



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Blaine Gilman, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Mike Navarre, Borough Mayor *MN*

FROM: Max Best, Planning Director *MB*

DATE: September 14, 2016

SUBJECT: Ordinance 2016-25 (Substitute); an ordinance amending KPB 2.40.010 to Reduce Planning Commission Membership

The Kenai Peninsula Borough Planning Commission reviewed the subject ordinance during their regularly scheduled September 12, 2016 meeting.

A motion failed by majority consent to recommend approval of Ordinance 2016-25 (Substitute); an ordinance amending KPB 2.40.010 to Reduce Planning Commission Membership. (*Carluccio, No; Collins, No; Ecklund, No; Ernst, No; Foster, Absent; Glendening, No; Isham, No; Lockwood, Absent; Martin, No; Morgan, No; Ruffner, Yes; Venuti, No; Whitney, No*)

In the Ordinance, please make the following amendment to the last WHEREAS statement:

WHEREAS, at its meeting of September 12, 2016 the planning commission did not recommend approval of the ordinance by majority consent.

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

AGENDA ITEM F.

PUBLIC HEARING

3. Ordinance 2016-25 (Substitute); an ordinance amending KPB 2.40.010 to Reduce Planning Commission Membership

Memorandum given by Max Best

PC Meeting: 8/22/16 & 9/12/16

This ordinance was postponed at the August 8, 2016 Planning Commission meeting to give the Cities and Advisory Planning Commissions time to review and submit comments.

A motion is on the floor: Commissioner Ruffner moved, seconded by Commissioner Isham to recommend approval of Ordinance 2016-25, (Substitute), an ordinance amending KPB 2.40.010 to Reduce Planning Commission Membership.

Comments were received from the City of Soldotna. The City of Soldotna Planning Commission unanimously voted in opposition of the subject ordinance.

Also comments were received from the Cooper Landing Advisory Planning Commission (CLAPC). *"CLAPC felt it is important to sustain the representation for the small villages of the peninsula including those of the Eastern Kenai Peninsula Moose Pass, Hope and Cooper Landing. Small villages can have different concerns than those of a city. Thank you for sustaining our separate representation."*

END OF STAFF REPORT

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

MOTION ON THE FLOOR: Commissioner Ruffner moved, seconded by Commissioner Isham to recommend approval of Ordinance 2016-25, (Substitute), an ordinance amending KPB 2.40.010 to Reduce Planning Commission Membership.

Commissioner Venuti stated that the Homer Advisory Planning Commission discussed this ordinance at their meeting and voted in opposition of it.

Commissioner Glendening attended the meeting of the Kenai City Council where the Council instructed the City Clerk to send a letter to the Borough Clerk indicating a neutral stance. There was recognition that there was a problem with the number of representation. They expressed concern about the details of how first class and home rule cities were going to be represented. Until that was really teased out, they opted with a neutral response to the request.

Commissioner Ecklund stated that she has been in communication with the Seward City Assistant Manager. She stated they were in opposition to any proposed changes. The Assistant Manager states, *"Our position remains the same: the whole issue is framed as "growing government" and therefore bad, when in fact following the process in place today accomplishes it's specific purpose, i.e. local and specific expertise that's of use to the rest of the body. The comparison with the reduced Assembly is irrelevant. The Assembly is a legislative body, with decisions to be in the public interest of the entire borough. Parochial interests are obvious. Preaching to the choir here, but PC routinely deals with more arcane and location-specific matters where the individual member's boots on the ground knowledge helps the commission get to a more fully informed and usually better decision. In the bigger picture it seems to be less about actual budget savings based on rational analysis and more about "right sizing government" – a solution looking for a problem."*

Commissioner Whitney stated that the Soldotna Planning & Zoning Commission expressed opposition of the proposed ordinance. Due to scheduling, this was not put on the City Council agenda for discussion. He stated that he will be voting in opposition of the ordinance.

Commissioner Carluccio stated that the Seldovia Planning & Zoning Commission met last week and

discussed this ordinance. They are in opposition of the ordinance as it stands right now. Two major concerns were expressed. One being the way the ordinance was written, as it leaves Seldovia out of the picture just by virtue of the population in the City. The feeling was that if the Mayor and Assembly were only picking four people then they would only be picking four people from the larger cities. The other concern was the fact that when unincorporated areas were discussed, it indicated that a person wouldn't have to live in a particular area they represent. They understood that members from the unincorporated areas could actually live in Sterling as opposed to Southwest Borough or Anchor Point so they felt that it would ultimately limit the scope of the planning commission. There were alternate plans discussed that could be considered but they weren't fleshed out so she did not share them. She stated that this topic will also go before City Council who should pass a resolution in opposition.

Commissioner Ecklund thought they could just add another position from an unincorporated area and get close to meeting the statute or they could go the long route and get the statute changed. She felt that cutting the commission just to meet the statute was not doing the borough a service.

Commissioner Venuti wondered if there were other solutions to this situation. He thought it might help by having only one meeting a month which would reduce costs but the agenda may be outrageous. Also he wondered if it was really necessary to hold meetings in other areas like Cooper Landing or Homer since it is a major expense having meetings in these locations. If funding was the issue then he thought there were other ways to address this.

Commissioner Isham asked if the State cared that the Borough was out of compliance with the Statute. Mr. Best replied he didn't know for sure and didn't believe every municipality in the State was in compliance. Commissioner Isham thought the Governor had bigger issues to deal with.

Chairman Martin thought this was not a funding issue but has to do with compliance with State Statute. He stated the State has back the Borough in the corner. Commissioner Carluccio stated that the State hasn't backed them into a corner, the Statute maybe but not the State. Mr. Best stated that the State has not notified the Borough about being out of compliance.

Chairman Martin stated the Commission could offer an amended recommendation to the Assembly.

Commissioner Ernst felt that reducing representation doesn't make for better government. To reduce the representation of this diverse area would be a disservice to the people living here if this isn't a fiscal issue.

Chairman Martin asked when the Planning Commission went from nine members to thirteen members. Mr. Best thought that it was around 2003. Chairman Martin stated that it was easier to maintain status quo rather than go backwards. They could look at what the upside and downside was in having a nine member or an eleven member planning commission.

Chairman Martin stated that a full panel does squeeze the meetings a little bit. Commissioner Carluccio asked how often they have a full panel of commissioners. Commissioner Isham stated that they had a few surveyors on the commission then but don't have any on the commission now. There was a lot of information the surveyors brought to the table.

Commissioner Ecklund expressed concern with the difficulty of getting a full plat committee each quarter. For this quarter the Plat Committee has three members and two alternates. She felt it would be even harder to get a full committee if the number of commissioners were reduced.

Commissioner Glendening asked if they could maintain status quo until the next census and then revisit this issue. Mr. Best replied that, that was what the subject ordinance does. They will look at the 2020 census when it comes out.

Commissioner Glendening was unsure how to vote since the area he represents voted neutral on this ordinance. He asked if he should vote according to his conscience.

Commissioner Ruffner expressed mixed feelings. The job that they have been given is to represent the whole borough which is an important thing that he hoped would not get lost in the discussion. They should put as much thought into the other side of the Peninsula and those areas that were feeling that they were being left out. Initially, he thought it was a good idea to reduce the size of the planning commission however but after listening to everybody he has made him to think a little harder on this issue. It is important to remember the job they have been given was to represent the whole borough.

Commissioner Glendening stated that Commissioner Ruffner's point was well taken. He stated he was selected by the City of Kenai for his particular knowledge and expertise which is what he referred to in his comments. Commissioner Glendening suggested that they go the way they are until the next Census and let a future assembly deal with the configuration of the planning commission.

Commissioner Morgan asked if comments were received from the Anchor Point Advisory Planning Commission. Commissioner Collins replied no, they have not been meeting because they have been unable to obtain a quorum. Mr. Best stated that new Anchor Point APC Commissioners will be appointed at the next Assembly meeting so they should be able to obtain a quorum in October.

Commissioner Whitney felt that everyone on this commission works really hard to represent everyone in the borough, not just their particular area. They look at what is best and good for everybody. He felt they need to vote yay or nay on the subject ordinance since there has been enough discussion that the Assembly can get the idea that they think it needs to be looked at some other time and not right now.

There being no further comments or questions, Chairman Martin called for a roll call vote.

VOTE: The motion failed by majority consent.

CARLUCCIO NO	COLLINS NO	ECKLUND NO	ERNST NO	FOSTER ABSENT	GLENDENING NO	ISHAM NO
LOCKWOOD ABSENT	MARTIN NO	MORGAN NO	RUFFNER YES	VENUTI NO	WHITNEY NO	1 YES 10 NO 2 ABSENT

AGENDA ITEM F. PUBLIC HEARING

4. Ordinance 2016-19-03; An ordinance appropriating \$325,000 from the General Fund to update the Kenai Peninsula Borough Comprehensive Plan.

Memorandum reviewed by Max Best

PC Meeting: 9/12/16

Pursuant to AS 29.35.180 and AS 29.40.010, the Kenai Peninsula Borough (KPB) provides for planning on an areawide basis. The last comprehensive plan adopted by the assembly was through ordinance 2005-20.

If this ordinance is approved the planning department will solicit proposals to update the KPB Comprehensive Plan. The consultant cost for the 2005 comprehensive plan was \$210,480. In 2003 a transportation plan was done at a cost of \$193,600. Staff is proposing a scope of work for the update that will require the consultant to perform more planning than was done in the previous comprehensive plan update. Additionally, the proposed scope of work will include more detailed specific plans for up to four communities in the borough.

Extensive public involvement will take place throughout the planning process and the project is expected to be completed in 18 - 24 months once a consultant is chosen.

Goal 1.1, Objective 7, of the 2005 KPB Comprehensive Plan is to regularly update the Comprehensive Plan to reflect changing conditions, trends, laws, regulations and policies within the borough. This update will enable the borough to keep current with changing planning needs.

END OF MEMORANDUM