

DESK PACKET

(Items submitted after the packet publish date of 12-30-22)

5. Ordinance 2022-46: Amending KPB 21.02.230 to modify the boundaries of the Nikiski Advisory Planning Commission.

Raidmae, Ryan

From: richardmcgahan <boulderpoint@alaska.net>
Sent: Friday, January 6, 2023 3:35 AM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Comments to the Planning Commission re: Ordinance 2022-46

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Hello Ryan,
Please forward the following comments to the Planning Commission. I believe they need to be sent by 1:00 today. These comments are from us as residents of Nikiski.
Thank you,
Karen

Dear Commissioners:

We are asking that your recommendation to the Kenai Peninsula Borough Assembly is NOT to pass Ordinance 2022-46, and NOT to amend the boundaries of the Nikiski Advisory Planning Commission. The boundaries need to stay the same as the Nikiski Fire Service Area which was created and has been serving the west side of the Inlet, including Tyonek since 1969. This not only includes money, but the Nikiski Fire Department gives Tyonek equipment, monthly training of their volunteers, And a building to house the equipment. The other service areas in Nikiski, (North Peninsula Recreation and Senior Services) also serve Tyonek. There will be new activity near Tyonek with the new gas line possibly as soon as 2024. The residents of Tyonek have every opportunity to join any of these boards, including the APC.

Please recommend the boundaries of the Nikiski APC stay as they are currently.
Thank you,

Richard C. McGahan, Sr.
Karen S. McGahan

Nikiski Residents

January 6, 2023

To the Members of the Planning Commission

I am a resident of Nikiski and was very pleased to see that an APC was formed to serve us. I was not involved in the petition and didn't sign it, but I was so happy that it was created that I applied to serve as a commissioner and offer my time to serve. That said, I am writing as an individual and constituent.

I did attend the July meeting where boundaries were discussed with the public. As I understand it, every single person and business that would be within those boundaries received the same notice and the same opportunity to comment, including Tyonek Native Corporation (TNC) and Native Village of Tyonek (NVT). I'm disappointed that we are back once again, discussing the boundaries, because this one group – which forms a very small part of the Nikiski APC (NAPC) area – is complaining after the fact.

While I understand the desire to respond with respect to TNC and NVT, the proposed changes to our boundaries being suggested in Ordinance 2022-46 are overkill. Mr. Johnson and Ms. Ecklund have unfortunately conflated "Tyonek" with "West Cook Inlet." These are not the same. I have provided a map, which was also entered into record at the NAPC meeting, that shows all of the land owned by the two entities, TNC and NVT, on the west side of Cook Inlet, and it is a very small portion of the land in the NAPC boundaries. I counted some 150 properties owned by individuals not apparently affiliated with TNC/TNV located all over the west side of the NAPC's boundary area. The vast majority of lands on the west side within NAPC's boundary are public lands, held by the Federal, State and Borough governments. Even if you decide to recommend to the assembly that TNC/TNV's land be removed, there is no need to remove the rest of the land on the west side of NAPC.

The Kenai Peninsula Borough states that the purpose of an APB is to provide an additional avenue to participate in land use planning. Retaining our current boundaries, including Tyonek land, does not take Tyonek's voice away; it adds an additional avenue to speak. There is really no downside for Tyonek to be included, in that case. On the other hand, you WOULD be removing this additional voice for the many individual landowners on NAPC's west side, and that would be wrong, given that you have already told them they had that voice.

With all of this said, if the Planning Commission feels it is imperative to concede to TNC/NVT in this matter, I would support removing Tyonek Native Corporation's and Native Village of Tyonek's land on the west side of Cook Inlet from NAPC's boundary area. If you feel you must act, then that would be a measured response in keeping with the wishes expressed by TNC/TNV in their letter.

The size of the NAPC area has been mentioned a few times. There are no size limits to an APC in law, statute or ordinance; size is limited only by the vision of the community as to what will affect their future. As to the question of how we would communicate with residents on the west side, including Tyonek, we would do it the same way the Assembly and Planning Commission have done it for many years. In this day of technology, Zoom meetings are a norm. If you think about it, ONE Assembly member has been representing the entire area that the NAPC covers – both sides of Cook Inlet – and that is only one person; we are seven people, so it should be easier.

I'd like to correct a misstatement made by an Assembly member. When Mr. Johnson proposed this new ordinance, he stated in meeting that the Assembly asked about Tyonek and was told that the petitioners

“have checked out the people on the west side and they are all on board with this.” That was a misstatement. The actual question asked by the Assembly when the original boundaries were approved was (from Ms. Ecklund), “Did any citizens from the west side sign the petition?” and clarified that she meant from any community on the West Side; Ms. Broussard answered that of the more than 20 signatures that were needed and provided, none were specifically from any of the villages. Ms. Ecklund asked, “So there are some from people who live on the West Side or have property on the West Side?” and Ms. Broussard answered that yes, she believed so, that they have businesses there, but she would need to check the signatures. Ms. Oliva stated that there are many people in Nikiski who travel back and forth to the West Side regularly. These were the questions that were asked, and the answers given. It is important to note that the petitioners did not misrepresent the facts.

Nikiski’s economy is inextricably linked to the west side. We have businesses and individuals who own land and businesses there, and our workers travel back and forth regularly. My own son’s business requires that he fly over to various locations on the west side of Nikiski regularly. As you know, the boundaries of our fire, senior and Recreation service areas are identical to the boundaries of NAPC. Our budget dollars for those groups serve Tyonek. Our fire personnel went out as first responders for the 2014 wildfire that came within 2 miles of Tyonek and kept the fire away from them. Tyonek votes on the same ballot as Nikiski. If TNC and NVT do not wish to be within the NAPC boundaries, perhaps they should rethink being within the other boundaries. The future plans of Nikiski, particularly in the development of energy resources as described recently by a rep of AGDC, will always be economically linked with the western part of NAPC’s boundary area. This will become apparent when the NAPC is tasked with creating a comprehensive plan.

The NAPC recommended retaining the entire boundary, and I support that decision, as did everyone who attended the meeting from Nikiski. The exclusion of TNC and NVT’s lands would be a concession rather than a preference.

Thank you for your consideration of this subject. It is a matter of importance to Nikiski, and I believe there were good reasons for the boundaries and those reasons have not changed. The decision on this matter will be a reflection of the respect that the Borough has for Nikiski.

Sincerely,

Lenora Niesen

Assembly Members,

Please consider keeping the current Nikiski boundaries set forth in KPB 21.02.230. Our family has commercial land in the area and appreciate the opportunity to be represented by the Nikiski Advisory Planning Commission.

Thank you for your time.

Kelly Brewer

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