

CODE ORDINANCE

Sponsored by: Borough Manager

Referred to the Planning Commission: 02/07/23

Introduced: 05/16/23

Public Hearing: 06/06/23

Adopted: 06/06/23

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 23-008**

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

WHEREAS, the intent and rationale for this ordinance is found
in the accompanying Informational Memorandum No. 23-019.

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 to read as follows:

[A TEMPORARY MORATORIUM ON THE INITIATION OF NEW
LAKE MANAGEMENT PLANS AND THE AMENDMENT OF ADOPTED LAKE
MANAGEMENT PLANS IS HEREBY IMPLEMENTED. THIS MORATORIUM
WILL BE IN EFFECT ONE YEAR FROM THE DATE OF ADOPTION OF
THE ORDINANCE CODIFIED IN THIS SECTION, UNLESS OTHERWISE
DEEMED NECESSARY BY THE ASSEMBLY. THE TEMPORARY
MORATORIUM WILL BE IN EFFECT UNTIL JUNE 16, 2016. THIS
MORATORIUM DOES NOT AFFECT THE EXISTING LAKE MANAGEMENT
PLANS IN MSB 15.24.030(C), AND THE EXISTING REGULATIONS
IN MSB 17.59, LAKE MANAGEMENT PLAN IMPLEMENTATION.]

(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. [THE PETITION MUST INCLUDE THE SIGNATURES OF PROPERTY OWNERS (AS LISTED BY BOROUGH TAX ASSESSMENT RECORDS) OF AT LEAST 50 PERCENT OF ALL PARCELS WITHIN 600 FEET UPLAND OF THE RESPECTIVE LAKE SHORELINE OR SIGNATURES OF PROPERTY OWNERS (AS LISTED BY BOROUGH TAX ASSESSMENT RECORDS) OF 50 PARCELS WITHIN 600 FEET UPLAND OF THE RESPECTIVE LAKE SHORELINE, WHICHEVER IS LESS.] Borough, State, and Federally owned parcels, not held in trust, will not be counted toward the petition threshold.

(2) The Planning Department shall certify a petition to initiate a lake management plan only if the petition contains the following:

(a) signatures of at least 50 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.

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

[2] (3) Within 60 calendar days of receipt of a certified petition, the Planning Department shall mail numbered notices to all shoreline property owners (as listed by borough tax assessment records) [WITHIN 600 FEET UPLAND OF THE LAKE SHORELINE] 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 [A MAJORITY] more than 50 percent of [THE] all shoreline property owners responding to the Planning Department prior to the deadline are in favor of developing a lake management plan.

[3] (4) The written responses returned to the Planning Department prior to the deadline will be

tabulated. A lake management plan will be initiated if [THE MAJORITY] more than 50 percent of [THE] 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.

[4] (5) The Planning Department shall notify all shoreline property owners (as listed by Borough tax assessment records) [WITHIN 600 FEET UPLAND OF THE LAKE SHORELINE] whether or not a lake management plan will be initiated.

[5] (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, [AND] 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.

[6] (7) [ALL] 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) The 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 percent of all

responding shoreline property owners are in favor of the lake management plan.

(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.

(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 MSB 15.24.031(A).

[(2) A PETITION SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT REQUESTING AN AMENDMENT TO AN ADOPTED LAKE MANAGEMENT PLAN FOR A SPECIFIC LAKE OR LAKES. THE PETITION MUST INCLUDE A GENERAL DESCRIPTION OF THE PROPOSED AMENDMENT AND INCLUDE THE SIGNATURES OF PROPERTY OWNERS (AS LISTED BY BOROUGH TAX ASSESSMENT RECORDS) OF AT LEAST 50 PERCENT OF ALL PARCELS WITHIN

600 FEET UPLAND OF THE RESPECTIVE LAKE SHORELINE, OR SIGNATURES OF PROPERTY OWNERS OF 50 PARCELS WITHIN 600 FEET UPLAND OF THE RESPECTIVE LAKE SHORELINE, WHICHEVER IS LESS. BOROUGH, STATE, AND FEDERALLY OWNED PARCELS, NOT HELD IN TRUST, WILL NOT BE COUNTED TOWARD THE PETITION THRESHOLD.]

[(3) WITHIN 60 CALENDAR DAYS OF RECEIPT OF A PETITION TO AMEND AN ADOPTED LAKE MANAGEMENT PLAN, THE PLANNING DEPARTMENT SHALL MAIL NUMBERED NOTICES TO ALL PROPERTY OWNERS (AS LISTED BY BOROUGH TAX ASSESSMENT RECORDS) WITHIN 600 FEET UPLAND OF THE LAKE NOTIFYING THEM OF THE REQUEST TO AMEND THE LAKE MANAGEMENT PLAN. ONE NOTICE PER PARCEL WILL BE MAILED. THE NOTICE SHALL INCLUDE THE PROPOSED AMENDMENT AND REQUEST, THE PROPERTY OWNER TO INDICATE WHETHER OR NOT THEY ARE IN FAVOR OF INITIATING A PROCESS TO CONSIDER THE AMENDMENT. 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 THE PROCESS WILL BE INITIATED IF A MAJORITY OF THE PROPERTY OWNERS RESPONDING TO THE PLANNING DEPARTMENT PRIOR TO THE DEADLINE ARE IN FAVOR OF CONSIDERING THE AMENDMENT.]

[(4) THE WRITTEN RESPONSES RETURNED TO THE

PLANNING DEPARTMENT PRIOR TO THE DEADLINE WILL BE TABULATED. THE PROCESS WILL BE INITIATED IF THE MAJORITY OF THE PROPERTY OWNERS RESPONDING ARE IN FAVOR OF INITIATING THE PROCESS. BOROUGH, STATE, AND FEDERALLY OWNED PARCEL NOT HELD IN TRUST, WILL NOT BE COUNTED TOWARD THE TABULATION.]

[(5) THE PLANNING DEPARTMENT SHALL NOTIFY ALL PROPERTY OWNERS (AS LISTED BY BOROUGH TAX ASSESSMENT RECORDS) WITHIN 600 FEET UPLAND OF THE LAKE SHORELINE WHETHER OR NOT THE AMENDMENT PROCESS WILL BE INITIATED.]

[(6) WHEN AN AMENDMENT IS INITIATED, THE PLANNING DEPARTMENT SHALL PROVIDE A NOTICE TO THE APPROPRIATE COMMUNITY COUNCIL, POST A NOTICE AT THE PUBLIC ACCESS POINTS TO THE RESPECTIVE LAKE AS IDENTIFIED THROUGH CURRENT USE, AND POST A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION DISTRIBUTED WITHIN THE BOROUGH.]

[(7) ALL LAKE MANAGEMENT PLAN MEETINGS SHALL BE OPEN TO THE PUBLIC AND ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION DISTRIBUTED WITHIN THE BOROUGH.]

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

ADOPTED by the Matanuska-Susitna Borough Assembly this 6 day
of June, 2023.

Edna DeVries

EDNA DeVRIES, Borough Mayor

ATTEST:

Lonnie R. McKechnie

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, Fonov, and
Bernier

