



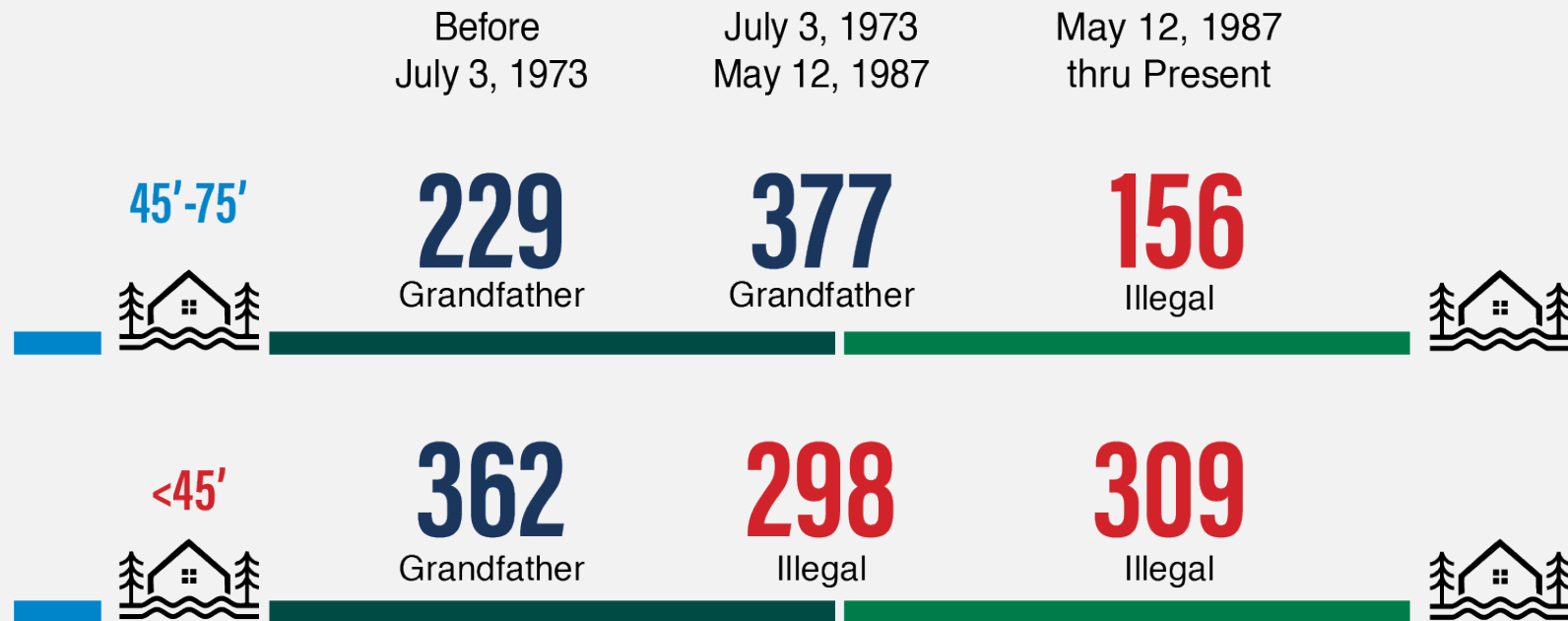
WATERBODY --- SETBACKS





CURRENT STATE

Setback Violations on Lakes





STRUCTURES BUILT WITHIN 75'

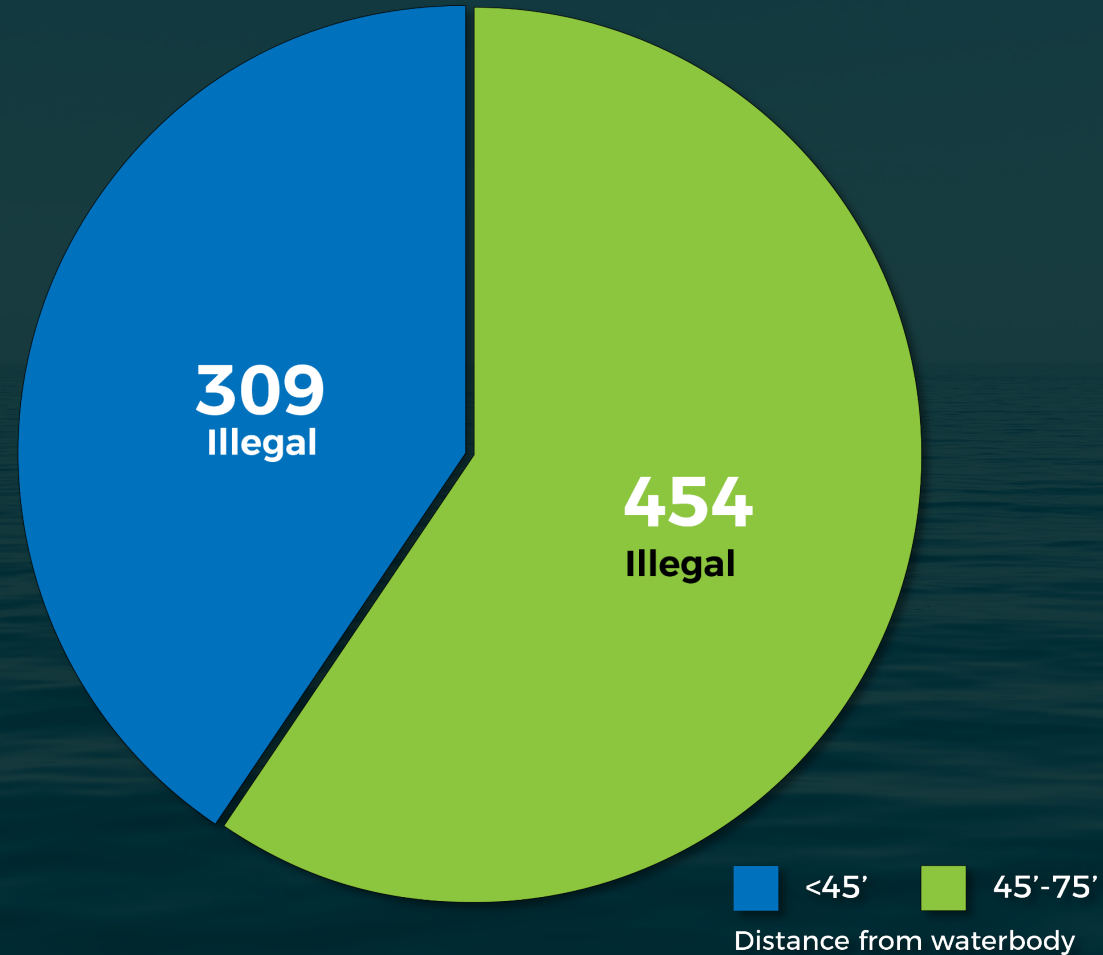
1987- Present

Lakes Only

763

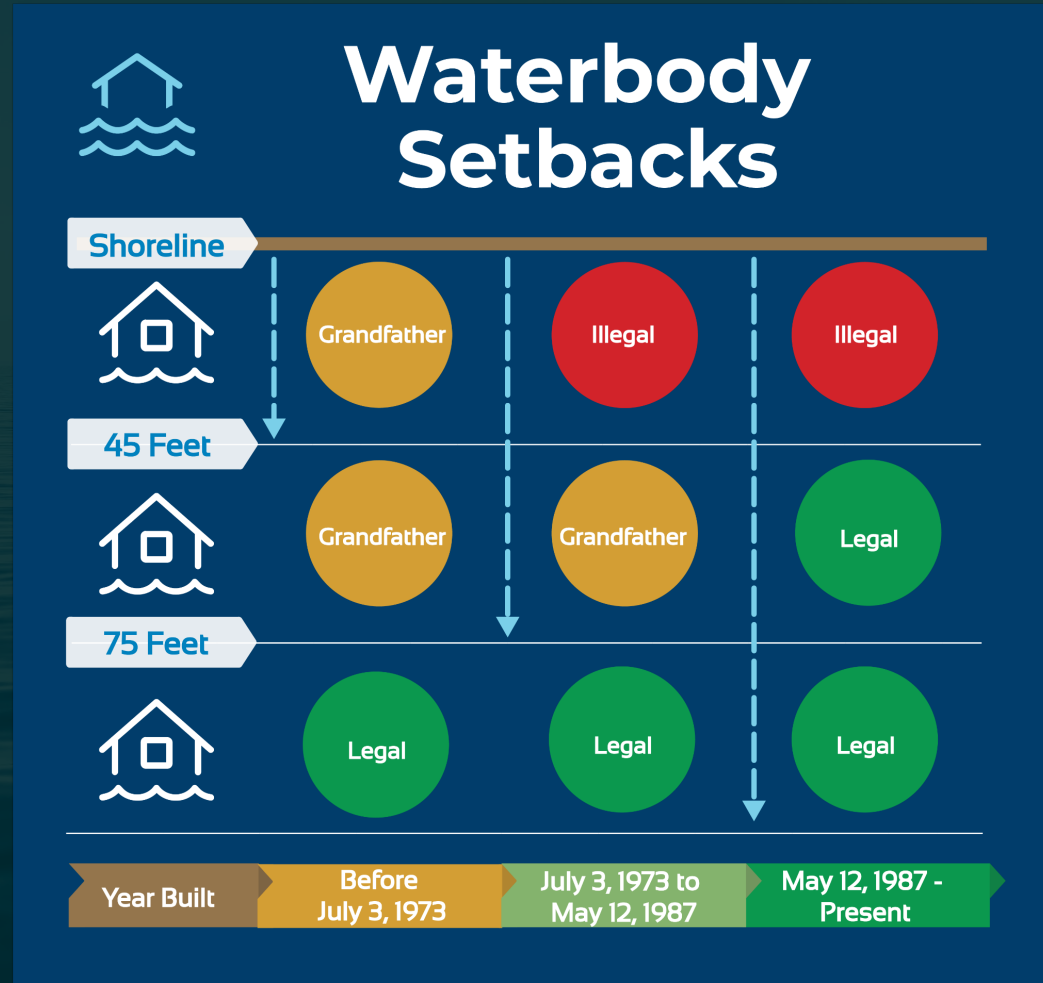
22%

On Big Lake



MSB HISTORY

Setback Regulations



TIMELINE



01 MARCH 2023

Planning Commission recommends failure of ordinance eliminating waterbody setback

02 MAY 2023

Assembly directs staff to work with Planning Commission on amendments to waterbody setback

03 JUNE 2023

Planning Commission opposes the ordinance allowing structures to go within 75 feet so long as certain engineering standards to protect water quality are applied.

04 JULY 2023

Assembly unanimously defeats ordinance allowing structures to go within 75 feet so long as certain engineering standards to protect water quality are applied.

05 AUGUST 2023

Waterbody Setback Advisory Board is established (OR 23-079)

06 SEPTEMBER 2024

Waterbody Setback Advisory Board extended to March 18, 2025

ADVISORY BOARD



Board Membership:

- Design, Constructing Stormwater Abatement (2)
- Home Builder, Lending, Real Estate
- Mat-Su Salmon Habitat Partnership
- MSB Fish & Wildlife Commission
- MSB Planning Commission
- At-Large (3)

ADVISORY BOARD



Topics of Discussion:

- Code compliance overview
- Mandatory land use Permit overview
- Analysis of existing setback violations
- Financing and sale of illegal structures
- 1998 Setback Analysis
- Review of riparian buffer ordinance
- Non-point source pollution, riparian buffers, fish habitat, and water quality
- In-depth review: MSB 17.65 - Variances
- In-depth review: MSB 17.55 - Setbacks & Screening Easements
- In-depth review: MSB 17.80 - Nonconforming Structures
- Recommended changes to MSB 17.55 and MSB 17.80



TIMES MET

22

48

TOTAL
HOURS

WSAB RECOMMENDATIONS



Clarification & Cleanup

- Deleted unnecessary/outdated language
- Clarifies intent
- Clarifies which homes qualify for pre-existing legal nonconforming status

WSAB RECOMMENDATIONS



New general standards near a waterbody

- Kennels, stables, and animal yards no closer than 100 feet
- Stormwater controls for commercial or industrial parking areas within 75 feet
- Storage of liquid hazardous substances within 75 feet requires secondary containment
 - Existing facilities have 5 years to remove or retrofit
- Prohibited within 25 feet
 - Removal of riparian buffer (50%)*
 - Storage of solid waste including debris and animal yard waste
 - Stockpiling of snow
 - Application of fertilizer or herbicides
 - Paved parking areas

WSAB RECOMMENDATIONS



Land Use Permit

- Required for all “ground-disturbing activities” within 75 feet of water
- Ensures compliance with general standards
- Impervious surface cap of 20%*

