

TITLE 27: SUBDIVISIONS

Chapter

27.05 GENERAL PROVISIONS

27.10 PLATTING BOARD

**27.15 PLAT APPROVAL, ABBREVIATED PLAT
SUBDIVISIONS, AND VACATIONS**

27.20 SUBDIVISION DEVELOPMENT STANDARDS

27.30 RECONSIDERATION AND APPEALS

27.35 SUBDIVISION AGREEMENTS

CHAPTER 27.05: GENERAL PROVISIONS

Section

- 27.05.005 Definition of terms
- 27.05.010 General
- 27.05.015 Purpose and scope
- 27.05.020 Penalties and remedies
- 27.05.030 Fees
- 27.05.035 Violations, enforcement, and penalties
- 27.05.040 Procedure pamphlet
- 27.05.045 Owner authorization

27.05.005 DEFINITION OF TERMS.

(A) For the purposes of this title, the following definitions shall apply in all cases; additional definitions are provided in the Subdivision Construction Manual.

- “Aliquot part” means a division of a parcel of land created by midpoint protraction as defined by the U.S. Bureau of Land Management Manual of Survey Instructions, unless historical records show otherwise.
- “Block” means a group of lots existing within well-defined and fixed boundaries, being an area surrounded by streets or other physical barriers to the continuity of development, and having an assigned number, letter, or other name by which it may be identified.
- “Block length” means the distance between intersections of through streets or other physical barriers to the continuity of development. Street intersections are measured between the centerlines of the intersecting streets. Block length is measured along the street from which the majority of lots gain their access.
- “Borough” means the Matanuska-Susitna Borough (MSB).
- “Days” means calendar days. See MSB 1.15.005.
- “Dedication” means the appropriation of land, or an easement therein, by the owner, for the

use of the public, and accepted for such use by or on behalf of the public.

- “Director” means the Matanuska-Susitna Borough Planning and Land Use Director.
- “Easement” means a right given by the owner of land to another party for specific limited use of that land.
- “Engineer” means a registered civil engineer currently licensed with the state of Alaska.
- “Equal or better access” means having the same or more favorable physical features, soils, and terrain for route construction or uses for ingress and egress.
- “Flag lot” means a lot with a long, narrow strip protruding from one side (pole) which fronts on a borough standard width legal right-of-way and provides access to the lot.
- “Governing body” means the Matanuska-Susitna Borough Assembly.
- “Interconnectivity” means provision for the legal right of access granted to adjoining properties, at a location that is practical for future road construction, to plan or provide for a safe and efficient transportation system.
- “Land surveyor” or “surveyor” means a registered land surveyor currently licensed with the state of Alaska.
- “Lot” means the least fractional part of subdivided lands having limited fixed boundaries and having an assigned number, or other name through which it may be identified.
- “Meander line” means a traverse of the margin of a permanent natural body of water for the purpose of determining the quantity of land remaining after segregation of the water area. For riparian owners, meander lines do not represent the boundary line; the body of water where it exists represents the true boundary lines. When meander lines are nonriparian, they may become the land boundary lines.
- “Monument” means a fixed physical

Subdivisions, Title 27

object marking a point on the surface of the earth, used to commence or control a survey or to establish a property corner.

- “Municipality” means a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality.

- “Open space” means any land or area, the preservation of which in its present use would conserve scenic, cultural, or natural resources; protect water bodies or water quality; enhance neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or increase recreation opportunities.

- “Ordinary high water mark” means the mark along the bank or shore up to which the presence and action of the nontidal water are so common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, vegetation, or other distinctive physical characteristics.

- “Parcel” means a fractional part of land described by metes and bounds or aliquot parts that are five acres in size or larger and identified in waivers or 40-acre exemptions by document.

- “Plat” means (1) a map representing a tract of land showing the boundaries and location of individual properties, easements, and streets; (2) a map of subdivisions.

- “Plat, final” means a map of all or a portion of a subdivision that is presented to the approving authority for final approval.

- “Plat, preliminary” means a map indicating the proposed layout of the subdivision that is submitted to the approving authority for preliminary approval.

- “Platting authority” means the Matanuska-Susitna Borough platting entity or person authorized by ordinance to make platting decisions.

- “Public access easement” means the rights of ingress and egress, and utilities by permit, including roadways, trails, sidewalks, and footpaths.

- “Public improvements” can include but are not limited to: roads, drainage, ditching, signage, cut/fill slopes, trails, bike paths, walkways, public parks and recreation facilities, monumentation, authorized encroachments, utilities, and areas needed for snow storage and other improvements as necessary.

- “Public use easement” provides the rights for ingress, egress, roadways, rights-of-way, public utilities, and slopes for cuts and fills. The rights are to the public in general, and public utilities governed by permits required under federal, state, and local laws and regulations. May also be known as public access easements and rights-of-way.

- “Replat” means the redelineation of existing lots, blocks or tracts of a previously recorded subdivision involving the change of property lines and, after vacation, the altering of dedicated streets, easements, or public areas.

- “Right-of-way” means a strip of land reserved or dedicated, used or to be used for a street, alley, walkway, airport, railroad, or other public or private purpose.

- Road. See “Street.”

- “Snow storage easement” means an easement for snow storage and maintenance dedicated or reserved to the municipality.

- “Street” means and includes all access ways for common use, such as traveled ways, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved.

- “Subdivider” means any person having an ownership interest in the land that is the subject of an application for development.

- “Subdivision” means the division of a tract or parcel of land into two or more lots, sites or other divisions, or the combining of two or more lots, tracts or parcels into one lot, tract or parcel for the purpose, whether immediate or future, of sale, or lease of more than 10 years including any resubdivision.

- “Subdivision Construction Manual” means the latest version of the document created by the MSB Department of Public Works that contains design standards for roads, construction and drainage requirements, details for development, subdivision agreements, inspections, utilities, and other construction items as appropriate.

- “Surface water” means all waters whose surface is naturally exposed to the atmosphere; for example, rivers, lakes, reservoirs, ponds, streams, seas, estuaries, and springs.

- Surveyor. See “Land surveyor.”

- “Tract” means an unsubdivided remnant(s) of a subdivision.

- “Trail” means a traveled way which may provide recreational, aesthetic, alternate transportation, or educational opportunities.

- “Useable building area” means area having a seasonal high ground water table no closer than four feet below the surface and outside of any known debris burial site, outside of minimum useable septic area and easements where building is prohibited, and outside of setbacks from the following: rights-of-way, easements for public use, section line easements, water bodies, and lot lines.

- “Useable open space area” means that area which has a seasonal high ground water table no closer than two feet below the surface, and is outside of existing or proposed utility, slope, or public use easements and does not include any other existing or proposed easements that would normally disturb the natural vegetative state.

- “Useable septic area” means:

- (a) that area where the seasonal high water table is a minimum of eight feet below the surface. Where water is encountered at 10 feet or less below the surface, the seasonal high subsurface water is to be determined between May 1st and October 30th; and

- (b) that area where slopes are less than 25 percent; and

- (c) that area which is more than 100 feet from open water, surface waters, and wetlands; and

- (d) that area which is located at least 50 feet from the top of a slope which is greater than 25 percent and has more than 10 feet of elevation change; and

- (e) that area which has soils with a percolation rate faster than 60 minutes per inch or less; and

- (f) that area which is not within an area dedicated to public use; and

- (g) that area which is outside of utility or other easements that would affect the use of the areas for on-site septic installation; and

- (h) that area which is outside of a protective well radius; and

- (i) that area which is outside of any known debris burial site.

- “Utility easement” is an area in which the rights to construct, install, repair and maintain utility distribution and service facilities are exercised.

- “Walkway” means a right-of-way or easement dedicated for public pedestrian access.

- “Water body” means a discrete and significant element of surface water, including all or part of lakes, reservoirs, streams, rivers, canals, and coastal waters.

- “Watercourse” means a depression formed by water moving over the earth; any natural or artificial channel through which water flows perennially or intermittently. Includes natural waterways that have been channelized, but does not include manmade channels, ditches, or underground drainage and sewage systems.

- “Wetlands” means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Ord. 08-151(AM), § 2, 2008; Ord. 07-025, § 2, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.05.010 GENERAL.

(A) This title shall be referred to and cited as the “Matanuska-Susitna Borough Platting Regulations.” The platting officer shall provide copies of this title, the MSB Subdivision Construction Manual, and the platting division’s procedure pamphlet created pursuant to MSB 27.05.040 to any person upon request at a reasonable charge.

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

(C) The requirements of this title, requiring the platting of lease lots for leases of 10 years or longer, are temporarily suspended within the boundaries of the Port District, as established in MSB 18.02.020, Boundaries. The suspension shall be in effect for 12 months from time of adoption of this subsection (expiring on April 19, 2012).

(D) The requirements of this title, requiring the platting of lease lots for leases of 10 years or longer, are temporarily suspended on properties within the borough which are zoned for industrial use as established with the Houston, Palmer and Wasilla Municipal Codes. The suspension shall be in effect for 12 months from time of adoption of this

Subdivisions, Title 27

subsection (expiring on April 19, 2012); subject to the following:

(1) Before any lease is issued, a record of survey shall be prepared for the subject parcel by a land surveyor, and shall be recorded in the appropriate recording district.

(E) The requirements of this title, requiring the platting of lease lots of 10 years or longer, shall not apply to leases of commercial property.

(Ord. 11-036, § 2, 2011; Ord. 06-147(AM), § 3 (part), 2006)

27.05.015 PURPOSE AND SCOPE.

(A) This title is to promote the common good and welfare with regard to platting of subdivisions. This title establishes consistent minimum guidelines for the regulation of the subdivision and platting of lands within the borough in accordance with state statutes.

(B) The current editions of the following documents are to be incorporated by reference within this title as if fully set forth in this title effective on the date of the application:

- (1) BLM Manual of Survey Instructions;
- (2) Platting Procedure Pamphlet;
- (3) MSB Subdivision Construction Manual;
- (4) MSB Title 15;
- (5) MSB Title 17; and
- (6) Special land use districts adopted by the assembly.

(Ord. 06-147(AM), § 3 (part), 2006)

27.05.020 PENALTIES AND REMEDIES.

(A) The owner or agent of the owner of land who publicly offers by any means to sell, transfer, or who sells or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved, and recorded in accordance with this title is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 for each lot or parcel offered for sale, transferred, sold, or included in a contract to be sold.

(B) No person may file or seek to have a plat or document that subdivides land recorded unless it has been approved in accordance with this title. A person who violates this subsection is guilty of a misdemeanor and upon conviction is punishable by

a fine of not more than \$500 for each lot or parcel created or attempted to be created by the plat or document.

(C) The borough or any aggrieved person may bring a civil action to enjoin any violation of this title, any transfer or sale of an unlawfully subdivided parcel and the violation of any term or conditions of any plat or other entitlement approved under this title, and to obtain damages for any injury the plaintiff suffered as a result of the violation. In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed \$500. An action for injunction under this section may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of an existing or threatened violation, the superior court shall enjoin the violation.

(D) Each act or condition in violation of this title, or any term or condition of any plat or other entitlement under this title, and every day during which the act or condition occurs shall constitute a separate violation of this title.

(Ord. 06-147(AM), § 3 (part), 2006)

27.05.030 FEES.

(A) The assembly shall establish a schedule of fees for applications under this title by resolution. The schedule of fees shall be posted in the borough offices and may be altered or amended only by the assembly.

(Ord. 06-147(AM), § 3 (part), 2006)

27.05.035 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Except as otherwise specified in this chapter, violations of this chapter are infractions.

(B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(Ord. 06-147(AM), § 3 (part), 2006)

27.05.040 PROCEDURE PAMPHLET.

(A) The application process for all actions requested under this title shall be published in a procedures pamphlet which shall specify:

- (1) fees with platting board and platting

officer recommendations;

(2) forms;

(3) procedures;

(4) a basic checklist of items required for each action requiring approval by the platting authority;

(5) timeline specific to each matter; and

(6) a list of other divisions or agencies that the subdivider may be required to contact.

(Ord. 06-147(AM), § 3 (part), 2006)

27.05.045 OWNER AUTHORIZATION.

(A) All applications under this title shall be made by the owner, or authorized agent of the owner, of the property. The agent authorization must be in writing, executed by the owner, and include names, mailing addresses, and telephone numbers for both the owner and the authorized agent.

(B) Proof of ownership shall be verified by a certificate to plat issued by a title company not more than 120 days prior to submittal of an application for any platting action.

(C) The application will be unaffected if ownership changes during the platting process; provided, that an updated certificate to plat, or preliminary commitment for title insurance, is received by the platting division.

(Ord. 07-025, § 3, 2007; Ord. 06-147(AM), § 3 (part), 2006)

CHAPTER 27.10: PLATTING BOARD

Section

- 27.10.005 Board established; delegation
- 27.10.010 Composition, appointment, and qualifications
- 27.10.015 Term
- 27.10.020 Vacancies
- 27.10.025 Compensation
- 27.10.030 Officers
- 27.10.035 Seal
- 27.10.040 Staff assistance
- 27.10.045 Meetings; quorum
- 27.10.050 Rules of procedure
- 27.10.055 Action on application or appeal
- 27.10.060 Conflict of interest; ex parte contact
- 27.10.065 Platting board procedure
- 27.10.070 Notice; public hearing

voter of the borough.
(Ord. 06-147(AM), § 3 (part), 2006)

27.10.005 BOARD ESTABLISHED; DELEGATION.

(A) There is established a platting board which, pursuant to A.S. 29.40.080, is delegated the platting function of the borough. The platting board shall hear and decide applications for approval of preliminary plats, variances, public use easements, 40-acre exemptions, plat note amendments, and vacations as required by this title.
(Ord. 06-147(AM), § 3 (part), 2006)

27.10.010 COMPOSITION, APPOINTMENT, AND QUALIFICATIONS.

- (A) The platting board shall consist of seven members with two additional at-large alternate members.
- (B) The mayor shall appoint board members, subject to assembly confirmation. Representation from as many assembly districts as is feasible shall be sought on the board.
- (C) Each board member shall be a registered

27.10.015 TERM.

(A) A board member's term shall be three years, with staggered expiration dates. An unexpired term that began before the effective date of the ordinance codified in this title shall continue until the time for its expiration under the law in effect when the term began. A board member's term shall be governed by MSB 4.05.050.
(Ord. 06-147(AM), § 3 (part), 2006)

27.10.020 VACANCIES.

- (A) A vacancy on the board shall be filled as provided in MSB 27.10.015 for the remainder of the term of the former member.
- (B) A vacancy occurs as provided in MSB 4.05.030(B).
(Ord. 06-147(AM), § 3 (part), 2006)

27.10.025 COMPENSATION.

(A) Board members shall be compensated at a rate established by the assembly. All requests for reimbursement shall be for actual expenses incurred on authorized board business.
(Ord. 06-147(AM), § 3 (part), 2006)

27.10.030 OFFICERS.

(A) The board annually shall select from its membership a chairperson and vice-chairperson. The chairperson shall preside at meetings of the board, and shall represent the board as directed by its membership. The vice-chairperson shall act in the absence of the chairperson. The borough shall

Subdivisions, Title 27

provide a secretary to the board.
(Ord. 06-147(AM), § 3 (part), 2006)

27.10.035 SEAL.

(A) The board shall adopt a seal of two concentric circles within which appear the words "Matanuska-Susitna Borough Platting Board," "Seal" and "State of Alaska." It shall be retained in the custody of the borough.
(Ord. 06-147(AM), § 3 (part), 2006)

27.10.040 STAFF ASSISTANCE.

(A) The platting board shall be assisted by borough staff.
(Ord. 06-147(AM), § 3 (part), 2006)

27.10.045 MEETINGS; QUORUM.

(A) The platting board shall hold a regular meeting twice a month. The chairperson or three board members may call a special meeting of the board.

