

Planning Commissioners

Ben McDowell, Seat A
Paul Liedberg, Seat B
Bill Rodawalt, Chair, Seat C



William Corbett, Seat D
Andy Anderson, Seat E
Julie Baltar, Seat F
Vacant, Seat G

**DILLINGHAM PLANNING COMMISSION
REGULAR MEETING**

**March 19, 2014
5:30 p.m. City Council Chambers**

Teleconference: 1-800-791-2345; participant code 19531;

Agenda

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVE MINUTES OF February 19, 2014**
- IV. APPROVAL OF AGENDA**
- V. COMMUNICATIONS**
 - A. Communications to the Planning Commission
 - B. Planner's Report
 - C. Citizen's comments on items not on the agenda
- VI. PUBLIC HEARINGS**
 - None.
- VII. UNFINISHED BUSINESS**
 - A. Minimum Acreage Draft Ordinance Language DISCUSS
 - B. Subdivision Replats Draft Ordinance Language DISCUSS
 - C. Planning Commission Training DISCUSS
- VIII. NEW BUSINESS**
- IX. CITIZEN COMMENTS**
- X. COMMISSIONER COMMENTS**
- XI. ADJOURNMENT**

JOINT PLANNING COMMISSION /CITY COUNCIL WORKSHOP

7:00 P.M. immediately following the Planning Commission meeting

Planning Commissioners
Ben McDowell, Seat A
Paul Liedberg, Seat B
Vacant, Seat C



William Corbett, Seat D
Andy Anderson, Seat E
Julie Baltar, Seat F
Vacant, Seat G

REGULAR MEETING MINUTES February 19, 2014

I. CALL TO ORDER

The regular meeting of the Dillingham Planning Commission was called to order by Chair Julie Baltar at 5:35 p.m.

II. ROLL CALL (quorum is 4)

Members present:

Paul Liedberg, Seat B
Vacant, Seat C
William Corbett, Seat D
Andy Anderson, Seat E
Julie Baltar, Seat F

Public:

Nick Smeaton
Donni Heyano
Tami Galvan
Noah Harper
Greg Marxmiller
Tom Behrendt, Nushagak Coop
Tiel Smith

Members Absent

Ben McDowell, Seat A, excused

Guests:

Louise Hooyer, Alaska Dept. of Transportation, on teleconference
Chris Beck, Agnew::Beck, on teleconference
Drew Alexander, Agnew::Beck, on teleconference

Staff in Attendance:

Jody Seitz, City Planner, Recorder

III. APPROVAL OF THE MINUTES OF January 19, 2014

MOTION: Paul Liedberg moved and Andy Anderson seconded the motion to approve the minutes of January 19, 2013. Andy Anderson called the question.

Discussion:

- Mr. Liedberg's comments on page 3 were intended to mean that the city is considering all options including compacting and baling.
- Under 7, Unfinished Business. Mr. Anderson felt the discussion of replats in the minutes was confusing.
- Planner Seitz explained that it was intended to say that the process of replatting should be clarified and simplified.

VOTE: The motion passed unanimously to approve the minutes as amended.

IV. APPROVAL OF THE AGENDA

MOTION: Paul Liedberg moved and William Corbett seconded the motion to approve the agenda.

Discussion:

- To facilitate Guests, the order of the agenda would be to take up New Business prior to Unfinished Business, and the items under VIII New Business would be heard in the following order: B,C,E,A,D,F
- Planner asked to revise the agenda to reflect two Public Hearings:
 1. The Vacation of Second Avenue F
 2. The Downtown Streets Right of Way Plat
- Planner noted that both Public Hearings had been properly noticed according to the Code.

VOTE: The motion passed unanimously.

VI. COMMUNICATIONS

A. Communications to the Planning Commission.

Planner explained Resolution 2014-06 comes from a resident's request to purchase land to resolve an encroachment of a garage into the downtown cemetery.

B. Planner's Report

Planner reviewed her report for the commission.

- Citizen request to look into potential city maintenance on the old road to Kananak hospital
- Invited owners of S&W subdivision to attend the March Planning Commission meeting to discuss their desired changes to their subdivision.
- State Floodplain Coordinator is asking for City to come up with a plan to improve management of properties in the flood plain.
- Request for more information on Pleier Road and Birch Lane
- ADOT had reviewed the status of Squaw Creek road and will no longer maintain it after this winter.

C. Citizen's comments on items not on the agenda.

VI. PUBLIC HEARINGS

A. Vacation of Second Avenue West (added to agenda, was noticed as per DMC 17.15.010.)

Chair Julie Baltar opened the Public Hearing at 5:50 p.m. for comment on the Vacation of Second Avenue.

- Planner explained how the street would be divided, and that an easement would be kept for utilities.
- That the purpose was to be able to give more property to N&N market.
- Tami Galvan and Nick Smeaton testified that they were concerned about the impact to the property at the corner of Main and the southeast side of Second Ave. West, across from City Hall.
- Louise Hooyer of ADOT commented that the street project would not cut into the concrete wall on her property, but would curve away from the property.

Chair Julie Baltar closed the public hearing for the Second Avenue West vacation at 5:58 p.m.

- B. Downtown Streets Preliminary Right of Way Plat (added to agenda, was noticed as per DMC 17.07.050.)

Chair Julie Baltar opened the Public Hearing on the Right of Way Plat for the Downtown streets at 5:58 p.m.. There was no public testimony. Public hearing closed at 5:59 p.m.

V. NEW BUSINESS

- A. (B.)Resolution 2014-03 Downtown Streets Right of Way Preliminary Plat

MOTION: Paul Liedberg moved to approve and William Corbett seconded the motion to approve Resolution 2014-03.

Discussion:

- Planner reviewed the recently adopted Right of Way code and its purpose for the commission.
- Suggested the Planning Commission approve “grandfathering” (permitting non-conforming uses) all those properties where the setbacks were impacted unless they felt that safety would be compromised.
- All of the impacted properties will have more sidewalk than they do now, and most likely be safer.
- Explained the Port Land Trade does impact lot 1 block 20, owned by N&N which also has a parcel (#19) identified for acquisition.
- Commissioner Asked if ADOT had contacted landowners in the project area.
- Louise Hooyer (ADOT) explained that ADOT can’t move forward with acquisition until the Right of Way preliminary plat is approved.
- Commissioners reviewed the revised resolution which was handed out at this meeting and permits non-conforming uses on the parcels identified as impacting setbacks.

VOTE: Chair Baltar requested unanimous consent. Motion carried unanimously.

- B. (C).Resolution 2014-04 Supporting Adoption of Material Sites ordinance

Planner explained the purpose of the resolution was to approve the ordinance in concept, acknowledging that some changes will still occur.

MOTION: Paul Liedberg moves to approve 2014-04 and Andy Anderson seconded the motion.

Discussion:

- Chris Beck asked for distribution of the page of additions to the ordinance.
- The additions bring back parts of the current code on administration; clarification of standards; 18.60 conditional use notice requirements, temporary uses....and other relatively small changes.
- Recommended going over the code for larger questions from the commission.
- Commission requested Beck provide a short overview of the code.
- Commented that he likes the way this code has been handled because it allows for additional uses to be brought into this structure.
- Wells and septic added into the land use permit section
- Decking – should be a by right use.
- Board of adjustment – commission agrees to have all appeals go to the board of adjustment of the city council.

VOTE: Chair Baltar asks for all in favor. Unanimous consent to approve.

C. (E) Resolution 2014-06 Recommend Land Transfer for Edra Garage

MOTION: Paul Liedberg moves to approve Resolution 2014-06 and Andy Anderson seconded the motion.

Discussion:

- Tiel Smith provided background on the land transfer on behalf of Lyle and Silke Smith. They purchased the property on the hill, which was owned by Edra, final today, February 19, 2014. Asked him to help them clear up the property line. The plat by John O'Connor proposes to adjust the lot line to allow the garage to be in its entirety on Lot 3.
- Planner shows photos provided by Smith.
- Image called "backyard garage and swing," is the one that best shows the property.
- Swingset would be inside the new proposed line.
- 676 square feet, property line would be where swingset ends. Goal is to get it out of the garage.
- Property line change would not affect any current trails.
- Process now is not approval of the preliminary plat. It is for a request to the City Council to dispose of the property in question. Two council meetings, an appraisal

of the property at fair market value; and a finding that the land is not needed by the city for a municipal purpose. Then to the planning commission.

- Understands money is involved, but requests that a fee reflecting fair market value be developed instead of having a full appraisal.
- Asks if council expects a position from the Planning commission on this.
- Planner says she left that to the commission, recognizing the council makes the final determination.
- Doesn't feel it's necessary to have the market value of the property to take a position on this.
- Would like to make a recommendation one way or another.
- General discussion to amend the resolution to say "Therefore the Planning Commission recommends to the Council the disposal of the subject property."

MOTION: Paul Liedberg moved and Andy Anderson seconded the motion to approve the amendment.

VOTE: Unanimous vote to approve Resolution 2014-06 as amended.

D. (A) Resolution 2014-02 Recommend Vacation of Second Avenue West

MOTION: Andy Anderson moved and Paul Liedberg seconded the motion to approve Resolution 2014-02, Vacation of Second Avenue West.

Discussion:

- Planner reviewed the report on Second Avenue West. Two Public Hearings, tonight's and August 20, during moose season were held. The vacation does not change what the city could do. City can retain the easement. Would be part of the Port Land Trade.
- Why so long to do this? Due to load on Planer's plate, holding the previous public hearing during moose season and lack of response to requests for review.

VOTE: Planning Commission unanimously approves resolution 2014-02.

E. (D) Resolution 2014-05 Recommend letter to ADNR for ASLS 98-33 Land Transfer

MOTION: Paul Liedberg moves to approve 2014-05 and Andy Anderson seconds the motion.

Discussion:

- Planner reviews the material in the packet for ASLS 98-33.

VOTE: Chair Baltar calls for vote on the motion. Planning Commission unanimously approves the Resolution.

- F. Planning Commission Training – Planner has not been able to arrange this yet.

Chair Baltar recommends Planning Commissioners attend the November APA meeting if possible, and that Planner try to get some funds in the Planning Department budget for this.

Chair mentioned the training helps Commissioners understand the burden they bear for the safety of the community. One example was the work the Commission went through to determine the minimum size of private roads this year.

VIII. UNFINISHED BUSINESS

- A. Minimum Acreage Draft Ordinance – no work on this this month.
- B. Subdivision Replats Draft Ordinance Language – planner has asked owners of S&W subdivision to come to the Planning Commission in March. Concerned that the proposed code doesn't deal with replats or provide much relief for those who only want a driveway to a back lot and can't put in a long road.

IX. CITIZEN'S COMMENTS:

Thomas Behrendt expressed support for Planner's work on easements. Says that the work on right of way and easements for utilities is still a problem in some of the subdivisions. Some are not designed for emergency vehicles to get in there and turn around. Then they want utilities in there. It is a big deal. I agree with her and appreciate the work on the easements.

X. COMMISSIONER COMMENTS:

William Corbett- thanked the Planner for sending the info on ethics.
Andy Anderson – complimented the Planner for all the work in the packet.
Paul Liedberg – also complimented the planner for all the work.
Julie Baltar – suggests working with the radio station to try to get more information out to the public. Appreciates getting the materials in advance.

XI. ADJOURNMENT

Meeting Adjourned 7:31 p.m

Presiding Officer

ATTEST:

Jody Seitz, Recorder

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham Planning Commission

Julie Baltar, Chair
Paul Liedberg
Ben McDowell
Andy Anderson
Vacant
William Corbett
Vacant

MEMORANDUM

Date: March 15, 2014
To: Planning Commission
From: Jody Seitz, City Planner
Subject: March 2014 Report

Emergency Preparedness: SCERP group of city staff is meeting again. Met on Friday 0314 with Police Chief, Payroll, City Clerk, and Fire Coordinator and Fire Assistant to discuss sirens and how to test and use them in an emergency.

CIP Plan: Advertising now for the 2014 update of the six year Capital Improvement Plan. Nominations from staff and public are due April 2 by 5 p.m. at Planning Department.

Floodplain Management: Draft plan is in progress to bring the City's flood zone into compliance with the National Flood Insurance Program requirements identified by the Community Assistance Visit of June 2010.

GIS: GIS consultants updated the parcel database including allotment subdivisions. Addresses and utility map database updates will happen at the end of March.

Grants and Projects:

- Completed ADEC loan questionnaires for the Landfill and the Water System Improvements projects.
- Community Development Block Grant Program Grants were to be awarded by March 15. This would be for the Public Safety Building design phase.
- Landfill: City is still trying to purchase a gasifier. A 5 ton system by Penram is the one being considered right now. Council reps are planning a trip to inspect the equipment in the coming weeks.
- Have asked legislature to reappropriate two major ADEC grants for water system improvements and wastewater system improvements. Should find out by April.

Land Use Permits: Delta Western containment dike.

Floodplain permits: Delta Western, for the dike.

Temporary Encroachment Permits: none this month.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

Ordinances under revision by the Planning Commission

- Title 12 Encroachments: still waiting for attorney code revision to simplify permit process.
- Title 15 Floodplain Management: City Attorney still working on revising code to eliminate the variance requirement for shoreline dependent uses.
- Title 17 Subdivisions:
 - Minimum Acreage: proposed codes are in your packet for work at this meeting.
 - Replats: Planning Commission workshop requested the Planner interview other planners about the codes they examined from Sitka, Bethel and the MatSu Borough.
- Title 18 Land Use Permits: City Council at its March 13 meeting postponed introducing the new material sites ordinance which is now going to be under Title 18, until the Council had more time to review it.

For Code Committee consideration:

- Title 17 Subdivisions: Workshop with City Council set for March 19. Still to sort out:
 - How to handle existing private roads and requests to build subdivisions that would extend those roads....
- Title 18 Land Use: The foot print of the Chapter 18 “Central Business District” is not the same as the “Business District” in Chapter 11.21.010. This could be confusing to citizens. Perhaps the Central Business district should be enlarged to be the same as the “Business District?”
- Housekeeping: Council approved the correction in code referencing a five year plan to a six year plan.

Port Land Exchange: Council approved at its March meeting vacation of Second Ave. west between City Hall and A Street in the Port. Working on valuations for all parcels in the proposed exchange.

Research Request:

- Emperor Road South – turns out it was not platted through Mission Subdivision. Choggiung wants to build the new court house on Tract D of Mission Subdivision. It is an attorney question about whether the land use permit can be granted on this.
- Gauthier Way private sewer system. Citizen requests assistance in how to go about getting the City to take over the system. Cites erratic maintenance and billing for the system. Feels the community is not well organized to handle the system.

Subdivisions:

- Edra Garage – Tax Assessor estimates market value of the requested property at \$1900. Will bring request for the disposal to the Council in April.
- Pacer Subdivision –in review by the BIA and City. The preliminary plat is scheduled for the Planning Commission’s April meeting.
- ASLS 2005-51 – scheduled the preliminary plat for the Planning Commission’s April meeting. This is the state’s land grant to the City which was requested for a community center.

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Chapter 17.03

GENERAL PROVISIONS

Sections:

[17.03.010](#) Purpose.

[17.03.020](#) Platting authority.

[17.03.030](#) Definitions.

[17.03.040](#) Subdivision of state lands.

[17.03.050](#) Subdivisions prohibited in flood hazard areas.

17.03.010 Purpose.

The purpose of this title is to promote and improve the health, safety, and general welfare of the citizens of the city and to set forth regulations and procedures to comply with the provisions of AS [29.40](#) as required by AS [29.35.260](#)(c). These regulations are designed to further the orderly layout and use of the land; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to insure traffic safety and circulation; to prevent the overcrowding of the land; and to facilitate the further subdivision of larger tracts into smaller parcels of land. (Ord. 90-03 § 1 (part), 1990.)

17.03.020 Platting authority.

The Dillingham planning commission is hereby designated as the platting authority authorized to administer subdivision regulations and perform other duties as required by this title and the city council. The planning director is designated as the platting authority authorized to administer final plat approval to abbreviated plats. (Ord. 90-03 § 1 (part), 1990.)

17.03.030 Definitions.

A. Abbreviated Plat. An abbreviated plat is a subdivision in which:

1. The subdivision does not create more than four lots;
2. Each lot created has legal and physical access to a public highway or street;
3. The subdivision does not involve or require a dedication of a street, right-of-way or other area;

4. The subdivision does not require a vacation of a public dedication of land or a variance from the requirements of any ordinance, including, but not limited to, requirements related to subdivision land use and building and construction, including floodplain regulations.

B. “Arterial road” means a major or state highway which moves or is projected to move the greatest number of vehicles from one area of the city to another. Arterial roads generally provide major utility access corridors.

C. “Block” means a piece or parcel of land entirely surrounded by highways, streets, streams, other rights-of-way, or a combination thereof.

D. “Collector street” means roads which form the main access routes carrying traffic from local streets or arterial highways or to commercial areas, schools, or other major traffic generators. Collector streets generally provide major utility access corridors.

