

## **E. NEW BUSINESS**

- 7. Ordinance 2022-30: Approving Stephenie Alaska Sub Block 8 Residential Waterfront (R-W) Local Option Zoning District and amending KPB 21.46.110**

**Application to Form  
Local Option Zoning District Stephenie Alaska Sub Block 8 (R-W)  
STAFF REPORT**

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**KPB File No.** Ordinance 2022-30  
**PC Meeting:** July 18, 2022  
**Applicant:** Aaron Hughes, Kenai Peninsula Borough, Land Management

**Owner:** Kenai Peninsula Borough  
144 Binkley St  
Soldotna, AK 99669

**Legal Description:** T 5N R 8W SEC 26 SEWARD MERIDIAN KN 0790083 STEPHENIE ALASKA  
SUB LOT 1-12 BLK 8

**Location:** Near the Intersection of Kenai Keys Rd and Slough Ave, Sterling Ak 99672

**Parcel ID:** 065109060 - 065109071

**BACKGROUND INFORMATION:**

The Kenai Peninsula Borough, who is the sole applicant and has management authority over the subject parcels, has submitted a Local Option Zoning District (LOZD) (R-W) application. The proposed LOZD encompasses 12 lots with at least 30 percent of those being waterfront as required by KPB 21.44.040.

On May 25, 2022, a community meeting was held, as required by KPB 21.44.040(C), at the Donald E. Gilman River Center. The notice was sent to property owners within the proposed LOZD or within the 300-foot notification area.

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

**PUBLIC NOTICE:**

Public notice of the hearing was mailed on June 28, 2022 to the owners of the 11 parcels within the boundaries of the LOZD and the 13 parcels within 300 feet of the proposed LOZD. A public hearing was held on the July 18, 2022, meeting of the Kenai Peninsula Borough Planning Commission and public notice of the application was published in the July 7<sup>th</sup> and 14<sup>th</sup>, 2022 issues of the Peninsula Clarion.

**ATTACHMENTS**

Application  
Proposed Boundaries  
Aerial Map  
Ownership Map  
LiDAR Map

**STAFF RECOMMENDATION**

Staff recommends that the planning commission forward this application to the assembly with the recommendation to approve the creation of the Residential Waterfront District as described in the legal description above.

**END OF STAFF REPORT**



# LOCAL OPTION ZONING DISTRICT APPLICATION

(KPB 21.44.030A)

Kenai Peninsula Borough  
Planning Department  
144 N. Binkley St.  
Soldotna, AK 99669  
907-714-2205  
1-800-478-4441 ext 2206  
(Toll Free within Borough)

**Formation Requirements:** An LOZD formed under KPB 21.44.030(A) requires an application signed by the record owners of at least six lots within the proposed LOZD. The applicants shall be owners of parcels proposed for regulation. The formation of the LOZD may include portions of subdivisions.

Please fill in the following information.

| PRIMARY CONTACT     |                                   | SECONDARY CONTACT   |  |
|---------------------|-----------------------------------|---------------------|--|
| Name                | Aaron Hughes, KPB Land Management | Name                | Marcus Mueller (Land Management Officer) |
| Mailing Address     | 144 North Binkley Street          | Mailing Address     |  |
|                     | Soldotna, AK 99669                |                     |  |
| Contact Phone (Day) | 907-714-2200 (Mobile)             | Contact Phone (Day) | (Mobile)                                 |
| Email               | aaronhughes@kpb.us                | Email               | mmeuller@kpb.us                          |

| PROPERTY INFORMATION  |   |          |                        |
|---|---|----------|------------------------|
| KPB Parcel ID # (000-000-00)  | 06519060-06519071                                 | TOWNSHIP | 5N RANGE 8W SECTION 26 |
| SUBDIVISION   | Stephenkie Alaska Sub Block 8                     | LOT      | BLOCK ACREAGE          |
| If the permit is not being requested for the entire parcel, describe the specific location within the parcel to be permitted. e.g. N1/2 SW1/4 NE1/4 |   |          |                        |
| All of Block 8 of Said Subdivision  |   |          |                        |
| KPB Parcel ID # (000-000-00)  | Acreage   |          |                        |
| Physical Address  | NHN Kenai Keys Road                               |          |                        |
| Legal Description   | Lots 1-12, Block 8, Stephenkie Alaska Subdivision |          |                        |

| LOCAL OPTION ZONING DISTRICT  |  |   |
|---|--|---|
| <input type="checkbox"/> R-1 Single-Family Residential District         | <input type="checkbox"/> R-2 Small Lot Residential District    | <input type="checkbox"/> R-R Rural Residential District |
| <input checked="" type="checkbox"/> R-W Residential Waterfront District | <input type="checkbox"/> R-M Multi-Family Residential District | <input type="checkbox"/> C-3 Mixed Use District         |

| STRUCTURE TYPE   |  |
|--|--|
| <input checked="" type="checkbox"/> Single-Family Dwelling | <input type="checkbox"/> Garage <input type="checkbox"/> Storage Shed <input checked="" type="checkbox"/> Other With Amendments to established R-W LOZ |

I hereby certify that I am (or I have been authorized to act for) the owner of the property described above and that the construction will be completed as shown on the attached site plan.

|                   |               |
|-------------------|---------------|
| Date<br>4/14/2022 | Signature<br> |
|-------------------|---------------|

Introduced by: Mayor  
Date: 07/05/22  
Hearing: 08/09/22  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-**

**AN ORDINANCE APPROVING STEPHENKIE ALASKA SUB BLOCK 8  
RESIDENTIAL WATERFRONT (R-W) LOCAL OPTION ZONING DISTRICT AND  
AMENDING KPB 21.46.110**

- WHEREAS,** an application was submitted to the Kenai Peninsula Borough (Borough) Planning Department signed by the Borough's Land Management Division of all lots within the proposed local option zoning district ("LOZD"); and
- WHEREAS,** pursuant to KPB 21.44.040(A), a minimum 12 lots are included in the proposed LOZD. and contain at least 30 percent waterfront lots as required in a Residential Waterfront district; and
- WHEREAS,** the Borough currently has management authority over the subject parcel and the fee patent conveyance from the State of Alaska is imminent; and
- WHEREAS,** the Planning Department held a community meeting at the Donald E. Gilman River Center on May 25, 2022, regarding this proposed LOZD as required by KPB 21.44.040(C); and
- WHEREAS,** Goal 2, Focus Area: Land Use, Objective A of the Kenai Peninsula Borough's 2019 Comprehensive Plan is to establish policies which 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 LOZD at its regularly-scheduled meeting of July 18, 2022, and recommended \_\_\_\_\_;

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

**SECTION 1.** That the assembly finds the adoption of Stephenkie Alaska Sub Block 8 LOZD to be consistent with surrounding land uses and the 2019 Kenai Peninsula Borough Comprehensive Plan.

**SECTION 2.** That KPB 21.46.110 is hereby amended as follows:

**21.46.110. Residential Waterfront Lot Residential (R-W) Districts.**

A. The following Residential Waterfront (R-W) districts and official maps are hereby adopted:

...

2. Stephenkie Alaska Sub Block 8 is described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Block 8, Stephenkie Alaska Subdivision, according to Plat KN 79-83

a. Setbacks for permanent structures shall be 50-feet from the top of the bluff.

b. The local option zoning applies to any further replats within the Stephenkie Alaska Sub Block 8 LOZD.

**SECTION 4.** That Stephenkie Alaska Sub Block 8 LOZD will be recorded in the proper recording district.

**SECTION 5.** That this ordinance is effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS DAY OF \_\_\_\_\_, 2022.**

\_\_\_\_\_  
Brent Johnson, Assembly President

ATTEST:

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

# Kenai Peninsula Borough

## Planning Department

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### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Charlie Pierce, Mayor CP  
Robert Ruffner, Planning Director MMR  
Samantha Lopez, Planning & River Center Manager SL

**FROM:** Ryan Raidmae, Planner RR

**DATE:** June 23, 2022

**RE:** Ordinance 2022-\_\_\_, Approving Stephenie Alaska Sub Block 8 Residential Waterfront (R-W) Local Option Zoning District and Amending KPB 21.46.110 (Mayor)

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This ordinance approves the formation of a Residential Waterfront (R-W) Local Option Zoning District (LOZD) and, if approved, amend KPB 21.46.110 to include the Stephenie Alaska Sub Block 8 LOZD.

An application was submitted to the Kenai Peninsula Borough Planning Department signed by the Kenai Peninsula Borough (Borough). The Borough currently has management authority over the subject parcels and the fee patent conveyance from the State of Alaska is imminent. If patent is not received prior to public hearing on the ordinance, then a request will be made to postpone public hearing until patent is received from the State of Alaska. The proposed LOZD contains the necessary 12-lot minimum according to KPB 21.44.040. At least 30 percent of those are waterfront lots as required in an R-W district.

On May 25, 2022, the planning department held a neighborhood meeting at the Donald E. Gilman River Center.

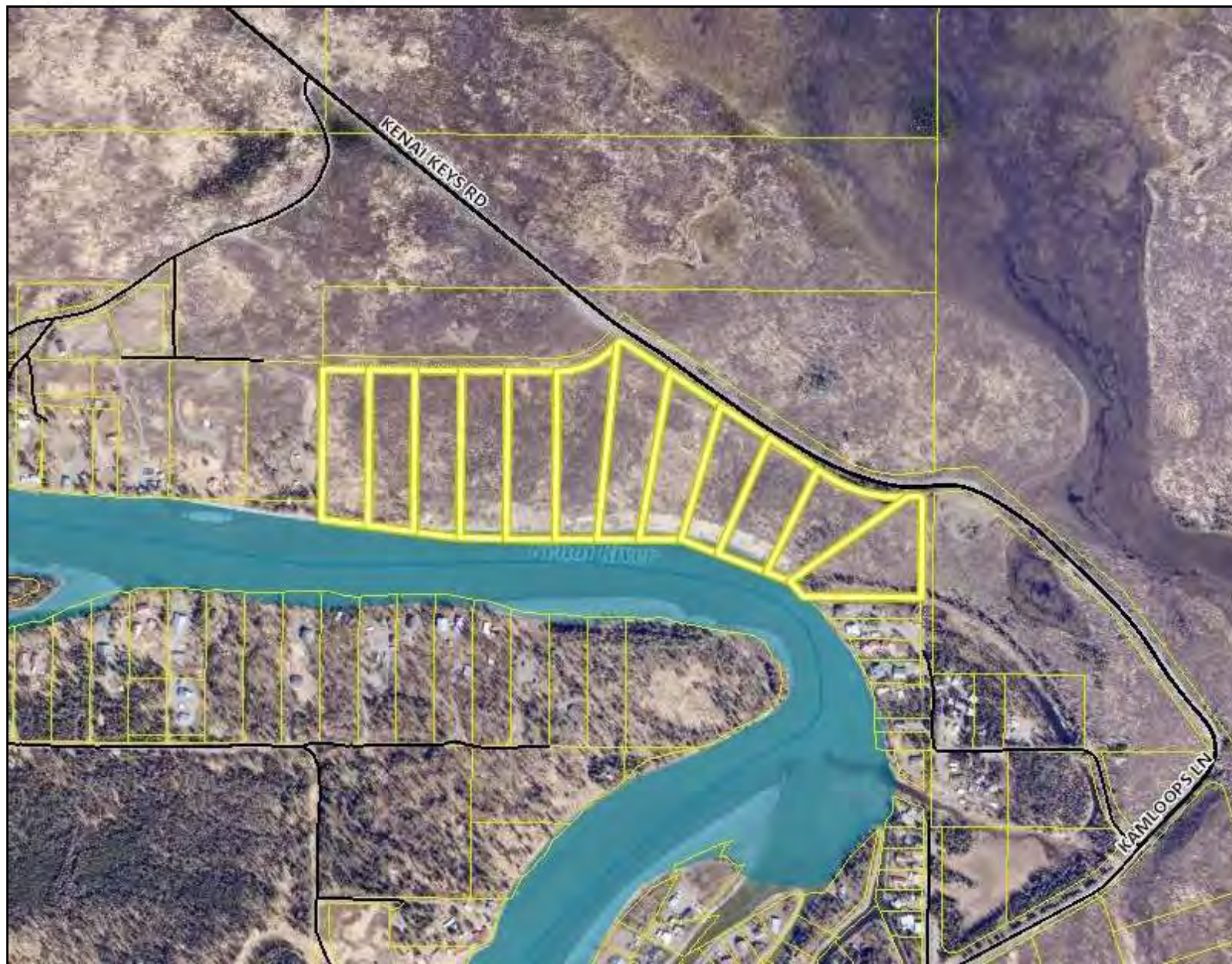
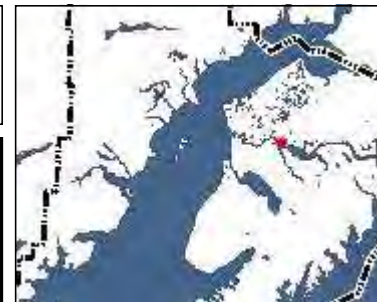
This proposal is consistent with the 2019 Kenai Peninsula Borough Comprehensive Plan which states, "Establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms".

KPB 21.44.060(A) states, "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.



Aerial View  
 Stephenkie Alaska Sub Block 8  
 065-109-060 Through 065-109-071



**Legend**

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads**
  - Town Medium Volume
  - Town Low/Seasonal; Other
  - Proposed
- Parcels



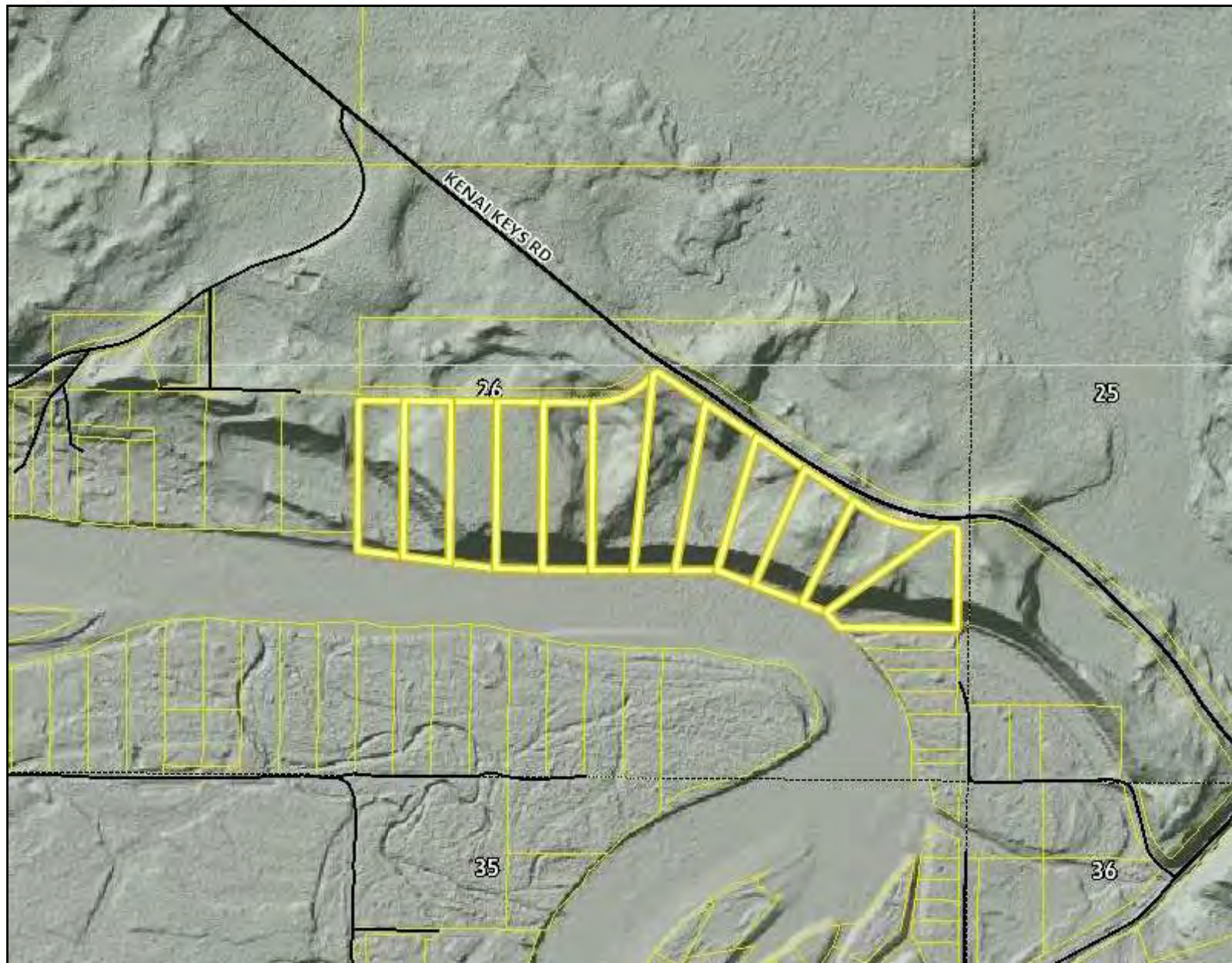
**Notes**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Do not use for navigation.

DATE PRINTED: 5/23/2022



LiDAR View  
Stephenkie Alaska Sub Block 8  
065-109-060 Through 065-109-071



Legend

- Major Roads
- [ ] Township Lines
- [ ] Section Lines
- [ ] Parcels
- Click for LiDAR info - Seward
  - High : 2600
  - Low : 0
- Click for LiDAR elevation info
  - High : 2600
  - Low : 0
- Hillshade
  - High : 254
  - Low : 0
- Hillshade Seward
  - High : 254
  - Low : 0
- HillshadeEast
  - High : 254
  - Low : 0



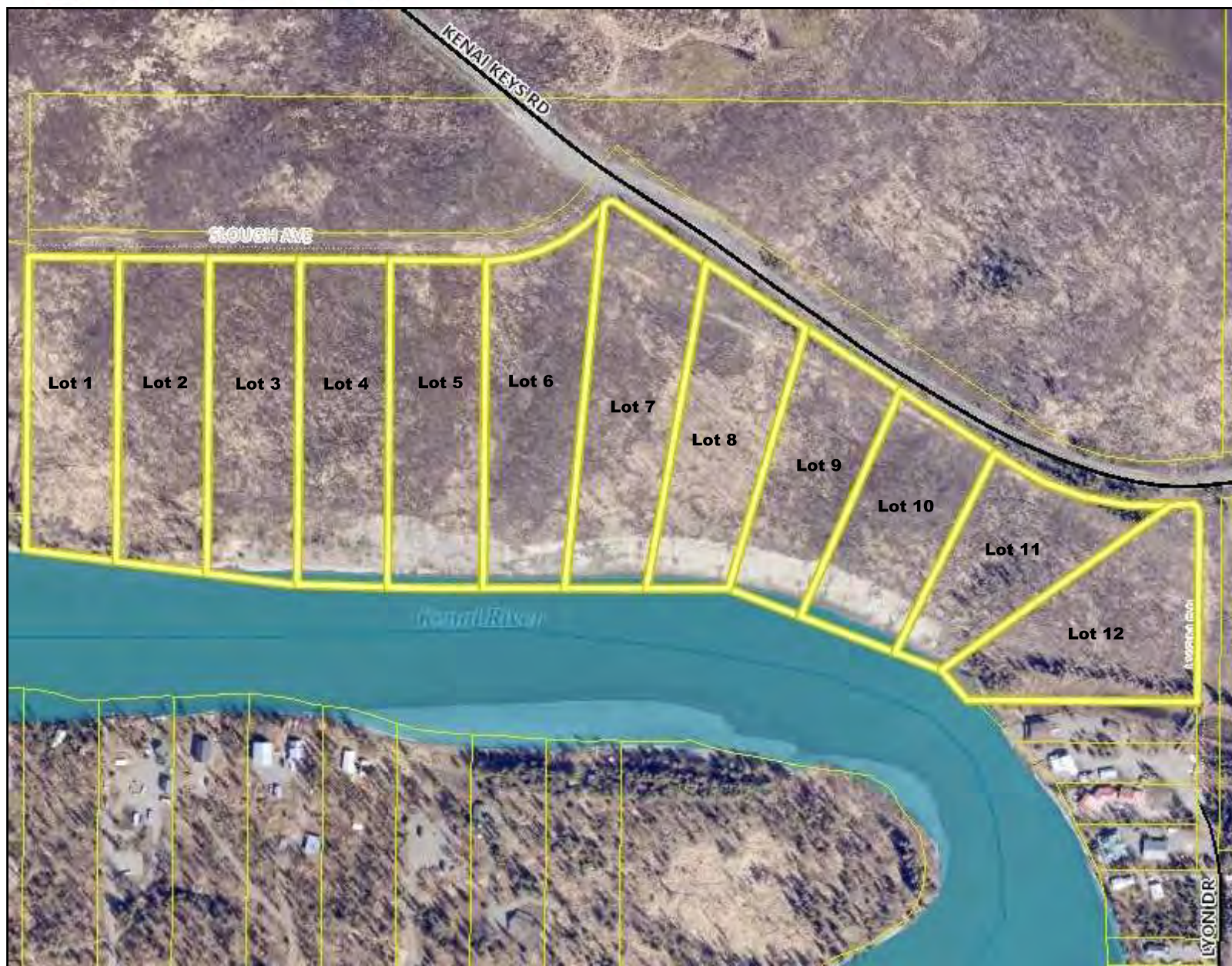
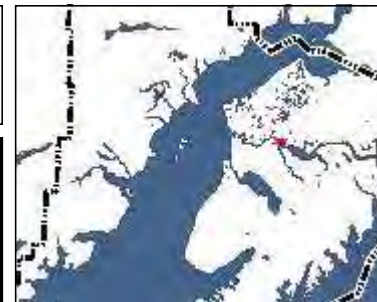
Notes

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DATE PRINTED: 5/23/2022



Proposed  
 Stephenkie Alaska Sub Block 8  
 R-W, Residential Waterfront Local Option Zoning District



**Legend**

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads**
  - Town Medium Volume
  - Town Low/Seasonal; Other
  - Proposed
- Parcels

**Notes**

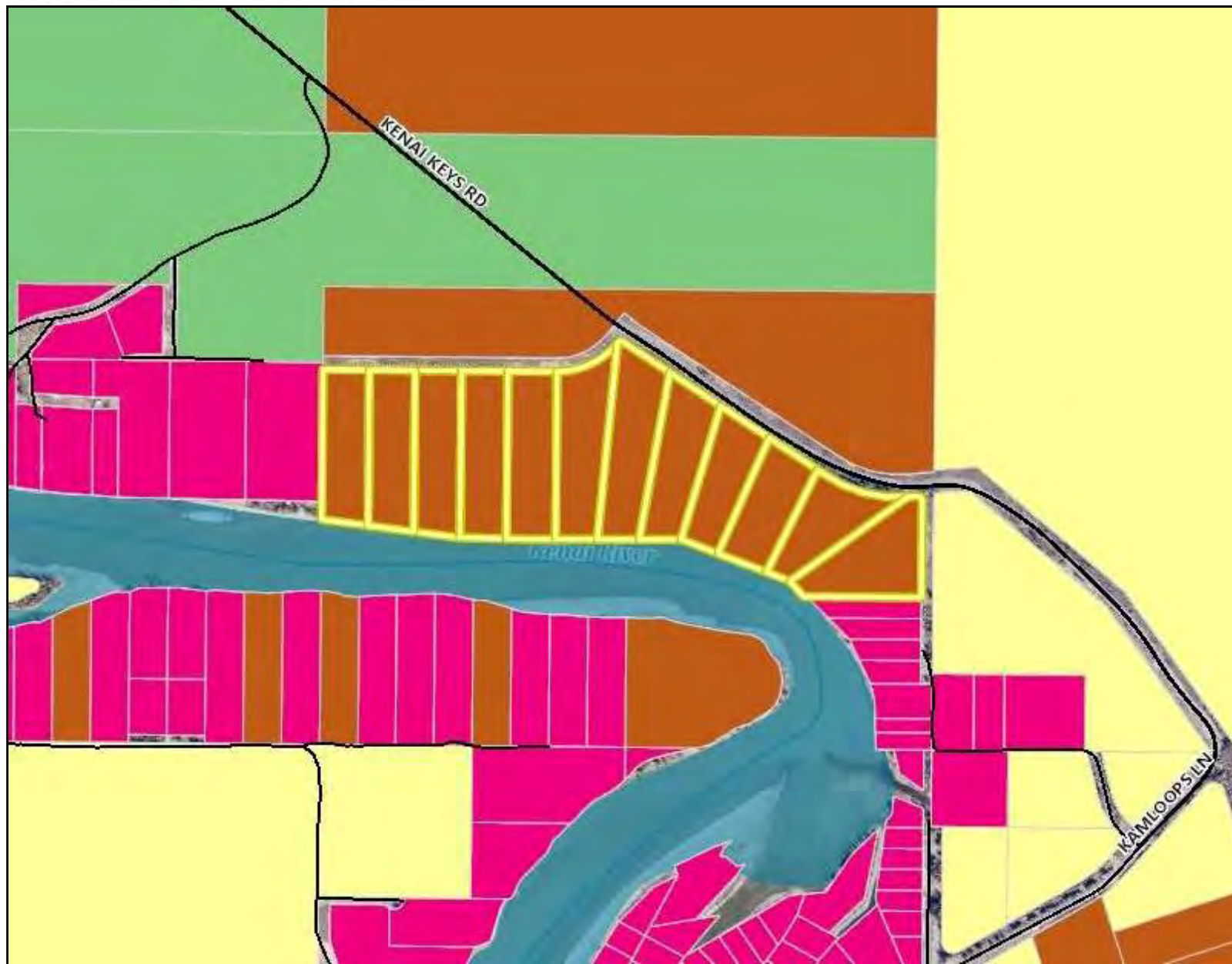
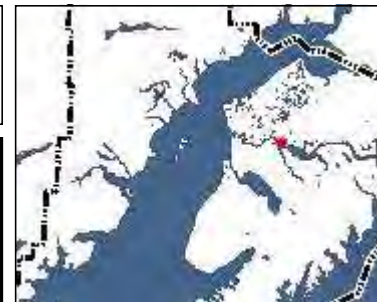
Enter map notes here.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Do not use for navigation.

DATE PRINTED: 5/3/2022



Ownership View  
 Stephenkie Alaska Sub Block 8  
 065-109-060 Through 065-109-071



**Legend**

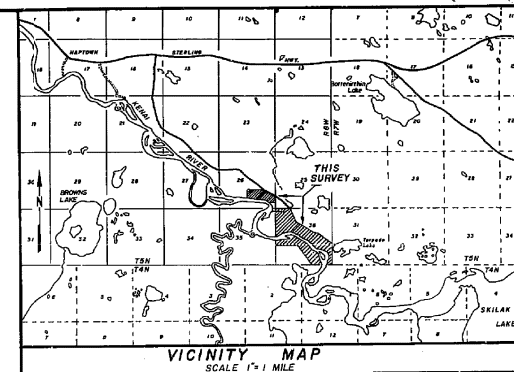
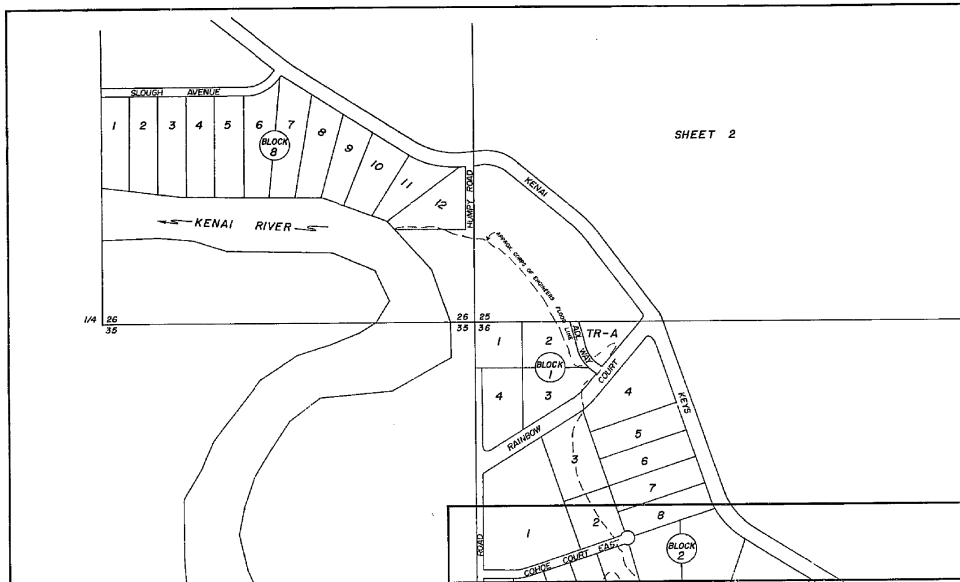
- Mileposts
- City Limits
- Highways
- Major Roads
- Roads**
  - Town Medium Volume
  - Town Low/Seasonal; Other
  - Proposed
- Ownership**
  - Borough
  - Federal
  - Municipal
  - Native
  - Native Allotment
  - Private
  - State



**Notes**

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DATE PRINTED: 5/23/2022



**SELECTION INFORMATION**  
 Sec. 26: Mental Health Selection-25  
 Tentative Approval dated 7/2/83  
 Patent No. 1232769 dated 5/1/83  
 Sec. 36: School Selection-13  
 State Grant dated 1/3/79

**SURVEYORS CERTIFICATE:**

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, and that this plat represents a survey made by me or under my direct supervision, and the monuments shown thereon actually exist as described, and that all dimensions and details are correct.

Date August 12, 1974  
 Registration No. 1074  
 Registered Land Surveyor

Date of plot preparation August 12, 1974



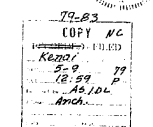
**OWNERSHIP CERTIFICATE:**

I, the undersigned, hereby certify that I am the Director, Alaska Division of Lands and that the State of Alaska is the owner of the Stephenkie Alaska Subdivision, Alaska State Land Survey No. 73-146 as shown hereon. I hereby approve this survey and plat for the State of Alaska.

Date 12/21/74  
 Acting Director, Alaska Division of Lands

**NOTARY'S ACKNOWLEDGMENT:**

Subscribed and sworn to before me this 31 day of December, 1974  
 My commission expires 3/29/75  
 Notary Public for Alaska



(This Project accomplished under 6.S.C. 74)

|   |  |
|---|--|
| DATE OF SURVEY<br>Beginning: May 6, 1974<br>Ending: July 15, 1974                       | NAME OF SURVEYOR<br>Stanley S. McLean<br>Sitka, Alaska |
| STATE OF ALASKA<br>DEPARTMENT OF NATURAL RESOURCES<br>DIVISION OF LANDS<br>NOME, ALASKA |  |
| ALASKA STATE LAND SURVEY NO. 73-146<br>SE1/4 SEC. 26, SEC. 36, T5N, R8W, S.M. AK.       |  |
| DRAWN BY S.M. Y.S.  | APPROVAL<br>RECOMMENDED: [Signature]                   |
| DATE APPROVED: 12/21/74   | APPROVED: [Signature]                                  |
| SCALE: 1" = 400'  | CHECKED: [Signature] FILE NO. 73-146                   |

**DEDICATION OF EASEMENTS, PUBLIC UTILITIES AND RIGHTS-OF-WAY**

I hereby dedicate for public or private use, as noted, all easements, public utility areas, and rights-of-way as shown and described hereon.

Date: 5/1/79  
 Director, Alaska Division of Lands

**PLAT APPROVAL**

This plat having been approved by the Kenai Peninsula Planning Commission as recorded in the official minutes of the meeting of [Signature] 2551, 1977, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law pertaining thereto.

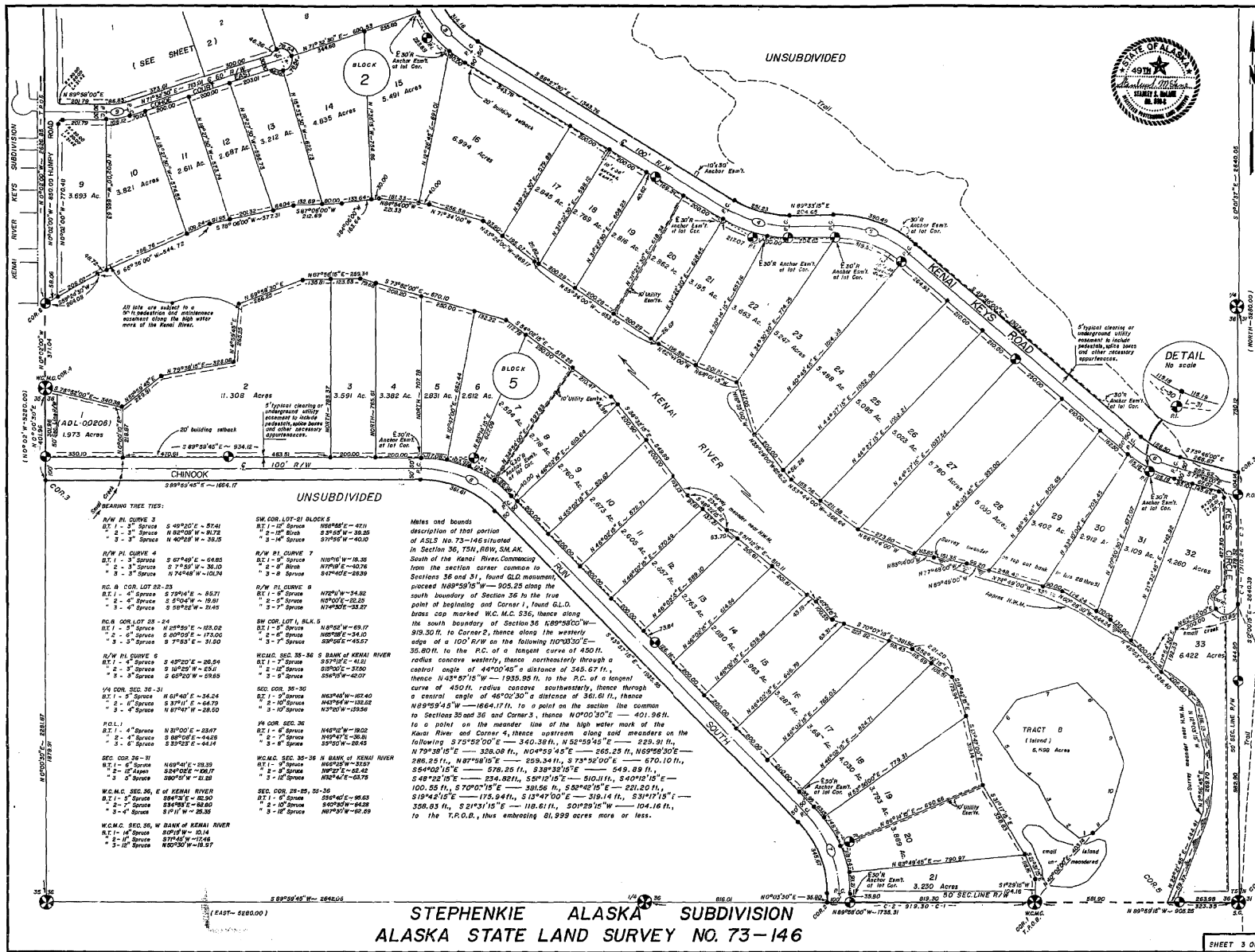
KENAI PENINSULA BOROUGH

By: [Signature]

STEPHENKIE ALASKA SUBDIVISION  
 ALASKA STATE LAND SURVEY NO. 73-146







| CURVE | Δ         | R      | L      | Cb     | T      |
|-------|-----------|--------|--------|--------|--------|
| (1)   | 40°00'00" | 500.00 | 349.07 | 342.08 | 181.99 |
| (2)   | 31°23'23" | 500.00 | 319.14 | 312.15 | 163.31 |
| (3)   | 40°40'45" | 500.00 | 354.99 | 347.58 | 183.38 |
| (4)   | 24°00'00" | 500.00 | 209.44 | 202.91 | 106.28 |
| (5)   | 44°00'00" | 500.00 | 344.08 | 337.71 | 202.28 |
| (6)   | 40°00'00" | 500.00 | 340.79 | 334.07 | 212.49 |
| (7)   | 18°27'30" | 500.00 | 96.65  | 96.25  | 48.75  |

