

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.23 PORT MACKENZIE SPECIAL USE DISTRICT REPEALING THE PORT DEVELOPMENT PERMIT AND ASSOCIATED STANDARDS.

AGENDA OF: July 15, 2025

ASSEMBLY ACTION:

AGENDA ACTION REQUESTED: Refer to Planning Commission for 90 days.

Route To	Signatures
Originator	<div>6 / 6 / 2 0 2 5</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x S t r a w n</div>
Planning Department Director	<div>6 / 6 / 2 0 2 5</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x S t r a w n</div>
Community Development Director	<div>6 / 1 0 / 2 0 2 5</div> <div>X J i l l i a n M o r r i s s e y</div> <div>S i g n e d b y : J i l l i a n M o r r i s s e y</div>
Port Operations Manager	<div>Recoverable Signature</div> <div>X D a v i d G r i f f i n</div> <div>S i g n e d b y : D a v i d G r i f f i n</div>
Finance Director	<div>Recoverable Signature</div> <div>X C h e y e n n e H e i n d e l</div> <div>S i g n e d b y : C h e y e n n e H e i n d e l</div>
Borough Attorney	<div>6 / 1 0 / 2 0 2 5</div> <div>X N i c h o l a s S p i r o p o u l o s</div> <div>S i g n e d b y : N i c h o l a s S p i r o p o u l o s</div>
Borough Manager	<div>6 / 1 0 / 2 0 2 5</div> <div>X M i c h a e l B r o w n</div> <div>S i g n e d b y : M i k e B r o w n</div>
Borough Clerk	<div>Recoverable Signature</div> <div>X L o n n i e M c K e c h n i e</div> <div>S i g n e d b y : L o n n i e M c K e c h n i e</div>

ATTACHMENT (S) : Ordinance Serial No. 25-066 (16 pp)
 MSB 17.23 Port MacKenzie Special Use District (17 pp)
 PC Reso 25-____ (pp)

SUMMARY STATEMENT: This ordinance repeals the requirement to obtain a Port Development Permit within the Port Mackenzie Special Use District. The existing permit process has proven to be duplicative and unnecessary, creating additional administrative

burdens, higher processing costs, and inefficiencies without providing significant benefits. Repealing this requirement will streamline the development process, reduce costs, and align more effectively with the practical management of public lands.

The current requirement to obtain a Port Development Permit is redundant in the context of other existing regulatory frameworks. For instance, projects involving government-owned or managed land are already subject to comprehensive oversight by the MSB Land Management Division. The MSB lease process outlined in MSB Title 23 adequately addresses the concerns that the Port Development Permit seeks to regulate, rendering the additional permit an unnecessary layer of oversight.

Repealing the requirement will eliminate this redundancy, reduce bureaucratic delays, and facilitate smoother, more efficient project implementation.

The Port Development Permit process, as currently structured, adds an additional layer of red tape that slows down project timelines. The review process and approval procedures for this permit often involve delays and excessive paperwork, diverting resources away from more critical tasks. In an era where efficiency and responsiveness are key to effective governance, such delays are counterproductive. Repealing the permit requirement will help cut unnecessary procedures, enabling projects to proceed more quickly and effectively.

Maintaining the Port Development Permit incurs costs for the government in terms of staff time, administrative expenses, and resources to process the permit applications. It is important to note that nearly all the land subject to the Port Development Permit is already owned and managed by the Matanuska-Susitna Borough. The Borough can effectively manage land development and ensure compliance with appropriate regulations without the need for a separate Port Development Permit process. Moreover, the Matanuska-Susitna Borough has the authority to modify and adapt land-use plans as necessary to suit the evolving needs of the port and its stakeholders, further justifying the removal of a redundant permit process.

Assembly Ordinance 25-066, supports the goals and objectives of the Matanuska-Susitna Borough Comprehensive, Economic Development Strategic Plan, and the Port MacKenzie Master Plan.

Matanuska-Susitna Borough Comprehensive Plan

Goal E-2 Manage Borough owned lands in a manner that fosters economic development while ensuring quality of life.

Goal E-3 Create an attractive environment for business investment.

Economic Development Strategic Plan

Goal Three: Expand Mat-Su's Economic Development Infrastructure.

3A: Continue developing multimodal transportation and industrial infrastructure at Port Mackenzie.

Port MacKenzie Master Plan

6.1 Administrative Recommendations

3) Review of Borough Code 17.23, Point Mackenzie Port Special Use District, 18,[sic] the Port and others to offer changes which will make management of the Port District more efficient.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully recommends that the Port Development Permit requirement be repealed in favor of streamlined regulatory practices that reduce bureaucracy and costs while maintaining appropriate oversight of government-owned and managed lands.

CHAPTER 17.23: PORT MACKENZIE SPECIAL USE DISTRICT

Section

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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) The manager or designee will notify surrounding property owners in accordance with MSB 17.03, Public Notification. Notice will also be given to the port commission. Any concerns raised will be considered in processing the application, as deemed appropriate by the manager or his designee, to protect the public health, safety, and general welfare. A complete port development permit application shall be acted upon within 45 calendar days of receipt by the department.

(Ord. 18-030, § 4, 2018; 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.

(1) Pipeline and conveyor structures are excluded from all setback requirements.

(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. 22-014, § 2, 2022; Ord. 11-133, § 13, 2011; Ord. 00-154, § 2 (part), 2000)

17.23.175 STANDARDS FOR JUNKYARDS/REFUSE AREAS.

(A) In considering port development permit applications for junkyards, the manager shall take the following into account:

(1) the nature and development of surrounding properties;

(2) the need to protect the local economy, adjacent land owners, and the motoring public from economically depressing and unsightly roadside locations;

(3) the proximity of churches, schools, hospitals, public buildings, recreation areas, or other places of

public gathering;

- (4) the sufficiency in number of other similar business establishments in the vicinity;
- (5) the adequacy of fences and other types of enclosures to prevent the unsightly display of a junkyard;
- (6) the health, safety, and general welfare of the public;
- (7) whether adequate protections are in place to prevent contamination of soil, surface water and groundwater; and
- (8) the suitability of the applicant to establish, maintain, or operate the proposed use under the requirements of this chapter.

- (a) Suitability of the applicant shall be based upon the applicant's history of compliance with relevant local, state, and federal laws.

- (b) Review for suitability shall be limited to no more than five years preceding the application.

(Ord. 18-030, § 3, 2018)

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 17.65.

(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 manager or designee may be made under the provisions of MSB 15.39.030(A)(1). Only an adjacent property owner or competing applicant who is directly affected by the decision may appeal.

(Ord. 18-030, § 5, 2018; Ord. 00-154, § 2 (part), 2000)