

CITY OF HOMER
HOMER, ALASKA

Aderhold

ORDINANCE 25-44(A)(S)(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
APPROPRIATING UP TO \$250,000 FROM THE HOMER
ACCELERATED ROADS AND TRAILS (HART) TRAILS FUND FOR THE
DEVELOPMENT OF A TRAILHEAD AND TRAIL SEGMENT ON THE
EAST SIDE OF THE STERLING HIGHWAY AT GREEN TIMBERS IN
ACCORDANCE WITH THE DIAMOND CREEK RECREATION AREA
TRAILS PLAN.

WHEREAS, The City of Homer adopted Ordinance 07-03 and accepted ownership of two parcels totaling 273 acres outside the Homer City limits and in the Diamond Creek area as part of the Forest Legacy Program to keep public park land in perpetuity; and

WHEREAS, The City of Homer adopted the Diamond Creek Recreation Area (DCRA) Plan **as a management and development plan for the 273 acres** through Resolution 13-055; and

WHEREAS, The DCRA Plan envisioned a “parking area and trailhead facilities at the western border of the DCRA” (east side of the Sterling Highway near Green Timbers) and a “non-motorized route across the Sterling Highway near Mile Post 168, in order to extend the recreational corridor to the Diamond Creek State Recreation Site (DCSRS) on the west side of the Sterling Highway”; and

WHEREAS, The Homer Trails Alliance (HTA), a nonprofit organization with a mission to improve access to trails on the north side of Kachemak Bay, is interested in developing the trail connection between DCRA and DCSRS, including fundraising for the purpose; and

WHEREAS, The Alaska Department of Transportation and Public Facilities (ADOT&PF) is in the final stages of designing the Sterling Highway Milepost 157-169 Reconstruction Project and is considering including a pedestrian underpass at Diamond Creek; and

WHEREAS, The City of Homer has worked with ADOT&PF on methods to accomplish the trail connection and underpass; and

WHEREAS, ADOT&PF requires a firm commitment from the City of Homer that if they incorporate the underpass into the final highway project design that the trail connection would be constructed, including a financial commitment, a maintenance agreement for the portion of the trail in the right-of-way, as well as the establishment of any required private property easements to facilitate the trail in advance of the underpass being added to the design; and

WHEREAS, The Homer City Council has expressed interest in pursuing this trail project through the unanimous passage of numerous resolutions, and recognizes the highway reconstruction project as a once in a generation opportunity to develop an underpass to connect the two recreation areas; and

WHEREAS, Using HART Trails funds to purchase a parcel for use as a trailhead for trails in the DCRA Plan is an appropriate use of the funds; and

WHEREAS, The routing of the trail from a trailhead at Green Timbers to the underpass at Diamond Creek is uncertain, based on the need for the development of easements across private property or the approval to use ADOT&PF right of way.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council appropriates up to \$250,000 from the Homer Accelerated Roads and Trails (HART) Trails fund for the development of a trailhead and trail segment on the east side of the Sterling Highway from Green Timbers to a pedestrian underpass at Diamond Creek in accordance with the DCRA Trails Plan:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
165-xxx	HART Trails	\$250,000

Section 2. Use of the funds is based on the following criteria:

- ADOT&PF ~~constructs~~ **approves** a pedestrian underpass at Diamond Creek as part of their current highway reconstruction project.
- The City of Homer can come to agreement with property owners to create trail easements across their properties and/or with ADOT&PF for the use of the right of way on the east side of the highway.
- The use of the funds must comply with the most current version of the HART Policy Manual approved by the Homer City Council.
- The funds must be used for work on the east side of the Sterling Highway.
- **If the above criteria are met, a portion of the allocated funds may be used to purchase a parcel near Green Timbers that is more amenable to construction of a trailhead than the adjacent city-owned parcel (41810 Sterling Highway, Kenai Peninsula Borough Parcel ID 17302202.**
- ~~If the first two criteria are met, HTA may include the City Council's appropriation of these funds as a match when applying for grants to complete the full trail connecting DCRA and DCSRS.~~

- **If the first two criteria are met, these funds are available to HTA to use as a match when applying for grants to complete the full trail connecting DCRA to DCSRS.**
- If the criteria are not met, if the trailhead and trail are not constructed, or if there are HART funds left over, all remaining funds will be returned to the HART fund.
- **If ADOT&PF postpones the project indefinitely the funding will be returned to the HART Trails fund.**

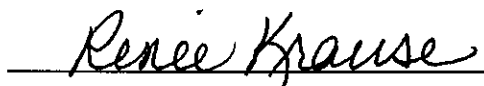
Section 3. This is a budget amendment ordinance and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA THIS 23rd day of June, 2025.

