

02019-24

Blankenship, Johni

From: Nina Faust <fausbail@horizonsatellite.com>
Sent: Monday, December 02, 2019 7:35 AM
To: Blankenship, Johni
Subject: <EXTERNAL-SENDER>KENAI PENINSULA BOROUGH ORDINANCE 2019-24

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

P.O. Box 2994
Homer, AK 99603

RE: AN ORDINANCE ADOPTING KPB 20.80, SUBDIVISION PRIVATE STREETS AND GATED SUBDIVISIONS

I do not support Ordinance 2019-24 that will close public streets and create private gated communities. In the Lower 48 this creates a fractured community with elite gated communities that are very much like forts.

Public streets often provide access to public facilities, and closing these roads to the public then takes that access away from the public. This has been a contentious issue in many places in the Lower 48 and is frequently contested in court. Also of concern is that there is usually some public investment in these streets through maintenance, inspections, and other contributions. Loss of public streets means this public investment is lost.

Alaska, and especially Homer, is not the Lower 48. I really think this issue is already addressed in current regulations that allow people to create this type of use on private land with their own investment in private roads. Do not pass this Ordinance.

Sincerely,
Nina Faust

02019-24

Blankenship, Johni

From: Kenai Peninsula Borough <webmaster@borough.kenai.ak.us>
Sent: Sunday, December 01, 2019 5:28 PM
To: BoroughAssembly
Subject: New Public Comment to Assembly Members

Your Name: Janice Higbee

Your Email: jambolaya13@yahoo.com

Subject: Gated Subdivisions

Message:

Dear KPB Assembly members,

I am writing to oppose the proposed ordinance 2019-24 to allow "after the fact" gated communities and privatize existing public rights of way.

I do not believe this is in the best interest for the public good. You are giving a valuable public asset (a KPB maintained and/or built road), to private elite groups of people.

The assembly should consider existing use, trails, access to public lands that may be thwarted by gating and privatizing public roads.

Consideration should be made to public safety issues. If there is a fire or other natural disaster, is it wise to eliminate or restrict public access on established roads.

I question the need for this ordinance. I would like to know who wrote it and for whom. There is process in place to develop gated communities for the future. To now go back in time and basically give a public right to a private few seems wrong.

Please vote against this ordinance.

Sincerely,

Janice Higbee
Homer, Alaska

02019-24

Blankenship, Johni

From: janice higbee <janice_higbee@hotmail.com>
Sent: Sunday, December 01, 2019 2:37 PM
To: G_Notify_AssemblyClerk
Subject: <EXTERNAL-SENDER>Ordinance 2019-24

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear KPB Assembly members,

I am writing to oppose the proposed ordinance 2019-24 to allow "after the fact" gated communities and privatize existing public rights of way.

I do not believe this is in the best interest for the public good. You are giving a valuable public asset (a KPB maintained and/or built road), to private elite groups of people.

The assembly should consider existing use, trails, access to public lands that may be thwarted by gating and privatizing public roads.

Consideration should be made to public safety issues. If there is a fire or other natural disaster, is it wise to eliminate or restrict public access on established roads.

I question the need for this ordinance. I would like to know who wrote it and for whom. There is process in place to develop gated communities for the future. To now go back in time and basically give a public right to a private few seems wrong.

Please vote against this ordinance.

Sincerely,

Janice Higbee
Homer, Alaska

Sent from Outlook

Blankenship, Johni

From: zeboelizabet@gmail.com
Sent: Monday, December 02, 2019 12:43 PM
To: G_Notify_AssemblyClerk
Subject: <EXTERNAL-SENDER>Re: Proposed Ordinance 2019-24

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

I disapprove of making public lands private for a few individuals. We do not have sufficient enough public right of ways that are walkable anyway. A lot of public right of ways cross terrain that is not possible to traverse. I would like the borough to keep what we have and for HOA's to go through already existing rules.

Sent from my iPhone

> On Dec 2, 2019, at 12:20 PM, zeboelizabet@gmail.com wrote:

>

> I oppose this ordinance and any changes to it. Public right of ways and public roads should stay public and the current rules are sufficient.

> Elizabeth Kandror.

> POB 15427

> Fritz creek, AK 99603

> 617-9106821

>

>

> Sent from my iPhone

Blankenship, Johni

From: zeboelizabet@gmail.com
Sent: Monday, December 02, 2019 12:20 PM
To: G_Notify_AssemblyClerk
Subject: <EXTERNAL-SENDER> Proposed Ordinance 2019-24

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

I oppose this ordinance and any changes to it. Public right of ways and public roads should stay public and the current rules are sufficient.

Elizabeth Kandror.

POB 15427

Fritz creek, AK 99603

617-9106821

Sent from my iPhone

Blankenship, Johni

From: Jennifer Edwards <jedwardslat59@gmail.com>
Sent: Monday, December 02, 2019 1:13 PM
To: G_Notify_AssemblyClerk
Subject: <EXTERNAL-SENDER>Ordinance 2019-24

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Concerning the privatization of public roads and creation of gated communities, at tax payer expense, and tax payer loss of access- absolutely not. This is a bad idea for many reasons, not the least of which is that it uses public tax money to benefit a few elite people. Private real estate developments can meet that need for the small section of the public who feel the need to shutter themselves off from the community. Jennifer Edwards 40962 Knott Cr, Homer

Blankenship, Johni

From: Sandra Cronland <scronland@gmail.com>
Sent: Monday, December 02, 2019 5:37 PM
To: G_Notify_AssemblyClerk
Subject: <EXTERNAL-SENDER>Ordinance 2019-24

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good day,

I am commenting on proposed Ordinance 2019-24 that proposes to change Borough code to allow "Private Streets and Gated Subdivisions"

I do not think this ordinance is necessary as there already exists a process within existing code that makes it possible to create private roads on "in-subdivided land".

I believe it is poor public policy to turn over public infrastructure to private individuals, roads in this case. Especially when there will be no compensation to the Borough.

The most important reason I have to object to this proposed change is that undeveloped rights-of-way in the Borough often serve as public pedestrian or equestrian trails. Public access routes benefit all residents and all changing this code to allow them to become private property is not acceptable!!!

Thank you for your careful consideration.

Sandra Cronland
65195 Nearly Level Ave
Homer, Alaska 99603

Sent from my iPad

Blankenship, Johni

From: Skywalker Storyteller <skywalkerstoryteller@gmail.com>
Sent: Monday, December 02, 2019 6:16 PM
To: G_Notify_AssemblyClerk
Subject: <EXTERNAL-SENDER>Ordinance 2019-24

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

To Kenai Peninsula Borough Council:

I am writing as a Homer resident and home owner to express my total opposition to changing Borough Code to allow private property to create gated communities denying public access on roads and land that has been public for years.

You will receive, I'm sure, detailed reasons from many people to oppose this ordinance, so I won't repeat those now. Except to say that roads and access that have been maintained or built by our taxes should not be made private. And these public access routes were established by a public process for the benefit of all residents and allowing them to become private property is not just or fair to taxpayers and residents who can't afford entry.

I fully recognize the intense value of our Borough and know we are living in a time in which money is considered more important than the needs and rights of the total community or the environment.

Please do not approve this ordinance as there are already methods for new communities to be private when they are built.

Sincerely,
Skywalker Payne



Skywalker Payne
907-229-0187 | Homer, Alaska |
skywalker@vibrantvelvetvoice.net |
<http://vibrantvelvetvoice.net>

Blankenship, Johni

From: Susie Amundson <susie.amundson@gmail.com>
Sent: Monday, December 02, 2019 10:01 PM
To: G_Notify_AssemblyClerk
Subject: <EXTERNAL-SENDER>Gated Subdivision Ordinance Comment

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Borough Assembly Members and Mayor Pierce:

I am expressing my opposition re: Ordinance 2019-XX, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor).

This is an unnecessary ordinance for the KPB as a process within the existing code exists to create private roads on un-subdivided land. Thus, a private road or gated subdivision can do so through the existing process.

Also, gated communities constrain the undeveloped rights-of-way that often serve as public pedestrian or equestrian trails. Let us remember that public rights-of-way are just that "public" and were established by a public process for the benefit of **all residents**. Allowing public rights-of-way to be private property is unjust and unpalatable for the residents of KPB.

My tax dollars have been at work to build and maintain public infrastructure (e.g., roads) and I want continued public access to them.

Please use your time and our resources on more worthy projects and ordinances that build robust, cohesive, and democratic communities instead of exclusionary status symbols without any scientific benefit to community safety.

Thank you.

