

Action:
Adopted

**MATANUSKA-SUSITNA BOROUGH
FISH & WILDLIFE COMMISSION
RESOLUTION SERIAL NO. 25-03**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH FISH AND WILDLIFE
COMMISSION DETAILING COMMENTS RELATED TO MSB Ordinance 25-073.

WHEREAS, the Matanuska-Susitna Borough Fish and Wildlife Commission (FWC) has a mandate to advise and make recommendations to the assembly and/or agencies, departments, commissions, or boards of the interests of the borough in the conservation and allocation of fish, wildlife, and habitat including administration, application, enforcement, appointment or any other position or action the borough should take on fish, wildlife, or habitat issues.

WHEREAS, the FWC had a representative on the Waterbody Setback Advisory Board (WSAB), established by the Matanuska-Susitna Borough (MSB) Assembly through Ordinance No. 23-175 to review and recommend any changes to the Borough code relating to waterbody setbacks and related issues.

WHEREAS, the preservation and protection of our natural waterbodies are paramount to maintaining fish and wildlife habitat; and

WHEREAS, the MSB Comprehensive Plan aspires to manage waterbodies and their corridors in a manner that minimizes loss of and restore the function of waterbodies through Goals LU-4, CQ-1, and CQ-2 in the

MSB Comprehensive Plan; and

WHEREAS, the 75-foot waterbody setback was originally established in 1973 by assembly ordinance, temporarily reduced to 45 feet in 1986, but reinstated to 75 feet by voter initiative in 1987; and

WHEREAS, over time enforcement of the 75-foot setback has been limited, resulting in widespread noncompliance, that may adversely affect shoreline, waters and other natural resources as well as complicating real estate transactions; and

WHEREAS, between 1987 and present, over 700 shoreline structures have been built in violation of the 75-foot setback ordinance, many of which went undetected due to limited permitting requirements and enforcement; and

WHEREAS, waterbodies in the MSB provide can be negatively impacted by incomplete or incompatible building activities, impervious surfaces along waterbodies, and pollutant discharges; and

WHEREAS, activities adjacent to waterbodies, such as clearing, grading, and filling may have a significant impact on water quality, natural habitats, and the overall health of waterbodies;

WHEREAS, the MSB continues to experience sustained residential, commercial, and recreational development near its lakes, rivers, and wetlands, increasing the need for clear and enforceable land use regulations that accommodate growth while protecting our natural resources;

WHEREAS, that the FWC hereby also recommends adopt the following additional concepts in WSAB Resolution 24-01:

1. Retaining the current 75-foot setback requirement for buildings adjacent to flowing waters. (WSAB Resolution recommendation 24-01 #2).
2. While education and awareness are important, compliance and enforcement is essential to the success of this ordinance.
3. Assembly consideration of establishing a habitat protection tax incentive, similar to the program in the Kenai Peninsula Borough, and advocate for state legislation to extend tax incentives to all types of waterbodies, not limited to rivers (WSAB Resolution 24-01 recommendation #11).

WHEREAS, the FWC supports updating Setback codes with a focus on sections that protect and improve fish and wildlife habitat and are enforced;

WHEREAS, that the FWC hereby recommends retaining the following concepts in Ordinance 25-073 that solve current problems meaningfully, keeps the 75 foot setback standard while applying best practices within the continued allowed 45 foot setback lots:

1. Land Use Permit: We recommend that a land use permit be required but with the following changes:
 - a. The land use permit should be required for all parcels with shoreline property. The permit should educate property owners to their actual land boundaries, awareness of all Borough setback requirements, including the waterbody setback.
 - b. Prior to any clearing, filling, or grading in the 75-foot setback, the property owner will need to show how runoff will be directed

and any mitigation actions to be taken to prevent degradation of water quality and aquatic habitat to ensure reduction of source pollution.

2. Structures: The waterbody setback shall apply to commercial and industrial development, through amending 17.55.020 to help reduce source pollution.

3. Shoreline standards: We recommend that the following be in a general standards section:

a. All parcels with waterfront should be required to retain 50 percent of a 25-foot deep buffer of riparian vegetation to reduce the volume and impact of runoff.

b. The total impervious surface within the 75-foot setback shall not exceed 20 percent of the setback area, including houses, garages, decks, pavilions, paved areas, boardwalks, and any other surface that prevents water from infiltrating into the ground helping to reduce the volume of runoff.

4. Variances: Adopt WSAB recommended changes to 17.65.020 to disallow variances within 45-feet of a waterbody, which helps reduce source pollution and increase compliance.

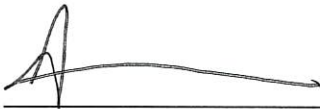
NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Fish and Wildlife Commission hereby recommends Assembly adoption of Ordinance 25-073.

ADOPTED by the Matanuska-Susitna Fish and Wildlife Commission
this 16th day of July, 2025.



Peter Probasco, Chair

ATTEST:



Maggie Brown, Staff Support