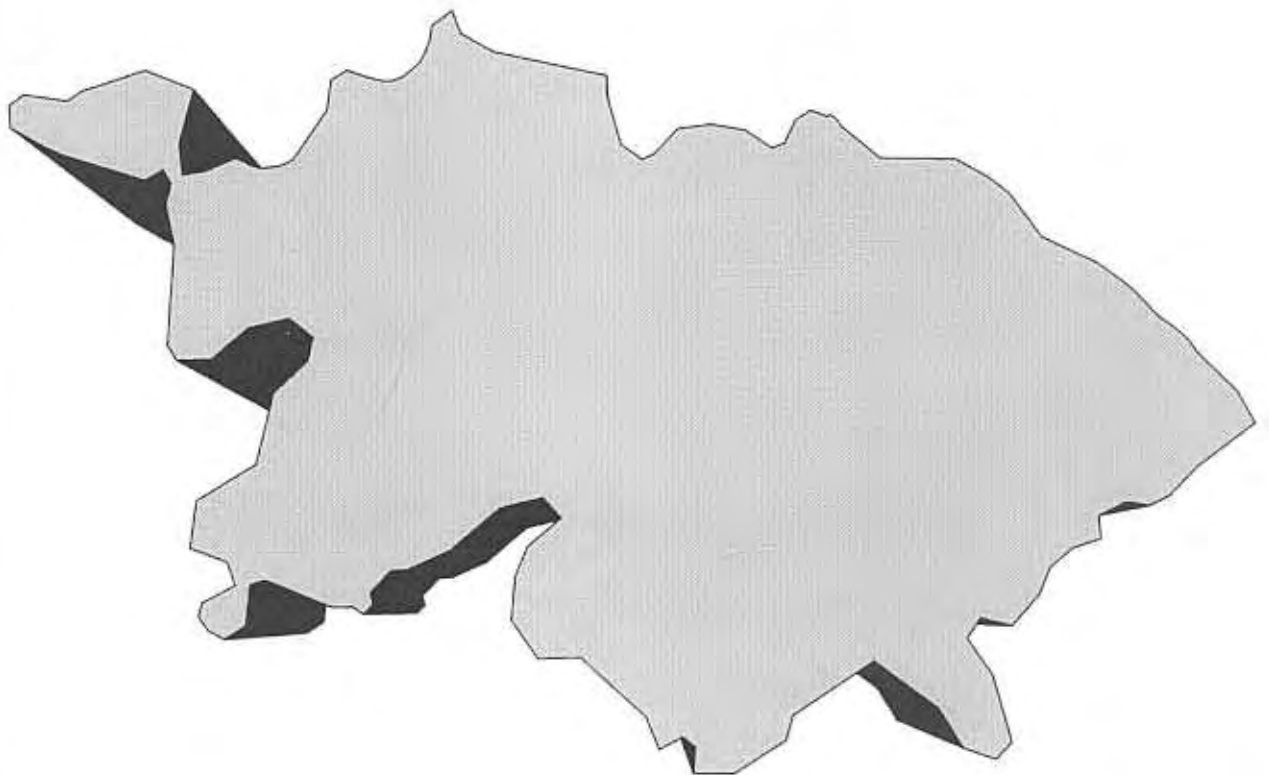


# MARION LAKE LAKE MANAGEMENT PLAN

MATANUSKA-SUSITNA BOROUGH  
PLANNING DEPARTMENT

NOVEMBER 2000



MARION LAKE  
LAKE MANAGEMENT PLAN

**Adopted November 2000**

By: J. Duffy  
Introduced: 10/17/00  
Public Hearing: 11/07/00  
Adopted: 11/07/00

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 00-176**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 15.24.030(C) (23), MARION LAKE, LAKE MANAGEMENT PLAN.

**BE IT ENACTED:**

Section 1. Classification. Section 1, 2, and 4 of this ordinance are non-code. Section 3 is of a general and permanent nature and shall become a part of the borough code.

Section 2. Approval of plan. The Matanuska-Susitna Borough Assembly does hereby adopt the Marion Lake, Lake Management Plan.

Section 3. Amendment of subsection. MSB 15.24.030(C) is hereby amended to add paragraph (23) to read:

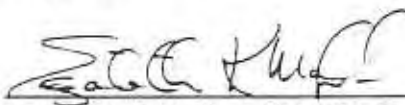
**(23) Marion Lake, Lake Management Plan, November 2000, adopted 2000.**

Section 4. Effective date. Ordinance Serial No. 00-176 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 7 day of November, 2000.

  
TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

  
ELIZABETH K. MANFRED  
Acting Borough Clerk

(SEAL)

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# 1 Introduction

## 1.1 Purpose

Lake management plans are developed for a variety of purposes. Most often lake front property owners request management plans because increased development or the provision of new public access brings about increased lake usage and a corresponding increase in user conflicts. As more people use a lake, conflicts among users may occur, bird-nesting sites (especially loons and grebes) may be disturbed, environmental degradation may occur, and the overall quality of the lake use experience may decline. The most often cited complaints are safety, noise generated from water craft during the evening and night hours, and inappropriate use of public access points. A lake management plan seeks to present policies and strategies which attempt to balance the various demands placed upon a lake, solve lake related problems, and protect the public health safety and welfare.

The Marion Lake Management Plan provides management guidelines for:

- The protection of the residential quality of Marion Lake; and
- The continued recreational enjoyment of Marion Lake; and
- The protection of Marion Lake's water quality; and
- The continued quiet character and use of Marion Lake; and
- The protection and enhancement of fish and wildlife; and
- The protection of the public health, safety and welfare.

## 1.2 Approaches to Lake Planning

**Motorized Use of Water Bodies** - There are two approaches that residents and property owners of the Matanuska-Susitna Borough may use to address lake related issues. One approach is to initiate a petition as authorized by 17.58 of the Borough Code. This ordinance, which was adopted by voter initiative in 1994, allows members of the public to seek either a prohibition of all motorized use on a waterbody or to establish quiet hours (11 p.m. to 8 a.m.), to establish a 100 foot no wake zone from the shoreline, to require mufflers on all piston driven engines used by water craft, and to allow special events by permit. Once a petition is filed, a report is drafted by the Department of Planning regarding the suitability of the ordinance for the lake in question and public hearings are then held on the matter by the Planning Commission and Assembly. As of April 1995, this ordinance is in effect for Wasilla, Cottonwood, and Finger lakes, while all motorized use is prohibited on Cottonwood Creek.

**Lake Management Plan** -The other approach that may be utilized for managing a lake is the lake management planning process. A lake management plan is developed with the input of local property owners and residents. The Borough's Department of Planning assists the planning effort by collecting background information, developing maps, etc., but it is the property owners and residents who decide policy issues and develop goals and recommendations within the guidelines adopted by the Assembly with ordinance 99-103. The guidelines established by ordinance 99-03 are as follows:

#### LAKES 75 SURFACE ACRES OR LESS

May recommend the following guidelines:

- ✓ No wake zone - 100 feet from shoreline
- ✓ Quiet hours - 10 p.m. to 8 a.m.
- ✓ Personal watercraft restriction
- ✓ 10 horse power limit\*
- ✓ No wake speed zone on lake\*

\* These options *may* be recommended on a daily time share basis.

#### LAKES MORE THAN 75 SURFACE ACRES TO 200 SURFACE ACRES

May recommend the following guidelines:

- ✓ No wake zone - 100 feet from shoreline
- ✓ Quiet hours - 10 p.m. to 8 a.m.
- ✓ Personal watercraft restriction
- ✓ 10 horse power limit\*\*
- ✓ No wake speed zone on lake\*\*

\*\*These options *must* be on a daily time share basis.

#### LAKES MORE THAN 200 SURFACE ACRES

May recommend the following options:

- ✓ No wake zone - 150 feet from shoreline
- ✓ Quiet hours - 11 p.m. to 8 a.m.

#### FOR ALL LAKES

- ✓ Access recommendations will be consistent with traditional use and current level of access development.
- ✓ Quiet hours apply to repetitive recreational activities such as water

skiing and racing or high speed activities NOT to moderate speed point to point transportation.

- ✓ No wake is defined as the slowest speed a boat or personal water craft can go and still maintain safe operation and maneuverability.
- ✓ Time share means restrictions do not apply on Thursday, Friday, Saturday, and all three day weekends mandated by federal holiday (Memorial Day, Fourth of July, and Labor Day).
- ✓ Ice house means a structure utilized for ice fishing and left on the frozen surface of a lake for more than 24 hours.
- ✓ Motor vehicles means automotive vehicles with rubber tires for use on highways.
- ✓ Motorized watercraft use means the operation of watercraft powered or propelled by a force other than human muscle power, gravity, or wind. This definition does not include airplanes as motorized watercraft when landing, taking off, or taxiing on a water body.
- ✓ Personal watercraft includes vehicles such as jet skis, waverunners, and similar acrobatic or stunt equipment.
- ✓ A wake is the track in the water left after the passage of watercraft or other vehicle.
- ✓ A special permit is a permit approved by the planning director for a special purpose and is limited to a specific time to conduct an event that would otherwise involve activities in violation of MSB 17.59.

These guidelines may be varied due to lake configuration, lake depth, or other considerations through the adoption of individual lake management plans.

### 1.3 Process

Lake management plans are typically initiated by individuals having concerns about a particular lake or who have experienced conflicts between user groups. The process for developing and amending lake management plans is set out in MSB 15.24. The individuals interested in initiating a lake management plan request the necessary information from Department of Planning (Department) of the Matanuska-Susitna Borough to begin the petition process. The individuals are responsible for obtaining the required number of signatures on the petition. After a valid petition has been filed with the Department, a ballot is mailed to all property owners within 600 upland feet of the affected lake. This ballot serves as notice of the receipt of a valid petition and requests a vote, either in favor or not in favor, of beginning the lake management process. If the majority of property



owners responding to the mailed notice are in favor of developing a lake management plan, a plan will be initiated. An informational meeting is held, at which the lake management process and guidelines are explained. The Department then collects the necessary background information on the lake and contacts adjacent property owners and users to participate in the planning process.

Meetings are held with lake front property owners and users to: 1) identify any problems that may exist, 2) develop a set of recommended alternatives, and 3) consider methods of implementing the recommendations. A draft plan is then developed and a public comment period is held to solicit comments on the draft plan. After the public comment period is closed, comments are reviewed and appropriate modifications are made. A meeting is held with adjacent property owners and users to discuss the comments and proposed modifications. Whether or not this meeting is held, depends on the comments received; if the comments call for minor changes or none at all, a meeting is not likely to occur. On the other hand, if the comments seek major changes to the draft plan, a meeting is arranged to discuss the comments and proposed modifications.

After the draft plan has been reviewed by the public and community council, a public hearing on the plan is scheduled with the Borough Planning Commission. At the public hearing, anyone may comment on the plan. The Commission considers all oral and written comments received and either recommends to the Assembly adoption of the plan as is, or with modifications, or recommends Assembly disapproval of the plan. After Planning Commission action, the plan is scheduled for a public hearing by the Assembly. The Assembly considers all oral and written comments received and either adopts the plan as is, or with modifications, or disapproves the plan.

#### 1.4 Ponds, Lakes, Reservoirs<sup>1</sup>

There seem to be no universally accepted scientific definitions of the terms **lake**, **pond**, and **reservoir**. In general, water bodies that have a noticeable flow are termed either rivers or streams. "Ponded waters" have little or no current compared with rivers and streams.

A pond is usually described as a small shallow body of water, with uniform water

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<sup>1</sup> This section is taken from Diet for a Small Lake, prepared by the New York State Department of Environmental Conservation and the Federation of Lake Associations, Inc., 1990



temperature from top to bottom. There is little wave action and often, an abundance of aquatic plants. Although local definitions may vary, a pond is generally less than ten acres in area and ten feet in maximum depth.

A lake is usually larger than a pond. It may be quite large and deep, with an abundance of cold water at the bottom. It also may exhibit areas of rocky, wave-impacted shoreline as a result of exposure to prevailing winds. The area of land around the lake that contributes water to the lake is the **watershed**. The watershed may be large or small when compared to the area of the lake. Water may enter the lake from the watershed as streams and rivers, or through the ground as groundwater. The term watershed is used interchangeably with **catchment** or **drainage basin**, although the latter term can imply a larger area containing several watersheds or **sub-basins**. The boundaries of a watershed are defined by ridges and hills that divide or separate water movement into one drainage basin or another. The **lake basin** includes the lake bottom as well as the surrounding slopes.

### 1.5 Lake Life Span<sup>2</sup>

Lakes fill in, drain themselves, or just evaporate and disappear. They do not last forever. Although lakes seem permanent in our human time perspective, they are sediment traps, and it is natural for them to fill in gradually with sand, silt, and organic matter. Natural lake aging or **eutrophication** moves from a nutrient poor (**oligotrophic**) condition to an intermediate (**mesotrophic**) stage of nutrient availability and biological productivity, and finally to a nutrient rich or highly productive (**eutrophic**) state (figure 1). Eutrophication – the process of nutrient enrichment and basin filling – may take thousands of years, but it can be accelerated greatly by disruptions to the watershed. Human activities that increase nutrient and sediment loading to a lake are termed **cultural eutrophication** and include forest clearing, road building, construction, and wastewater discharges.

Trophic conditions in lakes are relative, not absolute – that is, there is no definitive line between oligotrophic and mesotrophic, or between mesotrophic and eutrophic. However, each trophic state has characteristic conditions. Oligotrophic lakes have a low level of organic productivity, clear water, and low nutrient levels. These lakes often are characterized by deep water and steep basin walls. Water in mesotrophic lakes contains a moderate supply of nutrients and organic production. Eutrophic lakes are characterized by a very high level of nutrients which causes a significant increase in plant growth. As a result, water clarity is greatly reduced, and oxygen depletion is common during the summer months. Eutrophic lakes tend to be shallow and typically, have elevated water

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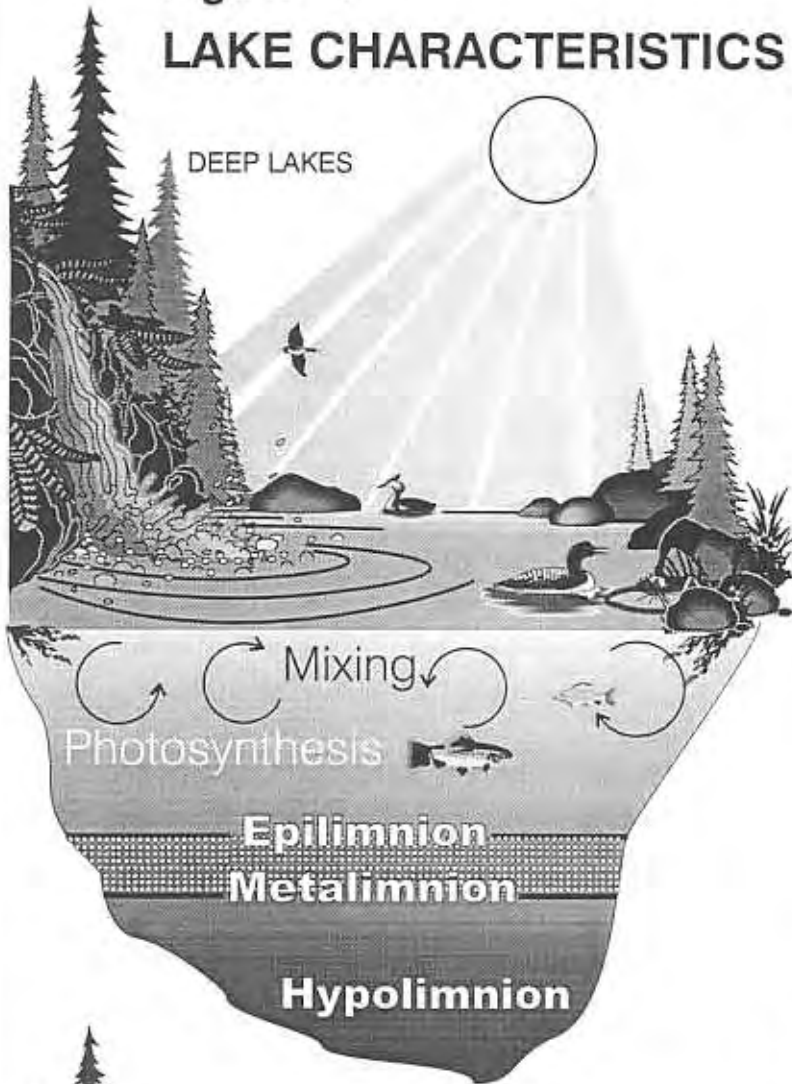
<sup>2</sup> This section is taken from *Diet for a Small Lake*, prepared by the New York State Department of Environmental Conservation and the Federation of Lake Associations, Inc., 1990.

temperatures.

Identification of a lake's trophic status is a useful way to determine its general "health" or biological status, from one-year to the next and in comparison with other lakes. If a potential problem is identified in a lake, the trophic status can also be used to evaluate management alternatives.

A few lakes are naturally eutrophic. Many lakes and reservoirs are located in naturally fertile watersheds where soil is highly erodible. Unless the soil remains undisturbed, these lakes have little chance of being anything but eutrophic. Users of these lakes need to recognize and accept the fact that manmade systems (such as laws, property, or zoning) may not "correct" the conditions. Residents and visitors should adjust their expectations for the appearance and use of such eutrophic lakes.

# Figure 1 LAKE CHARACTERISTICS



## Epilimnion

The upper layer of water in a lake that is comprised of uniformly warm water that may be well mixed.

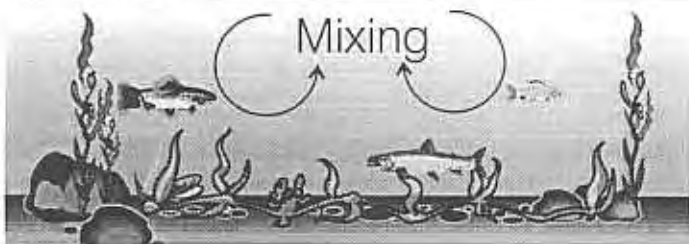
## Metalimnion

The middle layer of water in a lake that marks the transition between top and bottom layers, where temperature changes rapidly with depth.

## Hypolimnion

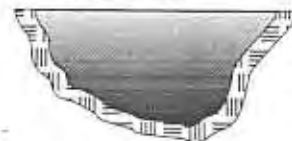
The bottom layer of water in a lake that is comprised of uniformly cold and relatively undisturbed water.

Source: A Citizen's Guide  
To Understanding and Monitoring Lakes and Streams  
By Joy P. Micha



## Oligotrophic

Clear water, low productivity  
very desirable fishery of large game fish



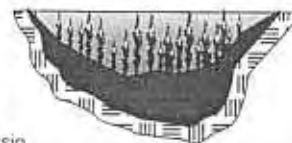
## Mesotrophic

Increased production  
Accumulated organic matter  
Occasional algal bloom  
Good fishery



## Eutropic

Very productive  
May experience oxygen depletion  
Rough fish common



Source: A Lake Leaders  
Handbook 1995  
UWEX-LAKES PROGRAM  
Understanding Lake Data  
By Bryon Shaw, Christine  
Machenich and Lowell Klessig

## 2. Inventory of Existing Conditions

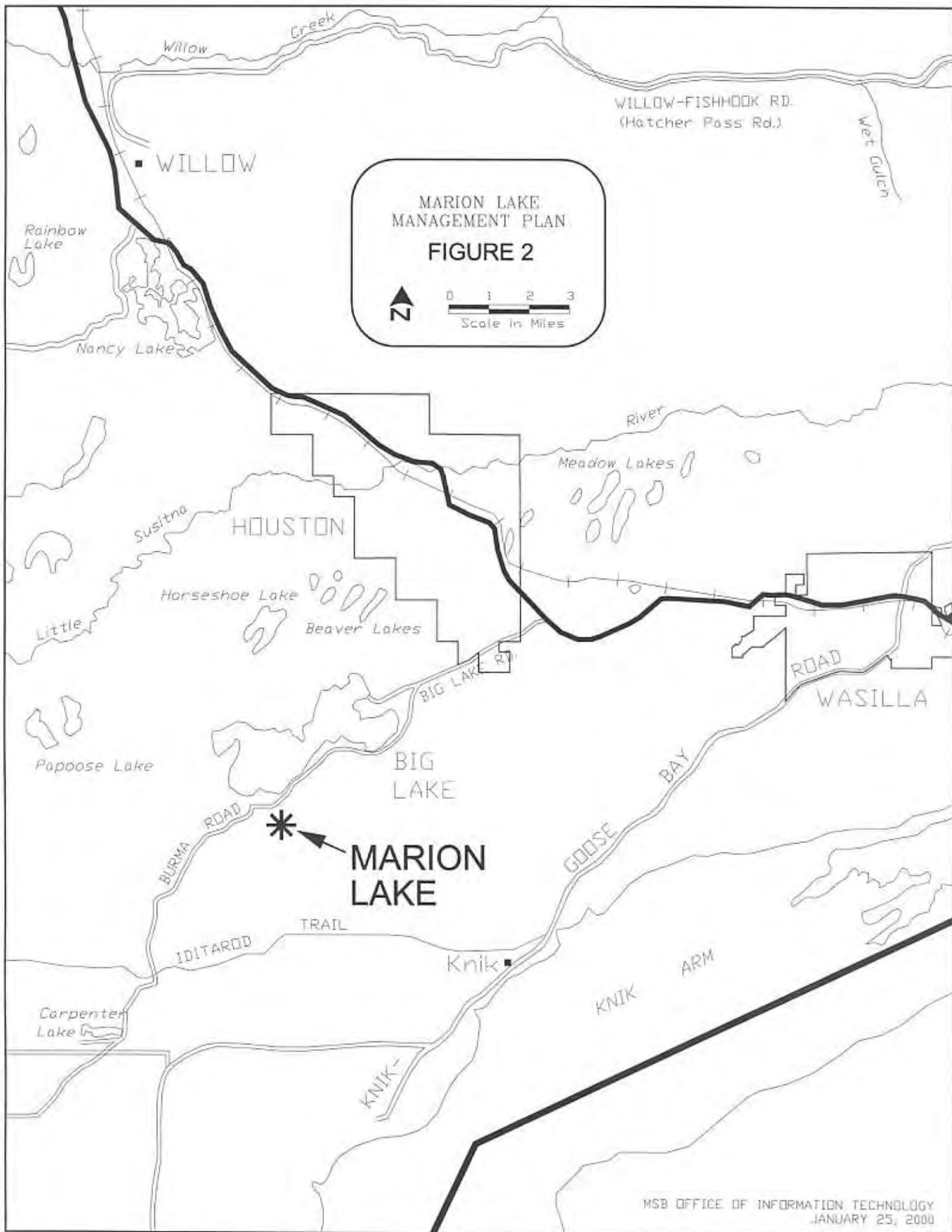
### 2.1 Location

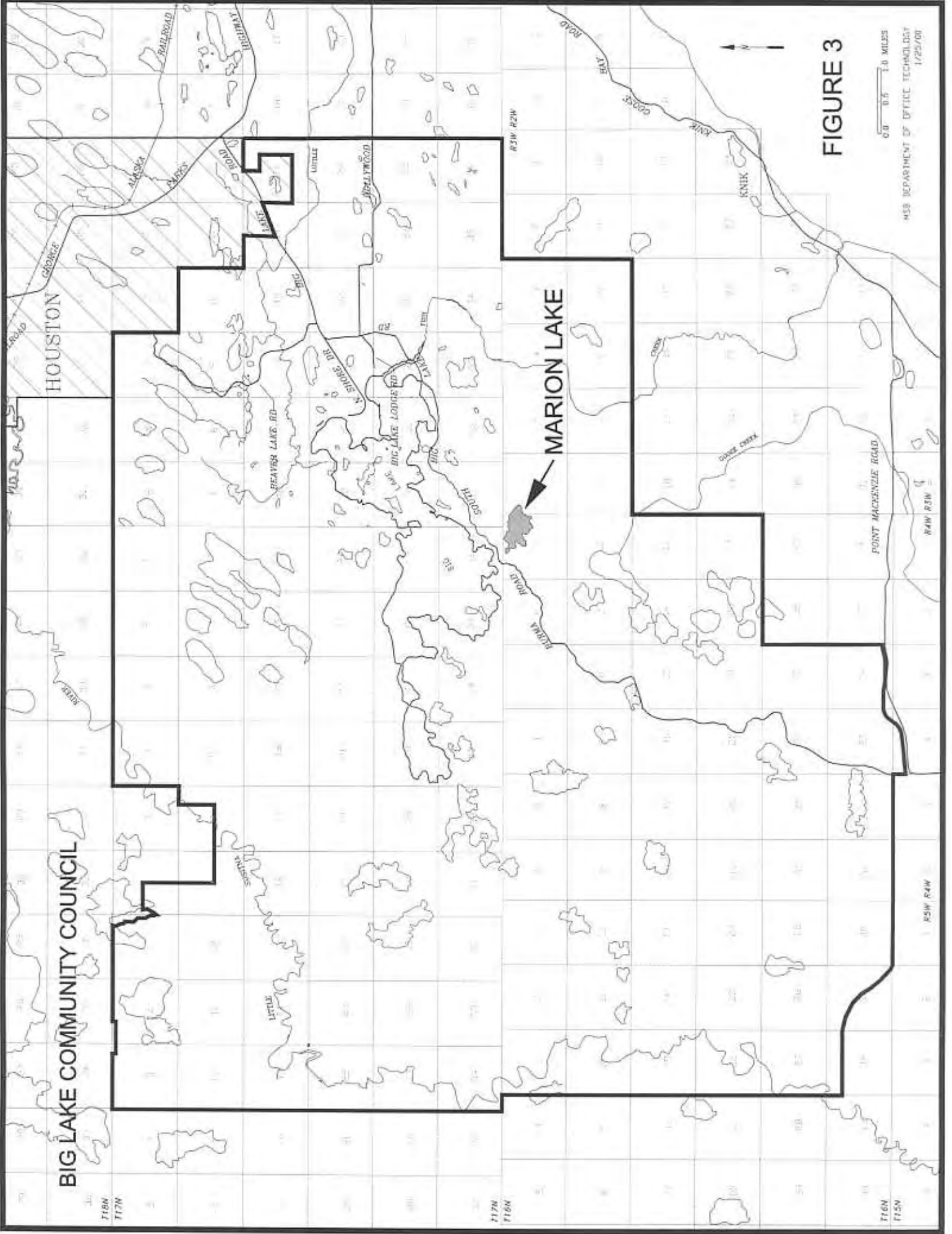
Marion Lake is located off South Big Lake Road, accessed by Marion Lake Drive (figure 2). The Marion Lake area is located completely within the boundaries of the Big Lake Community Council (figure 3).

