



Waterbody Setbacks in the Matanuska-Susitna Borough:

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

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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-setback-advisory-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:
<https://matsugov.us/boards/waterbody-setback-advisory-board>.
- 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.**



What are the recommendations?

- **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. **Take this opportunity to tell your story.**



Questions?

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