

Introduced by: KIB Manager  
Drafted by: Community Development Director  
Introduced on: 09/15/2022  
Public Hearing Date: 10/06/2022  
Adopted on: 10/06/2022

**KODIAK ISLAND BOROUGH**  
**Ordinance No. FY2023-08**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH REZONING CLIFFPOINT ESTATES OCEANFRONT ADDITION 4, LOT 7, COMMONLY KNOWN AS 5917 PINNACLES COURT, FROM RR2, RURAL RESIDENTIAL TWO DISTRICT TO NU, NATURAL USE DISTRICT**

**WHEREAS,** as a second-class borough, the Kodiak Island Borough exercises planning, platting, and land use regulations on an area wide basis pursuant to Chapter 29.40 Alaska Statutes; and

**WHEREAS,** in accordance with AS 29.40, the Kodiak Island Borough adopted the 2008 Comprehensive Plan update on December 6, 2007 (Ordinance No. FY2008-10) to replace the 1968 Comprehensive Plan; and

**WHEREAS,** the Kodiak Island Borough has adopted KIBC Title 17 (Zoning) in accordance with AS 29.40 to implement the Kodiak Island Borough Comprehensive Plan; and

**WHEREAS,** KIBC 17.205.010 provides that “Whenever the public necessity, convenience, general welfare or good zoning practice requires, the assembly may, by ordinance and after report thereon by the commission and public hearing as required by law, amend, supplement, modify, repeal or otherwise change these regulations and the boundaries of the districts”; and

**WHEREAS,** the property owner applied for a rezone of this property from RR2, Rural Residential Two, to NU, Natural Use District on May 11, 2022; and

**WHEREAS,** at an advertised public hearing, consistent with Kodiak Island Borough Code 17.205.040, the Planning and Zoning Commission considered the merits of the rezone request on August 17, 2022 in Case 23-002; and

**WHEREAS,** the Planning & Zoning Commission voted to recommend to the Borough Assembly that the site be rezoned from RR2, Rural Residential Two, to NU, Natural Use District finding that the public necessity, convenience, general welfare, and good zoning practice would be enhanced by such action; and

**WHEREAS,** Kodiak Island Borough Code 17.205.075(A) calls for a rezoning which is not consistent with the assigned comprehensive plan future land use designations to include a change to the comprehensive plan future land use designation that is consistent with the new zoning; and

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**WHEREAS,** Kodiak Island Borough Code 17.205.074(C) calls for a rezoning ordinance to include a section which specifies the newly assigned comprehensive plan future land use designation of the rezoned parcel or parcels.

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** that:

- Section 1: This ordinance is of a permanent nature, but is NOT of a general nature, and shall NOT become a part of the Kodiak Island Borough Code of Ordinances.
- Section 2: By this ordinance, Cliffpoint Estates Oceanfront Addition 4, Lot 7, commonly known as 5917 Pinnacles Court, a diagram of which is depicted in Exhibit A appended to this ordinance and incorporated herein by reference, is hereby rezoned from RR2, Rural Residential Two, to NU, Natural Use District in the Official Zoning Map of Kodiak Island Borough (see attached diagram showing the parcels to be rezoned).
- Section 3. The Official Zoning Map of the Kodiak Island Borough shall be amended to indicate the change of zone set forth in Section 2 of this ordinance. The Director of Community Development shall cause the Zoning Map to be amended consistent with this ordinance.
- Section 4 By this ordinance, Cliffpoint Estates Oceanfront Addition 4, Lot 7, commonly known as 5917 Pinnacles Court, a diagram of which is depicted in Exhibit B appended to this ordinance and incorporated herein by reference, is hereby rezoned from Residential (Rural Residential) to Open Space (Recreational) in the Official Future Land Use Map of the Kodiak Island Borough Comprehensive Plan 2008 (see attached diagram showing the parcels to be rezoned).
- Section 5. The Official Future Land Use Map of the Kodiak Island Borough Comprehensive Plan 2008 shall be amended to indicate the change of zone set forth in Section 4 of this ordinance. The Director of Community Development shall cause the Official Future Land Use Map of the Kodiak Island Borough Comprehensive Plan 2008 to be amended consistent with section 4 of this ordinance.
- Section 6: By this ordinance, the Borough Assembly adopts the following findings of fact in support of their approval of this rezone:
1. The rezone is consistent with the objectives of the 2008 Kodiak Island Borough comprehensive plan, specifically the sections that identify the need for the compatibility of land uses and this rezone promotes the compatibility with surrounding rural residential uses while also promoting the community and natural characteristics of the subject parcel.
  2. The rezone would implement a comprehensive plan action to balance the compatibility of adjacent land uses with promoting

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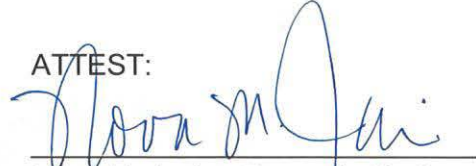
- protection of natural resources and private owners' access to recreational opportunities.
- 3. There is a need and justification for the subject property to be protected through the proposed NU, Natural Use District zoning that would promote the protection of the natural environment by restricting the type and extent of uses and structures that could be built and use the land.

