

**CITY OF WASILLA
RESOLUTION SERIAL NO. 12-15**

A RESOLUTION OF THE WASILLA CITY COUNCIL DISAPPROVING THE CURRENT PARKS HIGHWAY 4-LANE DESIGN CONCEPT FROM LUCUS ROAD TO BIG LAKE CUT-OFF IN ACCORDANCE WITH ALASKA STATUTE 35.30.010(c) FOR THE PURPOSE OF CONTINUED PUBLIC INPUT ON THE PROJECT TO ADDRESS THE CONCERNS OF ACCESS AND SAFETY.

WHEREAS, the State of Alaska Department of Transportation believes it has met the "Review and approval by local planning authorities" provisions of AS 35.30.010 by subparts (b)(2) and (c) for the Parks Highway Lucas Road to Big Lake Cut-Off Reconstruction Project; and

WHEREAS, the City believes these provisions have not been adequately met and are no substitute for provision listed in AS 35.30.010(a)(1) requiring the Department of Transportation to submit plans to the planning commission of an affected municipality for review and comment; and

WHEREAS, on February 28, 2012, the Department of Transportation presented the plans for the Parks Highway Reconstruction Project from Lucas Road to Big lake Cut-off for the first time to the Wasilla Planning Commission; and

WHEREAS, on April 10, 2012, the Wasilla Planning Commission adopted Resolution Serial No. 12-08 recommending the City Council disapprove the 4-lane design concept of the Parks Highway Reconstruction Project from Lucas Road to Big Lake Cut-Off in accordance with Wasilla Municipal Code 2.60.010(B)(4) for the purpose of continued public input on the project to address the concerns of access and safety.

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla City Council disapproves the current Parks Highway 4-lane design concept from Lucas Road to Big Lake Cut-Off in accordance with AS 35.30.010(c) for the purpose of continued public input on the project to address public concerns for access and safety; and

BE IT FURTHER RESOLVED, that the Department of Transportation is requested to adhere to the review and approval provision of AS 35.30.010(a)(1) for this project and future projects.

NO MOTION MADE TO ADOPT by the Wasilla City Council on April 23, 2012.



Resolution Serial No. 12-15: DISAPPROVING THE CURRENT PARKS HIGHWAY 4-LANE DESIGN CONCEPT FROM LUCUS ROAD TO BIG LAKE CUT-OFF IN ACCORDANCE WITH ALASKA STATUTE 35.30.010(c) FOR THE PURPOSE OF CONTINUED PUBLIC INPUT ON THE PROJECT TO ADDRESS THE CONCERNS OF ACCESS AND SAFETY.

Agenda of: April 23, 2012
Originator: Administration

Date: April 11, 2012

Route to:	Department	Signature	Date
X	Public Works Director		4/11/12
X	Finance Director		4/12/12
X	Interim Deputy Administrator		4/11/12
X	City Clerk		4/11/12

REVIEWED BY MAYOR VERNE E. RUPRIGHT: 4-11-12

FISCAL IMPACT: yes or no Funds Available Yes or No

Account name/number:

Attachments: Wasilla Planning Commission Resolution Serial No. 12-08 (2 pages)
AS 35.30.010 and WMC 2.60.010 (2 pages)
Resolution Serial No. 12-15 (2 pages)

SUMMARY STATEMENT: This resolution disapproves the current Parks Highway 4-lane design concept from Lucas Road to Big Lake Cut-Off in accordance with AS 35.30.010(c) for the purpose of continued public input on the project to address the concerns of access and safety. This resolution questions the Department of Transportation's assertion that it has met the, "review and approval by local planning authorities" provisions of AS 35.30.010 by meeting subparts (b)(2) and (c).

Subpart (b)(2) refers to the Department's determination that the Parks Highway design concept meets the City's Official Streets & Highway Plan (OS&HP). The City's OS&HP refers to the need to widen the Parks Highway from Wasilla to Big Lake to 4-lanes, but the OS&HP does not specify how. The City's OS&HP also identifies the Parks Highway Alternate Corridor to address the need to move traffic around Wasilla.

Subpart (c) refers to the submittal of plans to a municipality starts a 90 day clock for the Department to proceed with a project as designed if the governing body does not disapprove of the project within the 90 day timeframe. The Department's position is that since it mailed plans to the City and the City never objected, the 90 day clock ended years ago, and it does not need to seek review and approval from the Planning Commission as required in subpart (a)(1).

The administration believes the 90 day clock described in subpart (c) started when the City asked the plans be presented to the Planning Commission, and the Department made that presentation on February 28, 2012. This resolution supports the administration's position described above and is seeking to ensure the Department of Transportation continues to work with the public on access and safety issues needed to improve the Parks Highway to 4-lanes from Wasilla to Big Lake.

In addition, the resolution requests the Department of Transportation adhere to the review and approval provision of AS 35.30.010(a)(1) for this project and future projects. Using the other provisions of the section, such as subpart (b)(2) and/or subpart (c) to circumvent subpart (a)(1), does not do the public justice.

STAFF RECOMMENDATION: Adopt Resolution Serial No. 12-15.

Sec. 35.30.010. Review and approval by local planning authorities.

(a) Except as provided in (b) of this section, before commencing construction of a public project,

(1) if the project is located in a municipality, the department shall submit the plans for the project to the planning commission of the municipality for review and approval;

(2) if the project is located within two miles of a village, the department shall submit the plans to the village council for review and comment;

(3) if the project is located within one-half mile of the boundary of an area represented by a community council established by municipal charter or ordinance, the department shall submit the plans to the community council for review and comment.

(b) Prior approval by a municipal planning commission may not be required before the commencement of construction of a highway or local service road if

(1) the department and the municipality have entered into agreement for the planning of the project under AS 19.20.060 or 19.20.070 and the plans for the project are completed in accordance with the terms of that agreement;

(2) the municipality has adopted a municipal master highway plan under AS 19.20.080 and the highway or local service road is consistent with the plan adopted; or

(3) the department has entered into agreement with the municipality for the planning of transportation corridors under AS 19.20.015 and the plans for the project are completed in accordance with the provisions of that agreement.

(c) If final disapproval by resolution of the governing body of the affected municipality or village is not received within 90 days from the date the project was submitted to the municipality or village, the department may proceed with the project.

Chapter 2.60 PLANNING COMMISSION

Sections:

- 2.60.010 Establishment, duties and compensation.
- 2.60.030 Seal.
- 2.60.040 Meetings.
- 2.60.050 Staff.
- 2.60.060 Decisions.

2.60.010 Establishment, duties and compensation.

- A. The planning commission consisting of seven members is established.
- B. The commission shall:

1. Periodically review the land development code and make recommendations to the council for amendments;
2. Undertake a general review of the comprehensive plan at least once every two years and make recommendations to the council for amendments;
3. Annually, review one or more elements of the comprehensive plan, and make recommendations for amendment to the council;
4. Review and make determinations on state construction projects in accordance with AS 35.30.010 and may impose conditions or modifications on these projects. If the commission determines the project should be disapproved or that modification should be made to which the state disagrees, the commission shall immediately notify the council and recommend disapproval by council resolution pursuant to AS 35.30.010(c);
5. Make recommendations to the council on all proposed rezoning, indicating compliance with the applicable provisions of the land development code and the comprehensive plan;
6. Hear and decide all permit applications that require a public hearing, including but not limited to applications for variances, rezones, and other procedures that may be required by the land development code;
7. Hear and decide appeals of permit decisions made by the city planner;

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 12-08**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT, PURSUANT TO WMC 2.60.010(B)(4), THE WASILLA CITY COUNCIL FORWARD A RESOLUTION TO THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES REGARDING THE PROPOSED PARKS HIGHWAY LUCAS ROAD TO BIG LAKE CUTOFF RECONSTRUCTION EXPRESSING CONCERNS THAT THE PROPOSED FOUR-LANE DIVIDED HIGHWAY HAS NOT ADEQUATELY ADDRESSED THE CONCERNS EXPRESSED AT THE FEBRUARY 28, 2012 PLANNING COMMISSION MEETING THAT WAS HELD PURSUANT TO AS 35.30.010.

WHEREAS, the City of Wasilla is concerned that due deference has not been given to public comment provided at the February 28, 2012 Planning Commission Meeting regarding the Parks Highway proposed four-lane divided highway project; and

WHEREAS, Alaska Statute 35.30.010(c) allows the Department of Transportation to proceed with the project "if final disapproval" is not received by an affected municipality within 90 days from the date the project was submitted to the municipality; and

WHEREAS, the proposed four-lane divided highway was presented to the Wasilla Planning Commission on February 28, 2012 for the first time, and as such, the deadline for the municipality to act by resolution is May 28, 2012, as understood by the City of Wasilla to avoid the automatic provisions of AS 35.30.101(c); and

WHEREAS, the City of Wasilla has had concerns over the widening of the Parks Highway since 1996 when the City Council adopted Resolution No. WR96-02 that stated, "access to businesses fronting the Parks Highway should be a determining factor in the design of the roadway"; and

WHEREAS, City Council Resolution WR96-02 further indicated a four-lane Parks Highway design through a business district should not be divided by a raised median, but rather include a center turn lane (five lane) configuration for business access; and

WHEREAS, sixteen years later, business access continues to be a major factor in the roadway design of the Parks Highway widening to four-lanes from Wasilla to Big Lake; and

WHEREAS, the Wasilla Planning Commission requests the Department of Transportation continue to work with the business district to address their access concerns.

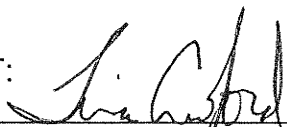
THEREFORE BE IT RESOLVED that the Wasilla Planning Commission hereby requests that the Wasilla City Council forward a resolution to the Department of Transportation disapproving the proposed Parks Highway four-lane divided highway design from Lucas Road to Big Lake Cut-Off in accordance with WMC 2.60.010(B)(4) and AS 35.30.010(c) so the public can have more than 90 days to work with the Department of Transportation on business access issues.

APPROVED by the Wasilla Planning Commission on April 10, 2012.

APPROVED:


A.C. Buswell, III, Chairman

ATTEST:


Tina Crawford, AICP, City Planner

VOTE: YES: Buswell, Kelly, Ledford, and Webb
NO: DeHart and Miller