

Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor

FROM: Robert Ruffner, Planning Director *RR*

DATE: August 23, 2022

RE: Ordinance 2022-41 An ordinance amending KPB Chapter 21.02 to establish an advisory planning commission in the Nikiski area.

The Kenai Peninsula Borough Planning Commission reviewed the subject ordinance during their regularly scheduled August 22, 2022 meeting.

An amendment motion passed by majority vote (11-Yes, 1-No, 2-Vacant) to recommend amending the ordinance to use the alternative option (307,400 acres) for the Nikiski APC boundaries.

A motion passed by unanimous vote (12-Yes, 2-Vacant) to recommend approval, as amended, of Ordinance 2020-41.

In the ordinance, please amend the last WHEREAS statement:

WHEREAS, at its meeting held on August 22, 2022, the KPB Planning Commission recommended approval as amended.

Attached are the unapproved minutes of the subject portion of the meeting.

ITEM E4 – Ordinance 2022-41**An ordinance amending KPB 21.02 regarding Advisory Planning Commissions, establishing an advisory planning commission in the Nikiski area.**

Staff report Planning Director Robert Ruffner.

Commissioner Horton asked Director Ruffner if the residents at the public meeting gave a reason for wanting the APC to cover such a large area. Director Ruffner replied that what he heard from the residents at the meeting was that their desired area for the APC mimics the size of the Nikiski's recreational and their fire service areas. The other reason given was that one of the first duties of an APC is to work on developing a land plan for their area. They noted that the borough does own quite a bit of land on the westside and they would like to be able to make recommendations on the use of those lands. Director Ruffner then stated that he weighs this desire against the idea that the purpose of the APC is to provide information to the planning commission on local issues.

Commissioner Slaughter noted that looking at the signatures on the petition it appears that all the individuals live within the alternative boundary area. He does not see any signatures from anyone on the westside. He then asked if there had been any outreach to the residents on the westside to see if they would be interested in being included in this APC. Director Ruffner stated that he did ask that question at the public meeting and to his knowledge no one from the westside has responded one way or another on this issue. Commissioner Slaughter then stated that he had sat on a local APC for a number of years and that he believes that the local voice that APCs provide is important. His concern is that having such a large area to cover, and with no input from anyone on the westside, there would be no local input from that area. He supports those local residents who wish to create an APC and since they all live within the alternative option; he would support the option of the smaller boundary area. Perhaps later the folks on the westside can decide to either join the Nikiski APC or start one of their own.

Commissioner Venuti asked Director Ruffner what would be the downside of having such a large area for an APC. Director Ruffner identified several potential issues. One would be sending out notifications of actions within an APC. Another is you want an APC to have credibility when commenting on things like platting actions or road vacations. That credibility comes from having locals who live and interact in the area. He raised this issue at the community meeting and several folks there responded that they did have local knowledge of the westside through their work in the oil fields and having recreational properties there.

Commissioner Martin stated what could it hurt if the commission approved their request as petitioned. Tyonek could still offer their opinion at any time as well as offer to have a resident sit on the APC. He believed that it would still be beneficial to get some local input, even if it was someone from the eastside.

Commissioner Stutzer asked if there would be any issues if at a later date the westside chose to break off and create their own APC. Director Ruffner replied yes, that could be a possibility.

Chair Brantley opened the item for public comment.

Camille Broussard; 52557 Geraldine Street, Kenai, AK 99611: Ms. Broussard spoke in support of the boundary area as it was petitioned. This large boundary area was unanimously supported by all the community members who attended the public meeting. The boundary, as petitioned, is the same size as the fire service and recreational service areas. She noted that a number of residents on the eastside have businesses or recreational property on the westside.

Heidi Covey; 49690 Two Junes Avenue, Kenai, AK 99611: Ms. Covey spoke in support of the boundary area as it was petitioned. She noted that she has been a resident of the Nikiski area for 37 years and has served on a service area board. The westside does receive funding from the fire service, senior service, recreational service and road maintenance taxes from our area. To her knowledge no one from the westside has ever served on any service area board. She noted the westside has not been excluded, they just chose not to volunteer.

Kristine Schmidt; 513 Ash Street, Kenai, AK 99611: Ms. Schmidt spoke in support of the boundary area as it was petitioned. She noted that she and her husband own property within the area of the proposed advisory planning commission. She noted that the size of the proposed area is pretty much the same as the fire, recreational, senior & road service areas. Their taxes support these services and it makes sense

to her that the advisory planning commission area would have the same boundaries.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Horton moved, seconded by Commissioner Staggs, to forward to the assembly a recommendation to adopt Ordinance 2022-41, amending KPB 21.02 regarding Advisory Planning Commissions, establishing an advisory planning commission in the Nikiski area.

Commissioner Stutzer stated that he was leaning towards supporting the larger boundary area since it had the most community support. However, he does have concerns whether the residents of the smaller but more populated area on the eastside could adequately provide local information on and recommendations for activities on the westside. He also noted that from public testimony that it does not appear that anyone from the westside has ever volunteered to sit on any of the other service area boards in the area so most likely serving on the APC would be no different.

Commissioner Morgan stated that she supports the alternative option. She noted that as a planning commissioner she represents a large district as do several other planning commissioners. Her district is very large and they have three APCs in the district, Cooper Landing, Hope/Sunrise & Moose Pass. They are all different communities and she doesn't believe anyone in Cooper Landing would want someone in Hope, which is across the mountain range, making recommendations for their community. It does not seem intuitive to her that Nikiski should be making decisions about communities across the water. While she has heard tonight that no one from the westside has stepped up to serve on a board, what she hasn't heard is whether or not there has been any outreach to any of the community about this proposal. She doesn't believe an advisory planning commission should be making decisions about communities they don't live in.

Commissioner Martin noted that Tyonek is not currently represented by an advisory planning commission. They are not being advised at all and at least there are folks on the eastside willing to provide some advice. He then noted APCs do not make decisions for communities they just advise. Having the westside included would provide at least some representation opposed to nothing at all.

Commissioner Slaughter asked if they move forward with the larger boundary area how many seats would there be on the APC. Could the planning commission make a recommendation that at least there be one member on the APC from the westside. The APC could actively try and recruit someone from the westside and if no one comes forward then that seat could be filled by someone on the eastside. He thinks as large as the petition boundary area is, it would be important to have someone from the westside on the APC.

Chair Brantley stated that he is in favor of the alternate smaller option. He thinks the petitioned area is too large and the smaller area is a more appropriate size. He does not agree with the argument that the APC boundaries should be the same size of the other service areas. An APC and service areas are not the same thing. An APC is about expressing local views and providing insight on a community. If you travel a distance, communities can be very different from one another. There is a great deal of distance between the east and west sides of the Nikiski service area and the communities are very different.

AMENDMENT MOTION: Commissioner Slaughter moved, seconded by Commissioner Horton to recommend to the Assembly to adopt the alternative boundary option (307,400 acre).

Hearing no objection or further discussion, the motion was carried by the following vote:

AMENDMENT MOTION PASSED BY MAJORITY VOTE:

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| Yes - 11 | Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti |
| No - 1 | Martin |

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION AS AMENDED PASSED BY UNANIMOUS VOTE:

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| Yes - 12 | Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti |
| No - 0 | |