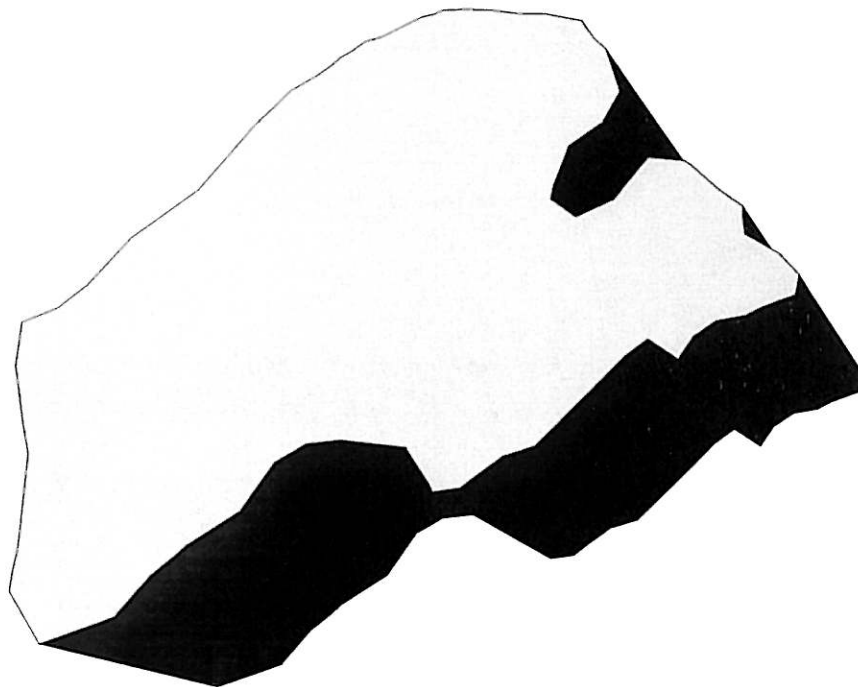


FISH LAKE LAKE MANAGEMENT PLAN

MATANUSKA-SUSITNA BOROUGH
PLANNING DEPARTMENT



Adopted AUGUST 19, 1997



ACKNOWLEDGMENT

Written by John Duffy, Director of Planning

Code Ordinance

By: D. Moore
Introduced: 8/5/97
Public Hearing: 8/19/97
Adopted: 8/19/97

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 97-110

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 15.24.030(C)(12), THE FISH LAKE, LAKE MANAGEMENT PLAN.

WHEREAS, the Fish Lake, Lake Management Plan provides guidelines for the management of Fish Lake; and

WHEREAS, the management guidelines for Fish Lake were developed with input from the residents and property owners of Fish Lake; and

WHEREAS, the residents and property owners of Fish Lake are concerned about unsanitary conditions, inappropriate use of the public access, noise and water pollution, and the loss of wildlife; and

WHEREAS, the residents and property owners of Fish Lake have developed a set of management guidelines to protect the environment and provide for the public's continued access, use, and enjoyment of Fish Lake; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission has recommended approval of the Fish Lake, Lake Management Plan.

BE IT ENACTED:

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

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

Section 3. Amendment of subsection. MSB 15.24.030(C) is hereby amended to add a paragraph (12) to read as follows:


(12) Fish Lake, Lake Management Plan, August 1997,
adopted 1997.

Section 4. Effective date. Ordinance Serial No. 97-110 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 19th day of August, 1997.


BARBARA LACHER, Borough Mayor

ATTEST:


SANDRA A. DILLON, 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 experience may decline. The most often cited complaints are noise generated from watercraft 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 Fish Lake, Lake Management Plan provides management guidelines for:

- ◆ The protection of the residential quality of life at Fish Lake; and
- ◆ The continued recreational enjoyment of Fish Lake; and
- ◆ The protection of Fish Lake's water quality; and
- ◆ The provision of actively managed and maintained access to the 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 Management

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 initiation in 1994, allows members of the public to either prohibit all motorized use on a water body or to establish quiet hours (11 p.m. to 8 a.m.), a 100 foot no wake zone from the shoreline, requirement of mufflers on all piston driven engines, and allows special events by permit. Once a petition is filed, a report is drafted by the Planning Department 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, Mud, and Finger lakes while all motorized use is prohibited on Cottonwood Creek.

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 Planning Department 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. The management planning process also allows a more comprehensive approach to addressing lake related concerns such as the management of points of public access to the lake. The lake management planning process also allows property owners and residents to tailor management guidelines to their particular needs and desires.

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. These individuals request that the Department of Planning (Department) of the Matanuska-Susitna Borough complete a lake management plan. Upon receiving a request to complete a lake management plan, the Department holds an informational meeting where all approaches to managing lake related issues are discussed. At the informational meeting a decision is made by property owners/residents on the preferred approach. 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 adjacent 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 made. A meeting may be 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, 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, and Reservoirs¹

There seem to be no universally accepted scientific definitions of the terms **lake**, **pond**, and **reservoir**. In general, waterbodies which 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 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 which contributes water to the lake is the **watershed**. The watershed may be large or small when compared to the area of the lake. The 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 Lifespan²

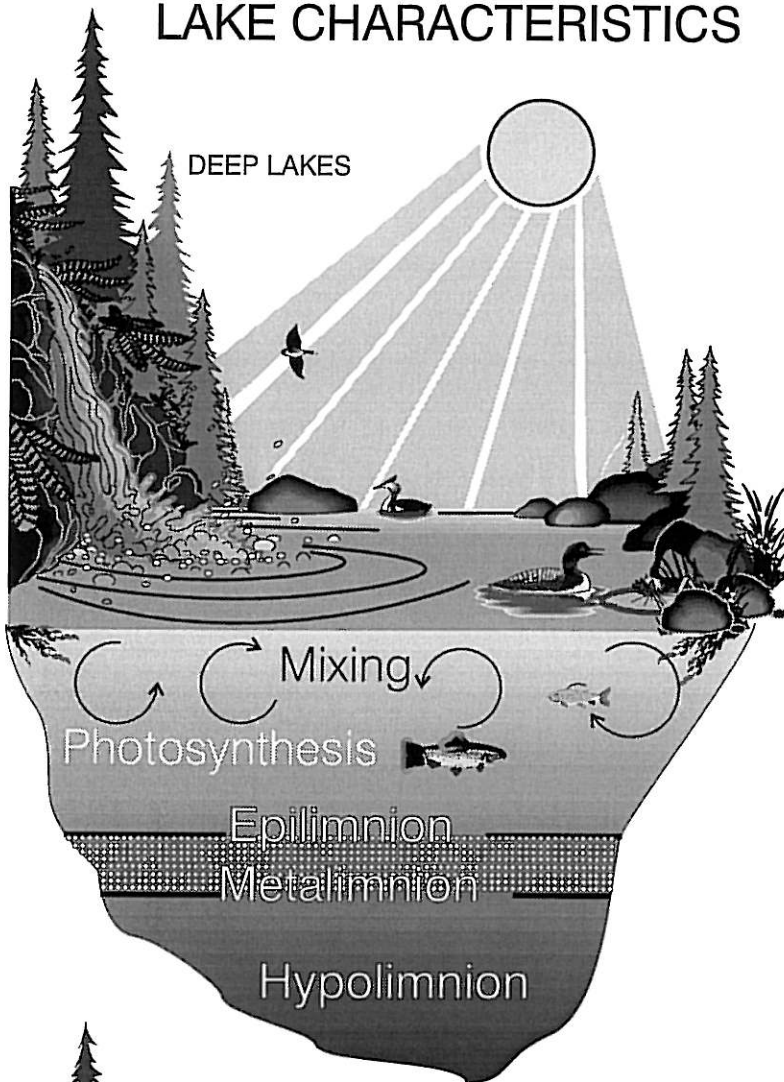
Lakes fill in, drain themselves, or just evaporate and disappear. They do not last forever. Although lakes seem permanent in our human time perspective, they are sediment traps, and it is natural for them to fill in gradually with sand, silt, and organic matter. Natural lake aging or **eutrophication** 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 (See 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 loadings to a lake are termed **cultural eutrophication** and include forest clearing, road building, construction, and wastewater discharges.

¹ 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.

² 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.

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.

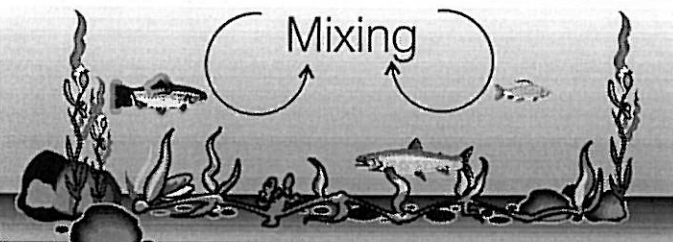
Metalimnion

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

Hypolimnion

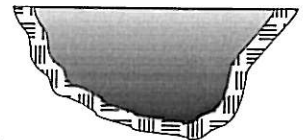
The bottom layer of water in a lake that is comprised of uniformly cold and relatively undisturbed water.

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



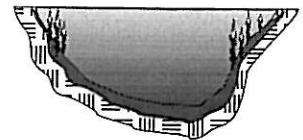
Oligotrophic

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



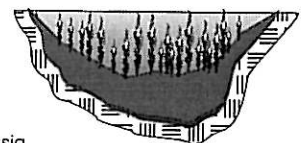
Mesotrophic

Increased production
Accumulated organic matter
Occasional algal bloom
Good fishery



Eutrophic

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

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 the rate of 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 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 the 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.

1.6 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. A shore land is the land within 500 to 1,000 feet of the normal mean water mark 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 loading sediment to the lake and thereby create turbid conditions. Removal of vegetation along the shoreline or at unsupervised public access points may 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 sleeping hours. Some uses of the surface water may create shoreline erosion and hence, sediment loading at the lake and loss of private 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 watercraft, or swamped by wave action.

1.7 Fish Lake Issues and Concerns

The Fish Lake, Lake Management Plan was initiated by a request from Fish Lake property owners. Several meetings were held with residents and adjacent property owners. At this meeting concerns and issues were discussed.

The issues identified included:

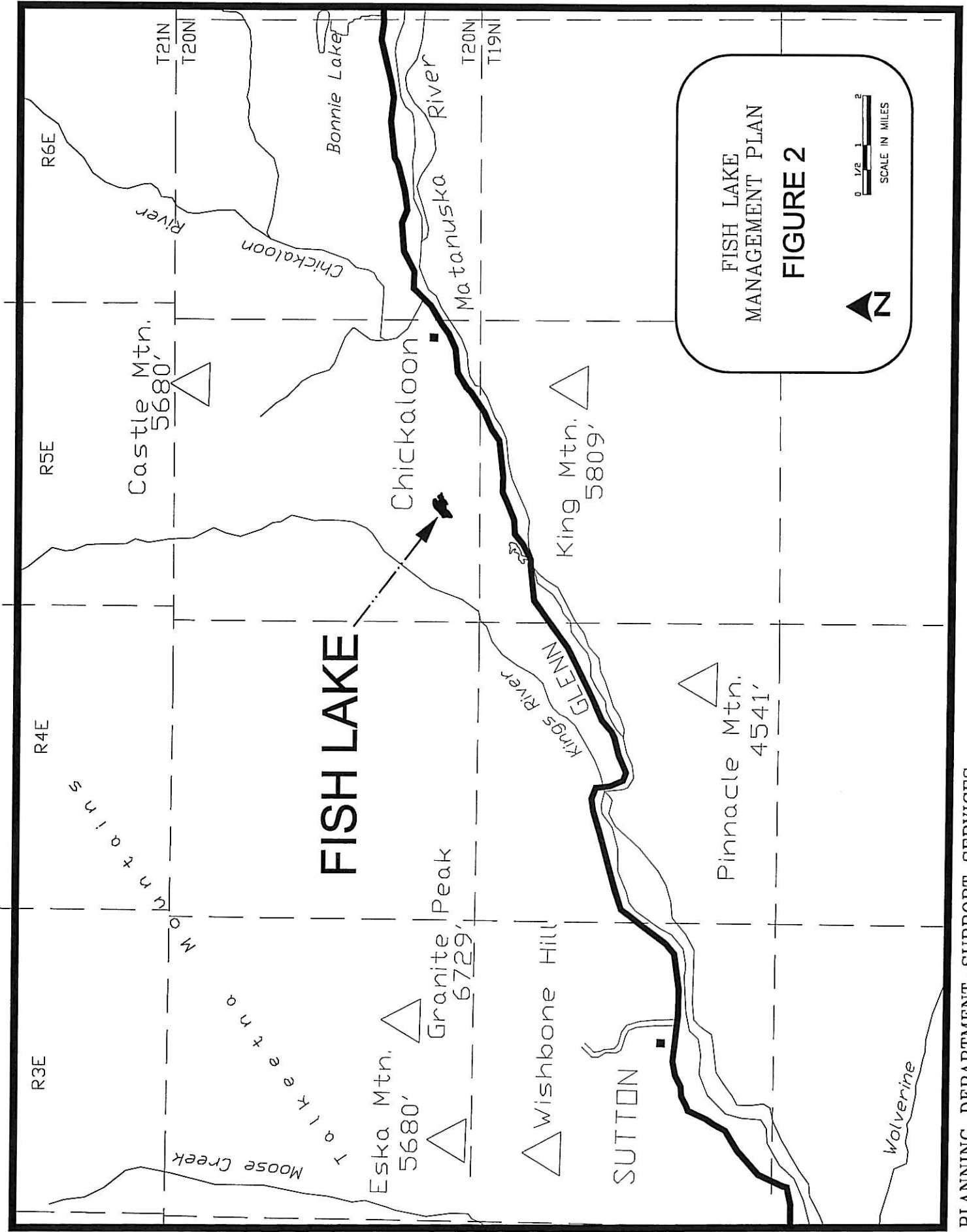
- 1) Noise, especially in the evening and early morning hours; and
- 2) Unsanitary, inadequate/unmarked parking and other unwanted conditions at the public access; and
- 3) Protection of the wildlife and wildlife habitat; and
- 4) Upland development's potential effect on the lake's water quality; and
- 5) Erosion caused by wakes; and
- 6) Protection of the quiet, recreational character of the lake; and
- 7) Surface uses that create noise and disturb wildlife are primary concerns of property owners and residents; and
- 8) An undefined public access to the lake; and
- 9) Unauthorized use of the subdivision lot owners lake dedicated access parcel.

It is the desire of the majority of property owners and residents of Fish Lake that the quiet, recreational use and residential character of the lake be protected. The present state of the lake may be characterized as residential, quiet, with active loon nests. Residents and property owners are concerned that the lake will be used by watercraft with large motors which they believe create several negative impacts. Residents of the area believe these uses are incompatible because they harass wildlife, create turbid water conditions, cause shoreline erosion, create noise, and detract from the quality of life and experience at the lake.

2 Inventory of Existing Conditions

2.1 Location

Fish Lake is located approximately 1.5 miles north of the Glenn Highway at milepost 73.5 Chickaloon community (see Figure 2). Fish Lake is accessed by Fish Lake Road. The Fish Lake area is located completely within the boundaries of the Chickaloon Community Council (see Figure 3).

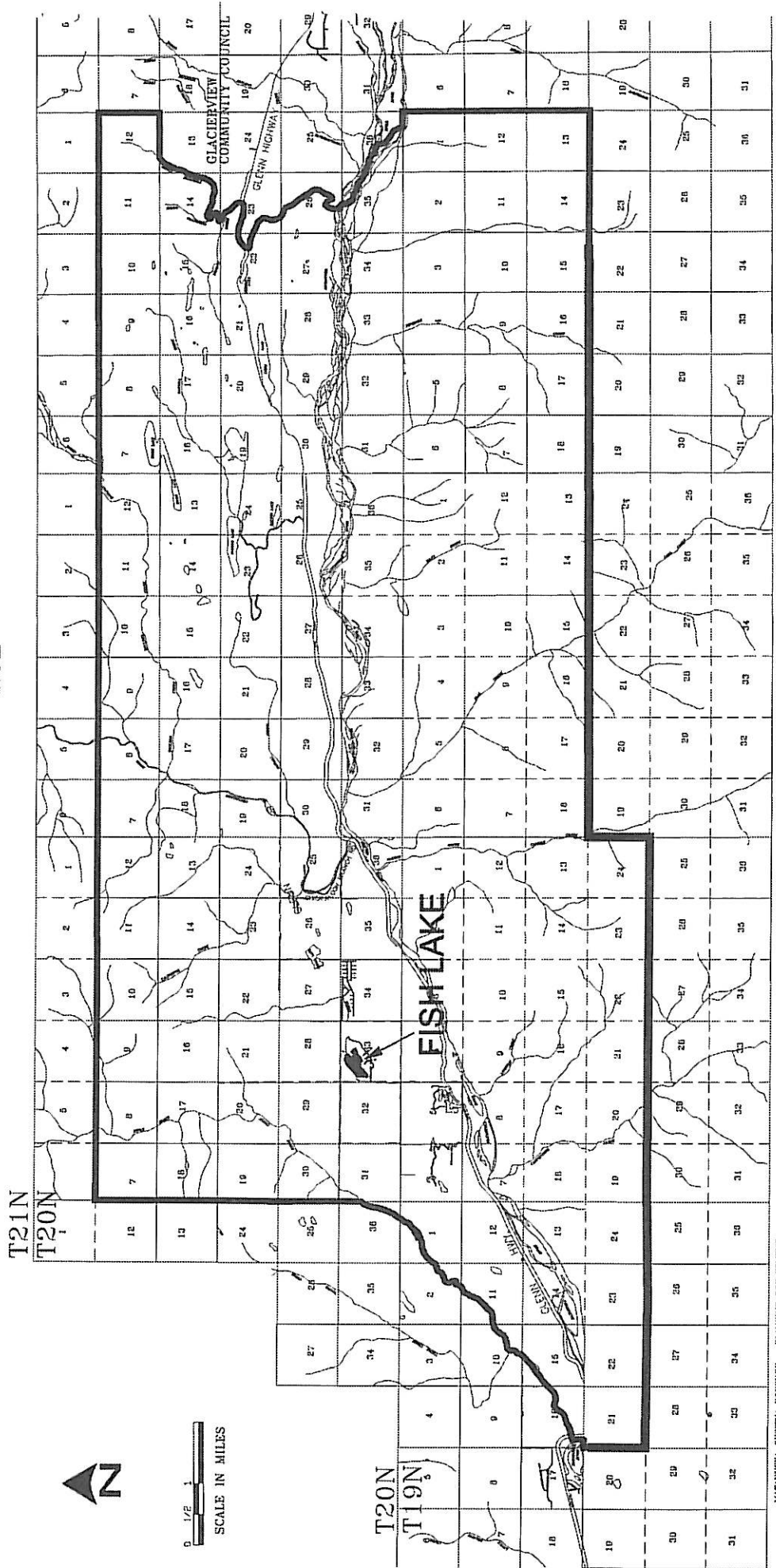


FISH LAKE
MANAGEMENT PLAN
FIGURE 2

CHICKALOON COMMUNITY COUNCIL

FIGURE 3

R4E R5E R6E R7E R8E



2.2 Land Ownership

There are 25 lots with shoreline on Fish Lake although all subdivision lot owners may use the dedicated access to Fish Lake (See Table 1). All but one parcel of the land adjacent to Fish Lake are privately owned. The Borough owns one parcel with shoreline on the lake (see Figure 4).

Table 1
Fish Lake
Landownership and Parcel Size

	Private	Mat-Su Borough	State of Alaska
Number of Parcels	77.00	1.00	0.00
Total Acreage	587.43	3.18	n/a
Average Parcel Size	7.63	n/a	n/a
Smallest Parcel Size	0.43	n/a	n/a
Largest Parcel Size	37.5	n/a	n/a

2.3 Present Lake Usage

Fish Lake contains 59 surface acres with one peninsula and has just over 1.2 miles of shoreline. Rainbow trout are found in the lake and the loons have been lake contains active loon nests.

