

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

3. Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

4. Reconsideration

5. Adoption of Consent Agenda: All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of Minutes of October 5, 2016 **Page 1**
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g.
4. KPB Coastal Management Program Reports
5. Decision and Findings for CUP 16-06, Homer Medical Clinic Expansion at 4136 Bartlett Street **Page 7**

6. Presentations

7. Reports

- a. Staff Report PL 16-58, City Planner's Report **Page 13**

8. Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 16-61, Public trail easement vacation in Guy Waddell Subdivision No. 3 June's Addition, Lots 1-A and 1-B **Page 15**

9. Plat Consideration

- A. Staff Report PL 16-57, Water and sewer easement vacation along the east lot line at 4510 Heidi Court, on Lot 24-A AA Mattox Subdivision Peggi's Addition. **Page 23**

10. Pending Business

11. New Business

- A. Memorandum from Jo Johnson, City Clerk dated October 7, 2016 regarding the 2017 Meeting Schedule **Page 31**

12. Informational Materials

- A. City Manager's Report. October 5. 2016 **Page 37**

13. Comments of The Audience

Members of the audience may address the Commission on any subject. (3 minute time limit)

14. Comments of Staff

15. Comments of The Commission

16. Adjournment

Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission. The next regular meeting is scheduled for Wednesday, November 2, 2016 at 6:30 p.m. and a worksession at 5:30 p.m. All meetings will be held at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 16-16, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 5:30 p.m. on October 5, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ABRAHAMSON, BRADLEY, HIGHLAND, STEAD, STROOZAS, VENUTI

ABSENT: BOS

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

BRADLEY/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

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Reconsideration

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of Minutes of September 14, 2016 and September 21, 2016
- B. CUP 16-04 Decision and Findings HVFD Equipment Storage Facility-4060 Heath St.
- C. CUP 16-05 Amending CUP 15-04 Decision and Findings at 5185 Slavin Drive

Chair Stead asked for approval of the consent agenda.

BRADLEY/STROOZAS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

PL 16-57, City Planner's Report

City Planner Abboud reviewed the staff report included in the packet. There was brief discussion about the need for commercial space larger than an acre.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 16-60, CUP 16-06, Homer Medical Clinic Expansion

Commissioner Highland declared that she serves on the Hospital Service Area Board and has been involved in discussions relating to this project. There was no objection from the Commission to excuse her from participating and she left the table.

City Planner Abboud reviewed the staff report.

Scott Curtin, KPB Project Manager, reviewed the revisions to the drawings included in the packet, pointing out they have addressed the concerns raised at the last meeting. The engineering shows that the parking lot can be angled appropriately and the sidewalk installed to direct water to a storm basin on Bartlett. His directions to the engineer were to take the entire property into account, including the new improvements as well as what's existing. Mr. Curtin said he met with Mr. Schroeder, the neighboring property owner and believes he'll be pleased with what has been submitted. Mr. Curtin addressed the solutions for the pedestrian path, vegetation and buffering, and concealing the dumpster on three sides.

Derotha Ferraro, Director of Public Relations and Marketing for South Peninsula Hospital, commented she is looking forward to help with some of the additional items to the project that might not be reflected on paper. She thinks in partnering with other entities in the community there are a lot of ways to beautify the area and honor the intent of the community. Homer Medical Center just received Patient Centered Medical Home Certification, a designation that says your primary care home is going to connect you to all of the medical and health care resources you need. Visually we need to make it look like a pleasant and comfortable location to be. She works for South Peninsula Hospital, Inc. is excited to work with the Borough to help bring the vision together as much as they possibly can on the project.

Chair Stead opened the public hearing.

Tom Schroeder, city resident and neighboring property owner, commented it's good to be back with more positive outlook. He has looked at the revision and it appears the concerns with drainage have

been addressed. He commented that any development north of West Danview has to be taken into account with the effects on property to the south. He didn't receive any notice about any West Danview road construction and he should have been since he lives in close proximity. Regarding the parking lot for the medical clinic, Mr. Schroeder said while he agrees beautification projects are nice, he does not agree with the cement islands with curbing. It's totally ridiculous and will exacerbate the problem in trying to plow snow to the west or removing any snow out of the area. Most of the other large lots in town don't have the islands, and if there are going to be plants or trees in the middle it will attract moose in the middle of winter, creating a hazard for all the senior citizens who need this new building expansion. Lastly he doesn't understand the need for the settling pond, if anything you want to take the surface runoff water and move it away, not provide a settling pond where it can go down to the coal seam he mentioned at the previous meeting and seep down and cause problems for people downstream from it.

There were no further comments and the hearing was closed.

Neither staff nor the applicant had rebuttal comments and Chair Stead opened the floor to questions from the commission.

City Planner Abboud responded to a question about the culvert on West Danview and explained it is a public works project issue to work in the rights of way.

In response to questions about the islands in the parking lot, City Planner Abboud explained it is a requirement in code that 10% of a parking lot with more than 24 spaces be island or buffered. Mr. Curtin added that Paul Hodgedon, who plows the snow for them, visited the site to review the snow plowing scheme and gave him quite a bit of grief about the islands. Mr. Curtin noted in looking at the design, the distance and spacing had to do with the fire apparatus accessibility.

Question was raised if the islands could be used in a more proactive manner and aide in water management. Mr. Curtin said they have done something similar to that with ditches between parking lots at Central Peninsula Hospital and explained that based on the square footage of parking area, it wouldn't benefit this location. He added that for the Homer Medical Clinic parking lot it would draw water to the center where it would be more prone to frost heaving, so would need to get the water away as fast as possible to minimize that impact.

Mr. Curtin also explained the volume of the settling pond is an engineered calculation based on a 10 year flood event which determines the size of the pond. It will be a shallow pond only two or three feet deep. The calculation only considers the property itself, and not cumulative effects of upslope development. There is a discharge pipe that takes the water that filters through the settling pond to the city ditch. This addresses the surface water and not ground water and it's hard to determine what is happening with the water underground. The group discussed the building plans and Mr. Curtin expects the deepest trenching will be for the water main.

Mr. Curtin explained the current flow of water from the parking lot and plans to clean and berm the area to more firmly establish the ditch on Danview and Bartlett to help keep the water in the ditch.

BRADLEY/STROOZAS MOVED TO ADOPT STAFF REPORT PL 16-60 AND APPROVE CUP 16-06 HOMER MEDICAL CLINIC EXPANSION AT 4136 BARTLETT STREET WITH STAFF RECOMMENDATIONS AND FINDINGS.

Commissioner Bradley commented this is a continuation of their discussion of storm water plans throughout the city. The information provided tonight seems to address more of the concerns than when it initially came before the commission.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Highland returned to the table.

Plat Consideration

Pending Business

New Business

Informational Materials

- A. City Manager's Report from September 26, 2016

Comments of the Audience

Kelly Cooper, Kenai Peninsula Borough Assembly, thanked everyone for their work on this. It's a perfect example of how the Borough, City, and South Peninsula Hospital are so valued in the community. She thanked staff and the neighbors for helping them work through this.

Comments of Staff

Comments of the Commission

Commissioner Stroozas said his time on the Commission has gone by quickly. He is honored the citizens have elected him to serve on the city council for the next three years, there is a lot of work to do and he feels his time on the commission has given him some experience to take forward. He submitted his written resignation from the Commission effective at the close of this meeting.

Commissioner Venuti thanked Mr. Stroozas. He is pleased with the election results but disappointed we don't get a new police station.

Commissioner Abrahamson said she was just involved with a community resilience workshop and there were a lot of interesting outcomes from it identifying community health and well-being resilience to hazards associated with climate change, flooding risk from ground water discharge in city limits, and surface flow were high on the list of priorities. She's glad the Homer Medical expansion

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 5, 2016

went forward and that they chose to address a lot the issues with the project. She hopes they can continue to work on it at the city level.

Commissioner Bradley thanked Mr. Stroozas. She said she's had the opportunity to preview some of the amazing auction items for the upcoming Ritz event. She encouraged everyone to come out and support the local museum.

Commissioner Highland thanked Mr. Stroozas. She agrees with the need to address the storm water situation. She hopes Ms. Abrahamson can share some of her information from the workshop with them.

Commissioner Stead said he will be absent on October 19th. He accepted Mr. Stroozas resignation and wished him good luck on the City Council. It was a good meeting and he looks forward to working on storm water issues.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 7:26 p.m. The next regular meeting is scheduled for October 19, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____





City of Homer

www.cityofhomer-ak.gov

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HOMER ADVISORY PLANNING COMMISSION

Approved CUP 16-06 at the Meeting of October 5, 2016

RE: Conditional Use Permit (CUP) 16-06
Address: 4136 Bartlett St

Legal Description: Fairview Sub No. 11 Lot 2-A Blk 5

DECISION

Introduction

The Kenai Peninsula Borough (KPB) (the "Applicant") represented by Scott Curtin, Project Manager, applied to the Homer Advisory Planning Commission (the "Commission") for a Conditional Use Permit (CUP) per Homer City Code HCC 21.16.030(d), Medical Clinic & HCC 21.16.030(e), more than 8,000 square feet of building area.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on September 7, 2016. Due to an error, the hearing notice was not published in the newspaper, but notice was mailed to 46 property owners of 39 parcels. The Commission postponed the hearing until a special meeting on September 14, 2016. Notice of the public hearing for the September 14th meeting was published in the local newspaper and mailed to 46 property owners of 39 parcels.

At the September 14, 2016 meeting of the Commission, the Commission voted to postpone CUP 16-06 until more information was provided regrading drainage and for solutions to be presented at a public hearing on October 5, 2016.

At the October 5, 2016 meeting of the Commission, the Commission voted to approve CUP 16-06 with six Commissioners present and all six Commissioners voting to approve CUP 16-06.

Evidence Presented

City Planner Abboud reviewed the staff report at the meeting of September 14, 2016. Scott Curtin testified about parking still being tight, the efforts made to address storm water, why there was not a storm water plan, and that he had received a determination from the Army Corps of Engineers (ACOE) that allows them to develop into the wooded area to the east. He explained how the sidewalk was

incorporated into the site and presented some hand drawn notes of what a storm water retention area could look like. He stated he would like to talk to the City Engineer about where to locate it.

Neighboring property owner Tom Schroeder submitted a letter to the Planning Commission, which was provided as a laydown in their meeting packet. He testified about how he did not support the project until the parking lot was re-graded to direct runoff to the west.

Merlin Cordes testified supporting Mr. Schroeder's concerns about the water runoff from the site and how it can negatively affect property values.

Kelly Cooper, Homer's Borough Assembly Member testified that she had met with Mr. Schroeder and expressed concern that the project needed to address water issues so that they don't negatively affect the neighbors.

