

September 1, 2010  
5:30 P.M.

Cowles Council Chambers  
491 East Pioneer Avenue  
Homer, Alaska

## WORK SESSION Advisory Planning Commission AGENDA

1. Call To Order, 5:30 P.M.
2. Discussion of Items on the Regular Meeting Agenda
3. Staff Report PL 10-59, Draft Rezone Ordinance (*Please refer to page 85 of the regular meeting packet.*)
4. Staff Report 10-80, Resubdivision Code
5. Staff Report PL 10-78, Draft Spit Comprehensive Plan (*Please refer to page 43 of the regular meeting packet.*)
6. Public Comments  
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
7. Commission Comments
8. Adjournment



# City of Homer

## Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

Telephone (907) 235-8121  
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### STAFF REPORT PL 10-80

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** September 1, 2010  
**SUBJECT:** Subdivision Ordinance

#### Introduction

This subject was brought to the forefront as there were some questions about Homer's ability to require subdivision improvement for platting actions such as removal of lot lines.

#### **Subdivision**

As included in you packets last week, the attorney highlighted the reference in our definition that subdivision includes any subdivision or resubdivision. The key being that a resubdivision includes the removal of a lot line where two or more lots may not be created.

The Attorney and the Borough seem to make it clear that the City of Homer is within its' rights to require that subdivisions or resubdivisions adhere to requirements found in Homer City Code.

#### **Notable Changes**

Language suggested by the City Engineer include the dedication of 15' easements along all existing or propose rights-of-way and any easements identified in the Water and Sewer Master Plan.

Another discussion I had with Carey was about the deletion of the waiver of the provision (22.10.050(a)) requiring the construction of all utilities and other public improvements prior to release for plat filing. The waiver allows for an agreement that no building permit or request for utility connection will be submitted until such improvements are completed and accepted. The thought is that this provision has not been requested in the last ten years and seems to be a legacy policy that should be removed from code. So the recommendation would be to strike, "~~This provision may be waived if the developer signs an agreement with the City of Homer that no building permit and/or request for utility connection will be submitted to the City for any lot within the subdivision until such time as the improvements are completed and accepted by the City of Homer. This agreement shall be recorded and constitute a covenant running with the land.~~"

Concepts that are approved will be forwarded to the Attorney for review prior to further review by the Planning Commission.

#### **Recommendation**

Review and suggest date for public hearing(s) or schedule time for further review.





**CITY OF HOMER**  
**PUBLIC WORKS**  
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170  
FACSIMILE (907)235-3145

## MEMORANDUM

TO: Rick Abboud, City Planner

FROM: Carey Meyer, Public Works Director

DATE: August 4, 2010

RE: **Homer City Code Revisions**  
**15' Frontage Utility Easements and other Issues**

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The following is discussion of and recommendations for Code language revisions pertaining to the requirement that all lots have a 15' utility easement immediately adjacent to the street right-of way and other platting issues that Public Works routinely comments on.

Issues:

- 1) 15' utility easement immediately adjacent to the street right-of way,
- 2) Requirement to create easements for future water and sewer improvements,
- 3) Radius returns on street intersection property lines,
- 4) Water/sewer service relocation requirements.

### Discussion:

Public Works recognizes that when a property owner submits a plat to the Planning Commission to create, vacate, or move property lines; or modify private ownership interests; they are expected to take the public interest into account. One of the purposes of a preliminary plat, according to Kenai Peninsula Borough Code is "to give the planning commission and the planning director ample time to study the proposed *subdivision* and its relation to the *overall needs of the Kenai Peninsula Borough and its residents.*" During the review of a plat, Public Works raises the above four issues routinely, in the interest of the public; and in accordance with additional provisions of Homer City Code.

Kenai Peninsula Borough Code 20.04.040 says "A plat, prepared and submitted in accordance with the applicable provisions of this title, is required for all *subdivisions* of land ....." In KPB Code, Section 20.08.150. states that "*Subdivision* means the division of a tract or parcel of land into 2 or more lots, sites or other divisions for the purpose, whether immediate or future, of sale or building development, and includes *resubdivision* and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided." (Ord. No. 78-37, § 2(part), 1979)

The purpose of Title 20 of KPB Code is "to promote an adequate and efficient street and road system, to *provide utility easements*, to provide minimum standards of survey accuracy and proper preparation of plats, and to *protect and improve the health, safety and general welfare of the people.*"

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### **15' utility easement immediately adjacent to the street right-of way**

Attached is a Typical *Rural* Roadway Section showing what most roads in Homer look like today. There is plenty of room within street right-of-way, on either side of the road, for utility trenching in a rural road right-of-way. The Typical *Utility* Location detail shows where utilities are generally located within the right-of-way.

Attached is a Typical *Urban* Road Section showing what all roads in Homer will probably look like at some time in the future. The cost of maintaining and replacing utilities under the more expensive surface improvements is high. Having the ability to utilize easements adjacent to the right-of-way is an important option that should be provided for. The creation of these easements serves the public interest by reducing substantially the cost of maintaining and replacing these expensive and vital utilities.

These easements *are* an encumbrance on the property, but less than what we might think. The easements are within the front twenty feet of the lot (within the building setback area). The creation of these easements does not affect the buildable area of the lot. The property owner retains the use of the surface of the easement; for parking, lawn, fences, and other surface uses consistent with the utility easement needs. Sometimes a manhole, a pedestal, transformer is located within the easement that can have a localized effect on surface usage.

The language in Homer City Code that requires these easements is 22.10.051 Utility easements. "Each lot of a new subdivision must have access from a fifteen foot utility easement." (Ord. 90-5, 1990) This language has been utilized in the past as authority to require 15' wide easements along the front of all property.

This language could be improved. See recommendations section for proposed revised language.

### **Requirement to create easements for future water and sewer improvements**

The language in Homer City Code that requires plats to show easements needed for future water and sewer main extensions is not definitive. Requirements to dedicate road rights-of-way, drainage easements, and easements for trails are already codified, but not water and sewer main easements. The City has prepared a Water and Sewer Master Plan that shows how water and sewer would most likely be extended to provide serve to all neighborhoods in Homer. Code language that would require water and sewer easements be dedicated is presented in the recommendations section below.

### **Radius returns on street intersection property lines**

Homer City Code 11.04.090 requires minimum 20-foot radius returns at all intersections. No Code language revisions are necessary.

### **Water/sewer service relocation requirements**

When platting actions move property lines, existing water and sewer services are sometimes affected. Public Works makes comments on these types of plats to inform applicants that existing services need to be relocated or new services need to be installed to allow water and or sewer service to continue to be provided.



Before the final plat can be recorded, the Borough contacts Public Works and asks whether any required improvements have been completed or a construction agreement has been executed. Public Works has used this opportunity to make sure that service modifications have been completed.

Homer City Code 22.10.050 Improvement Requirements General states: No subdivision plat shall be released by the Kenai Peninsula Borough for filing at the State Recorder's Office, until the subdivider or developer of such subdivision constructs streets in all rights-of-way dedicated by said plat, *and all other utilities and other public improvements* to be constructed in said rights-of-way dedicated by said plat, and all other utilities and other public improvements to be constructed in said rights-of-way according to the standards and procedures required under Title 11 of this Code. The plat shall not be released for filing until the City of Homer issues written approval of said street and utility improvements to the Kenai Peninsula Borough. This provision may be waived if the developer signs an agreement with the City of Homer that no building permit and/or request for utility connection will be submitted to the City for any lot within the subdivision until such time as the improvements are completed and accepted by the City of Homer. This agreement shall be recorded and constitute a covenant running with the land.

Public Works is not aware of a circumstance where the applicant has refused to accomplish this work as part of the final platting conditions; but language is not present in Homer City Code that specifically stipulates that the completion of these types of improvements can be a condition to a plat approval. Applicants seem to understand the importance of making the service line modifications and appreciate knowing up front what needs to be done.

Some additional language in Homer City Code would make sense; recommended language is contained in the recommendations section below.

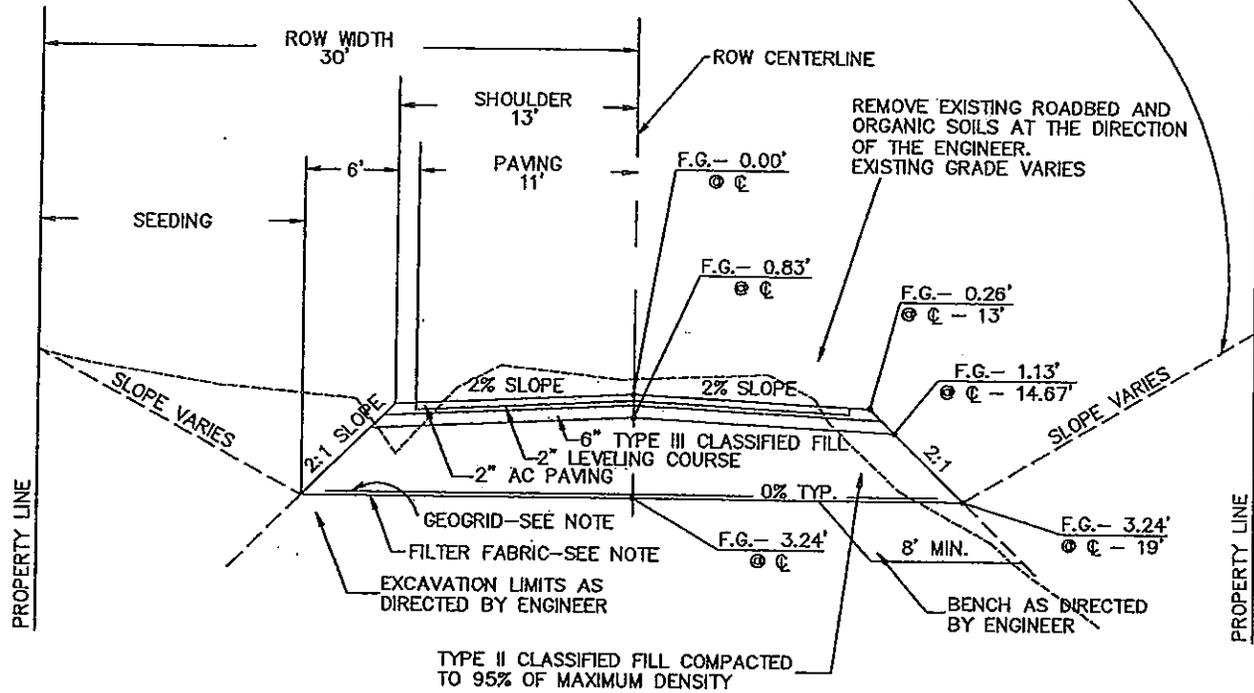
**Recommendations:** The Homer Advisory Planning Commission approve the following Homer City Code language modifications/additions:

- 1) 22.10.051 Utility easements. ~~Each lot of a new subdivision must have access from a fifteen foot utility easement. (Ord. 90-5, 1990)~~ **(a) Each lot of a new subdivision shall have a fifteen (15) foot wide utility easement dedicated immediately adjacent to any existing or proposed street right-of-way. (b) New lots within subdivisions shall have water and/or sewer easements dedicated that are needed to construct future water and sewer mains as shown on the official Water/Sewer Master Plan approved by the City Council.**
- 2) 22.10.050 (a) Improvement requirements General. No subdivision plat shall be released by the Kenai Peninsula Borough for filing at the State Recorder's Office, until the subdivider or developer of such subdivision constructs streets in all rights-of-way dedicated by said plat, and all other utilities and other public improvements to be constructed in said rights-of-way dedicated by said plat, and all other utilities and other public improvements to be constructed in said rights-of-way according to the standards and procedures required under Title 11 of this Code. The plat shall not be released for filing until the City of Homer issues written approval of said street and utility improvements **(including water and sewer service relocations/additions)** to the Kenai Peninsula Borough. This provision may be waived if the developer signs an agreement with the City of Homer that no building permit and/or request for utility connection will be submitted to the City for any lot within the subdivision until such time as the improvements are completed and accepted by the City of Homer. This agreement shall be recorded and constitute a covenant running with the land.

*Stuber-Carey*



CUT BACKSLOPE AT A 2:1 SLOPE UNLESS CATCH POINTS OUTSIDE THE PROP. LINE. IF CATCH POINT IS OUTSIDE PROP. LINE, CUT BACKSLOPE TO THE PROP. LINE, TYP. BOTH SIDES OF ROW.



NOTES:

1. PLACE GEOGRID AND FILTER FABRIC A MINIMUM OF 1' AND A MAXIMUM OF 2' FROM EACH EDGE OF THE EXCAVATION.
2. TYPICAL CROSS SECTION MAY VARY BASED ON R.O.W. WIDTH, GEOTECHNICAL AND DESIGN INFORMATION.



SCALE:  
NTS

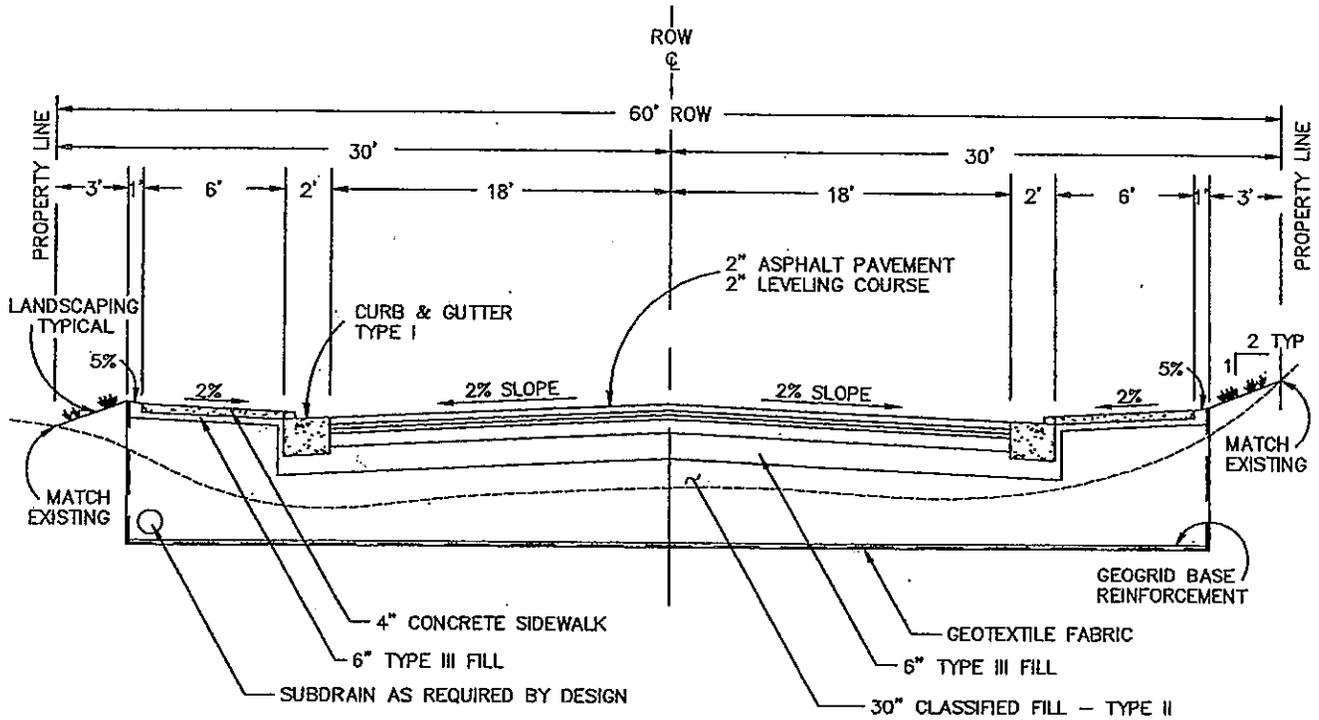
REVISED:  
6/99

TYPICAL ROADWAY SECTION  
RURAL

DETAIL #

**200.01**





NOTES:

1. TYP. CROSS SECTION MAY VARY BASED ON ROW WIDTH, GEOTECH & DESIGN INFORMATION.



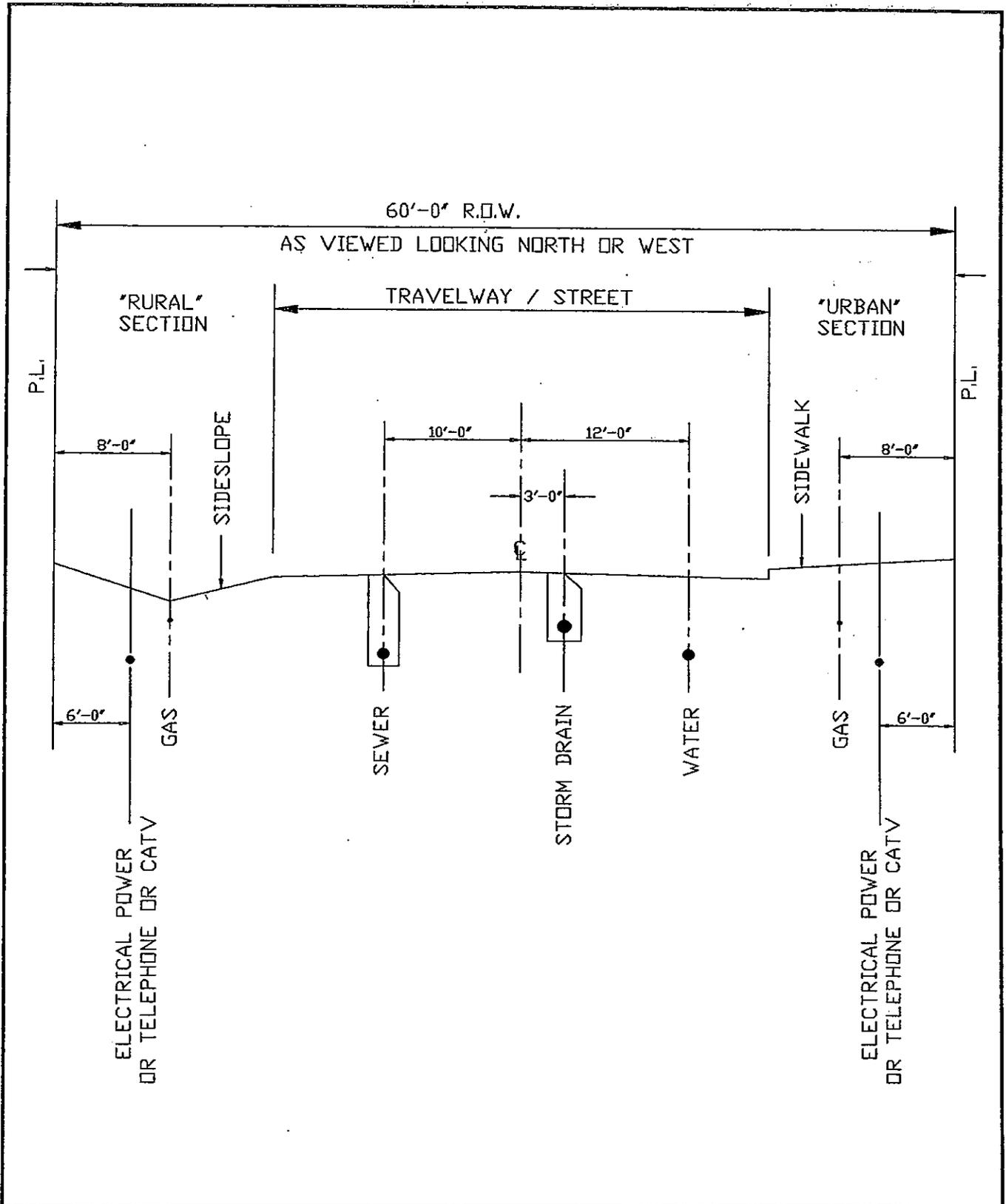
SCALE:  
NTS  
  
REVISED:  
6/99

TYPICAL ROADWAY SECTION  
URBAN  
(CURB, GUTTER & SIDEWALK)

DETAIL #

**200.02**





SCALE:  
NTS  
  
REVISED:  
6/99

# TYPICAL UTILITY LOCATIONS

DETAIL #  
**200.04**



**Rick Abboud**

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**From:** Best, Max [MBest@borough.kenai.ak.us]  
**Sent:** Monday, July 26, 2010 11:50 AM  
**To:** gary@abilitysurveys.com  
**Cc:** Rick Abboud  
**Subject:** RE: Request for Department Policy Interpretation of Homer City Code

Gary,

1. You are altering a plat.
2. It requires you to apply "subdivision regulations".

Max.

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**From:** gary@abilitysurveys.com [mailto:gary@abilitysurveys.com]  
**Sent:** Monday, July 26, 2010 11:19 AM  
**To:** Best, Max  
**Cc:** Rick Abboud  
**Subject:** Re: Request for Department Policy Interpretation of Homer City Code

Dear Max;

Thank you very much for trying to answer my question. However it seems you're not understanding my question and assertion.

The question is; How does KPB Planning Staff justify treating this plat action which solely requests a vacation of lot lines, as a subdivision in the city of Homer when the Homer City Code specifically defines subdivision as;

22.10.030 Definitions. The following words and phrases shall have the meanings set forth in this section, unless otherwise provided or the context otherwise requires:

22.10.030(a)–22.10.050(b)

b. "Subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including any subdivision or resubdivision. When appropriate to the context, the term shall refer to the process of subdividing or to the land or areas subdivided. (Ord. 87-8 (S) (part), 1987)

and so the assertion is that according to the definition of the Homer City Code, this action does not qualify as a subdivision because it is not a division of a tract or parcel of land into two or more lots, sites, or other divisions" ..... And therefore should not be subject to the more recently enacted easement and right-of-way provisions. This was the assertion in the submittal letter and as yet I don't believe it has been addressed. Now we are trying to find out what reasoning the Staffs use to ignore or re-interpret this code provision.

his clearly is not a division of a tract or parcel of land so how can it come under that definition?

Please explain.

Gary Nelson, PLS

cc: Ken Moore

----- Original Message -----

**From:** Best, Max  
**To:** [gary@abilitysurveys.com](mailto:gary@abilitysurveys.com)  
**Cc:** Rick Abboud  
**Sent:** Monday, July 26, 2010 9:17 AM  
**Subject:** RE: Request for Department Policy Interpretation of Homer City Code

Gary,  
AS 29.40.080 (a), The Assembly by ordinance shall establish a platting authority to administer subdivision regulations and to perform other duties as required by the assembly.  
AS 29.40.120, A recorded plat may not be altered or replated except by the platting authority on petition of the state, the borough, public utility or the owners of a majority of the land affected by the alteration or replat.  
KPB 20.04.010, The purpose of this title is to promote an adequate and efficient street and road system, to provide utility easements, to provide minimum standards of survey accuracy and proper preparation of plats and to protect and improve the health and general welfare of the people.  
20.20.250, Where cities have enacted by ordinance different design standards than those set forth in this chapter, the planning commission may apply such city standards in lieu of those set forth in this chapter.

At the KPB plat committee meeting of July 19, 2010 you asked for an exception to 20.20.250 of the KPB code and were denied based on the four findings listed on page 222.

1. Homer 11.04.090 requires minimum 20-foot radius returns at all intersections.
2. Homer 22.10.051 states that each lot of a new subdivision must have access from a 15-foot utility easement.
3. Homer has consistently required compliance with this portion of their code.
4. Per KPB 20.16.120(B)(1) The subdivider bears the responsibility for coordination with the utility companies.

I do not see where the city or the borough have acted outside the bounds of their authority.  
Max.

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**From:** [gary@abilitysurveys.com](mailto:gary@abilitysurveys.com) [mailto:[gary@abilitysurveys.com](mailto:gary@abilitysurveys.com)]  
**Sent:** Friday, July 23, 2010 3:05 PM  
**To:** Best, Max  
**Cc:** Rick Abboud  
**Subject:** Re: Request for Department Policy Interpretation of Homer City Code

Max;

I feel your explanation dances around my request and does not address it.

It is my contention that;

1. Homer Planning Staff and KPB Planning Staff and Commission disregarded the Homer City Code and requested over and above the Homer City Code provisions by definitions contained in the code which I submitted to you. Those definitions seem to exclude the sole action of a vacation of lot lines, making our requested action not subject to the other code provisions to granting easements and rights-of-way.

2. the City's appointed and duly authorized Platting Authority or Voice, the HAPC, did not vote to require the easements or dedication. Those were only recommendations from the Public Works Department and they did not demonstrate an immediate need for them when specifically asked if there was one. This was mentioned in the submittal letter that contained the meeting minutes.

3. KPB staff recommended what Homer Public Works recommended but the HAPC did not support those recommendations.

4. Homer City Code by it's definitions exclude the sole action of Vacating lot lines from the easement, right-of-way, and other subdivision improvement requirements. The wording appears to be intentional.

5. Your reply states "city requirements must be followed", and it is my contention that both the **city and borough are not following the city code requirements.**

6. Your reply does not seem to answer the original question posed. I care not if you address my contentions mentioned here, but I would like a direct answer to the original question posed in the first sentence of my request.

Thank you very much,

Gary Nelson, PLS

----- Original Message -----

**From:** Best, Max

**To:** [gary@abilitysurveys.com](mailto:gary@abilitysurveys.com)

**Cc:** Rick Abboud

**Sent:** Thursday, July 22, 2010 5:07 PM

**Subject:** RE: Request for Department Policy Interpretation of Homer City Code

Gary, Ken,

Pursuant to KPB 20.12.050, it is mandatory that the plat be first submitted to the city. Pursuant to KPB 20.12.050(C), the applicant bears the responsibility for presentation to and discussions with the city so that the final plat will conform to "lawful ordinances and requirements of said city." The ultimate goal of the platting process is to achieve a final plat, which is why KPB 20.12.050(C) references the final plat; it is not because lawful ordinances and city requirements do not need to be followed prior to the final plat being submitted. Per the boroughs' code, city requirements must be followed from the time of submittal; that is the very reason the borough requires the preliminary plat submittal be made to the city first. If the city's requirements did not need to be followed, there would be no reason to submit the plat at any stage to city for review. Clearly, subsection C requires the advisory planning and municipal departments, as appropriate, review the plat at the preliminary stage, and our code specifically allows the city to establish requirements for this review. It is also mandatory that the city's comments be included with the preliminary plat submittal to the borough. Without the comments, the platting division is well within its purview to return the plat for to the surveyor for modification or corrections as required by AS 29.40.110.

In other words, you need to work things out with the city.

Max Best

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**From:** gary@abilitysurveys.com [mailto:gary@abilitysurveys.com]  
**Sent:** Thursday, July 22, 2010 10:29 AM  
**To:** Best, Max  
**Cc:** Rick Abboud  
**Subject:** Request for Department Policy Interpretation of Homer City Code

Planning Directors Max and Rick;

Please give us (owner/client Ken Moore and I) your departments explanation of why you feel our requested plat action on W.R. Benson's Moore Replat considered at the KPB Plat Meeting of 7/19/2010 required granting easements and right-of-way. Our reading and interpretation of the Homer City Code with definitions cited below lead us to believe the codifiers intended for plat actions of this sort to not be subject to additional takings or requiring additional grants. Why else would the code provisions be expressed as they are? (See code below).

We ask a timely reply because we are considering filing a request for a Plat Committee Review and we only have 10 days from the meeting date to submit our request.

Sincerely,

Gary Nelson, PLS  
and  
Ken Moore

**11.20.010 Intent.** The intent of this chapter is to establish procedures for constructing streets and utility mains in existing rights-of-way or public rights-of-way or easements to be dedicated by plat. (Ord. 87-6(S) 1(part), 1987).

**11.20.020 Scope and applicability.** This chapter governs all street and utility main construction in public rights-of-way which are greater than twenty-two feet in width, excepting those rights-of-way which are specifically claimed for ownership and maintenance by the State of Alaska. It shall further govern such construction of streets and utility mains in rights-of-way or easements proposed to be dedicated as part of pending subdivision plats, as required in Chapter 22.10 of the Homer Municipal Code. (Ord. 87-6(S) 1(part), 1987).

**11.20.030 Definitions.** In this chapter, unless otherwise provided or the context otherwise requires, the following definitions shall have the meanings set forth below:

t. "**Subdivision**" means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including any subdivision, and

when appropriate to the context, the process of subdividing or the land subdivided. A "new subdivision" is a subdivision in which a plat is recorded after the effective date of this chapter.

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**22.10 Subdivision Improvements**

**22.10.030 Definitions.** The following words and phrases shall have the meanings set forth in this section, unless otherwise provided or the context otherwise requires:

22.10.030(a)–22.10.050(b)

a. "Subdivider" means a person, firm, association, partnership, corporation, governmental unit or combination of any of these which may hold any recorded or equitable ownership interest in land, and dividing or proposing to divide such land so as to constitute a subdivision as defined in this section. This term shall also include all heirs, assigns or successors in interest, or representatives of, the subdivider, owner, proprietor or developer.

b. "Subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including any subdivision or resubdivision. When appropriate to the context, the term shall refer to the process of subdividing or to the land or areas subdivided. (Ord. 87-8 (S) (part), 1987)

**22.10.051 Utility easements.** Each lot of a new subdivision must have access from a fifteen foot utility easement. (Ord. 90-5, 1990)

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**11.04.030 Definitions.** In this chapter, unless otherwise provided, or the context otherwise requires, the following words and phrases shall have the meanings set forth below:

y. "Subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including any subdivision, and when appropriate to the context, the process of subdividing or the land subdivided. A "new subdivision" is an subdivision in which a plat has received preliminary approval prior to the effective date of this chapter. There will be no time extension allowed for said preliminary plat to be considered at a later date.

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*City Attorney's take on Subdivision Question 7-22-10*

The deletion of a lot line is a subdivision. The planning commission may, but is not required to, waive improvement and dedication requirements in connection with a subdivision that consists only of the removal of a lot line.

Under state law, as well as under the Borough and City codes, the term "subdivision" is defined to include resubdivision (i.e., the rearranging of lots in an existing subdivision, including the removal of lot lines).

AS 29.71.800(23)(A) provides that "subdivision" means "the division of a parcel of land into two or more lots or other divisions for the purpose of sale or building development, **includes resubdivision**, and relates to the process of subdividing or the land subdivided." (Emphasis added)

Kenai Peninsula Borough Code 20.08.150 defines "subdivision" as the division of a tract or parcel of land into 2 or more lots, sites or other divisions for the purpose, whether immediate or future, of sale or building development, **and includes resubdivision** and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided. (Emphasis added)

HCC 22.10.030(b) defines "subdivision" as "the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, **including any subdivision or resubdivision**." (Emphasis added)

In addition, state law specifically requires platting action to alter a recorded plat. AS 29.40.120 provides in relevant part, "A recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of a majority of the owners of the land affected by the alteration or replat."

The Homer City Code authorizes the planning commission to exempt small resubdivisions from the standards for subdivisions in the Code. HCC 22.10.040(a) provides, "The standards of this chapter shall apply to all subdivisions in the City of Homer. Exemptions from the requirements of Chapter 22.10 of this Code may be granted concurrent with preliminary plat approval by the Homer Advisory Planning Commission under the following conditions...Resubdivision of existing subdivisions not to exceed three lots, and involving no new dedications of rights-of-way." Similarly HCC 22.10.050, regarding improvement and dedication requirements, includes subsection (b) which provides, "Plats may be exempted from these provisions by the Commission as provided for in Section 22.10.040."

The plat also would be eligible for the abbreviated plat procedure under Kenai Peninsula Borough Code 20.04.070:

The abbreviated plat procedure may be used in those instances where the subdivision or resubdivision is of a simple nature and meets all of the specific requirements of this section.

A. Eligible Preliminary Plats. Movement or elimination of lot lines and the simple subdivision of a single tract parcel or lot into two tracts or lots provided that the subdivision does not:

1. Result in any lot less than the minimum lot size required under existing zoning and this section.
2. Allow a change in the permitted use to which the lot or tract may be devoted under existing zoning.
3. Alter a dedicated street or other right-of-way or require additional dedication.
4. Deny adequate public access to and from all lots or tracts created and adjacent.
5. Require the granting of any exception to the Borough Subdivision Ordinance.

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**REGULAR MEETING  
AGENDA**

**1. Call to Order**

**2. Approval of Agenda**

**3. Public Comment**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

**4. Reconsideration**

If reconsiderations pass, items will be taken up under Pending Business.

A. Staff Report PL 10-67, Hillstrand's Homestead Section Line Easement and Right of Way  
Vacation *Page 1*

B. Staff Report PL 10-66, Hillstrand's Homestead Preliminary Plat *Page 7*

**5. Adoption of Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of August 18, 2010 *Page 15*

**6. Presentations**

**7. Reports**

A. Staff Report PL 10-79, City Planner's Report *Page 21*

**8. Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 10-72, Conditional Use Permit PL 10-07, 3685 Sterling Highway for "more than one building containing a permitted principal use on a lot" per HCC 21.12.030(n) Rural Residential *Page 23*

**9. Plat Consideration**

**10. Pending Business**

A. Staff Report PL 10-78, Draft Spit Comprehensive Plan *Page 43*

B. Staff Report PL 10-59, Draft Rezone Ordinance *Page 85*

**11. New Business**

**12. Informational Materials**

A. City Manager's Report dated August 23, 2010

*Page 99*

**13. Comments of The Audience**

Members of the audience may address the Commission on any subject. (3 minute time limit)

**14. Comments of Staff**

**15. Comments of The Commission**

**16. Adjournment**

Meetings will adjourn promptly at 10 p.m. An extension is allowed by a vote of the Commission. The next regular meeting will be held on August 18, 2010 at 7:00p.m. There will be a work session at 5:30p.m.



# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

Telephone (907) 235-8121  
Fax (907) 235-3118  
E-mail [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
Web Site [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

## STAFF REPORT PL 10-67

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** July 21, 2010  
**SUBJECT:** Vacation of a portion of a Section Line Easement and Right of Way

**Requested Action:** Conduct a public hearing on the vacation of a Section Line Easement and a portion of a right of way. Make a recommendation to the Kenai Peninsula Borough Planning Commission.

**Staff Recommendation:** Recommend approval of the vacations.

## GENERAL INFORMATION

Applicants:	City of Homer 491 E Pioneer Ave Homer AK 99603	Nancy Hillstrand PO Box 674 Homer AK 99603	Seabright Survey+Design 1044 East End Road Ste A Homer AK 99603
	Louis Dehel 6529 Linden Dr Anchorage, AK 99502		
Location:	Skyline Drive and Carter Drive, City of Homer water treatment facilities		
Parcel ID:	17307031, 2, 17305308		

**Zoning Designation:** Rural Residential/Bridge Creek Watershed Protection District

**Existing Land Use:** Municipal water treatment facilities and vacant land

**Surrounding Land Use:**  
North: Vacant  
South: Vacant  
East: Vacant  
West: Vacant

**Comprehensive Plan:** Homer's transportation system, including, streets, trails, docks and airport, should support future community economic and population growth. (2005 Transportation Plan p. I-21)

**Public Notice:** Notice was sent to 47 property owners of 79 parcels as shown on the KPB tax assessor rolls.

## ANALYSIS:

This vacation request lies within the Bridge Creek Watershed Protection District. The portion within the City is also zoned rural residential. A preliminary plat also accompanies this request. The plat will be considered under a separate agenda item. This staff report will only address the vacation of the right of way and section line easement. The purpose of the vacations is to create a new access to the west, and consolidate the City of Homer water treatment plant facilities so that they may be fenced in. The water treatment facilities are currently split by the section line easement and half right of way dedication of Carter Drive. This right of way and section line easement allow public access through the site. The City wishes to fence the facilities, which would block public access to the section line easement and right of way. The City is purchasing the lot to the north from Mr. Dehel, in order to dedicate an extension of Carter Drive. This will create a new right of way that will connect to the existing portions of Carter Drive, and the remaining portion of section line easement to the Bridge Creek Reservoir.

The city of Homer does not have code criteria to review a right of way vacation. Applicable Kenai Peninsula Borough Code states:

### 20.04.010 Purpose of provisions.

*The purpose of this title is to promote an adequate and efficient street and road system, to provide utility easements, to provide minimum standards of survey accuracy and proper preparation of plats, and to protect and improve the health, safety and general welfare of the people.*

**Staff Finding:** An adequate and safe road system has been proposed by the city. Carter Drive will provide access to the remaining section line easement and existing right of way.

### 20.28.150. Vehicular access provision.

*Where a right-of-way is required for logical provision of an existing or future road, the planning commission shall not approve the vacation unless an equal or superior right-of-way will be provided in exchange. Where 2 or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider the ultimate density of habitation or use and maintain sufficient rights-of-way to serve such anticipated use.*

**Staff finding:** New Right of way is dedicated by the Hillstrand Homestead Subdivision which will provide for equal or superior access from the existing right of way and section line easement.

**PUBLIC WORKS COMMENTS:** The Public Works Department had no objection to the vacation.

**FIRE DEPARTMENT COMMENTS:** Fire Chief Painter had no concerns.

## STAFF COMMENTS

Staff recommends the Commission recommend approval of the vacation of the section line easement and Carter Drive.

## ATTACHMENTS

1. Surveyor letter
2. Vacation Petition (lay down at meeting)
3. Preliminary Plat

**SEABRIGHT SURVEY + DESIGN**

**Kenton Bloom, PLS**

1044 East Road Suite A

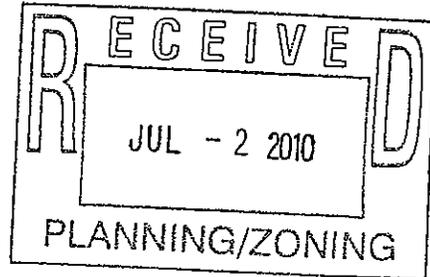
Homer, Alaska 99603

(907) 235-4247 (& fax)

seabright@alaska.net

July 2, 2010

City of Homer  
Planning Dept.  
491 E. Pioneer  
Homer, Alaska 99603



RE: Hillstrand Homestead Preliminary Plat

To Whom It May Concern:

Seabright Survey + Design is pleased to submit the preliminary plat for the Hillstrand Homestead.

Please find enclosed with our submittal one full size and seven 11x17 copies of our preliminary plat for your review. The submittal fee in the amount of \$600.00 will be delivered next week for platting review fees. We look forward to working with the City of Homer on this project within city limits. Thank you for your consideration.

Please call with any questions or concerns.

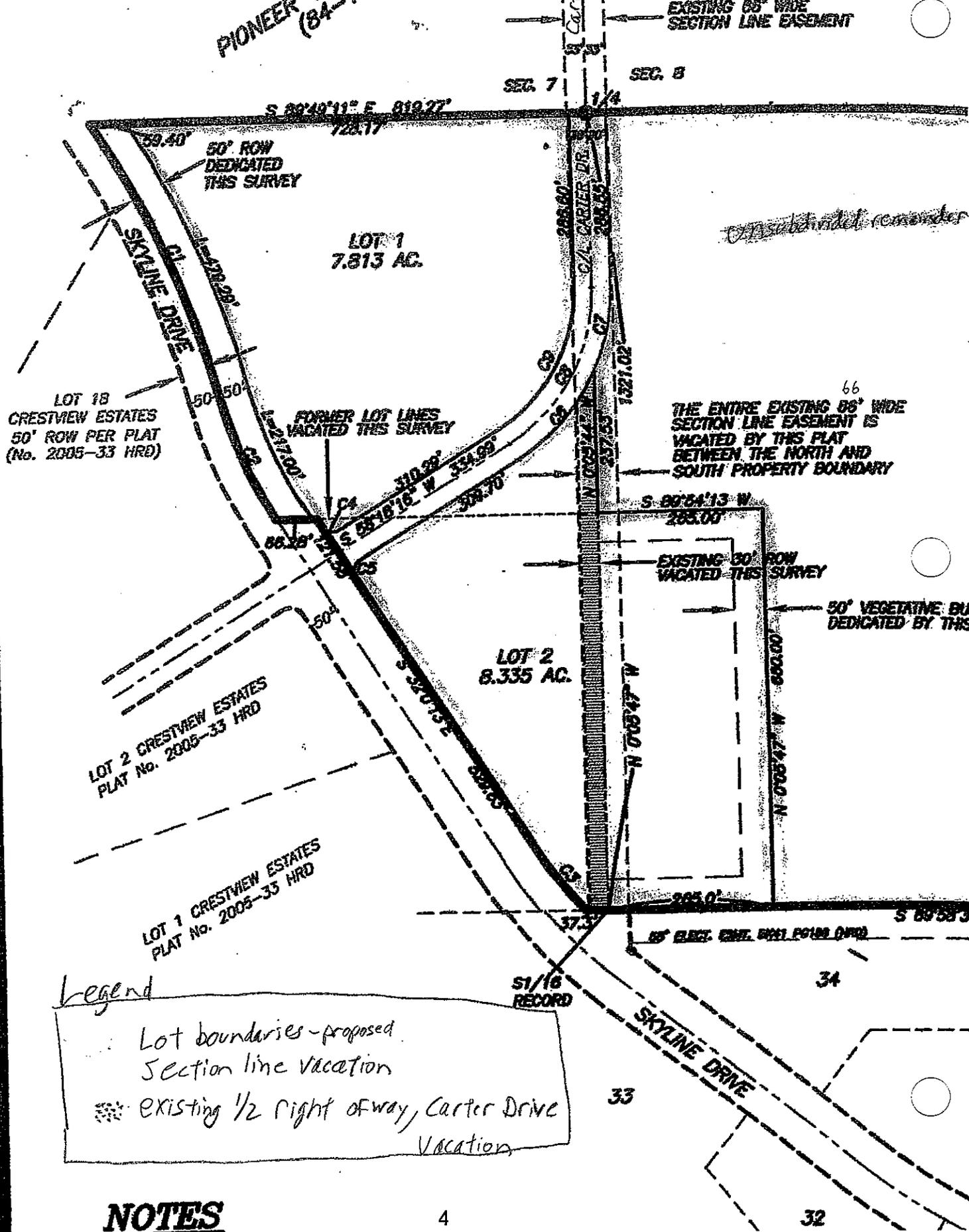
Cordially,

*Team Hughes (for Kenton Bloom)*

Kenton Bloom, P.L.S.  
Seabright Survey + Design

# Vacation Enlargement

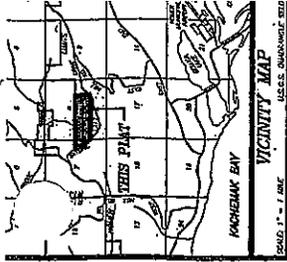
PIONEER VALLEY SUBDIVISION  
(84-119 HRD)



**Legend**

- Lot boundaries - proposed
- Section line vacation
- Existing 1/2 right of way, Carter Drive vacation

## NOTES



**CERTIFICATE OF OWNERSHIP**  
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY DESCRIBED IN THE FOREGOING AND THAT WE HAVE THE BEST KNOWLEDGE OF THE RIGHTS OF THE PROPERTY AND WE GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

MARCO A. HELSTRAND  
HOMER, ALASKA 99603

WALT MEDER, CITY MANAGER  
481 E. BOWEN AVE.  
HOMER, ALASKA 99603

**NOTARY'S ACKNOWLEDGMENT**  
SUBSCRIBED AND SHOWN TO BEFORE ME THIS  
DAY OF \_\_\_\_\_, 2010.  
FOR: \_\_\_\_\_  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: \_\_\_\_\_

**NOTARY'S ACKNOWLEDGMENT**  
SUBSCRIBED AND SHOWN TO BEFORE ME THIS  
DAY OF \_\_\_\_\_, 2010.  
FOR: \_\_\_\_\_  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: \_\_\_\_\_

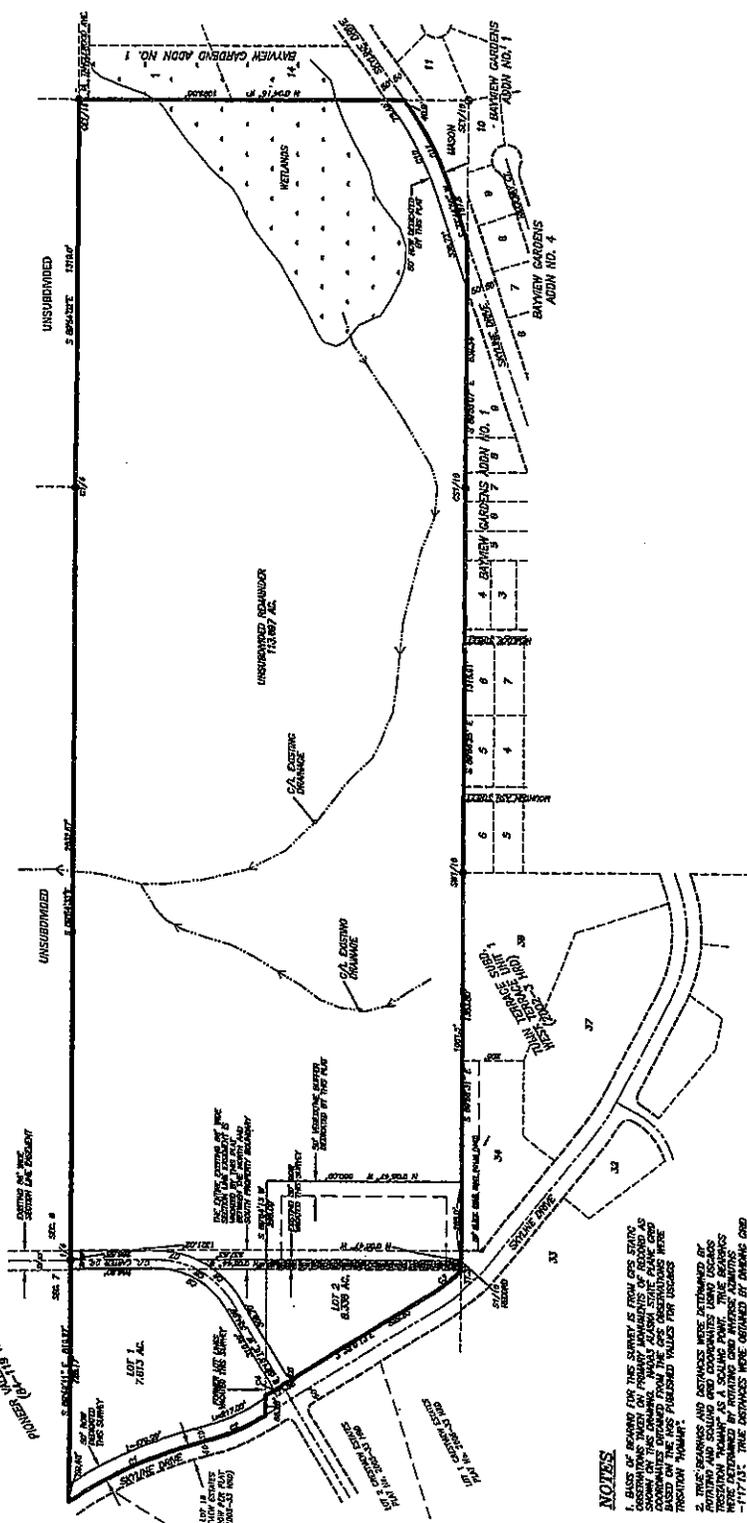
PLANNING/ZONING  
RECEIVED  
JUL - 2 2010  
SCALE 1" = 200'

**HELSRAND'S POSSESSA**  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA PLANNING COMMISSION AT THE MEETING OF KENAI PENINSULA BOROUGH  
BY: \_\_\_\_\_ AUTHORIZED OFFICIAL

**SEABRIGHT SURVEY & DESIGN**  
KEITHON T. BLOOM, P.L.S.  
1044 EAST ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 233-2624

UNIFORM PLANNING ZONING ORDINANCE  
SECTION 15-798B  
JULY 15, 2008

DARRIN BR. KB 1040 BR. KB 1040 RFB-  
DATE: 7/2/2010 SHEET 1 OF 200 SHEET #1



**WASTEWATER DISPOSAL**  
PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY STANDARDS SHALL BE FILED AT THE DEPT. OF ENVIRONMENTAL CONSERVATION.

- LEGEND**
- BOUNDARIES 1" = 1" ALTA. OR ANNUALIZED (CAMP-2 1974) RECORDED THE SURVEY
  - BOUNDARIES 1" = 1" BOUNDS OR ANNUALIZED (CAMP-2 2007) RECORDED THE SURVEY
  - OTHERS 2007, RECORDED THE SURVEY

**NOTES**

1. THE BASIS OF THIS SURVEY IS THE 1974 SURVEY OF THE TURNKEY PLANT, AS SHOWN ON THE PLAT THEREOF, AND THE 1974 SURVEY OF THE TURNKEY PLANT, AS SHOWN ON THE PLAT THEREOF, AND THE 1974 SURVEY OF THE TURNKEY PLANT, AS SHOWN ON THE PLAT THEREOF.
2. THE BEARINGS AND DISTANCES WERE OBTAINED BY MEASUREMENTS MADE BY THE SURVEYOR AND CHECKED BY MEASUREMENTS MADE BY THE SURVEYOR AND CHECKED BY MEASUREMENTS MADE BY THE SURVEYOR.
3. THE CORNER VALUES WERE OBTAINED BY MEASUREMENTS MADE BY THE SURVEYOR AND CHECKED BY MEASUREMENTS MADE BY THE SURVEYOR.
4. THE BASIS OF ELEVATION FOR THIS SURVEY IS THE MSL (MEAN SEA LEVEL) AS DETERMINED BY THE SURVEYOR.
5. THE SURVEYOR HAS ADVISED THAT THE SURVEY IS A UTILITY EASEMENT. NO PERMANENT STRUCTURES SHALL BE PLACED ON THE EASEMENT.
6. THE FRONT 10' OF THE 20' BARRAGE EASEMENT IS A UTILITY EASEMENT. NO PERMANENT STRUCTURES SHALL BE PLACED ON THE EASEMENT.
7. THERE IS A 50' WIDE DRAINAGE EASEMENT ON BOTH SIDES OF THE EXISTING DRAINAGES SHOWN ON THIS PLAT.
8. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF ANCHORAGE ZONING REGULATIONS.
9. NO ACCESS TO STATE HIGHWAY 96 SHALL BE SUBJECT TO THE DEPARTMENT OF TRANSPORTATION.
10. PORTIONS OF THE SUBJECT LOTS MAY BE SUBJECT TO RETAIL RECREATION OWNERS SHOULD CONTACT THE CITY OF ANCHORAGE FOR MORE INFORMATION.





# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

Telephone (907) 235-3106  
 Fax (907) 235-3118  
 E-mail [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
 Web Site [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

## STAFF REPORT PL 10-66

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** July 21, 2010  
**SUBJECT:** Hillstrand Homestead Subdivision Preliminary Plat

**Requested Action:** Preliminary plat approval for shifting lot lines between three lots, and creating a new right of way (Carter Drive).

### GENERAL INFORMATION

Applicants:	City of Homer 491 E Pioneer Ave Homer AK 99603	Nancy Hillstrand PO Box 674 Homer AK 99603	Seabright Survey+Design 1044 East End Road Ste A Homer AK 99603
	Louis Dehel 6529 Linden Dr Anchorage, AK 99502		
Location:	Skyline Drive and Carter Drive, City of Homer water treatment facilities		
Parcel ID:	17307031, 2, 17305308		
Size of Existing Lot(s):	4.32, 10.42, and 119 acres		
Size of Proposed Lots(s):	7.813, 8.335 and 113.697 acres		
Zoning Designation:	Rural Residential and Bridge Creek Watershed Protection District. The largest parcel is outside city limits but within the watershed district.		
Existing Land Use:	Water treatment facilities, and vacant land		
Surrounding Land Use:	North: Vacant/residential South: Vacant/residential East: Vacant/residential West: Vacant/residential		
Comprehensive Plan:	Chapter 6 Goal 1: Provide and improve city-operated facilities and services to meet the current needs of the community, anticipate growth, conserve energy, and keep pace with future demands.		
Wetland Status:	The 2005 wetland mapping shows drainages.		
Flood Plain Status:	Not within a mapped flood hazard area.		
BCWPD:	In the Bridge Creek Watershed Protection District.		
Utilities:	City water and sewer are not available.		

**Public Notice:**

Notice was sent to 47 property owners of 79 parcels as shown on the KPB tax assessor rolls.

**ANALYSIS:**

The vacation of the section line and existing right of way requires a separate motion and public hearing. This preliminary plat staff report only addresses the change in parcel boundaries, and dedication of new rights of way.

This plat will consolidate the water treatment plant facilities onto one lot. The City has acquired the land for the newly constructed water treatment facility via eminent domain proceedings. This subdivision is the outcome of the proceedings.

This subdivision is within the Bridge Creek Watershed Protection District. The lots meet the dimensional size requirement of a minimum of 4.5 acres. This plat shifts the common lot lines, and dedicates new right of way for Carter Drive. Carter Drive will provide public access to private lands to the north, to replace the easement and right of way being vacated. (See staff report 10-67).

**Preliminary Approval, per KPB code 20.12.0060 Form and Contents Required.** The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

1. Within the title block:
  - a. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a map or plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
  - b. Legal description, location, date, and total area in acres of the proposed subdivision;
  - c. Name and address of owner and registered land surveyor;
  - d. Scale.

*Staff Response: The plat meets these requirements.*

2. North point;

*Staff Response: The plat meets these requirements.*

3. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines, political subdivision or municipal corporation boundaries abutting the subdivision.

*Staff Response: The plat meets these requirements.*

4. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams.

*Staff Response: The plat meets these requirements.*

5. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision together with the purposes, conditions or limitation of such reservations.

*Staff Response: Private parcels are shown. No public use areas other than Rights of Way are noted.*

6. The names and widths of public streets and alleys and easements including drainage easements existing and proposed, within the subdivision. [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

*Staff Response: The plat meets these requirements.*

7. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided.

*Staff Response: The plat meets these requirements.*

8. Approximate location of areas subject to inundation, flooding or storm water overflow. Indicate if a recognized flood plain is present. Identify and locate the major drainage systems.

*Staff Response: The plat does not show the major drainages. Staff recommends depicting the major drainages.*

9. Approximate locations of areas subject to tidal inundation including the mean high water line.

*Staff Response: The plat meets these requirements (not applicable to this area).*

10. Block and lot numbering per Section 20.16.110 of the borough subdivision code.

*Staff Response: The plat meets these requirements.*

11. The general location of existing water and sewer utilities, and the intent and methods of the subdivision to utilize and access such utilities.

*Staff Response: Lots will be served by onsite water and sewer. (City treatment plant has city water). The plat does not show the city water mains from the reservoir. This information is excluded from the final plat requirements by KPB code 21.16.010. Staff has included a map of the city water mains for the Commission's reference. Because this information is not required on a final plat staff does not recommend it be added at this time to the preliminary plat.*

12. Provide a contour map of the subdivision and road profiles if road grades exceed 6% on arterial and 10% on other streets.

*Staff Response: Contours and grades not provided. Public Works has stated Carter Drive can be constructed to City standards within the proposed right-of-way shown on the preliminary plat.*

13. Identify and locate on the plat all areas in excess of 20% grade.

*Staff Response: The preliminary plat does not meet this requirement. This information is not required for final plat approval. KPB code 21.16.010 requires this information be excluded from the final plat. Staff notes the drainages are within steep gullies. A topo map has been provided for the Commission's*

*reference. Because this information is not required on a final plat staff does not recommend it be added at this time to the preliminary plat.*

**PUBLIC WORKS COMMENTS:** The Public Works Department had no comments. The water treatment plant, eminent domain proceedings and plat are a department project and staff has participated in the creation of the plat.