Susan Amundson
1060 E End Road
Homer AK 99603

Blankenship, Johni

From: Harold Spence <hobig@yahoo.com>
Sent: Monday, December 02, 2019 10:02 PM
To: BoroughAssembly
Subject: <EXTERNAL-SENDER>Fwd: Gated Subdivisions

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Sent from my iPhone

Begin forwarded message:

From: Harold Spence <hobig@yahoo.com>
Date: December 2, 2019 at 07:03:28 AKST
To: "assemblyclerk@kpb.us" <assemblyclerk@kpb.us>
Subject: Gated Subdivisions

To the Kenai Peninsula Borough Assembly,

I write to urge you not to adopt ordinance 2019-24 as drafted. There are myriad reasons why this is not a good idea. Here are a few.

1. Gated subdivisions divide communities. They are elitist and largely unnecessary. They are hardly Alaskan.
2. The proposed additions to the code would provide a way for existing subdivisions to become private gated communities, taking public roadways and trails out of public use. There appears to be no provision for compensating the borough and its residents for the total costs of construction and maintenance already expended.
3. I can envision such subdivisions being created where public access roads and trails facilitated the activities and commerce of the larger community. Whose purpose does that serve? Not that of the general public.
4. There are trails in the Homer area that would be lost if a certain area were to become a gated subdivision. Trails that have long historical use that the general public does not want to lose.

While I generally see no need for gated subdivisions, the current law allows for their creation already, as long as they are created as gated communities from scratch. That should not include putting public property into private hands.

Sincerely,

Hal Spence
Homer, AK
(907) 299-1798

Blankenship, Johni

From: Harold Spence <hobig@yahoo.com>
Sent: Monday, December 02, 2019 10:05 PM
To: BoroughAssembly
Subject: <EXTERNAL-SENDER>Gated subdivision ord

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Clerk,
You may have already received this. We weren't sure it went.

Harold Spence

To the Kenai Peninsula Borough Assembly,

I write to urge you not to adopt ordinance 2019-24 as drafted. There are myriad reasons why this is not a good idea. Here are a few.

1. Gated subdivisions divide communities. They are elitist and largely unnecessary. They are hardly Alaskan.
2. The proposed additions to the code would provide a way for existing subdivisions to become private gated communities, taking public roadways and trails out of public use. There appears to be no provision for compensating the borough and its residents for the total costs of construction and maintenance already expended.
3. I can envision such subdivisions being created where public access roads and trails facilitated the activities and commerce of the larger community. Whose purpose does that serve? Not that of the general public.
4. There are trails in the Homer area that would be lost if a certain area were to become a gated subdivision. Trails that have long historical use that the general public does not want to lose.

While I generally see no need for gated subdivisions, the current law allows for their creation already, as long as they are created as gated communities from scratch. That should not include putting public property into private hands.

Sincerely,

Hal Spence

Blankenship, Johni

From: Louis Dupree <captlou3@gmail.com>
Sent: Tuesday, December 03, 2019 7:10 AM
To: BoroughAssembly
Subject: <EXTERNAL-SENDER>Gated comunity

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I would like to go on the record as opposed to gated communities.

Louis Dupree
Homer, AK

907 205 7455

Blankenship, Johni

From: Sandra Cronland <scronland@gmail.com>
Sent: Tuesday, December 03, 2019 8:18 AM
To: BoroughAssembly
Subject: <EXTERNAL-SENDER>Ordinance 2019-24

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Subject: Ordinance 2019-24

Good day,

I am commenting on proposed Ordinance 2019-24 that proposes to change Borough code to allow "Private Streets and Gated Subdivisions"

I do not think this ordinance is necessary as there already exists a process within existing code that makes it possible to create private roads on "in-subdivided land".

I believe it is poor public policy to turn over public infrastructure to private individuals, roads in this case. Especially when there will be no compensation to the Borough.

The most important reason I have to object to this proposed change is that undeveloped rights-of-way in the Borough often serve as public pedestrian or equestrian trails. Public access routes benefit all residents and all changing this code to allow them to become private property is not acceptable!!!

Thank you for your careful consideration.

Sandra Cronland
65195 Nearly Level Ave
Homer, Alaska 99603

Sent from my iPad

Blankenship, Johni

From: Susie Amundson <susie.amundson@gmail.com>
Sent: Tuesday, December 03, 2019 8:20 AM
To: BoroughAssembly
Subject: <EXTERNAL-SENDER>Gated Subdivision Ordinance

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Borough Assembly Members and Mayor Pierce:

I am expressing my opposition re: Ordinance 2019-XX, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions..

This is an unnecessary ordinance for the KPB as a process within the existing code exists to create private roads on un-subdivided land. Thus, a private road or gated subdivision can do so through the existing process.

Also, gated communities constrain the undeveloped rights-of-way that often serve as public pedestrian or equestrian trails. Let us remember that public rights-of-way are just that “public” and were established by a public process for the benefit of **all residents**. Allowing public rights-of-way to be private property is unjust and unpalatable. Private land can be private. Public rights-of-way should stay public.

My tax dollars have been at work to build and maintain public infrastructure (e.g., roads) and I want continued public access to them.

Please use your time and our resources on more worthy projects and ordinances that build robust, cohesive, and vibrant communities. It’s annoying to see the Borough Assembly and Mayor engaged in an exclusionary ordinance without any scientific benefit to community safety using borough funds.

Thank you.

Susan Amundson
1060 E End Road
Homer AK 99603

Blankenship, Johni

From: Lani Raymond <lanibirder@gmail.com>
Sent: Tuesday, December 03, 2019 9:38 AM
To: BoroughAssembly
Subject: <EXTERNAL-SENDER>Ordinance 2019-24--comments

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*Borough Clerk,
Please distribute this email to all members of the Kenai Assembly. Thank you.*

Borough Assembly,
I am writing to object to Ordinance 2019-24.

The roads that would be affected were built with public money, maintained with public money, and should therefore not be turned over to a private group of landowners.

This ordinance is not necessary because there already is a mechanism for making a private road before development of a subdivision--where the developer is paying for the road initially and for upkeep.

Also, public access should not be restricted into areas that have had historically, or even more recently, trails for people and horses. These were/are created for everyone's benefit and is an important part of Homer and the Kenai Peninsula as a whole.

Lani (Lynda) Raymond
Homer, AK

Turner, Michele

From: Blankenship, Johni
Sent: Tuesday, December 03, 2019 1:51 PM
To: Turner, Michele
Subject: FW: <EXTERNAL-SENDER>Ordinance 2019-24

Public comment

From: Amy Bollenbach [mailto:amybollenbach@gmail.com]
Sent: Tuesday, December 03, 2019 1:48 PM
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Subject: <EXTERNAL-SENDER>Ordinance 2019-24

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

I totally oppose this ordinance. A gated community should not be allowed to take a publicly funded road and make it exclusive to the gated community residents.

Turner, Michele

From: Blankenship, Johni
Sent: Tuesday, December 03, 2019 2:02 PM
To: Turner, Michele
Subject: FW: <EXTERNAL-SENDER>Proposed Ordinance 2019-24

From: Billy Day [mailto:dayadventure@gmail.com]
Sent: Tuesday, December 03, 2019 1:55 PM
To: BoroughAssembly <Borough-Assembly@kpb.us>
Subject: <EXTERNAL-SENDER>Proposed Ordinance 2019-24

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

This proposal is such a bad idea for so many reasons. It caters to wealthy newcomers to our community who want to create their idea of a seasonal remote private paradise at the expense of long time year around residents who have paid for the construction and maintenance of these public infrastructures over the years. Such an ordinance would only intensify the growing problem of public access to trails and corridors historically used by the community.

Additionally, it has the potential to put neighbor against neighbor in situations where not all landowners are in favor of private access. Many neighborhoods include small in home accommodation and other businesses that will be greatly inconvenienced by such a restriction to public access. It seems our small communities here on the Peninsula are already tapped out in dealing with our growing pains. This ordinance will only make it worse.

This ordinance is not necessary as there is a process within existing code that can be used to create private roads on un-subdivided land. Anyone wishing to create a private road or gated subdivision can do so through the existing process.

- It is poor public policy to turn over public infrastructure (roads in this case) to private individuals, especially with no compensation to the Borough.

- Quite often, the public has invested significant tax dollars into creating and/or maintaining these roads and have enjoyed the public access they provide.

- Undeveloped rights-of-way in the Borough often serve as public pedestrian or equestrian trails. These public access routes were established by a public process for the benefit of all residents and allowing them to become private property is not acceptable.

Please deny passage of this proposal for the sake of our long time Peninsula residents.

**Sincerely,
William M Day
65195 Nearly Level Road
Homer, Alaska
99603**

Turner, Michele

From: Blankenship, Johni
Sent: Tuesday, December 03, 2019 2:20 PM
To: Turner, Michele
Subject: FW: <EXTERNAL-SENDER>Proposed Ordinance 2019-24

From: Elizabeth Kandror [mailto:zeboelizabet@gmail.com]
Sent: Tuesday, December 03, 2019 2:15 PM
To: BoroughAssembly <Borough-Assembly@kpb.us>
Subject: <EXTERNAL-SENDER>Proposed Ordinance 2019-24

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I disapprove of making public lands private for a few individuals. We do not have sufficient enough public right of ways that are walkable anyway. A lot of public right of ways cross terrain that is not possible to traverse. I would like the borough to keep what we have and for HOA's to go through already existing rules. I oppose this ordinance and any changes to it. Public right of ways and public roads should stay public especially if is the tax payers that have built a road in the first place and the current rules are sufficient. Public lands and road and right of ways should stay public. Rules for making private roads already exist.
Thank you.

Elizabeth Kandror.
POB 15427
Fritz creek, AK 99603
617-9106821

Sent from my iPhone

Turner, Michele

From: Blankenship, Johni
Sent: Tuesday, December 03, 2019 2:27 PM
To: Turner, Michele
Subject: FW: <EXTERNAL-SENDER>Comment on Ordinance 2019-24

From: Gibsons [mailto:gibsons@alaska.net]
Sent: Tuesday, December 03, 2019 2:26 PM
To: BoroughAssembly <Borough-Assembly@kpb.us>
Subject: <EXTERNAL-SENDER>Comment on Ordinance 2019-24

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Assembly Members -- Thank you for dealing with the public's business.

I think and feel strongly that public roads and streets are a public investment. This investment is not only represented in any construction and maintenance costs incurred by taxpayers and the participation of the electorate. The Borough commitment to ownership and care of the roads is a responsibility that cannot routinely be ignored. Fairness alone would argue against this proposal from being passed.

There are procedural structures that make it relatively easy to plat and build a 'gated community'. But it must be done before the public takes responsibility and begins the investment process.

Those are some of the rational reasons for opposing this. Subjectively, the concept applied in this Borough is as repugnant as a dead skunk in your driveway. A purchase price over time is essentially put on every neighborhood with desirable qualities. See a dead-end street you like? Start buying houses of those who don't like the gated model. Rent them (renters can't vote in these elections) until you get a majority. Presto! You are the governor of a gated neighborhood. You bought it.

Thanks for your awareness of this view. Steve Gibson

Turner, Michele

From: Blankenship, Johni
Sent: Tuesday, December 03, 2019 2:58 PM
To: Turner, Michele
Subject: FW: <EXTERNAL-SENDER>Ordinance 2019-24

From: Peter Kaufmann [mailto:peterkaufmann@magicthrees.com]
Sent: Tuesday, December 03, 2019 2:56 PM
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Subject: <EXTERNAL-SENDER>Ordinance 2019-24

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

As a borough resident I strongly oppose ordinance 2019-24 regarding gated properties and private roads. If for no other reason this ordinance allows for existing public access to roads and trails be usurped by private interests. This may be illegal and is certainly not to the benefit of the vast majority of KPB residents.

Thank you for protecting us,
Peter Kaufmann

Turner, Michele

From: Blankenship, Johni
Sent: Wednesday, December 04, 2019 2:14 PM
To: Turner, Michele
Subject: FW: <EXTERNAL-SENDER>gated community ordinance

From: Sandra Garity [mailto:aksandy612@gmail.com]
Sent: Tuesday, December 03, 2019 7:14 PM
To: BoroughAssembly <Borough-Assembly@kpb.us>
Subject: <EXTERNAL-SENDER>gated community ordinance

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

I strongly object to this ordinance. I believe it is poor public policy to turn over public infrastructure to private individuals.

I belong to a hiking group in Homer who have been hiking the hillsides in Homer for well over 10 years. Within the last year we have encountered 2 trails that suddenly have a "No Trespassing" sign to prevent hiking the full course. There should be Borough provisions to declare these hiking trails, so that a new owner who purchases the land would know about the public access and have to honor that the public continue to have access to these public trails.

If one is proposing a gated community, that should be at the time of permitting. Hopefully, that would eliminate the dominance of a few from eliminating the public from an age old access.

We have been advised that an established trail that has been in use over 7 years is public land. What happened to this rule?

Again, I very much against this proposed ordinance. A gated community should be built from scratch with the above mentioned restrictions.

We the public do not want to be losing more hiking access in Homer.

Thank you
Sandra Garity
Homer, AK