

Matanuska-Susitna Borough

LAND & RESOURCE MANAGEMENT DIVISION



MEMORANDUM

TO: Matanuska-Susitna Borough Port Commission

THROUGH: Therese Dolan, Port Operations Manager

THROUGH: Eric Phillips, Community Development Director

FROM: Tracy K. McDaniel, Asset Manager

DATE: March 18, 2022 for the April 18, 2022 Port Commission Meeting

RE: Resolution Serial No. 22-02 Recommending the Borough Assembly Adoption of an Ordinance Amending MSB Title 17.05 Essential Service Utilities to Exclude the Port MacKenzie Special Use District.

MSB 17.05 Essential Service Utilities was adopted by Ordinance Serial No. 07-076 as a means to provide an extended public notice process for certain types of utility services that includes the Port MacKenzie Special Use District but excludes the city boundaries of Houston, Palmer, and Wasilla. The code was adopted as a result of public concern and lack of public notification for a utility expansion for Mat-Su Regional Hospital where the utility corridor ran through the borough landfill, Crevasse Moraine trail system, and the University of Alaska property.

MSB 17.23, Port MacKenzie Special Use District adopted by Ordinance Serial No. 00-154, as amended, is the only recognized industrial/commercial district within the Borough, aside from industrial/commercial land within the city limits of Wasilla, Palmer, and Houston. The Port MacKenzie Special Use District code provides the intent, purpose, and use of land within the special use district. The code established specific zoning districts within boundaries of the special use district for commercial, industrial, and conservation development on borough-owned lands.

Furthermore, the Port MacKenzie Master Plan 2016 Update “relates directly to its status as an official statement of public policy adopted by the Matanuska-Susitna Borough Assembly.” The master plan is a source of information for borough-owned land uses and opportunities for private use and investment as a basis to protect existing development.

Amending MSB 17.05 to except the Port MacKenzie Special Use District as codified under MSB 17.23 assures and provides for the zoning and land use goals of the Port MacKenzie Master Plan 2016 Update, and provides for efficient commercial, industrial, and economic development on borough-owned lands. The Port MacKenzie Master Plan 2016 Update, Section 5 Facilities/Utilities, includes a utility layout map (Appendix A) for the development of utilities for water, wastewater, storm water systems, electrical services, pipelines, conveyors, and natural gas.

On April 18, 2022, Resolution Serial No. 22-16 will be presented to the Matanuska-Susitna Borough Planning Commission for their consideration and support after the Matanuska-Susitna Borough Port Commission meeting scheduled on that day.

The Land and Resource Management Division respectfully request the Matanuska-Susitna Borough Port Commission adoption of Resolution Serial No. 22-02 recommending Borough Assembly approve by ordinance an amendment to MSB Title 17.05 excluding the Port MacKenzie Special Use District as codified under MSB 17.23.

CODE CHANGE

17.05.020 APPLICABILITY.

(A) This chapter applies to all areas of the borough except within the city boundaries of Houston, Palmer, [AND] Wasilla, **and the Port MacKenzie Special Use District boundary**. This chapter applies to municipal utilities that extend beyond city boundaries **and the Port District boundary** into unincorporated borough lands.

ATTACHMENTS

1. Assembly IM 07-130 and Ordinance 07-076
2. MSB Chapter 17.05 Essential Service Utilities
3. MSB Chapter 17.23 Port MacKenzie Special Use District
4. Port MacKenzie Master Plan, 2016 Update, Chapter 5
5. Port MacKenzie Master Plan, 2016 Update, Chapter 5, Appendix A

SUBJECT: AN ORDINANCE ADOPTING MSB 17.02 ESSENTIAL SERVICE UTILITIES

AGENDA OF: JUNE 5, 2007

ASSEMBLY ACTION:

OR 07-076 was adopted without
objection. 6/19/07
KMM

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN DUFFY, BOROUGH MANAGER: *[Signature]*

Route To:	Department/Individual	Initials	Remarks
	Originator: E. Probasco	EP	
2	Public Works Director	<i>[Signature]</i>	5/18/07
1	Planning and Land Use Director	MMO	5/18/07
3	Community Development Director	<i>[Signature]</i>	5/18/07
4	Finance Director	<i>[Signature]</i>	5/18/07
5	Borough Attorney	NS	
6	Borough Clerk	<i>[Signature]</i>	for MM.

ATTACHMENT(S): Fiscal Note: Yes ☐ No ☒ X
 Ordinance Serial No. 07-076: (7 pages)
 Planning Commission Resolution 07-26: (1 page)
 Written comments received: (16 pp)

SUMMARY STATEMENT:

In the summer of 2005, a major transmission line extension was being planned to provide necessary utility services to the new hospital. The route that was intended to be used by the utility companies ran through the borough landfill, the Crevasse Moraine trail system, and University of Alaska property. As a result of public concern, lack of public notification and the potential impact to the landfill and trail system through the moraine, the borough drafted an ordinance requiring a conditional use permit review and approval process by the planning commission, and circulated it for public review.

The first draft required an extensive application process and submittal requirements, a lengthy review and approval time frame, and submittal of final project development standards, for design, site requirements, and environmental review. The draft received substantial opposition from the following utilities:

Matanuska Electric Association
Chugach Electric Association
Matanuska Telephone Association
Golden Valley Electric Association
Municipal Light & Power
Alaska Natural Gas Development Authority
Enstar

Other comments were also received, with suggestions for modifications. The most significant point that was raised by the comments in opposition was the fact that the types of transmission facilities that were intended to be covered by the ordinance, were already under the authority of the Regulatory Commission of Alaska, and the ordinance went beyond the scope of the borough's regulatory authority.

After further review and recommendation by the borough attorney, an amended draft document was prepared. The intent of the amended ordinance is to ensure that the opportunity for input with respect to the extension of major utility transmission systems is afforded to the public.

The key components of the ordinance are:

- Development of a public participation plan by the utility
- Review and acknowledgement of the public participation plan by the planning director
- Submittal of decisional document to the planning director by the utility

The public review draft of the ordinance was distributed on March 16, 2007, with a comment deadline of April 13, 2007. Comments were received and reviewed, and staff made suggestions for several amendments and presented the document to the Planning Commission. The commission held a public hearing on May 7, 2007, made several other minor amendments, and adopted resolution 07-26 recommending assembly approval of the ordinance. Staff supports the changes made by the commission. Written comments received are summarized below:

COMMENTOR	SUMMARY OF COMMENTS	SUMMARY OF STAFF RESPONSE
MEA	Change "right-of-way" to "public way" which is defined in MSB 11.20, and remove reference to privately owned land in Type I	Changes made - see 17.02.030

City of Palmer	Suggests ordinance should exempt utility extensions by municipal utilities within service areas granted by Regulatory Commission of Alaska (which are outside of their municipal boundaries).	This suggestion has been addressed in the existing ordinance. 17.02.040(A)(1) minimum requirements, allows for following their own public process, as long as it meets established state or federal guidelines. The only thing the city will need to do in addition to what they already do is provide prior notice of the project to the director, and upon completion of public participation, a decisional document (17.02.040(C)). No change necessary.
City of Wasilla	Similar comments to City of Palmer	Same comments as listed for City of Palmer, above.
Friends of Mat-Su	Wants wider notification including all affected community councils SPUDS, wants the public hearing to be held by the planning commission, wants copies of public comments to be included with decisional document, wants impact analysis of noise & lighting, wants the borough to require that the utility should consider existing roads, or corridors etc. for location of the route or facility.	The commission made amendments to include community councils in notification process, to require that copies of written comments be submitted to the director with the decisional document, and to require notification be posted on the utility's and the borough's websites.
MSB Community Development	Suggest adding language to make sure that state, federal or utility board adopted guidelines for public process must at least meet our minimums.	Changes made, added subsection (d) to 17.20.040(A)(1)
MSB Port	Suggests ordinance should not apply to Port District.	Regulations that apply to other public municipalities and utilities should also be complied with by borough agencies. No changes made.
Other MSB departments	Mostly typographical in nature	Made corrections

RECOMMENDATION OF ADMINISTRATION:

Staff recommends assembly approval of Ordinance 07-____, adopting MSB 17.02 Essential Service Utilities.

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 07-26

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING THAT THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPT MSB
17.02 ESSENTIAL SERVICE UTILITIES.

WHEREAS, the Matanuska-Susitna Borough is the fastest growing region in the state of Alaska; and

WHEREAS, due to increased development in the borough, the need for essential service utilities is also increasing; and

WHEREAS, the Matanuska-Susitna Borough supports providing for the installation of essential services such as telephone, pipelines, electric transmission lines and substations in such a manner that negative impacts to the health, safety and welfare of borough residents and properties are minimized.

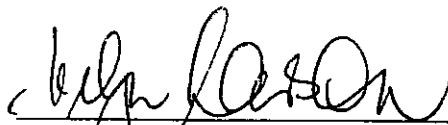
WHEREAS, the borough intends to ensure that the opportunity for public input into extension of major utility transmission facilities is provided for; and

WHEREAS, MSB 17.02 Essential Service Utilities is intended to provide the opportunity for public input when major utility transmission facilities are planned; and

WHEREAS, essential services planning efforts which include a public participation component will ensure that borough residents will have an opportunity for input and help maximize the benefit of the utility extension to all residents of the borough.


NOW THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Planning Commission recommends the borough assembly adopt MSB 17.02 Essential Service Utilities.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 7 day of May 2007.



HELGA LARSON, Chair

ATTEST:



PRISCILLA M. GOFF, Planning Clerk
(SEAL)

IM 07-136
0707-076



**Matanuska Electric
Association, Inc.**

P.O. Box 2929
Palmer, Alaska 99645-2929
Telephone: (907) 745-3231
Fax: (907) 761-9368

MSB Planning Division

APR 13 2007

RECEIVED

April 13, 2007

Mr. Murph O'Brien
Director of Planning and Land Use
Department of Planning and Land Use
Matanuska-Susitna Borough
350 East Dahlia
Palmer, AK 99645

Re: Draft Ordinance 17.02 ("Essential Service Utilities") dated March 6, 2007

Dear Mr. O'Brien:

This letter provides Matanuska Electric Association's comments on the March 6, 2007 public review draft of the proposed Mat-Su Borough Ordinance 17.02, regarding essential service utilities. First of all, MEA wants to thank Borough Staff for working with us on curing a number of the problems related to earlier drafts of this proposed ordinance. However, upon reviewing the current draft, there is an ambiguity that MEA believes must be clarified.

Specifically, MEA is concerned about proposed MSB 17.02.030, which currently states:

All proposed Type I essential service utilities, when installed or extended in any public right-of-way, borough owned land, or privately owned land, shall require a permit issued by the borough in accordance with MSB 11.30.030.

MSB 11.30.030 is the existing Borough ordinance requiring utilities to obtain a borough utility permit prior to placing utility infrastructure in a "public way." The term "public way" is defined in MSB 11.30.010 as being:

Any public right-of-way, street, road, alley, section line easement (that is not maintained by the state of Alaska or within the incorporated limits of any city that exercises road powers), public easement, public use easements, drainage easements, public utility easement (**not to include private utility easements or easements dedicated to a certain utility**), public traveled way, prescriptive right-of-way, and includes those areas used for road maintenance and snow storage or any other public right-of-way over which the borough exercises its jurisdiction. (emphasis added)

Im07-136
OK 07-076

Mr. Murph O'Brien
Mat-Su Borough
April 13, 2007
Page 2

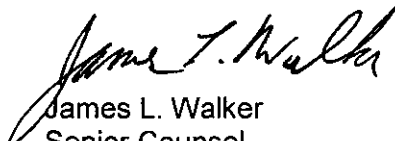
MEA primarily utilizes the exception in MSB 11.30.010 and .030 to connect individual meters to our distribution system. In 2002, MEA connected 2,141 new services to our distribution system. In 2003, this number was 2,306. In 2004, this number was 2,514. In 2005, this number was 2,876, and in 2006, it was 2,286. It would clearly be unreasonable to burden MEA with filing over 2,000 additional Type I permit applications per year, and it is equally unreasonable to anticipate that the Borough could timely process this number of permit applications.

Therefore, MEA suggests that proposed MSB 17.02.030 be clarified to state as follows:

All proposed Type I essential service utilities, when installed or extended in any public right-of-way, borough owned land, or privately owned land, shall require a permit issued by the borough in accordance with MSB 11.30.030, unless the Type I essential service utility is installed in private utility easements or easements dedicated to a certain utility.

This modification would unambiguously preserve the MSB 11.30.010 and .030 exception, which MEA understood to be agreeable to the Borough. If you have any questions, please call me at 761-9275.

Sincerely,


James L. Walker
Senior Counsel

cc: Nicholas Spiropoulos, Esq., Borough Attorney

IM 07-130
01307-076



CITY OF PALMER

231 West Evergreen Avenue
Palmer, Alaska 99645
Phone (907) 745-3271 • Fax (907) 745-0930
www.cityofpalmer.org

"Alaska at its Best!"

MSB Planning Division

April 12, 2007

Eileen Probasco, Planner II
Planning and Land Use Department
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, AK 99645

APR 16 2007

RECEIVED

Dear Ms. Probasco:

This letter contains the City of Palmer's comments on the Borough's draft Essential Service Utilities ordinance.

Palmer operates public water and wastewater utilities in service areas granted by the Regulatory Commission of Alaska that extend beyond the Palmer city limits. The attached map shows these service area boundaries and the present Palmer city limits.

Section 17.02.020 will exempt utility extension projects inside the Palmer city limits from the ordinance requirements, but the requirements will apply to Palmer utility extensions outside the city limits. Palmer's obligations to provide water and wastewater utility service in Palmer's utility service areas exist regardless of its municipal boundary. The applicability of Borough utility regulation proposed by the ordinance should be based on utility service area boundaries, not municipal boundaries.

Borough regulations requiring public participation in the utility extension planning process is not necessary in Palmer's case. Palmer municipal code section 13.08.070 A. requires Palmer city council approval of any utility extension outside the city limits. This procedure provides an adequate public process for review of Palmer water or wastewater utility extension projects.

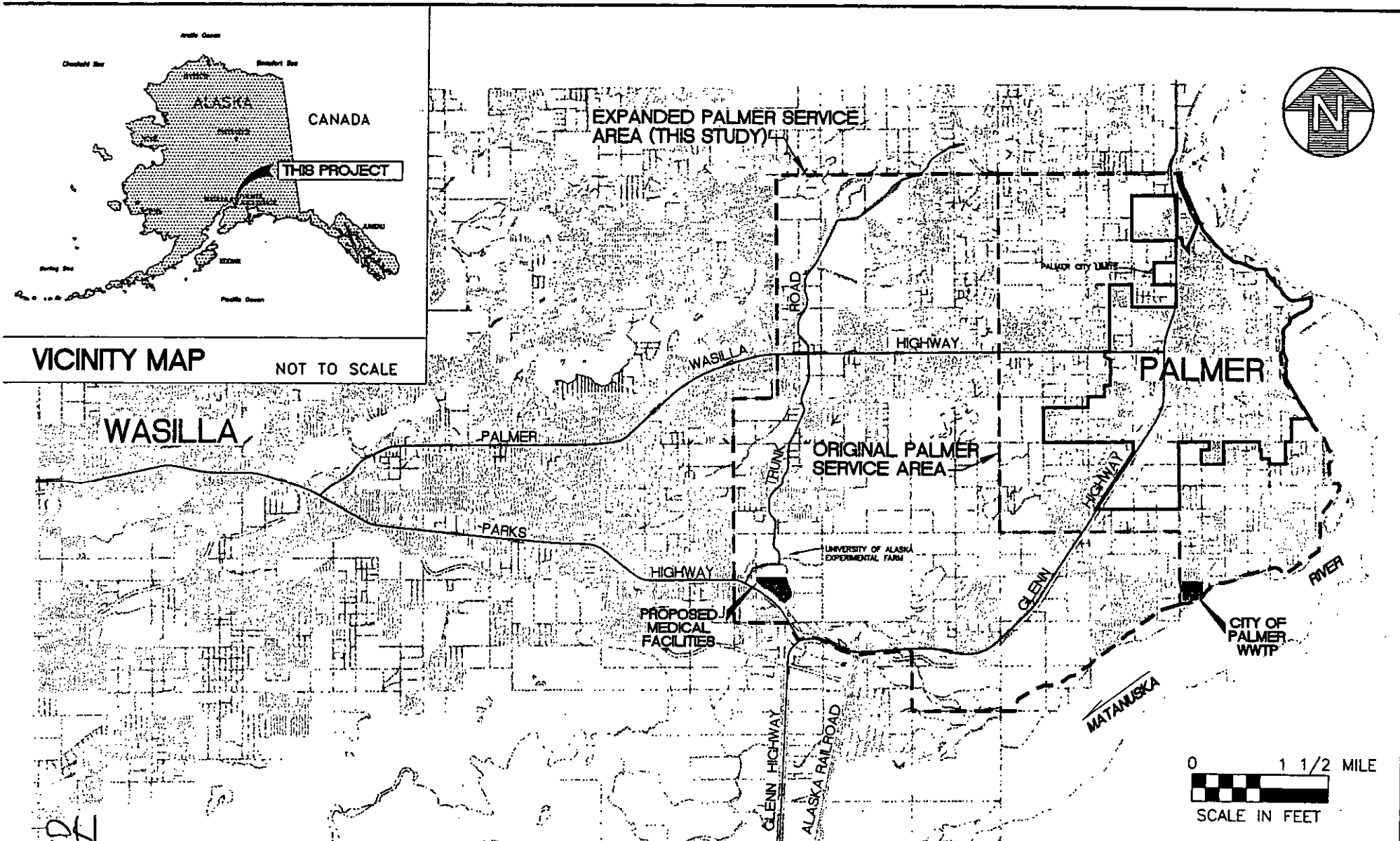
For these reasons, Palmer believes the Borough's Essential Service Utilities ordinance should exempt utility extensions by municipal utilities within service areas granted by the Regulatory Commission of Alaska, and asks that the ordinance be amended to make that change.

Thank you for the opportunity to comment on the proposed ordinance. If you have any questions, please contact me at 761-1304.

Sincerely,

Thomas Healy
City Manager

IM07-130
0907-076



HATTENBURG DILLEY & LINNELL
Engineering Consultants

- ENGINEERING
- EARTH SCIENCE
- PROJECT MANAGEMENT
- PLANNING

(907) 277-2120
www.hdalaska.com

PROJECT LOCATION MAP

PALMER, ALASKA

DATE: 06/25/04

DRAWN BY: RWB

SHEET: FIGURE 1.0

SCALE: 1" = 1 1/2 MILES

CHECKED BY: SLH

JOB NO.: 04-016

Im 07-136
DR 07-076

Eileen Probasco

From: Pam Graham
Sent: Thursday, March 29, 2007 8:31 AM
To: Eileen Probasco
Subject: FW: City of Wasilla Comments on Draft MSB 17.02

I think this is for the Essential Services Ord.
 Is that yours?

-----Original Message-----

From: Archie Giddings [mailto:agiddings@ci.wasilla.ak.us]
Sent: Thursday, March 29, 2007 8:29 AM
To: Planning
Cc: Sandra Garley; Mayor Keller
Subject: City of Wasilla Comments on Draft MSB 17.02

17.02.020 APLICABILITY; states that this chapter applies to municipal utilities that extend beyond city boundaries.

The City believes that the Type II provisions of this chapter should not apply to municipal utilities that extend beyond city boundaries where state and federally funded projects require a NEPA finding with public involvement. The City is concerned with having two public involvement programs for any one project.

It appears that 17.02.040.A.1.a, may have been intended to cover this issue. Will the municipality be expected to submit to the MSB a public involvement plan for review and approval when extending utilities beyond their boundary and a NEPA finding is required by the funding agency? The municipalities should be exempt from the Borough's review and approval of the public involvement process under these conditions.

Thank you for considering these comments.

Archie Giddings, P.E.
 Public Works Director
 City of Wasilla
 290 E. Herning Ave
 Wasilla, AK 99654
 907-373-9018

Im 67-130
 0307-076

Friends of Mat-Su
P O Box 116
Palmer, AK 99645

April 12, 2007
Matanuska-Susitna Borough
Department of Planning and Land Use

RE: Essential Service Utilities Ordinance Serial No. 07-

Friends of Mat Su (FoMS) strongly supports the MSB Essential Service Ordinance with the following amendments to the current draft:

Section (A) 1 a. *MSB will provide information to the utility to notify affected community councils, communities with SPUDS, etc... (How will SPUDS affect this process?)*

We feel that **Section (A) 2** (Public Meeting and Public Hearing) should be moved to **Section 1** Under this section (b) the *Planning Commission* should hold a minimum of one formal public hearing in the process to allow for an unbiased and fair formal public testimony. The public hearing will be held in an area central to the area impacted by the proposed action or in the assembly chambers. Additional public hearings should be held in accordance with state and federal laws as well as the utility's bylaws.

Section (A) 2 c. ii. *Public postings should also be included on the utility's website and the MSB website.*

Section (C) Upon completion of the public participation plan's elements, the applicant shall create and submit to the director a decisional document that describes how the public participation plan was implemented, *copies of all public comments and public testimony.*

Further recommendations:

1. An impact analysis of the audible noise and lighting that will be generated by the proposed utility.
2. The location of the route or facility should consider using corridors presently used for public roads, railroads, existing utilities, or on corridors which were previously used for such purposes and which are being retained for future public or utility purposes.

Sincerely,
Mimi Peabody

Mimi Peabody
Projects Coordinator
Foms2@pobox.mtaonline.net
746-0128

MSB Planning Division

APR 12 2007

RECEIVED

IM87-130
0407-076

Eileen Probasco

From: Marc VanDongen
Sent: Thursday, March 22, 2007 1:51 PM
To: Eileen Probasco
Cc: Sev Jones
Subject: RE: Draft Ordinance MSB 17.02---Essential Service Utilities

Eileen,

One other area this ordinance should not apply to is the Port. We will have a continuing requirement to extend utilities throughout the Port District every time we add a company to a lease. We have a SPUD and Port Master Plan which governs what happens in the Port District. The public should not even be concerned with what we are doing as far as utility extensions within the Port District, so the Port should be exempted from the ordinance.

Thanks, Marc

Marc Van Dongen
Port Director, Port MacKenzie
(907) 746-7414
www.portmackenzie.com

"Proud to Serve the Mat-Su Borough"

-----Original Message-----

From: Eileen Probasco
Sent: Thursday, March 22, 2007 1:25 PM
To: Marc VanDongen
Cc: Sev Jones
Subject: RE: Draft Ordinance MSB 17.02---Essential Service Utilities

Thank you Mark.
I'll forward your comments to Sev.
Eileen

-----Original Message-----

From: Marc VanDongen
Sent: Thursday, March 22, 2007 1:13 PM
To: Eileen Probasco
Cc: Keith Rountree; Bill Klebesadel; Murph O'Brien
Subject: Draft Ordinance MSB 17.02---Essential Service Utilities

Eileen,

*IM 07-130
0307-076*

I just reviewed the Draft ordinance MSB 17.02 pertaining to Essential Service Utilities, and have the following comments:

I can understand having this ordinance for Borough and private lands that are not along established roads and utility corridors. However, this ordinance should not apply where there are established roads with utility easements. You're looking at a cost of \$10,000 - \$15,000 (maybe more) to comply with the public notice, public hearing, advertising, and decision document processing every time a utility needs to be extended. You're also looking at a 4 - 6 month delay to comply with the ordinance. The ordinance should focus on non-standard utility extensions.

Marc

Marc Van Dongen
Port Director, Port MacKenzie
(907) 746-7414
www.portmackenzie.com

"Proud to Serve the Mat-Su Borough"

*Im 07-130
OR 07-676*



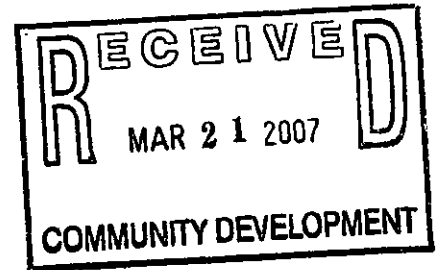
MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
Planning Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9833 • Fax (907) 745-9876

Email: planning@matsugov.us

MEMORANDUM



DATE: March 19, 2007

TO: Distribution

FROM: Eileen Probasco, Planner II

SUBJECT: REQUEST FOR REVIEW AND COMMENTS

PROJECT: An ordinance adopting MSB 17.02 - Essential Service Utilities

LOCATION: Borough Wide

RESPONSE DUE DATE: April 13, 2007

*A few suggestions, IF
we can legally do them*

The Essential Services draft ordinance is available for public review. A copy of the draft ordinance is attached. Additional copies are available at the Matanuska-Susitna Borough planning division office on the second floor of the borough building, or by going to the following link: <http://www.matsugov.us/Planning/publicreviewdocs.cfm>. Comments should be submitted by 5 p.m., April 13, 2007.

The Planning Commission will hold a public hearing on this draft ordinance on May 7, 2007. If we receive no comments from you we will assume you have no objections to this draft ordinance.

Distribution:

☒ Borough Manager (info only)

☐ Collections

☐ Assessment

☒ Planning Division

☒ Environmental Planning

☒ Planning Division

☒ Code Compliance

☒ Cultural Resources

☒ Transportation Planning

☒ Community Development Director

☒ Engineering Division Manager

☒ Port Director

☐ Emergency Services Director

☐ Assemblymembers

☒ Community Council — All

☐ Agency Distribution (see attached)

FM07-136
CR07-076

services, while ensuring that all feasible mitigation measures are taken to protect the scenic qualities of the Matanuska Susitna Borough. Essential services should be installed in cognizance of existing and projected demands for such services.

17.02.020 APLICABILITY

This chapter applies to all areas of the borough except within the city boundaries of Houston, Palmer and Wasilla. This chapter applies to municipal utilities that extend beyond city boundaries into unincorporated borough lands.

17.02.030 TYPE I ESSENTIAL SERVICE UTILITY

All proposed Type I essential service utilities, when installed or extended in any public right-of-way, borough owned land, or privately owned land, shall require a permit issued by the borough in accordance with MSB 11.30.030.

17.02.040 TYPE II ESSENTIAL SERVICE UTILITY

All proposed Type II essential service utilities shall require a public involvement program in accordance with a public participation plan as submitted by the utility in all areas of the borough excluding the cities of Houston, Palmer and Wasilla.

IM07-130
0307-076

(A) Within 20 calendar days of receipt of the proposed public participation plan, the director shall provide the applicant with written acknowledgement of receipt of the plan, along with any recommendations concerning the proposed process.

1. Minimum Requirements

a. The utility's public involvement must comply with established state or federal guidelines governing their utility for adequate public notice, public process, public meetings or public hearings.

b. If no established state or federal guidelines apply to the proposed action, the utility shall follow its own utility board adopted guidelines for public notification and involvement.

c. If there are no established state or federal guidelines or utility board adopted guidelines, the public involvement program will consist of the following minimum requirements:

2. Public Meeting and Public Hearing

a. A minimum of one public meeting will be held by the utility and shall be held central to the area impacted by propose action.

This is a big gap in requirements. I know its tough to bridge, but we need to say the federal state or board guidelines must meet or exceed.

*IM07-130
0207-076*

b. A minimum of one formal public hearing will be held by the Utility later in the process to allow for formal public testimony. The public hearing will be held in an area central to the area impacted by proposed action.

c. Notice of the public meeting and public hearing to occur a minimum of 15 days in advance of the public meeting or public hearing. The public notice will include:

- Either/or throughout document*
- i. Three (3) notices in a newspaper of general circulation within the borough;
 - ii. Public postings in local areas at libraries, public buildings, schools, stores, laundromats, lodges, etc.;
 - iii. Public service announcements on local radio stations starting 15 days before the public meeting; and
 - iv. Mailings as appropriate.

(B) Implementation of the public participation plan shall commence within 120 days from the issuance date of written acknowledgement.

(C) Upon completion of the public participation plan's elements, the applicant shall create and submit to the director a decisional document that describes

how the public participation plan was implemented, the nature of public comment, the chosen course of action, timeline for construction, and the public's appeal process.

17.02.050 DEFINITIONS

*And what
do we
do with
it?*

"Type I Essential Service Utility" means any above or below ground structures or facilities used for utility distribution including:

- Electricity Distribution: medium voltage (less than 50KV) power lines, low voltage electrical substations and pole mounted transformers; and low voltage (less than 1000V) distribution wiring to provide service to individual customers.

- Service Pipeline: A distribution line that transport gas, oil, water, or sewage from a common source of supply to the meter set assembly or distribution end-point to provide service to individual customers.

"Type II Essential Service Utility" means any above ground or below ground structures or facilities used for utility transmission including:

- Electricity Transmission: high voltage (50KV or higher) power lines, high voltage electrical



MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
Planning Division

350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 745-9833 • Fax (907) 745-9876
Email: planning@matsugov.us

RECEIVED
MAR 20 2007
PLANNING DIV.

R

MEMORANDUM

DATE: March 19, 2007

TO: Distribution

FROM: Eileen Probasco, Planner II *SEP*
E. Probasco

SUBJECT: REQUEST FOR REVIEW AND COMMENTS

PROJECT: An ordinance adopting MSB 17.02 - **Essential Service Utilities**

LOCATION: Borough Wide

RESPONSE DUE DATE: **April 13, 2007**

The Essential Services draft ordinance is available for public review. A copy of the draft ordinance is attached. Additional copies are available at the Matanuska-Susitna Borough planning division office on the second floor of the borough building, or by going to the following link: <http://www.matsugov.us/Planning/publicreviewdocs.cfm>. **Comments should be submitted by 5 p.m., April 13, 2007.**

The Planning Commission will hold a public hearing on this draft ordinance on May 7, 2007. If we receive no comments from you we will assume you have no objections to this draft ordinance.

Distribution:

☒ Borough Manager (info only)

☐ Collections

☐ Assessment

☒ Planning Division

☒ Environmental Planning

☒ **Platting Division**

☒ Code Compliance

☒ Cultural Resources

☒ Transportation Planning

☒ Community Development Director

☒ Engineering Division Manager

☒ Port Director

☐ Emergency Services Director

☐ Assemblymembers

☒ Community Council — All

☐ Agency Distribution (see attached)

no comment

Im07-130
0307-076



MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
Planning Division

350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 745-9833 • Fax (907) 745-9876
Email: planning@matsugov.us

MEMORANDUM

DATE: March 19, 2007

TO: Distribution

FROM: Eileen Probasco, Planner II

SUBJECT: REQUEST FOR REVIEW AND COMMENTS

PROJECT: An ordinance adopting MSB 17.02 - **Essential Service Utilities**

LOCATION: Borough Wide

RESPONSE DUE DATE: **April 13, 2007**

The Essential Services draft ordinance is available for public review. A copy of the draft ordinance is attached. Additional copies are available at the Matanuska-Susitna Borough planning division office on the second floor of the borough building, or by going to the following link: <http://www.matsugov.us/Planning/publicreviewdocs.cfm>. **Comments should be submitted by 5 p.m. April 13, 2007.**

The Planning Commission will hold a public hearing on this draft ordinance on ~~May 7, 2007~~. If we receive no comments from you we will assume you have no objections to this draft ordinance.

Distribution:

☒ Borough Manager (info only)

☐ Collections

☐ Assessment

☒ Planning Division

☒ Environmental Planning

☒ Platting Division

☒ Code Compliance

☒ Cultural Resources

☒ Transportation Planning

☒ Community Development Director

☒ Engineering Division Manager

☒ Port Director

☐ Emergency Services Director

☐ Assemblymembers

☒ Community Council — All

☐ Agency Distribution (see attached)

MSB Planning Division
MAR 18 2007
RECEIVED

IM07-130
07-076
minor typographical correction

Cultural Resources

(A) Within 20 calendar days of receipt of the proposed public participation plan, the director shall provide the applicant with written acknowledgement of receipt of the plan, along with any recommendations concerning the proposed process.

1. Minimum Requirements

a. The utility's public involvement must comply with established state or federal guidelines governing their utility for adequate public notice, public process, public meetings or public hearings.

b. If no established state or federal guidelines apply to the proposed action, the utility shall follow its own utility board adopted guidelines for public notification and involvement.

c. If there are no established state or federal guidelines or utility board adopted guidelines, the public involvement program will consist of the following minimum requirements:

2. Public Meeting and Public Hearing

a. A minimum of one public meeting will be held by the utility and shall be held central to the area impacted by proposed action.

IN 107-130
0307-076

CODE ORDINANCE

Introduced: 06/05/07
Public Hearing: 06/19/07
Adopted: 06/19/07

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 07-076**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING
MSB 17.05, ESSENTIAL SERVICE UTILITIES.

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 chapter. MSB 17.05 is hereby adopted to read as follows:

SECTION

17.05.010	Purpose
17.05.020	Applicability
17.05.030	Type I Essential Service Utility
17.05.040	Type II Essential Service Utility
17.05.050	Definitions

17.05.010 PURPOSE

(A) The purpose of this chapter is to provide for public participation in the decision affecting the installation of essential service utilities in such a manner that they enhance the health, safety and general welfare of borough residents and properties while minimizing negative impacts. This chapter

recognizes the importance and benefits of essential services, while ensuring that all feasible mitigation measures are taken to protect the scenic qualities of the Matanuska Susitna Borough. Essential services should be installed in cognizance of existing and projected demands for such services.

17.05.020 APPLICABILITY

(A) This chapter applies to all areas of the borough except within the city boundaries of Houston, Palmer, and Wasilla. This chapter applies to municipal utilities that extend beyond city boundaries into unincorporated borough lands.

17.05.030 TYPE I ESSENTIAL SERVICE UTILITY

(A) All proposed Type I essential service utilities, when installed or extended in any public way or borough-owned land, shall require a permit issued by the borough in accordance with MSB 11.30.030.

17.05.040 TYPE II ESSENTIAL SERVICE UTILITY

(A) All proposed Type II essential service utilities shall require a public involvement program in accordance with a public participation plan as submitted by the utility in all areas of the borough excluding the cities of Houston, Palmer, and Wasilla.

(B) Within 20 calendar days of receipt of the proposed public participation plan, the director shall provide the applicant with written acknowledgement of receipt of the plan, along with any recommendations concerning the proposed process. The public involvement program, at a minimum, must contain the following:

(1) Minimum Requirements:

(a) the utility's public involvement program must comply with established state and federal guidelines governing the utility including adequate public notice, public process, public meetings, or public hearings;

(b) if no established state or federal guidelines apply to the proposed action, the utility shall follow its own utility board adopted guidelines for public notification and involvement;

(c) if there are no established state, federal or utility board adopted guidelines, the public involvement program will consist of the minimum requirements outlined in MSB 17.05.030(B)(2), Public Involvement; and

(d) if a state, federal or utility board adopted public involvement program is used, they

must at least meet or exceed the minimum guidelines in MSB 17.05.030(B)(2), Public Involvement.

(2) Public Involvement:

(a) a minimum of one public meeting will be held by the utility and shall be held in an area central to the area impacted by proposed action;

(b) a minimum of one formal public hearing will be held by the utility later in the process to allow for formal public testimony. The public hearing will be held in an area central to the area impacted by proposed action; and

(c) notice of the public meeting and public hearing to occur a minimum of 15 days in advance of the public meeting or public hearing. The public notice will include:

(i) three notices in a newspaper of general circulation within the borough;

(ii) public postings in local areas such as libraries, public buildings, schools, stores, laundromats, lodges, on the utility's website, and on the Matanuska-Susitna Borough's website, etc.;

(iii) public service announcements on local radio stations starting 15 days before the public meeting; and

(iv) Mailings, as appropriate, including notification of all affected community councils.

(C) Implementation of the public involvement program shall commence within 120 days from the issuance date of written acknowledgement.

(D) Upon completion of the public involvement program elements, the applicant shall create and submit to the director a decisional document that describes how the public involvement program was implemented, the nature of public comment, the chosen course of action, timeline for construction, and the public's appeal process. Copies of all written public comments and an audio record, if available, shall be included in the decisional document.

17.05.050 DEFINITIONS

- "Type I Essential Service Utility" means any above or below ground structures or facilities used for utility distribution including:

- (a) "Electricity distribution" means medium voltage (less than 50KV) power lines, low voltage electrical substations and pole mounted transformers; and low voltage (less than 1000V) distribution wiring to provide service to individual customers; and

(b) "Service pipeline" means a distribution line that transports gas, oil, water, or sewage from a common source of supply to the meter set assembly or distribution end-point to provide service to individual customers.

- "Type II Essential Service Utility" means any above ground or below ground structures or facilities used for utility transmission including:

(a) "Electricity transmission" means high voltage (50KV or higher) power lines, high voltage electrical substations and pole-mounted transformers, and high-voltage distribution or transmission wiring; and

(b) "Transmission pipeline" means Pipelines installed for the purpose of transmitting gas, oil, water, or sewage from a source or sources of supply to one or more distribution centers, to one or more large volume customers, or a pipeline installed to interconnect sources of supply. In typical cases, transmission lines differ from distribution lines in that they operate at higher pressures, are longer, and the distance between connections is greater.

Section 3. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 19 day of June, 2007.


LYNNE WOODS, Deputy Borough Mayor

ATTEST:


MICHELLE M. MCGEHEE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Woods, Church, Kvalheim, Bettine, Wells, and Kluberton

CHAPTER 17.05: ESSENTIAL SERVICE UTILITIES

Section

17.05.010 Purpose**17.05.020 Applicability****17.05.030 Type I essential service utility****17.05.040 Type II essential service utility****17.05.050 Definitions****17.05.010 PURPOSE.**

(A) The purpose of this chapter is to provide for public participation in the decision affecting the installation of essential service utilities in such a manner that they enhance the health, safety and general welfare of borough residents and properties while minimizing negative impacts. This chapter recognizes the importance and benefits of essential services, while ensuring that all feasible mitigation measures are taken to protect the scenic qualities of the Matanuska Susitna Borough. Essential services should be installed in cognizance of existing and projected demands for such services.

(Ord. 07-076, § 2 (part), 2007)

17.05.020 APPLICABILITY.

(A) This chapter applies to all areas of the borough except within the city boundaries of Houston, Palmer, and Wasilla. This chapter applies to municipal utilities that extend beyond city boundaries into unincorporated borough lands.

(Ord. 07-076, § 2 (part), 2007)

17.05.030 TYPE I ESSENTIAL SERVICE UTILITY.

(A) All proposed Type I essential service utilities, when installed or extended in any public way or borough-owned land, shall require a permit issued by the borough in accordance with MSB 11.30.030.

(Ord. 07-076, § 2 (part), 2007)

17.05.040 TYPE II ESSENTIAL SERVICE UTILITY.

(A) All proposed Type II essential service utilities shall require a public involvement program in accordance with a public participation plan as submitted by the utility in all areas of the borough excluding the cities of Houston, Palmer, and Wasilla.

(B) Within 20 calendar days of receipt of the proposed public participation plan, the director shall provide the applicant with written acknowledgement of receipt of the plan, along with any recommendations concerning the proposed process. The public involvement program, at a minimum, must contain the following:

(1) *Minimum requirements.*

- (a) the utility's public involvement program must comply with established state and federal guidelines governing the utility including adequate public notice, public process, public meetings, or public hearings;
- (b) if no established state or federal guidelines apply to the proposed action, the utility shall follow its own utility board adopted guidelines for public notification and involvement;
- (c) if there are no established state, federal or utility board adopted guidelines, the public involvement program will consist of the minimum requirements outlined in subsection (B)(2) of this section, Public Involvement; and
- (d) if a state, federal or utility board adopted public involvement program is used, they must at least meet or exceed the minimum guidelines in subsection (B)(2) of this section, Public Involvement.

(2) *Public involvement.*

- (a) a minimum of one public meeting will be held by the utility and shall be held in an area central to the area impacted by proposed action;
- (b) a minimum of one formal public hearing will be held by the utility later in the process to allow for formal public testimony. The public hearing will be held in an area central to the area impacted by proposed action; and
- (c) notice of the public meeting and public hearing to occur a minimum of 15 days in advance of the public meeting or public hearing. The public notice will include:
 - (i) three notices in a newspaper of general circulation within the borough;
 - (ii) public postings in local areas such as libraries, public buildings, schools, stores, laundromats, lodges, on the utility's website, and on the Matanuska-Susitna Borough's website, etc.;
 - (iii) public service announcements on local radio stations starting 15 days before the public meeting; and

(iv) mailings, as appropriate, including notification of all affected community councils.

(C) Implementation of the public involvement program shall commence within 120 days from the issuance date of written acknowledgement.

(D) Upon completion of the public involvement program elements, the applicant shall create and submit to the director a decisional document that describes how the public involvement program was implemented, the nature of public comment, the chosen course of action, timeline for construction, and the public's appeal process. Copies of all written public comments and an audio record, if available, shall be included in the decisional document.

(Ord. 07-076, § 2 (part), 2007)

17.05.050 DEFINITIONS.

- "Type I essential service utility" means any above or below ground structures or facilities used for utility distribution including:

- (1) "Electricity distribution" means medium voltage (less than 50KV) power lines, low voltage electrical substations and pole-mounted transformers; and low voltage (less than 1,000V) distribution wiring to provide service to individual customers; and

- (2) "Service pipeline" means a distribution line that transports gas, oil, water, or sewage from a common source of supply to the meter set assembly or distribution endpoint to provide service to individual customers.

- "Type II essential service utility" means any aboveground or below ground structures or facilities used for utility transmission including:

- (1) "Electricity transmission" means high-voltage (50KV or higher) power lines, high-voltage electrical substations and pole-mounted transformers, and high-voltage distribution or transmission wiring; and

- (2) "Transmission pipeline" means pipelines installed for the purpose of transmitting gas, oil, water, or sewage from a source or sources of supply to one or more distribution centers, to one or more large volume customers, or a pipeline installed to interconnect sources of supply. In typical cases, transmission lines differ from distribution lines in that they operate at higher pressures, are longer, and the distance between connections is greater.

(Ord. 07-076, § 2 (part), 2007)

CHAPTER 17.23: PORT MACKENZIE SPECIAL USE DISTRICT

Section

[17.23.010 Intent and purpose](#)

[17.23.020 Establishment of district boundaries](#)

[17.23.030 Amendments](#)

[17.23.040 Conformance required](#)

[17.23.050 Fees](#)

[17.23.060 Allowed principal and accessory uses, prohibited uses](#)

[17.23.100 Port districts established](#)

[17.23.105 Port commercial district \(PCD\)](#)

[17.23.110 Port industrial district - One \(PID-I\)](#)

[17.23.120 Port industrial district - Two \(PID-II\)](#)

[17.23.130 Waterfront dependent district \(WDD\)](#)

[17.23.135 Conservation district \(CD\)](#)

[17.23.140](#) Terminal moraine district (TMD) [Repealed]

[17.23.141](#) Port industrial district IMD (PID-IMD) [Repealed]

[17.23.145](#) Unzoned remainder [Repealed]

[17.23.150 Development permit required](#)

[17.23.160 Permit application review](#)

[17.23.165 Permit standards](#)

[17.23.170 Setbacks](#)

[17.23.175 Standards for junkyards/refuse areas](#)

[17.23.180 Street intersection visibility](#)

[17.23.190 Road standards](#)

[17.23.195 Parking and loading facilities](#)

[17.23.200 Landscaping and buffer screening](#)

[17.23.210 Signs](#)

[17.23.220 Variances](#)

[17.23.230 Violations, enforcement, and penalties](#)

[17.23.240 Schedule of fines](#)

[17.23.250 Appeals](#)

17.23.010 INTENT AND PURPOSE.

(A) The intent of this chapter is to:

- (1) protect the public health, safety, and general welfare;
- (2) provide for orderly development;
- (3) stimulate systematic development of transportation, public facilities, and other infrastructure;
- (4) implement the recommendations of the Point MacKenzie port master plan; and
- (5) regulate nuisances.

(B) The purpose of this chapter is to:

- (1) provide for orderly development of a port and related industrial district;
- (2) provide for a sufficient water area to allow vessel movement, maneuvering, docking, servicing, and product handling;
- (3) provide for sufficient land area to accommodate factories, industrial uses, processing plants, service facilities, and circulation routes needed for port development;
- (4) maximize employment opportunities;

(5) obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and

(6) to provide reasonable flexibility for expansion and change in use.

(C) Use of land within this special land use district shall be in accordance with this chapter.

(D) The requirements of this chapter may not address all approvals, permits, and authorizations required for a use or development. It shall be the responsibility of the applicant to identify and comply with all necessary laws, regulations, policies, and procedures of the borough, state, and federal government, any applicable plat notes, and other private covenants or restrictions.

(Ord. 00-154, § 2 (part), 2000)

17.23.020 ESTABLISHMENT OF DISTRICT BOUNDARIES.

This chapter is to establish consistency between the approved boundaries and definitions for the Port MacKenzie special use district, the Point MacKenzie port master plan, and the area meriting special attention (AMSA), for the application of the Port MacKenzie special use district authorities.

(Ord. 00-154, § 2 (part), 2000)

17.23.030 AMENDMENTS.

The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed pursuant to the requirements of MSB 15.24. Any amendments shall be consistent with the Point MacKenzie port master plan, the Matanuska-Susitna coastal management plan, including the area meriting special attention (AMSA), and other applicable borough, state, and federal land use plans and subsequent amendments.

(Ord. 00-154, § 2 (part), 2000)

17.23.040 CONFORMANCE REQUIRED.

(A) No building, structure, land, or water area located within the Port MacKenzie special use district, hereinafter referred to as “the district,” shall be used or occupied, and no building, structure, or part thereof shall hereafter be erected except in conformity with the regulations specified in this chapter.

(B) Except where otherwise specified, the requirements of this chapter are cumulative to the other requirements of borough code.

(C) Where conflicting codes occur, the provisions of this chapter shall apply.

(Ord. 11-133, § 3, 2011; Ord. 00-154, § 2 (part), 2000)

17.23.050 FEES.

Fees required under this chapter will be established in accordance with MSB 17.99.

(Ord. 00-154, § 2 (part), 2000)

17.23.060 ALLOWED PRINCIPAL AND ACCESSORY USES, PROHIBITED USES.

(A) All uses authorized under borough code are allowed within the district unless specifically prohibited by this chapter. Accessory uses that are normal and customary to authorized uses are allowed on the same lot as the principal use.

(1) Worker construction camps are allowed for the term of a project.

(B) The following uses are prohibited within the district:

(1) adult businesses;

(2) alcoholic beverage sales;

(3) correctional community residential centers;

(4) race tracks; and

(5) residential dwelling units.

(Ord. 11-133, § 4, 2011; Ord. 00-154, § 2 (part), 2000)

17.23.100 PORT DISTRICTS ESTABLISHED.

(A) The total boundaries of the area covered in this chapter will be identical to the port boundaries established by MSB 18.02.020, Boundaries. For purposes of this chapter, the special use district will be defined as port industrial district - one (PID-I), port industrial district - two (PID-II), waterfront dependent district (WDD), the port commercial district (PCD), and the port conversion district (CD).

(B) *[Repealed by Ord. 09-120, § 2, 2009].*

(C) The boundaries of these districts will remain unchanged, regardless of ownership, subdivision action, or changes to other service district, city, or community council boundaries, unless so changed by official ordinance within this section.

(Ord. 11-133, § 5, 2011; Ord. 09-120, § 2, 2009; Ord. 05-143, § 3, 2005; Ord. 00-154, § 2 (part), 2000)

17.23.105 PORT COMMERCIAL DISTRICT (PCD).

(A) The following areas located within the port district are designated port commercial district subject to the

provisions of this chapter:

All of Section 14, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting the N 1/2 of N 1/2 of Section 14, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; the S 1/2 of Section 15, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; that portion of the E 1/2 E 1/2 of Section 22, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies north of and to the centerline of W Point Mackenzie Road; that portion of the W 1/2 of Section 23, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies north of and to the centerline of W Point Mackenzie Road.

