

**STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND, AND WATER**

**SPECIAL EXCEPTION**

to the  
**Tanana Basin Area Plan**

related to the  
Proposed Two Ponds Subdivision - ADL 418281

Name: Two Ponds Subdivision

Location: Two Ponds Subdivision within Management Unit 1W, Subunit 1W4, within the N½SE¼ Section 1, Township 1 South, Range 1 East, Fairbanks Meridian.

Authority: The authority to revise plans derives from AS 38.04.065 (b) Land Use Planning and Classification; 11 AAC 55.030 (f) Land Use Plan defines when a revision constitutes a special exception. The authority to approve special exceptions has been delegated from the Director of the Division of Mining, Land, and Water (DMLW) to Section Managers and Regional Managers by Department Order 03.

Current Plan: Tanana Basin Area Plan (TBAP) Subunit 1W4 is currently designated High-Value Resource Management. A separate area plan amendment is currently being processed to change the designation to Settlement. Chapter 2 – Lakeshore Management guidelines provide, “where lakefront property is conveyed to private ownership... a minimum public access easement of 50 feet will be reserved along the shoreline and a minimum building setback of 100 feet will be required.

Proposed Special Exception: This special exception exempts the Two Ponds project area from the building setback of 100 feet to allow for a building setback of no less than 50 feet upland from the ordinary high water (OHW) mark of the man-made water bodies within the project area. There is no change to the 50-foot access easement requirement.

Explanation: This parcel is proposed for disposal into private ownership. At 80 acres, the project area is relatively small and, since it is within the Fairbanks North Star Borough (FNSB), the State is required to construct roads for surveyed parcels smaller than 40 acres. The costs of building roads will necessarily create parcels that are relatively small in size in order to make the project cost effective. The small parcel size in this instance is warranted given the close proximity to Fairbanks and North Pole, good soil conditions, and the amenity of the ponds themselves. The area of the project is a previous gravel pit, the pits are man-made and are small in size (one is approximately 13 acres and the other, less than 7 acres), and there is no significant riparian area to protect. The reduction in building setback to 50 feet will enable the development of marketable lots while maintaining access and providing protection area adjacent to the ponds themselves. The area plan management requirement is intended to be applied to areas of existing natural vegetation along significant water bodies, which differ in size from the area of the ponds.

**Special Exception**

to the Tanana Basin Area Plan  
related to a Proposed Land Offering in an Organized Borough  
Two Ponds Subdivision – ADL 418281  
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Assessment: The proposed action only affects the single 80-acre project area and does not otherwise revise the Lakeshore Management guidelines in the plan. This constitutes a one-time, limited-purpose variance of the plan’s provisions. The proposed offering could proceed without the waiver from this guideline, however leaving the guideline in place for a 100-foot building setback would unnecessarily restrict development and the design of parcels within the project area -- without any commensurate increases in riparian protection. Requirements and restrictions regarding the placement of septic systems in proximity to the water body will be unaffected. The exemption to the 100-foot building setback guideline is the preferred approach and the most suitable method to accomplish project development while maintaining a relatively high level of protection to the areas immediately adjoining the ponds themselves.

The other alternative would be to not process this special exception and plat parcels subject to a 100-foot building setback from the ponds. However, the imposition of a 100-foot building setback will unduly restrict development of the parcels along the ponds by reducing the developable area within these waterfront parcels. The ponds are man-made, and there is no critical wetland or riparian area that mandates protection. Reservation of the 100-foot building setback in accordance with this TBAP guideline is not the preferred alternative and, if followed, could result in making the project uneconomic without any commensurate benefits in riparian protection.

Requirements of AS 38.04.065 (b): The factors identified in this section of statute have been considered in the Preliminary Decision for ADL 418281 issued on March 30, 2012 and the proposed action is consistent with statute.

Decision: The standards for a special exception have been reviewed and have been met. The Land Sales and Contract Administration Section of the DMLW Department of Natural Resources finds that the special exception to the Tanana Basin Area Plan, as described above, meets the criteria for special exceptions under 11 AAC 55.030 (f) and is hereby approved.

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Approved by: Kathryn Young  
Section Manager  
Land Sales and Contract Administration Section  
Division of Mining, Land, and Water  
Department of Natural Resources  
State of Alaska

July 12, 2012

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Date