

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

Edna DeVries, Mayor

PLANNING COMMISSION
Doug Glenn, District 1 – Vice-Chair
Richard Allen, District 2 – Chair
Brendan Carpenter, District 3
Michael Collins, District 4
Linn McCabe, District 5
Ivan Fonov, 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
VACANT, Platting Officer
Lacie Olivieri, Planning Clerk

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

April 6, 2026
REGULAR MEETING
6:00 p.m.

Ways to participate in the meeting:

IN-PERSON: You will have 3 minutes to present 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: March 16, 2026

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

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 the issues presented in it.

X. PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 26-02

A Resolution Of The Matanuska Susitna Borough Planning Commission Recommending Approval Of An Ordinance Repealing MSB 8.25 Water Pollution Control And MSB 17.55.020(E), In Their Entirety.

Staff: Alex Strawn, Planning and Land Use Director

Resolution 26-03

A Resolution Of The Matanuska Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.80 Nonconforming Structures, To Repeal The Notification Process And Fee Section.

Staff: Alex Strawn, Planning and Land Use Director

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (*Mandatory Midnight*)

Individuals with disabilities requiring reasonable accommodation to participate in a Planning Commission meeting should contact the Borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.

MINUTES

**March 16,
2026**

MATANUSKA-SUSITNA BOROUGH

Edna DeVries, Mayor

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



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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*

PLANNING COMMISSION MEETING MINUTES March 16, 2026

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

The Matanuska-Susitna Borough Planning Commission's regular meeting was held on March 16, 2026, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. Chair Allen called the meeting to order at 6:00 p.m.

Present: – Commissioner Collins*
Commissioner McCabe
Commissioner Allen
Commissioner Fonov
Commissioner Carpenter

Absent/Excused: Commissioner Scoggin
Commissioner Glenn

Staff Present: – Mr. Alex Strawn, Planning Department Director
Ms. Lacie Olivieri, Planning Department Admin
Ms. Erin Ashmore, Assistant Borough Attorney
Mr. Alexander Lowe, Assistant Borough Attorney

II. APPROVAL OF AGENDA

Chair Allen 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 – March 2, 2026
- B. INTRODUCTION FOR PUBLIC HEARING QUASI-JUDICIAL MATTERS
(There were no Quasi-Judicial Introductions)
- C. INTRODUCTION FOR PUBLIC HEARING LEGISLATIVE MATTERS

Resolution 26-02 A Resolution Of The Matanuska Susitna Borough Planning Commission Recommending Approval Of An Ordinance Repealing MSB 8.25 Water Pollution Control And MSB 17.55.020(E), In Their Entirety.
Staff: Alex Strawn, Planning and Land Use Director
Public Hearing Date: April 6, 2026

Resolution 26-03 A Resolution Of The Matanuska Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.80 Nonconforming Structures, To Repeal The Notification Process And Fee Section.
Staff: Alex Strawn, Planning and Land Use Director
Public Hearing Date: April 6, 2026

Chair Allen 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

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

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 26-01 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Repealing A General Standard Of MSB 17.30 Conditional Use Permit (CUP) For Earth Materials Extraction Activities.
Staff: Alex Strawn, Planning and Land Use Director

Chair Allen read the resolution title into the record.

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

Chair Allen inquired if commissioners had any questions for staff.

Chair Allen opened the public hearing.

James Christie – Opposed
Colline Vague – Opposed
Jade Laughlin – Support
Sherri Rusher – Opposed
Patricia Fisher – Opposed
Amy Schachle – Opposed
Robert Coffin – Opposed
Alice Knapp – Opposed

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

MOTION: Commissioner McCabe moved to approve Planning Commission Resolution 26-01. The motion was seconded by Commissioner Carpenter.

Discussion ensued.

VOTE: The main motion failed with Commissioners McCabe, Carpenter, and Fonov in favor and Commissioners Collins and Allen opposed

Discussion ensued

Recess at 7:05 pm until 7:25 pm

The Commission crafted a new resolution to send to the assembly explaining why they failed Resolution 24-01

Resolution 26-04 A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Failure Of An Ordinance Repealing A General Standard Of MSB 17.30 Conditional Use Permit (CUP) For Earth Materials Extraction Activities.

VOTE: The Resolution passed with no objection.

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

XV. DIRECTOR AND COMMISSIONER COMMENTS

Commissioner Fonov: It's great that people braved the horrible weather outside to come out and voice their opinion, especially people in person as well.

Commissioner Carpenter: I second that with the weather. It's nice to see the public coming and getting involved. This was a good one. I appreciate the input. It was a good evening.

Commissioner McCabe: Thanks for the staff's work on this. It's a good conversation with lots to mull over. Thanks.

Commissioner Collins: Thanks to all the staff's efforts and everyone participating in today's meeting. I appreciate everyone. Thank you.

Commissioner Allen: I would echo the sentiment that I appreciate staff's work on this. Thank you Mr. Strawn for helping us here get this together. You know one of the things that I have always been really proud of with this body, and I am the old timer here, but whatever the makeup of this group has been in the many years I have been here, we all come from different backgrounds, we all have different experiences, we all have different types of education and expertise, but we always work together in a respectful productive way and that can't be said for every level of government. And it is a pleasure to come and work with you folks, everybody is thoughtful about what they do. Even if we don't always agree on everything, And we shouldn't it would be problematic if we simply all agreed about everything. What would be the purpose of being here and having these discussions. So I think you know, again, we did some business for the people today, and I think we did it in a way that we can be proud of, and that's a good thing.

Alex Strawn: I know it's hard to believe but very soon here on the south side of the buildings in Palmer, there is going to be green grass and dandelions popping up. And we are hoping in about a month time to be putting on a first time ever annual spring training for developers, real estate agents, builders, it's going to be all about borough regulations what to look for, how to navigate them. We are putting together a curriculum we hope, probably not this year but we hope next year to be actually certified with the state of Alaska so that continuing education credits can be obtained through this training as well and we are hoping it will further educate people on how to navigate borough rules and develop responsibly.

XVI. ADJOURNMENT

The regular meeting adjourned at 7:32 p.m.

RICHARD ALLEN
Planning Commission Chair

ATTEST:

LACIE OLIVIERI
Planning Commission Clerk

Minutes approved: _____

DRAFT

PUBLIC HEARING LEGISLATIVE

Resolution No. 26-02

A Resolution Of The Matanuska Susitna Borough Planning Commission Recommending Approval Of An Ordinance Repealing MSB 8.25 Water Pollution Control And MSB 17.55.020(E), In Their Entirety.

Staff: Alex Strawn, Planning and Land Use Director

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM

IM No. 26-044

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING MSB 8.25 WATER POLLUTION CONTROL AND MSB 17.55.020 (E), IN THEIR ENTIRETY.

AGENDA OF: March 3, 2026

ASSEMBLY ACTION:

AGENDA ACTION REQUESTED: Refer to Water and Wastewater Advisory Board and Planning Commission for 90 days.

Route To	Signatures
Originator	<div style="text-align: right;">2 / 12 / 2026</div> <p>X A l e x S t r a w n</p> <p>Signed by: Alex</p>
Department Director	<div style="text-align: right;">2 / 12 / 2026</div> <p>X A l e x S t r a w n</p> <p>Signed by: Alex</p>
Community Development Director	<div style="text-align: right;">2 / 16 / 2026</div> <p> Expired certificate</p> <p>X J i l l i a n M o r r i s s e y</p> <p>Signed by: Jillian Morrissey</p>
Public Works Director	<div style="text-align: right;">2 / 16 / 2026</div> <p>X T o m A d a m s , P E</p> <p>Signed by: Tom Adams</p>
Finance Director	<div style="text-align: right;">2 / 16 / 2026</div> <p> Recoverable Signature</p> <p>X C h e y e n n e H e i n d e l</p> <p>Signed by: Cheyenne Heindel</p>
Borough Attorney	<div style="text-align: right;">2 / 17 / 2026</div> <p>X N i c h o l a s S p i r o p o u l o s</p> <p>Signed by: Nicholas Spiropoulos</p>
Borough Manager	<div style="text-align: right;">2 / 17 / 2026</div> <p>X M i c h a e l B r o w n</p> <p>Signed by: Mike Brown</p>
Borough Clerk	<div style="text-align: right;">2 / 23 / 2026</div> <p>X L o n n i e M c K e c h n i e</p> <p>Signed by: Lonnie McKechnie</p>

