



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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**DAVID R. CAREY
BOROUGH MAYOR**

MEMORANDUM

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

THRU: *dkl* David R. Carey, Borough Mayor

FROM: *mb* Max J. Best, Planning Director

DATE: January 28, 2009

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

The Planning Commission reviewed the subject ordinance during their regularly scheduled January 26, 2009 meeting. A motion to recommend enactment of the ordinance passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM F. PUPLIC HEARINGS

- 1. Ordinance 2009-xx amending KPB Chapter 20.14 Wastewater Disposal to exempt subdivisions that increase lot sizes from wastewater review

Memorandum reviewed by Max Best

PC Meeting: 1/26/09

The Alaska Department of Environmental Conservation (ADEC) reviewed subdivision plats starting in the mid 1970's 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 20.040.070.

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 area 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. This ordinance will be forwarded to the Mayor's Office with the Planning Commission's comments for introduction to the Assembly.

Staff requests the Commission recommend adoption of this ordinance.

END OF MEMORANDUM

Chairman Bryson read the rules by which public hearings are conducted.

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

MOTION: Commissioner Murphy moved, seconded by Commissioner McClure to recommend the Borough Assembly enact Ordinance 2009-___; amending KPB Chapter 20.14 Wastewater Disposal to exempt subdivisions that increase lot sizes from wastewater review.

Chairman Bryson asked if staff recommended adoption of the ordinance. Mr. Best replied yes.

Commissioner Johnson was glad to see something that would streamline the subdivision process. He felt it would serve the public better.

There being no further comments or questions, the commissioners proceeded to vote.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS ABSENT	FOSTER YES	GROSS YES	ISHAM YES	JOHNSON YES
LOCKWOOD YES	MARTIN YES	MCCLURE YES	MURPHY YES	PETERSEN YES	TAURIAINEN YES	12 YES 1 ABSENT