

ORDINANCE 135

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND IN THE CITY OF BETHEL, ALASKA: REQUIRING AND REGULATING THE PREPARATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE: ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS: PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER: SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING COMMISSION IN APPLYING THESE RULES, REGULATIONS, AND STANDARDS: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

WHEREAS, Section 29.43.040, Alaska Statutes, provides that a second class city may provide for planning, platting and zoning as provided by Alaska Statute 29.33.070 - 29.33.245, and

WHEREAS, City of Bethel Ordinance 55 establishes a Planning Commission for the City of Bethel, and

WHEREAS, Section 29.33.080, Alaska Statutes, requires the - Planning Commission to recommend to the Council a subdivision ordinance.

Now therefore be it ordained that:

Chapter 05. General Provisions

135.05.010 Title

This ordinance shall be known and cited as "Land Subdivision Regulations for the City of Bethel."

135.05.020 Interpretation and Purpose

In this interpretation and application, these subdivision regulations as herein set forth, have been prepared to promote and protect the public health, safety and general welfare of the people of the City of Bethel; to provide for the proper arrangement of streets in relation to existing or proposed streets; to provide for adequate and convenient open spaces; to provide for efficient movement of vehicular and pedestrian traffic; to assure adequate and properly placed utilities; to provide access of fire fighting apparatus; to secure safety from flood and other dangers; to facilitate the further subdivision of larger tracts into smaller parcels of land; to insure proper legal descriptions and monumenting of subdivided land; and to comply with appropriate provisions of Alaska Statutes. In addition, these regulations provide for the accurate surveying of land; for equitable processing of all plats by providing uniform procedures and standards for observance by both the approving authority and subdivider(s); and for the proper preparation and recording of plats.

Chapter 10. Scope and Jurisdiction

135.10.010 Authority

Subdivision and platting powers, and authority are vested in the Planning Commission of the City of Bethel, Alaska, acting as the platting board (hereinafter referred to as the "planning commission") as provided by A.S. 29.33. 150-240 and City Ordinance #55 establishing the Planning Commission.

135.10.020 Jurisdiction

(a) These subdivision regulations shall apply to all land as defined herein, located within the corporate limits of the City of Bethel, except as provided by law.

(b) No land shall be subdivided within the corporate limits of the city until the subdivider or his agent:

(1) has submitted and obtained approval and required signatures on both a preliminary and final plat, and

(2) the final plat is recorded with the District Recorder.

(c) The requirements of Section 3(b) shall not apply to certain land transactions or in certain cases, subject to the following:

(1) The Planning Commission shall waive the submission for approval and recording of a plat when an owner of land submits a waiver request, which shall include a preliminary plat, drawn to a scale of 1" = 100' but in all respects complying with the requirements of Section 3(c) of this chapter, to the Platting Board presenting satisfactory evidence:

a. That each tract or parcel of land will have adequate access to a public highway or road; and

- b. That each parcel created is five acres in size or larger and that the land is divided into four (4) or fewer parcels; and
 - c. That the conveyance is not made for the purpose of, or in connection with, a recent or projected subdivision development; and
 - d. That no dedication of a road or other public area is involved or required; and
 - e. That the sale or exchange of parcels of land between owners of adjoining property will not result in additional lots being created and that the lots resulting will not be reduced below the minimum required by this Chapter or other applicable laws.
- (2) The Planning Commission may waive the preparation, submission for approval, and recording of a plat when an owner of land submits a waiver request to the planning commission presenting evidence that the transaction involved does not fall within the general intent of A.S. 29.33.150-240 and A.S. 40.15 and that it is not made for the purpose of or in connection with a present or projected subdivision development and no dedication of a street, alley, thoroughfare, park or other public area is involved or required.

(3) When the Planning Commission is satisfied that conditions stated in (c)(1)a-d or (c)(1)e exist or makes a determination concurring with the petitioner relative to (c)(2), the Planning Commission chairman shall sign and file with the district recorder a resolution of the Planning Commission so stating the same and waiving the preparation, submission for approval and recording of a final plat.

(4) Preparation, submission for approval, and recording of a plat shall not be required in the case of transfers of interest in land pursuant to court order and such order and transaction when satisfied and completed are filed with the district recorder.

(d) These subdivision regulations shall not apply to any lot or lots forming a part of a subdivision legally created and recorded with the district recorder prior to the effective date of this chapter, except in the case of further subdivision or resubdivision of existing lots or tracts.

Chapter 15. Preliminary plat application procedure and approval process

135.15.010 Preliminary consultation.

The subdivider may and is encouraged to, at any time prior to submitting a preliminary plat, request a meeting with the

Planning Commission for the purposes of a preliminary consultation. A preliminary plat may be submitted at any time for review and comments by the Planning Commission. However, acceptance of the preliminary plat does not constitute final plat approval by the Planning Commission.

135.15.020 Application Procedure.

(1) Prior to submitting a final plat of a subdivision a subdivider shall submit a preliminary plat in order that general agreement may be reached on layout and arrangement of roads and lots before a final plat is prepared.

(2) An original and five (5) copies of the preliminary plat and all required accompanying data, as specified in part c of this section, including a certificate of ownership indicating the date(s) the land(s) proposed to be subdivided was (were) acquired, together with the book and page of each conveyance to the present owner as recorded in the District Recorder's office, a statement that all taxes and special assessments pertaining to the property have been paid or that a payment schedule, satisfactory to the city has been arranged, proof of plan approval by the Alaska Department of Environmental Conservation pursuant to 18 AAC 72.065, and a subdivision fee in the amount established by City Council Resolution, shall be submitted to the city clerk, at least thirty (30) calendar days prior to the Planning Commission meeting at which consideration of the preliminary plat is desired.

(3) The administrative officer shall review the plat to determine that all necessary information is provided. Deficient documents shall be returned to the subdivider with a request to correct the deficiency. No preliminary plat shall be considered to be filed and accepted by the City if it does not meet the submittal requirements of this chapter, as determined by the administrative officer. The applicant may appeal any decision of the administrative officer to the Planning Commission.

(4) The city clerk shall, within three (3) days after the submittal of the preliminary plat, transmit a copy of the plat and all accompanying materials to the: (1) public works director, (2) city fire department, and (3) the utility providing electric service, (4) companies or agencies providing water and waste disposal, cable companies and telephone companies, for their review and comment. Comments, if any, shall be filed with the city clerk within fourteen (14) days.

(5) The administrative officer shall provide for a public hearing in accordance with city law, and shall notify by mail at least seven (7) days prior to said hearings all owners of property contiguous to and across a public right-of-way from the proposed subdivision. The notice shall state the time and place of hearing, a brief description of the subdivision and the location of a copy of the preliminary plat for public inspection. The notice shall be published

at least once in a local newspaper of general circulation in the area or the administrative officer shall cause notice of the hearing to be posted in at least three (3) public places in the City of Bethel at least seven (7) days prior to the hearing.

(6) The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat within sixty (60) days from the date the preliminary plat was accepted by the administrative officer.

- a. If approved, the Planning Commission chairman shall affix his/ her signature to the plat and attach thereto a notation that it has received preliminary approval and return it to the subdivider for compliance with final approval requirements;
- b. If approved with modifications or disapproved, the Planning Commission chairman shall attach to the plat a statement of the reasons for such action and return it to the subdivider. In any case, a notation of the action taken, and requisite reasons therefrom, shall be entered in the records of the Planning Commission.

(7) Approval of the preliminary plat by the Planning Commission shall not constitute final acceptance of the subdivision by the Planning Commission.

(8) A preliminary plat shall be considered to have been abandoned by the subdivider if he has not submitted a final plat for such subdivision within eighteen (18) months from the date he submitted the preliminary plat. The subdivider may be granted an extension of this time by the Planning Commission not to exceed six (6) months upon written application and for reasons deemed adequate by the Planning Commission. Any plat not submitted for final approval within the period of time set forth herein shall be null and void, and the subdivider shall be required to submit a new preliminary plat.

(9) A subdivider may, upon written approval of the Planning Commission, submit a final plat for a portion of the subdivision. Such partial plat and all subsequent plats for the remainder of the subdivision shall conform to the approved preliminary plat. The phasing and scheduling of such partial platting shall be specified in the Planning Commission's written approval.

(c) Contents of the preliminary plat. Preliminary plats showing the land to be subdivided and the entire tract, plat, parcel, or survey in which the land proposed to be subdivided is located, including all subdivided lands within that tract, plat, parcel, or survey shall be prepared in pen or pencil and drawn to a scale of 1" = 100' if more than ten (10) lots are created by the proposed subdivision and to a scale of 1" = 50' if ten (10) lots or less are created by the proposed subdivision. The following information shall be placed on the plat:

- (1) Notation that the plat is preliminary;
- (2) Date, scale, and northpoint;
- (3) Name of the proposed subdivision;
- (4) Location of the property by U.S. Survey, section, township and range;
- (5) The names and addresses of subdivider(s) and the surveyor or engineer preparing the plat;
- (6) Citation of existing covenants, reservations, deed restrictions, and easements on the property, if any;
- (7) Zoning on and adjacent to the proposed subdivision and the land use designation of this area as specified by City regulations and in accordance with the City of Bethel Comprehensive Plan.
- (8) The approximate acreage, dimensions, and size of each lot of the proposed subdivision, including rights-of-way and easements, and the number of lots contained therein;
- (9) Location and size of existing or proposed utility systems or other improvements including but not limited to water, sewer, and electrical in and within two hundred (200) feet of the proposed subdivision;
- (10) The general location of streams, lakes, other bodies of water, swamps, muskeg or marshy areas, drainage and erosion patterns including culverts and other drainage facilities in and within two hundred (200) feet of the proposed subdivision.

(11) A delineation of the 100-year floodplain if any portion of the proposed subdivision is located in an area identified as a flood hazard area.

(12) A statement concerning responsibility for construction, operation, and maintenance of water supply and sewage treatment and disposal facilities in the proposed subdivision;

(13) Recommended or proposed type and location of water sources and sewage treatment or disposal systems on a typical lot diagram in relation to water sources and sewage treatment and disposal systems on adjacent lots or in relation to a community system(s) if present, and shall conform to the State Department of Environmental Conservation Standards, 18 ACC 71065.

(14) To the extent ascertainable, a statement concerning the possibility of future community water or sewage systems and an appropriate timetable for their development and the proposed layout of service lines.

(15) Representative soil testing, logs and borings prepared by a professional engineer registered in the State of Alaska in an area and number sufficient to determine whether soils are suitable for on-site sewage disposal and to determine the area required for soil absorption systems. If a method of sewage treatment and disposal other than soil absorption systems is proposed, no soils borings shall be required;

(16) Contours sufficient to show topography but in no event greater than five (5) foot intervals;

(17) The names of proposed and existing roads in and adjacent to the proposed subdivision;

(18) A vicinity map showing streets and other general development of the surrounding area at a scale of no less than 1" = 1500'.

Chapter 20. Final Plat Application Procedure and Approval Process

135.20.010 Application Process

1. Introduction.

The subdivision, resubdivision or replat of land under this chapter may be initiated by submitting to the Planning Commission for consideration a preliminary plat of the land affected.

2. Public Hearing.

A. Regardless of the initial process, the Planning Commission will establish a public hearing at which time the subdivision will be publicly reviewed. This public hearing, if possible, will be held at the next regularly scheduled Planning Commission meeting. However, in no event, will this public hearing be held less than fifteen (15) or more than forty (40) days from the date of introduction.

B. A notice shall be issued stating when and by whom the petition for subdivision was filed, the object of it,

and the time and place of the hearing. The notice shall generally describe the plat, addition, and a subdivision sought to be amended. This notice shall be published once a week for three consecutive weeks in a newspaper of general circulation within the area in which the land is located. The Administrative Officer shall be responsible for notifying all of the landowners affected by the proposed subdivision by certified mail if they have not been contacted by the subdivider. The subdivider shall make an effort to contact all adjacent property owners and shall present said list to the department at least fourteen (14) days prior to public hearing.

(1) Following the approval of the preliminary plat, the subdivider shall file with the city clerk, thirty (30) days prior to the regularly scheduled Planning Commission meeting at which consideration of the final plat is desired, an original and three copies of the final plat and all accompanying data as required in part (b) of this section.

The applicant may later file for final approval once the conditions of the public improvement guarantee, if any, have been satisfied. Or, the subdivider may, after approval of the preliminary plat, construct all streets, roads, and other improvements as provided in the preliminary plan. Upon receipt of application for final approval, the administrative officer shall conduct all

necessary inspections of the site to determine compliance with the preliminary plat.

(2) The administrative officer shall review the plat to determine that all necessary information is provided. Deficient documents shall be returned to the subdivider with a request to correct the deficiency. No preliminary plat shall be considered to be filed and accepted by the City if it does not meet the submittal requirements of this chapter, as determined by the administrative officer. The applicant may appeal any decision of the administrative officer to the Planning Commission.

(3) The city clerk shall, within three (3) days after the submittal of the final plat, transmit a copy of the plat and all accompanying materials to the: (1) public works director, (2) city fire department, (3) the utility providing electric service, and (4) company or agency providing telephone and cable service, water and waste disposal, for their review and comment.

(4) When substantial modifications to the proposed subdivision occur subsequent to preliminary plat approval, the administrative officer may direct the subdivider to submit a new preliminary plat reflecting the modifications that occurred subsequent to initial preliminary plat approval.

(5) a. The Planning Commission shall within sixty (60) days from the date the final plat was accepted by the administrative officer, approve, conditionally approve, or disapprove the final plat.

b. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon, and the reasons therefore accompanying the plat.

c. If approved, the Planning Commission chairman shall sign the original and five (5) copies of the subdivision plat. Signed copies shall be distributed to the subdivider, the district recorder's office, and the local utility providing electric service, public works director, companies providing water and waste disposal, cable companies and the telephone company.

d. If conditionally approved, the Planning Commission chairman shall sign the original and five (5) copies of the subdivision plat revised in accordance with the conditions specified by the Planning Commission as a condition of approval.

e. It shall be the responsibility of the administrative officer to file the plat with the district recorder's office within ten (10) days of the date of signature.

f. No vested rights shall accrue to any plat by reason of final approval until the plat is officially recorded.

(6) a. When a public improvements guarantee, in the form of a bond or other type of security, is required, the chairman of the Planning Commission shall endorse approval of the plat after the land, bond, deposit, letter of credit, restrictions, etc., have been approved by the Planning Commission, filed with the city clerk, and/or recorded with the district recorder.

b. A Public Improvement Guarantee, performance bond or other form of security, if required, shall include but not be limited to the performance of all required subdivision and off-site improvements, and shall provide that all improvements and land included in the offer of dedication shall be formally dedicated to the City of Bethel, free and clear of all liens and encumbrances on the premises. In no event shall the period of time stipulated by the Planning Commission for completion of required improvements exceed five (5) years from the date of plat approval.

c. The Planning Commission shall within sixty (60) days from the date the final plat was submitted to the administrative officer approve, conditionally approve, or disapprove the subdivision application. The applicant may consent to the extension of the period for action by the commission. In its actions the Planning Commission shall stipulate the period of time when any performance bond shall be filed or the required improvements installed, whichever is applicable.

In no event shall a performance bond be submitted later than six (6) months from the date of the commission's action, together with all the required documents and completion of required procedures.

If the applicant can show financial hardship or inability to obtain a bond, the Planning Commission may, in its discretion, require the recordation of restrictions for lots listed in the subdivision or placement of a note on the subdivision plat which lists for each lot the estimated dollar amount of the required improvements allocable to that lot, together with interest at eight percent (8%) from the date of recordation, which restrictions or note is a lien upon the lots and a liability which is due and payable no later than six months after the date the city, by ordinance, adopts a program for constructing the subdivision improvements. As an alternative, the Planning Commission may accept a note from the applicant secured by a deed of trust upon one or more of the lots in the final plat sufficient in amount to cover the estimated costs of the city constructing the required subdivision improvements, if the applicant should not construct them within the time prescribed.

In no event shall the period of time stipulated by the Planning Commission for completion of required improvements exceed five (5) years from the date of approval. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval or

disapproval noted thereon, and the reasons therefore accompanying the plat.

D. When a bond is required, the chairman of the Planning Commission shall endorse approval of the plat after the bond has been approved by the Planning Commission, filed with the city clerk, and all conditions pertaining to the plat have been satisfied.

E. When installation of improvements is required the chairman of the Planning Commission shall endorse approval of the plat after all conditions have been satisfied and all improvements satisfactorily completed.

135.20.020 Contents of the final plat

A. The final plat will have incorporated all changes or modifications required by the Planning Commission. If none, it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of this chapter.

In addition, the subdivider shall be required to submit to the Planning Commission proof of ownership of the land that is to be subdivided. In the case of a subdivision creating two (2) or more lots, a deed showing ownership and a certificate by the owner that the title is clear shall be required.

A copy of the letter from the Department of Environmental Conservation approving the sewer and water plans for the subdivision.

B. The final plat shall be prepared by a registered engineer or surveyor and shall be clearly and legally drawn in India ink on tracing cloth or reproducible mylar. The plat of a subdivision containing more than ten (10) lots shall be drawn to a scale of 1" = 100'. A subdivision plat containing ten (10) lots or less shall be drawn at a scale of 1" = 50'. The size of the plat will not be less than 12" x 18" or greater than 34" x 44", and where multiple sheets are used to cover the platting of any subdivision, the sheets will be of the same size.

C. The following information shall be placed on the plat:

- (1) Notation that the plat is "final".
- (2) A title block which shall be placed on the lower right hand corner of each drawing of the set comprising the plat. It shall show at least:
 - a. Name of subdivision
 - b. Sheet number
 - c. Date
 - d. Scale
 - e. North point
 - f. Total acreage of the subdivision
 - g. Total number of lots in the subdivision

(3) Location of subdivision by U.S. Survey, township, section, and range;

(4) A statement that the subdivision plan has received approval from the Alaska Department of Environmental Conservation pursuant to 18 AAC 72.065;

(5) An engineering or surveyor's certificate indicating that said individual certifies that a land survey has been completed under his direct supervision and that corners and monuments have been located and established and the dimensions shown on the plat are true and correct;

(6) A certificate of ownership and dedication, dedicating to the public all easements necessary for public utilities, roads, alleys, thoroughfares, parks, local government uses and other public areas shown on the plat, such certificate to be signed before the city clerk or a Notary Public;

(7) All formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements shall be delivered in full covenant and warranty deed and a note to such effect shall be shown on the plat. Such offers of dedication do not constitute acceptance by the city and do not in any way obligate the city's future acceptance or increase of the city's liability;

(8) A performance bond, if required shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improve-

ments and land included in the offer of dedication shall be formally dedicated to the City of Bethel free and clear of all liens and encumbrances on the premises;

(9) A statement of the city accepting for public use and purpose all dedicated lands and areas shown on the plat, such statement to be signed by the mayor and city clerk;

(10) Official seals of the attesting officers and of the land surveyor who surveyed the plat;

(11) Locations of all monuments and stakes and a graphic presentation of the designation appearing on the caps of the monuments;

(12) Initial point of survey, original or reestablished corners and their descriptions, and actual traverse showing area of closure and all distances, angles and calculations required to determine initial point, corners and distances of the plat;

(13) Within the subdivision, the centerlines of all rights-of-way, lengths, and radii of all curves, and the total width of each right-of-way;

(14) The exact boundaries of all areas to be dedicated or reserved for public use or for the common use of the property owners. The purpose of the dedication or reservation shall also be set forth;

(15) The names of adjacent subdivisions and the lot numbers of adjacent lots. If the adjacent land is not subdivided, it should be so indicated;

(16) The ground elevation after site preparation;

(17) All blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions;

(18) All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.