ATTACHMENT (S): Ordinance Serial No. 26-030 (1 p)
 MSB 8.25 (3 pp)
 MSB 17.55 (5 pp)
 Planning Commission Reso 26-__ (pp)
 WWAB Reso 26-__ (pp)

SUMMARY STATEMENT: This ordinance is at the request of Assemblymember Sumner.

The proposed ordinance repeals MSB 8.25 and MSB 17.55.020(E), their entirety. The State of Alaska has always retained primacy over the regulation and enforcement of septic systems and water pollution control. Enforcement authority in this area rests with the state, and the Borough ordinance has never had an operative enforcement role. As a result, these standards serve no practical regulatory purpose. Repealing the ordinances would eliminate any potential confusion regarding jurisdictional authority.

RECOMMENDATION OF ADMINISTRATION: Refer to Water and Wastewater Advisory Board and Planning Commission for 90 days.

CHAPTER 8.25: WATER POLLUTION CONTROL

Section

[8.25.005 Definitions](#)

[8.25.010 Purpose](#)

[8.25.020 Definitions \[Recodified as MSB 8.25.005\]](#)

[8.25.030 Sewage disposal](#)

[8.25.040 Use and location of facilities](#)

[8.25.050 Pollution prohibited](#)

[8.25.060 Enforcement \[Repealed\]](#)

[8.25.070 Penalty for violation \[Repealed\]](#)

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

Statutory reference

For statutory provisions authorizing second-class boroughs to provide for water pollution control in the area outside cities, see A.S. 29.35.210

8.25.005 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Cesspool" means a lined and covered excavation in the ground which receives the discharge of domestic sewage or other organic wastes from a building, designed to retain the organic matter and solids, but permitting the liquids to seep through the bottom and the sides.
- (2) "Pollution" means the contamination or altering of water or its contents to create a nuisance or make water unclear, or noxious, or impure, or unfit so that the water is actually or potentially harmful, detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, birds, fish or other aquatic life.
- (3) "Septic tank" means a watertight receptacle which receives the discharge of a building sanitary drainage system or part of the discharge, and is designed and constructed to separate solids from the

liquid, digest organic matter through a period of detention, and allow the liquids to discharge into the soil outside of the tank through a system of open-joint or perforated piping, or a seepage pit.

(4) "Sewage" means any or all of the following:

- (a) human excreta;
- (b) food wastes disposed of through sewers;
- (c) wash water;
- (d) liquid wastes from residences, institutions, business buildings and industrial establishments;
- (e) diluting water in the waste disposal system;
- (f) water-carried waste products or discharge from human beings; and
- (g) other wastes from residences, public or private buildings.

(Ord. 94-001AM, § 8 (part), 1994; Ord. 73-11, § 5, 1973)

8.25.010 PURPOSE.

The purpose of this chapter is to prevent the pollution of the waters of the state within the borough. All human excreta, sewage and other wastes shall be disposed of in a properly designed, constructed and maintained sanitary sewer system, septic tank or pit privy as prescribed in this chapter.

(Ord. 94-001AM, § 8 (part), 1994; Ord. 73-11, § 1, 1973)

8.25.020 Definitions. [Recodified as MSB 8.25.005]

8.25.030 SEWAGE DISPOSAL.

(A) A person may not discharge or dispose, from facilities under the person's control, sewage or other wastes so sewage or other wastes shall gain access to any surface or subsurface waters of the state within the borough unless the sewage or wastes are first treated through a collective or individual sewage disposal system adequate to prevent water pollution.

(B) Cesspools shall not be permitted.

(C) Septic tanks shall have minimum tank capacities as follows:

- (1) one to four bedrooms: 1,000 gallons;
- (2) for each additional bedroom: 250 gallons shall be added to the minimum tank capacity.

