

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

Edna DeVries, Mayor

PLANNING COMMISSION

Doug Glenn, District 1
Richard Allen, District 2
Patricia Chesbro, District 3, Vice-Chair
Mike Rubeo, District 4
Chris Elder, District 5
Stafford Glashan, District 6, Chair
Curt Scoggin, District 7



Michael Brown, Borough Manager

PLANNING & LAND USE DEPARTMENT

Alex Strawn, Planning & Land Use Director
Kim Sollien, Planning Services Manager
Jason Ortiz, Development Services
Manager
Fred Wagner, Platting Officer
Karol Riese, Planning Clerk

*Assembly Chambers of the
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer*

March 7, 2022
REGULAR MEETING
6:00 p.m.

Ways to participate in the meeting:

IN PERSON: Should you wish to testify in person, please adhere to a 6-foot distance between yourself and others.

IN WRITING: You can submit written comments to the Planning Commission Clerk at msb.planning.commission@matsugov.us.

TELEPHONIC TESTIMONY:

(We are having intermittent technical difficulties with our software; if you would like to submit comments, please submit comments to the email address above by the Friday before the meeting.)

- Dial 1-855-290-3803; you will hear “joining conference” when you are admitted to the meeting.
- You will be automatically muted and able to listen to the meeting.
- When the Chair announces audience participation or a public hearing you would like to speak to, press *3; you will hear, “Your hand has been raised.” (There may be a delay, please be patient with the system.)
- When it is your turn to testify, you will hear, “Your line has been unmuted.”
- State your name for the record, spell your last name and provide your testimony.

Ways to observe the meeting:

FACEBOOK LIVE at www.facebook.com/MatSuBorough

- Questions or comments will **not** be answered; please call the number above if you have a comment or concern.

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA

A. MINUTES

Regular Meeting Minutes: 02/07/2022

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution PC 22-04

A conditional use permit in accordance with MSB 17.17 – Denali State Park Special Land Use District: for the operation of a commercial use (horse and wagon rides) at 10578 E. Walter Harper Way, Tax ID # 29N05W33D012 & 29N05W33D028; within Township 29 North, Range 5 West, Section 33 Seward Meridian, Public Hearing: March 21, 2022, (Applicant: Steve Van Troba, dba D & S Alaskan Trail Rides; Staff: Mark Whisenhunt, Planner II).

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution PC 22-07

A resolution of the Matanuska-Susitna Borough Planning Commission recommending an ordinance increasing the separation distance between gravel extraction and the seasonal high water table from four feet to ten feet, Public Hearing: March 21, 2022, (Staff: Alex Strawn, Planning and Land Use Director).

V. COMMITTEE REPORTS

VI. AGENCY/STAFF REPORTS

VII. LAND USE CLASSIFICATIONS

VIII. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application*).

X. PUBLIC HEARING: LEGISLATIVE MATTERS

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS:

A. Upcoming Planning Commission Agenda Items

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (*Mandatory Midnight*)

Disabled persons needing reasonable accommodation in order to participate at a Planning Commission Meeting should contact the Borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.

This Page Intentionally Left Blank

MINUTES

December 6, 2021

(Pages 5 - 12)

MINUTES

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
February 7, 2022**

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on February 7, 2022, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Chair Stafford Glashan.

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

Planning Commission members present and establishing a quorum:

Mr. Doug Glenn, Assembly District #1
Mr. Richard Allen, Assembly District #2
Ms. Patricia Chesbro, Assembly District #3
Mr. Michael Rubeo, Assembly District #4
Mr. Stafford Glashan, Assembly District #6
Mr. Curt Scoggin, Assembly District #7

Planning Commission members absent and excused were:

Mr. Chris Elder, Assembly District #5

Staff in attendance:

Mr. Alex Strawn, Planning and Land Use Director
Mr. Jason Ortiz, Development Services Manager
Ms. Denise Michalske, Assistant Borough Attorney
Ms. Karol Riese, Planning Depart. Administrative Specialist/Planning Commission Clerk

*Indicates that the individual attended telephonically.

II. APPROVAL OF AGENDA

Chair Glashan inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. Alex Strawn.

IV. CONSENT AGENDA

A. Minutes January 17, 2022 – Regular Meeting

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
(none)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS
Resolution PC 22-02 A Resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.30 Conditional Use Permit for Earth Materials Extraction Activities to allow for an exemption of 20,000 cubic yards annually without a permit, Public

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
February 7, 2022**

Hearing: February 28, 2022 (Staff: Alex Strawn, Planning and Land Use Director).

Commissioner Chesbro pulled the Minutes from the Consent Agenda to make some clerical corrections.

GENERAL CONSENT: The consent agenda was approved with minutes pulled without objection.

Commissioner Chesbro had some clerical corrections to be made to the Minutes as to the second, Commissioner Glenn, of Vice-Chair vote and that the Motions need to say whether they are approved. Minutes approved with clerical corrections to be made.

V. COMMITTEE REPORTS

(There were no committee reports.)

VI. AGENCY/STAFF REPORTS

(There were no Agency/Staff Reports.)

VII. LAND USE CLASSIFICATIONS

(There were no land use classifications.)

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

(There were no persons to be heard.)

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

(none)

X. PUBLIC HEARING LEGISLATIVE MATTERS

Resolution PC 22-01

A Resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance repealing 17.68 Outdoor Shooting Facilities (Staff: Alex Strawn, Planning and Land Use Director).

Chair Glashan read the resolution title into the record.

Mr. Strawn provided a staff report.

Commissioners questioned staff regarding:

- What would happen if we propose for this to just the core area
- What is the level of noise complaints the Code Compliance Officers have seen

Chair Glashan opened the public hearing.

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
February 7, 2022**

The following persons spoke regarding Resolution PC 22-01: Ester Huddleston; Verne Rupright; L.D. Howard; Dave Musgrave; Michael Kealar; Patricia Fisher; Mark Masteller; Jerry Hupp; Carol Thompson; Warren Keogh; Greg Stewart; Betty Garry; Beverly Cutler; John James; Mark Troutman; Nathan Garner;

There being no one else to be heard, Chair Glashan closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Chesbro moved Resolution PC 22-01. The motion was seconded.

Discussion Ensued.

**VOTE: Motion was denied.
Yes: Commissioner Scoggin
No: Commissioner Rubeo, Chesbro, Glashan, Glenn, and Allen.**

Resolution PC 22-03 A Resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance exempting the Borough Landfill from earth materials extraction permit code requirements to allow gravel mining on the property, which has been designated as reserve use lands – Sanitary Landfill (Staff: Alex Strawn, Planning and Land Use Director).

Chair Glashan read the resolution title into the record.

Mr. Strawn provided a staff report.

Commissioners questioned staff regarding:

- CUP requirement for mining gravel; notification for extraction; tax revenue; yardage; public process; exempting the Borough;

Chair Glashan opened the public hearing.

The following persons spoke regarding Resolution PC 22-03: Frank Sihlar; Dawn Vogt; Brandon Mitchell; Patricia Fisher; Claudia Sihlar; Amy Pettite; Sara Gotschall; Mark Masteller; Jerry Hupp; Kimberly Elliott; Mark Troutman; Dave Musgrave

Chair Glashan invited staff to respond to questions and statements from the audience.

Mr. Strawn responded to questions and statements from members of the audience.

There being no one else to be heard, Chair Glashan closed the public hearing and discussion moved to the Planning Commission.

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
February 7, 2022**

MOTION: Commissioner Chesbro moved Resolution PC 22-03. The motion was seconded.

Discussion Ensued.

VOTE: Motion was denied.
Yes: Commissioner Glashan
No: Commissioner Rubeo, Chesbro, Scoggin, Glenn, and Allen.

XI. CORRESPONDENCE AND INFORMATION

- A. Email from Beau Gibb regarding development of Matanuska Greenbelt dated 1/31/22.
- Moved to Handout comment for Introduction Resolution PC 22-02 and Public Hearing Resolution PC 22-003 during Approval of consent Agenda.

XII. UNFINISHED BUSINESS
(There was no unfinished business.)

XIII. NEW BUSINESS

MSB Planning Commission representation on the State of Alaska Recreation Rivers Advisory Board

XIV. COMMISSION BUSINESS

- A. Upcoming Planning Commission Agenda Items
B. School Site Selection Committee Seat – Commissioner Chesbro will seat this Committee

Commission Business was presented, and no comments were noted.

XV. DIRECTOR AND COMMISSIONER COMMENTS

Jason Ortiz: No Fact Finding mission for Quasi-Judicial Matters; Special meeting on February 28th

Attorney Michalske: The State has decided not to appeal the BOAA decision. New members set up a meeting with Attorney, Nick Spiropoulos.

Commissioner Chesbro: Lessons on how to send messages to Assembly.

Commissioner Glashan: Thanked everyone for attending.

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
February 7, 2022**

XVI. ADJOURNMENT

The regular meeting adjourned at 7:53 p.m.

STAFFORD GLASHAN,
Planning Commission Chair

ATTEST:

KAROL RIESE, Planning Commission Clerk

Minutes approved: _____

This Page Intentionally Left Blank

INTRODUCTION FOR PUBLIC HEARING QUASI-JUDICIAL

Planning Commission Resolution No. 22-04

**A conditional use permit in accordance
with MSB 17.17 - Denali State Park
Special Land Use District: for the
operation of commercial use
(horse and wagon rides)**



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-7876

Email: permitcenter@matsugov.us

Matanuska-Susitna Borough
Permit Center

MAY 24 2021

Received

BASIC APPLICATION FOR A CONDITIONAL USE PERMIT

Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Incomplete applications will not be processed.

Application fee must be attached:

\$1,000 for Conditional Use Permit

Prior to the public hearing, the applicant must also pay the mailing and advertising fees associated with the application. Applicants will be provided with a statement of advertising and mailing charges. Payment must be made **prior** to the application presentation before the Borough Planning Commission.

Subject Property Township: 29N, Range: 5W, Section: 33, Meridian 5M

MSB Tax Account # _____

SUBDIVISION: _____ BLOCK(S): _____, LOT(S): D028-D012

STREET ADDRESS: Parcel Account # 29N05W33D0124 29N05W33D028
(US Survey, Aliquot Part, Lat. /Long. etc) _____

Ownership A written authorization by the owner must be attached for an agent or contact person, if the owner is using one for the application. Is authorization attached? ☐ Yes ☐ No ☐ N/A

Name of Property Owner

Steve Van Troba

Address: P.O. Box 1437

Palmer AK 99645

Phne: Hm 745-2208 Fax same

Wk _____ Cell 232-2207

E-mail akrides@mtaonline.net

Name of Agent/ Contact for application

Steve Van Troba

Address: P.O. Box 1437

Palmer AK 99645

Phne: Hm 745-2208 Fax same

Wk _____ Cell 232-2207

E-mail akrides@mtaonline.net

PROJECT DESCRIPTION & APPLICABLE CODE

1. The proposed development requires a conditional use permit under MSB Code Chapter 17.17.
2. Attach a written, detailed project description.

Access/Driveway	Yes	No	Attached
1. This project will have access to what street(s)?	X		
2. Is the street Borough maintained, State (ADOT/PF) maintained, or Private?		X	
3. Will this project require a new or modified driveway to a street or road?		X	
4. Does this project have an existing driveway permit?		X	
5. Provide copy of driveway permit		X	

Water Supply	Yes	No
• None		
• Existing		
• Proposed		
• Private well/cistern	X	
• Public/Community		

Sewage Disposal	Yes	No
• None		
• Existing		
• Proposed		
• Pit Privy		
• Holding Tank	X	
• Septic Tank	X	
• Public/ Community		
• Other (specify)		

Nonconforming Uses and Structures	Yes	No	Attached
1. Is this an expansion of a pre-existing legal nonconforming use or structure?		X	
2. If yes, this use has lawfully existed in this location since what date?			N/A
3. If yes, has the nonconforming use been discontinued for more than 12 consecutive months since it began?		X	
4. If yes, list the date the used was discontinued and the date the use resumed.		X	
5. Describe the proposed expansion/increase of the pre-existing legal nonconforming use.		X	
6. To establish Grandfather Rights for a use, complete this form (including attachments), also include a copy of the earliest business license and other evidence of the continued existence of the use at this site since the date since the date the use became nonconforming.	X		yes

SITE PLAN – Attach a detailed site plan, drawn to scale, showing the following information: <i>(Some codes require site plans and drawings to be prepared by certified professionals)</i>	Attached
1. Setback distances of structure(s) from the lot lines, rights-of-way, and waterbodies.	✓
2. Adjacent streets, public easements and rights-of-way	✓
3. Existing and proposed buildings and structures (including tanks and chemical processing equipment)	✓
4. Access points	✓
5. Buffering – Visual and Sound	✓
6. Vehicular and pedestrian circulation patterns	✓
7. Location and dimensions of parking areas to be provided, including individual parking spaces	✓
8. Loading areas	✓
9. Storage and processing areas	✓
10. Lighting	✓
11. Topography	✓
12. Drainage management plan	
13. Sources of noise	
14. Fences	✓
15. Berms	
16. Landscaping	
17. Signage	
18. Scale and North Arrow	✓

DIMENSIONAL DRAWING(S) – Attach a dimensional drawing of the horizontal views of the structure(s), drawn to scale, showing the following information: <i>(*If more than one structure is proposed, attach requested information about each.)</i>	Attached
1. Dimensions of all structures	✓
2. Modifications	
3. Identify use areas with locations and dimensions	✓
4. Delineate areas of expansion or change in use	
5. Other details sufficient to adjudicate the application	
6. Fill – Cubic Yards	
7. Excavation – Cubic Yards	
8. Scale and North Arrow	✓

OTHER PERMITS, COVENANTS, PLAT NOTES, DEED RESTRICTION, ETC. <i>It is the responsibility of the owner and applicant to identify and comply with all applicable private restrictions such as covenants and plat notes, as well as all local, state and federal regulations applicable to this development and to obtain all necessary authorizations and permits. Any commercial use requires State and Borough business license. City business licenses may also be required. State Fire Marshall's review may be required for state fire and building codes.</i>	Attached	Applied For
Permit Name/#		
Permit Name/#		
Permit Name/#		
Permit Name/#		

OWNER'S STATEMENT: I am owner of the following property:

MSB Tax parcel ID #(s) _____ and,
I hereby apply for approval conditional use permit on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB _____ and with all other applicable borough, state or federal laws.

I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

I understand that this permit and zoning status may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to the buyer when I sell the land.

I understand that changes from the approved conditional use permit may require further authorization by the Borough Planning Commission. I understand that failure to provide applicable documentation of compliance with approved requirements, or violation of such requirements will nullify legal status, and may result in penalties.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, at other times necessary to monitor compliance.

The information submitted in this application is accurate and complete to the best of my knowledge.

Steve Van Trosba Steve Van Trosba 5/24/21
Signature: Property Owner Printed Name Date

Steve Van Trosba Steve Van Trosba 5/20/21
Signature: Agent Printed Name Date

Adopted: 08/03/21

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 21-085**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY WAIVING THE FEE FOR A CONDITIONAL USE PERMIT WITHIN DENALI STATE PARK SPECIAL LAND USE DISTRICT.

WHEREAS, MSB 17.17 Denali State Park Special Land Use District was adopted in 1991; and

WHEREAS, a conditional use permit is required for all commercial uses within the boundary of the district; and

WHEREAS, in 1997 Steven K. Van Troba doing business as Alaska Trail Rides Inc. was issued a conditional use permit for operation of a seasonal trail wagon ride business and tourist-oriented gold panning operation within the boundary of the district; and

WHEREAS, the conditional use permit and associated application material were for Southeast 1/4 Southeast 1/4 Southeast 1/4 of Township 29 North, Range 5 West, Section 33, Seward Meridian; and

WHEREAS, the business was erroneously developed on a separate, unpermitted property, approximately 1000 feet west of the permitted property; and

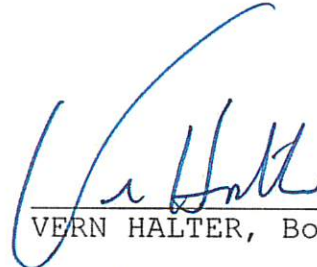
WHEREAS, the business operated nearly 20 years without complaint but the operator would like to modify the conditional use permit in order to accurately reflect the location of the business; and

WHEREAS, the fee for modification of a Denali State Park conditional use permit is \$1,500.

NOW, THEREFORE, BE IT RESOLVED, the fee for a conditional use permit for a commercial use within the Denali State Park Special Land Use District on parcels 29N05W33D012 and 29N05W33D028 is hereby waived.

BE IT FURTHER RESOLVED, this is a one-time fee waiver and shall expire two years from the date of adoption of this resolution.

ADOPTED by the Matanuska-Susitna Borough Assembly this 3 day of August, 2021.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, Sumner, and Boeve

December 13, 2021

D & S Alaskan Trail Rides, Inc.

P. O. Box 1437

Palmer, Alaska 99645

Dear Mark Whisenhunt

To answer the question on Lot Lines at Mile 133 Parks Hwy.

Pamela Ness met me up at the stables and took pictures and said everything looked fine.

As far, as the survey aerial as belt, the pictures that you have are for reference purposes only, not for the survey.

If the borough doesn't agree with my measurements and that I have to move the barn. Which I have done this already for the lot lines. I have proved to the best of my ability the lot Lines, than the borough has to provide D & S Alaskan Trail Rides, Inc. with lot line markers.

Sincerely,

A handwritten signature in blue ink that reads "Steve Van Troba". The signature is fluid and cursive, with a long horizontal line extending from the end.

Steve Van Troba

Owner D & S Alaskan Trail Rides, Inc

CC: file

RECEIVED
DEC 13 2021
Mat-Su Borough
Development Services

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Thursday, August 19, 2021 4:01 PM
To: 'akrides@mtaonline.net'
Subject: Application for CUP
Attachments: 2021-RS-085.pdf

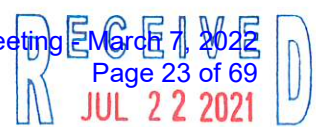
Greetings,

On August 5, 2021 Director Strawn mentioned to me that you would follow up with me via phone. Since I haven't heard anything since the Assembly's approval to waive your Conditional Use Permit fee, I thought I'd reach out to you.

I am in receipt of the document you submitted on July 22, 2021, which speaks to your site plans. However, I have not received an updated site plan which meets our standards. Please give me a call at your convenience so we can discuss your application further. Thank you.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us



July 21, 2021

Addressing issues for D & S Alaskan Trail Rides, Inc.

Parking:

D & S Alaskan Trail Rides, Inc. has no public parking. D & S Alaskan Trail Rides, Inc. uses 2 vans to pick up guest at the lodge and transport them back to the stables. There is company parking and employee parking on the north end of the barn out of the way of the vans and guest.

The wagon ride ~~picks~~ picks up the guest from the lodge and rides on the subdivision road to the Gazebo and then back to the lodge.

Buffer

The buffer area around the stables is heavy wooded and is not visible from any road.

Access

Access to the stable is off a subdivision road in which is maintained by D & S Alaskan Trail Ride, Inc. in the summer and Paul Kragness in the winter.

Drainage

Water drainage is to the west of the bunk house and the barn water drainage is managed by D & S Alaskan Trail I Rides to prevent any pooling or standing water around the stables and drains into the ground surface.

Horse Pasture

The horses are contained in an electric fence west of the barn. The Horses are kept in the barn during the day and out in the pasture at night. Also 1 wrangler is always in the lookout in case fence goes off.

Scale

The Scale used is Architect scale 3/32 of an inch.

Lot Lines

Barn has been moved so there is a 10' separation between the lot line and any structure indicated in the drawings.

Fees'

D & S Alaskan Trail Rides, Inc. is asking the borough to suspend the \$1,000.00 conditional use permit application fee. This fee was paid in 1997 and a mistake was made either by the borough or D & S Alaskan Trail Rides, Inc. in 1997. The borough found the mistake in 2019 after operating for 20 years, the current lots have been changed, to lot 55 and 56.

An As-Built Survey

The land that D & S has was native land and has not been in a survey, Craig Hanson Surveying Company informed D& S Alaskan Trail Rides, inc. that it would cost roughly between 14,000 to 16,000 to have it surveyed. D & S Alaskan Trail Rides, Inc. leased this property from Leonard Kragness who owned the property before selling Lot 55 and 56 to D & S Alaskan Trail Rides, Inc. in 2019. D & S Alaskan Trail Rides, Inc. has been closed for the past 2 years because of Covid 19. So money is very tight, D & S Alaskan Trail Rides, Inc. is using what money it has to feed the horses and pay D & S Alaskan Trail Rides Inc.



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

www.permitcenter@matsugov.us

July 16, 2021

Steve Van Troba
PO Box 1437
Palmer, AK 99645

Subject: Conditional Use Permit Application for Denali State Park Special Land Use
District – Request for Additional Information

Location: Parcel Account # 29N05W33D012 and 29N05W33D028

Dear Mr. Van Troba,

Borough staff has reviewed the additional application material and the site plan(s) submitted on May 24, 2021 for a Conditional Use Permit to operate a commercial use under MSB 17.17 on the above referenced property.

It has been determined that the following information needs to be provided and/or clarified in order to process this request

1. Site Plans:

- a. An as-built survey will need to be submitted in order to process this request. As per our discussions on February 17, 2021, May 3 & 10, 2021, July 12, 2021, and indicated in a request for additional information letter emailed to you on February 6, 2019, and March 13, 2019 an as-built survey is required to properly establish lot lines and setback distances. After staff's review of the subject parcels, and as specified by you in our discussion on February 20, 2019, it appears a barn has been constructed that is located on both subject parcels (29N05W33D012 and 29N05W33D028). Our office understands that you have modified the building. However, an as-built survey and site plan are required to show building is no longer a setback violation.

Here is the relevant code pertaining to this situation:

MSB 17.17.110 Setback Requirements states: *"Except for signs, no structure shall be erected within 75 feet of the right-of-way of the George Parks Highway. In all other cases, the setback requirements specified in MSB 17.55 shall apply."*

MSB 17.55.010(B) states: *"Except where specifically provided other-wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line."*

Even though the subject parcels share the same owner, structures must still meet the above referenced setbacks. Staff is tasked with processing conditional use permits and must do so based explicitly on the code. Staff makes a recommendation to the Planning Commission based on MSB code and the findings of fact of the use. Without an as-built survey to establish setback distances, rights-of-way, etc. staff would be unable to recommend approval of the conditional use in their staff report to the Planning Commission.

- b. Please provide a detailed site plan, drawn to scale, that includes the information required in the application and that meets the requirements as described in MSB 17.17.170(B)(3). 17.17.170(B)(3) states: *"a detailed site plan showing the proposed location of all buildings and structures on the site, access points, visual screening, buffering, drainage, vehicular and pedestrian circulation patterns, parking areas and the specific location of the proposed land use or uses, together with other information as may be required to comply with the standards for a conditional use listed in this chapter and in other pertinent sections of this chapter."*

Once the items above have been addressed and we have determined the application to be complete, staff can begin the public notice process. Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-8527, or email: mark.whisenhunt@matsugov.us. Thank you for your time and consideration on this matter.

Respectfully,



Mark Whisenhunt, Planner II
Development Services Division
Matanuska-Susitna Borough

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Friday, July 16, 2021 3:57 PM
To: 'akrides@mtaonline.net'
Subject: Alaska Trail Rides: RFAI 7-16-21
Attachments: AK Trail Rides RFAI 7-16-21.pdf

Greetings,

Please see the attached letter requesting additional information pertaining to your application for Conditional Use Permit.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

www.permitcenter@matsugov.us

March 13, 2019

Steve Van Troba
PO Box 1437
Palmer, AK 99645

Subject: Conditional Use Permit Application for Denali State Park Special Land Use District – Request for Additional Information

Location: Parcel Account # 29N05W33D012 and 29N05W33D028

Dear Mr. Van Troba,

Borough staff has reviewed the additional application material and the site plan(s) submitted on February 20, 2019 for a Conditional Use Permit to operate a commercial use under MSB 17.17 on the above referenced property.

It has been determined that the following information needs to be provided and/or clarified in order to process this request

1. Site Plans:

- a. An as-built survey will need to be submitted in order to process this request. As per our discussions on February 11, 2019, February 20, 2019, March 8, 2019, and indicated in a request for additional information letter emailed to you on February 6, 2019, an as-built survey is required to properly establish lot lines and setback distances. After staff's review of the subject parcels, and as specified by you in our discussion on February 20, 2019, it appears a barn has been constructed that is located on both subject parcels (29N05W33D012 and 29N05W33D028).

Here is the relevant code pertaining to this situation:

MSB 17.17.110 Setback Requirements states: *"Except for signs, no structure shall be erected within 75 feet of the right-of-way of the George Parks Highway. In all other cases, the setback requirements specified in MSB 17.55 shall apply."*

MSB 17.55.010(B) states: *"Except where specifically provided other-wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line."*

Even though the subject parcels share the same owner, structures must still meet the above referenced setbacks. Staff is tasked with processing conditional use permits and must do so based explicitly on the code. Staff makes a recommendation to the Planning Commission based on MSB code and the findings of fact of the use. Without an as-built survey to establish setback distances, rights-of-way, etc. staff would be unable to recommend approval of the conditional use in their staff report to the Planning Commission.

If an as-built survey confirms that a structure or structures are in violation of the setbacks established in MSB 17.55 there are a couple of potential solutions to move forward so you are compliant with the code. One solution would be to move or alter the structure(s) so it would not be in violation of MSB code. Another option would be to involve the Platting department and submit an application to move the lot line, or you could apply to combine the two parcels into one.

- b. Please provide a detailed site plan, drawn to scale, that includes the information required in the application and that meets the requirements as described in MSB 17.17.170(B)(3). 17.17.170(B)(3) states: *"a detailed site plan showing the proposed location of all buildings and structures on the site, access points, visual screening, buffering, drainage, vehicular and pedestrian circulation patterns, parking areas and the specific location of the proposed land use or uses, together with other information as may be required to comply with the standards for a conditional use listed in this chapter and in other pertinent sections of this chapter."*

Once the items above have been addressed and we have determined the application to be complete, staff can begin the public notice process. Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-7862, or email: joseph.metzger@matsugov.us. Thank you for your time and consideration on this matter.

Respectfully,



Joseph Metzger, Planner II
Development Services Division
Matanuska-Susitna Borough

MAY 24 2021

Received

D & S Alaska Trail Rides Inc.
P.O. Box 1437
Palmer, Alaska 99645
Tel/Fax (907)-754-2208

RECEIVED
JAN 22 2019
PERMIT CENTER

Matanuska-Susitna Borough
Planning Commission
Assembly Members
East Dahlia
Palmer, Ak 99645-6488

Reference: STATEMENT OF PURPOSE for Mat-Su Borough Planners and Assembly

Following is D & S Alaska Trail Rides Inc. application and documentation for a Conditional Use Permit in the Mat-Su Borough's, Denali State Park Special Land Use District. Our proposal is to establish a horse and wagon ride seasonal (May - September) operations facility at Mile 132 of the Parks Highway, just east of the Mt. McKinley Princess Lodge. The site is well situated for horse rides and wagon tours by visitors to Denali State Park and the Mat-Su Borough. The proposed site incorporates zoning requirements set forth by Borough Ordinance, Chapter 17.17.

D & S Alaska Trail Rides Inc. Plans conform to the requirement stated in Article 1. GENERAL PROVISIONS, Section 17.17.020, PURPOSE. - The area within the boundaries of this special land use district is zoned for recreational uses.

D & S Alaska Trail Rides Inc. planned operations are of a recreational nature and for the support of like activities. Guided horse riding and wagon ride operations will include sightseeing and trail riding in remote locations of Denali State Park. The guests will be transported from Mt. McKinley Princess Lodge to the horseback riding trail head.

D & S Alaska Trail Rides Inc. permit application fulfills the requirement of; ARTICLE 11, Section 17.17.060 CONDITIONAL USES, A. 5, commercial uses; and all requirements of ARTICLE 11, SECTION 17.17.080 through SECTION 17.17.130, (see below), as well as meeting the requirements of ARTICLE 11 GENERAL STANDARDS, SECTION 17.17.180, A.2, the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in question; as follows:

SECTION 17.17.080 COMPLIANCE. - No building, structure, land or water area located within this special land use district shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, repaired, or structurally altered except in conformity with regulations in this chapter and D & S Alaska Trail Rides Inc. Plans conform with regulations in this chapter and D & S

Alaska Trail Rides Inc. does not propose any use stated in ARTICLE 11 SECTION 17.17.070, PROHIBITED USES.

SECTION 17.17.080 COMPLIANCE- D & S Alaska Trail Rides Inc. Plan is to haul five hundred gallons of water per day from Mt. McKinley Princess Lodge water system, for the use of watering the horses.

SECTION 17.17.090 BUILDING HEIGHT LIMITS. - The maximum building height shall be 35 feet above finished grade.

D & S Alaska Trail Rides Inc. plans a maximum height of 25 feet in our currently proposed buildings. The pole barn will be open sided with a roof, 20x64 with 1,280 square feet. Our storage vans and camp trailers are on wheels so they are moveable.

SECTION 17.17.100 LOT AREA. - The minimum lot area for any use shall be ten acres. The lot length to width ratio shall be a maximum of 1:3 and a minimum of 1:1.

The site proposed by D & S Alaska Trail rides Inc. is approximately 10 acres in size with length and width measurements nearly equal.

SECTION 17.17.110 SETBACK REQUIREMENTS; - no structure shall be erected within 75 feet of the right-of-way of the George Parks Highway. Proposed site plans locate our ten acres two and half miles from the George Parks Highway.

SECTION 17.17.120 VEGETATION BUFFER; - A natural vegetation buffer shall be maintained for a minimum of 50 feet from the right-of-way of the George Parks Highway.

D & S Alaska Trail Rides Inc. proposed facility will be located on ten acres ^{29N05} ^{W33 D0124 D028 ownr Steve VanTroka} 160 acres, to the east of Mt. McKinley Princess Lodge. This area has natural buffer vegetation which will remain to an acceptable extent. D & S Alaska Trail Rides Inc. plans to keep the natural buffer vegetation.

SECTION 17.17.130 SIGNS, - no signs: on top of building, flashing, rotating, animated, or intermittent lighted. Signs also cannot exceed 32 square feet in area and are regulated by CFR's.

place... the while 132 and
understands
Department of

D & S Alaska Trail Rides Inc. planned operations meets all of the requirements stated in Article 111 Section 17.17.180 GENERAL STANDARDS, A.;- the conditional use will not detract from the value, character, or integrity of Denali State Park:

Our proposed activities will add to the value, character, and integrity of Denali State Park (DSP) by creating a low impact means of access to acres of the park otherwise inaccessible. We anticipate using ten horses offering Denali State Park and Mat-Su Borough visitors sightseeing tours by guided horseback. Horses are an environmentally sound means of access to remote areas of the park. When compared to other means of access, long term impacts are negligible. Without the noise from a helicopter operations and other aircraft that would have flight paths over the remote reaches of Denali State Park and Denali National Park.

