



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • **FAX:** (907) 262-1892

www.borough.kenai.ak.us

DAVE CAREY
BOROUGH MAYOR

MEMORANDUM

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

THRU: *DMC* David R. Carey, Borough Mayor
MB Max Best, Planning Director

FROM: *MB* Mary Toll, Platting Officer
for MT

DATE: February 5, 2009

SUBJECT: Ordinance 2009-11, amending KPB Chapter 20.14 Wastewater Disposal to exempt subdivisions that increase lot sizes from wastewater review

The Alaska Department of Environmental Conservation (ADEC) reviewed subdivision plats starting in the mid 1970s to ensure that they were suitable for onsite wastewater disposal and water supply. In 1996, due to funding shortages, they abruptly ceased their review. In an effort to maintain the public safety represented by a review of proposed wastewater disposal associated with subdivision or replats, the Planning Department of the Kenai Peninsula Borough rapidly wrote Ordinance 97-14, adding a new Chapter 20.14 to the subdivision code.

Under that code, wastewater review and a soils report by an engineer are not required in certain circumstances; all of those circumstances are dependent upon previous approval by ADEC, another state agency, or the Kenai Peninsula Borough under 20.14. This results in numerous requests (27 in 2008) for exceptions under KPB 20.24 to the submittal requirements of 20.14. Many subdivisions are merely combining lots or increasing lot sizes by adding area from an adjacent large parcel, but the parent plats did not have the needed ADEC or KPB 20.14 approval. The replats comply with the intent of the ordinance, but do not comply with the actual wording of the ordinance. This need for an exception also results in numerous plats not being able to qualify for the Abbreviated Plat Procedure under KPB 20.04.070.

The intent of the exemption in 20.14 is to encourage actions that result in a better situation, or effectively make no change in an existing situation. Combining lots always increases the lot area and in most situations, this results in greater area available for onsite wastewater disposal. Increasing lot areas by adding acreage from adjoining large acre parcels has the same result.

By the addition and changing of some wording in the ordinance, the need for the numerous exceptions will be removed. The planning commission reviewed this ordinance on January 26, 2009, and recommended enactment.