

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

Edna DeVries, Mayor

PLANNING COMMISSION
Doug Glenn, District 1 – Vice-Chair
Richard Allen, District 2
Brendan Carpenter, District 3
Michael Collins, District 4
Linn McCabe, District 5
VACANT, District 6
Curt Scoggin, District 7



Michael Brown, Borough Manager

PLANNING & LAND USE DEPARTMENT
Alex Strawn, Planning & Land Use Director
Jason Ortiz, Planning & Land Use Deputy Director
Wade Long, Development Services Manager
Fred Wagner, Platting Officer
Lacie Olivieri, Planning Clerk

*Assembly Chambers of the
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer*

August 18, 2025
REGULAR MEETING
6:00 p.m.

Ways to participate in the meeting:

IN PERSON: You will have 3 minutes to state your oral comment.

IN WRITING: You can submit written comments to the Planning Commission Clerk at msb.planning.commission@matsugov.us.

Written comments are due at noon on the Friday prior to the meeting.

TELEPHONIC TESTIMONY:

- Dial 1-855-290-3803; you will hear “joining conference” when you are admitted to the meeting.
- You will be automatically muted and able to listen to the meeting.
- When the Chair announces audience participation or a public hearing you would like to speak to, press *3; you will hear, “Your hand has been raised.”
- When it is your turn to testify, you will hear, “Your line has been unmuted.”
- State your name for the record, spell your last name, and provide your testimony.

OBSERVE: observe the meeting via the live stream video at:

- <https://www.facebook.com/MatSuBorough>
- Matanuska-Susitna Borough - YouTube

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA

A. MINUTES

Regular Meeting Minutes: August 4, 2025

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 25-13

A Variance In Accordance With MSB 17.65 - Variances. Michael And Lindsay Williams Submitted An Application For A Variance From The 75-Foot Shoreline Setback Requirements Under MSB 17.55, To Allow For Construction Of A 1,176.5 Square Foot Cabin At Its Closest Location Of 52.5 Feet From Big Lake. The Property Is Located On Shepard's Island, Big Lake, Tax ID #6272000L007. Public Hearing: September 15, 2025.

Applicant: Michael and Lindsay Williams

Staff: Rebecca Skjothaug, Current Planner

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

V. COMMITTEE REPORTS

VI. AGENCY/STAFF REPORTS

VII. LAND USE CLASSIFICATIONS

VIII. AUDIENCE PARTICIPATION (*Three minutes per person, for items not scheduled for public hearing*)

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

X. PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 25-14

A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.23 Port Mackenzie Special Use District To Repeal MSB 17.23.150 Development Permit Required And Associated Standards.

Staff: Alex Strawn, Planning And Land Use Director

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

Resolution 25-15

A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending That The Assembly Establish A New Task Force To Review Ordinance 25-073 Regarding Land Use Permits, Setback And Screening Easements, Variances, And Definitions.

Staff: Alex Strawn, Planning And Land Use Director

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (*Mandatory Midnight*)

Disabled persons needing reasonable accommodation in order to participate at a Planning Commission Meeting should contact the Borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.

MINUTES

August 4, 2025

(Pages)

MATANUSKA-SUSITNA BOROUGH

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*Assembly Chambers of the
Dorothy Swanda Jones Building
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PLANNING COMMISSION MEETING MINUTES August 4, 2025

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

The Matanuska-Susitna Borough Planning Commission's regular meeting was held on August 4, 2025, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. Vice-Chair Doug Glenn called the meeting to order at 6:00 p.m.

Present: – Commissioner Doug Glenn
Commissioner Curt Scoggin
Commissioner Linn McCabe
Commissioner Michael Collins
Commissioner Brendan Carpenter

Absent/Excused: Commissioner Richard Allen

Staff Present: 4 – Mr. Alex Strawn, Planning and Land Use Department Director
Mr. Wade Long, Development Services Manager
Ms. Lacie Olivieri, Planning Department Admin
Ms. Erin Ashmore, Assistant Borough Attorney

II. APPROVAL OF AGENDA

Vice-Chair Glenn inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner McCabe.

IV. CONSENT AGENDA

A. MINUTES: Regular Meeting Minutes – July 21, 2025

B. INTRODUCTION FOR PUBLIC HEARING QUASI-JUDICIAL MATTERS
(There were no introductions for public hearing quasi-judicial matters.)

C. INTRODUCTION FOR PUBLIC HEARING LEGISLATIVE MATTERS

Resolution 25-14 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.23 Port Mackenzie Special Use District To Repeal MSB 17.23.150 Development Permit Required And Associated Standards. Public Hearing: August 18, 2025; (Staff: Alex Strawn, Planning And Land Use Director)

Vice-Chair Glenn read the Consent Agenda into the record.

GENERAL CONSENT: The Consent Agenda was approved without objection.

V. **COMMITTEE REPORTS**
(There were no committee reports.)

VI. **AGENCY/STAFF REPORTS**
(There were no Agency/Staff Reports)

VII. **LAND USE CLASSIFICATIONS**
(There were no land use classifications.)

VIII. **AUDIENCE PARTICIPATION** (Three minutes per person.)

David Palmer - Cash Creek Subdivision

There being no persons to be heard, Audience Participation was closed without objection.

IX. **PUBLIC HEARING QUASI-JUDICIAL MATTERS**

X. **PUBLIC HEARING LEGISLATIVE MATTERS**

Resolution 25-10 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.02 – Mandatory Land Use Permits, MSB 17.55 – Setback And Screening Easements, MSB 17.65 – Variances, and MSB 17.125 – Definitions (Staff: Alex Strawn, Planning And Land Use Director)

Vice-Chair Glenn read the resolution title into the record.

Staff, Mr. Alex Strawn, presented his staff report.

Vice-Chair Glenn inquired if commissioners had any questions for staff.

Discussion ensued.

Vice-Chair Glenn opened the public hearing.

The following persons spoke regarding Resolution 25-10:

Esther Huddleston – Opposed.

Jessica Speed – In support.

Margret Stern – In support.

Rod Hanson – On behalf of North Lakes Community Council.

Karel LaWalter – Opposed.

Jean Holt – In support of some parts of the ordinance.

Patti Fisher – Opposed to allowing new construction closer than 75 feet.

Steven Edwards – On behalf of Meadow Lakes Community Council, as well as personal comments.

Colleen Vauge - In support of some parts of the ordinance.

There being no other persons to be heard, Vice-Chair Glenn closed the public hearing, and the discussion moved to the Planning Commission.

MOTION: Commissioner McCabe moved Planning Commission Resolution 25-10.
The motion was seconded by Commissioner Scoggin.

Discussion ensued.

Commissioner McCabe called the question.

Vice-Chair Glenn inquired if there was any objection to calling the question.

VOTE: The main motion failed unanimously.

MOTION: Commissioner McCabe moved to write a resolution to tell the Assembly that there are a lot of things in the ordinance that they agree with, but there are also parts of it that need more consideration and revisions.

Commissioner McCabe moved an amendment to ask the assembly to establish a new task force to review the ordinance and make necessary changes.

The motion was seconded by Commissioner Scoggin

VOTE: The motion passed unanimously as amended.

XI. CORRESPONDENCE AND INFORMATION

(Correspondence and information were presented, and no comments were noted)

XII. UNFINISHED BUSINESS

(There was no unfinished business.)

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

A. Elections

Vice-Chair Doug Glenn nominated Commissioner Allen for Chair.
The nomination was seconded by Commissioner Carpenter.

VOTE: The nomination passed unanimously

B. Upcoming Planning Commission Agenda Items (*Staff: Alex Strawn*)

(*Commission Business was presented, and no comments were noted.*)

XV. DIRECTOR AND COMMISSIONER COMMENTS

Commissioner Scoggin: That was a little bit messy, but it's better than pushing it forward. I think we got hung up there a little bit but I would rather stop then just push something forward to get it off of our plate. I think we did the right thing on the Waterbody Setback

Commissioner McCabe: I agree with Commissioner Scoggin that it was messy, and it was necessary. And I thank you Mr. Strawn for all of your effort in that Waterbody Setback committee and I hope that if there is another group assembled you will help them jump over all of the hurdles that they encounter.

Commissioner Carpenter: I would agree. I am kinda glad that we had the audience participation that we did. They gave a lot of good feedback I think. And helped us through it. As messy as it was, I think it is like walking through a swamp, sometimes you gotta do it. And we made it through on the other side and I think it will be okay. I am kinda happy with what happened tonight.

Commissioner Collins: Thank you. I agree, You know sometimes we've got to get our hands a little dirty and not just read through things and pass things along. You know the public participation, the comments, the letters being submitted, the borough committees coming together and putting time and effort into this. Mr. Strawn thank you for everything you have done for this as well as guiding us through this process here. I think theres a lot of things that were uncovered and more detail is needed. I greatly appreciate everyones efforts with this and the transparency of looking for guidance because we definantly don't want to put something forward that is going to cause duress later or issues later that we can't undo so lets be as transparent and as efficient as possible as this board. I am proud to be a part of this. More work is needed.

Wade Long: Thank you, I just want to commend the Waterbody Setback advisory Board and Director Strawn and Ms. Olivieri for their volunteer efforts of professionals and community engagement. They dedicated lots of time for many months. It's commendable. It's inspiring. At the same time, with these legislative matters I would just remind the community and the Commission members here that it's an open door of communication throughout the whole process, so the community

members are never restricted with contacting commissioners about their ideas or their concerns so that there is this ongoing dialog. So that it can come to the Commission and be some sort of hashed out discussion, which is really important in a democracy for sure. But maybe a lot of questions and Ideas can already be answered along the way. Just like for the Resolution that is about to be prepared for the Assembly there is going to be this open communication with the director and his staff to get it lined out to present to the Assembly. Even for the next Commission meeting when we have a public hearing on 25-14. Hopefully, along the way, the community and commissioners have this open dialogue so that it can be more streamlined and there's no surprises. There will probably always be an opportunity to hash things out, which is very meaningful, but it should be welcome. It is very different than Quasi-Judicial matters where you are determining a permit and don't want to show bias or anything but Legislative affairs are really like a telephone conversation that should go on until there is a meeting of the minds. I would just welcome that. It has been inspiring to be a part of the process and witness this and especially for the Waterbody Setback work.

Commissioner Glenn: I appreciate all of your work Alex. This is a ton of work, I know that. And just getting this thing together is mind boggling. We have been on this for two years at least now, since I have been here. We will get it, and it is important that we get all of the sharp edges taken off of this thing and make it look right and make it work for the people because that's what this needs to do. There is definitely some stuff missing in this paper and we will get this squared away. I'd like to thank Lacie for keeping keeping me squared away here. Which is difficult, as my wife would tell you. I appreciate all of the staff.

XVI. ADJOURNMENT

The regular meeting adjourned at 7:43 p.m.

RICHARD ALLEN
Planning Commission Chair

ATTEST:

LACIE OLIVIERI
Planning Commission Clerk

Minutes approved: _____

INTRODUCTION FOR PUBLIC HEARING QUASI-JUDICIAL

Resolution No. 25-13

A Variance In Accordance With MSB 17.65 - Variances. Michael And Lindsay Williams Submitted An Application For A Variance From The 75-Foot Shoreline Setback Requirements Under MSB 17.55, To Allow For Construction Of A 1,176.5 Square Foot Cabin At Its Closest Location Of 52.5 Feet From Big Lake. The Property Is Located On Shepard's Island, Big Lake, Tax ID #6272000L007. Public Hearing: September 15, 2025.

Applicant: Michael and Lindsay Williams

Staff: Rebecca Skjothaug, Current Planner

TITLE:

A variance in accordance with MSB 17.65 - Variance Michael and Lindsay Williams submitted an application for a variance from the 75-foot shoreline setback requirements under MSB 17.55, to allow for construction of a 1,176.5 square foot cabin at its closest location of 52.5 feet from Big Lake. The property is located on Shepard's Island, Big Lake, Tax ID #6272000L007.

APPLICANT:

Mihael and Lindsay Williams

STAFF:

Rebecca Skjothaug

Staff Report



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

www.matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date: August 18, 2025

File Number: 6272000L007

Applicant: Michael and Lindsay Williams Variance

Property Owner: Michael and Lindsay Williams

Request: Planning Commission Resolution 25-13
Request for a Variance – MSB 17.65

Location: Shepards Island, Big Lake Alaska, Tax ID#s 6272000L007; within Township 17 North, Range 3 West, Section 30, Seward Meridian

Size of Property: .57 acres

Reviewed By: Alex Strawn, Planning and Land Use Director
Wade Long, Development Services Manager

Staff: Rebecca Skjothaug – Current Planner

Staff Recommendation: Approval

EXECUTIVE SUMMARY

Michael and Lindsay Williams, property owners, have applied for a variance under MSB 17.65 for a parcel located on Shepards Island, Big Lake, Alaska (Tax ID# 6272000L007). The property currently contains a 320-square-foot cabin on 0.57 taxable acres. The proposed new structure will be situated as close as 52.5 feet from Big Lake, with a total of 1,176.5 square feet (including the pre-existing structure) located within the 75-foot waterbody setback area. Per borough code 17.55.020, structures are required to maintain a minimum setback of 75 feet from a waterbody. Approval of this variance would allow the owners to construct the proposed residence within the required setback distance.

MSB 17.65 requires a variance permit for residential structures uses within the setback are as highlighted in MSB 17.55. As of 17.65.020 – *In order to grant a variance to the regulations of MSB title 17, the planning commission must find that each of the following requirements has been met:*

- (1) There are unusual conditions or circumstances that apply to the property for which the variance is sought.
- (2) The strict application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties under the terms of this title.
- (3) The granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.
- (4) The granting of the variance will be in harmony with the objectives of this title and any applicable comprehensive plans.
- (5) The deviation from the requirement of this title that is permitted by the variance will be no more than is necessary to permit a reasonable use of the property.

LAND USE

Existing Land Use:

The subject parcel is situated on Shepards Island, Big Lake Alaska. The closest shoreline parcel is located approximately .08 miles from Shepards Island. Lot 7 of Township 17, Range 3 West Seward Meridian, Subdivision of Original Lots 10 and 11, the subject parcel was recorded August 13, 1958. The subject parcel is approximately 65' wide by 330' long, with recognized wetlands at 125' from the ordinary high-water line. The subject parcel of .57 acres currently occupies a 320 square foot cabin approved for a variance on August 26, 1986, located at 34.7' from the ordinary high-water mark. On April 16, 1991, a voluntary certificate from the State of Alaska Division of Land and Water Management was issued to the subject parcel owner reflecting the acceptance of the well located on the subject parcel. The subject property has a septic system comprised of three holding tanks. These holding tanks are 101 ft from the edge of the water and 26 ft outside of the 75 ft water setback. Alaska Department of Environmental Conservation states that any building is required to be 10' back from an existing septic system. Shepards Island does not have any roads accessing any point on the island and it is required to access all parcels by use of the waterbody.

Surrounding Land Uses:

Shepards Island has a total of 26 parcels, with 16 parcels containing residential structures. All parcels on Shepards Island require that Big Lake is used as the source of access. According to Matanuska-Susitna Borough GIS data the island is approximately 16.66 acres with a perimeter of .85 miles. 17 parcels located on Shepard Island are a part of the area labeled as lakebed. The lakebed is situated in the middle of the island and is approximately 22% of the total island area. All surrounding uses of the subject parcel consist of residential homes.

Commonly Enjoyed Uses Analysis:

Planning staff conducted an analysis using Borough Assessment files and GIS systems. Staff analyzed the parcels with lake frontage on Shepards Island, along with 413 lakeshore parcels with

7,500 feet of the subject property. According to MSB 17.65.020(2) *The strict application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties under the terms of this title*, staff determined the pertinent information to be gathered from parcels located on Shepards Island because this information fulfilled the objection of analyzing “commonly enjoyed rights”. There are currently 16 parcels with residential structures located on Shepards Island. 11 of the 16 parcels, (69%) are legally built with a status of Legal Non-Conforming or a granted variance. The average residential structure is 1,230 square feet and located approximately 39’ from the ordinary high-water mark. The average parcel size for the island is approximately .85 acres. All calculations provided use only legal parcels and parcels that are not in violation of any MSB setback regulations.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

Borough staff mailed a total of 24 notices on August 4, 2025, to all property owners located on Shepards Island, and any other subject parcels within 600 feet of the subject lot. The Frontiersman published the public hearing notice in the August 4, 2025, issue. Staff posted the application material on the Borough's website and emailed the public notice, application material, and a request for comments to outside agencies and the Big Lake Community Council on August 4, 2025.

Staff has received two comments from the public in favor of granting the variance.

Section 17.65.020 Requirements for Granting a Variance

(A) In order to grant a variance to the regulations of MSB title 17, the planning commission must find that each of the following requirements has been met:

(1) There are unusual conditions or circumstances that apply to the property for which the variance is sought.

Findings of Fact:

1. The subject lot is part of the South Big Lake Alaska Subdivision and was initially platted in 1958 before Borough setback and lot size regulations were established.
2. Big Lake is located south of the subject parcel. To the west and east is a residential property
3. According to the application material, the subject parcel is approximately 0.57 acres; 65’ wide by 330’ long.
4. According to the application material, the lakebed begins at on the subject parcel 125’ from the ordinary high-water of Big Lake and continues until the northernmost point of the subject parcel.
5. According to the application materials, the buildable land is a small section of land on the south side of the property. The buildable area is 75’ from the ordinary high-water north on the property to 125’ from the ordinary high water of Big Lake.
6. According to the application materials the Alaska Department of Environmental Conservation (ADEC) approved septic is located at 101’ from the ordinary high-water mark of Big Lake.

7. According to the application materials ADEC requires that any structure is located 10' from the septic holding tanks.
8. According to the application this reduces the buildable area to a 13' by 40' area that can be built adhering to all MSB and ADEC setback requirements.

Conclusion of Law: Based on the findings, the 0.57-acre parcel has limited legal building area due to the 75' building setback and the lakebed that encompasses 62% of the subject parcel, which is an unusual condition (MSB 17.65.020(A)(1)).

(2) The strict application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties under the terms of this title.

9. Planning staff analyzed 26 parcels with lake frontage on Shepards Island of Big Lake.
10. Planning staff found the lakefront properties within the analysis area vary in size from 0.28 to 4.68 acres.
11. Development within the analysis area ranges from 384 square foot cabins to structures exceeding 3,304 square feet.
12. After conducting an analysis, the Planning staff found that there are 11 lakefront parcels with dwellings that appear to meet the 75-foot setback criteria, have legal non-conforming status or a granted variance, and these dwellings have an average size of 1,230 square feet.
13. The dwellings that may violate the setback requirements were not included in the average dwelling size calculation.
14. According to the application material, the applicant proposes building an addition of 1,314 square foot residential single-story structure with 457.5 square feet located outside the 75' setback regulation. Totaling an additional single-story structure of 856.5 square feet within the 75' setback.
15. According to the application material, the proposed addition to the single-story cabin has an 856.5-square-foot footprint.
16. According to the application materials, the proposed addition to structure is planned to be 12.6' from the eastern property line, 27.3' from the western line, and 52.5' from Big Lake.
17. Big Lake is located south of the subject parcel. To the east and west is a residential property.

Discussion: Real property owners are granted a series of rights over their land, chief among these being the right to use and enjoy the premises as they see fit. This encompasses a wide range of activities, from residential to commercial purposes, allowing property owners considerable freedom in utilizing their land. However, this freedom is not absolute and is subject to certain legal restrictions to promote orderly development and ensure the community's welfare. For example, property owners must comply with the Borough's zoning laws and regulations, including how far structures must be set back from property lines, waterbodies, and public rights-of-way.

The planning staff used the Borough Assessment files and GIS systems to conduct an analysis. The study area's average dwelling size was the focus of our analysis. We excluded any properties featuring dwellings that appeared to fall within the 75-foot waterbody setback to maintain our

findings' integrity. Our analysis aims to reflect lawful property use and development patterns within the area of interest by excluding non-compliant properties.

Conclusion of Law: Based on the above findings, the strict application of the provisions of this title would deprive the applicants of rights commonly enjoyed by others, as the subject lot has certain unique conditions and circumstances that apply. The average size of dwellings within the analysis area is 1,230 square feet. The property is 0.57 acres of land, and 62% of the subject parcel is lakebed. Therefore, constructing an 856.5-square-foot addition to the cabin within the 75' setback on the property is a reasonable use of the land. (MSB 17.65.020(A)(2)).

(3) The granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.

Findings of Fact:

18. According to Borough Assessment records, the existing 17.8' X 18' cabin was constructed on the subject parcel in 1986 by an approved variance.
 19. According to the application material, the pre-existing cabin is 17.8' X 18' cabin is approximately 34.7' from the ordinary high water of Big Lake.
 20. According to the application material, the applicant proposes building an addition of 1,314 square foot residential single-story structure with 457.5 square feet located outside the 75' setback regulation. Totaling an additional single-story structure of 856.5 square feet within the 75' setback.
 21. According to the application material, the applicant proposes building an additional 856.5 square foot single-story structure within the 75' setback.
 22. According to the application materials, the proposed addition to structure is planned to be 12.6' from the eastern property line, 27.3' from the western line, and 52.5' from Big Lake.
 23. In 2005, the Matanuska-Susitna Borough Assembly adopted voluntary best management practices (BMP) for development around waterbodies.
 24. According to the application material, the subject parcel has 65 feet of shoreline on Big Lake.
 25. Based on the application materials, the applicant proposes preserving a minimum of 50% of undisturbed native vegetation of the shoreline bank.
 26. According to the application materials, the applicant was provided with an Alaska Fish & Game permit to reconstruct the dock on October 17, 2022.
 27. According to the application materials the Alaska Department of Environmental Conservation (ADEC) approved septic is located at 101' from the ordinary high-water mark of Big Lake.
 28. On April 16, 1991, a voluntary certificate from the State of Alaska Division of Land and Water Management was issued to the subject parcel owner reflecting the acceptance of the well located on the subject parcel.
 29. **Conclusion of Law:** Based on the above findings, granting the variance will not be injurious to nearby property, nor harmful to the public welfare (MSB 17.65.020(A)(3)).
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- (4) *The granting of the variance will be in harmony with the objectives of this title and any applicable comprehensive plans.*

COMPREHENSIVE PLAN

The property is located within the Big Lake planning area. The Big Lake Comprehensive Plan Update (August 2009) applies to the subject property. Two of the land use goals of the plan are:

Goal (LU&E-3) Protect the natural environment – *As the area grows, actions are needed to avoid detrimental effects on well water, quality of surface water, habitat, wetlands and other natural environmental features.*

Goal (LU&E-4) Provide for freedom to enjoy our properties – *The plan supports a balance of freedom to use property as individuals choose up to that point where one person's use limits the rights of neighbors to enjoy their property. Responsible land use should be in harmony with surrounding land use without damaging the health, safety and welfare of adjacent property.*

Four types of residential areas are recognized in the plan. The subject property is in the “Dispersed Residential” area, defined as “Rural residential areas, where lots are larger, and the natural setting is more dominant. This is the primary land use type in the Big Lake area.”

One of the strategies to achieve the broad goals is to “Establish Community-Wide Development Guidelines.” Some of the guidelines that pertain to this property are as follows:

- **Natural Vegetation/Site Disturbance** – *Encourage retention of existing natural vegetation and replant disturbed areas. Grading and clear-cutting of the entire parcel prior to selling or developing land is strongly discouraged.*
- **Protection of Water Quality** – *Use of land adjoining waterbodies should be designed to minimize impacts on water quality. Actions to achieve this goal include minimizing removal of natural vegetation along the majority of the edge of lakes, streams or wetlands, to keep lawn chemicals, silt, and septic effluents out of the watershed, to inhibit bank erosion and provide habitat for wildlife such as ducks and loons, while providing some screening of development.*
- **Building Setbacks from Waterbodies (new structures)** – *require at least the MSB 75' minimum development setback from streams, lakes, wetlands and other waterbodies; "development" is defined as habitable structures. Non habitable structures, such as boathouses, shed, decks or saunas can be built within 75' of lakes and streams, but these improvements should be designed to have minimal environmental and visual impact on the adjoining waterway.*
- **Building Setbacks from Waterbodies (existing non-compliant structures)** – *for buildings developed after the date (1987) of the setback ordinance (Chapter 17.55 of the Borough Code of Ordinances) and prior to the adoption of the Borough's land use permit (2007), special consideration should be given, in keeping with state statutes, to approving setback violation appeals caused by inadequate information and communications of that information to property owners. This is not advocating blanket approvals of setback violations but rather that leeway be given to approving violations that have no adverse impact on surrounding properties and waterbodies, and which occurred as honest mistakes and not as overt violations of the criteria by people who knew or should have known better.*

The plan recommends these approvals contain restrictions on expanding the encroachment or rebuilding a destroyed structure. However, all requests for variances must be considered in accordance with Alaska Statute 29.40.040(B).

Within the Big Lake Comprehensive Plan Update (August 2009), the introduction is a statement discussing the authority of the plan.

“A comprehensive plan is a legally recognized document, with the authority to guide decisions on land use, public facilities and services, transportation and other issues. At the same time, comprehensive plans are intended to set broad goals that will remain relevant over multiple years. Consequently, by design, this plan does not set out precise binding rules on development, such as might be established in a Special Use District. Nor does it make final decisions on the specific locations of new roads or public facilities. What it does do is present general goals on the type of place the community wants to be in the future and then outline general strategies on how to reach these goals.”

The Big Lake Comprehensive Plan Update (August 2009) does not eliminate the possibility of acquiring a variance to MSB 17.55. Still, it encourages thoughtful and considerate use of the property, considering the environment, surrounding use, surrounding development, and freedom to enjoy life on Big Lake.

The Matanuska-Susitna Borough Comprehensive Plan (2005 Update) also pertains to this property. Two of the land use goals state:

Goal (LU-1): Protect and enhance the public safety, health, and welfare of Borough residents.

Policy LU1-1: Provide for consistent, compatible, effective and efficient development within the borough.

This plan does not expressly address variance requests. It does include goals to protect the environment and the surrounding areas. Variance requests are not inconsistent with the policies and goals of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update).

Findings of Fact:

30. MSB Chapter 17.65 – Variances were written to grant relief to property owners whose lots are impacted by existing land use regulations, thereby making the lot undevelopable.
31. The Big Lake Comprehensive Plan (2009 update) contains a list of development guidelines, one of which states, “Require at least the MSB 75’ minimum development setback from streams, lakes, wetlands and other water bodies; “development” is defined as habitable structures.”
32. The Big Lake Comprehensive Plan (2009 update), by design, does not set out precise binding rules on development but instead provides general goals on the type of place the community wants to be in the future and then outlines general strategies to reach those goals.
33. Goal (LU&E-3) of the Big Lake Comprehensive Plan Update (August 2009) is to “Protect the natural environment.”
34. Goal (LU&E-4) of the Big Lake Comprehensive Plan Update (August 2009) is to “Provide for freedom to enjoy our properties.”

35. The Big Lake Comprehensive Plan recognizes four types of residential areas. The subject property is in the “Dispersed Residential” area, defined as “Rural residential areas, where lots are larger and the natural setting is more dominant. This is the primary current land use type in the Big Lake area.”
36. Goal (LU-1) of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Protect and enhance the public safety, health, and welfare of Borough residents.
37. Policy LU1-1 of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Provide for consistent, compatible, effective, and efficient development within the Borough.
38. Goal (LU-2) of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Protect residential neighborhoods and associated property values.
39. The variance request is consistent with the policies and goals of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) as the residential structure cannot be constructed on the lot without a setback variance, the structure is placed as far back on the property as possible, and the structure is similar to surrounding development.
40. In 2005, the Matanuska-Susitna Borough Assembly adopted voluntary best management practices (BMP) for development around waterbodies.
41. According to the application material, the subject parcel has 65 feet of shoreline on Big Lake.
42. Based on the application materials, the applicant proposes preserving the natural shoreline and maintaining a buffer of undisturbed vegetation along 65 feet of the shoreline, which will account for 50% of the total shoreline of 65 feet.
43. According to the application materials, the applicant was provided with an Alaska Fish & Game permit to reconstruct the dock on October 17, 2022.
44. According to the application materials, the proposed addition to structure is planned to be 12.6’ from the eastern property line, 27.3’ from the western line, and 52.5’ from Big Lake.
45. According to the application material, the applicant proposes building an additional 856.5 square foot single-story structure within the 75’ setback.
46. After conducting an analysis, the Planning staff analyzed 26 lakefront parcels, of which 11 were legal on Shepards Island of Big Lake, finding that property sizes range from 0.28 to 4.68 acres and development varies from 384-square-foot cabins to structures exceeding 3,304 square feet.
47. According to the Planning staff’s analysis, constructing an additional 856.5-square-foot dwelling is compatible with the surrounding area.

Discussion: Based on the Big Lake Comprehensive Plan, staff suggests that the lot may not be clear-cut, and the property owners maintain a 10-foot wide buffer of undisturbed vegetation along approximately 65 feet of the shoreline.

Conclusion of Law:

Based on the above findings, the proposed variance is consistent with the applicable comprehensive plans and does meet the intent of MSB 17.65 (MSB 17.65.020(A)(4)).

(5) The deviation from the requirement of this title that is permitted by the variance will be no more than is necessary to permit a reasonable use of the property.

Findings of Fact:

48. According to the application material, the subject parcel is approximately 0.57 acres; 65' wide by 330' long.
49. According to the application material, the lakebed begins at on the subject parcel 125' from the ordinary high-water of Big Lake and continues until the northernmost point of the subject parcel.
50. According to the application materials, the buildable land is a small section of land on the south side of the property. The buildable area is 75' from the ordinary high-water north on the property to 125' from the ordinary high water of Big Lake.
51. According to the application materials area due to the 75' building setback and the lakebed that encompasses 62% of the subject parcel unique circumstances require a variance.
52. After conducting an analysis, the Planning staff analyzed 26 lakefront parcels, of which 11 were legal on Shepards Island of Big Lake, finding that property sizes range from 0.28 to 4.68 acres.
53. After conducting an analysis, the Planning staff found that there are 11 lakefront parcels with dwellings that appear to meet the 75-foot setback criteria, have legal non-conforming status or a granted variance, and these dwellings have an average size of 1,230 square feet.
54. Development within the analysis area ranges from 384 square foot cabins to structures exceeding 3,304 square feet.
55. The dwellings that may violate the setback requirements were not included in the average dwelling size calculation.
56. According to Borough Assessment records, the existing 17.8' X 18' cabin was constructed on the subject parcel in 1986 by an approved variance.
57. According to the application material, the pre-existing cabin is 17.8' X 18' cabin is approximately 34.7' from the ordinary high water of Big Lake.
58. Based on the application material, the current cabin is in working condition and the applicant intends to expand it.
59. According to the application material, the applicant proposes building an addition of 1,314 square foot residential single-story structure with 457.5 square feet located outside the 75' setback regulation. Totaling an additional single-story structure of 856.5 square feet within the 75' setback.
60. According to the application material, the proposed addition to the single-story cabin has an 856.5-square-foot footprint.
61. According to the application materials, the proposed addition to structure is planned to be 12.6' from the eastern property line, 27.3' from the western line, and 52.5' from Big Lake.

62. Big Lake is located south of the subject parcel. To the east and west is a residential property.
63. According to the Planning staff's analysis, constructing an 856.5-square-foot dwelling is compatible with the surrounding area.
64. According to the application material, the subject parcel has 65 feet of shoreline on Big Lake.
65. Based on the application materials, the applicant proposes preserving a minimum of 50% of undisturbed native vegetation of the shoreline bank.
66. According to the application materials, the applicant was provided with an Alaska Fish & Game permit to reconstruct the dock on October 17, 2022.
67. According to the application materials the Alaska Department of Environmental Conservation (ADEC) approved septic is located at 101' from the ordinary high-water mark of Big Lake.
68. On April 16, 1991, a voluntary certificate from the State of Alaska Division of Land and Water Management was issued to the subject parcel owner reflecting the acceptance of the well located on the subject parcel.

Conclusion of Law: Based on the above findings, granting a variance will be no more than necessary to permit a reasonable use of the property (MSB 17.65.020(A)(5)).

Section 17.65.030 Cases Where Variance is Illegal

(A) A variance from this title may not be granted if:

(1) Special conditions that require the variance are caused by the person seeking the variance.

Findings of Fact:

69. The subject lot is part Township 17 North, Range 3 West, Section 30, Seward Meridian and was initially platted in 1958 before Borough setback and lot size regulations were established.
70. According to the application material, the subject parcel is approximately 0.57 acres.
71. According to the application material, the property at its widest point east to west is 65' and 330' long.
72. On Shepards Island, Big Lake, Planning staff found the lakefront properties within the analysis area vary in size from 0.28 to 4.68 acres.
73. Development within the analysis area ranges from 384 square foot cabins to structures exceeding 3,304 square feet.
74. Big Lake is located south of the subject parcel.
75. According to the application materials, the buildable land is a small section of land on the south side of the property. The buildable area is 75' from the ordinary high-water north on the property to 125' from the ordinary high water of Big Lake.

76. According to the application materials area due to the 75' building setback and the lakebed that encompasses 62% of the subject parcel unique circumstances require a variance.
77. According to the application materials the Alaska Department of Environmental Conservation (ADEC) approved septic is located at 101' from the ordinary high-water mark of Big Lake.
78. According to the application materials ADEC requires that any structure is located 10' from the septic holding tanks.
79. According to the application this reduces the buildable area to a 13' by 40' area that can be built adhering to all MSB and ADEC setback requirements.

Conclusion of Law: Based on the above findings, the person seeking the variance did not cause the need for the variance (MSB 17.65.030(A)(1)).

(2) The variance will permit a land use in a district in which that use is prohibited.

Findings of Fact:

80. The subject parcel is not in a special land use district.
81. Residential structures are allowed on this property.

Conclusion of Law: Based on the above findings, the variance, if granted, will not allow a land use in a district in which that use is prohibited, as residential structures are allowed on this site (MSB 17.65.030(A)(2)).

(3) The variance is sought solely to relieve pecuniary hardship or inconvenience

Findings of Fact:

82. The subject lot is part Township 17 North, Range 3 West, Section 30, Seward Meridian and was initially platted in 1958 before Borough setback and lot size regulations were established.
83. According to the application material, the subject parcel is approximately 0.57 acres.
84. Big Lake is located south of the subject parcel.
85. According to the application materials, the buildable land is a small section of land on the south side of the property. The buildable area is 75' from the ordinary high-water north on the property to 125' from the ordinary high water of Big Lake.
86. According to the application materials the Alaska Department of Environmental Conservation (ADEC) approved septic is located at 101' from the ordinary high-water mark of Big Lake.
87. According to the application materials ADEC requires that any structure is located 10' from the septic holding tanks.
88. According to the application this reduces the buildable area to a 13' by 40' area that can be built adhering to all MSB and ADEC setback requirements.

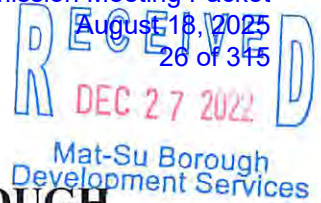
Conclusion of Law: Based on the above findings, the variance is not solely being sought to relieve pecuniary hardship or inconvenience (MSB 17.65.030(A)(3)).

STAFF RECOMMENDATIONS

Staff recommends approval of this variance request to allow the proposed additional single-story residence of 856.5 square feet to be constructed within the 75' setback at Tax ID# 6272000L007< Shepards Island, Big Lake, as referenced on the Lavender Survey & Mapping Plot Plan dated December 18, 2022.

Should the Planning Commission deny the variance, the commission shall create findings supporting the denial and amend the resolution.

Application



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

Email: permitcenter@matsugov.us

APPLICATION FOR A VARIANCE – MSB 17.65

NOTE: Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Borough staff will not process incomplete applications.

Required Attachments:

- ☒ \$1,500 application fee
- ☒ Certified Site Plan – as defined in MSB 17.125
- ☒ Structural elevation drawings of the proposed development
- ☒ Narrative with all information required on Pages 1 and 2

Subject Property:

MSB Tax Account ID#(s): 6272000L007

Street Address: Lot 7 on Shepherd's Island on Big Lake 61°32'9.31"N 149°53'37.70"W Parcel ID: 25665

Name of Property Owner

Michael and Lindsay Williams

Mailing: PO Box 101055

Anchorage, AK 99510

Phone: Hm N/A Fax N/A

Work 907-562-8000 Cell 907-854-2288

E-mail: michael.williams@gpsalaska.com

Name of Agent / Contact for application

Mailing: _____

Phone: Hm _____ Fax _____

Work _____ Cell _____

E-mail: _____

NARRATIVE – In order to grant a variance from MSB Title 17, the Planning Commission must find that each of the following requirements has been met (17.65.020). Explain how the request meets each requirement.	Attached Williams Cabin Variance
Identify the exact code standard(s) which the request for variance is related to.	17.55.020
Provide a detailed written description as to why the variance is required.	1
What unusual conditions or circumstances apply to the property for which the variance is sought?	2

How the strict application of the provisions of this title will deprive you of the rights commonly enjoyed by other properties under the terms of this title.	3
Why the granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.	4
How will the granting of the variance be in harmony with the objectives of this title and any applicable comprehensive plans?	5
How the deviation from the requirements of this title as permitted by the variance will be no more than is necessary to permit a reasonable use of the property.	6
Explain what MSB adopted Voluntary Best Management Practices for Development around Waterbodies will be implemented into the proposed development.	7

A variance may <u>not</u> be granted if any of the conditions listed below are true. Explain why each condition is <u>not</u> applicable to this application.	Attached
The special conditions that require the variance are caused by the person seeking the variance.	8
The variance will permit a land use in a district in which that use is prohibited.	9
The variance is sought solely to relieve pecuniary hardship or inconvenience.	10

Drawings	Attached
A boundary survey and site plan of the proposed and/or existing development, of the particular parcel or parcels affected. The survey must be submitted under the seal of an Alaska Registered Land Surveyor.	Boundary Survey & Site Plan Attached
Structural elevation drawing(s) for the purpose of indicating the proposed height and bulk, view and other dimensions of the subject structure.	Drawings Attached

Prior to the public hearing, the applicant must also pay the mailing and advertising fees associated with the application. Staff will provide applicant with a statement of advertising and mailing charges. Payment must be made **prior** to the application presentation before the Borough Planning Commission.

OWNER'S STATEMENT: I am owner of the following property:

MSB Tax parcel ID #(s) 6272000L007 and, I hereby apply for approval a setback variance on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.55 and MSB 17.65 and with all other applicable borough, state or federal laws.

I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

I understand that this permit and zoning status may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to the buyer when I sell the land.

I understand that changes from the approved variance may require further authorization by the Borough Planning Commission. I understand that failure to provide applicable documentation of compliance with approved requirements, or violation of such requirements will nullify legal status, and may result in penalties.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, at other times necessary to monitor compliance.

The information submitted in this application is accurate and complete to the best of my knowledge.

	Michael Williams	
Signature: Property Owner	Printed Name	Date
<hr/>		
Signature: Agent	Printed Name	Date

LAVENDER
SURVEY & MAPPING
720 N. YETI STREET, PALMER, AK 99645
DAYNALAVENDER.SURVEY.COM (907)301-5172

RECEIVED
DEC 27 2022

Mat-Su Borough
Development Services

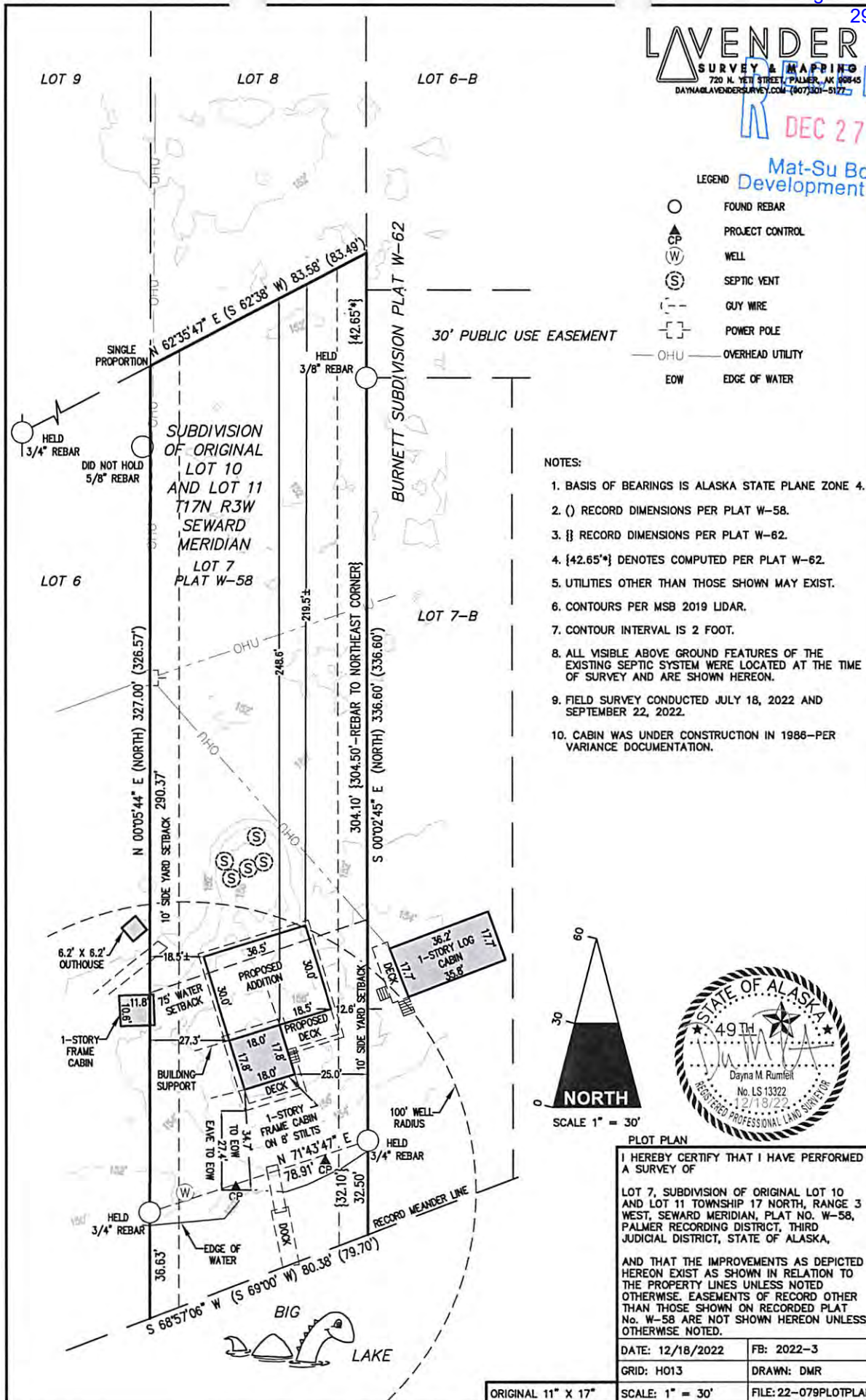
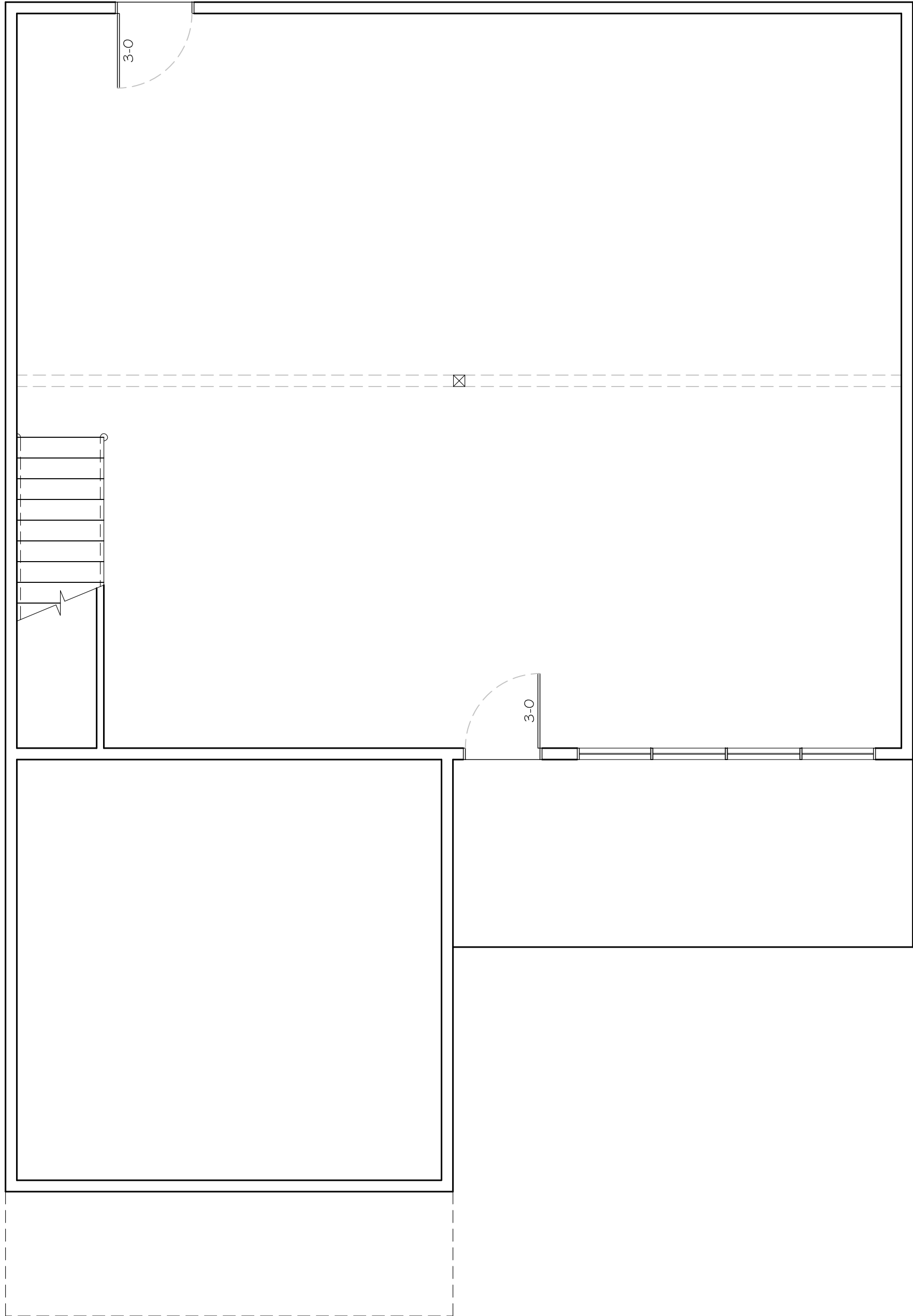
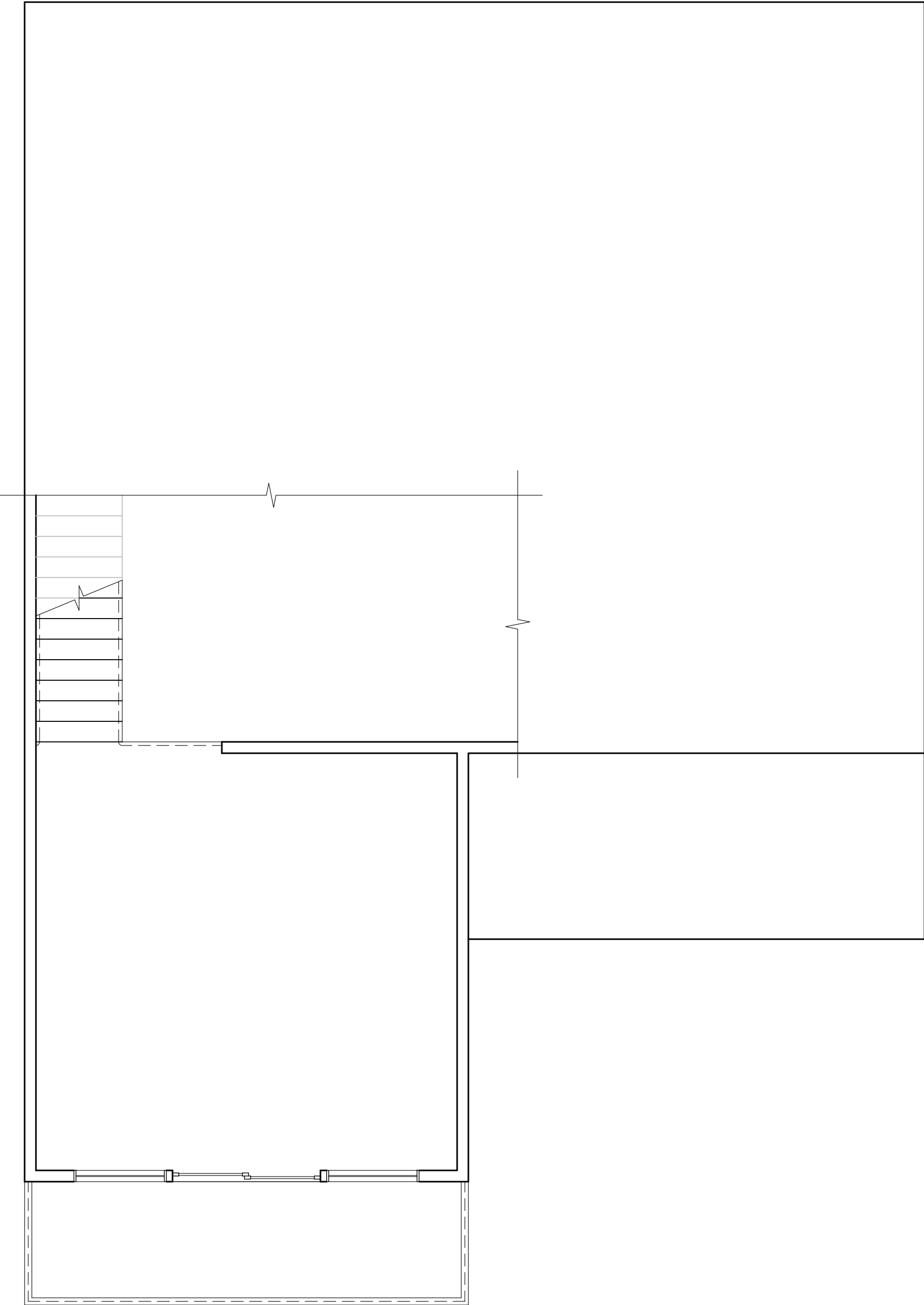


Exhibit B



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

III. COPYRIGHT NOTICE III
All building plans are protected by copyright. Reproduction of these plans, either in whole or in part, including any form and/or preparation of derivative works thereof, for any reason without documented permission is strictly prohibited. The purchase of a set of building plans in no way transfers any copyright or other ownership interest in it to the buyer except for a limited license to use that set of plans for the construction of one building located at the site address and/or legal description specifically identified on the drawings, by the person whose name or company name appears on the drawings. Although further use may be granted to the original buyer for the construction of additional buildings, to avoid any copyright license infringement, permission for further use must be granted each time, and a new site address and/or legal description must be provided. This process is easily completed through the submission of an Original Buyer Re-Use Form @ www.alaskaplans.com, or by contacting Alaska Plans, Inc. directly and obtaining permission for additional use.
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REV.	DATE	DESCRIPTION	APP.	-	-	-	-	-
1	2-02-23	ISSUED FOR REVIEW	JMR	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-

DRAWN BY: JMR

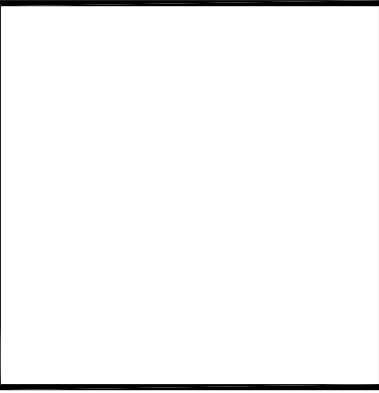
CHECKED BY: ARR

PAGE NO: 2 of X

SHEET NUMBER: A2

Michael Williams

Williams Cabin



P.O. BOX 870681
WASILLA, AK 99687
alaskaplans.com
907.341.1332

alaskaplans

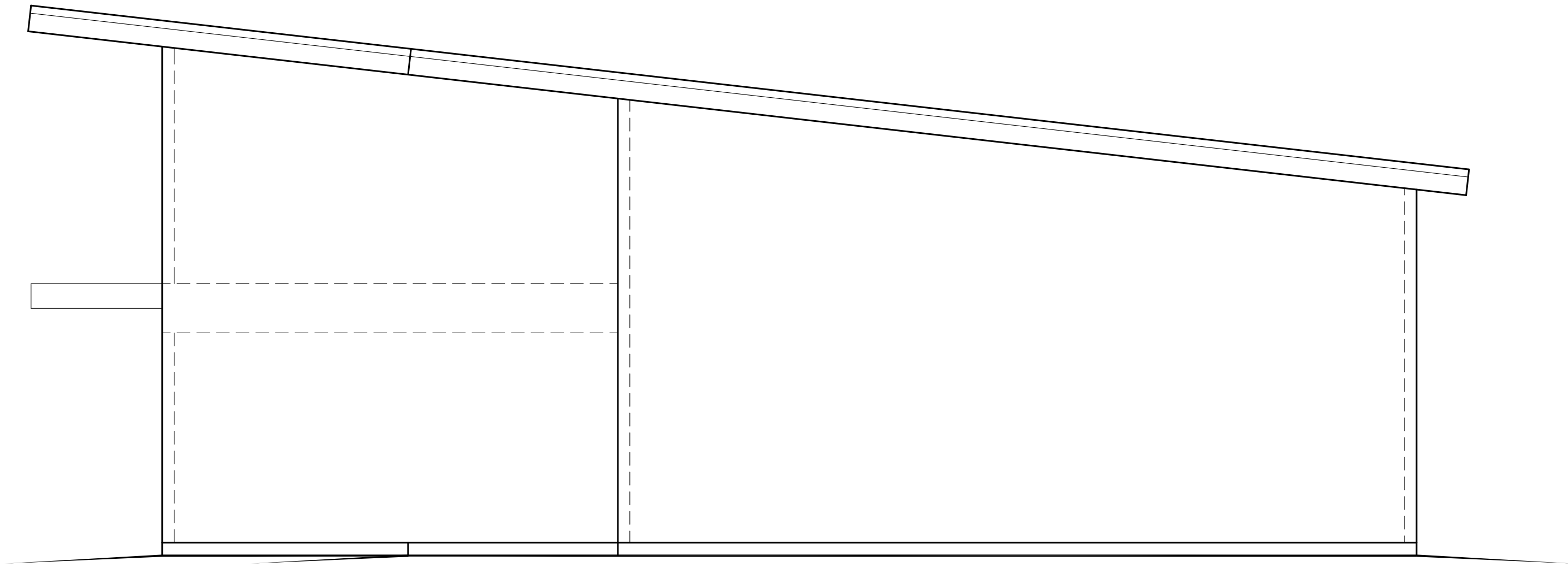
BUILDING DESIGN

Exhibit B



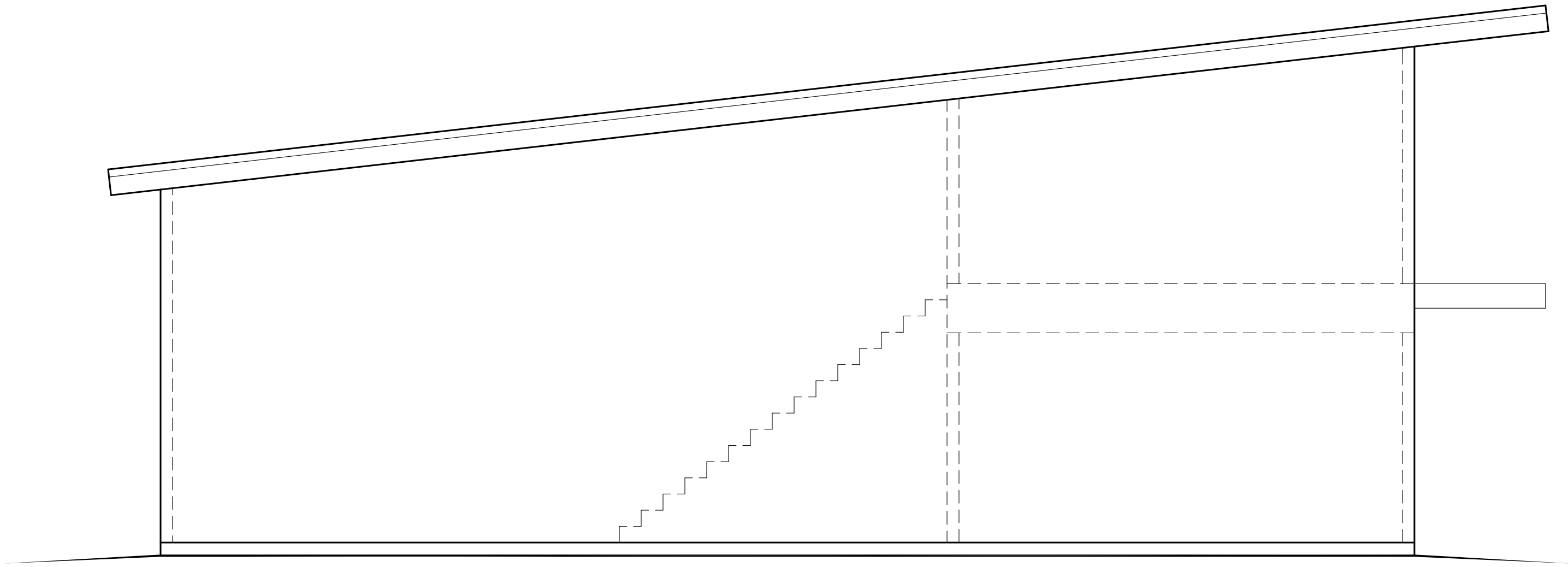
SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



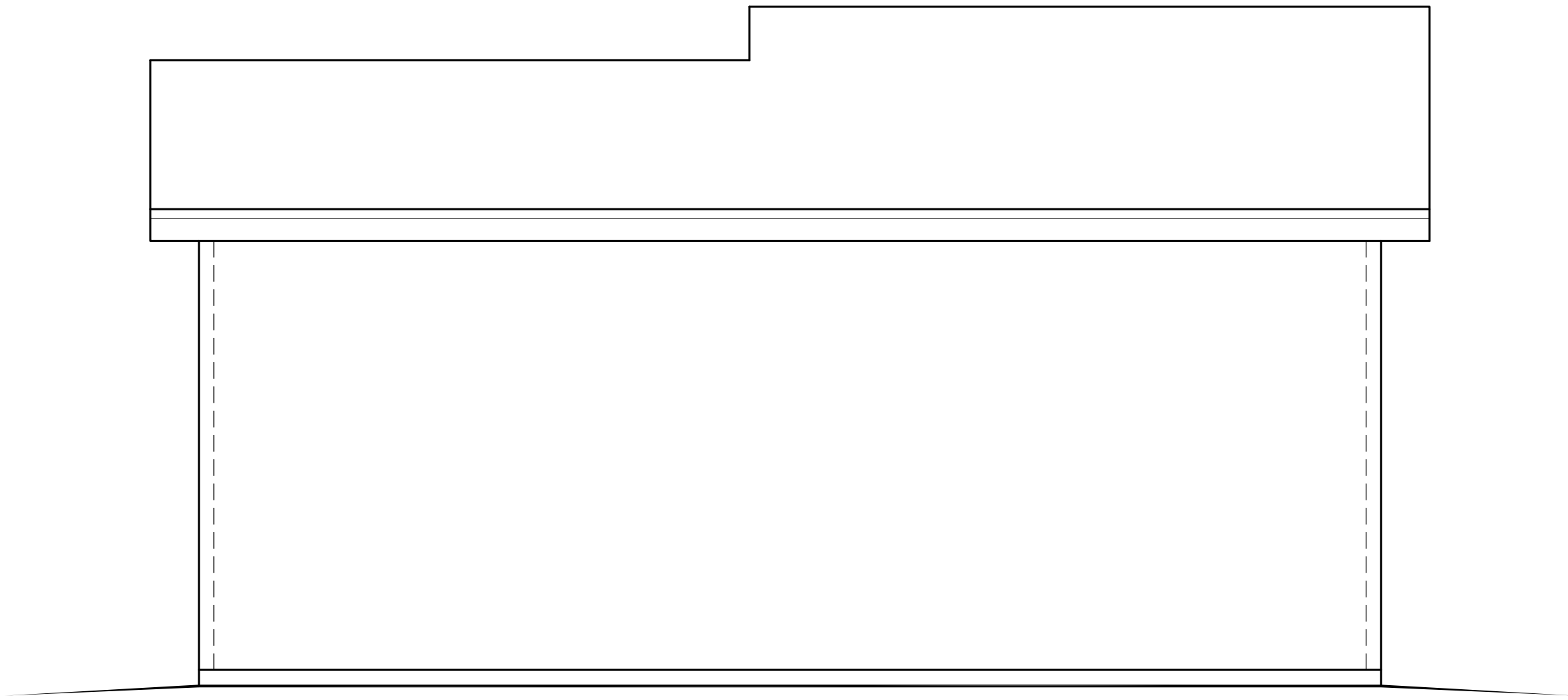
EAST ELEVATION

SCALE: 1/4" = 1'-0"



WEST ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

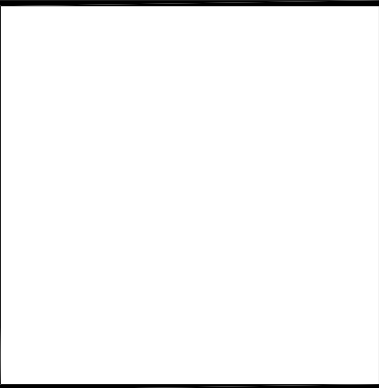
SCALE: 1/4" = 1'-0"

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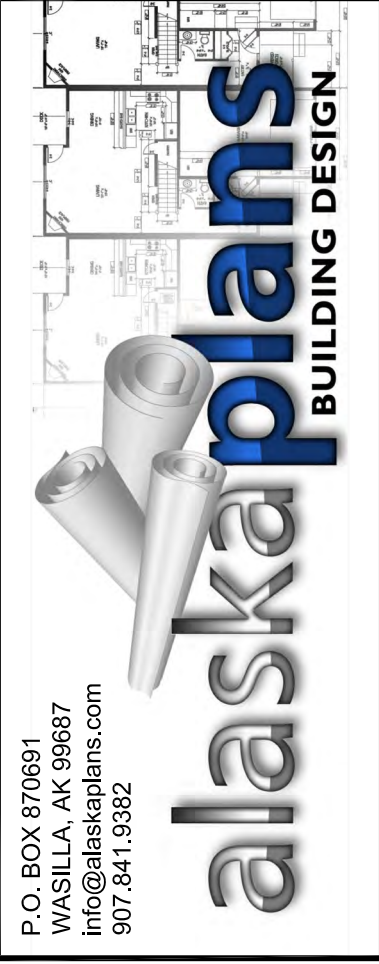
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REV.	DATE	DESCRIPTION	APP.	-	-	-	-	-	-
1	2-02-23	ISSUED FOR REVIEW	JMR	-	-	-	-	-	-
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DRAWN BY:	JMR
CHECKED BY:	ARR
PAGE NO:	3 of X
SHEET NUMBER:	A3



Michael Williams	Williams Cabin





MINIMUM HORIZONTAL SEPARATION DISTANCES FROM SEWER COMPONENTS					
	River, Lake, Stream, Spring, Slough ^c	Slopes >25%	Soil Absorption System	Lot Line ^a	Foundation ^a
Septic Tank, Holding Tank, Lift Station	100 feet	need to be stable	5 feet	10 feet	10 feet
Soil Absorption System	100 feet	50 feet ^d	see b. below	10 feet	10 feet
Pit Privy	100 feet	50 feet recommended	see b. below	10 feet	10 feet
<p>a. Recommended minimum horizontal separation distance. All parts, including ground cover for freeze protection must be wholly located on the property with the facility being served. Locating a septic tank or soil absorption system too close to a building foundation may have negative impacts. The septic tank cleanouts or manhole riser must be accessible for maintenance purposes.</p> <p>b. 6 feet or 2 times the distribution media depth, whichever is greater.</p> <p>c. Setbacks is from the mean annual high water level of surface water or the mean higher high water level of tidally influenced water.</p> <p>d. Separation distance applies to the downhill slope; does not apply to mound type soil absorption systems</p>					
MINIMUM VERTICAL SEPARATION DISTANCES FROM SEWER COMPONENTS					
	Seasonal High Water Table		Impermeable Soil, Permafrost, Bedrock		
Septic Tank, Wastewater Holding Tank	need buoyancy protection		--		
Subsurface Soil Absorption System	4 feet		6 feet		
Pit Privy	4 feet		--		

Disclaimer: This separation distance table was developed for convenience but may not contain all separation distances required to be met.

Williams Variance Narrative

Mat-Su Borough
 Development Services

1. The requested variance is necessary for my family to expand our current cabin, which has a footprint of 320 ft². The existing cabin resides 34.7 ft from the edge of the water. The cabin has an existing setback variance, approved on August 29th, 1986. We propose adding 1,277.5 ft² of single-story living space to the rear of the existing cabin. The addition will not be any closer to the edge of the water than the cabin currently sits. An additional structure can't be built outside of the 75 ft setback because there isn't enough developable land due to the location of the septic system and wetland area. A variance was given for the existing cabin, as it was deemed that the land outside of the 75 ft water setback was not buildable. The buildable land is a small section of land on the south side of the property. The current cabin is built on a high noll that starts north of the edge of the water at 27 ft. The buildable area goes north on the property and measures from 27 ft to 125 ft beyond the edge of the water. There is also a septic system comprised of three holding tanks. These holding tanks are 101.25 ft from the edge of the water and 22.5 ft outside of the 75 ft water setback. By code, the building can't be within 10 ft of the holding tank, which leaves only a 12 ft by 30 ft area that can be built on outside of the 75-foot water setback and septic tanks. Other than the wetland, this is the only area that could be developed on high ground and outside of the setback.

There are designated wetlands on the Matsu Borough GIS website 45 ft north of the 75 ft water setback and 150 ft from the edge of the water. This wetland is 0 to 1 ft above the lake water elevation. The only way to develop this area would be to bring in roughly 3,200 yd³ of non-native material and fill in the wetlands. It would then be feasible to let the material settle, bring in additional fill to compensate for the settling, and build a traditional foundation in this area. This path wouldn't be prudent or ecologically responsible, even if it is deemed legal through the permitting process. If there is perfectly buildable ground behind a current structure that could be expanded with minimal disturbance to neighbors, vegetation, and wildlife, why would you want to introduce a bunch of non-native material into the wetlands area? This would require dump trucks, a bulldozer, a front-end loader, and many other types of equipment that are going to destroy vegetation, damage the surrounding properties, put neighbors through unnecessary stress, and potentially cause needless wetland and lake degradation.

There is also the possibility of building the addition on top of piles in the wetlands and building a boardwalk over the wetlands to the new building. The type of piles that would be used are driven piles. Some people may look at helical piles as an option, but those would not be the correct piles for the application. Helical piles have great load-bearing ability but have less than favorable lateral support. Even with added cross bracing and additional piles, the lateral support would not be sufficient, due to how shallow helical piles are installed and the instability of the wetland soil. The best option if you were going to build on piles in the wetlands, would be a driven pile. Fewer piles would be needed, and driven piles offer high load bearing and lateral support. The driven and helical piles both require large equipment to be installed. Both pile options require additional heavy equipment for installation and support.

The area where the construction would be taking place in the wetlands is at least 150 ft north of the edge of the water. There are also constraints caused by the landscape and building that will make it very difficult to get all of the equipment to the building site without

Williams Variance Narrative

damage to neighboring properties and the wetlands. This would mean there would be large pieces of heavy equipment tracking all over inside of the wetlands and on the neighboring properties. Neither of the two options for building in the wetlands makes sense. Why risk the lake water, wildlife, fish, and vegetation when a ready-to-build section is behind the current cabin?

2. The current cabin, proposed addition, and holding tank septic system sit on the only buildable ground on the property. All other land is the wetlands. The plat of my property was recorded in 1958, prior to the borough incorporation in 1964. There were little to no platting or subdivision regulations at that time. My lot is .57 acres or about 21,450 ft², which is less than the current allowable lot size of 40,000 ft². The lot is approximately 65 ft wide, with 10 ft side lot line setbacks on either side, giving me a 45 ft wide lot to build. This is narrower than allowed by the current standards, which require 125 ft water frontage. Because the property is so narrow, it will be impossible to get the heavy equipment needed for building into the wetlands without damage to neighboring properties and vegetation. Whether I was to bring in fill or install driven piles, there would be no way to get all the heavy equipment needed into my property without destroying the natural vegetation in both the front of my lot and part of my neighbors' lots, not to mention the amount of damage that would be caused to the wetlands. My property is on an island, which is also an unusual circumstance, which means there is only one way on and off my property. I would have to cut down a bunch of trees in the front of my lot or bring all of this heavy equipment through my neighbor's property.

3. Applying the 75 ft water setback on my property will deprive me of a commonly enjoyed right by other island neighbors, both directly adjacent and nonadjacent. The 320 ft² cabin on my property is much smaller and insufficient. The adjoining neighbor to the east has a 641 ft² cabin, a 330 ft² bunk house, porches, decks, and a hot tub inside the 75 ft water setback. This same neighbor also has multiple storage buildings on their property. The neighbor to the west has 980 ft² of living space, numerous storage buildings, and covered patios inside the 75 ft water setback. The neighbor adjacent to the North has 2,400 ft² of living space with additional storage sheds and decks inside the 75 ft water setback. If I cannot add to the rear of our cabin, we will not be able to add additional living space to this property without developing in the wetlands.

4. Granting this variance will not negatively affect the neighboring properties or harm public welfare. It also will not impact any of the adjacent properties' ability to enjoy their property, not lower the value, or degrade their appearance. The proposed cabin addition will not impede the views of the other properties or hinder the neighbors' access. The addition will have a lower roof line than the existing cabin. Granting this variance will keep me from having to make an eyesore for the neighbors who have a direct view into the wetlands. If I am forced to build in the wetlands, putting a building in that specific area will degrade the visual appeal for many of the neighbors whose properties look east from the west bank of Big Lake. Granting this variance will allow me to fully renovate a cabin that had become an eyesore for my neighbors on Shepherd Island. This cabin sat vacant for over 10

Williams Variance Narrative

honoring the Big Lake Comprehensive Plan 2009 guidance. Another development guideline, Hazards and Sensitive Areas states, "Avoid development in hazardous areas, including floodplains and on steep slopes. Minimize impacts on **wetlands** and other sensitive natural environments." Granting me this variance will allow me to develop my property without having to impact the wetlands. If I am forced to develop in the sensitive natural environment of the wetlands, I would not be following the development guidelines of the comprehensive plan.

Another development guideline, Protection of Water Quality, states, "Use of land adjoining waterbodies should be designed to minimize impacts on water quality. Actions to achieve this goal include minimizing removal of natural vegetation along the majority of the edge of lakes, streams or **wetlands**, to keep lawn chemicals, silt, and septic effluents out of the watershed, to inhibit bank erosion and provide habitat for wildlife such as ducks and loons, while also providing some screening of development. "Granting this variance would align with the development guidelines. The cabin addition I would like to build would have the least impact on the lake and wetlands. If I develop my property in the wetlands area, I would be deviating from the guidelines of the Big Lake Comprehensive Plan 2009.

6. The cabin addition will bring the property living space and structure square footage closer to that of immediate neighbors and the non-neighboring Shepherd's Islands' properties. The property will have an additional 1,277 ft² of living space added to the property. The cabin's current size offers enough living space for two people. This addition will make it possible to have a kitchen, additional bedrooms, a bathroom, and some storage. The intended use of this property is for friends and family to have a relaxing time.

**7. MSB Voluntary Best Management Practices For Development around Waterbodies
Maintain the natural shoreline or riparian habitat.**

- Preserve a minimum 75 ft wide buffer of continuous, undisturbed native vegetation along at least 50% of the parcel's shoreline or stream bank.

The proposed addition is designed on helical piles, which will minimize disturbing the native vegetation. I have no plans on making any changes to the shoreline. I do plan on planting some native bushes close to the shoreline to help with some of the preexisting soil erosions in a few locations. My plan is to keep the shorelines and all vegetation natural and untouched.

- Along the remaining 50% of the shoreline, limit vegetation removal to what is necessary to accommodate paths, docks, or other limited development.

I have no plans on removing or changing any of the remaining shoreline vegetation.

Minimize impervious surfaces on shoreline lots.

- Limit to a maximum of 25% of the lot area.

years and had not been maintained. This variance will help beautify the property and keep the new addition mostly hidden behind the current cabin. This will be the most visually appealing and will have the least negative impact on my immediate neighbors, island neighbors, and big lake neighbors.

5. Title 17.55.020 is designed to keep any new structure from being built inside the 75 ft water setback. The granting of this variance will be in harmony with the title because the current cabin is inside the 75 ft water setback. The proposed addition does not protrude any closer to the edge of the water. In the Big Lake Comprehensive Plan 2009, on page 32, four land use and environmental goals are set forth. Two of those goals apply to and give some clarity on what direction the plan would recommend with my specific situation. One goal that has a guiding principle for my variance is labeled Protect the Natural Environment. This goal states, "As the area grows, actions are needed to avoid detrimental effects on well water, quality of surface water, habitat, **wetlands**, and other natural features." Not granting me a variance to build onto the back of my current cabin would force me to build in the wetlands area and would be in direct conflict with the goals set out by the Big Lake Comprehensive Plan. The other goal that pertains to this variance is the goal labeled Provide for Freedom to enjoy our Properties. This goal states, "The plan supports a balance of freedom to use the property as individuals choose up to that point where one person's use limits the rights of neighbors to enjoy their property. Responsible land use should be in harmony with surrounding land use without damaging the health, safety, and welfare of adjacent property." If I am forced to build in the wetlands, it will cause far more stress on the health, safety, and welfare of the adjacent properties. It will also cause stress on my neighbors that are not directly adjacent to me and will widen the impact on properties that are not directly adjacent to me.

On page 40 of the Big Lake Comprehensive Plan 2009, Strategy 3 is to Identify and protect key features of the Natural Environment. One of the key features is Clean Water. This key feature states, "Keep lakes, streams, wetlands, etc. free from septic pollution, hydrocarbons, non-point source pollutions such as nitrates and fertilizers, etc." Granting me this variance will offer the best solution to developing my property while making clean water the priority. If I am granted this variance, I will not need to enter the wetlands area. One of the other key features is natural beauty. This key feature states, "Retain the landscape that reflects the natural beauty of the land." If I develop into the wetlands area, I will be greatly destroying the natural beauty that is enjoyed by not only the island residents, but also the mainland residents that currently see the untouched beauty. If I am forced to develop in the wetlands, I will be the first to do so, and it will not maintain the natural beauty that the comprehensive plan intended to protect.

Strategy 4 of the Big Lake Comprehensive Plan 2009 is to Establish Community-Wide Development Guidelines. One of those development guidelines is labeled Natural Vegetation/Site Disturbance. This guideline states, "Encourage retention of existing natural vegetation and replant disturbed areas. Grading and clear-cutting the entire parcel prior to selling or developing land is strongly discouraged." Granting me this variance will offer the lowest disturbance of natural vegetation. The area I am proposing to build on is already cleared and will require little to no ground prep. If I build in the wetlands, I would not be

Williams Variance Narrative

The current and proposed cabin measures 1,597.5 ft² against the 24,829.2 ft² total lot, which equals roughly 6.5% of the total structure coverage of the lot.

- Minimize as much as possible within 75 ft of the water's edge.

The proposed addition is on helical piles, which are less impervious than traditional concrete footing foundations. The proposed addition minimizes impervious surfaces by placing the proposed structure on helical piles.

Avoid adding sand beaches or adding fill material to lakeshore, stream banks or wetland areas.

I will not be adding any sand or fill to lakeshores, stream banks, or wetlands unless I am forced to build my addition in the wetlands.

Adhere to the state of Alaska's 100 ft waterbody separation for septic systems and outhouses, and keep septic systems in good working order.

We will keep the existing septic system, which adheres to the Alaska 100 ft waterbody separation, and will keep the septic system pumped and in good working order.

Use landscaping practices that will reduce degradation of waterbodies, including:

- Test soils to see if fertilizers are needed and use them sparingly.

I have no plans to ever use any plants that will require fertilizers. I only want native vegetation that needs no maintenance or fertilizers.

- Design a smaller lawn to reduce fertilizer use.

I will not be installing a lawn.

- Use native species that grow well without fertilizer.

I only plan to plant native species.

- Avoid fertilizer use completely within 50 ft of the water's edge.

No fertilizer will be required. I will not be needing to use fertilizers.

Maintain at least a 75 ft distance from the water's edge for:

- Additional permanent or accessory buildings.

There are no proposed additional permanent or accessory buildings planned inside the 75 ft water setback.

- Driveways, roads, and other impervious surfaces

No Driveways, Roads, or other impervious surfaces are proposed inside the 75 ft water setback.

- Livestock or dog quarters or yards.

There are no Livestock or dog quarters or yards proposed inside the 75 ft water setback.

- Manure or compost piles.

There are no manure or compost piles in the proposed cabin addition.

- Long-term vehicle or equipment storage.

There is no long-term vehicle or equipment storage proposed in the cabin addition.

The special conditions that require the variance are caused by the person seeking the variance.

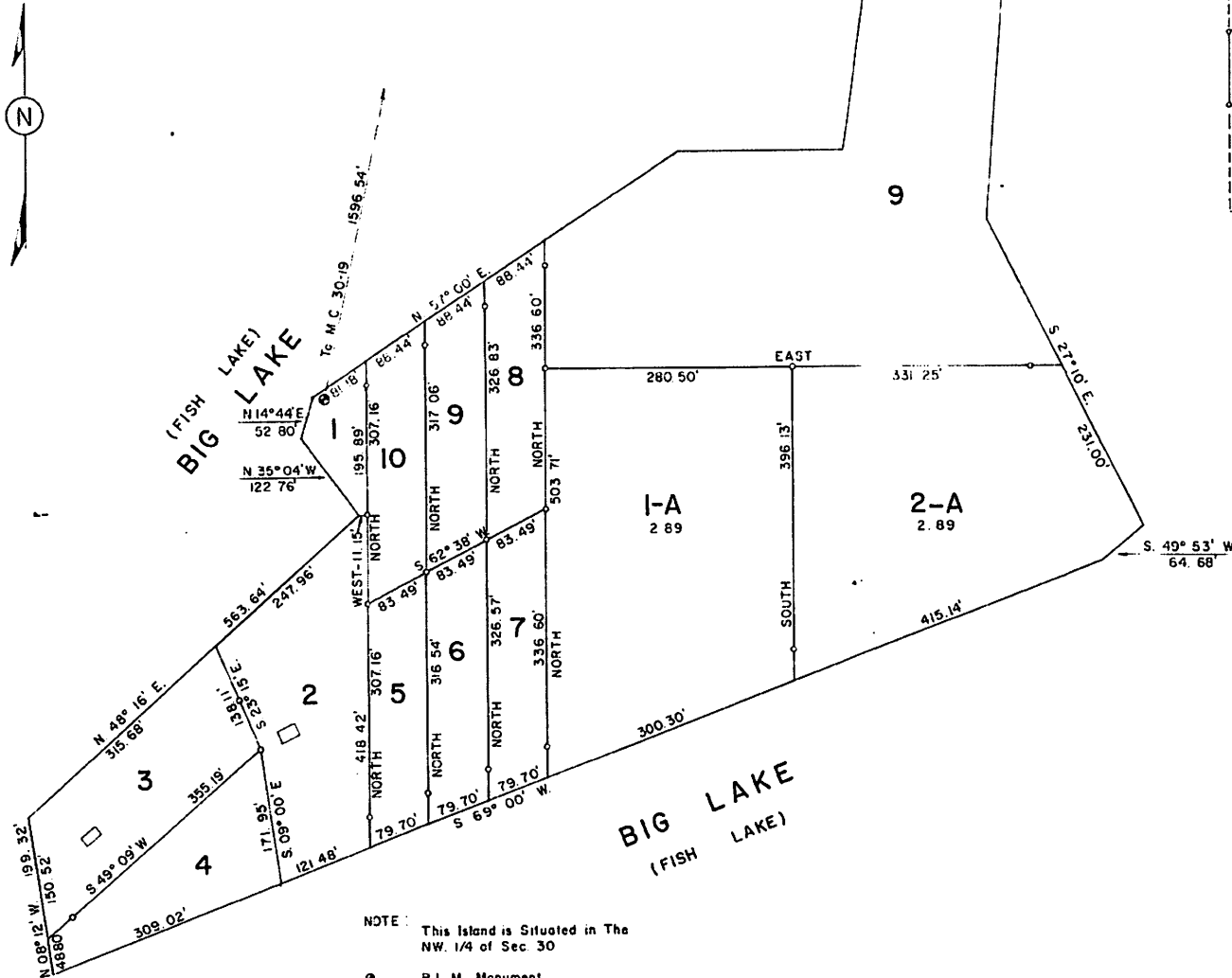
- The natural conditions of the property were not caused by me, the individual seeking the variance.

The variance will permit a land use in a district in which that use is prohibited.
The variance will NOT permit land use in a district in which that use is prohibited.

The variance is sought solely to relieve pecuniary hardship or inconvenience.

- The variance is NOT sought solely to relieve pecuniary hardship or inconvenience.

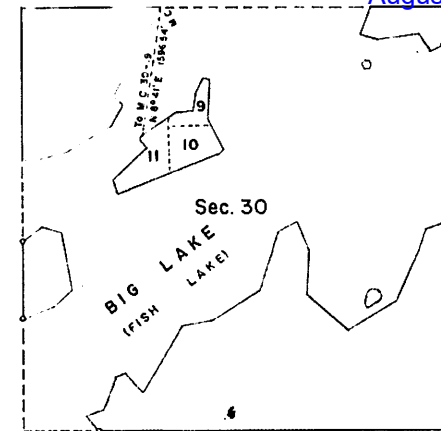
TOWNSHIP 17 NORTH, RANGE 3 WEST, SEWARD MERIDIAN
SUBDIVISION OF ORIGINAL LOT 10 AND LOT 11



NOTE: This Island is Situated in The NW 1/4 of Sec. 30

- ⊙ B L M. Monument
- 3/4" Steel Rod

Scale 1" = 100'



Wasilla Precinct — Wasilla, Alaska
Filed for Record *11 am 8/13/58*
By *J. Haggan*
May C. Carter, Dist. Recorder
Made to: *Plot July 58*

ALL EXTERIOR LINES RETAINED FROM ORIGINAL SURVEY OF 1950. THEREBY CERTIFIED THAT ALL EXTERIOR AND INTERIOR BEARING AND DISTANCES WERE CORRECT.

DATE 2-1958

SURVEYED BY
Edmund F. Hutchinson
EDMUND F. HUTCHINSON, S.E.

Williams Cabin Variance

**NARRATIVE**

1. The variance is required because we propose adding to the current 320-square-foot cabin. The existing cabin sits 34.7 feet from the edge of the water. The cabin has a setback variance, which was approved on August 29th, 1986. We propose adding 1,095 square feet of single-story living space and a 175 square-foot deck inside the 75-foot setback area to the rear of the existing cabin. We cannot build the additional structure outside the 75-foot setback because the property is unbuildable outside the 75-foot setback.
2. The current cabin, proposed addition, and holding tank septic system sit on the only buildable ground on the property. All other land is the swamp.
3. Applying the 75-foot water setback on my property will deprive me of a commonly enjoyed right by other island neighbors, both directly adjacent and nonadjacent. The 320-square-foot cabin on my property is much smaller and insufficient. The adjoining neighbor to the east has a 641-square-foot cabin, a 330-square-foot bunk house, porches and decks, and a hot tub inside the 75-foot water setback. This same neighbor also has multiple storage buildings on their property. The neighbor to the west has 820 square feet of living space, numerous storage buildings, and covered patios inside the 75-foot water setback. The neighbor adjacent to the North has 2,400 square feet of living space with additional storage sheds and decks inside the 75-foot water setback. If I cannot add on the rear of our cabin, we will not be able to add additional living space to this property.
4. Granting this variance will not be injurious to the neighboring properties or harmful to public welfare. Granting this variance will not modify any of the adjacent properties' ability to enjoy their property; it will not lower their property value or degrade the appearance of their property. The proposed cabin will not impede any of the other properties' views. The proposed cabin will not hinder their access to their property in any way. The proposed cabin will have a lower roof line than the existing cabin.
5. Title 17.55.020 is designed to keep any new structure from being built inside the 75-foot water setback. The granting of this variance will be in harmony with the title because the current cabin is inside the 75-foot water setback. The proposed addition does not protrude any closer to the edge of the water.
6. The cabin addition will bring the property living space and structure square footage closer to that of immediate neighbors and the non-neighboring Shepherd's Islands properties. The property will have an additional 1,075 square feet of living space and 175 square feet of deck added to the property. The cabin's current size offers enough living space for two people. This addition will make it possible to have a kitchen, additional bedrooms, a bathroom, and some storage. The intended use of this property is for friends and family relaxing time.

Williams Cabin Variance

7. MSB Voluntary Best Management Practices For Development around Waterbodies

Maintain the natural shoreline or riparian habitat.

- Preserve a minimum 75-foot wide buffer of continuous, undisturbed native vegetation along at least 50% of the parcel's shoreline or stream bank.

The proposed addition is designed on Helical Piles, which will minimize disturbing the native vegetation. The proposed addition does not include any changes to the shoreline.

- Along the remaining 50% of the shoreline, limit vegetation removal to what is necessary to accommodate paths, docks, or other limited development.

The proposed expansion does not necessitate any adverse changes in the shoreline.

Minimize impervious surfaces on shoreline lots.

- Limit to a maximum of 25% of the lot area.

The current and proposed structure measures 1,586 square feet against the 24,829.2 square feet total lot, which equals 6% of the total structure coverage of the lot.

- Minimize as much as possible within 75 feet of the water's edge.

This proposed addition is on helical piles, which are less impervious than traditional concrete footing foundations. The proposed addition minimizes impervious surfaces by placing the proposed structure on helical piles.

Avoid adding sand beaches or adding fill material to lakeshore, stream banks or wetland areas.

The proposed addition adds no sand or fills to lakeshores, stream banks, or wetlands.

Adhere to the state of Alaska's 100 foot waterbody separation for septic systems and outhouses, and keep septic systems in good working order.

The proposed addition adds no septic system. We will keep the existing septic system in good working order.

Use landscaping practices that will reduce degradation of waterbodies, including:

- Test soils to see if fertilizers are needed and use them sparingly.

The proposed addition does not have any plants that will require fertilizers.

Williams Cabin Variance

- Design a smaller lawn to reduce fertilizer use.

The addition does not have a lawn.

- Use native species that grow well without fertilizer.

The proposed addition does not add any species.

- Avoid fertilizer use completely within 50 feet of the water's edge.

No fertilizer will be required. Proposed addition does not add any non native species.

Maintain at least a 75' distance from the water's edge for:

- Additional permanent or accessory buildings.

There are no proposed additional permanent or accessory buildings planned inside the 75-foot water setback.

- Driveways, roads, and other impervious surfaces

No Driveways, Roads, or other impervious surfaces are proposed inside the 75-foot water setback.

- Livestock or dog quarters or yards.

There are no Livestock or dog quarters or yards proposed inside the 75-foot water setback.

- Manure or compost piles.

There are no manure or compost piles in the proposed cabin addition.

- Long-term vehicle or equipment storage.

There is no long-term vehicle or equipment storage proposed in the cabin addition.

The special conditions that require the variance are caused by the person seeking the variance.

8. The natural conditions of the property were not caused by me, the individual seeking the variance.

Williams Cabin Variance

The variance will permit a land use in a district in which that use is prohibited.

9. The variance will NOT permit land use in a district in which that use is prohibited.

The variance is sought solely to relieve pecuniary hardship or inconvenience.

10. The variance is NOT sought solely to relieve pecuniary hardship or inconvenience.

UPDATE – MAY 21, 2025

Rebecca,

Thanks for the opportunity to clear things up. I have attached the most current version of the narrative. I will also include a link to download any of the documents you may not have. <https://spaces.hightail.com/receive/CjCE3hnCI9>. Thanks again and have a great rest of the week.

1. I have noticed a slight discrepancy between the square footage of the house between the narrative and the site plan. The narrative indicated that the house will be 1,095 and 1,075 square feet, while the site plans show 1,314 square feet. Please clarify the intended livable space. [The total addition is 1,314 square feet.](#)
2. The narrative also indicates that the additional structure will be a single-story home, but the projected structure does show a staircase leading to a secondary loft. Please clarify. [The original structure was a small cabin on stilts. The staircase is to access the upper section of the original cabin.](#)
3. Please clarify how far back the closest point to the projected additional structure is to the ordinary high-water line. [52.5 feet.](#)
4. Within the narrative it is explained that the subject parcel is not buildable outside the 75' waterbody set back, although a portion of the house is projected to be built outside of the 75' waterbody setback. This statement is inconsistent. Please clarify intended purpose of this statement. [The buildable land is a small section of land on the south side of the property. The current cabin is built on a high noll that starts north of the edge of the water at 27 ft. The buildable area goes north on the property and measures from 34.7 ft to 125 ft beyond the edge of the water \(see drawing exhibit D\).](#) There is also a septic system comprised of three holding tanks. These holding tanks are 101 ft from the edge of the water and 26 ft outside of the 75 ft water setback. By code, the building can't be within 10 ft of the holding tank [\(see attached exhibit E, page 20 from Department of Environmental Conservation, Onsite Wastewater Systems Installations Manual\)](#), which leaves only a 13 ft by 30 ft area that can be built on outside of the 75-foot water setback and septic tanks setback [\(see drawing exhibit D notated as hatch marks\)](#). Other than the wetland, this is the only area that could be developed on high ground and outside of the setback without a variance being granted.
5. Can you provide details on the amount of living space that will be outside of the 75' waterbody set back. (Example total square footage of addition – 1,200 sq ft, total square footage outside of 75' = xxxxx square ft.) [Roughly 457.5 square feet will be outside the 75' water setback.](#)
6. The pictures provided by the applicant and borough assessments data indicate that the lower level of the original structure have been modified from its original version. Can you explain what this space is used for? Will this space be enclosed to accommodate any living quarters? [I walled it in to make a garage.](#)
7. Can you please clarify the total amount of intended living space including the previous structure on the property if granted the variance? [1,634 total square feet and 1,176.5 not counting the area outside the 75' water setback.](#)

Department of Fish and Game



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

HABITAT SECTION
Matanuska-Susitna Area Office

1801 South Margaret Drive, Suite 6
Palmer Alaska 99645-6736
Main: 907.861.3200
Fax: 907.8961.3232

FISH HABITAT PERMIT FH22-IV-0293

ISSUED: October 17, 2022
EXPIRES: Life of Structure

Michael Williams
P.O. Box 101055
Anchorage, AK 99510

RE: Pile Supported Dock, Boat Lift, Floating Ports and Floating Dock Section Installation
Big Lake (Waterbody No. 247-50-10330-0010)
Section 30, T 17 N, R 3 W, SM
Location: 61.5359 N, -149.8937 W

Dear Mr. Williams:

Pursuant to the Anadromous Fish Act at AS 16.05.871 (b), the Alaska Department of Fish and Game (ADF&G) Habitat Section has reviewed your proposal to construct a pile supported dock, install a boat lift, seasonal personal watercraft ports and a seasonal floating dock at your private property adjacent to Big Lake.

Project Description

According to your application materials you intend to construct a new pile supported dock. You will drive up to thirty 4-inch steel piles into the lakebed below the ordinary high water (OHW) mark. Piles will be driven through the lake ice using a vibrating hammer mounted on an excavator. Heavy equipment use on the frozen surface of Big Lake is authorized via General Permit FH18-IV-0008-GP Amendment #1 (see attached). You plan to weld a frame of angle steel to the piling to support either a wood or prefabricated steel dock frame. The dock will comprise two sections, a 30-foot long by 4-foot wide walkway, and a 26-foot long by 20-foot wide docking area. You plan to use cedar or composite decking material and a fascia board to cover the deck perimeter. The walkway section of the dock will be affixed to the upland by an existing gangway ramp that is attached to an existing concrete pad. Construction is scheduled to take place between December 1, 2022, and February 28, 2023.

Additionally, you plan to install a prefabricated aluminum boat lift that will be attached to the pile supported dock and will be situated on the lakebed. The boat lift will be 11-foot wide by 16-foot long. The boat lift will be installed once there is open water in spring 2023.

Furthermore, you plan to install seasonal personal watercraft ports and a floating dock section that will be attached to the pile supported dock during open water and will be removed from the lake before freeze-up each year. This will include four prefabricated personal watercraft ports that are each 5-foot wide by 11.5-foot long and a prefabricated floating dock section that is 7-foot wide by 13-foot long. These structures are intended to be Polydock brand prefabricated floating ports and dock and are made of polyethylene. Installation will take place once there is open water in spring 2023.

No clearing or alteration of the existing shoreline is proposed in your project. Additionally, no water withdrawals, diversions, or cross-channel structures were requested in your plans. Your permit application and all materials, maps, and drawings are hereby adopted by reference into this permit.

Anadromous Fish Act

Big Lake (Waterbody No. 247-50-10330-0010) has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). The water body provides habitat for Chinook, chum, coho, pink, and sockeye salmon as well as a suite of resident fish species.

In accordance with AS 16.05.871(d), your project is approved subject to the project description and permit terms, and the following stipulations:

1. No wheeled or tracked equipment will be operated below the ordinary high water line of Big Lake. The placement and maintenance of support piling and dock sections shall be done using equipment operating from shore, from a floating barge or boat, or from the frozen water surface during winter months.
2. The wooden portions of the dock and dock components may be constructed of untreated lumber or lumber treated with preservatives free of arsenic and pentachlorophenol (PCP). Pressure treated lumber is preferred, however, after market, topical wood preservatives may be used provided they adhere to the above guidelines and are applied in an upland location and allowed to fully cure prior to the placement in or over a water body. Acceptable common pressure treatments include: ACQ (Ammoniacal Copper Quat), ACZ (Ammoniacal Copper Zinc Arsenate), and MCA (Micronized Copper Azole).
3. Wooden dock components may not be painted or treated with any preservative other than as described above. Corrosion treatments for metal dock components shall be applied in an upland location prior to construction over the water.
4. All construction waste must be properly contained to prevent pollution or contamination of state waters. All waste, including sawdust from treated lumber, must be contained, and disposed of in a suitable upland location.
5. No fuel shall be stored, nor vehicles fueled or serviced while located below the ordinary high water line (vegetation line) of any specified water body.
6. No vehicles leaking fuels, oils, hydraulic or cooling fluids shall be operated below the ordinary high water line (vegetation line) of any specified water body.
7. Construction and installation activities are scheduled to be completed by July 15, 2023. If this construction timeframe becomes delayed, please contact the Habitat Section at (907) 861-3200 to determine if site characteristics have changed warranting issuance of an amended permit. An amendment may be required for future dock maintenance and/or upgrades.

You must maintain the integrity of the structures in accordance with the terms of this permit so that free fish passage is assured. You must restore any obstruction to free fish passage to the satisfaction of ADF&G.

Permit Terms

This letter constitutes a permit issued under the authority of AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to Habitat Section regulated activities; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Habitat Section and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any provision contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is a Habitat Section responsibility. Therefore, we recommend you consult the Habitat Section before considering any deviation from the approved plan.

You shall give an authorized representative of the state free and unobstructed access to the permit site, at safe and reasonable times, for the purpose of inspecting or monitoring compliance with any provision of this permit. You shall furnish whatever assistance and information the authorized representative reasonably requires for monitoring and inspection purposes.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. You shall mitigate any adverse effect upon fish or wildlife, their habitats, or any restriction or interference with public use that the commissioner determines was a direct result of your failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

Please direct questions about this permit to Habitat Biologist George Hoden at (907) 861-3203 or george.hoden@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By: Sarah Myers
Matanuska-Susitna Area Manager
Habitat Section
(907) 861-3200

-gdh

Enclosures: FH18-IV-0008-GP Amendment #1 – Vehicle Movement on Frozen Water Surfaces within the Matanuska-Susitna Borough

cc:	A. Ott, Habitat	S. Ivey, SF	Permits, SF	R. Benkert, Habitat
	D. Dahl, AWT	R. Lysdahl, AWT	S. Myers, Habitat	C. Larson, DNR



FISH HABITAT PERMIT FH18-IV-0008-GP (Amendment #1)

ISSUED: January 1, 2019
EXPIRES: December 31, 2022

General Public:

Re: Vehicle Movement on Frozen Water Surfaces within the Matanuska-Susitna Borough

Pursuant to AS 16.05.871(b), the Department of Fish and Game, Division of Habitat has determined that both the public interest and the proper protection of fish and game would be served through the issuance of a general permit (GP) authorizing the use of motorized vehicles on frozen anadromous water bodies within the Matanuska-Susitna Borough.

Categories of motorized vehicles covered by the GP include any wheeled, tracked, or other ground affect motorized vehicle with a dry vehicle weight of up to 12,000 pounds. The dry weight of a vehicle is the weight of the vehicle without passengers and cargo, as specified by the manufacturer. The off-road use of any vehicle in excess of 12,000 pounds dry weight is not authorized under this General Permit. This GP does not authorize cross-country movement of equipment on state lands or other activities not allowed under 11 AAC 96.020 (Generally Allowed Uses on State Lands) or movement on frozen water surfaces within legislatively designated special areas.

Various waterbodies within the Matanuska Susitna Borough are specified as important for spawning, rearing, and/or migration of anadromous fish pursuant to AS 16.05.871(a). These waterbodies also support a variety of resident fish species.

Pursuant to AS 16.05.871(d), access to, crossings of, and/or egress from any frozen specified anadromous fish bearing water body within the Matanuska-Susitna Borough is authorized provided such activities are conducted in strict accordance with the following stipulations:

- 1) **This permit must be in your possession during stream crossings.**
- 2) There shall be no vehicles or equipment operated in the open (un-frozen) waters of any specified water body.
- 3) The use of snow or ice bridges, access ramps, or cribbing to cross any specified water body is prohibited unless approved, in writing, by the Department of Fish and Game, Division of Habitat.
- 4) Access to or egress from frozen waters shall occur only at locations with gently or gradually sloping banks. There shall be no access to or egress from frozen waters at locations with sheer or cut banks.
- 5) The bed or banks of any specified water body shall not be altered or disturbed in any way to facilitate access to, use of, or egress from their frozen surfaces.
- 6) No fuel shall be stored, nor vehicles fueled or serviced while located on the frozen surface or below the ordinary high water line (vegetation line) of any specified water body.
- 7) No vehicles leaking fuels, oils, hydraulic or cooling fluids shall be operated on the frozen surface or below the ordinary high water line (vegetation line) of any specified water body.

You are responsible for the actions of contractors, agents, or other persons who participate in the approved activity. For any activity that deviates from this approval, the responsible party shall notify the Division of

Habitat and obtain written approval in the form of an individual permit before beginning the activity. Any action taken which increases the scope of the approved activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved activity. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat be consulted immediately when a deviation from the approved activity is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the State free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of AS 16.05.871. Please be advised that this authorization applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This approval does not relieve you of the responsibility for securing other State, Federal, or local permits. You are required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The Division of Habitat reserves the right to require mitigation measures to correct disruptions to fish and game created by the project that were a direct result of the failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the Division of Habitat, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the Division of Habitat's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

If you have any questions, please call the Palmer Division of Habitat at (907) 861-3200.

Sincerely,

Doug Vincent-Lang, Commissioner



By: Jonathan Kirsch
Matanuska-Susitna Area Manager
Division of Habitat
(907) 861-3200

-seew

cc:	D. Dahl, AWT	S. Ivey, SF	A. Ott, Habitat	Permits, SF
	T. Long, SF	Pagemaster, COE	C. Larson, DNR	



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

January 30, 2023

Regulatory Division
POA-2022-00520

Michael Williams
Post Office Box 101055
Anchorage, Alaska 99510

Dear Mr. Williams:

Enclosed is the signed Letter of Permission (LOP), file number POA-2022-00520, Big Lake, authorizing construction of a new dock. The project site is located at Latitude 61.5359° N., Longitude 149.8938° W.; Matanuska-Susitna Borough; on Shepherd's Island in Big Lake, Alaska. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other federal, state, or local statutes, ordinances, or regulations.

Additionally, we have enclosed a Notification of Administrative Appeals Options and Process and Request for Appeal form regarding this Department of the Army Letter of Permission (see section labeled "Initial Proffered Permit").

Please contact me via email at Hayley.M.Farrer@usace.army.mil, by mail at the address above, by phone at (907) 753-2778, or toll free from within Alaska at (800) 478-2712, if you have questions or to request a hard copy of the LOP and enclosures. For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

A handwritten signature in black ink, appearing to read "Hayley Farrer", is written over a horizontal line.

Hayley Farrer
Regulatory Specialist

Enclosures



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

January 30, 2023

Regulatory Division
POA-2022-00520

DEPARTMENT OF THE ARMY
LETTER OF PERMISSION

Authorization is hereby granted to Michael Williams, to:

- Construct a new dock measuring 20-feet by 26-feet using wood material. An adjoining 5-feet by 30-feet walkway and a 4-feet by 16-feet gangway to access the dock will be constructed. 25 4-inch steel pilings will be installed to support the whole structure.

The work will be performed in accordance with the enclosed plans, sheets 1-2, dated December 5, 2022, which are incorporated in and made a part of this Letter of Permission.

This action is based upon the recommendation of the Chief of Engineers and under the provisions of Section 10 of the 1899 Rivers and Harbors Act (30 Stat 1151; 33 U.S.C. 403).

This authorization is subject to the following special conditions and the enclosed general conditions and further information (see enclosure entitled: GENERAL CONDITIONS/INFORMATION).

Special Conditions:

1. Self-Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (enclosed) and submit it to the U.S. Army Corps of Engineers (Corps). In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

2. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.

3. You must install and maintain, at your expense, any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), 17th Coast Guard District, Post Office Box 25517, Juneau, Alaska 99802, (907) 463-2272.

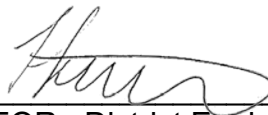
4. The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

Nothing in this authorization shall be construed as excusing you from compliance with other federal, state, or local statutes, ordinances, or regulations which may affect the proposed work.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

1/30/2023

DATE



FOR: District Engineer

U.S. Army, Corps of Engineers

GENERAL CONDITIONS/INFORMATION

1. The time limit for completing the work authorized ends five years from the date of this authorization. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must contact the Alaska District U.S. Army Corps of Engineers to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed federal project.

2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may, in certain situations, (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. General Condition #1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.



**This notice of authorization must be
conspicuously displayed at the site of work.**

**United States Army Corps of Engineers
Big Lake**

A permit to: Construct a new 20 feet by 26 feet dock, 5 feet by 30 feet walkway
and 4 feet by 16 feet gangway using 25 4-inch steel pilings.

at: Latitude 61.5359° N., Longitude 149.8938° W.

has been issued to: Michael Williams

on: January 30, 2023 **and expires on:** January 30, 2028

Address of Permittee: Post Office Box 101055 Anchorage, Alaska 99510

Permit Number:

POA-2022-00520

A handwritten signature in black ink, appearing to read "Hayley Farrer".

**FOR: District Commander
Hayley Farrer
Regulatory Specialist
REGULATORY DIVISION**

Williams Pier Supported Dock Cross Section

Drawing not perfectly scaled

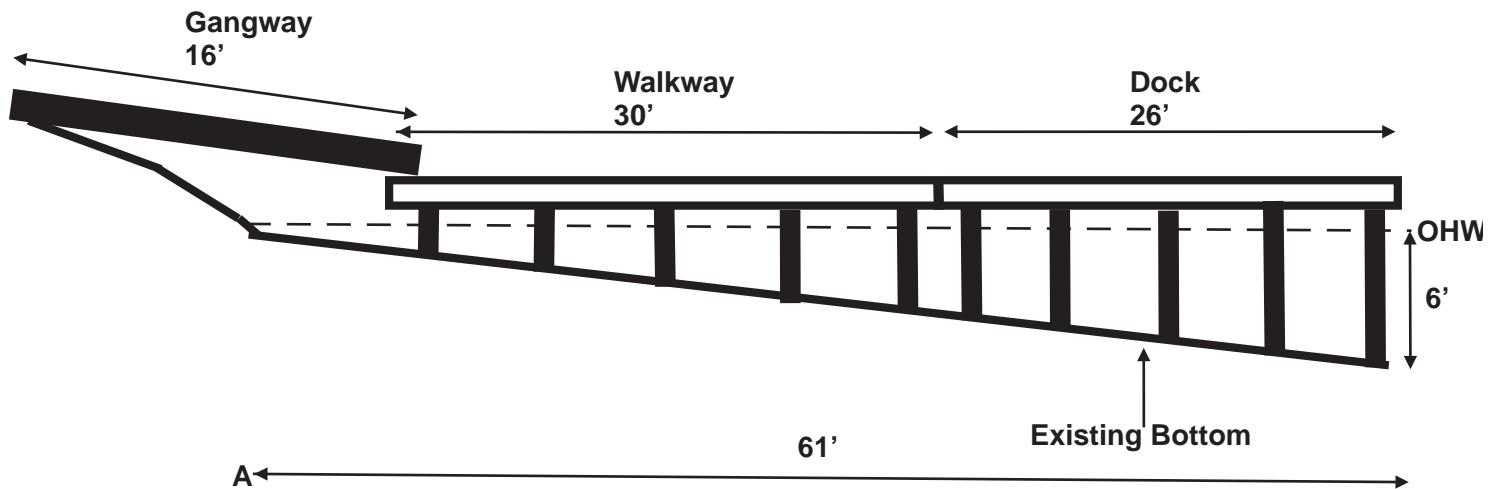
Proposed Structures:

4' wide wooden gangway

5' wide steel pile supported wooden walkway

20' wide steel pile supported wooden dock

25 4" Steel Piles



Big Lake, Matsu Borough, Alaska

Location is on Shepherds Island on Big Lake. Shepherds Island is the smaller island below Long Island.

Applicant: Michael Williams

File No.: POA- 2022-00520

Waterway: Big Lake

Proposed Activity: Pier Dock

Sec. T. R. M.

LOT 7, SUBDIVISION OF ORIGINAL LOT 10 AND LOT 11 TOWNSHIP 17 NORTH, RANGE 3 WEST, SEWARD MERIDIAN, PLAT NO. W-58, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

Lat.: 61°32'9.31"N Long.: 149°53'37.70"W

Sheet 2 of 2 Date 12/05/2022

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Michael Williams		File Number: POA-2022-00520	Date: 1/30/2023
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
X	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at

http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT 6 of 315

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Hayley Farrer, RS
Alaska District Corps of Engineers
CEPOA-RD-S
P.O. Box 6898
JBER, AK 99506-0898
(907) 753-2778

If you only have questions regarding the appeal process you may also contact:

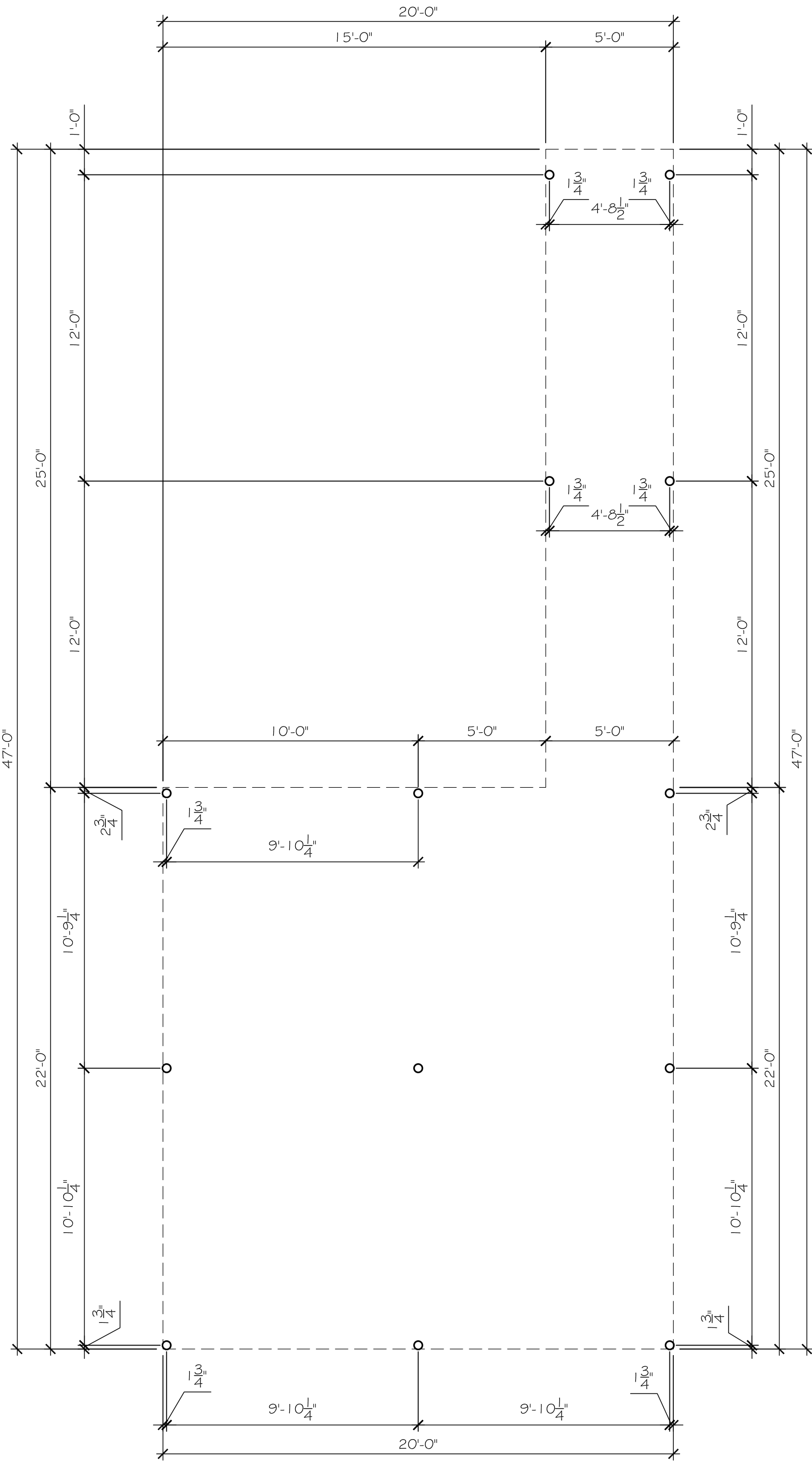
Ms. Kate Bliss
Regulatory Program Manager
U.S. Army Corps of Engineers, Pacific Ocean Division
CEPOD-PDC, Bldg 525
Fort Shafter, HI 96858-5440
(808) 835-4626
kate.m.bliss@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

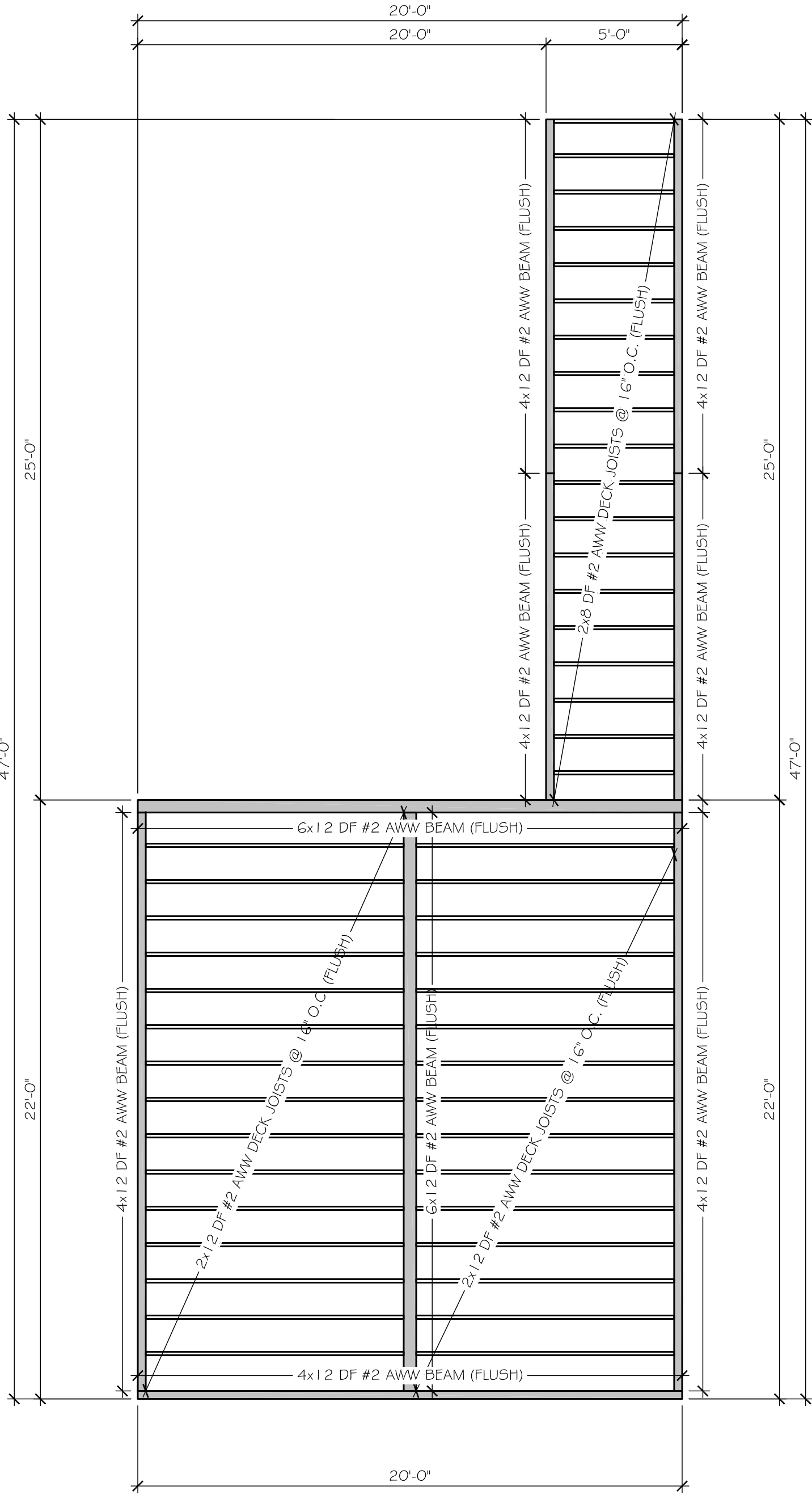
Date:

Telephone number:



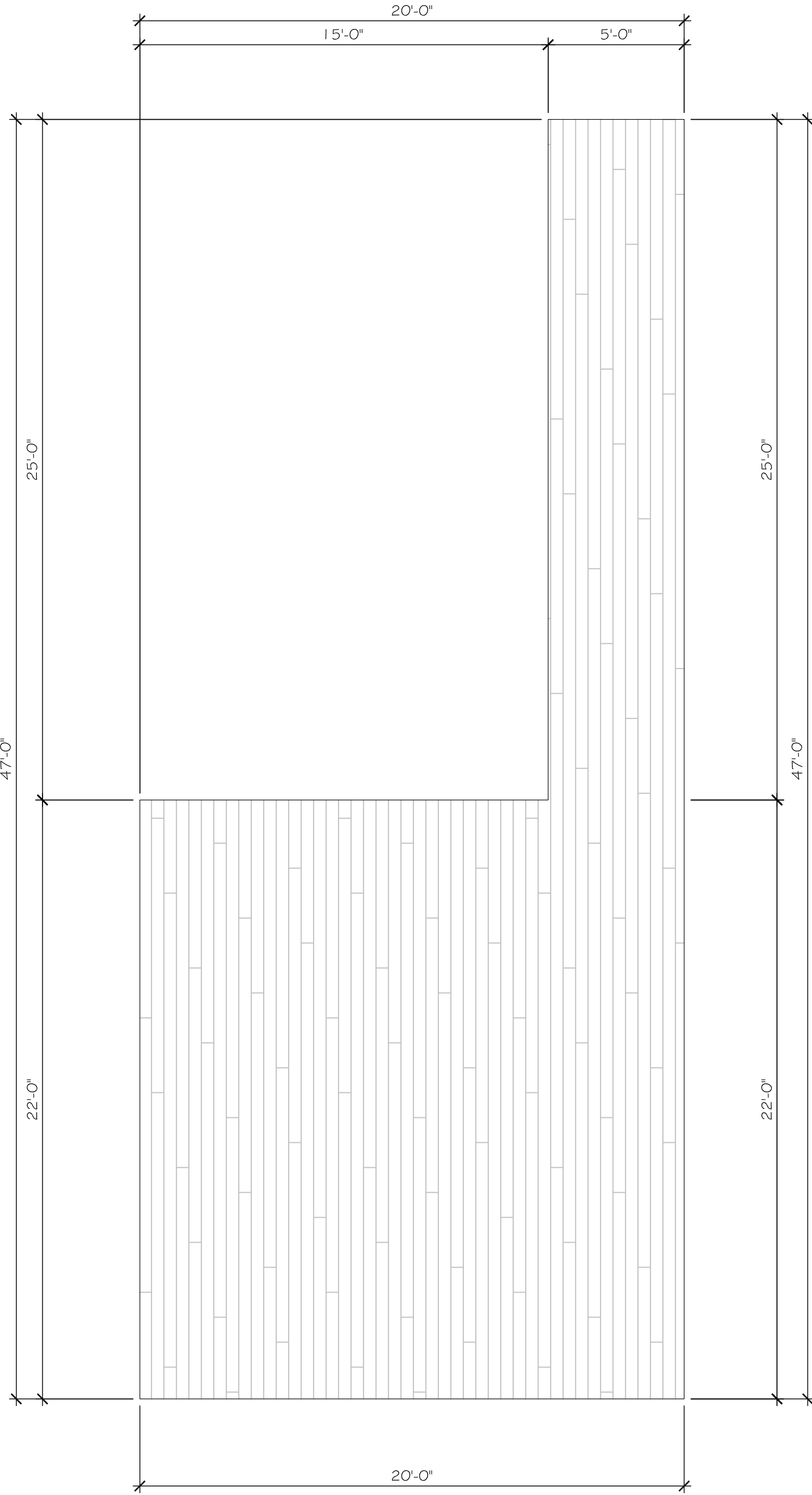
FOUNDATION PILING LAYOUT

SCALE: 1/4" = 1'-0"



DOCK FRAMING PLAN

SCALE: 1/4" = 1'-0"



DECKING LAYOUT

SCALE: 1/4" = 1'-0"

ORIGINAL PAPER SIZE: 24" x 36"

III. COPYRIGHT NOTICE III
All building plans are protected by copyright. Reproduction of these plans, either in whole or in part, including any form and/or preparation of derivative works thereof, for any reason without documented permission is strictly prohibited. The purchase of a set of building plans in no way transfers any copyright or other ownership interest in it to the buyer except for a limited license to use that set of plans for the construction of one building located at the site address or legal location specifically identified on the drawings, by the person whose name or company name appears on the drawings. Although further use may be granted to the original buyer for the construction of additional buildings, to avoid any copyright license infringement, permission for further use must be granted each time, and a new site address and/or legal location must be provided. This process is easily completed through the submission of an Original Buyer Re-Use Form @ www.alaskaplans.com, or by contacting Alaska Plans, Inc. directly and obtaining permission for additional use.
A buyer that receives a PDF file for the purpose of making copies should note that, because blueprints are copyrighted, making photocopies from them is illegal.
Copyright and licensing of building plans for construction exist to protect all parties. Copyright respects and supports the intellectual property of the original designer. Copyright law has been enforced increasingly in recent years. Willful infringement could cause settlements for statutory fees, damages, and loss of profits.
© 2007-Present, Alaska Plans Inc.

REV.	DATE	DESCRIPTION	APP.	-	-	-	-	-
1	2-02-23	ISSUED FOR REVIEW	JMR	-	-	-	-	-
2	3-01-23	ISSUED FOR REVIEW	JMR	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-

DRAWN BY:	JMR
CHECKED BY:	ARR
PAGE NO:	1 of X
SHEET NUMBER:	D1

Michael Williams
Williams Cabin

P.O. BOX 870681
WASILLA, AK 99687
info@alaskaplans.com
907.341.1332

alaskaplans

BUILDING DESIGN

S:\Planning & Land Use\Code Compliance\Forms\PROPERTY SUMMARY\ARY.doc

VARIANCE/PLATTING

CODE COMPLIANCE COMPLAINTS

TRS: 17N03W30 MERIDIAN: S TAX ACCT #: 6272000L007

CASE #: DUP:

LEGAL DESC: LOT 7, SUBD. OF GLO LOTS 10 & 11

NAME: GRYTE VIOLATION 1: SHORELINE STBK
VIOLATION 2:

INSP DATE: 6/12/86

FOLLOWUP DATE:

FILE CLOSED: YES DATE FILE CLOSED: 8/07/86

COMMENTS: OWNER APPLIED FOR A VARIANCE FROM THE SETBACK REQUIREMENT.
LINE 2: VARIANCE WAS APPROVED BY PLATTING BOARD WITH CONTINGENCIES.
LINE 3: FILE AVAILABLE FOR REVIEW IN PLATTING DIVISION.
LINE 4:
LINE 5:
LINE 6:
LINE 7:
LINE 8:
LINE 9:
LINE 10:



Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645

PHONE 745-4801

PLANNING DEPARTMENT

LAND MANAGEMENT
745-9652

PLATTING
745-9650

PLANNING
745-9661

Date: Aug 29, 1986

NOTIFICATION OF PLATTING BOARD ACTION

TO: Haaken Gryte
1511 "L" Street
Anchorage, AK 99501

RE: Variance Applications
CASE # PLK 9

Consideration was given the above-mentioned at the Platting Board's meeting of Aug. 7, 1986. Action taken by the Board is as follows:

The VARIANCES were APPROVED CONTINGENT.

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL OF A SUBDIVISION OR OF A WAIVER OF PLATTING REQUIREMENTS BY THE PLATTING BOARD SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.38. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

IF ROAD CONSTRUCTION IS REQUIRED PLEASE NOTE THE FOLLOWING CONDITIONS:

- 1 Notice of cost estimate to be submitted by an engineer or a copy of the construction contract or the contractor's proposal, to be approved by the Borough Engineering Department.
- 2 Payment of a 2% fee based on approved estimate submitted.
- 3 Notice to proceed must be issued prior to construction as no road inspection is authorized without this notice.

If this in reference to a plat application recordation at the appropriate District Recorder's Office of the plat if required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting please feel free to contact this office.

Yours Truly,


W. Ray Nienl, P.L.S.
Platting Officer

cc: Alton Ogard

Page 2/PLK 9/Gryte Variance Request

NOA

8/29/86

Variance to 16.25.480-A building setback of 36 feet to the front of a cabin on Big Lake. The deck of the cabin is 31 feet from the lakeshore. A setback of 75 feet would place the cabin in a swamp just above lake level.

Justification as submitted by petitioner:

- A. The cabins on either side of this property are less than the required 75 feet setback. This cabin is built on the only part of this lot that is 8 feet or more above the lake level.
- B. This cabin is built on the only dry ground on this lot. The cabin is built on a small knoll that sits approximately 35 feet from the lakeshore. The cabin is not complete at this time. I started building the cabin with no knowledge of a required 75 foot setback from water.
- C. The back portion of this lot is swamp 1 foot or less from the water level of the lake.

The Platting Board has approved the variance contingent upon the following:

- 1 DEC approval of a wastewater disposal system for Lot 7, SUB of GLO Lots 10 and 11. Written approval to be submitted to Platting Staff prior to recordation of variance resolution.
- 2 Compliance with Coastal Management Consistency Review to include the following:
 - a. Locate all sanitary sewer mains at the back of the building, "back" being that wall farthest from the shoreline.
 - b. All buried or otherwise concealed sewer lines within the 75 ft shoreline setback area shall be butt-fused, polyethylene pipe or approved equal. "Bell and socket" or other type of friction-fit pipe joints shall be allowed only if located inside the building and available for visual inspection.
 - c. Natural vegetation shall be maintained in all areas of the 75 ft shoreline setback not occupied by allowed structures.
- 3 Recordation of a variance resolution.

The Platting Board has granted this variance contingent on:

- 1 DEC approval of a wastewater disposal system for Lot 7, Subd. of GLO Lots 10 and 11. Written approval to be submitted to Platting Staff prior to recordation of variance resolution.
- 2 Compliance with Coastal Management Review.
- 3 Submittal of variance application.

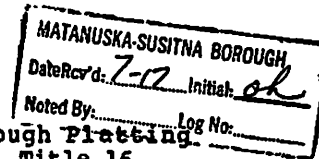
Page 3/PLK 9/Gryte Variance Request NOA

8/29/86

4 Recordation of variance resolution.

dw3.6

MATANUSKA-SUSITNA BOROUGH
VARIANCE APPLICATION



This application is to the Matanuska-Susitna Borough Planning Board for a variance from the Subdivision Ordinance, Title 16.

Petitioner's Name: Haaken Gryte

Address: 1511 L Street, Anchorage Alaska, 99501

Legal Description of Property: Lot 7 of a subdivision of G.L.O.
lots 10 and 11 Sec. 30, Township 17 N R 3 W S.M. Alaska

An application for a variance from a requirement of Title 16 shall contain:

- [] 1. The preliminary plat to which the variance pertains or a copy of the plat of record if it has previously been approved and filed;
- [] 2. A description of the variance requested including the code section reference;
- [] 3. A specific statement of the reasons why the variance is required and conforms to the requirements of Section 16.15.035;
- [] 4. If the variance is sought because of the existence or proposed location of a structure, a plot plan or as-built of the particular parcel or parcels affected, submitted under the seal of a professional land surveyor. (16.30.045)

I, Haaken Gryte & Ida M. Gryte, the owner (or owner's representative) of the above described property apply for a variance from Section 16.25 480 of the Borough Code in order to allow:

A building setback of 36 feet to the front of a cabin on Big Lake. The deck of the cabin is 31 feet from the Lake Shore. A setback of 75 feet would place the cabin in a swamp just above lake level.

(Variances from Road Design Standards are variances from MSB 16.25.140(A) (2 and 3).

Please Continue on reverse side

Variance

Page 2/Variance Application

The special circumstances for the variance are as follows:
(Refer to Section 16.15.035),

- A. The granting of the variance will not be detrimental to the public health, safety, welfare or injurious to adjacent property because:

The cabins on either side of this property are less than the required 75' setback. This cabin is built on the only part of this lot that is 8 feet or more above the Lake level.

- B. The conditions upon which the variance application is based do not apply generally to properties other than the property for which the variance is sought because:

This cabin is built on the only dry ground on this lot. The cabin is built on a small knoll that sets approximately 35 feet from the lake shore. The cabin is not complete at this time. I started building this cabin with no knowledge of a required 75 foot setback from water.

- C. Due to unusual physical surroundings, shape, or topographical condition of the property for which the variance is sought or because of surrounding development or conditions, the strict application to the property of the requirements of Chapter 16.25 will result in undue substantial hardship to the owner of the property because:

The back portion of this lot is swamp 1 foot or less from the water level of the lake.

Harlan G. G. G. G. July 17 '86
Signature Date

t13 Attach additional pages if necessary.



Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645

PHONE 745-4801

PLANNING DEPARTMENT

LAND MANAGEMENT
745-9652

PLATTING
745-9650

PLANNING
745-9661

June 18, 1986

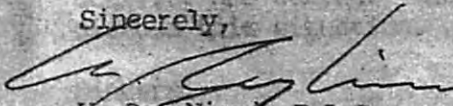
Nancy E. Walker
P O Box 520644
Big Lake, AK 99652

Re: Letter dated June 2, 1986

Dear Ms. Walker;

In reference to your letter dated June 2, 1986, a visual inspection was conducted by Planning Department staff members and a letter written to Mr. Gryte. Your letter, however, was not specific enough in referring to construction activity in the Starboard Cove area of Big Lake. In order for the Platting Division to take action on your letter, we need more specific information for location or ownership.

Sincerely,


W. Ray Niemi, P.L.S.
Platting Officer

WRN/MAM/oh

dw3.c



Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645

PHONE 745-4801

PLANNING DEPARTMENT

LAND MANAGEMENT
745-9652PLATTING
745-9650PLANNING
745-9661

June 18, 1986

Haaken Gryte
1511 "L" Street
Anchorage, AK 99501

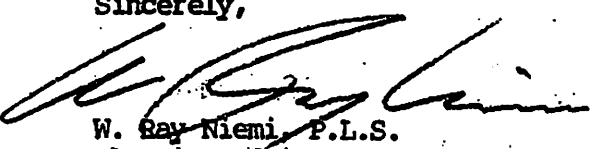
RE: Lot 7, Subdivision of Lots 10 and 11 Subdivision.

Dear Mr. Gryte;

The Planning Department of the Matanuska-Susitna Borough received a letter of complaint regarding construction activity on the above referenced property and subsequently performed a visual inspection of the property. The inspection confirmed a violation does exist to the current setback requirements of the Matanuska-Susitna Borough Title 16, Subdivision Ordinance.

At this time, I would recommend you suspend construction activity and contact the Platting Division immediately to discuss this situation.

Sincerely,


W. Ray Niemi, P.L.S.
Platting Officercc: Nancy Walker
Vern Ungerecht

2/14/82
Ken - this is original of an
old ~~letter~~ letter of which you
have a copy. For your files.
OIC?
[Signature]
Find 8/14
File
OK. Response
washed

Nancy E. Walker
P.O. Box 520644
Big Lake, Alaska 99652
(907) 892-6688

RECEIVED

JUN 5 1986

**PLANNING
DEPARTMENT**

June 2, 1986

Bob Robes
Planning Department
Mat-Su Borough
Box B
Palmer, Alaska 99645

Re: 75' Setback on Building on Lake Front

Dear Mr. Robes:

I am writing you again regarding Mr. Haaken Gryte's non-compliance with the 75 foot setback on his Lot 7, Sub of Lots 10 and 11 Subdivision, located in the Palmer Recording District, on Sheppard Island, in Big Lake. Please let me know what you are doing on this matter, if anything. I first wrote you on this matter in January of 1986, after talking with the borough over the phone. I have talked with several people over the phone since this time and they suggested I write the borough again. I have also talked over the phone with the borough regarding some-one building close to the lake west of Joe Holden's property near Starboard Cove at Big Lake.

Very truly yours,

Nancy Walker

Nancy Walker

Subd # 6272 B006007

Ho 13

~~17N03~~

17N03030

Made Inspections with M. Mortensen MSB Planning left notice

August 18, 2025

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PALMER
Serial No.

66-2670

BOOK 9 min PAGE 201
Palmer Recording DistrictRECEIVED
DEC 04 2024
Mat-Su Borough
Development Services

MATANUSKA-SUSITNA BOROUGH, INC.

Palmer, Alaska

CERTIFICATE OF REDEMPTION

I hereby certify, in accordance with the provisions of Alaska Statutes, Section 29.10.507, that Haakon Gryte having an interest as provided therein, in the following described real property, to-wit :

17N 3W Section 30 Tax Lot 11-7

according to the public record
and description of real property kept in the Assessment Department Office of the Matanuska-Susitna Borough at Palmer, Alaska,

did pay to me of the 23rd. day of July, 19 66 the total sum of Tewnty Seven Dollars and Forty Five Cents (\$ 27.45)
in payment of the full amount applicable to said property, with costs charged against the same and with interest as provided by law, under the judgment and Decree of Foreclosure and sale in Case No. 65-1807B, Superior Court, State of Alaska, at Anchorage, Alaska, entered by said Court on the 7th. day of January, 19 66.

This Certificate redeems said property from the sale to the above named Borough, heretofore made by the provisions of said judgment and Decree of Foreclosure and Sale, but does NOT relieve the above named Redemptioner from the obligation of any unpaid taxes assessed and levied upon said property subsequent to the tax year for which judgment was made.

In TESTIMONY WHEREOF, I have hereunto set my hand and seal this 21st day of November, 19 66, at Palmer, Alaska.

Seal -

RECORDED - FILED	
<u>Palmer</u> REC. DIST.	
DATE	<u>11-30</u> , 19 <u>66</u>
TIME	<u>1 Pm mail</u> M
Requested by	<u>H. Gryte</u>
Address	<u>1511 2nd St</u> <u>and</u> <u>Box A 177635</u>

Mary E. Martin
MARY E. MARTIN, Clerk
Matanuska-Susitna Borough

MAGISTRATE COURT

FOR THE

STATE OF ALASKA

11th JUDICIAL DISTRICT

(LOCATION)

RECEIVED
FROM

Hakon Dwyte
1511 2nd
Anchorage

DOC. NO. 66-2628 CASE OR PROCEEDING DATE 11/30/1966

CODE	REVENUE	AMOUNT	CODE	REVENUE	AMOUNT
001	MISCELLANEOUS CLERKS FILING FEE		021	RECORDING RECORDING	3 -
002	FINES AND FORFEITS		022	FILING	
003	MARRIAGE & LICENSE FEES		023	RELEASING	
004	RECIPROCAL SUPPORT (Costs)		024	CERTIFYING (Recorder)	
005	NOTARY & CERT. (Clerks)		031	TRUST FUND BAIL	
011	PROBATE ESTATE		032	CIVIL DEPOSIT	
012	GUARDIANSHIP		033	PROBATE DEPOSIT	
013	ADOPTION		034	RESTITUTION	
014	SANITY		035	RECIPROCAL SUPPORT	
			036	EXECUTION	
099	EXPENDITURE RECOVERIES				

ISSUED BY Hakon Dwyte CLERK MAGISTRATE TOTAL 3.00

MEMO Cost of Redemption

No. A 177635

CASH ☐ CHECK ☒ M.O. ☐

PRINTED BY THE STANDARD REGISTER COMPANY, U.S.A.

For first record immediately this Certificate of Redemption, in the office of the District Recorder for the District in which your property is located. There will be a charge of \$3.00 for this recording.

Matanuska-Susitna Borough
Tax Collector
Katherine Moor

RECEIPT

Date July 23 1966 No. 3083

Received From Hakon Dwyte
Address

Twenty Seven Dollars & 45/100 Dollars \$ 27.45
For (1964) Taxes Penalty & Interest & Foreclosure
Costs on 17N R 3W, Section 30 2nd 11-7

ACCOUNT	HOW PAID
AMT. OF ACCOUNT	CASH
AMT. PAID	CHECK <u>27.45</u>
BALANCE DUE	MONEY ORDER

By Kan Moore 18.40
1/2 - 3.98
Foreclosure 5.77



**ADVANCE
ENGINEERING**

BOX 87-1688 WASILLA, ALASKA 99687 (907) 376-7702

August 5, 1986

Ronald E. Godden
State of Alaska
Department of Environmental Conservation
P.O. Box 87-1064
Wasilla, Alaska 99687-9998

RE: Lot 7, Shepard Island
Single Family-One Bedroom Summer Cabin

Dear Mr. Godden:

A site visit was made on August 4, 1986 on the above referenced lot. Due to the well location, and the existing topographic and soil conditions, there is no suitable area remaining to install a soil absorption system. The highest area outside the 100' well radius on the lot has a watertable at approximately 2 feet and a dense impermeable strata at approximately 2.5 feet. This strata also exists in two other testholes and the watertable is at or near the surface and may be wetlands.

Due to the type of use as per the owner's statements (summer use cabin-one bedroom), and the location being on an island, placement of fill is not a feasible alternative due to no on-site source and import material being cost preventive. Adjacent lots utilize either privvies or holding tanks since they have the same circumstances. It is my opinion that based on the existing conditions, that a holding tank is the only option left other than not doing anything at all (i.e. privy). There are some restrictions here with the holding tank, in that it cannot be pumped during the summer. It should be sized to adequately handle flows until freeze-up time. The determination of sizing of the holding tank was worked out with the owner and your office prior to my involvement and placement of the tanks will be done by the owner. ✓

If you have any questions, please feel free to contact me.

Sincerely,

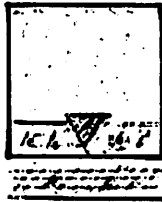
Michael W. Erickson, P.E.
ADVANCE ENGINEERING

RECEIVED
AUG 11 1986

Environmental Conservation



TH #1



ORGANIC

1.5

SILTY LOAM

2.0

DENSE HARDPAN
ABORT HOLE

TH #2 - 3



WATER TABLE AT SURFACE

1.5

ORGANIC

2.0

SILTY LOAM

2.5

DENSE HARDPAN
ABORT HOLE



TESTHOLE LOG
LOT 7
SHEPARD ISLAND

Drawn by:
Ch'k by: MWE
Date: 8-5-86
Logged: 8-4



ADVANCE
ENGINEERING

190 E. PAULSEN RD. NANTILLA, AK 99587

Environmental Conservation



Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645 • PHONE 745-4801

PLANNING DEPARTMENT

LAND MANAGEMENT
745-9652

PLATTING
745-9650

PLANNING
745-9661

Date: Aug 29, 1986

RECEIVED
DEC 04 2024

Mat-Su Borough
Development Services

NOTIFICATION OF PLATTING BOARD ACTION

TO: Haaken Gryte
1511 "L" Street
Anchorage, AK 99501

RE: Variance Applications
CASE # PLK 9

Consideration was given the above-mentioned at the Platting Board's meeting of Aug. 7, 1986. Action taken by the Board is as follows:

The VARIANCES were APPROVED CONTINGENT.

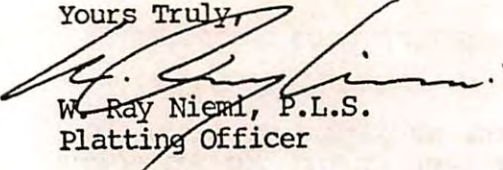
ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL OF A SUBDIVISION OR OF A WAIVER OF PLATTING REQUIREMENTS BY THE PLATTING BOARD SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.38. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

IF ROAD CONSTRUCTION IS REQUIRED PLEASE NOTE THE FOLLOWING CONDITIONS:

- 1 Notice of cost estimate to be submitted by an engineer or a copy of the construction contract or the contractor's proposal, to be approved by the Borough Engineering Department.
- 2 Payment of a 2% fee based on approved estimate submitted.
- 3 Notice to proceed must be issued prior to construction as no road inspection is authorized without this notice.

If this in reference to a plat application recordation at the appropriate District Recorder's Office of the plat if required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting please feel free to contact this office.

Yours Truly,


W. Ray Niemi, P.L.S.
Platting Officer

cc: Alton Ogard

Variance to 16.25.480-A building setback of 36 feet to the front of a cabin on Big Lake. The deck of the cabin is 31 feet from the lakeshore. A setback of 75 feet would place the cabin in a swamp just above lake level.

Justification as submitted by petitioner:

- A. The cabins on either side of this property are less than the required 75 feet setback. This cabin is built on the only part of this lot that is 8 feet or more above the lake level.
- B. This cabin is built on the only dry ground on this lot. The cabin is built on a small knoll that sits approximately 35 feet from the lakeshore. The cabin is not complete at this time. I started building the cabin with no knowledge of a required 75 foot setback from water.
- C. The back portion of this lot is swamp 1 foot or less from the water level of the lake.

The Platting Board has approved the variance contingent upon the following:

- 1 DEC approval of a wastewater disposal system for Lot 7, SUB of GLO Lots 10 and 11. Written approval to be submitted to Platting Staff prior to recordation of variance resolution.
- 2 Compliance with Coastal Management Consistency Review to include the following:
 - a. Locate all sanitary sewer mains at the back of the building, "back" being that wall farthest from the shoreline.
 - b. All buried or otherwise concealed sewer lines within the 75 ft shoreline setback area shall be butt-fused, polyethylene pipe or approved equal. "Bell and socket" or other type of friction-fit pipe joints shall be allowed only if located inside the building and available for visual inspection.
 - c. Natural vegetation shall be maintained in all areas of the 75 ft shoreline setback not occupied by allowed structures.
- 3 Recordation of a variance resolution.

The Platting Board has granted this variance contingent on:

- 1 DEC approval of a wastewater disposal system for Lot 7, Subd. of GLO Lots 10 and 11. Written approval to be submitted to Platting Staff prior to recordation of variance resolution.
- 2 Compliance with Coastal Management Review.
- 3 Submittal of variance application.

Page 3/PLK 9/Gryte Variance Request NOA

8/29/86

4 Recordation of variance resolution.

dw3.6

1511 L Street
Anchorage, Alaska, 99501
March 24, 1991

Mr. Rick Brown
Chief of Platting
MATANUSKA-SUSITNA BOROUGH
Box B
Palmer, Alaska, 99645

Re: Case #PLK 9, Setback Variance for GLO Lots 10/11

Dear Mr. Brown:

I respectfully request an extension on this project. From your letter, I understand that you have no record of any progress being made on this project. However, I am enclosing a copy of my letter of May 2, 1988 in which I have detailed some progress.

Last year was a bad year for operating heavy equipment on the lake due to overflow and heavy snowfall, and this year is not much better. I own a homestead about one mile north of Big Lake and that is where I keep my heavy equipment that I intend to use in my dirt moving operation. I have about a mile of road to clear to get out to the North Big Lake road. I usually can keep this road cleared with a snow plow on a pickup truck but got stuck with it. My D-6 Cat was parked a ways from the buildings and when I got started I was mired down in such dense snowpack that, for fear of burning out the clutches, I had to give it up. I must say that I have never encountered a problem of this nature in the last 30 years I have owned the property. Next year I will have the D-6 parked in a building near my road so I won't encounter a problem of that nature again.

I assure you that I am as anxious as anyone to complete this project.

Sincerely yours,

Haaken Gryte
Haaken Gryte



Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

DEPARTMENT OF PLANNING • PLATTING DIVISION

March 14, 1991

Haaken Gryte
1511 L Street
Anchorage, Ak 99501-4948

Re: Case #PLK 9, Setback Variance for GLO Lots 10/11

Dear Mr. Gryte:

Upon reviewing the files, we find that your request regarding the above mentioned project has had no action since the Platting Board meeting of August 20, 1986.

This letter is to advise you that if this office does not hear from you within 30 days, advising if you intend to continue with this request, this file will be deadfiled. Once a file has been deadfiled, it is necessary to make a new submittal to continue with a project.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick Brown".

Rick Brown
Chief of Platting

1511 L Street
Anchorage, Alaska, 99501
May 2, 1988

Mr. Rick Brown
Acting Chief of Platting
MATANUSKA-SUSITNA BOROUGH
Box 1608
Palmer, Alaska 99645

Re: Case #PLK 9, Setback Variance for GLO Lots 10/11

Dear Mr. Brown:

In reply to your letter of April 26 in regard to Setback Variance for GLO Lots 10/11, Big Lake, I do intend to continue with this project and have been working toward compliance of D.E.C. requirements.

I hired Alton Ogard, Registered Land Surveyor, Big Lake, to have the lot surveyed. The lot is 79 feet wide and 365 feet deep. Approximately 100 feet of this lot is stable ground and that is facing the lake frontage. The back portion of the lot is muskeg.

Because there is not enough good ground on the lot to put in a regular septic system, I am putting in holding tanks. I hired an engineer from Advance Engineering at Wasilla to inspect the lot and with his approval I got the go-ahead from D.E.C. to install holding tanks. I bought one 1,000 gal. septic tank and two 1,250 holding tanks from Anchorage Tank and Welding, Wasilla and had them installed. Then I hired an engineer from Gilfilian Engineering, Inc. Wasilla to inspect the installation for proper setback and it met with his approval. I paid Gilfilian Engineering \$300 in advance which he thought would cover the final inspection.

I have scraped up enough fill on the lot to almost cover the tanks, but I need another foot of fill on top of 2 inches of styrofoam to meet D.E.C. approval. I intended to haul in the fill dirt this past winter, but Big Lake was not safe for heavy equipment because of the deep snow and thin ice. Therefore, I will have to put it off until next winter.

Respectfully yours,

Haaken Gryte
Haaken Gryte



Matanuska-Susitna Borough

BOX 1608, PALMER, ALASKA 99645 • PHONE 745-9661

DEVELOPMENT SERVICES DEPARTMENT

April 26, 1988

Haaken Gryte
1511 "L" St
Anchorage, Ak 99501-4948

Re: Case #PLK 9, Setback Variance for GLO Lots 10/11

Dear Mr. Gryte;

Upon reviewing our files, we find that your request for a variance to the setback for GLO Lots 10 & 11, Sextion 30, T17N, R3W, S.M. AK., Case # PLK 9, has had no action since the Platting Board approved it contingent upon staff recommendations on August 20, 1986.

Would you please advise this office, as soon as possible, if you intend to continue with this project. If you require additional information please feel free to contact this office.

Sincerely,

Rick Brown
Acting Chief of Platting

/forms

GILFILIAN ENGINEERING, INC.
P.O. BOX 871868
WASILLA, ALASKA 99687
907-376-3005

S T A T E M E N T

HAAKEN GRYTE
1511 "L" STREET
ANCHORAGE, ALASKA 99501

DATE	EXPLANATION	DEBITS	CREDITS	BALANCE
----	-----	-----	-----	-----
070787	187175 RETAINER		300.00	(300.00) CREDIT

August 14, 1986

376-5038
P.O. Box 871064
Wasilla, Alaska
99687-9998

Mr. Haaken Gryte
P.O. Box 520972
Big Lake, Alaska 99652

Re: Lot 7, Shepard Island, Single Family, One Bedroom Summer Cabin; Holding Tank Installation

Dear Mr. Gryte:

We received an engineer's report concerning the feasibility of installation of an on-site soil absorption system on the subject lot on August 11, 1986. Based upon the report, which substantiated unsuitable site conditions for an absorption field, i.e., poor soils, watertable at/near ground surface, and the opinion of the engineer, this Department has no objection to the installation of a holding tank system to serve the dwelling on the subject lot.

Per your previous discussions, with Mr. Godden of this office, a total holding tank capacity of at least 3500 gallons should be installed. The large size of the tank is necessitated due to lack of access by pulper trucks during certain periods of the year. It is our understanding you intend to install a 1000 gallon septic tank and two 1500 gallon holding tanks manufactured by Anchorage Tanks. The following should be accomplished in the installation of these tanks.

1. The nearest edge of any portion of the holding tank should be at least 75 feet from the well and 100 feet from the high water mark of the lake.
2. Care should be taken to ensure the holding tank is not installed in the groundwater.
3. All tanks must be sealed and water tight to prevent possible in-flow of groundwater and out-flow of effluent.
4. All holding tanks and sewerlines should be heavily insulated in order to prevent as much heat loss as possible.
5. All holding tanks need to be pumped as soon as possible after freeze up of the lake.
6. A high water audible and visual alarm needs to be installed on the last tank in the series. No further use of the holding tanks should occur after the high water alarm is sounded.
7. Some means of thawing the holding tanks should be available when the tanks are pumped. If frozen, they must be thawed prior to pumping.

Mr. Haaken Gryte
August 14, 1986
Page 2

The Department must be notified 24 hours in advance of the installation of the wastewater disposal system, so that we may conduct an installation inspection. The tanks must be inspected by the Department prior to burial.

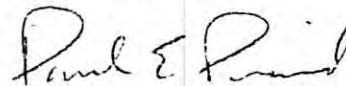
This approval is contingent upon your receipt of any other state, federal or local authorizations which are required for your project. You are required to obtain all other necessary authorizations before proceeding with your project. You are advised that if this development will require placing fill in wetlands or working in a stream, river, or lake, permits from the U.S. Army Corps of Engineers and the Alaska Department of Fish and Game may be required. Other state or federal authorizations may also be required. The Coastal Projects Questionnaire, which you have previously received, will help you identify other permits and approvals which may be required for your project.

This approval does not imply the granting of any additional authorizations nor obligate any state, federal or local regulatory body to grant required authorizations.

If the owner desires a Certificate of Approval, the system will require that a copy of the as-built survey be provided along with an Application for Approval.

If you have any questions, please do not hesitate to call me.

Sincerely,



Paul E. Pinard, P.E.
District Supervisor

PEP/REG/bkr

376-5038
P.O. Box 871064
Wasilla, Alaska
99687-9998

July 25, 1986

Mr. Haaken Gryte
P.O. Box 520972
Big Lake, Alaska 99652

Re: Lot 7, Shepard Island, Single Family, One Bedroom Summer Cabin.
Our Conversation of June 19, 1986

Dear Mr. Gryte:

Based upon the data provided by you on June 19, 1986, and additional data received July 3, 1986, it appears a holding tank may be your only option to the disposal of wastewater generated by the dwelling on the subject lot. Your lot must be evaluated by a Professional Engineer to determine if there are any other alternatives. If this is the only feasible alternative, the engineer should address those items in Title 18 AAC 72.025(a) to determine if those conditions can be met. After the engineer submits his report, it will be reviewed and a determination made.

If you have any questions, please do not hesitate to call me.

Sincerely,



Ronald E. Godden
Environmental Field Officer

REG/bkr

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
437 E Street, Suite 200, Anchorage, AK 99501
P. O. Box 871064, Wasilla, AK 99687-9998
P. O. Box 1207, Soldotna, AK 99669
P. O. Box 1709, Valdez, AK 99686

BY:
SUBJECT:

LT7 SHEPHERDS ZSLAND

X	MEMO	to: A.R.
	TELEPHONE CONVERSATION	with:
	SITE VISIT NOTES	location: present:
X	MEETING NOTES	purpose: Discuss owner installation site
	REVIEW COMMENTS	

* Review Holding tank culture
Does not appear to be able to
install anything but a holding tank
BR Cabin w/ summer only,
only pumping can be done in
winter after freeze up.

2 people
16 weekends

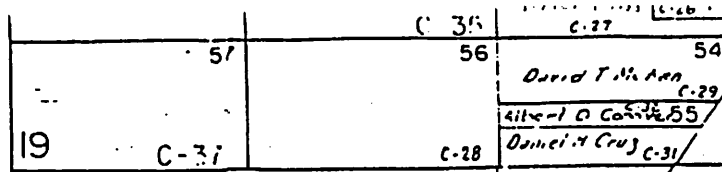
$(32 \text{ days})(150) = 4800 \text{ gal}$
 ~~$(64)(150)$~~

HAKEN GRATE

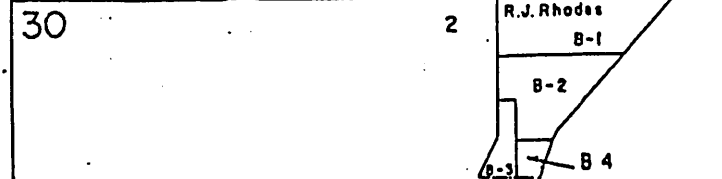
$(56)(32)(2) = 3584 \text{ gal}$ BOX 520 972
KIS (ALCA
99520

3500 1500 + 2000



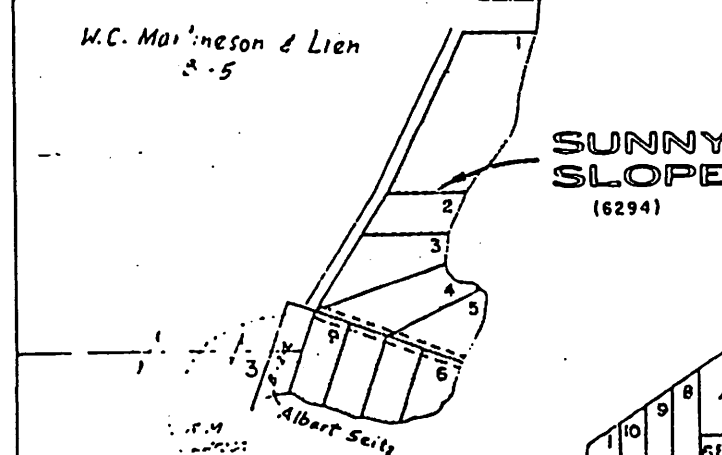


PEDERSON SUB.
(6440)



W.C. Matheson & Lien
B-5

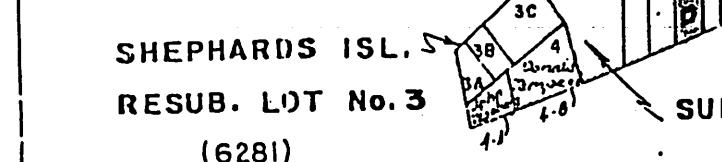
SUNNY
SLOPES
(6294)



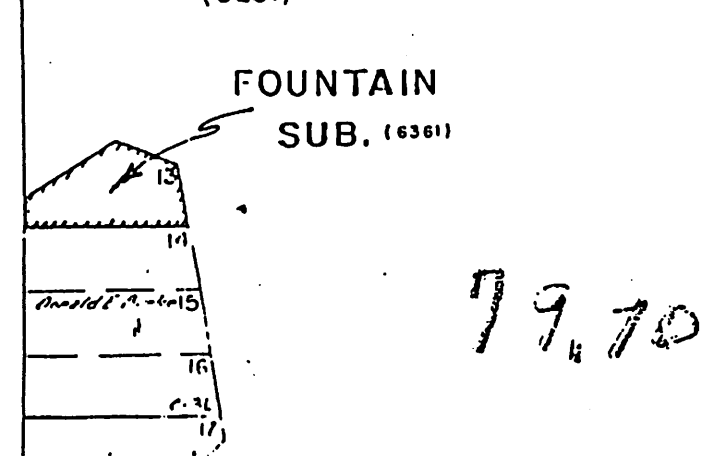
SHEPHARDS ISL.
RESUB. LOT No. 3
(6281)

SUB OF LOTS 10 & 11
(6272)

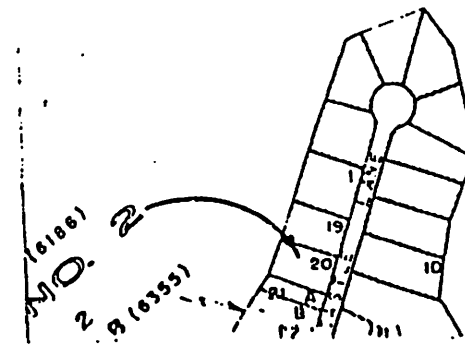
BURNETT (6058)



FOUNTAIN
SUB. (6361)



79,70



NOTE:
ELEV. WATER LEVEL ASSUMED 140.00
0 3/4" REBAR RECOVERED
C.I. = 1'

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed the land described herein, and that no improvements thereon are located as shown on this plat, and that there are no roadways, or other valid easements on the property except as indicated hereon.

Alton N. Ogard
Registered Surveyor



ASBUILT LOT 7

LOCATED IN A RESUBDIVISION
OF G.L.O. LOTS 10 & 11 SEC. 30
T17N, R3W, S.M. ALASKA

SCALE
1" = 50'

DRAWN BY
A.O.

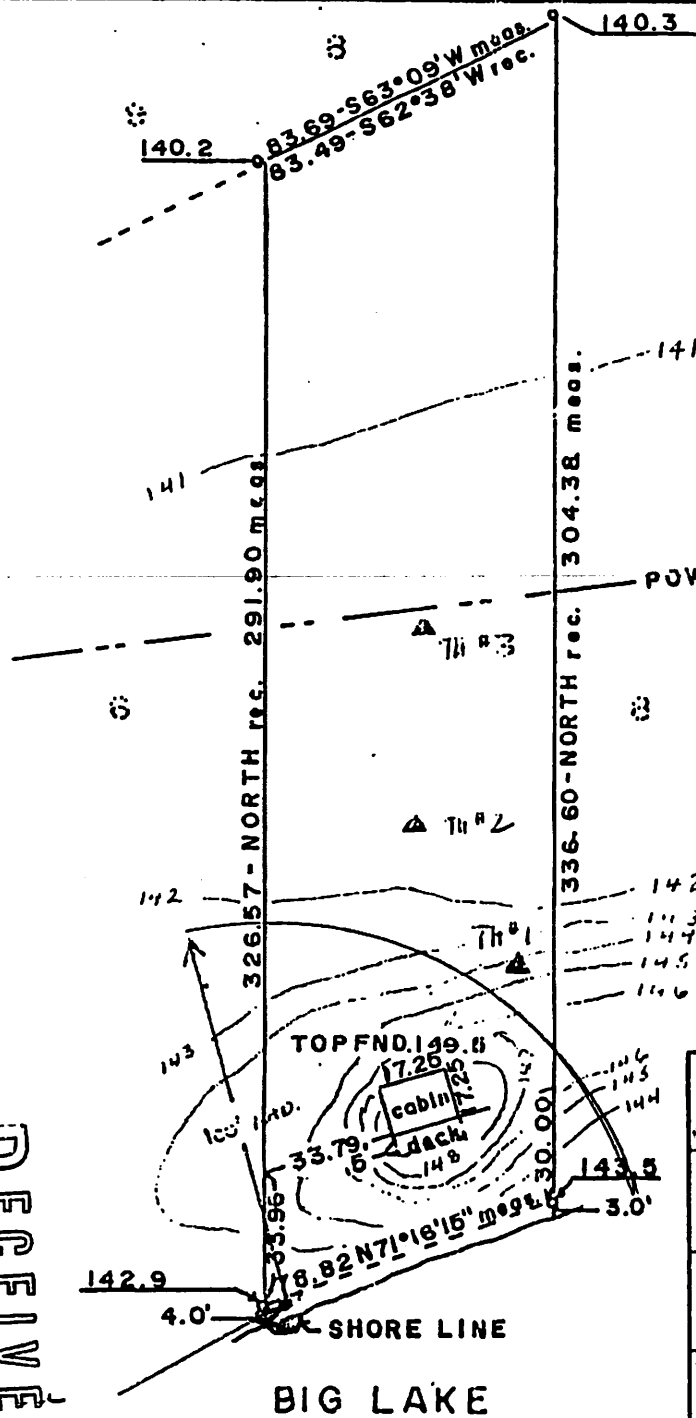
REVISED

SURVEYED BY: ALTON N. OGARD
BOX 90691
ANCHORAGE, AK. 99509

DATE
26 JUNE 1986

APPROVED BY

DRAWING NUMBER

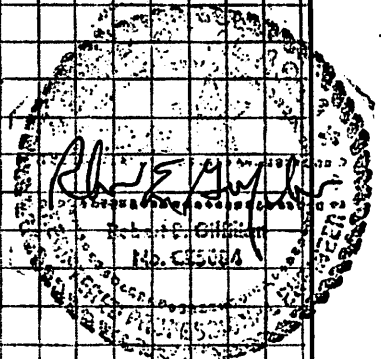
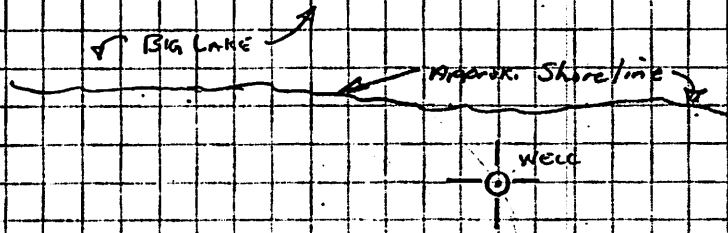


RECEIVED
AUG 11 1986

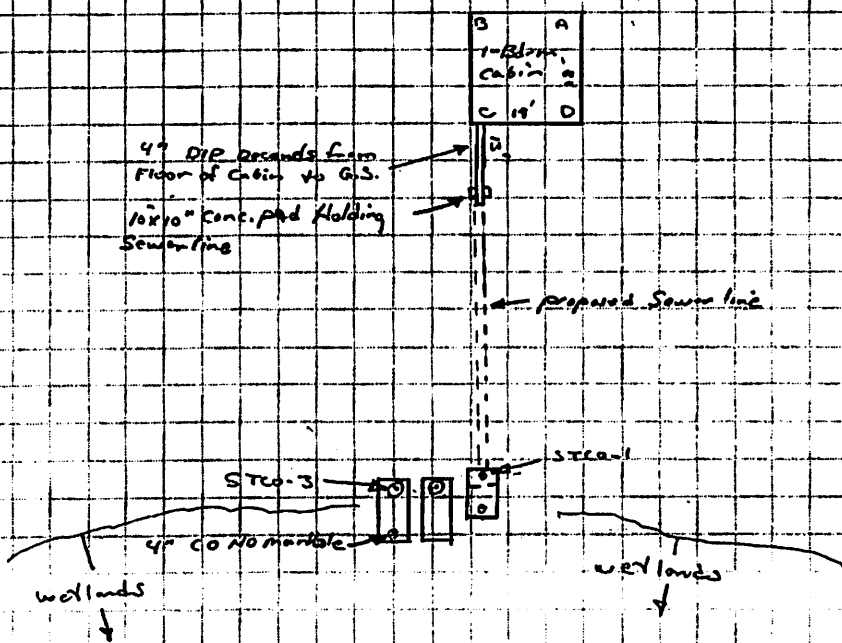
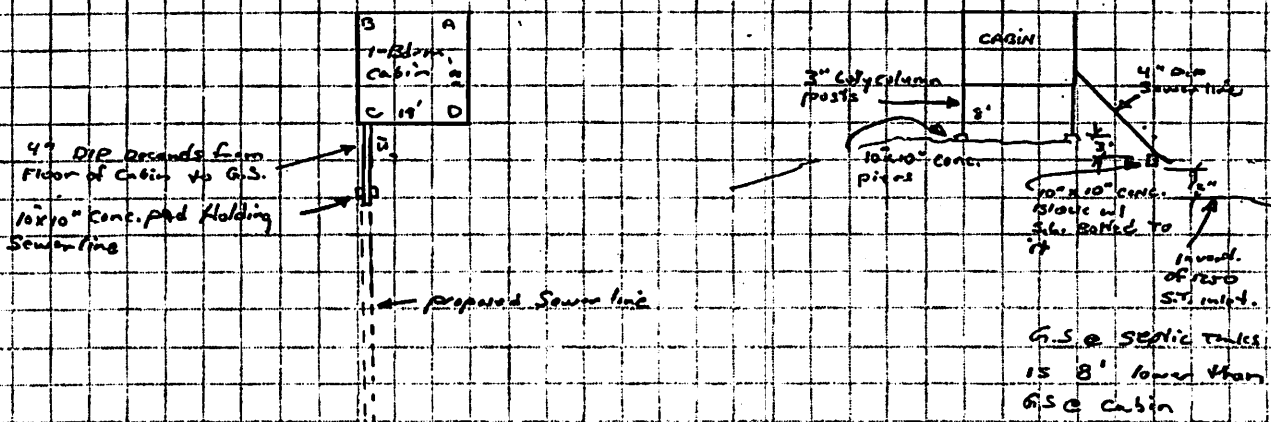
Environmental Conservation

Rec. Drawing of Site Improvements. Scale 1" = 30'

A-Well 43
B-Well 51
D-STC-1 59
D-STC-3 64
C-STC-1 57
C-STC-3 60



SIDE VIEW



Septic tanks are set on existing substation (trap soil removed) are bedded w/ native on-site fill soil - appears to be bedded well enough to prohibit excessive settlement.

P.O. Box 520972
Big Lake 99520

Plan to complete inspection of Holding Tank installations this winter

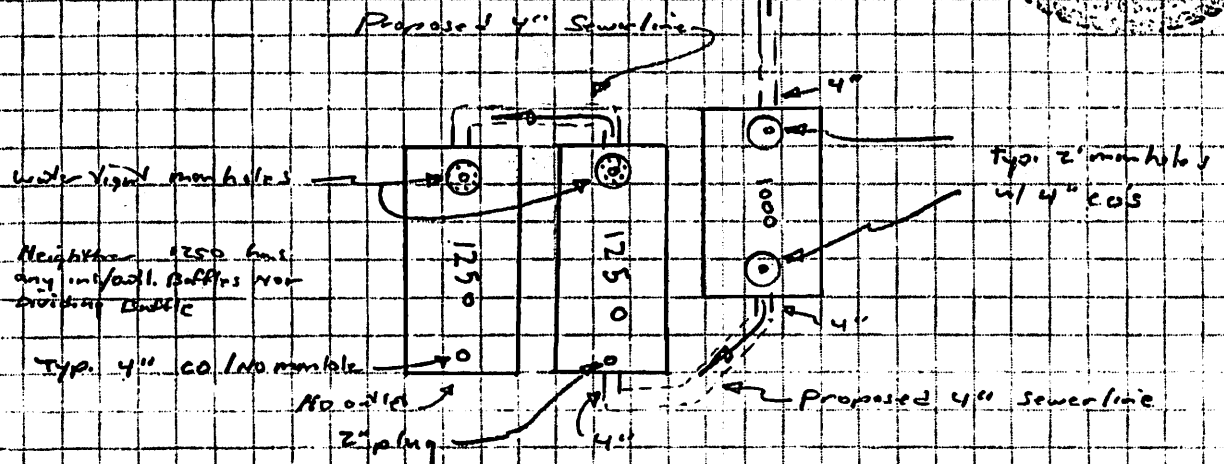


Gilfilian Engineering, Inc.
P.O. Box 871868
Wasilla, Alaska 99687

project	by JSR	sheet no.
location COT 7 Shepards Island	date 7.13.87	1/2
client Haagen Gryte	checked	job no.
	date	187175

Well is 6" steel cased w/ sand
Seat 12" above G.S. pump wide NOT
In conduit well is cased to 48' according
to owner - will try to get well log.

Septic Tanks are Arch. Steel
1-1000 2-comp.
2-1250 Single compartment
Totaling 3500 gallons



Tanks are resting on solid subsoil Silty Gravelly Sand (Till)
G.W. is - 8" below Bottom of Tanks

Plans on backfilling Tanks w/ Sand / Sandy Gravel as soon as Big
Lake freezes - will connect all sewer lines and call me for
final inspection probably sometime in late Oct. early November.



Gilfilian Engineering, Inc.
P.O. Box 871868
Wasilla, Alaska 99687

project	by JSR	sheet no.
location Col 7 Shepards Island	date 7.13.87	2/2
client Naasen Gryte	checked	job no.
	date	187175

State of Alaska



Water Rights

CERTIFICATE OF APPROPRIATION

LAS

10534

THE STATE OF ALASKA UNDER AS 46.15, THE ALASKA WATER USE ACT,
AND THE REGULATIONS ADOPTED UNDER IT, GRANTS TO:

HAAKEN GRYTE AND
IDA M GRYTE
1511 L STREET
ANCHORAGE, AK. 99501

THE RIGHT TO USE WATER FROM THE FOLLOWING SOURCE:

A) DRILLED WELL WITH A PRIORITY DATE OF 12/31/1985
250.0 GAL/DAY
FOR SINGLE DWELLING JAN 01 THRU DEC 31

THE LOCATION TO WHICH THIS WATER RIGHT APPERTAINS IS:

LOT 7 OF THE SUBDIVISION OF GOVERNMENT LOT 11 (WITHIN THE SE1/4 NW1/4)
OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 3 WEST, SEWARD MERIDIAN,
PALMER RECORDING DISTRICT, STATE OF ALASKA.

THE SOURCE OF WATER IS A DRILLED WELL, 48 FEET DEEP, LOCATED WITHIN
THE ABOVE DESCRIBED PARCEL OF PROPERTY.

THE CONDITIONS THAT APPLY TO THIS APPROPRIATION ARE FOUND IN ATTACH-
MENT A, ATTACHED HERETO AND MADE A PART HEREOF.

THE WATER RIGHT IS GRANTED SUBJECT TO THE PERTINENT STATUTORY
PROVISIONS IN AS 46.15, AND ADMINISTRATIVE REGULATIONS IN 11 AAC 93.

State of Alaska



Water Rights

CERTIFICATE OF APPROPRIATION

LAS

10534

THIS CERTIFICATE OF APPROPRIATION IS ISSUED BY AUTHORITY OF
AS 46.15.120 AND 11 AAC 93.130 ON April 16, 1991.

APPROVED: _____

Allan J. Samet

TITLE: Mat-Su/Copper Basin Area Manager
DIVISION OF LAND AND WATER MANAGEMENT

STATE OF ALASKA)
) SS
Third JUDICIAL DISTRICT)

THIS IS TO CERTIFY THAT ON April 16, 1991
BEFORE ME APPEARED Allan J. Samet, KNOWN BY
ME TO BE THE DIRECTOR OR AUTHORIZED REPRESENTATIVE OF THE DIVISION OF
LAND AND WATER MANAGEMENT, DEPARTMENT OF NATURAL RESOURCES, AND
ACKNOWLEDGED TO ME THAT THIS CERTIFICATE OF APPROPRIATION WAS VOLUN-
TARILY EXECUTED ON BEHALF OF THE STATE OF ALASKA.

Julie Ann Louise Kinn

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: December 26, 1992

PURSUANT TO AS 46.15.160 AND APPLICABLE REGULATIONS THE CERTIFICATE
HOLDER SHALL NOTIFY THE ALASKA DIVISION OF LAND AND WATER MANAGEMENT
UPON CHANGE OF ADDRESS OR TRANSFER OF ANY REAL PROPERTY RELATED
THERE TO.



Water Rights

CERTIFICATE OF APPROPRIATION

LAS

10534

ATTACHMENT A - CONDITIONS:

THE HOLDER OF THIS CERTIFICATE SHALL:

FOLLOW ACCEPTABLE ENGINEERING STANDARDS IN EXERCISING THE WATER RIGHT GRANTED BY THIS CERTIFICATE.

COMPLY WITH ALL APPLICABLE LAWS, REGULATIONS AND CONDITIONS.

GRANTOR: STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND & WATER MANAGEMENT
MAT-SU/COPPER BASIN AREA OFFICE
1830 E PARKS HIGHWAY, SUITE A-116
WASILLA, ALASKA 99687-9006

Section
300. Appeal to the commissioner

11 AAC 93.300. APPEAL TO THE COMMISSIONER. (a) Any person who believes that he has been aggrieved by a delegated decision or order of the commissioner may, within 30 days after the date that the decision or order was mailed or personally served, appeal to the commissioner for a modification or reversal of the decision or order.

(b) Before making a decision, the commissioner may order the taking of additional evidence or the holding of a hearing if he determines that more information is necessary to rule on the appeal or if the appellant requests permission to present further information. (Eff. 2/8/67, Register 23; am 12/29/79, Register 72)

Authority: AS 46.15.020 AS 46.15.135
AS 46.15.070(e) AS 46.15.180

11 AAC 93.910. CHANGE OF ADDRESS. (a) All applicants, permit holders, and certificate holders shall promptly notify the commissioner of any change of mailing address. Failure by an applicant or permit holder to comply with this requirement is sufficient cause for discontinuance of the water appropriation procedure under secs. 40 — 140 of this chapter and closure of the case file.

(b) Correspondence and notification sent under provisions of this chapter will be sent to the last address on file with the commissioner. (Eff. 12/29/79, Register 72)

Authority: AS 46.15.020
AS 46.15.070
AS 46.15.120

11 AAC 93.920. EXEMPTIONS. Any person using less than a significant amount of water as defined in sec. 970 of this chapter is not guilty of a misdemeanor for appropriating water without a permit. However, any person using less than a significant amount of water acquires no water right or priority unless an application is filed and a permit or certificate is issued in accordance with secs. 40 — 140 of this chapter. Water used without a permit or certificate is subject to appropriation by others and the use of water without a water right is subject to curtailment in order to supply water to lawful appropriators of record. (Eff. 2/8/67, Register 23; am 12/29/79, Register 72)

Authority: AS 46.15.020
AS 46.15.180

11 AAC 93.950. RECORDING OF INSTRUMENTS. The holder of a water right issued under this chapter shall record his certificate in the recorder's office in the district where the appropriation is located to guarantee priority against adverse claimants. (Eff. 12/29/79, Register 72; am 9/11/83, Register 87)

Authority: AS 46.15.020
AS 46.15.160
AS 46.15.170

586

11 AAC 93.960 NATURAL RESOURCES 11 AAC 93.970

11 AAC 93.960. DISCLAIMER OF LIABILITY. The State of Alaska and the department, its agents, and employees are not liable for any claims arising out of activities conducted under a letter of entry, permit, or certificate issued under this chapter by the holder or owner of it or any third party. Neither this chapter nor any letter of entry, permit, or certificate issued under it is intended as a waiver of sovereign immunity. (Eff. 12/29/79, Register 72)

Authority: AS 46.15.010
AS 46.15.020

DEPARTMENT OF NATURAL RESOURCES
REGULATIONS (IN PART) APPLICABLE
TO THIS WATER RIGHT CERTIFICATE

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND AND WATER SOUTHCENTRAL REGION

WALTER J. HICKEL, GOVERNOR

MAT-SU/COPPER BASIN AREA OFFICE
1830 E. PARKS HIGHWAY, SUITE A-116
WASILLA, ALASKA 99687-9006
PHONE: (907) 376-4595

April 18, 1991

Certified: P560-621-498
Return Receipt Requested

Re: Water Rights Certificate
LAS 10534

Haaken & Ida M. Gryte
1511 L Street
Anchorage, Alaska 99501

Dear Mr. & Mrs. Gryte:

Enclosed is your certificate of appropriation entitling you to the use of public waters for beneficial purposes in the quantity and area as shown on the certificate.

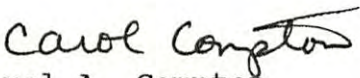
This water right will continue in effect for as long as you continue your water use. See Section 46.15.140 of the enclosed Water Use Act covering "Abandonment, Forfeiture, and Reversion of Appropriations".

This water right is appurtenant to the land and will be conveyed along with title when the land is sold unless it is specifically exempted. If the water right is to be severed from the land, sold or altered substantially, the approval of the Department of Natural Resources must be acquired. See Section 46.15.160, "Transfer and Change of Appropriations".

Please note, this certificate should be recorded in the recording district in which your appropriation is located to guarantee priority against adverse claimants (11 AAC 93.950).

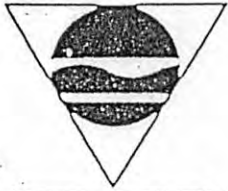
Sincerely,

Allan T. Samet
Mat-Su/Copper Basin Area Manager


By: Carol A. Compton
Natural Resource Tech II

Enclosure

CAC:jak
gryte.ltr



MAT-SU TEST LAB, INC.

Soils — Concrete — Water
Field and Laboratory Testing Services

M

P.O. Box 871868 • Wasilla, Alaska 99687 • (907) 376-3005

DRINKING WATER ANALYSIS FOR TOTAL COLIFORM BACTERIA

APPLICANT INFORMATION

Name: HAAKEN GRYTE Phone: 272-1846
Mailing Address: 1511 L ST. ANCHORAGE ALASKA 99501

SAMPLE INFORMATION

State I D. No. _____
Legal Description: Lot 7 Sheppards Island Big Lake
Date Collected: APRIL 15 Time Collected: 8:00 AM Collected By: Haaken
Sample Type: ☒ Routine ☐ Check Sample ☐ Treated ☒ Untreated

THIS SECTION TO BE COMPLETED BY LAB

ANALYSIS RESULTS

- ☒ Satisfactory
☐ Unsatisfactory
☐ Sample Rejected: over 48 hours in transit. Please Resample.

Final Membrane Filter Results: 0 Colonies/100ml
No. of Positive Tubes from five 10 ml Portions: NA; MPN: NA per 100 ml
Date Analysis Completed: 4-16-86 Reported By: B. Quetsch

MICROBIOLOGY LABORATORY RECORD-COLIFORM ANALYSIS

Date Received: 4-15-86 Time Received: 9:20 am Lab Number: 840895
Date Test Started: 4-15-86 Time Test Started: 1645 Analyst: CRA

TEST METHOD	TEST RESULTS						DATE/TIME/ANALYST
Membrane Filter (MF)	Direct Count: <u>0</u> Colonies/100 ml						<u>4-16-86 1515 Bq</u>
	Verification: LTB _____, BGB _____						
Presumptive (LTB)	Tube #						
	24 Hr.						
	48 Hr.						
Confirmatory (BGB)	Tube #						
	24 Hr.						
	48 Hr.						
Completed Tested	Plate #						
	EMB 24 Hr.						
	Tube #						
	LTB 48 Hr.						

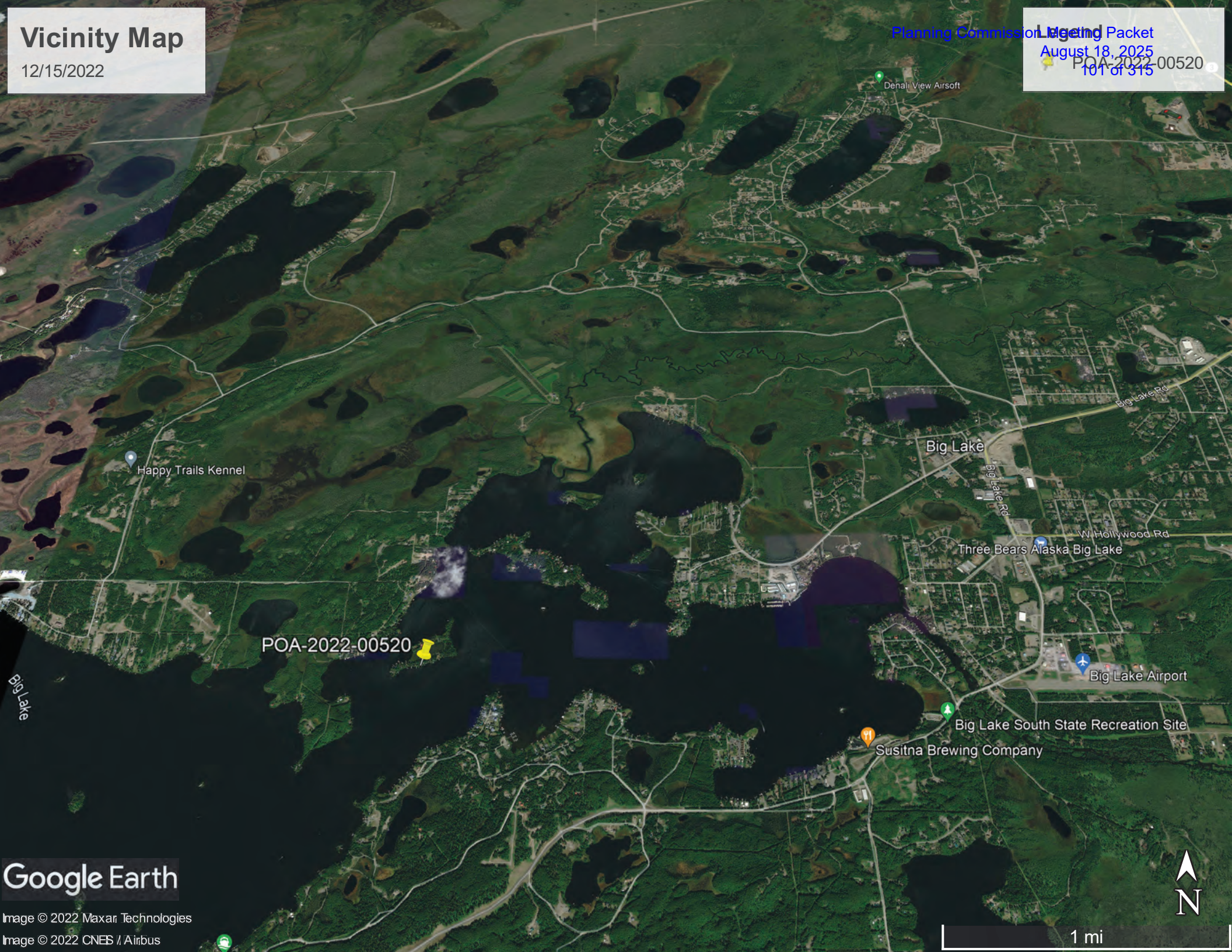
REFER TO BACK SIDE FOR INSTRUCTIONS

Maps

Vicinity Map

12/15/2022

Planning Commission Meeting Packet
August 18, 2025
POA-2022-00520
101 of 315



Google Earth

Image © 2022 Maxar Technologies

Image © 2022 CNES / Airbus



1 mi

Project Location

12/15/2022

Planning Commission Meeting Packet
August 18, 2025
POA-2022-00520
102 of 345

POA-2022-00520



Google Earth

Image © 2022 CNES / Airbus



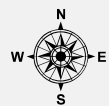
600 ft



Planning & Land Use Map



Matanuska-Susitna Borough, Microsoft



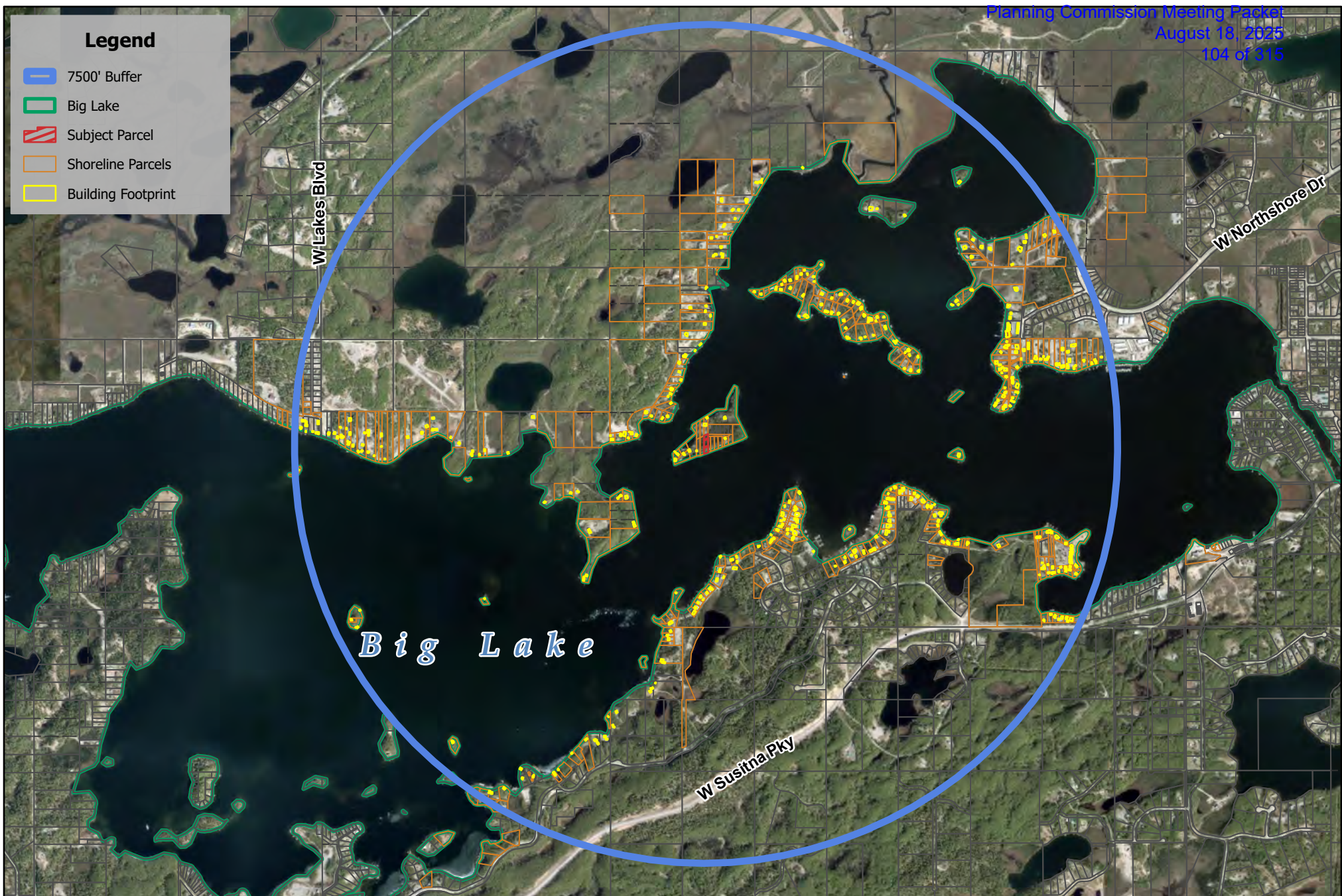
- | | | |
|-----------------------|--------------------|-----------------------------|
| Lake Management Plans | Assembly Districts | MSB General Use Regulations |
| Wetlands | Community Councils | Parcels |
| LAKE | ROW and Easements | |
| Lakebed | ROW Road | |

This map is solely for information purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858.

0 0.01 0.02 0.04
mi

Legend

- 7500' Buffer
- Big Lake
- Subject Parcel
- Shoreline Parcels
- Building Footprint



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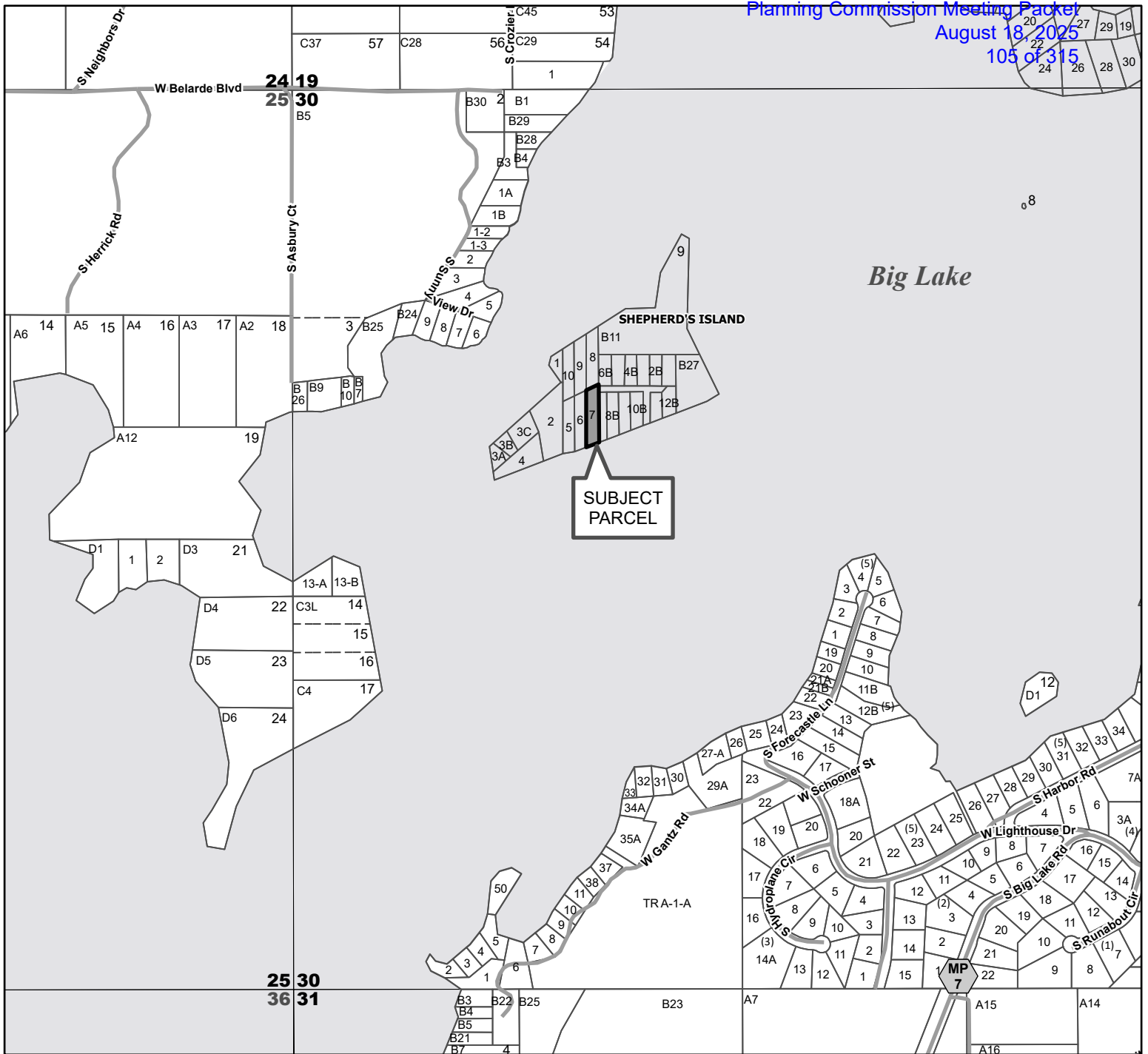
MSB Information Technology/GIS
February 28, 2025



627000L007 Variance Project



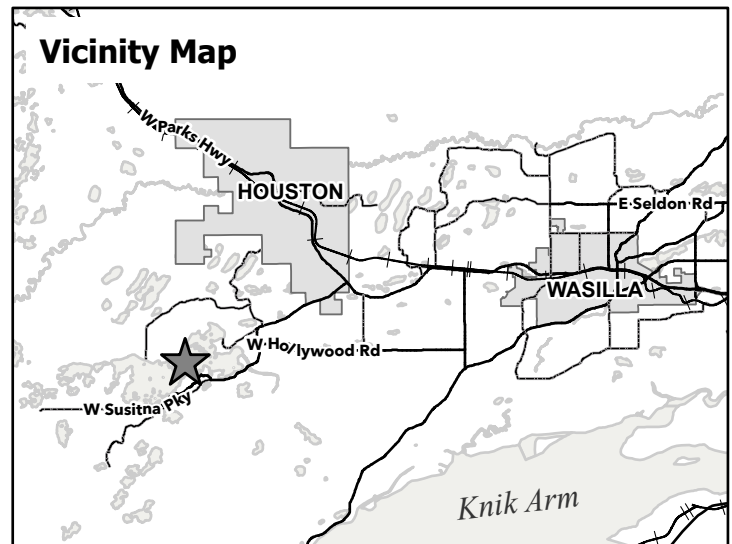
0 1,000
Feet



627000L007



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Photos

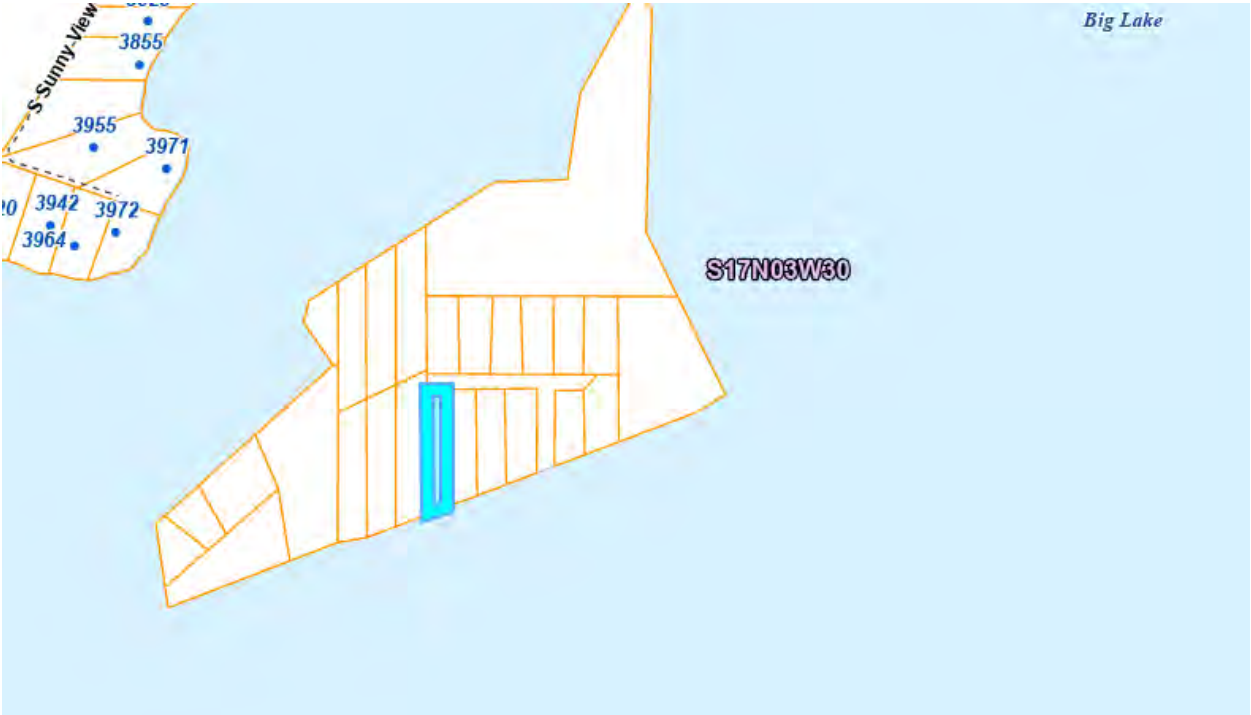




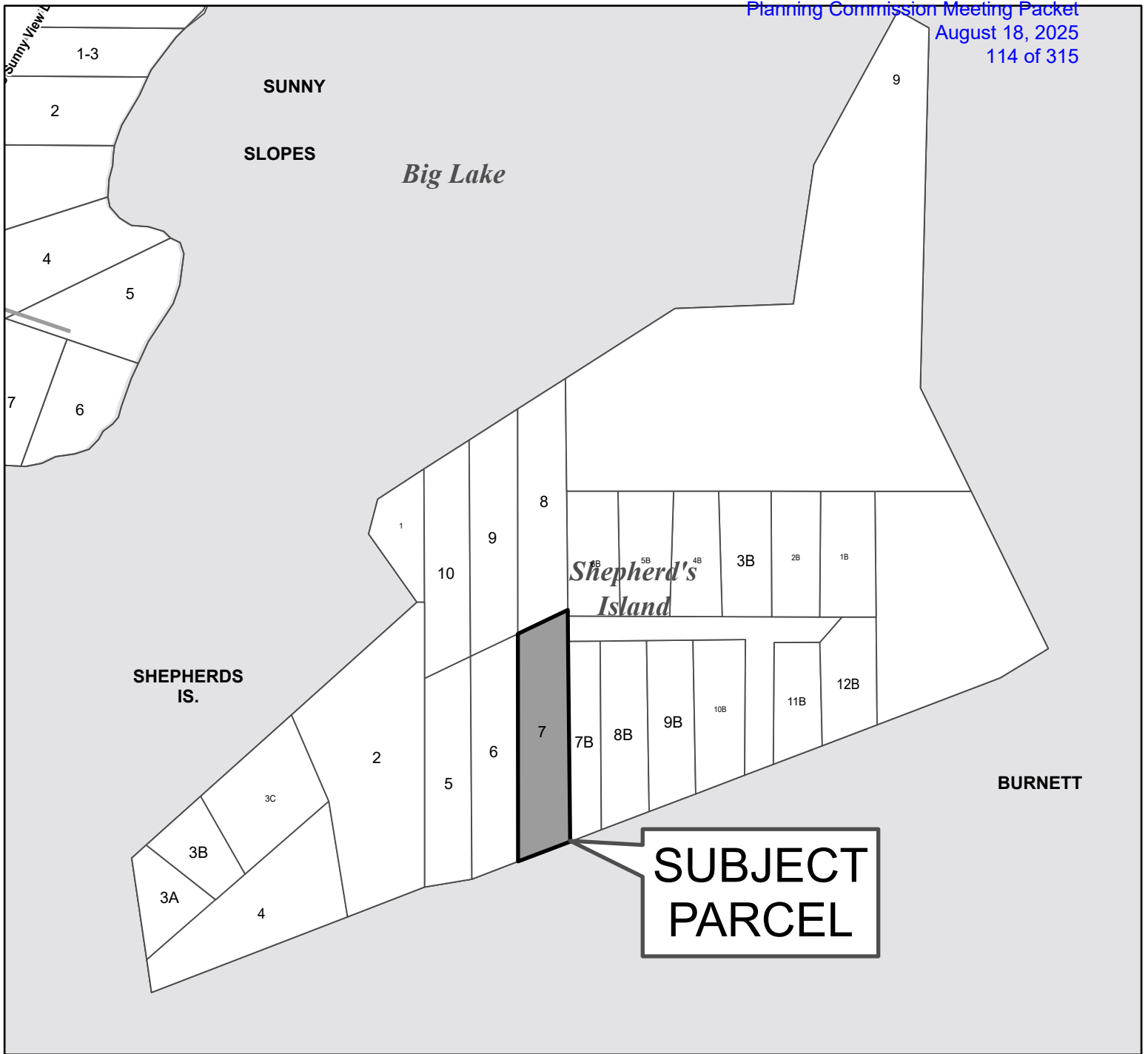








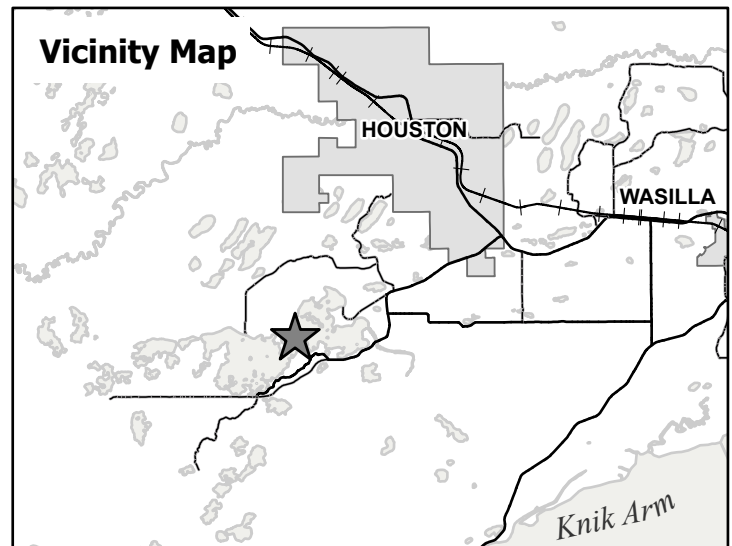
Public Announcement and Replies



6272000L007



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Public Hearing Notice for Variance Permit Application for a Residential House on Shepards Island, Big Lake.

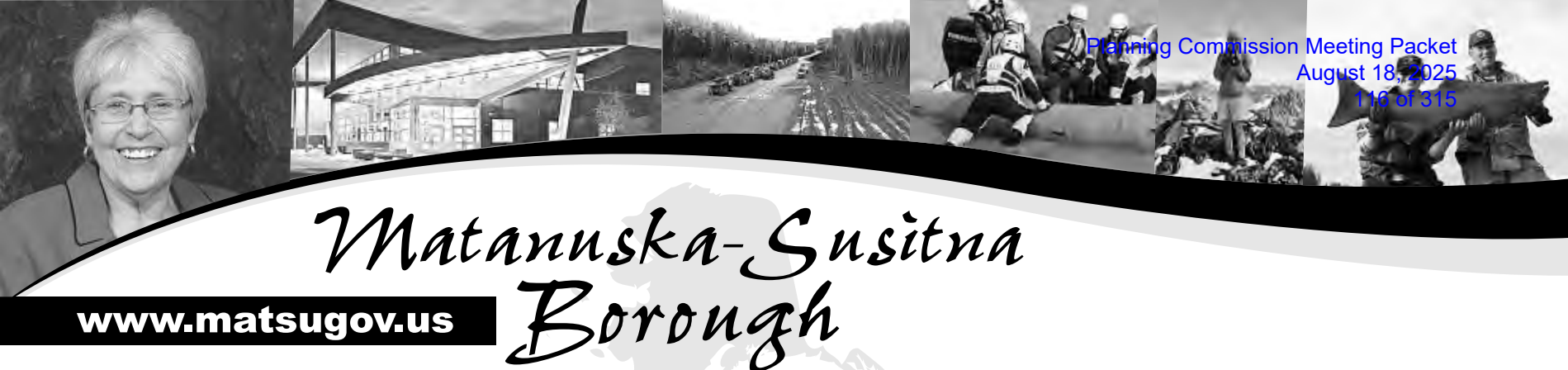
Michael and Lindsay Williams, property owners, have applied for a variance under MSB 17.65 for a parcel located on Shepards Island, Big Lake, Alaska (Tax ID# 6272000L007). The property currently contains a 320-square-foot cabin on 0.57 taxable acres. The proposed new structure will be situated as close as 52.5 feet from Big Lake, with a total of 1,176.5 square feet located within the 75-foot waterbody setback area. Per borough code, structures are required to maintain a minimum setback of 75 feet from a waterbody. Approval of this variance would allow the owners to construct the proposed residence within the required setback distance.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, September 15, 2025, at 6:00 p.m.** in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” For additional information, you may contact Rebecca Skjothaug, Current Planner, by phone: 907-861-7862. Provide written comments by e-mail to rebecca.skjothaug@matsugov.us, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. To be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of interested party. The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough.

Comments are due on or before **August 8, 2025**, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.



Matanuska-Susitna Borough

www.matsugov.us

MATANUSKA-SUSITNA BOROUGH NOTICE OF PUBLIC MEETINGS

All meetings of recognized boards, committees, and commissions of the Borough are open to the public and are held at Borough offices, 350 E. Dahlia Ave., Palmer, AK, unless specified otherwise. Three or more Assembly Members may be present at advertised public meetings of federal, state, and local governments or other entities. Meetings are scheduled as follows:

BOARD	DATE	TIME	LOCATION
Transportation Advisory Board	07/25/25	10:00 am	Conference Room 203 & Teams ID: 223 498 240 196 8 Passcode: sD9dB2aL
Parks, Recreation & Trails Advisory Board	07/28/25	6:00 pm	Lower Level Conference Room & Teams ID: 235 322 904 252 Passcode: Gg7dK2qm
Abbreviated Plat	07/30/25	8:30 am	Assembly Chambers
Assembly Special Meeting Re: Public Safety Discussion	08/02/25	10:00 am	Knik, Station 6-2
Planning Commission (To Participate Telephonically Call 855-290-3803)	08/04/25	6:00 pm	Assembly Chambers
Assembly Regular Meeting (To Provide Public Telephonically Call 855-225-2326)	08/05/25	6:00 pm	Assembly Chambers
Abbreviated Plat	08/06/25	8:30 am	Assembly Chambers
Talkeetna Sewer & Water SSA No. 36 Board Of Supervisors	08/06/25	1:00 pm	Talkeetna Public Library & Teams ID: 219 084 064 569 Passcode: Rwkjk6
Platting Board (To Participate Telephonically Call 855-290-3803)	08/07/25	1:00 pm	Assembly Chambers

If you would like further information on any of these meetings or are interested in serving on any of the advisory boards, please call the Borough Clerk's Office at 907-861-8683, Monday through Friday, 8 a.m. to 5 p.m. The Borough's website address is: <https://www.matsugov.us/publicmeetings>

Disabled persons needing reasonable accommodation in order to participate at a Borough Board/Commission meeting should contact the Borough ADA Coordinator at 907-861-8432 at least one week in advance of the meeting.

The Community Council meetings scheduled are: (Community Councils are not agencies or subgroups of the Borough. There may be a quorum of Mat-Su Borough advisory boards in attendance at community council meetings.)

Sutton Community Council (suttoncommunitycouncil.com For Zoom Link)	07/30/25	7:00 pm	Sutton Public Library
North Lakes Community Council	07/31/25	7:00 pm	Boys & Girls Club Of America & Zoom ID: 843 2051 5284 Passcode: NLCC
Louise, Susitna, Tyone Community Association	08/03/25	11:00 am	Lake Louise Lodge
South Lakes Community Council	08/04/25	7:00 pm	Northern Light Chapel
Talkeetna Community Council (talkeetnacouncil.org For Zoom Link)	08/04/25	7:00 pm	Talkeetna Public Library
Knik-Fairview Community Council	08/06/25	7:00 pm	Settlers Bay Lodge
Willow Area Community Organization	08/06/25	7:00 pm	Willow Area Community Center
Susitna Community Council	08/07/25	7:00 pm	Upper Susitna Community & Senior Center

Publish Date: July 25, 2025 0725-31

Public Notice Opportunity to Comment on Proposed Property Sale

Type: Land Sale by Application (MSB008127) Tax ID: 607000L1315

The Mat-Su Borough has received a request from a local resident to buy a Borough-owned lot in the Caswell Lakes Subdivision. This Borough-owned lot is located adjacent to the resident's property.

What's happening: The Borough-owned lot is smaller than standard size, and according to Borough Code MSB 23.10.230 (A)(1)(d), it can be sold to an interested adjacent land owner by application, as long as certain conditions are met and elected officials approve the sale. In this case, both the applicant's property and the Borough lot meet the rules for this kind of sale.

We want to hear from you: The Borough is inviting the public's input on this proposed sale. Your comments help guide the decision-making process.

How to comment: Please mail or bring your comments to the Borough offices at 350 E. Dahlia Ave., Palmer, Alaska or provide by email at LMB@matsugov.us and reference MSB008127 in the subject line. Submit your comments by August 11, 2025.

Publish Date: July 25, 2025 0725-17

-ABANDONED VEHICLES SUBJECT TO DISPOSAL-

The following abandoned vehicles are subject to disposal by the Matanuska-Susitna Borough's Solid Waste Division. The vehicles were tagged as abandoned in the Matanuska-Susitna Borough right-of-way at the listed locations. You have the right to appeal pursuant to MSB 10.12.090.

Impound: 3733
Vehicle Description: Green Ford Taurus Sedan **LIC:** Not Available

VIN: 1FALP52U2VG235316

MSB ROW Location: Forest Hills Dr, Meadow Lakes, Alaska

Place of Impoundment: 1201 N 49th State St, Palmer, AK 99645

Impound: 3950


Vehicle Description: Gray Honda Pilot **LIC:** Not Available

VIN: 2HKYF18623H591116

MSB ROW Location: N. Williwaw Way, Wasilla, Alaska

Place of Impoundment: 1201 N 49th State St, Palmer, AK 99645

The vehicles will be disposed of by auction or auto wrecker on or after August 25, 2025.

 **FOR MORE INFORMATION,** call the MSB Solid Waste Division at (907) 861-7600.

Publish Date: July 25, 2025

0725-35

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

REGULAR MEETING 6:00 p.m. August 4, 2025

Ways you can participate in the meetings:

IN PERSON: You will have 3 minutes to state your oral comment

IN WRITING: You can submit written comments to the Planning Commission Clerk at msb.planning.commission@matsugov.us

Written comments are due at noon on the Friday prior to the meeting.

TELEPHONIC TESTIMONY:

- Dial 1-855-290-3803; you will hear "joining conference" when you are admitted to the meeting.
- You will be automatically muted and able to listen to the meeting.
- When the Chair announces audience participation or a public hearing you would like to speak to, press *3; you will hear, "Your hand has been raised."
- When it is your turn to testify, you will hear, "Your line has been unmuted."
- State your name for the record, spell your last name, and provide your testimony.

OBSERVE: observe the meeting via the live stream video at:

- <https://www.facebook.com/MatSuBorough>
- Matanuska-Susitna Borough - YouTube

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA

A. MINUTES

Regular Meeting Minutes: July 21, 2025

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 25-14

A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.23 Port Mackenzie Special Use District To Repeal MSB 17.23.150 Development Permit Required And Associated Standards. Public Hearing: August 18, 2025; (Staff: Alex Strawn, Planning And Land Use Director)

V. COMMITTEE REPORTS

VI. AGENCY/STAFF REPORTS

VII. LAND USE CLASSIFICATIONS

VIII. AUDIENCE PARTICIPATION (*Three minutes per person, for items not scheduled for public hearing*)

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

X. PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 25-10

A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.02 – Mandatory Land Use Permits, MSB 17.55 – Setback And Screening Easements, MSB 17.65 – Variances, and MSB 17.125 – Definitions (Staff: Alex Strawn, Planning And Land Use Director)

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

A. Election for Chair

B. Upcoming Planning Commission Agenda Items

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (*Mandatory Midnight*)

Disabled persons needing reasonable accommodation in order to participate at a Planning Commission Meeting should contact the Borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.

Publish Date: July 25, 2025

0725-30

PUBLIC NOTICE 2025-2026 WINTER TRAIL GROOMING GRANTS

The Borough Assembly approved funds in the FY26 Capital Projects budget for distribution to eligible organizations, individuals, or businesses that can show they will provide winter trail grooming and trail maintenance for the public benefit in the Matanuska-Susitna Borough. The grant supports grooming efforts that deliver strong public benefit for dog mushers, Nordic skiers, snow machines, and other winter trail uses.

Eligible expenses include fuel, oil, equipment maintenance, trailhead plowing, grooming labor, and pre-season work (e.g., brush hog rental). All reimbursement requests – especially those for maintenance – must be clearly justified in the application.

This grant requires documented 50% match, which can include in-kind volunteer hours, value of snow machine rental, cost of maintenance items, etc. This grant also requires that the grantee have Commercial General Liability insurance and Auto Liability insurance (if applicable). The specific requirement is included on the grant website.

Prior grant compliance and utilization of past funding will be an important consideration during the evaluation process.

Interested applicants are encouraged to visit the Borough's Grants Page and click on FY26 Winter Trail Care & Grooming Grant opportunity (<https://transparency.matsugov.us/pages/grants#winter>). Application requirements, Amplifund applicant training, and a link to apply are available on this site.

The application period opens at 8 a.m. on Monday, July 21, 2025, and closes at 4:30 p.m. Thursday, August 21, 2025.

Publish Date: July 25, 2025

0725-28



Edna DeVries, Mayor
(907) 861-8682 - Work
(907) 795-8133 - Cell
Edna.DeVries@matsugov.us

Tim Hale, #1
(907) 590-8243
TimHaleDistrict1@gmail.com

Stephanie Nowers, #2
(907) 831-6299
StephanieNowersDistrict2@gmail.com

Dee McKee, #3
(907) 315-2802
Dee.McKee@matsugov.us

Maxwell Sumner, #4
(907) 232-6797
Maxwell.Sumner@matsugov.us

Bill Gamble, #5
(907) 232-0103
Bill.Gamble@matsugov.us

Dmitri Fonov, #6
(907) 861-8546
fonov@matsugov.us

Ron Bernier, #7
(907) 354-7877
Ron.Bernier@matsugov.us



Certificate of Bulk Mailing – Domestic

Fee for Certificate

Up to 1,000 pieces (1 certificate for total number)

For each additional 1,000 pieces, or fraction thereof

Duplicate Copy ☐

Use
Current
Price List
(Notice 123)

Postage: Mailers must affix meter, PC Postage or (uncanceled) postage stamps here in payment of total fee due.



US POSTAGE PAID BY PERMIT
\$ 013.50⁰
ZIP 99645 02 7W
0008035337 JUL 23 2025

Acceptance employee must cancel postage affixed (by round-date) at the time of mailing.

If payment of total fee due is being paid by Permit Imprint, include the *PostalOne!*® Transaction Number here: _____

Number of Identical Weight Pieces 23	Class of Mail 1st	Postage for Each Mailpiece Paid <input type="checkbox"/> Verified	Number of Pieces to the Pound 45
--	-----------------------------	--	--

Total Number of Pounds 7.802	Total Postage Paid for Mailpieces \$17.02	Fee Paid \$13.50
--	---	----------------------------

Mailed For Permit Center	Mailed By Betty Jean Black
------------------------------------	--------------------------------------

Postmaster's Certification

It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.

(Postmaster or Designee)



Mailing notice map:

Number	Owner 1	Owner 2	Mailing Address Line 2	Mailing Address Line 1	Mailing Address City	Mailing Address State	Mailing Address Zipcode
1	ARNETT REV TR			6740 MARQUEZ CIR	ANCHORAGE	AK	99516
2	BACKMAN CARITA A			PO BOX 872075	WASILLA	AK	99687-2075
3	BUCKALEW SEABORN J III			1008 W 73RD AVE	ANCHORAGE	AK	99518
4	BURRIS RONALD C		PMB 623	1120 HUFFMAN DR	ANCHORAGE	AK	99515
5	CHRISTAL JOHN & STEPHANIE LVG TR			17440 SPAIN DR	ANCHORAGE	AK	99516
6	SMITH ERICK E & SUZANNE K TRE			2425 E 5TH AVE	ANCHORAGE	AK	99501
7	FELTON IVAN W 1998 TRUST			PO BOX 101559	ANCHORAGE	AK	99510-1559
8	HART SHARON A			711 W 46TH AVE	ANCHORAGE	AK	99502
9	HEUSSER RICHARD V & AMY M			1424 GARDEN ST	ANCHORAGE	AK	99508-2939
10	KAERCHER DAVID DALE & P L			3061 AMBER BAY LOOP	ANCHORAGE	AK	99515
11	KAERCHER JOHN M			5441 O'MALLEY RD	ANCHORAGE	AK	99507
12	MCKAY DAVID M			9131 CHIPWOOD CIR	ANCHORAGE	AK	99507-3995
13	OAKES NATHAN J III			1014 TYONEK DR	ANCHORAGE	AK	99501
14	QUESNEIL AUBIN & BRITTANY			4730 E 138TH AVE	ANCHORAGE	AK	99516
15	REHMANN JAMES & ROBYN LVG TR			2644 BROOKSTONE LOOP	ANCHORAGE	AK	99515
16	SPINELLI CHUCK & JACKIE JNT REV TR			2128 MARSTON DR	ANCHORAGE	AK	99517
17	STELLAR LLC			PO BOX 92772	ANCHORAGE	AK	99509-2772
18	STEPHEN & LANET LVG TR			8202 ROVENNA ST	ANCHORAGE	AK	99518
19	STEPP ARCHIE & QUERIDA FAM TR			3610 MERE CIR	ANCHORAGE	AK	99502
20	SUNDQUIST MARK & ANNE LVG TR			2921 WESTWIND CT	ANCHORAGE	AK	99516
21	THORSON KRISTOPHER			PO BOX 872965	WASILLA	AK	99687
22	WILLIAMS MICHAEL LEWIS & LINDSAY			PO BOX 101055	ANCHORAGE	AK	99510
23	WOODLAND WM B & JUDY L			13600 JARVI DR	ANCHORAGE	AK	99501
24	BIG LAKE COMMUNITY COUNCIL			PO BOX 520931	BIG LAKE	AK	99652

Number	Owner 1	Owner 2	Mailing Address Line 2	Mailing Address Line 1	Mailing Address City	Mailing Address State	Mailing Address Zipcode
1	ARNETT REV TR			6740 MARQUEZ CIR	ANCHORAGE	AK	99516
2	BACKMAN CARITA A			PO BOX 872075	WASILLA	AK	99687-2075
3	BUCKALEW SEABORN J III			1008 W 73RD AVE	ANCHORAGE	AK	99518
4	BURRIS RONALD C		PMB 623	1120 HUFFMAN RD	ANCHORAGE	AK	99515
5	CHRISTAL JOHN & STEPHANIE LVG TR			17440 SPAIN DR	ANCHORAGE	AK	99516
6	SMITH ERICK E & SUZANNE K TRE			2425 E 5TH AVE	ANCHORAGE	AK	99501
7	FELTON IVAN W 1998 TRUST			PO BOX 101559	ANCHORAGE	AK	99510-1559
8	HART SHARON A			711 W 46TH AVE	ANCHORAGE	AK	99502
9	HEUSSER RICHARD V & AMY M			1424 GARDEN ST	ANCHORAGE	AK	99508-2939
10	KAERCHER DAVID DALE & P L			3061 AMBER BAY LOOP	ANCHORAGE	AK	99515
11	KAERCHER JOHN M			5441 O'MALLEY RD	ANCHORAGE	AK	99507
12	MCKAY DAVID M			9131 CHIPWOOD CIR	ANCHORAGE	AK	99507-3995
13	OAKES NATHAN J III			1014 TYONEK DR	ANCHORAGE	AK	99501
14	QUESNEIL AUBIN & BRITTANY			4730 E 138TH AVE	ANCHORAGE	AK	99516
15	REHMANN JAMES & ROBYN LVG TR			2644 BROOKSTONE LOOP	ANCHORAGE	AK	99515
16	SPINELLI CHUCK & JACKIE JNT REV TR			2128 MARSTON DR	ANCHORAGE	AK	99517
17	STELLAR LLC			PO BOX 92772	ANCHORAGE	AK	99509-2772
18	STEPHEN & LANET LVG TR			8202 ROVENNA ST	ANCHORAGE	AK	99518
19	STAPP ARCHIE & QUERIDA FAM TR			3610 MERE CIR	ANCHORAGE	AK	99502
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21	THORSON KRISTOPHER			PO BOX 872965	WASILLA	AK	99687
22	WILLIAMS MICHAEL LEWIS & LINDSAY			PO BOX 101055	ANCHORAGE	AK	99510
23	WOODLAND WM B & JUDY L			13600 JARVI DR	ANCHORAGE	AK	99501

Matanuska-Susitna Borough
Development Services Division
350 E. Dahlia Avenue
Palmer, Alaska 99645

16

SPINELLI CHUCK & JACKIE JNT REV TR
2128 MARSTON DR
ANCHORAGE AK 99517

The Matanuska-Susitna Borough Planning Commission will consider the following:

Michael and Lindsay Williams, property owners, have applied for a variance under MSB 17.65 for a parcel located on Shepards Island, Big Lake, Alaska (Tax ID# 6272000L007). The property currently contains a 320-square-foot cabin on 0.57 taxable acres. The proposed new structure will be situated as close as 52.5 feet from Big Lake, with a total of 1,176.5 square feet located within the 75-foot waterbody setback area. Per borough code, structures are required to maintain a minimum setback of 75 feet from a waterbody. Approval of this variance would allow the owners to construct the proposed residence within the required setback distance.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, September 15, 2025, at 6:00 p.m.** in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements." For additional information, you may contact Rebecca Skjothaug, Current Planner, by phone: 907-861-7862. Provide written comments by e-mail to rebecca.skjothaug@matsugov.us, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. To be eligible to file an appeal from a decision of the Planning Commission, a person must be designated as an interested party. See MSB 15.39.010 for the definition of interested party. The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk's office, and at various libraries within the borough.

Comments are due on or before **August 8, 2025**, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report but will be provided to the Commission at the meeting.

Name: Chuck Spinelli Mailing Address: 2128 W. Marston Dr Anch
AK 99517
Location/Legal Description of your property: LOT 3A SHEPARD ISLAND
Comments: I strongly agree with allowing this variance
the lots are very challenging and a 75' setback
is ridiculous

Note: Vicinity Map Located on Reverse Side

Matanuska-Susitna Borough
Development Services Division
350 E. Dahlia Avenue
Palmer, Alaska 99645

12

MCKAY DAVID M
9131 CHIPWOOD CIR
ANCHORAGE AK 99507-3995

The Matanuska-Susitna Borough Planning Commission will consider the following:

Michael and Lindsay Williams, property owners, have applied for a variance under MSB 17.65 for a parcel located on Shepards Island, Big Lake, Alaska (Tax ID# 6272000L007). The property currently contains a 320-square-foot cabin on 0.57 taxable acres. The proposed new structure will be situated as close as 52.5 feet from Big Lake, with a total of 1,176.5 square feet located within the 75-foot waterbody setback area. Per borough code, structures are required to maintain a minimum setback of 75 feet from a waterbody. Approval of this variance would allow the owners to construct the proposed residence within the required setback distance.

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Comments are due on or before **August 8, 2025**, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report but will be provided to the Commission at the meeting.

Name: David McKay Mailing Address: 9131 Chipwood Cir., Anch. 99507
Location/Legal Description of your property: LOT 3B
Comments: I see no imaginable reason why this variance should not be allowed.

Note: Vicinity Map Located on Reverse Side

Matanuska-Susitna Borough
Development Services Division
350 E. Dahlia Avenue
Palmer, Alaska 99645

12

MCKAY DAVID M
9131 CHIPWOOD CIR
ANCHORAGE AK 99507-3995

The Matanuska-Susitna Borough Planning Commission will consider the following:

Michael and Lindsay Williams, property owners, have applied for a variance under MSB 17.65 for a parcel located on Shepards Island, Big Lake, Alaska (Tax ID# 6272000L007). The property currently contains a 320-square-foot cabin on 0.57 taxable acres. The proposed new structure will be situated as close as 52.5 feet from Big Lake, with a total of 1,176.5 square feet located within the 75-foot waterbody setback area. Per borough code, structures are required to maintain a minimum setback of 75 feet from a waterbody. Approval of this variance would allow the owners to construct the proposed residence within the required setback distance.

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Name: David McKay Mailing Address: 9131 Chipwood Cir., Anch. 99507
Location/Legal Description of your property: LOT 3B
Comments: I see no imaginable reason why this variance should not be allowed.

Note: Vicinity Map Located on Reverse Side

Communication and Deficient Application Material

From: [Peggy Horton](#)
To: ["Michael Williams"](#)
Subject: RE: Requesting status of Variance Application for 6272000L007 on Big Lake
Date: Thursday, March 21, 2024 8:45:00 AM

Hello,

I'm checking again to see if you wish to pursue this variance application. I understand that a complete application hasn't been submitted, and of course, you're not obligated in any way to continue.

Please let me know if you have any questions or concerns. I'll be closing the file in 30 days if I don't hear from you.

Respectfully,
Peggy Horton
Current Planner
907-861-7862

From: Peggy Horton
Sent: Thursday, September 21, 2023 2:23 PM
To: Michael Williams <michael.williams@gpsalaska.com>
Subject: Requesting status of Variance Application for 6272000L007 on Big Lake

Greetings,

I'm checking back on the status of this variance application. Are you still interested in pursuing this course of action or should I close the file?

Please let me know. No rush. I'm just checking in.

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Peggy Horton
Sent: Friday, December 30, 2022 3:51 PM
To: Michael Williams <michael.williams@gpsalaska.com>
Subject: RE: Voluntary Best Management Practices

Hello,

Good job on your first try, you addressed some items quite well, and then there were some items that need quite a bit more.

Your answers to the different criteria should be written as a persuasive document, you want them to understand the property fully and what you want to construct. They don't know what

this property is like, where it is, or have any idea what you want to do. You may want to explain things like building methods, such as Helical Piles. The Planning Commission is not allowed to do research for this project, so you are providing the majority of the packet that goes to them for evaluation. My staff report, the public noticing, some maps, and possibly some public and agency comments take up the rest.

- A. Why is the property north of the 75-foot setback unbuildable? Here's a reason: Within MSB 17.125, there is a definition: "Unbuildable" means an area or land that cannot be used practically or is not feasible for a habitable building because of natural conditions, such as a slope exceeding 40 percent, wetlands, floodplains, streams, ponds, or other impeding conditions. Have you had a wetland delineation by US Army Corps of Engineers (USACE) or another wetland determination professional? Here's the USACE's number: 907-753-2712 That way you could have a true determination that these are wetlands. A USACE determination could tell whether you could fill the wetlands. A quick internet search found that helical piles have been used in wet areas for building. Why not build outside the 75' setback using the helical piles? These are some of the questions the Planning Commission may ask so you may want to get in front of those questions.
- B. Here's some info for item 2. This criteria is all about the property. The plat of your property was recorded in 1958, prior to the borough incorporation in 1964. See attached plat. There were little to no platting or subdivision regulations then. Your lot is .57 acres or about 21 450 square feet, which is less than the current allowable lot size of 40,000 square feet. The lot is approximately 65 feet wide, with 10' side lot line setbacks on either side. This is narrower than allowed by the current standards which require 125' water frontage. Your property is on an island, which is also an unusual circumstance, although how you can use this, I'm not sure.
- C. Paragraph 3 information provided is helpful, to a point. The "rights commonly enjoyed" include only those developments that are done within or abiding by Borough Code. The research that I will perform once I get a complete application will tell me what properties in the surrounding area have been developed in accordance with Borough Code. Those are what we look at when determining whether your development is in line with the neighboring properties.
- D. Here's a link to the comprehensive plan for the Big Lake area. Read this to help expand your answer to number 5, and it may help you with wording in other areas too. [Matanuska-Susitna Borough - Big Lake Comprehensive Plan \(matsugov.us\)](https://matsugov.us/matanuska-susitna-borough-big-lake-comprehensive-plan). The comprehensive plan was created by the community to put down on paper what they want to see for development in the community, to describe how they see this place where they live. Read the purpose statement and you'll get a good idea what it's about and how it can be helpful for you with this application.
- E. The existing dock was not mentioned in your submittal. There is a permitting system for docks on Big Lake, run by State of Alaska Fish & Game. Here's a link: [Apply for a Permit | Docks and Ramps | Habitat Permits, Alaska Department of Fish and](#)

Game. Being in compliance with the other regulations, like having a permit for a dock, will show your willingness to develop in line with existing Federal, State, and Local development regulations.

- F. In paragraph #6, you say the addition will be 1,075 square feet, but in paragraph #1 the size is 1,095 square feet. In paragraph #1 the existing cabin is 320 square feet, but in #7, you state the current and proposed structure will be 1,586 square feet. That would mean you are adding 1,266 square feet to the 320 square foot cabin. Make sure the numbers make sense in the application. Also, immediate (spelling error in first sentence).
- G. Have you checked with Department of Environmental Conservation (DEC) to see if the existing septic would meet their standards with the additional construction? Have you got their determination in writing? You may wish to elaborate on the septic system, how it was engineered by a licensed professional and approved by DEC. This would help the answer to #4, public welfare, since a septic is a health, safety, and welfare item.
- H. On some of the answers to the MSB Voluntary Best Management Practices you state "The addition does not have," or "the proposed addition adds." I think what the BMP is referring to is the overall development and use of the land, not just the new structure (the addition). The structure (the addition) does not have any nonnative species by a simple perception of the facts. Will you, as the owner install any? Same goes for "The proposed expansion does not necessitate any adverse changes," but do your development plans include maintaining a natural shoreline or does it involve improving the riparian habitat? Will you be providing some mitigation measures that are not already in place?
- I. You may wish to elaborate on the items under "A variance may not be granted if..." The one sentence statements infer a reluctance to answer. Keeping a positive note to your answers can be helpful. The answers maybe a bit too short, is what I'm saying.
- J. Pictures say a thousand words, right? You may wish to include pictures in your submittal.

So you've got a good start, keep at it. Remember that you're trying to persuade the Planning Commission to allow you to circumvent the rules, so be respectful, descriptive, and informative.

Hope this helps,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Michael Williams <michael.williams@gpsalaska.com>

Sent: Tuesday, December 27, 2022 11:40 AM

To: Peggy Horton <Peggy.Horton@matsugov.us>

Subject: Re: Voluntary Best Management Practices

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy,

I have completed the cabin variance narrative document. I am still waiting on the structure drawings from the architect, but I have everything else. I was hoping you might review my narrative document and let me know if you think I am missing anything before submitting it. Thanks so much for your help through this.

On Thu, Dec 22, 2022 at 11:15 AM Michael Williams <michael.williams@gpsalaska.com> wrote:

Thanks that does help. _____

On Thu, Dec 22, 2022 at 11:09 AM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Michael,

That's a big question! I would really have to do quite a bit of work to answer that correctly and I am unable to do that amount of work without a complete application. I can possibly give you some constructive criticism when I read the answers to the criteria, listed on page 1 and 2 of the application. When writing the narrative portion of the application, be mindful that this variance request is asking the Planning Commission to allow development that is against the adopted regulations, so this is a persuasive document you will be writing, but without embellishment. Facts are very important, assumptions and opinions are less so. The Planning Commission knows little to nothing about this property, so write as if the reader knows nothing; nothing about the topography, nothing about the existing or proposed development, nothing about access to the property, etc. Follow the criteria when answering them; stay on point, in other words.

Hope this helps,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Michael Williams <michael.williams@gpsalaska.com>
Sent: Thursday, December 22, 2022 10:34 AM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Re: Voluntary Best Management Practices

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy, _____

Thank you so much for the quick response. Now that you have seen the drawing, do you think this type of project will be approved?

On Thu, Dec 22, 2022 at 10:26 AM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hello Michael,
The survey appears to have all the requirements for the variance application. It meets the checklist items.
Regards,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Michael Williams <michael.williams@gpsalaska.com>
Sent: Thursday, December 22, 2022 8:57 AM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Re: Voluntary Best Management Practices

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy,

I am slowly getting things put together for the variance application. I had Lavender Surveys put together a site plan and wanted to ensure this fits the requirements for the certified site plan before I turned everything in. I have attached the site plan.

Thanks

On Tue, Oct 4, 2022 at 2:46 PM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hi Mr. Williams,

The attachment labeled Variance Paperwork is what I pulled from the file, including, the Platting Board approval of the variance, the property as-built, and the engineering as-built of the holding tank installation. I modified the documents so they should meet the Record's Office formatting standards and added the Palmer Recording Office text to the first page, because that is another requirement for recording a document. This is what I suggest recording. You can take these to the State Recorder's office in Anchorage or you can take it to several commercial entities in the valley who do electronic recording of documents.

The other attachments are the application for a new variance and a checklist for the required survey. One of the criteria for support of a variance looks at how the surrounding properties are developed. This would indicate the "rights commonly enjoyed by other properties." In other words, if the surrounding properties have, say, 1000 square foot cabin with no garage and you want to put a 5000 square foot house with a 2 car garage, then staff may not support your request because that would indicate you want more development rights than the surrounding properties have. For this criteria, we only evaluate those properties that are developed in accordance with Borough regulations.

The code that pertains to setbacks is MSB 17.55, here's a link: [Title 17 \(codepublishing.com\)](#)

Your tax account ID is 7319000L009A.

Let me know if you have questions,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Michael Williams <michael.williams@gpsalaska.com>

Sent: Tuesday, October 4, 2022 10:58 AM

To: Peggy Horton <Peggy.Horton@matsugov.us>

Subject: Re: Voluntary Best Management Practices

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy,

Thanks so much for all of your help. I appreciate it.

I believe it would be a good idea to have the original variance recorded. What do I need to do to have this recorded?

Since the variance does not cover any addition to the cabin, what is the process of getting an additional variance to add to the cabin?

On Tue, Oct 4, 2022 at 10:39 AM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hi Mr. Williams,

I had a look at what you sent and the approved variance we had in our files. It appears the variance was approved, but I could find no evidence that it was recorded at the State Recorder's Office. I don't believe that negates the approval though. It appears the variance application was completed. And it appears the engineer did complete the installation of the holding tanks and that DEC did provide pre-approval of the installation. You could record the variance for posterity, if you wished.

If you wish to expand upon the existing cabin, you would need to obtain a new variance. The 1986 variance was approved for the proposed cabin Mr. Gryte was constructing at the time, not for any other purpose.

Let me know if you have further questions,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Michael Williams <michael.williams@gpsalaska.com>

Sent: Friday, September 30, 2022 2:44 PM

To: Peggy Horton <Peggy.Horton@matsugov.us>

Subject: Re: Voluntary Best Management Practices

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Thanks, Peggy. I have sent you a file from hightail.com, a field share network I use. The email might come from Kevin Silvernale, my business partner. Kevin's email is kevin.silvernale@gpsalaska.com

On Wed, Sep 28, 2022 at 3:33 PM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hello Mr. Williams,

From: [Peggy Horton](#)
To: [Michael Williams](#)
Subject: Requesting status of Variance Application for 6272000L007 on Big Lake
Date: Thursday, September 21, 2023 2:23:00 PM

Greetings,

I'm checking back on the status of this variance application. Are you still interested in pursuing this course of action or should I close the file?

Please let me know. No rush. I'm just checking in.

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Peggy Horton
Sent: Friday, December 30, 2022 3:51 PM
To: Michael Williams <michael.williams@gpsalaska.com>
Subject: RE: Voluntary Best Management Practices

Hello,

Good job on your first try, you addressed some items quite well, and then there were some items that need quite a bit more.

Your answers to the different criteria should be written as a persuasive document, you want them to understand the property fully and what you want to construct. They don't know what this property is like, where it is, or have any idea what you want to do. You may want to explain things like building methods, such as Helical Piles. The Planning Commission is not allowed to do research for this project, so you are providing the majority of the packet that goes to them for evaluation. My staff report, the public noticing, some maps, and possibly some public and agency comments take up the rest.

- A. Why is the property north of the 75-foot setback unbuildable? Here's a reason: Within MSB 17.125, there is a definition: "Unbuildable" means an area or land that cannot be used practically or is not feasible for a habitable building because of natural conditions, such as a slope exceeding 40 percent, wetlands, floodplains, streams, ponds, or other impeding conditions. Have you had a wetland delineation by US Army Corps of Engineers (USACE) or another wetland determination professional? Here's the USACE's number: 907-753-2712 That way you could have a true determination that these are wetlands. A USACE determination could tell whether you could fill the wetlands. A quick internet search found that helical piles have been used in wet areas for building. Why not build outside the 75' setback using the helical piles? These are some of the

questions the Planning Commission may ask so you may want to get in front of those questions.

- B. Here's some info for item 2. This criteria is all about the property. The plat of your property was recorded in 1958, prior to the borough incorporation in 1964. See attached plat. There were little to no platting or subdivision regulations then. Your lot is .57 acres or about 21 450 square feet, which is less than the current allowable lot size of 40,000 square feet. The lot is approximately 65 feet wide, with 10' side lot line setbacks on either side. This is narrower than allowed by the current standards which require 125' water frontage. Your property is on an island, which is also an unusual circumstance, although how you can use this, I'm not sure.
- C. Paragraph 3 information provided is helpful, to a point. The "rights commonly enjoyed" include only those developments that are done within or abiding by Borough Code. The research that I will perform once I get a complete application will tell me what properties in the surrounding area have been developed in accordance with Borough Code. Those are what we look at when determining whether your development is in line with the neighboring properties.
- D. Here's a link to the comprehensive plan for the Big Lake area. Read this to help expand your answer to number 5, and it may help you with wording in other areas too. [Matanuska-Susitna Borough - Big Lake Comprehensive Plan \(matsugov.us\)](https://matsugov.us/matanuska-susitna-borough-big-lake-comprehensive-plan). The comprehensive plan was created by the community to put down on paper what they want to see for development in the community, to describe how they see this place where they live. Read the purpose statement and you'll get a good idea what it's about and how it can be helpful for you with this application.
- E. The existing dock was not mentioned in your submittal. There is a permitting system for docks on Big Lake, run by State of Alaska Fish & Game. Here's a link: [Apply for a Permit | Docks and Ramps | Habitat Permits, Alaska Department of Fish and Game](#). Being in compliance with the other regulations, like having a permit for a dock, will show your willingness to develop in line with existing Federal, State, and Local development regulations.
- F. In paragraph #6, you say the addition will be 1,075 square feet, but in paragraph #1 the size is 1,095 square feet. In paragraph #1 the existing cabin is 320 square feet, but in #7, you state the current and proposed structure will be 1,586 square feet. That would mean you are adding 1,266 square feet to the 320 square foot cabin. Make sure the numbers make sense in the application. Also, immediate (spelling error in first sentence).
- G. Have you checked with Department of Environmental Conservation (DEC) to see if the existing septic would meet their standards with the additional construction? Have you got their determination in writing? You may wish to elaborate on the septic system, how it was engineered by a licensed professional and approved by DEC. This would help the answer to #4, public welfare, since a septic is a health, safety, and welfare item.
- H. On some of the answers to the MSB Voluntary Best Management Practices you state

“The addition does not have,” or “the proposed addition adds.” I think what the BMP is referring to is the overall development and use of the land, not just the new structure (the addition). The structure (the addition) does not have any nonnative species by a simple perception of the facts. Will you, as the owner install any? Same goes for “The proposed expansion does not necessitate any adverse changes,” but do your development plans include maintaining a natural shoreline or does it involve improving the riparian habitat? Will you be providing some mitigation measures that are not already in place?

- I. You may wish to elaborate on the items under “A variance may not be granted if...” The one sentence statements infer a reluctance to answer. Keeping a positive note to your answers can be helpful. The answers maybe a bit too short, is what I’m saying.
- J. Pictures say a thousand words, right? You may wish to include pictures in your submittal.

So you’ve got a good start, keep at it. Remember that you’re trying to persuade the Planning Commission to allow you to circumvent the rules, so be respectful, descriptive, and informative.

Hope this helps,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Michael Williams <michael.williams@gpsalaska.com>

Sent: Tuesday, December 27, 2022 11:40 AM

To: Peggy Horton <Peggy.Horton@matsugov.us>

Subject: Re: Voluntary Best Management Practices

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy,

I have completed the cabin variance narrative document. I am still waiting on the structure drawings from the architect, but I have everything else. I was hoping you might review my narrative document and let me know if you think I am missing anything before submitting it. Thanks so much for your help through this.

On Thu, Dec 22, 2022 at 11:15 AM Michael Williams <michael.williams@gpsalaska.com> wrote:

Thanks that does help. _____

On Thu, Dec 22, 2022 at 11:09 AM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Michael,

That's a big question! I would really have to do quite a bit of work to answer that correctly and I am unable to do that amount of work without a complete application. I can possibly give you some constructive criticism when I read the answers to the criteria, listed on page 1 and 2 of the application. When writing the narrative portion of the application, be mindful that this variance request is asking the Planning Commission to allow development that is against the adopted regulations, so this is a persuasive document you will be writing, but without embellishment. Facts are very important, assumptions and opinions are less so. The Planning Commission knows little to nothing about this property, so write as if the reader knows nothing; nothing about the topography, nothing about the existing or proposed development, nothing about access to the property, etc. Follow the criteria when answering them; stay on point, in other words.

Hope this helps,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Michael Williams <michael.williams@gpsalaska.com>

Sent: Thursday, December 22, 2022 10:34 AM

To: Peggy Horton <Peggy.Horton@matsugov.us>

Subject: Re: Voluntary Best Management Practices

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy, _____

Thank you so much for the quick response. Now that you have seen the drawing, do you think this type of project will be approved?

On Thu, Dec 22, 2022 at 10:26 AM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hello Michael,

The survey appears to have all the requirements for the variance application. It meets the checklist items.

Regards,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Michael Williams <michael.williams@gpsalaska.com>

Sent: Thursday, December 22, 2022 8:57 AM

To: Peggy Horton <Peggy.Horton@matsugov.us>

Subject: Re: Voluntary Best Management Practices

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy,

I am slowly getting things put together for the variance application. I had Lavender Surveys put together a site plan and wanted to ensure this fits the requirements for the certified site plan before I turned everything in. I have attached the site plan.

Thanks

On Tue, Oct 4, 2022 at 2:46 PM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hi Mr. Williams,

The attachment labeled Variance Paperwork is what I pulled from the file, including, the Platting Board approval of the variance, the property as-built, and the engineering as-built of the holding tank installation. I modified the documents so they should meet the Record's Office formatting standards and added the Palmer Recording Office text to the first page, because that is another requirement for recording a document. This is what I suggest recording. You can take these to the State Recorder's office in Anchorage or you can take it to several commercial entities in the valley who do electronic recording of documents.

The other attachments are the application for a new variance and a checklist for the

required survey. One of the criteria for support of a variance looks at how the surrounding properties are developed. This would indicate the “rights commonly enjoyed by other properties.” In other words, if the surrounding properties have, say, 1000 square foot cabin with no garage and you want to put a 5000 square foot house with a 2 car garage, then staff may not support your request because that would indicate you want more development rights than the surrounding properties have. For this criteria, we only evaluate those properties that are developed in accordance with Borough regulations.

The code that pertains to setbacks is MSB 17.55, here’s a link: [Title 17 \(codepublishing.com\)](#)

Your tax account ID is 7319000L009A.

Let me know if you have questions,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Michael Williams <michael.williams@gpsalaska.com>

Sent: Tuesday, October 4, 2022 10:58 AM

To: Peggy Horton <Peggy.Horton@matsugov.us>

Subject: Re: Voluntary Best Management Practices

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy,

Thanks so much for all of your help. I appreciate it.

I believe it would be a good idea to have the original variance recorded. What do I need to do to have this recorded?

Since the variance does not cover any addition to the cabin, what is the process of getting an additional variance to add to the cabin?

On Tue, Oct 4, 2022 at 10:39 AM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hi Mr. Williams,

I had a look at what you sent and the approved variance we had in our files. It appears the variance was approved, but I could find no evidence that it was recorded at the State Recorder’s Office. I don’t believe that negates the approval though. It appears the variance application was completed. And it appears the engineer did complete the installation of the holding tanks and that DEC did provide pre-approval of the installation. You could record the variance for posterity, if you wished.

If you wish to expand upon the existing cabin, you would need to obtain a new variance. The 1986 variance was approved for the proposed cabin Mr. Gryte was constructing at the time, not for any other purpose.

Let me know if you have further questions,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Michael Williams <michael.williams@gpsalaska.com>

Sent: Friday, September 30, 2022 2:44 PM

To: Peggy Horton <Peggy.Horton@matsugov.us>

Subject: Re: Voluntary Best Management Practices

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Thanks, Peggy. I have sent you a file from hightail.com, a field share network I use. The email might come from Kevin Silvernale, my business partner. Kevin's email is kevin.silvernale@gpsalaska.com

On Wed, Sep 28, 2022 at 3:33 PM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hello Mr. Williams,

Let me know when you get that paperwork and we can go through it to find what we need. Here's that handout I was speaking about.

Regards,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

--

Regards,

Michael Williams

PUBLIC HEARING LEGISLATIVE

Resolution No. 25-14

A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.23 Port Mackenzie Special Use District To Repeal MSB 17.23.150 Development Permit Required And Associated Standards. (Staff: Alex Strawn, Planning And Land Use Director)

(Pages)

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM

IM No. 25-118 of 315

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.23 PORT MACKENZIE SPECIAL USE DISTRICT REPEALING THE PORT DEVELOPMENT PERMIT AND ASSOCIATED STANDARDS.

AGENDA OF: July 15, 2025

ASSEMBLY ACTION:

AGENDA ACTION REQUESTED: Refer to Planning Commission for 90 days.

Route To	Signatures
Originator	<div>6 / 6 / 2 0 2 5</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x S t r a w n</div>
Planning Department Director	<div>6 / 6 / 2 0 2 5</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x S t r a w n</div>
Community Development Director	<div>6 / 1 0 / 2 0 2 5</div> <div>X J i l l i a n M o r r i s s e y</div> <div>S i g n e d b y : J i l l i a n M o r r i s s e y</div>
Port Operations Manager	<div>Recoverable Signature</div> <div>X D a v i d G r i f f i n</div> <div>S i g n e d b y : D a v i d G r i f f i n</div>
Finance Director	<div>Recoverable Signature</div> <div>X C h e y e n n e H e i n d e l</div> <div>S i g n e d b y : C h e y e n n e H e i n d e l</div>
Borough Attorney	<div>6 / 1 0 / 2 0 2 5</div> <div>X N i c h o l a s S p i r o p o u l o s</div> <div>S i g n e d b y : N i c h o l a s S p i r o p o u l o s</div>
Borough Manager	<div>6 / 1 0 / 2 0 2 5</div> <div>X M i c h a e l B r o w n</div> <div>S i g n e d b y : M i k e B r o w n</div>
Borough Clerk	<div>Recoverable Signature</div> <div>X L o n n i e M c K e c h n i e</div> <div>S i g n e d b y : L o n n i e M c K e c h n i e</div>

ATTACHMENT (S) : Ordinance Serial No. 25-066 (16 pp)
 MSB 17.23 Port MacKenzie Special Use District (17 pp)
 PC Reso 25-____ (pp)

SUMMARY STATEMENT: This ordinance repeals the requirement to obtain a Port Development Permit within the Port Mackenzie Special Use District. The existing permit process has proven to be duplicative and unnecessary, creating additional administrative

burdens, higher processing costs, and inefficiencies without providing significant benefits. Repealing this requirement will streamline the development process, reduce costs, and align more effectively with the practical management of public lands.

The current requirement to obtain a Port Development Permit is redundant in the context of other existing regulatory frameworks. For instance, projects involving government-owned or managed land are already subject to comprehensive oversight by the MSB Land Management Division. The MSB lease process outlined in MSB Title 23 adequately addresses the concerns that the Port Development Permit seeks to regulate, rendering the additional permit an unnecessary layer of oversight.

Repealing the requirement will eliminate this redundancy, reduce bureaucratic delays, and facilitate smoother, more efficient project implementation.

The Port Development Permit process, as currently structured, adds an additional layer of red tape that slows down project timelines. The review process and approval procedures for this permit often involve delays and excessive paperwork, diverting resources away from more critical tasks. In an era where efficiency and responsiveness are key to effective governance, such delays are counterproductive. Repealing the permit requirement will help cut unnecessary procedures, enabling projects to proceed more quickly and effectively.

Maintaining the Port Development Permit incurs costs for the government in terms of staff time, administrative expenses, and resources to process the permit applications. It is important to note that nearly all the land subject to the Port Development Permit is already owned and managed by the Matanuska-Susitna Borough. The Borough can effectively manage land development and ensure compliance with appropriate regulations without the need for a separate Port Development Permit process. Moreover, the Matanuska-Susitna Borough has the authority to modify and adapt land-use plans as necessary to suit the evolving needs of the port and its stakeholders, further justifying the removal of a redundant permit process.

Assembly Ordinance 25-066, supports the goals and objectives of the Matanuska-Susitna Borough Comprehensive, Economic Development Strategic Plan, and the Port MacKenzie Master Plan.

Matanuska-Susitna Borough Comprehensive Plan

Goal E-2 Manage Borough owned lands in a manner that fosters economic development while ensuring quality of life.

Goal E-3 Create an attractive environment for business investment

Economic Development Strategic Plan

Goal Three: Expand Mat-Su's Economic Development Infrastructure.

3A: Continue developing multimodal transportation and industrial infrastructure at Port Mackenzie.

Port MacKenzie Master Plan

6.1 Administrative Recommendations

3) Review of Borough Code 17.23, Point Mackenzie Port Special Use District, 18,[sic] the Port and others to offer changes which will make management of the Port District more efficient.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully recommends that the Port Development Permit requirement be repealed in favor of streamlined regulatory practices that reduce bureaucracy and costs while maintaining appropriate oversight of government-owned and managed lands.

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.

(1) Pipeline and conveyor structures are excluded from all setback requirements.

(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. 22-014, § 2, 2022; 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)

CODE ORDINANCE

Sponsored by: Assemblymember Gamble

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-066**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.23 PORT MACKENZIE SPECIAL USE DISTRICT TO REPEAL MSB 17.23.150 DEVELOPMENT PERMIT REQUIRED AND THE ASSOCIATED STANDARDS.

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. Amendment of Subsection. MSB 17.23.105(D) is hereby amended as follows:

(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.

Section 3. Amendment of subsection. MSB 17.23.110(C) is hereby amended as follows:

(C) [PERMITTED]Allowed 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] **allowed** uses which are directly necessary to conduct those [PERMITTED] **allowed** uses at the site;

(11) natural resource extraction only as part of an approved plan to prepare sites for port related development;

(12) public safety and government services, public lands, and institutions.

Section 4. Amendment of subsections. MSB 17.23.120 (C) and (D) are hereby amended to read as follows:

(C) [PERMITTED] **Allowed** 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, conveyer, 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]allowed 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.]

Section 5. Amendment of subsection. MSB 17.23.130(C) is hereby amended to read as follows:

(C) [PERMITTED]Allowed 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] allowed uses which are directly necessary to conduct those [PERMITTED] allowed 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.

Section 6. Amendment of subsection. MSB 17.23.135(C) is hereby amended to read as follows:

(C) [PERMITTED] Allowed 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.

Section 7. Repeal of section. MSB 17.23.150 is hereby repealed in its entirety:

[(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.]

Section 8. Repeal of section. MSB 17.23.160 is hereby repealed
in its entirety:

[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.]

Section 9. Repeal of section. MSB 17.23.165 is hereby repealed
in its entirety:

[(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.]

Section 10. Repeal of section. MSB 17.23.175 is hereby repealed in its entirety:

[(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.]

Section 11. Repeal of section. MSB 17.23.195 is hereby repealed in its entirety:

[(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.]

Section 12. Repeal of section. MSB 17.23.200 is hereby repealed in its entirety:

[(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.]

Section 13. Repeal of section. MSB 17.23.210 is hereby repealed in its entirety:

[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.]

Section 14. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2025.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

By: A. Strawn
Introduced: August 4, 2025
Public Hearing: August 18, 2025
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 25-14

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.23 PORT
MACKENZIE SPECIAL USE DISTRICT TO REPEAL MSB 17.23.150 DEVELOPMENT
PERMIT REQUIRED AND ASSOCIATED STANDARDS.

WHEREAS, Assembly Ordinance 25-066 repeals the requirement to
obtain a Port Development Permit within the Port Mackenzie Special
Use District; and

WHEREAS, the existing permit process has proven to be
duplicative and unnecessary, creating additional administrative
burdens, higher processing costs, and inefficiencies without
providing significant benefits; and

WHEREAS, repealing this requirement will streamline the
development process, reduce costs, and align more effectively with
the practical management of public lands; and

WHEREAS, maintaining the Port Development Permit system
incurs costs for the government in terms of staff time,
administrative expenses, and resources to process the permit
applications; and

WHEREAS, the Borough can effectively manage land development
and ensure compliance with appropriate regulations without the

need for a separate Port Development Permit process. Moreover, the Matanuska-Susitna Borough has the authority to modify and adapt land-use plans as necessary to suit the evolving needs of the port and its stakeholders, further justifying the removal of a redundant permit process; and

WHEREAS, Assembly Ordinance 25-066, supports the goals and objectives of the Matanuska-Susitna Borough Comprehensive, Economic Development Strategic Plan, and the Port MacKenzie Master Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Assembly Ordinance 25-066:

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ADOPTED by the Matanuska-Susitna Borough Planning Commission
on this __ day of _____, 2025.

DOUG GLENN, Chair

ATTEST

LACIE OLIVIERI, Planning Clerk

(SEAL)

YES:

NO:

UNFINISHED BUSINESS

Resolution No. 25-15

A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending That The Assembly Establish A New Task Force To Review Ordinance 25-073 Regarding Land Use Permits, Setback And Screening Easements, Variances, And Definitions.

Staff: Alex Strawn, Planning And Land Use Director

(Pages)

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM

IM No. 25-126 of 315

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.02 MANDATORY LAND USE PERMIT, MSB 17.55 – SETBACK AND SCREENING EASEMENTS, MSB 17.65 VARIANCES, MSB 17.80 NONCONFORMING STRUCTURES AND MSB 17.125 DEFINITIONS.

AGENDA OF: May 20, 2025

ASSEMBLY ACTION:

AGENDA ACTION REQUESTED: Refer to Planning Commission for 120 days.

Route To	Signatures
Originator	<div>5/8/2025</div> <div>X A l e x S t r a w n</div> <div>Signed by: Alex Strawn</div>
Department Director	<div>5/8/2025</div> <div>X A l e x S t r a w n</div> <div>Signed by: Alex Strawn</div>
Finance Director	<div>Recoverable Signature</div> <div>X C h e y e n n e H e i n d e l</div> <div>Signed by: Cheyenne Heindel</div>
Borough Attorney	<div>5/9/2025</div> <div>X N i c h o l a s S p i r o p o u l o s</div> <div>Signed by: Nicholas Spiropoulos</div>
Borough Manager	<div>5/9/2025</div> <div>X M i c h a e l B r o w n</div> <div>Signed by: Mike Brown</div>
Borough Clerk	<div>Recoverable Signature</div> <div>X L o n n i e M c K e c h n i e</div> <div>Signed by: Lonnie McKechnie</div>

ATTACHMENT (S) : Ordinance Serial No. 25-073 (23 pp)
 Waterbody Setback Advisory Board Reso 24-01 (5pp)
 1998 Shoreline Setback Analysis (23 pp)
 MSB 17.02 (4 pp)
 MSB 17.55 (5 pp)
 MSB 17.65 (4 pp)
 MSB 17.80 (7 pp)
 MSB 17.125 (17 pp)

SUMMARY STATEMENT:

This ordinance is at the request of Assemblymember Hale.

The purpose of this ordinance is to modernize and strengthen borough regulations related to development activities near

waterbodies. The ordinance revises setback requirements, mandates land use permits for mechanized land clearing within 75 feet of waterbodies and establishes environmental protection standards. These changes aim to improve code compliance, reduce pollution from runoff, and protect fish habitat, water quality, and property values.

BACKGROUND :

The Matanuska-Susitna Borough first established a minimum 75-foot waterbody setback in 1973. In 1986, the Assembly temporarily reduced the setback to 45 feet; however, six months later, a voter initiative reinstated the 75-foot setback. Over the decades, limited enforcement of the setback requirements has resulted in the construction of hundreds of structures in violation of the 75-foot standard. A 1998 review documented widespread non-compliance, and since then, violations have continued. These issues complicate real estate transactions, affect public trust, and threaten sensitive aquatic ecosystems.

In response, the Assembly created the Waterbody Setback Advisory Board (WSAB), which included members representing home building, lending, real estate, salmon habitat, the Fish & Wildlife Commission, the Planning Commission, and at-large residents. The WSAB conducted an in-depth review of borough code and presented comprehensive recommendations to address the identified challenge. This ordinance incorporates the specific code amendments recommended by the Waterbody Setback Advisory Board.

COMPREHENSIVE PLAN:

This ordinance implements several goals and policies of the Borough-wide Comprehensive Plan.

Goal (LU-4): Protect and enhance the Borough's natural resources including watersheds, groundwater supplies and air quality.

Policy LU4-1: Identify, monitor, protect, and enhance the quantity and quality of the Borough's watersheds, groundwater aquifers, and clean air resources.

Goal (CQ-1): Protect natural systems and features from the potentially negative impacts of human activities, including, but not limited to, land development.

Policy CQ1-1: Use a system-wide approach to effectively manage environmental resources. Coordinate land use planning and management of natural systems with affected state and local agencies as well as affected Community Council efforts.

Policy CQ1-2: Manage activities affecting air, vegetation, water, and the land to maintain or improve environmental quality, to preserve fish and wildlife habitat, to prevent degradation or loss of natural features and functions, and to

minimize risks to life and property.

Goal (CQ-2): Manage the natural and built environments to achieve minimal loss of the functions and values of all drainage basins; and, where possible, enhance and restore functions, values, and features. Retain lakes, ponds, wetlands, streams, and rivers and their corridors substantially in their natural condition.

Policy CQ2-1: Using a watershed-based approach, apply best available science in formulating regulations, incentives, and programs to maintain and, to the degree possible, improve the quality of the Borough's water resources.

Policy CQ2-2: Comprehensively manage activities that may adversely impact surface and ground water quality or quantity.

Policy CQ2-3: When appropriate, utilize Borough adopted "Best Management Practices" when managing watershed impacts.

RECOMMENDATION OF ADMINISTRATION: Refer to the Planning Commission for 120 days.

CODE ORDINANCE

Sponsored by: Hale
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-073**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.02 MANDATORY LAND USE PERMIT, MSB 17.55 - SETBACK AND SCREENING EASEMENTS, MSB 17.65 VARIANCES, MSB 17.80 NONCONFORMING STRUCTURES AND MSB 17.125 DEFINITIONS.

BE IT ENACTED:

WHEREAS, the intent and rationale of this ordinance are found in the accompanying Information Memorandum No. 25-126.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of chapter. The title and table of contents within MSB 17.55 is hereby amended to read as follows:

CHAPTER 17.55: SETBACKS [AND SCREENING EASEMENTS]

Section

17.55.004	DEFINITIONS
17.55.005	[GENERAL] <u>PURPOSE AND INTENT</u>
17.55.010	SETBACKS <u>FROM RIGHTS-OF-WAY AND LOT LINES</u>
17.55.015	SHORELANDS; DEFINITION [REPEALED]
<u>17.55.016</u>	<u>WATER BODY SETBACKS FOR POLLUTION SOURCES</u>
17.55.020	<u>WATER BODY</u> SETBACKS FOR [SHORELANDS] <u>STRUCTURES</u>
17.55.040	VIOLATIONS, ENFORCEMENT, AND PENALTIES

Section 3. Amendment of Subsection. MSB 17.55.004(A) is hereby amended as follows:

17.55.004 DEFINITIONS.

(A) For the purpose of this chapter, the following

definitions shall apply unless the context clearly indicates or requires a different meaning.

- "Animal waste facility" means any area or structure used to store, compost, or dispose of animal manure, animal byproducts, an animal carcass, or fish waste. The term does not include a dumpster or other closed container provided by a waste service provider.

- "Hazardous substance" means (A) an element or compound that, when it enters into or on the surface or subsurface land or water of the state, presents a danger to the public health or welfare, or to fish, animals, vegetation, or any part of the natural habitat in which fish, animals, or wildlife may be found; or (B) a substance defined as a hazardous substance under 42 U.S.C. §§ 9601 – 9657 (Comprehensive Environmental Response, Compensation, and Liability Act of 1980).

- "Ordinary high water mark" means the mark made by the action of water under natural conditions on the shore or bank of a water body [BODY OF WATER] which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and character of the vegetation and soil on the other side of the mark.

- "Private pond" means a natural or constructed

water body less than five acres in size that lacks a surface connection to other waterbodies and is located entirely on property with the same ownership.

- "Pump activated fuel delivery systems" means those fuel tanks, such as for home heating oil or aviation fuel, where the tank outlet is located above the fluid level of a full tank.

- "Secondary containment" means an impermeable diked area or portable impermeable container capable of providing storage capacity for materials which may leak due to the failure, overfilling or improper draining of the primary storage container. Double-walled tanks qualify as secondary containment only where the flow piping includes leak detection coupled to an automatic shutoff valve at the tank outlet.

- "Water-dependent accessory structure" means a structure necessary to support access to or use of the water (e.g., a shed used to store boating accessories) or waterfront (e.g., a gazebo).

Section 4. Amendment of Section. MSB 17.55.005 is hereby amended as follows:

17.55.005 [GENERAL] PURPOSE AND INTENT.

(A) [THIS] The purpose of this chapter is to establish[ES] minimum structural setbacks from lot

lines, [WATER COURSES AND] water bodies, and rights-of-way [, AND SPECIFIC SCREENING EASEMENTS FOR CERTAIN LANDS WITHIN SUBDIVISIONS] in the Matanuska-Susitna Borough except where otherwise specified in special land use district regulations within this title.

(1) Setbacks provide for light and air, fire protection, traffic safety, preservation of privacy, stormwater management, space for utility lines, and uphold neighborhood aesthetics; and

(2) Setbacks along flowing waters minimize risks to structures from lateral channel migration and flooding.

(B) The primary purpose of 17.55.016 to 17.55.020 is to protect human health, aquatic and riparian habitat, the ecologic function of water bodies, the local economy and property values, recreation, viewshed, and quality of life.

(1) These sections establish requirements related to the development and management of lands adjoining waterbodies.

(2) Standards will reduce and minimize the discharge of pollutants to waterbodies via surface runoff and subsurface leaching.

Section 5. Amendment of Section. MSB 17.55.010 is hereby

amended as follows:

17.55.010 SETBACKS **FROM RIGHTS-OF-WAY AND LOT LINES.**

(A) No structure or building line shall be placed within 25 feet from the right-of-way line of any public right-of-way, except no furthestmost protruding portion of any structure shall be placed within ten feet from the right-of-way line of any public right-of-way when the pre-existing lot:

(1) measures 60 feet or less in frontage on a public right-of-way, and is not located on a cul-de-sac bulb; or

(2) comprises a nonconforming structure erected prior to July 3, 1973. This setback shall be known as the structure or building line setback.

(B) Except where specifically provided other[-]wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line.

(C) Except as otherwise specified by code, eaves may project a maximum of three feet into required setback areas.

(D) The setback requirements of this section do not apply to property within the cities of **Houston,** Palmer, and Wasilla.

(E) If a condemnation by a governmental agency reduces the building line setback of a structure below 25 feet, but there remains at least ten feet setback, and the setback reduced by the condemnation met the requirements of this section prior to the condemnation, the resulting setback shall be the setback requirements for the lot.

(F) For purposes of this chapter, commercial or industrial buildings on separate but [ADJACENT] adjoining parcels, which otherwise meet the setback requirements, may have connecting pedestrian walkways, enclosed or not. Pedestrian walkways:

(1) shall not contribute to the building area or the number of stories or height of connected buildings; and

(2) must comply with the current adopted edition of the International Building Code, except that the outside width of the walkway shall not exceed 30 feet in width, exclusive of eaves.

(G) No furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from railroad rights-of-way, except that utilities and rail dependent structures may extend up to railroad rights-of-way.

Section 6. Adoption of Section. MSB 17.55.016 is hereby adopted as follows:

17.55.016 WATER BODY SETBACKS FOR POLLUTION SOURCES

(A) No part of a subsurface sewage disposal system shall be closer than 100 feet from the ordinary high water mark of any water body.

(B) Kennels, stables, animal yards and animal waste facilities shall not be located closer than 100 feet from the ordinary high water mark of any water body. Drainage from kennels, stables, animal yards and animal waste facilities shall not be concentrated and directed (e.g., such as by a ditch) towards a water body. This requirement does not apply to private ponds.

(C) Paved vehicle parking areas shall not be located closer than 25 feet from the ordinary high water mark of any water body.

(1) for commercial or industrial facilities, paved vehicle parking areas within 75 feet of a water body shall demonstrate that the development standards identified in MSB 17.02.035(B) regarding stormwater runoff are met.

(D) Except as provided in subparagraph (1), all liquid hazardous substances, including petroleum fuels, oils, and lubricants, located or stored closer than 75

feet from the ordinary high water mark of any water body shall include secondary containment of at least 110 percent of the storage volume to minimize the risk of spills. All piping and valves carrying liquid hazardous substances shall have secondary containment.

(1) Pump-activated fuel-delivery systems with leak detection and auto shutoff may have a drip collection system instead of secondary containment.

(2) Refined oil fuels such as gasoline, diesel fuel, small engine fuels, etc., with an aggregate total volume of 10 gallons or less do not require secondary containment.

(3) The owners of pre-existing fixed storage facilities for petroleum fuels and other liquid hazardous substances (e.g., home heating oil tanks) shall be allowed five years from the effective date of this section to fully comply with the secondary containment requirement.

(E) The following activities are prohibited within 25 feet of the ordinary high water mark of any water body:

(1) Removing riparian buffer from more than 50 percent of the surface area except as provided in MSB 17.02.035(A) (1) (a) .

(a) Dead, diseased, or fallen trees may be removed from the riparian buffer area, and pruning for vegetation health is allowed.

(2) Ground disturbing activities of more than 50 percent of the surface area.

(3) Storing or discharging solid waste, including debris, and animal and yard wastes.

(4) Stockpiling snow imported from an offsite location.

(5) The application of fertilizers or herbicides.

