

HB

290

**STATEMENTS SUPPORTING
THE PLANNING ASSOCIATION OF ALASKA POSITION PAPER ON HB 290**

House Bill 290 was introduced during the first session of the Seventh Alaska Legislature by the House Commerce Committee. The proposed bill is "an Act relating to land subdivision." The basic content of HB 290 redefines the term "subdivision".

The major differences between the existing definition of subdivision and that provided in HB 290 is that the proposed definition excludes certain types of land division from governmental regulations -- regulations that are necessary if Southeastern Alaska is to develop its urban areas in an orderly and economic manner.

The following portion of proposed HB 290 defines those types of land division that would be exempt from local governmental examination:

". . . , land that is divided into four or fewer parcels, tracts, lots or other divisions which have access to a public highway or street, provides street and utility easements to all contiguous parcels and can be described by aliquot parts description, is not a subdivision."

It is the feeling of this planning department that problems concerning the division of land should be handled at the local level. The vast differences in the physical characteristics throughout Alaska warrant that local governments deal with the problem. Legislation of this type at the State level would require such refinement and detail that the end result would be comparable to subdivision regulations adopted by many local governments. If such a bill was to be initiated at the State level, it would be necessary to first conduct extensive studies of the various regions throughout Alaska. No one bill could be reasonable for the various regions unless that bill took into consideration the physical and economic problems of land division for each individual region.

The Ketchikan Gateway Borough has attempted to solve the problems of land division by developing and adopting Ordinance No. 100 (An Ordinance of The Assembly of the Ketchikan Gateway Borough Adopting Subdivision and Resubdivision Regulations for the Ketchikan Gateway Borough.)

These locally adopted regulations are designed to solve the specific land division problems of the Ketchikan Gateway Borough. They take into consideration not only the physical characteristics of the area but also the economics involved with land division and growth patterns. There are built-in flexibilities which provide economic advantages to the developer as well as local governments.

The Ketchikan Gateway Borough recognizes the high cost of developing land in Southeastern Alaska. It is also aware of the necessity for local government to review and approve land divisions so as to avoid unnecessary costs to the public in the future. As a result of this knowledge, the following sections and subsections were incorporated into Ordinance 100 to provide flexibility to the developer as well as other individuals.

Section 49.20.030 c. Exceptions The provisions of this ordinance shall not apply to:

1. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.

Section 49.20.040 Platting Procedures and Requirements

c. Preliminary Plat:

- 1.d. Plats of less than three (3) lots may have topographic features, at 10' contours or spot elevations, included on subdivision map. All other plats are required to submit at least one (1) separate topographic map of contours at 5' intervals.

Section 49.20.070. Subdivision Created by Successive Divisions

A. Successive Divisions

1. Assessor's Plat: Where it is not practical to require that a final plat of subdivision created by successive divisions be filed in accordance with this ordinance, the Borough may, in lieu thereof, order an assessor's plat to be made and may assess the cost thereof as provided in the Borough Ordinances, or to the subdivider.

Section 49.20.100 Variances

When in the judgment of the Platting Board, it would be a detriment to future growth and development, or in opposition to sound planning principals to apply literally a provision of this chapter because extraordinary hardship would result, the Borough Assembly, after recommendation from the Platting Board, may waive or vary such provisions so that substantial justice may be done and the public interest secured, provided that in no event shall the requirement of filing and recording the plat or survey be waived, except as provided by Alaska Statutes 40.15.110.

In making its findings, as required herein below, the Platting Board shall take into account the nature of the proposed use of land and 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

in the vicinity. No variance shall be granted unless the Platting Board finds:

1. That there are special physical circumstances or conditions affecting said property.
2. That the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

In conjunction with the Subdivision Regulations, the Borough Planning Department and City Engineering Department are developing an ordinance to present to the Borough Assembly and the City Council. Said Ordinance will define and provide measures to protect the natural drainage areas within the populated areas of the Borough.

The adoption of Subdivision Regulations by the Ketchikan Gateway Borough has also lessened the problem of errors in property descriptions. References to approved plats rather than metes and bounds descriptions on deeds has contributed to the lessening of these types of errors. In the Ketchikan area, approximately one out of every five deeds reviewed by the planning department, contained some error in the legal description. The reviewing process has practically eliminated errors of this type.

In conclusion, the Ketchikan Gateway Borough Planning Department is in complete support of the position taken by P.A.A. It further urges that HB 290, as proposed, not be approved for the above-stated reasons.

Lawrence H. Kimball
Planning Director
Ketchikan Gateway Borough

in **OPPOSITION**
TO **290**
HOUSE BILL

PLANNING ASSOCIATION OF ALASKA

PLANNING ASSOCIATION OF ALASKA

PAA

February 3, 1972

The Honorable Mike Miller
Chairman
Local Government Committee
House of Representatives
Box 1494
Juneau, Alaska 99801

Re: House Bill 290

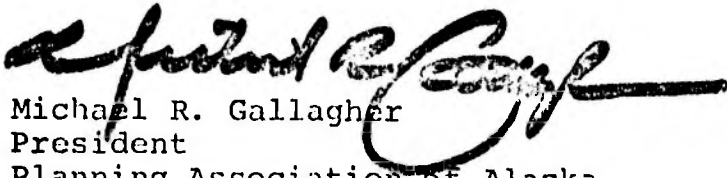
Dear Chairman Miller:

On behalf of the Planning Association of Alaska, we would like to present to the Local Government Committee the attached paper outlining the PAA's opposition to House Bill 290. We are also sending copies to all the members of your Committee, and to other state and local officials.

We understand that there will be a Public Hearing on this proposed House Bill in Juneau, on Thursday, February 10. We anticipate that the following members of the Planning Association will be in Juneau to testify on the Bill: Ralph Darbyshire, Planning Director, Kenai Peninsula Borough; Tom Graham, Planning Director, Matanuska-Susitna Borough; Don Gilmer, Planning Director, Fairbanks-North Star Borough; Vern Wiggins, Planning Director, Greater Anchorage Area Borough; and myself. We would appreciate being notified of the exact time and place of the Hearing.

We hope the information provided in this paper will be of assistance to your Committee. Should you or any other members have any questions or require further information on this subject, please do not hesitate to contact me or any of the others mentioned above.

Very truly yours,


Michael R. Gallagher
President
Planning Association of Alaska

MRG:md

PLEASE REPLY TO

c/o Tryck, Nyman & Hayes
740 I Street
Anchorage, Alaska 99501

PREFACE

During the First Session of the Seventh Alaska Legislature, the House Commerce Committee introduced HB 290, An Act Redefining the Term "Subdivision" as follows:

"Subdivision means the division of land into two or more parcels, tracts, lots, or other divisions and includes resubdivision; however, land that is divided into four or fewer parcels, tracts, or lots or other divisions which have access to a public highway or street, provides street and utility easements to all contiguous parcels and can be described by aliquot parts description, is not a subdivision."

HB 290 was subsequently referred to the House Commerce and House Local Government Committees. The House Commerce Committee has reported a do-pass on the bill and the House Local Government Committee has held the bill over for public hearing during the Second Session of the Seventh Legislature.

In recognition of the pending hearings on this proposal and the nearly unanimous opposition to this bill by local governmental officials, planning commissioners and professional planners, the PAA has prepared the following position paper in opposition to the passage of HB 290. It is the PAA's hope that the problems inherent in HB 290 and outlined in this paper, will provide the information necessary to convince the legislature to defeat this bill.

SUMMARY

Land subdivision is the chief process through which the physical development of communities and demand patterns for public services are established. The subdivision regulatory authority is based on the proposition that the community, through the democratic institutions of government, has the right and responsibility to insure that the subdivision and development within its boundaries is carried out in a manner that will insure the health, safety and economic welfare of its population, both now and in the foreseeable future.

Historically, the lack of control over the land subdivision process has resulted in unnecessary problems that have cost taxpayers millions of dollars to correct. This lack of control has resulted, in part, from statutory definitions of subdivision which have exempted many land divisions from the review of local platting authorities. To correct this situation, most states have moved, or are moving, to amend their respective definitions of subdivision, and to give to platting authorities the needed control over the land subdivision process in their communities.

The Alaska Statutes now provide local platting authorities with the power to review all subdivision activities. HB 290 proposes to remove certain land subdivisions from the review of those platting

authorities. Thus, if passed, the bill would place the State of Alaska in the unique position of moving away from the level of public protection other states are striving to achieve.

The redefinition of subdivision as contained in House Bill 290 is destructive of all the values both to the public and to the purchasers which platting regulations serve. Specifically,

HB 290 would permit the following:

- ★ - DRASTIC STATEWIDE ANSWERS TO A LOCAL PROBLEM*
- ★* -- Pre-emption of local government authority to govern the subdivision of all land within its boundaries
 - Hinderance of local platting authorities from providing for the normal and continued extension of streets and utilities to serve the growth and development of the community
 - Creation of a loophole which encourages evasion of subdivision regulations
 - ★* -- Reduction in the level of local protection to the unwary land purchaser
 - Discrimination against those who must plat their subdivision as a requirement for financing, insurance, etc.
 - Reduction in the capability of local platting authorities to enforce their own regulations
 - ★* -- Continued subdivision and resubdivision of land with no minimum lot size
 - Creation of physically land-locked subdivisions, arbitrary lot alignments, subdivision of flood plains or geologically hazardous areas, and subdivision without regard for topography, drainage or use.

★ The PAA believes that the problems which brought about this bill should be resolved by respective platting authorities at the local

level, through the use of state and local waiver provisions. The primary advantage of the waiver section (AS 40.15.110), in comparison with the intent of HB 290, is that it places the platting authority in a position to review all subdivision activity, and to deny waivers which do not comply with the limitations set out in the exemption.

PURPOSE OF SUBDIVISION REGULATION

As land is subdivided, provisions for streets, water, sewer, electric and other utilities must be made; space for schools, parks and other public facilities must be provided; and a host of existing and future service obligations such as police and fire protection and street maintenance are initiated. The permanence of these improvements and the financial liabilities assumed by cities and boroughs providing these improvements and services has a definite and lasting impact on a community.

The purpose of the platting authority and subdivision regulations are to allow local governments to review all proposed land divisions and assure that adequate street and utility right-of-ways are provided, lots are created which are suitable for the sanitary operation of sewage disposal facilities and generally accepted subdivision design standards are met. Furthermore, subdivision regulations provide the means to assure that accurate

property descriptions are recorded and subsequent court disputes avoided. In other words, the objective of subdivision regulation is to assure that subdivided land and the resultant improvements and service requirements constitute a permanent asset to a community and provide a maximum degree of health safety and convenience consistent with true economy.

HISTORY OF SUBDIVISION CONTROL

Any attempt to trace the contemporary impetus towards subdivision regulation leads back to the early 1920's when speculation in the development and sale of land reached its apex in California and Florida. Not only were land prices beyond reason during this period but the subdivisions were usually poorly designed and lots were being sold in unbuildable flood plains and steep slope areas. When the boom died, hundreds of subdivisions, some devoid of improvements, remained as evidence of poor subdivision practices. Assessment districts, which had been formed to pay for improvements, defaulted on their bonds creating tremendous financial burdens on municipalities responsible for such. Furthermore, in subsequently correcting mistakes, the public has spent millions of dollars to widen and straighten out street right-of-ways, provide water and sewer systems to undersized lots and otherwise overcome the handicaps of poor subdivision design practices.

A few states, through legislative authorization restricting the control of subdivision, continue to permit a great deal of subdivision activity beyond the purview of local governments. This is usually accomplished by defining a subdivision as the division of property into more than three or four parcels of land and continues to precipitate urbanization problems and expenses for existing and future generations. Fortunately, during recent years, more and more of these states have moved to rectify the situation by redefining the term subdivision much as presently defined by Alaska law.

HB 290

The basic differences between the existing definition of subdivision and that provided in HB 290 is the exemption of the following types of land divisions from local governmental scrutiny:

"... , land that is divided into four or fewer parcels, tracts, lots or other divisions which have access to a public highway or street, provides street and utility easements to all contiguous parcels and can be described by aliquot parts description, is not a subdivision."

If such proposal is adopted, the State of Alaska will find itself in the curious position of moving away from the level of subdivision control other states have and are moving toward. Furthermore, there can be no doubt that local governments in Alaska can expect to be forced into financing the solution to many urbanization problems which could otherwise have been prevented.

Specifically, some of the more obvious problems with the proposed bill are described as follows:

The chief defect of the bill is inherent in the approach taken by redefining subdivision. To put it simply, if a division of land is not a subdivision within the meaning of the Act, there is no requirement that the platting authority be informed so that it may determine whether the requirements of the exemption have been complied with. In effect, this means that whatever restrictions are written into such an exemption from subdivision are unenforceable as a practical matter.

The most direct impact is on the purchaser of improperly subdivided land, since he directly suffers from inadequate access or access which creates a traffic safety hazard, from lack of acceptable provision of utilities, from arbitrary lot alignments because of arbitrary descriptions that conform only to a map not to the ground and from the frequent conveyancing errors which inevitably arise in the absence of meaningful regulations.

By removing the approval authority from local governments, land could be subdivided and development initiated on known flood plains or geologically hazardous areas. Furthermore, the means to assure accurate property descriptions are recorded and subsequent court disputes avoided would be seriously impaired.

The purchaser has no reasonable methods of determining, for example, whether the Deed he is to receive is to the land he thinks he is buying, or if it is the first, the third, or the twenty fifth subdivision of a given parcel of land. Since the conveyances come to the attention of the platting authority, if at all, only after a very substantial time lapse when they are picked up on the Assessor's records, the platting authority has no method of enforcing compliance other than a slap on the wrist.

This definition gives the subdivider whose only interest may be in disposing of land regardless of consequences, a substantial financial advantage over a subdivider who is concerned with developing land to best utilize its topography

with due regard to traffic, lot sizes, street layouts, and the other essentials of a good subdivision. It strongly encourages what is probably the worst form of land subdivision, that is, haphazard, random sales of lots located within a larger parcel simply as buyers become available, with no thought for orderly development of the parcel. There is no limitation to preclude repeated subdivision of the same parcel of property. Under this circumstance it would be quite legal to divide one parcel of land not into just four lots but into 16, 64, etc.

The language "access to a public highway" is unclear. It could be interpreted to mean either fronting on, or, indirect access by some other means, regardless of distance or type. The provision totally ignores the public's interest and the purchaser's interest in streets laid out in such a pattern and in such width that reasonable traffic safety may be obtained. Any easement, regardless of its adequacy, which is labeled "for street and utility purposes" complies with the requirement for exemption.

The statement "provides street and utility easements to all contiguous parcels" doesn't delineate any minimum size or locational standards. This is precisely the situation that has required huge and unnecessary state and local governmental expenditures in condemnation proceedings to gain the required easements in the right location. In addition, this language makes it unclear that parcels cut off from the street will be insured access.

The phrase, "...can be described by aliquot parts description..." is totally meaningless as a limitation. Any given one-foot by one-foot piece of land which lies within the government system of rectangular surveys, U.S. surveys, mineral surveys, previously platted lots, or any other previously recorded subdivision of land can be described with an aliquot parts description. Although the most frequent fractions used in aliquot parts descriptions are quarters and halves, there is no implication within the term "aliquot parts" that these are the only fractions usable. Thirds, tenths, and fifths, are frequently used and any other fraction which may be usable to arrive at the parcel of land desired would be permissible.

Land could and would, by nature of the aliquot parts provision, be subdivided without consideration to the physical or topographic characteristics of the property involved.

There is no doubt that some of the problems cited above could be resolved by adjusting the language of the bill. To thoroughly resolve such problems, however, would require the adoption of a law as detailed and restrictive as the subdivision ordinances adopted by local governments.

The question arises as to whether the situations which generated this bill are of such significance and so universal that the State must step in and resolve the matter with such all encompassing wording as has been proposed. It is understood that HB 290 has been generated in part by the desire to provide relief from expensive survey requirements experienced in certain parts of the State. There can be no doubt that this is a legitimate concern and adjustment should be made under such circumstances. However, problems such as this do not support the magnitude of the effect of HB 290. They are local problems, isolated in instance, and can be handled on the local level by the appropriate platting authority.

The means to remedy these problem situations presently exists in both State and local legislative enactments. Furthermore, most, if not all, local platting authorities in the State already recognize the problems and act accordingly.

AS 40.15.110 (Waiver in certain case) provides that:

"The platting authority may in individual cases waive the preparation, submission for approval and recording of a plat upon satisfactory evidence that a conveyance of part of a larger tract is not made for the purpose of, or in connection with, a present or projected subdivision development, and constitutes an isolated transaction which doesn't fall within the general intent of this chapter, and that no dedication of a street, alley, thoroughfare, park, or other public area is involved or required."

This provision is quite useful and has been used in many instances throughout the State.

Even more useful in assisting the public in subdividing property where unreasonable survey costs or special considerations exist are the exception provisions contained in most subdivision ordinances. Generally, these provisions provide that the platting authority (planning commission) may grant exceptions to any requirements set forth in a subdivision ordinance provided: Special circumstances or conditions affect the property; the exception is necessary for the preservation and enjoyment of a substantial property right; and the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.

In conclusion, it is the PAA's position that the passage of HB 290 would be an unnecessary pre-emption by the State of one of the most important powers of local government; that local

government has the power and means through existing state and local legislation to resolve their own subdivision problems, and should be allowed to continue to do so; and, finally, that the problems and concomitant taxpayer costs which would result from the passage of HB 290 far outweigh any benefits HB 290 might offer. As such, if the State of Alaska is to grow in a rational manner and avoid expenditures in the solution of unnecessary problems, HB 290 must be defeated.

Contributors

Ralph Darbyshire, Planning Director, Kenai Peninsula Borough
Tom Graham, Planning Director, Matanuska-Susitna Borough
Billy Berrier, City Attorney, City and Borough of Juneau
Mike Gallagher, President, Planning Association of Alaska

MEMORANDUM

State of Alaska
OFFICE OF THE GOVERNOR

RE: HB 290
FJB

TO: The Honorable Barry W. Jackson, Chairman
House Judiciary Committee
Alaska State House of Representatives

DATE: April 7, 1970

FROM: Sigvald J. Strandberg
Acting Director
Local Affairs Agency

SUBJECT: House Bill No. 740

Mrs. Mason, Secretary to your committee, recently advised the agency of your interest in the agency's analysis of House Bill No. 740. It is my understanding that this bill has been moved out of your committee with a majority signing "No Recommendation."

House Bill No. 740 amends AS 40.15.190(2) to allow a limited amount of land subdivision to be accomplished without subjection to the control of a local government platting authority. This proposed amendment would enable a land owner to divide a piece of property into four or fewer parcels, each of which is required to be five or more acres in size, without the approval of the platting authority. The bill provides that such parcels must be amenable to aliquot parts description.

Apparently the primary purpose of House Bill No. 740 is to relax local subdivision control in order to permit property owners of a municipality to perform a limited amount of subdivision without having to comply with that municipality's subdivision regulations. In addition, exemption from compliance with local subdivision regulations to the extent afforded in House Bill No. 740 would afford the land owner with the opportunity to avoid engineering and surveying expenses through the use of aliquot parts method of property description.

It is the opinion of the agency, after having reviewed House Bill No. 740 and a similar measure in the Senate (Senate Bill No. 164), that the current definition of subdivision as expressed in AS 40.15.190(2) should be retained in the statutes. Control of subdivision by city and borough platting authorities is an extremely important tool in regulating the land usages and general patterns of community development. Exemption from compliance from local subdivision ordinances, even to the extent proposed in House Bill No. 740, introduces a potential for disorderly patterns of land use and attendant future problems in the location of roads and public utilities. Even though House Bill No. 740 provides that the land which is to be divided into four or fewer tracts must have access to a public highway or street, this is not adequate assurance that such land division will harmonize with established land use patterns. Aliquot parts division tends to minimize rights-of-way difficulties as does restriction of the size of the divided parcels to units of five acres or more. However, the salient objections would still exist: establishment of land use patterns not in concert with the overall principles set forth in a Comprehensive Community Development Plan, loss of control of population densities, future difficulties in integrating road networks and utility extensions and future engineering problems with respect to varying topographies.

MEMO TO:
The Honorable Barry W. Jackson

April 7, 1970
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In light of the above potential difficulties, it is our opinion that local planning, platting, and zoning authorities should continue to have the same subdivision authority as they now are accorded under the definition of subdivision contained in AS 40.15.190.

I am attaching the comments of the Greater Anchorage Area Borough Planning and Zoning Commission relative to their opposition to House Bill No. 740.

