

CODE ORDINANCE

By: Borough Manager
Introduced: 08/07/18
Public Hearing: 08/21/18
Adopted: 08/21/18

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 18-030**

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, ADDING STANDARDS REQUIRED BY STATE LAW TO MSB 17.60 AND MSB 17.23, PORT MACKENZIE SPECIAL LAND USE DISTRICT, AND AMENDING MSB 17.23, TO UPDATE THE APPEAL LANGUAGE AND REQUIRE PUBLIC NOTICE.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough code.

Section 2. Adoption of subsection. MSB 17.60.020(F) is hereby adopted as follows:

(F) This chapter does not apply within the boundaries of the Port MacKenzie Special Use District.

Section 3. Adoption of Section. MSB 17.23.175 is hereby adopted as follows:

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 junk yard;

(6) the health, safety, and general welfare of the public;

(7) whether adequate protections are in place to prevent contamination of soil, surface water and groundwater; and

(8) the suitability of the applicant to establish, maintain, or operate the proposed use under the requirements of this chapter.

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

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

Section 4. Amendment of section. MSB 17.23.150(G) is hereby amended as follows:

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

Section 5. Amendment of section. MSB 17.23.250 is hereby amended as follows:

Appeals from the decisions of the [PORT COMMISSION] 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.

Section 6. Adoption of section. MSB 17.60.110(C) is hereby amended as follows:

(C) The commission shall evaluate whether the applicant is suitable to establish, maintain, or operate the proposed use under the requirements of this chapter.

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

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

(D) The commission shall consider whether adequate controls are in place to prevent contamination of soil, surface water and groundwater.

Section 7. Adoption of subsection. MSB 17.60.180(a)(3) is hereby amended as follows:

(3) For junkyard/refuse area permits issued under this chapter, the commission shall hold a public hearing to review the suitability of the transferee(s) to operate the existing conditional use.

(a) The commission's review of suitability shall be in accordance with 17.60.110(C).

Section 8. Amendment of section. MSB 17.125.010 is hereby amended by adding the following definition:

"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.

Section 9. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 21 day of August, 2018.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

YES: Sykes, Beck, Mayfield, Doty, and Kowalke

NO: McKee and Leonard

