

# Kenai Peninsula Borough

## Planning Department

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### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Mayor *RR for CP*  
Melanie Aeschliman, Planning Director *MA*  
Samantha Lopez, Planning & River Center Manager *SL*

**FROM:** Ryan Raidmae, Planner *RR*

**DATE:** April 21, 2022

**RE:** Ordinance 2022-\_\_\_\_, Amending KPB 21.46.040 to Repeal the Kalifornsky Center Single Family Residential (R1) Local Option Zoning District (Mayor)

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Trimark Earth Reserve, LLC is requesting to repeal the Kalifornsky Center Local Option Zoning District (LOZD), an R-1 single-family residential zone, from their property. Per KPB 21.44.040, amendments to an LOZD may be initiated to repeal a zone, change the type of zone or modify the boundaries of the zoning district.

The only property within the Kalifornsky center LOZD is a 55-acre parcel located off of Kalifornsky Beach Road that was previously owned by the Kenai Peninsula Borough (KPB). The parcel was identified by the KPB Comprehensive Plan as a suitable location for residential development. Through Ordinance 2019-34 and prior to its sale, KPB placed a single-family residential LOZD on the property to ensure it would be developed for residential use.

KPB Land Management then listed and sold the parcel via live auction as a residentially-zoned parcel. After the auction, Trimark Earth Reserve, LLC signed an agreement acknowledging that the property was residentially-zoned.

Contemporaneous to its application to repeal the R-1 LOZD designation, Trimark Earth Reserve, LLC submitted an application for a Conditional Land Use Permit (CLUP) to use this parcel for material extraction and processing pursuant to KPB 21.25 and KPB 21.29. At this time, the CLUP cannot be processed until the status of the Kalifornsky Center LOZD is resolved.

The Planning Department finds that repealing the Kalifornsky Center LOZD does not align with the KPB Comprehensive Plan and does not address conflicting land issues. Staff does not support the repeal of the Kalifornsky Center LOZD, and recommends that the petition to repeal be denied.

Your consideration of this ordinance is appreciated.