D. Plat submittal shall be as follows:

(1) 50 acres or more a scale of 1" = 1000' to 1" = 200'.

(2) 20-49 acres a scale of 1" = 500' to 1" = 100'.

(3) Less than 20 acres a scale of 1" = 200' to 1" = 50'.

E. All final plats requiring public improvements shall be accompanied by a public improvements guarantee.

Chapter 25. Fees

135.25.010 Fees

The ordinance shall require that fees be assessed for the administration of the ordinance and shall be paid upon application for the following: preliminary plat, vacation, abbreviated plat, final plat, inspection of improvements, appeals.

135.25.020 Schedule

The fee schedule shall be established by the City Council by resolution upon the recommendation of the Planning Director. The fee schedule shall be reviewed annually for possible revisions.

Chapter 30. Improvements.

135.30.010 Generally

1. Character of land: Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, adverse topography, utility easements, or other features which are considered harmful to the health, safety and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless in the opinion of the Planning Commission, adequate methods are formulated by the developer and approved by the Planning Commission to solve any problems created by the unsuitable land condition. The Planning Commission requires developers to submit a preliminary plat and urges developers to have a preliminary consultation to avoid problems concerning the definitions of unsuitable as determined by the developer to place notations on the plat indicating that certain areas in the development are considered hazardous by the Planning Commission.

2. Physical Features: Existing features which would add value to residential development of the city as a whole, such as watercourses, beaches, recreation areas, historic and cultural sites, and similar irreplaceable assets, shall be preserved in the design of the subdivision.

3. Access shall be provided to all subdivision lots within the subdivision. Access shall be developed to city standards as specified by the City of Bethel Department of Public Works.

4. The creation of reserve strips shall not be permitted adjacent to a proposed road in such a manner as to deny complete access from adjacent property to such a road.

5. Compliance with the City of Bethel Comprehensive Plan. No subdivision shall be approved which is not designed to accommodate the type of land use designated for the area of the proposed subdivision by the City of Bethel Comprehensive Plan, Land Use Plan Map, except where superceded by Zoning Code once adopted.

135.30.020 Roads

A. General.

1. Access by dedicated right-of-way shall be provided to all subdivisions and lots within the subdivisions. Access shall be developed to city standards as specified in the City of Bethel Comprehensive Plan at the subdivider's expense. In addition, boardwalks to provide for pedestrian circulation shall be constructed in locations and in a manner so as to

provide adequate circulation for pedestrians and in such additional locations the Planning Commission shall specify. Blocks shall not be unreasonably long so as to impede movement of pedestrian traffic.

2. The creation of reserve strips shall not be permitted adjacent to a proposed road in such a manner as to completely deny access from adjacent property to such a road.

B. Design criteria - general

1. The circulation system shall be designed to:

a. Discourage through traffic in residential subdivisions;

b. Require the minimum number of roads necessary to provide convenient and safe access to property;

c. Be arranged so as to maximize the number of building sites at, or above, the grades of the roads;

d. Avoid a combination of steep grades and curves;

e. Conform as much as possible to existing topography;

f. Use land in the most efficient way;

g. Be properly related to all existing and proposed special traffic generators such as industries, business and shopping districts, schools, and churches; to population densities; and to the pattern of existing and proposed land uses.

- h. Compliment drainage patterns;
- i. Preserve natural features such as water-courses, geology, etc.;
- j. Allow for the provision and/or extension of public utilities and services.

k. All roads shall be built with proper coordination between height and culvert placement to assure that the roadway is not threatened by runoff from surrounding areas or that the roadway does not impede water runoff.

l. All roads shall have the necessary signs properly installed. This includes street name signs as well as traffic signs properly positioned according to State of Alaska Department of Highway Standards.

C. Connections with existing and future development.

Roads from adjacent existing subdivisions shall be continued wherever possible.

D. Construction. All roads shall be constructed in accordance with city standards as set forth in the City of Bethel Comprehensive Plan.

1. All dedicated rights of way shall be at least 50 feet wide. In addition, a notation that denotes all roads dedicated to the public shall be placed on the plat.

2. All improved roads shall have a width of at least 25 feet of driving surface. In no event shall the width of a road's driving surface be less than 25 feet.

3. All roads shall be constructed so as to have a minimum height of 36" from the ground at any point.

4. A permanent turn-around of seventy (70) feet radius shall be provided at the end of each cul-de-sac and dead end roads.

5. Roads shall be laid out so as to intersect as nearly as possible at right angles.

6. Traffic-ways shall be centered within rights-of-way except where the Alaska Department of Transportation and Public Facilities has offset the traffic-way, or when unusual physical circumstances dictate otherwise.

E. Cul-de-sac or dead-end roads.

1. Multiple cul-de-sac or dead-end roads extending from a single entrance are not permitted.

2. A permanent turn-around of seventy (70) feet radius shall be provided at the end of each cul-de-sac and dead-end road.

3. A temporary turn-around shall be provided at the dead-end of all roads likely to be extended in the future and shall be removed when the road is extended with the excess right-of-way being vacated. A note to this effect shall be placed on the final plat.

F. Alignment and grading.

1. Road alignment shall conform to the topography with a maximum allowable grade of 12 percent.

2. Minimum drainage grade on all roads shall be two (2) percent.

3. Embankments shall not be less than a three to one (3:1) slope.

4. Slope shall be seeded.

5. Four (4) inches of gravel in two 2-inch lifts.

Each lift shall be rolled to 75% compaction.

135.30.030 Intersections

1. Number of intersections, especially between roads of different classification, shall be kept to a minimum.

2. Not more than two (2) roads shall intersect at one point.

3. Roads shall be laid out so as to intersect as nearly as possible at right angles.

4. No intersection shall be located near the brow of a hill or where an embankment blocks vision.

5. Proposed new intersections along one side of an existing road shall, wherever practicable, coincide with any existing intersections on the opposite side of the road.

6. All intersections shall have a grade of plus or minus one-half percent.

7. Street Lights. The subdivider shall be responsible for providing street lights at all intersections. The City shall furnish power for street lights.

135.30.040 Streets.

1. Dedication to the public.

All streets shall be dedicated to the public. In the

case of arterial or collector streets, the subdivider shall only be required to dedicate an amount equal to 50 feet of the proposed right-of-way width if the entire street is within the proposed subdivision.

2. Relation to topography.

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and reasonable gradients and minimum damage to terrain and existing vegetation.

3. Alignment.

Arterial and collector streets shall be aligned to provide for the continuation of existing streets from adjoining areas into the proposed subdivision. Stub streets, including temporary turnaround areas, shall be provided to the boundary line of the tract to make provisions for future street projections into adjacent unsubdivided areas. In areas where extreme wind conditions exist, one of the factors of consideration in aligning streets shall be that of minimizing the potential wind damage. Local streets shall be arranged to discourage their use by through traffic.

4. Intersections.

Streets shall intersect at 90 degrees or closely thereto and in no case less than 75 degrees. The distance between intersection centerlines shall not be less than 150 feet. Corner roundings will be required at the right-of-way intersection as determined by the Department of Public Works.

5. Cul-de-sacs.

Cul-de-sac streets shall not be more than 600 feet in length and shall terminate with a turn-around, the minimum radius of which shall be 70 feet. The return radius shall also be 70 feet.

6. Half streets.

Half streets shall be allowed only where the future dedication of the remaining half of the street can be anticipated. Whenever a tract to be subdivided borders an existing half street, the other part of the half street shall be dedicated within such tract unless such dedication is deemed unnecessary or undesirable by the platting authority.

7. Frontage.

Where a subdivision abuts or contains an arterial street, the platting authority may require a frontage street for the adequate protection of adjoining properties and to afford separation of through and local traffic.

8. Alleys.

Alleys may be required in proposed multiple dwellings, industrial, commercial or residential subdivisions for service access, off-street loading and parking purposes. Dead-end alleys shall be prohibited. The minimum width of an alley shall be 20 feet.

9. Names.

Street names shall not duplicate or be confused with an existing street in the city, in spelling or pronunciation, except where a new street is a continuation of an existing street.

135.30.050 Easements.

1. General.

All easements shall include unrestricted right of ingress thereto and egress therefrom for construction and maintenance purposes by utility companies, and shall restrict permanent encroachments.

2. Provided for utilities.

Utility easements shall be provided. Such easements shall extend at least 10 feet on either side of the utility line. Proof of coordination between the subdivider and the applicable utility company(s) shall be submitted with the preliminary plat.

3. Provided for drainage.

a. General. The platting board shall not approve any plat for subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system.

b. Where a subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially to the lines of such watercourse. Whenever possible it is desirable that the drainage be maintained by an open channel with adequate width for maximum potential volume of flow. Such area shall not be

filled or built upon and a note to this effect shall be placed on the plat. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within rights-of-way, perpetual unobstructed easements at least ten (10) feet in width for such drainage facilities shall be provided in a manner satisfactory to the Planning Commission. Drainage easements shall be carried to natural watercourses or to other drainage facilities.

c. The subdivider may be required by the platting board to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in a right-of-way where feasible, or in perpetual unobstructed easements.

d. Where a watercourse separates the building area of a lot from the road by which it has access provisions shall be made for installation of a culvert or other structure to provide access across the watercourse.

e. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

f. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility

the platting board may withhold approval of the subdivision until provision has been made for the improvement of said potential condition.

g. Whenever a plat is submitted for an area which has been designated as a flood-hazard area the platting board may approve such subdivision only when it has determined that all the provisions of the city regulation requiring compliance with requirements of the National Flood Insurance Program have been met.

h. When a proposed drainage system will divert water across private land outside the subdivision, appropriate drainage easements shall be secured and submitted with the preliminary plat.

i. Drainage and utility easements shall be independent unless shared easement is agreed to by utilities.

135.30.060 Waste Disposal and Water Supply

All facilities for the supply of water and the disposal of waste, whether individual on-lot or serving more than one lot, including hook-ups to existing community systems, are subject to city ordinances and state standards. All such facilities must receive approval of a sanitarian prior to construction, installation, and/or operation.

135.30.70 Lots.

A. Every lot to the greatest extent practicable shall be accessible to the public road system by a dedicated

road. Lots with access only by easement shall be allowed in cases when the subdivider can to the board's satisfaction guarantee that adequate access for every lot will always be available. Agreements between affected land owners that guarantee this access shall be referenced on the plat and recorded with the plat.

B. Lots should be designed with a suitable proportion between length and width. Lots should be as near to rectangular as possible.

C. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

D. Minimum lot area shall be 9,000 square feet, or in conformance with a Zoning Code once adopted. In subdivisions resulting in three (3) or fewer lots a special waiver may be obtained from the board that allows a reduced lot size. In considering this waiver, at a minimum, the following shall be examined:

1. Population density of the area in which the subdivision is proposed;
2. Public Safety of the citizens of Bethel;
3. Future land use patterns;
4. Characteristics of land surrounding the proposed subdivision.

E. The minimum frontage on a public right of way shall be forty (40) feet with the exception of the lots fronting on a cul-de-sac turn-around which shall be 25 feet. Special waivers may be given by the platting board in cases where adequate access to lots is guaranteed by other means.

F. Subdividers shall provide procedures insuring that subdivisions contain deed restrictions that at a minimum comply with the following:

1. No building shall be located on any lot nearer than fifteen (15) feet to the front lot line;
2. Nearer than ten (10) feet to the side lot line;
3. Nearer than ten (10) feet to the back lot line.

The Platting Board reserves the right, by waiver, to reduce these minimums on individual lots where the application of these standards would cause development problems.

135.30.070 Blocks.

A. Arrangement. Blocks shall be designed to provide two tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.

B. Length. Residential blocks should generally not be less than 300 feet wide nor more than 1,320 feet long.

C. Design. Blocks shall be designed to minimize the effect of development on the environment. Environment

factors may be considered as justification by the platting authority for variation from any of the standards in Sections _____ and _____ above.

D. In General:

1. The lengths, widths, and shapes of blocks shall be such as are appropriate to the locality, the type of development contemplated and the topography and physical characteristics of the land.

2. Double frontage shall not be permitted.
(Access roads at both the front and rear of any lot.)

3. Reverse frontage (access road only to the rear of any lot) shall not be permitted and a note to this effect shall be placed on the plat.

4. Larger lot areas may be required by the platting board upon determination of the Alaska Department of Environmental Conservation.

5. For the purposes of this section, "width" shall be defined as the distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines.

6. The front is considered as the part of the lot facing the road.

7. The minimum frontage on a public right-of-way shall be 40 feet with the exception of lots fronting on cul-de-sac turn-arounds.

8. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-road service and parking facilities required by the type of use and development contemplated.

Chapter 40. Recreation

135.40.010

In cases where the amount of land to be subdivided is two (2) acres or greater and where the subdivision of land will create six (6) or more lots, the subdividers shall be required to dedicate (for public use) suitable land with proper access for recreational purpose. The amount of land to be dedicated for recreation will be based on a square foot ration of one (1) square foot of recreation land for every ten (10) square feet available for recreation.

Chapter 45. Guarantee of Improvements

135.45.010

To guarantee the installation of all public improvements required by this chapter which are not accepted at the time the final plat is filed, the subdivider shall be required to submit a public improvements guarantee and security bond at the time the final plat is submitted.

Chapter 50. Monumentation

135.50.010

A. A monument shall consist of a brass cap, not less than one and one-half (1 1/2) inches in diameter, aluminum cap, or other equivalent type monument riveted to the top of a galvanized pipe not less than one-half (1/2) inch in diameter. Monuments shall be driven to refusal or thirty (30) inches, whichever comes first. The monument shall not extend above the surface if located in a roadway and shall not extend more than four (4) inches above the surface in other locations and shall be planted in such a manner that it shall not be removed by frost.

B. All exterior and interior boundaries of subdivisions shall be monumented at block corners, rights-of-way lines, angle points of curves, and road intersecting.

C. Each point of monumentation shall be tied into the subdivision survey, and shall be shown on the plat and located by bearings and distances.

D. Each monument shall have a designation which shall appear on the plat and shall be stamped on the cap of the monument.

E. All monuments shall be properly set in the ground and approved by a registered land surveyor prior to the time the final plat is recorded.

E. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on 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 which lines on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within 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 the city. If the property vacated is a lot or tract, title vests in the rightful owner.

F. If the city acquired the street or other public area vacated for legal consideration or by express dedication and acceptance by the city other than required subdivision platting, before the final act of vacation the fair market value of the street or public area shall be deposited with the platting board to be paid over to the city on final vacation.

Chapter 60. Variance Procedure

135.60.010

The Planning Commission reserves the right to grant waivers in certain instances as found in this document. These areas

Chapter 55. Resubdivision and vacation of plats

135.55.010

A. No recorded plat may be altered or replated except upon petition of the owners of a majority of the land affected by the alteration or replat or by the platting board.

B. No platted road shall be vacated, except upon petition of the city or owners of the majority of the front feet of the land fronting the part of the road sought to be vacated.

C. The petition for replat, alteration, or vacation shall be filed with the platting board. It shall be accompanied by a copy of the existing plat showing the proposed alteration, replat, or vacation.

D. The information to be provided in and the procedure for reviewing petitions for replat, alteration, or vacation shall be identical to that for plats of new subdivisions except that the public notice describing the alteration or replat petition and the time and place of the public hearing on the petition shall be published once a week, for two consecutive weeks, and a copy of the notice shall be mailed to each affected property owner not signing the petition. Both a preliminary and a final plat shall be submitted for review. The final plat, when approved, shall be recorded with the district recorder.

shall include but are not limited to lot size, road access and set backs. In all instances in which waivers are granted, the procedures as found in this section shall be followed.

A. The Planning Commission may authorize a waiver from these regulations when, in its opinion, undue hardship may result from strict compliance. For the purposes of this chapter the term "hardship" shall refer to conditions where reasonable development of a tract is rendered impossible because of a physical limitation but shall not include financial hardship.

B. In granting any waiver the Planning Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, the Planning Commission shall take into account the nature of the proposed use of land, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No waiver shall be granted unless the platting board finds that there are special physical conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.

C. In approving waivers, the Planning Commission may require such conditions as will, in its judgment, secure

substantially the objectives of the standards or requirements of this chapter.

D. A petition for any such waiver shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration of the platting board. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

E. Voting. The granting of a waiver shall require the affirmative vote of two-thirds (2/3) of the Commission membership or four (4) consenting votes, whichever is greater. Roll call votes shall be used in questions concerning waivers.

F. Finding of Fact. The chairperson of the Planning Commission shall be responsible for assuring that a finding of fact is written in every instance that a waiver is granted. This finding of fact shall be a written document signed by the Planning Commission chairperson and made a part of the official record of the meeting at which the waiver was granted. The finding of fact shall contain:

1. The specific notation in the Subdivision Standards and Procedures that is being waived.
2. Facts that were considered relevant to the granting of the waiver. This should include any public testimony or support documents.
3. The specific characteristic of the waiver and how it differs from the Standards and Procedures.

4. The reasons that the Commission felt that a waiver was justified in this specific case.

Chapter 65. Appeals

135.65.010

Powers and authority to hear and decide appeals to the decisions of the Planning Commission relative to this chapter are vested in the superior court as provided by A.S. 29.33.130.

Chapter 70. Enforcement, violations and penalties

135.70.010

A. It shall be the duty of the administrative officer to enforce this chapter and to bring to the attention of the Planning Commission any violations or lack of compliance herewith.

B. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall convey by sale, transfer, or lease, or agree or enter into a contract to sell, transfer, or lease any such parcel, before a plat of such subdivision has been approved, and recorded by the Planning Commission, in accordance with the provisions of this chapter. A person who knowingly violates this requirement is guilty of a misdemeanor and shall be punishable by a fine of not more than \$500 for each lot or parcel transferred, sold, or leased.

C. No person may record a plat or seek to have a plat recorded unless it bears the approval of the Planning Commission. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than \$500.

D. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of the provisions of this chapter, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and those remedies shall be in addition to the penalties described above.

Chapter 75. Conflict and Separability

135.75.010

A. It is not the intent of this chapter to repeal, alter, or annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants or easements running with the land to which the city is a party. Where this chapter imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of the chapter shall control.