(D) A person shall not conduct a commercial or industrial operation which results in the disposal of solid or liquid waste material into the waters of the state within the borough without procuring a permit from the state department of environmental conservation.

(Ord. 94-001AM, § 8 (part), 1994; Ord. 73-11, § 2, 1973)

8.25.040 USE AND LOCATION OF FACILITIES.

An abandoned well or deep well may not be used for the disposal of sewage or used as a receptacle for household wastes. A septic tank, privy, seepage pit or subsurface disposal field may not be located within 100 feet of a well or within 100 feet of a lakeshore, stream, or any other body of water.

(Ord. 94-001AM, § 8 (part), 1994; Ord. 73-11, § 3, 1973)

8.25.050 POLLUTION PROHIBITED.

A person may not pollute or add to the pollution of any lake, stream or other body of water.

(Ord. 94-001AM, § 8 (part), 1994; Ord. 73-11, § 4, 1973)

8.25.060 Enforcement. [Repealed by Ord. 95-088(SUB)(am), § 5 (part), 1995. See MSB [8.25.080](#) for current provisions]

8.25.070 Penalty for violation. [Repealed by Ord. 95-088(SUB)(am), § 6 (part), 1995. See MSB [8.25.080](#) for current provisions]

8.25.080 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), § 17 (part), 1995)

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 furthest 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 otherwise by ordinance, no furthest 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 furthest 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)

CODE ORDINANCE

Sponsored by: Sumner
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 26-030**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING MSB 8.25 WATER POLLUTION CONTROL AND MSB 17.55.020(E), IN THEIR ENTIRETY.

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. Repeal of chapter. MSB 8.25 is hereby repealed in its entirety.

Section 3. Repeal of subsection. MSB 17.55.020(E) is hereby repealed in its entirety.

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

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2026.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

By: A. Strawn
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 26-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING MSB 8.25 WATER POLLUTION CONTROL AND MSB 17.55.020(E), IN THEIR ENTIRETY.

WHEREAS, Assembly Ordinance 26-030 repeals MSB 8.25 and MSB 17.55.020(E), in their entirety; and

WHEREAS, The State of Alaska has always retained primacy over the regulation and enforcement of septic systems and water pollution control; and

WHEREAS, Enforcement authority in this area rests with the state, and the Borough ordinance has never had an operative enforcement role; and

WHEREAS, these standards serve no practical regulatory purpose; and

WHEREAS, Repealing the ordinances would eliminate any potential confusion regarding jurisdictional authority.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Assembly Ordinance 26-030.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
on this __ day of _____, 2026.

RICHARD ALLEN, Chair

ATTEST

LACIE OLIVIERI, Planning Clerk

(SEAL)

YES:

NO:

PUBLIC HEARING LEGISLATIVE

Resolution No. 26-03

A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.80 Nonconforming Structures, To Repeal The Notification Process And Fee Section.

Staff: Alex Strawn, Planning and Land Use Director

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM

IM No. 26-041 of 42

SUBJECT: AN ORDINANCE OF THE MATANUSKA- SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.80 NONCONFORMING STRUCTURES, TO REPEAL THE NOTIFICATION PROCESS AND FEE SECTION.

AGENDA OF: March 3, 2026

ASSEMBLY ACTION:

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

Route To	Signatures
Originator	<p style="text-align: right;">2 / 6 / 2 0 2 6</p> <p>X A l e x S t r a w n</p> <hr/> <p>S i g n e d b y : A l e x</p>
Department Director	<p style="text-align: right;">2 / 6 / 2 0 2 6</p> <p>X A l e x S t r a w n</p> <hr/> <p>S i g n e d b y : A l e x</p>
Finance Director	<p style="text-align: right;">2 / 1 7 / 2 0 2 6</p> <p>X C h e y e n n e H e i n d e l</p> <hr/> <p>S i g n e d b y : C h e y e n n e H e i n d e l</p>
Borough Attorney	<p style="text-align: right;">2 / 1 7 / 2 0 2 6</p> <p>X N i c h o l a s S p i r o p o u l o s</p> <hr/> <p>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</p>
Borough Manager	<p style="text-align: right;">2 / 1 7 / 2 0 2 6</p> <p>X M i c h a e l B r o w n</p> <hr/> <p>S i g n e d b y : M i k e B r o w n</p>
Borough Clerk	<p style="text-align: right;">2 / 1 8 / 2 0 2 6</p> <p>X L o n n i e M c K e c h n i e</p> <hr/> <p>S i g n e d b y : L o n n i e M c K e c h n i e</p>

ATTACHMENT (S) : Ordinance Serial No. 26-028 (4 pp)
 MSB 17.80 (7 pp)
 Planning Commission Resolution No. 26-___ (pp)

SUMMARY STATEMENT: This ordinance is at the request of Assemblymember Sumner.

The determination of legal nonconforming status is ministerial in nature, meaning a structure either meets the standards or it does not. The public notice requirement is burdensome and costly, and it gives the false impression that public comments influence whether a structure qualifies for legal nonconforming status. Repealing this requirement eliminates that misunderstanding, reduces staff time and administrative costs, and shortens processing time by more than two weeks.

In 2019, the Assembly adopted a single fee rate for all nonconforming structure determinations. However, MSB 17.80.030 was not updated at that time and now conflicts with the adopted fee schedule. Repealing this section resolves that conflict.

The proposed ordinance supports the goals and objectives of the Borough Comprehensive Plan.

Matanuska-Susitna Borough Comprehensive Plan

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.

RECOMMENDATION OF ADMINISTRATION: Refer to Planning Commission and then introduce and set for public hearing.

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)

CODE ORDINANCE

Sponsored by: Sumner
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 26-028**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.80 NONCONFORMING STRUCTURES, TO REPEAL THE NOTIFICATION PROCESS AND FEE SECTION.

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. Repeal of section. MSB 17.80.030 is hereby repealed in its entirety.

Section 3. Repeal of subsection. MSB 17.80.060(F) is hereby repealed in its entirety.

Section 4. Amendment of section. MSB 17.80.070 is hereby amended as follows:

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] there is sufficient evidence that the structure [WAS ERECTED PRIOR TO THE ADOPTION OF THE ACKNOWLEDGMENT OF EXISTING LAND USE REGULATIONS CHAPTER EXCEPT AS NOTED HEREIN] meets the applicable eligibility criteria.

(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.]

Section 5. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2026.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

By: A. Strawn
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 26-03**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.80 NONCONFORMING STRUCTURES TO REPEAL THE NOTIFICATION PROCESS AND FEE SECTION.

WHEREAS, Assembly Ordinance 26-028 repeals the fee section and notification process for requests for a determination of legal nonconforming status; and

WHEREAS, MSB 17.80.030 conflicts with the fee schedule adopted by the Assembly; and

WHEREAS, the determination of legal nonconforming status is ministerial in nature; and

WHEREAS, the public notice requirement in MSB 17.80 is burdensome and costly, and it gives the false impression that public comments influence whether a structure qualifies for legal nonconforming status; and

WHEREAS, the proposed ordinance resolves the fee conflict, reduces staff time and administrative costs, and shortens processing time by more than two weeks; and

WHEREAS, the proposed ordinance supports the goals and objectives of the Borough Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Assembly Ordinance 26-028.

ADOPTED by the Matanuska-Susitna Borough Planning Commission on this ___ day of _____, 2026.

RICHARD ALLEN, Chair

ATTEST

LACIE OLIVIERI, Planning Clerk

(SEAL)

YES:

NO:

COMMISSION BUSINESS



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

Matsu.gov

MEMORANDUM

DATE: March 23, 2026

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: Rick Benedict)
- 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)
- Three Bears Alaska Inc. – Core Area Conditional Use Permit; 8211000L001 (Staff: Rick Benedict)
- Alaska Gravel Company – Earth Materials Extraction; 21N04W18C004 (Staff: Rebecca Skjothaug)
- Knetch – Variance; 6070000L1051 (Staff: Rebecca Skjothaug)
- Hart – Variance; 8578B05L015A (Staff: Natasha Heindel)
- Bad Gramm3r LLC – Marijuana Retail Facility; 1068000L020 (Staff: Rick Benedict)
- McIntyre Farms LLC – Marijuana Cultivation Facility; 6025B02L007 (Staff: Rick Benedict)
- Riordan – Variance; 6041B08L010 (Staff: Rebecca Skjothaug)

Legislative

- Historic Preservation Plan (HPP) (Staff: Paul Clark)
- MSB Borough-Wide Comprehensive Plan (Staff: Jason Ortiz/Alex Strawn)

CORRESPONDENCE & INFORMATION



FW: Matanuska River Gravel Extraction

From Mike Brown <mike.brown@matsugov.us>

Date Tue 3/17/2026 4:52 PM

To Lonnie McKechnie <Lonnie.McKechnie@matsugov.us>; Lacie Olivieri <Lacie.Olivieri@matsugov.us>

Cc Alex Strawn <Alex.Strawn@matsugov.us>; George Hays <George.Hays@matsugov.us>; Jillian Morrissey <Jillian.Morrissey@matsugov.us>; Joseph Metzger <Joseph.Metzger@matsugov.us>; Tom Adams <Tom.Adams@matsugov.us>

 1 attachment (442 KB)

Response to MSB Joint Assembly and Planning Commission; gravel extraction.pdf;

Please forward to the Assembly and Planning Commission. Thanks...

Mike Brown – *Borough Manager*

Matanuska-Susitna Borough

(907) 861-8689

mike.brown@matsu.gov

From: Longacre, Rachel L (DNR) <rachel.longacre@alaska.gov>

Sent: Tuesday, March 17, 2026 2:39 PM

To: MSB.Planning.Commission@matsugov.us <IMCEAMAILTO-MSB+2EPlanning+2ECommission+40matsugov+2Eus@namprd09.prod.outlook.com>; leg.com@matsugov.us <IMCEAMAILTO-leg+2Ecom+40matsugov+2Eus@namprd09.prod.outlook.com>

Cc: Mike Brown <mike.brown@matsugov.us>; Colles, Christianna D (DNR) <christianna.colles@alaska.gov>; Alex Strawn <Alex.Strawn@matsugov.us>; Hess, Kris A (DNR) <kris.hess@alaska.gov>

Subject: Matanuska River Gravel Extraction

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

Good afternoon,

I'm writing to request that the attached letter, "Response to MSB Joint Assembly and Planning Commission; gravel extraction," be added to the official record for the March 10 joint Assembly and Planning Commission meeting.

This letter provides important clarifications from DNR–DMLW regarding several statements made during the meeting that were factually inaccurate, incomplete, or created misunderstandings about DMLW's statutory authorities, regulatory obligations, and role in managing state land and resources.

The intent of the letter is to correct the record, clarify DMLW's legal responsibilities and limitations, and support more informed discussions as the Borough continues considering issues related to erosion, gravel extraction, and public expectations around state authority.

Please let me know if you need anything further from me to include this in the meeting record.

Rachel Longacre

Chief of Operations, Division of Mining, Land & Water

Office: 907.269.8532

Cell: 907.310.4980

www.dnr.alaska.gov/mlw/

“Putting Alaska’s resources to work - now and in the future!”



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER

Director's Office

550 West 7th Avenue, Suite 1070

Anchorage, Alaska 99501-3579

Main: 907.269.8600

TTY: 711 or 800-770-8973

Fax: 907.269.8904

March 17, 2026

VIA EMAIL

MSB.Planning.Commission@matsugov.us

leg.com@matsugov.us

RE: Joint Assembly–Planning Commission meeting March 10, 2026

Dear Madam Mayor and Members of the Assembly and Planning Commission:

The Alaska Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), provides the following clarification regarding several statements made during the March 10, 2026, joint Assembly–Planning Commission meeting. Because multiple comments reflected misunderstandings about state authority, regulatory requirements, and the technical record, DMLW is formally outlining the facts to ensure an accurate public record and support informed decision making going forward.

1. State Ownership and DNR's Legal Authority

The Matanuska River and its mineral materials are property of the State of Alaska and are managed by DMLW under AS 38. This authority is well established. It is equally important to be clear about what DMLW **cannot** do:

- DMLW is not the State's flood control, erosion control, or river engineering agency.
 - DMLW cannot initiate, design, or fund channel realignment, gravel removal, or erosion control construction unless specifically authorized and funded by the Legislature.
 - DMLW's role is limited to reviewing applications, ensuring compliance with state and federal laws, and issuing decisions based on statutory authority—not undertaking public works projects.

Suggestions that DMLW “own the problem,” “be proactive,” or assume direct river management responsibilities do not align with Alaska law or the department's statutory mandate. Erosion protection for highways and critical infrastructure is the responsibility of DOT&PF. Land use zoning, subdivision approvals, and development patterns are under Borough authority.

2. Environmental and Federal Regulatory Requirements Are Mandatory

The Matanuska River cannot be compared to non-glacial systems where extraction occurs. Its characteristics include:

- Extremely high sediment loads,
 - Rapid and unpredictable channel migration,
 - Groundwater-fed side channels essential for salmon,

- Anadromous habitat is protected under AS 16.05.871.

Any proposal involving excavation in or near the active channel requires:

- ADF&G Title 16 Fish Habitat Permit,
 - U.S. Army Corps Section 404 authorization,
 - Water-rights authorization (if triggered),
 - Compliance with state water quality and habitat protection laws.

These regulatory requirements are not optional.

3. Economic Assumptions About Gravel Value Are Unsupported

Multiple statements in the meeting suggested gravel removal could “pay for itself.” For clarity in the evaluations:

- The material is considered highly variable. However, no current feasibility study has evaluated break-even conditions for sustained extraction.
- The representative regional sales price for material extracted through authorization from DMLW is \$3.00 per cubic yard for the Mat-Su Borough area. Under 11 AAC 05.130(e), The fee for the sale of materials to a federal, state, or municipal agency for use in constructing, reconstructing, or maintaining a public project is as follows: for the first 5,000 cubic yards of materials to be used on the project, no charge; each year of maintenance on an ongoing basis constitutes a separate project; for each cubic yard of materials beyond 5,000 cubic yards, the base fee listed in the annual base price schedule established under 11 AAC 71.090.

4. Participation Clarification

There were comments implying DNR (DMLW) was “aware” of the meeting or was not present to participate. For accuracy:

- DMLW received the meeting invitation three business days before the session, which provided limited preparation time. Despite this short notice, DMLW staff made the effort to attend the meeting virtually to provide accurate information. However, remote participants were not notified that the “raise your hand” function would be disabled, nor that there would be no mechanism for online attendees to speak.
- As a result, although DMLW staff were present and prepared, we were unable to participate. Had we been informed that meaningful virtual participation would not be possible, our Anchorage based staff would have adjusted schedules to attend in person.

5. DNR’s Role Going Forward

Within its statutory authority, DMLW can:

- Review any complete formal proposal submitted by the Borough or private industry, participate in coordinated discussions with DOT&PF, ADF&G, and the U.S. Army Corps, provide technical data on geomorphology, habitat, and land status, outline regulatory and permitting pathways.
- Any action involving state land or resources must include:
 - Scientific justification, environmental review, compliance with AS 38, AS 16, and federal law, long-term maintenance and funding commitments, identification of responsible parties.

To date, no proposal has met these minimum criteria.

Conclusion

The Matanuska River is a highly dynamic glacial system. While DMLW remains committed to collaboration and accurate information sharing, decisions must be grounded in statutory authority, regulatory requirements, and with each of the appropriate agencies fully represented.

Thank you for the opportunity to clarify these points.

Sincerely,

A handwritten signature in blue ink that reads "Rachel Longacre". The signature is written in a cursive style with a large initial "R".

Rachel Longacre
Chief of Operations, DNR-DMLW

cc: Mike Brown, Manager, MSB
Christy Colles, Director, DNR-DMLW