

RESOLUTION 14-01

A RESOLUTION OF THE LAKE AND PENINSULA BOROUGH GRANTING A CONCEPTUAL APPROVAL OF A STATE OF ALASKA LAND OFFERING OF RECREATIONAL CABIN SITES LOCATED ON STATE-OWNED LAND INSIDE THE LAKE AND PENINSULA BOROUGH BOUNDARY IN THE MULCHATNA RIVER AREA.

WHEREAS, the State of Alaska Department of Natural Resources (herein referred to as DNR) has a Remote Recreational Cabin Site Disposal Program authorized by AS 38.05.600 for the purpose of providing State land in a remote setting for recreational use and for private ownership; and

WHEREAS, DNR is proposing an 800-acre land offering located within the Lake and Peninsula Borough (herein referred to as Borough) near the Borough's northern boundary, approximately 40 miles northwest of Lake Clark; and

WHEREAS, DNR has consulted with Borough staff regarding the proposed land offering within the Borough boundaries and is requesting a conceptual approval of the land offering; and

WHEREAS, DNR is also requesting a waiver of specified sections of Chapter 9 of the Borough Code because of the complexities involved in portraying such a vast area of land selections on one preliminary plat for future Planning Commission review; and

NOW THEREFORE BE IT RESOLVED, that the Lake and Peninsula Borough Assembly grants conceptual approval of the DNR proposed land offering with the following conditions:

1. Up to 40 parcels will be staked in the LPB from lottery winners with parcels ranging from 5 to 20 acres.
2. Parcels will be leased for up to three years, and ultimately purchased from the state by the leasee at fair market value.
3. Stakers and leasees will need to contact the Borough if accessing their lands through LPB lands.
4. As parcels are not yet identified, DNR will use a staking map as the preliminary plat for this purpose.

In addition, all staked parcels will be subject to the following easements as specified by DNR:

1. A 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius of 5 feet around the control monument, and as applicable a 5-foot wide direct line-of-sight easement from the control station to an azimuth mark or other control monument (per 11 AAC 51.105)
2. A public access and utility easement 30 feet in width along all interior parcel lines.
3. A 60-foot easement centered on existing trails through and along staked parcels
4. A continuous easement 50 feet upland from the ordinary high water mark of all public or navigable water bodies (per AS 38.05.127).
5. A 100-foot easement centered on any surveyed or protracted section lines (per AS 19.10.010); and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Lake and Peninsula Borough Assembly approves the following exceptions to sections of Chapter 9.06, (Subdivision Regulations) of the Lake and Peninsula Borough Code:

1. **Preliminary Plat Approval** – Borough code 9.06.270 (C) is amended to for this plat to read: “Application for final plat approval must be completed and filed within ~~12~~ 48 months of preliminary plat approval.”
2. **Form and Contents (final plats)** – Borough Code 9.06.270 (B) is amended to read: “The plat shall be at a scale of not less than 1 inch equals ~~100~~ 200 feet.”
3. Survey shall conform to ~~Type III standards (1:10,000)~~ State standards (1:5,000).”
4. **Form and Contents (final plats)** – Borough Code 9.06.270 (D.1.) is amended to read: “The boundary of the subdivided area showing clearly what stakes, monument, or other evidence were found or established on the ground to determine the boundary ~~of the subdivision.~~ of individual parcels. The entire staking area is not required to be shown on the plat.”
5. **Form and Contents (final plats)** – Borough Code 9.06.270 (D. 16.) is amended to read: “The area of each lot in square footage to the nearest ~~10 square feet or acres to three decimal places.~~ One hundredth of an acre (0.01).”
6. **Design Lot Access** – Borough Code 9.06.440 (A) is waived. “~~All lots shall have frontage on a street or navigable waterway. Rural lots may have frontage on an aircraft landing area.~~”
7. **Monuments** – Borough Code 9.06.510 (B) is amended to read: “All primary monuments shall be referenced by two secondary monuments or bearing trees.”

NOW THEREFORE BE IT FURTHER RESOLVED, that the Lake and Peninsula Borough Assembly approves the following additional conditions:

1. The preliminary plat application shall include a sketch map for each parcel. Each sketch map is to include metes & bounds description, property boundary lines, physical features on and adjacent to the property, existing trails, adjacent selected parcels, proposed access to the property, the proposed building site, and any proposed or existing trails on the property.
2. Preliminary plat approval is subject to accessibility review. When parcel access is proposed across Borough property, DNR is directed to develop a consolidated access plan and to apply to the Borough for easement(s). Easement(s) shall be consolidated, to the extent practical to avoid fragmentation of Borough property. Easements shall be located to minimize impact to existing Borough leases.
3. The Planning Commission shall review the final plat of the surveyed parcels prior to Borough approval.
4. Waiver of LPB Code 9.06.440.(A) is to be noted on the final plat.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Borough Manager, as authorized by Borough Code 9.06.230, waives specified sections of Chapter 9.06, (Subdivision Regulations) of the Lake and Peninsula Borough Code, as shown in Attachment A.

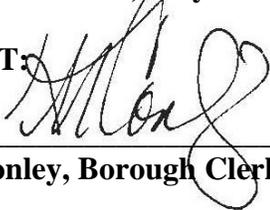
PASSED AND APPROVED by a duly constituted quorum of the Lake and Peninsula Borough Assembly on this 21st day of January 2014.

IN WITNESS THERETO:



Glen R. Alsworth, Mayor

ATTEST:



Kate Conley, Borough Clerk