MEMORANDUM

TO: Ron Long, Assembly President
    Members, Kenai Peninsula Borough Assembly

FROM: John J. Williams, Kenai Peninsula Borough Mayor
      Milli Martin, Assembly Member

DATE: March 1, 2007

SUBJECT: Ordinance 2007-11, amending Titles 14 and 20 regarding road construction in subdivisions

In 2002 an ordinance substantially similar to the one enclosed was adopted by the assembly and later vetoed by Mayor Bagley. The ordinance requires construction of internal subdivision roads prior to final plat approval where the subdivisions are in close proximity to municipal- or state-maintained roads. The ordinance addresses residential subdivisions accessed by maintained roads and is intended to promote continuation of the maintenance system. The RSA board and planning commission had an opportunity to review and comment on the proposed ordinance prior to introduction. The RSA board unanimously supported the ordinance. At its meeting of February 26, 2007, the planning commission ______________________. The ordinance is set for public hearing before the planning commission on March 26, 2007.

The ordinance requires a certificate from the RSA that the internal subdivision roads for a proposed plat meet borough maintenance standards. Proposed subdivision roads within 660 feet of a municipal- or state-maintained road (1/8 of a mile) must meet maintenance standards unless there is no legal access to the subdivision. The ordinance defines legal access. This section of the ordinance is intended to require the construction of an internal subdivision road where a local- or state-maintained road terminates at the last lot or parcel adjacent to the proposed subdivision. The ordinance requires construction of the internal subdivision roads if the state or municipal maintenance ends within an eighth of a mile of the subdivision. The proposed subdivision must contain at least five lots in order to require road construction under this section. There is a provision which requires the subdivider to construct the internal subdivision roads and 660 feet of access road if there is another funding and construction source for any access required beyond 660 feet.

The ordinance requires road construction of internal subdivision roads where a state- or municipal-maintained road directly abuts or connects to the subdivision. For these types of
situations, the roads must be constructed if a minimum of two lots are being platted. Otherwise, road construction could be avoided by doing a series of two-lot subdivisions until the lots would fall outside the ambit of the code because of distance from state- or municipal-maintained roads.

The ordinance allows for phased road construction. It is only necessary for a developer to construct the roads for that portion of a subdivision for which he is requesting final plat approval. The remainder of a subdivision which has received preliminary plat approval will not be subject to the road construction requirements until that portion or phase of the preliminary plat is proposed for final plat approval.

There are several built-in exceptions to the road construction requirement contained in the ordinance as follows: (1) road construction is not required where a “homesite” parcel is being created from a larger parcel; (2) road construction is not required where a road is dedicated solely to provide access to an adjoining parcel that is not part of the subdivision; (3) only the internal subdivision roads accessing double frontage lots must be constructed; and (4) there is a remote parcel exception.

The ordinance includes a process for making an application for waiver of road construction with applicable standards. See proposed KPB 14.06.135.

There is a bonding option which requires security to guarantee road construction if the borough approves a final plat which falls within the scope of the ordinance prior to construction of the internal subdivision roads.

There is also a provision which requires a recorded notice that roads are not borough-maintained for all subdivisions which are exempt from this ordinance. A flowchart of the proposal process is also enclosed.