

CODE ORDINANCE

Sponsored by: Assemblymember Tew

Introduced: 05/02/23

Public Hearing: 05/16/23

Postponed to 06/06/23: 05/16/23

Amended: 06/06/23

Adopted: 06/06/23

Vetoed: 06/06/23

Motion to Override Mayoral Veto failed: 06/06/23

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 23-033**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.30, CONDITIONAL USE PERMIT FOR EARTH MATERIAL EXTRACTION ACTIVITIES, BY CREATING A REGISTRATION PROCESS FOR EARTH MATERIAL EXTRACTION OF 2,001 TO 10,000 CUBIC YARDS ANNUALLY.

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BE IT ENACTED:

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

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

(E) Annual extraction of more than 2,000 cubic yards of earth materials on property that has not been granted a permit or pre-existing legal nonconforming status as of the date of the enactment of this chapter is required to obtain a conditional use permit, small gravel registration, or administrative permit.

Section 3. Amendment of Section. MSB 17.30.030 is hereby amended to read as follows:

17.30.030 TYPES OF PERMITS AND REGISTRATION AVAILABLE.

(A) There are two types of permits and one

registration process available for earth materials extraction:

(1) Small gravel registration - an annual registration filed with the Planning Department that does not require public notification and shall be approved by the director upon finding that the requirements of MSB 17.30.039 have been met.

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

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

Section 4. Addition of Section. MSB 17.30.039 is hereby added to read as follows:

17.30.039 CRITERIA TO QUALIFY FOR A SMALL GRAVEL REGISTRATION.

(A) Registration is required prior to extracting greater than 2,000 cubic yards of earth material on any one parcel in a calendar year.

(B) Annual extraction exceeding 10,000 cubic yards shall not occur without first obtaining an Administrative or Conditional Use Permit under this chapter.

(C) Small gravel registration may not be filed more than three times on any one parcel.

(1) additional registrations may be granted by the director upon finding that sufficient material remains to conduct further operations in accordance with requirements of MSB 17.30.039(F) (8).

(D) The extraction site shall not be within one-half mile of any other small gravel extraction site registered under this section.

(E) Any person or entity is allowed one registration at a time with the Borough. This restriction also prohibits individuals and entities from obtaining a second registration where an individual exercises any control, management, or operational decision making authority for an entity which has a registration.

(F) The following operating standards apply to earth material sites operating under a small gravel registration:

(1) All extraction activities that cause noise, dust, or traffic, shall be limited to Monday through Friday, 8 a.m. to 6 p.m. and Saturday, 9 a.m. to 5 p.m. Operations shall not occur on Sunday;

(2) Only extraction and screening of gravel products is allowed, further processing such as crushing or asphalt plants are prohibited;

(3) Extraction shall not occur within 100 feet of any waterbody, wetlands, or within 4 feet of the seasonal high water table;

(4) Slopes shall be graded to attain a maximum 50 percent slope or the natural stabilized angle of repose;

(5) Any hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated;

(6) All vehicular exits shall comply with standard Alaska Pollutant Discharge Elimination System requirements to minimize off-site vehicle tracking of sediments and discharges to storm water. Where sediment has been tracked-out from a site onto paved roads, sidewalks, or other paved areas outside of the site, remove the deposited sediment by the end of the same

business day.

(7) Dust mitigation shall be performed as needed to minimize dust impacts to surrounding areas;

(8) The development may flatten topographical features to a useable surface, but shall not create a hole or depression in a manner that limits future development potential.

(G) Borough staff shall be permitted to enter onto the property during normal business hours to monitor compliance with the requirements of this chapter.

Section 5. Amendment of Subsection. MSB 17.30.140(B) is hereby amended as follows:

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

Section 6. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 6 day  
of June, 2023.

VETOED by the Mayor on the 6 day of June, 2023, and the motion  
to override the Mayoral veto did not pass.

**Motion to Override Mayoral Veto Vote:**

YES: Tew and Fonov

NO: Hale, Nowers, McKee, Yundt, and Bernier

**Main Motion Vote:**

YES: Yundt, Tew, Fonov, and Bernier

NO: Hale, Nowers, and McKee