

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Charlie Pierce, Borough Mayor
Max Best, Planning Director
Bruce Wall, Planner

FROM: Johni Blankenship, MMC, Borough Clerk

DATE: March 29, 2019

RE: K-Beach Advisory Planning Commission (APC) Petition of Interest

Robin Davis filed a completed "Petition of Interest" form with the Borough Clerk's Office on March 28, 2019.

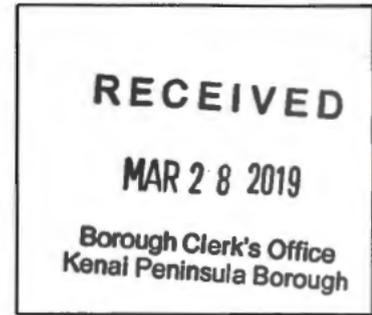
Signatures of 27 residents were reviewed and are qualified per KPB 21.02.030 (F) (*inserted below for your ready reference*); therefore, the petition is deemed to be valid.

KPB 21.02.030 (F) A petition must be signed by at least twenty (20) qualified voters who are residents within the proposed boundary. The petition shall be filed with the borough clerk. The clerk shall proceed to make a determination as to the validity of the signatures on the petition and whether the petition contains the required number of signatures. The borough clerk shall then deliver the petition to the mayor, along with a written copy of the results of the validity of the signatures.

Petition of Interest
Kenai Peninsula Borough
Planning Department

144 North Binkley Street
Soldotna, Alaska 99669-7599

Phone: (907) 714-2200
Fax: (907) 714-2395



Submission Deadline 5-20-2019 (to be completed by KPB staff)

FOR OFFICIAL USE ONLY

This form is intended to establish interest in the creation of an advisory planning commission in the area of the Kenai Peninsula Borough commonly known as:

K-Beach

The "letter of interest" submitted to the Mayor on February 7, 2019 designated Robin Davis, 36485 Pingo Street, Soldotna, Alaska 99669 as the coordinator.

The petition deadline is 90 days from the date this form is sent to the coordinator. Sent on: 2-19-19
(to be completed by KPB staff)

The proposed boundary is provided on the **attached map** and is described as: _____

Petition of Interest to Form an Advisory Planning Commission

CHAPTER 21.02. - ADVISORY PLANNING COMMISSIONS

21.02.010. - Purposes of an advisory planning commission.

Advisory planning commissions are established to provide:

- A. Residents with an additional avenue to participate in land use planning activities proposed for their community; and
- B. Recommendations to the Kenai Peninsula Borough planning commission and, to the assembly when requested by majority vote of the assembly on land use planning and public land management issues which may affect the existing and/or future character of the community.

21.02.020. - Powers and duties.

- A. The APC may advise the borough planning commission regarding land use planning, public land management, or other issues within the community boundary, which may be subject to a vote of the planning commission.
- B. Unless direct comments from the APC are requested by majority vote of the assembly, the APC may make recommendations to the planning commission for review and comment, and to be forwarded to the assembly regarding:
 - 1. Needs in unincorporated legislative districts within the APC boundaries in assembly development of capital project plans, legislative matters affecting land use or the disposal of borough lands or resources within APC areas, and other assembly actions affecting APC areas, all as provided for in KPB 22.40.190; and
 - 2. Removal of deed restrictions as provided for in KPB 17.10.130(F)(4).
- C. A recommendation from the APC to the planning commission, or to the assembly when requested by majority vote of the assembly, shall be submitted in writing to the planning director. Recommendations shall be signed by the APC chairperson or his/her designee.

21.02.030. - Creation.

- A. Any person or group may send a "letter of interest" to the mayor requesting assistance in creating an advisory planning commission.
- B. The letter of interest shall designate a coordinator.
- C. Upon receipt of the letter of interest, the mayor will send the coordinator a copy of this chapter, a "petition of interest" form, and a letter establishing a deadline for the petition to be returned.
- D. The petition deadline shall be 90 days from the date the forms are sent to the coordinator.
- E. If the petition is not received by the deadline, the process of forming the requested APC will be discontinued.
- F. A petition must be signed by at least twenty (20) qualified voters who are residents within the proposed boundary. The petition shall be filed with the borough clerk. The clerk shall proceed to make a determination as to the validity of the signatures on the petition and whether the petition contains the required number of signatures. The borough clerk shall then deliver the petition to the mayor, along with a written copy of the results of the validity of the signatures.
- G. Upon receipt of the petition of interest, the mayor shall either submit an ordinance to the assembly to create a new APC, if the petition is determined to be valid, or if invalid, notify the petitioners that process has terminated due to an invalid petition.
- H. Within 90 days of enactment of an ordinance creating a new APC, the mayor shall appoint the members to the advisory planning commission.

Petition of Interest to Form an Advisory Planning Commission

21.02.040. - Establishing the boundaries.

- A. Boundaries of an APC shall be established for purposes of determining the area of influence and clarifying the area affected by any recommendations which may be proposed.
- B. The planning director shall organize a community meeting to discuss the proposed boundary.
- C. The proposed boundaries shall be included in an ordinance establishing an APC.

21.02.050. - Nominations for membership.

- A. Except as provided in subparagraph D below, nominations for commission membership may be submitted to the mayor by a nonprofit community organization within the APC boundary, or by any resident who may wish to place a name in nomination. Nomination forms shall be available through the mayor's office and the planning department.
- B. Except as provided in subparagraph D below, the mayor shall verify nominees are qualified voters of the KPB whose permanent place of residence, as referred to in KPB 5.12.105, is located within the APC boundaries.
- C. Except as provided in subparagraph D below, a person may nominate himself or herself by submitting the appropriate form to the mayor's office.
- D. The mayor shall select for appointment the ex officio member of the Kachemak Bay Advisory Planning Commission from a list of recommended qualified nominees, as defined in KPB 21.02.060(B), submitted by the Homer City Council.

21.02.060. - Qualified nominee.

- A. Except as provided below in subparagraph B, to qualify as a nominee, an individual must:
 1. Physically reside within the boundaries; and
 2. Be registered to vote within the precinct or precincts which are covered by the boundaries.
- B. To qualify as a nominee for the Kachemak Bay Advisory Planning Commission ex officio member, an individual must serve on the City of Homer Advisory Planning Commission.

21.02.070. - Appointment confirmation.

- A. The mayor shall submit APC appointments to the borough assembly for confirmation within 30 days of appointment.
- B. Within 15 days of confirmation the borough assembly president, or its designee, shall send a confirmation letter to the appointee with copies to the mayor and planning director.

21.02.080. - Term of office.

- A. Each APC shall consist of not more than seven voting members. An ex officio nonvoting eighth member shall serve on the Kachemak Bay Advisory Planning Commission.
- B. Members shall be appointed to seats A through G for a term of three years, except in the case of a newly created commission when seats A and B are appointed for an initial term of one year; seats C and D are appointed for an initial term of two years; and seats E, F, and G are appointed to three-year terms. The ex officio member of the Kachemak Bay Advisory Planning Commission shall serve on seat H. The ex officio member's term shall coincide with that member's term on the City of Homer Advisory Planning Commission.
- C. At the initial meeting, members shall draw for seats.
- D. Except in the case of a new APC, a term shall begin on October 1st and end on September 30th. In the case of a new APC the term shall begin upon appointment confirmation.

21.02.090. - Election of officers.

Petition of Interest to Form an Advisory Planning Commission

At the organizational meeting, the commission shall elect officers to hold office until the first scheduled meeting in October. Thereafter, election of officers shall be held annually at the commission's first meeting in October. The APC shall elect by majority vote of the commission and from commission members a chair and such other officers as the commission shall determine desirable.

21.02.100. - Vacancies.

- A. Vacancies on the commission are created upon declaration of vacancy by the commission if a member:
 - 1. Fails to qualify or has an unexcused absence for the first meeting after the borough assembly has confirmed the appointment;
 - 2. Is physically absent from the APC area for a 90-day period, unless excused by the commission;
 - 3. Resigns and his/her resignation is accepted;
 - 4. Is physically or mentally unable to perform the duties of his/her office;
 - 5. Misses three consecutive regular meetings unless excused;
 - 6. Is convicted of a felony; and
 - 7. Changes residency to a location outside of the APC boundary for a period longer than 60 days.
- B. The commission shall post notice of a commission vacancy in a prominent place within the community, such as the post office or a community bulletin board, for a 30-day period after the commission declares a vacancy or 30 days before the term expires.
- C. Vacancies on the commission shall be filled in the same manner as prescribed above. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains.

21.02.110. - Guidelines for APC meeting procedures.

- A. The individual APCs shall set a regular meeting schedule to include at least one meeting per quarter and develop agendas to meet the needs of the community. An APC may set additional meetings as may be necessary to fulfill the requirements of this chapter.
- B. Proposed agendas and meeting minutes shall regularly be sent to the planning director in a timely manner.
- C. Notice of any meeting of the APC will be posted one week prior to the scheduled date of the meeting in a prominent place within the community.
- D. Notices shall state the date, time, place and purpose of the meeting.
- E. Notices shall include a phone number to contact for further information and an address to send written comments.
- F. Four commission members shall constitute a quorum. Any recommendations forwarded to the planning commission, or to the assembly upon assembly request by majority vote, shall require the affirmative vote of four commission members.
- G. Unless otherwise established, advisory planning commissions shall operate in accordance with Roberts Rules of Order, current edition. If requested, a copy of Roberts Rules of Order shall be supplied by the mayor's office or the planning department.
- H. APCs shall comply with all provisions of the Alaska Open Meetings Act established pursuant to AS 44.62.310 through AS 44.62.312.
- I. Members shall comply with the requirements of KPB Chapter 2.58.

21.02.120. - Notification by the planning department to APCs.

Petition of Interest to Form an Advisory Planning Commission

The planning director shall regularly send notification to all members of the advisory planning commission any land use planning, public land management issues, or other issues which may be of local interest to the APC.

21.02.130. - Compensation prohibited.

All APC commission members serve without compensation.

21.02.140. - Plan preparation—Expenses.

A. The APC shall prepare from time to time plans for the systematic development and betterment of the community as a place of residence or for business. The necessary expenses of the advisory planning commission may be paid out of the borough treasury in the same manner as other expenses of the borough government, within the limits of appropriations by the assembly for that purpose. In no event may an advisory planning commission be authorized to expend borough funds or to create a deficit.

B. The APC shall provide the planning director with an estimated annual budget by January 3rd each year.

C. Expenses may include advertising, copying, mailings and other routine items as determined by the planning director to be necessary to fulfill the requirements under 21.02.020.

D. There shall be no expenditure of borough moneys without prior written authorization of the planning director.

21.02.150. - Definitions.

A. "APC" means advisory planning commission.

B. "Letter of interest" is a letter sent to the mayor stating there is interest in starting the process of forming an advisory planning commission in an area.

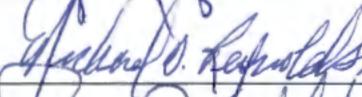
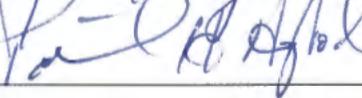
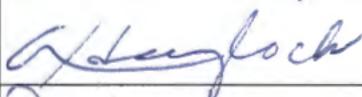
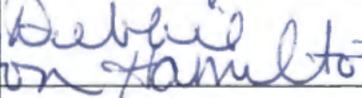
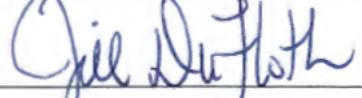
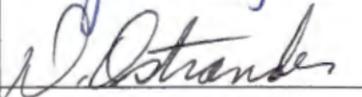
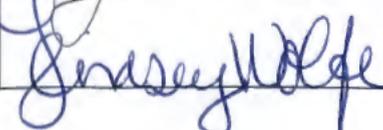
C. "Meeting" is defined in AS 44.62.310(h)(2)(B) as now enacted or as may be hereinafter amended.

D. "Petition of interest" is a petition form, prepared by the planning department, to be used to obtain signatures of residents interested in forming new APC.

E. "Planning director" is the principal executive officer of the department as defined in Kenai Peninsula Borough Code Chapter 2.36.

F. "Prominent place" means a public location visited during normal business hours by most residents within a community.

Petition of Interest to Form an Advisory Planning Commission

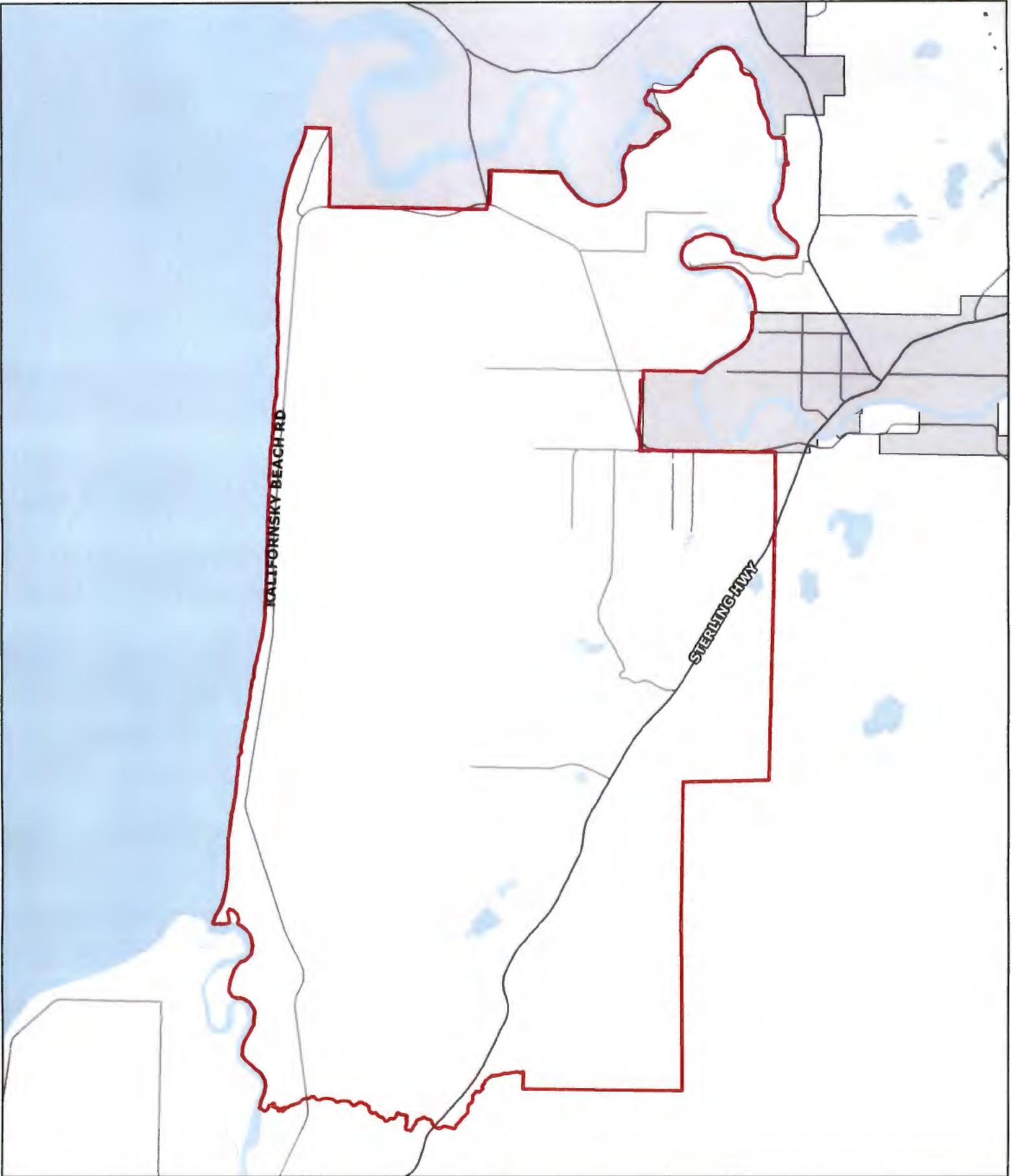
	Printed Name	Signature	Residence Address	Verifier Voter Number, Date of Birth or Last 4 SSN
1.	Robin Davis		36485 Pingo St Soldotna, AK 99669	
2.	Karen W. Davis	Karen W. Davis	36485 Pingo St. Soldotna AK 99669	
3.	Lylvia Reynolds		48580 Prairie Ave. Soldotna, AK 99669	
4.	MICHAEL D. REYNOLDS		48580 PRAIRIE AVE SOLDOTNA, AK 99669	
5.	PATRICK HAYLOCK		36470 PINGO ST Soldotna, AK 99669	
6.	ANNA M HAYLOCK		36470 Pingo St Soldotna, AK 99669	
7.	Debbie Hamilton		48705 Runners Ave Soldotna, AK 99669	
8.	MATT WIDAMAN		36394 PINGO ST Soldotna, AK 99669	
9.	Jill DuFlath		36394 Pingo St. Soldotna AK 99669	
10.	Dennis Ostrander		48585 Runners Soldotna, AK 99669	
11.	Carolyn Ostrander		48585 Runners Ave. Soldotna, AK 99669	
12.	Lindsey Wolfe		36430 Wake Forest Ct. Soldotna, AK 99669	

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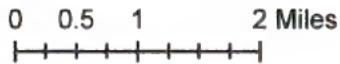
	Printed Name	Signature	Residence Address	Verifier Voter Number, Date of Birth or Last 4 SSN
13.	George WALTERS	<i>George E. Walters</i>	36455 WAKE FOREST Soldotna, AK 99669	
14.	Tod McMillivray	<i>Tod A. McMillivray</i>	48757 Bernice Ave Soldotna, AK 99669	
15.	Kalyn McMillivray	<i>Kalyn McMillivray</i>	48757 Bernice Ave Soldotna AK 99669	
16.	Shannon McCloud	<i>Shannon McCloud</i>	48757 Bernice Ave 99669	
17.	ANTHONY PRIOR	<i>Anthony Prior</i>	48650 MURWOOD AVE, SOLDOTNA AK 99669	
18.	Dianna PRIOR	<i>Dianna Prior</i>	48650 Murwood Ave Soldotna, AK 99669	
19.	STEVEN WORTHAM	<i>Steven Wortham</i>	36501 PINGO ST. SOLDOTNA AK 99669	
20.	BETHANY WORTHAM	<i>Bethany Wortham</i>	36501 PINGO ST. SOLDOTNA AK 99669	
21.	BRETT ALLEMAN	<i>Brett Allemann</i>	48675 Runners Ave Soldotna, AK 99669	
22.	Tiffany Allemann	<i>Tiffany Allemann</i>	48675 Runners Ave Soldotna, AK 99669	
23.	Laurie Walters	<i>Laurie Walters</i>	36455 Wake Forest Ct Soldotna, AK 99669	
24.	Bruce Will	<i>Bruce Will</i>	48740 Wendy Ln Soldotna AK 99669	

Petition of Interest to Form an Advisory Planning Commission

	Printed Name	Signature	Residence Address	Verifier Voter Number, Date of Birth or Last 4 SSN
25.	STEPHEN K. WIDMER	<i>[Signature]</i>	48425 THURWOOD AVE., SOLDOTNA	[Redacted] ✓
26.	Blair Martin	<i>[Signature]</i>	48500 Okimohol M Ranch Trenci AK 99611	[Redacted] ✓
27.	Teresa Ostrander	Teresa Ostrander	Soldotna AK 99611 48645 Runners Ave	[Redacted] ✓
28.				
29.				
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31.				
32.				
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34.				
35.				
36.				



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Proposed Boundaries for K-Beach Area Advisory Planning Commission



Date: 2/8/2019