



## MATANUSKA-SUSITNA BOROUGH

### Planning and Land Use Department

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • [www.matsugov.us](http://www.matsugov.us)

## WATERBODY SETBACK ADVISORY BOARD AGENDA

Edna DeVries, Mayor

Michael Brown, Borough Manager

CJ Koan, (Vice-Chair) Planning Commission  
Kendra Zamzow, MSB Fish and Wildlife  
Matthew LaCroix, Mat-Su Salmon Habitat Partnership  
Tim Alley, Design & Construct Stormwater Abatement Background  
Bill Klebasadel, Design & Construct Stormwater Abatement Background  
William Haller, Home Builder, Lending, Real Estate Background  
Carl Brent, At-Large  
Bill Kendig (Chair), At-Large  
Jeanette Perdue, At-Large

PLANNING & LAND USE DEPARTMENT  
Alex Strawn, Planning & Land Use Director  
Vacant, Planning Services Manager  
Jason Ortiz, Development Services Manager  
Fred Wagner, Platting Officer

Location:

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

Support Staff: Alex Strawn, Planning & Land Use Director

**REGULAR MEETING**

**6:00 P.M.**

**April 23, 2024**

### Ways to participate in the meeting:

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

**IN WRITING:** You can submit written comments to Alex Strawn at [alex.strawn@matsugov.us](mailto:alex.strawn@matsugov.us) and Karol Riese at [karol.riese@matsugov.us](mailto:karol.riese@matsugov.us). Written comments are due at noon on Friday prior to the meeting.

### TELEPHONIC TESTIMONY:

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

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

II. APPROVAL OF AGENDA

III. PLEDGE OF ALLEGIENCE

IV. APPROVAL OF MINUTES: Regular Meeting: March 26, 2024

V. AUDIENCE PARTICIPATION (*three minutes per person for items not scheduled for public hearing*)

VI. ITEMS OF BUSINESS

A. Draft Ordinance

VII. BOARD MEMBER COMMENTS

VIII. ADJOURNMENT

**MATANUSKA-SUSITNA BOROUGH  
WATERBODY SETBACK ADVISORY BOARD MINUTES**

**REGULAR MEETING  
March 26, 2024**

The regular meeting of the Matanuska-Susitna Borough Waterbody Setback Advisory Board was held on March 26, 2024, at the Matanuska-Susitna Borough Employee Breakroom, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Chair Kendig.

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

Members present and establishing a quorum:

CJ Koan  
Kendra Zamzow  
Tim LaCrouix  
Tim Alley (4:04 p.m.)  
William Klebesadel (4:02 p.m.)  
William Haller  
Carl Brent  
Bill Kendig

Members absent and excused were:

Jeanette Perdue

Staff in attendance:

Mr. Alex Strawn, Planning and Land Use Director  
Ms. Karol Riese, Planning Department Administrative Specialist  
Ms. Peggy Horton, Current Planner

**II. PLEDGE OF ALLEGIENCE**

**III. APPROVAL OF AGENDA**

Chair inquired if there were any changes to the agenda.

The agenda was approved without objection.

**III. APPROVAL OF MINUTES**

Regular Meeting Minutes: January 9, 2024  
February 13, 2024

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

The following persons spoke regarding difficulty with finding information about meeting:  
Margaret S

The following persons spoke regarding encouraged by work the board is doing, community outreach-standing item on agenda, open invitation to come to the North Lakes Community Council meetings to discuss what the board is doing (Alex will go on March 28<sup>th</sup>): Rob Hansen, President of North Lakes Community Council

**VI. ITEMS OF BUSINESS**

**MATANUSKA-SUSITNA BOROUGH  
WATERBODY SETBACK ADVISORY BOARD MINUTES**

**REGULAR MEETING  
March 26, 2024**

A. Coral Knight, Credit Risk Manager and Spring Lord of Matanuska Valley Federal Credit Union

Powerpoint was presented and discussed

B. Draft Ordinance Review

Draft Ordinance was presented and discussed. Revision process will begin at next meeting, April 23.

**VII. BOARD MEMBER COMMENTS**

CJ Koan: Appreciate input from Matanuska Federal Credit Union; looking forward to working on Ordinance.

Carl Brent: Thank you.

Bill Klebasadel: Thank you. Flow chart would be nice to reflect changes.

Tim Alley: Thank you.

Matthew LaCroix: Thank you. We'll be reviewing the MVCU presentation and may have questions. Reviewer was great; spreadsheet would be nice; next meeting date – April 23.

Kendra Zamzow: Thank you Alex and MVCU; rethinking Land Use Permit; Look into microphones

Bill Haller: Date on subject line for emails; people are worried about losing their site view when they have been in compliance with the 75' setback and possible rule change to 45'.

Bill Kendig: Thank you.

**MATANUSKA-SUSITNA BOROUGH  
WATERBODY SETBACK ADVISORY BOARD MINUTES**

**REGULAR MEETING  
March 26, 2024**

**VIII. ADJOURNMENT**

The regular meeting adjourned at 5:03 p.m.

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BILL KENDIG, Chair

ATTEST:

\_\_\_\_\_  
KAROL RIESE, Clerk

*Minutes approved:* \_\_\_\_\_

DRAFT



CODE ORDINANCE

Sponsored by:  
Introduced:  
Public Hearing:  
Action:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 24-XX**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.55 TO ALLOW STRUCTURES TO BE CONSTRUCTED WITHIN 75 FEET OF A WATERBODY, SO LONG AS CERTAIN ENGINEERING STANDARDS TO PROTECT WATER QUALITY ARE APPLIED.

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BE IT ENACTED:

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

Section 2. Amendment of Subsection. MSB 17.55.004(A) is hereby amended by adding the following definition:

- "Lake" means a standing body of open water that occurs in a natural depression fed by one or more streams from which a stream may flow, that occurs due to the widening or natural blockage or cutoff of a river or stream, or that occurs in an isolated natural depression that is not a part of a surface river or stream. The term also includes artificial lakes or ponds created by excavation, as well as artificial blocking or restriction of the flow of a river, stream, or tidal area.
- "Qualified professional" means a professional civil engineer or other professional registered with the state

of Alaska under Alaska Statute 08.48 qualified to practice the type of work required by this chapter.

Section 3. Amendment of Section. MSB 17.55.020 is hereby amended to read as follows:

17.55.020 SETBACKS [FOR SHORELANDS] FROM WATER BODIES

(A) Except as provided in subsections s (B) and (F) of this section, no structure or footing shall be located closer than 75 feet from the ordinary high water mark of a body of water. Except as provided otherwise, eaves may project three feet into the required setback area.

(B) Docks, piers, marinas, aircraft hangars, and boathouses may be located closer than 75 feet and over the water, provided they are not used for habitation and do not contain sanitary or petroleum fuel storage facilities. Structures permitted over water under this subsection shall conform to all applicable state and federal statutes and regulations.

(1) Boathouses or aircraft hangars which are exempt from a minimum shoreline setback for structures shall:

(a) be built over, in, or immediately adjacent to a waterbody and used solely for storing boats and boating accessories;



(b) be designed, constructed and oriented for primary access by boats or aircraft directly to a waterbody;

(c) not have more than incidental accessory access to a street or driveway; and

(d) not be usable as a garage or habitable structure without significant alteration.

(C) [IN THE CITY OF WASILLA, THIS SECTION DOES NOT APPLY TO STRUCTURES WHERE CONSTRUCTION WAS COMPLETED PRIOR TO NOVEMBER 16, 1982. ELSEWHERE IN THE BOROUGH,] [T]his section does not apply to structures where construction was completed prior to January 1, 1987[, IF THE PRESENT OWNER OR OWNERS OF THE PROPERTY HAD NO PERSONAL KNOWLEDGE OF ANY VIOLATION OF THE REQUIREMENTS OF THIS SECTION PRIOR TO SUBSTANTIAL COMPLETION OF THE STRUCTURES]. The director of the Planning Department shall, upon application by a property owner, determine whether a property qualifies for an exception under this subsection.

(1) An application for a shoreline setback exception shall include a filing fee as established by resolution of the assembly.

(D) In this section, a "structure" is any [DWELLING] commercial building, [OR] habitable building,

or garage.

(1) open air structures such as gazebos or pavilions are not considered structures under this section.

(E) No part of a subsurface sewage disposal system shall be closer than 100 feet from the ordinary high water mark of any body of water. [THE PLANNING COMMISSION SHALL REQUIRE THIS DISTANCE BE INCREASED WHERE NECESSARY TO PROTECT WATERS WITHIN THE BOROUGH.]

(F) Structures are allowed to be located within 75 feet of the ordinary high water mark of a lake, but no less than 45 feet, if runoff pollution mitigation measures are designed and installed under the supervision of a qualified professional.

(1) Runoff pollution mitigation measures include any combination of bio-swales, rain gardens, riparian buffers, flow barriers, filter strips, or other features adequate to treat and retain all stormwater or snowmelt runoff associated with a development. Natural riparian buffers are preferred over man-made measures such as bioswales or rain gardens.

(a) Mitigation measures shall include measures to mitigate the potential for petroleum contamination, such as installation of secondary

containment systems equal to 110 percent of the storage volume or pump-fed top-outlet fuel tanks.

(2) Engineered plans and specifications shall be submitted for an engineering review as part of a mandatory land use permit, in accordance with MSB 17.02.

(3) The development shall be designed and constructed in accordance with local, state, and federal laws.

(4) The landowners are responsible for maintenance of approved runoff pollution mitigation measures specified in their permit as long as the structure permitted under this subsection remains within 75 feet of a lake.

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

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2024.

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EDNA DeVRIES, Borough Mayor

ATTEST:

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LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)