

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 22-02(AM)**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING USE PERMIT NUMBER 22-02 AMENDING PREVIOUSLY APPROVED USE PERMITS #U16-02 AND #U17-02 TO: 1) EXTEND EXTRACTION APPROVAL PERIOD; 2) ALLOW CLEARING/EXCAVATION OF ADDITIONAL 9.5± ACRES, WHICH INCLUDES CLEARING WITHIN 10 FEET OF THE SOUTHERN LOT LINE; 3) ALLOW EXCAVATION WITHIN 4 FEET OF WATER TABLE; 4) INCREASE HOURS OF OPERATION FOR SALES, ROCK CRUSHING, AND GRAVEL EXTRACTION; 5) AMEND CLEARING SETBACK FROM LAKE LUCILLE CREEK FROM 200 FEET TO ALLOW A 75 FOOT SETBACK; 6) REMOVE THE RECLAMATION REQUIREMENT TO ADD TOPSOIL AND SEED FOR FUTURE DEVELOPMENT; AND 7) CLEAR UP TO AN ADDITIONAL 15 PERCENT OF THE LOT. PROPERTY IS LOCATED AT 1614 S. CLAPP STREET, LOT A4, TOWNSHIP 17 NORTH, RANGE 2 WEST, SECTION 13. THE SUBJECT PROPERTY IS ZONED INDUSTRIAL, WHICH REQUIRES APPROVAL OF A USE PERMIT FOR A GRAVEL EXTRACTION IN ACCORDANCE WITH WMC 16.12.020(A)(3) AND WMC 16.20.020.

WHEREAS, K & H Civil Constructors, LLC, submitted Use Permit Number 22-02 requesting amendment of previous approvals for a gravel extraction operation, rock crushing, and hot mix asphalt plant 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 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 May 3, 2016; and

WHEREAS, the Planning Commission held a public hearing on this request on May 10, 2016; 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. The following conditions of approval adopted in Planning Commission Resolution Serial No. 16-05AM, as amended by Resolution Serial No. 17-02AM and AA Permit #21-66, are still in effect for this gravel extraction operation.
2. Gravel extraction is approved for a 14 year period beginning the date of approval of Resolution Serial No. 16-05AM by the Wasilla Planning Commission. Additional review/approval by the Wasilla Planning Commission is required to extend the extraction period.
3. The gravel extraction operation must be consistent with the approved site plan dated April 11, 2022, included as Exhibit B to Resolution Serial No. 22-02. Any substantial modifications to the plans must be submitted to the Wasilla Planning Commission for review and approval.

4. Excavation may not exceed the existing elevation in the deepest section of the previously excavated area of the site or four feet from the water table, whichever is a higher elevation.
5. Gravel extraction may occur between March and November and from December to February.
6. Hours of operation for gravel extraction are limited to Monday through Friday from 7 AM to 8 PM and Saturday from 8 AM to 5 PM.
7. The slopes of the excavation areas must be less than or equal to a 2:1 slope.
8. A minimum of 15% of the parcel must remain in natural vegetation in the areas shown on the approved site plan dated April 11, 2022, included as Exhibit B to Resolution Serial No. 22-02. In addition to the areas shown on the site plan, a 10-foot-wide vegetative buffer along the entire length of the southern lot line must remain undisturbed (not indicated on site plan).
9. Per WMC 16.33.030(D), native vegetation shall be preserved, and there shall be no clearcutting or placement of fertilizer in any area of a lot that is within 75 feet of the mean high water mark of any body of water, including a lake, stream, or river. Additionally, no extraction may occur within 75' of any identified wetlands.
10. Reclamation of the site must be consistent with the State of Alaska Material Site Reclamation Plan attached to this permit. However, if the site has not been redeveloped within five years the City of Wasilla may require the floor be covered with topsoil and seeded during the final reclamation phase after all reclamation phases have been completed.
11. The applicant must consult with DEC and follow the appropriate stormwater procedures and regulations.

12. Obtain all other necessary federal, state, borough, and/or local review and/or permits.
13. Hours of operation for any processing activity (including rock crushing, screening, etc.) is limited to Monday through Saturday from 7AM – 6 PM during the months of May through October and Monday through Friday from 8 AM to 5 PM during December, January, and February, in the location shown in the site plan attached to Resolution Serial No. 17-02AM.
14. The hot mix asphalt plant must continue to operate as approved in Administrative Approval #21-66 conditions of approval.

