Lake Louise
Comprehensive Plan Update Team

April 16, 2015, 6:00 - 8:00 pm
MSB Animal Care Building

Agenda

1. Welcome
2. Public Input
3. Introduction Review - New
4. Water Review – Second Chapter
5. Recreation – Second Chapter
6. Discussion on SPUD’s
7. Time Line
8. Member Comments
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PURPOSE OF PLANNING

Plans exist to provide residents, property owners and other members of the community the ability to make effective decisions about the needs and goals for their community. A comprehensive plan is a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public, of a community. It is necessary for the immediate preservation of the public’s peace, health, and safety.

It provides the community with a method of analyzing past development and influencing the future outlook of their community. Information about a community, its economy, land use, public facilities and transportation facilities are collected and analyzed. Projections of community growth and future needs are made. Through citizen participation, community goals and objectives are identified. Recommendations for land use, public facilities and transportation facilities are developed based on these goals and objectives. It should be used as a guide whenever questions affecting development within the community arise.

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Alaska Statutes Title 29.40.030 requires a second-class borough adopt a comprehensive plan by ordinance. The Matanuska-Susitna Borough (Borough) was incorporated as a second-class borough in 1964. In 1970 the Borough wrote the first Borough-Wide Comprehensive Plan, when the population was just 6,509 people. In the late 1990’s the Lake Louise Community undertook writing their own comprehensive plan which was adopted in 1998. At that time the estimated population of the Borough was 54,153.

Planning should be an ongoing process. A comprehensive plan is based on information available at a particular time. In the future, new developments may occur and the needs of the community may change. The comprehensive plan should therefore be reviewed periodically, and updated as necessary.

BOROUGH PLANNING PROCESS

The Planning Commission established a process for developing community based comprehensive plans and what shall be included in the plans. Basic elements of a comprehensive plan include: a brief history of the area; an inventory of existing conditions, issues and concerns; and goals, objectives and recommendation for land use, transportation, public facilities, green infrastructure, watershed/water quality protection and any other topic the community requests.
Under the process, local planning activities may be initiated by request of a community or area. A request for local planning assistance is forwarded to the Planning Commission for consideration. Upon Planning Commission approval of the request, planning staff advertises for members of a local advisory planning “team.”

The Borough requires that an individual be a resident, property owner, business owner, or agency with an interest within the planning area boundaries in order to participate in the planning process. All applications for membership on the planning team are reviewed and appointments made by the Planning Commission.

In 2013, the Lake Louise Community Non-Profit Corporation requested staff assistance to update the 1998 plan. The Mat-Su Borough Code 2.76 establishes community councils to afford citizens an opportunity for maximum community involvement and self-determination (MSB 2.76.010). While the Lake Louise Community Nonprofit, LLC does not meet the definition of the code, according to MSB 2.76, the Borough does recognize the organization as the voice of the community. The Borough makes this accommodation for areas with few residents, but many property owners.

In January, 2014 a Planning Team of interested community members was appointed by the Planning Commission, and they began to meet on a monthly basis. At the beginning of the process, the Planning Team requested a survey be distributed to property owners within the Lake Louise planning area to help ensure community involvement in the process. A total of 497 surveys were mailed, and 202 responses were received, for a 41% return rate. Throughout the document survey results will be highlighted by the star symbol.

The Team requested a follow-up survey be sent to property owners seeking input on the goals and strategies drafted. The survey was mailed in May 2015 and reviewed at a community meeting in July, 2015. Complete process, when complete....

The next page will be a timeline showing when the planning team met, what the discussed, etc.
INTRODUCTION

Lake Louise, Susitna and Tyone are at the far eastern edge of the Matanuska-Susitna Borough but they consistently attract generations of families to their shores for fishing, recreation, hunting, and just plain relaxing from all around south central Alaska. Land owners are eager to share their passion for the area with their children and grandchildren. As a legacy area, folks are eager to protect life as it exists currently. In the late 1990’s, the community came together and drafted a comprehensive plan for Lake Susitna and the surrounding areas. The plan was passed by the Matanuska-Susitna Borough (Borough) Assembly in 1998.

The entire Borough is growing rapidly; the growth has been felt in almost every area of daily life. Traffic grows by the month and new schools are built at a rate of almost one a year. Since the 1998 Comprehensive Plan, population in the Borough has risen almost 55%. There are now almost 100,000 people in the Borough, which has the potential to put additional development pressure on the Lake Louise Area. While the population of the lakes area remains relatively stable, the population growth in the rest of the Borough has the potential to impact the Louise, Susitna, and Tyone Lakes.

The overall goal of the plan highlights the importance of natural resources and recreation in the area.

“To provide and promote recreational opportunities while maintaining and protecting the natural resources and the rural character of the area”.

The goal is to strike a balance between recreation, the people who recreate and protecting the natural resources of the area which people find so compelling. Overall most residents would like the area to remain as it is, but that isn’t possible.

The topic which generated the most robust discussion was about infrastructure. The State of Alaska intends to offer an additional 74 parcels for sale around the lakes which will impact a number of things, including parking, channel operations, and increased use of all the resources.
Some people see the need for additional infrastructure to serve additional landowners and a growing visitor population. Others are fearful that an increase in infrastructure will lead to more casual visitors turning the lake experience closer to that of Nancy Lake in Willow, or Big Lake. Comments from the first survey say it best:

“The existing infrastructure within the community is already challenged. We need additional public parking, a deep water boat launch, mooring and a safe way to access those lakes north of Lake Louise.”

Survey Comment

“Yes, the state is putting pressure on the resource by selling additional lots. I feel the response to is not to overreact by establishing a comprehensive plan that embraces development but instead embraces a set of values reflective of conservation and a serene life style”

Survey Comment

This comprehensive plan update seeks to find the common ground between these two sentiments.

The next page will be a timeline showing when the planning team met, what the discussed, etc.
EXISTING LAND USE

Land use patterns are primarily related to cabins and second-home residential use. The 2013 estimated number of permanent residents in the area was 53 individuals. Property owners and visitors increase the population to more than 500 persons throughout the summer and fall months, when people visit the area to fish, hunt or camp. Spring break in March and summer holiday weekends, particularly the Fourth of July are crowded on the lake. Winter sport activities attract visitors as well. The present road access into the planning area is a paved road, rife with frost heaves, extending from an intersection at Mile 159 of the Glenn Highway and running approximately 21 miles north to the south end of Lake Louise.

The area is a popular visitor destination throughout the year for many different recreational groups. Visitors to the planning area come primarily to enjoy the area's recreational opportunities which abound throughout the year. The exception is during ice break-up and freeze up when travel on the lakes is minimal.

The majority of summer visitors come to the area to participate in water oriented recreational pursuits which include fishing, boating, sightseeing, camping, wildlife observation, limited hiking, and swimming.

With the opening of the hunting season and the colder nights in late summer, few visitors enter the area except to hunt. Ice usually forms on the larger lakes in mid to late October. Off-road transportation during this period is difficult until a sufficient buildup of ice occurs to permit operation of over-ice vehicles and ski planes. Recreational activities in winter months include hunting, ice fishing, cross country skiing, dog mushing, and snow machining. The Lake Louise Snow Machine Club, aka the “Wolf Pack”, a non-profit organization, groom a network of snow machine trails in the planning area popular with property owners and visitors.

Few hiking trails exist. Motorized use during break-up results in rutted trails which become difficult for foot traffic.

LAND OWNERSHIP

Private property in the area was originally obtained from the Federal Bureau of Land Management prior to Statehood in 1959, and the State of Alaska after that time. Some land has also been sold from private citizen to private citizen. The State of Alaska plans to sell another 74 remote recreational parcels on the three lakes sometime in the future.

Note: This paragraph still needs to be updated. The State of Alaska owns most of the land in the planning area, 250,648 acres. The state recently completed its selection of the remaining federal land in the area, 161,280 acres. Private property amounts to 2,792 acres or 476 parcels. The majority of
privately owned parcels (430) are less than five acres in size; 23 parcels are more than five acres but less than ten acres; and 23 parcels are more than 10 acres in area.

**Future State Land Disposals**

In 2012, the State of Alaska Department of Natural Resources (DNR) proposed to see a total of 94 lots in the planning area. The sale was challenged by individuals which resulted in the Commissioner’s office issuing a Final Finding and Decision in 2012. The decision was appealed but denied in October, 2014. The Final Finding and Decision (FFD) decreased the number of lots to be offered from 94 to 74. The 20 lots eliminated from the proposed sale (all located on Lake Susitna) will be retained in state ownership in light of the issues raised in public comments to the FFD and the observations made by DNR during their site visit.

The sale of the remaining lots will be achieved incrementally with the first offering being in 2015. The first sale is limited to eight (8) parcels located on Lake Louise offered at auction. The number of lots offered in each phased sale or auction will continue to be limited and these sales may not occur every year. When this sale is completed, it will have transferred into public ownership those lots originally surveyed by BLM and transferred to the state. Also up for sale in the planning area are four larger parcels located to the east of Lake Louise, which have been for sale since 2013.

The survey addressed state land sales in a couple of questions. An overwhelming majority – 76% do not support future land sales by the State. However as described above, the state’s mission is to put land in private hands and the intention is to go forward with future land sales. One survey question stated lot sales by the State would have a significant impact on existing infrastructure and asked respondents what they would support.

**Community Opinions on DNR Land Sales**

- Additional public parking: 27.7%
- A new deep water public boat launch: 10.6%
- Additional public parking AND a new deep water public boat launch: 41.5%
- No additional infrastructure: 36.7%
Land Use Goals

Goal 1: Maintain the rural character of Lake Louise.

While difficult to define rural character exactly, property owners suggest it includes a strong connection to nature, scenic views, low population density, hunting and fishing, recreational uses, a safe place for kids and the freedom to live your own lifestyle.

**Strategies to Achieve this Goal**

- Support development along roads and waterways that is visually unobtrusive and that addresses the importance of protecting the scenic vistas and environment.
- Encourage residential, recreational and commercial areas to develop and/or maintain visual buffers.
- Encourage commercial development in one area, near current development.

Goal 2: Respect existing private property rights while minimizing impacts to neighboring property owners.

**Strategies to Achieve this Goal**

- Encourage a fair and reasonable balance between private property rights and community interests.
- Encourage tri-lakes property owners to be active in the planning process to ensure their interests and rights are adequately protected.
- Work with the Borough to ensure land use regulations are consistent with this comprehensive plan by allowing the LLC to comment on behalf of the community based upon the contents of the Comprehensive Plan.

Goal 3: Create a special land use district (SPUD) which designates prohibited, permitted and conditional uses; specifies minimum lot size and development density and defines a commercial/recreational zone allowing such uses as lodges and campgrounds.

When asked whether property owners favored large lots of 3.5 acres or more for future development, the response was overwhelmingly in favor, with over 85% of the respondents favoring the larger lot size.
Strategies to Achieve this Goal

Work with the LLC and the Borough to develop a Special Land Use District (SPUD). The SPUD shall designate prohibited, permitted, and conditional land uses, specify lot sizes, and development density and define a commercial/recreational zone for lodges and campgrounds.

Goal 4: Monitor State Plans for Recreational Development and offering for state-owned land.

Strategies to Achieve this Goal

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PUBLIC FACILITIES

PUBLIC FACILITIES AND SERVICES

Few public facilities and services exist for several reasons. The small resident population and cabin property owners enjoy the rural life style of the area, and require only those facilities and services that will continue to protect health, safety, and welfare.

SCHOOLS

No schools exist. Students attend school in Glennallen. The Copper River School District claims the planning area’s students and the State of Alaska Regional Educational Attendance Area pays 100% for each student, school, and transportation costs.

PUBLIC SAFETY

Police protection is provided by the Alaska State Troopers, with the nearest detachment in Glennallen which has three troopers reporting out of that station. The response time is about one hour for police assistance to arrive. Although few problems have occurred in the area, the high vacancy rate of many cabins makes them vulnerable to burglary and vandalism. As a way to counter this, residents of the Lakes have long used a “Good Neighbor” approach, with property owners keeping an eye on unoccupied cabins whenever possible. Throughout rural Alaska bear break-ins are a concern. Bears break into cabins, causing much damage to property and danger to people. This has been a rare occurrence in the three lakes area for the past several years.

Volunteers have worked hard for the last 15 years trying to make the lakes better and safer for their neighbors by providing a volunteer fire department and emergency medical services.

FIRE

A volunteer fire department was established in 2001. Training has been ongoing since then, and is critical to the success of the service. Working with its partner, the LLCNP, the department applied for grants, made purchases, and received donations of equipment. These community assets include approximately 10 pumps, 12 storage units, a fire/rescue boat, a fire truck, and other miscellaneous equipment and supplies. Volunteers have worked hard to maintain an active force, readied equipment, a dispatch system, and keep current with training. Between 2001 and 2014, the volunteer fire department responded approximately 10 times to incidents including vehicle, wild land, and structure fires.
In 2014, another fire service, the Lake Louise Susitna Tyone Volunteer Fire Department was formed and is currently registered with the State of Alaska Fire Marshal's Office. The VFD will operate under the umbrella of the LLCNPC as the area is not organized into a Fire Service Area as are most of the other areas of the Borough. The VFD was registered by the State Fire Marshals’ office on November 4, 2014. The mission of the Louise-Susitna-Tyne VFD is “to provide basic fire prevention, fire preparedness and fire suppression services for the lakes Community and to assist the Alaska State Troopers with search and rescue incidents in the area”.

Throughout the lake system there are 11 fire equipment boxes for use during an incident. There also remains another small group of original existing firefighters, (VFD) reformed and incorporated October 2013.

Because of limited resources and the rural location, property owners are encouraged to be fire wise and self-sufficient.

**Emergency Medical Service (EMS)**

There is a long history of volunteerism around the lakes. Long time property owners served the needs of the community before the Lake Louise Emergency Medical Service (LLEMS) was organized in 1995, to serve all three lakes. Volunteers trained to become Emergency Trauma Technicians (ETT) with the Copper River EMS service initially, and later with the Borough. In 1998, there were two full time residents of Lake Louise trained to this level. Throughout the years, the number of trained responders ebbed and flowed (see Appendix one for more statistics).

An ambulance was donated to the service from the Valdez Creek Mine, via the MSB. Over the years, the Borough has provided a patient transportation sled, two new snow machines with a trailer, two GPS units, a SAT phone, and equipment and supplies to stage at responder locations necessary for patient stabilization. For the first 10 to 12 years of the service, volunteer equipment, fuel, and personal time was not compensated. In 2011, the Borough required all responders to become Borough employees for insurance purposes and responders now receive some payment for services based on time and level of training. Fuel and equipment is still voluntary.

Lakes Louise, Susitna, and Tyone are supported by the Borough’s paid on-call responders who strive to provide quality care in a safe manner as quickly as possible. Trained by Matanuska-Susitna Borough personnel adhering to Alaska State Standards, the staff consists of certified medical responders. Since there are very few calls each year, responders keep up their skills by attending monthly training meetings. Consolidated headquarters for all three lakes is located in the Matthews Public Safety Building located approximately 1 mile off Lake Louise Road. The area is served by the 911 dispatch system or 9G Base; however, due to the immense size and locality, the EMS system is hampered not only by terrain but by distance.

**Health Services**

The nearest medical facility is Cross Road Medical Center in Glennallen. The Clinic offers a family practice clinic staffed with a doctor, a nurse practitioner, and three physician assistants as well as a
pharmacy, laboratory services, counseling, and urgent care. For patients needing advanced care, MEDEVAC services to Anchorage are available. The Copper River Native Association also operates a health care clinic in Tazlina.

The nearest hospital is Mat-Su Regional Medical Center in Palmer, which is located approximately 140 miles away. Additionally, there is a state public health office in Glennallen. It is staffed full-time by a clerk, with an itinerant public health nurse based in Wasilla.

Utilities
There are no publically owned water, sewer, or energy distribution systems in the Lake Louise area. Electrical power is generated by privately owned and maintained systems of generators, solar panels and wind turbines. The majority of residences use the lakes as a source of water for at least some purposes. Sewage disposal is handled throughout the area with open pit toilets, seepage pits and DEC approved septic systems. There is a public transfer station for solid waste disposal presently located at Dinty Bush Services.

Water Supply
Local aquifers are unconsolidated sands, gravels, silts and clays yielding water that may be of high mineral content at low rates. Drilling wells is expensive and problematic, although two of the lodges have water wells. One person acquainted with the area says that there are some sand-point wells in the area, which would be shallow, hand dug wells. Being very shallow, these wells also extract water from the lake, but via locally saturated sand and gravel adjacent to the lake.

When asked how owners got potable water, 73% replied they transported water, while 51.3% said they use the lakes. Many respondents indicated their source of water was dependent upon the usage - for instance they haul drinking water, but use the lakes for dish washing and showering.

The lack of road access to most properties in the area, permafrost requiring deeper wells, and low product aquifers combine to make well development an expensive proposition. This in turn makes use of the lake as a water source a popular option.

Two of the lodges operate Class B water systems with wells. One lodge operates a Class C water system, with treated and filtrated water from the lake.

Sanitary and Wastewater Disposal
Conventional soil absorption wastewater treatment systems will apparently work in the area although the cold climate and soil conditions make it difficult if the system is not in continuous use. By far the majority of private properties are serviced by pit privies. The three lodges have on-site septic systems. There is no dump station for the use of recreational vehicles. One would best be located in the State campground.
SOLID WASTE
Solid waste is collected at two dumpsters located at mile 15.5 of Lake Louise Road through a contract provider on private land. Some hazardous materials, including waste oil, paint, and batteries are accepted. The dumpsters have made a significant difference in the overall cleanliness of the area. Their prominence along Lake Louise Road helps to increase usage by visitors. The community desires better access to the dumpsters. Currently people lift garbage into the dumpsters, which is problematic with heavy containers.

ELECTRICAL POWER
There are no electrical utility lines providing power to the area. Electricity used is supplied from private generators, solar panels, and some wind turbine generators.

COMMUNICATIONS
Cell phone service is available at Lake Louise and satellite internet and phones are available through commercial companies. Radio-telephone service is available through Alaska Communications and Copper Valley Telephone Co-op. Citizen Band radio and several cellular services provide other communication options. VHF radios are also used in the lakes community.

PUBLIC FACILITIES GOALS

Goal 1: Continue to improve Fire and EMS training, equipment, and response in the Louise, Susitna and Tyone Lake area.

Strategies to Achieve this Goal

- Work with the Borough Emergency Medical Service to obtain training as Emergency Trauma Technicians or Emergency Medical Technician.
- Continue to have training throughout the year to keep on-call responder responses sharp.
- Improve communications for emergency purposes.
- Seek funding for EMS and Rescue equipment through a variety of funding sources, including the Borough’s Capital Improvement Program.
- Encourage the LLC to seek funding for firefighting equipment through a variety of funding sources.
- Encourage maintenance of a local dispatch option in conjunction with the Borough’s 911 call center and State Troopers.

Goal 2: Improve access to the dumpsters.

Strategies to Achieve this Goal
- Work with the Borough to devise an easier method of putting trash into the dumpster. Ideas include better stairs or a ramp for vehicles to pull up parallel to the dumpsters, allowing trash to be placed, rather than thrown.
- Encourage the Borough to effectively and efficiently manage the contract with the solid waste provider and prepare for event weekends.

Survey respondents were asked about their wishes for the area in the next 20 years.

**Government Services**

- 83.5% Borough, State, Federal support to remain at a low level
- 16.5%
TRANSPORTATION

CURRENT TRANSPORTATION MODES

Transportation in the planning area consists of a state maintained road, state maintained airport, and lake travel. The State of Alaska Department of Transportation and Public Facilities own and operate the Lake Louise Airport, with the identifier Z55. Runway 13-31 is a gravel strip 3,000 feet long with a parking apron. The state classifies the facility as having low levels of activity and minimum amounts of maintenance. The airport receives little use due to difficulties with transportation from the airport to the lakes and boats.

LAKE LOUISE ROAD

The Lake Louise Road is an approximately 19 mile road which connects the community to Mile 159 on the Glenn Highway. For many years it was a gravel road; graded in the summer months. The road is paved however it is susceptible to frost heaves making travel at a constant speed impossible. Maintenance of the road is intermittent during the summer months due to the remoteness of the area and there are very few pull outs along the roadway. This becomes an issue during hunting season when people simply pull over and park on the side of the road. There is also a subdivision adjacent to the road with no access which presents the same scenario.

PARKING

Parking throughout the area is limited. Each of the lodges offers storage and parking, but not enough to accommodate all the property owners, or day visitor and casual users. Consequently large vehicles with boat trailers and/or campers require additional parking. There is a limited parking area near the Dinty Lake Causeway, often creating an overflow where the only option for people is to park on the road, making it difficult to maneuver and launch boats. The State of Alaska has announced plans to sell an additional 74 lots in the lakes area, which will only compound this problem. There are no trash receptors or toilets on site.

There is a parcel of State of Alaska, Department of Natural Resource land near the causeway which is under the management of the State Department of Transportation and Public Facilities which would make a convenient area for parking expansion.

Insert Map
**Lake Travel**

Water transportation has played a key role in the development of the area. In summer months, the three interconnected lakes provide boat access to over 100 miles of shoreline. However, weather conditions on the main lakes often make small boat operations hazardous. The wind can rise quickly resulting in small craft warnings and unsafe conditions. Unmarked gravel bars and rock outcroppings are navigational hazards.

**The Channel**

There is an S shaped, narrow channel that connects Lake Louise to Susitna Lake that presents two blind curves with shallow approaches on both lakes. When entering the channel from either side, the operator cannot see the other end. The local community has posted a channel traffic schedule at all boat ramps. North bound traffic goes through on the first half hour and south bound traffic goes through on the second half hour.

As the channel is very shallow, most boats go through it on step; however, there is limited navigational space. The Department of Natural Resources Boating Safety has no record of reported accidents at the channel, however there have been numerous sightings of boats run aground in the shallow waters. Some people walk their boat through and cannot be seen, which produces another hazard. When coming from Susitna Lake into Lake Louise during an extreme SE Wind, Lake Louise presents a wall of white capped waves that cannot be seen until the last blind corner is rounded. This presents a serious issue as rising winds can result in small craft warnings.
The survey asked property owners a series of questions regarding the channel; with 84% of the respondents noting they use the channel. When asked if channel boat travel was a safety concern, folks on the different lakes had slightly different viewpoints.

One possible solution might be a road to Susitna Lake, but respondents were consistently against that idea, with 70% of all respondents, 72% of Susitna Lake respondent, and 60% of Tyone Lake respondents saying they were not interested in the possibility of a road being constructed.

**TYONE WEIR PROJECT**

The 1998 Comprehensive Plan included language on investigating a weir on the Tyone River to help balance the water levels between Louise and Susitna Lakes. In 1999, the Borough received a state grant to address the difference in water level and channel passage between Lake Louise and Susitna Lake. The Borough requested an evaluation by the U.S. Fish and Wildlife Service of a proposal received from the Navy SeeBees to install a control structure for Tyone River and Tyone Lake. The goal of the water control structure was to raise lake water levels to facilitate travel through a shallow channel in the lake and dock access to adjacent lodges regardless of seasonal changes to water level. This became known as the Tyone Weir Project.

