


# Kenai Peninsula Borough



## Legal Department

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### MEMORANDUM

**TO:** Wayne Ogle, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Mayor 

**FROM:** Colette Thompson, Borough Attorney   
Holly Montague, Deputy Borough Attorney 

**DATE:** March 6, 2018

**RE:** Ordinance 2017-19-15, Appropriating \$45,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Code Compliance Hearings (Mayor) (Hearing on 3/6/18)

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As requested by assembly member Dale Bagley, following is a report of code compliance matters since July 2016 that involved a hearing officer or may involve a hearing officer:

1. July 2016: A material site was being operated without a permit. (KPB 21.25, 21.29.) An enforcement agreement was entered with the operator which was approved by the hearing officer and a \$9,000 fine was paid.
2. July 2016: An enforcement notice was issued for unpermitted structures in the habitat protection district. An enforcement agreement was entered. A \$26,400 fine was assessed of which \$25,200 was forgiven upon compliance.
3. December 2016: Respondents maintained noncompliant structures in the floodplain. (KPB 21.06.) A hearing was held and the hearing officer required the removal of the structures by a date certain. The structures have been removed.
4. September 2017: A general and subcontractor were charged with dumping riprap within the anadromous habitat protection district

and floodway on two lots on Dow Island. (KPB 21.06, 21.18.) An order for a removal plan subject to the KPB Planning Department's approval was issued. The general contractor was fined \$34,800 for two violations (KPB 21.18 and 21.06) on two lots. The subcontractor was fined \$17,400 for two violations (KPB 21.18 and 21.06) on one lot. The fines are due April 24, 2018. \$10,000 of the general contractor's fine is suspended and will be forgiven if full compliance is gained by a date certain.

5. October 2017: A material site was being operated without a permit and encroached both on adjacent property and a borough right-of-way. (KPB 21.25, 21.29.) An enforcement agreement was executed wherein the operator agreed to remediate the damage to property and the borough right-of-way and that a material site permit would be pursued. Progress has been made toward compliance. Hearing date is currently scheduled for April 2018.
6. February 2018: Floodplain violation in Seward. (KPB 21.06.) Hearing date is currently scheduled for April 2018.
7. March 2018: A warning letter has been issued for an unpermitted structure in the Habitat Protection District.