SJS:lk

Attachments

FORM SA-2
100M 6-66

STATE OF ALAS
Inter-Department Route Slip

TO:
DEPT.: House of Representatives
ATTN.: Mike Miller

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks: The attached draft of
subdivision guidelines which
the agency is having prepared.
You may find it of use in "holding
on to " the Bill proposing redefinition
of the word subdivision.

From: Local Affairs Agency Date 4/7/71
Dept.: Sig Strandberg

Draft
Text only

DESIGN OF SUBDIVISIONS

SOME BASIC RULES

**Prepared by the
Alaska State Housing Authority
Planning and Technical Department**

in cooperation with

The Local Affairs Agency

Office of the Governor

**William A. Egan
Governor**

State of Alaska

December, 1970

The preparation of this report was financed in part through a comprehensive planning grant from the Department of Housing and Urban Development.

The State of the Art INTRODUCTION

The pattern of land divisions created when a subdivision is finalized and recorded influences the quality of the environment for literally hundreds of years. Once land is sold and divided among separate owners, the basic pattern of the subdivision is rarely changed. This pattern, in turn, shapes people's lives, affecting contact and communication among neighbors, the safety of children, traffic conditions, community appearance, as well as the cost and effectiveness of public utilities and services. The series of effects created by land subdivision reaches far beyond the initial subdivider or developer, influencing the welfare of the community in obvious and subtle ways for an indefinite length of time.

Over the years, concepts of subdivision design have been evolving radically. Initial patterns of townships and sections created under the federal Homestead Act in the 19th century were founded on the simple principle that the easiest way to divide land is by using straight lines. This system of land division begins with townships and ranges measured from meridians. Each township is divided into thirty-six (36) square miles which are called sections. Sections, in turn, are broken down into squares and rectangular chunks which in the midwest are called "forties" and "eighties", referring to their acreages, and creating what, from the air, looks like a giant checkerboard design. This system is carried further and further, and in some areas, subdivision plats are not required for anything which can be described by aliquot parts, even down to one and a quarter acres.

Such a pattern has utility in a flat agricultural area, but it is poorly suited as a means of subdividing uneven terrain or land which is used for residential purposes. When a rigidly rectangular pattern such as the township system is superimposed on uneven land, roads are often forced to run up and down hills, making them too steep to be passable; streams and lakes are subdivided and sold rather than preserved as public recreation areas; natural drainage patterns are ignored and land is often wasted or poorly used. But in the early days, square subdividing was readily accepted because it simplified the process of land survey and description. It was a game that anybody could play. It enabled a rapid division and disposal of land, but the less direct costs of this method of subdivision will be with us for many years.

We have come a long way from those early days. We've learned that structures and roads should be located to accord with the slope of the land, the drainage, the way the sun hits and the wind blows. We have learned that man is affected by his environment. His senses notice whether it is attractive, pleasant, and convenient, whether it is noisy or quiet. He objects to dodging cars at intersections placed too close together.

Subdivisions which are designed with the comfort and convenience of their residents as a prime consideration are a relatively new phenomenon, but a great many good examples of successful subdivisions are now available. When the convenience and comfort of the resident is the prime consideration, the subdivider must abandon adherence to straight lines. Often such subdivisions cost more initially in terms of surveyors' time and engineers' calculations. They do pay off later, however, in the attractiveness, safety and convenience of the residential community. The public saves money if the placement of the utilities is considered ahead of time; if drainage easements are provided; and if the pattern of lots and roads is designed to provide adequate access with a minimum amount of land devoted to roads, which over the long run, require public funds for paving and maintenance.

Clearly, present and future generations have a large stake in the quality of today's subdivisions. In recognition of this fact, Alaska's laws give cities and boroughs the power of subdivision regulation. Under this power, municipalities have the right to require changes and to approve or disapprove subdivisions for recording. A copy of this State legislation is attached as Appendix II of this report.

The guidelines contained in this report are designed to assist communities and their engineers in designing subdivisions which will be attractive and pleasant far into the future. Too often in subdividing, we look for immediate savings and financial gain and forget about the accumulated costs of poor subdivision design on future generations. The mistakes of the past subdivision are evident in most of our Alaskan communities, but new and improved methods are available. We don't have to repeat the same mistakes.

Design of Subdivisions

Some Basic Rules

1. Avoid a grid-iron pattern.

On flat land, where commercial development is contemplated, a grid system works well, provided the blocks are large enough. But for residential areas a grid is an extremely poor design. This pattern is wasteful of land, monotonous and dangerous. Every street has the potential of being a through street and every intersection a collision corner. On flat land a more interesting living area can be developed by the introduction of curves and cul-de-sacs. On land with varied topography, grid patterns are especially bad because they ignore the visual advantages which gradual grade changes can lend to the neighborhood.

2. Avoid double access.

No lot needs more than one access street. Double access is wasteful of land and improvements. (Alleys should be provided only in commercial areas.)

Exception:

Residential lots can back up on a collector street provided no access from the lot is permitted to such street, and provided screening is required. Lots backing on the collector should be deeper to allow for screening (trees, hedges, bushes, fences, etc.).

3. Conserve land.

Devote as little acreage as is reasonably possible to streets. Excessive street area is wasteful of land and adds unnecessary expense to street maintenance, utility installation and paving. (Even in small communities, paving will be done eventually.)

4. Accommodate the contours.

Where the terrain is steep, roads should cut across contour lines obliquely. Street grades should not exceed 6% ideally, but in no case should they exceed 12%. 6% is a six foot rise in 100 feet of travel. 12% is a twelve foot rise in 100 feet of travel.

5. Avoid mixing curves and hills.

Curved roads on hills are dangerous and the designer should avoid the combination of horizontal and vertical curves. Where this is not possible, cut and fill to flatten the hills where a curve is necessary, and make the curve as gradual as possible.

6. Design a residential subdivision to be uninviting to through traffic.

Every subdivision should have an easy-flowing collector, but it should not provide a direct nor easy short cut for other outside traffic. It should be possible to get through the subdivision, but the route should not be too easy. The collector streets should not have sharp corners nor abrupt curves.

7. Design 3-way or "T" intersections. Avoid 4-way intersections.

The major street should form the top of the "T" with the minor street being the upright of the "T".

Design to avoid cross-traffic. Four-way intersections have been found to have 18 times the accidents of 3-way intersections.

8. Design intersections a safe distance apart.

Where minor streets enter from opposite sides of the major street the intersections should be as far apart as reasonably possible. At least 150' center to center is a good rule of thumb.

9. Provide traffic control where collectors must cross.

Major intersections should be as few as possible. Where it is necessary that collectors cross, a 4-way, perpendicular, controlled intersection is best.

10. Avoid oblique intersections.

Where streets meet, the intersections should be as close to right angles as is possible, but never more than 20° from perpendicular. "Y" intersections should be avoided. It should be clear at all times from all directions, which street is the major street. It should be the one that is straight with the minor one entering at a right angle.

11. Avoid blind intersections.

As much as possible, in hilly terrain, provide sight distances at intersections great enough to avoid accidents.

12. Avoid entering a major street on a curve.

To the extent possible, intersections should occur at a straight portion of the major street. The minor street as well should be at right angles and straight for at least 100 feet. (If the minor street moves into a large radius curve of 300' or more, the straight portion of road at the intersection can be reduced somewhat.)

13. Avoid "broken-back" curves.

Two curves in the same direction separated by a short tangent could better be developed as a single curve. Broken curves are awkward to drive, and they look awkward.

14. Avoid sharp "S" curves.

Sharp curves in opposite directions should be separated by tangents of 100 feet or more. Gentle curves, joined without tangents are better.

15. Think about snow.

In flat windy country, streets can be oriented so that the wind serves to clean the snow from the streets. In areas where over 18 inches of snow commonly accumulates on the ground, the right-of-way widths should be wide enough to accommodate the snow berms that develop when the streets are plowed.

16. Avoid overly wide streets.

Street rights-of-way should be only as wide as absolutely necessary. Parking should be off-street.

Collector street rights-of-way can be 60 to 80 feet wide. This should not be all devoted to road bed however. Residential streets need not be more than 50 feet. In some cases, such as cul-de-sacs, 40 feet is sufficient.

17. Design cul-de-sacs, the safest of all residential streets.

Some authorities say cul-de-sacs should not be over 600 feet long; but longer ones, up to 1000 feet, are permissible. Lot frontage on the turn-around can be increased by a large radius. A diameter larger than 90 feet can have a park/planter area in the center. The turn-around can be one-way and the driving lane quite narrow.

Cul-de-sacs need not all end in symmetrical circular drives. They can be oval or square and sometimes off-set to one side or the other depending on circumstances.

Snow removal may be initially more difficult, but you are designing for people, not machines. A poorly designed subdivision is sometimes around for hundreds of years. Technology conceivably can develop a more versatile snow plow, if necessary.

18. Avoid excessively large and excessively small lots.

If utility installation is years away, lots will have to be large enough to accommodate private water and sewerage facilities. Where public utilities are available, small lots can accommodate more people, while at the same time avoiding waste from excessively long utility runs.

Generally speaking it is better to subdivide with utility installation in mind; and where utilities are not installed, to develop only every other lot. A good minimum lot size would be 6,000 square feet.

19. Design well proportioned lots.

A lot should generally be about two-thirds as wide as it is deep. On a narrow street, provide slightly deeper lots so that houses can be set back farther without sacrifice of a rear yard. Corner lots should be large enough to allow set-backs from both streets. Where shallow lots are necessary, they should be wider. Depth should not fall below 85 feet.

20. Vary lot sizes.

More interesting neighborhoods result from variety in lot size. Accommodate individual differences and allow for freedom of choice.

21. Design side lot lines to be perpendicular to streets.

Lot lines need not be parallel, but they should be perpendicular to streets. On curved streets, the side lines should be radial to the curve.

22. Design curvilinear streets.

Though curves are harder to survey, the resulting subdivision is much more interesting, more livable, and will maintain the value as a good neighborhood for a much longer period of time. Initial investment in a well designed subdivision will pay for itself many times over.

23. Remember to provide drainage.

Storm water must drain away from the houses. Anticipate a suitable path and avoid puddles and water traps. Provide drainage swales to carry the runoff and include drainage easements in the subdivision design, if the grade of the land indicates they are needed.

24. Keep in mind utility lines, including telephone and electric lines.

Provide easements along rear lot lines, extending to the streets at logical spots. They need not be perfectly straight, but avoid 90° off-sets as much as possible.

25. Provide large radius corners on blocks. (15' to 25' radii)

The narrower the street, the larger the radius should be on the property corners. Large radii facilitate the exiting of traffic from the collector into the minor street.

26. Accommodate major highways.

In cases where the route of a major State or Federal highway is known but not firmly established, subdivisions should be designed to allow ample undeveloped buffer space between the future highway and between the houses in the subdivision. Lots backing up to the highway should have extra depth and right-of-way should be wide enough to include a buffer zone. Through these measures homes can be protected from the noise and pollution of heavy highway traffic.

27. Design for convenient access.

Make it easy for people to travel to the main points of traffic generation.

28. Provide public areas.

In large subdivisions provide public areas for schools, parks or community centers.

Alaska Society of Professional Land Surveyors



ANCHORAGE, ALASKA 99501

Stephen D. Brown, Jr., L.S.
Secretary
723 W. 6th Ave.
Anchorage, Alaska 99501
272-5451

February 28, 1972

The Honorable Mike Miller
Chairman
Local Government Committee
House of Representatives
Box 1494
Juneau, Alaska 99801

Re: House Bill No. 290

Dear Representative Miller,

At the annual meeting of the Alaska Society of Professional Land Surveyors this last February 1st, both the Board of Directors and the society membership voted overwhelmingly to again oppose House Bill No. 290, An Act Redefining the Term "Subdivision".

The various reasons for objection by our membership is well summarized by the position paper being presented to your committee by the Planning Association of Alaska. Our membership, by the way, represents Land Surveyors in government at Municipal, Borough and State level as well as those in private practice.

In conclusion, we solicit your opposition to this bill while it is in your committee and again if the bill reaches the floor of the House.

If you have any questions or need additional information from our society, please call.

Very truly yours,

A handwritten signature in cursive script that reads "John Herring". The signature is written in dark ink and is positioned above the typed name and address.

John Herring, L.S. - President
Alaska Society of Professional Land Surveyors
740 I Street
Anchorage, Alaska 99501
279-0543

THE CITY AND BOROUGH OF JUNEAU
CAPITAL OF ALASKA

May 3, 1971

MEMORANDUM

TO: Don Berry, Executive Director
Alaska Municipal League

FROM: Billy G. Berrier, Attorney
City and Borough of Juneau

RE: Definition of subdivision as contained in House Bill 290

The purpose of subdivision regulation is to promote orderly and planned growth of undeveloped areas within a municipality, both physically and economically. The haphazard development of subdivisions creates and accentuates municipal problems relating to a demand for streets, water, and sanitary services that have a direct relation to traffic safety and public health. The most direct impact is on the purchaser of improperly subdivided land, since he directly suffers from inadequate access or access which creates a traffic safety hazard, from lack of acceptable provision of utilities, from arbitrary lot alignments because of arbitrary descriptions that conform only to a map not to the ground and from the frequent conveyancing errors which inevitably arise in the absence of meaningful regulations.

The redefinition of subdivision as contained in House Bill 290 is destructive of all the values both to the public and to the purchasers which platting regulations serve.

The chief defect of the Bill is inherent in the approach taken by redefining subdivision. To put it simply, if a division of land is not a subdivision within the meaning of the Act, there is no requirement that the platting authority be informed so that it may determine whether the requirements of the exemption have been complied with. In effect, this means that whatever restrictions are written into such an exemption from subdivision are unenforceable as a practical matter. The purchaser has no reasonable methods of determining, for example, whether the Deed he is to receive is the first, the third, or the twenty-fifth subdivision of a given parcel of land. Since the conveyances come to the attention of the platting authority, if at all, only after a very substantial time lapse when they are picked up on the Assessor's records, the platting authority has no method of enforcing compliance other than a slap on the wrist fine to the subdivider or the Draconian remedy of voiding all conveyances long after the transaction has taken place, the consideration been paid, and in many instances, the property actually improved.

Mr. Don Berry

May 3, 1971

Page 2

As to the merits of the limitations of the exemption contained in the Bill, each of the limitations has substantial defects. As pointed out, where there is no central reviewing authority, it is virtually impossible to tell whether a given subdivision falls within the limitation of four or fewer parcels taken from the same original tract. Unwary sellers themselves frequently fall into the trap of subdividing over a period of time into more than four parcels.

The provision that access to a public highway or street or provision for street and utility easements must be made totally ignores the public's interest and the purchaser's interest in streets laid out in such a pattern and in such width that reasonable traffic safety may be obtained. Any easement, regardless of its adequacy, which is labeled "for street and utility purposes" complies with the requirement for exemption.

The phrase in the Bill, "... can be described by aliquot parts description ..." is totally meaningless as a limitation. Any given one-foot by one-foot piece of land which lies within the government system of rectangular surveys, U. S. surveys, mineral surveys, previously platted lots, or any other previously recorded subdivision of land can be described with an aliquot parts description. Although the most frequent fractions used in aliquot parts descriptions are quarters and halves, there is no implication within the term "aliquot parts" that these are the only fractions usable. Thirds, tenths, and fifths, are frequently used and any other fraction which may be usable to arrive at the parcel of land desired would be permissible.

Adoption of this definition could only injure the public interest in traffic safety and health, place an unsophisticated purchaser in situations both expensive and hazardous to overcome, lead an unwary seller into traps, and give the subdivider whose only interest is to dispose of land regardless of consequences, a substantial financial advantage over a subdivider who is concerned with developing land to best utilize its topography with due regard to traffic, lot sizes, street layouts, and the other essentials of a good subdivision. It strongly encourages what is probably the worst form of land subdivision, that is, haphazard, random sales of lots located within a larger parcel simply as buyers become available, with no thought for orderly development of the parcel.

As I have suggested earlier, the objections raised to the current subdivision statute can be met by rewriting the waiver section. The advantage of this approach is that the platting authority is in a position to deny waivers which do not comply with the limitations set out in the exemption from

Mr. Don Berry

May 3, 1971

Page 3

full platting and in many instances to aid the subdivider by suggestions and information concerning projected street layouts, zoning controls, and other matters.

The time element in requiring review by the platting board exists, of course, but the plain fact is that land transactions involving division of an existing parcel of property very seldom, if ever, have such stringent time limitations that this review would be unduly burdensome.

BGB/pk

THE CITY AND BOROUGH OF JUNEAU
CAPITAL OF ALASKA

March 24, 1971

The Honorable Jalmer M. Kerttula
Chairman
House Commerce Committee
Alaska State House of Representatives
Pouch "V" State Capitol Building
Juneau, Alaska 99801

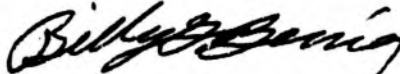
Dear Representative Kerttula:

As you have requested we have prepared a suggested revision of the waiver provision of AS 40.15.110 to accomplish what appears to be the objective of the supporters of HB290.

This suggestion has been discussed with our planning staff who do not find mandatory waivers under the conditions as set out objectionable. The following permissive waivers in other instances is required so that platting will not be necessary in certain circumstances, for example: correcting or straightening lot lines, where a requirement of platting would not bear a relationship to good subdivision control.

This has not been submitted to any other municipality or their planning staff. We are therefore not able to say what the reaction would be.

Very truly yours,



Billy G. Berrier
City-Borough Attorney

BGB/llb

Enclosure

118 290

FAIRBANKS NORTH STAR BOROUGH

Box 1267, Fairbanks, Alaska 99701

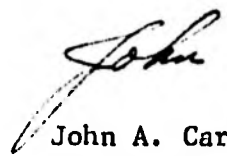
February 3, 1972

Mr. Don Berry
Director
Alaska Municipal League
Municipal League Building
204 Franklin Street
Juneau, Alaska 99801

Dear Don:

Just a brief comment on House Bill #290 - Land Subdivision. The Fairbanks North Star Borough Assembly, in its packet of legislative priorities which will be submitted to our area legislators shortly, opposes House Bill #290 as presently written and recommends that it be amended to include a minimum size for parcels, tracts or lots. In discussions with the Borough Planning Director, I have been informed that the Planning Association of Alaska will be there to testify and that our Planning Commission has passed a resolution supporting the PAA position.

Very truly yours,



John A. Carlson
Borough Chairman

JAC:rlf

FAIRBANKS NORTH STAR BOROUGH

Box 1267, Fairbanks, Alaska 99701

March 25, 1971

Mr. Don Berry
Executive Director
Alaska Municipal League
210 Admiral Way
Juneau, Alaska 99801


Dear Don:

This is in response to your Bulletin No. 71-14. I would like to make the following comments on the two proposed bills.

House Bill No. 240. Dedication of park or open space is commendable; however, consideration should also be given to the availability of land for future school site. We have found that rapidly developing subdivisions generate enough students to demand a school, and it would be wise to consider this at the initial development stage.

House Bill No. 290. I can foresee some problems in allowing subdivision of property as provided in this bill. Past experience indicates that lack of notification of land sales to the Assessing office creates problems in record keeping and billing, problems which sometimes take years to straighten out. We found that people neglect to record deeds and, for some reason or other, it invariably happens more frequently with this type of land division than when property is subdivided by due process. Also, the lack of provisions for streets and utility easements would not become evident until the deeds were recorded and at that time, who would be responsible to check this and take corrective action? Quite often we find that property buyers are not completely familiar with the laws and consequently would not be alert to the need for easement or access requirement provisions. For proper development of any area, we need clear and precise subdivision requirements.

Very truly yours,


John A. Carlson
Chairman

JAC/gml

cc: Representative John Holm
Representative John Huber
Representative Eugene Miller

January 31, 1972

Don Berry, Executive Director
Alaska Municipal League
204 Franklin Street
Juneau, Alaska

Dear Don:

Please be advised that the City and Borough of Sitka oppose HB 290, Land Subdivisions. This municipality has gone to a great expense to find out who owns what, where.

It is our belief that subdividing a lot under whatever they wish to call it should come before the Planning and Zoning Commission in order that our comprehensive plan be upheld.

If HB 290 were allowed to pass, it would exclude it from the provision of Sec. 40.15.010 through Sec. 40.15.180 inclusive. This would certainly put the burden on the communities and especially the assessor. Perhaps some communities favor the bill; if so, let the Commerce Committee amend the bill to make it permissive instead of mandatory legislation.

Sincerely,

Fernn Gutierrez,
Acting Administrator

FG:mb

cc: Senator Meland
Representative Flynn ✓



GREATER ANCHORAGE AREA BOROUGH

3500 TUDOR ROAD
POUCH 6-650
ANCHORAGE, ALASKA 99502

PLANNING DEPARTMENT

February 4, 1972

Gentlemen:

As the Greater Anchorage Area Borough Planning and Zoning Commission will not have personal representation at the February 10th Local Government Committee public hearing on HB 290, through this letter and attached Planning and Zoning Commission Resolution No. 17-72, we urge you to oppose passage of House Bill 290.

Thank you for your assistance and consideration.

Sincerely,

Errol R. Simmons, Chairman
GREATER ANCHORAGE AREA BOROUGH
PLANNING AND ZONING COMMISSION

ERS:PC:vc

GREATER ANCHORAGE AREA BOROUGH

PLANNING AND ZONING COMMISSION RESOLUTION NO. 17-72

RESOLUTION OPPOSING PASSAGE OF HOUSE BILL NO. 290

WHEREAS, subdivision control is necessary to promote the public health, safety and general welfare, and

WHEREAS, the orderly planned growth of areas within a municipality is best promoted through statutes regulating land subdivision, and

WHEREAS, the development of subdivision has a profound effect on the growth of a community through the installation of streets, utilities, parks and other open spaces, and through the changes that the said development occasions in the pattern of population density, and

WHEREAS, AS 40.15.190 (2) which describes the meaning of subdivision is at present inadequate and should not be further weakened, and

WHEREAS, the Greater Anchorage Area Borough would be grievously damaged if the responsibility and duty of providing public protection through duly enacted subdivision regulations was to be removed from the public control, and

WHEREAS, the Greater Anchorage Area Borough Assembly and the Greater Anchorage Area Borough Planning and Zoning Commission have passed and approved Resolutions urging the State Legislature to amend AS 40.15.190 (2) to eliminate the ambiguities existing in the statutory reference to the definition of subdivision.


NOW, THEREFORE, BE IT RESOLVED by the Greater Anchorage Area Borough Planning and Zoning Commission, sitting as the Greater Anchorage Area Platting Board, that this body go on record as being inalterably opposed to the passage of House Bill No. 290, currently before the Seventh Legislature, Second Session, in the Legislature of the State of Alaska.

BE IT FURTHER RESOLVED that the true and correct copies of this resolution be forthwith addressed to the Borough Assembly, the Borough Chairman and the Borough Attorney of the Greater Anchorage Area Borough, the Chairman of the Local Government Committees of the Alaska House and Alaska Senate and other interested parties.

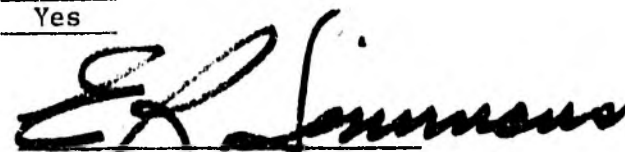
PASSED AND ADOPTED this 2nd day of February, 1972, by the Greater Anchorage Area Borough Planning and Zoning Commission.

Recorded Vote:

Crow	<u>Yes</u>
Evans	<u>Yes</u>
Gay	<u>Yes</u>
Kallenberg	<u>Yes</u>
Matthews	<u>Yes</u>
Simmons	<u>Yes</u>
Sturgulewski	<u>Yes</u>
Wiley	<u>Yes</u>



 William H. Beaty
 Acting Secretary



 Errol R. Simmons
 Chairman

GREATER ANCHORAGE AREA BOROUGH, ALASKA

RESOLUTION NO. R89-71(J)

A RESOLUTION SUPPORTING LEGISLATION PREPARED BY THE
GREATER ANCHORAGE AREA BOROUGH ADMINISTRATION

WHEREAS, the Greater Anchorage Area Borough Assembly has reviewed certain suggested legislation; and

WHEREAS, that legislation cited in this Resolution is found of great interest and significant importance to the citizens of this community; and

WHEREAS, we the elected officials of the Greater Anchorage Area Borough feel that an indication of the individual and collective opinions of this body may be of assistance to the Legislature, it is therefore

RESOLVED that the Greater Anchorage Area Borough Assembly approves and supports in essentially its current form item 7(a) of the Legislative Program offered by the Borough Administration, which item is titled Clarification of Definition of Subdivision.

PASSED AND APPROVED by the Greater Anchorage Area Borough Assembly this 24th day of January, 1972

Recorded Vote:	Garrigues	<u>Aye</u>
	Marsh	<u>Aye</u>
	Campbell	<u>Aye</u>
	Graham	<u>Nay</u>
	Lang	<u>Aye</u>
	Leonard	<u>Nay</u>
	Norene	<u>Aye</u>
	Parker	<u>Aye</u>
	Rose	<u>Aye</u>
	Silberer	<u>Aye</u>
	Willis	<u>Aye</u>

1st James M. Garrigues
Presiding Officer

Resolution No. R89-71(J)
Page 2

ATTEST:

Mary Nettleton
Borough Clerk

APPROVED this 31st day of January, 1972

John M. Applen
Borough Chairman

CLARIFICATION OF DEFINITION OF SUBDIVISION

To eliminate ambiguity in the existing Statutes, we recommend deletion of the emphasized phrase from the definition of subdivision in AS 40.15.190 (2):

"Subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions FOR THE PURPOSES WHETHER IMMEDIATE OR FUTURE, OF SALE OR BUILDING DEVELOPMENT, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided.

GREATER ANCHORAGE AREA BOROUGH

PLANNING AND ZONING COMMISSION RESOLUTION NO. 9-71

A RESOLUTION URGING AMENDMENT OF AS 40.15.190(2) TO ELIMINATE CERTAIN AMBIGUITIES
IN THE EXISTING STATUTE-REFERENCE TO THE DEFINITION OF SUBDIVISION

WHEREAS, the existing wording of AS 40.15.190(2) as it relates to definition of the word "subdivision" is to a certain extent ambiguous and,

WHEREAS, said ambiguity has from time to time caused serious problems for local platting authorities due to the various and different interpretations of the intent of the present definition, and

WHEREAS, it is the opinion of the Greater Anchorage Area Borough Planning Commission that said ambiguity can and should be clarified,

NOW, THEREFORE, BE IT RESOLVED that the Greater Anchorage Area Borough Planning Commission urges the Seventh State Legislature of the State of Alaska to amend AS 40.15.190(2) to read as follows:

"Subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose of sale, lease, conveyance, or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or areas to be subdivided.

PASSED AND APPROVED by the Greater Anchorage Area Borough Planning and Zoning Commission this 3rd day of February, 1971.

S/ Vernon R. Wiggins,
Vernon R. Wiggins, Secretary

S/ Arliss Sturgulewski
Arliss Sturgulewski, Chairman

Introduced:
Referred:

IN THE _____

BY _____

_____ BILL NO. _____

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to clarification of the definition of subdivisions."

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

* Section 1. AS 40.15.190 (2) is amended to read:

(2) "subdivision" means 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, conveyance or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or areas to be subdivided.

* Section 2. Effective date.

GREATER ANCHORAGE AREA BOROUGH

PLANNING AND ZONING COMMISSION RESOLUTION NO. 27 - 72

A RESOLUTION REAFFIRMING THE OPPOSITION OF THE GREATER ANCHORAGE AREA
BOROUGH PLANNING COMMISSION TO H.B. 290

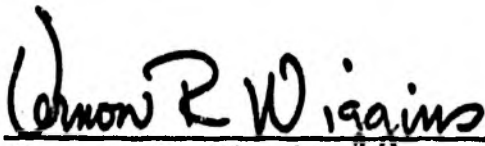
WHEREAS, legislation known as House Bill Number 290 has been introduced to the Alaska State Legislature, and

WHEREAS, said legislator, by changing the definition of "subdivision" would seriously weaken the ability of local planning commissions, sitting as platting authorities, to guide and control the subdivision of land areas within their jurisdiction, and

WHEREAS, said legislation is not, in the opinion of this commission, in the best interest of the people of the Anchorage community and in general not in the best interest of all the people in the State of Alaska.

NOW, THEREFORE, BE IT RESOLVED, that the Greater Anchorage Area Borough Planning Commission hereby reaffirms its opposition to House Bill No. 290 and urges the Alaska State Legislature not to pass House Bill No. 290.

⁵
PASSED AND APPROVED by the Greater Anchorage Area Borough Planning Commission this 1st day of March, 1972.



Vernon R. Wiggins
Secretary



Arliss Sturgulewski
Chairman



International
Polar air crossroads of the world

CITY OF
ANCHORAGE



ALASKA

January 24, 1972

POST OFFICE BOX 400
ANCHORAGE, ALASKA
99501

Mr. Don Berry, Executive Director
Alaska Municipal League
204 Franklin
Juneau, Alaska 99801

Dear Don:

Re: House Bill 290, relating to Land Subdivision

This bill is one of the worst pieces of legislation I have ever seen. As you well know, Don, last year the City of Anchorage and Greater Anchorage Area Borough violently opposed this same proposition.

I can't understand how anyone could give serious consideration to this type of legislation. The subject bill would enable a person to subdivide and sell real property without surveys or plats and would eliminate the subdivision control of the Cities and Borough Planning Commissions throughout the State.

The "four or less" rule contained in this proposal could be carried out indefinitely with countless variations at the pleasure of the subdivider with NO consideration as to easements, rights-of-way, etc. necessary for proper planning and development.

I believe this is the fourth year that we have been faced with this same proposition.

Once again the City of Anchorage would like to go on record as being completely opposed to this bill and all that it implies.

If further assistance is needed, please call me.

Yours very truly,


Robert E. Sharp
City Manager

RES:hh

cc: City Attorney
Director, Public Works



AIRMAIL IS FASTER



International

Polar air crossroads of the world

**CITY OF
ANCHORAGE**



ALASKA

POST OFFICE BOX 400
ANCHORAGE, ALASKA
99501

March 23, 1971

Mr. Don Berry, Executive Director
Alaska Municipal League
210 Admiral Way
Juneau, Alaska 99801

Dear Don:

RE: House Bill No. 290, relating to Land Subdivision

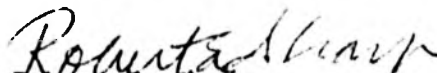
The City of Anchorage is opposed to passage of House Bill No. 290.

I am enclosing a copy of a memorandum, dated March 19, 1971, to the Director of Public Works from the City Surveyor, City of Anchorage. This memorandum explains that, under House Bill No. 290, there would be almost complete loss of subdivision control which is necessary in the public interest.

We therefore urge that the League oppose this bill.

If further assistance is needed, please call me.

Sincerely yours,


Robert E. Sharp
City Manager

RES:f

Enclosure: a/s

cc: Chairman, Greater Anchorage Area Borough



AIRMAIL IS FASTER

City of Anchorage

MEMORANDUM

TO: Director of Public Works

DATE: March 19, 1971

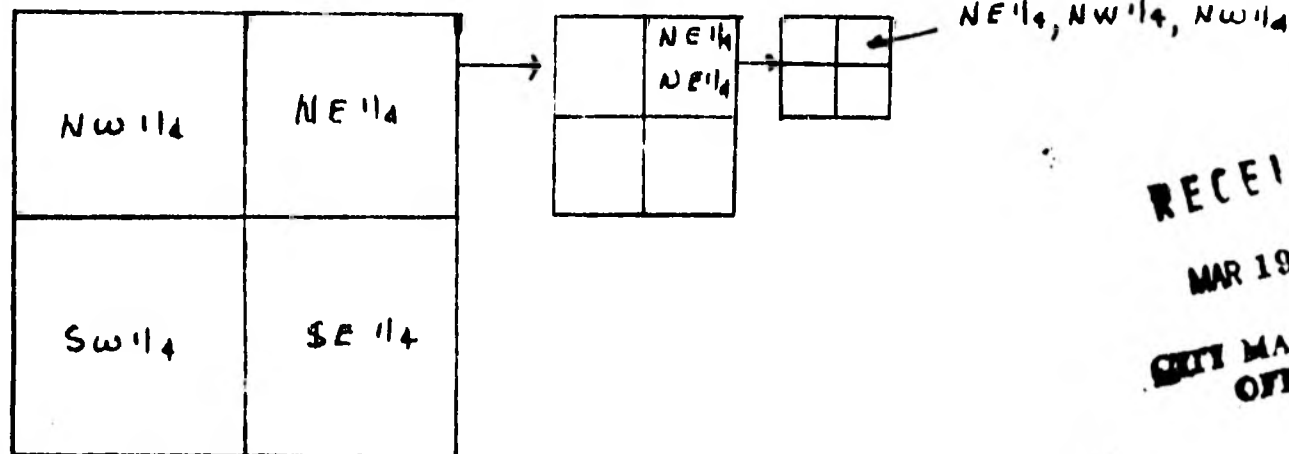
FROM: City Surveyor

SUBJECT: House Bill No. 290

The subject bill will enable a person to sell portions of his property without surveys or plats and would virtually eliminate the subdivision control of cities and borough planning commissions throughout the State.

By changing the "definition" of subdivision as per H.B. 290 a seller or his agent can divide his property into four or less parts and describe them by aliquot parts without any restrictions or control by any governmental agency, also it would leave the determination of what easements etc. to the sellers discretion without consulting or review of the requiring agencies of government.

Example -



RECEIVED
MAR 19 1971
CITY MANAGER'S
OFFICE

As you can see from the above the rule of "four or less" parcels can be carried out indefinitely.

The above is only an example, there could be countless variations such as 1/3 or 1/8 or 1/16 or the east 50 feet of the NW 1/4 of the E 1/3 etc. and could be applied to existing subdivisions, as well as sectionalized lands. In the end we would have complete breakdown and chaos in land subdivision in all developed areas in Alaska.

As a final comment, the subject bill is sponsored by the Board of Realtors and has been introduced in each session for the last three years and as far as I know, the Borough, City, Professional Land Surveyors, Engineers, and Local Engineering Firms have indicated that this bill does not serve the best interests of the people of Alaska in any way.



A.W. Lahnum
City Surveyor

AWL/bmm



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

September 17, 1971

Mr. Don M. Berry
Executive Director
Alaska Municipal League
210 Admiral Way
Municipal Building
Juneau, Alaska 99801

Dear Mr. Berry:

I wish to thank you for the invitation to participate in the 21st annual Local Government Conference in October. I would be happy to contribute whatever I can.

I understand the rest of the Planning Commission received the materials you sent me and we will discuss House Bill 290 and the comments of the Juneau City and Borough Attorney, Billy G. Berrier at the next Planning Commission meeting on September 21. My own opinions have already been formulated and I concur with Mr. Berrier.

I am also furnishing Mr. Lawrence H. Kimball, Ketchikan Gateway Borough Planning Director, with a copy of the memorandum. Mr. Kimball is a professional planner and I am sure his comments will be most valuable. (I believe you may have previously corresponded with Mr. Kimball regarding HB 290).

I am looking forward to the conference and to meeting with you again.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'W. E. Fisher', is written over the typed name.

W. E. Fisher, Chairman
Planning and Zoning Commission

cc: Borough Chairman
Planning Director



Matanuska-Susitna Borough, Inc.

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

PLANNING-ZONING COMMISSION

January 12, 1972

The Honorable Mike Miller
Chairman
Local Government Committee
House of Representatives
Box 1494
Juneau, Alaska 99801

Re: House Bill No. 290

Dear Mr. Miller:

The proposed House Bill 290, which would waive review of small subdivisions, is in direct conflict with the trend toward more efficient development of the Matanuska-Susitna Borough. The bill was initiated in this borough specifically to accommodate one individual in attempts to circumvent subdivision regulations and platting procedures. There seems to be little support for the concept of this bill locally.

The Borough presently finds itself in the midst of a speculative boom in paper plats. Spotty settlement is taking place, creating demands for far-flung services and utilities which will be nearly impossible to provide. No reasonable collector road system emerges from a composite of the plats being recorded. A large volume of trade in unbuildable lots is resulting in an increasingly unstable tax base.

Developers are providing almost no public improvements, leaving such things as road construction and drainage to unsuspecting purchasers. The responsibility for these improvements will eventually fall upon the local government. Meanwhile, many properties are being foreclosed and permanently removed from the tax rolls.

The Borough, in an attempt to reverse this trend of unwieldy development, has established a planning department, charged with the duty of implementing the comprehensive development plan. The priority item of the implementation phase is the drafting of detailed subdivision regulations. The provisions of Bill 290 would negate much of the planning effort and subject the Borough to the problems faced by other communities fifty years ago.

The Matanuska-Susitna Borough presently has the most liberal policy of granting platting waivers, causing problems in both long-range planning and administrative procedures. Bill 290 comes at a time when it is necessary to review all land severances, rather than exempting a large portion of land divisions from public knowledge.

January 12, 1972

Waiver was originally granted in special cases for single transactions because the market price for parcels severed from homesteads did not warrant costly surveys.

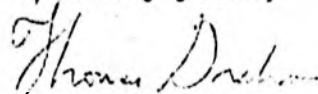
This situation has now changed. Land values are enormously higher and the need for, and usefulness of waiver has been outlived. It is generally accepted that purchasers should be afforded the protection of having their properties relate to a known point.

It is the position of the Planning Director that owners wishing to sever any property should not be required to go through waiver procedure, but should adequately describe the property and should submit a sketch of the ultimate development of the entire tract.

When subdivision is desired, the plat should adhere generally to the original sketch. This, among other benefits, will allow the Borough to plan for a collector road system. It should be recognized that an aliquot part description is of little use if the original survey was inaccurate or if no reference point can be found in the field.

Revision of the waiver provisions will be likely, as a part of the new subdivision regulations being drafted. The Borough Administration and Planning Commission feel that the passage of House Bill 290 would be extremely detrimental to this Borough and all developing regions of the State. In behalf of the Borough, I urge you to oppose its passage.

Sincerely yours,



Thomas Graham
Planning Director
Matanuska-Susitna Borough

TG:vs

C.C. Bob Pavitt, Director, Planning and Research
Honorable John Rader, Senate
Honorable Jan Koslosky, Senate
Mike Gallagher, Tryck, Nymen and Hayes
Don Berry, Executive Director, Alaska Municipal League
Ralph Darbyshire, Planning Director, Kenai Pen. Borough

CITY AND BOROUGH
OF
SITKA

BOX 79 . SITKA, ALASKA . 99835

January 31, 1972

Don Berry, Executive Director
Alaska Municipal League
204 Franklin Street
Juneau, Alaska

Dear Don:

Please be advised that the City and Borough of Sitka oppose HB 290, Land Subdivisions. This municipality has gone to a great expense to find out who owns what, where.

It is our belief that subdividing a lot under whatever they wish to call it should come before the Planning and Zoning Commission in order that our comprehensive plan be upheld.

If HB 290 were allowed to pass, it would exclude it from the provisions of Sec. 40.15.010 through Sec. 40.15.180 inclusive. This would certainly put the burden on the communities and especially the assessor. Perhaps some communities favor the bill; if so, let the Commerce Committee amend the bill to make it permissive instead of mandatory legislation.

Sincerely,


Fermin Gutierrez,
Acting Administrator

FG:mb

cc: Senator Meland
Representative Flynn

DAILY NEWS

Lawrence S. Fanning
Editor & Publisher, 1967 to 1971

Katherine Fanning, President

Stan Abbott
Executive Editor

David L. Sech
General Manager

Tom Brown
Editorial Page Editor

Gary Siver
Circulation Manager

Tom Gibboney
Managing Editor

Founded in 1946 by Norman C. Brown
Alaska's Only Morning and Sunday Newspaper

4—Saturday, August 28, 1971

Our views

Those subdivisions

A man's house may be his castle, but in Anchorage he'd better doublecheck where he plans to build it.

That's the distressing word from the borough Planning Commission, which warns that the sale of illegal subdivision land is widespread. It appears that a number of subdividers are selling land with only preliminary subdivision approval, though final approval is required before a lot can be built upon.

AS A RESULT, a person who buys such land runs the risk of finding he will not be allowed to build because his lot does not meet minimum standards for borough sewer and water service. And there may be no way for him to retrieve his money from the seller.

The borough so far has no firm figure on the number of subdivisions affected and has not named any of the alleged offenders.

This is a sorry situation — one which deserves a full investigation and legal action where indicated.

ONE OF THE ESSENTIALS of a stable, successful community is the availability of decent housing. Many people want to build their own homes and they must have confidence that land deals are legal and aboveboard. To ensure that confidence, borough officials should take whatever action is necessary to halt shady deals.

In addition to protecting the buyer, such action would clear the many honest land dealers in the Anchorage area, whose integrity has been called into question by the activities of unscrupulous colleagues. Area realtors have made great progress in recent years in policing their industry. They deserve to have this cloud lifted.



Alaska State Legislature House

JUNEAU ALASKA

* Section 1. AS 40.15.190(2) is repealed and re-enacted to read:

(2) "subdivision means the division of land into more than two parcels, tracts, lots or other divisions, and includes resubdivision; however, land that is divided into four or fewer parcels, tracts, lots or other divisions none of which is smaller than 5 acres which have access to a public highway or street, provides street and utility easements to all contiguous parcels and can be described by aliquot parts description, is not a subdivision.



AB 290

Alaska State Legislature

House

JUNEAU ALASKA

* Section 1. AS 40.15.190(2) is repealed and re-enacted to read:

(2) "subdivision" means the division of land into two or more parcels, tracts, lots or other divisions, and includes resubdivision; however, land that is divided into four or fewer parcels, tracts, lots or other divisions none of which is smaller than 5 acres which have access to a public highway or street or provides street and utility easements to all contiguous parcels is not a subdivision.

OK w/realtors

Introduced: 3/9/71
Referred: Commerce *L.G.*

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 290

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land subdivision."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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10 more parcels, tracts, lots or other divisions, and includes resubdivi-
11 sions; however, land that is divided into four or fewer parcels, tracts,
12 lots or other divisions which have access to a public highway or street,
13 provides street and utility easements to all contiguous parcels and
14 can be described by aliquot parts description, is not a subdivision.

15
16 → Subdivision means the division of a tract or parcel of land into
17 two or more lots, sites or other division for the purpose whether
18 immediate or future, of sale or building development and includes re-
19 subdivision and when appropriate to the context relates to the process
20 of subdividing or to the land or areas subdivided.
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28
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February 10, 1972

James A. Cottrell, Jr.
St. Rt. A Box 222
Palmer, Alaska 99645

Dear Mr. Cottrell:

I wrote to you last July for information on land prices and the dividing of land. You replied with a very informative letter and information packet from the Borough. Thank you so very much. Enclosed is one dollar (\$1.00) to help defray your cost on that. We surely appreciated your efforts and the prompt reply. After reading through a few of the pages and scanning the rest-- I decided it is all a terrific lot of red tape!

What I really had in mind--and did not make clear in my letter to you, is that we would be interested in selling a portion of our land and wondered if we could sell it as it is divided on our deed without the red tape of subdividing?

As an example, we purchased a small acreage near here, checked through the court house, and found out we can divide this piece 4 times without surveying or subdividing as long as there is at least 65 feet on a county road. This was the type of dividing I was referring to.

In other words, we have sold part of parcel 3 or that portion of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 14, Twp. 18 N., R. 1 E. S.M. lying NE $\frac{1}{4}$ of the old Fishhook Road--which is approx. 10 acres.---Now, what I want to know is....Can we sell the remaining 30 acres in this parcel without re-surveying and without a lot of red tape?

Or....we have Parcel 2--NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 13, twsp. 18 N., R.1E, S.M. containing 40 acres more or less. Can we sell this by itself?

Or....Parcel 1--as it is described legally on our deed which contains 160 acres. Can we sell just that Parcel?

If we listed our property, or a portion, with you, how much per acre do you think you could sell it for this Spring? How much is your commission for selling?

You mentioned in your letter that you felt this land would be good for development of small acreages at this time....Why is that?? How much would you have to have for the development of this land (or a portion)? and how much per acre do you think you would be able to sell this for if it were subdivided this way?

It sounded as if, when the proposed causeway is built that land in the Fishhook area would increase in value. I understand the NEW Fishhook Road is now paved!

We are interested to hear your views on which way would be best to sell some of this land this Spring....by parcel, if possible, or by subdividing as you suggested in the previous letter? Perhaps you could drop us a line if you are at all interested.

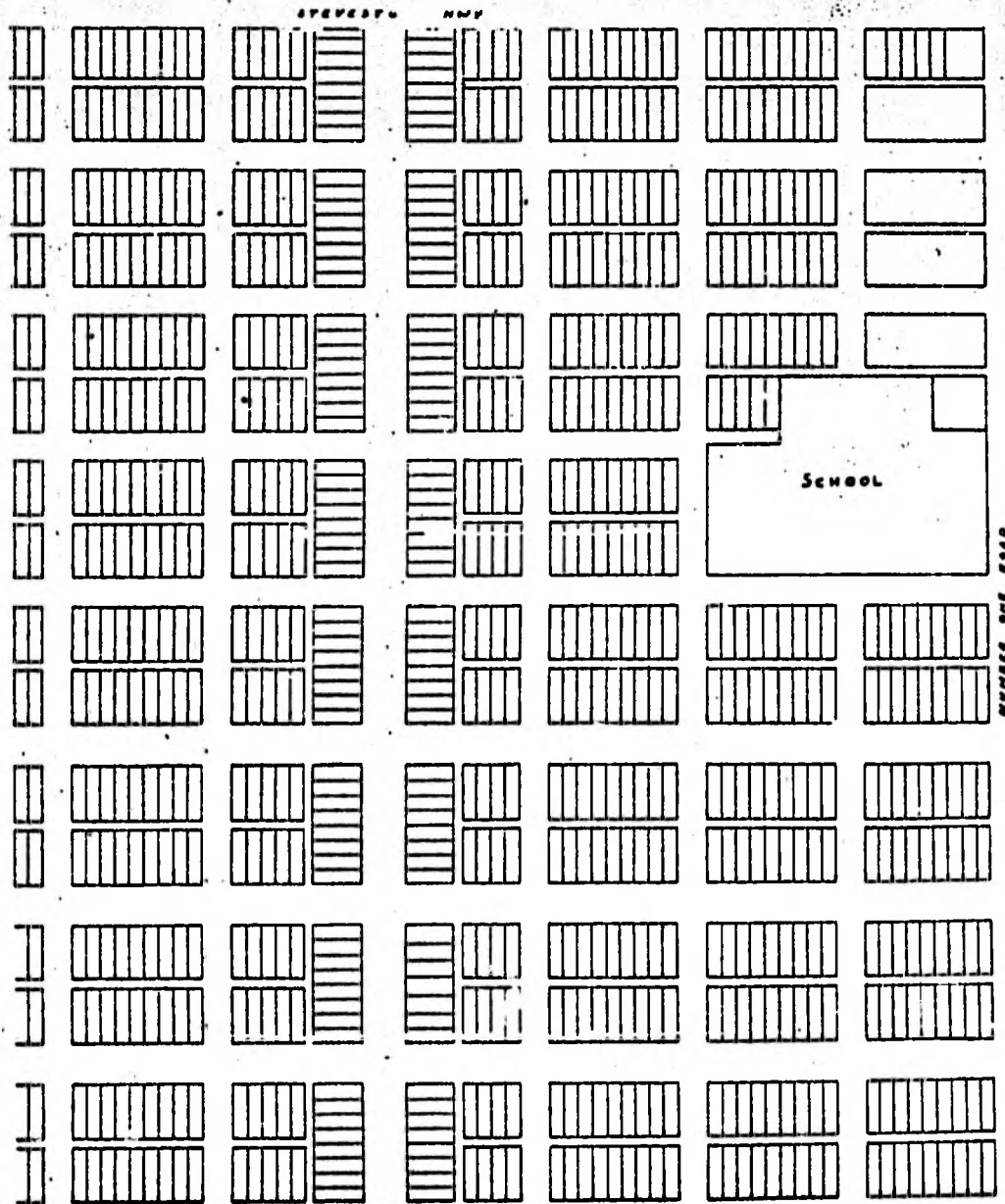
Thank you again for the information and your informative letter.

Sincerely,

Mrs. James L. Hansen

Mrs. James L. Hansen

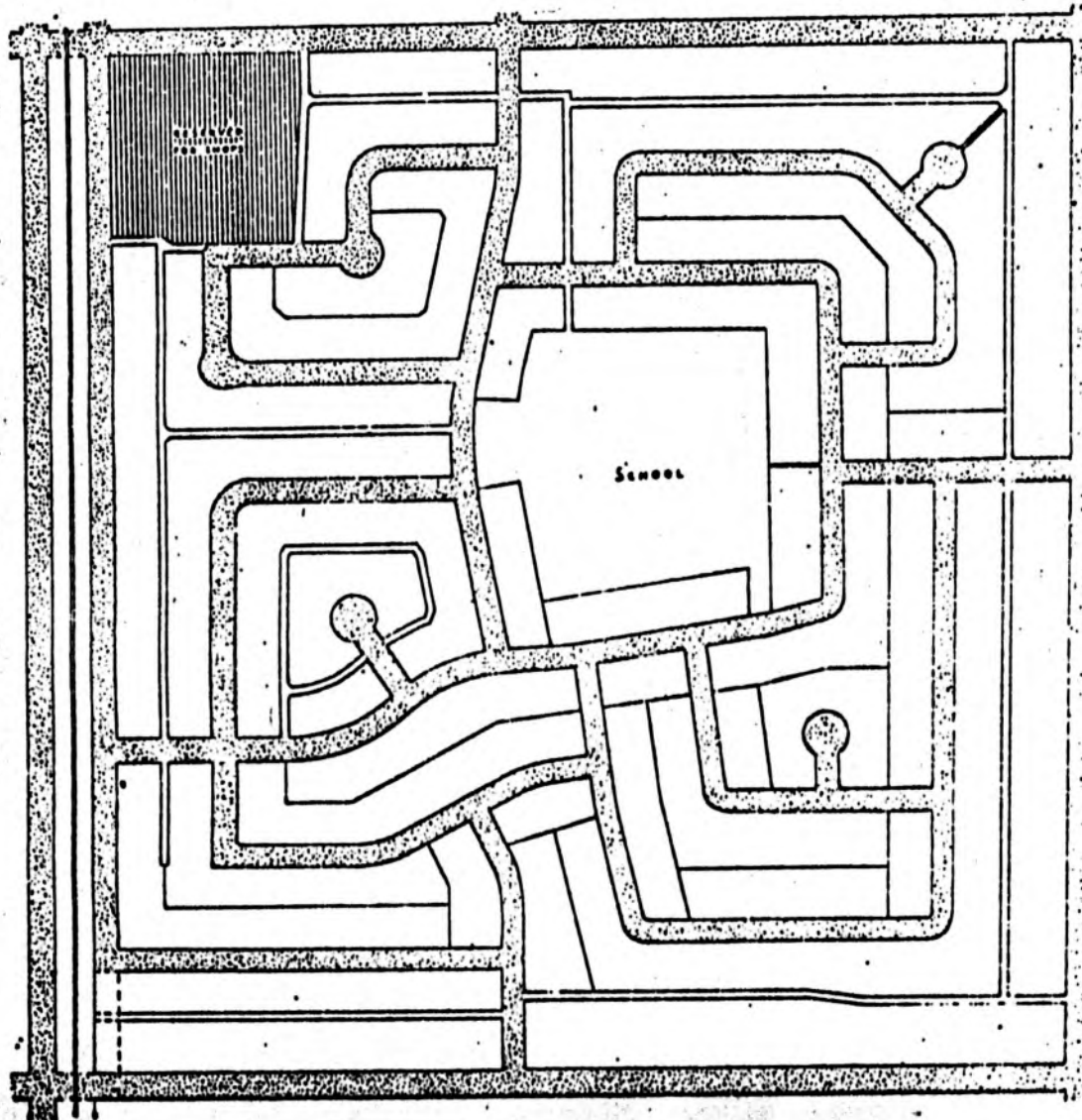
Following are some examples of grid plans and alternate designs. The first is Sleveston, British Columbia, subdivided in 1892 into 33' lots from a quarter-section.



(c)

Next is the Athlone-Sherman Subdivision, also a quarter-section. It was designed in 1959 by the Richmond, B.C. Municipal Planning Department, and obviously provides a better neighborhood environment, street safety, and appearance. The two are compared as follows:

	STEVESTON	ATHLONE-SHERMAN
Length of internal roads	33,462'	19,400'
Area occupied by roads	50 acres	24 acres
Percent of tract in roads	32	15
Cost of public improvements	\$1,003,860	\$582,000
No. of 66' lots obtainable	484	560
Cost of public improvements/lot	\$2080.00	\$1040.00
No. of 4-way intersections	40	1
No. of "T" intersections	1	16
No. of intersections with arterials	25	4
Areas for schools and recreation	7 acres	4 acres



40 Ac

10 Ac

2.5 Ac

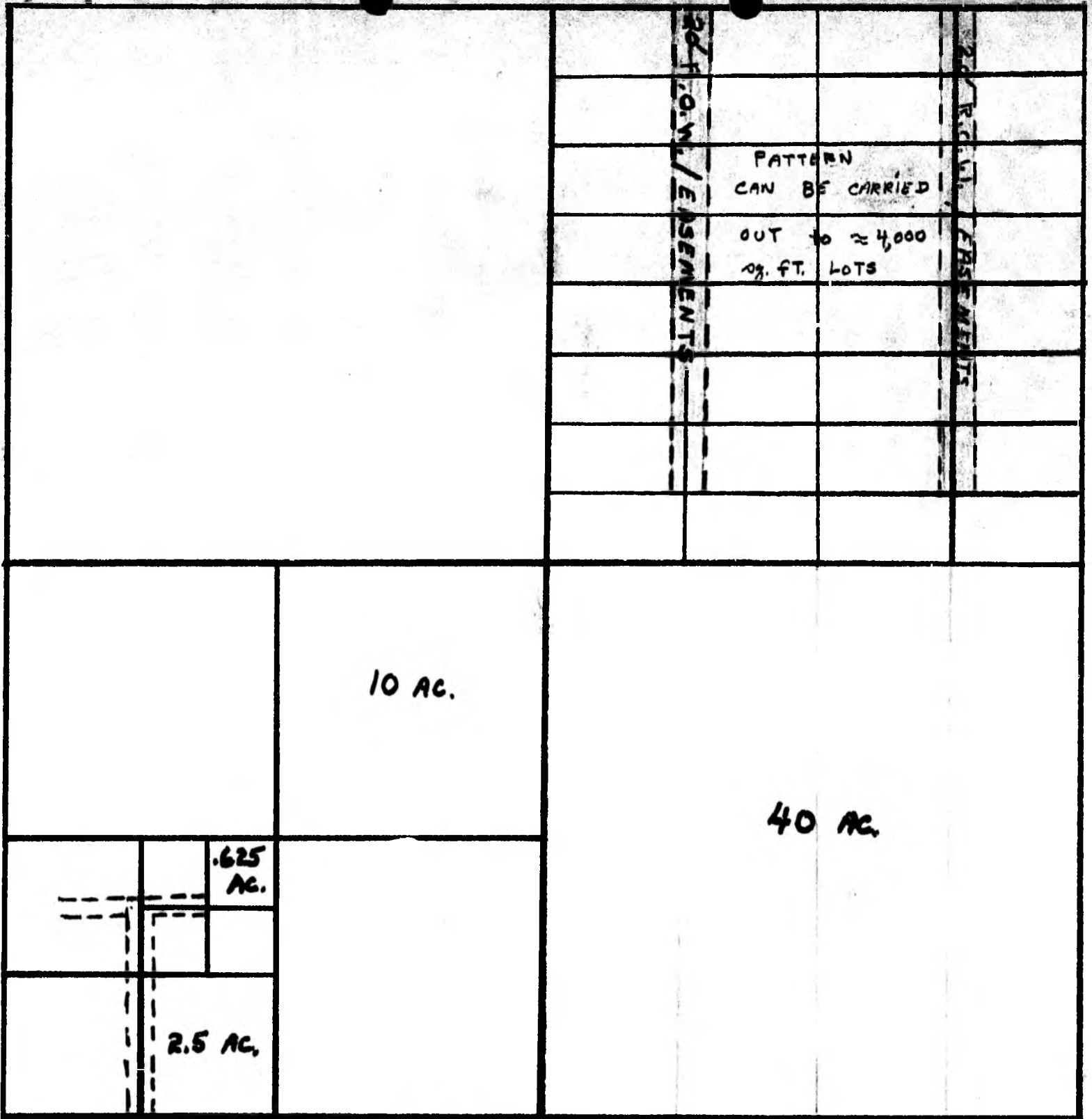
.625
Ac.

.16
Ac.

30' R-O-W

SECTION LINE R-O-W

R.O.W.



R.O.W. / EASEMENTS

R.O.W. / EASEMENTS

PATTERN
CAN BE CARRIED
OUT TO ≈ 4,000
SQ. FT. LOTS

10 AC.

40 AC.

.625
AC.

2.5 AC.

R.O.W.

PROBLEMS WITH THIS TYPE SUBDIVISION

1. Inadequate road and utility easements.
2. Inadequate lot sizes.
3. Dead end streets which create problems with police and fire protection.
4. Street and utility systems may not match adjacent subdivision street and utility systems.
5. May be on physically hazardous property (e.g. flood plain).
6. No consideration of topographic problems.
7. Necessitates future condemnation.
8. Results in unnecessary amounts of streets to build and maintain.

Frontiersman
Palmer, Alaska

12-2-71

LETTERS TO THE EDITOR

DEAR EDITOR:

Last Tuesday night my appeal was heard by the borough assembly. No decision was handed down nor was one expected.

I have been informed this is the first time anyone has put up the \$50 necessary to be heard by the assembly, if he does not agree with the planning and zoning commission. How can we expect to have communication between the planners and the people if the person who dissents must first pay \$50 for the privilege?

No comment was heard from the lay or the professional planners assembled on this.

As to the subject of the appeal, a logical method to insure getting a greater amount of larger tracts available to the prospective home owner, there was no end of opposition. State statutes were quoted, borough ordinances and resolutions were referred to, some of which I'm sure the people assembled had never heard of, anymore than they knew of the \$50 protest fee.

Unless steps are taken NOW to halt the endless stream of ordinances and resolutions telling us what we may or may not do with our land we will all find ourselves in a "Cul de Sac", which lately is so popular with the planning and zoning as evidenced by recently approved plats. Truly we are being led down a "dead end street."

Progress has been created by intelligent, aggressive, independent individuals and it is absurd to recognize the right of private ownership and then transfer the complete use of property to planning and zoning boards.

Yours truly,
JIM COTTRELL

The appeal from James Cottrell was not decided upon at the meeting, with the assembly saying they would give a decision at the next regular session. 12-2-71

Cottrell asked for a waiver allowing him to cut a 40 acre parcel into ten acre plots without surveying the land and platting it. After being turned down according to state and borough statutes by the planning and zoning commission, Cottrell asked the assembly for relief. *Frontiersman*:

He said the present strict enforcement of subdivision law to mean any division into two or more parts, thus requiring platting, was forcing land developers in the Valley to chop

(Continued on page 5)

Borough - - -

(Continued from page 1)

land into parcels which were too small for good future development.

Surveying costs had to be recouped, he said, by the sale of very small acreages. Asked what he estimate dthe cost of surveying the 40 acre parcel into ten acre plots would have been, he said approximately \$1,000.

He indicated this cost plus possible planning commission insistence on specified road would force him "to do as everyone else; break it into 80 half-acre lots".

ALASKANS

Under All Is The Land

Do You Know
What Can Happen To Yours?

*I'm Learning
You Should Too*

ATTEND THE
SPECIAL ASSEMBLY MEETING
TUESDAY, NOVEMBER 30
8:00 p.m.

Jim Cottrell

Frontiersman Wed. Nov. 24, 1971

Wednesday, November 24, 1971

The Frontiersman—Page 5

Use Frontiersman Classified

NOTICE OF HEARING ON APPEAL

Notice is hereby given that the Matanuska-Susitna Borough Assembly will hold a special meeting on November 30, 1971, at 8 p.m. at the Borough Office for the purpose of:

Hearing an appeal filed by James A. Cottrell, Jr. appealing the decision of the Planning and Zoning Commission denying his request for a waiver to divide a 40 acre tract (NW 1/4 SE 1/4, Section 14 T17N, R1W, S.M.) into four ten (10) acre tracts.

The public is invited to attend and be heard.

EVELYN THOMPSON
Borough Clerk

RICHARD MOMARTS
BOROUGH ASSESSOR

Publish: March 16, 23, 1972.

ettesville, Arkansas, will join Louisiana; Mrs. David Marmor and her two sons and a daughter from Idaho Falls, Idaho; Bill and Adele Shaff, Calif. Diane Gleason, W. Va.; Lela Lloyd, Texas, and the three hosts.

FOR YOUR INFORMATION

March 22, 1972

Dear Neighbors:

Because of the recent activity of the Mat. Valley Tax Assessors, you should be interested in this legislation. If the present valuations remain in force, some of you will be forced to sell part or all of your holdings. House Bill No. 290 provides a means whereby those who cannot afford the expensive platting costs and the time involved with the Planning and Zoning Commission, can obtain relief. I strongly urge you to clip this letter and send it to your legislators in Juneau, Senator Koslosky and Rep. Kerttula, or any other legislator you may know.

Sincerely,
Jim Cottrell

In The House

Introduced: 3/9/71
Referred: Commerce
By The Commerce Committee

HOUSE BILL NO. 290 IN THE LEGISLATURE OF THE STATE OF ALASKA SEVENTH LEGISLATURE *FIRST SESSION

A BILL

For an Act entitled: "An Act relating to land subdivision."

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

*Section 1. AS 40.15.190 (2) is repealed and re-enacted to read:

(2) "subdivision" means the division of land into two or more parcels, tracts, lots or other divisions, and includes resubdivisions; however, land that is divided into four or fewer parcels, tracts, lots or other divisions, none of which is smaller than five (5) acres and have access to a public highway or street, provides street and utility easements to all contiguous parcels and can be described by aliquot parts description, is not a subdivision.

Additional comments:

Dear Gene: I asked the janitor to keep me informed on this bill. The more you know is even more important. Will you let me know where it is at present so I can make a report to my organization?

Yours truly,

Jim Cottrell

May 10, 1972

Mr. Ernst Mueller
President
Alaska Conservation Society
Box 80192
College, Alaska 99701

Dear Mr. Mueller:

I appreciate receiving a copy of your letter of April 28th to Representative Mike Bradner relative to House Bill 290. I certainly agree with you that HB 290, in its original form, would have been extremely undesirable. I think the committee substitute for this bill, which passed both Houses by wide margins, pretty well covered the real deficiencies that you identified. I personally would have preferred that no legislation be passed in this area, however, the committee substitute does represent an honest compromise which was arrived at after considerable study and several hearings.

Again, thank you for copying me on this letter. I would, as a member of the Alaska Conservation Society, appreciate hearing from the ACS on other measures before the legislature.

Sincerely,

Mike Miller, Representative
District Four (Juneau)



Alaska Conservation Society

Box 80192 College, Alaska 99701

April 28, 1972

Representative Mike Bradner
Alaska House of Representatives
Juneau, Alaska 99801

Dear Mr. Bradner:

We have received House Bill 290, "An Act Relating To Land Sub-division". The Alaska Conservation Society has always supported land use planning and it seems to us that this bill stands for all that is contrary to the principles of good land use planning.

We are especially disturbed that there is no requirement that the platting authorities be informed of such subdivisions so that the local authorities may determine whether the requirements of the exemption have been complied with.

We think it unwise to pre-empt the authority of local governments so that they can no longer govern the subdivision of all lands within their boundaries. This will make it extremely difficult for local platting authorities to enforce their own regulations as well as to provide meaningful long range plans. This Bill will provide for unplanned development that may in the future require certain public works improvements at a great cost to tax payers, because this bill does not provide for local public control and review of land subdivisions which may require such improvements.

All in all this bill will encourage what is worst in land sub-division: haphazard, random sales of lots. There can be no orderly development if this bill becomes law.

Sincerely,

ALASKA CONSERVATION SOCIETY

Ernest Mueller, by TS
Ernst Mueller
President

xc: Mike Miller, Jalmar Kertulla

F/V²
//

Fairbanks, Alaska
April 12, 1972

Dear Sir,

We are concerned with
House bill 290 aliquot parts.
We believe this bill should be
passed this session as it
would be a great help to a great
many people. It would move
a lot of land to lots of people who
would build and also help the
property owners to sell parcels
of land without having to get
approval from the Borough and
wait and also spend money.

Wise all for it

Thanks kindly
Mr. & Mrs. Trenton Johnson

POTRALL

80 acres - \$1200 / 15 acres - \$8600

letter from Washington → were there any other restrictions?

In other words, aliquot part description is now legal?

Why what was the nature of the waiver refusal?

Would this apply to sales in ANC Boro.

See by the judge →

5 acres →

What ordinance would we by-pass ~~with~~ with this kind of law?

well/corrupt → is this a subterfuge

Mike
Gallagher - Pres - PAA

Bill Bennie.

Tom Graham. - ask him what type of
waving they are practicing.
percolation ~~plans~~ tests

Ralph Parbiskine - in other words, local
govt can allow almost
ports subdivisions now.

Donna Mathews - BAAB

Charles "Chuck" Carlson

Vern Higgins

Carl Cooper

Carol Mase - (Realtor)

Mary Putman

Introduced: 3/9/71
Referred: Commerce

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 290

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

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13 provides street and utility easements to all contiguous parcels and
14 can be described by aliquot parts description, is not a subdivision.

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*one section
then T over*

REVISED AMENDMENT

AS 40.15.110. Waiver in Certain Cases. The platting authority shall in individual cases waive the preparation, submission for approval and recording of a plat upon satisfactory evidence that:

1. Each tract or parcel of land will have adequate access.
2. Each parcel created is five (5) acres in size or larger but shall not result in more than four (4) parcels.
3. The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development.
4. No dedication of a street, alley, thoroughfare or other public area is involved or required.

In other cases the platting authority may waive the preparation, submission for approval, and recording of a plat provided that the transaction involved does not fall within the general intent of this chapter. That it is not made for the purpose of, or in connection with, a present or projected subdivision development and that no dedication of a street, alley, thoroughfare, park or other public area is involved or required.

AS 40.15.110. Waiver in Certain Cases. The platting authority shall in individual cases waive the preparation, submission for approval and recording of a plat upon satisfactory evidence that:

1. Each tract or parcel of land will have adequate access.
2. Each parcel created is five (5) acres in size or larger.
3. The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development.
4. No dedication of a street, alley, thoroughfare or other public area is involved or required.

In other cases the platting authority may waive the preparation, submission for approval, and recording of a plat provided that the transaction involved does not fall within the general intent of this chapter. That it is not made for the purpose of, or in connection with, a present or projected subdivision development and that no dedication of a street, alley, thoroughfare, park or other public area is involved or required.

7/21/12
Pg 40 of
Notarized

40.15.200 Application to State of Alaska and Political Subdivisions. All subdivisions made by the State of Alaska, its agencies, instrumentalities and political subdivisions are subject to the provisions of this chapter and to local regulations adopted pursuant to this chapter in the same manner and to the same extent as other subdivisions.

March 15, 1972

Mr. C. P. Carlson
Building Official
Greater Anchorage Borough
Pouch 6-650
Anchorage, Alaska 99502

Dear Mr. Carlson:

Thanks very much for your letter of March 6 and
the material forwarded. I appreciate your taking
the time to appear before the committee on March 3.
Your testimony was very helpful.

Sincerely,

Mike Miller, Chairman
House Local Government Committee



GREATER ANCHORAGE AREA BOROUGH

300 TUDOR ROAD, POUCH 6-850
ANCHORAGE, ALASKA 99502

March 6, 1972

The Honorable Mike Miller
Chairman
Local Government Committee
House of Representatives
Box 144
Juneau, Alaska 99801

Re: March 3rd Hearing on House Bill
No. 290

Dear Sir:

We appreciated the opportunity to speak on this Bill, as we sincerely believe that it lies at the heart of the planning process. Most of the important issues were raised at the hearing and I will not belabor the point here.

Enclosed is a packet of material, which was prepared for Donna Mathews of the Anchorage Planning Commission, containing some background material on aliquot parts descriptions and the last page contains the legal description which I read into the record and of which you requested a copy.

Should there be any additional information which either the Planning Department or I can furnish, we will be most happy to do so.

Sincerely,

C. P. CARLSON
Building Official

CPC:ajs

encl.

BOUNDARY CONTROL AND LEGAL PRINCIPLES

SECOND EDITION

Curtis M. Brown, B.S.
California Licensed Land Surveyor

WITH CONTRIBUTIONS BY

H. Frederick Landgraf, B.A., LL.B.
Attorney at Law

Francois D. Uzès
California Licensed Land Surveyor

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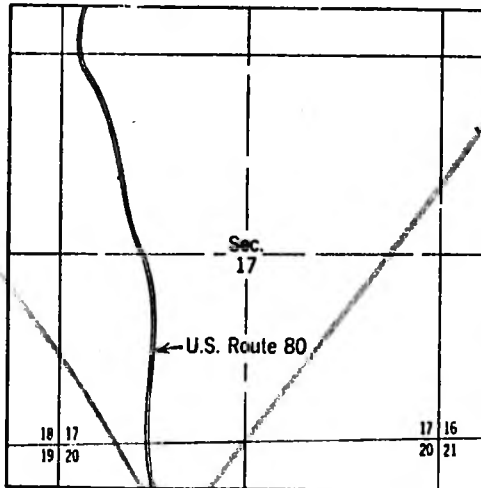


Figure 1.10a

southerly of Boulder Creek." Longer descriptions result from the usage of the form "all of lot 12 lying northerly of the following described line." The bearing and distance description of the line following the general statement requires many more words than the two simplified examples above.

LAND CONVEYED BY DISTANCE

The shortest quasi-metes and bounds deed is of the type "the easterly 50 feet of lot 2," as shown in Fig. 7.2a. The junior deed, "all except the easterly 50 feet of lot 2," is for the remainder of the lot. This type of deed is easy to write, but it may be misinterpreted by the parties of the deed, since the 50 feet is measured so as to give the senior deed (the buyer) the maximum area whereas the junior deed (seller) has the remainder.

PROPORTIONAL CONVEYANCES

Proportional conveyances are those that convey a fractional part of the whole area, as shown in Fig. 7.5a. By common law, proportional conveyances are presumed to be a proportion of the area of the lot and not a proportion of the lineal measurements. Statute law can and has altered this common law rule, as in sectionalized lands. By running a line from the north quarter corner to the south quarter corner of a section of land the section is, by statute law, divided into two halves which may or may not be equal in area.

Definition of Aliquot (Webster's Seventh New Collegiate Dictionary, 1969):

1. CONTAINED AN EXACT NUMBER OF TIMES IN ANOTHER
2. FRACTIONAL.

distinguishing like objects or nouns from one another. "A house," "a red house," "a red house with a green roof" may all refer to the same house, but in the last-described house there is more certainty of its being correctly located because of the additional descriptive terms. "Beginning at the southeast corner of lot 2; thence N 12° 10' E, 200.00 feet to a concrete monument" contains two informative terms "N 12° 10' E, 200.00 feet" and a controlling term "a concrete monument." The "N 12° 10' E, 200.00 feet" as given here is an aid to distinguish the concrete monument from similar monuments, and acts as a modifier of the term "a concrete monument." In a deed in which the controlling term cannot be distinguished or located the informative term may then become the controlling term, as in the above "N 12° 10' E 200.00" would become exact if the monument were lost.

In determining the title interest of a client, conflict may occur between the written instrument, the subdivision map, the measurements on the ground, or within the written instrument itself. When a conflict occurs, the surveyor, title engineer, or attorney should be able to recognize the deed term that is controlling and the one that is informational but not controlling. Which conflicting term shall be followed, is discussed in its normal order of importance.

(ORDER OF IMPORTANCE OF CONFLICTING TITLE ELEMENTS)

4.12. Order of Importance

Surveyors prefer to work with mathematical equations because equations give a positive and correct answer for a set of facts. In listing the order of importance of title elements the list cannot be compared with a mathematical formula; the order of importance must have flexibility to fit solutions most nearly deemed to be correct by the court. The following outline is recognized in most states as being, as nearly as may be, correct.

Order of importance of conflicting elements that determine land location

- A. Right of possession (unwritten conveyance)
- B. Senior right (in the event of an overlap)
- C. Written intentions of Parties
 - 1. Call for a survey ←
 - 2. Call for monuments
 - a. Natural
 - b. Artificial →
 - c. Record (in the event of a gap)
 - 3. Distance (direction in Texas)

sometimes

4. Direction (distance in Texas)

5. Area

6. Coordinates

In this outline the first item is an element outside of (not mentioned in) the written description and is determined by observations on the ground. The second item, senior right, may or may not be disclosed by the written title. A call for an adjoiner usually indicates a call for a senior right, but *not always*. Sometimes calls for adjoiners are inserted after the original conveyance is formed and are misleading. Senior rights are not always determined by a call for an adjoiner; the determining criterion is the date of the first deed (usually the date of recording the first deed where recording is constructive notice.) Item C, the written intentions of the parties, is *always* disclosed by the writings (this includes all writings called for) taken in the light of the laws and customs in force as of the date of the deed.

The listed order of importance of conflicting elements determining land location is not absolute. Thus a call for a survey is usually given preference over a call for a natural monument, but an artificial monument as part of a called for survey is sometimes given preference over natural monuments. The outline given above is modified by the explanations in the following pages. It should be memorized with the concept that it can be adjusted where the contrary can be proved (not just surmised); it is a presumed order of importance.

4.13. Possession

Any unwritten right or possession that ripens into a fee right extinguishes prior title rights. In such an event all of the rules for construing the order of importance of conflicting deed elements are meaningless; hence an unwritten right ranks first in the order of importance of elements making up the "right of title and possession" or, in the language of the layman, "ownership."

4.14. Junior and Senior Rights

Principle. A junior grant, in conflict with a senior grant, yields to the senior grant.

"First deed and last will" is the often-quoted principle. He who conveys an interest in land to one person cannot at a later date sell the same interest to another. For every title policy, abstract, or boundary location of a junior deed the title examiner or surveyor should find out what the rights of the senior deed are.

The available policies are in seniority are a land from a ti matters other company is a written.

Where the difficult to de Massachusetts

4.15. Call for a

A call for a east; to the h frequently a Johnston's d Stanley Burn Stanley Burn to the south Each calls to prove who changing that cannot obtain by the prou

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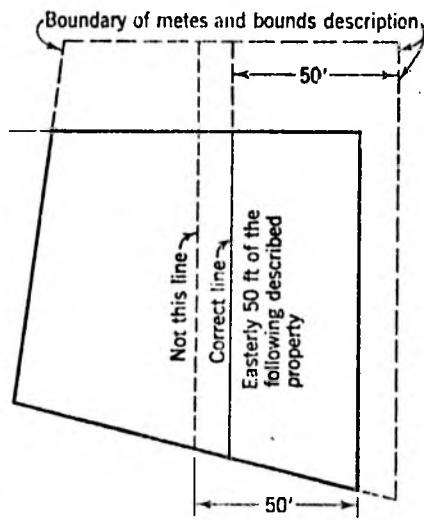


Figure 7.3

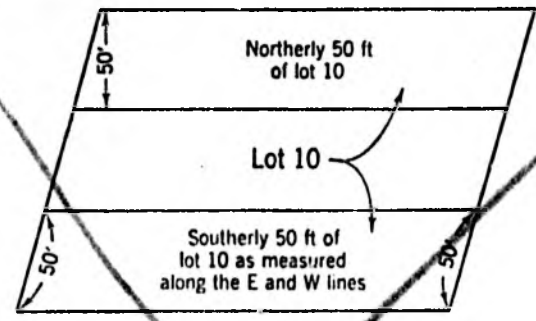
boundary line from which the measurement is made, unless otherwise specified.

Figure 7.4a shows a typical case where the "northerly 50 feet" of a lot, and where the "southerly 50 feet as measured along the easterly and westerly lines" of a lot give different areas. As in all measurements of this type, the greatest advantage is given to the buyer where alternate meanings can be interpreted. However, where the method of measurement is specified as in the "southerly 50 feet" of Fig. 7.4a, the method as specified should be used since alternate meanings do not exist. In Fig. 7.4b are shown the correct property lines for curves and angle points in lines where lineal measurement "of" descriptions are used. It is interesting to note that where an angle point exists as shown in Fig. 7.4b, there is more than the called-for distance conveyed at the angle point.

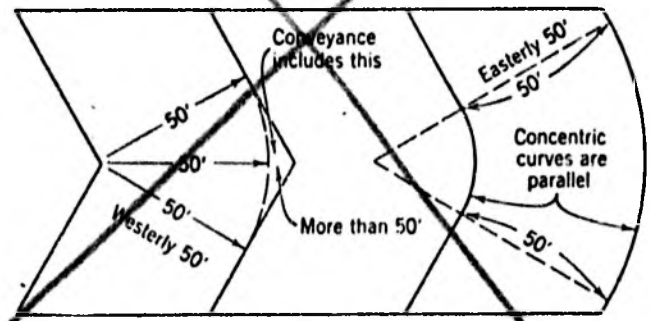
7.5. Proportional "Of" Conveyance

Principle. When a fraction of the whole is conveyed, as the west half, it is presumed that the conveyance is based on area measurement unless otherwise stated. (See Fig. 7.5a)

This principle is not in harmony with the Federal statutes which specify the method to be used for sectionalized land. Thus the north



(a)



(b)

Figure 7.4ab



one-half of the northwest one-quarter of section 6 might be considerably less in area (especially in a closing section on a correction line) than the south one-half of the northwest one-quarter. In general, proportionate conveyances under state laws are based upon acreage; under Federal laws for sectionalized land, acreage is not considered.

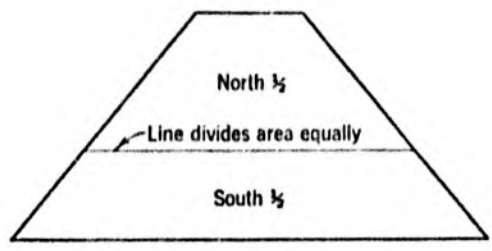
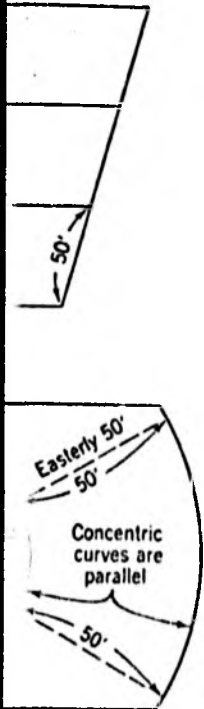


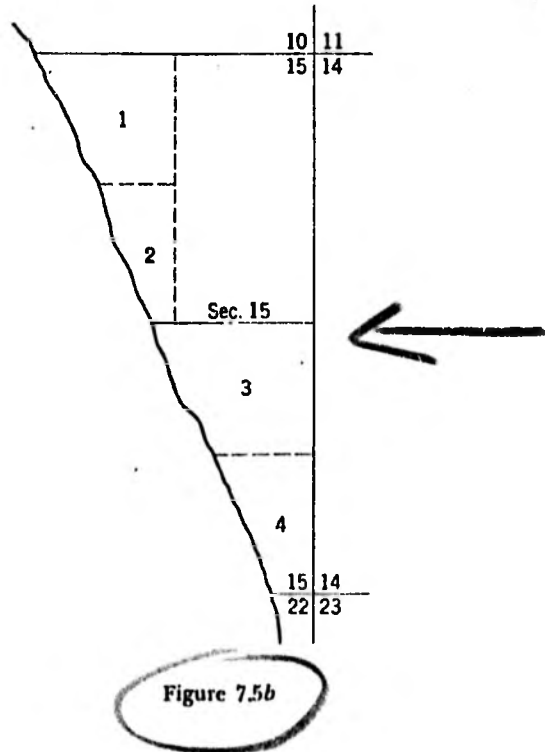
Figure 7.5a



6 might be considerably correction line) than the general, proportionate acreage; under Federal laws



Occasionally, in sectionalized land where there is an odd-shaped lot bordering on a lake or land-grant line and the land is divided after it has passed under state jurisdiction, the question arises as to the intent of the sale where half is sold. The south one-half of lot 4 as shown in Fig. 7.5b would be divided, according to state laws, into two parts of equal area. But by the Federal principle the south half would be determined by a line extending west from the midpoint of the easterly line of lot 4. Any reference to "according to Federal government survey methods" implies that the lot would be divided by linear measurements. A few of the states have adopted statute laws similar to Federal laws, and thus it becomes mandatory that the Federal rules be applied. Where division by acreage is intended, it is advisable to state "one-half the acreage of lot 4."



A deed calling for the north one half of a lot facing on the Au Gress River and not indicating a division line, is to be divided so as to make the parcels equal in area; a division such as to give each one half of the river front, is erroneous.*

Strictly speaking, any line can divide a lot into two halves, especially where the deeds state the northerly one-half and the southerly one-half. In a written description of a proportional or fractional conveyance the direction of the dividing line should always be given.