(B) A majority of the authorized membership of the board constitutes a quorum. All board actions shall require a minimum of four votes on the prevailing side.
(Ord. 06-147(AM), § 3 (part), 2006)

27.10.050 RULES OF PROCEDURE.

(A) The board may, by resolution, adopt its own written rules of procedure, consistent with this title, governing the conduct of its proceedings. In all matters of procedure not governed by such rules or this title, the current edition of Robert's Rules of Order, Newly Revised, shall govern.
(Ord. 06-147(AM), § 3 (part), 2006)

27.10.055 ACTION ON APPLICATION OR APPEAL.

(A) The board shall take formal action by voting on an application or to grant an appeal from the platting officer's decision on applications under this title. The board's decision shall be in a written notice approving or denying the action in question, prepared by the secretary to the board. The notice

shall include findings of fact supporting the decision. A notice is adopted as a decision of the board when it is signed by the board's authorized representative.

(Ord. 06-147(AM), § 3 (part), 2006)

27.10.060 CONFLICT OF INTEREST; EX PARTE CONTACT.

(A) A board member shall not participate in deliberation or vote on a question if:

(1) the board member or a member of the board member's immediate family has a substantial financial interest in any property affected by the decision; or

(2) the board member or a member of the board member's immediate family could foreseeably profit in any material way through a favorable or unfavorable decision.

(B) Board members shall be impartial in all administrative decisions, both in fact and in appearance. No board member may receive or otherwise engage in ex parte contact with the applicant or appellant, or other parties interested in the application or appeal, or members of the public, concerning the application or appeal or issues presented in an application or notice of appeal, either before the hearing or during any period of time the matter is submitted for decision or subject to reconsideration. This section shall not prevent board members from discussing an application or appeal during a public hearing or prohibit communications between borough staff and board members where the staff members are not named parties to the application or appeal or members of an organization which in its own name has become an active party to an application or appeal.

(Ord. 06-147(AM), § 3 (part), 2006)

27.10.065 PLATTING BOARD PROCEDURE.

(A) The platting board shall act on an application for preliminary plat, variance, public use easement, 40-acre exemption, plat note amendment, or vacation of a public interest only after holding a public hearing on the application. The platting board shall hear applications for vacations of a public interest at the hearing on the preliminary plat to which they pertain if an application for plat approval has been accepted or is required. The platting board

shall consider any preliminary plat affected by the vacation of a public interest.

(B) The platting authority shall approve or disapprove a preliminary plat within 60 days after it is submitted and accepted by the borough platting officer. Unless the applicant for preliminary plat approval consents to an extension of time, the preliminary plat is considered approved, and a certificate of approval shall be issued by the platting authority on demand if the platting board fails to act within 60 days. An application is deemed to be submitted to the platting authority when it is submitted in complete and proper form in accordance with MSB 27.15.040 and 27.15.050 and accepted by the borough platting officer.

(C) The platting board shall approve an application upon finding that the application conforms to the standards set forth in this title and other applicable statutes and ordinances. The findings of the platting board shall be set forth in the notice approving or disapproving the application.

(D) The platting board shall approve an application subject to conditions that it finds necessary to implement the purposes of this title, or to conform the application to this title or other applicable statutes, or ordinances. The conditions shall be set forth in the motion and notice approving the application. Where a subdivider intends to develop a subdivision in phases, approval of the preliminary plat shall be conditioned upon the subdivider's compliance with a phased development master plan prepared by the subdivider and approved by the platting board. Covenants, conditions, and restrictions may be submitted with the final plat for recordation.

(E) The platting board shall not approve an application where it finds that the property that is the subject of the application currently is in violation of this title, any condition of approval of a variance, subdivision plat or other land use entitlement granted under this title, or the terms of any other agreement with the borough, unless the conditions of approval resolve the violation. This section shall not preclude the approval of an application where multiple violations exist and the platting action is remedying one or more of these violations and the platting authority determines that it is in the public interest to approve the application.

(F) Written notification of the platting board's or platting officer's decision approving or disapproving an application shall be mailed to the

applicant within 14 days of the decision. If the application is approved, a final plat or a resolution setting forth the decision of the board or platting officer shall be recorded with the district recorder after all conditions of approval have been met. The failure of any person to receive any notice required under this section, where the borough records indicate the notice was mailed, shall not affect the validity of any proceeding under this title.

(Ord. 07-025, § 4, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.10.070 NOTICE; PUBLIC HEARING.

(A) Notice of any public hearing required under this title shall be given in accordance with this section.

(B) Forms of notice are as follows:

(1) publication in a newspaper of general circulation in the borough at least seven days prior to the public hearing;

(2) mailing at least 21 days before the public hearing to:

(a) all record owners of property within a distance of at least 1,200 feet of the exterior boundary of the property that is the subject of the application, or to the record owners of at least the five tax parcels nearest the property that is the subject of the application, whichever is the greater number of persons; and

(b) if the property described in the application lies within a recorded subdivision, to all property owners of record within that subdivision and to property owners of record within at least 1,200 feet of the exterior boundary of the subject property; and

(c) upon authorization of the planning director, the platting officer may expand the notification area in recognition of unusual circumstances; and

(d) as used in this subsection, "record owner" means the person or persons listed as the owner on the property tax records of the borough assessor. The notice shall be mailed to the record owner at the address stated in the current property tax records of the borough assessor.

(3) when the property that is the subject of an application lies within the boundaries of a community council recognized by the assembly, requests for comments shall be mailed to the

Subdivisions, Title 27

community council for review at least 21 days prior to the public hearing.

(C) Every notice required by this section shall state the proposed date, time, and location of the public hearing, a description of the action requested, a description of the property that is the subject of the application, the names of the applicants, and owners of the subject property.

(D) From the time of filing an application or an appeal until the time of the hearing on the application, or appeal, all plans, data, and other supporting material shall be available for public inspection at the platting division.

(E) The platting board may, at its discretion, direct that additional notice of the public hearing be given. However, the failure to give additional notice shall not affect the validity of any proceeding under this title.

(F) The failure of any person to receive any notice required under this section, where the records of the borough indicate the notice was provided in a timely and proper manner, shall not affect the validity of any proceeding under this title.

(G) Notice of vacation of a public right-of-way which has been approved and recommended by the platting board shall be sent to the assembly or appropriate city council having jurisdiction to approve or veto the vacation. The assembly or appropriate city council shall make their finding within 30 days to approve or veto the platting board action or the action of the platting board shall automatically be approved.

(H) Notice of right-of-way or public use easement vacation requests shall be posted and maintained by the applicant at the site for 30 days prior to the public hearing. These notices must be posted along the boundary of the property at all common points of access to that portion of the easement or right-of-way that is the subject of the application. The notices shall be in a format approved by the platting officer. Posting shall be in compliance with MSB 27.15.120(B)(7).

(Ord. 06-147(AM), § 3 (part), 2006)

CHAPTER 27.15: PLAT APPROVAL, ABBREVIATED PLAT SUBDIVISIONS, AND VACATIONS

Section

- 27.15.010 General administration
- 27.15.020 Preapplication conference
- 27.15.030 Forty-acre exemption
- 27.15.040 Preliminary plat
- 27.15.050 Preliminary plat submittal
- 27.15.060 Elimination of common lot lines on a subdivision plat of record
- 27.15.070 Public use easement acceptance procedure
- 27.15.080 Waiver subdivisions
- 27.15.090 Abbreviated plats
- 27.15.100 Vacation or modification of utility, slope, snow storage, drainage, sanitation, buffers, and screening easements
- 27.15.110 Vacations
- 27.15.120 Section line and state-recognized RS-2477 easement vacations
- 27.15.125 Right-of-way improvements, road improvements, or traffic management improvements
- 27.15.130 Final plat; general provisions
- 27.15.140 Final plat; submitted
- 27.15.150 Final plat; plat notes
- 27.15.160 Final plat; certificates
- 27.15.170 Final plat; surveyor requirements
- 27.15.180 Final plat; dedications, improvements, recording
- 27.15.190 Waiver of standards for resubdivision of substandard lots
- 27.15.200 Right-of-way acquisition plats
- 27.15.210 Variance; standards for approval

easements, plat note amendments, and variances of platting regulations within the procedures outlined by A.S. 29.40.110 and this title.

(B) The platting officer shall act upon applications for abbreviated plat approval, statutory waivers, right-of-way acquisition plats, and final plat approval.
(Ord. 06-147(AM), § 3 (part), 2006)

27.15.020 PREAPPLICATION CONFERENCE.

(A) Before submitting an application for platting authority approval, a subdivider shall attend a conference with the platting staff. The purpose of the conference is to inform the staff of the subdivider's development plans, and to inform the subdivider of the borough's development policies, public improvements, and platting procedures and requirements. The conference shall be scheduled to take place within 21 days of the borough's acceptance of the preapplication fee. The platting officer may waive a preapplication conference if the platting officer finds that it is not necessary to accomplish these purposes.

(B) At least 10 days before the preapplication conference, the subdivider shall submit to the platting officer at least five copies of the proposed platting action with enough detail so the platting officer can gain a full understanding of the subdivider's intentions.

(C) At the conference, the platting officer shall review with the subdivider the borough's platting procedures and requirements, as they pertain to the proposed application.

(D) This preapplication conference is not a detailed, complete review. No proceeding under this section binds the platting board or the platting officer in their review of any plat, or relieves a subdivider of the responsibility of independently becoming familiar with the procedures and

27.15.010 GENERAL ADMINISTRATION.

(A) The platting board shall act upon an application for preliminary plat approval, vacation of platted utility, drainage, sanitation, screening and slope easements, temporary easements, 40-acre exemptions, vacation of a public interest, public use

Subdivisions, Title 27

standards for approval of an application under this title.
(Ord. 06-147(AM), § 3 (part), 2006)

27.15.030 FORTY-ACRE EXEMPTION.

(A) *Purpose clause.* The purpose of this section is to allow the land owner to divide large parcels of land by document.

(B) *Exemptions.* The platting board may exempt parcels from the provisions of this title where all the following conditions are met:

(1) the smallest parcel created is 40 acres in size, or is one-sixteenth of a section as defined by "aliquot part";

(2) the parcels are to be conveyed by deed;

(3) the parcels created can be described by:

(a) aliquot part; 40-acre aliquot part parcels are not required to be surveyed and monumented; and

(b) a metes and bounds description, provided the description is under the seal of a registered land surveyor. The parcels are to be surveyed and monumented and a record of survey recorded with the document;

(4) the document does not alter an existing plat of record, including tracts on a cadastral plat;

(5) the document contains signatures of consent from all parties holding a legal or equitable interest in the property;

(6) no more than four parcels shall be created from the parent parcel in a two-year period;

(7) the applicant demonstrates that legal access as defined by MSB 27.20.035 exists to all parcels or tracts created, and the suitability of legal access for future residential road construction is documented by a registered land surveyor or registered engineer hired by the applicant. (See MSB Construction Manual.)

(a) For the purpose of this subsection, "suitability" is defined as the ability of the legal access to contain all improvements, including all slopes, drainages, and utilities that can be physically built; and

(8) Utility easement shall be provided to all parcels created within the parent parcel.

(C) *Certificate to plat.* A certificate to plat shall be required, consistent with the requirements of

MSB 27.15.160(D).

(D) *Exemption document.* The document exempting a parcel from the provisions of this title shall be signed by the planning director and be affixed with the platting board's seal. It is the responsibility of the applicant to pay all appropriate fees. The document shall be in a format approved by the platting authority.

(E) *Taxes and special assessments.* Prior to recordation, all taxes and special assessments must be paid in full through the year of recording.

(Ord. 08-151(AM), § 3, 2008; Ord. 07-025, §§ 5, 6, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.15.040 PRELIMINARY PLAT.

(A) *Contents.* All plats, maps, drawings, or other illustrations required for conceptual review under these regulations shall show the following:

- (1) title block;
- (2) subdivision name;
- (3) scale;
- (4) true north arrow;
- (5) date;
- (6) subdivider's name and address;
- (7) surveyor's name, address, and phone

number;

(8) description of parcel being subdivided;

(9) sheet number;

(10) field book reference;

(11) total area;

(12) proposed lot layout and proposed road layout for the parent parcel and to adjoining parcels;

(13) vicinity map with subject parcel centered, and scaled as necessary to show the subdivision and adjacent property which also includes the following:

(a) townships, ranges, and sections;

(b) principal road systems, major water bodies and watercourses, and location of subdivision;

(14) dedicated rights-of-way including trails and pedestrian walkways, patent reservations, road easements, section line easements and other easements or reservations, public or private, within the proposed subdivision boundaries, showing location, dimensions, and purposes within 100 feet of subdivision boundaries showing public use and

other platted easements;

(15) property lines of adjoining parcels shall be shown with dashed lines to show their relationship to the proposed plat;

(16) proposed lot lines, tract lines, utility easements, and rights-of-way, including approximate dimensions and areas of all lots and tracts, approximate curve radii, tangent lengths, and similar information;

(17) designation of proposed public area;

(18) flood hazard information pursuant to MSB 17.29;

(19) other items as required by this title, technical manuals incorporated by reference, and special land use districts approved by the borough;

(20) all contiguous land under the same ownership unless separate legal descriptions exist as a matter of record. If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract number or letter and shall be part of the preliminary and final plat;

(21) existing structures, including septic systems and wells under this subsection, on the subject property;

(22) easements and existing structures, including septic systems and wells under this subsection, on adjacent property within 100 feet of the proposed subdivision's boundary. Show the approximate location of visible existing structures, including septic systems and wells under this subsection, on adjacent property within 100 feet of the proposed subdivision's boundary unless access is denied to the surveyor; and

(23) within 600 feet of a proposed subdivision, provide copies of well logs if available and show general location on borough assessor maps unless the subdivision is served by a municipal water system.

(B) *Preliminary plat approval; effect and duration.* The effect of the approval of the preliminary plat is as follows:

(1) The approval of a preliminary plat does not constitute approval of the subdivision or the acceptance of any dedication within the subdivision, but only authorizes the applicant to prepare a final plat. Application for approval of a final plat, including any final plat submitted under a phased development master plan, may be submitted only after approval of the preliminary plat, and only while the approval of the preliminary plat remains effective.

(2) Approval of a preliminary plat expires 48 months after the date of the written notice of platting authority action. The platting board has the authority to grant extensions of no more than 60 months from the original written approval date. The platting board may approve an extension only if it finds that the conditions supporting approval of the preliminary plat have not materially changed. The 48-month period shall begin on the date of the written notice of the platting action. An appeal from the decision of the platting authority regarding preliminary plat approval shall be made pursuant to MSB 27.30, Reconsideration and Appeals. The 48-month period shall be extended until the appeal is resolved. A subdivider may proceed upon an expired preliminary plat only with a new application.

(3) Where a subdivider intends to develop a subdivision in phases, approval of the preliminary plat shall be conditioned upon the subdivider's compliance with a phased development master plan, which shall include a general timeline for completion of phases, prepared by the subdivider and approved by the platting board. Approval of a master plan for phased development expires 72 months after the date of the written notice of platting board action unless an extension is approved by the platting board in the same manner extensions of preliminary plats are approved under subsection (B)(2) of this section. The platting board has the authority to grant extensions of no more than 120 months from the original written approval date. Filing an appeal shall extend the 72-month period until the appeal is resolved. A subdivider may proceed with an expired master plan for phased development only with a new application.

(C) An applicant may seek modification of a preliminary plat or phased development master plan prior to expiration of the plat or plan approval or prior to the expiration of an extension granted pursuant to MSB 27.10.065(B). The applicant seeking modification shall pay a public hearing fee and meet the requirements of MSB 27.10.065. There shall be no petitions to modify preliminary plats or master plans with vacations approved by the assembly unless a petition to modify the preliminary plat or master plan involves an area of land not affected by the vacation.

(D) A developer may not submit another preliminary plat or phased development master plan on the same property that has an existing approved preliminary plat without first voiding the original

Subdivisions, Title 27

preliminary plat. This requirement does not apply to property that is subject to a right-of-way acquisition plat.

(E) *[Repealed by Ord. 08-151(AM), § 6, 2008]*

(F) For preliminary plats and phased development master plans approved under former MSB Title 16: Subdivisions, the platting board may grant extensions totaling no more than 12 months. Requests for extensions shall be noticed pursuant to MSB 27.10.070(B). No extensions may be granted by the platting officer for preliminary plats or phased development master plans under former MSB Title 16: Subdivisions. Right-of-way acquisition preliminary plats approved under former MSB Title 16: Subdivisions, are exempt from the limitations of this subsection.

(Ord. 09-061, § 2, 2009; Ord. 08-151(AM), §§ 4, 5, 6, 2008; Ord. 07-025, § 7, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.15.050 PRELIMINARY PLAT SUBMITTAL.

(A) An application for preliminary plat approval shall be submitted with plat copies as needed, with the following data and appropriate fees:

(1) topographic maps of the proposed subdivision shall adequately display surrounding development within a minimum of 100 feet of the proposed subdivision boundaries, or greater upon a determination of necessity by the platting officer, shall be of a scale not less than one inch equals 100 feet, and shall include the following information:

(a) the location of all property lines, utilizing the preliminary plat as base map;

(b) minimum contour standards: contour intervals of five feet if the ground slope is less than 10 percent, and 10 feet if the ground slope is greater than 10 percent; contour lines at intervals of two feet for any portion of the proposed subdivision within the floodplain of any stream, and at intervals of five feet outside floodplain areas if the slope is less than 10 percent, and intervals of 10 feet if the slope is greater than 10 percent;

(c) preliminary horizontal location of streets, community water supply, community sewage disposal systems, water body and wetland crossings, and other public improvement details, to indicate conformance with borough and state standards;

(d) location of water bodies, proposed or existing watercourses, identified wetlands and probable wetland areas, erosion hazard areas, drainage courses, including the location of flood hazard areas, water body and wetland crossings, and the location and nature of known areas susceptible to landslide, mud and earth flow, talus development, soil creep, solifluction or rock glaciation, avalanche chutes, and run-outs;

(e) within designated special flood hazard areas, the base flood elevation shall be determined in accordance with MSB 17.29;

(f) the location of existing facilities and structures within the proposed subdivision, such as roadways, buildings, sewage systems, wells, utility poles or overhead lines, excavations, bridges and culverts relative to existing and proposed property lines;

(g) the topographic map shall be stamped by a registered land surveyor verifying current conditions; and

(h) a topographic map is not required on parcels of 400,000 square feet or larger, unless there are roadway dedications or road construction required on or adjoining the parcel as a condition of plat. If roadway dedication and/or road construction is required, then the proposed road corridors shall be topographically surveyed to show sufficient detail to facilitate road construction and drainage management. The exemption will not apply to those areas of the proposed subdivision that are within flood hazard areas as defined in MSB 17.29. The area within flood hazard areas shall be required to comply with the requirements set out in subsection (A)(1)(b) of this section.

(2) a site plan showing proposed drainage control systems for on-site storm water management, as outlined in the Subdivision Construction Manual;

(3) Matanuska-Susitna Borough Cultural Resources Division staff will conduct a review of the proposed subdivision to determine if there are known archaeological sites in the vicinity and provide comments to the applicant prior to the preapplication meeting:

(a) all subdivisions must comply with the Alaska Historic Preservation Act, A.S. 41.35.010 through 41.35.240; and

(b) before any construction, alteration, or improvement of any nature is undertaken on a privately owned, official designated

state monument or historic site by any person, the person shall give the Matanuska-Susitna Borough and the Alaska Department of Natural Resources Office of History and Archaeology three months' notice of intention to construct on, alter, or improve it;

(4) supporting written information:

(a) the subdivider shall submit supporting written information including all soils and engineering data as required by this title; and

(b) applications proposing community water supply systems, community sewage disposal systems, or both shall be required to submit a conceptual design. Prior to final plat approval, State of Alaska Department of Environmental Conservation review and approval will be required for community water supply systems and community sewage disposal systems;

(5) any additional information required by code if requested in writing by the platting or planning official; and

(6) all submitted drawings shall be folded to a size of eight and one-half inches by 11 inches or smaller with title block showing.

(B) *Water and wastewater.* All tests required under this subsection must be conducted by a qualified engineer or a qualified hydrologist using established engineering practices, and must bear the original seal and signature of the engineer who conducted the tests, or the signature of the qualified hydrologist who conducted the tests.

(1) For subdivisions to be served by a community water system that is not connected to a public water system, the system must meet ADEC requirements, and the platting authority shall require the petitioner to provide the locations for any future wells that are part of the proposed community water system as part of the preliminary plat application.

(2) If the proposed subdivision will be served by a community wastewater disposal system that is not connected to a public wastewater disposal system, the system must meet ADEC requirements, and the platting authority shall require the petitioner to provide the following information as part of the preliminary plat application:

(a) Show the location of the wastewater disposal system including both initial and replacement subsurface disposal field sites.

(b) A statement establishing responsibility for operation and maintenance of the wastewater disposal facility in the proposed

subdivision.

(c) The location of existing water sources or bodies of water within 300 feet of the proposed system.

(C) *Erosion hazards.*

(1) For applications where subdivision construction activities are proposed within 200 feet of a slope of 70 percent or greater, a geotechnical report, prepared, stamped, signed, and dated by a professional civil engineer licensed in the state of Alaska, shall be submitted. The geotechnical report shall include the following elements at a minimum:

(a) an accurate topographic map prepared, stamped, signed, and dated by a professional land surveyor containing, at a minimum, contour lines with five-foot intervals; the tops and toes of all slopes of at least 25 percent; the tops of banks for ravines; the ordinary high water mark for all watercourses and water bodies; all existing improvements; the edges of wetlands; and the property lines of the subject development;

(b) data regarding the nature, distribution and strength, and other characteristics of the existing soils;

(c) recommendations for grading procedures, and the design criteria for corrective measures such as buttress fills, retaining walls, and rockeries;

(d) when proposed cuts are steeper than two horizontal to one vertical, the geotechnical report shall contain a professional engineer's opinion that the proposed cut will be stable and will not create a hazard to public or private property; and

(e) the civil engineer's professional opinion regarding the long- and short-term slide potential as a result of the proposed development, impacts upon slide potential as a result of stormwater surface flows, the erosion/siltation impact, and any reasonably anticipated adverse impacts due to excavations (or fills) on or adjacent to steep/hazard area slopes;

(2) the geotechnical report shall recommend specific setbacks from the surveyed edge of the steep/hazard area. These recommendations will include specific setbacks for clearing limits, buildings, roads, excavations, fills, and all other improvements; and

(3) based on the recommendations contained in the geotechnical report, the borough may require that subdivision layout be designed to reduce the hazard and potential damage from

Subdivisions, Title 27

erosion and to prevent any increase in erosion caused by the development.

(D) *Drainage management.*

(1) Permanent drainage management and erosion control systems shall be designed for all land within a proposed subdivision (as per the MSB Subdivision Construction Manual) and installed prior to recording. The applicant shall provide proposed mitigation measures for runoff around wetlands, watercourses, and water bodies, where such wetlands, watercourses, or water bodies exist. The drainage area shall be delineated on the preliminary plat.

(2) Drainage from proposed construction activities shall be managed and accommodated on-site, or an analysis of the proposed development's drainage impact on adjacent and subject property shall be submitted along with a plan for drainage management and erosion control that describes how off-site mitigation shall occur, including mitigation for runoff around wetlands, watercourses, or water bodies, where such wetlands, watercourses, or water bodies exist. The drainage management and erosion control plan shall contain the following:

- (a) background information:
 - (i) project description;
 - (ii) existing (predevelopment) conditions; and
 - (iii) proposed (development) conditions; and future (development) conditions;
- (b) comparison of predevelopment with postdevelopment runoff:
 - (i) methodology; and
 - (ii) calculations;
- (c) drainage management:
 - (i) drainage management facilities;
 - (ii) drainage conveyance system; and
 - (iii) recreational or landscape features (optional);
- (d) erosion and sediment control:
 - (i) temporary erosion and sediment control facilities; and
 - (ii) permanent erosion and sediment control facilities; and
- (e) statement of responsibility for facility ownership and maintenance.

(E) Applications within the incorporated cities shall be given to the city 30 days prior to acceptance by the borough. The city has 30 days for review from

verification of submittal to their appropriate division.

(F) Within 10 business days of submittal, the application shall be accepted or rejected for failure to meet the requirements of subsections (A), (B), (C), (D), and (E) of this section. The rejection shall be in writing and shall state the deficient items. Once the deficiencies are corrected, the application shall be accepted.

(1) The statutory 60-day period for approval or nonapproval begins on the date the application is accepted.

(2) Public hearings for vacations and preliminary plats may occur at the same time.

(3) The platting board's action on an approved preliminary plat shall be noted on the final plat, with a reference to the date at which that action was taken.

(Ord. 08-151(AM), §§ 7, 8, 2008; Ord. 06-147(AM), § 3 (part), 2006)

27.15.060 ELIMINATION OF COMMON LOT LINES ON A SUBDIVISION PLAT OF RECORD.

(A) A subdivision plat whose sole purpose is to eliminate the common lot lines between lots under common ownership shall be submitted with plat copies as needed, with the following data and appropriate fees:

- (1) title block;
- (2) subdivision name;
- (3) scale;
- (4) true north arrow;
- (5) date;
- (6) subdivider's name and address;
- (7) surveyor's name and address;
- (8) description of parcels being subdivided;
- (9) sheet number;
- (10) field book reference;
- (11) total area;
- (12) vicinity map with subject parcel centered, and scaled as necessary to show the subdivision and adjacent property which also includes the following:
 - (a) townships, ranges, and sections;
 - (b) principal road systems, major water bodies and watercourses, and location of

subdivision;

(13) proposed lot, tract or parcel that is being replatted, showing area and the record plat dimensions;

(14) dedicated rights-of-way including trails and pedestrian walkways, patent reservations, road easements, section line easements and other easements or reservations, public or private, within the proposed subdivision boundaries showing location, dimensions, and purposes and, within 100 feet of subdivision boundaries, showing public use and other platted easements;

(15) property lines of adjoining parcels shall be shown with dashed lines to show their relationship to the proposed plat;

(16) flood hazard information pursuant to MSB 17.29;

(17) other items as required by this title, technical manuals incorporated by reference, and special land use districts approved by the borough;

(18) existing structures, driveways, utilities, septic systems and wells on the subject property;

(19) within designated special flood hazard areas, minimum contour lines at intervals of two feet and the base flood elevation shall be determined in accordance with MSB 17.29;

(20) any additional information required by code if requested in writing by the platting or planning official;

(21) certificate to plat consistent with the requirements of MSB 27.15.160(D);

(22) all submitted drawings shall be folded to a size of eight and one-half inches by 11 inches or smaller with title block showing.

(B) A preliminary plat submitted under this section is exempt from the following:

(1) engineer verification of septic usable area and building usable area;

(2) copies of well logs within 600 feet;

(3) showing the location of utilities, septic systems, wells and existing structures within 100 feet of the subdivision boundary;

(4) constructing or upgrade of access road(s) to current borough standard.

(Ord. 09-137, § 2, 2010)

27.15.070 PUBLIC USE EASEMENT ACCEPTANCE PROCEDURE.

(A) The applicant shall submit a legal description of the proposed easement. The legal description shall be reviewed for accuracy and completeness. If discrepancies are found, the applicant shall be notified of the discrepancies and shall resubmit the application for approval.

(B) The applicant shall submit a scaled drawing, prepared by a professional land surveyor or engineer, depicting:

(1) location of the proposed easement and all improvements inside and within 25 feet of the proposed easement; and

(2) the professional surveyor or engineer shall provide enough data on the drawing to prove that the public use easement is in a practical location where construction is feasible; including proposed lot layout and existing and proposed utility easements.

(C) If road construction is proposed, the applicant or their professional engineer shall demonstrate that a physical road and drainage systems can be constructed within the public use easement in accordance with standards contained in the Subdivision Construction Manual. A plan, profile, and cross-sections of the proposed construction may be required if topography, utilities, or other land/water features warrant such a submission.

(D) It is the responsibility of the applicant to ensure that all applicable fees are paid.

(E) *Certificate to plat.* A certificate to plat shall be required, consistent with the requirements of MSB 27.15.160(D).

(F) Public use easements will be surveyed, monumented on the exterior, or the centerline if approved by the platting officer, and either shown on a record of survey or a detailed drawing prepared by a professional land surveyor to be recorded with the public use easement document.

(G) The borough may require access to adjoining property. Access should be commensurate to the reasonably foreseen potential of the adjoining property and other properties to make use of the public use easement.

(H) Easements shall not be approved or accepted unless a public purpose is demonstrated or unless the proposed easement is replacing an existing public access.

(I) A public use easement approval is valid for

Subdivisions, Title 27

36 months and may be extended per MSB 27.10.065. All previously approved public use easements shall expire 36 months from the date of adoption of the ordinance unless an approved extension has been granted in accordance with this subsection.

(J) Upon compliance with subsections (A) through (H) of this section, a public use easement form with the approved legal description, bearing acknowledgment of acceptance by the borough and being signed by all individuals holding a legal or equitable interest in the property involved, shall be recorded. This provision does not require the signatures of holders of subsurface estate interests in the land being dedicated.

(Ord. 08-151(AM), § 9, 2008; Ord. 07-025, § 8, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.15.080 WAIVER SUBDIVISIONS.