E. “Conventional individual septic system” means a single-family septic tank and soil leach system which can be installed to meet the provisions of [18 AAC](#) (Alaska Administrative Code) Chapter 72 without special construction techniques.

F. “Cul-de-sac” means a short dead-end street having a vehicular turnaround.

G. “Easement” means a grant by the property owner to another person or to the public of the use of any designated part of the property for specific purposes and is considered an interest in land.

H. “Half street” means any street less than the prescribed right-of-way widths found in this section.

I. “High density residential” means areas characterized by residential development which is other than single-family homes or duplex development.

J. “Lot” means the smallest portion of a subdivision, constituting a single parcel, tract, division or piece of land intended for building development or conveyance as a single unit.

K. “Lot depth” means the average distance from street right-of-way to the rear lot line, which is the lot line opposite and most distant from said right-of-way.

L. Lot, Flag. “Flag lot” means a lot whose main body is connected to an access way by a narrow strip of land.

M. “Lot of record” means a lot legally created prior to the effective date of this code.

N. “Lot width” means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a distance midway between the front and rear lot lines.

O. “Major local streets” means roads which provide access primarily from residential areas to collector or arterial streets. Major local streets may provide utility access corridors.

P. “Minor local streets” means roads which provide access primarily from residential areas to major local streets and which do not and will not within the foreseeable future serve as major corridors for vehicular access or utility distribution.

Q. “Redivision” means a replat of lot lines within a subdivision which moves lot lines but does not create additional lots, parcels, or tracts.

R. “Right-of-way” means a legal right of passage over another land owner’s property.

S. “Sight distance” means the length of roadway ahead visible to the driver.

T. “Standard plat” means any plat which does not qualify as an abbreviated plat.

U. “Street” means a way for vehicular traffic other than an alley.

V. Subdivider. The subdivider means the owner or owners of land which is being divided pursuant to this title.

W. Subdivision. A subdivision is the division of any lot, parcel, or tract of land, for the immediate or future purpose of sale, financing, lease development or the transfer of any interest in real property, including any resubdivision, where the act of division creates two or more parcels, lots, tracts of land, or building sites. (Ord. 90-03 § 1 (part), 1990.)

17.03.040 Subdivision of state lands.

A. The subdivision requirements adopted under this chapter apply to a subdivision plat of undeveloped state land for disposal under AS 38 filed with the planning commission, provided that such requirements were adopted prior to the planning commission being notified by the Commissioner of the Department of Natural Resources of the proposed sale.

B. Nothing in this section relieves the Department of Natural Resources of its obligations to provide legal access to a subdivision. (Ord. 90-03 § 1 (part), 1990.)

17.03.050 Subdivisions prohibited in flood hazard areas.

The city shall deny permission to subdivide or develop land within flood hazard areas unless the requirements of Section [15.04.060](#) of this code have been fulfilled. (Ord. 90-03 § 1 (part), 1990.)



Chapter 17.07

PLATTING PROCEDURES PRELIMINARY PLATS

Sections:

- [17.07.010](#) Preliminary consultation.
- [17.07.020](#) Information required for preliminary consultation.
- [17.07.030](#) Land to be included in the plat.
- [17.07.040](#) Preliminary plat procedure for standard and abbreviated plats.
- [17.07.050](#) Notification for standard and abbreviated plats.
- [17.07.060](#) Approval of construction plans.
- [17.07.070](#) Standard and abbreviated preliminary plat—Approval, conditional approval, denial.
- [17.07.080](#) Exception to platting procedures.
- [17.07.090](#) Exceptions to road standards.
- [17.07.100](#) Preliminary plat standards.

17.07.010 Preliminary consultation.

Before submitting a preliminary plat, the subdivider shall meet with the planning director or his/her designee to discuss the general character, layout, and location of the proposed subdivision. (Ord. 90-03 § 1 (part), 1990.)

17.07.020 Information required for preliminary consultation.

To acquaint the subdivider with the platting procedures and requirements of the city and to insure that his subdivision is reviewed in the most efficient and timely manner, the subdivider shall furnish the following:

- A. A sketch drawn to an approximate scale of the proposed subdivision indicating street width and layout; approximate lot locations, sizes, and shapes; all easements and dedications; and other subdivision features;
- B. All land owned by the subdivider in contiguous ownership unless contiguous land has been previously subdivided;
- C. Existing buildings and their approximate setback from proposed lot lines;

- D. Natural features such as steep slopes, wetlands, rivers, etc.;
- E. Existing and proposed covenants and other land restrictions;
- F. Location of existing and proposed sewer, water and electrical facilities. (Ord. 90-03 § 1 (part), 1990.)

17.07.030 Land to be included in the plat.

All contiguous land owned by the subdivider and not previously subdivided shall be included with the subdivision and shown on the plat. (Ord. 90-03 § 1 (part), 1990.)

17.07.040 Preliminary plat procedure for standard and abbreviated plats.

- A. The subdivider shall submit twelve copies of the preliminary plat to the planning department at least fifteen working days before the next scheduled planning commission meeting, in order to insure sufficient time for giving the required public notice.
- B. The official filing date shall be the date on which all fees and material required by this code have been submitted to the city. The filing date shall be recorded on the application and stated on the resolution which will approve, conditionally approve or deny the subdivision.
- C. The planning director shall create and maintain an updated submittal checklist that includes the items that must be addressed by the subdivider before application submittal. The subdivider's submittal must include all items listed on the checklist at the time of submission to be considered a complete application. Any deficiencies in this checklist will result in an incomplete application for subdivision. (Ord. 90-03 § 1 (part), 1990; Ord. 99-16 § 1, 1999.)

17.07.050 Notification for standard and abbreviated plats.

- A. Notice of the hearing on a preliminary plat shall be mailed seven days prior to the hearing date to:
 - 1. Adjacent property owners as indicated by the most recent address on the property tax roll of the city's tax assessor's records. The failure of a property owner to receive notice shall not invalidate a decision reached at a public hearing if a good faith attempt was made to comply with the requirements of this code for notice;
 - 2. Owners of the subsurface estate of the proposed subdivision and adjacent properties;
 - 3. Local, state, or federal agencies or entities which service, regulate, or are determined by the planning director to be affected by the proposed subdivision. Agencies and entities may include but are not limited to Nushagak Electric and Telephone, city public works director, city fire department, Dillingham public schools, Department of Environmental Conservation, Alaska Department of Transportation, Alaska Department of Natural Resources, and U.S. Army Corps of Engineers;

4. A list of property owners and agencies notified shall be kept in the file along with a notarized affidavit that notification letters were sent.
- B. Public notice shall be posted in five public places at least five days before the hearing date.
- C. The public notice shall contain the following information:
 1. Date, time, and location of the hearing;
 2. Subdivider's name;
 3. Number and approximate size of proposed subdivision lots;
 4. Descriptive location of the property to be subdivided;
 5. Legal description;
 6. Location where additional information may be examined;
 7. Public notice sent to affected agencies shall include a copy of the preliminary plat. (Ord. 90-03 § 1 (part), 1990.)

17.07.060 Approval of construction plans.

Following the approval of the preliminary plat and prior to the submittal of the final plat, the subdivider shall furnish to the planning commission the following data pertaining to utilities and improvements in the preliminary plat:

- A. Plan and profiles prepared by a registered, licensed engineer for all sewer and water distribution lines;
- B. Plan and profiles of drainage facilities, culverts, and roads;
- C. All such data shall be approved by the city and shall conform to all relevant ordinances, statutes, and regulations. (Ord. 90-03 § 1 (part), 1990.)

17.07.070 Standard and abbreviated preliminary plat—Approval, conditional approval, denial.

- A. The planning commission shall approve, conditionally approve, or deny the preliminary plat within sixty days of the official filing date or the preliminary plat is considered approved.
- B. The planning commission shall request that the subdivider consent to an extension of the sixty-day period if it is anticipated that no action will be taken within the sixty-day time frame and the planning commission has made a good faith attempt to review the plat.

C. Approval of the preliminary plat shall entitle the subdivider to approval of the final plat if it conforms to the approved preliminary plat, complies with the conditions of approval placed on the subdivision by the planning commission, and complies with all other provisions of this title and all applicable statutes and regulations. (Ord. 90-03 § 1 (part), 1990.)

17.07 XXX – Replat or Redivision

17.07.080 Exception to platting procedures.(Suggest eliminating this section.)

A. The preparation, submission for approval, and recording of a plat shall be waived on satisfactory evidence that the subdivision meets the requirements of abbreviated plats (as stated in Section 17.03.030) and creates lots which are five acres or larger.

