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ORDINANCE #93-01

AN ORDINANCE OF THE CITY COUNCIL OF BETHEL, ALASKA, AMENDING TITLE 17 OF THE BETHEL MUNICIPAL CODE BY ADDING A NEW SECTION TO THE EXISTING TITLE 17, CHAPTER 08 ENTITLED DEFINITIONS, AND BY ADDING A NEW CHAPTER TO THE EXISTING TITLE 17 OF THE BETHEL MUNICIPAL CODE ENTITLED ABBREVIATED PLAT.

BE IT ENACTED BY THE CITY COUNCIL OF BETHEL, ALASKA, AS FOLLOWS:

Section 1: Title 17, Chapter 08, of the Bethel Municipal Code is amended by adding Section No. 15.

Section 2: Title 17 of the Bethel Municipal Code is amended by adding Chapter 18.

Section 3: This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing laws or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the City under any section or provision existing at the time this ordinance is adopted, or as vacating or annulling any right obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in this title.

Section 4: If any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 5: Ordinance #93-01 amending Title 17, Chapter 08 of the Bethel Municipal Code of Ordinances entitled Definitions is hereby adopted as follows:

17.08.15 Abbreviated Plat. An abbreviated plat is a representation of a subdivision in which:

- A. The subdivision does not create more than four lots.
- B. Each lot created has legal and physical access to a public highway or street.
- C. The subdivision does not involve or require a dedication of a street, right-of-way, or other area.
- D. The subdivision does not require a vacation of a public dedication of land or a variance from the requirements of any ordinance, including, but not limited to, requirements related to subdivision land use and building and construction, including flood plain regulations.

Section 6: Ordinance #93-01, amending Title 17 of the Bethel Municipal Code of Ordinances by adding Chapter 18 entitled Abbreviated Plat, is hereby adopted as follows:

17.18.010 Preliminary Plat Procedure for Abbreviated Plats.

A. The subdivider shall submit five (5) copies of the abbreviated preliminary plat to the Planning Department at least 10 working days before the next scheduled meeting in order to insure sufficient time for giving the required public notice.

B. The official filing date shall be the date on which all fees and materials required by this Code have been submitted to the City. The filing date shall be recorded on the application and stated on the Resolution which will approve, conditionally approve, or disapprove the subdivision.

17.18.020 Notification for Abbreviated Preliminary Plats.

A. Notice of the hearing on a abbreviated preliminary plat shall be mailed seven (7) days prior to the hearing date to:

1. Adjacent property owners as indicated by the most recent address available to the Planning Department. The failure of a property owner to receive notice shall not invalidate a decision reached at a public hearing if a good faith attempt was made to comply with the requirements of this Code for notice.

2. Local, state, or federal agencies or entities which service, regulate, or are determined by the Administrative Officer to be affected by the proposed subdivision. Agencies and entities may include but are not limited to the Bethel Utilities, General Telephone, the City of Bethel Public Works Director, City Fire Department, Bethel schools, Department of Environmental Conservation, Alaska Department of Transportation, Alaska Department of Natural Resources, and U.S. Army Corps of Engineers.

B. A list of property owners and agencies notified shall be kept in the file along with a notarized affidavit that notification letters were sent.

C. Public notice shall be posted in three public places at least seven days before the hearing date.

D. The public notice shall contain the following information:

1. Date, time, and location of the hearing
2. Subdivider's name, address and telephone number
3. Number and approximate size of proposed subdivision lots

4. Description of the location of the property to be subdivided
5. Legal description of the property to be subdivided
6. Location where additional information may be examined

E. Public notice sent to affected agencies shall include a copy of the abbreviated preliminary plat.

17.18.030 Abbreviated Preliminary Plat: Approval, Conditional Approval, Disapproval.

A. The Planning Commission shall approve, conditionally approve, or disapprove the abbreviated preliminary plat within 60 days of the official filing date or the abbreviated preliminary plat is considered approved.

B. The Planning Commission shall request that the subdivider consent to an extension of the 60-day period if it is anticipated that no action will be taken within the 60-day time frame and the Planning Commission has made a good faith attempt to review the plat.

C. Approval of the abbreviated preliminary plat shall entitle the subdivider to approval of the final plat if the final plat conforms to the approved abbreviated preliminary plat, complies with the conditions of approval placed on the subdivision by the Planning Commission, and complies with all other provisions of this ordinance and all applicable statutes and regulations.

17.18.040 Exception to Platting Procedures.

A. The preparation, submission for approval, and recording of a plat shall be waived on satisfactory evidence that the subdivision meets the requirements for an Abbreviated Plat and creates lots which are five acres or larger.

B. The application for a waiver shall include a verification of lot acreage and a sketch of the proposed subdivision drawn to a standard scale of 1" = 100', 1" = 200', etc., showing the lots and their dimensions.

C. On determination that the application meets the requirements for the exception, the Administrative Officer shall sign the waiver and file the application and waiver with the City Clerk.

17.18.050 Notice and Procedure for Abbreviated Final Plats.

The final plat procedure for an abbreviated plat shall be the same as for a standard plat except that the final plat and subdivision shall be approved or disapproved administratively by the Administrative Officer rather than by the Planning Commission.

17.18.060 Approval or Ddisapproval for Abbreviated Final Plats.

A. The Administrative Officer shall approve or disapprove the final plat within 60 days after a request for approval is filed, or shall return the plat to the applicant for modification or correction and/or state what must be done to make the improvements acceptable to the city.

B. Any reasons for the disapproval of the plat or subdivision by the Administrative Officer shall be stated in a letter.

C. The Administrative Officer's letter of rejection shall be mailed certified, return receipt requested to the applicant within five (5) working days of the date of the decision. The notice shall reference the right to appeal a decision to the City Council.

Section 6. This ordinance is retroactive to August 25, 1982.

Section 7. This ordinance shall take effective immediately.

PASSED AND APPROVED THIS 9th DAY OF February, 1993.

INTRODUCED: January 26, 1993

PUBLIC HEARING: February 9, 1993

James H. Feaster III
James H. Feaster III, Mayor

ATTEST:

Jane Elam
Jane Elam, City Clerk