

# Kenai Peninsula Borough Assembly

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## MEMORANDUM

**TO:** Kelly Cooper, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Willy Dunne, Assembly Member (W.D.) for W.D.

**DATE:** November 21, 2019

**RE:** Amendments to Ordinance 2019-24, Adopting KPB 20.80, Subdivision Private Streets and Gated Communities (Mayor)

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Following are some proposed amendments to Ordinance 2019-24 for your consideration. The first amendment would prohibit conversion of a public street to a private street if there exists any form of public access easement accessible by any public street being vacated and converted to private property.

The second amendment would impose fees on the Home Owners Association prior to conversion of a public street to private property. These are based on discussions with local road contractors and the borough road service area director.

The third amendment would require that as a part of converting private streets to public streets in a gated subdivision, all rights of way that were public when the gated subdivision was formed shall also be dedicated to the public.

[Please note the underlined bold language is new and the bold strikeout language in brackets is to be deleted.]

- In Section 1 amend KPB 20.80.020 by inserting a new subparagraph H.2 as follows and renumbering the remaining subparagraphs in H:

### **20.80.020 – Requirements**

Private streets in subdivisions shall meet the following requirements:

...

H. Gated subdivisions and private streets may be approved, provided they meet the following criteria:

...

- 2.. A public street may not be converted to a private street under this chapter if it provides public access to any form of a public access easement.**

- In Section 1 amend KPB 20.80.040 by inserting a new subparagraph B as follows and re-lettering the remaining subparagraphs:

**20.80.040. – Converting to gated subdivision.**

...

- B. Prior to approval of a gated subdivision in which any public streets are vacated and converted to private property, the subdivision HOA must pay to the borough a fee of:**
  - a. \$200 per linear foot for unpaved roads; or
  - b. \$250 per linear foot for paved roads; and
  - c. Fair market value of acreage for any undeveloped rights-of-way.

- In Section 1 amend KPB 20.80.050 by inserting a new subparagraph B as follows and re-lettering the remaining subparagraphs:

**20.80.050. – Converting private streets to public streets in gated subdivision.**

...

- B. To convert a private street back to a public street under this section, all rights of way in the subdivision that were public rights of way immediately before the gated subdivision was formed, whether developed or undeveloped, must be dedicated to the public.**

...