

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor *CP*

FROM: Max Best, Planning Director *MB*

DATE: August 15, 2018

RE: Ordinance 2018-27, Amending KPB 20.60, KPB 5.35, and KPB 14.31 Creating a New Requirement that Property Owners Pay Off the Remaining Balance or Prepay Estimated Costs of Any Special Assessments on Property to be Subdivided Before a Final Plat is Recorded and Providing Notice of the Requirement

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled August 13, 2018 meeting.

A motion passed by unanimous consent to recommend approval of Ordinance 2018-27, Amending KPB 20.60, KPB 5.35, and KPB 14.31 Creating a New Requirement that Property Owners Pay Off the Remaining Balance or Prepay Estimated Costs of Any Special Assessments on Property to be Subdivided Before a Final Plat is Recorded and Providing Notice of the Requirement

In the Ordinance, please make the following amendment to the ninth WHEREAS statement:

WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular meeting of August 13, 2018, recommended approval by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F. PUBLIC HEARINGS

1. Ordinance 2018-27, Amending KPB 20.60, KPB 5.35, and KPB 14.31 Creating a New Requirement that Property Owners Pay Off the Remaining Balance or Prepay Estimated Costs of Any Special Assessments on Property to be Subdivided Before a Final Plat is Recorded and Providing Notice of the Requirement

Memorandum reviewed by Max Best

PC Meeting: 8/13/18

KPB 20.60.030 currently requires that every final plat of a subdivision must be accompanied by a certificate of the borough finance department stating that all taxes levied on the property within the subdivision shall be paid before the final plat is recorded. The borough also has special assessment liens against parcels that have been included in special assessment districts with unpaid balances. When a parcel that is subject to an assessment is subdivided, it is difficult to fairly allocate the lien among newly created parcels. This ordinance would amend the code to require unpaid special assessments on property being subdivided be paid in full prior to filing the final plat. In the event of subdivision before final assessment is known, the subdividing property owner would be required to prepay the estimated cost of the special assessment.

The utility special assessment district (KPB 5.35) and road improvement assessment district (KPB 14.31) chapters of borough code are also amended to provide impacted landowners notice they will be required to pay off the remaining balance of any special assessments on assessed property they may subdivide, or prepay the estimated cost if final assessment has yet to be determined, before a final plat can be recorded.

The road service area board will consider this ordinance at its August 14, 2018, meeting and forward its recommendations to the assembly prior to the scheduled hearing on this ordinance.

END OF MEMORANDUM & STAFF REPORT

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

MOTION: Commissioner Ruffner moved, seconded by Commissioner Ecklund to recommend adoption of Ordinance 2018-27, Amending KPB 20.60, KPB 5.35 and KPB 14.31 Creating a New Requirement that Property Owners Pay Off the Remaining Balance or Prepay Estimated Costs of Any Special Assessments on Property to be Subdivided Before a Final Plat is Recorded and Providing Notice of the Requirement.

Commissioner Ruffner asked how long was the financing for special assessments. Mr. Best replied that it was 10 years.

Commissioner Ruffner asked if staff saw any issues that would prevent the subdivision of land. He asked how frequent this comes up. Mr. Best replied that it was very rare. They have not had it come up. He stated that in the Plat staff reports staff tells the applicants that if they are going to be a part of a special assessment district then they need to pay it in full.

Commissioner Ecklund asked if there has been a problem with the borough not getting paid. Mr. Best replied that has not happened. Usually people pay what they owe.

Chairman Martin asked if that was what was due for that year. Mr. Best replied no, this is for the complete assessment for the property that was being subdivided.

VOTE: The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO YES	ECKLUND YES	ERNSOFF YES	FIKES ABSENT	FOSTER YES	MARTIN YES
MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES			10 YES 1 ABSENT