Discussion ensued about how to make the appropriate conditions and what was necessary to meet the site concerns regarding storm water and parking design. Mr. Curtin agreed to produce more information for the next meeting on October 5, 2016 and a motion to postpone for another public hearing at that date was passed with the unanimous concern of the four Commissioners present.

City Planner Abboud reviewed the staff report at the meeting of October 5, 2016. Scott Curtin reviewed the drawings in the packet and explained how the plan now addressed an expanded parking lot that directed site runoff into a storm basin designed to take in account the entire property. Additionally he addressed solutions for the pedestrian path, vegetation and buffering, and concealing the dumpster on three sides.

Derotha Ferraro, Director of Public Relations and Marketing for South Peninsula Hospital testified about how she would look forward to partnering with other community entities to beautify land surrounding the facility.

Tom Schroeder testified that he looked at the revisions and it appears that the drainage concerns have been addressed. He expressed concern about the development of West Danview, cement islands in the parking lot, dangers associated with landscaping, and the possible effects of the settling pond.

The public hearing was closed and Mr. Abboud responded to questions about a culvert on West Danview and the code requirement for parking lot islands. Mr. Curtin answered questions about water management techniques.

Findings of Fact

After careful review of the record, the Commission approves Condition Use Permit 16-06 to allow a Medical Clinic containing more than 8000 square feet of building area.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.

a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.

Finding 1: HCC 21.14.030(d) authorizes medical clinics and HCC 21.16.040(e) authorizes more than 8,000 square feet of building area as conditional uses in the Residential Office District.

b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.

Finding 2: The use and structure is compatible with the purpose of the district.

c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.

Finding 3: A medical clinic is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

d. The proposal is compatible with existing uses of surrounding land.

Finding 4: The proposal is compatible with existing uses of surrounding land.

e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.

Finding 5: Existing public services are adequate to serve the medical clinic.

f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

Finding 6: The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Finding 7: The proposal is not unduly detrimental to health, safety, or welfare.

h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

Finding 8: The proposal will comply with applicable regulations.

i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

Finding 9: No evidence has been found that the proposal is contrary to the applicable land use goals and objects of the Comprehensive Plan.

j. The proposal will comply with all applicable provisions of the Community Design Manual.

Finding 10: Outdoor lighting must be down lit per the provisions of the CDM.

In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

- 1. Special yards and spaces:** A storm water plan shall be developed and installed per HCC 21.75 (**Condition 1**).
- 2. Fences and walls:** No specific conditions deemed necessary
- 3. Surfacing of parking areas:** Pave parking lot (**Condition 2**) and provide pedestrian path to sidewalk on Bartlett Street (**Condition 3**).
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** If existing vegetation in buffer areas surrounding the parking lot is removed, it shall be replaced with suitable plantings or other buffer materials (**Condition 4**).
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.
- 9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions deemed necessary.
- 10. Limitation of time for certain activities:** No specific conditions deemed necessary.
- 11. A time period within which the proposed use shall be developed:** No specific conditions deemed necessary.
- 12. A limit on total duration of use:** No specific conditions deemed necessary.
- 13. More stringent dimensional requirements,** No specific conditions deemed necessary.
- 14. Other conditions necessary** Dumpster shall be concealed on three sides (**Condition 5**).

Conditions

1. Develop and install storm water plan per HCC 21.75.
2. Parking area shall be paved.
3. A pedestrian path shall be established to Bartlett Street.
4. If native vegetation buffering residential properties is removed it shall be replaced with suitable plantings or materials.
5. Dumpster shall be concealed on three sides.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2016-06 is hereby approved, with Findings 1-10 and conditions 1-5.

Date

Chair, Don Stead

Date

City Planner, Rick Abboud

NOTICE OF APPEAL RIGHTS: Pursuant to Homer City Code, Chapter 21.93.060, any person with standing that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on _____, ____ 2016. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk.

Date

Shelly Rosencrans, Planning Clerk

Scott Curtain
Kenai Peninsula Borough
144 N. Binkley St
Soldotna, AK 99669

Katie Koester, City Manager
491 E Pioneer Avenue
Homer, AK 99603





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STAFF REPORT PL 16-58

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 19, 2016
SUBJECT: City Planner's Report

City Council meeting of October 24th

The council will hold a public hearing regarding the ordinance that the City Planner review all marijuana industry related applications for compliance with city code within 15 days of receiving notice from the state.

The following is a list of City Council meetings, scheduled the second and fourth Monday of the month, through the end of 2016. I will coordinate with the presenter before the meeting to review key topics. Some were chosen that were not at the meeting, please review for your availability

October 24, 2016: Roberta Highland

(No meeting scheduled for November 14, 2016)

November 28, 2016: Syverine Abrahamson

December 12, 2016: Savanna Bradley

The Alaska Planning Conference will be in Anchorage November 13th for Planning Commissioner Training. I would like to help you attend if you are able. Please let me know if this is a possibility.

The new hazard risk maps (flood maps) are effective October 20th. These will enable landowners more opportunity to reasonably develop property as many areas of risk near Bishops Beach and Beluga Slough now have lower elevations with which to contend. Also, policies are now available at a discounted rates, thanks to our community becoming part of the Community Ratings System (CRS)!

Activities: As I am working on updating the comprehensive plan, I am contemplating a reasonable schedule for the Planning Commission. After this meeting there will only be two meetings left in the year (how time fly's!) and we hopefully will be getting a new Planning Commissioner. After some talk in the office, we were thinking it might be best to start full on review of Chapter 4, Land Use after the beginning of the new year, so that it would be easier to recall discussions on a twice monthly basis rather than the once a month between the holidays scenario we have until the end of the year. Please give me your thoughts, especially if you differ. In the meantime it would be fantastic for commissioner's to take some time and revisit the Land Use Chapter of the Comprehensive Plan.

As you may be aware, DNR is updating the 1994 Kachemak Bay Critical Habitat Area Management Plan. Public comment was taken in Homer, Seldovia and Anchorage, and may be submitted until November 4th. Very generally, the plan process is as follows: Over the next 12-18 months, the planning team, made of various agencies, reviews the public comments, and makes professional recommendations on the plan. This is an administrative process. Eventually, a public review draft is released for public comment. Depending on the comments, the document may go through more extensive planning and more public review, which of course takes more time. Eventually it is submitted to the Commissioner of DNR. The City has been invited to participate on the planning team, as was the case with the 1994 plan, when the City Planner was part of the team. Julie will be participating in this process.

Public notice:

Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan Revision Public Notice

Public scoping for the Kachemak Bay & Fox River Flats Critical Habitat Areas (CHAs) Management Plan Revision will be open from September 26, 2016 to November 4, 2016. Gathering public input on uses and management of the CHAs is the first step in the Alaska Department of Fish and Game's (ADF&G) process to revise the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan. The original plan can be found at <http://www.adfg.alaska.gov/index.cfm?adfg=kachemakbay.managementplan>

ADF&G is interested in how you use the Kachemak Bay and Fox River Flats CHAs and their resources, and your ideas on how to manage activities and public uses in the CHAs. Scoping is the public's opportunity to let agency planners know what they think should be considered or discarded when revisions to the management plan are made.

Public scoping meetings will be held at **6 PM** at the following dates and locations:

September 26: Islands and Oceans Visitor Center, **Homer**

September 27: Seldovia Public Library, **Seldovia**

October 3: Willian Jack Hernandez Hatchery Conference Room, **Anchorage**.

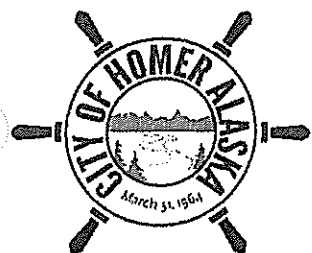
To submit comments or for more information visit:

http://www.adfg.alaska.gov/index.cfm?adfg=habitatoversight.kbfr_planrevision

Please contact ADF&G, Division of Habitat with any questions

dfg.hab.specialarea@alaska.gov

907-267-2342



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Staff Report 16-61

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 19, 2016
SUBJECT: Staff Report PL 16-61, Vacation of Easement at Lot 1-A and 1-B Guy Waddell Subdivision No. 3

Requested Action: Request for approval for the vacation of a public trail easement. Conduct a public hearing, and forward a recommendation to the Kenai Peninsula Borough Planning Commission.

General Information:

Applicants:	Land Owners Paul and Holly Brennan T. Spurland, Uminksi Properties	Representative: Kenton Bloom, RLS
Location:	Uminski Court, north of East End Road, and east of Triton Court	
Parcel ID:	17902091, 17902092	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Single Family home, and vacant	
Surrounding Land Use:	North: Large lot residential South: Residential East: Ravine, residential West: Residential	
Comprehensive Plan:	This route is not shown in the Homer Non-Motorized Transportation and Trail Plan, an adopted part of Homer's Comprehensive Plan.	
Public Notice:	Notice was sent to 44 property owners of 70 parcels as shown on the KPB tax assessor rolls.	

Introduction

This trail easement was dedicated with the recording of a plat in 2009. The trail is not constructed. It could be a potential route between Mission Road and East End Road, however the terrain is fairly steep, and more easements would be required to complete the trail connection.

Analysis

Public Works Comments: PW has no objections to the vacation of the Pedestrian Trail Easement in the Guy Waddell Subdivision. Planning staff has not received any public comment on the proposed vacation. The trail is unconstructed, and the terrain is fairly steep were the trail to extend to Mission Road or beyond. Staff does not find any compelling reason to retain this trail easement.

Staff Recommendation: Vacate the trail easement.

Attachments

1. Application
2. Public Notice

SEABRIGHT SURVEYING

1044 East Road Suite A
Homer, Alaska 99603
(907) 235-4247 (& fax)
seabright@alaska.net

September 22, 2016

City of Homer
Planning Dept.
491 E. Pioneer
Homer, Alaska 99603

RE: Public Trail Vacation Submittal Guy Waddell Sub. No. 2

Dear Planning Dept.,

Please find enclosed a Submittal form signed by the landowners, A drawing depicting the easement to be vacated and a check for \$500 for the fee.

Thank you for your consideration. Please feel free to call with any questions or comments.

Cordially,



Kenton Bloom, PLS
Seabright Surveying

RECEIVED

SEP 23 2016

CITY OF HOMER
PLANNING/ZONING



Kenai Peninsula Borough Planning Department
144 North Binkley
Soldotna, Alaska 99669-7599
Toll free within the Borough 1-800-478-4441, extension 2200
(907) 714-2200

Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
Public Hearing Required

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- ☐ \$500 non-refundable fee to help defray costs of advertising public hearing.
- ☐ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- ☐ Name of public right-of-way proposed to be vacated is dedicated by the plat of _____ Subdivision, filed as Plat No. _____ in _____ Recording District.
- ☐ Are there associated utility easements to be vacated? ☐ Yes ☐ No
- ☐ Are easements in use by any utility company? If so, which company _____
- ☐ Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
- ☐ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? ☐ Yes ☒ No
- Is right-of-way used by vehicles / pedestrians / other? ☐ Yes ☒ No
- Is alternative right-of-way being provided? ☐ Yes ☒ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

TRAIL EASEMENT SERVES NO CONNECTING
TRAILS

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By:

Name:

Address

T. Spunkland
P.O. BOX 46
Seldovia AK 99663

Signature as:

☐ Petitioner

☒ Representative

Phone _____

Petitioners:

Signature

Name

Address

Paul J. Brennan
PAUL J BRENNAN
1968 UMINSKI CIR HOMER

Signature _____

Name _____

Address _____

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, October 19, 2016 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matter:

**Request to vacate a pedestrian trail easement at 1968 Uminski Circle, Lots 1A and 1B
Guy Waddell Subdivision No. 3 June's Addition T6S R13W S16**

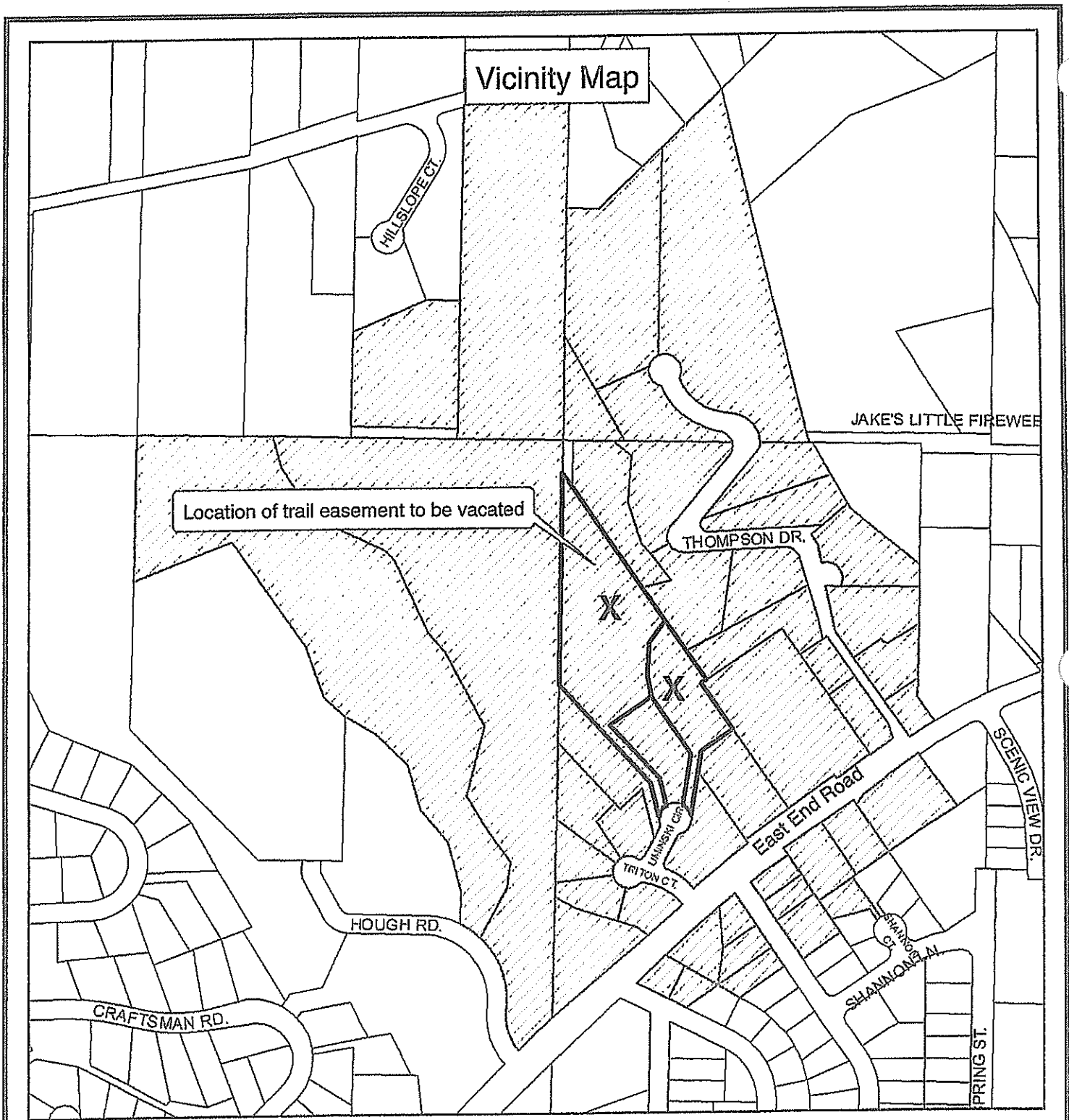
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.

.....

Vicinity Map on Reverse



City of Homer
Planning and Zoning Department

September 27, 2016

Request to Vacate a pedestrian trail easement

Marked lots are w/in 500 feet
and property owners notified.

0 250 500 Feet



Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.

ATTACHMENT A- PETITION TO VACATE PEDESTRIAN TRAIL EASEMENT

20' WIDE PEDESTRIAN
TRAIL EASEMENT
TO BE VACATED

LOT 1-A
3.769 Ac.

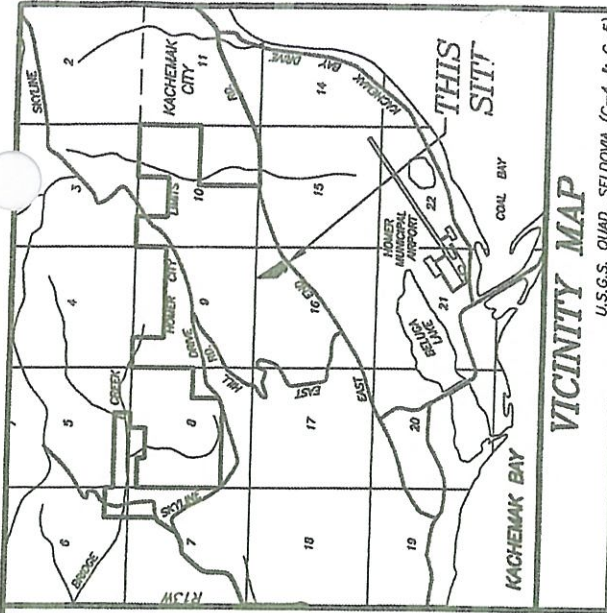
LOT 1-B
1.388 Ac.

LOT 1-C
0.907 Ac.

LOT 1-D
1.112 Ac.

LOT 2
1.134 Ac.

LOT 1-E
0.975 Ac.



SCALE 1" = 200'

**GUY WADDELL SUBMISSION No. 3 JUNE'S ADDN.
20' WIDE TRAIL EASEMENT VACATION
(PER ROS #2009-40 H.R.D.)**

LOCATED IN THE NE 1/4, SEC 16,
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI
PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

SEABRIGHT SURVEY + DESIGN
1044 EAST ROAD, SUITE A
HOMER ALASKA 99603
(907) 235-4247
EMAIL: seabright@seabrightalaska.com

DRAWN BY: SCS

DATE: JULY 2016

SCALE: 1" = 200'

CHK BY: K.R.

INP: JMS-RO

CITY: HOMER





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 16-59

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 19, 2016
SUBJECT: Staff Report PL 16-59

Requested Action: Petition to Vacate a Utility Easement at 4510 Heidi Court, Lot 24-A AA Mattox Subdivision Peggi's Addition

General Information:

Applicants:	Peggi L. Patton 4510 Heidi Court Homer, AK 99603
Location:	4510 Heidi Court
Parcel ID:	17705152
Size of Existing Lot(s):	0.52
Size of Proposed Lots(s):	0.52
Zoning Designation:	Urban Residential District
Existing Land Use:	Residential
Surrounding Land Use:	North: Vacant South: Residential East: Residential West: Residential
Comprehensive Plan:	Goal 1 Object B (p. 4-4) Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.
Wetland Status:	The 2005 wetland mapping shows no wetland areas.
Flood Plain Status:	Zone D, flood hazards undetermined.
BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are available
Public Notice:	Notice was sent to 44 property owners of 36 parcels as shown on the KPB tax assessor rolls.

Staff note: The Kenai Peninsula Borough code recently underwent a major amendment. This amendment changed the process for easement vacations. Comments from the local city advisory planning commission are now required. Homer City code doesn't address how the HAPC will review utility easement vacations, or what the notice requirements are. Therefore, after consulting Kenai Peninsula Borough platting staff and the Homer City Clerk, staff chose to follow our standard procedures for pedestrian easement vacations for public notice and advertising. City code needs to be updated in the near future to reflect the new borough process.

Introduction

The applicant is applying for the vacation of a utility easement. The property is currently served with water and sewer services off of Heidi Court. The easement consists of the 25 feet of property adjacent to the easterly boundary of the applicant's property. The easement was part of a plat completed in 1999. Public Work now confirms its intent to use Kallman Road as the preferred route of any future utility extensions.

Analysis

KPB Code 20.70.190, Utility provisions.

All existing and future utility requirements shall be considered when evaluating a vacation request. Rights of way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right of way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right of way.

A right-of-way (Kallman Road) exists and represents equal or superior access, as confirm by Homer Public Works. Kallman Road provides a more space for maintenance and separation distances for the provision of water and sewer services than the easement located on the applicant's property.

Staff Recommendation: Recommend approval of the vacation of the utility easement.

Attachments

1. Petition
2. Public Notice
3. Public Works response w/map



Kenai Peninsula Borough Planning Department
144 North Binkley
Soldotna, Alaska 99669
Toll free within the Borough 1-800-478-4444, extension 2200
(907) 714-2200

Petition to Vacate Utility Easement
No Public Hearing Required

Submit completed form to the Kenai Peninsula Borough Planning Department, 144 North Binkley St., Soldotna, AK 99669

Upon receipt of complete application with all required attachments the vacation will be scheduled for Planning Commission action. The petitioner must secure and submit written comments from utility companies. If the easement is within city limits; secure and submit city's written comments. The completed petition, with all required attachments, accompanied by a \$75.00 non-refundable fee, must be submitted to the Planning Department a minimum of thirty (30) days prior to the meeting at which the Planning Commission will take action.

☒ Fees - \$75.00 non-refundable fee attached.

To accomplish an approved vacation; a Planning Commission Resolution must be filed with the State Recorder to enter the vacation into the public records unless the vacation is accomplished by plat. Petitioner must pay filing fees (usually \$22-\$27).

☐ Utility easement requested to be vacated was granted by plat of Subdivision, filed as Plat No. 99-64 in HOMER Recording District.

☐ Utility easement proposed to be vacated was granted by (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition)

☐ Comments from _____ Electric Association attached.

☐ Comments from _____ Gas Company attached.

☐ Comments from _____ Telephone Company attached.

☐ Comment from _____ Cable Company attached.

Please note comments or no comments on the sketch or plat that is to be submitted with the petition.

☐ Comments from the KPB Roads Department attached if applicable.

☐ Comments from City of _____ attached.

☐ One copy of plat or map (sketch) showing area proposed to be vacated. If easement was granted by document; one copy of recorded document must be submitted.

☐ If an existing structure is encroaching into easement; As-Built showing encroachment must be attached.

Is easement being used by utility company?

☐ Yes

☐ No

If yes, which utility _____

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

The water & sewer 25' Easement is NO Longer needed
based on HOMER'S water & sewer master plan &
HOMER'S PUBLIC WORKS Department.

The petition must be signed (written signature) by owners of the land subject to the easement proposed to be vacated. Each must include mail address and legal description of his/her property.

Submitted by: Signature Peggy L. Patton As ☒ Petitioner ☐ Representative

Name: Peggy L. Patton

Address: 4510 Heidi Ct
HOMER, AK 99603

Phone: 907-235-2192 (Hm) (cell) 907-399-4055

Petitioners:

Signature _____

Name _____

Address _____

Owner of _____

Signature _____

Name _____

Address _____

Owner of _____

Signature _____

Name _____

Address _____

Owner of _____

Signature _____

Name _____

Address _____

Owner of _____

RECEIVED

SEP 15 2016

CITY OF HOMER
PLANNING/ZONING

UTILITY EASEMENT VACATION
Procedures by the Petitioner(s)

Some legally described and recorded utility easements are unimproved and not used. Under certain circumstances, some of these easements may be vacated.

If a utility easement is vacated in conjunction with a right-of-way vacation, the easement vacation can be accomplished on the same plat. In some cases, a utility easement vacation is accomplished by recording a Planning Commission Resolution with the appropriate District Recorder.

When a utility easement only is being vacated, surrounding owners within 300 feet of the proposed vacation are notified. The vacation notice is not placed in the paper, other than being shown as an agenda item.

When the application is complete, the planning director will take action on the requested vacation within ten working days, either approving or denying the requested vacation. If the director approves the vacation, a vacation resolution will be prepared and taken to the planning commission for adoption, in accordance with KPB 20.70.140 unless the vacation will be accomplished by a plat.

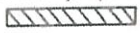
If the director denies the vacation, a letter containing the reasons supporting the denial will be sent to the petitioner. The director may choose to forward any utility easement vacation request to the planning commission for action. If the reasons for denial are resolved, the petitioner may submit a new petition for vacation with documentation that the issues have been resolved, accompanied by a new fee.

Denial of a vacation petition by the Kenai Peninsula Borough Planning Commission is a final act for which no further consideration shall be given by the Borough. Appeals from denials of vacations must be taken within 30 days to the Superior Court at Kenai, Alaska pursuant to Part VI of the Alaska Rules of Appellate Procedure.

The following provides basic guideline steps to follow in securing the vacation.

Confer with the Borough Planning Department to determine if your proposed vacation is workable. This is an optional step.

Application must include the following:

- Description of proposed vacation.
- Reason for the vacation (Petitioner is responsible for justifying the vacation.)
- Name and address of all petitioners.
- Each petition filed by the adjoining property owners shall be signed by the owners of the land subject to the easement. Each signer must include his/her mailing address and description of his/her property.
- \$75.00 non-refundable fee with petition to vacate utility easement.
- If the utility easement vacation will be finalized by Planning Commission resolution, the petitioner(s) will be responsible for the recording fees.
- One copy of a clean / clear sketch of the proposed vacation showing the vacated portion hatched with slash marks (see example ) not to exceed 11 x 17 inches in size.
- If the utility easement vacation is within a city, copy of city planning commission minutes setting out city recommendations is to be submitted with the petition.
- The petitioner is responsible to obtain comments from the KPB Roads Department and all appropriate utility companies, with comments or no comments noted on the sketch or plat map.

All vacation petitions, with all necessary attachments, must be submitted to the Planning Department at least 30 days prior to meeting at which the petitioner wishes the vacation to be reviewed by the Planning Commission.

NOTICE TO VACATE A WATER & SEWER EASEMENT

Public notice is hereby given that a request has been received proposing to vacate a water and sewer easement.

The water and sewer easement is 25 ft wide and 146.28 ft long and abuts the east lot line at 4510 Heidi Court, on Lot 24-A AA Mattox Subdivision Peggi's Addition located within the SE ¼ SE ¼ Section 17 T 6S, R 13W S.M.

You are being sent this notice because you are an affected property owner within 500 feet of a proposed vacation and are invited to comment.

The location of the proposed vacation affecting you is provided on the attached map. The proposed vacation may be viewed at the City of Homer Planning and Zoning Office. Easements vacations are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, October 19, 2016 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

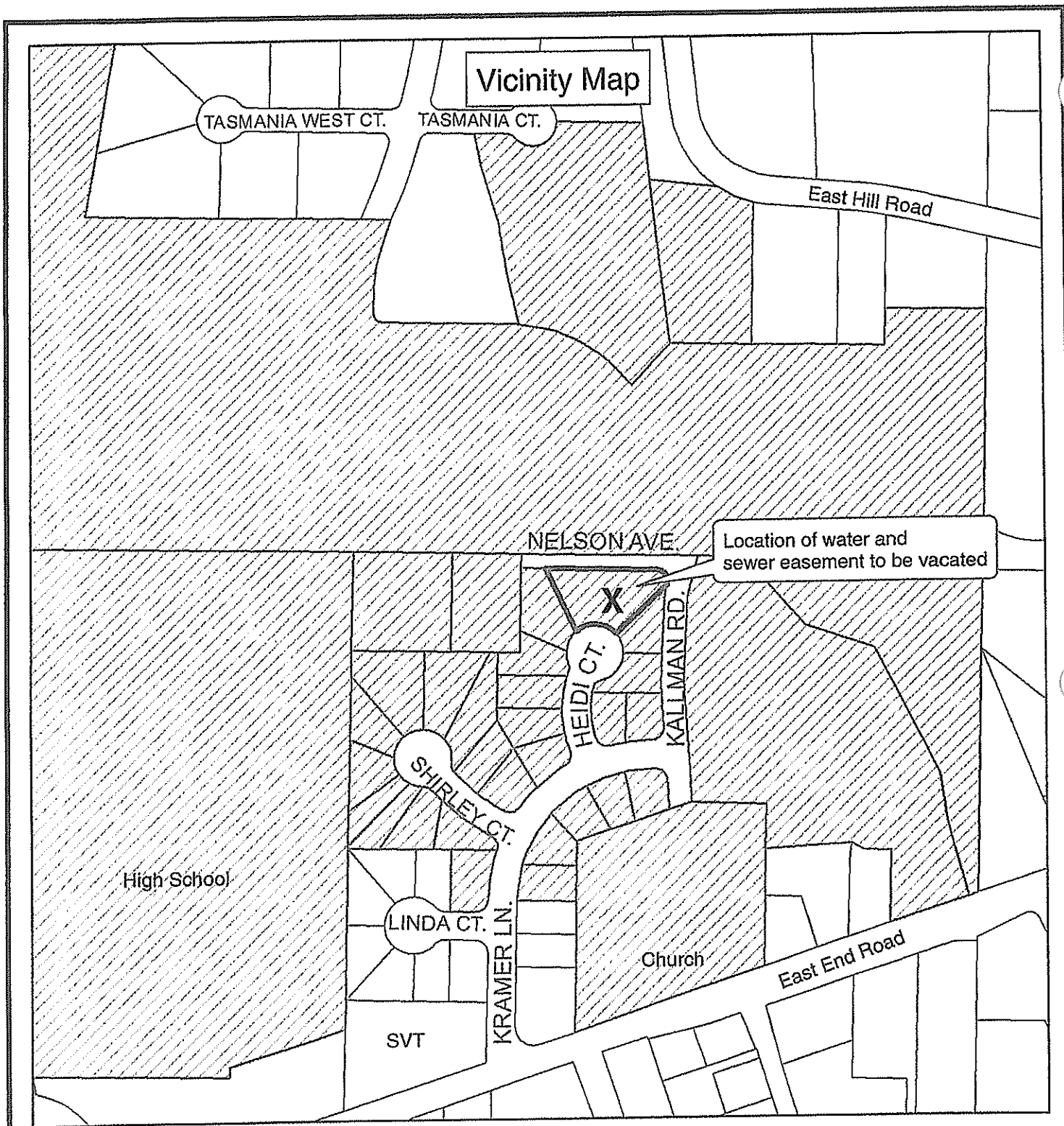
Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud in the Planning and Zoning Office, 235-3106.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.

.....

VICINITY MAP ON REVERSE



City of Homer
Planning and Zoning Department

September 27, 2016

Request to Vacate a water and sewer easement

Marked lots are w/in 500 feet
and property owners notified.

0 250 500 Feet



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It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.

Rick Abboud

From: Jean Hughes
Sent: Thursday, October 06, 2016 1:07 PM
To: Shelly Rosencrans; Rick Abboud
Cc: Dotti Harness
Subject: RE: Water & Sewer easmt vctn AA Mattox Peggi's Add
Attachments: Heidi Court W&S Easement Vacation Map.pdf

Shelly,

Public Works supports the vacation of the water and sewer easement along the east property line of Lot 24-A.

I attached a map showing where we would most likely run the lines in the future.

Thanks!

Jean Hughes, Inspector
City of Homer
Public Works
907-435-3129 Direct
907-399-1951 Cell

From: Jean Hughes
Sent: Friday, September 16, 2016 1:52 PM
To: Dotti Harness
Subject: RE: Water & Sewer easmt vctn AA Mattox Peggi's Add

I Sure will. Thanks, Dotti!