B. The application for a waiver shall include a verification of lot acreage and a sketch of the proposed subdivision drawn to a standard scale (one inch equals one hundred feet, two inches equals two hundred feet, etc.) showing the lots and their dimensions.

C. On determination that the application meets the requirements for the exception, the planning director shall sign the waiver and file the application and waiver with the city clerk. (Ord. 90-03 § 1 (part), 1990.)

17.07.090 Exceptions to road standards.

A. Authority and Limitations. The planning commission may authorize exceptions to the road standards of this title in a subdivision:

1. In which all lots will be gift deeded; and
2. Which consists of four lots or less; and
3. Which has never before been granted an exception to the road standards of this title; and
4. If the findings of fact required in subsection C of this section can be made.

B. Procedure. The request for the exception shall be given public notice as required by Section [17.07.050](#).

C. Required Findings of Fact.

1. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.

2. That the roadway does not now nor in the foreseeable future provide the only or the most practical access to the development of adjacent properties.

3. That the roadway to be constructed is of such a length that strict application of the road standards of this title will result in undue and substantial hardship to the applicant.

D. Subsequent Subdivision of Property Prohibited. No subsequent subdivision of lots or tracts included in the original subdivision granted an exception to road standards shall be permitted unless the road granted the exception is constructed to conform to the standards required by this title.

E. Attachment of Conditions to Subdivision Approval Required. No subdivision granted an exception to road standards shall be given final approval until a note is written on the face of the plat and deed restrictions are attached to the deed for subdivided lots indicating:

1. That the road granted the exception does not conform to the road standards of this title; and

2. That the city, while accepting the dedication of the right-of-way, does not accept responsibility for road improvement or maintenance; and

3. That the lots cannot be sold until the road is improved to the standards required by this title. (Ord. 90-03 § 1 (part), 1990.)

17.07.100 Preliminary plat standards.

A. The preliminary plat shall be drawn with waterproof nonfading black ink or legibly drawn with pencil on a good quality reproducible medium at a scale of one inch equals one hundred feet or at a scale of one inch equals fifty feet if the lots are ten thousand square feet or less in size.

B. The preliminary plat shall include:

1. Date, standard engineering scale, and north point;

2. The length and bearing of the exterior boundaries of the subdivision and total site acreage;

3. Approximate dimensions and areas of all lots;

4. Lot and block numbers;

5. Location of subdivision by reference to survey and lot number or section corner, township, and range;

6. Proposed subdivision name which shall not be so similar to any plat previously recorded in the area as to cause confusion;

7. Name, address, and phone number of the owner, subdivider and the person preparing the plat;
8. Location and names of adjacent subdivisions and owners of adjoining parcels of land;
9. Names of subsurface land owners of the proposed subdivision and of adjoining parcels of land;
10. Land use on and adjacent to the subdivision;
11. Location, widths and names of all existing and proposed streets, alleys, easements, public ways, utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, bridges, and other pertinent data required by the planning commission. If the subdivision borders a lake or stream, the distance and bearing on a meander line established not less than twenty feet back from the ordinary high water mark of the lake or stream shall be indicated;
12. Location of existing and proposed improvements within the proposed subdivision such as sewer and water facilities, power poles, telephone pedestals, drainage systems, streets, fire hydrants, etc.;
13. Location of existing buildings and their setbacks from proposed lot lines;
14. Direction and distance to nearest water and sewer mains;
15. Approximate grades of proposed streets, alleys, etc.;
16. Approximate radii of all curves and lengths of tangents;
17. Contours at two-foot vertical intervals or at more frequent intervals if required by the planning commission for land of unusual terrain characteristics. All pertinent elevations shall be shown;
18. If the subdivision is within one mile of a true mean sea level bench mark, one true elevation with contours tied to the true elevation shall be indicated. If the subdivision lies farther than a mile from a true mean sea level bench mark, an assumed vertical datum point elevation may be used. The assumed datum point shall be clearly noted on the plats as an assumed and not true datum point;
19. Vicinity map relating the subdivision to its general location;
20. Necessary public rights-of-way or public easements which ensure reasonable and practicable access to property adjacent to the proposed subdivisions. (Ord. 09-07 § 2, 2009.)



Chapter 17.11

PLATTING PROCEDURE FOR FINAL PLATS

Sections:

[17.11.010](#) Eligibility for request for final plat approval.

[17.11.020](#) Notice and procedure for final standard plats.

[17.11.030](#) Notice and procedure for abbreviated final plats.

[17.11.040](#) Approval or denial for standard and abbreviated final plats.

[17.11.050](#) Other requirements for standard and abbreviated final plats.

[17.11.060](#) Engineering standards for final plats.

[17.11.070](#) Time extensions for final subdivision approval.

17.11.010 Eligibility for request for final plat approval.

A. When the final plat is prepared and all subdivision improvements are installed or a financial guarantee is made for their installation as specified by Section [17.23.100](#) the subdivider may submit the final plat for approval.

B. If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. (Ord. 90-03 § 1 (part), 1990.)

17.11.020 Notice and procedure for final standard plats.

A. The subdivider shall submit twelve copies of the final plat for approval at least ten working days prior to the planning commission hearing.

B. The final plat must be submitted and subdivision improvements built or a financial guarantee provided for their completion within one year of approval of the preliminary plat unless a time extension is requested as specified in Section [17.11.070](#).

C. A hearing shall be scheduled before the planning commission with notice given as required by Section [17.07.050](#) of this title. (Ord. 90-03 § 1 (part), 1990.)

17.11.030 Notice and procedure for abbreviated final plats.

The final plat procedure for an abbreviated plat shall be the same as for a standard plat except that the final plat and subdivision improvements shall be approved or rejected administratively by the planning director rather than by the planning commission. (Ord. 90-03 § 1 (part), 1990.)

17.11.040 Approval or denial for standard and abbreviated final plats.

A. The planning commission, or in the case of abbreviated plats, the planning director, shall approve or deny the final plat and subdivision improvements within sixty days after a request for approval is filed, or shall return the plat to the applicant for modification or correction and/or state what must be done to make the improvements acceptable to the city. Unless the applicant consents to an extension of time, the plat and subdivision are considered approved and a certificate of approval shall be issued by the planning director on demand if the planning commission fails to act within sixty days.

B. Any reasons for the rejection of the plat or subdivision improvements by the planning commission shall be stated in the minutes of the meeting and in the resolution rejecting the subdivision and a copy thereof shall be supplied to the applicant. Any reasons for the rejection of the plat or subdivision improvements by the planning director shall be stated in a letter.

C. The planning commission resolution announcing the rejection or the letter of rejection from the planning director shall be mailed certified, return receipt requested, to the applicant within five working days of the date of the decision. The notice shall reference the right to appeal a decision to the city council within thirty days from the date of the decision in accordance with Chapter [18.52](#) of this code. (Ord. 90-03 § 1 (part), 1990.)

17.11.050 Other requirements for standard and abbreviated final plats.

A. The subdivider shall submit two reproducible mylar/sepia final plat maps.

B. The following shall accompany the final plat when submitted by the subdivider for approval and shall be shown on the face of the plat when feasible:

1. A notarized certificate from the owners of the subdivision stating ownership, acknowledging all dedications and describing all easements;
2. A certificate by the registered and licensed surveyor attesting to the accuracy of the survey to the installation and correct location of all monuments required;
3. A certificate from the tax collecting official stating that all taxes levied against the property have been paid;
4. A guarantee of improvements if required public improvements have not been completed at the date of submittal of the final plat;
5. A certificate by the city accepting all public dedications;
6. Approval signature spaces for the mayor and planning commission presiding officer;
7. Final, approved permits required by state and federal law;

8. Other data requested by the planning commission.

C. If there is a question determined by the planning commission regarding ownership of the property, grants, reservations, covenants, deed restrictions, easements, encumbrances, or any other thing relevant to the subdivision which could be resolved by a title insurance company, the planning commission shall request that the subdivider provide a certificate of plat or current title insurance policy indicating the legal and equitable owners, all grants, reservations, covenants, deed restrictions, easements and encumbrances on the property. The certificate shall be current within thirty days of the final map submittal. All issues made evident by the certificate of plat which affect the subdivision of land must be resolved prior to final plat approval.

D. The final plat of subdivided land shall comply with the requirements of AS [40.15](#) as amended from time to time and Alaska statutes governing the proper form of acknowledgement for a conveyance of an interest in real property (AS [34.15](#)). (Ord. 90-03 § 1 (part), 1990; Ord. 97-1 § 1, 1997; Ord. 12-08 § 1, 2012.)