Miles and bounds description of that portion of ASLS No. 73-146 situated in Section 36, T5N, R6W, S.M. AK, north of the Kenai River. Commencing from the section corner common to Sections 35, 36, 35, 36, T5N, R6W, S.M. AK, this being the true point of beginning and Corner 1, found G.L.O. monument, proceed S 89°59'30"E—134.298, along the section line common to Sections 35 and 36 to the intersection with the easterly edge of a 100' R/W and Corner 2, thence along said R/W on the following, southeasterly along a curve of 550 ft. radius concave to the southeasterly through a central angle of 4°53'34", distance of 43.310 ft., thence S 18°27'30"E—124.752 ft. to the P.C. of a tangent curve of 450 ft. radius concave northerly, thence southeasterly through a central angle of 40°00'00" a distance of 354.16 ft., thence S 69°27'30"E—134.767 ft. to the P.C. of a tangent curve of 450 ft. radius concave northerly, thence southeasterly through a central angle of 40°00'00" a distance of 350.43 ft., thence S 49°46'00"E—120.43 ft. to the P.C. of a tangent curve of 450 ft. radius concave northerly, thence through a central angle of 24°00'00" a distance of 188.50 ft., thence S 73°46'00"E—266.87 ft. to a point on the section line common to Sections 36 and 31 and Corner 3, thence S 50°15'3"—191.26 ft. to the section corner common to Sections 36 and 31 and Corner 4, found G.L.O. monument, thence along the south boundary of Section 36 N 69°59'30"W—323.351 ft. to a point on the meander line of the high water mark of the Kenai River, thence downstream along the meanders of the HWM on the following N 22°21'45"E—164.41 ft., N 62°15'15"E—701 ft., N 12°03'15"W—216.13 ft., N 45°53'27"W—536.40 ft., N 62°28'30"W—244.24 ft., N 74°49'00"W—338.42 ft., N 69°49'00"W—93.20 ft., N 77°49'00"W—151.35 ft., N 83°44'00"W—65.85 ft., N 68°44'00"W—273.00 ft., N 53°44'00"W—166.64 ft., N 39°59'00"W—256.56 ft., N 16°36'00"W—247.05 ft., N 69°01'15"W—201.21 ft., N 68°49'00"W—186.59 ft., N 59°34'00"W—653.30 ft., N 53°44'00"W—289.17 ft., N 77°13'00"W—256.59 ft., N 69°49'00"W—221.31 ft., N 69°00'00"W—163.64 ft., S 87°06'00"W—212.69 ft., S 70°06'00"W—377.31 ft., S 60°36'00"W—544.72 ft., S 59°24'30"W—264.08 ft., to a point on the section line common to Sections 35 and 36 and Corner 6, N 07°00'00"W—262.65 ft., to the T.R.O.D. thus embracing 178.458 acres more or less.

| Meadows of Tract B (Acre) |        |
|---------------------------|--------|
| 1. S 72°45'43"W           | 62.03  |
| 2. N 61°33'30"W           | 132.64 |
| 3. N 20°48'30"W           | 166.77 |
| 4. N 49°03'30"W           | 119.13 |
| 5. N 35°03'30"W           | 188.04 |
| 6. N 37°42'00"W           | 178.60 |
| 7. N 07°18'15"E           | 281.23 |
| 8. N 43°17'30"E           | 185.49 |
| 9. S 19°17'30"E           | 241.92 |
| 10. S 15°18'15"E          | 282.25 |
| 11. S 49°01'00"W          | 65.11  |

|  |                                       |
|--|---------------------------------------|
| DATE OF SURVEY<br>May 6, 1974  | NAME OF SURVEYOR<br>Stanley S. McLean |
| STATE OF ALASKA<br>DEPARTMENT OF NATURAL RESOURCES<br>DIVISION OF LANDS        |                                       |
| ALASKA STATE LAND SURVEY NO. 73-146<br>SEV4 SEC 26, SEC 36, T5N, R6W, S.M. AK. |                                       |
| DRWN. BY S.W.<br>J.S.  | APPROVAL<br>RECORDED: [Signature]     |
| DATE APPROVED<br>12/31/74  | APPROVED: [Signature]                 |
| SCALE: 1" = 200'   | CHECKED: [Signature] FILE NO. 73-146  |



# Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce  
Borough Mayor

## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that the Kenai Peninsula Borough's property in the Sterling area is being considered for the adoption of a Residential Waterfront (R-W) local option zoning district (LOZD). **You are being sent this invitation because you are a property owner within the proposed district or within 300 feet of the proposed district and are being invited to provide your input at the below public meeting.**

Pursuant to KPB 21.44.050, the planning department shall hold a public hearing on local option zoning applications. The property under consideration is Stephenkie Alaska Sub Block 8 Lots 1-12, located at T 5N R 8W SEC 26 SEWARD MERIDIAN KN 0790083 STEPHENKIE ALASKA SUB LOT 1-12 BLK 8, on Kenai Keys Road in Sterling, Alaska.

**Petitioner:** Kenai Peninsula Borough  
144 N. Binkley St.  
Soldotna, AK 99669

**Public Hearing:** The Kenai Peninsula Borough Planning Commission will hold a public hearing on July 18, 2022 commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting is to be held in the Borough Administrative Building, 144 N. Binkley St., Soldotna, Alaska. The public may also attend the meeting electronically/telephonically via Zoom. To join the meeting from a computer visit <https://us06web.zoom.us/j/9077142200>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247. When calling in you will need the Meeting ID **907 714 2200**.

**Public Comment:** Anyone wishing to testify may attend the above meeting to give testimony, or may submit written comment via the methods below. **Written comments must be submitted by 1:00 pm Friday, July 15, 2022.**

Mail comments to:  
KPB Planning Department  
144 N Binkley St.  
Soldotna, Alaska 99669

Fax comments to:  
(907) 260-5992

Email comments to:  
[planning@kpb.us](mailto:planning@kpb.us)

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

Ryan Raidmae  
KPB Planner





Kenai Peninsula Borough

## Parcels Within 300 feet of proposed LOZD

Kenai Peninsula Borough 05/09/2022

