

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2014-029

A RESOLUTION APPROVING A MODIFICATION TO A NATURAL RESOURCE EXTRACTION CONDITIONAL USE TO END A SEVEN YEAR ABEYANCE AND AMEND THE SITE PLAN, IN THE R-1A (SINGLE FAMILY RESIDENTIAL) DISTRICT FOR LANCASTER SUBDIVISION, TRACT A, AND T12N, R4W, SECTION 10, SW ¼, SW ¼, PARCEL 21, S.M., AK; GENERALLY LOCATED ON THE NORTHEAST CORNER OF SAND LAKE ROAD AND DIMOND BOULEVARD.

(Case 2014-056; Parcel ID Nos. 001-162-42 and 011-201-30)

WHEREAS, a request was received from Anchorage Sand and Gravel, petitioner, and DOWL HKM, representative, for a modification to a natural resource extraction conditional use to end the seven year abeyance and amend the site plan, in the R-1A (single family residential) district for Lancaster Subdivision, Tract A, and T12N, R4W, Section 10, SW ¼, SW ¼, Parcel 21, S.M., AK; generally located on the northeast corner of Sand Lake Road and Dimond Boulevard; and

WHEREAS, a non-public hearing was held in front of the Planning and Zoning Commission on June 2, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Anchorage Planning and Zoning Commission that:

- A. The Commission makes the following findings of fact:
1. The site is located at 8501 Sand Lake Road, and is a part of the 80-acre former gravel pit known as the Anchorage Sand and Gravel (AS&G) pit and Sand Lake Fill Site. It is a former natural resource extraction site which is undergoing reclamation for future open space.
 2. The request meets the general standards for conditional use approval (AMC 21.50.020) and the standards for natural resource extraction approval (AMC 21.50.070). This case was reviewed in accordance with AMC 21.13.030G., *Approval of site plans and conditional uses – Modification of final approval.*
- B. The Commission APPROVES the modification to a conditional use, subject to the following conditions:
1. Provide a grading and drainage plan to Private Development and a sediment and erosion control plan to Watershed Management Services.
 2. Prior to using the Phase II driveway, obtain a driveway permit from DOT&PF for the new driveway location.
 3. Resolve traffic impact issues with DOT&PF.

4. Add a label identifying the paved drive between the cattle guard containment and Sand Lake Road.
5. All documents submitted with this application are part of the conditions of approval.
6. This conditional use approval allows a natural resource extraction for the AS&G site on Lancaster Subdivision, Tract A and T12N, R4W, Section 10, SW ¼, SW ¼, Parcel 21, AK, zoned R-1A (single-family residential district), to deposit 2.5 million CY of mixed fill. The site will then be graded and leveled for use of outdoor recreation area, subject to the applicable provisions of Title 21, AMC.
7. This resolution incorporates prior conditions of approval for the northern portion of the petition area (under separate conditional use) which are still in effect and continue to govern the restoration operations of the natural resource extraction site in its entirety and supersedes the following resolutions: 28-75F dated 9/19/83; 28-75G dated 2/21/85; 28-75H dated 5/11/87; 28-075I dated 10/24/88; 75-028J dated 9/24/90; 21-78 dated 3/16/78; 21-78A dated 6/26/78; 25-78 dated 3/23/78; 25-78A dated 7/24/78; 78-025H dated 5/11/87; 16-83 dated 3/15/83; 95-019 dated 3/6/95; and 95-019A dated 11/6/95. Resolution 2000-034, dated 5/8/00, contained no additional conditions of approval. These incorporated conditions are as worded in resolution 95-019A (a resolution consolidating all prior approvals). These incorporated conditions are as worded in resolutions 2005-073 and 2005-074. These conditions are still in effect, except as modified by this approval):
 - a. This approval combines amortization permits P78-18 (Tract A, Lancaster Subdivision formerly known as the Anchorage Sand and Gravel pit), P78-42 (SW 1/4, SW 1/4, Section 10, T12N, R4W, S.M., Alaska formerly known as the Richard Evenson property) and CU 83-022-3 (the 80 acre tract including Tract A, Lancaster Subdivision and SW 1/4, SW 1/4, Section T12N, R4W, S.M., Alaska). This approval is based on AMC 21.55.090, Resolution 16-83 and the Sand Lake Redevelopment Plan as adopted March 15, 1983. (Amended from Resolution 28-75F.)
 - b. At the end of the fill operation, a close out inspection of the property with representatives of Private Development and Planning shall be conducted to evaluate the final restoration and compliance with the reclamation plan.

- c. Operational hours shall be limited to 7:00 a.m. to 6:00 p.m. on Monday through Saturday. No operations will be permitted on Sundays or legal holidays. (Adopted from Resolution 28-75F.)
- d. Dust mitigation plans on public roadways and on the roadways within the site shall be submitted and approved by the Department of Health and Environmental Protection and the Municipal Planning Department as well as the methods to control spillage and clean up of the public roads shall be submitted to ensure that the tracking of peat on the Sand Lake Road shall be contained. (Adopted from Resolution 28-75F.)
- e. Stop signs shall be erected at all access points of the site, as approved in final site plans. These signs shall be maintained for the life of the restoration operations. (Amended from Resolution 25-78A.)
- f. There shall be no access to Dimond Boulevard from the petition site. (amended from Resolution 25-78A.)
- g. Effective access barriers shall be erected across any approved access to the site, as specified in final site plan approval, during any and all periods of pit closures. These barriers shall be maintained to prevent casual access into the pits. (adopted from Resolutions 21-78A and 25-78A.)
- h. All on-site equipment shall be muffled and use white noise alarms or motion detectors for backing up.
- i. Portable restrooms shall be maintained on-site during any periods of pit operations for employee use. Such restrooms shall be maintained in a sanitary condition at all times. (adopted from Resolutions 21-78A and 25-78A.)
- j. Annually an inspection report prepared by an Alaskan registered and professional engineer will identify the location and extent of the backfill as it relates to the fill being placed, and as it relates to the approved fill document. This report is to be submitted by December 31 of each year to the Planning Division for compliance to these conditions of approval. (adopted from Resolution 28-75F.)
- k. The petitioner shall provide log books with dates, time and material dumped, to be available upon request of the Community Development Department. (adopted from Resolution 78-025H.)

1. Upon determination by Zoning Enforcement that a major violation of the conditions of approval is ongoing, by the filling of this property with other than structure soils and concrete (as permitted under Resolutions 78-025H and 28-075I), the use shall be suspended until the major violation has been corrected. (adopted from Resolutions 28-75F, 78-025H and 28-075I.)
- m. A staging map shall be submitted within 30 days of approval of the northern 35 acres to depict the staging of the fill for approval by the Community Development Department. As each stage, not to exceed 100 foot in width, is completed, it shall be stabilized and seeded with materials as approved by the Planning Staff within one six week growing season or on or before June 1 of the following year, whichever is earlier, to reduce air pollution and erosion. (Resolution 28-75F.)
- n. Clearly identified permanent control survey monuments shall be provided to Zoning Enforcement. The control survey monuments shall identify the maximum area of fill as depicted on Exhibit D1 and also establish the elevation so Zoning Enforcement will have the ability to substantiate the control filling. (adopted from Resolution 28-75F.)
- o. A performance bond in the amount of \$100,000 shall be provided to the Community Development Department within 30 days of approval to guarantee the implementation of the proposed restoration and preparation for redevelopment. The bond may be in any form found acceptable to staff including deeds of trusts and irrevocable letters of credit. (adopted from Resolution 28-75F.)
- p. The operation of the reclamation site shall include the following: (adopted from Resolution 95-019):
 - 1) On-site personnel shall be formally trained on all aspects of the operation of the reclamation site.
 - 2) The telephone number of Anchorage Sand & Gravel shall be placed on the side of the on-site operations building. The sign shall be of sufficient size to be visible from the adjacent roadway and the view of the sign shall be unobstructed by equipment, machinery, vegetation and the like.
 - 3) On-site personnel shall have total authority to direct road clean-up and maintenance operations as needed. On-site

personnel shall have the authority to call a sweeper, water truck and motor grader, as necessary, to respond to specific site conditions or complaints.


- 4) Circulation roads within the pit shall be maintained to minimize materials carried onto Sand Lake Road and Dimond Boulevard.
- 5) Anchorage Sand and Gravel shall identify contact people to respond to public inquiries. Currently, Wes VanderMartin, General Manager, AS&G, and Ryan Morman, Pit Operations Manager, AS&G can be reached at 349-3333. The home telephone numbers of the contact people shall be provided to the Chairman of the Sand Lake Community Council. The Community Council chairman and Land Use Enforcement shall be notified of any change in the AS&G contact personnel or business telephone number(s). The Community Council chairman shall be notified of any change in the home telephone numbers of AS&G contact personnel.
- q. The terms and conditions of this amortization permit shall be binding on the petitioner, his heirs, assigns, transferees, and other successors in interest and if violated shall subject the persons responsible for such violation to all penalties and remedies as provided by law. This resolution shall be recorded. (adopted from Resolutions 21-78A and 25-78A).
8. This conditional use approval is valid until May 5, 2024.
9. Future time extension requests shall require a nonpublic hearing review.
10. The list of acceptable fill materials is as follows: peat, clay, silty soil, hydro-axed materials, tree fragments, stumps, turf, and other organics associated with permitted clearing and grubbing operations, including wood chips from grinding operations, and concrete remnants related to demolition, concrete testing, or construction site clean-up.
11. The operation plan must address and include methods to prevent spontaneous combustion of materials on-site.
12. No gravel shall be removed from the site.
13. Submit a plan to Watershed Management Services and Planning for review and approval that addresses, but is not limited to, monitoring

protocol and monitoring well(s) to screen for contaminants and a method for third party review and reporting of results.

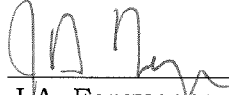
14. This approval includes a modification to the site plan, in accordance with the following plans:
 - a. Anchorage Sand and Gravel, Natural Resource Extraction Site, Grading/Drainage Plan; Figure 4; scale 1" = 200'; dated 2009-11-11; Drawn by DOWL HKM.
 - b. Sand Lake Fill Site CUP Amendment Operations Plan, Figure 3, drawn by DOWL HKM, dated 2014-3-10, scale 1" = 200'.
 - c. Anchorage Sand and Gravel, Natural Resource Extraction Site, Reclamation Plan; Figure 5; no scale; dated 2009-11-10; drawn by DOWL HKM.
15. A notice of zoning action shall be filed with the State Recorder's Office, along with a copy of the approved resolution and site plan. Proof of such shall be provided to the Planning Department.
16. The petitioner shall contract with a third party to evaluate methods and processes and how AS&G manages its site, the way AS&G processes and accepts materials, and the types of materials that are accepted. The petitioner shall, within 60 days, resolve with the Planning Department a process for reporting and memorializing the results of these third party reviews.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 2nd day of June, 2014.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 14th day of July, 2014. This written decision/resolution of the Planning and Zoning Commission is final and any party may appeal it within twenty (20) days to the Board of Adjustment pursuant to the Anchorage Municipal Code 21.30.030.



Jerry T. Weaver, Jr.
Secretary



J.A. Fergusson
Chair

(Case 2014-056; Parcel ID Nos. 001-162-42 and 011-201-30)