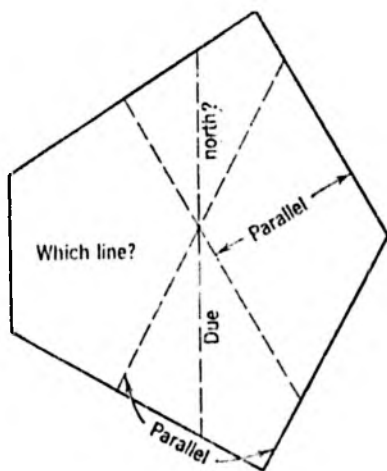
Proportional conveyances, where the method of locating the dividing line is specified as "the south one-half as measured along the easterly line," are divided in accordance with the method specified. "Along a line" cannot be an area measurement nor does it imply equal areas; the line would be divided in half.

7.6. Indeterminate Proportional Conveyances

Indeterminate proportional conveyances are those in which the direction of the dividing line is not given or implied. Any area may be divided

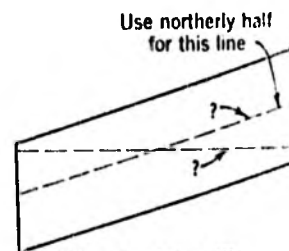
* The Au Gress Boom Company v. Whitney, 26 Mich 42.

in half by a multitude of lines, and, when the direction of the dividing line is not given, the conveyance may be indeterminate, as shown in Figs. 7.6a and 7.6b. A scrivener who fails to define the direction of the dividing line when writing a proportional conveyance is dedicating to the future a headache for the parties on either side of the dividing line and an unsolvable problem to surveyors. Such descriptions should and could be avoided by a few carefully inserted words in a document so that a clear and concise intent is conveyed rather than a dual meaning left to the fighting instincts of future owners. Under certain conditions the direction of the dividing line is revealed by the geometric shape of the whole parcel or by the wording of the deed.



Where is easterly half?

Figure 7.6a



Where is north half?

Figure 7.6b

7.7. Angular Direction of the Dividing Line in "Of" Descriptions

Principle. When the easterly and westerly lines of a lot are shown as parallel on the original map, and in fact are nearly parallel, and the easterly half and westerly half are conveyed, the dividing line between the easterly and westerly half is made on the mean bearing of the two lines.

Figure 7.7a illustrates this principle as applied to two conditions. Lot A was originally shown as having due north lot lines that proved to be North 0° 10' 00" East and North 0° 16' 00" East when actually surveyed

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SURVEYING

THEORY and PRACTICE

RAYMOND E. DAVIS, M.S., C.E., D.Eng.

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University of California

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1953

established reference point (Art. 10).
 description of the tract by metes and

SPRING, "Technical Standards for
 Surveying," Vol. 6, No. 3, pp. 210-213,

SPRING, "Equitable Fees for Prop-
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 No. 64, No. 9, pp. 1879-1884,

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CHAPTER 23

UNITED STATES PUBLIC-LAND SURVEYS

23.1. General. This chapter deals with the methods of subdividing the public lands of the United States in accordance with regulations imposed by law. The public lands are subdivided into townships, sections, and quarter sections—in early years by private surveyors under contract, later by the Field Surveying Service of the General Land Office, and currently by the Bureau of Land Management which succeeded the General Land Office in 1946. Further subdivision of such lands is made after the lands have passed into the hands of private owners, the work being carried out by surveyors in private practice.

The methods described herein are those now in force, but with minor differences they have been followed in principle since 1785, when the rectangular system of subdivision was inaugurated. Under this system, the public lands of 29 states and the Territory of Alaska have been or are in progress of being surveyed (Art. 23-3). In general, these methods of subdividing land do not apply in the 13 original states and in Kentucky, Tennessee, and Texas. As the progress of the public-land surveys has been from east to west, the details in states east of the Mississippi River differ somewhat from those of present practice.

The laws regulating the subdivision of public lands and the surveying methods employed are fully described in the "Manual of Instructions for the Survey of the Public Lands of the United States," published by the Bureau of Land Management (Ref. 4 at the end of this chapter). From the manual is drawn much of the material for this chapter.

Field notes and plats of the public-land surveys may be examined in the regional offices of the Bureau, and copies may be procured for a nominal fee.

23.2. Laws Relating to Public-land Surveys. Beginning with an ordinance passed by the Continental Congress in May, 1785, which provided for townships 6 miles square, each containing 36 sections 1 mile square, laws regulating the surveying, marking, and disposal of the public lands of the United States have from time to time been enacted by Congress. Following are the provisions of the Public Land Laws in which the surveyor is principally interested:

1. All responsibility for the surveying and sale of the public lands of the United States is placed in the hands of the Director of the Bureau of Land Management, who under the direction of the Secretary of the Interior is authorized to carry into execution every part of the Public Land Laws not otherwise specially provided for.

2. When the surveys and records of a state are completed, all the field notes, maps, and records pertaining to land titles are delivered to the secretary of state of that state.

3. Any agent of the United States, acting upon the authority of the Director of the Bureau of Land Management, has free access to public records delivered to any state, but no transfer of such records is made to any state until the state has enacted legislation providing for the safekeeping of such records and for the allowance of free access thereto by authorities of the United States.

4. It is required that all surveys and resurveys of public lands under the supervision of the Director of the Bureau of Land Management are to be made by surveyors selected by the Bureau of Land Management. (Prior to 1910, surveys were made by contract.) The field work is now performed by a permanent corps of engineers under civil-service regulations.

5. It is provided that resurveys may be made by the Government under certain conditions.

6. Boundaries of public lands, when established by duly authorized surveyors and when approved by the Director, are unchangeable.

7. The original corners established by the surveyors stand as the true corners they were intended to represent, whether in the place shown by the field notes or not. The primary purpose of the public-land surveys is to mark the boundaries on the ground; the field notes and plats are subordinate.

8. The unit of length is the Gunter's (66-ft.) chain divided into 100 links, each 7.92 in. long.

9. Quarter-quarter-section corners not established by the original surveys are to be on the line joining the section and quarter-section corners and midway between them, except in the northern and western half miles of the township.

10. The center lines of sections are to be straight between opposite quarter-section corners.

11. In a fractional section where no opposite quarter-section corner has been or can be established, the center line of such section is to be run from the proper quarter-section corner as nearly in a cardinal direction as due parallelism with section lines will permit to the meander line, reservation, or other boundary of such fractional section.

12. Lost or obliterated corners of the approved surveys are to be restored to their original location, if possible.

23-3. Historical Notes. The first surveys of the public lands of the United States, made under the ordinance of May, 1785, divided lands north of the Ohio River. Only the exterior lines of the townships were run, but section corners were established at intervals of 1 mile on the township lines, and the plats were marked into subdivisions 1 mile square. These surveys were made under the direction of the Geographer of the United States.

The act of Congress of May, 1796, provided for a surveyor general and directed the survey of lands northwest of the Ohio River and above the mouth of the Kentucky River. Under this law it was provided that the sections be numbered according to the plan in operation at the present time.

In 1800 an act of Congress provided for the subdivision of lands into half sections and required that excesses or deficiencies in measurement should be placed in the sections or half sections in the most northerly or westerly half miles of each township.

In 1805 an act of Congress directed that the public lands should be divided into quarter sections, and provided that all corners marked in the public surveys should be established as the proper corners which they were intended to designate, and that corners of half and quarter sections should be placed as nearly as possible equidistant from the two adjacent section corners on the same line.

The General Land Office was established in 1849, as a part of the Department of the Interior, and the office of Commissioner of the General Land Office was created.

In 1820 an act of Congress provided for the survey of public lands in sections and required that the line of a section should in every case run north and south.

In 1832 an act of Congress directed that the survey of public lands in quarter sections and required that the line of a section should in every case run east and west. The survey of public lands should be subdivided in accordance with regulations of the Treasury.

In 1849 the Department of the Interior was created, and the office of the Commissioner of the General Land Office was transferred from the Department of the Interior.

By act of Congress in 1909, it was provided that the survey of public lands should be made by the Secretary of the Interior, and the boundaries of the public lands provided such resurvey shall not be so altered as to injure the owners of lands affected.

In 1910, the contract system of surveying was discontinued. By act of Congress in 1918, resurvey of public lands in any township covered by private ownership upon application of the owner of such lands in any township covered by private ownership is to be made at a sum equal to the estimated cost of the work, and the amount may remain after the work is completed.

In 1925, the office of surveyor general was abolished, and all activities were transferred to the office of the U.S. Supervisor of Surveys.

In 1946, the Bureau of Land Management was created, succeeding the General Land Office.

Under the regulations imposed by the Bureau of Land Management, surveys of public lands have been completed, or practically completed, in Florida, Illinois, Indiana, Iowa, Kentucky, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. The original records are transferred to the respective state, and the copies are on file in the Bureau of Land Management. In most of the state records are on file in the Bureau of Land Management.

Surveys of the public lands in California, Colorado, Idaho, Montana, Nevada, Washington, and Wyoming, at the time of the original records are on file in the Bureau of Land Management.

It must be kept in mind that the original records made with crude instruments at the time of the original surveys were incompletely or even

When the surveys are completed, all the field notes, maps and records are delivered to the secretary of state of the state.

Upon the authority of the Director of the General Land Office, copies of the original records are to be made and deposited in the public records delivered to any state until the state has enacted laws for the preservation of such records and for the allowance of free access to the same.

Surveys of public lands under the supervision of the General Land Office are to be made by surveyors appointed by the Secretary of the Interior. (Prior to 1910, surveys were made by a permanent corps of engineers under the authority of the Secretary of the Treasury.)

Surveys are to be made by the Government under certain conditions and are to be conducted by duly authorized surveyors and their assistants.

Surveyors stand as the true corners they are shown by the field notes or not, and are to mark the boundaries on the ground; and the corners are to be marked as follows:

(1) A chain divided into 100 links, each link being 100 feet long.

(2) Corners established by the original surveys are to be marked by section corners and midway between section corners.

(3) The distance between opposite quarter-section corners is to be marked as follows:

(a) A line from the quarter-section corner has been or is to be run from the proper quarter-section corner due parallelism with section lines to the other boundary of such fractional section.

(b) The distance between such quarter-section corners is to be restored to their original position.

On the public lands of the United States, north of the Ohio River. Only section corners were established at the time the lands were marked into subdivisions and the direction of the Geographer of the General Land Office.

For a surveyor general and directed to be run above the mouth of the Kentucky River. Sections are to be numbered according to the following rules:

(1) The division of lands into half sections and quarter sections should be placed in the section corners every half mile of each township.

(2) Public lands should be divided into sections and the lines intended to designate, and that the lines be as nearly as possible equidistant from the center line.

The General Land Office was established in 1812 as a branch of the Treasury Department, and the office of Commissioner of the General Land Office was created.

In 1820 an act of Congress provided for the sale of public lands in half-quarter sections and required that the line of division of the quarter section should in every case run north and south.

In 1832 an act of Congress directed the subdivision of the public lands into quarter-quarter sections and required that the line of division of the half-quarter section should in every case run east and west. This act also provided that fractional sections be subdivided in accordance with regulations prescribed by the Secretary of the Treasury.

In 1849 the Department of the Interior was created, and the control of the General Land Office was transferred from the Department of the Treasury to the Department of the Interior.

By act of Congress in 1909, it was provided that resurveys may be made at the discretion of the Secretary of the Interior, if such resurveys are essential to mark properly the boundaries of the public lands previously surveyed but remaining undisposed of, provided such resurvey shall not be so executed as to impair the rights of entrymen or owners of lands affected.

In 1910, the contract system of surveying the public lands was abolished. By act of Congress in 1918, resurveys may be made of public lands which are in private ownership upon application of the owners of three fourths of the privately owned lands in any township covered by public-land surveys, when more than 50 per cent of the area of such township is privately owned, provided there be deposited a sum equal to the estimated cost of the resurveys. Any portion of the deposit which may remain after the work is completed is repaid pro rata to the persons making the deposit.

In 1925, the office of surveyor general of the several districts was abolished, and all activities were transferred to the Field Surveying Service, under the jurisdiction of the U.S. Supervisor of Surveys.

In 1946, the Bureau of Land Management was created in the Department of the Interior, succeeding the General Land Office and the U.S. Supervisor of Surveys.

Under the regulations imposed by Congress, surveys of the public lands have been completed, or practically so, in the states of Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin. The original survey records and plats have been transferred to the respective states except those for lands in Oklahoma which are on file in the Bureau of Land Management, Washington, D.C. Copies of most of the state records are also on file in Washington.

Surveys of the public lands are still in progress in the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and in the Territory of Alaska. For these states, the original records are on file in regional field offices of the Bureau of Land Management.

It must be kept in mind that the early surveys made under contract were made with crude instruments and often under unfavorable field conditions; some were incompletely or even fraudulently executed. Hence, the lines

and corners will often be found in other than their theoretical positions. However, the original corners as established legally stand as the true corners, and the surveyor must be guided by them in making resurveys or subdivisions, regardless of irregularities in the original survey. It is, therefore, important that he be familiar with the methods used in the original survey.

23.4. General Scheme of Subdivision. The regulations for the subdivision of public lands have been altered from time to time; hence, the methods employed in surveying various regions of the United States show marked differences, depending upon the dates when the surveys were made. In general principle, however, the system has remained unchanged, the primary unit being the *township*, bounded by meridional and latitudinal lines and as nearly as may be 36 miles square. The township is divided into 36 secondary units called *sections*, each as nearly as may be 1 mile square. Because the meridians converge (Art. 23-11), it is impossible to lay out a square township by such lines; and because the township is not square, not all the 36 sections can be 1 mile square even though all measurements are without error.

23.5. Standard Lines. Since the time of the earliest surveys, the townships and sections have been located with respect to principal axes passing through an origin called an *initial point*; the north-south axis is a true meridian called the *principal meridian*, and the east-west axis is a true parallel of latitude called the *base line*.

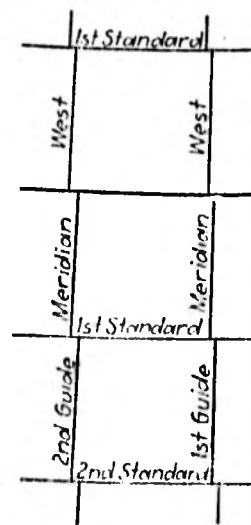
The principal meridian is given a name to which all subdivisions are referred. Thus the principal meridian which governs the rectangular surveys (wholly or in part) of the states of Ohio and Indiana is called the First Principal Meridian; its longitude is $84^{\circ}48'50''W$, and the latitude of the base line is $41^{\circ}00'00''N$. The extent of the surveys which are referred to a given initial point may be found by consulting a map, published by the Bureau of Land Management, entitled "United States, Showing Principal Meridians, Base Lines, and Areas Governed Thereby," or from Ref. 4 at the end of this chapter.

Secondary axes are established at intervals of 24 miles east or west of the principal meridian and at intervals of 24 miles north or south of the base line, thus dividing the tract being surveyed into quadrangles bounded by true meridians 24 miles long and by true parallels, the south boundary of each quadrangle being 24 miles long, and the north boundary being 24 miles long less the convergency of the meridians in that distance. (In some early surveys, these distances were 30 or 36 miles.) The secondary parallels are called *standard parallels* or *correction lines*, and each is continuous throughout its length. The secondary meridians are called *guide meridians*, and each is broken at the base line and at each standard parallel.

The principal meridian, base line, standard parallels, and guide meridians are called *standard lines*.

§ 23-6]

A typical system of principal axes is shown in the diagram. The base line and standard parallels are true parallels of latitude, and the meridians are true meridians, the rate of curvature depending upon the latitude. The guide meridians are true meridians, being true meridians but converge toward the base line upon the latitude.



Standard parallels are true parallels of latitude, and the meridians are true meridians. Guide meridians are true meridians, but converge toward the base line upon the latitude.

23.6. Townships. The plan of subdivision of a township is accomplished by extending the principal meridian north and south at intervals of 24 miles along the base line to the next principal meridian west or east, and principal meridians west or east at intervals of 24 miles along the base line to the next principal meridian west or east.

The plan of subdivision of a township extending north and south is called a *tier*. The principal meridian, and tiers are called *principal meridians* and *principal meridians* for the purposes of description. A township is designated by the name of the principal meridian.

than their theoretical positions, legally stand as the true corners, in making resurveys or substantial survey. It is, therefore, standards used in the original survey. The regulations for the subdivisions from time to time; hence, the provisions of the United States show when the surveys were made. As has remained unchanged, the by meridional and latitudinal

The township is divided into nearly as may be 1 mile square. It is impossible to lay out a township is not square, not though all measurements are

In the earliest surveys, the township respect to principal axes passing the north-south axis is a true the east-west axis is a true par-

to which all subdivisions are which governs the rectangular Ohio and Indiana is called the 48°50'W, and the latitude of the surveys which are referred to in a map, published by the United States, Showing Principal Meridians, hereby," or from Ref. 4 at the

of 24 miles east or west of the north or south of the base line, quadrangles bounded by true meridians, the south boundary of each quadrangle being 24 miles long at distance. (In some early

The secondary parallels are each is continuous throughout the range and guide meridians, and each is a parallel.

parallels, and guide meridians

A typical system of principal and secondary axes is shown in Fig. 23-1. The base line and standard parallels, being everywhere perpendicular to the direction of the meridian, are laid out on the ground as curves, the rate of curvature depending upon the latitude. The principal meridian and guide meridians, being true north-and-south lines, are laid out as straight lines but converge toward the north, the rate of convergency depending upon the latitude.

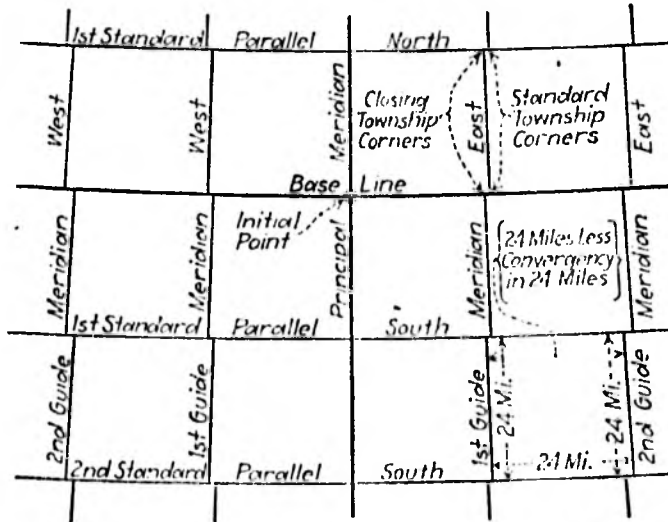


FIG. 23-1. Standard lines.

Standard parallels are counted north or south of the base line; thus the second standard parallel south indicates a parallel 48 miles south of the base line. Guide meridians are counted east or west of the principal meridian; thus the third guide meridian west is 72 miles west of the principal meridian.

23-6. Townships. The division of the 24-mile quadrangles into townships is accomplished by laying off true meridional lines called range lines at intervals of 6 miles along each standard parallel, the range line extending north 24 miles to the next standard parallel; and by joining the township corners established at intervals of 6 miles on the range lines, guide meridians, and principal meridian with latitudinal lines called township lines.

The plan of subdivision is illustrated by Fig. 23-2. A row of townships extending north and south is called a range; and a row extending east and west is called a tier. Ranges are counted east or west of the principal meridian, and tiers are counted north or south of the base line. Usually for purposes of description the word "township" is substituted for "tier." A township is designated by the number of its tier and range and the name of the principal meridian.

For example, T7S, R7W (read *township seven south, range seven west*) designates a township in the seventh tier south of the base line and the seventh range west of the principal meridian.

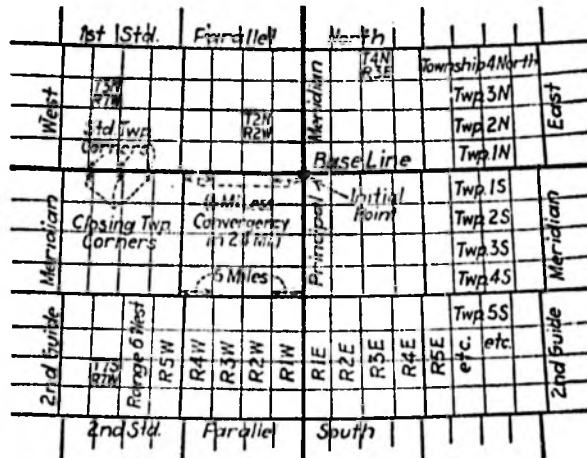


FIG. 23-2. Township and range lines.

23-7. Sections. The division of townships into sections is performed by establishing, at intervals of 1 mile, meridional lines parallel to the east boundary of the township and by joining the section corners established at intervals of a mile with straight latitudinal lines. (Strictly speaking, these lines are not meridional, but they are parallel to the east boundary of the township, which is a meridional line.) These lines, called *section lines*, divide each township into 36 sections, as shown in Fig. 23-3. The sections are numbered consecutively from east to west and from west to east, beginning with No. 1 in the northeast corner of the township and ending with No. 36 in the southeast corner. Thus Section 16 is a section whose center is $3\frac{1}{2}$ miles north and $3\frac{1}{2}$ miles west of the southeast corner of a township.

A section is legally described by giving its number, the tier and range of the township, and the name of the principal meridian; for example, Section 16, T7S, R7W, of the Third Principal Meridian.

On account of the convergency of the range lines (true meridians) forming the east and west boundaries of townships, the latitudinal lines forming the north and south boundaries of townships are less than 6 miles in length, except for the south boundary of townships that lie just north of a standard parallel. As the north-south section lines are run parallel to the east boundary of the township, it follows that all sections except those adjacent to the west boundary will be 1 mile square, but that those adjacent to the west boundary will have a latitudinal dimension less than 1 mile by an amount equal to the convergency of the range lines within the distance from the section to the nearest standard parallel to the south.

The subdivision of sections is

	Tow	
1 Mi. Less Convergency	6	5
	7	8
Range Line Convergency	18	17
	19	20
1 Mi. Less Convergency	30	29
	31	32
	To	

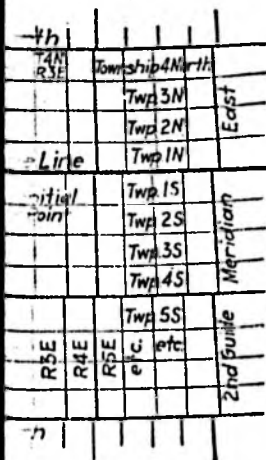
FIG. 23-3.

23-8. Standard Corners. On the base line and standard parallels, standard corners govern the measurement of each standard parallel and the corners called *correction corners* on the base line and standard parallels fall at the intersection with the meridional lines of the next standard parallel to the immediate section and quarter section, called *correction lines*.

23-9. Irregularities in Subdivision just described allow. There are, of course, so that the actual lengths of sections do not entirely agree with the theoretical lengths. In the field often make it necessary to correct the survey in exact accordance with the original plan originally established at intervals of 1 mile and of regions having been

... south, range seven west) designates a ...
... line and the seventh range west of the

The subdivision of sections is described in Arts. 23-17 to 23-19.



range lines.

... into sections is performed ...
... additional lines parallel to the east ...
... section corners established at ...
... lines. (Strictly speaking, these ...
... parallel to the east boundary of the ...
... lines, called *section lines*, divide ...
... in Fig. 23-3. The sections are ...
... and from west to east, beginning ...
... township and ending with No. 36 in ...
... section whose center is $3\frac{1}{2}$ miles ...
... corner of a township.

... its number, the tier and range of ...
... parallel meridian; for example, Sec- ...
... Meridian.

... ge lines (true meridians) forming ...
... s, the latitudinal lines forming ...
... s are less than 6 miles in length, ...
... that lie just north of a standard ...
... re run parallel to the *east* bound- ...
... ions except those adjacent to the ...
... that those adjacent to the west ...
... less than 1 mile by an amount ...
... es within the distance from the ...
... line south.

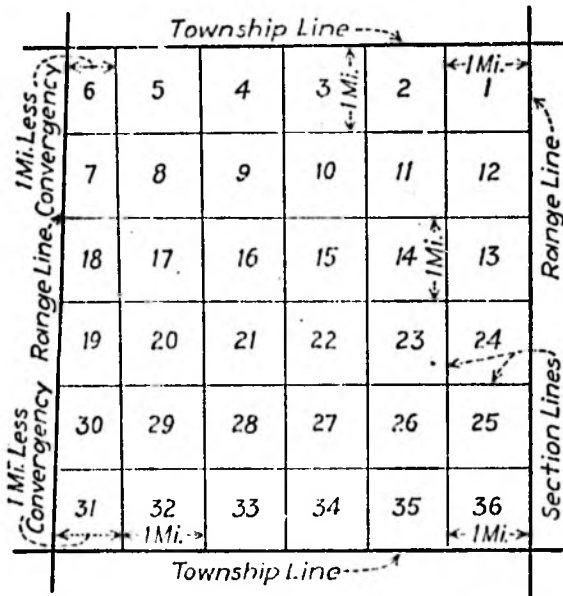


FIG. 23-3. Numbering of sections.

23-8. Standard Corners. Corners called *standard corners* are established on the base line and standard parallels at intervals of 40 chains; these standard corners govern the meridional subdivision of the land lying between each standard parallel and the next standard parallel to the north. Other corners called *correction corners* or *closing corners* are later established on the base line and standard parallels during the process of subdivision; these corners fall at the intersection of the base line or standard parallel either with the meridional lines projected from the standard township corners of the next standard parallel to the south (see Fig. 23-2) or with the intermediate section and quarter-section lines. Standard parallels are also called *correction lines*.

23-9. Irregularities in Subdivision. It should be understood that the plan of subdivision just described is the one which is carried out when conditions allow. There are, of course, always present the errors of measurement, so that the actual lengths and directions established in the field do not entirely agree with the theoretical values. But in addition, conditions met in the field often make it inexpedient or impossible to establish the lines of the survey in exact accordance with the specified plan. Thus there are numerous instances of standard parallels and guide meridians having been originally established at intervals of 30 and 36 miles, under old regulations; and of regions having been only partly surveyed. Later, under present

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

030-371-05

BOOK 131 PAGE 585
Anchorage Recording District

WARRANTY DEED

ANCHORAGE, A.C.

The Grantee
Shirley Ann J. Kelly, nee Lipka, 2144, Anchorage, Alaska
For and to have of the sum of Ten Dollars
in legal, correct and lawful to
J. P. Kelly and J. KELLY, husband and wife
(jointly)

the following described land
E 1/4, SW 1/4, NW 1/4, SE 1/4, Sec. 9, T11N, R2W - Mt. Olympus Sub

71-018499

RECORDED FILED
ANCHORAGE REC.
DISTRICT

Jun 6 12 47 PM '71

REQUESTED BY
ADDRESS To: 7.71.0.

Witnessed by the Clerk of Alaska
DATED this 3rd day of June 1971

Signed, sealed and filed in the presence of
GARY R. [Signature] (SEAL)
[Signature] (SEAL)
V. J. [Signature], PRESIDENT

This is to certify that on this 3rd day of June, 1971,
before me, the undersigned, a Notary Public in and for the State
of Alaska, duly commissioned and sworn as such, personally appeared
SHIRLEY ANN J. KELLY, known to me to be the identical person whose name
is subscribed to the foregoing instrument and known to me to be the
President of the [Organization], and he acknowledged to me that he executed
the said instrument for the purposes and consideration therein expressed
and as the act of the said corporation.

In WITNESS WHEREOF, I have hereunto set my hand and official seal
this day and year first above in this certificate written.

[Signature]
Notary Public for the State of Alaska
My Commission Expires [Date]

(Affidavit)

BOOK 433, PAGE 66
Anchorage Recording District

5-142-19

WARRANTY DEED

The Grantors, CARROLL A. WILLEY and IORA H. WILLEY, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, in hand paid the receipt of which is hereby acknowledged, convey and warrant to the Grantees, H. CHESTER DICKINSON and EUGENE L. DICKINSON, husband and wife, as tenants by the entirety, with the right of survivorship, that certain tract of real property, which tract of real property is located in the Anchorage Recording District, State of Alaska, and more particularly described as follows, to wit:

The SOUTH ONE-HALF (S 1/2), except the WEST THIRTY (30') thereof, of Lot Twenty SEVEN (27), Section 1, T. 21N-10E (27), Township TWELVE NORTH (12 N), Range 10E, ASST (S 1/2), Second Meridian, Anchorage Recording District, State of Alaska,

together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in any way appertaining, and the rents, issues, and profits thereof.

Conveyed at Anchorage, Alaska, this 2nd day of August, 1971.

Carroll A. Willey
Carroll A. Willey, Grantor

Iora H. Willey
Iora H. Willey, Grantor

STATE OF ALASKA }
THIRD JUDICIAL DISTRICT } ss:

Before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned, qualified, and sworn as such Notary Public, did on my personally appeared Carroll A. Willey and Iora H. Willey, to whom to be the persons mentioned in

0310

WARRANTY DEED CREATING TENANCY BY THE ENTIRETY

THIS DEED, executed this 24th day of June, 1966, by DAVID D. WALKER, of Anchorage, Alaska, as Grantor,

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable considerations to him in hand paid by the Grantees, does by these presents grant, bargain, sell, convey and confirm unto HARRY W. BROWN and MARTHA S. BROWN, husband and wife, of Anchorage, Alaska, Grantees, as TENANTS BY THE ENTIRETY with the right of survivorship, and to the heirs and assigns of the survivor forever, the following real property situated in the Anchorage Recording District, State of Alaska, and more particularly described as follows:

The South one-half (S 1/2) of the West one-half (W 1/2) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SW 1/4) of the Southwest one-quarter (SW 1/4) of Section Twenty-Four (24), Township Twelve North (T 12 N), Range Three West (R 3 W), Seward Meridian, consisting of two and one-half (2 1/2) acres, less easements of record.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, subject to easements, restrictions and reservations of record.

The property hereby conveyed is unimproved property and has never been used as a family home or homestead.

TO HAVE AND TO HOLD the said premises unto the Grantees, their heirs and assigns forever. And the Grantor, for himself, his heirs and assigns, does covenant and agree with the Grantees that said Grantor

ARTHUR D. TAYLOR
PUBLIC NOTARY
ANCHORAGE, ALASKA

REAL PROPERTY ACCT. NO.

GREATER ANCHORAGE AREA BOROUGH
NOTICE OF CHANGE OF OWNERSHIP OR ADDRESS

OWNER TO
054-51105

THIS SPACE FOR CUSTOMER USE

LEGAL DESCRIPTION CHANGE

LEGAL DESCRIPTION
S 1/2 of S 1/2 of N 1/2 of NW 1/4 of SW 1/4

CHANGE OF OWNER

of NW 1/4 & N 1/2 of N 1/2 of S 1/2
of NW 1/4 of SW 1/4 of NW 1/4 of Sec. 10,
T13N, R1E, S1

CHANGE OF ADDRESS

RECORDED BOOK NO. 435 PAGE NO. 142
OWNERSHIP CHANGE

VARIATION CHANGE

NAME OF NEW OWNER NOWLAN: GINE R.

NEW OWNER'S MAILING ADDRESS 1146 Kayluk Street, Apt. #11
ADDRESS CHANGE

CITY Anchorage STATE Alaska ZIP CODE 99501

NAME OF PREVIOUS OWNER BARCLAY: JOHN B. & FREIDA

I CERTIFY THAT THE INFORMATION SHOWN IS TRUE AND CORRECT.

LANDS

DATE 10/7/71

BUILDING 1

Patricia Wood

OTHER 5

NAME OF FIRM AGENT LIC Security Title & Trust Co. of A

TOTAL 1

DELETE FROM ALL CARDS FROM FILE

PREPARED BY

DATE

SOURCE

RECORDED FOR TAX YEAR 19

RECORDED BOOK PAGE

March 13, 1972

Mr. Ralph R. Darbyshire
Planning Director
Kenai Peninsula Borough
Box 850
Soldotna, Alaska 99669

Dear Darby:

Thanks much for your letter of March 7 and thanks too for your appearance before the committee on March 3. We sincerely appreciate your taking the time to present your thoughts on this very important issue. I think we will be discussing this bill within the next week to ten days and I will certainly give full consideration to your suggested committee substitute.

Best personal regards.

Sincerely,

Mike Miller, Chairman
House Local Government Committee

KENAI PENINSULA BOROUGH

Box 850

Phone 262-4441

SOLDOTNA, ALASKA 99669

March 7, 1972

GEORGE A. NAVARRE
CHAIRMAN

Representative Mike Miller
Chairman, House Local Government
Committee
Alaska State Legislature
Juneau, Alaska 99801

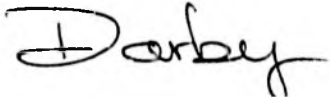
Dear Mike:

Enclosed is the proposed bill I promised as a proposed committee substitute for HB290 if the situation requires such. I would note that after the hearing this past Friday Mr. Katrell mentioned he found this proposal quite acceptable. I hope he hasn't changed his mind.

I'm not sure of any strategy one might follow in this matter but it seems that it might be best to offer the substitute proposal if and when the matter reaches the Senate.

I'd like to thank you for the courtesies extended to our delegation this past week and offer any assistance I can in your deliberations of any bills affecting the platting, planning and zoning functions of the borough.

Sincerely yours,



Ralph R. Darbyshire
Planning Director

RRD:lrh
Enclosure

HOUSE BILL NO. 290

A BILL

For an Act entitled: "An Act relating to land subdivision."

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

* Section 1. AS 40.15.190(2) is repealed and re-enacted to read:

(2) "subdivision" means the division of land into two or more parcels, tracts, lots or other divisions, and includes resubdivisions; however, land that is divided into aliquot parts of forty acres is not considered a subdivision and land that is divided into aliquot parts of ten acres or more shall not require a survey.

(3) "aliquot part" means a $1/2$, $1/4$, $1/8$, $1/16$, $1/32$, or $1/64$ rectangular portion of a regular government section or regular part of a government section, excluding fractional lots.

March 13, 1972

Ms. Barbara H. Erickson
City Clerk
City of Soldotna
Box 409
Soldotna, Alaska 99669

Dear Ms. Erickson:

Thank you for your letter of March 8 relative to HB 290,
and I will see that the House Local Government Committee
has the opportunity to review your recommended amendments
when this matter comes before us -- probably within the
next week to ten days.

Sincerely,

Mike Miller, Chairman
House Local Government Committee

City of Soldotna

Box 409

Phone 262-4511

SOLDOTNA, ALASKA
99669

March 8, 1972

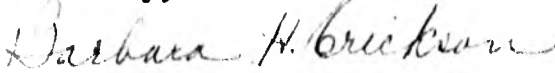
Honorable Mike Miller
House of Representatives
Alaska State Legislature
Juneau, Alaska 99801

Dear Representative Miller:

For your information I am enclosing an excerpt from the minutes of the meeting of the Soldotna City Council of March 2, 1972.

It was moved by Westphal, seconded by Maile, and passed unanimously, that the Soldotna City Council recommend passage of HB 290 with the recommended amendment. HB 290 RECOMMENDED AMENDMENT is attached and made a part of these minutes.

Sincerely,



Barbara H. Erickson
City Clerk

BHE/bh

HB 290 RECOMMENDED AMENDMENT

"Subdivision means the division of land into two or more parcels, tracts, lots, or other divisions and includes resubdivision; however, land that is divided into four or fewer parcels, tracts, or lots, or other divisions which have access to a public highway or street, provides street and utility easements to all contiguous parcels and can be described by aliquot parts description, With Each Parcel Containing At least Five Acres, is not a subdivision."

ALASKA STATE LEGISLATURE

PUBLIC HEARING

DOCUMENT TO BE CONSIDERED: HB 290

SPONSOR OF DOCUMENT: Commerce Committee

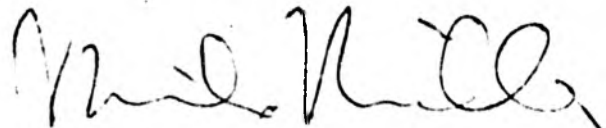
SPONSOR OF HEARING: House Local Government Committee

TIME: 7:30 P.M.

DATE: March 3, 1972

PLACE: State Capitol Building, House Conference Room

SUBJECT MATTER OF DOCUMENT: Land subdivision



Chairman

Press room copy delivered by _____ Date _____

January 17, 1972

MEMORANDUM

TO: Bob Pavitt, Director
Planning & Research

FROM: Mike Miller, Chairman
Local Government Committee

RE: House Bill 290

Bob -

Just a short note to advise you that the date for the hearing on House Bill 290 has been changed to Thursday, February 16. The meeting will probably be scheduled at 10:30. If the quantity of testimony dictates it, we will meet in the afternoon as well.

copy in
HB 290

January 17, 1972

Mr. James Cottrell, Jr.
Area Realty Company
Palmer, Alaska 99645

Dear Jim:

Just a short note to advise you that the date for the hearing on House Bill 290 has been changed to Thursday, February 10. The meeting will probably be scheduled at 10:30. If the quantity of testimony dictates it, we will meet in the afternoon as well.

Best personal regards.

Sincerely,

Mike Miller, Representative
District Four (Juneau)

*Copies in
HB 290*

January 17, 1972

Mr. Thomas Graham
Planning Director
Matanuska-Susitna Borough, Inc.
Box B
Palmer, Alaska 99645

Dear Tom:

Thank you so very much for your letter of January 12 relative to House Bill 290. Your letter, of course, will be read into the record when the bill is considered at a public hearing next month. The date of the hearing, incidentally, has been changed from February 3 to February 10.

Again, many thanks for your letter. This input will be valuable indeed.

Sincerely,

Mike Miller, Chairman
House Local Government Committee



Matanuska-Susitna Borough, Inc.

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

PLANNING-ZONING COMMISSION

January 12, 1972

The Honorable Mike Miller
Chairman
Local Government Committee
House of Representatives
Box 1494
Juneau, Alaska 99801

Re: House Bill No. 290

Dear Mr. Miller:

The proposed House Bill 290, which would waive review of small subdivisions, is in direct conflict with the trend toward more efficient development of the Matanuska-Susitna Borough. The bill was initiated in this borough specifically to accommodate one individual in attempts to circumvent subdivision regulations and platting procedures. There seems to be little support for the concept of this bill locally.

The Borough presently finds itself in the midst of a speculative boom in paper plats. Spotty settlement is taking place, creating demands for far-flung services and utilities which will be nearly impossible to provide. No reasonable collector road system emerges from a composite of the plats being recorded. A large volume of trade in unbuildable lots is resulting in an increasingly unstable tax base.

Developers are providing almost no public improvements, leaving such things as road construction and drainage to unsuspecting purchasers. The responsibility for these improvements will eventually fall upon the local government. Meanwhile, many properties are being foreclosed and permanently removed from the tax rolls.

The Borough, in an attempt to reverse this trend of unwieldy development, has established a planning department, charged with the duty of implementing the comprehensive development plan. The priority item of the implementation phase is the drafting of detailed subdivision regulations. The provisions of Bill 290 would negate much of the planning effort and subject the Borough to the problems faced by other communities fifty years ago.

The Matanuska-Susitna Borough presently has the most liberal policy of granting platting waivers, causing problems in both long-range planning and administrative procedures. Bill 290 comes at a time when it is necessary to review all land severances, rather than exempting a large portion of land divisions from public knowledge.

January 12, 1972

Waiver was originally granted in special cases for single transactions because the market price for parcels severed from homesteads did not warrant costly surveys.

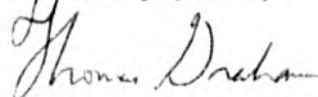
This situation has now changed. Land values are enormously higher and the need for, and usefulness of waiver has been outlived. It is generally accepted that purchasers should be afforded the protection of having their properties relate to a known point.

It is the position of the Planning Director that owners wishing to sever any property should not be required to go through waiver procedure, but should adequately describe the property and should submit a sketch of the ultimate development of the entire tract.

When subdivision is desired, the plat should adhere generally to the original sketch. This, among other benefits, will allow the Borough to plan for a collector road system. It should be recognized that an aliquot part description is of little use if the original survey was inaccurate or if no reference point can be found in the field.

Revision of the waiver provisions will be likely, as a part of the new subdivision regulations being drafted. The Borough Administration and Planning Commission feel that the passage of House Bill 290 would be extremely detrimental to this Borough and all developing regions of the State. In behalf of the Borough, I urge you to oppose its passage.

Sincerely yours,



Thomas Graham
Planning Director
Matanuska-Susitna Borough

TG:vs

C.C. Bob Pavitt, Director, Planning and Research
Honorable John Rader, Senate
Honorable Jan Koslosky, Senate
Mike Gallagher, Tryck, Nymen and Hayes
Don Berry, Executive Director, Alaska Municipal League
Ralph Darbyshire, Planning Director, Kenai Pen. Borough

THE FOLLOWING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

January 17, 1972

Mr. Ralph R. Darbyshire
Planning Director
Kenai Peninsula Borough
Box 850
Soldotna, Alaska 99669

Dear Ralph:

Thank you so very much for your letter of January 10 and PAA's position paper on House Bill 290. I will look this information over in the next day or two and advise you of any other data which would seem to be indicated.

