

Remote Recreation Cabin Sites: 11 AAC 67.800-845

11 AAC 67.800. Qualifications for remote cabin site

(a) An applicant or bidder for a remote recreational cabin site shall submit proof acceptable to the commissioner that the applicant is at least 18 years of age and has been a resident of the state for not less than one year immediately before the date of application or bid.

(b) In a land offering, the commissioner may include remote recreational cabin sites offered at auction as well as remote recreational cabin sites offered via staking authorizations in one or more staking areas. A person will not be awarded more than one remote recreational cabin site in each offering, whether at auction or by a staking authorization lottery. Remote recreational cabin sites offered at auction will be awarded before staking authorizations offered at lottery. An eligible person will be awarded the first remote recreational cabin site for which that person is determined to be the high bidder or a staking authorization for the first staking area for which that person's name is drawn.

History: Eff. 2/9/2001, Register 157

Authority: AS 38.05.020; AS 38.05.035; AS 38.05.600

11 AAC 67.805. Designating areas for remote recreational cabin sites

Consistent with applicable land use plans and after public review of the proposed decision under AS 38.05.035(e), the commissioner will determine surveyed parcels to be offered for sale as remote recreational cabin sites areas, or areas to be opened for staking remote recreational cabin lease sites, along with the number of entries allowed in each area. The department may reopen staking in an area previously open to staking open-to-entry sites, remote parcels, or homesteads.

History: Eff. 2/9/2001, Register 157

Authority: AS 38.05.020; AS 38.05.035; AS 38.05.600

11 AAC 67.810. Local review of staking areas

(a) This section applies to a remote recreational cabin site staking area within a municipality that exercises platting authority or expects to begin exercising platting authority before the remote recreational cabin sites are platted. When providing notice under AS 38.05.945(c) of its proposed decision to open the land for staking, the department will notify the municipality that

(1) the department will not proceed with the proposed opening without a modification of the municipality's plat review process;

(2) the survey plat will not be prepared until three or more years after an applicant stakes a site and receives a lease, and that during that period before the plat is prepared, a lessee might construct permanent improvements and onsite wastewater disposal systems; and

(3) to ensure compliance with applicable platting and onsite wastewater disposal requirements, those requirements must be known before a lease is issued.

(b) If in response to the notice provided under AS 38.05.945(c), the municipality

- (1) grants conceptual approval of the density and minimum size of cabin sites to be offered, and consents to be guided by that conceptual approval during its later plat review, the department will conform the department's final decision to that maximum number and minimum size;
- (2) requests that the department submit a preliminary plat, showing the cabin site's approximate location and size, for the municipality's approval before the department issues a lease, the department will submit that material and adjust the boundaries of the lease site as necessary to comply with municipal platting requirements;
- (3) requires a minimum parcel size to qualify the final plat for a waiver of review, the department will conform the department's final decision to that minimum parcel size; or
- (4) states that the municipality will not modify its platting process to allow the offering of unsurveyed cabin sites, the department will not proceed with the proposed offering.

History: Eff. 2/9/2001, Register 157

Authority: AS 38.05.020; AS 38.05.035; AS 38.05.600

11 AAC 67.815. Offering remote recreational cabin sites

(a) Remote recreational cabin sites will be offered competitively.

(b) If a parcel that the commissioner offers as a remote recreational cabin site is already surveyed and platted, it will be offered for sale at a sealed-bid or outcry auction as provided under AS 38.05.055. Surveyed and platted parcels are not subject to the size limits set under 11 AAC 67.820. After the auction, unsold parcels will be offered over the counter as provided by AS 38.05.060. Along with the down payment for a site purchased at an outcry auction or over the counter, or within 30 days after being notified of the award for a site purchased at a sealed-bid auction, the purchaser shall reimburse the state for the cost of surveying, platting, and appraising the site.

(c) Before opening an area to the staking of remote recreational cabin sites, the department will announce a simultaneous filing period in the manner provided for lottery parcels by AS 38.05.057(e). An applicant may file only one application per staking area, but may file an application for each area. If there are more applicants for an area than the number of entries to be offered, the winners will be chosen by a lottery drawing. Staking authorizations for the area with the highest ratio of applications to allowable entries will be drawn first. If an applicant files applications for more than one area, the applicant will receive a staking authorization for the first area for which the applicant's name is drawn. A staking authorization for which no application is filed will not immediately be offered over the counter, but may be reoffered at a later time.

History: Eff. 2/9/2001, Register 157

Authority: AS 38.05.020; AS 38.05.035; AS 38.05.600

11 AAC 67.820. Staking instructions

The department will issue remote recreational cabin site staking instructions, and in those instructions may

- (1) require separation between remote recreational cabin sites or from existing private parcels, and setbacks from waters and existing trails;

- (2) identify areas that may not be staked or that may be subject to special requirements, such as limits on total water frontage;
- (3) identify landmarks, monuments, or other points from which distances are to be measured and that are to be used as points of reference;
- (4) prescribe the manner of staking, including staking all corners of the remote recreational cabin site and brushing or flagging all boundary lines;
- (5) prescribe a site's maximum size, not to exceed 20 acres, and minimum size, not less than five acres;
- (6) establish public access and utility easements to which a remote recreational cabin site is to be subject;
- (7) set the date when the applicant may begin staking and the duration of the staking period;
- (8) set the date by which the staker must submit a lease application to the department; or
- (9) include other requirements specific to the area opened to staking.

History: Eff. 2/9/2001, Register 157

Authority: AS 38.04.010; AS 38.05.020; AS 38.05.035; AS 38.05.600

11 AAC 67.825. Lease application; priority

In an area opened to the staking of remote recreational cabin sites, the first applicant to stake a remote recreational cabin site and file a valid lease application has priority over later, conflicting lease applications. The lease application must be accompanied by payment of the lease application fee and the first rental payment, along with

- (1) the first quarter's deposit toward the department's survey, platting, and appraisal costs for the site; or
- (2) a cash performance bond of \$1,000 to ensure the lessee's completion of survey, platting, and appraisal of the site, if the department determines that offering this option is in the state's best interest, and if the applicant chooses it.

History: Eff. 2/9/2001, Register 157

Authority: AS 38.05.020; AS 38.05.035; AS 38.05.600

11 AAC 67.830. Rejection or modification of lease application

(a) A lease application may be rejected for reasons including

- (1) failure to comply with AS 38.05.600, 11 AAC 67.800 - 11 AAC 67.850, or a staking instruction issued under 11 AAC 67.820; or
- (2) conflict with a prior lease application; if a conflict exists but the area is still open to staking, the rejected applicant may stake another remote recreational cabin site.

(b) The department may modify lease boundaries to conform to topography, eliminate a conflict with a prior lease application, avoid leaving an unusable remnant of state land, or satisfy municipal platting requirements. The department will not modify the size of a remote recreational cabin site lease by more than 10 percent without the applicant's consent.

History: Eff. 2/9/2001, Register 157

Authority: AS 38.05.020; AS 38.05.035; AS 38.05.600

11 AAC 67.835. Lease conditions

A remote recreational cabin site lease is subject to the following conditions:

- (1) the first term of the lease is three years, extendable for an additional year if survey and appraisal are not complete or the department is otherwise unable to proceed with the sale; a lease in good standing will automatically be renewed for a second term of five years if the lessee does not purchase the site at the end of the first term;
- (2) the annual rental fee for the first term of the lease, including any extension granted under (1) of this subsection for a fourth year, is as set out in 11 AAC 05.010(e)(19)(A) and may be paid quarterly;
- (3) the annual rental fee for the second term of the lease is as set out in 11 AAC 05.010(e)(19)(B);
- (4) during the first term of the lease, unless the lessee posted a cash survey and appraisal performance bond before issuance of the lease, the lessee shall also pay, in advance, a quarterly deposit toward the department's estimated cost of surveying, platting, and appraising the remote recreational cabin site for purchase; if the first term of the lease is extended under (1) of this subsection for an additional year, no additional quarterly deposit is required during that year;
- (5) if the lessee posted a cash survey and appraisal performance bond before issuance of the lease, the lessee shall complete an approved survey plat and an approved appraisal during the first term of the lease; if the lessee fulfills the survey and appraisal requirement before the lease expires, the lessee's survey and appraisal performance bond will be released; if the lessee does not fulfill the survey and appraisal requirement before the end of the lease's third year, the lease will be extended for a fourth year only upon application and payment of a fee of \$500, which includes the fourth year's rental; if the lessee does not fulfill the survey and appraisal requirement before the lease's first term expires, the lessee's survey and appraisal performance bond will be forfeited; the lease will not be renewed for a second term, ending the lessee's interest in the remote recreational cabin site;
- (6) the lease may not be transferred, subleased, or assigned, except
 - (A) by a court order as part of a property division resulting from a divorce or dissolution of marriage; or
 - (B) in the event of the lessee's death, by order of a court with probate jurisdiction, or at the direction of the personal representative or similar person appointed by that court to manage the lessee's estate;
- (7) the lease authorizes private recreational use only; during the term of the lease, the lease site may not be used for a permanent place of abode or for commercial purposes.

History: Eff. 2/9/2001, Register 157

Authority: AS 38.05.020; AS 38.05.035; AS 38.05.600

11 AAC 67.840. Deposits, refunds, and credits

- (a) If the total deposit paid by a remote recreational cabin site lessee for the cost of surveying, platting, and appraising the site does not cover the lessee's share of the cost, prorated by acreage, the lessee shall pay the balance at the time of purchase. If the total deposit paid exceeds the

lessee's share of the cost, prorated by acreage, the excess will be credited against the purchase price.

(b) A deposit is non-refundable if a lessee or purchaser does not proceed with the purchase of the site, except that the department will refund 50 percent of a lessee's total deposit if the lessee files a written relinquishment of the lease before the lease's fourth quarterly payment is due.

(c) Rental payments are non-refundable. However, if a lease is converted to a sale, the unexpended portion of that quarter's or year's prepaid rental will be credited against the site's purchase price.

(d) A lessee's deposit for survey and platting as required by 11 AAC 67.835(4), a purchaser's reimbursement to the department for survey and platting as required by 11 AAC 67.815, or the estimated cost of survey and platting if completed by the lessee as required by 11 AAC 67.835(5), will be credited against the site's purchase price. However,

(1) a deposit for the cost of appraisal will not be credited; and

(2) the minimum purchase price for a remote recreational cabin site, notwithstanding any credits, is \$1,000.

History: Eff. 2/9/2001, Register 157

Authority: AS 38.05.020; AS 38.05.035; AS 38.05.600;

11 AAC 67.845. Access

(a) Each remote recreational cabin site staked under 11 AAC 67.815(c) is subject to an access and utility easement 15 feet wide, or as required by the platting authority, along each boundary.

(b) Before completion of the survey, a lessee has the right of reasonable access across other unsurveyed remote recreational cabin sites. However, the department will not approve construction of an access road or installation of a utility on a route that crosses or may cross another remote recreational cabin site until the access or utility easement is shown on the survey plat.

(c) Before completion of the survey, the department will reserve an additional access or utility easement across a remote recreational cabin site, if a lessee or landowner shows to the department's satisfaction that the easement is necessary to provide access to that person's parcel and that access is not feasible via boundary-line easements, easements reserved along existing trails, easements reserved to and along navigable or public waters, section-line easements, and other easements of record or existing by operation of law. An additional access or utility easement will not be reserved without approval of the route of the easement by the lessee whose parcel is to be crossed. However, the lessee's approval may not deny access or operate to deny access. A lessee may not block access along an existing trail.

History: Eff. 2/9/2001, Register 157

Authority: AS 38.04.050; AS 38.04.055; AS 38.05.020; AS 38.05.035; AS 38.05.127; AS 38.05.600