

Kenai Peninsula Borough
Assembly

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Dale Bagley, Assembly Vice-President *DLB*
Charlie Pierce, Mayor *CP*

DATE: February 21, 2019

RE: Ordinance 2019-07, Amending KPB 21.46.040 Zoning a 160-Acre Parcel Creating the Murwood South Single Family Residential R-1 Local Option Zoning District (Bagley, Mayor)

A 160-acre parcel in the K-Beach Road and Murwood vicinity is proposed for sale by Ordinance 2019-03 (Substitute). The area adjacent to the parcel is subject to significant residential use. Residents in the area have expressed concern and interest in the 160-acre parcel maintaining and furthering the residential nature of the area. The borough has previously subdivided and sold lots after creating residential local option zoning districts for the subdivisions.

In this case the parcel is being proposed for local option zoning prior to subdivision in order that the private sector can develop the subdivision. The standard formation requirements are waived for the formation of the LOZD. However, the KPB 21.44 standards applicable to a single-family residential zoning district will remain applicable for the subdivision.

The ordinance also releases a single family residential deed restriction imposed by Ordinance 2019-03 (Substitute) in favor of using the local option zoning process as the method to enforce the residential restrictions on the parcel. The deed restriction had been placed on the parcel because of the possibility that the LOZD ordinance would not be enacted prior to the effective date of the sale ordinance. The LOZD ordinance is the preferred method of ensuring residential use of the parcel as the regulations applicable to a single family residential zone are already codified along with an efficient and effective enforcement code. The deed restriction is not as detailed as the LOZD ordinance and enforcement through court action would be necessary.

Your consideration is appreciated.