17.11.060 Engineering standards for final plats.

A. The final plat shall be drawn on a good quality polyester film or a good quality equivalent eighteen by twenty-four inches, twenty-four by thirty-six inches or another size approved by the planning commission. All lines and printing shall be made with nonfading black ink at a scale of one inch equals one hundred feet or one inch equals fifty feet for plats with lots ten thousand feet or less in size.

B. The final plat shall show accurately on its face:

1. Date, scale, and north point;
2. The exact length and bearing of the exterior boundaries of the subdivision;
3. The bearing and distance of all lot lines and the acreage of each lot;
4. The layout, width and bearing of all streets and rights-of-way, such as alleys, highways, all easements and other areas dedicated to public uses; the purpose and exact boundaries of all areas to be dedicated or reserved for public use or for the common use of property owners;
5. The initial point of survey, the original or reestablished corners and their descriptions, the actual traverse showing areas of closure and all distances, angles, and calculations required to determine the initial points, corners and distances of the plat, including the radii of all curves and lengths of tangents;
6. An identification system for all lots and blocks, and a legal description for all property being subdivided;
7. All certificates required by Section [17.11.050](#);

8. The current and record meander line of any water bodies within or bordering the subdivision;
9. The location of flood hazard areas as designated by the Federal Emergency Management Act maps;
10. If the subdivision is within one mile of a true mean sea level bench mark, one true elevation point within the subdivision shall be established and permanently monumented;
11. If an exemption to road standards is granted, the plat must indicate the statements required by Section [17.07.090](#), subsections E(1) through (3). (Ord. 90-03 § 1 (part), 1990.)

17.11.070 Time extensions for final subdivision approval.

A. The subdivider may request one-year time extensions not to exceed three years from the date of the original preliminary plat approval. These time extensions may be granted administratively by the planning director on finding that:

1. The facts on which the approval was based have not changed sufficiently to warrant refiling of the application.
2. No other development proposals will be affected.

B. If the planning director cannot make these findings or if the applicant requests a hearing, the time extension application shall be referred to a public hearing before the planning commission and shall be granted or denied according to the above-stated findings of fact. (Ord. 90-03 § 1 (part), 1990.)



Chapter 17.23 SUBDIVISION IMPROVEMENTS

Sections:

- [17.23.010](#) Purpose.
- [17.23.020](#) Required improvements.
- [17.23.030](#) Monumentation.
- [17.23.040](#) Streets.

[17.23.050](#) Signs, subdivision names, and road names.

[17.23.060](#) Sanitary sewer and water systems.

[17.23.070](#) Additional water system requirements.

[17.23.080](#) Additional sanitary sewer system requirements.

[17.23.090](#) Approval and inspection.

[17.23.100](#) Guarantee of required improvements.

[17.23.110](#) Cost estimates for completion of required improvements.

17.23.010 Purpose.

The purpose of this chapter is to establish and define the improvements which will be required under the subdivision agreement to be constructed by the subdivider as a condition of final plat approval, to outline the procedures and responsibilities of the subdivider and public officials concerned with the administration, planning, design, construction, and financing of facilities and to establish procedures for assuring compliance with these requirements. (Ord. 90-03 § 1 (part), 1990.)

17.23.020 Required improvements.

Prior to the city's granting approval of the final plat, the subdivider shall have installed or shall have furnished an adequate financial guarantee for the ultimate installation of the improvements required by this chapter, and all applicable ordinances, statutes, and regulations. (Ord. 90-03 § 1 (part), 1990.)

17.23.030 Monumentation.

A. All exterior corners of the subdivision shall be marked by permanent monuments set in the ground.

B. All exterior corners of each subdivision lot shall be permanently monumented. (Ord. 90-03 § 1 (part), 1990.)

17.23.040 Streets.

All streets and drainage structures shall be constructed in accordance with Chapter 17.19 of this title. (Ord. 90-03 § 1 (part), 1990.)

17.23.050 Signs, subdivision names, and road names.

- A. Road and subdivision names shall not duplicate existing road or subdivision names in spelling or sound such that they may be confused with existing names.
- B. Subdivision roads shall be identified and signed by the subdivider.
- C. All roads shall be signed and signs installed in accordance with the most recent edition of the Alaska Traffic Manual.
 - 1. Stop signs shall be installed at all collector and arterial road intersections within the confines of the subdivision.
 - 2. All signs and sign support columns shall be of metal construction and conform to the State of Alaska Sign Code. (Ord. 90-03 § 1 (part), 1990.)

17.23.060 Sanitary sewer and water systems.

- A. If the developer installs a community sewer or water system in an area in which the Dillingham sewer and water master plan anticipates the extension of city service within the design life of the system (fifteen years), community systems shall be compatible with and conform to the standards of city service systems so that they may easily be connected when services are extended to the area.
- B. Where the sewer and water master plan indicates a specific size of water or sewer main or pipe to be used, the subdivider shall install the size recommended by the plan unless it would be inadequate and a larger size would better serve the development. (Ord. 90-03 § 1 (part), 1990.)

17.23.070 Additional water system requirements.

- A. Where the city water system will service the subdivision, each lot within the subdivision shall be provided with a connection thereto and a mechanism by which it may be disconnected.
- B. If any portion of the outside boundary of a proposed subdivision is located within two hundred feet of the city water system, the subdivision shall be served by the city water system.
- C. If a subdivision will not be served by the city water system, the subdivider shall show that a safe water source is readily available, or shall provide a community water system in accordance with the Alaska Department of Environmental Conservation, and all applicable ordinances, statutes, and regulations.
- D. Fire Hydrants.
 - 1. In areas served by city water systems, fire hydrants shall be installed at each street intersection with intermediate hydrants located a maximum of three hundred feet apart in high value or high life areas such as industrial and commercial areas and in high density residential areas.

- a. Water main valves shall be a minimum of five hundred feet apart in these areas;
 - b. The use of long radius elbows and low friction loss connectors shall be required.
2. In predominantly single-family residential areas, fire hydrants shall be installed at each street intersection with intermediate hydrants located so that spacing does not exceed five hundred feet apart.
- a. Water main valves shall be a minimum of eight hundred feet apart in these areas.
 - b. The use of long radius elbows and low friction loss connectors shall be required. (Ord. 90-03 § 1 (part), 1990.)

17.23.080 Additional sanitary sewer system requirements.

- A. Where the city sewer system is available within two hundred feet of the proposed subdivision, the subdivider shall provide for connection to the city system, and shall supply both collectors and laterals and the required manholes and pump stations.
- B. The subdivider must prove that conventional individual septic systems can be used without endangering the health, safety, and general welfare of any person or persons on each proposed residential lot within the subdivision, or shall indicate on the face of the plat which lots cannot be served by conventional individual septic systems, or shall construct a community sewer system. All systems shall be constructed and installed in accordance with the requirements of the Alaska Department of Environmental Conservation and all applicable ordinances, statutes, and regulations. (Ord. 90-03 § 1 (part), 1990.)

17.23.090 Approval and inspection.

- A. The city shall approve the quality and installation of all improvements which will be dedicated to the city.
- B. The city shall inspect all improvements to insure that the requirements of this chapter are met. (Ord. 90-03 § 1 (part), 1990.)

17.23.100 Guarantee of required improvements.

- A. Before considering the final plat of a subdivision, the planning commission in the case of standard plats and the planning director in the case of abbreviated plats must verify that all required subdivision improvements have been constructed as required by this code.
- B. If the required improvements have not been completed and officially approved and accepted, the subdivider shall be required to include with the final plat a guarantee for the ultimate installation of required improvements. The guarantee will be subject to the condition that the improvements will be completed within two years after the approval of the final plat.

C. The subdivider shall guarantee the improvements by one of the following methods.

1. Performance Bond.

a. The developer may furnish and file with the city clerk a surety bond in an amount equal to the cost estimate of the required improvements as specified by the city to assure the actual construction of such improvements within two years of final plat approval. Such bond shall be approved in amount and form by the city.

b. When improvements are completed, inspected, and accepted, the city will return the full amount of the guarantee to the subdivider.

c. If the improvements are not completed within the specified two-year period, the city shall complete construction of the improvements with the guarantee.

d. Any amount of the guarantee in excess of the costs of completing the required improvements shall be returned to the subdivider; the subdivider shall be charged with any amount in excess of the original guarantee.

2. Bank Deposit or Certificate of Deposit.

a. The subdivider may post a bank deposit held in trust for the city or may post a certificate of deposit for the city to guarantee the completion of required subdivision improvements. The funds shall be held in an interest bearing account with the subdivider receiving interest payments.

b. If the developer fails to complete the required improvements within two years, funds sufficient to complete the improvements as required shall be released to the city on its demand up to the maximum amount of the deposit.

c. The bank deposit or certificate of deposit, as applicable, shall be made payable or issued to the city of Dillingham. The funds shall remain on deposit available to the city until the city notifies the bank in writing of its acceptance of the required subdivision improvements. (Ord. 90-03 § 1 (part), 1990.)

