



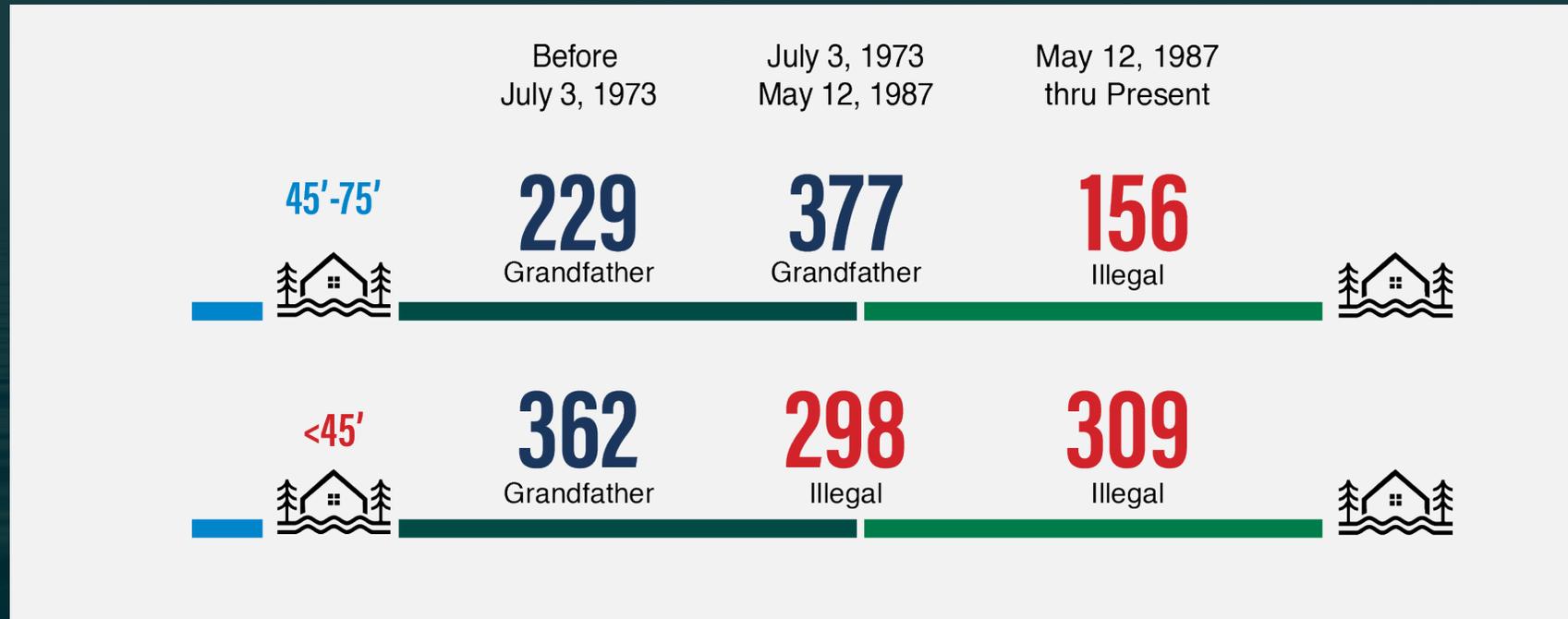
# WATERBODY SETBACKS





# CURRENT STATE

## Setback Violations on Lakes





# STRUCTURES BUILT WITHIN 75'

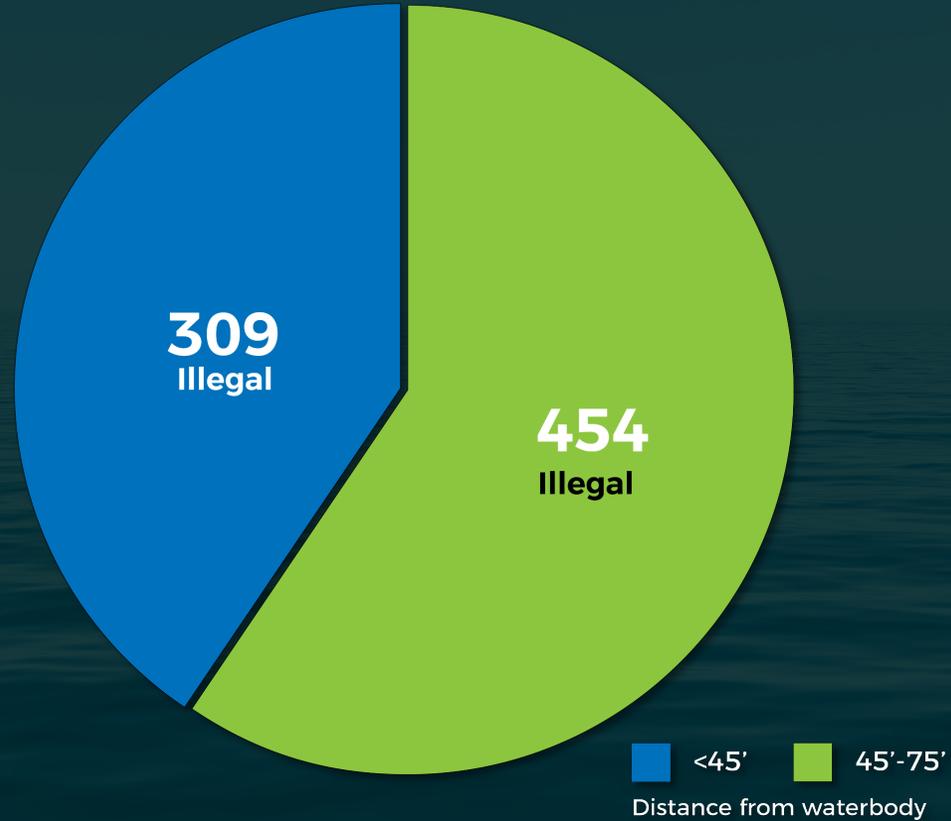
1987- Present

Lakes Only

**763**

**22%**

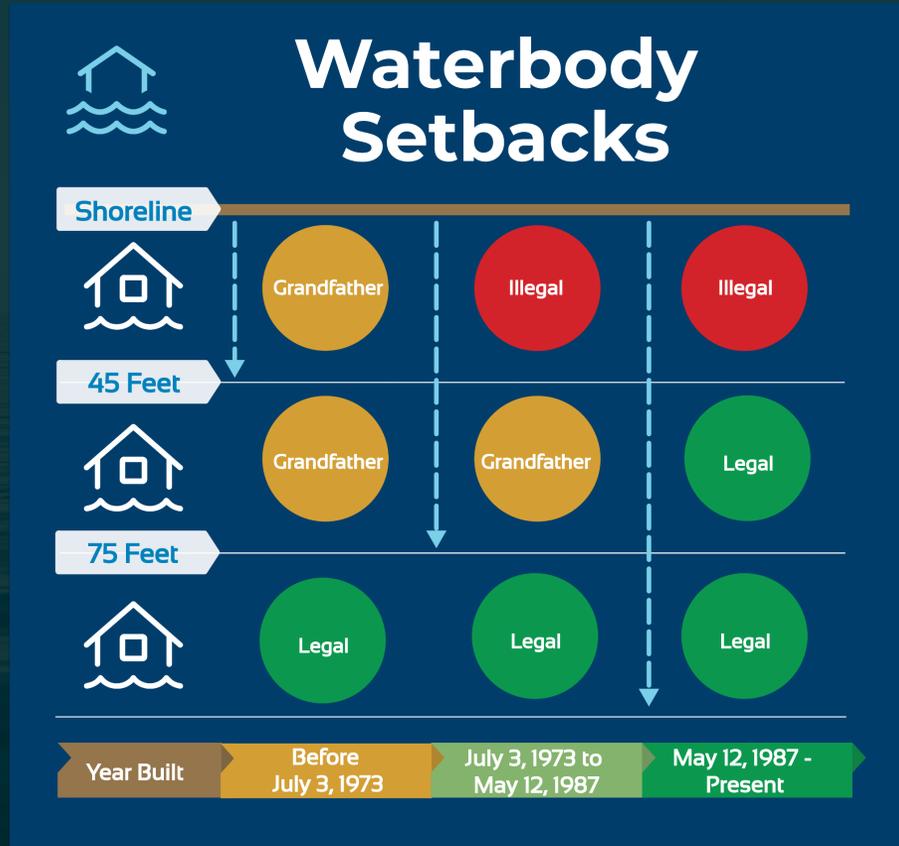
On Big Lake





# 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

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## 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

