




SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY EXTENDING THE EFFECTIVE DATE OF THE WATERBODY SETBACK ADVISORY BOARD TO MARCH 18, 2025.

AGENDA OF: August 20, 2024

ASSEMBLY ACTION: Adopted without objection 09/03/24 - BJH

AGENDA ACTION REQUESTED: Introduce and set for public hearing.

Route To	Signatures
Originator	 Recoverable Signature X Alex Strawn Signed by: Alex
Department Director	 Recoverable Signature X Alex Strawn Signed by: Alex
Finance Director	X Cheyenne Heindel Signed by: Cheyenne Heindel 8/7/2024
Borough Attorney	X Nicholas Spiropoulos Signed by: Nicholas Spiropoulos 8/8/2024
Borough Manager	X Michael Brown Signed by: Mike Brown 8/8/2024
Borough Clerk	 Recoverable Signature X Lonnie McKechnie Signed by: Lonnie McKechnie

ATTACHMENT (S): Ordinance Serial No. 24-083 (2 pp)
 Ordinance Serial No. 23-079 (4 pp)

SUMMARY STATEMENT:

The Waterbody Setback Advisory Board (WSAB) was formed by Assembly Ordinance 23-079 in order to review and make recommendations to the Assembly regarding waterbody setbacks. The WSAB has met 12 times since its establishment in August of 2023 and has learned about the history of setbacks within the Borough, reviewed the various sections of code that affect water body setbacks, learned about the ecologic effects development has on waterbodies, and how waterbody setback violations affect financing. The WSAB has developed preliminary recommendations for changes to the waterbody setback code but has heard from multiple community councils requesting an opportunity to review the preliminary recommendations before they are presented to the Assembly. The

WSAB is requesting time to garner meaningful feedback from Community Councils to incorporate into their recommendations to the Assembly.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully recommends approval of this ordinance.

CODE ORDINANCE

Sponsored by: Borough Mayor
Introduced: 08/01/23
Public Hearing: 08/15/23
Amended: 08/15/23
Adopted: 08/15/23

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 23-079**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY
ESTABLISHING AN ADVISORY BOARD TO REVIEW AND MAKE RECOMMENDATIONS
TO THE ASSEMBLY REGARDING WATER BODY SETBACKS.

WHEREAS, the intent and rationale for this ordinance are found
in the accompanying Information Memorandum No. 23-175.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

Section 2. Creation of Advisory Body. An advisory body, to be
called the Waterbody Setback Advisory Board, is hereby
established. The Borough planning department will staff the
Waterbody Setback Advisory Board. The applicable provisions of MSB
4.05 apply to the Waterbody Setback Advisory Board. The Board will
follow Robert's Rules of Order except that whenever the rules refer
to a vote of a majority or other designated portion of the Board,
the vote required shall be the designated portion of the seven
members authorized to serve on the Board.

Section 3. Membership. There will be nine (9) members of the
Waterbody Setback Advisory Board. As feasible, membership will be
from the following groups:

1 member from the MSB Planning Commission;

1 member from the MSB Fish and Wildlife Commission;

1 member from MatSu Salmon Habitat Partnership;

1 member with experience in designing and constructing stormwater abatement best management practices;

1 member from the home builder, lending, or real estate community;

1 member from the Alaska State Department of Environmental Conservation; and

3 members at large.

Nothing in this ordinance obligates the Mayor to make specific appointments nor the Assembly to confirm specific appointments. The determination of feasibility of membership will be made only by the Mayor in making appointments, and only by the Assembly in confirming or declining appointments. The Mayor may make appointments at any time, but should seek to complete appointments so that the Assembly may confirm them no later than September 2023.

Section 4. Announcement and application for appointments.

Borough Administration is directed to publicize the creation of the Board and provide information on how to apply. Applications for consideration must be received no later than by September 1, 2023.

Section 5. Scope of Duties. The Waterbody Setback Advisory Board is empowered to review and recommend any changes to 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 shall identify possible solutions, identify ways to enforce and implement those solutions, and identify resources needed to implement and enforce those solutions.

Section 6. Report. The Waterbody Setback Advisory Board will prepare a written report and the Chair will present the report to the Borough Assembly no later than September 17, 2024.

Section 7. Effective date and termination. This ordinance shall take effect upon adoption. This ordinance, and the Waterbody Setback Advisory Board, will expire on September 18, 2024.

ADOPTED by the Matanuska-Susitna Borough Assembly this 15 day
of August, 2023.


EDNA DeVRIES, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, Fonov, and
Bernier