

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 19-18**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION DENYING USE PERMIT NUMBER 19-03 TO ALLOW THE ADDITION OF A ROCK CRUSHING AND SCREENING OPERATION FOR SAND AND GRAVEL ON THE EXISTING BATCH PLANT SITE LOCATED ON LOT 1, SMITH-HAGEN SUBDIVISION.

WHEREAS, Michael D. Smith, agent, submitted Use Permit Number 19-03 requesting approval to allow rock crushing and screening of sand and gravel on the site of an existing batch plant (approved in UP #04-19); 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 feet 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 October 27, 2019; and

WHEREAS, the Planning Commission held a public hearing on this request on November 7, 2019; 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

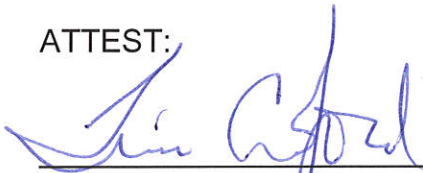
NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby denies this application with the Findings of Fact, attached as Exhibit A and incorporated herein.

ADOPTED by the Wasilla Planning Commission on November 7, 2019.

APPROVED:

 11-18-2019
Eric Bushnell, Chair Date

ATTEST:


Tina Crawford, AICP, City Planner

VOTE: Passed Unanimously

EXHIBIT A
Wasilla Planning Commission Resolution 19-18
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: Although there is not an adopted neighborhood plan for this area, a significant number of comments expressing concerns were received from property owners, including objections from the adjoining residential owners to the north and south of the site.

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 Commercial/Business" and "Generally Residential." (Note: *The area for the existing batch plant and proposed screening and crushing are on the portion of the lot that is designated "Generally Commercial/Business."*)

The following Comprehensive Plan Goals/Objectives/Actions apply to the proposed screening and crushing operation:

- Chapter 4, Land Use, Commercial, Intent – The Commercial future land use designation provides for a variety of employment and economic development opportunities.
 - Description – "...Site design should minimize impacts on adjoining residential uses in terms of scale, bulk, buffering setbacks, and traffic volume."
 - Location Criteria:
 - Existing commercially developed areas
 - Areas at intersections of arterial streets with nearby access to the Parks Highway
- Chapter 4, Land Use, Goal 2, Objective 2.2 – Ensure adequate land area preserved for industrial and manufacturing-type uses.

- Chapter 7, Economic Vitality, Goal 1, Action 1.2.4 – Identify key commercial and industrial areas of the city for development...

Although the proposed use is not prohibited in this future land use, the addition of a screening and crushing operation to the existing batch plant is not consistent with the requirement to minimize impacts on adjoining residential uses to the north and south.

16.16.050(3)

Special Uses. The proposal is substantially consistent with the specific approval criteria of Section 16.16.060.

Finding:

Although there is not a specific listing for batch plants with or without screening and crushing, resource extraction is a similar use and has the following specific approval criteria. (*Note: A batch plant requires a use permit in Commercial and resource extraction requires a conditional use permit. In Industrial zoning, a batch plant requires an administrative approval and resource extraction requires a use permit in Industrial zoning.*)

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 landforms and drainage features,
 - b. Relation of reclaimed site to planned or established uses of the surrounding area,
 - c. Demonstration that the final landform 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.

Criteria #1, 8, and 9 do not apply to the proposed screening and crushing operation. The applicant addressed the other criteria but did not adequately address #7, dust and noise, and #10, conflict with existing uses that are significantly impacted by the development. The subject property adjoins residential uses to the north and the south and the only barrier is a concrete wall along a portion of the lot lines.

16.16.050(4) *Reviewing Parties. Due deference has been given to the comments and recommendations of reviewing parties.*

Finding: The City mailed 123 notices to neighboring property owners within 1200'+ and the 22 review agencies that are typically provided with the opportunity to comment for the Use Permit application. When the permit was elevated to the Planning Commission, an additional notice was mailed to the same property owners.

Comments received in response to the initial notice included: three from review agencies, 20 in opposition, and one in support. The elevated permit notice received three review agency comments, five in opposition, and one in support. 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 driveway onto Knik-Goose Bay Road that is currently being utilized for the batch plant and will be used for the proposed screening and crushing operation.

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 addition of the proposed screening and crushing operation should not overload the street system with traffic or result in unsafe streets or dangers to pedestrians since Knik-Goose Bay Road is designated as an Arterial roadway and there is a protected multipurpose pathway on the west side of Knik-Goose Bay. Also, the concrete batch plant has been in operation for many years.

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

Finding: The site complies with the minimum setback requirements.

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: Appropriate utilities are available on the lot.

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 and the closest edge of the operation area is approximately 235 feet away from the creek and is heavily vegetated.

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: This criterion is not applicable since the gross floor area for the buildings do not exceed 10,000 square feet.

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 screening and crushing operation will 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: A significant area of natural vegetation will be retained along the east between the proposed operation and the creek and along Knik-Goose Bay Road to the west. However, there is minimal vegetation between the residences to the north and south and the proposed rock crushing and screening area to buffer and/or minimize impacts from noise, vibration, and dust.

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 site plan shows significant buffering to the east and west but there is no vegetative buffering/screening between the proposed crushing and screening area and the residential uses to the north and south.

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 Knik-Goose Bay 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: Adequate facilities are available on the lot.

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 did not provide any comments.

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: The proposed use is significantly different in appearance and impact on surrounding areas than the two residential uses adjacent to the north and south.

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.