

SUBJECT: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY DIRECTING THE PLANNING DEPARTMENT TO WORK WITH THE PLANNING COMMISSION ON POSSIBLE AMENDMENTS TO THE WATERBODY SETBACK WHICH MAY REDUCE THE SETBACK WHILE STILL PROTECTING WATER QUALITY.

AGENDA OF: May 17, 2022

Assembly Action:

Adopted without objection 5-17-22

MANAGER RECOMMENDATION: Present to the Assembly for consideration.

APPROVED BY MIKE BROWN, BOROUGH MANAGER:

MB

Route To:	Department/Individual	Initials	Remarks
	Originator	JA and AS for	Assemblymember Yundt
	Planning and Land Use Director <i>Acting</i>	<i>[Signature]</i>	<i>Kim Sullivan 5/9/2022</i>
	Finance Director	<i>CJ</i>	
	Borough Attorney	<i>[Signature]</i>	
	Borough Clerk	<i>[Signature]</i>	

ATTACHMENT (S) : Fiscal Note: YES _____ NO X
Resolution Serial No. 22-052 3 (pp)

SUMMARY STATEMENT: This Resolution is sponsored by Assemblymember Yundt in order to ameliorate 75-foot waterbody setback violations.

MSB 17.55.020 *Setbacks for Shorelands* provides, in pertinent part:

(A) Except as provided in subsection (B) 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.

. . . .

(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, this 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 or habitable building or garage.

(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.

The MSB recognizes the need to continue protection of water quality from non-point source pollution related to development adjacent to waterbodies such that waterbodies are protected from contamination, erosion, and run-off creating possible environmental issues. The waterbody setback amendments under MSB 17.55 are to be explored with MSB staff in conjunction with

the MSB Planning Commission.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully recommends considering adoption of this legislation.