

Introduced by: Bjorkman, Cox
Date: 05/17/22
Hearing: 06/21/22
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-18**

**AN ORDINANCE AMENDING KPB 2.40.015 REGARDING THE PLANNING
COMMISSION APPLICATION PROCESS**

- WHEREAS,** Ordinance 2021-40, as amended, increased the planning commission membership from 11 members to 14 members; and
- WHEREAS,** AS 29.40.020(a) requires that planning commission membership 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; and
- WHEREAS,** based on current census information the required apportionment ratio, for all 5 cities to have a seat on the planning commission each year, the planning commission has been composed of 14 members with 9 single member district seats; and
- WHEREAS,** KPB 2.40.015(c) states that planning commissioners appointed to represent a single member district shall reside within that district; and
- WHEREAS,** 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 Kenai Peninsula Borough (Borough) who resides outside of city limits; and
- WHEREAS,** the Assembly, as the legislative branch of the Borough, has the responsibility to define and clarify any portions of Borough code that may come under scrutiny due to the possibility of opposing interpretations or views as to its meaning; and
- WHEREAS,** Borough code is unclear as to whether or not borough residents who live outside a single member district can apply with those who live in the single member district; and
- WHEREAS,** this confusion allows for some out-of-area residents to apply for area specific planning commissioner seats while other residents may assume that only those living in the area can apply; and
- WHEREAS,** this exact scenario happened with several of the area specific commission seats as there was no explanation as to who could apply for each respective single member district seat; and

WHEREAS, direction should be added to KPB 2.40.015 to clarify this section of code;

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

SECTION 1. That KPB 2.40.015 is hereby amended as follows:

2.40.015. Membership—Apportionment.

...

C. Single Member District. Planning commissioners residing outside of first class and home rule cities shall be appointed at-large 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/FunnyRiver;
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 [SHALL]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 [B]orough 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 be appointed for their expertise and knowledge of the community, borough land use, and planning issues and shall represent the entire borough.

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 an option be added to the Planning Commission Application page on the KPB website that allows applicants to select "Non-Area Specific - Vacant Seat to be Filled At-Large".

SECTION 3. That this ordinance shall be effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF JUNE, 2022.

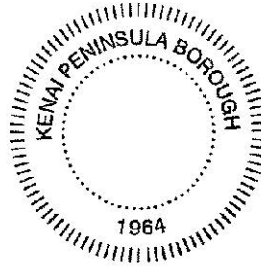
Brent Johnson

Brent Johnson, Assembly President

ATTEST:

John Blankenship

Johni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson
No: None
Absent: None