

Kenai Peninsula Borough

Legal Department

MEMORANDUM

TO: Peter Ribbens, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Robert Ruffner, Planning Director *RR*
Sean Kelley, Borough Attorney *SK*

FROM: A. Walker Steinhage, Deputy Borough Attorney *AW*

DATE: January 9, 2025

SUBJECT: Ordinance 2025-03, Amending KPB Chapter 21.20 Relating to Hearings and Appeals to a Hearing Officer (Mayor)

The Ordinance amends KPB Chapter 21.20, Hearings and Appeals.

A new section (KPB 21.20.225) establishes the criteria for standing to appeal quasi-judicial decisions of Planning Department Staff and/or the Planning Director, the Planning Commission, and the hearing officer. Additionally, the Ordinance provides a process for appealing quasi-judicial decisions of Planning Department Staff and/or the Planning Director to the Planning Commission. Presently, KPB Code lacks a process even though various KPB Code provisions mandate such an appeal.

Other Code changes reflected in the Ordinance require the appellant to pay a record transcription fee; authorize the hearing officer to dismiss an appeal upon motion by an appeal party if the appellant's notice of appeal is deficient for lack of standing, specificity, or reasoning; and provide the KPB clerk the authority to administratively consolidate appeals filed on the same decision and which involve a common question of law or fact.

The Ordinance also replaces the current model of filing simultaneous opening and reply statements with a staggered, more traditional appellant opening/appellee response/appellant reply format. Finally, the current time period for the hearing officer to file a decision with the clerk is extended from fifteen to forty-five days.

Your consideration is appreciated.