

Kenai Peninsula Borough Planning Commission

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

**November 29, 2021
7:30 P.M.
UNAPPROVED MINUTES
Zoom Only Meeting**

CALL TO ORDER

Chair Ruffner called the meeting to order at 7:30 p.m.

ROLL CALL

Commissioners Present

Syverine Bentz, Anchor Point/ Ninilchik
Jeremy Brantley, Sterling
Diane Fikes, City of Kenai
Pamela Gillham, Ridgeway
Virginia Morgan, East Peninsula
Robert Ruffner, Kasilof/Clam Gulch
Franco Venuti, City of Homer

With 7 members of an 11-member commission in attendance, a quorum was present.

Staff Present

Melanie Aeschliman, Planning Director
Scott Huff, Platting Manager
Julie Hindman, Platting Specialist
Bryan Taylor, Planner
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

***3. Plats Granted Administrative Approval**

- a. Browns Acres Subdivision 2021; KPB File 2021-072
- b. Causeway Subdivision 2021 Replat; KPB 2021-138
- c. East Cohoe Subdivision Hedger Replat; KPB File 2021-120
- d. Goodrich Acres Sanchis Replat; KPB File 2021-008
- e. Green Forest Subdivision Black Addition; KPB File 2021-010
- f. Hollywood Park Koch Addition; KPB File 2020-033
- g. Kenai Landing Subdivision 2021 Addition; KPB File 2021-089
- h. Kuchta Estates Hansen Addition; KPB File 2021-119
- i. Melickian Subdivision 2021 Addition; KPB File 2021-094
- j. Ninilchik Airport Heights 2021 Replat; KPB File 2021-103
- k. Ninilchik River Estates Subdivision Addn. 1 McLean Addn.; KPB File 2021-108
- l. Quandt Subdivision Newton-Segura Addition; KPB File 2020-056
- m. Razdolna Subdivision 2020 Addition; KPB File 2020-104
- n. Skyline Drive Subdivision 2020 Replat; KPB 2020-062
- o. Willard Point; KPB File 2021-056

***4. Plats Granted Final Approval (20.10.040)**

- a. Corea Bend Subdivision 2021 Replat; KPB 2021-128

***6. Commissioner Excused Absences**

- a. Blair Martin, Kalifornsky Beach
- b. City of Soldotna, Vacant
- c. City of Seward, Vacant
- d. Northwest Borough, Vacant

7. Minutes*a. November 8, 2021 Planning Commission Meeting Minutes**

Vice Chair Ruffner asked Ms. Shirnberg to read the consent agenda items into the record. He then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no comment he brought it back to the commission for a motion.

MOTION: Commissioner Gillham moved, seconded by Commissioner Venuti to approve the consent agenda and the regular agenda.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	8	Absent	1	Vacant	3
Yes	Bentz, Brantley, Fikes, Gillham, Morgan, Ruffner, Venuti				
Absent	Martin				

Chair Ruffner asked Ms. Shirnberg to read the procedures for public testimony.

AGENDA ITEM E. NEW BUSINESS**ITEM E1. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 2 BLOCK 1 NAFF SUBDIVISION PART 2**

KPB File No.	2021-145
Planning Commission Meeting:	November 29, 2021
Applicant / Owner:	Ramona C. and Alexander N. Connors
Surveyor:	Mike Swan
General Location:	Tuffy Lane and Scout Lake Loop Road / Sterling
Parent Parcel No.:	063-880-02
Legal Description:	Lot 2 Block 1 Naff Subdivision Part Two (KN 84-275)
Assessing Use:	Residential
Zoning:	Rural Unrestricted

Staff report given by Scott Huff.

Specific Request / Purpose as stated in the petition:

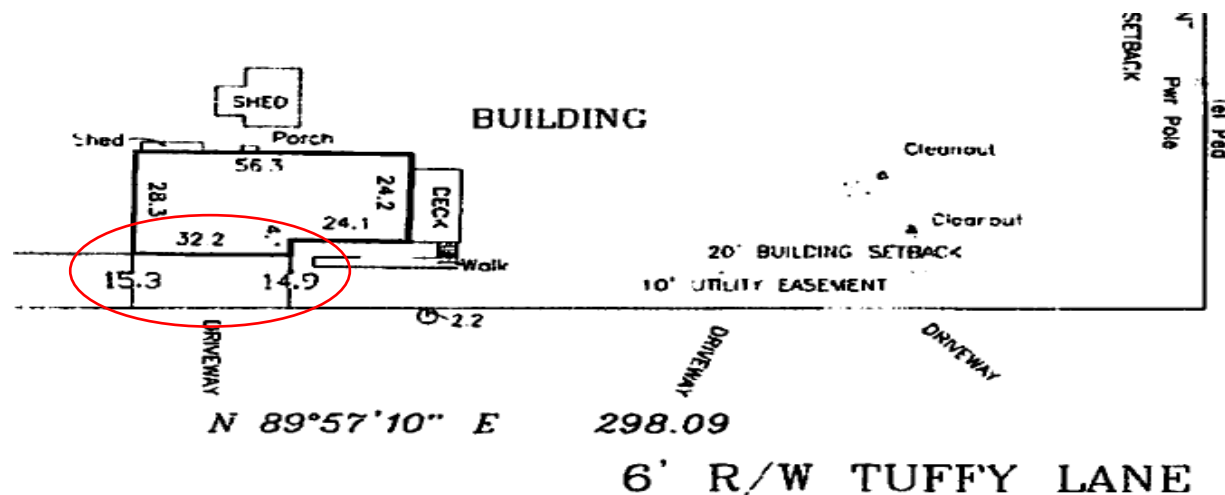
Marvin Shrock Builders built garage approximately 6 years ago. Garage was and is more than 30 feet from the driving or existing road and we never realized we were that close to the right of way.

Site Investigation: Per the as-built, a portion of the garage is within the 20-foot building setback adjoining Tuffy Lane. The structure encroachment varies from 4.7 feet to 5.1 feet into the 20-foot building setback.

The lot is within the Naff Subdivision Part Two, Plat KN 84-275.

Lot 2 Block 1 is located on the corner of Scout Lake Loop Road and Tuffy Lane. Scout Lake Loop Road is a state maintained right of way. Tuffy Lane is constructed but not currently maintained.

The encroachment is within the 20-foot building setback along Tuffy Lane as established by Plat KN 84-275. No improvements are located within the 20-foot building setback adjoining Scout Lake Loop Road. The structure appears to be approximately 186 feet from the intersection of Scout Lake Loop Road and Tuffy Lane.



Staff Analysis: The lot is within Naff Subdivision Part Two, Plat KN 84-275 and is located in the Sterling area. The lot is not within an Advisory Planning Commission boundary.

The building setback was in effect with the recording of Naff Subdivision Part Two in 1984. Per KPB Assessing information, a dwelling was constructed in 2010. Per the application, a garage was added on about six years ago. The garage portion is within the 20-foot building setback. The application states the owners were using the constructed roadway to determine the location for the building addition.

The area is relatively flat and low wet areas are not present on the property. The encroachment is nearly parallel to the right of way and does not appear to affect the line of sight on Tuffy Lane roadway. Tuffy Lane is not currently maintained.

The intersection with Scout Lake Loop Road is approximately 186 feet from the structure and does not affect any setback, line of sight, or maintenance with Scout Lake Loop Road.

Notice was mailed to 36 landowners within 600 feet of the subject lot.

Findings:

1. The garage is located from 4.7 feet to 5.1 feet within the platted 20-foot building setback.
2. Tuffy Lane is a 60-foot wide right of way.
3. Tuffy Lane is partially constructed.
4. Tuffy Lane is not maintained.
5. The portion of Tuffy Lane adjoining Lot 2 Block 1 is straight and slightly curves to the south as the right of way extends to the west.
6. Scout Lake Loop Road is approximately 186 feet east from the building encroachment.
7. The location of the building encroachment does not appear to affect the line of sight on Tuffy Lane.
8. Utilities have been installed in the area.
9. The structure is not within the 10-foot utility easements.
10. KPB Roads Department has no objection to the granting of a building setback encroachment permit.
11. Recent aerial imagery shows room for vehicles to park between the building and roadway.
12. A portion of the building would need to be removed to comply with the 20-foot building setback.

20.10.110. – Building setback encroachment permits.

E. The following standards shall be considered for all building setback encroachment permit applications:

1. The building setback encroachment may not interfere with road maintenance.

Findings 4, 5, 7, 8, 9, 10, 11 appear to support this standard.

2. The building setback encroachment may not interfere with sight lines or distances.
Findings 4, 5, 7, 8, 9, 10, 11 appear to support this standard.

3. The building setback encroachment may not create a safety hazard.
Findings 4, 5, 7, 8, 9, 10, 11 appear to support this standard.

- F. The granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the 20-foot building setback from the parcel.
- G. The Planning Commission shall approve or deny a building setback encroachment permit. If approved, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.

KPB department / agency review:

KPB Roads Dept. comments	No objection at this time.
SOA DOT comments	No comment
Code Compliance – Eric Ogren	No comment

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2021-35, subject to compliance with KPB 20.10.110 sections F and G.

NOTE:

20.10.110.(H) A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

END OF STAFF REPORT

Vice Chair Ruffner opened the meeting for public comment.

Alex Conner, Applicant; 1640 E. Frank Smith Way, #204, Wasilla, AK 99654: Mr. Conner stated when they had the garage built several years ago they were not aware that the road was that far away from the edge of the developed right-of-way. They became aware of the encroachment when they went to sell the house. The house sell did go through and it was recently sold to Carla Salzmänn.

Vice Chair Ruffner asked the applicant who did he feel was responsible for this encroachment. Mr. Conner replied that while he had trusted in his contractor to make sure that everything was correct, in the end he believed that the final responsibly lies with him. Vice Chair Ruffner replied that he appreciated Mr. Conner's honesty.

Vice Chair Ruffner hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Fikes to adopt PC Resolution 2021-35 granting a building setback encroachment permit to Lot 2, Block 1, Naff Subdivision Part Two (Plat KN 84-275)

Commissioner Venuti asked if it was appropriate for Mr. Conner to be applying for the permit since he no longer owns this property. Mr. Huff replied when the application was submitted Mr. Conner was the

landowner but has since sold the property. He said that the permit was associated with the lot and not the landowner, so he saw no problem with Mr. Connor moving forward with the application.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

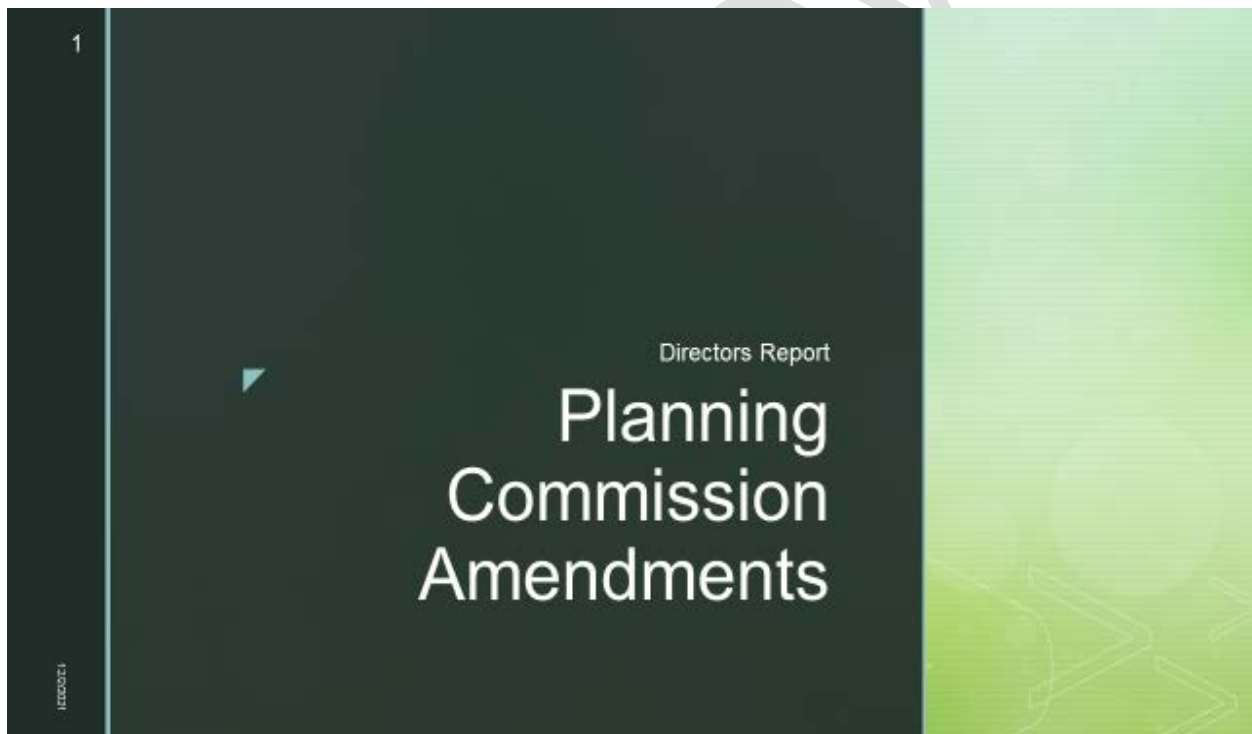
MOTION PASSED BY UNANIMOUS VOTE:

Yes	8	Absent	1	Vacant	3
Yes	Bentz, Brantley, Fikes, Gillham, Morgan, Ruffner, Venuti				
Absent	Martin				

ITEM E2. – Ordinance 2021-40

An Ordinance Amending KPB 2.40.015 Regarding Planning Commission Membership & Apportionment

Report given by Melanie Aeschliman:



2

2.40.015. - Membership—Apportionment.

A. The planning commission shall consist of a maximum of eleven members. Commission membership shall 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. No more than one member of the commission may be from any single home rule or first class city in the borough unless more are required to satisfy the statutory apportionment requirement. A city member shall be selected by the mayor from a list of recommendations submitted by the council of any cities from which no member will be on the commission when the vacancy is effective, unless apportionment requires more than one member from a city. In that event all eligible city councils may submit a list of recommendations for the additional seat provided that no city may have greater than one member more than any other home rule or first class city. Appointments shall be subject to confirmation by the assembly.

B. Planning commissioners from outside of first class and home rule cities shall be appointed at-large by the mayor and confirmed by the assembly and may be as representative of the following geographic areas as practical:

- 1) East Peninsula;
- 2) Southwest Borough;
- 3) Anchor Point/Ninilchik/Clam Gulch/Kasilof;
- 4) Kalifornsky Beach
- 5) Ridgeway;
- 6) Sterling;
- 7) Northwest Borough.

12/02/21

3

Amend Item # 1 KPB Code 2.40.015

- How Many City Seats Should be on the Planning Commission?

- The proposed amendment points out:

KPB currently has an eleven-member planning commission. There are four city seats, which are subject to an informal rotation between five home rule/first class cities and seven at-large seats. This aligns with apportionment rules, but is difficult, if not, impossible to accomplish with five cities rotating four, 3-year term seats. It is mathematically impossible to create an equitable rotation. This is most likely why Ordinance 2016-25 did not specify how city seats would be distributed.

- **Proposed amendment is to go back to 13**

12/02/21

4

Points of Consideration for 13 Seats

- Stops issues with any rotation of city seats
- Alternative views from the Cities vs. citizens serving in the seats/ Is it a city government seat or a resident seat?
- Will this create permanent ZOOM Seats?
- Costs to KPB taxpayers?
- Where do we put the additional seats and will this allow for a remodel to accommodate the meeting space/needs?
- Is it an administrative function to allow for a rotation of commissioners utilizing a Zoom meeting format (no remodel necessary)?
- Support for a budget increase to cover additional seats?

11/08/21

5

2019/2020/2021

Planning Commission Original Budgets

2019 \$90,685
2020 \$86,000
2021 \$76,400

These costs include: meeting allowance,
transport/subsistence,
car allowance, &
training

11/08/21

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2019 Cost for Distance Seats

City of Seldovia	City of Seward	City of Homer	Cooper Landing
\$ 10,329.50	\$ 6,706.25	\$ 6,212.30	\$ 5,310.00
(Flights, Mileage, Hotel, Meals, iPad, Meeting Pay)			

12/02/21

7

State Statute 29.40.020

- (a) Each first and second class borough shall establish a planning commission consisting of five residents unless a greater number is required by ordinance. Commission membership shall 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. A member shall be appointed by the borough mayor for a term of three years subject to confirmation by the assembly, except that a member from a home rule or first class city shall be selected from a list of recommendations submitted by the council. Members first appointed shall draw lots for one, two, and three year terms. Appointments to fill vacancies are for the unexpired term. The compensation and expenses of the planning commission and its staff are paid as directed by the assembly.

12/02/21

8

What Does a Thirteen Member Planning Commission look like

City/Borough	Population	Rural Seats	Population
City Seat Kenai	7424	Northwest Borough <small>Nikiski/Gray Cliff/Moose Point/Tyonek/Beluga</small>	4,456/228/ 152/34
City Seat Soldotna	4342	Sterling	5918
City Seat Seward	2717	Ridgeway	2136
City Seat Homer	5522	Kalifornsky Beach	8487
City Seat Seldovia	255	East Peninsula	344/161/228
		Kasilof/Clam Gulch/Anchor Point/Ninilchik	525/207/ 2105/845
		SW Borough <small>Kachemak/Port Graham/Nanwalek/Fox River/Voznesenka and Halibut Cove/Diamond</small>	162/247/576/ 644/60/1,330
Apportionment =	5/7 + 1?	Youth Seat? non-specified at large seat?	

12/02/21

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What Does a Five Member Planning Commission look like

City/Borough	Population (2020 Census)
Kenai	7424
Soldotna	4342
Seward	2717
Homer	5522
Seldovia	235
Total City	20,240 City Population
KPB Rural	38,559 Rural Population
Apportionment could be 5 Districts or 2 City Seats, 3 Rural	

12/02/21

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Amend Item # 2 KPB Code 2.40.015

Should cities be required to submit more than one applicant to the KPB Mayor for selection to the planning commission?

State Statute 29.40.020:

(a) Each first and second class borough shall establish a planning commission consisting of **five residents** unless a greater number is required by ordinance. Commission **membership shall 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. **A member shall be appointed by the borough mayor** for a term of three years subject to confirmation by the assembly, except **that a member from a home rule or first class city shall be selected from a list of recommendations submitted by the council**. Members first appointed shall draw lots for one, two, and three year terms. Appointments to fill vacancies are for the unexpired term. The compensation and expenses of the planning commission and its staff are paid as directed by the assembly.

12/03/21

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Amend Item # 3 KPB Code 2.40.015

Should any eligible resident of the borough be allowed to apply for planning commission city seat or should the applicant be required to be a resident of that city?

- Recently the KPB Mayor and legal department made it clear that they believe state law allows for any eligible KPB resident to apply for a planning commission city seat. The city representatives and constituents that we have spoken with do not feel the same. Many of them disagree with this interpretation of the law. This ordinance would specify that an applicant for a city seat on the planning commission would be required to be a resident of the respective city. Defining who can be seated in a city seat on the planning commission would eliminate any argument that the apportionment to the unincorporated borough could be too high to comply with State of Alaska requirements. If city seats were to be filled with residents from outside the cities, the cities would be inequitably served on the commission.

12/03/21

12	Borough	Class	2020 Population	Square Miles	Incorporated Cities?	PC Seats by Borough	Additional Information/ How the PC is composed
	City & Borough of Sitka	Unified Home Rule	8,458	2,882	1	5	5 members; roster states "from public"
	City & Borough of Yakutat	Home Rule	662	7,650	1	5	5 non-specified
	City and Borough of Wrangell	Unified Home Rule	2,127	2,570	1	5	5 non-specified seats
	Denali Borough	Home Rule	1,619	12,750	2	5	5 Districts with 9 seats; 1 districts has 4 seats, 1 districts has 2 seats the rest are 1 seat
	Municipality of Skagway	First Class	464	464	1	6	6 undefined seats
	Petersburg Borough	Home Rule	3,398	119.2	1	6	6 undefined seats
	Aleutians East Borough	2nd Class Borough	3,420	6,985	5	7	Seats are by area: False Pass, Sand Point (2), King Cove (2), Nelson Lagoon, Akutan
	Anchorage Borough	Unified Home Rule	291,247	1,698	1	7	defined by seat 1,2,3 etc
	Bristol Bay Borough	2nd Class Borough	844	519	0	7	7 non-specified seats
	Haines Borough	Home Rule	2,080	2,357	1	7	7 Seats A-G
	Ketchikan Gateway Borough	2nd Class Borough	13,948	1,220	2	7	4 city and 3 at large seats
	Kodiak Island Borough	2nd Class Borough	13,101	6,463	1	7	4 at large and 3 city seats
	Lake and Peninsula Borough	Home Rule	1,476	23,632	1	7	7 undefined seats
	Matanuska-Susitna Borough	2nd Class Borough	107,081	24,694	3	7	7 seats-by district
	North Slope Borough	Home Rule	11,031	87,860	7	8	8 non-specified
	City & Borough of Juneau	Unified Home Rule		2,594	1	9	9 non-specified seats
	Northwest Arctic Borough	Home Rule	7,793	35,862	8	9	9 seats-undefined but 2 are specifically not voting seats advisory only
	Fairbanks North Star Borough	2nd Class Borough	95,655	7,362	2	11	11 Seats A-K ; 3 seats for city of Fairbanks, 1 city seat for North Pole rest are at large
	Kenai Peninsula Borough	2nd Class Borough	58,799	16,079	6	11	4 City Seats and 7 at large the city seats are on a rotation

End of Presentation

Vice Chair Ruffner opened the meeting for public comment.

Tyson Cox, Assembly Member from District 4 – Soldotna: Assemblyman Cox reviewed with the commission the memo to the assembly accompanying Ordinance 2021-40.

The Assembly will have three questions to contemplate:

How many city seats should be on the planning commission?

The KPB currently has an eleven-member planning commission. There are four city seats, which are subject to an informal rotation between five home rule/first class cities and seven at-large seats. This aligns with apportionment rules, but is difficult, if not, impossible to accomplish with five cities rotating four, 3-year term seats. It is mathematically impossible to create an equitable rotation. This is most likely why Ordinance 2016-25 did not specify how city seats would be distributed.

This ordinance would change the number of planning commissioners from eleven back to thirteen with each of the five home rule or first class cities within the borough having a seat and eight at-large seats. This change would solve the rotation dilemma the borough currently has. It would solve any argument between the cities and the borough as to which cities are to be left on the commission and which cities will be required to sit out.

Should cities be required to submit more than one applicant to the KPB Mayor for selection to the planning commission?

This year the KPB Mayor and legal department have made it known that they interpret state statutes and borough code to say that the city-approved list of recommendations submitted to the mayor should be more than one person. The city of Soldotna understands the same statutes and code to allow for a list to consist of only one applicant. Over the past several years, most cities have only submitted one applicant for their designated planning commission seat, as neither borough code nor state statutes designate the specific number of applicants required to be considered a list. Several KPB Mayors have accepted lists with only one city seat applicant, including our current KPB Mayor.

This ordinance would specify that the list of recommendations given to the borough mayor as approved by the city council would consist of at least one applicant from the respective city. In this case, one applicant seems the best definition for a list because we often have very few people who choose to apply to serve as a commissioner. If two or more applicants were required, a process would need to be defined to deal with the situation of a city with only one applicant willing to serve on the commission.

Should any eligible resident of the borough be allowed to apply for planning commission city seat or should the applicant be required to be a resident of that city?

Recently the KPB Mayor and legal department made it clear that they believe state law allows for any eligible KPB resident to apply for a planning commission city seat. The city representatives and constituents that we have spoken with do not feel the same. Many of them disagree with this interpretation of the law.

This ordinance would specify that an applicant for a city seat on the planning commission would be required to be a resident of the respective city. Defining who can be seated in a city seat on the planning commission would eliminate any argument that the apportionment to the unincorporated borough could be too high to comply with State of Alaska requirements. If city seats were to be filled with residents from outside the cities, the cities would be inequitably served on the commission. Mr. Cox then noted that recently, a series of applications were sent to the City of Soldotna for review, one applicant was from Hope, another was from Kasilof and the other had an Anchorage address. He then stated that as a resident of the City of Soldotna he believes it is important that their commission member be a resident of the city.

Mr. Cox then stated while he supports amending code to go back to a 13-seat commission, which it was for 17 years, he does not necessarily think that a 13-seat commission is the best. Going back to 13 seats will address the current issues; it will also allow time for a rewrite of code. It will allow time for a workgroup to come together to review this issue and determine if a rewrite of code would be in the best interest of the borough residents. The code rewrite back in 2016 reduced number of seats but did not address the process on how the city seats would be allocated. If a workgroup determined that eleven seats was a good number then the code rewrite could address how those seats would be allocated.

Mr. Cox then noted the director's presentation stated that no other borough in the State of Alaska has a 13-seat commission. While that statement is correct, he would point out that other boroughs similar in size to the KPB, such as the Fairbanks and the Mat-Su Boroughs, have fewer cities than the KPB. He would argue that instead of comparing our borough with the other boroughs we should compare what works better for the KPB. He would argue that the 13-seat commission has worked better than the 11-seat commission.

Mr. Cox also believed that while the dais in the assembly chambers only seats twelve, there are workable solutions to seating issues. He also did not believe that going back to a 13-seat commission would not significantly increase costs.

Vice Chair Ruffner stated, he thought the reason behind the decision to go to an 11-seat commission was because the rural areas were growing faster than the cities and to maintain the required apportionment, the commission would have either to add more seats or reduce the number of seats. Mr. Cox replied he has spoken with Borough Attorney Sean Kelley and Mr. Kelley stated that thirteen seats would be within what he would consider a fair balance and within state statute. Vice Chair Ruffner then stated rural areas are growing faster than the cities. He also noted that today Seldovia would not have the population needed to incorporate. Mr. Cox replied he believes one of the issues cities face is that they may not have the area to allow for more growth. This leads to more growth in the areas just outside of the city limits. Vice Chair Ruffner replied he understood that each city wanted to have representation on the commission and that was driving the desire to increase the number of seats on the commission back to 13.

Commissioner Bentz spoke the statement that representatives from either the city's planning commission or city councils filling city seats on the borough planning commission. She asked Mr. Cox if knowing that these individuals bring with them a planning & planning knowledge base, did he see value in having the city seats filled by representatives from the city's governments. Mr. Cox replied that he did see the value of the knowledge base those individuals bring to the commission. He also sees the value of opening up opportunities for individuals who are not in government to serve. The knowledge base is what is important. He could see someone who had a background in planning issues who may have been in government at

one time being a great representative on the commission.

James Glendening; 694 Sycamore Circle, Kenai, AK 99669: Mr. Glendening spoke in support of Ordinance 2021-41. He noted that he had served on both the KPB & City of Kenai Planning Commissions. He then stated the City of Kenai submitted a memo & resolution fully supporting Ordinance 2021-40. He stated that historically the City of Kenai has always selected for their seat on the commission individuals from either their Planning Commission or City Council. He understands that while a commissioner may not vote on any items that come before the KPB Planning Commission if they have voted on the matter at a city level, it does not preclude them from participating in the discussion. He also noted that the city does not discourage any city resident from applying for the city seat. The city is just concerned that the individual being recommended is qualified. As for the application process, the city has always followed the borough's lead and advertises the same deadlines etc... He noted that when he applied he submitted his application to the city and to the borough. The city supports the borough being the ones responsible for advertising and gathering the applications for the seat. They understand the borough is the one who bears the responsibility for maintaining the records for the Planning Commission. He then read into the record the memo that the city sent with their resolution, which was contained in the meeting materials for the commissioners.

Lane Chesley, Assembly Member from District 8 – Homer: Mr. Chesley wanted to respond to Commissioner Bentz's question regarding city planning commissioners sitting on the borough planning commission. Mr. Chesley believes that having a member of a city planning commission serving on the borough planning commission is a good thing. He also agrees that increasing participation in local government is also a good thing. What is important is that the candidates have the knowledge base to fill this important role. Regarding the question of the definition of what is a list. Mr. Chesley noted that Borough Clerk Johni Blakenship brought forth the comment to the assembly if a list is defined as being two or more names what happens if the city can produce only one name. He noted that the City of Homer has had difficulty in the past finding individuals to serve on the planning commission. That is why he supports the definition of a list to be a minimum of one name. Making two or more names a requirement for the list will require additional administrative procedures to be developed. He also stated that he supports the Borough overseeing the advertising and application process for planning commission seats.

Donna Aderhold; 353 Grubstake Avenue, Homer, AK 99669: Ms. Aderhold is a Homer city council member and mayor pro tem. She is speaking on behalf of Mayor Ken Castner who is unable to attend the meeting tonight. She informed the commission that the City of Homer supports the adoption of Ordinance 2021-40 and believes that they should have a permanent seat on the KPB planning commission. They also believe that the representative should be a city resident who understands the planning and zoning processes of the city. They also believe that the city should choose their representative by the codified process which is mayoral appointment approved by the city council. She noted that it can be difficult finding willing individuals who have the required experience and time required to serve on the commission. The city believes that it is appropriate to consider a list as one name.

Vice Chair Ruffner hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Morgan to forward to the assembly a recommendation to adopt Ordinance 2021-40, an ordinance amending KPB 2.40.015 regarding Planning Commission membership and apportionment.

Commissioner Brantley asked why it was decided that the proposed merger of Homer and Seldovia would not work. Ms. Aeschliman replied the initially she and Borough Attorney Sean Kelley met with the city managers of Seldovia and Homer to discuss this option. The same group met again later with the addition of Assemblymen Chesley and Dunn to discuss the matter further. In the end, it each city decided that they wanted to remain separate and have their own representation.

Commissioner Venuti noted that each area within the borough has their own unique needs, cultures and priorities. Each area should have a representative who can speak to those. In addition, as an individual who sits on both the City of Homer and KPB Planning Commissions he would find it difficult to take on the additional representation of Seldovia. He noted it takes a lot of time and effort to serve on these commissions and he is not sure that he could fit Seldovia into his schedule. He believed that Commissioner Carluccio was a very successful representative from Seldovia and believes that Seldovia should produce

a representative to sit on the commission.

Commissioner Fikes supported several of the comments that had been made. She agreed going back to what was successful in the past such as the 13-member commission was a good thing. She also agreed that a city representative should have to reside within the city limits of the city they are representing and that a list could consist of one name. She also noted that it could be difficult for a city to find individuals with the required skill set to sit on the commission, so she supports the cities being able to recommend an individual who currently sits on the city planning commission or city council. She then noted that as a sitting commissioner she appreciates hearing the perspectives of the other area representatives when hearing agenda items from their areas. She see a real benefit to going back to a 13-member commission. She also believes that it would not require any major changes to the assembly chambers to sit a 13-member commission.

Commissioner Bentz stated she supports going back to a 13-seat commission and the geographical areas they represented. She supported the language in the ordinance regarding at-large seat being representative of the geographical areas as practical. She believes representation by diverse geographies within the borough is important because the commission is not only dealing with planning and platting issues but also a lot of land management topics and decisions. Strengthening diverse representation in the at-large seats is very important. She is happy to see that in the ordinance the Anchor Point/Ninilchik seat once again being separated from the Clam Gulch/Kasilof seat.

Commissioner Morgan supports what her fellow commissioners have said. She believes that going back to a 13-seat commission will provide better area representation for our large and diverse borough. She believes that as much as possible area representative should come from those who reside with the specific at-large areas or cities. She supports Ordinance 2021-40, as she believes that it will better serve the borough moving forward.

Commissioner Gillham supports fair representation for each community and believes that Ordinance 2021-40 will better achieve that. She supports each city having a representative on the commission and at-large members coming from within the established geographical areas.

Vice-Chair Ruffner noted when the change to an 11-seat commission was brought forward to the planning commission back in 2016 the reason given for the change was that it was thought they were going to have either increase or decrease the number of seats on the commission to meet state statute apportionment requirements for incorporated vs. unincorporated areas. They did not want to increase the number of seats so the decision was to decrease the number. Now we have a different interpretation of the statute. He believed that if there was no need to increase the number of seats this whole discussion would not have been necessary. He did note at the time the discussion regarding the need to scale back would be a cost saving for the borough but would come at the cost of area representation. He does agree that there are significant differences between the various communities in the borough. For instance, Seldovia has a long history; they have been there for a very long time and have unique access issues. There are many exception requests granted in the Seldovia area that would not be granted anywhere else in the borough. He does see the value of have representation for all the various areas. He then noted pretty much all of the commissioners well as the cities have spoken in favor of the ordinance. He definitely believes that it is important to clear this issue up. He will be supporting Ordinance 2021-40. He appreciates the having some of the other decision makers from around the peninsula testifying on this matter. To him it demonstrates that people really do care about what the commission does.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	8	Absent	1	Vacant	3
Yes	Bentz, Brantley, Fikes, Gillham, Martin Morgan, Ruffner, Venuti				
Absent	Martin				

AGENDA ITEM F.

PLAT COMMITTEE REPORT – Plat Committee did not meet.

AGENDA ITEM I. **DIRECTOR'S COMMENTS** - None

AGENDA ITEM J. **COMMISSIONER COMMENTS** - None

AGENDA ITEM M. **ADJOURNMENT** – Commissioner Venuti moved to adjourn the meeting at 8:51 p.m.

Ann E. Shirnberg
Administrative Assistant