D & S Alaska Trail Rides Inc. proposal meets the requirement of ARTICLE 11 GENERAL STANDARDS, SECTION 17.17.180, A. 3; - granting the conditional use permit will not be harmful to the public health, safety, convenience and welfare; D & S Alaska Trail Rides Inc. proposed facility will enhance public health, safety, convenience, and welfare in several ways.

We would provide additional protection of sealed storage van to store our horse grain, making a safe place to store grain in without traction of bears.

We have the experience of fulfilling various needs for emergency response to the Denali State Park and Denali National Park. The addition of our horses based in this region of the would provide for an additional level of emergency response for residents as well as visitors to the northern reaches of the Mat-Su Borough. When weather prohibits helicopters and aircraft from flying.

D & S Alaska Trail Rides Inc. planned operations will provide several job opportunities for local residents. D & S Alaska Trail Rides Inc. prefers to hire locally if qualified applicants are available.

Local revenues will be realized by businesses in the area. D & S Alaska Trail Rides will seek local suppliers in the area for construction and operational requirements. Trickle down effects of revenue and wage earnings from D & S Alaska Trail Rides Inc. planned operations will provide economic benefits to the area indirectly.

D & S Alaska Trail Rides Inc. proposal meets all requirements of ARTICLE 11 SECTION 17.71.180, A.4; - sufficient access, setbacks, lot area, parking spaces, buffers, and other safeguards are being provided to meet the conditions; as follows:

Sufficient parking will be provided at Mt. McKinley Princess Lodge also and sufficient turnaround space will be provided at D & S Alaska Trail Rides Inc. ten acres trail head site.

Lot Area, Setbacks, and buffers are identified in previous descriptions above.

D & S Alaska Trail Rides Inc. proposal will meet the commissions requirements of ARTICLE 111, SECTION 17.17.180, A.5; - if the permit is for public use or structure,

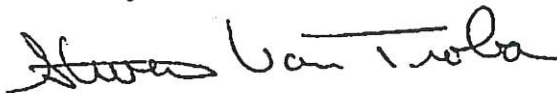
the commission must find that the proposed use or structure is located in a manner which will maximize public benefits; D & S Alaska Trail Rides Inc. will maximize public benefit increasing the tourism infrastructure in the area.

D & S Alaska Trail Rides Inc. proposed location benefits the public immensely through close proximity to overnight lodging at the Mt. McKinley Princess Lodge and Mary's McKinley View Lodge. Additional overnight facilities are speculated to develop in the vicinity as well. Horseback and wagon rides as an activity, is a fast growing experience of visitors to Alaska. Many highway travelers see Mt. McKinley at or near this location and desire taking horseback, or wagon ride in the untouched wilderness of Denali State Park and the Talkeetna Mountains. The proposed location will help to meet visitor expectations of an "experience of a lifetime" activity by enhancing this area of the Mat-Su Borough.

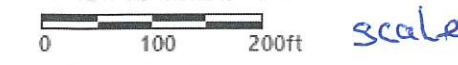
D & S Alaska Trail Rides Inc. proposed facility, by meeting the requirements of the Denali State Park Special Land Use District, will offer visitors quality experiences in the Mat-Su Borough which they seek.

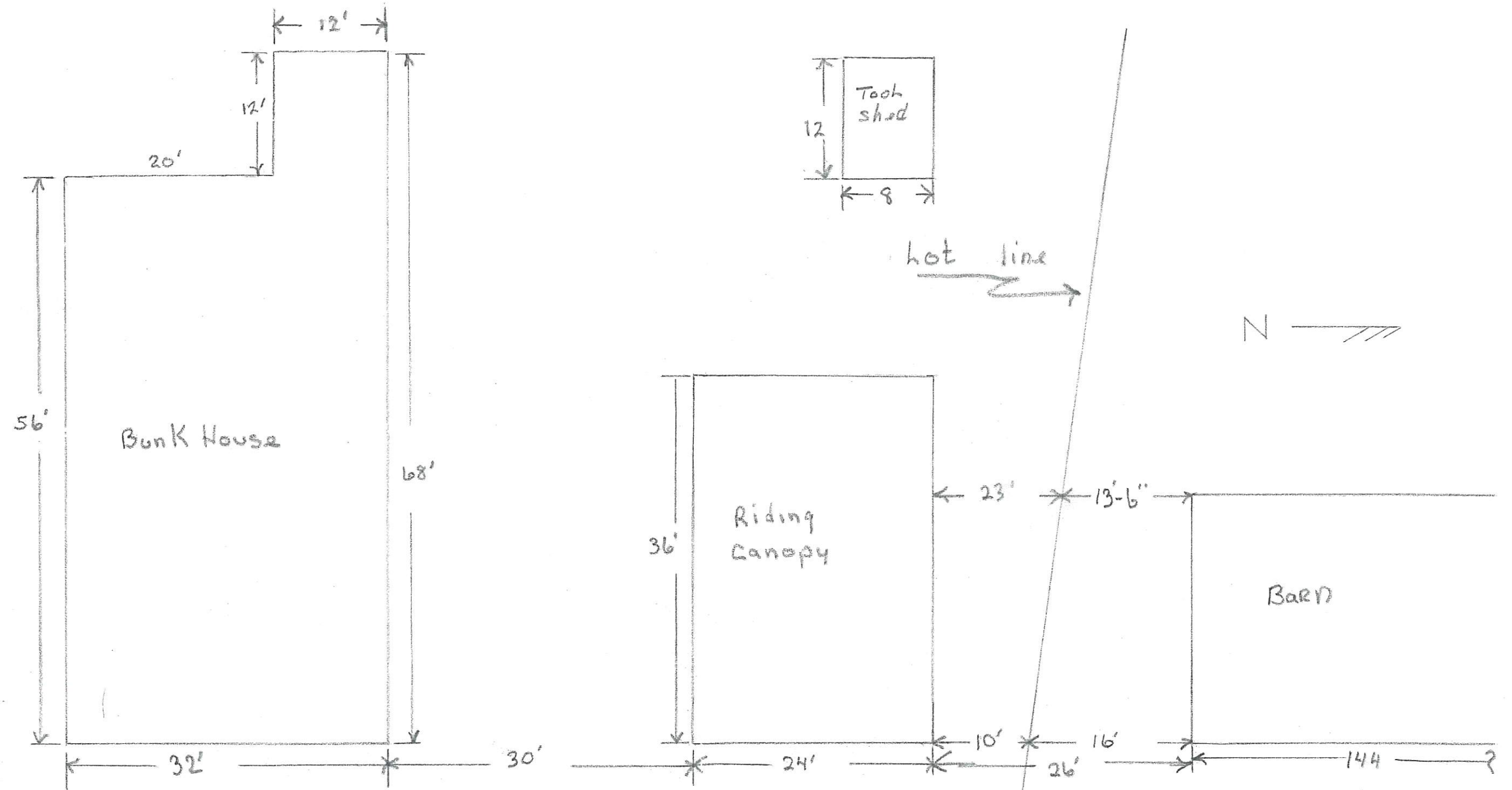
If you have any questions about this statement of our proposed use or about the Conditional Land Use Permit Application, you can direct them to Steve Van Troba at (907)-745-2208

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Van Troba", written in a cursive style.

