

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

- 4. Ordinance 2024-XX: Amending the Diamond Willow – Fairfield Local Option Zoning District to create the Diamond Willow – Kenai Wellness Estates Addition Local Option Zoning District by changing three parcels from a Single Family Residential District (R-1) to a Mixed-Use District (C-3)**

Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Peter Ribbens, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Peter A. Micciche, Borough Mayor
Robert Ruffner, Planning Director
Samantha Lopez, River Center Manager

FROM: Ryan Raidmae, Planner

DATE: November 12, 2024

RE: Ordinance 2024-XX, Amending KPB 21.46.070 to Create the Kenai Wellness Estates Addition Local Option Zoning District Mixed-Use Commercial District (C-3) and Granting an Exception to the Minimum Twelve-Lot Requirement in KPB 21.44.044(A) (Mayor)

On July 24, 2024, Consolidated Development and Management (Applicant) submitted an application to rezone three parcels within the existing Diamond Willow-Fairfield Single-Family Residential (R-1) LOZD to create a new Mixed-Use (C-3) LOZD. The Applicant also requests an exception to the minimum twelve-lot requirement in KPB 21.44.044(A). The proposed LOZD includes three lots, encompasses 4.86 acres, and is adjacent to Ciechanski Road off Kalifornsky Beach.

In 2018, the Applicant re-platted a forty-acre undeveloped parcel within the Diamond Willow-Fairfield LOZD and this replat led to litigation between the Applicant and the Diamond Willow Homeowners Association (DW-HOA). KPB was not a party to that litigation. The litigation between the Applicant and DW-HOA was resolved by entering into a comprehensive settlement agreement wherein DW-HOA agreed to support an application to rezone for commercial use a portion of the existing Diamond Willow-Fairfield Single-Family Residential (R-1) LOZD.

A petition with the required number of signatures supporting the proposed Mixed-Use (C-3) LOZD was submitted to the Planning Department within the allotted timeframe. Public notice was sent to property owners within the LOZD to notify them of upcoming public hearings.

Per KPB 21.44.060(A), “The assembly shall approve, disapprove, or modify the proposed LOZD. The assembly, in its legislative capacity, may disapprove an LOZD notwithstanding the district's meeting the criteria of this chapter.”

Your consideration of the ordinance is appreciated.

Introduced by: Mayor
Date:
Hearing:
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2024-XX**

**AN ORDINANCE AMENDING KPB 21.46.070 TO CREATE THE KENAI WELLNESS
ESTATES ADDITION LOCAL OPTION ZONING DISTRICT MIXED-USE (C-3)
DISTRICT AND GRANTING AN EXCEPTION TO THE MINIMUM TWELVE-LOT
REQUIREMENT IN KPB 21.44.044(A)**

- WHEREAS,** in 2018, Consolidated Development and Management (Applicant) re-platted a 40-acre, undeveloped parcel within the Diamond Willow-Fairfield Local Option Zoning District (LOZD); and
- WHEREAS,** this replat led to litigation between the Applicant and the Diamond Willow Homeowners Association (DW-HOA), to which litigation the Kenai Peninsula Borough (KPB) was not a party, and
- WHEREAS,** the litigation between the Applicant and DW-HOA was resolved by entering into a comprehensive settlement agreement (Agreement); and
- WHEREAS,** pursuant to the Agreement, DW-HOA agreed to support an application to rezone for commercial use a portion of the existing Diamond Willow-Fairfield Single-Family Residential (R-1); and
- WHEREAS,** on July 24, 2024, the Applicant submitted an application to rezone three parcels within the existing Diamond Willow-Fairfield Single-Family Residential (R-1) LOZD to create a new Mixed-Use (C-3) LOZD; and
- WHEREAS,** on August 14, 2024, the Planning Department held a community meeting regarding the LOZD application at the Donald E. Gilman River Center; and
- WHEREAS,** on September 23, 2024, a petition supporting the proposed Mixed-Use (C-3) LOZD was submitted to the Planning Department with signatures of at least 60

percent of the owners of parcels within the existing Diamond Willow-Fairfield Single-Family Residential (R-1) LOZD; and

WHEREAS, Goal 2, Focus Area: Land Use, Objective A of the Kenai Peninsula Borough's 2019 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, the Kenai Peninsula Borough Planning Commission reviewed the proposed Mixed-Use (C-3) LOZD at its regularly scheduled meeting of October 28, 2024 and recommended_____;

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

SECTION 1. That the assembly finds the adoption of the Kenai Wellness Estates Addition Mixed-Use (C-3) LOZD to be consistent with surrounding land uses and the 2019 Kenai Peninsula Borough Comprehensive Plan.

SECTION 2. That KPB 21.46.070 is hereby amended as follows:

21.46.070. Mixed Use (C-3) Districts.

A. The following Mixed Use (C-3) districts and official maps are hereby adopted:

1. Diamond Willow – Kenai Wellness Estates Addition, described as Kenai Wellness Estates Addition Lots A3, A4, and A5, according to Plat 2023-60.
 - a. The local option zone applies to any further replats of Diamond Willow – Kenai Wellness Estates Addition Subdivision.

SECTION 3. That the assembly grants an exception to the minimum twelve-lot requirement in KPB 21.44.044(A).

SECTION 4. That Diamond Willow – Kenai Wellness Estates Addition LOZD shall be recorded in the proper recording district.

SECTION 5. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS DAY OF _____, 2024.

Peter Ribbens, Assembly President

ATTEST:

Michele Turner, Borough Clerk



Planning

Local Option Zoning District (LOZD), Proposed Rezone, Diamond Willow - Kenai Wellness Estates Addition, Mixed Use (C-3)



Project Area

River Miles

Tax Parcels

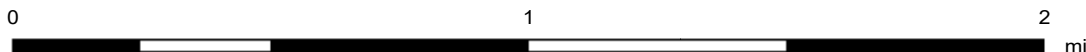
Existing LOZD Diamond Willow - Fairfield

New District, Proposed

Vicinity: Kalifornsky



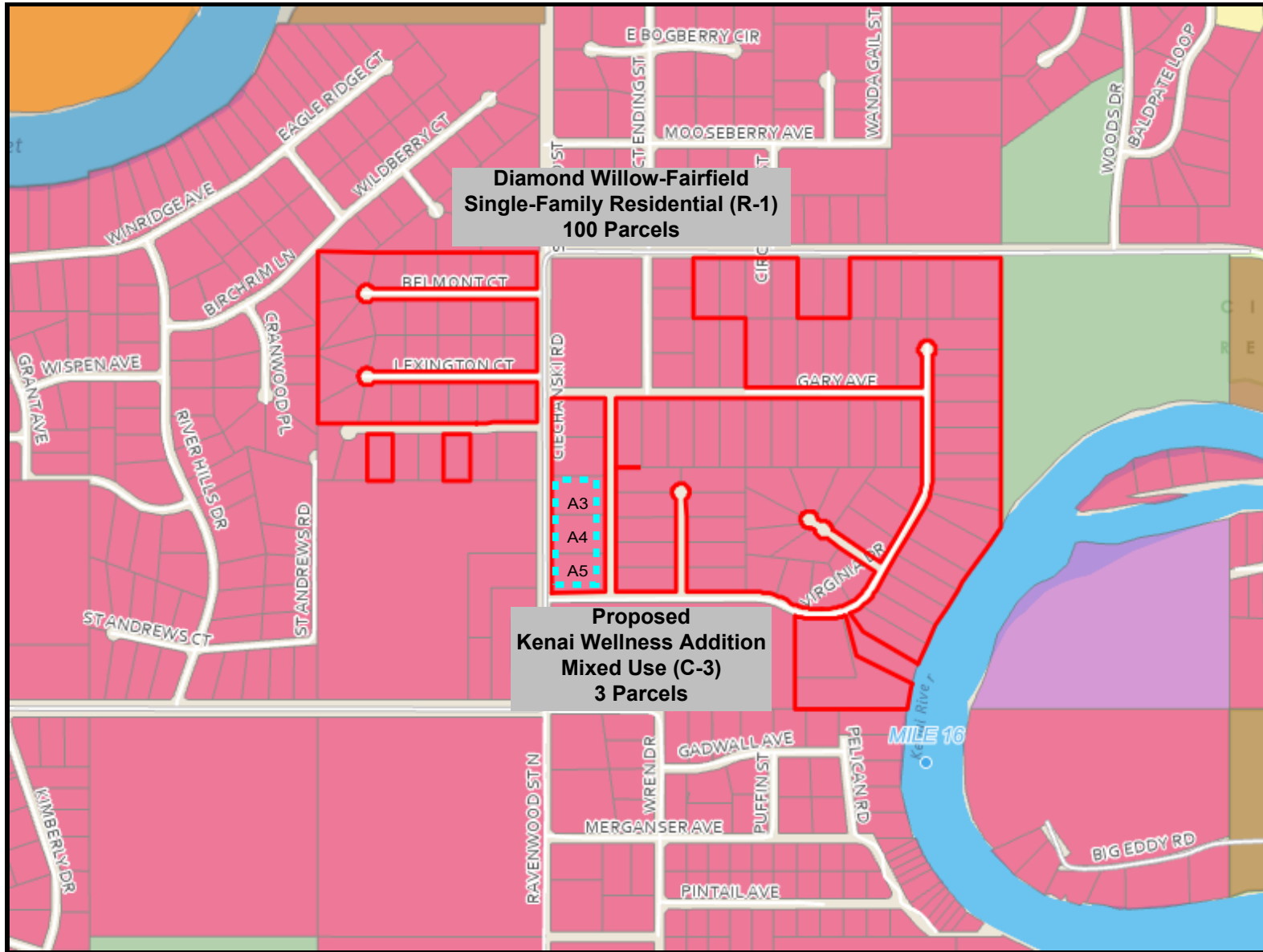
Map created on Monday, September 16, 20



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.



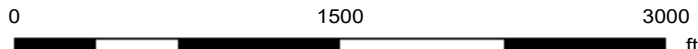
Local Option Zoning District (LOZD), Proposed Rezone, Diamond Willow - Kenai Wellness Estates Addition, Mixed Use (C-3)



- Project Area**
- Existing LOZD Diamond Willow - Fairfield
- New District, Proposed**
- River Miles**
- River Miles**
- Parcel Ownership Type**

 - Parcel Ownership**
 - Borough
 - Federal
 - Native
 - Municipal
 - Private
 - State

Map created on Monday, September 16, 2024



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.



LOCAL OPTION ZONING DISTRICT APPLICATION

(KPB 21.44)

Kenai Peninsula Borough
Planning Department
144 N. Barkley St.
Soldotna, AK 99669
907-714-2200
1-800-478-4441 ext 2200
Full Fee within Borough

This is an application to create, repeal, rezone, or modify existing boundaries of the zoning districts formed under KPB 21.44, Local Option Zoning. Pursuant to KPB 21.44.030(A), this application requires the signatures of the owners of record of at least six lots within the proposed area. The proposed area must contain a minimum of 12 lots. A \$1,000.00 application fee must accompany this application.

Once a completed application has been submitted, the planning department will hold a meeting in a public facility regarding the application. At the meeting, the planning department will distribute a summary statement of the proposed zoning amendment. The summary statement will provide for property owner signature for those in favor of the zoning amendment (rezoning). Per KPB 21.44.060(C), 60 percent of the parcels within the area proposed for rezoning must be in favor of the amendment. Introduction of the application before the assembly must be scheduled within 90 days of submission of the completed application to the planning department.

Please fill in the following information.