Section 7. Amendment of Section. MSB 17.55.020 is hereby amended as follows:

17.55.020 WATER BODY SETBACKS FOR [SHORELANDS] STRUCTURES.

(A) Except as provided in subsections s (B) and (F) of this section, no structure or footing shall be located closer than 75 feet from the ordinary high water mark of a water body [BODY OF WATER]. [EXCEPT AS PROVIDED OTHERWISE, E] Eaves may project three feet into the required setback area.

(1) Compliance with setbacks for structures adjoining waterbodies shall be based upon the location of the structure in relation to the ordinary high water

mark at the time it was constructed. Subsequent movement of the ordinary high water mark that reduces the setback distance does not create a violation under this chapter.

(B) Docks, piers, marinas, aircraft hangars, boathouses and water-dependent accessory structures may be located closer than 75 feet of a water body and over the water body, provided they [ARE NOT USED FOR HABITATION AND DO NOT CONTAIN SANITARY OR PETROLEUM FUEL STORAGE FACILITIES. STRUCTURES PERMITTED OVER WATER UNDER THIS SUBSECTION SHALL CONFORM TO ALL APPLICABLE STATE AND FEDERAL STATUTES AND REGULATIONS] meet all borough regulatory standards and receive a land use permit prior to construction in accordance with MSB 17.02.

(1) Boathouses or aircraft hangars which are exempt from a minimum shoreline setback for structures shall:

(a) be built over, in, or [IMMEDIATELY ADJACENT TO] adjoining a water_body and used solely for storing boats and boating accessories;

(b) be designed, constructed and oriented for primary access by boats or aircraft directly to a water_body;

(c) not have more than incidental

accessory access to a street or driveway; and

(d) not be usable as a garage or habitable structure without significant alteration.

[(C) IN THE CITY OF WASILLA, THIS SECTION DOES NOT APPLY TO STRUCTURES WHERE CONSTRUCTION WAS COMPLETED PRIOR TO NOVEMBER 16, 1982. ELSEWHERE IN THE BOROUGH, THIS SECTION DOES NOT APPLY TO STRUCTURES WHERE CONSTRUCTION WAS COMPLETED PRIOR TO JANUARY 1, 1987, IF THE PRESENT OWNER OR OWNERS OF THE PROPERTY HAD NO PERSONAL KNOWLEDGE OF ANY VIOLATION OF THE REQUIREMENTS OF THIS SECTION PRIOR TO SUBSTANTIAL COMPLETION OF THE STRUCTURES. THE DIRECTOR OF THE PLANNING DEPARTMENT SHALL, UPON APPLICATION BY A PROPERTY OWNER, DETERMINE WHETHER A PROPERTY QUALIFIES FOR AN EXCEPTION UNDER THIS SUBSECTION.

(1) AN APPLICATION FOR A SHORELINE SETBACK EXCEPTION SHALL INCLUDE A FILING FEE AS ESTABLISHED BY RESOLUTION OF THE ASSEMBLY.

(D) IN THIS SECTION, A "STRUCTURE" IS ANY DWELLING OR HABITABLE BUILDING OR GARAGE.

(E) NO PART OF A SUBSURFACE SEWAGE DISPOSAL SYSTEM SHALL BE CLOSER THAN 100 FEET FROM THE ORDINARY HIGH WATER MARK OF ANY BODY OF WATER. THE PLANNING COMMISSION SHALL REQUIRE THIS DISTANCE BE INCREASED WHERE NECESSARY

TO PROTECT WATERS WITHIN THE BOROUGH.]

(F) A permit in accordance with MSB 17.02 is required prior to construction or placement of any structure, or any ground-disturbing activity within 75 feet of the ordinary high water mark of any water body.

(1) New structures may be located between 45 and 75 feet from the ordinary high water mark of a lake, pond, or wetland provided a land use permit in accordance with MSB 17.02 is obtained prior to commencement of construction.

(2) Existing habitable buildings and garages built between May 12, 1987, and the effective date of this paragraph that are between 45 and 75 feet of the ordinary high water mark of a lake, pond, or wetland may obtain a land use permit in accordance with MSB 17.02 to comply with this chapter.

Section 8. Amendment of Subsection. MSB 17.02.010(A) is hereby amended as follows:

(A) It is the intent of this chapter to improve the level of compliance with existing borough code by establishing a mandatory land use review process for activities within 75 feet of a water body and directly providing regulatory information to persons proposing [DEVELOPMENT] certain activities within the borough

outside of the cities of Houston, Palmer, and Wasilla.

Section 9. Amendment of Section. MSB 17.02.020 is hereby amended as follows:

17.02.020 LAND USE PERMIT **FOR ACTIVITIES WITHIN 75 FEET OF A WATER BODY.**

(A) The land owner or authorized agent shall obtain a land use permit from the Matanuska-Susitna Borough Planning Department prior to the commencement of:

(6) construction or placement of any [BUILDING] **structure** within 75 feet of **the ordinary high water mark of** any [WATERCOURSE OR] water body; **or**

(7) ground disturbing activities within 75 feet of the ordinary high water mark of any water body.

(B) A landowner or authorized agent may voluntarily request a land use permit for any structure or use not required to obtain a permit under this chapter.

(C) A permit is not required under this chapter when the proposed use is subject to another permit within this title.

Section 10. Amendment of Subsection. MSB 17.02.030 (B) (2) (a) is hereby amended as follows:

(a) site plans are not required to be certified but shall clearly identify the following:

(i) north arrow;

- (ii) boundaries of parcel;
- (iii) size, location, and setback dimensions of proposed structures;
- (iv) names and location of [ADJACENT] adjoining roadways;
- (v) location of rights-of-way and public easements within and [ADJACENT TO] adjoining the parcel;
- (vi) location and name of [ADJACENT] adjoining water bodies;
- (vii) location of subsurface sewage disposal systems; [AND]
- (viii) intended use of proposed structures;[.]
- (ix) existing cleared areas, structures, and impervious surfaces; and
- (x) any areas of proposed ground disturbing activities.

Section 11. Adoption of Section. MSB 17.02.035 REQUIRED STANDARDS is adopted as follows:

17.02.035 REQUIRED STANDARDS

(A) The director may issue a land use permit pursuant to MSB 17.02.020 only upon finding that the development meets the following standards:

(1) the site plan demonstrates compliance with the provisions of MSB 17.55.016;

(a) notwithstanding the requirements of 17.55.016(E) (1), a land use permit may be issued where no riparian buffer exists if the requirements of MSB 17.02.050 are met.

(2) any proposed buildings or structures shall comply with MSB 17.55.020(B), as applicable; and

(3) the total area of impervious surfaces within 75 feet of a water body shall not exceed 20% of the area within 75 feet of the water body.

Section 12. Adoption of Section. MSB 17.02.050 ADDITIONAL REQUIRED STANDARDS FOR SPECIFIC CIRCUMSTANCES is adopted as follows:

17.02.050 ADDITIONAL REQUIRED STANDARDS FOR SPECIFIC CIRCUMSTANCES

(A) In addition to the site plan requirements identified in MSB 17.02.030, structures built between 45 and 75 feet as required by MSB 17.55.020(F) (1)-(2), or a land use permit application in accordance with MSB 17.02.035(A) (1) (a) or 17.02.035(A) (3), must submit the following additional information to obtain a land use permit:

(1) existing and proposed drainage patterns to and from the parcel, known drainage problems such as flooding or erosion, and potential pollutant sources

from current or proposed land use that may add pollutants to stormwater runoff;

(2) current runoff pollution mitigation measures or plans and specifications for proposed runoff pollution mitigation measures, including necessary maintenance, with sufficient detail to support an engineering review;

(3) current infiltrative methods or plans and specifications for infiltrative methods shall identify soil type and depth to the seasonal high water table providing:

(a) a minimum of 2 feet from the bottom of any basin or swale to the seasonal high water table;
or

(b) maintenance of existing undisturbed vegetated surface as the bottom of the basin or swale and no standing water during high-water periods of the year from April 1 - September 30; and

(4) site-specific analyses conducted by a qualified professional identifying the current or proposed runoff pollution mitigation measures.

(B) A land use permit may only be issued upon a finding that the applicant's runoff mitigation measures are sufficient as evidenced by:

(1) review and certification of existing runoff pollution mitigation measures by a qualified professional; or

(2) design and installation of proposed runoff pollution mitigation under the oversight of a qualified professional.

(C) Runoff mitigation measures shall meet the following criteria:

(1) Treat the initial 0.25 inch of post-development runoff for each storm event;

(2) Provide a minimum of 12 hours of detention for the post-development runoff in excess of pre-development runoff volumes for the 1-year, 24-hour storm;

(3) Maintain the post-development runoff peak flow from the 10-year, 24-hour storm to less than 1.10 times the pre-development runoff peak flow at all project discharge points;

(4) Storm water conveyance and drainage ditches shall be sized to pass the 10-year, 24-hour storm event. Control flows in conveyance channels so that transport of particles will not occur for the post-development 10-year, 24-hour storm; and

(5) In areas where wetlands are disturbed,

drainage must be designed to preserve the pre-development function of the remaining wetlands.

(D) Upon completion of the project, an as-built survey shall be submitted showing the location of all pertinent structures and features associated with the development.

(E) A revised stormwater runoff analysis is required if future development could reasonably result in increased stormwater runoff.

(F) Landowners are responsible for maintenance of approved runoff pollution mitigation measures specified in their land use permit under this chapter.

Section 13. Adoption of Subsection. MSB 17.65.020 (B) is hereby adopted as follows:

(B) A variance from the water body setback requirement in MSB 17.55.020 (A) may not be granted if the location of the proposed structure is:

(1) closer than 45 feet from the ordinary high water mark of a water body.

(2) in an area of known erosion hazard adjacent to a river, stream, or other flowing waters.

Section 14. Amendment of Section. MSB 17.80.020 is hereby amended as follows:

17.80.020 LEGAL NONCONFORMING STRUCTURES

(A) The following structures qualify as legal nonconforming structures without an administrative determination, however, an administrative determination may be issued if requested by the property owner:

(1) structures built lawfully and made nonconforming by adoption of subsequent ordinances;

(a) all structures within 75 feet of a water body that were constructed prior to adoption of the setback requirement on July 3, 1973, and have not subsequently been enlarged or altered.

(b) Non-habitable structures within 75 feet of a water body that were constructed between September 16, 1988 and the effective date of this subparagraph.

(2) structures built in violation of the ordinance existing at the time of construction, then made legal by adoption of subsequent ordinance, and later made nonconforming by adoption of subsequent ordinances;

(a) habitable buildings and garages that were completed between July 3, 1973, and May 12, 1987, and have not subsequently been enlarged or altered, that are located between 45 and 75 feet from the ordinary high water mark of a water body.

(3) permanent structures which were constructed lawfully after the date of adoption of the Acknowledgement of Existing Regulations, Chapter 17.01, but which were made unlawful after the date of start of construction due to adoption of subsequent regulations.

(B) The following structures require an administrative determination in order to be granted legal nonconforming status;

(1) structures granted a variance in accordance with Chapter 17.65;

[(2) STRUCTURES BUILT IN VIOLATION OF SHORELINE SETBACK ORDINANCES EXISTING AT THE TIME OF CONSTRUCTION, AND SUBSEQUENTLY GRANTED AN EXEMPTION FROM SHORELINE SETBACKS IN ACCORDANCE WITH MSB 17.55.020 (C);]

(3) permanent structures built in violation of ordinances existing at the time of construction, and subsequently granted legal nonconforming status in accordance with MSB 17.80.070.

Section 15. Amendment of Section. MSB 17.125.010 is hereby amended as follows:

• "Cleared area" means an area where existing vegetative cover and surficial soil layers, including organic matter or duff, is removed or altered by ground-disturbing activities.

- "Ground disturbing activity" means an activity that includes the use of heavy equipment, such as a backhoe or bulldozer, that disturbs the soil layers, uproots woody vegetation, or alters preexisting land contours. Examples of such activities include mechanized land clearing, grading, contouring, or placing of fill. "Ground disturbing activity" does not include the cutting or removal of vegetation above the ground (i.e. use of hydro-axe, mowing, rotary cutting, and chain sawing) without disturbing the soil or root systems.

- "Kennel, stable, and animal yards" means any premises used for breeding, buying, selling, keeping, or boarding five or more dogs over the age of six months, whether for profit or not; any facility housing or holding more than three pigs, goats, or animals of similar size; and all facilities housing or holding large animals (e.g., horses, cattle, llamas).

- "Lake" means a standing body of open water that occurs in a natural depression fed by one or more streams from which a stream may flow, that occurs due to the widening or natural blockage or cutoff of a river or stream, or that occurs in an isolated natural depression that is not a part of a surface river or stream. The

term also includes artificial waterbodies created by excavation, as well as artificial blocking or restriction of the flow of a river, stream, or tidal area (e.g. by a dam).

- "Qualified professional" means a professional [HYDROLOGIST, GEOLOGIST, OR REGISTERED ENGINEER THAT HAS SPECIFIC EDUCATION AND EXPERIENCE WITH GROUNDWATER HYDROLOGY] civil engineer or other professional registered with the State of Alaska under Alaska Statute 08.48 qualified to practice the type of work required by this title.

- "Riparian buffer" means native vegetation adjoining a water body that helps to protect the water body from the impact of activities conducted on adjoining land.

- "Runoff pollution mitigation measure" means any combination features designed and intended to treat and retain stormwater runoff associated with a development, such as bioswales, rain gardens, riparian buffers, or filter strips.

- "Stormwater runoff" means any surface flow consisting entirely of water from precipitation including from the melting of ice and snow. Runoff occurs when the water volume or surface gradient overcome the

infiltrative capacity of the surface.

• "Treat and retain" means to manage stormwater on the parcel through any combination of detention, retention, infiltration, evapotranspiration, or other treatment methods to mitigate a discharge of stormwater runoff to a water body or adjoining parcel.

Section 16. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2025.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

Action: Approved

**MATANUSKA-SUSITNA BOROUGH
WATERBODY SETBACK ADVISORY BOARD
RESOLUTION SERIAL NO. 24-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH WATERBODY SETBACK ADVISORY BOARD RECOMMENDING CHANGES TO MSB 17.55 - SETBACK AND SCREENING EASEMENTS, MSB 17.02 - MANDATORY LAND USE PERMIT, MSB 17.80 NONCONFORMING STRUCTURES, AND MSB 17.65 - VARIANCES.

WHEREAS, the Matanuska-Susitna Borough Assembly established the Waterbody Setback Advisory Board through IM No. 23-175 and Ordinance No. 23-175 on 8/15/2023 to review and recommend any changes to the Borough code relating to waterbody setbacks and related issues. These related issues should include variances/non-conformities, how to deal with structures built in violation of the 1973 and 1987 ordinances, possible remedies for structures in violation, and any other issues the Board believes are pertinent. To the extent possible, the Advisory Board is required to identify possible solutions, identify ways to enforce and implement those solutions and identify resources needed to implement and enforce those solutions; and

WHEREAS, the preservation and protection of our natural water bodies are recognized as essential for the sustainability of ecological balance, ensuring public safety, enhancing the beauty of our community, the conservation of viewsheds, enriching the quality of life, safeguarding community characteristics, and

upholding property values. These water bodies serve as critical habitats for diverse flora and fauna, including salmon and other fish, contribute to local biodiversity, support recreational activities, and play a crucial role in the broader ecosystem services that benefit both residents and wildlife alike; and

WHEREAS, the activities conducted adjacent to waterbodies, such as construction, grading, clearing, filling, or contouring, are known to have a profound impact on water quality, the preservation of natural habitats, and the overall health and sustainability of aquatic ecosystems. These activities can lead to sedimentation, alteration of hydrological patterns, habitat fragmentation, and the introduction of pollutants, all of which threaten the quality of life and community for residents, the ecological balance, and biodiversity crucial to the well-being of these environments; and

WHEREAS, there has been a recognition of the necessity for increased regulation and oversight to prevent adverse effects on waterbodies resulting from unregulated or improperly managed land-use activities.

NOW, THEREFORE, BE IT RESOLVED, that the Waterbody Setback Advisory Board hereby makes the following recommendations to the Assembly:

1. Path to Compliance for Homeowners: The Assembly is advised

to establish a path to compliance for homes built within the 75-foot setback area of lakes in violation of MSB 17.55. This compliance pathway should require the design and construction of mitigation measures to be developed and overseen by a qualified professional registered in the State of Alaska, and should maintain a minimum setback of 45 feet.

2. Setback Maintenance and Expansion: The Waterbody Setback Advisory Board recommends retaining the current 75-foot setback requirement for buildings adjacent to flowing water.

3. Commercial and industrial development: Recommend waterbody setback be applied to include commercial and industrial projects.

4. Land Use Permit Requirement: It is recommended that MSB 17.02 be amended to mandate a land use permit for any grading, clearing, filling, contouring, or construction activities within 75 feet of waterbodies. This measure seeks to ensure thorough review and management of all such activities to minimize adverse impacts on waterbody ecosystems.

5. Shoreline standards: Adopt standards for clearing and grading within 75 feet of waterbodies to include provisions for managing runoff associated with the development, and maintaining a vegetative buffer along the shoreline.

6. Animal Waste Management: Adopt a setback requirement of 100 feet from the ordinary high-water mark of waterbodies for

outdoor kennels, stables, animal yards, and animal waste facilities to enhance environmental protection.

7. Prevention of Liquid Petroleum Fuel Contamination: Adopt measures to mitigate the risk of liquid fuel contamination near waterbodies by requiring secondary containment or drip collection for all fuel installations within 75 feet of waterbodies, including both existing and new installations.

8. Enhanced Enforcement: Recognizing the importance of enforcing setback regulations effectively, it is recommended that additional staff be hired to patrol water bodies. Their presence will deter violations, ensure adherence to established laws, and offer an immediate response to any observed infractions.

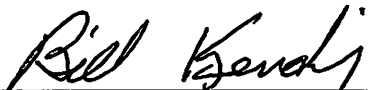
9. Structures within 45 feet: It is recommended that a minimum 45-foot water body setback be maintained with no path to compliance for structures illegally built within 45 feet of a water body.

10. Limitation of Variances: It is recommended that MSB 17.65 be amended to eliminate the ability to obtain a variance within 45 feet of a waterbody.

11. New habitat protection tax incentive: The Assembly is encouraged to consider the establishment of a habitat protection tax incentive, similar to the program in the Kenai Peninsula Borough, and advocate for state legislation that extends coverage to all types of waterbodies, not limited to rivers.

BE IT FURTHER RESOLVED, the Waterbody Setback Advisory Board has attached a draft ordinance reflecting its recommendations for the Assembly to consider.

ADOPTED by the Matanuska-Susitna Borough Waterbody Setback Advisory Board this 5th day of March, 2025.



Bill Kendig, Board Chair

ATTEST:



Lacie Olivieri, Board Clerk

Matanuska-Susitna Borough Shoreland Setbacks

Analysis and Recommendation



Prepared by:

Land Design North
510 L Street, Suite 101
Anchorage, Alaska 99501



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Appendix A: Matanuska Susitna Borough Literature Review

CHAPTER 17.02: MANDATORY LAND USE PERMIT

Section

17.02.010 Intent and applicability**17.02.020 Land use permit****17.02.030 Procedure****17.02.040 Action on applications****17.02.010 INTENT AND APPLICABILITY.**

(A) It is the intent of this chapter to improve the level of compliance with existing borough code by establishing a mandatory land use review process and directly providing regulatory information to persons proposing development within the borough outside of the cities of Houston, Palmer, and Wasilla.

(B) This chapter is applicable within all areas of the Matanuska-Susitna Borough outside of the cities of Houston, Palmer, and Wasilla and the Port District, as established in MSB 18.02.020, Boundaries.

(C) There are federal, state, and local requirements governing land use. It is the responsibility of the individual land owners to obtain a determination whether such requirements apply to the development of their land. Any land within the boundaries of the Matanuska-Susitna Borough is subject to land use and development regulations. It is not the intent of this chapter to replace or supersede regulations of other chapters within this title. Additional information and permits, such as flood damage prevention, mobile home park ordinance, conditional uses, and regulation of alcoholic beverages may be required in accordance with the borough code. This title will be amended and updated as necessary when new MSB Title 17 regulations are adopted.

(D) A land use permit is not required where commencement of construction or placement, as defined in MSB 17.125, occurred before the effective date of the ordinance codified in this chapter.

(Ord. 10-108, § 2, 2010; Ord. 07-121, § 2, 2007; Ord. 06-192(AM), § 3 (part), 2007)

17.02.020 LAND USE PERMIT.

(A) The land owner or authorized agent shall obtain a land use permit from the Matanuska-Susitna Borough Planning Department prior to the commencement of:

(1) *[Repealed by Ord. 11-073, § 2, 2011]*

(2) *[Repealed by Ord. 11-073, § 2, 2011]*

(3) *[Repealed by Ord. 11-073, § 2, 2011]*

(4) *[Repealed by Ord. 11-073, § 2, 2011]*

(5) *[Repealed by Ord. 13-025, § 2, 2013]*

(6) construction or placement of any building within 75 feet of any watercourse or water body;

(B) A landowner or authorized agent may voluntarily request a land use permit for any structure or use not required to obtain a permit under this chapter.

(C) A permit is not required under this chapter when the proposed use is subject to another permit within this title.

(Ord. 22-104, § 2, 2022; Ord. 13-025, § 2, 2013; Ord. 11-073, § 2, 2011; Ord. 06-192(AM), § 3 (part), 2007)

17.02.030 PROCEDURE.

(A) A complete land use permit application shall be submitted to the planning and land use director on a form provided by the planning and land use department.

(B) A complete land use permit application will contain the following attachments:

(1) *[Repealed by Ord. 22-104, § 3, 2022], 2011]*

(2) site plan;

(a) site plans are not required to be certified but shall clearly identify the following:

(i) north arrow;

(ii) boundaries of parcel;

(iii) size, location, and setback dimensions of proposed structures;

(iv) names and location of adjacent roadways;

(v) location of rights-of-way and public easements within and adjacent to the parcel;

(vi) location and name of adjacent water bodies;

(vii) location of subsurface sewage disposal systems; and

(viii) intended use of proposed structures.

(3) *[Repealed by Ord. 11-073, § 3 (part), 2011]*

(4) *[Repealed by Ord. 11-073, § 3 (part), 2011]*

(C) *[Repealed by Ord. 11-073, § 3 (part), 2011]*

(D) *[Repealed by Ord. 11-073, § 3 (part), 2011]*

(E) An application fee as established by the assembly, payable to the Matanuska-Susitna Borough, shall be submitted with the application. If more than one land use permit fee is required under this chapter, the applicant shall pay only one fee, whichever is the highest.

(F) A copy of the application shall be retained in the planning and land use department files.

(Ord. 22-104, § 3, 2022; Ord. 11-073, § 3 (part), 2011; Ord. 06-192(AM), § 3 (part), 2007)

17.02.040 ACTION ON APPLICATIONS.

(A) The planning and land use director or designated staff shall determine whether an application for a land use permit is complete. For incomplete applications, a written explanation of application deficiencies shall be provided within seven working days of the date the application is received in the planning and land use department.

(B) *[Repealed by Ord. 22-104, § 4, 2022], 2011]*

(C) In reviewing a land use permit application, the planning and land use director shall make specific findings explaining how the proposal does or does not conform to the requirements of this title. The planning and land use director also may provide options as to how the proposal may conform to these requirements.

(D) The planning and land use director shall render a decision within ten working days from the date the application is determined complete.

(1) Permits under this chapter shall be reviewed and approved based on compliance with borough code, including but not limited to the following:

- (a) setbacks;
- (b) special land use districts;
- (c) flood hazard areas;
- (d) driveway permits;

(e) conditional uses; and

(f) multifamily development permits.

(E) If a decision is not rendered within the allotted review time, the applicant shall be entitled to a complete refund of fees.

(F) *[Repealed by Ord. 22-104, § 4, 2022], 2011]*

(G) *[Repealed by Ord. 22-104, § 4, 2022], 2011]*

(H) *[Repealed by Ord. 22-104, § 4, 2022], 2011]*

(I) Appeals from a decision granting or denying a land use permit under this chapter shall be filed and conducted in accordance with MSB 15.39.

(Ord. 22-104, § 4, 2022; Ord. 11-073, § 3 (part), 2011; Ord. 06-192(AM), § 3 (part), 2007)

Introduction

Since 1973, the Matanuska Susitna Borough has been struggling with the designation and implementation of an appropriate waterbody setback distance from area lakes, streams, and wetlands to protect water quality and fish and wildlife habitat. From 1973 to the present, structural setbacks from waterbodies have ranged from 45 to 75 feet and have allowed accessory uses such as piers, marinas, boathouses and docks over the water. The setbacks to date have only regulated structure placement and have not regulated uses or activities within the setback zone. For example, there are currently no requirements to maintain natural vegetation or limit the amount of impervious surfaces.

The inherent challenge of the project is that people have varying goals and values relative to the use of water resources and lands. Over the years, arguments have been presented to maintain, increase, and decrease the setback distance. Arguments in favor of a lesser setback generally cite private property rights, undue hardships on developing land, increased views and access to waterbodies. Those in favor of greater setbacks cite improved water quality, enhanced fish and wildlife habitat, noise reduction, and improved aesthetic values.

In 1998, a Shorelands Steering Committee was formed to recommend goals and strategies to analyze and improve the management of shorelands and develop a Shorelands Management Plan. The results of their work can be found in Appendix A. In summary, the long-term goal of the Matanuska-Susitna Borough Shorelands Management Plan is to determine how inland lake basins, streams and wetlands function as ecosystems within the watershed and how to manage the many resources and values present in these systems in a sustainable manner. While this is an admirable goal, this long-term goal can be reached only through a comprehensive watershed study and the long-term investment of dollars, expertise and collaborative effort by government, universities and the private sector.

This report is intended to meet the more immediate need of resolving the shoreland setback issue and to establish effective performance standards for uses within the setback zone to minimize future requirements for mitigation or restoration of disturbed areas and degraded water quality. As the Mat-Su Borough continues to grow in population and becomes one of the most popular recreational destinations in Alaska, the threat of degradation to its waterbodies increases. An altered water system is not only difficult to restore, it is expensive and may never fully recover. This can mean declining property values, loss of recreational activities, loss of water-dependent businesses, and a decline in fish and wildlife populations. Simply put, no one wants to live, recreate or conduct business on a polluted waterbody.

This purpose of this report is to review and incorporate by reference the work done to date on the Shoreland Management Plan and recommend a setback distance that will protect water quality in the Mat-Su Borough. This interim report also seeks to:

- Understand the intent and history of structural setback regulations in the Mat-Su Borough
- Define and understand the function of the relatively narrow strip of land (the riparian zone) surrounding a waterbody
- Review the role of setbacks as a management tool to enhance and protect water quality from residential, commercial and industrial development based on the literature review conducted by the Mat-Su Borough and supplemented by work done as part of the Big Lake, Lake Management Plan.
- Recommend a structural setback and performance standards

Finally, to help provide information of similar efforts in other jurisdictions, a literature review done by the Mat-Su Borough as part of the Shoreland Management Plan is provided in Appendix A. It briefly describes available literature on how other jurisdictions establish setbacks and manage shorelands, the use of buffer zones, the role of riparian vegetation, and the balancing of private property rights, public access and safety, and environmental issues. It should be noted that this review only provided a brief summary of the literature and did not analyze or document the different setbacks studied. For this reason, an analysis of setbacks done as part of the Big Lake, Lake Management Plan is being used for this report.

Setback History

An important aspect of evaluating regulations is to clearly understand their intent and historical context to determine if the existing regulation has been effective. Presented below is a brief synopsis of the Matanuska-Susitna Borough (MSB) setback ordinances and the Mat-Su Borough Coastal Management Program policy regarding setbacks to date.

- 1973. Borough adopts a 75-foot Setback (MSB ordinance 73-6). "Structures shall not be closer than 75 feet from the normal high water mark of a water course or body of water in a shoreland. The Commission may require a greater setback if it finds that a specific body of water possesses unique characteristics such as outstanding fish and aquatic life, shore cover, natural beauty or other ecological attribute. Boat houses may be located over the water provided they are not used for habitation and do not contain sanitary facilities." In subsequent years the ordinance was amended to legalize docks, piers and marinas over the water and require that they conform to state and federal regulations.

- **1984.** The Mat-Su Borough Coastal Management Program (MSBCMP) goes into effect which, as outlined in Coastal Habitats Policy 2, upholds the 75 foot setback but eliminates all provisions to allow the Platting Board to reduce setback distances if certain conditions are met. Approved by the Coastal Policy Council (CPC) in 1983, this policy raised issues of compliance with MSB ordinances and eliminated flexibility in the existing regulations.
- **1986.** Borough adopts a 45-foot setback (MSB ordinance **86-101**). "No structure or footing shall be located closer than 45 feet from the high water mark of a watercourse or body of water, except docks, piers, marinas, and boathouses may be located closer than 45 feet and over the water provided they are not used for habitation and do not contain sanitary facilities." "Exception: Does not apply to structures where construction was completed prior to January 1, 1987 if the present owner or owners of the property had no personal knowledge of any violation of the setback requirements prior to substantial completion of the structure."
- **1987.** The MSB submits revisions to the MSBCMP Coastal Habitats Policy 2 in order to create a more flexible policy. The Division of Governmental Coordination (DGC), staff to the CPC, determines that the proposed policy lacks enforceable language, and in cooperation with the MSB and the state, develops alternative policy language consistent with the Alaska Coastal Management Program. The revised policy is adopted by the CPC in March of 1988, with provisions that the proposed uses and activities within 75 feet of the high water line "must be reviewed to ensure protection of water quality and fish and wildlife habitat." Additionally, water-dependent structures (including docks, piers, marinas, boathouses and floatplane hangars) are allowable within 75 feet provided "they are constructed and used in a way that minimizes adverse impacts to water quality and fish and wildlife habitat." Finally, the policy states that other uses and activities within 75 feet are also allowable if the proposed development "will have no significant adverse impacts on water quality and fish and wildlife habitat, and complies with other applicable federal, state, and local requirements."
- **1987.** Borough reinstates a 75-foot setback (MSB ordinance **87-59**). The setback is changed to 75 feet with the provision that water dependent structures such as docks, piers and marinas are allowable within 75 feet if they conform to all applicable state and federal statutes and regulations, and so long as they "are not used for habitation and do not contain sanitary or petroleum fuel storage facilities."
- **1988.** Clarification and amendments (MSB ordinance **88-190**). The term "Shorelands" is defined, and the setback remains at 75 feet with the provision that "the Director of the Planning Department or the designee of the director shall upon application **by** a property owner, determine whether a property qualifies for an exception." There is also a subsection allowing the Planning Commission **to** increase the distance of a subsurface sewage disposal system from any body of water beyond the 100-foot zone "where necessary to protect waters within the Borough."

Based on a review of above history, the two critical flaws in the current setback have been identified:

- (1) The intended purpose of the waterbody setback appears to be to protect water quality and in turn fish and aquatic habitat; however, it is not clearly defined. It is recommended that the intent of the waterbody setback be clearly stated up front in future ordinances to facilitate enforcement and compliance. A property owner is more willing to comply with a regulation if they clearly understand its purpose and believe that the regulation is effective at achieving its purpose. To evaluate the effectiveness of a setback, it is critical to understand what is trying to be accomplished with the regulation. An example purpose statement might read as follows:

“The intent of the waterbody setback is to preserve the integrity of the Borough’s lakes, streams, rivers, and wetlands by maintaining and improving water quality, shore cover, fish and wildlife habitat, and aesthetic values.”

- (2) The setback only addresses the placement of structures. It does not address what can and cannot be done within the 75-foot setback area. The flaw with this approach is that locating buildings back from the waterbody may or may not meet the intent of the regulation. One of the greatest threats to water quality is Non Point Source (NPS) pollution. NPS pollution is defined as pollutants carried in runoff originating from various sources; precipitation moves over and through the ground and picks up pollutants from these sources and carries them into rivers, lakes, and groundwater. Some of the major sources and causes of NPS pollution adjacent to waterbodies are erosion and sedimentation (from cleared lots), septic systems, and runoff (carrying oils, chemicals, fertilizers and pesticides). A structure that is placed 75 feet back with vegetation cleared to the edge of the shoreline may increase the threat to water quality and in turn harm fish and wildlife habitat and the aesthetic qualities of the site by increasing the amount of NPS running into the waterbody. Whereas a structure setback of only 45 feet with vegetation retained between the structure and the shoreline may do more to protect water quality. The vegetation can slow runoff, trap sediment, and act as a natural filter to remove pollutants.

Another challenge with the history of setbacks in the Borough is the fluctuating distances and general lack of compliance by property owners. The low compliance is at least partially symptomatic of the lack of understanding of the ordinance’s purpose. This has resulted in inconsistent development around waterbodies and in turn has made enforcement very difficult.

Function of Buffer Zones (Setbacks)

Literature associated with the protection of water quality defines buffer zones or setbacks as corridors of undisturbed natural vegetation or, where this is not present, grass or other erosion resistant vegetation, between a waterbody or wetland and an area of more intensive land use such as residential development. The use of natural buffer zones to protect water resources from pollution is attracting considerable attention within the United States and globally. Early research in this area stemmed from adverse impacts associated with timber and agriculture industries and has since evolved to consider the impacts of urban development including residential, commercial and industrial uses.

To understand the impacts from development, it is important to understand the watershed concept. A watershed includes the entire land form drained by streams and rivers and is the ultimate water source for a lake. The visible area of a watershed is the surface on which rain and snow fall. The larger, invisible portion of the watershed lies beneath the surface where water seeps into the ground. A raindrop travels from a mountain top to a lake in three ways: (1) some is absorbed by the soil; (2) some collects on the ground in depressions; and (3) some flows overland. It is the overland flow or runoff that poses the greatest threat to water quality. With the overland flow, the raindrop forms rivulets, which in turn join to form streams, and the streams join to form rivers, and so on. Whatever that raindrop picks up from the land along its journey ends up in the water. The greater the amount and speed of runoff the greater the potential impacts. The primary benefits of a waterbody setback are:

- **Maintain and Protect Water Quality** – Improve the quality of water passing through the buffer zone by trapping suspended sediments and removal of toxic substances, nutrients and pathogens carried in the surface water runoff.
- **Anchor Shoreline and Stream Banks and Control Erosion** – The shallow water table in the riparian zone makes water available during the growing season, creating a healthy terrestrial plant habitat for both soil and woody-debris-rooted plants. These in turn reduce erosion by anchoring the soil and trapping suspended sediments.
- **Provide Flood Control** – During periods of high runoff riparian and upland wetlands store and convey flood water. This storage function has the dual effect of moderating peak flows during high runoff events and augmenting ground and surface water flows during low runoff periods.
- **Protect Fish and Wildlife Habitat** - Riparian zones typically support greater numbers and diversity of fish and wildlife. Many terrestrial and aquatic animals use this area for foraging and feeding, breeding and rearing their young, and taking protective cover during 1 or more life stage.
- **Promote Scenic, Recreational, and Quality of Life Values** – The setback serves as a physical buffer between human activities on land and on the water. Scenic, recreation and wildlife assets are enhanced by buffer zones and can increase property values. Setbacks around busy recreational lakes and rivers can also help to reduce noise impacts on surrounding land uses.

While most people can agree on the function of a buffer zone, research reveals that the width of setbacks varies greatly. It is generally accepted that the use of buffers is most effective when the setback criteria reflect:

- Site-specific characteristics of the development area (slope, topography, vegetation, vulnerability to soil erosion, surface and groundwater hydrology)
- Type of proposed disturbance or land use
- Existing land uses around streams and lakes within the watershed

- Function of the buffer zone (sediment filtering, shading, shoreline stabilization by vegetation root systems, food and cover for fish and other wildlife)
- Resource aspects of greatest sensitivity and vulnerability to disturbance
- Flexibility in implementation

Unfortunately, this site-specific approach to defining setback distances requires significant resources to inventory all lands, develop a fair implementation process to avoid arbitrary and capricious decisions, and to enforce. For this reason, most governing bodies designate a set distance from a waterbody for structures and include minimum performance standards regulating the use of the buffer zone.

A number of studies have been conducted to understand the relationship of buffer strips of various distances to fish populations and aquatic habitat productivity in affected streams and the effects of development activities on lake water quality. Studies have also examined the effects of development activities which occur adjacent to or in proximity to lakes and streams to determine the actual effects of the disturbance and demonstrable reductions in impact with varying levels of separations (setbacks) between the development and the waterbody. Environmental parameters studied have included changes to:

- Stream flows
- Light intensity
- Water temperature
- Concentrations of suspended and settled sediments
- Presence of large woody debris
- Nutrient loads in surface runoff and groundwater
- Water-transported contaminants such as pesticides, herbicides, and fungicides

Below is a summary of some of the studies reviewed and the buffer widths that are recommended for the resource protection and the protection of fish and aquatic populations:

- **Stream Temperature:** For development or resource extraction activities which entail the removal of overstory vegetation along streams, buffer strips are one of the most effective means for maintaining water temperature in a range and seasonal pattern most beneficial to fish. Buffers greater than **100 feet** have been found to provide as much shade as old growth undisturbed forest. Undisturbed buffer strips from **50 to 100 feet** in width were found to maintain water temperatures with a normal range under some circumstances, partially dependent on stream course orientation and the buffer placement.

- **Erosion and Sedimentation:** In the Pacific Northwest, buffer strips **50 to 100** feet wide reduced stream sedimentation from adjacent patch-timber harvest activities; however, the sediment levels in the stream using the 50 to **100** foot buffer were **still** 50 percent greater than an undisturbed portion of the watershed. A more sensitive indicator of the effects of introduced sediments on streams is the measurement of changes to the permeability of streambed gravels. Streambed permeability has a more direct bearing on the success of survival for developing eggs and egg sac fry present in the gravels of the stream. Logging activities conducted with an adequate stream setback buffer have shown minimal changes to stream gravel permeability. Logging activities that did not incorporate setback buffers were found to decrease stream gravel permeability more than **50** percent for at least **6** years following logging.
- **Large Woody Debris:** Removal of nearly all riparian trees along streams can eliminate the source of large woody debris in second growth forests and old growth forests for a period of **40 to 100** years after disturbance. Associated effects on fish habitat can include changes to riffle and pool frequency and loss of overhanging and undercut banks important to juvenile fish and changes in availability of critical overwintering habitat. For logging activities and similar clearing disturbances, studies have shown that buffer strips of **50 to 425** feet (British Columbia) and **15 to 130** feet (Southeast Alaska) produced more juvenile salmon in the summer and sheltered more juvenile salmon during the winter than areas without buffers.
- **Water Quality:** Buffer strips have been shown to improve or avoid declines in dissolved oxygen concentrations in streams primarily by keeping clearing debris and sediments out of streams and providing shade conditions that maintain natural water temperatures (cooler water contains higher levels of dissolved oxygen). Buffers of **20 to 130** feet have been shown to be effective in preventing logging slash from entering streams in the Pacific Northwest.

Cities and Boroughs throughout the United States and Canada use also setback criteria to protect development structures from the potential effects of flooding, stream bank migration, winter icing and to protect water quality and fish and wildlife habitat. Typically the setbacks are included as part of a more extensive zoning ordinance or Shoreland Protection Ordinance and detailed minimum development standards are used in conjunction with structural setbacks. Development standards typically regulate the type of uses, amount of impervious surfaces, and restrict tree cutting and the clearing of vegetation within the setback zones. Presented below is a summary of representative setbacks/buffer strips used by local governments including the key conditions that must be met as part of the setback.

<i>Location</i>	<i>Setback (from ordinary high water mark)</i>
Municipality of Anchorage Title 21- Stream Protection	<ul style="list-style-type: none"> A minimum of 25 feet wide on either side of the stream No vegetation may be cleared or disturbed, no grading or excavation may be done, and no structures, fill or paving may occur within 15 feet of the stream. Within the stream protection setback, located between 15 and 25 feet from the stream, landscaping is permitted.
Anchorage Wetlands Management Plan 1995 Setbacks from Wetlands	<ul style="list-style-type: none"> Minimum setback is 25 feet. 100 feet from anadromous fish streams 85 feet from certain headwaters and tributaries 65 feet from all other water bodies. Allows for customized setback as part of the permitting process Requires undisturbed buffers between 15 and 25 feet depending on wetland types and interactions Setbacks and buffers shall remain undisturbed to the maximum extent
Willow Sub-Basin Area Plan Logging Buffer (Undisturbed Vegetation) Strips	<ul style="list-style-type: none"> Minimum 50-foot buffer, larger setbacks to be determined on a site-specific basis
Susitna Area Plan - Logging Buffer (Undisturbed Vegetation) Strips	<ul style="list-style-type: none"> Minimum 100 feet from anadromous fish streams or other acceptable measures 100 feet to ¼ mile (greater than 300 feet for visual quality, recreation, and wildlife habitats 100 foot buffer for wetlands greater than 100 acres with a locatable stream outlet 60 foot buffer for wetlands 40 to 100 acres with no locatable stream outlet
Hatcher Pass Management Plan - Logging Buffer (Undisturbed Vegetation) strips	<ul style="list-style-type: none"> 200 foot buffers on specific streams 100 feet on all other perennial streams to include all riparian vegetation (but not less than 50 feet)
Alaska Department of Fish and Game - Timber Harvest Activity Buffer (Undisturbed Vegetation) Strips	<ul style="list-style-type: none"> 100 foot setback buffer from stream or lake shoreline, the upland edge of all stream/lake contiguous wetlands, all fish streams, and all lakes connected by surface drainage to fish streams
Pacific Northwest - Logging Buffer (Undisturbed Vegetation) Strips	<ul style="list-style-type: none"> Recommended 50 to 100 feet
Southeast Alaska - Logging Buffer (Undisturbed Vegetation) Strips	<ul style="list-style-type: none"> Recommended 15 to 130 feet
Department of Environmental Programs, Metropolitan Washington Council of Governments	<ul style="list-style-type: none"> A minimum setback buffer of 20 feet is recommended 100 to 300 feet for adequate removal of the smaller sized sediment particles found in urban runoff
Bellevue, Washington Shoreline Overlay District	<ul style="list-style-type: none"> No clearing, grading, excavating, or fill within 25 feet No commercial parking facilities within 25 feet, 25 foot setback for structures except docks, piers, and boathouses Requires plan indicating methods for preserving shoreline vegetation and control of erosion

Location	Setback (from ordinary high water mark)
York, Virginia Watershed Overlay District	<ul style="list-style-type: none"> 200 foot buffer strip from tributary streams and public water supply reservoirs, maintained in natural state or planted with erosion resistant vegetation
Lake Tahoe Shorezone Tolerance Districts	<p>Explicit development standards are based on physical characteristics for 8 shorezone districts. Three districts are summarized:</p> <ul style="list-style-type: none"> Backshore (defined as the area of wave run-up or instability plus 10 feet – whichever is greater) - Allowable base land coverage in this zone is 1%. Naturally occurring vegetation shall not be removed or damaged unless otherwise authorized under a permit. District 1 (generally the beach area that separates lakes from marshes and wetlands) – Access to the shoreline shall be restricted to planned footpaths which minimize the impact to the backshore. Vegetation shall not be manipulated or otherwise disturbed except when permitted. Districts 2 and 3 – Permitted development may be conditioned upon installation and maintenance of vegetation to stabilize backshore areas and protect eroding areas from further destruction.
Douglas County, Wisconsin Shoreland Protection	<ul style="list-style-type: none"> 75 feet for all buildings except piers, marinas, boathouses Boathouses must be set back 2 feet. Tree cutting – No more than 30 percent of the length shall be clear cut to the depth of the strip. Cutting of the strip shall not create a clear cut opening in the strip greater than 30 feet wide for every 100 feet of shoreline. In the remaining 70% length of the strip, cutting shall leave sufficient cover to screen cars, dwellings, accessory structures (except boathouses) from the water.
Douglas County, Wisconsin	<ul style="list-style-type: none"> Minimum protection zone - 75 feet Moderate protection zone - 100 feet Maximum protection zone - 125 feet
Minnesota Department of Natural Resources	<ul style="list-style-type: none"> Recommends shoreline vegetative buffers of a minimum of 15 to 25 feet 30 feet setbacks will accommodate the needs of most shoreline wildlife
Statewide Standards for Management of Shoreland Areas - Minnesota	<ul style="list-style-type: none"> Setbacks based on density and lot size. Setbacks range from 75 to 265 feet. 40,000 square foot lot with single family home requires 150 foot setback At least 10 feet for accessory structures. Limited clearing of trees and shrubs and cutting and pruning, and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures as well as providing a view to the water from the principal dwelling site in shore and bluff impact zones is allowed provided that: <ul style="list-style-type: none"> The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf on conditions, is not substantially reduced. Along rivers, existing shading of water surfaces is preserved. Impervious surface coverage of lots must not exceed 25 % of the lot area.
Landscape Planning Environmental Applications William Marsh, 1991.	<p>Buffers widths generally greater than 50 to 100 feet in urban areas have been shown to be extremely efficient in sediment removal (up to 90 percent or more) if they meet the following design criteria:</p> <ul style="list-style-type: none"> Continuous grass/turf cover Gentle gradients, generally less than 10 percent Shallow runoff depth, generally not exceeding the height of the grass. In hilly terrain, buffers should be located on upland surfaces and integrated with depression storage and soil filtration measures

Recommended Setback

Properly incorporated into planning, design, permitting, and construction criteria, **setback** buffers are an invaluable tool for minimizing future requirements for mitigation or restoration of disturbed areas. It is recommended that the Borough retain the 75-foot setback and regulate the activities within the setback using performance standards to ensure that the intent of the setback is met. A 75-foot setback is justified for the following reasons:

- A comprehensive scientific evaluation of effective shoreline setback distances in the Borough has not been completed. Due to the magnitude of such a project and limited resources, it is unlikely it will be completed in the near future. In addition, the literature reveals that the widths of setbacks vary significantly even when based on sound scientific research. Literature generally supports site-specific setbacks; however, this is an unrealistic approach with the Borough's limited resources.
- Lacking scientific data gathered along the shorelands of the Mat-Su Borough, a change in the setback is politically unpopular and is a highly charged issue. Those in compliance with the 75-foot setback do not want to see a lesser setback and are concerned about view obstructions and other impacts to the waterbody environment. Regulating agencies and environmental groups would also resist a lesser setback because of adverse impacts and would like to see at least a 100-foot setback. A larger setback could result in more variances being required, increased non-compliance, and lengthy challenges.
- A process still exists to apply for a variance to reduce the setback if it presents the property owner with an undue hardship.
- Literature supports a setback of between 50 and 100 feet with the inclusion of minimum development standards. This indicates that **75** feet is a reasonable distance to offer at least some protection to natural resources under a variety of development scenarios.

Recommended Minimum Performance Standards

Effective performance standards **or** Best Management Practices are enforceable and can be consistently applied to all property owners. This will add increased protection to the Borough's waterbodies as they become more popular and more heavily populated, and it **will** help to bring **Mat-Su** Borough ordinances on shoreline development into compliance with the provision of the Mat-Su Borough Coastal Management Program (MSBCMP) that "proposed uses and activities within 75 feet of the high water line must be reviewed to ensure protection of water quality and fish and wildlife habitat."

Regulation of activities within the 75-foot setback must focus on the following **two** concerns which can have a significant impact on water quality, fish and wildlife habitat, and the aesthetics of shorelands and waterbodies:

- **Loss of riparian vegetation:** Removal of existing vegetative cover in the riparian zone to provide shoreline access for boats, create lawn, or for other activities is likely to lead to erosion and sediment transport in runoff waters into the waterbody. Vegetation in this zone helps to filter sediment, nutrients, and pollutants out of surface runoff, while stabilizing banks, controlling erosion, and dissipating floodwaters. Additionally, many terrestrial and aquatic animals use this area for foraging, breeding and rearing their young, and taking protective cover.
- **Use of impervious surfaces:** An impervious, or nonporous surface is one that will not allow water infiltration such as blacktop, concrete and rooftops. Runoff water from these surfaces increases the rate at which pollutants and excess nutrients are carried the water. Impervious surfaces also interrupt natural drainage patterns and can cause shore degradation through concentration of runoff and erosion.

Uniform application and consistent enforcement of specific performance standards can effectively address the above concerns before development starts, at a point when such measures are both inexpensive to the property owner and easy to implement. Moreover, the following measures will also address visual impacts and can serve to buffer and reduce noise generated on the waterbodies.

1. Preserve a minimum 25-foot wide buffer of undisturbed native vegetation across a total of 30 percent of the parcel's shoreline. **This** zone is a permanent planting and should be left untouched, except for the removal of select or fallen trees. In the remaining 70 percent of the buffer zone, limited clearing of trees and shrubs and cutting and pruning of trees is permitted to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures as well as providing a view to the water from the principal dwelling site is allowed provided that:
 - The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf on conditions, is not substantially reduced.
 - Along rivers, existing shading of water surfaces is preserved.

These provisions shall not apply to the removal of dead, diseased or dying trees.

2. In cases where the following land uses are present within the 75-foot buffer zone, an additional **15-foot** wide vegetative buffer, the same length as the use, must be in place between the use and the shoreline to intercept runoff. Non-native vegetation can be used in this zone.
 - Driveway
 - Parking lot
 - Road
 - Car wash
 - Dog kennels
 - Boat Maintenance and Other Repair Activities
3. Any paved, impermeable, or roofed surfaces within the 75-foot buffer zone must have an infiltration bed of sufficient size to control the velocity and volume of runoff.
4. Impervious surface coverage of lots must not exceed **25** percent of the lot area.
5. Boathouses must be set back 2 feet from the water's edge, and are of a height and color so as not to detract from the natural beauty of the shoreline and shall not be used for human habitation.
6. Development shall be accompanied by a site plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction.
7. **All** structures, accessory buildings and ancillary facilities, other than those related to water use such as **docks**, piers, and boat houses shall be set back a minimum of 30 feet from the ordinary high water mark.
8. Parking shall not be permitted over water or within 30 feet of the shoreline.

In cases where a property owner seeks a variance from the 75-foot buffer, it is recommended that the above performance standards still apply.

Conclusion

Some regulation is necessary to preserve the value and enjoyment of the Borough's waterways, especially as they grow in popularity for residential and recreational use. A recommended **75-foot** setback with minimum performance standards begins to address the protection of water quality and fish and wildlife habitat. In addition, the vegetated setback also serves an important function in the protection of values associated with quality of life to include noise reduction and aesthetics.

However, because water quality is intrinsically linked to the day to day activities of residents and users on and surrounding the waterbody, education is also critical to preserving the resource. Therefore, it is also recommended that in addition to the Matanuska-Susitna Borough's Property Owner's Guide to Shoreline Landscaping, a booklet containing Best Management Practices for waterfront property owners be developed promoting responsible development. Example Best Management Practices might include the following.

- Protect bare soil surfaces. Vegetation **is** the best protection because it both absorbs and uses water. Seed and mulch exposed soil within the watershed as soon as possible after disturbance (gardens, construction sites, etc.).
- Use fertilizer sparingly. **All** fertilizers are carried in runoff and dissolve into the groundwater. Use non-phosphate varieties.
- Do not concentrate or channelize water flow unless absolutely necessary. On undisturbed slopes, water percolates through soil slowly. When all runoff is focused on one spot, such as a culvert or roof gutter, the natural protection of the ground surface is often not sufficient to prevent this extra **flow** from breaking through to bare soil. **If** runoff must be directed, protect the outflow area with an energy dissipator, such as rock or securely anchored brush, that will withstand storm flows.
- Prevent water from running off roads, driveways, roofs or lawns directly into lakes and streams. Direct surface runoffs into natural depressions, or flat, wooded areas, where the water can seep into the around slowly.
- Keep septic tanks maintained. Pump every 2-3 years for year-round homes: every 5-6 years for seasonal cottages. This expense is well worth every penny. Pumping is the key to keeping your septic system working. It *is* far less expensive to pump than to have a new leaching field installed.
- Avoid the use of phosphate containing detergents.
- Don't wash vehicles near the waterbodies.
- Use lawn clippings and leaves as mulch for shrubs and gardens. Pile these where they will not be washed into the waterbodies by heavy rains.
- Don't provide feed for wild ducks and geese. **As** pretty as these may be, large numbers **of** Canada Geese have become major problems and polluters (fecal coliform) of lakes elsewhere in the state.
- Place manure and composting piles as far as you can from the waterbodies or from drains or ditches which lead directly to lakes or streams.
- Limit human use or animal use of vulnerable areas. Trails can channel the **flow**.
- Establish temporary berms during construction to contain runoff overflow.