Steve Van Troba



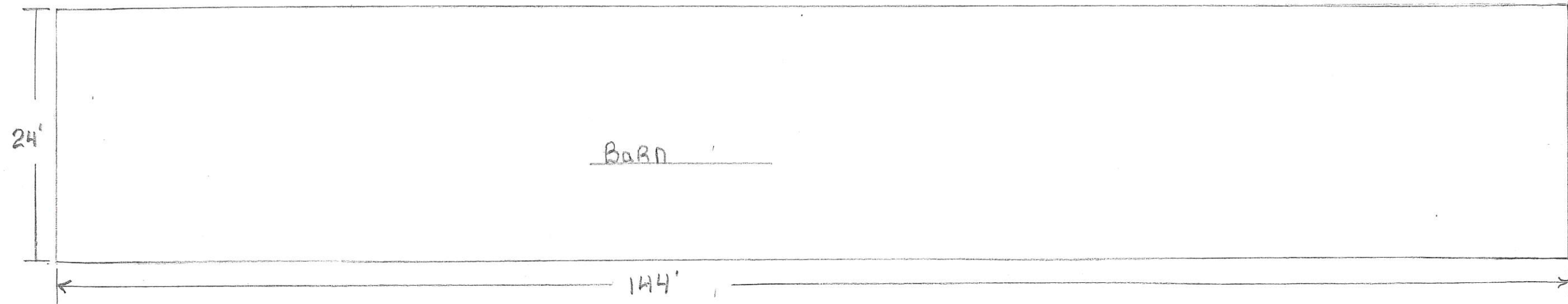


Matanuska-Susitna Borough
Development Services

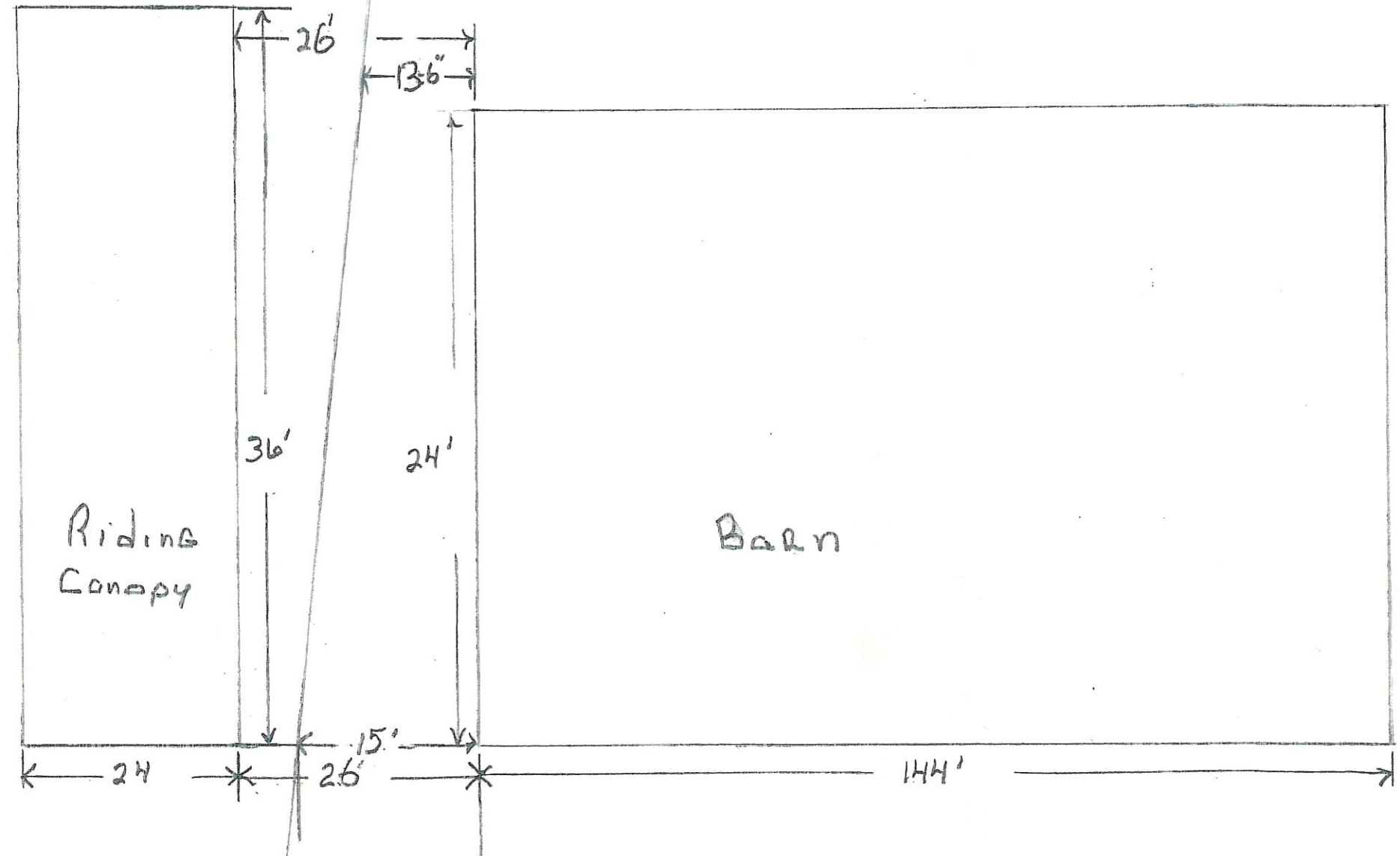
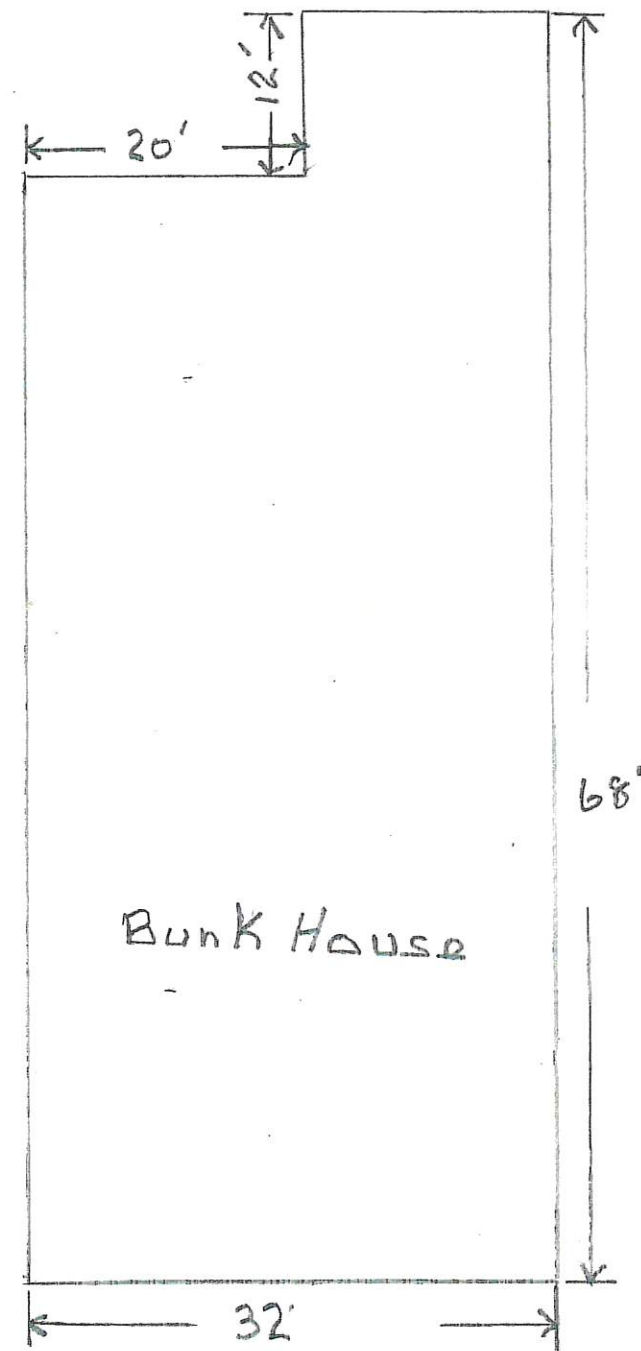
MAY 20 2021

Received

SCALE: 3/32 5501		APPROVED BY:	DRAWN BY: J
DATE:			REVISED: J
D+S Ahogkan Trail Ride Inc.			
			DRAWING NUMBER 2-2



SCALE: <u>3/32 scale</u>	APPROVED BY:	DRAWN BY <u>J</u>
DATE:		REVISED <u>J</u>
DAS Alaskan Trail Rides Inc.		
		DRAWING NUMBER <u>1-2</u>



Lot Line →

RECEIVED
FEB 17 2021
MATANUSKA-SUSITNA BOROUGH
DEVELOPMENT SERVICES

D+S Alaska Trail Rides Inc.		
SCALE: N/A	APPROVED BY: Steve Van Teoba	DRAWN BY
DATE:		REVISED
Lot 55 - 56		
		DRAWING NUMBER

This Page Intentionally Left Blank

INTRODUCTION FOR PUBLIC HEARING LEGISLATIVE

Planning Commission Resolution No. 22-07

A resolution of the Matanuska-Susitna Borough Planning Commission recommending an ordinance increasing the separation distance between gravel extraction and the seasonal high water table from four feet to ten feet.

(Pages 39 - 68)

INTRODUCTION FOR PUBLIC HEARING

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 22-062

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY INCREASING THE SEPARATION DISTANCE BETWEEN GRAVEL EXTRACTION AND THE SEASONAL HIGH WATER TABLE FROM FOUR FEET TO TEN FEET.

AGENDA OF: April 18, 2022

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Community Development Director		
	Planning Director		
	Public Works Director		
	Finance Director		
	Borough Attorney		
	Borough Clerk		

ATTACHMENT (S) : Fiscal Note: YES ___ NO X
Alaska Administrative Code 18 AAC 72.020
Separation Distances (5 pp)
MSB 17.30 (13 pp)
Planning Commission Reso 22-07 (3 pp)
Ordinance Serial No. 22-031 (2 pp)

SUMMARY STATEMENT:

In 2011 the MSB Assembly enacted an ordinance requiring a conditional use permit for mining within four feet of the seasonal high water table in order to protect water quality and quantity.

The purpose of this proposed amendment is to increase the separation distance required from four feet to ten feet. This increase in separation between mining activity and the water table

is intended to provide additional protection to the water table against pollution from surface spills and to protect post-mining property values by ensuring the ability to install conventional onsite septic systems is maintained.

Alaska Administrative Code 18 AAC 72 regulates wastewater disposal systems through the Department of Environmental Conservation. A property that has been mined down to within four feet of the seasonal high water table cannot be developed with conventional onsite septic systems in accordance with DEC regulations.

Alaska Administrative Code 18 AAC 72.020 Separation Distances requires four feet vertical separation between the lowest part of a conventional soil absorption system and an additional four feet of ground cover for insulation above. The soil absorption system itself occupies approximately 18 inches in depth and needs to be situated at a lower elevation than the septic tank and associated pipes. Without a minimum ten feet of "in situ" soil above the water table to start with, a mounded system with a pump station or installation of an advanced treatment system will be required.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully recommends approval of this ordinance.

18 AAC 72.020. Separation distances., 18 AK ADC 72.020

Alaska Administrative Code
Title 18. Environmental Conservation (Refs & Annos)
Chapter 72. Wastewater Treatment and Disposal (Refs & Annos)
Article 1. Domestic Wastewater Treatment and Disposal

18 AAC 72.020

18 AAC 72.020. Separation distances.

(a) A person who builds or installs a sewer, private sewer line, onsite system, or domestic wastewater treatment works shall comply with the applicable minimum separation distances set out

(1) in 18 AAC 80.020 for a public water system, unless the department has approved a lesser separation distance under that section; or

(2) in (c) of this section for a private water system.

(b) The minimum separation distance between the mean annual high water level of a lake, river, stream, spring, or slough, or the mean higher high water level of coastal waters, and a lift station, holding tank, septic tank, soil absorption system, seepage pit, pit privy, or other wastewater collection, treatment, or disposal system is 100 feet, measured horizontally.

(c) Except as otherwise provided in this section, the minimum separation distance between the source of the drinking water for a private water system and a

(1) domestic wastewater treatment works, onsite disposal system, pit privy, sewer manhole and lift station, or sewer cleanout is 100 feet, measured from the nearest edge of the treatment works, disposal system, pit privy, manhole, lift station, or cleanout to the private drinking water source;

(2) community sewer line, holding tank, sanitary landfill, industrial discharge line, or other potential source of contamination, such as domestic animal or agricultural waste, is 75 feet, measured from the nearest edge of the community sewer line, holding tank, sanitary landfill, industrial discharge line, or other potential source of contamination to the private drinking water source; or

(3) private sewer line, petroleum lines and storage tanks, or drinking water treatment wastes, such as backwash water

18 AAC 72.020. Separation distances., 18 AK ADC 72.020

from filters and water softeners and reject water from reverse osmosis units, is 25 feet; the minimum separation distance for petroleum storage tanks does not apply to

(A) tanks that contain propane; or

(B) above-ground storage tanks or drums that, in the aggregate, have a storage capacity of less than 500 gallons of petroleum products, and that store only petroleum products necessary for the operation and maintenance of pumps, power generation systems, or heating systems associated with a potable water well or other potable water source; for purposes of this subparagraph, "petroleum products" refers to fuel and lubricants.

(d) The department will require a greater separation distance than that required by (b) or (c) of this section if the department determines that distance to be necessary to protect surface water, groundwater, or a drinking water source. The department will make this decision after considering soil classifications, groundwater conditions, surface topography, geology, past experience, or other factors relevant to protection of surface water, groundwater, or drinking water.

(e) A request for a waiver of the separation distance required by (b) or (c) of this section, and for approval of a lesser separation distance, must include a report for each waiver that is sought, including multiple waivers for a single project. The report required under this subsection must

(1) be sealed by a registered engineer; the department will waive this requirement if the department determines that

(A) the site of the proposed system is remote from a community with access to professional engineering services; and that the resulting cost of bringing a registered engineer to the site would be overly burdensome; and

(B) public health, public and private water systems, and the environment are adequately protected without this requirement;

(2) justify the lesser distance and explain how the lesser distance does not threaten public health, public and private water systems, or the environment;

(3) describe soil classifications, groundwater conditions, surface topography, geology, and other environmental conditions that would assist the department in establishing a lesser separation distance; and

(4) include a set of plans, consisting of

18 AAC 72.020. Separation distances., 18 AK ADC 72.020

(A) record drawings if the department determines them necessary to evaluate the request;

(B) an accurate description, including the location, of potential sources of contamination, surface water, groundwater, and existing or potential drinking water sources in the area; and

(C) the details of the system design that

(i) address the physical and environmental conditions listed in (3) of this subsection; and

(ii) will prevent contamination of the surface water, groundwater, or drinking water sources identified in (B) of this paragraph at the lesser distance; and

(D) other information the department determines to be necessary to assess the effect of a lesser distance upon public health, public and private water systems, and the environment.

(f) In accordance with 18 AAC 72.060, the department will approve a waiver of the separation distance required by (b) or (c) of this section if the department finds, after review of the report submitted under (e) of this section, that a lesser separation distance does not threaten public health or the environment and protects surface water, groundwater, and existing or potential drinking water sources. As necessary to protect public health and the environment, and to protect surface water, groundwater, and existing or potential drinking water sources, the department will require changes to system design as a condition of approval, including increased depth of grout and changes to the pipe material, pipe bedding, joints, and pipe strength.

(g) A person may not install

(1) a septic tank or soil absorption system directly above or below a water line at any distance, or within 10 horizontal feet of a water line; or

(2) a sewer line directly above or below at any distance, or within 10 horizontal feet of a water line, unless

(A) the required location or separation distance cannot be met because of the site configuration, the system design, or the presence of other obstacles that have regulated separation distance requirements;

(B) the sewer line is designed and constructed in a manner equivalent to the requirements for a potable water pipe, and

(i) is pressure tested to ensure watertightness; or

(ii) is enclosed in a carrier pipe of similar strength and rating as the actual pipe, or of a strength and rating approved by the department as protective of public health, public and private water systems, and the environment;

(C) the sewer line is in a separate trench from the water line; and

(D) at locations where sewer and water lines must cross,

(i) the sewer line is installed below the water line to the maximum length possible unless existing appurtenances, elevations, or depth-of-cover requirements prohibit such installation;

(ii) the sewer line uses a bedding that is specially designed to protect the integrity of the sewer line in places where the elevation of a water line is below a sewer line;

(iii) the sewer line joints are at least nine feet from the water line joints; and

(iv) the sewer line is at least 18 vertical inches from a water line.

(h) Upon determining that a waiver will not threaten public health, public and private water systems, or the environment, the department will waive the requirements of (g) of this section in accordance with 18 AAC 72.060

(1) for a utilidor, if the water line is above the sewer line, and

(A) for an above-ground utilidor, the utilidor will not flood if pipe failure occurs; or

(B) for an underground utilidor, the utilidor is drained to a low point within the utilidor and has an automatic pumping and alarm system; or

18 AAC 72.020. Separation distances., 18 AK ADC 72.020

(2) on a case-by-case basis, if design plans, reports, or drawings supporting a request for a lesser vertical and horizontal separation distance between water and sewer lines or for other configurations are sealed by a registered engineer.

(i) A person may not install a pit privy in an area subject to flooding. The vertical separation between the lowest point of a pit privy and the water table, measured during the season of the year with maximum water table elevation, must be at least four feet.

(j) The minimum vertical separation between the lowest part of a conventional soil absorption system and

(1) the water table, as measured during the season of the year with maximum water table elevation, must be at least four feet; and

(2) underlying bedrock, clay, or other impermeable strata must be at least six feet.

Credits

(Eff. 4/1/99, Register 149; am 3/25/2001, Register 157; am 5/12/2016, Register 218)

AUTHORITY: AS 44.46.020, AS 44.46.025, AS 46.03.020, AS 46.03.050, AS 46.03.070, AS 46.03.080, AS 46.03.100

Current with amendments received through the Quarterly Supplement, January 2022 (Register 240), and additional amendments from Register 241, received through January 25, 2022.

Alaska Admin. Code tit. 18, § 72.020, 18 AK ADC 72.020

End of Document

© 2022 Thomson Reuters. No claim to original U.S. Government Works.

CHAPTER 17.30: CONDITIONAL USE PERMIT (CUP) FOR EARTH MATERIALS EXTRACTION ACTIVITIES

Section

17.30.010 Intent and purpose

17.30.020 Applicability

17.30.025 Nonconforming uses

17.30.030 Types of permits available

17.30.035 Application procedures

17.30.037 Material extraction below or within four feet of the seasonal high water table

17.30.040 Criteria to qualify for an administrative permit

17.30.050 Planning commission approval

17.30.055 Required compliance with state and federal laws

17.30.060 General standards for approval

17.30.110 Amendment of conditional use permit

17.30.120 Transfer of a conditional use permit

17.30.130 Termination of permit

17.30.140 Violations, enforcement, and penalties

17.30.150 Appeal procedures

17.30.010 INTENT AND PURPOSE.

(A) 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. The purpose of this chapter is to allow resource extraction activities while promoting the public health, safety, order, prosperity, and general welfare of the Matanuska-Susitna Borough through regulation of land use to reduce the adverse impacts of land uses and development between and among properties. It is the further purpose of this chapter to promote compatible, orderly development. These purposes are accomplished by:

- (1) allowing for a public review process for earth materials extraction activities in the Matanuska-Susitna Borough;
- (2) enhancing the character and stability of residential, agricultural, business, commercial, and industrial areas, promoting the orderly and beneficial development of such areas by the owner/permittee in a manner that will not devalue the extraction site or neighboring properties for future beneficial uses upon completion of gravel extraction;
- (3) promoting diversified land use and economic opportunity;
- (4) encouraging the most appropriate uses of land;
- (5) enhancing the natural, manmade, and historical amenities of the Matanuska-Susitna Borough;
- (6) recognizing and preserving traditional uses of land within the Matanuska-Susitna Borough; and
- (7) protecting and enhancing the quality, peace, quiet and safety of the Matanuska-Susitna Borough neighborhoods.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.020 APPLICABILITY.

- (A) This chapter applies to all private and public lands in the borough except where the use is prohibited by ordinance within a special land use district. Where a special land use district regulates earth materials extraction as a conditional use, the granting of a conditional use permit shall require compliance with this chapter. Where this chapter is in conflict with the conditional use permit conditions of the special land use district, the more restrictive conditions shall apply.
- (B) This chapter does not apply within the cities of Houston, Palmer, or Wasilla, or the Port MacKenzie Special Use District.
- (C) This chapter applies to commercial earth materials extraction activities where the principal activity of use of the property is the extraction of earth materials.
- (D) This chapter does not apply when earth material extraction activity is not intended for sale or barter.
- (E) Annual extraction of more than 2,000 cubic yards of earth materials on property that has not been granted a permit or pre-existing legal nonconforming status as of the date of the enactment of this chapter is required to obtain a conditional use permit or administrative permit.
- (F) *[Repealed by Ord. 11-153, § 13, 2011]*

(G) Extraction of 2,000 cubic yards or less annually on any one parcel does not require an administrative or conditional use permit. Where a site is exempt under this subsection the exemption is revoked if operations proceed within four feet of the seasonal high water table.

(H) This chapter shall not apply to earth material extraction activities on land owned by the state of Alaska that are in existence as of the date of adoption of the ordinance codified in this chapter except for such operations that extract materials within four feet of the water table. Where a site is exempt under this subsection the exemption is revoked if operations proceed to within four feet of the water table.

(Ord. 16-102, § 10, 2016; Ord. 12-096, § 3, 2012; Ord. 11-153, § 13, 2011; Ord. 08-043, §§ 2, 3, 2008; Ord. 07-130, § 2, 2007; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.025 NONCONFORMING USES.

(A) At the date of adoption of the ordinance codified in this chapter, or amendments thereto, earth materials extraction activities that have been granted a permit or pre-existing legal nonconforming status are permitted to continue subject to the provisions of this section.

(B) *[Repealed by Ord. 11-153, § 14, 2011]*

(C) *[Repealed by Ord. 11-153, § 14, 2011]*

(D) Legal nonconforming extraction operations shall comply with MSB 17.28.067(A) through (D).

(E) Operations with pre-existing legal nonconforming status that extract material below or within four feet of the seasonal high water table shall conduct operations in accordance with the requirements outlined in MSB 17.30.037(D), except that MSB 17.30.037(D)(8)(b) through (d) shall not apply.

(F) Nonconforming status shall expire if material extraction or earth material processing activity ceases for longer than five years.

(Ord. 11-153, § 14, 2011; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.030 TYPES OF PERMITS AVAILABLE.

(A) There are two types of permits available for earth materials extraction:

(1) *Administrative permit* – a use permit approved by the director with public notification may be issued if the proposed development meets the minimum thresholds for an administrative decision.

(2) *Conditional use permit* – a conditional use permit granted by the planning commission after a public hearing, when the proposed development goes beyond the minimum threshold for an administrative permit.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.035 APPLICATION PROCEDURES.

(A) For all permits required under this chapter, the following shall be submitted to the department:

- (1) a completed application form provided by the department;
- (2) a site development plan in accordance with MSB 17.28.050 and 17.28.060;
- (3) the fee in the amount designated in MSB 17.99; and
- (4) reclamation plan in accordance with MSB 17.28.063.

(B) The director may reject any application which is incomplete or fails to meet the requirements of this section. The rejection shall be in writing and shall state the deficient items. Once the deficiencies have been corrected, the complete application will be processed.

(C) If the minimum criteria for an administrative permit can be met, the director will notify surrounding property owners in accordance with MSB 17.03, public notification, except that the notification area will be one-half mile. Within 30 days of acceptance of the application, the administrative permit will be issued with conditions to address concerns raised by neighboring property owners, and as deemed appropriate by the director, to protect the public health, safety and general welfare.

(D) *[Repealed by Ord. 11-153, § 15, 2011]*

(E) If the proposed development exceeds the minimum criteria for an administrative permit, a public hearing before the planning commission shall be conducted within 45 calendar days of the acceptance of a complete application in accordance with MSB 17.03, public notification, except that the notification area will be one-half mile. The applicant may waive the 45-day limit.