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## 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**

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**48**

TOTAL HOURS

# WSAB RECOMMENDATIONS

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## 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

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## 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

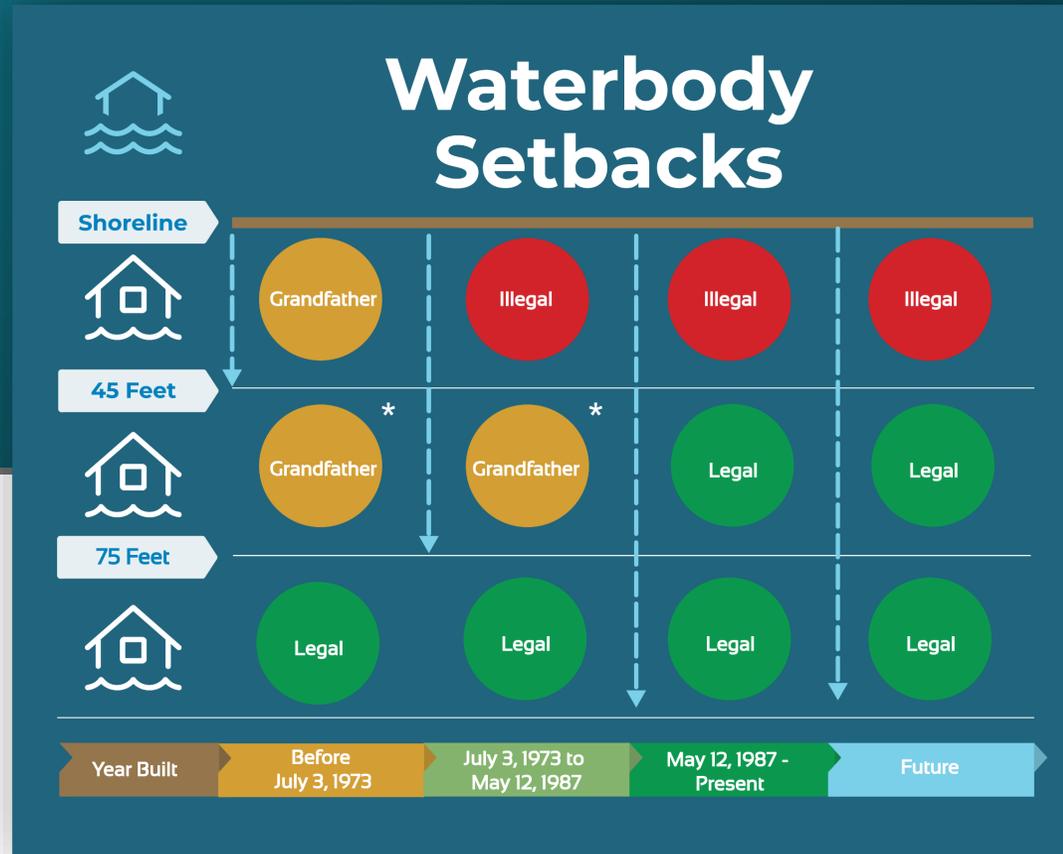


Homes allowed between 45' - 75' of standing water with the following restrictions

- 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

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## Variance

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



# WSAB RECOMMENDATIONS

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## 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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