



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: December 16, 2016

From: Staff

To: Planning Commission

Re: Monumentation Discussion and Direction

ATTACHMENTS

Attachment A: Example Minor Plat - SGC

Attachment B: Example Major Plat - SGC

Attachment C: DNR Sample Plat

Attachment D: ALPS Example Plat

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion to approve the final plat

BACKGROUND

The current code has stringent requirements for plat submission requirements, specifically the requirements for flagging and primary monumentation, which adds significant cost to platting surveys. In practice, these requirements have not typically been followed or enforced and creates a lack of conformity with code. State law requires much less and there are examples with some local municipalities of following the state minimum requirements, which are much less costly. On the other side, there are positives to having primary monuments.

Placing and recording a primary monument requires more digging, more materials, referencing three bearing objects, et cetera, and is a burdensome task. On the other hand, down the line when replats or development occur, primary monuments are invaluable to reestablish property lines and less likely to be moved or lost.

Final Plat Submission Requirements – What the Sitka General Code States.

Minor Subdivisions - Monumentation

- SGC Section 21.12.010 states under Basic Criteria, “Monuments exist sufficient to locate all proposed lots on the site,” and that means legal sufficiency.
- To be legally sufficient, SGC Section 21.12.030 Final Plat, subsection A, states that the Minor Subdivisions Final Plat “shall comply with all major subdivisions final plat submission requirements in Section 21.32.160. emphasis added.”
- SGC 21.32.160 Major Subdivision – Final Plat submission requirements states “The plat shall comply with the development and design standards contained in this title” This includes the design and monumentation standards set forth in Chapter 21.40, specifically SGC Section 21.40.160 - Required monumentation – Final Plat monuments.
- SGC Section 21.40.160 - Required monumentation – Final Plat monuments requires under subsection C, that ‘Every subdivision must have a minimum of two primary monuments set or recovered on the boundary of the subdivision. All angle points along the subdivision boundary should have a primary monument. Subsection D, establishes that secondary monuments, “shall be used for property line curvature control, at interior angle points, on interior lines ...”
- While it is staffs’ opinion and determination that this requires primary monuments, staff also recognizes that primary monuments have rarely been required in practice and are not required to such an extent by the state. In addition, there are sections that support flexibility within Title 21 for submission requirements and waiver pursuant to 21.52.

Minor Subdivisions – Flagging

SGC Section 21.12.030, Final Plat, states “The perimeter of the subdivision shall be flagged with readily viewable marking at least ten days prior to the planning commission hearing.” Further, SGC Section 21.40.160 also references flagging in subsection A.2.

Major Subdivisions - Monumentation

- SGC 21.32.160 Major Subdivision – Final Plat submission requirements states “The plat shall comply with the development and design standards contained in this title” This includes the design and monumentation standards set forth in Chapter 21.40, specifically SGC Section 21.40.160 - Required monumentation – Final Plat monuments.
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- While it is staffs’ opinion and determination that this requires primary monuments, staff also recognizes that primary monuments have rarely been required in practice and are not

required to such an extent by the state. In addition, there are sections that support flexibility within Title 21 for submission requirements and waiver pursuant to 21.52.

Major Subdivisions – Flagging

21.32.050, Preliminary plat review and approval, states that “The exterior of the lots lines of the project shall be flagged ten days prior to the first planning commission hearing on the preliminary plat.” And interior flagging if required by municipality. SGC Section 21.32.170 states that the final plat shall be flagged in the same manner. Further, SGC Section 21.40.160 also references flagging in subsection A.2.

State Law Requirements

AS 29.40 vests in this home rule chartered municipality the platting authority subject to the following under subsection **100** regarding information required for a plat, to sum: 1) initial point of survey; 2) original or reestablished corner and their descriptions; 3) actual traverse with details; 4) other info as may be required by the municipality.

State Law Sets Forth Minimum of Secondary Monumentation

Further, **AS 40.15.320**, sets forth the minimum monumentation requirements for subdivisions and dedications for public records and recordings. To sum, it requires, what we would term secondary monuments at all exterior corners for subdivisions of five or less, and all at exterior and interior points for subdivisions for 6 or more.

“AS 40.15.320. Monuments.

