

Introduced by:	Johnson, Ecklund, Tupper
Date:	12/13/22
Hearing:	02/07/23
Action:	Failed
Vote:	4 Yes, 4 No, 1 Absent
Action:	Notice of Reconsideration was given by Ecklund
Date:	02/21/23
Action:	Ordinance 2022-46 was Reconsidered
Vote:	7 Yes, 2 No, 0 Absent
Date:	02/21/23
Action:	Postponed to 03/14/23
Vote:	6 Yes, 3 No, 0 Absent
Date:	03/14/23
Action:	Postponed to 04/18/23
Vote:	8 Yes, 0 No, 1 Absent
Date:	04/18/23
Action:	Postponed to 05/16/23
Vote:	8 Yes, 0 No, 1 Absent
Date:	05/16/23
Action:	Enacted
Vote:	6 Yes, 2 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-46**

**AN ORDINANCE AMENDING KPB 21.02.230 TO MODIFY THE BOUNDARIES OF
THE NIKISKI ADVISORY PLANNING COMMISSION**

WHEREAS, the assembly has previously created local advisory planning commissions (“APCs”) within the Kenai Peninsula Borough (the “Borough”) for the purpose of providing recommendations to the Borough Planning Commission on land use planning and public land management issues which may affect the existing and/or future character of their communities; and

WHEREAS, Goal 2 of the 2019 Borough Comprehensive Plan is to “Proactively manage growth to provide economic development opportunities on the Kenai Peninsula Borough while preserving what residents and visitors value about the area’s natural features”; and

WHEREAS, Goal 2, Objective E states, “Actively work with interested communities outside of the incorporated cities to help develop locally-driven community plans and Strategy 4: Near-Term: Encourage unincorporated communities to engage with their established local Advisory Planning Commission (“APC”) and encourage establishment of new APCs for communities not currently represented”; and

WHEREAS, at its regular meeting on September 20, 2022, the assembly enacted Ordinance 2022-41, which established the Nikiski APC; and

WHEREAS, since the Nikiski APC's establishment, there have been no applicants outside of the new boundaries proposed in this ordinance; and

WHEREAS, the Nikiski APC encompasses 3,500,000 acres, which is 13 times larger than the other existing APCs within the Borough; and

WHEREAS, the Tyonek Native Corporation and the Native village of Tyonek object to inclusion within the boundaries;

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

SECTION 1. That the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding a new section to be numbered 21.02.230, which shall read as follows:

21.02.230. Nikiski Advisory Planning Commission.

An advisory planning commission is established for the community of the borough known as Nikiski with boundaries as follows:

[COMMENCING AT THE TOWNSHIP LINE BETWEEN T5N AND T6N R17W S.M., AND THE MEAN HIGH WATER LINE ON THE WESTERLY SHORE OF COOK INLET;

THENCE WESTERLY ALONG THE TOWNSHIP LINE BETWEEN T5N AND T6N TO THE WESTERLY BOUNDARY OF THE KENAI PENINSULA BOROUGH;

THENCE NORTHERLY AND EASTERLY ALONG THE BOUNDARY OF THE KENAI PENINSULA BOROUGH THROUGH COOK INLET TO THE PROTRACTED NORTHEAST CORNER OF T11N R5W IN TURNAGAIN ARM;

THENCE SOUTHEASTERLY TO THE INTERSECTION OF THE SOUTHERLY MEAN HIGH WATER LINE OF TURNAGAIN ARM AND THE 150TH MERIDIAN WEST OF GREENWICH WITHIN T10N R4W S.M.;

THENCE SOUTHERLY ALONG THE 150TH MERIDIAN TO THE TOWNSHIP LINE BETWEEN T8N AND T9N R4W;

THENCE WESTERLY ALONG THE TOWNSHIP LINE BETWEEN T8N AND T9N TO THE NORTHWEST CORNER OF T8N R9W S.M.;

THENCE SOUTHERLY ALONG THE RANGE LINE BETWEEN R9W AND R10W TO THE SOUTHEAST CORNER OF T6N R10W S.M.;

THENCE WESTERLY ALONG THE TOWNSHIP LINE BETWEEN T5N AND T6N TO THE SOUTHEAST CORNER OF SECTION 32 T6N R10W;

THENCE NORTHERLY ALONG THE SECTION LINE BETWEEN SECTIONS 32 AND 33 TO THE NORTHEAST CORNER OF SECTION 32;

THENCE WESTERLY ALONG THE SECTION LINE TO THE NORTHWEST CORNER OF SECTION 31 T6N R10W ON THE CORPORATE BOUNDARY OF THE CITY OF KENAI; THENCE NORTHERLY AND WESTERLY ALONG THE CORPORATE BOUNDARY OF THE CITY OF KENAI TO THE INTERSECTION WITH THE MEAN LOW WATER LINE OF COOK INLET AND THE SECTION LINE BETWEEN SECTIONS 23 AND 26 T6N R12W S.M.;

THENCE WESTERLY ALONG THE SECTION LINE EXTENDED THREE MILES INTO COOK INLET;

THENCE SOUTHWESTERLY TO THE PROTRACTED SOUTHEAST CORNER OF T6N R14W IN COOK INLET;

THENCE WESTERLY ALONG THE PROTRACTED TOWNSHIP LINE BETWEEN T5N AND T6N TO THE MEAN HIGH WATER LINE ON THE WESTERLY SHORE OF COOK INLET THE TRUE POINT OF BEGINNING.]

Beginning at the intersection of the southerly mean high water line of Turnagain Arm and the 150th meridian west of Greenwich within T10N R4W S.M.;

Thence southerly along the 150th meridian to the township line between T8N and T9N R4W;

Thence westerly along the township line between T8N and T9N to the northwest corner of T8N R9W S.M.;

Thence southerly along the range line between R9W and R10W to the southeast corner of T6N R10W S.M.;

Thence westerly along the township line between T5N and T6N to the southeast corner of Section 32 T6N R10W;

Thence northerly along the section line between Sections 32 and 33 to the northeast corner of Section 32;

Thence westerly along the section line to the northwest corner of Section 31 T6N R10W on the corporate boundary of the city of Kenai;

Thence northerly and westerly along the corporate boundary of the city of Kenai to the intersection with the mean high water line of Cook Inlet and the section line between Sections 23 and 26 T6N R12W S.M.;

Thence northerly and easterly along the mean high water line on the easterly shore of Cook Inlet, and easterly along the southerly mean high water line of Turnagain Arm, to the point of beginning.

SECTION 2. That this ordinance shall be effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF MAY, 2023.

Brent Johnson

Brent Johnson, Assembly President

ATTEST:

Michele Turner

Michele Turner, CMC, Acting Borough Clerk



02/07/23 Vote on Motion to Enact Ordinance 2022-46:

Yes: Cox, Ecklund, Tupper, Johnson
No: Chesley, Derkevorkian, Elam, Ribbens
Absent: Hibbert

02/21/23 Vote on Motion to Reconsider Ordinance 2022-46:

Yes: Chesley, Cox, Ecklund, Hibbert, Ribbens, Tupper, Johnson
No: Derkevorkian, Elam
Absent: None

02/21/23 Vote on Motion to Postpone Ordinance 2022-46 to 03/14/23:

Yes: Chesley, Derkevorkian, Elam, Hibbert, Ribbens, Johnson
No: Cox, Ecklund, Tupper
Absent: None

03/14/23 Vote on Motion to Postpone Ordinance 2022-46 to 04/18/23:

Yes: Chesley, Cox, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson
No: None
Absent: Derkevorkian

04/18/23 Vote on Motion to Postpone Ordinance 2022-46 to 05/16/23:

Yes: Chesley, Cox, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson
No: None
Absent: Derkevorkian

05/16/23 Vote on Motion to Enact Ordinance 2022-46:

Yes: Chesley, Cox, Ecklund, Hibbert, Tupper, Johnson
No: Elam, Ribbens
Absent: Derkevorkian