

Introduced by: Mayor  
Date: 6/04/96  
Hearing: 8/06/96  
Action: Enacted as Amended  
Vote: 6 Yes, 3 No

**KENAI PENINSULA BOROUGH  
ORDINANCE 96-22**

**AN ORDINANCE AMENDING KENAI PENINSULA BOROUGH CHAPTER 21.02  
REGARDING ADVISORY PLANNING COMMISSIONS**

**WHEREAS,** there are six communities with advisory planning commissions: Anchor Point, Cooper Landing, Funny River, Hope/Sunrise, Kachemak Bay, and Moose Pass; and

**WHEREAS,** these commissions provide valuable input to the Kenai Peninsula Borough Planning Commission and the Kenai Peninsula Borough Assembly; and

**WHEREAS,** the Kenai Peninsula Borough recognizes the need for Advisory Planning Commissions, to function as cohesive entities in making recommendations on land use planning, public land management, and other issues which may affect the community; and

**WHEREAS,** there are no procedures outlined in the existing code of ordinances for the creation and administration of advisory planning commissions;

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

**SECTION 1.** That Kenai Peninsula Borough Code Chapter 21.02 is repealed in its entirety.

**SECTION 2.** That a new Chapter 21.02 is enacted to read:

**21.02.010. Purposes of an advisory planning commission.**

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 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.**

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. A recommendation from the APC to the planning commission shall be submitted in writing to the planning director. Recommendations shall be signed by the APC chairperson or his/her designee.

#### **21.02.030. Creation.**

A. Any person or group may send a "letter of interest" to the mayor requesting assistance in creating an advisory planning commission.

B. The letter of interest shall designate a coordinator.

C. Upon receipt of the letter of interest, the mayor will send the coordinator a copy of this chapter, a "petition of interest" form, and a letter establishing a deadline for the petition to be returned.

D. The petition deadline shall be 90 days from the date the forms are sent to the coordinator.

E. If the petition is not received by the deadline, the process of forming the requested APC will be discontinued.

F. A petition must be signed by at least twenty (20) qualified voters who are residents within the proposed boundary. The petition shall be filed with the borough clerk. The clerk shall proceed to make a determination as to the validity of the signatures on the petition and whether the petition contains the required number of signatures. The borough clerk shall then deliver the petition to the mayor, along with a written copy of the results of the validity of the signatures.

G. Upon receipt of the petition of interest, the mayor shall either submit an ordinance to the assembly to create a new APC, if the petition is determined to be valid, or if invalid, notify the petitioners that process has terminated due to an invalid petition.

H. Within 90 days of enactment of an ordinance creating a new APC, the mayor shall appoint the members to the advisory planning commission.

#### **21.02.040. Establishing the boundaries.**

A. Boundaries of an APC shall be established for purposes of determining the area of influence and clarifying the area affected by any recommendations which may be proposed.

B. The planning director shall organize a community meeting to discuss the proposed boundary.

C. The proposed boundaries shall be included in an ordinance establishing an APC.

#### **21.02.050. Nominations for membership.**

A. 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. 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. A person may nominate himself or herself by submitting the appropriate form to the mayor's office.

#### **21.02.060. Qualified nominee.**

To qualify as a nominee, an individual must:

- A. physically reside within the boundaries; and
- B. be registered to vote within the precinct or precincts which are covered by the boundaries.

**21.02.070. Appointment confirmation.**

- A. The mayor shall submit APC appointments to the borough assembly for confirmation within 30 days of appointment.
- B. Within 15 days of confirmation the borough assembly president, or its designee, shall send a confirmation letter to the appointee with copies to the mayor and planning director.

**21.02.080. Term of office.**

- A. Each APC shall consist of not more than seven (7) members.
- 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.
- 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 1st and end on September 30th. In the case of a new APC the term shall begin upon appointment confirmation.

**21.02.090. Election of officers.**

At the organizational meeting, the commission shall elect officers to hold office until the first scheduled meeting in October. Thereafter, election of officers shall be held annually at the commission's first meeting in October. The APC shall elect by majority vote of the commission and from commission members a chair and such other officers as the commission shall determine desirable.

**21.02.100. Vacancies.**

- A. Vacancies on the commission are created upon declaration of vacancy by the commission if a member:
  - 1. fails to qualify or has an unexcused absence for the first meeting after the borough assembly has confirmed the appointment;
  - 2. is physically absent from the APC area for a 90-day period, unless excused by the commission;
  - 3. resigns and his/her resignation is accepted;
  - 4. is physically or mentally unable to perform the duties of his/her office;
  - 5. misses three consecutive regular meetings unless excused;
  - 6. is convicted of a felony; and
  - 7. changes residency to a location outside of the APC boundary for a period longer than 60 days.
- B. The commission shall post notice of a commission vacancy in a prominent place within the community, such as the post office or a community bulletin board, for a 30 day period after the commission declares a vacancy or 30 days before the term expires.
- C. Vacancies on the commission shall be filled in the same manner as prescribed above.

The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains.

**21.02.110. Guidelines for APC meeting procedures.**

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 in a timely manner.

C. Notice of any meeting of the APC will be posted one week prior to the scheduled date of the meeting in a prominent place within the community.

D. Notices shall state the date, time, 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 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 all provisions of the Alaska Open Meetings Act established pursuant to AS 44.62.310 - AS 44.62.312.

I. Members shall comply with the requirements of KPB Chapter 2.58.

**21.02.120. Notification by the planning department to APCs.**

The planning director shall regularly send notification to all members of the advisory planning commission any land use planning, public land management issues, or other issues which may be of local interest to the APC.

**21.02.130. Compensation prohibited.**

All APC commission members serve without compensation.

**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 21.02.015.

D. There shall be no expenditure of borough monies without prior written authorization of the planning director.

**21.02.150. Definitions.**

- A. "APC" means advisory planning commission.
- B. "Letter of interest" is a letter sent to the mayor stating there is interest in starting the process of forming an advisory planning commission in an area.
- C. "Meeting" is defined in AS 44.62.310(h)(2)(B) as now enacted or as may be hereinafter amended.
- D. "Petition of interest" is a petition form, prepared by the planning department, to be used to obtain signatures of residents interested in forming new APC.
- E. "Planning director" is the principal executive officer of the department as defined in Kenai Peninsula Borough Code Chapter 2.36.
- F. "Prominent place" means a public location visited during normal business hours by most residents within a community.

**21.02.160. Anchor Point advisory planning commission.**

The following boundaries are established for the Anchor Point advisory planning commission:

An advisory planning commission is established for the community of the borough known as Anchor Point with boundaries identical to those of the Anchor Point fire and emergency medical service area:

All uplands of T3S R14W, excepting therefrom those portions of Sections 4, 5, 6 and 7 lying northwesterly of the thread of Happy Creek;

All upland of T3S R15W;

All of T4S R14W;

All uplands of T4S R15W;

All of T5S R14W, excepting therefrom all sections and portions of sections lying southerly and southeasterly of the following described line:

Beginning at the point of intersection of the range line common to T5S, R13W and R14W and the thread of the Anchor River;

Thence southwesterly along the thread of the Anchor River to the point of intersection with the line common to Sections 28 and 29; T5S, R14W, lying south of the N1/16 line of Section 31 and 32;

Thence south along said common line and continuing along the line common to Sections 32 and 33 to the N1/16 corner common to said Sections 32 and 33;

Thence west along the N1/16 line through Section 32 and continuing through Section 31 to the N1/16 corner of Section 31 on the range line common to T5S R14W and R15W, being the terminus of this line description;

All uplands of T5S R15W, excepting therefrom those portions of Sections 35 and 36 lying southerly of the N1/16 line of said Sections 35 and 36; All being within the Seward Meridian, Alaska; containing 81,908 acres more or less.

**21.02.170. Cooper Landing advisory planning commission.**

An advisory planning commission is established for the community of the borough known as Cooper Landing with boundaries as follows:

Sections 14 -23, 26 - 35 T6N R2W;

Sections 13 - 36 T6N R3W;

Sections 13 - 16, 21 - 28, 33 - 36 T6N R4W;  
Sections 2 - 11, 14 - 23, 26 - 35 T5N R2W;  
All of T5N R3W;  
Sections 1 - 4, 9 - 16, 21 - 28, 33 - 36 T5N R4W;  
Sections 2 - 11, 14 - 23, 26 - 35 T4N R2W;  
All of T4N R3W;  
Sections 1 - 5, 8 - 17, 20 - 29, 32 - 36 T4N R4W;  
Sections 2 - 11 T3N R2W;  
Sections 1 - 12 T3N R3W;  
Sections 1 - 5, 8 - 12 T3N R4W;

All within the Seward Meridian, Alaska; containing 177,920 acres more or less.

