

Planning Commissioners  
Vacant, Seat A  
Paul Liedberg, Seat B  
Gregg Marxmiller, Seat C



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

**DILLINGHAM PLANNING COMMISSION  
REGULAR MEETING**

**August 20, 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 July 9, 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**
- VII. UNFINISHED BUSINESS**
  - A. Amendments to Title 17, Lot Size, Definitions, Platting Procedures      ACTION
- VIII. NEW BUSINESS**
  - A. Resolution 2014-12 Amending Title 15 Floodplain Management      ACTION
  - B. Resolution 2014-16 Amending Title 17 Lot Size, Definitions,  
and Platting Procedures      ACTION
- IX. CITIZEN COMMENTS**
- X. COMMISSIONER COMMENTS**
- XI. ADJOURNMENT**

**I. CALL TO ORDER**

The regular meeting of the Dillingham Planning Commission was called to order by Chair Julie Baltar at 5:54 p.m.

**II. ROLL CALL (quorum is 4)**

Members present:

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

Public:

none

Members Absent

No members were absent

Guests: None present

Staff in Attendance:

Jody Seitz, City Planner, Recorder

**III. APPROVAL OF THE MINUTES OF May 21, 2014**

**MOTION:** Andy Anderson moved and Paul Liedberg seconded the motion to approve the minutes of May 21, 2014.

**Discussion:** There were no corrections or additions to the minutes. Andy Anderson moved the previous question. (*Recorder's note: There was no second*).

**VOTE:** The motion passed unanimously to approve the minutes.

**IV. APPROVAL OF THE AGENDA**

**MOTION:** Paul Liedberg moved and Gregg Marxmiller seconded the motion to approve the agenda.

**Discussion:**

- Planner Seitz noted that there was no ad in the newspaper for the public hearing on the CIP and recommended postponing action on the CIP until July.
- Planner Seitz requests to add New Business item C 2014-12 Recommend Changes to Floodplain Ordinance.

Call for Question. (unintelligible – called for the previous question. There was no second).

VOTE: The amended agenda passed unanimously.

## **VI. COMMUNICATIONS**

- A. Communications to the Planning Commission.
- Planner Seitz discussed the need for the ordinance change in the Floodplain regulations which requires a variance to build in the floodplain; reported on the Association of State Floodplain Managers conference she attended June 1-6; on pending plats; and gave an update on ADOT projects.
  - Discussion about need for keeping mitigation plan up to date; about potential for tsunamis.
  - Seitz mentioned that the City council is going to approve the easements for the ASLS 2005-51 plat, the state land grant to the city.
  - Chair had a phone call from Ben McDowell asking to have a special meeting to move his plat forward as soon as possible.
- B. Planner's Report
- C. Citizen's comments on items not on the agenda. No citizens commented.

## **VII. PUBLIC HEARINGS**

- A. 2014 Update of Six Year CIP – postponed until July.

## **VIII. UNFINISHED BUSINESS**

- A. Commission will hold a workshop 5:00 p.m. August 13 on minimum acreage and not hold the regular meeting in July.
- B. Draft Floodplain Ordinance
- Discussed the ordinance revision item by item.
  - Discussed how variance would work if City removes it from Title 15.
  - Mentioned need to have both structures as buildings and those used for flood control
  - Don't lose focus on what we are trying to do.
  - Commission to review more for next meeting.
- C. Subdivision Replat Draft Ordinance Language
- This would be a separate recommendation to Council, but suggests combining with other changes to title 17 at Code Committee.

**IX. NEW BUSINESS**

A. Resolution 2014-11 Approving 2014 update of Six Year CIP

MOTION: Paul Liedberg moved and Andy Anderson seconded the motion to approve Resolution 2014-11.

Discussion: Felt it was important to pass this in time to get the CIP to the legislature this fall by September, therefore approval in July was timely.  
Recommended publicizing in newspaper prior to the meeting.  
Suggested publicizing on open-line or through KDLG.  
Requested that the Planner bring back the Status of Projects list.  
Discussed the development of an Operations and Maintenance budget.