From: Dotti Harness
Sent: Friday, September 16, 2016 1:22 PM
To: Jean Hughes
Cc: Shelly Rosencrans
Subject: Water & Sewer easmt vctn AA Mattox Peggi's Add

Jean,

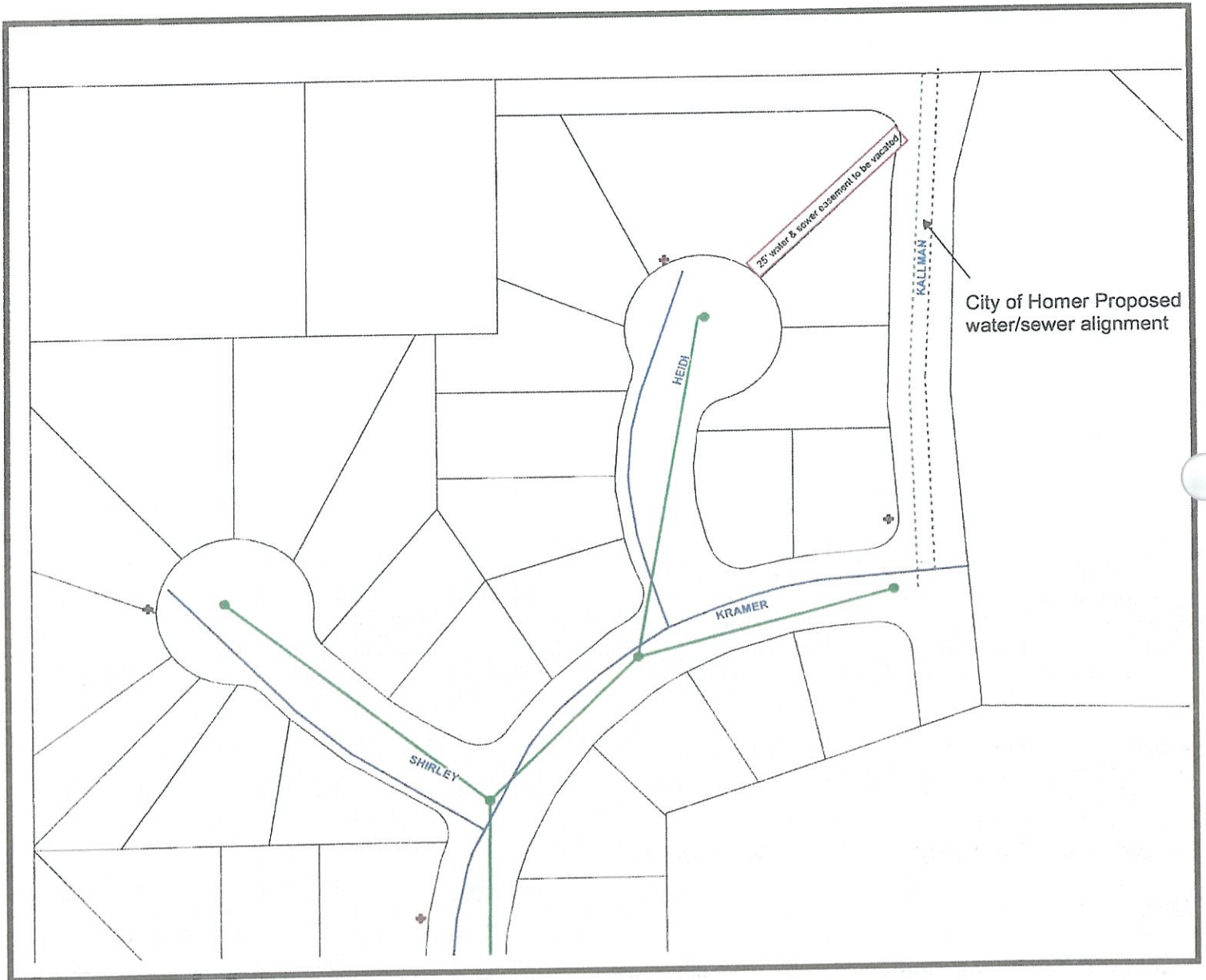
I understand from Peggi Patton that she has talked with you and Carey regarding her request to vacation this water and sewer easement.

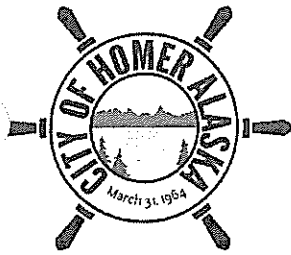
It would be great to have your comments back by Friday, Sept. 30th.

If convenient could you include a drawing showing that this vacation would not affect the long range W/S plan of this area?

Dotti Harness-Foster
City of Homer

4510 HEIDI COURT
REQUEST FOR WATER/SEWER EASEMENT VACATION





City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: ADVISORY BODIES
FROM: JO JOHNSON, CITY CLERK
DATE: OCTOBER 7, 2016
SUBJECT: MEETING SCHEDULE FOR 2017

Please review the draft resolution that establishes your meetings for 2017. If you have any changes please submit them to me by December 5th.

Council will be setting the 2017 meeting schedule for Council and Advisory Bodies with the adoption of the resolution at their December 12, 2016 meeting.



**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 16-xxx

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
ESTABLISHING THE 2017 REGULAR MEETING SCHEDULE FOR
THE CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY
COMMISSION, LIBRARY ADVISORY BOARD, PARKS ART
RECREATION AND CULTURE ADVISORY COMMISSION, ADVISORY
PLANNING COMMISSION, PORT AND HARBOR ADVISORY
COMMISSION, AND CANNABIS ADVISORY COMMISSION.

WHEREAS, Pursuant to Homer City Code Section 1.14.020, the City Council annually sets the schedule for regular and some special meetings, noting the dates, times and places of the City Council, Advisory Commissions, and the Library Advisory Board meetings; and

WHEREAS, The public is informed of such meetings through notices located at the City Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Website, and postings at the Public Library; and

WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper of general circulation at least three days before the date of the meeting and that special meetings should be advertised in the same manner or may be broadcast by local radio at least twice a day for three consecutive days or two consecutive days before the day of the meeting plus the day of the meeting; and

WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council and all commissions, boards, committees, subcommittees, task forces and any sub-unit of the foregoing public bodies of the City, whether meeting in a formal or informal meeting; that the failure to give the notice provided for under this chapter does not invalidate or otherwise affect any action or decision of a public body of the City; however, this sentence does not change the consequences of failing to give the minimum notice required under State Statute; that notice will ordinarily be given by the City Clerk; and that the presiding officer or the person or persons calling a meeting are responsible for notifying the City Clerk of meetings in sufficient time for the Clerk to publish notice in a newspaper of general circulation in the City; and

WHEREAS, This Resolution does not preclude additional meetings such as emergency meetings, special meetings, worksessions, and the like; and

WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2017 meeting schedule is established for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks Art Recreation and Culture Advisory Commission, Advisory Planning Commission, and Port and Harbor Advisory Commission of the City of Homer, Alaska, as follows:

Holidays - City Offices closed:

January 2**, New Year's Day, Monday	February 20*, Presidents' Day, the third Monday	March 27*, Seward's Day, last Monday	May 29*, Memorial Day, last Monday	July 4*, Independence Day, Tuesday	September 4*, Labor Day, first Monday
October 18*, Alaska Day, Wednesday	November 10**, Veterans Day, Friday	November 23*, Thanksgiving Day, Thursday	November 24*, Friday, the day after Thanksgiving	December 25*, Christmas, Monday	

*Indicates holidays - City offices closed.

**If on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel Rules and Regulations.

CITY COUNCIL (CC)

January 9, 23	February 13, 27	March 13, 27	April 10, 24	May 8, ***23	June 12, 26
July 10**, 24	August 14, 28	September 11, 25	October 3 Election	October 9, 23 Oath of Office October 9*	Canvass Board October 6 or 9
November 7 Runoff Election	November 13**, 27	December 11****	December 18**** if needed		

City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each month at 6:00 p.m. Council will not conduct a First Regular Meeting in July or November.

AML Annual Conference Week is tentatively scheduled for November 13 - 17, 2017.

*Tuesday meeting due to Memorial Day/Alaska Day.

**There will be no First Regular Meeting in July or November.

***The City Council traditionally reschedules regular meetings that fall on holidays or High School Graduation days, for the following Tuesday.

**** The City Council traditionally cancels the last regular meeting in December and holds the first regular meeting and one to two Special Meetings as needed. Generally the second Special Meeting the third week of December, will not be held.

ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 10	February 14	March 14	April 11	May 9	June 13
July 11	August 8	September 12	October 10	November 14	December 12

Economic Development Advisory Commission Regular Meetings are held on the second Tuesday of each Month at 6:00 p.m.

LIBRARY ADVISORY BOARD (LAB)

February 7	March 7	April 4	May 2	August 1
		October 3	November 7	December 5

Library Advisory Board Regular Meetings are held on the first Tuesday of the months of February, March, April, May, August, October, November, and December at 5:30 p.m.

PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION (PARCAC)

	February 16	March 16	April 20
May 18	June 15		August 17
September 21	October 19	November 16	

Parks Art Recreation and Culture Advisory Commission Regular Meetings are held on the third Thursday of each month at 5:30 p.m. with the exception of January, July, and December.

PLANNING COMMISSION (P/C)

January 4, 18	February 1, 15	March 1, 15	April 5, 19	May 3, 17	June 7, 21
July 19**	August 2, 16	September 6, 20	October 4, 17*	November 1**	December 6**

Advisory Planning Commission Regular Meetings are held on the first and third Wednesday of each month at 6:30 p.m. **There will be no First Regular Meeting in July or Second Regular Meetings in November and December. *Tuesday meeting due to Alaska Day Holiday.

96 PORT AND HARBOR ADVISORY COMMISSION (P/H)

January 25	February 22	March 22	April 26	May 24	June 28
July 26	August 23	September 27	October 25	November 15	December 13

97
98 Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of
99 each month at 5:00 p.m., with the exception of May, June, July and August meetings that are
100 held at 6:00 p.m. The November meeting is scheduled for the third Wednesday and the
101 December meeting is scheduled for the second Wednesday of the month.
102

103 CANNABIS ADVISORY COMMISSION (CAC)

January 26	February 23	March 23	April 27	May 25	June 22
July 27	August 24	September 28	October 26	November 16	December 21

104
105 Cannabis Advisory Commission Regular Meetings are held on the fourth Thursday of each
106 month at 5:30 p.m. The November and December meetings are scheduled for the third
107 Thursday of the month.
108

109 PASSED AND ADOPTED by the Homer City Council this 12th day of December, 2016.

110
111 CITY OF HOMER
112

113
114
115 _____
116 MARY E. WYTHE, MAYOR

117 ATTEST:

118
119
120 _____
121 JO JOHNSON, MMC, CITY CLERK
122

123 Fiscal Impact: Advertizing of meetings in regular weekly meeting ad and advertising of any
124 additional meetings.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: October 5, 2016
SUBJECT: City Manager's Report – October 10, 2016

Real Estate Sales

The City has finalized the sale of several parcels in the Kachemak Drive area. They were recommended for sale in the Land Allocation Plan and by Resolution 16-069. These parcels are now on the tax rolls, and several are now on the assessment rolls for water and sewer along Kachemak Drive. The proceeds from these transactions are deposited into the Land Reserve fund.

