

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING THE APPLICABILITY OF MSB 17.60, CONDITIONAL USES, TO EXEMPT CONDITIONAL USE PERMITTING REQUIREMENTS WITHIN THE PORT MACKENZIE SPECIAL USE DISTRICT AND ADDING STANDARDS REQUIRED BY STATE LAW TO MSB 17.60 AND MSB 17.23 PORT MACKENZIE SPECIAL LAND USE DISTRICT.

AGENDA OF: August 7, 2018

ASSEMBLY ACTION:

Adopted with McKee & Leonard
Opposed 8-21-18 ~~BS~~

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator - A. Strawn	AS	
	Planning and Land Use Director	EP	
	Community Development Director	JS	
	Port Director	HMS	
	Borough Attorney	MS	
	Borough Clerk		

ATTACHMENT(S): Fiscal Note: YES ____ NO X

Attorney Memo dated July 10, 2018 (1p)

MSB 17.23 (12 pp)

MSB 17.60 (11 pp)

Alaska Statute 8.60 (4 pp)

Alaska Statute 19.27 (5 pp)

Planning Commission Resolution 18-12 (3 pp)

Port Commission Resolution 18-02 (3 pp)

Ordinance Serial No. 18-030 (4 pp)

SUMMARY STATEMENT:

This ordinance will streamline the permit process for development within the port and add provisions required by state law to MSB 17.60 and MSB 17.23.

The type of land use development typically attracted to the Port

District are commercial or industrial in nature. To ensure developments within the Port District are appropriate, a Port Development Permit in accordance with MSB 17.23 is required for any project being proposed within the district. The Port Development Permit is an administrative process which is ultimately approved by the Borough Manager and is largely duplicative of Conditional Use Permits required by MSB 17.60.

In addition to a Port Development Permit, Port District properties owned exclusively by the Matanuska-Susitna Borough require a land use permit or lease agreement pursuant to MSB Title 23, depending on the duration of the use.

MSB 17.60 regulates junkyards/refuse areas, correctional community residential centers, marijuana retail facilities, and marijuana cultivation facilities. Junkyard/refuse are subject state law (AS 08.06) which requires the Borough to take into account the following:

1. the nature and development of surrounding property;
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 junk yard;
6. the health, safety, and general welfare of the public;
7. the suitability of the applicant to establish, maintain, or operate the business under AS 08.60.050 - 08.60.100.

This ordinance will add the applicable state standards to both MSB 17.60 and MSB 17.23.

On May 7, 2018 the MSB Planning Commission adopted Resolution 18-12, a resolution recommending approval of this ordinance.

On May 21, 2018 the Port Commission adopted Resolution 18-02, a resolution recommending approval of this ordinance with an additional recommendation that the suitability of an applicant looks back a minimum of five years instead of three. The recommendation of the Commission is reflected in the Ordinance 18-030.

RECOMMENDATION OF ADMINISTRATION:

Staff respectfully recommends approval of Assembly Ordinance 18-030.



MATANUSKA-SUSITNA BOROUGH

Borough Attorney's Office

Nicholas Spiropoulos, Borough Attorney
350 East Dahlia Avenue • Palmer, Alaska 99645-6488
Telephone (907) 861-8677 • Facsimile (907) 861-8559
www.matsugov.us

MEMORANDUM

DATE: July 10, 2018

TO: Borough Assembly

Through: Nicholas Spiropoulos, Borough Attorney *NS*

FROM: Shannon Bodolay, Assistant Borough Attorney *SNB*

SUBJECT: Ordinance Serial No. 18-030
Informational Memorandum No. 18-060

This Ordinance was considered by the Planning Commission on May 7, 2018. Thereafter, the Borough Attorney's Office identified two additional changes that would facilitate the protection of due process because it is a zoning ordinance. More specifically, the Borough Attorney's Office and the Planning Department worked together to amend the proposed Ordinance to include a public notice process, and to clarify that a decision can be appealed to the Board of Adjustment and Appeals.

CHAPTER 17.23: PORT MACKENZIE SPECIAL USE DISTRICT

Section

- 17.23.010 Intent and purpose
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- 17.23.130 Waterfront dependent district (WDD)
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- 17.23.140 Terminal moraine district (TMD) [Repealed]
- 17.23.141 *Port industrial district IMD (PID-IMD) [Repealed]*
- 17.23.145 *Unzoned remainder [Repealed]*
- 17.23.150 Development permit required
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17.23.010 INTENT AND PURPOSE.

(A) The intent of this chapter is to:

- (1) protect the public health, safety, and general welfare;
- (2) provide for orderly development;
- (3) stimulate systematic development of transportation, public facilities, and other infrastructure;
- (4) implement the recommendations of the Point MacKenzie port master plan; and
- (5) regulate nuisances.

(B) The purpose of this chapter is to:

- (1) provide for orderly development of a port and related industrial district;
- (2) provide for a sufficient water area to allow vessel movement, maneuvering, docking, servicing, and product handling;

- (3) provide for sufficient land area to accommodate factories, industrial uses, processing plants, service facilities, and circulation routes needed for port development;
- (4) maximize employment opportunities;
- (5) obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and
- (6) to provide reasonable flexibility for expansion and change in use.

(C) Use of land within this special land use 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, state, and federal government, any applicable plat notes, and other private covenants or restrictions.

(Ord. 00-154, § 2 (part), 2000)

17.23.020 ESTABLISHMENT OF DISTRICT BOUNDARIES.

This chapter is to establish consistency between the approved boundaries and definitions for the Port MacKenzie special use district, the Point MacKenzie port master plan, and the area meriting special attention (AMSA), for the application of the Port MacKenzie special use district authorities.

(Ord. 00-154, § 2 (part), 2000)

17.23.030 AMENDMENTS.

The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed pursuant to the requirements of MSB 15.24. Any amendments shall be consistent with the Point MacKenzie port master plan, the Matanuska-Susitna coastal management plan, including the area meriting special attention (AMSA), and other applicable borough, state, and federal land use plans and subsequent amendments.

(Ord. 00-154, § 2 (part), 2000)

17.23.040 CONFORMANCE REQUIRED.

(A) No building, structure, land, or water area located within the Port MacKenzie special use district, hereinafter referred to as "the district," shall be used or occupied, and no building, structure, or part thereof shall hereafter be erected except in conformity with the regulations specified in this chapter.

(B) Except where otherwise specified, the requirements of this chapter are cumulative to the other requirements of borough code.

(C) Where conflicting codes occur, the provisions of this chapter shall apply.

(Ord. 11-133, § 3, 2011; Ord. 00-154, § 2 (part), 2000)

17.23.050 FEES.

Fees required under this chapter will be established in accordance with MSB 17.99.

(Ord. 00-154, § 2 (part), 2000)

17.23.060 ALLOWED PRINCIPAL AND ACCESSORY USES, PROHIBITED USES.

(A) All uses authorized under borough code are allowed within the district unless specifically prohibited by this chapter. Accessory uses that are normal and customary to authorized uses are allowed on the same lot as the principal use.

(1) Worker construction camps are allowed for the term of a project.

(B) The following uses are prohibited within the district:

(1) adult businesses;

(2) alcoholic beverage sales;

(3) correctional community residential centers;

(4) race tracks; and

(5) residential dwelling units.

(Ord. 11-133, § 4, 2011; Ord. 00-154, § 2 (part), 2000)

17.23.100 PORT DISTRICTS ESTABLISHED.

(A) The total boundaries of the area covered in this chapter will be identical to the port boundaries established by MSB 18.02.020, Boundaries. For purposes of this chapter, the special use district will be defined as port industrial district - one (PID-I), port industrial district - two (PID-II), waterfront dependent district (WDD), the port commercial district (PCD), and the port conversion district (CD).

(B) *[Repealed by Ord. 09-120, § 2, 2009].*

(C) The boundaries of these districts will remain unchanged, regardless of ownership, subdivision action, or changes to other service district, city, or community council boundaries, unless so changed by official ordinance within this section.

(Ord. 11-133, § 5, 2011; Ord. 09-120, § 2, 2009; Ord. 05-143, § 3, 2005; Ord. 00-154, § 2 (part), 2000)

17.23.105 PORT COMMERCIAL DISTRICT (PCD).

(A) The following areas located within the port district are designated port commercial district subject to the provisions of this chapter:

All of Section 14, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting the N 1/2 of N 1/2 of Section 14, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; the S 1/2 of Section 15, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; that portion of the E 1/2 E 1/2 of Section 22, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies north of and to the centerline of W Point Mackenzie Road; that portion of the W 1/2 of Section 23, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies north of and to the centerline of W Point Mackenzie Road.

(B) The PCD is designated for port-related commercial and light industrial land uses intended primarily to support water-dependent and water-related uses as allowed principal uses. Uses not related to marine/rail-related land uses in the district are discouraged. This district is intended to accommodate low to moderate intensity office and industrial parks, which are generally developed as commercial subdivisions. The location, type, scale and density/intensity of supporting and secondary uses shall be compatible with the Port Master Plan, and the overall character of the existing, as well as the proposed future development of the area.

(C) Allowed principal uses and structures are as follows:

- (1) professional and business offices;
- (2) light, medium, and heavy assembly and manufacturing;
- (3) warehousing, wholesaling, distribution, and similar uses, and light manufacturing, fabrication, and assembling of components;
- (4) packaging and processing;
- (5) non-retail manufacturing agent and display rooms, offices of building trades contractor (not including outside storage or use of a vehicle in excess of one-ton capacity or any equipment, machinery, ditching machines, tractors, bulldozers, or other heavy construction equipment);
- (6) storage/warehousing excluding bulk storage of liquids;
- (7) transportation terminals including freight terminals;
- (8) vocational, technical, business, trade or industrial schools, and similar uses;
- (9) transmission and relay towers;
- (10) natural resource extraction, processing, and refining; and
- (11) essential services, including water, sewer, gas, telephone, radio, and electric.

(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.

(E) *Minimum lot area and width requirements.*

(1) Lots intended to be serviced by septic tanks shall have at least 10,000 square feet of building area and 10,000 square feet of contiguous useable septic area surrounded by a well exclusion area extending 150 feet from the perimeter of the septic area for wells intended to serve no more than 24 people, otherwise the well exclusion area extends 200 feet.

(F) There is no maximum lot coverage requirement.

(Ord. 13-043, § 4, 2013; Ord. 11-133, § 8, 2011)

17.23.110 PORT INDUSTRIAL DISTRICT - ONE (PID-I)

(A) The following areas located within the port district are designated port industrial district - one (PID-I) land use district subject to the provisions of this chapter:

That portion of Section 20 and Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies northeasterly of a line from the NW corner of Section 20 to the SE corner of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting that portion of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA lying northeasterly above and to the centerline of W Point Mackenzie Road; all of Section 22, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting the E 1/2 E 1/2 lying northerly above and to the centerline of W Point Mackenzie Road; all of Section 23, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA except the W 1/2 lying northerly above and to the centerline of W Point Mackenzie Road; All of Section 24, excepting Lot 1 and NE 1/4 NW 1/4 NW 1/4 Section 24, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA;

all of Section 25, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 26, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 27, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA.

(B) The PID-I district is designated for port uses necessary to operate a commercial/industrial port. This district is reserved and shall not be committed to non-port-related uses.

(C) Permitted 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 uses which are directly necessary to conduct those permitted uses at the site;
- (11) natural resource extraction only as part of an approved plan to prepare sites for portrelated development;
- (12) public safety and government services, public lands, and institutions.

(D) Permits within the PID-I will be reviewed by the borough manager for approval or disapproval.

(Ord. 13-043, § 2, 2013; Ord. 11-133, § 7, 2011; Ord. 09-120, § 3, 2009; Ord. 00-154, § 2 (part), 2000)

17.23.120 PORT INDUSTRIAL DISTRICT - TWO (PID-II).

(A) The following areas located within the port district are designated port industrial district - two (PID-II) land use district subject to the provisions of this chapter:

All of Section 12, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting Lot 1 and Lot 2, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 13, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting Lot 4, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA and excepting a leased parcel recorded in Book 161 at Page 435 in the Palmer Recording District; that portion of Section 20 and Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies southwesterly of a line from the NW corner of Section 20 to the SE corner of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; that portion of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies northerly and easterly above and to the centerline of W Point Mackenzie Road; all of Section 28, TOWNSHIP 14 NORTH,

RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 29, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting the S 1/2 SW 1/4 Section 29, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; N 1/2 NE 1/4 Section 33, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; N 1/2 NW 1/4 and NE 1/4 and N 1/2 SE 1/4 Section 34, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; W 1/2 NW 1/4 and W 1/2 NW 1/4 SW 1/4 Section 35, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA.

(B) The PID-II district is designated for uses that have port-related activities, support port-related activities, are necessary to operate a commercial or industrial facility, or serve a public need.

(C) Permitted 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, conveyor, 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 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.

(Ord. 13-043, § 3, 2013; Ord. 11-133, § 8, 2011; Ord. 09-120, § 4, 2009; Ord. 00-154, § 2 (part), 2000)

17.23.130 WATERFRONT DEPENDENT DISTRICT (WDD).

(A) The following area within the district is designated waterfront dependent (WDD) land use district subject to the provisions of this chapter: land and water comprising the tidelands and submerged lands described in MSB 18.02.020(D).

(B) The WDD is designated for waterfront uses necessary to operate a commercial/industrial port. This district is reserved and shall not be committed to nonport uses.

(C) Permitted 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 uses which are directly necessary to conduct those permitted 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.
- (D) Activities within the WDD will be reviewed by the borough manager for approval or disapproval.

(Ord. 13-043, § 5, 2013; Ord. 00-154, § 2 (part), 2000)

17.23.135 CONSERVATION DISTRICT (CD).

- (A) The following areas located within the port district are designated port conservation district (CD) land use district subject to the provisions of this chapter:

All of Section 10 and Section 11, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA;
N1/2 N1/2, Section 14, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; N1/2, Section
15, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA.

- (B) The CD is designated to protect resources and functional values that have been identified by the borough as providing benefits to the public. This district is reserved and shall not be committed to non-port-related uses.

- (C) Permitted 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.

- (D) Prohibited uses in the CD include those that result in alteration of watercourses, dumping of trash, soil, dirt, fill, vegetative, or other debris, regrading, or construction.

(Ord. 13-043, § 6, 2013; Ord. 11-133, § 9, 2011)

17.23.140 Terminal moraine district (TMD). [Repealed by Ord. 05-143, § 4, 2005]

17.23.141 Port industrial district IMD (PID-IMD). [Repealed by Ord. 11-133, § 10, 2011]

17.23.145 Unzoned remainder. [Repealed by Ord. 11-133, § 11, 2011]

17.23.150 DEVELOPMENT PERMIT REQUIRED.

(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) A complete port development permit application shall be acted upon within 45 calendar days of receipt by the department.

(Ord. 11-146, §§ 2—6, 2011; Ord. 11-133, § 12, 2011; Ord. 00-154, § 2 (part), 2000)

17.23.160 PERMIT APPLICATION REVIEW.

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.

(Ord. 00-154, § 2 (part), 2000)

17.23.165 PERMIT STANDARDS.

(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.

(Ord. 11-146, § 7, 2011; Ord. 00-154, § 2 (part), 2000)

17.23.170 SETBACKS.

(A) Minimum structural setback requirements are prescribed in MSB 17.55.

(B) Structures which are subject to minimum setbacks from lot lines shall also be separated from each other by a minimum of ten feet or as required by the national fire code, most recent edition adopted by Alaska.

(C) All non-water dependent driveways, vehicle parking areas, loading facilities, and vehicle or equipment storage areas shall be set back a minimum of 75 feet from any water body except:

(1) within the PID-I and WDD districts; and

(2) that such facilities shall be set back a minimum of 200 feet from the ordinary high water mark of Lake Lorraine.

(Ord. 11-133, § 13, 2011; Ord. 00-154, § 2 (part), 2000)

17.23.180 STREET INTERSECTION VISIBILITY.

(A) Fences, walls, hedges, or other plantings or structures erected, planted, or placed within a triangular area formed by intersecting right-of-way lines at a corner shall be designed to provide the minimum corner sight distance

as specified in the borough subdivision construction manual as adopted, or revised.

(B) Precautions shall be taken so as not to obscure visibility of oncoming cars or passing pedestrians and vehicles backing out of driveways or parking lots onto public rights-of-way.

(Ord. 00-154, § 2 (part), 2000)

17.23.190 ROAD STANDARDS.

(A) The purpose of the following provisions is to establish standards for the design of streets in the district that will promote the safety and convenience of vehicular traffic, minimize the cost of street construction, and minimize the long-term cost for maintenance and repair of streets thereby encouraging appropriate development of the lands within the district.

(B) Each proposed street within the district shall be designed for its entire length to meet or exceed the minimum standard. These standards shall be applicable to the design and construction of all new commercial/industrial streets within this special land use district.

(C) Engineering criteria are:

(1) The road surface of all streets shall be no less than 24 feet in width and designed to provide two continuous moving lanes within which no parking is permitted;

(2) The road cross section shall provide two feet of structural gravel with additional design necessary based on the sub-grade materials;

(3) The top six inches of the road prism shall be gravel no larger than two inches and contain 5 percent to 15 percent fines;

(4) Roads 1,400 feet or more in length shall meet or exceed the design criteria for a roadway speed of 35 miles per hour; and

(5) Roads less than 1,400 feet in length shall meet or exceed the design criteria for a roadway speed of 25 miles per hour.

(Ord. 00-154, § 2 (part), 2000)

17.23.195 PARKING AND LOADING FACILITIES.

(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.

(Ord. 00-154, § 2 (part), 2000)

17.23.200 LANDSCAPING AND BUFFER SCREENING.

(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. (Ord. 00-154, § 2 (part), 2000)

17.23.210 SIGNS.

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.

(Ord. 00-154, § 2 (part), 2000)

17.23.220 VARIANCES.

Applications and procedures for obtaining variances from standards of this chapter shall be as prescribed in MSB 18.01.030.

(Ord. 00-154, § 2 (part), 2000)

17.23.230 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Unless specified otherwise, any violation of this chapter is an infraction.

(B) *[Repealed by Ord. 17-103, § 9, 2017]*

(C) Enforcement of the provisions of this chapter and associated penalties shall be consistent with the terms and conditions of MSB 1.45.

(D) *[Repealed by Ord. 17-103, § 9, 2017]*

(Ord. 17-103, § 9, 2017; Ord. 00-154, § 2 (part), 2000)

17.23.240 SCHEDULE OF FINES.

Minimum fines for infractions of this chapter will be \$100 per violation, unless otherwise specified by code.

(Ord. 00-154, § 2 (part), 2000)

17.23.250 APPEALS.

Appeals from decisions of the port commission may be made under the provisions of MSB 15.39. Only an adjacent property owner or competing applicant who is directly affected by the decision may appeal.

(Ord. 00-154, § 2 (part), 2000)

The Matanuska-Susitna Borough Code is current through Ordinance 18-005, passed February 6, 2018, and other legislation passed January 2, 2018.

Disclaimer: The Borough Clerk's Office has the official version of the Matanuska-Susitna Borough Code. Users should contact the Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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CHAPTER 17.60: CONDITIONAL USES

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17.60.010 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(0.5) *[Repealed by Ord. 11-074, § 4, 2011]*

(0.7) *[Repealed by Ord. 11-074, § 4, 2011]*

- "Automobile wrecking" means the dismantling or wrecking of automobiles or other motor vehicles and the storage or keeping for commercial sale of dismantled or wrecked automobiles or the parts resulting from such activity.
- "Automobile wrecking yard" means the location within which the activity of automobile wrecking for commercial or public use is present.
- "Commercial" means any activity where goods or services are offered or provided for sale or profit.
- "Commission" means the planning commission of the Matanuska-Susitna Borough.
- "Correctional community residential center (CCRC)" means a community residential center, other than a correctional institution, for the short-term or temporary detention of prisoners in transition from a correctional institution, performing restitution, or undergoing rehabilitation or recovery from a legal infirmity. CCRCs may not be used for detention of prisoners who pose a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or 24-hour physical supervision. The determination of whether a prisoner poses a threat or danger to the public for violent or sexual misconduct without imprisonment or physical

confinement under guard or 24-hour physical supervision shall be made by the commissioner of corrections for state prisoners and the United States Attorney General, or the U.S. Director of Bureau of Prisons for federal prisoners.

- "Correctional institution" means a facility other than a correctional community residential center providing for the imprisonment or physical confinement or detention of prisoners under guard or 24-hour physical supervision, such as prisons, prison farms, jails, reformatories, penitentiaries, houses of detention, detention centers, honor camps, and similar facilities.

- "Federal prisoners" means offenders in the custody or control or under the care or supervision of the United States Attorney General or the Bureau of Prisons.

- "Junk" means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals; it also includes wrecked automobiles, tools, implements, rags, used building materials, rubber, and paper. The above listed materials are not intended to be exclusive; "junk" may include any other materials that cannot, without further alteration and reconditioning, be used for their original purposes.

- "Junkyard/refuse area" means a location which is commercially used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping or sale of used, discarded, wrecked or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery, equipment, or parts thereof, including but not limited to, scrap metals, wood, lumber, plastic, fiber, or other tangible materials.

- "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include fiber produced from the stalks, cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink, or other products.

- "Marijuana cultivation facility" means an entity licensed to cultivate, prepare, package and sell marijuana to marijuana dispensaries, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

- "Marijuana product manufacturing facility" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

- "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

- "Marijuana retail facility" means an entity licensed to purchase marijuana or a marijuana product from a marijuana cultivation facility or marijuana product manufacturing facility and to sell marijuana and any approved marijuana product to a consumer.

- "Neighborhood" means an area of a community with characteristics which distinguish it from other community areas and which may include distinct economic characteristics, use patterns, schools, or boundaries defined by physical barriers such as major highways, railroads, or natural features such as rivers.

- "Net floor area" means the total of all floor areas of a building or lease area, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking, or loading.

- "Prisoner" means:

- (a) a person held under authority of state law in official detention as defined in AS 11.81.900;

(b) includes a juvenile committed to the custody of the Alaska Department of Corrections Commissioner when the juvenile has been charged, prosecuted, or convicted as an adult.

- "Recreation or youth center" means a building, structure, athletic playing field, or playground which is: (a) run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or (b) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.

(Ord. 16-003(SUB), § 2, 2016; Ord. 15-016, § 4, 2015; Ord. 12-157(SUB), § 3, 2013; Ord. 11-074, § 4, 2011; Ord. 99-093(AM), § 1, 1999; Ord. 97-084(AM), § 2, 1997; Ord. 96-003(SUB)(AM), § 2, 1996; Ord. 84-27, § 2 (part), 1984)

17.60.020 APPLICABILITY.

(A) This chapter applies in all areas of the borough including special land use districts and residential land use districts. Where this chapter is in conflict with the conditions of a special land use district or residential land use district, the most restrictive conditions shall apply.

(B) The requirements of this chapter apply to CCRCs within special land use districts, residential land use districts, and other areas outside the cities, which allow correctional group homes as a permitted or conditional use.

(C) This chapter does not apply to correctional residential supervision where only one person is required to remain during specified periods of every day for a specified term at his or her regular private residence or the private residence of another person into whose custody the supervised person has been placed by a judge or magistrate as in "house arrest" or as a condition of release while awaiting trial.

(D) This chapter does not apply within the cities of Houston, Palmer, or Wasilla.

(E) This chapter does not apply to state approved noncorrectional facilities such as substance abuse treatment programs, hospitals, or job training centers which are incidentally providing residential treatment, rehabilitative care, or training to persons in the custody of local, state, or federal corrections authorities. For purposes of this chapter "incidental" means 10 percent or less of the facility's authorized population, but allows one corrections custody resident if the facility is designed to provide residence for less than ten persons.