(B) The PCD is designated for port-related commercial and light industrial land uses intended primarily to support water-dependent and water-related uses as allowed principal uses. Uses not related to marine/rail-related land uses in the district are discouraged. This district is intended to accommodate low to moderate intensity office and industrial parks, which are generally developed as commercial subdivisions. The location, type, scale and density/intensity of supporting and secondary uses shall be compatible with the Port Master Plan, and the overall character of the existing, as well as the proposed future development of the area.

(C) Allowed principal uses and structures are as follows:

- (1) professional and business offices;
- (2) light, medium, and heavy assembly and manufacturing;
- (3) warehousing, wholesaling, distribution, and similar uses, and light manufacturing, fabrication, and assembling of components;
- (4) packaging and processing;
- (5) non-retail manufacturing agent and display rooms, offices of building trades contractor (not including outside storage or use of a vehicle in excess of one-ton capacity or any equipment, machinery, ditching machines, tractors, bulldozers, or other heavy construction equipment);
- (6) storage/warehousing excluding bulk storage of liquids;
- (7) transportation terminals including freight terminals;
- (8) vocational, technical, business, trade or industrial schools, and similar uses;
- (9) transmission and relay towers;
- (10) natural resource extraction, processing, and refining; and

(11) essential services, including water, sewer, gas, telephone, radio, and electric.

(D) Accessory uses and structures are allowed, if those uses and structures are of a nature customarily incidental and clearly subordinate to an allowed or permitted principal use or structure and, unless otherwise provided, these uses and structures are located on the same lot (or a contiguous lot in the same ownership) as the principal use. Where a building or portion thereof is attached to a building or structure containing the principal use, the building or portion shall be considered as a part of the principal building, and not as an accessory building. Accessory uses shall not involve operations or structures not in keeping with character of the district where located.

(E) *Minimum lot area and width requirements.*

(1) Lots intended to be serviced by septic tanks shall have at least 10,000 square feet of building area and 10,000 square feet of contiguous useable septic area surrounded by a well exclusion area extending 150 feet from the perimeter of the septic area for wells intended to serve no more than 24 people, otherwise the well exclusion area extends 200 feet.

(F) There is no maximum lot coverage requirement.

(Ord. 13-043, § 4, 2013; Ord. 11-133, § 8, 2011)

17.23.110 PORT INDUSTRIAL DISTRICT - ONE (PID-I)

(A) The following areas located within the port district are designated port industrial district - one (PID-I) land use district subject to the provisions of this chapter:

That portion of Section 20 and Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies northeasterly of a line from the NW corner of Section 20 to the SE corner of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting that portion of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA lying northeasterly above and to the centerline of W Point Mackenzie Road; all of Section 22, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting the E 1/2 E 1/2 lying northerly above and to the centerline of W Point Mackenzie Road; all of Section 23, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA except the W 1/2 lying northerly above and to the centerline of W Point Mackenzie Road; All of Section 24, excepting Lot 1 and NE 1/4 NW 1/4 NW 1/4 Section 24, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 25, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 26, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 27, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA.

(B) The PID-I district is designated for port uses necessary to operate a commercial/industrial port. This

district is reserved and shall not be committed to non-port-related uses.

(C) Permitted uses in the PID-I district are those commercial and industrial uses which comprise or directly support port activity and which require close proximity and direct access to the docks, including but not limited to:

- (1) transportation corridors for rail, roads, conveyor, and pipeline transport systems;
- (2) light industrial uses;
- (3) heavy industrial uses;
- (4) commercial uses directly supporting the port work force such as restaurants and provision of goods and services that require location very near the docks to meet the daily needs of the port operations and work force;
- (5) industrial docks;
- (6) transportation facilities, roads, railways, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges;
- (7) short-term cargo storage, and marshaling areas required to efficiently conduct transshipment;
- (8) ship yards for service, repair, and construction of ships;
- (9) moorage, marinas, fueling, and other ship services;
- (10) offices supporting permitted uses which are directly necessary to conduct those permitted uses at the site;
- (11) natural resource extraction only as part of an approved plan to prepare sites for portrelated development;
- (12) public safety and government services, public lands, and institutions.

(D) Permits within the PID-I will be reviewed by the borough manager for approval or disapproval.

(Ord. 13-043, § 2, 2013; Ord. 11-133, § 7, 2011; Ord. 09-120, § 3, 2009; Ord. 00-154, § 2 (part), 2000)

17.23.120 PORT INDUSTRIAL DISTRICT - TWO (PID-II).

(A) The following areas located within the port district are designated port industrial district - two (PID-II) land use district subject to the provisions of this chapter:

All of Section 12, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting Lot 1 and Lot 2, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 13, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting Lot 4, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA and excepting a leased parcel recorded in Book 161 at Page 435 in the Palmer Recording District; that portion of Section 20 and Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies southwesterly of a line from the NW corner of Section 20 to the SE corner of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; that portion of Section 21, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA that lies northerly and easterly above and to the centerline of W Point Mackenzie Road; all of Section 28, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; all of Section 29, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA excepting the S 1/2 SW 1/4 Section 29, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; N 1/2 NE 1/4 Section 33, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; N 1/2 NW 1/4 and NE 1/4 and N 1/2 SE 1/4 Section 34, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; W 1/2 NW 1/4 and W 1/2 NW 1/4 SW 1/4 Section 35, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA.

(B) The PID-II district is designated for uses that have port-related activities, support port-related activities, are necessary to operate a commercial or industrial facility, or serve a public need.

(C) Permitted uses in the PID-II district are those commercial and industrial uses which comprise or support port activities, or other government or public facilities including but not limited to:

- (1) transportation corridors for rail, roads, conveyor, and pipeline transport systems;
- (2) light industrial uses;
- (3) heavy industrial uses;
- (4) bulk material storage and bulk fuel storage;
- (5) commercial uses directly supporting the port work force such as restaurants and the provision of goods and services that require a location near the docks to meet the daily needs of port operations and work force;
- (6) transportation facilities, roads, railways, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges, cargo storage, fueling, and other services;
- (7) offices supporting permitted uses at the site;

- (8) natural resource extraction only as part of an approved plan to prepare sites for development;
- (9) correctional facilities such as jails, prisons, and community correctional facilities; and
- (10) public safety and government services, public lands, and institutions.

(D) Permits within the PID-II will be reviewed by the borough manager for approval or disapproval.

(Ord. 13-043, § 3, 2013; Ord. 11-133, § 8, 2011; Ord. 09-120, § 4, 2009; Ord. 00-154, § 2 (part), 2000)

17.23.130 WATERFRONT DEPENDENT DISTRICT (WDD).

(A) The following area within the district is designated waterfront dependent (WDD) land use district subject to the provisions of this chapter: land and water comprising the tidelands and submerged lands described in MSB 18.02.020(D).

(B) The WDD is designated for waterfront uses necessary to operate a commercial/industrial port. This district is reserved and shall not be committed to nonport uses.

(C) Permitted uses in the WDD are those commercial and industrial uses which comprise or directly support port activity and which require close proximity and direct access to the docks, including, but not limited to:

- (1) transportation corridors for rail, roads, docks, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges;
- (2) short-term cargo storage and staging areas required to efficiently conduct transshipment;
- (3) ship yards for service, repair, and construction of ships;
- (4) moorage and marinas;
- (5) fueling and other ship services;
- (6) offices supporting permitted uses which are directly necessary to conduct those permitted uses at the site;
- (7) natural resource extraction as part of an approved plan to prepare sites for port-related development;
- (8) public safety and government services; and
- (9) commercial uses directly supporting the port work force such as the provision of goods and services that require location very near the docks to meet the daily needs of the port operations and work force.

(D) Activities within the WDD will be reviewed by the borough manager for approval or disapproval.

(Ord. 13-043, § 5, 2013; Ord. 00-154, § 2 (part), 2000)

17.23.135 CONSERVATION DISTRICT (CD).

(A) The following areas located within the port district are designated port conservation district (CD) land use district subject to the provisions of this chapter:

All of Section 10 and Section 11, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; N1/2 N1/2, Section 14, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA; N1/2, Section 15, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA.

(B) The CD is designated to protect resources and functional values that have been identified by the borough as providing benefits to the public. This district is reserved and shall not be committed to non-port-related uses.

(C) Permitted uses in the CD are those that do not result in significant erosion or damage to habitat, or result in or increase ground or water pollution including:

- (1) maintenance, repair, and replacement of existing structures and infrastructure exterior improvements, roads, and public recreation trails;
- (2) corridors for roads and utility transmission systems;
- (3) year-round recreational nonmotorized trails and winter-only motorized trails;
- (4) minor vegetation management (trimming, pruning, or removal) for reasons of public safety or for the replacement of invasive species with indigenous species;
- (5) removing those noxious weeds or undesirable plant species identified in the current North American Weed Free Forage Certification Standards List and those weeds declared noxious in 11 AAC 34.020, Prohibited and Restricted Noxious Weeds.

(D) Prohibited uses in the CD include those that result in alteration of watercourses, dumping of trash, soil, dirt, fill, vegetative, or other debris, regrading, or construction.

(Ord. 13-043, § 6, 2013; Ord. 11-133, § 9, 2011)

17.23.140 Terminal moraine district (TMD). [Repealed by Ord. 05-143, § 4, 2005]

17.23.141 Port industrial district IMD (PID-IMD). [Repealed by Ord. 11-133, § 10, 2011]

17.23.145 Unzoned remainder. [Repealed by Ord. 11-133, § 11, 2011]

17.23.150 DEVELOPMENT PERMIT REQUIRED.

(A) All development and use of land authorized within the special use district shall require prior authorization by issuance of a port district use permit from the borough manager or designee. Other permits or authorization may be required for specific uses or development.

(1) Maintenance activities are exempt from the requirement to obtain a port development permit.

(B) Port development permits shall be issued to the lessee or the lessee's authorized agent as prescribed by this chapter. At a minimum, permits will be required for the following:

(1) structures greater than 400 square feet in gross area on the ground level or more than 30 feet in height above average grade; or

(2) structures using permanent foundations such as pilings or footings; or

(3) expansion of a structure by more than 400 square feet or 25 percent of the structure's original footprint, whichever is less; or

(4) temporary units, including location of a mobile home; or

(5) excavation or fill of more than 50 cubic yards of material; or

(6) communication towers or antennas over 30 feet in height; or

(7) on-site utilities, including but not limited to, water, sewer, storm drain, electric, communications, natural gas, and other wire and pipelines; or

(8) construction of any type within rights-of-way, easements, buffer strips, utility corridors, etc., shall be consistent with MSB 11.30.040(B), (C), and (E) as shown on either a recorded plat or on an approved borough master plan.

(C) Applicants may contact the borough manager to schedule a pre-application conference. It shall be the responsibility of the applicant to become familiar and comply with the regulations, policies, and procedures of the borough.

(D) Applications for a port development permit shall be submitted on forms provided by the borough with attached supplemental material as appropriate.

(1) The applicant shall include all information with the application sufficient to describe the proposal and demonstrate compliance of the proposal with applicable borough codes. Applications shall include appropriate site plans and necessary textual descriptions to depict and describe the location, setbacks, dimensions, height, bulk, area, floor plans, layout, appearance, materials, use, standards of construction,

operations, mitigation methods for negative impacts, schedules, and all other aspects of the proposal necessary to show the proposed construction needed to determine compliance with borough code.

(2) The application shall be accompanied by an application fee as required under MSB 17.99.

(E) Site plan and technical drawing requirements shall be signed and sealed by a professional land surveyor, civil engineer, or architect or landscape architect registered in Alaska as appropriate to the drawing.

(F) Proposals for development shall demonstrate that adequate street capacity will be provided and describe any traffic control measures proposed to mitigate negative traffic effects on public rights-of-way. Proposals must include:

(1) a statement describing anticipated vehicular traffic to and from the site including probable types/size of vehicles to be used by the business, and vehicle generation rate based on standard trip generation tables; and may require

(2) a traffic impact analysis (TIA) where applicant establishes that proposed development will generate more than 200 average daily traffic trips, or more than 100 truck trips per day.

(G) 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.

(Ord. 18-030, § 4, 2018; Ord. 11-146, §§ 2—6, 2011; Ord. 11-133, § 12, 2011; Ord. 00-154, § 2 (part), 2000)

17.23.160 PERMIT APPLICATION REVIEW.

Upon determination that a complete application has been received, the borough manager shall commence review of the project for conformance with all applicable codes and the port master plan. An application is deemed complete when all of the material listed in MSB [17.23.150](#)(D), (E), and (F) has been received by the borough manager.

(Ord. 00-154, § 2 (part), 2000)

17.23.165 PERMIT STANDARDS.

(A) Unless otherwise specified for cause, a permit shall terminate two years from the date of issuance if the subject development or use has not commenced. Unless otherwise specified for cause, a port development permit shall terminate 30 calendar days after written notice from the borough to the applicant of determination by the borough that substantial construction has not occurred on the permitted development for 24 consecutive months.

(B) Upon completion of construction authorized by a permit issued under this chapter, the permittee shall notify the borough manager in writing of completion. The borough may inspect the site to determine compliance with the requirements of the permit.

(C) Prior to construction of any structure subject to state fire codes, the permittee shall obtain a state of Alaska fire marshal approval and submit a copy of the approval to the borough manager.

(D) The borough manager may approve an application subject to any conditions that are necessary to implement the purposes of this title, or conform the application to this title or other applicable statutes or ordinances.

(Ord. 11-146, § 7, 2011; Ord. 00-154, § 2 (part), 2000)

17.23.170 SETBACKS.

(A) Minimum structural setback requirements are prescribed in MSB 17.55.

(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.

(Ord. 11-133, § 13, 2011; Ord. 00-154, § 2 (part), 2000)

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 junkyard;
- (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.

(Ord. 18-030, § 3, 2018)

17.23.180 STREET INTERSECTION VISIBILITY.

- (A) Fences, walls, hedges, or other plantings or structures erected, planted, or placed within a triangular area formed by intersecting right-of-way lines at a corner shall be designed to provide the minimum corner sight distance as specified in the borough subdivision construction manual as adopted, or revised.
- (B) Precautions shall be taken so as not to obscure visibility of oncoming cars or passing pedestrians and vehicles backing out of driveways or parking lots onto public rights-of-way.

(Ord. 00-154, § 2 (part), 2000)

17.23.190 ROAD STANDARDS.

- (A) The purpose of the following provisions is to establish standards for the design of streets in the district that will promote the safety and convenience of vehicular traffic, minimize the cost of street construction, and minimize the long-term cost for maintenance and repair of streets thereby encouraging appropriate development of the lands within the district.
- (B) Each proposed street within the district shall be designed for its entire length to meet or exceed the minimum standard. These standards shall be applicable to the design and construction of all new commercial/industrial streets within this special land use district.
- (C) Engineering criteria are:
 - (1) The road surface of all streets shall be no less than 24 feet in width and designed to provide two

continuous moving lanes within which no parking is permitted;

(2) The road cross section shall provide two feet of structural gravel with additional design necessary based on the sub-grade materials;

(3) The top six inches of the road prism shall be gravel no larger than two inches and contain 5 percent to 15 percent fines;

(4) Roads 1,400 feet or more in length shall meet or exceed the design criteria for a roadway speed of 35 miles per hour; and

(5) Roads less than 1,400 feet in length shall meet or exceed the design criteria for a roadway speed of 25 miles per hour.

(Ord. 00-154, § 2 (part), 2000)

17.23.195 PARKING AND LOADING FACILITIES.

(A) *General provisions.* It is the responsibility of the applicant to provide sufficient off-street vehicle and equipment parking, loading, and storage facilities for the subject use. It is the responsibility of the permittee to determine the appropriate number of required spaces for proposed uses and ensure they are provided and maintained. In the event the provided number of parking spaces proves to be insufficient to serve the use, it is the responsibility of the permittee to immediately provide additional parking as required by this chapter sufficient to eliminate the need for parking or loading to occur on the street.

(Ord. 00-154, § 2 (part), 2000)

17.23.200 LANDSCAPING AND BUFFER SCREENING.

(A) Landscaping and buffers shall be consistent with the Point MacKenzie port master plan. Use of native species is encouraged. Existing vegetation may provide the required buffer screening. This section is intended to:

(1) reduce incompatibility of uses by requiring a screen or buffer to minimize the harmful impact of wind, erosion, flooding, noise, dust, odor, glare or artificial light intrusion, and other impacts created by nearby uses;

(2) Allow the surrounding lands to act as a natural drainage system and ameliorate storm water drainage problems, reduce the harmful effects to underground water reservoirs, permit the return of precipitation to the ground water strata; and

(3) enhance the appearance of industrial uses, parking lots, storage yards, and enhance property value in the area.

(B) Standards for landscaping and screening may be waived, modified, or increased by the borough manager upon finding the change is necessary or appropriate to implement the purpose and intent of this section. Generally, use of topographic features, fences, walls, architectural features, or different locations for screening will be required in lieu of the listed standards.

(C) The permittee, his agents and assigns, shall be responsible for the maintenance, repair, and replacement of all landscaping and screening required by the provisions of this section. All vegetation shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences, walls, and other structures shall be maintained in good repair. (Ord. 00-154, § 2 (part), 2000)

17.23.210 SIGNS.

Off-premises signs of lessees are permitted within the port district in accordance with the permit issued by the borough manager. In no event shall an off-site sign exceed 32 square feet in area nor be more than 15 feet in height. A port district directory and map may be provided by the borough at the entrance to the district.

(Ord. 00-154, § 2 (part), 2000)

17.23.220 VARIANCES.

Applications and procedures for obtaining variances from standards of this chapter shall be as prescribed in MSB 17.65.

(Ord. 00-154, § 2 (part), 2000)

17.23.230 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Unless specified otherwise, any violation of this chapter is an infraction.

(B) *[Repealed by Ord. 17-103, § 9, 2017]*

(C) Enforcement of the provisions of this chapter and associated penalties shall be consistent with the terms and conditions of MSB 1.45.

(D) *[Repealed by Ord. 17-103, § 9, 2017]*

(Ord. 17-103, § 9, 2017; Ord. 00-154, § 2 (part), 2000)

17.23.240 SCHEDULE OF FINES.

Minimum fines for infractions of this chapter will be \$100 per violation, unless otherwise specified by code.

(Ord. 00-154, § 2 (part), 2000)

17.23.250 APPEALS.

Appeals from decisions of the 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.

(Ord. 18-030, § 5, 2018; Ord. 00-154, § 2 (part), 2000)

Future transportation improvements should also consider Volume to Capacity (V/C) ratio in conjunction with LOS grades to develop an appropriate and proficient surface transportation system. The V/C ratio is a measure of traffic demand on a facility (expressed as volume) compared to its traffic-carrying capacity. Traffic volumes of a particular roadway are generally expressed as average daily traffic (ADT) or vehicle per hour (VPH) for a specific street segment. Potential choke points due to future rail service, transportation of modular products via heavy trucks, and peak ferry traffic may indicate that a roadway facility is operating at or near capacity. Port traffic moving at an acceptable rate of speed will perform at suitable LOS grades. However, segments of the transportation system may indicate the facility is operating at or near capacity despite acceptable LOS grades. In-road traffic counting loops should be installed to provide long-term data for use in determining need for future improvements.

5. Facilities/Utilities

5.1 Introduction

This chapter addresses the existing and future facility and utility needs for development of Port MacKenzie. Utilities, as a group, include emergency/fire suppression, potable water, wastewater, storm water systems, electrical service, pipelines, conveyors, and natural gas. The availability of such utilities and facilities will encourage the development of Port MacKenzie for large-scaled industrial, manufacturing and commercial uses. Utility layout is shown in the Port MacKenzie Layout Drawings in Appendix A. All utilities should be buried when crossing public roads and railways to allow for unfettered movement of tall freight.

An important consideration for future utility and facility requirements is the estimation of potential industrial, manufacturing and commercial activity. Utility and facility needs can be estimated by the overall utility usage of certain land uses and the distribution and intensity of these uses.

Identification of locations/routes of major infrastructure and utilities in the Port needs to be a priority. When parcels are leased for development, it needs to occur in a manner that ensures Port infrastructure needs are not compromised.

5.2 Terminal Building

A 7,000-square foot terminal building was constructed in 2006 at the southeast end of the barge dock. It was originally intended to act as the terminal for the proposed ferry, however, since the ferry is no longer being considered, the building is currently being used for Port activities. The terminal building includes office space, storage, and restroom areas. There are seven office spaces, three of which are currently being used by the borough, and 4 which are being leased out.

5.3 Security Posts

Two security posts have been installed. One is at the end of Don Young Road at the beginning of the barge dock. The other is at the intersection of Point MacKenzie Road and Lu Young Lane. The general public will be directed by signage to a security post at the beginning of Don Young Road.

The Security Gate will control traffic proceeding along Don Young Road to and from the dock. Locations for future security posts are illustrated on the Port layout drawings in Appendix A.

5.4 Deep-Draft Dock

Port MacKenzie contains a fully integrated and operational deep-water marine port with a 1,200-foot deep-draft dock. The deep-draft dock, with -60 feet Mean Low Water (MLLW), is capable of handling the world's largest vessels. The deep-draft dock is equipped with a conveyor system capable of loading bulk commodities at up to 2,000 tons/hour. An additional trestle will allow for more rapid transport of cargo on and off vessels. The design will also allow for roll-on/roll-off containers. Future development of the deep-draft dock must accommodate fuel and cement loading and unloading.

5.5 Barge Dock

The 14.7-acre open-cell barge dock has a 500-foot bulkhead barge dock with a depth to MLLW of -20 feet. Improvement of the barge dock with a bulkhead landing on the south side should occur to assist with loading large modules. Space for loading and unloading racks for liquid petroleum and liquefied natural gas should be established in the near term.

5.6 Conveyors

A 3,000-foot long, 5-foot wide, privately owned elevated conveyor system extends from the 22-acre bulk material stockpile area down to the deep-draft dock. Expansion of the conveyor corridor to service the interior of the rail loop as well as the area identified for truck coal will require additional conveyor belts. This expansion will allow bulk commodities to be loaded at a higher volume per hour. The existing conveyor was designed to accommodate a second conveyor on the same support structures. Additional conveyors are anticipated to be necessary to service the expanded deep-draft dock.

5.7 Pipelines

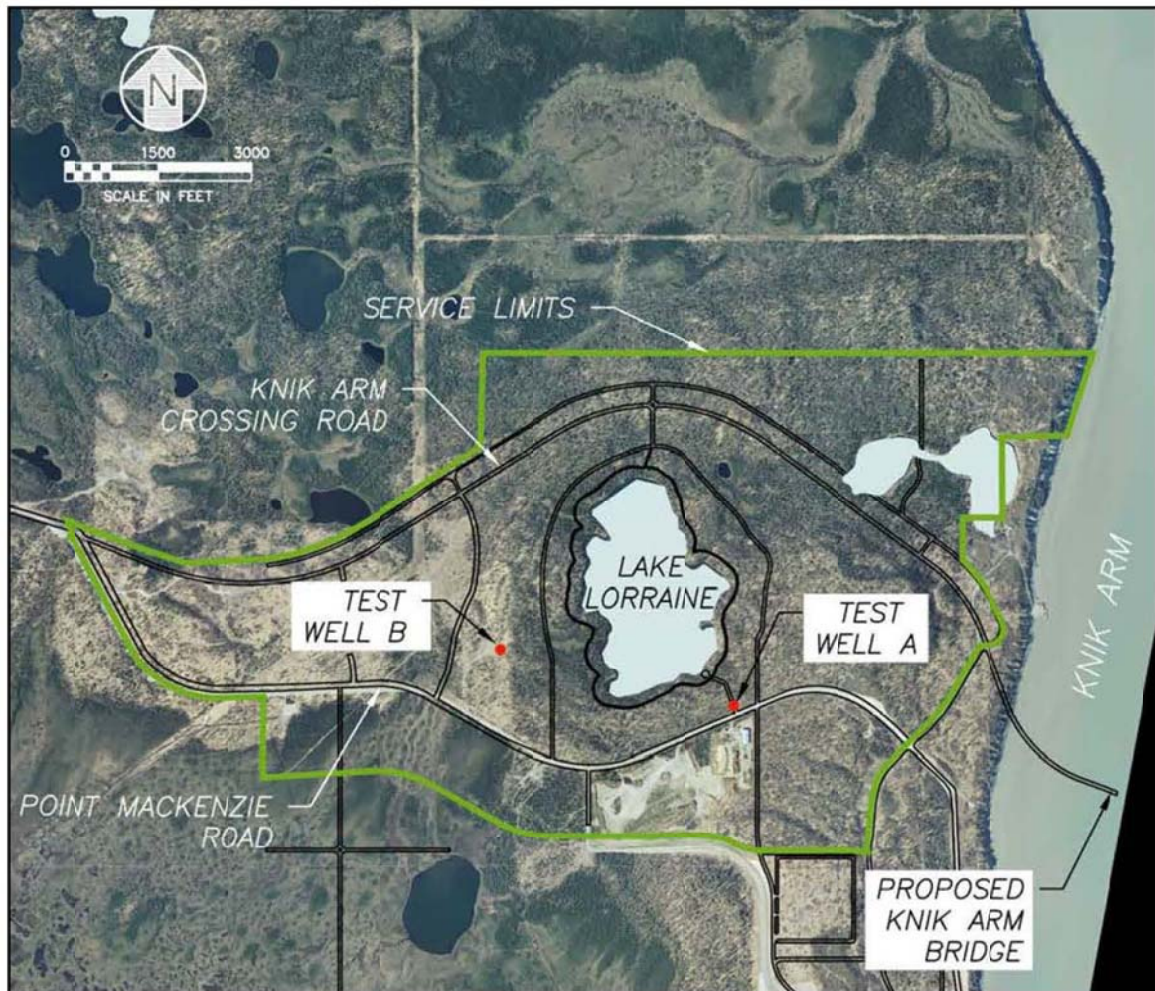
Pipelines are a necessary component of Port infrastructure. Pipelines will be constructed on the east and south sides of the tank farm to facilitate the loading and unloading of bulk fuel shipments onto both rail tankers and tanker trucks. The pipeline corridor is illustrated in the port layout drawings in Appendix A. A portion of the pipeline corridor has been surveyed and monumented from the southern end of the tank farm to the waterside of the barge dock. Multiple pipelines will be constructed to permit the loading and unloading of not only bulk liquid products but also bulk cement, liquefied natural gas, and other liquid petroleum products. Additional pipeline corridor must be engineered and surveyed from the tank farm to the Knik Arm Crossing.

5.8 Potable Water

In the near term, incremental development of industrial land uses will require the construction of on-site well systems for potable water. As the Port develops into a world class export facility, placement of storage tanks, treatment facilities, pumping stations and piping need to be carefully

considered in the overall facility and utility evaluation. The demand for potable water will be evaluated based on the composition of commercial and industrial land uses compared to the consumption of each type of use. Placement of potable water systems will be evaluated based on industrial density, soil composition and the topographical features of the Port District. A six-inch well was constructed and tested to determine the availability and suitability of water within the Port Commercial District. The locations of the two test wells drilled as part of the water and wastewater evaluation are shown on Figure 9 as well as the service area limits.

Figure 9. Water Well Locations

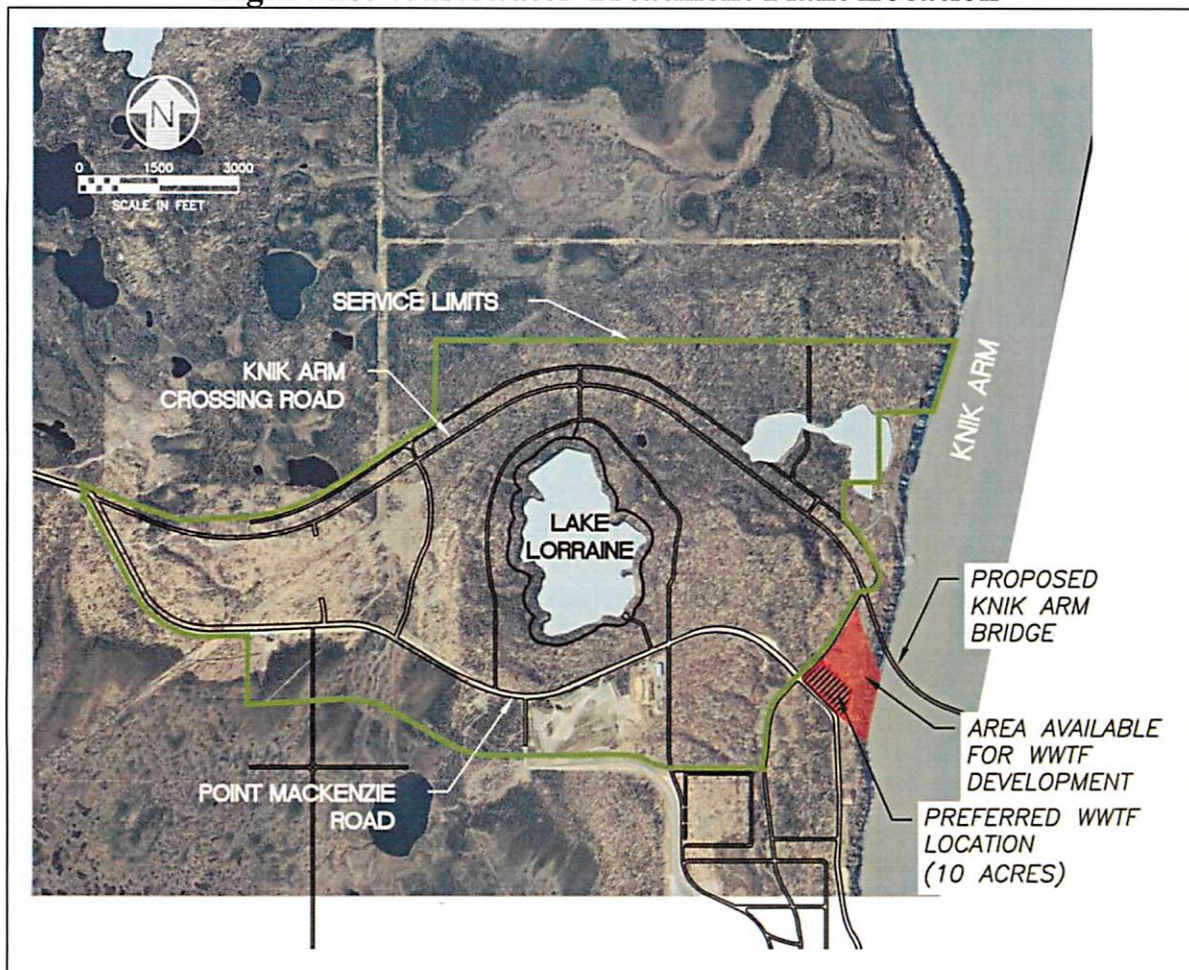


5.9 Wastewater Management

Development of industrial land uses will utilize on-site septic facilities for wastewater management. Continuous development of industrial and commercial uses will require the construction of large-scale treatment facilities to efficiently manage wastewater. Location of treatment plants, pumping stations and possibly irrigation land (to meet federally mandated tertiary treatment standards) must be identified and planned to meet local demand.

An area has been designated to be served by piped sewer and water service to achieve maximum development density. Because of the uncertainty and flow limitations with large subsurface discharges, this Master Plan includes a Waste Water Treatment Plant (WWTP) that will surface discharge into the Knik Arm. The future WWTP must be capable of treating the expected flow at full build-out. A WWTP is typically sized to treat the design flow rate for a 20 to 30-year planning horizon, plus additional space to at least double the plant size should forecasts underestimate growth. The shaded region in Figure 10 identifies an approximate 70-acre area that is suitable for a future WWTP. The preferred WWTF location within the available area is also shown. This location is ideal because it is inside of the Port's secure perimeter and is situated lower than the surrounding areas.

Figure 10. Wastewater Treatment Plant Location



5.10 Storm Water Management

Storm water is the surface runoff that results from rain and snowmelt that flows over land or impervious surfaces. Development at Port MacKenzie will alter the land's natural retention and absorption capabilities. An increase in industrial and commercial activity will introduce a host of pollutants (i.e., sediment, oil, grease, metals, salt, pathogens and/or other toxins). These pollutants can accumulate on impervious surfaces such as rooftops, roads, storage areas, and parking lots

which can be picked up by storm water runoff as it moves across these surfaces. Uncontrolled storm water discharges from Port activities can negatively affect water quality, elevate pollutant concentrations and change natural hydrologic patterns.

The state's approved program is called the Alaska Pollutant Discharge Elimination System (APDES) Program. The APDES storm water permit requirements are based largely on a pollution-prevention approach. The most effective storm water management techniques emphasize preventing rain and snowmelt from coming into contact with pollutants and preventing discharges directly to nearby receiving waters. APDES storm water permits require operators of permitted activities or systems to use best management practices (BMPs) designed to effectively protect water quality for their particular site conditions and activity. BMPs include ditches, curbs, gutters, man-made channels, storm drains, storm sewers and similar means of collecting or conveying runoff that do not connect with a wastewater collection system or treatment plant. Development of the Port District shall utilize BMPs for the facilitation of storm water management systems.

Two efforts have occurred documenting various storm water challenges at Port MacKenzie (USKH, 2012 and PND, 2013). Both studies include similar recommendations. In general, a Drainage Plan should be prepared to address the long-range development at the Port to provide a phased approach for installation of storm drainage collection, conveyance, treatment and disposal infrastructure to support development of industry and ongoing Port operations. An alternative is to develop an Area-Wide Drainage Plan for approval from the Alaska Department of Environmental Conservation (ADEC) in addition to an Area-Wide Storm Water Pollution Prevention Plan (SWPPP). The Drainage Plan should display drainage basins and where they will drain in addition to the proper treatment of the discharge while the Area-Wide SWPPP will set minimum standards for temporary and permanent erosion and sediment control within the Port District. Future developers in the Port District will need to conform to the Area-Wide plans, and developers would be able to utilize the SWPPP and amend their individual project into the document.

Allowing lessees to individually determine how best to manage on-site storm water runoff is unlikely to result in an overall coordinated, efficient and functional storm water management system at Port MacKenzie. Some near-term storm water management issues were identified in these reports and should be addressed in the next five years. The highest priority is engineering and constructing a storm water management system for the Knik Arm Bluff along Don Young Road and above the barge dock.

Finally, the groundwater movement within the Port District is not well understood but has clearly contributed to erosion of the bluff, cut slopes, roadway saturation, winter icing and generally increased the cost of constructing and maintaining facilities in this area. Additional site investigations and studies should be conducted to determine the location, extent, and nature of the groundwater near the bluff face and within Elmendorf Moraine where it will have the greatest effect on future development and operation of the Port.

5.11 Electric

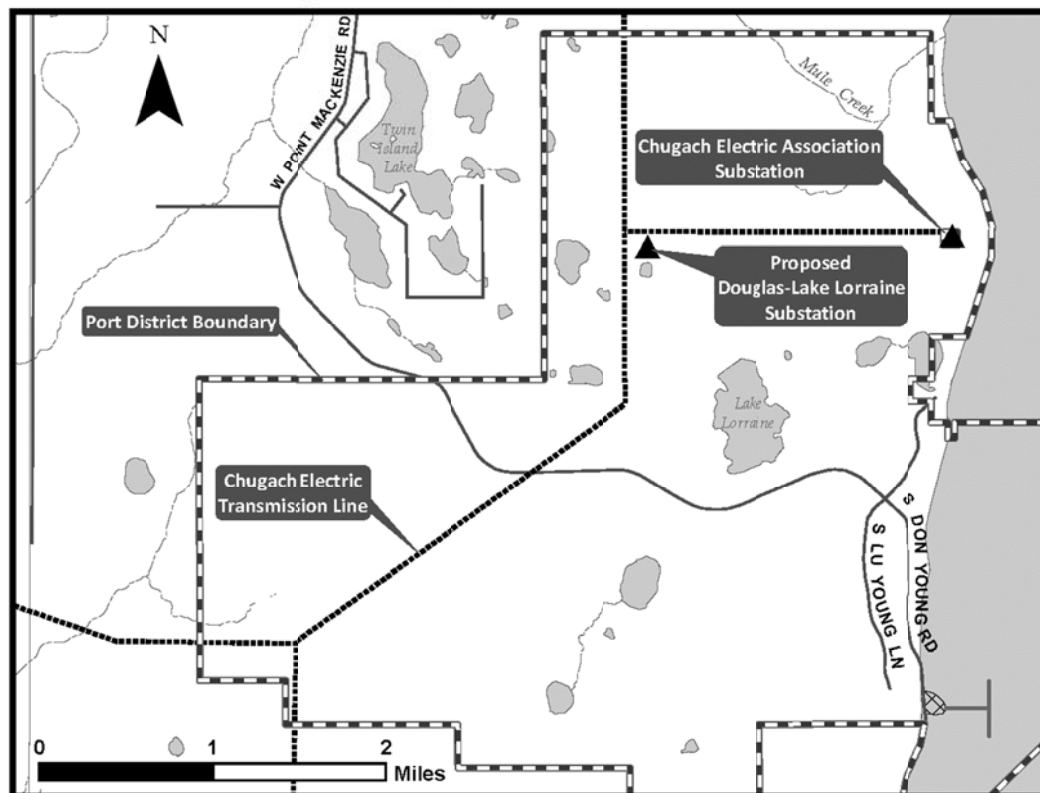
Two high-voltage electric transmission lines (230 kilovolt) enter the Port District from the southwest heading northeast. The lines turn north after crossing Point MacKenzie Road and branch once to the east where a buried transmission line crosses the Knik Arm to Elmendorf Air Force Base.

Three-phase electric power is available along Point MacKenzie Road to the barge dock. The lines are buried the last 2.3 miles. Matanuska Electric Association currently supplies electric power to the Port District via a substation and multiple 13.8 kV overhead lines. Although this power output is sufficient for the demands of current operators, incremental development will require additional electrical power loads. Electric service requirements will be determined by the electrical demand of future land uses. The location for future substation development and easement is illustrated in Figure 11.

Lake Lorraine Sub-Station

As development occurs, electric power use will need to maintain capacity to power individual industrial and commercial uses within the Port District. A substation should be pursued as a top priority to encourage the development of industrial and commercial land uses. An ideal location is north of Lake Lorraine, where dense commercial development is encouraged. The area west of Lake Lorraine and north of Point MacKenzie Road has been identified as suitable for a power generation facility.

Figure 11: Electrical Substations



5.12 Natural Gas

Planning for a Port MacKenzie power plant is prudent given the anticipated capacity of industrial, manufacturing and commercial uses. Natural gas delivery will be developed to sustain large-scale industrial and commercial activity at Port MacKenzie. Current plans call for a 10-inch, high-pressure gas transmission line to be extended from Mile 39 Beluga pipeline located approximately 14 miles away for near-term natural gas usage. Distribution lines within the Port District will be developed in multiple grid patterns.

5.13 Communications

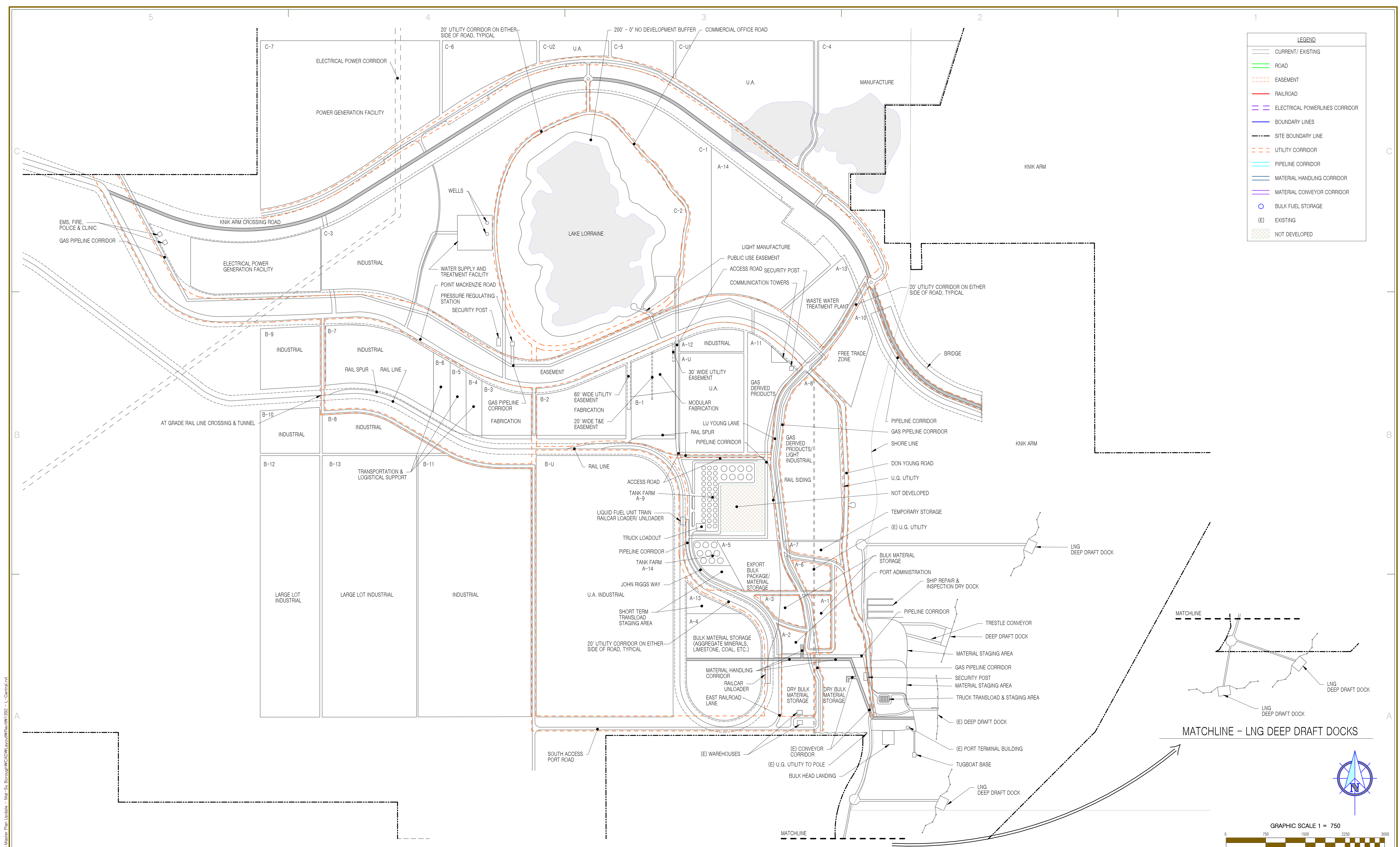
A telephone-microwave-relay facility was constructed by Matanuska Telephone Association to receive signals from another tower in Eagle River. Telephone lines are also buried within the utility easement. Internet service was upgraded to high speed DSL in 2007. Fiber optic lines were installed later.

6. Recommendations

The following recommendations are the result of issues that arose during the Master Plan development that were not addressed in depth in the plan because of timing or other appropriate reasons. They include suggestions of future assessments, reviews and studies to meet or enhance specific actions to support the business of a successful Port District. The recommendations are not listed in priority order.

6.1 Administrative

- 1) The Master Plan should continue to be a living document with updates after significant Port development activities or every three to five years.
- 2) A Port Management Code should be developed to serve as guidance for items such as:
 - administrative operating procedures
 - leasing procedures and requirements, including timing of environmental audits before, during and after leasing;
 - standards and special permit and lease stipulations unique to the Port
 - tenant responsibilities
- 3) Review of Borough Code 17.23, Point Mackenzie Port Special Use District, 18, the Port and others to offer changes which will make management of the Port District more efficient.
- 4) Create a more informative, interactive web presence both as a marketing tool and as a means for public access to information about the Port.
- 5) Develop a forward-thinking marketing plan for the Port that examines potential positioning strategies best suited for the Port.
- 6) Develop a Port Business Plan that guides future infrastructure maintenance and investment.
- 7) Develop options for leasing practices. Evaluate if competition for leases, rights or franchises will be effective in sustaining competition and maintaining incentives for Port improvements. The evaluation should include consideration of:



S:\W201\DWI 1392 - Port Mackenzie Master Plan Update - Mar-Su Borough\WCAD\Layout\Rev\U1 1392 - L-Central.rvt

REV	DESCRIPTION	DATE	APPROVED BY
A	PRELIMINARY	05/14/2014	EBM
B	FOR APPROVAL	06/13/2014	EBM
C	FOR MASTER PLAN	10/29/2014	EBM
D	REVIEW COMMENTS	11/02/2015	EBM

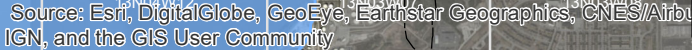


1011 E Murray Holladay Rd
Suite 200
Salt Lake City, UT 84117
Phone: (801) 904-2260
Fax: (801) 904-2261
www.millcreekeng.com

MASTER PLAN - UTILITY CORRIDOR PORT MACKENZIE ALASKA

ALL DESIGN INFORMATION DEPICTED ON THIS DRAWING IS PROPRIETARY AND THE SOLE PROPERTY OF MILLCREEK ENGINEERING COMPANY. THIS DESIGN/DRAWING MAY BE USED ONLY BY AUTHORIZATION BY MILLCREEK. THIS DESIGN, IN PART OR IN TOTAL, MAY NOT BE USED OR DUPLICATED FOR ANY OTHER PROJECT OR PURPOSE. NON PAYMENT FOR THIS DESIGN AUTOMATICALLY REVOKES THE AUTHORIZATION FOR USE. COPYRIGHT © 2014 BY MILLCREEK ENGINEERING COMPANY

STATUS:	FOR MASTER PLAN	SCALE:	1" = 750' - 0"
DATE:	11/02/2015	PROJECT #:	1392
DRAWN:	J. BYRD	ENGINEERED:	E. MORRISON
REVIEWED:	K. CHURILLA	REVIEWED:	R. HOGGAN
SHEET #:			1392 - U1.0
REV:			D



**MATANUSKA-SUSITNA BOROUGH
PORT COMMISSION RESOLUTION NO. 22-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PORT COMMISSION RECOMMENDING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTION OF AN ORDINANCE AMENDING MSB 17.05 TO EXCLUDE THE PORT MACKENZIE SPECIAL USE DISTRICT.

WHEREAS, MSB 17.05 Essential Service Utilities code requires an extended public notice process for certain types of utility services that includes the Port MacKenzie Special Use District; and

WHEREAS, the Port MacKenzie Master Plan 2016 Update and MSB 17.23 identify special use districts within Port MacKenzie and recognizes this district as the only industrial/commercial district within the Borough aside from industrial/commercial land within the city limits of Houston, Palmer, and Wasilla; and

WHEREAS, the cities of Houston, Palmer and Wasilla are excluded from the requirements under 17.05; and

WHEREAS, amending MSB 17.05 to exclude the Port MacKenzie Special Use District is consistent with the cities within the Borough, and is consistent with the Port MacKenzie Special Use District (MSB 17.23) having its own designated zoning districts and land use regulations; and

WHEREAS, The Port MacKenzie Master Plan Update 2016 is a source of information for borough-owned land uses and is used as a basis to protect existing development; and

WHEREAS, the Port MacKenzie Master Plan 2016 Update, Section 5 Facilities/Utilities, provides a utility layout map (Appendix A) for the development of utilities for water, wastewater, storm water systems, electrical services, pipelines, conveyors, and natural gas on borough-owned lands; and

On April 18, 2022, Resolution Serial No. 22-16 will be presented to the Matanuska-Susitna Borough Planning Commission for their consideration and support.

NOW, THEREFORE, BE IT RESOLVED, the Matanuska-Susitna Borough Port Commission hereby recommends approval of an Assembly ordinance amending MSB 17.05 to exclude the Port MacKenzie Special Use District as follows:

17.05.020 APPLICABILITY.

(A) This chapter applies to all areas of the borough except within the city boundaries of Houston, Palmer, [AND] Wasilla, and the Port MacKenzie Special Use District boundary. This chapter applies to municipal utilities that extend beyond city boundaries and the Port District boundary into unincorporated borough lands.

ADOPTED by the Matanuska-Susitna Borough Port Commission this
18th day of April, 2022.

Ron Tracy, Chair

ATTEST:

Therese M. Dolan
Port Operations Manager