The present use of Fish Lake may be characterized as being quiet, recreational and the property immediately adjacent to the lake is both full and part-time residential in character. Some residents live at the lake throughout the entire year. Lake front property owners are the predominant users of Fish Lake. They boat, swim, and fish at the lake. The use of personal watercraft (a.k.a., jetskis/waverunners) is not a regular occurrence at Fish Lake. The lake is shallow and property owners are concerned that the use of personal watercraft and boats with large motors will create erosion of the shoreline, turbidity, loss of wildlife, and noise.

Residents have indicated that the lake is infrequently used by visitors for boating and fishing. Some visitors access the lake from the parcel dedicated as access for the sole use of subdivision property owners. The actual public access is located north of the parcel dedicated to private use (Tract 'A') where an undeveloped easement connects Fish Lake to Barb Court. Visitors have been reported to camp at Tract 'A' which lacks sanitary and camping facilities, and trash receptacles resulting in unsanitary conditions. Problems with visitor vehicle parking blocking access to Tract 'A' have also been reported.

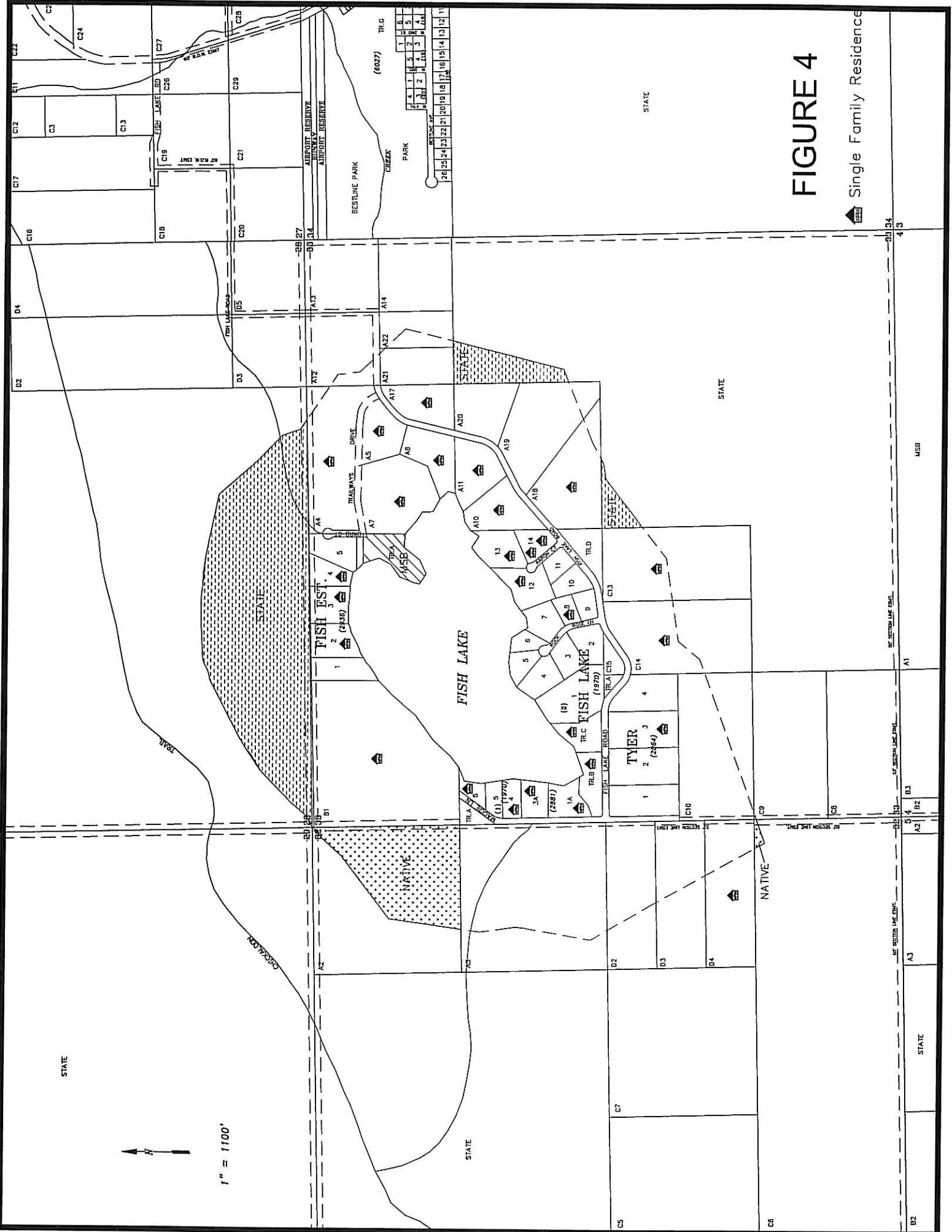


FIGURE 4

Single Family Residence

2.4 Existing Plans

State

The State plan affecting the Fish Lake area is the Susitna Area Plan. The Susitna Area Plan, adopted in October 1985, contains management intent for State and Borough lands within the Susitna Planning Area, which includes most of the Borough. Fish Lake is located within the Kings River management unit. Generally speaking, the plan's intent for public lands within the management unit is to provide lands for settlement.

Borough

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

The Borough-wide Comprehensive does not make specific recommendations for either Fish Lake or Chickaloon areas. Rather, the 1971 plan recognizes that the Chickaloon area has important recreational characteristics³. The Plan also recognizes the mineral potential of the Talkeetna mountains which are located in the area.

The Borough Assembly updated the comprehensive plan for the Chickaloon community when it adopted the Chickaloon Comprehensive Plan in April, 1991. The Chickaloon Comprehensive Plan is being implemented through the Chickaloon Special Land Use District which prescribes the zoning regulations for the area, including the Fish Lake area.

Fish 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 Fish Lake would be reviewed to determine whether or not it is consistent with the Coastal

³ Alaska State Housing Authority, Matanuska-Susitna Borough Comprehensive Development Plan, Phase II: Recommendations, 1970.

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 and do not exceed 400 square feet in size may obtain a general concurrence. Metal drums, however, may not be used as floatation devices.

The Borough Long Range Transportation Plan was adopted in 1987 and is presently being updated via the Long Range Transportation Plan (2015). Neither plan identifies any new road corridors in the vicinity of Fish Lake.

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 Fish Lake area in some way, but the Parks, Recreation, and Open Space; and Trails elements would have the most impacts relative to the concerns of this management plan.

2.5 Existing Regulations - Public

This section describes the principle regulations affecting use and development in the Fish 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 where "take" is defined to mean pursuing, killing, etc., migratory birds. Destruction of nest sites, eggs, or the birds themselves is 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, river, 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 Department of Fish and Game. Activities which result in the construction of a dam which impounds water or places a weir, culvert, or temporarily blocks a stream requires a Title 16 permit. In February, 1994 the Habitat and Restoration Division of Fish and Game issued a one year, general permit allowing the vehicle movement on frozen water surfaces in southcentral Alaska. The permit allows certain motorized vehicles less than 2,000 pounds gross vehicle weight and wheeled vehicles less than 10,000 pounds gross vehicle weight to travel upon frozen water surfaces in southcentral Alaska without a special permit. Finally, the general Alaska Department of Fish and Game fishing regulations apply to Fish Lake.

Navigable and public waters in Alaska have special public access requirements. A navigable or public waterbody includes water suitable for commercial navigation, floating of logs, land and takeoff of aircraft, and public boating, trapping, hunting waterfowl and aquatic animals, fishing, or other public recreational purposes. Fish Lake meets the definition of a public waterbody. Alaska statute (AS 38.05.128) requires that the public have access to the surface waters of any navigable or public waterbody of the State. This requirement is typically called a "to" easement. In addition, all navigable and public waterbodies have a 50 foot easement along the waterbody; this easement is typically called an "along" easement. In regards to the actual ownership of the lands, the boundary between private and public ownership is the ordinary high watermark of a waterbody or watercourse. Therefore, an "along" easement may be used for transportation or emergency landing purposes but not for overnight camping. These easements are created when the State or Borough obtains patents to their lands and continue with the property when either entity disposes of lands.

Borough

Several Borough-wide ordinances address the development and use of land adjacent to Fish 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 Fish 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 Fish

Lake, Lake Management Plan will become an instrument of Borough policy similar to the other plans adopted by the Borough Assembly.

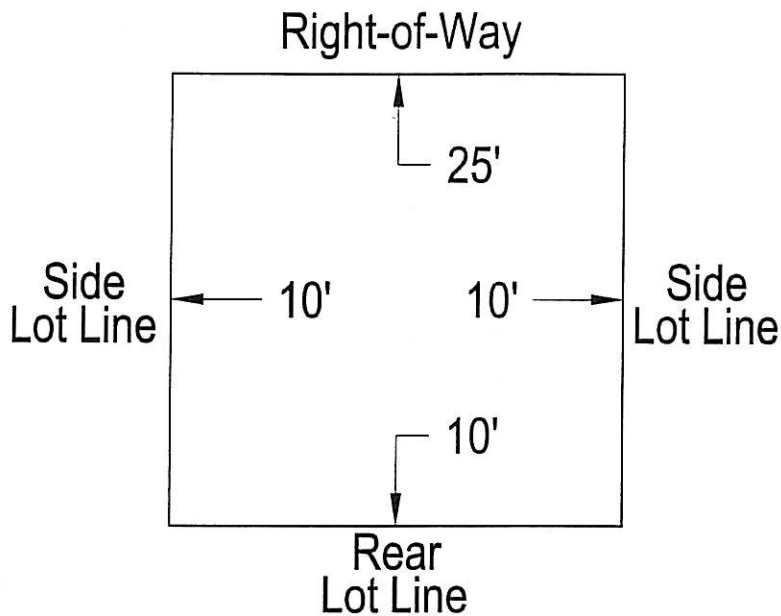
Title 16 provides the subdivision development standards within the Borough and establishes the Platting Board. Two of Title 16's requirements that are of special note to development at Fish Lake include a minimum lot size of 40,000 square feet, and a minimum lot width when measured at the lake's water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

The Borough has a Borough-wide comprehensive plan which is implemented, in part, through the Borough-wide zoning ordinance. 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.

