

Introduced by: Knopp
Date: 01/08/08
Hearing: 02/05/08
Action: Introduced and Set for Public Hearing
Action: Withdrawn by Sponsor

**KENAI PENINSULA BOROUGH
ORDINANCE 2008-02**

**AN ORDINANCE REQUIRING THAT ROADS CONSTRUCTED PRIOR TO FINAL
PLAT APPROVAL MEET BOROUGH MAINTENANCE STANDARDS**

WHEREAS, subdividers often construct roads prior to final plat approval, thereby avoiding the Kenai Peninsula Borough Road Service Area (RSA) permitting requirements of KPB 14.40 and the maintenance standards of KPB 14.06, resulting in the acceptance of dedications with inadequately constructed roads; and

WHEREAS, requiring roads previously constructed in areas proposed for dedication in plats to be built to RSA standards prior to plat approval would help to eliminate this problem; and

WHEREAS, if no roads are built in areas to be dedicated, and if the plat is approved without first requiring the roads to be built, any roads built after plat approval would be subject to the RSA permitting process as they would then be in borough rights-of-way; and

WHEREAS, allowing the subdivision of such undeveloped land without first requiring roads to be built would make the subdivision process more affordable without allowing for substandard roads;

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

SECTION 1. That KPB 14.06.075 is hereby enacted as follows:

14.06.075. Requirements for roads constructed prior to final plat approval.

In accordance with KPB 20.16.165, the RSA shall certify to the planning department prior to final plat approval that either roads constructed in rights-of-way proposed by the final plat meet borough maintenance standards set forth in KPB 14.06 or that there are no constructed roads in the rights-of-way proposed by the final plat.

SECTION 2. That KPB 20.16.165 is hereby enacted as follows:

20.16.165. Maintenance certificate for constructed roads.

- A. Upon request of a subdivider, the RSA director shall prepare the certification required by KPB 14.06.075 if the subject roads meet borough maintenance standards or if a waiver is granted as provided in this section or if no roads have been constructed in the proposed rights-of-way.
- B. When roads have been constructed, the RSA director shall accept documentation from a qualified engineering firm that has either designed and overseen the construction of the roads, or has not overseen the design and construction of the roads but has provided a detail test hole log, as-built survey and has met other requirements established by the RSA, to ensure the roads have been built to borough standards.
- C. Upon application by the subdivider, the RSA director may grant a waiver to the requirement that constructed dedications meet borough maintenance standards if:
 - 1. the RSA director determines it is impractical to construct roads to the existing borough standards; or
 - 2. where it is impractical or unlikely the borough would be able to maintain these roads.
- D. Denial of a waiver request by the RSA director may be appealed to the RSA board by the applicant only and their decision shall be final.

SECTION 3. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2008.

Grace Merkes, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

Yes:

No:

Absent: