

**HOUSE BILL NO. 80**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JAMES

Introduced: 1/16/95

Referred: Community and Regional Affairs, Resources

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the approval, change, or vacation of subdivision plats in  
2 areas outside organized boroughs, in the unorganized borough outside of cities,  
3 and in the third class boroughs; and relating to the definitions of 'street' and  
4 'subdivision'."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 34.65.100 is amended by adding a new paragraph to read:

7 (6) "subdivision" has the meaning given in AS 40.15.290.

8 \* **Sec. 2.** AS 38.04.910 is amended by adding a new paragraph to read:

9 (13) "subdivision"

10 (A) means the division of a tract or parcel of land into two or  
11 more lots or by the creation of public access;

12 (B) does not include cadastral plats, cadastral control plats,  
13 open-to-entry plats, remote parcel plats created by or on behalf of the state  
14 regardless of whether these plats include easements or other public dedications,

1 or plats prepared by the Department of Transportation and Public Facilities for  
2 the purpose of transferring leasehold interests at state-owned airports or  
3 creating or adjusting right-of-way boundaries.

4 \* **Sec. 3.** AS 40.15.070 is amended to read:

5 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided  
6 or dedicated is situated within a first or second class borough, the proposed subdivision  
7 or dedication shall be submitted to the borough planning commission for approval. If  
8 the land is situated within a city in the unorganized borough or the third class borough,  
9 the proposed subdivision or dedication shall be submitted to the city planning  
10 commission for approval. The borough planning commission is the platting authority  
11 for the first or second class borough, the city planning commission is the platting  
12 authority for the city, and the Department of Natural Resources is the platting authority  
13 in the remaining areas of the state and third class borough [FOR THE CHANGE OR  
14 VACATION OF EXISTING PLATS OR A PORTION OF SUCH PLATS,  
15 AS PROVIDED IN AS 40.15.075]. If the borough or the city does not have a  
16 planning commission, the borough assembly or the city governing body, respectively,  
17 is the platting authority and the proposed subdivision or dedication shall be submitted  
18 to it. A subdivision may not be filed and recorded until it is approved by the platting  
19 authority.

20 \* **Sec. 4.** AS 40.15.075 is amended to read:

21 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND  
22 THIRD CLASS BOROUGHES. The Department of Natural Resources is the platting  
23 authority in the area outside organized boroughs and outside cities in the unorganized  
24 borough and in the third class borough. **The department may not disapprove a new**  
25 **subdivision plat except for failure (1) to comply with applicable state law; or (2)**  
26 **of the plat to provide for, or otherwise specify, access to each lot, site, or other**  
27 **division of the subdivision. The department when** [FOR ONLY THE PURPOSES  
28 OF] hearing and acting on petitions for the change or vacation of plats [AND] shall  
29 execute this function substantially in conformity with the provisions of AS 29.40.130  
30 - 29.40.160. Costs of publication and mailing authorized in AS 29.40.130 shall be paid  
31 to the **department** [DEPARTMENT OF NATURAL RESOURCES] by the petitioner.

1 The department [DEPARTMENT OF NATURAL RESOURCES] shall adopt  
2 reasonable regulations governing the exercise of the authority conferred by this section  
3 and may adopt regulations establishing fees for the services provided under this  
4 section. Fees established under this section shall reflect the administrative cost  
5 to the department and must include costs for personal, contractual, and material  
6 services. A fee established under this section is in addition to other charges  
7 authorized by this section.

8 \* Sec. 5. AS 40.15.290 is amended to read:

9 Sec. 40.15.290. DEFINITIONS. In this chapter,

10 (1) "street" means an access way in common use including all of the  
11 land lying within a dedicated right-of-way as delineated on a plat showing streets,  
12 whether improved or unimproved [INCLUDES STREETS, AVENUES,  
13 BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

14 (2) "subdivision"

15 (A) means the division of a tract or parcel of land into two or  
16 more lots by the landowner or, except for land owned by corporations  
17 organized under P.L. 92 - 203, by the creation of public or common carrier  
18 access [, SITES, OR OTHER DIVISIONS FOR THE PURPOSE, WHETHER  
19 IMMEDIATE OR FUTURE, OF SALE OR BUILDING DEVELOPMENT,  
20 AND INCLUDES RESUBDIVISION AND, WHEN APPROPRIATE TO THE  
21 CONTEXT, RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE  
22 LAND OR AREAS SUBDIVIDED];

23 (B) does not include cadastral plats, cadastral control plats,  
24 open-to-entry plats, [OR] remote parcel plats created by or on behalf of the  
25 state, or corporations organized under P.L. 92 - 203, regardless of whether  
26 these plats include easements or other public dedications, or plats prepared  
27 by the Department of Transportation and Public Facilities for the purpose  
28 of transferring leasehold interests at state-owned airports or creating or  
29 adjusting right-of-way boundaries.

30 \* Sec. 6. AS 46.03.900 is amended by adding a new paragraph to read:

31 (36) "subdivision" has the meaning given in AS 40.15.290.