

Planning & Zoning Commission

HANDBOOK



Empowering your City by
volunteering your time.

Planning is bringing the future into
the present so that you can do
something about it.

- Alen Lakein



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WELCOME

Dear Reader:

Thank you for considering service or volunteering to serve on the City of Kenai Planning & Zoning Commissions!

Whether you have just been appointed or you are considering applying, I want to tell you about the important role our Commission members play in shaping our City.

As a Planning & Zoning Commissioner, you will play a crucial role in shaping the future of our community. Your responsibilities will include reviewing and making recommendations on land use plans, zoning changes and development proposals. This position requires a deep understanding of planning principles, regulatory frameworks and a commitment to balancing the needs of the interests of all stakeholders.

This handbook is a great starting point to understanding the general policies and goals which guide our Commissions, as well as what is expected of you when serving as a Commission member.

This handbook applies to the City of Kenai Planning & Zoning Commission. In addition, you may receive further information from your Staff Liaison, including adopted ordinances, policies and by-laws applicable to your Commission.

Serving on a Commission can be a rewarding experience for community minded residents. It's an excellent way to participate in the democratic form of local government and to contribute to improvement and the future development of our community. The work you take on during your service will help shape our growing City.

Thank you for taking the time to read through and understand your role as a Planning & Zoning Commission member, I am hopeful you will find the information included in this handbook helpful to you in your role as a Commissioner.

Thank you again for your service to our community!

Sincerely,

A handwritten signature in blue ink, appearing to read "Shellie Saner".

Shellie Saner, MMC
City Clerk

CITY ORGANIZATION

Mayor and Council.

Mayor: The Mayor presides over City Council meetings, has the same rights and responsibilities as a Council member, and serves as the ceremonial head of the City. The Mayor appoints commission members, subject to Council approval, except for the Board of Adjustment.

Council: The legislative power of the City is vested in the Council. The City Council, consisting of the Mayor and six members, who are elected for three-year terms. The Council approves the budget, sets tax rates, appropriates funds, and establishes policies executed by the administration. The City Attorney, City Clerk, and City Manager report directly to the Council.

Administration.

City Attorney: The City Attorney leads the Department of Law, advises the Council and City departments on legal matters, and represents the City in court. The City Attorney does not offer legal services to the public.

City Clerk: The City Clerk leads the Office of the City Clerk, links residents with their government, administers elections, manages records, prepares legislation and meeting agendas for the City Council, serves as the parliamentarian for the City Council, and provides parliamentary advice to Staff Liaisons to Commissions.

City Manager: The City Manager is the Chief Administrative Officer, responsible for overseeing City operations, implementing Council policies, and managing all City employees except for those in the City Attorney's and City Clerk's offices.

City Departments: The City Manager oversees all City employees, except for those in the City Attorney's and City Clerk's offices. The supervision of City staff is organized through various departments and their directors. The City Manager is responsible for nine departments: Airport, Finance, Fire, Library, Parks and Recreation, Planning and Zoning, Police, Public Works, and Senior Center.



COMMISSION BASICS

Benefits to Serving on a Commission.

Commission members bring their experience and expertise to help inform and advise the City on various issues and policies. Each Commission has a specific purpose approved by the City Council and must make decisions that align with that purpose to effectively advise the Council.

Public Input.

As part of its process, the Commission holds public hearings where residents and stakeholders can voice their opinions on proposed developments and zoning changes.

Composition, Qualifications, Appointments, and Terms.

KMC 14.05.050 establishes that the Planning and Zoning Commission will consist of seven members; members must be a resident of the City of Kenai, except the Commission may have up to one member that is not a resident if that member has a controlling ownership interest in a business physically located in the city and members may not be an officer or employee of the City. This code section has been provided in supplemental attachment "A".

Appointed terms are for three years, beginning January 1 and ending December 31, except when the appointment is to fill a vacancy created prior to the end of a term, the appointment will then be for the remainder of that term.

If a member wishes to resign from their seat, they need to provide a written letter of resignation to the City Clerk, the letter may be submitted on paper or electronically.

Types of Commissions.

The City of Kenai has two types of Standing Commissions: Advisory and Quasi-Judicial.

Advisory: An advisory commission is a group of individuals appointed to provide recommendations, guidance, and expert advice to a governing body, such as a city council or other administrative authority. While advisory commissions play an important role in shaping decisions and policies, they do not have the power to enforce or implement those decisions. Instead, they serve as a resource, offering insights and recommendations that the governing body may choose to consider when making final decisions.

