


Kenai Peninsula Borough
Office of the Borough Mayor

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members of the Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Kenai Peninsula Borough Mayor 

DATE: September 1, 2020

RE: Appointment to the *KPB Planning Commission*

In accordance with AS 29.40.020, appointments to the Borough Planning Commission are recommended by the Borough Mayor, subject to confirmation by the Borough Assembly. The applicant is a registered voter and resides within the area to be represented. In accordance with KPB 2.40.010 and 2.40.030, I hereby submit to the Assembly my recommendation for confirmation of the following re-appointment to the Kenai Peninsula Borough Planning Commission:

Appointment

Board Seat

Term expires

Lou Oliva

Northwest Borough

July 31, 2023

Cc: Marcus Mueller, Acting Planning Director
Ann Shirnberg, Administrative Asst.
Clerk's Office



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Northwest Borough PC Application Submitted 2020-06-08 12:08:45

Name: Lou Oliva

Mailing Address:

PO 8567

Nikiski, Alaska 99635

Residence Address

Email: Lou@ljalaska.com

Work Phone: 9077768656

Home Phone: 9077768656

Mobile Phone: 9077768656

Occupation or place of employment: L&J ENTERPRISES EXCAVATING, INC

Which Planning Commission District do you wish to serve on?: Northwest Borough

How long have you lived in the Kenai Peninsula Borough?: since 1973

What knowledge, experience, or expertise will you bring to the Commission?

Kenai Borough Roads Board - 12 years

Nikiski Fire Service Area Board - 15 years

LNG Borough Board - 2 years

Have you, or do you currently, serve on other Kenai Peninsula Borough commissions, boards or task forces?

No

Are you available for

Night meetings Day meetings

Comments (areas of interest, additional experience or qualifications, etc.):

I would love to serve on the planning commission. Thank you for your consideration.

MEMORANDUM

TO: Charlie Pierce, Mayor
FROM: Marcus A. Mueller, Acting Planning Director *M.A.M.*
DATE: July 17, 2020
RE: Recommendation for Planning Commission Seating Plan & Policy

This year the Planning Commission seating involves two factors. First, as normal, several of the 3-year Planning Commission seats expire and are up for reappointment or new appointments as of August 1st. Second, Ordinance 2016-25(sub) goes into effect which changes the maximum number of Planning Commission Seats from 13 to 11.

Ordinance 2016-25(sub) set an August 1st effective date to limit the number of Planning Commission seats to 11. Planning Commission seats are apportioned under state statute such that the number of seats for areas inside cities and outside cities is proportional to the total population inside cities in comparison to total population outside cities. Based on most current census information, 20,044 people reside inside cities and 38,323 people reside outside cities in the Kenai Peninsula Borough (US Census Bureau, July 2019). This establishes a ratio that rounds to 4 to 7 for the purposes of distributing an 11-member commission. The ordinance also set parameters such as no more than one member of the commission may be from any single city in the borough, and continues a geographic areas framework for areas outside of cities with one specific change of merging the areas for Anchor Point/ Niniichik with Kasilof/Clam Gulch. Consequently there is one less city seat and one less rural district seat. The ordinance has a "transition" provision to help reconcile or adapt to the changes brought about by the ordinance.

Based on the way that statute and code separate "city seats" and "outside-of-city seats", those groups of 4 and 7 seats, respectively, are to be managed separately.

CITY SEATS:

There are five home rule or first class cities in the Kenai Peninsula Borough. Currently, there are also five planning commission seats held by cities; one each. Implementation of the eleven-member planning commission results in a reduction of 1 city seat. The 3-year seats are distributed such that two cities, Homer and Kenai, are completing the first year

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of their 3-year term; Seldovia is completing the 2nd of its 3-year term; and Seward and Soldotna are ending their 3-year term.

Recommended Policy- Rotate city seats with an “off-year” and give the “off-year” city preference for the next seat:

With 5 cities having access to 4 seats, one city will not have a seat on any given year. The most equitable policy would be to return a seat to a city after sitting off for one year. Another way put, a good policy would be to rotate each city through a single off-year, which would occur at the end of the three-year term. When a choice is to be made between two cities whose seats expire on the same year, the city that had been most recently been off will be the city who would be afforded the fresh seat. When only one city occupies the year-class of seats expiring, that city would expect to automatically be in position to sit out a year. After the “off-year” the city would be afforded a fresh seat and another city whose seat has just expired would move into the off-year position. This arrangement would form the general policy. Deviations from this policy would occur if a city, during its off-year, did not present a recommendation for filling the next available seat.

SEATS UP FOR APPOINTMENT

CITY:

Seward and Soldotna have expiring seats. By implementation of Ordinance 2016-25 one city seat is available as of August 1. One city is to be seated and consequently the other would sit an “off-year” consistent with the policy recommendation above. In fulfillment of city obligations to provide a recommendation list for members from the city, the City Councils of both Seward and Soldotna submitted recommendations to fill the available seat by reappointment of the member from their respective city currently holding a seat. Ms. Ecklund is from Seward. Mr. Whitney is from Soldotna. Both are well qualified, are respectful and effective public servants, are respected among their colleagues, and bring value to the work of the commission.

Recommendation for City Seat- City of Seward, Ms. Cindy Ecklund:

For the purpose of seating implementation of Ordinance 2016-025, the acting Planning Director hereby recommends seating the commissioner from the City of Seward, Ms. Cindy Ecklund.

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OUTSIDE OF CITY:

The following seats have terms expiring July 31, 2020:

Northwest

Southwest

Ridgeway

The following seats merge as of August 1st:

Anchor Point/Ninilchik (Seat Expires July 31, 2022)

Kasilof/Clam Gulch (Seat Expires July 31, 2021)

Recommendation for Northwest Seat- Mr. Lou Oliva:

The Northwest member completing his term, Mr. Rob Ernst, has provided verbal confirmation that he does not seek reappointment. The Northwest seat has one applicant, Mr. Lou Oliva. Mr. Oliva is experienced with the northwest area as a long-time resident operating a contracting business and previously serving on the Kenai Peninsula Borough's Road Service Area Board. Mr. Oliva would bring valuable perspective and knowledge to the Planning Commission. Mr. Oliva is party to one pending item, a petition to vacate easements, that will be heard by the Planning Commission; it is anticipated that Mr. Oliva would be required to recuse himself from participation on the matter. The acting Planning Director hereby recommends seating as the commissioner from the Northwest area, Mr. Lou Oliva.

Recommendation for Ridgeway Seat- Ms. Pamela Gillham:

The Ridgeway seat stands vacant. The Ridgeway seat has one applicant, Ms. Pamela Gilham. Ms. Gillham is a 35-year resident of the Kenai Peninsula Borough with experience in independent software consulting, accounting services, income tax law, and property ownership. The acting Planning Director hereby recommends seating the commissioner from the Ridgeway area, Ms. Pamela Gillham.

Recommendation for Southwest Seat- Hold Vacant for Ord 2016-25 Transition:

The Southwest member completing his term, Dr. Rick Foster, has moved the location of his primary residence to within the City of Homer. Dr. Foster has expressed interest in continuing to serve on the Planning Commission. In review of State statutes, KPB Code, and administrative records, it is found that a person residing in a city is not eligible to be appointed to an outside of city Planning Commission seat. The Southwest seat has no

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eligible applicants. The acting Planning Director hereby recommends holding the Southwest seat vacant through July 31st, 2021 in order to retain both active seats from within the Anchor Point/Ninilchik, Kasilof/Clam Gulch merging area.

Recommendation for Transition of Anchor Point/Ninilchik, Kasilof/Clam Gulch -Retain Seated Members to Completion of Existing Terms:

Ordinance 2016-25 reconfigured 8 geographic areas into 7 geographic areas by merging Anchor Point/Ninilchik with Kasilof/ Clam Gulch. The active seats involved have two years and one year remaining, respectively. Ordinance 2016-25 provides for transition in a way that would allow for a seat outside of cities to be appointed at-large and filled by an individual from any outside-of-city location within the borough, as practical. At the scheduled expiration of the Kasilof-Clam Gulch seat, that seat would no longer be filled. The Southwest seat would at that time be available to be seated at-large in accordance with borough code, maintaining a statutorily apportioned 11-member Planning Commission. The acting Planning Director hereby recommends retaining seated members from both Anchor Point/Ninilchik (Bentz) and Kasilof/Clam Gulch (Ruffner) for the completion of existing scheduled terms under the transition mechanism afforded under Ordinance 2016-025(sub).