

By: Peggy Horton
Introduced: August 5, 2024
Public Hearing: August 19, 2024
Action: **Adopted**

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 24-15**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE EXTRACTION OF APPROXIMATELY 40,000 CUBIC YARDS OF EARTH MATERIAL FOR NINE YEARS WITHIN TWO PARCELS TOTALING 13 ACRES LOCATED AT 8751 & 8901 EAST PALMER-WASILLA HIGHWAY, TAX ID#s 18N12E35C006 & 18N01E35C009.

WHEREAS, Tim Alley P.E., on behalf of Mountain Gravel Investments Group, LLC, Louis Green, and Bryce W-Green, applied for a conditional use permit to extract earth material at 8751 & 8901 East Palmer-Wasilla Highway (PWH), Tax ID#s 18N12E35C006 & 18N01E35C009; 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 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, 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 operation 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 occur on state land; and

WHEREAS, according to the application material, a letter from the Alaska Department of Natural Resources (ADNR) indicates that the applicant submitted all required information to ADNR in accordance with A.S. 27.19 - Reclamation; and

WHEREAS, according to the application material, Shawn Trasky, Certified Erosion and Sediment Control Lead (CESCL) Instructor states that coverage under the ADEC 2020 Multi-Sector General Permit (MSGP) is not required due to the drainage plan and lack of discharge; 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 within any identified wetlands, lakes, streams, or other waterbodies; and

WHEREAS, the subject parcel is located within the Gateway Community Council planning area. The Gateway community has not adopted a comprehensive plan; and

WHEREAS, the Matanuska-Susitna Borough Core Area Comprehensive Plan applies to all parcels within the borough's core planning area; and

WHEREAS, the Core Area Comprehensive Plan Land Use Goal 1 states: Foster a pattern of land development that protects the appealing features of the Core Area, offers developers and consumers choices in the market place, and allows local government to provide cost-effective infrastructure and services economically; and

WHEREAS, the Core Area Comprehensive Plan Land Use Policy 1-M states: Collaborate with operators of large earth materials extraction sites to plan for site reclamation and re-use after earth material extraction activities are finished; and

WHEREAS, the Economic Development Strategic Plan Strategy 1G in part, states: Promote the sustainable development of Mat-Su's natural resources for economic development. The MSB should support sustainable natural resource development and the natural resource

industries with an emphasis on meeting local needs and local value-added product manufacturing, as well as ensuring compatibility with other parts of the local economy. Indeed, natural resource development is a high priority for the Borough Assembly. The main natural resources in Mat-Su, in addition to agricultural land, include coal, gravel, timber, some gold mining, and some metallic mineral potential; and

WHEREAS, the Economic Development Strategic Plan Action 1G-3, in part, states: Work with the gravel mining industry to balance the need for the sector's growth with other economic development considerations, as well as environmental and resource protection. The MSB is developing gravel regulations and guidelines to provide for continued commercial gravel operations while addressing community and other economic development concerns regarding buffers from roadways, water protection, and reclamation. These regulations should balance the concerns of gravel mining businesses with the need to protect the environment and visual beauty of the Borough; and

WHEREAS, according to the application material, the operation will remove material to an elevation near the existing elevation of PWH to prepare it for future commercial and multifamily development; and

WHEREAS, according to the Rutgers Noise Technical Assistance Center, heavy trucks produce approximately 90 decibels (dB) when operating, which falls in the "very loud" category; and

WHEREAS, according to Rutgers Noise Technical Assistance Center, a quiet to noisy home produces sound around 30-60 decibels (dB), which falls in the "faint" and "moderate" categories; and

WHEREAS, earth material extraction activities are an industrial use that can cause excessive noise, dust, and heavy truck traffic; and

WHEREAS, according to the application material, the proposed hours of operation are 7:00 a.m. to 5:00 p.m., Monday through Saturday; and

WHEREAS, the closest residential structure is approximately 107 feet north of the proposed use; and

WHEREAS, according to the application material, during peak traffic hours and when hauling material at more than ten trucks per hour, the approach will only allow right-in and right-out access to prevent trucks from turning across PWH; and

WHEREAS, according to the application material, when hauling material at more than ten trucks per hour, advanced warning signs will be placed on PWH to alert traffic about trucks turning from the approach; and

WHEREAS, according to the application material, the operation will use track-out best management practices at the site entrance to help vibrate loose soils before trucks enter the roadway; and

WHEREAS, according to the application material, the pit operator will sweep PWH as needed, at least every four hours; and

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

WHEREAS, the proposed use is within the "drinking water protection area" for a public water system on the south side of PWH, which is for a childcare facility; and

WHEREAS, the Alaska Department of Environmental Conservation has produced a user manual of Best Management Practices for Gravel/Rock Aggregate Extraction Projects to protect water quality in the state. This manual recommends a hydrogeologic study when mining activities occur in the groundwater protection area for public water supply wells; and

WHEREAS, according to a hydrogeologic analysis completed by Shannon and Wilson, given the horizontal distance between the gravel extraction and the water supply well and the presence of over ten feet of relatively impermeable soil between the final elevation of the extraction area and the aquifer, it is unlikely

that normal gravel extraction activities will have a negative impact on the water quality in the well at Ray's Child Care and Learning Center; and

WHEREAS, according to the application material, 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 operation dug two test holes and installed groundwater monitoring tubes. Groundwater was not encountered in the test holes; and

WHEREAS, according to the application material, the operation will extract material from the bottom of the cut slope, also known as the working face. This will allow the slope to mitigate noise and provide visual buffering to adjacent properties; and

WHEREAS, according to the application material, all grubbing will be pushed to the phase limits to create the 10-foot berm, which will be maintained around all sides of the pit with the exception of the southeast corner where access is provided.

WHEREAS, according to the application material, pit walls will be temporarily excavated to a maximum of 1.5' vertical and 1' horizontal and then flattened to 2:1 for stabilization. During the pit's seasonal shutdown, no slope will be left steeper than 2:1; and

WHEREAS, according to the application material, pit reclamation includes removing derelict or abandoned vehicles and parts and stabilizing the site slopes and pit floor by placing a 4" minimum compacted thickness of topsoil and hydraulically applied mulch and seed; and

WHEREAS, parcels on the north side of the subject property are in the Midtown Estates Subdivision and range from 0.46 to 1.9 acres. Those parcels have a mix of residential uses and vacant land; and

WHEREAS, parcels to the south of PWH range in size from 0.92 to 28 acres. The adjacent area includes vacant land, as well as residential, commercial, and industrial uses; and

WHEREAS, parcels to the east of the operation are a mix of residential, vacant, and commercial uses and range in size from 0.92 to 2.4 acres. Parcels to the west are a mix of industrial and commercial use and range in size from 1.4 to 4.5 acres; and

WHEREAS, according to the application material, during the fourth phase of the project, the settling pond will be relocated to allow for the construction of a 10-foot-tall berm along the southern portion of the eastern property line, which will provide additional noise mitigation and visual buffering; and

WHEREAS, according to the application material, the operation will not use crushers, asphalt, or concrete plants. The only planned processing of soils is material screening; and

WHEREAS, according to the application material, the estimated final year of extraction is 2033; and

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

WHEREAS, the PWH, which the Alaska Department of Transportation manages, provides access to the extraction area; and

WHEREAS, the PWH is classified as a major arterial and has several different uses on its frontage, including commercial, industrial, residential, and vacant or undeveloped; and

WHEREAS, according to the application material, the operations peak hour will be 10 a.m. when the AM peak hour on PWH has subsided. The operation expects a maximum of 40 trips; and

WHEREAS, according to the application material, stormwater and non-stormwater will be contained within the pit by the grading of the pit floor and the existing soils, which will absorb any precipitation; and

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

WHEREAS, according to the application material, the extraction activity is planned to take place on approximately six acres across two properties, totaling 13.16 acres; and

WHEREAS, the record includes maps identifying surrounding property ownership, existing land uses, wetlands, and waterbodies within one-half mile of the proposed site; and

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

WHEREAS, the record includes a site plan showing the location of the earth materials extraction site, including phases of mining within the subject parcels; and

WHEREAS, the record includes a topographic contour map, bare earth map, and aerial photography. These items show the 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 and 17.61.080 are prohibited; and

WHEREAS, according to the application material, no site lighting is proposed; and

NOW, THEREFORE, BE IT RESOLVED, 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 24-15.

1. The applicant has demonstrated compliance with state and federal laws listed in MSB 17.30.055(A).
2. The proposed use is consistent with the applicable comprehensive plans (MSB 17.30.060(A)(1)).
3. The proposed use will not detract from the value, spirit, character, and integrity of the surrounding area (MSB 17.30.060(A)(2)).
4. The applicant has met all the requirements of this chapter (MSB 17.30.060(A)(3)).
5. The proposed use will not be harmful to 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 17.30.060(A)(5)).
7. The surrounding property ownership, existing land uses, wetlands, and water bodies within the notification area are identified (MSB 17.28.060(A)(1)).
8. The phases of proposed mining activities, a description of the topography and vegetation, and an approximate time sequence for the duration of the mining activity are identified. Permanent, semi-permanent, or portable equipment is not anticipated to be located within the required setbacks (MSB 17.28.060(A)(2)).
9. The proposed traffic route and traffic volumes are 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 17.28.060(A)(3)).
10. Earthen berms will be utilized and maintained to meet the visual screening measures (MSB 17.28.060(A)(4)).
11. Noise mitigation measures, including hours of operation, retaining vegetative buffers, operating below grade level, and constructing earthen berms, will ensure that sounds generated from earth material extraction activities do not exceed sound levels set forth in MSB 17.28.060(A)(5)(a)

and 17.61.080. Noise levels exceeding the levels in 17.28.060(A)(5)(a) and 17.61.080 are prohibited.

12. The proposed operation 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)).

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

1. Provide the Planning Staff with evidence that the Alaska Department of Transportation and Public Facilities (ADOT&PF) has approved the driveway permit for access to the East Palmer-Wasilla Highway prior to operating.
2. The operation shall comply with the maximum permissible sound level limits allowed in MSB 17.28.060 - Site Development Standards, MSB 17.61.080 - Noise Standards, and MSB 8.52 - Noise, Amplified Sound, and Vibration.

3. All extraction activities, including all activities that cause noise, dust, or traffic, shall be limited to Monday through Saturday, 7 a.m. to 5 p.m.
4. The operation shall comply with all applicable federal, state, and local regulations.
5. Each contractor and company working at the site shall be provided with a copy of the approved conditional use permit.
6. All aspects of the operation shall comply with the description detailed in the application material. An amendment to the Conditional Use Permit shall be required prior to any alteration or expansion of the material extraction operation.
7. Material extraction shall be limited to the approximately 6-acre area identified in the application material and depicted on the applicant's site plan(s).
8. The earthen berms shown on the site plans shall be maintained.
9. Vehicles and equipment shall be staged at a designated location, and all equipment shall be inspected for leaks at the end of each day.

10. Vehicle on-site maintenance shall be done in an area where drip pans or other discharge prevention devices can contain all leaks.
11. Any hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
12. All construction exits shall comply with standard Alaska Pollutant Discharge Elimination System requirements to minimize off-site vehicle tracking of sediments and discharges to stormwater.
13. All track-out sediments from the site shall be removed from the right-of-way as described in the application.
14. The operation shall perform dust mitigation techniques as described in the application as needed to minimize dust impacts to the surrounding areas.
15. If cultural remains are found during material extraction activities, the MSB Planning Department shall be contacted immediately so the remains can be documented.
16. A four-foot vertical separation shall be maintained between the excavation and the seasonal high water table.
17. 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, 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.

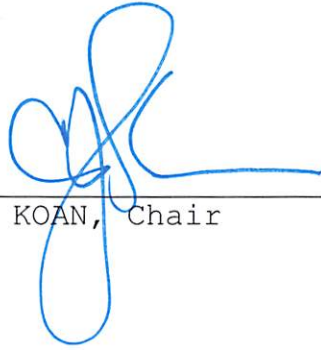
18. The operation shall comply with the reclamation standards of MSB 17.28.067 - Reclamation Standards.

19. 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.

20. If illumination devices are used, 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.

21. The authorization for earth material extraction activities approved by this Conditional Use Permit expires on December 31, 2033.

ADOPTED by the Matanuska-Susitna Borough Planning Commission on this 19 day of August 2024.



CJ KOAN, Chair

ATTEST



Lacie Olivieri, Planning Clerk

(SEAL)



YES: *unanimous*

NO: