

Introduced by:	Mayor
Date:	10/28/14
Hearing:	11/25/14
Action:	Postponed as Amended Until 03/17/15
Date:	03/17/15
Action:	Enacted as Amended
Vote:	7 Yes, 2 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2014-35**

**AN ORDINANCE APPROVING DIAMOND WILLOW - FAIRFIELD
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 55 parcels for the formation of an R-1, Single-Family Residential local option zoning district (LOZ), which is more than three-fourths of the 72 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 1.80 acres; and
- WHEREAS,** 71 of the 72 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, the 2005 KPB Comprehensive Plan notes that residents support local option zoning and recommend broader use of it as a way to address land use conflicts; and

WHEREAS, public notice of the proposed LOZ was distributed to all property owners within 300 feet of the boundaries of the proposed district, pursuant to KPB 21.44.050; and

WHEREAS, the Kenai Peninsula Borough Planning Commission held a public hearing on November 10, 2014 and recommended approval of the Diamond Willow – Fairfield Single Family Residential (R-1) Local Option Zoning District with the removal of Lots C, D, and E from the LOZ by majority consent;

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

SECTION 1. That the Assembly finds the adoption of the Diamond Willow - Fairfield LOZ 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 ¼ Northwest ¼, 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 ¼, 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.

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

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

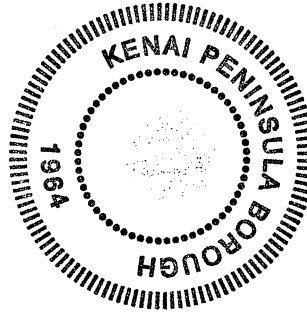
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF MARCH, 2015.

Dale L Bagley

Dale Bagley, Assembly President

ATTEST:

John Blankenship
John Blankenship, MMC, Borough Clerk



Vote on motion to postpone until March 17, 2015:

Yes: Cooper, Gilman, Johnson, McClure, Ogle, Welles, Bagley

No: Haggerty

Absent: Wolf

Vote on motion to enact as amended:

Yes: Cooper, Haggerty, Gilman, Johnson, McClure, Ogle, Wolf

No: Welles, Bagley

Absent: None