

Introduced by:	Mayor
Date:	02/17/09
Hearing:	03/24/09
Action:	Enacted
Vote:	9 Yes, 0 No, 0

**KENAI PENINSULA BOROUGH  
ORDINANCE 2009-11**

**AN ORDINANCE AMENDING KPB CHAPTER 20.14 WASTEWATER DISPOSAL TO  
EXEMPT SUBDIVISIONS THAT INCREASE LOT SIZES FROM WASTEWATER  
REVIEW**

- WHEREAS,** in 1996 the Alaska Department of Environmental Conservation ceased reviewing subdivisions for wastewater disposal; and
- WHEREAS,** in 1997 Kenai Peninsula Borough adopted Ordinance 97-14 establishing requirements for subdivision wastewater disposal; and
- WHEREAS,** Ordinance 97-14 added Chapter 20.14 to the Kenai Peninsula Borough Code of Ordinances; and
- WHEREAS,** KPB 20.14.020(A)(1) exempts a subdivision from review under certain circumstances; and
- WHEREAS,** in some instances, lot sizes are being increased, complying with the intent of the exemption by making a better situation, but the parent plat was not approved by the Department of Environmental conservation, current state agency, or the KPB under Chapter 20.14; and
- WHEREAS,** this results in numerous exception requests that are supported by findings of fact that routinely result in approval by the Planning Commission; and
- WHEREAS,** minor changes in the KPB Code will streamline the platting process and enhance the abbreviated plat procedure, with no ill effect on wastewater disposal requirements; and
- WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of January 26, 2009, recommended enactment of this ordinance.

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

**SECTION 1.** That KPB 20.14.020 (A) is hereby amended as follows:

**20.14.020 Wastewater system review not required.**

A. Wastewater system review will not be required if the [FOLLOWING] criteria in subsection 1 or 2 are satisfied:

1. The existing parent subdivision was approved by the Department of Environmental Conservation, current state agency or the KPB under this chapter and the proposed subdividing action is limited to:

a. Vacating lot lines to create fewer lots; or

b. Moving one or more lot lines a distance of 10 feet or less without increasing the number of lots having prior onsite wastewater approval or a combination of 10 feet to keep the area loss the same or less than a 10 foot move; or

c. Moving one or more lot lines without increasing the number of developable lots, while maintaining a minimum of 20,000 square feet of contiguous area, as described in 20.14.020(A)(4), for each lot affected by the lot line movement.

2. The plat increases lot sizes.

B. Plats described in paragraph A shall have one of the following plat notes, as applicable:

1. Before a final plat qualifying for the exemption in paragraph A.1 of this section is recorded or filed for subdivision, an engineer or surveyor must complete the following plat note which shall be placed on the plat:


WASTEWATER DISPOSAL: The parent subdivision for lots resulting from this platting action was approved by the (Alaska Department of Environmental Conservation) or (Kenai Peninsula Borough) on (DATE). Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

2. Before a final plat qualifying for the exemption in paragraph A.2 of this section is recorded or filed for subdivision, an engineer or surveyor must complete the following plat note which shall be placed on the plat:

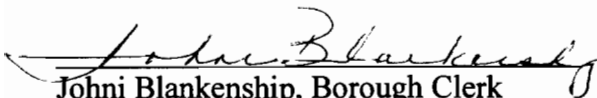
WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

**SECTION 2.** That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 24TH DAY OF MARCH, 2009.**

  
Milli Martin, Assembly President

ATTEST:

  
Johni Blankenship, Borough Clerk



Yes: Fischer, Knopp, Long, Pierce, Smalley, Smith, Sprague, Superman, Martin  
No: None  
Absent: None