

DESK PACKET ITEMS

(Items received after the meeting packet publish date of 02/17/2023)

G. OTHER

Planning Commission Bylaws Discussion

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BYLAWS OF THE
KENAI PENINSULA BOROUGH PLANNING COMMISSION
A Commission of the Kenai Peninsula Borough
A Municipal Corporation

PREAMBLE

The Kenai Peninsula Borough Planning Commission shall provide for the systematic and organized development of the borough

ARTICLE I

Planning Commission Establishment- Government-Name

- Section 1. Name: The name of the commission is the "KENAI PENINSULA BOROUGH PLANNING COMMISSION," hereinafter referred to as the "commission."
- Section 2. Establishment: The COMMISSION is required by AS 29.40.020 and was established by Kenai Peninsula Borough Ordinance **[INSERT RELEVANT ORD]**.
- Section 3. Government: The COMMISSION operations are governed by Alaska Statutes, particularly Title 29.40; and the Kenai Peninsula Borough Code of Ordinances, broad duties are described in KPB Chapter 2.40. The COMMISSION further administers, in full or in part, Kenai Peninsula Borough Titles 20 and 21 and other provisions of the borough code as may be adopted by the assembly and made applicable to the COMMISSION.

ARTICLE II

Commissioners

- Section 1. Establishment - Appointment: As provided for by A.S. 29.40.020 and KPB 2.40.015
- Section 2. Powers and Duties of the Commission: Per A.S. 29.40.020 The COMMISSION shall:
- 1) Prepare and submit to the assembly a proposed comprehensive plan in accordance with AS [29.40.030](#) for the systematic and organized development of the borough
 - 2) Review, recommend, and administer measures necessary to implement the comprehensive plan, including measures provided under AS [29.40.040](#)

In addition, the planning commissions duties as prescribed by ordinance:

- A. Consistent with the provisions of KPB 2.40.040 The commission shall prepare from time-to-time plans for the systematic development and betterment of the borough as a place of residence or for business. It

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may employ engineers, attorneys, clerks and a secretary, or other personnel considered necessary, subject to the approval of the assembly. The assembly shall fix the compensation of persons employed by the planning commission. The compensation and necessary expenses of the planning commission shall 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 the planning commission be authorized to create a deficiency.

- B. Consistent with the provisions of KPB 2.40.050, may consider and investigate subject matter tending to the development and betterment of the borough and make recommendations as it considers advisable to any department of the borough government and to the assembly. The commission may make or have made surveys, maps or plans.
- C. Consistent with the provisions of KPB 2.40.060, Before final action is taken by the borough or a department of it, on the location and design of any public building, dock, beach, ski ground, statue, memorial park, parkway, boulevard, street or alley, playground, public street, alley or the grade thereof, the matter shall be submitted to the planning commission for investigation and report.
- D. Place holder.
- E. Consistent with KPB 2.40.080; The planning commission in its capacity as the platting board is authorized to delegate powers to hear and decide cases involving platting to a **plat committee** composed of those members of the planning commission present for such hearing so long as there are at least 4 members of the planning commission present. The following procedures are prescribed for hearings and reviews:
 - 1) Cases may be decided by a majority vote of the plat committee members present.
 - 2) Review of a decision of the plat committee may be heard by the planning commission acting as platting board by filing written notice thereof with the borough planning director on a form provided by the borough planning department. The request for review shall be filed within fifteen days of date of distribution of the decision of the plat committee by personal service or service by mail. A request for review may be filed by any person or agency that was sent a notice of decision. The request for review must briefly state the reason for the review request and applicable provisions of borough code or other law upon which the request for review is based. Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice.
 - 3) Cases reviewed shall be heard de novo by the planning commission acting as the platting board.
- F. Perform other functions as delegated by the assembly.

