

Introduced by: Mayor  
Date: 10/08/19  
Hearing: 11/05/19  
Action: Enacted as Amended  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-29**

**AN ORDINANCE ESTABLISHING THE APPEAL PROCEDURE BEFORE THE  
BOROUGH ASSEMBLY FOR THE APPEAL FILED BY ECHO TRADING  
COMPANY, LLC OF A PLANNING COMMISSION DECISION**

**WHEREAS**, Echo Trading Company, LLC has filed an appeal of a planning commission decision vacating a utility (drainage) easement; and

**WHEREAS**, 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; and

**WHEREAS**, in order to timely resolve the present appeal, it is necessary that the borough set a one-time procedure for this appeal; and

**WHEREAS**, 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; and

**WHEREAS**, KPB Chapter 20.70 does not include procedures for the assembly to consider vacation petitions of utility easements approved by the planning commission pursuant to KPB 20.70.080; and

**WHEREAS**, 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 Chapter 21.20;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** This is an uncodified ordinance.

**SECTION 2.** For purposes of complying with KPB 21.20.230(B) to address the appeal filed by Echo Trading Company, LLC, regarding the planning commission's vacation approval decision in KPB File No. 2019-048V, the assembly will sit as the hearing officer and follow the appeal procedures set forth in KPB 21.20.210 through KPB 21.20.360, except that the time period provided for testimony shall be extended

from 15 minutes to 25 minutes for each side and for the rebuttal shall be increased from 5 minutes to 10 minutes for each side.

**SECTION 3.** The assembly president will act as the presiding officer.


**SECTION 4.** For purposes of this appeal, the current landowner of the parcel encumbered by the easement and the appellant, Echo Trading Company, LLC, will both be considered a “party of record.”

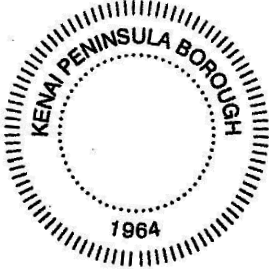
**SECTION 5.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF NOVEMBER, 2019.**

  
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Kelly Cooper, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk



- Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper
- No: None
- Absent: None