

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor *CP*

FROM: Max Best, Planning Director *MB*
Sean Kelley, Deputy Borough Attorney *SK by MB*

DATE: September 26, 2019

RE: Ordinance 2019- 29, Establishing the Appeal Procedure before the Borough Assembly for the Appeal Filed by Echo Trading Company, LLC of a Planning Commission Decision (Mayor)

KPB 21.20.230(B) states that the assembly shall consider vacation petitions approved by the planning commission in accordance with the procedures in KPB Chapter 20.70. Echo Trading Company, LLC has filed an appeal of a planning commission decision vacating a utility (drainage) easement. The appeal documents cite KPB 21.20.230(B) to require that the matter be heard by the full assembly. After the appeal was filed it was determined that borough code does not contain a specific procedure for appeals of a utility easement vacation decision. In order to resolve the present appeal in a timely manner it is recommended that the assembly enact this one-time procedure for this appeal.

This ordinance will establish that for the appeal filed by Echo Trading Company, LLC the full assembly will sit as the hearing officer for the appeal, with the assembly president serving as presiding officer, and the appeal will follow the same procedures as set forth in KPB 21.20.

Following resolution of this appeal it is anticipated that a code change ordinance will be presented to the assembly for consideration that will enact a code procedure for appeals of a planning commission decision approving an application to vacate a utility easement. Developing that procedure is expected to require more time than is appropriate for this pending appeal. Therefore, this ordinance is needed to set a one-time, uncodified, procedure for purposes of resolving the appeal filed by Echo Trading Company, LLC.

Your consideration of this ordinance is appreciated.