DRAFT 2

Chapter 9.10
SUBDIVISIONS

Sections:

9.10.010 Purpose.
9.10.020 Applicability.
9.10.030 Authority.
9.10.040 Definitions.
9.10.050 Surveys.
9.10.060 Recordation.
9.10.070 Procedures for subdivision review.
9.10.080 Access.
9.10.090 Variances/Special Use Permit
9.10.100 Plat amendments.
9.10.110 Vacations of easements and rights-of-way.
9.10.120 ~~Appeals.~~ Fee Schedule
9.10.130 ~~Enforcement.~~ Appeals
9.10.140 Enforcement

9.10.010 Purpose.
The purpose of this chapter is to provide for subdividing and platting within the Denali Borough. [Ord. 96-22 § 2; Ord. 96-07 § 2.]

9.10.020 Applicability.
Each of the following sections will apply to all subdividing and platting of land within the Denali Borough. [Ord. 07-07 § 2; Ord. 96-22 § 3.]

9.10.030 Authority.

A. AS 29.35.180(b).

B. Chapter 5.30 DBC. [Ord. 96-22 § 4; Ord. 96-07 § 3.]

9.10.040 Definitions.

A. "Adjoining land" means record owners of those properties of which one or more boundaries are in common with a boundary of the property being subdivided.

C. "Application Conference" ~~The purpose of the~~ means a conference is to inform the land ~~technician~~ planner of the subdivider development plans, and to inform the surveyor/subdivider of the borough's development plans and procedures. The conference may be accomplished via telephone or meeting in person with the land technician. The land technician may waive the application conference if it is found not necessary.

During the conference, the land technician shall review with the surveyor/subdivider the submitted plat and recommend modifications to conform the proposed application and preliminary plat to the borough policies and requirements.

No proceeding under this section binds the land technician or staff in their review of any plat, or relieves the subdivider and surveyor of the responsibility of independently becoming familiar with the procedures and standards for approval of an application under this chapter.

D. "Borough" means the Denali Borough.

B. "Borough assembly" means the Denali Borough assembly.

C. "Easement" means any parcel of land reserved by the subdivider for public utilities, drainage or other specified uses, the title to which shall remain in the name of the property owner, subject to the right of use designated on the subdivision plat or other document.

~~D. "Petition area" means the parcel owned by the petitioner which contains the plat amendment being considered.~~

E. "Plat" means a map or delineated representative of a tract or parcel of land showing the subdivision of land into lots, blocks, streets, or other divisions.

F. Plat Amendments. An amended plat is a plat of record that is corrected and recorded to correct a technical error that does not affect acreage, property lines, or valid existing rights.

G. "Platting authority" means the Denali Borough planning commission.

H. "Preliminary plat" means a map or delineated representation of a tract or parcel of land showing the prominent features of a proposed subdivision, submitted to the borough for the purpose of preliminary consideration.

I. "Registered surveyor" or "professional land surveyor" means a person who has been registered by the State of Alaska Board of Registration for Architects, Engineers and Land Surveyors to currently practice land surveying in Alaska in conformance with AS 38.05.365(18).

J. "Replat" means the delineation of an existing lot, plot or tract of a previously recorded subdivision involving the change of property lines and, after vacation, the altering of dedicated streets, easements or public areas.

K. "Right-of-way" means a parcel of land reserved for public or private access.

L. "Short Plat" ~~The short plat~~ means a process provides a mechanism by which subdivision or re-plat approval may be granted by the ~~administrator~~ land planner.

A proposed subdivision or re-plat qualifies for the short plat procedure if it does not require the dedication of a public right-of-way and:

1. ~~It results in the creation of not more than four lots; or~~
2. Involves the movement or elimination of lot lines which does not result in the creation of an additional lot or lots; or
3. Is the subdivision of a communication site or utility site; or
4. ~~Is a boundary survey~~ Is the subdivision of an existing deeded parcel; or
5. Vacates a platted utility easement.

