



24 March 2006 Telephone conversation with Kodiak Island Borough

I talked to Duane Dvorak, Community Planner, this morning about right-of-way platting in the Kodiak Borough. I had called to check on the status of the Kodiak Y preliminary plat. I was told that they had never received the filling fee, so they hadn't processed the plat. Duane said that there was no way that he could process the plat without it.

I asked if there was some way that we could waive the upfront fee requirement, as it seems to take a while for the check to arrive. Duane told me that he couldn't waive or adjust regulations and that I would have to send a letter to Mary Ogle, the Department Director to request that. I guess we could call and see what the fee is and then send the check along with the request for preliminary plat.

I asked him when the next submittal deadline was. He said that it was the first business day of the month for the next month's hearing, which was held on the 3rd Wed. of the month. So for this case, he would have to have the money by April 3rd, for the May 17th hearing.

As we got into further discussion, he said that we didn't need to do the preliminary plat submittal anyway. That we fell under the abbreviated plat section 16.30. See 16.30.020 (F) for eligibility. He said if we submitted before acquisition, we would have to have all the property owner signatures on the plat. He said that the borough was not going to get caught in the middle of that. If we waited for all the acquisition to be completed, then only the State would have to sign off as the owners.

He said to read the code carefully, as the R/W stuff is integrated within the entire section 16.30. Sec 16.30.030(B) details the R/W acquisition process. Sec. 16.30.030(C) states that we are to submit a preliminary plat no later than 60 days after a right-of-way acquisition. I asked him what that meant and did it mean that we had to submit a plat every time we acquired a parcel. He said yes, but, reading between the lines, it also sounded like we could^{do} what we wanted. He said they just weren't set up for R/W Acquisition plats. I told him that it could take up to 18 months to acquire all the parcels. I also told him we did not actually record the plat until after construction which could take 5 or so years.

I got the impression that what they really want to see is the plat just before recording. He said that if we did a preliminary plat it was only good for two years and then we had to ask for an extension, which would be good for only one year. He said we didn't really want to do that.

He said that they were concerned about making sure that the remainder lots were conforming lots. We will need to be careful about this, since we are not going to have an upfront preliminary plat review. They are interested in knowing the remainder lot area; so that they can make sure setbacks and parking regulations are met. I think as a courtesy we should send them the parcel plat once it is recorded, along with a set of R/W drawings for their information as the project progress. When we are done we will then send in the completed set of R/W drawings.

Chapter 16.30 ABBREVIATED PLAT

Sections:

- 16.30.010 Use of abbreviated plat.
- 16.30.020 Eligible preliminary plats.
- 16.30.030 Information and design requirements action.
- 16.30.035 Conformance with other provisions.
- 16.30.040 Action.
- 16.30.050 Approval criteria.

16.30.010 Use of abbreviated plat.

The abbreviated plat procedure may be used in those instances where the subdivision is of a simple nature and meets the specific requirements of this chapter. Preliminary plat approval for abbreviated plats may be granted by the community development department director. [Ord. 90-15 §2, 1990].

16.30.020 Eligible preliminary plats.

The following subdivisions may be submitted for preliminary plat approval by the abbreviated plat procedure:

- A. The movement, addition, or elimination of lot lines within filed, surveyed subdivisions that do not result in the creation of more than four lots, parcels, or tracts.
- B. Subdivision of a single tract, parcel, or lot into four or fewer lots once every two years.
- C. An aliquot part subdivision of lots 10 acres or greater which meets the requirements of KIBC 16.30.050(C) and (D).
- D. The platting of a vacation approved by the commission; provided, that only the vacation is to be depicted and no other alteration of the plat is sought or required by the borough.
- E. Subdivision of a cemetery.
- F. A subdivision plat created for government agency acquisition of a street right-of-way. [Ord. 93-18 §2, 1993; Ord. 90-15 §2, 1990].

16.30.030 Information and design requirements action.

A. The community development department director shall review the abbreviated plat for completeness within five working days of receipt. The abbreviated plat submission requirements are the same as provided for preliminary plats in KIBC 16.40.020 through 16.40.050, except for right-of-way acquisition plats. If the abbreviated plat does not meet the requirements of those sections, the community development department director shall notify the subdivider and surveyor in writing stating the additional information required.

B. A right-of-way acquisition plat shall contain the following information:

1. The location and name of the acquisition project;
2. The estimated timetable for acquisition and construction;
3. The dimensions and area of the acquired parcel and the remainder parcel;
4. The names of the property owners identified by parcel; and
5. The appropriate fee as set by resolution of the assembly.



C. A preliminary right-of-way acquisition plat shall be submitted for review by the community development department director no later than 60 days after a right-of-way parcel has been acquired by a government entity. [Ord. 93-18 §2, 1993; Ord. 90-15 §2, 1990].

16.30.035 Conformance with other provisions.

A right-of-way acquisition plat shall conform to the submission requirements of KIBC 16.30.030 and to the other provisions of this title; provided, that:

A. A right-of-way acquisition plat is not subject to any other submission requirements for plats under this chapter;

B. A right-of-way acquisition is not subject to Chapter 16.70 KIBC; and

C. Survey requirements for a right-of-way acquisition plat shall be established by agreement between the community development department director and government agency applying for plat approval or, if there is no such agreement, by the applicable provisions of this title. [Ord. 93-18 §2, 1993].

16.30.040 Action.

A. The platting authority for the abbreviated plat procedure is vested in the community development department director. The community development department director shall, within 20 working days of acceptance of the plat, approve or deny the plat, or schedule the plat to be heard as a preliminary plat by the commission at the next appropriate monthly meeting. All approvals or denials will be reported to the commission.

B. Accepted abbreviated plats shall be sent to appropriate review agencies for review and comment. Comments from the review agencies must be in writing and received by the community development department director within 15 working days of acceptance of the plat.

C. Approval of an abbreviated plat shall be effective for a period of 24 months; provided, however, that the community development department director may grant an extension of time for filing the final plat upon a finding that it is in the public interest to do so.

D. All decisions of the community development department director as to the approval or denial of the abbreviated plat shall be final unless appealed to the commission within 10 working days of receipt of notification of action on the plat. Any appeal to the commission shall be conducted as a preliminary plat application.

E. Final plat requirements shall be as set forth in Chapter 16.50 KIBC. [Ord. 93-18 §2, 1993; Ord. 90-15 §2, 1990].

16.30.050 Approval criteria.

Abbreviated plats shall meet the following minimum requirements:

A. All lot design criteria of KIBC 16.40.050.

B. The eligibility requirements of KIBC 16.30.020.

C. No subdivision shall:

1. Allow a change in the permitted use to which the lot or tract may be devoted under existing zoning;

2. Alter or vacate a dedicated street, right-of-way, or other public area, or require additional dedication;

3. Deny adequate access to and from all lots or tracts created by the subdivision or those adjacent to it; or

4. Create a residential lot smaller than the minimum size for the zoning district.

D. Aliquot part subdividers may be required to demonstrate to the community development department director that proposed access can be constructed practically and economically within any proposed access easement. [Ord. 90-15 §2, 1990].