**21.02.180. Funny River advisory planning commission.**

An advisory planning commission is established for the community of the borough known as Funny River with boundaries as follows:

All of T5N R8W lying south of the southerly bank of the Kenai River;  
Lots 1 through 72, Tracts A and B, Dow Island (Plat 72-76 KRD), within Section 27, T5N R8W;  
Lots 1 through 3, Conley Subdivision No. 2 (Plat 82-38 KRD), within Section 27, T5N R8W;  
All of T5N R9W lying south of the southerly bank of the Kenai River;  
Government Lot 7 shown on United States General Land Office survey plat accepted May 6, 1941, within Section 22, T5N, R9W;  
Government Lot 9 shown on United States General Land Office survey plat accepted May 6, 1941, within Section 23, T5N R9W;

All within the Seward Meridian, Alaska; containing 14,000 acres more or less.

**21.02.190. Hope/Sunrise advisory planning commission.**

An advisory planning commission is established for the community of the borough known as Hope/Sunrise with boundaries as follows:

The "Hope" portion of the "Hope/Sunrise APC" is an area of land described as follows:  
Commencing at Corner No. 10 of United States Survey No. 2757, Porcupine Creek Group of Homesites, a meander corner on Turnagain Arm and the Point of Beginning;  
Thence S53°35'W along the northwesterly boundary of United States Survey No. No. 2757 to Corner No. 7 of United States Survey No. No. 2757;  
Thence S36°25'E along the southwesterly boundary of United States Survey No. 2757 to Corner No. 4 of United States Survey No. 2757;  
Thence West along the north boundary of United States Survey No. 1092 (Homestead Entry Survey No. 71) to Corner No. 11 of United States Survey No. 1092;  
Thence South along the west boundary of United States Survey No. 1092 to Corner No. 10 of United States Survey No. 1092;  
Thence East along the south boundary of United States Survey No. 1092 to the intersection of the south boundary of United States Survey No. 1092 and the westerly bank of Resurrection Creek;  
Thence Southeasterly along the westerly bank of Resurrection Creek to a point west of Corner No. 6 of United States Survey No. 3189;

Thence East across Resurrection Creek to Corner No. 6 of United States Survey No. 3189, a meander corner on Resurrection Creek;

Thence East along the south boundary of United States Survey No. 3189 to Corner No. 5 of United States Survey No. 3189;

Thence South along the west boundary of United States Survey No. 1093 (Homestead Entry Survey No. 72) to Corner No. 27 of United States Survey No. 1093, a meander corner on Resurrection Creek;

Thence southeasterly along the southwesterly boundary of United States Survey No. 1093, also being the meander of Resurrection Creek, to Corner No. 26 of United States Survey No. 1093, a meander corner on Resurrection Creek;

Thence East along the south boundary of United States Survey No. 1093 to Corner No. 4 of United States Survey No. 1093;

Thence South to the E1/16 position common to Section 33, T10N, R2W and Section 4, T9N, R2W;

Thence South 2640 feet, more or less, to the CE1/16 position of Section 4, T9N, R2W;

Thence South to the intersection with the north boundary of United States Survey No. 2761 (Homestead Entry Survey No. 252);

Thence West along the north boundary of United States Survey No. 2761 to Corner No. 1 of United States Survey No. 2761;

Thence S9°00'E along the westerly boundary of United States Survey No. 2761 to the intersection with the section line common to Sections 4 and 9, T9N, R2W;

Thence East along said common section line to the section corner common to Sections 3, 4, 9 and 10, T9N, R2W;

Thence East along the section line common to Sections 3 and 10, T9N, R2W, to the intersection with the easterly boundary of United States Survey No. 2761;

Thence N13°00'E along the easterly boundary of United States Survey No. 2761 to Corner No. 2 of United States Survey No. 2761;

Thence East 1085 feet, more or less, to a point south of the CECW1/64 position of Section 3, T9N, R2W;

Thence North 390 feet, more or less, to the CECW1/64 position of Section 3, T9N, R2W;

Thence East along the south boundary of United States Survey No. 2636 (Homestead Entry Survey No. 247) to Corner No. 3 of United States Survey No. 2636;

Thence North 2640 feet, more or less, to the section line common to Section 3, T9N, R2W and Section 34, T10N, R2W;

Thence East along said common section line to the S1/4 position of Section 34, T10N, R2W;

Thence North 2640 feet, more or less, to the C1/4 position of Section 34, T10N, R2W;

Thence North 1320 feet, more or less, to the CN1/16 position of Section 34, T10N, R2W;

Thence East 1320 feet, more or less, to the NE1/16 position of Section 34, T10N, R2W;

Thence North 1320 feet, more or less, to the E1/16 position of Section 34, T10N, R2W;

Thence continuing North along the 1/16th line to the intersection with the southerly right-of-way line of the Hope Highway;

Thence southwesterly along said right-of-way line to the intersection with the east boundary of United States Survey No. 4881;

Thence North along the east boundary of United States Survey No. 4881 to Corner No. 16 of United States Survey No. 4881, a meander corner on Turnagain Arm;

Thence southwesterly and northwesterly along the Mean High Water Line of Turnagain Arm to

Corner No. 10 of United States Survey No. 2757, Porcupine Creek Group of Homesites, a meander corner on Turnagain Arm and the Point of Beginning.

Also included within the area of land are all of United States Survey No. 3390, Clearlake Homesite Group, and United States Survey No. 4979, both being within the SE1/4 of Section 27, T10N, R2W. Total area described being within the Seward Meridian, Alaska; containing 1497 acres, more or less.

The "Sunrise" area of the "Hope/Sunrise APC" is described as an area of land described as follows:

W1/2 Section 2;  
N1/2, SE1/4, E1/2 SW1/4 Section 3;  
E1/2, E1/2 W1/2 Section 10;  
W1/2 Section 11;  
NW1/4 Section 14;  
E1/2, E1/2 W1/2 Section 15;  
NE1/4 Section 22;

All within T9N R1W, Seward Meridian, Alaska; containing 2,480 acres more or less.

**21.02.200. Kachemak Bay advisory planning commission.**

An advisory planning commission is established for the community of the borough known as Kachemak Bay with boundaries as follows:

All of T3S R13W;  
All of T3S R12W;  
All of T3S R11W;  
Sections 7 - 36 T3S R10W;  
Sections 7, 18, 19, 30, 31, 32, and those portions of Sections 29 and 33 lying southwesterly of the Kenai National Wildlife Refuge Boundary which runs diagonally across Sections 29 and 33 from the NW corner of Section 29 to the SE corner of Section 33 T3S R9W;  
Sections 4 - 9, 16 - 21, 28 - 33 T4S R9W;  
All uplands of T4S R10W;  
All uplands of T4S R11W;  
All of T4S R12W;  
All of T4S R13W;  
All of T5S R13W;  
All uplands of T5S R12W;  
All uplands of T5S R11W;

That portion of T5S R14W lying southerly and southwesterly of the following described line:

Beginning at the point of intersection of the range line common to T5S R13W and R14W and the thread of the Anchor River;  
Thence southwesterly along the thread of the Anchor River to the point of intersection with the line common to Sections 28 and 29; T5S, R14W;  
Thence south along said common line and continuing along the line common to Section 32 and 33 to the N1/16 corner common to said Sections 32 and 33;  
Thence west along the N1/16 line through Section 32 and continuing through Section 31 to the N1/16 corner of Section 31 on the range line common to T5S R14W and R15W, being



the terminus of this line description;  
All upland of Section 1, T6S, R15W  
All upland lying southerly of the N1/16 line of said Sections 35 and 36, T5S, R15W;  
All uplands of T6S R14W, excepting therefrom lands lying within the boundaries of the City of Homer;  
All uplands of T6S R13W, excepting therefrom lands lying within the boundaries of the City of Homer and Kachemak City;  
All uplands of T6S R12W; All within the Seward Meridian, Alaska; containing 264,844 acres more or less.

**21.02.210. Moose Pass advisory planning commission.**

An advisory planning commission is established for the community of the borough known as Moose Pass with boundaries as follows:

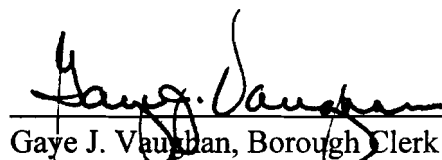
Sections 19 - 36 T8N R1 W;  
Section 24, 25, 36 T8N R2 W;  
All of T7N R1 W;  
Sections 1, 12, 13, 24, 25, 36 T7N R2 W;  
Sections 3 - 10, 15 - 22, 27 - 34 T6N R1E;  
All of T6N R1W;  
Sections 1, 12, 13, 24, 25, 36 T6N R2W;  
Sections 3 - 10, 15 - 22, 27 - 34 T5N R1E;  
All of T5N R1W;  
Sections 1, 12, 13, 24, 25, 36 T5N R2W;  
Sections 3 - 10, 15 - 22, 27 - 34 T4N R1E;  
All of T4N R1W;  
Sections 1, 12, 13, 24, 25, 36 T4N R2W;  
Sections 3 - 10, 15 - 22, 27 - 34 T3N R1E;  
All of T3N R1W;  
Sections 1, 12, 13, 24, 25, 36 T3N R2W; All within the Seward Meridian, Alaska; containing 209,280 acres more or less.

**SECTION 3.** This ordinance shall take effect immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6th DAY OF AUGUST, 1996.**

  
Andrew P. Scalzi, Assembly President

ATTEST:

  
Gaye J. Vaughan, Borough Clerk