MOTION: William Corbett moved and Paul Liedberg seconded the motion to postpone the CIP until the next meeting.

VOTE: Unanimously approved postponing the resolution until the next meeting.

B. Special Meeting for Harbor Lease Lots Addition 1

- Planner Seitz reviewed background to date of the plat and permitting for use of the proposed lease lot site.
- Discussion of dates, conclusion that July 9<sup>th</sup> was the earliest possible time that the commission could hold a special meeting for this plat.
- That the west lot line of the proposed new lot will have to be moved back approximately 25-30 feet.

MOTION: Paul Liedberg moved and William Corbett seconded the motion to hold a special meeting July 9, to consider Resolution 2014-11 CIP and Harbor Lease Lots Addition 1 Preliminary Plat.

VOTE: Unanimously approved.

C. The Commission gave unanimous consent to move Resolution 2014-12 Recommend Changes to Floodplain Ordinance to Unfinished Business on the next agenda.

**X. CITIZEN'S COMMENTS:**

No citizens here to comment.

**XI. COMMISSIONER COMMENTS:**

Julie Baltar: works for BBNA. BBNA is doing a study to find out if a transit system would work here in Dillingham; and also has applied to FEMA to do predisaster mitigation planning for the Bristol Bay tribes. Expects will work closely with the City to do mitigation

planning for tribes here in Dillingham—particularly Clark’s Point, Ekuk and Curyung Tribes.

**XI. ADJOURNMENT**

Paul Liedberg moved and Andy Anderson seconded the motion to adjourn, which was unanimously approved.

Meeting Adjourned 7:34 p.m.

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Julianne E. Baltar, Chair

ATTEST:

\_\_\_\_\_  
Jody Seitz, Recorder

**I. CALL TO ORDER**

The regular meeting of the Dillingham Planning Commission was called to order by Chair Julie Baltar at 5:46 p.m.

**II. ROLL CALL (quorum is 4)**

Members present:

Paul Liedberg, Seat B  
Gregg Marxmiller, Seat C on teleconference  
William Corbett, Seat D  
Andy Anderson, Seat E  
Julie Baltar, Seat F

Public:

Marilyn Casteel, Director, SAFE  
Ray Scandura, RPC  
Dan Dunaway

Members Absent

No members were absent

Staff in Attendance:

Jody Seitz, City Planner, Recorder

**III. APPROVAL OF THE MINUTES OF May 21, 2014** (Chair requests that everything except the business of the special meeting be postponed to next regular meeting, includes items III Approval of the Minutes and Item V. Communications)

**IV. APPROVAL OF THE AGENDA**

MOTION: Andy Anderson moved and Paul Liedberg seconded the motion to approve the agenda as revised.

VOTE: The agenda was approved unanimously.

Call for Question.

VOTE: The amended agenda passed unanimously.

**V. COMMUNICATIONS – removed from agenda.**

**VI. PUBLIC HEARINGS**

A. The Public Hearing on the 2014 Update of Six Year CIP was opened at 5:50 p.m and closed at 5:50 p.m. There was no public testimony.

B. The Public Hearing on Harbor Lease Lots Addition 1 was opened at 5:51 p.m. Planner Seitz reviewed the changes proposed for the plat, including making the lot an extension of lot 3 in order to keep city parking. Seitz also commented that a surveyor doing the elevation certificate for the leaseholder has found the elevation for the area has been found to be 1.2 feet higher than is shown on the plat. Dan Dunaway stated that he was at the meeting as a member of the Port/Harbor Advisory Committee. He glad to see concern for the parking since it can get pretty cramped, but at the same time was glad to see the city leasing the lots, and business taking advantage of the lots and making a contribution, so its doing what it's supposed to be doing. The Public Hearing was closed at 5:58 p.m.

## VII. UNFINISHED BUSINESS

MOTION: Paul Liedberg moved and William Corbett seconded the motion to approve Resolution 2014-11 Update of Six Year CIP.

