

Proposed by:	Civic Affairs Committee
Attorney Review:	01/18/2012
First Reading:	02/16/2012
Second Reading:	03/01/2012
Vote: 5 Aye	0 Nay 1 Absent

## MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 12-05

### AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 20 SUBDIVISIONS BY AMENDING CHAPTER 20.04 THROUGH CHAPTER 20.08.

**WHEREAS**, Amendments are required to address change in status from city to borough government; and

**WHEREAS**, the Civic Affairs Committee is conducting a review of the Municipal Code in conjunction with the code re-write to update the Municipal Code;

### NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

**Section 2. Purpose.** To amend Title 20, Subdivisions by amending Chapter 20.04 Subdivision Procedures and Requirements and Chapter 20.08 Vacation of Plats.

**Section 3. Amendment.** The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Chapter 20.04 Subdivision Procedures and Requirements and Chapter 20.08 Vacation of Plats are hereby amended as follows.

#### Chapter 20.04 SUBDIVISION PROCEDURES AND REQUIREMENTS

Sections:

- 20.04.010 General provisions.
- 20.04.020 Preliminary plat procedure.
- 20.04.030 Final plat procedure.
- 20.04.040 Substantive requirements.
- 20.04.050 Subdivisions created by successive divisions.
- 20.04.060 Small subdivisions--Waiver.
  
- 20.04.010 General provisions.
  - A. Purpose. The purpose of this title is to protect and promote the health, safety and general welfare of the citizens of the city **Municipality** of Skagway. These provisions are minimum requirements, intended to further the orderly layout and use of land, prevent overcrowding, and provide for a permanently wholesome community environment, adequate services, and a circulation system that is safe, efficient and coordinated.
  - B. Subdivision Defined. "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided. (Ord. 84-29)

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- C. General Requirement. Any division of land within the ~~city~~ **municipality** which results in a subdivision as defined herein shall conform to the provisions of this title, in addition to the provisions of AS 29.40-060, ~~29.40.160~~ **Planning, Platting and Land Use Regulations** and AS 40.15 **Subdivisions and Dedications**. Owners of proposed subdivisions shall submit preliminary and final plats and obtain ~~city~~ **municipal** approval thereof in accordance with requirements set forth herein.
- D. Penalties. The owner or agent of the owner of land located within a subdivision who transfers, sells, or enters into a contract to sell land within a subdivision before a plat of the subdivision has been prepared, approved by the ~~city~~ **municipality** and recorded, is subject to criminal penalties under AS 29.40.180. A person who records a plat or seeks to have a plat recorded, unless it bears the approval of the ~~city's~~ **municipality's** platting board, is subject to criminal penalties under AS 29.40.180. In addition, the ~~city~~ **municipality** may enjoin unlawful transfers, sales or contracts of sale, and collect the fines ~~therefor~~, by appropriate legal action; and the general penalty provision of this code (SMC 1.20.030) applies.
- E. Institutional Structure. The planning and zoning commission shall serve as the platting board, and planning commission and the ~~city council~~ **borough assembly** shall serve as the board of adjustment, as those terms are used in AS 29.40, AS 40.15 and this title.

20.04.020 Preliminary plat procedure.

- A. Subdivider's Submittal. The subdivider shall submit to the ~~city~~ **municipality**, at least twenty (20) days prior to the next planning commission meeting:
  - 1. Three (3) copies of the preliminary plat;
  - 2. A completed application on forms provided by the ~~city~~ **municipality**;
  - 3. The application fee, in an amount set by the ~~city council~~ **borough assembly** by resolution; and
  - 4. If proposed, copies of protective covenants, deed restrictions and homeowner's association bylaws.
- B. Preliminary Plat -- Requirements. The preliminary plat shall include the following items, and shall be a minimum size of eighteen inches (18") by twenty-four inches (24"):
  - 1. Date of map preparation, north arrow and scale;
  - 2. Total site acreage;
  - 3. Subdivision name, which shall not be so similar to the name of any plat previously recorded as to cause confusion;
  - 4. Approximate street grades;
  - 5. Location of the subdivision by reference to survey and lot number, or section, township and range, or townsite lot and block number;
  - 6. Approximate dimensions of lots and blocks, and approximate area of each lot;
  - 7. Lot and block numbers;
  - 8. Location of existing buildings and their setback from proposed lot lines;
  - 9. Location of existing or proposed improvements within the proposed subdivision, such as sewer and water lines, power poles, drainage systems, streets, fire hydrants, etc;
  - 10. Proposed means of providing for water supply and sewage disposal and their location;

