

# PROCEDURES FOR SUBDIVIDING LAND WITHIN THE KENAI PENINSULA BOROUGH

## What is a subdivision?

"Subdivision" as defined in the Alaska Statutes 40.15.900(5)(A) "means the division of a tract or parcel of land into two or more lots by the landowner or by the creation of public access . . ."

Alaska Statutes also state that "Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be approved by the authority having jurisdiction . . ." (A.S. 40.15.010).

The Planning Commission's Plat Committee is the proper authority regarding land subdivision within the Kenai Peninsula Borough.

## Procedure for Subdividing Land.

If you wish to subdivide or replat your property, the following steps are to be followed.

1. Optional Step. Confer with the Borough Planning Department to determine if the subdivision or replat meets Borough Code of Ordinances.
2. Have a preliminary plat prepared by a surveyor in conformance with Chapter 20 of the Borough Code of Ordinances (Subdivision Regulations). Copies are available free of charge through the Planning Department and are available at [www.kpb.us/planningdept](http://www.kpb.us/planningdept).
3. If the plat is within city limits or the Bridge Creek Watershed Area, it must be submitted for city planning and zoning review prior to submittal to the borough. The appropriate city planning and zoning minutes must be submitted with the preliminary plat to the borough.
4. Submit nine copies of the preliminary plat. (2 full size / 7 – 11x17)

Each plat submittal must be accompanied by plat fees and a submittal form, or letter providing the following information:

- a) Intended land use,
- b) Existing zoning,
- c) Proposed means of water supply and sewage disposal, and
- d) Any exceptions being requested, stating reasons the exception is necessary. It is the subdivider's responsibility to justify a requested exception.

The Kenai Peninsula Borough Assembly sets plat fees by the adoption of Ordinance 2011-32 Substitute) The current fee schedule is available through the Planning Department.

Plats, a submittal letter, city minutes (if applicable), and fees must be received by the Planning Department at least three weeks prior to the meeting during which the proposed subdivision will be reviewed. The current meeting schedule is available through the Planning Department.

5. The Planning Department staff will forward copies of the plat to the review agencies for their comments.

The staff will review the submittal for conformance with Borough Code of Ordinances. Following the review, the staff will take the plat, along with the staff's report, to the Planning Commission/Plat Committee for their review and action. Staff reports will be sent to the surveyor, landowner, and posted on the Planning Department web site prior to the meeting.

6. The Planning Commission/Plat Committee will review the submitted preliminary plat and take one of the following actions:
  - a) Approve as submitted; or
  - b) Approve subject to specified revisions;
  - c) Disapprove; or
  - d) Postponement at the Owners request.

The subdivider and surveyor will receive a copy of the meeting minutes containing the staff report, Commission/Committee decision, and any required revisions.

7. Following preliminary approval, the subdivision must be surveyed. A final plat of the subdivision must be prepared in conformance with Chapter 20.60 and submitted within two years of the preliminary approval. It is suggested that a paper copy of the final plat be submitted for review.
8. Final approval will be granted according to one of the following options:

- a) Administrative Approval. Per KPB 20.60.220, where preliminary plats have been approved by the planning commission, the final plat may be approved by the planning director or his designee when the final plat meets the conditions of preliminary approval and complies with this title. When approved by the director or his designee, such approval shall be noted on a notarized form.

The director shall report such approvals at the next regular Planning Commission meeting.

Two copies of the plat must be submitted to the planning department.

- b) Final review by Planning Commission/Plat Committee. Submit five copies of the final plat to the Planning Department at least three weeks prior to the meeting at which it will be reviewed. The subdivider and surveyor will be sent copies of minutes setting out the Planning Commission/Plat Committee decision.
9. Final approval is valid for one year for subdivision plats that were granted preliminary approval before February 11, 2014 under KPB Code 20.16. Final approval is valid for two years for subdivision plats that were granted preliminary approval after February 11, 2014 under KPB Code 20.60.

