

PURPOSE:

Ordinance 25-073 is a proposed update to Matanuska-Susitna Borough code. It would revise regulations related to land use near lakes, rivers, streams, and wetlands outside of city limits.

The proposal aims to establish consistent permitting requirements, clarify structural setbacks from water bodies, and introduce standards to address surface runoff and pollution risk.

The Borough Assembly has referred the ordinance to six boards and commissions for a 120-day review and comment period. It has not yet been adopted and is scheduled to return to the Assembly for consideration in September 2025.



SCAN FOR
ORDINANCE

Stay INFORMED

This summary is provided for public information only. Ordinance 25-073 is currently under consideration and may be revised before final action by the Assembly.

For questions, comments, or to review the full text of the proposed ordinance:

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Proposed WATERBODY SETBACK

UPDATES



Summary of PROPOSED CHANGES

1. Land Use Permits Near Water bodies

Under the proposed ordinance:

A Borough land use permit would be required for:

- ▶ Any new structure within 75 ft of the ordinary high water mark of a water body
- ▶ Any ground-disturbing activity within 75 ft (e.g., clearing, excavation, grading)

2. Water body Setbacks for Structures

- ▶ Structures would generally be required to be located at least 75 ft from the ordinary high water mark
- ▶ Water-dependent accessory structures (e.g., docks, boathouses) could be permitted within that distance
- ▶ Structures between 45 and 75 ft may be allowed with a permit and approved runoff mitigation plan

3. Runoff Mitigation Standards

Projects between 45–75 ft from water would require a runoff mitigation plan, reviewed and certified by a qualified professional.

The plan would need to:

- ▶ Treat and retain storm water on site
- ▶ Limit impervious surface coverage within the setback area to 20%
- ▶ Meet performance standards for detention, infiltration, and peak flow control

4. Pollution Source Setbacks

The proposed ordinance would establish minimum distances between water bodies and specific pollution sources:

USE OR ACTIVITY	MINIMUM DISTANCE FROM WATERBODY
Subsurface sewage systems	100 feet
Animal waste facilities, kennels, stables	100 feet
Paved parking areas	25 feet with mitigation
Fuel storage (<i>hazardous substances</i>)	75 feet, unless it has secondary containment
Vegetative clearing over 50%	Prohibited within 25 feet
Fertilizers, herbicides, imported snow, yard waste	Prohibited within 25 feet

5. Legal Nonconforming Structures

Structures not meeting current standards may be eligible for legal nonconforming status if:

- ▶ Built prior to July 3, 1973
- ▶ Located between 45–75 ft and built within defined time-frames (e.g., 1973–1987)
- ▶ Not expanded or altered since original construction

6. Limitations on Variances

Under the proposal, the Borough would not be able to grant a variance from the water body setback if:

- ▶ The structure would be located closer than 45 ft
- ▶ The property is in a known erosion hazard area along flowing waters

7. Definitions and Code Structure Updates

The ordinance would introduce or revise several definitions, including:

- ▶ Ordinary High Water Mark
- ▶ Riparian Buffer
- ▶ Ground Disturbing Activity
- ▶ Water-Dependent Accessory Structure
- ▶ Runoff Pollution Mitigation Measure
- ▶ Qualified Professional

The structure of MSB 17.55 would also be reorganized for clarity, with new sections added and obsolete sections repealed.

Frequently Asked QUESTIONS

Q: Is there already a water body setback in place?

A: Yes. A 75-foot setback has been required since 1987. Any structure built closer than 75 ft after that date is currently out of compliance. Structures built closer than 45 ft after 1973 are also in violation.

Q: What is a ground disturbing activity?

A: A ground disturbing activity is any action that alters the soil, vegetation, or natural contours of the land using heavy equipment. It does not include cutting or removing vegetation above ground (e.g., mowing, chain sawing, hydro-axing) if the soil or root systems are not disturbed.

Q: Can I build a house closer than 75 ft to the water?

A: Only between 45–75 ft, and only with a permit and an approved runoff plan.

Q: What is a runoff plan?

A: It's a plan showing how you'll manage rainwater so it doesn't carry pollution into the water body.
Examples include rain gardens, swales, and native plants.

Q: I have a shed near the lake. Do I need to move it?

A: No. Existing structures are not automatically affected. But you will need a permit to expand or make changes.

Q: What is secondary containment, and when is it required?

A: Secondary containment is a safety measure that helps prevent spills of fuel or hazardous liquids from reaching water bodies. Under the proposed rules, fuel tanks within 75 ft of a water body must have containment systems, such as spill basins or double-walled tanks. Existing tanks have five years to comply.

Q: When will these changes take effect?

A: They are still under review and have not been approved by the Borough Assembly. It goes back before the Assembly in September 2025.