(A) Those portions of this title specifically addressing the preparation, submission for approval, and recording of a plat shall not apply to waiver subdivisions for which the preparation, submission for approval, and recording of a plat has been waived, upon proof that:

(1) each parcel has legal and physical access to a constructed public road, and that the road utilized for access meets the following minimum requirements:

(a) until October 15, 2007, the road complies with standards for public improvements relating to pioneer roads, and thereafter, the road complies with standards for residential streets as specified in the Subdivision Construction Manual. If the proposed subdivision is outside of a road service area, or is further than one mile from a publicly maintained road, the road, at a minimum, shall comply with standards for public improvements relating to pioneer access roads as specified in the Subdivision Construction Manual; and

(b) the roadway, including any slopes for cuts and fills, is located entirely within the easement or right-of-way dedicated to the public or over other public legal access, as described in MSB 27.20.035;

(2) each parcel created is five acres in size or larger and the subdivision will create no more than four parcels. Useable area is to be verified under the provisions of MSB 27.20.060;

(3) no dedication of public right-of-way, easement, or other public area is contained in or required by the waiver;

(4) no vacation of an area of publicly dedicated land or a variance from a subdivision regulation is contained in or required by the waiver;

(5) proof has been submitted demonstrating that utility easements are provided. Comments submitted by utilities may be considered in making this determination;

(6) prior to recordation, all parcel corners are surveyed and monumented in accordance with MSB 27.15.170, with a record of survey recorded in the State Recording District Office. The survey shall be tied to at least two platted subdivision corners or two aliquot part corners set by the state or federal government, or registered land surveyor, or any combination of the preceding;

(7) an as-built of all structures or public improvements within the parcel boundaries is provided, or a letter from a registered surveyor stating that no setback violations exist or will be created by this platting action; and

(8) all parcels shall have direct access to the street from which physical and legal access is derived.

(B) All waiver subdivision requests shall be submitted to the platting officer for approval. Within 10 business days of submittal, the application shall be accepted, or rejected for failure to meet the requirements of subsections (B)(1), (2), (3), and (4) of this section. The rejection shall be in writing and shall state the deficient items. Once the deficiencies are corrected, the application shall be accepted and approved within 90 days of acceptance. A complete application shall be accompanied by:

(1) one completed waiver application form with notarized signature of the owner, and notarized signature of the mortgagee, if applicable;

(2) a neat, legible, scaled drawing, prepared by a registered land surveyor, showing location of monuments, recorded easements, improvements, parent parcel boundaries, severed parcel boundaries, arrow indicating true north, section, township and range, and all easements disclosed by the certificate to plat;

(3) documentation demonstrating that all necessary utility easements are in place; and

(4) proof of ownership, which shall contain the property descriptions, and proof of recorded utility easements; the proof of ownership

shall be a certificate to plat.

(C) Public notice of waiver subdivisions shall follow the procedures of MSB 27.10.070 pertaining to actions requiring a public hearing. A public hearing is not required for waiver subdivisions.

(D) Approval of waiver subdivisions expires 36 months after date of the submittal with application fee, unless an approved extension has been granted in accordance with this title.

(1) Prior to recording, the applicant will provide the platting officer with tax official certification of tax payment.

(E) All previously submitted waiver subdivision applications expire 36 months from the date of adoption of the ordinance codified in this title, unless an approved extension has been granted in accordance with this title.

(F) *Certificate to plat.* A certificate to plat shall be required, consistent with the requirements of MSB 27.15.160(D).

(G) The cumulative total number of lots which may be created through the waiver subdivision process is four.

(Ord. 09-038, § 2, 2009; Ord. 07-025, §§ 9, 10, 11, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.15.090 ABBREVIATED PLATS.

(A) The platting officer shall review and approve all abbreviated plats, submitted in full compliance with this title, that will:

(1) subdivide a single lot into not more than four lots;

(2) provide congruent legal and physical access to a public highway or street that is publicly maintained for each lot created by the subdivision;

(3) not contain or require a dedication of a street, right-of-way, or other area; and

(4) not require a vacation of a public dedication of land or a variance from a subdivision regulation.

(B) In acting on an application under this section, the platting officer shall use the standards and process used by the platting board under MSB 27.10.065. The platting officer shall approve or disapprove the plat within 30 days of the acceptance of the application. Public notice of abbreviated plats shall follow the procedures of MSB 27.10.070 pertaining to actions requiring a public hearing.

(C) Appeals from decisions made pursuant to

this section shall be made to the platting board.

(D) The cumulative total number of lots which may be created through the abbreviated plat process is four.

(Ord. 09-038, § 3, 2009; Ord. 07-025, § 12, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.15.100 VACATION OR MODIFICATION OF UTILITY, SLOPE, SNOW STORAGE, DRAINAGE, SANITATION, BUFFERS, AND SCREENING EASEMENTS.

(A) The platting board shall review and act upon all applications requesting vacation or modification of platted utility, slope, snow storage, drainage, sanitation, buffers, and screening easements; provided, that:

(1) the authority having jurisdiction over the easement consents;

(2) if the elimination or modification of an easement is due to an encroachment, an as-built survey of the affected property prepared by a registered land surveyor shall be submitted; and

(3) an elimination 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 board shall use the standards and the procedures under MSB 27.10.065 and 27.10.070(G) and (H). The platting board shall approve or disapprove the application within 60 days of the acceptance of the application.

(Ord. 06-147(AM), § 3 (part), 2006)

27.15.110 VACATIONS.

(A) All applications and actions for vacations shall conform to A.S. 29.40.120 through 29.40.160.

(B) 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 platting board with final approval by the assembly shall review applications for vacations as follows:

(1) The platting board, with final approval of the assembly, shall ordinarily approve vacations of public rights-of-way if:

(a) 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; or

(b) the surrounding area is fully developed and all planned and needed rights-of-way and utilities are constructed; or

(c) the right-of-way is not being used, a road or trail is impossible or impractical to construct, and alternative access has been provided.

(2) The platting board shall not ordinarily approve vacations of public interests in land if any of the following apply:

(a) the surrounding area in which the vacation is sought is undeveloped or is developing, and equal or better access is not provided;

(b) the vacation is of a public right-of-way providing access to a lake, river or other area with public interest or value, unless alternate equal or better access is provided or exists;

(c) the proposed vacation would create a substandard right-of-way as per the MSB Subdivision Construction Manual or MSB 27.20.035(A)(2) unless it has been determined by the borough staff that adequate right-of-way exists and the vacation would maintain a minimum 50-foot width at its narrowest point; and

(d) the proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped.

(3) In other cases, the platting board shall review requested vacations on a case-by-case basis to determine whether the property is necessary or desirable for present or future public use. Public rights-of-way in areas shall be assumed to have a public use unless proven otherwise.

(4) The platting board shall not routinely approve any vacation of a public interest in land where valid objections related to the use of the easement are made by persons 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 platting board finds an objection to be valid, the vacation will be denied unless the objection is satisfactorily resolved.

(C) Title to a vacated area shall be determined as follows:

(1) The title to the street or other public area vacated on a plat attaches to the lot or land bordering the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area that lies on one side of the boundary line shall attach to the abutting property on that side, and the street area that lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street that lies inside of the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in a city if it lies inside the city, and in the borough if it lies inside the borough but outside all cities. If the property vacated is a lot, title vests in the rightful owner.

(2) If the municipality acquired the street or other public area vacated for legal consideration or by express dedication to the municipality other than as a subdivision platting requirement, before the final act of vacation the fair market value of the street or public area shall be deposited with the platting authority to be paid to the municipality on final vacation. The cost of the associated appraisal and all fees shall be borne by the petitioner.

(3) Other provisions of this subsection notwithstanding, where title is vested in the borough, city, or other public agency, the platting board may determine that all or a portion of a vacated area should be dedicated to another public purpose. Title to the area vacated and held for another public purpose remains in the borough, city, or other public agency, as applicable.

(D) A decision to grant a vacation is not effective unless approved by the city council if the vacated area is a street or public land of a city, or by the assembly in other cases. The platting board shall immediately give notice to the council or assembly of a vacation which is approved. The council or assembly shall have 30 days from the date of the notice to either consent to the vacation or veto it. A vote to approve the vacation which fails shall constitute a veto. Notice of veto of the vacation shall be immediately given to the platting board. Failure

Subdivisions, Title 27

to act on the vacation within 30 days shall be considered to be consent to the vacation. (Ord. 07-025, § 13, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.15.120 SECTION LINE AND STATE-RECOGNIZED RS-2477 EASEMENT VACATIONS.

(A) This title provides standards for the vacation of section line easements and state-recognized RS-2477 easements, also referred to as rights-of-way acquired under former 43 U.S.C. 932.

(B) An application for vacation of a section line easement or RS-2477 easement shall contain the following:

- (1) a preliminary finding of approval from the appropriate agency of the state of Alaska;
- (2) documentation by a registered land surveyor establishing the existence of a valid section line easement within the area to be vacated, stating the width of that section line easement and verifying the existence and width of any adjoining section line easements;
- (3) legal description of the section line easement proposed for vacation;
- (4) reason for vacation request;
- (5) plat copies, as needed, of a section line vacation plat, drawn to the requirements of the state of Alaska;
- (6) current Alaska State Department of Transportation and Public Facilities and Department of Natural Resources final approval required prior to recordation pursuant to A.S. 19.30.410;
- (7) the applicant for a section line easement or RS-2477 easement vacation must place a sign, notifying the public of the date, time, and place of the public hearing, at the easement where the proposed vacated area starts and stops, and at all road crossings that the proposed vacated area lies between, 30 days prior to public hearing. The signs shall be designed based on standards set by the platting division and located in a manner clearly visible to the public. The applicant shall submit an affidavit verifying that this posting has been made. Location and format of signs shall be determined by platting staff;
- (8) demonstration that a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all

present and reasonably foreseeable uses pursuant to A.S. 19.30.410. In making this determination, the platting board shall consider comments from utilities concerning the adequacy of alternative access to provide for utility facilities and services; and

(9) demonstration that the vacation shall meet the standards set forth under MSB 27.15.110. (Ord. 06-147(AM), § 3 (part), 2006)

27.15.125 RIGHT-OF-WAY IMPROVEMENTS, ROAD IMPROVEMENTS, OR TRAFFIC MANAGEMENT IMPROVEMENTS.

(A) When an existing borough trail is shown on the borough's recreational trails plan (MSB 15.24.030(B)(16)) and where the borough has an existing property interest in the trail, any proposed right-of-way improvement, road improvements or traffic management improvement which will result in a loss of such trail may not be approved until an alternate and equal trail is provided. In addition, if any proposed right-of-way improvement, road improvement or traffic management improvement crosses such a trail, provisions shall be made for a safe crossing. (Ord. 08-151(AM), § 10, 2008)

27.15.130 FINAL PLAT; GENERAL PROVISIONS.

(A) *Board review.* The platting officer shall review all plats subdividing lands within the borough boundaries.

(B) *Review for deficiencies.* The platting officer shall review and check all final plats for deficiencies. Where deficiencies are found, the plat shall be returned to the subdivider for alteration or correction by the land surveyor responsible for the survey and the plat. The platting officer shall approve or disapprove the final plat within 30 days of submittal of the plat. If disapproved, the final plat shall be returned to the subdivider with specification of the deficiencies. The platting officer shall approve or disapprove the final plat within 15 days of resubmittal.

(C) *Dedication and acceptance.* When a tract or parcel of land has been subdivided and the plat contains acknowledgment of the owner, and the

approval of the planning and land use director, and has been recorded in compliance with this title, all streets and other public areas shown on the plat are dedicated to the public for the use and purpose specified on the plat.

(D) Prior to final plat approval, all permits and approvals required from federal, state, or municipal regulatory agencies applicable to the property shall be submitted.

(1) For subdivisions of 20 lots or greater, to be served by a community water system that is not connected to a public water system, the petitioner must submit an application for a permit to appropriate water from the State Department of Natural Resources.

(E) *Water and wastewater.*

(1) For a subdivision to be served by a community water system that is not connected to a public water system, the system must meet ADEC requirements, and the platting authority shall require the petitioner to provide the following information as part of the final plat application:

(a) a statement establishing responsibility for operation and maintenance of the water supply facilities in the proposed subdivision;

(b) location of representative sampling sites for water sources within or adjoining the proposed subdivision;

(c) results of all chemical and nitrates/nitrites testing of water sources which are proposed to be used for drinking water, for the appropriate class of system, as required by the Alaska Department of Environmental Conservation;

(d) evidence that the aquifer for the community water system for the entire subdivision will supply the volume and sustained flow rate necessary to serve the fully developed subdivision as per ADEC requirements; and

(e) results of interference tests required by other governing regulatory agencies shall be submitted.

(2) For subdivisions that are not to be served by a community water system, the petitioner must submit the following with the final plat:

(a) location of sampling sites for water sources within or adjoining the proposed subdivision within a 300-foot radius, pursuant to the following table:

Subdivisions of 1 – 9 lots:	0 (zero) sampling sites
-----------------------------	-------------------------

Subdivisions of 10 – 33 lots:	1 (one) sampling site
Subdivisions of 34 – 99 lots:	2 (two) sampling sites
Subdivisions of 100 – 150 lots	4 (four) sampling sites
One additional sampling site for every 75 lots thereafter (or greater fraction thereof)	

(i) results of coliform bacteria, lead, arsenic and nitrate tests for each sampling site using Alaska State Department of Environmental Conservation Standards. When available documented information shows that the average yield rate of wells within 300 feet of the proposed subdivision is less than five gallons per minute, interference tests shall be provided.

(b) if no water is encountered during sampling, there shall be an advisory note to that effect on the final subdivision plat.

(3) Subdivisions that meet the criteria for waiver of road construction under MSB 27.20.030(B) and (C) are exempt from the requirements of subsection (E)(2) of this section.

(F) *Subdivision and street names.*

(1) Subdivision names may not duplicate existing subdivision names in spelling or sound to avoid confusion with existing names. Subdivision names shall not exceed 35 characters and spaces.

(2) Road names may not duplicate existing road names in spelling or sound to avoid confusion with existing names within an established emergency service area.

(G) *Service area boundary requirements.* It shall be a condition of subdivision approval that no lot, tract, or parcel be split by a service area boundary. Proposals to create a lot, tract, or parcel that would be split by a service area boundary must realign the service area boundary prior to final plat approval.

(Ord. 08-151(AM), §§ 11, 12, 2008; Ord. 07-025, §§ 14, 15, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.15.140 FINAL PLAT; SUBMITTED.

(A) The final plat shall be prepared in conformance with this section and the preliminary plat as approved.

(B) The subdivider shall submit the original of the final plat, which shall be reproducible, drawn to

Subdivisions, Title 27

scale, on Mylar or equivalent, and be of archival quality in permanent black ink, with lettering a minimum of 10 point. If computer plotted, digital files shall also be submitted.

(C) The sheet sizes shall be 18 inches by 24 inches, 24 inches by 36 inches, or 31 and one-half inches by 34 inches.

(D) If more than one sheet is necessary to accurately portray the lands subdivided, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines to show where other sheets adjoin. When more than one sheet is submitted, all sheets shall be the same size.

(E) A readable standard scale shall be used. In no case shall the scale be less than one inch equals 100 feet or other as approved by the platting officer. In all cases, the scale used shall be clearly stated.

(F) The name of the subdivision shall be shown in bold letters in the title block of each sheet included.