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DRAFT

October 28, 1998



MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645-6488

Planning and Land Use Department, Code Compliance Division

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SHORELANDS MANAGEMENT STUDY QUESTIONNAIRE

The Planning Department of the Matanuska-Susitna Borough has an FY99 **309** Enhancement Grant from the Alaska Coastal Management Program (ACMP) to study how people want the *shorelands* to be managed. As the communities of the Borough, especially their outdoor activities and amenities, continue to attract new residents, businesses, and visitors, how much value will people place on integrating the natural framework of creeks, rivers, lakes, and drainage basins with the life-styles and economic opportunities of the Borough?

The Planning Department is asking for help from a broad spectrum of interests. Whatever your background, the Borough is interested in your local knowledge, phrasing of problems, and ideas for managing the *shorelands*. How can the *shorelands* be integrated into a community that places great value on private market activities and community organizations, and has a strong dislike for government regulation?

1. What are **your current activities** and **uses** of the *shorelands*?

- | | |
|---|---|
| <input type="checkbox"/> residence
or
second
home | <input type="checkbox"/> walking, bicycling, skiing , or other non -
motorized recreation |
| <input type="checkbox"/> camping or temporary residential use | <input type="checkbox"/> boating, flying, snow machining, or other
motorized recreation |
| <input type="checkbox"/> commercial or industrial business | <input type="checkbox"/> access to waterways |
| <input type="checkbox"/> fishing or hunting | <input type="checkbox"/> sightseeing or traveling through Borough |
| <input type="checkbox"/> guiding or tourism | |
| <input type="checkbox"/> job or work | |

What are your **other activities or uses**?:

2. Does anything **displease, disturb, or threaten** you about uses and activities on the *shorelands*?

- | | |
|---|--|
| <input type="checkbox"/> Disruption from motorized vehicles, boats
and airplanes | <input type="checkbox"/> Fragmented habitat and wildlife systems |
| <input type="checkbox"/> Rudeness among residents, visitors, and
neighbors | <input type="checkbox"/> Flood damage from bluff failure and
changing stream patterns |
| <input type="checkbox"/> Infringement of privacy and property
rights | <input type="checkbox"/> Declining environmental quality |
| <input type="checkbox"/> Declining fishing and hunting
opportunities | <input type="checkbox"/> Crowded recreation and tourism
destinations |
| <input type="checkbox"/> Interference with private market | <input type="checkbox"/> Limited public access to public lands and
waters |
| <input type="checkbox"/> Shrinking of job opportunities | <input type="checkbox"/> Loss of heritage and damage to artifacts |

DRAFT

September 29, 1998

Can you identify other **problems** and **threats** regarding *shorelands*?:
What do you **want to see happen** on the *shorelines*?

- | | |
|--|--|
| <input type="checkbox"/> A linked and adequate system of habitat for small and large wildlife | <input type="checkbox"/> Encouragement of commercial and industrial patterns that incorporate the values of <i>shorelands</i> |
| <input type="checkbox"/> Positive protections of anadromous streams in development projects | <input type="checkbox"/> Identification of access and other needs of resource based industries |
| <input type="checkbox"/> Encouragement of existing riparian vegetation and protection of natural systems in developing areas | <input type="checkbox"/> Preservation of quality recreational and tourism opportunities |
| <input type="checkbox"/> Protection of the native vegetation, soils, and waterways in large natural areas | <input type="checkbox"/> Friendliness and cooperation among neighbors, visitors, and residents |
| <input type="checkbox"/> An overall system to avoid the dangers to life and property from flooding | <input type="checkbox"/> Identification and integration of heritage resources in <i>shorelands</i> activities and uses |
| <input type="checkbox"/> Identification of development opportunities and incentives that are consistent with <i>shorelands</i> | <input type="checkbox"/> Public procedures that encourage partnerships and a cooperative spirit to protect and develop <i>shorelands</i> |
| <input type="checkbox"/> Integration of <i>shorelands</i> with fire safety | |

What else would you **like to happen** in the *shorelands*?

4. What can be done to better manage the *shorelands*?

- | | |
|--|--|
| <input type="checkbox"/> Maintain existing rules regarding the 75 feet setback | <input type="checkbox"/> Protection of valuable existing uses and activities from more intense development |
| <input type="checkbox"/> Easier methods for the public to follow | <input type="checkbox"/> Significant incentives to encourage appropriate development in <i>shorelands</i> |
| <input type="checkbox"/> Graphic examples of riparian vegetation and improvements | <input type="checkbox"/> Nurturing of partnerships and resource sharing arrangements among organizations |
| <input type="checkbox"/> Funding for pilot projects that others may follow | <input type="checkbox"/> Outreach and public information programs to encourage and motivate private businesses |
| <input type="checkbox"/> Mapping of potential development and significant preservation areas | |
| <input type="checkbox"/> Improvements and vegetation in accord with a plan that will protect the <i>shorelands</i> | |
| <input type="checkbox"/> Discouragement of patterns that result in cumulative impacts | |

What other **methods or tools** could be used to manage the *shorelands*?

FURTHER COMMENTS:

If you are interested in providing additional information, specialized knowledge, or insight, or participating in the Advisory Committee or the other *shorelands* activities please indicate your **name, phone number, fax, e-mail, and/or mailing address**:

**PLEASE FOLD AND MAIL
THIS SELF-ADDRESSED AND STAMPED QUESTIONNAIRE**

DRAFT

October 28, 1998



MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645-6488

Planning and Land Use Department, Code Compliance Division

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SHORELANDS MANAGEMENT STUDY SHORELANDS STEERING COMMITTEE (INTERIM)

AGENDA

(anticipation of public process and study)

INTRODUCTIONS

APPROVAL OF AGENDA

HANDY MEETING RULES

(consensus of people at meeting)

- e One person speaks at a time
- e Briefly Identify yourself, interests, and background
- e Practice good listening skills
- e Do not repeat comments of others
- e Keep comments brief and on the subject
- e Avoid being judgmental of others
- e Share your background and information openly
- e Defer to the meeting coordinator
- e Seek consensus and avoid group voting and decision-making
- e Place objectives of study and borough above special interests

PURPOSE OF PROJECT

Review of staff information and background

Background, input, and questions from others

IDENTIFICATION OF PEOPLE AND INTERESTS TO HELP WITH STUDY

*(This is the **focus** and most important activity of the meeting-see attached memo*

The remainder of the agenda is for your information and comment)

Interests

Groups

People

PUBLIC PROCESS AND INFORMATION

DRAFT

October 28, 1998

Schedule
Questionnaires
Interim Steering Committee
Public Forum
Workshops
Announcements and newsletters

SHORELANDS MANAGEMENT STUDY

Background and literature review
Issues and problems
Goals and objectives
Management Policies and Strategies

CHAPTER 17.55: SETBACKS AND SCREENING EASEMENTS

Section

17.55.004 Definitions**17.55.005 General****17.55.010 Setbacks****17.55.015 Shorelands; definition [Repealed]****17.55.020 Setbacks for shorelands****17.55.040 Violations, enforcement, and penalties****17.55.004 DEFINITIONS.**

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- “Aircraft hangar” means a roofed structure which is used to completely or partially enclose and store aircraft and aircraft accessories.
- “Boathouse” means a roofed structure which is used to completely or partially enclose and store boats and boating accessories.
- “Building” means any structure intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.
- “Building line” means the line of that part of the building nearest the property line.
- “Dedication” means the reservation of land to a public use by the owner manifesting the intention that it shall be accepted and used presently or in the future for such public purpose. A dedication by the owner under the terms of this section is a conveyance of an interest in property which shall be deemed to include the warranties of title listed in A.S. 34.15.030. The dedication of streets, alleys, sidewalks, or public open space shall convey a fee interest in the area dedicated. The dedication of all other public rights-of-way shall be deemed to create an easement in gross to perform the indicated function in the area depicted.
- “Engineer” means a registered professional civil engineer authorized to practice engineering in the state of Alaska.
- “Incidental” means subordinate and minor in significance and bearing a reasonable relationship to the primary

use.

- “Lot” means the least fractional part of subdivided lands having limited fixed boundaries and having an assigned number, or other name through which it may be identified.
- “Lot depth” means the average distance between front and rear lot lines.
- “Lot frontage” means all property abutting the right-of-way of a dedicated street or road easement, measured along the right-of-way between side lot lines of a lot.
- “Lot width” means the average distance between side lot lines.
- “Ordinary high water mark” means the mark made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and character of the vegetation and soil on the other side of the mark.
- “Parcel” means an unsubdivided plot of land.
- “Right-of-way” means a strip of land reserved, used, or to be used for a street, alley, walkway, airport, or other public or private purpose.
- “Structure” means anything that is constructed or created and located on or above the ground, or attached to something fixed to the ground. For purposes of minimum setbacks and building separation requirements, the following are not considered structures unless specifically addressed by code: signs; fences; retaining walls; parking areas; roads, driveways, or walkways; window awnings; a temporary building when used for 30 days or less; utility boxes and other incidental structures related to utility services; utility poles and lines; guy wires; clotheslines; flagpoles; planters; incidental yard furnishings; water wells; monitoring wells; and/or tubes, patios, decks, or steps less than 18 inches above average grade.
- “Subdivision” means the division of a tract or parcel of land into two or more lots, sites, or other divisions, or the combining of two or more lots, tracts, or parcels into one lot, tract, or parcel for the purpose, whether immediate or future, of sale or lease for more than ten years, including any resubdivision and when appropriate to the context, the process of subdividing or the land actually subdivided.
- “Surveyor” means a professional land surveyor who is registered in the state of Alaska.
- “Utility box” means electric transformers, switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, and similar devices.
- “Utility services” means the generation, transmission, or distribution of electricity, gas, communications, and

municipal water and sewer systems.

(Ord. 22-063, § 3, 2022; Ord. 21-019, § 2, 2021; Ord. 17-088(SUB), § 2, 2017; Ord. 13-164, §§ 2, 3, 2013; Ord. 93-042, § 2 (part), 1993; Ord. 89-072, § 2 (part), 1989; Ord. 88-221, § 2 (part), 1988)

17.55.005 GENERAL.

This chapter establishes minimum structural setbacks from lot lines, water courses and water bodies, rights-of-way, and specific screening easements for certain lands within subdivisions in the Matanuska-Susitna Borough except where otherwise specified in special land use district regulations within this title.

(Ord. 03-053, § 2, 2003; Ord. 88-190, § 3 (part), 1988)

17.55.010 SETBACKS.

(A) No structure or building line shall be placed within 25 feet from the right-of-way line of any public right-of-way, except no furthestmost protruding portion of any structure shall be placed within ten feet from the right-of-way line of any public right-of-way when the pre-existing lot:

(1) measures 60 feet or less in frontage on a public right-of-way, and is not located on a cul-de-sac bulb;
or

(2) comprises a nonconforming structure erected prior to July 3, 1973. This setback shall be known as the structure or building line setback.

(B) Except where specifically provided other-wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line.

(C) Except as otherwise specified by code, eaves may project a maximum of three feet into required setback areas.

(D) The setback requirements of this section do not apply to property within the cities of Palmer and Wasilla.

(E) If a condemnation by a governmental agency reduces the building line setback of a structure below 25 feet, but there remains at least ten feet setback, and the setback reduced by the condemnation met the requirements of this section prior to the condemnation, the resulting setback shall be the setback requirements for the lot.

(F) For purposes of this chapter, commercial or industrial buildings on separate but adjacent parcels, which otherwise meet the setback requirements, may have connecting pedestrian walkways, enclosed or not.

Pedestrian walkways:

(1) shall not contribute to the building area or the number of stories or height of connected buildings; and

(2) must comply with the current adopted edition of the International Building Code, except that the

outside width of the walkway shall not exceed 30 feet in width, exclusive of eaves.

(G) No furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from railroad rights-of-way, except that utilities and rail dependent structures may extend up to railroad rights-of-way.

(Ord. 11-159, § 2, 2011; Ord. 11-019, § 2, 2011; Ord. 93-042, § 2 (part), 1993; Ord. 88-190, § 3 (part), 1988)

17.55.015 Shorelands; definition. [Repealed by Ord. 17-088(SUB), § 3, 2017]

17.55.020 SETBACKS FOR SHORELANDS.

(A) Except as provided in subsection (B) of this section, no structure or footing shall be located closer than 75 feet from the ordinary high water mark of a body of water. Except as provided otherwise, eaves may project three feet into the required setback area.

(B) Docks, piers, marinas, aircraft hangars, and boathouses may be located closer than 75 feet and over the water, provided they are not used for habitation and do not contain sanitary or petroleum fuel storage facilities. Structures permitted over water under this subsection shall conform to all applicable state and federal statutes and regulations.

(1) Boathouses or aircraft hangars which are exempt from a minimum shoreline setback for structures shall:

- (a) be built over, in, or immediately adjacent to a waterbody and used solely for storing boats and boating accessories;
- (b) be designed, constructed and oriented for primary access by boats or aircraft directly to a waterbody;
- (c) not have more than incidental accessory access to a street or driveway; and
- (d) not be usable as a garage or habitable structure without significant alteration.

(C) In the city of Wasilla, this section does not apply to structures where construction was completed prior to November 16, 1982. Elsewhere in the borough, this section does not apply to structures where construction was completed prior to January 1, 1987, if the present owner or owners of the property had no personal knowledge of any violation of the requirements of this section prior to substantial completion of the structures. The director of the planning department shall, upon application by a property owner, determine whether a property qualifies for an exception under this subsection.

(1) An application for a shoreline setback exception shall include a filing fee as established by resolution of the assembly.

(D) In this section, a “structure” is any dwelling or habitable building or garage.

(E) No part of a subsurface sewage disposal system shall be closer than 100 feet from the ordinary high water mark of any body of water. The planning commission shall require this distance be increased where necessary to protect waters within the borough.

(Ord. 17-088(SUB), § 4, 2017: IM 96-019, page 1, presented 3-19-96; Ord. 93-095, § 2, 1993; Ord. 93-042, § 2 (part), 1993; Ord. 90-052, § 3, 1990; Ord. 88-190, § 3 (part), 1988; initiative election of 5-5-87)

17.55.040 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Except as otherwise specified in this chapter violations of this chapter are infractions.

(B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(Ord. 95-088(SUB)(am), § 26 (part), 1995)

CHAPTER 17.65: VARIANCES

Section

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17.65.010 INTENT.

This chapter addresses variances not otherwise addressed within this title. It is not intended that this chapter replace or supersede variance regulations of other chapters within this title, nor is it intended that this chapter address variances to conditional uses.

(Ord. 90-56, § 3 (part), 1990)

17.65.020 REQUIREMENTS FOR GRANTING A VARIANCE.

(A) In order to grant a variance to the regulations of MSB title 17, the planning commission must find that each of the following requirements has been met:

- (1) There are unusual conditions or circumstances that apply to the property for which the variance is sought.
- (2) The strict application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties under the terms of this title.
- (3) The granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.

(4) The granting of the variance will be in harmony with the objectives of this title and any applicable comprehensive plans.

(5) The deviation from the requirement of this title that is permitted by the variance will be no more than is necessary to permit a reasonable use of the property.

(Ord. 90-56, § 3 (part), 1990)

17.65.030 CASES WHERE VARIANCE IS ILLEGAL.

(A) A variance from this title may not be granted if:

- (1) special conditions that require the variance are caused by the person seeking the variance;
- (2) the variance will permit a land use in a district in which that use is prohibited;
- (3) the variance is sought solely to relieve pecuniary hardship or inconvenience.

(Ord. 90-56, § 3 (part), 1990)

17.65.040 VARIANCE; CONDITIONS OF APPROVAL.

(A) The planning commission, in granting a variance, may prescribe any conditions and safe-guards that it deems to be necessary or desirable to:

- (1) assure conformity with this title and any applicable comprehensive plans;
- (2) protect adjacent properties;
- (3) protect the public health, safety and welfare.

(Ord. 90-56, § 3 (part), 1990)

17.65.050 INITIATION OF A VARIANCE REQUEST.

(A) A request to the planning commission for a variance to the requirements of MSB title 17 may be initiated by the property owner or the manager's authorized agent.

(B) A variance application shall be filed with the planning director on a form provided by the planning department.

(C) An application for a variance shall include:

- (1) a legal description of the property involved;

- (2) a description of the variance requested, including the code section reference;
- (3) a specific statement of the reasons why the variance is required and conforms to the requirements of MSB [17.65.020](#);
- (4) a site plan or as-built of the particular parcel or parcels affected, submitted under the seal of a professional land surveyor, which shows all information relevant to the variance request;
- (5) an appropriate filing fee as established by the assembly, payable to the borough.

(Ord. 90-56, § 3 (part), 1990)

17.65.070 PLANNING COMMISSION ACTION.

The planning commission shall hear any interested parties and shall render a written decision on the variance application within 30 calendar days from the closure of public hearing.

(Ord. 90-56, § 3 (part), 1990)

17.65.080 RECORD OF VARIANCES.

The planning department shall keep a record of all variances.

(Ord. 90-56, § 3 (part), 1990)

17.65.090 TERMINATION OF VARIANCES.

(A) Any variance granted shall become null and void if:

- (1) the variance is not exercised within one year after being granted;
- (2) any structure or characteristic of use permitted by a variance is moved, removed or discontinued.

(Ord. 90-56, § 3 (part), 1990)

17.65.100 APPEAL PROCEDURE.

Decisions by the planning commission on a variance application may be appealed to the borough board of adjustment and appeals. Appeals shall be filed and conducted in accordance with MSB 15.39.

(IM 96-013, page 1 (part), presented 3-19-96; Ord. 90-56, § 3 (part), 1990)

17.65.110 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Except as otherwise specified in this chapter violations of this chapter are infractions.

(B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(Ord. 95-088(SUB)(am), § 30 (part), 1995)

CHAPTER 17.80: NONCONFORMING STRUCTURES

Section

[17.80.010 Intent](#)[17.80.020 Legal nonconforming structures](#)[17.80.030 Fees](#)[17.80.040 Written determination required](#)[17.80.050 Nonconforming lots of record](#)[17.80.060 Standards for nonconforming structures](#)[17.80.070 Application for a determination of legal nonconforming status](#)[17.80.080 Repairs and maintenance](#)[17.80.090 Restoration of damaged property](#)[17.80.100 Termination of nonconformities](#)[17.80.110 Violations and enforcement](#)**17.80.010 INTENT.**

(A) Within the Matanuska-Susitna Borough there may exist lots, permanent structures, and uses of land and structures, which were lawful before the effective date of the applicable regulations but which would be prohibited, regulated or restricted under the terms of current regulations, or a future amendment. Except as otherwise provided by code, it is the intent of this chapter to permit nonconforming permanent structures to remain until they are removed or abandoned but not to encourage their perpetuation. It is not intended that this chapter replace or supersede nonconformity regulations in other chapters within this title. This ordinance is promulgated pursuant to AS 29.40.040(A)(2) "Land Use Regulations" and encourages the minimization of the unfavorable effects of the construction of structures that do not conform to code.

(B) Nothing in this chapter requires a change in the plans or construction of any building actually under construction or development prior to the effective date of adoption of this ordinance as long as the building was allowable under the code in effect at the start of development. Where excavation, demolition or removal of an existing building has begun in preparation of rebuilding, such excavation, demolition or removal shall be considered to be actual construction or development, provided that continuous progress is being made toward

completion of the project. Development is defined as any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(Ord. 95-011(SUB1), § 3 (part), 1995)

17.80.020 LEGAL NONCONFORMING STRUCTURES.

(A) The following structures qualify as legal nonconforming structures without an administrative determination, however, an administrative determination may be issued if requested by the property owner:

- (1) structures built lawfully and made nonconforming by adoption of subsequent ordinances;
- (2) structures built in violation of the ordinance existing at the time of construction, then made legal by adoption of subsequent ordinance, and later made nonconforming by adoption of subsequent ordinances;
- (3) permanent structures which were constructed lawfully after the date of adoption of the Acknowledgement of Existing Regulations, Chapter 17.01, but which were made unlawful after the date of start of construction due to adoption of subsequent regulations.

(B) The following structures require an administrative determination in order to be granted legal nonconforming status;

- (1) structures granted a variance in accordance with Chapter 17.65;
- (2) structures built in violation of shoreline setback ordinances existing at the time of construction, and subsequently granted an exemption from shoreline setbacks in accordance with MSB 17.55.020(C);
- (3) permanent structures built in violation of ordinances existing at the time of construction, and subsequently granted legal nonconforming status in accordance with MSB [17.80.070](#).

(Ord. 95-011(SUB1), § 3 (part), 1995)

17.80.030 FEES.

(A) Applications for determination of legal nonconforming status, made pursuant to MSB [17.80.020](#)(A)(1), (2) and (3), and (B)(1) and (2), are not subject to fees set forth in MSB [17.80.070](#).

(B) Applications for determination of legal nonconforming status, made pursuant to MSB [17.80.020](#)(B)(3) are subject to fees as set forth in MSB [17.80.070](#).

(Ord. 95-011(SUB1), § 3 (part), 1995)

17.80.040 WRITTEN DETERMINATION REQUIRED.

Nonconforming structures, covered under MSB [17.80.020](#)(B)(3), shall not have legal nonconforming status for purposes of this chapter unless a written administrative determination of legal nonconforming status has been issued by the planning director, pursuant to MSB [17.80.070](#).

(Ord. 95-011(SUB1), § 3 (part), 1995)

17.80.050 NONCONFORMING LOTS OF RECORD.

Structures and accessory buildings may be erected on nonconforming lots of record as long as they meet all applicable provisions of code. This provision shall apply even though the lot fails to meet the requirements for area, or width, or both, currently applicable.

(Ord. 95-011(SUB1), § 3 (part), 1995)

17.80.060 STANDARDS FOR NONCONFORMING STRUCTURES.

(A) Where a permanent structure exists that could not be built under the terms of the current regulations, the structure may continue to exist as long as it remains lawful subject to subsections (1) through (4) of this subsection. However:

(1) a nonconforming structure may not be enlarged or altered in any way unless the alteration or enlargement is otherwise specifically allowed by code. Any nonconforming structure or portion of a nonconforming structure may be altered to decrease its nonconformity.

(2) a nonconforming structure may not be enlarged or altered vertically or horizontally in a way which would increase the height, width, depth, area, or volume of the structure except as specifically allowed by current code for similar new structures in that location. A nonconforming structure which straddles a required minimum setback line may be expanded vertically or horizontally only where the expansion is located outside the minimum setback distance.

(3) the physical location of a nonconforming structure may be changed only to reduce or eliminate the nonconformity.

(4) an existing structure devoted to a use not permitted by code shall not be enlarged, extended, moved, or structurally altered.

(B) Structures found in violation of any of the standards set forth in subsection (A) of this section, are not eligible for a determination of legal nonconforming status.

(C) Structures which are in trespass are not eligible for a legal nonconforming status determination.

(D) *[Repealed by Ord. 17-142, § 3, 2018]*

(E) The planning director may not grant legal nonconforming status, pursuant to MSB [17.80.070](#), unless the applicant provides evidence that the structure was erected prior to the adoption of the Acknowledgment of Existing Land Use Regulations, MSB 17.01.

(F) The planning director will consider public health, safety, and welfare concerns raised in comments received pursuant to MSB [17.80.070](#)(C) when making a determination whether to grant a legal nonconforming determination.

(Ord. 17-142, § 3, 2018; Ord. 01-016, § 2, 2001; Ord. 95-011(SUB1), § 3 (part), 1995)

17.80.070 APPLICATION FOR A DETERMINATION OF LEGAL NONCONFORMING STATUS.

(A) An application for a determination of legal nonconforming status may be initiated by the property owner or his authorized agent. The application shall be filed with the planning director on a form provided by the planning department. The application shall be accompanied by a nonrefundable application fee, established by the assembly, and made payable to the Matanuska-Susitna Borough. The planning director may not grant legal nonconforming status unless the applicant provides evidence that the structure was erected prior to the adoption of the Acknowledgment of Existing Land Use Regulations chapter except as noted herein.

(B) In addition to the completed application form, the submittal shall contain the following items:

- (1) description and photographs of the structure;
- (2) as-built drawing(s), prepared by a professional surveyor, registered in the state of Alaska, verifying the location(s) or the structure(s);
- (3) any other documentation the planning director may deem necessary to evaluate the application.

(C) When an application is submitted, the borough shall give notice of the application by publication in a newspaper of general circulation in the borough at least 15 calendar days before the earliest date the planning director may render a decision.

(D) Notice of the application shall be mailed to owners of all property within 600 feet of the lot lines of the property containing the nonconforming structure at least 10 calendar days prior to the earliest date upon which the planning director may make a final decision on the application. The notice shall contain the following:

- (1) the earliest date a decision may be rendered;
- (2) brief description of the application;
- (3) a vicinity map of the area surrounding the subject property;
- (4) legal description of the subject property;

- (5) the names of the applicants and owners of the subject property;
- (6) the planning department's telephone number; and
- (7) identify the location where the application and other supporting material will be available for public inspection.

(E) Prior to the date of the decision, the applicant shall pay the cost of all mailings or advertisements required by this section.

(Ord. 95-011(SUB1), § 3 (part), 1995)

17.80.080 REPAIRS AND MAINTENANCE.

Except as otherwise addressed by code, nothing in this chapter shall prevent keeping in good repair a nonconforming permanent building or a building in which a nonconforming use is conducted. However, any building that is declared by an authorized official to be unsafe or unlawful by reason of physical condition shall not be restored, repaired or rebuilt in violation of the standards set forth in MSB [17.80.060](#)(A).

(Ord. 95-011(SUB1), § 3 (part), 1995)

17.80.090 RESTORATION OF DAMAGED PROPERTY.

(A) Except as otherwise addressed by borough code, nothing in this ordinance shall prevent restoration and subsequent continued occupancy and use of a permanent building destroyed to up to 50 percent of its replacement value by fire, explosion, or other casualty or act of God.

(B) A dwelling made nonconforming through adoption or amendments to Title 17, Zoning, may be replaced or reconstructed within two years after accidental damage or accidental destruction by fire, explosion, or other casualty or act of God. Reconstruction or replacement not completed within two years of the date of the damage is prohibited except in compliance with current regulations. Replacement or reconstruction may be undertaken in the same three dimensional space that it occupied prior to damage or destruction even though the damage or destruction exceeded 50 percent of its replacement value provided it was a legal structure at the date of construction. Except as otherwise specifically allowed by code, reconstruction and replacement shall not increase the height, depth, area, or volume of the structure beyond that which existed on the date the structure became a pre-existing legal nonconforming structure.

- (1) The borough manager may grant a one time extension of the allowed time to complete rebuilding of a pre-existing legal nonconforming structure which is otherwise eligible for reconstruction under this section. To grant the time extension authorized under this section, the borough manager must find from evidence presented that:

(a) the requirement to rebuild within two years from the date of destruction would result in undue hardship on the applicant;

(b) the applicant diligently pursued reconstruction during the original two-year period; and

(c) the need for an extension is caused by unforeseen and unavoidable circumstances beyond the control of the applicant.

(2) The extension shall be for a specific amount of time, not to exceed three years from the original two-year deadline.

(3) An application for the three-year extension of time to rebuild a pre-existing legal nonconforming structure shall be submitted in writing to the borough manager and shall provide sufficient detail to describe the proposed structure and its compliance with applicable borough code. The application must also contain the evidence required by MSB [17.80.090](#)(B)(1)(a-c).

(4) The borough manager will review the application and make a decision regarding the request. A public hearing is not required. Appeals of this decision are as prescribed in MSB 15.39.030.

(C) The percentage of loss, under MSB [17.80.090](#)(A) and (B) shall be determined by an independent adjuster or appraiser who is Financial Institutions Reform and Recovery Enforcement Act (FIRREA) certified or the appraisal must be accompanied by the appraiser's license number and certification of type of appraisal they are licensed to perform.

(Ord. 01-016, § 3, 2001; Ord. 99-197, § 2, 1999; Ord. 95-011(SUB1), § 3 (part), 1995)

17.80.100 TERMINATION OF NONCONFORMITIES.

When a legal nonconforming permanent structure is abandoned for a period of one year or more, the building shall not then be used except in compliance with this chapter. For the purposes of this chapter, abandonment means discontinuation or failure to complete construction and begin use, for a continuous period of more than one year. Whether the property owners intended to abandon the structure is not relevant to an abandonment determination. Reconstruction of a damaged nonconforming structure is not prohibited after the one-year period if the reconstruction was prohibited due to lawful orders issued by a court or in the course of an arson or criminal investigation.

(Ord. 95-011(SUB1), § 3 (part), 1995)

17.80.110 VIOLATIONS AND ENFORCEMENT.

Violations and enforcement of this chapter shall be consistent with the terms and provisions of Chapter 17.56.

(Ord. 95-011(SUB1), § 3 (part), 1995)

CHAPTER 17.125: DEFINITIONS

Section

17.125.005 General provisions

17.125.010 Definitions

17.125.005 GENERAL PROVISIONS.

(A) The definitions listed in this section shall apply to the words and phrases used in MSB Title 17 unless otherwise described within the individual chapters.

- (1) Words used in the present tense shall include the future.
- (2) Words in the singular number shall include the plural number and the plural number shall include the singular.
- (3) The word “shall” is mandatory.
- (4) The words “include,” “including,” and “includes” shall be interpreted as being followed by the phrase “but not limited to.”
- (5) The word “lot” includes the words “plot” and “parcel.”

(B) In instances where a word is not included in this section nor in the applicable section, reference will be made first to the most recent publication of “The Illustrated Book of Development Definitions” then to “The Zoning Dictionary” by Lehman and Associates, then to “Webster’s New Universal, Unabridged Dictionary.”

(Ord. 05-125(SUB)(AM), § 2 (part), 2005)

17.125.010 DEFINITIONS.

- “Access” means a legal way or means of approach to provide physical ingress or egress to a property.
- “Accessory building” means a building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.
- “Accessory use” means a use or structure incidental and subordinate to the principal use or structure on a parcel of land, is on the same parcel as the principal use or structure, and is a use or structure commonly associated with the principal use or structure and integrally related to it. Some examples are: private garages or storage sheds on residential property or barns on agricultural property.
- “Administrative permit” means a written document issued administratively which may specify controls,

restrictions and safeguards on the administratively permitted activity to ensure compatibility with permitted uses.

- “Adult bookstore” means a commercial establishment where at least 51 percent of its interior floor area or retail merchandise is devoted to the sale, rent, lease, inspection, or viewing of books, films, video cassettes, magazines, or other media or periodicals whose dominant theme is actual or simulated specified sexual activities, display or exhibition of specified anatomical areas, removal of articles of clothing, or total nudity.
- “Adult business” means any bookstore, adult cabaret, adult escort service, adult massage service, adult mini-theater, or adult motion picture theatre.
- “Adult cabaret” means a restaurant, coffee house, or cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers who provide live adult entertainment for commercial purposes at any time or any number of times.
- “Adult entertainment” means any motion picture, live performance, display, or dance of any type whose dominant theme is actual or simulated specified sexual activities, display or exhibition of specified anatomical areas, removal of articles of clothing, or total nudity, whether live or by shadow effects, offered for commercial purposes.
- “Adult escort” means a person who, for monetary consideration such as a fee or tip, or for other non-monetary consideration, agrees or offers to act as a companion, guide, or date that may provide services such as modeling lingerie, adult entertainment, adult massage service, or similar activities.
- “Adult escort service” means a person or business that, for monetary consideration such as a fee or tip, or for other non-monetary consideration, furnishes or offers adult escorts.
- “Adult massage service” means a person or business that, for monetary consideration such as a fee or tip, or for other non-monetary consideration, furnishes or offers massages or related services, for which the service providers do not have a license for the practice of that profession or vocation as regulated under Alaska Statute Title 8, or which also provides adult entertainment.
- “Adult mini-theater” means an enclosed building with a capacity of less than 50 persons used for the purpose of displaying adult entertainment through films, video, or other motion pictures for commercial purposes.
- “Adult motion picture theater” means an enclosed building with a capacity of 50 or more persons used for the purpose of displaying adult entertainment through films, video, or other motion pictures for commercial purposes.
- “Adverse impact” means a condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on other properties and facilities.
- “Affordable housing” means housing renting for monthly rent of not more than 30 percent of the total monthly

household income of low income households (defined to be household earnings less than 80 percent of the median annual income adjusted for household size, as determined by the United States Housing and Urban Development Department); or housing that may be purchased with monthly payments including: principal, interest, taxes, insurance, homeowner association fees, and assessments that do not add up to more than 30 percent of the total monthly household income of low income households.

- “Agricultural” means the production and harvest or care of plants, animals, birds, fish, bees, and other organisms by humans for use in providing food, fuel, fiber, shelter, travel, clothing, energy, and aesthetics.
- “Allowed use” means a use of land or a structure, which is permissible by right or condition within a certain zoning district according to the regulations of this code.
- “Amateur radio tower” means any tower used for amateur radio transmissions consistent with the “Complete Federal Communications Commission U.S. Amateur Part 97 Rules and Regulations” for amateur radio facilities.
- “Americans with Disabilities Act (ADA)” means a 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.
- “Ancillary structure” means any form of development associated with a telecommunication facility, including but not limited to: foundations, concrete slabs on grade, guy wires, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.
- “Angle of repose” means the steepest angle material can be piled without slumping.
- “Antenna” means any apparatus designed for the transmitting or receiving of electromagnetic waves. Types of antenna include, but are not limited to: omni-directional antennas, directional antennas, multi or single bay, yagi, or parabolic antennas.
- “Applicant” means a person or authorized representative submitting an application for development.
- “Aquifer” means a formation, a group of formations, or part of a formation that contains sufficient saturated permeable material to yield economical quantities of water to wells and springs.
- “Batch plant” means a plant or equipment used for production of asphalt or concrete.
- “Bedroom” means a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.
- “Berm” means an earthen mound designed to provide visual interest, screen undesirable views, decrease noise, or control or manage surface drainage.

Matanuska-Susitna Borough Code CHAPTER 17.125: DEFINITIONS

- “Bioswales” means open channels that usually possess a dense cover of grasses and other herbaceous plants through which runoff is directed during storm events. Bioswales allow runoff to infiltrate.
- “Breakpoint technology” means the engineering design of a tower wherein a specified point is designed to have stresses concentrated so that the stress point is at least 5 percent more susceptible to failure than any other point along the structure. In the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the tower.
- “Broadcast facilities” means a tower, antennas, or antenna arrays for FM/TV/HDTV broadcasting transmission facilities, and tower(s) utilized as antennas for an AM broadcast station that are licensed by the Federal Communications Commission.
- “Buffer” means a method of protection against negative impacts, which provides a physical separation or barrier.
- “Building” means any structure, including mobile homes, intended for the shelter, housing, or enclosure of any person, animal, process, equipment, goods, use, materials, or services of any kind or nature.
- “Cabin” means any residential building no greater than 800 square feet in gross floor area.
- “Capture area” means the area on the surface of the ground where infiltrating water will travel to a drinking water well.
- “Caretaker” means a person(s) who takes care of land, dwellings, animals, or belongings when an owner is absent.
- “Certified site plan” means a site plan that is prepared and sealed by an architect, professional engineer or land surveyor, authorized to engage in that profession by the state of Alaska. The certified site plan shall be at a scale of one inch equals 50 feet (or less) showing dimensions and locations of all existing and proposed development on the site in relationship to all property lines.
- “Character” means those attributes, qualities, and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.
- “Circulation” means systems, buildings, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, and airways.
- “Collocation” means the installation of antennas and associated equipment from more than one provider on a single structure.
- “Commencement of construction or placement” means the first placement of permanent construction of a

building on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a building upon a foundation.

- “Commercial use” means a land use, business enterprise, or vehicle maintained for the purpose of buying or selling goods or services.
- “Commission” means the Matanuska-Susitna Borough Planning Commission.
- “Compatible design” means the visual relationship between adjacent and nearby buildings and the immediate streetscape, in terms of a consistency of materials, colors, building height, building elements, building mass, and other constructed elements of the urban environment, such that abrupt or severe differences are avoided.
- “Conditional use” means a use of a structure or land, which may be allowed by the planning commission after a public hearing and review and subject to certain prescribed or imposed conditions.
- “Conditional use permit (CUP)” means a written document which may specify controls, restrictions and safeguards on the conditional permitted activity to ensure compatibility with permitted uses.
- “Conditions of approval” means requirements established by the borough before preliminary or final approval of an application becomes effective.
- “Confined aquifer” means an aquifer which is bounded above and below by formations of impermeable or relatively impermeable material. An aquifer in which ground water is under significantly greater pressure than atmospheric pressure and its upper limit is the bottom of a bed of distinctly lower hydraulic conductivity than that of the aquifer itself. Confined aquifer is synonymous with artesian aquifer.
- “Confining layer” means a geologic bed or layer that retards but does not necessarily prevent the flow of water. A confining layer does not readily yield water to wells or springs. Confining layer is synonymous with aquitard.
- “Contiguous acres” includes acreage that may be separated by a highway or railroad.
- “Deciduous” means plants that drop their foliage annually before becoming dormant.
- “Density” means the number of dwelling units allowed per area of a development site or parcel.
- “Design standards” means a set of regulations defining parameters to be followed in site and building design and development.
- “Designee” means the director or his/her duly authorized representative.
- “Developer” means the legal or beneficial owner or owners of a lot or of any land included in a proposed

development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such lands.

- “Development” means the construction, reconstruction, conversion, structural alteration, relocation, placement, or enlargement of any building.
- “Director” means the director of planning and land use.
- “Dog mushing” means a transport method powered by one or more dogs for sport or paid service.
- “Drainage plan” means a plan that is prepared and stamped by a civil engineer authorized to operate in the state of Alaska, which contains the following:
 - (a) background information:
 - (i) project description;
 - (ii) existing (predevelopment) conditions; and
 - (iii) proposed future (development) conditions.
- “Duplex” means a structure containing two dwelling units, each of which has direct access to the outside.
- “Dwelling unit” means one or more rooms, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- “Earth materials” includes those natural resources such as sand, rock, gravel, soil, peat moss, sphagnum, stone, pumice, cinders and clay; also called “materials.”
- “Earth materials processing” means any crushing, loading, screening, sorting, storing, washing, or production of asphalt.
- “Efficiency” means a one-room unit that serves as the occupant’s total living, sleeping, and eating space, usually containing a separate bathroom.
- “Egress” means an exit.
- “Equipment compound” means the area occupied by a tower including areas inside or under the following: an antenna-support structure’s framework, equipment cabinets, and ancillary structures.
- “Evergreen” means vegetation that has foliage that persists and remains green throughout the year.

- “Extraction” means to take and remove earth materials from the subject site to an off-site location.
- “Fair Housing Act of 1968” means that Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, which prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status, and handicap (disability).
- “Feed lines” means cables used as the interconnecting media between the transmission or receiving equipment and the antenna.
- “Fence” means a manmade barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- “Fence, solid” means a fence, including any gates, constructed of solid material, wood, or masonry, through which no visual images may be seen.
- “Fire service area” means a geographic region or area established by the borough to provide fire stations and related facilities or services that are needed to protect the health, safety, or welfare of persons and property within that area.
- “Flag lot” means a lot with a long, narrow strip protruding from one side (pole) which fronts on a borough standard width legal right-of-way and provides access to the lot.
- “Garage” means an accessory building or portion of a main building primarily used for storage of motor vehicles. A “garage” is distinguished from a “carport” in that a garage is enclosed on more than three sides, so that the stored or parked car is contained entirely inside the building.
- “Ground cover” means grasses or other low-growing plants and landscaping.
- “Groundwater” means that part of the subsurface where water occurs in the saturated zone.
- “Habitable” means a residence that is safe and can be occupied in reasonable comfort; the premises should be closed in against the weather, provide running water, access to decent toilets and bathing facilities, heating, and electricity. Particularly in multifamily developments, freedom from noxious smells, noise, and garbage are expected.
- “Heavy industrial” means the use of land, buildings, or structures for the manufacturing, processing, fabricating, or assembly of raw materials, warehousing or bulk storage of goods, and related accessory uses.
- “Height, building” means the height of a building, the vertical distance as measured from the base of the building at finished grade to the highest point of the building including appurtenances. The average between the highest and lowest grades within 20 feet of the building shall be considered finished grade and be used in

calculating the height.

- “Height, tall structure” means the vertical distance measured from finished grade to the highest point of the tall structure, not including appurtenances, antennas, or equipment affixed thereto. In the case of wind energy conversion systems, the blade is considered part of the overall height of the structure.
- “Historical uses” means lands with sites, structures, landmarks, or objects with local, regional, statewide, or national historical significance that have been used by past populations for historic or traditional uses (such as subsistence activities, trail use, etc.) and that are often currently enjoyed by users.
- “Impermeable” means a surface or material that provides a functional barrier to significant liquid flow or infiltration.
- “Impervious area/surface” means the area of the subject site covered by impenetrable materials. This surface has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.
- “Incentive points” means numerical points that are provided to applicants that exceed the required minimum design standards.
- “Industrial use” means any activity which includes manufacturing, processing, warehousing, storage, distribution, shipping, or other related uses.
- “Ingress” means access or entry.
- “Isochron” means a line drawn on a map through all points having the same numerical value of time.
- “Junkyard/refuse area” means a location which is commercially used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping or sale of used, discarded, wrecked or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery, equipment, or parts thereof, including, but not limited to, scrap metals, wood, lumber, plastic, fiber, or other tangible materials.
- “Landfill” means an area in which solid waste is disposed of on or into the land, or that portion of a facility where landfilling is taking or has taken place. “Landfill” does not include a landspreading facility or a containment structure used for the disposal of drilling wastes.
- “Landscape plan” means a plan, drawn to scale, showing proposed location and type of existing vegetation to be retained, and proposed new vegetation. The landscape plan may be a component of the certified site plan. Landscape plans shall also include:
 - (a) proposed grade changes;

(b) proposed buffers; and

(c) proposed screening devices.

- “Landscaping” means any of the following or combination of material such as, but not limited to, grass, natural ground cover, shrubs, flowers, vines, hedges, trees, indigenous plant materials, planters, brick, stone or natural forms, water forms, but not including the use of smooth concrete or asphalt.
- “Large-scale commercial” means a commercial building whose total gross building area, including outdoor display and sales area, is equal to or exceeds 25,000 square feet. Large-scale commercial does not include agricultural uses or activities.
- “Legal trail” means a trail that has been legally dedicated for public use either in fee simple or as a public use easement as a trail. The trail has an existing right-of-way or formal, written and recorded landowner permission allowing public access along its entire length.
- “Livable space” means the square footage of habitable or living areas in a building intended for occupancy by one or more persons for living or sleeping quarters.
- “Livestock” means outdoor animals (i.e., cows, goats, horses, pigs, sled dogs, barnyard fowl, etc.) kept for the purpose of providing food, clothing, work or recreation.
- “Living area” means an area or room(s) in a building designed for occupancy by one or more persons for living or sleeping quarters.
- “Lot” means the least fractional part of subdivided lands having limited fixed boundaries and having an assigned number, or other name through which it may be identified.
- “Lot area” means the total horizontal area within the lot lines of a lot, but does not include the pole area of a flag lot and excludes any street rights-of-way.
- “Maintenance” means the servicing, repairing, or altering of any premises, appliance, apparatus, or equipment to perpetuate the use or purpose for which such premises, appliance, apparatus, or equipment was originally intended.
- “Mixed use development” means the development of a neighborhood, tract of land, building with a variety of complementary and integrated uses, such as, but not limited to, residential, office, neighborhood commercial, retail, public, recreation, in a compact urban form.
- “Monitoring well” means any cased excavation or opening into the ground made by digging, boring, drilling, driving, jetting or other methods for the purpose of determining the physical, chemical, biological, or radiological

properties of groundwater.

- “Multifamily” means any development that exceeds the density thresholds within MSB 17.73.040(A).
- “Natural features” means, but is not limited to, floodplains and surface drainage channels, stream corridors, wetlands and riparian habitat, wildlife and scenic corridors, and other bodies of water, steep slopes, prominent ridges, bluffs, or valleys, and existing trees and vegetation.
- “Natural grade” means the elevation of the ground level in its natural state, before construction, filling, or excavation.
- “Neighborhood” means an area of a community with characteristics that distinguish it from other areas and that may include distinct social or economic characteristics, housing types, schools, or boundaries defined by physical barriers such as major highways, and railroads, or natural features such as water bodies or topography.
- “Neighborhood commercial use(s)” means mixed use establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies and hardware. Typical commercial uses include neighborhood convenience stores, laundromats, dry cleaners, small neighborhood offices, postal services, and gas stations.
- “Occupied” means the presence of an individual or individuals in a structure or on a parcel of land or contiguous parcels.
- “Operator or manager” means any natural person responsible for the actual operation and management of an adult business.
- “Ownership interest” in any unincorporated business, means any interest in real or personal property used in connection with the business, coupled with any degree of exercise of management, supervision, direction, or control of the business. In any incorporated business, the term “ownership interest” means ownership of any stock of the corporation.
- “Parcel” means a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.
- “Parking area/lot” means any public or private area, under or outside a building, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets.
- “Path/pathway” means a cleared way for pedestrians or bicycles that may or may not be improved.
- “Pedestrian walkway” means a walkway or tunnel located at, above, or below grade level that is used as a

means of travel by persons.

- “Permit” means written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.
- “Pervious hard surface” means any material that permits full or partial absorption of storm water into a previously unimproved land.
- “Phase” means a portion of an operation undertaken in a logical time and geographical sequence.
- “Pollution” means the contamination or other degradation of the physical, chemical or biological properties of water or air, including change in temperature, taste, color, turbidity or odor, or such discharge of any liquid, gaseous, solid, radioactive or other substance into water or air as will or is likely to create a nuisance or render such water or air harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- “Primary vehicle access” means, in the context of multifamily development, a vehicle access to the development that is, at a minimum, characterized by the following elements: (1) full-turn vehicle access (i.e., turns allowed in all directions); (2) entryway signage with name of development and address; and (3) principal entry for prospective owners or renters. All public and private roads must meet design standards as outlined in the borough’s subdivision construction manual and addressing/street naming requirements as designated by the borough’s geographic information systems department.
- “Principal use” means the primary or predominant use of any lot, building, or structure.
- “Property” means a lot, parcel, or tract of land together with the building located thereon.
- “Public land” means land owned, maintained, or managed by a public agency.
- “Qualified professional” means a professional hydrologist, geologist, or registered engineer that has specific education and experience with groundwater hydrology.
- “Recreational uses” means the pursuit of leisure-time activities such as, but not limited to, boating, dog mushing, fishing, hunting, trapping, swimming, motorized and nonmotorized activities, sports, games of skill, hiking, skiing, etc., and may include the enjoyment of natural beauty, historic landmarks, or wildlife.
- “Reserved trail” means a trail that has been legally dedicated for public use either in fee simple or as a public use easement as a trail. The trail has an existing right-of-way or formal, written and recorded landowner permission allowing public access along its entire length.

- “Responsible party” means the landowner or the land owner’s designated agent.
- “Residential use” means the use of land, buildings or structures for human habitation.
- “Right-of-way” means a strip of land reserved or dedicated, used or to be used for a street, alley, walkway, trail, airport, or circulation related purpose.
- “Road” means a public or private way that provides access to property for vehicles or pedestrians.
- “Runoff” means the portion of rainfall, melted snow, irrigation water, and any other liquids that flows across the ground surface.
- “Scenic views” means scenic, natural views that may be of significant natural beauty, farmlands, mountains, or other scenes. The goal of development should be to preserve unique vistas and scenic corridors to the greatest extent possible.
- “Screening” means a method of visually shielding or buffering one abutting or nearby building or use from another by fencing, walls, berms, or densely planted vegetation.
- “Seasonal high water table” means the highest level to which the groundwater rises in most years. Estimates are based on observations of the water table at selected sites and on the evidence of a saturated zone, the upper limit often consisting of a mixture of grayish and reddish mottles in the soil.
- “Setback” means the distance between a structure or activity and any lot line, right-of-way, or easement and also the minimum distance required to be maintained between two structures or between a structure and property line, right-of-way, water well, or water body. The distance shall be calculated in a straight line, without regard to intervening structures or objects to the closest exterior point of the structure, property line, or shore line, or center of the well.
- “Short-term transient accommodation” means accommodations for compensation in a building or portions of a building consisting of a residency of any period less than 60 days. If residency exceeds 59 consecutive days, it cannot be considered a short-term transient accommodation for the purposes of this title.
- “Sidewalk” means a paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walk.
- “Single-family dwelling” means a building containing one dwelling unit.
- “Site” means any plot or parcel of land or combination of contiguous lots or parcels of land.
- “Slope” means the rate of vertical change of ground surface expressed as a percentage figure and

determined by dividing the vertical distance by the horizontal distance.

- “Solid waste” means drilling wastes, garbage, refuse, sludge, building material, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, or agricultural operations, or from community activities. For purposes of this chapter, “solid waste” does not include:
 - (a) spoil and overburden from road construction, land clearing, or mining operations;
 - (b) mining waste regulated by federal and state regulations;
 - (c) domestic sewage and other wastes that are discharged into and pass through a sewer system to a publicly owned treatment works;
 - (d) industrial or mining wastes that are being collected, stored, or treated in:
 - (i) a wastewater treatment plant before discharge or removal; or
 - (ii) an industrial processing facility for continual re-use;
 - (e) industrial discharges that are point sources subject to federal or state permits;
 - (f) nuclear or nuclear byproduct material.
- “Specified anatomical areas” means:
 - (a) less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and
 - (b) human male genitals in a discernibly turgid state, even if opaquely covered.
- “Specified sexual activities” means simulated or actual:
 - (a) display of human genitals in a state of sexual stimulation or arousal;
 - (b) acts of masturbation, sexual inter-course, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, or cunnilingus; and
 - (c) fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.
- “Standards” means mandatory regulations, which are indicated by use of the terms “will,” “shall” and “must.”
- “Steep slopes” means any portion of a development site where the natural grade of the land has a slope of 40

percent or greater.

- “Stream” means a body of flowing water, where the water flows in a natural channel as opposed to a canal.
- “Stream corridor” means the corridor defined by the top of the stream’s channel bank, plus the adjacent land areas that contain vegetation, habitats, and ecosystems associated with bodies of water or dependent on the flow of water in the stream. Biologists often refer to the adjacent land area, which will vary in width depending on the particular stream, as a “riparian ecosystem.” In braided channels, the stream corridor shall include the entire stream feature.
- “Street” means any vehicular way that is (1) an existing state, municipal, or borough roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the office of the recording clerk; (5) shown on the official map or adopted master plan. It includes the land between the street lines, whether improved or unimproved.
- “Structure” means anything that is constructed or created and located on or under the ground, or attached to something fixed to the ground. For purposes of minimum setbacks and building separation requirements, the following are not considered structures unless specifically addressed by code: fences; retaining walls; parking areas; roads, driveways, or walkways; window awnings; a temporary building when used for 30 days or less; utility poles and lines; guy wires; clotheslines; flagpoles; planters; incidental yard furnishings; water wells; monitoring wells; and/or tubes, patios, decks, or steps less than 18 inches above average grade.
- “Structure, rail dependent” means a structure with a primary function requiring close proximity to railroad tracks.
- “Subdivider” means any person having an ownership interest in the land that is the subject of an application for development.
- “Subdivision” means the division of a tract or parcel of land into two or more lots, sites, or other divisions, or the combining of two or more lots, tracts, or parcels into one lot, tract, or parcel for the purpose, whether immediate or future, of sale or lease for more than ten years, including any resubdivision.
- “Subject site” means the property subject to the interim materials district; conditional use permit; or administrative permit for earth materials extraction activities.
- “Swale” means a low-lying or depressed land area commonly wet or moist, which can function as an intermittent drainageway.
- “Tall structure” means a structure that is over 85 feet above grade. The term includes, but is not limited to, tethered balloons, flag poles, sculpture, buildings, elevators, storage or processing facilities, water tanks,

derricks, cranes, signs, chimneys, area illumination poles, towers, broadcast facilities, and supports for communication.

- “Telecommunication facility” means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images, or other information including, but not limited to, cellular telephone service, personal communications service, paging service, and television or radio communications. Telecommunication facilities may include one or more towers, antennas, equipment cabinets, feed lines, ancillary structures, and fencing.
- “Telecommunication tower” means a tower built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- “Topographic features” means the physical land surface relief including terrain elevation and slope.
- “Tower” means a vertical projection composed of metal or other material designed for the purpose of accommodating antennas, wind turbine equipment, or other equipment at a desired height or utilization as a broadcast facility. Examples of tower types include guyed, lattice, monopole, concealed, and other similar type facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet.
- “Traditional uses” means an inherited, established, or customary pattern of land uses that may involve a cultural, historical practice, or a social custom.
- “Trail” means a traveled way which may have recreational, aesthetic, alternative transportation, or educational opportunities.
- “Transmission equipment” means equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular backup power supply.
- “Unbuildable” means an area or land that cannot be used practically or is not feasible for a habitable building because of natural conditions, such as a slope exceeding 40 percent, wetlands, floodplains, streams, ponds, or other impeding conditions.
- “Unconfined aquifer” means an aquifer whose upper surface is a water table free to fluctuate.
- “Undeveloped land” means land in its natural state before commencement of construction or placement of any building.

- “Use” means the purpose for which land, a building, or structure is arranged, designated, or intended, is occupied or maintained.
- “Useable open space” means land within or related to a development that is designed and intended for the common use or enjoyment of the residents of the development and may include complementary buildings and improvements as are necessary and appropriate.
- “Variance” means specific grant of relief from one or more of the requirements of this title as provided in MSB 17.65.
- “Water bodies” means permanent or temporary areas of standing or flowing water. Water depth is such that water, and not air, is the principal medium in which organisms live. Water bodies include, but are not limited to: lakes, ponds, streams, rivers, sloughs, and all salt water bodies.
- “Water table” means the upper surface of a zone of saturated soil, including natural seasonal fluctuations, but excluding fluctuations caused by heavy rains or rapid snowmelt; the water table is indicated by the level at which water stands in a well that is open along its length and penetrates the surficial deposits just deeply enough to encounter standing water in the bottom.
- “Wetlands” means those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.
- “Width of a structure” means the horizontal distance measured from the outermost points of the structure including attachments and structural supports but excluding guy wires and transmission lines strung between towers as in the case of electrical power lines.
- “Wind energy conversion system (WECS)” means any device such as a wind charger, windmill, turbine, energy ball, wind tower, or another similar device, which is typically mounted to a tower or pole, and its associated mechanical and electrical equipment, which is designed to convert wind energy to a form of usable energy.
- “Yard” means an open space that lies between the principal building or buildings and the nearest lot line.
- “Yard, front” means a space extending across the full width of the lot between the principal building and the front lot line and measured perpendicular to the building to the closest point of the front lot line.
- “Yard, rear” means a space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
- “Yard, required” means the minimum open space between a lot line and the yard line within which no building

is permitted to be located except as provided by the design standards.

- “Yard, side” means a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

(Ord. 18-030, § 8, 2018; Ord. 18-013, § 6, 2018; Ord. 17-096, § 5, 2017; Ord. 15-016, § 3, 2015; Ord. 12-169, § 4, 2013; Ord. 12-064, § 3, 2012; Ord. 11-159, § 3, 2011; Ord. 11-153, § 18, 2011; Ord. 11-146, § 8, 2011; Ord. 11-074, § 5, 2011; Ord. 11-019, § 3, 2011; Ord. 09-014, § 3, 2009; Ord. 08-161(AM), § 3, 2008; Ord. 08-136, § 3, 2008; Ord. 08-018(SUB), § 18, 2008; Ord. 08-017(AM), § 3, 2008; Ord. 07-058, § 12, 2007; Ord. 06-192(AM), § 3, 2007; Ord. 06-188(SUB), § 3, 2007; Ord. 05-182(AM), § 9, 2005; Ord. 05-125(SUB)(AM), § 2 (part), 2005)

PUBLIC COMMENTS

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By: Water and
Wastewater
Advisory Board,
minus the Chair

Action:

**MATANUSKA-SUSITNA BOROUGH
WATER AND WASTEWATER ADVISORY BOARD RESOLUTION NO. 25-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH WATER AND WASTEWATER ADVISORY BOARD RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.02 - MANDATORY LAND USE PERMITS, MSB 17.55 - SETBACK AND SCREENING EASEMENTS, MSB 17.65 - VARIANCES, AND MSB 17.125 - DEFINITIONS.

WHEREAS, the 75-foot waterbody setback was originally established in 1973 by assembly ordinance; and

WHEREAS, the setback was temporarily reduced to 45 feet in 1986 but reinstated to 75 feet by voter initiative in 1987; and

WHEREAS, over time, enforcement of the 75-foot setback has been limited, resulting in widespread noncompliance, environmental impacts, and real estate complications; and

WHEREAS, between 1987 and present, over 700 shoreline structures have been built in violation of the 75-foot setback ordinance, many of which went undetected due to limited permitting requirements and enforcement options; and

WHEREAS, Ordinance 25-073 offers a pragmatic solution by allowing structures to be built within 75 feet of a waterbody, provided they are designed and built in accordance with plans

developed by a qualified professional that ensure water quality is protected; and

WHEREAS, the Matanuska-Susitna Borough (MSB) continues to experience sustained residential, commercial, and recreational development near its lakes, rivers, and wetlands, increasing the need for clear land use regulations to manage growth while protecting environmental resources; and

WHEREAS, waterbodies in the MSB provide significant public benefits, including clean drinking water, fisheries, recreation, scenic values, and ecological services that can be negatively impacted by unmanaged development, impervious surfaces along waterbodies, and pollutant discharges; and

WHEREAS, Ordinance 25-073 requires land use review and permitting procedures for mechanized development within 75 feet of a waterbody, providing the MSB the opportunity to evaluate drainage and infiltration in order to protect water quality; and

WHEREAS, the ordinance develops several new general standards for development within 75-feet of a waterbody to ensure pollution is minimized.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Water and Wastewater Advisory Board hereby recommends Assembly adoption of Ordinance 25-073.

BE IT FURTHER RESOLVED, that the Water and Wastewater Advisory Board recommends to adopt documentation developed by the Matanuska-Susitna Borough volunteer water quality monitoring program, under Resolution 02-060 under project number 20307 as reference material for background water quality under MSB Section 17.55.016 Water Body Setbacks For Pollution Sources.

ADOPTED by the Matanuska-Susitna Borough Water and Wastewater Advisory Board this 18th day of June, 2025.



Bob Walden, CHAIR

ATTEST



Christina Sands, Staff Support

(SEAL)

YES: Robert (Bob) Walden, Danny Noland, Daniel Tucker, Gina Jorgensen, Terry Gortlick

NO: None

Action:

Adopted

**MATANUSKA-SUSITNA BOROUGH
FISH & WILDLIFE COMMISSION
RESOLUTION SERIAL NO. 25-03**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH FISH AND WILDLIFE COMMISSION DETAILING COMMENTS RELATED TO MSB Ordinance 25-073.

WHEREAS, the Matanuska-Susitna Borough Fish and Wildlife Commission (FWC) has a mandate to advise and make recommendations to the assembly and/or agencies, departments, commissions, or boards of the interests of the borough in the conservation and allocation of fish, wildlife, and habitat including administration, application, enforcement, appointment or any other position or action the borough should take on fish, wildlife, or habitat issues.

WHEREAS, the FWC had a representative on the Waterbody Setback Advisory Board (WSAB), established by the Matanuska-Susitna Borough (MSB) Assembly through Ordinance No. 23-175 to review and recommend any changes to the Borough code relating to waterbody setbacks and related issues.

WHEREAS, the preservation and protection of our natural waterbodies are paramount to maintaining fish and wildlife habitat; and

WHEREAS, the MSB Comprehensive Plan aspires to manage waterbodies and their corridors in a manner that minimizes loss of and restore the function of waterbodies through Goals LU-4, CQ-1, and CQ-2 in the

MSB Comprehensive Plan; and

WHEREAS, the 75-foot waterbody setback was originally established in 1973 by assembly ordinance, temporarily reduced to 45 feet in 1986, but reinstated to 75 feet by voter initiative in 1987; and

WHEREAS, over time enforcement of the 75-foot setback has been limited, resulting in widespread noncompliance, that may adversely affect shoreline, waters and other natural resources as well as complicating real estate transactions; and

WHEREAS, between 1987 and present, over 700 shoreline structures have been built in violation of the 75-foot setback ordinance, many of which went undetected due to limited permitting requirements and enforcement; and

WHEREAS, waterbodies in the MSB provide can be negatively impacted by incomplete or incompatible building activities, impervious surfaces along waterbodies, and pollutant discharges; and

WHEREAS, activities adjacent to waterbodies, such as clearing, grading, and filling may have a significant impact on water quality, natural habitats, and the overall health of waterbodies;

WHEREAS, the MSB continues to experience sustained residential, commercial, and recreational development near its lakes, rivers, and wetlands, increasing the need for clear and enforceable land use regulations that accommodate growth while protecting our natural resources;

WHEREAS, that the FWC hereby also recommends adopt the following additional concepts in WSAB Resolution 24-01:

1. Retaining the current 75-foot setback requirement for buildings adjacent to flowing waters. (WSAB Resolution recommendation 24-01 #2).
2. While education and awareness are important, compliance and enforcement is essential to the success of this ordinance.
3. Assembly consideration of establishing a habitat protection tax incentive, similar to the program in the Kenai Peninsula Borough, and advocate for state legislation to extend tax incentives to all types of waterbodies, not limited to rivers (WSAB Resolution 24-01 recommendation #11).

WHEREAS, the FWC supports updating Setback codes with a focus on sections that protect and improve fish and wildlife habitat and are enforced;

WHEREAS, that the FWC hereby recommends retaining the following concepts in Ordinance 25-073 that solve current problems meaningfully, keeps the 75 foot setback standard while applying best practices within the continued allowed 45 foot setback lots:

1. Land Use Permit: We recommend that a land use permit be required but with the following changes:
 - a. The land use permit should be required for all parcels with shoreline property. The permit should educate property owners to their actual land boundaries, awareness of all Borough setback requirements, including the waterbody setback.
 - b. Prior to any clearing, filling, or grading in the 75-foot setback, the property owner will need to show how runoff will be directed

and any mitigation actions to be taken to prevent degradation of water quality and aquatic habitat to ensure reduction of source pollution.

2. Structures: The waterbody setback shall apply to commercial and industrial development, through amending 17.55.020 to help reduce source pollution.

3. Shoreline standards: We recommend that the following be in a general standards section:

a. All parcels with waterfront should be required to retain 50 percent of a 25-foot deep buffer of riparian vegetation to reduce the volume and impact of runoff.

b. The total impervious surface within the 75-foot setback shall not exceed 20 percent of the setback area, including houses, garages, decks, pavilions, paved areas, boardwalks, and any other surface that prevents water from infiltrating into the ground helping to reduce the volume of runoff.

4. Variances: Adopt WSAB recommended changes to 17.65.020 to disallow variances within 45-feet of a waterbody, which helps reduce source pollution and increase compliance.

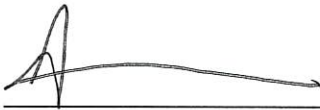
NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Fish and Wildlife Commission hereby recommends Assembly adoption of Ordinance 25-073.

ADOPTED by the Matanuska-Susitna Fish and Wildlife Commission
this 16th day of July, 2025.



Peter Probasco, Chair

ATTEST:



Maggie Brown, Staff Support

Monika Antill

From: Michael Dale <mr.msdaile@gmail.com>
Sent: Thursday, July 10, 2025 7:40 AM
To: Legislative Comments
Subject: Waterbody Setback

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

I'm against the new proposed ordinance for waterbody setback. Yes, something needs to be done but not by punishing folks who aren't in compliance and placing ridiculous restrictions on current and future homeowners. Needs more common sense

Michael Dale
mr.msdaile@gmail.com

Mail for Manager.

Monika!!



PO Box 520931
Big Lake, AK 99652-0931

July 14, 2025

Alex Strawn, Planning Director
Matanuska-Susitna Borough Planning and Land Use Department
350 East Dahlia Avenue
Palmer, AK 99645

RE: *Big Lake Community Council Response to Proposed Waterbody Setback Ordinance*

Dear Mr. Strawn,

Thank you for the opportunity to provide input on the proposed Waterbody Setback Ordinance. The Big Lake Community Council (BLCC) has carefully reviewed this proposal and presents the following formal response on behalf of Big Lake area residents.

The BLCC categorically opposes the proposed ordinance in its current form. We find it fundamentally deficient and inconsistent with the clear mandate established by the Assembly. The Waterbody Setback Advisory Board (WBSAB) has failed to fulfill its core responsibilities as defined in Section 5 of Ordinance 23-079. The Board was explicitly charged with addressing three critical areas:

1. Waterbody setbacks
2. Variances/non-conformities, how to deal with structures violating 1973 and 1987 ordinances, and remedies for violations
3. Other pertinent issues

In addition, the Assembly made it clear that it wanted solutions.

The proposed ordinance offers no meaningful solutions for the hundreds of Big Lake properties affected by decades-old violations of the 1973 and 1987 ordinances. The WBSAB's separate Resolution 24-01, which merely advises the Assembly to direct property owners to "hire qualified professionals" to design undefined "pathways to compliance," is not a solution—it is an abdication of responsibility that places an unfair financial burden on residents while providing no clear guidance or achievable outcomes.

This approach is unacceptable. Properties and structures that have existed on Big Lake for decades deserve a clear, practical path to compliance, not bureaucratic obstacles that make resolution virtually impossible.

Rather than solving existing problems, the proposed ordinance creates new ones by introducing sweeping regulatory expansions that will further complicate compliance efforts.

New Regulatory Burdens Include:

1. Entirely new definitions and restrictions covering kennels, stables, animal yards, paved parking areas, hazardous liquid storage (including heating oil), ground-disturbing activities, solid waste storage, snow stockpiling, and fertilizer application
2. Mandatory riparian buffer requirements covering at least 50% of the first 25 feet adjacent to waterbodies
3. Complex new permitting standards with detailed riparian buffer requirements
4. Absolute prohibition on variances for structures within 45 feet of waterbodies
5. Dramatic expansion of ordinance purpose beyond setbacks to include broad environmental and economic objectives better addressed through other regulatory frameworks

The Big Lake area contains the largest concentration of lakefront properties in the Borough. Our residents have endured decades of:

- Confusing and contradictory regulations
- Inadequate public outreach regarding requirements
- Unclear permitting processes
- Essentially non-existent enforcement

Adding more regulations without addressing existing compliance issues will further erode public trust in government and create additional hardships for residents who have invested their lives and resources in our community.

BLCC members and Big Lake residents submitted comments on an earlier version of this ordinance, highlighting the same concerns raised in this response. These comments appear to have been largely disregarded in the final proposal, demonstrating a troubling disregard for meaningful public participation in the regulatory process.

The BLCC implores the Assembly to reject this proposed ordinance and direct the Planning and Land Use Department to return with a proposal that:

1. Provides specific, achievable remedies for existing violations of the 1973 and 1987 ordinances
2. Establishes clear pathways to compliance that do not require prohibitive professional consultation fees
3. Addresses regulatory expansion only after existing compliance issues are resolved
4. Incorporates meaningful input from affected property owners and communities

The residents of Big Lake deserve better than this inadequate proposal. We urge the Assembly to uphold its commitment to finding real solutions rather than creating additional regulatory burdens that compound existing problems.

The BLCC stands ready to work collaboratively on developing practical, fair solutions that protect our natural resources while respecting the rights and investments of longtime residents. However, we cannot support any proposal that fails to address the fundamental compliance issues that have plagued our community for decades.

Sincerely,



Jodi Riddell
President, Big Lake Community Council

July 17, 2025

Matsu Borough Planning Commission
350 East Dahlia Avenue
Palmer, AK 99645

RE: *Al Bolea Comments on the Proposed Waterbody Setback Ordinance*

Dear Members of the Planning Commission,

Thank you for the opportunity to provide input on the proposed Waterbody Setback Ordinance. I oppose the proposed ordinance in its current form. I find it fundamentally deficient and inconsistent with the clear mandate established by the Assembly. The Waterbody Setback Advisory Board (WBSAB) has failed to fulfill its core responsibilities as defined in Section 5 of Ordinance 23-079. The Board was explicitly charged with addressing three critical areas:

1. Waterbody setbacks
2. Variances/non-conformities, how to deal with structures violating 1973 and 1987 ordinances, and remedies for violations.
3. Other pertinent issues

In addition, the Assembly made it clear that it wanted solutions.

The proposed ordinance offers no meaningful solutions for the hundreds of waterfront properties affected by decades-old violations of the 1973 and 1987 ordinances. The WBSAB's separate Resolution 24-01, which merely advises the Assembly to direct property owners to "hire qualified professionals" to design undefined "pathways to compliance," is not a solution—it is an abdication of responsibility that places an unfair financial burden on residents while providing no clear guidance or achievable outcomes.

This approach is unacceptable. Properties and structures that have existed for decades deserve a clear, practical path to compliance, not bureaucratic obstacles that make remedies virtually impossible.

Rather than solving existing problems, the proposed ordinance creates new ones by introducing sweeping regulatory expansions that will further complicate compliance efforts. Adding more regulations without addressing existing compliance issues will further erode public trust in government and create additional hardships for residents who have invested their lives and resources in our community.

I implore the Planning Commission to reject this proposed ordinance and direct the Planning and Land Use Department to return with a proposal that:

1. Provides specific, achievable remedies for existing violations of the 1973 and 1987 ordinances.
2. Establishes clear pathways to compliance that do not require prohibitive professional consultation fees.
3. Addresses regulatory expansion only after existing compliance issues are resolved.
4. Incorporates meaningful input from affected property owners like me.

As a way forward, I suggest the following revisions to the ordinance as proposed:

1. Eliminate the requirement for leak detection and automatic shut off systems on storage tanks for hazardous liquids. The efficacy of these systems for residential use is mixed, and they create complications and potentially costly unintended consequences for owners.
2. Moderate the riparian barrier removal standard to no greater than 25% of the area within the first 25' from a waterbody.
3. Moderate the drainage pattern, runoff mitigation, and infiltration standards for permitting to be less stringent, more readily achievable, and less costly while still providing some level of protection for the waterbody.
4. Modify Chapter 17.80: Nonconforming Structures to exclude enlargements and alterations to existing structures covered under the 1973 and 1987 ordinance revisions made prior to the effective date of the currently proposed ordinance changes. This modification would effectively preserve the grandfathered status of these existing structures as legally nonconforming.
5. Permit the use of certain fertilizers within 25' of the waterbody that have less detrimental effects on the waterbody.

I believe these changes are more in line with the “solutions” and “remedies” that the Assembly seeks and would engender support from the affected communities for revision of the setback ordinance.

Sincerely,

Al Bolea
P.O. Box 520960
Big Lake, AK 99652
Cell: 907-529-5020



Waterbody Setback Ordinance

From Pa18dvr <pa18dvr@gmail.com>

Date Sat 7/19/2025 11:36 AM

To Lacie Olivieri <lacie.olivieri@matsugov.us>

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

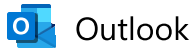
Good Morning,

I'm writing in reference to the proposed waterbody setback ordinance. I sent a statement earlier in the year but I'm not sure it'll be included in the upcoming meeting/vote.

To cut to the chase- I couldn't be more opposed to almost every line of it. What's actually needed is a govt solution/way forward for the folks who are in violation of current setbacks to be made "legal" again. Instead this proposal makes many many more violators with no realistic way of policing/monitoring from the borough. Where does the manpower come from? With much of the borough remote- does the new staff/department charter helicopters/airplanes to monitor/enforce? Where does that money come from? Raising taxes on the very people whose private property rights are being infringed?

People come to Alaska and the Matsu specifically to have less govt in their lives, raise their families in peace, run their business or work their jobs, and be left alone. This extraordinarily overbearing regulation has no place in our state and surely not in the Matsu.

Thank You,
Kevin Asher



Outlook

Water Set-Back

From robert adkins <adkinsr907@gmail.com>

Date Sun 7/20/2025 1:12 PM

To Lacie Olivieri <lacie.olivieri@matsugov.us>

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hi Lacie. I've been a tax paying citizen in the state of Alaska for 52 years and am all for clean water common sense regulations. We've lived on Big Lake since 1989. These proposed ordinances do not make sense.

Sincerely,

Bob Adkins

Sent from my iPhone

JUL 22 2025

MULLEN OFFICE



Talkeetna Community Council, Inc.

A non-profit, community service organization

July 21, 2025

Re: Waterbody Setback Advisory Board Recommendations

Submitted via email to msb.planning.commission@matsugov.us, leg.com@matsugov.us

Dear MSB Assembly and Planning Commission Members,

The Talkeetna Community Council (TCCI) met on July 7th and voted unanimously to reiterate our support for the work done by the Waterbody Setback Advisory board and the recommendations they are proposing in OR-073. We urge the Planning Commission and the Assembly to support their recommendations.

The waterbody setback issue is an important but complicated issue to sort out, and we appreciate the board's investment of time and effort (over 18 meetings) to educate themselves about the various issues and to thoroughly understand the impacts of the proposed changes. Additionally, the makeup of the board is a diverse group of individuals with a broad range of expertise who were able to bring different perspectives to the conversation, lending to a balanced set of recommendations.

TCCI specifically supports the Board's recommendations to retain the 75ft waterbody setback and to strengthen the borough's ability to monitor and enforce regulations through building permits. Additionally, we support the recommendations to leave vegetative buffers in place (or restore them if necessary), due to the important role vegetation plays in protecting fish and wildlife in our lakes and streams.

We understand that the issue of waterbody setbacks has been a complicated one to sort out, and we appreciate the time and effort the Advisory Board has dedicated to bringing thoughtful solutions to complicated issues, compromising on many of the suggested recommendations. We ask that the Planning Commission and Mat Su Borough Assembly support the recommendations proposed in OR-073.

Regards,

Jonathan Korta

Chair-Talkeetna Community Council

jon@talkeetnacouncil.org

(907) 203-2532

Talkeetna Community Council, Inc.
P.O. Box 608, Talkeetna AK 99676

OR 25-073



Big Lake waterbody setbacks

From John Stallone <jstallone@neeserinc.com>
Date Mon 7/21/2025 10:49 AM
To Lacie Olivieri <lacie.olivieri@matsugov.us>

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Dear Ms. Olivieri,

I got your name and email from Al Bolea and he suggested any comments about the setback ordinance should be directed to you. I have had property on Big Lake for over 30 years. The Mat-Su Borough's ordinance governing setbacks has one major flaw it dictates to a property owner that they can't build on their own property within 75 feet of the water unless it is a temporary structure. According to the U.S. Supreme Court when a city, county, borough, or state requires a setback (except for things that could affect the water quality i.e., septic systems, fuel tanks, etc.) that the governing body will either purchase the required setback or remove the amount of taxes for the setback. Just though you might like to know that. If you have any questions please contact me, my cell number is listed below.

Thank you,
John Stallone

John Stallone

Corporate Safety Officer

Neeser Construction, Inc.

2501 Blueberry Road

Anchorage, Alaska 99503

O. (907) 276-1058

C. (907) 351-8534

F. (907) 276-8533





Outlook

Waterbody Setback Res 25-10 Public Comment

From Bee Long <woodyfiber17@gmail.com>

Date Tue 7/22/2025 12:51 PM

To MSB Planning Commission <msb.planning.commission@matsugov.us>

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

To: Mat Su Borough Planning Commission

In support of Mat Su Borough Planning Commission Resolution 25-10

I support Res 25-10 that amends borough code regarding Mandatory Land Use Permits, Setback and Screening Easements, Variances, and Definitions.

I am a long- time borough property owner and resident on land located on a creek. I spend quite a bit of time on lakes and fly into lakes as transport to the bush. I fish and hunt in the watersheds.

The preservation and protection of our natural waterbodies are paramount to maintaining fish and wildlife habitats, populations, and the economies built around them.

A growing borough makes money on our waterbodies and riparian habitat. Many Borough studies in the past 30 to 40 years have shown this. Thus, a growing borough demands that these waterbody resources be protected. This is focusing on the future.

I support the shoreline setbacks, the riparian buffers, the cap on impervious shoreline surface development and the use of the Land Use permit to mitigate infractions and exemptions.

I commend the work of the Waterbody Setback Board and the Planning Director and staff who met 23 times over the past 2 years or so. Their public service in this regard is much appreciated by Mat Su Borough residents who value the waterbodies, the fish and wildlife habitat, and our quality of life here.

I strongly support the Board recommendations. A diversity of people and professions on the Board have created well-thought-out policies. I believe the proposals do balance conservation protections and preservations with the needs of landowners and the community.

The recommendations provide solutions for those landowners who have been out of compliance. This is sorely needed.

Healthy waters and riparian habitats are an economic engine of our borough.

Please pass Resolution 25-10.

B. Long

7/22/25



Susitna Borough Waterbody setback resolution

From John Casey <jonkc53@gmail.com>

Date Tue 7/22/2025 7:39 PM

To Lacie Olivieri <lacie.olivieri@matsugov.us>

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

July 22, 2025

To whom it may concern:

I am writing to express my concern with the Matanuska- Susitna Borough Waterbody setback resolution serial # 24-01.

First, I would like to say that I do not own lakefront property and will not be directly impacted if this passes. But I fear if you can take away private property rights from lakefront property owners, you can take away anybody's property rights. People live in Alaska to be left alone and not be troubled by government overreach like in the lower 48 states. We have setback regulations, we do not need more. The government or nosy neighbors should not be making decisions about my private property that I pay taxes on. Passing laws that only effect a small percentage of the population does not seem very equitable. If you told everyone what they could or couldn't do with 25' of one property line, might set new attendance records at you meetings.

Some of the following items concern me the most within the new draft.

- (17.55.00) secondary containment. Why aren't double wall tanks acceptable?
- (17.55.016)&(17.02.035) The stormwater section is way too onerous for landowners, and there are agencies that cover storm water already.
- (17.55.016)&(17.02.035) The 25' lake set back is just wrong! This is the property owners land and they should be able to use it as such. After all, the lake front is why you charge them so much in property taxes. And I saw nothing in the proposal stating a reduction in taxes due to the effective loss of the use of the land.

Alaska has many governing agencies that deal with these proposed changes already. Now you want to bring the borough in as another way to step on property owners rights.

The term Private Property means something and is one of the basic foundations of a free people.

If you have specific lakes that need some kind of attention, then it should be a plan for that lake, that is agreed to by the majority of lakefront property owners. Not a blanket that covers the whole valley.

Anytime new rules are enacted, they are meaningless unless enforced. This means more people hired to effect enforcement. Which means more taxes in some form, nothing is for free. But of course, how something is to be paid for never seems to be in the discussion.

You may think I am against government, I am not. We need some government for all of us to coexist peacefully. But I am a firm believer we don't need so much government.

I would like to urge the borough not pass new regulations restricting use of private property.

Thank You for your time,

John M Casey

Meadow Lakes resident and property owner



FW: setbacks

From Craig King <craig@jrheritage.com>
Date Wed 7/23/2025 9:42 AM
To Lacie Olivieri <lacie.olivieri@matsugov.us>

 1 attachment (118 KB)

BLCC letter to MSB Planning Dept re Waterbody setback legislation.pdf;

[**EXTERNAL EMAIL** - CAUTION: Do not open unexpected attachments or links.]

Thank you,
Craig King
J.R. Heritage Construction Inc.
128 East 51 St.
Anchorage, Alaska 99503
Shop (907) 349-4427
Fax (907) 522-1296
Cell: 907-240-1601

From: Craig King
Sent: Wednesday, July 23, 2025 9:36 AM
To: lacie.olivieri@matsugov.us.
Subject: setbacks

I own 2 properties on Long Island on Big Lake and agree with the letter that Jodi sent from the Big Lake community council regarding set backs and addressing the solutions to this ongoing concern.

Thank you,
Craig King
J.R. Heritage Construction Inc.
128 East 51 St.
Anchorage, Alaska 99503
Shop (907) 349-4427
Fax (907) 522-1296
Cell: 907-240-1601



REJECT THE Waterbody Setback Ordinance - ABSOLUTELY the worst, unenforceable Ordinance ever

From Gerard Farkas <gfarkas@gci.net>

Date Wed 7/23/2025 6:33 PM

To Lacie Olivieri <lacie.olivieri@matsugov.us>

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

I agree with the Big Lake Community Councils rejection of this proposed ordinance.

This is an absolute nightmare for all MSB waterfront property owners (except Wasilla residents - They are exempt!).

It is an unenforceable overlap of The Corp of Engineers, EPA, DNR, DEC, AK Fish and Game authorities. Bureaucratic waste and overreach , punishing property owners and adding cost and prohibitive permitting, and processing.

It neglects the primary objective of dealing with currently non compliant properties, and those that were grandfathered in.

Fire the drafters of this ordinance. They have failed at the directive the assemble gave them , and continue to push their own agenda despite rejection by property owners.

If they are serious about what they want to do, declare eminent domain and buy all the land impacted by this worthless ordinance. If that's not possible , scrap this ordinance FOREVER !

MSB has yet to issue a simple Driveway permit that I bought and paid for in 2022. How in the world will they be able to equally enforce and apply this ordinance?

Gerard Farkas
907-227-2974c
Big Lake Property owner

Sent from my iPhone



Concerns Regarding Mat-Su Waterbody Setback Proposed Regulations

From Lori Boltz <lorimboltz@gmail.com>

Date Tue 7/22/2025 7:28 PM

To Lacie Olivieri <Lacie.olivieri@matsugov.us>

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

MATSU BOROUGH WATERBODY SETBACK ADVISORY BOARD RESOLUTION

Comments from Jim and Lori Boltz, 15379 W. Anderson Point Way, Big Lake, AK 99652

After submitting our initial comments on the proposed Waterbody Setback Provisions, we have come across additional concerns. Our concerns are primarily associated with the self-serving aspect of some the Waterbody Setback Advisory Board Members. A majority of the board members have no listed lake front property ownership. Placing them in a position of proposing ridiculously onerous regulations on others with no exposure to themselves.

Secondly, and as concerning, is the apparent jobs program initiated to benefit several of the board members. The proposed resolution requiring the exclusive use of a "Qualified Professional registered with the State of Alaska" to oversee the design and construction of mitigation measures is clearly a conflict of interest initiated for their benefit. This does nothing more than complicate and greatly increase the cost of whatever this process is intended to do.

The Riparian Buffer, nor the 45' no compliance zone, have nothing to do with the misdirected self-stated goals of the Advisory Board. Had the board actually directed its efforts toward the original objective of assisting property owners in achieving compliance, then there may have been something beneficial to come out of the exercise. Misguided errored assumptions lead to the development of this board resolution. Waterbody setbacks of 75 feet, 45 feet, or even 25 feet have no actual impact other than to infringe on personal property rights. As owners of lake shoreline, we are the true stewards of this property and have witnessed the lack of impact from structure location.

This resolution will interfere with the personal enjoyment of our private property, unlawfully reduce the size of our property by an unfair "taking", reduce the value of our property, incur huge costs to property owners, place property owners in violation by its unreasonable retroactive application violating the general standard of law, and all without doing anything to protect our lakes or our Alaska homes. This self-serving flawed document is grossly in error and must be disregarded in its entirety.

Thanks for the opportunity to further comment on the uselessness of this resolution. We would like to know what the advisory board is attempting to do other than cause an extreme hardship on some of the largest personal property tax payers in the Mat-Su Borough.

July 23, 2025

Comments submitted by: Mat-Su Basin Salmon Habitat Partnership

Planning Commission
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, Alaska
99645

Re: Matanuska-Susitna Borough proposed ordinance 25-073 amending MSB 17.02 Mandatory Land Use Permit, MSB 17.55 – Setback and Screening Easements, MSB 17.65 Variances, MSB 17.80 Nonconforming Structures and MSB 17.125 Definitions.

Dear Mat-Su Borough Planning Commission members,

The Matanuska-Susitna Basin Salmon Habitat Partnership (MSSHP, Partnership) has been working to conserve salmon habitat in the Mat-Su Basin since 2005. We are a voluntary and non-regulatory coalition that has grown from a handful of founding organizations to nearly 70 diverse entities. The Mat-Su Borough (MSB) is one of those founding organizations and holds a seat on the Partnership Steering Committee. Partners share a common vision for thriving salmon, healthy habitat and vibrant communities in the Mat-Su.

In the fastest growing region of Alaska, the Partnership appreciates the challenge faced by the MSB Planning Commission in balancing community needs and values. We commend the Planning Commission for its support and commitment to thoughtfully addressing identified issues with violations of the current setback code, while balancing water quality and other community assets and values. This includes support for the creation of the Mat-Su Borough Waterbody Setback Advisory Board (WSAB) in fall of 2023. This diverse volunteer Board has worked hard to meet their directive, and the Mat-Su Basin Salmon Habitat Partnership is honored to have been able to provide technical expertise in support of this important effort with a designated seat on the WSAB held by Matthew LaCroix. Following, we offer information about the Mat-Su Salmon Habitat Partnership and resource documents for the Planning Commission to consider when reviewing public comments related to its draft ordinance 25-073 addressing MSB 17.02, MSB 17.55, MSB 17.65, MSB 17.80, and MSB 17.125.

The future of Mat-Su salmon depends upon what happens to them during each life stage, from their incubation and rearing in freshwater, to their maturation in saltwater, and their return back to freshwater to spawn. While research continues to determine the reasons for decline of some salmon stocks across Alaska and in the Mat-Su Basin, it is well-known that freshwater habitat loss and fragmentation have been some of the primary drivers in the decline of anadromous fish in the U.S. and the world. Based on lessons learned elsewhere, we know that maintaining these functioning habitats is far more cost effective than trying to restore them once they are degraded. Therefore, the goal of the Partnership is to ensure that Mat-Su salmon have healthy habitat, from upper Cook Inlet throughout the Mat-Su Basin. Our top priority is to protect and maintain healthy habitat wherever possible.

The MSB has received national recognition for its leadership in replacing undersized culverts that not only ensure fish can access upstream and downstream habitat but also improve infrastructure resilience to flooding. MSB has additionally put proactive ordinances in place that ensure the problem is not repeated going forward. The MSSHP has been proud to contribute to the overall program and many of these projects. Similarly, the MSB has had an ordinance in place for nearly 50 years that requires some structures to be at least 75-feet from water bodies. This is another important ordinance and tool to maintain fish habitat and ensure the MSB does not make the mistakes that have led to salmon declines elsewhere.

Guided by a strategic action plan, over the past 20 years the Mat-Su Basin Salmon Habitat Partnership has funded over 100 salmon habitat related projects in the MSB through the National Fish Habitat Partnership, totaling over \$4 million in direct funds with nearly \$15.5 million in other project contributions. In addition to funding culvert replacements, some funds have gone toward conserving and restoring riparian areas, which are the vegetated zone where land and water meet along streambanks and lakeshores. These are areas that will be within the 75-foot setback currently required by the MSB. These areas provide important functions such as habitat for spawning and rearing salmon populations, flood resilience and help support healthy water quality.

The MSB continues to grow, and the core area has reached the population that requires it to now have a [Metropolitan Planning Organization](#). The effects of associated development frequently include clearing riparian habitat for views or construction, increased impervious surfaces that convey pollution to water bodies, degradation of water quality, and changes to natural drainage patterns. This occurs from clearing land, construction, and the various activities on those cleared lands such as paving and parking, that have direct and indirect impacts on waterbodies. As the MSB continues to grow, it

needs to lay frameworks that recognize this more urban future even as many residents seek a rural environment. The work of the WSAB is an example of this.

In particular, the ordinance language around maintaining riparian buffer areas, reducing impervious surfaces, and providing standards to reduce polluted runoff align with the MSSHP Strategic Plan.

The MSSHP developed documents in 2020 that synthesize the importance of riparian areas and wetlands and include a section on best practices – for both private and public landownership on the final document pages. Some best practices from the riparian summary include:

- Riparian buffers or setback corridors exist adjacent to streams, rivers and lakes where limited use or development occurs in order to protect and benefit both wildlife and landowners. Vegetated buffers prevent erosion and protect property during flooding.
- The Mat-Su Borough currently requires a riparian setback for structures to be a minimum of 75 feet from the ordinary high-water line. Recommended buffer widths can vary based on riparian functions including for erosion control, fish habitat, and wildlife habitat. Generally, however, the larger the setback, the greater the benefits will be.

Some other highlights about riparian areas:

- Benefit Mat-Su communities by delivering economic, cultural and ecological services. They are vital for the overall health and function of streams, and important community assets. Provide crucial habitat for rearing and spawning salmon and helping to maintain healthy water quality. The native vegetation in these areas additionally benefits people by providing natural erosion control and mitigating flood damage.
- Help to reduce the effects of flooding. Riparian vegetation provides rough surfaces that slow water velocity and the potential damage to property and buildings within the floodplain. This mitigates flood damage to personal property and enhances property value.
- Prevent erosion. When riparian vegetation is removed, stream banks are open to erosion from normal water activity like rainfall, snowmelt, and boat and aircraft wakes. These water activities can negatively impact property owners by causing

streambank erosion, destruction of property, and existing infrastructure if a buffer does not exist.

- Protect water quality. If vegetated with native plants, riparian buffers filter pollutants (such as fertilizers, heavy metals, pesticides and soil) from surface runoff before it reaches waterbodies.
- Help maintain cooler water temperatures by providing shade. Alaska fish species prefer cooler water temperature ranges for spawning, incubation, and rearing. Water temperatures above these ranges affect their health and productivity – even cause death. The significant fish die-offs during the summer of 2019 were attributed to warm temperatures with lower levels of dissolved oxygen. Riparian cover will be increasingly important in a projected warming climate to help maintain cool water temperatures and contributing to cold water refugia - places where aquatic species can retreat from warm waters.

Salmon face challenges from headwaters to the oceans. The MSB has done award-winning work to maintain good fish habitat, and the MSB's thoughtful and committed efforts – including convening the WSAB are an extension of this forward thinking. With a general trend of declines in salmon returns, maintaining healthy habitat is more important than ever.

Salmon are a critical part of the Mat-Su economy, ecology and way of life. Thank you again to the MSB Planning Commission and WSAB members for your sustained and committed efforts to find consensus in identifying potential solutions to address issues such as non-compliance with setback code while retaining other community assets like water quality that is critical to healthy salmon habitat. We have appreciated the opportunity to provide technical expertise in support of this important effort with a designated seat on the WSAB. Please do reach out with any questions or if we can be of additional service.

On behalf of the Mat-Su Salmon Partnership Steering Committee,



Jessica Speed
Mat-Su Basin Salmon Habitat Partnership Coordinator
Jessica.speed@tu.org
907-595-7818

Attachments:

- 1) Value of Riparian Areas. Mat-Su Basin Salmon Habitat Partnership, 2020
http://matsusalmon.org/wp-content/uploads/2020/12/Riparian_Summary_1-14-21.pdf
- 2) Importance of Wetlands. Mat-Su Basin Salmon Habitat Partnership, 2020
http://matsusalmon.org/wp-content/uploads/2020/08/Wetlands_Summary_7-31-20.pdf




Outlook

Waterbody Setback Official Letter

From Margaret Stern <margaret@susitnarivercoalition.org>

Date Wed 7/23/2025 4:49 PM

To Lacie Olivieri <lacie.olivieri@matsugov.us>

 1 attachment (257 KB)

SRCSetbackComment.pdf;

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Dear Members of the Planning Commission,

Attached please find the Susitna River Coalition's public comment in support of Ordinance 25-073 and the proposed updates to MSB 17.02, 17.55, 17.65, 17.80, and 17.125.

As a grassroots organization representing more than 14,000 individuals, businesses, and organizations across the Susitna watershed, we recognize the importance of strong, science-based protections to safeguard clean water and community resilience. We appreciate the Borough's leadership in addressing these critical issues and commend the Waterbody Setback Advisory Board for their thoughtful work on these proposed changes.

Please do not hesitate to reach out if you have any questions or would like to discuss our comments further.

Thank you for your continued service and commitment to the Mat-Su Borough.

Margaret Stern

--

Margaret Stern

Program & Communications Director, [Susitna River Coalition](https://susitnarivercoalition.org)
margaret@susitnarivercoalition.org

[PICK.CLICK.GIVE.](#) to SRC! Your donation and support directly benefit the free-flowing Susitna River and Susitna River Watershed. You can also donate directly [HERE!](#)



Supporting Salmon, Wildlife, and Community

July 23, 2025

Members of the Planning Commission,

The Susitna River Coalition (SRC) is a grassroots organization representing over 14,000 individuals, businesses, and organizations who live, work, and recreate in the Susitna River watershed. We are committed to protecting the long-term health of the Susitna Basin's salmon, water, and communities. Our work is rooted in the understanding that intact ecosystems and clean water are vital to the people, wildlife, and economies of the Mat-Su Borough.

We write today in strong support comments on proposed Ordinance 25-073 and the proposed updates to MSB 17.02, 17.55, 17.65, 17.80, and 17.125. This ordinance reflects the work and recommendations of the Waterbody Setback Advisory Board (WSAB), a group formed in 2023 in response to growing concerns about enforcement and clarity of existing riparian setback codes. SRC thanks the Planning Commission for supporting the formation of the WSAB and for taking seriously the need to balance property rights with community-wide interests in clean water and resilient salmon habitat.

The Susitna River system supports some of the most important wild salmon runs in Southcentral Alaska. Salmon are a foundation of our regional economy and culture. The proposed updates in Ordinance 25-073 reflect a needed modernization of land use policy to ensure these resources endure into the future. This includes stronger language around maintaining riparian buffers, reducing impervious surfaces, and setting clear, enforceable standards. All of this aligns with best practices supported by science and upheld in other regions facing similar pressures.

We appreciate the Borough's ongoing efforts to address setback violations and applaud the Planning Commission for undertaking this review process in a manner that values community input and sound science. As a member of the Mat-Su Basin Salmon Habitat Partnership and as a participant in numerous water quality and habitat efforts across the region, we support strong protections for riparian areas and believe this ordinance is an important step forward.

The Mat-Su Borough is growing rapidly and with that growth comes increased pressure on the region's freshwater systems. Streams and lakes are impacted by clearing, development, and the spread of impervious surfaces that contribute to runoff, erosion, and degraded habitat. Riparian buffers — vegetated areas along streams and lakes — are a proven, cost-effective tool to protect water quality, stabilize banks, and sustain habitat for salmon and other fish species. Once these areas are lost or fragmented, they are difficult and expensive to restore.

We know from decades of research and real-world experience that setbacks and vegetated buffers are essential for maintaining salmon habitat. Healthy riparian zones filter pollutants, reduce erosion, mitigate flood damage, and help keep water temperatures cool — all of which are critical to sustaining salmon populations in a changing climate. The fish die-offs during the hot summer of 2019 were a stark reminder of how vulnerable our freshwater ecosystems can be when buffers are removed and shade is lost.

The Susitna River Coalition urges the Planning Commission to move forward with these proposed revisions, and we encourage continued transparency and community engagement throughout the process. We believe the proposed changes strike a thoughtful balance between responsible development and protecting the shared natural resources that make the Mat-Su such a special place to live.

Thank you to the Planning Commission, the members of the WSAB, and Borough staff for your dedication to this effort.

Please don't hesitate to reach out with any questions or clarification.

Margaret Stern



Program and Communications Director

Susitna River Coalition



Outlook

Re: REJECT THE Waterbody Setback Ordinance - ABSOLUTELY the worst, unenforceable Ordinance ever

From bandel@gci.net <bandel@gci.net>

Date Thu 7/24/2025 8:52 AM

To Lacie Olivieri <lacie.olivieri@matsugov.us>

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

I agree with the Big Lake Community Councils rejection of this proposed ordinance.

This is an absolute nightmare for all MSB waterfront property owners (except Wasilla residents - They are exempt!).

It is an unenforceable overlap of The Corp of Engineers, EPA, DNR, DEC, AK Fish and Game authorities. Bureaucratic waste and overreach , punishing property owners and adding cost and prohibitive permitting, and processing.

It neglects the primary objective of dealing with currently non compliant properties, and those that were grandfathered in.

Fire the drafters of this ordinance. They have failed at the directive the assemble gave them , and continue to push their own agenda despite rejection by property owners.

If they are serious about what they want to do, declare eminent domain and buy all the land impacted by this worthless ordinance. If that's not possible , scrap this ordinance FOREVER !

Dane and Judy Bandel
907-240-8000
Big Lake Property owner

July 22, 2025

To Whom it may concern:

I am writing to express my concern with the Matanuska – Susitna Borough Waterbody setback OR: 25-073.

First and foremost, I believe these proposed changes violate my rights as a private property owner within the Matsu Borough. People in this community live here for their freedom and not to be over governed like California. I feel that the use of my property is my decision, and not that of my neighbors or the local government. The current regulations are stricter than I think we need.

Some of the following items are of grave concern within the new ordinance.

- (17.55.016) & (17.02.035) The stormwater section is way too onerous for landowners and there are agencies that cover stormwater already. The borough does not need to be involved in this.
- (17.55.016) & (17.02.035) The 25' lake set back is also very concerning. This is the property owners land, and they should be able to use it as such. There is no guarantee that a permit will allow them to conduct their activities. I bring up the point of someone who has a garden close to the water. Tilling the garden is a ground disturbing activity. Telling someone they cannot have a garden where they want on their property is ridiculous.
- (17.02.035) All the percentages in the ordinance of 50% this and 20% that for what can be done is not acceptable. Not sure what business it is of the borough to restrict impervious surfaces on private property (not allowing pavement with 25' of water)

The reality is we (Alaska) have many governing agencies that deal with most of these proposed changes already. Fish and habitat, Corp of Engineers, D.E.C. are just a few. So, what is left for the homeowner – now the borough wants to control their freedoms as a landowner.

The term **Private Property** means something. These proposed regulations/ordiances go totally against that meaning.

The borough already accepts lake management plans for specific lakes. The borough is huge with many remote lakes, is it prudent to apply these standards to the whole borough when it is probably just a few lakes in populated areas. (Lets address the real issues)

The Borough cannot enforce this, much of the borough is not accessible by the road system. What's the plan to enforce the areas not accessible by roads? What will this cost the residence of the Matsu Borough?

Is the borough going to hire a "Qualified Professional" (hydrologist, geologist, or registered engineer that has specific education and experience with groundwater hydrology) to review all permit applications? I would be very surprised if the director, planning board or assembly has these qualifications.

A Junk and trash ordinance was passed over 20 years ago, and the borough looks the same. When the borough enforces the current ordinances and the residents who pay taxes see the results then maybe then they should take on more responsibilities, but not until then.

As a property owner in the valley my property taxes are already too much and adding additional liability to enforce something like this is not where I want my tax dollars spent. People who own lake front property already pay higher property taxes based on the value and now you want to control their private rights more. This ordinance is singling out a certain group (lake front owners only) Having property in higher value does not correlate in anyway with the services of the borough they use.

DO NOT ACCEPT THIS ORDINANCE!

James Mulhaney – Matsu resident and property owner

July 22, 2025

To Whom it may concern:

I am writing to express my utmost concern with the Matanuska – Susitna Borough Waterbody setback OR: 25-073.

I believe these proposed changes violate my rights as a private property owner within the Matsu Borough. People in this community live here for their freedom and not to be over governed like California. I feel that the use of my property is my decision, and not that of my neighbors or the local government. The current regulations are stricter than I think we need.

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DO NOT ACCEPT THIS ORDINANCE!

Rick Taylor – Mat-Su resident and property owner

By: Alex Strawn
Introduced: 6/2/2025
Public Hearing: 8/18/2025
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 25-15

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING THAT THE ASSEMBLY ESTABLISH A NEW TASK FORCE TO REVIEW ORDINANCE 25-073 REGARDING LAND USE PERMITS, SETBACK AND SCREENING EASEMENTS, VARIANCES, AND DEFINITIONS.

WHEREAS, Ordinance 25-073 proposes significant changes to the existing framework by allowing structures to be built within 75 feet of a waterbody under specific conditions; and

WHEREAS, while there are many provisions within the draft ordinance that the Planning Commission can support, there are many provisions that require considerable revision, and it is impractical for the commission to rewrite the ordinance given their skill sets and the time given to them; and

WHEREAS, the Planning Commission received many written comments and public testimony regarding concerns with the draft ordinance; and

WHEREAS, the commission recognizes the great work the Waterbody Setback Advisory Board put into this very complex topic; and

WHEREAS, the Planning Commission recognizes that the proposed ordinance calls for careful consideration and evaluation of its potential impacts on the community and the environment.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Planning Commission hereby recommends the establishment of a new task force by the Assembly to thoroughly review Ordinance 25-073, analyze its implications, and seek input from various stakeholders.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 18th day of August, 2025.

RICHARD ALLEN, CHAIR

ATTEST

LACIE OLIVIERI, PLANNING CLERK

(SEAL)

YES:

NO:

By: Linn McCabe
Introduced: 6/2/2025
Public Hearing: 8/18/2025
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 25-15

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING THE ESTABLISHMENT OF A WATER BODY SETBACK TASK FORCE
TO REVIEW AND ADDRESS PUBLIC COMMENTS AND CONCERNS REGARDING
WATERBODY SETBACK ORDINANCE 25-073.

WHEREAS, the Matanuska-Susitna Borough Planning Commission
has reviewed Waterbody Setback Ordinance 25-073; and

WHEREAS, significant public input and comment have been
received regarding the proposed ordinance since its publication,
highlighting diverse perspectives and concerns; and

WHEREAS, the Planning Commission finds that unresolved
issues, including potential restrictions on mining activities
within the Matanuska-Susitna Borough, require further evaluation
to ensure balanced and fair regulation; and

WHEREAS, the Planning Commission finds that certain
provisions of Ordinance 25-073 may impose overly restrictive
limitations on private land use near water bodies, potentially
impeding landowners' rights to the reasonable use and enjoyment of
their property; and

WHEREAS, the previous Water Body Setback Task Force did not adequately address the costs or methods of enforcement for the proposed ordinance, particularly for properties located off the road system, creating uncertainty for implementation and compliance; and

WHEREAS, the Planning Commission recognizes the importance of protecting water bodies while balancing economic, recreational, and especially the property rights interests of Borough residents; and

WHEREAS, the establishment of a new dedicated task force would provide a structured process to thoroughly review public comments, assess the impacts of the proposed ordinance, and develop new recommendations that address the concerns of all stakeholders, including those more rural and off the road system, as well as mining and commercial interests.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Planning Commission recommends that the Borough Assembly establish a New Water Body Setback Task Force to:

1. Review all public comments and concerns submitted regarding Waterbody Setback Ordinance 25-073;

2. Evaluate the potential impacts of the ordinance on mining, agriculture, recreation, and private property rights within the Borough;

3. Assess the costs and methods of enforcement for the proposed ordinance, with specific consideration for properties located off the road system;

4. Engage with all stakeholders, including landowners, industry representatives, environmental groups, and rural community members, to ensure a comprehensive and inclusive review process;

5. Develop recommendations for a revised water body setback ordinance that balances environmental protection with the economic and property rights interests of Borough residents; and

6. Submit a report to the Borough Assembly within six months detailing findings and proposed revisions to Ordinance 25-073.

BE IT FURTHER RESOLVED that the Planning Commission urges the Borough Assembly to defer final action on Waterbody Setback Ordinance 25-073 until the Task Force has completed its review and submitted its recommendations.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 18th day of August, 2025.

RICHARD ALLEN, CHAIR

ATTEST

LACIE OLIVIERI, PLANNING CLERK

(SEAL)

YES:

NO:

COMMISSION BUSINESS

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MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

350 East Dahlia Avenue • Palmer, AK 99645


Phone (907) 861-7822

www.matsugov.us

MEMORANDUM

DATE: August 5, 2025

TO: Planning Commission

FROM: Alex Strawn, Planning and Land Use Director 

SUBJECT: Tentative Future PC Items

Upcoming PC Actions

Quasi-Judicial

- Houdini's Herbs – Marijuana Retail Facility; 8164B01L001A (Staff: Rebecca Skjothaug)
- Ficklin Gravel Products LLC – Earth Materials Extraction; 16N04W03A009 (Staff: Rick Benedict)
- Butte Land Co. – Earth Materials Extraction; 17N02E35A024 (Staff: Natasha Heindel)
- Harman Northeast – Earth Materials Extraction; 18N01W15B015 (Staff: Rick Benedict)
- Stenger – Variance; 6194000L002-B (Staff: Rebecca Skjothaug)
- Three Bears Alaska Inc. – Core Area Conditional Use Permit; 8211000L001 (Staff: Rick Benedict)
- Alaska Gravel Company – Earth Materials Extraction; 21N04W18C004 (Staff: Rebecca Skjothaug)
- Zach – Variance; 3274000L009 (Staff: Rebecca Skjothaug)

Legislative

- Historic Preservation Plan (HPP) (Staff: Jason Ortiz)
- MSB Borough-Wide Comprehensive Plan (Staff: Jason Ortiz)
- Transit Development Plan (Staff: Jason Ortiz)
- Amending MSB 17.59 Standardized Definitions for Lake Management Regulations (Staff: Alex Strawn)
- Hazard Mitigation Plan (Staff: Wade Long)