

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 MSB 17.02 is hereby repealed in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(1) [REPEALED BY ORD. 11-073, § 2, 2011]

(2) [REPEALED BY ORD. 11-073, § 2, 2011]

(3) [REPEALED BY ORD. 11-073, § 2, 2011]

(4) [REPEALED BY ORD. 11-073, § 2, 2011]

(5) [REPEALED BY ORD. 13-025, § 2, 2013]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