

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 17-02(AM)**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION REVISING USE PERMIT NUMBER 16-02 TO ALLOW ADDITIONAL DAYS AND HOURS OF OPERATION; TO ALLOW THE USE OF ROCK CRUSHING EQUIPMENT; AND TO EXTEND THE DAYS AND HOURS OF OPERATION OF SCREENING EQUIPMENT ON THE EXISTING GRAVEL EXTRACTION SITE LOCATED AT 1614 S. CLAPP STREET, LOT A4, TOWNSHIP 17 NORTH, RANGE 2 WEST, SECTION 13.

WHEREAS, K & H Civil Constructors, LLC, submitted Use Permit Number 17-02 requesting an amendment to the previous approval of a gravel extraction operation (UP #16-02) located at 1614 S. Clapp Street, Lot A4, Township 17 North, Range 2 West, Section 13; and

WHEREAS, the application included the required site plan and narrative that addresses the general approval criteria in §16.16.050 of the Wasilla Municipal Code; and

WHEREAS, notice of the application was mailed to all property owners within a 1,200 foot radius, the appropriate review agencies, the Wasilla Planning Commission, and the Wasilla City Council as required by §16.16.040(A)(2) of the Wasilla Municipal Code; and

WHEREAS, a notice of the public hearing was published in the Frontiersman on February 1, 2017; and

WHEREAS, the Planning Commission held a public hearing on this request on February 9, 2017; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information submitted by the applicants, evaluation and

recommendations of staff contained in the staff report, public testimony - both written and verbal comments, the applicable provisions of the Wasilla Land Development Code and Comprehensive Plan, and other pertinent information brought before them; and

WHEREAS, the Wasilla Planning Commission adopted Findings of Fact, attached as Exhibit A, summarizing basic facts and reasoning of the Commission; and

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this application with the Findings of Fact, attached as Exhibit A and incorporated herein, with the following conditions:

1. Hours of operation for any processing activity (including rock crushing, screening, etc.) is limited to Monday through Friday from 8 AM to 5 PM during the months of May through October in the location shown in the site plan attached to Resolution Serial No. 17-02.
2. All conditions in Planning Commission Resolution Serial No. 16-05(AM) approving UP #16-02 are still in effect for this gravel extraction operation, except for the following conditions that are amended as indicated below:
 - a. Delete Condition #4.
 - b. Amend Condition #5 as follows:
Gravel extraction may only occur between March and November and from December to February (Tuesday through Thursday only).
 - c. Amend Condition #6 as follows:
Hours of operation are limited to Monday through Friday from 7 AM to 8 PM and Saturdays from 8 AM to 5 PM.

ADOPTED by the Wasilla Planning Commission on February 9, 2017.

APPROVED:



Jessica Dean, Chairman

2/13/17
Date

ATTEST:



Tina Crawford, AICP, City Planner

VOTE: Passed Unanimously

EXHIBIT A
Wasilla Planning Commission Resolution 17-02
FINDINGS OF FACT – Section 16.16.050, General Approval Criteria

An administrative approval, use permit, elevated administrative approval, elevated use permit or conditional use may be granted if the following general approval criteria and any applicable specific approval criteria of Section 16.16.060 are complied with. The burden of proof is on the applicant to show that the proposed use meets these criteria and applicable specific criteria for approval. An approval shall include a written finding that the proposed use can occur consistent with the comprehensive plan, harmoniously with other activities allowed in the district and will not disrupt the character of the neighborhood. Such findings and conditions of approval shall be in writing and become part of the record and the case file.

16.16.050(1)&(5) *Neighbors/Neighborhoods. Due deference has been given to the neighborhood plan or comments and recommendations from a neighborhood with an approved neighborhood plan.*

Finding: There is not an adopted neighborhood plan for this area.

16.16.050(2) *Plans. The proposal is substantially consistent with the city comprehensive plan and other city adopted plans.*

Finding: The Comprehensive Plan's *Expected Future Land Use Map* has this property designated as "Generally Industrial" and the following Comprehensive Plan Goals/Objectives/Actions apply to the proposed gravel pit:

- Chapter 3, Transportation, Goal 3, Objective 3.4 – Ensure that land uses adjoining the multi-modal node support and utilize the strategic transportation linkages.
 - Action 3.4.2 – Develop a conceptual site master plan for the transportation node and surrounding lands, which considers compatibility, connectivity, and buffering between non-compatible uses.

- Chapter 4, Land Use, Industrial, Intent – The Industrial designation provides for a variety of employment and economic development opportunities and seeks to preserve key industrial lands for existing and future industrial economic development.
 - Description – This designation allows a variety of industrial uses, including office industrial parks...Development is compatible with adjacent residential areas in terms of physical scale, intensity of activities, and through buffering and transitions...Uses may include manufacturing, major transportation operations, research and development,

industrial/business parks, warehousing and distribution, equipment and materials storage, vehicle and equipment repair, waste management and similar uses. Certain areas may allow for processing and distribution of natural resources and hazardous materials.

- Chapter 4, Land Use, Goal 2, Objective 2.2 – Ensure adequate land area preserved for industrial and manufacturing-type uses.

As proposed, the revised extraction plan/design for the gravel extraction operation is not consistent with the goals and objectives above or the intent of the Generally Industrial future land use designation.

However, with the following conditions proposed by staff, the project will be substantially consistent with the Comprehensive Plan since it will limit the hours that residential properties in the area may be affected by noise.

Condition 1: Hours of operation for any processing activity (including rock crushing, screening, etc.) is limited to Monday through Friday from 8 AM to 5 PM during the months of May through October in the location shown in the updated site plan attached to Resolution Serial No. 17-02.

Condition 2: All conditions in Planning Commission Resolution Serial No. 16-05(AM) approving UP #16-02 indicated below are still in effect for this gravel extraction operation, except where there is a conflict with Condition 1 above.

16.16.050(3) *Special Uses. The proposal is substantially consistent with the specific approval criteria of Section 16.16.060.*

Finding: The following specific approval criteria under 16.16.060.F for Resource Extraction are applicable to this request:

- F. Resource Extraction. A permit for the commercial extraction of a natural resource may be issued with such reasonable conditions as necessary. The use must meet all other pertinent requirements of this title and include an acceptable operation and reclamation plan that addresses the following concerns and assures that the adverse impact of the operation is minimized and the site will be left in a safe, stable and environmentally and aesthetically acceptable condition:

1. Methods and process of reclamation including stockpiling of topsoil for reuse;
2. Initial site conditions including existing land use, vegetation, soils, geology and hydrology;
3. Limits of operational areas;
4. Days and hours of operation;
5. Traffic patterns;
6. Fencing and screening;
7. Control of dust and noise;
8. Phasing of operations and reclamation steps;
9. Final condition of site including:
 - a. Relation to adjoining land forms and drainage features,
 - b. Relation of reclaimed site to planned or established uses of the surrounding area,
 - c. Demonstration that the final land form will have a viable land use compatible with land use trends in the surrounding area;
10. Methods to minimize potential conflict with existing uses that are significantly impacted by the development.

These criteria are adequately addressed with the conditions in this resolution.

16.16.050(4)

Reviewing Parties. Due deference has been given to the comments and recommendations of reviewing parties.

Finding:

The City mailed 62 notices to neighboring property owners within 1200'+ and the 25 review agencies that are typically provided with the opportunity to comment. Six comments were received regarding the proposed use. Two were from agencies indicating that they have no comment/concern, two were from agencies advising the applicant of permitting requirements, and two were from residents in opposition to the request. Copies of the comments received by staff are included in this packet. Any comments received after the compilation of the packet will be provided at the public hearing.

16.16.050(6)

Fire Safety and Emergency Access. The proposal shall not pose a fire danger as determined by the State Fire Marshal or the fire chief of the district in which the proposed use is located. Adequate access for emergency and police vehicles must be provided.

Finding:

There is an existing access onto Clapp Road that will be adequate for access to the gravel pit.

16.16.050(7) ***Traffic. The proposed use shall not overload the street system with traffic or result in unsafe streets or dangers to pedestrians...***

Finding: The proposed gravel pit will not overload the street system with traffic or result in unsafe streets or dangers to pedestrians since Clapp Road is designated as a major collector roadway to the north of the site and a minor collector roadway to the south.

16.16.050(8) ***Dimensional Standards. The dimensional requirements of Section 16.24.010 are met.***

Finding: The binding site plan approved for UP #16-02 complies with the minimum setbacks requirements of §16.24.010.

16.24.050(9) ***Parking. The parking, loading areas, and snow storage sites for the proposed development shall be adequate, safe and properly designed. The developer may be required to install acceptable lighting at pedestrian or vehicular access points.***

Finding: There is sufficient area on the site for parking.

16.16.050(10) ***Utilities. The proposed use shall be adequately served by water, sewer, electricity, on-site water or sewer systems and other utilities.***

Finding: This criterion is not applicable since water and/or sewer is not required for the proposed gravel extraction operation.

16.16.050(11) ***Drainage. The proposed use shall provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate runoff into public streets, adjoining lots and protect rivers lakes and streams from pollution. Uses may be required to provide for the conservation of natural features such as drainage basins and watersheds, and land stability.***

Finding: The site has adequate areas for drainage.

16.16.050(12) ***Large Developments. Residential development of more than four units or non-residential development of more than ten thousand (10,000) square feet gross floor area may be required to provide a site plan showing measures to be taken for the preservation of open space, sensitive areas and other natural features; provision of common signage; provision for landscaping and provisions for safe and effective circulation of vehicles, pedestrians and bicycles. Nonresidential large developments must be located with frontage on one of the***

following class of streets: interstate, minor arterial, major collector or commercial.

Finding: The binding site plan approved for UP #16-02 indicates buffers along the creek and other property boundaries.

16.16.050(13) Peak Use. The proposed use shall not result in significantly different peak use characteristics than surrounding uses or other uses allowed in the district.

Finding: The proposed gravel extraction operation will not result in significantly different peak use characteristics than the surrounding uses or area.

16.16.050(14) Off-Site Impacts. The proposal shall not significantly impact surrounding properties with excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises. Radio transmitters and any electronic communications equipment regulated by the Federal Communications Commission is specifically excluded from regulation by this section. Welding, operation of electrical appliances or power tools, or similar activities that cause off site impacts as described above are specifically regulated by this subsection. Buffering may be required to ameliorate impacts between residential and nonresidential uses. The owner of the property upon which the buffer is constructed is responsible for the maintenance of the buffer in a condition that will meet the intent of these criteria.

Finding: The proposed gravel extraction operation will not generate excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference with radio/television receivers in the area. The binding site plan approved for UP #16-02 indicates a significant buffer of natural vegetation retained along the creek and property lines to minimize and impacts to adjoining wetlands or properties. However, the proposed rock crushing and screening of the material will potentially generate excessive noise and possibly dust. Therefore, staff is proposing a condition to limit the hours of operation to Monday through Friday from 8 AM to 5 PM to allow nearby residents time for the quiet enjoyment and use of their property on the weekends.

16.16.050(15) Landscaping. The proposed use shall be designed in a manner that minimizes the removal of trees and vegetative cover, and shall conform to the standards in this title concerning the provision and maintenance of landscaping, and any landscaping plan that is required for the proposed use

under this title. The approval authority also may condition approval on the provision of the following:

- a. A fenced storage area for common use, adequate to store boats, trailers, snowmobiles, recreational vehicles and similar items.*
- b. Adequately sized, located and screened trash receptacles and areas.*

Finding: The binding site plan that was approved as part of UP #16-02 shows the proposed perimeter buffering that will preserve 30 percent of the existing natural vegetation (19.5 acres.) After the ten year mining period, the site will be reclaimed consistent with the reclamation plan included in the record.

