

August 18, 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. Draft Spit Comprehensive Plan – Sara Wilson Doyle
4. Staff Report PL 10-59, Draft Rezone Ordinance *(Please refer to page 91 of the regular meeting packets.)*
4. 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).
5. Commission Comments
6. Adjournment



**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**
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.

  1. Approval of Minutes of August 4, 2010 *Page 1*
  2. Time Extension Requests
  3. Approval of City of Homer Projects under HCC 1.76.030 g.
  4. KPB Coastal Management Program Reports
  5. Decision and Findings for Refuge Chapel/Refuge Room Appeal of an Enforcement Order *Page 5*
6. **Presentations**
7. **Reports**
  - a. Staff Report PL 10-76, City Planner's Report *Page 15*
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 10-68, A Request for a Conditional Fence Permit at 2617 Kachemak Drive, Lot 2 Keta Cliffs Subdivision *Page 17*
  - B. Staff Report PL 10-67, Hillstrand's Homestead Section Line Easement and Right of Way Vacation *Page 29*
9. **Plat Consideration**
  - A. Staff Report PL 10-66, Hillstrand's Homestead Preliminary Plat *Page 35*
10. **Pending Business**
  - A. Staff Report PL 10-71, Draft Spit Comprehensive Plan *Page 43*
  - B. Staff Report PL 10-59, Rezone Ordinance *Page 91*
  - C. Staff Report PL 10-73, Draft Steep Slope Ordinance *Page 123*
  - D. Draft Decision and Findings for Conditional Use Permit 10-04, 1033 Skyline Drive *Page 163*
  - E. Draft Decision and Findings for Variance 10-01, 1033 Skyline Drive *Page 169*

**11. New Business**

- A. Staff Report PL 10-74, Election of Officers
- B. Staff Report PL 10-77, Capital Improvement Plan

*Page 173*  
*Page 175*

**12. 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

*Page 267*  
*Page 271*  
*Page 277*

**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. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment."

Session 10-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:00 p.m. on August 4, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: COMMISSIONER BOS

STAFF: CITY PLANNER ABOUD  
DEPUTY CITY CLERK JACOBSEN

#### APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

#### 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 July 21, 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

The consent agenda was approved by consensus of the Commission.

#### PRESENTATIONS

- A. Sue Christiansen-Request from Landowners in Oscar Munson Subdivision to Vacate Ocean Drive Loop Rights-of-way.

Sue Christiansen, city resident on Ocean Drive Loop, commented to the Commission that some residents in the neighborhood had organized a petition regarding vacating selected areas of Ocean Drive Loop right-of-way and dealing with drive ways in the wetlands. They are concerned about the high value wetlands in the area and are interested in decreasing traffic in the neighborhood.

Chair Minsch advised Ms. Christiansen that she should contact City Planning to get information on the proper procedure for applying for a vacation of right-of-way. She also explained that the Commission does not address driveway permits.

## REPORTS

### A. Staff Report PL 10-70, 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.

No public hearings were scheduled.

## PLAT CONSIDERATION

No plats were scheduled for consideration.

## PENDING BUSINESS

### A. Staff Report PL 10-58, Draft Spit Comprehensive Plan

Chair Minsch stated that the Commission completed the review of the first draft and have given their input to staff to bring back the amended draft.

KRANICH/SINN MOVED TO POSTPONE UNTIL THE NEXT MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### B. Staff Report PL 10-57, Draft Steep Slope Ordinance

The Commission continued their worksession discussion of the draft steep slope ordinance. They recommended the following changes allowing staff to take care of appropriate wording and requested the draft come back after City Attorney review.

MINSCH/KRANICH MOVED TO AMEND THE STEEP SLOPE ORDINANCE AS FOLLOWS:

- DEALING WITH SLOPES AT 15 TO 30% GRADE ALLOWING 25% LOT COVERAGE, 25% LOT DEVELOPMENT. DEVELOPMENT OVER 25% REQUIRES ENGINEER REPORT AND PUBLIC WORKS APPROVAL.
- STAFF WILL MAKE APPROPRIATE ADJUSTMENTS IN THE LEVEL 1 AND LEVEL 2 SECTIONS.
- STAFF WILL CRAFT THE APPROPRIATE DEFINITION.
- LOTS WITH 30 TO 45% SLOPE ARE STILL ALLOWED 10% LOT DEVELOPMENT OVER 10% LOT DEVELOPMENT REQUIRES AN ENGINEER AND PUBLIC WORKS APPROVAL.
- LOTS WITH OVER 45% SLOPE REQUIRE ENGINEERING AND PUBLIC WORKS APPROVAL FOR ANY DEVELOPMENT.

There was discussion that the vegetation information that is marked out will be addressed. It needs more study to determine where it will be added back in.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT**

Motion carried.

Chair Minsch called for a motion to adjourn.

**KRANICH SO MOVED.**

There was no discussion.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT**

**NEW BUSINESS**

**INFORMATIONAL MATERIALS**

- A. City Manager's Report
- B. Letter dated July 27, 2010 to property or business owners, from Dotti Harness-Foster regarding spit signage.

**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**

There were no comments from staff.

**COMMENTS OF THE COMMISSION**

There were no comments from the commission.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:31 p.m. The next regular meeting is scheduled for August 18, 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.

\_\_\_\_\_  
Melissa Jacobsen, CMC, Deputy City Clerk

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





# City of Homer

## Planning & Zoning

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### HOMER ADVISORY PLANNING COMMISSION

#### **Decision on Appeal** RE: March 10, 2010 Refuge Chapel/ Refuge Room Enforcement Order

This Decision is made pursuant to Homer City Code (HCC) 21.93.110. As such it includes an official written statement of findings and reasons supporting this decision.

#### **Introduction and Background Facts**

On January 13, 2010, the Homer Board of Adjustment (BOA) Decision on Appeal of the Refuge Chapel rooming house adopted five findings on issues regarding the matter of the Refuge Chapel. Two of the findings are reiterated below; the remaining three findings are not relevant to the Refuge Chapel's March 31, 2010 enforcement order appeal and are not specified below. The relevant BOA findings for purposes of this appeal are:

- a. "The Planning Commissions August 5, 2009 2-3 vote was sufficient to overturn the City Planner Rick Abboud's April 9, 2009 determination."<sup>1</sup>
- b. "It is still up to the Commission to determine whether the Refuge Room constitutes a Homeless shelter or something else."<sup>2</sup>

On March 10, 2010, Homer City Planner, Rick Abboud issued an enforcement order demanding discontinuation of the use of the property located at 397 E Pioneer Avenue, (more particularly described in the above caption), as an overnight facility or submit a completed application for a conditional use permit within 30 days of receipt of the notice of violation. The enforcement order was issued as a consequence of the BOA's January 13, 2010 decision that a

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<sup>1</sup> The BOA reversed City Planner's determination that the Refuge Chapel/Refuge Room was a "rooming house" authorized as a permitted use in the CBD.

<sup>2</sup> See January 13, 2010 BOA Decision on Appeal, pg. 3.

2-3 Planning Commission vote was sufficient to overturn the Planning Director's April 9, 2010 determination that the Refuge Chapel was a rooming house.

On March 31, 2010, the City received a notice of appeal dated March 30, 2010 to the Homer Advisory Planning Commission (the "Commission") from Darren Williams of the Refuge Chapel appealing the March 10, 2010 enforcement order. The Notice of Appeal submitted by the Refuge Chapel indicated that it was withdrawing its conditional use permit application, argued that the Refuge Room operated as a rooming house and that it was not an addition to an existing structure, but a remodel of the existing structure. The Refuge Chapel essentially argues that the use of the Refuge Room is a rooming house as defined in HCC 21.03.040 which is a permitted use in the City's central business district (CBD) pursuant to HCC 21.18.020(cc).

The Commission scheduled the appeal hearing for June 24, 2010 on the March 31, 2010 appeal of the Planning Directors March 10, 2010 enforcement order demanding the Refuge Chapel (including the Refuge Room) cease operations as an overnight facility based upon the BOA's January 13, 2010 determination that the question of whether the Refuge Chapel was a rooming house or something else remained undecided. All parties were provided with adequate notice.

After proper notice the Commission held a public hearing on the appeal on June 24, 2010.

At the June 24, 2010 appeal hearing, the Commission reviewed the written arguments from the Planning Department, the Refuge Chapel and interested individuals, along with testimony from representatives of the Refuge Chapel (Pastor Darren Williams and Mr. Doug Dodd) and the Planning Department (City Planner Rick Abboud).

During the public hearing portion of the hearing, two individuals, John Williams and Jim Pastro, testified in favor of the Refuge Chapel.

Before the June 24, 2010 hearing got underway, the Commission determined that none of the Commissioners had a disqualifying conflict of interest.

### **Issues on Appeal**

Whether the Refuge Chapel/Refuge Room is a "Rooming House" as defined by HCC 21.03.040?

### **Statement of Decision**

THE COMMISSION FINDS THE REFUGE ROOM IS OPERATING A SHELTER FOR THE HOMELESS OR NEEDY UNDER HCC 21.18.030 (J) AS DEFINED IN 21.030.40 DEFINITIONS.

*"SHELTER FOR THE HOMELESS"* MEANS A BUILDING USED PRIMARILY TO PROVIDE ON-SITE MEALS, SHELTER AND

SECONDARY PERSONAL SERVICES SUCH AS SHOWERS AND HAIRCUTS TO THE HOMELESS AND THE NEEDY ON A NON-PERMANENT BASIS FOR NO OR NOMINAL COMPENSATION.

AS A SHELTER FOR THE HOMELESS, AN APPROVED CONDITIONAL USE PERMIT IS REQUIRED TO OPERATE IN THE CBD. AS A RESULT OF THE COMMISSIONS DECISION ON THE APPEAL, THE REFUGE CHAPEL/REFUGE ROOM IS REQUIRED TO APPLY FOR AND OBTAIN A CONDITIONAL USE PERMIT IN ACCORDANCE WITH HCC 21.71 FOR ITS OPERATION AS A "SHELTER FOR THE HOMELESS."

**I. Findings Supporting the Decision**

**FINDING 1:** The Commission finds the Refuge Room provides secondary services for homeless men.

1. Shower, bathroom, laundry and kitchen facilities are secondary services provided for homeless men at the Refuge Room.
  - a. 4/21/2010 from Refuge Room letter states the "Refuge Room has shared bathrooms, laundry, dining and cooking."
2. Having a staff employee that meets each client personally to help them on their way to success is a secondary service to homeless men.
3. Refuge Room letter dated 4/21/21010 states "Prospective male residents must pass a criminal background check before being allowed to stay." This is a secondary service provided for homeless men in order to protect the health, safety and welfare of currents residents as well as staff and the adjacent residential neighborhood. Staff decisions are based on public safety.

**FINDING 2:** The Homer Advisory Planning Commission finds a \$10.00 nightly fee to be nominal compensation.

1. "Rents are paid by tenants or local social service groups." 4/21/2010 letter.
2. "The Refuge Room operates on donations and rent." 6/24/2010 letter.
3. "We provide emergency, short term, low cost housing for men." 6/23/2010 letter.

**FINDING 3:** The Homer Advisory Planning Commission finds the Refuge Room is a building and not a dwelling.

1. In keeping with the purposes of the CBD, a shelter for the homeless, provided any lot used for such shelter does not abut a residential zoning district, may be permitted in the CBD when authorized by a conditional use permit issued in

accordance with HCC Chapter 21.71. HCC 21.18.030(j). The Refuge Room also more neatly fits within the definition of "building", which means any structure used or intended for supporting or sheltering any use or occupancy. HCC 21.03.040.

2. Building and parking plan in packet document multiple commercial uses in the building. (Uses vary). Hot tubs, Super Jacents and Eclectic Attic are uses listed in the building.
3. . The Refuge Room is a room in a "building" that numerous other commercial uses allowed in CBD occupy.

## II. Analysis of Findings

1. HCC 21.18.010 establishes the purpose of the Homer Central Business District (CBD). That purpose is to provide a centrally located area within the City to provide a number of uses in the area including personal services. The district is meant to accommodate a mixture of residential and non-residential uses with conflicts being resolved in favor of non-residential uses. Personal services are defined as a business primarily engaged in providing services involving the care of an individual or his or her personal goods or apparel. HCC 21.03.040.
2. The CBD has a number of uses and structures that are permitted outright, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter. HCC 21.18.020. A rooming house and bed and breakfast are a permitted use in the CBD. HCC 21.18.020(cc). A rooming house is defined by HCC 21.03.040 as follows:

*"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.

3. The code's definition of a rooming house establishes it must be 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 may not accommodate in excess of 15 guests, and includes structures associated with the dwelling such as a guest cabin, but a conditional use permit is necessary for those associated structures, if a permit is required in order to have more than one building containing a permitted principal use on the lot. A rooming house does not include bed and breakfasts.

4. The definition of Rooming House contains the word "dwelling," which is defined in HCC 21.03.040 as "any building or portion thereof designed or arranged for residential occupancy by not more than one family and includes facilities for sleeping, cooking and sanitation." The same definition applies to the phrase "dwelling unit." The Code also has four additional definitions of dwelling to include "dwelling duplex", "dwelling factory unit", "dwelling, multiple family" and "dwelling, single family." Interestingly, each of the definitions of dwelling address residential occupancy by a certain number of families, but does not include the concept of a rooming house. This apparent inconsistency may be reconciled through the application of HCC 21.03.040 explaining the use of definitions contained in the zoning code. That section provides "As used in this title, the words and phrases defined in this section shall have the meaning stated, except where (1) the context clearly indicates a different meaning or (2) a special definition is given for particular chapters or sections of the zoning code. In this case, while there are five definitions of dwelling that do not contain a rooming house concept, the definition of rooming house, including its characterization as a dwelling is more specific than the more general definitions of dwelling and may possibly, when read in context, not be interpreted as an inconsistency or limitation on a rooming house situated in the CBD.

Nevertheless, an equally reasonable interpretation of the definition of rooming house is that it was intended only to apply to the type of dwellings defined in HCC 21.03.040. In such a case, the Refuge Chapel/Refuge Room would not meet the definition of a rooming house since its use is not limited to a dwelling occupied by a certain number of families. Instead, the Refuge Chapel/Refuge Room is much more closely akin to the definition of a shelter for the homeless or needy. This conclusion is even more compelling upon analysis of the evidence of the use of the Refuge Chapel/Refuge Room. This evidence, discussed below, is sufficient to support the Commissions determination that the principal use of the Refuge Room is that of a shelter for the homeless or needy, regardless of the application (or not) of the definitions of dwelling to the definition of rooming house.

5. Notwithstanding the foregoing, the remainder of the evidence in the record establishes that the use of the Refuge Chapel's Refuge Room more squarely fits within the definition of a shelter for the homeless or needy than a rooming house. According to HCC 21.03.040 a shelter for the homeless means "a building used primarily to provide on-site meals, shelter and secondary personal services such as showers and haircuts to the homeless and the needy on a non-permanent basis for no or nominal compensation."<sup>3</sup>
6. In keeping with the purposes of the CBD, a shelter for the homeless, provided any lot used for such shelter does not abut a residential zoning district, may be permitted in the CBD when authorized by a conditional use permit issued in accordance with HCC Chapter 21.71. HCC 21.18.030(j). The Refuge Room also more neatly fits within the definition of "building", which means any structure used or intended for supporting or sheltering any use or occupancy. HCC 21.03.040.

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<sup>3</sup> HCC 21.03.020(c) states use of the words "such as" means "not limited to" unless the context clearly indicates the contrary. Here the mention of showers and haircuts is only an example of secondary personal services.

7. The evidence presented in this appeal establishes that the Refuge Chapel/Refuge Room is providing personal services for the homeless or needy on a non-permanent basis for no or nominal compensation. Ten dollars a night apparently paid by social service groups is a nominal fee. The evidence further establishes the Refuge Chapel/Refuge Room has shared bathrooms and laundry, dining and cooking facilities, again establishing its use to be that of a shelter for the homeless and needy defined in HCC 21.03.040.
8. A review of the definitions contained in HCC 21.03.040 establishes that the word "nominal" is not defined. Accordingly, HCC 21.03.020(a) which states "words and phrases shall be construed according to the rules of grammar and, if not defined in Title 1 or this title, according to their common and approved usage." HCC 21.03.020(c) provides further clarification of the use of words within the zoning code. It provides when the words "include" or "including" or "such as" are used, they shall be construed as though followed by the phrase "but not limited to" unless the context clearly indicates the contrary. In this case because the word nominal is not defined, the dictionary meaning of nominal would be applied to determine its context within the zoning code. Nominal has been defined as (of a price, consideration, etc.) being named as a mere matter of form, being trifling in comparison with the actual value; minimal. <http://dictionary.reference.com/browse/nominal>.
9. The Commission finds that a ten dollar nightly fee is nominal compensation. See, April 21, 2010 letter from Pastor Darren Williams.
10. Other important distinctions exist between the definition of "shelter for the homeless" and "rooming house." For example, a shelter for the homeless is a building used primarily to provide on-site meals, shelter, and secondary personal services such as showers and haircuts to the homeless and the needy on a non-permanent basis for no or nominal compensation. In contrast, a rooming house is a dwelling containing not more than five guest rooms that are used, rented or hired out to be occupied for sleeping purposes by guests.<sup>4</sup> There is a substantial difference between providing shelter for the homeless or the needy for nominal compensation and providing guest rooms that are used, rented or hired out to be occupied for sleeping purposes by guests. A guest has quite a different connotation than a homeless or needy person. In contrast, a rooming house contemplates a for-profit activity based upon the use of the words "rented or hired out." Moreover, the five definitions of dwelling in HCC 21.03.030 do not neatly fit within the use of the Refuge Chapel/Refuge Room as described in the testamentary and documentary evidence which is contained in the record of this appeal.
11. In an April 21, 2010 letter from Darren Williams, the pastor of the Refuge Chapel, he describes how the Refuge Room operates. According to Pastor Williams, the Refuge Room is governed by a board of directors and operated by the Refuge Chapel church and an on-site supervisor. Operating revenue for the Refuge Room is based upon a ten dollar per day rent which is paid by tenants or local social service groups. The Refuge Room has a small

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<sup>4</sup> HCC 21.03.040 defines a guest room as "a single unit for the accommodation of guests without kitchen or cooking facilities in a bed and breakfast, rooming house, hotel or motel." It may reasonably be inferred that a guest room is intended to apply to for profit uses based on the four uses in its definition.

eight person dorm that is two rooms that can each house two men. There is also a studio available for an on-site supervisor.

12. The Refuge Room has shared bathrooms, laundry, dining and cooking facilities. Applicants are screened for criminal offences, and sex offenders or the severely handicapped are not housed. Alcohol and drugs are prohibited and intoxicated residents are apparently confronted by Refuge Room staff in some fashion. Intoxicated individuals may leave voluntarily, be given a second chance, or are escorted off the property by police. The decision on how to handle such individuals is apparently determined on the basis of public safety, resident's safety and individual character.
13. Pastor Williams states that the Refuge Room is not open to everyone, unlike a homeless shelter, and residents must pass a criminal background check before being allowed to stay. He further states that unlike a homeless shelter, the Refuge Room is not free and he believes that \$300 per month is more than a nominal amount of rent. However, there is no evidence in the record as to whether residents stay at the Refuge Room for a month at a time, and if so, it would still not make much difference because whether the rent is ten dollars per day or \$300 per month, the Commission finds such amounts to be nominal.
14. Pastor Williams also states that many applicants are not homeless when they first arrive at the Refuge Room. However, it is important to consider that the definition of shelter for the homeless includes individuals who are not only homeless, but needy.
15. A June 23, 2010 letter from Doug Dodd, a Refuge Room board member essentially parallels the testimony of Pastor Williams, but notes that guests at the Refuge Room are not provided with on-site meals, unlike homeless shelters. However, according to the April 21, 2010 letter the Refuge Room has dining and cooking facilities.
16. In a June 24, 2010 letter, Pastor Williams basically recites information associated with the Refuge Room which parallels his testimony at the June 24, 2010 public hearing.
17. An April 21, 2010 letter states that the Refuge Room has shared bathrooms, laundry, dining and cooking facilities. This letter differs slightly from Mr. Dodd's June 23, 2010 letter. The letter states that "guests at the Refuge Room are not provided with on-site meals," but according to Pastor Williams the Refuge Room has cooking facilities. Whether or not on-site meals are provided, the fact of the matter is the Refuge Room appears to be capable of providing meals due to the evidence stating that cooking and dining facilities exist on the site.
18. Regardless of whether on-site meals are provided to residents of the Refuge Room, the totality and weight of the evidence establishes that the building is used primarily to provide shelter and secondary personal services to the homeless and needy on a non-permanent basis for no or nominal compensation. By providing sleeping facilities, the building is providing shelter to its residents. It is also providing secondary personal services by providing bathrooms, laundry, dining and cooking facilities and client assistance. Another secondary personal service performed by the Refuge Room is criminal background checks

before a person is authorized to stay in the building, apparently for the protection of residents, staff and the adjacent residential neighborhood.

19. The shelter and services of the Refuge Room are provided to the homeless or the needy as established by the June 24, 2010 testimony of Pastor Williams, Mr. Dodd and Mr. Pastro, along with the correspondence dated April 21, 2010, June 23, 2010 and June 24, 2010 outlining the activities conducted at the Refuge Room.
20. A recipient of the services of the Refuge Room need only be homeless or needy and reside at the shelter on a non-permanent basis. The evidence in the record implies that individuals typically pay a nominal sum of ten dollars per night to stay at the Refuge Room for a limited period, since it is designed as a transitional facility for those who are homeless or needy. Mr. Dodd's June 23, 2010 letter states "we provide emergency, short term, low cost housing for men; something not provided elsewhere in the community."
21. In Pastor Williams June 24, 2010 letter to the Commission, he states that the Refuge Room never intended to open a homeless shelter, but they are a church first that offers a service for those who need low cost housing. Pastor Williams states "we help fisherman, displaced domestics, men that are temporarily out of work, students seeking summer employment and travelers. While the lifestyle homeless are filtered out by the nightly fee and strict no drug/alcohol policy." This evidence establishes that the Refuge Room provides services to the needy on a non-permanent basis for a nominal fee.
22. The Commission hereby finds that the Refuge Room meets the definition of shelter for the homeless in accordance with HCC 21.03.040 and is required to obtain a conditional use permit for its operations within the CBD pursuant to HCC 21.71 for the reasons set forth herein and in the record and hearing on appeal.

### **Notice of Appeal Rights**

Pursuant to Homer City Code, Chapter 21.93, any person with interests in land that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

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

\_\_\_\_\_  
Sharon Minsch, Chairperson  
Homer Advisory Planning Commission

**Certification of Distribution**

I certify that a copy of this Decision was mailed to the below listed recipients on \_\_\_\_\_, 2010. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

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

\_\_\_\_\_  
Shelly Rosencrans, Planning Assistant

Walt Wrede, City Manager  
491 E Pioneer Avenue  
Homer, AK 99603

Thomas Klinkner  
Birch, Horton, Bittner & Cherot  
1127 West 7th Ave  
Anchorage, AK 99501

Darren Williams, Refuge Chapel  
397 E Pioneer Ave #2  
Homer, AK 99603





# City of Homer Planning & Zoning

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## STAFF REPORT PL 10-76

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** August 18, 2010  
**SUBJECT:** Planning Director's Report

### August 9<sup>th</sup> City Council Meeting

**Michael Fastabend and Wade Wahrenbrock**, Kenai Peninsula Borough Spruce Bark Beetle Program, Proposed Action Plan for Bridge Creek Watershed.

Michael Fastabend and Wade Wahrenbrock of the Spruce Bark Beetle Program presented the Kenai Peninsula Borough fuel mitigation and forest restoration project to address potential risks in the Bridge Creek Watershed and the Baycrest ski area. ARRA stimulus funds (American Recovery and Reinvestment Act) are available for contract development and administration and field inspection work with beetle kill trees. There are approximately 250 acres infected within the watershed and Baycrest ski area to include Borough, City, University, and private land. The dead beetle-kill spruce trees are susceptible to fire ignition and pose a significant fire risk. Beetle kill trees will be downed, de-limbered, and allowed to decay. Decayed logs will germinate new seedlings in time and useable wood will be made available through the firewood permit program.

In the Bridge Creek Watershed area many trees are reaching a decreased value as firewood.

**Ordinance 10-38**, An Ordinance of the City Council of Homer, Alaska, Amending Ordinance 10-21 to Authorize the Purchase of Property within the Bridge Creek Watershed, Kenai Peninsula Borough Parcel No. 17307031 within the Bridge Creek Watershed (N 663 ft. of NE 1/4, SE 1/4, East of Skyline Drive, T6S R 13W Sec 7) with funds from the Water Depreciation Reserve Account for the Purpose of Protecting the Watershed and Providing Alternate Access to Property North of the City's Water Treatment Plant. City Manager. Introduction July 26, 2010, Public Hearing and Second Reading August 9, 2010.

There was one who testified.

ADOPTED without discussion.

**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.

Memorandum 10-109 from City Planner as backup.

AMENDED: Line 44 remove "favor of the decision" and replace with "opposition to".

ADOPTED as AMENDED with discussion.

**Resolution 10-67**, A Resolution of the City Council of Homer, Alaska, Accepting the Report Prepared by the Kenai Peninsula Borough Spruce Bark Beetle Mitigation Program Entitled "Homer Reservoir Watershed, Forest Condition and Fuel Hazard Assessment", Authorizing City Participation in the Proposed Fuel Mitigation and Forest Health Restoration Program, and Extending that Authorization to City Owned Lands in the Baycrest Ski Area Complex. City Manager.

Memorandum 10-111 from Fire Chief as backup.

**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 to August 23, 2010.

#### **August 23 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.

#### **Activities:**

We have been working with the Spit Plan Contractor, junk cars, ordinances, decisions and findings, staff reports and vacations. Dotti, Bryan Hawkins and I met with the new AKDOT right-of-way agent and others from DOT to discuss the TORA (Transfer of Responsibilities Agreement) concerning the Spit ROW. Other subjects we discussed were cooperation between the State and City regarding enforcement and a request that I be notified and gain the ability to submit comments on all AKDOT projects in the City. Dotti has also been working on enforcement items relating to slope stabilization where past projects may have inadequately seeded of stabilized slope. She is doing this with the thought that planting must be accomplished soon to be effective before the growing season ends.



# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603

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## STAFF REPORT PL 10-68

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Dotti Harness-Foster, Planning Technician and Code Compliance  
MEETING: August 18, 2010  
SUBJECT: Conditional Fence Permit request for 2617 Kachemak Drive

**SYNOPSIS:** The applicants have installed a six (6) foot high fence along the Kachemak Drive property line. A Conditional Fence Permit is needed when a fence is greater than four (4) feet in height and within 20 feet of the front lot line. If approved, the fence would remain. If denied, the fence height would have to be reduced to four (4) feet in height.

Applicants: Rex and Inga Turner, PO Box 3489, Palmer, AK 99645  
Location: Lot 2 Keta Cliffs Too  
Parcel ID: 17926010  
Lot Size: 0.772 acres, 33,541 square feet  
Zoning: Rural Residential  
Land Use: Residential  
Surrounding Land Use: North: Vacant – GC2  
South: Kachemak  
East: Residential  
West: Residential

**Comprehensive Plan:** “Appreciation of Homer’s spectacular natural setting, its great views, interesting topography, as well as a tradition of concern about the quality of natural resources and the environment.” Page 3-1.

“Establish development standards for higher density residential development, landscaping, lighting, grading, viewshed protection.” Ch. 4 Implementation.

**Code references:** HCC 21.50.110(b) “In all residential zoning districts no fence on or within 20 feet of the front lot line may exceed four feet in height.”

HCC 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.”

**INTRODUCTION:** When viewing this property from Kachemak Drive one will notice a solid fence on both sides of the driveway. The fence on the west side of the driveway meets the city's fence requirements because it is setback twenty (20) feet or more from the property line. **Only the fence on the east side of the driveway requires a Conditional Fence Permit because it's within 20 feet of the front lot line and exceeds four (4) feet in height per HCC 21.50.110(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;

**Applicant:** *A fence exceeding 4 feet in height located between the street and residence is necessary for noise abatement, privacy, and security; all of which preserve the full use and enjoyment of our property. Prior to the installation of utilities a significant vegetation barrier existed along the property line providing visual screening and noise abatement (see attached example photography, "Former appearance"). Since the vegetation was removed the street noise, lack of privacy, and visual connection to the public right-of-way have prevented us from comfortably using our yard, barbecue deck and walk ways. A substantial fence is desired to provide a barrier restoring our exterior amenities within a reasonable time frame. Please note we are planting trees and shrubs along the fence as an additional aesthetic amenity.*

**Analysis:** The south yard drops approximately sixty (60) feet to the shoreline which is equivalent to a 44% slope.

1. **Denial Finding:** Unusual or special circumstances or conditions do not exist that hinder the full use and enjoyment of the property.
  2. **Denial Finding:** Lack of a vegetative barrier is not an unusual or special circumstance. Many homeowners along Kachemak Drive, including the applicant, have planted vegetative buffers.
  3. **Denial Finding:** A four (4) foot fence would provide some visual screening, noise reduction and privacy.
  4. **Approval Finding:** The steep slope to Kachemak Bay restricts the full use of the yard on the south side of the house. The yard to the east of the house is flat and the most usable upland portion of the lot. Fencing this side yard adds privacy which provides a more enjoyable use of the property.
2. The fence will not create a safety hazard for pedestrians or vehicular traffic;

**Applicant:** *The fence is located 40 feet from the edge of pavement, avoiding any hazard to vehicle or pedestrian traffic.*

5. **Finding for both Denial and Approval:** The fence is not in the 'site triangle' per HCC 21.73.200 and 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;

**Applicant:** *The fence is designed to suit the architecture of the residence and typical to the appearance of buildings in the neighborhood. (See attached photography, "Residence & Fence"). It should be noticed that the neighborhood is not entirely residential; there are commercial establishments adjacent and across the road. (see attached photograph, "Adjacent Properties").*

**Analysis:** This Conditional Fence Permit only affects the portion of the fence that is on the left hand side of the driveway. The fence on the right side of the driveway is set back 20 feet from the lot line and does not require a Conditional Fence Permit per HCC 21.50.110(b).

6. **Denial Finding:** No other properties in the immediate neighborhood have a solid fence.
7. **Approval Finding:** The six (6) foot fence bordering the Kachemak Drive encloses 22 % of the lot's Kachemak Drive frontage. (32.6 foot fence along Kachemak Drive/143.4 foot north lot line = 22%). The remaining Kachemak Drive frontage, 68%, does not require a Conditional Fence Permit.

8. **Approval Finding:** The solid fence is compatible with design and appearance of other structures in the neighborhood.

4. The fence is a planned architectural feature designed to avoid dominating the site or overwhelming adjacent properties and structures;

9. **Denial Finding:** Adjacent properties and structures avoid solid fences by using logs and vegetation to provide buffers.

10. **Approval Finding:** The fence avoids dominating the property or adjacent properties and structures. (See attached photographs)

5. The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood;

**Applicant:** *The location of the fence is suitable to the site development and use of the landscape surrounding the house which faces an ever expanding commercial land use application. It is in keeping with the characteristic of the mixed use already established along Kachemak Drive. This mixed use includes commercial, light industrial as well as residences in the immediate vicinity. (Refer to attached photos)*

11. **Denial Finding:** The surrounding neighbors do not have solid fences.

**12. Approval Finding:** 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.

**Applicant:** The fence is constructed of commercial hardboard, treated posts buried to required depths, and property sealed and painted for long term durability.

**13. Finding for both Denial and Approval:** The fence is of sound construction.

**STAFF COMMENTS/RECOMMENDATIONS:**

**Denial** of the six (6) foot high fence per HCC 21.60.230 which states the maximum front yard fence height is four (4) feet, because unusual or special circumstances do not exist.

Denial Findings: 1, 2, 3, 5, 6, 9, 11, 13.

**OR**

**Approval** of the six (6) foot high fence due to a steep sloping yard to the south.

Approval Findings: 4, 5, 7, 8, 10, 12, 13.

**ATTACHMENTS**

1. Vicinity map
2. Survey dated 7/26/10
3. Survey dated 5/10/89
4. Aerial image with topo overlay
5. Photos

Vicinity Map

Lampert Lake

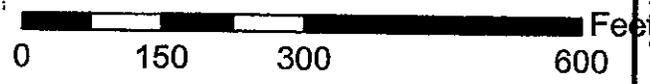
Location of fence

Kachemak Drive

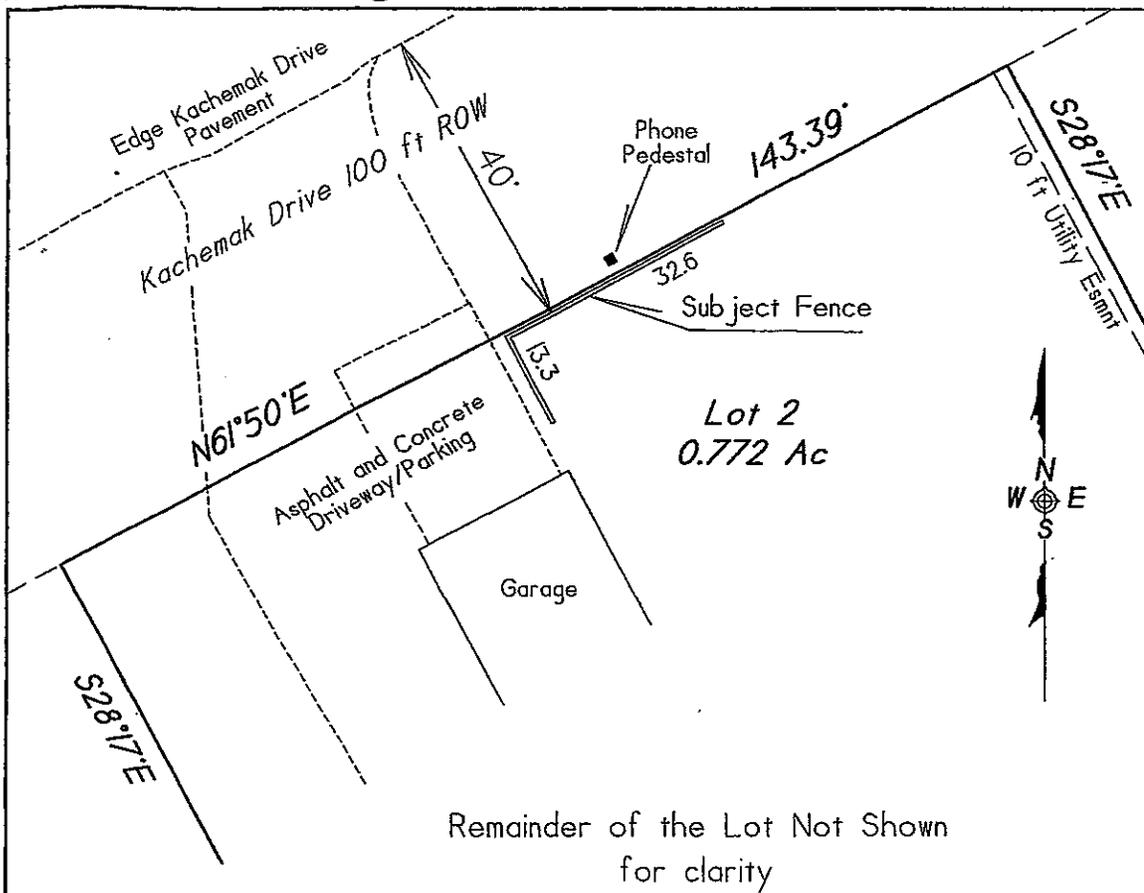


City of Homer  
Planning and Zoning Department  
August 9, 2010

Request for a conditional fence permit  
at 2617 Kachemak Drive  
Lot 2, Keta Cliffs Subdivision  
Property owners w/in 300 ft are notified



Disclaimer:  
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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.



**NOTES:**

1. Subject structure is a Privacy Fence within a portion of Lot 2 Keta Cliffs Too Subdivision.

The portion of the fence facing Kachemak Drive varies in height from nominal 7.3 ft to 8.0 ft AG level.

The Portion of the fence facing the driveway is a nominal 6 ft high.

2. This survey does not certify the location of any of the other structures on the property.

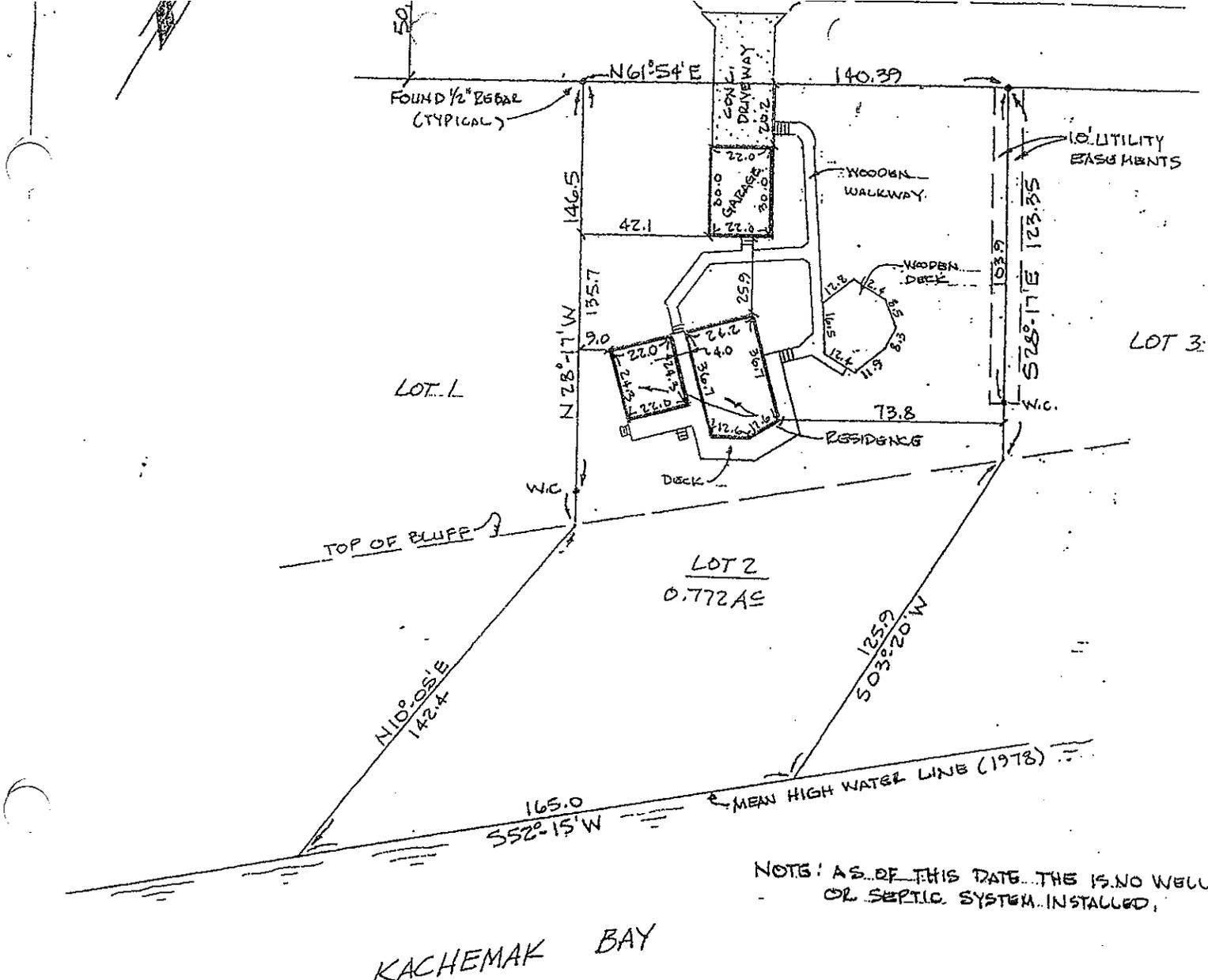
3. This document may not be recorded or copies sold without the written permission of the Surveyor. This Survey is to be used only for the purposes intended and is valid for 120 days from the date of original survey afterwhich it must be recertified.

I hereby Certify that I have surveyed the following property and that no visible encroachments exist:

Lot 2 Keta Cliffs Too Plat No. 79-48 HRD

Exclusion Note: It is the responsibility of the Owner(s) to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for the establishment of fence or boundary lines.

Clients: Rex Turner & Ingeborg Turner PO Box 3489 Palmer Ak 99645		Surveyed By: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603	<b>ASBUILT SURVEY</b>  Lot 2 Keta Cliffs Too as shown on Plat No. 79-48 Homer Recording District  Located in the SE 1/4 Section 22, T6S, R13W, SM  Third Judicial District, Alaska
Date of Survey 7-26-10	File L2KetaCliffsToo.vcd		
Drawn RWI	FB2010-2	Scale 1" = 20 ft	



AS BUILT SURVEY

SCALE 1"=50'

KENNETH G. LANG, L.S. 1731 GEORGE BELL CIRCLE, ANCHORAGE, ALASKA 99515 (907) 345-6476

I hereby certify that I have surveyed the following described property: Lot 2, Block -, KETA CLIFFS TOO SUB, HOMER Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not encroach onto the property adjacent thereto, that no improvements on the property lying adjacent thereto encroach on the surveyed premises and that there are no roadways, transmission lines or other visible easements on said property except as indicated hereon.

Dated this the 10<sup>th</sup> day of MAY, 1989, at Anchorage, Alaska.



# Topo Map

Subject Location

Kachemak Drive

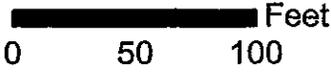
Kachemak Bay

## Legend

- 5 Foot Topo
- Parcels



City of Homer  
Planning and Zoning Department  
August 9, 2010



*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.

Attachment 2  
Turner - 7-29-10



Kachemak Bay Drive neighborhood

Former Appearance

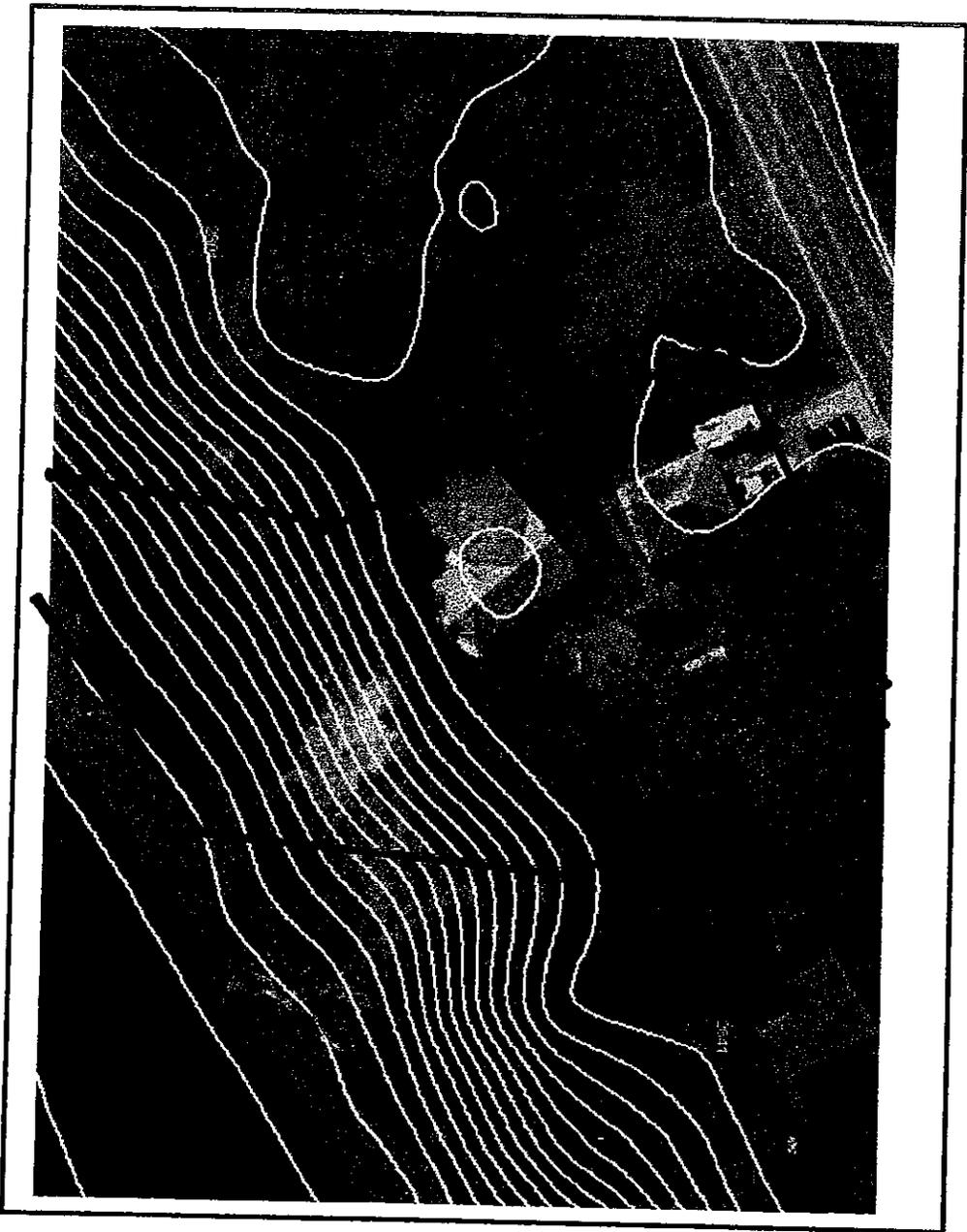


Residence & Fence



Adjacent Properties

2617 Kachemak Drive 5 foot topo lines



- July09Parcels
- roads\_annotation\_row/labels (TEXT)
- 5ft Topo East side
- March09 Address (STREETNUM)





# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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## 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

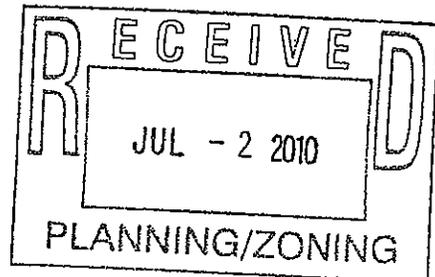
Homer, Alaska 99603

(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,

*Tom Hughes (for Kenton Bloom)*

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









# City of Homer

## Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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### 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.

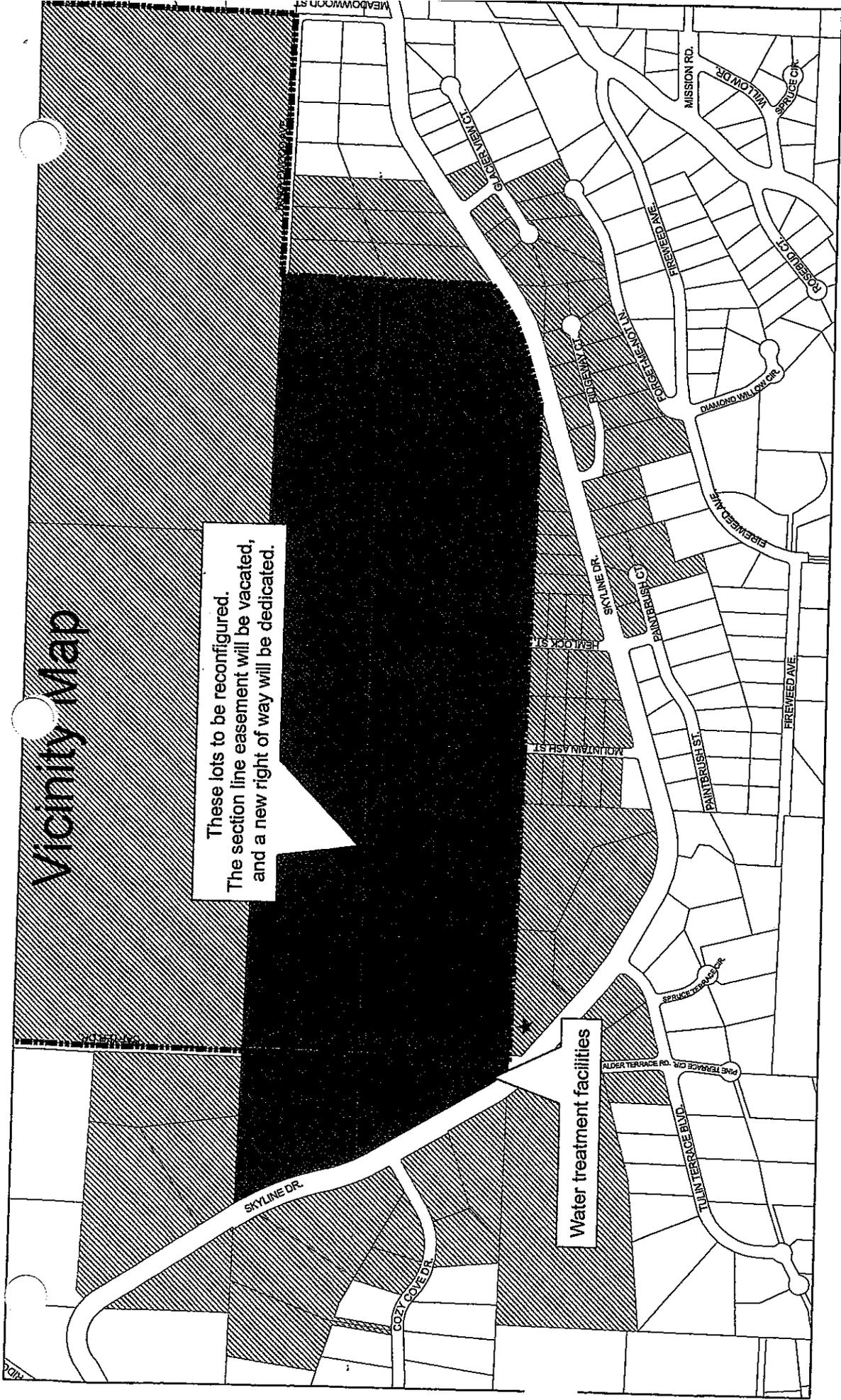
**ATTACHMENTS**

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



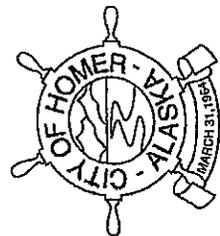
## Legend

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



August 9, 2010

*Disclaimer:  
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 or conclusions drawn therefrom.*



*City of Homer  
 Planning and Zoning*



# Water Line Map

Old Water Treatment Plant

New water treatment plant

Million gallon tank -  
not part of the platting proposal



City of Homer  
Planning and Zoning

## Legend

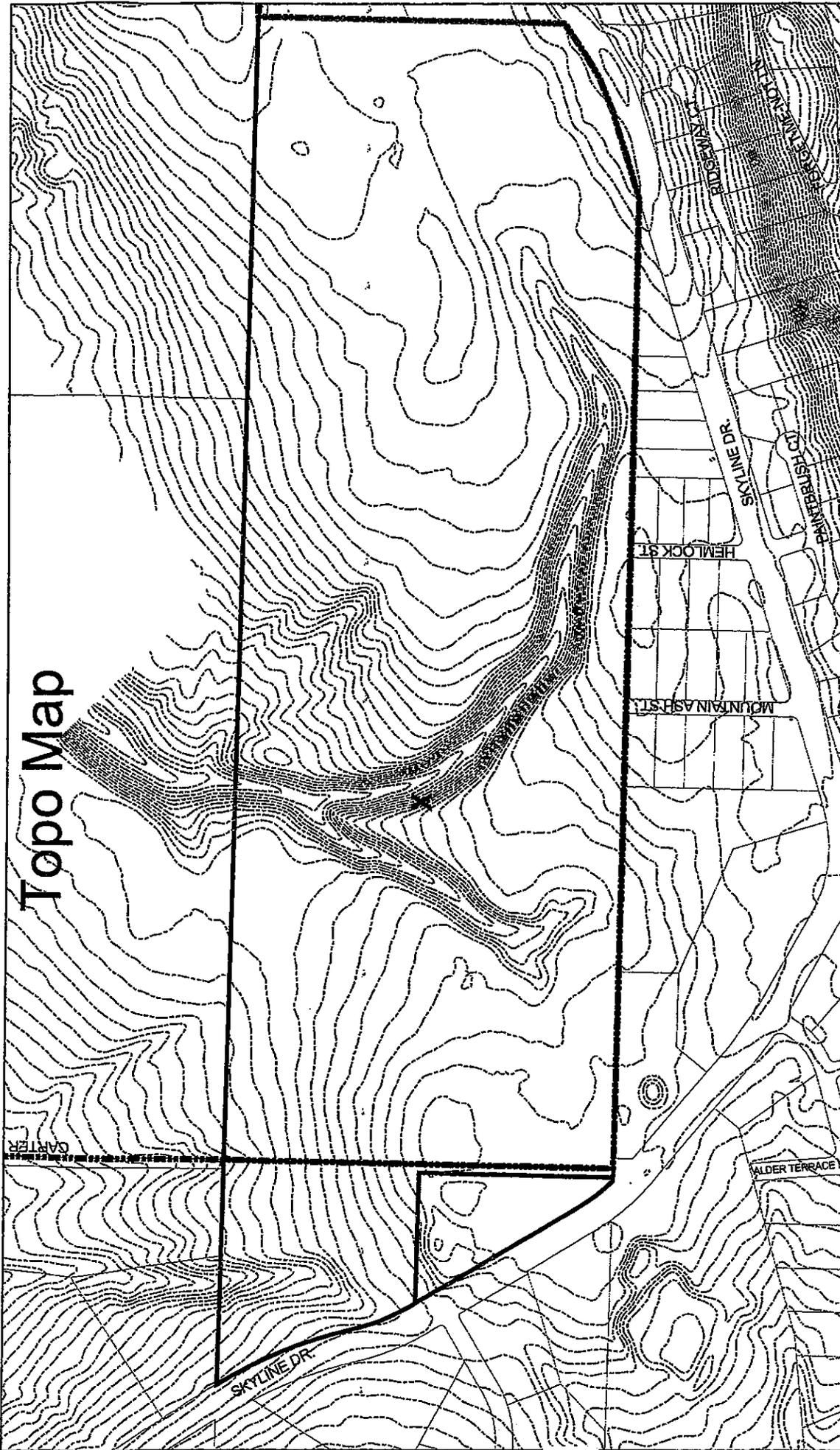
-  Waterlines\_Working
-  Subject Properties



August 9, 2010

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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



# City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

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Web Site [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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## STAFF REPORT PL 10-71

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** August 4, 2010, August 18, 2010  
**SUBJECT:** Draft Spit Comprehensive Plan

Please bring the track changes version of the plan with you from your last packet.

### Goals of the August 4th meeting:

1. Finish reviewing the goals
2. Revisit the topics the Commission wanted to further discuss

## GENERAL INFORMATION

There were several places in the Plan the Commission wanted to revisit. The attached document includes the changes the Commission made, and notes the places the Commission wanted more discussion. Look



for a large asterisk marking those locations.

### Staff recommendations:

Finish reviewing goals (if not already done)

Finish looking at Chapter 4 environment?

Discuss areas marked with an asterisk in the clean copy document and make any amendments.

## STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

## ATTACHMENTS

1. Draft Spit Comprehensive Plan/7-21-10, Clean Copy



## Chapter I. Introduction

---

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

4 Goal: Wise land management of the Spit and its resources to accommodate its  
5 natural processes, while allowing fishing, tourism, other marine related  
6 development, and open space/recreational uses.

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

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

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

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

- 27 ● Increasing traffic congestion
- 28 ● Parking
- 29 ● New demands for public services

- 30 ● Future land use, zoning, and development
- 31 ● Encouraging economic development without compromising the unique character and
- 32 "flavor" of the Spit

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

## 35 Purpose of the Plan

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

## 41 The Planning Process

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

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

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

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

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

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

80 Over the fall, additional discussions, input and research were completed and a “framework  
81 document” was released in January 2010 as a focal point for community discussion and to  
82 solicit additional direction from City Planning staff, Planning Commission, and Port and Harbor  
83 Advisory Commission. As a result of the ensuing discussion, including discussion at two Planning  
84 Commission work sessions (April 7 & 21, 2010), it has become clear that additional time will be  
85 needed to develop a solid framework for the draft plan that more fully reflects community  
86 needs and concerns. Thus, on April 30, 2010 a Working Draft was created which both revises  
87 somewhat the January document, and also reformats for active editing. Although the draft is  
88 primarily for use by the Planning Commission, all work sessions focused on revising this

89 document will be held in an open forum, which will feature opportunities for the public to both  
90 listen and provide comments.

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

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

- 99 ● Gather Information
- 100 ● Research and Analysis
- 101 ● Community Involvement
- 102 ● Parking Study
- 103 ● Future Development Scenarios
- 104 ● Framework Plan
- 105 ● Community Review
- 106 ● Draft Comprehensive Plan
- 107 ● Planning Commission Review
- 108 ● Final Plan

109 Currently, a draft Framework Plan has been completed and is ready for community review. The  
110 Framework Plan serves as the basis for community discussion as the community reflects on the  
111 goals, objectives, and implementation plan for the Spit. The Homer Spit Comprehensive Plan  
112 will be the end product of this planning progression, and strongly reflect input from citizens, the  
113 Spit business community, the Planning Commission, and city staff.

114  
115

## Chapter II. Background Data and Existing Conditions

---

### The Homer Economy

The economy of Homer and surrounding region is based upon commercial fishing, government, services and tourism. The area has grown and prospered in recent years due to growth of these sectors. The Homer Spit is a major contributor to the regional economy as a the-hub for the Kachemak-Bay commercial fishing industry, and as one of Alaska's premier tourism destinations. ~~Sales tax revenues were down for the 2009 tax season which was attributed to the downturn in the national economy and the resulting effect on tourism in Alaska.~~

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

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

### Land Use

A variety of land uses have evolved over time on the Homer Spit and created a unique sense of place. Uses include marine-related industrial and commercial, including fishing and fish processing, the harbor and harbor related business, the marine highway terminal, port facilities, fuel storage, retail, lodging, camping, parking, recreational, conservation and public land uses. RV and tent camping is a major land use. Camping opportunities include tent camping on the

146 beach and several public and private  
 147 campgrounds. In the last decade, new  
 148 residential condominium units have been  
 149 developed near the end of the Spit. Combined  
 150 with a hotel resort/residential is a small but  
 151 very visible land use on the Spit.

152 A map showing locations of existing land uses  
 153 can be found in a separate pdf (2010-04-30  
 154 Spit Plan Existing Conditions Maps). The table  
 155 and pie chart above also show the  
 156 approximate distribution of land uses on the  
 157 Homer Spit.

158 Within the City of Homer's existing zoning  
 159 code there are currently four designations.  
 160 These include Marine Commercial (MC),  
 161 Marine Industrial (MI), Open Space-  
 162 Recreational (OSR), and Conservation (CO).  
 163 See appendix (add code into appendix)

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%

164 **Natural Environment**

8	Harbor	74.31	13.6%
9	Resort/Residential	7.25	1.3%
10	Marine Industrial	23.35	4.3%
TOTAL:		548.03	100%

165 The coastal area of the Spit is a marine and  
166 tidal environment, attracting numerous shore  
167 birds and marine animals. The Spit is a  
168 nationally recognized birding area, and have  
169 international recognition due to the number  
170 of birds that pass through the area during  
171 annual migrations. The Mud Bay and Mariner Lagoon areas are part of the Western Shorebird  
172 Reserve Network (WSRN). Tides on the Kachemak Bay that can range more than 26 feet have  
173 created expansive tidal flats and a rich shore environment for wildlife. Kachemak Bay is also a  
174 state designated Critical Habitat Area.

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

180 **Tsunami**

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

188 The summary of the study concludes "neither of the modeled scenarios results in inundation of  
189 the entire Homer Spit. However, it is important to note that the Border Ranges fault scenario  
190 results in flooding of a portion of the Spit and the road for a distance of approximately 0.3 mi  
191 (0.5 km) near the head of the Spit. Because this flooding may occur repeatedly during a  
192 tsunami, it is possible that the road may be washed out, cutting off the evacuation route from  
193 the Spit. Even though our numerical modeling does not show inundation of the entire spit for  
194 the scenarios we used, we recommend that evacuation of the Spit be a mandatory part of any  
195 tsunami evacuation plan."

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

## 201 **Flood Hazard**

202 In 2003, the City of Homer joined the National Flood Prevention Program, and adopted  
203 regulations for development in flood zones. In general, the Federal Insurance Rate Maps  
204 identifies the Spit as a Coastal High Hazard Area. The Spit’s shoreline is in the “Velocity Zone”  
205 which is characterized by coastal wave action with tidal surges and high energy, wind-  
206 generated wave action.

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

## 215 **Climate Change**

216 Alaska is experiencing the impacts of global climate change. It is predicted that general  
217 warming of the oceans and potential melting of the Greenland and Antarctic ice sheets will  
218 impact coastal areas around the world, by raising water levels by the end of this century.  
219 Experts predict more frequent and severe storms, accelerating erosion of the shoreline. This  
220 forecasted effect of climate change will greatly impact the low lying Homer Spit and should be  
221 considered in planning efforts. The City of Homer’s Climate Action Plan is an excellent  
222 resource.

## 223 **Transportation**

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

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

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

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

239 **\* Parking Study and Analysis (PC more discussion next draft)**

240 (include parking table from earlier draft)

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

- 243 ● Pedestrian safety
- 244 ● Short and long-term recommendations
- 245 ● Signage
- 246 ● Parking lot design
- 247 ● Parking policies, such as free vs. charge, time limitations, etc.

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

250 **Existing Parking Facilities and Policies**

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

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

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

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

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

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

267 There are no areas designated for short-term parking and delivery/service vehicles for  
268 commercial areas.

## 269 **Parking Users**

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

- 272 ● Vessel owners, crewmen, and clients
- 273 ● State Park taxi boat customers
- 274 ● Shop owners/ employees
- 275 ● Tourists and residents
- 276 ● Fish dock employees & commercial truck traffic for fish industry
- 277 ● Commercial delivery trucks
- 278 ● Ferry dock customers/crewman and commercial trucks
- 279 ● Residents from across the bay
- 280 ● Load and launch customers, trailers

- 281 • Vessels parked on the uplands
- 282 • Fishing lagoon fishermen
- 283 • Campers and RVs
- 284 • Federal, State & City employees
- 285 • People selling boats and vehicles

## 286 **Parking Analysis**

287 An important part of the parking study was creating a one day “snapshot” of parking utilization.  
 288 This included estimating parking lot capacity and counting all parked vehicles in all public  
 289 parking areas on an hourly basis. Following is an overview summary of the one day parking  
 290 count study and analysis:.

- 291 • The parked vehicle count was made on Friday, July 10, 2009 between 7 am and 4 pm
- 292 • Considered a busy, typical summer day
- 293 • About 1,343+/- parking spaces were inventoried and counted every hour all day
- 294 • 1023 vehicles or 76% of the parking was occupied at the peak hour (2 pm)
- 295 • Up to 92% of all parking was occupied in retail and ramp areas at the peak hour
- 296 • 330 parking spaces, or 24.5% of all parking, was occupied by the same vehicle all day in  
 297 various locations

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

## 302 **Port of Homer**

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

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

309 Facilities include:

- 310 ● Small Boat Harbor: The Small Boat Harbor has 893 reserved stalls, 6000 feet of transient  
311 mooring, a five lane boat launch and fish cleaning stations.
- 312 ● Fish Dock and Ice Plant: The Fish Dock operates for a nine month season. The dock has  
313 eight cranes. The ice plant has 200 ton of ice storage.
- 314 ● Deep Water Dock: 245 face with 40 feet of depth.
- 315 ● Pioneer Dock: 469 face with 40 feet of depth. The Pioneer Dock serves the Alaska Marine  
316 Highway Terminal located adjacent to the dock.

## 317 Parks and Recreation

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

323

724

## Chapter III. Vision 2030

---

325 (deleted this for next draft) The framework provided in this section is intended as a platform for  
326 further discussion to help the broader community define its goals, objectives and future actions  
327 desired as a foundation for the final Homer Spit Comprehensive Plan. To date, we have heard  
328 the beginnings of a direction and key issues relating to what the future Homer Spit is desired to  
329 be.

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

334 and \* maritime? industrial vitality. \* See also Goal 1.1 and go back after reviewing plan.

335 Also, the community wishes to provide better connections for pedestrians and non-motorized  
336 users to improve access and safety.

7  
338 (delete next draft) Ongoing citizen participation and community feedback, and additional  
339 direction from City Planning staff, Planning Commission, and Port and Harbor Advisory  
340 Commission are now critical to moving forward from this draft to the final preparation of the  
341 new Comprehensive Plan for the Homer Spit. It is intended that over the next few months this  
342 section will be extensively edited and reviewed, with a final outcome provided to the public for  
review mid to late summer 2010.

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 Vision is outlined in terms of four overarching categories with subcategories: (Reorder  
349 goals to match the order of goals in the goals chapter. Make sure there is text here that backs  
350 up every goal in the goal section.)

- 351 1. Land Use and Community Design  
352 2. Transportation

- 353 3. Economic Vitality
- 354 4. Natural Environment

## 355 1. Land Use and Community Design

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

360 The minimum lot sizes are 6,000 square feet in the MI District and 20,000 square feet in the MC  
361 District respectively. These minimums are for new platted lots. The uniform size and grid  
362 pattern that this promotes does not make sense for all development on the Spit given the  
363 underlying curvilinear land form and the premium value of land. Allowing a more site-  
364 responsive and variable approach would help enhance the more eclectic, compact  
365 development pattern that has historically evolved, and that gives the Spit its interesting  
366 character. Buildings should also be designed to maintain the human scale and preserve views of  
367 the surrounding bay and mountains. A combination of lower building height regulations and  
368 conditional use allowances for buildings up to 35 feet should be considered.

369  
370 Goal: rewrite zoning ordinance to allow great flexibility for setbacks, lot size

371 Encourage developments to provide amenities such as bike racks, benches, picnic table,  
372 trashcans and landscape features such as planters and art.

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

- 375 • Currently, resort and resort/residential land uses are conditionally permitted in the MC-  
376 Marine Commercial District as a planned unit development.
- 377 • Several common commercial uses are conditional uses in the MI-Marine Industrial uses,  
378 such as restaurants.

379 How should MC and MI change?

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

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

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

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

### 396 **1.A Industrial Development**

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

- 399 • Better utilize the limited land available for industrial and economic development
- 400 • Reserve sufficient land by the deep water dock for future industrial development.
- 401 • Encourage development related to the fishing, fish processing, and boating  
402 industries.

403 Future industrial development should be clustered in specific locations as designated on the  
404 land use plan. However, it is important that industrial activities can have deleterious impacts  
405 to scenic resources that are valued by the public. Carefully considered screening of industrial  
406 land use should be considered where industrial activity takes place adjacent to other existing  
407 development and transportation routes. However, care must be exercised to ensure that  
408 screening does not then restrict views to scenic resources.

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

413 The area east of the harbor basin by the deep water dock is a bright spot in industrial activity on  
414 the Spit and receives high use. However, competing uses and traffic patterns may encroach  
into the activity in this area and create safety hazards in the future. This area requires

416 attention to provide for separation of uses and reservation of land for future industrial  
417 development.

### 418 **1.B Commercial Development**

419 Some commercial development on the Spit has contributed to a haphazard and "temporary"  
420 character, and blocked the view shed. As more commercial opportunities are desired, the  
421 Overslope area at the harbor basin offers excellent opportunities for commercial growth and a  
422 controlled and established character to the Spit. These opportunities are available in particular  
423 on the north and west sides of the harbor basin as noted on the development Framework Plan  
424 map 3. The development plan shows a proposed configuration of approximately 60,000 square  
425 feet of new overslope development. This level of leaseable square footage devoted to small  
426 shops, restaurants, service businesses or other uses should be sufficient to meet demands well  
427 into the future. While this opportunity has tremendous economic opportunities, the character  
428 of that development must be carefully considered. The City of Homer should consider  
429 developing appropriate standards and design guidelines for new development to maintain the  
430 character of the Homer Spit.

431 Buildings should be no more than one or two stories to maintain a human scale and to preserve  
432 views of the surrounding bay and mountains. CREATE goal to address temporary  
433 character/haphazardness (visual clutter like signage, need for pedestrian corridors/flow).  
434 Almost all of the above is about overslope...what if new development is not overslope? How  
435 else are we addressing the character of development on the spit?

436 One issue that is sometimes found difficult to address is the issue of how to regulate  
437 commercial versus industrial development. More definition is needed with respect to  
438 commercial use to address the character of commercial development as it has occurred on the

439 Homer Spit. \* go back and talk about 'visitor related commercial' land use

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

441 ~~A lodging facility, the existing Land's End Resort, has been located on the Spit for many years.~~  
442 In recent years, a new residential condominium development was constructed on the Spit  
443 adjacent land, creating a large resort/residential and lodging facility, as a planned unit  
444 development. Community concerns over additional residential development were expressed at  
445 planning workshops. Concerns included the height of buildings blocking views, and safety

446 related to tsunami and flooding. Although some of these concerns and objections may be  
447 overcome through design, the concern over tsunami and severe flood/weather events is real.

448  
449 Both formal permitted lodging facilities and campgrounds, and informal, unpermitted lodging  
450 and camping are present on the Spit. While there may be community concern about additional  
451 lodging, camping and residential uses, the uses are already there. A residential option should be  
452 considered as part of the planning process. A clear policy is needed and appropriate regulations  
453 created and enforced to meet public health and safety concerns. Lodging and nightly rental  
454 facilities can be located above existing and future commercial developments. By permitting  
455 these activities, the City can better regulate them and ensure facilities meet building, health,  
456 and safety codes.

457  
458 Need to talk about opportunity areas somewhere, but maybe not here under residential/resort.  
459 Maybe their own category? And talk about broad uses of opportunity area...maybe not so much  
460 the residential possibilities

461  
462 ~~The future land use plan identifies several locations where resort/residential may be~~  
463 ~~appropriate See maps 1 and 2 for the areas marked "opportunity area". Development of these~~  
464 ~~sites for resort/mixed residential use would be compatible near Land's End. That said, many~~  
465 ~~residents would like to see that opportunity site left open for uses that better preserve views~~  
466 ~~and public enjoyment of the end of the Spit.~~

467 ~~These opportunity areas could be used for many things to add to the visitor industry or for~~  
468 ~~other commercial/industrial uses. They are areas that merit broader thinking about what would~~  
469 ~~be in the long term interests of community and the economy, while balancing property rights~~  
470 ~~and environmental concerns.~~

471 ***(Move?) 1.D Conservation/Natural Environment***

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

477 This planning effort recognizes the value of the natural environment of the Homer Spit by  
recommending continued preservation of this unique marine tidal habitat as conservation

479 areas. In addition, public access to important use and viewing areas should be preserved, and  
480 where required, improved.

481 **1.E Parks and Recreation**

482 A new community park and gathering area was a priority identified during the planning  
483 workshops. A possible site identified in the public process is a portion of the city campground  
484 west of the harbor basin and Freight Dock Road. This site would seem to be appropriate and  
485 would require reconfiguration of the road and the existing boat launch area. A proposed  
486 reconfiguration would create more space for overslope and commercial development.

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

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

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

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

495 **Coal Point Park:** The existing small park located adjacent to the fish dock has a parking area that is  
496 too big and a small, but wonderful green space with excellent views of the harbor and fish dock. Shrink  
497 the parking lot and expand the green space. The park could be connected to the vacant lot next to the  
498 Pioneer Dock along the beach, providing additional open space.

499 In addition, the City of Homer Capital Improvement Plan (2010) includes the following Parks and  
500 Recreation projects: is this really important to keep? Do we want a list of parks on the Spit? How is this  
501 laundry list of CIP projects helping future policies and goals? Delete most of it and go back to goals for  
502 public parks overall? Need to refer to 2008 comp plan parks/rec/culture chapter for a master plan, and  
503 point out any big items not addressed in spit plan (like benches and picnic tables and fire pits) STAFF do  
504 more work here

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

510 The lagoon embayment itself requires ongoing maintenance including removal of a gravel bar  
511 at the entrance, lengthen and increase the height of the northern-most terminal groin using rip-

512 rap armor stone from the City's small stockpile, rebuild the north berm using beach  
513 nourishment methods dredge the lagoon approximately 3 feet to remove deposits from tidal  
514 action, and to plant wild rye grass sprigs to stabilize the inner basin slope.

515 **Mariner Park Improvements:** As one of Homer's most popular recreation areas, Mariner  
516 Park attracts campers, beach walkers, kite-flyers, trail users, birders, people with dogs, and  
517 others who come to enjoy the views and open-air recreation opportunities. Homer's growing  
518 population and tourist visitation are placing greater demand on Mariner Park, increasing the  
519 need for recreation and safety enhancements.

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

- 521 • Construct a plumbed restroom facility
- 522 • ~~Develop a bike trail from "Lighthouse Village" to Seafarer's Memorial Park ( it was only to~~  
523 ~~Mariner park)~~
- 524 • Expand the park and move the vehicle entrance to the north (will help improve pedestrian  
525 safety when crossing the road to the trail)
- 526 • Construction of a tunnel under the Spit Road to provide safe access to the Homer Spit Trail
- 527 • ~~Fee camping sites ALL city camping is fee camping~~
- 528 • Picnic/barbeque area

529 ~~At the base of the Spit, adjacent to the Mariner Park, is a tidal area impacted by coastal sediment~~  
530 ~~transport. Historically, this area was permitted for fill, but never was completely implemented. This~~  
531 ~~area should be considered for expansion of the city campground.~~

532 **Goals for Land Use and Community Design (prioritize in future?) (make sure all**  
533 **goals are listed here)**

- 534 **1.1** Maintain the variety of land uses that establish the unique "Spit" character and mix of land  
535 uses.
- 536 **1.2** Improve the permanence and character of new commercial development.
- 537 **1.3** Provide public facilities that attract residents and visitors to the Spit for recreational  
538 purposes.
- 539 **1.4** All development should recognize, value, and complement the unique natural resources on  
540 the Homer Spit.

541 1.5 Respond to seasonal land use demand fluctuations.

542 1.6 Protect public access to and enjoyment of the Spit's unique natural resources.

## 543 2. Transportation

### 544 **2.A Marine Transportation**

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

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

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

560 The proposed bike path extension was originally conceptualized to be located along the harbor  
561 basin. However, this concept creates conflicts with proposed overslope development, and  
562 safety issues with mixing bicycles, pedestrians, shoppers, and marina users. An alternative  
563 concept would locate the bike path along the highway, with sufficient separation for the  
564 comfort and safety of pedestrians. The bike path, situated in a median of saw grass, would add  
565 natural green space and create the opportunity to define specific driveway locations for the  
566 large parking area.

### 567 **2.C Parking Management**

#### 568 **Parking Management Ideas and Recommendations**

569 The framework plan recommends a number of actions to organize and manage parking on the  
570 Spit. These ideas focus on parking management, separating as much as possible different long  
571 and short term parking uses, redefining parking areas, and charging a fee for long-term parking.

572 A large, fold-out map (#3) is located at the end of this document and provides the general  
573 Framework Plan for future parking on the Homer Spit.

574 **Free Parking:**

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

578 **Permit Parking for Slip Rentals and Employees:**

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

582 **Permits for Long Term Parking:**

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

587 **Loading Zones and Handicap Parking:**

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

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

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

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

597 The boat trailer parking area should be compressed for better utilization, enforcement of  
598 policies and maintenance. The area should be large enough to accommodate peak use. The  
599 land not being used for boat trailer parking can be available for future economic development,

600 but making the area smaller now will help identify exactly how much trailer parking is  
601 necessary.

602 **Parking Signage:**

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

607 **Create Specific Parking Lot Entrances:**

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

613 **Parking Management:**

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

619 **Goals for Transportation on the Homer Spit: MOVE this up to beginning of**  
620 **section 2 so you see the goal and then the supporting information.**

621 **2.1** Enhance and protect the Spit's critical role in regional marine transportation.

622 **2.2** Improve traffic flow and safety on the Sterling Highway. (dredge spoils plan)

623 **2.3** Provide adequate and safe facilities for pedestrians and bicyclists.

624 **2.4** Provide improved multi-modal transportation on and to the Spit.

625 **2.5** Improve organization, wayfinding, and management of parking.

626 **3. Economic Vitality**

627 **3.A Port and Harbor**

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

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

638 As a winter city, Homer should create more opportunities to make the Spit a year round  
639 destination for both locals and visitors. The maritime climate does limit winter possibilities for  
640 activities like outdoor ice skating and cross country skiing. However, walking, running, storm  
641 watching, beach combing, and bird and mammal watching are all activities that can be  
642 enhanced with access and facilities designed for all season use.

643 **Goals for Economic Development on the Homer Spit (move to beginning of**  
644 **section)**

645 **3.1 Improve the local economy and create year-round jobs by providing opportunities for new**  
646 **business and industrial development appropriate for the Homer Spit.**

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

653 **Insert a paragraph about shorebird and other festivals, economic draw,**  
654 **importance of events and partnerships, refer to appropriate 2008 plan chpt 7, 8**  
655 **topics**

657

658



659

660

661

---

## 4. Natural Environment?

---

662 Insert w comments of Commission from July 21<sup>st</sup> meeting See P:\spit comp plan\5 5 draft\draft chapter 4  
663 7/21/2010

664

665

666

667

---

## Chapter IV. Goals, Objectives & Strategies

---

668 Insert goals clean copy goals and objectives here. There are 2 files. Section 1 revised goals, and  
669 sections 2-3 goals.

670

1 Chapter 4 goals have not been formatted to fit with the rest yet.

672

673

674

675

676

677 Appendix items

678 Land use table

679 Purpose of existing MC and MI districts

680 Zoning Map

681 Leased land map, current land use map, parks recs and open space map

683 Cut transportation map, does not show enough detail to be useful.

# 1 DRAFT Chapter 4. Natural Environment

---

2 The Homer Spit and Kachemak Bay offer rich coastal waters for marine habitat. Many years  
3 have been spent acquiring and protecting habitat on the Spit. Most recently, the Exxon Valdez  
4 Oils Spill (EVOS) worked with the city to acquire land in the Louie's Lagoon area and create  
5 conservation easements.<sup>3</sup> The Kachemak Heritage Land Trust has also been instrumental in  
6 partnering with the City for further conservation easements.

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

17 Harbor operations and boat owner habits also play an important role in protecting Kachemak  
18 Bay resources. The City of Homer supports the Alaska Clean Harbor Pledge, which is a list of  
19 best management practices to address topics as such cleaning agents, garbage, recycling, storm  
20 water and sewage management. Private boat owners can also refer to the publication "Clean  
21 Boating for Alaskans."

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

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

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

26 Strategy: Adhere to existing conservation easements.

27 Strategy: Avoid development on city owned tidelands adjacent to Conservation  
28 areas, such as Louise's Lagoon and Mud Bay.

29 Strategy: Avoid all development that is not water dependant within the  
30 Kachemak Bay Critical Habitat Area, defined as 17.4 ft mean high tide.

31 Strategy: Improvements to public lands should focus active recreation on the  
32 west side of the Spit, Mariner Park, and the southern half of the Spit.

33 **Objective:** Purchase or obtain conservation easements on private lands on the east side  
34 of the Spit between Tide Street, and Kachemak Drive.

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

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

41 **Objective:** Support and implement the Alaska Clean Harbor Pledge (City  
42 implementation via policies)

43 Strategy – make reference to 2008 comp plan, chapter 8 energy plan: solid  
44 waste/recycling, efficient city buildings, etc

45 Strategy: Stormwater runoff....issues....what would we like to say?

46

47

48 **Objective:** Support the concepts presented in the publication: "Clean Boating for  
49 Alaskans." (User group implementation via cooperation, not government regulation)

50 Strategy: Continue to support efforts to be greener...recreational boating habits  
51 (...partner with sailing club etc, to implement both the sustainable harbors and clean boating  
52 ideas) (Yes this needs some rephrasing)

53

54 Anything else?

55

6/30/10

Mayor Hornaday and Members of the Council,

I have reviewed the proposed Homer Spit comp plan and made comments at various stages of the public input process. I would like to submit to you directly two ideas that will save future councils many hours of debate.

The thirty acres on the North side of the harbor has very little development. It is not quite a blank slate but it is close. I would propose the Council set aside a 15' walking/ bike path easement around the entire area. It will be a beautiful place to go for a walk. Our recent cruise ship passengers have been walking down the middle of the road. Fifty years from now, if you set this easement aside, every person living in Homer will thank you.

My other suggestion is to come up with a drainage plan for the entire area now and require all development to conform to the drainage plan. The developed side of the spit is surrounded by water and you have to wear x-tra tufts to walk around after a hard rain. The road was put at the wrong height or the utilities were placed to high. It is always an embarrassment to me that nobody ever thought about drainage on the spit. Please don't repeat the mistake on the thirty acres.

Respectfully,

Brad Faulkner

*Possible capital improvement  
project for consideration by EDC*



Session 10-05, a Regular Meeting of the Port and Harbor Advisory Commission was called to order by Chair Ulmer at 5:00 p.m. on June 23, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**PRESENT:** COMMISSIONERS ULMER, CARROLL, ZIMMERMAN, HARTLEY,

**ABSENT:** COMMISSIONERS WEDIN, VELSKO, HOTTMANN

**STAFF:** PORT AND HARBOR DIRECTOR HAWKINS  
DEPUTY CITY CLERK JACOBSEN

#### **AGENDA APPROVAL**

HARTLEY/ZIMMERMAN MOVED TO APPROVE THE AGENDA.

The agenda was approved as written by consensus of the Commission.

#### **PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA**

There were no public comments.

#### **RECONSIDERATION**

There were no reconsiderations scheduled.

#### **APPROVAL OF MINUTES**

A. May 26, 2010 Regular Meeting Minutes

ZIMMERMAN/HARTLEY MOVED TO APPROVE THE MAY 26 MEETING MINUTES.

The meeting minutes were approved as written by consensus of the Commission.

#### **VISITORS**

#### **STAFF AND COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS**

A. Port and Harbor Director's Reports for May and June 2010

Port and Harbor Director Hawkins reviewed his staff reports and answered questions from the Commissioners.

#### **PUBLIC HEARING**

There were no public hearing scheduled.

#### **PENDING BUSINESS**

A. Request for Proposals Lots 9A, 10A, 19, 20, and 12A

Port and Harbor Director Hawkins said there were no proposals and this was provided for information.

B. Spit Comprehensive Plan

City Planner Abboud updated the Commission on what the PC and EDC have done. He said he

would take notes to pass on to the Planning Commission and suggested they may want to have discussion and prepare a formal recommendation if they see a need for specific changes.

Discussion points included:

- Types and location of residential uses as accessory uses. People should be able to live above their businesses, but not B&B's or rooms for rent. Fish processing businesses need to have a provision for staff on site 24 hours and need to have a sound location that can meet fire code, not campers and busses.
- Overslope and parking standards. The City should at least build the platform for overslope. Most won't do that for just 3 or 4 months of business.
- 1% for landscaping. Issues with landscaping on the spit as you can only grow particular things. It is an arts community, perhaps statues or murals.
- Recreation and Community Space. Parks are important. We need picnic and play areas for locals. Some camping may need to be displaced to provide a community space near the Pier One Theater area.
- Identification of land to be purchased for conservation areas.
- Enhance area around deep water dock. Currently there aren't many amenities for cruise ship passengers. There are not a lot of opportunities once the passengers disembark to direct them to the opportunities happening in our area. Currently there is no welcome or cultural experience for passengers. It is an industrial area so how do you combine the two. It is important to consider revenue from cruise ships to revenue from the industry of the port, and how the two work together.
- Traffic flow. There are very few accidents and congestion is bad for a very small part of the year. Eliminating big RVs parking along the road to improve visibility, having business owner's park away from their buildings, and fining jay walkers would solve a lot of the problem.
- Safe movement at the base of the spit. There should not be a cross walk where the speed limit is 45 mph. Put in a pedestrian culvert under the highway and people could park at Mariner Park.

He advised them that the Planning Commission hopes to have a draft for public review by the end of August.

## **NEW BUSINESS**

### **A. Capital Improvement Plan 2011-2016**

Port and Harbor Director Hawkins identified some of the changes in the document and current projects specific to the harbor.

Most of the Commissioner's listed their priorities and agreed to discuss them further at their next meeting to allow for more input from the other Commissioners.

Commissioner Carroll said he is interested in proposing an item for the list to revamp the ice house. It is an opportunity for economic development for several reasons including a market for wild fresh fish.

### **B. Lease Committee Membership**

Commissioner Zimmerman volunteered to take the seat on the Lease Committee. There was no objection expressed by the Commissioners.

July 14, 2010

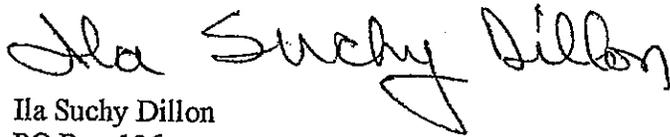
Homer Port and Harbor Commission,

I reside in Seldovia and just learned about the recent enforcement of the 7 day parking restriction on the far side of the Homer Spit. I moved my car to the airport long-term parking lot and took a \$15 taxi ride back to my boat. Not only is this inconvenient (trips back and forth to unload and the wait for the taxi took about an hour) but it will also add \$30 to every trip. A heavy tax indeed.

I have parked my car on the spit for many years. This has allowed me to boat to Homer (either my personal boat or one of the many ferries). My trips to Homer benefit numerous businesses; ferries, grocery stores, fuel stations, hardware stores, gear supply stores, clothes stores, art shops, doctors, dentists and countless other businesses. In other words, my boat travels to Homer, as well as the boat trips by many others who live on the South side of the Bay, contribute a significant stimulus to the Homer economy.

Please find a long term parking place for the across-the-bay locals to park. We depend on the use of the spit and feel we pay our way by stimulating your economy as mentioned above. One obvious solution could be special stickers to be applied to cars designating parking preference for those whom you deem to qualify.

Sincerely,



Ila Suchy Dillon  
PO Box 126  
Seldovia, AK 99663  
907-234-7858



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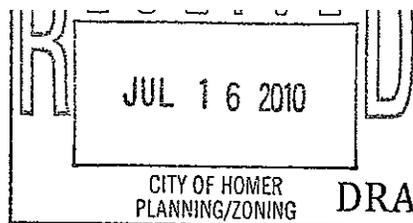
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2

# Homer Spit Plan



DRAFT 1 5/28/10

MANAGE THE LAND AND OTHER RESOURCES OF THE SPIT TO ACCOMMODATE, RESPECT AND ENHANCE ITS RUGGED, DYNAMIC DEFINING NATURAL FEATURES:

- THE UNIQUE BEACH GRAVEL QUALITY;
  - IT'S NATURAL SEDIMENT PROCESSES,
  - EROSION PREVENTION GRASSES,
  - ITS DIVERSE AND ECLECTIC PEOPLE, BUILDINGS AND BUSINESSES
  - THE FRIENDLY WORKING ATMOSPHERE FOR ALL AREAS OF THE SPIT
  - WITH ACCEPTANCE AND PATIENCE FOR ITS LIMITED LAND, LIMITED PARKING, LIMITED TIME FRAME OF THE FISHING SEASON
1. Protect the view shed wherever possible.
  2. Prioritize the year round locals recommendations
  3. Encourage open areas and parks to reveal the natural beauty
  4. Treat all locals and guests with respect and patience without bias
  5. Economic development shall not compromise the unique natural character , gravel grasses, wildlife, fish and local residents which make up the flavor of the Spit.
  6. Prioritize economic development for local entrepreneurs and residents to make a living
  7. Encourage local hire
  8. Guard against public incentives that compete with private existing businesses.
  9. Provide for public safety in creative ways while achieving a balanced mix of water-dependent and marine related activities.
  10. Recognize and accommodate natural features and processes while providing adequate space for marine commercial and industrial, tourism commercial, transportation, recreation, open space, and traditional local uses and users.
  11. Priority for use of the small Boat Harbor and distal end of the Homer Spit shall be given to marine commercial, marine industrial (fishing), industrial transportation, tourism, and day use recreation.
  12. Transportation (including U.S. Coast Guard) and shipping and cargo handling activities are a high priority use of the Deep Water Cargo area and the main Dock areas of the Spit.
  13. Priority use of the west side of the Homer Spit shall be for open space/recreation.
  14. Priority for the Mud Bay area of the Homer Spit shall be for conservation.
  15. Similar land uses (such as charter offices, boat and gear sales, boat and gear storage, gift shops, art shops, commercial, and marine industrial (fishing/processing) shall be

- encouraged to cluster to achieve a mix of related activities and minimize adverse impacts on other activities.
16. Maintain and protect traditional local uses of the beaches along the Spit such as camping, campgrounds, walking, beach combing, and others
  17. Construct an observation deck near the Fish Dock.
  18. Consider underutilized lands on the Spit as open space. All areas do not need to be filled
  19. No net loss of beach rye grass. Enhance wherever possible to prevent erosion and to keep down dust.
  20. Recognize the run-off damage and loss of the "gravel Spit experience" that paving paradise with asphalt produces.
  21. Keep the Spit rustic and raw to allow the natural experience of the Spit to continue
  22. Develop a program that advocates that two percent (2%) of new construction costs be spent on natural local plant landscaping.
  23. Encourage the Utilization of the treated city water that is being dumped into the ocean unused. (water haulers, fill tanks to be used for flushing toilets,
  24. Any overslope development must recognize erosion from displaced rye grass. Incorporate preventative rye grass in any and all development to hold banks together and keep dust down. (See examples on spit where grass has been removed.)
  25. Leased lands must incorporate rye grasses wherever possible for dust control
  26. 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 transport.
  27. Commercial extraction of sand gravel and driftwood from the spit shall not be allowed.
  28. Beach logs with grasses shall be encouraged as an erosion prevention system.
  29. More firewood vendors shall be encouraged to sell firewood to minimize beach log and driftwood extraction by campers.
  30. Open space camping shall be encouraged to locate in the middle area of the spit and in the leased camping areas.
  31. Recognize encourage and celebrate the commercial fishermen for their continued support of city and marine services local businesses and their dangerous vocation that brings bounty to our town.
  32. Recognize encourage and celebrate local resident businesses, entrepreneurs and workers for their dedication to being spit rats all summer.
  33. Recognize that most Spit businesses compress making a living in two frenzied months of intense work and customer service. Encourage them to persevere without adding burdens that can break the camel's back.

## ENERGY AND LIGHT

1. Begin to systematically reduce energy consumption
2. Investigate how many lumens are actually needed instead of arbitrary expensive to the taxpayer wasteful light
3. Begin to reduce light pollution – take out ½ of light bulbs
4. Investigate light trespass to eliminate where it is not needed
5. Reduce upward lumen and glare over the water – hazard to navigation
6. Begin to transform our harbor into a bollard style of lighting like all harbors on the western seaboard

## OVERSLOPE =UPPERSLOPE

1. Keep a continual open unbroken trail system around the harbor
2. Uphold the effortless integrity of the natural inner basin from storm water drainage
3. Recognize the importance of the erosion preventing rye grass along harbor banks
4. Any buildings need to be upslope with a boardwalk over slope on pilings with grasses underneath to prevent removal of continuous harbor viewshed

## PARKING AND CONGESTION

Ancient proverb: watch peoples actions then allow them to this pattern of use

1. Use rustic Park Service style parking signs
2. Slow traffic with speed bumps (removable for off season) in high pedestrian areas
3. Recognize that high pedestrian areas mean businesses are making tax revenue for our city
4. Provide 2 hour parking in all areas of congestion and clustered shopping areas. Be lenient on guests who are shopping but strict on business owners employees, charter captains . It is the responsibility of the charter captains to shuttle their charter guests to and from the boats.
5. Provide 24 hour parking for business owners, workers, city workers, charter captains, and charter guests away from clustered shopping areas
6. Encourage walking
7. Provide long term parking areas away from clustered areas
8. Allow 5 minute double parking for offloading
9. Be lenient on quick stop and shop customers who may dash in to make a sale.
10. Allow double parking of big trucks to offload cargo to shops

11. Provide a slow coal train on tracks as a shuttle
12. Keep parking lots gravel so people can shuffle around on the natural made beach the moment they step out of their cars.
13. Marked parking is not necessary on the Spit. People do an adequate job of parking efficiently
14. Recognize the run-off damage and loss of the "gravel Spit experience" that paving paradise with asphalt produces.
15. Use logs to direct flow into and out of parking area
16. Use Park Service type rustic signage to designate parking areas
17. Recognize and understand that the Homer Spit is a narrow Band of 158 acres of land with minimal parking . Half of this 158 acres is parking and half is usable land most of which is occupied.
18. Remove parking as the priority so harbor workers can focus on more important harbor related task.
19. The relentless quest for parking is futile where there is no land to park on.
20. Businesses must recognize that they create parking congestion by taking up prime customer spots.

Name	address	phone	Comments
<i>Wmney Hillstrand</i>	<i>Box 7 - Homer</i>	<i>235-9772</i>	

**Shelly Rosencrans**

**From:** Carla\_Stanley@fws.gov  
**nt:** Thursday, July 01, 2010 1:01 PM  
**J:** Department Planning  
**Cc:** geomatz@alaska.net; Marianne\_Aplin@fws.gov; Poppy\_Benson@fws.gov  
**Subject:** comprehensive plan for Homer Spit

**To:** Homer Planning Commission  
**From:** Carla Stanley, Kachemak Bay Shorebird Festival Events Coordinator  
**Re:** Homer Spit Comprehensive Plan

I recently read this proposed plan and found parts of it to be confusing. There are suggestions that seem to be describing Mariner Park, the first pull-out to the right when driving south on the Spit; but also refer to it as "Seafarer Memorial", which is one of the last pull-outs toward the end of the Spit near Land's End. They obviously don't know the area as well as they should for making recommendations to the city.

I find it important to share some history with you.

This is an excerpt from the Kachemak Bay Shorebird Festival Handbook" which is pertinent to this plan:

*"In Fall of 1992, Sue Matthews, Jack Lentfer, and George West wrote a paper about the ecological value of the Mariner Park Lagoon in response to a proposal of the city of Homer to fill in the lagoon for an RV Park. The paper brought in to focus the shorebirds that migrated through Homer, and that it would be a bad idea to fill in the lagoon. The Tourism Committee of Homer Chamber of Commerce included Poppy Benson of USFWS, John Bushell, and Celeste Feneger. They decided that it was time to capitalize on the shorebird migration by having an educational festival and hopefully to be able to prevent this development. Merlin Cordes of the Driftwood Inn also helped in the pursuit. Willy Dunne, the USFWS Visitor Center Manager at the time and an avid birder, was instrumental in organizing the events. The Purpose of the 1<sup>st</sup> Kachemak Bay Shorebird Festival as stated in 1992 was **"to make the shorebirds important to Homer thus creating additional allies for habitat protection."***

*The dates chosen were based on George West's data that indicated that the bulk of the migration arrived around the 8<sup>th</sup> of May; so the four days of the weekend closest to the 8<sup>th</sup> of May have traditionally been the weekend of choice.*

*Others who helped organize the festival in its first year were Joy Steward, Martha Madsen, Jeri Beier, Sandra O'Donnell and Janet Klein.*

*As years have past, staff and volunteers change, but the message has become more and more important and more and more visitors fill up the B&B's, hotels, motels and campgrounds during the event.*

Here is a copy of the numbers in attendance at the 2010 Festival in May: It would indicate to me, that not only history, but economics is part of this consideration.

2010 Kachemak Bay Shorebird Festival Statistics (Alaska Maritime NWR only)		
data	numbers	facts
dates	May 6-9, 2010	

sponsored events by USFWS	63	(2009- 57, 2008 - 43
tides	12.2-14.8 highs	these tides made birding to Mud Bay more difficult due to the distance that the birds were out. 15-16 foot tides are ideal.
weather	mostly sunny	
visitors through IOVC	1654	4 days
total attendees at sponsored events	2797	4 days

As you can see, during the first week of May (which could be pretty quiet in town), we were able to provide high quality recreation, education and entertainment for a large number of people, most were visitors who came here to see birds and other wildlife. This was just what Alaska Maritime National Wildlife Refuge sponsored. If we include the Chamber, Pratt Museum, Charter Boats, and Center for Alaskan Coastal studies, these numbers would be MUCH higher!

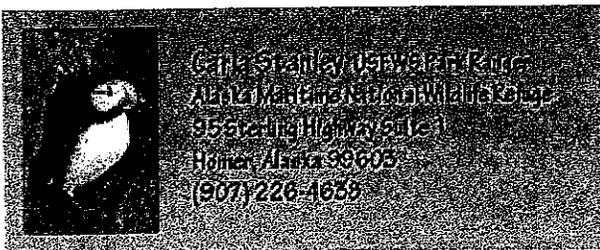
Still that is not the main reason for our festival. Valuing wildlife, in this case the migratory birds that depend on the rich mud flats and habitat of our community is why the festival was started and what should be gained by its persistence.

The mudflats and grass covered dunes of Mud Bay and Mariner Park have been protected for more than a decade, and become more important as years go by and similar habitats disappear.

I urge the Planning commission and the City of Homer to bare in mind the importance of wildlife in any development in the city. Important hubs for land mammals connected by appropriate corridors for seasonal migration will enhance safe viewing of wildlife and reduce human/ wildlife conflicts. All planning in Homer should be taking this seriously. Continued as well as increased protection and mitigation of migratory bird habitats will pay dividends as visitors come to truly enjoy what we have with our natural habitats, and help to reassure us that when these long-distance travellers arrive, there will be a place for them to safely rest and prepare for the rest of their journeys.

I recommend that the commission take time to walk the spit trail, read the interpretive panels, and recognize the value this unique geologic structure provides as part of the "Kenai Peninsula Wildlife Viewing Trails" as well as being a magnet for migratory birds, marine mammals, and people.

Sincerely,  
Carla Stanley





**CITY OF HOMER  
CITY HALL**

**MEMORANDUM**

To: Homer Advisory Planning Commission  
Through: Rick Abboud, City Planner  
From: Anne Marie Holen, staff to Economic Development Commission *Amh*  
Date: July 28, 2010  
Subject: Recommendations regarding Homer Spit Comprehensive Plan

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At the July 13 regular meeting of the Economic Development Advisory Commission, the five members present discussed the draft Homer Spit Comprehensive Plan and unanimously approved three motions relating to suggested Plan revisions:

- Under Goals, Objectives & Strategies for Land Use and Community Design, revise 1.1 through 1.4 as follows:

1.1: Redefine and enforce zoning; specifically for Fish Dock Road, to make the zoning where conditional use permits are over and above what is really going on.

1.2: The City needs to build the pilings and deck [for overslope development??] and make it ready for leasing. Remove language about "develop a program on landscaping on the Spit," as the harsh weather conditions and dollar amounts aren't necessarily conducive to each other.

1.3: Provide showers on the Spit, and construct a Spit Town Square/non-profit by Pier 1 Theatre. Place summer benches along the biking trail.

1.4: Access to the end of the Spit by road should have priority over habitat. Use dredge spoils to increase the Spit.

- Under Goals, Objectives & Strategies for Economic Vitality, add a section related to Deep Water Dock Development, with the following recommendations:

1. Utilize cruise ship dollars to fix the area.
2. Recognize different types of vessels using the dock and make needed improvements to stage that area.
  - a. Fueling
  - b. Maintenance on vessels
  - c. Staging - parking
3. Provide bathroom, guard shack, covered waiting area.
4. Add this to the Capital Improvement Plan.
5. Provide a walking boardwalk around the perimeter of the harbor.
6. Complete dock expansion.
7. Fix incoming freight issues.

- In addition to the above recommendations, the EDC approved a separate motion to recommend incorporating a specific allowance for maintenance, security, and crew quarters into commercial and industrial zoning on the Spit.

## Shelly Rosencrans

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**From:** Melissa Jacobsen  
**Sent:** Wednesday, July 21, 2010 4:11 PM  
**o:** Shelly Rosencrans  
**Subject:** EDC excerpt from 7/13 unapproved minutes

### A. Homer Spit Comprehensive Plan

The Commission, City Planner Abboud, and Councilmember Wythe discussed conditional use permits in relation to financing for leases on the spit.

- 1.1 Zone-redefine and enforce. Specifically Fish Dock Road to make the zoning where conditional use permit are over and above what is really going on.
- 1.2 City needs to build the pilings and deck and make it ready for leasing. Remove the "develop a program on landscaping on the spit", as the harsh weather conditions and \$ amount aren't necessarily conducive to each other.
- 1.3 Showers on the Spit. Spit Town Square/nonprofit by Pier 1, and summer benches along the biking trail.
- 1.4 Access to the end of the Spit by road is priority over habitat. Use the dredges to increase the spit.

RAVIN/NEECE MOVED TO INCORPORATE 1.1 THROUGH 1.4 TO THE COMP PLAN.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

They talked about section 3 recommendations 1-7 and the importance of improvements at the Deep Water Dock and the area around it not only for cruise ships but also for people that use the space on a regular basis.

### Section 3 Deep Water Dock Development:

1. Cruise ship dollars to fix the area
2. Recognize different types of vessels using the dock and what do we need to do to stage that area.
  - a. Fueling
  - b. Maintenance on vessels
  - c. Staging - Parking
3. Bathroom/Guard shack/covered waiting area
4. Capital Improvement Plan
5. Walking boardwalk around the perimeter of the harbor
6. Finish Dock expansion
7. Fix incoming freight issues

Regarding residential uses if it is going to be allowed then a percentage should be defined. It was noted in the past there has been no residential allowed due to inadequate evacuation capability in the event of an earthquake or tsunami. Sleeping quarters are needed for security is something else.

RAVIN/SIMPSON MOVED TO RECOMMEND INCORPORATING A SPECIFIC ALLOWANCE FOR MAINTENANCE, SECURITY, AND CREW QUARTERS INTO COMMERCIAL AND INDUSTRIAL ZONING ON THE SPIT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

DAUPHINAIS/RAVIN MOVED THAT WE TAKE SECTION 3, 1-7 FROM THE EDC NOTES AND INCORPORATE AND FORWARD AS RECOMMENDATION TO PLANNING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

*Melissa Jacobsen, CMC  
Deputy City Clerk  
City of Homer, Alaska*

*PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.*

## EDC Notes from Work session 6/21/10

- 1.1 Zone – redefine and enforce. Specifically Fish Dock Road to make the zoning where conditional use permit are over and above what is really going on.
- 1.2 City needs to build the Pilings and deck and make it ready for leasing. Remove “the develop a program on landscaping on the spit”, as the harsh weather conditions and a \$ amount aren’t necessary conducive to each other.
- 1.3 Showers on the Spit. Spit Town Square/nonprofit by the Pier 1, and summer benches along the biking trail.
- 1.4 Access to the end of the Spit by road is priority over habitat. Use the dredges to increase the spit.

### Section 3

#### Deep Water dock development.

1. Cruise Ship Dollars to fix that area
2. Recognize different types of vessels using the dock, and what do we need to do to stage that area?
  - a. Fueling
  - b. Maintenance on vessels
  - c. Staging – Parking
3. Bathroom/ Guard shack/ covered waiting area
4. Capital improvement plan
5. Walking boardwalk around the perimeter of the harbor
6. Finish Dock Expansion
7. Fix incoming freight issues
8. Deal with people living on their boats in the harbor

#### Residential land: what does that look like?

- a. Condos
- b. Campers
- c. Boat owners
- d. Security for business
- e. B&B
- f. Hotels
- g.





# City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

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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  
**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



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



(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.



90 21.95.060 Standards for zoning map amendment. The City Planner, Planning  
91 Commission and City Council shall apply the following criteria in considering a proposed  
92 amendment to the zoning map:

93 a. Whether the amendment is consistent with the goals and objectives of the  
94 comprehensive plan, and the comprehensive plan land use recommendations map.

95 b. Whether the zoning map amendment is in the best interest of the public,  
96 considering the following factors:

97 1. The effect of development under the amendment, and the cumulative  
98 effect of similar development, on property in the vicinity of the area subject to the amendment  
99 and on the community, including without limitation effects on the environment, transportation,  
100 public services and facilities, and land use patterns; and

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

104  
105 Section 2. This Ordinance is of a permanent and general character and shall be included  
106 in the City Code.

107  
108 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
109 \_\_\_\_\_ 2010.

110  
111  
112 CITY OF HOMER

113  
114  
115 \_\_\_\_\_  
116 JAMES C. HORNADAY, MAYOR

117 ATTEST:

118  
119  
120 \_\_\_\_\_  
121 JO JOHNSON, CMC, CITY CLERK

122  
123 YES:

124 NO:

125 ABSTAIN:

126 ABSENT:

127  
128 First Reading:

129 Public Hearing:

130 Second Reading:

131 Effective Date:



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 <del>City Planner</del> <u>Planning Department</u>
21.95.040	Review by Planning Commission
21.95.050	Review by City Council
<del>21.95.060</del>	<del>Standards for zoning map amendment</del>

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.



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.





# City of Homer Planning & Zoning

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## STAFF REPORT PL 10-56

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** June 16, 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



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



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**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.



88 Code. The City Council may adopt the proposed amendment as submitted or with amendments,  
89 or reject the proposed amendment.  
90

91 21.95.060 Standards for zoning map amendment. The City Planner, Planning  
92 Commission and City Council shall apply the following criteria in considering a proposed  
93 amendment to the zoning map:

94 a. Whether the amendment is consistent with the goals and objectives of the  
95 comprehensive plan, and the comprehensive plan land use recommendations map.

96 b. Whether the zoning map amendment is in the best interest of the public,  
97 considering the following factors:

98 1. The effect of development under the amendment, and the cumulative  
99 effect of similar development, on property in the vicinity of the area subject to the amendment  
100 and on the community, including without limitation effects on the environment, transportation,  
101 public services and facilities, and land use patterns; and

102 2. The supply of land in the economically relevant area that is in the same or  
103 similar districts to the district that would be applied by the amendment, in relation to the demand  
104 for that land.  
105

106 Section 2. This Ordinance is of a permanent and general character and shall be included  
107 in the City Code.

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

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

118 ATTEST:  
119  
120  
121

\_\_\_\_\_  
122 JO JOHNSON, CMC, CITY CLERK  
123

124 YES:

125 NO:

126 ABSTAIN:

127 ABSENT:  
128

129 First Reading:

Public Hearing:



## **NOTES AND RESEARCH ON REZONING 6/10/10**

This represents a collection of research on other rezoning practices. Most codes are very similar to our own and do not contribute much guidance. Here is a sample of code and concept.

Bethel Alaska

# **Chapter 18.76 AMENDMENTS TO THE OFFICIAL MAP AND LAND USE CODE**

Sections:

18.76.005 Status of actions.

18.76.010 Initiation of text amendments and land use map modifications.

18.76.020 Application.

18.76.030 Hearing and notification.

18.76.040 Staff review.

18.76.050 Planning commission hearing.

18.76.060 City council hearing.

### **18.76.005 Status of actions.**

Requests for amendments to the text of the land use code or amendments to the official map are requests for legislative actions. The actions of the planning commission in recommending for or against requested amendments is legislative and policy-making in nature. An applicant who is a property owner does not have a right to a requested amendment, but has only the right to have the application heard by the planning commission and, if a timely request is filed upon a rejection by the planning commission, to have an ordinance that would implement the requested amendment transmitted to the city council for its consideration for rejection or introduction and hearing. The requirement for planning commission hearings is to provide an opportunity for broad public input and does not create a due process right in the applicant or a property owner. The requirements for findings, support and reasons is for the purpose of communicating the commission rationale for the policy decision it made or followed in taking its action on the applications. The lack of findings, support or reasons does not invalidate a planning commission action under this chapter. The requirements for hearings, findings, support and reasons do not



3. A description of the structures and uses within three hundred (300) feet of the boundary of the proposed area of change, in all directions, and the effects of the potential uses upon the adjacent areas;

4. The fee as established by resolution of the city council.

C. A request by the city council, the planning commission or the manager for an amendment to the text or map need not meet the fee or content requirements of subsections A and B of this section but must clearly describe the amendment requested. [Ord. 01-05 § 8.]

#### **18.76.030 Hearing and notification.**

A. Upon receipt of a complete application for an amendment to the text of this title or to the official map, the land use administrator shall set a date for a public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.

B. Notice of the public hearing on a proposed text or map amendment shall be published once a week for at least two (2) consecutive weeks preceding the public hearing in a newspaper of general circulation in the city or posted at City Hall and in at least three (3) public places at least two (2) weeks before the public hearing. If notice is published in a newspaper, the last publication shall be on the day of the hearing or any day that is within fourteen (14) days of the hearing. The notice shall also be delivered to a local radio station five (5) days prior to the scheduled hearing for use on public announcements. The notice shall include a brief description of the amendment or redesignation. Failure to provide one (1) or more of the forms of notice does not invalidate action of the planning commission on the matter so long as there is substantial compliance with either the posting or the publication requirement.

C. If an amendment of the official map is involved and the area proposed for redesignation is small or involves only a few lots, the planning administrator should, but is not required to, send written notice of the hearing to owners of land that is within three hundred (300) feet of the boundaries of the area proposed for redesignation and may send notice to owners of land beyond the three-hundred- (300-) foot boundary. [Ord. 01-05 § 8.]

#### **18.76.040 Staff review.**

A. The planning department shall evaluate the application for amendment to the text of this title and shall conduct such investigations as may be relevant. The planning department may only make a recommendation for approval with the following findings:

1. The proposed amendment will be consistent with the comprehensive plan and will further specific goals and objectives of the plan;

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



4. Verbal comments made and written materials received at the public hearing.

B. The planning commission may approve the application, modify and approve the application, or deny the application. Notwithstanding other quorum or voting requirements that may apply to planning commission actions, a commission approval or recommendation of approval of a text or map amendment application is effective only if the motion receives the number of affirmative votes equal to a majority of the authorized membership of the commission.

C. If the planning commission approves the application without modifications it shall set out its findings and the factual support for its findings. For this purpose, it may adopt, or modify and adopt, the findings and support of the planning department as its own findings and support. The commission findings must meet the requirements of BMC 18.76.040(A) or (B), as appropriate, if it recommends approval of the application.

D. The planning commission may modify the application and approve the application as modified. If it approves the application as modified, it shall set out its findings and the factual support for its findings. It may incorporate from the planning department's findings and support those findings and support that are appropriate to the modified application approved by the commission. The commission findings must meet the requirements of BMC 18.76.040(A) or (B), as appropriate, if it recommends approval of a modified application.

E. If the planning commission approves the application or a modified application, the planning department shall draft and forward to the manager for introduction at the next regular city council meeting an ordinance making the amendments as approved by the commission. If the approved application was for a map amendment, there shall be included as an attachment or exhibit to the ordinance a map or drawing that accurately depicts the area that is subject to the redesignation. The application and all reports, recommendations, maps, correspondence and other documentary evidence shall be provided to the city council with the application and the planning commission's findings and support.

F. If the planning commission denies the application, the members of the commission that voted against the proposal shall set out the deficiencies and negative factors of the proposal that they believe justify the denial.

G. If the planning commission recommends denial of any proposed text or map amendment (including a failure to recommend), the denial will be considered a final decision of the planning commission. Within ten (10) days of the date of the decision, the applicant may file a written application with the city clerk requesting that the proposed amendment be considered by the city council. The city clerk shall then request the land use administrator to submit an ordinance that would effect the proposed amendment and any additional application materials for the proposed amendment, including the written record before commission and the commission decision and findings. The ordinance and materials shall be forwarded to the city council which may, in its discretion, take such action on the ordinance as it believes appropriate. [Ord. 01-05 § 8.]

#### **18.76.060 City council hearing.**



A. Petitions for change of district boundaries or amendment of regulations shall be filed with the zoning administrator by an owner of real property within the area proposed to be changed, or by the council, commission or zoning administrator. In the case of a petition filed by a party other than the council or commission requesting a zoning district change which includes other property in addition to that owned by the petitioner, the petition shall include the signatures of the real property owners representing at least fifty-one percent of the lots and real property in the area proposed to be changed. All such petitions shall be filed on a form provided by the zoning administrator for this purpose.

B. The petition shall be filed with the zoning administrator and shall include the following:

1. A map showing the particular property or properties for which the change of zone is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred feet of the exterior boundaries thereof;

2. The name, address and phone number of the applicant;

3. A description of the land affected by the amendment if a change in zoning district classification is proposed;

4. A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this title;

5. Stamped envelopes containing the names and addresses of all of those whom notice of the public hearing must be sent pursuant to Section 18.80.070;

6. Any information the zoning administrator deems necessary.

C. Whenever a request for amendment is initiated, the zoning administrator may present it to the commission so that a date for public hearing may be set, or set a date for a public hearing without presenting it to the commission first, if the zoning administrator feels it has merit. (Ord. 2004-2 Atth. A, 2004; Ord. 99-8 Exh. A (part), 1999; Ord. 89-2 § 301(C), 1989)

Auburn Georgia

17.170.030 Standards governing exercise of the zoning power.

The city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power:

A Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property;

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;

D. Whether the proposed rezoning will result in a use which will or could cause an excessive or



4. The effect of the amendment on the distribution of land uses and residential densities specified in the comprehensive plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the plan.

(GAAB 21.05.090.A; AO No. 85-58)

Juneau

49.75.120 Restrictions on rezonings.

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall not allow uses which violate the land use maps of the comprehensive plan.

(Serial No. 87-49, § 2, 1987)





# City of Homer Planning & Zoning

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## STAFF REPORT PL 10-73

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** August 18, 2010  
**SUBJECT:** Steep Slope Ordinance

### GENERAL INFORMATION

Staff amended the ordinance as directed by the Commission. A few things to help the Commission through the new ordinance:

#### Definitions:

A "Steep Slope" remains a slope greater than 45%, greater than 15 feet high (see actual ordinance for the exact wording). All other slopes that are gentler are just plain "slopes."

"Average Slope" – code already describes how to measure slope and that the measurement is the average slope of the lot. (lines 45-53).

The major changes are lines 91-99, and 134-142. Lines 134-142 keeps some existing code language about vegetation and grading.

Lines 91-99 limit the percentage of the lot that may be developed for lots with an average slope of 15-45%. These percentages are the same as existing code. If a builder wants to exceed the allowable percentage, they must submit a slope site plan (geotech report). For lots with an average slope over 45%, no development is allowed without a geotech report.

One of the benefits to using average slope of a lot is that staff can readily calculate the slope and how much area someone can develop, in the office. Through this ordinance, a land owner would have the option to hire an engineer and provide a geotechnical report, which if approved, would allow more development. Builders do not have this option now; they must adhere to the limits whether those limits are reasonable for a particular parcel or not.

### STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Review the draft ordinance to public hearings on September 1<sup>st</sup> and 15<sup>th</sup>, 2010.

### ATTACHMENTS

1. August 2010 Draft Ordinance



1 August 2010

2  
3 CITY OF HOMER  
4 HOMER, ALASKA

5  
6 Planning

7 ORDINANCE 10-

8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
9 AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS, 21.05.040,  
10 MEASURING SLOPES, HOMER CITY CODE 21.50.020, SITE  
11 DEVELOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE  
12 21.50.030, SITE DEVELOPMENT STANDARDS – LEVEL TWO; AND  
13 ENACTING HOMER CITY CODE CHAPTER 21.44, STEEP SLOPES;  
14 REGARDING THE REGULATION OF DEVELOPMENT ACTIVITY ON  
15 SITES AFFECTED BY STEEP SLOPES.

16  
17 THE CITY OF HOMER ORDAINS:

18  
19 Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is hereby  
20 amended by adding the following definitions:

21  
22 “*Bluff*” means an abrupt elevation change in topography of at least 15 feet, with an  
23 average slope of not less than 200% (two feet difference in elevation per one foot of horizontal  
24 distance).

25  
26 “*Coastal bluff*” means a bluff whose toe is within 300 feet of the mean high water line of  
27 Kachemak Bay.

28  
29 “*Ravine*” means a long, deep hollow in the earth’s surface with walls that have a height  
30 of at least 15 feet and an average slope of not less than 500% (five feet difference in elevation  
31 per one foot of horizontal distance).

32  
33 “*Slope*” means with respect to two points on the surface of the ground, the ratio,  
34 expressed as a percentage, of the difference between their elevations divided by the horizontal  
35 distance between them. Slope is measured as provided in HCC 21.05.040.

36  
37 “*Steep slope*” means an elevation change in topography of at least 15 feet, with an  
38 average slope of not less than 45% (one foot difference in elevation per 2.22 feet of horizontal  
39 distance). A steep slope can occur naturally or can be created by excavation into or filling over  
40 natural ground.

41  
42 Section 2. Homer City Code 21.05.040, Measuring slopes, is amended to read as  
43 follows:

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

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2010\Ordinance\SteepSlope\ordrevise8.5.10.docx



85 | 21.44.030 Steep slope development standards. The following standards apply to all  
86 | development activity on a site described in HCC 21.44.020. Development that does not meet  
87 | these standards is subject to 21.44.050.

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

90 |  
91 | b. For lots with an average slope of 15 to 30 percent, the area of development shall not  
92 | exceed 25 percent of the lot. Any development exceeding 25 percent of the lot requires an  
93 | approved site plan per 21.44.050.

94 | c. For lots with an average slope greater than 30 percent but less than 45 percent, the area  
95 | used for development shall not exceed 10 percent of the lot. Any development exceeding 10  
96 | percent of the lot requires an approved site plan per 21.44.050 and approval by the City  
97 | Engineer.

98 | d. For lots with an average slope of 45 percent or greater, any development requires an  
99 | approved site plan per 21.44.050 and approval by the City Engineer.

100 |  
101 | be. Subject to HCC 21.44.040, all development activity is subject to the following  
102 | setback requirements.

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

105 | i. 40 feet; or

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

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

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

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

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

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

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

124 | eg. Erosion control.

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



245 | Section 5. Subsection (b) of Homer City Code 21.50.030(b) Slopes, Site development  
246 standards – level two, is amended to read as follows:

247  
248 b. Slopes. All development on a site affected by a steep slope, bluff, coastal bluff  
249 or ravine, as described in HCC 21.44.020, shall be subject to the requirements of HCC  
250 Chapter 21.44 in addition to the requirements of this section ~~lots with slopes of 20 percent or~~  
251 ~~more shall be subject to the following standards:~~

252 1. ~~For lots with slopes of 20 percent to 30 percent, the area used for~~  
253 ~~development shall not exceed 25 percent of the lot. If the development site includes more than~~  
254 ~~one lot, a conditional use permit is required.~~

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

258 3. ~~Vegetation shall remain undisturbed except as necessary to construct~~  
259 ~~improvements and to eliminate hazardous conditions, unless replanted with as much native~~  
260 ~~vegetation as practicable including ground cover, shrubs and trees.~~

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

264  
265 Section 6. This ordinance shall be effective upon adoption, except that land development  
266 plans that received final approval prior to the effective date of this ordinance shall not be subject  
267 to the amendments in this ordinance.

268  
269 Section 7. This Ordinance is of a permanent and general character and shall be included  
270 in the City Code.

271  
272 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
273 \_\_\_\_\_ 2010.

274  
275 CITY OF HOMER

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278  
279 \_\_\_\_\_  
280 JAMES C. HORNADAY, MAYOR

281 ATTEST:

282  
283  
284 \_\_\_\_\_  
285 JO JOHNSON, CMC, CITY CLERK

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





# City of Homer Planning & Zoning

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## STAFF REPORT PL 10-72

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** August 4, 2010  
**SUBJECT:** Draft Steep Slope Ordinance

### GENERAL INFORMATION

Commissioner Minsch has reconsidered her vote to take the ordinance to public hearing. I will try to summarize some of the concerns with the ordinance. This subject has been under consideration for at least 9 years. We have only two commissioners that have been part of this conversation prior to the last two years. Have we lost focus and not given consideration to the original direction?

### History

Attachments include a newspaper article that states some consideration given to the original drafts. I have also included a chapter from *Innovative Land Use Planning Techniques* that I imagine was presented to the commission prior to my employment with the City of Homer. Also included is the finished Anchorage regulation, which I believe was presented to the commission in draft form. I thought that it would be useful as an example of Alaskan regulation. It must be remembered that Anchorage has adopted the International Building Code which also regulates development on slopes (such things as finished cut and fill must be no greater than 2/1 or 50%).

### Concern

What is steep? While all can agree that 45-50% is steep, most have to concede that less than 45% is steep also. Does this require regulation? While we have come from disallowing any development on slopes greater than 50% to allowing it with an engineer's approval, we seem to have thrown out all regulation below 45%. Currently, we limit development to not exceed 25% of the lot on slopes of 15 – 30% (15%!) and not to exceed 10% of the lot on slopes greater than 30%. ----- Side note: The Fire Department would like to not have any driveway greater than 10%.

We seem to agree that the current regulation is not really getting us where we wish to be. Why not? Because no direction is given to where the development may take place and also the percentage of development is relative to the lot size.



# BY LAEL ARMSTRONG STAFF WRITER

Two years ago when a neighborhood association raised concerns over a subdivision near the Baycrest Hill bluff, Homer city officials and city council members said the issue showed the need for the Homer Advisory Planning Commission and the city council to craft and pass a steep-slope development ordinance.

"Maybe when we get the Fred Meyer and Gateway (Zoning District) stuff out of the way, we can attack this," council member Mike Heimbuch said in August 2006. "I can guarantee you this case has lit the fire again."

Last month, the planning commission reignited that discussion when it presented a workshop on a proposed ordinance. Commissioners emphasized the ordinance is a draft version and only the first step in a long public process that has to go through several planning commission work sessions and commission and council public hearings before — or if — it's adopted into city code.

Developers might worry the ordinance would cover any land steep enough to roll a marble downhill. Not so; the proposed ordinance applies to property with more than a 30-percent slope, within 40 feet of a bluff edge or where the city engineer determines slope, erosion or stability issues.

What the ordinance says about how slopes steeper than 50 percent can be developed could ignite some controversy. The version available on the Homer Planning Department Web site says "on slopes of 50 percent or greater, no development, regrading or stripping of vegetation shall be permitted."

Planning Commission Chairman Ray Kranich said that restriction could get people alarmed. He cautioned that the ordinance is only a draft, and that as it works its way through the process, a blanket restriction could be qualified to read that anything over 50 percent would need an engineering plan.

"This is a very rough ordinance," he said.

David Cole of DOWL Engineers, Anchorage, gave a talk that could be called Steep Slope 101. Cole works as a consultant to the city on steep-slope issues under a five-year Environmental Protection Agency grant to the city for wetlands and other geologic mapping. Engineers calculate slope by dividing horizontal distance by vertical distance. A hill that runs 5 feet for every 1 foot of rise has a 20 percent slope and a hill that runs 2

feet for every 1 foot of rise has a 50 percent slope. Slopes at or under 50 percent generally can be built on without major difficulty, Cole said.

"If they're steeper than two-to-one, generally you'll need some engineering analysis," he said.

The proposed ordinance would require a site plan by a civil engineer for slopes 30 percent or greater.

Another factor has to do with soil types, geologic features or vegetation. Engineers compare the driving force, or the movement of soils downhill, with the resisting force, or soil structure or subsurface geologic features. If the resisting force is greater than the driving force — say, well-vegetated topsoil on a shallow slope — then the slope will be stable.

Stability can be improved by putting in retaining walls at the uphill or toe side of the slope. Disturbed slopes can be re-vegetated and the soil stabilized with materials like jute fabric to retain soil while grasses and brushies grow.

In a comment period, Mike McCarthy encouraged the city to address soil structure. McCarthy, a Kachemak Drive resident, said his research suggests marine sediments that contain salt become unstable when water dissolves the salt crystals. Along with calculating slope areas, the city should do a baseline hydrology and surficial soils analysis, McCarthy said.

The proposed ordinance also looks at development within 40 feet of a bluff edge. It focuses on upland or inland bluffs, such as the bluffs along Skyline Drive. Nina Faust, a Skyline Drive area homeowner, said she wondered if 40 feet would be enough.

"That sounds like something that needs to be addressed," she said.

Faust also said she thought the ordinance should address issues like dumping off a bluff.

"That would not be acceptable," Cole said. "You're creating a fill."

Filling or dumping also is addressed by the draft ordinance, with restrictions on how high a fill could be built. It would require a site plan for fill placement over 8 feet and for cuts 5 feet high or greater.

Borough assemblywoman Milli Martin, also a Skyline Drive area resident, raised similar concerns.

"What is the impact of what occurs on the top?" she asked.

"What is the impact below?"

Cole said he understood Martin's concern about where a sloping area ends and how uphill activity could affect neighbors below.

"The ordinance as written doesn't talk about that, but you make a very good point," Cole said.

The steep slope ordinance workshop led to many similar concerns. With notes in the draft ordinance like "What to call this section?" it clearly is in rough form. After the planning commission has conducted more work sessions and the city incorporated its ideas, the steep slope ordinance will go before the commission for its consideration, with public hearings. If passed or amended, it would go to the Homer City Council for more public hearings and final action.

No dates for future action have been set. The draft ordinance is at the planning department's Web page at [planning.ci.homer.ak.us](http://planning.ci.homer.ak.us).

Michael Armstrong can be reached at [michael.armstrong@homernews.com](mailto:michael.armstrong@homernews.com).

**BRIEF**

**Tire change deadline extended**

Due to poor road conditions, Alaska Department of Public Safety Commissioner Walt Monegan has issued an emergency order extending the studded-tire deadline on Alaska roads by two weeks. April 15 and May 1 are the normal deadlines to have studded tires removed; however April 29 was the extended deadline for roads south of 60 degrees north latitude and May 15 is the deadline for roads north of that latitude.

"The extension should provide all motorists that additional margin of safety on lingering winter roads," the department said in a press release issued April 24. "The extension should also show that the state is concerned enough to remain flexible in deadlines to best ensure the safety on roads."

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**Lots of New Spring Arrivals**

Rubber Boots & Rainwear for the entire family

Pants, Shirts, Hats

April 30, 2008



EXISTING code

Average slope

38% Development  
limited to 10% of  
the lot

9104 9 ft

9443  
9 ft

variance?

8245 4 ft

average slope here  
is 20-25%

Photo from 2003.  
Property lines are not exact.





appropriate to carry out the intent of the *Anchorage Wetlands Management Plan* and such other wetlands studies as may be relevant.

iii. **"C" Wetlands**

When approving plats or conditional use permits in wetlands designated "C" under the plan, the platting authority or the planning and zoning commission shall, whenever applicable, include the recommended construction mitigation techniques and conditions and enforceable policies in table 2 of the *Anchorage Wetlands Management Plan*.

b. **Application of Plan to Approved Projects**

Conditional uses and preliminary plats approved prior to March 12, 1996, the date of adoption of the revised *Anchorage Wetlands Management Plan*, shall not have additional conditions imposed upon them as a result of requirements of the plan except as follows:

i. The "A" designation shall apply regardless of prior approvals.

ii. Approved plats or conditional uses in wetlands that are returned to the platting authority or planning and zoning commission for major amendment may be examined for conformity with goals and enforceable policies of the *Anchorage Wetlands Management Plan*.

iii. A new U.S. Corps of Engineers permit is required.

**C. Steep Slope Development**

1. **Purpose**

The purpose of this subsection 21.07.020C. is to establish standards that help achieve the following objectives for development on steep slopes:

- a. Prevent soil erosion and landslides;
- b. Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas and to provide access for emergency vehicles necessary to serve the hillside areas;
- c. Encourage only minimal grading that relates to the natural contour of the land and discourage mass grading of large pads and excessive terracing;
- d. Encourage building types, grading design, lot sizes, site design, density, arrangement, and spacing of buildings in developments in sloped areas that integrate into the natural terrain with minimal re-contouring, in accordance with adopted goals and policies;
- e. Encourage innovative architectural, landscaping, circulation, and site design;
- f. Encourage the protection of visually significant and/or prominent natural features, such as ridgelines and rock outcroppings;
- g. Incorporate drainage design that does not adversely impact neighboring or nearby properties, downstream properties, receiving waters, and public infrastructure; and



- iv. The front setback of the lot may be reduced to 10 feet.
  - v. If the average slope of the site disturbance envelope is less than 20 percent, the development is exempt from subsections 3.e., 3.f., 3.g., 3.h., and 3.i.
- d. **Cutting, Grading, and Filling**
- i. Cutting and grading to create benches or pads for buildings or structures shall be limited to within the site disturbance envelope.
  - ii. Cut and fill slopes shall be entirely contained within the site disturbance envelope. The toe of any fill slope not utilizing an engineered retaining structure, and any engineered retaining structure shall be a minimum of 15 feet from any property line, except for the property line abutting the street from which driveway access is taken.
  - iii. Cut and fill slopes shall be designed to provide a natural transition into the existing terrain by feathering and rounding.
- e. **Raising or Lowering of Natural Grade**  
The original, natural grade of a lot shall not be raised or lowered more than four feet at any point for construction of any structure or improvement, except:
- i. The site's original grade may be raised or lowered a maximum of six feet if retaining walls are used to reduce the steepness of constructed slopes, provided that the retaining walls comply with the requirements set forth in this subsection.
  - ii. As necessary to construct a driveway from the street to a garage or parking area, grade changes or retaining walls up to six feet may be allowed.
  - iii. For the purposes of this subsection 21.07.020C.3.e., basements and buildings set into a slope are not considered to lower the natural grade within their footprint.
- f. **Retaining Walls**  
Retaining walls may be used to maximize the usable area on a lot within the site disturbance envelope. Generally, a retaining wall shall be no higher than six feet, except that a wall varied in height to accommodate a variable slope shall have an average height no greater than six feet and a maximum height no greater than eight feet in any 100-foot length. Parallel retaining walls may be used to overcome steep slopes, provided the following standards are met:
- i. The minimum distance between walls shall be six feet;
  - ii. The maximum allowable slope between walls shall be 3H:1V; and
  - iii. The area between the walls shall be landscaped with trees, shrubs, or both at a rate of 0.5 landscape units per linear foot measured along the length of the lower retaining wall.

A higher wall is permitted:



- b. **Applicability**  
If the site disturbance envelope as defined in C.3.c. above contains slopes over 30 percent, the standards of this section shall apply.
- c. **Slopes Greater Than 50 Percent**  
All slopes greater than 50 percent shall remain undisturbed.
- d. **Existing Lots**  
Notwithstanding other standards of this section, lots existing on [effective date] that, due to the prevalence and/or distribution of slopes over 50 percent, are not able to meet these standards, are allowed a site disturbance envelope of 20,000 square feet. Within this site disturbance envelope, slopes over 50 percent are allowed to be disturbed.
- e. **Administrative Site Plan Review Required**  
Development on slopes greater than 30 percent but not exceeding 50 percent requires an administrative site plan review. In addition to the site plan approval criteria set forth in subsection 21.03.180E., the approval criteria in subsection 4.g. below shall apply.
- f. **Additional Submittal Requirements**  
In addition to the submittal requirements for an administrative site plan review, the following information is required:
  - i. A geotechnical engineering report, stamped by an engineer licensed in the state of Alaska, to include the following:
    - (A) Nature, distribution, strength, and stability of soils; conclusions and recommendations for grading procedures; recommendations for frequency of soil compaction testing, design criteria for corrective measures; and opinions and recommendations covering the adequacy of the site to be developed.
    - (B) Slope stability analysis: conclusions and recommendations concerning the effects on slope stability of excavation and fill, introduction of water (both on and offsite), seismic activity, and erosion.
    - (C) Foundation investigation: conclusions and recommendations concerning the effects of soil conditions on foundation and structural stability, including permeability, bearing capacity, and shear strength of soils.
    - (D) Specific recommendations for cut and fill slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards, slope failure, and soil erosion.
    - (E) Depth to groundwater in the wettest seasonal conditions, and to bedrock, if less than 15 feet.
    - (F) Complete description of the geology of the site, a complete description of bedrock and subsurface conditions and materials, including artificial fill, soil depth, avalanche and mass wasting hazard areas, fractures, or other significant features.



- i. 21.07.020C.3.c., *Site Disturbance Envelope*;
  - ii. 21.07.020C.3.d., *Cutting, Grading, and Filling*;
  - iii. 21.07.020C.3.g., *Natural Drainage Patterns*;
  - iv. 21.07.020C.3.h., *Ground Cover and Revegetation*; and
  - v. 21.07.020C.3.i., *Building Design Standards*.
- h. Approval Criteria**
- i. The proposed development minimizes disruption of the natural topography and protects natural features on the site in their natural state to the greatest degree possible.
  - ii. The principal and accessory structures have been sited in such a manner as to protect natural features of the site, minimize grading, preserve the appearance of scenic vistas, and minimize the risk of property damage and personal injury from natural hazards.
  - iii. The design of the structures includes massing, roof lines, exterior materials and colors, and decking that complements the terrain and complies with the building design standards set forth in paragraph C.3.i. above.
  - iv. Proposed landscaping preserves the natural character of the area while minimizing erosion and fire hazard risks to persons and property.
  - v. The drainage design of the development will have no adverse impact on neighboring or nearby properties.
  - vi. Areas not well suited for development due to soil stability characteristics, geology, hydrology limitations, or wastewater disposal, have been avoided.

**D. Wildlife Management Corridors**

**1. Intent**

The purpose of this section is to reduce wildlife-human conflicts by managing certain linear stream corridors to minimize adverse human-wildlife interactions and to facilitate more safely the movement of wildlife in those corridors identified in this section. It is not the intent of this section to reduce density that is otherwise allowed.

**2. Applicability**

This subsection shall apply within 200 feet on either side of the ordinary high water of the following streams: Peters Creek and its tributaries upstream of the Old Glenn Highway, Eagle River, South Fork of Eagle River (below the falls), Ship Creek (upstream from Reeve Blvd.), Campbell Creek (upstream from Lake Otis Parkway), North Fork of Little Campbell Creek (upstream from Elmore Road), Rabbit Creek, Little Rabbit Creek, Indian Creek, Bird Creek, Penguin Creek, California Creek, Glacier Creek, Virgin Creek and Portage Creek.



## Steep Slope and Ridgeline Protection

*Use this tool with: habitat protection, erosion and sedimentation controls*

### I. Background and Purpose

There are a number of issues associated with development on steep slopes, hillsides, and ridgelines. Foremost among them are health, safety, and environmental considerations that arise when planning development in steep areas. Another factor is the aesthetic quality of hillsides and ridgelines that can be lost when they are developed. New Hampshire residents and visitors place great value on the state's natural resources. Protecting hillsides and steep slopes from development helps to preserve those unique environmental qualities that people value. Furthermore, development on steep slopes can have an adverse effect on water quality as a result of increased erosion and sedimentation.

This chapter provides information on regulating both steep slopes and ridgelines. While the two subjects are closely related, the regulations for each usually have different emphasis: steep slope regulations are frequently based on environmental considerations such as erosion and sedimentation controls, while ridgeline regulations have more emphasis on view protection. The model ordinance in this chapter contains a section that deals with steep slopes and one that deals with ridgelines.

### II. Appropriate Circumstances and Context for Use

Since the beginning of steep slope regulation in the 1950s, there have been a variety of ways to approach the subject. In 1975, the authors of a report called *Performance Standards for Sensitive Lands* reviewed a total of 35 hillside and grading regulations, and found that the regulations could be classified in the following three categories (Thurow et al):

*Slope/Density Provisions.* These reduce allowable densities on hillsides: the steeper the slope, the less the allowed density.

*Soil Overlays.* These provisions key development regulations to soil type, based on maps by the Natural Resource Conservation Service.

*The Guiding Principles Approach.* This approach creates hillside overlay districts to cover all hillside lands in a jurisdiction. A set of guiding principles is applied to all proposed development in these areas. These regulations are usually flexible, allowing for tailoring of development to the characteristics of each site and encouraging innovative approaches to attain the desired end.

These approaches have all become popular because they reduce the negative impacts of hillside development. These impacts include excessive cuts and fills, unattractive slope scars, and erosion and drainage problems. A logical method for addressing these problems is to reduce the intensity of development as the grade of the slope increases. The implication of



addition, changing drainage patterns and increased sedimentation due to erosion can compromise water quality. All highly erodible soils should be identified.

#### 4. Infrastructure

Extending infrastructure to hilltop communities can be very difficult to engineer and construct, especially for water and sewer systems. Individual septic systems are especially difficult to construct and maintain on steep slopes, both because of the slopes and because the soils tend to be shallow and poorly drained. This makes septic systems on steep slopes prone to higher failure rates, which puts ground and surface water supplies at risk. Failed septic systems often pose a health threat to everyone who relies on water resources in close proximity to a failed system. In New Hampshire, no septic system may be placed on a slope greater than 33%; however, individual municipalities may implement stricter regulations, or develop inspection/maintenance programs. Roads, power lines, and telephone wires are also difficult and expensive to extend up steep slopes, and to maintain after construction.

#### 5. Access

Providing access roads and driveways to development on steep slopes can be especially challenging. The New Hampshire Department of Transportation recommends that driveways for commercial activities do not exceed an 8% grade, and that driveways to residences not exceed 15%. Towns may set a lower threshold if they choose. In order to be safe, roads and driveways on steep areas tend to be longer and have more curves and switchbacks than roads and driveways on flatter terrain. This means that there are more impacts on the hillside, such as increased erosion and runoff, a higher potential for accidents, and difficulty for emergency vehicles to access the development.

#### 6. Aesthetics

In many of the steep slope ordinances reviewed during the preparation of this chapter, preserving a view was cited as one of the purposes for enacting the ordinance. Although this chapter treats steep slope and ridgeline/viewshed regulation separately, there is a good deal of overlap. When citing aesthetic reasons for implementing an ordinance, it is important to carefully document the rationale. This includes evaluating the extent and quality of views to the hills. In addition, it is important to identify any peaks or hillsides of special symbolic value to the community, to survey community values regarding appearance of hillsides and ridgelines, and to prepare maps of significant aesthetic resources. Taking photographs of the most important resources is another valuable tool that can be used, especially to convince the community that the ordinance is needed.

One method for cataloging visual resources is to use the Visual Resource Management strategy developed by the United States Bureau of Land



specifically named in the RSA, they are generally considered to be environmental characteristics and are frequently found as overlay districts similar to wetland protection. According to the New Hampshire Office of Energy and Planning, there were 27 municipalities in the state that had steep slopes regulations as of January 2006. In addition to regulating steep slopes and ridgelines through zoning, some communities include site-specific standards in their subdivision and site plan regulations.

#### *Master Plan*

Communities interested in regulating development on steep slopes, hillsides, and ridgelines should address the subject in the natural resource or land use chapters of their master plans. In developing the plan, it will be helpful to study maps of various slope categories. Using the ten-point framework outlined in Section II, a strong case can be built for protecting steep slopes. If watershed protection is a high priority, then communities should survey their resources using either the Visual Resource Management strategy developed by the United States Bureau of Land Management, or another, similar tool.

#### **IV. Examples and Outcome of where Technique has been Applied**

In the United States, the earliest known example of steep slope regulations was in Los Angeles, California in the early 1950s, when grading regulations were first implemented. These regulations were designed to protect lives and property from unengineered development of hillsides (Olshansky 1995). This type of ordinance has been very successful at addressing engineering problems on hillside developments.

In December 2005, the Lakes Region Planning Commission published *Regulating Development on Steep Slopes, Hillsides, and Ridgelines*, a comprehensive look at the history and rationale behind steep slope regulation, along with several case studies from the state of New Hampshire as well as a few examples from other states. Excerpts from some of the case studies are included below.

#### *Lyme, New Hampshire*

The Lyme zoning ordinance has both a Steep Slopes Conservation District and a Ridgeline and Hillside Conservation District. The Steep Slopes Conservation District is defined as all areas where there is an elevation change of 20 feet or greater and the average slope is 20% or greater. The Ridgeline and Hillside Conservation is defined as those ridgeline and hillside areas which are visible from public waters or public roads located within the Town at a distance on the USGS topographic map of 1/2 or more miles (measured in a straight line distance from the proposed area of development).

According to the town planner, the Steep Slopes Conservation District works smoothly for the most part. There are occasional difficulties associated with determining where the district should be applied, which are solved with a site visit. The town has faced some challenges in defining exactly what land falls in the Ridgeline and Hillside Conservation District. The town is working on a map that will show where the district falls.



- B. 674:21, Innovative Land Use Controls
- C. 674:21 (j), Environmental Characteristics Zoning
- D. 673:16, II; 676:4, I(g); and 674:44,V collectively authorize Planning Boards to collect fees from applicants to cover the costs of hiring outside experts to review subdivision applications and site plans.

**A. Steep Slopes**

Title: Steep Slopes Protection

**Section 1: Purpose**

The purpose of this ordinance is to reduce damage to streams and lakes from the consequences of excessive and improper construction, erosion, stormwater runoff, or effluent from improperly sited sewage disposal systems, and to preserve the natural topography, drainage patterns, vegetative cover, scenic views, wildlife habitats, and to protect unique natural areas.

**Section 2: Delineation**

This ordinance shall apply to all areas with a slope greater than 15%, as shown on the town's steep slopes map, and where the proposed site disturbance is greater than one acre.

**Section 3: Definitions**

- Erosion:** The wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.
- Sedimentation:** The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse or wetland.
- Site Disturbance:** Any activity which removes the vegetative cover from the land surface.
- Slope:** The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; rise over run.
- Vegetative cover:** Grasses, shrubs, trees, and other vegetation which hold and stabilize soils.

**Section 4: Application Requirements**

- A. Uses that will cause more than one acre of site disturbance must show the area subject to site disturbance in 2-foot contours.
- B. An engineering plan will be prepared by a Professional Engineer that shows specific methods that will be used to control soil erosion and sedimentation, soil loss, and excessive stormwater runoff, both during and after construction.



### Section 1: Purpose

The purpose of the Visual Resource Protection district is to protect the scenic and ecological resources associated with lands characterized by high elevations, steep slopes, and visual sensitivity in a manner that allows for carefully designed, low-impact development.

### Section 2: Delineation:

The Visual Resource Protection District is an overlay district that will be defined by a visual resource inventory dated \_\_\_\_\_. The results of the visual resource strategy will be shown on the Visual Resource Map, which is hereby incorporated into this ordinance.

NOTE: Each community will have unique visual resources. It is the responsibility of the community implementing this ordinance to complete and document a comprehensive visual resource inventory. A manual detailing the Bureau of Land Management's Visual Resource Management Strategy is available online: <http://www.blm.gov/nstc/VRM/8410.html#Anchor-49575>

### Section 3: Definitions

**Design Guidelines:** A set of guidelines defining parameters to be followed in a site or building design or development.

**Site Disturbance:** Any activity which removes the vegetative cover from the land surface.

**Visual Impact:** A modification or change that could be incompatible with the scale, form, texture or color of the existing natural or man-made landscapes.

**Visual Resource Map:** The map depicting the visually sensitive areas, as determined by the visual resource inventory.

**Visual Resource Inventory:** A system for minimizing the visual impacts of surface-disturbing activities and maintaining scenic values. The inventory consists of a scenic quality evaluation, sensitivity level analysis, and a delineation of distance zones.

### Section 4: Application Requirements

- A. Uses that will cause more than one acre of site disturbance must show the buildable area in 2-foot contours.
- B. An engineering plan will be prepared by a Professional Engineer that shows specific methods that will be used to control soil erosion and sedimentation, soil loss, and excessive stormwater runoff, both during and after construction.
- C. A hydrology, drainage, and flooding analysis will be included that shows the effect of the proposed development on water bodies and/or wetlands in the vicinity of the project.



### Graphic: Building Envelop

- B. Clearing for views: In order to develop a view, trees may be removed beyond the building envelope for a width of clear cutting not to exceed 25 feet and extending outward therefrom at an angle of 45 degrees or less on both sides. The 25 foot opening may be at any point along the down-slope boundary.

### Graphic: Clearing for Views

- C. Natural/neutral colors will be used.
- D. Reflective glass will be minimized.
- E. Only low level, indirect lighting shall be used. Spot lights and floodlights are prohibited.
- F. No portion of any structure shall extend above the elevation of the ridgeline.
- G. Structures shall use natural landforms and existing vegetation to screen them from view from public roads and waterways to the extent practicable.
- H. Cuts and fills are minimized, and where practical, driveways are screened from public view.
- I. Building sites and roadways shall be located to preserve trees and tree stands.

### Section 7: Costs

All costs pertaining to the consideration of an application, including consultants fees, on-site inspections, environmental impact studies, notification of interested persons, and other costs shall be borne by the applicant and paid prior to the Planning Board's final action.



Town of New London, NH  
Town of Newbury, NH  
Town of Northwood, NH  
Town of Roxbury, NH  
Town of Sanbornton, NH  
Town of Sandwich, NH  
Town of South Hampton, NH

Town of Stowe, Vt

[www.townofstowevt.org/images/photos/stowe\\_regs\\_8-29-05.pdf](http://www.townofstowevt.org/images/photos/stowe_regs_8-29-05.pdf)

City of Park City, UT,

[www.parkcity.org/government/codesandpolicies/title\\_15\\_c\\_2\\_21.html](http://www.parkcity.org/government/codesandpolicies/title_15_c_2_21.html)

City of San Rafael, CA

[ordlink.com/codes/sanraf/ DATA/TITLE14/Chapter\\_14\\_12\\_HILLSIDEDEVELOP.html](http://ordlink.com/codes/sanraf/ DATA/TITLE14/Chapter_14_12_HILLSIDEDEVELOP.html)

Town of Cortlandt, NY

[law.wustl.edu/landuselaw/ssprotection.htm](http://law.wustl.edu/landuselaw/ssprotection.htm)

Sonoma County, CA :

[municipalcodes.lexisnexis.com/codes/sonomaco](http://municipalcodes.lexisnexis.com/codes/sonomaco) (Article 26, Section 64)

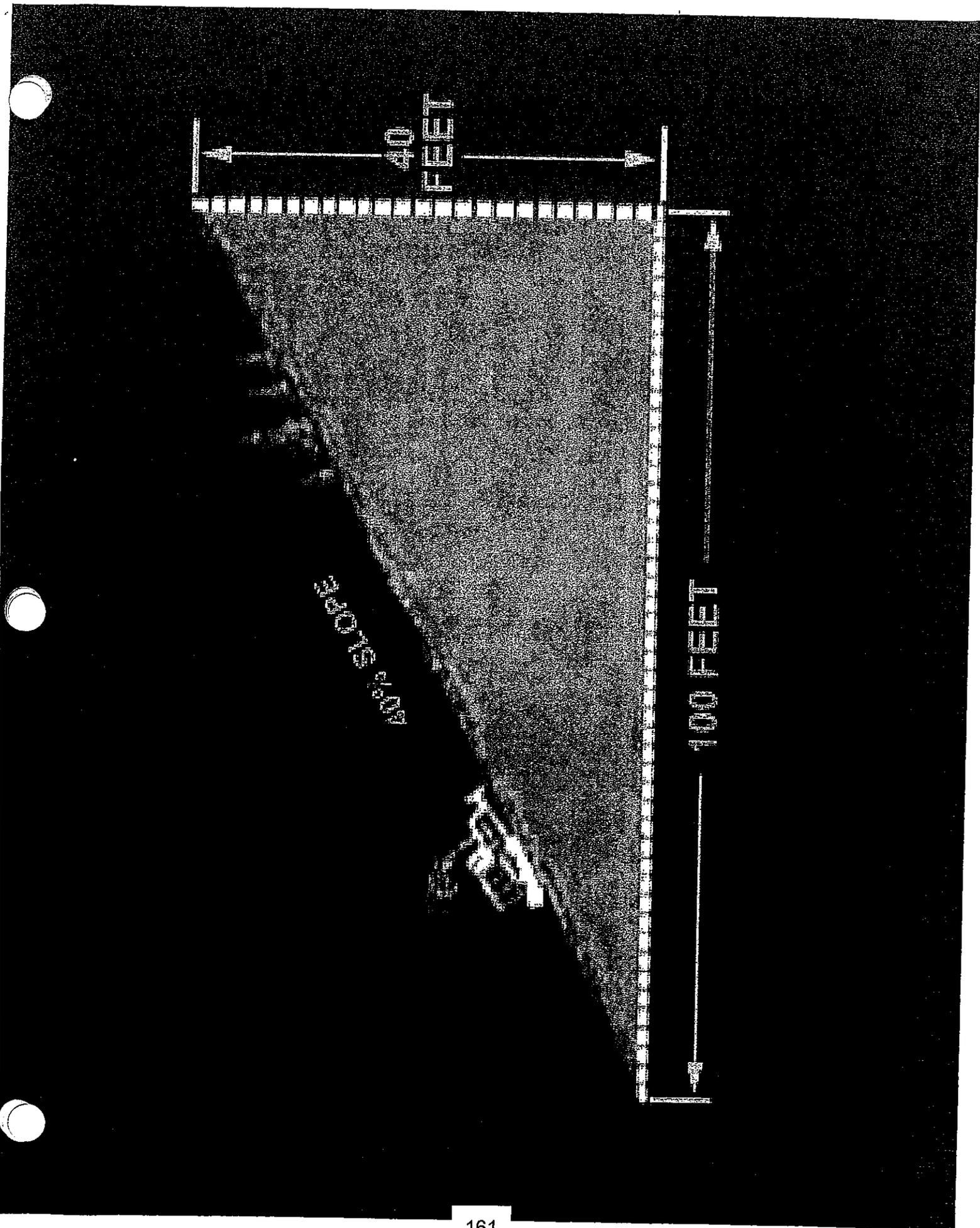
Model Steep Slope Ordinance, Ten Towns Committee, New Jersey

[www.tentowns.org/10t/ordsteep.htm](http://www.tentowns.org/10t/ordsteep.htm)

North Carolina Mountain Ridge Protection Act of July 1983

[www.cals.ncsu.edu/wq/lpn/statutes/nc/mountainridgeprotection.htm](http://www.cals.ncsu.edu/wq/lpn/statutes/nc/mountainridgeprotection.htm)





40 FEET

100 FEET





## City of Homer Planning & Zoning

491 East Pioneer Avenue Telephone (907) 235-3106  
Homer, Alaska 99603-7645 Fax (907) 235-3118  
E-mail: Planning@ci.homer.ak.us  
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### HOMER ADVISORY PLANNING COMMISSION Meeting of July 21, 2010

Decision and Findings: Conditional Use Permit (CUP) 10-04, 1033 Skyline Drive

#### DECISION

##### Introduction

Dave Becker ("Applicant") applied to the Homer Advisory Planning Commission, (the "Commission") under Homer City Code (HCC) 21.12.030(g) for approval of a CUP for a Public Utility Facilities and Structures located in the Rural Residential District at 1033 Skyline Drive per HCC 21.12.030(g). The structure for consideration was a 9' x 20' building with two 50' metal towers attached.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on July 21, 2010. Notice of the public hearing was published in the local newspaper and sent to 14 property owners of 15 parcels.

Testimony from the applicant, one member of the public and the City Manager was received at the public hearing. After deliberations, at the August 18, 2010 meeting of the commission, the commission voted to approve the request with \_\_\_ Commissioners present, and \_\_\_ Commissioners voted in favor of the conditional use permit, allowing lawful placement of a 9' x 20' public utility structure on the property.

After due consideration of the evidence presented, the Homer Advisory Planning Commission hereby makes the following findings of fact and conclusions of law.

