



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Mike Navarre, Mayor *MD for MN*

DATE: July 20, 2017

SUBJECT: Ordinance 2017-22, Amending KPB 20.25.120 – Review and Appeals, KPB 21.06.060(A)(3) – Exceptions Procedure, KPB 21.20 – Hearing and Appeals and KPB 21.25.100 – Appeals (Mayor)

The borough has experienced success with the use of a hearing officer to hear cases regarding violations of the borough's land use regulations. It has provided for a fair and efficient process. Converting the tribunal for appeals of planning commission decisions to a hearing officer from a board of adjustment would also provide for a fair and more efficient process. Use of a hearing officer is authorized by AS 29.40.

There has been difficulty recruiting members for the board of adjustment. Meetings have been cancelled and postponed due to lack of a quorum. This works a hardship on members of the public who are in attendance at the cancelled meeting, the parties to the appeal, other board members several of who travel from the Seward and Homer areas, and results in unnecessary legal costs for the outside counsel advising the board of adjustment. Disposition of an appeal also takes longer than necessary because the schedules of the board members, multiple parties, counsel, and support staff all need to be considered when scheduling hearings.

In addition to changing the appeal process to a hearing officer format some housekeeping revisions are made to KPB 21.20 where language is obsolete, in conflict with other code provisions, or presented interpretation issues.

Your consideration of this ordinance is appreciated.