- (a)** In a subdivision with five or fewer lots, the existence of at least a 5/8 inch by 24 inch rebar and cap monument at controlling exterior corners of the subdivision shall be established by the surveyor.
- (b)** In a subdivision of more than five lots, each interior corner shall be monumented with at least a 5/8 inch by 24 inch rebar and cap.
- (c)** If a monument of record does not lie on the parcel or tract boundary, the plat shall reflect a boundary survey and tie to a monument of record.”

State Land Survey Requirements (11 AAC 53.100-260)

Under these sections, it sets forth the minimum survey requirements for state land. Under subsection 190, state surveys require a minimum of four primary monuments. In addition, with some deviation, this appears to be the basis or a close approximation for the SGC section on monumentation. Moreover, if state land is in a municipality, the survey is subject to the stricter controls, if any, of the municipality, under subsection 100.

Platting Authority in Unorganized Boroughs (11 AAC 53.600-740.)

Sets requirements for subdivisions with 1) five or less lots, and 2) 6 and more lots. In both, these monuments are more similar to our code's secondary monuments versus primary monuments.

Other Municipalities' Requirements

Ketchikan Gateway Borough – Example of more lenient code

KGC section 17.10.090 requires the rough equivalent of secondary monuments for its subdivisions for all exterior corners of the subdivision and all lot corners.

City and Borough of Juneau – Example of similar for majors and example of more lenient for minor subdivision

CBJ Code Section 49.15.453 – Monumentation, requires primary monumentation, similar to SGC, for subdivisions of 6 or more lots; and secondary monumentation, similar to SGC, for 5 or fewer lots.

Anchorage Municipal Code

21.85.130 - Monuments.

Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set in a professional manner. Survey monumentation shall conform to such additional standards as the director of public works may establish by regulation under [chapter 3.40](#).

And AMC section 21.08.030(K): *Monuments*. Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set by a professional registered land surveyor licensed by the state of Alaska. Survey monumentation shall conform to such additional standards as the municipal surveyor may establish by regulation under [AMC Chapter 3.40](#).

RECOMMENDATION

Staff believes that flagging should be eliminated as mandatory *except* when required by the Planning Commission during review of the concept or preliminary plat when circumstances such as topography, drainage, setbacks, property line, or other development criteria or issues arise that warrant such marking.

Staff believe that monumentation should include a minimum of four primary monuments for **major** subdivisions, with secondary at all angle points. For **minor** subdivisions, at least one primary monument for minor subdivisions with secondary monuments at all angle points. It is

further believed, that a clause about recovered versus newly set be applicable, and that depth be reduced to mirror state minimums for state surveys and include the language “or until refusal.”

In addition; any variation of the following could be another direction:

Alternative 1 – Strict Monumentation Criteria

Primary Monumentation at all exterior angle points for minor and major subdivision; and secondary monumentation at all interior lot angle points for both types of subdivision.

Alternative 2 – Another Middle Ground Approach

Primary of 2 Primary Monuments for all Major Subdivisions at exterior angle points; and secondary monumentation at all interior lot angle points for both types of subdivision. Minor Subdivisions, one primary monument or no primary monuments, with the rest being secondary monument points

Alternative 3 – Most Lenient

Secondary Monuments at all exterior corners, and interior corners for all types of subdivisions.

Motion

I move to direct staff to (choice of something to the effect):

1. Do nothing.
2. Interpret existing code more leniently.
3. Interpret code more strictly.
4. Draft new code options for planning commission review regarding flagging and and monumentation that is similar to a (lenient, middle ground, or stricter alternative) as discussed by the Planning Commission.

CERTIFICATE OF OWNERSHIP
AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

7/11/2016 *Karen J. Lucas*
DATE OWNER

NOTARY'S ACKNOWLEDGMENT
U.S. OF AMERICA
STATE OF ALASKA
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 11 DAY OF July, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED *Karen J. Lucas* TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND SHE ACKNOWLEDGED TO ME THAT SHE SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

Alexandra Puson
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES with office

CERTIFICATE STATE OF ALASKA
(FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF: *Karen J. Lucas* (ALL OWNERS OF RECORD) AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 2016 WILL BE DUE ON OR BEFORE AUGUST 31. DATED THIS 11th DAY OF July 2016, AT SITKA, ALASKA.

