

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM

IM No. 22-193

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.02 MANDATORY LAND USE PERMIT; AND A RESOLUTION AMENDING THE SCHEDULE OF FEES.

AGENDA OF: October 18, 2022

ASSEMBLY ACTION:

Amended & adopted without
objection 12-8-22 ~~BS~~

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: WJ

Route To:	Department/Individual	Initials	Remarks
	Originator	MB	
	Planning Director	Heidi Kinsella	
	Finance Director	MB	
	Borough Attorney	smc	
	Borough Clerk	JMM 10/10/22	BS

ATTACHMENT (S): Fiscal Note: YES X NO

Planning Commission Resolution No. 22-32 (2 pp)
Resolution Serial No. 22-082 (1 pp)
Ordinance Serial No. 22-104 (5 pp)

SUMMARY STATEMENT:Background

In 2007 the Matanuska-Susitna Borough Assembly approved Ordinance 06-192, enacting MSB 17.02 Mandatory Land Use Permit. This permit was intended to improve the level of compliance with existing Borough code by providing pertinent regulatory information to those proposing development. Most commonly this permit applied to the construction or placement of any building exceeding 480 square feet, but also applied to certain additions, changes in use, development within the flood hazard area, and development within

the Borough's 75' waterbody setback.

This permit had three intended benefits:

1. Improved the process by which code was communicated to the public and increased compliance with Borough code.
2. Prevented Borough residents from building illegally; particularly related to Borough setbacks. This reduced code enforcement fees, variance applications, and bank financing issues if the owner wanted to sell their property.
3. Provided important land use data that allowed the borough to understand and plan for land use in a more complete way.

In 2011 the Matanuska-Borough Assembly amended MSB 17.02 to significantly reduce its scope, to only apply to proposed buildings within 75' of any watercourse or waterbody.

In March of 2022, the Borough Planning and Land Use Director gave a presentation at the joint Assembly and Planning Commission meeting which discussed options to manage growth and guide land use. The presentation included a discussion of the potential benefits of reinstituting a comprehensive land use permit. During this meeting, the Director was asked to bring forward, for Assembly consideration, legislation that would re-expand the applicability of the land use permit.

Amendment

The proposed code ordinance modifies MSB 17.02 to make it widely applicable. The legislation also proposes changes to make the process less burdensome on applicants and more efficient for staff. Changes include:

- Development exceeding 480 square feet will once again require a permit, but changes in primary use and small additions will not.
- Anyone will now be able to voluntarily request a permit to ensure their project is in compliance with Borough Code. The permit will advise individuals, any voluntary review does not vest any right to their proposed development; that is not the intent of this legislation.
- A mandatory land use permit is not required if the development also requires a higher level land use permit (Conditional Use Permit, Multifamily Permit, etc.)
- Site plans no longer need to be certified or to scale, greatly reducing the burden on the applicant and eliminating time-consuming back and forth with the permit center.
- Currently, fees are set at \$25 for residential uses and \$150 for commercial uses. New fees are proposed at a flat \$50 to keep applicant costs low and because the effort of staff work does not significantly change based on the use

of the proposed building.

RECOMMENDATION OF ADMINISTRATION:

Staff respectfully recommends adoption of Ordinance 22-104.

MATANUSKA-SUSITNA BOROUGH FISCAL NOTE

Agenda Date: October 18, 2022

SUBJECT: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING THE SCHEDULE OF FEES FOR 17.02 MANDATORY LAND USE PERMITS.

ORIGINATOR: Adam Bradway

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT YES NO
AMOUNT REQUESTED *	FUNDING SOURCE Land use fees
FROM ACCOUNT #	PROJECT
TO ACCOUNT: 100.00.00 3XX.XXX	PROJECT #
VERIFIED BY: Lund Winkler	CERTIFIED BY:
DATE: 10-7-22	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL						
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REVENUE			*			
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FUNDING:

(Thousands of Dollars)

General Fund			*			
State/Federal Funds						
Other						
TOTAL			*			

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary) * amt depends on actual fees incurred.

PREPARED BY: _____ PHONE: _____

DEPARTMENT: _____ DATE: _____

APPROVED BY: Lundsey Winkler DATE: 10-7-22

By: Alex Strawn
Introduced: October 3, 2022
Public Hearing: October 17, 2022
Action: Adopted

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-32**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.02 –
MANDATORY LAND USE PERMIT TO EXPAND THE APPLICABILITY OF THE
CHAPTER.

WHEREAS, the requirement for a mandatory land use permit was
originally adopted in 2007; and

WHEREAS, the permit was required in a variety of circumstances
but most commonly applied to the construction of buildings over
480 square feet; and

WHEREAS, the intent of the permit was to improve compliance
with Borough code, and minimize costly mistakes for Borough
residents; and


WHEREAS, the permit provided important land use data that
improved planning processes and studies; and

WHEREAS, in 2011 the applicability of MSB 17.02 was amended
to only apply to buildings within 75 feet of a waterbody; and

WHEREAS, the proposed ordinance will expand the applicability
of the permit while reducing the associated requirements to ensure
ease of use and efficient service for the public.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of MSB 22-104 an ordinance of the Matanuska-Susitna Borough Assembly amending MSB 17.02 – Mandatory Land Use Permit.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 17 day of October, 2022.



Stafford Glashan, Chair

ATTEST



KAROL RIESE, Planning Clerk

(SEAL)

YES: (6) Commissioner Kendig, Allen, Rubeo, Chesbro,
Glashan, and Glenn

NO: \emptyset