

Memorandum

To: Homer Planning Commission
From: Janette Keiser, PE
Date: May 7, 2025
RE: Proposed Foss Acres 2025 Addition Subdivision

I have reviewed the documents in the Packet, studied the mapping on the Kenai Peninsula Borough's GIS Parcel Viewer, observed the site of the proposed subdivision, and reviewed the written comments submitted by Jinky Hardy and Ole Anderson, the subject property's neighbors to the south. This will not be an easy property to develop because the land, if not wet, is steep. I'm concerned you do not have the information you need to thoughtfully consider the proposed subdivision. Here are my concerns:

1. Staff's Response to Criterion H implies that there are no issues related to flooding, water overflow, or flood plains. Yet, Note 10 states that *"some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula...as a flood hazard area..."* No other information is provided so we do not know what this means. You should require that this information be provided.
2. Staff's Response to Criterion L, which relates to contour information, implies there are no slope issues, so we do not need contour information. Code requires contour information to be provided on plats if road grades may exceed 6 percent on arterial streets or 10 percent on other streets. Staff does not tell us he has reviewed the potential road grades and thus, has evidence this criterion has been met. You should require that this information be provided to you.
3. But that is not the worst part of the omission of contours. Road grades are not the most important issue related to slope. Slope also relates to water. You can see from the contours that there is a ravine on the east side of proposed Tract A5 and in the SW corner of proposed Tract B5. These ravines carry water that feeds Woodward Creek, which gives you some idea of the volume of water released by the wetlands on this property. Again, you should require that the contour information and existence of streams be provided.
4. Staff's Response to Criterion F, which relates to drainage easements, among other things, indicates the plat meets these requirements. I did not see any drainage easements on the proposed plat, despite the fact that at least two ravines cross the property, each of which carry substantial amounts of water. You should require that information about water flow be provided to you and that appropriate drainage easements be provided.
5. The proposed plat contains Note 8, which relates to *"covenants, conditions, and protective restrictions"*. There is no mention of such matters on the proposed plat. I

know the City does not enforce private covenants and restrictions, but we should at least know what they are. You should require that this information be provided.

6. Staff's response to Criterion K, which relates to existing utilities, states that there are no existing utilities present and thus, we are left to believe there are no problems with this matter. Individual on-site septic systems in wetlands are prone to failure. If all ten of the lots are built out, with a single-family residence or more, there is a high potential for one or more to fail and pollute Woodard Creek and the downstream property owners who depend on this water supply. If this happens, it will become the City's problem, or at least concern, the ADEC notwithstanding. You should require some information about whether on-site septic systems would be effective on these wetlands.

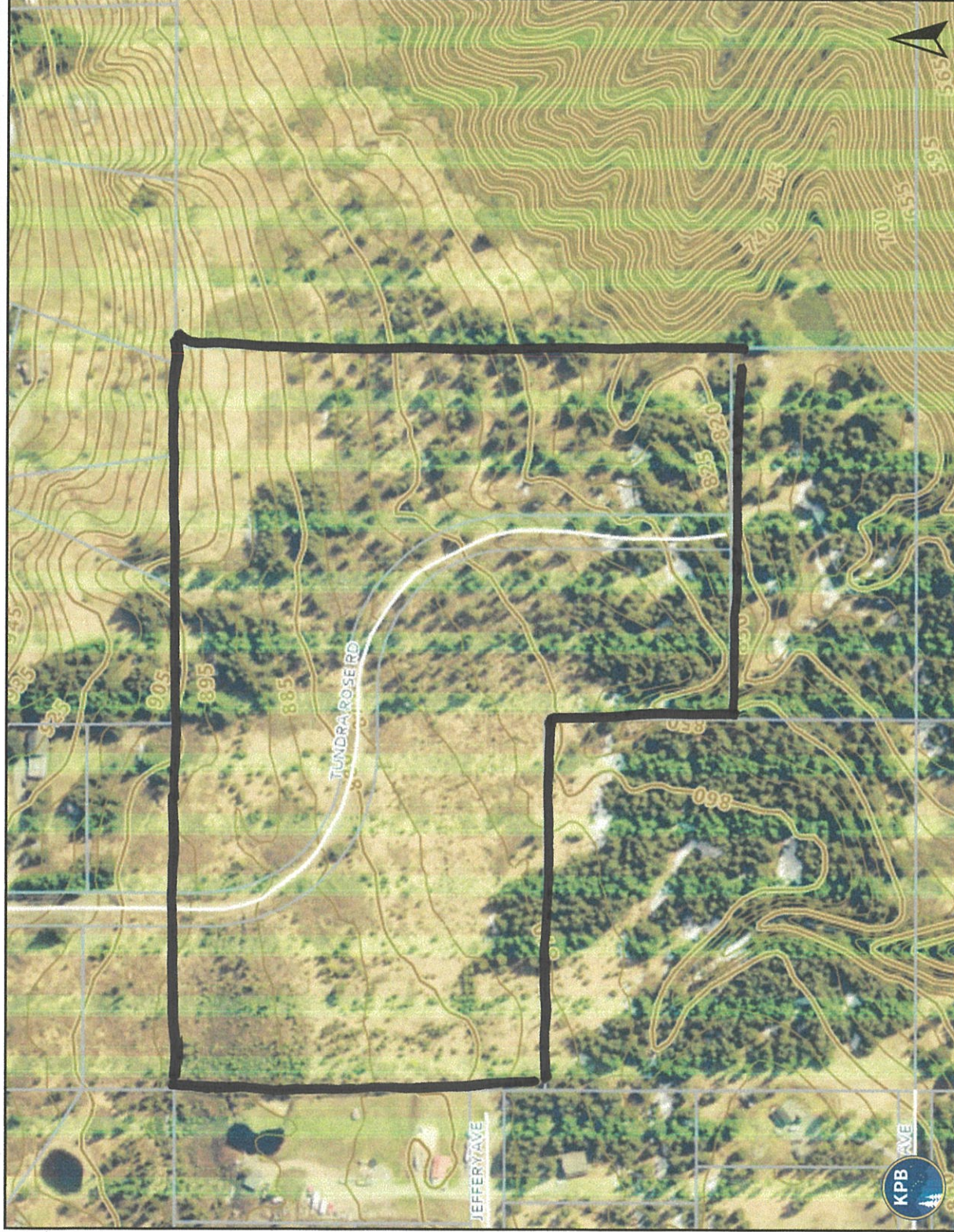
I am also concerned that Homer does not have the code or other regulations needed to sensibly guide development of the subject property. As a minimum, you should pursue the following objectives:

- a. Preserve the ability of the wetlands to serve their function, which is to capture, store, and slowly release water thereby preventing erosion;
- b. Avoid taking responsibility for a road, which will be difficult and expensive to maintain because it is built on poorly drained soils;
- c. Avoid contaminating Woodard Creek; and
- d. Minimize the risk of erosion.

We cannot be sure the proponents of the subject plat have these same goals or understanding of how to achieve them. The owner has a Las Vegas address, and the surveyor has a Ninilchik address. These folks cannot possibly understand the land as well as Ms. Hardy and Mr. Anderson whose comments came from over 15 years of experience with adjacent lands.

I recommend you require the following before taking further action on the proposed plat:

1. That Staff provide you with information regarding Notes 8 and 10. It may not change anything but you should be informed.
2. That drainage easements and buffers be provided around streams and discharge slopes. We have done this before on City-owned lands and private subdivisions.
3. That you be provided with an engineering report demonstrating that a road that will be resilient and robust enough to support the expected traffic for a 20-year life span can be built in the wetland areas. While this is an expense, it will be far cheaper to do it now rather than trying to build or maintain a poorly conceived idea later.
4. That the proponents provide a letter from the ADEC confirming that the land can effectively support on-site septic systems; again, it'll be cheaper now than later.
5. That a restriction be placed on the plat to restrict clearing of vegetation that currently inhibits erosion.
6. That the proponents reduce the density of the subdivision to mitigate some, or all, of the concerns.



Legend

- Transportation
- Mileposts
- Parcels and PLSS
- Tax Parcels

0 450 900 ft

NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.



CO

**Release of Liability
Of
City of Homer, Alaska**

We, Ole Andersson and Jane Handy, whose address is 33030 Skyline Drive, Soldotna, Alaska 99669, and who are the owners (the "Owners") of Kenai Peninsula Borough Parcel 175-040-02, which is located in the NE1/4 NE1/4 SW1/4 Section 18, Township 6 South, Range 13 West, Seward Meridian, Alaska, with the assigned street address of 3500 Forrest Glenn Street, desire to obtain a Zoning Permit to construct a private residence on the above-described property. At present, there are no road improvements within the Forrest Glenn right-of-way (the "R/W") south of Westwood Estates Subdivision, apart from past clearing, grading, drainage improvements, removal and disposal of stumps and roots, and installation of approximately 350 linear feet of a double layer of Typar fabric and 350 yards of subgrade fill material classified as "Borrow B NFS," performed by the applicants.

This R/W provides the only legal and physical access to the Owners' property. The Owners have presently chosen to not construct the road improvements on this segment of the R/W to City of Homer street construction standards, or to the minimum standards outlined in the City of Homer's Agreement for Use of Undeveloped Right-of-Way (for private driveway access) and for Future Assessments. Until such time as road improvements are constructed to the referenced driveway standards by the Owners or by others, the Owners will gain access to their property on foot or by horse, or by motor vehicle when surface conditions on the R/W allow the use of a vehicle such as a truck, snowmobile, or ATV.

The Owners are hereby permitted, at their discretion, to maintain, plow, and grade the R/W, and to stabilize and upgrade segments of it as their finances permit, and as may be necessary to permit the passage of supply trucks carrying building materials, and vehicles or equipment necessary for construction or other land improvements on the Owners' property. The passage of such trucks, vehicles and equipment over this segment of the R/W is also permitted under this Release. The Owners are also permitted to place signs on the R/W immediately south of Westwood Estates

Subdivision, to inform the public that the R/W from that point south is a dead-end street, has a posted speed limit, is not publicly constructed or maintained, is not open for general public travel as a City street, and is not the responsibility of the City of Homer. The exact wording, location, and installation standards for any sign placed within the R/W shall be subject to the prior approval of the City of Homer Public Works Department.

This document serves as the Owners' release of any liability of the City of Homer regarding any obligation of the City to maintain the Forrest Glenn R/W south of Westwood Estates and adjacent to the Owners' property. This document also serves as the Owners' release of the City of Homer from any claims regarding the speed or quality of emergency vehicle service caused by or arising from the R/W, until such time as road improvements approved by the City of Homer are constructed on this R/W. Except as stated above, this release does not affect any pre-existing legal obligation of the City of Homer to protect life, health, safety and property. The Owners execute this Release in order to satisfy the requirement of the City which will enable the City to issue a zoning permit to them.

This Release of Liability shall become effective from the date this document, signed by all parties, has been recorded at the District Recorder's Office in Homer, Alaska, and shall continue in effect until such road improvements are constructed within this segment of the R/W and these improvements are added to the official City of Homer road maintenance map. When the City of Homer or others complete road improvements meeting the City of Homer's public street construction standards on this segment of the R/W and these improvements have been added to the official City of Homer road maintenance map, this Release of Liability shall cease to have any legal effect and shall terminate automatically, without the requirement of further action by any party.

This Release of Liability shall be recorded in the office of the Homer Recording District after its execution by the parties. It is specifically understood and agreed that this Release of Liability, upon its recording, shall run with the land described in this document, and shall be binding upon the heirs, transferees, successors in interest, and tenants of the land described in this Release, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed and accepted this Release of Liability on the dates indicated by their signatures below.



PROPERTY OWNERS:

Ole Andersson
Ole Andersson
33030 Skyline Drive
Soldotna, Alaska 99669

Date 06/24, 2003.

Jane Handy
Jane Handy
33030 Skyline Drive
Soldotna, Alaska 99669

Date: 6/24, 2003.

ACCEPTANCE BY CITY OF HOMER, ALASKA:

This Release of Liability is accepted by the City of Homer, Alaska, in accordance with its terms.

City of Homer, Alaska

By: Walt Whed
Title: CITY MANAGER

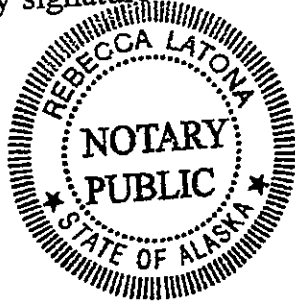
Date: JUNE 30, 2003.

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Before me, the undersigned, as Notary Public in and for the State of Alaska, duly commissioned and sworn as such, this day personally appeared Ole Andersson, known to me to be the person described in, and who executed, the above Release of Liability, and he acknowledged to me that he signed this instrument, and further acknowledged to me that he signed the same freely and voluntarily, for the purposes and legal effects stated therein.



WITNESS my signature and notarial seal this 24th day of June, 2003.

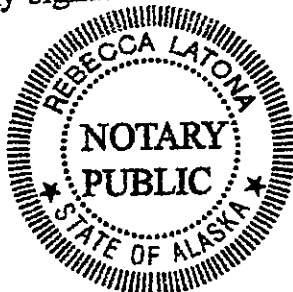


Rebecca Latona
Notary Public in and for Alaska
My Commission expires 5/19/07

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Before me, the undersigned, as Notary Public in and for the State of Alaska, duly commissioned and sworn as such, this day personally appeared Jane Handy, known to me to be the person described in, and who executed, the above Release of Liability, and she acknowledged to me that she signed this instrument, and further acknowledged to me that she signed the same freely and voluntarily, for the purposes and legal effects stated therein.

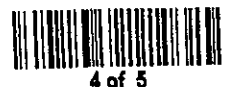
WITNESS my signature and notarial seal this 24th day of June, 2003.



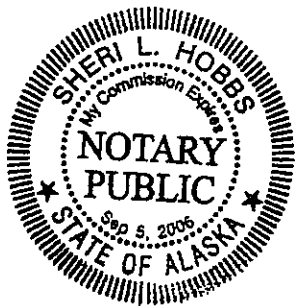
Rebecca Latona
Notary Public in and for Alaska
My Commission expires 5/19/07

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Before me, the undersigned, as Notary Public in and for the State of Alaska, duly commissioned and sworn as such, this day personally appeared Walt Wrede, known to me to be a duly-appointed official of the City of Homer, Alaska who has accepted the above Release of Liability on behalf of the City of Homer, and he or she acknowledged to me that he or she accepted this instrument executed by the Owners of the real property described therein, and further acknowledged to me that he or she accepted the same freely and voluntarily on behalf of the City, for the purposes and legal effects stated therein.



WITNESS my signature and notarial seal this 30th day of June, 2003.



Sheri L. Hobbs
Notary Public in and for Alaska
My Commission expires 9-5-06

After recording, return Original to:

City Clerk
City of Homer
591 East Pioneer Avenue
Homer, Alaska 99603



My name is Catie Bursch and I am a resident of the city of Homer.
Connectivity.

This area has been looked at for years as a possible way to walk from town to the top of the hill. We are losing these possibilities fast.

There is an opportunity for a legitimate trail with public recreation trail easements across private land.

These days any new subdivision needs to consider trail easements. We have sealed off a lot of connections over the years by not paying attention at this critical moment in time...before the platt is approved. Really hard or impossible to go back into a developed area and get an easement.

Evidently I'm not the only person that sees this as a trail opportunity:

In the new 2024 transportation plan. Under Recommendations

Goal 3A is: Identify Additional Priorities for Walking & Biking Infrastructure

These include:

Connections between neighborhoods along Skyline Drive and those near the hospital and the high school.

This platt is directly above the Hospital /karen hornaday park complex.

?40- acres of DNR land at the head of the canyon would allow us to get over to the east and up to the reservoir. As it is now, its landlocked by private land. It would be nice to be able to get to the DNR parcel which has a recreation designation.

This property is shaded in green on the draft comp plan as having environmental constraints. It is in the very active Woodard Canyon watershed. Hopefully the new owner knew that when they purchased it. We have all learned that its best to tread lightly and a bit conservatively in areas like this or it comes back to bite you down the road with slides, floods and perpetual road maintenance. I wish the new owner all the best with their endeavor.

Many Homer residents feel that trails that connect neighborhoods are a positive asset. Something local folks can enjoy all year and tourists can enjoy when they come here.
Catie Bursch

Homer Planning Commission
City Hall
Homer, AK 99603

RE: The proposed subdivision near the top of Tundra Rose Rd. in Homer, designated as Foss Acres 2025 Addition, a subdivision of Tract A & Tract B, Foss Acres, HM94-57.

4/30/2025

Dear Planning Commissioners,

We are concerned about the division of land on the west side of this proposed development, designated "Tract B." This is a classified wetland that eventually drains through the property's southern end, becoming a substantial stream that runs across our property. It never runs dry. This is a good indication of the large inflow of water from the watershed above this wetland, which is slated to be developed into 5 house sites.

We use this brook all summer to water our food crops, grown in 2 high tunnels and a large vegetable, berry and fruit tree garden. Our produce benefits ourselves, friends and neighbors, and excess has been donated to the Food Pantry. We have a water rights permit to use up to 1,052 gallons/day from the brook annually, from May 1st-October 31st. We've had it tested and have been told it's safe to use on food crops and could be filtered to be safe enough to drink.

Since our drilled well has never been functional, we anticipate that we may have to use the water from the brook at some point for household needs. Looking ahead, we expect there may be a time when the water truck finds the road impassable, or water may no longer be available for purchase. It is critical that this stream continue to flow at it's current rate, and to be unpolluted by silt, solids and septic runoff. We are aware that pollutants can leach out of mound systems, and where natural flow is interrupted in disturbed wetlands, polluted water may not be able to run through the purification process that a large area of peat provides.

Our second concern is the long road that leads to our home through this proposed development. Since the mid-'90's the city has required that we plow and maintain this extension of Tundra Rose Road. It will be challenging and expensive to construct this road according to city ordinances and for the city to take over maintaining it.

We are well acquainted with the difficulties in constructing along the edge of a wetland, since we personally cut the road and had it built over approximately 15 years. We were accustomed to pulling out cars stuck in the peat bog, subsequently repairing the damaged road and keeping the drainage ditches functional. Because of the boggiess, there are 5 layers of typar and 300 yards of base material in the first 300' of the 1300' road.

We will need to have continuous safe access to our home, including while the development road is being constructed through the wetlands. The water truck needs to be able to make it down. (Please note that on the development plat there needs to be a cul-de-sac at the south end that will accommodate large emergency vehicles.)

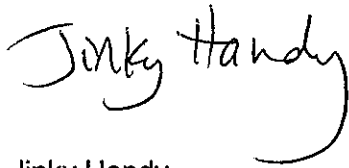
(over)

Regarding the current subdivision plan, we suggest that the west side remain as one lot. Lot B5 on the current subdivision map may pass a perc test for a septic system, but probably is the only site on the west side that will do so. The 5 lots on the east side of Tundra Rose Rd. would stay as delineated on the map.

Our desire is that the commission will ask the developer to redraw the lots on the west side of Tundra Rose, reducing 5 lots down to one building site as described above. This will allow for a continuing supply of unpolluted water in the stream, and permit the wetland to remain intact as an important natural filtration system.

Thank you kindly for your time and consideration of our concerns and suggestions.

Sincerely,

A handwritten signature in cursive script that reads "Jinky Handy". The signature is written in black ink and is positioned above the printed contact information.

Jinky Handy
4400 Tundra Rose Rd.
Homer, AK
99603
907-252-3907

Dear Planning Commission members,

Thank you for the opportunity to comment.

We have serious reservations about this subdivision which lies upslope from our northern boundary.

Most recently Terra Bella was the owner of Foss Acres A and B HM94-57, before Sandra and Tyler Kaneshiro bought it and divided their hillside lands according to Foss Acres 2025 Addition subdivision plat. They chose to subdivide for development 9 lots fronting on Fairview Avenue in Homer. They did not further divide their Foss Acres or other hillside lots into multiple lots for sale, most likely due to the cost of development on steep slopes and in wetlands.

Following are some of the costs to develop Foss Acres 2025 Addition.

- For the developer: upgrading 60 foot ROW Tundra Rose Road, currently 12 feet in width, per HCC 11.20.020.
- For the City of Homer: year-round maintenance per HCC 11.20.100.
- For the developer: Potentially extending electric service along the entire Tundra Rose Road with access to each of the 10 proposed lots. This would add value to the lots.
- A possible cost to the neighbors along Tundra Rose Road, the City, and taxpayers: application through an LID for HARP funds for reconstructing and upgrading of Tundra Rose Road.

•Bogs on both sides of Tundra Rose Road are designated wetlands on the subdivision plat, as referenced by Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping and The National Wetlands Inventory USFWS. In addition, we have walked through the extensive wet areas and confirm they are subpar for development. In the early '90's a well-known local developer passed on purchasing this land, most likely because of the costs associated with development in wetlands. We were then offered the property and also passed because of wetlands and terrain.

There are several runoff streams and a couple of year-round streams that pass through the Foss Acre lots. One of the year-round streams provides water for our two high tunnels and outdoor gardens.

To summarize, first and foremost, the access road which we and our friends use with occasional use by service vehicles, is the lifeline to our home. If up to ten new homes are established above us, the road will have to be upgraded, reconstructed and approved by the City for year-round maintenance, and with a proper cul-de-sac turn around. If the subdivision, or modified subdivision is accepted it should follow Design phase procedures outlined in HCC 11.20 Construction Procedures Within City Rights of Way and Subdivisions.

Thank you for your attention to these comments. We do not support this subdivision as proposed. We consider this application to be incomplete at this time since no information is supplied on the plat for road upgrade and reconstruction per HCC 11.20. Also, downstream effects of disturbance to wetlands are not outlined. At the very least there should be a postponement of any approvals so additional information can be provided to the Planning Commission and to allow for further public comment with a revised application. We are happy to answer any questions that may arise because of these stated concerns.

Ole Andersson
4400 Tundra Rose Road, Homer AK 99603
Phone: 907 394-3907

