



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Mike Navarre, Borough Mayor *MN*

FROM: Max Best, Planning Director *MB*

DATE: June 13, 2012

SUBJECT: Ordinance 2012-20; An Ordinance approving Widgeon Woods R-1, Single Residential Local Option Zoning District and amending KPB Chapter 21.46.030.

The Planning Commission reviewed the subject Ordinance during their regularly scheduled June 11, 2012 meeting. A motion passed by unanimous consent to recommend adoption of the ordinance.

In the ordinance, please make the following amendment to the last WHEREAS:

WHEREAS, the Planning Commission conducted a public hearing on June 11, 2012 and recommended approval by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F. PUBLIC HEARINGS

4. Ordinance 2012-20; An Ordinance approving Widgeon Woods R-1, Single Residential Local Option Zoning District and amending KPB Chapter 21.46.030.

Memorandum given by Crista Cady

PC Meeting: 6/11/12

This ordinance would approve the formation of a Single Family Residential (R-1) Local Option Zoning District (LOZ). The sole landowners of the subject property are the Kenai Peninsula Borough (KPB) and Cook Inlet Region, Inc. (CIRI). The proposed LOZ is currently 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.

Pursuant to KPB 21.44.010, property owners may petition the assembly for greater restriction on land use that otherwise provided in Title 21 of the KPB Code. Furthermore, the proposed LOZ is consistent with Goal 6.5 of the 2005 KPB Comprehensive Plan which is to maintain the freedom of property owners in rural areas of the borough to make decisions and control use of their private land.

The LOZ petition was submitted by the KPB Land Management division and CIRI. Also submitted was a map showing the vicinity of the proposed R-1 LOZ district, the plat depicting lots in the LOZ boundary, and a definition of R-1, Single-Family Residential according to KPB code.

On June 11, 2012, the KPB Planning Commission will hold a public hearing and make a recommendation regarding the formation of the R-1 district. That recommendation will be reported to the Assembly on July 7, 2012.

Thank you for your consideration of this ordinance.

END OF MEMORANDUM

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Collins moved, seconded by Commissioner Holsten to recommend approval of Ordinance 2012-20; an ordinance approving Widgeon Woods R-1, Single Residential Local Option Zoning District and amending KPB Chapter 21.46.030.

Commissioner Tauriainen asked if this ordinance included Tract B. Mr. Cady replied no it does not included Lot 14 or Tract B.

Commissioner Collins asked if this LOZ will be in place before the sealed bid auction. Ms. Cady replied yes, it will.

Commissioner Tauriainen asked what the plans were for Tract B. Mr. Best replied he was not quite sure but that was where they opened up an area for gravel to build the roads. Right now it is an open space for a park like setting. He stated it is kind of a low area, not necessarily classified as a wetland. It doesn't hold any water but there is a possibility that the high water table could reach that so they are going to monitor that until they decide how to develop it in the future. Commissioner Tauriainen asked if it was suitable for any gravel mining at this point. Mr. Best replied no, it has already been mined off for gravel.

Commissioner Ecklund asked if the Ten Mar Ranch, Grandview Heights One and Funny River Grove LOZ's were owned by the Borough when they were deemed Residential R1. Ms. Cady replied no, those are private property owners who came forward to zone themselves.

Commissioner Ecklund referred to Goal 6.5 of the 2005 KPB Comprehensive Plan which is to maintain the freedom of property owners in rural areas of the borough to make decisions and control use of their private land. She stated that it seemed that CIRI and the Borough were more public than private. Ms. Cady replied yes, that was a comprehensive plan reference. In making that reference she wanted to make a point that

because there is no zoning in the Borough, the Borough Assembly adopted an ordinance to make it so that people could if they were the sole landowner or landowners getting together with other landowners that they could impose those restrictions on their own property. It may not be an appropriate use of that goal.

Commissioner Ecklund asked if the Borough has zoned property in this manner before. Ms. Cady replied yes, there is the Percy Hope & Discovery Park Subdivisions in Hope, the Russian Gap and the Birch & Grouse Ridge Subdivision in Cooper Landing.

Commissioner Holsten noted that it was interesting to know that those lots in the Russian Gap Subdivision and Birch & Grouse Ridge Subdivision are worth more now with zoning restrictions than the privately owned lots adjacent to them who are not included in the R1 zoning.

There being no further questions or comments, the commission proceeded to vote.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO ABSENT	COLLINS YES	ECKLUND YES	FOSTER YES	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	TAURIAINEN YES		11 YES 1 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

- Resolution 2012-17; Public notice is hereby given that a conditional land use permit application has been received for sand and gravel extraction on a parcel in the Industrial Avenue area of Nikiski. Applicant: Hugh Chumley & Randy Chumley; Landowner: Hugh Chumley; Location: KPB Tax Parcel ID#: 015-050-16, 10 acres; SE ¼ NW ¼ NE ¼, Section 27, T7N R12W, Seward Meridian, Alaska

Staff Report given by Crista Cady

PC MEETING: June 11, 2012

APPLICANT Hugh Chumley and Randy Chumley
P.O. Box 1371
Sterling, AK 99672

OWNER: Chumley's, Inc.
P. O. Box 753
Sterling, AK 99672

LOCATION: KPB Tax Parcel ID#: 015-050-16, 10 acres
SE ¼ NW ¼ NE ¼, Section 27, T7N R12W, Seward Meridian, Alaska

BACKGROUND INFORMATION: The applicant wishes to obtain a permit for gravel and sand extraction on approximately 8.5 acres of the subject parcel. A copy of the application is included as **Attachment A**. An aerial map is included as **Attachment B**.

Initial ingress and egress at the material site will be from Industrial Avenue, along the southern parcel boundary. The site plan indicates a phased development of the material site. Phase I includes the excavation of approximately 4.2 acres on the westerly portion of the property with an anticipated lifespan of 10 years. Phase II includes the excavation of approximately 3 acres on the easterly portion of the property, with an anticipated lifespan of 15 years. Clearing of the parcel has already commenced. The site plan shows a proposed buffer zone combination of 6-foot earthen berms and 50 feet of undisturbed, natural vegetation between the excavation perimeter and all parcel boundaries. Photos from a staff site visit are included as **Attachment C**.

The applicant has indicated that the approximate annual quantity to be extracted is less than 50,000 cubic yards, and that materials will be processed on-site. The life expectancy of the material site is 25 years. Excavation depth will be approximately 30 feet below existing grade and shall remain the required 2 feet