

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

DRAFT SPECIAL EXCEPTION

to the
Yukon Tanana Area Plan

related to
West Twin Lake Subdivision Remaining Parcels – ADLs 420628-420633

Name: West Twin Lake - Chapter 2: Shorelands and Stream Corridors

Location: Management Unit K-22

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 DO 03.

Current Plan: Currently, the Yukon Tanana Area Plan (YTAP), Chapter 2: Shorelands and Stream Corridors reads, “Building setbacks: 100 feet adjacent to anadromous and high value waterbodies and 50 feet adjacent to all other waterbodies.”

Proposed Special Exception: This special exception to the YTAP exempts the area affected by this decision from the YTAP Chapter 2: Shorelands and Stream Corridors requirement, “Building setbacks: 100 feet adjacent to anadromous and high value waterbodies and 50 feet adjacent to all other waterbodies.”

Explanation: The YTAP was adopted in January 2014. The parcels affected by this decision are already surveyed and are classified Settlement. There is a demand from the public to obtain Settlement-classified land in the area. As this language falls within Chapter 2 management intent, a special exception is required to exempt this individual proposed action from this intent without changing the management intent for the entirety of the planning area.

When the West Twin Lake Subdivision was surveyed in 1982, survey notes on the plat reserved a “fifty foot wide public access easement along the mean high water or ordinary high water line of any public or navigable water”, pursuant to AS 38.05.127.

YTAP, Chapter 2: Shorelands and Stream Corridors, Management Guidelines, Section H. Buffer Easement, and Setback Widths, 2), e) describes “Building setbacks: 100 feet adjacent to anadromous and high value waterbodies and 50 feet adjacent to all other waterbodies.” West Twin Lake is not considered a high value resident fish or anadromous water body; therefore the 50-foot building setback applies.

The 1982 plat notes have no reservation for building setbacks from West Twin Lake’s shore. In an effort to manage the remaining parcels in the same way as the previously conveyed parcels,

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and since all parcels are already surveyed, it is proposed that the 50-foot building setback, as referenced in the YTAP, not be implemented

Assessment: There is a continuing demand for land in this area, there is a proposed land offering in the area, and the area of the offering is classified settlement. The proposed action affects six Settlement-classified surveyed parcels in the vicinity of West Twin Lake, and does not change the overall management intent or management guidelines for the planning area. This constitutes a one-time, limited-purpose variance of the plan’s provisions. This action is also not inconsistent with the management intent for Settlement-classified land, which is to provide the public with opportunities for private ownership. An exception to the 50-foot building setback is the preferred option.

Alternatively, these parcels along West Twin Lake could be sold with a 50-foot building setback, as referenced in the YTAP. This would create inconsistent parameters within the subdivision. It would also add costs through additional survey and platting actions, or by adding new restrictions which would be carried forward through deed restrictions. This is not the preferred option.

Requirements of AS 38.04.065 (b): The factors identified in this section of statute have been considered in the Preliminary Decision for ADLs 420628-420633 issued on March 8, 2019, 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 Section of the Division of Mining, Land, and Water, Department of Natural Resources finds that the special exception to the Yukon Tanana Area Plan, as described above, meets the criteria for special exceptions under *11 AAC 55.030 (f)* and is hereby approved.

Approved:

Martin W. Parsons, Director
Division of Mining, Land and Water
Department of Natural Resources

Date