Effective date: This ordinance shall become effective in accordance with KIBC 1.10.040.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS SIXTH DAY OF OCTOBER, 2022**

KODIAK ISLAND BOROUGH

  
\_\_\_\_\_  
William Roberts, Mayor

ATTEST:  
  
\_\_\_\_\_  
Nova M. Javier, Borough Clerk

**VOTES:**

Ayes: Griffin, Smiley, Smith, Turner, Williams, Arndt, and Delgado  
Noes:

**CERTIFICATE**

Therefore I, Seema Garoutte, Director of Community Development for the Kodiak Island Borough, hereby certify that on this 11<sup>th</sup> day of October, 2022, pursuant to the provision of Section 17.205.010 et seq of the Kodiak Island Borough Code, have caused the Official Zoning Map of the Kodiak Island Borough to be changed in the manner and to the extent directed and authorized by Ordinance No. 2023-08 which ordinance rezoned certain property more particularly described in such ordinance from RR2, Rural Residential Two, to NU, Natural Use District.

  
\_\_\_\_\_  
Seema Garoutte, Interim CDD Director

Subscribed and sworn to before me and witnessed by me on the 21<sup>st</sup> day of October, 2022.



ATTEST:  
  
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Nova M. Javier, Borough Clerk

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**CERTIFICATE**

Therefore I, Seema Garoutte, Director of Community Development for the Kodiak Island Borough, hereby certify that on this 1<sup>th</sup> day of October, 2022, pursuant to the provision of Section 17.205.075 of the Kodiak Island Borough Code, have caused the Official Future Land Use Map of the Kodiak Island Borough Comprehensive Plan 2008 to be changed in the manner and to the extent directed and authorized by Ordinance No. 2023-08 which ordinance rezoned certain property more particularly described in such ordinance from Residential (Rural Residential) to Open Space (Recreational).