Quasi-Judicial: A quasi-judicial body is an entity or agency that has powers and procedures resembling those of a court of law, but it operates within an administrative or executive branch rather than the judiciary. These bodies are typically authorized to make decisions on specific issues such as disputes, regulations, or rights within their area of jurisdiction.

Quasi-judicial bodies conduct hearings, examine evidence, and make rulings or judgments similar to a court. Their decisions can often be appealed in a regular court, but they are usually the first level of adjudication in matters related to their specific mandate.

City of Kenai Standing Commissions.

Commission	Purpose
Airport Commission (Advisory)	Advise on issues involving the airport and lands held for the benefit of the airport.
Beautification Commission (Advisory)	Advise on enhancing the appearance of the City.
Council on Aging Commission (Advisory)	Advise on issues involving the Kenai Senior Center and Senior Citizen programs supported by the City.
Harbor Commission (Advisory)	Advise on issues involving the City Harbor facilities and tidal or submerged lands owned by the City.
Parks & Recreation Commission (Advisory)	Advise on issues involving the City parks and recreational facilities.
Planning & Zoning Commission (Quasi-Judicial & Advisory)	<ul style="list-style-type: none">• Review and act upon requests for variance permits, conditional use permits, planned unit residential development permits, and other matters requiring consideration under the Kenai Zoning Code.• Interpret the provisions of the Kenai Zoning Code and make determinations when requested by the Administrative Official.• Review the City of Kenai Comprehensive Plan on an annual basis and conduct a minimum of one public hearing. Said recommendations shall be forwarded to the Council for consideration.

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| | <ul style="list-style-type: none"> • Promote public interest and understanding of comprehensive planning, platting, zoning, land management, and other issues relating to community planning and development. • Proposed plans for the rehabilitation or redevelopment of any area or district within the City. • Perform historic preservation reviews and duties as set forth in KMC 14.20.105. • Advises on Zoning Map amendments; land lease or sale petitions; and capital improvement programs. |
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COMMISSIONER RESPONSIBILITIES

Member Roles.

Kenai Municipal Code 14.05.010 establishes the specific duties and Powers of the Planning and Zoning Commission. This section of code has been provided in attachment "A". Typical duties include:

- reviewing materials related to the scope of duty assigned to the Commission;
- attending meetings to discuss and receive public input on matters within the Commission's purview;
- making recommendations as requested by the governing body or within the scope of the Commission's established responsibilities;
- engaging the public, by gathering input from the community, providing recommendations in response to public concerns, ideas or interests within the scope of the Commission;
- and **upholding ethical standards**, members are expected to act in the public's best interest, avoid conflicts of interest and adhere to legal and ethical guidelines.

Quorum Required.

A quorum is required to be present in order for any governing body to conduct business and to vote on matters. If a quorum is not present, the meeting will be called to order, roll call taken and immediately adjourned for lack of a quorum. When this occurs the Commission members may not take any action or further discussion and leave the Council Chambers promptly. Any business that was not time-sensitive will be brought back at the next regularly scheduled meeting.

Attendance Requirements.

Your voice is important in the decision-making process, it cannot be heard if you do not attend the meetings. KMC 14.05.050(a)(5) establishes that a member will cease to hold their seat if: 1) the member misses more than on-half of the regular or special meetings during three consecutive calendar months, without being excused for good cause by the Commission; 2) a Commission member may not have more than three excused absences during a twelve-month calendar year.

Officers / Chair & Vice Chair.

As required by KMC 14.05.050, the Planning & Zoning Commission will elect a Chair and Vice Chair annually. The Chair presides at meetings, providing leadership to the Commission, ensuring meetings procedures are completed in a timely and orderly manner. The Vice Chair shares the same responsibility as the Chair, and in the absence of the Chair presides during the meeting.

Ongoing Education and Training.

Although there is no formal requirement for ongoing training for Planning Commissioners in Alaska, it is important for Commissioners to engage in continuing education and training. The field of planning is dynamic and rapidly changing, and the Planning Department will periodically offer training opportunities through organizations such as the Alaska APA.

PLANNING & ZONING COMMISSION DUTIES

Land-Use Planning.

The Commission is involved with creating and updating the comprehensive plan, which outlines long-term goals for the development and growth of the community.

Zoning Regulations.

Zoning involves dividing land into different zones (residential, commercial, industrial, etc.) and setting rules for what types of structures and activities are permitted in each zone.

Permits and Approvals.

The Commission will review proposals for new developments, subdivisions, rezoning requests, special use permits and variances from zoning ordinances.

Working Knowledge of Controlling Authority.

The controlling authority for the Planning and Zoning Commission includes plans, ordinances, and standards that impact development activity. Commissioners should acquire a working knowledge of the controlling authority under which the Commission makes its decisions. Periodic review and training on the controlling authority are important components of the planning process.

Working Knowledge of Case Materials.

Planning staff is responsible for producing thorough and complete staff reports summarizing requests and the related facts. Each Commissioner is responsible for reviewing these materials to a standard of "working knowledge." Caseloads vary with economic conditions, time of year, and other factors, but a Commissioner can reasonably expect to spend several hours reviewing material for each meeting.

Site Visits.

To avoid violations of due process or the Alaska Open Meetings Act, site visits by Planning Commission members for quasi-judicial matters are strongly discouraged. If the Planning Commission determines that a site visit is necessary, the visit must be treated as a Planning Commission meeting, and the appropriate notifications, agendas, and procedures must be followed.

MEETING BASICS

Meeting Locations.

Meetings are held in the City Council Chambers at Kenai City Hall, 210 Fidalgo Avenue, Kenai, Alaska. On occasion an offsite meeting or work session may be scheduled and will be noticed accordingly.

Agenda & Meeting Packets.

The importance of the agenda is to inform the public and the body regarding the matters which will be discussed during the meeting. Prior to each meeting, the Staff Liaison with the Chair will develop an agenda. Supporting documentation to the agenda will be provided in the meeting packet.

At least five days prior to your meeting the Agenda and Packet links will be emailed to Commission members, this provides the members the necessary time to review the materials prior to the meeting. If you have questions or concerns related to your agenda and packet please contact your Staff Liaison.

Ground Rules for Effective Meetings.

Show up on time and come prepared: Be prompt in arriving and returning from breaks; come prepared to achieve the meeting goals; and come to the meeting with a positive attitude.

Stay mentally and physically present: be present and don't attend to non-meeting matters during the meeting, listen attentively, treat all participants with the same respect you would want from them.

Contribute to the meeting goals: participate by sharing ideas, asking questions and contributing to discussion; share your unique perspectives and experience, speak honestly; state problems and offer solutions.

Let everyone participate: share the floor, do not dominate the conversation with only your ideas; do not interrupt others when they are speaking; be respectful of others thinking, values and contributions.

Close decisions and follow up: make sure decisions are supported by the majority of the group, otherwise they hold less weight in recommendations; manage pending issues to ensure follow-up action is completed; identify additional actions needed based on recommendations received.

Audio Visual Participation: log in on time; if using new software make sure it is installed and working prior to the beginning of the meeting; leave your video on, you are a member of the Commission, you can see them and they should see you; consider your surroundings, what part of your of your personal life do you want to present to the public; remember, if you would not do it in person, then you shouldn't do it while video conferencing; and finally, **camera angle matters**.

Think before speaking: seek first to understand, then to be understood; avoid using phrases that may be misunderstood; its ok to disagree, respectfully and openly, and without being disagreeable.

Stay on point and on time: respect the groups' time, keep comments brief and to the point; when a topic has been discussed fully, do not bring it back up; do not waste the groups' time by repeating what others already said.

Attack the problem, not the person: respectfully challenge ideas, not the person; blame or judgement takes you further from a solution; honest and constructive conversations get the best results.

Listen with an open mind: there is value in hearing others input; stay open to new ways of doing; you can respect another person's point of view without agreeing with them.

Record outcomes and share: record issues discussed, decisions made and tasks assigned; share meeting reports with meeting participants; share meeting outcomes with other stakeholders; keep individuals affected by decisions informed.

Parliamentary Procedure.

The City of Kenai has adopted the most current version of Robert's Rules of Order as the parliamentary rule for public meetings; there are a few exceptions listed in KMC 1.90.050. You will also receive a brochure "City of Kenai Guide to Basic Parliamentary" with this handbook. The brochure covers the most common procedures used during Commission meetings. If you need additional parliamentary advice, please submit your request to the City Clerk through your Staff Liaison.

Rules of Debate.

Each Commission member wishing to participate in debate must first address the presiding officer, and upon recognition should then confine their comments or questions specific to the question under debate. The presiding officer has the same privileges as other members and may participate in debate; however, should be the last to speak and not attempt to unduly influence the Commission.

Hearing from Staff.

Staff is available to the Commission for questions and comments throughout the meeting. The Commission may question staff or request further information.

Meeting Types.

Regular Meetings: Are held regularly in accordance with Council Policy No 20.200 (Attachment B); only items that are described on the agenda may be discussed or acted on.

Special Meetings: Special meetings are called on an as-needed basis, for a special purpose, with the approval of the City Clerk. Requests for a special meeting from Commission members should be

made to the Staff Liaison, who will submit the request to the City Clerk. Special meetings may only be called for one subject, and the Commission may only act or discuss the one item.

