

By: Tracy McDaniel
Introduced: August 2, 2021
Public Hearing: August 16, 2021
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION SERIAL NO. 21-20**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING ASSEMBLY ADOPTION OF AN ORDINANCE AMENDING MSB 17.23 TO EXEMPT PIPELINE AND CONVEYOR STRUCTURES FROM SETBACK REQUIREMENTS PURSUANT TO MSB 17.55.

WHEREAS, MSB 17.55 requires structures to be set back at least 25 feet from public rights of way and ten feet from lot lines; and

WHEREAS, the Port MacKenzie Special Use District, MSB 17.23.170 Setback, defers to MSB 17.55 Setback and Screening Easement for minimum structural setbacks; and

WHEREAS, MSB 17.55 definitions of "structures" is silent on corridors for pipeline and conveyor structures and does not directly exclude the pipeline and conveyor structures as it does for utility services rights of way for the transmission or distribution of public utilities; and

WHEREAS, the Port MacKenzie Master Plan, 2016 update, and MSB 17.23 identify special use districts within Port MacKenzie related to industrial and commercial uses; and

WHEREAS, MSB 17.23, Port MacKenzie Special Use District is the only recognized industrial and commercial district within the Borough, aside from industrial/commercial land with the three

incorporated cities in the Borough; and

WHEREAS, amending MSB 17.23.170 Setbacks to exclude transportation corridors for pipeline and conveyor structures from the setback requirements in the Port MacKenzie Special Use District is consistent with the permitted uses pursuant to MSB 17.23.110 Port Industrial District - I(C)(1), "for transportation corridors for rail, roads, conveyor, and pipeline transport systems;" and

WHEREAS, it is very likely that MSB 17.55 was never intended to regulate such corridors for pipelines and conveyor structures in MSB 17.23; and

WHEREAS, On July 19, 2021, the Matanuska-Susitna Borough Port Commission unanimously passed Resolution 21-03 supporting the amendment to Title 17.23.170 with the following language:

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 except along the non-waterfront boundary of the port district.

(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.

NOW, THEREFORE, BE IT RESOLVED, the Matanuska-Susitna Borough Planning Commission hereby recommends approval of an Assembly ordinance amending MSB 17.23 to exclude pipeline and conveyor structures from MSB 17.55 Setback and Screening Easements.

ADOPTED by the Matanuska-Susitna Borough Assembly this 16th day of August, 2021.



Colleen Vague, Chair

ATTEST:



Karol Riese, Planning Clerk

(SEAL)

YES: (4) Commissioner Vague, Commissioner Anderson, Commission Chesbro, Commissioner Glashan

NO: (0)