**FIRE DEPARTMENT COMMENTS:** No fire department concerns.

**STAFF COMMENTS/RECOMMENDATIONS:**

Planning Commission recommend approval of the preliminary plat with the following comments:

1. Depict the major drainages.

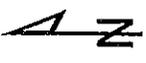
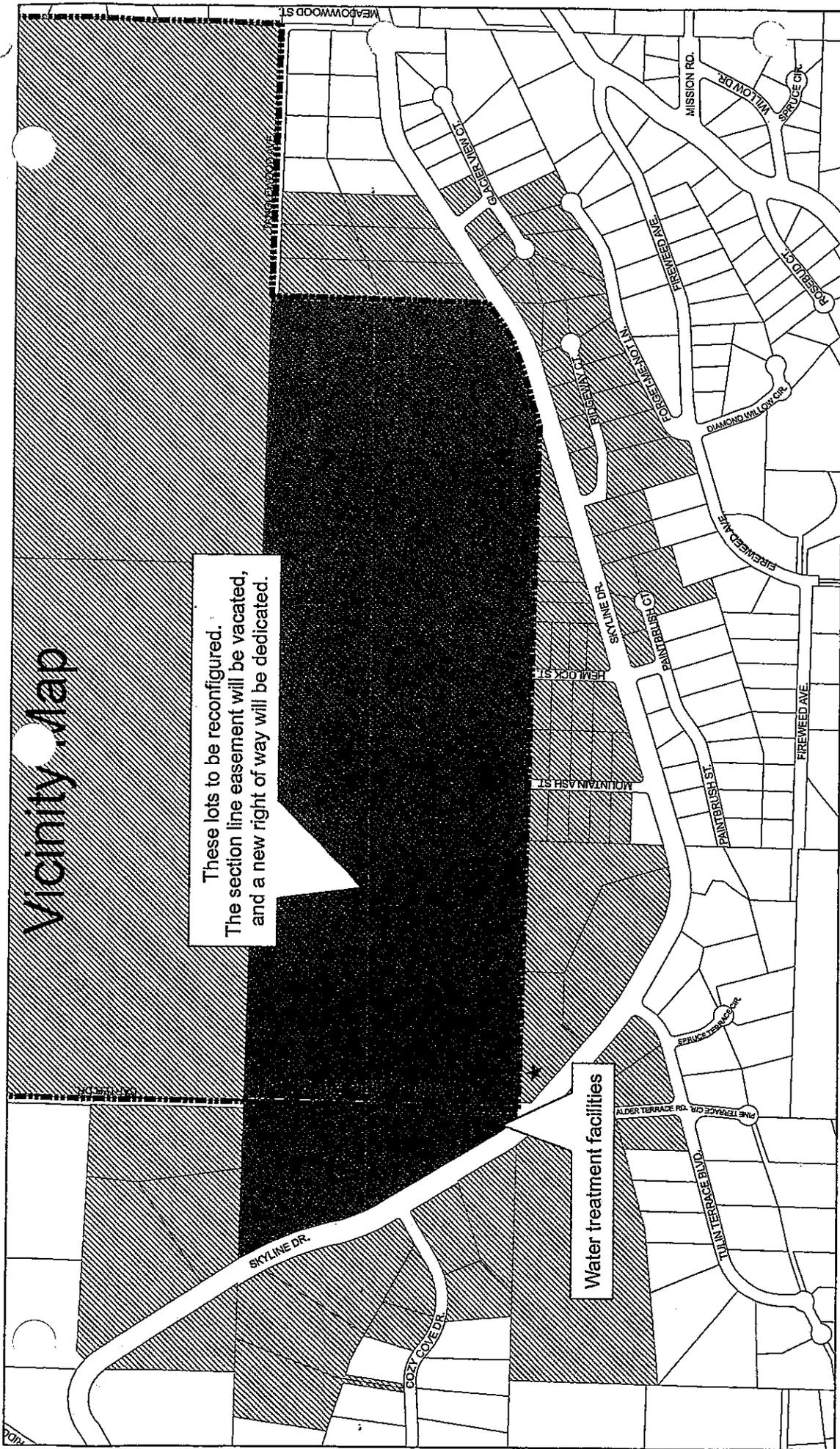
**ATTACHMENTS**

1. Vicinity Map
2. Preliminary Plat
3. Water infrastructure map
4. Topo map

# Vicinity Map

These lots to be reconfigured.  
 The section line easement will be vacated,  
 and a new right of way will be dedicated.

Water treatment facilities

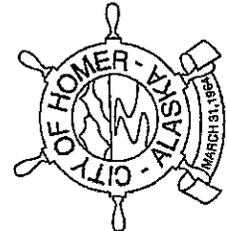


August 9, 2010

## Legend

-  Homer City Limits
-  Lots w/in 500 feet
-  Subject Properties

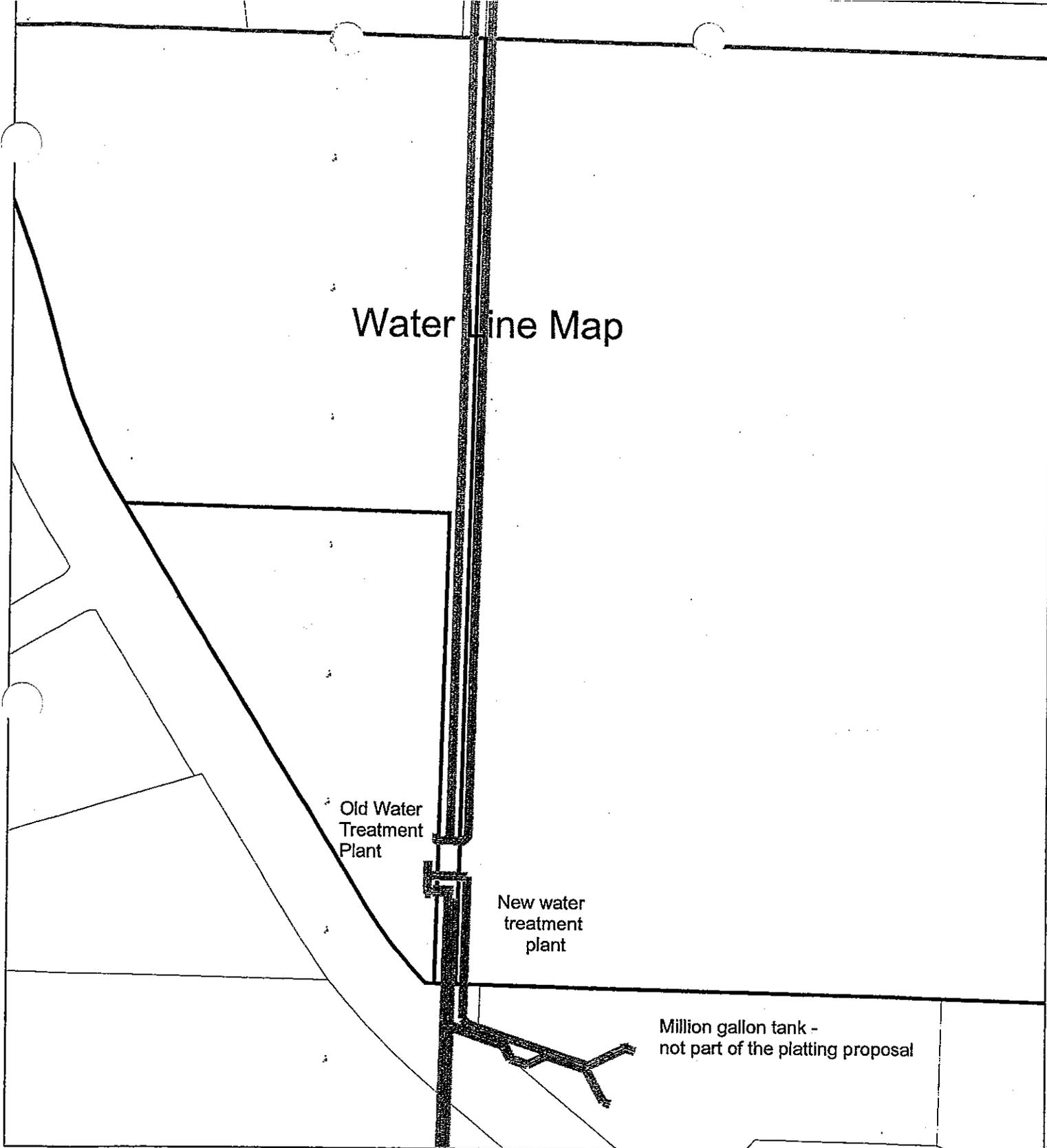
*Disclaimer:  
 It is expressly understood the City of  
 Homer, its council, board,  
 departments, employees and agents are  
 not responsible for any errors or omissions  
 contained herein, or deductions, interpretations  
 or conclusions drawn therefrom.*



*City of Homer  
 Planning and Zoning*



# Water Line Map



## Legend

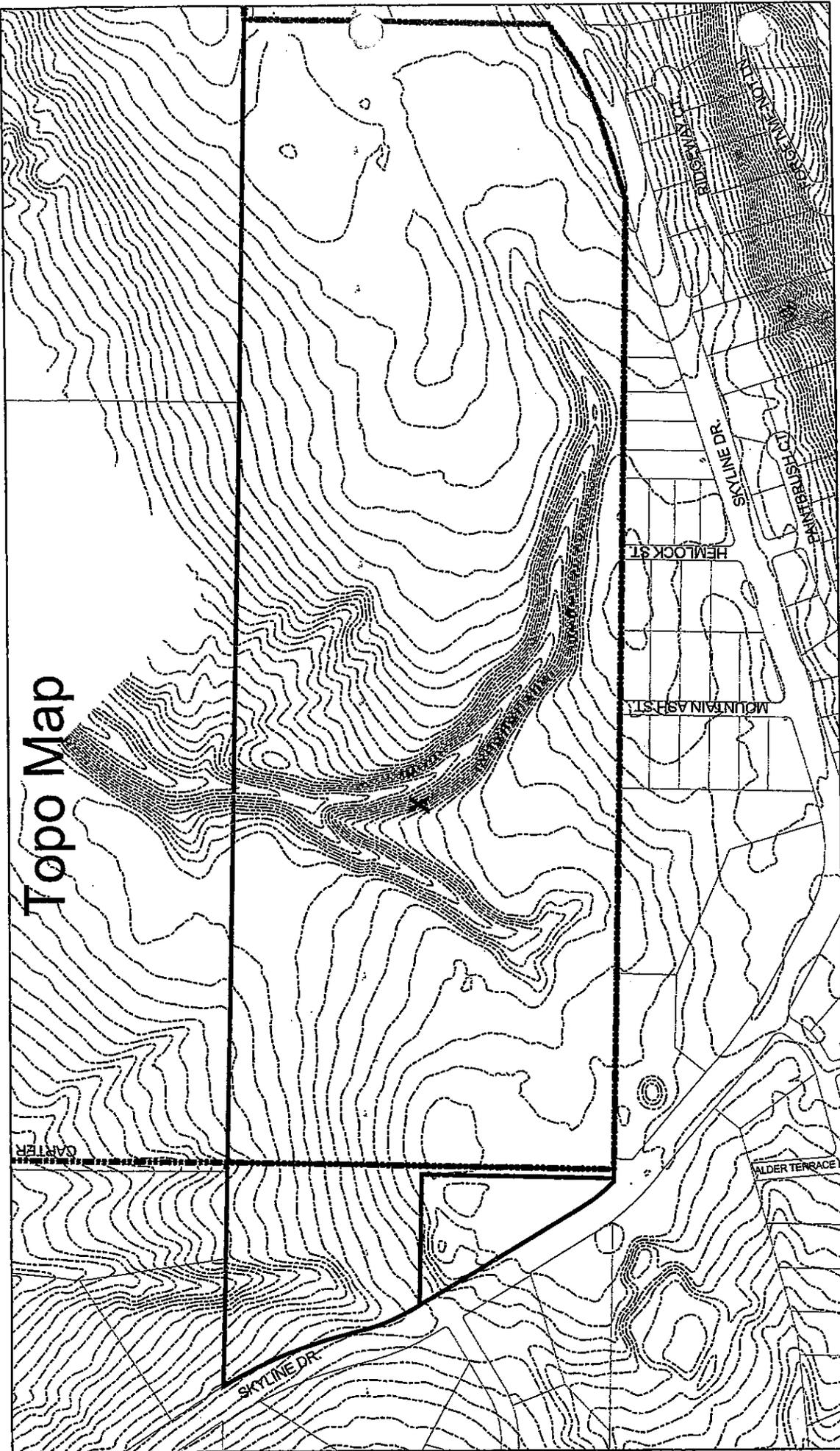
-  Waterlines\_Working
-  Subject Properties



August 9, 2010

*Disclaimer:  
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# Topo Map

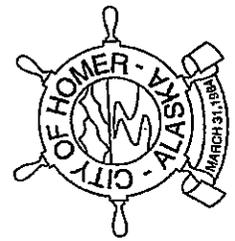


August 9, 2010

**Disclaimer:**  
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## Legend

-  5 Foot topo
-  Homer City Limits
-  Subject Properties



City of Homer  
 Planning & Zoning

Session 10-14, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:00 p.m. on August 18, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, HIGHLAND, MINSCH, SINN, VENUTI, KRANICH, DRUHOT

ABSENT: NONE

STAFF: CITY PLANNER ABBOUD  
PLANNING TECHNICIAN ENGBRETSSEN  
PLANNING ASSISTANT ROSENCRANS  
PUBLIC WORKS DIRECTOR MEYER

### APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

KRANICH/BOS - MOVE TO AMEND THE AGENDA TO CHANGE THE ORDER OF PENDING BUSINESS ITEMS, AND MOVING DECISION AND FINDINGS FOR REFUGE CHAPEL/REFUGE ROOM APPEAL OF AN ENFORCEMENT ORDER TO PENDING BUSINESS.

### PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There were no public comments.

### RECONSIDERATION

No items were scheduled for reconsideration.

### ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of the August 4, 2010 regular meeting minutes
- B. Time Extension Requests
- C. Approval of City of Homer Projects under HCC 1.76.030 g
- D. KPB Coastal Management Program Reports

### PRESENTATIONS

There were no presentations scheduled.

### REPORTS

- A. Staff Report PL 10-76, City Planner's Report

City Planner Abboud reviewed his report.

**PUBLIC HEARINGS**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 10-68, A Request for a Conditional Fence Permit at 2617 Kachemak Drive, Lot 2 Keta Cliffs Subdivision

City Planner Abboud summarized staff report.

Mr. Turner shared pictures of the fence. He stated he was not aware of the code limitations on fences and they would not have built it if they knew. He noted that when the water/sewer improvements went through, they removed all vegetation that was providing privacy. The speed limit is 35 mph, but most drive much faster and there is a desperate need for privacy. He placed the fence in its current location to avoid removing trees, further; he has planted new vegetation that will completely cover the fence within two or three years.

KRANICH/SINN - MOVE TO APPROVE STAFF REPORT PL 10-68 AS PER CONDITIONS 4, 5, 7, 8, 10, 12, 13.

Commissioner Sinn stated it would make sense for residences near commercial property to be allowed to provide privacy with a fence.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Chair Minsch noted that the subject of allowing fences for privacy shall be placed on an agenda at a later date.

- B. Staff Report PL 10-67, Hillstrand's Homestead Section Line Easement and Right of Way Vacation

Commissioner Sinn stated he has a conflict of interest, stating he does business with one of the applicants and the dollar amount is more than is allowable by city code.

KRANICH/BOS - MOVE THAT COMMISSIONER SINN BE EXCUSED DUE TO CONFLICT OF INTEREST IN STAFF REPORT PL10-67, AS WELL AS ITEM 9 OF THE PLAT CONSIDERATION AS HE DOES BUSINESS WITH ONE OF THE APPLICANTS AND THE DOLLAR AMOUNT IS MORE THAN WHAT IS ALLOWABLE BY CITY CODE.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Planning Technician Engebretsen summarized the staff report.

Public Works Director Meyer explained the process and option of obtaining the section line easement. He stated the city has acquired land west of the water treatment plant and is proposing to vacate Carter Drive around the water treatment plant from Skyline Drive to the north of the treatment plant.

Discussion followed regarding access to Hillstrand property and extending Carter Drive.

KRANICH/BOS - MOVE TO ADOPT STAFF REPORT PL 10-67 AS AMENDED TO INCLUDE STAFF RECOMMENDATIONS AND TO BE CONTINGENT ON NEW RIGHT OF WAY EXTENDING CARTER DRIVE.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

#### PLAT CONSIDERATION

A. Staff Report PL 10-66, Hillstrand's Homestead Preliminary Plat

Planning Technician Engebretsen summarized the staff report.

Discussion followed regarding preventing development next to the ravine, protecting the watershed, and drainage.

KRANICH/BOS - MOVE TO ADOPT STAFF REPORT PL 10-66 WITH STAFF COMMENTS AND RECOMMENDATIONS.

KRANICH/BOS - MOVE TO AMEND MAIN MOTION TO ADD CONTOUR INFORMATION AS REQUIRED IN ITEM #12.

Main motion approved as amended by consensus of the commission.

#### PENDING BUSINESS

A. Draft Decision and Findings for Conditional Use Permit 10-04, 1033 Skyline Drive

Chair Minsch excused Commissioner Venuti from the table and for deliberations for pending business items A, B, and C. Deliberations were continued for 10 minutes.

KRANICH/BOS - MOVE TO ACCEPT THE DECISION AND FINDINGS FOR CONDITION USE PERMIT 10-04, 1033 SKYLINE DRIVE.

KRANICH/BOS - MOVE TO DELETE FINDING 4.

KRANICH/BOS - MOVE TO AMEND FINDING TWO TO CHANGE WORDING TO 'WITH A CONDITIONAL USE PERMIT' AFTER PUBLIC FACILITIES.

KRANICH/BOS - MOVE TO AMEND FINDING 9 TO DELETE THE LAST SENTENCE.

KRANICH/BOS - MOVE TO AMEND FINDING 11 TO INSERT THE WORD 'IN' AFTER THE WORD 'WITH' AFTER COMPATIBLE USE WITH RESIDENTIAL ZONING.

KRANICH/BOS - MOVE TO DELETE SENTENCE WITH 'OUTDOOR PATIO.'

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion approved as amended, and added two special conditions:

- Code compliant parking shall be provided on the property.
- Property owner to obtain a valid DOT driveway permit.

B. Draft Decision and Findings for Variance 10-01, 1033 Skyline Drive

KRANICH/BOS - MOVE TO ADOPT DECISION AND FINDINGS FOR VARIANCE 10-01, 1033 SKYLINE DRIVE.

KRANICH/BOS - MOVE TO PLACE PERIOD AFTER THE WORD SLOPE ON PAGE place period after the word slope at the end of find slope to replace 40%

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion approved as amended.

C. Staff Report PL 10-71, Draft Spit Comprehensive Plan

The commission continued discussion in work session mode.

KRANICH/BOS - MOVE TO SUSPEND RULES TO ALLOW PUBLIC COMMENT.

Nancy Hillstrand voiced concern about lack of public participation on the Spit Comprehensive Plan. Discussion followed regarding the time frame for the final document and when public meetings would occur. There will be a final draft document available prior to the next planning commission meeting on September 1, 2010.

D. Staff Report PL 10-73, Draft Steep Slope Ordinance

BOS/KRANICH - MOVE TO FORWARD THE DRAFT STEEP SLOPE ORDINANCE TO PUBLIC HEARING.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

E. Staff Report PL 10-59, Rezone Ordinance

KRANICH/DRUHOT - MOVE TO POSTPONE DISCUSSION OF THE DRAFT REZONE ORDINANCE TO THE NEXT WORK SESSION.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

F. Decision and Findings for Refuge Chapel/Refuge Room Appeal of an Enforcement Order

KRANICH/BOS - MOVE TO TAKE DECISION AND FINDINGS FOR REFUGE CHAPEL/REFUGE ROOM APPEAL OF AN ENFORCEMENT ORDER OFF CONSENT AGENDA TO PENDING BUSINESS, ITEM F AND ADOPT DOCUMENT AS PRESENTED.

Commissioner Kranich noted that item 11 on page ten refers to small 8 person dorm....two rooms that can each hold two men...numbers wrong...'in addition to an 8 person room'...

KRANICH/BOS - MOVE TO AMEND ITEM 11 ON PAGE TEN TO STATE 'ONE EIGHT PERSON ROOM, PLUS TWO ROOMS THAT CAN EACH HOUSE TWO MEN.

Page 7 typo, Top of page

KRANICH/DRUHOT - MOVE TO AMEND PAGE 7 TO STATE 'PAID BY SOCIAL SERVICE GROUPS.'

Motion approved as amended.

**NEW BUSINESS**

A. Staff Report PL 10-74, Election of Officers

SINN/BOS -MOVE TO SUSPEND RULES AND CONTINUE MEETING UNTIL 10:30p.m.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

DRUHOT/BOS - MOVE TO NOMINATE CHAIR MINSCH FOR CHAIR OF THE HOMER ADVISORY PLANNING COMMISSION.

DRUHOT/HIGHLAND - MOVE TO NOMINATE COMMISSIONER BOS FOR VICE CHAIR OF THE HOMER ADVISORY PLANNING COMMISSION.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

B. Staff Report PL 10-77, Capital Improvement Plan

KRANICH/SINN - MOVE TO SUBMIT LAST YEAR'S RECOMMENDATIONS WITH THE EXCEPTION OF DELETING EAST BOAT HARBOR AND MOVING WATER SOURCE TO THE NUMBER ONE POSITION.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

**INFORMATIONAL MATERIALS**

A. City Manager's Report dated August 9, 2010

B. Letter dated August 11, 2010 from Mayor Hornaday to Franco Venuti regarding Appointment to the Homer Advisory Planning Commission

C. Memorandum dated August 4, 2010 to Rick Abboud, City Planner from Carey Meyer, Public Works Director regarding Homer City Code Revisions

**COMMENTS OF THE AUDIENCE**

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

**COMMENTS OF STAFF**

Planning Technician Engebretsen welcomed Commissioner Venuti.

**COMMENTS OF THE COMMISSION**

The Commission welcomed and thanked Commissioner Venuti.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
August 18, 2010

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 10:30 p.m. The next regular meeting is scheduled for September 1, 2010 at 7:00 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

\_\_\_\_\_  
Shelly Rosencrans, Planning Clerk

Approved: \_\_\_\_\_



**City of Homer**  
**Planning & Zoning**  
491 East Pioneer Avenue  
Homer, Alaska 99603-7645

*Telephone* (907) 235-8121  
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**STAFF REPORT PL 10-79**

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** September 1, 2010  
**SUBJECT:** Planning Director's Report

**August 23<sup>rd</sup> City Council Meeting**

**Ordinance 10-41**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Regarding Appeals Procedures Found in Chapter 21.93. City Manager/Planning Recommended dates: Introduction August 9, 2010, Public Hearing and Second Reading August 23, 2010. – ADOPTED

**Ordinance 10-43**, An Ordinance of the City Council of Homer, Alaska, Authorizing the City to Grant an Easement for Residential Driveway Access Across City Property Described as Lot 34, Tulin Terrace Subdivision Upper Terrace. City Manager. Recommended dates: Introduction August 23, 2010, Public Hearing and Second Reading September 13, 2010.

ADOPTED without discussion.

**Resolution 10-69**, A Resolution of the City Council of Homer, Alaska, Approving a Transfer of Responsibility Agreement (TORA) Between the State of Alaska and the City of Homer Regarding Management and Enforcement of Parking, Loading Zones, Pedestrian Crossings, and Seasonal Speed Zones Within the Sterling Highway Right of Way on the Homer Spit. City Manager. (Postponed from August 9, 2010)

POSTPONED to September 27, 2010.

**Activities**

So far, 33 junk cars have been removed from town. We seem to be nearing the 95% Spit Plan Draft. This means a final push for public involvement will be forth coming. Julie and Shelly will be returning to 5 day schedules instead of the 4day 10hr. schedules of the summer. Our goal is to have the packets produced by the end of the Thursday before the meeting, but it will be a possibility that it might not be available until Friday.





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STAFF REPORT PL 10-72

TO: Homer Advisory Planning Commission  
 THROUGH: Rick Abboud, City Planner  
 FROM: Dotti Harness-Foster, Planning Technician *df*  
 MEETING: September 1, 2010  
 SUBJECT: CUP 10-07 at 3685 Sterling Highway

**SYNOPSIS:** Currently there is a 1,456 square foot two-story residence and a 400 square foot dwelling on the 3.77 acre lot. If approved, this Conditional Use Permit (CUP) will allow a rooming house with total of six (6) structures. The additional structures will consist of one yurt, one - 896 square foot office building and two - 640 square foot subterranean units. A CUP is needed for "more than one building containing a permitted principal use on a lot" per HCC 21.12.030(n) Rural Residential.

**Applicants:** John Bouman, 3685 Sterling Highway, Homer, AK 99603  
 Jim Thacker, 4529 Thunder Ridge, Eureka, MO 63025  
**Location:** 3685 Sterling Highway  
**Legal:** Lot 2 Bouman's Bluff Subdivision Amended  
**Parcel ID:** 17316060  
**Lot Size(s):** 3.77 acres or 164,221 square feet  
**Zoning Designation:** Rural Residential  
**Existing Land Use:** Residential/Accessory Structure  
**Surrounding Land Use:** North: Residential/Recreational  
 South: Conservation  
 East: Residential/gas station & RV park  
 West: Residential  
**Comprehensive Plan:** Maintain high-quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. Goal 5, pg. 4-1.

Encourage high quality site design and buildings. Objective B, pg 4-14

Good site design, appealing architecture, and quality construction practices contribute to the creation of high quality buildings.  
 Establish "Guidelines for development such as setbacks from water bodies or limits on development of steep slopes are covered through the City's zoning code." Objective B. Pg 4-12.

1. "Develop standards and guidelines to reduce bluff erosion and shoreline erosion, such as managing surface water runoff on coastal bluffs and implementing any other applicable best management practices."
2. "Develop standards for coastal bluff stabilization projects and building setbacks from coastal bluffs."

Wetland Status: No designated wetlands.  
Utilities: Well and septic  
Public Notice: Notice was sent to five (5) property owners of nine (9) parcels as shown on the KPB rolls.

**Introduction:**

When complete the rooming house will have a total of six(6) detached structures that are connected to a well and septic system. The residential units will have facilities for sleeping, cooking and sanitation:

- One existing 400 square foot dwelling
- One existing 1,486 square foot two-story residence
- One proposed office building less than 1,000 square feet
- One proposed yurt
- Two proposed subterranean dwellings approximately 640 square feet each

Staff notes that the "wellhouse" shown on the site plan does not have walls or a roof, therefore is not a dwelling.

**Lot:** This lot is 3.77 acres or 164,221 square feet which allows for four (4) dwelling units, HCC 21.12.040(a). If either the well or septic are approved by AkDEC for public use this 164,221 square foot parcel would allow up to eight (8) dwellings, HCC 21.12.040(a)(2). If approved, this CUP would allow five (5) dwellings. At the September 15, 2010 HAPC meeting the Commission will be reviewing a plat that divides this 3.77 acres parcel into two lots. Regardless, the parcel(s) this development must meet AkDEC well and septic requirements and HCC 21.12.040(a). See Condition #2.

HCC 21.12.040 (a). Lot Size.

**1. The minimum lot area shall be 40,000 square feet, plus 40,000 square feet for each dwelling unit in excess of one unit in areas not served by public sewer and water.**

**2. Each lot shall contain a minimum of 20,000 square feet per, plus 20,000 square feet per dwelling unit in excess of one unit if one of the following conditions exists:**

**i. The lot is served by public water supply approved by the State Department of Environmental conservation; or**

**ii. The lot is served by public or community sewer approved by the State Department of Environmental Conservation.**

**Driveway:** State of Alaska, DOT Driveway Permit 17796 indicates a shared driveway to serve two lots.

**Parking:** The site plan shows six (6) parking spaces which meets HCC 21.55.090(a) (2) standards.

**Subterranean units:** Two of the proposed units are **Subterranean units (sub-T)** which are low profile, built into the ground on three (3) sides, with the fourth side daylighting to the southern exposure view. The side elevation drawing shows the sub-T units setback 30 feet (includes deck) from the bluff's edge.

**Building setbacks:** The majority is perched on top of a steep bluff. The side elevation shows a thirty (30) foot building setback (including deck) from the bluff's edge. The south side of the subterranean unit is the only access point. The ten (10) foot deck extends southward from the main level, which is very different from the typical second story cantilevered deck. Due to the integral nature of the deck, staff recommends a forty (40) foot building setback (including deck) from the top of the bluff. This recommendation also aligns with setback standards in the DRAFT Steep Slope ordinance. A professional surveyor is to confirm that the building is setback forty (40) feet or more prior to the foundation concrete pour or installation of pilings.

**Sign:** In the Rural Residential district the maximum sign area is four (4) square feet per HCC 21.60.060(c), Table 2, Part A.

21.71.030 Review criteria.

a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.

**Finding:** HCC 21.12.030(n) "More than one building containing a permitted principal use on a lot."

b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.

**Analysis:** The definition of "Rooming house" means a dwelling containing not more than five guest rooms that are used, rented or hired out to be occupied for sleeping purposes by guests. A rooming house shall not accommodate in excess of 15 guests. A rooming house shall also include any structures associated with the dwelling, such as guest cabins, provided that a conditional use permit was obtained for any associated structures, if a permit is required in order to have more than one building containing a permitted principal use on the lot. "Rooming house" does not include bed and breakfast." per HCC 21.03. This proposal consists of one (1) residence, one (1) office building and four (4) guest dwellings.

**Finding:** A rooming house is permitted use in the Rural Residential district per HCC 21.12.020(e).

c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.

**Applicant:** I feel there will be no impact to the surrounding properties. There will be no obstruction of the view from homes or the Sterling Highway due to be fact that we are building subterrarium on the bluff.

**Finding:** The value of adjoining properties will not be negatively affected greater than other permitted uses such as multi-family units and mobile homes or conditionally permitted uses such as kennels, group care homes, and recreational facilities.

- d. The proposal is compatible with existing uses of surrounding land.

**Finding:** The proposal is compatible with existing uses and surrounding residential land use.

- e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.

**Applicant:** The existing septic system will be upgraded and designed by an engineer.

**Analysis:** Engineered plans must be submitted to the ADEC by an engineer (P.E.) licensed in Alaska and shall be approved before construction per HCC 21.12.040(a) Rural Residential Dimensional Requirements.

**Finding:** The well and septic shall meet State Department of Environmental Conversation (AkDEC) standards per HCC 21.12.040 Rural Residential Dimensional Requirements.

- f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

**Applicant:** To the north is the Baycrest Trailhead with miles of trails that will tie in nicely with our development. To the south we have an unobstructed breathtaking view of Kachemak Bay. To the west are the Alaska Volcano Observatory and a residence. To the east is vacant land and B&B. The B&B has the intention of expanding. A gas station and RV Park are also to the east. In no way will our lodge obstruct the view of any of our neighbors.

**Finding:** The development is in harmony with the scale, bulk, coverage and density and will not have a harmful effect of the neighborhood character. Subterranean units are low in scale and bulk. The lot coverage for all six (6) structures is approximately 4,000 square feet which is comparable to other residential developments. Traffic is comparable to a bed and breakfast or multi-family dwellings.

- g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

**Finding:** This proposal is not detrimental to the health, safety or welfare of the surrounding area or the City of Homer. A forty (40) foot building setback (including deck) from the top of the bluff provides additional safety. State Department of Environmental Conversation (AkDEC) standards for well and septic ensures health and safety of the surrounding area, per HCC 21.12.040 Rural Residential Dimensional Requirements

- h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

**Finding:** The proposal shall comply with all local, state and federal regulations and conditions of this Conditional Use Permit.

i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

**Finding:** This proposal meets the intent of Homer Comprehensive Plan in that it provides unique dwelling choices.

j. The proposal will comply with all applicable provisions of the Community Design Manual.

**Applicant:** Yes. All lighting will be down lit.

**Finding:** All lighting shall be downlit and avoid light trespass per HCC 21.59.030 .

In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

1. Special yards and spaces. **No specific conditions deemed necessary.**
2. Fences, walls and screening. **No specific conditions deemed necessary.**
3. Surfacing of vehicular ways and parking areas. **Gravel.**
4. Street and road dedications and improvements (or bonds). **NA**
5. Control of points of vehicular ingress and egress. **Shared driveway AkDOT permit 17769.**
6. Special restrictions on signs. **Maximum of four (4) square feet per 21.60.060.**
7. Landscaping. **Natural with some lawn.**
8. Maintenance of the grounds, buildings, or structures. **No specific conditions deemed necessary.**
9. Control of noise, vibration, odors, lighting or other similar nuisances. **No specific conditions deemed necessary.**
10. Limitation of time for certain activities. **No specific conditions deemed necessary.**
11. A time period within which the proposed use shall be developed and commence operation. **No specific conditions deemed necessary.**
12. A limit on total duration of use or on the term of the permit, or both. **No specific conditions deemed necessary.**
13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit. **Staff recommends a forty (40) foot building setback from the top of the bluff.**
14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot. **No specific conditions deemed necessary.**

**PUBLIC WORKS COMMENTS:** No comment.

**FIRE DEPARTMENT COMMENTS:** Fire Marshal review needed for the office building only.

**PUBLIC COMMENTS:** One written neighbor comment from abutting property owner, Holly Van Pelt.

**STAFF COMMENTS/RECOMMENDATIONS:** Approval of requires **five yes votes**. Planning Commission approve CUP 10-07 with these conditions:

1. Forty (40) foot building setback (including deck) from the top of the bluff confirmed by professional surveyor prior to foundation concrete pour or installation of pilings.
2. Prior to construction, the well and septic shall meet State Department of Environmental Conversation (AkDEC) standards and HCC 21.12.040(a) Rural Residential Dimensional Requirements.
3. Project shall meet local, state and federal standards.

#### ATTACHMENTS

1. Vicinity Map
2. Site plan
3. Peninsula Suites
4. Sub-T examples
5. John's previous experience
6. Side elevation
7. Letter from Holly Van Pelt

# Vicinity Map

City Limits

Dump

DOT

Sterling Hwy

Subject Property  
3685 Sterling Highway  
Bouman Bluff Subdivision Amended Lot 2

Kachemak Bay

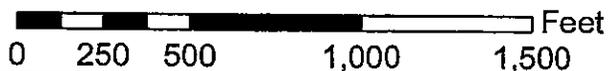


City of Homer  
Planning and Zoning Department

August 19, 2010

Request for a Conditional  
Use Permit #10-07, Vacation rentals

Shaded lots are w/in 300 feet  
and property owners are notified



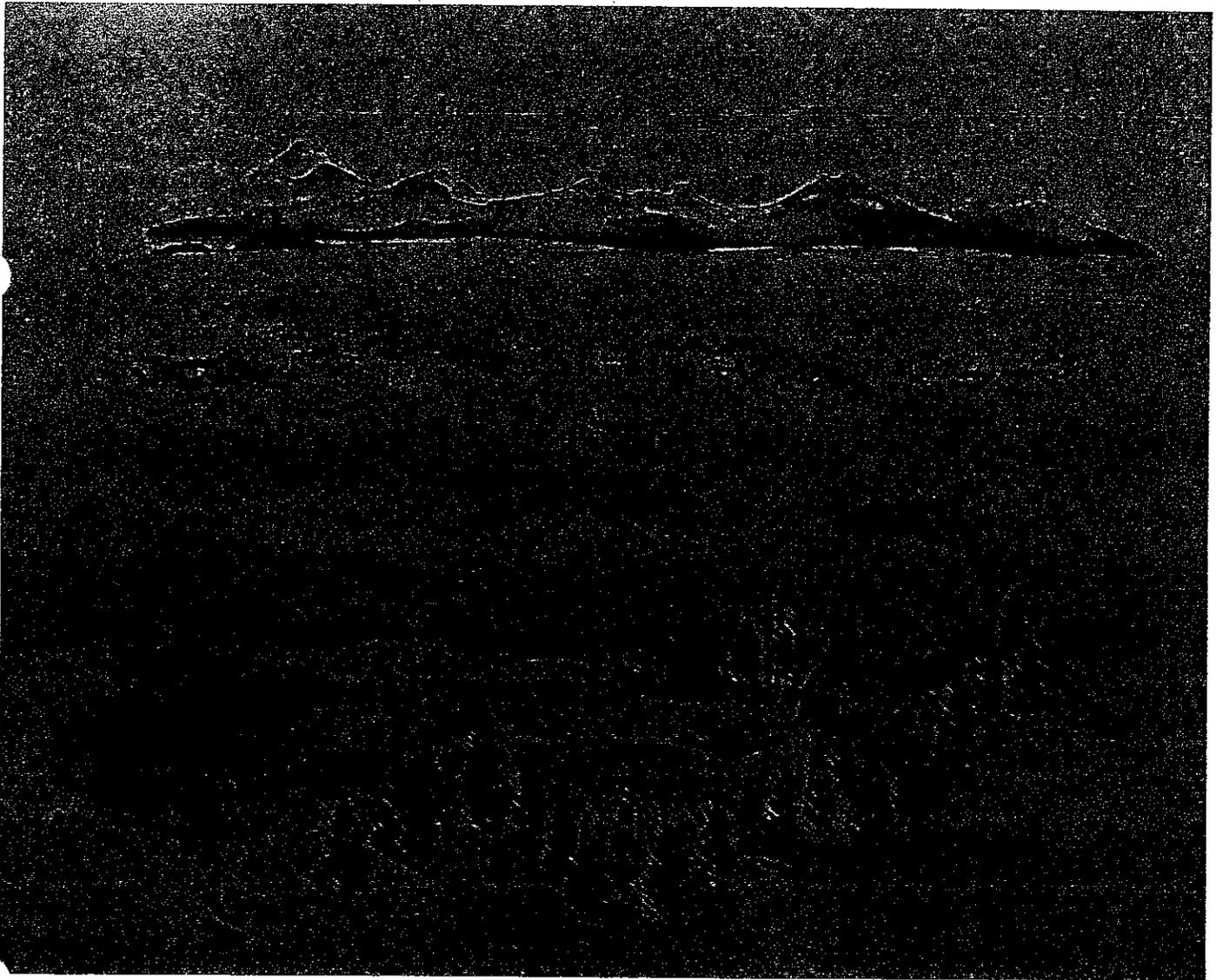
*Disclaimer:  
It is expressly understood the City of  
Homer, its council, board,  
departments, employees and agents are  
not responsible for any errors or omissions  
contained herein, or deductions, interpretations  
or conclusions drawn therefrom.*



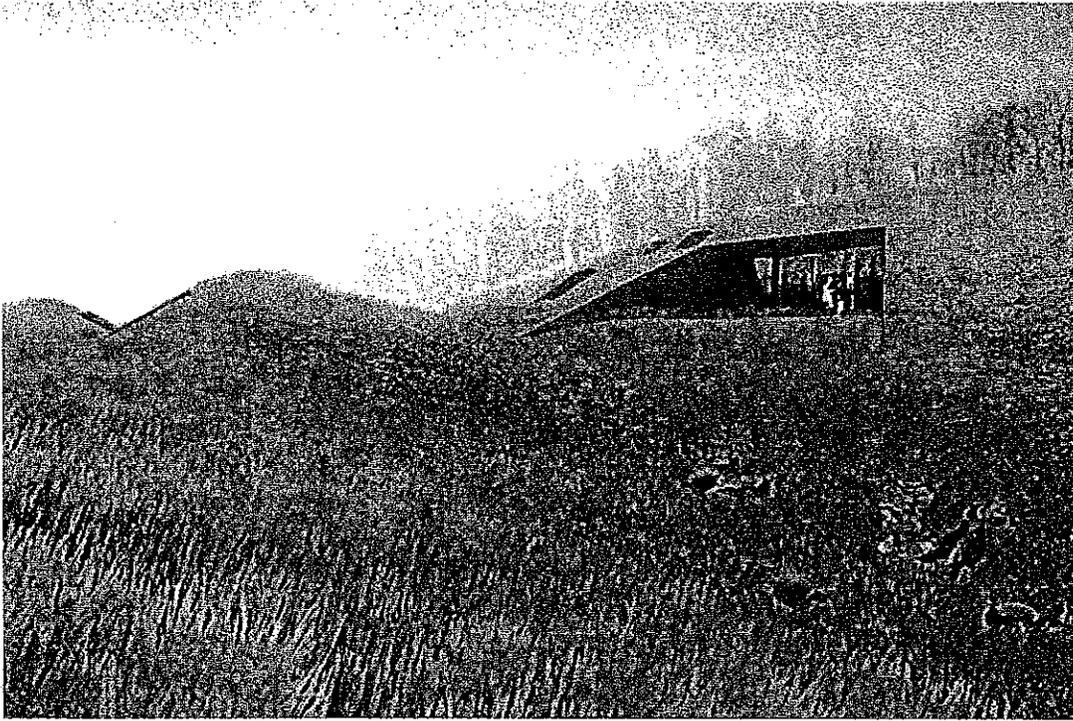
## Peninsula Suites

Our goal is to create a peaceful and naturally beautiful atmosphere for our guests to enjoy. We want our guests to have a unique attractive Alaskan experience, without obstructing the views and natural beauty of Homer. This is partially accomplished by placing 2 of the 5 units underground with one side open to the view of Kachemak Bay through the face of the bluff. The landscaping will consist of natural wild areas, gravel pathways to each unit, manicured lawn and rock gardens throughout the premises.

This lodge will cater to families, fisherman and ecotourists.



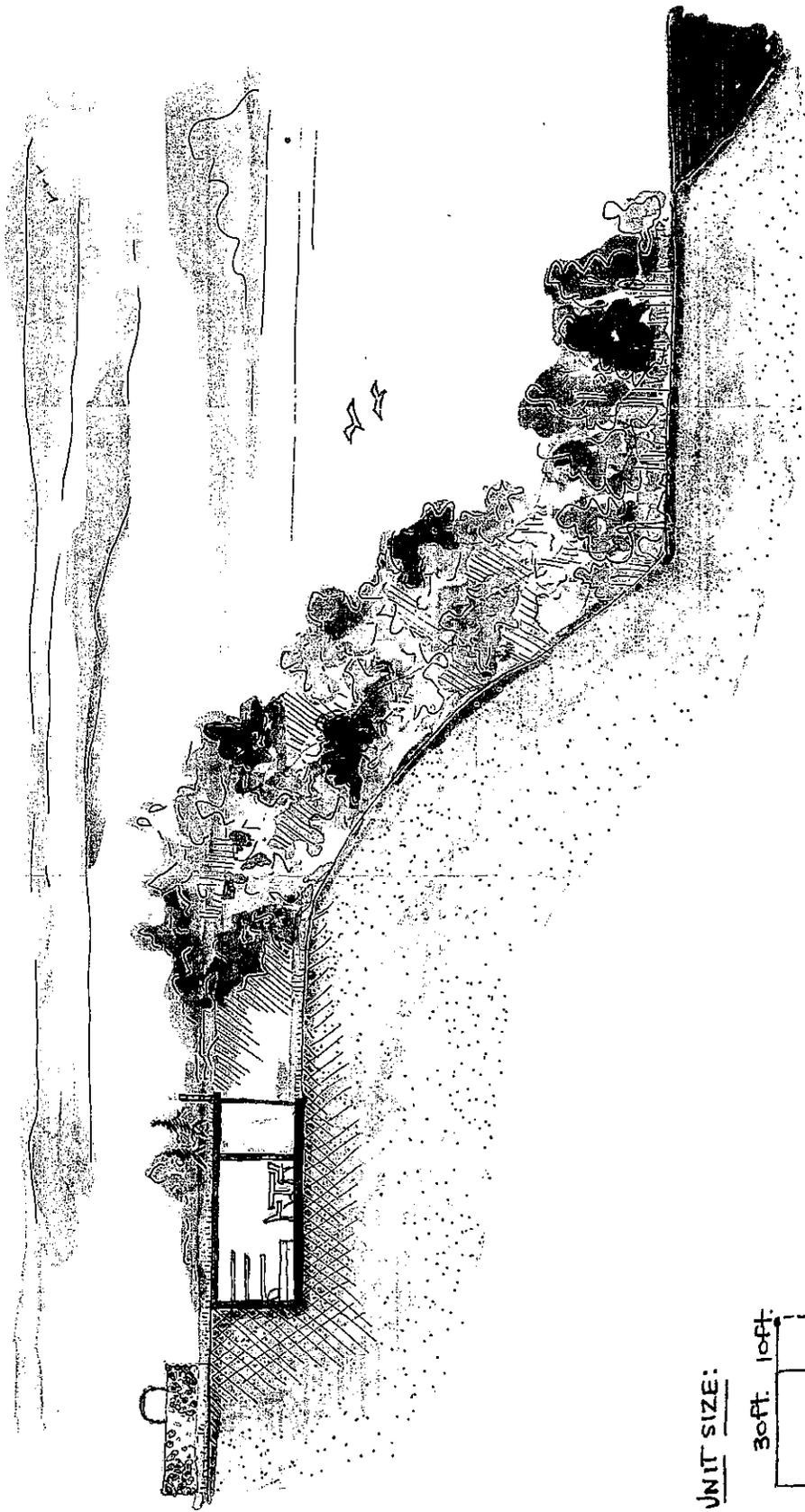
Please see the following examples of an underground unit (Sub-T):



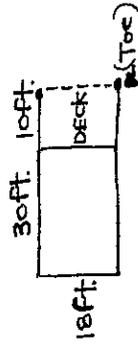
<http://inhabitat.com/2010/05/27/frank-lloyd-wright-fallingwater-underground-eco-cottages/>



<http://webecoist.com/2010/01/20/going-green-underground-16-subterranean-eco-buildings/9-huge-cave-home-missouri/>



UNIT SIZE:



PROPOSED BUILDING SETBACK FROM TOE OF STRUCTURE  
TO BLUFF'S EDGE: 30 ft.



## **John's Previous Experience With building on the Bluff**

I am the prior owner & builder of Alaskan Suites. When I purchased the property there was a significant amount of erosion taking place. I knew I had to fix that problem so here's what I did:

1. I sloped the landscape away from the bluff in order to divert excess water runoff from going down the face of the bluff. I already did this 4 years ago at the proposed building site.
2. Vegetate any bare soil with grass seed and plants native to the area. This will be done to any areas that are disturbed by the building process.

In the 10 years that I owned Alaskan Suites, I can honestly say that I lost no bluff due to erosion or anything else for that matter.

## **What is a Sub – T?**

A Sub-T is nothing more than a daylight basement without the second story. This method of building has been around for years and is considered to be a green way of building.

## **Why Build a Sub-T?**

1. It doesn't obstruct the view of Kachemak Bay from the Sterling Hwy as you enter Homer, nor from any other units on or off the property.
2. Due to the fact that it has a sod roof, there is no water runoff, which cuts back on any erosion issues.

## **Location of Sub-Ts on the Bluff**

When I built Alaskan Suites I located the cabins approximately 15 feet from the edge of the bluff. I never had any issues with erosion, nor did my insurance company raise any concerns.

At the location for the new development it is proposed to build the units a minimum of 20 feet from the edge of the bluff. The units will be built out of all weather wood to minimize the amount of wood placed on the bluff line.

I am aware of the erosion issues that Homer has along the coastline. In my case there is a large buffer between the base of the bluff line and the eroding surf. I would dare to say there is 400 yards or more of vegetated land between the eroding surf and the base of the bluff.

Homer Advisory Planning Commission  
491 East Pioneer Avenue,  
Homer, AK 99603

August 25, 2010

Dear Members of the Homer Advisory Planning Commission,

My name is Holly Van Pelt. I am the legal owner of record of the lot to the east that adjoins Lot 2 Bouman's Bluff Subdivision. I am writing to you to voice my concerns and objections to the request for a CUP at 3865 Sterling Highway.

There are several reasons for my objection to this proposed plan. I will discuss them below.

**This proposal is likely in violation of the terms of the easement recorded on my warranty deed.** The relevant terms are stated below. A copy of the entire document is attached with this letter:

*Agreement*

*4. Ms Van Pelt, as owner of lot one, and the Boumans, as owners of Lot Two, hereby grant and convey to one another, their heirs, successors, representatives and assign, an easement twenty feet in width, lying ten feet on either side of the common boundary line between Lot One and Lot two.*

*5. The easement may be used by the parties, their families, guests, tenants, invitees and others acting with their permission, for ingress and egress, including use as a driveway. **However the easement will not be open to the general public.***

The proposed use of this lot will greatly increase the traffic on the shared driveway and by definition of its proposed use as a vacation rental business it will be open to the public for access to the business.

There is also the question of increased costs of maintenance which are supposed to be shared equally by the owners of the easement. I foresee a situation where one party will have a disproportionate usage of the driveway. I have seen no documents listing the expected and potential maximum number of occupants that these structures may support.

How many people will be using my shared driveway by allowing this CUP to go forward?

The subsequent submitted proposal to subdivide lot 2 into 2 lots will effectively turn my driveway into a public access street. This is not provided for in the easement listed in the warranty deed.

**I purchased this property for my future use as a residence.** I purchased this property because it was zoned Rural residential and I expect to use it for my personal residence. When I purchased Lot 1 of Bouman's Bluff subdivision one of its appealing features to me was privacy. I would only have one other potential neighbor other than myself due to the topography, the location of the road, and the fact that I owned and controlled the other adjoining lot. Should a business enterprise be allowed to develop it will bring increased vehicles traveling in my driveway resulting from employee, business supply vehicles and customer traffic. This proposed business will increase the noise and human activity that could occur at any hour of the day or night. I am concerned that my privacy and personal enjoyment of this property as a residential parcel will be diminished and its value and use as a prime piece of residential real estate will be reduced.

**There is a proposed subdivision request following this CUP dividing Lot 2 into 2 lots.** Proposed access to the second, west half of Lot 2 is shown to cut essentially through the middle of the eastern half. The western half has no direct access to the Sterling Highway. This proposal to allow access through the middle of the eastern half of Lot 2 is an unwise and poorly planned division of this lot. There is no demonstrated easement allowing for permanent access to the second half of Lot 2 and sets up future disputes should the properties belong to different individuals. Independent access to the western half of Lot 2 should be secured before the lot becomes subdivided and the CUP considered.

**The current CUP as proposed shows a total of 7 structures on Lot 2.** The written description defines 6 structures on Lot 2, but the as built/site plan survey shows 7. What will happen if the CUP is approved as requested, then a subdivision of lot 2 into 2 lots; will that result in a 6 structure CUP being approved for one or both of the lots? Should the CUP be approved will the owner of this property be required to place and size the buildings as described or can they be redesigned and moved to different locations on the properties?

**The current owner has recently acquired this property.** If this owner has intended to develop the residential property into a commercial vacation rental venture, the current

owner should have started with appropriately zoned property to begin with and not try to develop this property under a CUP. What is the purpose of having a zoned area if everyone expects to get exceptions granted? What assurance does any property owner have as to the character and usage of properties in a specifically zoned area if there are commonly and routinely granted exceptions?

**What is the character and purpose of the proposed office building?** Will it become a caretaker and managers residence? How many people do the owners expect to hire? If it should become a residence, what will be the occupancy number of that residence?

**What is the purpose and function of the monitor tubes on the west end of Lot 2?**

**I do not support the approval of this application for a CUP.** This CUP as proposed will create an increased density in the neighborhood and cause islands of commercial development to be formed and contribute to urban sprawl. This proposal does not support the spirit of the recently reviewed and approved Comprehensive plan.

I would respectfully like to make some suggestions in an attempt to reach a fair and equitable solution of our situation. The owner of Lot 2 should apply for a separate driveway entrance accessed from the Sterling Highway to the western half of the lot and an application made for a subdivision of that lot into two separate entities. By doing this it will rectify an already out of compliance situation and will result in one residence located per individual property. The subdivision process should take place first and should the owner of the property wish to go forward with a submission of a CUP that should be done after the properties are legally defined. It will then be clear to which property the CUP application is made. I thank you for your careful consideration of the concerns and questions I have raised.

Sincerely,



Holly S Van Pelt  
P.O. Box 3309  
Homer, AK 99603  
907-235-8282

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L  
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2006-005618-0

Recording Dist: 309 - Homer  
12/4/2006 9:24 AM Pages: 1 of 2



*Handwritten initials*

WARRANTY DEED

THIS DEED OF CONVEYANCE AND WARRANTY OF TITLE is made this 1st day of Dec., 2006, by and between JOHN W. BOUMAN II and SHARON M. BOUMAN, Husband and Wife, whose address is 3255 Sterling Highway, Homer, Alaska 99603, Grantors, and HOLLY S. VAN PELT, a single woman, whose address is P. O. Box 3309, Homer, Alaska 99603, Grantee.

Grantors, for and in consideration of the sum of TEN and NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, hereby convey, grant and sell to Grantee, her heirs, representatives and assigns, an estate in fee simple in the following described real property:

Lot One (1), BOUMAN'S BLUFF, According to Plat No. 2006-72, in the Homer Recording District, Third Judicial District, State of Alaska;

TOGETHER WITH all buildings, fixtures and appurtenances thereto; and

SUBJECT TO reservations, restrictions and easements of record, if any.

Grantors hereby fully warrant title to the property and agree to defend such title against the claims of all persons.

In witness whereof, Grantors affix their signatures on the date first above written.

*John W. Bouman II*  
\_\_\_\_\_  
JOHN W. BOUMAN II, Grantor

*Sharon M. Bouman*  
\_\_\_\_\_  
SHARON M. BOUMAN, Grantor.

niel Westerburg  
Attorney at Law  
The Elan Building  
1 Pennock Street, Ste. A  
Homer, Alaska 99603  
Telephone:  
(907) 235-2717  
FAX:  
(907) 2715



EASEMENT AGREEMENT

*copy*

This Agreement is made this 15<sup>th</sup> day of Dec, 2006, by and between JOHN W. BOUMAN II and SHARON M. BOUMAN ("the BOUMANS"), whose address is 3255 Sterling Highway, Homer, Alaska 99603 and HOLLY S. VAN PELT ("Ms. Van Pelt"), whose address is P. O. Box 3309, Homer, Alaska 99603.

Recitals

1. Ms. Van Pelt is the owner of the following described real property (hereinafter referred to as "Lot One"):

Lot One (1), BOUMAN'S BLUFF, according to Plat No. 2006-72, in the Homer Recording District, Third Judicial District, State of Alaska.

2. The BOUMANS are the owners of the following described real property (hereinafter referred to as "Lot Two"):

Lot Two (2), BOUMAN'S BLUFF according to Plat No. 2006-72, in the Homer Recording District, Third Judicial District, State of Alaska.

3. Ms. VAN PELT, as owner of Lot One, and the BOUMANS, as owners of Lot Two, desire to mutually convey to one another an easement straddling common boundary line

between Lot One, and Lot Two, subject to certain terms and conditions more particularly described below.

In furtherance of said recitals and in consideration of the sum of the TEN and NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, the parties enter into the following agreement:

#### Agreement

4. Ms. VAN PELT, as owner of Lot One, and the BOUMANS, as owners of Lot Two, hereby grant and convey to one another, their heirs, successors, representatives and assigns, an easement twenty feet in width, lying ten feet on either side of the common boundary line between Lot One and Lot Two.

5. The easement may be used by the parties, their families, guests, tenants, invitees and others acting with their permission, for ingress and egress, including use as a driveway. However, the easement will not be open to the general public.

6. The parties will be mutually responsible for all costs incurred in constructing and maintaining any driveway following the easement, including any surveying costs; snow removal costs; gravel; grading; culverts; and

EASEMENT AGREEMENT

PAGE 2



2 of 6

2006-005620-0

other related expenses. Both parties must agree to any paving of the easement.

7. Ms. VAN PELT, as owner of Lot One, agrees to indemnify, defend and hold harmless the BOUMANS, as the owners of Lot Two, from any claims for personal injury, death, property damage or other damages arising from anyone's use of the easement to access Lot One.

The BOUMANS, as owners of Lot Two, agree to indemnify, defend and hold harmless Ms. VAN PELT, as the owner of Lot One, from any claims for personal injury, death, property damage or other damages arising from anyone's use of the easement to access Lot Two.

8. This Agreement shall run with the land and be binding upon and inure to the benefit of, the parties to this Agreement and their respective heirs, successors, representatives and assigns, including subsequent purchasers of the parties' lots or any portions thereof.

9. Any dispute arising under this Agreement will be submitted for resolution to a single arbitrator selected by the parties or, if the parties cannot agree on an arbitrator, one appointed by the Superior Court.

WHEREFORE, the parties execute this Agreement on the date first set forth above.

12-1-06

Date

  
JOHN W. BOUMAN II, as Owner of Lot Two

EASEMENT AGREEMENT

PAGE 3



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2006-005620-0

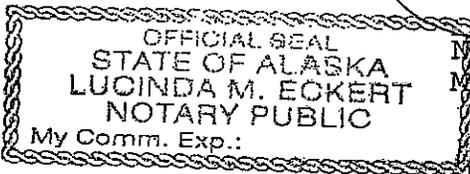


STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this 1st day of Dec, 2006 before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared SHARON M. BOUMAN, known to me to be the individual who executed the foregoing instrument and acknowledged to me that said person signed and sealed the same freely and voluntarily for the uses and purposes therein described.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the date first above written.

*[Handwritten Signature]*



Notary Public in and for Alaska  
My Commission Expires: 3-27-10

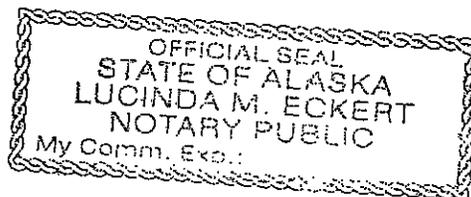
STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this 20th day of Nov., 2006 before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared HOLLY S. VAN PELT, known to me to be the individual who executed the foregoing instrument and acknowledged to me that said person signed and sealed the same freely and voluntarily for the uses and purposes therein described.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the date first above written.

*[Handwritten Signature]*

Notary Public in and for Alaska  
My Commission Expires: 3-27-10



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EASEMENT AGREEMENT

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### STAFF REPORT PL 10-78

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** September 1, 2010

#### **SUBJECT:**

Just a few things left to look at in this draft of the Spit Comp Plan! Staff made the changes discussed at the last meeting. Please review the changes in the documents and bring up any issues. Ideally the Commission would finish reviewing this draft at the meeting so it can be given to the consultant. If you have anything to add, now is the time!

There are a few changes staff made, and a few items the Commission wanted to discuss. Any objections of changes can be discussed at the meeting.

1. Line 340: The Commission wanted to be sure Goal 1.1 (line 761) included everything you wanted. Is goal 1.1 ok?
2. Line 371: Staff added these paragraphs. Any changes?
3. Line 444: Staff added these sentences. Any changes?
4. Line 499: Concept plan for a new park by Pier 1 Theater. Does the Commission want to keep the concept drawing in the plan, or leave it out? See staff comment in margin.
5. Line 544: Staff made new section for dredge spoils and the opportunity areas. The opportunities areas need more discussion or description, if we are going to keep that concept in the plan. Previously, the opportunity areas were discussed as potential residential/resort areas, and the Commission (and the public) did not like the implication of more hotel or condo style development. So we're left with a single paragraph on these areas (by the Hockey Rink, and the Homer Spit Campground). Do we keep the idea of an 'opportunity area,' and if so, what would you like to say about those areas?

#### **What happens next?**

When the Commission approves this document, staff will send it to the consultant. The consultant will add photos, new maps, formatting etc. This new draft document will be presented to the Commission at one meeting to make sure the maps and draft is OK. Then, there will be a public open house, and a comment period (about 30 days). After all comments are in, revisions will be made to the plan, and a

Public Hearing draft will be produced, for Planning Commission public hearings. The goal is for people to have a fairly polished plan to review, but also allow meaningful input that can be included in the public hearing draft.

When will all this happen? That depends on how fast the Commission and the consultant are able to finish up. Staff hopes to have a public open house in October, with public hearings possibly in November and December (PC only meets once those months).

### **Attachments**

1. Draft Spit Plan, September 1, 2010
2. Public comment from JC Chapple

## Chapter I. Introduction

1 | Goal: Wise land management of the Spit and its resources to accommodate its  
2 | natural processes, while allowing fishing, tourism, other marine related  
3 | development, and open space/recreational **uses**.

4 | The Homer Spit is an intriguing natural phenomenon. It is one of the longest occupied natural  
5 | sand spits in the world, extending southeast from the City of Homer, approximately 4.5 miles  
6 | into Kachemak Bay. The Spit is a natural, dynamic system which is constantly being shaped by  
7 | deposition and erosion of sediments. The Spit is sensitive to changes in the natural  
8 | environment and to human activities, both on the Spit itself and in the uplands of the mainland.

9 | The Homer Spit is a lot of things to a lot of different and diverse groups of people. The Spit was  
10 | the site of the town's first settlement and survived the 1964 Good Friday earthquake. In more  
11 | recent times, it has emerged as the centerpiece for Homer's tourism industry. It is a working  
12 | port and harbor, a wildlife refuge, a place for outdoor recreation, and a place for employment  
13 | and business. An economic engine for the region, it is the center of Homer's thriving fishing  
14 | industry and has become one of Alaska's most popular tourism destinations.

15 | As one enters the City from the north and experiences the view of Kachemak Bay, the  
16 | surrounding mountains and glaciers, the focus of your attention is naturally drawn to the Spit as  
17 | a place you have to visit. This update of the City of Homer Spit Comprehensive Plan is similar to  
18 | that view, focusing attention on current issues, defining a vision, and setting a course of action  
19 | for the future.

20 | The Homer Spit Comprehensive Plan was excluded from the overall city comprehensive plan  
21 | update which began in 2006. It was determined the Spit was such an important community  
22 | feature it deserved and required its own planning effort. Some of the issues identified by the  
23 | City to address in the plan include:

- 24 | • Increasing traffic congestion
- 25 | • Parking
- 26 | • New demands for public services
- 27 | • Future land use, zoning, and development
- 28 | • Encouraging economic development without compromising the unique character and  
29 | "flavor" of the Spit

Comment [JE1]: Goal statement (perhaps on the cover)? (notes for staff/consultant: add table of contents, maybe executive summary, appendix items, add a map w/ land marks somewhere up front; could use Hockey rink as divider if 2 pages are needed)

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30 Future comprehensive planning efforts should integrate the Spit with the rest of the  
31 community, rather than separating these geographic areas into different planning documents.

## 32 Purpose of the Plan

33 The Comprehensive Plan describes existing conditions and defines a preferred future  
34 development plan. The Plan recommends public improvements for this unique and special  
35 place and addresses future land use and zoning, parking, pedestrian issues and conservation.  
36 The Plan will serve to guide the Planning Commission, the City Council and other community  
37 leaders and businesses as they make decisions related to the Spit ~~for years to come~~ over the  
38 next 20 years.

## 39 The Planning Process

40 The planning process began in April 2009 with a contract for professional services. The  
41 ~~planning~~ process has included ongoing public involvement opportunities, including to date four  
42 public planning workshops, as well as ongoing input, work sessions, and discussion with the  
43 Planning Commission.

44 A project website was established from the project outset to provide information to interested  
45 persons. The website, [www.homerspituftureplan.com](http://www.homerspituftureplan.com), provided meeting notices, summaries  
46 of community meetings, and draft documents. It also provided an email feedback function that  
47 a number of people used to provide comments.

48 In August 2009 public involvement workshops were provided to introduce the project and  
49 identify community concerns, issues, and opportunities.

50 In September a second round of workshops were held, which were well attended by interested  
51 citizens, property, and business owners. Back to back workshops on September 10, 2009  
52 featured a time for drop-in informal discussion (3:00 to 5:00 pm) and then a presentation and  
53 planning workshop (6:30 pm to 8:30 pm). These open house events included opportunities to  
54 comment on maps of the Spit, a presentation about the planning process, and  
55 comments/suggestions from participants. In addition, a number of people submitted comments  
56 through the project website. These comments and ideas were used as a basis for planning  
57 recommendations, and representative quotations are included throughout the report.

58 From the initial phase of public input, a number of major themes and issues emerged from the  
59 public comments:

60

Comment [JE2]: This section will be updated for the public hearing draft. Somewhere it should state the number of meetings held on the plan.

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- 61 • A desire to make the Spit a better, year-round destination for locals and visitors alike
- 62 • The Spit has great potential for economic/industrial development and the creation of year-
- 63 round, family sustaining jobs. Tourism development should not compromise this potential
- 64 and land should be designated for industrial-type development. A balanced mix of tourism
- 65 and maritime industry is needed.
- 66 • The need for improved transportation alternatives, including bicycles, pedestrians and a
- 67 shuttle bus.
- 68 • The recognition of the unique coastal bird habitat and sea mammal environment.
- 69 • Improve access, condition and amenities of existing parks and open places and consider
- 70 adding more parks, open space, a kayak launch, fishing dock, and a community central
- 71 gathering place
- 72 • Parking is a major issue
- 73 • Concern about future residential developments
- 74 • Reduce pedestrian/vehicle conflicts
- 75 • There is a desire for more overslope development (boardwalk of shops, restaurants, and
- 76 services, etc.)
- 77 • Great opportunities for public art
- 78 • Consider zoning that is unique to the Spit

79 Over the fall, additional discussions, input and research were completed and a "framework  
 80 document" was released in January 2010 as a focal point for community discussion and to  
 81 solicit additional direction from City Planning staff, Planning Commission, and Port and Harbor  
 82 Advisory Commission. Additional public comments were received including:

- 83 • Emphasizing the importance of shorebird habitat for birds and the economic value for
- 84 Homer
- 85 • Desire for design standards for new construction, and to screen industrial activities
- 86 • Creation of a viewing platform to observe the fish dock
- 87 • Recognize the value of beach rye grass and encourages retention along the edge of the
- 88 harbor, and along parking areas and roads to help control dust and storm water erosion
- 89 (rather than planting more formal landscaped areas)

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 or grammar

- 90 • Continue to implement clean harbor operations to reduce harbor pollution
- 91 • Keep the open space character and viewsheds of the Spit
- 92 • Reduce the need for a conditional use permit for customary activities along Fish Dock
- 93 Road. Allow maintenance, security and crew quarters area-wide on the spit.
- 94 • Make improvements to the Deep Water Dock Area using cruise ship tax revenue to
- 95 serve tourists (restrooms, guard shack, covered waiting area)

97 ~~As a result of the ensuing discussion, including discussion at two Planning Commission work~~  
 98 ~~sessions (April 7 & 21, 2010), it has become clear that additional time will be needed to develop~~  
 99 ~~a solid framework for the draft plan that more fully reflects community needs and concerns.~~  
 100 ~~Thus, on April 30, 2010 a Working Draft was created which both revises somewhat the January~~  
 101 ~~document, and also reformats for active editing. Although the draft is primarily for use by the~~  
 102 ~~Planning Commission, all work sessions focused on revising this document will be held in an~~  
 103 ~~open forum, which will feature opportunities for the public to both listen and provide~~  
 104 ~~comments.~~

105 ~~As the Commission shapes this document through the early part of the summer it is hoped that~~  
 106 ~~input, refinements, and edits will help provide a more solid framework for a future draft plan. It~~  
 107 ~~is anticipated that in late July a revised draft will be released to the public, and a highly~~  
 108 ~~publicized set of public meetings will be held in August.~~

109 In terms of the overall planning process, the Spit Comprehensive Plan process has followed a  
 110 progression of research, community participation, study and brainstorming. Listed below are  
 111 the major steps that will lead to a final plan for formal adoption as an element of the Homer  
 112 Comprehensive Plan:

- 113 • Gather Information
- 114 • Research and Analysis
- 115 • Community Involvement
- 116 • Parking Study
- 117 • Future Development Scenarios
- 118 • Framework Plan
- 119 • Community Review

Comment [JE3]: Update for public hearing draft with reference to fall 2010 public meetings

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- 120 • Draft Comprehensive Plan
- 121 • Planning Commission Review
- 122 • Final Plan

123 ~~Currently, a draft Framework Plan has been completed and is ready for community review. The~~  
124 ~~Framework Plan serves as the basis for community discussion as the community reflects on the~~  
125 ~~goals, objectives, and implementation plans for the Spit.~~ The Homer Spit Comprehensive Plan  
126 will be the end product of this planning progression, and strongly reflect input from citizens, the  
127 Spit business community, the Planning Commission, and city staff.

128  
129

Comment [JE4]: Update for public hearing

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130 **Chapter II. Background Data and Existing Conditions**

---

131 **The Homer Economy**

132 The economy of Homer and surrounding region is based upon commercial fishing, government,  
133 services and tourism. The area has grown and prospered in recent years due to growth of these  
134 sectors. The Homer Spit is a major contributor to the regional economy as a hub for the  
135 commercial fishing industry, and as one of Alaska's premier tourism destinations.

136 The recently adopted 2008 Homer Comprehensive Plan addressed the community's economy,  
137 as summarized below:

- 138 • Homer needs room to grow, in a way that respects the community's character, as well as  
139 addresses concerns such as sprawl and climate change. The plan should designate locations  
140 and patterns for new growth, considering related needs like expanded water and sewer  
141 service.
- 142 • The natural environment is important to Homer's economy and way of life. The community  
143 clearly desires to maintain the natural environment. New strategies will be needed to  
144 protect this environment as the community grows – particularly regarding drainage,  
145 erosion, and open space.
- 146 • Homer has a diverse, vibrant economy that builds from the community's strengths and  
147 character. The community will need to work to enhance and preserve economic  
148 opportunity.
- 149 • Tourism is likely to stay strong and grow.
- 150 • Lastly, it is likely these trends will continue, and Homer will face new forms of challenges  
151 and opportunities tied to growth.

152 **Land Use**

153 A variety of land uses have evolved over time on the Homer Spit and created a unique sense of  
154 place. Uses include marine-related industrial and commercial, including fishing and fish  
155 processing, the harbor and harbor related business, the marine highway terminal, port facilities,  
156 fuel storage, retail, lodging, camping, parking, recreational, conservation and public land uses.  
157 RV and tent camping is a major land use. Camping opportunities include tent camping on the  
158 beach and several public and private campgrounds. In the last decade, new residential

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159 condominium units have been developed near  
160 the end of the Spit. Combined with a hotel  
161 resort/residential is a small but very visible  
162 land use on the Spit.

163 A map showing locations of existing land uses  
164 can be found in a separate pdf (2010-04-30  
165 Spit Plan Existing Conditions Maps). The table  
166 and pie chart above also show the  
167 approximate distribution of land uses on the  
168 Homer Spit.

169 Within the City of Homer's existing zoning  
170 code there are currently four designations.  
171 These include Marine Commercial (MC),  
172 Marine Industrial (MI), Open Space-  
173 Recreational (OSR), and Conservation (CO).  
174 See appendix (add code into appendix)

Homer Spit Land Usage Summary, 2009			
#	Usage	Acreage	Percentage
0	Conservation	189.7	34.6%
1	Residential	8.19	1.5%
2	Commercial	14.67	2.7%
3	Industrial	62.64	11.4%
4	Campground	114.14	20.8%
5	Park	18.26	3.3%
6	Recreational	2.18	0.4%
7	Parking	33.34	6.1%
8	Harbor	74.31	13.6%

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or grammar

175 **Natural Environment**

9	Resort/Residential	7.25	1.3%
10	Marine Industrial	23.35	4.3%
TOTAL:		548.03	100%

176 The coastal area of the Spit is a marine and  
177 tidal environment, attracting numerous shore  
178 birds and marine animals. The Spit is a  
179 nationally recognized birding area, and have  
180 has international recognition due to the number of birds that pass through the area during  
181 annual migrations. The Mud Bay and Mariner Lagoon areas are part of the Western Shorebird  
182 Reserve Network (WSRN). With a tidal range greater than 28 feet, Kachemak Bay has expansive  
183 tidal flats and provides a rich shore environment for wildlife. ~~Tides on the Kachemak Bay that~~  
184 ~~can range more than 26 feet have created expansive tidal flats and a rich shore environment for~~  
185 ~~wildlife.~~ Kachemak Bay is also a state designated Critical Habitat Area.

186 Much of the Spit's upland environment has been altered over time. The Spit was severely  
187 impacted by the 1964 earthquake as the elevation significantly dropped, and areas of the Spit  
188 actually disappeared. Some of that displacement has rebounded since that time. Material  
189 from the subsequent excavation of the existing boat harbor and annual dredging have been  
190 used to fill the Spit and raise the elevation of the land to the present level.

191 **Tsunami**

192 Kachemak Bay is situated in an active seismic area of Alaska. A tsunami analysis entitled  
193 "Tsunami Hazard Maps of The Homer and Seldovia Areas, Alaska" was published by the State of  
194 Alaska Department of Natural Resources, Division of Geological & Geophysical Surveys, in 2005.  
195 This report considered two earthquake scenarios and estimated tsunami inundation for Homer  
196 and Seldovia, but did not model the inundation by waves that might be generated by local  
197 submarine or sub aerial landslides, or the inundation from a debris avalanche generated by  
198 eruption of nearby Augustine Volcano.

199 The summary of the study concludes "neither of the modeled scenarios results in inundation of  
200 the entire Homer Spit. However, it is important to note that the Border Ranges fault scenario  
201 results in flooding of a portion of the Spit and the road for a distance of approximately 0.3 mi  
202 (0.5 km) near the head of the Spit. Because this flooding may occur repeatedly during a  
203 tsunami, it is possible that the road may be washed out, cutting off the evacuation route from  
204 the Spit. Even though our numerical modeling does not show inundation of the entire spit for  
205 the scenarios we used, we recommend that evacuation of the Spit be a mandatory part of any  
206 tsunami evacuation plan."

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207 The report ends with the statement "because of the uncertainties inherent in this type of  
208 modeling, these results are not intended for land-use regulation." Thus, common sense must  
209 prevail in developing plans for the Homer Spit. Tsunami warning sirens and evacuation signs  
210 are currently in place and consideration should be given to provide additional warning siren  
211 locations and evacuation plans.

## 212 **Flood Hazard**

213 In 2003, the City of Homer joined the National Flood Prevention Program, and adopted  
214 regulations for development in flood zones. In general, the Federal Insurance Rate Maps  
215 identifies the Spit as a Coastal High Hazard Area. The Spit's shoreline is in the "Velocity Zone"  
216 which is characterized by coastal wave action with tidal surges and high energy, wind-  
217 generated wave action. The Spit is subject to constant coastal erosion, and much of Homer Spit  
218 Road is protected by rip rap.

219 The Flood Standards aim to minimize exposure to flood damage while protecting the functions  
220 of the coastal zone. Meeting these development standards is costly. Buildings and boardwalks  
221 must be designed and certified by an engineer or surveyor that the pilings will withstand a 100-  
222 year flood event and that the structures are elevated properly. In order to provide this  
223 assurance, expensive engineering may be required, further increasing development costs.  
224 Additionally, engineers and surveyors have disputed the elevations on the Flood Insurance Rate  
225 Maps. FEMA intends to resolve the inconsistencies with a new comprehensive coastal restudy  
226 of the Homer Spit starting in 2010 that may result in new flood plain mapping

## 227 **Climate Change**

228 Alaska is experiencing the impacts of global climate change. It is predicted that general  
229 warming of the oceans and potential melting of the Greenland and Antarctic ice sheets will  
230 impact coastal areas around the world, by raising water levels by the end of this century.  
231 Experts predict more frequent and severe storms, accelerating erosion of the shoreline. This  
232 forecasted effect of climate change will ~~will~~ may greatly impact the low lying Homer Spit and should  
233 be considered in planning efforts. The City of Homer's Climate Action Plan is an excellent  
234 resource.

## 235 **Transportation**

236 The Spit is served by the two-lane Sterling Highway (Homer Spit Road). The highway is under  
237 the jurisdiction of the Alaska Department of Transportation (ADOT). A map showing  
238 transportation facilities on the Spit can be found in a separate pdf (2010-04-30 Spit Plan Existing  
239 Conditions Maps).

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240 A June 2009 traffic count indicates an average daily traffic (ADT) total of 3540 vehicles for the  
241 month. Annual traffic data from 2007 indicates an annual ADT of 4125 vehicles. The 2007  
242 monthly ADT data ranges from a low of 1636 vehicles in January to a high of 8959 vehicles in  
243 July. The highest daily traffic counts occurred on several consecutive days in May of 2007 and  
244 were in excess of 10,500 vehicles. The next highest daily counts occurred in July and were in  
245 excess of 10,000 vehicles.

246 The State Highway Marine Terminal is located adjacent to the Pioneer Dock. Ferry service  
247 provides access to Seldovia, Prince William Sound, Kodiak Island, and the Aleutian Chain.

248 A separated bike and walking path parallels the highway from the mainland to just west of the  
249 Freight Dock Road. The City is currently planning the continuation of the bike and pedestrian  
250 path from its current terminus to the end of the Spit.

Comment [115]: (include parking table from earlier draft)

251 With vehicular parking a primary issue on the Spit, a parking study was conducted as part of the  
252 planning process. The goal of the parking analysis is to address these parking issues:

- 253 • Pedestrian safety
- 254 • Short and long-term recommendations
- 255 • Signage
- 256 • Parking lot design
- 257 • Parking policies, such as free vs. charge, time limitations, etc.

258 Parking is also a primary community concern as expressed by public comments at planning  
259 workshops and email feedback from the project website.

## 260 Existing Parking Facilities and Policies

261 The Port and Harbor Department is responsible for management of parking on the Homer Spit.  
262 A map showing existing parking facilities is included on the following page.

263 Public parking facilities consist primarily of gravel open areas. Most parking is located around  
264 the harbor area, and at the fishing lagoon. In recent years, several parking areas located near  
265 the marina ramps have been paved and designated as fee parking.

266 Portions of public and private parking areas are located within the DOT right-of-way (ROW).  
267 The City is currently negotiating an agreement with the DOT for management of the parking  
268 areas located in the ROW.

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269 Organizing the gravel open areas for an efficient parking pattern and traffic flow is a challenge.  
270 Temporary pylons and rope are often used as an attempt to guide and organize parking. There  
271 is no signage identifying parking areas, except for the paved fee parking sites.

272 There are no existing parking areas for the large number of RVs and other large vehicles that  
273 visit the Spit, resulting in sometimes chaotic parking patterns.

274 Other than the few paved areas designated for fee parking, all other areas are designated as  
275 free parking for up to seven (7) days. Thus, areas considered prime parking for day users and  
276 retail customers are used extensively by long-term parkers.

277 There are ~~no~~ few areas designated for short-term parking and delivery/service vehicles for  
278 commercial areas. In 2010, the Port began more rigorous parking enforcement for vehicles and  
279 trailers, installed more signage, and created a loading zone in front of a busy boardwalk.

## 280 **Parking Users**

281 Parking facilities on the Homer Spit serve a number of different groups and needs. Listed below  
282 are the users identified:

- 283 • Vessel owners, crewmen, and clients
- 284 • State Park taxi boat customers
- 285 • Shop owners/ employees
- 286 • Tourists and residents
- 287 • Fish dock employees & commercial truck traffic for fish industry
- 288 • Commercial delivery trucks
- 289 • Ferry dock customers/crewman and commercial trucks
- 290 • Residents from across the bay
- 291 • Load and launch customers, trailers
- 292 • Vessels parked on the uplands
- 293 • Fishing lagoon fishermen
- 294 • Campers and RVs
- 295 • Federal, State & City employees

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- 296 ● People selling boats and vehicles

297 **Parking Analysis**

298 An important part of the parking study was creating a one day "snapshot" of parking utilization.  
299 This included estimating parking lot capacity and counting all parked vehicles in all public  
300 parking areas on an hourly basis. Following is an overview summary of the one day parking  
301 count study and analysis:

- 302 ● The parked vehicle count was made on Friday, July 10, 2009 between 7 am and 4 pm  
303 ● Considered a busy, typical summer day  
304 ● About 1,343+/- parking spaces were inventoried and counted every hour all day  
305 ● 1023 vehicles or 76% of the parking was occupied at the peak hour (2 pm)  
306 ● Up to 92% of all parking was occupied in retail and ramp areas at the peak hour  
307 ● 330 parking spaces, or 24.5% of all parking, was occupied by the same vehicle all day in  
308 various locations

309 Parking behavior observations were made during the count. The gravel parking surface creates  
310 inefficiencies as parkers have difficulty lining up. In addition, RVs require a larger parking space  
311 and can partially block driving lanes. There were people obviously camping in parking areas as  
312 well.

313 **Port of Homer**

314 The City of Homer is the major property owner on the Spit. A map showing all City owned lands  
315 and areas that are leased by the City for income can be found in a separate pdf (2010-04-30  
316 Spit Plan Existing Conditions Maps).

Comment [JE6]: Edit as needed with final map info

317 The City also owns and operates port and harbor facilities. Harbor facilities serve a number of  
318 shipping, commercial fishing and recreational users and interests, as well as stimulate the local  
319 economy by providing facilities that support these major industries.

320 Facilities include:

- 321 ● Small Boat Harbor: The Small Boat Harbor has 893 reserved stalls, 6000 feet of transient  
322 mooring, a five lane boat launch and fish cleaning stations.  
323 ● Fish Dock and Ice Plant: The Fish Dock operates for a nine month season. The dock has  
324 eight cranes. The ice plant has 200 ton of ice storage.

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- 325 • Deep Water Dock: 245 face with 40 feet of depth.
- 326 • Pioneer Dock: 469 face with 40 feet of depth. The Pioneer Dock serves the Alaska Marine
- 327 Highway Terminal located adjacent to the dock.

## 328 Parks and Recreation

329 The City Public Works Department operates parks and recreation facilities on the Homer Spit  
330 including campgrounds, public restrooms, and an RV dump station. Although there are many  
331 recreational needs and opportunities on the Spit, these must be balanced within the overall  
332 context of the existing City of Homer Comprehensive Plan Parks and Recreation priorities,  
333 currently planned CIP projects, and staff and maintenance resources and capacity.

334

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335 **Chapter III. Vision 2030**

336 It is clear that the Homer Spit is a defining physical and social element of the larger Homer  
337 community and of Southcentral Alaska. Visitors and residents treasure this "jewel" of Alaska  
338 and its unique mix of art, culture, sport, recreation, and environmental assets. The community  
339 wishes to protect and continue this mix, but at the same time wishes to promote commercial

340 and maritime industrial vitality. \* See also Goal 1.1 and go back after reviewing plan. Also,

341 the community wishes to provide better connections for pedestrians and non-motorized users  
342 to improve access and safety.

343 The Spit is unusual in that so much of it is owned by the City of Homer. In addition to standard  
344 municipal responsibilities such as parks and public facilities, the city also leases land to private  
345 companies. There are two types of goals that arise from this arrangement of land ownership: 1  
346 there are universal concepts and goals that apply to all lands regardless of ownership such as  
347 zoning, and 2, there are policies the city as a land owner should examine.

348 The City itself further manages its lands based on the way the land was purchased. The Port and  
349 Harbor is operated as an enterprise fund, meaning that general revenues such as city wide  
350 property and sales taxes are not used to support operations. Port money is used to purchase  
351 Port land, to benefit port operations, not the city as a whole. This is a consideration when  
352 deciding upon future park areas, or activities that do not generate money for the port, but are  
353 paid for solely by port users.

354 The Vision is outlined in terms of four overarching categories with subcategories:

- 355 1. Land Use and Community Design  
356 2. Transportation  
357 3. Economic Vitality  
358 4. Natural Environment

**Comment [JE7]:** Repeat main goal statement on this page Goal: Wise land management of the Spit and its resources to accommodate its natural processes, while allowing fishing, tourism, other marine-related development, and open space/recreational uses.

**Comment [JE8]:** This section needs more of an introduction. Fully flesh out this section to introduce all 4 parts of the vision - land use, transportation, economic vitality and natural environment.

**Comment [JE9]:** Next two paragraphs belong somewhere else. Could be side boxes in final. Right now they are not action oriented.

**Comment [JE10]:** (Reorder goals to match the order of goals in the goals chapter. Make sure there is text here that backs up every goal in the goal section.)

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359 1. Land Use and Community Design

360 **Goals for Land Use and Community Design**

361 1.1 Maintain the variety of land uses that establish the unique "Spit" character and mix of land  
362 uses.

363 1.2 Improve the permanence and character of new commercial development.

364 1.3 Provide public facilities that attract residents and visitors to the Spit for recreational  
365 purposes.

366 1.4 All development should recognize, value, and complement the unique natural resources on  
367 the Homer Spit.

368 1.5 Respond to seasonal land use demand fluctuations.

369 1.6 Protect public access to and enjoyment of the Spit's unique natural resources.

370  
371 This plan does not suggest major changes to Spit land use. The community appreciates the eclectic  
372 mixture of land uses and activities. The goal is to keep the character of the Spit and make minor changes  
373 to improve the experience and functionality of the Spit – the Spit should be a clean, safe and fun place  
374 to fish, walk, bike, sightsee, and shop, with a highly functional, efficient working harbor.

375 Traditionally, business owners have used creative solutions to solve problems; there is a desire to keep  
376 this independent spirit and sense of individuality. The Spit should avoid 'plastic' i.e. looking like  
377 Anywhere USA. There is very limited developable area; compact development will be key to future  
378 economic growth. Consideration of reduced building setbacks, and rethinking parking requirements

379  
380 In terms of guiding future development and design on the Spit, zoning regulations are a critical  
381 foundation. Realistically, although four zoning categories are present, development will only be  
382 focused into two districts: MI- Marine Industrial and MC-Marine Commercial. Yet, as described  
383 following, there are currently a number of issues with this zoning, specific to the Spit.

384 The minimum lot sizes are 6,000 square feet in the MI District and 20,000 square feet in the MC  
385 District respectively. These minimums are for new platted lots. The uniform size and grid  
386 pattern that this promotes does not make sense for all development on the Spit given the  
387 underlying curvilinear land form and the premium value of land. Allowing a more site-  
388 responsive and variable approach would help enhance the more eclectic, compact  
389 development pattern that has historically evolved, and that gives the Spit its interesting  
390 character. Greater flexibility in lot size and building setbacks are some possible solutions.

Comment [E11]: Need a header of some sort here.

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391 Buildings should also be designed to maintain the human scale and preserve views of the  
392 surrounding bay and mountains. A combination of lower building height regulations and  
393 conditional use allowances for buildings up to 35 feet should be considered.

394 Another set of zoning issues on the Spit relate to what uses are permitted, or are conditional  
395 use:

- 396 • ~~Currently, resort and resort/residential land uses are conditionally permitted in the MC~~  
397 ~~Marine Commercial District as a planned unit development. (This is not true, dwellings~~  
398 ~~are not allowed in a PUD)~~
- 399 • Several common commercial uses are conditional uses in the MI-Marine Industrial uses,  
400 such as restaurants.

401 Although these existing measures help limit the potential overexpansion of commercial and  
402 residential development, more carefully tailored tools are desired that better address the  
403 demand for these uses, while preserving the waterfront and other fishing and marine  
404 transportation and economic uses.

405 Another issue relates to existing parking requirements. There should be a clear policy on  
406 required off-street parking. Separate, private, off-street parking facilities can create more traffic  
407 and detract from the pedestrian environment. An alternative is to waive parking requirements  
408 in lieu of a onetime parking system contribution or assessment, or requiring annual permit  
409 purchases.

410 A final zoning consideration relates to the current required setbacks. Do these make sense and  
411 contribute to the desired development pattern, and are they necessary for health and safety  
412 reasons, such as fire protection?

413 Beyond zoning, each future land use has a number of key issues, opportunities, and  
414 consideration that need to be considered within the final comprehensive plan. These are  
415 addressed separately, followed by broad overarching goals for Land Use and Community  
416 Design.

417

### 418 **1.A Industrial Development**

419 The Spit has great potential for future industrial development related to the fishing, marine and  
420 shipping industries. Key issues include the need to:

- 421 • Better utilize the limited land available for industrial and economic development
- 422 • Reserve sufficient land by the deep water dock for future industrial development.

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- 423 • Encourage development related to the fishing, fish processing, and boating  
424 industries.

425 Future industrial development should be clustered in specific locations as designated on the  
426 land use plan. (refer to specific map) However, it is important to consider? (use a synonym)  
427 that industrial activities can have deleterious impacts to scenic resources that are valued by the  
428 public. Carefully considered screening of industrial land use should be considered where  
429 industrial activity takes place adjacent to other existing development and transportation routes.  
430 However, care must be exercised to ensure that screening does not then restrict views to scenic  
431 resources.

432 The existing fish dock, ice plant, and processing plants are key economic generators on the Spit  
433 but they are potentially threatened by incompatible land uses. Further the mix of land uses in  
434 the area and the undefined circulation sometimes creates hazards to pedestrians and others  
435 that pass through the area.

436 The area east of the harbor basin by the deep water dock is a bright spot in industrial activity on  
437 the Spit and receives high use. However, competing uses and traffic patterns may encroach  
438 into the activity in this area and create safety hazards in the future. This area requires  
439 attention to provide for separation of uses and reservation of land for future industrial  
development.

### 441 **1.B Commercial Development**

442 Some commercial development on the Spit has contributed to a haphazard and "temporary"  
443 character, and blocked the view shed. Buildings should be no more than one or two stories to  
444 maintain a human scale and to preserve views of the surrounding bay and mountains. Sign size  
445 needs to be compatible and in scale with multiple small huts on one parcel. Developments should  
446 be encouraged to provide amenities such as benches, trash cans, planters, etc.

447 As more commercial opportunities are desired, the Overslope area at the harbor basin offers  
448 excellent opportunities for commercial growth and a controlled and established character to  
449 the Spit. These opportunities are available in particular on the ~~north and west~~ and south? sides  
450 of the harbor basin as noted on the development Framework Plan map 3. The development  
451 plan shows a proposed configuration of approximately ~~6040,000~~ square feet of new overslope  
452 development. This level of leaseable square footage devoted to small shops, restaurants,  
453 service businesses or other uses should be sufficient to meet demands well into the future.  
454 While this opportunity has tremendous economic opportunities, the character of that  
455 development must be carefully considered. The City of Homer should consider developing

Comment [JE12]: Consultant to reword this paragraph a little bit with fewer "care" and "considers"

Comment [JE13]: Staff reorganized some of this

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456 appropriate standards and design guidelines for new development to maintain the character of  
457 the Homer Spit.

458 One issue that is sometimes found difficult to address is the issue of how to regulate  
459 commercial versus industrial development. More definition is needed with respect to  
460 commercial use to address the character of commercial development as it has occurred on the  
461 Homer Spit.

462 \* go back and talk about 'visitor related commercial' land use

### 463 **1.C Resort/Residential Development**

464 In recent years, new residential condominium development was constructed on the Spit as a  
465 planned unit development. Strong Community concerns over additional residential  
466 development were expressed at planning workshops. Concerns included the height of buildings  
467 blocking views, and safety related to tsunami and flooding. Although some of these concerns  
468 and objections may be overcome through design, the concern over tsunami and severe  
469 flood/weather events is real.

470 Both formal permitted lodging facilities and campgrounds, and informal, unpermitted lodging  
471 and camping are present on the Spit. While there may be community concern about additional  
472 lodging, camping and residential uses, the uses are already there. A residential option should be  
473 considered as part of the planning process. A clear policy is needed and appropriate regulations  
474 created and enforced to meet public health and safety concerns. Lodging and nightly rental  
475 facilities can be located above existing and future commercial developments. By permitting  
476 these activities, the City can better regulate them and ensure facilities meet building, health,  
477 and safety codes.

478

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479 (old natural resources/conservation section has been moved– lumped with parks  
480 and recreation for this section, since we created a new section 4 to give more emphasis to  
481 environmental goals

483 **1.E Parks and Recreation**

484 The public clearly indicated its recognition of the value of the tidal habitat, beaches, and views  
485 available on the Homer Spit. These areas are not just important as habitat for a myriad of  
486 shorebirds, waterfowl, fish, mammals, and plant life, but are important to the identity of the  
487 community of Homer. Protection of these areas is endemic to any development or use that is  
488 allowed on the Homer Spit.

489 This planning effort recognizes the value of the natural environment of the Homer Spit by  
490 recommending continued preservation of this unique marine tidal habitat as conservation  
491 areas. In addition, public access to important use and viewing areas should be preserved, and  
492 where required, improved.

493 A new community park and gathering area was a priority identified during the planning  
494 workshops. A possible site identified in the public process is a portion of the city campground  
495 ~~west of the harbor basin and Freight Dock Road~~ between the Fishin Hole and Freight Dock Road,  
496 near Pier One Theater. This site would seem to be appropriate and would require  
497 reconfiguration of the road and the existing boat launch area. A proposed reconfiguration  
498 would create more space for overslope and commercial ~~development~~.

499 A concept plan was prepared for the proposed park area showing a pavilion, amphitheater,  
500 kayak launch, children's play area, walkways and beach volleyball courts.

501 Other improvements for existing parks are noted on the Framework Plan including:

502 Another priority identified in the written comments was a viewing area to watch the commercial fishing  
503 activities on the fish dock. People like to watch what is going on, but need to do so in a safe place, away  
504 from fork lifts and truck traffic. Potential locations could include Coal Point Park, or the southwest  
505 corner of the harbor and the steel grid.

507 Other improvements for existing parks include:

508 **End of the Road Park:** storm watch pavilion, restrooms, a fishing dock, better definition of the  
509 parking area and an improved turn around for vehicles.

**Comment [IE14]:** Are we keeping to concept plan? Are we including the drawing in the plan? Do not delete these two sentences and rewrite with bold print tables, BBQ areas, fire pits, a less expensive vision.

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510 **Seafarer's Memorial Park:** It is suggested this park be expanded slightly to give it more  
511 prominence. This is another excellent location for a multi-seasonal storm watch pavilion and public  
512 restrooms.

513 **Coal Point Park:** The existing small park located adjacent to the fish dock has a parking area that is  
514 too big and a small, but wonderful green space with excellent views of the harbor and fish dock. Shrink  
515 the parking lot and expand the green space. It is also a possible location for restrooms to serve fish  
516 dock, the wood grid and the fuel dock. The park could be connected to the vacant lot next to the  
517 Pioneer Dock along the beach, providing additional open space.

518 ~~In addition, the City of Homer Capital Improvement Plan (2010) includes the following Parks and~~  
519 ~~Recreation projects:~~

520 **Fishing Lagoon Improvements:** The Nick Dudiak Fishing Lagoon (also known as the "Fishing  
521 Hole") is a man-made marine embayment approximately 5 acres in size, stocked to provide  
522 sport fishing harvest opportunity. It is extremely popular with locals and visitors alike. During  
523 the summer when salmon are returning, approximately 100 bank anglers may be present at any  
524 one time between 7 a.m. and 10 p.m.

525 The lagoon embayment itself requires ongoing maintenance including removal of a gravel bar  
526 at the entrance, lengthen and increase the height of the northern-most terminal groin using rip-  
527 rap armor stone from the City's small stockpile, rebuild the north berm using beach  
528 nourishment methods dredge the lagoon approximately 3 feet to remove deposits from tidal  
529 action, and to plant wild rye grass sprigs to stabilize the inner basin slope.

530 **Mariner Park Improvements:** As one of Homer's most popular recreation areas, Mariner  
531 Park attracts campers, beach walkers, kite-flyers, trail users, birders, people with dogs, and  
532 others who come to enjoy the views and open-air recreation opportunities. Homer's growing  
533 population and tourist visitation are placing greater demand on Mariner Park, increasing the  
534 need for recreation and safety enhancements. Mariner Park needs a master plan to identify and  
535 prioritize improvements, and analyze how the park fits in to the community's recreational  
536 activities.

537 ~~The following have been identified as specific areas for improvement in the next six years:~~

- 538 ● ~~Construct a plumbed restroom facility~~
- 539 ● ~~Expand the park and move the vehicle entrance to the north (will help improve pedestrian~~  
540 ~~safety when crossing the road to the trail)~~
- 541 ● ~~Construction of a tunnel under the Spit Road to provide safe access to the Homer Spit Trail~~

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542 • Improve camping areas

543 • Picnic/barbeque area

544 **1 f. Other Issues (focused on dredge spoils and opportunity areas, for lack of**  
545 **another place to put them)**

546 \_\_\_\_\_ Staff comment: Dredge spoils info could be in a text box with something like this: the  
547 city is working with ACOE on a long term dredge spoils plan. A lot of material is dredged from  
548 the harbor entrance and it must have a large dewatering area. This need should be considered  
549 when planning what to do with city owned properties, as planning and permitting for dredge  
550 spoils is a lengthy and complicated process.

551 **Opportunity areas...** What would we like to say about the area by the hockey rink, and by the  
552 **Spit Campground?**

553  
554 Old language: These opportunity areas could be used for many things to add to the visitor industry  
555 or for other commercial/industrial uses. They are areas that merit broader thinking about what  
556 would be in the long term interests of community and the economy, while balancing property  
557 rights and environmental concerns.

558 Anything else to add?

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560

## 561 2. Transportation

### 562 **Goals for Transportation on the Homer Spit:**

563 2.1 Enhance and protect the Spit's critical role in regional marine transportation.

564 2.2 Improve traffic flow and safety on the Sterling Highway.

565 2.3 Provide adequate and safe facilities for pedestrians and bicyclists.

566 2.4 Provide improved multi-modal transportation on and to the Spit.

567 2.5 Improve organization, wayfinding, and management of parking.

568

### 569 **2.A Marine Transportation**

570 Comprehensive Planning for the Spit must take care as it addresses land issues to remember  
571 that the Spit is a critical regional marine transportation link. Maintaining infrastructure, and  
572 enhancing and expanding the port facilities, freight capacity, and multi-modal access links are  
573 critical. Multi-modal refers to the ability to move people and cargo by more than one method  
574 of transportation, such as barge, truck, air and rail. These will provide for improved  
575 transportation of goods and materials in and out of Homer, and also help move people both  
576 regionally and along the Alaska's Pacific Coast.

### 577 **2.B Road and Trail Access**

578 The City of Homer should continue to work with DOT on use and management of the Sterling  
579 Highway right-of-way through the Spit commercial area. A concept has been prepared as part  
580 of this planning process that shows the realignment of several highway segments. Moving  
581 Homer Spit Road may be cost prohibitive but this concept could ~~to~~ be further developed. It has  
582 potential to provide substantial benefits, including consolidation of parking areas, reduction of  
583 pedestrian conflicts, and traffic calming. Potential issues result from moving the road closer to  
584 the beach, such as storm spray and erosion concerns.

585 The proposed bike path extension was originally conceptualized to be located along the harbor  
586 basin. However, this concept creates conflicts with proposed overslope development, and  
587 safety issues with mixing bicycles, pedestrians, shoppers, and marina users. An alternative  
588 concept would locate the bike path along the highway, with sufficient separation for the  
589 comfort and safety of pedestrians. The bike path, situated in a median of saw grass, would add

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590 natural green space and create the opportunity to define specific driveway locations for the  
591 large parking area.

## 592 **2.C Parking Management**

### 593 **Parking Management Ideas and Recommendations**

594 The framework plan recommends a number of actions to organize and manage parking on the  
595 Spit. These ideas focus on parking management, separating as much as possible different long  
596 and short term parking uses, redefining parking areas, and charging a fee for long-term parking.  
597 A large, fold-out map (#3) is located at the end of this document and provides the a general  
598 Framework Plan concept for future parking on the Homer Spit.

#### 599 **Free Parking:**

600 Free parking for 4 hours should be provided in key locations to support retail and commercial  
601 business on the Spit. The free parking areas should be patrolled during peak periods to enforce  
602 compliance and parking tickets issued for violations.

#### 603 **Permit Parking for Slip Rentals and Employees:**

604 Seasonal slip customers and employees should be issued permits for designated areas. The idea  
605 is to not necessarily charge a fee for this parking but rather to manage where this parking  
606 occurs. Parking for slip rentals is proposed adjacent to several of the marina ramps.

#### 607 **Permits for Long Term Parking:**

608 Fee permits for those who need to leave a vehicle on the spit for a longer term should be  
609 required. Under the current situation, people can leave a vehicle parked anywhere for up to 7  
610 days, and it is difficult to enforce this term. There is no incentive not to leave a car on the Spit  
611 for extended periods of time.

#### 612 **Loading Zones and Handicap Parking:**

613 The commercial and retail businesses located on the Spit require numerous deliveries. Specific  
614 loading zones should be identified and designated.

615 Handicap parking spaces are needed near marina ramps and retail areas. Designate handicap  
616 parking on the existing paved parking areas adjacent to the marina ramps.

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617 **Compress the Existing Boat Trailer Parking Area:**

618 Currently, an area larger than required is being used for boat trailer parking. Average daily use  
619 is approximately 80 to 100 trailers parked during peak summer season, falling to a peak of 45  
620 during fall and spring months. However, up to 165 trailer parking spaces may be required  
621 during the winter king salmon derby.

622 The boat trailer parking area should be compressed for better utilization, enforcement of  
623 policies and maintenance. The area should be large enough to accommodate peak use. The  
624 land not being used for boat trailer parking can be available for future economic development,  
625 but making the area smaller now will help identify exactly how much trailer parking is  
626 necessary.

627 **Parking Signage:**

628 Parking users need guidance and information to know where and how to park. Currently,  
629 parking areas are not clearly identified and policies are not well communicated. Clear  
630 identification of parking areas, occupancy rules and fees through an attractive, informative and  
631 consistent signage system will help resolve many of the parking problems.

632 **Create Specific Parking Lot Entrances:**

633 The large parking area that borders the south side of the harbor is wide open and vehicles can  
634 enter the parking area anywhere. This creates unsafe turning movements and chaos in the  
635 parking lot. RVs are prone to hang up on the elevation change present alongside the Spit Road.  
636 To improve safety & efficiency, specific driveways should be created at key locations related to  
637 layout and traffic flows.

638 **Parking Management:**

639 Parking facilities and land are valuable assets, especially on the Homer Spit, where land  
640 resources are limited. Public parking must be managed to balance the needs of the many  
641 different parking user groups. Consider creating a parking subcommittee to develop parking  
642 policies and improvement projects. Consider creating a mechanism for City Parking leases to  
643 private businesses to meet parking requirements.

644

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645 **3. Economic Vitality**

646

647 The 2008 Homer Comprehensive Plan contains a chapter exclusively on economic vitality. The goals and  
648 strategies of Chapter 8, Economic Vitality, may be applied to both the Spit and mainland area of Homer.  
649 The paragraphs below provide additional information gathered from the public meetings and  
650 comments.

651 **Goals for Economic Development on the Homer Spit**

652 **3.1** Improve the local economy and create year-round jobs by providing opportunities for new  
653 business and industrial development appropriate for the Homer Spit.

654 There is a draft land use plan, which supports the goals outlined in this chapter. Two large fold-  
655 out maps (#1 & #2) supplement this draft document and provide the general Framework Plan  
656 for future land use on the Spit. The plan does not make sweeping changes to the existing  
657 development pattern or use of the Spit. It does address future use of underutilized property,  
658 designates specific areas for economic development, and provides for reorganization of land to  
659 create a community park and gathering place.

660

661 **3.A Port and Harbor**

662 The City of Homer has been attempting to secure funding for a major expansion project.  
663 The Corps of Engineers conducted an economic feasibility study of the project, funded by  
664 the State of Alaska, the Corps and the City of Homer. The results of this study do not look  
665 favorable for a harbor expansion in the short term future. The Port is a major economic  
666 asset to the Community and continued efforts should be made to maintain the port and  
667 incrementally improve it. A long range plan for the port and harbor facilities is warranted;  
668 the last plan was completed in 1984. Significant improvements have been made since then,  
669 and it is time to look forward to the next 25 years of port operations, regardless of the  
670 success of the expansion project.

671 **3.B Multi-Seasonal Use**

672 The Homer Spit and Harbor provide a jumping off point for many community and regional  
673 events. Events such as the Winter King Derby, Shorebird Festival, and many others, draw locals  
674 and visitors to the Spit. As a winter city, Homer should create more opportunities to make the  
675 Spit a year round destination for both locals and visitors. The maritime climate does limit  
676 winter possibilities for activities like outdoor ice skating and cross country skiing. However,  
677 walking, running, storm watching, beach combing, and bird and mammal watching are all  
678 activities that can be enhanced with access and facilities designed for all season use.

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680

## 4. Natural Environment

681 The Homer Spit and Kachemak Bay offer rich coastal waters for marine habitat. The Spit is a hot  
682 spot for birding; waterfowl and seabirds alike populate the sparkling waters. Public comment  
683 during this plan emphasized the importance of the habitat to birds and marine mammals, and  
684 the economic benefits to the community. Preserving habitat is important to the environment  
685 and the local economy. The Shorebird Festival is an important shoulder season tourism event,  
686 that draws visitors. Many years have been spent acquiring and protecting habitat on the Spit.  
687 Most recently, the Exxon Valdez Oils Spill (EVOS) worked with the city to acquire land in the  
688 Louie's Lagoon area and create conservation easements. The Kachemak Heritage Land Trust has  
689 also been instrumental in partnering with the City for further conservation easements.

690 This plan makes a distinction between places for people and places for wildlife. Open space and  
691 recreation uses are meant to be areas for "active" recreation by people – fishing, beach  
692 combing with the dog, etc. Goals for open space and recreation can be found under section 1,  
693 Land Use and Community Design. Conservation areas are meant for "passive" human use, such  
694 as bird watching and photography. Conservation areas are defined through zoning,  
695 conservation easements, the Beach Policy and the legal boundaries of the Kachemak Bay  
696 Critical Habitat Area. Conservation areas are important to manage because they are spaces  
697 intended to be protected for wildlife habitat. Habitat in Kachemak Bay is irreplaceable and  
698 there are few alternatives in the region. Where else will 100,000 shorebirds land in May and  
699 feed on specific beach life to fuel up for the continuation of their journey?

700 Harbor operations and boat owner habits also play an important role in protecting Kachemak  
701 Bay resources. The City of Homer supports the Alaska Clean Harbor Pledge, which is a list of  
702 best management practices to address topics as such cleaning agents, garbage, recycling, storm  
703 water and sewage management. Implementation of these practices will need to come from the  
704 Port. Private boat owners also have a role in greener boating practices, and are encouraged to  
705 can also refer to the publication -"Clean Boating for Alaskans."

706 **Goal 4.1:** Manage conservation areas and the natural resources of the Spit to ensure continued  
707 habitat and biological diversity.

708 **Objective:** Minimize human impact on conservation areas.

709 Strategy: Encourage only passive recreation activities in conservation areas.

710 Strategy: ~~Adhere to existing conservation easements.~~

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711 Strategy: Avoid development on city owned tidelands adjacent to Conservation  
712 areas, such as Louie's Lagoon and Mud Bay.

713 Strategy: ~~Avoid~~ Minimize all development that is not ~~water dependant~~ marine  
714 related within the Kachemak Bay Critical Habitat Area, defined as 17.4 ft mean high tide.

715 Strategy: Improvements to public lands should focus active recreation on the  
716 west side of the Spit, Mariner Park, and ~~the southern half of the Spit~~ south of the  
717 Fishing Lagoon.

718 **Objective:** Purchase or obtain conservation easements on private lands on the east side  
719 of the Spit such as ~~between Tide Street~~ north of the hockey rink, and Kachemak Drive.

720 Strategy: Work with willing land owners to conserve land through methods such  
721 as conservation easements, or public or nonprofit ownership. Consider  
722 purchasing first right of refusal options, right of occupancy for remainder of  
723 lifetime or other less traditional methods that will ensure conservation of the  
724 properties at some point in the future.

725 **Goal 4.2:** Support environmentally responsible harbor operations by all user groups

5 **Objective:** Support and implement the Alaska Clean Harbor Pledge

727 Strategy - ~~make reference to 2008 comp plan, chapter 8 energy plan: solid~~  
728 ~~waste/recycling, efficient city buildings, etc~~ Implement relevant portions of Chapter 9  
729 Energy, from the 2008 Comprehensive Plan, such as energy efficient public buildings, recycling  
730 and solid waste management.

731 Strategy: Implement a bilge water management program

732 Strategy: Pursue public education on boat cleaning agents, to reduce the use of harsh  
733 chemicals such as bleach.

734

735 **Objective:** Support the concepts presented in the publication: "Clean Boating for  
736 Alaskans."

737 Strategy: Continue to support ~~efforts to be greener~~ environmentally responsible  
738 recreational boating habits, (~~partner with sailing club etc, to implement both the sustainable~~  
739 ~~harbors and clean boating ideas)~~ Partner with harbor user groups on public education and  
740 providing appropriate facilities.

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741 **Goal 4.3 Manage Storm water runoff**

742 Strategy: Construct a way to collect and handle storm water. Big puddles in parking lots  
743 are not conducive to walking nor a positive experience. Better parking lot maintenance and  
744 storm water management can address this issue. Rain gardens, settling ponds and shallow  
745 ditches may also be a solution, and double to help define parking areas, particularly where  
746 winter maintenance is not needed. Parking revenues could be used to help pay for these  
747 projects.

748 Strategy: Create a spit drainage and grading plan. Drainage needs to be planned and  
749 implemented block by block rather than haphazardly for all properties. The current lack of a  
750 plan causes the last land to be developed with solving neighborhood problems.

751 **Goal 4.4 Manage the Port as a working harbor, for both recreational and working vessels**

752 Strategy: Continue to get rid of boats not paying moorage; the harbor is not a storage  
753 facility or museum. Harbor expansion is expensive and environmentally damaging; the harbor  
754 should be fully utilized by active users. Dead boats can also be an environmental hazard if no  
755 one is responsible for making sure they don't sink or leak.

756

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757 Chapter IV. Goals, Objectives & Strategies

758 1. Land Use and Community Design

759 **Goal 1.1: Maintain the variety of land uses that establish the unique "Spit"**  
 760 **character and mix of land uses.** (revisit "maritime" industrial idea on line 334 after this section) (Strategies etc  
 761 moved around to better fit goals)

Objective	Strategies	Responsibilities
Revise zoning to protect character and enhance commercial, industrial, and public facilities development	Reserve and cluster industrial land at specific nodes, including <del>north-east</del> and south of harbor Better utilize the limited land available for industrial and economic development Reserve sufficient land by the deep water dock for future industrial development. Designate "overslope" for commercial use-focus on south and west sides Identify appropriate residential uses on the Spit Similar land uses (such as charter offices, boat and gear sales, tourism activities) shall be encouraged to cluster to achieve a mix of related activities and minimize adverse impacts on other activities. Promote a low impact use concept for the west side of the Spit in the update of the zoning code <u>and obtaining ownership of land. WHAT DOES THIS MEAN?, copied from 99 and 89 plan</u> Consider a 25 ft building height limit, with a CUP process for buildings up to 35 feet <u>Review Spit parking requirements and possible solutions</u> <u>Encourage all developments to provide amenities such as bike racks, benches, picnic tables, trashcans and landscape features such as planters and art.</u>	Planning Department Planning Commission Port and Harbor Commission
Fix marine commercial and marine industrial zoning	Submit draft ordinance to Planning Commission and City Council <u>Consider zero lot line construction and right of way setbacks</u>	Planning Department Planning Commission

762

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Review land lease policy and determine impact on leasing and character of leasing	Continue reviewing lease policies periodically City leases shall include land sufficient for businesses and minimal employee parking	City Council
Develop standards to apply to development(Move this to section 1.1)	Address screening of dumpsters/noxious facilities Address standards for screening of industrial development Explore industrial subdivision standards	Planning Department

763 **Goal 1.2: Improve the permanence and character of new commercial**  
764 **development.**

Objective	Strategies	Responsibilities
Develop standards for public property development	Revisit design guidelines for Overslope to provide more specificity for development at harbor overslope, considering issues such as lot size, legal access and parking policies	City Council

765 **Goal 1.3: Provide public facilities that attract residents and visitors to the Spit.**

Objective	Strategies	Responsibilities
Provide amenities that aid residents and visitors	Identify locations and needs for restrooms/showers	Public Works Department

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Provide enhanced park and recreation facilities	Identify and prioritize public recreation needs on the spit, and include projects on the CIP. Refer to the master parks and recreation plan, chapter 7, in the 2008 comprehensive plan. Prepare a master plan for development of a new community gathering space at the site of the existing city campground north of Freight Dock Road. (pier 1 area) Provide kayak launching facilities.	Public Works Department/Parks and Recreation Division Chamber of Commerce
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	<p>Set aside a new community park</p> <p>Evaluate and develop a plan for non-boating access to fishing opportunities.</p> <p>Construct weather-protected picnic and outdoor meeting facilities.</p> <p>Open space recreation uses shall be encouraged on the east and west sides of the Spit on public land, from the north end of the existing development to the uplands.</p> <p>Maintain and increase public access to the harbor and beaches on the Spit to improve opportunities for fishing and other recreational activities. (move to 1.6, objective)</p>	
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**Goal 1.4: All development should recognize, value, and complement the unique natural resources on the Homer Spit.**

Objective	Strategies	Responsibilities
Preserve and protect important wildlife and bird sanctuary areas.	<p>Require site-specific handling requirements for all runoff from parking areas</p> <p>Provide information on preventing the growth of noxious weeds</p> <p>Encourage the use of native plant materials for all landscaped areas</p> <p>Encourage the presence of interpretive programs to identify plant and animal resources</p> <p>Clearly sign beach areas off limits for motorized travel</p>	<p>Public Works</p> <p>Planning Department</p> <p>Department/Parks and Recreation Division</p> <p>Alaska Department of Natural Resources/State Parks</p> <p>Non-profit organizations</p> <p>US Fish and Wildlife Services</p>
Identify private lands to become conservation areas	<p>Buy private property from willing land owners for conservation purposes</p> <p>Encourage the cleanup of junk</p>	
Allow the natural transport of sediments along the west side of the Spit to continue uninterrupted.	Proponents of bulkheads, groins, breakwaters or other devices shall demonstrate that their project will not adversely disrupt this sediment transportation.	Public Works Department

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**Goal 1.5: Respond to seasonal land use demand fluctuations.**

Objective	Strategies	Responsibilities
Ensure that high demand seasonal uses are given priority	<p>Allow interim/temporary uses of vacant City land when they are supportive of seasonal demands (fishing, tourism, etc.).</p> <p>Rationalize parking areas to make sure demand is met but at the same time, reduce the overall footprint and visual impact.</p>	<p>Public Works Department</p> <p>Planning Department</p> <p>Port and Harbor Commission</p>

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**Goal 1.6: Protect public access to and enjoyment of the Spit's unique natural resources.**

Objective	Strategies	Responsibilities
Maintain and protect traditional public use of the beaches along the Spit such as for gathering coal, shellfish, fishing and others recreational activities.	<p>Inventory and identify key traditional use areas and access routes</p> <p>Obtain public ownership of land on the Spit especially focused around key sites</p> <p>Conservation of the Mud Bay area of the Spit</p> <p>Maintain and increase public access to the harbor and beaches on the Spit to improve opportunities for fishing and other recreational activities.</p>	<p>Public Works Department</p> <p>Planning Department</p> <p>Port and Harbor Commission</p>
Protect the scenic, natural and aesthetic resources of the Spit.	<p>Encourage the build-up of driftwood on Spit Beaches.</p> <p>Use native landscape elements in public design projects (beach grass, driftwood).</p>	<p>Public Works Department</p> <p>Parks and Recreation Dept</p> <p>Planning Department</p> <p>Port and Harbor Commission</p>

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**Goal 2.2: Improve traffic flow and safety on the Sterling Highway (Homer Spit Road).**

Objective	Strategies	Responsibilities
Maintain the capacity of the Sterling Highway (Homer Spit Road)	Limit number of access points to the Sterling Highway.  Initiate a Reconnaissance Study to better define and control crossing points in the harbor commercial area.  Evaluate traffic calming as element of Reconnaissance study  Enter Memorandum of Agreement with ADOT&PF to address parking, maintenance and management of the right-of-way.	Alaska Department of Transportation and Public Facilities  Administration

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**Goal 2.3: Provide adequate and safe facilities for pedestrians and bicyclists.**

Objective	Strategies	Responsibilities
<p>Provide safe walkways and trails</p>	<p>Develop pedestrian plan for Spit</p> <p>Work with DOT on solutions such as crosswalks</p> <p>Consider options for location of the bike path to best address safety and all users.</p> <p>Plan and design the proposed bike path extension to meet the needs of bicyclists and pedestrians.</p> <p>Plat easements for walkways in commercial areas and along Overslope area</p> <p>Require provision of connectivity between adjacent commercial properties in permit process/zoning language</p> <p>Connect harbor to Seafarers Memorial with trail</p> <p>The City shall reserve 15' pedestrian/safety rights-of-way and access for overslope development around the periphery of the small boat harbor.</p> <p>Construct pedestrian pathway around northerly harbor rim.</p>	<p>Public Works Department</p> <p>Planning Department</p>

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**Goal 2.4: Provide improved multi-modal transportation on and to the Spit.**

Objective	Strategies	Responsibilities
<p>Support year round car ferry service to Seldovia</p>		

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Encourage a shuttle bus system during peak summer months to transport visitors and employees to town, lodging and remote parking.	Participate in a public or private task force or organization  Create business plan/model to determine funding/cash flow	Economic Development Commission, Chamber of Commerce  Administration
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**Goal 2.5: Improve organization, wayfinding, and location of parking and harbor facilities**

Objective	Strategies	Responsibilities
Better define parking locations	<p>Separate long-term parking from short-term/day use parking</p> <p>Designate specific areas for RV parking</p> <p>Provide loading zones for delivery trucks and motor coaches in the retail district (may move this to the last section, next page)</p> <p>Implement a fee and permit system for long term parking</p>	Port and Harbor Planning Department
Provide coherent wayfinding system for parking, and restrooms	<p>Establish a consistent theme for all parking graphics and signage</p> <p>Develop color or other graphic/design feature to clearly indicate intended use</p> <p>Clearly identify City of Homer as owner and requirements for use of lots</p> <p>Clearly label all ramps so they are visible from the roads and parking lots</p> <p>Create a kiosk or signage at each ramp and restroom showing the layout of the harbor, and parking in the immediate area of the user</p>	Port and Harbor Planning Department

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Objective	Strategies	Responsibilities
Define loading and unloading areas	<p>Create a bus loading zone near the harbor masters office</p> <p>Create a turn around/culdesac/roundabout at End of the Road Park</p>	

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790 **3. Economic Vitality**

791 **Goal 3.1: Improve the local economy and create year-round jobs by providing**  
 792 **opportunities for new business and industrial development appropriate for the**  
 793 **Homer Spit.**

Objective	Strategies	Responsibilities
Enhance the circulation and safety in the fish dock area	<p>Create site-specific land use study for fish dock/processing/ice house area</p> <p>Develop appropriate safety measures on Fish Dock Road.</p> <p>Construct an observation deck near the Fish Dock.</p>	

Enhance east harbor area for industrial use	<p>Review zoning for adequacy of provisions for industrial growth</p> <p>Compress trailer parking to ensure there is no encroachment into needed industrial reserve lands</p> <p>Expand the port facilities and freight capacity for improved transportation of goods and materials in and out of Homer.</p> <p>Expand and improve the deep water dock and other related port facilities</p> <p>Improve Outer Dock Road</p>	<p>Public Works</p> <p>Planning Department</p> <p>Port and Harbor</p>
Determine economic development opportunities for "value added"	Encourage development related to the fishing, fish processing, and boating	Alaska Economic Development Corporation

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growth such as processing, small scale local retail, and restaurants serving local products	industries. Host economic development forum and determine opportunities for value added growth	Planning Department Chamber of Commerce Processing plant managers/operators
Determine incentives needed to promote Overslope development	analyze and develop market plan for development Determine alternate incentives that would encourage growth Identify sources of funding or implementation actions for identified incentives	Public Works Department Port and Harbor Commission Alaska Department of Economic Development Finance Department

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796 | Section 4 Goals to be formatted and added here by consultant

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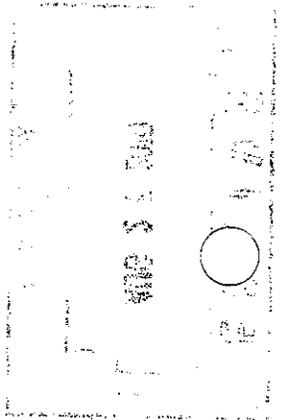
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 AUG 25 2010  
 CITY OF HOMER  
 PLEASE RETURN YOUR OBSERVATIONS AND COMMENTS FOR EACH OF THE IDENTIFIED POINTS OF INTEREST. THE FORM CAN BE RETURNED TO THE WORKSHOP, DROPPED OFF AT THE CITY PLANNING DEPARTMENT, OR VIA FAX, EMAIL OR REGULAR MAIL DIRECTLY TO: USKH, INC.  
 Attn: Patrick Coleman, 2515 A Street, Anchorage, AK 99503, 907.258.4653 (fax), pcoleman@uskh.com (email).

**Homer Spit Comprehensive Plan Walking Tour Questionnaire**  
 August 13, 2009

JC Chapple  
 399-1025

PLEASE RETURN YOUR OBSERVATIONS AND COMMENTS FOR EACH OF THE IDENTIFIED POINTS OF INTEREST. THE FORM CAN BE RETURNED TO THE WORKSHOP, DROPPED OFF AT THE CITY PLANNING DEPARTMENT, OR VIA FAX, EMAIL OR REGULAR MAIL DIRECTLY TO: USKH, INC.  
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- End of the Road Park: What do visitors do at this park? How can we improve it? Sport fishing is primary use, I direct people there and customers tell me they've fished there all summer long.
- Commercial Fishing Industry area: Share your thoughts on this area. Organize open area @ Fish Dock Rd. and Homer Spit Road for day use parking (no camping). Should include signage and specific RV, motorcycle, auto parking areas.
- Harbor Viewing Pocket Park: This little park is a hidden gem. Are improvements needed? What is this? Harbor View boardwalk?
- City Lease Campground: Is this the highest or best use for this property? I believe the campground is the highest and best use of the property. There are too many reasons to prove the campground is best use, than what fits in this space. Please contact me directly. There are several areas on the spit that are not being used at all and would be well placed for more parking.
- Parking: Observe and comment on the parking lot and movement of vehicles and pedestrians. Better marked crosswalks from harbor to Cannery Row Boardwalk are badly needed.
- Parking and Retail Development: Observe and comment on the retail, parking, traffic and pedestrian patterns in this area. Designate parking area for retail employees and designate other area for retail customers.
- Parking, harbor-side development and Pedestrian Connections: Observe and comment on the retail, parking, traffic and pedestrian patterns in this area. Potential safety concerns with pedestrians crossing road randomly and quickly between harbor and Cannery Row; these pedestrians impede and conflict with flowing traffic. We need feedback from people in that area (Sportsmans Supply + Bob's trophy charters).
- Freight Dock Road: Observe and comment on traffic and the development patterns at this intersection.
- Boat and trailer parking: Observe and comment on the use of this area. Enforce fee to use boat launch ramp and trailer parking. Enforce no camping in this area.
- Spit Lagoon: What improvements or changes should be made to this area? well marked cross walk to the Sport Shed across the street





# City of Homer Planning & Zoning

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## STAFF REPORT PL 10-59

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** July 21, 2010, August 18, 2010, Sept. 1, 2010  
**SUBJECT:** Rezone Ordinance

### Introduction

#### Rezoning:

I have been asked to refine our regulations for the incorporation of specific requirements that could be spelled out in code to better define conditions for review. Our policy and procedures manual has some criteria for the subject of the review, but really does not offer much in the way of a guide to measure the review.

#### *Current Review Standards – review to determine:*

1. *The public need and justification for the proposed change;*
2. *The effect on the public health, safety and welfare;*
3. *The effect of the change on the district and surrounding property; and*
4. *The relationship to the Comprehensive Plan and purposes of the zoning regulations.*

*The decision should not be arbitrary, have legitimate public purpose, and be consistent with the Comprehensive Plan.*

After researching the culmination of codes and cases I find that the paramount consideration for a rezone is a justification in the comprehensive plan. The themes below represent legitimate criteria on which a sound decision can be based. Much of the codes that were research resembled ours in the fact that the code did not provide much guidance on review standards. While the current review standards that we use are reflected in the lists below, the list further describes the conditions that should be addressed.

#### The rezone should:

- Indicate how the rezone (change) would further the goals and objectives and better implement the comprehensive plan (why is it needed?)
  - This could include evidence of how the area has changed
  - Evidence of a error or improper designation
- Demonstrate suitability of how authorized principle and conditional uses are compatible with the newly designated area in consideration of the existing zone and surrounding areas

- Consider the potential effects on nearby uses and structures
- Consider the ability of infrastructure to serve the new designation
  - Water
  - Sewage
  - Transportation
- Consistency with intent and wording of other provisions in this title
- Evaluate existing and proposed permitted and conditional uses
- Constitute an expansion of an existing district or be at least 2 acres.

### *Spot Zoning*

I believe that the proposed ordinance addresses concerns regarding spot zoning. I do believe that the following information should be familiar with all planning commissioners.

### Griswold v. Homer (10/25/96), 925 P 2d 1015

- A. Claim of Spot Zoning The classic definition of spot zoning is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners . . . ; Anderson, supra, sec. 5.12, at 359 (quoting Jones v. Zoning Bd. of Adjustment of Long Beach, 108 A.2d 498 (N.J. Super. 1954)). Spot zoning is the very antithesis of planned zoning; Id. (EN6) Courts have developed numerous variations of this definition. Id. These variations have but minor differences and describe any zoning amendment which a small parcel in a manner inconsistent with existing zoning patterns, for the benefit of the owner and to the detriment of the community, or without any substantial public purpose; Anderson, supra, sec. 5.12, at 362. Professor Ziegler states:

Faced with an allegation of spot zoning, courts determine first whether the rezoning is compatible with the comprehensive plan or, where no plan exists, with surrounding uses. Courts then examine the degree of public benefit gained and the characteristics of land, including parcel size and other factors indicating that any reclassification should have embraced a larger area containing the subject parcel rather than that parcel alone. **No one particular characteristic associated with spot zoning, except a failure to comply with at least the spirit of a comprehensive plan, is necessarily fatal to the amendment. *Spot zoning analysis depends primarily on the facts and circumstances of the particular case.*** Therefore the criteria are flexible and provide guidelines for judicial balancing of interests.

3 Edward H. Ziegler Jr., Rathkoph's The Law of Zoning and Planning sec. 28.01, at 28-3 (4th ed. 1995). In accord with the guidance offered by Professor Ziegler, in determining whether Ordinance 92-18 constitutes spot zoning, we will consider **(1) the consistency of the amendment with the comprehensive plan; (2) the benefits and detriments of the amendment to the owners, adjacent landowners, and community; and (3) the size of the area;**

1. **Consistency with the comprehensive plan** Just as an ordinance which complies with a comprehensive plan may still constitute an arbitrary exercise of a city's zoning power, *Watson v. Town Council of Bernalillo*, 805 P.2d 641, 645 (N.M. App. 1991), nonconformance with a comprehensive plan does not necessarily render a zoning action illegal. *Anderson*, supra, sec. 5.06, at 339-40. However, consistency with a comprehensive plan is one indication that the zoning action in question has a rational basis and is not an arbitrary exercise of the City's zoning power. Homer's comprehensive plan divides the city into several zoning areas. By its own terms, Homer's comprehensive plan is not intended to set specific land use standards and boundaries; specific standards and boundaries are instead implemented through the City's zoning ordinance. ....
2. **Effect of small-parcel zoning on owner and community** Perhaps the most important factor in determining whether a small-parcel zoning amendment will be upheld is whether the amendment provides a benefit to the public, rather than primarily a benefit to a private owner. See *Anderson*, supra, sec. 5.13- 5.14; *Ziegler*, supra, sec. 28.03, sec. 28.04, at 28-19 (calling an amendment intended only to benefit the owner of the rezoned tract the classic case of spot zoning). Courts generally do not assume that a zoning amendment is primarily for the benefit of a landowner merely because the amendment was adopted at the request of the landowner. *Anderson*, supra, sec. 5.13, at 368. If the owner's benefit is merely incidental to the general community's benefit, the amendment will be upheld. *Ziegler*, supra, sec. 28.04, at 28-19 to 28-20. ....
3. **Size of rezoned area** Ordinance 92-18 directly affects 7.29 acres. (EN11) The size of the area reclassified has been called more significant [than all other factors] in determining the presence of spot zoning; *Anderson*, supra, sec. 5.15, at 378. The rationale for that statement is that it is inherently difficult to relate a reclassification of a single lot to the comprehensive plan; it is less troublesome to demonstrate that a change which affects a larger area is in accordance with a plan to control development for the benefit of all; *Id.* at 379. We believe that the relationship between the size of reclassification and a finding of spot zoning is properly seen as symptomatic rather than causal, and thus that the size of the area rezoned should not be considered more significant than other factors in determining whether spot zoning has occurred. A parcel cannot be too large per se to preclude a finding of spot zoning, nor can it be so small that it mandates a finding of spot zoning. Although *Anderson* notes that reclassifications of parcels less than three acres are nearly always found invalid, while reclassifications of parcels over thirteen acres are nearly always found valid, *id.*, as *Ziegler* notes, the relative size of the parcel is invariably considered by courts. *Ziegler*, supra, sec. 28.04, at 28-14. One court found spot zoning where the reclassified parcel was 635 acres in an affected area of 7,680 acres. *Chrobuck v. Snohomish County*, 480 P.2d 489, 497 (Wash. 1971). Nor does the reclassification of more than one parcel negate the possibility of finding spot zoning. *Ziegler*, supra, sec. 28.04, at 28-15. In this case, there was some evidence that the reclassified area may have been expanded to avoid a charge of spot zoning. Other courts have invalidated zoning amendments after finding that a multiple-parcel reclassification was a subterfuge to obscure the actual purpose of special treatment

for a particular landowner. Id. See *Atherton v. Selectmen of Bourne*, 149 N.E.2d 232, 235 (Mass. 1958) (holding that the amendment is no less 'spot zoning' by the inclusion of the additional six lots than it would be without them; where proponents of a zoning change apparently anticipated a charge of spot zoning and enlarged the area to include the three lots on either side of the lot in question).

### Review

I suggest that any review revolve around three basic premises

1. Must be consistent with comprehensive plan.  
-easy, does the plan support it.
2. Must be of minimum size if not contiguous with existing zone of same designation.  
-could be debatable. Currently 1 acre, which I am thinking is a bit small. The court has suggested that > 3 acres, in most cases, is too small.
3. Must be at least as beneficial as detrimental (if not more so).  
-here is a place where thing can get complicated. It should be better than worse, but this is nearly always debatable. This is where your judgment as commissioners is heavily weighed. The court will not substitute their judgment for yours unless it is obviously unreasoned. This is most often weighed as aspects of health, safety and welfare. I find it most useful when the concepts of health, safety and welfare might be spelled out more specifically (public service, transportation, land use pattern, environment, and etc...): Then things are a bit more measureable and up for less debate.

I have not changed the documents as I have received from the attorney. But I note changes and items of possible debate below.

### Notable Changes-Version 1

21.95.010 Amendment initiation

Citizen Petition

I suggest that we measure support in terms of area rather than parcels or number of owners (33-37). In my research, I found a cohesive statement that I recommend for use with all petitions for rezoning (38-43). This will clear up the understanding and commitment of the petitioners.

21.95.020 Restrictions .....

(57- 60) – This basically addresses the possibility of spot zoning. Currently 1 acre is a standard. I suggest at least 2 (if not contiguous with present classification- see review #2 above).

21.95.060 Standards

This is the wording recommended by our attorney. It addresses the concepts presented in introduction to this report. I take the most issue with the use of the term 'economically relevant' found in line 126. My reply to the attorney on this subject steered the creation of version 2.

### Version 2

12.95.030 Review by Planning Department

Includes reference to developing findings (71-72)

(b) and (c) refer to review standards con concerning text and map changes respectively (73-95).

Some debatable things include the future specification of health, safety and welfare found in line 70 and the designation of 1000 feet in line 92. (I really like a specific number which could be greater or smaller or could be less specific like using the word 'vicinity' instead-a little obscure for me) Also sore more thought could lead to the omission or inclusion of other factors found in line 93-95. (Screening is more a quality of zoning than a factor for a map amendment.)

**Recommendation**

Review and suggest date for public hearing(s) or schedule time for further review.



CITY OF HOMER  
HOMER, ALASKA

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, REPEALING AND REENACTING HOMER CITY CODE CHAPTER 21.95, LEGISLATIVE PROCEDURES AND AMENDMENTS, REGARDING THE STANDARDS AND PROCEDURES FOR AMENDING TITLE 21 OF THE HOMER CITY CODE AND AMENDING THE OFFICIAL ZONING MAP.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.95, Legislative Procedures and Amendments, is repealed and reenacted to read as follows:

CHAPTER 21.95

LEGISLATIVE PROCEDURES AND AMENDMENTS

- 21.95.010 Amendment initiation
- 21.95.020 Restrictions on amendment proposals
- 21.95.030 Review by City Planner
- 21.95.040 Review by Planning Commission
- 21.95.050 Review by City Council
- 21.95.060 Standards for zoning map amendment

21.95.010 Amendment initiation. a. Any of the following may propose an amendment to this title or to the official zoning map:

- 1. A member of the City Council or the Planning Commission.
- 2. The City Manager or the City Planner.

b. An amendment to the official zoning map may be proposed by a petition representing lots having an aggregate area that is greater than fifty percent of the total area (excluding rights-of-way) that is the subject of the proposed amendment, A lot is represented on the petition only if all owners of the lot sign the petition. The petition shall include the following information:

1. The signature, and the printed name and address, of each person signing the petition. Each signature shall appear beneath the following statement. "Each person signing this petition represents that the signer owns the lot whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment, the current zoning district of the lot, and the zoning district to apply to the lot under the proposed amendment; and that the signer supports the City Council's approval of the amendment."

2. The name of the record owner, the legal description and the Borough tax parcel number of each parcel that is the subject of the proposed amendment.

46 3. A map showing the area that is the subject of the proposed amendment  
47 and all parcels contiguous to the boundary of that area, and the present zoning and proposed  
48 zoning of each such parcel.

49 4. A description of the justification for the proposed amendment.

50 c. An amendment to this title may be proposed by a petition signed by 50 qualified  
51 City voters. The petition shall include the signature, and the printed name and address, of each  
52 person signing the petition.

53  
54 21.95.020 Restrictions on amendment proposals. a. A property owner proposal to  
55 amend the zoning map shall not be submitted to the Planning Commission or the Council unless  
56 either:

57 1. The proposed amendment would reclassify an area to a zoning district that  
58 is contiguous to the area or separated from the area only by a street or alley right-of-way; or

59 2. The area that is the subject of the proposed amendment is not less than two  
60 acres, including the half-width of any abutting street or alley right-of-way.

61 b. No proposal by property owners to amend the official zoning map, or by qualified  
62 voters to amend this title, shall be submitted to the Planning Commission or the Council if it is  
63 substantially the same as any other amendment that was rejected by the Council within the  
64 previous nine months.

65  
66 21.95.030 Review by City Planner. Each proposal to amend this title or to amend the  
67 official zoning map shall be submitted to the City Planner. Within 30 days after determining that  
68 an amendment proposal is complete and complies with the requirements of this chapter, the City  
69 Planner shall present the amendment to the Planning Commission with the City Planner's  
70 comments and recommendations.

71  
72 21.95.040 Review by Planning Commission. a. Each proposal to amend this title or to  
73 amend the official zoning map shall be reviewed by the Planning Commission before it is  
74 submitted to the City Council.

75 b. The City Planner shall schedule one or more public hearings before the Planning  
76 Commission on an amendment proposal, and provide public notice of each hearing in accordance  
77 with HCC Chapter 21.94.

78 c. After receiving public testimony on an amendment proposal and completing its  
79 review, the Planning Commission shall submit to the City Council its written recommendations  
80 regarding the amendment proposal along with copies of minutes of its consideration of the  
81 proposal and all public testimony on the proposal, the City Planner's report on the proposal, and  
82 all written comments on the proposal.

83  
84 21.95.050 Review by City Council. a. After receiving the recommendations of the  
85 Planning Commission regarding an amendment proposal, the City Council shall consider the  
86 amendment proposal in accordance with the ordinance enactment procedures of the Homer City  
87 Code. The City Council may adopt the proposed amendment as submitted or with amendments,  
88 or reject the proposed amendment.

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134 Reviewed and approved as to form:

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138 Walt E. Wrede, City Manager

139 Date: \_\_\_\_\_

Thomas F. Klinkner, City Attorney

CITY OF HOMER  
HOMER, ALASKA

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, REPEALING AND REENACTING HOMER CITY CODE CHAPTER 21.95, LEGISLATIVE PROCEDURES AND AMENDMENTS, REGARDING THE STANDARDS AND PROCEDURES FOR AMENDING TITLE 21 OF THE HOMER CITY CODE AND AMENDING THE OFFICIAL ZONING MAP.

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48 and all parcels contiguous to the boundary of that area, and the present zoning and proposed  
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50 4. A description of the justification for the proposed amendment.

51 c. An amendment to this title may be proposed by a petition signed by 50 qualified  
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53 person signing the petition.

54  
55 21.95.020 Restrictions on amendment proposals. a. A property owner proposal to  
56 amend the zoning map shall not be submitted to the Planning Commission or the Council unless  
57 either:

58 1. The proposed amendment would reclassify an area to a zoning district that  
59 is contiguous to the area or separated from the area only by a street or alley right-of-way; or

60 2. The area that is the subject of the proposed amendment is not less than two  
61 acres, including the half-width of any abutting street or alley right-of-way.

62 b. No proposal by property owners to amend the official zoning map, or by qualified  
63 voters to amend this title, shall be submitted to the Planning Commission or the Council if it is  
64 substantially the same as any other amendment that was rejected by the Council within the  
65 previous nine months.

66  
67 21.95.030 Review by City Planner/Planning Department. a. Each proposal to amend this  
68 title or to amend the official zoning map shall be submitted to the City Planner. Within 30 days  
69 after determining that an amendment proposal is complete and complies with the requirements of  
70 this chapter, the City Planner shall present the amendment to the Planning Commission with the  
71 City Planner's comments and recommendations, accompanied by proposed findings consistent  
72 with those comments and recommendations.

73 b. The Planning Department shall evaluate each proposal to amend this title, and  
74 may recommend approval of the amendment only if it finds:

75 1. The proposed amendment is consistent with the comprehensive plan and  
76 will further specific goals and objectives of the plan.

77 2. The proposed amendment will be reasonable to implement and enforce.

78 3. The proposed amendment will promote the present and future public  
79 health, safety and welfare.

80 4. The proposed amendment is consistent with the intent and wording of the  
81 other provisions of this title.

82 c. The Planning Department shall evaluate each proposal to amend the official  
83 zoning map, and may recommend approval of the amendment only if it finds:

84 1. The proposed amendment is consistent with the comprehensive plan and  
85 will further specific goals and objectives of the plan.

86 2. The zoning district or districts that would be applied by the amendment  
87 are better suited to the district or districts that the amendment would replace, because either  
88 conditions have changed since the adoption of the current district or districts, or the current  
89 district or districts were not appropriate to the area initially.

90           3. The principal and conditional uses permitted in the zoning district or  
91 districts that would be applied by the amendment will be compatible with the principal and  
92 conditional uses permitted in the area lying within 1,000 feet outside the boundary of the area  
93 that is the subject of the amendment, considering factors such as proximity, topography,  
94 vehicular and pedestrian traffic circulation, materials, screening, actual and potential  
95 development, comprehensive plan designations, and other relevant factors.

96  
97           21.95.040 Review by Planning Commission. a. Each proposal to amend this title or to  
98 amend the official zoning map shall be reviewed by the Planning Commission before it is  
99 submitted to the City Council.

100           b. The City Planner shall schedule one or more public hearings before the Planning  
101 Commission on an amendment proposal, and provide public notice of each hearing in accordance  
102 with HCC Chapter 21.94.

103           c. After receiving public testimony on an amendment proposal and completing its  
104 review, the Planning Commission shall submit to the City Council its written recommendations  
105 regarding the amendment proposal along with copies of minutes of its consideration of the  
106 proposal and all public testimony on the proposal, the City Planner's report on the proposal, and  
107 all written comments on the proposal.

108  
109           21.95.050 Review by City Council. a. After receiving the recommendations of the  
110 Planning Commission regarding an amendment proposal, the City Council shall consider the  
111 amendment proposal in accordance with the ordinance enactment procedures of the Homer City  
112 Code. The City Council may adopt the proposed amendment as submitted or with amendments,  
113 or reject the proposed amendment.

114  
115           ~~21.95.060 Standards for zoning map amendment. The City Planner, Planning~~  
116 ~~Commission and City Council shall apply the following criteria in considering a proposed~~  
117 ~~amendment to the zoning map:~~

118           ~~a. Whether the amendment is consistent with the goals and objectives of the~~  
119 ~~comprehensive plan, and the comprehensive plan land use recommendations map.~~

120           ~~b. Whether the zoning map amendment is in the best interest of the public,~~  
121 ~~considering the following factors:~~

122           ~~1. The effect of development under the amendment, and the cumulative~~  
123 ~~effect of similar development, on property in the vicinity of the area subject to the amendment~~  
124 ~~and on the community, including without limitation effects on the environment, transportation,~~  
125 ~~public services and facilities, and land use patterns; and~~

126           ~~2. The supply of land in the economically relevant area that is in the same or~~  
127 ~~similar districts to the district that would be applied by the amendment, in relation to the demand~~  
128 ~~for that land.~~

129  
130           Section 2. This Ordinance is of a permanent and general character and shall be included  
131 in the City Code.

133 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
134 \_\_\_\_\_ 2010.

135  
136 CITY OF HOMER

137  
138  
139 \_\_\_\_\_  
140 JAMES C. HORNADAY, MAYOR

141 ATTEST:

142  
143  
144  
145 \_\_\_\_\_  
146 JO JOHNSON, CMC, CITY CLERK

147  
148 YES:

149 NO:

150 ABSTAIN:

151 ABSENT:

152  
153 First Reading:

154 Public Hearing:

155 Second Reading:

156 Effective Date:

157  
158  
159 Reviewed and approved as to form:

160  
161  
162 \_\_\_\_\_  
163 Walt E. Wrede, City Manager

164 \_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

## MANAGERS REPORT

August 23, 2010

**TO:** MAYOR HORNADAY / HOMER CITY COUNCIL

**FROM:** WALT WREDE

### UPDATES / FOLLOW-UP

At the most recent Committee of the Whole Meeting, the Council was scheduled to discuss Council priorities for the upcoming FY 2011 Operating Budget. As you know, we never got to that topic because we spent the entire hour talking about fire mitigation in the Bridge Creek watershed. We could talk about this topic a little at this Committee of the Whole but we likely won't have much time because the Teshio delegation will be visiting with us.

So, in order to keep us on track, I thought it might be useful to devote the entire Manager's Report to this subject. If we don't discuss this at the Committee of the Whole, we can do so during the regular meeting (or both). This is an important discussion to have because it is very helpful to me to know Council budget priorities for the coming year as we begin developing the document. You will recall that last year, I incorporated most of the Council priorities into a set of guiding principles. That was very important in a year in which a tough budget decision had to be made.

I can also provide some updates on the gas line, the TORA Agreement, and the Fire Mitigation Program, among a myriad of other things if Council wishes. Enstar representatives will be there as a visitor so I think the gasoline topic will be covered.

### **BUDGET PRIORITIES**

At the last meeting, Regina provided a Treasurer's Report which showed that the City's revenues and expenditures are basically tracking with the adopted budget. It is really too early to make any projections that we can be confident in regarding revenues. We will have a much better picture of sales tax revenue at the end of the third quarter. And property taxes, while a little more predictable, also do not come in until later in the year.

We have anecdotal evidence that the economy has picked up a little over last year and the City hosted a number of special events. So, it seems reasonable to expect that sales tax revenues will be up over last year. So, I think one topic that would be good to think about now is what Council would want to do with any extra revenue if it arrives. While we might be in a position to add a few things back into the budget, I would urge caution because the economy in the next few years still seems uncertain, to say the least. I would think hard about adding things that might not be sustainable if the economy slumps.

You will recall that last year was a tough one and a lot of things were cut or simply not funded. Following is a partial list of those things. We would be really interested in hear how Council would prioritize these items if extra funds were available.

- 8 vacant, full time equivalent positions
- No contribution to depreciation reserves
- No contributions to fleet reserves
- No capital equipment purchases
- No employee COLA
- Reductions in overtime, training, travel
- Reductions in contributions to NGOs

In addition to the above, Council may also want to discuss other budget topics such as tax policy, level and type of service delivery, increased efficiency, etc.

#### ATTACHMENTS

1. July and August Employee Anniversaries

CITY OF HOMER

2010 PUBLIC SIGN IN SHEET

Planning Commission Regular Meeting September 1, 2010 \*\* Check one of the following:

PRINT YOUR NAME!!!                      ADDRESS                      CITY RESIDENT                      NON RESIDENT  
example:

1. JAMES HORNADAY	491 E. PIONEER AVENUE	<input type="checkbox"/> ✓	<input type="checkbox"/>
2. <i>NANCY HILLSTRAND</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <i>John Bouman</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. <i>Wally Swan</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.		<input type="checkbox"/>	<input type="checkbox"/>
6.		<input type="checkbox"/>	<input type="checkbox"/>
7.		<input type="checkbox"/>	<input type="checkbox"/>
8.		<input type="checkbox"/>	<input type="checkbox"/>
9.		<input type="checkbox"/>	<input type="checkbox"/>
10.		<input type="checkbox"/>	<input type="checkbox"/>
11.		<input type="checkbox"/>	<input type="checkbox"/>
12.		<input type="checkbox"/>	<input type="checkbox"/>
13.		<input type="checkbox"/>	<input type="checkbox"/>
14.		<input type="checkbox"/>	<input type="checkbox"/>



## ISSUES PERTAINING TO PROPOSED HILLSTRAND'S HOMESTEAD PLAT:

1. ADDITIONAL STIPULATIONS ON UNSUBDIVIDED HILLSTRAND LAND IMPEDES ON RIGHTS OF THE LANDOWNER AND CONSTITUTES ADDITIONAL TAKING
2. THE UNSUBDIVIDED REMAINDER OF THE HILLSTRAND HOMESTEAD SHALL RETAIN THE INTEGRITY OF ORIGINAL CONDITIONS OF ORIGINAL STATUTORY WARRANTY DEED DATED JULY 23<sup>RD</sup> 1997 RECORDED September 19<sup>th</sup> 1997 IN BOOK 0268 PAGE 631\*
3. NOTES NEED TO PERTAIN TO LOT 1 AND LOT 2 ONLY. UNSUBDIVIDED REMAINDER SHALL REMAIN UNAFFECTED BY THE PLATTING PROCEEDINGS



Alaska State Legislature

State Capitol, Room 102  
Juneau, AK 99802  
Phone: 465-2689  
Fax: 465-3472  
Toll Free (800) 665-2689  
Representative\_Paul\_Seaton@legis.state.ak.us



345 W. Sterling Highway  
Suite 102B  
Homer, AK 99603  
Phone: 235-2921  
Fax: 235-4008

**REPRESENTATIVE Paul Seaton**

District 35

Harbor Commission  
Planning Commission  
City of Homer  
491 E. Pioneer Ave  
Homer, AK 99603

August 31, 2010

Dear City of Homer Harbor and Planning Commissions,

The ballot initiative that passed in 2008 established a Cruise Ship Head Tax capital fund for port communities to make infrastructure improvements. The legislature amended the initiative in 2010 and designated a portion of the Cruise Ship Head Tax Fund for projects in emerging port communities, approximately 5-6 million dollars annually until 2015. This is in addition to the \$5 a head the City of Homer gets to help defray the cost of the infrastructure required to host visitors. As a new community to cruise ship traffic, projects in the City of Homer would be eligible for funding under this special designation. To that end, I encourage you to take advantage of the potential for funding infrastructure projects and include as many projects that fit the eligibility requirements on your capital improvement project list as possible. It is important that the projects are directly related to improving the experience of the ship and its passengers. In the past Homer has received Cruise Ship Head Tax monies to complete the Spit Trail.

Please feel free to call my office with any questions. I look forward to having a robust list of eligible projects to advocate for in Juneau.

Sincerely,

A handwritten signature in cursive script that reads "Paul K. Seaton".

Representative Paul Seaton



## Rick Abboud

**From:** Sara Wilson Doyle [swdoyle@uskh.com]  
**Sent:** Wednesday, August 04, 2010 12:59 PM  
**To:** Rick Abboud; Shelly Rosencrans  
**Cc:** Julie Engebretsen; Anne Marie Holen; Bryan Hawkins  
**Subject:** Homer Spit Comp Plan - Potential Schedule for Completion  
**Attachments:** 2010-07-20 Homer Spit.doc

Rick,

We hope that the edits to the framework draft are going well and you feel better prepared to wrap up into a final draft plan. On our end, we've been in contact with some of the more actively interested community members/planning commissioners and are ready to propose a strategy for moving toward final completion that we think will address their concerns and tie in nicely with the work you folks have been doing all summer.

For your review and discussion with the Planning Commission, below is a table outlining and approach to finishing up public involvement and report finalization tasks. Changes and comments are welcome – this is a concept for your consideration. Also, attached is an “informal dialogue survey” for review which is a public involvement tool we would recommend using at this point. It is not a formal survey instrument, but rather a talking piece based around input to date. The survey will allow a broader discussion, and will be used to strengthen buy-in and interest as the plan document work wraps up.

### Homer Spit Comp Plan - Potential Schedule for Completion

Task:	Target Date:	Participants:
<b>Public Involvement:</b> Informal “Dialogue” Survey Handed out @ Grocery Store	<b>August 21, 1:00 – 5:00 pm @ Grocery Store:</b> Hand out informal “survey” with the intent of expanding the discussion of the Spit’s Future to reach a broad cross section of residents. Informal conversations and written input gathered will supplement public input to date, and serve as outreach for a final public meeting and plan completion.	USKH Planner – Sara Wilson Doyle develop the survey and flier for re City Staff. Sara will staff the survey welcomes Planning Commission Members or City Staff to join in (training and materials will be provided). Comr Highland has already committed.
<b>Public Involvement:</b> Informal “Dialogue” Survey Handed out @ various Spit Locations	<b>August 22, 1:00 – 5:00 pm @ Spit locations:</b> Hand out informal “survey” with the intent of expanding the discussion of the Spit’s Future to a broad cross section of Spit visitors and business owners. Informal conversations and written input gathered will supplement public input to date, and serve as outreach for a final public meeting and plan completion.	Same as above
<b>Public Involvement:</b> Informal “Dialogue” Survey placed at public locations with a mail in/fax option	<b>August 22 – mid-September, survey available at key public locations (potentially sent within a utility bill).</b>	USKH will provide copies, City Staff and/or Planning Commission Members help decide where to distribute.
<b>Public Involvement:</b> Public Outreach in preparation for a final public meeting	<b>Ongoing starting in September – Media outreach on the planning effort including mention of input opportunities and key dates.</b>	City Staff and/or Planning Commission Members write news pieces and spots with USKH support.
<b>Plan Finalization:</b> Internal draft Homer Spit Comprehensive Plan	<b>September 20 – Present Planning Commission and City with a final public review draft, and discuss final public meeting preparation. Based</b>	USKH provides internal review final City Staff and Planning Commission Members usher through the process

	on the draft developed over the summer, this version will be supplemented with more data, maps, and graphics, and input from the public.	
<b>Plan Finalization:</b> Public review draft Homer Spit Comprehensive Plan	<b>October 6</b> – Planning Commission final edits to internal draft plan; approve for public review. 30 day period	USKH provides public review draft Staff and Planning Commission Member usher through the process.
<b>Public Involvement:</b> Final Public Meeting	<b>October 7</b> – Final Public Meeting to present a Final Draft Comp Plan with some highlighting of public involvement input to date, including through the survey	USKH organize with City Staff and Planning Commission Member survey and meeting attendance
<b>Plan Finalization:</b> Commission formally approves plan with edits and changes based on the public review.	<b>November 3</b> - Planning Commission Formal Public Hearing for input; approval.	USKH provides final edited plan; City Staff and Planning Commission Member usher through the process.

Feel free to contact me with feedback and/or a different approach if you've already developed something different. Also, fyi I'm planning on spending some time in Homer in August so we can work on some of these elements face to face.

Thanks!

**Sara Wilson Doyle, Planner**



1-888-706-USKH (8754)

[swdoyle@uskh.com](mailto:swdoyle@uskh.com)

Statewide • 1-888-706-USKH (8754)

\*\*\*\*\*

This electronic communication (including all attachments) is intended only for the named addressee(s) and may contain confidential information. It has not passed through our standard review process. Design data and recommendations included herein are provided as a matter of convenience and should not be used for final design. **RELY ONLY ON THE FINAL HARDCOPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.** If you are not the named addressee(s), any use, dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail and delete the original communication from your system.

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\*\*\*\*\*



# What future do you want for the Homer Spit?

Land Use • Access • Parking • Trails • Infrastructure • Services • Recreation • Character • Natural Environment

---

Please answer the following questions:

1. Tell us who you are (check all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> I live in Homer              | <input type="checkbox"/> I am a visitor from:    |
| <input type="checkbox"/> I work on the Spit           | <input type="checkbox"/> Alaska – Anchorage Area |
| <input type="checkbox"/> I own land on the Spit       | <input type="checkbox"/> Alaska _____            |
| <input type="checkbox"/> I own a business on the Spit | <input type="checkbox"/> Outside _____           |

2. What 3 things do you like the **MOST** about the Homer Spit as it is today?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

3. What 3 things do you like the **LEAST** about the Homer Spit as it is today?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

4. Regarding the **SPIT's FUTURE**, what types of public investment and overall approaches to shaping the future do you support? For each set of approaches listed below indicate if it is **NOT** a preference, a **LOW** preference, **MEDIUM** preference, or **HIGH** preference.

Approach 1

**Waterfront Access Priority:** A utilitarian focus with well-developed access infrastructure (docks, ramps, parking, roads) and an emphasis on meeting the functional needs of commercial and recreational fishing, transportation, shipping, industry, recreational service businesses, charters and private boaters.

Priority (circle one)

No    Lo    Med    Hi

Approach 2  
**Visitor Destination Priority:** A focus on enhancing the Spit as a commercial, arts and recreation destination with well-developed parking and pedestrian infrastructure and enhanced public spaces (e.g., boardwalks, plazas, parks, restrooms, fishing sites). Protecting public beach access, scenic vistas, and the visual character of the Spit are priorities.

No    Lo    Med    Hi

Approach 3  
**Natural Environment Priority:** Maintain the existing mix of land uses with an emphasis on protecting key shorebird areas, enhancing beach grass and native vegetation, maintaining water quality, and enhancing the overall integrity of the natural environment. Priorities include low-impact public access to the beach, protection of scenic and natural open spaces, and visual buffering of industrial and parking areas are priorities.

No    Lo    Med    Hi

Approach 4  
**Seasonal, Multi-Use Priority:** De-emphasize formalized spaces and develop infrastructure that allows the greatest flexibility of uses over seasons for the broadest range of users. Summer tourism and boating related parking areas are minimally developed to be easily converted to storage, lay down, and net sorting areas for fishing and industry. Land use regulations allow flexibility around user demand and private landowner preferences and needs.

No    Lo    Med    Hi

6. Please use the space below to write any input, comments or ideas specific to the future of the Homer Spit:

7. If you want to be notified and/or involved in discussions about the Homer Spit Comprehensive Plan by email please provide contact info below:

Name: \_\_\_\_\_ phone: \_\_\_\_\_

Email: \_\_\_\_\_

We welcome your feedback on this effort - please contact us at any time with your comments, ideas and questions: Sara Wilson Doyle, USKH Planner [swdoyle@uskh.com](mailto:swdoyle@uskh.com)  
 Phone toll free at 1-888-706-8754 Fax (907)276-5887  
 Visit our website: <http://www.homerspitfutureplan.com/>

## Clean Copy 6/2010

### CITY OF HOMER HOMER, ALASKA

Planning

#### ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS, 21.05.040, MEASURING SLOPES, HOMER CITY CODE 21.50.020, SITE DEVELOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE 21.50.030, SITE DEVELOPMENT STANDARDS – LEVEL TWO; AND ENACTING HOMER CITY CODE CHAPTER 21.44, STEEP SLOPES; REGARDING THE REGULATION OF DEVELOPMENT ACTIVITY ON SITES AFFECTED BY STEEP SLOPES.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is hereby amended by adding the following definitions:

*“Bluff”* means an abrupt elevation change in topography of at least 15 feet, with an average slope of not less than 200% (two feet difference in elevation per one foot of horizontal distance).

*“Coastal bluff”* means a bluff whose toe is within 300 feet of the mean high water line of Kachemak Bay.

*“Ravine”* means a long, deep hollow in the earth’s surface with walls that have a height of at least 15 feet and an average slope of not less than 500% (five feet difference in elevation per one foot of horizontal distance).

*“Slope”* means with respect to two points on the surface of the ground, the ratio, expressed as a percentage, of the difference between their elevations divided by the horizontal distance between them. Slope is measured as provided in HCC 21.05.040.

*“Steep slope”* means an elevation change in topography of at least 15 feet, with an average slope of not less than 45% (one foot difference in elevation per 2.22 feet of horizontal distance). A steep slope can occur naturally or can be created by excavation into or filling over natural ground.

Section 2. Homer City Code 21.05.040, Measuring slopes, is amended to read as follows:

**[Bold and underlined added. Deleted language stricken through.]**

21.05.040 Measuring slopes. The slope between two points on the surface of the ground is measured by calculating the vertical change in elevation (H) over the horizontal run (L) between them and multiplying this decimal result by 100 to determine percent (%) slope. Percent Slope = (H/L)x100. ~~When calculating the slope of a lot, an average slope is used based on the elevations at the corners of the lot. The average slope of a lot, expressed as a percentage, is calculated by subtracting the average elevation of the uphill lot line and the average elevation of the downhill lot line and dividing the sum by the average distance between the two lot lines. The average elevation of the uphill or downhill lot line is calculated by adding the elevations at the ends of the lot line and dividing by two. See Figure 1.~~

Section 3. Homer City Code Chapter 21.44 Steep Slopes is hereby amended to read as follows:

CHAPTER 21.44

STEEP SLOPES

21.44.010	Purpose and intent
21.44.020	Applicability
21.44.030	Steep slope development standards
21.44.040	Setbacks for development activity
21.44.050	Site plan for conditional use

21.44.010 Purpose and intent. This chapter regulates development activity and structures in areas affected by steep slopes, bluffs, coastal bluffs and ravines, and provides the means for additional review and protection to encourage safe and orderly growth to promote the health, welfare and safety of Homer residents.

21.44.020 Applicability. a. This chapter applies to all development activity that disturbs the existing land surface, including without limitation clearing, grading, excavating and filling in areas that are subject to any of the following conditions:

1. Steep slopes, bluffs, coastal bluffs and ravines;
2. Located within forty (40) feet of the top or within fifteen (15) feet of the toe of a steep slope, bluff, coastal bluff or ravine; and
3. Any other location where the City Engineer determines that adverse conditions associated with slope stability, erosion or sedimentation are present.

b. This chapter imposes regulations and standards in addition to the requirements of the underlying zoning district(s).

21.44.030 Steep slope development standards. The following standards apply to all development activity on a site described in HCC 21.44.020.

**[Bold and underlined added. Deleted language striken through.]**

a. No development activity, including clearing and grading, may occur before the issuance of a zoning permit under HCC Chapter 21.70.

b. Subject to HCC 21.44.040, all development activity is subject to the following setback requirements.

1. No structure may be closer to the top of a ravine or non-coastal bluff than the lesser of:

i. 40 feet; or

ii. 1/3 of the height of the bluff, but not less than 15 feet.

2. No structure may be closer than 15 feet to the toe of a bluff other than a coastal bluff.

3. No structure may be closer than 40 feet to the top of a coastal bluff and closer than 15 feet to the toe of a coastal bluff.

c. The site design and development activity shall not restrict natural drainage patterns, except as provided in this subsection.

1. To the maximum extent feasible, the natural surface drainage patterns unique to the topography and vegetation of the site shall be preserved. Natural surface drainage patterns may be modified only pursuant to the site plan approved under 21.44.040, and upon a showing that there will be no significant adverse environmental impacts on the site or on adjacent properties. If natural drainage patterns are modified, appropriate soil stabilization techniques shall be employed.

2. The site shall be graded as necessary to ensure that drainage flows away from all structures for a distance of at least 10 feet, especially where building pads are cut into hillsides.

3. The development activity shall not cause an adverse effect on adjacent land and surrounding drainage patterns.

d. Erosion control.

1. Erosion control methods approved by the City Planner and City Engineer, including without limitation sediment traps, small dams and barriers, shall be used during construction and site development to protect water quality, control soil erosion and control the velocity of runoff.

2. Winter Erosion Control Blankets. If development on a slope is not stabilized by October 15, erosion control blankets (or a product with equivalent performance characteristics) must be installed upon completion of the seasonal work, but no later than October 15. The erosion control blankets shall remain in place until at least the following May 1.

21.44.040 Exceptions to setback requirements. a. Any of the following may be located within a required setback:

1. A deck extending no more than five feet into the required setback.

2. An unoccupied accessory structure having a building area not greater than 200 square feet that is no closer than 15 feet to the top of any bluff or ravine.

**[Bold and underlined added. Deleted language stricken through.]**

3. A boardwalk, sidewalk, foot path or stairway that provides access to a beach, bluff or accessory structure, and that is located at or within three feet above ground level.

4. Development activity that the City Planner determines is reasonably intended to stabilize an eroding coastal bluff.

b. No structure other than a structure described in (a) of this section may be located in a required setback without a conditional use permit issued in accordance with HCC Chapter 21.71 and HCC 21.44.050.

21.44.050 Site plan requirements for steep slope development conditional use permit. a. No conditional use permit for development activity under HCC 21.44.040(b) may be approved unless the City Engineer approves a site plan for the development activity that conforms to the requirements of this section. The City Engineer shall accept or reject the plan as submitted or may require that specific conditions be complied with in order for the plan to meet approval.

b. The site plan shall be prepared by a qualified geotechnical engineer licensed to practice in the state of Alaska and shall include the following information.

1. The location of all watercourses, water bodies, and wetlands within 100 feet of the location of the proposed development activity.

2. The location of all existing and proposed drainage structures and patterns.

3. Site topography shown by contours with a maximum vertical interval of five feet.

4. The location of all proposed and existing buildings, utilities (including onsite well and septic facilities), driveways and streets.

5. The location of all existing vegetation types including meadow, forest and scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be preserved or replaced. Specifications for revegetation shall also be included.

6. Specific methods that will be used to control soil erosion, sedimentation, and excessive storm water runoff both during and after construction.

7. A description of the stability of the existing soils on site and a narrative and other detail sufficient to demonstrate the appropriateness of the development and construction methods proposed.

8. A grading plan for all areas that will be disturbed by the development activity.

9. A [slope stability analysis] including the following:

i. Summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or *in situ* test results, and ground water information;

ii. Interpretation and analysis of the subsurface data;

iii. Summary of seismic concerns and recommended mitigation;

[iv A slope stability analysis ]

iv. Specific engineering recommendations for design;

v. Discussion of conditions for solution of anticipated problems;

vi. Recommended geotechnical special provisions;

**[Bold and underlined added. Deleted language stricken through.]**

vii. An opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

10. Conformance to the site development standards of HCC 21.44.030.

Section 4. Homer City Code 21.50.020, Site development standards – level one, is amended to read as follows:

This section establishes level one site development standards. Level one site development standards apply in all zoning districts, unless otherwise provided by another provision of the zoning code.

a. Slopes. All development on **a site affected by a steep slope, bluff, coastal bluff or ravine, as described in HCC 21.44.020, shall be subject to the requirements of HCC Chapter 21.44 in addition to the requirements of this section** ~~lots with slopes of 15 percent more is subject to the following standards:~~

1. ~~For lots with slopes of 15 to 30 percent, the area used for development shall not exceed 25 percent of the lot. If the development site includes more than one lot, a conditional use permit is required.~~

2. ~~For lots with slopes of greater than 30 percent, the area used for development shall not exceed ten percent of the lot. If the development site includes more than one lot, a conditional use permit is required.~~

3. ~~Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, in which case it must be replanted with approved materials including ground cover, shrubs and trees. Native vegetation is preferred for replanting operations, and will be used where practicable.~~

4. ~~Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours as nearly as possible.~~

b. Drainage. All development activity on lands shall conform to the following:

1. Development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage.

2. Where open-ditch construction is used to handle drainage within the development, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel of the drainage ditch.

3. When a closed system is used to handle drainage within the development, all structures shall be a minimum of ten feet from the closed system.

c. Landscaping Requirements. All development activity on lands shall conform to the following:

1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other

**[Bold and underlined added. Deleted language striken through.]**

damaging physical impacts. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork. Natural revegetation is acceptable if the site naturally revegetates within that 16 month period. If natural revegetation is not successful within that 16 month period, the property owner and developer shall revegetate by other means no later than the end of that 16 month period.

4. Drainage can be stabilized by other means than vegetation, if approved in writing by the City Engineer.

Section 5. Subsection (b) of Homer City Code 21.50.030, Site development standards – level two, is amended to read as follows:

b. Slopes. All development on **a site affected by a steep slope, bluff, coastal bluff or ravine, as described in HCC 21.44.020, shall be subject to the requirements of HCC Chapter 21.44 in addition to the requirements of this section** ~~lots with slopes of 20 percent or more shall be subject to the following standards:~~

~~1. For lots with slopes of 20 percent to 30 percent, the area used for development shall not exceed 25 percent of the lot. If the development site includes more than one lot, a conditional use permit is required.~~

~~2. For lots with slopes greater than 30 percent, the area used for development shall not exceed ten percent of the lot. If the development site includes more than one lot, a conditional use permit is required.~~

~~3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, unless replanted with as much native vegetation as practicable including ground cover, shrubs and trees.~~

~~4. Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours as nearly as possible.~~

Section 6. This ordinance shall be effective upon adoption, except that land development plans that received final approval prior to the effective date of this ordinance shall not be subject to the amendments in this ordinance.

Section 7. This Ordinance is of a permanent and general character and shall be included in the City Code.

**[Bold and underlined added. Deleted language stricken through.]**

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
\_\_\_\_\_ 2010.

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt E. Wrede, City Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

**[Bold and underlined added. Deleted language stricken through.]**

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21.50.010 Site development standards – general. a. All development in all zoning districts must comply with minimal site development standards. There are various levels of standards set forth in this chapter.

b. The level of site development standards required is specified in the applicable zoning district regulations. If applicable zoning district regulations do not specify any level of standards, then level one standards apply. (Ord. 08-29, 2008).

21.50.020 Site development standards – level one. This section establishes level one site development standards. Level one site development standards apply in all zoning districts, unless otherwise provided by another provision of the zoning code.

a. Slopes. All development on lots with slopes of 15 percent more is subject to the following standards:

**[ 1. For lots with slopes of 15 to 30 percent, the area used for development shall not exceed 25 percent of the lot. If the development site includes more than one lot, a conditional use permit is required.**

**2. For lots with slopes of greater than 30 percent, the area used for development shall not exceed ten percent of the lot. If the development site includes more than one lot, a conditional use permit is required.]**

3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, in which case it must be replanted with approved materials including ground cover, shrubs and trees. Native vegetation is preferred for replanting operations, and will be used where practicable.

4. Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours as nearly as possible.

b. Drainage. All development activity on lands shall conform to the following:

1. Development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage.

2. Where open-ditch construction is used to handle drainage within the development, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel of the drainage ditch.

3. When a closed system is used to handle drainage within the development, all structures shall be a minimum of ten feet from the closed system.

c. Landscaping Requirements. All development activity on lands shall conform to the following:

1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other damaging physical impacts. The property

owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork. Natural revegetation is acceptable if the site naturally revegetates within that 16 month period. If natural revegetation is not successful within that 16 month period, the property owner and developer shall revegetate by other means no later than the end of that 16 month period.

4. Drainage can be stabilized by other means than vegetation, if approved in writing by the City Engineer. (Ord. 08-29, 2008).

21.50.030 Site development standards – level two. This section establishes level two site development standards. Level two standards apply when specified by the applicable zoning district regulations or by another provision of the code.

a. Site Development.

1. Development shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, or root damage to neighboring trees, or other adverse effects.

2. Upon completion of earthwork, all exposed slopes, and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods, such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork.

**[b. Slopes. All development on lots with slopes of 20 percent or more shall be subject to the following standards:**

**1. For lots with slopes of 20 percent to 30 percent, the area used for development shall not exceed 25 percent of the lot. If the development site includes more than one lot, a conditional use permit is required.**

**2. For lots with slopes greater than 30 percent, the area used for development shall not exceed ten percent of the lot. If the development site includes more than one lot, a conditional use permit is required.]**

3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, unless replanted with as much native vegetation as practicable including ground cover, shrubs and trees.

4. Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours as nearly as possible.

c. Drainage.

1. Development shall provide a drainage system, as approved by the City, that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage.

2. Where open-ditch construction is used to handle drainage within the development, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel of the drainage ditch.

3. When a closed system is used to handle drainage within the development, all structures shall be a minimum of ten feet horizontally from the closed system.

4. Drainage can be stabilized by methods other than vegetation, if approved in writing by the City Engineer.

d. A Development Activity Plan (DAP) approved by the City under HCC Chapter 21.74 is required if the project includes:

1. Land clearing or grading of 10,000 square feet or greater surface area;

2. The cumulative addition of 5,000 square feet or greater of impervious surface area from pre-development conditions;

3. Grading involving the movement of 1,000 cubic yards or more of material;

4. Grading that will result in a temporary or permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding five feet;

5. Grading that will result in the diversion of an existing drainage course, either natural or human-made, from its existing point of entry to or exit from the grading site; or

6. Any land clearing or grading on a slope steeper than 20 percent, or within 20 feet of any wetland, watercourse, or water body.

e. A Storm Water Plan (SWP) approved under HCC Chapter 21.75 is required if the project includes:

1. An impervious surface coverage that is greater than 60 percent of the lot area (existing and proposed development combined);

2. The cumulative addition of 25,000 square feet or greater of impervious surface area from the pre-development conditions;

3. Land grading of one acre or greater surface area;

4. Grading involving the movement of 10,000 cubic yards or more of material;

5. Grading that will result in a temporary or permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding ten feet; or

6. Any land clearing or grading on a slope steeper than 25 percent, or within ten feet of any wetland, watercourse, or water body.

f. Landscaping Requirements. All development shall conform to the following landscaping requirements:

1. Landscaping shall include the retention of native vegetation to the maximum extent possible and shall include, but is not limited to, the following:

a. Buffers:

i. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a single use is contiguous across common lot lines, such as, but not limited to, shared driveways and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.

ii. A buffer of 15 feet minimum width from the top of the bank of any defined drainage channel or stream.

b. Parking Lots:

i. A minimum of ten percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

ii. Parking lots with 24 spaces or more must have a minimum ten foot landscaped buffer adjacent to road rights-of-way;

iii. Parking lots with only one single loaded or one double loaded aisle that have a 15 foot minimum landscaped buffer adjacent to road rights-of-way are exempt from the requirement of subparagraph (f)(1)(b)(i) of this section.

2. Topsoil addition, final grading, seeding, and all plantings of flora must be completed within nine months of substantial completion of the project, or within the first full growing season after substantial completion of the project, whichever comes first. Required landscaping will be maintained thereafter, with all shrubs, trees, and groundcover being replaced as needed. (Ord. 08-29, 2008).

21.50.110 Fences. a. Fences may be constructed at the lot line, subject to the limitation of this section.

b. In all residential zoning districts no fence on or within 20 feet of the front lot line may exceed four feet in height

c. No fence may block any sight distance triangle that may be required by the zoning code or any other law. (Ord. 08-29, 2008).

21.50.120 Fences - Conditional fence permit. a. Except as provided in HCC § 21.50.120(c), fences may be constructed to heights in excess of those allowed by HCC § 21.50.110 only when a conditional fence permit is first approved by the Planning Commission.

b. Prior to granting such a permit, the applicant must demonstrate and the Planning Commission must find that:

1. The issuance of such a permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights for full use and enjoyment of the property;

2. The fence will not create a safety hazard for pedestrians or vehicular traffic;

3. The appearance of the fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood;

4. The fence is a planned architectural feature designed to avoid dominating the site or overwhelming adjacent properties and structures;

5. The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood;

6. The fence will be of sound construction.

c. Exception. Under no circumstances will a conditional fence permit be considered for a fence that exceeds the limits of a required sight distance triangle. (Ord. 08-29, 2008).



**OSCAR MUNSON SUBDIVISION**  
 LOCATED IN S 1/4 SEC. 20; LOTS 1 & 2 SEC. 29, T6S-R13W S1M, HOMER, ALASKA

