

# KENAI PENINSULA BOROUGH

## Kenai Peninsula Borough Assembly

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Blaine Gilman, Assembly President  
Brent Johnson, Vice President

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### MEMORANDUM

**TO:** Blaine Gilman, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Brent Johnson, Assembly Member *(B) for B.A.*

**DATE:** December 22, 2015

**RE:** Ordinance 2016-03, An Ordinance Amending KPB Chapters 21.44 and 21.46 Regarding Local Option Zoning, and Repealing KPB 21.50.050 Relating to Fines and Reenacting as KPB 21.50.055 (Johnson/Mayor)

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Deficiencies in the existing Local Option Zoning code were exposed during a November, 2014 public hearing on a proposed LOZ in the Diamond Willow-Fairfield subdivision off Ciechanski Road. Petitioners appeared to be attempting to prevent a large hayfield from becoming a gravel pit. Under existing code the owner of the hayfield could not build a barn, which happened to be the very thing the owner said she needed to do.

The petitioners of the aforementioned LOZ also apparently wanted to prevent a gravel pit operator from developing adjacent lots that he owned, as gravel pits. This also happened to be exactly what he planned to do. Some assembly members felt like the LOZ program had been set up for closely connected lot owners to use as a shield to prevent unwanted land uses from moving into their neighborhood. These assembly members expressed regret that the LOZ was perhaps being used more as a sword to prevent otherwise allowed and intended land uses on large lots.

It was also apparent that the existing process was difficult and frustrating for LOZ applicants. The Planning Commission suggested they apply for Local Option Zoning as a method to address their concerns. After following the procedure and dedicating months to the effort, they became aware that the assembly might reject their application. Such an outcome hardly seemed fair to the applicants. The fact that only a handful of LOZs have been approved for existing lots speaks to the difficulty of the process. A few more LOZs have been approved during the subdivision of

a large tract, but the program should be usable for existing subdivisions as like-minded people look to ways to protect their homes from unwanted uses in close proximity.

Among the parts of the code which were a hurdle for applicants was a difficult mathematical formula for addressing large lots brought into a LOZ. That is simplified through these amendments. The amendments to the LOZ code addressed in this ordinance are an attempt to streamline the process for applicants, clarify uses, simplify enforcement, and add protection for large lot owners. The amendments represent the work of the Planning Department and the Legal Department. They have been thorough, which has taken longer than originally anticipated.

Your careful consideration is appreciated. We look forward to hearing your thoughts on this important legislation.