16.16.050(16) *Walkways, Sidewalks and Bike Paths. Pedestrian walkways or bicycle paths may be required where necessary to provide reasonable circulation or access to schools, playgrounds, shopping areas, transportation or other community facilities. Improvements must be constructed to standards adopted by the engineer.*

Finding: Adequate pedestrian and bicycle pathways are located along Clapp Road.

16.16.050(17) *Water, Sewage and Drainage Systems. If a proposed use is within five hundred (500) feet of an existing, adequate public water system, the developer may be required to construct a distribution system and the connection to the public system. A developer may be required to increase the size of existing public water, sewer or drainage lines or to install a distribution system within the development. The commission may require any or all parts of such installation to be oversized. The developer must submit to the engineer an acceptable plan that shows that if within ten (10) years an increase in capacity will be required to serve other areas how these needs will be met by oversized facilities. When installation of oversized facilities is required, the developer shall install such facilities at their own expense. The developer shall be reimbursed the amount determined by the engineer to be the difference in cost between the installed cost of the oversized utility lines and the installed cost of the utility lines adequate to serve both the development concerned and all other land to be served by the lines which is owned or under the control of the developer, provided the developer may not be required to install facilities unless funds for such oversizing have been appropriated for the purpose by the city and there is a sufficient unencumbered balance in the balance in the appropriation. No reimbursement may be made unless the developer has entered into such agreement with the city, including conveyances of personal*

property including lines, lift stations and valves and conveyances of land or rights in land, as the city determines may be necessary to ensure complete control by the city of its sewer, drainage and water lines when they are extended to serve the property of the developer. Notwithstanding the requirement that the developer construct improvements to existing systems, the commission may elect to accomplish the design or construction, or both, of improvements to be made to existing public systems. In such a case, the commission may require advance payment to the city of the estimated cost of work to be accomplished by the city. The developer shall reimburse the city for all expenses of such design or construction not paid in advance. A public system is adequate if, in the judgment of the engineer, it is feasible for the developer to make improvements to the public system which will provide the increased capacity necessary to serve the existing users and the new development at the same level as is being provided to the existing users. Prior to approval of a use for which a community water system is required, the developer must submit evidence showing that there is available a satisfactory source of water. A source of water is satisfactory only if it can be shown that the proposed source will produce water sufficient in quality and quantity to supply the development. The water system and the connection between such distribution systems and the source must be sized and constructed to meet fire flow and hydrant requirements for fire protection and that the developer has obtained or can obtain a water appropriation permit or certificate for the water from the state. The system must be built to city specifications available from the engineer.

Finding: Water and sewer is not required for the proposed gravel extraction operation.

16.16.050(18) *Historic Resources. The proposed use shall not adversely impact any historic resource prior to the assessment of that resource by the city.*

Finding: The Matanuska-Susitna Borough Cultural Resources Office was notified of this application and indicated that they did not have any objections.

16.16.050(19) *Appearance. The proposed use may be required to blend in with the general neighborhood appearance and architecture. Building spacing, setbacks, lot coverage, and height must be designed to provide adequate provisions for natural light & air.*

Finding: With the proposed buffers and setback from Clapp Road shown in the updated site plan in Resolution Serial No. 17-02 and the binding site plan still in effect for UP #16-02, the proposed gravel extraction operation will be significantly screened from view.

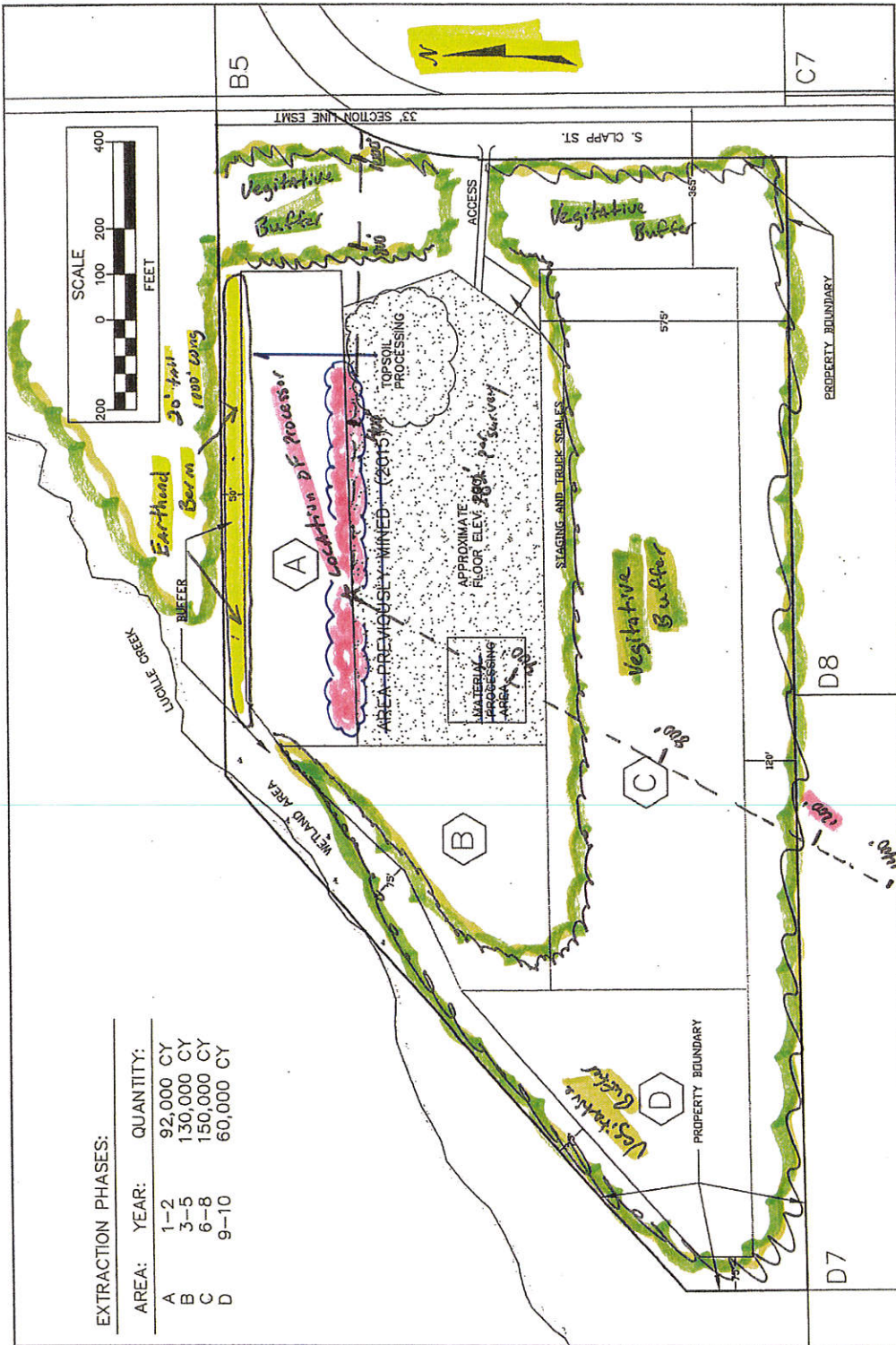
16.16.050(20) *Open Space and Facilities. The applicant may be required to dedicate land for open space drainage, utilities, access, parks or playgrounds. Any dedication required by the city must be based on a written finding that the area is necessary for public use or safety and the dedication is in compliance with adopted municipal plans and policy. The city finding shall conclude that a direct connection exists between the development and the need for the provision of the dedication...*

Finding: No additional land is necessary for open space and facilities.

16.16.050(21) *Winter Hassles. The proposed use shall not significantly increase the impact on the surrounding area from glaciation or drifting snow.*

Finding: There are no foreseeable problems anticipated from winter conditions.

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