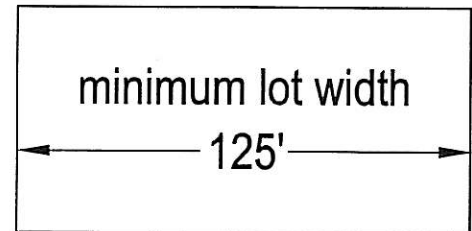
- 17.01 Acknowledgment of Existing Land Use Regulations.
- 17.03 Public Notification.
- 17.04 Nancy Lake State Recreation Area Special Land Use District.
- 17.08 Hay Flats Recreation Area Special Land Use District.
- 17.15 Palmer Special Land Use District.
- 17.17 Denali State Park Special Land Use District.
- 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.
- 17.40 Houston Land Use Ordinance.
- 17.45 Wasilla Special Use Land 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.
- 17.60 Conditional Uses.
- 17.65 Variances.
- 17.70 Regulation of Alcoholic Beverage Uses.
- 17.80 Nonconforming Structures.
- 17.90 Regulation of Adult Businesses.
- 17.99 Fees.

Figure 5

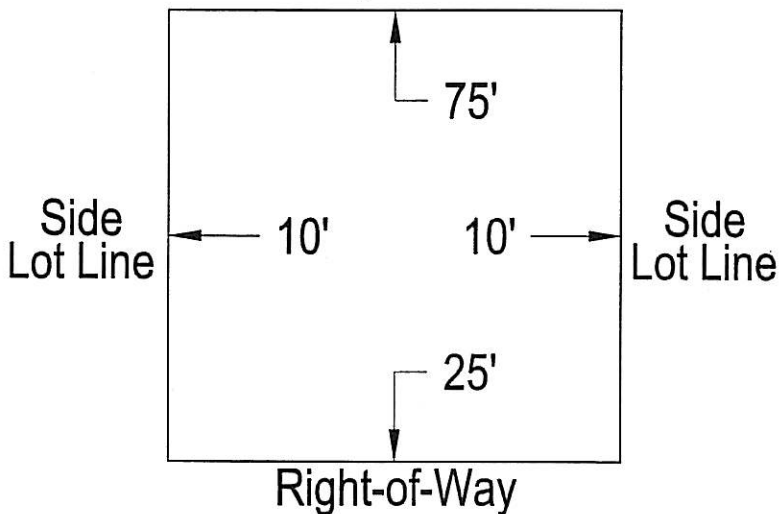
General Setback Requirements and Lot Size* Requirements



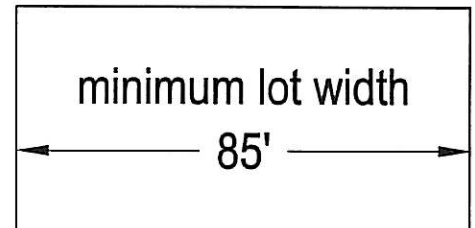
Ordinary High Water Line
of Lake (no community septage)



Ordinary High Water Line
of Water Body or Watercourse



Ordinary High Water Line of
Lake (community septage available)



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

Zoning regulations that are of special note to development activities at Fish 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 a right-of-way and ten feet from all 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 waterbody or watercourse (see 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 waterbodies: 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.

In addition, the Chickaloon Special Land Use District provides for additional regulations of certain land uses within the Chickaloon community (see Appendix #2).

The Borough received approximately 350,000 acres of land through the Municipal Entitlement Program. The Planning Department of the Borough manages and disposes of these lands through the policies and procedures described within Title 23.

Existing Regulations - Private

Private regulations, in the Fish Lake area in the form of subdivision covenants, have been recorded for the private property at Fish Lake. The covenants limit development within the subdivisions, Fish Lake and Fish Lake Estates, to residential. Tract 'A', within the northeast portion of Fish Lake Estates is dedicated by plat as access to Fish Lake for subdivision property owners. Also dedicated by plat (Fish Lake) is a 50 foot (25 feet each side) public access and stream maintenance easement along the outlet to Fish Lake. For current information about covenants in the area, the reader is referred to the State of Alaska Records Office.

3 Goals

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

3.1 Water Quality

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

3.2 Recreation and Residential Character

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

Fish Lake offers a unique setting for part and full time residential use and 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 character.

3.3 Wildlife

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

3.4 Access

Legal and physical access to the lake should be assured for all members of the public.

Public access should be properly managed and measures should be developed to maintain its safety, cleanliness, sanitary nature, and to ensure that the area remains open to all.

Tract 'A', which is presently dedicated as access for Fish Lake property owners should be managed to allow for continued use by property owners.

4 Management Issues, Alternatives, and Recommendations

The management issues at Fish Lake were identified by the lake's property owners and residents. This section describes several methods for alleviating problems and provides preferred recommendations. The alternatives were developed through discussions with property owners and residents, and a review of how other lakes in the Borough and lakes in other states have been managed.

4.1 Access

Management Issue Presently there are two dedicated (by plat) easements which provide access to the lake; however both are undeveloped. One of the easements is located along the outlet stream and serves as a stream maintenance easement as well. The remaining point of access is dedicated by plat and covenants shown as Tract 'A' on the Fish Lakes Estates plat to the private use of Fish Lake property owners. Tract 'A' of Fish Lake Estates is, from time to time, used by visitors (non-property owners) which has caused several problems that have limited or eliminated use of the property by property owners. Examples of these problems include creation of unsanitary conditions at the property as no sanitary facilities exist, litter, blockage of the property from visitor parking or overnight camping activities.

Alternatives When considering management alternatives related to public access, it should be remembered that legal and physical access is necessary for Fish Lake in order to comply with State regulations.

In regards to the public access management, three alternatives present themselves: 1) do nothing, 2) vacate the easements, or 3) actively manage the easements, including Tract 'A' and develop a primitive, walk-in only access for members of the public. The first alternative must be discarded because the lack of management will allow unsanitary conditions and environmental degradation to occur as well as ignoring the present problems associated with the unauthorized use of Tract 'A'. The second alternative must be eliminated as public access must be maintained to Fish Lake. The third alternative, active management, could eliminate the present problems by providing members of the public with information about the allowable uses on Fish Lake as well as by providing personnel to convey this information or report violations.

The third alternative could help reduce a primary concern of Fish Lake property owners by providing legal access to members of the public while maintaining the property owner access and use of Tract 'A'. To accomplish the third alternative, Tract 'A' should be properly signed to inform visitors that it is restricted to property owners and also to ensure that overnight camping does not occur nor that Tract 'A' is blocked by vehicles. In addition, the 50 foot easement located immediately north of Tract 'A' will be developed as a primitive, walk-in only point of access so that members of the public may continue to enjoy Fish Lake.

Recommendation Of the three alternatives, the third alternative, active management, with the development of a primitive access to the lake for members of the public and restrictive (property owner only) use of Tract 'A' is the recommended course of action. The Borough will seek to actively manage the sites by informing users by providing public awareness information at the access point to the lake. "No Overnight Camping and No Open Fires" signs should also be placed at the access

sites. A weather-protected signboard should be placed at the site to provide information about the lake, birdlife, and general "rules of the area" and could be reviewed by all. The information at the signboard should also identify where nearby overnight camping is permitted.

4.2 Wildlife

Management Issue The principle wildlife of concern to Fish Lake residents and property owners is the retention and protection of loon nesting sites. Presently, the lake has active nests and there is a concern that increased motorized activity on the lake will harm the existing nesting sites. The remainder of this section will discuss alternatives for preserving and protecting the loon nests.

Loon nesting sites and successful breeding may occur on lakes having development and recreational use if sufficient habitat is available and the nesting sites are not repeatedly disturbed. Loons will nest on shore although islands offer the optimal nest sites. Nesting periods generally begin in late May through late June, however, if a nest is abandoned a loon pair may attempt a new nest and this second nesting period runs through late July. In order to retain and protect the existing nest site, lake users need to become informed of how recreation and development affects loons, as well as avoid the nest site during the critical nesting/mating/rearing periods. While grebes commonly have the same breeding period as loons, grebe nest sites are much different. Grebes prefer to nest on floating objects, typically vegetation.

Nest sites and breeding may be disturbed in a number of ways. Steady activity that comes near a nest site, whether motorized or non-motorized, may cause the nest to be abandoned. High motorized activity near a nest site may cause chick mortality due to separation from the adult or wakes caused by motorized craft may destroy the nest or wash away the eggs. In addition to damaging a nest, activities occurring too close to a nest will cause loons to leave an active nest thereby allowing predators such as gulls and ravens to eat the unprotected eggs or chicks. Discarded monofilament line presents another threat to loons and other birds as it may entangle birds and chicks and ultimately kill them through starvation, predation, or by drowning.

Alternatives If nothing is done to inform lake users of the sensitivity of loons and grebes to water borne activities and development, active nests will not be found on Fish Lake in the future. In order to maintain the presence of loons and grebes, it is necessary that some proactive steps be implemented.

Recommendations Most individuals will not disturb a nest site if they are informed of its location and the proper behavior when near it. It is recommended that a number of techniques 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 #1 provides an illustration of a low cost, effective buoy. Loon and grebe alert notices and general information about loons should be posted at a weather-protected signboard at the lake's access point to inform the public about proper "loon or grebe etiquette" (see Appendix #1).

Since Fish Lake is a small and shallow lake it is very easy to create wakes and turbid conditions. Wake action may cause loon mortality by swamping active nests or by separating parents from chicks. Turbid waters also reduce fish stocks. Therefore, it is further recommended that a 5 horsepower limit be placed on watercraft using Fish Lake in order to reduce wakes, turbidity, and shoreline erosion.

