

Introduced by:	Mayor
Date:	8/20/96
Hearing:	9/17/96
Action:	Adopted
Vote:	Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 96-36**

**AN ORDINANCE AMENDING THE CODE TO AUTHORIZE THE PLANNING
DEPARTMENT TO CHARGE FEES FOR UTILITY EASEMENT VACATIONS AND
PLAT WAIVERS AND REVISING THE FEE FOR APPEALS OF PLANNING
COMMISSION DECISIONS**

WHEREAS, Ordinance 84-9 enacted in March 6, 1984 established a section in the subdivision ordinance setting out procedures for vacating public utility easements; and

WHEREAS, Ordinance 91-2 (Substitute) amended Chapter 20.28 and provided that no fee would be charged in the case of vacation of a utility easement only; and

WHEREAS, Ordinance 93-51 amended the Code to enact uniform procedures for appeals of Planning Commission decisions and established a fee of \$200.00; and

WHEREAS, Ordinances 78-37, 83-53 (Substitute), and 94-32 set forth provisions for procedures to grant exceptions to platting procedures and provided no fee would be charged; and

WHEREAS, due to the continual rise in costs for advertising in newspapers, postage, and supplies needed to comply with the mailout requirements of the Borough Code of Ordinances, fees for vacating utility easements and plat waivers need to be established, and the fee charged for appeal of Planning Commission decisions needs to be amended; and

WHEREAS, the Planning Commission recommended by unanimous consent during their June 24 meeting that fees be established for vacating utility easements and plat waivers, and the fee to appeal Planning Commission decisions be increased to help offset the costs to the Planning Department;

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

SECTION 1. That KPB Section 20.28.065 is hereby amended to read:

28.28.065. Fee required.

The fee established by the planning commission by resolution shall accompany the filing of the vacation petition. A fee of \$50.00 is [not] required in the case of vacation of a utility easement

[only].

SECTION 2. That KPB Section 20.04.040.B. is hereby amended to read:

B. Subdivisions meeting all provisions of the above subsection A. shall be granted a waiver of platting regulations by resolution of the commission which shall be recorded in the appropriate district recording office within 30 days after adoption or waiver shall lapse. The applicant shall pay a plat waiver fee of \$50.00 and recording fees.

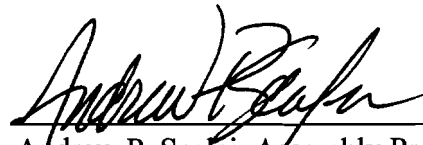
SECTION 3. That KPB Section 21.20.070.A. is hereby amended to read:

21.20.070 Appeal of planning commission decision.

A. Any party of record may appeal a decision of the planning commission within 30 days of the date of the notice of the decision by filing a written notice of appeal with the planning department on the forms provided, and paying the filing and records preparation fee of [~~\$200~~] \$300. All appeals of planning commission decisions shall be to the assembly sitting as a board of adjustment, and shall be conducted in accordance with the provisions of this chapter, unless otherwise expressly provided by the KPB Code. An appeal of denial of a vacation petition, as provided under KPB 20.28.110, shall be to the assembly as a legislative body -- not as a board of adjustment.

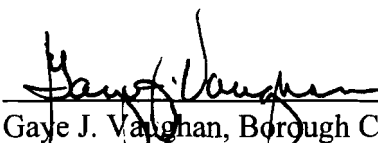
SECTION 4. That this ordinance will become effective 30 days from the date of enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17th DAY OF SEPTEMBER, 1996.



Andrew P. Scalzi, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk