



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

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

THRU: Mike Navarre, Mayor *MN*

FROM: Max Best, Planning Director *mb*

DATE: November 21, 2016

SUBJECT: Ordinance 2016-44, Amending KPB 20.10 and KPB 21.50 Regarding Violations and Enforcements (Mayor)

A new enforcement code was adopted for land use regulations (KPB Title 21) in 2011. This process entails a system wherein violations are adjudicated by a hearing officer. Violators have an opportunity to correct the violation at a warning stage or through a stipulated agreement prior to being issued an enforcement notice which leads to the hearing. The process has worked effectively. Planning staff has been able to resolve 250 violations as a result of issuing a warning. The borough has entered 16 stipulated agreements and two matters have gone to hearing. Approximately \$37,350 in fines has been collected using this process.

After having worked with the ordinance for five years some housekeeping modifications would provide a more efficient process and would clarify some sections of the code. Additionally, extending KPB 21.50 for violations of the subdivision code is also proposed to address situations such as illegal subdivisions as authorized by AS 29.40.

The primary revision is the codification of the “enforcement agreement” process that has been successfully used by staff and respondents, reducing the time and expense of using the hearing officer when the parties can agree to a remedy after an enforcement notice is issued prior to the scheduled hearing. A table highlighting the revisions the ordinance would make to the current code is provided for the assembly’s ease of reference.

Your consideration of this ordinance is appreciated.