

Adopted: 10/17/17

**MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 17-073**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY SUPPORTING AMENDMENTS TO MSB 17.73, MULTI-FAMILY DEVELOPMENT, AND TO ADDRESS DENSITY, SEPTIC REQUIREMENTS, AND CONDO-PLAT CONCERNS ON LOTS WITH MULTI-FAMILY DEVELOPMENT.

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WHEREAS, according to the September 17, 2017, Alaska Economic Trends, the Matanuska-Susitna Borough continues to be the fastest growing region in the state of Alaska, growing by 15 percent between 2010 and 2016; and

WHEREAS, in 2016 the Borough led the State for new home construction, with 44 percent of Alaska's new housing units being constructed within Borough; and

WHEREAS, this growth has spurred new development models for providing affordable, more-dense housing opportunities, often in areas that do not have access to a municipal water or sewer system; and

WHEREAS, concern has been expressed about the impact on groundwater quality and the unregulated proliferation of multiple septic systems on one residential lot; and

WHEREAS, the Borough has also received other complaints about the unregulated proliferation of multifamily developments and their potential impact on residential neighborhoods concerning density, traffic, safe driveway access, landscaping, drainage,

adequate emergency response vehicle maneuverability, and adequate on-site open space for recreation purposes; and

WHEREAS, the Borough's multifamily development code no longer addresses septic or traffic issues, and many of the remaining requirements are minimal; and

WHEREAS, the Borough's Comprehensive Development Plan, 2005 Update, Community Quality Goal 1 (CQ1) states in part: *Protect natural systems and features from the potentially negative impacts of human activities, including but not limited to, land development*; and policy CQ2-2 states: *Comprehensively manage activities that may adversely impact surface and groundwater quality or quantity*; and

WHEREAS, the plan also states that the Borough's desire and duty to protect natural resources must be balanced with the obligation to accommodate future growth and to provide a development process that is timely, predictable, and equitable to developers and residents alike; and

WHEREAS, in October 2016 the Alaska State Department of Environmental Conservation (ADEC) adopted new regulations, concerning wastewater disposal; and

WHEREAS, the new regulations include a requirement for a ADEC plan review and approval for septic systems on a lot/parcel that

contains more than 2 residential units or a discharge greater than 1499 gallons; and

WHEREAS, the Borough is dedicated to protecting groundwater quality and quantity; and

WHEREAS, the Borough is dedicated to providing safe, affordable, and economic housing opportunities; and

WHEREAS, the multifamily development code was originally established by the Assembly to ensure protection of life/safety issues and to protect the public health, safety and welfare. However, the most recent amendments to the multifamily development code and changing the density requirements to 6 dwelling units per 40,000 square feet, have resulted in regulations that do not accomplish these goals; and

WHEREAS, the State's condo-plat process could potentially allow the creation of multiple substandard sized lots from parcels with multiple dwelling units, under separate ownership, that could end up with failing septic issues that cannot be resolved.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly wishes to maintain a balance between addressing these concerns that have been raised by the public and respecting private property rights and economic opportunities.

BE IT FURTHER RESOLVED, that the Assembly requests that the Borough's multi-family development code be updated to:

- Identify a reasonable density threshold that will provide the appropriate protections to the Borough's water quality and quantity, promote public health, safety and welfare, and support the goals of community comprehensive plans; and
- Identify appropriate requirements to address, at a minimum, ADEC requirements on septic systems, substandard housing, drainage, off-site traffic impacts, landscaping, adequate internal circulation for emergency vehicle response, and useable open space.

BE IT FURTHER RESOLVED, that the Assembly requests that an avenue be identified by which affordable multifamily development can occur in areas without municipal water and/or septic systems, without creating potential future septic problems for Borough residents and property owners.

BE IT FURTHER RESOLVED, that the Assembly requests active participation from the ADEC in enforcement of the wastewater disposal regulations related to multifamily development requirements.

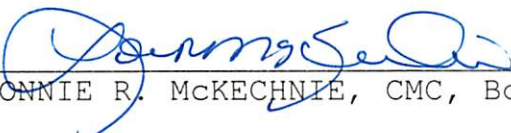
BE IT FURTHER RESOLVED, that the Assembly supports staff efforts to work with the State on the condo-plat process, which is

established in Alaska Statute Chapters 34.07, Horizontal Property Regimes Act; and 34.08 Common Interest Ownership, to review the requirements, identify potentially harmful loopholes concerning water/septic issues, and provide suggestions for refinement.

ADOPTED by the Matanuska-Susitna Borough Assembly this 17 day of October, 2017.

  
VERN HALTER, Borough Mayor

ATTEST:

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

PASSED UNANIMOUSLY: Beck, McKee, Colligan, Mayfield, Doty, and Kowalke