After the paper copy final review, the original Mylar bearing notarized signatures of all owners must be submitted for signature by an authorized Borough Official and filing with the appropriate District Recorder's Office. Once signed by the borough, the Mylar must be recorded within 10 business days.

10. The Planning Department or the surveyor will file the plat with the appropriate District Recorder where it will become an item of public record. A copy of the plat showing the recorded data will be sent to the owner.

## **Plat Fees to be Paid by Subdivider**

Borough Plat filing fees - Must be submitted with initial preliminary plat submittal. A current fee schedule is available from the Planning Department.

State recording fee - All plats must be filed with the State Recorder to be entered into public records. Currently the state fees are \$20.00 for a one page plat and \$5.00 per each additional page. You will be advised when to submit the check for the recording fee. The check must be payable to the Department of Natural Resources.

## **Additional requirements the subdivider should be aware of.**

1. Certificate to Plat. In accordance with KPB 20.25.080, a Certificate to Plat will be required on all subdivisions. The subdivider, or subdivider's authorized representative, is responsible for submitting the Certificate to Plat as set out in KPB 20.25.080.

Notarized signatures are required from the owners of a majority of the land within the subdivision.

Deed of trust notification by staff.

2. See Chapter 20.40 (Requirements for Subdivision Wastewater Disposal)
3. Right-of-way construction is not a subdivision requirement. However, to have dedicated rights-of-way considered for inclusion in the Borough Road Maintenance Program, rights-of-way must be constructed to certain standards. Standards may be obtained from the Road Maintenance Department.
4. Taxes - All taxes levied or estimated to be levied if the plat is to be recorded between January 1 and June 30 against the parcel(s) being subdivided must be fully paid prior to filing the plat with the District Recorder's Office. The District Recorder will not accept a plat for filing without a current Certificate of Paid Taxes.
5. See KPB 20.25.090 regarding notification of affected property owners in platting actions.

## **Waiver to Platting Requirements**

Alaska State Statutes 29.40.090 and KPB 20.10.050 provides for a waiver to the platting requirements in certain instances. In order for a platting waiver to be granted, all of the following conditions must be met.

1. A single existing division of property is not subdivided into more than four lots;
2. Legal and physical access is provided to a public highway or street for each lot created by the subdivision;
3. The subdivision does not contain or require a dedication of a street, public right-of-way, or other area;
4. The subdivision does not require a vacation of a public dedication of land;
5. The subdivision does not require a variance from KPB Title 20 Subdivision regulations; and
6. Each lot created by this subdivision is five acres or larger.

The application must be accompanied by: (Application forms are available through the Planning Department)

1. A legible drawing showing the proposed subdivision, location and name of existing dedication public rights-of-way and/or section line easements, north arrow, and legal description of property being subdivided; and
2. A Certificate to Plat. (An updated Certificate to Plat, current to no earlier than 3 business days prior to the Planning Commission meeting at which the Plat Waiver will be considered, must be provided by the owner.)
3. A Certificate from the KPB Finance Department stating that all taxes due and payable on the land subject to the waiver application have been paid.

Beneficial interest holders as shown on the Certificate to Plat will be notified by the Planning Department at least 30 days prior to the Planning Commission meeting at which the plat waiver will be considered. They will be given the opportunity to comment if their interest limits/prohibits the subdivision, or requires their signature on the application. If any new beneficial interests appear on the final Certificate to Plat, they will be given the same notice. The owners will be responsible for resolving any issues with the beneficial interest holders prior to the Plat Waiver Resolution being recorded. KPB 20.10.050.B

Applications for Plat Waivers located with city limits will be submitted to the city by the subdivider at least 30 days prior to the Planning Commission meeting at which the plat waiver will be considered.

Upon receipt of the completed application, the application will be scheduled for review by the Planning Commission. Plat waiver approvals are contingent upon recording a Planning Commission Resolution with the appropriate District Recorder within 30 days of approval.

The fees for recording the resolution must be paid by the applicant. The fee for submittal of plat waivers to the Kenai Peninsula Borough is \$50.00 per KPB 1.26.