

By: Rick Benedict
Introduced: March 3, 2025
Public Hearing: March 17, 2025
Action: **Approved**

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 25-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE EXTRACTION OF APPROXIMATELY 1,028,000 CUBIC YARDS OF EARTH MATERIAL FOR 10 YEARS WITHIN TWO ADJACENT PARCELS TOTALING 18.39 ACRES LOCATED AT 4120 E. BRENDA AVENUE, TAX ID# 1341000T001, AND 4101 E. FAIRVIEW LOOP, TAX ID# 1341000T002.

WHEREAS, Big Dipper Construction, Inc.(dba Big Dipper Pit) submitted a Conditional Use Permit (CUP) application to extract earth material at 4120 E. Brenda Avenue, Tax ID# 1341000T001, and 4101 E. Fairview Loop, Tax ID#1341000T002; 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 CUP 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 a letter from ADNR dated June 12, 2024, the applicant submitted all required information concerning LAS #35004 for non-state land material site reclamation plans, in accordance with A.S. 27.19 - Reclamation; and

WHEREAS, according to a letter from Tim Alley, an Alaska Certified Erosion and Sediment Control Lead (AK-CESCL), dated March 29, 2024, coverage under the Alaska Department of Environmental Conservation (ADEC) 2020 Multi-Sector General Permit (MSGP) or Construction General Permit (CGP) is not required for the extraction operation; 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 water bodies; and

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

WHEREAS, the MSB Core Area Comprehensive Plan applies to all parcels within the Borough's Core Area planning area; and

WHEREAS, the MSB 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 marketplace, and allows local government to provide cost-effective infrastructure and services economically; and

WHEREAS, the MSB Core Area Comprehensive Plan Land Use Policy 1-E states: Coordinate land use with the Long-Range Transportation Plan; and

WHEREAS, the MSB Core Area Comprehensive Plan Land Use Policy 1-H states: Encourage concentration of major commercial development at central locations and along already developed major transportation corridors; and

WHEREAS, the MSB 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, a MSB Core Area CUP is not required as the operation will not exceed thresholds requiring a CUP under MSB 17.61; and

WHEREAS, the subject parcels are located within the Borough's Core Area planning area, and the proposed operation is consistent with the applicable comprehensive plan; 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, portions of Tracts 1 and 2 are identified in the Official Streets and Highway Plan 2022(OSHP); and

WHEREAS, the regrading of lands involved with the proposed operation will not negatively impact the constructability of future routes identified in the OSHP; and

WHEREAS, the MSB has not acquired lands within Tracts 1 and 2 to dedicate rights-of-way for the proposed major and minor collectors identified within the OSHP; and

WHEREAS, the applicant proposes removing approximately 1,028,000 cubic yards of earthen material through 2034, requiring an Earth Materials Extraction CUP in accordance with MSB Chapter 17.30; and

WHEREAS, according to the application material, the proposed extraction operation includes 10 phases through 2034, with the final phase in the northwest portion of the subject parcels nearest adjacent residential uses; and

WHEREAS, according to the application material, reclamation will be completed no later than 2037; and

WHEREAS, according to the application material, earth material extraction will take place on approximately 17.44 acres within the two adjoining parcels totaling approximately 18.39 acres; and

WHEREAS, according to the application material, gravel extraction for sales will occur annually, Monday through Saturday, between April 1 to November 30, depending on seasonal weight restrictions and weather; no extraction will be permitted on Sundays; and

WHEREAS, according to the application material, haul trucks may operate between 8:00 a.m. and 5:00 p.m. on Sundays as necessary, particularly for winter road sanding operations; and

WHEREAS, parcels on the north side and adjacent to the proposed operation are residential uses in the Carefree AC Subdivision, ranging from 1.53 to 2.2 acres; and

WHEREAS, parcels on the west side and adjacent to the proposed operation are residential uses in the Vista VW AC and Vista VW AC ADD #1 Subdivisions, ranging from .48 to 2.85 acres; and

WHEREAS, parcels to the south of the proposed operation across East Fairview Loop and Alaska Railroad are a mix of undeveloped and residential uses and range from .12 to 67 acres; and

WHEREAS, parcels on the east side and adjacent to the proposed operation are a mix of undeveloped and commercial uses and range from 4 to 20 acres; and

WHEREAS, an equal mix of residential and commercial uses is located within ½ mile to the north, northwest, and west of the proposed operation; and

WHEREAS, an equal mix of undeveloped, residential, and commercial uses is located within ½ mile to the southwest, south, southeast, east, and northeast of the proposed operation; and

WHEREAS, minor and major collectors, minor arterials, and interstates within ½ mile of the proposed operation include East Fireweed Road, East Fairview Loop, East Parks Highway, East Blue Lupine Drive, South Seward-Meridian Parkway, and East Old Matanuska Road; and