At the conclusion of the evaluation in 2008, the U.S. Fish and Wildlife Service found that further analysis and design was necessary and environmental documents would need to be filed for a variety of permits. Additionally they concluded:

“The control of boat wake is necessary to control sand erosion at the shallow channel. Discussions indicated that natural wave action and ice movement creates some of the shallow channel conditions and that **may not change even with lake elevation increase**
(emphasis added). Boat traffic exacerbates the shallow channel problems and alternatives analyzed for permitting should include evaluation of management practices that control boat speed and size on the lake system. Evaluation should be part of a lake management plan and may be required for any future permit applications (U.S. Fish & Wildlife Service, 2008).”

The Borough returned the state grant and the project did not move forward.

CONCLUSION
The planning team did not arrive at a definitive answer for the channel, however everyone agrees that safe passage is a goal. In November 2008, the MSB returned the weir project grant funds to the State of Alaska and the weir project was cancelled. Currently, there are no pending projects at the Federal, State or Borough levels of government to resolve either the channel safety or the water level stabilization issues. The LLC continues to cut brush around the channel to improve visibility, short of implementing any other actions.

TRANSPORTATION GOALS

Goal 1: Seek a safe, dependable passage between all the lakes

Strategies to Achieve this Goal

- Support and encourage plans for repairs and improvements to the Lake Louise/Susitna Lake Channel.
- Encourage the LLC to submit a nomination to the Borough’s Capital Improvement Program to make repairs to the channel.
- Encourage the LLC to work with the Department of Natural Resources to make improvements to the channel.

Goal 2: Create a parking area for use by property owners and visitors

Strategies to Achieve this Goal

- Encourage the LLC to make a request to the Borough’s Capital Improvement Program for development improvements to the boat launch at the Dinty Lake Causeway.
- Seek additional parking at Army Point.
- Investigate the potential of working with the Department of Natural Resources and the Department of Transportation to utilize the state land near the causeway for parking.
Goal 3: Improve Lake Louise Road

Strategies to Achieve this Goal

- Work with the Department of Transportation and Public Facilities to create off road parking near trailheads and subdivisions with no access.
- Request more regular maintenance of the road, instead of increased warning signs.
WATERSHEDS & WATER QUALITY

Healthy fish and wildlife habitats translate into healthy human habitats, by supporting a full range of ecosystem services, such as water filtration, flood mitigation, and food chain productivity. Lakes are important for scenic views, wildlife habitat, recreational opportunities, and an overall enhancement of quality of life. As the Borough’s population continues to grow and urbanization increases, so does the need for information about our waterbodies.

WATERSHEDS

A watershed, or drainage area, is a geographic area where all rainwater, snowmelt, and any other type of precipitation drains into lakes, rivers, or other bodies of water. The boundaries of these areas are defined by the movement of water throughout a region. Watersheds provide a number of essential services to communities. They are necessary for water supply and filtration, flow regulation, and erosion and sedimentation control. Properly functioning watersheds can reduce the need for constructing and operating expensive infrastructure systems to provide these services. Healthy watersheds also provide the benefits of water quality, flood damage prevention, habitat protection, biodiversity, agriculture, fishing and forestry industries, aesthetic enjoyment, and recreation. The population of the Borough relies on surface and ground water for drinking water, magnifying the importance of watershed protection.

The preservation, restoration, and maintenance of a watershed requires communities to establish a balance among needs for water supply, water quality, flood control, navigation, hydropower generation, fisheries, biodiversity, habitat conservation, and recreation. Watersheds containing higher proportions of forest lands, wetlands, vegetation, and other permeable surfaces provide greater capacity for filtering pollutants, moderating water flow, and erosion and sedimentation control. Maintaining greater proportions of forest land, wetlands, and other vegetated areas provides improved wildlife habitat and increased biodiversity. Increased vegetation can also assist in climate stabilization by providing more shade.

WATER QUALITY

The importance of water quality is the number one issue on property owners’ minds according to the survey – 87% said water quality is a high priority, although when asked if overall water quality was a problem, 47% said no, and another 30% mildly agreed with the statement. People are concerned about water quality before it develops into an issue. When asked how people got potable water, 73% replied they transport it, and 51% use the lakes for some of their water needs (many respondents reported they boiled the water first).

Louise, Susitna and Tyone Lakes are all included in the Borough’s Volunteer Lake Monitoring Program. Volunteers use their own boats to take measurements at the deepest spot of the lakes. Measurements include:
• Secchi disk reading (for water clarity)
• Observations (weather, wildlife, human activity, aquatic plants, water level)
• Lake profile (multi-parameter sensor is used to read temperature, conductivity, dissolved oxygen and pH at each meter depth)
• Collecting a water sample for lab analysis of chlorophyll $a$ and phosphorus

One of the advantages of the program is the creation of baseline water quality data. Years of data can demonstrate cycles in the lakes. Fortunately for the lakes, data is available from tests performed every year (except 2013) since 2002 thanks to stalwart volunteers. (I’m seeking comparison data for inclusion in the appendix).

One of the most common and serious health concerns of contaminated water supply is bacteria and other microcosms. The Borough’s program does not currently test for hydrocarbons or bacteria which are under the purview of the State of Alaska Department of Environmental Conservation (DEC). It is a possibility that the community could help pay for testing for hydro-carbons and/or bacteria.

The comprehensive plan update encourages good practices for healthy lakes and healthy shorelines. Run off can be tempered by rain gardens or bio swells which help to slow down run off and spread it out. More information about rain gardens is on the Borough's website. A natural shoreline landscape reduces negative impacts from pollutants, sediment and algae blooms that can lead to loss of recreation use and lower fish and wildlife populations (Michigan State Extension). As development of the lakes expands, it is important to keep natural shoreline vegetation in place to keep the lakes healthy.

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**WATER QUALITY GOALS**

**Goal 1:** To protect the water resources of Lake Louise, Susitna and Tyone and maintain its quality and quantity.

**Strategies to Achieve this Goal**

- Continue the water quality testing program on all three lakes to add to the database and monitor future conditions.
- Provide information at specified locations for residents, recreational users and visitors concerning:
Setbacks and “best management” practices for shoreline development.
- Dangers and hazards existing in the area.
- The area’s special features and recreational opportunities.
- Emergency and safety systems, environmental concerns, sanitary waste locations, etc.
- Trail maps.
- Work with the Alaska State Department of Fish and Game to protect environment, wildlife, and community.
- Work with the Borough and the State to develop remote public campsites with a fire ring and provision for trash.

**Goal 2: Encourage property owners to retain as much natural shoreline as possible.**

**Strategies to Achieve this Goal**

- Encourage property owners to curve paths that head down to the water – straight paths down slopes channel the water into gullies.
- Encourage property owners to keep the shoreline vegetated with a minimum of 20 to 25 foot wide buffers to decrease erosion along the lakeshores.
- Adhere to the state of Alaska’s 100 foot water body separation for outhouses to cut down on water body pollutants.

**Goal 3: Encourage the Borough, State, and the U.S. Geological Survey to map the aquifers that provide or contribute to existing and potential future drinking water supplies.**

**Strategies to Achieve this Goal**

- Identify and characterize major aquifers and aquifer systems.
- Determine the connectivity between shallow aquifers and surface water bodies.
- Assess current water quality conditions.
- Utilize local existing well log data to map aquifers.

**Goal 4: Encourage visitors and boaters to be good stewards of the lakes.**

**Strategies to Achieve this Goal**

- Provide educational material about invasive aquatics, particularly elodea, at boat launches.
- Work with the LLC to provide educational material about how boats and float planes can help avoid transferring invasives in to the lakes by dumping water from other areas prior to introduction in the lake system.
Louise, Susitna, and Tyone Lakes have significant recreational resources, which are important to the area’s quality of life, the local economy, and the community’s identity. The community’s lakes, fish and wildlife, and mix of opportunities—for both solitude and quiet and for active recreation, and for both summer and winter activities—are a primary reason people choose the site for cabins and second homes. Outdoor recreation including hunting and fishing are also major draws for visitors to the area.

Life in the area naturally revolves around the lakes which are ice-free from May to September. Boat launches are available at each of the area lodges, and at the end of the road near the state campground. Parking for vehicles and trailers is becoming problematic as more people purchase property, and visitors increase especially over holiday weekends in the summer and hunting season. The need for additional parking areas is noted in the transportation chapter.

Recreational activities in the summer months include fishing, camping and other water activities such as sailing and kayaking. Activities in the winter months include ice fishing, snowmobiling, cross country skiing, and snowshoeing.

**RECREATIONAL FACILITIES**
The Division of State Parks operates a summer campground at the old Army Point recreation site. The campground contains recreation vehicle parking and 56 camping spaces. A boat launch also is located at the site.

**RECREATION GOALS**

**Goal 1: To protect the resources of Lake Louise, Susitna and Tyone and maintain its quality and quantity.**

**Strategies to Achieve this Goal**

- Provide information at specified locations for residents, recreational users and visitors concerning:
  - Dangers and hazards exiting in the area.
  - The area’s special features and recreational opportunities.
  - Emergency and safety systems, environmental concerns, sanitary waste locations, etc.
  - Trail maps.
• Work with the Borough and the State to develop remote public campsites with a fire ring and provision for trash.
• Request Alaska Fish and Game to study the fish resource and release a report.
• Encourage recreational uses to support local businesses.
CHAPTER 17.18: CHICKALOON SPECIAL LAND USE DISTRICT

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ARTICLE I. GENERAL PROVISIONS

17.18.005 DEFINITIONS.

(A) General.

(1) Words used in the present tense include the past tense.

(2) The singular number includes the plural.

(3) The masculine gender includes the feminine.

(4) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

(B) Specific definitions.

(1) "Access" means a legal way or means of approach to provide physical entrance or egress to a property.

(2) "Accessory" as applied to a use or a building or a structure, means customarily subordinate or incidental to, and located on the same lot with a principal use, building or structure.

(3) "Alteration" means any change, addition or modification in the construction, location or use classification of any building, structure or use.

(4) "Area, Lot" means the total area within the property line, including easements but excluding dedicated rights-of-way.

(5) "Automobile wrecking" means the dismantling or wrecking of automobiles or other motor vehicles, and the storage or keeping for commercial sale of dismantled or partially dismantled, obsolete or wrecked motor vehicles, or the parts resulting from such activity.

(6) "Automobile wrecking yard" means the location of automobile wrecking activities as defined. (See also "junkyard")

(7) "Buffer" means a means of protection against negative impacts which provides a physical separation or barrier.

(8) "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.

(9) "Building height" for the purposes of determining the maximum height of a building, means the vertical distance from the average finished grade adjacent to the building to the highest point on the roof, but not including radio antennae, water towers, church spires, penthouses constructed primarily for mechanical equipment, or similar incidental building features.

(10) "Campground" means a plot of ground upon which two or more campsites are located, established or maintained for occupancy as temporary living quarters for recreation, education or vacation purposes.
(11) “Church” means a building or structure, or a group of buildings or structures, which by design and construction are primarily intended for the conduct of organized religious services and accessory uses associated therewith excluding a single-family dwelling (parsonage) for use by the pastor or caretaker. Additional on-site quarters for clergy or nuns, facilities for training of religious orders, or for daily educational purposes are excluded from this definition.

(12) “Commercial use” means any activity other than a home occupation where goods or services are offered or provided for sale or for profit.

(13) “Conditional use” means a use of a structure of land which may be allowed by the planning commission after a public hearing and review and subject to certain prescribed or imposed conditions.

(14) “Conditional use permit” means a written document which may specify additional controls and safeguards to ensure compatibility with permitted principal uses.

(15) “Dwelling” means a building designed or used as the living quarters for one or more families.

(16) “Dwelling, Multi-family” means a detached building designed for or occupied exclusively by three or more families and constituting three or more dwelling units.

(17) “Dwelling, Single-family” means a detached building designed for or occupied by and providing housekeeping facilities for one family, including factory-built and prefabricated dwellings but not mobile homes.

(18) “Dwelling, Two-family” means a detached building designed for or occupied exclusively by two families and constituting two dwelling units.

(19) “Dwelling unit” means a structure or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for one family.

(20) “Family” means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a group home, rooming house, club, fraternity house or hotel.

(21) “Grade, Finished” means the lowest point of elevation of the finished surface of the ground, paving or sidewalk between the building and a line five feet from the building or, when the property line is less than five feet from the building, between the building and the property line.

(22) “Grade, Natural” means the elevation of the ground surface in its natural state, before man-made alterations.

(23) “Gravel pit” means an open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.

(24) “Group home” means a legally licensed residential use which is a home for the elderly, or which serves as a dwelling for persons seeking care, rehabilitation or recovery from any physical, mental or emotional infirmity, for rehabilitation of criminals, or any combination thereof, in a family setting.
(25) "Group camp" means an organized, often seasonal retreat with or without overnight accommodation which is operated as a profit or nonprofit business with planned recreational or educational activities and to which people come for scheduled visits.

(26) "Home occupation" means an activity carried out in a dwelling unit or detached appurtenance provided that:

(a) no more than one other person in addition to members of the family who reside on the premises may engage in such occupation,

(b) the use of the dwelling unit or detached appurtenance for the home occupation is clearly incidental and subordinate to its use for residential purposes;

(c) there is no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building;

(d) traffic is not generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;

(e) equipment or process is not used the home occupation which creates noise, vibration, glare, fumes, odors or commercial electrical interference, in violation of applicable government rules and regulations. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; and

(f) outdoor storage of materials or equipment is not required.

(27) "Industrial use" means any activity which includes manufacturing, processing, warehousing, storage, distribution, shipping and other related uses.

(28) "Junk" means any worn out, wrecked, scrapped, partially or fully dismantled discarded tangible material, combination of materials or items, including motor vehicles which are inoperable, machinery, metal, rags, paper, rubber, plastics and building materials. The above-listed materials are not intended to be exclusive; "junk" may include any other materials, which cannot, without further alteration and reconditioning, be used for their original purposes.

(29) "Junkyard" means an outdoor location where junk is gathered together and stored for a commercial or public purpose.

(30) "Landfill, Sanitary." (See "Sanitary landfill" and also Title 8, "Sanitary Fill Sites.") (31) "Landfill site" means a dumpsite where only natural, organic materials such as tree stumps, brush and/or topsoil resulting from land development efforts, can be disposed of or dumped.

(32) "Lot" means a designated parcel, plot, tract or area of land established by plat, subdivision or, as otherwise permitted by law, to be used, developed or built upon as a unit. (See also Title 16)

(33) "Mobile home" means a detached single-family dwelling designed for long-term human habitation and having complete living facilities; capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer,
and designed primarily for placement on a non-permanent foundation. Travel trailers as defined herein are not to be construed as mobile homes.

(34) "Park" means a tract of land, designated and used by the public for active and/or passive recreation.

(35) "Parking space" means a space for the parking of a motor vehicle within a public or private parking area.

(36) "Parsonage" means the house provided by a church for use by its pastor.

(37) "Permitted use" means a use of land or a structure which is allowed within a certain zoning district according to the regulations in this code and subject to the applicable restrictions.

(38) "Principal use" means the primary or predominant use of any lot, building or structure. (39) "Recreational use" means any formal or informal leisure time activity.

(40) "Recreational vehicle park." See "Travel trailer park."

(41) "Refuse area." See "Junkyard."

(42) "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. (43) "Salvage yard." See "Junkyard."

(44) "Sanitary landfill" means a legally permitted site which has been designed, constructed and approved to accommodate the disposal of solid waste. (See Title 9, "Sanitary Fill Sites.")

(45) "Setback" means the area of a lot adjacent to a lot line within which structures as herein defined may not be erected.

(46) "Sign" means a structure or device for advertising intended to direct attention to a business, which is placed upon or within a building, structure or parcel of land and which can be read from a public right-of-way, excluding:

(a) signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, name of occupants or premises, or other identification of premises not having commercial connotations;

(b) flags and insignia of any governmental agency except when displayed in connection with commercial promotion;

(c) regulatory, identification, informational or directional signs erected or required by governmental bodies or reasonably necessary to regulate parking and traffic flow on private property where such signs have no commercial connotation; (d) integral decorative or architectural features of buildings; and

(e) holiday or special event banners. (47) "Signs, Animated" means any sign or part of a sign which uses movement or change of lighting to depict action or to create a special effect or scene.

(48) "Sign, Flashing" means any directly or indirectly illuminated sign which exhibits changing
natural or artificial light or color effects by any means whatsoever.

(49) "Sign, Portable" means a sign that is not permanent, affixed to a building, structure, the ground, set on wheels or otherwise designed to be moved from one location to another.

(50) "Structure" means anything that is constructed or erected and located on or under the ground, or attached to something fixed to the ground, or an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. 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; clothes lines; flag poles; planters; incidental yard furnishings; water wells; monitoring wells and/or tubes; patios, decks or steps less than 18 inches above average grade.

(51) "Temporary structure" means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

(52) "Travel trailer" means a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use, identified by a model number, serial number or vehicle registration number.

(53) "Travel trailer park" means any parcel, tract or lot or portion thereof where space for two or more travel trailers is leased, rented or held for rent for occupancy for less than 30 days excluding: automobile or travel trailer sales lots on which unoccupied travel trailers are parked for inspection and sale.

(54) "Use" means the purpose for which land, a building or structure is arranged, designated or intended, or for which either land or a building is or may be occupied or maintained.

(55) "Variance" means a grant of relief from one or more of the requirements in MSB title 17 as provided for by state law.

(Ord. 92-145, § 2, 1992)

17.18.010 ESTABLISHED.

(A) There is established a special land use district, which shall include all territory lying within the area designated as the Chickaloon community and further described in subsection (B).

(B) The Chickaloon Special Land Use District includes the following area:

Township 19 North, Range 4 East, Seward Meridian, Alaska
Sections 1 and 2 Lying southeasterly of the thread (center of the braided channels) of Kings River
Township 19 North, Range 4 East, Seward

http://www.codepublishing.com/AK/matanuskaSusitnaBoroughhtml/MatanuskaSusitnaBorough17/MatanuskaSusitnaBorough1718.html#17.18 6/14
Meridian, Alaska

Sections 10 and 11  Lying southeasterly of the thread (center of the braided channels) of Kings River

Township 19 North, Range 4 East, Seward
Meridian, Alaska

Sections 12, 13 and 14  All

Township 19 North, Range 4 East, Seward
Meridian, Alaska

Sections 15 and 16  Lying southeasterly of the thread (center of the braided channels) of Kings River

Township 19 North, Range 4 East, Seward
Meridian, Alaska

Sections 21, 22, 23 and 24  All

Township 19 North, Range 5 East, Seward
Meridian, Alaska

Sections 1, 2, 3,
4, 5, 6, 7, 8, 9,
10, 11, 12, 13, 14
15, 16, 17, 18, 19,
20, 21, 22, 23 and 24  All

Township 19 North, Range 6 East, Seward
Meridian, Alaska

Sections 1, 2, 3, 4,
5, 6, 7, 8, 9, 10,
11, 12, 13, 14, 15,
16, 17 and 18  All

Township 19 North, Range 7 East, Seward
Meridian, Alaska

Sections 1, 2, 3, 4,
5, 6, 7, 8, 9, 10,
11, 12, 13, 14, 15,
16, 17 and 18  All

Township 20 North, Range 4 East, Seward
Meridian, Alaska

Section 36  Lying southeasterly of the thread (center of the braided channels) of Kings River

Township 20 North, Range 5 East, Seward
Meridian, Alaska

Sections 7, 8, 9, 10,
11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21,
22, 23, 24, 25, 26, 27,
Township 20 North, Range 6 East, Seward Meridian, Alaska
Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 All

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 7, 8, 9, 10, 11 and 12 All

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 13 and 14 Lying westerly of the thread (center of the braided channels) of Purinton Creek

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 15, 16, 17, 18, 19, 20 and 21 All

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 22 and 23 Lying westerly of the thread (center of the braided channels) of Purinton Creek

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 26 Lying westerly of the thread (center of the braided channels) of Purinton Creek

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 27, 28, 29, 30, 31, 32, 33 and 34 All

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 35 and 36 Lying southwesterly of the thread (center of the braided channels) of Matanuska River

(Ord. 95-162, § 2, 1995; Ord. 92-145, § 2, 1992)

17.18.020 PURPOSE.
The area within the boundaries of this special land use district will be utilized so that land uses will be consistent with the objectives of the Chickaloon comprehensive plan and to protect the public health, safety and welfare.

(Ord. 92-145, § 2, 1992)

ARTICLE II. APPLICATION OF REGULATIONS

17.18.040 CONFORMANCE REQUIRED.

No building, structure, land or water area located within this special land use district shall hereafter 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.

(Ord. 92-145, § 2, 1992)

17.18.050 PERMITTED USES.

Those uses not identified as conditional uses or prohibited uses are permitted.

(Ord. 92-145, § 2, 1992)

17.18.060 CONDITIONAL USES.

(A) The following uses may be permitted by obtaining a conditional use permit in accordance with MSB 17.18.110 through 17.18.150:

1. group homes;
2. churches and related buildings;
3. utility substations and electrical transmission lines;
4. highway maintenance yards;
5. commercial gravel and quarry pits over one acre in size;
6. group camps;
7. natural resource extraction or processing;
8. mobile home parks;
9. uses that cause physical changes to the lot exceeding one acre in size, excluding agricultural uses as well as roads and parking lots when used as ancillary uses.

(Ord. 92-145, § 2, 1992)

17.18.070 PROHIBITED USES.

(A) Prohibited uses and structures within the Chickaloon special land use district are all uses and structures not specified as permitted or conditional uses, including:

1. junkyards, salvage yards and automobile wrecking yards; and
(2) sanitary landfills and refuse areas. (Ord. 92-145, § 2, 1992)

17.18.080 COMPLIANCE.

No building, structure, land or water area located within this special land use district shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, repaired or structurally altered except in conformity with the regulations specified in this chapter.

(Ord. 92-145, § 2, 1992)

17.18.090 LOT AREA.

The minimum lot area for any use shall be five acres.

(Ord. 92-145, § 2, 1992)

17.18.100 SETBACK REQUIREMENTS.

The setback requirements specified in MSB 17.65 shall apply.

(Ord. 92-145, § 2, 1992)

ARTICLE III. CONDITIONAL USE PERMITS.

17.18.110 INTENT.

It is recognized that there are certain uses which are generally considered appropriate in this district; provided that controls and safeguards are applied to ensure their compatibility with permitted principal uses and to protect the public health, safety and welfare. The conditional use permit procedure is intended to allow the community and planning commission to consider the impact of the proposed conditional use on surrounding property and the application of controls and safeguards to assure that the conditional use will be compatible with the surrounding area and in keeping with the character and integrity of the Chickaloon community.

(Ord. 92-145, § 2, 1992)

17.18.120 APPLICATION AND FEE.

(A) An application for a conditional use permit shall be filed by the owner of the property concerned or the owner’s authorized agent.

(B) Application for a conditional use permit shall be in writing on forms prescribed by the planning director. The application shall include:

(1) a legal description of the property involved;

(2) a statement of the proposed use; and

(3) a detailed site plan showing the proposed location of all buildings and structures on the site, access points, visual screening, buffering, drainage, vehicular and pedestrian circulation patterns, parking areas and the specific location of the proposed land use or uses, specific location of septic and waste water facilities, together with other information as may be required to comply with the
standards for a conditional use listed in this chapter and in other pertinent sections of this chapter. For those conditional uses involving natural resource extraction or gravel pits acceptable groundwater monitoring and reclamation plans shall be submitted for review and consideration by the planning commission.

(C) A non-refundable fee as prescribed by MSB 17.99.

(Ord. 92-145, § 2, 1992)

17.18.130 PUBLIC HEARING.

(A) The planning commission shall hold a public hearing to consider any conditional use permit application.

(B) Notice of any public hearing required under this code shall be given in accordance with this section.

(C) Forms of notices are as follows:

(1) publication in a newspaper of general circulation in the borough 15 days prior to the public hearing;

(2) mailing a public hearing notice at least 15 days prior to the public hearing to all record owners of property within a distance of 600 feet of the exterior boundary of the property that is the subject of the application, or to the record owners of the five tax parcels nearest the property that is the subject of the application, whichever is the greater number of persons; and

(3) in addition to the requirements of subsection (C)(2) above, if the public hearing is for a conditional use permit within a recorded subdivision, all persons holding a legal interest in property within that subdivision shall be mailed a public hearing notice.

(D) When the property that is the subject of an application lies within the boundaries of a community council recognized by the assembly, notice shall be mailed to the community council at least 15 days prior to the public hearing.

(E) Record owners in this section refers to the owners as shown in the records of the borough tax assessor.

(F) The failure of any person to receive any notice required under this section, where the records of the borough indicate the notice was provided in a timely manner, shall not affect the validity of any proceeding under this title.

(G) Every public hearing notice shall state the following information:

(1) date, time and location of the public hearing;

(2) brief description of the application; (3) description of the property that is the subject of the application and a vicinity map of that land;

(4) legal description of the application; (5) the names of the applicants and the owners of the subject property;

(6) identify the location of where the application and other supporting material will be available for
public inspection; and

(7) identify the planning department’s telephone number.

(H) Prior to the date of the public hearing, the applicant shall pay the cost of all mailings or advertisements required by ordinance specific to that action.

(Ord. 92-145, § 2, 1992)

17.18.140 PLANNING COMMISSION ACTION.

(A) The planning commission shall consider the recommendation of the Chickaloon Community Council, shall hear any interested parties and shall render a decision on the application for a conditional use permit within 30 calendar days from the date of public hearing. In recommending the granting of a conditional use permit, the planning commission shall state in writing the conditions of approval of the permit which it finds necessary to carry out the intent of this chapter. These conditions may increase the required lot or yard size, control the location and number of vehicular access points to the property, require screening and landscaping, and may require the reclamation of property to a character in keeping with surrounding lands. The commission may also impose other conditions and safeguards designed to ensure the compatibility of the conditional use with other lawful uses and the character and integrity of the Chickaloon community.

(B) The planning director shall incorporate any conditions or requirements stipulated by the commission in the conditional use permit.

(Ord. 92-145, § 2, 1992)

17.18.150 GENERAL STANDARDS.

(A) A conditional use may be approved only if it meets the requirements of this section in addition to any other standards required by this chapter.

(1) The conditional use will not detract from the value, character or integrity of the Chickaloon community.

(2) The conditional use fulfills all other requirements of this chapter pertaining to the conditional use in question.

(3) The granting of the conditional use permit will not be harmful to the public health, safety, convenience and welfare.

(4) The sufficient access, setbacks, lot area, parking space, buffers, and other safeguards are being provided to meet the conditions.

(5) If the permit is for a public use or structure, the commission must find that the proposed use or structure is located in a manner which will maximize public benefits.

(Ord. 92-145, § 2, 1992)

ARTICLE IV. VARIANCES

17.18.160 APPLICATIONS AND PROCEDURES.
Applications and procedures for variances under MSB 17.18 shall be as prescribed in MSB 17.65. (Ord. 92-145, § 2, 1992)

ARTICLE V. REGULATION OF ALCOHOLIC BEVERAGE USES

17.18.170 APPLICATIONS AND PROCEDURES.
Applications and procedures for alcoholic beverage sales on dispensaries under MSB 17.18 shall be as prescribed in MSB 17.70.
(Ord. 92-145, § 2, 1992)

ARTICLE VI. FLOOD DAMAGE PREVENTION AND COASTAL MANAGEMENT PLAN

17.18.180 FLOOD DAMAGE PREVENTION AND COASTAL MANAGEMENT PLAN.
Compliance with flood hazard prevention and coastal management under MSB 17.18 shall be as prescribed in MSB 17.29 and the most recently adopted Matanuska-Susitna Borough Coastal Management Plan.
(Ord. 92-145, § 2, 1992)

ARTICLE VII. APPEALS

17.18.190 APPEALS.
Appeals from decisions of the planning commission may be made under the provisions of MSB 15.39.
(IM 96-013, page 1 (part), presented 3-19-96; Ord. 92-145, § 2, 1992)

ARTICLE VIII. AMENDMENTS

17.18.200 REPORT.

(A) Before any proposed change of this chapter may be acted upon by the borough assembly, the planning commission shall study the proposed change and make a report in writing to the assembly.

(B) The report shall give consideration as to the effect the proposed change would have on the public health, safety, convenience and welfare. It shall also state whether the proposed change:

(1) will adversely affect the character and integrity of the Chickaloon area;

(2) is contrary to the established land use pattern;

(3) will materially alter the population density pattern and thereby increase the demand for public facilities and services;

(4) will create or excessively increase traffic congestion or otherwise affect public safety;

(5) will adversely affect property values in the adjacent area;

(6) will be a deterrent to the improvement or development of adjacent property in accord with existing regulations; and
(7) will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

(C) The Chickaloon Community Council should consider the request and provide a recommendation to the planning commission.

(D) The report shall incorporate comments heard at the public hearing held by the planning commission and shall recommend as to approval and disapproval of the proposed change.

(E) The report shall be forwarded to the borough assembly.

(Ord. 92-145, § 2, 1992)

17.18.210 PUBLIC HEARINGS.

Before the assembly may act on a proposal for amendment to this chapter, the clerk shall cause an ordinance to be prepared setting forth the details of the proposed amendment. Such ordinance shall be introduced at a regular or special meeting of the assembly and a date for a public hearing established. The clerk shall give notice of the public hearing in the manner prescribed in this title.

(Ord. 92-145, § 2, 1992)

ARTICLE IX. ENFORCEMENT AND PENALTIES

17.18.220 VIOLATIONS AND ENFORCEMENT.

Violations and enforcement of this chapter shall be consistent with the terms and conditions of MSB 17.58.

(Ord. 92-145, § 2, 1992)
CHAPTER 17.19: GLACIER VIEW SPECIAL LAND USE DISTRICT

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Article I. GENERAL PROVISIONS

17.19.010 INTENT.

This special land use district is adopted to protect public health safety and welfare and to implement the recommendations of the Glacier View Comprehensive Plan.

(Ord. 95-102(SUB), § 2, 1995)

17.19.020 ESTABLISHMENT OF DISTRICT; MAP ADOPTED.

(A) There is established the Glacier View Special Land Use District, which shall be as shown on the "Official Glacier View Special Land Use District Map" adopted herewith and further described as:

Township 16 North, Range 8 East, Seward Meridian, Alaska
Entire 36 sections

Township 16 North, Range 9 East, Seward Meridian, Alaska
Entire 36 sections

Township 16 North, Range 10 East, Seward Meridian, Alaska
Entire 36 sections

Township 16 North, Range 11 East, Seward Meridian, Alaska
Entire 36 sections

Township 16 North, Range 12 East, Seward Meridian, Alaska
Entire 36 sections

Township 17 North, Range 8 East, Seward Meridian, Alaska
Entire 36 sections

Township 17 North, Range 9 East, Seward Meridian, Alaska
Entire 36 sections

Township 17 North, Range 10 East, Seward Meridian, Alaska
Entire 36 sections

Township 17 North, Range 11 East, Seward Meridian, Alaska
Entire 36 sections

Township 17 North, Range 12 East, Seward Meridian, Alaska
Entire 36 sections

Township 18 North, Range 8 East, Seward Meridian, Alaska
Entire 36 sections

Township 18 North, Range 9 East, Seward Meridian, Alaska
Entire 36 sections

Township 18 North, Range 10 East, Seward Meridian, Alaska
Entire 36 sections

Township 18 North, Range 11 East, Seward
Meridian, Alaska
Entire 36 sections
Township 18 North, Range 12 East, Seward
Meridian, Alaska
Entire 36 sections
Township 19 North, Range 8 East, Seward
Meridian, Alaska
Entire 36 sections
Township 19 North, Range 9 East, Seward
Meridian, Alaska
Entire 35 sections
Township 19 North, Range 10 East, Seward
Meridian, Alaska
Entire 36 sections
Township 19 North, Range 11 East, Seward
Meridian, Alaska
Entire 36 sections
Township 19 North, Range 12 East, Seward
Meridian, Alaska
Entire 36 sections
Township 20 North, Range 7 East, Seward
Meridian, Alaska
Section 24 and 25 All
Township 20 North, Range 7 East, Seward
Meridian, Alaska
Section 13 and 14 Lying Easterly of the thread (center of the braided channels) of Purinton Creek
Sections 22 and 23 Lying Easterly of the thread (center of the braided channels) of Purinton Creek
Section 26 Lying Easterly of the thread (center of the braided channels of Purinton Creek
Township 20 North, Range 7 East, Seward
Meridian, Alaska
Section 35 and 36 Lying Northeasterly of the thread (center of the braided channels of the Matanuska River
Township 20 North, Range 8 East, Seward
Meridian, Alaska
Entire 36 sections
Township 20 North, Range 9 East, Seward
Meridian, Alaska
 Entire 36 sections
Township 20 North, Range 10 East, Seward Meridian, Alaska
 Entire 36 sections
Township 20 North, Range 11 East, Seward Meridian, Alaska
 Entire 36 sections
Township 20 North, Range 12 East, Seward Meridian, Alaska
 Entire 36 sections
Township 21 North, Range 8 East, Seward Meridian, Alaska
 Entire 36 sections
Township 21 North, Range 9 East, Seward Meridian, Alaska
 Entire 36 sections
Township 21 North, Range 10 East, Seward Meridian, Alaska
 Entire 36 sections
Township 21 North, Range 11 East, Seward Meridian, Alaska
 Entire 36 sections
Township 21 North, Range 12 East, Seward Meridian, Alaska
 Entire 36 sections
Township 22 North, Range 8 East, Seward Meridian, Alaska
 Entire 36 sections
Township 22 North, Range 9 East, Seward Meridian, Alaska
 Entire 36 sections
Township 22 North, Range 10 East, Seward Meridian, Alaska
 Entire 36 sections
Township 22 North, Range 11 East, Seward Meridian, Alaska
 Entire 36 sections
Township 22 North, Range 12 East, Seward Meridian, Alaska
 Entire 36 sections

Township 23 North, Range 8 East, Seward
Meridian, Alaska
Entire 36 sections

Township 23 North, Range 9 East, Seward
Meridian, Alaska
Entire 36 sections

Township 23 North, Range 10 East, Seward
Meridian, Alaska
Entire 36 sections

Township 23 North, Range 11 East, Seward
Meridian, Alaska
Entire 36 sections

Township 23 North, Range 12 East, Seward
Meridian, Alaska
Entire 36 sections

Township 24 North, Range 8 East, Seward
Meridian, Alaska
Entire 36 sections

Township 24 North, Range 9 East, Seward
Meridian, Alaska
Entire 36 sections

Township 24 North, Range 10 East, Seward
Meridian, Alaska
Entire 36 sections

Township 24 North, Range 11 East, Seward
Meridian, Alaska
Entire 36 sections

Township 24 North, Range 12 East, Seward
Meridian, Alaska
Entire 36 sections

Township 25 North, Range 8 East, Seward
Meridian, Alaska
Entire 36 sections

Township 25 North, Range 9 East, Seward
Meridian, Alaska
Entire 36 sections

Township 25 North, Range 10 East, Seward
Meridian, Alaska
Entire 36 sections

Township 25 North, Range 11 East, Seward
Meridian, Alaska
Entire 36 sections
Township 25 North, Range 12 East, Seward
Meridian, Alaska
Entire 36 sections
Township 1 North, Range 10 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 1 North, Range 11 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 2 North, Range 10 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 2 North, Range 11 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 3 North, Range 10 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 3 North, Range 11 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 4 North, Range 10 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 4 North, Range 11 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 5 North, Range 10 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 5 North, Range 11 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 1 South, Range 10 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 1 South, Range 11 West, Copper River
Meridian, Alaska
Entire 36 sections
Township 2 South, Range 10 West, Copper River Meridian, Alaska
Entire 36 sections
Township 2 South, Range 11 West, Copper River Meridian, Alaska
Entire 36 sections
Township 3 South, Range 10 West, Copper River Meridian, Alaska
Entire 36 sections
Township 3 South, Range 11 West, Copper River Meridian, Alaska
Entire 36 sections
Township 4 South, Range 10 West, Copper River Meridian, Alaska
Entire 36 sections
Township 4 South, Range 11 West, Copper River Meridian, Alaska
Entire 36 sections

(Ord. 95-102(SUB), § 2, 1995)

17.19.025 DISTRICTS ESTABLISHED.

(A) Individual land use districts are established to separate and maintain the unique differences and address the desires of residents in each area identified within the Glacier View boundaries.

(B) For purposes of this SPUUD, Glacier View is divided into the following land use districts as indicated on the official district map:

(1) Sheep Mountain Subdistrict; and

(2) Glacier View remainder (as described in MSB 17.19.020).

(C) The boundary for the Sheep Mountain Subdistrict shall be as shown on the "Official Glacier View Special Land Use District Map" and further described as:

Township 19 North, Range 10 East
Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, and 16.

Township 19 North, Range 11 East
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18.

Township 20 North, Range 10 East
Sections 1, 2, a portion of 3 lying easterly of Caribou Creek, a portion of 9 lying easterly of Caribou Creek,
a portion of 10 lying easterly of Caribou Creek, 11, 12, 13, 14, 15, 16, a portion of 17 lying easterly of Caribou Creek, a portion of 18 lying easterly of Caribou Creek, a portion of 19 lying easterly of Caribou Creek, a portion of 20 lying easterly of Caribou Creek, 21, 22, 23, 24, 25, 26, 27, a portion of 28 lying easterly of Caribou Creek, a portion of 29 lying easterly of Caribou Creek, a portion of 33 lying south of the Matanuska River, 34, 35, and 36.

Township 20 North, Range 11 East
Entire 36 sections.

Township 21 North, Range 10 East
A portion of 25 lying south of Squaw Creek, a portion of 26 lying south of Squaw Creek, a portion of 27 lying south of Squaw Creek, a portion of 34 lying easterly of Caribou Creek, 35, and 36.

Township 21 North, Range 11 East
A portion of 20 lying south of Squaw Creek, a portion of 21 lying south of Squaw Creek, a portion of 23 lying south of Squaw Creek, 26, a portion of 27 lying south of Squaw Creek, 28, 29, a portion of 30 lying south of Squaw Creek, 31, 32, 33, 34, and 35.

(Ord. 07-058, § 2 (part), 2007)

17.19.030 DEFINITIONS.

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

- “Cottage industry” means home occupation.

- “Electrical substation” means an installation on the ground, the purpose of which is to transform electrical energy from higher to lower voltage for distribution.

- “Home-based resource-related activities” means activities such as farms, small scale manufacturing, and logging.

- “Major electrical transmission line” means the wire and supporting structures designed and intended to transmit rather than distribute electrical energy at voltages greater than 35 kilovolts from one point to another. Electrical energy carried by transmission lines would be transformed to lower voltage for distribution to users.

- “Planning director” means the planning director of the Matanuska-Susitna Borough.

- “Planning commission” means the Matanuska-Susitna Borough Planning Commission.

- “Unit” means a hotel or motel room, or detached cabin intended to provide temporary overnight
accommodations.

- “Used” or “occupied” include the words “intended,” “designed,” or “arranged” to be used or occupied.

(B) The general rules of grammatical construction, interpretation of terms, and words and phrases in MSB 1.15 apply.

(Ord. 07-056, § 3, 2007; Ord. 95-102(SUB), § 2, 1995)

17.19.040 CONFORMANCE REQUIRED.

No building, structure, land, or water area located within this special land use district shall hereafter 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.

(Ord. 95-102(SUB), § 2, 1995)

17.19.045 SHEEP MOUNTAIN SUBDISTRICT; INTENT.

(A) It is the intent of this subsection to address the increased recreational use in the past several years and the potential for development that may be incompatible with the values of residents. To accomplish this, community members within the Sheep Mountain Subdistrict are interested in an increased level of land use regulation within the sub-district boundaries. Uses allowed in this subdistrict should generally meet the goals in the Sheep Mountain Subdistrict chapter of the Glacier View Comprehensive Plan, and may require conditions intended to protect the aesthetic values of the area, maintain the rural character, ensure protection of sheep habitat, promote nature-based tourism and protect public health, safety, and welfare.

(B) Permitted Uses. The following uses are permitted in the Sheep Mountain Subdistrict:

1. residential:
   (a) single-family dwellings;
   (b) two-family dwellings;

2. retail, office, service or other commercial uses with a foot print of 6,000 square feet or less;

3. hotels, motels, or other overnight accommodations of 50 units or fewer;

4. recreational vehicle parks, campgrounds, and parking lots with spaces for a total of 50 or fewer tent camping, RV or parking spaces;

5. local serving public facilities buildings, or similar buildings for community civic uses, including churches;

6. home-based, cottage industry activities; and

7. home-based, resource-related activities such as farms, small scale manufacturing and logging, as long as the use does not negatively impact neighboring houses or businesses, as determined by the director.
(C) Conditional Uses. The following uses may be permitted by the commission with appropriate conditions, including increased setbacks, buffering, road access, parking, noise mitigation or other requirements intended to ensure the development is consistent with the intent of the district:

1. multifamily dwellings;

2. retail, office, service or other commercial uses with a footprint of greater than 6,000 square feet;

3. hotels, motels, or other overnight accommodations of more than 50 units;

4. recreational vehicle parks, campgrounds, and parking lots with accommodations for more than 50 tent camping, RV or parking spaces;

5. major electrical transmission lines and associated electrical substations in accordance with the standards in MSB 17.19.120 and 17.19.130 (and similar public utility development);

6. highway maintenance yards;

7. tall structures exceeding 35 feet, and other conditional uses as outlined in MSB 17.60. A conditional use permit for a tall structure exceeding 35 feet in height may be granted if the commission determines it does not negatively impact the view shed from the highway, in addition to meeting the appropriate standards in MSB 17.60;

8. commercial junk yards and refuse areas in accordance with MSB 17.60;

9. sanitary landfills;

10. commercial timber harvesting or processing over ten acres in size;

11. commercial mining operations (excluding earth materials extraction);

12. all other boroughwide conditionally permitted uses in accordance with MSB Title 17, not listed as permitted or prohibited (i.e., alcoholic beverages, earth materials extraction, adult entertainment, mobile home parks, etc.); or

13. Other uses that are generally compatible with the land use district, and that are similar in intensity to the above conditional uses in terms of their traffic, noise, or other off-site impacts, as determined by the director (i.e., air tourism development).

(D) Prohibited Uses. Prohibited uses and structures within the Sheep Mountain Subdistrict Special Land Use District are:

1. medical and industrial waste incinerators;

2. alcohol and drug rehab and treatment centers;

3. correctional facilities;

4. hazardous material storage or waste disposal;

5. commercial outdoor shooting ranges (does not include seasonal special events such as
biathlons, etc.);

(6) race tracks used by motorized vehicles (does not include seasonal special events); and

(7) other industrial uses not conditionally permitted, that are similar to above prohibited uses in intensity in terms of their traffic, noise or other off-site impacts, as determined by the director.

(E) Lot Area. The minimum lot area for any use shall be five acres.

(F) Nonconforming Structures and Lots of Record. Nonconforming structures and lots of record shall be addressed as outlined in MSB 17.80.

(G) Development Standards.

(1) Setback/Screening Standards.

(a) Setback minimums shall be as outlined in MSB 17.55.

(b) To the extent reasonable, an undisturbed natural vegetative buffer should be retained within the setback, with the intent of maintaining the aesthetic values of the district.

(2) Sign Standards.

(a) Signs painted on or attached to buildings and not projecting more than three inches from the building shall not exceed 45 square feet.

(b) Signs projecting from buildings more than three inches, whether mounted perpendicular or hanging from the building, shall not exceed 12 square feet per side, nor the maximum building height allowed in this district.

(c) Free standing signs may not be internally illuminated and shall not exceed 65 square feet per side nor the maximum building height allowed in this district.

(d) Reader board style signs and signs which are flashing, rotating, animated, or internally illuminated are prohibited.

(Ord. 07-056, § 2 (part), 2007)

17.19.050 PERMITTED USES.

All uses are permitted unless identified as a conditional use or prohibited.

(Ord. 95-102(SUB), § 2, 1995)

17.19.060 CONDITIONAL USES.

(A) The following uses are permitted by obtaining a conditional use permit:

(1) major electrical transmission lines and associated electrical substations in accordance with the requirements of MSB 17.19;

(2) mobile home parks in accordance with the requirements of MSB 17.48;

(3) commercial junkyards and commercial refuse areas in accordance with the requirements of...
(4) alcoholic beverage uses in accordance with the requirements of MSB 17.70.

(Ord. 95-102(SUB), § 2, 1995)

17.19.070 PROHIBITED USES.

There are no uses that are prohibited in the Glacier View Special Land Use District.

(Ord. 95-102(SUB), § 2, 1995)

ARTICLE II. CONDITIONAL USE PERMITS

17.19.080 PURPOSE.

(A) Those uses listed herein as conditional uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, and/or potentially harmful to the public health, safety and welfare; and unless maintained under and in accordance with a lawfully issued permit, such uses are declared to be public nuisances. Maintenance of such a land use without a permit is prohibited.

(B) The conditional use permitting procedure is intended to allow the planning commission to consider the impact of the proposed use on surrounding property and the environment, and to attach conditions to the permit that will ensure that the conditional use will be compatible with nearby uses and in keeping with the character and integrity of the area.

(Ord. 95-102(SUB), § 2, 1995)

17.19.090 APPLICATION AND FEE.

(A) An application for a conditional use permit shall be filed by the owner of the property affected or his authorized agent.

(B) Application for a conditional use permit shall be in writing on a form(s) provided by the planning and land use department. The application shall include:

(1) map(s) or drawing(s) in sufficient detail to: identify the proposed route of the transmission line and properties affected by it; indicate the location of all support and other structures and installations associated with the transmission line; show any proposed road access points; topography and forest cover along the proposed route; clearing limits; and other information as may be required to indicate compliance with the standards for the conditional use listed in this and other pertinent sections of this chapter. A profile of a typical section of the project shall also be included illustrating the appearance, height and materials of the supporting structures and span of the transmission lines;

(2) a written report describing components of the project, numbers and sizes of lines, maximum voltages to be carried, projected radius and strength of electromagnetic fields created by the line at maximum voltage, heights, materials and finish of supporting structures; methods and schedule of construction, including means of assembling materials and bringing construction workers on site; provisions for maintenance and repair of the line; name, mailing address and telephone number of person with authority to represent the project; emergency procedures and contacts; evidence of
authority to occupy or use the land and water upon which the project will be located; and any other information necessary or helpful to the planning commission in its review of the application; and

(3) a non-refundable fee as established by the assembly.

(Ord. 95-102(SUB), § 2, 1995)

17.19.100 PUBLIC HEARING.

(A) The planning commission shall hold a public hearing to consider any conditional use permit application.

(1) notice of any public hearing required under this chapter shall be given in accordance with MSB 17.03; and

(2) the form of the notice shall be as described in MSB 17.03.

(Ord. 95-102(SUB), § 2, 1995)

17.19.110 PLANNING COMMISSION ACTION.

(A) The planning commission shall consider the recommendation of the Glacier View Community Council and hear any interested parties; and shall render a decision on the application for a conditional use permit within 30 calendar days of the date of the public hearing. The planning commission may grant a conditional use permit with such conditions and safeguards as are appropriate to meet the standards of this chapter, or deny a conditional use permit when not in harmony with the purposes and intent of this chapter.

(B) Before any conditional use permit is issued, the planning commission shall make written findings certifying compliance with the following general and special standards.

(Ord. 95-102(SUB), § 2, 1995)

17.19.120 GENERAL STANDARDS.

(A) The conditional use will be consistent with the goals of the Glacier View Comprehensive Plan.

(B) The use will be generally compatible with adjacent properties and other property in the district. (Ord. 95-102(SUB), § 2, 1995)

17.19.130 SPECIAL STANDARDS.

(A) The following special standards apply to major electrical transmission lines and electrical substations:

(1) adequate provisions have been made for the protection of the public in general and of local residents from ill-effects of the electromagnetic field generated by the line;

(2) access roads constructed for construction and/or maintenance of the transmission line have been minimized to reduce impacts on wildlife and residents;

(3) the route of the transmission line shall minimize visibility of the line from the Glenn Highway and shall incorporate the Boulder Creek/Chitna Route illustrated as the most northerly route on Map
4 of the Alaska Energy Authority’s Copper Valley Intertie Feasibility Study, dated June 1993;

(4) the visual impact of the transmission line and supporting structures has been minimized by virtue of color and finish of materials used;

(5) crossings of well-used trails, especially those that are part of the Chickaloon-Knik-Nelchina Trail system, have been minimized;

(6) wetlands have been avoided as much as practicable in the placement of support structures; and

(7) other impacts on tourism and outdoor recreation have been minimized.

(Ord. 95-102(SUB), § 2, 1995)

17.19.140 PLANNING DIRECTOR ACTION.

The planning director shall issue conditional use permits incorporating any conditions or requirements stipulated by the planning commission, or notify the applicant of standards that have not been met if a permit is denied by the planning commission. (Ord. 95-102(SUB), § 2, 1995)

ARTICLE III. ADDITIONAL PROVISIONS

17.19.150 VARIANCES; APPLICATIONS AND PROCEDURES.

Applications and procedures for variances under this chapter shall be as prescribed in MSB 17.65. (Ord. 95-102(SUB), § 2, 1995)

17.19.160 FLOOD DAMAGE PREVENTION; APPLICATION AND PROCEDURES.

Applications and procedures for obtaining a development permit within any designated special flood hazard area, under this chapter shall be as prescribed in MSB 17.29.

(Ord. 95-102(SUB), § 2, 1995)

17.19.170 RESIDENTIAL PLANNED UNIT DEVELOPMENT; APPLICATION AND PROCEDURES.

Applications and procedures for approval of a residential planned unit development under this chapter shall be as prescribed in MSB 17.36.

(Ord. 95-102(SUB), § 2, 1995)

17.19.180 SETBACKS.

Setback requirements shall be as prescribed in MSB 17.55.

(Ord. 95-102(SUB), § 2, 1995)

17.19.190 APPEALS.

Appeals from decisions of the planning commission may be made under the provisions of MSB 15.39.

(Ord. 95-102(SUB), § 2, 1995)
17.19.200 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 Glacier View Comprehensive Plan.

(Ord. 95-102(SUB), § 2, 1995)

17.19.210 ACKNOWLEDGEMENT OF EXISTING LAND USE REGULATIONS.
Prior to development, land owners or their authorized agents are encouraged to obtain an acknowledgement of existing land use regulations in accordance with MSB 17.01.

(Ord. 95-102(SUB), § 2, 1995)

17.19.220 ENFORCEMENT AND PENALTIES.
Enforcement of the provisions of this chapter and associated penalties shall be consistent with the terms and conditions of MSB 17.56.

(Ord. 95-102(SUB), § 2, 1995)
17.27.010 DEFINITIONS.

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

“Access” means a legal way or means of approach to provide physical ingress or egress to a property.

“Alcohol and drug rehabilitation center” means a facility for the detention of individuals mandated to seek drug and alcohol rehabilitation by a court order. The facility must exercise 24-hour physical control and detention of the residents.

“Area, lot” means the total area within the property line, including easements but excluding dedicated rights-of-way.

“Automobile wrecking” means the dismantling or wrecking of automobiles or other motor vehicles, and the storage or keeping for commercial sale of dismantled or wrecked motor vehicles, or the parts resulting from such activity.

“Automobile wrecking yard” means the location within which the activity of automobile wrecking for commercial or public use is present.

“Box store” means a large-format retail store with more than 100,000 square feet of floor space.

“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.

"Building height" for the purposes of determining the maximum height of a building or structure, means the vertical distance from the average finished grade adjacent to the building to the highest point on the roof, but not including radio antennae, water towers, church spires, penthouses constructed primarily for mechanical equipment, or similar incidental building features.

"Chemical processing facility" means a use or facility that processes raw or modified chemicals, in whole or in part.

"Commercial use" means any activity where goods or services are offered for sale or for profit.

"Correctional community residential centers (CCRC)" means a community residential center, other than a correctional institution, for the short-term or temporary detention of prisoners in transition from a correctional institution, performing restitution, or undergoing rehabilitation or recovery from a legal infirmity. CCRCs may not be used for detention of prisoners who pose a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or 24-hour physical supervision. The determination of whether a prisoner poses a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or 24-hour physical supervision shall be made by the commissioner of corrections for state prisoners and the United States Attorney General, or U.S. Director of Bureau of Prisons for federal prisoners.

"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" means a written document, which may specify controls and safeguards on the conditionally permitted activity to ensure compatibility with permitted uses.

"Correctional institution" means a facility other than a correctional community residential center providing for the imprisonment or physical confinement or detention of prisoners under guard or 24-hour physical supervision, such as prisons, prison farms, jails, reformatories, penitentiaries, houses of detention, detention centers, honor camps, and similar facilities.

"Grade, finished" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk between the building and a line five feet from the building or, when the property line is less than five feet from the building, between the building and the property line.

"Grade, natural" means the elevation of the ground surface in its natural state, before man-made alterations.

"Gravel pit" means an open land area where sand, gravel, and rock fragments are mined or excavated for sale or off-tract use.

"Industrial use, light" means the manufacturing of finished products or parts predominately from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products or components, but excludes heavy industrial processing.

"Industrial uses, heavy" means any manufacturing or processing of products predominately from raw materials or the warehousing, storage, distribution, shipping of such products.
“Junk” means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals; it also includes wrecked automobiles, tools, implements, rags, used building materials, rubber and paper. The above-listed materials are not intended to be exclusive; “junk” may include any other materials, which cannot, without further alteration and reconditioning, be used for their original purposes.

“Junkyard/refuse area” means a location which is commercially used for the purpose of 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 other tangible materials.

“Lot” means a designated parcel, plot, tract or area of land established by plat, subdivision or, as otherwise permitted by law, to be used, developed, or built upon as a unit. (See also Title 16)

“Maximum security facility” means a correctional facility designed and operated to provide the maximum security of incarcerated prisoners.

“Medical and industrial waste incinerators” means an incinerator used to dispose of medical or industrial waste.

“Natural resource extraction or processing” means a use or facility that extracts a natural resource(s) from the earth or a use or facility that process a natural resource. Natural resources include but are not limited to coal, gravel, iron, and limestone.

“Parking space” means a space for the parking of a motor vehicle within a public or private parking area.

“Permitted use” means a use of land or a structure allowed within the zoning district and includes all uses not listed as conditional uses or prohibited uses.

“Principal use” means the primary or predominant use of any lot, building, or structure.

“Refuse area” (See “Junkyard.”)

“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.

“Salvage Yard” (See “Junkyard.”)

“Setback” means the area of a lot adjacent to a lot line within which structures as herein defined may not be erected.

“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 awning; a temporary building when used for 30 calendar days or less; utility poles and lines; guy wires; clothes lines; flagpoles; planters; Incidental yard furnishings; water wells; monitoring wells or tubes; patios, decks or steps less than 18 inches above average grade.

“Temporary structure” means a structure without any foundation or footings, used for no longer than 30 calendar days, which is removed when the designated time period, activity or use for which the temporary
structure was erected has ceased.

"Use" means the purpose for which land, a building or structure is arranged, designated or intended, or for which either land or a building is or may be occupied or maintained.

"Variance" means a grant of relief from one or more of the requirements of MSB Title 17 as provided for by state law and the borough code.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.020 ESTABLISHED.

(A) There is established a special land use district, which shall include all territory lying within the area designated as the Sutton community and further described in subsection (B).

(B) The Sutton Special Land Use District includes the following area:

Township 18 North, Range 3 East, Seward Meridian, Alaska; Sections 5 and 6, lying north of the thread (center of the braided channels) of the Matanuska River;

Township 18 North, Range 2 East, Seward Meridian, Alaska; Sections 1 and 2, lying north of the thread the Matanuska River; Section 3, lying north of the thread of the Matanuska River and northeast of the thread of Moose Creek; Section 4, lying northeast of the thread of Moose Creek; Sections 11 and 12, lying north of the thread of the Matanuska River;

Township 19 North, Range 4 East, Seward Meridian, Alaska; Sections 1 and 2, lying northwest of the thread of Kings River; Sections 8 and 9, All; Section 10 and 11, lying northwest of the thread of Kings River; Sections 15 and 16, lying northwest of the thread of Kings River; Section 17, lying northwest of the thread of Kings River and north of the thread of the Matanuska River; Section 18, All; Sections 19 and 20, lying north of the thread of the Matanuska River;

Township 19 North, Range 3 East, Seward Meridian, Alaska; Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, All; Sections 24, 25, 26, 27 and 28, lying northwest of the thread of the Matanuska River; Sections 29, 30 and 31, All; Sections 32 and 33, lying northwest of the thread of the Matanuska River;

Township 19 North, Range 2 East, Seward Meridian, Alaska; Sections 13 and 14, lying east of the thread of Moose Creek; Sections 22 and 23, lying east of the thread of Moose Creek; Sections 24, 25 and 26, All; Sections 27 and 28, lying east of the thread of Moose Creek; Sections 33 and 34, lying east of the thread of Moose Creek; Sections 35 and 36, All.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.030 PURPOSE.

This special land use district is adopted to protect the public health, safety, and general welfare of the residents of Sutton and to implement the recommendations of the Sutton Comprehensive Plan. The Sutton Planning Area is a scenic, rural, small town community. It is the desire of the community to preserve the area's scenic and residential qualities including air and water quality, quiet atmosphere, and outdoor recreation opportunities.

Growth and development is encouraged and fostered where a balance exists between private property
rights, use of natural resources, public investment in community facilities and services, and the protection of the natural environment.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.040 CONFORMANCE REQUIRED.

No building, structure, land, or water area located within this special land use district shall hereafter 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.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.050 PERMITTED USES.

Those uses not identified as conditional uses or prohibited uses are permitted.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.060 CONDITIONAL USES.

(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare, and such uses are permitted only upon the issuance of a conditional use permit, as provided in this chapter:

1. Junkyards and automobile wrecking yards pursuant to the requirements of MSB 17.60.110 and the requirements of this chapter;

2. Man-made structures exceeding the maximum allowable height of 50 feet or more above average grade for man-made structures, including towers:
   (a) Tower farms containing two or more tall towers regulated under MSB 17.60.140 and the requirements of this chapter;
   (b) Tower line routes and tower service area grids, containing two or more towers regulated under MSB 17.60.140 and the requirements of this chapter;
   (c) Electrical lighting towers in excess of 185 feet located within the road rights-of-way along major arterial corridors regulated by MSB 17.60.140 and the requirements of this chapter.
   (d) Exemptions. Exemptions to tall structures include: Church spires, amateur radio (ham radio) antennae, flag poles, penthouses constructed primarily for mechanical equipment, or other similar incidental building features are exempt from the requirement for a conditional use permit under the provisions of this section.

3. Medical and industrial waste incinerators;

4. Chemical processing facilities;

5. Electrical transmission lines designed for the purpose of transporting or carrying electric power in quantities equal to or greater than 100,000 volts;

6. Natural resource extraction or processing;
7. heavy industrial uses;
8. shooting ranges, indoor and outdoor;
9. box stores;
10. race tracks used by motorized vehicles, carrying people on land or other surfaces, such as
mud, ice, or snow pursuant to the requirements of MSB 17.63.005 through 17.63.050 and the
requirements of this chapter.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.070 PROHIBITED USES.

(A) Prohibited uses and structures within the Sutton Special Land Use District include:

(1) maximum security facilities;

(2) correctional community residential centers; and

(3) alcohol and drug rehabilitation centers as defined under MSB 17.27.010.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.080 INTENT OF CONDITIONAL USE PERMIT.

It is recognized that the uses listed in MSB 17.27.060 are uses which may be appropriate in this special
land use district provided that controls and safeguards are applied to ensure their compatibility with
permitted uses and to protect the public health, safety, and welfare. The conditional use permit procedure
is intended to allow the community through the planning commission to consider the impact of the
proposed conditional use on surrounding property and the application of controls and safeguards to
ensure that the conditional use will be compatible with the surrounding area and in keeping with the
character of the Sutton community and the overall goals of the Sutton Comprehensive Plan.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.090 APPLICATION AND FEE.

(A) An application for a conditional use permit shall be filed by the owner of the property concerned or
the owner's authorized agent.

(B) Application for a conditional use permit shall be in writing on forms prescribed by the planning
director. The application shall include:

(1) a legal description of the property involved;

(2) a statement of the proposed use; and

(3) a detailed site plan showing the proposed location of all buildings and structures on the site,
access points, visual screening, buffering, drainage, vehicular and pedestrian circulation patterns,
parking areas, and the specific location of the proposed land use or uses, specific location of septic
and waste water facilities, together with other information as may be required to comply with the
standards for a conditional use listed in this chapter and in other pertinent sections of the borough.

http://www.codepublishing.com/AK/matanuskasusitnaborough/html/matanuskasusitnaborough17/MatanuskaSusitnaBorough1727.html#17.27
code. For those conditional uses involving natural resource extraction or gravel pits, acceptable groundwater monitoring and reclamation plans shall be submitted for review and consideration by the planning commission.

(C) A non-refundable fee as prescribed by MSB 17.99.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.100 PUBLIC HEARING.

(A) The planning commission will hold a public hearing to consider any conditional use permit application.

(B) Notice of any public hearing required under this code shall be given in accordance with this section.

(C) Forms of notices are as follows:

(1) publication in a newspaper of general circulation in the borough 15 calendar days prior to the date of the public hearing;

(2) mailing a public hearing notice at least 15 calendar days prior to the public hearing to all owners of property within a distance of one mile of the exterior boundary of the property that is the subject of the application, or to the record owners of the five tax parcels nearest the property that is the subject of the application, whichever is the greater number of persons. In addition, the Sutton Community Council will be notified.

(3) In addition to the requirements of subsection (C) (2) above, if the public hearing is for a conditional use permit within a recorded subdivision, all owners of record of property within that subdivision shall be mailed a public hearing notice.

(D) The applicant is responsible for posting a notice of the upcoming public hearing as provided by the borough in the local post office, community library, and fire hall.

(E) “Record owners” in this section refers to the owners as shown in the records of the borough tax assessor.

(F) The failure of any person to receive any notice required under this section, where the records of the borough indicate the notice was provided in a timely manner, shall not affect the validity of any proceeding under this title.

(G) Every public hearing notice shall state the following information:

(1) date, time, and location of the public hearing;

(2) brief description of the application;

(3) description of the property that is the subject of the application and a vicinity map of that land;

(4) legal description of the land;

(5) the names of the applicants and the owners of the subject property;
(6) identify the location where the application and other supporting material will be available for public inspection; and

(7) identify the planning department's telephone number.

(H) Prior to the date of the public hearing, the applicant will pay the cost of all mailings or advertisements required by ordinance specific to that action.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.110 PLANNING COMMISSION ACTION.

(A) The planning commission shall consider the recommendation of the Sutton Community Council, shall hear any interested parties, and shall render a decision on the application for a conditional use permit within 30 calendar days from the date of the close of the public hearing. In recommending the granting of a conditional use permit, the planning commission shall state in writing the conditions of approval of the permit which it finds necessary to carry out the intent of this chapter. These conditions may increase the required lot or yard size, control the location and number of vehicular access points to the property, require screening and landscaping, and may require the reclamation of property to a character in keeping with surrounding lands. The commission may also impose other conditions and safeguards designed to ensure the compatibility of the conditional use with other lawful uses and the character and integrity of the Sutton community.

(B) The planning director shall incorporate any conditions or requirements stipulated by the commission in the conditional use permit.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.120 GENERAL STANDARDS.

(A) A conditional use may be approved only if it meets the requirements of this section in addition to any other standards required by this chapter.

(B) In granting a conditional use permit, the planning commission must make the following findings:

(1) The conditional use will not detract from the value, character, or integrity of the Sutton community;

(2) The conditional use is consistent with the Sutton Comprehensive Plan's goals for preserving the area scenic quality, quiet atmosphere, and outdoor recreational opportunities;

(3) The conditional use fulfills all other requirements of this chapter pertaining to the conditional use in question;

(4) The granting of the conditional use permit will not be harmful to the public health, safety, convenience, and welfare;

(5) Sufficient access, setbacks, lot area, parking space, buffers, and other safeguards have been provided;

(6) If the permit is for a public use or structure, the commission must find that the proposed use or structure is located in a manner, which will maximize public benefits.
(7) Heavy industrial uses shall not produce noise, air pollution, water pollution, vibration, smoke, dust, fire hazard, noxious, toxic, or hazardous odor, gases, fumes, glare or light pollution, electrical interference, or industrial waste that is sufficient to create a nuisance beyond the boundaries of the premises.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.130 NONCONFORMING USES.

(A) There may exist nonconforming uses or structures within the Sutton Special Land Use District as of the date of adoption of this chapter, or amendments thereto, which were lawful before the effective date of the applicable regulations, but which would otherwise be prohibited, regulated, or restricted under this chapter. It is the intent of this chapter to permit these nonconformities to continue until they are discontinued but not to encourage their perpetuation.

(B) Because nonconformities do not conform with the provisions within this chapter, they are declared to be incompatible with the uses in the Sutton Special Land Use District. This chapter does not require the relocation or removal of a nonconforming use or structure existing, or under construction, at the time of adoption of the ordinance if such use or structure was lawful at the time of its construction. No nonconforming use may be constructed or operated except to the extent it was in existence or under actual construction as of January 1, 2003 or amendments thereto. “Actual construction” is defined as the substantial placement of construction materials and performance of labor for construction of facilities, which cannot be reasonably used except in a manner which does not conform with these regulations.

(C) Nonconforming uses in existence or under construction as of January 1, 2003, shall apply for certification of their nonconforming use or structure from the planning director within 12 months of January 1, 2003, or of a later amendment which makes the use or structure nonconforming.

(D) No nonconforming use shall be expanded to include an adjacent parcel or parcels unless the area or expansion meets the requirements of this chapter, except that contiguous, unplatted tracts constituting a block of land in the same ownership held for the same purpose on January 1, 2003, and containing a nonconforming use or structure shall be considered one parcel.

(E) No nonconforming use or structure, which is abandoned, shall be used until meets the requirements of this chapter. “Abandonment” is defined as discontinuance of the use or structure for a period of more than 12 consecutive months.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.140 FLOOD DAMAGE PREVENTION AND COASTAL MANAGEMENT PLAN.

Compliance with flood hazard prevention and coastal management under MSB 17.27 shall be as prescribed in MSB 17.28 and the most recently adopted Matanuska-Susitna Borough Coastal Management Plan.

(Ord. 02-037 (SUB)(AM) § 2 (part), 2002)

17.27.150 APPEALS.

Appeals from decisions of the planning commission may be made under the provisions of MSB 15.39.
17.27.160 AMENDMENT.

(A) The planning commission shall study a proposed amendment or change proposed to this chapter and make a written recommendation to the assembly.

(B) The recommendation should give consideration as to what effect, if any, the proposed amendment or change would have on the public health, safety, convenience, and welfare. It should also state whether the proposed amendment or change:

1. will adversely affect the character and integrity of the Sutton area;
2. is contrary to the established land use pattern;
3. will materially alter the population density pattern and thereby increase the demand for public facilities and services;
4. will create or excessively increase traffic congestion or otherwise affect public safety;
5. will adversely affect property values in the adjacent area;
6. will be a deterrent to the improvement or development of adjacent property in accord with existing regulations;
7. will constitute a grant of special privilege to an individual owner as contrasted with the public welfare; and
8. will adversely affect air or water quality, or permit noise or light pollution on adjacent properties.

(C) The recommendation will incorporate comments heard at the public hearing held by the planning commission.

(D) The Sutton Community Council should consider the proposed amendment or change and provide a recommendation to the planning commission.

(E) The planning commission recommendation to approve or disapprove of the proposed amendment shall be forwarded to the borough assembly.

17.27.170 ASSEMBLY PUBLIC HEARING.

Amendments to this chapter shall be brought to the assembly by ordinance pursuant to MSB 2.12.

17.27.180 VIOLATIONS AND ENFORCEMENT.

Violations and enforcement of this chapter shall be consistent with the terms and conditions of MSB 17.56.
The Matanuska-Susitna Borough Code is current through Ordinance 15-016, passed February 3, 2015. 
Disclaimer: The Borough Clerk's Office has the official version of the Matanuska-Susitna Borough Code. Users should contact the Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.