

Introduced by:	Dunne
Date:	04/21/20
Hearing:	05/19/20
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2020-21**

**AN ORDINANCE AMENDING KPB 21.02.050 TO CHANGE THE KACHEMAK  
BAY ADVISORY PLANNING COMMISSION MEMBERSHIP BY REMOVING  
THE CITY OF HOMER EX OFFICIO NON-VOTING MEMBER**

**WHEREAS,** borough advisory planning commissions were established to provide residents with an additional avenue to participate in land use planning activities for their community and make recommendations to the Kenai Peninsula Borough Planning Commission on land use planning and public land management issues which may affect the existing and/or future character of their community; and

**WHEREAS,** the Kachemak Bay Advisory Planning Commission ("KBAPC") was established in early 1996 through the enactment of ordinance 95-38 in recognition of the need for a local advisory planning commission for the residents of the area described as the "North Shore of Kachemak Bay" to advise the Borough Planning Commission; and

**WHEREAS,** currently there are no active members on the KBAPC and efforts are underway to recruit new members and re-activate this commission; and

**WHEREAS,** in ordinance 99-10 the assembly amended the code to provide for a nonvoting ex officio member of the KBAPC from the City of Homer Advisory Planning Commission to help ensure open communication between the borough and Homer on issues affecting both areas; and

**WHEREAS,** no borough Advisory Planning Commissions include cities in their boundaries, and the KBAPC is no exception; and

**WHEREAS,** the KBAPC is the only borough advisory planning commission with a member from a city; and

**WHEREAS,** all other members of all borough advisory commissions are required to be residents of the advisory boundary commission they serve, which means no other borough advisory commissions include any members from a city; and

**WHEREAS,** meetings of the KBAPC are advertised and open to the public, and there is no need to treat this advisory planning commission differently from the other borough advisory planning commissions;

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

**SECTION 1.** That KPB 21.02.050 is amended as follows:

**21.02.050. Nominations for membership.**

- A. [EXCEPT AS PROVIDED IN SUBPARAGRAPH D BELOW, N] 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, T] 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] 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.]

**SECTION 2.** That KPB 21.02.060 is amended to read as follows:

**21.02.060. Qualified nominee.**

- [A. EXCEPT AS PROVIDED BELOW IN SUBPARAGRAPH B, t] to qualify as a nominee, an individual must:
  - A [1]. Physically reside within the boundaries; and
  - B [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.]

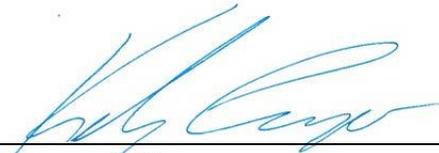
**SECTION 3.** That KPB 21.02.080 is amended as follows:

**21.02.080. Term of office.**

- A. Each APC shall consist of not more than seven (7) [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 (3) years, except in the case of a newly created commission when seats A and B are appointed for an initial term of one (1) year; seats C and D are appointed for an initial term of two (2) 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 1<sup>st</sup> and end on September 30<sup>th</sup>. In the case of a new APC the term shall begin upon appointment confirmation.

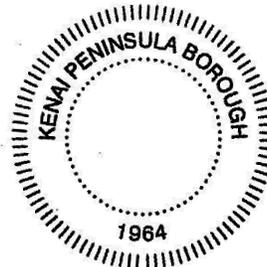
**SECTION 4.** That this ordinance shall be effective upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF MAY, 2020.**

  
\_\_\_\_\_  
Kelly Cooper, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper  
No: None  
Absent: None