

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

Edna DeVries, Mayor

PLANNING COMMISSION
Doug Glenn, District 1 – Vice-Chair
Richard Allen, District 2 – Chair
Brendan Carpenter, District 3
Michael Collins, District 4
Linn McCabe, District 5
Maksim Zagorodniy, District 6
Curt Scoggin, District 7



Michael Brown, Borough Manager

PLANNING & LAND USE DEPARTMENT
Alex Strawn, Planning & Land Use Director
Jason Ortiz, Planning & Land Use Deputy Director
Wade Long, Development Services Manager
Fred Wagner, Platting Officer
Lacie Olivieri, Planning Clerk

*Assembly Chambers of the
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer*

October 6, 2025
REGULAR MEETING
6:00 p.m.

Ways to participate in the meeting:

IN PERSON: You will have 3 minutes to state your oral comment.

IN WRITING: You can submit written comments to the Planning Commission Clerk at msb.planning.commission@matsugov.us.

Written comments are due at noon on the Friday prior to the meeting.

TELEPHONIC TESTIMONY:

- Dial 1-855-290-3803; you will hear “joining conference” when you are admitted to the meeting.
- You will be automatically muted and able to listen to the meeting.
- When the Chair announces audience participation or a public hearing you would like to speak to, press *3; you will hear, “Your hand has been raised.”
- When it is your turn to testify, you will hear, “Your line has been unmuted.”
- State your name for the record, spell your last name, and provide your testimony.

OBSERVE: observe the meeting via the live stream video at:

- <https://www.facebook.com/MatSuBorough>
- Matanuska-Susitna Borough - YouTube

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA

A. MINUTES

Regular Meeting Minutes: September 15, 2025

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 25-19 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Adoption Of The Fiscal Year (FY) 2027 Capital Improvement Program (CIP).
Public Hearing Date: October 20, 2025
Staff: Natasha Heindel, Current Planner

Resolution 25-20 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Repealing MSB 17.02 Mandatory Land Use Permit In Its Entirety And Adopting MSB 17.07 Land Use Review.
Public Hearing Date: October 20, 2025
Staff: Alex Strawn, Planning and Land Use Director

Resolution 25-21 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.55 To Reduce The Minimum Building Setback Requirement From Pedestrian Easements.
Public Hearing Date: October 20, 2025
Staff: Alex Strawn, Planning and Land Use Director

V. COMMITTEE REPORTS

VI. AGENCY/STAFF REPORTS

VII. LAND USE CLASSIFICATIONS

VIII. AUDIENCE PARTICIPATION (*Three minutes per person, for items not scheduled for public hearing*)

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

X. PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 25-16 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending

MSB 17.17 Denali State Park Special Land Use District By Eliminating A Provision That Allows The SpUD Boundary To Change Automatically When The Boundary Of The Denali State Park Changes.

Staff: Alex Strawn, Planning and Land Use Director

Resolution 25-17 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB Title 17 - Zoning To Create MSB 17.77 Large Lot District.

Staff: Alex Strawn, Planning and Land Use Director

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (*Mandatory Midnight*)

Disabled persons needing reasonable accommodation in order to participate at a Planning Commission Meeting should contact the Borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.

MINUTES

September 15, 2025

(Pages 4-7)

MATANUSKA-SUSITNA BOROUGH

Edna DeVries, Mayor

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Doug Glenn, District 1 – Vice Chair
Richard Allen, District 2
Brendan Carpenter, District 3
Michael Collins, District 4
Linn McCabe, District 5
VACANT, District 6
Curt Scoggin, District 7



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*Assembly Chambers of the
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer*

PLANNING COMMISSION MEETING MINUTES September 15, 2025

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

The Matanuska-Susitna Borough Planning Commission's regular meeting was held on September 15, 2025, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. Vice-Chair Doug Glenn called the meeting to order at 6:00 p.m.

Present: – Commissioner Curt Scoggin
Commissioner Linn McCabe
Commissioner Richard Allen
Commissioner Michael Collins
Commissioner Brendan Carpenter

Absent/Excused: Commissioner Doug Glenn

Staff Present: 4 – Mr. Alex Strawn, Planning and Land Use Department Director*
Mr. Wade Long, Development Services Manager
Ms. Lacie Olivieri, Planning Department Admin
Ms. Rebecca Skjothaug, Current Planner
Ms. Erin Ashmore, Assistant Borough Attorney

II. APPROVAL OF AGENDA

Chair Allen inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner McCabe.

IV. CONSENT AGENDA

A. MINUTES: Regular Meeting Minutes – August 18, 2025

B. INTRODUCTION FOR PUBLIC HEARING QUASI-JUDICIAL MATTERS
(There were no introductions for public hearing quasi-judicial matters.)

C. INTRODUCTION FOR PUBLIC HEARING LEGISLATIVE MATTERS

Resolution 25-16 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.17 Denali State Park Special Land Use District By Eliminating A Provision That Allows The SpUD Boundary To Change Automatically When The Boundary Of The Denali State Park Changes.

Public Hearing Date: October 6, 2025

Staff: Alex Strawn, Planning and Land Use Director

Resolution 25-17 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB Title 17 - Zoning To Create MSB 17.77 Large Lot District.

Public Hearing Date: October 6, 2025

Staff: Alex Strawn, Planning and Land Use Director

Chair Allen read the Consent Agenda into the record.

GENERAL CONSENT: The Consent Agenda was approved without objection.

V. COMMITTEE REPORTS
(There were no committee reports.)

VI. AGENCY/STAFF REPORTS
(There were no Agency/Staff Reports)

VII. LAND USE CLASSIFICATIONS
(There were no land use classifications.)

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

There being no persons to be heard, Audience Participation was closed without objection.

IX. PUBLIC HEARING QUASI-JUDICIAL MATTERS

Resolution 25-13 A Variance In Accordance With MSB 17.65 - Variances. Michael And Lindsay Williams Submitted An Application For A Variance From The 75-Foot Shoreline Setback Requirements Under MSB 17.55, To Allow For Construction Of A 1,176.5 Square Foot Cabin At Its Closest Location Of 52.5 Feet From Big Lake. The Property Is Located On Shepard's Island, Big Lake, Tax ID #6272000L007.

Applicant: Michael and Lindsay Williams

Staff: Rebecca Skjothaug, Current Planner

Chair Allen read the resolution title into the record.

Chair Allen read the ex-parte memo, asking questions of the Planning Commissioners.

Staff, Ms. Rebecca Skjothaug, presented her staff report.

Chair Allen invited the applicant to present information.

Chair Allen inquired if commissioners had any questions for staff or the applicant.

Chair Allen opened the public hearing.

There being no persons to be heard, Chair Allen closed the public hearing, and the discussion moved to the Planning Commission.

MOTION: Commissioner McCabe moved to approve Planning Commission Resolution 25-13. The motion was seconded by Commissioner Scoggin.

VOTE: The main motion passed without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS

XI. CORRESPONDENCE AND INFORMATION

(Correspondence and information were presented, and no comments were noted)

XII. UNFINISHED BUSINESS

(There was no unfinished business.)

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items (Staff: Alex Strawn)
(Commission Business was presented, and no comments were noted.)

B. School Site Selection Committee Nominations

Chair, Rick Allen, nominated himself for the School Site Selection Committee.
Commissioner McCabe Seconded.

XV. DIRECTOR AND COMMISSIONER COMMENTS

Commissioner Scoggin: No comment

Commissioner McCabe: It's been a rough week for a lot of people, and I am thinking a lot of the wife of the gentleman who was shot last week and praying for her and her family.

Commissioner Collins: I appreciate everyone coming together and the applicant for the variance and going through the due process. I appreciate everyone's attendance here, and it's a pleasure to serve with you guys.

Commissioner Carpenter: No comment

Commissioner Allen: No comment.

XVI. ADJOURNMENT

The regular meeting adjourned at 6:15 p.m.

RICK ALLEN
Planning Commission Chair

ATTEST:

LACIE OLIVIERI
Planning Commission Clerk

Minutes approved: _____

INTRODUCTION FOR PUBLIC HEARING LEGISLATIVE

Resolution No. 25-20

**A Resolution Of The Matanuska-Susitna Borough
Planning Commission Recommending Approval Of
An Ordinance Repealing MSB 17.02 Mandatory Land
Use Permit In Its Entirety And Adopting MSB 17.07
Land Use Review.**

(Page 8-27)

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING REPEALING MSB 17.02 MANDATORY LAND USE PERMIT IN ITS ENTIRETY AND ADOPTING MSB 17.07 LAND USE REVIEW.

AGENDA OF: September 16, 2025

ASSEMBLY ACTION:

AGENDA ACTION REQUESTED: Refer to Planning Commission for 90 days.

Route To	Signatures
Originator	<div>9 / 3 / 2 0 2 5</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x</div>
Department Director	<div>9 / 3 / 2 0 2 5</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x</div>
Finance Director	<div>9 / 3 / 2 0 2 5</div> <div>X L i e s e l Z a n t o f o r C H</div> <div>S i g n e d b y : L i e s e l W e l l a n d</div>
Borough Attorney	<div>9 / 3 / 2 0 2 5</div> <div>X J o h n A s c h e n b r e n n e r f o r N . S .</div> <div>S i g n e d b y : J o h n A s c h e n b r e n n e r</div>
Borough Manager	<div>9 / 3 / 2 0 2 5</div> <div>X M i c h a e l B r o w n</div> <div>S i g n e d b y : M i k e B r o w n</div>
Borough Clerk	<div>9 / 5 / 2 0 2 5</div> <div>X B r e n d a J . H e n r y f o r</div> <div>S i g n e d b y : B r e n d a H e n r y</div>

ATTACHMENT (S) : Ordinance Serial No. 25-103 (12pp)
MSB 17.02 (4pp)
Planning Commission Resolution No. 25-____ (pp)

SUMMARY STATEMENT: This ordinance is at the request of Assemblymember Sumner.

