

CODE ORDINANCE

Sponsored by: Borough Manager

Introduced: 10/18/22

Public Hearing: 11/22/22

Postponed to 12/08/22: 11/22/22

Amended: 12/08/22

Adopted: 12/08/22

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-104**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
MSB 17.02 MANDATORY LAND USE PERMIT.

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 17.02.020 is hereby amended as follows:

(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:

(6) [THE] construction or placement of any building within 75 feet of any watercourse or waterbody[.];

(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 Title 17.

Section 3. Amendment of section. MSB 17.02.030 is hereby amended as follows:

(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) A VICINITY MAP; AND]

(2) [A NONCERTIFIED] 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;

Location and name of adjacent waterbodies;

(vi) location of subsurface sewage disposal systems; and
(vii) intended use of proposed structures.

Section 4. Amendment of section. MSB 17.02.040 is hereby amended as follows:

(A) The planning and land use director or designated staff shall determine whether an application for a land use permit is complete. [AN INCOMPLETE APPLICATION SHALL BE SENT TO THE APPLICANT WITH] 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) A DRIVEWAY PERMIT APPLICATION MAY BE SUBMITTED WITH A LAND USE PERMIT APPLICATION. THE FEE PAYMENT CAN BE MADE CONCURRENTLY WITH THE LAND USE PERMIT FEES. APPROVED DRIVEWAY PERMITS WILL BE ISSUED FROM THE DEPARTMENT OF PUBLIC WORKS BY MAIL WITHIN TWO WEEKS FROM THE DATE A COMPLETE APPLICATION IS SUBMITTED.]

(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[FOR APPLICATIONS CONTAINING A CERTIFIED SITE PLAN. THE DIRECTOR WILL RENDER A DECISION WITHIN 20 WORKING DAYS FROM THE DATE THE APPLICATION IS DETERMINED COMPLETE FOR APPLICATIONS CONTAINING A NONCERTIFIED SITE PLAN].

(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) multi-family 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) THE PLANNING AND LAND USE DIRECTOR MAY REVOKE ANY PERMIT IF THE DEVELOPMENT DOES NOT CONFORM TO THE APPROVED APPLICATION.]

[(G) FOR APPLICATIONS THAT REQUIRE EXCEPTIONAL REVIEW AND ANALYSIS DUE TO THE COMPLEXITY OF THE PROPOSAL, THE BOROUGH AND THE APPLICANT MAY ENTER INTO AN AGREEMENT TO EXTEND THE APPLICATION REVIEW TIME.]

[(H) A COPY OF THE APPROVED PERMIT SHALL BE POSTED ON THE SUBJECT PROPERTY IN A LOCATION AND MANNER CLEARLY VISIBLE TO THE PUBLIC FOR THE DURATION OF THE PERMITTED CONSTRUCTION ACTIVITIES.]

(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 5. Effective date. This ordinance shall take effect January 1, 2023.

ADOPTED by the Matanuska-Susitna Borough Assembly this 8 day
of December, 2022.



EDNA DeVRIES, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, Sumner, and
Bernier