Wendy Lawrence
ASSESSOR CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL
BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. PL16-07 DATED JUNE 21, 2016, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

7-11-2016 *Chairman, Platting Board*
DATE *Alexandra Puson*
SECRETARY

CERTIFICATE OF APPROVAL
BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK 15 PAGE 240 DATED JUNE 21, 2016, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

7/12/16 *Mayor Sara Peterson*
DATE *McCurdy*
CITY AND BOROUGH CLERK



O'Neill
SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835
PHONE: (907) 747-6700
FAX: (907) 747-7590
EMAIL: oenellegrn@ak.net

CERTIFICATE OF PAYMENT OF
LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING FINANCE DIRECTOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF: *Karen J. Lucas* (ALL OWNERS OF RECORD) AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 13 DAY OF July, 2016, AT SITKA, ALASKA.

John Sweeney III
FINANCE DIRECTOR
CITY AND BOROUGH OF SITKA

11

July

2016

13

July

2016

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

7/15/2014
DATE

Jeremy Twaddle Manager
OWNER MOUNTAIN VIEW ESTATES LLC
(SIGNATURE)

DATE

OWNER

(SIGNATURE)

NOTARY'S ACKNOWLEDGMENT

US OF AMERICA
STATE OF ALASKA
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 15 DAY OF July 2014, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED.

Jeremy Twaddle, Manager of Mountain View Estates LLC.

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND He ACKNOWLEDGED TO ME THAT He SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

MY COMMISSION EXPIRES April 20, 2017

Maegan Bosak
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

STATE OF ALASKA

NOTARY PUBLIC

MAEGAN BOSAK

My Commission Expires April 20, 2017

CERTIFICATE OF PAYMENT OF TAXES

(STATE OF ALASKA)

(FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF MOUNTAIN VIEW ESTATES, LLC

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 2014 WILL BE DUE ON OR BEFORE SEPT. 2 2014.

DATED THIS 22nd DAY OF July 2014, AT SITKA, ALASKA.

Donald J. Hughes
ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. P13-04 DATED June 11 2013, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

7/15/14 *R. Pamela*
DATE CHAIRMAN, PLATTING BOARD

Maegan Bosak
SECRETARY

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF: Mountain View Estates, LLC.

(ALL OWNERS OF RECORD), AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 22nd DAY OF July
20 14, AT SITKA, ALASKA.

J. Middleton
FINANCE DIRECTOR
CITY & BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK — PAGE — DATED — 20, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

23 July 2014 *Matthew Hunter*
DATE Deputy MAYOR

CITY AND BOROUGH CLERK

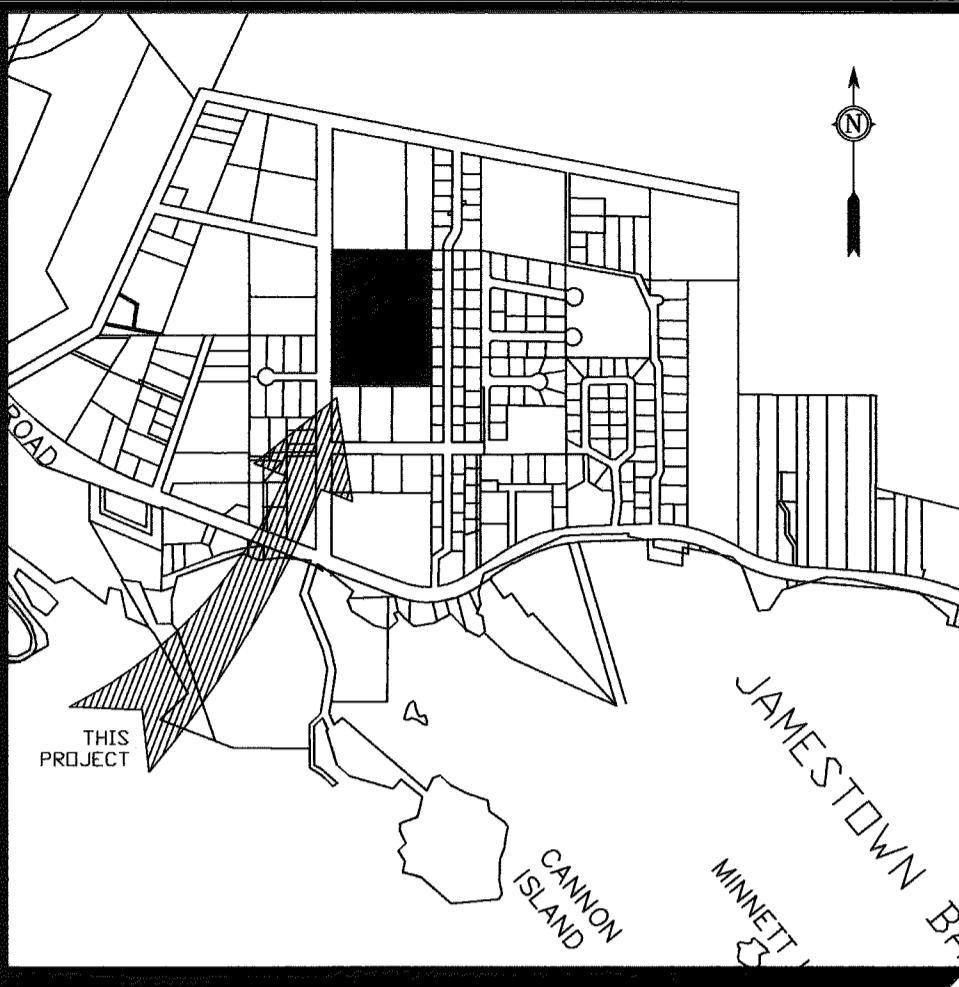
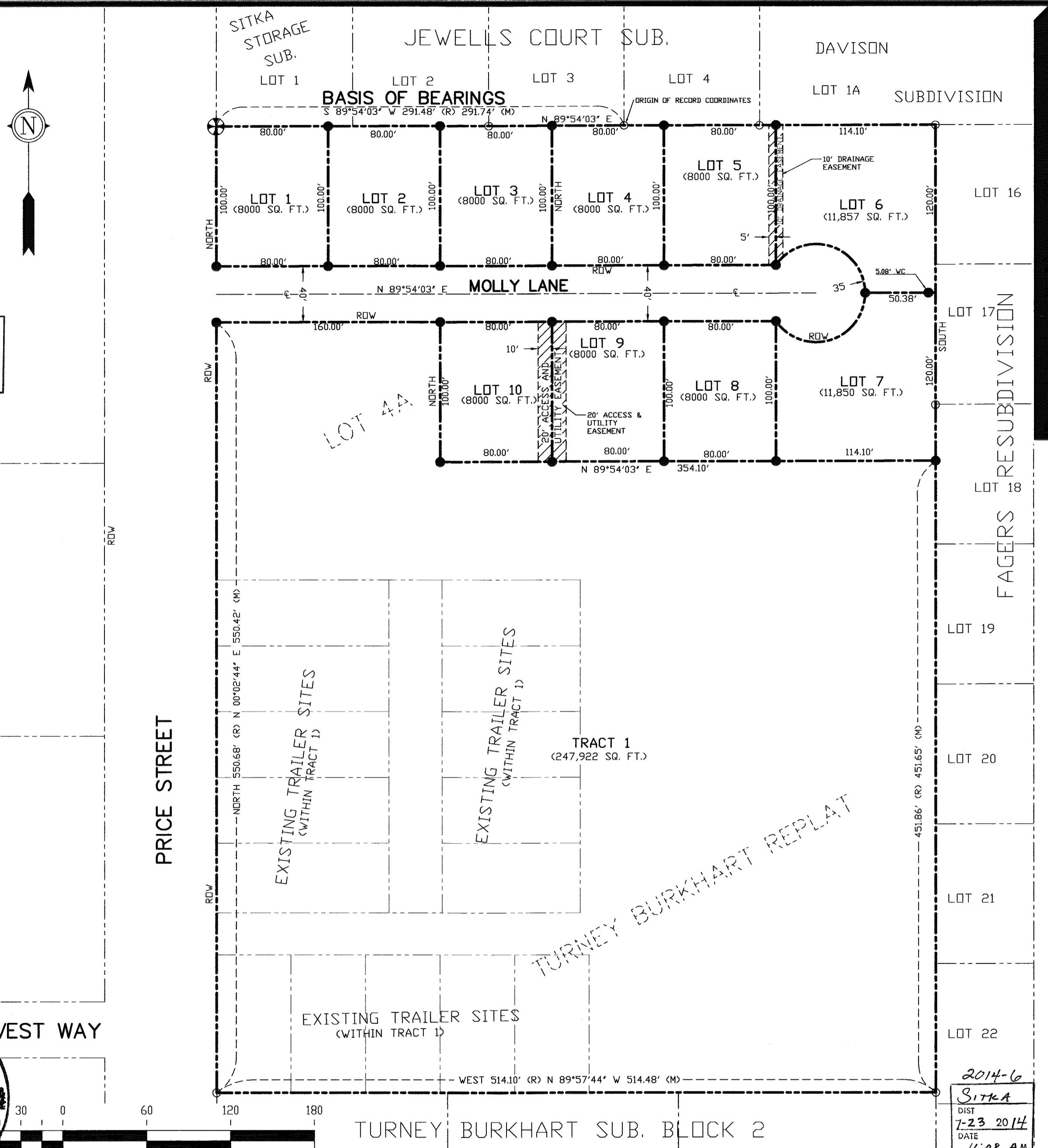
O'NEILL
SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835

