

Introduced by: Martin
Date: 02/17/04
Hearing: 03/16/04
Action: Enacted as Amended
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2004-04**

**AN ORDINANCE AMENDING THE KENAI PENINSULA BOROUGH CODE TO
CLARIFY THAT THE POWERS AND DUTIES OF ADVISORY PLANNING
COMMISSIONS INCLUDE MAKING RECOMMENDATIONS TO THE
ASSEMBLY THROUGH THE PLANNING COMMISSION AND DIRECTLY TO
THE ASSEMBLY UPON REQUEST OF THE ASSEMBLY**

- WHEREAS,** KPB Chapter 21.02 describes the powers and duties of advisory planning commissions, limiting them to advising the borough planning commission regarding planning, public land management, or other issues within the community boundary, which may be a subject to a vote of the planning commission; and
- WHEREAS,** the above code provision only authorizes advisory planning commissions to send comments to the planning commission, and not to the assembly; and
- WHEREAS,** in KPB 17.10.130(F)(4), the assembly is authorized to consider comments from an appropriate advisory planning commission when considering repealing a deed restriction from a deed conveying borough property; and
- WHEREAS,** in KPB 22.40.190, the assembly is required to consider recommendations of advisory planning commissions in each unincorporated legislative district within the borough in developing capital project plans, on legislative matters affecting land use or the disposal of borough lands or resources, and on assembly actions affecting their area; and
- WHEREAS,** describing in KPB 21.02.020 the advisory planning commission's authority to make recommendations to the assembly through the planning commission, and directly to the assembly upon request of the assembly, would simplify use of the code and help eliminate confusion by listing all powers and duties of advisory planning commissions in a single location;
- WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of March 8, 2004 recommended approval by unanimous consent.

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

SECTION 1. That KPB 21.02.010 is amended as follows:

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 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 KPB 21.02.020 is amended as follows:

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. 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.

SECTION 3. That KPB 21.02.110(F) is amended as follows:

- F. Four commission members shall constitute a quorum. Any recommendations forwarded to the planning commission, or to the

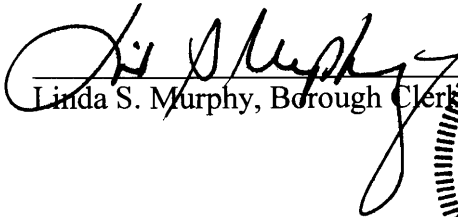
assembly upon assembly request by majority vote, shall require the affirmative vote of four commission members.

SECTION 4. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF MARCH, 2004.


Pete Sprague, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