Create Zoning District

Modify Zoning District

Repeal Zoning District

APPLICATION POINT OF CONTACT INFORMATION

Name: Consolidated Development & Mgmt, LLC	Mailing Address: 200 W. 34th Ave, Ste 367 Anchorage, Alaska 99503
Contact Phone: 907-301-5185	Agent: Gina DeBardelaben, McLane Consulting, Inc. 907-283-4218 ginatebar@mcclanecg.com
Email: mgrtotravel@aol.com	

CURRENT ZONING DISTRICT

- R-1 Single-Family Residential District
 R-2 Small Lot Residential District
 R-R Rural Residential District
 R-W Residential Waterfront District
 R-M Multi-Family Residential District
 R-M Multi-Family Residential District (Percy Hope)
 R-M Multi-Family Residential District (Discovery Park)
 C-3 Mixed Use District
 None

PROPOSED ZONING DISTRICT

- R-1 Single-Family Residential District
 R-2 Small Lot Residential District
 R-R Rural Residential District
 R-W Residential Waterfront District
 R-M Multi-Family Residential District
 C-3 Mixed Use District
 Rural District (Repeal of LOZD)

CERTIFICATION STATEMENT

The information contained on this form and the attachments are true and complete to the best of my knowledge. I grant permission for borough staff to enter onto the property for the purpose of processing the permit request.

PROPERTY INFORMATION AND SIGNATURES OF OWNERS

LOT 1	
KPB Parcel ID # (000-000-00):	055-272-97
Physical Address:	36570 Virginia Drive
Legal Description	Diamond Willow Estates Subd Part 11 Lot B2
Property Owner(s) of Record:	Ray Oyemi
Signature(s) of Property Owner(s):	<i>Ray Oyemi</i>
	Date: 7/18/24

PROPERTY INFORMATION AND SIGNATURES OF OWNERS (CONTINUED)	
LOT 2	
KPB Parcel ID # (000-000-00):	055-270-47
Physical Address:	None
Legal Description	Diamond Willow Estates Subd Part 10 Lot 2
Property Owner(s) of Record:	Consolidated Development & Mgmt, LLC
Signature(s) of Property Owner(s):	<i>Ray Oyemi</i>
	Date: 7/18/24
LOT 3	
KPB Parcel ID # (000-000-00):	055-270-96
Physical Address:	none
Legal Description	Diamond Willow Estates Subd Part 11 Lot A2
Property Owner(s) of Record:	Consolidated Development & Mgmt, LLC
Signature(s) of Property Owner(s):	<i>Ray Oyemi</i>
	Date: 7/18/24
LOT 4	
KPB Parcel ID # (000-000-00):	055-270-95
Physical Address:	36590 Virginia Drive
Legal Description	Diamond Willow Estates Subd Part 11 Lot 1A
Property Owner(s) of Record:	Ray Oyemi
Signature(s) of Property Owner(s):	<i>Ray Oyemi</i>
	Date: 7/18/24
LOT 5	
KPB Parcel ID # (000-000-00):	055-272-04
Physical Address:	None
Legal Description	Diamond Willow Estates Subd Sunville Acres Addn No2 Lot 1A
Property Owner(s) of Record:	Consolidated Development & Mgmt, LLC
Signature(s) of Property Owner(s):	<i>Ray Oyemi</i>
	Date: 7/18/24
LOT 6	
KPB Parcel ID # (000-000-00):	055-272-03
Physical Address:	None
Legal Description	Diamond Willow Estates Subd Sunville Acres Addn No2 Lot 1B
Property Owner(s) of Record:	Consolidated Development & Mgmt, LLC
Signature(s) of Property Owner(s):	<i>Ray Oyemi</i>
	Date: 7/18/24

PROPERTY INFORMATION AND SIGNATURES OF OWNERS (CONTINUED)	
LOT 2 7	
KPB Parcel ID # (000-000-00): 055-272-02	
Physical Address: None	
Legal Description Diamond Willow Estates Subd Sunville Acres Addn No2 Lot 2A	
Property Owner(s) of Record: Consolidated Development & Mgmt. LLC	
Signature(s) of Property Owner(s): <i>Ray Dyemi</i>	Date: <i>7/18/24</i>
LOT 2 8	
KPB Parcel ID # (000-000-00): 055-272-21	
Physical Address: None	
Legal Description Diamond Willow Kenai Wellness Estates Addition Lot 6	
Property Owner(s) of Record: Consolidated Development & Mgmt. LLC	
Signature(s) of Property Owner(s): <i>Ray Dyemi</i>	Date: <i>7/18/24</i>
LOT 4 9	
KPB Parcel ID # (000-000-00): 055-272-16	
Physical Address: None	
Legal Description Diamond Willow Kenai Wellness Estates Addition Lot 1	
Property Owner(s) of Record: Consolidated Development & Mgmt. LLC	
Signature(s) of Property Owner(s): <i>Ray Dyemi</i>	Date: <i>7/18/24</i>
LOT 5 10	
KPB Parcel ID # (000-000-00): 055-272-11	
Physical Address: None	
Legal Description Diamond Willow Kenai Wellness Estates Addition Tract A1	
Property Owner(s) of Record: Consolidated Development & Mgmt. LLC	
Signature(s) of Property Owner(s): <i>Ray Dyemi</i>	Date: <i>7/18/24</i>
LOT 5 11	
KPB Parcel ID # (000-000-00): 055-272-12	
Physical Address: None	
Legal Description Diamond Willow Kenai Wellness Estates Addition Tract A2	
Property Owner(s) of Record: Consolidated Development & Mgmt. LLC	
Signature(s) of Property Owner(s): <i>Ray Dyemi</i>	Date: <i>7/18/24</i>

PROPERTY INFORMATION AND SIGNATURES OF OWNERS (CONTINUED)

LOT 3 12

KPB Parcel ID # (000-000-00): **055-272-13**

Physical Address: **None**

Legal Description **Diamond Willow Kenai Wellness Estates Addition Tract A3**

Property Owner(s) of Record: **Consolidated Development & Mgmt, LLC**

Signature(s) of Property Owner(s): *Kay Oyemi*

Date: *7/18/24*

LOT 3 13

KPB Parcel ID # (000-000-00): **055-272-14**

Physical Address: **None**

Legal Description **Diamond Willow Kenai Wellness Estates Addition Tract A4**

Property Owner(s) of Record: **Consolidated Development & Mgmt, LLC**

Signature(s) of Property Owner(s): *Kay Oyemi*

Date: *7/18/24*

LOT 4 14

KPB Parcel ID # (000-000-00): **055-272-15**

Physical Address: **None**

Legal Description **Diamond Willow Kenai Wellness Estates Addition Tract A5**

Property Owner(s) of Record: **Consolidated Development & Mgmt, LLC**

Signature(s) of Property Owner(s): *Kay Oyemi*

Date: *7/18/24*

LOT 5

KPB Parcel ID # (000-000-00):

Physical Address:

Legal Description

Property Owner(s) of Record:

Signature(s) of Property Owner(s):

Date:

LOT 6

KPB Parcel ID # (000-000-00):

Physical Address:

Legal Description

Property Owner(s) of Record:

Signature(s) of Property Owner(s):

Date:

Local Option Zoning District Application Supplemental Information

Applicant Consolidated Development & Management, LLC, the owner of a significant number of the lots located Diamond Willow - Fairview R-1 Local Option Zone is applying for rezoning of Lots A3, A4 and A5 of Diamond Willow Kenai Wellness Estates Addition (Plat No. 2023-60), comprising 4.5 acres, to create a C-3 Local Option Zone. While this is in variance with the standards provided in the KPB Code of Regulations, specifically the requirement of a minimum of 12 lots to create a Local Option Zone, the special circumstances here warrant an exception to that rule against spot zoning.

In 2018, a dispute arose between Consolidated and the Diamond Willow Homeowners Association (which included about 60% of the voting members of the Diamond-Willow -Fairview R-1 LOZ) over the replatting of what had been a large undeveloped parcel of over 40 acres previously included in that LOZ. While this dispute ended up in litigation, the parties resolved their differences by entering into a comprehensive settlement agreement governing the development and use of all of Consolidated's property within the Diamond Willow Subdivision. This settlement agreement was intended to give effect to the intent of the developer at the time the CC&Rs were originally filed that approximately 6 acres at the corner of Ciechanski Road and Virginia Drive would be reserved for commercial use. This settlement included a provision in which the parties agreed that the Diamond Willow HOA would support a rezoning of that property from R-1 to C-3. A copy of the Judgment entered to effectuate the settlement has been made available to the KPB Planning Department.

While development of the property could proceed if the affected property were to be merely removed from the Diamond Willow - Fairview LOZ, the Diamond Willow HOA has requested Consolidated seek a rezoning of the property to create an agreed C-3 LOZ. The Diamond Willow HOA understandably prefers that Consolidated be required to comply with the C-3 zoning as a part of any permitting process in the development of the lots. If the lots are removed from the R-1 LOZ and a C-3 LOZ is not created, then the Diamond Willow HOA would bear the entire responsibility for enforcing Consolidated's compliance with the equivalent of C-3 zoning. Consolidated agrees that creation of the requested C-3 LOZ for the three lots, as requested, will greatly reduce the possibility of future disagreements and foster a more harmonious relationship between it and its neighbors. For that reason, Consolidated requests the removal of three lots from the Diamond Willow - Fairview R-1 Local Option Zone and a variance from the requirements of KPB Code Chapter 21-44 to establish a C-3 LOZ comprised of those 3 lots.



Consolidated Development & Mgmt, LLC
LOZD Application
7/18/2024

Lot A3

Lot A4

Lot A5

Kenai Peninsula Borough
5000 · Consulting Job Expenses:5010 · LOZD Application

7/18/24

39428

1,000.00

Wells Fargo Checking LOZD Application

1,000.00

AGENDA ITEM E. NEW BUSINESS

ITEM #: Diamond Willow – Kenai Wellness Estates Addition, Local Option Zoning District

KPB File No: Ordinance #####-##
PC Meeting: October 28, 2023
Applicant: Consolidated Development & Management Llc
Land Owner: Consolidated Development & Management Llc
Parcel(s) No. 055-272-13, 14, 15
Legal Description: T 05N R 11W SEC 24 SEWARD MERIDIAN KN 2023060 DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT A3, A4, A5
General Location: About MP 1 of Ciechanski Road, between Gary Ave. and Soldotna, Alaska 99669
Zoning: Single Family Residential (R-1)
Exceptions Requested: 21.44.040(A) – 12 Lot Minimum

STAFF REPORT

BACKGROUND INFORMATION:

Ray Oyemi, owner of Consolidated Development and Management, has submitted an application to rezone 3 parcels within the Diamond Willow – Fairfield, Local Option Zoning District, from Single-Family Residential (R-1) to Mixed Use (C-3).

Per Kenai Peninsula Borough (KPB) 21.44.140, Amendments to LOZDs may be initiated to repeal a zone, change the type of zone or modify the boundaries of the zoning district by following the process for establishing a LOZD set forth in KPB 21.44.040. To establish an LOZD, per 21.44.040, the minimum area for an LOZD must be met, which is 12 lots. These 12 lots must be contiguous and separated only by a street, alley, right-of-way, or easement.

In 2018, Consolidated Development and Management, replatted a 40-acre, undeveloped parcel, within the Diamond Willow – Fairfield, Local Option Zoning District. This replat led to litigation between the Applicant and the Diamond Willow Homeowners Association (“DW-HOA”), which was resolved by entering into a comprehensive settlement agreement between the two parties. In the agreement, DW-HOA would support that a portion of the existing Single-Family Residential (R-1) LOZD be rezoned for commercial use. Due to the legal settlement, the proposed LOZD does not meet all the formation requirements of KPB 21.44.040, and the Petitioner is requesting an exception from the following requirements:

1. 21.44.040(A) – 12 lot minimum

On August 14, 2024, a community meeting was held, according to KPB 21.44.040(C), at the Donald E. Gilman River Center. The notice was sent to all property owners who live within the existing Diamond Willow - Fairfield LOZD.

On September 23, 2024, a petition supporting the proposed LOZD was submitted to the Planning Department, according to KPB 21.44.060(C), with signatures of at least 60 percent of parcel owners that reside within the LOZD.

The Planning Department has reviewed the application for the proposed district using the criteria contained in KPB 21.44.040(A) and other documentation submitted by the applicant. Based upon land use, location, access, soils, topography, availability of utilities, encumbrances, permits, judgements and exemptions staff has determined the boundaries of the proposed LOZD is appropriate as requested.

PUBLIC NOTICE:

Public notice of the hearing was mailed on or before October 09, 2024 to the owners of the 100 parcels within the boundaries of the LOZD and another 53 parcels within 300 feet of the proposed LOZD. A public hearing was held on the October 28, 2024 meeting of the Kenai Peninsula Borough Planning Commission.

ATTACHMENTS

Assembly Memo
Assembly Ordinance
Project Overview and Vicinity Map
Ownership Map
Application
Petition
Exception Request
Judgment on Stipulation of the Parties
Community Meeting Notice
Planning Commission Notice
Public Comment


STAFF RECOMMENDATION

Staff recommends that the planning commission forward this application to the assembly with the recommendation to approve the creation of the Mixed Use (C-3) District as described in the legal description above.

END OF STAFF REPORT

PETITION TO THE KENAI PENINSULA BOROUGH ASSEMBLY FOR ESTABLISHMENT OF A LOCAL OPTION ZONING DISTRICT

Pursuant to KPB 21.44, we, the qualified property owners residing within the boundaries of the proposed local option zoning district, hereby petition the Kenai Peninsula Borough Assembly for the establishment of a **Mixed Use (C-3)** local option zoning district as shown on the attached map.

	PARCEL	DATE	NAME	SIGNATURE	MAILING ADDRESS	LEGAL DESCRIPTION	PHYSICAL ADDRESS
1	05527014		AGOSTI TIMOTHY F	SEE CERTIFICATES - RCR	36894 VIRGINIA DR KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 4 LOT 14 BLK 1	36894 VIRGINIA DR
2	05527020		ALASKA GROWTH PROPERTIES LLC		1422 K ST ANCHORAGE, AK 99501	DIAMOND WILLOW ESTATES SUB PART 1 LOT 20 BLK 1	NONE
✓ 3	05542205	9-21-24	BARE CHARITY M	Charity Bare	47132 BELMONT CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 5	47132 BELMONT CT
✓ 4	05527094	9-20-24	BEVER MICHAEL G		46003 CIECHANSKI RD KENAI, AK 99611	T 5N R 11W SEC 24 SEWARD MERIDIAN KN E 285 FT M/L OF THE N 350 FT M/L OF NW1/4	46003 CIECHANSKI RD
5	05542202		BIRCHARD TRACI ANN		8140 LITTLE DIPPER AVE # B ANCHORAGE, AK 99504	FAIRFIELD ESTATES SUB LOT 2	47026 BELMONT CT
6	05527030	9-21-24	BLACKBURN WILLIAM F	Ben Blackburn	PO BOX 1472 KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 7 LOT 30-A BLK 1	46660 GARY AVE
7	05527060		BLANNING KELVIN M		46233 CIECHANSKI RD KENAI, AK 99611	DIAMOND WILLOW ESTATES PART 12 LOT B2 5	46233 CIECHANSKI RD
8	05527005		BOLES MELANIE LYNN		3361 N INSPIRATION LOOP WASILLA, AK 99654	DIAMOND WILLOW ESTATES SUB PART 1 LOT 5 BLK 1	36650 VIRGINIA DR
9	05542209		BRADEN MELINDA		47205 BELMONT CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 9	47205 BELMONT CT
10	05527008	9-20-24	BRINKMAN KURT A	Kurt A. Brinkman	36738 VIRGINIA DR KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 1 LOT 8 BLK 1	36738 VIRGINIA DR
11	05542215		CANNON TYLER J		47000 LEXINGTON CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 15	47000 LEXINGTON CT
12	05542228		CHANDLER DOUGLAS A & WYLIE		PO BOX 2367 SOLDOTNA, AK 99669	FAIRFIELD ESTATES SUB LOT 28	47005 LEXINGTON CT
13	05542217		CONNER CRYSTAL M		35555 KENAI SPUR HWY SOLDOTNA, AK 99669	FAIRFIELD ESTATES SUB LOT 17	47062 LEXINGTON CT
✓ 14	05527205	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	Ray Diemmi	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN NO 2 LOT 3B	NONE
✓ 15	05527047	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	Ray Diemmi	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB PART 10 LOT 2	NONE
✓ 16	05527068	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	Ray Diemmi	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN LOT 7	NONE
✓ 17	05527201	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	Ray Diemmi	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN NO 2 LOT 2B	NONE
✓ 18	05527203	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	Ray Diemmi	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN NO 2 LOT 1B	NONE

The person circulating this petition is: TBD *Travis Penrod*
 Contact: TBD
 Contact: TBD *(907) 301-5972*

PETITION TO THE KENAI PENINSULA BOROUGH ASSEMBLY FOR ESTABLISHMENT OF A LOCAL OPTION ZONING DISTRICT

Pursuant to KPB 21.44, we, the qualified property owners residing within the boundaries of the proposed local option zoning district, hereby petition the Kenai Peninsula Borough Assembly for the establishment of a **Mixed Use (C-3)** local option zoning district as shown on the attached map.

PARCEL	DATE	NAME	SIGNATURE	MAILING ADDRESS	LEGAL DESCRIPTION	PHYSICAL ADDRESS	
19	05527067	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN LOT 6	NONE
20	05527069	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN LOT 8	NONE
21	05527202	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN NO 2 LOT 2A	NONE
22	05527210	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN NO 2 LOT 5B	NONE
23	05527208	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN NO 2 LOT 4B	NONE
24	05527209	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN NO 2 LOT 5A	NONE
25	05527207	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN NO 2 LOT 4A	NONE
26	05527206	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN NO 2 LOT 3A	NONE
27	05527204	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW ESTATES SUB SUNVILLE ACRES ADDN NO 2 LOT 1A	NONE
28	05527211	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT A1	NONE
29	05527212	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT A2	NONE
30	05527213	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT A3	NONE
31	05527214	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT A4	NONE
32	05527215	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT A5	NONE
33	05527216	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 1	NONE
34	05527217	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 2	NONE
35	05527218	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 3	NONE
36	05527219	9/21/24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Dyer</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 4	NONE

The person circulating this petition is: TBD

Contact: TBD

Contact: TBD

PETITION TO THE KENAI PENINSULA BOROUGH ASSEMBLY FOR ESTABLISHMENT OF A LOCAL OPTION ZONING DISTRICT

Pursuant to KPB 21.44, we, the qualified property owners residing within the boundaries of the proposed local option zoning district, hereby petition the Kenai Peninsula Borough Assembly for the establishment of a **Mixed Use (C-3)** local option zoning district as shown on the attached map.

PARCEL	DATE	NAME	SIGNATURE	MAILING ADDRESS	LEGAL DESCRIPTION	PHYSICAL ADDRESS	
37	05527220	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 5	NONE
38	05527221	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 6	NONE
39	05527222	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 7	NONE
40	05527223	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 8	NONE
41	05527224	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 9	NONE
42	05527225	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 10	NONE
43	05527226	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 11	NONE
44	05527227	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 12	NONE
45	05527228	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 13	NONE
46	05527229	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 14	NONE
47	05527230	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 15	NONE
48	05527230	9-21-24	CONSOLIDATED DEVELOPMENT & MANAGEMENT LLC	<i>Ray Oyenni</i>	200 W 34TH AVE ANCHORAGE, AK 99503	DIAMOND WILLOW KENAI WELLNESS ESTATES ADDN LOT 15	NONE
49	05542220		COX KENNETH M & KIM S		47204 LEXINGTON CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 20	47204 LEXINGTON CT
50	05542207		CREIGHTON MICHAEL C		47208 BELMONT CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 7	47208 BELMONT CT
51	05542208		DAVIS JONATHAN R		47207 BELMONT CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 8	47207 BELMONT CT
52	05542227		FELTMAN JOSHUA COREY		47027 LEXINGTON CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 27	47027 LEXINGTON CT
53	05527042	9/18/24	FRANKLIN DANIEL	<i>Daniel Franklin</i>	PO BOX 2848 SOLDOTNA, AK 99669	DIAMOND WILLOW ESTATES SUB PART 9 LOT 39	NONE
54	05527041	9/20/24	FRANKLIN THERESA A	<i>Theresa A Franklin</i>	PO BOX 2848 SOLDOTNA, AK 99669	DIAMOND WILLOW ESTATES SUB PART 9 LOT 38	46731 GARY AVE

The person circulating this petition is: TBD

Contact: TBD

Contact: TBD

PETITION TO THE KENAI PENINSULA BOROUGH ASSEMBLY FOR ESTABLISHMENT OF A LOCAL OPTION ZONING DISTRICT

Pursuant to KPB 21.44, we, the qualified property owners residing within the boundaries of the proposed local option zoning district, hereby petition the Kenai Peninsula Borough Assembly for the establishment of a **Mixed Use (C-3)** local option zoning district as shown on the attached map.

	PARCEL	DATE	NAME	SIGNATURE	MAILING ADDRESS	LEGAL DESCRIPTION	PHYSICAL ADDRESS
✓	55	05527007	9-15-24	GEASE DENNIS E	<i>Dennis E. Gease</i>	36710 VIRGINIA DR KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 1 LOT 7 BLK 1 36710 VIRGINIA DR
	56	05542234		GIBBS JAMES E		PO BOX 1597 SOLDOTNA, AK 99669	J&P SUB AURORA ADDN LOT 6 NONE
	57	05542214		GRAHAM TEIRA MICHELE		47005 BELMONT CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 14 47005 BELMONT CT
	58	05527037	9-21-24	GRINNELL NATE	<i>Nathanael Grinnell</i>	46635 GARY AVE KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 9 LOT 34 46635 GARY AVE
	59	05527038	9-21-24	GRINNELL NATHANAEL	<i>Nathanael Grinnell</i>	46635 GARY AVE KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 9 LOT 35 46659 GARY AVE
	60	05527036		HEAVEN EDNA VAITOA		46621 GARY AVE NIKISKI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 9 LOT 33 36815 VIRGINIA DR, 46621 GARY AVE
	61	05527026		HEAVEN WINTER IAN KANE		PO BOX 1327 KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 5 LOT 26 BLK 1 NONE
✓	62	05542221	9-21-24	HENRY MICHAEL	<i>Michael G</i>	47208 LEXINGTON CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 21 47208 LEXINGTON CT
	63	05542212		HUDSON CHRISTOPHER L & KARI E		133 W MARYDALE AVE SOLDOTNA, AK 99669	FAIRFIELD ESTATES SUB LOT 12 47063 BELMONT CT
	64	05542226		JAMORA MADELINE		PO BOX 1327 KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 26 47063 LEXINGTON CT
	65	05527019		JONES CLAUDE		46091 CIECHANSKI RD KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 1 LOT 19 BLK 1 46091 CIECHANSKI RD
	66	05527032	9-18-24	KEYSAW HARRY F	<i>Harry F Key</i>	36903 VIRGINIA DR KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 7 LOT 32-A BLK 1 36903 VIRGINIA DR
	67	05542206		KNUTSON TARALEE		392 E 700 S UNIT F VERNAL, UT 84078	FAIRFIELD ESTATES SUB LOT 6 47192 BELMONT CT
✓	68	05527028	9-18-24	KOPPES ROGER A	<i>Roger A Koppes</i>	PO BOX 2739 KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 5 LOT 28 BLK 1 46710 GARY AVE
	69	05542216		KRACKE ANDREA M		PO BOX 745 KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 16 47026 LEXINGTON CT
	70	05527018		LAPLANTE JOHN M		33775 GAS WELL RD SOLDOTNA, AK 99669	DIAMOND WILLOW ESTATES SUB PART 1 LOT 18 BLK 1 46055 CIECHANSKI RD
	71	05542201		LECK PHILLIP R		47000 BELMONT CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 1 47000 BELMONT CT
✓	72	05542219	9-21-24	LINNELL DENNIS R	<i>Dennis R Linnell</i>	47146 LEXINGTON CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 19 47146 LEXINGTON CT

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PETITION TO THE KENAI PENINSULA BOROUGH ASSEMBLY FOR ESTABLISHMENT OF A LOCAL OPTION ZONING DISTRICT

Pursuant to KPB 21.44, we, the qualified property owners residing within the boundaries of the proposed local option zoning district, hereby petition the Kenai Peninsula Borough Assembly for the establishment of a **Mixed Use (C-3)** local option zoning district as shown on the attached map.