CITY OF HOMER


RACHEL LORD, MAYOR

ATTEST:


RENEE KRAUSE, MMC, CITY CLERK

YES: 6
NO: 0
ABSENT: 0
ABSTAIN: 0



First Reading: 6/09/25
Public Hearing: 6/23/25 7/28/25 8/11/25
Second Reading: 8/11/25
Effective Date: 8/12/25



MEMORANDUM

To: Mayor Lord and City Council
Date: June 2, 2025
From: Daniel Kort, Public Works Director
Through: Melissa Jacobsen, City Manager
Subject: DCRA Trail Project

Background:

There has been a lot of interest in development of the Diamond Creek Recreation Area (DCRA) trail network and connecting these trails to the Diamond Creek State Recreation Site (DCSRS). The City of Homer (City) hired Kinney Engineering to conduct a feasibility study (Study) of a proposed trail route in 2024. Kinney Engineering partnered with Happy Trails Inc. to complete this study.

Discussion:

The intention of the feasibility study was to lay out a conceptual trail system that would demonstrate to the State of Alaska Department of Transportation (DOT) that the City was serious about connecting the DCRA to the DCSRS. The intention of the Study was to encourage the DOT to include a pedestrian tunnel to their upcoming Sterling Highway construction project to connect the two trail networks that would be separated by the highway. The Sterling Highway design is nearly complete and we estimate we have approximately 6 months or less to get the easements in place.

The City has had several meetings with the DOT about if the trail could be located within the State ROW and what level of commitment would need to be demonstrated by the City to have the pedestrian tunnel included in the project. The State had previously indicated that they were not in favor of the trail being within the ROW, however when we gave them the completed Study showing approximately 150-ft of the trail paralleling the highway in the ROW, they indicate they would work with the City to accommodate this. Further, the State had previously indicated that they would require the City to have easements established for the trail in advance of them including the pedestrian tunnel in the design.

A representative of the Homer Trails Alliance (HTA) had previously met with regional managers of the DOT without the City's presence, and the City was informed that the regional managers were not receptive to the proposal of using the DOT's fish passage maintenance road on the west side of the highway as part of the trail. It has come to our attention that a representative of the HTA has met with the Central Regional Director with the DOT without the City's participation. I have heard third hand that this conversation was fruitful, however it's not clear on what was spoken to and what was agreed to.

If the conversation between the DOT and HTA was fruitful on only allowing the use of the Maintenance Road as the western portion of the trail alignment in the State ROW, that only diverts the trail away from having to cross 1 privately owned property of the 3 privately owned properties, leaving two private properties that will require easements. If the State is allowing the City to use the ROW for the full length needed, then the easement issue is resolved.

Having not been a part of the meeting with the DOT, there still seems to be an unanswered question of whether Phase I of the Happy Trails portion of the study will be sufficient to demonstrate to the State DOT that the City is serious about building a trail through the proposed pedestrian tunnel. I say that because Phase I constructs the Green Timbers Parking Lot and builds a trail leading south and east away from the trailhead through the DCRA property, ending at a “View Point” on the Kenai Peninsula Borough property south of the DCRA. Phase II of the Study builds a new trail from the Phase I trail to a proposed Trailhead on the Kenai Peninsula Borough’s property.

Meanwhile, there is not a clear plan for how the City will build the 6,403-ft worth of trail from the Kinney Engineering Study that links the Green Timbers Trailhead to the DCSRS which passes through the pedestrian tunnel. This trail segment would require trail easements across private property, or the DOT to change its position on allowing the trail to be constructed in the ROW for approximately 2,200-feet to avoid private property. Further, Phase I of the Happy Trails Study could be built regardless of the pedestrian tunnel being present or not, and may not demonstrate to the State the City’s commitment or ability to construct the trail segment that passes through the pedestrian tunnel.

Summary:

The proposed Phase I trail segment will at minimum meet the intentions of Resolution 13-055 which proposed the goals of building a Trailhead on the western side of the DCRA and beginning to construct trails within the DCRA regardless of whether the City will be able to construct the trail segment crossing the Sterling Highway that connects the proposed Green Timbers Trailhead to the DCSRS through the proposed pedestrian tunnel.

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western border of the DCRA” (east side of the Sterling Highway near Green Timbers) and a
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recreational corridor to the Diamond Creek State Recreation Site (DCSRS) on the west side of
the Sterling Highway”; and

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easements to facilitate the trail in advance of the underpass being added to the design; and

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reconstruction project as a once in a generation opportunity to develop an underpass to connect the two recreation areas; and

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- The use of the funds must comply with the most current version of the HART Policy Manual approved by the Homer City Council.
- The funds must be used for work on the east side of the Sterling Highway.
- ~~If the first two criteria are met, HTA may include the City Council's appropriation of these funds as a match when applying for grants to complete the full trail connecting DCRA and DCSRS.~~
- **If the 1st two criteria are met, these funds are available to HTA to use as a match when applying for grants to complete the full trail connecting DCRA to DCSRS.**
- If the criteria are not met, if the trailhead and trail are not constructed, or if there are HART funds left over, all remaining funds will be returned to the HART fund.
- **If ADOT&PF postpones the project indefinitely the funding will be returned to the HART Trails fund.**

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CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date: