

Action:

**MATANUSKA-SUSITNA BOROUGH  
WATERBODY SETBACK ADVISORY BOARD  
RESOLUTION SERIAL NO. 24-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH WATERBODY SETBACK ADVISORY BOARD RECOMMENDING CHANGES TO MSB 17.55 - SETBACK AND SCREENING EASEMENTS, MSB 17.80 - NONCONFORMING STRUCTURES, MSB 17.02 - MANDATORY LAND USE PERMIT, AND MSB 17.65 - VARIANCES.

---

WHEREAS, the Matanuska-Susitna Borough Assembly established the Waterbody Setback Advisory Board through IM No. 23-175 and Ordinance No. 23-175 on 8/15/2023 to review and recommend any changes to the Borough code relating to waterbody setbacks and related issues. These related issues should include variances/non-conformities, how to deal with structures built in violation of the 1973 and 1987 ordinances, possible remedies for structures in violation, and any other issues the Board believes are pertinent. To the extent possible, the Advisory Board is required to identify possible solutions, identify ways to enforce and implement those solutions and identify resources needed to implement and enforce those solutions; and

WHEREAS, The Waterbody Setback Advisory Board has prepared a written report, and the Chair will present the report to the Borough Assembly no later than September 17, 2024; and

WHEREAS, the preservation and protection of our natural waterbodies are paramount to maintaining the ecological balance,

ensuring public safety, enhancing the beauty of our community; and

WHEREAS, the activities adjacent to waterbodies, such as construction, grading, clearing, filling, or contouring, have a significant impact on water quality, natural habitats, and the overall health of these aquatic ecosystems; and

WHEREAS, there has been a recognition of the necessity for increased regulation and oversight to prevent adverse effects on waterbodies resulting from unregulated or improperly managed land-use activities close to these critical areas; and

NOW, THEREFORE, BE IT RESOLVED, that the Waterbody Setback Advisory Board hereby makes the following recommendations to the Assembly:

1. Path to Compliance for Homeowners: It is recommended that the Assembly provides a path to compliance for existing homes built within the 75-foot setback area in violation of MSB 17.55. This compliance pathway should require design and construction of mitigation measures to be developed and overseen by an professional engineer registered in the State of Alaska.

2. Land Use Permit Requirement: To enhance the protection of our waterbodies, the MSB 17.02 should be modified to require a land use permit for any grading, clearing, filling, contouring, or construction activities within 75 feet of a waterbody. This measure aims to ensure that all such activities are appropriately reviewed

and managed to mitigate adverse impacts on the waterbody ecosystems.

3. Enhanced Enforcement: Recognizing the need for effective enforcement of setback regulations, it is recommended that additional staff be hired to patrol lakes and other waterbodies during the summer months. Their presence will deter violations, ensure adherence to established laws, and offer an immediate response to any observed infractions.

4. New Variance Process: Acknowledging that certain circumstances may require deviation from the standard setback requirements, it is recommended that MSB 17.65 - Variances be amended to eliminate the provisions granting owners of certain lakefront lots to rights commonly enjoyed by others in the surrounding area.

5. New habitat protection tax incentive: It is recommended that the Assembly explore the development of a habitat protection tax incentive similar to the Kenia Peninsula borough and lobby the state to modify their statute to include all water bodies, not just anadromous streams.

BE IT FURTHER RESOLVED, the Waterbody Setback Advisory Board has attached a draft ordinance reflecting its recommendations for the Assembly to consider.

ADOPTED by the Matanuska-Susitna Borough Waterbody Setback  
Advisory Board this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Bill Kendig, Board Chair

ATTEST:

\_\_\_\_\_  
Lacie Olivieri, Board Clerk