

Directors Report

04/11/2022

Planning:

I have submitted my resignation as Director for the KPB. It's time to expand my government experience and take on a new challenge. I recently accepted a position as the State Supervisor of Assessments working for the Governor's office in ND. I am truly sad to leave such a wonderful department. The Planning Department staff give wholeheartedly to their positions and this borough everyday. Lastly, I want to personally thank each of you. This planning commission has been a great example of what local government is supposed to look like. A group of appointed residents who, despite differencing opinions, can be professional, respectful, and deliberate on an item, thus resulting in sound decisions. It has been an honor to work with you all of you.

Code Compliance:

As of 04/06/2022 Code Compliance has had 4 new 2022 cases of ROW encroachments. In these 4 cases it was reported that structures were observed on imagery to have been built in the ROW. Currently Warning letters have been sent to listed property holders, that an As-built will be completed. A request for bids have been sent to survey companies. The deadline for bids is April 15th.

4 previous ROW cases are either in process of getting ROW modification or vacations with the Platting Dept. Those have stipulated agreements with the responsible parties.

4 Trespass cases from 2021 have had action to resolve the issues. The solutions range from paying fines to moving of the house structure.

This body could propose code or ask staff to draft a proposed code that could require a permit be required to build in the borough areas outside the cities. This would allow staff the opportunity to show the owner a map, encourage a survey etc. as a way to help deter ongoing issues this department faces with trespassing cases/ homes being built in the right of way. Just some options to consider; the permit could be free, it wouldn't need to be a permit that requires signing off etc. but in the end it could result in less costly issues for property owners, less work for platting, planning, roads department and last but not least, code enforcement battles that are not a great pace to have with your local government and result in fines and may include court battles.

River Center:

Staff met with FEMA on 3/22 and 3/23 to go over basic training on the National Flood Insurance Program, as well as to review the newly drafted floodplain maps for the Kenai River. The preliminary floodplain maps are expected to be released to the public for comment this winter, with the final maps coming in the spring of 2024.

Platting:

Paper Birch Lane right of way-this planning commission approved at their March 21 meeting was vetoed down by the Assembly at the April 5 meeting.

An engineer recently brought to our attention that are some discrepancies between Alaska Department of Environmental Conservation 18 AAC 72 and KPB Code regarding Wastewater Disposal (Chapter 20.40). DEC is currently in the process of revising 18 AAC 72. Once DEC has made their revisions, we will review and may possibly be proposing an Ordinance to update our code. We are not sure of the period and will update once more information is available.

KPB Land Management-

Has held a series of public engagement meetings to present and discuss timber sales, reforestation and forest management. One of the meetings was a timber industry focus that was attended by about 20 individuals with a variety of experience and roles in the local timber industry. These meetings have helped to shape our thought process and more clearly identify concerns and opportunities as we move through the program development and related grant applications. Land Management has applied for a BLM grant at a \$150,000 level to support spruce bark beetle mitigation treatments around school sites. Land Management is currently working on a multi-million dollar USDA Climate Smart Commodities grant to support reforestation, to convert some acreage from forest to farmland as a launching point for the agricultural initiative, and to support the development of local tree nursery infrastructure.

GIS-

the assembly has approved a data sharing agreement to allows KPB to deliver to each city in the borough new high resolution imagery and building footprint data, which extends the benefit of this information for other municipal uses.

APC's:

We are running into issues with APC's; what they are discussing, reviewing, and providing comments on.

Below is the code, which outlines the purpose and powers awarded to an APC.

21.02.010. - Purposes of an advisory planning commission.**[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTION](#)**

Advisory planning commissions are established to provide:

- A. Residents with an additional avenue to participate in land use planning activities proposed for their community; and
 - B. Recommendations to the Kenai Peninsula Borough planning commission and, to the assembly when requested by majority vote of the assembly on land use planning and public land management issues which may affect the existing and/or future character of the community.
- **21.02.020. - Powers and duties.**

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A. The APC may advise the borough planning commission regarding land use planning, public land management, or other issues within the community boundary, which may be subject to a vote of the planning commission.

B. Unless direct comments from the APC are requested by majority vote of the assembly, the APC may make recommendations to the planning commission for review and comment, and to be forwarded to the assembly regarding;

1. Needs in unincorporated legislative districts within the APC boundaries in assembly development of capital project plans, legislative matters affecting land use or the disposal of borough lands or resources within APC areas, and other assembly actions affecting APC areas, all as provided for in KPB 22.40.190; and

2. Removal of deed restrictions as provided for in KPB 17.10.130(F)(4).

C. A recommendation from the APC to the planning commission, or to the assembly when requested by majority vote of the assembly, shall be submitted in writing to the planning director. Recommendations shall be signed by the APC chairperson or his/her designee.

(Ord. No. 2004-04, § 2, 3-16-04; Ord. No. 96-22, § 2(part), 1996)

Since the creation, several APC's have taken on broader roles, which is far beyond what code has allowed for. Under the current code, they are an extension of the borough planning commission. therefore, what they are doing and how they are presenting is a direct reflection of the borough and with that comes liabilities to the borough. I would ask this PC to consider an alternative option, which allows the APCs to grow and expand as the individual communities see fit. It would allow them to discuss relevant important topics of the community while freeing the department and the borough from liabilities. The goal would be to establish a win-win for the community and the borough. If this commission would like, we can extend an invite to the Matsu Planning director or Matsu legal team to present on how their community councils operate which would be similar to the APC's but may be a great solution for us to consider.