

By: Administration
Amended: January 28, 2013
Adopted: January 28, 2013

Vote: Buswell, Sullivan-Leonard, Lovell in favor and Harris, Wall, Woodruff opposed.
Mayor Rupright broke the tie by invoking his voting privilege in the affirmative.

**CITY OF WASILLA
RESOLUTION SERIAL NO. 13-02 (AM)**

A resolution of the Wasilla City Council disapproving the Alaska Department of Transportation and Public Facilities' (the Department") current Parks Highway four-lane divided highway design concept from Lucus Road to Museum Drive and requesting that the Department allow a third-party independent review by a transportation consultant to identify other roadway design options that are consistent with the City's Comprehensive Plan and to allow continued input on the project to address access and safety concerns.

WHEREAS, the City had previously expressed concerns over the widening of the Parks Highway beginning in 1996 when the City Council adopted Resolution Number 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, the City adopted an updated comprehensive plan in 2012 that states that streets should promote mobility, connectivity and access for current and future uses, the design should be based on community needs, and that supports economic development and growth; and

WHEREAS, the proposed roadway project was presented to the Wasilla Planning Commission on February 28, 2012 for the first time for review and approval; and

WHEREAS, the Wasilla Planning Commission conducted a public hearing on April 10, 2012 and approved Resolution Serial Number 12-08 disapproving the proposed roadway design and requesting that the Department continue to identify ways to address the safety and access issues since the Department did not adequately address the concerns expressed at the February 28, 2012 Planning Commission meeting; and

WHEREAS, the City disagrees with the Department's assertion that they met the requirement for review and approval by local planning authorities by as required by Alaska Statute 35.30.010 by finding that the project is consistent with the City of Wasilla Comprehensive Plan by only coordinating with the City Planning Department, since the statute requires the Department to submit the plans for the project to the planning commission of the municipality for review and approval; and

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

WHEREAS, the City requests that the Department continue to work with the business district to address their access concerns; and

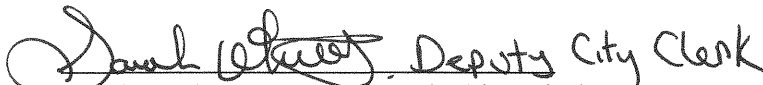
WHEREAS, the City requests that the Department allow a third-party independent review of the project to identify other options that are consistent with the goals, objectives, and actions in the City's adopted comprehensive plan; and

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla City Council disapproves of the proposed Parks Highway four-lane divided highway design from Lucas Road to Museum Drive in accordance with WMC 2.60.010(B)(4) and AS 35.30.010 to allow additional time to have a third-party independent review of the project by a transportation consultant to identify other options that are consistent with the goals, objectives, and actions in the City's adopted comprehensive plan and to allow additional input regarding safety and access issues.

ADOPTED by the Wasilla City Council on January 28, 2013.


VERNE E. RUPRIGHT, Mayor

ATTEST:


KRISTIE SMITHERS, MMC, City Clerk

[SEAL]





CITY COUNCIL LEGISLATION STAFF REPORT

Resolution Serial No. 13-02: Disapproving the Alaska Department of Transportation and Public Facilities' ("the Department") current Parks Highway four-lane divided highway design concept from Lucus Road to the Big Lake cut-off and requesting that the Department allow a third-party independent review by a transportation consultant to identify other available design options that are consistent with the City's comprehensive plan and to allow continued input on the project to address access and safety concerns.


Originator: Administration

Date: 1/14/2013

Agenda of: 1/28/2013

Route to:	Department Head	Signature	Date
X	Public Works Director		1/17/13
X	Finance Director		1-17-13
X	Deputy Administrator		1-17-13
X	City Clerk		1/18/13

Reviewed by Mayor Verne E. Rupright:



Fiscal Impact: yes or no

Attachments: Alaska Statute 35.30.010 and Wasilla Municipal Code 2.60.010 (2 pages)
Wasilla Planning Commission Resolution Serial No. 12-08 (2 pages)

Summary Statement: This resolution disapproves the current Parks Highway four-lane divided highway design concept from Lucus Road to the Big Lake cut-off. The Department still needs to work with business and property owners to address their access and safety concerns. To assist in identifying the appropriate roadway design, a third-party independent review needs to be completed to identify other available design options that are appropriate for this project and that are consistent with the goals, objectives, and actions in the City's recently updated comprehensive plan.

This resolution also disagrees with the Alaska Department of Transportation's (ADOT) assertion that it has met the, "review and approval by local planning authorities" provisions of AS 35.30.010 by claiming compliance with subparts (b)(2). Subpart (b)(2) refers to the ADOT's determination that the Parks Highway design concept meets the City of Wasilla's Official Streets & Highway Plan (OSHP). However, the City's OSHP only refers to the need to widen the Parks Highway from Wasilla to Big Lake to four lanes, but it does not specify the design type. It also states that the Parks Highway Alternate Corridor is needed to provide another route for through traffic movement around the City.

This resolution supports the administration's position described above and is seeking to ensure that the Department allows additional review by a third-part independent transportation consultant to identify other options that are consistent with the City Comprehensive Plan and that they continue to work with the public to resolve the access and safety issues for the proposed roadway improvements to the Parks Highway. In addition, this resolution requests that the Department adhere to the review and approval provision of AS 35.30.010(a)(1) for this project. Using the other provisions of that section, such as subpart (b)(2) and/or subpart (c), to circumvent subpart (a)(1), is not consistent with the intent of the statute.

Recommended Action: Adopt Resolution Serial No. 13-02.

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;
8. Investigate and prepare on an annual basis recommendations on a capital improvement program;
9. Investigate and prepare reports on the availability of public lands for city purposes;

By: Planning
Public Hearing: 04/10/12
Adopted: 04/10/12

**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 Lucus 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