(G) A prominent north arrow shall be drawn on every sheet. The basis of bearing shall be clearly stated. No magnetic bearings shall be allowed.

(H) All monuments to be of record shall be adequately described and clearly identified on the plat.

(I) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement, and other areas shown on the plat, as well as the other boundaries of the lands subdivided.

(J) All distances shall be shown in feet and to the nearest one-hundredth foot, and in accordance with the definition of a United States survey foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane. If state plane coordinate systems are used, it must be stated on the plat.

(K) The course of every boundary line shown on the plat shall be indicated by a direct bearing reference. All bearings shown shall be given to the nearest degree, minute, and second of arc.

(L) Curve data shall be stated in terms of radius, central angle, tangent length, length of curve, and chord length and bearing. Curve data for streets of uniform width may be shown only with reference to the centerline, and lots fronting on the curves may

show only the arc distance of the portion of the curve included in its boundary. In all cases, the curve data shall be shown for the line affected, and the information shall be tabulated with proper reference.

(M) The true exterior boundary shall be clearly indicated on the plat by bold line.

(N) All interior excepted parcels shall be clearly indicated and labeled "not a part of this plat."

(O) All adjoining properties shall be identified, and where the adjoining properties are a part of a recorded subdivision, the name of that subdivision and the plat number shall be shown.

(1) If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made.

(2) The fact that it is a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.

(P) The plat shall clearly show the location, dimension, and uses of all easements created by this plat.

(Q) No strip of land shall be reserved by the subdivider unless the strip of land is of sufficient size and shape to be of some practical use or service, as determined by the platting officer.

(R) All blocks shall be numbered in consecutive order. All lots within each block shall be numbered in consecutive order. All streets shall be named, numbered, or lettered in a manner acceptable to the borough and in compliance with MSB 11.20.

(S) The purpose of all areas dedicated to public or private use shall be clearly indicated or stated on the plat.

(T) A vicinity map is required which shall include the following:

(1) scale of one inch equals one mile, showing a 20-square-mile area minimum (rural); one inch equals 300 feet showing a one-sixteenth square mile area, or as necessary to indicate the subdivision and adjacent property, or as approved by the platting officer;

(2) townships, ranges, and sections;

(3) principal road systems, major water bodies and watercourses, and location of subdivision; and

(4) location of proposed subdivision shall be centered within the vicinity map.

(U) Two blue or black line drawings shall be submitted for final review.

(V) Prior to final plat approval, the applicant shall certify that he is responsible to obtain all permits and approvals necessary for the application from federal, state or municipal regulatory agencies.

(W) Show all recorded private and public easements as indicated on the certificate to plat.

(X) Protective well radii of Class A and Class B wells within the boundaries of the subdivision are to be shown.

(1) Protective well radii encroaching on adjoining property are prohibited unless an easement is obtained or the adjoining property is deemed unusable for septic areas.

(Y) If the preliminary plat was approved for phased development, the subdivider may record final plats for portions of the preliminary plat. The number of phased final plats shall be determined by the platting board at the time of approval of the preliminary plat.

(Z) Should any platting-board-required septic system leach field separation distance extend onto an adjacent property, a letter of nonobjection shall be required from that property owner.

(Ord. 08-151(AM), § 13, 2008; Ord. 07-025, §§ 16, 17, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.15.150 FINAL PLAT; PLAT NOTES.

(A) *Written notes.* Written notes may not ordinarily appear on any subdivision plat except as explicitly provided in this title or as reasonably necessary to accomplish the purposes of this title. Notes relating to land use which appear on any plat shall be effective only to the extent that the notes do not conflict with land use regulations adopted by the borough.

(B) *Flood hazard area identification.* All lots, blocks, tracts or parcels affected by the flood plain regulations adopted by the borough shall be noted on the face of the plat.

(1) The notification shall be a written statement, stating the affected lots, blocks, and tracts by description and the reports and date of the report used to make the determination of the flood plain.

(2) A flood hazard area, if identified, shall be labeled "Flood Hazard Area" in bold, solid, one-inch-high letters, and the flood hazard area shall be graphically shown by the addition of a hatching pattern. Flood hazard information pursuant to MSB 17.29 shall be shown on the final plat.

(3) On subdivisions affected by a flood hazard area permanent elevation control monuments shall be established according to the following elevation monument chart. Monument type and location are to be approved by the platting officer. Elevation monuments cannot be set by a subdivision agreement. Elevation monuments shall be tied to an existing known elevation if one exists within a two-mile radius of the project. The elevation datum shall be noted on the plat.

Elevation Monument Chart

Number of Lots within Flood Hazard Area (*)					
1 – 10	11 – 30	31 – 70	71 – 150	151 – 250	251 or more*
2	4	6	9	15	20**
Numbers in boxes are the number of monuments required (**)					

(C) *Water supply and sewage disposal note.* No individual water supply system or sewage disposal system shall be permitted on any lot unless the system is located, constructed, and equipped in accordance with the requirements, standards, and recommendations of the Alaska State Department of Environmental Conservation.

(D) *Other federal, state, or local requirements.* There may be federal, state, and local requirements governing land use. The individual parcel owner shall obtain a determination whether these requirements apply to the development of parcels shown on the plat to be recorded.

(E) *Restrictive covenants.* All reservations or restrictive covenants shall be referenced by book, page, or serial number and recording district on the plat in the following form:

Restrictive covenants were recorded in the (show name of recording district) recording district on (month and day), 20__, serial number _____.

(1) Where any restriction or grant of easement required by the governing body is shown on the plat, the right to enforce the restriction of easement shall vest in the borough.

(F) *Setbacks for shorelands.* There shall be a plat note referring to MSB 17.55.020 for those subdivisions where shoreland setbacks for structures and subsurface sewage disposal systems apply.

Subdivisions, Title 27

(G) Other plat notes may be added as required by the platting authority. (Ord. 09-137, § 3, 2009; Ord. 08-151(AM), § 14, 2008; Ord. 07-025, § 18, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.15.160 FINAL PLAT; CERTIFICATES.

(A) *Certificates of ownership.* Each plat of a subdivision to be recorded shall contain a certificate of ownership. The certificate shall be signed in black ink and acknowledged by all parties having any legal and equitable interest in the lands subdivided before an officer duly authorized to take acknowledgments of deeds, in the same manner in which deeds are required to be acknowledged. If the title interest is vested in a corporation, it shall also be signed and acknowledged by the designee of the corporation with the authority of its board of directors and the position of the person signing it. Where any person holding any mortgage, lien or other legal or equitable interest in the lands has not signed the certificate of ownership, the affidavit or title opinion shall be accompanied by the written consent, properly signed and acknowledged, of the person to the approval of the plat. This subsection does not require the signatures of holders of subsurface estate interests in the land being subdivided or dedicated. The ownership and dedication certificate shall be substantially as follows:

(I)(We) certify that (I am)(we are) the owner(s) of the property shown and described in this plan and that (I)(we) adopt this plan of subdivision by (my)(our) free consent(,)(.)(dedicate) (all rights-of-way)(and public area) (to the Matanuska-Susitna Borough)(to the city of _____) (to the state of _____) and (grant all easements to the use shown).

(delete inapplicable phrases)

Owner's name and address

Date

(B) *Notary's acknowledgments.*

(1) A notary acknowledgment shall be substantially as follows:

NOTARY'S ACKNOWLEDGMENT

This is to certify that on the ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the state of Alaska, duly commissioned and sworn, personally appeared _____, to me known to be the persons described in and who executed the above instrument; and who acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein mentioned. Witness my hand and official seal the day and year in this certificate first above written.

Notary for the state of Alaska

My commission expires: _____

Or:

NOTARY JURAT

Subscribed and sworn to before me this ____ day of _____, 20____, for _____.

Notary for the state of Alaska

My commission expires: _____

(2) Notary seal shall be inked or stamped.

(C) *Planning and land use director's certificate.* A certificate of approval for signature by the planning and land use director shall be substantially in a form as follows:

I certify that this subdivision plat has been found to comply with the land subdivision regulations of the Matanuska-Susitna Borough, and that the plat has been approved by the platting authority by plat resolution number _____, dated _____, 20____, and that this plat has been approved for recording in the office

of the recorder in the _____ recording
district, third Judicial District, State of Alaska, in
which the plat is located.

_____, 20__

Planning & Land Use Director

ATTEST:

Platting Clerk

Tax Collection Official (City)

(Ord. 08-151(AM), § 15, 2008; Ord. 07-025, § 19, 2007; Ord. 06-147(AM), § 3 (part), 2006)

(D) *Certificate to plat.* Every final plat of a subdivision approved for recording shall be accompanied by an updated certificate to plat, executed no more than 14 days prior to recording, unless the recording delay is caused by the platting officer. The certificate shall be issued by a title insurance company, confirming that the title of the land described and shown on the plat is in the name of the person signing the certificate of ownership as it is shown on the plat, or in the name of the corporation as shown in the certificate of ownership.

(E) *Certificate of payment of taxes.* Every final plat of a subdivision submitted for recording shall be accompanied by a certificate from the tax collecting official or city treasurer stating that all special assessments and borough real property taxes levied against the property are paid in full. In the case of real property taxes, if approval is sought between January 1st and the tax due date, the certificate shall state there is on deposit with certified funds with the borough an amount sufficient to pay estimated real property taxes for the current year at the time of recording. The certificate shall be as follows:

CERTIFICATION OF PAYMENT OF TAXES

I hereby certify that all current taxes and special assessments, through _____, 20____, against the property, included in the subdivision or resubdivision, hereon have been paid.

_____, 20__.

Tax Collection Official (Borough)

I hereby certify that all current taxes and special assessments through _____, 20____, against the property, included in the subdivision or resubdivision, hereon have been paid.

27.15.170 FINAL PLAT; SURVEYOR REQUIREMENTS.

(A) *Qualifications of persons making survey and plat; certification.* Any subdivision of land within the borough shall be surveyed by a registered land surveyor or by persons under the surveyor's direct supervision. A registered land surveyor shall certify on the subdivision plat that the plat is a true and correct representation of the lands surveyed. The certification shall bear the signature, registration number, and the official seal of the surveyor. Nothing in this section shall be construed to prevent the preparation of preliminary plats by any person. In all cases, the certification required on the final plat shall be signed by a registered land surveyor.

(B) *Monuments of record; primary monuments.* Prior to offering any subdivision plat for recording, the land surveyor shall establish or confirm the prior establishment of at least two primary monuments on the boundaries of the land being subdivided. These primary monuments shall be on the same boundary line of the land being subdivided. Primary monuments shall consist of a magnetized aluminum- or brass-capped pipe, 30 inches in length, and a minimum of two inches in diameter. Drive-in rods and monument caps are allowable if approved in advance by the borough. The monument shall be marked to identify its location, and shown and described on the final plat. The monument shall also have stamped on the cap the registration number of the land surveyor and the year it is set. Other existing monuments such as GLO monuments, rocks and trees, which do not meet these specifications, shall be acceptable only if they have been surveyed to as part of the platting action and have been approved by the platting officer. Primary monuments in pavement will have monument cases. This requirement shall not apply when the subdivision is a replat consisting of four lots or less and the boundary has been previously monumented.

(C) *Secondary monuments.* Additional

Subdivisions, Title 27

monuments for lot corners may be galvanized iron pipe of no less than one-half-inch inside diameter, 30 inches in length, or five-eighths-inch-by-30-inch steel reinforcing rod with self-identifying caps identifying the surveyor's state of Alaska registration number. Monuments located in pavement may be five-eighths-inch-by-12-inch rebar with metallic cap.

(D) *Additional survey.* When, in the course of conducting the survey necessary for plat approval, the surveyor encounters a global positioning satellite monument or a monumented photo-geodesy eccentric to a cadastral monument, the surveyor shall survey tie the monuments to the cadastral monumentation encountered. Identification of the monuments to be survey tied may be made by the platting officer.

(E) *Additional monuments required.* Required additional monuments shall be of types prescribed in subsection (C) of this section, and shall be set at all of the following locations:

(1) at every corner and angle point of every lot, block, or parcel of land created;

(2) at every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street, railroad, or other way; and

(3) at every point of curve, point of tangency, point of reversed curve, or point of compounded curve on each and every right-of-way line established.

(F) *Destruction of survey monuments.* Any person who disturbs or destroys a record survey monument shall meet state statutory requirements for replacement. See A.S. 34.65.040. Failure to comply with this requirement shall constitute an infraction punishable by a fine of \$300 per occurrence.

(G) *Exemption.* A subdivision plat, the sole purpose of which is to eliminate lot lines between lots under common ownership, shall be exempt from the survey and monumentation requirements of this section.

(H) *Surveyor's certificate.* A surveyor's certificate shall be substantially in one of the forms that follow, whichever is appropriate:

I, (surveyor's name and land surveyor number), hereby certify that I am a registered land surveyor in the state of Alaska and that this plat represents a survey made by me or under my

direct supervision, and that the monuments shown on the plat actually exist as described, and that all dimensional and other details are true and correct to the best of my knowledge.

I, (surveyor's name and land survey number), hereby certify that this plat was prepared by me or under my direct supervision using record dimensions from Plat # _____.

(Seal)

(Ord. 08-151(AM), § 16, 2008; Ord. 06-147(AM), § 3 (part), 2006)

27.15.180 FINAL PLAT; DEDICATIONS, IMPROVEMENTS, RECORDING.

(A) Offers to dedicate rights-of-way, easements, open space, or other public areas to the public on a final plat are accepted by the appropriate government agency upon approval and recordation of the final plat in compliance with this section. Unless otherwise provided, by accepting an offered dedication, the agency assumes no obligation to establish, operate or maintain any public service, improvement or facility in the area dedicated.

(B) The platting officer may not approve the final plat, and no final plat may be recorded until:

(1) the subdivider completes and obtains the final acceptance of all the public improvements required in the subdivision by the city or the borough; or

(2) the subdivider has entered into a subdivision agreement with the appropriate local government under MSB 27.35.

(C) Upon the subdivider's compliance with subsection (B) of this section and also the acceptance of the dedications offered on the approved final plat, the platting officer shall submit the plat to the district recorder upon approval of the planning and land use director in accordance with A.S. 40.15. The cost of the recording shall be borne by the subdivider.

(Ord. 06-147(AM), § 3 (part), 2006)

27.15.190 WAIVER OF STANDARDS FOR RESUBDIVISION OF SUBSTANDARD LOTS.

(A) The standards applicable to the subdivision

of land may be waived by the platting authority for the resubdivision of substandard lots if the following conditions are met:

(1) one or more lots involved in the resubdivision are substandard lots, as defined in subsection (B) of this section;

(2) 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 replat;

(3) one or more of the conditions that make the lot substandard under the present code would be reduced or eliminated under the proposed replat;

(4) the number of substandard lots after the replat may not be more than before the replat; except, if one or more conforming lots would be made nonconforming under the proposed replat, the borough may waive the requirement of this paragraph if:

(a) the number of conforming lots that shall be made nonconforming is the minimum that could be reasonably included to minimize or eliminate the existing nonconformity; and

(b) the new nonconforming conditions do not create a significant violation of the purposes and policies behind the standard violated; and

(5) overall, the benefits to the public from the reduction or elimination of the prohibited conditions shall 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 borough code, or expansion of an existing condition, shall be permitted only for compelling reasons.