M. "Subdivider" means the owner or agent of the owner of land which is being subdivided pursuant to this chapter. ~~All platting entitlement applications must be made by the owner, or authorized agent of the owner, of the property subject to the entitlement. The authorization must be in writing, executed by the owner, notarized, and include all names, mailing addresses, and telephone numbers for both the owner and authorized agent.~~

N. "Subdivision" means the division of a tract or parcel into two or more lots by the landowner or by creation of public access, excluding common carrier and public utility access. A subdivision does not include cadastral plats or cadastral control plats created by or on behalf of the United States Department of the Interior, Bureau of Land Management, regardless of whether these plats include easements or other public dedications.

E. "Vacation" means the act of making legally void any right-of-way, easement, public area, other public interests or any part of a recorded subdivision. [Ord. 14-07 § 2; Ord. 96-22 § 5.]

F. "Variance"

G. "Legal description"

H. "Cadastral plat"

I. "USS"

J. "Survey"

K. "Tract"

L. "Lot"

M. "Planning Commission" means the Denali Borough Planning Commission

O. "Assembly" means the Denali Borough Assembly

9.10.050 Surveys.

All surveys shall be accomplished by an Alaska State certified surveyor prior to submittal of subdivision plats. [Ord. 96-07 § 4.]

9.10.060 ~~Recordation.~~ Approval and Filing of Final Plat

~~All survey plats shall be recorded by the subdivider with the appropriate land recording office. [Ord. 96-07 § 5.]~~ The Planning Commission shall approve or reject the final plat within sixty (60) days from the date of filing, after public notice, unless the time is extended by agreement with the sub-divider or sub-divider's agent. Reasons for rejection shall be limited to failure to implement the terms of preliminary plat approval or final plat requirements, and stated in the minutes of the meeting. A copy thereof shall be submitted to the sub-divider.

Once final plat approval has been given by the Planning Commission, the sub-divider or sub-dividers agent shall provide the borough planner with the original Mylar of the approved plat with all required signatures except the borough officials. The sub-divider or sub-divider's agent shall also submit the plat in an electronic format compatible with borough software. The planner shall obtain signatures of the appropriate borough officials, and then file the plat with the Nenana district recorder's office, retaining copies of the plat for the borough planning department. Once a plat number is assigned to the plat, it shall be on the Borough's paper copy. (Ord. 96-07 § 5).

9.10.070 Procedures for subdivision review.

A. Short Plats.

1. Application Conference. It is recommended that the subdivider and/or surveyor hold an application conference with the land ~~technician~~ planner. The conference may be accomplished via telephone or meeting in person with the Land Planner. The Land Planner may waive the application conference if it is found not necessary.
2. During the conference the Land Planner shall review with the surveyor and/or sub-divider, the submitted plat and recommend modifications to conform the proposed application and preliminary plat to the Borough policies and requirements.
3. The conference may be accomplished via telephone or meeting in person with the land planner. The Land Planner may waive the application conference if it is found not necessary.
4. During the conference the Land Planner shall review with the surveyor and/or sub-divider, the submitted plat and recommend modifications to conform the proposed application and preliminary plat to the Borough policies and requirements.
5. No proceeding under this section binds the Land Planner or staff in their review of any plat or relieves the surveyor and/or sub-divider of the responsibility of independently becoming familiar with the procedures and standards for approval of an application under this chapter.
6. Preliminary Plat Submittal. The subdivider and/or surveyor shall submit the following to the borough office:

- Two copies of the preliminary plat per subsection (D)(1) of this section, plat standards for preliminary plats.
- A report from a title company, showing the legal and equitable owners of the land to be subdivided and all grants, reservations, covenants, deed restrictions, and easements of record. Copies of all documents identified shall accompany the report, and
- Plat submittal fee (see 9.10.120 Fee Schedule)

7. Preliminary Plat Review. The ~~administrator~~ Planning Commission shall review and adjudicate the preliminary plat within ~~30~~ forty-five (45) calendar days after the acceptance of the preliminary plat submittal.

~~8. If the administrator fails to take action within 30 calendar days, the preliminary plat becomes final and approved.~~

~~9.~~ Final Plat Submittal. The subdivider shall submit two (2) copies of the final plat per subsection (D)(3) of this section, ~~plat standards for final plats.~~

10. Final Plat Review. The ~~administrator~~ Planning Commission shall adjudicate the final plat within ~~30~~ forty-five (45) calendar days after acceptance of the final plat submittal.

~~11. If the administrator fails to take action on the final plat within 30 calendar days, the plat becomes final and approved.~~

N. Subdivision Plats.

1. Application Conference. It is recommended that the subdivider and/or surveyor hold an application conference with the land ~~technician~~ planner.
2. Preliminary Plat Submittal. The subdivider and/or surveyor shall submit the following to the borough office:
   - Fourteen copies of the preliminary plat per subsection (D)(1) of this section, plat standards for preliminary plats.
   - A report from a title company, showing the legal and equitable owners of the land to be subdivided and all grants, reservations, covenants, deed restrictions, and easements of record. Copies of all documents identified shall accompany the report.
3. Preliminary Plat Review. Preliminary plats shall be submitted to the land technician sixteen (16) days prior to the regularly scheduled planning commission meeting. Commission meeting date changes shall not affect this timetable. The planning commission shall adjudicate the preliminary plat within 90 calendar days after acceptance of the preliminary plat submittal. If the planning commission fails to take action on the preliminary plat within 90 calendar days, it becomes final and approved.
4. Final Plat Submittals.
   - The subdivider shall submit two (2) copies of the final plat per subsection (D)(3) of this section, plat standards for final plats.
5. Final Plat Review.

- The ~~administrator~~ Planning Commission shall adjudicate the final plat within ~~30~~ forty-five (45) calendar days after acceptance of the final plat submittal.
- ~~If the administrator fails to take action on the final plat within 90 calendar days, it becomes final and approved.~~

B. Submittals shall be made to:

Denali Borough Land ~~Technician~~ Planner
P.O. Box 480
Healy, AK 99743
PHONE: 907-683-1330
FAX: 907-683-1340

Or submitted in person to the borough office located in the Tri-Valley Community Center, Healy Spur Rd., Healy, Alaska.

C. Plat Standards. Should this be first, prior to submittals?

1. Preliminary plats shall contain the following:
    - Name of proposed subdivision if applicable;
    - Name and address of owner(s);
    - Name of surveyor, state of Alaska certified number;
    - Date;
    - Scale, not to exceed 500 feet to an inch;
    - North arrow with declination;
    - Approximate dimensions and size of lots created;
    - Legal description of property: general location (1/4, 1/4, Section, ASLS No. or USS No. if possible);
    - General configuration of lakes and streams;
    - Survey data of exterior boundaries (if sufficient recorded survey data exists to delineate the exterior boundaries, no additional exterior boundary survey is required for preliminary plat of subdivision scheme);
    - Projected estimate of interior lot lines including projected bearings and distances;
    - Lot number including areas in square feet and acres, 40,000 minimum square footage. Variances shall be considered on a case-by-case basis;
    - Identify U.S. Public Land System lines (section, forty, etc.);
    - Identification of all adjoining lands;
    - Identification of adjacent streets and right-angle widths;
    - All existing public or private rights-of-way and easements of record including location, width, type and purpose;

- Vicinity map with a scale of one inch equals one mile showing location of the proposed subdivision, access routes, and section lines;
- All preliminary plats shall be clear and legible, drawn of a scale suitable to the lot size and information, and have a minimum size of 11 inches by 17 inches.

