



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

JOHN J. WILLIAMS
BOROUGH MAYOR

MEMORANDUM

TO: Grace Merkes, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: John J. Williams, Borough Mayor

FROM: MB Max J. Best, Planning Director

DATE: October 25, 2007

SUBJECT: Ordinance 2007-34; An Ordinance amending KPB 2.40.080 regarding Plat Committee Hearing and Review Procedures.

The Planning Commission reviewed the subject ordinance during their regularly scheduled October 22, 2007 meeting. A motion to recommend adoption of the ordinance passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM F. PUBLIC HEARINGS

1. Ordinance 2007-34; An Ordinance amending KPB 2.40.080 regarding Plat Committee Hearing and Review Procedures.

Staff Report given by Max Best

PC Meeting: 10/22/07

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.

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment noting no members of the public were in attendance. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Martin moved, seconded by Commissioner Johnson recommend approval of KPB Ordinance 2007-34.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS ABSENT	FOSTER YES	GROSS ABSENT	HEIMBUCH YES	ISHAM YES
JOHNSON YES	LOCKWOOD ABSENT	MARTIN YES	PETERSEN YES	TAURIAINEN YES		9 YES 3 ABSENT

AGENDA ITEM G. ANADROMOUS STREAM HABITAT PROTECTION (KPB 21.18) - None

AGENDA ITEM H. VACATIONS NOT REQUIRING A PUBLIC HEARING

1. Vacate the 20-foot utility easement centered on the line common to Lots 11 and 12 Block 1 granted by Banta Subdivision Addition No. 1 and Resubdivision of Lot 4 Block 1 (Plat HM 78-21), Section 26, Township 1 South, Range 14 West, Seward Meridian, Alaska, and the Kenai Peninsula Borough; KPB File 2007-277; Location: West of Sterling Highway in Ninilchik

Staff Report reviewed by Max Best

PC Meeting: 10/22/07

Purpose as stated in petition: We own Lots 11 and 12. There are no other utilities affected. A 5-foot utility easement runs along Barbara Drive, which would not be affected, and lots can be readily accessed from that