(B) For the purpose of this section, a "substandard lot" is a lot that was lawfully created and met all conditions of the applicable provisions

of law and ordinance at the time the plat was approved by the platting authority, or at the time it was filed or recorded if platting authority approval was not required by state law at the time it was filed or recorded, but does not conform to one or more of the applicable standards of or MSB Title 17 or this title.

(C) An engineer's report regarding property suitability for on-site septic systems shall accompany the application unless the property is served by a community septic system.

(Ord. 06-147(AM), § 3 (part), 2006)

27.15.200 RIGHT-OF-WAY ACQUISITION PLATS.

(A) *Alternate procedure.* A plat for a subdivision created by a government agency's acquisition of a road, street, highway, right-of-way, railroad right-of-way, or airport parcel is subject to approval under this section and is not subject to any other approval procedure for plats under this chapter.

(B) *Submission requirements.* A government right-of-way acquisition plat submitted under this section shall contain the following information:

- (1) the location, name, and number of the project for which the acquisition is required;
- (2) the proposed timetable for acquisition and construction;
- (3) the dimensions and area of the parcels to be acquired and of each remainder parcel; and
- (4) the names of the property owners identified by parcel.

(C) *Right-of-way acquisition plat.* A right-of-way acquisition plat shall conform to the submission requirements of subsection (B) of this section and to the other provisions of this title; provided, that:

(1) a right-of-way acquisition plat is not subject to any of the other submission requirements for plats under this title.

(2) a right-of-way acquisition is not subject to the Subdivision Construction Manual.

(3) survey requirements of this title are not applicable to a right-of-way acquisition plat unless otherwise provided by written agreement between the borough and the government agency applying for the plat; the borough shall require remonumentation or reference monumentation of subdivision control monuments, aliquot part section

corner monuments and government survey control monuments that will be disturbed, destroyed or lost as a result of the proposed project.

(4) the state, its agencies, instrumentalities, or political subdivision and the Matanuska-Susitna Borough may acquire or obtain conveyances, including dedication of lots or tracts of a right-of-way acquisition plat, before submittal of a right-of-way acquisition plat for approval by the Matanuska-Susitna Borough. A right-of-way acquisition conveyance may be recorded before approval and recording of the right-of-way acquisition plat.

(D) *Action.* Actions necessary prior to approval of a final plat include:

(1) The platting officer and the appropriate government agency shall review the right-of-way acquisition plat for completeness. If the proposed plat does not meet the requirements of this section, it shall be returned to the submitting agency with an explanation of the deficiencies.

(2) The platting officer shall make the decisions required by this section unless a government agency applying for the plat requests a public hearing before the platting board.

(3) The public notice and hearing requirements applicable to plats submitted for approval by the platting board apply to right-of-way acquisition plats submitted to the borough for action. If the submitting agency requests a public hearing before the platting board, or if the agency appeals the borough decision under subsection (D)(6) of this section, the public notice and hearing requirements applicable to other plats submitted to the platting board shall apply.

(4) The preliminary approval of a right-of-way acquisition plat is effective for 120 months. The platting board or platting officer may grant an extension of up to 120 months for recording the final plat upon the finding that it is in the public interest to do so.

(5) The platting officer or platting board, as appropriate, may require as a condition of final plat approval any action it finds appropriate under the circumstances of the proposed plat or project, insofar as those actions are consistent with state law, including, but not limited to, the acquisition of remainder parcels that will not meet the applicable minimum requirements for lot size or dimensions. The platting officer or platting board may also require the realignment or reconstruction of any

Subdivisions, Title 27

abutting or intersecting road or street right-of-way adversely affected by the acquisition or project.

(6) All decisions of the platting officer under this section are final unless appealed to the platting board within 15 calendar days. See MSB 1.15.005(A). An appeal under this subsection is treated as an original subdivision application.

(7) Unless otherwise agreed to in writing by the platting officer, all monumentation, remonumentation, right-of-way alignment, and reconstruction and other requirements of the borough or of this title shall be met before approval of the final plat unless it is clearly impractical or legally impossible to accomplish prior to final plat approval. Any action required as a condition of final plat approval, but not to be accomplished prior to the approval, shall be completed under the terms and conditions as are set out in writing by the borough. Any survey markers that control the length or direction of any property line shall be reset according to the new location. Monumentation shall be in accordance with standards set forth in MSB 27.15.170.

(E) *Application.* Except to the extent otherwise agreed to in writing by the platting officer, the provisions of this title other than those specifically excepted under this section shall apply to right-of-way acquisition plats.

(IM 07-289, page 2, presented 11-13-07; Ord. 07-025, § 20, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.15.210 VARIANCE; STANDARDS FOR APPROVAL.

(A) A variance from the requirements of MSB 27.20 may be granted only if the platting board finds that:

(1) the granting of the variance shall not be detrimental to the public health, safety or welfare, or to adjacent property; and

(2) the conditions upon which the variance application is based are unique to the property; and

(3) the strict application of MSB 27.20 shall result in undue substantial hardship to the owner of the property due to unusual physical surroundings, shape, or topographical conditions of the property for which the variance is sought, the taking of a part of the property through

condemnation, or surrounding development or conditions.

(Ord. 06-147(AM), § 3 (part), 2006)

CHAPTER 27.20: SUBDIVISION DEVELOPMENT STANDARDS

Section

- 27.20.005 Standards; general
- 27.20.010 Development standards districts
- 27.20.020 Rights-of-way and public use easements dedicated to public
- 27.20.030 Access required
- 27.20.035 Legal access
- 27.20.040 Major road corridors
- 27.20.045 Physical road access
- 27.20.055 Traffic standards
- 27.20.060 Area
- 27.20.065 Lot and block design
- 27.20.070 Frontage
- 27.20.075 Water body lot dimensions

27.20.005 STANDARDS; GENERAL.

(A) This chapter establishes general design standards for subdivision development which, except as provided otherwise, govern all subdivisions in the borough.

(B) Construction of improvements shall comply with the appropriate official construction standards for public improvements including those contained in all state, borough, or city subdivision requirements.

(Ord. 06-147(AM), § 3 (part), 2006)

27.20.010 DEVELOPMENT STANDARDS DISTRICTS.

(A) It is the purpose of this section to provide a means of establishing different development requirements for the subdivision of land in recognition of the diverse conditions in the borough, ranging from highly urbanized to undeveloped, remote areas without conventional road access; to provide a means of establishing different development requirements in identified areas that are tailored more to the needs of the areas; and to provide a means in individual cases of reducing

certain requirements in remote areas where the requirements are inconsistent with the public need for access, subdivision improvements and other platting requirements.

(B) Cities to which the assembly has delegated by ordinance the authority to administer specific design and construction standards shall administer the standards pursuant to the delegation.

(C) The assembly, by ordinance, may establish one or more development standards districts in which there are subdivision development standards in addition to, or different from, those specified in this chapter. The ordinance may be adopted only after the planning commission has considered the ordinance and made its recommendation to the assembly, and after a public hearing on the ordinance before the assembly, notice of which shall be given as provided in MSB 27.10.070.

(D) Urban development standards districts shall be established and administered as follows:

(1) The planning commission may establish urban development standards districts within incorporated cities or within a part of a city upon a finding by the planning commission that:

(a) the city has adopted by ordinance specific design and construction standards that are at least as restrictive as those set out in this chapter; and

(b) the city has the financial, managerial, and technical ability to administer and enforce those standards.

(2) Within an urban development standards district, the city may administer the specific design and construction standards approved by the planning commission.

(3) The planning commission may withdraw approval of the district or of specific standards if it finds that the standards are inadequate or are not being adequately enforced by the city.

(Ord. 06-147(AM), § 3 (part), 2006)

Subdivisions, Title 27

27.20.020 RIGHTS-OF-WAY AND PUBLIC USE EASEMENTS DEDICATED TO PUBLIC.

(A) All rights-of-way and public use easements shall be dedicated to the public, except as provided in subsection (D) of this section; provided, that a subdivider shall be required only to provide the designated right-of-way width within the subdivision, and one-half of the designated right-of-way width of the street on the exterior boundary of the subdivision, with the dedication of a public use easement secured from the adjacent property owner before final plat approval.

(B) Preliminary acceptance of a right-of-way or public use easement dedication to the borough shall be in accordance with MSB 27.10.070.

(C) Where appropriate, subdivisions shall provide through connecting rights-of-way of residential collector standard minimum (as defined in the MSB Subdivision Construction Manual) to all adjoining stub rights-of-way and unsubdivided parcels, where feasible, to improve interconnectivity and public safety. If it is shown by the applicant to be unnecessary for future development and is unnecessary for public safety, then a reduction to a lesser road right-of-way standard or an elimination of the requirement to provide access shall be applied to all of (or a portion of) the right-of-way that is being considered for a reduced standard. Where applicable, dedication shall include any roads identified in the current streets and highways plan.

(D) Private rights-of-way may be allowed in subdivisions where there is no possibility or public necessity to provide for public through traffic if the roads meet borough standards, allow emergency access, and private maintenance is provided.

(E) The platting board may require the dedication or improvement, or dedication and improvement of rights-of-way, tracts, or easements no narrower than 10 feet in width to accommodate the construction of walkways up to eight feet in width in any of the following circumstances:

(1) If a walkway is indicated as appropriate in the borough's comprehensive plan or other ordinance, i.e., special land use district (SPUD); and

(2) if the walkway is reasonably necessary to provide safe and efficient pedestrian access to a school, playground, park, shopping center, public cemetery, transportation, or other community facility; or

(3) if the walkway is reasonably

necessary to provide connectivity to a dedicated right-of-way in an adjoining subdivided or unsubdivided parcel; or

(4) if appropriate as a condition of a variance from block length under MSB 27.20.065(A):

(a) a walkway dedication shall not be considered as a justification for a variance from MSB 27.20.065(A); and

(b) a walkway shall not be considered a physical barrier to the continuity of development for calculation of block length.

(Ord. 08-151(AM), § 17, 2008; Ord. 07-025, § 21, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.20.030 ACCESS REQUIRED.

(A) There shall be physical access within legal rights-of-way to all subdivisions and to all lots within subdivision and legal access to adjacent properties except as allowed by subsections (B) and (C) of this subsection.

(B) If there are no overriding public health, safety, or welfare concerns, the platting board may waive the physical road requirements of subsection (A) of this section to the extent that they apply to external access. This waiver shall only apply where the applicant demonstrates that construction of a standard road is not practical or feasible due to topographical constraints, or where the proposed subdivision is further than one mile from a publicly maintained road. In either case, the applicant must demonstrate that permanent alternate public access to the subdivision is practical and feasible by means of a navigable water body, floatplane access, trail, publicly owned airport, or a railroad access point that provides service to the public. In addition, all of the following criteria must be met:

(1) for trail access, it must be shown that a dedicated legal right-of-way exists, or will be created, in which it is feasible to construct a borough-standard road to the subdivision;

(2) sufficient land area shall be dedicated for parking at the permanent alternate public access point, unless the applicant demonstrates that it is unnecessary to serve the proposed subdivision;

(3) the applicant shall demonstrate that the internal road system and access from the permanent alternate public access point can be constructed to borough standards; and

(4) notwithstanding, the platting board can deviate from subsections (B)(1), (2), and (3) of this section if the board makes a finding that conditions for a variance can be met.

(C) Subdivisions that cannot comply with legal access requirements of MSB 27.20.035 shall only be allowed where each proposed parcel can be directly accessed by a navigable water body, floatplane access, a public airport, or a railroad access point that provides service to the public, and where each lot, tract, or parcel created abuts that access to the subdivision.

(D) A subdivision plat which moves lot lines of an existing subdivision but does not increase the number of parcels of land or the projected traffic shall not require the construction of a physical road, if the existing road has been maintained by the borough, city, or state, or never has been constructed.

(E) If construction is practical and a secondary access is available or can be made available, subdivisions shall be required to have a second point of constructed access based on the average daily traffic count for the classification of the access road as per the Matanuska-Susitna Borough Subdivision Construction Manual, or as may be determined by a traffic impact analysis (see MSB 27.20.055). No part of this section shall be construed to limit the authority of the platting board to require dedication of access to existing adjoining accesses. It is incumbent upon the applicant to provide for the determination of practicality of construction of secondary access.

(F) Legal access must be dedicated and physical access must be constructed to adjacent stub rights-of-way when found to be appropriate by the platting board.

(Ord. 09-137, §§ 4, 5, 2009; Ord. 06-147(AM), § 3 (part), 2006)

27.20.035 LEGAL ACCESS.

(A) The applicant shall provide the borough with documentation verifying the existence of legal access. In this title, legal access exists only if one of the following is met:

(1) an unrestricted public right-of-way connects the subdivision to a constructed public transportation system and one of the following is met:

(a) the applicant's registered land surveyor submits to the platting division for review and approval documentation and an opinion demonstrating that the right-of-way exists; and

(i) if physical access exists it is located within the easement, or

(ii) that the road within the easement or right-of-way has been publicly maintained for 10 years;

(b) the applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located, or that access or right-of-way is a publicly maintained road; or

(c) the applicant provides documentation demonstrating that public legal access is guaranteed through a judicial decree;

(2) the right-of-way is an easement or fee interest of at least 50 feet in width if created before the effective date of this title, or at least 60 feet in width if created after the effective date of this title; or

(3) the applicant proves and the borough concurs that the proposed access can be feasibly constructed within the legal access documented using the procedures of MSB 27.15.070.

(Ord. 07-025, § 22, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.20.040 MAJOR ROAD CORRIDORS.

(A) Subdivisions of any lots abutting or within 100 feet of a national, state, or borough road classified as a highway or arterial road in the MSB Long Range Transportation Plan or its future updates are subject to the provisions of this section.

(B) The distance between direct accessways onto national, state, or borough roads classified as highways or arterial roads shall be maximized and shall be 650 feet or greater when measured at centerline unless pre-existing conditions and pre-existing nonconforming lots do not allow. Access shall be by collector street, frontage road, or shared driveways, where feasible. A property adjacent to a road described in subsection (A) of this section shall not be denied access where an existing road or driveway causes an access to have less than 650 feet of separation.

(C) Variances may be granted in the interest of public safety and in those cases where pre-existing

Subdivisions, Title 27

legal nonconforming lots of record cannot comply with the standard after good faith negotiation with adjacent property owners has failed to provide a shared access that would conform to the standards of this chapter. Variances will maintain the greatest possible distance between access points. Variances may be granted to allow shared access to multiple contiguous pre-existing legal nonconforming lots subject to the same criteria listed for individual lots. (Ord. 06-147(AM), § 3 (part), 2006)

27.20.045 PHYSICAL ROAD ACCESS.

(A) Roads used for access shall:

(1) be located entirely within dedicated or legal rights-of-way; and

(2) be constructed to current official MSB Subdivision Construction Manual standards or applicable city standards for public improvements unless the access roads are:

(a) currently accepted and maintained by the borough, a city or the state; and

(b) currently classified in a manner which comports with the standards contained in the MSB Subdivision Construction Manual accounting for the additional traffic from the new subdivision;

(B) Within a preliminary plat the location of roadways on existing or dedicated rights-of-way shall be verified by a registered land surveyor prior to borough acceptance or plat recordation and shall be by one of the following means:

(1) centerline survey of the road tied to the right-of-way; or

(2) as built of the roadway within the subdivision tied to property corners at sufficient intervals to verify roadway location (a copy of final plat can be utilized as base map);

(3) Verification must be sealed by a registered land surveyor;

(C) Roads used for internal circulation shall be located entirely within dedicated or legal rights-of-way and conform to MSB Subdivision Construction Manual Standards or city standards;

(D) A subdivision plat whose sole purpose is to separate/divide a home/headquarters site in a Matanuska-Susitna Borough agricultural rights parcel under former MSB Title 13 is exempt from the road construction standards of MSB Subdivision Construction Manual;

(1) Prior to preliminary plat submittal the agriculture rights owner is to obtain assembly

approval of the sale of the home/headquarters site through an application made to MSB Land and Resource Management Division; and

(2) The maximum parcel size is five acres for the home/headquarters site; and

(3) Only two parcels can be created from the farm unit parcel, the home/headquarters site and the remainder; and

(4) The applicant demonstrates that legal access as defined in MSB 27.20.035 exists to all parcels or tracts created, and the suitability of the legal access for future residential road construction is documented by a registered land surveyor or civil engineer hired by the applicant (see MSB Road Construction Manual);

(a) For the purpose of this subsection, "suitability" is defined as the ability of the legal access to contain all improvements, including all slopes, drainages, and utilities that can be physically built; and

(5) The property is to be surveyed and monumented and a plat submitted in conformance with MSB 27.15.040, 27.15.050, 27.15.130, and 27.15.140; and

(6) A plat note declaring that the MSB is not responsible for road construction or road maintenance; and

(7) A plat note restricting further subdivisions of the parcels being created.

(Ord. 09-034, § 2, 2009; Ord. 08-151(AM), § 18, 2008; Ord. 06-147(AM), § 3 (part), 2006)

27.20.055 TRAFFIC STANDARDS.

(A) A proposed subdivision that generates traffic in excess of 100 vehicles during the morning or afternoon peak hour or more than 750 vehicles per day shall submit a traffic impact analysis prepared by a professional engineer discussing the traffic-related impacts of the proposed subdivision and the methods of mitigating any impacts not meeting subsection (B) of this section. Average daily traffic count shall be determined according to current state of Alaska trip generation methodology and shall include the cumulative traffic count to a road of collector or higher classification.

(B) *Conditions.* The conditions necessary to ensure that the proposed subdivisions do not cause traffic congestion or otherwise decrease the operational condition of access roads may include

but are not limited to construction and/or funding of traffic management controls or other mitigation measures identified by a traffic impact analysis. (Ord. 06-147(AM), § 3 (part), 2006)

27.20.060 AREA.

(A) Unless designated otherwise by another authority having jurisdiction, minimum lot sizes shall be as follows:

(1) Except as allowed under subsections (A)(2), (3), and (4) of this section, all lots within this district shall contain at least 40,000 square feet of area with at least 10,000 square feet of useable building area and 10,000 square feet of contiguous useable septic area. Lots having 20,000 square feet or less of the total of useable building area and useable septic area shall have 10,000 square feet of contiguous useable septic area surrounded by a well exclusion area extending 150 feet from the perimeter, delineated and reserved on the plat at the discretion of the platting board.

(a) Water table and ability of soils to accept effluent shall be determined by a number of borings or test holes sufficient to indicate subsurface conditions over the entire area of the subdivision. All of the borings and test holes shall be located within the perimeter of the proposed subdivision. Borings and test holes must have the following minimum depths below the ground surface:

- (i) in areas known or suspected to contain permafrost, the lesser of:
 - aa. twenty feet deep; or
 - bb. a depth at which permafrost or an impermeable layer is encountered; and
- (ii) the least depth associated with the following conditions, where they apply:
 - aa. two feet below the depth where the water table is encountered;
 - bb. twelve feet deep for shallow trench or bed systems;
 - cc. sixteen feet deep for areas where deep trench or seepage pits will likely be used; or
 - dd. the depth to bedrock, clay, or other impermeable strata with an expected percolation rate slower than 120 minutes per inch.

(b) The minimum number of test

holes shall be:

- (i) one test hole per two lots, or one per five acres, whichever is more; or
- (ii) density approved by MSB Department of Public Works;
- (iii) when the water table is encountered in the test holes, the depth to the seasonal high water table must be determined by:
 - aa. monitoring test holes or soil borings at times between May and October (inclusive);
 - bb. soil mottling analyses;
 - cc. interpretation of levels of standing open water;
 - dd. local knowledge and experience, if approved by the borough; or
 - ee. a combination of these methods.
- (iv) the depth to any seeps must be noted and may require subsequent monitoring.
- (c) Soils in a useable wastewater disposal area must be:
 - (i) clearly shown to be visually classified as GW, GP, SW, or SP, under the unified soils classification system and expected to have a percolation rate of between one and 60 minutes per inch;
 - (ii) clearly shown to be GM or SM under the unified soils classification system by a sieve analysis; or
 - (iii) shown by a percolation test conducted in accordance with the Alaska State Department of Environmental Conservation (ADEC) regulations to have a percolation rate of 60 minutes per inch or less (faster).
- (d) These borings or test holes shall be accomplished under the direct supervision of a state of Alaska registered civil engineer, who shall submit soil logs and other findings in writing to the Matanuska-Susitna Borough certifying 10,000 square feet of contiguous useable area for septic drain field use.
- (e) Where lots, tracts, or parcels exceed five acres in size or are proposed to be combined, the platting authority may accept a reduced number of test holes or other supporting information, accomplished under the direct supervision of a state of Alaska registered engineer.
- (f) The platting authority shall exempt from the submission requirements of MSB 27.15.050(A)(1) and (2) for purposes of fulfilling

Subdivisions, Title 27

useable area requirements for subdivisions of land where:

(i) the subdivision has a minimum lot size of 9.183 acres or 400,000 square feet, and a letter is provided by a civil engineer that a septic disposal system is constructible; or

(ii) the existing subdivision was previously approved by the Alaska State Department of Environmental Conservation or by the borough after July 1, 1996, and the proposed subdivision action is limited to elimination of lot lines or moving one or more lot lines a distance of 10 feet or less; or

(iii) an Alaska registered engineer submits a certified report verifying useable area on each lot for an exemption of the requirement in MSB 27.20.060(A)(2); or

(iv) an engineer or land surveyor submits a detailed topographic narrative for an exemption of MSB 27.15.050(A)(1).

(2) Lots containing at least 20,000 square feet but less than 40,000 square feet must be serviced by an approved public or community water or public or community septic system. The platting authority may approve lots having at least 20,000 square feet, provided each lot is serviced by an approved public or community water system or public or community waste water system. Subdivisions that contain lots to be served by a community waste water disposal system shall include a common wastewater disposal site on separate lot(s). Lots served by a community or public water system or community or public sewer system shall have a minimum of 5,000 square feet of contiguous buildable area. Lots, tracts or parcels whose sole purpose is to be used as the community wastewater disposal site shall be large enough to contain the improvements required by Alaska State Department of Environmental Conservation (ADEC).

(3) The platting authority may approve lots having less than 20,000 square feet but at least 8,400 square feet if served by a community or municipal water system and community or municipal sewage disposal facilities. The useable building area requirement is not applicable to lots approved under this subsection.

(4) For those areas not served by municipal sewer and water, lots less than 20,000 square feet must be approved by a planned unit development as authorized by MSB 17.36.

(B) Within jurisdictions having authority, minimum lot sizes and dimensions shall be those established under or pursuant to the applicable provisions of MSB Title 17; however, where a size or dimension has not been established under or pursuant to MSB Title 17, the applicable provision of this title applies.

(C) If a condemnation by a governmental agency reduces the area of a lot below the minimum required by this section, the area after condemnation shall be the minimum area required for that lot if that lot met the minimum requirements before the condemnation and the resulting area after the condemnation is not less than 80 percent of the minimum required.

(D) Exclusive of open space, lots designated or dedicated for a public or utility purpose with no on-lot sewer shall have no minimum lot size but shall have restrictions, requirements, designations, or dedications noted on the plat.

(E) *Open space incentive.* The intent of this subsection is to support the goals, policies, and objectives of the Matanuska-Susitna Borough Parks, Recreation, and Open Space Plan.

(1) Minimum individual lot area may be reduced up to 25 percent by the dedication of an equal area of useable open space within the subdivision; provided, that:

(a) each nonopen space lot has 10,000 square feet of contiguous useable septic area delineated on the plat, unless served by a community wastewater system;

(b) the open space area is connected by public access, or is attached to an existing open space or greenbelt area that has public access. If it is proposed to attach to an existing open space or greenbelt area, the access must be in an area that is feasible for the intended use; and

(c) open space shall be irrevocably dedicated to the municipality or borough, or irrevocably dedicated to the subdivision owners and cannot be resubdivided.

(2) Additional nonuseable area may be attached to the useable open space area, but shall not be used for calculations in the reduction of lot size.

(3) Open space area is exempt from lot configuration; however, the minimum width of any open space area shall be a minimum of 20 feet.

(4) Useable open space area shall be a minimum of 30,000 contiguous square feet.

(5) The proposed open space area shall connect to adjacent open space areas when prudent and feasible.

(6) Open space area shall be delineated and identified on the plat.

(7) Community wells and community septic systems shall not be allowed on open space dedicated to a municipality or the borough but are allowed in open space areas if accepted by the subdivision owners. Protective well radii may be allowed in open space areas.

(Ord. 08-151(AM), §§ 19, 20, 2008; Ord. 07-025, § 23, 2007; Ord. 06-147(AM), § 3 (part), 2006)

provided, that:

(1) no more than two pole portions are adjoining; if pole portions are adjoining, they shall share a common access point to the road at the road right-of-way line. For flag lots greater than five acres, the pole portion shall be overlaid with a public use easement that extends a minimum of 100 feet past the furthest point at which the pole portion connects to the flag portion of the proposed lots, to allow for future subdivision of the flagged parcels.

27.20.065 LOT AND BLOCK DESIGN.

(A) The length of a block shall be not less than 400 feet nor more than 1,400 feet along residential or residential subcollector roads, or less than 800 feet along collector, arterial roads, or highways. The length of a block may exceed 1,400 feet in length where the adjoining subdivision is fully developed and does not contain the possibility of through street connection, or where road construction to an adjoining subdivision is not feasible due to topographical constraints. A block that is interior to a loop may be up to 3,000 feet in length as measured along the centerline of the loop.

(B) No lot shall have an average depth of more than three times its average width, except:

(1) lots of 40,000 square feet minimum shall have an average width of at least 125 feet when they exceed the three-to-one ratio due to unuseable area or natural ground slope exceeding 25 percent; or

(2) lots of 20,000 square feet minimum shall have an average width of at least 85 feet when they exceed the three-to-one ratio due to unuseable area or natural ground slope exceeding 25 percent grade.

(C) Building site access onto each lot must have:

(1) a practical, buildable driveway route that is less than 15 percent grade for the first 50 feet from the right-of-way; or

(2) meet the requirements for obtaining a driveway permit from the appropriate agency.

(D) Flag lots are not to be used to circumvent the construction of roads; however, flag lots may be allowed where no other public access is feasible;

No construction is necessary within the pole portion of the lots until the flagged lots are further subdivided; and

(2) the minimum pole portion width is 30 feet where two pole portions are adjoining, and 60 feet for a single pole portion; and

(3) the flag pole portion of the lot is not included in usable area calculations or in the three-to-one length-to-width ratio; and

(4) the flag lot fronts on a borough standard-width legal right-of-way; and

(5) the pole portion of the flag lot is of uniform width and the length of the pole does not exceed the square root of 125 percent of the flagged parcel's square footage. Lots of less than two acres shall have a maximum pole length of 330 feet; and

(6) the pole portion of the flag lot or the adjacent pole portions of two flag lots meet the geometry of residential standard roads; and

(7) the applicant demonstrates, following consultation with the MSB Department of Public Works, that a physical road can be constructed within each flag pole portion or pair of adjoining flag pole portions in accordance with standards contained in the MSB Subdivision Construction Manual; and

(8) utility easements and utilities are located outside of the flag pole portion of the lot; excepting where a flag pole is greater than 75 feet wide to accommodate utilities; and

(9) flag lots are limited to 10 percent of the total number of lots for any subdivision of 60 or more lots, up to a maximum of 10 flag lots, and no more than five lots for a subdivision of less than 60 lots. The calculated amount shall be rounded to the greater number in case of a fraction of one-half or greater, and rounded to the lesser number in case of a fraction of less than one-half.

(Ord. 06-147(AM), § 3 (part), 2006)

27.20.070 FRONTAGE.

(A) Lots shall contain a minimum of 60 feet of frontage, unless located on a cul-de-sac, in which case minimum frontage may be 45 feet. The 60 feet of frontage for a flag lot applies at the terminus of a flag pole portion opposite the right-of-way from which access is derived. Snow storage easements may be required.

(Ord. 06-147(AM), § 3 (part), 2006)

27.20.075 WATER BODY LOT DIMENSIONS.

(A) Lots adjacent to a watercourse or body of water shall have a minimum of 125 feet of frontage as measured directly between property corners at the waterline, or a minimum of 85 feet as measured directly between property corners at the waterline if community sewerage is provided to the lot.

(Ord. 06-147(AM), § 3 (part), 2006)

CHAPTER 27.30: RECONSIDERATION AND APPEALS

Section

- 27.30.005 Appeals of platting officer's administrative decision
- 27.30.010 Reconsideration by platting board
- 27.30.015 Appeals of platting board decision

27.30.005 APPEALS OF PLATTING OFFICER'S ADMINISTRATIVE DECISION.

(A) Appeals of the platting officer's decision must be to the platting board and shall be filed within 15 days of the platting officer's written decision on abbreviated plats, waiver subdivisions, right-of-way acquisition plats, and administrative extension.

(1) A written notice of appeal with appropriate fee shall be submitted to the platting division.

(2) The notice of the appeal shall state and explain the reason for the appeal, which must be based on one or more of the following:

(a) the decision of the platting officer is in violation of borough code, state or federal law;

(b) there was a technical error in the decision; or

(c) there was a substantial procedural error in the original proceedings.

(3) New evidence submitted after acceptance of the appeal shall not be considered or presented to the platting board.

(B) Within 15 days from the date the appeal was filed, the platting division shall provide the notice of the appeal to the applicant and any party who filed written comments or provided oral testimony prior to the platting officer's original decision.

(C) Written comments on appeal must be filed with the platting division 10 days before the platting board meeting during which the appeal will be considered. Only the parties filing written submittals or requesting to be heard in writing 10 days prior to

the appeal hearing may testify at the appeal hearing.

(D) The appeal hearing shall be set no later than 45 days after the appeal is filed. Notice shall be in compliance with MSB 27.10.070. If the platting board does not act on the appeal within the 45 days, then the decision of the platting officer stands.

(E) When acting on an appeal of the platting officer's decision, the platting board shall only consider whether the platting officer's decision was proper in light of the application as was originally submitted. The platting board shall not consider conditions or requirements outside of the scope of the original submittal.

(Ord. 06-147(AM), § 3 (part), 2006)

27.30.010 RECONSIDERATION BY PLATTING BOARD.

(A) The platting board may reconsider its decision upon petition of any person entitled to appeal the decision under MSB 15.39.130 filed within 15 days of the date the written decision is issued.

(B) The platting board may reconsider its decision only if it finds:

(1) there was a clerical error in the decision;

(2) the decision resulted from fraud, misrepresentation, or mistake;

(3) there is newly discovered evidence or a change in circumstances which by due diligence could not have been discovered before the original hearing;

(4) the board acted without jurisdiction in the original proceeding; or

(5) there was substantial procedural error in the original proceedings.

(C) The petitioner shall state one or more of the bases for reconsideration listed in this chapter in the petition for reconsideration and briefly explain why those bases for reconsideration apply to the petition.

Subdivisions, Title 27

(D) The platting board shall review the petition at its next regular meeting and decide whether to reconsider the matter. The decision to reconsider the matter shall be based on the petition or any argument of any interested party, which the board may decide to hear.

(E) If the petition for reconsideration is granted, the platting board shall set the matter on its agenda. After the hearing date is set, notices shall be sent to the petitioner and all people who previously gave testimony or written comments. Form of noticing shall be in accordance with MSB 27.10.070.

(F) The reconsideration hearing shall be conducted in the same manner as the original proceeding.

(G) The platting board's decision at the reconsideration hearing shall be final, and no further petitions for reconsideration shall be entertained.

(H) The timely filing of a motion for reconsideration shall suspend the time for filing an appeal until the motion for reconsideration is resolved by the platting board.

(I) The timely filing of a petition for reconsideration from the granting of a vacation shall suspend the 30-day time period required for assembly or city council approval or denial of the proposed vacation until the matter is resolved by the platting board.

(Ord. 06-147(AM), § 3 (part), 2006)

27.30.015 APPEALS OF PLATTING BOARD DECISION.

(A) Appeals from decisions of the platting board may be made under the provisions of MSB 15.39.

(Ord. 06-147(AM), § 3 (part), 2006)

CHAPTER 27.35 SUBDIVISION AGREEMENTS

Section

- 27.35.005 Subdivision agreement required
- 27.35.010 Assembly approval required
- 27.35.015 Completion date
- 27.35.020 Cost of required public improvements
- 27.35.025 Guarantee of completion of public improvements
- 27.35.030 Release of guarantee
- 27.35.035 Warranty
- 27.35.040 Warranty; correction of deficiencies
- 27.35.045 Release of warranty
- 27.35.050 Default
- 27.35.055 Enforcement
- 27.35.060 Other municipalities as beneficiary

27.35.005 SUBDIVISION AGREEMENT REQUIRED.

(A) *Agreement.* Only where the construction of final road toppings, final road shaping, fore slopes, ditches and back slope cleanup, driveway approach(es) is required under this title as a condition of approval, the subdivider may enter into a subdivision agreement with the borough in accordance with this chapter. Subdivision agreements will not be issued unless road access is available to all lots for emergency vehicles and improvements are at least 85 percent complete. Minimum subdivision agreement amount is 20 percent of the total estimated cost of improvements as approved in the construction plans.

(B) *Application.* Application for a subdivision agreement shall be made to the platting division. The application shall include a tentative schedule of all proposed construction of public improvements and the subdivider's estimate of the cost of each required public improvement, plans, specifications, descriptions of work, the limits of the work area, the methods to be employed, and any other pertinent data and information necessary for the platting

division to evaluate the proposed installation. The borough may require a proof of the subdivider's financial responsibility.

(C) *Contents of agreement.* The subdivision agreement shall include, but need not be limited to, the following provisions:

- (1) a designation of the public improvements required to be constructed;
- (2) the construction and inspection requirements of the borough for which the improvements are constructed;
- (3) the time schedule for completing the improvements;
- (4) the guarantee required by MSB 27.35.025;
- (5) a schedule for any payments required under this chapter;
- (6) the allocation of costs between the borough and the subdivider for required public improvements; must be reviewed by the department of public works;
- (7) the warranty required by MSB 27.35.035;
- (8) the consent of the subdivider for the ownership of specified public improvements to vest with the municipality upon final acceptance by the borough;
- (9) proof by title report that the subdivider has title to the subdivision property and the authority to execute the subdivision agreement;
- (10) proof that the subdivider has obtained a flood hazard permit for all development to be constructed as part of the subdivision agreement located within a mapped flood hazard area;
- (11) a provision that all work shall be performed pursuant to Matanuska-Susitna Borough specifications for subdivision improvements or, where city specifications are applicable, city specifications for such improvements; and
- (12) a provision that work shall not commence until plans have been approved by the

Subdivisions, Title 27

platting division and notice to proceed is given.
(Ord. 08-151(AM), § 21, 2008; Ord. 07-025, § 24, 2007; Ord. 06-147(AM), § 3 (part), 2006)

27.35.010 ASSEMBLY APPROVAL REQUIRED.

(A) Approval by the assembly shall be required to enter into subdivision agreements where borough participation in the cost of the required public improvements is involved, and approval by the city within which the subdivision is located shall be required to enter into subdivision agreements where city participation in the cost of the required public improvements is involved.
(Ord. 06-147(AM), § 3 (part), 2006)

27.35.015 COMPLETION DATE.

(A) The improvements required under the terms of the subdivision agreement shall be fully completed for final acceptance within two years of the date of execution of the agreement, unless upon a showing of good cause the subdivision agreement is extended by the borough for an additional one-year period.
(Ord. 06-147(AM), § 3 (part), 2006)

27.35.020 COST OF REQUIRED PUBLIC IMPROVEMENTS.

(A) *Elements of cost.* The cost of any public improvement includes the cost of design, engineering, contract administration, inspection, testing, and surveillance as well as all work, labor, and materials furnished for the construction of the improvement. Little Davis-Bacon wages shall be used to estimate costs.

(B) *Apportionment.* The subdivision agreement shall require the subdivider to pay all the costs as follows:

(1) all direct and indirect costs incurred by the borough in supplying and administering any method of public improvement guarantee provided for in MSB 27.35.025;

(2) all costs of inspection for final acceptance and warranty repairs of any required public improvements. Inspection shall be performed by the borough or professional engineer, paid for by the developer, and approved by the borough during

the course of construction and up to the point of final acceptance of the completed project. Fees can be found in the MSB Subdivision Construction Manual. Inspection shall be performed by the borough during the warranty period;

(3) all direct and indirect costs of plan review, agreement review, and administration and attendant costs;

(4) all costs of all subdivision improvements required as a condition of plat approval, except those costs of an improvement the borough has agreed to pay that are attributable to oversizing;

(5) cost for replacement of property corners disturbed by the construction; and

(6) the assembly by resolution may promulgate and amend a schedule of fees and charges to recover the costs set out in subsections (B)(1) through (4) of this section.

(Ord. 06-147(AM), § 3 (part), 2006)

27.35.025 GUARANTEE OF COMPLETION OF PUBLIC IMPROVEMENTS.

(A) *Guarantee.* To assure the installation of required public improvements which are not accepted at the time the final plat is recorded, the subdivision agreement shall require the subdivider to guarantee the completion of all the improvements by one or more of the methods specified below. The means of a guarantee may be changed during the guarantee period through a written modification of the agreement. The amount of guarantee shall be reviewed and approved by the borough on the basis of the developer's engineer's or contractor's cost estimate. The guarantee shall remain in effect until final acceptance of the public improvements and the posting and acceptance of security for the warranty period. Cost estimates provided shall be adequate for the borough to complete the construction. Little Davis-Bacon wages shall be used.

(B) *Cost estimates.* The developer's engineer's or contractor's cost estimate shall state the estimated cost, using Little Davis-Bacon wages, of completion for each required public improvement. Cost estimates for each required public improvement shall be approved by the department of public works through the platting division. For purposes of

establishing the amount necessary for the guarantee of completion of public improvements, a percentage for overrun allowance shall be added to the total estimated cost of public improvements as follows:

Total Estimated Cost of Improvements	Percent for Overrun Allowance
\$0 to \$500,000	20 percent
Over \$500,000	10 percent

(C) *Methods of public improvement guarantee.* The subdivision agreement shall include one or more of the following methods to guarantee the construction of required public improvements:

(1) *Performance bond.* The subdivider may provide a surety bond from a company authorized to do such business in the state of Alaska. The bond shall be in an amount equal to the estimated cost of the remaining required public improvements plus an overrun allowance as provided in subsection (B) of this section, but in no case less than 20 percent of the estimated cost of improvements as approved in the construction plans. The bond shall be payable to the borough in the event that any required public improvements are not finally accepted in accordance with the provisions of this title and shall be posted by no person other than the subdivider.

(2) *Deposit in escrow.* The subdivider may elect to deposit a cash sum equal to the estimated cost of the remaining required public improvements plus overrun allowances as provided above, but in no case less than 20 percent of the estimated cost of improvements as approved in the construction plans. The deposit may be made either to the borough or an account may be set up in escrow with a responsible financial institution authorized to do such business in the state of Alaska. In the case of an escrow account, the subdivider shall file with the borough an escrow agreement which includes the following terms:

(a) Funds of the escrow account shall be held in trust until released by the borough and may not be used or pledged by the subdivider as security in any matter during the period other than payment for the improvements. The funds may be released upon authorization by the borough for payment of improvements as made, except that the escrow holder shall always withhold from disbursement so much of the funds as is estimated by the borough as being necessary to complete the

construction and installation of the improvements, plus an overrun allowance at the percentage under subsection (B) of this section that is applicable to the cost of the remaining construction.

(b) In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall immediately make all funds in the account available to the borough for use in the completion of those improvements.

(3) *Letter of credit.* The subdivider may elect to provide from a bank or other responsible financial institution authorized to do such business in the state of Alaska an irrevocable letter of credit that is good until a time as the borough authorizes its revocation. The letter shall be filed with the borough and shall certify the following:

(a) that the creditor irrevocably guarantees funds in an amount equal to the estimated cost of the remaining required public improvements plus overrun allowances as required in subsection (B) of this section, but in no case less than 20 percent of the estimated cost of the improvements as approved in the construction plans for the completion of all such improvements; and

(b) that in the case of failure on the part of the subdivider to complete any specified improvements within the required time period, the creditor shall pay to the borough immediately and without further action the funds as the borough determines are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

(Ord. 06-147(AM), § 3 (part), 2006)

27.35.030 RELEASE OF GUARANTEE.

(A) The borough shall release the obligation for performance guarantees upon the final acceptance of the improvements and the posting of adequate security for the warranty. Upon inspection and acceptance by the borough, the borough may allow partial releases for improvements completed. The borough may refuse to release the guarantee and obligation for any particular public improvement if the subdivider is in present or imminent default, in whole or in part, on the completion of any other public improvement or warranty covered by the subdivision agreement.

(Ord. 06-147(AM), § 3 (part), 2006)

Subdivisions, Title 27

27.35.035 WARRANTY.

(A) *Warranty of improvements.* The subdivider shall warrant and guarantee that required public improvements constructed under the agreement have been constructed in accordance with the approved plans, shall remain in good condition, and meet all applicable specifications for one year after final acceptance of all improvements required to be constructed. The warranty includes defects in design, workmanship, materials, and any damage to improvements caused by the subdivider, its agents, or others engaged in work to be performed under the subdivision agreement.

(B) *Security for warranty.* To secure the warranty, the guarantee of performance provided in MSB 27.35.025 shall remain in effect until:

- (1) the end of the warranty period; or
- (2) the subdivider shall, at the borough's request, furnish the borough with a corporate surety bond, cash deposit or letter of credit in an amount equal to a percent of the total construction costs as set forth below. This security shall guarantee the payment of any reconstruction or repair costs which may be undertaken due to failures occurring during the warranty period. Responsibility for identifying the necessity of repairs or reconstruction of the improvements shall rest with the borough.

Total Construction Cost	Percent to Secure Warranty
\$0 to \$500,000	10 percent
\$500,000 to \$1,000,000	7.5 percent
\$1,000,000 and higher	5 percent

(Ord. 06-147(AM), § 3 (part), 2006)

27.35.040 WARRANTY; CORRECTION OF DEFICIENCIES.

(A) Within a reasonable time as allowed by the borough, the subdivider shall correct, to the satisfaction of the borough, all deficiencies occurring in required improvements during the warranty period. Notification shall be made by any reasonable method. If the subdivider fails to repair or reconstruct the deficiency within the time specified above, the borough shall make the repair at the subdivider's sole expense. The borough may then bill the subdivider for the cost of the repair or declare the bond, deposit, or letter of credit amount

forfeited or demand payment of the note.
(Ord. 06-147(AM), § 3 (part), 2006)

27.35.045 RELEASE OF WARRANTY.

(A) Inspection shall be made by the borough at the end of the warranty period and prior to the release of guarantees. All deficiencies shall be corrected prior to release of the warranty security. Upon satisfactory correction of all deficiencies, the borough shall release the remaining security.
(Ord. 06-147(AM), § 3 (part), 2006)

27.35.050 DEFAULT.

(A) *Default on agreement or warranty.* In the event the subdivider defaults on any obligation to construct required public improvements, to repair the improvements under the warranty, or to pay the costs or fees to the borough as are due it, the borough may demand immediate payment on the performance or warranty guarantee. In the case of a performance bond, deposits in escrow, or letter of credit, the borough may demand immediate payment of a portion of all sums obligated for the payment of costs and fees or for the construction or warranty of any improvements. All funds received by the borough shall be used for any construction, repair, or reconstruction necessary to ensure:

(1) that all required public improvements are built to specifications necessary to receive final acceptance; and

(2) the improvements remain in good condition for the completion of the warranty period.

(B) *Use of proceeds.* The borough may use guarantee funds for the construction, repair, or maintenance of required public improvements from the date of default which is the date of the expiration of the subdivision agreement when the developer has failed to complete the public improvements. In the event that the funds are not appropriated by the borough for the construction, repair, or maintenance of required public improvements within three years of default then the funds shall be appropriated to a road service area budget if the project is located in an established road service area or, if not, to the general fund.

(Ord. 08-151(AM), § 22, 2008; Ord. 06-147(AM), § 3 (part), 2006)

27.35.055 ENFORCEMENT.

(A) All provisions of this chapter are mandatory and may not be altered by the subdivision agreement. The obligations contained in this chapter may be enforced through an action to enforce this title as well as an action in contract.

(Ord. 06-147(AM), § 3 (part), 2006)

27.35.060 OTHER MUNICIPALITIES AS BENEFICIARY.

(A) Where the public improvements are to become the property of a municipality within the borough, the borough may require that the municipality be a beneficiary of any undertaking of the subdivider, and of any guarantees and warranties to secure the performance of the subdivision agreement with respect to the improvements. The term "municipality" includes the borough and cities within the Matanuska-Susitna Borough.

(B) Where, by borough ordinance, a municipality is given authority to determine, accept, release, or take similar actions relating to subdivision improvement guarantees or warranties, or the municipal ordinance provides for procedures or standards that are different from the provisions of this chapter, the municipal ordinance governs to the extent of its coverage of the actions.

(Ord. 06-147(AM), § 3 (part), 2006)