

Introduced by:	Mayor
Date:	01/05/16
Hearing:	02/02/16
Action:	Enacted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-01**

**AN ORDINANCE APPROVING CORREIA
SINGLE-FAMILY RESIDENTIAL R-1 LOCAL OPTION ZONING DISTRICT,
AND AMENDING KPB 21.46.040**

- WHEREAS,** KPB 21.44.030(A) provides that the record owners of at least three-fourths of the parcels within a described area of the rural district may petition the assembly for a greater restriction on land uses and development standards than otherwise provided; and
- WHEREAS,** a petition has been submitted by property owners of nine parcels for the formation of an R-1, Single-Family Residential local option zoning district (LOZ), which is three-fourths of the 12 parcels within the described area; and
- WHEREAS,** KPB 21.44.040(A) requires that two-thirds of the parcels within the proposed district must be of the average size prevailing within the proposed district; and
- WHEREAS,** KPB 21.44.230 states that average size means the mathematical mean of the lot sizes within the proposed local option zoning district and that for a lot to qualify as average size, it must be within 50 percent, plus or minus, of the mathematical mean of all lots within the proposed local option zoning district; and
- WHEREAS,** the mean size of the parcels within the proposed local option zoning district is 2.98 acres; and
- WHEREAS,** 11 of the 12 parcels within the proposed district are within 50 percent of the mathematical mean of all lots within the proposed local option zoning district; and
- WHEREAS,** Goal 6.5, Objective 1, of the 2005 KPB Comprehensive Plan is “to ensure that land use regulations adopted by the Borough are necessary to control public and private land uses that affect public health and safety, address adverse impacts on the rights of adjacent property owners, or further the goals and objectives of the Comprehensive Plan”; and
- WHEREAS,** Chapter 6, page 33 of the 2005 KPB Comprehensive Plan notes that residents appear to support local option zoning and recommend broader use of it as a way to address land use conflicts; and

WHEREAS, pursuant to KPB 21.44.050 public notice of the proposed LOZ was distributed to all property owners within the proposed district and within 300 feet of its boundaries at least seven days prior to the hearing; and

WHEREAS, the Kenai Peninsula Borough Planning Commission held a public hearing on January 25, 2016 and recommended approval by unanimous consent;

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

SECTION 1. That the Assembly finds the adoption of the Correia local option zoning district to be consistent with surrounding land uses and the KPB Comprehensive Plan.

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

21.46.040. Single-Family Residential (R-1) Districts.

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

1. Ten Mar Ranch, described as a subdivision of the S ½ NE ¼, S ½ NW ¼, N ½ SW ¼, and W ½ SE ¼ including Gov't. Lots 3 and 6, Mary Miller Subdivision (Plat No. 97-90 KRD) excluding Hollingsworth Subdivision. Located within Section 18, T5N, R9W, S.M., Kenai Recording District, Kenai Peninsula Borough Alaska. Containing 311.893 acres.
2. Grande View Heights One, described as Grande View Heights Subdivision Phase 1, Plat 2004-68, Kenai Recording District, Kenai Peninsula Borough, Alaska, containing 56.912 acres.
 - a. The local option zoning applies to any further replats of Grande View Heights Phase 1 Subdivision.
3. Funny River Grove, described as Funny River Grove Subdivision, KPB File No. 2007-294, located within the SW ¼ of Section 24, T5N, R9W, Seward Meridian, Kenai Recording District, State of Alaska, containing 52.622 acres.
 - a. The local option zoning applies to any further replats of Funny River Grove Subdivision.
4. Widgeon Woods, described as Widgeon Woods Phase Two Subdivision, located within the SE1/4 of Section 13 T5N, R11W S.M., Kenai

Recording District, Kenai Peninsula Borough, Alaska, KPB File No. 2008-254, excluding lot 14 Block 4, and Tract B.

a. The local option zoning applies to any further replats of Widgeon Woods Subdivision, except lot 14 Block 4, and Tract B.

5. Diamond Willow - Fairfield, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, Fairfield Estates Subdivision, according to Plat 2000-36;

Lots 3 and 6, J and P Subdivision Aurora Addition, according to Plat 2001-21;

Lots 4, 5, 6, 7, 8, 9, 10, 18, 19, 20, and 21, Block 1, Diamond Willow Estates Subdivision - Part One, according to Plat 75-68; not 22;

Lot 11, Block 1, Diamond Willow Estates Subdivision - Part Two, according to Plat 76-38;

Lots 12, 13, 14, and 15, Block 1, Diamond Willow Estates Subdivision - Part Four, according to Plat 77-4;

Lots 26, 27, 28, and 29, Block 1, Diamond Willow Estates Subdivision - Part 5, according to Plat 81-100;

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;

Lot 2, Diamond Willow Estates Subdivision Part - 10, according to Plat 2008-135;

Lot B2, Diamond Willow Estates Subdivision Part 11, according to Plat 2012-93;

Lots B2-2, B2-3, B2-4, and B2-5, Diamond Willow Estates Part 12, according to Plat 2014-38;

that portion of the Northeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, Section 24, Township 5 North, Range 11 West, Seward Meridian, lying north of the northerly most boundary of Lot 15, Block 1, Diamond Willow Estates Subdivision, Part Four, Plat 77-44 and east of the easterly most boundary of Lot 18, Block 1, Diamond Willow Estates Subdivision, Part One, Plat 75-68; and

that portion of the Northwest $\frac{1}{4}$, Section 24, Township 5 North, Range 11 West, Seward Meridian, described as the "45.97 acre Unsubdivided

Remainder" on Diamond Willow Estates Subdivision Part - 10, according to Plat 2008-135;

all located in the Kenai Recording District, Third Judicial District, State of Alaska.

a. The local option zoning applies to any further replats within the Diamond Willow - Fairfield LOZ.

6. Diamond Willow - Ravenwood, described as follows:

Tract A, Ravenwood Subdivision Addition No. Two, according to Plat 77-41;

Lots 1, 2, 3, and 4, Block 4 and Lots 1, 2, 3, 4, 5, 6, and 7, Block 5, Ravenwood Subdivision Addition No. 2, according to Plat 81-47;

Lots 1, 1A, 2, 3, and 4, Block 6 and Lots 8, 9, 10, and 11, Block Five, Ravenwood Subdivision No. 4, according to Plat 84-234;

Lot A2, Diamond Willow Estates Subdivision Part 11, according to Plat 2012-93; all located in the Kenai Recording District, Third Judicial District, State of Alaska.

a. The local option zoning applies to any further replats within the Diamond Willow - Ravenwood LOZ.

7. Correia, described as follows:

Lots 1, 2, 3, 4, and 5, Block 1, and Lots 1, 2, 3, 4, 5 and 6, Block 2, Correia Subdivision Addition One, according to Plat 80-15, Kenai Recording District, Alaska;

NW ¼ NW ¼ SW ¼, Section 14, Township 3 North, Range 12 West, Seward Meridian, Alaska.

a. The local option zoning applies to any further replats within the Correia LOZ.

SECTION 3. That this LOZ shall be recorded in the proper recording district.

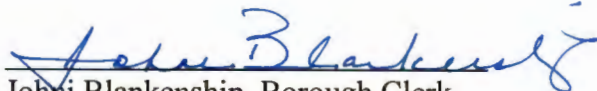
SECTION 4. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF FEBRUARY, 2016.



Blaine Gilman, Assembly President

ATTEST:


John Blankenship, Borough Clerk

Yes: Bagley, Cooper, Dunne, Holmdahl, Johnson, Knopp, Ogle, Welles, Gilman
No: None
Absent: None