(Ord. 16-136, § 2, 2017; Ord. 96-003(SUB)(AM), § 3, 1996; Ord. 84-27, § 2 (part), 1984)

17.60.030 PERMIT REQUIRED.

(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare:

- (1) Junkyards and refuse areas;
- (2) correctional community residential centers;
- (3) *[Repealed by Ord. 16-003(SUB), § 3, 2016]*
- (4) marijuana retail facility as licensed under 3 AAC 306.005; and
- (5) marijuana cultivation facility licensed under 3 AAC 306.005.

(a) A single cultivation facility with less than 500 square feet under cultivation on any one parcel is exempt under this chapter.

(B) Such uses are permitted only upon the issuance of a conditional use permit, as provided in this chapter. Unless such uses are maintained under and in accordance with a lawfully issued permit, such uses are declared to be public nuisances. Maintenance of such a land use without a permit is prohibited.

(Ord. 16-136, § 3, 2017; Ord. 16-003(SUB), § 3, 2016; Ord. 15-016, § 5, 2015; Ord. 12-157(SUB), § 4, 2013; Ord. 11-074, § 6, 2011; Ord. 06-215, § 2, 2006; Ord. 99-093(AM), § 3, 1999; Ord. 97-084 (AM), § 3, 1997; Ord. 96-003(SUB)(AM), § 4, 1996; Ord. 84-27, § 2 (part), 1984)

17.60.040 APPLICATION PROCEDURES.

(A) *General.* An application to the planning commission for a conditional use or modification of an existing conditional use may be initiated by a property owner or the owners' authorized agent. An application for a conditional use shall be filed with the planning director on a form provided by the planning department.

(1) The application for a conditional use permit shall be accompanied by an appropriate filing fee as established by the assembly, payable to the borough.

(B) *Site plan.* A detailed site plan showing the proposed location of all buildings and structures on the site, access points, buffering, drainage, vehicular and pedestrian circulation patterns, parking areas, and the specific location of the use or uses to be made of the development shall be submitted with the application.

(C) *Action by planning commission.*

(1) The planning commission shall hear any interested parties and shall render a decision on the application for a conditional use permit within 30 calendar days from the date of public hearing. In recommending the granting of a conditional use, the planning commission shall state in writing the conditions of approval of the permit which it finds necessary to carry out the intent of this chapter. These conditions may increase the required lot size, control the location and number of vehicular access points to the property, require screening and land filling where necessary to reduce noise and glare, and may require the reclamation of property to a character in keeping with surrounding lands. The commission may impose other conditions and safeguards designed to ensure the compatibility of the conditional use with other lawful uses.

(2) The planning director shall incorporate any conditions or requirements stipulated by the commission in the conditional use permit.

(Ord. 99-093(AM), § 4, 1999; Ord. 93-045, § 2, 1993; Ord. 91-106, 1991)

17.60.100 GENERAL STANDARDS.

(A) A conditional use may be approved only if it meets with the requirements of this section in addition to any other standards required by this chapter.

(B) In granting a conditional use permit, the planning commission must make the following findings:

(1) the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area;

(2) that granting the conditional use permit will not be harmful to the public health, safety, convenience, and welfare;

(3) that sufficient setback, lot area, buffers, or other safeguards are being provided to meet the conditions listed in subsections (B)(1) through (3) of this section; and

(4) the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in this section.

(Ord. 84-27, § 2 (part), 1984)

17.60.110 JUNKYARDS AND REFUSE AREA STANDARDS.

(A) No junkyard or auto wrecking yard shall be established or operated unless the wrecking yard is completely obscured from the view of any traveled or public right-of-way. The permit may require the junkyard or auto wrecking yard not within a building to be contained within a continuous solid fence no less than eight feet in height, if such requirement is necessary to prevent the unsightly display of the yard or for public safety purposes. Fencing may be of one or a combination of the following:

- (1) conventional solid wood or metal fencing;
- (2) evergreen or other natural planting sufficient to provide year-round screening; and
- (3) earthen berm or topography.

(B) In all cases, fencing provided shall be continuous and of sufficient density to provide visual screening required by this chapter on a year-round basis.

(Ord. 84-27, § 2 (part), 1984)

17.60.120 STANDARDS FOR CORRECTIONAL COMMUNITY RESIDENTIAL CENTERS.

(A) These standards may not be implemented in a way that compromises the required security of a facility. CCRCs established after the effective date of the ordinance codified in this section must be in accordance with the standards of this chapter.

(B) In addition to all other applicable laws, rules, and standards, CCRCs are subject to the following standards:

- (1) A CCRC may not be located within one-half mile of a pre-existing public or licensed private school, a pre-existing licensed day care facility, or 750 feet from a pre-existing alcohol beverage dispensary or package store.
- (2) CCRCs may not generate traffic, light, glare, noise, odor, smoke, electrical interference, vibration, or dust and may not have an appearance, scale of operation, size, residential density, or use that is not allowed in the district within which it is located, that is out of character with the surrounding neighborhood, or that causes a nuisance off the permitted site.
- (3) CCRC dwelling units may be attached or detached in keeping with the character of the surrounding area and requirements of the district within which the facility is located.
- (4) CCRCs providing single-family style, dormitory, or hotel-style living arrangements, in keeping with the character of the surrounding neighborhood, may be approved subject to the provision of equivalent facilities and living space per resident.
- (5) A CCRC must be the principal use on the parcel of land upon which it is located.
- (6) All other types of facilities and categories of land use on the site of a CCRC are subject to the approval of the borough in accordance with this chapter for the purpose of regulating land use impacts. Such uses and facilities include, but are not limited to, organizational administration, vocational training, staff training, and activities which generate revenue to the facility or its sponsor organization such as manufacturing, remanufacturing, repair, sales, process, service, agriculture, or animal husbandry.
- (7) The minimum lot size for CCRCs shall be:
 - (a) one to 24 beds, 40,000 square feet;
 - (b) for each additional 12 beds or fraction thereof 20,000 additional square feet; and

- (c) the planning commission may increase the allowed density if community water and sewage is available to the facility.
- (8) New construction shall be in character with the neighborhood and reflect sensitivity and respect for the surrounding environment.
- (9) The maximum lot coverage by buildings must be in accordance with the district in which the facility is located to a maximum of 25 percent.
- (10) The maximum height of structures shall be that which is permitted in the district, and in character with the surrounding neighborhood in which the facility is located to a maximum of three stories not to exceed 40 feet.
- (11) The minimum separation between buildings, walled structures, or fences shall be ten feet.
- (12) All CCRCs will provide appropriate on-site residential facilities, common areas, recreational areas, educational areas, laundry areas, emergency medical service, and food service areas to provide for the needs of the residents who are restricted to the premises.
- (13) The land use standard to establish maximum resident occupancy at a CCRC is a minimum of 150 square feet of building area per resident, calculated by including all bedroom, kitchen, bathroom, living, recreation, and other areas within the facility intended for common use by the residents.
- (14) Landscaping must meet the following criteria:
- (a) All areas not occupied by authorized buildings, structures, storage, driveways, parking, walkways, or other approved development must have maintained visual enhancement buffer landscaping. Where approved by the planning commission, maintaining existing natural vegetation shall be acceptable as a buffer.
 - (b) Buffer landscaping must be maintained along the length of each lot line of the permitted site which abuts a lot within a residential district or a lot containing a residential use.
 - (c) Buffer landscaping must be maintained along the length of all streets and roads upon which the permitted site has frontage.
 - (d) Surface water, storm water, and other runoff must be managed to avoid pollution and damage in accordance with an approved plan.
- (15) Lighting must be provided at all developed pedestrian and vehicular access points for the permitted site. Additional lighting sufficient to enhance public safety may be provided as required by the planning commission.
- (16) All parking and loading areas required for the permitted use must be provided on site and shall be paved with gravel, chip seal, asphalt, or concrete. Adequate parking and on-site vehicular maneuvering room, as determined by the planning commission, must be provided to accommodate staff, residents, visitors, and services associated with the permitted use. Parking spaces meeting national handicapped parking space requirements shall be provided.
- (17) Signs, excluding warning and official notification of rules signs, which are intended to be visible from off site, must be limited to that allowed within the district within which the facility is located except as follows:
- (a) Unless otherwise regulated the maximum combined area shall be 32 square feet for all regulated signs.

(b) Signs must be below the roof line of the lowest residential structure on site or the structure upon which it is mounted, whichever is lower.

(c) Signs must be unlighted or be lit so as to avoid glare off site.

(18) Loading facilities, refuse containers, and outdoor storage of equipment and material shall be visually screened from adjacent developed public access rights-of-way, residential lots, and residential uses.

(19) All CCRCs must be maintained in a safe, clean condition. Except as specifically authorized under this section, the storage, keeping, or disposal of junk and trash at a CCRC site is prohibited except for incidental amounts kept for no more than 30 consecutive days to facilitate recycling and proper disposal at an approved disposal site. As approved by the planning commission, the temporary storage of junk that is not visible from off site may be allowed. Storage of junk must be determined to be necessary to the operation of an approved use, such as a repair shop, within a CCRC and must be subject to a removal schedule.

(C) As part of the application, the applicant shall provide the following supporting information:

(1) as-built or proposed site plan of the application site, drawn to scale and certified by a registered land surveyor, depicting all boundaries, topography, structures, landscaping, drainage management, and other development;

(2) design drawings, drawn to scale, for all buildings, and structures, and elevations. Design drawings for new construction must be certified by a registered engineer or architect; and

(3) a plan of operations describing the proposed use in detail sufficient to demonstrate compliance with all applicable borough ordinances, standards, and conditions. This submittal shall also include:

(a) evidence of compliance with all other applicable local, state, and federal laws by the applicant(s) and their authorized agent(s) regarding the proposed use;

(b) a proposed organization chart of the operation identifying the lines of responsibility and general function of the owners and staff of the organizations that will own and operate the facility including job descriptions;

(c) a description of the number and types of residents proposed;

(d) descriptions of all major activity types proposed to occur on site; and

(e) general description of the security measures proposed to protect the public safety.

(D) The property owner and the permittee shall be responsible for maintaining all aspects of the operation, improvements, development, and site in compliance with the terms and conditions of the permit and all applicable local, state, and federal requirements. Failure to correct any violation of any permit condition is a violation of borough code.

(1) A pattern of crimes committed by residents of a permitted facility, which are determined by the planning commission to be creating an unreasonable degree of risk to public safety, may be grounds for revocation of the permit.

(2) In addition to other applicable penalties, failure to correct a violation of code after reasonable notice may result in revocation of the permit.

(3) Upon issuance of a permit under this chapter the permittee shall provide all necessary documentation to maintain current information sufficient to demonstrate continued compliance with permit conditions. The permittee shall also provide the borough the following information:

- (a) name, title, and 24-hour contact telephone numbers for the person(s) in charge of the operation and security of the institution or facility;
 - (b) immediate notification of escapes; and
 - (c) immediate notification of any formal notice of violation issued by a government agency indicating an unacceptable level of security exists or has been allowed to exist at the facility.
- (4) Authorized representatives of the borough will be allowed to inspect the permitted site and related records at reasonable times for the purpose of monitoring compliance with all permit conditions. Upon reasonable notice from the borough, the permittee shall provide necessary assistance and security to facilitate authorized inspections by borough representatives.
- (5) A permit may be transferred to another individual subcontractor with planning commission notification and approval.

(Ord. 96-003(SUB)(AM), § 5, 1996)

17.60.130 Standards for race tracks. [Repealed by Ord. 99-154(AM), § 2, 1999 and recodified at MSB 17.60.135]

17.60.135 Standards for race tracks. [Repealed by Ord. 01-118 (AM by SUB 2), § 1, 2001]

17.60.140 Tall structures, including but not limited to, towers, tower farms, tower routes, and tower service area grids. [Repealed by Ord. 11-074, § 2, 2011]

17.60.145 Tall structures, including but not limited to towers, tower farms, tower routes, and tower service area grids. [Repealed by Ord. 15-016, § 6, 2015]

17.60.150 GENERAL STANDARDS FOR MARIJUANA RELATED FACILITIES.

(A) In addition to the standards set forth by MSB 17.60.100, the planning commission shall weigh factors which contribute or detract from the development of a safe, convenient, and attractive community, including, but not limited to:

- (1) any potential negative effect upon other properties in the area due to such factors as noise and odor.
- (2) the effectiveness of measures to reduce negative effects upon adjacent properties by:
 - (a) increased property line and right-of-way buffers;
 - (b) planted berms and landscaping;
 - (c) site and building design features which contribute to the character of the surrounding area.
- (3) whether the use is compatible with the character of the surrounding area.

(B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located within:

- (1) one thousand feet of school grounds;

(C) Separation distances referenced in subsection (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

(D) Prior to final approval of the permit the applicant shall provide written documentation demonstrating that:

- (1) all applicable licenses have been obtained as required by 3 AAC 306.005.
- (2) from the fire marshal having jurisdiction, that the proposed conditional use is in full compliance with applicable fire code, including but not limited to AS 18.70.010 through 18.70.160, Fire Protection, and 13 AAC 50.025 through 50.080, Fire Code.

(Ord. 16-136, § 4, 2017; Ord. 16-003(SUB), § 4 (part), 2016)

17.60.160 STANDARDS FOR MARIJUANA CULTIVATION FACILITIES.

(A) *Wastewater and waste material disposal plan.* A wastewater and waste material disposal plan shall be submitted which demonstrates that wastewater and waste material associated with the cultivation facility is disposed of in compliance with the Alaska State Department of Environmental Conservation.

(B) *Odor mitigation and ventilation plan.* The applicant shall provide an odor mitigation plan detailing the effective mitigation of any odors of the proposed uses. Such plan shall demonstrate that the design for the purification of air prevents odors from materially impacting adjoining properties.

(C) *Hazardous chemicals.* Storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation of marijuana shall comply with all local, state, and federal laws.

(D) *Security.* The applicant shall provide a security plan. The plan shall include, but not be limited to, education for employees on security measures.

(E) Marijuana cultivation facilities shall be set back 50 feet from public rights-of-way, and 100 feet from side or rear lot lines.

(Ord. 16-003(SUB), § 4 (part), 2016)

17.60.170 STANDARDS FOR MARIJUANA RETAIL FACILITIES.

(A) Marijuana retail facilities shall only be approved upon finding by the commission that the proposed facility is located on a parcel that is appropriate for commercial use. At a minimum, the commission shall consider:

- (1) proximity of the proposed use to existing businesses;
- (2) proximity to parcels developed for residential use; and
- (3) whether roads associated with the proposed use have been, or will be, appropriate for commercial use.

(B) The minimum number of parking spaces for retail facilities shall be one space per 350 square feet of net floor area. Each parking space shall be at least: 20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet.

(C) Parking spaces shall be provided to comply with current Americans with Disabilities Act guidelines.

(Ord. 16-003(SUB), § 4 (part), 2016)

17.60.180 TRANSFER OF A CONDITIONAL USE PERMIT.

(A) Except as otherwise specified by code, the privileges and requirements of a conditional use permit shall run with the land, subject to the following requirements:

- (1) Within 90 days of recording the transfer of ownership of the subject land, the new owner must provide written notification and a signed acknowledgment that the new owner assumes responsibility for compliance with the requirements of the permit.

- (2) The commission may limit the term of a permit or place conditions upon the transfer of ownership of a permit.

(Ord. 99-093(AM), § 6, 1999; Ord. 97-084(AM), § 5, 1997)

17.60.190 TERMINATION OF CONDITIONAL USE PERMITS.

(A) Except as otherwise specified by code, a conditional use permit issued under this chapter will become null and void under the following conditions:

- (1) notification of termination of the permit for failure to comply with an order to correct violations of a conditional use permit;
- (2) failure to initiate the use for which the conditional use permit was issued within five years of the date of the permit issuance;
- (3) cessation of the use for which the conditional use was issued for a period exceeding five consecutive years.

(B) For good cause the planning commission may grant a one-time one-year extension of a conditional use permit. The planning commission must find that the request is reasonable and the proposed use is still appropriate under the standards for consideration under the subject use. An application for extension shall be subject to the same application fee as a conditional use permit and shall require public notice and public hearing in accordance with the requirements of MSB 17.03.

(Ord. 97-084(AM), § 6, 1997)

17.60.200 NONCONFORMING USES.

(A) Within the borough there may exist non-conforming uses as of the date of adoption of the ordinance codified in this chapter, or amendments thereto which were lawful before the effective date of applicable regulations, but which would otherwise be prohibited, regulated, or restricted under this chapter. Such existing nonconforming uses are permitted to continue subject to the provisions of this section, but shall not be expanded except as specifically provided in this chapter.

(B) Except as specifically provided for by code, this chapter does not require the relocation or removal of a nonconforming use existing or under construction at the time of adoption of the ordinance codified in this chapter if such use was lawful at the time of its construction. No nonconforming use shall be constructed or operated except in accordance with these regulations, except to the extent it was in existence or under actual construction as of the effective date of the ordinance codified herein or amendment thereto. "Actual construction" is defined as the substantial placement of construction materials and performance of labor for construction of facilities which cannot reasonably be used except in a manner which does not conform with these regulations.

(C) Nonconforming uses under construction or in existence as of the date of the ordinance codified in this chapter shall apply for approval of their use within 90 days of the effective date of such ordinance or of a later amendment which makes the use nonconforming. The planning director shall grant approval of the nonconforming use if it complies with the requirements of this chapter excepting only those facilities and improvements which were under construction or in existence prior to the effective date of the respective regulation. The nonconforming use shall meet all other requirements of this chapter within 12 months which are not in conflict with the pre-existing use or construction.

(D) No existing nonconforming use shall be expanded to include an adjacent parcel or parcels unless the area of expansion meets the requirements of this chapter, except that contiguous, unplatted tracts constituting a block of land in the same ownership held for the same purpose on April 17, 1984, and containing a nonconforming use permitted under subsection (C) of this section shall be considered one parcel. No nonconforming use which is

abandoned shall be used until it meets the requirements of this chapter. "Abandonment" is defined as a discontinuation of use of a nonconforming use, or a discrete portion or parcel thereof, or the failure to complete construction and begin use, for a continuous period of more than one year. If abandoned, the land shall not thereafter be used except in conformity with the requirements of this chapter.

(Ord. 97-084(AM), § 7, 1997; Ord. 84-27, § 2 (part), 1984)

17.60.210 Violations and enforcement. [Repealed by Ord. 95-088(SUB)(am), § 13 (part), 1995. For current provisions, see MSB 17.60.215]

17.60.215 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

- (A) Except as otherwise specified in this chapter violations of this chapter are infractions.
- (B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.
- (C) Failure to correct a violation of any permit condition is a violation of borough code.
- (D) In addition to other applicable penalties, failure to correct the violation of code, after reasonable notice, may result in revocation of the permit.

(Ord. 99-093(AM), § 7, 1999; Ord. 95-088(SUB)(am), § 29 (part), 1995)

17.60.220 APPEAL PROCEDURE.

Appeals from a decision of the manager or the manager's authorized representative of an enforcement action or a decision of the commission granting or denying a permit under this chapter shall be filed and conducted in accordance with MSB 15.39.

(IM 96-013, page 1 (part), presented 3-19-96; Ord. 84-27, § 2 (part), 1984)

The Matanuska-Susitna Borough Code is current through Ordinance 18-005, passed February 6, 2018, and other legislation passed January 2, 2018.

Disclaimer: The Borough Clerk's Office has the official version of the Matanuska-Susitna Borough Code. Users should contact the Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Borough Website: <http://www.matsugov.us/> (<http://www.matsugov.us/>)
Borough Telephone: 907-861-7801
Code Publishing Company (<http://www.codepublishing.com/>)

Chapter 60. Junk Dealers and Junk Yards

Article 1. Junk Dealer and Metal Scrapper Licensing

Section

- 08.60.010. License required; violation of section a misdemeanor.
08.60.020. Renumbered.
08.60.030. Repealed.

Article 2. Regulation of Junk Yards

- 08.60.050. General prohibition.
08.60.060. Certificate of location.
08.60.070. Standards for location and regulation.
08.60.080. Authorization to impose conditions for establishment, operation, and maintenance.
08.60.090. Penalty.
08.60.100. Definitions.

ARTICLE 1. JUNK DEALER AND METAL SCRAPER LICENSING

§ 08.60.010. License required; violation of section a misdemeanor

A person may not engage in the business of junk dealer or metal scrapper in this state without obtaining an annual license from the Department of Revenue. A person who violates this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$100 or imprisonment for not more than 90 days.

Prior Codifications: ACLA 1949, §§ 35-2-171, 35-2-174.

Cross References

Attempt, classification of offenses, see § 11.31.100.
Classification of offenses, see § 11.81.250.
Fines, see § 12.55.035.
Legal accountability based upon the conduct of another, see §§ 11.16.110 and 11.16.120.
Misdemeanors, sentences of imprisonment, see § 12.55.135.
Offenses defined by statute, see § 11.81.220.
Prior convictions, effect on sentencing, see § 12.55.145.
Restitution and compensation, see § 12.55.045.
Victims of crimes, rights, see § 12.61.010 et seq.

Library References

Licenses ⇨ 16(11), 40.
Westlaw Key Number Searches: 238k16(11);
238k40.

§ 08.60.020. Renumbered as § 08.60.010

§ 08.60.030. Repealed

JUNK DEALERS & JUNK YARDS

ARTICLE 2.

§ 08.60.050. General prohibition

A person may not establish, operate, or maintain a junk yard without a certificate of location issued by the commissioner of public safety.
SLA 1962, ch. 26, § 1.

Licenses ⇨ 16(11).

Westlaw Key Number Search: 238k1

§ 08.60.060. Certificate of location

A person using or proposing to use a junk yard shall obtain a certificate of location from the commissioner of public safety. If the location is outside a city or any class, the certificate shall be issued by the commissioner of public safety. If the location is within an organized borough, the certificate shall be issued by the mayor of the organized borough or its designated city or borough, the certificate shall be issued by the commissioner of public safety.

SLA 1962, ch. 26, § 2; SLA 1965, ch. 26, § 1.

Licenses ⇨ 16(11).

Westlaw Key Number Search: 238k1

§ 08.60.070. Standards for location

The commissioner of public safety, in considering applications for certificates of location, shall consider the following factors:

- (1) the nature and development of the area;
- (2) the need to protect the motoring public from economic conditions;
- (3) the proximity of church, school, or other places of public assembly;
- (4) the sufficiency in number of the junk yards in the vicinity;
- (5) the adequacy of fences and the unsightly display of a junk yard;
- (6) the health, safety, and general appearance of the area;
- (7) the suitability of the area for junk business under AS 08.60.050 -

SLA 1962, ch. 26, § 3; SLA 1965, ch. 26, § 3.

ARTICLE 2. REGULATION OF JUNK YARDS

§ 08.60.050. General prohibition

A person may not establish, operate, or maintain a commercial or public junk yard without a certificate of location prescribed by AS 08.60.050 – 08.60.100. SLA 1962, ch. 26, § 1.

Library References

Licenses ☞ 16(11).
Westlaw Key Number Search: 238k16(11).

§ 08.60.060. Certificate of location

A person using or proposing to use a location for a commercial or public junk yard shall obtain a certificate of approval for the location. If the location is in a city of any class, the certificate shall be procured from the city council or its designee. If the location is outside the city limits but within the boundaries of an organized borough, the certificate shall be procured from the assembly of the organized borough or its designee. If the location is outside an incorporated city or borough, the certificate of location shall be obtained from the commissioner of public safety.

SLA 1962, ch. 26, § 2; SLA 1965, ch. 10, § 1.

Library References

Licenses ☞ 16(11).
Westlaw Key Number Search: 238k16(11).

§ 08.60.070. Standards for location and regulation

The commissioner of public safety, the city council, and organized borough assembly, in considering applications and regulations, shall take into account

- (1) the nature and development of surrounding property;
- (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 junk yard;
- (6) the health, safety, and general welfare of the public;
- (7) the suitability of the applicant to establish, maintain, or operate the business under AS 08.60.050 – 08.60.100.