Section 3. Terms and Qualifications: As provided for in KPB 2.10.015 (D)

Bylaw creation authorized by KPB 2.40.110

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Section 4. Vacancies: As provided for in KPB 2.10.015 (E)

Section 5. Absences: [should be addressed]

ARTICLE III Meetings

Section 1. Commission Meetings: The Commission shall meet periodically at a regularly scheduled time and place designated by the administration?. Special meetings of the commission may be called by the chairperson, planning director or by three members upon one day's notice thereof published in a newspaper or via radio having general public distribution. The notice shall state the specific matter or matters to be included on the agenda and include the time and the place of the meeting and shall be emailed, mailed or telephoned to each member. The attendance of a member at a meeting constitutes a waiver of notice of the meeting. All meetings, with the exception of executive sessions or adjudicative sessions, are open to the public as provided in AS 29.20.20 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312.

Section 2. Quorum: a majority of sitting members shall constitute a quorum; however; any action shall require the affirmative vote of ___ or more commission members. In the absence of a quorum, a majority of those present may adjourn the meeting to a later date.

Section 3. Work Session: Work session meetings of the commission may be called at any time by the chairperson, planning director or any three members of the commission, upon at least one day's notice. The commission cannot take any official action at a work session. The commission need not, but may, provide for audience participation at a work session. Public notice is required.

Section 4. Adjudicatory Session: The commission, may from time to time, convene meetings of quasi-judicial matters to make decisions in adjudicatory proceedings. The planning commission is exempt from the OMA when meeting solely to make a decision in an adjudicatory proceeding. An "adjudicatory proceeding" is generally one in which the rights of specific, identified individuals are being determined, such as a request for a zoning matter, or a variance request. To be exempt from the OMA means that the commission, in such cases, may meet in adjudicative session to deliberate and make a decision in the pending case.

Section 5. Agenda: An agenda for the meetings shall be distributed to all commissioners prior to the meeting, including a packet of any supporting documentation.

Section 6. Minutes: All proceedings of meetings and work sessions will be electronically recorded, and minutes permanently recorded in print. The electronic

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recording shall be maintained for a period of one year, and the written record shall be distributed to commissioners. After the minutes are approved, a copy shall be forwarded to the Borough Clerk for the Borough Mayor and the assembly.

- Section 7. Order of Business: The order of business at all meetings and work sessions of the commission shall be in accordance with the adopted agenda for that meeting; however, the commission may change the order of business by motion to accommodate the public, commissioners, or the business being conducted. The chair may limit or alter the time periods for commission's debate and public presentation.
- Section 8. Chair: The chair or vice-chair shall preside at all meetings of the commission and shall remain a voting member of the commission.
- Section 9. Procedure: Meetings shall be conducted in accordance with Robert's Rules of Order Newly Revised unless other procedural rules for the conduct of meetings have been adopted by the COMMISSION. Meetings may be held by teleconference in compliance with AS 44.62.310. NEED DISCUSSION HERE ABOUT ZOOM AND REMOTE MEETING ATTENDANCE.

ARTICLE IV Commission Officers

- Section 1. Election of Officers- Terms- Qualifications: (NEEDS DISCUSSION)
- Section 2. Resignation-Vacancies: Should an officer's seat become vacant, the commission shall elect, by majority vote of the remaining commissioners, a successor to fill that office for the rest of the term at the first meeting following the notice of resignation.

ARTICLE V Personnel

Placeholder

ARTICLE VI Records

- Section 1. Commission Records. The COMMISSION records shall be open for public inspection as provided for in Alaska Statutes, borough ordinances, resolutions and policies. COMMISSION records are maintained and retained in accordance with borough ordinance, resolutions and policies and procedures.

ARTICLE VII Amendments

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Section 1. Bylaws Adoption, Amendments or Repeal: The commission may adopt, amend, or repeal bylaws at any regular or special meeting of the commission provided that no bylaw shall be inconsistent with Alaska Statutes or borough ordinances or resolutions.

Section 2. Voting Requirements: No bylaw may be adopted, amended, or repealed except by majority vote of sitting members.

These bylaws are hereby approved unanimously by the commission and adopted on _____.

Chair

Attest:

Director