4.3 Noise

Management Issue Fish Lake has a history of low-impact, quiet, recreational use. Residents and property owners of the area wish to maintain these characteristics of the lake. Additionally, Fish Lake is a relatively small and shallow lake and therefore not of sufficient size to adequately support watercraft with large motors, nor recreational use that generates a large number of wakes.

Alternatives Four alternatives may be considered for this management issue; namely: 1) do nothing, 2) prohibit all motorized use, 3) limit the size/power of motors that may be used on the lake, and 4) establish quiet hours to allow motorized use which does not detract from the current use and character of the lake.

The first alternative, "Do Nothing", ignores problems that may be associated with noise. The "Do Nothing" alternative also ignores one of the primary reasons residents and property owners requested that a lake management plan be developed. This alternative is therefore rejected.

The second alternative would prohibit all motorized use of the lake. While this alternative would eliminate noise associated with motors, it would also restrict craft that do not generate noise such as boats with electric motors. A complete ban on motorized use would also eliminate uses that are not associated with the noise problem.

The third alternative is a slight modification of the second alternative where a horsepower limit is placed on watercraft using the lake. The majority of residents and property owners selected motor size limits as the most appropriate method for reducing noise, reducing shoreline erosion, reducing wildlife (loon/grebe) harassment and ensuring that jetskis/wave runners do not become a common occurrence at the lake. An initial survey of property owners, completed by a property owner, identified a 5 horsepower as the preferred boat motor size. A subsequent survey of residents

and property owners was undertaken by the Department of Planning on the subject of the preferred boat motor size. Table 2 illustrates the results of the survey.

Table 2
Fish Lake Property Owner Survey
Preferred Boat Motor Size
January, 1997

10 Horsepower	7 Horsepower	5 Horsepower	Electric Motor Only
6 (18%)	1 (3%)	14 (42%)	11 (33%)

Note: Percentages do not total to 100% due to rounding error. Includes only responses from surveys mailed by the Department to property owners and residents. One respondent requested a 3 horsepower motor size limit.

As Table 2 indicates, most property owners prefer a 5 horsepower boat motor size limit. The second most preferred boat motor size limit is electric motor only. Since most residents prefer a small horsepower size and the preferred size would best achieve the goals of the boat motor limit and other goals of the plan such as noise reduction and wildlife protection.

A fourth alternative is to combine the use of quiet hours with limits on the type of motors allowed to use the lake. The use of quiet hours creates a period of time during the day when motorized use that creates noise and is repetitive in nature is prohibited. Quiet hours also allow use of the lake during the quiet hour period for quiet, unobtrusive, transit of the lake for trolling/fishing. Because a 5 horsepower boat motor is relatively small and does not create much noise, quiet hours are not believed to be needed.

Recommendation Residents and property owners of the area initiated the lake management planning process, for among other concerns, to protect the existing quiet, low-impact, recreational use of the Fish Lake. Two surveys of property owners have indicated that a majority prefer a 5 horsepower boat motor size limit. It is therefore recommended that the lake be restricted to motors 5 horsepower or less.

5.0 Implementation

Plans may be implemented in a number of ways but are typically implemented through capital improvement programs and subdivision and zoning ordinances. Within the Borough, residents may also petition for motorized use restrictions on lakes and this ordinance may be used to implement a lake management plan. This ordinance was discussed by Fish Lake property owners and found not to be needed at this time. Plans may also provide for private implementation through public

information campaigns and a list of best management practices that may be used by the public. The problems facing Fish Lake at this time do not warrant a special zoning or subdivision ordinance nor do they warrant implementation of the Borough's motorized use of lakes ordinance. Therefore, this plan will utilize a combination of public information and best management practices, and regulations to implement the plan. The Borough should utilize its citation authority for infractions of the recommended management guidelines of this plan. In addition, a lake management ordinance⁴ may be adopted containing a general provisions section that provides limited guidelines, e.g. wildlife protection, quiet hours, no-wake zones, and bans on overnight camping. The Fish Lake area residents and property owners should be contacted to determine whether or not Fish Lake should be included in such an ordinance. A description of the implementation proposals follow.

5 Horsepower Limit As stated above, Fish Lake is a relatively small and shallow lake and not suitable for large watercraft or watercraft with large motors. Residents living adjacent to the lake seek to have their shorelines protected from erosion caused by large wakes. Loons nesting on a small lake are placed at an increased risk of disturbance from wakes caused by watercraft with large horsepower engines or by use creating repetitive wake action. The historical use of Fish Lake has been low impact recreational; residents and property owners wish to continue this character and the quiet nature of the lake. Surveys of property owners and meeting discussions indicated a preference for a 5 horsepower boat motor size limit. Therefore a 5 horsepower motor limitation is recommended for Fish Lake.

Access Active management, with the development of a primitive access to the lake for members of the public and continued use by property owner only of Tract 'A' is the recommended course of action. The Borough will seek to actively manage the sites by informing users by providing public awareness information at the access point to the lake. "No Overnight Camping and No Open Fires" signs should also be placed at the access sites. A weather-protected signboard should be placed at the site to provide information about the lake, birdlife, and general "rules of the area" and could be reviewed by all. The information at the signboard should also identify where nearby overnight camping is permitted. To accomplish the third alternative, Tract 'A' should also be properly signed to inform visitors that it is restricted to property owners and also to ensure that overnight camping does not occur nor that Tract 'A' is blocked by vehicles. In addition, the 50 foot easement located immediately north of Tract 'A' will be developed as a primitive, walk-in only point of access so that members of the public may continue to enjoy Fish Lake.

⁴ Note: Due to the diversity of lakes in the Borough and the many requests for lake management plans and guidelines that have been received, a Borough-wide ordinance consisting of a general provisions section containing rules for all lakes, e.g., don't litter and a more specific provisions section containing several lake categories with different guidelines ranging from none to several is being considered.

Loons and Grebes To protect loons and grebes it is recommended that a sign (see Appendix #1) be posted on the existing island having an active loon nest. Further, buoys should be placed a minimum of 150 feet (200 feet preferred) around the island to inform lake users of the nest site. Appendix #1 provides information on buoy construction and placement. Finally, a weather-protected informational signboard should be constructed at the preferred access point and information about lake usage and proper behavior near active loon nests, e.g. "Loon (or Grebe) Alert!" The Fish Lake area residents and property owners and Borough should cooperate in implementing the loon and grebe protection program. Additionally, the harassment of loons and grebes and other lake related wildlife such as grebes may become subject to fines under the proposed lake management ordinance described above.

The parcels used for lake access should be supervised on a regular basis to prevent overnight camping, blockage, and unsanitary conditions. A weather-protected information sign should be placed at public access sites to inform the public about the rules regarding the use of Fish Lake.

Public Information Information should be posted using the information signboard at the public access point informing users to pack out what they pack in and of the adopted management guidelines for the lake. Signs should be erected at the access point stating "No Overnight Camping - Do Not Litter".

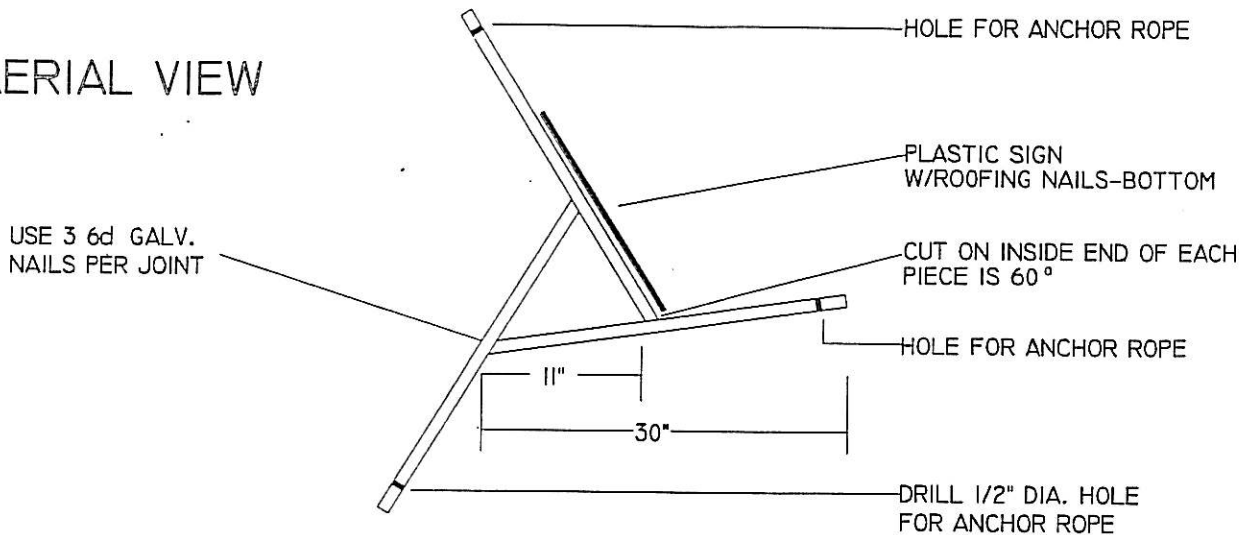
Trash and Fireworks Firework displays are illegal without a special permit issued by the Borough Planning Department; never-the-less, individuals generally display fireworks throughout the Borough. Firework displays create two problems, noise from explosions and trash from the fireworks. Firework displays may also start 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.