(F) The planning commission shall hear any interested parties and shall render a decision on the application for a conditional use permit within 30 calendar days from the date of public hearing, unless the applicant agrees to a time extension. In the granting of a conditional use permit, the planning commission shall state in writing the conditions of approval of the permit.

(Ord. 11-153, § 15, 2011: Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.037 MATERIAL EXTRACTION BELOW OR WITHIN FOUR FEET OF THE SEASONAL HIGH WATER TABLE.

(A) Extraction of material below or within four feet of the seasonal high water table requires a permit under this section except:

- (1) material extraction in navigable water performed under the authority of the state or federal

governments.

(B) Prior to application for a water table extraction permit, the following requirements shall be met:

(1) installation of a sufficient number of monitoring wells and test pits, as recommended by a qualified professional, to adequately determine groundwater flow direction, hydraulic gradient, water table and seasonal high water table elevation, and monitor groundwater quality upgradient and downgradient of the proposed activity on the property on which the activity will take place. Monitoring well and test pit locations must provide the qualified professional with adequate information to characterize the entire property that will be permitted for material extraction:

(a) Monitoring wells shall be installed, maintained, and decommissioned in accordance with 18 AAC 80.015.

(b) Well casing elevations shall be surveyed to a vertical accuracy of 0.01 feet by a registered land surveyor.

(c) Monitoring well logs and a report must be submitted to the Alaska Department of Natural Resources (ADNR) prior to time of application. The submittal to ADNR must comply with 11 AAC 93.140 by showing well construction parameters and information.

(2) collection of a sufficient number of representative groundwater samples, as recommended by a qualified professional, to determine baseline water quality.

(a) Baseline representative groundwater samples shall be collected biannually (either mid-summer and fall or fall and late winter) from monitoring wells, and at a minimum, be analyzed for arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, total nitrite/nitrates, phosphates, total dissolved solids, fecal coliform bacteria, benzene, toluene, ethylbenzene, and xylenes by appropriate methods approved by the state. Additional analytes shall be included if recommended by a qualified professional and based on review of regulated potential sources of contamination within one-half mile of the boundary of the property on which the activity will take place;

(b) Representative groundwater samples shall be collected under supervision of a qualified professional using sampling methods and analytical methods as defined by a state-certified laboratory. Sampling methods shall include documentation to assure acquisition of representative samples.

(3) Determination of seasonal high water table elevation, groundwater flow direction, hydraulic gradient, and water table elevation for the site shall be measured under supervision of a qualified professional.

(4) A written report shall be completed by a qualified professional that makes a determination about the potential adverse effects to groundwater and surface water body elevation, groundwater and surface water

quality, surrounding water users and adjacent properties. The determination shall be based on available data, interpretations of the data and knowledge of groundwater processes.

- (5) The report shall be submitted with the conditional use permit application and shall:
- (a) identify existing public water system sources (i.e., wells, springs, surface water intakes), as identified by the state, that are located within one-half mile of the boundary of the property on which the activity will take place;
 - (b) identify actual or presumed private drinking water wells located within one-half mile of the boundary of the property on which the activity will take place and include a copy of the available well logs. The qualified professional shall inspect ADNR well log records available for properties within one-half mile of the boundary of the property on which the activity will take place;
 - (c) identify public drinking water source capture areas less than or equal to the distance of the two-year-time-of-travel isochron as identified or approved by the state, located within one-half mile of the boundary of the property on which the activity will take place;
 - (d) identify existing regulated potential sources of contamination within at least one-half mile of the boundary of the property on which the activity will take place;
 - (e) contain maps at appropriate scales presenting the results of the well search, the setbacks required by subsection (D)(8) of this section, and illustrating wetlands and water bodies; at least one map shall show identified potential sources of contamination;
 - (f) include the water table elevation monitoring data, groundwater sampling analytical results, monitoring well logs and records of any test pits, and a discussion of the seasonal high water table determination;
 - (g) evaluate subsurface hydrologic conditions and identify potential adverse effects that may occur as a result of material extraction. The evaluation of the hydrologic conditions shall include identifying confining layers; and
 - (h) The report and all data relied upon in creation of the report shall be provided to the borough and shall be available to the public for inspection and review by members of the public.
- (6) A monitoring plan shall be completed by a qualified professional with appropriate action levels requiring additional investigation and monitoring to assess potential adverse effects to groundwater or surface water.
- (a) The monitoring plan shall include a field sampling plan; and

(b) The plan shall contain all well construction and development details.

(C) In addition to the application requirements for a conditional use permit for earth materials extraction, the application for a water table extraction permit shall include:

- (1) a description of the proposed extent and depth of material extraction beneath the seasonal high water table.
- (2) a written report that meets the requirements of subsection (B) of this section, a monitoring plan, and a spill prevention, control, and countermeasures plan as required by this section.
- (3) a fee in the amount designated by the assembly in accordance with this chapter.
- (4) a certificate of general liability insurance with limits not less than \$1,000,000 per occurrence/\$1,000,000 aggregate for operations involving less than 40 acres and \$2,000,000 per occurrence/\$2,000,000 aggregate for operations involving 40 acres or larger. Insurance shall insure liability for bodily injury and property damage and be written on the Insurance Services Office form number CG0001 12 07 or a form as broad as CG0001 12 07. The certificate of insurance shall include 30 days' notice of cancellation to the borough. The borough shall be named on the applicant's general liability policy as an additional insured and the applicant shall waive their rights of subrogation against the borough. Such insurance shall remain in full force and effect in the specified amounts for the duration of the permit period. Insurance coverage must include liability for providing comparable alternate sources of drinking water to all impacted parties served by any private or public water system adversely affected as a result of the activity.
- (5) a certificate of pollution liability insurance with limits of \$1,000,000 per occurrence/\$1,000,000 aggregate including third party bodily injury and property damage and cleanup costs. If the responsible party's pollution liability (environmental) insurance is written on a claims-made form, the responsible party shall provide insurance for a period of three years after expiration or termination of the permit. The policy(ies) shall evidence a retroactive date, no later than the effective date of the conditional use permit.

(D) Operating standards for extraction within or below four feet of the seasonal high water table are as follows:

- (1) Implement a monitoring plan that meets the requirements of this chapter. If existing wells will provide sufficient data, no additional wells are required;
- (2) Implement the spill prevention, control and countermeasures plan in accordance with Environmental Protection Agency's requirements for above ground storage tank operations regardless of the quantity of petroleum products on site;
 - (a) Fuel storage containers larger than 50 gallons shall be contained in impermeable berms and

basins capable of retaining 110 percent of the storage capacity;

(b) Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface;

(c) Locate above ground storage tanks farthest from the path of groundwater flow to private and public water systems and farthest from state-approved drinking water source capture areas, and outside the setbacks for all drinking water sources;

(d) Equipment operating within the area of excavation shall be maintained to minimize leaks of petroleum fluids. Equipment that releases petroleum fluids to the environment shall be repaired as soon as practical. The responsible party or owner shall contain the leaks immediately on discovery; and

(e) In the event of a reportable release of regulated contaminants, notification shall include the director and shall occur concurrently with the state and federal agencies, if applicable.

(3) Groundwater flow direction, hydraulic gradient, and groundwater table elevation for the subject parcel shall be measured at least monthly during active extraction. Monitoring wells must be maintained or replaced with equivalent monitoring wells.

(4) Collect groundwater samples biannually prior to seasonal excavation startup and within two weeks of seasonal shutdown from the down-gradient and cross-gradient monitoring wells. Sample collection shall be conducted in accordance with sampling methods defined by a state certified laboratory.

(a) Representative groundwater samples shall be analyzed, at a minimum, for benzene, toluene, ethylbenzene, xylenes, and total dissolved solids, by methods approved by a certified laboratory as well as any analyte identified in the water quality monitoring data with a concentration within 15 percent of the applicable water quality standards established by state regulation. Groundwater sample analysis shall include testing for analytes that may indicate water quality changes including, but not limited to, pH, conductivity, nitrates, sulfates, sodium, calcium, magnesium, bicarbonate, and potassium.

(b) Analytical sampling results and water elevation monitoring data shall be retained for two years following completion of reclamation activities and shall be provided to the director upon request.

(i) If the monitoring data indicates that a maximum contaminant level set under 18 AAC 80 has been exceeded, or if the water level measurements indicate a shift, beyond natural variability, in the elevation of the water table, the owner or responsible party shall report that result to the department within 48 hours of notification.

(c) A qualified professional shall annually submit a report to the department that includes:

- (i) a table of monitoring results;
 - (ii) water quality sample analytical results in a table that includes the appropriate maximum contaminant levels established under 18 AAC 80; and
 - (iii) water table elevation monitoring data.
- (5) Operations shall not breach or extract material from a confined aquifer or a confining layer beneath a perched aquifer currently used as a drinking water source.
 - (a) If evidence suggests a confined aquifer or confining layer has been breached, or if groundwater or surface water elevation changes rapidly or beyond natural variation, the director shall be notified within 24 hours.
 - (i) A hydrologic assessment, conducted by a qualified professional, to determine the affected area and the nature and degree of effects and a description of potential repair or mitigation options shall be submitted to the director within 14 calendar days of notification;
 - (ii) Repair or mitigation sufficient to address identified effects shall be initiated as soon as practical, not to exceed 45 calendar days from the date the assessment is received by the director;
- (6) Proof of insurance as required by subsection (C)(4) of this section to mitigate impacts arising from the extraction activity shall be maintained until completion and acceptance of reclamation activities.
- (7) Operations should be conducted in accordance with the current publication of the State of Alaska's User Manual Best Management Practices for Gravel Pits.
- (8) Operations shall maintain the following setbacks:
 - (a) sixty-five feet from the property line, except where operations encompass contiguous parcels and extraction within four feet of the seasonal high water table is proposed across adjoining lot lines;
 - (b) five hundred feet from the nearest downgradient drinking water source;
 - (c) three hundred fifty feet from the nearest cross-gradient drinking water source; and
 - (d) two hundred feet from the nearest upgradient drinking water source.
 - (i) Minimum separation distances shall not apply to drinking water sources constructed after a permit to extract material below the water table has been issued.

(Ord. 11-153, § 16, 2011)

17.30.040 CRITERIA TO QUALIFY FOR AN ADMINISTRATIVE PERMIT.

(A) To qualify for an administrative permit, all of the following criteria must be met:

- (1) *[Repealed by Ord. 16-102, § 11, 2016]*
- (2) extraction activities subject to the permit shall not exceed:
 - (a) twenty-four months. A one-time extension of six months may be granted administratively upon written request from the applicant; provided, that all conditions of the permit have been met; or
 - (b) annual volume of 7,000 cubic yards (one cubic yard equals one and one-half tons) or less; and
- (3) any proposed batch plant use shall not exceed 24 months.

(B) The director may also set basic conditions of approval for issuance of the administrative permit, as appropriate for the area in which the development is sited, for the following:

- (1) setbacks (no less than minimum setback requirements as established in MSB 17.55; however, may be increased as appropriate for existing surrounding development);
- (2) visual screening, noise mitigation, lighting restrictions and roads/access restrictions as appropriate for surrounding development and in accordance with development standards referenced in MSB 17.28.060, site development standards; and
- (3) road maintenance may be required by permittee.

(Ord. 16-102, § 11, 2016; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.050 PLANNING COMMISSION APPROVAL.

(A) *[Repealed by Ord. 16-102, § 12, 2016]*

(B) The commission may set conditions of approval for issuance of the conditional use permit, as appropriate for the area in which the development is sited, for the following:

- (1) setbacks (no less than minimum setback requirements as established in MSB 17.55; however, may be increased as appropriate for existing surrounding development);
- (2) visual screening, noise mitigation, lighting restrictions and roads/access restrictions as appropriate for surrounding development and in accordance with development standards referenced in MSB 17.28.060,

site development standards;

(3) road maintenance may be required of the permittee; and

(4) length of time of operation and location of batch plants.

(Ord. 16-102, § 12, 2016; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.055 REQUIRED COMPLIANCE WITH STATE AND FEDERAL LAWS.

(A) All applicants for permits for earth materials extraction are required to demonstrate compliance with state and federal law. Prior to final approval of the permit, the applicant or agent shall provide written documentation of compliance with the following:

(1) mining license as required by the Alaska State Department of Revenue, pursuant to A.S. 43.65;

(2) mining permit as required by the Alaska State Department of Natural Resources (ADNR) if extraction activities are to take place on state land;

(3) reclamation plan as required by ADNR, pursuant to A.S. 27.19;

(4) notice of intent for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Department of Environmental Conservation (DEC) pursuant to the Alaska Pollutant Discharge Elimination System (APDES) requirements; and

(5) United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity is to take place within wetlands, lakes and streams.

(B) In addition to the requirements in subsection (A) of this section, all activity shall be conducted in compliance with state or federal regulations governing the items listed below. Written documentation of compliance with these regulations is not required. Complaints received by the borough of violations of requirements within this section will be forwarded to the appropriate agency for enforcement.

(1) *Air quality.*

(a) EPA air quality control permit is required for asphalt plants and crushers.

(b) ADNR burn permit is required for brush or stump burning. Combustibles shall be stockpiled separate from noncombustibles, and burn permit requirements shall be followed.

(c) ADEC dust control and air quality regulations pertaining to burning activities shall be followed.

(2) *Water quality.*

- (a) EPA or ADEC regulations controlling spills, spill reporting, storage and disposal of oil, anti-freeze and hydrocarbons.

(3) *Use and storage of hazardous materials, waste and explosives.*

- (a) EPA regulations controlling use of hazardous materials shall be followed.
- (b) Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (FBATFE) regulations shall be followed when storing or using explosives.

(C) Failure to comply with any of the requirements in subsections (A) and (B) of this section is a violation of the permit, and is subject to enforcement pursuant to MSB 17.30.140.

(IM 07-289, page 2 (part), presented 11-13-07; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.060 GENERAL STANDARDS FOR APPROVAL.

(A) In granting an administrative permit or a conditional use permit, the director or commission must make the following findings:

- (1) that the use is not inconsistent with the applicable comprehensive plan;
- (2) that the use will preserve the value, spirit, character, and integrity of the surrounding area;
- (3) that the applicant has met all other requirements of this chapter pertaining to the use in question;
- (4) that granting the permit will not be harmful to the public health, safety and general welfare; and
- (5) that the sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in MSB 17.30.050(B).

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.110 AMENDMENT OF CONDITIONAL USE PERMIT.

(A) A conditional use permit may be amended by application to the department and approval by the planning commission. The applicant shall provide the department an update of all information required in the original permit, shall describe the proposed changes in detail, and shall provide copies of any additional state and federal permits which the amendments may require. The notice and hearing provisions of this chapter shall apply to an amendment to the permit.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.120 TRANSFER OF A CONDITIONAL USE PERMIT.

(A) A permit may be transferred subject to the conditions of MSB 17.60.180.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.130 TERMINATION OF PERMIT.

(A) A permit shall terminate under this chapter subject to the conditions in MSB 17.60.190.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.140 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Unless otherwise specified, any violation of this chapter is an infraction.

(B) It is a violation to conduct commercial earth material extraction activities without a permit issued under this chapter unless designated as an interim materials district or as a pre-existing legal nonconforming use in accordance with MSB 17.28 or MSB 17.30.025.

(C) It is a violation to operate with a permit issued under this chapter but in violation of any criteria or condition which was necessary for the issuance of the permit.

(D) Enforcement of the provisions of this chapter and associated penalties shall be consistent with the terms and conditions of MSB 1.45.

(Ord. 11-153, § 17, 2011; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.150 APPEAL PROCEDURES.

(A) The provisions of MSB 15.39 govern appeals from a decision of the planning commission granting, denying, modifying, or revoking a conditional use permit under this chapter. The provisions of MSB 15.39 govern an appeal of a planning department enforcement action or decision.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

CODE ORDINANCE

Sponsored by: J. Sumner
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-031**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY INCREASING THE SEPARATION DISTANCE BETWEEN GRAVEL EXTRACTION AND THE SEASONAL HIGH WATER TABLE FROM FOUR FEET TO TEN FEET.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of paragraph. MSB 17.30.020 (G) is hereby amended to read as follows:

(G) Extraction of 2,000 cubic yards or less annually on any one parcel does not require an administrative or conditional use permit. Where a site is exempt under this subsection the exemption is revoked if operations proceed within [FOUR] ten feet of the seasonal high water table.

Section 3. Amendment of section. MSB 17.30.037 is hereby amended to read as follows:

17.30.037 MATERIAL EXTRACTION BELOW OR WITHIN [FOUR] TEN FEET OF THE SEASONAL HIGH WATER TABLE.

(A) Extraction of material below or within [FOUR] ten feet of the seasonal high water table requires a

permit under this section except:

Section 4. Amendment of subsection. MSB 17.30.037(D) is hereby amended to read as follows:

(D) Operating standards for extraction within or below [FOUR] ten feet of the seasonal high water table are as follows:

.

(8) Operations shall maintain the following setbacks:

(a) sixty-five feet from the property line, except where operations encompass contiguous parcels and extraction within [FOUR] ten feet of the seasonal high water table is proposed across adjoining lot lines;

Section 5. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2022.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

DRAFT

By: A. Strawn
Introduced: March 7, 2022
Public Hearing: March 21, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-07

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING AN ORDINANCE INCREASING THE SEPARATION DISTANCE
BETWEEN GRAVEL EXTRACTION AND THE SEASONAL HIGH WATER TABLE FROM
FOUR FEET TO TEN FEET.

WHEREAS, in 2011 the MSB Assembly enacted an ordinance
requiring a conditional use permit for mining within four feet of
the seasonal high water table in order to protect water quality
and quantity; and

WHEREAS, the purpose of this proposed amendment is to increase
the separation distance required from four feet to ten feet; and

WHEREAS, increase in separation between mining activity and
the water table will provide additional protection to the water
table against pollution from surface spills; and

WHEREAS, this ordinance will protect post-mining property
values by ensuring the ability to install conventional onsite
septic systems is maintained; and

WHEREAS, Alaska Administrative Code 18 AAC 72.020 Separation
Distances requires four feet vertical separation between the
lowest part of a conventional soil absorption system and an
additional four feet of ground cover for insulation above; and

WHEREAS, the soil absorption system itself occupies approximately 18 inches in depth and needs to be situated at a lower elevation than the septic tank and associated pipes; and

WHEREAS, a property that has been mined down to within four feet of the seasonal high water table cannot be developed with conventional onsite septic systems in accordance with DEC regulations; and

WHEREAS, without a minimum ten feet of "in situ" soil above the water table to start with, a mounded system with a pump station or installation of an advanced treatment system will be required.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of an ordinance increasing the separation distance between gravel extraction and the seasonal high water table from four feet to ten feet.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this -- day of --, 2022.

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

COMMISSION BUSINESS


Upcoming Agenda Items

COMMISSION BUSINESS



MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822
www.matsugov.us

MEMORANDUM

DATE: February 24, 2022
TO: Planning Commissioners
FROM: Alex Strawn, Planning and Land Use Director 
SUBJECT: Tentative Future PC Items

Upcoming PC Actions

Quasi-Judicial

- The Green Spot – Marijuana Retail Facility Modificaiton, 1783B04L001 (Staff: Mark Whisenhunt)
- Frontier Plaza Subdivision – Earth Material Extraction, 18N10E31A004 (Staff: Mark Whisenhunt)
- Talkeetna Connection – Marijuana Retail Facility, 24N04W29D002 (Staff: Peggy Horton)
- Valley Country Store #4 – Alcoholic Beverage Package Store, 4928000L001 (Staff: Peggy Horton)
- Valley Country Store #4 – Core Area CUP, 4928000L001 (Staff: Peggy Horton)
- Dime Bag – Marijuana Facility, 6298B01L002 (Staff: Peggy Horton)
- AK Legacy Genetics – Standard Marijuana Cultivation Facility, 6315B01L011 (Staff: Peggy Horton)
- Premier Homes – Earth Material Extraction, 17N02W34D003 (Staff: Peggy Horton)

Legislative

- Lake Management Plan Update (Staff: Kelsey Anderson)
- Historic Preservation Plan (HPP) (Staff: Adam Bradway)
- Municipal Separate Storm Sewer System (MS4) (Staff: Ted Eischeid)
- Pre-Metropolitan Planning Organization (MPO) Development (Staff: Kim Sollien)
- Bike and Pedestrian Plan (Staff: Kim Sollien)
- Capital Improvement Program (CIP) (Staff: Kelsey Anderson)
- Official Streets And Highway Plan (OSHP) (Staff: Kim Sollien)
- MSB Borough-Wide Comprehensive Plan (Staff: Kim Sollien)
- Marijuana Code Update (Staff: Alex Strawn)
- Glacier View Comprehensive Plan Update (Staff: Kim Sollien)
- Coordinated Human Services Transportation Plan (Staff: Leda Borys)