2. Preliminary approval will be valid for two (2) years from the preliminary approval date. In that time period the applicant must complete the final plat and record the subdivision.
3. Final plats shall contain all items required for preliminary plat approval plus the following:
    a. After approval of the preliminary plat, the surveyor shall submit the final plat. The base sheets must be of good quality linen or mylar at least three mil thick. The plat shall be of one of four standard sizes:

        I. Eighteen inches by 24 inches;
        II. Twenty-four inches by 36 inches;
        III. Thirty-two inches by 36 inches;
        IV. Thirty-one and one-half inches by 34 inches;

    b. A basis of bearing statement;
    c. Ties to any two primary monuments of record by bearing and distance;
    d. Show “recorded as” bearings and distances if different;
    e. Survey of ordinary high water line, length and bearing;
    f. Length and bearing of interior lot lines;
    g. Legend: identify irons and weights;
    h. Identify all found or placed monuments;
    i. Curve identifier;
    j. Curve information:
        i. Radius;
        ii. Central angle;
        iii. Arc length;

    k. Surveyor’s certificate, always; owner’s and mortgagee’s, if applicable;
    l. Stamp of land surveyor responsible for survey and map;
    m. A notary seal should be affixed to the original plat and each original plat copy;
    n. The final and one black line print shall be submitted, unsigned, to the Denali Borough land technician for final approval;
    o. The final plat shall include the following certification with date and signature lines:
        i. Denali Borough plat approval;*
        ii. Certificate of ownership and dedication;*

iii. Notary's acknowledgement;*
iv. Surveyor's certificate.* [Ord. 96-22 § 6.]

*Note: see the example sheets at the end of this chapter.

9.10.080 Access.
Legal access shall be a consideration for plat approval. [Ord. 96-22 § 7; Ord. 96-07 § 6.]
All platted subdivisions shall allow for proper drainage of roadways, allow for a 22' road bed on easement.
Allow for pedestrian access
Utility easements shall be available to all lots
Public access via navigable waterways, air or land for remote parcels
Lakes and navigable rivers shall allow for a public access easement of 50'
All streets and roads shall be named within the subdivision.
Street name suffixes
A suffix shall be added to all new, renamed, or unnamed streets and shall be indicative of its alignment according to (the diagram attached) and described as follows:

A. "Avenue" means a right-of-way lying in an east-west direction, not ending in a cul-de-sac, and the future extension in either direction is possible.

B. "Circle" means any right-of-way lying in a north-south direction and ending in a cul-de-sac.

C. "Court" means any right-of-way lying in an east-west direction and ending in a cul-de-sac.

D. "Drive" means any right-of-way laying in a northwest-southwest direction not ending in a cul-de-sac, and the future extension in either direction is possible.

E. "Lane" means any right of way lying in a northeast-southeast direction not ending in a cul-de-sac, and the future extension in either direction is possible.

F. "Loop" means any right-of-way beginning at a point on a thoroughfare and returning to another point on that same thoroughfare.

G. "Road" means any right-of-way making multiple directional changes which make other designations inappropriate.

H. "Street" means any right of way lying in a north-south direction, but not ending in a cul-de-sac and the future extension in either direction is possible.

I. "Trail" means a travel way that is primarily less than 20 feet in width.

J. "Way" means a short connecting street between two dedicated rights-of-way. The Mayor or designee shall cause the initial assignment of addresses. (need to write this out about addressing lots).

9.10.090 Variances. Fees?
Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or conditions that the strict application of the provisions of this chapter shall result in substantial hardships, the planning commission may vary or modify such requirements to the end that the subdivision may be developed consistent with public welfare and safety. The planning commission may impose reasonable conditions when a variance is granted and shall state in writing its reasons for granting any variance. The application shall describe the requested variance and specify the portion of the chapter from which relief is sought. [Ord. 96-22 § 8.]

9.10.100 Plat amendments. Fees

A. A recorded plat may not be amended or re-platted except by the platting authority on petition of the state, the borough, a public utility company, the property owner, or the owners of the majority of the land affected by the amendment or replat. A platted street may not be vacated except on the petition of the state, the borough, a public utility company, or the owners of a majority of land fronting the part of the street sought to be vacated. The petition shall be filed with the platting authority and shall be accompanied by a copy of the existing plat showing the proposed amendment or replat.
B. The petition shall be filed with the land ~~technician~~ planner, requesting that the plat, addition or subdivision be amended or replatted. A plat, draft, or a copy of the existing plat showing the proposed amendment or replat shall accompany the petition.
C. The borough planning commission shall hold a public hearing on an alteration or replat petition not more than 60 days after the petition is filed with the land technician.
D. The borough planning commission shall consider the alteration or replat petition at the public hearing and make its decision on the merits of the proposal.
E. If the alteration or replat is approved, the revised plat shall be acknowledged, filed and recorded in accordance with this chapter. [Ord. 96-22 § 9.]

* Note: see replat example at the end of this chapter.

9.10.110 Vacations of easements and rights-of-way.
A dedication to public use of land or interests in land may be vacated if the dedication is no longer necessary for present or future public use. The planning commission shall review applications for vacations as follows:

A. The planning commission shall ordinarily approve vacations if:

    1. The vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation;
    2. The right-of-way is not being used, a road is impossible or impractical to construct, and an alternative access has been provided.

O. The planning commission shall not ordinarily approve vacations of public interest in land if:

1. ~~There is not~~ better access is not provided;
2. The vacation is of a public right-of-way providing access to a lake, river or other area with public interest or value, unless the owner provides alternate and equal access.

B. In other cases, the planning commission shall review requested vacations on a case-by-case basis to determine whether the property is necessary or desirable for present or future use.

C. The planning commission shall not routinely approve any vacation of a public interest in land where objections to the vacation are made by persons with an interest in land adjacent to or affected by the vacation, or by any government agency or department which has a responsibility to the public which may be affected by the vacation. If the planning commission finds an objection to be valid the vacation will be denied unless the objection is first satisfactorily resolved.

~~D. Vacation of a section line easement shall be subject to the requirements of Alaska Administration Code 11 AAC 53.~~

E. Vacation petitions shall follow the procedures under DBC 9.10.100 and include the following:

1. The name, address and land ownership of each petitioner and the adjoining landowners of the petition area. Adjoining landowners include those separated by a dedicated right-of-way;
2. Plat copies, as needed, drawn to the specifications of this chapter;
3. Legal description of the area to be vacated;
4. Reason for the vacation request;
5. Written recommendations from affected agencies and municipality or satisfactory evidence that they have received the preliminary plat or sketch 10 business days prior to the application being submitted to the Denali Borough land planner. Reviewing agencies shall have a maximum of 10 business days for their review and response.
6. The appropriate agency or utility company shall sign the final plat prior to recording {Ord. 96-22 § 10].

~~F. Public Notice.~~

~~a. The land planner shall publish notification of a proposed vacation in the four community (Anderson, Healy, Denali Park, Cantwell) post offices and in a newspaper of general circulation in the borough for a minimum of 10 business days.~~

~~b. The land planner shall take reasonable steps to notify those landowners identified in subsection (F)(1) of this section in writing of the proposed vacation petition allowing for a minimum 10-business-day response time.~~

~~c. All notifications shall contain a sketch of the petition area.~~

~~d. No official action will be taken by the planning commission on the proposed vacation until the 10-business-day notice and response times have elapsed. [Ord. 14-07 § 2; Ord. 96-22 § 10.]~~

9.10.120 Appeals.

A. Should the application for preliminary plat be rejected by the Denali Borough for deficiency, the applicant may resubmit a corrected preliminary plat within 30 days of the rejection to the borough land ~~technician~~ planner for review and/or submittal to the borough planning commission. Once the deficiencies are corrected, the application shall be immediately accepted.
B. An applicant for subdivision aggrieved by the decision of the administrator or the Denali Borough planning commission may appeal the decision to the Denali Borough assembly within ~~30~~ forty-five (45) days.
C. An applicant aggrieved by the action of the Denali Borough assembly may appeal to the superior court in the manner provided in the Alaska Rules of Appellate Procedure for appeals from administrative agencies. [Ord. 96-22 § 11.]

9.10.130 Enforcement.

In the event of a default of the observance of the conditions set forth in the subdivision and platting regulations, a written notice will be issued by the Denali Borough administrator. Thirty (30) days after the written notice of default, the Denali Borough planning commission, or the borough administrator, may rescind its preliminary approval if the original conditions of approval are not complete. [Ord. 96-22 § 12.]

9.10.1?? Fee Schedule

Submittal of plat fees:

- not more than four lots/tracts $100
- more than four lots/tracts basic fee $100
- $5.oo per lot/tract for 5 to 50 lots/tracts plus basic
- $3.00 per lot/tract over 50 lots/tracts plus basic
- Approved preliminary plats may be revised and resubmitted one time only at no charge. Subsequent revisions are subject to the above fees. A fee is not required for final plat submittal. After final plat approval by the commission a recording fee will be submitted. This fee shall be the recording fees from the recorder's office plus $50.00

Vacation petitions

In addition to the borough requirements vacations of easements managed by the Alaska State Department of Revenue must also comply with their requirements

- Street naming and renaming $300

Example Sheets

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we), the undersigned, certify that I am (we are) the owner(s) of (name of parcel), as shown on this plat. I (we) approve this survey and plat and dedicate or reserve for public or private use, as noted, all easements, public utility areas, and rights-of-way as shown and described on this plat.

Date: _____ Owner:_____

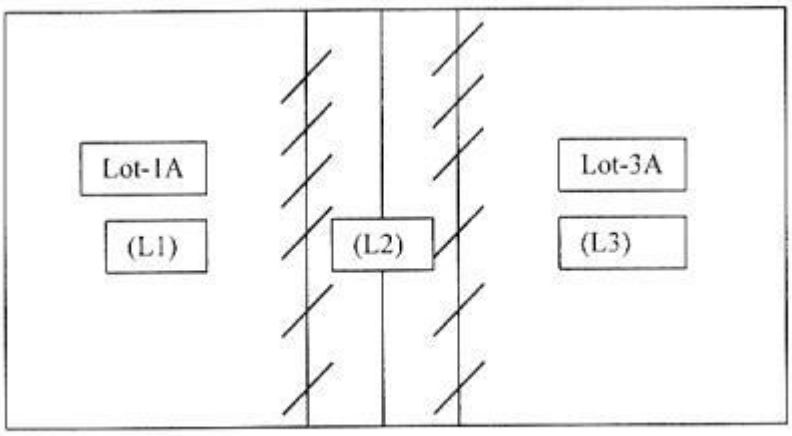
NOTARY'S ACKNOWLEDGEMENT
Subscribed and sworn to before me this _____ day of _____ , 200____ ,
By (name of person signing certificate), (person's title, if applicable).
(signature in black ink)
(Notary's seal) Notary Public for Alaska
My commission expires:_____

SURVEYOR'S CERTIFICATE
I certify that I am properly registered and licensed to practice land surveying in the state of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown exist as described, and that all dimensions and other details are correct.

_____ (mechanical lettered name and number)
Date Registered Land Surveyor Number
(Surveyor's Seal with original signature)

CERTIFICATE OF SUBDIVISION APPROVAL
THIS SUBDIVISION HAS BEEN REVIEWED AND FOUND TO BE IN COMPLIANCE WITH THE DENALI BOROUGH PLATTING ORDINANCE NO. 96-22 AND THE APPLICABLE PROVISIONS OF THE LAW AND IS HEREBY APPROVED.

_____
DENALI BOROUGH DATE
APPROVING OFFICIAL



Hatched lines depict vacated lot lines.

Replat Example

Note: If a platted lot is to be subdivided, it is a subdivision, not a replat. A replat vacates an existing recorded lot line as shown above.