

CODE ORDINANCE

Sponsored by: Assemblymember Gamble

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 25-066**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.23 PORT MACKENZIE SPECIAL USE DISTRICT TO REPEAL MSB 17.23.150 DEVELOPMENT PERMIT REQUIRED AND THE ASSOCIATED STANDARDS.

---

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 Subsection. MSB 17.23.105(D) is hereby amended as follows:

(D) Accessory uses and structures are allowed, if those uses and structures are of a nature customarily incidental and clearly subordinate to an allowed [OR PERMITTED] principal use or structure and, unless otherwise provided, these uses and structures are located on the same lot (or a contiguous lot in the same ownership) as the principal use. Where a building or portion thereof is attached to a building or structure containing the principal use, the building or portion shall be considered as a part of the principal building, and not as an accessory building. Accessory uses shall not involve operations or structures not in keeping with

character of the district where located.

Section 3. Amendment of subsection. MSB 17.23.110(C) is hereby amended as follows:

(C) [PERMITTED]**Allowed** uses in the PID-I district are those commercial and industrial uses which comprise or directly support port activity and which require close proximity and direct access to the docks, including but not limited to:

(1) transportation corridors for rail, roads, conveyor, and pipeline transport systems;

(2) light industrial uses;

(3) heavy industrial uses;

(4) commercial uses directly supporting the port work force such as restaurants and provision of goods and services that require location very near the docks to meet the daily needs of the port operations and work force;

(5) industrial docks;

(6) transportation facilities, roads, railways, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges;

(7) short-term cargo storage, and marshaling areas required to efficiently conduct transshipment;

(8) ship yards for service, repair, and

construction of ships;

(9) moorage, marinas, fueling, and other ship services;

(10) offices supporting [PERMITTED] **allowed** uses which are directly necessary to conduct those [PERMITTED] **allowed** uses at the site;

(11) natural resource extraction only as part of an approved plan to prepare sites for port related development;

(12) public safety and government services, public lands, and institutions.

Section 4. Amendment of subsections. MSB 17.23.120 (C) and (D) are hereby amended to read as follows:

(C) [PERMITTED] **Allowed** uses in the PID-II district are those commercial and industrial uses which comprise or support port activities, or other government or public facilities including but not limited to:

(1) transportation corridors for rail, roads, conveyer, and pipeline transport systems;

(2) light industrial uses;

(3) heavy industrial uses;

(4) bulk material storage and bulk fuel storage;

(5) commercial uses directly supporting the

port work force such as restaurants and the provision of goods and services that require a location near the docks to meet the daily needs of port operations and work force;

(6) transportation facilities, roads, railways, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges, cargo storage, fueling, and other services;

(7) offices supporting [PERMITTED]allowed uses at the site;

(8) natural resource extraction only as part of an approved plan to prepare sites for development;

(9) correctional facilities such as jails, prisons, and community correctional facilities; and

(10) public safety and government services, public lands, and institutions.

[(D) PERMITS WITHIN THE PID-II WILL BE REVIEWED BY THE BOROUGH MANAGER FOR APPROVAL OR DISAPPROVAL.]

Section 5. Amendment of subsection. MSB 17.23.130(C) is hereby amended to read as follows:

(C) [PERMITTED]Allowed uses in the WDD are those commercial and industrial uses which comprise or directly support port activity and which require close proximity and direct access to the docks, including, but

not limited to:

(1) transportation corridors for rail, roads, docks, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges;

(2) short-term cargo storage and staging areas required to efficiently conduct transshipment;

(3) ship yards for service, repair, and construction of ships;

(4) moorage and marinas;

(5) fueling and other ship services;

(6) offices supporting [PERMITTED] **allowed** uses which are directly necessary to conduct those [PERMITTED] **allowed** uses at the site;

(7) natural resource extraction as part of an approved plan to prepare sites for port-related development;

(8) public safety and government services; and

(9) commercial uses directly supporting the port work force such as the provision of goods and services that require location very near the docks to meet the daily needs of the port operations and work force.

Section 6. Amendment of subsection. MSB 17.23.135(C) is hereby amended to read as follows:

(C) [PERMITTED] Allowed uses in the CD are those that do not result in significant erosion or damage to habitat, or result in or increase ground or water pollution including:

(1) maintenance, repair, and replacement of existing structures and infrastructure exterior improvements, roads, and public recreation trails;

(2) corridors for roads and utility transmission systems;

(3) year-round recreational nonmotorized trails and winter-only motorized trails;

(4) minor vegetation management (trimming, pruning, or removal) for reasons of public safety or for the replacement of invasive species with indigenous species;

(5) removing those noxious weeds or undesirable plant species identified in the current North American Weed Free Forage Certification Standards List and those weeds declared noxious in 11 AAC 34.020, Prohibited and Restricted Noxious Weeds.

Section 7. Repeal of section. MSB 17.23.150 is hereby repealed in its entirety:

[ (A) ALL DEVELOPMENT AND USE OF LAND AUTHORIZED  
WITHIN THE SPECIAL USE DISTRICT SHALL REQUIRE PRIOR

AUTHORIZATION BY ISSUANCE OF A PORT DISTRICT USE PERMIT FROM THE BOROUGH MANAGER OR DESIGNEE. OTHER PERMITS OR AUTHORIZATION MAY BE REQUIRED FOR SPECIFIC USES OR DEVELOPMENT.

(1) MAINTENANCE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENT TO OBTAIN A PORT DEVELOPMENT PERMIT.

(B) PORT DEVELOPMENT PERMITS SHALL BE ISSUED TO THE LESSEE OR THE LESSEE'S AUTHORIZED AGENT AS PRESCRIBED BY THIS CHAPTER. AT A MINIMUM, PERMITS WILL BE REQUIRED FOR THE FOLLOWING:

(1) STRUCTURES GREATER THAN 400 SQUARE FEET IN GROSS AREA ON THE GROUND LEVEL OR MORE THAN 30 FEET IN HEIGHT ABOVE AVERAGE GRADE; OR

(2) STRUCTURES USING PERMANENT FOUNDATIONS SUCH AS PILINGS OR FOOTINGS; OR

(3) EXPANSION OF A STRUCTURE BY MORE THAN 400 SQUARE FEET OR 25 PERCENT OF THE STRUCTURE'S ORIGINAL FOOTPRINT, WHICHEVER IS LESS; OR

(4) TEMPORARY UNITS, INCLUDING LOCATION OF A MOBILE HOME; OR

(5) EXCAVATION OR FILL OF MORE THAN 50 CUBIC YARDS OF MATERIAL; OR

(6) COMMUNICATION TOWERS OR ANTENNAS OVER 30 FEET IN HEIGHT; OR

(7) ON-SITE UTILITIES, INCLUDING BUT NOT LIMITED TO, WATER, SEWER, STORM DRAIN, ELECTRIC, COMMUNICATIONS, NATURAL GAS, AND OTHER WIRE AND PIPELINES; OR

(8) CONSTRUCTION OF ANY TYPE WITHIN RIGHTS-OF-WAY, EASEMENTS, BUFFER STRIPS, UTILITY CORRIDORS, ETC., SHALL BE CONSISTENT WITH MSB 11.30.040(B), (C), AND (E) AS SHOWN ON EITHER A RECORDED PLAT OR ON AN APPROVED BOROUGH MASTER PLAN.

(C) APPLICANTS MAY CONTACT THE BOROUGH MANAGER TO SCHEDULE A PRE-APPLICATION CONFERENCE. IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO BECOME FAMILIAR AND COMPLY WITH THE REGULATIONS, POLICIES, AND PROCEDURES OF THE BOROUGH.

(D) APPLICATIONS FOR A PORT DEVELOPMENT PERMIT SHALL BE SUBMITTED ON FORMS PROVIDED BY THE BOROUGH WITH ATTACHED SUPPLEMENTAL MATERIAL AS APPROPRIATE.

(1) THE APPLICANT SHALL INCLUDE ALL INFORMATION WITH THE APPLICATION SUFFICIENT TO DESCRIBE THE PROPOSAL AND DEMONSTRATE COMPLIANCE OF THE PROPOSAL WITH APPLICABLE BOROUGH CODES. APPLICATIONS SHALL INCLUDE APPROPRIATE SITE PLANS AND NECESSARY TEXTUAL DESCRIPTIONS TO DEPICT AND DESCRIBE THE LOCATION, SETBACKS, DIMENSIONS, HEIGHT, BULK, AREA, FLOOR PLANS,

LAYOUT, APPEARANCE, MATERIALS, USE, STANDARDS OF CONSTRUCTION, OPERATIONS, MITIGATION METHODS FOR NEGATIVE IMPACTS, SCHEDULES, AND ALL OTHER ASPECTS OF THE PROPOSAL NECESSARY TO SHOW THE PROPOSED CONSTRUCTION NEEDED TO DETERMINE COMPLIANCE WITH BOROUGH CODE.

(2) THE APPLICATION SHALL BE ACCOMPANIED BY AN APPLICATION FEE AS REQUIRED UNDER MSB 17.99.

(E) SITE PLAN AND TECHNICAL DRAWING REQUIREMENTS SHALL BE SIGNED AND SEALED BY A PROFESSIONAL LAND SURVEYOR, CIVIL ENGINEER, OR ARCHITECT OR LANDSCAPE ARCHITECT REGISTERED IN ALASKA AS APPROPRIATE TO THE DRAWING.

(F) PROPOSALS FOR DEVELOPMENT SHALL DEMONSTRATE THAT ADEQUATE STREET CAPACITY WILL BE PROVIDED AND DESCRIBE ANY TRAFFIC CONTROL MEASURES PROPOSED TO MITIGATE NEGATIVE TRAFFIC EFFECTS ON PUBLIC RIGHTS-OF-WAY. PROPOSALS MUST INCLUDE:

(1) A STATEMENT DESCRIBING ANTICIPATED VEHICULAR TRAFFIC TO AND FROM THE SITE INCLUDING PROBABLE TYPES/SIZE OF VEHICLES TO BE USED BY THE BUSINESS, AND VEHICLE GENERATION RATE BASED ON STANDARD TRIP GENERATION TABLES; AND MAY REQUIRE

(2) A TRAFFIC IMPACT ANALYSIS (TIA) WHERE APPLICANT ESTABLISHES THAT PROPOSED DEVELOPMENT WILL

GENERATE MORE THAN 200 AVERAGE DAILY TRAFFIC TRIPS, OR MORE THAN 100 TRUCK TRIPS PER DAY.

(G) THE MANAGER OR DESIGNEE WILL NOTIFY SURROUNDING PROPERTY OWNERS IN ACCORDANCE WITH MSB 17.03, PUBLIC NOTIFICATION. NOTICE WILL ALSO BE GIVEN TO THE PORT COMMISSION. ANY CONCERNS RAISED WILL BE CONSIDERED IN PROCESSING THE APPLICATION, AS DEEMED APPROPRIATE BY THE MANAGER OR HIS DESIGNEE, TO PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE. A COMPLETE PORT DEVELOPMENT PERMIT APPLICATION SHALL BE ACTED UPON WITHIN 45 CALENDAR DAYS OF RECEIPT BY THE DEPARTMENT.]

Section 8. Repeal of section. MSB 17.23.160 is hereby repealed in its entirety:

[UPON DETERMINATION THAT A COMPLETE APPLICATION HAS BEEN RECEIVED, THE BOROUGH MANAGER SHALL COMMENCE REVIEW OF THE PROJECT FOR CONFORMANCE WITH ALL APPLICABLE CODES AND THE PORT MASTER PLAN. AN APPLICATION IS DEEMED COMPLETE WHEN ALL OF THE MATERIAL LISTED IN MSB 17.23.150(D), (E), AND (F) HAS BEEN RECEIVED BY THE BOROUGH MANAGER.]

Section 9. Repeal of section. MSB 17.23.165 is hereby repealed in its entirety:

[(A) UNLESS OTHERWISE SPECIFIED FOR CAUSE, A PERMIT SHALL TERMINATE TWO YEARS FROM THE DATE OF ISSUANCE IF

THE SUBJECT DEVELOPMENT OR USE HAS NOT COMMENCED. UNLESS OTHERWISE SPECIFIED FOR CAUSE, A PORT DEVELOPMENT PERMIT SHALL TERMINATE 30 CALENDAR DAYS AFTER WRITTEN NOTICE FROM THE BOROUGH TO THE APPLICANT OF DETERMINATION BY THE BOROUGH THAT SUBSTANTIAL CONSTRUCTION HAS NOT OCCURRED ON THE PERMITTED DEVELOPMENT FOR 24 CONSECUTIVE MONTHS.

(B) UPON COMPLETION OF CONSTRUCTION AUTHORIZED BY A PERMIT ISSUED UNDER THIS CHAPTER, THE PERMITTEE SHALL NOTIFY THE BOROUGH MANAGER IN WRITING OF COMPLETION. THE BOROUGH MAY INSPECT THE SITE TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THE PERMIT.

(C) PRIOR TO CONSTRUCTION OF ANY STRUCTURE SUBJECT TO STATE FIRE CODES, THE PERMITTEE SHALL OBTAIN A STATE OF ALASKA FIRE MARSHAL APPROVAL AND SUBMIT A COPY OF THE APPROVAL TO THE BOROUGH MANAGER.

(D) THE BOROUGH MANAGER MAY APPROVE AN APPLICATION SUBJECT TO ANY CONDITIONS THAT ARE NECESSARY TO IMPLEMENT THE PURPOSES OF THIS TITLE, OR CONFORM THE APPLICATION TO THIS TITLE OR OTHER APPLICABLE STATUTES OR ORDINANCES.]

Section 10. Repeal of section. MSB 17.23.175 is hereby repealed in its entirety:

[ (A) IN CONSIDERING PORT DEVELOPMENT PERMIT

APPLICATIONS FOR JUNKYARDS, THE MANAGER SHALL TAKE THE FOLLOWING INTO ACCOUNT:

(1) THE NATURE AND DEVELOPMENT OF SURROUNDING PROPERTIES;

(2) THE NEED TO PROTECT THE LOCAL ECONOMY, ADJACENT LAND OWNERS, AND THE MOTORING PUBLIC FROM ECONOMICALLY DEPRESSING AND UNSIGHTLY ROADSIDE LOCATIONS;

(3) THE PROXIMITY OF CHURCHES, SCHOOLS, HOSPITALS, PUBLIC BUILDINGS, RECREATION AREAS, OR OTHER PLACES OF PUBLIC GATHERING;

(4) THE SUFFICIENCY IN NUMBER OF OTHER SIMILAR BUSINESS ESTABLISHMENTS IN THE VICINITY;

(5) THE ADEQUACY OF FENCES AND OTHER TYPES OF ENCLOSURES TO PREVENT THE UNSIGHTLY DISPLAY OF A JUNKYARD;

(6) THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE PUBLIC;

(7) WHETHER ADEQUATE PROTECTIONS ARE IN PLACE TO PREVENT CONTAMINATION OF SOIL, SURFACE WATER AND GROUNDWATER; AND

(8) THE SUITABILITY OF THE APPLICANT TO ESTABLISH, MAINTAIN, OR OPERATE THE PROPOSED USE UNDER THE REQUIREMENTS OF THIS CHAPTER.

(a) SUITABILITY OF THE APPLICANT SHALL BE BASED UPON THE APPLICANT'S HISTORY OF COMPLIANCE WITH RELEVANT LOCAL, STATE, AND FEDERAL LAWS.

(b) REVIEW FOR SUITABILITY SHALL BE LIMITED TO NO MORE THAN FIVE YEARS PRECEDING THE APPLICATION.]

Section 11. Repeal of section. MSB 17.23.195 is hereby repealed in its entirety:

[(A) GENERAL PROVISIONS. IT IS THE RESPONSIBILITY OF THE APPLICANT TO PROVIDE SUFFICIENT OFF-STREET VEHICLE AND EQUIPMENT PARKING, LOADING, AND STORAGE FACILITIES FOR THE SUBJECT USE. IT IS THE RESPONSIBILITY OF THE PERMITTEE TO DETERMINE THE APPROPRIATE NUMBER OF REQUIRED SPACES FOR PROPOSED USES AND ENSURE THEY ARE PROVIDED AND MAINTAINED. IN THE EVENT THE PROVIDED NUMBER OF PARKING SPACES PROVES TO BE INSUFFICIENT TO SERVE THE USE, IT IS THE RESPONSIBILITY OF THE PERMITTEE TO IMMEDIATELY PROVIDE ADDITIONAL PARKING AS REQUIRED BY THIS CHAPTER SUFFICIENT TO ELIMINATE THE NEED FOR PARKING OR LOADING TO OCCUR ON THE STREET.]

Section 12. Repeal of section. MSB 17.23.200 is hereby repealed in its entirety:

[(A) LANDSCAPING AND BUFFERS SHALL BE CONSISTENT WITH THE POINT MACKENZIE PORT MASTER PLAN. USE OF NATIVE

SPECIES IS ENCOURAGED. EXISTING VEGETATION MAY PROVIDE THE REQUIRED BUFFER SCREENING. THIS SECTION IS INTENDED TO:

(1) REDUCE INCOMPATIBILITY OF USES BY REQUIRING A SCREEN OR BUFFER TO MINIMIZE THE HARMFUL IMPACT OF WIND, EROSION, FLOODING, NOISE, DUST, ODOR, GLARE OR ARTIFICIAL LIGHT INTRUSION, AND OTHER IMPACTS CREATED BY NEARBY USES;

(2) ALLOW THE SURROUNDING LANDS TO ACT AS A NATURAL DRAINAGE SYSTEM AND AMELIORATE STORM WATER DRAINAGE PROBLEMS, REDUCE THE HARMFUL EFFECTS TO UNDERGROUND WATER RESERVOIRS, PERMIT THE RETURN OF PRECIPITATION TO THE GROUND WATER STRATA; AND

(3) ENHANCE THE APPEARANCE OF INDUSTRIAL USES, PARKING LOTS, STORAGE YARDS, AND ENHANCE PROPERTY VALUE IN THE AREA.

(B) STANDARDS FOR LANDSCAPING AND SCREENING MAY BE WAIVED, MODIFIED, OR INCREASED BY THE BOROUGH MANAGER UPON FINDING THE CHANGE IS NECESSARY OR APPROPRIATE TO IMPLEMENT THE PURPOSE AND INTENT OF THIS SECTION. GENERALLY, USE OF TOPOGRAPHIC FEATURES, FENCES, WALLS, ARCHITECTURAL FEATURES, OR DIFFERENT LOCATIONS FOR SCREENING WILL BE REQUIRED IN LIEU OF THE LISTED STANDARDS.

(C) THE PERMITTEE, HIS AGENTS AND ASSIGNS, SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF ALL LANDSCAPING AND SCREENING REQUIRED BY THE PROVISIONS OF THIS SECTION. ALL VEGETATION SHALL BE TENDED AND MAINTAINED IN A HEALTHY GROWING CONDITION, REPLACED WHEN NECESSARY AND KEPT FREE OF REFUSE AND DEBRIS. FENCES, WALLS, AND OTHER STRUCTURES SHALL BE MAINTAINED IN GOOD REPAIR.]

Section 13. Repeal of section. MSB 17.23.210 is hereby repealed in its entirety:

[OFF-PREMISES SIGNS OF LESSEES ARE PERMITTED WITHIN THE PORT DISTRICT IN ACCORDANCE WITH THE PERMIT ISSUED BY THE BOROUGH MANAGER. IN NO EVENT SHALL AN OFF-SITE SIGN EXCEED 32 SQUARE FEET IN AREA NOR BE MORE THAN 15 FEET IN HEIGHT. A PORT DISTRICT DIRECTORY AND MAP MAY BE PROVIDED BY THE BOROUGH AT THE ENTRANCE TO THE DISTRICT.]

Section 14. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2025.

\_\_\_\_\_  
EDNA DeVRIES, Borough Mayor

ATTEST:

---

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)