

Waterbody Setbacks in the Matanuska-Susitna Borough:

A year later, process status and changes proposed by the Waterbody Setback Advisory Board

November 19, 2024

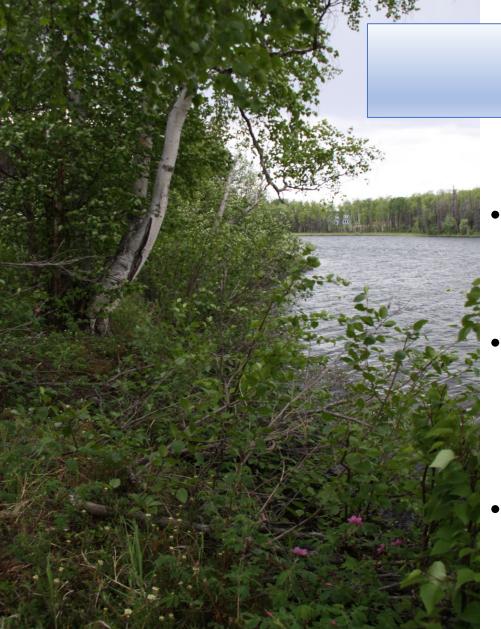
Matthew LaCroix Environmental Protection Agency

Waterbody Setback Advisory Board

- 9-member Board created by Ordinance 23-079 August 15, 2023.
- Report to Assembly by September 17, 2024, on recommended changes to MSB code. Extended to March 18, 2015, by ordinance 24-083.
 - Has a webpage: https://matsugov.us/boards/waterbody-setbackadvisory-board where you can submit comments.

Waterbody Setback Advisory Board

- WSAB has prepared a draft resolution and draft ordinance language.
- The review document is available at: <u>https://matsugov.us/boards/waterbody-setback-advisory-board</u>.
- Comments may be submitted on the draft text until January 13, 2025.
- Consider this your wake-up call.



What's the issue?

- Property owners continue to construct homes in violation of the 75' waterbody setback requirement in MSB 17.55.
- Structures closer than 75' can lead to:
 - decreased water quality,
 - reduced recreation opportunities,
 - reduced property values.
- No effective mechanism to bring homes into compliance.

The Borough requires setbacks?

- Structural setbacks have been required since July 1973.
- Single setback distance for streams and lakes.
 - 75', was 45' from Nov. 1986 to May 1987.
- Applies only to homes and garages (since 1987).
- Does not require vegetation or regulate land use within the setback.

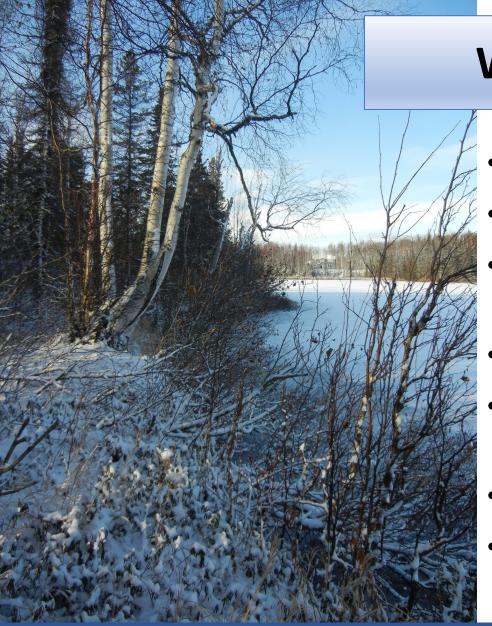
What is the process?

- The WSAB will review comments and potentially revise text of the resolution or ordinance (February 2025).
- The WSAB will submit final text to the Assembly by March 2025.
- The Assembly may act on the recommendations.
- The public should be able to comment on a proposed ordinance.



- Nine recommendations in the draft resolution.
 - Apply the 75' setback to residential, commercial, and industrial buildings.
 - Require LUP for ground-disturbance within the 75' setback.
 - Regulate some activities within 100' of a waterbody (e.g., secondary containment for hazardous liquids, limit on clearing).
 - Require stormwater analysis for structures between 45' and 75' (existing noncompliant, those seeking variances).
 - Enhanced enforcement.*
 - Habitat protection tax credit.*

* No proposed ordinance language.



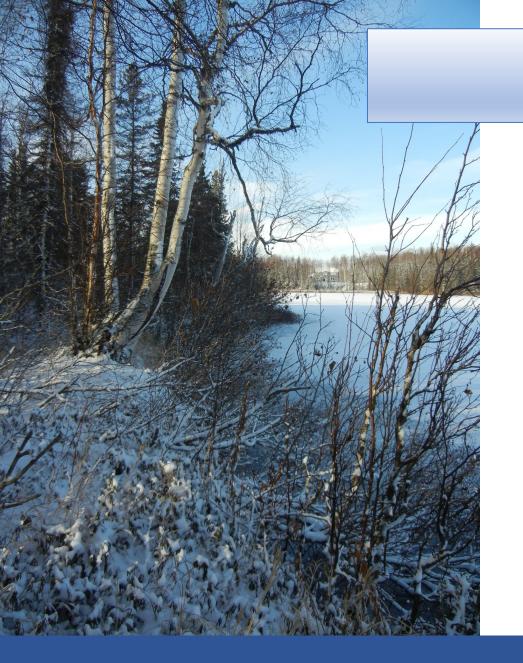
What are the recommendations?

- New definitions in 17.55.004 and 17.125.010.
- New text on Purpose and Intent in 17.55.005.
- New section at 17.55.016, Waterbody Setbacks for Pollution Sources.
- New Land Use Permit requirement in 17.02.020(A)(7).
- New section at 17.02.035, Standards for Development within 75' of a waterbody.
- New limits on variances at 17.65.020(B).
- New text on legal nonconforming structures at 17.80.020.



Need more information?

- Bold, underlined text is proposed to be added.
 [Bracketed] text is proposed to be deleted.
- Kendra has a few printed copies of the review document.
- Outreach materials are being prepared.
- The Partnership could host additional Q&A sessions over the next few weeks.
- Comments should identify what you like or don't like and specific changes you want. <u>Take this opportunity to</u> <u>tell your story.</u>



Questions?

Matthew LaCroix U.S. EPA (907) 271-1480 LaCroix.Matthew@epa.gov