

SUBJECT: AN ORDINANCE REPEALING MSB 17.10, OVERLAY DISTRICTS.

AGENDA OF: September 27, 2022

ASSEMBLY ACTION:

Adopted without objection
10-4-22 (BOM)

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER:

MB

Route To:	Department/Individual	Initials	Remarks
	Originator K. Anderson	KA	
	Planning Director	JS	
	Borough Attorney	JS	
	Borough Clerk	Sam 9/19/22	(BOM)

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

Aviation Advisory Board Resolution 21-01 (2 pp)

Planning Commission Resolution 22-19 (3 pp)

MSB 17.10 Overlay Districts (2 pp) (code)

Ordinance Serial No. 22-076 (1 pp)

SUMMARY STATEMENT:

Legislation Background

In 2017, the Wolf Lake Aviation Advisory Committee submitted a request to the Borough to develop an Aviation Activity Notification Area overlay district at Wolf Lake Airport. The district did not implement any new land use regulations, rather it acted as a notification tool for nearby property owners and potential buyers of homes within close proximity to the airport. Planning staff worked closely with residents of Wolf Lake Aviation Advisory Committee to develop MSB 17.10 Overlay Districts code that would also be available for other airstrips in the borough to use if the operator of the airstrip wanted to notify residents near them.

Information Memorandum 18-097, which accompanied the legislation to adopt MSB 17.10 cited the Borough's 2017 Long Range

Transportation Plan where there was a recommendation that Airport Compatibility is an important issue for the Borough. One strategy listed in the plan to ensure compatibility is to notify property owners of airport locations in the borough.

Since the adoption of MSB 17.10, the only airport to have an aviation activity notice area is Wolf Lake Airport, which was created along with the adoption of the chapter of code. In 2019, there was an unsuccessful attempt to develop another aviation activity notice area for a privately owned, restricted use airport. The process currently defined in MSB 17.10.110 requires Planning staff to develop a unique notice area for privately owned, restricted use airports as they are requested. Because of this requirement, the request for an Aviation Activity Notice Area in 2019 required a considerable amount of staff time to develop a distance for the notification area. Ultimately, the notification distance that was carefully calculated was changed by the Planning Commission and not adopted by the Assembly.

In 2021, the Aviation Advisory Board signed Resolution 21-01 in support of repealing MSB 17.10. Members of the Wolf Lake community joined for the meeting and showed support for the repeal as long as it was replaced with another form of "notification" for residents looking to purchase homes or see their current proximity to airstrips within the borough.

Planning and Land Use Viewer

In March of 2022, the Assembly directed Planning staff to develop a map that showed current land use regulations. Based on the feedback staff received from the Aviation Advisory Board and the Wolf Lake community, staff included the Federal Aviation Administration's Registered Airports GIS layer in the MSB Planning and Land Use Viewer. The Viewer allows residents to search for a parcel by address or Tax ID number. The map is able to show registered airports within a five mile radius of any parcel within the Matanuska-Susitna Borough. It should be noted that there are unregistered airstrips in the borough that will not show up on the map and it will be the individual's responsibility to perform their due diligence when looking to purchase a property.

The Planning and Land Use Viewer is an adequate replacement of MSB 17.10, and provides easier access for residents seeking the location of all registered airstrips within the borough. The Viewer is live on the MSB website and managed internally by Planning and GIS staff. As the FAA layer updates with more registered airports, it will be reflected in the Viewer.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully recommends Assembly repeal MSB 17.10, Overlay Districts from Borough Code.

**MATANUSKA-SUSITNA BOROUGH
AVIATION ADVISORY BOARD
RESOLUTION SERIAL NO. AAB 21-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AVIATION
ADVISORY BOARD RECOMMENDING MATANUSKA-SUSITNA BOROUGH ASSEMBLY
MOVE TO REPEAL MSB CODE 17.10, OVERLAY DISTRICTS.

WHEREAS, the Aviation Advisory Board (AAB) advises the Assembly in matters pertaining to aviation in the Matanuska-Susitna valley; and

WHEREAS, the AAB Resolutions are the primary method of transmitting recommendations and observations to the Matanuska-Susitna Borough (MSB) Assembly; and

WHEREAS, the 2017 MSB Long Range Transportation Plan contains a recommendation that Airport Capacity is an important issue, and one strategy listed in the plan to ensure land use compatibility is to notify property owners of airport locations on MSB or DOT&PF maps, and proximity to an airport on plats; and;

WHEREAS, the current overlay district code has only been successfully utilized one time, Wolf Lake Aviation Activity Notice Area; and

WHEREAS, the current aviation activity notice area for privately owned, restricted use airports has no standard buffer for noticing, which requires Planning staff to assess hundreds of airports on a case-by-case basis; and

WHEREAS, the MSB Assembly has asked for Planning staff to

reduce efforts on this issue; and

WHEREAS, the Planning Department is working on a GIS mapping effort that will be available for the public and will contain a layer from the Federal Aviation Administration showing all registered airports and owner submitted non-registered airports within the Matanuska-Susitna Borough; and

WHEREAS, this public map would fulfill the Long Range Transportation Plan strategy to "notify" property owners of their proximity to an airport; and

WHEREAS, the absence of an Aviation Activity Notice Area would not change land use or adversely affect the general public, the Matanuska-Susitna Borough Aviation Advisory Board has reviewed and discussed the removal of MSB 17.10;


NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Aviation Advisory Board hereby recommends the Assembly move to repeal MSB 17.10, OVERLAY DISTRICTS, from Matanuska-Susitna Borough code.

ADOPTED by the Matanuska-Susitna Borough Aviation Advisory Board this 16 day of September, 2021.



DAVID PALMER, AAB Chair

ATTEST:


KELSEY ANDERSON, PLANNER II

By: A. Strawn
Introduced: July 18, 2022
Public Hearing: August 1, 2022
Action: Adopted

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-19**

**A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPT THE
ORDINANCE REPEALING MSB 17.10, OVERLAY DISTRICTS.**

WHEREAS, the Matanuska-Susitna Borough Aviation Advisory Board adopted Resolution 21-01 recommending the Matanuska-Susitna Borough Assembly move to repeal MSB 17.10 Overlay Districts; and

WHEREAS, the 2017 MSB Long Range Transportation Plan contains a recommendation that Airport Capacity is an important issue, and one strategy listed in the plan to ensure land use compatibility is to notify property owners of airport locations on MSB or DOT&PF maps, and proximity to an airport on plats; and

WHEREAS, the current overlay district code has only been successfully utilized one time, Wolf Lake Aviation Activity Notice Area; and

WHEREAS, the current aviation activity notice area for privately owned, restricted use airports has no standard buffer for noticing, which requires Planning staff to assess hundreds of airports on a case-by-case basis; and

WHEREAS, Planning and GIS staff have developed the Planning and Land Use Viewer which is capable of showing all Federal Aviation Administration registered airports and owner submitted non-registered airports within the Matanuska-Susitna Borough; and

WHEREAS, residents can search the Planning and Land Use Viewer by property address or Tax ID number to find registered airports within a five mile radius of any property within the Matanuska-Susitna Borough; and

WHEREAS, this public map fulfills the Long Range Transportation Plan strategy to "notify" property owners of their proximity to an airport; and

WHEREAS, the absence of an Aviation Activity Notice Area would not change land use or adversely affect the general public.

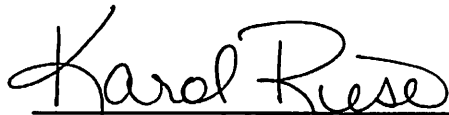
NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends the Borough Assembly repeal MSB 17.10 Overlay Districts.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 1st day of August, 2022.

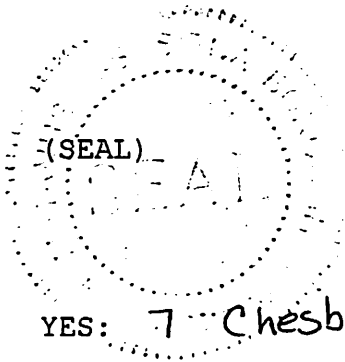


Stafford Glashan, Chair

ATTEST



KAROL RIESE, Planning Clerk



YES: 7 Chesbro, Glashan, Rubeo, Glenn, Scoggin, Kendig, Allen

NO: 0

CHAPTER 17.10: OVERLAY DISTRICTS

Section

17.10.050 Purpose and intent**17.10.100 Aviation overlay districts established****17.10.110 Aviation activity notice area****17.10.050 PURPOSE AND INTENT.**

The purpose of this chapter is to designate areas as overlay districts. The designation as an overlay district is in addition to, and not in lieu of, other code requirements relating to the land use on the property subject to the overlay designation.

(Ord. 18-061, § 2 (part), 2018)

17.10.100 AVIATION OVERLAY DISTRICTS ESTABLISHED.

(A) There are established aviation overlay districts for properties located on, adjacent to, and in the vicinity of (1) commercial service airports, (2) publicly owned, or (3) privately owned public use airports in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, the United States military, and the aviation community; and also to promote compatible land uses in the vicinity of the affected environments of the airport overlay district.

(Ord. 18-061, § 2 (part), 2018)

17.10.110 AVIATION ACTIVITY NOTICE AREA.

(A) This designation provides notice to property owners, future property owners, developers, public officials, and others that properties within designated aviation activity notice areas are located adjacent to or within close proximity of airports and within flight paths of a Federal Aviation Administration (FAA) registered airport. The property within the aviation activity notice area may be affected from a variety of aviation activities. Such activities may include but are not limited to noise, vibration, chemical odors, hours of operation, low overhead flights and other associated activities.

(B) An aviation activity notice area may be established for the following types of airports:

(1) "Commercial service airports" which are designated such through 14 CFR Part 139. The size and layout of an aviation activity notice area for a commercial service airport will be dictated by their airport master plan.

(2) Publicly owned, public use airports will be known as "public airports." The aviation activity notice area

for a public airport will include the lots within 5,000 feet from the nearest point of the runway centerline.

(3) Privately owned, public use airports will be known as "private airports." The aviation activity notice area for a privately owned public use airport will include the lots within 5,000 feet from the nearest point of the runway centerline.

(4) Privately owned, restricted use airports will be known as "restricted airports." Aviation activity notice areas may be established for these areas, the distance of which shall be considered on a case-by-case basis.

(C) The following is an aviation activity notice area:

(1) Wolf Lake Airport (private airport) as indicated on the map attached to Ordinance 18-061.

(Ord. 18-061, § 2 (part), 2018)