

ORDINANCE CERTIFICATION

I certify that upon final enactment of Ordinance No. 78-37 Sub of the Kenai Peninsula borough, this certification of the actions taken by me conforms with the rules and regulations governing ordinances.

1. Publication: Publication has been made by causing a summary of this ordinance to be inserted one time in a newspaper of general circulation in the borough. One copy of this ordinance as set for hearing, together with Notice of Hearing has been mailed to the city clerks of each first class city in the borough and to each postoffice in the borough with a request for posting on the City Hall and Post Office bulletin boards for 10 days immediately following receipt.
2. After adoption of this ordinance, one copy will be mailed to the city clerk of each first class city in the borough.

This ordinance was ENACTED by the assembly of the Kenai Peninsula Borough on the 7th day of August, 1979 and will become effective immediately.

Borough Clerk

Date: 8-8-79

Introduced by: Mayor at Request of
Planning Commission
Date: June 19, 1979
Hearing: August 7, 1979
Vote: 117 "Yes", 18 "No"
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 78-37
(SUBSTITUTE)

REVISING CHAPTER 20 OF THE PLANNING AND SUBDIVISION REGULATIONS OF THE BOROUGH CODE GOVERNING THE SUBDIVISION OF LAND WITHIN THE BOROUGH.

WHEREAS, the Borough exercises planning and platting powers on an areawide basis; and

WHEREAS, the Borough Planning Commission proposed a revised subdivision ordinance which will control the division of land within the Borough; and

WHEREAS, the Planning Commission, after public hearing, has recommended that the assembly adopt the revised subdivision ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Title 20 of the Borough Code of Ordinances is hereby repealed.

Section 2. That the Borough Code of Ordinances is hereby amended by adding a new title to be number 20, which shall read as follows:

CHAPTER 20.04
GENERAL PROVISIONS

Sections:

- 20.04.010 Purpose of provisions.
- 20.04.020 Statutory authority.
- 20.04.030 Jurisdiction of provisions and commission.
- 20.04.040 Plat--Required when--Exceptions.
- 20.04.050 Deed of record boundary survey plat.
- 20.04.060 Illegal subdivision.
- 20.04.070 Abbreviated Plat Procedures.

20.04.010 Purpose of provisions. The purpose of this title is to promote an adequate and efficient street and road system, to provide utility easements, to provide minimum standards of survey accuracy and proper preparation of plats and to protect and improve the health, safety and general welfare of the people.

20.04.020 Statutory authority. This title is adopted under the authority of AS 29.33.150 to .240 and AS 40.15.

20.04.030 Jurisdiction of provisions and commission.

- A. This title shall govern subdivision of all land within the Kenai Peninsula Borough. No subdivision plat requiring commission approval shall be recorded unless approved by the commission. If any subdivision not approved by the Planning Commission is tendered by deed or plat for recordation, the subdivider shall be deemed guilty of a misdemeanor.
- B. The Borough may request judicial action enjoining the conveyance or attempted conveyance of any tract or parcel of land that contravenes this Ordinance.
- C. No person or his agent shall transfer, sell, or enter into a contract to sell any lots, tracts, parcels, or other division of land which must be subdivided under this Ordinance until an approved final plat has been recorded.
- D. Breach of subsection 20.04.030(A) or 20.04.030(C) shall constitute a misdemeanor punishable by a fine not to exceed \$500 and by imprisonment not to exceed 30 days for each violation. Each transfer, sale or entry into a contract to sell any land subdivided in violation of this ordinance shall constitute a separate offense.

An agent shall be independently liable in the same degree as an owner when involved in the transfer, sale or entry into a contract to sell land subdivided in violation of this ordinance.

20.04.040 Plats--Required when--Exceptions. No subdivision shall be approved by the Commission except upon the submission of a plat prepared in accordance with Chapters 20.12, 20.16 and 20.20 of this Title, except for:

- A. Subdivisions of land into aliquot parts no one of which is less than 40 acres are hereby approved and no presentation to the commission is required. Within the limits of first class cities such subdivisions may be prohibited by ordinance.
- B. The subdivision of lands coming under provision of AS 29.33.170(a) are excluded from the provisions of Chapters 20.12, 20.16 and 20.20 of this Title. Sufficient evidence must be presented to the Commission to support a formal finding by the Commission that:
 - 1. Each tract or parcel of land will have adequate access to a dedicated public highway or street by frontage upon a dedicated public highway or street.
 - 2. Each parcel is five acres in size or larger and that the land is divided into four or fewer 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 by Chapter 20.20 of these ordinances.
- C. A copy of the minutes setting forth the Commission's official findings shall be provided to the subdivider. If the Commission finds that the proposed subdivision complies with the requirements of Subsection (B), the proposed subdivision shall be excepted from the provisions of Chapters 20.12, 20.16, and 20.20 of this Title.
- D. Subdivisions may by express vote of the Commission be exempted from survey and monumentation requirements of 20.16.170 through 20.16.220 when substantial evidence is presented to the Commission to support a formal finding by the Commission that:

1. The land is divided into not more than four parcels inclusive of any unsubdivided remainder, each parcel is at least 5 acres in size, and has a lot depth-to-width ratio not greater than 3 to 1.
2. The approximate location of each lot shall be readily identifiable to an individual by the presence of prominent topographic features, monumentation on adjacent subdivisions or other identifiable features sufficient to reference the property.
3. Any road dedications can be constructed to the standards of this chapter.

Each exception shall be separately voted upon by the Commission and the Commission shall record in its minutes the evidence and reasons for its actions.

20.04.050 Deed of Record Boundary Survey Plat.

A. Plats showing surveys of record pertaining to deeds originating prior to the effective date of Ordinance No. 78-59 (12/5/78), shall be prepared in the same format as required by Chapter 20.16 except as hereinafter required. Deed of Record Boundary Survey Plats are exempted from Chapter 20.20 of this Title.

B. Deed of Record Boundary Survey Plats shall be labeled in the title block:

Deed of Record Boundary Survey

C. The following certificate of approval shall be placed on plats pertaining to parcels created by deed after June 6, 1968.

This plat was approved by the Kenai Peninsula Borough Planning Commission on _____ for recording by the State Recorder as a Deed of record Boundary Survey. Such an approval does not constitute subdivision approval.

By _____

D. The following certificate of approval may be on plats pertaining to parcels created by deed prior to June 6, 1968:

This plat was approved by the Kenai Peninsula Borough Planning Commission on _____ for recording by the State Recorder as a Deed of Record Boundary Survey.

By _____

- E. The title block shall contain the book and page numbers where the deeds are recorded in the District Recorder's records.
- F. The provisions of this section shall apply to parcels created by deed pursuant to subsections 20.04.040 A and B of Title 20 regardless of the date on which the parcels were created. Plats showing surveys of such deeds may use the approval certificate outlined in subsection 20.04.050(D).

20.04.060 Illegal subdivisions. A parcel of land that may have been illegally subdivided may be submitted as a subdivision. If approved as meeting the requirements of this ordinance and properly recorded, said parcel shall then be deemed to be an approved subdivision according to the Borough Code of Ordinances.

20.04.070 Abbreviated Plat Procedures. The abbreviated plat procedures may be used in those instances where the subdivision, resubdivision or vacation is of a simple nature and does not depict new survey work or monumentation.

A. Eligible abbreviated plats:

1. Adjustments to interior lot lines within filed, surveyed, subdivisions which do not result in the creation of additional parcels.
2. Alterations to dedicated rights-of-way or other dedicated lands, including vacations or matching dedications provided only the alteration is depicted.
3. Reversion to acreage plats and lot combinations.
4. Plats which receive a survey exception under the provision of 20.04.040-D and, at the option of the subdivider, plats receiving the waiver under AS 29.33.170(a) as provided for in 20.04.040-B.

B. Application requirements:

Plats filed under the abbreviated plat procedures shall generally be prepared in accordance with the requirements of Chapter 20.12 and 20.16, except sheet sizes shall be limited to 8-1/2" x 14" or 11" x 17".

C. Procedures:

Plats filed under the abbreviated plat procedures are eligible for administrative final approval as provided in 20.16.180.

CHAPTER 20.08
DEFINITIONS

Sections:

20.08.010	Definitions generally.
20.08.020	Aliquot part.
20.08.030	Block
20.08.040	Cul-de-sac.
20.08.050	Date of receipt.
20.08.060	Easements.
20.08.070	Lot.
20.08.080	Lot depth.
20.08.090	Lot width.
20.08.100	Monument.
20.08.110	Planning Director.
20.08.120	Planning Commission.
20.08.130	Street.
20.08.140	Subdivider.
20.08.150	Subdivision.
20.08.160	Surveyor.

20.08.010 Definitions generally. In this title, unless otherwise provided, or the context otherwise require, the definitions codified in Sections 20.08.010 through 20.08.150 shall apply.

20.08.020 Aliquot part. Aliquot part means a rectangular portion of a section created by midpoint protraction as defined by the "Manual of Surveying Instructions 1973" U.S. Department of Interior, Bureau of Land Management.

