

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 / 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. 25-103 (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)