

MEMORANDUM

TO: Ron Long, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: John J. Williams, Kenai Peninsula Borough Mayor

FROM: Max Best, Planning Director
Holly B. Montague, Deputy Borough Attorney

DATE: September 27, 2007

SUBJECT: Ordinance 2007-34 amending KPB 2.40.080 regarding plat committee hearing and review procedures

Revisions are being recommended to the planning commission's reconsideration proceedings that are of a housekeeping nature. The full planning commission hears reconsiderations of plat committee decisions at the request of a party of record. There has been some confusion that these reconsiderations which are a right of a party of record, are the same as a motion for reconsideration under Robert's Rules of Order, which may or may not be heard by the planning commission at its discretion. The full commission reviewing the action of the plat committee is not an appeal because it is a larger number of the same body conducting the review, rather than a review by an entirely different body (such as the board of adjustment hearing appeals from planning commission decisions). Therefore, to avoid confusion between "motions for reconsideration" under Robert's Rules and requests for reconsideration under KPB 2.40.080, the terminology is being changed from "reconsideration" to "review."

It is also recommended that it be clarified that the request for review be a document with an original signature. Facsimile and email filings have been attempted which raise timeliness issues since original filings would have to arrive within normal business hours. There can be questions as to the integrity of who sent an electronic request, and there are issues of failed deliveries as well.

It is also recommended that the provision that notice of the decision may be given by publication be stricken. This language has been in the code since the 1970s. Planning commission decisions can be several pages long, and it is highly unlikely the planning department would ever use such a method of service due to the cost and lack of effectiveness. Certified mail or personal service is much more likely to reach the intended recipient.