Work Sessions: No actions may be taken during a work session, they are used for educational, non-voting purposes and only items described on the agenda may be discussed. Work sessions may be scheduled through your Staff Liaison with approval by the City Clerk.

Adjournment - No After Meeting Gatherings.

After the meeting concludes, please leave the Council Chambers and City Hall promptly to avoid any perception of violating the Open Meeting Act. It has been observed that members often continue discussing City business after adjournment. If members need to discuss matters with the Administration, we kindly request that appointments be made during regular business hours. This ensures transparency and adherence to laws and regulations.

MEETING DECORUM

Conduct of Commissioners.

While the meeting is in session, members should not interrupt the proceedings or any Commissioner that has the floor. A Commissioner, after receiving the floor from the presiding officer, should not be interrupted when speaking, unless it is in order to call the member to order. If a Commissioner is called to order, the Commissioner should cease speaking until the question of order is determined. If determined by the presiding officer to be in order, the Commissioner may proceed.

Conduct of Public in Attendance.

Members of the public in attendance should observe the rules and procedures of the Commission and should not disrupt the Commission business by speaking out of turn, shouting, or attempting to prevent others from being heard when they have the floor. Making disruptive noises such as boos, hisses and clapping is not acceptable. Public comments during the meeting should be directed through the Chair.

Commissioner Question to Public During Meetings.

After being recognized by the presiding officer, Commissioners may briefly question individuals speaking during the audience participation portion of a meeting; however, the Commissioner(s) may not enter into a discussion with the individual.

MEETINGS / HEARINGS

Hearing from the Staff.

Typically, the staff report follows the Chair's reading of the resolution title into the record. The purpose of the staff report is to provide a brief overview of the business item and to highlight key facts, findings, and recommendations. Staff is available to the Commission for questions and comments throughout the meeting. Commissioners may question staff, request further information, or provide direction.

Hearing from the Applicant (Quasi-Judicial).

After the Chair reads the resolution title into the record and staff presents their report, the applicant or their representative will have the opportunity to provide an overview of their application before the public hearing is opened. The applicant is under no obligation to do so but is given 15 minutes

to present their case. Commissioners may ask the applicant questions, but no discussion will take place at this time. After public comments, the applicant will be given an additional 15 minutes for rebuttal. Additional time may be granted if the Commission determines that the complexity of the matter warrants it.

Hearing from the Public.

Public testimony begins after the Chair reads the resolution title into the record, staff provides their report, and the applicant (if any) has been given the opportunity to present their overview. Members of the public will be given three minutes each to provide testimony.

Impartiality and Standards of “Fair Play”.

Each Commissioner must maintain standards of fairness and impartiality and avoid the appearance of bias. The Chair has the primary responsibility to ensure that all viewpoints are heard, that the meeting proceeds in a timely manner, and that options for future action by the Commission are clearly stated.

Continuing a Public Hearing.

The Commission may elect to continue a public hearing to a later date due to the meeting’s length or the submission of new, potentially substantive information not yet reviewed.

Applicants Responsibility.

Applicants bear the burden of proof and are responsible for demonstrating that their proposal meets the approval criteria and is consistent with the comprehensive plan. While staff may help applicants understand the criteria, it is not the responsibility of staff, the Planning Commission, or the Assembly to justify an application or provide proof.

LEGAL REQUIREMENTS

Oath of Office.

As a public official serving the people of the City of Kenai, you must take an oath of office prior to acting as an official to the Commission you have been appointed to.

Conflict of Interest and Financial Discloser (KMC 1.85).

As a public official for the City of Kenai, certain acts are considered conflicts of interest and are prohibited. Examples of prohibited acts include: receiving money for advice or assistance in the course of official duties for the City; accepting gifts or other valuable consideration with the understanding or agreement that a specific vote will be cast; or voting on a matter in which the member has a substantial direct or indirect financial interest. These regulations are established in KMC 1.85, which is provided in supplemental attachment 'A'.

Recusal.

It is the responsibility of any member who has a conflict to present the circumstances of their conflict to the presiding officer during the meeting, as soon as the subject in which the conflict exists arises. The presiding officer will determine whether a conflict exists. Any member of the Commission may challenge the presiding officer's ruling. If the ruling is challenged, the issue will be voted on by all members, except the member with the potential conflict.

If the member with the conflict does not disclose their conflict when the subject arises during the meeting, any other member may inform the presiding officer that they believe a conflict exists and identify the member involved.

Any member who has a direct or indirect conflict with a subject before the Commission must recuse themselves, may not participate in discussion, debate, or voting on the matter, and must leave the dais while the issue is under the Commission's consideration.

