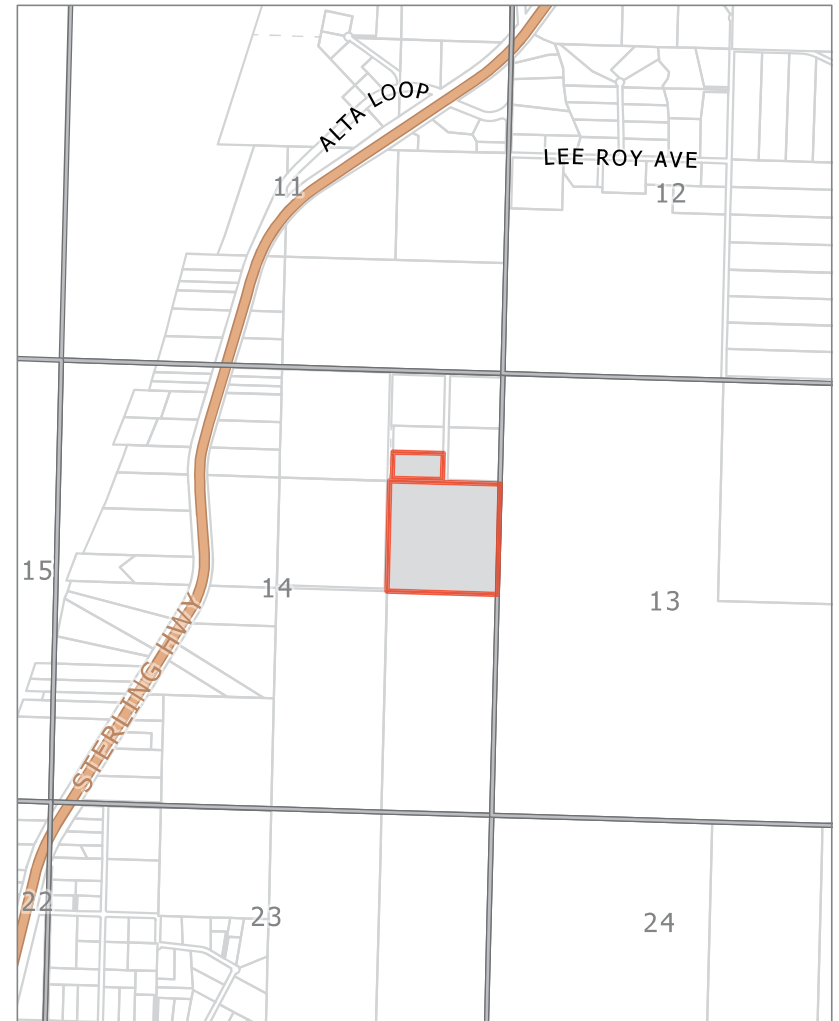
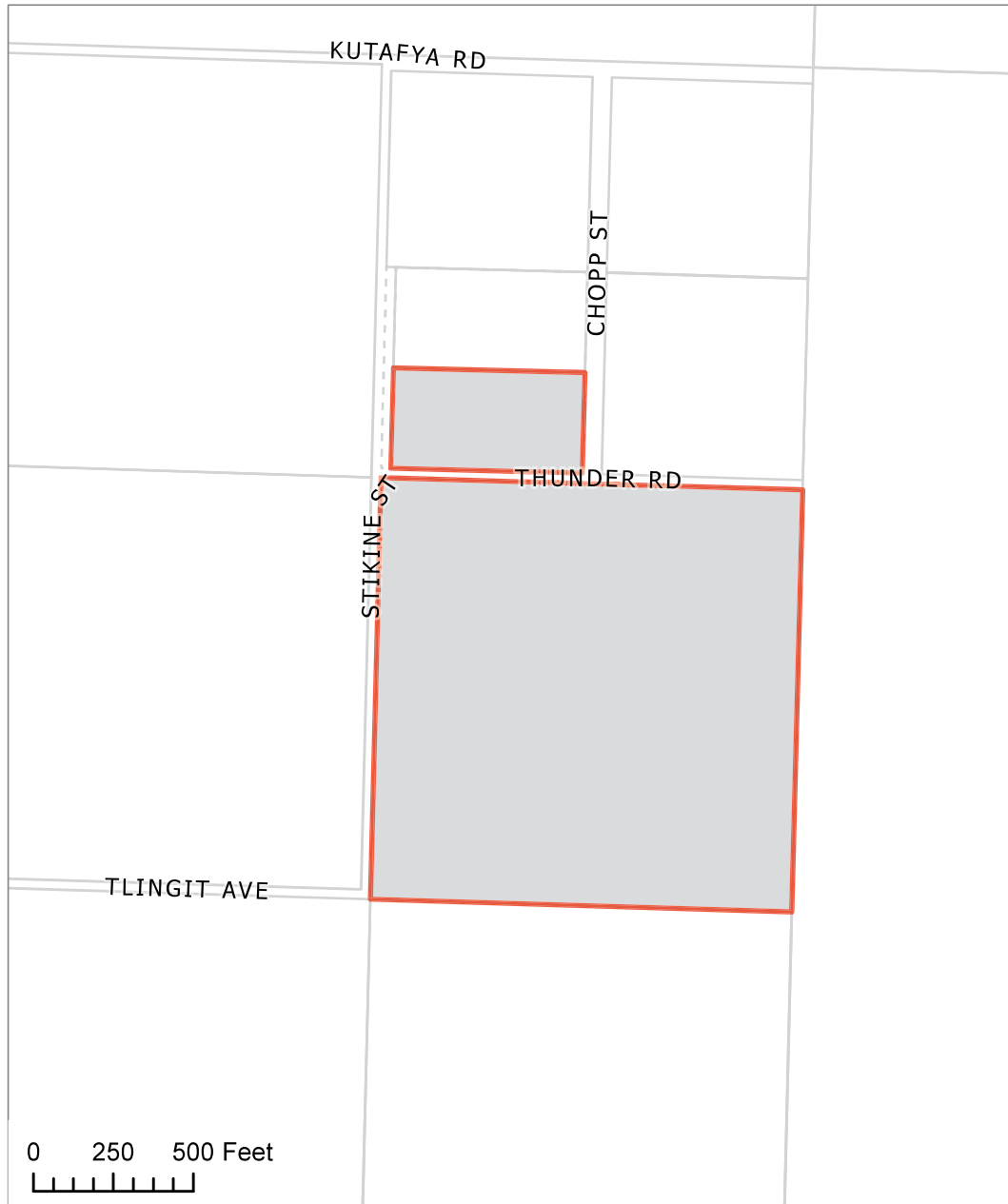


## **E. NEW BUSINESS**

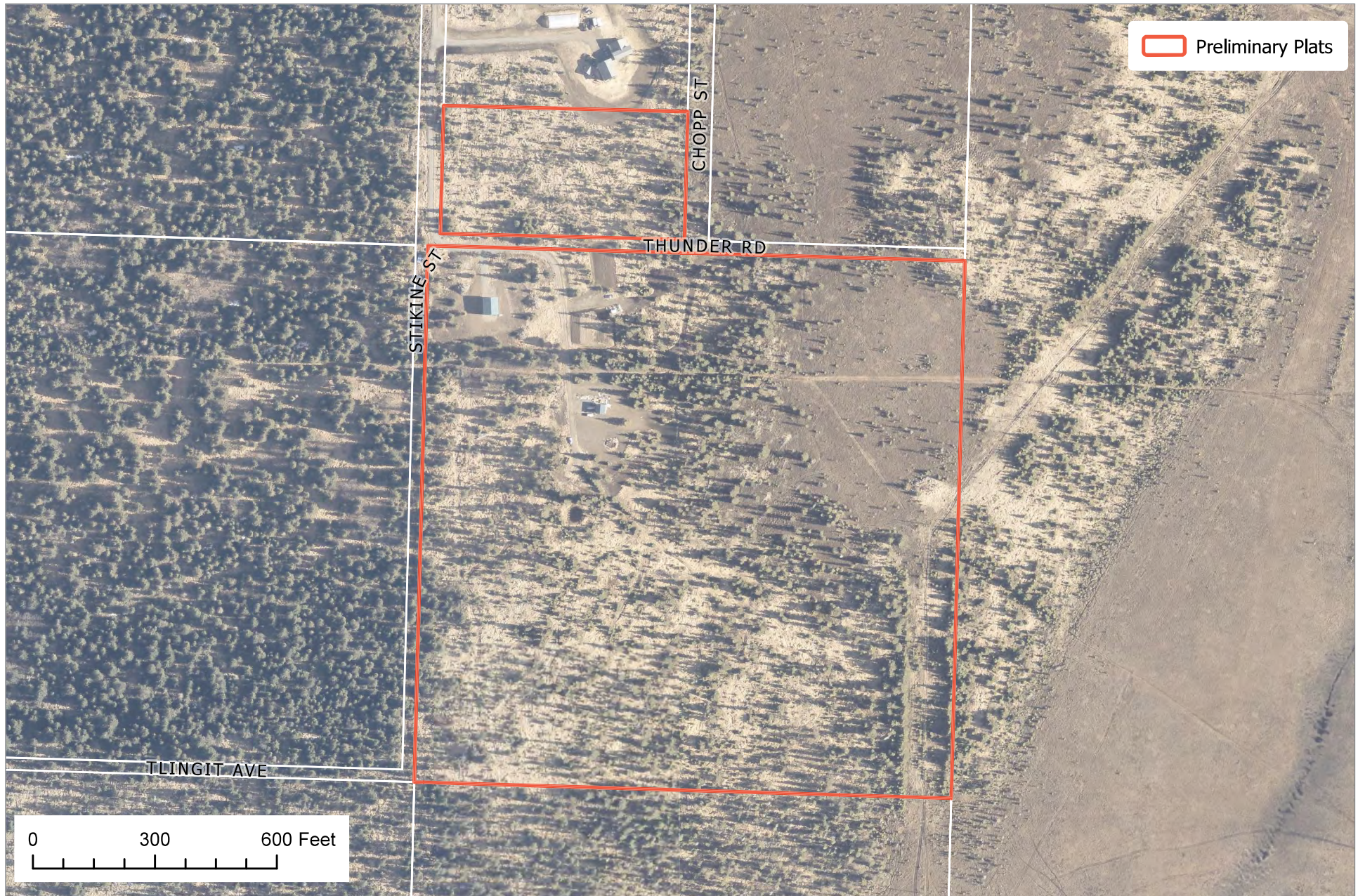
### **4. Stapel Subdivision; KPB File 2026-076**

**Peninsula Surveying / Stapel**

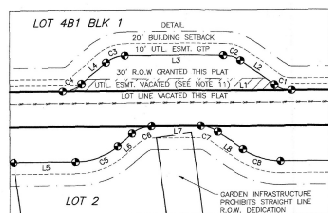
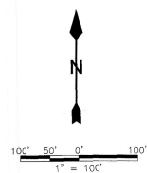
**Location: Stikine Street, Thunder Road & Tlingit Avenue  
Anchor Point Area**



KPB File 2026-076  
T 04S R15W SEC 14  
Anchor Point



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



#### NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10' OF ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
5. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
6. FLOOD HAZARD NOTICE: SOME OR ALL OF THE PROPERTY SHOWN ON THIS PLAT HAS BEEN DESIGNATED BY FEMA OR THE KENAI PENINSULA BOROUGH SEWARD MAPPED FLOOD DATA AREA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.05 OF THE KENAI PENINSULA BOROUGH CODE. SEE FEMA FIRM PANEL 02122C-1885E FOR INFORMATION ON FLOODPLAIN ZONE D.
7. AN EXCEPTION TO KPB 20.40 WAS GRANTED BY THE KENAI PENINSULA BOROUGH PLAT COMMITTEE AT THE MEETING OF AUGUST 8, 2022.
8. SUBJECT TO A GENERAL EASEMENT FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY GRANTED TO HOMER ELECTRIC ASSOCIATION, INC., PER BOOK 48 PAGE 48 RECORDED JANUARY 22, 1968, HOMER RECORDING DISTRICT WITH NO DEFINITE LOCATION XSCLOSED.
9. SUBJECT TO A ROAD RESERVATION OF 50 FEET ALONG EACH SIDE OF THE SECTION LINE AS CREATED BY A.S. 19.10.010.
10. SUBJECT TO AN ACCESS EASEMENT AGREEMENT EXECUTED BY AND BETWEEN THE PARTIES HEREIN NAMED UPON THE TERMS AND CONDITIONS THEREIN PER BOOK 245 PAGE 909, DATED AUGUST 7, 1995, RECORDED AUGUST 21, 1995, HOMER RECORDING DISTRICT, SAID EASEMENT NOW FALLS WITHIN THE STIKINE ST. DEDICATED RIGHT-OF-WAY GRANTED BY HM2023-50.
11. THAT PORTION OF THE 5' CLEARING AND UTILITY EASEMENT GRANTED BY HM78-15 AND THE 10' UTILITY EASEMENT GRANTED BY HM2023-50 ARE VACATED AND NOW LOCATED WITHIN THE RIGHT-OF-WAY DEDICATED THIS PLAT.
12. CPB GIS DATA SHOWS THERE ARE NO STEEP SLOPES OR ANADROMOUS WATERS.

#### CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPT ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT, INCLUDING EASEMENTS RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

THUNDER ROAD RIGHT-OF-WAY  
STIKINE STREET RIGHT-OF-WAY  
SKEL STREET RIGHT-OF-WAY  
TLINGIT AVENUE RIGHT-OF-WAY

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL: \_\_\_\_\_ DATE: \_\_\_\_\_

| LINE/CURVE TABLE |         |               |        |        |               |
|------------------|---------|---------------|--------|--------|---------------|
| LINE/CURVE       | LENGTH  | BEARING/Delta | RADIUS | CHORD  | CHORD BEARING |
| L5               | 52.57'  | N89°55'58"E   |        |        |               |
| C5               | 33.99'  | 040°37'04"    | 55.00' | 38.18' | N69°37'16"E   |
| L6               | 13.37'  | N49°18'54"E   |        |        |               |
| L7               | 42.09'  | N89°55'55"E   |        |        |               |
| C8               | 36.13'  | 035°33'18"    | 55.00' | 33.59' | S72°17'33"E   |
| C7               | 15.51'  | 035°33'21"    | 25.00' | 15.27' | S72°17'24"E   |
| L8               | 25.83'  | S54°30'44"E   |        |        |               |
| C1               | 15.51'  | 035°33'18"    | 25.00' | 15.27' | S72°17'33"E   |
| L2               | 33.45'  | N54°30'44"W   |        |        |               |
| C2               | 15.51'  | 035°33'21"    | 25.00' | 15.27' | N72°17'24"W   |
| L3               | 83.53'  | S89°55'55"W   |        |        |               |
| C3               | 17.72'  | 040°37'01"    | 25.00' | 17.35' | S69°37'15"W   |
| L4               | 27.47'  | S49°18'54"W   |        |        |               |
| C4               | 17.72'  | 040°37'04"    | 25.00' | 17.35' | N69°37'16"E   |
| L1               | 154.85' | S89°55'58"W   |        |        |               |

#### WASTEWATER DISPOSAL

LOTS 1: CURRENTLY SERVED BY DEC APPROVED SEPTIC SYSTEM. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LOTS 2-6: LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LOT 481 BLK 1: WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. (SEE NOTE 7).

#### LEGEND

- PRIMARY MONUMENT AS DESCRIBED
- FOUNDED 2" AL-CAP BY 76105, 2022
- TO SET R.P.C. ON 5/8" X 3/8" REBAR BY LSI1488
- RECORD DATA PER HM2023-50
- RECORD DATA PER HM2004-72
- (GTP) GRANTED THIS PLAT
- (DTP) DEDICATED THIS PLAT

- DISCHARGE SLOPE WETLANDS PER THE KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING
- LAKEBED WETLANDS PER THE KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING



#### CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT WE HEREBY ADAPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

RICHARD W. STAPEL  
P.O. BOX 386  
ANCHOR POINT, AK 99556

LORETTA M. STAPEL, AKA LORETTA STAPEL  
P.O. BOX 386  
ANCHOR POINT, AK 99556

#### NOTARY ACKNOWLEDGMENT

FOR: RICHARD W. STAPEL  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

NOTARY PUBLIC FOR: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

#### NOTARY ACKNOWLEDGMENT

FOR: LORETTA M. STAPEL, AKA LORETTA STAPEL  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

NOTARY PUBLIC FOR: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

#### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MM/DD/YYYY.

BOROUGH OFFICIAL: \_\_\_\_\_ DATE: \_\_\_\_\_

KPB FILE NUMBER: 2026-000

#### PENINSULA SURVEYING, LLC

10535 KATRINA BOULEVARD, NINILCHIK, AK 99639  
(907) 806-7005

#### PLAT OF STAPEL SUBDIVISION

A SUBDIVISION OF  
THE SE 1/4 NE 1/4 & LOT 48 BLOCK 1,  
WHISKY GULCH LOT 4 REPLAT, HM2023-50  
LOCATED WITHIN

SE 1/4 NE & NE 1/4 NE 1/4, 1/4 SEC. 14, T4S, R15W, S.M.  
HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA  
CONTAINING 44.355 ACRES

OWNERS: RICHARD W. STAPEL  
P.O. BOX 386  
ANCHOR POINT, AK 99556

LORETTA M. STAPEL  
AKA LORETTA STAPEL  
P.O. BOX 386  
ANCHOR POINT, AK 99556

SCALE: 1" = 100'

DATE: JUNE 30, 2026

DRAWN: BLT

CHECKED: JLS

SHEET: 1 OF 1

KPB 2026-076

AGENDA ITEM E. NEW BUSINESS

**ITEM #4 - PRELIMINARY PLAT  
STAPEL SUBDIVISION**

|                                |                                              |
|--------------------------------|----------------------------------------------|
| <b>KPB File No.</b>            | 2026-076                                     |
| <b>Plat Committee Meeting:</b> | August 10, 2026                              |
| <b>Applicant / Owner:</b>      | Richard & Loretta Stapel / Anchor Point, AK  |
| <b>Surveyor:</b>               | Jason Schollenberg / Peninsula Surveying LLC |
| <b>General Location:</b>       | Tlingit Ave & Stikine St / Anchor Point APC  |

|                           |                                                                                                                                                   |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parent Parcel No.:</b> | 165-083-26 AND 165-083-11                                                                                                                         |
| <b>Legal Description:</b> | T 04S R 15W SEC 14 SEWARD MERIDIAN HM 2023050 WHISKEY GULCH LOT 4<br>REPLAT LOT 4B BLK 1 AND<br>T 4S R 15W SEC 14 SEWARD MERIDIAN HM SE 1/4 NE1/4 |
| <b>Assessing Use:</b>     | Residential                                                                                                                                       |
| <b>Zoning:</b>            | Rural Unrestricted                                                                                                                                |
| <b>Water / Wastewater</b> | Onsite / Onsite                                                                                                                                   |
| <b>Exception Request</b>  | 20.40                                                                                                                                             |

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 40-acre parcel and 4 dedications along with adjusting the boundary of an adjacent lot.

**Location and Legal Access (existing and proposed):**

Access to the property is by Stikine St and Thunder Rd on the west and north. Both are currently 30-foot dedications from adjacent subdivisions.

This plat will dedicate 30 feet to Stikine St to complete the 60' minimum requirement. On the south Tlingit Ave will be extended with a 30' dedication. On the east Skeg St is dedicating 30' for the half right-of-way.

On the north the plat is dedicating 30' for Thunder Rd and adjusting around an existing high tower (garden infrastructure) located on the north side of proposed Lot 2. The Roads Director has requested the design of the curves be adjusted to fit code better (see comment below)

**Staff recommends** the surveyor apply for an exception to the 20' building setback since the structure is landing within it when the new adjustments to the dedication are made.

The property is affected by a section line easement on the east side of the plat. The SLE is noted at plat note 9 and labeled on the drawing.

There is a drive accessing the property going to a house on proposed Lot 3. Surveyor should note if there is in place or if there are plans for a private access easement along the driveway.

Block length is complaint with the dedications of the roads around the plat.

|                          |                                                                                                                                                                                                                               |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| KPB Roads Dept. comments | Out of Jurisdiction: No<br><br>Roads Director: Uhlin, Dil<br>Comments:<br>RSA objects to this design KPB Code 20.30.130(A) requires 100-foot tangent between curves. KPB Code 20.30.140 prohibits compound and broken-curves. |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                  |                                                                                            |
|------------------|--------------------------------------------------------------------------------------------|
|                  | We ask that the applicant increases the length of transition to satisfy code requirements. |
| SOA DOT comments |                                                                                            |

#### **Site Investigation:**

There are no steep areas on the property. there is a high spot located on the west side of the top of proposed Lot 4. From there the land falls away in all directions gradually giving no defined drainage.

There are structures located on the property that when the plat is complete will be spread between Lots 1, 2 & 3.

Wetlands designated as discharge slope and lakebed are shown on the drawing located on the northeasterly half of the plat.

The River Center review as identified the plat to be 'Not' in a flood hazard area, shish staff believes to be a typo but was unable to confirm at the time of writing the staff report. Julie does further note the plat to be on FEMA flood panel 02122C-1885E. Staff identified the area to be Zone D. Julie has request a plat note be added as shown below in KPB River Center review.

The plat is not located in a habitat protection district.

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| KPB River Center review       | <p>A. Floodplain</p> <p>Reviewer: Hindman, Julie<br/>Floodplain Status: Not within flood hazard area<br/>Comments: The flood risk is unknown and within a non-regulatory zone. Depiction of floodplain is not required. <b>A plat note should be included</b> "Some or all of the property shown on this plat may have areas subject to inundations. Per FEMA FIRM panel 02122C-1885E, the flood risk is currently unknown. Flooding potential should be considered with development. Contact the Kenai Peninsula Borough floodplain administrator for additional information."</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan<br/>Habitat Protection District Status: Is NOT within HPD<br/>Comments: No comments</p> |
| State of Alaska Fish and Game |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

#### **Staff Analysis**

The north parcel was first divided as Lot 4 Whiskey Gulch Subdivision HM78-15. Lot 4 was subdivided by Whiskey Gulch Lot 4 Replat HM2023-50 creating lots 4A and 4B

This is the first subdivision of the south parcel being the SE1/4 NE1/4 Section 14, Township 4 South, Range 15 West, SM Alaska.

A soils report will be required and an engineer will sign the final plat as the new lots are below 200,000 sq ft. for Lots 4B1 and Lot 1, exception request have been made

A soils report will not be required as the new lots are above 200,000 sq ft. for Lots 2- 6

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The plat is located in the Anchor point Advisory Planning Commission which is inactive at this time.

### **Utility Easements**

The 10' utility easement from HM2923-59 is shown and a portion is being vacated with the re-alignment of Thunder Rd. HEA has sent comment about this easement and additional easement on the east side. The comment is in the packet.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

New 10' utility easements are being granted along the new dedications.

HEAs request for an easement on the overhead power line is included in the packet for viewing.

### **Utility provider review:**

|        |                       |
|--------|-----------------------|
| HEA    | See comment in packet |
| ENSTAR |                       |
| ACS    |                       |
| GCI    | Approved as shown     |

### **KPB department / agency review:**

|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Addressing      | <p>Reviewer: Pace, Rhealyn<br/>Affected Addresses:<br/>71207 Thunder Rd</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:<br/>Stikine St, Tlingit Ave, Thunder Rd, Chopp St</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names:<br/>Skeg St</p> <p>List of Street Names Denied:</p> <p>Comments:<br/>71207 Thunder Rd will remain, unless access changes.</p> |
| Code Compliance |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Planner         | <p>Reviewer: Raidmae, Ryan<br/>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:<br/>There are not any material site issues with this proposed plat.</p>                                                                                                                                                                                                                                                           |
| Assessing       | Reviewer: Windsor, Heather                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|  |                      |
|--|----------------------|
|  | Comments: No comment |
|--|----------------------|

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

### **STAFF RECOMMENDATIONS**

#### **CORRECTIONS / EDITS**

Add the date of August 10, 2026 to the Plat Approval

#### **PLAT NOTES**

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).
- Acceptance of this plat by the Borough does not indicate acceptance of any encroachments.

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#### **KPB 20.25.070 – Form and contents required**

**Staff recommendation:** *final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.*

##### **A. Within the Title Block**

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:**

- o Plat name needs to include parent plat name. Suggest Whiskey Gulch Stapel Subdivision
- o Modify the KPB File No to 2026-076

##### **D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;**

**Staff recommendation:**

- o Depict and label Granross Creek

##### **H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;**

**Staff recommendation:**

Depicted and labeled on plat with source provided.

Flood Hazard Notice add as plat note 6 additional info from river center review

---

#### **KPB 20.30 – Subdivision Design Requirements**

**Staff recommendation:** *final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.*

---

#### **KPB 20.40 – Wastewater Disposal**

**Staff recommendation:** *final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.*

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** *comply with 20.40.*

---

#### **KPB 20.60 – Final Plat**

**Staff recommendation:** *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

#### **EXCEPTIONS REQUESTED:**

##### **A. KPB 20.40 Wastewater Disposal report requirements Lot 4B1**

##### **Surveyor's Discussion and Findings**

See attached Exception request for **This Plat**

##### **Staff Discussion:**

##### **20.40.010. - Wastewater disposal.**

A. All lots within a proposed subdivision in the Kenai Peninsula Borough must meet the following applicable standards of this chapter for wastewater disposal.

##### **Staff Findings:**

4. Granting this exception will not affect neighboring land owners.
5. Lot 4B1 has plenty of room for a primary and replacement system and a well as there is substantially more than 40,000 sq ft available.
6. No testing has been completed on these lots yet.
7. No structure has been built on Lot 4B1 according to KPB GIS data available.
8. Testing will be required when a new house is built, with approval by ADEC.

##### **Staff reviewed the exception request and recommends granting approval.**

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the committee may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the committee with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The committee shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 2, 4, 5 & 8 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 2, 5 & 8 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 2, 4 & 8 appear to support this standard.**

**B. KPB 20.40 Wastewater Disposal report requirements Lot 1**

**Surveyor's Discussion and Findings**

See attached Exception request for **This Plat**

**Staff Discussion:**

**20.40.010. - Wastewater disposal.**

A. All lots within a proposed subdivision in the Kenai Peninsula Borough must meet the following applicable standards of this chapter for wastewater disposal.

**Staff Findings:**

4. Granting this exception will not affect neighboring land owners.
5. Applicant submitted the ADEC approved system report with the exception request.
6. Not needing to have more testing will save the applicant money.
7. Lot 1 has room for a replace system

**Staff reviewed the exception request and recommends granting approval.**

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the committee may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the committee with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The committee shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 2, 5 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 2, 5-7 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 2, 4-7 appear to support this standard.**

**Staff recommendation:** place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

---

**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

**A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

**END OF STAFF REPORT**



## Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

### **EXCEPTION REQUEST APPLICATION**

**NAME OF PRELIMINARY PLAT OR PLANNING COMMISSION ITEM:**

STAPEL SUBDIVISION

**PROPERTY INFORMATION:**

legal description: HM 2023050 WHISKEY GULCH LOT 4 REPLAT LOT 4B BLK 1 and THE SE 1/4 NE 1/4, SECTION 14, T4S, R15W

General area location: ANCHOR POINT/STERLING HWY

#### **20.50.010. - EXCEPTIONS TO REGULATIONS—PROCEDURE—COMMISSION AUTHORITY.**

- A. Unless prohibited under this title, the commission may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. The commission shall make findings of fact meeting the following standards before granting any exception:
  1. That special circumstances or conditions affecting the property have been shown by application;
  2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
  3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- B. Where a design requirement of this title is addressed by a zoning regulation adopted by the borough assembly or city council, the variance procedures of the applicable zoning code shall be utilized in lieu of the exception procedures.
- C. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.
- D. Upon reconsideration of a plat committee decision following the procedure in KPB 20.25.120, an appeal of a decision of the planning commission made under this section shall be taken to the

#### **SUBMITTAL REQUIREMENTS**

Identify the exceptions requested including the section identifier of KPB code. Provide evidence justifying the requested exceptions that fully states the grounds for the exception request, and the facts relied upon. A letter can be attached to this application.

Please see attachment.

FOR OFFICE USE ONLY

RECEIVED BY \_\_\_\_\_

DATE SUBMITTED \_\_\_\_\_

KPB FILE # \_\_\_\_\_



## EXCEPTION REQUEST APPLICATION

### STAPEL SUBDIVISION

#### 20.40 Wastewater Review – Lot 4B1

##### Findings:

1. The parent plat was granted an exception to KBP 20.40.
2. The proposed lot size is 184,869 sq ft, which is very close to the minimum size to require a soils test.
3. Chopp Street is unlikely to ever be developed. This portion of right-of-way adds an additional 19,000 sq ft to the usable lot size.

The Committee (or Commission, as applicable) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown  
**Findings 1-3 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-3 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-3 appear to support this standard.**



#### 20.40 Wastewater Review – Lot 1

##### Findings:

1. The proposed lot has a DEC certified septic system.
2. Further subdivision of this lot is unlikely.
3. An as-built was completed on the property to confirm the locations of the septic system.

The Committee (or Commission, as applicable) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown  
**Findings 1-3 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-3 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-3 appear to support this standard.**

Step 1

|               |                                                                                              |                                 |
|---------------|----------------------------------------------------------------------------------------------|---------------------------------|
| Date Received | State of Alaska<br>Department of Environmental Conservation<br>Documentation of Construction | ADDC Review Date and<br>Initial |
|---------------|----------------------------------------------------------------------------------------------|---------------------------------|

**Part I. General Information**

|                                                    |                                                                                                                                                                      |  |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Legal Description                                  | T4S R15W SEC 14 Seward Meridian 14M56 1/4 NE 1/4                                                                                                                     |  |
| Project Address                                    | 7107 Thunder Rd. The Ponds 9650311                                                                                                                                   |  |
| Submitted By                                       | <input checked="" type="checkbox"/> Registered Engineer <input type="checkbox"/> Approved Homeowner <input checked="" type="checkbox"/> Certified Installer No. 1059 |  |
| Installer Name<br>Mailing Address<br>Phone & Email | JASON JOHNSTAD                                                                                                                                                       |  |

**Part II. Wastewater Disposal**

|                                                                                                |                                                                                                                                                                                          |  |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Onsite Wastewater System Serves                                                                | <input checked="" type="checkbox"/> Single Family # of bedrooms 1 <input type="checkbox"/> Duplex Total # of bedrooms                                                                    |  |
|                                                                                                | <input type="checkbox"/> Small Commercial Purify with Retained Design Plan of less than 100 gpd - show calculations                                                                      |  |
| <input checked="" type="checkbox"/> New System                                                 | <input type="checkbox"/> Replace / Replace Existing Components (describe)                                                                                                                |  |
| System Installed By:                                                                           | <input checked="" type="checkbox"/> Certified Installer <input type="checkbox"/> Inspection by a Registered Engineer                                                                     |  |
| <input type="checkbox"/> Registered Engineer                                                   | Installation Modification Date 06/28/2015                                                                                                                                                |  |
| <input type="checkbox"/> Approved Homeowner                                                    | Date Installed 06/25/2015                                                                                                                                                                |  |
| Septic Tank                                                                                    | Size 12 ft. x 12 ft. # of Compartments 2 Material <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Other                                         |  |
| Type of Soil Absorption System                                                                 | <input type="checkbox"/> Deep Trench <input checked="" type="checkbox"/> Shallow Trench <input type="checkbox"/> Seepage Pit <input type="checkbox"/> Bed <input type="checkbox"/> Mound |  |
| Soils                                                                                          | Classification SP Rating - sq ft/bedroom 150                                                                                                                                             |  |
| Field Dimensions (Length 12 ft. x Width 5 ft. x Thickness/Depth of Rock 0 ft.)                 | Effective Absorption Area 600 sq ft. Size of Rock 3/4 - 1 1/2                                                                                                                            |  |
| Permit Test Results                                                                            | Perforated By Application Rate sq ft / bedroom                                                                                                                                           |  |
| Ground Cover Over                                                                              | Septic Tank Absorption Area Sewer Pipes                                                                                                                                                  |  |
| Classroom Pipes/Caps                                                                           | # Classroom(s) 2 # Septic Tank Vents 2 # of Leach Field Monitor Tubes 2                                                                                                                  |  |
| Separation Distances from septic tank or absorption area, whichever is closest, to all nearby  |                                                                                                                                                                                          |  |
| Public drinking water sources 200 ft. Class Private drinking water sources                     |                                                                                                                                                                                          |  |
| Nearest water bodies (see 18 AAC 72.030(h)) Lot Line                                           |                                                                                                                                                                                          |  |
| Separation Distances from On-Lot Sewer Lines to Discharging Water Sources - Public Private     |                                                                                                                                                                                          |  |
| Separation Distances from Bottom of Distribution Box to - Groundwater Table Impervious Surface |                                                                                                                                                                                          |  |
| Separation Distances from Absorption Area to Slope exceeding 25%                               |                                                                                                                                                                                          |  |
| Comments / Recommendations / Calculations used to size commercial facility.                    |                                                                                                                                                                                          |  |
| I certify that the above information, and that provided in Section III, is complete            |                                                                                                                                                                                          |  |
| Signature Printed Name                                                                         |                                                                                                                                                                                          |  |
| Title, Reg./Cert No., Exp. No. Date                                                            |                                                                                                                                                                                          |  |

Documentation of Construction Permit

Form updated 2/2016

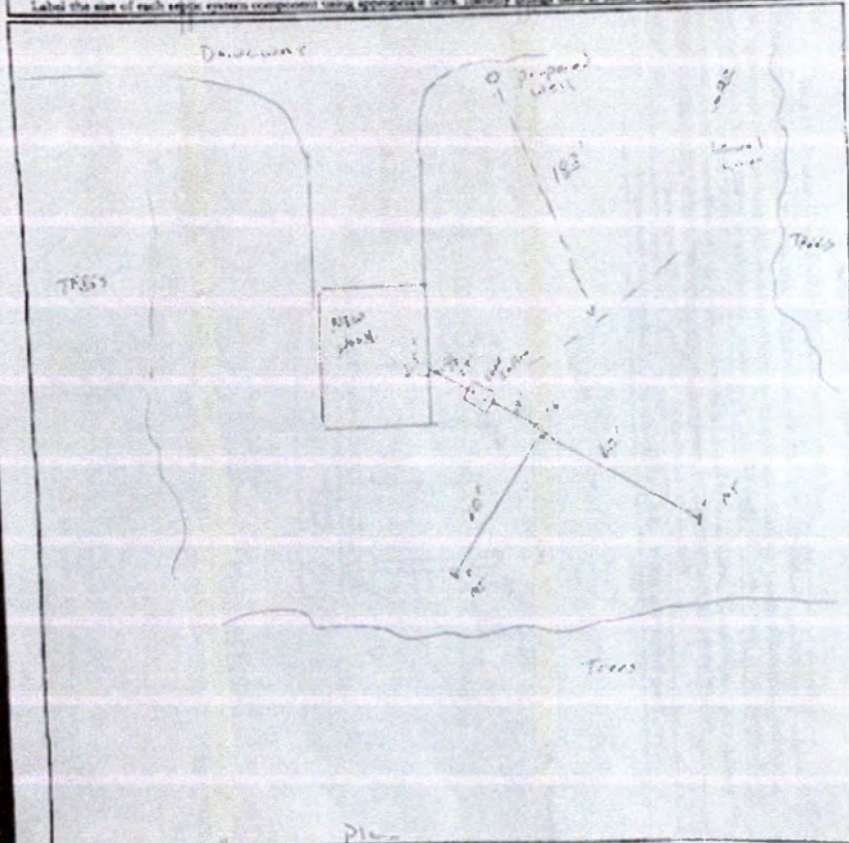
Description: TYSRISWSEC14 Soundmont Street Address: 71207 Thunder Rd

1/4" = 1' SCALE

### Part III. Plan View Diagram

Instructions for Diagram: (use space below or attach additional pages as necessary; engineers may attach separate scaled drawings)

1. In a PLAN VIEW, identify and label all of the following: ☐ On Lot Drinking Water Source ☐ Wasteline(s) ☐ Surface Water ☐ Septic Tank ☐ Soil Absorption System ☐ Pail Tank(s) (identify above or below ground and size) ☐ Property Line(s) ☐ Trench ☐ All Sewer Lines and Trenches ☐ All Cleanouts and Manhole Covers ☐ All Structures ☐ Slopes  $\geq 2\%$  and  $\geq 10$  feet in length ☐ Crawl Well on Adjacent Properties (identify classification) ☐ Crawl Septic Tank and Soil Absorption System on Adjacent Properties
2. In the PLAN VIEW, label the horizontal separation distances, to the nearest half foot, between wells, water lines, and surface water high water boundary to all potential sources of contamination listed above in accordance with Section 40.06 Typical Site Plan in the Onsite Wastewater System Installation Manual. Label separation distance between a soil absorption system and slopes exceeding 25%. Label the size of each septic system component using appropriate units. Identify fittings used at bends and junctions.

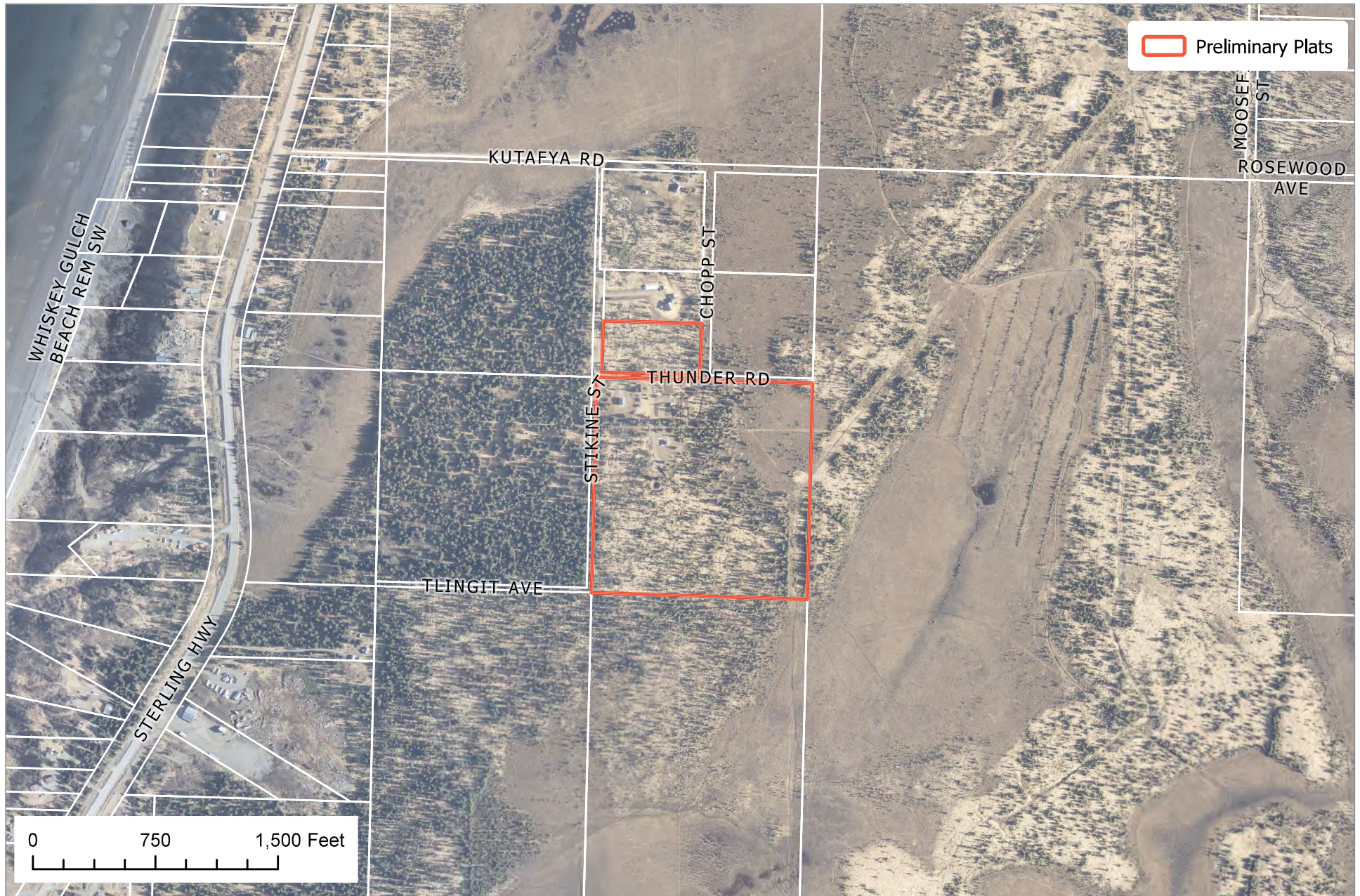


The components of Construction Plans

all previous versions obsolete, Effective February 13, 2017



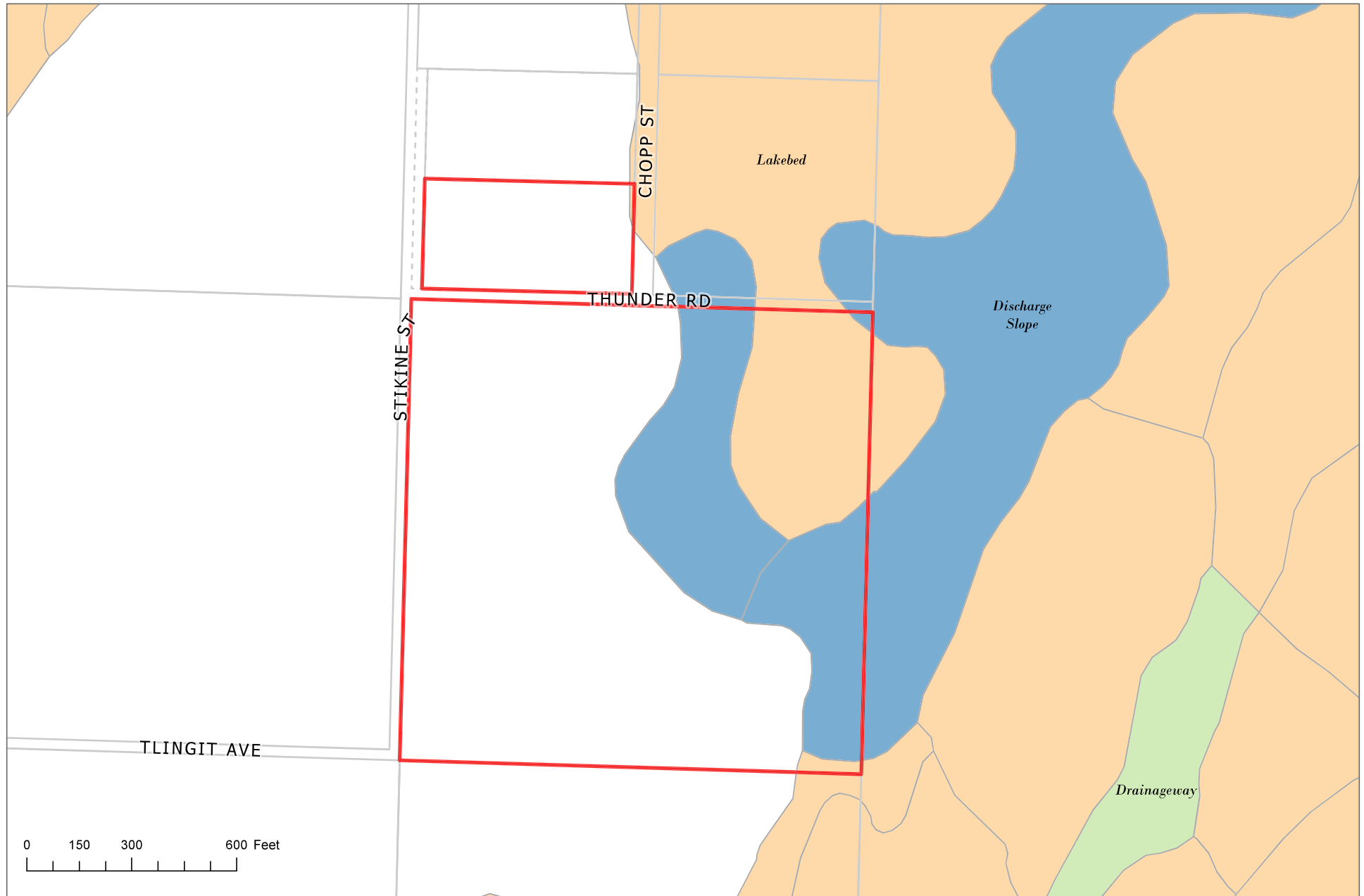
Aerial Map



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



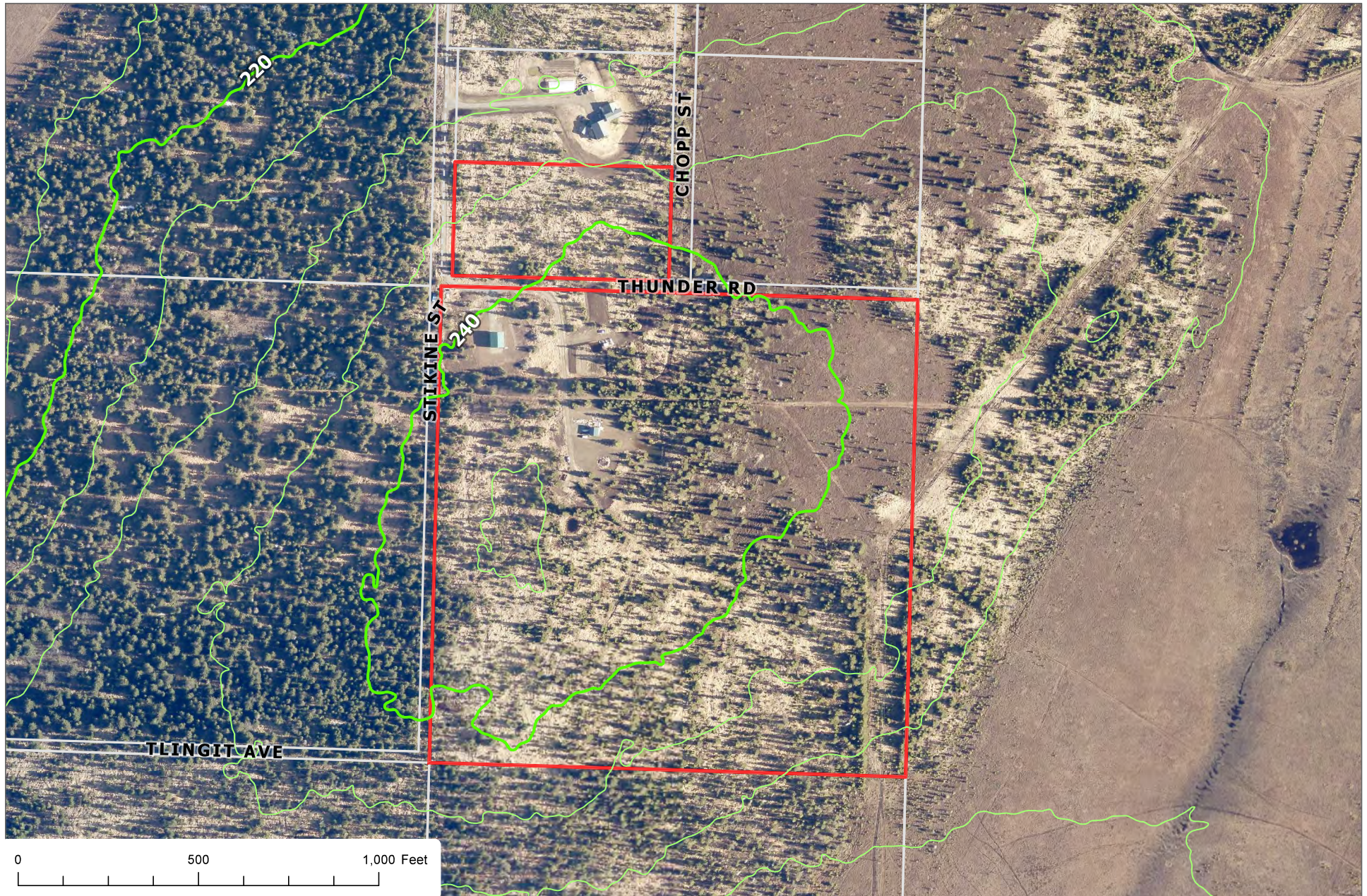
## Wetlands



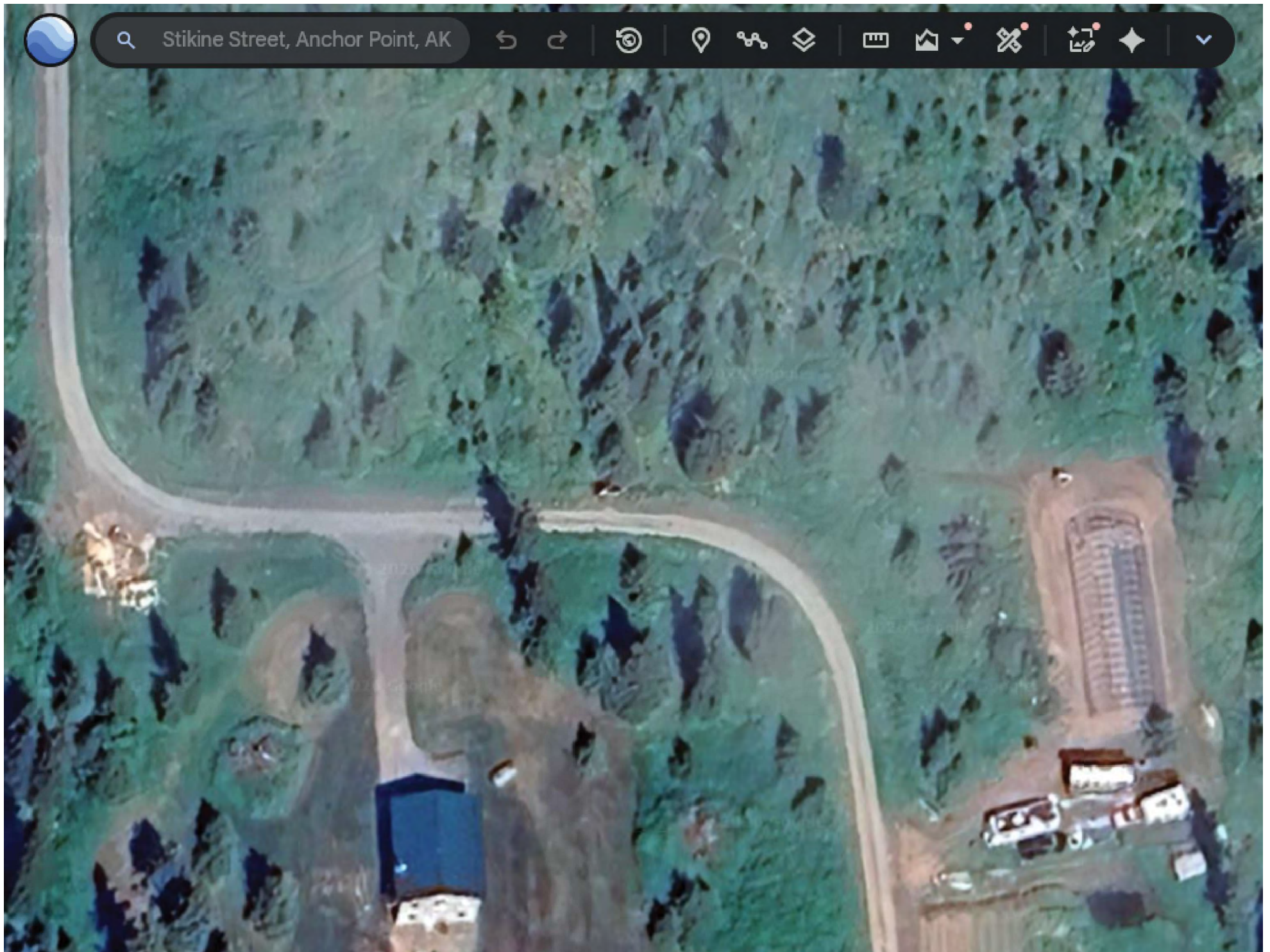
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



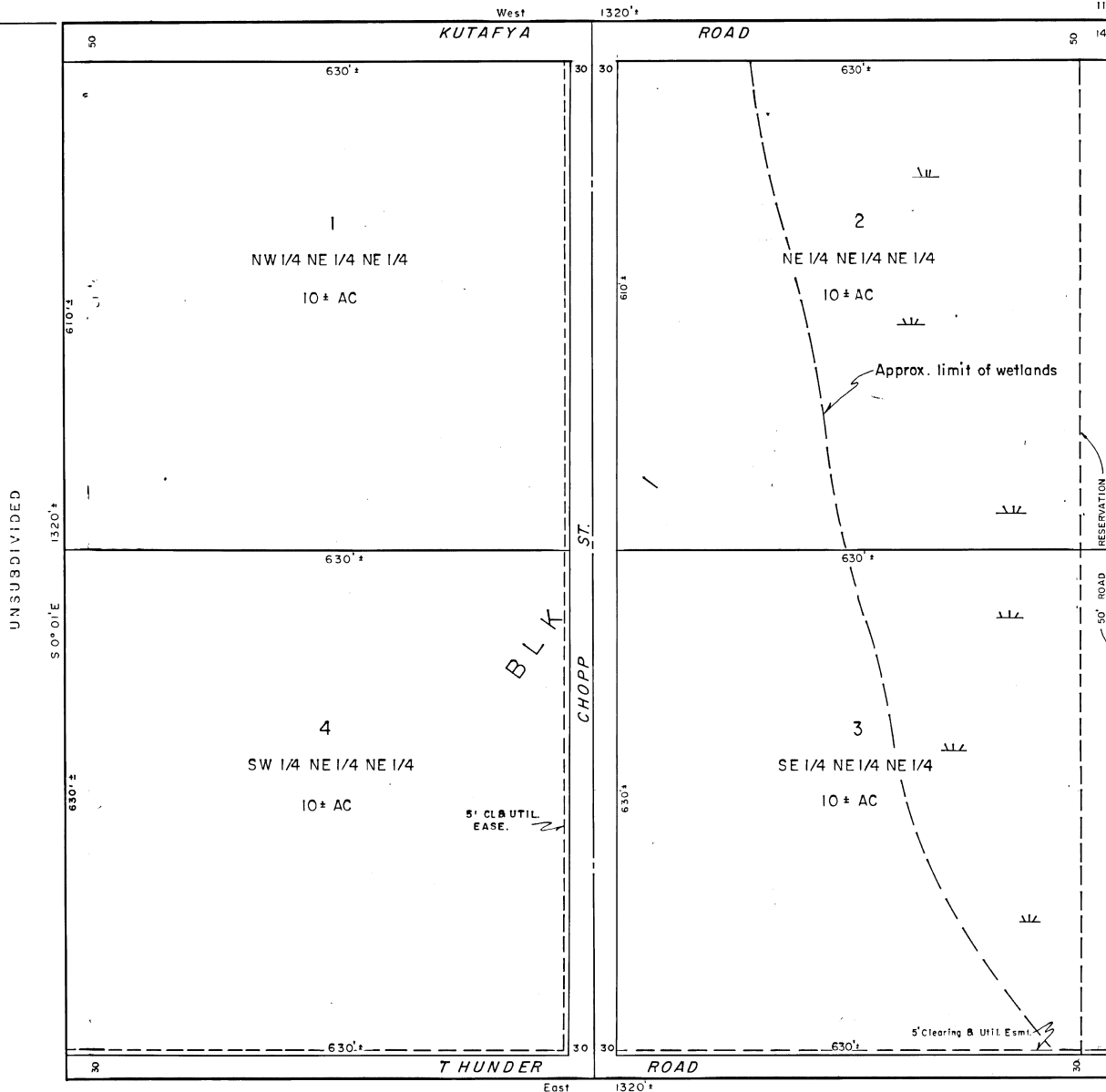
Aerial with 5-foot Contours



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

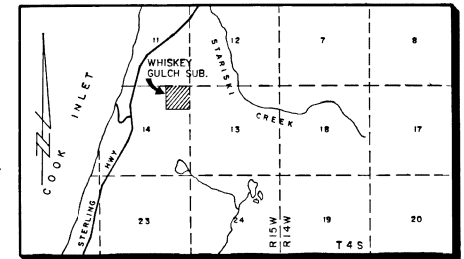


UNSUBDIVIDED



12 Sec Cor Pos

UNSUBDIVIDED



VICINITY MAP  
1" = 1 Mile

### CERTIFICATE OF OWNERSHIP & DEDICATION

We hereby certify that we are the owners of the property shown and described hereon. We hereby request approval of this plat, showing such easements for public utilities, roadways and alleys dedicated by us for public use.

Bob Chopp  
Bob Chopp  
1040 E. 5th Avenue  
Anchorage, Alaska

Lawrence Faber  
Lawrence Faber  
Box 3-4155  
Anchorage, Alaska

Wanda J. Faber  
Wanda J. Faber

### NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me this 10<sup>th</sup> day of December, 1977.  
Fred Walatka Notary for Alaska  
My Commission expires Oct 4, 1978

### PLAT APPROVAL

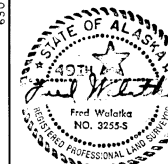
This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of Sept 19, 1977, is hereby acknowledged & accepted as the official plat, subject to any & all conditions & requirements of ordinances & law appertaining thereto.

Kenai Peninsula Borough  
by: Sheila D. Waits

### SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered land surveyor and that this plat was prepared by me and is based on a subdivision of the NE 1/4 NE 1/4 Sec. 14, T4S, R15W, S.M., Alaska, as shown hereon. No corners have been established for any of the tracts within this subdivision.

Dec. 10, 1977 Date  
Fred Walatka Surveyor

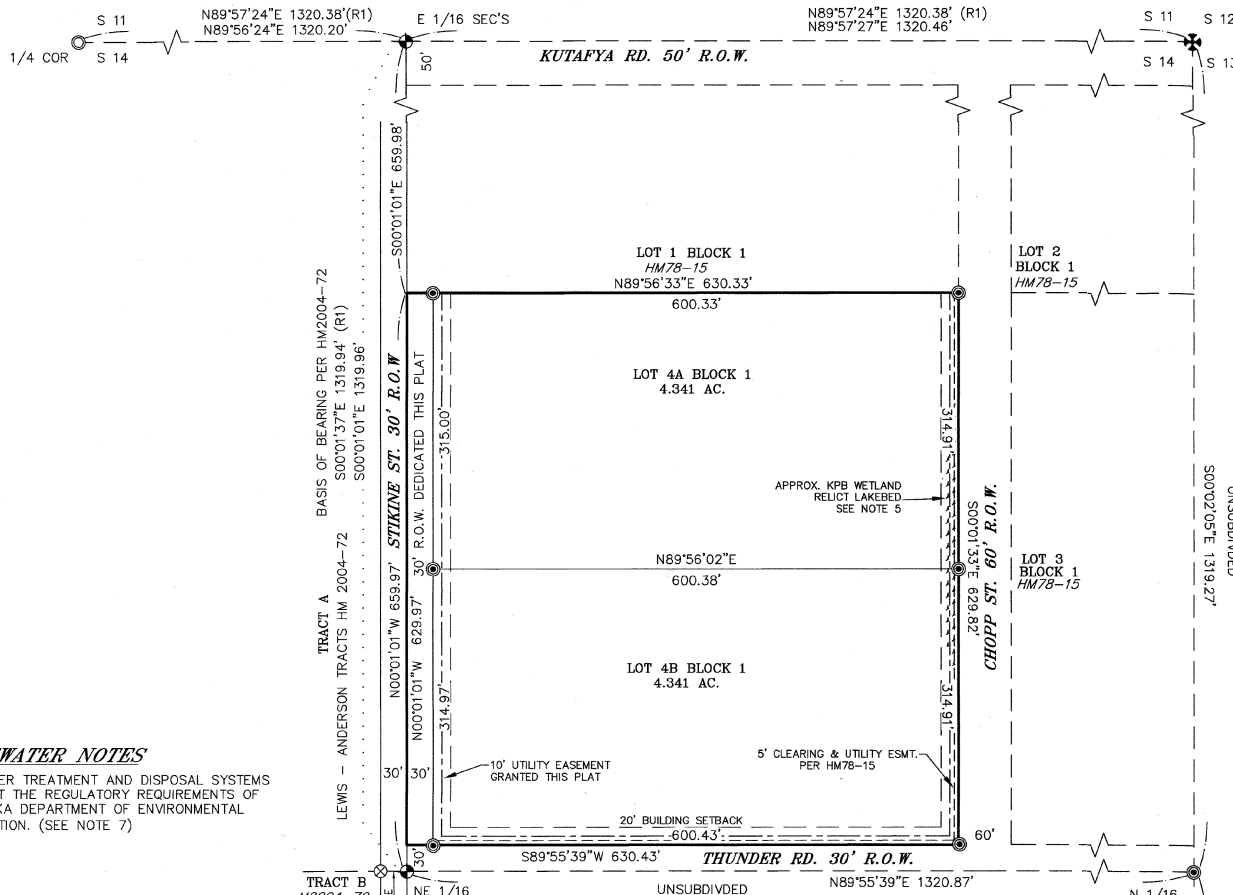


78-15  
RECORDED - FILED 3-  
Homer REC. DIST.  
DATE Mar 6, 1978  
TIME 4:15 P.M.  
By: K.P.B.  
Address:

|                                                    |                  |
|----------------------------------------------------|------------------|
| AREA 40± AC                                        |                  |
| PLAT OF                                            |                  |
| WHISKEY GULCH SUBD.                                |                  |
| AN ALIQUOT PARTS SUBDIVISION                       |                  |
| LOCATED IN NE 1/4 Sec. 14, T4S, R15W, S.M., Alaska |                  |
| FRED WALATKA & ASSOCIATES<br>ENGINEERS - SURVEYORS |                  |
| 3107 W. 29th Avenue<br>Anchorage, Alaska           |                  |
| DATE: July 1977                                    | SCALE: 1" = 100' |
| DRAWN: DS                                          | SHEET: 1 of 1    |
| CHECKED: FW                                        | GRID:            |

### NOTES:

1. Acreage shown on all tracts within this subdivision includes the adjacent road right-of-way.
2. All bearings and distances shown are based on protracted values and are approximate only.
3. A minimum 20 foot building setback exists along all road rights-of-way.
4. This subdivision at the time of filing is not served by public water or sewage facilities. No on-site water or sewage disposal facilities may be constructed without prior approval of the Alaska Department of Environmental Conservation.
5. NO FIELD SURVEY WAS MADE nor were any stakes or monuments set.



#### WASTEWATER NOTES

WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. (SEE NOTE 7)

#### NOTES

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET ADJOINING THE RIGHTS-OF-WAY IS GRANTED BY THIS PLAT AS A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
5. WETLAND HATCHING REPRESENTS POTENTIAL WETLANDS AS CLASSIFIED BY KENAI WATERSHED FORUM SHOWN ON KENAI PENINSULA BOROUGH GIS MAPPING 7/6/2022.
6. SUBJECT TO A GENERAL EASEMENT FOR ELECTRIC LINES OR SYSTEMS AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY GRANTED TO HOMER ELECTRIC ASSOCIATION, INC., AS DESCRIBED IN BOOK 48 PAGE 48, HOMER RECORDING DISTRICT, NO DEFINITE LOCATION DISCLOSED.
7. AN EXCEPTION TO CHAPTER 20.40 WAS GRANTED BY THE KENAI PENINSULA BOROUGH PLAT COMMITTEE MEETING OF AUGUST 8, 2022.
8. THE ACCESS EASEMENT GRANTED BY DOCUMENT LOCATED IN BOOK 245 PAGE 909, HOMER RECORDING DISTRICT, IS NOW WITHIN A DEDICATED RIGHT-OF-WAY.

#### CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLES AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: STIKINE STREET.

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: *[Signature]* PLANNING COMMISSIONER DATE: 11/17/2023

NAME AND TITLE OF AUTHORIZED OFFICIAL  
KENAI, PENINSULA BOROUGH

#### LEGEND

- ✱ FOUND 2.5" GLO BG, SET IN 1918
- ✱ FOUND 2.5" AL-CAP BY 7328S, 2004
- FOUND 1" CONCRETE FILLED IRON PIPE, GLO 1/4 COR.
- ⊙ SET 2" SELF-IDENTIFYING AL-CAP ON 5/8" REBAR
- ⊗ FOUND PLASTIC CAP ON 5/8" REBAR BY 7328S, 2003
- (R1) RECORD HM2004-72

#### CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and our free consent dedicate all public rights-of-way and grant all easements to the use shown.

*[Signature]*  
RICHARD W. STAPEL  
P.O. BOX 386  
ANCHOR POINT, AK 99556

*[Signature]*  
LORETTA STAPEL  
P.O. BOX 386  
ANCHOR POINT, AK 99556

#### NOTARY'S ACKNOWLEDGEMENT

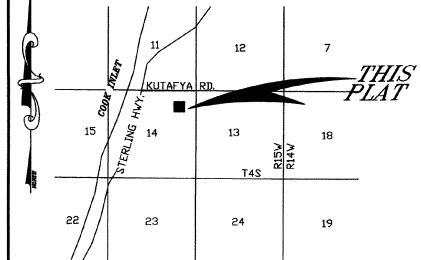
For Richard W Stapel and Loretta Stapel  
Acknowledged before me this 14th day of November 2022.  
*[Signature]* My Commission Expires 10-17-2026  
Notary Public for Alaska

#### PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of AUGUST 8, 2022  
KENAI PENINSULA BOROUGH

BY: *[Signature]* 11/17/2023  
Authorized Official

#### VICINITY MAP SCALE: 1" = 1 MILE



DATE 10-24-2022

SCALE 1" = 100'

GRID No. AR-01

JOB No. 5374

DRAWING: 5374-3793



#### WHISKEY GULCH LOT 4 REPLAT

A SUBDIVISION OF LOT 4, BLOCK 1, "WHISKEY GULCH SUBDIVISION" (HM78-15), WITHIN THE NE1/4 SEC. 14, T4S, R15W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 9.116 ACRES

OWNERS: RICHARD W. STAPEL  
LORETTA STAPEL  
P.O. BOX 386  
ANCHOR POINT, AK 99556

#### ABILITY SURVEYS

GARY NELSON, PLS  
(907) 235-8440  
152 DEHEL AVE., HOMER ALASKA 99603

2023-50

PLAT #

*[Signature]*

Rec Dist

11/20/2023

Date

Time 3:15 P.M.

KPB FILE No. 2022-106

SHEET 1 of 1



# ABILITY SURVEYS

MEASURING MAPPING & REPORTING ON ALASKA'S INFRASTRUCTURE  
SINCE 1976

152 DEHEL AVE., HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440

Julie Hindman, Platting Specialist  
KPB Planning Dept.  
144 N. Binkley  
Soldotna, AK 99669

7/12/2022

RECEIVED

JUL 14 2022

KPB PLANNING DEPT.

Re: Preliminary Plat submittal of WHISKEY GULCH LOT 4 REPLAT.

Enclosed herewith are 7 reduced 11"X17" copies and 1 full sized 18X24" copy of the preliminary plat and check # 3805 in the amount of \$400.00 for the KPB filing fee.

The Certificate to Plat is coming from the title company. They said they would send it by next week.

The KPB Preliminary Plat Submittal Form, signed by the owners, is attached. This letter is attached as part of the submittal to provide room for an exception request.

## **We ask for an exception to KPB 20.40 WASTEWATER DISPOSAL**

and specifically call to attention that 20.40.030 originally and for many years allowed NOMINAL FIVE ACRES to circumvent the minimum 200,000 square foot soils testing requirement. This was allowed so that persons who wanted to half their aliquot 10 acres could do so without a soils test (engineering required), even if right-of-way dedications made the aliquot five acres less than 200,000 square feet. That is the case we have here. The owners wish to half their aliquot 10 acres. Two sides already have Right-of-way dedications and a third side is required to be dedicated because the adjacent property has a half dedication, so this parcel must match it with a 30 feet wide right-of-way dedication.

Many aliquot or nominal five acre parcels were approved without soils testing until the code change. Now many of them will still qualify because they are over 200,000 square feet, but this one won't meet that criteria due to Right-of-Way dedications on 3 sides.

On 3/02/2021 Ordinance 2020-45 was passed. Section 25 of the Ordinance changed KPB 20.40.030 removing the "NOMINAL FIVE ACRES" excepting language from the code.

Section 28 changed KPB 20.40.100(F) added "200,000 square feet" and removed "NOMINAL FIVE ACRES" language.

A few days ago when this was brought to my attention I called Scott Huff the former Platting Manager for KPB, and asked him why the NOMINAL FIVE ACRES language was removed from the code. He said the former Planning Director (Max Best, who originally composed the language) had faced negative dispute issues with one or more local surveyors who wanted to apply the language to other shaped parcels. Max's solution was to remove the NOMINAL FIVE ACRES language from the code. Personally I believe it should have remained, and I would have voiced that concern if I recognized the code change was going to remove it.

The owners have lived on this land for many years. They desire to sell their house with the septic system that was installed by Certified Septic Installer Jason Johnson, and build a new house to live on the new lot they desire to create. Please note the low density development of the area. They are surrounded by three 40 acres parcels and three 10 acre parcels. We believe our request meets the spirit and intent of the Code to protect the Health Safety and Welfare of the Public.

Thank You for your consideration.

Sincerely,

Gary Nelson, PLS