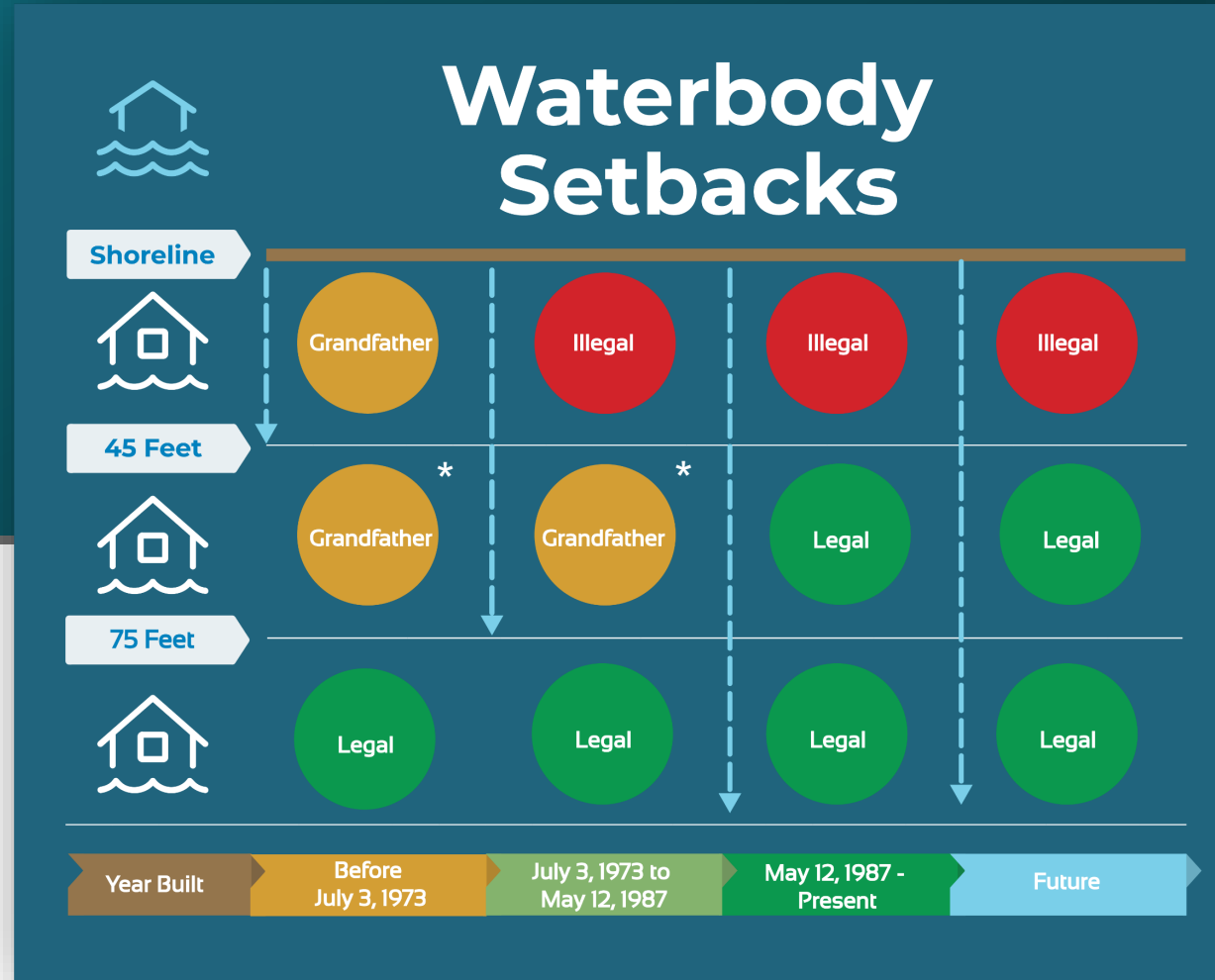
WSAB RECOMMENDATIONS



Homes allowed between 45' - 75' of standing water with the following restrictions

- Land Use Permit prepared by “qualified professional”
- Identification of current and proposed drainage patterns
- Runoff pollution mitigation measures
- Maintain the pre-development function of wetlands
- Landowner responsible for maintenance of mitigation measures

WSAB RECOMMENDATIONS



* Option to become legal

WSAB RECOMMENDATIONS



Variance

- No longer allowed within 45 feet of a water body
- Results in de facto prohibition of variances near lakes

WSAB RECOMMENDATIONS



Enhanced Enforcement

- Additional staff to patrol waterbodies
- Early detection of water body development

WSAB RECOMMENDATIONS



Habitat Protection Tax Incentive

- Recommend exploration of tax incentive for development near water bodies
- Encourages activities that protect and restore shoreline habitat
- This type of tax credit is allowed by State law and is being used within the Kenai Peninsula Borough

THANK YOU



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