	PARCEL	DATE	NAME	SIGNATURE	MAILING ADDRESS	LEGAL DESCRIPTION	PHYSICAL ADDRESS
73	05542213		MANKIN MARCIA		47027 BELMONT CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 13	47027 BELMONT CT
74	05542218		MAYNARD JAMES RUSSELL		47100 LEXINGTON CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 18	47100 LEXINGTON CT
✓ 75	05527011	9-18-24	MCGRADY TIM P & WENDY L	<i>Wendy P McGrady Tim McGrady</i>	PO BOX 1212 KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 2 LOT 11 BLK 1	NONE
✓ 76	05527012	9-18-24	MCGRADY TIMOTHY P & WENDY L	<i>Wendy P McGrady Tim McGrady</i>	PO BOX 1212 KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 4 LOT 12 BLK 1	36830 VIRGINIA DR
77	05542203		MONTOYA KEITH W		47062 BELMONT CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 3	47062 BELMONT CT
✓ 78	05527004	9/18/24	MORSE JEANNINE E LIVING TRUST	<i>Jeannine E Morse</i>	154 E REDOUBT AVE SOLDOTNA, AK 99669	DIAMOND WILLOW ESTATES SUB PART 1 LOT 4 BLK 1	36630 VIRGINIA DR
79	05542211		MULLICAN TERESA		PO BOX 2312 KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 11	47083 BELMONT CT
80	05527027	9/18/24	NEWTON JACOB J	<i>Jacob Newton</i>	46738 GARY AVE KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 5 LOT 27 BLK 1	46738 GARY AVE
✓ 81	05527097	9/21/24	OYEMI RAY	<i>Ray Oyemi</i>	PO BOX 424 SOLDOTNA, AK 99669	DIAMOND WILLOW EST SUB PT 11 LOT B2	36570 VIRGINIA DR
82	05542231		PECK RICHARD G		48515 GRANT AVE KENAI, AK 99611	J&P SUB AURORA ADDN LOT 3	NONE
✓ 83	05527010	9-18-24	PENROD TRAVIS	<i>Travis Penrod</i>	36860 VIRGINIA DR KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 1 LOT 10 BLK 1	36770 VIRGINIA DR
✓ 84	05527013	9-18-24	PENROD TRAVIS & CRYSTAL	<i>Travis Penrod</i>	36860 VIRGINIA DR KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 4 LOT 13 BLK 1	36860 VIRGINIA DR
✓ 85	05527071	9-23-24	POKRYFKI GREGORY EDWARD	<i>Greg Pokryfki</i>	46715 GARY AVE KENAI, AK 99611	DIAMOND WILLOW ESTATES 2016 ADDN LOT 36A	46715 GARY AVE
✓ 86	05542204	9.21.24	RIOUX REGINA E	<i>Regina Rioux</i>	47082 BELMONT CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 4	47082 BELMONT CT
✓ 87	05527057	9.21.24	SARREN EUGENE	<i>Eugene Sarren</i>	46289 CIECHANSKI RD KENAI, AK 99611	DIAMOND WILLOW ESTATES PART 12 LOT B2 2	NONE
✓ 88	05527058	9.21.24	SARREN EUGENE	<i>Eugene Sarren</i>	46289 CIECHANSKI RD KENAI, AK 99611	DIAMOND WILLOW ESTATES PART 12 LOT B2 3	46289 CIECHANSKI RD
89	05527034		SATTERFIELD STEVE L & SHIRLEY J	SEE CERTIFICATES -RCR	3431 EVERGREEN ST ANCHORAGE, AK 99504	DIAMOND WILLOW ESTATES SUB PART 8 AMENDED LOT 3	36616 VIRGINIA DR
90	05527031		SAVAGE LIVING TRUST		7260 BLACKWELL RD CENTRAL POINT, OR 97502	DIAMOND WILLOW ESTATES SUB PART 7 LOT 31-A BLK 1	46636 GARY AVE

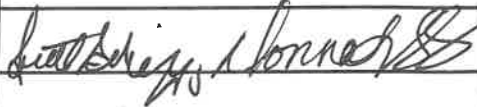
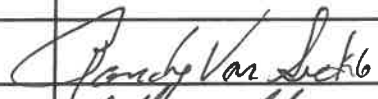


The person circulating this petition is: TBD

Contact: TBD

Contact: TBD

PETITION TO THE KENAI PENINSULA BOROUGH ASSEMBLY FOR ESTABLISHMENT OF A LOCAL OPTION ZONING DISTRICT

Pursuant to KPB 21.44, we, the qualified property owners residing within the boundaries of the proposed local option zoning district, hereby petition the Kenai Peninsula Borough Assembly for the establishment of a **Mixed Use (C-3)** local option zoning district as shown on the attached map.

	PARCEL	DATE	NAME	SIGNATURE	MAILING ADDRESS	LEGAL DESCRIPTION	PHYSICAL ADDRESS
91	05527059		SCHULTZ ANNETTE L		PO BOX 3524 SOLDOTNA, AK 99669	DIAMOND WILLOW ESTATES PART 12 LOT B2 4	46265 CIECHANSKI RD
92	05542224		SHACKLETON BRIANNA D		47127 LEXINGTON CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 24	47127 LEXINGTON CT
✓ 93	05527029	9-21-24	SHIRNBERG SCOTT S & DONNA L		46680 GARY AVE KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 5 LOT 29 BLK 1	46680 GARY AVE
94	05527021		SMV TRUST		1997 ALCOVA RIDGE DR LAS VEGAS, NV 89135	DIAMOND WILLOW ESTATES SUB PART 1 LOT 21 BLK 1	46159 CIECHANSKI RD
95	05542222		STEWART JORDAN J		47207 LEXINGTON CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 22	47207 LEXINGTON CT
96	05542223		STOCKTON DALE E JR & KRISTIE R		47165 LEXINGTON CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 23	47165 LEXINGTON CT
97	05542210		UPDIKE SADIE R		48655 PRAIRIE AVE SOLDOTNA, AK 99669	FAIRFIELD ESTATES SUB LOT 10	47169 BELMONT CT
98	05542225	9-22-24	VAN SICKLE RANDY W		47117 LEXINGTON CT KENAI, AK 99611	FAIRFIELD ESTATES SUB LOT 25	47117 LEXINGTON CT
✓ 99	05527009	9/20/24	WEBB JEFFREY R		36750 VIRGINIA DR KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 1 LOT 9 BLK 1	36750 VIRGINIA DR
100	05527006	9/18/24	WEHR CHRIS C		36680 VIRGINIA DR KENAI, AK 99611	DIAMOND WILLOW ESTATES SUB PART 1 LOT 6 BLK 1	36680 VIRGINIA DR

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Contact: TBD

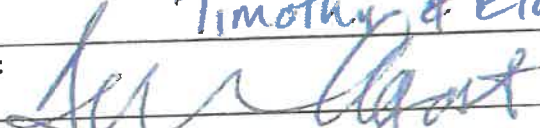
Contact: TBD

SUPPORT OF PETITION TO MODIFY TEN MAR RANCH LOZD

Per KPB 21.44.060, the KPB Assembly may approve, disapprove, or modify the LOZD petition. In order for the petition to be submitted to the Assembly for introduction, the owners of 60% of the parcels within the LOZD must be in favor of the proposed change to the LOZD as represented by a parcel owner's signature on this document.

CERTIFICATION STATEMENT

- I certify that the information contained on this form is true and complete to the best of my knowledge.
- I certify that am a property owner of record for the below property, which lies within the proposed Diamond Willow – Kenai Wellness Estates LOZD.
- My signature certifies that I am in support of the petitioner's request to modify the boundaries and zone type of the Diamond Willow – Kenai Wellness Estates LOZD.

PROPERTY INFORMATION AND SIGNATURE OF OWNER IN SUPPORT OF PETITION	
KPB Parcel ID:	
Physical Address:	36894 Virginia Dr
Legal Description:	Lots 14 & 15, Blk 1, Diamond Willow Sub
Property Owner of Record:	Timothy & Elaine Agosti
Signature:	
Date:	Aug 11, 2024

For additional information, contact Ryan Raidmae at raidmae@kpb.us or (907) 714-2462.

SUPPORT OF PETITION TO MODIFY TEN MAR RANCH LOZD

Per KPB 21 44.080, the KPB Assembly may approve, disapprove, or modify the LOZD petition. In order for the petition to be submitted to the Assembly for introduction, the owners of 60% of the parcels within the LOZD must be in favor of the proposed change to the LOZD as represented by a parcel owner's signature on this document.

CERTIFICATION STATEMENT

- I certify that the information contained on this form is true and complete to the best of my knowledge.
- I certify that am a property owner of record for the below property, which lies within the proposed Diamond Willow – Kenai Wellness Estates LOZD.
- My signature certifies that I am in support of the petitioner's request to modify the boundaries and zone type of the Diamond Willow – Kenai Wellness Estates LOZD.

PROPERTY INFORMATION AND SIGNATURE OF OWNER IN SUPPORT OF PETITION	
KPB Parcel ID:	#06527034
Physical Address:	36016 VIRGINIA DR
Legal Description:	TEN MAR NW SEC 24 STEWARD MERIDIAN KN 2006104 DIAMOND WILLOW ESTATES SUB PART 8 AMENDED LOT 3
Property Owner of Record:	STEVE & SHIRLEY SATTERFIELD
Signature:	Steve Satterfield Shirley Satterfield
Date:	9/23/24

For additional information, contact Ryan Raidmae at rraidmae@kpb.us or (907) 714-2462

Applicant Consolidated Development & Management, LLC, the owner of thirty-five lots located in the Diamond Willow - Fairview R-1 Local Option Zone is applying for rezoning of Lots A3, A4 and A5 of Diamond Willow Kenai Wellness Estates Addition (Plat No. 2023-60), comprising 4.5 acres, to create a C-3 Local Option Zone. While this is in variance with the standards provided in the KPB Code of Regulations, specifically the requirement of a minimum of 12 lots to create a Local Option Zone, the special circumstances here warrant an exception to that rule against spot zoning.

In 2018, a dispute arose between Consolidated and the Diamond Willow Homeowners Association (which included about 60% of the voting members of the Diamond-Willow - Fairview R-1 LOZ) over the replatting of what had been a large undeveloped parcel of over 40 acres previously included in that LOZ. While this dispute ended up in litigation, the parties resolved their differences by entering into a comprehensive settlement agreement governing the development and use of all of Consolidated's property within the Diamond Willow Subdivision. This settlement agreement was intended to give effect to the intent of the developer at the time that the CC&Rs were originally filed that approximately 6 acres at the corner of Ciechanski Road and Virginia Drive would be reserved for commercial use. This settlement included a provision in which the parties agreed that the Diamond Willow HOA would support a rezoning of that property from R-1 to C-3. A copy of the *Judgment* entered to effectuate the settlement has been made available to the KPB Planning Department.

While development of the property could proceed if the affected property were to be merely removed from the Diamond Willow - Fairview LOZ, the Diamond Willow HOA has requested Consolidated seek a rezoning of the property to create an agreed C-3 LOZ. The Diamond Willow HOA understandably prefers that Consolidated be required to comply with the C-3 zoning as a part of any permitting process in the development of the lots, and have given their signatures in support of that zoning change as was agreed. If the lots are removed from the R-1 LOZ and a C-3 LOZ is not created, then the Diamond Willow HOA would bear the entire responsibility for evaluating whether Consolidated's development of those lots was in compliance with the equivalent of C-3 zoning. Then, if they concluded it was not in compliance, they would be required to attempt to enforce compliance through the court system. The alternative of creating a C-3 LOZ of 12 lots in the Diamond-Willow Subdivision would conflict with the settlement agreement and the CC&Rs applicable to those additional 9 lots and may create confusion in future owners of the property. Consolidated agrees with the Diamond-Willow HOA that creation of the requested C-3 LOZ for the three lots, as requested, will greatly reduce the possibility of future disagreements and foster a more harmonious relationship between it and its neighbors. For that reason, Consolidated requests the removal of three lots from the Diamond Willow - Fairview R-1 Local Option Zone and an exception from the requirements of KPB Code Chapter 21-44 be allowed in order to establish a C-3 LOZ comprised of those 3 lots.

Ray Dyermi
For
CONSOLIDATED DEV.
& MGMT. LLC
9/26/24.

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IN THE SUPERIOR COURT
THIRD JUDICIAL DISTRICT

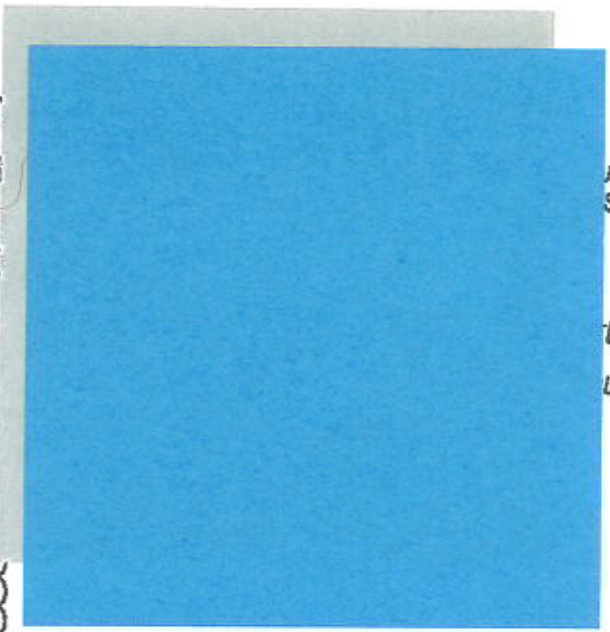
DIAMOND WILLOW HOMEOWNERS ASSOCIATION, an Alaskan non-profit organization,

Plaintiff,

vs.

CONSOLIDATED DEVELOPMENT & MANAGEMENT, LLC,

Defendant.



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JUDGMENT ON STIPULATION OF THE PARTIES

This judgment and stipulation interprets and applies those *Building and Use Restrictions*, dated and recorded August 7, 1975 at Book 86, Pages 202-203 ("*Restrictions*") affecting the following described real property:

The W1/2 NW1/4, NE1/4 NW1/4 and Gov't Lot 3, Section 24, T5N, R11W, Seward Meridian, AK, containing 152.4 acres more or less, Kenai Recording District, Third Judicial District, State of Alaska.

The parties, Plaintiff Diamond Willow Homeowners, Inc. ("DWHA"), and Consolidated Development & Management, LLC ("Consolidated"), hereby stipulate and agree to the following, and to entry of judgment thereon, by this Court:

STIPULATED RECITALS OF FACT

1. Diamond Willow Homeowners Association, Inc. ("DWHA"), is a non-profit corporation organized and existing under the laws of the State of Alaska.

2. Consolidated Development & Management, LLC ("Consolidated"), is a limited liability company organized and existing under the laws of the State of Alaska, whose sole member and manager is Ray Oyemi.

3. Consolidated is the owner of real property located in the Kenai Recording District, Third Judicial District, State of Alaska, and this stipulation and judgment affect that real property described as follows:

ROBERT K. REIMAN
P.O. Box 201271
Anchorage, Alaska 99520
(907) 748-1132

1 Lots 1A, B2 and 2, DIAMOND WILLOW ESTATES, PART 11,
2 according to the official plat thereof filed as Plat No. 2012-93 in the records
of the Kenai Recording District;

3 Lots 6, 7, 8 and Tract A, DIAMOND WILLOW ESTATES, SUNVILLE
ACRES ADDITION, according to the official plat thereof filed as Plat No.
4 2015-69 in the records of the Kenai Recording District ("Sunville No. 1"); and

5 Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A and 5B, DIAMOND
WILLOW ESTATES, SUNVILLE ACRES ADDITION NO. 2, according to
6 the official plat thereof filed as Plat No. 2019-14 in the records of the Kenai
Recording District ("Sunville No. 2").

7 4. In 2018, Consolidated sought approval for a replat of a portion of Diamond Willow
Estates, Sunville Acres Addition, Plat No. 2015-69.

8 5. DWHA opposed the replat based in part upon a prohibition contained in the
9 *Restrictions* and in part upon its rights as a common interest community association.

10 6. The replat was granted by the Kenai Peninsula Borough Planning Commission and
11 approved by its hearing officer over opposition of the DWHA.

12 7. DWHA appealed this decision to the Alaska Superior Court in the appeal captioned
13 *Diamond Willow Homeowners Association, Inc. v. Consolidated Development &*
14 *Management, LLC*, Case No. 3KN-19-319 CI ("replat appeal"), which appeal is briefed and
15 awaiting decision.

16 8. The reference in the *Restrictions* to lots that may be used for non-residential
17 purposes is to lots that do not exist in a recorded plat, except as to Tract A, DIAMOND
18 WILLOW ESTATES, PART 6, according to the official plat thereof filed as Plat No. 81-49
19 in the Kenai Recording District. The *Restrictions* are therefore ambiguous as to the
20 description of the real property that may be used for commercial purposes, except for Tract
21 A, DIAMOND WILLOW ESTATES, PART 6. The only documentary evidence reflecting
22 the intent of the developer as to the lots reserved for commercial use was an unrecorded,
23 draft plat map filed with the Kenai Peninsula Borough Planning Department in 1975
24 depicting HEA easements, which draft plat indicated that the lots that were reserved for non-
25 residential purposes in the *Restrictions* included those bordering Ciechanski Road between
26 Virginia and Gary Avenues, within what is now known as Tract A, DIAMOND WILLOW
27

28 JUDGMENT AND STIPULATION - PAGE 2

1 ESTATES, SUNVILLE ACRES ADDITION, Plat No. 2015-69 ("Gibb's development
2 plan").

3 9. DWHA also instituted the present litigation against Consolidated seeking
4 declaratory and other relief, including enforcement of the prohibition in the *Restrictions*
5 against other than single family residential use, which case is captioned *Diamond Willow*
6 *Homeowners Association, Inc. v. Consolidated Development & Management, LLC*, 3KN-19-
7 335 CI ("DWHA litigation"). Consolidated counterclaimed challenging DWHA's status as
8 a common interest community. association and the application of the *Restrictions* to the
9 property within Sunville Nos. 1 and 2.

10 STIPULATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

11 In resolution of the plat appeal and the present litigation, the parties further stipulate
12 and agree to findings of fact and conclusions of law, as follows:

13 10. The *Restrictions*, as recorded on August 7, 1975, are applicable to the real
14 property owned by Consolidated within Diamond Willow Estates, including that described
15 in Section 3 above.

16 11. As applied to the real property presently contained in Sunville Nos. 1 and 2, the
17 *Restrictions* will not be further amended without the consent of a majority of the lot owners
18 of Sunville Nos. 1 and 2 (and a majority of the lot owners as described in paragraph 14) for
19 a period of 10 years from the date of entry of this judgment.

20 12. A subdivision and/or development of Tract A, DIAMOND WILLOW ESTATES,
21 SUNVILLE ACRES ADDITION, Plat No. 2015-69, as follows, is compliant with the terms
22 of the *Restrictions* and Gibb's development plan;

23 a. A parcel 220 feet wide fronting Ciechanski Road for its entire length
24 between Virginia and Gary Avenue (or an equivalent sized rectangle parcel located at the
25 corner of Ciechanski Road and Virginia Avenue with frontage on Ciechanski of equal or
26 greater length to that on Virginia), which parcel may be used for commercial purposes, as

27
28 JUDGMENT AND STIPULATION - PAGE 3

1 defined by the KPB zoning regulations for the C-3 designation that allows for mixed, non-
2 industrial uses, and which parcel can be comprised of one or more lots; and

3 b. The balance of Tract A may be subdivided for single family dwellings as
4 defined by the R-1 zoning regulations for the Kenai Peninsula Borough.

5 These parcels may be replatted by Consolidated or its successors without consent of
6 other lot owners for a period of 10 years from the date of this judgment, provided that the
7 redrawn lots comply with the requirements of the above sections (a) and (b). Rezoning will
8 be allowed to the extent required to effectuate the above development, including the adoption
9 of an LOZ or amendment to the current one such as will allow the use of the commercial
10 property for that purpose. DWHA will support and consent to such a rezoning or amendment
11 to the LOZ.

12 13. Consolidated's property is not within or a part of DWHA or its jurisdiction, and
13 Consolidated does not have any membership therein unless incorporated pursuant to Section
14 15.

15 14. DWHA is a common interest community association applicable to the portion of
16 the subdivision that does not include (1) Consolidated's property, referenced in paragraph
17 3 above, or (2) that portion of Diamond Willow Estates subdivision included within the
18 original Tract A, DIAMOND WILLOW ESTATES, PART 6, according to the official plat
19 thereof files as Plat No. 81-49. DWHA includes the following property:

20 Lots 4, 5, 6, 7, 8, 9, 10, 18, 19, 20, 21 and 22, Block 1, Diamond Willow
21 Estates Subdivision - Part One, according to Plat 75-68;
22 Lot 11, Block 1, Diamond Willow Estates Subdivision - Part Two, according
23 to Plat 76-38;
24 Lots 12, 13, 14, and 15, Block 1, Diamond Willow Estates Subdivision - Part
25 Four, according to Plat 77-4;
26 Lots 26, 27, 28, and 29, Block 1, Diamond Willow Estates Subdivision - Part
27 5, according to Plat 81-100;
28 Lots 30-A, 31-A, and 32-A, Block 1, Diamond Willow Estates Subdivision
Part 7, according to Plat 82-62;
Lots 33, 34, 35, 36, 37, 38, and 39, Diamond Willow Estates Subdivision Part
- 9, according to Plat 2005-5;
Lot 3, Diamond Willow Estates Subdivision Part - 8 amended, according to
Plat 2006-104;

1 Lots B2-2, B2-3, B2-4, and B2-5, Diamond Willow Estates Part 12, according
2 to Plat 2014-38; and
3 that portion of the Northeast ¼ Northwest ¼, Section 24, Township 5 North,
4 Range 11 West, Seward Meridian, lying north of the northerly most boundary
5 of Lot 15, Block 1, Diamond Willow Estates Subdivision, Part Four, Plat
6 77-44 and east of the easterly most boundary of Lot 18, Block 1, Diamond
7 Willow Estates Subdivision, Part One, Plat 75-68; all located in the Kenai
8 Recording District, Third Judicial District, State of Alaska.

9 This stipulation and the judgment entered hereon is binding upon the DWHA and its
10 members.

11 15. The residential lot owners within Sunville Acres Nos. 1 and 2, including those
12 residential lots created from Tract A, Sunville No. 1, may incorporate their respective lot into
13 the DWHA by recording such a declaration in the records of the Kenai Recording District.

14 16. Any remaining claims of the parties in the present litigation are dismissed without
15 prejudice except as provided herein.

16 17. The appeal of the KPB planning board decision in the replat appeal shall be
17 withdrawn and dismissed.

18 18. The parties shall bear their own costs and attorney fees in both the replat appeal
19 and the present litigation. Consolidated agrees that the appeal bond shall be returned to
20 Appellant DWHA.

21 19. This settlement will be effective upon approval of the Court.

22 DATED 5 May 2020


23 ALASKA LAW OFFICE
24 Attorney for Plaintiff

25 By: 

26 Clayton Walker, Esq.
27 Alaska Bar No. 0001002

1 DATED 5/5/2020

LAW OFFICES OF ROBERT K. REIMAN
Attorney for Defendant

By: 
Robert K. Reiman
Alaska Bar No. 8310145

7 JUDGMENT

8 Now therefore, THIS COURT upon stipulation of the parties and having been fully
9 advised in the premises, hereby enters judgment as follows:

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the foregoing
11 stipulated findings of fact and conclusions of law are adopted as the final judgment of this
12 Court.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any remaining
14 issues pending herein are dismissed without prejudice, each party to bear their own costs and
15 attorney fees.

16 DATED this 12th day of May, 2020, in Kenai, Alaska.

18 
19 JUDGE OF THE SUPERIOR COURT

20 Jennifer K. Wells

22 I certify that a copy of the forgoing was
23 _____ mailed to _____
24 _____ placed in court box to _____
25 _____ faxed to _____
26 scanned to Walker, Reiman
27 SA 5-13-20
28 Judicial Assistant Date



**NOTICE OF PETITION TO MODIFY
DIAMOND WILLOW – FAIRFIELD LOCAL OPTION ZONING DISTRICT**

«OWNER»

July 30, 2024

«ADDRESS»

«CITY», «STATE» «ZIPCODE»

To whom it may concern:

This is a notice to inform you that the Kenai Peninsula Borough (KPB) received a petition to modify the Diamond Willow – Fairfield, Single Family Residential (R-1), Local Option Zoning District (LOZD) in Soldotna, Alaska.

Petitioner: Ray Oyemi (Consolidated Development & Management LLC)
200 W. 34th Ave. Ste 367
Anchorage, Alaska 99503

Parcel ID(s): 055-272-13, 055-272-14, 055-272-15

Legal: T 05N R 11W Sec 24 Seward Meridian KN 2023060 Diamond Willow Kenai Wellness Estates Addn Lot A3, A4, A5

Request: To change the zoning type of the parcels listed above, from Single Family Residential (R-1) to a Mixed-Use District (C-3).

Why am I receiving this notice?

You are receiving this notice because you own property within the Diamond Willow – Fairfield LOZD.

What is the existing Diamond Willow – Fairfield LOZD?

The Diamond Willow - Fairfield LOZD is a Single-Family Residential (R-1) zoning district established by the KPB Assembly on March 17, 2015 through Ordinance 2014-35. Properties within Diamond Willow - Fairfield LOZD are subject to the zoning regulations in the enclosed *Diamond Willow – Fairfield LOZD Summary Statement*.

What is the proposed Diamond Willow – Kenai Wellness Estates LOZD?

Diamond Willow – Kenai Wellness Estates LOZD proposes to modify the existing parcels 055-272-13, 055-272-14, 055-272-15 from Single-Family Residential (R-1) to Mixed-Use (C-3). Properties within Diamond Willow – Kenai Wellness Estates LOZD will be subject to the zoning regulations in the enclosed *Diamond Willow – Kenai Wellness Estates LOZD Summary Statement*.

What are the next steps?

- In order for the petition to move forward, at least 60% of parcel owners within the Diamond Willow – Fairfield LOZD must be in favor of the proposed zone change. To support the change, parcel owners must sign and return the enclosed *Summary Statement*.
- KPB will hold a Community Meeting on August 14, 2024 (notice enclosed).

Questions?

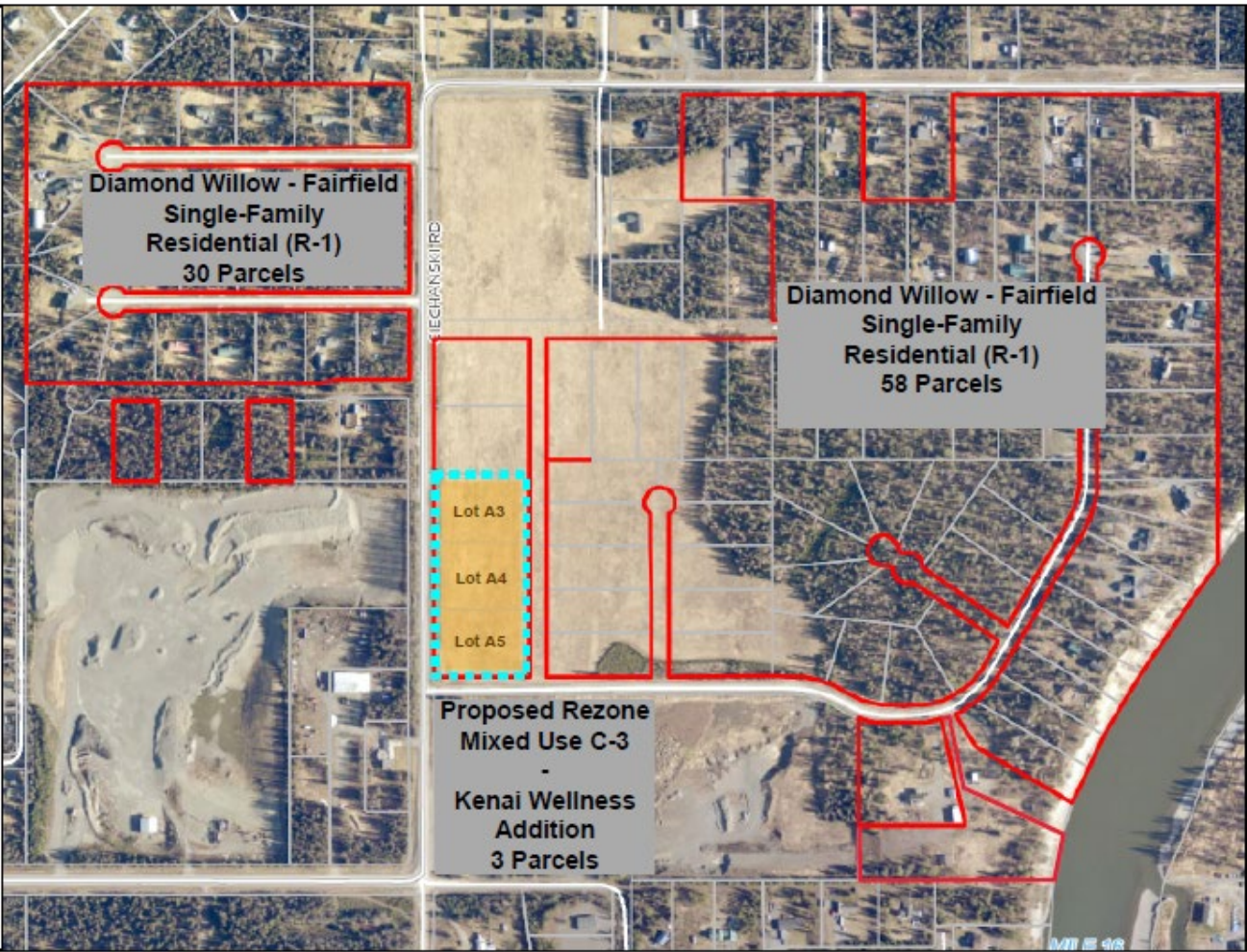
For additional information, contact Ryan Raidmae at rraidmae@kpb.us or (907) 714-2462.





Enclosed:

- Notice of Community Meeting
- Diamond Willow - Fairfield and Diamond Willow - Kenai Wellness Estates Boundary Maps
- Summary Statements
- Signature Page



Local Option Zoning District (LOZD), Proposed Rezone
Diamond Willow - Kenai Wellness Estates Addition, Mixed Use (C-3)



-  Existing LOZD Diamond Willow - Fairfield
-  River Miles
-  Tax Parcels
-  New District, Proposed



SUMMARY STATEMENT
DIAMOND WILLOW – FAIRFIELD LOCAL OPTION ZONING DISTRICT

The Kenai Peninsula Borough (KPB) received a petition to modify the Diamond Willow – Fairfield Single Family Residential (R-1) Local Option Zoning District (LOZD). The petition seeks to change the zoning type for parcels 055-272-13, 055-272-14 and 055-272-15, from Single Family Residential (R-1) to a Mixed-Use District (C-3).

Below is a summary of existing regulations affecting properties within the existing Diamond Willow – Fairfield LOZD:

KPB 21.44.160 Single-family residential district (R-1).

- A. *Allowed Principal Use.* Single-family residential (R-1) dwelling units are the allowed principal use in this district.
- B. *Allowed Compatible Uses.* Compatible uses allowed in the R-1 zone are parks, playgrounds, open space, schools, community centers, libraries, churches, and home occupations.
- C. *Development Standards.* Development standards apply to principal and accessory structures.
 1. *Setbacks.* Setbacks for structures shall be 30 feet from the front yard line, 20 feet from the rear yard line, 15 feet from the side yard lines, and 50 feet from the shore and where applicable subject to the provisions of KPB 21.18.
 2. *Maximum building height.* Maximum building height shall be 2½ stories above ground or 35 feet above average grade, whichever is less
 3. *Lot size.* Minimum lot size shall be 40,000 square feet. Maximum lot size is 5 acres.
 4. *Coverage.* Maximum coverage by structure is 20 percent of the lot.
 5. *Drainage Ways.* Existing natural drainage ways shall be retained.
 6. *Accessory structures.* Accessory structures commonly associated with residential dwellings, i.e., garages, barns, storage sheds, greenhouses, wind turbines, workshops, and a single, noncommercial guesthouse per parcel, are allowed within the district. A single accessory structure may constitute the principal use of the lot where an adjacent lot with the primary residence is in the same ownership.
 7. *Livestock and pets.*
 - a. Dog Lots: Dog lots and kennels are prohibited.
 - b. Household pets including, but not limited to, dogs and cats shall be allowed provided that no more than four household pets of more than six months of age are kept on the lot.
 - c. Poultry, fowl and small animals shall be properly contained (e.g., chicken coop, rabbit hutch) and shall be located in accordance with the required accessory use setbacks. No more than 10 such animals over 6 months old are allowed.
 - d. Hoofed animals are prohibited, except for a single miniature horse used as a service animal.
 8. *Prohibited uses and structures.* The following uses and structures are prohibited in the R-1 district:
 - a. A lot within the LOZD shall not be offered for sale or lease for non-allowed uses.
 - b. No more than two of either travel trailers or motor homes may be on each lot at any time.
 - c. No more than two of either inoperable or unregistered vehicles are allowed on each lot at any time.



SUMMARY STATEMENT

DIAMOND WILLOW – KENAI WELLNESS ESTATES LOCAL OPTION ZONING DISTRICT

The Kenai Peninsula Borough (KPB) received a petition to modify the Diamond Willow – Fairfield Single Family Residential (R-1) Local Option Zoning District (LOZD). The petition seeks to change the zoning type of parcels 055-272-13, 055-272-14 and 055-272-15, from Single Family Residential (R-1) to a Mixed-Use District (C-3).

Below is a summary of regulations affecting properties within the proposed Diamond Willow – Kenai Wellness Estates LOZD.

KPB 21.44.190 Mixed use district (C-3).

- A. *Allowed Principal Uses:* Commercial, business, residential, institutional and public uses are allowed in this district. Industrial uses are prohibited in a C-3 LOZD.
- B. *Allowed Compatible Uses:* Compatible uses allowed in the C-3 zone are uses allowed in R-1 and R-M districts.
- C. *Development Standards.* Development standards apply to principal and accessory structures.
 - 1. *Setbacks.* Setbacks shall be 30 feet from the front yard line, 20 feet from the rear yard line, 15 feet from the side yard lines, and 100 feet from the shore and where applicable subject to the provisions of KPB 21.18.
 - 2. *Lot size.* Minimum lot size shall be 40,000 square feet. Maximum lot size is 5 acres.
 - 3. *Drainage ways.* Existing natural drainage ways shall be retained.
 - 4. *Coverage.* Maximum coverage by structures is 20 percent of the lot.
- D. *Prohibited Uses.* The following uses are prohibited in C-3 LOZDs: marijuana establishments licensed under AS 17.38 and applicable regulations, alcoholic beverage premises licensed under Title 4 of the Alaska statutes, and sexually oriented business establishments.



**NOTICE OF COMMUNITY MEETING:
DIAMOND WILLOW – KENAI WELLNESS ESTATES, LOCAL OPTION ZONING
DISTRICT**

Public notice is hereby given that a petition to modify the boundaries and zone type of the Diamond Willow – Fairfield Local Option Zoning District (LOZD) has been received. Pursuant to KPB 21.44.140(A), amendments to LOZD’s may be initiated to repeal a zone, change the type of zone, or modify the LOZD boundaries. **You are being sent this notice because you are a property owner within Diamond Willow – Fairfield LOZD, and are invited to provide your input at the below public meeting.**

- Petitioner:** Ray Oyemi (Consolidated Development & Management LLC)
200 W. 34th Ave. Ste 367
Anchorage, Alaska 99503
- Parcel ID(s):** 055-272-13, 055-272-14, 055-272-15
- Legal:** T 05N R 11W Sec 24 Seward Meridian KN 2023060 Diamond Willow Kenai Wellness Estates Addn Lot A3, A4, A5
- Request:** To change the zoning type of the parcels listed above, from Single Family Residential (R-1) to a Mixed-Use District (C-3).

The Kenai Peninsula Borough Planning Department meeting has scheduled a public community meeting to gauge support. Anyone wishing to testify or provide input is invited to attend the community meeting:

- Date:** Wednesday August 14, 2024
- Time:** 6:00 PM
- Location:** Donald E. Gilman River Center
514 Funny River Road
Soldotna, AK 99669

- Zoom Link:** <https://yourkpb.zoom.us/j/85478912440>
- Meeting ID:** 854 7891 2440
- By Phone:** (877) 853-5247

For additional information, contact Ryan Raidmae at raidmae@kpb.us or (907) 714-2462.

Ryan Raidmae
KPB Planner

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SUPPORT OF PETITION TO MODIFY TEN MAR RANCH LOZD

Per KPB 21.44.060, the KPB Assembly may approve, disapprove, or modify the LOZD petition. In order for the petition to be submitted to the Assembly for introduction, the owners of 60% of the parcels within the LOZD must be in favor of the proposed change to the LOZD as represented by a parcel owner's signature on this document.

CERTIFICATION STATEMENT

- I certify that the information contained on this form is true and complete to the best of my knowledge.
- I certify that am a property owner of record for the below property, which lies within the proposed Diamond Willow – Kenai Wellness Estates LOZD.
- My signature certifies that I am in support of the petitioner’s request to modify the boundaries and zone type of the Diamond Willow – Kenai Wellness Estates LOZD.

PROPERTY INFORMATION AND SIGNATURE OF OWNER IN SUPPORT OF PETITION	
KPB Parcel ID:	
Physical Address:	
Legal Description:	
Property Owner of Record:	
Signature:	Date:

For additional information, contact Ryan Raidmae at raidmae@kpb.us or (907) 714-2462.



NOTICE OF PUBLIC HEARING

Attn: «ATTENTION»

«OWNER»

«ADDRESS»

«CITY», «STATE» «ZIPCODE»

October 9, 2024

NOTICE IS HEREBY GIVEN that the Kenai Peninsula Borough (KPB) received a petition to amend the Diamond Willow-Fairfield Local Option Zoning District (LOZD) in Soldotna, Alaska, and will conduct public hearings on the matter. This ordinance would re-zone three parcels from the current Single Family Residential District (R-1) to a Mixed-Use District (C-3).

Petitioner: Ray Oyemi, Consolidated Development & Management, LLC.

Parcel ID(s): 05527213, 05527214, 05527215

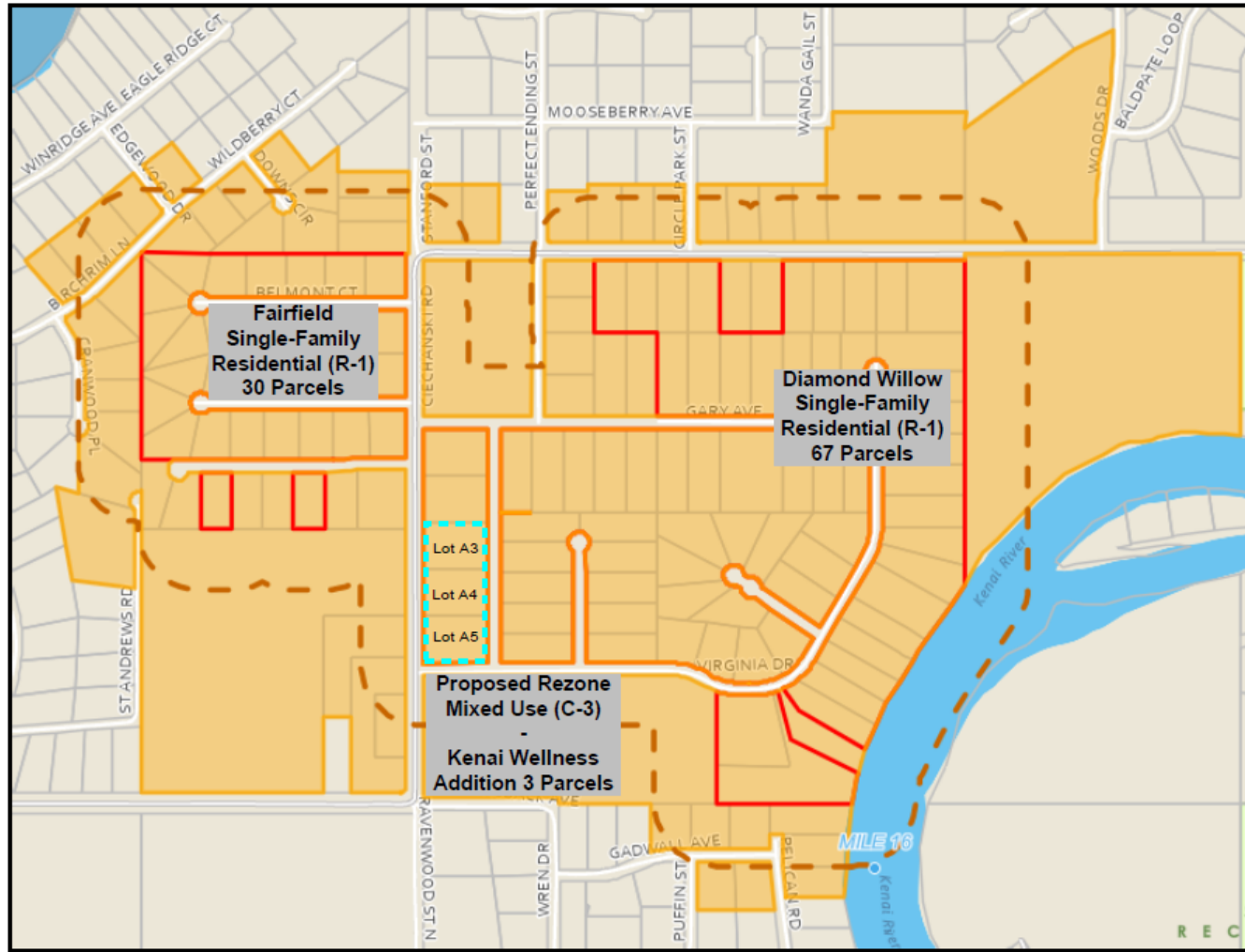
Legal: Diamond Willow Kenai Wellness Estates Addn Lot A3, A4, A5

You are being sent this notice because you own property in, or within 300 feet of, the Diamond Willow – Fairfield LOZD and are invited to comment and give testimony at the following public meetings:

- **KPB Planning Commission:** Monday, October 28, 2024 7:30 p.m., in the KPB Assembly Chambers, 144 N. Binkley St. Soldotna, Alaska and via Zoom, Meeting ID 907 714 2200. Written comments for this meeting must be received by 1:00 pm Friday, October 25, 2024 and may be mailed to 144 N. Binkley St., Soldotna, Alaska 99669, Soldotna, Alaska 99669 or emailed to planning@kpb.us.
- **KPB Assembly Introduction:** Tuesday, November 12, 2024, 6:00 p.m. in the KPB Assembly Chambers, 144 N. Binkley St. Soldotna, Alaska, and via Zoom, Meeting ID 895 1103 3332 Passcode 193069. Written comments for this meeting must be received by 5:00 p.m. Tuesday, November 12, 2024 and may be mailed to 144 N. Binkley St., Soldotna, Alaska 99669 or emailed to assemblyclerk@kpb.us.
- **KPB Assembly Public Hearing:** Tuesday, December 10, 2024, 6:00 p.m. in the KPB Assembly Chambers, 144 N. Binkley St. Soldotna, Alaska, and via Zoom, Meeting ID 895 1103 3332 Passcode 193069. Written comments for this meeting must be received by 5:00 p.m. Tuesday, December 10, 2024 and may be mailed to 144 N. Binkley St., Soldotna, Alaska 99669 or emailed to assemblyclerk@kpb.us.

For additional information, contact Ryan Raidmae at rraidmae@kpb.us or (907) 714-2462.

Ryan Raidmae
KPB Planner

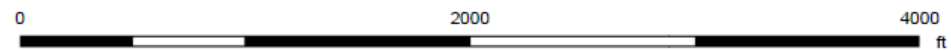


River Miles

 Tax Parcels

 Existing LOZD Diamond Willow - Fairfield

 New District, Proposed



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.

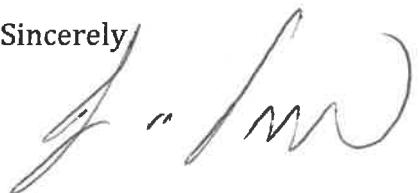
**Public Hearing Response
Diamond Willow-Fairfield LOZD Rezone**

KPB Planning Commission & Assembly,

I am writing this letter on behalf of the Diamond Willow Homeowners Association (DWHA). The rezoning of the Diamond Willow-Fairfield LOZ three lots as presented in this hearing from R-1 to C-3 meets the requirements of our legal agreement that is attached to this letter. DWHA was instrumental in attaining the required signatures to move this petition forward as it is presented.

DWHA supports and consents to this rezoning.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Penrod". The signature is written in a cursive style with a large, sweeping initial "T".

Travis Penrod, Chairman
Diamond Willow Homeowners Association

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

FILED IN THE TRIAL COURTS
STATE OF ALASKA THIRD DISTRICT
AT KENAI ALASKA
MAY - 8 2020
Clerk of the Trial Courts
By _____ Deputy

DIAMOND WILLOW HOMEOWNERS)
ASSOCIATION, an Alaskan non-profit)
organization,)

Plaintiff,

vs.

Case No. 3KN-19-319 CI

CONSOLIDATED DEVELOPMENT &)
MANAGEMENT, LLC,)

Defendant.)

JUDGMENT ON STIPULATION OF THE PARTIES

This judgment and stipulation interprets and applies those *Building and Use Restrictions*, dated and recorded August 7, 1975 at Book 86, Pages 202-203 ("*Restrictions*") affecting the following described real property:

The W1/2 NW1/4, NE1/4 NW1/4 and Gov't Lot 3, Section 24, T5N, R11W, Seward Meridian, AK, containing 152.4 acres more or less, Kenai Recording District, Third Judicial District, State of Alaska.

The parties, Plaintiff Diamond Willow Homeowners, Inc. ("DWHA"), and Consolidated Development & Management, LLC ("Consolidated"), hereby stipulate and agree to the following, and to entry of judgment thereon, by this Court:

STIPULATED RECITALS OF FACT

1. Diamond Willow Homeowners Association, Inc. ("DWHA"), is a non-profit corporation organized and existing under the laws of the State of Alaska.

2. Consolidated Development & Management, LLC ("Consolidated"), is a limited liability company organized and existing under the laws of the State of Alaska, whose sole member and manager is Ray Oyemi.

3. Consolidated is the owner of real property located in the Kenai Recording District, Third Judicial District, State of Alaska, and this stipulation and judgment affect that real property described as follows:

Law Offices of
ROBERT K. REIMAN
P.O. Box 201271
Anchorage, Alaska 99520
(907) 748-1132

1 Lots 1A, B2 and 2, DIAMOND WILLOW ESTATES, PART 11,
2 according to the official plat thereof filed as Plat No. 2012-93 in the records
of the Kenai Recording District;

3 Lots 6,7, 8 and Tract A, DIAMOND WILLOW ESTATES, SUNVILLE
4 ACRES ADDITION, according to the official plat thereof filed as Plat No.
2015-69 in the records of the Kenai Recording District (“Sunville No. 1”); and

5 Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A and 5B, DIAMOND
6 WILLOW ESTATES, SUNVILLE ACRES ADDITION NO. 2, according to
the official plat thereof filed as Plat No. 2019-14 in the records of the Kenai
Recording District (“Sunville No. 2”).

7 4. In 2018, Consolidated sought approval for a replat of a portion of Diamond Willow
8 Estates, Sunville Acres Addition, Plat No. 2015-69.

9 5. DWHA opposed the replat based in part upon a prohibition contained in the
10 *Restrictions* and in part upon its rights as a common interest community association.

11 6. The replat was granted by the Kenai Peninsula Borough Planning Commission and
12 approved by its hearing officer over opposition of the DWHA.

13 7. DWHA appealed this decision to the Alaska Superior Court in the appeal captioned
14 *Diamond Willow Homeowners Association, Inc. v. Consolidated Development &*
15 *Management, LLC*, Case No. 3KN-19-319 CI (“replat appeal”), which appeal is briefed and
16 awaiting decision.

17 8. The reference in the *Restrictions* to lots that may be used for non-residential
18 purposes is to lots that do not exist in a recorded plat, except as to Tract A, DIAMOND
19 WILLOW ESTATES, PART 6, according to the official plat thereof filed as Plat No. 81-49
20 in the Kenai Recording District. The *Restrictions* are therefore ambiguous as to the
21 description of the real property that may be used for commercial purposes, except for Tract
22 A, DIAMOND WILLOW ESTATES, PART 6. The only documentary evidence reflecting
23 the intent of the developer as to the lots reserved for commercial use was an unrecorded,
24 draft plat map filed with the Kenai Peninsula Borough Planning Department in 1975
25 depicting HEA easements, which draft plat indicated that the lots that were reserved for non-
26 residential purposes in the *Restrictions* included those bordering Ciechanski Road between
27 Virginia and Gary Avenues, within what is now known as Tract A, DIAMOND WILLOW

1 ESTATES, SUNVILLE ACRES ADDITION, Plat No. 2015-69 (“Gibb’s development
2 plan”).

3 9. DWHA also instituted the present litigation against Consolidated seeking
4 declaratory and other relief, including enforcement of the prohibition in the *Restrictions*
5 against other than single family residential use, which case is captioned *Diamond Willow*
6 *Homeowners Association, Inc. v. Consolidated Development & Management, LLC*, 3KN-19-
7 335 CI (“DWHA litigation”). Consolidated counterclaimed challenging DWHA’s status as
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9 property within Sunville Nos. 1 and 2.

10 STIPULATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

11 In resolution of the plat appeal and the present litigation, the parties further stipulate
12 and agree to findings of fact and conclusions of law, as follows:

13 10. The *Restrictions*, as recorded on August 7, 1975, are applicable to the real
14 property owned by Consolidated within Diamond Willow Estates, including that described
15 in Section 3 above.

16 11. As applied to the real property presently contained in Sunville Nos. 1 and 2, the
17 *Restrictions* will not be further amended without the consent of a majority of the lot owners
18 of Sunville Nos. 1 and 2 (and a majority of the lot owners as described in paragraph 14) for
19 a period of 10 years from the date of entry of this judgment.

20 12. A subdivision and/or development of Tract A, DIAMOND WILLOW ESTATES,
21 SUNVILLE ACRES ADDITION, Plat No. 2015-69, as follows, is compliant with the terms
22 of the *Restrictions* and Gibb’s development plan;

23 a. A parcel 220 feet wide fronting Ciechanski Road for its entire length
24 between Virginia and Gary Avenue (or an equivalent sized rectangle parcel located at the
25 corner of Ciechanski Road and Virginia Avenue with frontage on Ciechanski of equal or
26 greater length to that on Virginia), which parcel may be used for commercial purposes, as
27

28 JUDGMENT AND STIPULATION - PAGE 3

1 defined by the KPB zoning regulations for the C-3 designation that allows for mixed, non-
2 industrial uses, and which parcel can be comprised of one or more lots; and

3 b. The balance of Tract A may be subdivided for single family dwellings as
4 defined by the R-1 zoning regulations for the Kenai Peninsula Borough.

5 These parcels may be replatted by Consolidated or its successors without consent of
6 other lot owners for a period of 10 years from the date of this judgment, provided that the
7 redrawn lots comply with the requirements of the above sections (a) and (b). Rezoning will
8 be allowed to the extent required to effectuate the above development, including the adoption
9 of an LOZ or amendment to the current one such as will allow the use of the commercial
10 property for that purpose. DWHA will support and consent to such a rezoning or amendment
11 to the LOZ.

12 13. Consolidated's property is not within or a part of DWHA or its jurisdiction, and
13 Consolidated does not have any membership therein unless incorporated pursuant to Section
14 15.

15 14. DWHA is a common interest community association applicable to the portion of
16 the subdivision that does not include (1) Consolidated's property, referenced in paragraph
17 3 above, or (2) that portion of Diamond Willow Estates subdivision included within the
18 original Tract A, DIAMOND WILLOW ESTATES, PART 6, according to the official plat
19 thereof files as Plat No. 81-49. DWHA includes the following property:

20 Lots 4, 5, 6, 7, 8, 9, 10, 18, 19, 20, 21 and 22, Block 1, Diamond Willow
21 Estates Subdivision - Part One, according to Plat 75-68;
22 Lot 11, Block 1, Diamond Willow Estates Subdivision - Part Two, according
23 to Plat 76-38;
24 Lots 12, 13, 14, and 15, Block 1, Diamond Willow Estates Subdivision - Part
25 Four, according to Plat 77-4;
26 Lots 26, 27, 28, and 29, Block 1, Diamond Willow Estates Subdivision - Part
27 5, according to Plat 81-100;
28 Lots 30-A, 31-A, and 32-A, Block 1, Diamond Willow Estates Subdivision
Part 7, according to Plat 82-62;
Lots 33, 34, 35, 36, 37, 38, and 39, Diamond Willow Estates Subdivision Part
- 9, according to Plat 2005-5;
Lot 3, Diamond Willow Estates Subdivision Part - 8 amended, according to
Plat 2006-104;

1 Lots B2-2, B2-3, B2-4, and B2-5, Diamond Willow Estates Part 12, according
2 to Plat 2014-38; and
3 that portion of the Northeast ¼ Northwest ¼, Section 24, Township 5 North,
4 Range 11 West, Seward Meridian, lying north of the northerly most boundary
5 of Lot 15, Block 1, Diamond Willow Estates Subdivision, Part Four, Plat
6 77-44 and east of the easterly most boundary of Lot 18, Block 1, Diamond
7 Willow Estates Subdivision, Part One, Plat 75-68; all located in the Kenai
8 Recording District, Third Judicial District, State of Alaska.

9 This stipulation and the judgment entered hereon is binding upon the DWHA and its
10 members.

11 15. The residential lot owners within Sunville Acres Nos. 1 and 2, including those
12 residential lots created from Tract A, Sunville No. 1, may incorporate their respective lot into
13 the DWHA by recording such a declaration in the records of the Kenai Recording District.

14 16. Any remaining claims of the parties in the present litigation are dismissed without
15 prejudice except as provided herein.

16 17. The appeal of the KPB planning board decision in the replat appeal shall be
17 withdrawn and dismissed.

18 18. The parties shall bear their own costs and attorney fees in both the replat appeal
19 and the present litigation. Consolidated agrees that the appeal bond shall be returned to
20 Appellant DWHA.

21 19. This settlement will be effective upon approval of the Court.

22 DATED 5 May 2020


23 ALASKA LAW OFFICE
24 Attorney for Plaintiff

25 By: 

26 Clayton Walker, Esq.
27 Alaska Bar No. 0001002

1 DATED 5/5/2020

LAW OFFICES OF ROBERT K. REIMAN
Attorney for Defendant

4 By: 
Robert K. Reiman
Alaska Bar No. 8310145

7 JUDGMENT

8 Now therefore, THIS COURT upon stipulation of the parties and having been fully
9 advised in the premises, hereby enters judgment as follows:


10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the foregoing
11 stipulated findings of fact and conclusions of law are adopted as the final judgment of this
12 Court.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any remaining
14 issues pending herein are dismissed without prejudice, each party to bear their own costs and
15 attorney fees.

16 DATED this 12th day of May, 2020, in Kenai, Alaska.

18 
19 JUDGE OF THE SUPERIOR COURT

20 Jennifer K. Wells

22 I certify that a copy of the forgoing was
23 mailed to
24 placed in court box to
25 faxed to
26 scanned to Walker, Reiman - (1cc)
 1 5-13-20
Judicial Assistant (1cc) Date