PHONE: (907) 747-6700

FAX: (907) 747-7590

EMAIL: oneillengr@ak.net



VICINITY MAP

-  PRIMARY CONTROL MONUMENT RECOVERED (BRASS CAP)
-  BLM/GLO PRIMARY BRASS CAP (RECOVERED)
-  SECONDARY MONUMENT (SET)
-  SECONDARY MONUMENT (RECOVERED)
-  (R) RECORDED DATA
-  (C) COMPUTED DATA
-  (M) MEASURED DATA

NOTES:

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 4A OF THE
TURNER BURKHART REPLAT INTO 11 NEW LOTS.

A MAINTENANCE AGREEMENT FOR THE ACCESS AND UTILITY
EASEMENT IS FILED IN THE SITKA RECORDING OFFICE UNDER
SERIAL NO. 2014-000838-0

THE MUNICIPALITY IS PARTY TO ALL EASEMENTS AND PLAT
NOTES. THEY SHALL NOT BE MODIFIED WITHOUT APPROVAL OF
THE PLATTING BOARD.

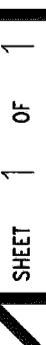
NO LOT, TRACT, OR PARCEL WITHIN THIS SUBDIVISION MAY BE
CONVEYED BY ISLAND ENTERPRISES UNTIL SERVED BY ROAD,
DRAINAGE, WATER, SEWER, AND ELECTRICITY SERVICE AND SAID
IMPROVEMENTS HAVE BEEN INSPECTED, APPROVED, AND ACCEPTED
FOR MAINTENANCE BY THE CITY AND BOROUGH OF SITKA, ALASKA OR
A SUBDIVISION AGREEMENT BETWEEN THE CITY AND BOROUGH OF
SITKA AND THE OWNERS OF THE PARCELS IN THE SUBDIVISION HAS
BEEN EXECUTED. THE EXECUTED SUBDIVISION AGREEMENT SHALL
SPECIFICALLY LIST THE LOTS THAT MAY BE SOLD PRIOR TO THE
INSTALLATION AND ACCEPTANCE OF THE ROADS AND UTILITIES.

SITKA RECORDING DISTRICT

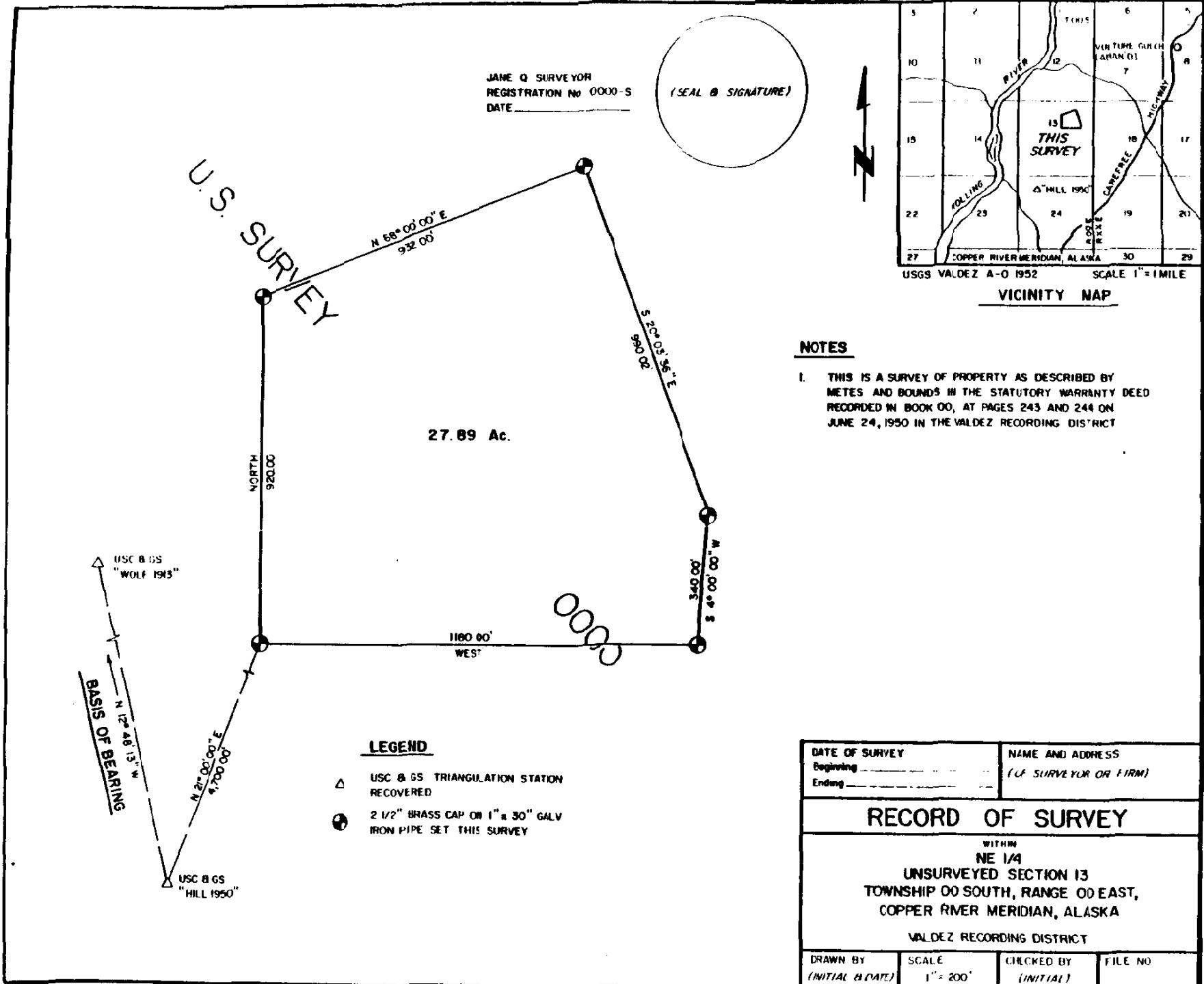
MOUNTAIN VIEW SUBDIVISION

LOT 4A,
TURNER BURKHART REPLAT

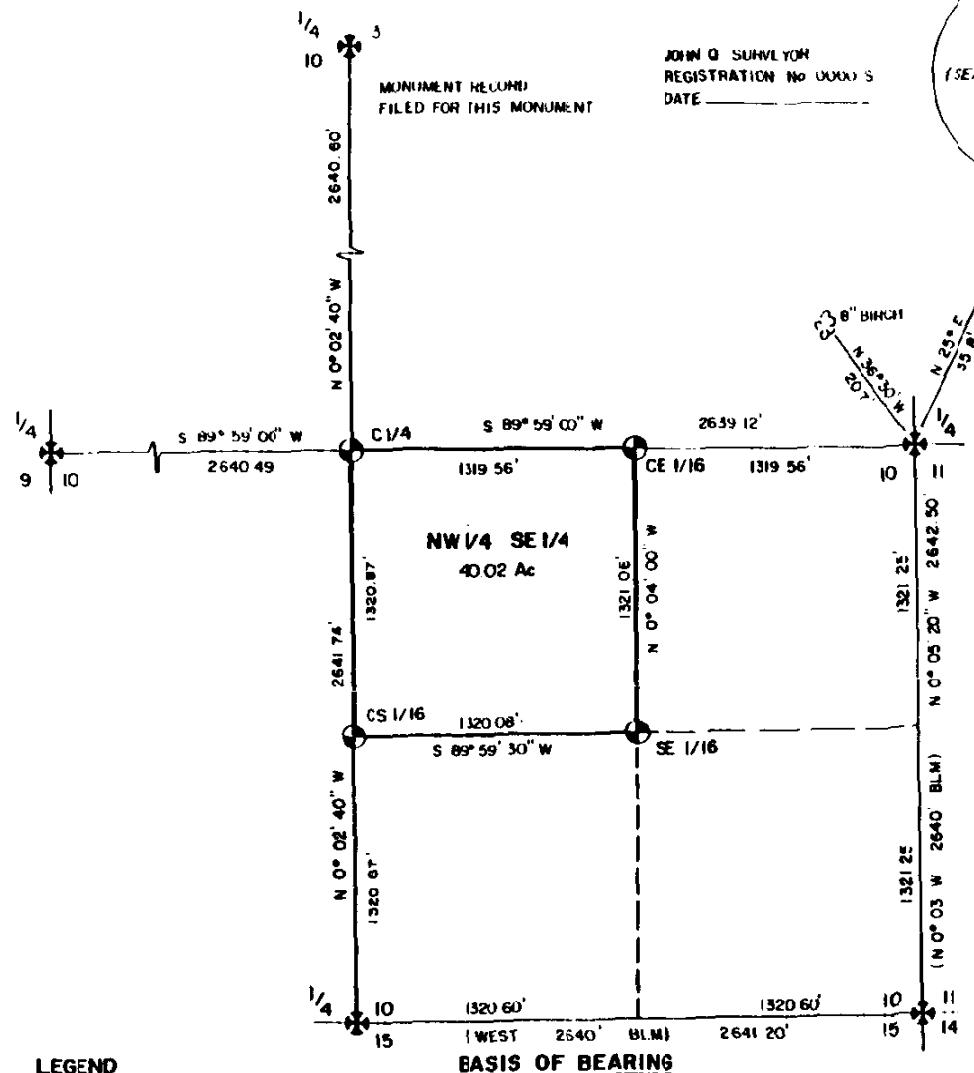
CLIENT: ISLAND ENTERPRISES



SAMPLE RECORD



SAMPLE RECORD

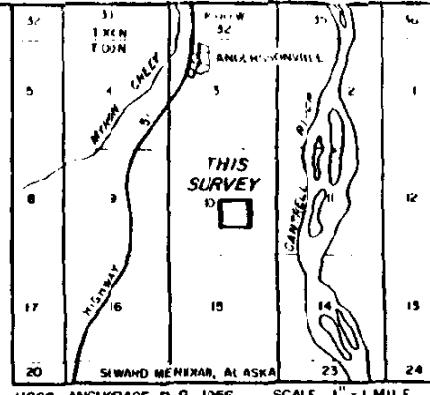


LEGEND

3LN MONUMENT RECOVERED
3 1/4" ALUMINUM CAP ON 2" x 50"
ALUMINUM PIPE SET 2" ABOVE
GROUND THIS SURVEY

JOHN Q. SUNVALYON
REGISTRATION NO. UXXXX S
DATE _____

(SEAL & SIGNATURE)



VICINITY MAP

NOTES

1. UNLESS OTHERWISE NOTED, ACCESSORIES FOR ALL BLM MONUMENTS ARE AS DESCRIBED IN THE ORIGINAL FIELD NOTE RECORDS
2. SURVEYED IN ACCORDANCE WITH THE BLM MANUAL OF SURVEY INSTRUCTIONS 1973 SECTIONS 3-85 THROUGH 3-89
3. THIS IS A SURVEY OF THE PROPERTY DESCRIBED IN UNITED STATES PATENT No 1234567 RECORDED IN THE ANCHORAGE RECORDING DISTRICT IN BOOK 000 AT PAGE 500 ON JUNE 31, 1985. THIS DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY A.S. 40 IS 1901(2)

DATE OF SURVEY Beginning _____ Ending _____	NAME AND ADDRESS (OF SURVEYOR OR FIRM)
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RECORD OF SURVEY

OF
NW 1/4 SE 1/4
SECTION 10
TOWNSHIP 00 NORTH, RANGE 00 WEST,
SEWARD MERIDIAN, ALASKA
ANCHORAGE RECORDING DISTRICT

DRAWN BY (INITIAL & NAME)	SCALE 1"- 500'	CHECKED BY (INITIAL)	FILE NO.
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