

# Beverly Lake

## Lake Management Plan

PREPARED BY:  
Matanuska-Susitna Borough  
Planning Department

Adopted by the  
Matanuska-Susitna Borough on  
December 20, 2022

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# Introduction

The Matanuska-Susitna Borough (MSB) adopted the first Lake Management Plan (LMP) in 1995. Since then, there have been forty-two LMPs adopted by the Borough Assembly, including this plan. The Beverly Lake LMP was initiated in the summer of 2021 for the same reasons as the 41 lakeside communities before them: as populations grow, there is an increase in conflicting uses of the land and water being developed. When this happens, the residents have an option of initiating an LMP to resolve conflict among current neighbors while setting a standard for incoming residents. The LMP process is a grassroots planning option, meaning that LMPs must be initiated by a lake community. Once initiated, the residents work together to develop the regulations they think are appropriate for the lake. The Borough's Planning Department staff act as researchers, writers, and neutral meeting facilitators throughout the process.

The Beverly Lake LMP will provide general lake information, as well as the legal framework the MSB uses to regulate waterbodies within its boundary. The Issues Summary provides the intent behind the regulations that are included in the Beverly Lake LMP by describing the public comments received throughout the planning process, and the Goals represent the public comments as they pertain to the regulations included in this LMP.

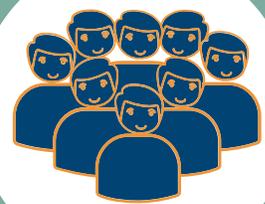


42

Number of Lake Management Plans Adopted by the MSB Assembly



Borough Code for LMP's:  
MSB 15.24  
MSB 17.59



Developed by residents, for residents, and voted on by the MSB Assembly

# General Lake Information

Beverly Lake is located in the Meadow Lakes Community Council administrative area. According to the Alaska Department of Fish and Game (ADF&G), the lake is approximately 42 surface acres and has a mean depth of 9.5 feet and a maximum depth of 20 feet. ADF&G has stocked Beverly Lake with rainbow trout since 1992 and continues to do so.

The Bathymetric Map can be found using this link:

<https://www.adfg.alaska.gov/index.cfm?adfg=fishingSportLakeData.lakeDetail&LakeID=18>

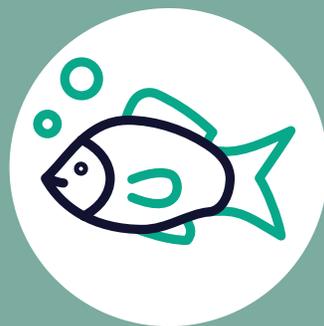
Public access is currently found by way of Seldon Rd/Beverly Lake Rd and N Windy Bottom Rd. There is a small gravel parking lot, and the trail is somewhat maintained by a combination of local users and ADF&G. **Overnight camping is not allowed at the public access point.** Public access is located within a section-line easement on private property. If accessing the lake via the public access trail, be courteous of private property. A map of land ownership and public access can be found as Appendix A. This is a walk-in access only. There is no motorized public use on Beverly Lake.

The migratory birds are a source of pride and joy for the residents of Beverly Lake. Every summer, swans use the lake on their way north, and there have been nesting loons for many years. Lake residents have noted that in recent years there has been a decline in swan and loon sightings, but would like to work towards creating a healthy environment that supports migratory birds and their nesting habitats.

Lake residents enjoy many recreational activities in the warmer months such as fishing and kayaking, jet skiing boating, water skiing, and paddle boarding. In the winter, residents and the general public use Beverly Lake for snowmachining and ice fishing.



Size: 42 Acres  
Avg. Depth: 9 feet  
Max Depth: 20 feet



Alaska Department of Fish & Game has stocked Beverly Lake with Rainbow Trout since 1992



Public Access is on a section line easement off N Windy Bottom Rd. BE COURTEOUS OF PRIVATE PROPERTY.

# Borough Code

The MSB has two titles in Borough Code that it uses to manage and implement LMP's. The first is Title 15, specifically, section 15.24.031 *Initiating and Amending Lake Management Plans*. This section of code defines the process that can be initiated by any property owner living within 600 feet of a lake's shoreline.

The second is Title 17, specifically chapter 17.59, *Lake Management Plan Implementation*. This chapter takes the regulations defined in an LMP and turns them into regulations that MSB Code Compliance Officers can enforce. All borough plans must go through a public process that includes review by the Planning Commission and review and vote by the Borough Assembly.

MSB  
15.24.031

Initiates &  
Amends Lake  
Management  
Plans

MSB  
15.24.030

Adopts Lake  
Management  
Plans

MSB  
17.59

Implements  
Lake Management  
Plans

# Beverly Lake LMP Process Timeline



Petition



November 2021

Ballot



February 2022

Public Meetings &  
Draft Plan



March - May 2022

Final Ballot



May 2022

Planning Commission  
and Assembly Public  
Hearing



June - December 2022

# Issues Summary: Motorized Use

Throughout the spring of 2022, Planning staff facilitated three public meetings. There were two in person meetings with a Microsoft Teams component for remote participation, and one meeting that was solely virtual. Residents of Beverly Lake had an opportunity at each meeting to discuss their concerns, and to connect over all the reasons each person chose to live on the lake. Staff presented on how the LMP process was initiated and how an LMP can help support and protect the quality of life of lakeside residents. In addition to the public meetings, many residents also called and emailed written comments to Planning staff throughout the process. Overall, the community was extremely involved in the public participation process! This section of the LMP provides a summary of the issues that were brought up through the public process.

## **Motorized Watercraft Use:**

Lake residents who were in favor of banning all motorized watercraft use above 15 horsepower noted that the size and depth of the lake cannot accommodate large wakes. Residents talked through the incompatibility of high speed motorized use with non-motorized recreation and swimming, noting that when jet skis are on the water, they do not let their children recreate because they do not feel safe doing so. Residents in favor of banning jet skis noted that there was never a need for an LMP before, because jet skis and speed boats were not as prevalent in the past as they are now. This group of residents showed an interest in maintaining the ability to use kayaks, canoes, and stand-up paddle boards (SUPs), as well as motorized watercraft of 15 horsepower and below.

Lake residents who were in favor of jet skis and speed boats on the lake frequently mentioned that they specifically moved to Beverly Lake because of its lack of restrictions. They noted that it is the burden of the homebuyer to do their research before purchasing a home, and that adopting an LMP would be unfair due to the fact that they might not have purchased their property had they known there was going to be restrictions. Some had just recently purchased jet skis while others mentioned learning how to waterski as they grew up on Beverly Lake. Residents in favor of jet ski use on the lake said they wished to work together with their neighbors to resolve any conflict without the help of the MSB or a Lake Management Plan.

Winter vehicle use was mentioned briefly. Residents were primarily in support of maintaining snowmachine use on the lake, but noted that there was some irresponsible use that should be taken care of as neighbors.

The motorized watercraft issue was the primary topic of concern and the reason behind initiating the lake management plan process. In the first in-person meeting, residents worked together to develop a regulation package that showed some compromise between motorized and non-motorized users. Both groups greatly value the opportunity that living on a lake gives them to create lasting memories with friends and family, and to enjoy the brief Alaskan summers.

# Issues Summary: Safety and Fish & Wildlife

## **Safety:**

Beverly Lake has a diverse group of residents who enjoy recreating in many different ways. There was a shared concern that when high-speed motorized watercraft are on the lake, it makes it unsafe for non-motorized users to recreate at the same time. There were several accounts of “close calls” between children on jet skis and children in the water that were met with a deep community concern to make Beverly Lake a safe place for children to play and recreate.

## **Fish & Wildlife:**

Residents highly value the fact that Beverly Lake is used by migratory birds such as swans, Sandhill cranes, and loons. There are also resident muskrats that residents enjoy seeing around. There is an area on the east side of the lake that is owned by the Alaska Department of Natural Resources that has been used by loons as nesting habitat for many years. Concerns regarding the effects of high powered watercraft on nesting habitat were shared by many attendees. Many residents agreed that a sign in this area of the lake would be helpful for protecting nesting habitat. Staff from Alaska Department of Fish and Game who attended the meetings gave residents information on how to go about obtaining and putting up a sign for wildlife protection education and notice. A resident also mentioned pollution due to firework debris and its impact on the fish stock as an issue.



# Issues Summary: Property Damage and Quality of Life

## Property Damage:

Several residents mentioned damage to their docks as a reason for initiating an LMP. Property owners emailed videos and photos of shoreline degradation due to large wakes on their property. The shape, size, and depth of the lake were noted as reasons that wakes are difficult to manage. There have been many issues with the placement of the public access point, including overnight camping and other illegal activities carried out by the general public in the area.

## Quality of Life:

Residents would like to protect the quiet, residential character of the lake. They would also like to reduce the number of conflicts between users as the community continues to grow and change. Residents agreed that quiet hours would be a good addition to an LMP. Those who are in favor of motorized use, including jet skis, shared that recreating on their jet skis and boats was part of the reason they moved to Beverly Lake, and consider it a great way to enjoy the summer and time with family. Those who were not in favor of motorized use shared that the quiet, peaceful, safe atmosphere of Beverly Lake was what pleased them most about their community. There was a lot of support for working towards respectful use of the lake as neighbors and using something like a Facebook group to increase communication between all residents.

# COMMUNITY GOALS

Residents of Beverly Lake want to protect the recreational and environmental values of the lake for their families, and for generations to come. Residents will achieve this by working together to achieve these goals:

## Environment

- Protect migratory bird nesting area and wildlife habitat.
- Be environmental stewards of the lake for future generations.

## Safety

- Respectfully operate motorized watercraft with non-motorized users in mind.
- Work together to increase communication and resolve conflict using a neighbor-to-neighbor approach.

## Property Damage

- Operate all motorized watercraft in a manner that protects the shoreline, docks, and personal property of all Beverly Lake residents.

## Quality of Life

- Maintain the quiet, recreational, residential quality of the Beverly Lake neighborhood.

# Plan Implementation

The regulations for the Beverly Lake LMP were decided by an amendment by the MSB Assembly after the initial vote was reconsidered. The original ballot for the final vote can be found in Appendix F.

The regulations below were adopted into Title 17.59 of MSB Code on December 20, 2022 by OR 22-078. This means that the regulations are enforceable by the MSB Code Compliance Officers.

If a resident would like to report an incident, they can call the Permit Center at 907-861-7822. All reports must include a time-stamped photo or video of the alleged misuse of the lake. The first step in a Code Compliance complaint will always be from an education standpoint. An officer will come to the lake and try to talk with the residents about the regulations. If the resident continues to act outside the bounds of the Lake Management Plan, the Code Compliance Officer may issue a citation.