17.23.110 Cost estimates for completion of required improvements.

The subdivider shall furnish, at no expense to the city, cost estimates for completion of all required subdivision improvements. Where plans must be prepared by a registered, licensed engineer according to Section [17.07.060](#), cost estimates shall be certified by a registered engineer licensed in the state. (Ord. 90-03 § 1 (part), 1990.)



Chapter 17.27

VARIANCES

Sections:

[17.27.010](#) Variances—Generally.

[17.27.020](#) Required findings of fact.

[17.27.030](#) Variance application and procedure.

17.27.010 Variances—Generally.

A. Variances from provisions of this title may be granted by the planning commission when literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in a similar area.

B. The planning commission may attach to a variance conditions regarding the location, character, and other features it finds necessary to carry out the intent of this title and to protect the public interest. (Ord. 90-03 § 1 (part), 1990.)

17.27.020 Required findings of fact.

Variances shall only be granted upon determination that the variance:

1. Is the minimum necessary to afford relief;
2. The granting of the variance will not be detrimental to the public safety or welfare or injurious to adjacent property;
3. The tract to be subdivided is of such unusual size and shape or topographical conditions are such that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property;
4. Special conditions that require the variance are not caused by the person seeking the variance;
5. The variance will not permit a land use in an area in which that use is prohibited;
6. The variance is not sought only to relieve financial hardship or inconvenience. (Ord. 90-03 § 1 (part), 1990.)

17.27.030 Variance application and procedure.

A. The subdivider shall submit (1) evidence that title is vested in the applicant and (2) an application for a variance to the planning department addressing the required findings of fact, at least ten working days before the next scheduled planning commission meeting in order to insure sufficient time for giving the required public notice.

B. Within sixty days of the receipt of a complete application and fee, the planning commission shall conduct a public hearing on the variance request.

C. Public Notice.

1. Public notice shall be posted in five public places at least five days before the hearing date.

2. Additional notice shall be mailed to property owners (as indicated by the most recent address on the property tax roll) within three hundred feet of the property for which the variance is requested.

3. The failure of a property owner to receive notice shall not invalidate a decision reached at a public hearing if a good faith attempt was made to comply with the requirements of this code for notice.

4. The notice shall indicate:

a. The applicant, and the time and place of the hearing;

b. The purpose and a general description of the variance sought;

c. A legal description of the property and a general description of the property location. (Ord. 90-03 § 1 (part), 1990.)

Replat or Minor Subdivision

- Definitions
- Allows simpler process, exemption from road construction
- Basic criteria:
 - Reason for the replat(?)
 - Simple subdivision
 - number of brand new lots; lots for sale;
 - Moving lot lines
 - Vacation of a street
 - Dedication of a street
 - Condition of existing road(?)

Attached codes

- Sitka
- Bethel
- Matanuska-Susitna Borough

Sitka Municipal Code <http://www.codepublishing.com/AK/sitka.html>

Sitka Municipal Code Chapter 21.12 MINOR SUBDIVISIONS

Sections:

[21.12.010](#) Application.

[21.12.020](#) Concept plat.

[21.12.030](#) Final plat.

[21.12.040](#) Recording timetable.

21.12.010 Application.

A. The minor subdivision plat procedure shall apply to the following plats:

1. Plats that create no more than four additional tracts or lots;
2. Plats that create parcels that will become integral parts of the adjoining lots or rights-of-way;
3. A movement or creation of lot lines that does not result in an increase in the density or number of residential units within the area being subdivided or resubdivided;
4. A subdivision involving the vacation of a street or alley;
5. A subdivision created for a government agency acquisition of a street right-of-way.

B. Basic Criteria. The following general conditions are necessary for approval of a minor subdivision:

1. No dedications are needed;
2. Monuments exist sufficient to locate all proposed lots on the site;
3. The plat includes all contiguous land under common ownership;
4. Maintenance agreements as necessary.

C. Preapplication. Participation in preapplication procedures as described in the major subdivision plat requirements (Section [21.32.020](#)) is advised to address any questions regarding the minor subdivision application.

(Ord. 03-1729 § 4 (part), 2003.)

21.12.020 Concept plat.

A. A concept plat, prepared by a registered land surveyor, must be submitted at least thirteen days prior to the next planning commission meeting. Applications shall include the application fee prescribed in Section [21.52.140](#).

1. Three copies of the plat, drawn to a scale of at least one inch equals one hundred feet on paper of one of the following sizes, with each sheet being the same size: eighteen by twenty-four inches, twenty-four by thirty-six inches, or thirty by forty-two inches that includes the following:

a. All dimensions and square footages of the parcels and easements to be created. The easements and improvements shall comply with all the applicable standards in Chapter [21.40](#).

2. One eight-and-one-half-inch by eleven-inch sheet of the concept plat without signature blocks.

B. The planning commission may offer guidance on the concept plat at a regularly scheduled meeting and that guidance shall be given within sixty days of the date of the application. In the event a final plat is not submitted within sixty days of the planning commission review of the concept plat, a new concept plat review shall be undertaken.

C. Mailing of public notices and compliance with the advertising requirements in Section [21.52.040](#) is not required.

(Ord. 03-1729 § 4 (part), 2003.)

21.12.030 Final plat. 

A. A final plat shall be prepared by a registered land surveyor and submitted for planning commission review following the board review of the concept plat. The plat shall comply with all the major subdivision final plat submission requirements in Section [21.32.160](#). The easements and improvements shall comply with all the applicable standards in Chapter [21.40](#). It must be submitted at least thirteen days prior to the next planning commission meeting. The perimeter of the subdivision shall be flagged with readily viewable marking at least ten days prior to the planning commission hearing. In addition, the planning office may require that interior subdivision lot corners shall be marked with two-inch square wooden hubs and flagging ten days prior to the planning commission hearing. Notices and a public hearing shall be required and given as provided for Chapter [21.52](#).

B. In addition to providing a plat that conforms to the major subdivision final plat requirements, the following shall be submitted:

1. General topography of the site and immediate surroundings, showing specific topographic features and spot elevations. The purpose of this topography is to provide an understanding of the overall terrain of the site and to confirm the grades of access easements and rights-of-way. The planning commission may also require more detailed topographic information of existing and proposed grades.

C. The planning commission shall approve, deny, or approve with conditions the final plat at a regularly scheduled meeting and the action shall be given within sixty days of the date of

submission of a complete final plat. A delay in commission action may be requested in writing by the applicant, may result from the application being incomplete, or may result from evidence requiring further city consideration. If the plat approval is denied or the applicant is not satisfied with the conditions placed on the plat, the matter shall be reconsidered by the planning commission unless the applicant files an appeal directly to the assembly.

D. After the final plat is approved, a recordable plat shall be prepared by a registered land surveyor including any required certificates as also required of a major subdivision, all applicable plat notes required by this title, and all plat notes required by the planning commission during the approval process. The recordable document shall reference all monuments that have been installed following the approval of the plat.

(Ord. 03-1729 § 4 (part), 2003.)

21.12.040 Recording timetable. 

A. The approved minor subdivision plat shall be submitted for recording within twelve months of the commission action.

B. The recordable plat shall contain all the information required for minor subdivisions and final major subdivision plats including all signature blocks, the required easement maintenance signature block, location of set and recovered monuments, plat notes required by the planning commission during the approval process, and easement designations.

C. The city may elect to extend this time period one additional six-month period upon written request of the applicant prior to the expiration of the twelve-month period, if the city determines that the inability to submit the plat for recording within the twelve-month period is beyond the applicant's control. Failure to submit the complete plat for recording within these timeframes shall void the approval.

(Ord. 03-1729 § 4 (part), 2003.)

Sitka Municipal Code Chapter 21.16 BOUNDARY LINE ADJUSTMENTS

Sections:

[21.16.010](#) Boundary line adjustments.

21.16.010 Boundary line adjustments.

A. Owner(s) of two adjoining lots may apply to move but not remove the common boundary and no additional lots shall be created. Boundary line adjustments may be used to eliminate or reduce encroachments or nonconformities with the provisions of Sitka General Code Titles [21](#) and [22](#). Any substantial movement of a lot line in a subdivision, which has been recorded for less than eighteen months, shall follow the replatting procedure in Chapter [21.20](#). Other boundary line adjustments may be approved administratively if consistent with any direction provided by the planning commission or assembly. The city shall have the authority to direct such changes subject to zoning requirements set out in Title [22](#) of this code.

B. A final plat shall be prepared in accordance with final plat preparation requirements in Sitka General Code 21.32.160. Boundary line adjustments may be approved by the municipal administrator with an opportunity to appeal to the planning commission and the assembly.

C. Following approval, it shall be recorded reflecting such boundary changes. The recordable subdivision plat shall be submitted within three months of the date of approval or the approval becomes void. The recordable plat shall contain all the information required for minor subdivisions and final major subdivision plats including all signature blocks, the required easement maintenance signature block, location of set and recovered monuments, plat notes required by the municipality, and easement designations.

D. Public notice and notifications of nearby property owners is not required.

(Ord. 03-1729 § 4 (part), 2003.)

Chapter 21.20 REPLATS AND PLAT MODIFICATIONS

Sections:

[21.20.010](#) Requirements for a complete plat vacation application.

[21.20.020](#) Type of approval and criteria for approval of a plat vacation.

[21.20.030](#) Requirements for a complete plat alteration application.

[21.20.040](#) Type of and criteria for approval of a plat alteration.

[21.20.050](#) Technical plat modifications.

[21.20.060](#) Easement modifications.

[21.20.070](#) Recording requirements.

21.20.010 Requirements for a complete plat vacation application. 

A. Application Contents. In addition to the general requirements for a completed application an applicant for a plat vacation shall submit the following:

1. The reasons for the proposed vacation;
2. Signatures of all parties having an ownership interest in that portion of the subdivision proposed to be vacated;
3. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;
4. A copy of the approved plat sought to be vacated, together with all plat amendments recorded since the date of the original approval.

(Ord. 03-1729 § 4 (part), 2003.)

21.20.020 Type of approval and criteria for approval of a plat vacation. 

A. Type of Application. A plat vacation is a planning commission action with appeal rights to the assembly.

B. Criteria for Approval. The plat vacation may be approved or denied after a written determination is made whether the public use and interest will be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city or borough, shall be deeded to the city or borough unless the city or borough shall set forth findings that the public use would not be served in retaining title to those lands.

C. Vacation of Streets. When the vacation application is specifically for a city street vacation, the street vacation procedures of the city or borough shall be utilized. When the application is for the vacation of a plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under Alaska State statute or the city's street vacation ordinance.

D. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

(Ord. 03-1729 § 4 (part), 2003.)

21.20.030 Requirements for a complete plat alteration application. 

A. Application Contents. In addition to the requirements for a completed application as set forth in Section [21.32.160](#), Major subdivision—Final plat submission requirements, an applicant for a plat alteration shall submit the following:

1. Signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered;
2. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof;
3. A copy of the approved plat sought to be vacated, together with all plat amendments recorded.

(Ord. 03-1729 § 4 (part), 2003.)

21.20.040 Type of and criteria for approval of a plat alteration.



A. Type of Application. Plats may be approved by the planning commission with right of appeal to the assembly.

B. Criteria for Approval. The plat alteration may be approved or denied after a written determination is made whether the public use will be served by the alteration of the subdivision. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. A plat alteration must also be consistent with Section [21.32.160](#), Major subdivision—Final plat submission requirements.

C. Revised Plat. After approval of the alteration, the applicant shall produce a revised drawing of the approved alteration of the final plat or short plat, which after collecting the necessary signatures, shall be filed with the State of Alaska Recorder's Office to become the lawful plat of the property.

(Ord. 03-1729 § 4 (part), 2003.)

21.20.050 Technical plat modifications.



Minor technical modifications to existing subdivision plats or replats may be approved by the administrator to correct inadvertent errors in items such as bearings and distances, lot dimensions, and square footages. The approved revised plat may then be recorded after administrative approval. The modifications shall not substantively alter the number of lots being created, the location of public road rights-of-way, or other essential characteristics of the plat.
(Ord. 03-1729 § 4 (part), 2003.)

21.20.060 Easement modifications.



Modifications of easements on plats approved after the effective date of this code shall be made in accordance with procedures established by the municipality. All beneficiaries of the easements shall approve the modification prior to municipal review. Modification procedures may, or may not, include formal planning commission or assembly review. In the event planning commission review is not considered necessary, the board shall still be notified in writing of any modifications. (Ord. 03-1729 § 4 (part), 2003.)

21.20.070 Recording requirements. 

Recordable subdivision plats, approved under this chapter, shall be submitted within three months of the date of approval or the approval becomes void. The recordable subdivision plat shall be submitted within three months of the date of approval or the approval becomes void. The recordable plat shall contain all the information required for minor subdivisions and final major subdivision plats including all signature blocks, the required easement maintenance signature block, location of set and recovered monuments, plat notes required by the municipality, and easement designations. (Ord. 03-1729 § 4 (part), 2003.)

Bethel Municipal code Title 17 Subdivisions Chapter 17.20 MINOR REPLATS

Sections:

[17.20.010](#) Purpose and authority.

[17.20.020](#) Substandard lots.

[17.20.030](#) Lot line adjustments.

[17.20.040](#) Notice.

[17.20.050](#) Hearing.

[17.20.060](#) Decision.

[17.20.070](#) Certification.

17.20.010 Purpose and authority.

A. It is the purpose of this chapter to establish procedures and standards for processing changes to plats where the application of all the requirements of Chapters [17.12](#) and [17.16](#) or [17.18](#) BMC are unnecessary.

B. Upon a determination by the platting officer that a replat meets the requirements of BMC [17.20.020](#) or [17.20.030](#), the platting officer may waive specific requirements of Chapters [17.12](#) and [17.16](#) or [17.18](#) BMC governing survey, drawings, documents and other submission content requirements as may be unnecessary for the replat. The platting officer may require different, additional, or modified submissions as may be suitable for a particular replat. [Ord. 01-05 § 7.]

17.20.020 Substandard lots.

The standards applicable to the subdivision of land may be waived by the platting officer for the replat of substandard lots if the following conditions are met:

A. One or more lots involved in the replat are substandard lots, as defined in BMC Title [16](#);

B. Because of separate ownerships, unavailability of sufficient additional land and similar reasons, it is not reasonable to require the replat of the lot in a manner that will bring the lot into conformance with all the requirements applicable to the lot;

C. One or more of the conditions that make the lot substandard under the present code would be reduced or eliminated under the proposed replat;

D. The number of substandard lots after the replat may not be more than before the replat; except, if one (1) or more conforming lots would be made nonconforming under the proposed replat, the platting officer may waive the foregoing requirement of this subsection only if:

1. The number of conforming lots that will be made nonconforming is the minimum that could be reasonably included to minimize or eliminate the existing nonconformity; and

2. The new nonconforming conditions do not create a significant violation of the purposes and policies for the standard violated.

E. Overall, the benefits to the public from the reduction or elimination of the prohibited conditions would outweigh the disadvantages of any increase in the number or extent of prohibited conditions. The creation of a new condition that violates the applicable provisions of the city code, or expansion of an existing prohibited condition, is strongly discouraged and shall be permitted only for compelling reasons. A new condition that constitutes a new violation of an applicable provision of the city code shall be specifically noted on the documents to be recorded and shall be treated as a nonconforming condition as of the date of recording of the platting officer's certificate executed pursuant to BMC [17.20.070](#);

F. The number of lots after the replat will not exceed the number of lots before the replat;

G. All replatted lots will have legal and practical access;

H. No vacations or dedications will occur or be required; and

I. The arrangement and development of the replatted lots will not create drainage problems or adversely affect existing drainage. [Ord. 01-05 § 7.]

17.20.030 Lot line adjustments.

A. The platting officer may waive unnecessary requirements of form and content of preliminary and final plat submissions if the platting officer determines at a preliminary consultation with the subdivider that:

1. No more than four (4) existing lots are involved in the replat;

2. All lots resulting from the replat will conform to the applicable standards of BMC Titles [17](#) and [18](#) and that setback, yard, height, barrier, buffer and other standards and restrictions in BMC Titles [15](#) and [18](#), or imposed under a permit, that are dependent upon property line location, will not be violated by existing structures or uses;

3. The number of lots after the replat will not exceed the number of existing lots involved in the replat;

4. No vacation or dedication is required to accommodate the replatted lots;

5. No waiver, variance, or other relaxation of the standards and requirements of this code will be required to permit a reasonable development and use of the lots that are created by the replat.

B. Replats under this section may involve only the relocation or deletion of existing lot boundary lines. [Ord. 01-27 § 2; Ord. 01-05 § 7.]

