

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

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Blaine Gilman, Assembly President
Brent Johnson, Vice President

MEMORANDUM

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

FROM: Gary Knopp, Assembly Member *GK*

DATE: March 24, 2016

RE: Proposed Amendment to Ordinance 2016-03 (Substitute)

Local option zoning districts (LOZD's) are primarily a way for private property owners to choose to have the borough enforce zoning ordinances in their proposed district. Sometimes the Kenai Peninsula Borough has been the owner of parcels in proposed local option zoning districts. LOZDs are frequently a contentious issue and in my opinion it is inappropriate for the borough to be the deciding vote in these issues. I think the purposes of local option zoning districts would be furthered by not allowing the borough to express support or opposition to the formation of an LOZD unless it is the sole owner of all parcels proposed for an LOZD. The first part of this amendment would prohibit the borough from signing an application to form an LOZD unless it owns all of the parcels in the proposed LOZD.

Also, if the borough-owned parcels are included when calculating the 60 percent threshold needed to bring this before the assembly, then just prohibiting the borough from signing the summary to show support is the same as a "no" vote. In an effort to make the borough's role neutral, this amendment would also require the borough's parcels to be excluded from the calculation of the 60 percent of parcels needed for support. This would mean that 60 percent of the owners of the remaining parcels must support forming the LOZD for it to go forward.

I propose the following amendments to ordinance 2016-03.

- Amend KPB 21.44.040(B) as shown in **bold and underline** below:

21.44.040. [AREA AND PETITION] Formation requirements.

- ...
- B. 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, except that the Kenai Peninsula Borough may not be a signatory on such an application unless it is the sole owner of all lots within the LOZD. The formation of the LOZD may include portions of subdivisions. The [PETITION] application shall:

1. show opposite each signature of an applicant lot owner, a[N] street address if available and adequate legal description of the property owned,
2. set forth whether the district will form a R-1, R-2, R-R, R-W, R-M or C-3[, I, OR R-C] zone [INCLUDING A COPY OF THE STANDARDS FOR THE APPLICABLE ZONE], and
3. include a map of the proposed [LOCAL OPTION ZONING DISTRICT] LOZD area.

- Amend KPB 21.44.060(C) by adding the following new statements shown in **bold and underline** below:

C. Prior to introduction to the assembly the planning department will provide the owners of each parcel within the proposed LOZD a summary statement of the LOZD's regulations and boundaries as required by KPB 21.44.050. In order for the LOZD to be submitted to the assembly for introduction the owners of 60 percent of the parcels within the LOZD must be in favor of formation of the LOZD as represented by a parcel owner's signature on the LOZD summary distributed by the planning department. If the borough owns less than 100 percent of the parcels in the proposed LOZD, it may not sign the summary. Additionally, in that case the 60 percent requirement shall be calculated by first subtracting from the total number of parcels in the LOZD the number of parcels owned by the borough. The owners of 60 percent of the remaining parcels must sign the LOZD summary for the LOZD to be submitted to the assembly.

Your favorable consideration of these amendments would be appreciated.