

## Settlement

### Background

Residential development on state land within the planning area over the past 25 years has been relatively modest, with most of the growth occurring along the Parks Highway and along the major rivers, especially the Nenana. Near and within community areas, this growth has predominately involved pre-survey lots, created through state subdivisions. Most of the lots created in this manner have been conveyed out of state ownership, either to individuals, disposal to borough and cities under the Municipal Entitlement program, or disposals to the University of Alaska or the Mental Health Trust. In the more remote areas, much of the development has occurred in the areas east of the Nenana River in generally flat areas or adjacent to the Parks and Elliot Highways, with some development also occurring adjacent to larger streams in the Kantishna region and adjacent to the larger lakes in this region. A mix of settlement types have occurred in these areas; pre-surveyed lot are generally common adjacent to lakes and to some streams, while remote settlement forms occupy more remote terrain on less desirable land. In general, most of the pre-surveyed lots have been conveyed out of state ownership, primarily to individuals but also to the Mental Health Trust as part of the settlement of litigation that occurred in the early 1990's. Residential development in remote sales areas has been less significant, reflecting the relatively remote locations of these settlement areas and the presence of less desirable conditions. In comparison to the growth that has occurred around the Fairbanks area and South-central Alaska, especially within the Susitna Valley, this growth can be characterized as modest.

It is likely that residential development will continue in the next 25 years, although it is probable that the amount of this growth will be somewhat less than in previous periods, reflecting the modest demand for remote homesites and the fact that the more desirable areas of residential development have already been occupied. Nonetheless, continued growth is likely to occur along the Parks and Elliot Highways and at the more desirable sites in remote locations, especially adjacent to lakes, streams, and areas having scenic views. The dream of having a cabin in a remote part of Alaska will continue to drive the demand for remote homesites.

The Settlement designations in the planning area total approximately 619,864 acres or about 7% of the total state land inventory of this area. This is about the same amount of land in the Settlement designation as in the 1985 Tanana Basin Area Plan within the three regions that are now part of the YTAP plan. Settlement areas primarily occur in the more accessible and better drained uplands adjacent to the Parks and Elliot Highways, in areas east of the Nenana River, and at the more desirable locations in remote areas, principally at lakes, streams, areas having scenic views.

The application of the Settlement designation to a specific parcel resulted from the consideration of a number of factors. It was primarily based on whether it had reasonable access by road, water, or air, consisted of topography that would be suitable for development, and posed minimal conflict with recreation, scenic values, important fish and wildlife resources, or resource development. Compatibility with adjacent land uses and the plan designations used herein were also considered.

It should be noted that the Denali and Fairbanks North Star Borough has developed and will continue to develop local comprehensive plans for specific parts of the Borough. These are intended to identify preferred land use patterns and development stipulations. DNR reviews these plans in the course of developing management plans or area plans, and often makes use of their recommendations. However, while community comprehensive plans can make recommendations for state lands within their planning areas, they cannot establish land use designations or other planning requirements for state land. State land use designations are decided on a regional basis through the state planning process and local plans do not supersede state plans for the use of state lands.

## Goals

**Private Land Ownership.** Provide suitable public land for transfer to private ownership for settlement purposes. DNR will attempt to satisfy three settlement categories within the planning area:

- 1) **Seasonal residences for recreation.** DNR will offer land suitable for seasonal recreation use. This land will be provided as demand warrants, subject to the availability of funding. This category of land disposal is intended to provide land, often in remote locations, for recreational needs. No public facilities and services are intended to be provided.
- 2) **Year-round residences for community expansion.** DNR will offer accessible land suitable to meet the needs of existing communities. This category serves people whose principal place of residence and work is, or will be, in the area of the disposal. It also includes land disposals of commercial and industrial land to accommodate the expansion needs of communities. This land will be provided as demand warrants, subject to the availability of funding.
- 3) **Industrial or commercial development.** DNR will sell, lease, or protect for future use suitable land for private commercial and industrial uses. Within the YTAP planning area most land designated Settlement is intended for residential use. Relatively few parcels are suitable for possible commercial or industrial development and these are indicated in the Resource Allocation Table. If DNR sells the land, the timing of this disposal will depend on market demand and adequate funding.

**Community, Social, and Aesthetic Values.** In designing future disposals, DNR will maintain compatibility with the cultural lifestyle and aesthetic values of residents and users, and minimize undesired impacts on those values while considering the needs and demands of all state residents.

**Protection of Critical Recreational Areas, Environmental Resources, and Habitats.**

Sensitive environmental features, habitat resource areas, and areas (or corridors) used by local residents for recreation purposes will be taken into consideration in subdivision design and subdivisions should be developed to protect or maintain these features. Vegetated wildlife migration corridors, riparian buffers, and retained open space should also be considered when there is also a high value for fish and wildlife resources in the areas. Subdivisions should be developed to protect or maintain these features. Refer to the ‘Shorelands and Stream Corridors’ section of this chapter for guidance on the management of riparian areas.

**Fiscal Impacts.** Land disposals (not including remote settlements) should be sited and planned to minimize the costs of infrastructure and other services resulting from settlement. Disposals should be focused on areas of existing settlement; areas along the road system or a waterway that can be easily accessed by water transport; or areas where service requirements may be provided by local government or community organizations. These requirements are not pertinent to a state remote settlement disposal since these occupy areas that are remote and are of limited density and the provision of services is not to be expected or intended.

**Coordination with Local Governments and Landowners.** Where state land adjoins Borough land and where both areas are designated for Settlement, consideration should be given to the coordination of land disposal programs in order to achieve economies of scale and reduce infrastructure costs. Coordinate state land offering programs with similar programs of local governments and major landowners to best achieve common objectives.

## Management Guidelines

### A. Planning and Coordination.

- 1) **Competition.** The state may compete with the private sector or local governments if necessary to satisfy demand, provide market choice, or moderate unreasonably high prices.
- 2) **Local Plans.** DNR will comply with provisions of the Borough comprehensive plan and zoning ordinance (if applicable) regarding the location and density of land development except to the extent that local requirements are inconsistent with an overriding state interest.

- 3) **Coordination with Local Governments.** Where state land adjoins Borough land and where both areas are designated for Settlement, consideration should be given to the coordination of land disposal programs in order to achieve economies of scale and reduce infrastructure costs.
- 4) **Pacing.** Settlement offerings may be phased over 20 years, the life of this plan. The timing and extent of disposals will depend upon anticipated demand, availability of funding, the rate of community expansion, the availability of or costs to provide necessary infrastructure, and the particular land requirements of such expansion. Another factor may be whether the disposal will generate a demand for services that cannot be reasonably expected to be met by local government or community organizations.
- 5) **Areas Designated General Use.** The large areas of state land that are designated General Use are generally not suitable for development during the planning period. Most General Use areas are remote and generally unsuitable for residential development because of the presence of adverse topography, drainage, and extensive areas of wetlands that adjoin these areas. This makes the uplands within the General Use areas difficult to develop because of the costs and difficulty of road construction in the adjacent wetlands. For these reasons, residential development during the planning period in areas designated General Use is considered generally inappropriate except in those areas that adjoin parcels designated Settlement, where road access has been provided to adjoining properties, or for remote land disposals that are not dependent upon access.
- 6) **Ensure Access to Remote Settlements.** Because these types of settlement in areas are almost always distant from infrastructure, it is generally not practicable to identify and develop access corridors<sup>11</sup> to such areas, whether or not they are adjoined by state land or land under other ownership. However, in those limited instances where access corridors can be identified and economically developed, access should be provided. In this circumstance, it is intended that this access be accommodated even if plan designation(s) differ from that of Settlement.

As part of the development of remote settlement areas, DNR should consider the provision of staging areas, parking areas, and/or trailheads in order to accommodate landowners parking vehicles and other equipment while accessing their remote parcels. ADF&G should be consulted to ensure there will be no habitat associated impacts from parking areas or trailheads.

- 7) **Maintenance of State Settlement Land Base.** Areas designated Settlement in the area plan are intended to provide a land base for DNR's long term land disposal program and are not to be converted to other land use classifications. Departures from this standard will require a plan amendment and a public meeting.

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<sup>11</sup> Meaning roads or trails.

**B. Types of Settlement Land and Land Offerings.** The nature of state land available for private ownership is influenced by both the characteristics of land designated for settlement, and the type of land sales program that makes it available. YTAP designates certain lands for settlement and provides guidelines for land sales and, in certain instances, will designate certain management units for remote staking. The designation of remote staking areas in this plan is made when an established pattern of this settlement form has already occurred; for this reason, additional development, to achieve compatibility in land use type, is appropriately the remote staking type. In other instances, the plan does not provide a recommendation for a particular form of settlement. This situation exists when it is equally probable that one or the other, or both forms, of settlement can be developed within a management unit. Many management units are quite large and could accommodate both types of settlement. In these instances the plan is silent as to type of settlement and the decision on type is to be made in the context of the Preliminary Decision and Final Finding and Decision.

**C. Protection, Management, and Enhancement of Other Resources.**

- 1) **Protect Life and Property.** DNR should design and develop subdivisions to protect life and property. Sensitive areas such as wetlands or potentially dangerous areas such as areas with unstable soil, riverbanks subject to active stream erosion, or within floodways or floodplains, should be avoided in subdivision design or protected by retaining these areas in state ownership or restricting their use through developmental reservations or restrictions. Wildland fire risks in areas with heavy fuels such as black spruce need to be considered during early decision-making on subdivision development. DMLW should coordinate with state and/or federal fire suppression agencies early in the process of developing a best interest finding and in the identification of potential settlement areas. Easements or plat notes can be used for this purpose in lieu of retaining land in state ownership.
- 2) **Protect and Manage Valuable Environmental Areas.** The state will provide, in its design of land disposals, an open-space system to preserve important fish and wildlife habitats and natural areas such as shorelands, freshwater wetlands, and riparian lands. As part of this design process, consideration should also be given to the connectivity of habitat types as well as access to fish and wildlife resources. Where appropriate other design and management approaches may be used; these may complement an open space system or substitute for it, although preference should be given to the provision of an open space system.

These areas should be designed to provide the necessary linkage and continuity to protect or increase values for human uses and wildlife movements. In some places, large areas may be protected to provide adequate terrestrial habitat.

- 3) **Priority of Public Uses in Stream Corridors.** Within stream corridors, DNR will set a higher priority on protecting public use values than on providing opportunities for private ownership of land. Disposals near streams with important recreation value will be designed to protect riparian habitat and protect access to and along the stream for fishing, hiking, camping, and other recreational activities. Disposals near streams

that have important fish or wildlife habitat or wildlife value will be designed to insure the protection of the habitat or wildlife. In certain limited cases, it may be appropriate to provide land for private use, but such an action must be in the overall best interests of the state. Before lands are disposed of in stream corridors, DNR will assess existing and projected public use needs associated with the stream corridor, in consultation with other affected agencies and the public. Depending on the context, DNR may either protect these areas through retaining land in state or public ownership or through the imposition of a reservation of an interest in land for the maintenance of riparian values and access.

In making determinations as to whether a riparian area should be protected and the manner of that protection, adjudicators are to consult the DMLW on-line procedures for riparian areas and Management Guidelines B, D, and H of the 'Stream Corridors and Shorelands' section of this chapter. These procedures emphasize retaining such areas where a significant public interest or value exists, which is often common in riparian areas.

- 4) **Protect and Enhance Scenic Features.** DNR will design and develop subdivisions to protect or maintain unique geologic and scenic features such as cliffs, bluffs, or waterfalls. These areas should be avoided altogether or protected in subdivision design and development through the use of reservations or plat restrictions. Where scenic views exist, lots should be oriented to this feature.
- 5) **Mineral Closing Orders.** There are a variety of existing mineral closing orders that affect state land within the planning area, many of which occur on state land designated for Settlement. Although the YTAP does not recommend any additional mineral closing orders, the plan includes a Leasehold Location Order that is intended to affect areas currently classified Settlement that do not now have a mineral closing order as well as all new areas of Settlement identified in this plan revision. Many state subdivisions have been staked with mineral claims, the purpose of which appears to be to prevent the development of a settlement area. This practice has significantly affected state land disposals in the Northern region and continuation of this practice will do fundamental damage to that program in this part of the state unless some action is taken. The Leasehold Location Order will permit mining to occur while precluding the issuance of nuisance claims. See Appendix D for the Leasehold Location Order. The management intent section of parcels designated Settlement should be consulted to determine if a management unit is affected by the leasehold location order recommendation.
- 6) **Timber Harvest in Areas of Settlement or Agriculture.** Timber harvests are considered appropriate in areas designated Settlement if intended to support the costs of subdivision development, provide access to the subdivision, or provide ancillary facilities subject to the other requirements of the Forestry standards in this Chapter. Timber harvests may also be appropriate for purposes of forest health or the clearing of right-of-way. The elective harvesting of timber before subdivision development is considered appropriate, after consultation with the Land Sales Section and if authorized by the Regional Manager, NRO. Timber harvests are also considered

appropriate in areas designated Agriculture if the timber harvest is identified as an appropriate use or activity in the Farm Conservation Plan that is approved prior to agricultural production. Consult with the Division of Agriculture prior to the initiation of timber harvest in areas designated Agriculture.

**7) Protect and Enhance Recreational, Educational, and Cultural Opportunities.**

DNR should determine the need for and retain appropriate areas for outdoor recreation, hunting, fishing, trails, campsites, boat launches, historic sites, and areas for scientific study. Areas for intensive and dispersed use will be preserved.

**D. Design.**

**1) Provide State Land for Important Environmental and Resource Development Purposes.** DNR, as a general policy, should retain appropriate green belts, public-use corridors, water supply areas, riparian buffer areas, wildlife migration corridors, public access sites, material sites, roads and other public facilities, as well as other open space to create a desirable land use pattern in developing areas. Where appropriate other design and management approaches may be used; these may complement retained areas or substitute for them.

Generally, however, subdivision design should provide for the creation of an open space system designed to protect or maintain important uses and values. Depending on the context, DNR may either protect these areas through retaining land in state or public ownership or through the imposition of a reservation of an interest in land for the maintenance of riparian values and access or through the use of a stipulation (i.e., 'subject to').

**2) Cost of Public Services.** In accordance with AS 38.04.010, DNR will focus year-round settlement to areas where services exist or can be provided with reasonable efficiency. State land that is located beyond the range of existing schools and other necessary public services or that is located where development of sources of employment is improbable will be sited and designed to encourage seasonal use with sufficient separation between residences so that public services will not be necessary or expected. Wildfire management costs that result from settlement will be considered and minimized to the extent feasible.

**3) Ensure Access.** DNR should ensure that legal, practical public access (roads, trails, or other options most appropriate to the particular situation) is identified and reserved to and within land offerings. However, the state is not legally obligated to construct roads. In instances where a subdivision or other development is to abut a major arterial, the location of driveway and main road access is to be coordinated with ADOT/PF and other approving agencies. Section line or other easements should not be relied on for access without field inspection of the practicality of such routes, where topography or other conditions might make the practicability of the section line location suspect. Identified access routes should be described in the land-offering brochure. Where needed to reduce the likelihood of conflicts with existing private owners, DNR may brush or flag public access routes to land offering projects.

- 4) **Subdivision Design.** Subdivisions will be designed to preserve and enhance the quality of the natural setting and the recreational opportunities that make an area attractive to potential buyers. State subdivision design will take account of site limitations and opportunities such as slope, drainage, soils, erosion, riparian zone and coastal buffer, and other features to ensure that sites offered are buildable and can be developed without the need for extensive public infrastructure. Riparian buffers or building setbacks shall be imposed on all disposals where important riparian areas have been determined to exist. If there is some question as to whether a riparian protection area should be imposed, consult ADF&G. DNR should review Borough subdivision requirements prior to the initiation of subdivision design. See also design requirements described in C (1 through 3) and D (1), described previously, and Management Guidelines B through F in the ‘Stream Corridors and Shorelands’ section of this chapter.

**E. Other Guidelines Affecting Settlement.** Other guidelines will affect settlement. See other sections of this chapter.