

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-068**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING CHAPTER 2.38: COMMUNITY DEVELOPMENT DEPARTMENT, TITLE 18, RELATED TO THE PORT DISTRICT, AND TITLE 23, RELATED TO LAND MANAGEMENT, TO REASSIGN RESPONSIBILITY FOR ADMINISTERING LAND SELECTION, MANAGEMENT AND DEVELOPMENT FOR PORT MACKENZIE

WHEREAS, currently the Community Development Department administers land selection, management and development for the entire borough, including Port MacKenzie; and

WHEREAS, it would serve the purposes of the Matanuska-Susitna Borough to instead have port administration oversee all aspects of Borough real property located within the port district.

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 2.38.020(3) is hereby amended to read as follows:

(3) administration of land selection, management, development and disposal of borough lands, **excluding lands within the boundaries of the port district as designated in MSB 18.02.020,** and management of tax foreclosed properties; and

Section 3. Amendment of section. MSB 18.02.010 is hereby

amended to read as follows:

18.02.010 ADMINISTRATION, MANAGEMENT, DEVELOPMENT, AND USE.

(A) The administration, management and development of borough lands within the area defined as port district shall be managed by the borough manager or designee with due consideration of the recommendations of the port commission. The manager or designee, in consultation with the port commission, shall be responsible for the promotion and lease of this land for commercial or industrial use. The use of port district land shall be in accordance with a master plan identified in MSB 15.25.030(F).

(B) Notwithstanding other titles of the borough code, the form and substance of all leases in the port district shall be approved by the borough assembly by ordinance. All terms and conditions of proposed leases will be developed and forwarded by the borough manager to the assembly. Land use permits without assembly approval for a period of time under 18 months are allowed in addition to leases with manager approval.

[(C) ALL PROPOSED LEASES WITHIN THE PORT DISTRICT SHALL BE PRESENTED TO THE ASSEMBLY FOR CONSIDERATION NO MORE THAN 60 DAYS FOLLOWING COMPLETION OF THE SURVEY AND APPRAISAL OF PROPOSED LEASE.]

(D) The borough manager or designee and the chair of

the port commission will provide an oral report to the assembly twice a year on port activities.

Section 4. Amendment of section. MSB 18.10.010 is hereby amended to read as follows:

(A) The intent of this chapter is to:

- (1) provide for timely development;
- (2) stimulate development of transportation and other infrastructure;
- (3) have the ability to spread road building costs among benefiting parties;
- (4) spread road building and improvement costs over a reasonable time;
- (5) implement the recommendations of the Point MacKenzie port master plan; [AND]
- (6) allow leasing of land that encourages port development[.]; and
- (7) allow land selection and management that encourages port development.**

(B) The purpose of this chapter is to:

- (1) provide for orderly development of a commercial and industrial port district;
- (2) provide for the ability to issue land leases with road construction and development to occur over a scheduled period of time; [AND]

(3) provide that road construction costs will be fairly allocated among the lessees[.]; and

(4) provide for the ability to administer land selection, management and development.

(C) Development of land within this development district shall be in accordance with this chapter.

(D) The requirements of this chapter may not address all approvals, permits, and authorizations required for a use or development. It shall be the responsibility of the applicant to identify and comply with all necessary laws, regulations, policies and procedures of the borough, any applicable plat notes, or restrictions.

Section 5. Enactment of section. MSB 18.10.080 is hereby enacted to read as follows:

18.10.080 LAND MANAGEMENT STANDARDS

The land management, acquisition, and development standards applicable to the port district are specified in the Land and Resource Management Division Policy and Procedures Manual adopted pursuant to MSB 23.05.020(C).

Section 6. Enactment of section. MSB 18.10.090 is hereby enacted to read as follows:

18.10.090 PORT DISTRICT ENTERPRISE FUND

(A) All money derived from the lease or use of real property within the port district to which the borough

has title, or which the borough has selected, and from the sale of timber, gravel, or other resources taken or extracted from such real property, shall be deposited in the port district enterprise fund.

Section 7. Amendment of section. MSB 23.05.070 is hereby amended to read as follows:

(A) All money derived from the sale, lease or use of real property to which the borough has title, or which the borough has selected, and from the sale of timber, gravel, or other resources taken or extracted from such real property, shall be deposited in the land management fund which is hereby established, except that such money derived from the port district shall be deposited into the port district land management fund in accordance with MSB 18.10.090.

(B) There is established a permanent fund of the Matanuska-Susitna Borough as a subaccount of the land management fund. Annually the assembly shall appropriate to the permanent fund subaccount, prior to appropriating any funds to other accounts, 25 percent of all receipts from the sale, lease, or use of any borough real property asset made in the preceding fiscal year. The assembly may only appropriate interest earnings of the permanent fund, if any, for land management activities within any

given year.

[(C) THERE IS ESTABLISHED A PORT DEVELOPMENT FUND OF THE BOROUGH AS A SUBACCOUNT OF THE LAND MANAGEMENT FUND. ANNUALLY THE ASSEMBLY MAY APPROPRIATE TO THE PORT DEVELOPMENT SUBACCOUNT A PORTION OF THE REVENUE AVAILABLE FOR APPROPRIATION WITHIN THE LAND MANAGEMENT FUND. SUCH REVENUE IS TO BE USED TO DISCHARGE ALL OR A PORTION OF THE ANNUAL PAYMENT FOR OUTSTANDING PORT-RELATED GENERAL OBLIGATION BONDS.]

(D) Land management fund money shall be spent or disbursed as appropriated by the assembly and shall be appropriated for the following purposes only:

- (1) funding of the established subaccounts of the land management fund;
- (2) capital improvements including, but not limited to, schools, trails, roads, streets, buildings, port infrastructure, harbors, air fields, park acquisition and development, utilities and property acquisition;
- (3) for the administration of the borough land selection and real property management program, including survey, engineering, and other costs related to lease, sale, or disposal of such real property; and

(4) the maintenance of real property management records.

(E) The manager shall make public an accounting of the funds deposited into the land management fund from sales, leases, or transfers of borough-owned real property on an annual basis via an informational memorandum to the borough assembly. The informational memorandum will contain at a minimum an accounting of the fair market value of any borough-owned land and resource obligated, disposed of, or otherwise encumbered regardless of purpose, when these revenues are not deposited in the land management fund.

Section 8. 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)