20.08.030 Block. "Block" means a piece or parcel of land entirely surrounded by public streets, streams, railroads, rights-of-way, and parks, etc., or a combination thereof.

20.08.040 Cul-de-sac. "Cul-de-sac" means a short dead-end street having a vehicular turnaround.

20.08.050 Date of receipt. "Date of receipt" means the Agenda cut-off date, immediately following the time of plat submittal, as established by resolution of the Planning Commission.

20.08.060 Easements. Unless otherwise specifically identified on the plat, easement shall mean the right of ingress and egress for placing and maintaining utilities normally associated with developed land such as electric, telephone, gas, drainage, sewer and water.

20.08.070 Lot. Lot is defined as the smallest portion of a subdivision, constituting a single parcel, division or piece of land intended for building development or conveyance as a single unit.

20.08.080 Lot depth. "Lot depth" means the average distance from street right-of-way to the rear lot line which is the lot line opposite and most distant from said street right-of-way.

20.08.090 Lot width. "Lot width" means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines.

20.08.100 Monument. "Monument" means a point marked on the surface of the earth for commencing or controlling a survey.

20.08.110 Planning Director. "Planning Director" means the principal executive officer of the department of planning as described in Section 2.36.100 of the Borough code of Ordinances.

20.08.120 Planning Commission. "Planning Commission" or "Commission" means the Kenai Peninsula Borough Planning Commission as established in Chapter 2.40 and unless otherwise stated shall also mean Plat Committee as established in Chapter 2.40.080.

20.08.130 Street. "Street is a general term used to describe a right-of-way service as a means of vehicular and pedestrian travel, also furnishing spaces for sewers, public utilities and vegetation; it includes avenues, boulevards, roads, lanes and other ways. Streets are classified as follows:

- A. Access streets provide access to business, commercial, industrial and residential areas.
- B. Arterial streets serve through traffic although some may also serve to provide a limited amount of access.
- C. Cul-de-sac streets serve no through traffic and are closed permanently at one end.
- D. Frontage roads parallel to and abutting an arterial street to provide access to abutting land.

20.08.140 Subdivider. "Subdivider" means any person, group, corporation or other entity acting as a unit, or any agent thereof, dividing or proposing to divide lands so as to constitute a subdivision as defined herein.

20.08.150 Subdivision. "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites or other divisions for the purpose, 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.

20.08.160 Surveyor. "Surveyor" means any person licensed to practice land surveying by the State of Alaska.

CHAPTER 20.12
PRELIMINARY PLATS

Sections:

- 20.12.010 Preliminary discussion--Purpose.
- 20.12.020 Compliance with certain provisions required.
- 20.12.030 Prints--Type and number to be submitted.
- 20.12.040 Fee required when.
- 20.12.050 Subdivision in first class city--
Transmittal of prints required.
- 20.12.060 Form and contents required.
- 20.12.070 Statement required when--Contents.
- 20.12.080 Approval--Commission authority--Notification
required.
- 20.12.090 Approval--Scope--Expiration restriction.

20.12.010 Preliminary discussion--Purpose.

- A. The purpose of the preliminary plat process is to enable the subdivider to discuss his preliminary studies and the layout with the Planning Director, or the Director's designee, in order to:
 - 1. Facilitate the preparation of the required plans and plats in accordance with this title;
 - 2. To avoid unnecessary delay and expense; and
 - 3. To give the Planning Commission and the Planning Director ample time to study the proposed subdivision and its relation to the overall needs of the Kenai Peninsula Borough and its residents.
- B. The Borough Planning Director or his designee is authorized to discuss informally with the subdivider preliminary studies for each new subdivision.

20.12.020 Compliance with certain provisions required. A

subdivider shall prepare a preliminary plat of his proposed subdivision which shall comply with the requirements of Sections 20.12.060 and 20.12.070, and other pertinent provisions of this chapter except as provided in Section 20.04.040.

20.12.030 Prints--Type and number to be submitted. The number of prints of the preliminary plat to be submitted shall be as determined by resolution of the commission. Said prints shall be folded to 8-1/2 x 13 inches or smaller in a manner such that the subdivision name and legal description show.

20.12.040 Fee required when. The fee established by the Assembly by resolution shall accompany the submission of the preliminary plat.

20.12.050 Subdivision in first class or home rule city--Transmittal of prints required. Upon filing of a plat subdividing land within a first class or home rule city the Planning Director shall transmit three (3) prints of the plat to the City Advisory Planning Commission for its review. The City Advisory Planning Commission shall review the plat and take action within 49 days of the date of receipt. If after 49 days, no comment is received prior to consideration of the final plat by the Planning Commission, the City Advisory Planning Commission will be considered to have no objection to approval of the final plat. Recommendations of the City Advisory Planning Commission based upon lawful ordinances shall be incorporated in the final plat. The final plat will only be submitted to said city for review when the design deviates from the preliminary in a manner which has not been recommended by the city. In such instances, the City Advisory Planning Commission shall have 49 days from the date of receipt in which to review the final plat and take action.

20.12.060 Form and contents required. The preliminary plat shall be drawn to scale of sufficient size to be clearly legible and shall show the following:

- A. Within the title block.
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the Borough, of which a map or plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion.
 2. Legal description, location, date and total area in acres of the proposed subdivision.
 3. Name and address of owner, and registered land surveyor.

- B. North point;
- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines, political subdivision or municipal corporation boundaries abutting the subdivision.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and man-made features, such as shorelines or streams.
- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitations of such reservations.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision.
- G. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided.
- H. Approximate locations of areas subject to inundation, flooding or storm water overflow; when adjacent to lakes or nontidal streams the line of ordinary highwater; wetlands. If applicable, cite the appropriate study which identifies a flood plain.
- I. Approximate locations of areas subject to tidal inundation including the mean high water line.
- J. Block and lot numbering per 20.16.110 and approximate dimensions and total numbers of proposed lots.
- K. Within the limits of first class cities, the approximate location of known existing municipal sewers, water mains, and other utilities within the subdivision and immediately abutting thereto.
- L. Contours at suitable intervals when any roads are to be dedicated unless the Planning Director or Commission finds evidence that road grades will not exceed six percent on arterial streets, and ten percent on other streets.
- M. Approximate locations of slopes over 20% in grade.

20.12.070 Statement required when--Contents. Information required which is not shown on the plat shall be presented in written or mapped form and shall include:

- A. Proposed means of supplying water.
- B. Proposed means of sewage disposal.
- C. Identification of the subdivider for the purpose of processing the plat. This person may be the owner, surveyor or other agent designated by the owner. All official contact by the Commission and staff concerning the plat shall be with this person.
- D. Such other information as the subdivider may care to present.

20.12.080 Approval--Commission authority--Notification Required. Within 56 days from the date of receipt of the preliminary plat, which is all the material required by 20.12.030 through 20.12.070 by the Planning Director, the Commission shall determine whether the preliminary plat complies with the provisions of law and this chapter, and shall approve, conditionally approve, or disapprove the plat. The Commission shall notify the subdivider of its action by mailing a copy of the minutes pertaining to the Commission's review and action on said subdivision. In every instance in which the Commission disapproves or conditionally approves a submitted plat, the Planning Commission shall record in its minutes the Commission's reasons for rejecting or conditionally approving the plat. This statement of reasons shall include the Commission's findings justifying denial or conditional approval of the plat and shall make reference to the specific sections of this ordinance with which the submitted plat does not comply. If the Commission, in its action, relies upon the report of the planning staff, the Commission may vote to adopt the staff's findings and report as the findings and reasons for the Planning Commission's action.

20.12.090 Approval--Scope--Expiration restriction. Approval of the preliminary plat shall not constitute approval of the final plat, but means only that the basic lot and street design is acceptable. The subdivider is on notice that it is his responsibility to provide all the information required in this ordinance and to prepare a correct final plat. When more than one year transpires between preliminary plat approval and date of receipt of a final plat, the Commission may require the submission, and action on, a new preliminary plat. The

approval of a final plat for a portion of the preliminary shall extend the preliminary approval for one year except that the Commission may require a new preliminary plat when the abutting road system changes.

CHAPTER 20.16
FINAL PLATS

Sections:

- 20.16.010 Preparation requirements generally.
- 20.16.020 Filing--Form and number of copies required.
- 20.16.030 Certificate of Borough Finance Department required.
- 20.16.035 Dedication of land for nonpublic use.
- 20.16.040 Dedication of Public Use Lands.
- 20.16.050 Plat specifications.
- 20.16.060 Improvements--Installation agreement required.
- 20.16.070 Reversion to acreage - Statement required when.
- 20.16.080 Dimensional data required.
- 20.16.090 Accuracy of measurement.
- 20.16.100 Boundary of Subdivision.
- 20.16.110 Block and lot numbering.
- 20.16.120 Utility easements.
- 20.16.130 Easements.
- 20.16.140 Other data required by law.
- 20.16.150 Statements and signatures required form.
- 20.16.160 Survey and monumentation.
- 20.16.170 Approval--Authority--Certificate issued when.
- 20.16.180 Administrative approval.
- 20.16.190 Disapproval.
- 20.16.200 Appeals.

20.16.010 Preparation requirements generally. The final plat shall be prepared in accordance with this Chapter and the preliminary plat as approved. Information required for the preliminary plat by 20.12.060 shall be included in the final plat except that the information as required by subsections "J" through "M" shall not be included. The final plat may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time and which meets design requirements.

20.16.020 Filing--Form and number of copies required. The subdivider shall file a standard number of prints as determined by resolution of the Commission. All prints shall be folded as required by Section 20.12.030 except those intended to be filed with the district recorder.

20.16.030 Certificate of Borough Finance Department Required. All taxes due and payable on the property within the subdivision shall be paid prior to recordation of the final plat. A certificate to this effect shall be provided prior to recordation of the final plat by the Borough Finance Director or his designee upon request by the Planning Director or subdivider.

20.16.035 Dedication of land for nonpublic use. No parcel or parcels of land within a subdivision may be dedicated as parks or other recreational areas whose use is restricted to the owners of parcels within the subdivision or their guests, unless the subdivider obtains from the Kenai Peninsula Borough Assessor a certificate attesting that satisfactory arrangements have been made for the payment of real property taxes on the parcel to be dedicated. No dedication of restricted use lands, such as parks, access strips, or other recreational parcels may be made to the Kenai Peninsula Borough or to any other tax exempt governmental entity.

20.16.040 Dedication of Public Use Lands. Any land shown on a plat as an open to public use park or other public area must be dedicated on the final plat to a tax exempt governmental entity. Any dedication on the plat of an open to public use park, recreational, or other area will be deemed an irrevocable offer of the subject land for the dedicated purpose. The Planning Commission may disapprove or reject any such dedication but acceptance of the plat shall not constitute final acceptance of any irrevocable offer to dedicate the land. The Borough shall not be deemed to be the owner of any such dedicated lands until the Borough specifically accepts ownership of the dedicated lands.

20.16.050 Plat Specifications. The final subdivision plat shall be clearly and legibly drawn to scale upon tracing cloth, or on good quality polyesterfilm (equal to DuPont Mylar). All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8-1/2" x 14", 12" x 18", 18" x 24", and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size.

20.16.060 Improvements--Installation agreement required.
No final plat of a subdivision located within a first class or home rule city shall be recorded prior to compliance with any city ordinances concerning the installation of improvements. Evidence of such compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Such evidence of compliance shall be a part of the final plat submission and the time for action by the Commission as required by 20.16.170 shall not commence until said evidence is submitted.

20.16.070 Reversion to acreage--Statement required when.
Plats filed for the purpose of reverting subdivided land to acreage shall be conspicuously designated "THE PURPOSE OF THIS PLAT IS A REVERSION TO ACREAGE".

20.16.080 Dimensional data required. Show the bearing and length of every lot line, block line, curve radius, and boundary line. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Bearings and distances of straight lines, and data sufficient to recompute each curve shall be shown.

20.16.090 Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10th foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest one-thousandth of total acres. All boundary closures shall be to a minimum accuracy of 1/5,000.

20.16.100 Boundary of Subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data.

20.16.110 Block and Lot numbering. Blocks, and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.

20.16.120 Utility easements. Public utilities shall be provided with a copy of the preliminary plat by the Planning Director and be invited to design utility easements. Utility easements designed by the utility company shall be provided on the final plat unless the Commission determines other utility easement design is preferred.

20.16.130 Easements. The plat shall clearly show the location, width and use of all easements. The easements must be clearly labeled and identified and if already of record, the recorded reference given. If easements are being granted by the plat they shall be properly set out in the owner's certification of dedication.

20.16.140 Other data required by law.

- A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.
- B. The plat shall show the tax ownership of all parcels of land which are for common private usage.
- C. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

20.16.150 Statements and signatures required--Form. When presented for the Planning Director or Mayor's signature the following statements and signatures shall appear on the final plat unless specified otherwise.

- A. The signature of all owners shown on the Borough Assessor's tax roll consenting to the preparation and recordation of the plat and to all dedications shown on the plat. If the subdivider finds that the tax roll is in error or is not current, the subdivider shall present to the Planning Director suitable evidence of other ownership, in the form of copies of recorded documents, or a title report issued by a title insurance company after the date of the compilation of the assessor's tax roll. The owner or owners of record as shown on this title report shall sign the plat. The ownership and dedication statement required is substantially as follows:

I hereby certify that (I am)(we are) the owners(s) of the property shown and described hereon and that (I)(we) hereby adopt this plan of subdivision, and (dedicate)(all right-of-ways) and (public areas) (to public use) and (grant all easements to the use shown).

Owner's name and address

(delete inapplicable phrases)

All owner's name and address blanks shall be provided as needed for multiple ownership. The signatures shall be notarized and a notary's acknowledgment statement (or statement(s) as needed) shall be provided as follows:

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me this ____ day of _____,

Notary Public for Alaska,
My Commission expires _____.

The multiple ownership and dedication statement with notary's acknowledgment(s) may be substituted on a separate 8-1/2 by 11 or by 14 inch sheet containing the name and description of the plat, surveyor's name, and date. These sheets shall be recorded simultaneously with the plat and reference to same shall be made on the plat. At least one owner must still sign the plat.

- B. Surveyor's statement: The seal and signature of the surveyor on the plat certifies that he is properly registered and licensed to practice land surveying in the State of Alaska, that the plat represents a survey made by him or under this direct supervision, and that the monuments shown thereon actually exist as described, and that all dimensions and other details are correct to the best of his knowledge.

The surveyor shall execute his seal and signature on the face of the plat, as follows:

Registration Number, Seal
and Signature.

- C. Statement of Plat approval: The following form shall be printed on the final plat to be filled in after approval by the commission.

"PLAT APPROVAL"

This plat was approved by the Kenai Peninsula
Borough Planning Commission at the meeting of

_____.

KENAI PENINSULA BOROUGH

By: _____
Authorized Official

20.16.160 Survey and Monumentation.

- A. All subdivisions shall be surveyed except those subdivisions excluded by Section 20.04.040(A), (B), (D) and those subdivisions which only eliminate existing property lines.
- B. The subdivision of sections into aliquot parts and restoration of lost corners shall be performed in accordance with the U. S. Bureau of Land Management 1973 Manual of Surveying Instructions unless the historical survey record indicates otherwise. All section subdivision details executed as part of the subdivision work shall be monumented and shown on the plat. When a center one-quarter corner must be determined it shall be set. A minimum survey accuracy of 1:5000 is required. Monuments shall be set in a professional manner.
- C. All corners and monuments found and set shall be shown and described on the plat with the following information: Date set, type of monument and surveyor.
- D. All monuments of record disturbed or destroyed shall be remonumented or reference monumented as appropriate.
- E. Monuments shall be set at all 1/4 and 1/16 corners controlling the location of a subdivision. When these requirements cannot be met, a reference monument shall be tied to the subdivision lines. Exterior angle points in the subdivision and lot corners shall be marked by at least 1/2" by 24" iron rod or its equivalent if not otherwise monumented.
- F. Bearings and distances between the nearest subdivision property lines and official GLO or BLM monuments shall be accurately described and delineated on the plat and the basis of bearings shall be indicated.
- G. Unless otherwise provided, monuments required by Section 20.16.160 shall consist of a marker equivalent in permanence to a metal marker which is 30 inches in length, has a two inch anchor flange at the bottom, and has a metal cap at the top with a minimum diameter of two and one-half inches. Such monument shall clearly display the following information: Year set, monument identification (township, range, section and corner number) and registration number of surveyor.

20.16.170 Approval--Authority--Certificate issued when.

- A. The Commission shall approve, modify or disapprove the final plat of subdivision or dedication within 56 days after the date of receipt of the final plat and shall transmit to the subdivider a copy of the minutes containing the Commission's action and the Commission's official statement of findings and reasons for any denial or modification. The Commission shall not approve a final plat which does not meet the requirements of the ordinance or deviates in any significant way from the preliminary plat as approved. If the Commission modifies or denies a final plat, the Commission shall note in its motion those sections of this ordinance with which the proposed final plat does not comply and the grounds for finding noncompliance. Where appropriate, the Planning Commission may adopt as its statement of findings justifying denial of a final plat the findings of the pertinent staff report transmitted to the Planning Commission by the Planning Director.
- B. If not acted upon within 56 days from the date of receipt, the plat shall be deemed to have been approved and a certificate to the effect shall be issued by the Commission on demand; provided, however, that the applicant for plat approval may consent to the extension of such period.
- C. Upon approval of a final plat, by the Planning Director or Planning Commission, the applicant shall present the original plat for signature of the Planning Director or Mayor within one year of such approval. Failure to adhere to the time limits of this section shall void the final approval of the plat.
- D. When signed by the Mayor or Planning Director, the original shall be filed with the District Recorder within five working days by the Director or surveyor.

20.16.180 Administrative Approval. 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, such approval shall be noted on a notarized form with a copy to the subdivider. The Director shall report such approvals at the next regular plat committee meeting. The subdivider or Director may choose to go before the Planning Commission.

