

Introduced by: Nash
Date: August 1, 1989
Hearing: Sept. 5, 1989
Action: Defeated
Vote: 14 No, 1 Yes

KENAI PENINSULA BOROUGH

ORDINANCE 89-42

PROVIDING PROCEDURES FOR APPEAL OF THE DECISION OF THE PLANNING COMMISSION CONCERNING LAND USE

WHEREAS, the current procedure for appeals from decisions of the Planning Commission on issues involving noxious, injurious or hazardous uses of land are unclear;

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

Section 1. That KPB 21.12 is amended by adding a new section to read:

21.12.080 Appeals--Decisions of Planning Commission--Land use. A. Appeals from final decisions of the Planning Commission on action concerning land use under Chapter 21.12 shall be brought in the State of Alaska Superior Court which serves the area where the land use at issue is located. The appeal must be filed in the Superior Court within 30 days from the date of mailing the written copy of the decision, as established by affidavit or certificate appearing on or attached to the decision and signed by a commission staff member.

B. A final decision for the purposes of this section means a written summary of the findings, conclusions, and final action of the Planning Commission, following public hearing, on the issue of land use under Chapter 21.12; unless a request for reconsideration is made within 15 days of the date of mailing the written decision, in which case the final decision is the Commission's decision on the request for reconsideration.

Section 2. That this ordinance shall take effect immediately upon its enactment.

DEFEATED

~~ENACTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 5th DAY OF September.

Jonathan W. Sewall, Assembly President

ATTEST:

Borough Clerk