



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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**DAVID R. CAREY
BOROUGH MAYOR**

MEMORANDUM

TO: Milli Martin, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *dfc* David R. Carey, Borough Mayor

FROM: *MB* Max J. Best, Planning Director

DATE: November 13, 2008

SUBJECT: Ordinance 2008-33; An ordinance amending KPB Chapter 20.20 Subdivision Design Requirements, to require a minimum width of 60 feet for street rights of way.

The Planning Commission reviewed the subject ordinance during their regularly scheduled November 10, 2008 meeting. A motion to recommend approval of the ordinance passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM F. PUBLIC HEARINGS

- 2. Ordinance 2008-33; An ordinance amending KPB Chapter 20.20 Subdivision Design Requirements, to require a minimum width of 60 feet for street rights of way.

Memorandum reviewed by Max Best

PC Meeting: 11/10/08

There is an inconsistency between the platting code minimum road width requirement and the new road standards. The road standards call for all roads to be 60 feet wide to receive road maintenance, but the platting code allows for 40 and 50-foot rights-of-way in specific cases. This has created hardships for the road service area and confusion for the public. A plat was approved with a 50-foot right of way but when the applicant wanted road maintenance he was denied due to the width of the road. This ordinance would correct the problem by amending the platting code to make the minimum road width requirements the same as the new road standards.

Nothing in this ordinance would affect an applicant's ability to access the exception process contained in the platting code. There would be the understanding that if an applicant was granted an exception to the 60-foot width right of way requirement then the road may not be eligible for road maintenance system.

END OF MEMORANDUM

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Carluccio moved, seconded by Commissioner Martin to recommend approval of Kenai Peninsula Borough Ordinance 2008-33; Amending KPB Chapter 20.20 Subdivision Design Requirements.

Commissioner Foster asked what an applicant would have to do to have an exception to the 60-foot width right of way requirement. Mr. Best replied the applicant would have to provide information to support the three conditions that are set out in the standards to meet an exception. Commissioner Foster asked if the Plat Committee would have to approve the exception when a plat was brought before the committee. Mr. Best replied that was correct.

Commissioner Johnson referred to roads that were less than 60 feet wide within the City of Seldovia and asked if the Borough maintained those roads. Mr. Best replied there is a provision within the Code that states if the City has a stricter standard then the Commission may allow them to relax that within the cities.

Commissioner Johnson understood that the proposed ordinance was referring to roads not within the cities. Mr. Best replied that was correct.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	FOSTER YES	GROSS YES	ISHAM YES	JOHNSON YES
LOCKWOOD YES	MARTIN YES	MCCLURE ABSENT	MURPHY ABSENT	PETERSEN YES	TAURIAINEN YES	11 YES 2 ABSENT

AGENDA ITEM G. ANADROMOUS STREAM HABITAT PROTECTION (KPB 21.18)

Chairman Bryson recused himself from this agenda item due to his Company's involvement with this application. He passed the gavel to Vice Chairman Martin.

- 1. A Conditional Use Permit pursuant to KPB 21.18 to construct and install a 12-inch water main within the 50-foot Habitat Protection Area of Slikok Creek. This project is located along the left and right