

Introduced by:	Mayor
Date:	03/02/21
Hearing:	04/06/21
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-10**

**AN ORDINANCE PROVIDING AN EXEMPTION FROM KPB CHAPTER 14.06
“ROAD STANDARDS” TO ALLOW ACCEPTANCE OF A NON-CONFORMING
ROAD INTO THE BOROUGH ROAD MAINTENANCE PROGRAM**

WHEREAS, in 2016 the Kenai Peninsula Borough (Borough) accepted a grant agreement from the US Department of Transportation, Western Federal Lands Division (DOT-WFL) for the construction of 7.5 miles of road located along the Kenai Spur Highway right-of-way; and

WHEREAS, the grant was contingent upon a scope of work that would mitigate impacts to wetlands and sensitive habitat currently being impacted by off-road vehicle traffic that utilizes the right-of-way for recreational and private property access purposes; and

WHEREAS, as a condition of accepting the grant funding from DOT-WFL, the Borough agreed to maintain the road; and

WHEREAS, the grant provided to the Borough by DOT-WFL sought to direct the flow of traffic away from the wetlands and sensitive habitat and onto a roadway in order to protect the environment; and

WHEREAS, as a condition of accepting the grant funding from DOT-WFL, the Borough agreed to maintain the road; and

WHEREAS, chapter 14.06.090 requires that all Category IV Roads be built to a minimum of 26 feet in width; and

WHEREAS, roads that are not built to Borough Standards are not eligible under the code for inclusion into the Borough Road Maintenance Program; and

WHEREAS, it is in the best interest of the Borough to provide winter maintenance for this 7.5 miles of road on a regular basis to allow for public use of the access and monitoring of the road conditions; and

WHEREAS, summer maintenance should be applied along this section of road on an as needed basis when deemed necessary to preserve the integrity of the road embankment and infrastructure; and

WHEREAS, because the road was not constructed to meet road service area standards the typical application of road service area maintenance practices would not be an efficient use of Borough resources; and

WHEREAS, it is in the best interest of the Borough to include the Kenai Spur Extension into the road maintenance program provided by the Road Service Area in conjunction with its standard maintenance program; and

WHEREAS, the Kenai Peninsula Borough Road Service Area Board at its regularly scheduled meeting of February 9, 2021, recommended unanimous approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That notwithstanding the requirements of KPB Chapter 14.06, which sets construction standards to be met by roads for acceptance into the Borough's Road Maintenance Program, the Kenai Spur Extension is hereby granted an exception from the KPB Chapter 14.06 road construction standards and is hereby accepted onto the Borough's Road Maintenance Program.


SECTION 2. That this ordinance shall become effective upon enactment and also upon the Borough's receipt of the DOT-WFL's acceptance of final completion of the Kenai Spur Extension Project.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF APRIL, 2021.



Brent Hibbert, Assembly President

ATTEST:



Jonni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Carpenter, Chesley, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert

No: None

Absent: None