### 2.2 Physical Characteristics of the Lake

Marion Lake contains 113 surface acres and has 2.6 miles of shoreline. The mean depth of the lake is 20.6 feet and the maximum depth is 42 feet (table 1). The lake is stocked with Rainbow Trout and Arctic Char by the Alaska Department of Fish and Game. The lake is home to nesting loons, terns and grebes. The lake also serves as a resting point for migrating ducks and swans.

The trophic status of the Marion Lake has not yet been identified.





**FIGURE 3**

0.0 0.5 1.0 MILES  
 MSB DEPARTMENT OF OFFICE TECHNOLOGY  
 1/25/08

**BIG LAKE COMMUNITY COUNCIL**

**MARION LAKE**

**HOUSTON**

T16N  
T17N

T17N  
T16N

T16N  
T15N



Table 1  
Marion Lake Characteristics

|                  |                 |
|------------------|-----------------|
| Surface Acres    | 113             |
| Volume           | 2,324 acre feet |
| Mean Depth       | 20.6 feet       |
| Maximum Depth    | 42 feet         |
| Shoreline Length | 2.7 miles       |

Source: Alaska Department of Fish and Game

### 2.3 Land Use and Land Ownership

There are 45 lots with shoreline on Marion Lake (figure 4 and table 2). The Borough owns two parcels adjacent to the lake. The majority of lots with shoreline on Marion Lake are privately owned. There are 84 lots within the 600 upland feet for the shoreline that were eligible to both sign the petition and vote for initiating or not initiating a lake management plan.

The property immediately adjacent to the lake is mostly undeveloped. There are a number of lots that have been developed for residential and recreational use. The borough lands adjacent to the shoreline have been set aside for public use by Assembly resolution. This is not as binding as a classification or reservation which are through Assembly ordinance. Division of Land Management records show this was set aside for its potential as a public park. The west 125 feet of that lot has been approved for sale to the adjacent lot owner and will be replatted soon.



Table 2  
Marion Lake  
Landownership and Parcel Size  
(within 600 upland feet)

|                     | Private | Mat-Su<br>Borough | State |
|---------------------|---------|-------------------|-------|
| Number of Parcels   | 82      | 2                 | 2     |
| Total Acreage       | 445.33  | 170.4             | 120   |
| Average Parcel Size | 5.44    | 85.2              | 60    |
| Smallest Parcel     | 0.92    | 5.78              | 40    |
| Largest Parcel Size | 160     | 160               | 80    |

Source: Matanuska-Susitna Borough



## 2.4 Social/Demographic – Usage

The present human use of Marion Lake may be characterized as being primarily quiet, recreational and residential. The public access to the lake is presently unimproved and sees relatively little use.

## 2.5 Existing Plans

### State

The State plan affecting the Marion Lake area is the Willow Sub-basin Area Plan (WSB). The WSB, adopted in October 1982, contains management intent for State and Borough lands within the WSB, an area of approximately 1500 square miles. Marion Lake is located within the Wasilla Management Unit. Generally speaking, the plan's intent for public lands within the Wasilla management unit is to encourage their use for settlement except for those lands adjacent to the Little Susitna River which the plan recommends be retained in public ownership.

The Susitna Basin Recreation Rivers Management plan, adopted in January 1991 by the Alaska State Legislature, provides guidelines and management practices for State land within the mile wide corridors of six rivers within the Borough. The corridors include the Talkeetna, Talachulitna, Little Susitna, and Deshka Rivers (also Kroto and Moose Creeks) and Alexander and Lake Creeks.

Marion Lake is not within any of the corridors. The corridor closest to the lake is the Little Susitna corridor (subunit 1a) which is located approximately 7 miles to the west. In regards to the Marion Lake area, the plan provides guidelines for the proposed road extension of South Big Lake Road to and across the Little Susitna River (subunit 1a). A special management unit (SMA) has been designated for the area where the proposed extension would meet and potentially cross the Little Susitna River. The SMA allows for the development of a public use site at the river with appropriate facilities, but restricts any boat launch to non-motorized only.

### Borough

Borough plans that address Marion Lake in some manner include the Borough-wide Comprehensive Plan, adopted in 1971; the Matanuska-Susitna Borough Coastal Zone Management Plan, as amended; the Big Lake Comprehensive Plan, adopted in 1996; and the Borough-wide Long Range Transportation Plan, Public Facilities Plan.

The Borough-wide comprehensive plan does not make specific recommendations for Marion Lake. Rather, the 1971 plan makes a series of general recommendations for the Big Lake area which include providing for the disposal of garbage and trash, and the need for public facilities, particularly, fire and

school. Concern for the contamination of Big Lake, principally from upland development was also noted within the plan.

Marion Lake lies within the Matanuska-Susitna Borough Coastal District (District), as defined within the Matanuska-Susitna Borough Coastal Management Plan, as amended. The Coastal Management Plan seeks to direct the course of local, state or federal development within the District in a manner that protects the important land and water resources of the District. The adopted policies of the Coastal Management Plan are used to evaluate development proposals vis-a-vis resource values in an effort to ensure that the proposals are consistent with the plan's goals and objectives. Local development includes actions that trigger a Borough subdivision, planning or zoning action. For example, a variance application to build a habitable structure or garage closer than 75 feet from the ordinary high water mark of Marion Lake would be reviewed to determine whether or not it is consistent with the Coastal Zone Management Plan. Construction within waterbodies are also reviewed for consistency with the plan. Uncovered floating or pile supported docks which do not extend more than 40 feet beyond the ordinary high water line, do and do not extend more than 400 square feet in size may obtain a general concurrence. Metal drums, however, may not be used as floatation devices.

The Big Lake Comprehensive Plan was adopted in 1996. The plan provides recommendations for land use, transportation, public facilities and recreation. It is expected that the plan's recommendations will be implemented through a special use district and capital improvement program.

The Borough Long Range Transportation Plan was adopted in 1987 and has been updated in September 1997 with the adoption of the Long Range Transportation Plan. The plan identifies three road corridors in the vicinity of Marion Lake. The plan recommends upgrading new Burma Road to provide access between South Big Lake Road and Point MacKenzie Road and upgrading Big Lake/South Big Lake Road from Parks Highway to Burma Road Realignment.

The Borough Public Facilities Plan makes recommendations on a regional basis for the provisions of public services including the development of public facilities necessary to the provision of those services. Services included in the plan include public safety (fire protection, emergency medical services, and emergency preparedness); library; historical preservation; governmental administration; education; parks, recreation and open space; trails; and utilities. All of these elements affect the Marion Lake area in some way, but the Parks, Recreation, and Open Space; and Trails elements have the most impact relative to the concerns of this management plan.

## 2.6 Existing Regulations

This section describes the principle regulations affecting use and development in the Marion Lake area. This section is **NOT** meant to provide an all-encompassing description of all activities and uses that require permits or approvals from local, state, or federal agencies. Prior to undertaking any development activity, individuals should contact the appropriate local, state, and federal agencies and obtain the required permits and approvals.

### Federal

Any work which results in the dredging or placing of structures or fills in tidal (ocean) waters streams, lakes or wetlands requires a 404 permit from the U.S. Army Corps of Engineers.

Migratory birds, which include loons and grebes, are protected by the Migratory Bird Treaty Act. The Act, among other things, prohibits the "take" of migratory birds. Destruction of nest sites, eggs, or the birds themselves are a violation of the Act.

### State

The Alaska Department of Environmental Conservation (DEC) provides regulations for wastewater disposal. DEC wastewater/septage regulations [18 AAC 72.015(f)] state that no holding tank, septic tank, soil absorption system, seepage pit, privy, or other waste water collection, treatment, or disposal system may be within 100 feet, measured horizontally, of the mean annual high water level of a lake, stream, spring, slough, or the mean higher high water level of coastal waters.

In addition to the U.S Army Corps of Engineers 404 permit requirements, any activity within streams and certain work within lakes requires a Title 16 permit from the Alaska Department of Fish and Game (ADF&F). Activities which result in the construction of a dam that impounds water or places a weir, culvert, or temporarily blocks a stream requires a Title 16 permit. The Habitat and Restoration Division of ADF&G issues a one-year general permit, which has been renewed annually since 1994, allowing vehicle movement on frozen water surfaces in south-central Alaska without a special permit (appendix 2). Finally, the general ADF&G fishing regulations apply to Marion Lake.

A navigable or public waterbody includes water suitable for commercial navigation, floating of logs, land and take off of aircraft, and public boating, trapping, hunting of waterfowl and aquatic animals, fishing, or other public



recreational purposes. Marion Lake meets the definition of public waterbody.

Land that has been or is currently owned by the State of Alaska, and is adjacent to a navigable or public waterbody has special access requirements. Alaska Statute (AS 38.05.127) requires access to the surface waters of navigable and public waterways, typically through a “to” easement. Additionally, land adjacent to navigable or public waters may be subject to an “along” easement, which provides a 50-foot public use easement along the waterway adjacent to the ordinary highwater mark. These easements are created when the State or Borough obtains patents to their lands and stay with the property when the land is disposed of. State and Borough lands transferred prior to the adoption of AS 38.05.127 are not usually subject to the “to” and “along” easements. Also, lands patented by the federal government are not usually subject to the “to” and “along” easements.

### Borough

Several Borough-wide ordinances address the development and use of land adjacent to Marion Lake. The regulations are contained within the Borough’s planning (Title 15), subdivision (Title 16), zoning (Title 17), and real property management (Title 23) ordinances. The adopted Coastal Management Plan described earlier, because of its enforceable criteria, also regulates development activities within and near Marion Lake.

Title 15 establishes and describes the general functions of the Planning Commission (both planning and zoning functions) and the Board of Adjustment and Appeals. Title 15 also describes the comprehensive plan and purposes. Once adopted, the Marion Lake, Lake Management Plan will become an instrument of Borough policy similar to the other plans adopted by the Borough Assembly.

Title 16 provides the subdivision development standards within the Borough and establishes the Platting Board. Two of Title 16’s requirements that are of special note to the development at Marion Lake include a minimum lot size of 40,000 square feet, and a minimum lot width when measured at the lake’s water line of one hundred twenty-five feet, unless community septage is provided, then the minimum width may be eighty-five feet (figure 5).

The Borough has a Borough-wide comprehensive plan which is implemented, in part, through zoning. Presently, the Borough undertakes its comprehensive planning on a community by community basis. As most comprehensive plans are implemented through a zoning ordinance, a number of different zoning ordinances exist within the Borough and are identified as Special Use Districts. For example,

the cities of Houston, Palmer, and Wasilla all have their own comprehensive plans and all have zoning ordinances unique to their cities. Title 17 contains these various zoning ordinances of the Borough. A list of Title 17's chapters follows.

- 17.01 Acknowledgment of Existing Land Use Regulations
- 17.03 Public Notification
- 17.04 Nancy Lake State Recreation Area Special Land Use District
- 17.08 Hay Flats Recreation Area Special Land Use District
- 17.15 Palmer Special Land Use District
- 17.17 Denali State Park Special Land Use District
- 17.18 Chickaloon Special Land Use District
- 17.19 Glacier View Special Land Use District
- 17.29 Flood Damage Prevention
- 17.36 Residential Planned Unit Development
- 17.41 Houston Land Use Ordinance
- 17.45 Wasilla Special Land Use District
- 17.48 Mobile Home Park Ordinance
- 17.52 Residential Land Use District
- 17.55 Setbacks and Screening Easements
- 17.56 Violations and Enforcement
- 17.58 Motorized Uses on Lakes and Waterways
- 17.59 Lake Management Plan Implementation
- 17.60 Conditional Uses
- 17.65 Variances
- 17.70 Regulation of Alcoholic Beverage Uses
- 17.75 Single-Family Residential (SFR) Land Use District
- 17.80 Nonconforming Structures
- 17.90 Regulation of Adult Businesses
- 17.99 Fees

Zoning regulations that are of special note to development activities at Marion Lake include setback requirements and a petition process to limit or eliminate motorized use of lakes and conditional use permits. Presently, all structures must be a minimum of twenty-five feet from the right-of-way and ten feet from side and rear lot lines. In addition, the voters of the borough approved by initiative, a requirement that all habitable structures and garages must be located at least seventy-five feet from the ordinary high water mark of any waterbed or water course (figure 5). In 1994, the voters of the borough also adopted by initiative, an ordinance that allows by petition and subsequent adoption by the Assembly the following restrictions to be placed on lakes and water bodies: 1) limiting or elimination of motorized use of lakes, 2) establishment of quiet hours, and 3) establishment of a one hundred foot no wake zone from the ordinary high water mark. The Borough also requires that any development which seeks to establish



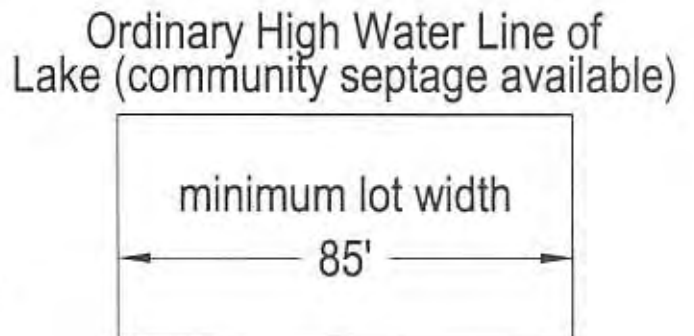
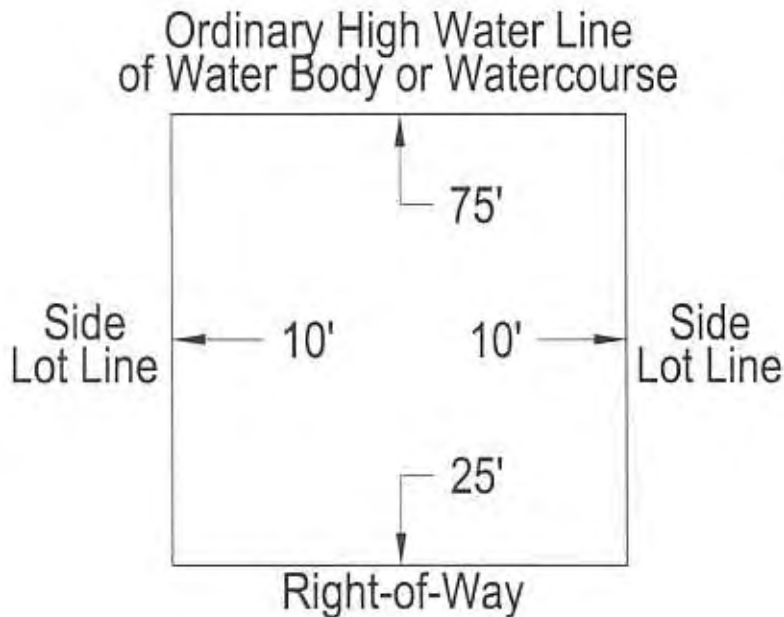
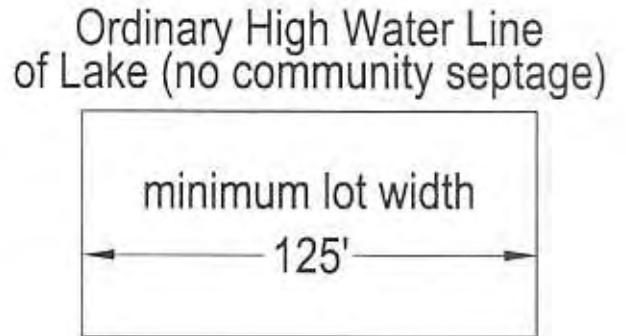
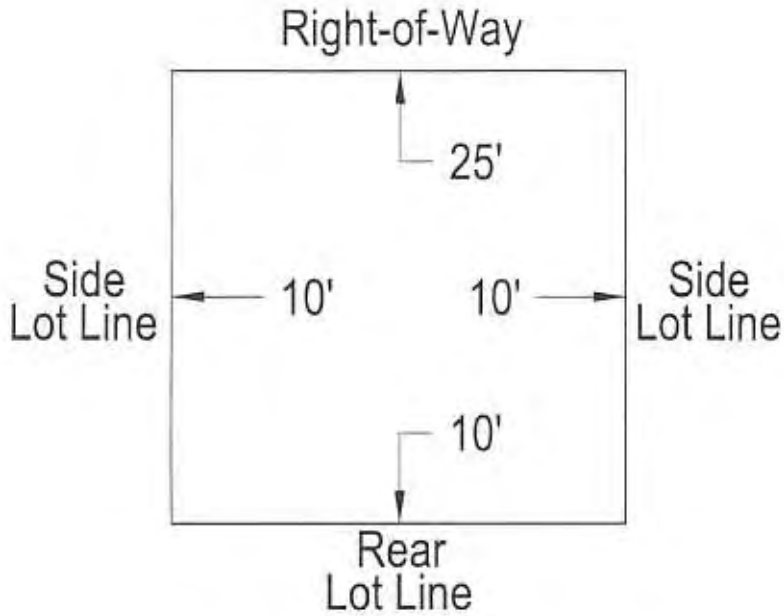
or operate a mobile home park, junkyard, refuse area or landfill, or dispense alcohol must first obtain a conditional use permit.

The Borough received approximately 355,000 acres of land through the Municipal Entitlement Program. The Community Development Department of the Borough manages and disposes of these lands through the policies and procedures described within Title 23. To retain borough-owned land in public ownership, it may be classified by the borough assembly. The process of classification of borough owned land is also set out in Title 23. As a part of this classification process, the Borough Division of Land Management is required to prepare a highest and best use analysis and recommend to the Assembly a land classification. The final decision is made by the Assembly. There are two parcels of Borough land at Marion Lake. Both borough lots have been set aside by Assembly resolution as public access. The act of being set aside by resolution is not as binding as being classified by borough ordinance.

#### Private

Private regulations which exist in the Marion Lake area would be in the form of subdivision covenants for four subdivisions located adjacent to the lake. Only two of the subdivision have covenants, these being Marion Lake Estates and Knapp's Marion Lake Estate. The covenants regulate dwelling type, limit land uses to residential and recreational and define nuisances within the aforementioned subdivisions. For current information about covenants, the reader is referred to the State of Alaska Records Office.

Figure 5  
General Setback Requirements  
and  
Lot Size\* Requirements



\*All lots must be a minimum of 40,000 sq. ft.

### 3. Issues and Concerns

#### 3.1 General Lake Issues and Concerns

This section describes some of the most common concerns and issues that have been raised by residents and property owners of the Borough. There are three main categories of lake-related concerns and issues. One category is water quality related. Activities within the shore land area can have a direct impact on lake water quality. Shore land means the land within 500 to 1,000 feet of the normal mean watermark of a lake or pond. The placement of septic systems in unsuitable soils or too close to the lake or the lack of sanitary facilities at public access points can introduce nutrients and pathogens into the lake. Inadequate soil erosion control during upland construction can increase the sediment loading of the lake and thereby create turbid conditions. Removal of vegetation along the shoreline or at unsupervised public access points may also increase erosion of the bank and loss of its ability to filter runoff.

Another category of concerns is related to the surface use of the lake. Some uses may conflict with one another such as fishing and water-skiing because it is difficult for both activities to occur at the same time and in the same location. Other uses may cause conflicts by the nature of how the use occurs such as becoming a nuisance by creating noise during normal sleeping hours. Some uses of the surface water may create shoreline erosion, and hence, increase sediment loading of the lake, and cause the loss of upland property.

The last category of lake issues regards the impact of recreational use on wildlife and wildlife habitat. Unsuccessful nesting or above average mortality may occur during the nesting season of loons and grebes if the nests are harassed, frequented by water craft, or swamped by wave action.

#### 3.2 Marion Lake Issues and Concerns

The Marion Lake, Lake Management Plan was initiated by a request from lake property owners. Three meetings were held with residents and lake front property owners. At these meetings concerns and issues were discussed, as well as the proposed lake management guidelines. The issues identified include:

- ✓ The creation of noise, especially in the evening and early morning hours;
- ✓ Protection of the quiet residential/recreational character of the lake;
- ✓ The desire to maintain the lake's good water quality;
- ✓ Protection of the wildlife and wildlife habitat;
- ✓ The potential for erosion caused by wakes;

It is the desire of a majority of those attending the meetings that the quiet, residential and recreational character of the lake be protected. The present state of the lake may be characterized as having residential upland development, having a quiet quality, and having active loon nests. Some property owners are concerned that the lake will be used increasingly by watercraft with large motors and jetskis/waverunners. The increased use of the lake by watercraft with large motors or jetskis/waverunners is believed to create several negative impacts. Residents of the area believe these uses are incompatible because the safety of swimmers and small boat users is compromised, because wildlife is threatened by wakes and noise, turbid water conditions are created, shoreline erosion is caused by wakes, noise is generated by the use of large engines, all of which detract from the quality of life and recreational experience at the lake.

It should be noted that one attendee of the planning meetings has a large powered boat. There was discussion of providing "grandfather rights" for this boat.

#### **4.0 Goals**

Goals describe the future expectations of residents, property owners, and users of a lake. The following goals reflect the aspirations of Marion Lake residents, property owners, and users and address their principle concerns: quality of experience, recreational character of the area, wildlife and water quality. The goals are not shown in priority order as they are interdependent.

##### **4.1 Water Quality**

Marion Lake is a significant natural resource and it is the desire of property owners, residents, and users of Marion Lake to maintain or improve the lake's water quality.

##### **4.2 Recreational and Residential Character**

The recreational opportunities at Marion Lake should be maintained and enhanced but suited to the lake's particular characteristics and should not detract from the quiet quality of experience at the lake.

Marion Lake offers a unique natural setting for part and full time residential use and day use recreationalists. This quality should be protected and preserved.

Upland development should occur in an appropriate manner to ensure that pollution, noise, or other environmental degradation of the lake and uplands does not take place.

Uses of the lake should be compatible, or of the kind that enhance the present quality of the lake which is of a low-impact, quiet recreational nature.

#### 4.3 Wildlife

The ability of Marion Lake to remain a migratory bird nesting site should be preserved. Recreational use of the lake should be compatible with wildlife nesting.

### 5.0 **Recommendations**

#### 5.1 Water Quality

Certain watercraft, such as personal watercraft (a.k.a. jetskis) have a tendency to create many wakes which may contribute to shoreline erosion. Residents and property owners recommend a ban of personal watercraft on Marion Lake.

Additionally, residents and property owners are encouraged to identify someone to participate in the borough's volunteer water quality monitoring program.

A shoreline left, or restored, to a natural vegetated state, including wetlands, provides functions such as bank stabilization, erosion control, filtering of surface runoff, and food and habitat for fish, birds and other wildlife.

#### 5.2 Recreational and Residential Character

Residents and property owners of the area initiated the lake management planning process to protect the quiet recreational and residential use of the lake. It is therefore recommended that quiet hours be established during the hours of 10 p.m. to 8 a.m. Sunday through Saturday.

The majority of those attending the meeting wish to establish regulations for watercraft motors that may be used on the lake as a means of reducing noise, reducing wakes, and promoting safety. Many, but not all, residents and property owners support a lake-wide no wake zone, Sunday through Saturday. They are aware this does not fit within the guidelines adopted by the Assembly.

Those attending the meetings recognize recreational floatplane use as traditional. However, they wish to recommend there be no commercial floatplane operations

at Marion Lake in order to maintain the recreational and residential character of the area.

### 5.3 Wildlife

Most individuals will not disturb a nest site when or if they are informed of its location and the proper behavior when near it. A number of techniques can be employed to provide the public with information about loons and grebes. First, existing nests where regular loon or grebe nests have occurred could be encircled by a number of buoys marked with "Loon (or Grebe) Nesting Site - Do Not Approach" placed at least 150 feet (200 feet preferred) from the nest's boundary. Appendix #2 provides an illustration of a low cost, effective buoy. Loon and Grebe alert notices and general information about loons and grebes should be posted at a weather protected signboard at the lake's public access point to inform the public about proper "loon or grebe etiquette" (Appendix #2). Residents and property owners agreed they prefer not to identify individual nests; however, they support informational/educational signage at access points.