WHEREAS, directly south and adjacent to the proposed operation is East Fairview Loop and the Alaska Railroad right-of-way; and

WHEREAS, the closest residential structure is approximately 66 feet from the subject property's western lot line; and

WHEREAS, the closest commercial use is a grandfathered earth materials extraction site located approximately 265' from the subject property's southern lot line; and

WHEREAS, according to the application materials, Big Dipper Pit (BDP) acquired Tract 1 in 2022, and it was littered with junk vehicles and parts that were removed from the subject property; and

WHEREAS, according to the application materials, portions of Tract 1 were disturbed in 2023 to access and remove junk vehicles and parts and to prepare for material extraction upon approval of an earth materials extraction permit; and

WHEREAS, according to the application materials, BDC acquired Tract 2 in 2017 and has used the property for private use, removing material for use on in-house projects and providing winter road sand for the MSB; and

WHEREAS, according to the application materials, Tract 2 has been cleared of junk vehicles and vacant residential structures that existed when BDC acquired the property; and

WHEREAS, according to the application material, earth material extraction activities have occurred on Tract 2 prior to the submission of this application at thresholds below what the code requires to obtain a CUP; and

WHEREAS, according to the application material, the proposed parcels currently provide pit run gravel materials for use on BDC construction projects not exceeding 2,000 cubic yards per year, are used for road and storage for MSB maintenance contracts, and no materials sales are currently being conducted; and

WHEREAS, according to the application material, upon approval of a CUP, gravel sales are intended for select contractors for hauling by BDC and will not be sold to the public; 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 via a mobile plant; and

WHEREAS, according to the application material, the extraction operation will employ an excavator, loaders, and a mobile screening plant for daily use. Additional dozers, loaders, and excavators will be available for increased workloads; and

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

WHEREAS, according to ADEC's website tracking tool, the proposed use is not within the "drinking water protection area" for a public water system; and

WHEREAS, according to the application material, the proposed operation does not anticipate generating traffic exceeding 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles per day; and

WHEREAS, according to the application material, the reclamation plan includes stabilization of the site slopes by placing unusable soil material to flatten the slope to 2'H to 1'V; and

WHEREAS, according to the application material, the disturbed areas will be reclaimed with 4" of compacted topsoil and seeded with a certified seed mix suitable for Alaska conditions and free of noxious weeds or other undesirable species; and

WHEREAS, according to the application material, the pit will be reclaimed in stages, and slopes will be stabilized during extraction; and

WHEREAS, according to the application material, no more than 2 phases will be worked prior to reclaiming the previous phase's slopes or within 4 growing seasons, whichever is shorter; and

WHEREAS, according to the application material, the proposed driveway at East Brenda Avenue will not be used for earth material extraction activities and will be removed during the reclamation of Phase 9; and

WHEREAS, according to the application material, the only exception for reclamation is the site access and staging areas, which will be reclaimed after the project is completed; and

WHEREAS, according to the application material, during extraction, the bottom of the pit will be graded to a -0.5% slope to the north; this slope will be maintained after reclamation; and

WHEREAS, according to the application material, upon reclamation, the site will be unpaved, covered in topsoil, and seeded; and

WHEREAS, sheets 5 through 7 within the site plans dated December 19, 2024, demonstrate the operations' reclamation plan; and

WHEREAS, according to the application material, the operation proposes access to the subject properties to conduct earth material

extraction activities from East Fairview Loop, which ADOT manages;
and

WHEREAS, according to the application material, the operation applied for an ADOT driveway permit on March 29, 2024, for access to East Fairview Loop; and

WHEREAS, East Fairview Loop is classified as a Minor Arterial roadway; and

WHEREAS, according to the application material, the operation will not permit left turns onto or from East Fairview Loop during peak traffic hours, which the applicant has indicated are between 6:00 a.m. to 8:00 a.m. and 12:00 p.m. to 5:00 p.m., or when more than 10 trucks per hour are leaving the site, including trucks that are not actively hauling material; and

WHEREAS, according to the application material, "Truck Crossing" advance warning signs will be installed in areas on East Fairview Loop before hauling operations exceed more than 10 trucks per hour; and

WHEREAS, the proposed operation applied for a Borough driveway permit on December 16, 2024, to access East Brenda Avenue;
and

WHEREAS, East Brenda Avenue is classified as a Local roadway;
and

WHEREAS, according to the application material, the proposed driveway at East Brenda Avenue will be secured by chain and lock when not being used; and

WHEREAS, according to the application material, the operation will use water to control dust and track out; 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 operation will sweep East Fairview Loop as needed, but no less than every four hours; and

WHEREAS, according to the application material, extracting earth materials from south to north allows storm water runoff to be contained on site. Existing soils have a very low silt content and readily absorb stormwater; and