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11. All existing and proposed easements (right-of-way, utility, etc.), patent reserves, and roadways and their width and purposes;
  12. The location of streams, lakes, muskeg, marshy areas, flood-hazard areas, mean high water lines, etc.;
  13. Location of any hazard areas;
  14. Topographic contour lines at intervals of five (5) feet;
  15. Drainage pattern of the plat area;
  16. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land;
  17. Location of any historic buildings or sites or any significant natural resources, and the mean high water line if applicable, within three hundred feet (300') of the proposed subdivision;
  18. A vicinity map inset on the preliminary plat or drawn separately, showing the relationship of the proposed subdivision to existing major features; and
  19. Names and addresses of the subdivider, the owners of the subdivision, and the surveyor who prepared the plat.
- C. The plat must represent an actual survey of the exterior boundary of the subdivision, including the recovery of any existing monumentation of the property corners and the survey of all features listed above. The survey must be conducted by a registered land surveyor authorized to practice land surveying in the state. All information must be indicated in sufficient detail to enable the planning commission to make a preliminary determination as to applicable ~~city~~ **municipal** and state standards. In addition to the full-scale plat required, the subdivider shall submit a reduced-scale plat with a sheet size of eleven inches (11") by seventeen inches (17"), suitable for mailing. The reduced-scale plat need only show items 1, 2, 3, 5, 11, 16 and 18 listed above.
- D. Supporting Information. The following supporting information shall be submitted with the preliminary plat and reviewed by the planning commission. The required reports shall be certified by an engineer licensed to practice civil engineering in the state.
1. When ~~city~~ **municipal** sewer will not serve the subdivision, the subdivider shall submit percolation and water-table depth data which provide for analysis of the feasibility of septic tanks or other proposed sanitary facilities, in accordance with the regulations and specifications of the Alaska Department of Environmental Conservation.
  2. If a community water system is not to be provided, the developer shall submit a written hydrology report, including existing or test well data documenting the quality and quantity of water in the vicinity.
  3. If the subdivider proposes community sewer or water systems, he shall submit documentation and plans which verify that proposed systems meet all applicable local, state and federal standards. Proposed systems shall be compatible with ~~city~~ **municipal** systems in the event they are incorporated into the ~~city~~ **municipal** systems in the future.
- E. Further Information Planning Commission May Require.
1. In addition to the foregoing mandatory information, the planning commission may require the subdivider to submit for review:
    - a. A drainage plan, showing detailed drainage and topographic information including culverts, drainage ditches, etc; the effect of

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- increased drainage from the subdivision on other properties in the area; and proposed mitigative measures;
      - b. A soils report stating soils characteristics and possible geophysical hazards such as avalanches, slope stability, erosion, etc.;
      - c. Detailed building or construction plans, condition data, method, and design of proposed improvements, landscaping and grading;
      - d. Other data the planning commission may require to protect the public health, safety or welfare.
    - 2. This data must be prepared by appropriate professionals licensed to practice in the state.
  - F. Preliminary Plat - Action. The planning commission shall approve, approve with conditions, or disapprove the preliminary plat within sixty (60) days of its submittal by the subdivider. The planning commission shall state its decision in the minutes, and return a written copy of its decision and comments and one (1) copy of the preliminary plat to the subdivider. If the planning commission takes no action within sixty (60) days, the preliminary plat is considered approved, and a certificate of approval shall be issued on demand. The subdivider may consent to extension of the period for action by the planning commission.
- 20.04.030 Final plat procedure.
- A. Subdivider's Submittal. After approval of the preliminary plat and compliance with any and all conditions on the approval of the preliminary plat, the subdivider shall submit a final plat for approval.
  - B. Final Plat -- Requirements. The final plat shall be drawn on high-quality reproducible material and be at least eighteen inches (18") by twenty-four inches (24") in size. All lines and printing shall be made with non-fading black ink, using a scale specified upon preliminary plat approval. Information shown on the final plat shall include:
    - 1. Items 1, 2, 3, 5, 7, 11, 16 and 18 of subsection B of Section 20.04.020 above (preliminary plat);
    - 2. Within the subdivision, the right-of-way of all streets; lengths, tangents, radii and central angles of all curves; the total width of each street, the width of the portion being dedicated and the width of the existing dedications; also, the width of rights-of-way of patent reserves, section-line easements, flood-control and drainage channels, and any other easements appearing on the plat;
    - 3. The width, bearing, and other data necessary to delineate all easements to which the lots are subject. If the easement is not definitely located on record, a statement referring to the easement shall appear on the plat. Easements for storm drains, sewers, utilities and other purposes shall be denoted by broken lines;
    - 4. The exact boundaries of all areas to be dedicated or reserved for public use or for the common use of property owners. The purpose of the dedication or reservation shall be set forth on the plat;
    - 5. All lot and block numbers. Sufficient data shall be shown to determine readily the bearing and distance of each line;
    - 6. The names and lot numbers of adjacent subdivisions. If the adjacent land is not subdivided, it should be so noted on the plat;

