

HAINES BOROUGH

ORDINANCE 09-03-201

Adopted

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION TITLE 18 CHAPTER 100 TO UPDATE AND CLARIFY SUBDIVISION REGULATIONS.

BE IT ORDAINED:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 18 Chapter 100 to update and clarify subdivision regulations. The code is amended as follows:

NOTE: **Bolded**/UNDERLINED ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

18.100.010 Purpose.

The purpose of this chapter is to:

A. Further the orderly layout and use of land; to provide for the safety, health and welfare of the citizens of the Haines Borough who are landowners, their neighbors, and citizens who purchase land in the future; to secure safety from fire and other dangers; to provide adequate light and air; to prevent the overcrowding of the land through the regulation of planning, including provisions for road, trails and utility easements, public facilities, dedications, vacations, plat review, survey monumentation, variances, appeals and penalties; and to facilitate the further subdivision of larger tracts into smaller parcels of land; and to facilitate the adjustment of property boundaries;

B. Guide the growth of the community in accordance with the service area goals;

C. Establish reasonable procedures for the subdivision of land, and assure the proper legal description and monumentation of subdivided land;

D. Prevent pollution, safeguard the water supply and encourage the wise management and use of natural resources.

18.100.015 Authority.

Authority is delegated to the planning commission by AS 29.40.080 to be the platting authority for the borough. The planning commission shall thereby make recommendations to the manager and the assembly in order to establish consistency with the above-stated authority.

18.100.020 Platting of subdivision, lot line adjustment, and lot consolidation required.

~~A. Survey.~~ Any division of land within the borough which results in a subdivision, or any shifting or eliminating of property lines resulting in a lot line adjustment or lot consolidation shall be surveyed and a plat thereof approved and recorded, pursuant to the provisions of this chapter, HBC 18.60.010 through 18.60.020, AS 40.15, and AS 29.40, as amended from time to time.

BA. Subdivision Defined. "Subdivision" means a division of a tract or parcel of land into two or more lots, sites, or other divisions and includes re-subdivisions and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided.

B. Lot Line Adjustment Defined. "Lot line adjustment" is defined as the shifting of a property line that does not result in:

1. The creation of additional lots
2. The creation new nonconforming lots, including:
 - a. A lot of less than 65 feet of width.
 - b. A lot of less than the minimum size applicable to the zoning district.
 - c. A lot where Development or utility becomes located within the setback as a result of the lot line adjustment.
3. The increase of non-conformity of an existing nonconforming lot.
4. The newly adjusted lot exceeding 200% of the area of the original lot, with the exception of lots less than the minimum lot size, in which case the newly adjusted lot shall not exceed 150% of the minimum lot size specified for the zone.

C. Lot Consolidation Defined: "Lot consolidation", also referred to as "lot line vacation" is the elimination of a lot line or lines that divide multiple lots and results in the consolidation of multiple lots into fewer lots or one lot.

1. The result shall not impair adequate access, access easements or right-of-ways to existing lots.
2. The result shall not create a nonconforming lot or increase the non-conformity of an existing nonconforming lot.

18.100.025 Exceptions.

A. The provisions of this chapter shall not apply to transfers of interests in land pursuant to court order.

~~B. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.~~
The manager shall have the authority to waive the surveying requirement for a lot consolidation if it is determined that the surveyor can prepare plat documents from accurate and current data for the properties being consolidated.

18.100.030 Short plats.

A subdivision, lot line adjustment, or lot consolidation which falls within the following criteria shall follow the short plat procedures:

A. Subdivisions of a single lot into not more than four lots, which follow the same procedures and meet the same subdivision requirements of the chapter, except as provided and that a lesser fee may be charged.

~~B. The subdivision will have utility connections to the public water and sewer systems.~~
Any lot resulting from a subdivision, lot consolidation, or lot line adjustment which is situated within 200 feet of public water and sewer systems, is required to have utility connections extended from the water and sewer mains to the property line.

C. Lot Line Adjustments and Lot Consolidations meet all of the criteria of 18.100.030. The same rules and fees shall apply.

~~BD. The subdivision provides~~
The subdivided or adjusted lots are required to provide legal and physical access to a public highway or street under HBC 18.100.075 and 12.08.030 through 12.08.190 and/or 18.100.085(D) for each lot created or adjusted, with the exception of subdivisions or lots that are in roadless areas of Borough and accessed solely from a navigable water body, in which case all lots shall be accessible from the navigable water body or via a dedicated access easement from the water body.

~~CE. The subdivision short plat does not require or contain a dedication of street, right of way or other area.~~
If the plat meets the criteria of 18.100.030A-D and contains a dedication or vacation of a street, right-of-way, land or other area, the manager may allow for short plat procedure with an additional requirement of Planning Commission approval of the plat.

~~DF. The subdivision short plat does not require a vacation of vacate a public dedication of land or a contain a variance from a subdivision regulation of this title.~~

All of the above requirements must be met, or sufficient bonding, as set by the planning commission, provided for the completion of any and all of said requirements.

18.100.035 Procedures for short plats.

A. The subdivision or adjusted properties shall meet or exceed the requirements of HBC 18.100.070 through 18.100.095.

~~AB. The applicant for a short plat subdivision shall submit an application for the subdivision which shall include any information required by the commission, the application fee for a subdivision, and three blue or black line prints on 24 inch by 36 inch paper, at a scale of either 40, 50, 60 or 100 feet to an inch, sealed appropriately for the size of the property being platted. The application shall also include separate plans for the construction of any improvements required or proposed. The commission may require the submission of topographic mapping of the site.~~ **The applicant and/or surveyor shall submit an application, fee, and short plat in an electronic file format compatible with borough software that meets the requirements of HBC 18.100.105 with the exception of the signatures to the borough prior to submitting the mylar print of the final plat.**

~~B. The short plat shall be prepared by a registered land surveyor licensed to practice in the state.~~

~~C. A title block shall be located in the lower right hand corner of the plat and shall contain the following:~~

- ~~1. Proposed name of the subdivision in prominent letters;~~
- ~~2. Location of the area to be subdivided by reference to U.S. survey, public land description or prior subdivision name;~~
- ~~3. The date;~~
- ~~4. Horizontal scale which shall be 100 feet to the inch or larger unless a smaller scale is approved by the commission;~~
- ~~5. Name and address of the owner and subdivider and the name of the registered land surveyor.~~

~~D. Design and Engineering Standards and Improvements. The requirements of HBC 18.100.050(C) through 18.100.105 shall apply.~~

EC. If the manager determines that the subdivision as proposed could be detrimental to the public health, safety or welfare, or involves unusual factors, the manager shall treat the application **short plat** as a preliminary plat submission and refer the plat to the commission unless the applicant withdraws the plat. The manager shall allow 30 days for review and approval by the ~~referral agencies~~ **planning commission**. Posting of the notice of application in three public places shall be sufficient for proper public notice. No further advertisement shall be required. Upon receipt of the complete application containing all of the required information, the manager, within 10 working days of the completion of the 30-day review period,

shall approve or disapprove the plat and inform the applicant of the actions taken. Failure to take action in accordance with this subsection does not constitute plat approval.

D. Upon notification of plat approval, the applicant shall construct or provide the appropriate guarantees for the construction of ~~required~~ improvements as required by the manager. ~~complete the required surveying and monumentation. make any corrections necessary to the plat.~~

E. The applicant shall submit a mylar print of the approved short plat with all of the required signatures except borough officials. The chair, after approval by the manager of the short plat, shall, on behalf of the planning commission, sign the plat upon the determination that the subdivision and plat meet all the requirements of this chapter. The plat shall be filed in the Haines district recorder's office by the manager. ~~who shall order a duplicate mylar for the borough's use after filing is complete.~~ The borough shall keep an electronic file of the plat.

~~18.100.040 Waiver of plat requirements.~~

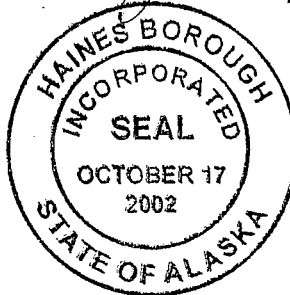
~~The commission may waive the preparation, submission for approval and recording of a plat on satisfactory evidence that the subdivision meets the requirements of HBC 18.100.030 and that each lot created by the subdivision is five acres or larger.~~

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY ON THIS 12TH DAY OF MAY, 2009.

Attest:

Jamie Heinz
Jamie Heinz, Deputy Clerk

Janice Hill
Janice Hill, Borough Mayor



Date Introduced: 03/24/09
Date of First Public Hearing: 04/14/09
Date of Second Public Hearing: 04/28/09
Date of Third Public Hearing: 05/12/09