WHEREAS, according to the application material, the site will be excavated from South to North, with the excavation floor's final grade descending to the north at approximately -0.5% into the subject properties; and

WHEREAS, according to the application material, a 10' wide slope setback inside the property line will be maintained with existing vegetation along all property boundaries to protect the neighboring properties from slope erosion and, along with the excavation walls, noise; and

WHEREAS, according to the application material, site slopes will be excavated to the maximum angle of repose of 1.5' horizontal to 1' vertical and built back to 2H:1V prior to the seasonal shut-down of extraction activities; and

WHEREAS, according to the application material, an 8' tall chain link fence will be installed throughout phasing along the northern, western, and eastern property boundaries for safety and security purposes; and

WHEREAS, the Enstar Natural Gas Company provided comments with best practice guidelines dated February 12, 2025, indicating that a natural gas main pipeline exists within a 15' wide utility easement fronting the southwest portion of the subject property; 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, Tract 1 is approximately 9.77 acres; and

WHEREAS, Tract 2 is approximately 8.62 acres; and

WHEREAS, according to the application material, no permanent and semi-permanent structures are proposed; 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, aerial photography, and photos from staff's site visit. These items show the topographic features and vegetation of the subject property and adjacent properties; and

WHEREAS, according to the application material, approximately 100,000 cubic yards of earth material will be extracted annually during the permitted period; and

WHEREAS, according to the application material, the mobile screening plant will be moved farther north into the site as the phases progress to mitigate noise further; and

WHEREAS, according to the application material, Phase 1 is currently in development, which includes leveling a staging area near the existing entrance on East Fairview Loop; and

WHEREAS, according to the application material, the operation's phasing plan utilizes the existing topography and vegetation to minimize any visual and noise effects on adjacent uses; and

WHEREAS, according to the application material, Phase 10, located along the western boundary, will be extracted last to provide an additional buffer from the neighboring residential properties; and

WHEREAS, according to the application material, a heavily wooded area consisting of deciduous trees will be maintained on Tract 1 along a large portion of the northwest corner during phases 2 through 9, as represented on Sheets 2 through 4 of the Site Plans and Phasing; and

WHEREAS, according to the application material, traffic generation from the proposed operation is expected to be minimal, with a maximum average of 20 vehicles per hour and 200 vehicles per day, operating from 8:00 a.m. to 5:00 p.m; and

WHEREAS, according to the application material, the operation will access East Brenda Avenue as needed to remove junk and vacant structures from the subject properties and to access northern portions of the operation for clearing activities prior to working future phases. Traffic generation on East Brenda Avenue during these periods is expected to be minimal, estimated at 1 trip per hour; and

WHEREAS, according to the application material, the proposed operation incorporates a combination of visual screening methods, such as natural topography, vegetative buffer retention, and the

phasing design, which uses the working face to screen the operation from neighboring uses; and

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

WHEREAS, according to the application material, a combination of existing topography and a chain-link fence with opaque fabric installed along approximately 660' of the proposed operation's southern boundary will provide visual screening from East Fairview Loop and the Alaska Railroad; and

WHEREAS, according to the application material, vinyl slates will be installed along approximately 110' of chain link fencing at the southwest portion of the proposed operation to provide visual screening from adjacent residential uses to the west; and

WHEREAS, according to the application material, natural topography along the entire western boundary of the subject properties is approximately 20' above residential structures on those adjacent parcels; and

WHEREAS, according to the application material, upon the project's completion, a minimum 10' vegetative buffer will remain

on the subject properties around the western, northern, and eastern property lines; and

WHEREAS, according to the application material, the proposed 70-foot-tall pit walls will mitigate noise for the residential properties to the North and West and the undeveloped property to the east; and

WHEREAS, according to the application material, the proposed hours of earth material extraction activity are 8:00 a.m. to 5:00 p.m., Monday through Saturday; and

WHEREAS, according to the application material, excavation crews will arrive at 7:00 a.m. for safety briefing or team meetings, but no noise-generating work will be permitted until 8:00 a.m. daily; and

WHEREAS, according to the application material, the operator may utilize muffler wraps, muffler silencers, or other add-on equipment to reduce heavy equipment noise impacts on adjacent residential uses and to remain within limits defined by the code; and

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

WHEREAS, according to the application material, the bottom of the proposed extraction area will drain north and thus increase in depth as extraction continues, with a maximum depth of approximately 80 ft below the highest surface grade; and

WHEREAS, according to the application material, a 20-foot test hole was dug in the southeast corner of the proposed extraction area within Phase 1 at an elevation of approximately 221', and no groundwater was encountered; and

WHEREAS, according to the application material, the proposed extraction area's final depth will be approximately 205'; and

WHEREAS, according to the application material, a groundwater monitoring tube will be maintained throughout the project; and

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

WHEREAS, the Planning Commission conducted a public hearing on March 17, 2025, on this matter.

