

# Chapter 3

## Land Management Policies for Each Management Unit

Introduction.....	1
Organization of Chapter.....	2
Land Use Designations .....	2
Designations Used in This Plan .....	3
Explanation of Mineral Designations .....	5
Management Intent .....	5
Management Guidelines .....	7
Duration and Flexibility of Plan .....	7
Glossary .....	8
Plan Structure.....	8
Plan Regions .....	8
Management Units .....	8
Region Descriptions.....	9
Plan Maps.....	10
Land Status Depicted In Plan Maps.....	10
Resource Allocation Table.....	11
Palmer-Wasilla Region (P & M).....	13
Resource Allocation Table for Upland Units – Palmer-Wasilla Region .....	15
Resource Allocation Table for Upland Units – Knik-Pt. MacKenzie Subregion .....	19
Kashwitna-Willow Uplands Region (U).....	21
Resource Allocation Table for Upland Units – Kashwitna-Willow Uplands Region .....	24
Big Lake-Houston Region (H).....	29
Resource Allocation Table for Upland Units – Big Lake-Houston Region .....	32
Susitna Corridor Region (S).....	39
Resource Allocation Table for Upland Units – Susitna Corridor Region .....	41
Willow Region (W).....	45
Resource Allocation Table for Upland Units – Willow Region .....	48
Kashwitna Region (K) .....	53
Resource Allocation Table for Upland Units – Kashwitna Region .....	56
Tidelands and Submerged Lands (TT) .....	65
Resource Allocation Table for Tidelands and Submerged Lands .....	67
Legislatively Designated Areas (L) .....	69
Navigable Rivers and Lakes .....	70
Management Intent of Navigable Waterbodies .....	70
Public Trust Doctrine.....	70
Management Intent: Specific Rivers and Lakes .....	72
Management Intent: Other Rivers and Lakes .....	72
Figure 3-1: Index Map.....	74

# Chapter 3

## Land Management Policies for Each Management Unit

### Introduction

This chapter presents specific land management policy for all state uplands, tide and submerged lands, and shorelands within the planning area. See Figure 1-2 for a map of the plan area. Information on state lands is organized by region, of which there are eight<sup>1</sup>. The regions include Willow, Kashwitna, Kashwitna-Willow Uplands, Susitna Corridor, Big Lake-Houston, and Palmer-Wasilla, which also includes the subregion of Knik- Point MacKenzie. Two other regions are included: one that encompasses three tideland units for Knik Arm and one that includes the six Legislatively Designated Areas (LDAs) within the planning boundary. The regions generally correspond to the spatial boundary of Borough communities, to particular geographic areas or resources, or to LDAs.

Figure 1-2 shows the planning area and regions while Figure 3-1 provides an index to the 10 plan maps at the end of this chapter.

Within the planning area there are 213,196 acres of general state uplands and 42,545 acres of tidelands and submerged lands. Most state uplands, 386,000 acres, occur within LDAs, such as State Game Refuges and State Recreation Areas. Generally, area plans do not apply to LDAs, with management direction being provided through enabling legislation and subsequent management plans, although area plans classify these areas in order to enable certain types of authorizations to be issued. This plan's recommendations apply to the remaining areas of state-owned land scattered about the planning area that make up about 256,000 acres within 159 management units. Most of these uplands occur within the Houston/Willow/Kashwitna regions; there are few remaining tracts of state land within the more developed portions of the Borough within Wasilla, Knik, and Palmer. State tidelands and submerged lands are associated with the Knik Arm of Cook Inlet and with that portion of Cook Inlet adjoining the Susitna Flats State Game Refuge.

The management requirements of this area plan do not apply to non-state lands, which includes, in the context of this plan, University of Alaska lands, Mental Health Trust Authority lands, and other state-owned lands directly administered by the ADOT/PF and ADF&G.

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<sup>1</sup> **The Southeast Susitna Area Plan does not specifically include recommendations for the Fish Creek-Moraine Ridge Region. A management plan for this Region was adopted by the state and the Borough in 2010; see Map 5.**

## Organization of Chapter

The chapter is organized into the following sections:

- *Land Use Designations*, which describe the general management direction for specific parcels of state land.
- *Management Intent*, which consists of an explanation of how specific units of state land are to be managed. Management intent language gives additional specificity to the general management direction provided by the land use designations.
- *Plan Duration and Flexibility*, which indicates the planning period and requirements for plan amendment.
- *Regional Setting*
- *Regional and parcel specific management* direction for state land.

## Land Use Designations

A land use **designation** recognizes uses or resources that are of major importance in a particular management unit. Unit designations are based on current and projected future use patterns and the most significant resources identified in each unit. DNR will manage activities in the unit to encourage, develop, or protect the uses or resources for which the unit is designated.

When the plan assigns a designation to a unit, the designation is accompanied by region-wide management guidelines and by management intent specific to that unit. These three pieces of information – designations, management guidelines, and statement of intent – promote the most beneficial use and set conditions for allowing for non-designated uses. All three components must be taken into consideration when making an authorization decision.

**Primary designated use.** Many units have a primary designated use (versus units designated General Use). Primary designated uses may take precedence over other uses. Generally, however, DNR allows multiple uses. DNR initially presumes that all other uses are compatible with the primary use. However, if DNR determines that a use conflict exists and that the proposed use is incompatible with the primary use, the proposed use shall not be authorized or it shall be modified so that the incompatibility no longer exists (from 11 AAC 55.040 (c)). The plan may assign a designation to ensure a future use that will best serve the public interest, even if that use is not imminent.

**Co-designated use.** Where a unit has two or more designated uses, DNR will avoid or minimize conflicts between designated uses by applying the management intent statement and guidelines for the unit, the regional intent, and the Chapter 2 guidelines from this plan together with existing statutes, regulations, and procedures. Only those co-designations that

are generally complementary to or compatible with each other are included in this plan. Co-designated uses should, therefore, be viewed as compatible unless specific conditions that exist at the time the Department is evaluating whether to grant an authorization indicate otherwise.

## **Designations Used in This Plan**

**Ag - Agriculture.** Land that is agricultural or that, by reason of its climate, physical features, and location, is suitable for present or future agricultural cultivation or development and that is intended for present or future agricultural use.

**F - Forestry.** Land that is or has been forested and is suited for long-term forest management because of its physical, climatic, and vegetative conditions. This land will remain in state ownership. Approving authorizations in these areas will be conducted in compliance with the Coastal Development standards in the Alaska Coastal Management Act (6 AAC 80.040), the Forest Resources Practices Act, statutory requirements for Five-Year Schedules of Timber Sales and Forest Land Use Plans, the Susitna Forestry Guidelines (or successor documents), and the specific management guidelines in the Forestry section of Chapter 2.

**Gu - General Use.** Land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use, or, because of the size of the parcel, a variety of uses can be accommodated with appropriate siting and design controls is designated General Use. This designation may also apply where there is a lack of resource, economic, or other information with which to assign a specific land use designation, and/or the lack of current demand implies that development is unlikely within the planning period.

**Ha - Habitat.** This designation applies to areas of varied size for fish and wildlife species during a sensitive life-history stage where alteration of the habitat or human disturbance could result in a permanent loss of a population or sustained yield of a species. This land will remain in state ownership except for areas where a tidelands conveyance to a municipality is allowed under AS 38.05.820 and AS 38.05.825. This designation applies to uplands, tidelands, and submerged lands and to areas within LDAs.

This land will be maintained in an undisturbed, natural state except for improvements related to public health, safety, habitat restoration or rehabilitation, and public recreation. Authorizations within areas designated Habitat are not to be considered appropriate unless consistent with the previous objectives. Utilities and roads may be appropriate with appropriate design if habitat functions can be maintained.

**Ma - Materials.** Sites suitable for extraction of materials, which include common varieties of sand, gravel, rock, peat, pumice, pumicite, cinders, clay, and sod. This land will remain in state ownership until the material on the site is no longer required for state purposes (such as road construction and maintenance, materials storage, and public or state facilities) after

which these lands may be used for alternative purposes. See the Resource Allocation Tables to identify the types of uses that might be appropriate to a specific parcel. These lands cannot be sold and cannot be used for an alternative use without redesignation of the area plan and reclassification, although some sites may be suitable for other uses after material resources are exhausted.

**Pr - Public Facilities-Retain.** These sites are reserved for a specific infrastructure to serve state interests. These units are classified Reserved Use Land and are not selectable by municipalities under state law (except under AS 38.05.810). Units designated “Public Facilities-Retain” will be retained in state ownership.

**Rd - Public Recreation-Dispersed.** This designation applies to those areas that offer or have a high potential for dispersed recreation or tourism and where desirable recreation conditions are scattered or widespread rather than localized. Developed facilities are generally not necessary other than trails, trail signs, primitive campsites, and other minor improvements. This land will be retained in public ownership in an undisturbed, natural state except for improvements related to public health, safety, or recreation. Authorizations within areas designated Public Recreation-Dispersed are not to be considered appropriate unless necessary for public health, safety or recreation. Utilities and roads may be appropriate with appropriate design if recreation functions can be maintained.

**Rp - Public Recreation-Public Use Site (Developed).** Areas used by concentrations of recreationists or tourists relative to the rest of the planning area or areas with a high potential to attract concentrations of people who recreate and tourists. These areas offer localized attractions or ease of access, and in many instances developed facilities. Examples include marinas, cabins, lodges, anchorages, scenic overlooks, road-accessible shore locations that are used for picnicking, sports, fishing, etc. The recreation and tourism uses for which these units are designated may be either public or commercial. This land will remain in state ownership unless otherwise noted in the management intent for the unit. The primary management intent for these sites is to protect the opportunity of the public to use these sites, and their public values for recreation. Many of these sites require additional management attention because of the use they are receiving.

**Se - Settlement.** This designation applies to state uplands suitable for sale, leasing, or permitting to allow private recreational or residential use. This designation will generally be used for areas appropriate for land offerings for residential uses. Unsettled or unsold land in the unit will be managed for uses compatible with settlement. This may include uses such as selling additional lots, laying out new subdivisions, identifying greenbelts through subdivisions, reserving materials sites for subdivision roads and building lots, placing easements on access routes, or reserving lots for community facilities and open space. Areas designated Settlement should be closed to mineral entry prior to sale. This land may be conveyed to municipalities and individuals.

**Wr - Water Resources.** This designation applies to areas of important water sources, watersheds, or hydropower sites. In this plan it also includes important wetland areas, the intent of which is to maintain these in an undisturbed, natural state. This land will be retained in state ownership in an undisturbed, natural state. Authorizations within areas designated Water Resources are not to be considered appropriate unless necessary for public health and safety. Utilities and roads may be appropriate with appropriate design if the integrity of wetland and water resource functions can be maintained essentially intact.

**Wd - Waterfront Development.** This designation applies to areas of tidelands, submerged lands, or shorelands for water-dependent or water-related facilities, usually for industrial or commercial purposes. Waterfront development includes: piers, wharves, harbors, mineral transfer facilities, seafood processing facilities, commercial recreation facilities, and other resource development support facilities except for activities related to forestry, which is covered by the Forestry designation. Approving authorizations in these areas will be conducted in compliance with the coastal development standards in the Alaska Coastal Management Act (6 AAC 80.040). This land may be available for conveyance to municipalities under AS 38.05.820 and AS 38.05.825 but cannot be sold to individuals.

## **Explanation of Mineral Designations**

Except where state land is closed to mineral entry, DNR will treat mining as if it were a co-designated use, or a use that is compatible with the principal surface use. This is important to note because DNR plans usually do not apply mineral resource designations to large areas. The problems in locating and measuring subsurface resources make it difficult and potentially misleading for this plan to apply designations to subsurface resources in the same way they are applied to surface resources. Chapter 2, *Subsurface Resources*, also includes additional guidelines and a summary of statutes regulating mining and reclamation activities.

## **Management Intent**

The plan provides management intent for both the resources and types of authorizations that are expected to occur within the planning area as well as for specific management units. Management intent essentially describes how the Department intends to manage a resource or management unit and may both describe what is intended to occur as well as what is not intended to occur. It may also specify specific management direction. Also, the plan can provide management guidance for a resource without designating it. For example, the plan may address the resource by providing management intent for a specific area or through areawide guidelines. In addition, other state, federal, or local regulations will determine the conditions for using undesignated resources.

In some cases, the management intent for a unit discourages specific uses because these uses may create conflicts with designated uses. **Discouraged uses** may be allowed if DNR determines that the use does not conflict with the management intent, designated uses, and

the management guidelines. Discouraged uses include activities that should not be authorized or will not be allowed if there are feasible and prudent alternatives. If DNR determines that the discouraged use conflicts with the management intent or designated uses, and cannot be made compatible by following the management guidelines, DNR would allow it only through a plan amendment.

In some cases the plan may also identify **prohibited uses**. These are uses that have significant conflicts with other uses or resources and will not be permitted without a plan amendment. Prohibitions are rare, because the plan seeks to minimize land use conflicts through plan guidelines and intent rather than through prohibitions. Management intent statements for each unit refer only to state management of state land. While these statements accommodate certain proposed uses on tidelands and submerged lands, there is no guarantee that other regulatory agencies will issue permits necessary for the proposed use. All proposed development uses referenced in the management intent statements are assumed to employ best management practices in siting and operating the proposed use.

**Disposal or Retention in State Ownership.** Certain land use classifications, by statute, allow land to be conveyed to municipalities under the municipal entitlement program<sup>2</sup>. The same statute identifies those land classifications that may not be conveyed.<sup>3</sup> Another portion of statute (AS 38.04.015) identifies the general public interests in retaining areas of state land in public ownership. These principles were applied in developing the recommendations for retention of state land that is identified for specific parcels.

In this plan, the land use designation is the general indicator of whether land should be retained in state ownership or made available for disposal. However, some units have management intent that precludes disposal although the designation and classification might otherwise allow disposal. When this occurs, this restriction is noted in the management intent statement specific to the management unit in the Resource Allocation Table. This includes units already under management by another state agency or that contain certain unique or sensitive uses or resources that merit retention by the state. In addition, units already under management agreements with other state agencies are usually not available for conveyance. In no case can DNR convey the subsurface estate to municipalities or individuals. Submerged lands, tidelands, and shorelands must be retained in state ownership unless law requires conveyance or the conveyance is to a political subdivision of the state. These conveyances are subject to the Public Trust Doctrine, described in this chapter.

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<sup>2</sup> The Municipal Entitlement of the Matanuska-Susitna Borough will have been satisfied through implementation of recent entitlement decisions (2006) and as a result no further entitlement selections under AS 29 can occur.

<sup>3</sup> AS 29.65.130 identifies those land use classifications that permit conveyance under the Municipal Entitlement Act. In this area plan, the designations of General Use and Settlement are considered appropriate for the conveyance of lands out of state ownership. These convert to the classifications of Resource Management Land and Settlement Land.

**Tidelands, Submerged Lands and Shorelands.** DNR will provide reasonable access across state tidelands to upland owners. Upland access across state tidelands, including developed access facilities, may be allowed within all land use designations where DNR determines the proposed facilities are consistent with the management intent and applicable guidelines of the plan. However, state tideland use designations do not give the public access rights to adjacent private uplands.

## **Management Guidelines**

Most state lands will be managed for multiple uses. Exceptions are lands that will be offered for private lease or ownership, recreation sites that are less than 640 acres, and certain other areas that have unique habitat or public recreation values. When used, management guidelines specify requirements for the use of or development within a management unit. Apart from this, the plan establishes management guidelines in order to allow various uses to occur without serious conflicts. Management guidelines can direct the timing, amount, or specific location of different activities to make the permitted uses compatible. For example, the plan provides guidelines that require that land disposals must be designed to protect public access and recreational opportunities.

## **Duration and Flexibility of Plan**

This plan guides land uses for the **next 20 years or until revised**, subject to periodic reviews, for areas with designations involving settlement, industrial or commercial uses, or other forms of economic uses including material extraction, timber harvest, or uses related to community or recreational development. Designations related to passive use designations, including habitat, harvest, undeveloped recreation, heritage, and water resources do not have a specific planning horizon. The area plan is intended to guide the management of land within the latter areas until the plan is formally revised. In some instances, areas designated General Use may not be appropriate for development within the planning period and, if so, this is indicated in the management intent language.

The land use designations shown on the maps in this chapter are intended to be flexible. DNR may permit uses not originally designated if DNR determines they are consistent with the management intent for the unit and consistent with applicable management guidelines.

Boundaries of land use designations shown on the plan maps may be modified through implementation activities, such as site planning or disposal, as long as modifications adhere to the intent of the plan and follow the procedures described in Chapter 4 under the section *Type of Plan Changes*.

## Glossary

Definitions of terms used frequently in the plan are found in the *Glossary, Appendix A*.

## Plan Structure

### Plan Regions

The plan boundary of the area plan is wholly within the Matanuska-Susitna Borough and encompasses the more central and developed portions of the Borough. This area includes the communities of Wasilla and Palmer, the Houston-Big Lake area, and the area west (to the Susitna River) and east (to the Hatcher Pass Management area) of the Parks Highway north to the intersection of the Parks Highway and the Talkeetna Spur Road. Within this area there are eight regions, or major geographic divisions. Regions are typically large geographic areas characterized by lands contiguous to each other and having generally similar characteristics. With the exception of one region, each contains state land for which the area plan provides guidance. One region encompasses the six LDAs within the planning boundary. In this instance, the plan does not provide management guidance other than to provide a plan designation for the LDAs, which is required in the event that the Department needs to issue leases or other authorizations that constitute disposals of state land. Except for the one Tideland region, the other regions contain both uplands and shorelands. Figure 1-2 in Chapter 1 depicts the plan boundary, the seven principle plan regions, and the LDAs.

At the time of this plan's preparation information on the Moraine Ridge-Fish Creek Region is not included. A separate Fish Creek Management Plan for this area was developed jointly with the Matanuska-Susitna Borough and adopted in 2010.

### Management Units

In the area plan, units of state uplands and tideland have been separated into smaller geographic units called management units. State resource management is specific to this level. Management units<sup>4</sup> may be large or small but usually have generally similar attributes; or they may be specific legal units like a tract within a residential subdivision; or they may be a discrete area of state land affected by a management agreement that is to be administered for a public purpose, like a port, vehicle storage facility or airport. There are 156 upland units and three tideland units.

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<sup>4</sup> Management units are also sometimes referred to as 'units' or 'parcels' in this plan.

All units have a discrete identifying number (i.e., unit number). These are depicted on the plan maps and are included in the Resource Allocation Table. This number provides a cross-reference between the plan maps and the tables containing information about the parcel. The Table contains information on the resources found within the unit as well as plan designation, management intent, and, if required, management guidelines.

Unit numbers are preceded by an alpha character that represents a particular place or area, with the following convention being applied: 'P' represents Wasilla-Palmer ; 'S', Susitna Corridor; 'U', Kashwitna-Willow Uplands; 'H', Houston-Big Lake, 'W', Willow, and 'K', Kashwitna. 'T' is used for the Tideland Region and 'L', for Legislatively Designated Areas.

A specific convention is used to identify the various types of upland and tideland units. Upland units have a geographic identifier (a single alpha character that represents an area) followed by a two-digit identifying number. Tideland tracts have the geographic identifier of "T", followed by "T" indicating a tideland unit (for example TT-01). Tideland areas include both tideland and submerged lands.

## **Region Descriptions**

The regions are described in this section of the plan. These descriptions are necessarily generalized and indicate only the general features or characteristics of an area and only give an overview of how the region is to be managed by the Department. In addition, there are short descriptions of the two somewhat unique regions that pertain to tidelands and Legislatively Designated Areas (LDAs). Because management intent for LDAs is established by legislation, information is necessarily limited and does not follow the following convention. Included in these descriptions for the major region are the following:

Background: This component provides a description of the planning boundaries and related geographic information.

State Lands: The distribution of state lands within the region is explained.

Physical Features: The general topography of the upland tracts is described.

Resources and Uses: The current uses of state land, both uplands and tidelands, as well as their resources, are described. Resources and uses include descriptions of recreational, settlement, habitat and harvest, water resources, and commercial timber.

Access: The principal mode(s) of access to state uplands are identified.

Management Constraints and Considerations: Local, state, and federal land and resource plans affecting the planning region are identified.

Management of State Land: This section describes the general way that state land, tidelands and uplands, are to be managed. This section is usually organized in a geographic basis. Note: *Specific management direction is contained in the Resource Allocation Tables.*

## **Plan Maps**

There are ten plan maps that cover the Southeast Susitna Area Plan. They are found at the end of this chapter and Figure 3-1 provides an index. These maps indicate the plan boundary (external boundary of the area plan), the boundaries of the eight regions, and the boundaries of the individual management units.

The plan maps also show land ownership, unit numbers, and plan designations. It should be reemphasized that while the land use designations provide the general management intent for each unit, management intent and guidelines (both management unit and areawide) must be considered for a complete explanation of the management policy and requirements affecting particular units. This is essential in order to get a comprehensive understanding of the overall management intent contained in the area plan. The management guidelines contained in Chapter 2 are particularly critical and must be consulted in adjudication decisions affecting individual parcels of state land.

## **Land Status Depicted In Plan Maps**

The maps in this chapter are not intended to be detailed land ownership maps. Instead, they are a representation of state and federal land records current to the date of plan preparation. Land status for upland parcels, including private, Native corporation, municipal, and federal are derived from the Department's Geographic Information System (GIS) land status coverage. This information is generalized and for this reason the land status for a particular land area can be misleading. For complete information, consult the land records of the Department of Natural Resources, federal Bureau of Land Management, Native corporations, and Matanuska-Susitna Borough.

The plan maps show general patterns of land ownership by color. This includes the various types of state land (general state land, LDAs, Mental Heath Trust Land, University of Alaska, and lands under management agreement to another state agency) as well as Borough and private lands. However, because of the way that GIS maps are created, which entails a decision hierarchy on what land status to represent in priority sequence, the colors that represent an ownership pattern may not coincide with the actual pattern of such ownership. The Department has tried to make general land status on the plan maps as accurate as possible, but the ownership patterns of other entities may be incorrect.

The location of state-owned or state-selected parcels is derived from information in the Department's land status records and the federal Master Title Plat. Both the status and spatial boundaries of these parcels are accurately represented at the time of plan preparation

(2008). However, because state land status changes with time, the same caution exists for these areas as for areas of non-state land. Both color and a distinct external boundary line indicate areas of state and state-selected land. If there is a conflict between the land status depicted by color and that indicated by a boundary line, the boundary line is correct. This line supersedes the color representations of land ownership.

## **Resource Allocation Table**

Resource allocation Tables provide information on specific parcels and is related to the plan maps through the unit number. The table includes the land use designation and the land management intent for an each specific upland or tideland units. Essentially, the Tables detail the generalized description of state management intent included under the regional “Management Summary” for specific management units.

The tables are organized by Region and for each unit it gives the unit identification number; location by Township and Range; and size expressed in acreage. Also included is a description of the resources and uses of a parcel, the designation(s), management intent, and management guidelines.

More specifically, the policies and resource information contained in the tables include:

Unit number: Each parcel of state land has a unit number. Units are preceded with a letter indicating the Region that they are situated within; see previous description of ‘Management Units’.

MTRS: The Meridian, Township, Range, and Section of each parcel are indicated. In all cases the Seward Meridian applies. There may be more than one township and range, as when a parcel crosses township and/or range boundaries. Similarly, when the parcel encompasses more than one section, typical for large tracts, the affected sections are identified. The only exception to this convention is for the very large tracts associated with Forestry and Habitat designations; in these instances, only townships and range are given.

Acreage: The approximate acreage in each unit is indicated.

Plan Designation: Land use designations indicate the primary and co-primary uses and resources for each unit. Although most units are only affected by a single designation (primary), two compatible plan designations (termed “co-designations”) are sometimes specified. Where co-designations have been used, the uses reflected in the designations are believed to be generally compatible and complementary to each other.

Management Intent: This column indicates the management direction for a specific parcel. It is consistent with the recommended designation, but includes more information on how state land is to be managed. In some small-sized parcels, the management intent is likely to be brief since the designation itself is often sufficient to indicate the management intent.

This is not the case with large parcels, and, in these instances, the management intent statement is critical to an understanding of how the various resources within the parcel are to be managed. This section may also indicate if the parcel is to be retained in state ownership; if it is appropriate for transfer to a city, borough, or non-profit entity; and often describes those parcel resources that must be taken into consideration in land disposals or other forms of development or use. In some instances the development of a parcel is not appropriate during the planning period and, when this occurs, this is stated.

Resources and Uses: This column summarizes the resources and uses for which the unit is designated and which are considered important in the unit. It also provides a generalized description of the unit, and may indicate the presence (or absence) of certain other resources that are important to land management decisions. Typical among this type of information is whether the parcel contains a heritage site, a significant concentration of wildlife or habitat, the current use of the parcel, adjacent land ownership, and whether a state land use or a plan of the Matanuska-Susitna Borough affects the parcel.