APPENDIX #1

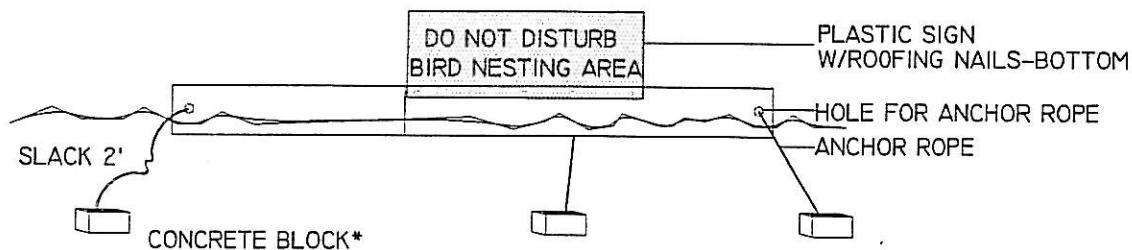
SIGN FLOAT FOR LOON NESTS

(NOT LIKELY TO TURN OVER
IN THE STRONGEST WIND)

AERIAL VIEW

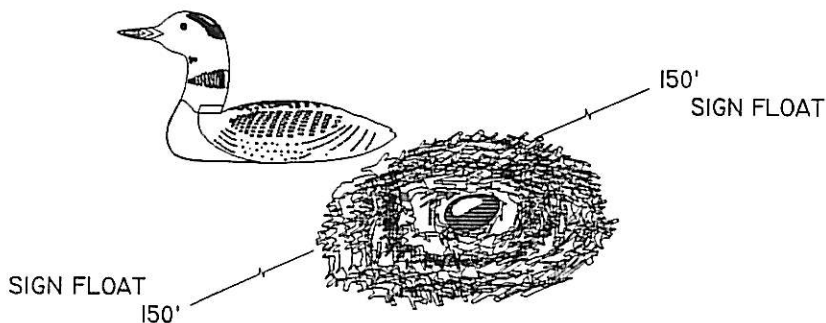


VIEW FROM WATER



*GALLON MILK JUGS FILLED WITH SAND
COULD REPLACE CONCRETE BLOCKS

NEST

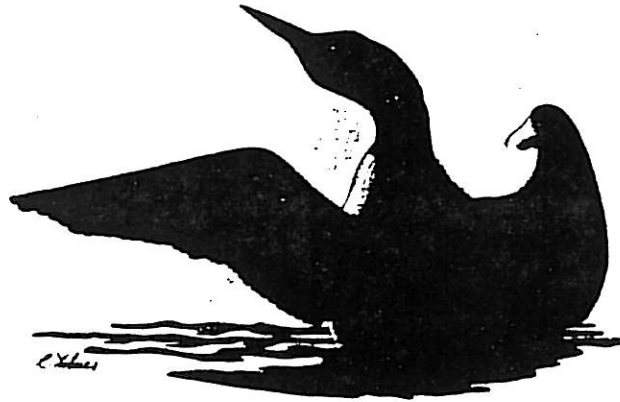


MATERIALS LIST

- 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

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



APPENDIX #2

MATANUSKA-SUSITNA BOROUGH

ORDINANCE NO. 92-145

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING
A NEW CHAPTER 17.18 (CHICKALOON SPECIAL LAND USE DISTRICT) OF THE
BOROUGH CODE

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

* Section 2. Adoption of New Chapter. Chapter 17.18 (Chickaloon Special Land Use District) is hereby adopted to read as follows:

Chapter 17.18

CHICKALOON
SPECIAL LAND USE DISTRICT

Sections

- I. General Provisions
 - 17.18.010 Established - Map adopted
 - 17.18.020 Purpose
 - 17.18.030 Definitions

- II. Application of Regulations
 - 17.18.040 Conformance required
 - 17.18.050 Permitted uses
 - 17.18.060 Conditional uses
 - 17.18.070 Prohibited uses
 - 17.18.080 Compliance
 - 17.18.090 Lot area
 - 17.18.100 Setback requirements

- III. Conditional Use Permits
 - 17.18.110 Intent
 - 17.18.120 Application and fee
 - 17.18.130 Public hearing
 - 17.18.140 Planning Commission action
 - 17.18.150 General standards

- IV. Variances
 - 17.18.160 Applications and procedures

- 17.18.170 V. Regulation of alcoholic beverage uses
Applications and procedures
- 17.18.180 VI. Flood damage prevention and coastal management plan
- 17.18.190 VII. Appeals
Appeals
- 17.18.200 VIII. Amendments
Report
- 17.18.210 Public hearings
- 17.18.220 IX. Enforcement and Penalties
Violations and enforcement

L. General Provisions

17.18.010 Established - Map adopted

(A) There is established a special land use district, which shall include all territory lying within the area designated as the Chickaloon community and further described as:

(B) Where the boundaries of the Chickaloon Community Council area change, the boundaries of the Chickaloon special land use district shall continue to be identical to those of the Chickaloon Community Council area.

17.18.020 Purpose

The area within the boundaries of this special land use district will be utilized so that land uses will be consistent with the objectives of the Chickaloon comprehensive plan and to protect the public health, safety and welfare.

17.18.030 Definitions

(A) **General.**

(1) Words used in the present tense include the past tense.

(2) The singular number includes the plural.

(3) The masculine gender includes the feminine.

(4) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

(B) **Specific definitions.**

(1) "Access." A legal way or means of approach to provide physical entrance or egress to a property.

(2) "Accessory." As applied to a use or a building or a structure, means customarily subordinate or incidental to, and located on the same lot with a principal use, building or structure.

(3) "Alteration." Any change, addition or modification in the construction, location or use classification of any building, structure or use.

(4) "Area, Lot." The total area within the property line, including easements but excluding dedicated rights-of-way.

(5) "Automobile wrecking." The dismantling or wrecking of automobiles or other motor vehicles, and the storage or keeping for commercial sale of dismantled or partially dismantled, obsolete or wrecked motor vehicles, or the parts resulting from such activity.

(6) "Automobile wrecking yard." The location of automobile wrecking activities as defined. See also junkyard.

(7) "Buffer." A means of protection against negative impacts which provides a physical separation or barrier.

(8) "Building." Any structure, including mobile homes, intended for the shelter, housing or enclosure of any person, animal, process, equipment, goods, use, materials or services of any kind or nature.

(9) "Building height." For the purposes of determining the maximum height of a building, means the vertical distance from the average finished grade adjacent to the building to the highest point on the roof, but not including radio antennae, water towers, church spires, penthouses constructed primarily for mechanical equipment, or similar incidental building features.

(10) "Campground." A plot of ground upon which two or more campsites are located, established or maintained for occupancy as temporary living quarters for recreation, education or vacation purposes.

(11) "Church." A building or structure, or a group of buildings or structures, which by design and construction are primarily intended for the conduct of organized religious services and accessory uses associated therewith excluding a single-family dwelling (parsonage) for use

by the pastor or caretaker. Additional on-site quarters for clergy or nuns, facilities for training of religious orders, or for daily educational purposes are excluded from this definition.

(12) "Commercial use." Any activity other than a home occupation where goods or services are offered or provided for sale or for profit.

(13) "Conditional use." A use of a structure of land which may be allowed by the planning commission after a public hearing and review and subject to certain prescribed or imposed conditions.

(14) "Conditional use permit." A written document which may specify additional controls and safeguards to ensure compatibility with permitted principal uses.

(15) "Dwelling." A building designed or used as the living quarters for one or more families.

(16) "Dwelling, Multi-family." A detached building designed for or occupied exclusively by three or more families and constituting three or more dwelling units.

(17) "Dwelling, Single-family." A detached building designed for or occupied by and providing housekeeping facilities for one family, including factory-built and prefabricated dwellings but not mobile homes.

(18) "Dwelling, Two-family." A detached building designed for or occupied exclusively by two families and constituting two dwelling units.

(19) "Dwelling unit." A structure or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for one family.

(20) "Family." One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a group home, rooming house, club, fraternity house or hotel.

(21) "Grade, Finished." The lowest point of elevation of the finished surface of the ground, paving or sidewalk between the building and a line five feet from the building or, when the property line is less than five feet from the building, between the building and the property line.

(22) "Grade, Natural." The elevation of the ground surface in its natural state, before man-made alterations.

(23) "Gravel pit." An open land area where sand, gravel and rock fragments are

mined or excavated for sale or off-tract use.

(24) "Group home." A legally licensed residential use which is a home for the elderly, or which serves as a dwelling for persons seeking care, rehabilitation or recovery from any physical, mental or emotional infirmity, for rehabilitation of criminals, or any combination thereof, in a family setting.

(25) "Group camp." An organized, often seasonal retreat with or without overnight accommodation which is operated as a profit or nonprofit business with planned recreational or educational activities and to which people come for scheduled visits.

(26) "Home occupation." An activity carried out in a dwelling unit or detached appurtenance provided that:

(a) No more than one other person in addition to members of the family who reside on the premises may engage in such occupation;

(b) The use of the dwelling unit or detached appurtenance for the home occupation is clearly incidental and subordinate to its use for residential purposes;

(c) There is no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building;

(d) Traffic is not generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;

(e) Equipment or process is not used the home occupation which creates noise, vibration, glare, fumes, odors or commercial electrical interference, in violation of applicable government rules and regulations. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; and

(f) Outdoor storage of materials or equipment is not required.

(27) "Industrial use." Any activity which includes manufacturing, processing, warehousing, storage, distribution, shipping and other related uses.

(28) "Junk." Any worn out, wrecked, scrapped, partially or fully dismantled discarded tangible material, combination of materials or items, including motor vehicles which are inoperable, machinery, metal, rags, rubber, paper, plastics and building materials. The

above-listed materials are not intended to be exclusive; "junk" may include any other materials, which cannot, without further alteration and reconditioning, be used for their original purposes.

(29) "Junkyard." An outdoor location where junk is gathered together and stored for a commercial or public purpose.

(30) "Landfill, Sanitary." See sanitary landfill. Also see Title 8, Sanitary fill sites.

(31) "Landfill site." A dumpsite where only natural, organic materials such as tree stumps, brush and/or topsoil resulting from land development efforts, can be disposed of or dumped.

(32) "Lot." A designated parcel, plot, tract or area of land established by plat, subdivision or, as otherwise permitted by law, to be used, developed or built upon as a unit. See also Title 16.

(33) "Mobile home." A detached single-family dwelling designed for long-term human habitation and having complete living facilities; capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer, and designed primarily for placement on a non-permanent foundation. Travel trailers as defined herein are not to be construed as mobile homes.

(34) "Park." A tract of land, designated and used by the public for active and/or passive recreation.

(35) "Parking space." A space for the parking of a motor vehicle within a public or private parking area.

(36) "Parsonage." The house provided by a church for use by its pastor.

(37) "Permitted use." A use of land or a structure which is allowed within a certain zoning district according to the regulations in this code and subject to the applicable restrictions.

(38) "Principal use." The primary or predominant use of any lot, building or structure.

(39) "Recreational use." Any formal or informal leisure time activity.

(40) "Recreational vehicle park." See travel trailer park.

(41) "Refuse area." See junkyard.

(42) "Right-of-way." A strip of land reserved, used or to be used for a street, alley, walkway, airport or other public or private purpose.

(43) "Salvage yard." See junkyard.

(44) "Sanitary landfill." A legally permitted site which has been designed, constructed and approved to accommodate the disposal of solid waste. See Title 8, Sanitary fill sites.

(45) "Setback." The area of a lot adjacent to a lot line within which structures as herein defined may not be erected.

(46) "Sign." A structure or device for advertising intended to direct attention to a business, which is placed upon or within a building, structure or parcel of land and which can be read from a public right-of-way, excluding:

(a) signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, name of occupants or premises, or other identification of premises not having commercial connotations;

(b) flags and insignia of any governmental agency except when displayed in connection with commercial promotion;

(c) regulatory, identification, informational or directional signs erected or required by governmental bodies or reasonably necessary to regulate parking and traffic flow on private property where such signs have no commercial connotation;

(d) integral decorative or architectural features of buildings; and

(e) holiday or special event banners.

(47) "Signs, Animated." Any sign or part of a sign which uses movement or change of lighting to depict action or to create a special effect or scene.

(48) "Sign, Flashing." Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

(49) "Sign, Portable." A sign that is not permanent, affixed to a building, structure, the ground, set on wheels or otherwise designed to be moved from one location to another.

(50) "Structure." Anything that is constructed or erected and located on or under the ground, or attached to something fixed to the ground, or an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For purposes of minimum setbacks and building separation requirements, the following are not considered structures unless specifically addressed by code: fences; retaining walls;

parking areas; roads; driveways or walkways; window awnings; a temporary building when used for 30 days or less; utility poles and lines; guy wires; clothes lines; flag poles; planters; incidental yard furnishings; water wells; monitoring wells and/or tubes; patios, decks or steps less than 18 inches above average grade.

(51) "Temporary Structure." A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

(52) "Travel Trailer." A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use, identified by a model number, serial number or vehicle registration number.

(53) "Travel Trailer Park." Any parcel, tract or lot or portion thereof where space for two or more travel trailers is leased, rented or held for rent for occupancy for less than thirty days excluding: automobile or travel trailer sales lots on which unoccupied travel trailers are parked for inspection and sale.

(54) "Use." The purpose for which land, a building or structure is arranged, designated or intended, or for which either land or a building is or may be occupied or maintained.

(55) "Variance." A grant of relief from one or more of the requirements in Title 17 as provided for by state law.

II. Application of Regulations

17.18.040 Conformance required

No building, structure, land or water area located within this special land use district shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected except in conformity with the regulations specified in this chapter.

17.18.050 Permitted uses

Those uses not identified as conditional uses or prohibited uses are permitted.

17.18.060 Conditional uses

The following uses may be permitted by obtaining a conditional use permit in accordance with Sections 17.18.110 through 17.18.150:

- (A) Group homes;
- (B) Churches and related buildings;
- (C) Utility substations and electrical transmission lines;
- (D) Highway maintenance yards;
- (E) Commercial gravel and quarry pits over one acre in size;
- (F) Group camps;
- (G) Natural resource extraction or processing;
- (H) Mobile home parks;
- (I) Uses that cause physical changes to the lot exceeding one acre in size, excluding agricultural uses as well as roads and parking lots when used as ancillary uses.

17.18.070 Prohibited uses

Prohibited uses and structures within the Chickaloon special land use district are all uses and structures not specified as permitted or conditional uses, including:

- (A) Junkyards, salvage yards and automobile wrecking yards;
- (B) Sanitary landfills and refuse areas.

17.18.080 Compliance

No building, structure, land or water area located within this special land use district shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, repaired or structurally altered except in conformity with the regulations specified in this chapter.

17.18.090 Lot area

The minimum lot area for any use shall be five acres.

17.18.100 Setback requirements

The setback requirements specified in Chapter 17.55 shall apply.

III. Conditional Use Permits

17.18.110 Intent

It is recognized that there are certain uses which are generally considered appropriate in this district; provided that controls and safeguards are applied to ensure their compatibility with permitted principal uses and to protect the public health, safety and welfare. The conditional use permit procedure is intended to allow the community and planning commission

to consider the impact of the proposed conditional use on surrounding property and the application of controls and safeguards to assure that the conditional use will be compatible with the surrounding area and in keeping with the character and integrity of the Chickaloon community.

17.18.120 Application and fee

(A) An application for a conditional use permit shall be filed by the owner of the property concerned or his authorized agent.

(B) Application for a conditional use permit shall be in writing on forms prescribed by the planning director. The application shall include:

- (1) A legal description of the property involved;
- (2) A statement of the proposed use; and
- (3) A detailed site plan showing the proposed location of all buildings and structures on the site, access points, visual screening, buffering, drainage, vehicular and pedestrian circulation patterns, parking areas and the specific location of the proposed land use or uses, specific location of septic and waste water facilities, together with other information as may be required to comply with the standards for a conditional use listed in this chapter and in other pertinent sections of this chapter. For those conditional uses involving natural resource extraction or gravel pits acceptable groundwater monitoring and reclamation plans shall be submitted for review and consideration by the planning commission.

(C) A nonrefundable fee as prescribed by Chapter 17.99.

17.18.130 Public hearing

The planning commission shall hold a public hearing to consider any conditional use permit application.

(A) Notice of any public hearing required under this code shall be given in accordance with this section.

(B) Forms of notices are as follows:

- (1) Publication in a newspaper of general circulation in the borough fifteen (15) days prior to the public hearing;
- (2) Mailing a public hearing notice at least fifteen (15) days prior to the public hearing to all record owners of property within a distance of six hundred feet of the exterior

boundary of the property that is the subject of the application, or to the record owners of the five tax parcels nearest the property that is the subject of the application, whichever is the greater number of persons;

(3) In addition to the requirements of Subsection 17.18.130 (B.2) of this chapter, if the public hearing is for a conditional use permit within a recorded subdivision, all persons holding a legal interest in property within that subdivision shall be mailed a public hearing notice.

(C) When the property that is the subject of an application lies within the boundaries of a community council recognized by the assembly, notice shall be mailed to the community council at least fifteen days prior to the public hearing.

(D) Record owners in this section refers to the owners as shown in the records of the borough tax assessor.

(E) The failure of any person to receive any notice required under this section, where the records of the borough indicate the notice was provided in a timely manner, shall not affect the validity of any proceeding under this title.

(F) Every public hearing notice shall state the following information:

(1) Date, time and location of the public hearing;

(2) Brief description of the application;

(3) Description of the property that is the subject of the application and a vicinity map of that land;

(4) Legal description of the application;

(5) The names of the applicants and the owners of the subject property;

(6) Identify the location of where the application and other supporting material will be available for public inspection; and

(7) Identify the planning department's telephone number.

(G) Prior to the date of the public hearing, the applicant shall pay the cost of all mailings or advertisements required by ordinance specific to that action.

17.18.140 Planning commission action

(A) The planning commission shall consider the recommendation of the Chickaloon Community Council, shall hear any interested parties and shall render a decision on the

application for a conditional use permit within thirty (30) calendar days from the date of public hearing. In recommending the granting of a conditional use permit, the planning commission shall state in writing the conditions of approval of the permit which it finds necessary to carry out the intent of this chapter. These conditions may increase the required lot or yard size, control the location and number of vehicular access points to the property, require screening and landscaping, and may require the reclamation of property to a character in keeping with surrounding lands. The commission may also impose other conditions and safeguards designed to ensure the compatibility of the conditional use with other lawful uses and the character and integrity of the Chickaloon community.

(B) The Planning director shall incorporate any conditions or requirements stipulated by the commission in the conditional use permit.

17.18.150 General standards

A conditional use may be approved only if it meets the requirements of this section in addition to any other standards required by this chapter.

(A) The conditional use will not detract from the value, character or integrity of the Chickaloon community;

(B) That the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in question;

(C) That granting the conditional use permit will not be harmful to the public health, safety, convenience and welfare;

(D) That sufficient access, setbacks, lot area, parking space, buffers, and other safeguards are being provided to meet the conditions;

(E) If the permit is for a public use or structure, the commission must find that the proposed use or structure is located in a manner which will maximize public benefits.

IV. Variances

17.18.160 Applications and procedures

Applications and procedures for variances under Chapter 17.18 shall be as prescribed in Chapter 17.65.

V. Regulation of Alcoholic Beverage Uses

17.18.170 Applications and procedures

Applications and procedures for alcoholic beverage sales on dispensaries under Chapter 17.18 shall be as prescribed in Chapter 17.70

VI. Flood Damage Prevention and Coastal Management Plan

17.18.180 Flood damage prevention and coastal management plan

Compliance with flood hazard prevention and coastal management under 17.18 shall be as prescribed in Chapter 17.29 and the most recently adopted MSB Coastal Management Plan.

VII. Appeals

17.18.190 Appeals

Appeals from decisions of the planning commission may be made under the provisions of Chapter 15.38 of this Code.

VIII. Amendments

17.18.200 Report

(A) Before any proposed change of this chapter may be acted upon by the borough assembly, the planning commission shall study the proposed change and make a report in writing to the assembly.

(B) The report shall give consideration as to the effect the proposed change would have on the public health, safety, convenience and welfare. It shall also state whether the proposed change:

- (1) Will adversely affect the character and integrity of the Chickaloon area;
- (2) Is contrary to the established land use pattern;
- (3) Will materially alter the population density pattern and thereby increase the demand for public facilities and services;
- (4) Will create or excessively increase traffic congestion or otherwise affect public safety;
- (5) Will adversely affect property values in the adjacent area;
- (6) Will be a deterrent to the improvement or development of adjacent property in accord with existing regulations;
- (7) Will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

(C) The Chickaloon Community Council should consider the request and provide a

recommendation to the planning commission.