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 25-02:

1. All the requirements to demonstrate compliance with state and federal laws have been met (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 the public health, safety, convenience, and welfare (MSB 17.30.060(A)(4)).
6. Sufficient setbacks, lot area, buffers, or other safeguards are being provided (MSB 17.30.060(A)(5)).
7. The surrounding property ownership, existing land uses, wetlands, and water bodies within the notification area have been identified (MSB 17.28.060(A)(1)).
8. Phases of proposed mining activities, description of the topography and vegetation, and approximate time sequence for the duration of the mining activity have been identified. No permanent, semi-permanent, or portable

equipment is expected to be located within the required setbacks (MSB 17.28.060(A)(2)).

9. The proposed traffic route and traffic volumes have been identified. Traffic generated from the use will not exceed 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles a day (MSB 17.28.060(A)(3)).
10. The operation will make use of earthen berms, vegetation, and below-grade excavation to provide visual screening measures (MSB 17.28.060(A)(4)).
11. Noise mitigation measures, including retaining vegetative buffers, existing earthen berms, and extracting below-grade will ensure that sounds generated during earth material extraction activities will not exceed the levels specified in MSB 17.28.060(A)(5)(a). Noise levels exceeding the levels in 17.28.060(A)(5)(a) are prohibited.
12. No lighting is proposed for the operation. Therefore, the requirements of MSB 17.28.060(A)(6) are met.
13. The operation will not conduct earth material extraction activities within 100 linear feet of any wetland, stream, river, or other waterbody, and the operation will not mine below or within four feet of the seasonal high water table (MSB 17.28.060(A)(7)(a - b)).

BE IT FURTHER RESOLVED, the Planning Commission finds this application does meet the standards of MSB 17.30 and MSB 17.28 and does hereby approve the Conditional Use Permit for earth material extraction activities with the following conditions:

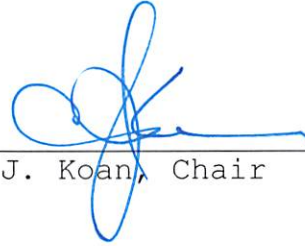
1. Prior to operating, provide the Planning Staff with evidence that the Alaska Department of Transportation has approved the driveway permit for access to East Fairview Loop.
2. Prior to operating, provide the Planning Staff with evidence that the MSB Permit Center has approved the driveway permit for access to East Brenda Avenue.
3. Prior to operating, provide the Planning Staff with a Stormwater Pollution Prevention Plan for the earth materials extraction operation.
4. Prior to operating, provide the Planning Staff with proof that 8' chain link fencing has been installed along the western boundary of Phases 1 and 2 as described in the application. The fencing shall be maintained for the life of the permit.
5. Extraction of earth materials shall be limited to Monday through Saturday, 8 a.m. to 5 p.m.
6. Material extraction shall be limited to the area identified in the application material and depicted on the applicant's site plan(s).

7. The operation shall not use East Brenda Avenue, South B Shannon Street, East Carefree Drive, or South Campbell Street to transport earth materials.
8. Each contractor and company working at the site shall be provided with a copy of the approved Conditional Use Permit.
9. 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.
10. Visual screening and noise mitigation measures shall be applied as described in the application material, by using a combination of limited operational hours, retaining vegetative buffers, operating below grade level, utilizing existing topography, and phasing design methods.
11. Vehicles and equipment shall be staged at a designated location, and all equipment shall be inspected for leaks at the end of each day.
12. Vehicle on-site maintenance shall be done in an area where drip pans or other discharge prevention devices can contain all leaks.

13. Any hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
14. 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.
15. All track-out sediments from the site shall be removed from the right-of-way as described in the application.
16. The operation shall perform dust mitigation techniques as described in the application as needed to minimize dust impacts to the surrounding areas.
17. If cultural remains are found during material extraction activities, the MSB Planning Department shall be contacted immediately so the remains can be documented.
18. A four-foot vertical separation shall be maintained between the excavation and the seasonal high water table.
19. 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.

20. 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.
21. The operation shall comply with the reclamation standards of MSB 17.28.067 - Reclamation Standards.
22. 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.
23. 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.
24. Any vacant, abandoned, or unoccupied buildings on the subject property shall comply with the requirements of MSB 8.50.020 - Public Nuisances Prohibited; Enumeration.
25. The operation shall comply with all applicable federal, state, and local regulations.
26. The authorization for earth material extraction activities approved by this Conditional Use Permit expires on December 31, 2034.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 17 day of March, 2025.



C.J. Koan, Chair

ATTEST



Lacie Olivieri,

Planning Clerk

(SEAL)

YES: Koan, Glenn, Allen, Collins, McCabe, Fernandez, Scoggin

NO:

