practices for Development around Waterbodies, adopted by the Borough Assembly in

2005, recommends maintaining at least a 75' distance from the water's edge for long-term vehicle or equipment storage; and

WHEREAS, according to the application material, the 150' wetlands and creek setback will consist of natural, undisturbed vegetation; and

WHEREAS, according to the application material, the owner will have a professional wetlands delineation performed in the summer of 2023; and

WHEREAS, according to the application material, the owner will have the 150' wetlands and creek setback surveyed and marked by a registered land surveyor when the wetlands delineation is performed; and

WHEREAS, according to the application material, a 100' vegetated buffer will remain on all four sides of the 80 acres, except the driveway area, providing a buffer from the operation to the abutting parcels on all sides and obscuring the site from all public rights-of-way; and

WHEREAS, according to the application material, the applicant provided site plans indicating the operation's future development, noting fencing around the future parking lot to comply with visual screening requirements; and

WHEREAS, a plan review from the Fire Marshal's office is required prior to the construction of any commercial building; and

WHEREAS, West Jakes Road is an unmaintained Borough road classified as a minor collector and shown on the Official Streets and Highways Plan as a future connector between South Vine Road and South Sylvan Road; and

WHEREAS, the applicant is working with the Permit Center to obtain an approved driveway permit; and

WHEREAS, according to the application material, a gate onto the property from West Jakes Road will be installed prior to operation; and

WHEREAS, the subject parcels have frontage on other existing public right-of-ways, all of which lead into residential areas; and

WHEREAS, according to the application material, traffic volume associated with the junkyard and salvage operation is estimated at less than 50 vehicles per day, including employee and customer traffic; and

WHEREAS, according to the application material, the operation will offer unwanted/junk vehicle towing, scrap metal removal services, and used car sales; and

WHEREAS, according to the application material, the operation will accept scrap metals and anything made primarily of metal (such as vehicles, metal beams, metal trailers, metal boiler tanks, metal siding, and so on); and

WHEREAS, according to the application material, the operation will include a pick-and-pull auto salvage yard, allowing customers to pull parts from vehicles on the property; and

WHEREAS, according to the application material, the operation will limit the storage of scrap metals and vehicles to the areas marked "Auto Storage" on the site plan; and

WHEREAS, according to the application material, all vehicles, except those sold as is, will be drained of oils and fluids prior to being crushed or placed in the "Auto Storage" areas shown on the site plan; and

WHEREAS, according to the application material, the applicant developed a Hazardous Materials Plan and included it with the application; and

WHEREAS, according to the application material, all fluid and oil containers will be marked and stored in leak-proof secondary containment areas, such as connexes; and

WHEREAS, according to the application material, a surveyor marked the property's boundary; and

WHEREAS, according to the application materials, the operation will train staff members on best practices, contamination prevention, good housekeeping practices, and proper spill cleanup; and

WHEREAS, the operation must comply with the maximum permissible sound level limits allowed in the borough code, per the requirements of MSB 8.52 - Noise, Amplified Sound, and Vibration; and

WHEREAS, according to the application material, the noise will be mitigated by the 100' wide vegetative buffer surrounding the 80-acre operation; and

WHEREAS, according to the application material, noise from the car crusher will be sporadic and likely not daily; and

WHEREAS, according to the application material, vehicles will be inspected for leaks upon acceptance into the operation. Those with leaks will have fluids removed. Those without identified leaks will be placed in the staging area prior to crushing or placement in "Auto Storage" areas; and

WHEREAS, according to the application material, the operation will sell, store, or recycle batteries removed from the vehicles and secure them by shrink wrap before transportation; and

WHEREAS, according to the application material, flammable fluids may be sold or used on-site for heating; and

WHEREAS, according to the application material, contaminated materials, such as soil, waste, and water, will be collected in containers and disposed of at off-site disposal stations; and

WHEREAS, according to the application material, routine inspections will occur to verify the integrity of the hazardous waste containers and the urethane liner; and

WHEREAS, according to the application material, spill remediation kits will be placed around the drainage pad and storage areas; and

WHEREAS, according to the application material, the entrance to the auto salvage yard will be from West Jakes Road; and

WHEREAS, according to the application material, no excess dust is anticipated from the operation; and

WHEREAS, according to the application material, the current and future site plans include development that meets the setback requirements of MSB 17.55, Setbacks and Screening Easements; and

WHEREAS, according to the application material, the 100' vegetative buffer is primarily for noise buffer and doubles as visual screening; and

WHEREAS, the operational sites, including the parking area, office, shop, recycling and hazardous material storage area, and concrete and gravel pads, are located at the northeastern corner of the property at an elevation of 20 to 30 feet lower than residential properties to the east along West Dandy Circle; and