20.16.190 Disapproval. When a plat has been disapproved by the Planning Commission, it may be refiled once more with corrections for approval within 28 days of notification of first disapproval. If disapproved again, said plat shall be

void. A new fee will be required for subdivision of the property in the voided plat.

20.16.200 Appeals. Appeals may be taken from a decision of the Plat Committee as provided in Section 2.40.080 of the Borough Code.

CHAPTER 20.20
DESIGN REQUIREMENTS

Sections:

- 20.20.010 Standards applicable.
- 20.20.020 Reserved strips prohibited--Exception.
- 20.20.030 Proposed street layout--Requirements.
- 20.20.040 Easements--Requirements.
- 20.20.050 Lots on major streets--Access Requirements.
- 20.20.060 Intersections--Number required.
- 20.20.070 Alleys.
- 20.20.080 Streets--Grades required.
- 20.20.090 Cul-de-sac.
- 20.20.100 Half streets.
- 20.20.110 Streets--Width requirements.
- 20.20.120 Streets--Curve requirements.
- 20.20.130 Streets--Reversed curves.
- 20.20.140 Streets--Intersections requirements.
- 20.20.150 Streets--Name requirements.
- 20.20.160 Blocks--Length requirements--Generally.
- 20.20.170 Pedestrian ways required when.
- 20.20.180 Lots--Dimensions.
- 20.20.190 Lots--Minimum size--Considerations.
- 20.20.200 Lots--Access to street.
- 20.20.210 Lots--Side line requirements.
- 20.20.220 Lots--Double frontage prohibited when.
- 20.20.230 Building setback lines.
- 20.20.240 Unsubdivided Remainder.
- 20.20.250 Different standards in cities.

20.20.010 Standards applicable. In its consideration of subdivision plats the commission shall apply the following standards.

20.20.020 Reserved strips prohibited--Exception. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use, except when the control

and disposition of land comprising such strips is placed within the jurisdiction of the Borough under conditions specified by the commission and attached to the final plat.

20.20.030 Proposed street layout--Requirements. The streets provided on the plat must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts.

20.20.040 Easements--Requirements. The Planning Commission may require easements it determines necessary for the provision of utilities.

20.20.050 Lots on major streets--Access requirements. Lots fronting on arterial streets with less than 200 feet of right-of-way as identified in the arterial road plan adopted by the Borough or, until such plan is adopted, lots fronting on State maintained roads with less than 200 feet of right-of-way shall be provided interior or frontage road access, unless, because of size, topography or other physical characteristic substantial hardship would result.

20.20.060 Intersections--Number required. There should be a minimum number of intersections of access streets with arterial streets or state maintained roads.

20.20.070 Alleys. Alleys shall be provided as prescribed by city ordinance.

20.20.080 Streets--Grades required. The subdivider shall demonstrate that streets can be readily constructed in accordance with current Borough road standards and that the grades on any such roads shall not exceed six percent (6%) on arterial streets and ten percent (10%) on other streets, nor four percent (4%) within 100 feet of any intersection.

20.20.090 Cul-de-sacs. Streets designed to have one end permanently closed shall be no more than 1000 feet long, shall be provided at the closed end with a suitable turnaround with a minimum radius of 50 feet to the property line, and the turnaround shall be able to be constructed to a four (4%) percent grade or less.

20.20.100 Half streets.

A. Half streets shall generally not be allowed except where one of the following circumstances applies:

1. The street is identified on the Borough Road Plan as an arterial;
2. The street is a logical extension of an existing street;
3. The remaining half street can reasonably be expected to be dedicated.

B. When the applicable circumstance is 2 or 3 above, other lot owners with acreages of 10 or smaller shall be notified of the proposed half street and invited to comment. In these cases, plats shall be scheduled for Plat Committee action two weeks beyond their regularly scheduled time.

20.20.110 Streets--Width requirements. The minimum right-of-way width of streets shall be as follows:

- | | |
|---------------------------------------------|-----------|
| A. Arterial street | 100 feet; |
| B. Access street | 60 feet; |
| C. Cul-de-sac serving no more than six lots | 50 feet; |
| D. Frontage road | 40 feet. |

Additional right-of-way of easement width may be required to provide for the construction of stable side slopes.

20.20.120 Streets--Curve requirements. Where a deflection angle of more than 10 degrees in the alignment of a street occurs, a curve of reasonable radius shall be introduced. On streets 100 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 200 feet.

20.20.130 Streets--Reversed curves. Compound curves and broken-back curves should not be generally used. Reverse curves should have an intermediate tangent of 100' or more unless the radii are 200' or greater.

20.20.140 Streets--Intersection requirements.

- A. Street intersections shall be as nearly at right angles as possible and no intersection shall be at an angle less than 60 degrees. Where acute street intersections are

designed, a minimum 50 foot radius corner at the right-of-way line of the acute angle shall be provided.