SLA 1962, ch. 26, § 3; SLA 1965, ch. 10, § 2.

Library References

Licenses ⇨16(11).
Westlaw Key Number Search: 238k16(11).

§ 08.60.080. Authorization to impose conditions for establishment, operation, and maintenance

The commissioner of public safety or the cities or organized boroughs shall examine the location or proposed location of a junk yard and adopt reasonable regulations concerning the establishment, operation, and maintenance of businesses under the standards set out in AS 08.60.070. The regulations may require the erection, location, and size of fences or other structures surrounding the junk yard. Regulations pertaining to junk yards are subject to the provisions of AS 44.62 (Administrative Procedure Act).

SLA 1962, ch. 26, § 4; SLA 1965, ch. 10, § 3; SLA 1968, ch. 143, § 3.

Library References

Licenses ⇨16(11).
Westlaw Key Number Search: 238k16(11).

§ 08.60.090. Penalty

A person who operates, establishes, or maintains a junk yard in any location without procuring a certificate of approval is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for a term of not more than one year, or by both.

SLA 1962, ch. 26, § 5.

Cross References

Attempt, classification of offenses, see § 11.31.100.
Classification of offenses, see § 11.81.250.
Fines, see § 12.55.035.
Legal accountability based upon the conduct of another, see §§ 11.16.110 and 11.16.120.
Misdemeanors, sentences of imprisonment, see § 12.55.135.
Offenses defined by statute, see § 11.81.220.
Prior convictions, effect on sentencing, see § 12.55.145.
Restitution and compensation, see § 12.55.045.
Victims of crimes, rights, see § 12.61.010 et seq.

Library References

Licenses ⇨40.
Westlaw Key Number Search: 238k40.

§ 08.60.100. Definitions

In AS 08.60.050 – 08.60.100,

(1) "junk" means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals; it also includes wrecked automobiles, tools, implements, rags, used building materials, rubber, and paper;

(2) "junk yard" means a location where junk is gathered together and stored for a commercial or public purpose;

(3) "person" means an individual and, where consistent with collective capacity, a committee, firm, partnership, company, corporation, club, governmental agency, organization, association, or other combination of individuals.

SLA 1962, ch. 26, § 6.

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Chapter 27. Junk Yards

Section

- 19.27.010. Purpose.
- 19.27.020. Limitations of junk yards.
- 19.27.030. Junk yards lawfully in existence.
- 19.27.035. Screening by department; lien.
- 19.27.040. Requirements as to screening.
- 19.27.050. Authority to acquire property interests for removal or screening of junk yards.
- 19.27.060. Violating junk yard a nuisance.
- 19.27.070. Repealed.
- 19.27.080. Injunction.
- 19.27.090. Interpretation.
- 19.27.100. Agreements with the United States.
- 19.27.110. Definitions.
- 19.27.120. Penalty for violation.
- 19.27.130. Additional requirements.
- 19.27.140. Short title.

§ 19.27.010. Purpose

For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways and other roads maintained by the state, and to preserve and enhance the scenic beauty of land bordering public highways and other roads maintained by the state, it is declared to be in the public interest to regulate and restrict junk yards in areas adjacent to the interstate, primary, and secondary systems within this state and other roads maintained by the state. The legislature finds and declares that junk yards that do not conform to the requirements of this chapter are public nuisances.

SLA 1968, ch. 233, § 1; SLA 1970, ch. 155, § 7; SLA 1976, ch. 179, § 1.

Library References

- Highways ⇨ 153.5.
- Westlaw Key Number Search: 200k153.5.
- C.J.S. Highways §§ 232 to 242.

§ 19.27.020. Limitations of junk yards

A person may not establish, operate, or maintain a junk yard, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate, primary or secondary highway or other road maintained by the state, except the following:

- (1) those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the interstate and primary systems or other roads maintained by the state, or otherwise removed from sight;
- (2) those located within areas which are zoned for industrial use under authority of law;

(3) those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by regulations to be adopted by the department.

SLA 1968, ch. 233, § 1; SLA 1970, ch. 155, § 8; SLA 1976, ch. 179, § 2.

Library References

Highways Ⓒ153.5.
Westlaw Key Number Search: 200k153.5.
C.J.S. Highways §§ 232 to 242.

§ 19.27.030. Junk yards lawfully in existence

(a) A junk yard lawfully in existence on August 6, 1968, that is within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of any highway on the interstate or primary system, shall be screened, if feasible, so as not to be visible from the main-traveled way of the highways.

(b) A junk yard lawfully in existence on July 1, 1970, that is within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of any highway on the secondary system, or a junk yard lawfully in existence on September 14, 1976, that is within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of a road maintained by the state, shall be screened, if feasible, so as not to be visible from the main-traveled way of the highway.

SLA 1968, ch. 233, § 1; SLA 1970, ch. 155, § 9; SLA 1976, ch. 179, § 3.

Library References

Highways Ⓒ153.5.
Westlaw Key Number Search: 200k153.5.
C.J.S. Highways §§ 232 to 242.

§ 19.27.035. Screening by department; lien

(a) If the owner or operator of a junk yard does not screen the yard under AS 19.27.030, and the department has not determined that screening would be unfeasible, the department may screen the yard. The owner or operator shall reimburse the department for the costs of the labor and materials necessary for the screening.

(b) The state has a lien, for the costs referred to in (a) of this section, on the junk and the land on which the junk yard is located, after recording a claim of lien in the office of the recorder for the district in which the property is located.

SLA 1970, ch. 155, § 10.

Library References

Highways Ⓒ153.5.
Westlaw Key Number Search: 200k153.5.
C.J.S. Highways §§ 232 to 242.

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§ 19.27.040. Requirements as to screening

The department may adopt regulations governing the location, planting, construction, and maintenance, including the materials used in the screening or fencing required by this chapter.

SLA 1968, ch. 233, § 1.

Library References

Highways ☞ 153.5.
Westlaw Key Number Search: 200k153.5.
C.J.S. Highways §§ 232 to 242.

§ 19.27.050. Authority to acquire property interests for removal or screening of junk yards

When the department determines that the topography of the land adjoining the highway or the road maintained by the state will not permit adequate screening of those junk yards lawfully in existence as provided in AS 19.27.030 or the screening of the junk yards would not be economically feasible, the department may acquire by gift, purchase, exchange, or condemnation, property interests necessary to secure the removal of the junk yards, and the department shall pay just compensation to the owner for the property. When the department determines that it is in the best interests of the state, it may acquire land, or interests in land necessary to provide adequate screening of junk yards.

SLA 1968, ch. 233, § 1; SLA 1976, ch. 179, § 4.

Library References

Eminent Domain ☞ 18.5, 19.
Highways ☞ 153.5.
States ☞ 85.
Westlaw Key Number Searches: 148k18.5;
148k19; 200k153.5; 360k85.
C.J.S. Highways §§ 232 to 242.
C.J.S. States § 259.

§ 19.27.060. Violating junk yard a nuisance

A junk yard that is in violation of a provision of this title or a regulation adopted under this title, is a public nuisance.

SLA 1968, ch. 233, § 1.

Library References

Highways ☞ 153.5.
Nuisance ☞ 61.
Westlaw Key Number Searches: 200k153.5;
279k61.
C.J.S. Highways §§ 232 to 242.
C.J.S. Nuisances §§ 4, 10, 34 to 39, 41 to 46,
48 to 57, 59 to 60, 62.

§ 19.27.070. Repealed

§ 19.27.080. Injunction

At the request of the department the attorney general may institute a civil action in superior court to abate a junk yard that is a nuisance as defined in

§ 19.27.080

HIGHWAYS & FERRIES

this chapter. In the proceedings the court shall determine whether the junk yard is a nuisance as defined in this chapter and shall enter judgments or decrees it considers necessary to abate the nuisance. A civil action under this section shall be brought in the superior court in the judicial district in which the junk yard is located.

SLA 1968, ch. 233, § 1.

Library References

Highways \Rightarrow 159.
Nuisance \Rightarrow 77, 80.
Westlaw Key Number Searches: 200k159;
279k77, 279k80.
C.J.S. Highways §§ 223, 226.
C.J.S. Nuisances §§ 84, 91, 94 to 97.

§ 19.27.090. Interpretation

This chapter may not be construed to abrogate or affect the provisions of any law, ordinance, regulation, or resolution that is more restrictive than the provisions of this chapter.

SLA 1968, ch. 233, § 1.

§ 19.27.100. Agreements with the United States

The department may enter into agreements in conformity with this title with the United States Secretary of Transportation as provided by 23 U.S.C., relating to the control of junk yards in areas adjacent to the interstate and primary systems, and take action in the name of the state to comply with the terms of the agreements.

SLA 1968, ch. 233, § 1.

§ 19.27.110. Definitions

In this chapter

(1) "automobile graveyard" means an establishment or place of business which is maintained, used, or operated primarily for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts;

(2) Repealed by SLA 1996, ch. 30, § 53, eff. May 16, 1996.

(3) "interstate system" means that portion of the National System of Interstate and Defense Highways located in this state, as officially designated, or as may hereafter be so designated, by the commissioner, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 [80 Stat. 931]), under the provisions of 23 U.S.C.;

(4) "junk" means used or scrap rope, rags, batteries, paper, trash, rubber, debris or waste, junked, dismantled, or wrecked automobiles, or parts thereof, or used or scrap iron, steel, copper, brass and other ferrous or nonferrous metals;

(5) "junk yard" means an establishment or place of business, private or public, which is maintained, operated, or used primarily for storing, keeping,

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buying, or selling junk, or for the maintenance or operation of an automobile
graveyard, and the term includes garbage dumps and sanitary fills;

(6) "primary system" or "secondary system" means that portion of con-
nected main highways, as officially designated, or as may hereafter be so
designated, by the commissioner, and approved by the secretary of transpor-
tation (or by the secretary of commerce before the effective date of the
transfer of functions under Public Law 89-670 [80 Stat. 931]), under the
provisions of 23 U.S.C.

SLA 1968, ch. 233, § 1; SLA 1970, ch. 69, §§ 48, 49; SLA 1970, ch. 155, §§ 12, 13; SLA
1996, ch. 30, § 53.

§ 19.27.120. Penalty for violation

A person who violates this chapter, or a regulation adopted under it, is guilty
of a misdemeanor and upon conviction is punishable by a fine of not less than
\$50 nor more than \$1,000.

SLA 1968, ch. 233, § 1.

Cross References

Attempt, classification of offenses, see § 11.31.100.

Classification of offenses, see § 11.81.250.

Fines, see § 12.55.035.

Legal accountability based upon the conduct of another, see §§ 11.16.110 and 11.16.120.

Misdemeanors, sentences of imprisonment, see § 12.55.135.

Offenses defined by statute, see § 11.81.220.

Prior convictions, effect on sentencing, see § 12.55.145.

Restitution and compensation, see § 12.55.045.

Victims of crimes, rights, see § 12.61.010 et seq.

Library References

Highways 161, 163(1).

Westlaw Key Number Searches: 200k161;
200k163(1).

C.J.S. Highways §§ 223, 229 to 230.

§ 19.27.130. Additional requirements

The requirements imposed by this chapter relative to junk yards are in
addition to the requirements of AS 08.60.050 - 08.60.100.

SLA 1968, ch. 233, § 1.

§ 19.27.140. Short title

This chapter may be cited as the Junk Yard Control Act.

SLA 1968, ch. 233, § 1.

By: Alex Strawn
Introduced: April 16, 2018
Public Hearing: May 7, 2018
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-12**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING THE APPLICABILITY OF MSB 17.60, CONDITIONAL USES, TO EXEMPT CONDITIONAL USE PERMITTING REQUIREMENTS WITHIN THE PORT MACKENZIE SPECIAL USE DISTRICT AND ADDING STANDARDS REQUIRED BY STATE LAW TO MSB 17.60 AND MSB 17.23 PORT MACKENZIE SPECIAL LAND USE DISTRICT.

WHEREAS, the type of land use development allowed within the Port Mackenzie Special Land Use District are commercial or industrial in nature; and

WHEREAS, to ensure developments within the Port District are appropriate, a Port Development Permit in accordance with MSB 17.23 is required for any project being proposed within the district; and

WHEREAS, the Port Development Permit is an administrative process which is ultimately approved by the Borough Manager and is largely duplicative of Conditional Use Permits required by MSB 17.60; and

WHEREAS, in addition to a Port Development Permit, Port District properties owned exclusively by the Matanuska-Susitna

Borough require a land use permit or lease agreement pursuant to MSB Title 23, depending on the duration of the use; and

WHEREAS, junkyard/refuse areas are subject to state law (AS 08.06) which requires the Borough to take several factors into account; and

WHEREAS, poorly managed junkyards can be a source of groundwater contamination; and

WHEREAS, Assembly Ordinance 18-030 adds a standard which will ensure the Planning Commission considers preventative measures are being taken to reduce the likelihood of groundwater being contaminated.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Assembly Ordinance 18-030, an ordinance amending the applicability of MSB 17.60, Conditional uses, to exempt conditional use permitting requirements within the Port Mackenzie Special Use District and adding standards required by state law to MSB 17.60 and MSB 17.23 Port Mackenzie Special Land Use District.

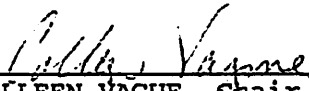
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ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 7th day of May, 2018.



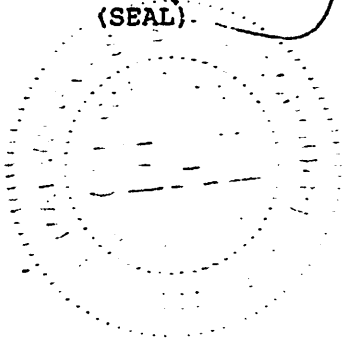
COLLEEN VAGUE, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



YES: Chesbro, Elder, Glashan, and Mossanen

NO: Vague, Anderson, and Patterson

MATANUSKA-SUSITNA BOROUGH
PORT COMMISSION RESOLUTION SERIAL NO. 18-02

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PORT COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING THE APPLICABILITY OF MSB 17.60, CONDITIONAL USES, TO EXEMPT CONDITIONAL USE PERMITTING REQUIREMENTS WITHIN THE PORT MACKENZIE SPECIAL USE DISTRICT AND ADDING STANDARDS REQUIRED BY STATE LAW TO MSB 17.60 AND MSB 17.23 PORT MACKENZIE SPECIAL LAND USE DISTRICT.

WHEREAS, the type of land use development allowed within the Port Mackenzie Special Land Use District are commercial or industrial in nature; and

WHEREAS, to ensure developments within the Port District are appropriate, a Port Development Permit in accordance with MSB 17.23 is required for any project being proposed within the district; and

WHEREAS, the Port Development Permit is an administrative process which is ultimately approved by the Borough Manager and is largely duplicative of Conditional Use Permits required by MSB 17.60; and

WHEREAS, in addition to a Port Development Permit, Port District properties owned exclusively by the Matanuska-Susitna Borough require a land use permit or lease agreement pursuant to MSB Title 23, depending on the duration of the use; and

WHEREAS, the Assembly give consideration to extending the suitability review to a minimum of five years; and

WHEREAS, junkyard/refuse areas are subject to state law (AS 08.06) which requires the Borough to take several factors into account; and

WHEREAS, poorly managed junkyards can be a source of groundwater contamination; and

WHEREAS, Assembly Ordinance 18-030 adds a standard which will ensure the Port Commission considers preventative measures are being taken to reduce the likelihood of groundwater being contaminated.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Port Commission hereby recommends approval of Assembly Ordinance 18-030, an ordinance amending the applicability of MSB 17.60, Conditional uses, to exempt conditional use permitting requirements within the port Mackenzie Special Use District and adding standards required by state law to MSB 17.60 and MSB 17.23 Port Mackenzie Special Land Use District.

ADOPTED by the Matanuska-Susitna Borough Port Commission this 21st day of May, 2018.



STEVE BORELL, CHAIRMAN

ATTEST:



THERESE DOLAN, PORT CLERK

(SEAL)