WHEREAS, the operational sites are located at an elevation of 120 to 160 feet lower than residential properties to the west; and

WHEREAS, the operational sites are located within a valley between higher ridges on the south, west, and east; and

WHEREAS, the northwestern corner of the subject property lies at the lowest elevation of a valley rising from Lucille Creek south to the intersection of South Valley View Drive and South Vine Road; and

WHEREAS, according to the application material, hazardous material drips, leaks, and spills will be cleaned up; and

WHEREAS, according to the application material, vehicles or machines that cannot be placed on the urethane liner or concrete pad will have a primary and secondary containment system created prior to draining the fluids; and

WHEREAS, the applicant provided all the site plans and operational information; and

WHEREAS, the Planning Commission has reviewed this application with respect to the applicable standards set forth in MSB 17.60; and

WHEREAS, the Planning Commission conducted a public hearing on May 15, 2023, on this matter; and

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 23.10:

1. The proposed use, with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.60.110(B)(1)).
2. The proposed use, with conditions, will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).
3. The proposed use, with conditions, will provide sufficient setbacks, lot area, buffers and other safeguards (MSB)17.60.100(B)(3)).
4. The application material met all of the requirements of this chapter (MSB 17.60.100(B)(4)).
5. The proposed use, with conditions, will obscure the site from any traveled or public right-of-way on a year-round basis (MSB 17.60.110(A-B)).

6. The applicant has demonstrated that they are suitable to establish, maintain, and operate the proposed junkyard in accordance with the requirements of this chapter (MSB 17.60.110(C)).
7. The proposed use, with conditions, has adequate controls in place to prevent contamination of soil, surface water and groundwater (MSB 17.60.110(D)).

BE IT FURTHER RESOLVED, the Planning Commission finds this application meets the standards of MSB 17.60 and does hereby approve the conditional use permit for the operation of a junkyard/salvage yard, with the following conditions:

1. The owner and operator shall comply with all other applicable federal, state, and local regulations.
2. The operation shall obtain any required permits from the Alaska Department of Environmental Conservation or written documentation that no permit is required and submit the same to the planning staff prior to operating.
3. The 100' vegetative buffer surrounding the 80 acres shall be surveyed and marked by a registered land surveyor prior to operation, with evidence provided to the planning staff.

4. The applicant shall obtain a professional wetlands delineation and professional surveying and marking of the 150' wetlands and creek setback prior to operating.
5. No junkyard storage or operations will occur within the 100' vegetative buffer or the 150' wetlands and creek setback.
6. The 100' vegetative buffer shall be maintained to provide adequate year-round screening.
7. A gate onto the property from West Jakes Road must be installed prior to operation.
8. The entrance gate(s) shall be maintained in good working condition. Repairs shall be made as soon as practicable.
9. The applicant shall obtain an approved driveway permit from the Permit Center prior to operation.
10. A covered and bermed concrete pad surface must be installed prior to draining and dismantling vehicles and machinery.
11. The applicant shall obtain a plan review from the Fire Marshal's office prior to the construction of any building.
12. The operation shall only gain access from West Jakes Road. Access points other than those from West Jakes Road will require a modification of the conditional use permit.

13. All operational activities that cause noise, dust, or traffic shall be limited to 8 a.m. to 6 p.m., Monday through Saturday.
14. Glare and illumination associated with exterior lighting shall be contained on the subject property and not impact adjacent properties.
15. All non-metal items considered waste for this operation, including but not limited to wood, paper, cardboard, and plastics, shall be cleaned up and properly disposed of as soon as practicable to prevent litter from being strewn about the property and blown off-site.
16. All vehicles, except those sold as is, will be drained of oils and fluids prior to being crushed or placed in the "Auto Storage" areas shown on the site plan.
17. The operation must comply with the maximum permissible sound level limits allowed in the borough code, per the requirements of MSB 8.52 - Noise, Amplified Sound, and Vibration.
18. The operation shall remain in accordance with the site plans dated January 19, 2023.
19. 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.

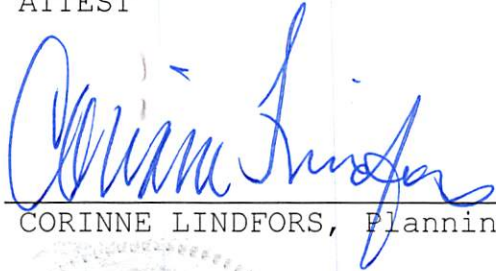
20. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will, at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 5th day of June 2023.



RICHARD ALLEN, Vice Chair

ATTEST



CORINNE LINDFORS, Planning Clerk

(SEAL)

YES: *Le Glenn, Allen, Koan, McCabe, Fernandez, Scoggin*

NO: *Ø*