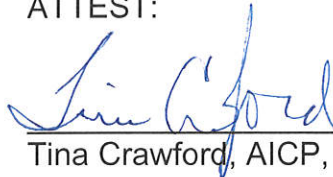
ADOPTED by the Wasilla Planning Commission on May 10, 2022.

APPROVED:


Eric Bushnell, Chairman

5-27-2022
Date

ATTEST:


Tina Crawford, AICP, City Planner

VOTE: Passed Unanimously

EXHIBIT A
Wasilla Planning Commission Resolution 22-02(AM)
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 pit 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 and the conditions of approval still in affect from the previous approvals, the project will be substantially consistent with the Comprehensive Plan since it ensures that the site can be redeveloped in the future with economically viable land uses that support the multi-modal transportation node (City airport) and are compatible with the Menard Sports Center and existing and future residential and commercial uses along the new Clapp Road extension. It will also limit the hours where noise will be generated that may negatively impact the nearby residential properties.

Condition 1: All of the following conditions of approval adopted in Planning Commission Resolution Serial No. 16-05AM, as amended by Resolution Serial No. 17-02AM and AA Permit #21-66, are still in effect for this gravel extraction operation, except as amended in the proposed conditions of approval in this staff report and the draft resolution.

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 previous and revised conditions of approval.

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

Finding: The City mailed 20 notices to neighboring property owners within 1200'+ and the 21 review agencies that are typically provided with the opportunity to comment. As of May 5, 2020, only one response from Borough Platting was received indicating that they had no comments regarding this request and comments from the Wasilla Public Works Deputy Director. 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 has been 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 expansion and increase in hours of operation of the existing gravel pit should 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. Staff is unaware of any issues occurring since this gravel pit began operation in 2016.

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

Finding: The attached site plan submitted by the applicant 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 expansion of the existing gravel extraction operation and hot mix asphalt plant.

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 proposed site plan 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 expansion of the gravel extraction operation and increased hours of 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 expansion and increase in hours of operation of the gravel extraction operation and hot mix asphalt plant should not generate excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference with radio/television receivers in the area. As shown on the proposed site plan, a 75' buffer of natural vegetation will be retained along the creek and 10' along the southern property lines to minimize impacts to adjoining wetlands or residential properties.

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 attached site plan shows the proposed perimeter buffering along Clapp Road and Lucille Creek that will preserve 15 percent of the existing natural vegetation (12 acres.)

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 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.*

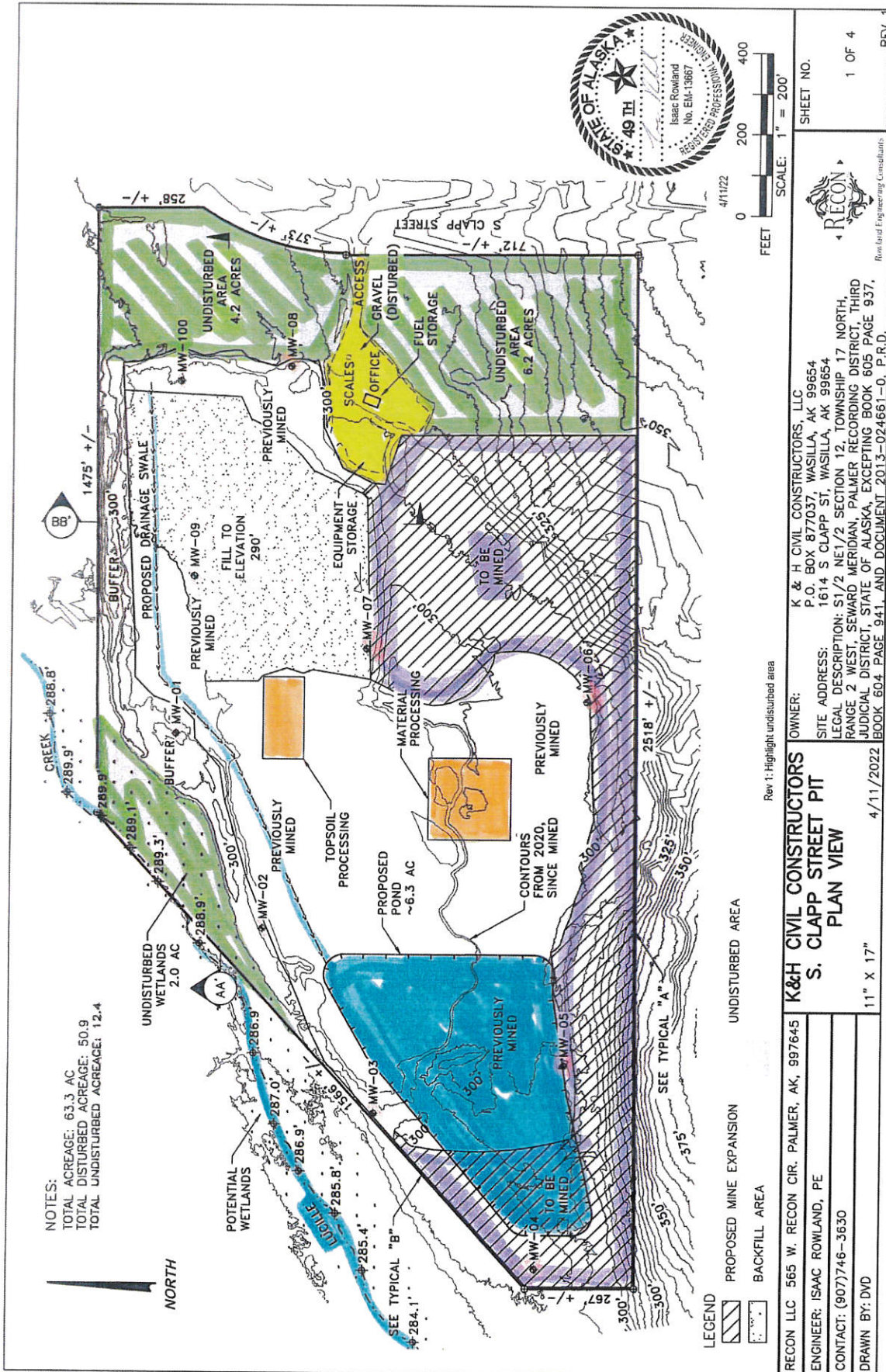
Finding: With the previously required buffers and setbacks from Clapp Road, the proposed gravel extraction operation will still be significantly screened from view from the adjoining properties and the right-of-way.

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 on the surrounding area.



NOTES:
 TOTAL ACREAGE: 63.3 AC
 TOTAL DISTURBED ACREAGE: 50.9
 TOTAL UNDISTURBED ACREAGE: 12.4

LEGEND
 [Hatched Box] PROPOSED MINE EXPANSION
 [Dotted Box] BACKFILL AREA
 [Green Box] UNDISTURBED AREA

Rev 1: Highlight undisturbed area

K&H CIVIL CONSTRUCTORS
S. CLAPP STREET PIT
PLAN VIEW

RECON LLC 565 W. RECON CIR. PALMER, AK, 997645
 ENGINEER: ISAAC ROWLAND, PE
 CONTACT: (907)746-3630
 DRAWN BY: DVD

OWNER:
 K & H CIVIL CONSTRUCTORS, LLC
 P.O. BOX 877037, WASILLA, AK 99654
 LEGAL ADDRESS:
 1614 S CLAPP ST, WASILLA, AK 99654
 RANGE 2 WEST SEWARD MERIDIAN, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, EXCEPTING BOOK 605 PAGE 937, BOOK 604 PAGE 941, AND DOCUMENT 2013-0924661-0, P.R.D.

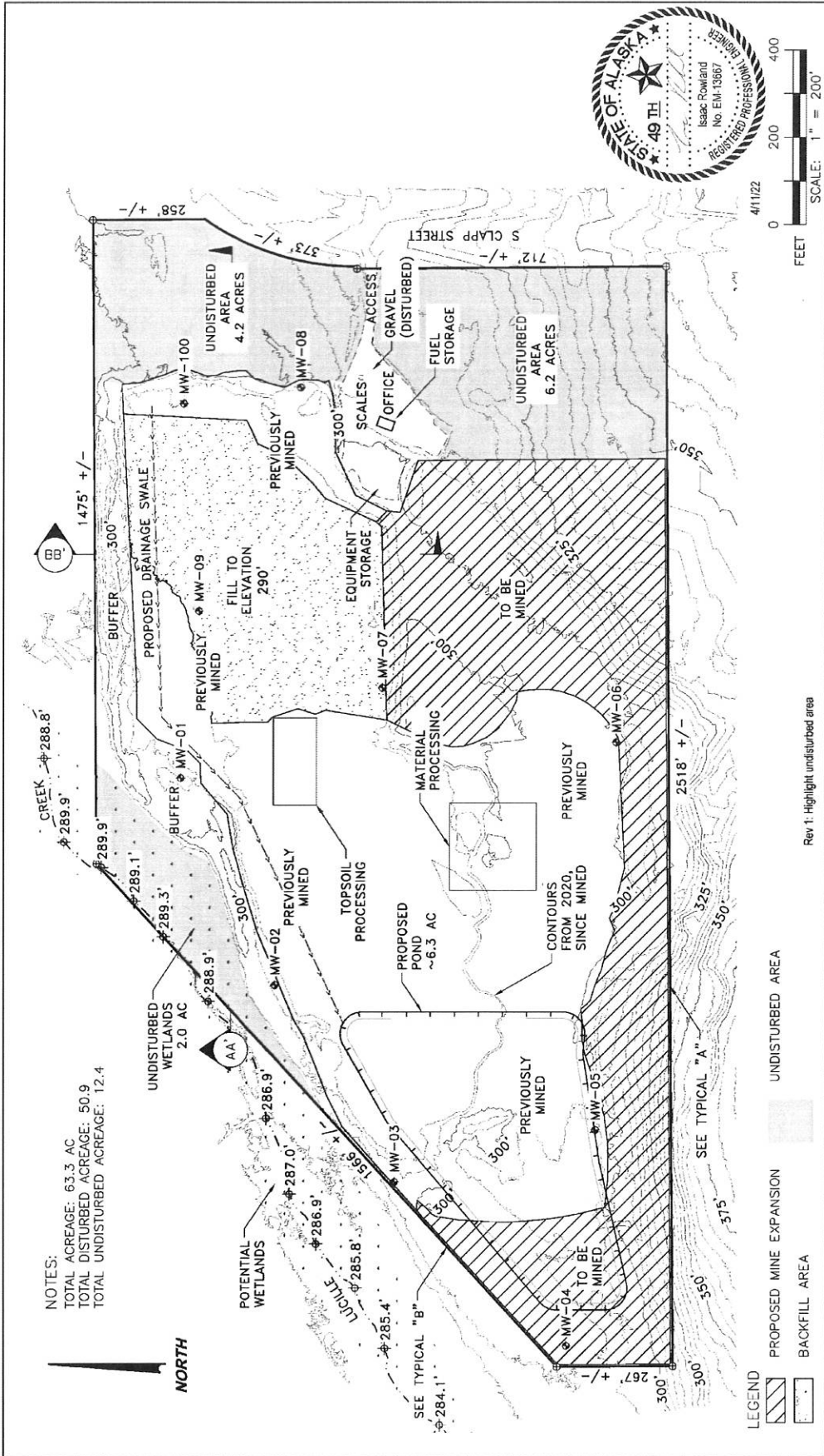


Rev 1: Highlight Engineering Consultants

SHEET NO.

1 OF 4

REV 1



NOTES:
 TOTAL ACREAGE: 63.3 AC
 TOTAL DISTURBED ACREAGE: 50.9
 TOTAL UNDISTURBED ACREAGE: 12.4

LEGEND
 [Hatched Box] PROPOSED MINE EXPANSION
 [Dotted Box] BACKFILL AREA
 [White Box] UNDISTURBED AREA

Rev 1: Highlight undisturbed area

RECON LLC 565 W. RECON CIR. PALMER, AK, 997645	OWNER: K & H CIVIL CONSTRUCTORS, LLC P.O. BOX 877037, WASILLA, AK 99654	SHEET NO. 1 OF 4
ENGINEER: ISAAC ROWLAND, PE	SITE ADDRESS: 1614 S CLAPP ST, WASILLA, AK 99654	
CONTACT: (907)746-3630	LEGAL DESCRIPTION: S1/2 NF1/2 SECTION 12, TOWNSHIP 17 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, EXCEPTING BOOK 605 PAGE 937, BOOK 604 PAGE 941, AND DOCUMENT 2013-024661-0, P.R.D.	
DRAWN BY: DVD	4/11/2022	Rev 1



Rowland Engineering Consultants



411122
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 FEET
 SCALE: 1" = 200'