

Kenai Peninsula Borough

Legal Department

MEMORANDUM

TO: Blair Martin, Chair
Member, Kenai Peninsula Planning Commission

FROM: Sean Kelley, Deputy Borough Attorney *SK*

COPY: Melanie Aeschliman, Planning Director

DATE: August 6, 2021

RE: Resolution 2021-____, Establishing the Appeal Procedure for Appeals of the Planning Director's Decision on Reconsideration to Uphold a Prior Decision Approving a Nonconforming Use Application within C&H Estates LOZD

Two appeals have been filed appealing the KPB Planning Director's Decision to the decision issued July 6, 2021 by KPB Planning Director Melanie Aeschliman to approve in part and deny in part a nonconforming use application for five (5) nonconforming uses of Lot 35A, C & H Estates, according to Plat 80-23, Homer Recording District (KPB Parcel ID #174-410-45).

Borough code does not provide an appeal procedure for appeals of staff decisions.

This resolution would establish a procedure for the parties and planning commission to follow for these two consolidated appeals (this "appeal").

This resolution provides a possible procedure for this appeal. The Appellants, respectively, parties may submit their own proposed procedure and/or propose alternatives to the procedure proposed by this resolution.

It should be noted that I will be advising the Planning Commission in this matter, and Acting Borough Attorney Patty Burley will be representing the Planning Department. A copy of this resolution will be emailed to: (1) the KPB Planning Director; (2) Appellant Cutlers; and (3) Appellant/Applicant Lang.