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7. A legend showing symbols used to depict the type of corner or monument as used in the survey;
  8. A table describing references and their bearing and distance from the monuments;
  9. Bearings and distances to the nearest original or reestablished monuments used for the basis of bearing of the plat shall be shown and accurately described on the plat;
  10. Exterior boundary lines with accurate distance and bearings, and the exact location and width of all existing or recorded easements, rights-of-way, and adjacent property abutting or intersecting the boundary of the subdivision shall be shown on the plat.
- C. Land Survey Requirements.
1. Monuments set this survey shall be shown on the plat and be stamped with the following data:
    - a. U.S. Survey number or public land designation and/or name of the subdivision;
    - b. Exterior monument or corner number;
    - c. Professional land surveyor's registration number;
    - d. Date monument set in place.
  2. Monuments shall consist of one and one-half inch (1-1/2") galvanized iron or aluminum pipe accepted by the Bureau of Land Management, thirty (30) or more inches long set into the ground. This pipe shall have a four-inch (4") flange across the bottom. Firmly placed in the pipe at the top shall be a brass or aluminum cap. The pipe shall be thoroughly tamped when set. The cap shall have a minimum of two-inch (2") diameter across the top and, if aluminum, be provided with a permanent magnet.
  3. Where impractical to set the monument in the ground, one of the following methods may be substituted:
    - a. Utilize a tablet containing a minimum of one thousand (1,000) cubic inches of concrete marking the actual corner point; or
    - b. Drill a hole and cement the monument cap in bedrock, or into a boulder or block of concrete with a size a minimum of three (3) cubic feet.
  4. Should the point for a corner be in place which would be impracticable to monument, witness corners shall be set in a safe place on the survey boundary line or have two (2) reference monuments set.
- D. Monuments -- Additional Field Requirements.
1. The exterior monuments of a subdivision shall be referenced to two bearing objects, such as trees, rocks, buildings, etc., or have two (2) reference monuments marking the corner.
  2. Every subdivision shall contain at least three (3) monuments at consecutive exterior angle points set this survey. The distance and bearing between monuments shall be shown. The distance and bearings between adjacent monuments shall not exceed one thousand three hundred twenty (1,320') feet. All monuments shall be tied to the subdivision lines. The exact transit point shall be shown on the monument by a punchmark. Prior to sale, all lot corners and exterior angle points not monumented shall be marked with minimum one-half inch (1/2") diameter by two-foot (2') long metal rod extending one to two inches (1 -- 2") above

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finished grade, or other approved method as determined by the surveyor or engineer on site. It is recommended that a white painted two-inch (2") by four-inch (4") stake denoting the lot and block numbers be placed beside the corner as a witness post. The corners shall have plastic or aluminum caps stamped with the corner numbers. If impractical to place a two-foot (2') rod, a shorter one may be drilled and grouted into rock, boulder, or a block of concrete.

E. Final Plat -- Supporting Documentation. The following shall accompany the final plat when submitted by the subdivider for approval:

1. A notarized certificate on the plat from the owners of the subdivision stating ownership, acknowledging all dedications, and describing all easements;
2. A certificate on the plat by the registered surveyor attesting to the survey and to the installation and correct location of all monuments or corners required;
3. A certificate from the tax collecting official stating that all taxes levied against the property at that date have been paid.
4. A guarantee of improvements if required public improvements have not been completed at the date of submittal of the final plat;
5. A certificate of approval of the Alaska Department of Environmental Conservation as to domestic water supply and sewer disposal;
6. The subdivider's certification that all required state and federal permits for the project have been obtained.

F. Final Plat - Procedure. The subdivider shall submit the original, a reproducible, and two (2) copies of the final plat to the planning commission for approval. The final plat must be submitted for approval within one (1) year following approval of the preliminary plat. The planning commission shall review the final plat and accompanying documentation for conformance with this title, conditions placed upon approval of the preliminary plat, and any other pertinent provisions of city municipal or state law. The commission may seek and consider comments from any city municipal department or affected utility company. The planning commission shall approve the plat, return it to the subdivider for modification, or disapprove the plat within sixty (60) days of its submittal. When the final plat is approved, approval will be stated in writing on the final plat, together with the city's municipality's acceptance of lands dedicated thereon to public use, the date, and the signatures of the chairman and clerk of the planning commission. The city borough clerk shall record the original of the final plat with the district recording office pursuant to AS 40.15, and retain the reproducible and one (1) copy of the approved final plat in the city's municipality's records.

20.04.040 Substantive requirements.

In addition to the foregoing requirements, all subdivisions, as a condition of approval of the final plat, shall conform to the following requirements:

A. General. The proposed subdivision shall conform to:

1. The provisions of AS 40.15 and all other relevant laws and regulations;
2. All applicable ordinances of the city municipality;
3. The master plan of the city municipality;
4. The regulations of the Alaska Department of Environmental Conservation relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made;

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5. The regulations of the Alaska Department of Transportation and Public Facilities relating to safety or access and the preservation of the public interest and investment in streets and highways if the subdivision or any lot contained therein abuts on a state highway or street;
  - B. Dedications. All streets, alleys and easements shown on the plat not previously dedicated to public use shall be so dedicated.
  - C. Public Sites and Open Spaces. In order that adequate open spaces and sites for public uses may be properly located and preserved as the community develops, and in order that the cost of providing the public facilities necessary to serve the additional families brought into the community by subdivision development may be most equitably apportioned, the following provisions for reservation of potential sites are established:
    1. Design Considerations. In the design of the plat, consideration shall be given to the adequate provision of and correlation with such public sites or open areas.
    2. Reservation May be Required. Where it is determined by the planning commission that a portion of the plat is required for such public sites or open spaces, the subdivider may be required to reserve such area for a period not to exceed three (3) years, after which the ~~city~~ **municipality** shall either acquire the property or release the reservation.
- 20.04.050 Subdivisions created by successive divisions.
- A. Assessor's Plat. Where it is not practical to require that a final plat of a subdivision created by successive division be filed in accordance with this title, the ~~city~~ **municipality** may in lieu thereof order an assessor's plat to be made and may assess the cost thereof to the subdivider.
  - B. Reasonable Compliance. Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this title to the extent that they may be reasonably applied.
- 20.04.060 Small subdivisions--Waiver.
- A. Pursuant to AS 29.40.090, the planning commission (acting as the platting board) may waive the preparation, submission for approval, and recording of a plat in an individual case if the applicant shows (and the commission makes written findings that) each of the four (4) conditions in AS 29.40.090(a) exists, or that the individual case meets the requirements of AS 29.40.090(b).
  - B. The ~~city~~ **municipality** hereby waives the requirement for subdivision plat submittal and approval by the ~~city~~ **municipality** for instances where the act of subdividing results in fewer than four (4) parcels, none of which exceeds one and one-half (1.5) acres; and where adequate access is provided to each parcel, and there are no dedications to public use involved or required.

Chapter 20.08  
VACATION OF PLATS

Sections:

20.08.010 Controlling statutes.

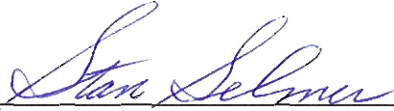
20.08.010 Controlling statutes.

All alterations, replats and vacations of lands dedicated to public use shall be in accordance with AS 29.40.120 -- AS 29.40.160 and AS 40.15.


**Section 4. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 5. Effective Date.** This ordinance shall become effective immediately upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 1<sup>st</sup> day of March, 2012.

  
\_\_\_\_\_  
Stan Selmer, Mayor

ATTEST:

  
\_\_\_\_\_  
Emily A. Deach, Borough Clerk

(SEAL)