This ordinance repeals MSB 17.02 Mandatory Land Use Permit in its entirety and adopts MSB 17.07 Land Use Review.

This review process is intended to improve the level of compliance with existing Borough code by providing pertinent regulatory information to those proposing development. This review applies to the construction, placement, or addition to any building 480 square feet or larger. It also applies to development within the Borough's 75' waterbody setback. In addition, any landowner can request a

review of a proposal not subject to the application process so a landowner can be assured the development is in compliance with Borough code.

The review process has the following intended benefits:

1. Improves the process by which code is communicated to the public and increase compliance with Borough code.
2. Prevents Borough residents from building illegally, particularly related to Borough setbacks. This reduces code enforcement fines, variance applications, and bank financing issues if the owner wants to sell their property.
3. Provides a fast determination to the applicant on whether the proposed development is fully compliant with applicable MSB code.

The proposed ordinance supports the goals and objectives of the Matanuska-Susitna Borough Comprehensive Plan.

Matanuska-Susitna Borough Comprehensive Plan

Goal E-3: Create an attractive environment for business investment.

Policy E3-2: Institute appropriate land use guidelines and regulations that reduce land use conflicts and protect residents and businesses.

Goal LU-1: Protect and enhance the public safety, health, and welfare of Borough residents.

Policy LU1-1: Provide for consistent, compatible, effective, and efficient development within the Borough.

Improving compliance with the underlying requirements of Borough code is the ultimate goal of this ordinance. A such, it is not the intent of the Borough Assembly that staff be heavy handed in situations where through oversight or other innocent mistake a landowner or agent fails to apply for a timely review. Rather, it is the intent of the Borough Assembly that staff educate and encourage compliance with the ordinance to include issuing after-the-fact permits when circumstances warrant.

Finally, this ordinance will expire after 2 years. Of course, the Borough Assembly can vote to extend it at a later time, but since the goal is improving compliance with the underlying requirements of Borough code, there will be data after 2 years to determine whether the ordinance is fulfilling this objective.

RECOMMENDATION OF ADMINISTRATION: Refer to Planning Commission and then introduce and set for public hearing.

CHAPTER 17.02: MANDATORY LAND USE PERMIT

Section

17.02.010 Intent and applicability

17.02.020 Land use permit

17.02.030 Procedure

17.02.040 Action on applications

17.02.010 INTENT AND APPLICABILITY.

(A) It is the intent of this chapter to improve the level of compliance with existing borough code by establishing a mandatory land use review process and directly providing regulatory information to persons proposing development within the borough outside of the cities of Houston, Palmer, and Wasilla.

(B) This chapter is applicable within all areas of the Matanuska-Susitna Borough outside of the cities of Houston, Palmer, and Wasilla and the Port District, as established in MSB 18.02.020, Boundaries.

(C) There are federal, state, and local requirements governing land use. It is the responsibility of the individual land owners to obtain a determination whether such requirements apply to the development of their land. Any land within the boundaries of the Matanuska-Susitna Borough is subject to land use and development regulations. It is not the intent of this chapter to replace or supersede regulations of other chapters within this title. Additional information and permits, such as flood damage prevention, mobile home park ordinance, conditional uses, and regulation of alcoholic beverages may be required in accordance with the borough code. This title will be amended and updated as necessary when new MSB Title 17 regulations are adopted.

(D) A land use permit is not required where commencement of construction or placement, as defined in MSB 17.125, occurred before the effective date of the ordinance codified in this chapter.

(Ord. 10-108, § 2, 2010; Ord. 07-121, § 2, 2007; Ord. 06-192(AM), § 3 (part), 2007)

17.02.020 LAND USE PERMIT.

(A) The land owner or authorized agent shall obtain a land use permit from the Matanuska-Susitna Borough Planning Department prior to the commencement of:

(1) *[Repealed by Ord. 11-073, § 2, 2011]*

(2) *[Repealed by Ord. 11-073, § 2, 2011]*

(3) *[Repealed by Ord. 11-073, § 2, 2011]*

(4) *[Repealed by Ord. 11-073, § 2, 2011]*

(5) *[Repealed by Ord. 13-025, § 2, 2013]*

(6) construction or placement of any building within 75 feet of any watercourse or water body;

(B) A landowner or authorized agent may voluntarily request a land use permit for any structure or use not required to obtain a permit under this chapter.

(C) A permit is not required under this chapter when the proposed use is subject to another permit within this title.

(Ord. 22-104, § 2, 2022; Ord. 13-025, § 2, 2013; Ord. 11-073, § 2, 2011; Ord. 06-192(AM), § 3 (part), 2007)

17.02.030 PROCEDURE.

(A) A complete land use permit application shall be submitted to the planning and land use director on a form provided by the planning and land use department.

(B) A complete land use permit application will contain the following attachments:

(1) *[Repealed by Ord. 22-104, § 3, 2022], 2011]*

(2) site plan;

(a) site plans are not required to be certified but shall clearly identify the following:

(i) north arrow;

(ii) boundaries of parcel;

(iii) size, location, and setback dimensions of proposed structures;

- (iv) names and location of adjacent roadways;
- (v) location of rights-of-way and public easements within and adjacent to the parcel;
- (vi) location and name of adjacent water bodies;
- (vii) location of subsurface sewage disposal systems; and
- (viii) intended use of proposed structures.

(3) *[Repealed by Ord. 11-073, § 3 (part), 2011]*

(4) *[Repealed by Ord. 11-073, § 3 (part), 2011]*

(C) *[Repealed by Ord. 11-073, § 3 (part), 2011]*

(D) *[Repealed by Ord. 11-073, § 3 (part), 2011]*

(E) An application fee as established by the assembly, payable to the Matanuska-Susitna Borough, shall be submitted with the application. If more than one land use permit fee is required under this chapter, the applicant shall pay only one fee, whichever is the highest.

(F) A copy of the application shall be retained in the planning and land use department files.

(Ord. 22-104, § 3, 2022; Ord. 11-073, § 3 (part), 2011; Ord. 06-192(AM), § 3 (part), 2007)

17.02.040 ACTION ON APPLICATIONS.

(A) The planning and land use director or designated staff shall determine whether an application for a land use permit is complete. For incomplete applications, a written explanation of application deficiencies shall be provided within seven working days of the date the application is received in the planning and land use department.

(B) *[Repealed by Ord. 22-104, § 4, 2022], 2011]*

(C) In reviewing a land use permit application, the planning and land use director shall make specific findings explaining how the proposal does or does not conform to the requirements of this title. The planning and land use director also may provide options as to how the proposal may conform to these requirements.

(D) The planning and land use director shall render a decision within ten working days from the date the application is determined complete.

(1) Permits under this chapter shall be reviewed and approved based on compliance with borough code, including but not limited to the following:

- (a) setbacks;
- (b) special land use districts;
- (c) flood hazard areas;
- (d) driveway permits;
- (e) conditional uses; and
- (f) multifamily development permits.

(E) If a decision is not rendered within the allotted review time, the applicant shall be entitled to a complete refund of fees.

(F) *[Repealed by Ord. 22-104, § 4, 2022], 2011]*

(G) *[Repealed by Ord. 22-104, § 4, 2022], 2011]*

(H) *[Repealed by Ord. 22-104, § 4, 2022], 2011]*

(I) Appeals from a decision granting or denying a land use permit under this chapter shall be filed and conducted in accordance with MSB 15.39.

(Ord. 22-104, § 4, 2022; Ord. 11-073, § 3 (part), 2011; Ord. 06-192(AM), § 3 (part), 2007)

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-103**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING
MSB 17.02 MANDATORY LAND USE PERMIT IN ITS ENTIRETY AND ADOPTING
MSB 17.07 LAND USE REVIEW.

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. Repeal of chapter. MSB 17.02 is hereby repealed in
its entirety.

[CHAPTER 17.02: MANDATORY LAND USE PERMIT
17.02.010 INTENT AND APPLICABILITY.

(A) IT IS THE INTENT OF THIS CHAPTER TO IMPROVE THE
LEVEL OF COMPLIANCE WITH EXISTING BOROUGH CODE BY
ESTABLISHING A MANDATORY LAND USE REVIEW PROCESS AND
DIRECTLY PROVIDING REGULATORY INFORMATION TO PERSONS
PROPOSING DEVELOPMENT WITHIN THE BOROUGH OUTSIDE OF THE
CITIES OF HOUSTON, PALMER, AND WASILLA.

(B) THIS CHAPTER IS APPLICABLE WITHIN ALL AREAS OF
THE MATANUSKA-SUSITNA BOROUGH OUTSIDE OF THE CITIES OF
HOUSTON, PALMER, AND WASILLA AND THE PORT DISTRICT, AS
ESTABLISHED IN MSB 18.02.020, BOUNDARIES.

(C) THERE ARE FEDERAL, STATE, AND LOCAL

REQUIREMENTS GOVERNING LAND USE. IT IS THE RESPONSIBILITY OF THE INDIVIDUAL LAND OWNERS TO OBTAIN A DETERMINATION WHETHER SUCH REQUIREMENTS APPLY TO THE DEVELOPMENT OF THEIR LAND. ANY LAND WITHIN THE BOUNDARIES OF THE MATANUSKA-SUSITNA BOROUGH IS SUBJECT TO LAND USE AND DEVELOPMENT REGULATIONS. IT IS NOT THE INTENT OF THIS CHAPTER TO REPLACE OR SUPERSEDE REGULATIONS OF OTHER CHAPTERS WITHIN THIS TITLE. ADDITIONAL INFORMATION AND PERMITS, SUCH AS FLOOD DAMAGE PREVENTION, MOBILE HOME PARK ORDINANCE, CONDITIONAL USES, AND REGULATION OF ALCOHOLIC BEVERAGES MAY BE REQUIRED IN ACCORDANCE WITH THE BOROUGH CODE. THIS TITLE WILL BE AMENDED AND UPDATED AS NECESSARY WHEN NEW MSB TITLE 17 REGULATIONS ARE ADOPTED.

(D) A LAND USE PERMIT IS NOT REQUIRED WHERE COMMENCEMENT OF CONSTRUCTION OR PLACEMENT, AS DEFINED IN MSB 17.125, OCCURRED BEFORE THE EFFECTIVE DATE OF THE ORDINANCE CODIFIED IN THIS CHAPTER.

17.02.020 LAND USE PERMIT.

(A) THE LAND OWNER OR AUTHORIZED AGENT SHALL OBTAIN A LAND USE PERMIT FROM THE MATANUSKA-SUSITNA BOROUGH PLANNING DEPARTMENT PRIOR TO THE COMMENCEMENT OF:

(1) [REPEALED BY ORD. 11-073, § 2, 2011]

(2) [REPEALED BY ORD. 11-073, § 2, 2011]

(3) [REPEALED BY ORD. 11-073, § 2, 2011]

(4) [REPEALED BY ORD. 11-073, § 2, 2011]

(5) [REPEALED BY ORD. 13-025, § 2, 2013]

(6) CONSTRUCTION OR PLACEMENT OF ANY BUILDING
WITHIN 75 FEET OF ANY WATERCOURSE OR WATER BODY;

(B) A LANDOWNER OR AUTHORIZED AGENT MAY VOLUNTARILY
REQUEST A LAND USE PERMIT FOR ANY STRUCTURE OR USE NOT
REQUIRED TO OBTAIN A PERMIT UNDER THIS CHAPTER.

(C) A PERMIT IS NOT REQUIRED UNDER THIS CHAPTER
WHEN THE PROPOSED USE IS SUBJECT TO ANOTHER PERMIT WITHIN
THIS TITLE.

17.02.030 PROCEDURE.

(A) A COMPLETE LAND USE PERMIT APPLICATION SHALL BE
SUBMITTED TO THE PLANNING AND LAND USE DIRECTOR ON A
FORM PROVIDED BY THE PLANNING AND LAND USE DEPARTMENT.

(B) A COMPLETE LAND USE PERMIT APPLICATION WILL
CONTAIN THE FOLLOWING ATTACHMENTS:

(1) [REPEALED BY ORD. 22-104, § 3, 2022], 2011]

(2) SITE PLAN;

(a) SITE PLANS ARE NOT REQUIRED TO BE
CERTIFIED BUT SHALL CLEARLY IDENTIFY THE FOLLOWING:

(i) NORTH ARROW;

(ii) BOUNDARIES OF PARCEL;

(iii) SIZE, LOCATION, AND SETBACK

DIMENSIONS OF PROPOSED STRUCTURES;

(iv) NAMES AND LOCATION OF ADJACENT
ROADWAYS;

(v) LOCATION OF RIGHTS-OF-WAY AND
PUBLIC EASEMENTS WITHIN AND ADJACENT TO THE PARCEL;

(vi) LOCATION AND NAME OF ADJACENT
WATER BODIES;

(vii) LOCATION OF SUBSURFACE SEWAGE
DISPOSAL SYSTEMS; AND

(vii) INTENDED USE OF PROPOSED
STRUCTURES.

(3) [REPEALED BY ORD. 11-073, § 3 (PART),
2011]

(4) [REPEALED BY ORD. 11-073, § 3 (PART),
2011]

(C) [REPEALED BY ORD. 11-073, § 3 (PART), 2011]

(D) [REPEALED BY ORD. 11-073, § 3 (PART), 2011]

(E) AN APPLICATION FEE AS ESTABLISHED BY THE
ASSEMBLY, PAYABLE TO THE MATANUSKA-SUSITNA BOROUGH,
SHALL BE SUBMITTED WITH THE APPLICATION. IF MORE THAN
ONE LAND USE PERMIT FEE IS REQUIRED UNDER THIS CHAPTER,
THE APPLICANT SHALL PAY ONLY ONE FEE, WHICHEVER IS THE
HIGHEST.

(F) A COPY OF THE APPLICATION SHALL BE RETAINED IN

THE PLANNING AND LAND USE DEPARTMENT FILES.

17.02.040 ACTION ON APPLICATIONS.

(A) THE PLANNING AND LAND USE DIRECTOR OR DESIGNATED STAFF SHALL DETERMINE WHETHER AN APPLICATION FOR A LAND USE PERMIT IS COMPLETE. FOR INCOMPLETE APPLICATIONS, A WRITTEN EXPLANATION OF APPLICATION DEFICIENCIES SHALL BE PROVIDED WITHIN SEVEN WORKING DAYS OF THE DATE THE APPLICATION IS RECEIVED IN THE PLANNING AND LAND USE DEPARTMENT.

(B) [REPEALED BY ORD. 22-104, § 4, 2022], 2011]

(C) IN REVIEWING A LAND USE PERMIT APPLICATION, THE PLANNING AND LAND USE DIRECTOR SHALL MAKE SPECIFIC FINDINGS EXPLAINING HOW THE PROPOSAL DOES OR DOES NOT CONFORM TO THE REQUIREMENTS OF THIS TITLE. THE PLANNING AND LAND USE DIRECTOR ALSO MAY PROVIDE OPTIONS AS TO HOW THE PROPOSAL MAY CONFORM TO THESE REQUIREMENTS.

(D) THE PLANNING AND LAND USE DIRECTOR SHALL RENDER A DECISION WITHIN TEN WORKING DAYS FROM THE DATE THE APPLICATION IS DETERMINED COMPLETE.

(1) PERMITS UNDER THIS CHAPTER SHALL BE REVIEWED AND APPROVED BASED ON COMPLIANCE WITH BOROUGH CODE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(a) SETBACKS;

(b) SPECIAL LAND USE DISTRICTS;

- (c) FLOOD HAZARD AREAS;
- (d) DRIVEWAY PERMITS;
- (e) CONDITIONAL USES; AND
- (f) MULTIFAMILY DEVELOPMENT PERMITS.

(E) IF A DECISION IS NOT RENDERED WITHIN THE ALLOTTED REVIEW TIME, THE APPLICANT SHALL BE ENTITLED TO A COMPLETE REFUND OF FEES.

(F) [REPEALED BY ORD. 22-104, § 4, 2022], 2011]

(G) [REPEALED BY ORD. 22-104, § 4, 2022], 2011]

(H) [REPEALED BY ORD. 22-104, § 4, 2022], 2011]

(I) APPEALS FROM A DECISION GRANTING OR DENYING A LAND USE PERMIT UNDER THIS CHAPTER SHALL BE FILED AND CONDUCTED IN ACCORDANCE WITH MSB 15.39.]

Section 2. Adoption of chapter. MSB 17.07 is hereby adopted to read as follows:

17.07 LAND USE REVIEW

Chapter

17.02.010 Intent and Applicability

17.02.020 Land Use Review

17.02.030 Procedure

17.02.040 Action on Applications

17.07.010 INTENT AND APPLICABILITY

(A) It is the intent of this chapter to improve the level of compliance with existing borough code by

establishing a land use review process and directly providing regulatory information to people proposing development within the borough.

(B) This chapter is applicable within all areas of the Matanuska-Susitna Borough outside of the cities of Houston, Palmer, and Wasilla and the Port District, as established by MSB 18.02.

(C) Land within the boundaries of the Matanuska-Susitna Borough is subject to land use and development regulations. It is the responsibility of individual landowners to obtain a determination whether such requirements apply to the development of their land.

(D) There may be federal or state requirements governing land use that are not reviewed by this process and it is the responsibility of individual property owners to comply with any applicable federal or state requirements.

(E) It is not the intent of this chapter to replace or supersede regulations of other chapters within this title. Additional information and permits, such as flood damage prevention, conditional uses, and regulation of alcoholic beverages may be required in accordance with borough code.

(F) A land use review is not required where

commencement of construction or placement, as defined in MSB 17.125, occurred before the effective date of the ordinance codified in this chapter.

17.07.020 LAND USE REVIEW

(A) The landowner or authorized agent shall submit a land use review application to the Planning Department prior to the commencement of:

(1) construction or placement of any building whose gross floor area is 480 square feet or larger;

(2) construction or placement of any additions of 480 square feet or larger to existing buildings; or

(3) construction or placement of any building within 75 feet of any watercourse or water body.

(B) A landowner or authorized agent may voluntarily request a land use review for any structure or use not required to obtain a determination under this chapter.

(C) A land use review is not required under this chapter when the proposed use is subject to a separate permit within this title and the landowner or authorized agent is following that separate permit process.

17.07.030 PROCEDURE

(A) A complete land use review application shall be submitted to the planning and land use department on a form provided by the planning and land use department.

(B) A complete land use review application will contain the following attachments:

(1) site plan;

(a) site plans are not required to be certified but shall clearly identify the following:

(i) north arrow;

(ii) boundaries of parcel;

(iii) size, location, and setback dimensions of proposed structures;

(iv) names and location of adjacent roadways;

(v) location of rights-of-way and public easements within and adjacent to the parcel;

(vi) location and name of adjacent water bodies;

(vii) location of subsurface sewage disposal systems; and

(viii) intended use of proposed structures.

(2) An application fee as established by the assembly. If more than one land use review or permit fee is required under this chapter, the applicant shall pay only one fee, whichever is the highest.

17.07.040 ACTION ON APPLICATIONS

(A) The planning and land use director or designated staff shall determine whether an application for a land use review is complete. For incomplete applications, a written explanation of application deficiencies shall be provided within five working days of the date the application is received in the planning and land use department. Incomplete applications shall be reviewed, to the extent possible, for compliance with the applicable Borough code based solely on the information provided. Such a review does not imply completeness of the application or full compliance with borough code. The applicant shall remain responsible for submitting all required materials prior to a final determination.

(B) In reviewing a complete land use review application, the planning and land use director or designated staff shall make specific findings explaining how the proposal does or does not conform to the requirements of this title. The planning and land use director may also provide options as to how the proposal may conform to these requirements.

(C) The planning and land use director or designated staff shall render a determination within five working days from the date the application is

determined to be complete.

(1) Applications under this chapter shall be reviewed for compliance with borough code, including but not limited to the following:

- (a) setbacks;
- (b) special land use districts;
- (c) flood hazard areas;
- (d) driveway permits;
- (e) conditional uses; and
- (f) multifamily development permits.

(D) If a decision is not rendered within the allotted review time, the applicant shall be entitled to a complete refund of fees.

(E) Appeals of a decision for a land use review under this chapter shall be filed and conducted in accordance with MSB 15.39.

(F) This ordinance will expire on December 31, 2027.

Section 3. Effective date. This ordinance shall take effect January 1, 2026.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2025.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

By: A. Strawn
Introduced:
Public Hearing:
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 25-20

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING APPROVAL OF AN ORDINANCE REPEALING MSB 17.02
MANDATORY LAND USE PERMIT IN ITS ENTIRETY AND ADOPTING MSB 17.07
LAND USE REVIEW.

WHEREAS, Assembly Ordinance 25-103 repeals MSB 17.02
Mandatory Land Use Permit in its entirety and adopts MSB 17.07
Land Use Review; and

WHEREAS, the review process is intended to improve the level
of compliance with existing Borough code by providing pertinent
regulatory information to those proposing development; and

WHEREAS, the review process is intended to prevent Borough
residents from building illegally, particularly related to Borough
setbacks. This reduces code enforcement fines, variance
applications, and bank financing issues if the owner wants to sell
their property; and

WHEREAS, the proposed ordinance will provide a fast
determination to the applicant on whether the proposed development
is fully compliant with applicable MSB code; and

WHEREAS, Assembly Ordinance 25-103 supports the goals and
objectives of the Matanuska-Susitna Borough Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Assembly Ordinance 25-103.

ADOPTED by the Matanuska-Susitna Borough Planning Commission on this __ day of _____, 2025.

RICHARD ALLEN, Chair

ATTEST

LACIE OLIVIERI, Planning Clerk

(SEAL)

YES:

NO:

INTRODUCTION FOR PUBLIC HEARING LEGISLATIVE

Resolution No. 25-21

**A Resolution Of The Matanuska-Susitna Borough
Planning Commission Recommending Approval Of
An Ordinance Amending MSB 17.55 To Reduce
The Minimum Building Setback Requirement From
25 Feet To 10 Feet From Pedestrian Easements.**

(Page 28-40)

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.55 TO REDUCE THE MINIMUM BUILDING SETBACK REQUIREMENT FROM PEDESTRIAN EASEMENTS.

AGENDA OF: September 16, 2025

ASSEMBLY ACTION:

AGENDA ACTION REQUESTED: Refer to Planning Commission for 90 days.

Route To	Signatures
Originator	<div>9 / 3 / 2 0 2 5</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x</div>
Department Director	<div>9 / 3 / 2 0 2 5</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x</div>
Finance Director	<div>9 / 3 / 2 0 2 5</div> <div>X L i e s e l Z a n t o f o r C H</div> <div>S i g n e d b y : L i e s e l W a l l a n d</div>
Borough Attorney	<div>9 / 3 / 2 0 2 5</div> <div>X J o h n A s c h e n b r e n n e r f o r N . S .</div> <div>S i g n e d b y : J o h n A s c h e n b r e n n e r</div>
Borough Manager	<div>9 / 3 / 2 0 2 5</div> <div>X M i c h a e l B r o w n</div> <div>S i g n e d b y : M i k e B r o w n</div>
Borough Clerk	<div>9 / 3 / 2 0 2 5</div> <div>X B r e n d a J . H e n r y f o r</div> <div>S i g n e d b y : B r e n d a H e n r y</div>

ATTACHMENT (S) : Ordinance Serial No. 25-111 (4pp)
MSB 17.55 (5pp)
Planning Commission Resolution No. 25-____ (pp)

SUMMARY STATEMENT: This ordinance is at the request of Assemblymember Nowers.

A 25-foot public right-of-way setback was originally adopted in 1973 by assembly ordinance.

This ordinance adds two new definitions and establishes a minimum building setback of ten feet from pedestrian easements. The code currently requires a 25-foot setback from public rights-of-way, including public easements, and a 10-foot setback from lot lines and railroad rights-of-way, but it does not explicitly address pedestrian easements. As a result, some property owners have

inadvertently built too close to these easements and fallen into violation of Borough code. The proposed change resolves these issues and provides a clear, consistent standard by requiring a 10-foot setback from pedestrian easements.

The 10-foot setback aligns with existing requirements for other boundaries, protects pedestrian walkways from encroachment, ensures safe and accessible connections, and promotes consistency throughout the code. Reducing the setback from 25 feet to 10 feet increases property usability by allowing more flexible site design and building placement, and may also encourage developers to dedicate additional pedestrian easements.

The proposed ordinance is consistent with the MSB comprehensive plan.

Matanuska-Susitna Borough Comprehensive Plan

Goal E-3: Create an attractive environment for business investment.

Policy E3-2: Institute appropriate land use guidelines and regulations that reduce land use conflicts and protect residents and businesses.

Goal LU-1: Protect and enhance the public safety, health, and welfare of Borough residents.

Policy LU1-1: Provide for consistent, compatible, effective, and efficient development within the Borough.

RECOMMENDATION OF ADMINISTRATION: Refer to Planning Commission and then introduce and set for public hearing.

CHAPTER 17.55: SETBACKS AND SCREENING EASEMENTS

Section

17.55.004 Definitions

17.55.005 General

17.55.010 Setbacks

17.55.015 *Shorelands; definition [Repealed]*

17.55.020 Setbacks for shorelands

17.55.040 Violations, enforcement, and penalties

17.55.004 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- “Aircraft hangar” means a roofed structure which is used to completely or partially enclose and store aircraft and aircraft accessories.
- “Boathouse” means a roofed structure which is used to completely or partially enclose and store boats and boating accessories.
- “Building” means any structure intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.
- “Building line” means the line of that part of the building nearest the property line.
- “Dedication” means the reservation of land to a public use by the owner manifesting the intention that it shall be accepted and used presently or in the future for such public purpose. A dedication by the owner under the terms of this section is a conveyance of an interest in property which shall be deemed to include the warranties of title listed in A.S. 34.15.030. The dedication of streets, alleys, sidewalks, or public open space shall convey a fee interest in the area dedicated. The dedication of all other public rights-of-way shall be deemed to create an easement in gross to perform the indicated function in the area depicted.

- “Engineer” means a registered professional civil engineer authorized to practice engineering in the state of Alaska.
- “Incidental” means subordinate and minor in significance and bearing a reasonable relationship to the primary use.
- “Lot” means the least fractional part of subdivided lands having limited fixed boundaries and having an assigned number, or other name through which it may be identified.
- “Lot depth” means the average distance between front and rear lot lines.
- “Lot frontage” means all property abutting the right-of-way of a dedicated street or road easement, measured along the right-of-way between side lot lines of a lot.
- “Lot width” means the average distance between side lot lines.
- “Ordinary high water mark” means the mark made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and character of the vegetation and soil on the other side of the mark.
- “Parcel” means an unsubdivided plot of land.
- “Right-of-way” means a strip of land reserved, used, or to be used for a street, alley, walkway, airport, or other public or private purpose.
- “Structure” means anything that is constructed or created and located on or above the ground, or attached to something fixed to the ground. For purposes of minimum setbacks and building separation requirements, the following are not considered structures unless specifically addressed by code: signs; fences; retaining walls; parking areas; roads, driveways, or walkways; window awnings; a temporary building when used for 30 days or less; utility boxes and other incidental structures related to utility services; utility poles and lines; guy wires; clotheslines; flagpoles; planters; incidental yard furnishings; water wells; monitoring wells; and/or tubes, patios, decks, or steps less than 18 inches above average grade.
- “Subdivision” means the division of a tract or parcel of land into two or more lots, sites, or other divisions, or the combining of two or more lots, tracts, or parcels into one lot, tract, or parcel for the purpose, whether immediate or future, of sale or lease for more than ten years, including any resubdivision and when appropriate to the context, the process of subdividing or the land actually subdivided.
- “Surveyor” means a professional land surveyor who is registered in the state of Alaska.

- “Utility box” means electric transformers, switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, and similar devices.
- “Utility services” means the generation, transmission, or distribution of electricity, gas, communications, and municipal water and sewer systems.

(Ord. 22-063, § 3, 2022; Ord. 21-019, § 2, 2021; Ord. 17-088(SUB), § 2, 2017; Ord. 13-164, §§ 2, 3, 2013; Ord. 93-042, § 2 (part), 1993; Ord. 89-072, § 2 (part), 1989; Ord. 88-221, § 2 (part), 1988)

17.55.005 GENERAL.

This chapter establishes minimum structural setbacks from lot lines, water courses and water bodies, rights-of-way, and specific screening easements for certain lands within subdivisions in the Matanuska-Susitna Borough except where otherwise specified in special land use district regulations within this title.

(Ord. 03-053, § 2, 2003; Ord. 88-190, § 3 (part), 1988)

17.55.010 SETBACKS.

(A) No structure or building line shall be placed within 25 feet from the right-of-way line of any public right-of-way, except no furthestmost protruding portion of any structure shall be placed within ten feet from the right-of-way line of any public right-of-way when the pre-existing lot:

- (1) measures 60 feet or less in frontage on a public right-of-way, and is not located on a cul-de-sac bulb; or
- (2) comprises a nonconforming structure erected prior to July 3, 1973. This setback shall be known as the structure or building line setback.

(B) Except where specifically provided otherwise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line.

(C) Except as otherwise specified by code, eaves may project a maximum of three feet into required setback areas.

(D) The setback requirements of this section do not apply to property within the cities of Palmer and Wasilla.

(E) If a condemnation by a governmental agency reduces the building line setback of a structure below 25 feet, but there remains at least ten feet setback, and the setback reduced by the condemnation met the requirements of this section prior to the condemnation, the resulting setback shall be the setback requirements for the lot.

(F) For purposes of this chapter, commercial or industrial buildings on separate but adjacent parcels, which otherwise meet the setback requirements, may have connecting pedestrian walkways, enclosed or not. Pedestrian walkways:

(1) shall not contribute to the building area or the number of stories or height of connected buildings; and

(2) must comply with the current adopted edition of the International Building Code, except that the outside width of the walkway shall not exceed 30 feet in width, exclusive of eaves.

(G) No furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from railroad rights-of-way, except that utilities and rail dependent structures may extend up to railroad rights-of-way.

(Ord. 11-159, § 2, 2011; Ord. 11-019, § 2, 2011; Ord. 93-042, § 2 (part), 1993; Ord. 88-190, § 3 (part), 1988)

17.55.015 Shorelands; definition. [Repealed by Ord. 17-088(SUB), § 3, 2017]

17.55.020 SETBACKS FOR SHORELANDS.

(A) Except as provided in subsection (B) of this section, no structure or footing shall be located closer than 75 feet from the ordinary high water mark of a body of water. Except as provided otherwise, eaves may project three feet into the required setback area.

(B) Docks, piers, marinas, aircraft hangars, and boathouses may be located closer than 75 feet and over the water, provided they are not used for habitation and do not contain sanitary or petroleum fuel storage facilities. Structures permitted over water under this subsection shall conform to all applicable state and federal statutes and regulations.

(1) Boathouses or aircraft hangars which are exempt from a minimum shoreline setback for structures shall:

(a) be built over, in, or immediately adjacent to a waterbody and used solely for storing boats and boating accessories;

- (b) be designed, constructed and oriented for primary access by boats or aircraft directly to a waterbody;
- (c) not have more than incidental accessory access to a street or driveway; and
- (d) not be usable as a garage or habitable structure without significant alteration.

(C) In the city of Wasilla, this section does not apply to structures where construction was completed prior to November 16, 1982. Elsewhere in the borough, this section does not apply to structures where construction was completed prior to January 1, 1987, if the present owner or owners of the property had no personal knowledge of any violation of the requirements of this section prior to substantial completion of the structures. The director of the planning department shall, upon application by a property owner, determine whether a property qualifies for an exception under this subsection.

- (1) An application for a shoreline setback exception shall include a filing fee as established by resolution of the assembly.

(D) In this section, a "structure" is any dwelling or habitable building or garage.

(E) No part of a subsurface sewage disposal system shall be closer than 100 feet from the ordinary high water mark of any body of water. The planning commission shall require this distance be increased where necessary to protect waters within the borough.

(Ord. 17-088(SUB), § 4, 2017: IM 96-019, page 1, presented 3-19-96; Ord. 93-095, § 2, 1993; Ord. 93-042, § 2 (part), 1993; Ord. 90-052, § 3, 1990; Ord. 88-190, § 3 (part), 1988; initiative election of 5-5-87)

17.55.040 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

- (A) Except as otherwise specified in this chapter violations of this chapter are infractions.
- (B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(Ord. 95-088(SUB)(am), § 26 (part), 1995)

CODE ORDINANCE

Sponsored by: Nowers
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-111**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.55 TO REDUCE THE MINIMUM BUILDING SETBACK REQUIREMENT FROM PEDESTRIAN EASEMENTS.

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 section. MSB 17.55.004 is hereby amended to read as follows:

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

• "Pedestrian" means a person traveling on foot or by means of a wheelchair or other mobility device intended for individuals with disabilities.

• "Pedestrian easement" means an area designated for public pedestrian travel that provides connectivity between streets, lots, or public areas.

Section 3. Amendment of section. MSB 17.55.010 is hereby amended to read as follows:

(A) No structure or building line shall be placed within 25 feet from the right-of-way line of any public right-

of-way, except no furthestmost protruding portion of any structure shall be placed within ten feet from the right-of-way line of any public right-of-way when the pre-existing lot:

(1) measures 60 feet or less in frontage on a public right-of-way, and is not located on a cul-de-sac bulb; or

(2) comprises a nonconforming structure erected prior to July 3, 1973. This setback shall be known as the structure or building line setback.

(B) Except where specifically provided other-wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line.

(C) Except as otherwise specified by code, eaves may project a maximum of three feet into required setback areas.

(D) The setback requirements of this section do not apply to property within the cities of Palmer and Wasilla.

(E) If a condemnation by a governmental agency reduces the building line setback of a structure below 25 feet, but there remains at least ten feet setback, and the setback reduced by the condemnation met the requirements of this section prior to the condemnation, the resulting

setback shall be the setback requirements for the lot.

(F) For purposes of this chapter, commercial or industrial buildings on separate but adjacent parcels, which otherwise meet the setback requirements, may have connecting pedestrian walkways, enclosed or not.

Pedestrian walkways:

(1) shall not contribute to the building area or the number of stories or height of connected buildings; and

(2) must comply with the current adopted edition of the International Building Code, except that the outside width of the walkway shall not exceed 30 feet in width, exclusive of eaves.

(G) No furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from railroad rights-of-way, except that utilities and rail dependent structures may extend up to railroad rights-of-way.

(H) No furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from a pedestrian easement.

Section 4. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day

of -, 2025.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

By: A. Strawn
Introduced:
Public Hearing:
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 25-21

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.55 TO REDUCE THE MINIMUM BUILDING SETBACK REQUIREMENT FROM 25 FEET TO 10 FEET FROM PEDESTRIAN EASEMENTS.

WHEREAS, Assembly Ordinance 25-111 reduces the minimum building setback from 25 feet to 10 feet from pedestrian easements; and

WHEREAS, the proposed ordinance adds two new definitions for "pedestrian" and "pedestrian easement"; and

WHEREAS, existing code currently requires a 25-foot setback from public rights-of-way, including public easements, and a 10-foot setback from lot lines and railroad rights-of-way, but it does not explicitly address pedestrian easements; and

WHEREAS, some property owners have inadvertently built too close to pedestrian easements and fallen into violation of Borough code; and

WHEREAS, the proposed change resolves violation where individuals built less than 25 feet, but greater than 10 feet from pedestrian easements; and

WHEREAS, the proposed change creates a clear and consistent standard by requiring a 10-foot setback from pedestrian easements; and

WHEREAS, the proposed standards support the goals and objectives of the Matanuska-Susitna Borough Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Assembly Ordinance 25-111.

ADOPTED by the Matanuska-Susitna Borough Planning Commission on this __ day of _____, 2025.

RICHARD ALLEN, Chair

ATTEST

LACIE OLIVIERI, Planning Clerk

(SEAL)

YES:

NO:

PUBLIC HEARING LEGISLATIVE

Resolution No. 25-16

A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.17 Denali State Park Special Land Use District By Eliminating A Provision That Allows The Spud Boundary To Change Automatically When The Boundary Of The Denali State Park Changes.

(Page 41-61)

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.17 DENALI STATE PARK SPECIAL LAND USE DISTRICT BY ELIMINATING A PROVISION THAT ALLOWS THE SPUD BOUNDARY TO CHANGE AUTOMATICALLY WHEN THE BOUNDARY OF THE DENALI STATE PARK CHANGES.

AGENDA OF: August 5, 2025

ASSEMBLY ACTION:

AGENDA ACTION REQUESTED: Refer to Planning Commission for 90 days

Route To	Signatures
Originator	<div>7 / 22 / 2025</div> <div>X Alex S t r a w n</div> <div>Signed by: Alex S t r a w n</div>
Department Director	<div>7 / 22 / 2025</div> <div>X Alex S t r a w n</div> <div>Signed by: Alex S t r a w n</div>
Finance Director	<div>7 / 22 / 2025</div> <div>X Cheyenne Heindel</div> <div>Signed by: Cheyenne Heindel</div>
Borough Attorney	<div>7 / 23 / 2025</div> <div>X John A s c h e n b r e n n e r</div> <div>Signed by: John A s c h e n b r e n n e r</div>
Borough Manager	<div>7 / 23 / 2025</div> <div>X Michael Brown</div> <div>Signed by: Mike Brown</div>
Borough Clerk	<div>7 / 23 / 2025</div> <div>X Lonnie McKechnie</div> <div>Signed by: Lonnie McKechnie</div>

ATTACHMENT (S) : Ordinance Serial No. 25-089 (2 pp)
MSB 17.17 Denali State Park Special Land Use District (15 pp)
Planning Commission Resolution No. 25-__ (pp)

SUMMARY STATEMENT:

This ordinance repeals MSB 17.17.010(B), which automatically amends the boundaries of the Denali State Park Special Land Use District when the boundary of Denali State Park changes. The repeal is necessary to comply with the Alaska Supreme Court's decision in Homer v. Griswold, which clarified that all changes to land use regulations must be reviewed by the Planning Commission prior to adoption. Automatic boundary changes without such review are inconsistent with this legal requirement.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully recommends adoption of this ordinance.

CHAPTER 17.17: DENALI STATE PARK SPECIAL LAND USE DISTRICT

Section

Article I. General Provisions

17.17.010 Established; map adopted

17.17.020 Purpose

17.17.030 Definitions

Article II. Application of Regulations

17.17.040 Conformance required

17.17.050 Permitted uses

17.17.060 Conditional uses

17.17.070 Prohibited uses

17.17.080 Compliance

17.17.090 Building height limits

17.17.100 Lot area

17.17.110 Setback requirements

17.17.120 Vegetation buffer

17.17.130 Signs

Article III. Conditional Use Permits

17.17.140 Intent

17.17.150 Application and fee

17.17.160 Public hearing

17.17.170 Planning commission action

17.17.180 General standards

Article IV. Variances

17.17.190 Applications and procedures

Article V. Appeals

17.17.200 Appeals

Article VI. Amendments

17.17.210 Report**17.17.220 Public hearings**

Article VII. Enforcement and Penalties

17.17.230 Violations and enforcement**ARTICLE I. GENERAL PROVISIONS****17.17.010 ESTABLISHED; MAP ADOPTED.**

(A) There is established a special land use district, which shall include all territory lying within the area designated as Denali State Park by the state of Alaska and further described as Township 29 North, Range 6 West, Range 5 West, and that portion of Range 4 West lying north and west of the Alaska Railroad right-of-way; Township 30 North, Range 5 West and that portion of Range 3 West and Range 2 West lying north and west of the Alaska Railroad right-of-way; Township 31 North, Range 5 West, Range 4 West and that portion of Range 3 West and Range 2 West lying north and west of the Alaska Railroad right-of-way; and Township 33 North, Range 4 West, Range 3 West and that portion of Range 2 West lying west of the Alaska Railroad right-of-way; all in the Seward Meridian.

(B) Where the boundaries of the Denali State Park change, the boundaries of the Denali State Park special land use district shall continue to be identical to those of the Denali State Park.

(Ord. 90-125, § 3 (part), 1991)

17.17.020 PURPOSE.

The area within the boundaries of this special land use district is zoned for recreational uses.

(Ord. 90-125, § 3 (part), 1991)

17.17.030 DEFINITIONS.

(A) General provisions.

- (1) Words used in the present tense include the past tense.
- (2) The singular number includes the plural.
- (3) The masculine gender includes the feminine.
- (4) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

(B) Specific definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) "Access" means a legal way or means of approach to provide physical entrance or egress to a property.
- (2) "Accessory" as applied to a use or a building or a structure, means customarily subordinate or incidental to, and located on the same lot with a principal use, building or structure.
- (3) "Alteration" means any change, addition, or modification in the construction, location, or use classification of any building, structure or use.
- (4) "Area, lot" means the total area within the property line, including easements, but excluding dedicated rights-of-way.
- (5) "Automobile wrecking" means the dismantling or wrecking of automobiles or other motor vehicles, and the storage or keeping for commercial sale of dismantled or partially dismantled, obsolete or wrecked motor vehicles, or the parts resulting from such activity.
- (6) "Automobile wrecking yard" means the location of automobile wrecking activities, as defined above See also "junkyard."
- (7) "Buffer" is a means of protection against negative impacts which provides a physical separation or barrier.

(8) "Building" means any structure, including mobile homes, intended for the shelter, housing or enclosure of any person, animal, process, equipment, goods, use, materials or services of any kind or nature.

(9) "Building height" for the purposes of determining the maximum height of a building, means the vertical distance from the average finished grade adjacent to the building to the highest point on the roof, but not including radio antennas, water towers, church spires, penthouses constructed primarily for mechanical equipment or similar incidental building features.

(10) "Campground" means a plot of ground upon which two or more campsites are located, established or maintained for occupancy as temporary living quarters for recreation, education or vacation purposes.

(11) "Church" means a building or structure, or a group of buildings or structures, which by design and construction are primarily intended for the conduct of organized religious services and accessory uses associated therewith. A single-family dwelling (parsonage) for use by the pastor or caretaker is included in this definition. Additional on-site quarters for clergy or nuns, facilities for training of religious orders, or for daily educational purposes are excluded from this definition.

(12) "Commercial use" means any activity other than a home occupation where goods or services are offered or provided for sale or for profit.

(13) "Conditional use" means a use of a structure or land which may be allowed by the planning commission after a public hearing and review and subject to certain prescribed or imposed conditions.

(14) "Conditional use permit" means a written document which may specify additional controls and safeguards to ensure compatibility with permitted principal uses.

(15) "Dwelling" means a building designed or used as the living quarters for one or more families.

(16) "Dwelling, multi-family" means a detached building designated for or occupied exclusively by three or more families and constituting three or more dwelling units.

(17) "Dwelling, single-family" means a detached building designed for or occupied by and providing housekeeping facilities for one family, including factory-built and prefabricated dwellings, but not mobile homes.

(18) "Dwelling, two-family" means a detached building designed for or occupied exclusively by two families and constituting two dwelling units.

- (19) "Dwelling unit" means a structure or portion thereof providing independent complete cooking, living, sleeping and toilet facilities for one family.
- (20) "Family" means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a group home, rooming house, club, fraternity house or hotel.
- (21) "Grade finished" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk between the building and a line five feet from the building or, when the property line is less than five feet from the building, between the building and the property line.
- (22) "Grade, natural" means the elevation of the ground surface in its natural state, before manmade alterations.
- (23) "Gravel pit" means an open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.
- (24) "Group home" means a legally licensed residential use which is a home for the elderly, or which serves as a dwelling for persons seeking care, rehabilitation, or recovery from any physical, mental or emotional infirmity, for rehabilitation of criminals, or any combination thereof, in a family setting.
- (25) "Home occupation" means an activity carried out as a dwelling unit or detached appurtenance, provided that:
- (a) no more than one other person in addition to members of the family who reside on the premises may engage in such occupation;
 - (b) the use of the dwelling unit or detached appurtenance for the home occupation is clearly incidental and subordinate to its use for residential purposes;
 - (c) there is no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building;
 - (d) traffic is not generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;
 - (e) equipment or process is not used in the home occupation which creates noise, vibration, glare, fumes, odors, or commercial electrical interference. In violation of applicable government rules and regulations. In the case of electrical interference,

no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;

(f) outdoor storage of materials or equipment is not required.

(26) "Industrial use" means any activity which includes manufacturing, processing, warehousing, storage, distribution, shipping and/or other related uses.

(27) "Junk" means any worn out, wrecked, scrapped, partially or fully dismantled discarded tangible material, combination of materials or items, including motor vehicles which are inoperable, machinery, metal, rags, rubber, paper, plastics, and building materials. The above-listed materials are not intended to be exclusive; "Junk" may include any other materials which cannot, without further alteration and reconditioning, be used for their original purposes.

(28) "Junkyard" means an outdoor location where junk is gathered together and stored for a commercial or public purpose.

(29) "Landfill, sanitary." See "sanitary landfill." Also see MSB 8.04, Sanitary Fill Sites.

(30) "Landfill site" means a dumpsite where only natural, organic materials such as tree stumps, brush and/or topsoil resulting from land development efforts, can be disposed of or dumped.

(31) "Lot" means a designated parcel, plot, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit. (See also MSB Title 43)

(32) "Mobile home" means a detached single-family dwelling designed for long-term human habitation and having complete living facilities; capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer, and designed primarily for placement on a non-permanent foundation. "Travel trailers," as defined herein, are not to be construed as mobile homes.

(33) "Park" means a tract of land, designated and used by the public for active and/or passive recreation.

(34) "Parking space" means a space for the parking of a motor vehicle within a public or private parking area.

(35) "Parsonage" means the house provided by a church for use by its pastor.

(36) "Permitted use" means a use of land or a structure which is allowed within a certain zoning district according to the regulations in this code and subject to the restrictions applicable.

(37) "Principal use" means the primary or predominant use of any lot, building or structure.

(38) "Recreational use" means any formal or informal leisure time activity.

(39) "Recreational vehicle park." See "travel trailer park."

(40) "Refuse area." See "Junkyard."

(41) "Right-of-way" means a strip of land reserved, used, or to be used for a street, alley, walkway, airport, or other public or private purpose.

(42) "Salvage yard." See "Junkyard."

(43) "Sanitary landfill" means a legally permitted site which has been designed, constructed, and approved, to accommodate the disposal of solid waste. (See MSB 8.04, Sanitary Fill Sites)

(44) "Setback" means the area of a lot adjacent to a lot line within which structures as herein defined may not be erected.

(45) "Sign" means a structure or device for advertising intended to direct attention to a business, which is placed upon or within a building, structure or parcel of land and which can be read from a public right-of-way excluding:

- (a) signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, names of occupants or premises, or other identification of premises not having commercial connotations;
- (b) flags and insignia of any governmental agency except when displayed in connection with commercial promotion;
- (c) regulatory, identification, informational, or directional signs erected or required by governmental bodies or reasonably necessary to regulate parking and traffic flow on private property where such signs have no commercial connotation;
- (d) integral decorative or architectural features of buildings;
- (e) holiday or special event banners.

- (46) "Sign, animated" means any sign or part of a sign which uses movement or change of lighting to depict action or to create a special effect or scene.
- (47) "Sign, flashing" means any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.
- (48) "Sign, portable" means a sign that is not permanent, affixed to a building, structure, the ground, set on wheels or otherwise designed to be moved from one location to another.
- (49) "Structure" means anything that is constructed or erected and located on or under the ground, or attached to something fixed to the ground, or an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For purposes of minimum setbacks and building separation requirements, the following are not considered structures unless specifically addressed by code: fences; retaining walls; parking areas; roads; driveways or walkways; window awnings; a temporary building when used for 30 days or less; utility poles and lines; guy wires; clothes lines; flag poles; planters; incidental yard furnishings; water wells; monitoring wells and/or tubes; patios, decks or steps less than 18 inches above the average grade.
- (50) "Temporary structure" means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
- (51) "Travel trailer" means a vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use, identified by a model number, serial number, or vehicle registration number.
- (52) "Travel trailer park" means any parcel, tract or lot or portion thereof where space for two or more travel trailers is leased, rented or held for rent for occupancy for less than 30 days, excluding automobile or travel trailer sales lots on which unoccupied travel trailers are parked for inspection and sale.
- (53) "Use" means the purpose for which land, a building, or structure is arranged, designated or intended, or for which either land or a building is or may be occupied or maintained.
- (54) "Variance" means a grant of relief from one or more of the requirements in MSB title 17 as provided for by state law.

(Ord. 90-125, § 3 (part), 1991)

ARTICLE II. APPLICATION OF REGULATIONS**17.17.040 CONFORMANCE REQUIRED.**

No building, structure, land or water area located within this special land use district shall hereafter be used or occupied, and no building, structure, or part thereof, shall hereafter be created except in conformity with the regulations specified in this chapter.

(Ord. 90-125, § 3 (part), 1991)

17.17.050 PERMITTED USES.

(A) The following uses shall be permitted within the Denali State Park Special Land Use District:

- (1) public campgrounds, playgrounds, play and sports fields, trails, boat channels, public buildings, public visitor centers and other public facilities and uses in keeping with public recreation;
- (2) one single-family dwelling per lot;
- (3) the raising of vegetables, produce and fruit crops;
- (4) storing, repairing or using farm equipment;
- (5) home occupations;
- (6) temporary living quarters on the same premises with a dwelling under construction, provided the temporary living quarters are removed from the premises within six months after the new dwelling is completed;
- (7) customary accessory uses and buildings, provided such uses are clearly incidental to public recreation and do not include any activity which is inconsistent with such recreation. Any accessory building or use shall be located on the same lot with the principal building.

(Ord. 90-125, § 3 (part), 1991)

17.17.060 CONDITIONAL USES.

(A) The following uses may be permitted by obtaining a conditional use permit issued in accordance with MSB 17.17.140 through 17.17.180:

- (1) two-family dwellings;
- (2) multiple-family dwellings with three or more units;
- (3) group homes;
- (4) churches and related buildings;
- (5) commercial uses;
- (6) private campgrounds;
- (7) recreational vehicle parks;
- (8) utility substations;
- (9) highway maintenance yards;
- (10) public gravel pits;
- (11) group camps. (Ord. 90-125, § 3 (part), 1991)

17.17.070 PROHIBITED USES.

(A) Prohibited uses and structures within the Denali State Park Special Land Use District are all uses and structures not specified as permitted or conditional uses, including:

- (1) mobile homes, except as permitted under MSB 17.17.050(A)(6);
- (2) mobile home parks;
- (3) industrial uses not listed as permitted or conditional uses;
- (4) junkyards, salvage yards, and automobile wrecking yards;
- (5) landfills and refuse areas.

(IM 96-040, page 1, presented 9-17-96; Ord. 90125, § 3 (part), 1991)

17.17.080 COMPLIANCE.

No building, structure, land or water area located within this special land use district shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, repaired or structurally altered except in conformity with the regulations specified in this chapter.

(Ord. 90-125, § 3 (part), 1991)

17.17.090 BUILDING HEIGHT LIMITS.

The maximum building height shall be 35 feet above finished grade.

(Ord. 90-125, § 3 (part), 1991)

17.17.100 LOT AREA.

The minimum lot area for any use shall be 4.75 acres, except that if a ten-acre aliquot part parent parcel when surveyed is less than ten acres, the parcel may be divided into two equal size parcels. The lot length-width ratio shall be a maximum of 1:3 and a minimum of 1:1.

(Ord. 17-097, § 2, 2017; Ord. 90-125, § 3 (part), 1991)

17.17.110 SETBACK REQUIREMENTS.

Except for signs, no structure shall be erected within 75 feet of the right-of-way of the George Parks Highway. In all other cases, the setback requirements specified in MSB 17.55 shall apply. (Ord. 90-125, § 3 (part), 1991)

17.17.120 VEGETATION BUFFER.

A natural vegetation buffer shall be maintained for a minimum of 50 feet from the right-of-way of the George Parks Highway.

(Ord. 90-125, § 3 (part), 1991)

17.17.130 SIGNS.

The following types of signs are prohibited: portable signs; signs mounted on top of buildings; and flashing, rotating, animated or intermittent lighted signs. In no case shall any sign exceed

32 square feet in area. Signs within 660 feet of the right-of-way of the Parks Highway are regulated by the Code of Federal Regulations.

(Ord. 90-125, § 3 (part), 1991)

ARTICLE III. CONDITIONAL USE PERMITS

17.17.140 INTENT.

It is recognized that there are certain uses which are generally considered appropriate in this district, provided that controls and safeguards are applied to ensure their compatibility with permitted principal uses. The conditional use permit procedure is intended to allow planning commission consideration of the impact of the proposed conditional use on surrounding property and the application of controls and safeguards to assure that the conditional use will be compatible with the surrounding area and in keeping with the character and integrity of the Denali State Park.

(Ord. 90-125, § 3 (part), 1991)

17.17.150 APPLICATION AND FEE.

(A) An application for a conditional use permit shall be filed by the owner of the property concerned or the owner's authorized agent.

(B) Application for a conditional use permit shall be in writing on forms prescribed by the planning director. The application shall include:

- (1) a legal description of the property involved;
- (2) a statement of the proposed use;
- (3) a detailed site plan showing the proposed location of all buildings and structures on the site, access points, visual screening, buffering, drainage, vehicular and pedestrian circulation patterns, parking areas and the specific location of the proposed land use or uses, together with other information as may be required to comply with the standards for a conditional use listed in this chapter and in other pertinent sections of this chapter.

(C) A non-refundable fee as prescribed by MSB 17.99.

(Ord. 90-125, § 3 (part), 1991)

17.17.160 PUBLIC HEARING.

(A) The planning commission shall hold a public hearing to consider any conditional use permit application.

(1) Notice of any public hearing required under this code shall be given in accordance with MSB 17.03. Notice shall also be given to the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation.

(2) The form of the notice shall be as described in MSB 17.03.

(Ord. 90-125, § 3 (part), 1991)

17.17.170 PLANNING COMMISSION ACTION.

(A) The planning commission shall hear any interested parties and shall render a decision on the application for a conditional use permit within 30 calendar days from the date of public hearing. In recommending the granting of a conditional use permit, the planning commission shall state in writing the conditions of approval of the permit which it finds necessary to carry out the intent of this chapter. These conditions may increase the required lot or yard size, control the location and number of vehicular access points to the property, require screening and landscaping, and may require the reclamation of property to a character in keeping with surrounding lands. The commission may also impose other conditions and safeguards designed to ensure the compatibility of the conditional use with other lawful uses and the character and integrity of the Denali State Park.

(B) The planning director shall incorporate any conditions or requirements stipulated by the commission in the conditional use permits.

(Ord. 90-125, § 3 (part), 1991)

17.17.180 GENERAL STANDARDS.

(A) A conditional use may be approved only if it meets the requirements of this section in addition to any other standards required by this chapter.

(1) the conditional use will not detract from the value, character or integrity of Denali State Park;

(2) that the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in question;

- (3) that granting the conditional use permit will not be harmful to the public health, safety, convenience and welfare;
- (4) that sufficient access, setbacks, lot area, parking space, buffers, and other safeguards are being provided to meet the conditions; and
- (5) if the permit is for a public use or structure, the commission must find that the proposed use or structure is located in a manner which will maximize public benefits.

(Ord. 90-125, § 3 (part), 1991)

Article IV. VARIANCES

17.17.190 APPLICATIONS AND PROCEDURES.

Applications and procedures for variances under MSB 17.17 shall be as prescribed in MSB 17.65. (Ord. 90-125, § 3 (part), 1991)

ARTICLE V. APPEALS

17.17.200 APPEALS.

Appeals from decisions of the planning commission may be made under the provisions of MSB 15.39. (IM 96-013, page 1 (part), presented 3-19-96; Ord. 90-125, § 3 (part), 1991)

ARTICLE VI. AMENDMENTS

17.17.210 REPORT.

- (A) Before any proposed zoning changes may be acted upon by the assembly, the planning commission shall study the proposed change and make a report in writing to the assembly.
- (B) The report shall give consideration as to the effect the proposed change would have on the public health, safety, convenience and welfare. It shall also state whether the proposed change:
 - (1) will adversely affect the character and integrity of the Denali State Park;
 - (2) is contrary to the established land use pattern;

- (3) will materially alter the population density pattern and thereby increase the demand for public facilities and services;
 - (4) will create or excessively increase traffic congestion or otherwise affect public safety;
 - (5) will adversely affect property values in the adjacent area;
 - (6) will be a deterrent to the improvement or development of adjacent property in accord with existing regulations;
 - (7) will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
- (C) The report shall incorporate comments heard at the public hearing held by the planning commission and shall recommend as to approval and disapproval of the proposed change.
- (D) The report shall be forwarded to the assembly.
- (E) Amendments to this chapter shall be made by an ordinance adopted by the assembly.

(Ord. 90-125, § 3 (part), 1991)

17.17.220 PUBLIC HEARINGS.

Before the assembly may act on a proposal for amendment to this chapter, the clerk shall cause an ordinance to be prepared setting forth the details of the proposed amendment. Such ordinance shall be introduced at a regular or special meeting of the assembly and a date for a public hearing established. The clerk shall give notice of the public hearing in the manner prescribed in this title.

(Ord. 90-125, § 3 (part), 1991)

ARTICLE VII. ENFORCEMENT AND PENALTIES

17.17.230 VIOLATIONS AND ENFORCEMENT.

Violations and enforcement of this chapter shall be consistent with the terms and conditions of MSB 17.56.

(Ord. 90-125, § 3 (part), 1991)

CODE ORDINANCE

Sponsored by: M. Brown
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-089**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.17 DENALI STATE PARK SPECIAL LAND USE DISTRICT BY ELIMINATING A PROVISION THAT ALLOWS THE SPUD BOUNDARY TO CHANGE AUTOMATICALLY WHEN THE BOUNDARY OF THE DENALI STATE PARK CHANGES.

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. Deletion of subsection. MSB 17.17.010(B) is hereby deleted in its entirety:

(B) Where the boundaries of the Denali State Park change, the boundaries of the Denali State Park special land use district shall continue to be identical to those of the Denali State Park.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2025.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

By: A. Strawn
Introduced:
Public Hearing:
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 25-16

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.17 DENALI
STATE PARK SPECIAL LAND USE DISTRICT BY ELIMINATING A PROVISION
THAT ALLOWS THE SPUD BOUNDARY TO CHANGE AUTOMATICALLY WHEN THE
BOUNDARY OF THE DENALI STATE PARK CHANGES.

WHEREAS, Assembly Ordinance 25-089 repeals MSB 17.17.010(B),
which automatically amends the boundaries of the Denali State Park
Special Land Use District when the boundary of Denali State Park
changes; and

WHEREAS, the repeal is necessary to comply with the Alaska
Supreme Court's decision in Homer v. Griswold, which clarified
that all changes to land use regulations must be reviewed by the
Planning Commission prior to adoption; and

WHEREAS, automatic boundary changes without such review are
inconsistent with this legal requirement.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna
Borough Planning Commission hereby recommends approval of Assembly
Ordinance 25-089:

/

/

ADOPTED by the Matanuska-Susitna Borough Planning Commission
on this __ day of _____, 2025.

RICHARD ALLEN, Chair

ATTEST

LACIE OLIVIERI, Planning Clerk

(SEAL)

YES:

NO:

PUBLIC HEARING LEGISLATIVE

PC Resolution No. 25-17

**A Resolution Of The Matanuska-Susitna Borough
Planning Commission Recommending Approval Of An
Ordinance Amending MSB Title 17 – Zoning To Create
MSB 17.77 Large Lot District.**


(Pages 62-71)

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 17.77 LARGE LOT DISTRICT.

AGENDA OF: August 5, 2025

ASSEMBLY ACTION:

AGENDA ACTION REQUESTED: Refer to Planning Commission for 90 days.

Route To	Signatures
Originator	<div>7 / 23 / 2025</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x S t r a w n</div>
Planning Department Director	<div>7 / 23 / 2025</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x S t r a w n</div>
Finance Director	<div>7 / 23 / 2025</div> <div> R e c o v e r a b l e S i g n a t u r e</div> <div>X L i e s e l Z a n t o f o r C H</div> <div>S i g n e d b y : L i e s e l W e i l a n d</div>
Borough Attorney	<div>7 / 23 / 2025</div> <div>X J o h n A s c h e n b r e n n e r</div> <div>S i g n e d b y : J o h n A s c h e n b r e n n e r</div>
Borough Manager	<div>7 / 23 / 2025</div> <div>X M i c h a e l B r o w n</div> <div>S i g n e d b y : M i c h a e l B r o w n</div>
Borough Clerk	<div>7 / 23 / 2025</div> <div>X L o n n i e M c K e c h n i e</div> <div>S i g n e d b y : L o n n i e M c K e c h n i e</div>

ATTACHMENT (S) : Ordinance Serial No. 25-090 (5 pp)
Planning Commission Resolution No. 25-____ (pp)

SUMMARY STATEMENT: This ordinance is at the request of Assemblymember Hale.

The Large Lot District (Chapter 17.77) serves to establish specific areas within the borough to maintain the character, integrity, and value of large lot neighborhoods. This ordinance aims to protect the public health, safety, and welfare, and to avoid overcrowding and excessive traffic in areas designated as large lot communities. The regulations and procedures outlined in this chapter provide a framework for the designation of large lot districts in accordance with the borough's comprehensive plan.

This ordinance allows property owners to request designation of

their area as a large lot district with a minimum five-acre lot size. Lots that existed prior to establishment of the district, and do not meet the minimum requirement will retain legal nonconforming status, but cannot be further subdivided.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully recommends referral of the ordinance to the Planning Commission for 90 days.

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-090**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
MSB TITLE 17 ZONING TO CREATE MSB 17.77 LARGE LOT DISTRICT.

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. Adoption of Chapter. MSB 17.77 is hereby adopted
to read as follows:

CHAPTER 17.77 LARGE LOT DISTRICT

17.77.010 INTENT

**(A) This district is intended to provide a method
to protect and retain the character of large lot
communities in accordance with adopted borough
comprehensive plans. This chapter is further intended
to.**

**(1) allow property owners to request large lot
regulations in specific areas;**

**(2) prevent overcrowding and excessive
traffic; and**

**(3) protect the value, character, and
integrity of large lot neighborhoods where appropriate.**

17.77.020 APPLICABILITY

(A) This chapter applies in all areas of the borough including special land use districts and residential land use districts. Where this chapter is in conflict with the conditions of a special land use district or residential land use district, the most restrictive conditions shall apply.

(B) This chapter does not apply within the cities of Houston, Palmer, or Wasilla.

17.77.030 PROCESS TO ESTABLISH DISTRICTS

(A) A petitioner seeking approval of a subdivision before the Platting Board may simultaneously apply for approval to designate the subdivision as a Large Lot District.

(B) Except as provided in subsection (A), a Large Lot District may be initiated or modified only by submitting a petition to the Planning Department containing the signatures of at least 67 percent of the affected properties, as listed in the Borough tax assessment records.

(1) A map delineating the boundary of the proposed district shall accompany the petition.

(2) The petition shall include the following information of each signatory:

(a) printed name;
(b) mailing address;
(c) phone number; and
(d) physical address or tax account
number of the real property subject to the proposal.

(3) For properties with multiple owners, each
owner must individually sign the petition in order to be
counted as a signatory.

(a) If one or more property owners are
deceased, the remaining property owner(s) may sign the
petition. A copy of the death certificate for each
deceased owner must be provided.

(4) If a property is held in a Trust or Estate,
the authorized signatory must sign the petition and
provide documentation of their authority to sign on
behalf of the Trust or Estate.

(5) If a power of attorney (POA) has been
granted to an individual to sign on behalf of a property
owner, a copy of the executed POA document must accompany
the petition.

(6) If the property is owned by a business,
limited liability company (LLC), non-profit
organization, or other legal entity, the authorized
representative must sign the petition. Documentation

confirming their authority to sign on behalf of the entity must be included with the petition.

(C) Public involvement. The following standards are the minimum standards for public involvement.

(1) All public notices shall include the following information:

(a) date, time and location of the public meeting(s); and

(b) a brief description of the purpose of the meeting.

(c) a map showing the proposed boundary of the subject district.

(2) Public notice shall be mailed to all property owners within the affected area no fewer than 15 days prior to any scheduled public hearing.

(3) A request for a Large Lot District under single ownership is exempt from this subsection.

17.77.040 DESIGNATED LARGE LOT DISTRICTS

(A) The following areas are Large Lot Districts subject to the provisions of this chapter:

(1) Reserved for future designation by ordinance.

17.77.050 GENERAL STANDARDS

(A) The minimum lot size shall be five acres.

(B) All lots proposed for inclusion in a Large Lot District shall be contiguous. For purposes of this section, "contiguous" means that lots share a common boundary of measurable length and do not touch solely at a corner.

17.77.060 LEGAL NONCONFORMING LOTS

(A) Lots within a district, which were in existence prior to adoption of the district and do not meet the minimum lot size standards, shall have legal nonconforming status without requiring an administrative determination. However, an administrative determination may be issued if requested by the property owner.

(B) Lots with legal nonconforming status are not eligible for further subdivision but may be included in a platting action that does not reduce the area of the nonconforming lot.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2025.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

By: A. Strawn
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 25-17**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB TITLE 17 -
ZONING TO CREATE MSB 17.77 LARGE LOT DISTRICT.

WHEREAS, Assembly Ordinance 25-090 adopts new chapter MSB
17.77 Large Lot District; and

WHEREAS, the ordinance lays out a clear process by which new
large lot districts can be created or modified; and

WHEREAS, properties within the district would have a minimum
lot size of five acres; and

WHEREAS, the stated intent of large lot district is to
provide a method to protect and retain the character of large lot
communities in accordance with adopted borough comprehensive
plans; and

WHEREAS, the further stated intent is to allow property owners
to request large lot regulations in specific areas, prevent
overcrowding and excessive traffic, and to protect the value,
character, and integrity of large lot neighborhoods where
appropriate; and

WHEREAS, the proposed standards support the goals and objectives of the Matanuska-Susitna Borough Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Assembly Ordinance 25-090.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this -- day of --, 2025.

RICHARD ALLEN, CHAIR

ATTEST

LACIE OLIVIERI, PLANNING CLERK

(SEAL)

YES:

NO:

COMMISSION BUSINESS

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MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

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MEMORANDUM

DATE: September 26, 2025

TO: Planning Commission

FROM: Alex Strawn, Planning and Land Use Director

SUBJECT: Tentative Future PC Items

Upcoming PC Actions

Quasi-Judicial

- Houdini's Herbs – Marijuana Retail Facility; 8164B01L001A (Staff: Rick Benedict)
- Ficklin Gravel Products LLC – Earth Materials Extraction; 16N04W03A009 (Staff: Rick Benedict)
- Butte Land Co. – Earth Materials Extraction; 17N02E35A024 (Staff: Natasha Heindel)
- Harman Northeast – Earth Materials Extraction; 18N01W15B015 (Staff: Rick Benedict)
- Stenger – Variance; 6194000L002-B (Staff: Rebecca Skjothaug)
- Three Bears Alaska Inc. – Core Area Conditional Use Permit; 58211000L001 (Staff: Rick Benedict)
- Alaska Gravel Company – Earth Materials Extraction; 21N04W18C004 (Staff: Rebecca Skjothaug)

Legislative

- Historic Preservation Plan (HPP) (Staff: Jason Ortiz)
- MSB Borough-Wide Comprehensive Plan (Staff: Jason Ortiz/Alex Strawn)
- Transit Development Plan (Staff: Jason Ortiz)
- Amending MSB 17.59 Standardized Definitions for Lake Management Regulations (Staff: Alex Strawn)
- Hazard Mitigation Plan (Staff: Taunnie Boothby and Rebecca Skjothaug)