

CODE ORDINANCE

Sponsored by: Mayor Devries  
Introduced: 10/03/23  
Public Hearing: 10/17/23  
Amended: 12/19/23  
Adopted: 12/19/23

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 23-089**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING  
MSB TITLE 15 RELATING TO THE PLANNING COMMISSION.

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WHEREAS, the intent and rationale behind this ordinance are  
found in the accompanying Information Memorandum No. 23-199.

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 15.04.010 (A) is amended  
to read as follows:

(A) The planning commission is established to perform  
the areawide functions of planning under  
AS 29.40.030 and AS 29.40.040 [, PLATTING AND  
ZONING FOR THE BOROUGH,] except as otherwise  
provided in this title.

Section 3. Amendment of section. MSB 15.04.015 is amended to  
read as follows:

15.04.015 FUNCTIONS.

(A) The commission shall:

(1) prepare and recommend to the Assembly a

comprehensive plan, a zoning ordinance to implement the plan, a subdivision ordinance and official map of the borough, and modifications to these documents. The commission shall publish notice and hold at least one public hearing before submitting its recommendations on the plans, ordinances, and maps to the Assembly;

(2) investigate and report on the location and design of any public facility, including, but not limited, to public buildings, docks, beaches, ski ground, statue, memorial, park parkway, boulevard, road, trail, playground, public street, alley or grade of a facility before final action is taken by the borough or any department, office or agency;

(3) investigate and prepare, under the directions and conditions as the assembly may from time-to-time request, the commission's recommendations on a capital improvement program, and to review the program periodically and revise it from time to time, but not less frequently than annually. The annual capital improvement program shall constitute permanent records of the commission, which shall be public records;

(4) investigate and recommend to the assembly for adoption by ordinance, with the amendments as the

commission believes necessary and proper because of local conditions, the published codes of technical regulations as relate to the functions planning, platting, and zoning;

(5) investigate and prepare, from time to time, and to initiate on its own motion in the absence of directions from the assembly, reports of the availability of public lands by selection, transfer at less than appraised value, and otherwise for Borough purposes;

(6) investigate and prepare reports on the location and establishment of outdoor public recreation and public campgrounds; [AND]

(7) review all requests for enactment or amendment to planning, platting and land use regulations, including, but not limited to, comprehensive plans, special land use districts, zoning, and conditional use requirements. At a minimum, this shall include all amendments to MSB Titles 8, 11, 15, 17, 28, and 43[.];  
and

(8) adjudicate requests for conditional use permits as provided for in Borough Code.

Section 4. Amendment of section. MSB 15.04.020 is amended to read as follows:

15.04.020 EXCEPTIONS TO [BOROUGH-WIDE POWERS]

**FUNCTIONS.**

[(A) [REPEALED BY ORD. 94-071 (SUB1), § 4 (PART), 1994 AND RECODIFIED AT MSB 15.04.010]

(B) THE HOUSTON CITY COUNCIL SHALL ACT AS THE CITY ZONING BOARD PURSUANT TO MSB 17.40, AND SHALL HEAR AND DECIDE REQUESTS FOR VARIANCES AND CONDITIONAL USES WITHIN THE CITY OF HOUSTON.

(C) THE BOROUGH HAS DELEGATED TO THE CITY OF PALMER THE POWER OF LAND USE REGULATION FOR ALL AREAS WITHIN THE CITY LIMITS.

(D) THE WASILLA PLANNING AND UTILITIES COMMISSION SHALL ACT AS THE CITY PLANNING AND LAND USE REGULATORY AUTHORITY PURSUANT TO MSB 17.45.]

**The Planning Commission will not perform those functions related to the powers which the Matanuska-Susitna Borough has delegated to the cities under MSB 17.15, MSB 17.42, and MSB 17.45.**

Section 5. Amendment of section. MSB 15.04.025(C) is amended to read as follows:

(C) Applications to or notices from the Alaska State Geographic Board concerning the naming or change of name of any geographic feature within the corporate limits of an [UN]incorporated city within the borough shall immediately be referred to the affected city for disposition.

Section 6. Amendment of section. MSB 15.08.010 is amended to read as follows:

15.08.010 MEMBERSHIP; COMPENSATION.

(A) The planning commission shall have seven members who are registered to vote in the borough. Commission membership shall be apportioned so that the number of members from home rule and first class cities reflects the borough population residing in home rule and first class cities located in the borough.

(B) [THE MANAGER AND THE PLANNING DIRECTOR SHALL BE EX OFICIO MEMBERS.]

(C) Commission members shall be compensated at a rate of \$100 per meeting for regular and special meetings, not to exceed four meetings in a calendar

month. All requests for reimbursement shall be actual expenses incurred on authorized commission business.

Section 7. Amendment of section. MSB 15.08.080(A) is amended to read as follows:

(A) [A r]Regular meetings shall normally be held on the first and third Monday of [AT LEAST ONCE] each month. Special meetings may be called by the commission chairperson upon the request of the planning director or shall be called by the commission chairperson at the request of three members.

Section 8. Amendment of section. MSB 15.08.100 is amended to read as follows:

15.08.100 MEETINGS; RULES OF PROCEEDINGS.

Meetings shall be conducted under the current edition of *Robert's Rules of Order Newly Revised*, [AND SUCH MODIFIED OR AMENDED RULES AS MAY BE ADOPTED BY THE COMMISSION] except that no member may abstain from voting unless required by law.

Section 9. Amendment of section. MSB 15.08.110(A) is amended to read as follows:

(A) The agenda for special and regular meetings shall be prepared by the planning and land use department director. Items not on the agenda may not be added to


the agenda or discussed at a meeting [OVER THE OBJECTION  
OF ANY TWO PLANNING COMMISSION MEMBERS].

Section 13. Effective date. This ordinance shall take effect  
December 31, 2023.


ADOPTED by the Matanuska-Susitna Borough Assembly this 19 day  
of December, 2023.

  
EDNA DEVRIES, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Gambel, Fonov,  
and Bernier