

# Kenai Peninsula Borough

## Planning Department

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### MEMORANDUM

**TO:** Kenai Peninsula Borough Planning Commissioners

**THRU:** Blair Martin, Chair  
Melanie Aeschliman, Planning Director

**FROM:** Julie Hindman, Acting Platting Manger

**DATE:** April 4, 2022

**RE:** Certificate to Plat requirements

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At this time, I would like to bring to your attention some concerns brought before the Platting Department regarding Certificate to Plats. Per KPB 20.25.080(E), "A certificate to plat current to not more than 28 business days prior to submittal, issued by a title company authorized to issue title policies in the State of Alaska, which shall be considered as prima facie evidence of all parties having an interest in the land being subdivided. An updated certificate to plat in compliance with KPB 20.60.190(A)(2) will be required for the final plat." This submittal of a certificate to plat is part of the petition requirements and staff deems the application incomplete until received. Once a complete application is received, the file is scheduled in accordance with KPB 20.25.100.

At the end of last year and beginning of this year, there were significant delays at the title companies due to some ongoing issues with Covid, the changes in the market and the huge influx of refinancing and real estate transactions. The Platting Manger at the time allowed several preliminary plats to be reviewed without the certificate to plat. Staff had received some petitions for the March 21, 2022 meeting with the certificate to plats not submitted. Due to the previous allowance, staff allowed the plats to be scheduled but notified the surveyor that the time frame provided, 5 weeks, was not deemed excessive and we would begin to require them with submittal for future petitions. If time frames become longer, discussions could occur on how to proceed.

Staff has received a request by several surveyors regarding allowing applications to move forward without the certificate to plat. Staff informed them that they are now required with the petition submittal as outlined in code. We currently have a surveyor with some delay issues with the title companies located on the southern peninsula and is again requesting his applications be allowed without the certificate to plat.

Staff at this time would like to make the Planning Commission aware of the issues and if possible have a discussion on how they wish for staff to proceed. There are currently two files scheduled for the April 25, 2022 meeting where the surveyor is formally requesting an exception of code to allow the plats to be heard.

Staff is willing to work with the surveyors but does feel that the code outlines what is needed prior to being scheduled for a meeting. If a surveyor requests an exception staff feels there should be some criteria for the exceptions to be supported. We would need to know how long to continue to allow this portion of code to receive exceptions. There are no longer any emergency declarations neither at borough nor state level.

The inclusion of a Certificate to Plat was part of Ordinance 2014-02. Prior to that ordinance the certificate to plat was only required at the time of final. The requirement was carried forward in Ordinance 2020-45. An unlimited continuation of this practice would need to be reviewed as the requirement is in code. If it is felt that this requirement only needs a request to move forward then a review of code should be done.