Discussion:

- Seitz reviewed the CIP process with the Commission, the magnitude of current capital funding need, and that the City is still working on being able to provide necessary services and stay in compliance. Management would like to have an abbreviated way to update the six year plan and maintain the public process.
- Suggested another method of designating priorities, according to whether they had funding, or what stage of the project the project was at, or need.
- General feeling that it was okay to move forward but wants to help work toward something that meets everyone's concerns.

MOTION: Andy Anderson moved the previous question. (*Recorder's note: there was no second.*)

VOTE: Unanimously approved.

## VIII. NEW BUSINESS

A. Resolution 2014-13 Approving Harbor Lease Lots Addition 1 Preliminary Plat

MOTION: Paul Liedberg moved and Andy Anderson seconded the motion to adopt Resolution 2014-13 Harbor Lease lots Addition 1.

Planner Seitz reviewed the plat for the commission. Plat extends lot 3, doesn't create a new lot. Suggested that the commission add a point to the resolution saying that the lot line between the new lot and lot 3 be removed.

MOTION: Andy Anderson moved and William Corbett seconded the motion to amend the resolution by adding item 11, which states "Remove the lot line between the new area and lot 3 so that lot 3 is extended, and there is no new lot.

- Concern was expressed about oversight of the dirt work planned for the dredge spoils facility, which is part of the lease area, that it remain above the 32 foot base flood elevation.
- Assured Commissioners that he is in contact with Public Works and the Harbormaster.
- That he has not gotten a Land Use pErmit yet. First have to approve the plat.

QUESTION: William Corbett called for the question.

- Expressed that there should be City oversight when the lessee begins moving dirt in the dredge spoils containment area.
- Concerned that the elevation remain above the 32 foot base flood elevation.
- Commented that she is sure that he is in contact with Public Works.
- That he has to get the plat approved before he can get a Land Use Permit.

VOTE: Unanimously approved the amendment to 2014-13.

QUESTION: Andy Anderson called for the question on the previous motion, Resolution 2014-13.

VOTE: Unanimously approved.

B. Resolution 2014-14 Recommending approval of LTEP for SAFE sewer line.

Gregg Marxmiller announced he worked for SAFE and asked if he needed to recuse himself. Commissioners felt not.

MOTION: Paul Liedberg moved to approve and William Corbett seconded the motion to recommend SAFE's proposed sewer line to the City Council.

Planner Seitz mentioned that SAFE has had to pump their septic 6-7 times since March, at a cost of \$300 a pumpout.

Ray Scandura gave a presentation of SAFE's proposed new sewer line design and function. SAFE wants to install a 1200 feet of 1.5" diameter polyethylene line 5-6 feet below the existing grade between SAFE's septic and the City's sewer clean out on Central Avenue. There's only one possible conflict –with fiberoptic cable. Nushagak will do locates and the City Public Works will connect the two lines with a saddle tap. An effluent pump will pump the effluent uphill to the 8" clean out on Central Avenue. The City will do the saddle tap. The line is graded to drain. Anything in the line will fall back to the septic system if it doesn't get pushed into the sewer, to avoid freezing in winter.

Discussion:

- Solves the problem of septic drainage onto others' properties.
- "It's not satisfactory to not have city sewer on that side of the runway."

- Feels that this problem is shared by at least 4 other houses in the vicinity including Public Works.
- 1.5" polyethylene pipe, \$1.50 a foot...would like to see when the ditch is opened that every homeowner at least put in pipe.
- Each home needs its own line.
- Best permanent temporary solution. Would alleviate potential health issues.
- Requested clarification that SAFE will be responsible for the maintenance of the line.
- State that SAFE's intent was to solve a problem, not to transfer liability and maintenance responsibilities to the City.
- Couldn't find elevations of the water lines in the Central Avenue area. Will have to be careful when they dig.
- The sewer line may cross the water lines in a perpendicular fashion, the line doesn't run parallel to them.
- Will take less than a week to install.
- Recommends an amendment stating that the road be returned to no less than its original condition.
- SAFE's intention is to provide an as-built of where the pipe is.
- The line will be located with GPS points which will be entered in the City's GIS system.
- SAFE/RPC will provide an as-built of the line.

MOTION: Paul Liedberg moved and William Corbett seconded the motion to amend Resolution 2014-14 third bullet to insert the words "no less than" in between the words "return" and "its original condition."

Andy Anderson moved the previous question

VOTE: Unanimously approved.

MOTION: Andy Anderson moved and Paul Liedberg seconded a motion to amend stating that City Planning Department should determine liability for the new construction, and if this is an issue that the City come to agreement with SAFE.

Paul Liedberg called for the question on the amendment.

VOTE: Unanimously approved

Andy Anderson called for the question on the original motion, 2014-14, as amended.

VOTE: Unanimously approved

#### C. Resolution 2014-15 Recommending LTEP BBEDC sewer line

MOTION: Paul Liedberg moved and William Corbett seconded the motion to approve Resolution 2014-15.

Discussion:

- That the BBEDC installation of a sewer line fell through the cracks. They want to go ahead and get the permit. City is improving its process.
- Would like to make the same amendment about returning the road to no less than its original condition and compaction.

MOTION: Paul Liedberg moved and William Corbett second the motion to amend the resolution second bullet to insert the words that the road be return to “no less than” between the words “return” and “its original condition.”

William Corbett moved the previous question on the amendment of the resolution.

VOTE: Unanimous consent.

Andy Anderson moved the previous question on the original motion as amended.

VOTE: Unanimous consent.

**X. CITIZEN’S COMMENTS:**

No citizens here to comment.

**XI. COMMISSIONER COMMENTS:**

No comments from commissioners.

**XI. ADJOURNMENT**

Paul Liedberg moved and William Corbett seconded the motion to adjourn, which was unanimously approved.

Meeting Adjourned 6:56 p.m.

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Julianne E. Baltar, Chair

ATTEST:

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Jody Seitz, Recorder

**RESOLUTION 2014-12**  
**A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

Recommending changes to Title 15.04 Floodplain Regulations

WHEREAS, the City of Dillingham participates in the National Flood Insurance Program; and,

WHEREAS, in 2010 the State Floodplain Coordinator conducted a Community Assistance Visit and made several recommendations for improving local compliance with the Federal floodplain regulations; and

WHEREAS, one of those was to improve Title 15.04 Floodplain Regulations by removing the requirement to obtain a Variance in order to construct certain structures in the Velocity Zone of the floodplain; and,

WHEREAS, certain uses must be located at the shoreline in order to fulfill their purpose; and

WHEREAS, Variances should only be issued in as a last result for compelling reasons, and not as a standard procedure; and

WHEREAS, making this change in the City's ordinance will improve the City's management of the floodplain;

THEREFORE, the Dillingham Planning Commission recommends that the Dillingham City Council move the attached draft ordinance forward to Code Committee for consideration.

ADOPTED by the Dillingham Planning Commission June 18, 2014.

Presiding Officer	Jody Seitz, Recorder
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**RESOLUTION 2014-16**  
**A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

Recommending Changes to Title 17 Lot Size and Platting Procedures

WHEREAS, there is no minimum acreage provided in the Dillingham Municipal Code; and

WHEREAS, about two-thirds of the City of Dillingham households rely on on-site wells and septic systems for water and wastewater services; and

WHEREAS, the Alaska Department of Environmental Conservation recommends a minimum lot size of 40,000 square feet to be able to accommodate a well and septic for a single family home; and

WHEREAS, most municipalities have a minimum lot size to provide for necessary separation of wells and septic systems; and

WHEREAS, the provision of this minimum acreage will not guarantee adequate land of good quality for standard septic systems on all lots, it is an added measure of protection for public health and the community aquifers;

WHEREAS, the Planning Commission wishes to simplify the process of subdividing for subdividers wishing to resubdivide their parcels without creating new lots;

THEREFORE, BE IT RESOLVED, the Dillingham Planning Commission recommends to the City Council the attached changes to Title 17 Subdivisions, of the Dillingham Municipal Code.

APPROVED AND ADOPTED THIS 20th DAY OF August, 2014.

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Julianne E. Baltar, Presiding Officer

\_\_\_\_\_  
Jody Seitz, Recorder

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2014-\_\_

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 15.04 OF THE DILLINGHAM MUNICIPAL CODE TO ALLOW FOR REVIEW OF PERMIT APPLICATIONS BY A REGISTERED PROFESSIONAL ENGINEER AT THE COST OF THE APPLICANT, REPEAL VARIANCES AND TO ESTABLISH CRITERIA FOR ISSUING FLOODPLAIN DEVELOPMENT PERMITS FOR FUNCTIONALLY DEPENDENT USES**

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Amendment of Section 15.04.020.** Section 15.04.020 of the Dillingham Municipal Code is hereby amended to read as follows: [new language is underlined deleted language is overstruck]:

15.04.020 Definitions.

As used in this chapter, the following words have the meanings ascribed to them in this section:

A. "Federal Insurance Administration" (FIA) of the Federal Emergency Management Agency (FEMA) is responsible for administration of the National Flood Insurance Program.

B. "Fill" means nonload bearing material susceptible to wash or erosion such as dredge spoils, debris, sand or dirt.

~~C. "Flood hazard area" includes all area within the corporate limits subject to the one-hundred-year flood as delineated on the flood insurance rate map for the city published by the Federal Insurance Administration.~~

D. "Flood insurance rate map" (FIRM) means the map of the city issued by the Federal Insurance Administration which delineates the area subject to the one-hundred-year flood and the risk premium zones applicable to the community.

E. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, ship building and ship repair facilities, and seafood processing facilities but does not include long-term storage facilities.

~~E~~ F. "Mean lower low water" means the elevation datum (0.00 feet) referenced on the flood insurance rate maps. MLLW is 10.0 feet below the National Geodetic Vertical Datum of 1929 (NGVD) in Dillingham.

~~F~~ G. ~~"One hundred year flood" means a flood of a magnitude which can be expected to occur on the average of once every one hundred years. It is possible for this size flood to occur during any year. The odds are one to one hundred that this size flood will occur during a given year; there is a one percent chance that a flood of this magnitude will occur each year. Statistical~~

analysis of available streamflow or coastal storm records, or analysis of rainfall and runoff characteristics of the watershed, or coastal topography and depth of the one-hundred-year flood. Also referred to as the base flood or regulatory flood.

G H. "Structure" means a building which is used for residential, business, agricultural or religious purposes, or which is occupied by a private, nonprofit organization, or which is owned by a state or local government or any agency thereof; the term includes mobile homes and other modular units.

H I. "Substantially improved" means any remodeling, repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the property either as such value exists before the improvement is started or if the property has been damaged and is being restored, as such value existed before the damage occurred.

I J. "Lowest floor" means the lowest enclosed area (including basement).

J K. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

~~K. "Variances" are grants of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.~~

**Section 2. Amendment of Section 15.04.040(C).** Section 15.04(C) of the Dillingham Municipal Code is hereby amended to read as follows[new language is underlined]:

C. Evaluation. Following the filing of the application, the planning department shall review the submittal, request any additional information deemed necessary, and evaluate the application based upon the provisions of this chapter. The department may retain the services of a professional engineer licensed in Alaska to assist in the review of the submittal. The costs of the engineering services shall be paid for by the permit applicant.

**Section 3. Amendment of Chapter 15.04.** Chapter 15.04 of the Dillingham Municipal Code is hereby amended by the addition of a new Section 15.04.055 to read as follows:

**15.04.055 Functionally Dependent Uses.**

A. The Planning Director may grant a floodplain permit for a structure that has a functionally dependent use and is located in the coastal high hazard area (zones V1-V30) as designated in the most recent Flood Insurance Rate Map only upon determining that the following conditions have been met:

1. Any new or substantially improved structure shall be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure.

2. Construction materials and utility equipment that are resistant to flood damage and construction practices and methods that will minimize flood damages shall be utilized.

3. A failure to grant the permit would result in exceptional hardship to the applicant
4. Granting the permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.
5. The requirements of Section 15.04.064(A)(2)-(5) will be met.

B. In deciding whether to grant a floodplain permit for a proposed functionally dependent use the planning director shall consider :

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger to life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the compatibility of the proposed use with existing and anticipated development;
6. the relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;
7. the safety of access to the property in times of flood for ordinary and emergency vehicles;
8. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
9. the cost of providing governmental services to the facility during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets, and bridges.
10. whether granting the permit would result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances.

C. Upon consideration of the factors of subsection (B) of this section, the planning director may attach such conditions to the granting of permits for functionally dependent uses as the director deems necessary to further the purposes of this ordinance.

**Section 4. Amendment of Section 15.04.064(A).** Section 15.04.064(A) of the Dillingham Municipal Code is hereby amended to read as follows[new language is underlined]:

**15.04.064 Coastal high hazard areas.**

A. Within coastal high hazard areas (V zones) the city shall:

1. Require that all new construction other than functionally dependent uses within zones V1-V30 on the FIRM be located landward of the reach of mean high tide, ~~or that water-dependent structures that require an over-water location shall petition for a variance~~

**Section 5. Repeal of Section 15.04.100.** Section 15.04.100 of the Dillingham Municipal Code is hereby repealed in its entirety.

**Section 6. Effective Date.** This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

\_\_\_\_\_.

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk



## Planning Commission

### Replat

- Definitions
- Allows simpler process, exemption from road construction
- Basic criteria:
  - Reason for the replat(?)
  - Moving lot lines
  - Resolving nonconformities
  - Vacation of a street

### Attached codes

- Sitka
- Bethel
- Matanuska-Susitna Borough
- Bristol Bay 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)

### **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)

**Ketchikan Gateway Borough Municipal Code**  
**Chapter 18.20.030 Development requirements for principal and accessory uses.**



**18.20.010 Uses permitted.** 

- (a) Principal Uses.
  - (1) A single one (1) family dwelling unit.
  - (2) Temporary uses and buildings subject to the requirements listed in Chapter [18.145](#) KGBC.
- (b) Accessory Uses.
  - (1) Private garages and required off-street parking;
  - (2) Greenhouses, toolsheds and boathouses;
  - (3) Home occupations subject to the requirements listed in Chapter [18.120](#) KGBC;
  - (4) The keeping of animals solely for the personal, noncommercial use of the owner or occupant of the lot on which the animals are located; provided, that no pen, coop, stable, corral, or other animal structures or enclosures shall be located within a required front, side, or rear yard;
  - (5) Other uses and structures customarily accessory and clearly subordinate to permitted principal uses;
  - (6) Noncommercial telecommunications antennas which are attached to a permitted structure and which will not create a nuisance or hazard as set forth in Chapter [18.175](#) KGBC.
- (c) Conditional Uses. The conditional uses which may be permitted by action of the planning commission as provided in Chapter [18.155](#) KGBC, are:
  - (1) Public utility, police and fire protection facilities, parks, libraries, commercial day cares for hire, preschools, elementary and secondary schools, and marinas.
  - (2) Mobile buildings on residential lots subject to the requirements listed in Chapter [18.135](#) KGBC.
  - (3) Cottage industries subject to the requirements listed in Chapter [18.85](#) KGBC.
  - (4) Residential kennels subject to the requirements listed in KGBC [18.160.010](#).
  - (5) Telecommunications facilities subject to the requirements of KGBC [18.175.010](#). [Ord. No. 1603S2, §1, 12-5-11; Ord. No. 1398, §2, 7-24-06; Ord. No. 1294, §1, 2-2-04; Ord. No. 1089, §1, 2-16-99; Ord. No. 1079A, §1, 11-16-98; Ord. No. 761, §1, 9-4-90; Ord. No. 720, §2, 2-5-90; Ord.

No. 711, §4, 9-18-89; Ord. No. 639, §5, 12-21-87; Ord. No. 513, §2, 9-4-84. Code 1974 §60.10.032(A).]

**18.20.020 Uses prohibited.** 

Any use or structure not listed under permitted principal, accessory or conditional uses. [Ord. No. 1398, §2, 7-24-06; Ord. No. 1294, §1, 2-2-04; Ord. No. 1089, §1, 2-16-99; Ord. No. 1079A, §1, 11-16-98; Ord. No. 761, §1, 9-4-90; Ord. No. 720, §2, 2-5-90; Ord. No. 711, §4, 9-18-89; Ord. No. 639, §5, 12-21-87; Ord. No. 513, §2, 9-4-84. Code 1974 §60.10.032(B).]

- (a) Minimum lot area: except as provided in Chapter [18.130](#) KGBC, the minimum lot area shall be fifty thousand (50,000) square feet.
- (b) Minimum lot width: except as provided in Chapter [18.130](#) KGBC, the minimum lot width shall be one hundred sixty (160) feet.
- (c) Minimum yards: except as provided in Chapter [18.130](#) KGBC, minimum yards shall be:
  - (1) Front yard: twenty-five (25) feet;
  - (2) Side yards: thirty (30) feet;
  - (3) Rear yard: sixty (60) feet.
- (d) Maximum lot coverage by all structures: twenty-five (25) percent.
- (e) Maximum height of all structures: thirty (30) feet measured as prescribed under definitions for maximum structure height or maximum building height and grade as applicable. [Ord. No. 1398, §2, 7-24-06; Ord. No. 1294, §1, 2-2-04; Ord. No. 1089, §1, 2-16-99; Ord. No. 1079A, §1, 11-16-98; Ord. No. 761, §1, 9-4-90; Ord. No. 720, §2, 2-5-90; Ord. No. 711, §4, 9-18-89; Ord. No.

**DRAFT**

**Title 17 Amendments to Definitions, Lot Size, and Platting Procedures  
August 14, 2014**

**DMC 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 for 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" or "replat" means that lot lines are moved within a subdivision but no additional lots, parcels, or tracts are created.
- 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.

1. A major subdivision is the creation of more than four lots.

2. A minor subdivision is the creation of four lots or less or meeting the four other requirements of 9.06.140.

*(source: Lake and Peninsula Borough Code, 9.06.120)*

- X. Legal Access. In this title "legal access" means one of the following:
1. A dedicated public right-of-way or easement exists that meets the width standards of this title;
  2. A state of Alaska maintained road available for public use is adjacent to the parcel;
  3. A judicial order establishes access;
  4. A dedicated private easement exists which:
    - a. Does not result in a landlocked unsubdivided remainder parcel;
    - b. Is perpetual and irrevocable;
    - c. Is recorded;
    - d. Has been approved by all federal, state and city authorities whose approval is required;
    - e. Allows for construction and maintenance of a road of the standards required by this title.

Y. Physical Access. In this title "physical access" means either that an easement identified on a plat is already in use or is practical to construct or expand to allow access by automobile considering the physical characteristics of the property on which the easement is located

**DMC 17.19.140 Lots.**

A. Generally. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated.

B. Lot Dimensions.

~~1. Lot dimensions shall comply with the zoning ordinance. Minimum lot size for a residential or commercial lot not connected to municipal water and sewer system is presumptively forty thousand (40,000) square feet. Minimum lot size may be varied by the Planning Commission, after notice and a public hearing, as provided here:~~

1. ~~Lots subdivided for purposes which only occasionally have persons upon them, for example, cell tower, cemetery, radio generation building, or satellite tower, may have reduced size on approval of the Planning Commission. The restriction on use shall be noted on the plat.~~
2. ~~The Planning Commission may allow smaller lot sizes if due to soils or other condition or reason it is considered appropriate, and is not likely to jeopardize public health and safety.~~
3. ~~The Planning Commission may impose a larger minimum lot size due to soils, proximity to open waters, or for other good cause.~~
4. ~~Any exception to the presumptive minimum lot size made by the Planning Commission, whether requiring a larger size or allowing a smaller size lot, shall be made through specific findings which support the reasons for the variance.~~  
(Source: Lake and Peninsula Borough code.)

5. All lots in a proposed subdivision in the General District shall be subject to the following minimum setback requirements:

- a. Front boundary – a setback of 15 feet.
- b. Side boundary, a setback of 5 feet
- c. Back boundary, a setback of 5 feet.
6. All lots in a proposed subdivision in the Central Business District shall be subject to the following minimum setback requirements:
  - a. Front Boundary – a setback of 10 feet.
  - b. Side boundary, a setback of 0 feet.
  - c. Back Boundary, a setback of 0 feet.

(source Lake and Peninsula Borough Code 9.06.410)

2. Depth and width of properties reserved or laid out for commercial, industrial, and residential purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
3. Residential lots abutting major streets and highways shall be platted with sufficient depth to permit adequate separation between the buildings and such traffic ways.
4. Lots should be designed with a suitable proportion between width and depth. Normal depth should not exceed two and one-half times the width, nor be less than one hundred feet.

C. Corner Lots. Corner lots shall be designed to permit setback on both streets as required by the zoning ordinance.

D. Lots at Right Angles. Lots at right angles to each other shall be avoided wherever possible, especially in residential areas.

**Commented [JS1]:** Should this say minimum size for a single family home? Or minimum size per single family dwelling?

Should it also state that minimum size per SF dwelling is 20,000 sq ft. where water or sewer is provided from a community service.

**Commented [JS2]:** Should this specify that cabins without running water "dry cabins" may use an outhouse for waste disposal.....and then something for separation from water sources, streams, etc.

- E. Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.
- F. Large Lots. Where lots are created of a size larger than normal for the area, the planning commission may require that the plat be so designed as to allow for the possible future resubdivision of such lots into sizes normal for the area.
- G. Municipal Boundaries. Lots shall follow municipal boundary lines wherever practicable, rather than cross them.
- H. Double Frontage. Lots abutting a street at both front and rear shall be avoided except where necessary to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation.
- I. Flag Lots.
  - 1. The use of flag lots in standard and abbreviated subdivisions shall be prohibited unless the applicant requests a variance and the findings of fact required in Section 17.27.020 are met.
  - 2. If a variance is approved, the flag lot shall conform to the following standards:
    - a. The "flagpole" portion of the lot shall not exceed in length 2.5 times the average lot width (excluding the flagpole) or twice the depth of the lot, whichever dimension is the lesser.
    - b. The flagpole shall be a minimum width of thirty feet and of a grade not exceeding fifteen percent.
    - c. The flagpole shall be parallel to the closest existing lot line.
    - d. The flagpole shall not interfere with future access to surrounding properties.
    - e. The flagpole shall provide access to only one lot.
    - f. The flagpole is not adjacent to an adjoining flag lot or parallel to a public or private road unless unique topographic conditions exist which would effectively prevent access from the existing road.
    - g. No redivision shall be allowed to alter the status of the flagpole driveway unless other access, meeting all of city, state, and federal requirements is first provided. (Ord. 90-03 § 1 (part), 1990.)

**DMC 17.19.150 Existing substandard lots.**

Conveyance Restricted—Petition for Determination. In the case of a lot recorded at the time of passage of land use regulations affecting that lot, which does not conform to the land use regulations of the city, and which adjoins along a side lot line property held in the same ownership, no such lot shall be conveyed nor shall a building permit be issued for a structure on such a lot except in conformity with the following:

- A. The owner of such substandard lot may, at any time prior to the proposed conveyance of such lot or request for building permit, petition the city for a determination as to the status of such lot.
- B. Such petition shall be referred to the planning commission for study to determine the practical possibility of a redivision of such ownership to provide lots which will be in conformity to the land use regulations of the city and shall act within sixty days to give consideration, among others, to the following factors:
  - 1. The size, quality, and character of existing lots and building development in the immediate area with a view to maintaining compatibility and protecting existing values.
  - 2. Where public sewer is not available, a lot size necessary to comply with DEC standards.
  - 3. The economic and engineering practicability of any possible redivision. (Ord. 90-03 § 1 (part), 1990.)