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.

Grace Merkes, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

KENAI PENINSULA BOROUGH 1964

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