Seema Garoutte  
Seema Garoutte, Interim CDD Director

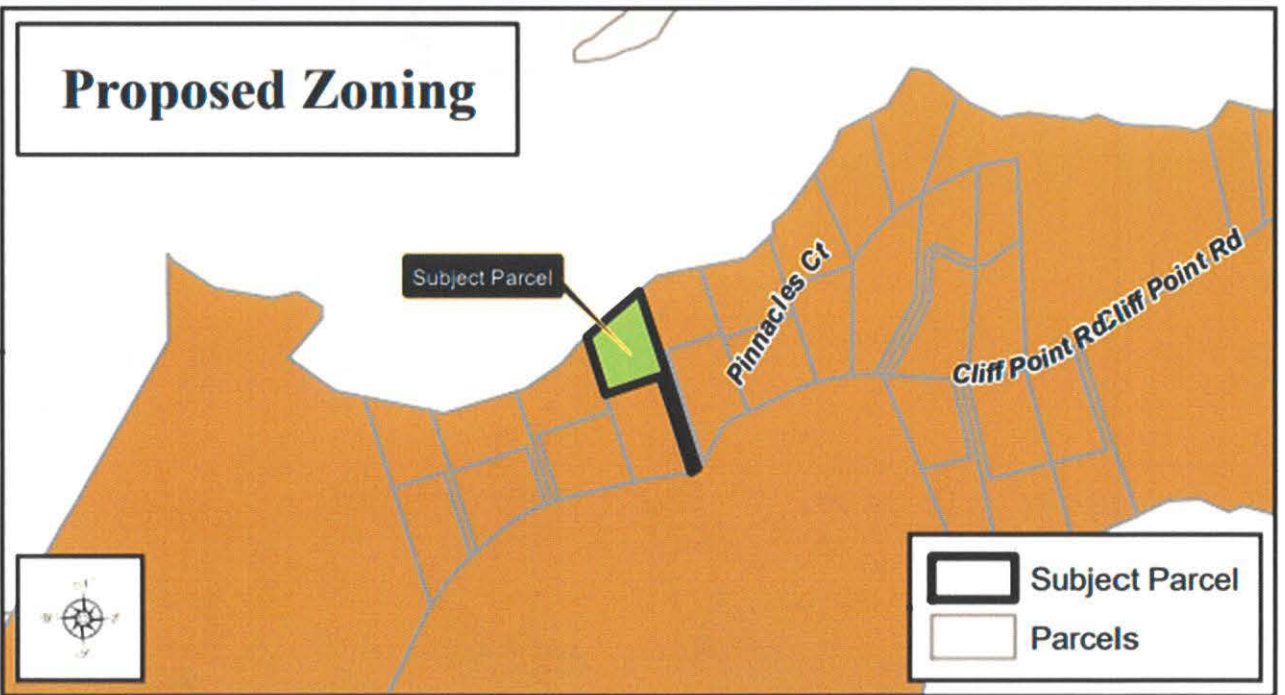
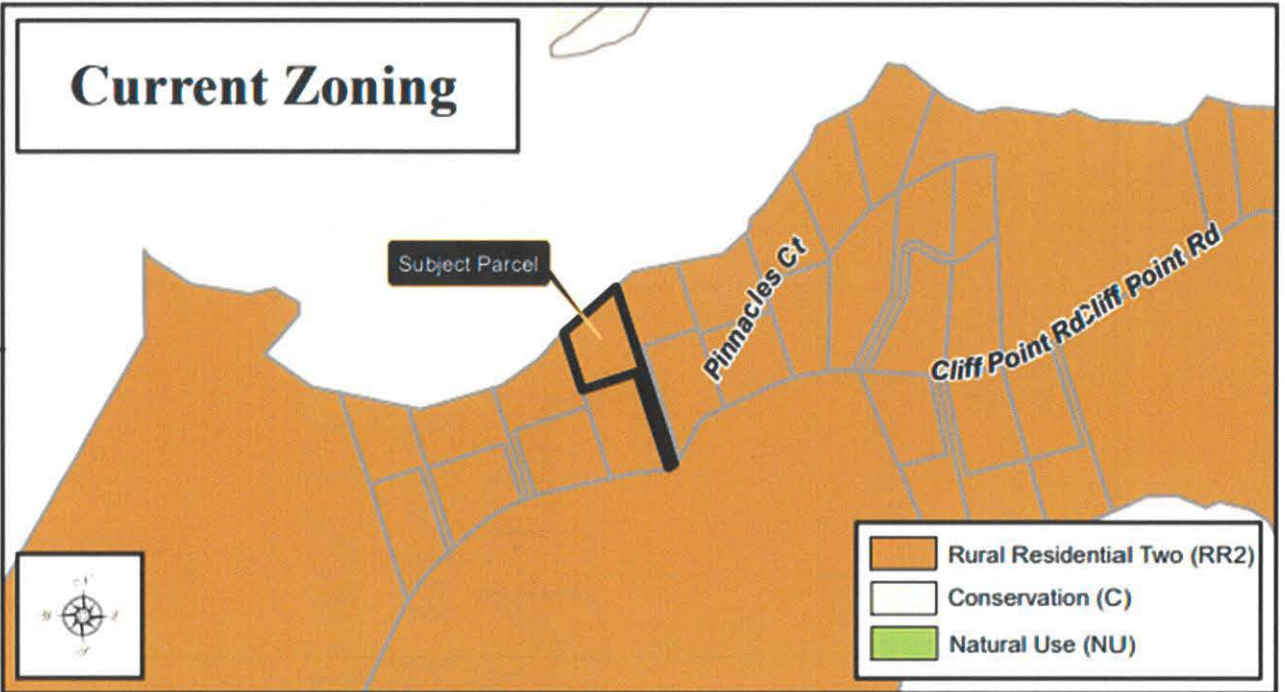
Subscribed and sworn to before me and witnessed by me on the 21<sup>st</sup> day of October, 2022.



ATTEST:  
Nova M. Javier  
Nova M. Javier, Borough Clerk

Exhibit A

Case 23-002: Rezone of Cliffpoint Estates Oceanfront Addition 4, Lot 7, from RR2-Rural Residential Two District to NU- Natural Use District.  
 Location: 5917  
 Applicant: Oceanfront Kodiak, LLC



### Rezone Request

0 375 750 1,500 2,250 3,000 Feet

Community Development Department  
<https://www.kodiakak.us/85/Community-Development>  
 907-486-9363

This map is provided for informational purposes only and is not intended for any legal representations.