(D) The report shall incorporate comments heard at the public hearing held by the planning commission and shall recommend as to approval and disapproval of the proposed change.

(E) The report shall be forwarded to the borough assembly.

17.18.210 Public hearings

Before the borough assembly may act on a proposal for amendment to this chapter, the borough clerk shall cause an ordinance to be prepared setting forth the details of the proposed amendment. Such ordinance shall be introduced at a regular or special meeting of the borough assembly and a date for a public hearing established. The clerk shall give notice of the public hearing in the manner prescribed in this title.

IX. Enforcement and Penalties

17.18.220 Violations and enforcement


Violations and enforcement of this chapter shall be consistent with the terms and conditions of Chapter 17.56.

* Section 4. Effective Date. This ordinance becomes effective upon adoption.


Introduction: 12-15-92

Public Hearing: 1-5-93

ADOPTED by the Matanuska-Susitna Borough Assembly this 5 day of January, 1993.


Ernest W. Brannon, Borough Mayor

ATTEST:


Linda Dahl, Borough Clerk

(SEAL)

CODE ORDINANCE

Introduced by: Borough Manager

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 95-162

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.18.010 THE CHICKALOON SPECIAL LAND USE DISTRICT.

BE IT ENACTED:

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

Section 2. Amendment of section. MSB 17.18.010 is hereby amended to read as follows:

17.18.010 ESTABLISHED[; MAP ADOPTED].

(A) There is established a special land use district, which shall include all territory lying within the area designated as the Chickaloon community and further described in subsection (B).

(B) [WHERE THE BOUNDARIES OF THE CHICKALOON COMMUNITY COUNCIL AREA CHANGE, THE BOUNDARIES OF THE CHICKALOON SPECIAL LAND USE DISTRICT SHALL CONTINUE TO BE IDENTICAL TO THOSE OF THE CHICKALOON COMMUNITY COUNCIL AREA.] The Chickaloon Special Land Use District includes the following area:

Township 19 North, Range 4 East, Seward Meridian, Alaska
Sections 1 and 2

Lying southeasterly
of the thread
(center of the
braided channels) of
Kings River

Township 19 North, Range 4 East, Seward Meridian, Alaska
Sections 10 and 11

Lying southeasterly
of the thread
(center of the

braided channels) of
Kings River

Township 19 North, Range 4 East, Seward Meridian, Alaska
Sections 12, 13 and 14 All

Township 19 North, Range 4 East, Seward Meridian, Alaska
Sections 15 and 16 Lying southeasterly
of the thread
(center of the
braided channels) of
Kings River

Township 19 North, Range 4 East, Seward Meridian, Alaska
Sections 21, 22, 23 and 24 All

Township 19 North, Range 5 East, Seward Meridian, Alaska
Sections 1, 2, 3, 4, 5, 6, 7,
8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22,
23 and 24 All

Township 19 North, Range 6 East, Seward Meridian, Alaska
Sections 1, 2, 3, 4, 5, 6, 7,
8, 9, 10, 11, 12, 13, 14, 15,
16, 17 and 18 All

Township 19 North, Range 7 East, Seward Meridian, Alaska
Sections 1, 2, 3, 4, 5, 6, 7,
8, 9, 10, 11, 12, 13, 14, 15,
16, 17 and 18 All

Township 20 North, Range 4 East, Seward Meridian, Alaska
Section 36 Lying southeasterly
of the thread
(center of the
braided channels) of
Kings River

Township 20 North, Range 5 East, Seward Meridian, Alaska
Sections 7, 8, 9, 10, 11, 12,

13, 14, 15, 16, 17, 18, 19,
20, 21, 22, 23, 24, 25, 26,
27, 28, 29, 30, 31, 32, 33,
34, 35 and 36

All

Township 20 North, Range 6 East, Seward Meridian, Alaska
Sections 7, 8, 9, 10, 11, 12,

13, 14, 15, 16, 17, 18, 19,
20, 21, 22, 23, 24, 25, 26,
27, 28, 29, 30, 31, 32, 33,
34, 35 and 36

All

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 7, 8, 9, 10, 11 and 12

All

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 13 and 14

Lying westerly of
the thread (center
of the braided
channels) of
Purinton Creek

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 15, 16, 17, 18, 19,

20 and 21

All

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 22 and 23

Lying westerly of
the thread (center
of the braided
channels) of
Purinton Creek

Township 20 North, Range 7 East, Seward Meridian, Alaska
Section 26

Lying westerly of
the thread (center
of the braided
channels) of
Purinton Creek

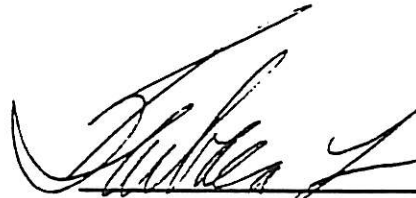
Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 27, 28, 29, 30, 31,
32, 33 and 34 All

Township 20 North, Range 7 East, Seward Meridian, Alaska
Sections 35 and 36 Lying southwesterly
of the thread (of
the braided
channels) of the
Matanuska River

Section 3, Effective date. Ordinance Serial No. 95-162
shall take effect upon adoption by the Matanuska-Susitna Borough
Assembly.

INTRODUCTION: 12/5/95 PUBLIC HEARING: 12/19/95

ADOPTED by the Matanuska-Susitna Borough Assembly this 19th
day of December, 1995.



BARBARA LACHER, Borough Mayor

ATTEST:

Kristie L. Van Dolen, Deputy Clerk, for
SANDRA A. DILLON, Borough Clerk

(SEAL)

CODE ORDINANCE

Introduced by: Borough Manager

MATANUSKA-SUSITNA BOROUGH
 ORDINANCE SERIAL NO. 95-163

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 15.24.030(B) BY AMENDING THE CHICKALOON COMPREHENSIVE PLAN.

BE IT ENACTED:

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

Section 2. Amendment of plan. The Chickaloon Comprehensive Plan also called the Chickaloon Community Plan, April 1991, is revised by amending the Chickaloon Community Plan Map to reflect the following area:

Township 19 North, Range 4 East, Seward Meridian, Alaska
 Sections 1 and 2

Lying southeasterly
 of the thread
 (center of the
 braided channels) of
 Kings River

Township 19 North, Range 4 East, Seward Meridian, Alaska
 Sections 10 and 11

Lying southeasterly
 of the thread
 (center of the
 braided channels) of
 Kings River

Township 19 North, Range 4 East, Seward Meridian, Alaska
 Sections 12, 13 and 14

All

Township 19 North, Range 4 East, Seward Meridian, Alaska
 Sections 15 and 16

Lying southeasterly
 of the thread
 (center of the

braided channels) of
Kings River

Township 19 North, Range 4 East, Seward Meridian, Alaska
Sections 21, 22, 23 and 24 All

Township 19 North, Range 5 East, Seward Meridian, Alaska
Sections 1, 2, 3, 4, 5, 6, 7,
8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22,
23 and 24 All

Township 19 North, Range 6 East, Seward Meridian, Alaska
Sections 1, 2, 3, 4, 5, 6, 7,
8, 9, 10, 11, 12, 13, 14, 15,
16, 17 and 18 All

Township 19 North, Range 7 East, Seward Meridian, Alaska
Sections 1, 2, 3, 4, 5, 6, 7,
8, 9, 10, 11, 12, 13, 14, 15,
16, 17 and 18 All

Township 20 North, Range 4 East, Seward Meridian, Alaska
Section 36 Lying southeasterly
of the thread
(center of the
braided channels) of
Kings River

Township 20 North, Range 5 East, Seward Meridian, Alaska
Sections 7, 8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18, 19,
20, 21, 22, 23, 24, 25, 26,
27, 28, 29, 30, 31, 32, 33,
34, 35 and 36 All

Township 20 North, Range 6 East, Seward Meridian, Alaska
Sections 7, 8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18, 19,
20, 21, 22, 23, 24, 25, 26,

27, 28, 29, 30, 31, 32, 33, 34, 35 and 36	All
Township 20 North, Range 7 East, Seward Meridian, Alaska Sections 7, 8, 9, 10, 11 and 12	All
Township 20 North, Range 7 East, Seward Meridian, Alaska Sections 13 and 14	Lying westerly of the thread (center of the braided channels) of Purinton Creek
Township 20 North, Range 7 East, Seward Meridian, Alaska Sections 15, 16, 17, 18, 19, 20 and 21	All
Township 20 North, Range 7 East, Seward Meridian, Alaska Sections 22 and 23	Lying westerly of the thread (center of the braided channels) of Purinton Creek
Township 20 North, Range 7 East, Seward Meridian, Alaska Section 26	Lying westerly of the thread (center of the braided channels) of Purinton Creek
Township 20 North, Range 7 East, Seward Meridian, Alaska Sections 27, 28, 29, 30, 31, 32, 33 and 34	All
Township 20 North, Range 7 East, Seward Meridian, Alaska Sections 35 and 36	Lying southwesterly of the thread (of the braided channels) of the Matanuska River


Section 3. Amendment of subsection. MSB 15.24.030(B)(6) is hereby amended to read as follows:

(6) Chickaloon Comprehensive Plan, adopted 1991, [AS] amended 1995;

Section 4, Effective date. Ordinance Serial No. 95-163 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

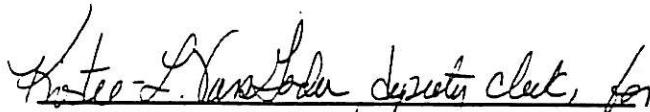
INTRODUCTION: 12/5/95 PUBLIC HEARING: 12/19/95

ADOPTED by the Matanuska-Susitna Borough Assembly this 19th day of December, 1995.



BARBARA LACHER, Borough Mayor

ATTEST:



SANDRA A. DILLON, Borough Clerk

(SEAL)