At your request, we have postponed the hearing on this bill until Thursday, February 10. The time and place have not yet been announced but we will probably commence at 10:30. We can utilize the afternoon if need be. We hope you and a number of other planners can be present to give testimony on this measure.

Again, many thanks. I deeply appreciate your support.

Sincerely,

Mike Miller, Representative
District Four (Juneau)

KENAI PENINSULA BOROUGH

Box 850

Phone 262-4441

SOLDOTNA, ALASKA 99669

January 10, 1972

GEORGE A. NAVARRE
CHAIRMAN

Mr. Mike Miller
State Representative
P. O. Box 1494
Juneau, Alaska 99801

^{Mike}
Dear ~~Mr.~~ Miller:

Enclosed is a draft PAA position paper on HB 290. The inclusion of additional examples and some graphics could serve to further the clarification of certain points. On the other hand, such information might result in such a substantial document that no one would take the time to read it.

As an alternative to the addition of detailed data I am proposing each borough prepares examples of the following for submission at public hearing:

- Survey exemptions that have been made
- Dedicated right-of-way that would otherwise have had to be secured through condemnation proceedings
- Errors in property descriptions
- Unsuitable lands which have been restricted from subdivision or required special treatment

Please advise of any other information you might think necessary and it will be gladly included.

It appears the final paper will be ready for submission no later than January 21. I hope this proves satisfactory.

Respectfully submitted,



Ralph R. Darbyshire
Planning Director

RRD:lrh
Enclosure

P.S. I have just been advised that hearings on HB 290 are scheduled for February 4. As most Planning Directors in the State who wish to present testimony on the proposal have made a commitment to appear on a Alaska Surveying & Mapping Convention panel discussion is it possible to change the Feb. 4 date. If not, please advise so we will cancel with the surveyors.

HB 290

A POSITION PAPER

PREFACE

During the First Session of the Seventh Alaska Legislature, the House Commerce Committee introduced HB 290, An Act Redefining the Term "Subdivision" as follows:

"Subdivision means the division of land into two or more parcels, tracts, lots, or other divisions and includes resubdivision; however, land that is divided into four or fewer parcels, tracts, or lots or other divisions which have access to a public highway or street, provides street and utility easements to all contiguous parcels and can be described by aliquot parts description, is not a subdivision."

HB 290 was subsequently referred to the House Commerce & House Local Government Committees. The House Commerce Committee has reported a do-pass on the bill and the House Local Government Committee has held the bill over for public hearing during the Second Session of the Seventh Legislature.

In recognition of the pending hearings on this proposal and

the nearly unanimous opposition to this bill by local governmental officials, planning commissioners and professional planners, the PAA has prepared the following position paper in opposition to the passage of HB 290. It is PAA's hope that the detailed delineation of the ramification of HB 290 will provide the information necessary to convince the legislature to sustain our opposition to this bill.

PURPOSE OF SUBDIVISION REGULATION

As land is subdivided, provisions for streets, water, sewer, electric and other utilities must be made; space for schools, parks and other public facilities must be provided; and a host of existing and future service obligations such as police and fire protection and street maintenance are initiated. The permanence of these improvements and the financial liabilities assumed by cities and boroughs providing these improvements and services has a definite and lasting impact on a community.

The purpose of the platting authority and subdivision regulations are to allow local governments to review all proposed land divisions and assure that adequate street and utility right-of-ways are provided, lots are created which are suitable for the sanitary operation of sewage disposal facilities and generally accepted subdivision design standards are met. Furthermore, subdivision regulations provide the means to assure that accurate property descriptions are recorded and subsequent court disputes avoided. In other words the objective of subdivision regulation is to assure that subdivided land and the resultant improvements and service requirements constitute a permanent asset to a community and provide a maximum degree of health safety and convenience consistent with true economy.

HISTORY OF SUBDIVISION CONTROL

Any attempt to trace the impetus towards subdivision regulation leads back to the early 1920's when speculation in the development and sale of land reached its apex in California and Florida. Not only were land prices beyond reason during this period but the subdivisions were usually poorly designed and lots were being sold in unbuildable flood plains and steep slope areas. When the boom died, hundreds of subdivisions, some devoid of improvements, remained as evidence of poor subdivision practices. Assessment districts, which had been formed to pay for improvements, defaulted on their bonds creating tremendous financial burdens on municipalities responsible for such. Furthermore, in subsequently correcting mistakes, the public has spent millions of dollars to widen and straighten out street right-of-ways, provide water and sewer systems to undersized lots and otherwise overcome the handicaps of poor subdivision design practices.

A few states, through legislative authorization restricting the control of subdivision, continue to permit a great deal of subdivision activity beyond the purview of local governments. This is usually accomplished by defining a subdivision as the division of property into more than three or four parcels of land and continues to precipitate urbanization problems and expenses for existing and future generations. Fortunately, during recent years,

more and more of these states have moved to rectify the situation by redefining the term subdivision much as presently defined by Alaska law.

HB 290

The basic differences between the existing definition of subdivision and that provided in HB 290 is the exemption of the following types of land divisions from local governmental scrutiny:

"..., land that is divided into four or fewer parcels tracts, lots or other divisions which have access to a public highway or street, provides street and utility easements to all contiguous parcels and can be described by aliquot parts description, is not a subdivision."

If such proposal is adopted, the State of Alaska will find itself in the curious position of moving away from the level of subdivision control other states have and are moving toward. Furthermore, there can be no doubt that local governments in Alaska can expect to be forced into financing the solution to many urbanization problems which could otherwise have been prevented.

Specifically, some of the more obvious problems with the proposal are:

- The language "access to a public highway" is unclear. Does this mean fronting on or accessible by some other thoroughfare regardless of distance or type.
- The statement "provides street and utility easements to all contiguous parcels" doesn't delineate any minimum size or locational standards. This is precisely the situation that has required huge and unnecessary state and local governmental expenditures in condemnation proceedings to gain the required easements in the right location. In addition, this language makes it unclear that access to parcels cut off from the street will be insured access.
- The term "aliquot parts description" is not definitive enough and could result in the creation of lots that would not adequately provide for on-site sewage disposal system. As an example, the NW1/4 NW1/4 NW1/4 NW1/4 NW1/4 of a section comprises .15625 acres or 6,806 square feet. This size lot is hardly adequate for on-site water and sewer development.

- There is no limitation to preclude repeated subdivision of the same parcel of property. Under this circumstance it would be quite legal to divide one parcel of land not into just four lots but into 16, 64, etc.

- Land could and would, by nature of the aliquot parts provision, be subdivided without consideration of the physical or topographic characteristics of the property involved.

- By removing the approval authority from local governments, land could be subdivided and development initiated on known flood plains or geologically hazardous areas. Furthermore, the means to assure accurate property descriptions are recorded and subsequent court disputes avoided would be seriously impaired.

No doubt some of the problems cited above could be resolved by adjusting the language of the bill. To thoroughly resolve such problems however, would require the adoption of a law as detailed and restrictive as the subdivision ordinances adopted by local governments.

It is PAA's understanding that HB 290 has been generated by

the desire to provide relief from expensive survey requirements experienced in many parts of the State. There can be no doubt that this is a legitimate concern and adjustments should be made under such circumstances. It should be noted, however, that the means to remedy this situation presently exist in both State and local legislative enactments. Furthermore, most, if not all, local platting authorities in the State recognize the problem and act accordingly.

AS40.15.110 (Waiver in certain case) provides that:

"The platting authority may in individual cases waive the preparation, submission for approval and recording of a plat upon satisfactory evidence that a conveyance of part of a larger tract is not made for the purpose of, or in connection with, a present or projected subdivision development, and constitutes an isolated transaction which doesn't fall within the general intent of this chapter, and that no dedication of a street, alley, thoroughfare, park, or other public area is involved or required."

This provision is quite useful and has been used in many instances throughout the State.

Even more useful in assisting the public in subdividing property where unreasonable survey costs or special considerations exist are the exception provisions contained in most subdivision ordinances. Generally, these provisions provide that the platting authority (planning commission) may grant exceptions to any requirements set forth in a subdivision ordinance provided: special circumstances or conditions affect the property; the exception is necessary for the preservation and enjoyment of a substantial property right; and the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.

SUMMARY

Land subdivision is the chief process through which the physical layout of communities and demand patterns for public services are established. The subdivision regulatory authority is based on the proposition that the community, through democratic institutions of government, has the responsibility to assure such subdivision and development is carried out in a manner that will not prove a health, safety or economic burden upon it.

Historically, the lack of control over the land subdivision process has resulted in unnecessary problems that have cost taxpayers millions of dollars to correct. This lack of control has

resulted from statutory definitions of subdivision which have exempted many land divisions from the scrutiny of platting authorities. To correct this situation, most states have or are moving to amend their definitions of subdivision and give platting authorities total control over the land subdivision process.

HB 290 proposes to remove certain land subdivisions from the scrutiny of platting authorities. If passed, this would place the State of Alaska in the unique position of moving away from the level of subdivision control other states are moving towards. While HB 290 has been introduced in response to the desire to provide relief in those situations where unusual problems exist or unreasonable survey costs would result, adequate state and local governmental legislative enactments exist to resolve such problems.

Finally, the problems and concomitant taxpayer costs which would result from the passage of HB 290 far outweigh any benefits HB 290 might offer. As such, if the State of Alaska is to grow in a rational manner and avoid expenditures in the solution of unnecessary problems, HB 290 must be defeated.

January 14, 1972

Mr. James Cottrell, Jr.
Area Realty Company
Palmer, Alaska 99645

Dear Jim:

Jalmar asked that I advise you that House Local Government Committee will hold hearings on House Bill 290 on February 3. We will appreciate testimony from you - either in person or in writing at that time.

The exact time and place has not been determined, but this will probably be a morning hearing which could be extended into the afternoon if necessary.

Best personal regards.

Sincerely,

Mike Miller, Representative
District Four (Juneau)

cc: Representative Jalmar Kerttula

HB 290

Pouch
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DEPT. OF PUBLIC WORKS
1977 MAR 28 PM 1:51
DIV. OF COMMUNICATION

filed 3-28-72

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up pickup

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DPW DIVCOM JNU

TRYKNYMNHA AHG
MARCH 28, 1972

MESSAGE FOR MIKE MILLER, CHAIRMAN, LOCAL GOVT COMMITTEE

PLEASE CALL 586-5386 T. DAVIS FOR PICK UP

MIKE-- SORRY TO HAVE NOT SENT THIS SOONER.

PAA IS STILL UNALTERABLY OPPOSED TO CHANGING THE DEFINITION OF SUB-DIVISION SO AS TO ALLOW PRE-EMPTION OF LOCAL GOVT RIGHT TO GOVERN THE SUBDIVISION OF ALL LAND WITHIN ITS BOUNDARIES. PAA WOULD NOT STRONGLY OPPOSE A BILL WHICH RETAINED THIS RIGHT BUT REDEFINED SURVEY REQUIREMENTS. COMPROMISE BILL SENT BY DARBY-SHIRE WOULD BE MORE ACCEPTABLE IF ADDITION WAS MADE TO EXCLUDE CORPORATE MUNICIPALITIES OR WORKING TO SAME EFFECT.

BILL BERRIER WILL REPRESENT THE PAA SHOULD YOU NEED LOCAL ASSISTANCE.
MESSAGE FROM MIKE GALLAGHER
PRESIDENT
PLANNING ASSOCIATION OF ALASKA

TRYKNYMNHA AHG
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TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

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MIKE MILLER CHAIRMAN LOCAL GOVERNMENT COMMITTEE

789-7651 JUN *POUCH V*

WHAT IS PRESENT STATUS OF HB290. CAN ~~F~~AA BE OF FURTHER
ASSISTANCE SUCH AS WRITING AN ALTERNATIVE BILL

PLEASE ADVISE THANK YOU

MIKE GALLAGHER PRESIDENT PLANNING ASSOCIATION OF ALASKA

C/O TRYCK NYMAN & HAYES 740 I STREET

ANCHORAGE ALASKA PHONE 279-0543

HB290 740 I 279-0543

(53).

THE PRECEDING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

290
March 28, 1972

Telex Message for Mike Miller, Chairman
Local Government Committee

Please call T. Davis for Pickup .586-5386

Mike:

Sorry to have not sent this sooner.

PAA is still unalterably opposed to changing the definition of subdivision so as to allow pre-emption of local government right to govern the subdivision of all land within its boundaries. PAA would not strongly oppose a bill which retained this right but redefined survey requirements. A compromise bill sent by Darbeyshire would be more acceptable if addition was made to exclude corporate municipalities or working to same effect. Bill Berrier will represent the PAA should you need local assistance.

Message from Mike Gallagher, President
Planning Association of Alaska
Anchorage

From Department of Commerce

Re: HB 290 opposition

FOR IMMEDIATE RELEASE

RECEIVED
FEB 10 1972

NEWS RELEASE

DIVISION OF
PLANNING & RESEARCH

Kenneth W. Kadow, Commissioner of Commerce for the State of Alaska, today issued a warning to Alaskans to be wary of out-of-State land offerings by mail-order promoters who fail to register under the Alaska statute regulating subdivided lands. The Uniform Land Sales Practices Act, which requires out-of-State land subdivisions to meet strict requirements before being registered for sale in Alaska, was adopted by the Legislature for the protection of Alaskan residents in 1968. Unscrupulous promoters may try to operate outside of the law to avoid disclosure of misrepresentations regarding the land they are attempting to sell to Alaskans.

The warning by the State's Commerce Department head coincided with entry of a cease and desist order against Select Western Lands, Inc., which the Department accused of illegally advertising New Mexico land in Alaska. The questioned development, known as Sunshine Valley Ranchettes, was recently the subject of large ads appearing in the Anchorage area. "While the Department cannot at this time state categorically that Sunshine Valley Ranchettes is a fraudulent operation, it is engaged in an unlawful activity by having failed to register with us as required by law," the Commissioner said.

Commissioner Kadow urged residents for their own protection to demand proof of proper Alaskan registration from anyone seeking to sell out-of-State land to the public. This can be done by writing to the Department. He noted that promoters of unregistered out-of-State land offerings in Alaska may be engaged in fraudulent promotions and for that reason seek to evade Alaska's registration law.

Commissioner Kadow stressed that the public should know who they are dealing with and that they are properly registered, both in the area of subdivided land and securities.

TELEGRAM

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DA 1145A YR

RCA ALASKA COMMUNICATIONS, INC.
PHONE: 586-6440
JUNEAU, ALASKA 99801

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KETCHIKAN ALASKA 10 1037A PDT 1971 MAY 10 AM 11 23

DON M BERRY

0570

ALASKA MUNICIPAL LEAGUE 586 1325 JUN

KETCHIKAN GATEWAY BOROUGH STRONGLY OPPOSES PASSAGE
OF ANY PART, PORTION, OR SECTION, ENTIRELY OR
OTHERWISE, OF THE PROVISIONS IN HOUSE BILL NO. 290
AND SENATE BILL NO. 189

R. D. BOOMER, CAHIRMAN KETCHIKAN GATEWAY BOROUGH

290 189

(00).

TELEPHONE NO. 6-1325
TELEGRAM NO. DH
TIME 1220 P
BY JF TO BE Olin

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

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TDA PALMER 9 928A ADT

DON BERRY EXECUTIVE DIRECTOR ALASKA MUNICIPAL LEAGUE

JUN

0886

SENATE AMENDMENT OF HB290 INTO SB189 REGARDING

ALIQUOT PARTS THE MAT-SU BURROUGH IS OPPOSED

ROBERT VROMAN BURROUGH CHAIRMAN

HB290 SB189

(3).

TELEPHONE NO. _____

TELEPHONED TO DH

TIME 8:45A 6:1325

BY JP TO BE Delv-210 ad

TELEGRAM

ALASKA ALASKA COMMUNICATIONS, INC.

PHONE 588-7477

JUNEAU, ALASKA 99801

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ANCHORAGE ALAKA 26

MIKE MILLER CHAIRMAN HOUSE LOCAL GOVT COMMITTEE

HOUSE OF REPS

JUN

HB290 ALLOWING FOR SUB-DIVISION OF UP TO 4 PARCELS
BY ALIQUOT PARTS WITHOUT REQUIRING REVIEW AND
APPROVAL BY LOCAL PLANNING COMMISSIONS IS A GIANT
STEP BACKWARD IN ORDERLY LAND DEVELOPMENT. HB290
SHOULD BE KILLED IF IT REACHES YOUR COMMITTEE

PLANNING ASSOC OF ALASKA MARY M PUTMAN, SECTY

HB290 4 HB290.

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE 586-7477

JUNEAU, ALASKA 99801

1971 APR 23 AM 7 39

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ANCHORAGE ALASKA 22

REPRESENTATIVE MIKE MILLER

JUN

3379

THE ALASKA CHAPTER OF THE IZAAK WALTON LEAGUE OF
AMERICA REQUESTS YOUR SUPPORT AND ENDORSEMENT OF
SENATE BILL NO 149 IN ITS ENTIRETY AND HIGHLY
RECOMMEND THIS SENATE BILL BE PASSED DURING THIS
SESSION.

MORRIS B MILLER PRESIDENT IZAAK WALTON LEAGUE OF

AMERICA ALASKA CHAPTER PO BOX 8-9070

149 8-9070.

HB 290

*
DPW DIVCOM JNU

TRYKNYMNHA AHG

25 JAN 72

3440

✓ MSG FOR MIKE MILLER
CHAIRMAN LOCAL GOVT COMM

465 or 466
6.2.268

MSG FRM MIKE GALLAGHER
PRES PLANNING ASSOC ALASKA

PAA NEARLY FINISHED WITH POSITION PAPER ON HB 290
PLAN TO PRESENT PAPER AT PH ON FEB 10 BEFORE COMPLETING
PAPER WOULD LIKE INFO ON CURRENT STRENGTH OF BILL AND
MOST IMPORTANTLY KEY ARGUMENTS BEING PUT FORTH INFAVOR
OF BILL COULD YOU PROVIDE THIS INFO THANK YOU

SEND C/O TRYCK NYMAN HAYES 740 I ST ANCHORAGE 99501

END MSG
TRYKNYMNHA AHG

ioned 2:06
1-25

collet him
1-27-72

279-0543
Mike Gallagher

PT. OF PUBLIC WORKS

MAR 29 PM 11:47

*found 3-29-72
w/ pick up*

DPW DIVCOM JNU

TRYKNYMNHA AHG

. OF COMMUNICATION

3/29/72

9:45 A.M.

MESSAGE FOR MIKE MILLER, CHAIRMAN, LOCAL GOVERNMENT COMMITTEE

PLEASE CALL 586-5386 T. DAVIS FOR PICKUP.

IN CASE YOU DID NOT RECEIVE IT, HERE IS COPY OF DARBYSHIRE PROPOSED COMPROMISE BILL REFERRED TO IN MY TELEX 28 MARCH

A BILL

FOR AN ACT ENTITLED: "AN ACT RELATING TO LAND SUBDIVISION."
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

SECTION 1. AS 40.15.190(2) IS REPEALED AND RE-ENACTED TO READ:

(2) "SUBDIVISION" MEANS THE DIVISION OF LAND INTO TWO OR MORE PARCELS, TRACTS, LOTS OR OTHER DIVISIONS, AND INCLUDES RESUBDIVISIONS; HOWEVER, LAND THAT IS DIVIDED INTO ALIQUOT PARTS OF FORTY ACRES IS NOT CONSIDERED A SUBDIVISION AND LAND THAT IS DIVIDED INTO ALIQUOT PARTS OF TEN ACRES OR MORE SHALL NOT REQUIRE A SURVEY.

(3) "ALIQUOT PART" MEANS A 1/2, 1/4, 1/8, 1/16, 1/32, OR 1/64 RECTANGULAR PORTION OF A REGULAR GOVERNMENT SECTION OR REGULAR PART OF A GOVERNMENT SECTION, EXCLUDING FRACTIONAL LOTS.

UNDERSTAND BARRIER SUPPORTS EXPANDED WAIVER PROVISION. BAA WOULD SUPPORT THIS ALSO, REASONS SAME AS GIVEN MY TELEX 28 MARCH.

MSG. FROM MIKE GALLAGHER, PRESIDENT, PAA.

TRYKNYMNHA AHG

DPW DIVCOM JNU

608
Lt Barber

Home

Ed. Barber
Rm 608