

Introduced by: Mayor  
Date: 05/03/22  
Hearing: 06/07/22  
Action: Failed to Enact  
Vote: 1 Yes, 5 No, 3 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-13**

**AN ORDINANCE AMENDING KPB 21.46.040 TO REPEAL THE KALIFORNSKY  
CENTER SINGLE FAMILY RESIDENTIAL (R-1) LOCAL OPTION ZONING  
DISTRICT**

- WHEREAS,** the Kenai Peninsula Borough (Borough) has created several local option zoning districts under KPB 21.44 in conjunction with the platting and sale of subdivision lots; and
- WHEREAS,** on April 2, 2019, the assembly adopted Resolution 2019-020 classifying an approximately 55-acre Borough-owned parcel off Kalifornsky Beach as residential; and
- WHEREAS,** following classification of the parcel, the assembly enacted Ordinance 2019-34 amending KPB 21.46.040 to create the Kalifornsky Center Single Family Residential R-1 Local Option Zoning District on the approximately 55-acre Borough-owned parcel; and
- WHEREAS,** Goal 2, Focus Area: Land Use, Objective A of the KPB Comprehensive Plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and
- WHEREAS,** Goal 3, Focus Area: Housing, Objective A, Strategy 1 of the KPB Comprehensive Plan is, in part, to identify Borough lands that are most suitable for residential development; and
- WHEREAS,** the KPB Comprehensive Plan identified Kalifornsky Beach as the fastest growing population in the Borough; and
- WHEREAS,** the KPB Comprehensive Plan identified Kalifornsky Beach as a good candidate for land use controls to mitigate the downsides of “strip commercial” development; and
- WHEREAS,** the Kalifornsky Advisory Planning Commission reviewed Ordinance 2019-34 at its regularly scheduled meeting of December 2, 2019 and recommended approval; and

**WHEREAS,** the Borough’s Planning Commission reviewed Ordinance 2019-34 at its regularly-scheduled meeting of December 16, 2019, and recommended approval by unanimous consent; and

**WHEREAS,** on January 22, 2021, Trimark Earth Reserve LLC entered into an agreement with the Borough during the 2020 Over-the-Counter Land Sale to purchase the approximately 55-acre parcel with agreement that the property was being sold for the purpose of the R-1 allowed uses and subject to the Single-Family Residential R-1 Local Option Zoning; and

**WHEREAS,** on January 26, 2021, notice of Kenai Peninsula Borough Local Option Zoning District (LOZD) (R-1) was recorded within the Kenai Recording District, Third Judicial District, State of Alaska; and

**WHEREAS,** on February 08, 2022, Trimark Earth Reserve LLC submitted an application for a Conditional Land Use Permit (CLUP) to use parcel as a material site, wherein the Borough’s Planning Department notified Trimark Earth Reserve LLC that the CLUP application was on hold until the LOZD status for the parcel could be resolved; and

**WHEREAS,** on February 22, 2022, Trimark Earth Reserve LLC submitted an application to repeal the R-1 LOZD designation; and

**WHEREAS,** public notice of the application was mailed on April 6, 2022, to the six landowners or leaseholders of the parcels within 300 feet of the subject parcel pursuant to KPB 21.44.040(C), 21.44.050 and 21.11.020; and

**WHEREAS,** public notice was sent to the postmaster covering the Kalifornsky area requesting that it be posted at the Soldotna Post Office; and

**WHEREAS,** public notice of the application was published in the April 14, 2022, and March 21 2022, issues of the Peninsula Clarion; and

**WHEREAS,** the Borough’s Planning Department objects to the repeal of the Kalifornsky Center LOZD because the repeal does not align with the KPB Comprehensive Plan and does not address conflicting land issues; and

**WHEREAS,** a community meeting was held on April 21, 2022 at the Donald E. Gilman River Center; and

**WHEREAS,** a public hearing was held at the April 21, 2022, meeting of the Kenai Peninsula Borough Planning Commission; and

**WHEREAS**, the Borough’s Planning Commission at its regularly scheduled meeting of April 25, 2022, 2022, recommended approval by unanimous consent;

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

**SECTION 1.** That the Assembly approves repeal of the of the Kalifornsky Center Local Option Zoning District (LOZD). The zoning district for the property within the repealed Kalifornsky Center LOZD is the rural district under KPB 21.04.010(B).

**SECTION 2.** That KPB 21.46.040 is hereby amended as follows:

A. The following Single-Family Residential (R-1) districts and official maps are hereby adopted:

...

[13. KALIFORNSKY CENTER IS DESCRIBED AS FOLLOWS:

TRACT A, KALIFORNSKY CENTER SUBDIVISION, ACCORDING TO PLAT 2020-18, KENAI RECORDING DISTRICT.

A. THE LOCAL OPTION ZONING APPLIES TO ANY FURTHER REPLATS WITHIN THE KALIFORNSKY CENTER LOZD.]

**SECTION 3.** That this repeal of the LOZD shall be recorded in the proper recording district.

**SECTION 4.** That this ordinance shall be effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF JUNE, 2022.**

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Brent Johnson, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

FAILED

Yes: Tupper  
No: Bjorkman, Ecklund, Elam, Hibbert, Johnson  
Absent: Chesley, Cox, Derkevorkian