- B. Three-way intersections are encouraged and may be required where an access street intersects with an arterial unless the Commission finds topography, existing street patterns or property boundary patterns make such requirement impractical.

20.20.150 Streets--Name requirements. Streets shall be named to conform to adjacent areas, to avoid duplication, and in the uniform manner prescribed by the Commission.

20.20.160 Blocks--Length requirements--Generally. Blocks shall not be less than 400 feet or more than 1400 feet in length unless existing conditions justify a variation from this requirement. Along arterial streets and state maintained roads block lengths shall not be less than 800 feet.

20.20.170 Pedestrian ways required when. Pedestrian ways not less than eight (8) feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

20.20.180 Lots-Dimensions. The size and shape of lots shall be such as to provide useable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Lots shall not be less than 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the depth shall be no greater than three times the width.

20.20.190 Lots--Minimum size. Except in cities where zoning prescribes different minimums, lots must be designed to meet the following area requirements.

- A. Lots shall contain 6000 square feet if served by public sewer and water.
- B. Lots shall contain 40,000 square feet if both the well and sewage disposal are to be provided on the lot unless

it can be demonstrated to the satisfaction of the Commission that a smaller lot size is adequate for the safe location and operation of an on-site well and sewage disposal system.

- C. Subdivisions designed to be served with public sewer and water systems but not yet served by such systems may be permitted to contain lots of less than 40,000 square feet if the following conditions are met:
1. Adequate provisions are made to assure each lot allowed to be built upon will have available 40,000 square feet for locating the well and sewage disposal systems until a common water and sewer system are available. The available area may be reduced to 20,000 square feet when either a common water or sewer system are available.
 2. A statement from an engineer affixed with his seal and signature attesting that the proposed lot design and associated building restrictions will assure adequate area is available to each building site for safe on-site well and sewage disposal until such time as common or public sewer and/or water services are available.

20.20.200 Lots--Access to street. Each lot shall abut on a dedicated street.

20.20.210 Lots--Side line requirements. Side lines of lots should be approximately at right angles or radial to the street line.

20.20.220 Lots--Double frontage prohibited when. Double frontage lots with depths less than 250 feet will not be approved except where necessitated by topographic or other physical conditions, or to provide reverse frontage along arterial streets.

20.20.230 Building setbacks. A minimum 20 foot building setback, or as dictated by the applicable Borough Zoning Chapter, if within a City, shall be noted on the plat in the following format:

Building setback--A setback of _____ feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate Planning Commission.

20.20.240 Unsubdivided Remainder. When an existing parcel is subdivided and a portion of the parcel is not included in the subdivision, that portion is an unsubdivided remainder. No unsubdivided remainder of less than 40 acres that does not abut on a dedicated public right-of-way shall be permitted.

20.20.250 Different standards in cities. Where cities have enacted by ordinance different design standards than those set forth in this Chapter, the Planning Commission may apply such city standards in lieu of those set forth in this Chapter.

CHAPTER 20.24
EXCEPTIONS

20.24.010 Exceptions to regulations--Procedure--Commission authority.

- A. The commission may authorize exceptions to any of the requirements set forth in these regulations. Application for any such exception shall present the commission with substantial evidence justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. The commission shall find the following facts exist before granting any exceptions:
1. That special circumstances or conditions affecting the property have been shown by application;
 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of the ordinance;
 3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- B. Where a design requirement of this ordinance is addressed by a zoning regulation adopted by the Borough Assembly, the variance procedures of the applicable zoning code, if any, shall be utilized in lieu of the exception procedures.

Section 3. That this ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 7th DAY OF August, 1979.



JOANN ELSON, Assembly President

ATTEST:



Borough Clerk

ORDINANCE CERTIFICATION

I certify that upon final enactment of Ordinance No. 78-38 of the Kenai Peninsula borough, this certification of the actions taken by me conforms with the rules and regulations governing ordinances.

1. Publication: Publication has been made by causing a summary of this ordinance to be inserted one time in a newspaper of general circulation in the borough. One copy of this ordinance as set for hearing, together with Notice of Hearing has been mailed to the city clerks of each first class city in the borough and to each postoffice in the borough with a request for posting on the City Hall and Post Office bulletin boards for 10 days immediately following receipt.
2. After adoption of this ordinance, one copy will be mailed to the city clerk of each first class city in the borough.

This ordinance was enacted by the assembly of the Kenai Peninsula Borough on the 15th day of August, 1978 and will become effective immediately.

Borough Clerk

Date: August 16, 1978