State of Alaska Open Meetings Act.

All meetings of the governmental bodies of the City of Kenai are open to the public and follow the guidelines set forth in the Alaska Open Meetings Act.

The State of Alaska's Open Meetings Act (AS 44.62.310-312) requires that all meetings of a public entity's governing body be open to the public and that the body provide reasonable notice of its meetings. The Open Meetings Act (OMA) is intended to ensure that decisions made and actions taken are public knowledge and represent the will of the public that the governing body serves.

In essence, the OMA protects the public's right to know.

To be able to protect the public's right to know, the OMA requires that:

- all deliberations and action taken by a public entity must be done in public view, with limited exceptions;
- the public must be provided prior knowledge of all steps occurring in the decision-making process, with limited exceptions; and that
- individual actions of an official are made known.

In order for these requirements to have full effect, meetings must occur as provided in the notice; and, with few exceptions, the public must be allowed to involve itself in the meeting. The public must also have access to materials being considered during the meeting.

In addition to laying out specific steps required for meetings and allowable exceptions, the statutes addressing open meetings speak about the State's policy regarding what authority the public has delegated to governing bodies. Following is a synopsis.

According to the 'State Policy Regarding Meetings' (AS 44.62.312):

- The government exists to aid in conducting the people's business.
- Government units should act and deliberate openly.
- The people do not yield sovereignty to government agencies that serve them.
- Public servants have not been given the right to decide what is good or not good for the people to know.
- People should remain informed so they may retain control over the government they created.
- The use of teleconferences is for convenience of the parties, public, and government.
- The Open Meetings Act should be narrowly construed to effectuate these policies and avoid unnecessary exemptions.

Serial Meetings - Prohibited.

A serial meeting occurs when a quorum of the body communicates with each other, directly or indirectly, whether planned or unplanned, through any medium, to develop collective concurrence. Serial meetings are a violation of the Open Meetings Act. Commissioners should be aware of the potential for serial meetings and refrain from discussing issues that are before or may come before the Commission. Never use the "Reply All" button when responding to emails.

Public Records.

City of Kenai public records are governed by Alaska Statutes 40.25 Public Record Disclosure and KMC 10.40 Access to Public Records. In general, all documents or communications received by you in your capacity as a Commission member are public records and are subject to public access. This includes, but is not limited to, paper and electronic records, text messages, recordings, videos, and photographs.

COMMUNITY ENGAGEMENT

We are here to conduct the business of the people, and there is no better way to do that than through community engagement. Any process that involves the input of community members in solving city problems or decision-making is meaningful community engagement. It allows the City to make sustainable decisions, represents the majority of the community, aligns with public participation goals, opens a two-way dialogue, includes clear and appropriate opportunities for feedback, and supports an open and transparent government.

Neighborhood vs. Community.

A neighborhood is a geographical area where people live and interact. Neighborhoods tend to have their own identity, and residents may share similarities in family composition, income, and education level. These common threads generally lead to building a community.

A community, on the other hand, is not a place, building, or organization; it arises from shared experiences and a sense of shared history. A community is a social unit with commonality in areas such as place, norms, values, and customs.

Public Outreach vs. Community Engagement.

The terms "public outreach" and "community engagement" are often used interchangeably, but while they work together, it is important to recognize their differences:

- Public Outreach is: short-term, marketing, transactional and directional.
- Community Engagement is: long-term, relationship building, connecting and cyclical.

City of Kenai Commissions are essential in bridging the gap between the community and government. As representatives of the community, Commission members should strive to connect with the people of Kenai, develop relationships, and help identify issues and solutions that benefit all city residents.

COMMUNICATIONS

Staff Liaison Responsibilities

Staff Liaisons are city professionals with significant work responsibilities beyond their Commission Liaison activities. They do not work for or at the direction of the Commission; they are assigned by the City Manager and follow the direction of the City Manager.

The Staff Liaison assigned to your Commission will attend and provide support at all Commission meetings, maintain the files and records of the Commission's work, provide access to and retrieval of data related to the Commission, and ensure that Commission members receive relevant information related to their role. Your Staff Liaison is your point of contact for questions or concerns related to your Commission.

Office of the City Clerk

The City Clerk's Office has several roles related to Commissions: recruitment (*advertising vacancies and accepting applications*), converting the Liaison's meeting notes into minutes, noticing meetings, distributing the agenda and packet as received from the Staff Liaison, and providing parliamentary advice as needed. If you have questions regarding your agenda, packet, or minutes, please direct them to your Staff Liaison. Parliamentary questions should also be directed through your Staff Liaison, who will contact the Clerk's Office for advice.