\*Snowmachine use and ice houses are allowed on Beverly Lake. \*

## Beverly Lake Code-Enforceable Regulations:



### Quiet Hours:

**10pm to 8 am, Sunday through Saturday**



**Motorized Watercraft Use: Prohibited, except for:**  
**Sunday through Tuesday, and all 3 day federal holidays**  
**(Memorial Day, Fourth of July, and Labor Day)**



**Personal Motorized Watercraft Use: Prohibited, except for:**  
**Sunday through Tuesday, and all 3 day federal holidays**  
**(Memorial Day, Fourth of July, and Labor Day)**



### No Wake Zone:

**100 feet from shoreline except when a waterskier is leaving the dock or shore**

# Appendices

**A**

**Land Ownership Map**

**B**

**MSB Setback Requirements**

**C**

**Community Planning Resources**

**D**

**MSB Best Management Practices for  
Development around Waterbodies**

**E**

**Ballot to Initiate a Lake Management Plan**

**F**

**Final Ballot Packet**

**G**

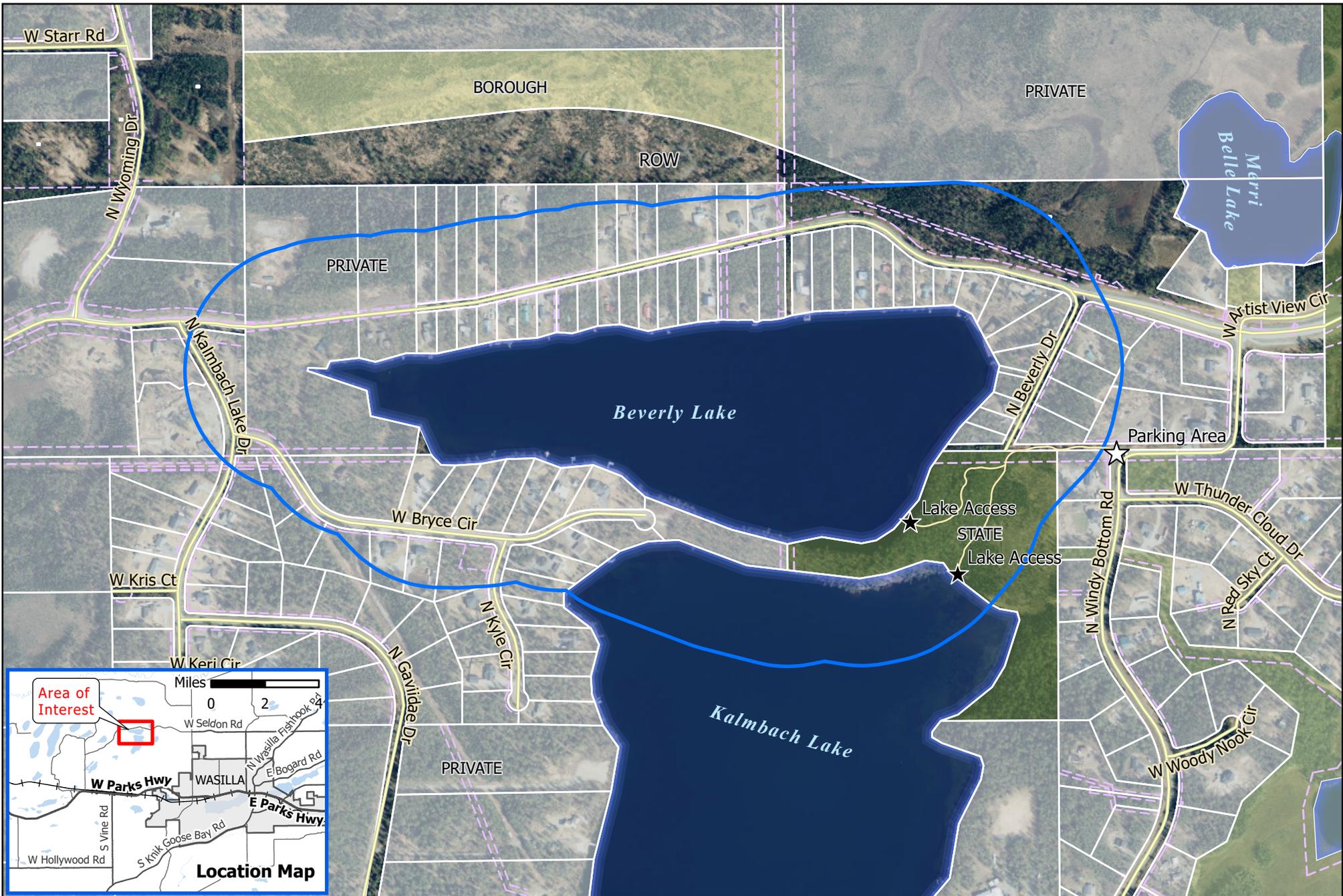
**Planning Commission Resolution 22-27**

**H**

**Assembly Ordinance NO. 22-078**

**I**

**Assembly Information Memorandum 22-139**



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858

Map Produced by MSB GIS Division: Tuesday, April 19, 2022

## Beverly Lake

### Lake Management Plan Draft

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### Land Use & Ownership Map

#### Appendix A

#### Land Ownership

- BOROUGH
- PRIVATE
- STATE
- NO DATA - LIKELY STATE

- 600' Lake Buffer
- Lakes
- Parcel boundaries
- R.O.W. or Easement

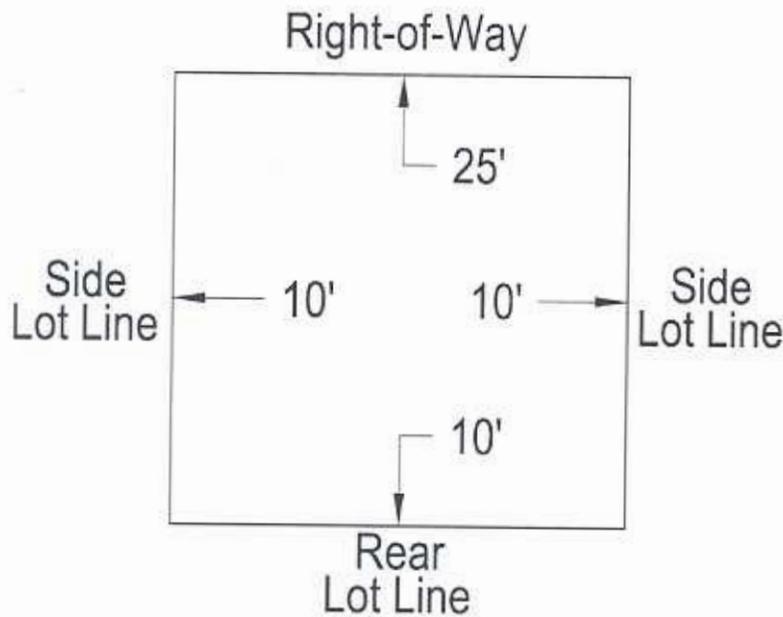
- ★ Lake Access
- ☆ Parking Area



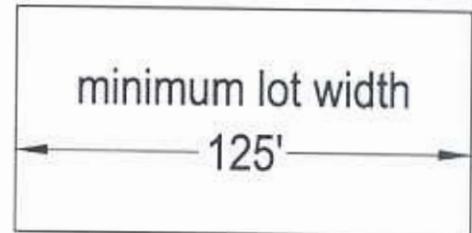
2021 Aerial Imagery

Path: M:\Product\Planning\Lake\_Management\LakeManagementMaps\LakeManagementMaps.aprx

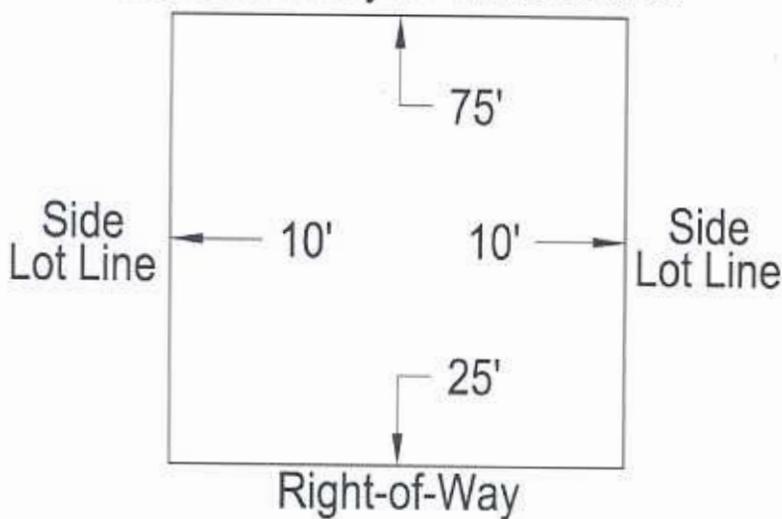
# General Setback Requirements and Lot Size\* Requirements



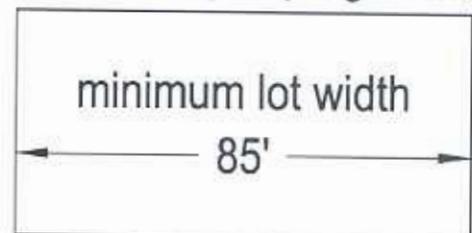
Ordinary High Water Line of Lake (no community septage)



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.

### **Community Planning Resources and Information**

#### **Federal:**

Regarding Migratory Birds: 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 of Alaska:**

Susitna Southeast Area Plan (2008), Palmer-Wasilla Region

Document can be found on the Mining, Land & Water website under “Land Use Planning”

Regarding Public Waterbodies: Land that 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 high-water 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 8.05.127 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.

#### **Matanuska-Susitna Borough:**

Borough-wide Comprehensive Plan: <https://matsugov.us/plans/borough-wide-comprehensive-plan>

Meadow Lakes Community Comprehensive Plan: <https://matsugov.us/plans/meadow-lakes-comprehensive-plan>



## HOW CAN YOU HELP PROTECT WATER QUALITY?

### Voluntary Best Management Practices For Development around Waterbodies

Best Management Practice	Rationale
<p><b>Maintain the natural shoreline or riparian habitat.</b></p> <ul style="list-style-type: none"> <li>• Preserve a minimum 75 foot wide buffer of continuous, undisturbed native vegetation along at least 50% of the parcel's shoreline or stream bank.</li> <li>• Along remaining 50% of shoreline, limit vegetation removal to what is necessary to accommodate paths, docks, or other limited development.</li> </ul>	<p>Protects water quality by reducing nutrient loading in lakes and minimizing temperature changes to stream environments.</p> <p>Provides flood control and reduces erosion and sedimentation.</p> <p>Protects fish and wildlife habitat by providing cover, nest sites and spawning areas.</p>
<p><b>Minimize impervious surfaces on shoreline lots.</b></p> <ul style="list-style-type: none"> <li>• Limit to maximum of 25% of lot area.</li> <li>• Minimize as much as possible within 75 feet of the water's edge.</li> </ul>	<p>Impervious surfaces such as pavement, roof tops, and compacted soil allow runoff to enter waterbodies more readily.</p> <p>Runoff in residential or commercial areas may contain phosphorus and other nutrients that lead to oxygen deficits and algal blooms.</p>
<p><b>Avoid adding sand beaches or adding fill material to lakeshore, stream banks or wetland areas.</b></p>	<p>Sand or fill reduces water clarity, is harmful to aquatic life and may contain phosphorus that enriches waterbodies.</p>
<p><b>Adhere to the state of Alaska's 100 foot waterbody separation for septic systems and outhouses, and keep septic systems in good working order.</b></p>	<p>Bacterial contamination from poorly maintained or leaking septic systems or outhouses is a human health concern.</p> <p>Nutrients from poorly functioning septic systems or outhouses are waterbody pollutants.</p>
<p><b>Use landscaping practices that will reduce degradation of waterbodies, including:</b></p> <ul style="list-style-type: none"> <li>• Test soils to see if fertilizers are needed and use sparingly.</li> <li>• Design a smaller lawn to reduce fertilizer use.</li> <li>• Use native species that grow well without fertilizer.</li> <li>• Avoid fertilizer use completely within 50 feet of the water's edge.</li> </ul>	<p>Lawns are often over-fertilized, which leads to harmful levels of nutrients in the water.</p> <p>Lawns are not as effective as natural vegetation for pollution filtration.</p> <p>Lawns do not provide protective cover for fish and wildlife populations that are part of the waterbody system.</p>
<p><b>Maintain at least a 75' distance from the water's edge for:</b></p> <ul style="list-style-type: none"> <li>• Additional permanent or accessory buildings.</li> <li>• Driveways, roads and other impervious surfaces.</li> <li>• Livestock or dog quarters or yards.</li> <li>• Manure or compost piles.</li> <li>• Long-term vehicle or equipment storage.</li> </ul> <p>Exceptions may include boathouses, floatplane hangers, marinas, piers and docks that need to be closer than 75 feet to serve their purposes.</p>	<p>Protects human health and water quality by reducing contamination from animal waste, compost, fuels, sediment and other substances that pollute waterbodies.</p>

Mat-Su Borough Ordinance 05-023 established voluntary measures that property owners can use to protect the quality of our lakes, streams and wetlands. For more information, contact the Matanuska-Susitna Borough, Department of Planning and Land Use at 861-8556.



## MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Planning Services Division

350 East Dahlia Avenue, Palmer, Alaska 99645-6488

Phone 861-8525 • Fax 745-9876

kelsey.anderson@matsugov.us

December 3, 2021

RE: Initiation of Beverly Lake, Lake Management Plan

Dear Beverly Lake Property Owner,

The Matanuska-Susitna Borough Planning Services Division has received a valid petition per MSB 15.24 requesting the initiation of a lake management plan for Beverly Lake. The next step is to ask you, the owners of property within 600 feet of the lakeshore, if you are, or are not, in favor of starting this process.

A lake management plan would include:

- an overview of the public participation and petition process;
- a brief description of the character and goals of the Beverly Lake community; and
- a list of community-chosen restricted uses to be adopted into MSB Code 17.59, *Lake Management Plan Implementation*.

**Please return this sheet, using the enclosed prepaid envelope, indicating your preference (YES or NO) regarding starting a lake management plan, no later than Wednesday, February 9, 2022.**

If a majority of ballots returned to the borough are in favor of starting a lake management plan, we will notify all property owners and schedule public meetings to draft the Beverly Lake, Lake Management Plan. Once drafted, the plan will be circulated for a 30 day public review period. Then, two public hearings will be held before the plan is voted upon by the borough assembly. If the assembly votes to adopt the lake management plan, the list of restricted uses from the plan will become enforceable through borough code (MSB 17.59).

If you would like to participate in the development of the lake management plan, please provide your email and/or phone number. Thank you for being involved in this process!

Respectfully,

Kelsey Anderson  
Planner II

YES - I am in favor of starting a lake management plan for Beverly Lake.

NO - I am not in favor of starting a lake management plan for Beverly Lake.

Email: \_\_\_\_\_ Phone: \_\_\_\_\_



## MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department  
Planning Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-8525

[kelsey.anderson@matsugov.us](mailto:kelsey.anderson@matsugov.us)

May 6, 2022

**RE: Letter to the Property Owner** - Approval of Draft Lake Management Plan and Regulations for Beverly Lake

Dear Beverly Lake Property Owner,

This is your official ballot packet for the Beverly Lake, Lake Management Plan (LMP). Items included in this packet are: letter to the property owner; educational materials on Ranked Choice Voting; one numbered ballot per parcel that you own; and stamped envelopes to return your ballot(s) to the MSB. **Please review all material carefully before sending in your ballot(s).**

The Matanuska-Susitna Borough (MSB) Planning Department has facilitated three public meetings so residents of Beverly Lake could come together and discuss how they would like to manage activity on the lake. The next step in the Beverly Lake, Lake Management Plan (LMP) process is to ask you, the owners of property within 600 feet of the lakeshore, if you are, or are not, in favor of moving the Draft Plan forward to the Planning Commission and Assembly. Because residents were not able to come to a consensus regarding the regulations that would be included in the plan, Planning staff must now ask all residents to vote on which regulation package they would like to see included in a plan. The final regulation options for the Beverly Lake LMP were developed by the residents of Beverly Lake, and are presented as "Option A" and "Option B" on the ballot. There is also an "Option C," which is the option to not have an LMP. Residents agreed to a ranked choice voting option for this ballot. Planning staff has included educational materials on ranked choice voting in this packet.

If Option A or Option B get the majority vote (50% + 1 vote), the Beverly Lake LMP will go forward first to the Planning Commission and then to the Assembly. The LMP will also be shared with the Meadow Lakes Community Council. There will be an opportunity for public hearing with both the Planning Commission and Assembly. If the Assembly votes to adopt the LMP, the list of restricted uses in the LMP will become enforceable through borough code (MSB 17.59) by MSB Code Compliance Officers. To read the updated draft plan with the regulation packages, visit the Beverly Lake project website at: <https://beverlylakelmp.matsugov.us/>

Included in Mailer: Letter to the Property Owner; Education Materials for Ranked Choice Voting; Numbered Ballot(s); Stamped Return Envelope

MSB Contact: Kelsey Anderson, 907-861-8525, [kelsey.anderson@matsugov.us](mailto:kelsey.anderson@matsugov.us)

# RANKED CHOICE VOTING

## On the ballot:

In a ranked choice voting system, voters rank their options in order of preference, rather than selecting a single option.

## For Beverly Lake:

There are 3 options to rank - Option A, a non-motorized regulation package; Option B, a mixed-use regulation package; and Option C, no lake management plan

## First Vote Count:

The first step is to count the voters' first choices.

## For Beverly Lake:

Planning Staff will count the first choice on every ballot. If there is a clear majority of more than half of the votes, then that Option will be included in the draft plan and moved forward to the Planning Commission and Assembly.

## Getting to a Majority:

If no regulation option wins a majority from the first vote, then ranked choices come into play.

## For Beverly Lake:

The option with the least votes is taken out. Voters who chose the option with the *least amount of votes* for their 1st choice will have their vote redistributed to the option listed as their second choice.



# MATANUSKA-SUSITNA BOROUGH

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Planning Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-8525

[kelsey.anderson@matsugov.us](mailto:kelsey.anderson@matsugov.us)

May 6, 2022

**RE: Ranked Choice Voting Educational Material** - Approval of Draft Lake Management Plan and Regulations for Beverly Lake

Dear Beverly Lake Property Owner,

In order to have a Lake Management Plan, a community must show a majority support for the draft plan, including the regulations that would be included in the plan. Because more than one regulation option was presented by your community, each must be represented on the ballot to move the plan forward. Residents agreed to move forward with Ranked Choice Voting (RCV) for the final Beverly Lake, Lake Management Plan ballot. RCV offers a fair approach to a ballot with 3 or more options by allowing voters to indicate their 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> preferences. Every voter should provide three preferences. Please remember that you may only vote one time per option- in other words, if you feel strongly that you like one option over all the others, it is not valid to mark that one option as your 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> preference. There can only be one "X" marked for each regulation option.

Here is a YouTube video that does a great job of explaining how RCV works:

<https://www.youtube.com/watch?v=oHRPMJmzBBw>

Here is a YouTube video from the State of Alaska Division of Elections explaining RCV:

<https://www.youtube.com/watch?v=ILU3lbrxMBI>

Planning staff also provided a step-by-step description of RCV as it pertains directly to the Beverly Lake LMP process that is included in this mailer packet.

Please direct any questions regarding RCV to Kelsey Anderson at 907-861-8525.

Included in Mailer: Letter to the Property Owner; Education Materials for Ranked Choice Voting; Numbered Ballot(s); Stamped Return Envelope

MSB Contact: Kelsey Anderson, 907-861-8525, [kelsey.anderson@matsugov.us](mailto:kelsey.anderson@matsugov.us)



# MATANUSKA-SUSITNA BOROUGH

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 Planning Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-8525

[kelsey.anderson@matsugov.us](mailto:kelsey.anderson@matsugov.us)

May 6, 2022

RE: **Numbered Ballot** - Approval of Draft Lake Management Plan and Regulations for Beverly Lake

Dear Beverly Lake Property Owner,

**This is your ballot for the Beverly Lake, Lake Management Plan.** Only one ballot will be counted per parcel within 600 feet of the shoreline. Each ballot is numbered to ensure that any attempt to vote more than one time per parcel will not be counted. To rank your choices, please mark an "X" in the box that represents your 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> choice. For more information on ranked choice voting, please reference the educational sheet in this packet.

Please return this sheet in the MSB-addressed stamped envelope included in this mailer package by **Friday, May 20, 2022.** Planning staff *will not accept* envelopes with a postage date later than May 20, 2022.

<b>Beverly Lake, Lake Management Plan</b>	<b>1<sup>st</sup> Choice</b>	<b>2<sup>nd</sup> Choice</b>	<b>3<sup>rd</sup> Choice</b>
<b>Option A</b> Quiet Hours: 10pm to 8am, Sunday through Saturday Motorized Use: 15 horsepower limit Personal Watercraft Use: Not allowed No Wake Zone: 150 feet from the shoreline			
<b>Option B</b> Quiet Hours: 10pm to 7am, Sunday through Thursday; 11pm to 7am, Friday through Saturday Motorized Use: Allowed on odd days of the month, and 3-day federal holidays (Memorial Day, 4 <sup>th</sup> of July, and Labor Day) Personal Watercraft Use: Allowed on odd days of the month, and 3-day federal holidays (Memorial Day, 4 <sup>th</sup> of July, and Labor Day)			
<b>Option C</b> No Plan			

Included in Mailer: Letter to the Property Owner; Education Materials for Ranked Choice Voting; Numbered Ballot; Stamped Return Envelope

MSB Contact: Kelsey Anderson, 907-861-8525, [kelsey.anderson@matsugov.us](mailto:kelsey.anderson@matsugov.us)

By: K. Riese  
Introduced: June 6, 2022  
Public Hearing: July 18, 2022  
Adopted: August 1, 2022

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 22-27**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION  
RECOMMENDING DENIAL OF THE BEVERLY LAKE MANAGEMENT PLAN.

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WHEREAS, the Matanuska-Susitna Borough Planning Commission held a public hearing on July 18, 2022 regarding the Beverly Lake Lake Management Plan; and

WHEREAS, the process outlined in MSB code, 15.24.031, Initiating and Amending Lake Management Plans, was followed; and

WHEREAS, 54% of voters approved the plan including 52% of lakefront owners; and

WHEREAS, this lake has dedicated public access; and

WHEREAS, having a lake management plan may have a negative affect on property values; and

WHEREAS, the people can solve the problems without having government step in; and

WHEREAS, there are no grandfather ights to address people that have lived on the lake for generations; and

WHEREAS, there was no lake management plan in affect when people purchased their property.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission does not support the Beverly Lake Lake Management Plan.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 1st day of August, 2022.

  
STAFFORD GLASHAN, Chair

ATTEST

  
KAROL RIESE, Planning Clerk



YES: (4) Commissioners Glenn, Chesbro, Allen, and Glashan

NO: (3) Commissioners Rubeo, Scoggin, and Kendig

CODE ORDINANCE

Sponsored by: Borough Manager  
Introduced: 11/22/22  
Public Hearing: 12/08/22  
Adopted: 12/08/22  
Reconsideration Filed: 12/09/22  
Reconsideration Passed: 12/20/22  
Amended: 12/20/22  
Adopted: 12/20/22

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 22-078**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 15.24.030, THE BEVERLY LAKE, LAKE MANAGEMENT PLAN AND AMENDING MSB 17.59, LAKE MANAGEMENT PLAN IMPLEMENTATION.

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BE IT ENACTED:

Section 1. Classification. Sections 1, 2, and 8 of this ordinance are noncode, Sections 3, 4, 5, 6, and 7 are of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Adoption of plan. The Assembly does hereby adopt the Beverly Lake, Lake Management Plan.

Section 3. Amendment of paragraph. MSB 15.24.030 (C) is hereby amended as follows:

**(42) Beverly Lake, Lake Management Plan,**  
**adopted 2022.**

Section 4. Amendment of paragraph. MSB 17.59.060(B)(2) is hereby amended to read as follows:

(2) The hours of 10 p.m. to 8 a.m., Sunday through Saturday, are designated as quiet hours for the following lakes:

(a) Crystal Lake.

(b) John Lake.  
(c) Lake Five.  
(d) Little Question Lake.  
(e) Memory Lake.  
(f) Question Lake.  
(g) Rainbow Lake.  
(h) Unnamed lake located within T25N, R4W, Section 30, S.M., AK between Question Lake and the Talkeetna Spur road.

(i) Unnamed lake located within T25N, R4W, Section 31, S.M., AK between Question Lake and the Talkeetna Spur road.

(j) Walby Lake.  
(k) Diamond Lake.  
(l) Christiansen Lake.  
(m) Neklasen and Lower Neklasen Lakes.  
(n) Marion Lake.  
(o) Long Lake (Houston).  
(p) Three Mile Lake.  
(q) Wolverine Lake.  
(r) Little Lonely Lake.  
(s) Jean Lake.  
(t) Liten Lake.  
(u) Shirley Lake.

- (v) Florence Lake.
- (w) Carpenter Lake.
- (x) Stevens Lake.
- (y) Sunbeam and Suncrest Lakes.
- (z) Little Beaver Lake.
- (aa) Caswell Lake.

**(bb) Beverly Lake.**

Section 5. Amendment of paragraph. MSB 17.59.060(C)(4) is hereby amended to read as follows:

- (4) 100 feet from the shoreline except when a waterskier is leaving dock or shore.

(a) Neklasen Lake.

**(b) Beverly Lake.**

Section 6. Amendment of paragraph. MSB 17.59.060(D)(13)(a) is hereby amended to read as follows:

**(13) Motorized watercraft uses are prohibited except for Sunday through Tuesday and all three day federal holidays**

**(a) Beverly Lake**

Section 7. Amendment of paragraph. MSB 17.59.060(D)(14)(a) is hereby amended to read as follows:

**(14) Personal Motorized watercraft uses are prohibited except for Sunday through Tuesday and all three day federal holidays**

**(a) Beverly Lake**

Section 8. Effective date. This ordinance shall take effect

upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 8 day  
of December, 2022.

  
EDNA DeVRIES, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

**12/08/22 vote:**

YES: Hale, Nowers, McKee, and Tew

NO: Yundt, Sumner, and Bernier

**12/20/22 vote:**

YES: Hale, Nowers, Tew, Yundt, Sumner, and Bernier

NO: McKee

**MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 22-139**

**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 15.24.030(C)(42) BEVERLY LAKE, LAKE MANAGEMENT PLAN AND AMENDING MSB 17.59, LAKE MANAGEMENT PLAN IMPLEMENTATION.

**AGENDA OF:** November 22, 2022

<b>ASSEMBLY ACTION:</b>
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**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

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

Route To:	Department/Individual	Initials	Remarks
	Originator K. Anderson		
	Planning Director		
	Borough Attorney		
	Borough Clerk		

**ATTACHMENT (S) :** Fiscal Note: YES \_\_\_ NO X  
 Draft Beverly Lake, Lake Management Plan (21 pp)  
 Written Public Comment (55 pp)  
 Planning Commission Resolution No. 22-27 (2 pp)  
 Ordinance Serial No. 22-078 (5 pp)

**SUMMARY STATEMENT:**

**Lake Management Planning Quick Facts**

- The Matanuska-Susitna Borough (MSB) has adopted 41 Lake Management Plans since 1995.
- There are six Lake Management Plans (LMP) within the Meadow Lakes Community Council Area where Beverly Lake is located.
- MSB Residents initiate LMPs to resolve conflict among current neighbors and set standards for incoming residents.
- LMPs are initiated through a petition process that requires the signatures of 50% of all property owners within 600 feet of the shoreline.
- The Borough’s Planning Department staff act as researchers, writers, and neutral meeting facilitators throughout the

process.

- In 1999, the Borough Assembly adopted Ordinance NO. 99-103 which established guidelines for appropriate regulations based on lake size.
- According to the Alaska Department of Fish & Game, Beverly Lake measures 42 surface acres with an average depth of 9 feet. The Assembly adopted guidelines for a lake this size are as follows: No Wake Zone of 100 feet from shoreline; Quiet Hours 10pm to 8am; Personal Watercraft Restriction; 10 Horsepower Limit.
- Both the majority of shoreline property owners and property owners within 600 feet of the shoreline voted in favor of a Lake Management Plan for Beverly Lake with restricted motorized use and a ban on personal watercraft.

### **Beverly Lake, Lake Management Plan Process**

**MSB 15.24.031 *Initiating and Amending Lake Management Plans* is the governing code for this process. Below is a summary of how Planning staff and Beverly Lake residents met and exceeded those requirements.**

#### **MSB 15.24.031(A) (1) Petition**

On November 23, 2021, residents of Beverly Lake submitted a valid petition to the Matanuska-Susitna Borough (MSB) Planning Department requesting the implementation of an LMP. For an LMP petition to be considered valid, it must contain signatures of at least 50% of all property owners within 600 feet of the shoreline. **Fifty-three percent of lake residents signed the petition.**

#### **MSB 15.24.031(A) (2) Initiation Ballot**

Planning staff is required to mail a ballot to every parcel within 600 feet of the shoreline within 60 days of receiving a valid petition. The ballot allows residents to indicate whether they support or oppose initiating an LMP. Staff mailed 84 ballots using borough tax assessment records for mailing addresses on December 3, 2021 with a required return date of February 9, 2022.

#### **MSB 15.24.031(A) (3) - (5) Tabulating and Noticing Initiation Ballots**

Between December 3, 2021 and February 9, 2022, 59 ballots were returned to the MSB, and 37 properties voted in favor of an LMP, which made the final count **62% in support of initiating an LMP.** Planning staff sent a written letter to all residents detailing the ballot count and emailed notification to the Meadow Lakes Community Council, District 7 Assemblyperson Ron Bernier, and the Borough Manager. Staff also posted a public notice at the public access on N Windy Bottom Dr on March 11, 2022.

### **MSB 15.24.031(A)(6) Public Participation**

This section of MSB Code requires staff to open all LMP meetings to the public and advertise the meetings in the newspaper. Staff additionally kept the public up to date with regular emails to the resident email list and a project website that was open to the public and updated regularly with information, meeting videos, and draft plans. Staff also posted information on Facebook about upcoming meetings, sent an additional mailer for the third meeting, and had several updates in the Planner Platform.

Planning staff scheduled two public meetings for Beverly Lake residents to discuss their concerns, ideas, and to work towards a consensus for regulations to be included in the Lake Management Plan. The first meeting was held on March 22, 2022 in person at the Wasilla Public Library and had a Microsoft Teams component so residents could join virtually. Planning staff gave an overview of what to expect from the LMP process and then provided an opportunity for residents to voice their concerns regarding usage conflicts on Beverly Lake. Residents were then divided into small groups where they developed some ideas for regulation packages including quiet hours, a no-wake zone, and options for motorized watercraft and personal watercraft use. At the end of the meeting, residents voted to have another meeting to further discuss regulations. The second meeting was held on March 24, 2022, and was entirely virtual using Microsoft Teams. The meeting followed the same format as the first, with the exception of the small groups. In the virtual meeting, residents worked through their ideas and concerns together and also agreed to a follow-up meeting.

Staff scheduled the final meeting for April 26, 2022. The meeting was held at the Wasilla Public Library and on Microsoft Teams. Planning staff provided a draft Lake Management Plan several days before the meeting so residents would have time to review the document and proposed regulations prior to the meeting. The goal of the final meeting was to come to an agreement on the regulations that would be included in an LMP so that residents could cast a final vote that would show if residents supported bringing the Beverly Lake, Lake Management Plan forward to the Planning Commission and Assembly for adoption into MSB Code.

However, after three meetings, residents were unable to come to consensus on the regulations they wanted to be included in the LMP. Because residents were not able to come to a consensus regarding the regulations that would be included in the Plan, Planning staff had to change course and ask residents to instead vote on which regulation package they wanted to see included in a plan.

**The Final Ballot Process**

The final regulation options for the Beverly Lake LMP were developed by the residents of Beverly Lake, and were presented as "Option A" and "Option B" on the ballot (defined below). There was also an "Option C," which was the option to not have an LMP. Residents agreed to a ranked choice voting option for the final ballot. Planning staff mailed ballot packets to residents within 600 feet of the shoreline on Friday, May 6, 2022 and gave residents until May 20, 2022 to send back their ballot. Below is a photo of the final ballot:

<b>Beverly Lake, Lake Management Plan</b>	<b>1<sup>st</sup> Choice</b>	<b>2<sup>nd</sup> Choice</b>	<b>3<sup>rd</sup> Choice</b>
<b>Option A</b> Quiet Hours: 10pm to 8am, Sunday through Saturday Motorized Use: 15 horsepower limit Personal Watercraft Use: Not allowed No Wake Zone: 150 feet from the shoreline			
<b>Option B</b> Quiet Hours: 10pm to 7am, Sunday through Thursday; 11pm to 7am, Friday through Saturday Motorized Use: Allowed on odd days of the month, and 3-day federal holidays (Memorial Day, 4 <sup>th</sup> of July, and Labor Day) Personal Watercraft Use: Allowed on odd days of the month, and 3-day federal holidays (Memorial Day, 4 <sup>th</sup> of July, and Labor Day)			
<b>Option C</b> No Plan			

**The final ballot count is as follows:**

Staff mailed 84 ballots, and 70 ballots were returned. 38 residents chose Option A as their first choice and 32 residents chose Option C as their first choice. There were 0 ballots returned that chose Option B as their first choice. **There is a clear 54% majority with 1<sup>st</sup> choice votes in favor of Option A,** including a ban on personal watercraft use and a 150 feet no wake zone.

Staff also calculated the ballot responses from just shoreline property owners after receiving feedback throughout the comment period regarding the 600 feet buffer for voting purposes on LMPs.

**The final ballot count for only shoreline property owners is as follows:** 42 shoreline property owners voted; 22 of those shoreline property owners voted in favor of Option A as their first choice and 20 voted in favor of Option C as their first choice. **There is a clear 52% majority of shoreline property owners who voted in favor of Option A.**

**RECOMMENDATION OF ADMINISTRATION:**

The Beverly Lake, Lake Management Plan was developed with intensive public feedback through public meetings, written and verbal comment, and a ballot process for both the initiation and implementation of the Lake Management Plan.

The process met or exceeded all requirements found in MSB 15.24.031 *Initiating and Amending Lake Management Plans*, and meets the Assembly-established guidelines for appropriate regulations based on lake size.

The Beverly Lake LMP is the will of the majority of shoreline property owners, and the majority of property owners within 600 feet of the shoreline.

With that knowledge, staff respectfully recommends the Matanuska-Susitna Borough Assembly adopt the Beverly Lake, Lake Management Plan and amend MSB 17.59, Lake Management Plan Implementation to include the regulations found in the Beverly Lake, Lake Management Plan.