Cooper Landing Bypass

The Borough has asked municipalities to weigh in on the preferred alternative for Cooper Landing Bypass (MP45-60), a project with over 30 years in the planning stages. The Borough has significant concerns with the G-South Alternative, which exposes a lot of traffic, and potential for contamination to the Kenai River. They are advocating for a delay in the Record of Decision for this project, increased opportunity for public comment on the alternatives, and a more thorough consideration of the impacts of the alternatives of the Kenai River and watershed. I have attached information from the Borough on this topic, including Resolution 2016-049 that they passed with an accompanying memo that is quite informative. They have also drafted a sign-on letter for Borough municipalities to consider. Would Council be interested in signing this letter and/or weighing in with a resolution?

Potential Changes to Title 4, Regulation of Alcoholic Beverages

I have been following a statewide issue that I want to bring Council up to speed on and solicit any input you have. Changes to Title 4 of Alaska's Statutes, which regulates alcoholic beverages, have been undergoing review over the past several years to address some needed updates and revisions. The set of recommended revisions to Title 4 has recently been released.

One of the recommendations, P-3, regarding Public Convenience Licenses, could potentially have long-term consequences for Homer's robust restaurant industry. Homer has 12 Public Convenience Licenses, and while the report states these licenses have not been associated with significant enforcement problems, Title 4 reviewers claim their issue circumvents the population limitation system intended to control the number of retail access points to alcohol in a community and is an administrative burden on the ABC Board.

Recommendation P-3 would place a permanent moratorium on issuing new Public Convenience Licenses, and convert existing licenses to a new license type, Seasonal REPL Tourism License. These function similarly as a Public Convenience License, but can only be operated for six months of the year. Seasonal REPL's are intended to respond to the demands of the seasonal visitor market; their number will be limited by a city's population, modified by DCCED-generated visitor counts.

I have been contacted by other Kenai Peninsula cities and have discussed potential consequences with the Chamber of Commerce's Legislative Affairs Committee: negative impact on important year-round businesses (Fat Olives, Café Cups, Two Sisters Bakery for example) and the lost potential to attract new businesses – including the emerging micro-brewery/winery industry. The Kenai Peninsula holds nearly half the 57 Public Convenience Licenses in the state and will feel the impact of this rolling-back proportionally more than other parts of the state.

I will be following this issue closely as I believe it has the potential to adversely economic impact Homer. I will keep Council updated on any opportunity for formal input from the City. I have attached an excerpt from the extensive review of Title 4 that is relevant to this issue and a letter that the City of Soldotna wrote that sums up the concerns of small peninsula hub cities.

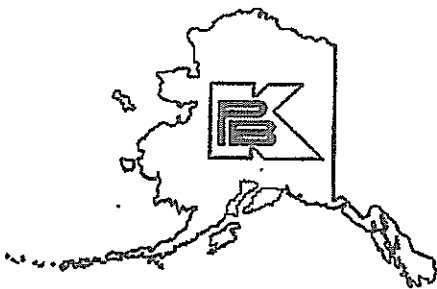
ENC:

KPB Resolution 2016-049 and accompanying backup

Draft letter from Peninsula Mayors to ADOT on Cooper Landing Bypass

Excerpt from Alaska Title 4 Review

Letter of comment from City of Soldotna on Title 4 Review



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441 Ex. 2150

PHONE: (907) 714-2150 • FAX: (907) 714-2377

www.kpb.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Blaine Gilman, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Mike Navarre, Mayor *MN*

DATE: August 25, 2016

SUBJECT: Resolution 2016- 049, A Resolution Opposing the Selection of G-South as the Preferred Alternative for the Sterling Highway MP 45-60 Project and Supporting the Juneau Creek Alternative (Mayor)

This resolution opposes the selection of G-South as the preferred alternative for the Sterling Highway MP 45-60 project, and supports the selection of Juneau Creek Alternative as the preferred route.

The Sterling Highway MP 45-60 Project, commonly referred to as the Cooper Landing Bypass, has been under consideration by the Alaska Department of Transportation and Public Facilities ("DOT&PF") since the early 1980's. The current Supplemental Environmental Impact Statement ("SEIS") process for the highway was initiated in 2000.

The purpose of the project is to bring the Sterling Highway through MP 45-60 up to current design standards, reduce highway congestion, and improve highway safety. In achieving this purpose, DOT&PF and the Federal Highway Administration ("FHWA") recognized the importance of protecting the Kenai River corridor. Benefits of the project include increased safety for motorists and pedestrians; improved access to local properties and recreation opportunities along the existing highway; improved travel time through the area; reduced noise, dust, and traffic in Cooper Landing proper; and reduced risk of spills in the Kenai River.

After the assessment of various alternative routes for the highway throughout the years, four build alternatives were analyzed in detail in the 2015 Draft SEIS: G-South Alternative, Juneau Creek Alternative, Juneau Creek Variant, and Cooper Creek Alternative. The Draft SEIS was released in April 2015, and DOT&PF and the FHWA announced the selection of G-South as a preferred alternative in December 2015. A Final SEIS and Record of Decision ("ROD") are expected before the end of 2016. There will not be a formal comment period after the release of the Final SEIS before a ROD on the route.

Attached to this memo is the DOT&PF project overview, which outlines the costs and proposed routes of each of the considered alternatives. Of particular note, the G-South Alternative has an estimated construction cost that is almost \$54 million more than the Juneau Creek Alternative.

Concerns with G South Alternative

There are significant concerns with the selection of the G-South Alternative and the continued risk that it poses to the Kenai River. While it is recognized that this is a complicated process and that each alternative will have an impact on important habitat and recreational opportunities, sustained impacts to the Kenai River were shown less concern in the selection process than impacts to the Mystery Creek Wilderness Area, Resurrection Pass Trail, and the Juneau Falls Recreation Area. The selection process also failed to recognize long term protection of the Kenai River Corridor as a key element of the purpose of this project.

Comments from the Kenai Watershed Forum concerning the impacts of G-South are attached to this memo. The G-South Alternative maintains substantial encroachments on the Kenai River Corridor, and does not significantly decrease traffic immediately adjacent to the river. A significant portion of this alternative would be built on the existing alignment near the river, and an additional bridge would be built over the Kenai River. Forty-five percent of the G-South Alternative remains within 500 feet of the Kenai River or other Tier 1 Waterbody, compared to 25 percent of the Juneau Creek Alternative. The separation provided by 75 percent of the Juneau Creek Alternative gives first responders more time to protect the Kenai River in the event of a hazardous spill.

When the Kenai River is given as much emphasis as other significant areas along the proposed route, the G-South Alternative is neither the least harmful nor does it achieve one main purpose of the project – moving traffic away from the Kenai River. The benefit that G-South does offer over other alternatives is an easier path to completion due to avoiding administrative boundaries associated with the congressionally-designated Wilderness.

Your consideration is appreciated.

Introduced by:

Mayor

Date:

09/06/16

Action:

Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2016-049**

**A RESOLUTION OPPOSING THE SELECTION OF G-SOUTH AS THE PREFERRED
ALTERNATIVE FOR THE STERLING HIGHWAY MP 45-60 PROJECT AND
SUPPORTING THE JUNEAU CREEK ALTERNATIVE**

- WHEREAS,** the Sterling Highway MP 45-60 (Cooper Landing Bypass) project has been under consideration by the Alaska Department of Transportation and Public Facilities ("DOT&PF") and Federal Highway Administration ("FHWA") for numerous years; and
- WHEREAS,** a Draft Supplemental Environmental Impact Statement (SEIS) and Draft Section 4(f) Evaluation were released for public review in April and May 2015; and
- WHEREAS,** on December 11, 2015, DOT&PF and FHWA announced the identification of the G-South Alternative as the preferred alternative for the project; and a final SEIS and Record of Decision (ROD) are expected in 2016; and
- WHEREAS,** the DOT&PF and FHWA recognized the importance of protecting the Kenai River Corridor in the purpose of the project and included reduced risk of spills in the Kenai River as a benefit of the project; and
- WHEREAS,** the G-South alternative does not adequately protect the Kenai River Corridor; and
- WHEREAS,** the Juneau Creek Alternative bypasses all crossings of the Kenai River, while the G-South route will require an additional crossing and replacement of an existing bridge; and
- WHEREAS,** a substantial portion of G-South would be built on the existing alignment near the river, such that 45 percent of the G-South Alternative is within 500 feet of the Kenai River or another Tier 1 stream, as opposed to 25 percent of the Juneau Creek Alternative.
- WHEREAS,** a small portion of the congressionally-designated Mystery Creek Wilderness Area and the southern end of the Resurrection Pass trail would be impacted by the Juneau Creek Alternative; and
- WHEREAS,** long-term protection of the Kenai River, the opportunity to prevent a major chemical spill in the river, and the opportunity to significantly decrease traffic adjacent to the river, should take priority in the selection of an alternative;

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

SECTION 1. That the Kenai Peninsula Borough opposes the selection of the G-South alternative as the preferred alternative for the Sterling Highway MP 45-60 Project.

SECTION 2. That the Kenai Peninsula Borough supports the selection of the Juneau Creek Alternative as the preferred alternative for the Sterling Highway MP 45-60 Project.

SECTION 3. That the Kenai Peninsula Borough urges Governor Bill Walker, all state legislators representing the Kenai Peninsula Borough, Marc Luiken, Commissioner of DOT&PF and Sandra Garcia-Aline, the Division Administrator of the FHWA to reevaluate the selection of G-South, and give adequate weight to the protection of the Kenai River.

SECTION 4. That a copy of this resolution shall be provided to DOT&PF, FHWA.

SECTION 5. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF SEPTEMBER, 2016.

Blaine Gilman, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

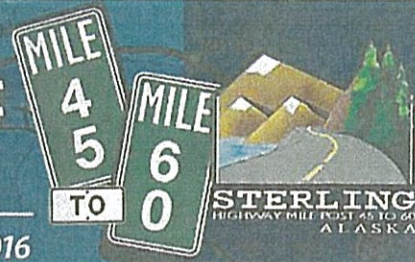
No:

Absent:

Sterling Highway MP 45-60 Project

Project Overview

Updated January 2016



Originally completed in 1950, the Sterling Highway is the only road that links western Kenai Peninsula communities (Kenai, Soldotna, and Homer) to the rest of the state. Since 1978, the Alaska Department of Transportation and Public Facilities (DOT&PF) has recognized the need for improved safety and traffic flow to accommodate the increased Kenai population growth, recreation, and tourism.

DOT&PF has prepared a Draft Supplemental Environmental Impact Statement (SEIS) and Draft Section 4(f) Evaluation that examines alternatives for improvements to the Sterling Highway between mileposts (MP) 45 and 60. With public input, FHWA and DOT&PF will select an alternative that meets the best overall public interest based on a balanced consideration of these transportation problems and the potential social, economic, and environmental impacts.

Purpose and Need

There are three major needs that the MP 45-60 Project would address:

- » Need 1: Reduce Highway Congestion.
- » Need 2: Meet Current Highway Design Standards.
- » Need 3: Improve Highway Safety.

The purpose of the project is to bring the highway up to current standards for a rural principal arterial to efficiently and safely serve through-traffic, local community traffic, and traffic bound for recreation destinations in the area, both now and in the future. In achieving this transportation purpose, DOT&PF and FHWA recognize the importance of protecting the Kenai River corridor.

Project Benefits

Any of the build alternatives would:

- » Increase safety for motorists and pedestrians,
- » Improve access to local properties and recreation opportunities along the existing highway,

- » Improve travel time through the area,
- » Reduce the risk of fuel spills in the Kenai River by moving some traffic away from the river, and
- » Reduce noise, dust, and traffic in Cooper Landing proper.

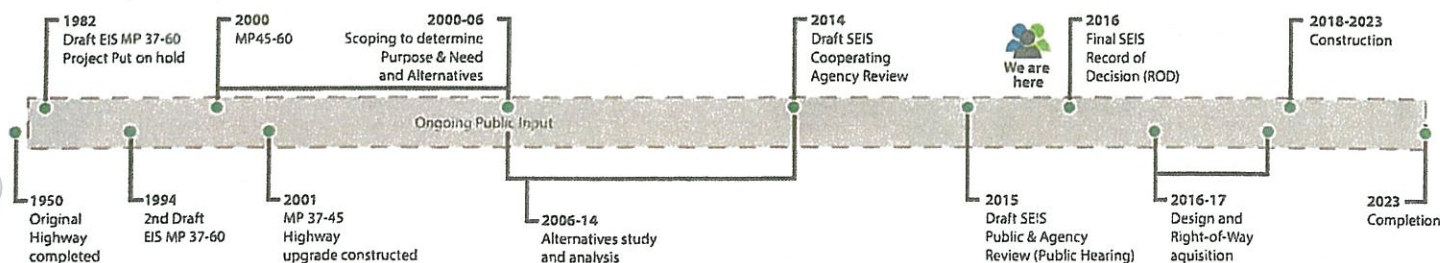
None of the alternatives would induce further residential or commercial development more than would be anticipated under the No Build Alternative because of DOT&PF's decision to prohibit driveway or side street access to new sections of highway from adjacent property.

The Issues

The SEIS process considers several important issues. These include:

- » Increased traffic flow and safety in areas where there are many vehicles turning onto and off of the highway.
- » How to balance the need for safe and efficient transportation and the potential social, economic, and environmental impacts
- » How to balance local desires to keep traffic passing existing businesses with alternatives that would route traffic away from existing businesses.
- » The potential changes in the community of Cooper Landing that may result from a highway upgrade.
- » How to balance desires to avoid impacts to Kenai River with desires to avoid impacts to bear, moose, and other wildlife habitat and movement corridors.
- » How Cooper Landing area's undeveloped private, borough, and state lands are likely to develop with and without the project.
- » Impacts to Federal public lands important for recreation, cultural resources, and wildlife protection.
- » An evaluation of "Least Overall Harm" to support decision making.

Project Schedule



Sterling Highway MP 45-60 Project

Project Overview

Updated January 2016



Alternatives under Consideration

Five alternatives are considered in detail in the Draft SEIS – four build alternatives and the No Build Alternative. All build alternatives would have 12-foot wide lanes, 8-foot-wide shoulders, and passing lanes in new and rebuilt sections of the highway. Many other alternative alignments were considered, but not advanced for full analysis. These were dismissed for engineering or environmental problems, or were very similar but not as good or preferable as the proposed alternatives.

Cost and Funding

This is a Federal Aid Highway project, and Federal Highway Trust Funds are anticipated to cover 90% of costs, with the State covering 10%. Construction costs are estimated in 2014 dollars and are as follows:

- » No Build Alternative, \$0
- » Cooper Creek Alternative, \$290.7 M
- » G South Alternative, \$303.5 M
- » Juneau Creek Alternative, \$249.6 M
- » Juneau Creek Variant Alternative, \$257.0 M

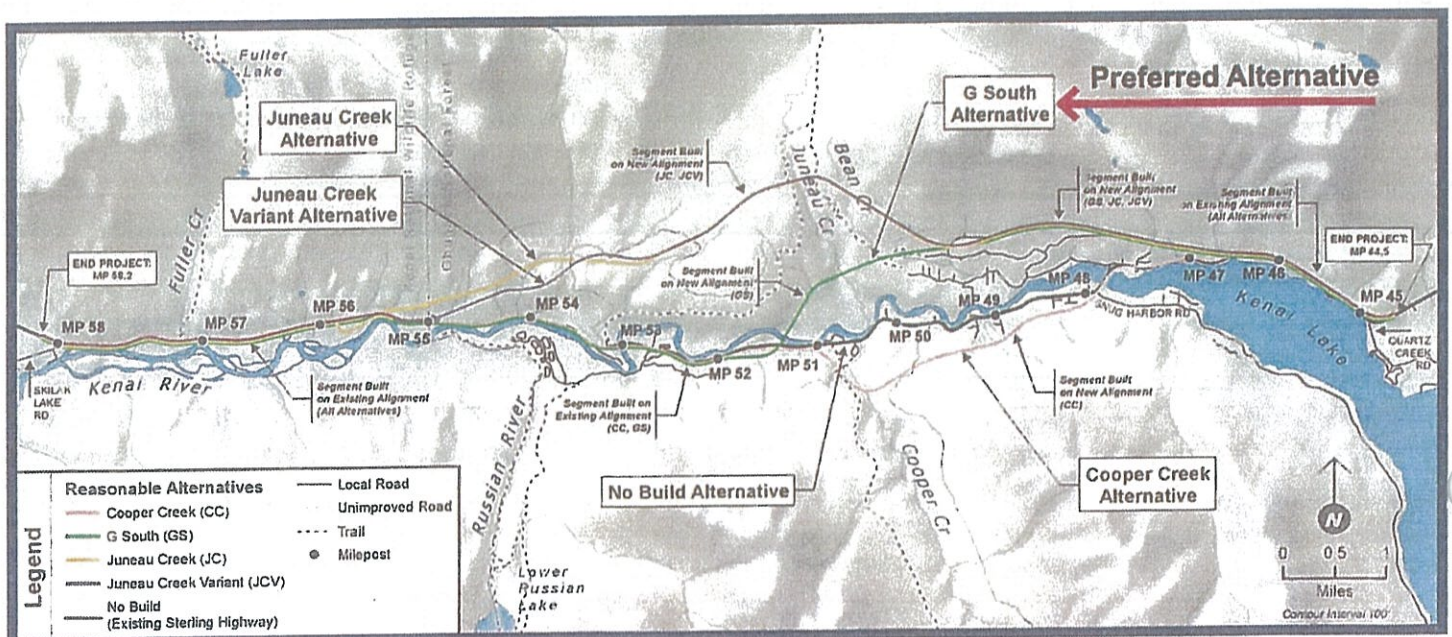
Comments or Questions? Contact us!

- » Via the project website www.sterlinghighway.net
- » Email: sterlinghwy@hdrinc.com
- » Standard mail:
- » DOT&PF Central Region
- » Sterling Highway MP 45-60 Project
- » PO Box 196900 Anchorage, AK 99519-6900

G South Alternative Preferred

On December 11, 2015, DOT&PF and FHWA announced the identification of the G South Alternative as the preferred alternative for the Sterling Highway MP 45-60 project. DOT&PF and FHWA have examined the Draft Supplemental Environmental Impact Statement and technical reports, and have considered the issues raised in hundreds of public and agency comments on the Draft SEIS. G South provides the best balance between meeting the project needs and minimizing impacts to the human environment. The routing avoids impacts to the Resurrection Pass Trail, the Juneau Falls Recreation Area and important cultural properties, and avoids using designated wilderness land within the Kenai National Wildlife Refuge. The alternative skirts the Cooper Landing community to reduce community impacts associated with traffic, noise and property acquisition.

The G South Alternative largely avoids the Cooper Landing community to the north, would not impact undeveloped lands to the extent that the Juneau Creek alternatives would. Its natural environment impacts are between those of the Cooper Creek Alternative and the two Juneau Creek alternatives, but its function for traffic would be much better than the Cooper Creek Alternative, and it would have much less impact on the community. The G South can be seen as a compromise between the Juneau Creek alternatives and the Cooper Creek Alternative.



From: Jack Sinclair
To: Ramponi, Angela
Subject: Cooper Landing Bypass
Date: Wednesday, August 24, 2016 9:02:12 AM

Angela,

The Kenai Watershed Forum urges the Kenai Peninsula Borough to seek a reconsideration of the State of Alaska DOT's decision to move forward with the G South Alternative for the Cooper Landing Bypass project, MP 45-60 of the Sterling Highway.

From an environmental perspective, there are no ideal options offered by any of the alternatives. Each will have its own impact on important habitat for a variety of plant, fish, and wildlife species. An argument can be made for each one being better than the other depending on how you prioritize brown bear and moose habitat versus fish habitat, or loss of wetlands versus potential water quality degradation etc. The fact is that each alternative will result in negative environmental consequences. That being the case, the DOT highlights the Juneau Creek alternatives' impact on wetlands and human recreation, while showing less concern for the fact that the G South route will sustain substantial encroachments on the Kenai River and other noted Tier I Waterbodies.

The key difference between the G South and Juneau Creek alternatives is that the Juneau Creek Alt has the ability to direct major traffic flow (especially commercial vehicles transporting hazardous materials) **away from** the river. With 75% of the Juneau Creek alternatives being 500 ft or more from the river, response personnel will have additional time to contain potential HAZMAT spills before they cause serious harm to the Kenai River and its tributaries. The Juneau Creek alternatives bypass all crossings of the Kenai River, whereas the G South route will require an additional crossing and the replacement of the existing bridge at Schooner Bend.

Additionally, several more small stream and drainage crossings are required under the G South alternative. Although the greater percentage of wetlands and wildlife habitat impacted by the Juneau Creek routes are concerning, it does not outweigh the opportunity to prevent a major chemical spill or the opportunity to dramatically decrease general traffic adjacent to the river.

A possible compromise that needs to be investigated further is to extend the western end of the G South Alternative out to MP 55 to avoid a longer portion of the Kenai River AND do away with the building of an additional bridge across the Kenai River, perhaps saving \$50 million from this alternative.

It is unfortunate that every alternative to this point has its shortcomings where challenges must be faced regarding sensitive cultural resources, wildlife habitat and congressionally-designated Wilderness. Weighing the potential impacts to each of these against those to the Kenai River and other Tier I Waterbodies is a difficult but necessary task from which we must now make a decision.

Thanks for allowing Kenai Watershed Forum to provide our input.

Sincerely,
Jack Sinclair

Jack Sinclair
Executive Director
Kenai Watershed Forum
44129 Sterling Highway



KENAI PENINSULA BOROUGH

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PHONE: (907) 714-2150 • **FAX:** (907) 714-2377
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Mike Navarre
Borough Mayor

September XX, 2016

Kelly Peterson, PE
Project Manager
Alaska Department of Transportation and Public Facilities
P.O Box 196900
Anchorage, AK 99519-6900

RE: Sterling Highway Milepost 45-60 Project

Dear Ms. Peterson:

We are writing this letter to request a delay of Record of Decision (ROD) on the Sterling Highway MP45-60 project until a determination is made on the prospective land exchange between the Cook Inlet Region Inc. and the Kenai Wildlife Refuge. This exchange, authorized in the Russian River Land Act¹, is currently under consideration and would result in a change in land status of the potentially impacted portion of the Mystery Creek Wilderness Area.

Upon this determination, we request a reconsideration of the selection of G South Alternative as the preferred alternative. We ask that this selection is reevaluated in consideration of both the land exchange and the following comments in opposition to the selection of G South.

We have significant concerns regarding the analysis that led to the selection of the G South alternative. There are three areas of concern this letter discusses.

1. **Purpose and need:** The DSEIS fails to recognize the long term protection of the Kenai River as a key element of the purpose and need for this project.
2. **Impacts of the G South alternative to the Kenai River:** We have concerns that the assessment does not fully consider the impacts to the Kenai River, and have concerns with the relative lack of weight that these impacts were given in the selection of a preferred alternative.
3. **Lack of input on G South Alternative:** A number of historical factors, including the previous selection of different preferred alternatives and the length of time this project has been ongoing, create a unique situation where stakeholders and the public were unlikely to provide input specific to G South. As such, ADOT&PF and the FHWA should formally solicit, consider, and respond to, comments on their selection prior to the ROD.

¹ Russian River Land Act, Pub. L. No. 107-362, 116 Stat. 3021

If the Kenai River were given the proper weight in the analysis and if the protection of the Kenai River were recognized as part of the purpose and need for this project, we believe a different preferred alternative would have been selected.

1. Purpose and need

Draft SEIS 1.2.1 Project Purpose

"The purpose of the project is to bring the highway up to current standards for a rural principal arterial to efficiently and safely serve through-traffic, local community traffic, and traffic bound for recreational destinations in the area, both now and in the future. In achieving this transportation purpose, DOT&PF and FHWA recognize the importance of protecting the Kenai River Corridor"

Although DOT&PF and the FHWA recognize the importance of protecting the Kenai River Corridor in the overview of project purpose, this importance is not carried through to any of the three listed needs. We believe that - although not explicitly stated as a need in this DSEIS - protection of the Kenai River Corridor has historically been understood by the public and stakeholders as an important reason for this project. Failing to move a substantial amount of traffic away from the river and accepting the risk of a catastrophic hazardous spill in the Kenai fails to realize a fundamental benefit of this project. We believe that an alternative that does not move the highway off of the Kenai River Corridor does not meet the purpose and need of this project. As such, regardless of the 4(f) analysis, G South should not be selected.

In addition inadequately protecting the Kenai River Corridor, G South Alternative does not meet the stated purpose and need as well as the Juneau Creek Alternatives. While G South does bypass Cooper Landing proper, it fails to bypass Segment 5 (MP 51.3 - 55.09), the section of the project with the highest crash rate cited in the DSEIS. This area, particularly the segment between the Russian River Ferry Entrance and Russian River Campground, is a frequently congested area with multiple parked vehicles and pedestrians along the road during peak summer fishing season.

Bringing the highway up to current design standards but failing to bypass this segment does not improve safety for recreational users and pedestrians as well as moving the majority of traffic away from the area. Many fishermen will continue to travel along and cross this section of the road, and the higher traffic speeds may increase the potential severity of an accident if it does occur.

II. Impacts to the Kenai River

We believe that, in the analysis that lead to the selection of G South as the preferred alternative, impacts to the Kenai River were not given adequate weight. While we recognize the complexity of this process, and are aware of the impacts each alternative will have on important habitat and recreational opportunities, sustained impacts to the Kenai River were shown less concern in the

selection process than impacts to the Mystery Creek Wilderness Area, Resurrection Pass Trail, and the Juneau Falls Recreation Area.

Failure to Avoid Impacts of Potential Spills

Draft SEIS 3.17.2.4 G South Alternative P 2 Spill Risk

“Approximately 6.4 miles of the alignments (45 percent) would be within 500 feet of the Kenai River and other Tier 1 streams, of which about 4.7 miles (33 percent of the total) would be within 300 feet. The G South Alternative has moderate exposure to Tier II streams and wetlands that are hydrologically connected to the Kenai River. A substantial portion of this alternative would be built on the existing alignment near the Kenai River”

Draft SEIS 3.17.2.5 Juneau Creek and Juneau Creek Variant Alternatives

“Both of these alternatives have moderate exposure to steep side slopes and high exposure to wetlands. However, these alternatives provide separation from the Kenai River and other streams over the longest distance, likely providing responders more time to protect the Kenai River in the event of a spill.”

Forty-five percent of the G South Alternative remains within 500ft of the Kenai River or other Tier 1 Waterbodies, compared to 25% of the Juneau Creek Alternative. 33% of G South is within 300 feet of a Tier 1 stream, compared to 15% of Juneau Creek. The separation provided by the Juneau Creek Alternative, which moves 75% of the route more than 500ft away from a Tier 1 waterbody, provides responders with extra time to protect the Kenai River in the event of a hazardous spill. This difference is acknowledged within the DSEIS; however, these risks are minimized citing that “the highway would be reconstructed throughout to meet current standards and improve safety”. Improved safety along the corridor - while marginally decreasing the likelihood of an accident - does not eliminate the risk nor does it mitigate the impact a spill will have when it occurs. In order to mitigate the impact a hazardous spill will have, the road must be moved away from the river to the maximum degree reasonably possible.

Limitations of Emergency Response and Cleanup Capabilities

Emergency Response Assessment Hazardous Materials Spills (HDR 2003b) ***3.4 Constraints to Emergency Response and Cleanup***

The distance over which some emergency response teams would have to travel to reach a hazardous materials spill along the Sterling Highway between MP 45 and MP 60 can increase the risk of release to resources within the spill migration pathways. In addition, the ability of regional responders to respond to and clean up an accidental spill can be impaired by weather conditions and the accessibility of the spill. Temperatures along this section of the Sterling Highway are often near freezing, which frequently

causes "black ice" on the roadway surface, which creates hazardous driving conditions. Snow on the roads can slow travel to the spill site, as well as hinder spill control activities. Steep slopes can make access to the spill difficult and impair the ability to set up spill control equipment.

Limited regional capability to respond to significant spills in this area, due to both the capacity of local volunteer agencies and the geographic limitations of the area, considerably increase the risk posed by failing to move the majority of traffic off of the Kenai River Corridor. The 2003 risk evaluation, *Emergency Response Assessment and Hazardous Material Spill Control* lays out these limitations in detail. Due to the constraints of the area, and the likelihood of a delayed response to a spill, the additional response time that the Juneau Creek Alternative gives local responding agencies is a crucial consideration and should be given high priority in the analysis.

Sustained impacts on the Kenai River and other Tier I Waterbodies

In addition to the potential impact of hazardous spills, G South also sustains or increases a number of existing impacts to the Kenai River and riparian habitat. G South not only fails to move the majority of traffic away from the corridor – maintaining current general runoff impacts due to heavy traffic immediately adjacent to a Tier 1 waterbody – but also requires additional river crossings. The Juneau Creek alternatives bypass all crossings of the Kenai River, whereas the G South route will require an additional crossing and the replacement of the existing bridge at Schooner Bend. Additionally, several more small stream and drainage crossings are required under the G South alternative. We maintain that, by selecting G South as the preferred alternative, DOT&PF and FHWA have highlighted the Juneau Creek alternatives' impact on wetlands and human recreation, while showing less concern for these substantial encroachments on the Kenai River.

Relative weight of the Kenai River compared to other elements

Protecting the Kenai - a resource crucial to the environmental, cultural, recreational, and economic health of this region - should receive as much, if not more, weight in the decision making process as an administrative boundary such as the Mystery Creek Wilderness Area. The Mystery Creek wilderness area is an extremely small portion of this project, yet carries an outsized weight due to the administratively complex process needed to build in the area. Conversely, moving the road away from the Kenai River - an important resource heavily impacted by a large portion of the project area - is not being given high priority consideration in this project.

Additionally, we recognize that the Juneau Creek Alternative will bisect the south end of the Resurrection Pass Trail and the Juneau Falls Recreation area. We recognize that planning efforts and restraint in development are necessary to mitigate the impacts of the Juneau Creek Alternative to this area. However, we are confident that, were the Kenai River given the appropriate consideration in this analysis, the value of long term protection of the Kenai River would outweigh the impacts of shortening the trail.

Should an accident due to the location of the road negatively impact the health of the Kenai River, the environmental impacts would be extensive and the economic wellbeing and livelihood of borough residents would be significantly impacted. Although the impacts of the Juneau Creek

routes are concerning, they do not outweigh the opportunity to prevent a major chemical spill or the opportunity to dramatically decrease general traffic adjacent to the river.

III. Lack of Agency and Public Comments on G South Alternative

This project has been ongoing in some form since the early 1980's. There have been multiple DEISs, scoping periods, and public comment periods. It is not practical to assume continuous extensive public engagement with the process over such a long time period. Upon DOT&PF and FHWA making a noteworthy announcement about the preferred route, numerous stakeholders that were otherwise disengaged voiced significant concerns. Given that it failed to meet a perceived need of the project, many of these stakeholders did not consider G South a likely option and therefore, did not submit comments specifically regarding this alternative. As such, comments focused on the impacts of the other options and the necessity for further study and mitigation of those impacts. Given the unique history and the likelihood of public disengagement over such a lengthy project period, we believe that ADOT&PF and the FHWA should solicit and respond to comments on their preferred alternative before a final decision is made.

We recognize there are numerous concerning impacts of all alternatives that need to be addressed. We request awareness of those issues and that mitigating steps are taken to minimize impacts on wildlife for all of the alternatives. However, we strongly oppose the selection of any alternative that fails to protect the Kenai River and believe that the protection of such a crucial resource should receive the highest priority in the decision making process.

Please consider these comments in your reconsideration of the alternative.

Sincerely,

Mike Navarre - Kenai Peninsula Borough Mayor;

