



Fact Sheet: Wood-Tikchik State Park Land Use Zoning Regulations



Alaska Department of
**NATURAL
RESOURCES**

Division of Parks & Outdoor Recreation
February 2010

Land Use Zoning regulations affect certain private parcels located within the boundaries of Wood-Tikchik State Park. These regulations were recommended in the 2002 Wood-Tikchik State Park Management Plan, and were subsequently modified in 2009. The following summary describes who might be affected and what zoning restrictions apply.

What is zoning?

Zoning is a method by which government regulates use on private lands in areas where it applies. Zoning will promote orderly growth and ensure that the number and scale of developments is compatible with the uses of the park and protect the values that make the park so special to so many people. Guidelines were designed to address how development will occur in the park.

Which private parcels are subject to zoning?

The zoning regulation applies to all private property within the boundaries of the park. (Trust lands such as Native Allotments still under the ownership of the native allottee are not considered private property, for the purposes of these regulations.) This zoning regulation also applies to land patented or interim conveyed to regional or village Native corporations under the Alaska Native Claims Settlement Act (ANCSA). However, this regulation only applies to ANCSA lands if the affected corporation consents to, or fails to reject, the zoning regulations within 60 days from the date they are submitted to the affected corporation. Aleknagik Natives Limited, a holder of large areas within WTSP has declined to be subject to zoning regulations on their lands.

Under the 1887, 1906, and 1910 Native Allotment Acts, allottees enjoy a special trust relationship with the Federal government and they cannot sell their lands without approval by the government or its designees (in this case, the Bristol Noy Native Association). The restricted status is extinguished upon transfer of the land to a non-Native. The zoning regulations does not apply to parcels under restricted status until they are transferred to a non-Native, either by sale, inheritance or lease or otherwise lose restricted status.

What are the specifics of zoning?

The regulations affect the subdividing, development, and commercial and non-commercial uses of land within the park. Unless the use or

development was in existence on June 25, 1976, the following limitations apply:

Subdivision of the land is limited to lots of not less than 10 acres. Commercial use or development of the land for the purpose of operating a business is limited to an area of not more than 5 contiguous acres and will be designated as a commercial development site. For each parcel as originally conveyed from the United States Government, only one commercial development site may be designated on the parcel and only one business may be located on a commercial development site.

Structures constructed on a non-commercial site may not exceed two stories or a total of 24 feet in height and must be set back a minimum of 50 feet upland of the ordinary high water mark of any water body. Occupancy is limited to single-family.

Structures constructed on a commercial development site are limited to two stories or a total of 24 feet in height and must be set back a minimum of 100 feet upland of the ordinary high water mark of any water body. A maximum of 30 overnight guests is allowed at any business providing overnight accommodations.

Color of roofing materials and the siding of exterior walls on all structures are limited to neutral colors and subject to approval by the Division of Parks & Outdoor Recreation.

Fuel Storage Tanks must be attached and anchored solidly to a structure or to the ground and the tank must be installed within an impervious containment basin of a size to contain 110 percent of the storage capacity plus 12 inches of freeboard.

Septic Systems and Latrines must be the installed or constructed a minimum of 100 feet upland of the ordinary high water mark of any water body.

Refuse and Waste must be placed in a manner not capable of contaminating land or water.

Towers, Antennas and Satellite Dishes are limited to a maximum height of 40 feet.

The construction or erection of **advertising signage** is prohibited.

Firearm use is limited to lawful hunting, trapping and incidental target practice. The use or discharge of a firearm on private property in a developed shooting range facility with shooting stations, firing lines, moving or stationary targets is prohibited.

Chemicals, toxic materials, fuels, pesticides or petroleum-based fuel may not be discharged, applied or released on or into the land or water.

What about existing structures?

Structures constructed before the effective date of the zoning regulations shall be allowed to continue. Such a structure may be maintained or repaired without a permit although roof replacement, painting and siding of existing structures are subject to this regulation.

Can I apply for a conditional use permit?

“Variance” means a grant of relief from the requirements of this regulation, which permits construction or use in a manner that would otherwise be prohibited. An owner may apply for a conditional use permit to allow activities which are otherwise prohibited within Wood-Tikchik State Park. Conditional use permits may be authorized by the director of DPOR under 11 AAC 18.010.

Where can I look up the actual regulation?

Alaska State Regulation 11 AAC 20.367 sets the zoning requirements. Alaska Statute 41.21.025 grants the Division of Parks and Outdoor Recreation the authority to adopt the zoning regulations governing private property within the boundary of Wood Tikchik State Park. You can find these regulations on-line at: <http://www.legis.state.ak.us/folhome.htm>

For more information:

**Department of Natural Resources
Public Information Center**

550 West 7th Avenue, Suite 1260
Anchorage, AK 99501-3557
Phone: 907-269-8400
Fax: 907-269-8901
TDD: 907-269-8411

Wood-Tikchik State Park

P.O. Box 1822
Dillingham, Alaska 99576
Telephone: (907) 842-2641
Fax: (907) 842-2975