

Introduced by:	Cox, Elam, Hibbert
Substitute Introduced:	06/06/23
O2023-11 (Elam)	See Original for Prior History
Hearing	06/06/23
Action:	Enacted as Amended
Vote:	5 Yes, 3 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-11  
(COX, ELAM, HIBBERT) SUBSTITUTE**

**AN ORDINANCE AMENDING BOROUGH CODE, KPB 2.40.015 AND KPB 2.40.030,  
TO REDUCE THE NUMBER OF SEATS ON THE PLANNING COMMISSION AND  
PROVIDE FOR AN ORDERLY PROCESS FOR THE SEAT REDUCTION**

**WHEREAS,** the Kenai Peninsula Borough (“Borough”) is a second class borough with a population of 58,799 as of April 1, 2020 U.S. Census totals; and

**WHEREAS,** The Alaska State Legislature amended AS 29.40.020(a) in 2022 to provide the Borough with flexibility to apportion its Planning Commission seats in a manner that the Assembly deems appropriate; and

**WHEREAS,** presently, there are fourteen members of the Borough Planning Commission, and there do not appear to be any other planning commissions in the State of Alaska with so many members; and

**WHEREAS,** presently, there are nine members on the Borough Assembly; and

**WHEREAS,** Borough code requires the Borough to compensate its Planning Commission members at the rate of \$175.00 per regular or special meeting attended except the chairperson, who will be compensated at the rate of \$200.00 per regular or special meeting; and

**WHEREAS,** Borough code requires the Borough to compensate its Planning Commission members serving on the plat committee at an additional rate of \$25.00; and

**WHEREAS** aligning the number of Planning Commission member seats to be consistent with the number of Assembly member seats will reduce the aggregate cost of compensation the Borough must pay to its Planning Commission members by approximately \$40,698.00; and

**WHEREAS,** this substitute ordinance amends code to provide for a nine member planning commission, with four city seats and five at-large seats;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That KPB 2.40.015 is amended to read as follows:

**2.40.015. Membership—Apportionment.**

In accordance with AS 29.40.020(a):

- A. The planning commission [SHALL CONSIST OF A MAXIMUM OF FOURTEEN MEMBERS] will consist of nine members. Commission membership [SHALL BE APPORTIONED SO THAT THE NUMBER OF MEMBERS FROM HOME RULE AND FIRST CLASS CITIES REFLECTS THE PROPORTION OF BOROUGH POPULATION RESIDING IN HOME RULE AND FIRST CLASS CITIES LOCATED IN THE BOROUGH. NO MORE THAN ONE MEMBER OF THE COMMISSION MAY BE FROM ANY SINGLE HOME RULE OR FIRST CLASS CITY IN THE BOROUGH UNLESS MORE ARE REQUIRED TO SATISFY THE STATUTORY APPORTIONMENT REQUIREMENT] will be apportioned in a manner that provides for four city seats and five at-large district seats.
- B. City Seats. A city must have a population of over 2,000 residents to have a designated city seat. Only a city resident may serve on a city seat.[and shall.] Notwithstanding, a resident of the city of Seldovia may serve on the Homer city seat if approved by the Homer City Council. An applicant for a city seat be selected by the mayor from a list of recommendations submitted by the council and subject to confirmation by the assembly. [THE LIST WILL CONSIST OF AT LEAST ONE APPLICANT FROM THE RESPECTIVE CITY WHOSE CITY SEAT IS VACANT OR EXPIRING. APPOINTMENTS SHALL BE SUBJECT TO CONFIRMATION BY THE ASSEMBLY.] The city seats are as follows:
1. Homer;
  2. Kenai;
  3. [Seldovia]Seward; and
  4. [Seward; and]Soldotna
  - [5. Soldotna.]
- C. At-Large District Seats. [SINGLE MEMBER DISTRICT.] There will be five at-large district seats on the planning commission that will be appointed by the mayor and confirmed by the assembly. The at-large districts will be representative of the following areas:
1. Nikiski district. This district will encompass the area within the borough north of the boundary line for the city of Kenai that includes the Nikiski community and the west side of the Cook Inlet.
  2. Ridgeway/Funny River/Sterling district. This district will encompass the area of the borough outside of the cities that includes the Ridgeway, Funny River and Sterling communities and ends at Mile Post 55 of Sterling Highway.
  3. Cooper Landing/Hope/Eastern Peninsula district. This district will encompass the area within the borough outside of the cities that includes the communities of Cooper Landing, Hope, Moose Pass, Primrose, Bear Creek and Lowell Point.

4. Kalifornsky/Kasilof district. This district will encompass the area within the borough outside of the cities that includes the communities of Kalifornsky and Kasilof with the Kasilof river forming the southern boundary of this district.
5. South Peninsula district. This district will encompass the area within the borough outside of the cities that includes the communities of south of the Kasilof River including the area east of the city of Homer and across the Kachemak Bay.

An applicant who applies to fill a district seat but does not reside within that district may only be appointed by the mayor and confirmed by the assembly if no residents of the district apply.

[PLANNING COMMISSIONERS RESIDING OUTSIDE OF FIRST CLASS AND HOME RULE CITIES SHALL BE APPOINTED BY THE MAYOR AND CONFIRMED BY THE ASSEMBLY AND REPRESENTATIVE OF THE FOLLOWING ASSEMBLY DISTRICTS:

1. ASSEMBLY DISTRICT 1 - KALIFORNSKY;
2. ASSEMBLY DISTRICT 2 - KENAI;
3. ASSEMBLY DISTRICT 3 - NIKISKI;
4. ASSEMBLY DISTRICT 4 - SOLDOTNA;
5. ASSEMBLY DISTRICT 5 - STERLING/FUNNY RIVER;
6. ASSEMBLY DISTRICT 6 - EAST PENINSULA;
7. ASSEMBLY DISTRICT 7 - CENTRAL;
8. ASSEMBLY DISTRICT 8 - HOMER; AND
9. ASSEMBLY DISTRICT 9 - SOUTH PENINSULA.]

PLANNING COMMISSIONERS APPOINTED TO REPRESENT A DISTRICT SHOULD RESIDE WITHIN THAT DISTRICT. IN THE EVENT THAT NO QUALIFIED RESIDENTS OF A SINGLE MEMBER DISTRICT APPLY TO FILL A VACANCY FOR THAT DISTRICT'S SEAT, THEN THAT SEAT MAY BE FILLED WITH A QUALIFIED RESIDENT OF THE BOROUGH WHO RESIDES OUTSIDE OF CITY LIMITS. ONLY RESIDENTS LIVING WITHIN THE RESPECTIVE CITY OR SINGLE MEMBER DISTRICT MAY APPLY FOR A LOCATION SPECIFIC VACANCY. ANY BOROUGH RESIDENT WHO RESIDES OUTSIDE OF CITY LIMITS MAY APPLY "AT-LARGE" AND MAY BE SELECTED IN THE EVENT NO QUALIFIED RESIDENTS OF A SINGLE MEMBER DISTRICT APPLY TO FILL A VACANCY FOR THAT DISTRICT'S SEAT.]

- D. All planning commission members [SHALL] will meet the minimum qualifications of the appointed planning commission member seat description. All planning commission members will be appointed for their expertise and knowledge of the community, borough land use, and planning issues, as well as their familiarity with regulations and land use code, and [SHALL] must represent the entire borough. Prospective planning commission members must be in compliance with KPB Titles 14, 17, 20, and 21 and must not have any pending or unresolved code enforcement actions.

- E. A vacancy or expiring term on the planning commission will be noticed for at least 30 days by the borough clerk's office. All applications to fill a vacancy or expiring term must be submitted through the borough clerk's office. Applications to fill a city seat shall be transmitted to the city clerk's office at the close of the application period.

**SECTION 2.** That the current city seat for the city of Seldovia is vacant and does not require the removal of a member.

**SECTION 3.** That in the event this ordinance eliminates a seat on a planning commission and that the elimination necessitates the removal of a member or results in two planning commissioners eligible for a single at-large seat, then, notwithstanding any section of Borough Code to the contrary, the Mayor is authorized to effectuate the intent and purpose of this ordinance up to and including removing Planning Commissioners to avoid two planning commissioners occupying one at-large district seat.

**SECTION 4.** That the Assembly requests that the Borough Administration provide a map, to be approved by resolution, for the at-large district boundaries that effectuates the intent of the at-large district boundaries.

**SECTION 5.** This ordinance shall become effective immediately upon enactment.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF JUNE, 2023.**

  
Brent Johnson, Assembly President

ATTEST:

  
Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Ecklund, Hibbert, Tupper

No: Derkevorkian, Ribbens, Johnson

Absent: Elam