

1312

Introduced by: Mayor
Date: July 10, 1973
Hearing: August 7, 1973
Adopted: August 7, 1973

KENAI PENINSULA BOROUGH

ORDINANCE 73-34

AN ORDINANCE TO AUTHORIZE THE PLANNING COMMISSION TO DELEGATE POWERS TO HEAR AND DECIDE CASES CONCERNING PLATTING TO A PLAT COMMITTEE, PROVIDING FOR PROCEDURES WITH RESPECT TO ACTIONS THEREOF AND APPEALS THEREFROM, PROVIDING FOR FURTHER APPEAL TO THE BOROUGH ASSEMBLY, AND TO REENACT SUBPARAGRAPHS WHICH MAY HAVE BEEN REPEALED.

WHEREAS, AS 29.33.245 provides that the assembly may by ordinance authorize the Planning Commission to delegate powers to hear and decide cases and further provides that the assembly shall prescribe procedures for hearings and appeals; and

WHEREAS, the assembly feels that it would facilitate the work of the Planning Commission if such authority were granted with respect to platting and if certain procedures were provided for hearings and appeals; and

WHEREAS, Sections 20.10.5 (b) through (g) of the Code of Ordinances of the Kenai Peninsula Borough may have been inadvertently repealed by adoption of Ordinance No. 72-25 and therefore should be readopted;

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

Section 1. The numerical designation of Section 20.10.5 of the Kenai Peninsula Borough Code of Ordinances is amended to read "Section 20.10.005".

Section 2. Section 20.10.5 (as previously designated) of the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding thereto subsections as follows:

(b) A chairman and vice-chairman of the commission shall be selected annually from and by the appointed members of the commission.

(c) The members of the commission shall serve staggered terms of three years. Appointments to fill vacancies shall be for the unexpired term only. The members of the commission shall serve without pay. The borough mayor and the borough planning director shall be additional members ex officio. The borough planning director shall have the privilege of the floor, but may not vote. The borough mayor shall vote only in case of a tie.

(d) The commission shall prepare from time to time plans for the systematic development and betterment of the borough as a place of residence or for business. It may employ engineers, attorneys, clerks and a secretary, or other personnel considered necessary, subject to the approval of the assembly. The assembly shall fix the compensation of persons employed by the planning commission. The compensation and necessary expenses of the planning commission shall be paid out of the borough treasury in the same manner as other expenses of the borough government, within the limits of appropriations by the assembly for that purpose. In no event may the planning commission be authorized to create a deficiency.

(e) The planning commission may consider and investigate subject matter tending to the development and betterment of the borough and make recommendations as it considers advisable to any department of the borough government and to the assembly. The commission may make or have made surveys, maps or plans.

(f) Before final action is taken by the borough or a department of it, on the location and design of any public building, dock, beach, ski ground, statue, memorial park, parkway, boulevard, street or alley, playground, public street, alley or the grade thereof, the matter shall be submitted to the planning commission for investigation and report.

(g) All plans, plats, or replats of land laid out in lots or plats, and the streets, alleys, or other portions of them intended to be dedicated to public or private use within the limits of the

borough shall first be submitted to the planning commission for its approval or rejection.

Section 3. Section 20.10.5 (as previously designated) of the Code of Ordinances of the Kenai Peninsula Borough is further amended by adding subsection (h) thereto as follows:

(h) Pursuant to the provisions of AS 29.33.245, the planning commission (and the planning commission acting as the platting board) is hereby authorized to delegate powers to hear and decide cases involving platting to a Plat Committee composed of those members of the planning commission present for such hearing so long as there are at least 4 members of the planning commission present. The following procedures are prescribed for hearings and appeals:

- (1) Cases may be decided by a majority vote of the Plat Committee.
- (2) Appeal may be taken from the decision of the Plat Committee to the planning commission acting as platting board by filing written notice thereof with the borough planning director within 10 days after notification of the decision of the Plat Committee by personal service, service by mail, or publication.
- (3) Cases appealed from the Plat Committee shall be heard de novo by the planning commission acting as platting board.
- (4) If on appeal the planning commission acting as platting board fails to approve a plat, further appeal may be taken to the Assembly of the Kenai Peninsula Borough provided written notice thereof is filed with the borough clerk within 10 days after applicant is notified of the adverse decision of the planning commission by personal service or certified mail.
- (5) Where a decision failing to approve a plat is appealed to the borough assembly, the case on appeal shall be heard de novo.

(6) All other appeals from decisions of the planning commission shall be in accordance with Alaska statutes.

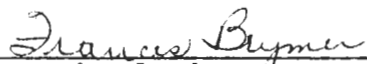
Section 4. This ordinance takes effect on enactment.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 7th DAY OF AUGUST, 1973.



Assembly President

ATTEST:



Borough Clerk