17.20.040 Notice.

Upon receipt of the required fee and a submission that the platting officer determines meets the requirement for a submission under this chapter, notice of the replat request, including a sketch or drawing showing the proposed replat, shall be mailed to the owners of property abutting the lots within the replat, including owners of property separated by a street from the lots to be replatted, and posted in three (3) public places within the city. Notice shall also be provided to the director of public works and any utility or government agency the platting officer believes may be affected by the replat. The notice shall state the date by which written comments must be received which may not be sooner than fourteen (14) calendar days from the date notice is mailed. The notice shall also contain the provisions of BMC [17.20.050](#)(A)(1). [Ord. 01-05 § 7.]

17.20.050 Hearing.

A. No hearing shall be held unless,

1. Within seven (7) calendar days of the date notice is mailed, persons who own twenty-five (25) percent or more of the lots whose owners are entitled to notice under BMC [17.20.040](#) file with the platting officer a written request for a hearing on the replat; or

2. The platting officer determines a hearing should be held.

B. If a hearing is to be held, the platting officer shall schedule a hearing on the replat and shall give notice of the hearing as provided in BMC [17.04.025](#). The notice shall state that the hearing shall be before the platting officer.

C. The platting officer shall conduct the hearing and receive oral testimony as well as written and documentary evidence. The hearing shall be recorded. The platting officer shall consider all evidence submitted at the hearing as well as the written comments and other material submitted prior to the hearing. Material submitted prior to the hearing shall be available for public inspection prior to the hearing. [Ord. 01-05 § 7.]

17.20.060 Decision.

A. After the hearing, or after the date by which written comments are to be received if no hearing is held, the platting officer shall determine whether the replat meets the conditions of BMC [17.20.020](#) or [17.20.030](#), as applicable, whether modification of the requested replat must be made to meet the conditions, or whether additional information is required before a decision can be made. Upon a determination that the replat should be approved, the platting officer shall issue a written decision approving the replat, stating the facts found that support the approval. A decision that the replat must be denied shall be in writing and state the facts supporting the denial. A replat may be approved subject to specified conditions which must be met before a certification under BMC [17.20.070](#) will be issued.

B. The decision shall be mailed to all persons who provided written comments or materials and to those who testified at any hearing that was held.

C. The decision may be appealed to the planning commission by the applicant or any person who provided written comments or materials or who testified at any hearing that was held. The appeal shall be filed with the platting officer within ten (10) calendar days of the date of the decision and shall be governed by the provisions of BMC [18.72.010](#)(C) through (G) except that

the platting officer shall have the duties of the land use administrator described in BMC [18.72.010](#). [Ord. 01-05 § 7.]

17.20.070 Certification.

After the expiration of the period of time during which an appeal of the platting officer's decision may be filed, and upon the receipt of a certificate to plat, the sketch, drawing, survey, and other documents requested by the platting officer and a determination that all conditions of approval have been met, the platting officer shall issue a certificate of replat to which shall be attached a legible and recordable sketch, survey, or other drawing, showing the replatted lots. The drawing shall also contain notes required by the platting officer and this chapter, a reference to the name and recording information of the plat showing the arrangement of the replatted lots immediately prior to the replat, the date of the replat drawing and a descriptive title or name of the drawing. The platting officer shall add to the drawing a reference to the replat certificate by date and number if numbered. The replat certificate shall verify that the replat attached was approved pursuant to this code. The certificate shall make reference to the attached drawing by name and date and shall be dated and signed by the platting officer and sealed by the city clerk. The executed certificate and the attached drawing and any other appropriate documents shall be recorded by the city in the Bethel recording office and a conformed copy obtained for the city platting records. [Ord. 01-05 § 7.]



Matanuska Susitna Borough Title 43: Subdivisions

43.15.005 GENERAL ADMINISTRATION.

(A) The platting board shall act upon an application for preliminary plat approval, vacation, public use easements, and variances of platting regulations within the procedures outlined by A.S. 29.40.110 and this title.

(1) The platting board shall not make conditions of plat approval beyond the authority and specific provisions of this title.

(B) The platting officer shall act upon applications for abbreviated plat approval, waivers, and minor plat amendments to combine lots into one-four lot(s), 40-acre exemptions, and right-of-way acquisition plats.

(1) The platting officer shall determine whether agency, department, or public comments provided are within the regulatory authority of this chapter and whether they should apply to a platting action.

(2) The platting officer shall not recommend or impose conditions of approval for platting actions that are not within the specific authority of this title.

(3) The platting officer shall determine whether utility easement requests are reasonable and only require reasonable requests as recommendations to the board or as conditions of approval. The platting officer shall provide final approval on the adequacy of an easement(s) provided for platting actions on final plats and platting actions delegated as by this title, within 20 days of acceptance of submission.

(C) Leaseholds located within the Wasilla Municipal Airport and Palmer Municipal Airport are exempt from the requirement to plat.

(D) Commercial leases of ten years or greater are exempt from this title.

(E) Plats to remove lot lines are exempt from provisions of the code:

(1) which require soils report submittals;

(2) requirements for road upgrades or construction; and

(3) as-built survey.

(Ord. 11-072, § 3 (part), 2012)

MatSu Borough Code 43.15.025 ABBREVIATED PLATS.

(A) The platting officer shall review and act upon all preliminary plats that shall only move or eliminate lot lines, or subdivide a single tract, parcel or lot into not more than four tracts or lots, and that shall not:

- (1) deny legal and physical access to and from all lots or tracts created by, or adjacent to, the subdivision, or require construction of improvements necessary for access, other than the improvement of an existing, publicly dedicated right-of-way to current standards;
- (2) alter a dedicated street or right-of-way, or require any dedication;
- (3) require a vacation of a public dedication; and
- (4) require a variance from a subdivision regulation.

(B) In acting on an application under this section, the platting officer shall use the standards and procedures used by the platting board in acting on applications under MSB 43.10.060. The platting officer shall approve or disapprove the plat within 30 calendar days of the submission of the application.

(C) Appeals from decisions made pursuant to this section shall be made to the platting board.

(D) Public notice of abbreviated plats shall follow the procedures of MSB 43.10.065, pertaining to actions requiring a public hearing.

(Ord. 11-072, § 3 (part), 2012)

43.15.032 ELIMINATION OR MODIFICATION OF UTILITY, DRAINAGE, SANITATION, AND SCREENING EASEMENTS.

(A) The platting officer shall review and act upon all applications requesting elimination or modification of platted utility, drainage, sanitation, and screening easements; provided, that:

- (1) the authority having jurisdiction over the easement consents;
 - (a) however, if the beneficiary of an easement refuses to authorize a vacation, the platting officer may approve the vacation if the following conditions are met:
 - (i) there are currently no existing improvements within the subject easement of the easement beneficiary or a portion of the easement will remain which includes the improvements;
 - (ii) if necessary a substitute easement is provided by document on the plat; and
 - (iii) findings of facts support granting the vacation;
- (2) if the elimination or modification of easement is due to an encroachment, an as-built survey must be submitted with the original application; and
- (3) a vacation resolution is recorded along with a graphic representation showing the specific area eliminated and any alternate easements proposed.

(B) In acting on applications under this section the platting officer shall use the standards and the procedures used by the platting board in acting on applications under MSB 43.10.060. The platting officer shall approve or disapprove the application within 30 calendar days of the acceptance of the application.

(C) Proposed vacation will be presented to the borough assembly within 30 days of the date of the written decision by the platting officer.

(Ord. 11-072, § 3 (part), 2012)

43.15.049 FINAL PLAT; GENERAL PROVISIONS.

(G) Minor plat alterations.

(1) The purpose of this subsection is to resolve platting issues and/or improve the subdivision design and function without burdening staff, the petitioner, and the board with the additional time and costs to rehear the case.

(2) The platting officer is authorized to approve minor changes to an approved preliminary plat or master plan during review of the final plat for the following items. Any amendment or modification of the preliminary plat shall be limited to the following:

(a) The total number of lots may be reduced;

(b) The total number of lots may not be increased;

(c) Individual lot sizes may not be reduced by more than 20 percent per lot, and at no point to less than the minimum requirements that the preliminary plat was approved under. The aggregate of the proposed reductions shall not exceed one acre;

(d) Proposed rights-of-way or easements may be moved up to 25 feet if approved by the platting officer, if changes made do not affect existing properties;

(e) Proposed rights-of-way or easements may be moved between 25 feet and 100 feet with the concurrence of the platting officer and the director of the Matanuska-Susitna Borough Department of Public Works, as long as changes do not increase the average daily traffic count by more than 5 percent or necessitate a higher road classification;

(f) Approved external accesses cannot be changed; and

(g) Amendments and modifications cannot create setback violations.

(Ord. 11-072, § 3 (part), 2012)