B. 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 such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the chapter or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of this ordinance even without any such part, provision, or application.

Chapter 80. Saving Provision

135.80.010 General

This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discounting, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of this ordinance, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in this chapter.

Chapter 85. Reservations and Appeals

135.85.010 General

Upon the adoption of the ordinance according to law, the Sub-division Standards and Procedures of the City of Bethel, as adopted by the Planning Commission, is hereby repealed, except as to such sections expressly retained herein.

Chapter 90. Definitions

135.90.010 Rules Applying to the Text

For the purpose of these regulations, certain rules of construction apply to the text as follows. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary. The term "shall" is always mandatory and not discretionary; the word "may" is permissive. Any word or term not interpreted or defined by this article shall be used with a meaning of common or standard utilization.

135.90.020 Definitions

Addition: A parcel of land which is platted adjacent to an existing subdivision and which has the same name.

Administrative Officer: The City Manager or individual designated by the City Manager to administer this chapter/ordinance.

Aliquot Part: The division of a surveyed section of land, without reference to bearing or distance, into square

or rectilinear parcels; the area of each parcel comprising a fractional portion of the total area of the section and of the parcel from which it is being divided.

As-Built Plans: Revised construction plans in accordance with all approved field changes reflecting the improvements on site as they actually exist.

Block: An area of land within a subdivision that is entirely bounded by rights-of-way, physical barriers, and exterior boundaries of the subdivision, except alleys.

Block Length: The distance between intersections of through streets, such distance being measured along the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

Certificate to Plat: A certificate prepared by a title company authorized by the laws of the State of Alaska to write the same, showing the names of all persons having any record title interest in the land to be platted together with the nature of their respective interests therein.

City: The City of Bethel, Alaska.

City Council: The City Council of the City of Bethel, Alaska.

Commercial Development: A planned commercial center designed specifically for commercial use.

Comprehensive Plan: A document to text, charts, graphics or maps, or any combination, designed to portray general, long-range proposals for the arrangement of land

uses which is intended primarily to guide government policy towards achieving orderly and coordinated development of the entire community.

Construction: Includes design, engineering, contract administration and work, labor and materials furnished for a public improvement.

Cul-de-Sac: A road having one end open to traffic and being terminated at the other end by a vehicular turn-around.

Dedication: The intentional appropriation of land by the owners to public use.

Easement: An interest in land owned by another than entitles the easement holder to a specified limited use or enjoyment.

Engineer: A registered professional civil engineer authorized to practice engineering in the State of Alaska.

Final Acceptance: Acceptance by the City, at the completion of construction, of a public improvement constructed under terms of a subdivision agreement.

Final Plat: The final map, drawing, or chart on which the subdivision or resubdivision is presented to the Planning Commission for approval, and which, when approved, will be submitted to the District Recorder for recording.

Floodplain: That area of land adjoining the channel of a river, stream, or other similar body of water which may be inundated by a flood that can reasonably be expected to occur. The Floodplain as referred to in this ordinance

shall include all the land within the limits of the 100 year flood and the floodway within it if said floodway is delineated.

Greenbelts or Buffer Parks: A strip or parcel of land privately restricted or publicly dedicated as open space for the purpose of protecting and enhancing the environment.

Improvements: Any construction incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, driveway approaches, sidewalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, waterways, lakes and other appropriate items with an appurtenant construction.

Industrial Development: A planned industrial area designed specifically for industrial use.

Legal Access: Access to a publicly dedicated street or road which is connected to and a part of a legally dedicated improved transportation network of the City.

Lot: A measured portion of a parcel of land which is described and fixed on a plat filed for record.

Corner Lot: A lot located at the intersection of two or more streets where the angle of intersection of the lot lines abutting those streets does not exceed 135 degrees.

Lot Frontage: All property abutting the right-of-way of a dedicated street, private street or road easement, measured along the right-of-way between side lot lines of a lot. In no case shall the line along an

alley be considered as lot frontage.

Through Lot: Double Frontage Lot: A lot other than a corner lot with frontage on more than one street.

Lot Depth: The distance between straight lines connecting side lot lines, measured between the mid-point of such lines except that such measurement shall not extend outside the lot lines of the lot being measured.

Lot Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the mid-points of such lines except that such measurement shall not extend outside the lot lines of the lot being measured.

Lot Line: The fixed boundaries of a lot described by survey located on a plat filed for record.

Front Lot Lines: That boundary of a lot measured along the edge of the right-of-way of a dedicated street, private street or road easement, which abuts that line. The case of a corner lot, either line which meets the above description provided the other is considered to be a side lot line.

Rear Lot Line: That boundary of a lot which is most parallel to the front lot line and does not intersect the front lot line. In the case of a triangular lot, a line twenty feet (20') in length within the lot parallel to and at the maximum distance from the front lot line.

Side Lot Line: That boundary of a lot which is neither a front or real lot line.

Lot Improvement: Any building, structure, water or sewer facility, work of art or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

One Hundred Year Flood Plain: A flood of a magnitude which can be expected to occur on an average of once every one hundred years.

Ordinance: Any legislation action of the city which has the force of law, including any amendment or repeal of any ordinance.

Outlots: A lot shown on a plat that is not located within a numbered or lettered block.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this chapter.

Plan: The City of Bethel Comprehensive Plan.

Planning Commission: The Planning Commission of the City of Bethel.

Plat - A map or representation on paper of a parcel of land.

Preliminary Plat: A map showing the salient features of a proposed subdivision of land submitted to the

Platting Authority for purposes of preliminary consideration and approval.

Final Plat: A map of a subdivision of land made up in final form ready for approval and filing.

Platting Authority: The City of Bethel Planning Commission of the City of Bethel, Alaska, or any other board so designated by the City Council of the City of Bethel.

Preliminary Consultation: A voluntary meeting between the subdivider and the administrative officer at which time the subdivider shall be informed of subdivision procedures and standards as prescribed by this ordinance.

Preliminary Plat: The conceptual maps, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission. This plat will not be recorded.

Public Open Space: Land dedicated or reserved for the use by the general public, including, but not limited to, parks, parkways, recreation areas, and school sites.

Public Improvement: Any drainage ditch, roadway, parkway, pedestrian way, off-road parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility of maintenance and operation, or which may affect an improvement for which City responsibility is established.

Public Improvement Guarantee: A performance bond, deposit in escrow, or letter of credit in an amount equal to

the estimated cost of the required public improvements. All such forms of security shall be approved by the city council prior to acceptance by the platting board.

If the applicant can show financial hardship or inability to obtain a bond or letter of credit the platting board may, at its discretion, require the recordation of restrictions for lots listed in the subdivision which lists for each lot the estimated dollar amount of the required improvements allocable to that lot, together with interest at 8% from the date of recordation, which restrictions or note is a lien upon the lots and a liability which is due and payable no later than six months after the date the city, by ordinance, adopts a program for constructing the subdivision improvements. As an alternative, the platting board may accept a note from the applicant secured by a deed of trust upon or more of the lots in the final plat sufficient to cover the estimated costs of the city constructing the required subdivision improvements, if the applicant should not construct them within the time prescribed.

Public Utility: All persons, firms, corporations, or municipal or public authorities which are certified as public utilities by the State of Alaska and which provide gas, electricity, water, telephone, storm sewers, sanitary sewers or other services of a similar nature.

Regulations: The Land Subdivision Regulation for the subdividing and platting of land in the City of Bethel, Ordinance 135.

Replat: Shows alteration to an original/recorded plat.

Reserve Strips: Land reserved adjacent to a proposed road for the purpose of denying access from adjacent property to such road.

Resubdivision: The redeliniation of an existing lot, block, or tract of a previously recorded subdivision involving the change of property lines and/or, after vaction, the altering of dedicated streets, easements or public areas.

Right-of-Way: Land reserved, used, or to be used for the use of supporting City services.

Road - A way for vehicular traffic, dedicated to public use.

(a) Major Road - a road used to carry high volumes of traffic to and from major traffic generators and/or into or out of the community.

(b) Collector Road - A road carrying traffic from minor roads to major roads, including the principal entrance roads of a residential development and roads for circulation within such a development.

(c) Minor Road - A road used primarily for access to the abutting properties.

Road Right-of-Way Width: The distance between property lines measured at right angles to the center line of the road.

Short-Subdivision: The division of land that has previously been platted and recorded, totaling less than three acres and creating no less than two lots and no more than six lots.

Street: A right-of-way which provides for vehicular and pedestrian access to abutting properties.

Local Street: A street designed to provide direct access to individual abutting properties.

Collector Street: A street designed to move traffic from local streets to minor and major arterials.

Minor Arterial: A street designed to move through traffic at moderate speeds and volumes to and from major arterials.

Stub Street: A dead end local street which provides for eventual extension of the street onto unplatted land.

Alley: A public right-of-way shown on a plat which provides secondary access to a lot, block, tract, or parcel of land.

Marginal Access Street: A frontage road which separates properties from heavily traveled through streets and eliminates the need for unlimited access to through streets.

Street Width: The shortest distance between the lines delineating the right-of-way of streets.

Subdivider, Owner, Proprietor or Developer: A person, firm, association, partnership, corporation, governmental unit, or combination of any of these which may hold any legal or equitable ownership interest in land being subdivided. The terms shall also include heirs, assigns, or successors in interest, or representatives of the subdivider, owner, proprietor, or developer.

Subdivision: The division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including any resubdivision, and when appropriate to the context, the process of subdividing of the land subdivided.

Subdivision Date with Platting Authority: That date which the Planning Department accepts a fee for the submission of a plat.

Surveyor: A land surveyor who is registered in the State of Alaska.

Tax Parcel: An area of land shown as a unit or as continuous units on the current City Real Property Tax Roll.

Topographic Map: A map showing the land form by the use of contour lines.

Tract: An area of land which has been defined, but has not been designated by lot and block numbers.

Vacation: The act of making legally void any right-of-way, easement, public area, or other public interest.

Walkway: Right-of-way, dedicated to public use, which crosses within a block to facilitate pedestrian access to adjacent streets and properties.

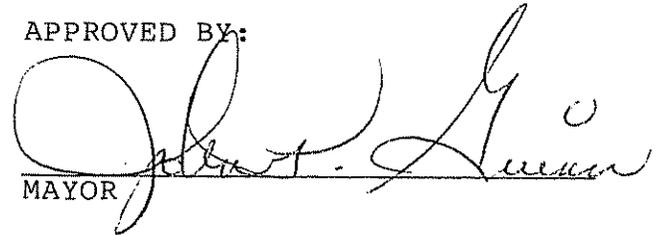
Warranty: A guarantee by the subdivider that the completed public improvement, accepted by the City, is free of defects in materials and workmanship and shall remain in good condition during the warranty period.

SECTION 5. EFFECTIVE DATE OF ORDINANCE

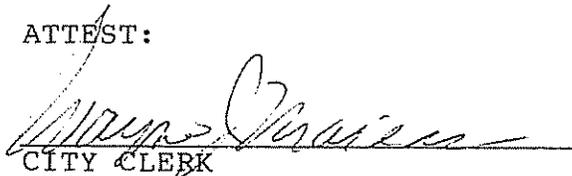
This ordinance becomes effective upon its adoption by the City Council and the signature of the Mayor.

PASSED AND APPROVED this 25th day of August, 1982.

APPROVED BY:


MAYOR

ATTEST:


CITY CLERK

MODIFICATION #1
of
ORDINANCE NO. 135

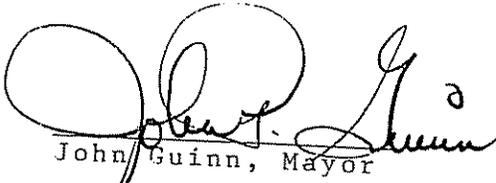
MODIFICATION #1 TO CITY OF BETHEL ORDINANCE NO. 135, SECTION 135.25.010 CODIFIED, ESTABLISHING A FEE SCHEDULE FOR PROCESSING SUBDIVISION, VACATION, AND REPLAT APPLICATIONS.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF BETHEL, ALASKA, THAT THE FEE SCHEDULE FOR THE ADMINISTRATION OF ORDINANCE NO. 135 SHALL BE AS FOLLOWS:

REPLAT, SHORT SUBDIVISION, VACATION, SUPPLEMENTAL PLAT	\$ 50.00
PRELIMINARY SUBDIVISION PLAT (SEVEN OR MORE LOTS)	\$ 50.00 plus \$10.00 per lot
INSPECTION OF IMPROVEMENTS, FINAL PLAT	\$100.00

EFFECTIVE DATE: Upon Passage

PASSED AND APPROVED THIS 25th DAY OF April, 1983.


John Guinn, Mayor

ATTEST:


Wayne J. Maiers, City Clerk