## 6.0 **Implementation**

Lake management plans are implemented through a combination of regulations, public information, and best management practices. MSB 17.59 Lake Management Plan Implementation, implements adopted lake management plans, using the borough's citation authority. Specific recommendations of the lake management plans that are implemented through MSB 17.59 are: quiet hours, no wake zones, motorized water craft use, special permits, winter motor vehicles, and ice house registration. When the Marion Lake, Lake Management Plan is adopted, MSB 17.59 will be amended to include the recommendations of the plan. Those recommendations of the plan that are not included in MSB 17.59 will be implemented through public information and best management practices.

A description of the implementation proposals follows:

**Personal Watercraft Ban** It is recommended that personal watercraft (a.k.a. jetskis) be banned from Marion Lake. Use of motorized personal watercraft is not a traditional use of Marion Lake and is incompatible with the quiet recreational and residential uses of the lake. Furthermore, they pose a safety hazard for swimmers and boaters. Their wakes contribute to shoreline erosion and disturb nesting birds.



**No Wake Zone** A no wake zone is established 100' from the ordinary high water mark (shoreline) of Marion Lake to reduce disturbances to nesting birds, erosion, noise, and to increase safety.

**Time Share** Motorized water craft are restricted to a lake wide no wake speed except on Thursdays, Fridays, Saturdays, and all three day weekends mandated by federal holiday (Memorial Day, Fourth of July, and Labor Day).

**Quiet Hours** To maintain the existing quiet nature, residential quality and low impact use of the lake, quiet hours are established between the hours of 10 p.m. and 8 a.m. Sunday through Saturday.

**Trash and Fireworks** Fireworks displays are illegal without a special permit issued by the Borough Planning Department; nevertheless, individuals generally display fireworks throughout the borough. Firework displays create two problems, noise from explosions and trash from the fireworks. Fireworks displays may also cause forest fires. The borough does not have the resources to actively police the illegal use of fireworks and such use is a low priority for the Alaska State Troopers. However, the Borough should advise property owners of the law and inform them to be considerate of their neighbors, avoid polluting the lake with debris, and avoid forest fires and disturbance of waterfowl.

**Commercial Aircraft Operations** Local residents recognize the traditional use of Marion Lake by recreational floatplanes. However, commercial floatplane operations conflict with the recreational and residential character of the lake, and could create safety problems. Therefore, it is recommended that no commercial floatplane operations be allowed to operate at Marion Lake.



## APPENDIX 1

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## DEPARTMENT OF FISH AND GAME

HABITAT AND RESTORATION DIVISION

333 RASPBERRY ROAD  
ANCHORAGE, ALASKA 99518-1599  
PHONE (907) 344-0541  
FAX (907) 349-1723

FISH HABITAT PERMIT FG 93-II-0803

ISSUED: February 23, 1994

EXPIRES: December 31, 1994

General Public

Re: Vehicle movement on frozen water surfaces within southcentral Alaska

Pursuant to AS 16.05.870(b), the Alaska Department of Fish and Game (ADF&G) has determined that both the public interest and the proper protection of fish and game would be served through the issuance of a general permit (GP) authorizing the use of certain categories of motorized wheeled and tracked vehicles on the frozen waters of various specified rivers, lakes, and streams within the southcentral region (see attached map).

Categories of motorized vehicles covered by this GP include: any wheeled, tracked, or other ground effect motorized vehicles less than 2,000 pounds gross vehicle weight (GVW) such as snow machines, 3 and 4 wheelers, coots, etc.; and wheeled vehicles less than 10,000 pounds GVW. The use of any ground effect motorized vehicle on specified frozen waters: (1) with GVWs other than indicated above; (2) within State of Alaska Refuges, Critical Habitat Areas, or Sanctuaries (see attached maps); (3) by Alyeska Pipeline Service Company (APSC) for activities along the pipeline corridor, or (4) outside of the described area is not allowed, except by individual Fish Habitat Permit, other general permit, or Special Area Permit issued by the ADF&G, Habitat and Restoration Division, or by the State Pipeline Coordinator's Office for the APSC.

This GP does not authorize cross-country movement of equipment on state land or other activities not generally authorized by the Alaska Department of Natural Resources.

Various rivers, lakes, or streams within the described area have been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a). They are utilized by salmon and other anadromous fish for spawning, rearing, or migration, and by resident fish species.

In accordance with AS 16.05.870(d), access to, use and crossings of, or egress from any specified waters, as described above, is hereby authorized provided the stipulations contained herein are adhered to.

1. The ice cover shall be of sufficient thickness to support the weight bearing load of the authorized vehicle(s).
2. There shall be no vehicles or equipment operated in the open water of any specified river, lake, or stream under this GP.
3. The use of snow or ice bridges, access ramps, cribbing to cross any specified river or stream is prohibited unless specifically approved, in writing, by the ADF&G, Habitat and Restoration Division.
4. Access to or egress from frozen waters shall occur only at locations with gently or gradually sloping banks. There shall be no access to or egress from frozen waters at locations with sheer or cut banks.
5. The bed or banks of any specified river, lake, or stream shall not be altered or disturbed in any way to facilitate use of, access to, or egress from their frozen surfaces.
6. Vehicles or equipment shall not be left unattended while on the frozen surface of any specified river, lake, or stream.
7. No vehicles shall be fueled or serviced while on the frozen surface or below the ordinary high water line of any specified river, lake, or stream.

The permittee is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved stream crossings. For any activity that significantly deviates from the approved plan, the permittee shall notify the ADF&G, Habitat and Restoration Division, and obtain written approval in the form of an individual permit before beginning the activity. Any action taken by the permittee or an agent of the permittee that increases the scope of the activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this general permit will be deemed a significant deviation. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the ADF&G, Habitat and Restoration Division. Therefore, it is recommended that the ADF&G, Habitat and Restoration Division, be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a general permit issued under the authority of AS 16.05.870. Please be advised that this approval does not relieve you of the responsibility for securing other permits: state, federal, or local.

February 23, 1994

Pursuant to 6 AAC 80.010 (b), the conditions of this general permit are consistent with the Alaska Coastal Management Program.

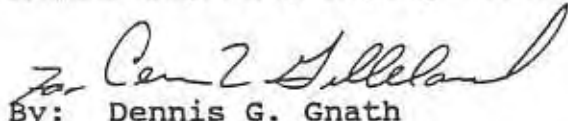
In addition to the penalties provided by law, this general permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the authorized activity which were a direct result of the failure to comply with this general permit or any applicable law.

The recipient of this general permit (the permittee) shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this general permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This general permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

McKie Campbell, Deputy Commissioner



By: Dennis G. Gnath  
Habitat Biologist  
Habitat and Restoration Division  
(907) 267-2284

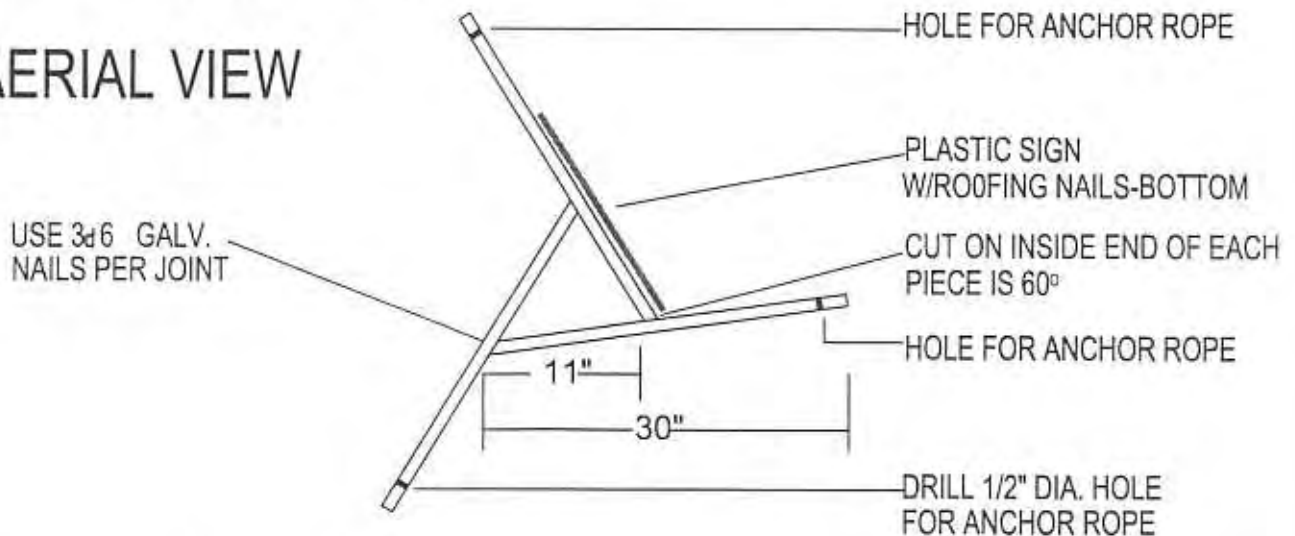
cc: R. Thompson, DNR/DL  
A. Samet, DNR/DL  
D. Kelley, DNR/DL  
S. Dunaway, DNR/DM  
P. Pinard, DEC  
P. Brna, SPCO  
D. Webster, MSB  
W. Wrede, City of Cordova  
M. Pearsall, KPB  
D. Dengel, City of Valdez

## APPENDIX 2

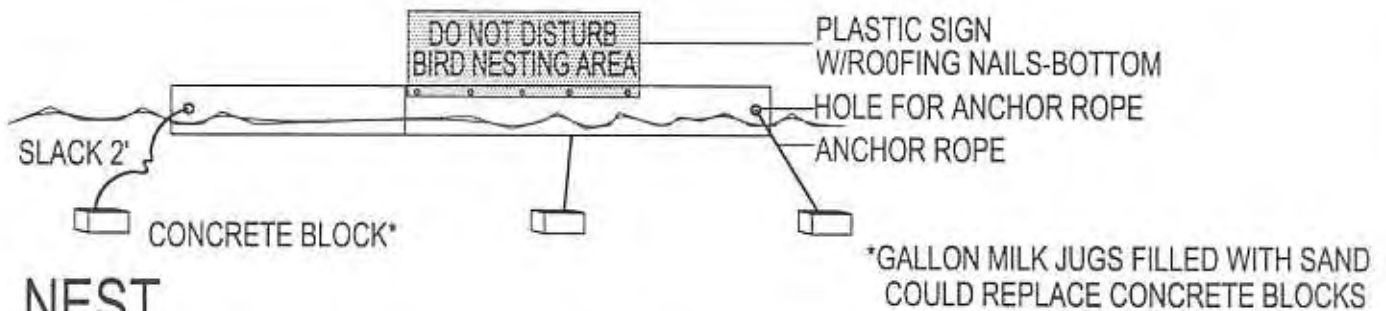
# SIGN FLOAT FOR LOON NESTS

(NOT LIKELY TO TURN OVER  
IN THE STRONGEST WIND)

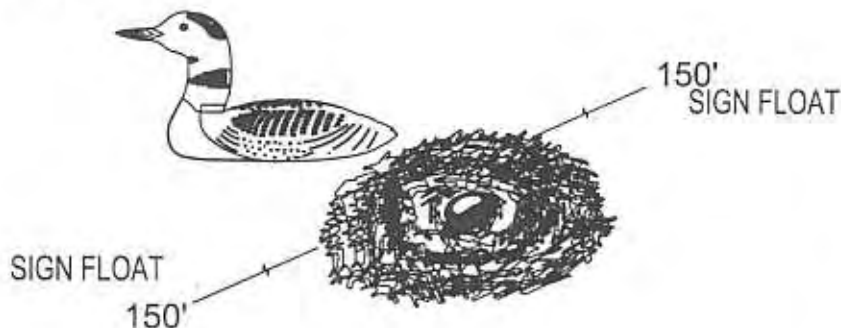
## AERIAL VIEW



## VIEW FROM WATER



## NEST



## MATERIALS LIST

3 - 1"x 4"x 30"  
WHITE PINE OR  
NO. WHITE CEDAR

9 - 6d. GALV. BOX NAILS

5 - 1" ROOFING GALV. NAILS

1 - LOON SIGN

2 - 3 CONCRETE BLOCK \*  
FOR ANCHORS

ENOUGH 1/4" NYLON ROPE  
TO REACH BOTTOM OF LAKE  
FOR ANCHOR

DESIGNED BY:  
HERB CILLEY, P.O. BOX 348 TUPELO POINT, BOWLAKE, NORTHWOOD, N.H. 03281

ENHANCED BY:  
MATANUSKA-SUSITNA BOROUGH SUPPORT SERVICE 1996

The platforms should be attached with two anchors a minimum of 150 feet from the nest (more, if needed to avoid disturbing the loons) and be clearly visible, yet not be a boating hazard. Signs should be removed after nesting is completed (usually by mid-July) each year to preserve their use. Signs should be stored over the winter in a dry area.

# LOON ALERT



**Help keep this lake safe  
for loons and other wildlife:**

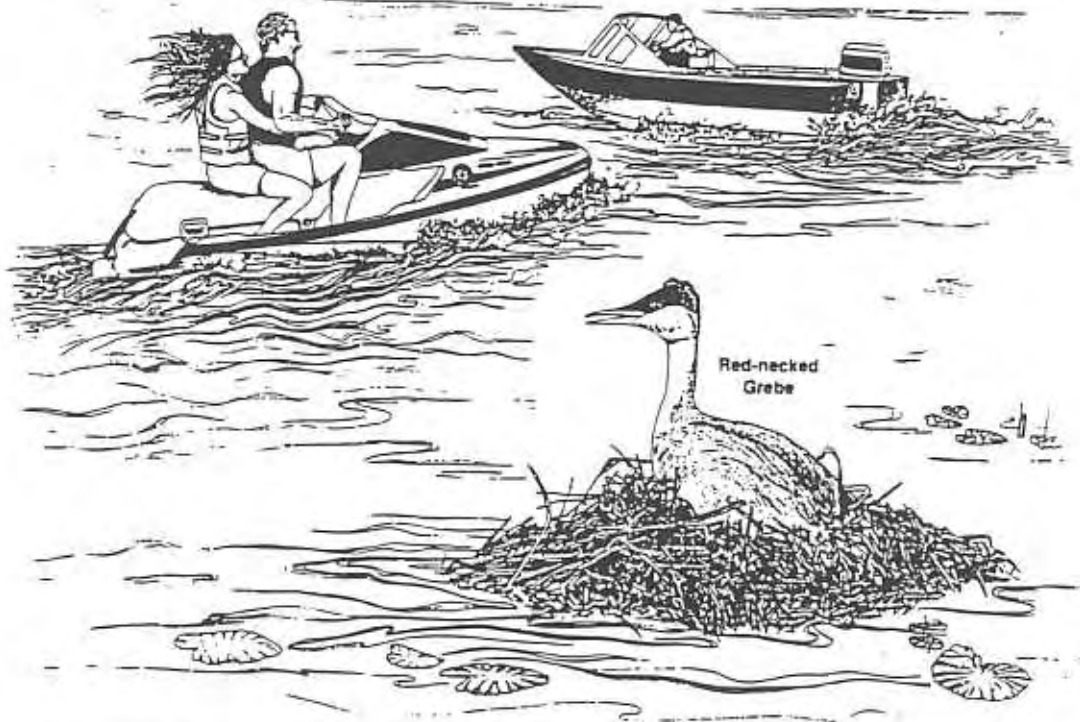
1. Watch loons from a distance.
2. Pick up fishing line and other litter that may entangle loons.
3. Keep your dog on a leash.

Breeding loons have declined or disappeared from other U.S. states due to human disturbance and habitat loss. Wildlife harassment is illegal. Please report violations to Fish and Wildlife Protection (State Troopers) or call (800) 478-3377. For loon information write: Alaska Department of Fish and Game, Division of Wildlife Conservation, 333 Raspberry Road, Anchorage, AK 99518.





# STEER CLEAR!



**BOATERS – Stay at least 100 feet away  
from nesting Red-necked Grebes.**

Grebes are duck-sized birds that nest on floating vegetation and debris in shallow water.

Wakes from watercraft will destroy their nests and kill their eggs and chicks.

Go slowly along shorelines and avoid nesting areas.

**– HELP PROTECT ALASKA'S WILDLIFE –**

Wildlife harassment is illegal. Report violations to Fish and Wildlife Protection (State Troopers) or call (800) 478-3377.

This sign was produced by a grant to the Alaska Watchable Wildlife Trust Fund, c/o Alaska Conservation Foundation, 430 W. 7th Avenue #215, Anchorage AK 99501 (907) 276-1917.

POSTED BY ALASKA DEPT. FISH AND GAME

