

Introduced by: P&Z  
Drafted by: CDD Director  
Introduced on: 07/18/2019  
Public Hearing Date: 09/19/2019  
Amended: 09/19/2019  
Adopted on: 09/19/2019

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2020-02**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH AMENDING  
VARIOUS CHAPTERS OF TITLE 16 SUBDIVISION**

**WHEREAS,** AS 29.40.070 provides that the Assembly shall, by ordinance, adopt platting requirements; and

**WHEREAS,** AS 29.40.080 provides that the Assembly shall establish a platting authority to administer subdivision regulations; and

**WHEREAS,** the Assembly has designated the Planning and Zoning Commission and the Community Development Director the platting authority for preliminary and abbreviated plats, respectively; and

**WHEREAS,** Title 16 (Subdivision) of the Kodiak Island Borough Code has was last extensively updated by Ordinance No. 90-15; and

**WHEREAS,** the Planning and Zoning Commission and the Community Development Department believe that amendments to Title 16 (Subdivision) will provide for necessary updates, procedural clarity, and expanded development options; and

**WHEREAS,** the Planning and Zoning Commission reviewed amendments to Title 16 (Subdivision) at work sessions on December 12, 2018, January 9, 2019, February 13, 2019, April 10, 2019, and May 8, 2019; and

**WHEREAS,** after public hearings on May 15, 2019 and June 19, 2019, the Planning and Zoning Commission voted to transmit the proposed amendments to the Assembly for consideration; and

**WHEREAS,** the Assembly reviewed amendments to Title 16 (Subdivision) at work sessions on July 25, 2019, August 8, 2019, and August 29, 2019; and

**WHEREAS,** the Assembly held a public hearing on September 5, 2019.

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:**

46 **Section 1:** This ordinance is of a general and permanent nature and shall become a part of the  
47 Kodiak Island Borough Code of Ordinances.

48  
49 **Section 2:** That Kodiak Island Borough Code Chapter 16.10, General Provisions, is amended to  
50 read as follows:

51  
52 **Chapter 16.10**  
53 **GENERAL PROVISIONS**

54 ...

55  
56 **16.10.030 Scope and jurisdiction.**

57 A. This title governs the subdivision of all land within the borough. No subdivision plat requiring  
58 borough approval shall be recorded unless approved by the borough or a standard subdivision  
59 agreement has been executed with the borough.

60  
61 B. These subdivision regulations do not apply to any lot or subdivision legally created and filed  
62 for record prior to the effective date of these regulations, nor to subdivisions given preliminary or  
63 final approval by the commission under the previously existing title, except in the instance of  
64 further subdivision of existing lots or tracts.

65  
66 C. The owner or agent of the owner of land located within a subdivision who transfers, offers to  
67 sell, sells, or enters into a contract to sell land in a subdivision before a plat of the subdivision has  
68 been approved and recorded is guilty of a **misdemeanor violation** and upon conviction is  
69 punishable by a fine of not more than \$300.00 for each lot or parcel transferred, offered for sale,  
70 sold, or included in a contract to be sold. The borough may enjoin such a transfer, sale offer,  
71 sale, or contract to sell and may recover the penalty by appropriate legal action.

72  
73 D. No agency of the state or local government may acquire property through the process of  
74 eminent domain which results in a boundary change unless the agency or local government first  
75 obtains from the commission preliminary approval of the replat showing clearly the location of the  
76 proposed public streets, easements, rights-of-way, and other taking of private property.

77  
78 Final approval of the replat shall be obtained within six months of the acquisition. The commission  
79 shall treat applications for replat made by state or local governmental agencies in the same  
80 manner as replat petitions originated by private land owners.

81  
82 E. No person may file a plat or seek to have a plat filed unless it bears the approval of the **borough**  
83 plating authority. A person who **knowingly** violates this requirement is punishable upon  
84 conviction by a fine of not more than \$300.00.

85  
86 F. The borough or any aggrieved person may bring a civil action to enjoin any violation of this title,  
87 any transfer or sale of an unlawfully subdivided parcel, the violation of any term or condition of  
88 any plat or other entitlement approved under this title, and to obtain damages for any injury the  
89 plaintiff suffered as a result of the violation. An action for injunction under this section may be

90 brought notwithstanding the availability of any other remedy. Upon application for injunctive relief  
91 and a finding of an existing or threatened violation, the superior court shall enjoin the violation.

92 ...

93  
94 **16.10.050 Waivers.**

95 No subdivision shall be approved by the borough except upon the submission of a plat prepared  
96 in accordance with Chapters 16.30, 16.40 and 16.50 KIBC, except that:

97  
98 A. Pursuant to AS 29.40.090(b), the community development department director shall waive the  
99 preparation, submission for approval, and recording of a plat upon satisfactory evidence that the  
100 subdivision meets the following requirements:

101  
102 1. The subdivision may divide a single lot into not more than four lots. Each lot created by the  
103 subdivision must be five acres or larger in size;

104  
105 2. The subdivision must provide legal and physical access to a public highway or street for each  
106 lot created. For purposes of this section, practical access to a navigable waterway is equivalent  
107 to access to a public highway. A waiver applicant must demonstrate to the community  
108 development department director that proposed access can be constructed practically and  
109 economically from any navigable waterway to a building site that is consistent with the  
110 requirements of KIBC Title 17, Zoning;

111  
112 3. The subdivision may not contain or require the dedication of a street, right-of-way, or other  
113 area;

114  
115 4. The subdivision may not require a vacation of a public dedication of land or a variance from a  
116 subdivision regulation; and

117  
118 5. A waiver application must include a certificate by the clerk that all taxes assessed and due  
119 against the property and in favor of the borough have been paid in full.

120  
121 B. Application for a waiver shall contain a sketch depicting the lots to be created, the general  
122 location of the lots to be created (vicinity map), adjoining parcels, and proposed access.

123  
124 C. Completed applications will be reviewed by the community development department director  
125 within five working days. The community development department director shall approve the  
126 waiver if it meets the requirements of state law and sign a "certificate of waiver" approving  
127 the subdivision.

128  
129 D. The land subdivided on a waiver application shall be considered to be developed for purposes  
130 of property taxation on the date that the waiver application is approved by the community  
131 development department director, unless the subdivided property is a remainder parcel.

132  
133 E. The following subdivisions of land are exempt from the borough subdivision regulations and  
134 the application and review procedures of this section:

135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178

1. Subdivision and conveyance of land which is mandated by federal law (for example, a reconveyance required under Section 14(c) of the Alaska Native Claims Settlement Act); and
2. Cadastral plats, cadastral control plats, open-to-entry plats, or remote parcel plats created by or on behalf of the state of Alaska regardless of whether these plats include easements or other public dedications.

F. An ~~Mylar~~ **18 inch by 24 inch or 24 inch by 36 inch paper** copy of the instrument in lieu of a plat which creates the subdivision, any survey or other boundary and legal description document meeting the requirements for a certificate of waiver prepared for any property waived or exempted under this section shall be provided to the community development department as satisfactory evidence that the subdivision meets the requirements of this section, and may be used for recording the subdivision.

**Section 3:** That Kodiak Island Borough Code Chapter 16.20, Definitions, is amended to read as follows:

**Chapter 16.20  
DEFINITIONS**

...

**16.20.040 C definitions.**

"Certificate of waiver" means a written instrument in lieu of a plat which creates a subdivision. It contains the approval of the community development director as provided for in KIBC 16.10.050(C), the legal description of the parcels created by aliquot parts or an attached certificate of survey, is executed by the owners of the property affected, and certified and recorded by the community development director or designee.

"Commission" means the body designated by the assembly to be the platting authority for the Kodiak Island Borough.

"Community development department director" means the director of the Kodiak Island Borough community development department, or designee.

"Cul-de-sac" means a street having one end open to traffic and being permanently terminated at the other end by a vehicle turnaround.

...

**16.20.130 L definitions.**

"Lot" means a measured portion of a parcel or tract of land which is described and fixed on a plat or other subdivision filed for record or a legally described parcel of land conveyed pursuant to federal law, including conveyances under the Alaska Native Claims Settlement Act.

179 A. Corner Lot. A lot located at the intersection of two or more streets where the angle of  
180 intersection of the lot lines abutting those streets does not exceed 135 degrees.

181  
182 B. Double Frontage Lot. A lot other than a corner lot with frontage on more than one street.  
183

184 C. Flag Lot. A lot where access to the public road right-of-way is provided by a narrower  
185 extension of the lot encompassing a driveway (commonly referred to as a flag stem).  
186

187 ~~C~~ D. Lot Depth. The distance between straight lines connecting the side lot lines, measured  
188 between the midpoint of such lines, except that such measurement shall not extend outside the  
189 lot lines of the lot being measured.

190  
191 1. When calculating flag lot depth, the narrower extension of the lot that provides access  
192 to the public road right-of-way (flag stem) shall be excluded.  
193

194 ~~D~~ E. Lot Frontage. All property abutting the right-of-way of a dedicated street, private street, or  
195 road easement measured along the right-of-way between the side lot lines of a lot. In no case  
196 shall the line along an alley be considered as lot frontage. For parcels that are only legally  
197 accessible by navigable waterways, the lot frontage shall be all property that abuts said  
198 waterway at mean high water (waters subject to tidal action) or ordinary high water (waters  
199 not subject to tidal action).  
200

201 ~~E~~ F. Lot Line. The fixed boundaries of a lot described by survey located on a plat or other  
202 subdivision filed for record.  
203

204 ~~F~~ G. Lot Line, Front. That boundary of a lot measured along the edge of the right-of-way of a  
205 dedicated street, private street or road easement which abuts that line. In the case of a corner lot,  
206 either line which meets the above description provided the other is considered to be a side lot  
207 line. For parcels that are only legally accessible by navigable waterways, the front lot line  
208 shall be that boundary of the lot measured along the edge of said waterway at mean high  
209 water (waters subject to tidal action) or ordinary high water (waters not subject to tidal  
210 action).  
211

212 ~~G~~ H. Lot Line, Rear. That boundary of a lot which is most parallel to the front lot line and does not  
213 intersect the front lot line. In the case of a triangular lot, a line 20 feet in length within the lot parallel  
214 to and at the maximum distance from the front lot line.  
215

216 ~~H~~ I. Lot Line, Side. That boundary of a lot which is neither a front nor rear lot line.  
217

218 ~~I~~ J. Lot Width. The distance between straight lines connecting front and rear lot lines at each side  
219 of the lot, measured between the midpoints of such lot lines except that such measurement shall  
220 not extend outside the lot lines of the lot being measured.  
221

222 1. When calculating flag lot width, the narrower extension of the lot that provides access  
223 to the public road right-of-way (flag stem) shall be excluded.

224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267

...

**16.20.170 P definitions.**

“Parcel” means ~~an unsubdivided plot of land~~ a lot in single ownership or under single control usually considered a unit for the purposes of development.

“Plat” means a map or chart of a surveyed subdivision of land.

A. Sketch. An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

B. Preliminary Plat. A map showing the salient features of a proposed subdivision of land submitted to the commission for purposes of preliminary consideration and approval.

C. Final Plat. A map of a subdivision of land made up in final form ready for approval and filing.

“Platting authority” means the planning commission, or in the case of waivers and abbreviated plats, means the community development director.

**Section 4:** That Kodiak Island Borough Code Chapter 16.30, Abbreviated Plat, is amended to read as follows:

**Chapter 16.30  
ABBREVIATED PLAT**

...

**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 and final plat approval for abbreviated plats may be granted by the community development department director.

**16.30.020 Eligible preliminary plats.**

The following subdivisions, except any such subdivision where the Kodiak Island Borough is the applicant, may be submitted for preliminary plat approval by the abbreviated plat procedure:

A. Plat alterations. Eligible plat alterations require ~~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; create a substandard lot; create non-conforming structures in relation to minimum setbacks, lot coverage or other development requirements; or deny adequate vehicle and utility access to and from any lots or tracts affected by the alteration or adjacent to it.

268 B. Abbreviated Plat. Eligible plats meet the criteria in AS 29.40.090(a) which will:  
269 Subdivision ~~subdivide~~ of a single tract, parcel, or lot into four or fewer lots ~~once every two years~~;  
270 provide legal and physical access to a public highway or street for each lot created by the  
271 subdivision; not contain or require dedication of a street, right of way, or other area; and  
272 not require a vacation of a public dedication of land or a variance from a subdivision  
273 regulation.

274  
275 C. An aliquot part subdivision of lots 10 acres or greater which meets the requirements of KIBC  
276 16.30.050(C) and (D).

277  
278 D. The platting of a vacation approved by the commission under KIBC Chapter 16.60; provided,  
279 that only the vacation is to be depicted and no other alteration of the plat is sought or required by  
280 the borough.

281  
282 E. Subdivision of a cemetery.

283  
284 F. A subdivision plat created for government agency acquisition of a street right-of-way.

285 ...  
286

287 **16.30.040 Action.**

288 A. The platting authority for the abbreviated plat procedure is vested in the community  
289 development department director. The community development department director shall, within  
290 20 working days of acceptance of the plat, approve or deny the plat, or schedule the plat to be  
291 heard as a preliminary plat by the commission at the next appropriate monthly meeting. All  
292 approvals or denials will be reported to the commission.

293  
294 B. Accepted abbreviated plats shall be sent to appropriate review agencies for review and  
295 comment. Comments from the review agencies must be in writing and received by the community  
296 development department director within 15 working days of acceptance of the plat. Notice of the  
297 proposed abbreviated plat shall be provided as required in KIBC 16.10.070 within five  
298 working days of acceptance of the plat.

299  
300 C. Approval of an abbreviated plat shall be effective for a period of 24 months; provided, however,  
301 that the community development department director may grant an extension of time for filing the  
302 final plat upon a finding that it is in the public interest to do so.

303  
304 D. All decisions of the community development department director as to the approval or denial  
305 of the abbreviated plat shall be final unless appealed to the commission within 10 working days  
306 of receipt of notification of action on the plat. Any appeal to the commission shall be conducted  
307 as a preliminary plat application.

308  
309 E. Final plat requirements shall be as set forth in Chapter 16.50 KIBC.

310  
311 16.30.050 Approval criteria.

312 Abbreviated plats shall meet the following minimum requirements:

313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356

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 except as permitted for abbreviated plats under KIBC 16.30.020(D) and (F);

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.

**Section 5:** That Kodiak Island Borough Code Chapter 16.35, Commercial Tracts, is amended to read as follows:

**Chapter 16.35  
COMMERCIAL TRACTS**

...

**16.35.010 Intent.**

A commercial tract may be created and divided into fragment lots in order to facilitate financing or construction of commercial developments requiring multiple phases of construction. Designation of commercial tracts shall be allowed only for buildings constructed under the ~~shopping-mall~~ provisions of the ~~Uniform Building Code~~ adopted building code for commercial structures in the RB-Retail Business, B-Business, LI-Light Industrial or I Industrial zoning districts.

...

**16.35.030 Action.**

A. If the application and submittal requirements have been met within five working days after the deadline established for the commission agenda, the community development department director shall accept the commercial tract application for review by the commission at the next regular meeting.



357 B. Accepted commercial tract applications shall be sent to official review agencies **established**  
358 **designated** by the commission for review and comment. Comments from the review agencies  
359 must be submitted in writing and received by the community development department director  
360 nine working days prior to the commission meeting at which the commercial tract application will  
361 be considered.

362  
363 C. The engineering and facilities department director and community development department  
364 director shall make recommendations and comments in writing to the commission no later than  
365 six working days prior to the commission meeting at which the commercial tract application will  
366 be considered.

367  
368 D. The commission shall approve or disapprove a commercial tract application 60 days after it is  
369 filed or shall return it to the applicant for modification or correction, unless the applicant for  
370 commercial tract approval consents to an extension of time. The commission shall adopt specific  
371 findings of fact and reasons for its action on the commercial tract application. The applicant shall  
372 be notified in writing of the action and findings of the commission within five working days.

373  
374 E. The approval of a commercial tract application shall be effective for a period of 24 months from  
375 the date of approval, notwithstanding the provisions of any subsequent change in this title and  
376 KIBC Title 17, Zoning. After this time the commercial tract approval shall become null and void  
377 unless an extension of time is granted, at the request of the applicant, by the commission prior to  
378 the expiration of the approval. A time extension will not be granted if a reevaluation of the  
379 approved commercial tract site plan indicates that conditions have changed substantially since  
380 the time when the commercial tract site plan was originally approved.

381  
382 F. All decisions as to the approval or denial of the commercial tract application by the commission  
383 shall be final unless a request for reconsideration or an appeal is brought pursuant to Chapter  
384 16.90 KIBC.

385  
386 G. The requirements for completion and recording of the final commercial tract site plan are the  
387 same as the final plat requirements set forth in Chapter 16.50 KIBC.

388  
389 **Section 6:** That Kodiak Island Borough Code Chapter 16.40, Preliminary Plat, is amended to  
390 read as follows:

391  
392 **Chapter 16.40**  
393 **PRELIMINARY PLAT**

394 ...

395  
396 **16.40.040 Data required.**

397 The preliminary plat shall include the following information:

398  
399 A. Date, scale, and north arrow;

400

- 401 B. The approximate acreage or square footage and dimensions of each lot of the proposed  
402 subdivision and the number of lots contained therein. Calculations of lot areas to meet zoning  
403 district area regulations shall not include any land subject to tidal action below the mean high tide  
404 line;  
405
- 406 C. Name of the proposed subdivision;  
407
- 408 D. Names and addresses of subdivider(s) and the preparer of the plat;  
409
- 410 E. Location map of the subdivision, giving the number of the section, township, range, and U.S.  
411 survey, if applicable, to which reference may be made;  
412
- 413 F. A property map of the proposed plat areas, including:  
414
- 415 1. The location of all property lines;  
416
  - 417 2. A topographic survey with contours at suitable intervals (generally five feet), unless the plat is  
418 a reversion to acreage, is a minor change to existing lot lines, or vacates existing lot lines, rights-  
419 of-way, or easements. Topographical surveys must be done on an accepted, established vertical  
420 datum. Government-prepared topographic data is acceptable to meet this requirement, if no  
421 changes to site topography have taken place since the date of the topographic survey;  
422
  - 423 3. The general location of streams, lakes, swamps, and drainage courses, including the location  
424 of floodplain areas;  
425
  - 426 4. Dedicated rights-of-way, patent reserves, road easements and reservation, and other  
427 constructed roadways located within and abutting the area to be platted, including right-of-way  
428 widths;  
429
  - 430 5. Section lines, if surveyed. Protracted section lines may be shown with a dashed line outside of  
431 U.S. surveys or other surveys that were established before the section lines were surveyed.  
432 Protracted section lines are not to be shown within U.S. surveys;  
433
  - 434 6. Adjacent unsurveyed property lines shall be shown with a dashed line to show their general  
435 relation to the proposed plat. Adjacent surveyed property lines shall be shown with a solid  
436 line of lighter weight than those lines that identify the boundaries of the platted area; and  
437
  - 438 7. The location of known existing facilities and structures within the proposed subdivision, such  
439 as buildings, sewage system, utility easements of record or in use, excavations, bridges, culverts,  
440 water systems, and wells;  
441
- 442 G. Streets, street names, public and private rights-of-way and roadway widths, and other right-of-  
443 way easements within the plat showing location, width, and purpose;  
444
- 445 H. Mean high water line on all lands affected by tidal action;

446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490

I. Lot lines and lot designations by lot and block numbers;

J. Designation of any lots proposed for zero-lot-line development;

K. Designation of proposed parks, playgrounds, schools, and other public uses;

L. The copy of the plat of record or the district recorder's plat number, if available; and

M. A soils report, prepared by a professional engineer, geologist or other person with demonstrated training in soils mechanics may be required when deemed necessary by the commission. Said report will be required only when indicated on the basis of observable conditions of the land related to proposed development density or use, topography, soil conditions, drainage or other similar site conditions. Said report should describe the soil conditions using the Unified Soil Classification System and identify foundation and grading problems associated with the soil, such as ground water and bedrock depth. The report should provide soils engineering guidelines for development including recommendations for subsurface drainage and excavation of unsuitable materials, if appropriate.

N. For subdivisions not served by public wastewater disposal and water supply systems, a report, prepared by an Alaska licensed professional engineer or certified wastewater treatment and disposal system installer, may be required when deemed necessary by the Community Development Director (for abbreviated plats) or Commission (for preliminary plats). Said report will be required only when indicated on the basis of observable conditions of the land related to proposed development density or use, topography, soil conditions, drainage or other similar site conditions. Said report must state that each lot within the subdivision is capable of accommodating the installation of an Alaska Department of Environmental Conservation approved onsite wastewater disposal system and water well.

**16.40.050 Lot design and improvements – Required procedure.**

A. The size and shape of lots shall be such as to provide usable building sites appropriate for the locality in which the subdivision is located. The following items, among others, may be taken into consideration by the commission in determining the appropriateness of the subdivision for the locality in which the subdivision is located:

1. Adequacy of access for additional traffic volume;
2. Adequacy of access from a safety standpoint (e.g., road grades, line of sight considerations);
3. Potential drainage problems;
4. Neighborhood character (e.g., existing development characteristics, including the size and shape of existing lots, the extent of existing development, and the topography in the neighborhood); ~~and.~~

491  
492 ~~5. The commission shall also take into consideration the adopted policies of the Kodiak Island~~  
493 ~~Borough coastal management program that relate to the proposed subdivision and based on~~  
494 ~~these policies may require conditions of approval, where feasible and prudent, to implement the~~  
495 ~~policies of the Kodiak Island Borough coastal management program.~~  
496

497 B. Lots shall also meet, at a minimum, all of the following criteria:  
498

499 1. Minimum lot sizes and widths shall conform to the requirements of the borough zoning  
500 ordinance unless a variance from the zoning requirements is granted by the commission;  
501

502 2. Double frontage lots shall not access onto designated collector or arterial streets and will  
503 generally only be allowed where topography allows no reasonable alternative;  
504

505 3. ~~Two types of~~ Flag lots are allowed, as follows:  
506

507 a. Type I flag lot: A single stem flag lot shall have a stem width of no less than 30 feet. Any  
508 single stem flag lot with a stem width of less than 40 feet shall have a note on the final plat  
509 that specifically prohibits future subdivision of the lot.  
510

511 ~~i. A single stem Type I flag lot shall have a note on the final plat which prohibits future subdivision~~  
512 ~~of the lot and shall have a staff with a minimum width of 30 feet; or~~  
513

514 ~~ii. Two Type I flag lots with adjacent stems shall have a note on the final plat which prohibits future~~  
515 ~~subdivision of the lots and each flag stem shall have a staff with a minimum width of 20 feet.~~  
516

517 b. Type II flag lot: A single stem flag lot with a minimum stem width of 40 feet may be further  
518 subdivided into two flag lots with adjacent stems of no less than 20 feet each; and  
519

520 ~~i. A single stem Type II flag lot may be further subdivided if the staff is a minimum of 60 feet wide;~~  
521 ~~or~~  
522

523 ~~ii. Two Type II flag lots with adjacent stems may be further subdivided if the staffs of each stem~~  
524 ~~are a minimum of 30 feet wide;~~  
525

526 c. No more than two flag lots with adjacent stems are permitted. More than one pair of  
527 such lots are allowed in a subdivision provided they are configured in a manner that does  
528 not result in more than two adjacent stems. Any final plat that creates two flag lots with  
529 adjacent stems shall have a note that specifically prohibits future subdivision of the  
530 subject lots, regardless of stem width.  
531

532 4. The driveway access standards of Chapter 15.35 KIBC;  
533

534 5. The fire apparatus access road requirements of the adopted fire code per Chapter 15.30  
535 KIBC;

536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580

6. The utility installation requirements of KIBC Title 13, Utilities;

7. No individual electric service line may cross private property other than the lot which the utility connection services unless such a crossing is located within a recorded easement;

~~7~~ 8. Lots platted with a common wall or zero lot line intent shall be designated as such on the final plat; and

~~8~~ 9. All lots should have frontage on a dedicated public right-of-way or navigable waterway. Generally, access easements may be allowed only when the property proposed for subdivision is accessed by an easement or has no dedicated public access. Lots greater than 10 acres and described as an aliquot part may be provided access through an easement which has been approved as to form ~~by the attorney~~ and ~~as to~~ adequacy by the community development director (for abbreviated plats) or by the commission (for preliminary plats).

C. Subdivisions are also required to meet the improvement standards contained in Chapters 16.70 and 16.80 KIBC.

**16.40.060 Procedure.**

A. The community development department director shall review the preliminary subdivision plat for completeness within five working days of receipt. If the plat does not meet the requirements of KIBC 16.40.020 through 16.40.050, the community development department director shall notify the subdivider and surveyor in writing stating the additional information required.

~~B. If the application and submittal requirements have been met within five working days after the deadline established for the commission agenda, the community development department director shall accept the preliminary plat for review by the commission at the next regular meeting.~~

B. If the community development director accepts the application and submittals as complete and the application meetings the requirements of the code, the application shall be placed on the next regular planning and zoning commission meeting agenda for which the packet deadline has not yet passed.

C. An accepted preliminary plat shall be sent to official review agencies established by the commission for review and comment. In order to be considered in the engineering and facilities department director and community development director's review and recommendations on the application under subsection D of this section, ~~C~~ comment from the review agencies must be submitted in writing to the community development department director nine working days prior to the commission meeting at which the plat will be considered.

D. The engineering and facilities department director and community development department director shall make recommendations and comments in writing to the commission no later than six working days prior to the commission meeting at which the plat will be considered.

581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625

E. The commission shall approve or disapprove a plat 60 days after it is filed or shall return it to the applicant for modification or correction, unless the applicant for plat approval consents to an extension of time. The commission shall adopt specific findings of fact and reasons for its action on the plat. The subdivider shall be notified in writing of the action and findings of the commission within five working days.

F. The approval of the preliminary plat shall be effective for 24 months from the date of approval, notwithstanding the provisions of any subsequent change in the subdivision ordinance, zoning ordinance, or zoning districts.

After this time, the preliminary plat shall become null and void unless an extension of time is granted, at the request of the subdivider, by the commission prior to the expiration of the preliminary plat. A time extension will only be granted if a reevaluation of the preliminary plat indicates that conditions are substantially the same as when the preliminary plat was originally approved.

A preliminary plat may include two or more phases; provided, that each phase shall be developed successively and each phase shall be subject to the then-current improvement standards of this title. The commission may require a final plat to be brought before the commission for final review and/or approval as a condition of preliminary approval.

G. All decisions as to approval or disapproval of a preliminary plat by the commission shall be final unless a request for reconsideration or an appeal is brought pursuant to Chapter 16.90 KIBC.

H. The community development department will grant an automatic extension of the preliminary plat approval if the subdivision has been denied access to a public sewer and water system, when access is required as a condition of plat approval. An applicant for an automatic extension must provide documentation of the denial of access to the community development department. An automatic extension is valid until one year after access to the system is permitted. (This subsection is effective from April, 1991.)

**16.40.070 Dedications.**

The commission may require, ~~by majority vote,~~ dedication of land for rights-of-way and sewer, water, utility and access easements within the subdivision as a condition of approval. Any dedicated land or easements must be depicted on the final plat. No land within a subdivision may be reserved as a common use area to the owners of parcels within the subdivision unless the subdivider provides a covenant approved by the commission and the attorney which provides for the payment of real property taxes on the parcel to be reserved (e.g., the covenant could provide that adjacent property owners would be assessed a prorated amount of the real property taxes on the parcel to be reserved).

**Section 7:** That Kodiak Island Borough Code Chapter 16.50, Final Plat, is amended to read as follows:

Chapter 16.50  
FINAL PLAT

...

**16.50.010 Final plat procedure.**

A. The final plat shall comply with the requirements of this chapter and shall be submitted to the community development department director within 24 months of preliminary plat approval.

B. The final plat shall be approved by the community development department director when the final plat meets the conditions of preliminary approval, the requirements of this chapter and Chapters 16.70 and 16.80 KIBC as required, except that the commission reserves the right to require final review by the commission at its discretion. The final plat may be approved prior to the completion of the improvements required in Chapters 16.70 and 16.80 KIBC upon execution of a **standard** subdivision agreement between the subdivider and the borough under Section 16.50.015. The community development department director shall report approvals at the next regular commission meeting.

1. The community development department director shall approve or deny the final plat within 20 working days after acceptance and shall notify the subdivider by letter of the action with an official statement of findings and reasons for the action. Final plats submitted by native corporations subject to PL 100-241 shall be approved or denied within 45 working days after acceptance due to the federal requirement that tax information be provided to the corporation 30 days prior to approval of the final plat.

2. A final plat differing substantially from the approved preliminary plat shall require submittal to the commission for public hearing and approval. The community development department director shall make comments and recommendations in writing and shall submit them to the commission at least six working days prior to the commission meeting to consider the final plat.

3. If action is not taken on the plat within 20 working days from the date of acceptance, the plat shall be deemed to have been approved and the statement of plat approval designated in KIBC 16.50.050(D) shall be issued on demand; however, the applicant for plat approval may consent to the extension of such period.

4. Upon approval of a final plat and signing by the manager and the clerk as provided in KIBC 16.50.050, the original shall be filed with the district recorder within two working days by the clerk.

C. The final plat shall constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at the time.

D. Approval of the final plat shall be dependent upon receipt of **the following: a certificate to plat issued by a licensed title insurance company prepared within six months of the date the final plat is submitted, showing the legal and equitable owners (including mortgagees, deed of trust beneficiaries, contract purchasers and fee owners) of the land to be platted,**

670 plus all grants, reservations, covenants, deed restrictions, and easements of record which  
671 may condition the use of the property.

672  
673 ~~1. A statement from the State of Alaska Department of Environmental Conservation that the~~  
674 ~~subdivision has received approval for wastewater disposal. This approval shall not affect any~~  
675 ~~subsequent additional requirements relating to sewage disposal and water supply, as they apply~~  
676 ~~to any lots within the subdivision. Wastewater disposal systems and water wells shall be located~~  
677 ~~on the lot which they are intended to serve unless adequate community systems can be provided;~~  
678 ~~and~~

679  
680 ~~2. A certificate to plat issued by a licensed title insurance company, showing the legal and~~  
681 ~~equitable owners (including mortgagees, deed of trust beneficiaries, contract purchasers and fee~~  
682 ~~owners) of the land to be platted, plus all grants, reservations, covenants, deed restrictions, and~~  
683 ~~easements of record which may condition the use of the property prepared within six months of~~  
684 ~~the date the final plat is submitted. [Ord. 2001-02 §2, 2001; Ord. 90-15 §2, 1990].~~

685 16.50.015 Subdivision agreements for required improvements.

686  
687  
688 A. Completion of Improvements. Before a final plat of subdivision may be approved, all  
689 subdividers shall complete, in accordance with the preliminary plat and KIBC Chapters  
690 15.70 and 15.80, all street, sanitary, and other improvements required as a condition of the  
691 approval, or conditional approval, of the preliminary plat, or otherwise required by this title  
692 or law, and to dedicate the same free and clear of any and all liens and encumbrances on  
693 the property and public improvements so dedicated.

694  
695 B. Agreement to Improve. The planning commission, in its sole discretion, may waive the  
696 requirement that the subdivider complete and dedicate all improvements prior to the  
697 approval of the final subdivision plat provided the subdivider enters into one of the  
698 agreements to improve provided in subsection (B)(1) or (B)(2) of this section and deposits  
699 the improvement security provided in subsection (F) of this section:

700  
701 1. A written agreement with the borough to thereafter construct and to install all such  
702 improvements at the subdivider's expense. Such agreement shall include, but not be  
703 limited to, the following provisions:

704  
705 a. Designation of the required public improvements to be constructed;

706  
707 b. Any performance or other schedule of completion required by the planning commission;

708  
709 c. A provision providing the borough with an adequate guarantee for the completion of  
710 required public improvements and for warranties of all improvements for a period of one  
711 year from date of approval;

712  
713 d. A warranty that the subdivider has title to the subdivision property and the authority to  
714 execute the subdivision agreement.



715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744

2. A written agreement with the borough to thereafter initiate and consummate local improvement district proceedings for the financing and completion of all such improvements, and if not completed under such local improvement district proceedings, to complete such improvements at the subdivider's expense not later than the date required for improvements to be installed as provided in this title.

3. To assure the installation of required public improvements which are not completed and approved at the time the final plat is approved and recorded, the planning commission serving as the platting authority, and the agreement to improve, shall require the subdivider to guarantee the completion of all such improvements by one or more of the methods specified in subsection (F) of this section. The means of guarantee may be changed during the guarantee period through a written modification of the agreement to substitute another approved form of improvement security upon the mutual agreement of the borough and the subdivider. The amount of guarantee shall be determined on the basis of the subdivider's cost estimate as approved by the engineering and facilities department director for subdivisions located outside cities and by the municipal clerk or municipal engineer for subdivisions located within a city. The guarantee shall remain in effect until final approval of the improvements and the posting of an acceptable security for the warranty period.

4. Cost Estimates. The subdivider's cost estimate provided for in subsection (E) of this section shall state the estimated cost of completion for each required public improvement. Cost estimates for each required improvement must be approved by the engineering and facilities department director for subdivisions located outside cities and by the municipal clerk or municipal engineer for subdivisions located within a city. For the purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage for overrun allowance, including inflation, shall be added to the total estimated cost of public improvements as follows:

<u>Total Estimated Cost of Improvements</u>	<u>Percentage for Overrun Allowance</u>
<u>\$0 – \$500,000</u>	<u>20%</u>
<u>\$500,000 – \$1,000,000</u>	<del>15%</del> <u>20%</u>
<u>\$1,000,000 and over</u>	<del>10%</del> <u>20%</u>

745  
746  
747  
748  
749  
750

C. Improvement Plans. In the event the subdivider enters into an agreement to construct and install improvements pursuant to this section, the subdivider shall prepare and deposit with the clerk of the borough detailed plans and specifications of the improvements to be constructed and such plans and specifications shall be made a part of any such agreement and of the improvement security. The subdivider shall be

751 responsible for the costs of completion of the required improvements, regardless of  
752 whether the security posted under the subdivision agreement is adequate to cover those  
753 costs.

754  
755 D. Completion Date. The improvements required under the terms of the subdivision  
756 agreement shall be fully completed for final approval within two years of the date of  
757 approval of the final plat by the planning commission serving as the platting authority  
758 unless upon a showing of good cause the date of completion is extended by the planning  
759 commission serving as the platting authority for an additional period not to exceed one  
760 year.

761  
762 E. Cost of Required Public Improvements. The cost of any improvements shall be defined  
763 to include the cost of design, engineering, contract administration, inspection, testing and  
764 surveillance as well as all work, labor and materials furnished for the construction of the  
765 improvements.

766  
767 The agreement to improve shall provide for payment of the cost of required improvements  
768 as provided below:

769  
770 1. Administrative and Recording Costs Relating to Public Improvement Guarantees. The  
771 subdivider shall pay 100 percent of all costs incurred in supplying and administering any  
772 method of public improvement security and guarantee.

773 2. Inspection, Surveillance and Testing. The subdivider shall pay 100 percent of all costs  
774 relating to any inspection, surveillance and testing by the borough or city, as applicable,  
775 necessary for final approval of any required public improvement or during the warranty  
776 period. Surveillance shall be performed by the borough or a city during the course of  
777 construction and up to the point of final approval of the completed project. Inspection shall  
778 be performed by the borough or city during the warranty period.

779  
780 F. Improvement Security. The agreement to improve shall include and be secured by one  
781 or more of the following methods to guarantee the construction and installation of required  
782 public improvements, which security will remain in place until improvements are approved  
783 and accepted:

784  
785 1. Performance and Payment Bonds. The subdivider may elect to provide a performance  
786 and payment bond, or bonds, from a surety company authorized to do such business in  
787 the state of Alaska guaranteeing the construction, installation and payment for all required  
788 improvements, including monuments, and for all labor and materials for the construction  
789 and installation thereof. The bond or bonds shall be in an amount equal to the estimated  
790 cost of all required public improvements plus an overrun allowance as provided in  
791 subsection (b) of this section. The performance bond shall be payable to the municipality  
792 in the event that any required public improvements are not finally approved in accordance  
793 with the provisions of this title. The payment bond shall inure to the benefit of all persons  
794 who provide labor or materials for the construction or installation of the public  
795 improvements.

796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839

2. Letter of Credit. The subdivider may elect to provide from a bank or other responsible financial institution authorized to do such business in the state an irrevocable letter of credit. Such letter shall be filed with the borough and shall certify the following:

a. That the creditor irrevocably guarantees funds in an amount equal to the estimated cost of all required public improvements plus overrun allowances as provided in subsection (B)(4) above, for the completion of all such improvements; and

b. That in the case of failure on the part of the subdivider to complete any specified improvements within the required time period the creditor shall pay to the municipality immediately and without further action such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

~~3. Cash or Cashier's Check. The subdivider may elect to deposit with the borough clerk money, or cashier's check payable to the borough equal to the amounts referred to in subsection (F)(1) of this section.~~

~~4. Certificate of Deposit. The subdivider may elect to provide a certificate of deposit from a bank or other responsible financial institution authorized to do such business in Alaska, and acceptable to the borough finance director, in the amount referred to in subsection (F)(1) of this section. Such certificate of deposit shall be filed with the borough with the following provision:~~

~~a. That in the case of failure on the part of the subdivider to complete or pay for any specified improvements within the required time period, the certificate of deposit will be cashed on the bank or financial institution from which it was issued to pay to the borough immediately and without further action such funds as are necessary to finance the completion of those improvements.~~

~~b. The agreement to construct and install improvements, and the improvement security referred to in this chapter, shall comply with all statutory requirements and shall be satisfactory to the borough attorney as to form, sufficiency, and manner of execution.~~

~~c. The borough shall be under no obligation to deposit any improvement security into an interest bearing account; however, in the event of such deposit, any interest accrued thereon shall be added to such security and may be used as additional security, and shall be returned to the subdivider in the same manner as the security.~~

G. Release of Guarantee. The borough shall release the obligation for performance guarantees only upon the acceptance of improvements under KIBC 16.70.030 of all the improvements covered by the agreement to improve and improvement security together with the posting of adequate security for warranty.

840 H. Effect of Final Approval by the Borough. Final approval by the borough of the  
841 construction and installation of required public improvements shall not obligate the  
842 borough thereafter to inspect, maintain or repair, or constitute an agreement or  
843 assumption by the borough of any duty or responsibility to thereafter inspect, maintain or  
844 repair any such improvements.

845  
846 I. Warranty.

847  
848 1. Required. The subdivider shall warrant and guarantee for a period of one year after final  
849 approval that the required improvements constructed under the agreement will remain in  
850 good condition and will meet operating specifications for the warranty period. Such  
851 warranty includes defects in design, workmanship, materials and any damage to  
852 improvements caused by the subdivider, his agents or others engaged in work to be  
853 performed under the agreement to improve.

854  
855 2. Term – Security. To secure the warranty, the guarantee of performance shall remain in  
856 effect until the end of the warranty period, provided that the warranty period shall not  
857 expire without a determination by the engineering and facilities department director for  
858 subdivisions located outside cities, and by the municipal clerk or municipal engineer for  
859 subdivisions located within a city, that the warranty period has been successfully  
860 completed without uncorrected defects.

861  
862 3. Form – Security. The subdivider furnishes the borough with a corporate surety bond,  
863 cash deposit or irrevocable letter of credit in an amount equal to the percentage of the total  
864 construction costs as set forth below. This security shall guarantee the payment of any  
865 reconstruction or repair costs which may be undertaken due to failures occurring during  
866 the warranty period. Responsibility for identifying the necessity of repairs or  
867 reconstruction of the improvements shall rest with the engineering and facilities  
868 department director for subdivisions located outside cities and by the municipal clerk or  
869 municipal engineer for subdivisions located within a city.

<u>Total Construction Cost</u>	<u>Percent to Secure Warranty</u>
<u>\$0 – \$500,000</u>	<u>10%</u>
<u>\$500,000 – \$1,000,000</u>	<u>7.5%</u>
<u>\$1,000,000 and higher</u>	<u>5%</u>

870  
871  
872 4. Correction of Deficiencies. Within 30 days (or a reasonable extension at the sole  
873 discretion of the engineering and facilities department director for subdivisions located  
874 outside cities and by the municipal clerk or municipal engineer for subdivisions located  
875 within a city) of notification by the borough of the need for repair or reconstruction, the

876 subdivider shall correct the deficiencies, satisfactory to the borough. Such notification  
877 shall be made by certified mail. If the subdivider fails to repair or reconstruct the deficiency  
878 within the time specified above, the borough will make the repairs at the subdivider's and  
879 surety's sole expense. The borough may declare the bond, deposit or other security  
880 forfeited and use such security to make repairs or may proceed to make the repairs and  
881 then bill the subdivider and surety for the cost thereof and bring suit and recover the same  
882 from the subdivider and the surety, jointly and severally, and the security; provided,  
883 however, the borough shall not be required to proceed first against the subdivider and may  
884 proceed directly against any surety or guarantor of the subdivider or bank or other person  
885 issuing any letter of credit, or holder of any security.

886  
887 J. Exemption from Claims. Any money, instrument or letter of credit or other improvement  
888 security deposited or held as provided in this title shall not be subject to levy or attachment  
889 by any creditors of the depositor until the obligation secured thereby is performed to the  
890 satisfaction of the borough.

891  
892 K. Default. In the event that the subdivider defaults on any obligation to construct and pay  
893 for all required public improvements or the obligation to warrant and repair such  
894 improvements, the borough shall demand immediate payment on the performance or  
895 warranty guarantee. In the case of a performance bond, deposits in escrow, or letter of  
896 credit, the borough shall demand immediate payment of all or any portion of all sums  
897 obligated for the performance or warranty of any improvement. All funds received by the  
898 borough shall be used for any construction, repair or reconstruction necessary to ensure:

899  
900 1. That all required improvements are built to specifications as necessary to receive final  
901 approval; and

902  
903 2. The improvements remain in good condition for the completion of the warranty period.

904  
905 L. Enforcement. All provisions of this chapter are mandatory and may not be altered by  
906 the subdivision improvement agreement. The obligations contained in this chapter shall  
907 be enforceable by methods of enforcement of ordinance as well as contract.

908  
909 **16.50.020 Requirements of final plat.**

910 A. The final plat shall be submitted on a good quality, reproducible three millimeter polyester film  
911 (equal to DuPont Mylar) or similar material complying with 11 AAC 06.040(a)(10). All lines,  
912 letters, figures, certifications, and acknowledgments, shall be made in the appropriate black  
913 ink and be accomplished with mechanical lettering equipment. ~~and~~ All signatures shall be  
914 made in black or blue waterproof ink. The plat shall be so made and shall be in such condition  
915 when filed that legible prints and negatives can be made therefrom.

916  
917 B. Two ~~blue~~ ~~line~~ ~~or~~ blackline copies and the polyester film original of the final plat shall be  
918 submitted.

920 C. The plat shall be of suitable scale, one inch equals 20 feet to one inch equals 100 feet to fit the  
921 sheets used; provided, however, that the community development department director may  
922 authorize a scale of one inch equals 200 feet or other suitable scale to accommodate large  
923 acreage parcels.

924

925 D. The plat or plats shall be drawn on one of the following size sheets:

926

927 1. Eighteen inches by 24 inches; or

928

929 2. Twenty-four inches by 36 inches.

930

931 If more than one sheet is required to cover the plat, each shall be of the same size and an index  
932 sheet shall be provided showing the relationship of all sheets.

933

934 E. The plat shall be an accurate drawing based upon as detailed a survey as is necessary in order  
935 to orient the plat properly. The plat shall show the following:

936

937 1. The boundaries of the plat showing clearly what stakes, monuments, or other evidence were  
938 found on the ground to determine the boundaries of the tract. If existing, the corner of adjoining  
939 subdivisions or portions thereof shall be identified and ties shown;

940

941 2. Bearings and distances to the nearest established street lines, section lines or official  
942 monuments which are necessary in accurately describing the location of the plat. All monuments  
943 found shall be indicated and proper references made to available field books or maps, either  
944 private or of public record, which relate to monuments. If the points were reset by ties, that fact  
945 shall be stated;

946

947 3. The centerlines of all streets; lengths, tangents, radii, and central angles of all curves; the total  
948 width of each street; the width of the portion being dedicated; and the width of the existing  
949 dedications; the width of portions of streets each side of the centerline; also, patent reserves and  
950 any other easements appearing on the plat. All lot lines should be radial to a curve and if not shall  
951 be designated "Not Radial." Dimensions shall be in feet and hundredths of a foot;

952

953 4. The widths, bearings, and other necessary data to delineate all easements to which the lots  
954 are subject. If the easement is not located on record, a statement referring to the easement shall  
955 appear on the title sheet. Easements for storm drains, sewers, and other purposes shall be  
956 denoted by broken lines. If an easement is not parallel to and adjacent to the lot lines, distances  
957 and bearings on the sidelines of the lots which are cut by the easement shall be shown to indicate  
958 clearly the actual length of the lot line from the lot corners to the easement. Easements being  
959 dedicated shall be so indicated in the certificate of dedication;

960

961 5. All lot and block numbers. Sufficient data shall be shown to determine readily the bearing and  
962 length of each line. No ditto marks shall be used;

963

- 964 6. The names of adjacent subdivisions and the lot numbers of adjacent lots. If the adjacent land  
965 is not subdivided, it should be so indicated;
- 966
- 967 7. The exact boundaries of all areas to be dedicated or reserved for public use or for the common  
968 use of property owners. The purpose of the dedication or reservation shall be set forth on the plat;
- 969
- 970 8. The area of the entire subdivision and the area of each individual lot to the nearest square foot;
- 971
- 972 9. Building setback lines if different from minimum zoning requirements;
- 973
- 974 10. Name of subdivision;
- 975
- 976 11. North point, scale, date, and drawing number;
- 977
- 978 12. The basis of bearings. Bearings shown must be true bearings and distances shown must be  
979 in the foot unit reduced to the true horizontal equivalent;
- 980
- 981 13. A correct legal description by metes and bounds of the exterior boundary of the area being  
982 subdivided or reference to an existing parcel by recorded plat number and recording district; and
- 983
- 984 14. Plats filed reverting subdivided land to acreage shall be conspicuously designated "THIS  
985 PLAT IS A REVERSION TO ACREAGE."

986  
987  
988  
989  
990  
991  
992

**16.50.030 Survey and monumentation.**

A. All subdivisions shall be surveyed except subdivisions excluded by KIBC 16.10.050, aliquot part subdivisions under KIBC 16.30.020(C), and those subdivisions which only eliminate existing interior property lines, such as reversion to acreage plats which shall have an exterior boundary survey only.

993  
994  
995  
996  
997  
998  
999

B. The subdivision of sections of a township survey into aliquot parts and restoration of lost corners shall be performed in accordance with [the applicable version of 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-fourth corner must be determined, it shall be set. A minimum survey accuracy of 1:10,000 on parcels which are in the city of Kodiak and 1:5,000 in other areas is required. Monuments shall be set in a professional manner.

1000  
1001  
1002  
1003  
1004  
1005  
1006  
1007  
1008

**1. Documentation showing that the final plat satisfies the above accuracy requirements shall be provided with the Final Plat.**

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, registration number and surveyor.

D. All monuments of record disturbed or destroyed shall be remonumented or reference monumented as appropriate.

1009  
1010  
1011  
1012  
1013  
1014  
1015  
1016  
1017  
1018  
1019  
1020  
1021  
1022  
1023  
1024  
1025  
1026  
1027  
1028  
1029  
1030  
1031  
1032  
1033  
1034  
1035  
1036  
1037  
1038  
1039  
1040  
1041  
1042  
1043  
1044  
1045  
1046  
1047  
1048  
1049  
1050  
1051  
1052  
1053

E. Exterior subdivision monuments and monuments set as part of the rectangular survey net shall clearly display the following information:

1. Year set;
2. Monument identification (corner number, section, township, range); and
3. Registration number of surveyor.

F. All angle points ~~along the exterior~~ within the platted area of the survey shall have a primary or secondary monument.

G. Primary monuments along an exterior boundary shall not be situated more than 1,320 feet apart.

H. If an exterior boundary line is less than 2,640 feet but more than 1,320 feet long, then the intermediate primary monument shall be set as close to the midpoint as practical.

...

**16.50.050 Dedications and certificates.**

The following applicable dedications and certificates shall be shown on the final plat:

A. Where a dedication of lands to the public is proposed in the plat, the final plat shall be accompanied by a statement of ownership and dedication which shall read substantially as follows:

I (we), hereby certify that I am (we are) the owner(s) of the property described hereon. I (we) hereby dedicate to the public all easements for public utilities, streets, alleys, thoroughfares, parks, and other public areas shown hereon.

Where a dedication of lands to the public is not proposed in the plat, the final plat shall be accompanied by a statement of ownership which shall read substantially as follows:

I (we), hereby certify that I am (we are) the owner(s) of the property described hereon.

~~This~~ These certificates must be signed by all parties who own a legal interest in the title to the land being platted or a beneficial interest in the land pursuant to a mortgage, deed of trust, or contract of sale; provided, however, that said requirements shall be satisfied by the signature of any person or agency or institution or organization duly authorized by the owner of a legal or beneficial interest in the property being platted to so sign or to subdivide or to plat. Said certificate shall be signed before the clerk or a notary public. Proof that all parties of real interest are included shall be established by either an abstract of title certified to the date of filing, or by a certificate to plat, prepared by a title company authorized under the laws of the state of Alaska, within six months of the date the final plat is submitted.



1054  
1055  
1056  
1057  
1058  
1059  
1060  
1061  
1062  
1063  
1064  
1065  
1066  
1067  
1068  
1069  
1070  
1071  
1072  
1073  
1074  
1075  
1076  
1077  
1078  
1079  
1080  
1081  
1082  
1083  
1084  
1085  
1086  
1087  
1088  
1089  
1090  
1091  
1092  
1093  
1094  
1095  
1096  
1097  
1098

A right-of-way acquisition plat shall be acknowledged by the appropriate local, state or federal official in lieu of owner certification for adjoining remainder parcel land owners.

In some cases, it may be desirable that access from certain lots or parcels be denied to certain roads or other rights-of-way. In such cases, the statement outlined above shall be followed by one which reads substantially as follows:

Said dedication to the public shall in no way be construed as a permit for access to \_\_\_\_\_ Street(s) from Lot(s) \_\_\_\_\_.

B. Rights-of-way not dedicated to the public must be clearly marked as not dedicated on the face of the plat. Right-of-way acquisition parcels not dedicated to the public, which are nonconforming by virtue of zoning, shall require an appropriate note on the plat which prohibits any development not related to right-of-way improvements unless the tract is made conforming under the applicable zoning regulations. Right-of-way acquisition parcels not dedicated, and all remainder parcels, shall be identified on the final plat with a new legal description to distinguish new parcels created by plat from the preexisting lot descriptions.

C. The plat to be filed shall contain a certificate of the land surveyor who prepared the plat in the language which follows:

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

DATE \_\_\_\_\_  
REGISTRATION NUMBER \_\_\_\_\_

(Surveyors Seal) \_\_\_\_\_ REGISTERED LAND SURVEYOR

**D. All abbreviated plats to be filed shall contain the following statement of plat approval:**

**This is to certify that the within plat is duly approved in accordance with the Kodiak Island Borough Code this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.**

<b><u>Community Development Director</u></b>	<b><u>date</u></b>
<b><u>Borough Manager</u></b>	<b><u>date</u></b>
<b><u>Borough Clerk</u></b>	<b><u>date</u></b>

**D E. The All other plats to be filed shall contain the following statement of plat approval:**

1099 Kodiak Island Borough Planning and Zoning Commission:

1100  
1101 Received \_\_\_\_\_ Approved \_\_\_\_\_ Chair  
1102 \_\_\_\_\_ Date \_\_\_\_\_

1104 This is to certify that the within plat is duly approved in accordance with the Kodiak Island Borough  
1105 Code this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

1106  
1107 Manager \_\_\_\_\_ Clerk \_\_\_\_\_ Date \_\_\_\_\_ Community  
1108 Development Department Director \_\_\_\_\_ Date \_\_\_\_\_

1109  
1110 **E F.** The plat to be filed shall contain a statement by the manager and the clerk that the borough  
1111 accepts all real property dedicated for public use and public purposes on the plat. Acceptance of  
1112 dedication for subdivisions within a city shall be acknowledged by the chief administrator of the  
1113 city and the city clerk.

1114  
1115 **F G.** All plats, except right-of-way acquisition plats, must contain a certificate that all the taxes  
1116 have been paid to the date of filing the plat, as follows:

1117 I hereby certify that, according to the records of the Kodiak Island Borough, all taxes assessed  
1118 and due against said land and in favor of the Kodiak Island Borough are paid in full.

1119 Dated at Kodiak, Alaska, this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.  
1120 \_\_\_\_\_ Kodiak Island Borough Clerk

1121  
1122 **G H.** The plat shall show all other data that are or may be required on the plat by statute or  
1123 ordinance.

1124  
1125 **16.50.060 Easement use.**

1126 Utility easements may be required for the use of public utility companies licensed by the ~~Alaska~~  
1127 ~~Public Utilities Commission~~ Regulatory Commission of Alaska to locate, construct, maintain, or  
1128 authorize the location, construction, maintenance, and use of conduits for all and any purposes,  
1129 water, gas, sewers, utility poles and wires, or any of them over, under, and along the strips marked  
1130 "Utility Easement."

1131  
1132 **Section 8:** That Kodiak Island Borough Code Chapter 16.60, Vacations, is amended to read as  
1133 follows:

1134  
1135 **Chapter 16.60**  
1136 **VACATIONS**

1137 ...

1138  
1139 **16.60.040 Action.**

1140 A. The commission shall take action on the vacation application within 50 working days after the  
1141 date of the next available meeting agenda deadline. The commission's action shall be stated in  
1142 the minutes of the commission meeting. The commission shall notify the applicant in writing of  
1143 the official statement of findings and reasons for their action within five working days.

1144  
1145  
1146  
1147  
1148  
1149  
1150  
1151  
1152  
1153  
1154  
1155  
1156  
1157  
1158  
1159  
1160  
1161  
1162  
1163  
1164  
1165  
1166  
1167  
1168  
1169  
1170  
1171  
1172  
1173  
1174  
1175  
1176  
1177  
1178  
1179  
1180  
1181  
1182  
1183  
1184  
1185  
1186  
1187  
1188

B. The approval of the vacation shall be effective for a period of 24 months from the date of approval during which time the applicant may perfect the vacation by:

1. Filing a plat depicting such vacation if the vacated area has been previously shown on a recorded plat. The vacation and replatting of the area shall conform with the applicable preliminary and final plat procedures of this title. In those instances where the replat is intended solely to delete an area vacated from a record plat, the replat may be eligible for the abbreviated plat procedures; or

2. Recording a document stating that the area has been vacated when said area has never been shown on a recorded plat (e.g. recorded by deed or recorded document other than a plat). A copy of the document that created the easement or dedication subject to the vacation shall be submitted as an exhibit. The document must be signed by all those with a beneficial interest in the area to be vacated. A copy of the recorded document shall be provided to the community development department.

**Section 9:** That Kodiak Island Borough Code Chapter 16.70, Improvements Required, is amended to read as follows:

**Chapter 16.70  
IMPROVEMENTS REQUIRED**

...

**16.70.020 Prerequisites to approval.**

A. The subdivider shall construct and install in the subdivision the improvements required by this chapter within two years of preliminary plat approval.

1. **Street Improvements.** All street and public ways shall be graded to their full width, and to the appropriate grade, and shall be surfaced in accordance with the applicable specifications. The cross-section of construction shall contain non-frost-susceptible material in accordance with the applicable specifications. Such construction shall comply with all applicable borough standards for construction as specified in Chapter 16.80 KIBC.

2. **Sewer.** If the property proposed for subdivision is located adjacent to an existing sewer main, the subdivider will not be required to provide stubouts to the individual lots created. All lots shall be provided with access to the sewer line. If the property proposed for subdivision is not located adjacent to an existing sewer main and/or one is needed to service the lots created, stubouts will be required to be provided to the individual lots created in areas where public sewer service is required.

3. **Water.** If the property proposed for subdivision is located adjacent to an existing water main, the subdivider will not be required to provide stubouts to the individual lots created. All lots shall be provided with access to the water line. If the property proposed for subdivision is not located adjacent to an existing water main and/or one is needed to service the lots created, stubouts will

1189  
1190  
1191  
1192

be required to be provided to the individual lots created in areas where public water service is required. Whenever water mains are installed, fire hydrants shall be installed and spaced according to the following table.

NUMBER AND DISTRIBUTION OF FIRE HYDRANTS			
FIRE FLOW REQUIRED (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS <sup>1,2,5</sup> (FEET)	MAXIMUM DISTANCE FROM HYDRANT TO ANY POINT ON STREET OR ROADWAY FRONTAGE <sup>3</sup> (FEET)
750 – 1,750	1	500	250
2,000 – 2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500 – 4,000	4	350	210
4,500 – 5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500 – 7,000	7	250	150
7,500 or more	8 or more <sup>4</sup>	200	120

1193  
1194  
1195  
1196  
1197  
1198  
1199  
1200  
1201  
1202  
1203  
1204  
1205  
1206  
1207  
1208

- 1 Reduce by 100 feet for dead-end streets or roadways.
- 2 Where streets are provided with median dividers, which can be crossed by fire fighters pulling hose lines, or arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gpm and 400 feet or higher fire-flow requirements.
- 3 Reduce by 50 feet for dead-end streets or roadways.
- 4 One hydrant for each 1,000 gpm or fraction thereof.
- 5 Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants should be provided at not less than a 1,000-foot spacing to provide for transportation hazards.

4. Sidewalks. If the subdivision is located adjacent to an existing sidewalk, and the developer proposes to pave the abutting street, the commission may require that concrete sidewalks or approved asphaltic concrete sidewalks not less than four feet in width be constructed along at least one side of all streets.

1209 5. Drainage. All necessary facilities, either underground pipe or drainage ditches, shall be installed  
1210 to provide adequate disposal of surface water as are needed to maintain or reroute any natural  
1211 water courses. Natural water courses shall not be blocked or impeded. Whenever any stream or  
1212 important drainage is located in an area which is being subdivided, the subdivider shall provide  
1213 an adequate easement along each side of the stream for the purpose of widening, deepening,  
1214 sloping, improving, or protecting the stream for drainage purposes. The commission may require  
1215 a drainage plan in order to identify required improvements as part of preliminary plat approval, as  
1216 well as a letter of jurisdiction from the U.S. Army Corps of Engineers.

1217  
1218 6. Other. The commission may require areas to be identified on the plat for the location of  
1219 dumpster pads and neighborhood mail boxes. A street lighting plan for the subdivision may also  
1220 be required by the commission.

1221  
1222 7. In all subdivisions with nonpublic improvements, the subdivider will include a covenant on the  
1223 recorded plat that when an improvement district is formed the real property involved will be a part  
1224 of the improvement district without further action by the then-owner of the property in question.

1225  
1226 8. Monumentation. All monumentation required by Chapter 16.50 KIBC shall be provided by the  
1227 subdivider.

1228  
1229 B. Lots that are larger than 40,000 square feet and satisfy the requirements of section KIBC  
1230 16.40.040.N and 16.50.010(D) are exempt from the sewer and water improvements required in  
1231 this chapter. These lots must meet the wastewater disposal standards of ADEC and each lot  
1232 ~~should~~ shall have access to an adequate amount of potable water for domestic purposes.

1233  
1234 C. Lots that are larger than 10 acres are exempt from the street improvements required in this  
1235 chapter. Lots that are less than 10 acres may be exempt from the street improvements required  
1236 in this chapter if they have little probability of connection to an existing road system.

1237  
1238 **16.70.030 Acceptance of improvements.**

1239 A. No improvement shall be operated or maintained by the public and no security for the  
1240 completion of an improvement shall be released until the improvement has been accepted by the  
1241 engineering and facilities department director for subdivisions located outside cities and by the  
1242 municipal clerk or municipal engineer for subdivisions located within a city.

1243  
1244 B. The following items shall be provided to the engineering and facilities department director  
1245 and/or responsible agencies prior to acceptance of the improvements:

- 1246  
1247 1. A Mylar as-built of the improvements certified by a registered engineer;  
1248  
1249 2. Copies of all construction documents relevant to the construction of the improvement;  
1250  
1251 3. A record of installed materials including any warranties, catalog cuts, and operation and  
1252 maintenance manuals; and  
1253

1254  
1255  
1256  
1257  
1258  
1259  
1260  
1261  
1262  
1263  
1264  
1265  
1266  
1267  
1268  
1269  
1270  
1271  
1272  
1273

4. Any special tools, accessories, and/or spare parts needed for the operation of the improvement.

C. The subdivider shall provide an express warranty for workmanship and materials to cover the improvements during the first year of operation from the initial date of acceptance of the improvements. Unless the subdivider has entered into a subdivision agreement which provides for a different amount, this warranty shall be secured by a performance bond in an amount equal to 10 percent of the cost of construction of the improvements if the value of all the improvements is less than or equal to \$250,000; if the value of the improvements exceeds \$250,000, the performance bond shall be in the amount of \$25,000

**Section 10:** That Kodiak Island Borough Code Chapter 16.80, Standards for Road Improvements, is amended to read as follows:

**Chapter 16.80  
STANDARDS FOR ROAD IMPROVEMENTS**

...

**16.80.030 Minimum right-of-way and trafficway widths.**

A. Minimum right-of-way and trafficway widths shall be as follows:

Road Classification*	Minimum Right-of Way	Minimum Unpaved Trafficway	Minimum Paved Trafficway
Local road	60 feet	23 feet	20 feet
Collector road	60 feet	27 feet	24 feet
Arterial road	80 feet	33 feet	30 feet
Alley	20 feet	18 feet	15 feet
Cul-de-sac	<u>Diameter of <del>50</del> 120 feet</u>	<u>Diameter of <del>20</del> 96 feet</u>	<u>Diameter of <del>20</del> 96 feet</u>
Private road	<del>50</del> <u>60</u> feet (easement)	<del>20</del> <u>23</u> feet	<del>20</del> <u>feet</u>

1274  
1275  
1276  
1277  
1278  
1279  
1280  
1281  
1282  
1283  
1284

\* All dead-end roadways must also meet the fire apparatus access road requirements of the adopted fire code, which may require wider trafficway widths than those listed above.

B. Rights-of-way shall be of sufficient width to accommodate the roadway to be constructed with adequate room outside the roadway prism for installation of any required utilities.

C. City streets shall be designed to meet the minimum trafficways prescribed by the particular city involved.

D. Cul-de-sacs shall have a minimum radius of ~~50~~ 60 feet at the bulb.

1285 E. Minimum easement width for private roads shall be ~~50~~ 60 feet. Private roads, when  
1286 constructed, shall meet, at a minimum, the ~~standards of Section 10.207 of the Uniform Fire Code~~  
1287 ~~(fire apparatus access road requirements)~~ of the adopted fire code and Chapter 15.35 KIBC,  
1288 Driveway Access.

1289 ...

1290

1291 **16.80.070 Road construction standards.**

1292 A. All roads shall be constructed with a sub-base course of non-frost-susceptible material with no  
1293 more than 10 percent of weight passing the Number 200 sieve. The minimum depth of sub-base  
1294 shall be as follows:

1295

Local road	<del>18</del> <u>24</u> inches
Collector road	<del>24</del> <u>30</u> inches
Arterial road	<del>30</del> <u>36</u> inches
Alley	<del>42</del> <u>18</u> inches
Cul-de-sac	<del>18</del> <u>24</u> inches

1296

1297 The depth of sub-base shall be measured from the point of the highest projection into the roadway  
1298 prism.

1299

1300 B. All roads shall be constructed with a base course of two-inch minus rock with no more than 10  
1301 percent of weight passing the Number 200 sieve and a plasticity index of not greater than four as  
1302 determined by AASHTO T-90. The minimum depth of base course after compaction shall be as  
1303 follows:

1304

Local road	<del>4</del> <u>8</u> inches
Collector road	<del>6</del> <u>8</u> inches
Arterial	<del>6</del> <u>8</u> inches
Alley	<del>4</del> <u>6</u> inches
Cul-de-sac	<del>4</del> <u>6</u> inches

1305

1306 C. All roadway construction shall have all organic material removed to the depth of the required  
1307 sub-base prior to placement or construction of the sub-base in the transition area from cut to fill.

1308

1309 D. The right-of-way shall not be clear cut unless necessary to meet the road construction  
1310 standards of this chapter. All stumps shall be flush cut.

1311

- 1312 E. All construction shall be contained within the right-of-way except where the taking of additional  
1313 slope easements is noted on the plat and additional easements are provided for utilities.  
1314  
1315 F. All construction shall be done in accordance with the latest edition of the Alaska Department  
1316 of Transportation and Public Facilities Standard Specifications for Highway Construction.  
1317  
1318 G. Geotextiles may be used upon submittal of satisfactory supporting data from a registered  
1319 engineer and approval by the engineering and facilities department director.  
1320 ...

1321  
1322 **16.80.100 Exceptions to minimum requirements.**

1323 It is the policy of the borough to adhere to these standards and specifications; however, if the  
1324 design standards cannot be followed as contained herein due to unusual terrain, soil  
1325 characteristics, or drainage, the engineering and facilities department director shall consider  
1326 alternate solutions and may approve changes when such changes are substantiated and justified  
1327 by a design analysis prepared by a registered engineer. A decision granting or denying an  
1328 exception under this section may be appealed to the planning commission under Chapter  
1329 16.100 KIBC in the same manner as a decision of the community development director  
1330 granting or denying approval of a plat.  
1331

- 1332 A. The minimum requirements of this chapter are guidelines and may be adjusted either up or  
1333 down subject to actual field conditions upon review and approval by the engineering and facilities  
1334 department director of plans prepared and certified by a registered engineer.  
1335  
1336 B. If the subdivision has little probability of connection to the existing road system, the commission  
1337 may grant a waiver from these construction requirements.  
1338  
1339 C. Any city within the borough may adopt different construction standards by ordinance.  
1340

1341 **Section 11:** That Kodiak Island Borough Code Chapter 16.90, Appeals to the Assembly, is  
1342 amended to read as follows:

1343  
1344 **Chapter 16.90**  
1345 **APPEALS TO THE ASSEMBLY**  
1346 ...

1347  
1348 **16.90.030 Commencement of appeal – Stay.**

- 1349 A. A decision of the commission is final unless an appeal of the decision to the assembly is made  
1350 within 10 working days after the decision by the commission ~~to the assembly~~.  
1351  
1352 B. An appeal is commenced by filing with the clerk a written notice of appeal, specifically stating  
1353 the reasons for the appeal and the relief sought, and payment of the appropriate fee as set by  
1354 resolution of the assembly. Upon commencement of an appeal, the decision appealed from is  
1355 stayed until the decision on appeal becomes final.  
1356



1357  
1358  
1359  
1360  
1361  
1362  
1363  
1364  
1365  
1366  
1367  
1368  
1369  
1370  
1371  
1372  
1373  
1374  
1375  
1376  
1377  
1378  
1379  
1380  
1381  
1382  
1383  
1384  
1385  
1386  
1387  
1388  
1389  
1390  
1391  
1392  
1393  
1394  
1395  
1396  
1397  
1398

C. The running of the time for filing an appeal from a decision of the commission is terminated by a timely petition for reconsideration, filed in accordance with KIBC 16.90.010. The full time for an appeal begins to run again on the date of the decision of the commission on reconsideration.

**Section 12:** That Kodiak Island Borough Code Chapter 16.110, Waiver from Requirements, is amended to read as follows:

**Chapter 16.110**  
**WAIVER FROM REQUIREMENTS SUBDIVISION VARIANCES**

Sections:


16.110.010 ~~Waiver from requirements.~~ Subdivision variances.


**16.110.010** ~~Waiver from requirements.~~ Subdivision variances.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in ~~these regulations~~ this title would result in real difficulties or substantial hardship or injustice, the commission may grant a variance ~~waive~~ waiving such requirements so that the subdivider may develop his property in a reasonable manner. Any variance shall include findings identifying the physical attributes of the property and any unusual conditions which justify a variance. A variance shall be the minimum required to provide substantial relief. The commission shall consider ; but so that at the same time protection of the public welfare and interests of the borough and surrounding areas, and may condition approval of a variance under this section on such requirements as necessary to protect the public interests of the borough and surrounding areas and to are protected, ensure that the applicable provisions of state and federal law are complied with and the general intent and spirit of these regulations are preserved.

**Effective Date:** This ordinance takes effect upon adoption. (Note: KIBC 2.30.070 states an ordinance takes effect upon adoption or at a later date specified in the ordinance.)

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS NINETEENTH DAY OF SEPTEMBER, 2019.**

KODIAK ISLAND BOROUGH  
  
Daniel A. Rohrer, Mayor

ATTEST:  
  
Tara Welinsky, Clerk

**VOTES:**  
Ayes: Symmons, Turner, Arndt, Kavanaugh, Smiley

