



## Kenai Peninsula Borough

### Planning Department

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### MEMORANDUM

To: Pete Sprague, Assembly President  
Kenai Peninsula Borough Assembly Members

Thru: David R. Carey, Borough Mayor *DR Carey*

Thru: Max Best, Planning Director *MB*

From: Crista Cady, Planner *CC*

Date: May 6, 2010

RE: Ordinance 2010-23, amending certain sections of KPB Chapter 21.44 by approving an R-W, Residential Waterfront, local option zoning district, adding certain definitions, and clarifying language

Borough code allows property owners to petition the assembly for a greater restriction on land uses and development standards than are otherwise provided for in the rural district. The process for achieving these greater restrictions is found in KPB 21.44 Local Option Zoning. Currently there are six zone types from which property owners can choose when proposing the formation of a local option zone (LOZ):

- Single Family Residential (21.44.160)
- Rural Residential (21.44.170)
- Mixed Residential (21.44.180)
- Mixed Use (21.44.190)
- Industrial (21.44.200)
- Residential Conservation (21.44.210)

For several months, the planning department has been working with a group of property owners who wish to form an LOZ. After a thorough examination of the area proposed for the LOZ we have found that the types of restrictions the property owners wish to impose on themselves do not exactly fit into any of the established zones, with regard to minimum lot size, allowed home occupations, and other concerns. Therefore, after several meetings between the property owners, and planning and legal staff, a new zone type is being proposed that suits the area for which it is intended, and may be suitable for other areas of the borough as well.

Included in this memo is the language for the proposed new zone type, *Residential Waterfront*, which is intended to promote orderly development adjacent to anadromous water bodies as defined by Alaska Statute 41.17.950(1), which defines an *anadromous water body* as "the portion of a fresh water body or estuarine area that

- (A) is cataloged under AS 16.05.871 as important for anadromous fish; or
- (B) is not cataloged under AS 16.05.871 as important for anadromous fish but has been determined by the Department of Fish and Game to contain or exhibit evidence of anadromous fish in which event the anadromous portion of the stream or waterway extends up to the first point of physical blockage."

A housekeeping revision is also made changing reference to "permitted" uses to "allowed" uses as these are uses in the district which are allowed without obtaining a permit, and it is confusing to refer to these uses as "permitted." Your consideration of this ordinance is appreciated.