

CODE ORDINANCE

Sponsored by: Sumner

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-128**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 15.24 ASSEMBLY; ZONING FUNCTIONS TO UPDATE THE PROCESS OF INITIATING AND AMENDING LAKE MANAGEMENT PLANS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 15.24.031 is hereby amended as follows:

(A) The following process shall be followed to initiate a lake management plan:

(1) A petition shall be submitted to the planning department requesting a lake management plan for a specific lake or lakes. Borough, state, and federally owned parcels, not held in trust, will not be counted toward the petition threshold.

(2) The planning department shall [CERTIFY] accept a petition to initiate a lake management plan only if the petition contains the following:

(a) signatures of at least [50] 51 percent of all shoreline property owners (as listed by borough tax

assessment records) dated within 90 calendar days preceding submission of the petition to the planning department;

(b) the mailing address and legal description of each property, or the property's borough tax identification number, for each petitioner; and

(c) the printed name and phone number or email address of each petitioner.

(3) Within 60 calendar days of [RECEIPT] acceptance of a [CERTIFIED] petition, the planning department shall mail numbered notices to all shoreline property owners (as listed by borough tax assessment records) requesting the property owner to indicate whether or not they are in favor of initiating a lake management plan. One notice per parcel will be mailed using certified mail. A return envelope addressed to the planning department, and a deadline of not less than 60 calendar days for responding in writing shall be specified in the notice. The notice shall state that a lake management plan will be initiated if [MORE THAN 50] at least 51 percent of all shoreline property owners [RESPONDING TO THE PLANNING DEPARTMENT PRIOR TO THE DEADLINE] are in favor of developing a lake management plan.

(a) There shall be only one vote per property, regardless of the number of owners.

(4) The written responses returned to the planning department prior to the deadline will be tabulated. A lake management plan will be initiated if [MORE THAN 50] **at least 51** percent of all shoreline property owners [RESPONDING] are in favor of developing a lake management plan. Borough, state, and federally owned parcels not held in trust will not be counted toward the tabulation.

(5) The planning department shall notify all shoreline property owners (as listed by borough tax assessment records) whether or not a lake management plan will be initiated.

(6) When a lake management plan is initiated, the planning department shall provide a notice to the appropriate community council and assembly member, post a notice at the public access points to the respective lake as identified through current use, post a notice in a newspaper of general circulation distributed within the borough, and develop a public-facing project website to be updated regularly throughout the planning process.

(7) The planning department shall facilitate at

least three lake management plan meetings that shall be open to the public and advertised in a newspaper of general circulation distributed within the borough.

(8) Planning staff shall draft a lake management plan based on community input from public meetings, written comments, and the assembly adopted guidelines for lake usage based on lake size and depth.

(9) Residents shall have 30 days to review the draft plan and its proposed regulations.

(10) The planning department will have 30 days after the community review period to make the final edits to the plan.

(11) **For lakes with no legal public access, t**[T]he planning department shall mail numbered ballots to all shoreline property owners (as listed by borough tax assessment records) to indicate whether or not they are in favor of moving the lake management plan forward to the planning commission and assembly. One ballot per parcel will be mailed using certified mail. The ballot shall include one postage paid, return envelope addressed to the planning department. The ballot shall specify a deadline of not less than 60 calendar days for responding in writing to the planning department. The

notice shall state that a lake management plan will be brought to the planning commission and assembly if [MORE THAN 60] at least 51 percent of all [RESPONDING] shoreline property owners are in favor of the lake management plan.

(a) If at least 51 percent of all ballots sent by the planning department are in favor of the lake management plan, the Planning Department will present the plan and its corresponding ordinance to the planning commission and assembly for public hearing.

[(12) IF MORE THAN 60 PERCENT OF ALL BALLOTS RECEIVED BY THE PLANNING DEPARTMENT BY THE BALLOT DEADLINE ARE IN FAVOR OF THE LAKE MANAGEMENT PLAN, THE PLANNING DEPARTMENT WILL PRESENT THE PLAN AND ITS CORRESPONDING ORDINANCE TO THE PLANNING COMMISSION AND ASSEMBLY FOR PUBLIC HEARING.]

(13) For lakes with legal public access, the Manager shall present the matter to the Assembly with an ordinance proposing to place the question before the public at large for an advisory vote at the next Borough election.

(a) Within 60 days of certification of the election and the advisory vote on the draft plan, the

Planning Department shall seek referral of the draft plan to the Planning Commission from the Assembly.

(B) The following process shall be followed to amend an adopted lake management plan:

(1) Lake management plan amendments shall be in compliance with MSB 15.24.030.

(2) A lake management plan amendment process shall follow the steps of initiating a lake management plan in accordance with subsection (A) of this section.

(C) The appropriate filing fee as established by the assembly, shall be submitted at the time of filing the petition.

(1) Prior to the date of the public hearing held by the Assembly, the petitioner shall pay the cost of all mailings and advertisements associated with the development of the plan.

(D) Nothing in the procedures outlined in MSB 15.24.031 impairs, or is intended to impair, the right of individual Assemblymembers, Mayor, or Manager to introduce an ordinance under AS 29.25.020(b)(1), or amend an ordinance under AS 29.25.020(b)(6), or veto an ordinance under AS 29.20.270, including an ordinance pertaining to a lake management plan.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2025.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)