

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2021-17**

**RECOMMENDING THAT CHAPTER 21.02, ADVISORY PLANNING COMMISSIONS, AND  
21.11, PUBLIC HEARINGS, OF THE KENAI PENINSULA BOROUGH CODE BE AMENDED**

- WHEREAS,** KPB 21.02 provides provisions for the purpose, establishment, powers and duties of Advisory Planning Commissions; and
- WHEREAS,** staff have identified several provisions that would benefit from clarifying language and reorganization; and
- WHEREAS,** KPB 21.11 provides provisions for conducting public hearings under KPB Title 21, Zoning; and
- WHEREAS,** exempting Advisory Planning Commissions from certain agenda noticing requirements within Kenai Peninsula Borough Title 21, Zoning, is appropriate given the advisory nature of their recommendations and would allow more timely review by the commissions of Planning Commission items with mandated review schedules; and
- WHEREAS,** the Anchor Point Advisory Planning Commission considered the proposed amendments at its June \_\_\_, 2021, meeting and recommended \_\_\_\_\_; and
- WHEREAS,** the Cooper Landing Advisory Planning Commission considered the proposed amendments at its June \_\_\_, 2021, meeting and recommended \_\_\_\_\_; and
- WHEREAS,** the Funny River Advisory Planning Commission considered the proposed amendments at its June \_\_\_, 2021, meeting and recommended \_\_\_\_\_; and
- WHEREAS,** the Hope/Sunrise Advisory Planning Commission considered the proposed amendments at its June \_\_\_, 2021, meeting and recommended \_\_\_\_\_; and
- WHEREAS,** the Kachemak Bay Advisory Planning Commission considered the proposed amendments at its June \_\_\_, 2021, meeting and recommended \_\_\_\_\_; and
- WHEREAS,** the Kalifornsky Advisory Planning Commission considered the proposed amendments at its June \_\_\_, 2021, meeting and recommended \_\_\_\_\_; and
- WHEREAS,** the Moose Pass Advisory Planning Commission considered the proposed amendments at its June \_\_\_, 2021, meeting and recommended \_\_\_\_\_; and
- WHEREAS,** the Planning Commission held a duly advertised public hearing on June 14, 2021, to consider these amendments to the zoning code.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:**

- SECTION 1.** That the Planning Commission recommends the Assembly amend Section 21.02.010, Purpose of an advisory planning commission, as follows:

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.

**SECTION 2.** That the Planning Commission recommends the Assembly amend Section 21.02.020, Powers and duties, as follows:

- 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 or his/her designee. Recommendations shall be signed by the APC chairperson or his/her designee.
- D. The APC shall prepare from time to time plans for the systematic development and betterment of the community as a place of residence or for business.

**SECTION 3.** That the Planning Commission recommends the Assembly amend Section 21.02.110, Guidelines for APC meeting procedures, as follows:

- A. The individual APCs shall set a regular meeting schedule to include at least one meeting per quarter and develop agendas to meet the needs of the community. An APC may set additional meetings as may be necessary to fulfill the requirements of this chapter.
- B. Proposed agendas and meeting minutes shall regularly be sent to the planning director or his/her designee in a timely manner.
- C. Notice of any meeting of the APC will be posted [~~ONE~~]during the business week prior to the scheduled date of the meeting in a prominent place within the community.
- D. Notices shall state the date, time[,]and place [~~AND PURPOSE~~] of the meeting.
- E. Notices shall include a phone number to contact for further information and an address to send written comments.
- F. Four commission members shall constitute a quorum. Any recommendations forwarded to the planning commission, or to the assembly upon assembly request by majority vote, shall require the affirmative vote of four commission members.

- G. Unless otherwise established, advisory planning commissions shall operate in accordance with Roberts Rules of Order, current edition. If requested, a copy of Roberts Rules of Order shall be supplied by the mayor's office or the planning department.
- H. APCs shall comply with AS 29.20.020 and all provisions of the Alaska Open Meetings Act established pursuant to AS 44.62.310 through AS 44.62.312.
- I. Members shall comply with the requirements of KPB Chapter 2.58.

**SECTION 4.** That the Planning Commission recommends the Assembly amend Section 21.02.120, Notification by the planning department to APCs, as follows:

The planning director or his/her designee shall regularly send notification to [ALL MEMBERS OF THE] each [ADVISORY PLANNING COMMISSION]APC regarding any land use planning, public land management issues, or other issues appearing before the planning commission [WHICH MAY BE OF LOCAL INTEREST TO THE APC]that may have an impact on the area within the boundary of that APC.

**SECTION 5.** That the Planning Commission recommends the Assembly amend Section 21.02.140, Plan preparation – Expenses, as follows:

21.02.140. [- PLAN PREPARATION]—Expenses.

- A. [THE APC SHALL PREPARE FROM TIME TO TIME PLANS FOR THE SYSTEMATIC DEVELOPMENT AND BETTERMENT OF THE COMMUNITY AS A PLACE OF RESIDENCE OR FOR BUSINESS.] The necessary expenses of the advisory planning commission may be paid out of the borough treasury in the same manner as other expenses of the borough government, within the limits of appropriations by the assembly for that purpose. In no event may an advisory planning commission be authorized to expend borough funds or to create a deficit.
- B. The APC shall provide the planning director with an estimated annual budget by January 3rd each year.
- C. Expenses may include advertising, copying, mailings and other routine items as determined by the planning director to be necessary to fulfill the requirements under 21.02.020.
- D. There shall be no expenditure of borough moneys without prior written authorization of the planning director.

**SECTION 6.** That the Planning Commission recommends the Assembly amend Section 21.11.010, Purpose, as follows:

21.11.010 – Purpose.

This chapter governs all public hearings held by the borough planning commission [OR ANY ADVISORY PLANNING COMMISSION] under the authority of Title 21 of the Borough Code of Ordinances.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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Blair Martin, Chairperson  
Planning Commission

ATTEST:

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Ann Shirnberg  
Administrative Assistant