

Introduced by:	Mayor
Date:	10/09/07
Hearing:	11/20/07
Action:	Enacted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2007-34**

**AN ORDINANCE AMENDING KPB 2.40.080 REGARDING PLAT COMMITTEE  
HEARING AND REVIEW PROCEDURES**

**WHEREAS,** the full planning commission periodically hears reconsiderations of plat committee actions; and

**WHEREAS,** there has been confusion between Robert's Rules of Order "reconsideration" motions made by the planning commission and reconsideration motions requested by parties; and

**WHEREAS,** there have been attempted reconsideration filings by email and facsimile, both of which are unreliable; and

**WHEREAS,** it is not practical or effective to serve decision notices by publication as opposed to mail or personal service;

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

**SECTION 1.** That KPB 2.40.080 is hereby amended as follows:

**2.40.080. Plat committee—Powers and duties—Hearing and review [RECONSIDERATION] procedures.**

The planning commission (and the planning commission acting as the platting board) is authorized to delegate powers to hear and decide cases involving platting to a plat committee composed of those members of the planning commission present for such hearing so long as there are at least 4 members of the planning commission present. The following procedures are prescribed for hearings and reviews [RECONSIDERATION]:

- A. Cases may be decided by a majority vote of the plat committee members present.
- B. Review [RECONSIDERATION] of a decision of the plat committee may be heard by the planning commission acting as platting board by filing written notice thereof with the borough planning director on a form provided by the borough planning department. The request for

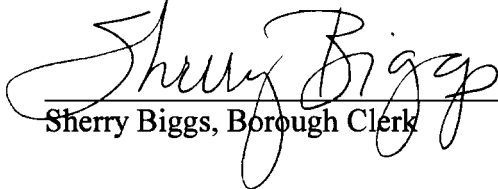
review [RECONSIDERATION] shall be filed within 10 days after notification of the decision of the plat committee by personal service[,] or service by mail[, OR PUBLICATION]. A request for review [RECONSIDERATION] may be filed by any person or agency that participated at the plat committee hearing either by written or oral presentation. The request must have an original signature; filing electronically or by facsimile is prohibited. The request for review [NOTICE OF RECONSIDERATION] must briefly state the reason for the review [RECONSIDERATION] request and applicable provisions of borough code or other law upon which the request for review [RECONSIDERATION] is based. Notice of the review [RECONSIDERATION] hearing will be issued by staff to the original recipients of the plat committee public hearing notice.

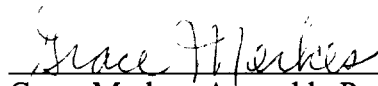
- C. Cases reviewed [RECONSIDERED] shall be heard de novo by the planning commission acting as the platting board.

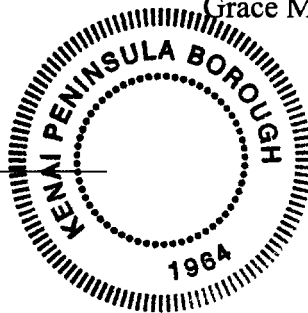
**SECTION 2.** That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF NOVEMBER, 2007.**

ATTEST:

  
Sherry Biggs, Borough Clerk

  
Grace Merkes, Assembly President



Yes: Fischer, Gilman, Knopp, Long, Martin, Sprague, Superman, Merkes  
No: None  
Absent: Smith