


**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 15.24.031, INITIATING AND AMENDING LAKE MANAGEMENT PLANS.





**AGENDA OF:** February 7, 2023

**ASSEMBLY ACTION:**

Adopted without objection 6-6-23  


**MANAGER RECOMMENDATION:** Refer to Planning Commission for 90 days.

**APPROVED BY MICHAEL BROWN, BOROUGH MANAGER:** 

| Route To: | Department/Individual          | Initials  | Remarks  |
|-----------|--------------------------------|---|--|
|           | A. Strawn<br>Planning Director |    |  |
|           | Borough Attorney               |   |  |
|           | Borough Clerk                  |  |  |

**ATTACHMENT(S):** Fiscal Note: YES \_\_\_ NO X  
Planning Commission Resolution No. 23-\_\_\_ ( pp)  
Ordinance Serial NO. 99-103 (3 pp)  
Ordinance Serial No. 23-008 (9 pp)

**SUMMARY STATEMENT:**

**Lake Management Planning History**

The Matanuska-Susitna Borough (MSB) adopted the first Lake Management Plan (LMP) in 1995. Since then, there have been forty-two LMPs adopted by the Borough Assembly. While each lake that has an adopted LMP is different, the reasoning behind initiating an LMP is quite simple: as populations grow, there is an increase in conflicting uses of the land and water being developed. When this happens to property owners around lakes, residents of the borough have an option of initiating an LMP to resolve conflict among current neighbors while setting a standard for incoming residents. The LMP process is a grassroots planning option, meaning that LMPs must be initiated by a lake community. Once initiated, the residents work together to develop the regulations they think are appropriate for the lake. The Borough's Planning Department staff act as researchers, writers, and neutral meeting facilitators throughout the process. Once the plan is drafted, staff presents

it to the Planning Commission for approval and then the Assembly for adoption.

Lake Management Plans provide guidance for how the surface of the lake is used and makes recommendations concerning public access and education of lake users to meet the goals of the plan. Certain aspects of the plan can be implemented as enforceable regulations through MSB 17.59. In 1999, the Borough Assembly adopted Ordinance NO. 99-103 which established guidelines for appropriate regulations based on the lake size and depth. Residents also have the power to develop their own regulations, as long as the regulations are within borough powers to enforce, to be included in a Lake Management Plan.

Lake Management Plans also provide community goals that normally focus efforts around increasing safety measures, protecting personal property rights and property values, conserving wildlife habitat, and upholding the values and characteristics of each distinct lakeside neighborhood.

#### **Code Change Overview**

There have been several attempts within the last 5 years to update the Lake Management Plan process. Most recently, the MSB Assembly voted to adopt the Beverly Lake, Lake Management Plan on December 20, 2022, after a reconsideration of the initial vote on December 8, 2022. Many residents of Beverly Lake showed up at the initial public hearing and the following meeting to speak under audience participation. During this time, the Assembly had the opportunity to learn about the planning process from staff and residents. Planning staff used the opportunity of going through the LMP process with Beverly Lake residents to take note of all the ways that the current code benefits residents, as well as looking at ways to improve the current process for future efficiencies.

Throughout the Beverly Lake process, it became clear that there was a lack of guidance for finalizing an LMP. The changes presented in Ordinance No. 23-009 are intended to give residents and staff a step-by-step process to follow that ensures the public has multiple opportunities to both learn and vote on moving the plan forward. The Assembly asked that staff bring forward changes to the LMP code that included language regarding which properties should be able to vote, as well as the percentage needed in the final ballot to bring the plan to the Assembly for adoption.

#### **RECOMMENDATION OF ADMINISTRATION:**

Staff respectfully recommends the Assembly adopt Ordinance Serial No. 23-008 updating the Lake Management Plan code.

NON-CODE ORDINANCE

By: M. Scott  
Introduced: 6/1/99  
Public Hearing: 6/15/99  
Adopted: 6/15/99

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 99-103(AM)**

**AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ESTABLISHING  
GUIDELINES FOR LAKE MANAGEMENT PLANS.**

WHEREAS, the planning department has developed several lake management plans within the borough; and

WHEREAS, the regulations recommended within the lake management plans vary; and

WHEREAS, the assembly supports the concept of lake management plans; and

WHEREAS, the assembly sees the need for general guidelines in developing recommendations for lake management plans.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

Section 2. Establishment of guidelines. The Matanuska Susitna Borough Assembly adopts guidelines to be followed when developing lake management plans to read as follows.

1. Lake size under 75 acres, may recommend the following guidelines:
  - a. No wake zone, 100 ft. from shoreline.
  - b. Quiet Hours 10 p.m. to 8 a.m.
  - c. Personal watercraft restriction.

- d. \*10 hp limit.
  - e. \*No wake speed zone on lake.
  - \* May recommend time share on a daily basis with this option.
2. Lake size over 75 to 200 acres, may recommend the following guidelines:
- a. No wake zone, 100 ft. from shoreline.
  - b. Quiet hours 10 p.m. to 8 a.m.
  - c. Personal watercraft restriction.
  - d. \*10 hp limit.
  - e. \*No wake speed zone on lake.
  - \* Shall recommend time share on this option.
3. Lake size over 200 acres, may recommend the following guidelines:
- a. No wake zone, 150 ft. from shoreline.
  - b. Quiet hours 11 p.m. to 8 a.m.
4. Access recommendations on all lake sizes should be consistent with traditional use and current level of access development.
5. Quiet hours to be defined to apply to repetitive recreational activities such as water skiing and racing or high speed activities and not to moderate speed point to point transportation.



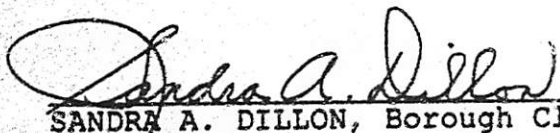
6. No wake defined as minimum boat speed for safe operation and maneuverability.
7. The guidelines may be varied due to lake configuration, lake depth, or other considerations through the adoption of individual lake management plans.
6. "Time share" means restrictions would not apply on Thursday, Friday, and Saturday and all three-day weekends mandated by federal holiday; i.e., Memorial Day, Labor Day and Fourth of July.

Section 3. Effective date. Ordinance Serial No. 99-103(AM) shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 15<sup>th</sup> day of June 1999.

  
DARCIE K. SALMON, Borough Mayor

ATTEST:

  
SANDRA A. DILLON, Borough Clerk  
(Seal)