


**SUBJECT:** Advising the Assembly of a correction to Ordinance Serial No. 16-135 due to a transposed number in a parcel description.



**AGENDA OF:** 07/20/21

**ASSEMBLY ACTION:**

presented to the Assembly 7-20-21  


**MANAGER RECOMMENDATION:** For information only.

**APPROVED BY MICHAEL BROWN, BOROUGH MANAGER:** 

Route To:	Department/Individual	Initials	Remarks
	Originator	LRM	
	Borough Attorney	NS	
	Borough Clerk	 7/12/21	

**ATTACHMENT (S) :** Ordinance Serial No. 16-135 (2 pp)  
IM No. 16-206 (2pp)

Pursuant to MSB 1.15.155, the Clerk is the Revisor of Ordinances. The following ordinance has been brought to the Clerk for a technical correction that falls within the Clerk's purview as Revisor of Ordinances to modify. This information memorandum serves to advise the Members of the Assembly of the change.

Ordinance 16-135 was adopted on January 10, 2017. The ordinance referred to two parcels 26N04W30A003 and 26N04W29B012. The block number in 26N04W29B012 was transposed and should have been 26N04W29B021.

Ordinance 16-135 and IM No. 16-206 will be changed to reflect parcel no. 26N04W29B021.

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY TO RELINQUISH ANY RIGHTS FOR PRE-EXISTING LEGAL NONCONFORMING USE STATUS TO MAINTAIN EARTH MATERIALS EXTRACTION SITES ON BOROUGH OWNED LAND WITHIN THE CHRISTIANSEN LAKE SUBDISTRICT OF THE TALKEETNA SPECIAL LAND USE DISTRICT (PARCELS 26N04W29B012 and 26N04W30A003).

AGENDA OF: December 6, 2016

ASSEMBLY ACTION:

*Adopted with Assemblymembers  
Dofy + Mayfield opposed 1-10-17*

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator	NS	For Assemblymember Kowalke
	Community Development Director	EP	
	Planning Director	EP	
	Finance Director	EP	
	Borough Attorney	NS	
	Borough Clerk	SNM	11/28/16

ATTACHMENT (S): Fiscal Note: YES \_\_\_\_ NO X  
Ordinance Serial No. 16-135 (2 pgs)

**SUMMARY STATEMENT:** This ordinance is being brought forward by Assemblymember Kowalke so that the Matanuska-Susitna Borough will stop earth materials extraction in an area where it is prohibited.

The Talkeetna Special Land Use District contains six sub-districts with different land use regulations. Within the Christiansen Lake subdistrict, earth materials extraction is not listed as a permitted or conditional use. Within the Christiansen Lake subdistrict, if a use is not listed as permitted or conditional, then it is prohibited. See MSB

17.25.075(F).

However, the Matanuska-Susitna Borough owns lands which were being used for earth materials extraction before the land use regulations of the Christiansen Lake subunit were enacted. These parcels were classified as "material lands" via Resolution No. 89-245 and earth materials extraction has been taking place in varying amounts since then.

As such, the Borough itself may be entitled to preexisting legal nonconforming land use status - often referred to as "grandfather rights" - to continue earth materials extraction on the parcels.

The surrounding community is in opposition to this activity as evidenced by prohibitions in the land use district. In addition, recent activities have prompted a degree of community opposition. The Borough Assembly has determined that the Borough's best interests are served by honoring the community sentiment and abandoning any right the Borough has to continue to operate an earth materials extraction site.

This non-code ordinance will relinquish any right of the Matanuska-Susitna Borough, as land owner, to assert or maintain pre-existing legal nonconforming use rights for earth materials extraction on these parcels. In addition, no future owner will be able to assert those rights as to these parcels.

**RECOMMENDATION OF ADMINISTRATION:** Adoption of legislation.



NON-CODE ORDINANCE

Sponsored By: Assemblymember Kowalke

Introduced: 12/06/16

Public Hearing: 12/20/16

Postponed to 01/10/17: 12/20/16

Adopted: 01/10/17

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 16-135**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY TO RELINQUISH ANY RIGHTS FOR PRE-EXISTING LEGAL NONCONFORMING USE STATUS TO MAINTAIN EARTH MATERIALS EXTRACTION SITES ON BOROUGH OWNED LAND WITHIN THE CHRISTIANSEN LAKE SUBDISTRICT OF THE TALKEETNA SPECIAL LAND USE DISTRICT (PARCELS 26N04W29B012 and 26N04W30A003).

WHEREAS, the intent and rationale of this ordinance are found in the accompanying IM No. 16-206.

BE IT ENACTED:

Section 1. Classification. This Ordinance is a non-code ordinance.

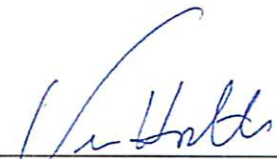
Section 2. Relinquishment of land use rights. The Matanuska-Susitna Borough hereby relinquishes any rights for pre-existing legal nonconforming use status to maintain earth materials extraction sites on Boroughowned land within the Christiansen Lake subdistrict of the Talkeetna special land use district. This ordinance applies to Boroughowned parcels of land identified as 26N04W29B012 and 26N04W30A003.

Section 3. Prohibition upon transfer or sale. In the event the Borough transfers or sells parcels 26N04W29B012 and/or 26N04W30A003, such transfer or sale will contain a material


condition that any future user or owner will not assert any rights being relinquished by this ordinance.

Section 4. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 10 day of January, 2017.

  
VERN HALTER, Borough Mayor

ATTEST:

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

YES: Sykes, McKee, Colligan, and Kowalke

NO: Doty and Mayfield