#### EVIDENCE PRESENTED

The Applicant sought approval to utilize a 9' x 20' structure at 1033 Skyline Drive, Skyline View Subdivision Lot 5 in the Rural Residential District for the support of communication equipment. The structure currently located on the property was constructed without gaining a zoning permit from the City of Homer and is located in the 20' setback from the Skyline Drive Right-of-Way. Pre-existing structures, also located on the lot, were accepted as legal non-conforming structures. The as-built survey dated June 29, 2010, shows a 2.6 feet encroachment of an existing building,



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.

**Finding 8: The newly constructed single story structure is 9 feet by 20 feet with two attached metal towers approximately 50 ft in height. The placement and operation of the tower will not generate significant traffic, nor create density or coverage that will harm the neighborhood. Traffic to and from the site is for maintenance purposes only. The tower will not cause undue harmful effect on the desirable neighborhood character.**

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 9: The communication site is not detrimental to the health, safety or welfare of the surrounding area or the city as a whole. The towers are part of a telecommunications system that serves the wider area and is an important and necessary service.**

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

**Finding 10: HCC Title 21, Rural Residential District requires a conditional use permit under 21.12.030(g) for "Public utility facilities and structures."**

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

**Finding 11: The facility is located in a rural, low density area. The property to the north is also a telecommunications site, and the continuation of the subject property as a communications site is a compatible use type and density, with a residential zone. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.**

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

**Finding 12: All lighting must be down lit per the Community Design Manual.**

HCC 21.71.040(b). 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 conditions deemed necessary. Outdoor patio provided on the south side of the building.**
2. Fences, walls and screening. **No conditions deemed necessary.**
3. Surfacing of vehicular ways and parking areas. **One parking space must be provided on property, including DOT approved driveway permit.**



**CONCLUSION**

The Commission approved CUP 10-04 for a 9' x 20' public utility structure with conditions of providing an on-site parking space and AKDOT driveway permit.

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

\_\_\_\_\_  
Chair, Sharon Minsch

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

\_\_\_\_\_  
City Planner, Rick Abboud

***NOTICE OF APPEAL RIGHTS***

Pursuant to Homer City Code, Chapter 21.93, any person with interests in land that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

***CERTIFICATION OF DISTRIBUTION***

I certify that a copy of this Decision was mailed to the below listed recipients on \_\_\_\_\_, 2010. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

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

\_\_\_\_\_  
Shelly Rosencrans, Planning Assistant

Walt Wrede, City Manager  
491 E Pioneer Avenue  
Homer, AK 99603

Thomas Klinkner  
Birch, Horton, Bittner & Cherot  
1127 West 7th Ave  
Anchorage, AK 99501

Dave Becker  
P.O. Box 109  
Homer, AK 99603





## City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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### HOMER ADVISORY PLANNING COMMISSION Meeting of July 21, 2010

Decision and Findings: Variance 10-01, 1033 Skyline Drive

#### DECISION

##### Introduction

Dave Becker ("Applicant") applied to the Homer Advisory Planning Commission, (the "Commission") under Homer City Code (HCC) 21.72.010 for approval of a structure within the twenty foot building setback from rights of way. The existing 9' x 20' building with two 50' metal towers attached is located at 1033 Skyline Drive, Skyline View Subdivision Lot 5, lying south of Diamond Ridge Road. The structure is 15.1' feet into the required 20' setback, or 4.9' from the Skyline Drive right-of-way).

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on July 21, 2010. Notice of the public hearing was published in the local newspaper and sent to 14 property owners of sixteen 15 parcels.

Testimony from the Applicant, one member of the public and the City Manager was received at the public hearing. After deliberations, at the August 18, 2010 meeting of the commission, the commission voted to deny the request with \_\_\_ Commissioners present, and \_\_\_ Commissioners voted to deny variance.

After due consideration of the evidence presented, the Homer Advisory Planning Commission, hereby makes the following findings of fact and conclusions of law.

#### EVIDENCE PRESENTED

The Applicant sought approval to have a 9' x 20' structure located 15.1 feet into the required 20' setback per HCC 21.12.040 (b) (1) at 1033 Skyline Drive in the Rural Residential District. The structure is currently located on the property and was constructed without acquiring a zoning permit from the City of Homer. The structure is located within the 20' setback from the Skyline Drive Right-of-Way. Pre-existing structures, also located on the lot, were accepted as legal non-conforming structures. The as-built survey dated June 29, 2010, shows a 2.6 feet encroachment of an existing



**Finding 5:** The applicant is seeking a variance due to the steep slopes on the lot. Though the other structures were built prior to City annexation and zoning, the Applicant is not seeking a variance due of other nonconforming land use or structures within the district.

**D. A variance shall be the minimum variance necessary to permit the reasonable use of the land or structure.**

**Finding 6:** Locating a structure in the setback is not necessary to permit reasonable use of the land.

**E. A variance shall not be granted which will permit a land use in a district in which that use is otherwise prohibited.**

**Finding 7:** A communication site is allowed with a Conditional Use Permit in the Rural Residential District per HCC 21.12.030(g).

**DECISION**

**THE APPLICANT HAS NOT MET ALL THE REQUIREMENTS FOR GRANTING A VARIANCE AND THE APPLICATION IS DENIED.**

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

\_\_\_\_\_  
Chair, Sharon Minsch

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

\_\_\_\_\_  
City Planner, Rick Abboud

***NOTICE OF APPEAL RIGHTS***

Pursuant to Homer City Code, Chapter 21.93, any person with interests in land that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.





# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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## STAFF REPORT PL 10-74

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** August 18, 2010  
**SUBJECT:** Election of Officers

### Introduction

The Planning Commission bylaws state that elections for Chairman and Vice-Chairman shall be held annually, in August. Typically, the chair opens the floor for nominations for chair, and the Commission makes one or more nominations. The vote can be by roll call, or by secret ballot. The process is repeated for vice chair.

### Staff Comments:

Staff recommends the Planning Commissions conduct elections for Chair and Vice-Chair.





# City of Homer Planning & Zoning

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## STAFF REPORT PL 10-77 :

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**THROUGH:** Julie Engebretsen, Planning Technician  
**MEETING:** August 18, 2010  
**SUBJECT:** Capital Improvement Plan

### Introduction

Each year, every city commission reviews the Capital Improvement Plan (CIP), and makes a recommendation to the City Council about what projects they consider a priority. The Council takes the recommendations of the public, the Commissions, and their own opinions, and creates a top 15 list, which is used to lobby for money from state and federal sources, and for grant applications.

What is the Capital Improvement Plan? It's a document that lists more expensive construction projects and equipment needs, like the new water treatment plant or a new fire truck. It's a way of documenting what the needs are in the city, and if a project is listed in this document, it is more likely to be funded by state, federal or grant sources.

### Staff Comments

Staff recommends each Commissioner come prepared to the meeting with their top five projects. Each project gets one point. The projects with the highest points become the priority recommendation to the City Council. Staff recommends the Commission allocate twenty minutes on this task during the regular meeting. If you have questions about specific projects, please ask them before the meeting so staff has time to research the information.

### Attachments

1. Draft Capital Improvement List





# City of Homer

City Manager  
491 East Pioneer Avenue  
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907-435-3102

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~~November 2, 2009~~

*Update  
for 2011-2016 CIP*

To The Honorable Mayor and Homer City Council:

This document presents the City of Homer 2010 through 2015 Capital Improvement Plan adopted by the Homer City Council on October 12, 2009. The CIP provides information on capital projects identified as priorities for the Homer community. Descriptions of City projects include cost and schedule information and a designation of Priority Level 1 (highest), 2, or 3. State transportation projects and non-profit projects supported by the City of Homer are included in the CIP in separate sections. An overview of the financial assumptions can be found in the Appendix, along with a table listing all projects for easy reference.

"Long-range projects" are those which are not expected to be undertaken in the next six years but which the Council and community do not want to lose sight of. Those projects are listed in the Appendix but should not be considered as true CIP projects.

The projects included in our 2010-2015 CIP were compiled with input from the public, area-wide agencies, and City staff as well as various advisory commissions serving the City of Homer.

It is our intent to update the CIP annually to ensure our long-range capital improvement planning stays current as well as to determine annual legislative priorities and assist with budget development. Your assistance in this effort is much appreciated.

Sincerely,

Walt Wrede  
City Manager



**ACCOMPLISHED (FUNDED) PROJECTS  
FROM 2010-2015 CIP LIST**

*We are pleased to note that funding to complete the  
following projects has been identified or procured:*

Beluga Slough Trail Reconstruction

Fire Training Facility

*Anything else ?*



<b>EQUIPMENT</b> .....	<b>31</b>
Brush/Wildland Firefighting Truck .....	32
Fire Engine 4 Refurbishment .....	33
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<b>STATE TRANSPORTATION PROJECTS</b> .....	<b>41</b>
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<b>APPENDICES</b> .....	<b>A1 - A15</b>



*Update based on new  
Camp Plan*

Integration of the CIP with Comprehensive Plan Goals

Each project listed in the CIP document has been evaluated for consistency with the City's goals as outlined in the Comprehensive Plan. The following goals were used in project evaluation:

- Goal: Local Government  
Establish strong, well-organized, self-sufficient local government which is responsive to community wants and needs.
- Goal: Economic Development  
A diversified, growing economy, with year-round job opportunities for residents in businesses which are fulfilling and compatible with the community.
- Goal: Transportation  
Provide opportunities for a wide range of reliable, low cost, convenient land, water and air transportation services.
- Goal: Public Utilities  
Provide good quality, cost effective, environmentally acceptable water, sewer and drainage management services in Homer.
- Goal: Housing  
Safe, comfortable, affordable housing for all residents which expresses individual tastes while respecting neighborhood standards.
- Goal: Central Business District  
Provide, through the Central Business District, a focal point for the community that provides a safe, convenient, hospitable environment for residents and businesses, builds upon its positive features, and fosters cooperation in its management between the city, the state, and the private sector.
- Goal: Homer Spit  
Wise land management of the Spit and its resources, accommodating its natural processes, while allowing tourist, marine commercial, and industrial development and recreational uses.
- Goal: Land Use  
Provide a land use pattern in Homer that maintains the desirable natural features, while allowing room for orderly community growth.
- Goal: Parks and Recreation  
Park and recreation opportunities for the residents of the community are to be made available.

The City's capital improvement program integrates the City's annual budget with planning for larger projects that meet community goals. The CIP program involves a process where the City Council, with technical support from the administration and ideas and suggestions from the public, compiles a viable way to implement goals for the community.



**CIP CATEGORIES 2011-2016**  
**SUMMARY OF PROJECTS BY YEAR AND COST**

CATEGORY	2010	2011	2012	2013	2014	2015	TOTAL \$
LOCAL ROADS & TRAILS	1,550,000	1,750,000	3,600,000	-	-	-	6,900,000
STRUCTURES	5,020,000	7,275,000	106,835,000	23,200,000	9,800,000	175,000	152,305,000
UTILITIES	2,733,935	5,310,000	18,710,000	200,000	200,000	-	27,153,935
EQUIPMENT	1,100,000	3,880,000	150,000	-	-	-	5,130,000
<b>TOTAL \$</b>	<b>10,403,935</b>	<b>18,215,000</b>	<b>129,295,000</b>	<b>23,400,000</b>	<b>10,000,000</b>	<b>175,000</b>	<b>191,488,935</b>

*Update -  
end of process*



**LOCAL ROADS & TRAILS  
SUMMARY OF PROJECTS BY YEAR AND COST**

PROJECT	2010	2011	2012	2013	2014	2015	TOTAL \$
Heath Street, Pioneer to Anderson	400,000		3,600,000				4,000,000
Land Acquisition for New Roads	500,000						500,000
Town Center Infrastructure	250,000	1,750,000					2,000,000
Beluga Slough Trail Reconstruction	400,000						400,000
<b>TOTAL \$</b>	<b>1,550,000</b>	<b>1,750,000</b>	<b>3,600,000</b>				<b>6,900,000</b>

*Update*





## LAND ACQUISITION FOR NEW ROADS

**PROJECT DESCRIPTION & BENEFIT:** This project will help meet current and future transportation needs by acquiring specific land parcels and rights-of-way to extend five local roads:

Lake/Heath Street to Anderson Avenue

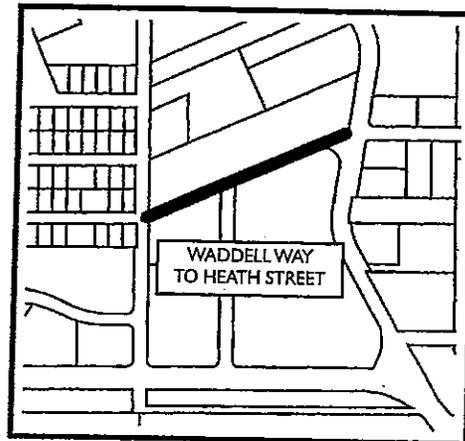
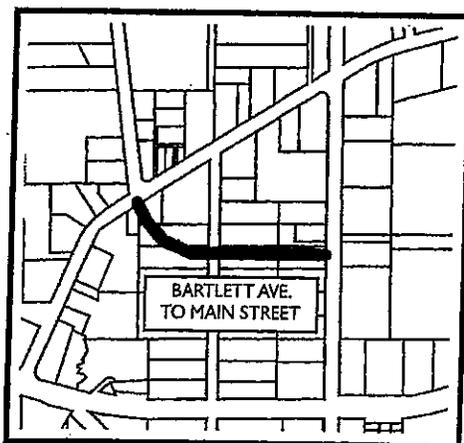
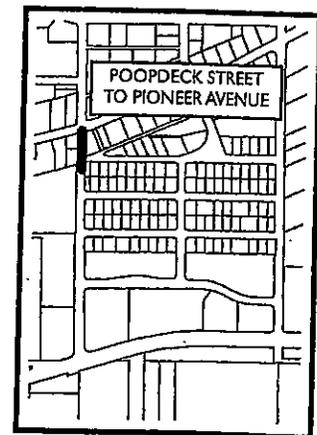
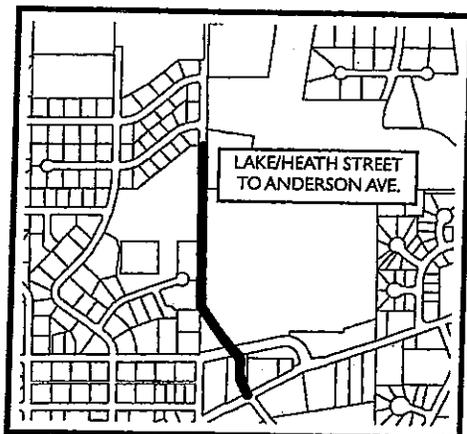
- Bartlett Street extension south and east to Main Street
- Poopdeck Street extension north to Pioneer Avenue
- Early Spring Street extension north to East End Road
- Waddell Way extension west to Heath Street

**PLANS & PROGRESS:** All four road projects are recommended in the 2005 Homer Area Transportation Plan.

Cost: \$500,000

Schedule: 2010-12

Priority Level 2







# BELUGA SLOUGH TRAIL RECONSTRUCTION

**PROJECT DESCRIPTION & BENEFIT:** This project will reconstruct a major portion (approximately 850 feet) of the Beluga Slough Trail, which connects Bishop’s Beach Park and “Old Town” with the Alaska Islands and Ocean Visitor Center. It will replace portions of the built trail that are missing entirely, meet ADA requirements for accessibility, and eliminate harmful impacts to the estuarine environment of Beluga Slough. The popularity of the I&O Center (70,000 visitors a year) and Bishop’s Beach Park have helped make the Beluga Slough Trail the most highly used in Homer.

The original Beluga Slough trail material, installed in 1997, was designed to float with the tide. However, it does not work properly, and instead over the years has become mired in the mud and has buckled in numerous places. This has created a very uneven walking surface. Because the plastic material can become slippery, it is particularly hazardous when wet. The buckling and the narrowness of the trail present challenges and create safety hazards to wheelchair users and others with mobility limitations. Placement of the heavy plastic trail material directly on the ground has also destroyed habitat and interfered with the natural processes of the tidal ecosystem.

The new trail will be constructed as an elevated walkway built on a foundation of helical piers which are specifically designed for use in wetlands and other environmentally sensitive areas. The trail surface will be grated galvanized steel that will provide good traction and allow light and precipitation to pass to the ground below, thus encouraging restoration of native saltwater marsh plants. The trail will be almost maintenance free. When snow clearing is necessary, the 8-foot width will easily accommodate the City’s “Toolcat” used for this purpose. The elevated design will also allow City maintenance workers access to the underside of the trail, in the event that such access is needed for adjustments or repairs.

**PLANS & PROGRESS:** The Beluga Slough Trail crosses both City of Homer and U.S. Fish and Wildlife (USFW) property. In 2003, the City of Homer requested and received a preliminary design for “Beluga Slough Boardwalk Replacement” from a local construction company. Although some changes are desired (for example, widening the trail and thus eliminating the need for turnouts), the preliminary design gives the City a headstart in preparing an RFP and in estimating costs. USFW has pledged to provide personnel to demolish the existing trail prior to reconstruction.

Cost: \$400,000

Priority Level 1

Schedule: 2010

*Delete*



The Beluga Slough Trail has been plagued with problems and is difficult to repair. Some parts of the original trail are missing altogether.



## STRUCTURES

### SUMMARY OF PROJECTS BY YEAR AND COST

PROJECT	2010	2011	2012	2013	2014	2015	TOTAL \$
Ben Walters Park Improvements	200,000						200,000
Deep Water Dock Expansion	1,250,000	1,750,000	26,000,000				29,000,000
Downtown Restroom #1			400,000				400,000
East Boat Harbor	1,520,000		78,500,000	20,600,000			100,620,000
End of the Road Park, Phase 1				1,075,000			1,075,000
Fire Training Facility			285,000				285,000
Fishing Lagoon Improvements	325,000						325,000
Harbor Entrance Erosion Control			600,000				600,000
Homer City Hall/Town Square				1,200,000	9,800,000		11,000,000
Jack Gist Park Improvements, Phase 1			100,000				100,000
Karen Hornaday Park Improvements, Phase 1	1,200,000	950,000	950,000				3,100,000
Mariner Park Improvements, Phase 1		475,000		325,000		175,000	975,000
Port and Harbor Building	375,000	2,500,000					2,875,000
Public Restroom - Fish Dock		400,000					400,000
Skyline Fire Station	150,000	1,200,000					1,350,000
<b>TOTAL \$</b>	<b>5,020,000</b>	<b>7,275,000</b>	<b>106,835,000</b>	<b>23,200,000</b>	<b>9,800,000</b>	<b>175,000</b>	<b>152,305,000</b>

*Add Gasline  
Anchor Point to Homer?*









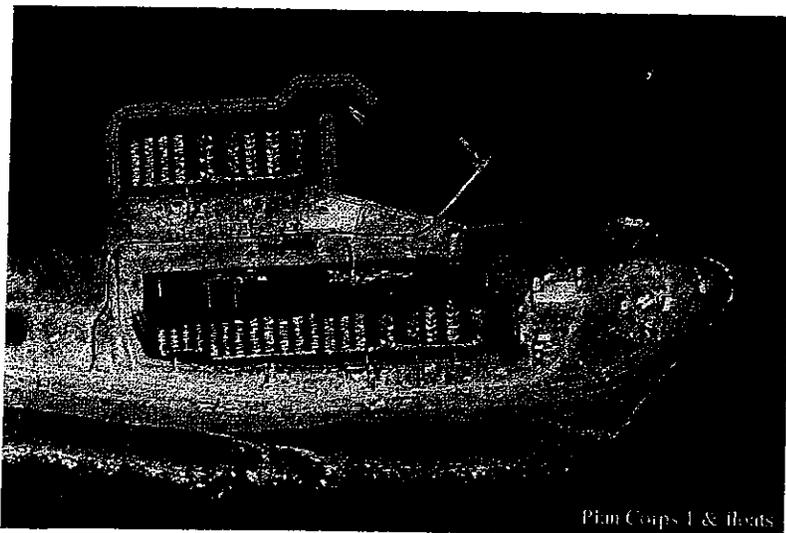
## City of Homer Capital Improvement Plan • 2011 – 2016

### EAST BOAT HARBOR

**PROJECT DESCRIPTION & BENEFIT:** In 2004, the U.S. Army Corps of Engineers completed a reconnaissance study and determined there is a federal interest in constructing a new boat harbor at Homer. The proposed new harbor would range in size from 11 to 15 acres. It would enhance harbor capabilities by:

- accommodating the large commercial vessels (fishing vessels, workboats, landing craft, tugs, barges, etc.) that are currently congesting the harbor at System 4 and System 5 transient floats, rafting two and three abreast due to shortage of moorage space at the floats, thus overstressing the floats;
- enabling Homer to accommodate and moor the additional 40 to 60 large commercial vessels that potentially would use Homer Harbor as a home port but which have in the past been turned away due to lack of space;
- providing a long-term solution to mooring problems the USCGC *Hickory* experiences on Pioneer Dock during the northeasterly storm surges and to the security problem faced by both the USCG cutters home-ported at Homer. These vessels are unable to maintain an adequate security zone around their current moorings in the existing small boat harbor (USCGC *Roanoke Island*) and on the Pioneer Dock west trestle (USCGC *Hickory*).

The Port of Homer and Homer Small Boat Harbor are regional facilities serving and supporting the northern Gulf of Alaska, Prince William Sound, Cook Inlet, and Kachemak Bay and are also a "place of refuge" for Gulf of Alaska, Cook Inlet, and Kennedy Entrance marine traffic in event of severe weather or machinery malfunctions.



Several conceptual designs have been proposed for a new Homer boat harbor. This one would add a new basin with its own entrance adjacent to the existing Small Boat Harbor.

The proposed new harbor basin will be dredged to minus 20 feet Mean Lower Low Water (MLLW) to accommodate large commercial vessels so they will not touch bottom on the lowest tides of the year (minus 5.6 feet). It will need to be dredged to minus 22 feet MLLW in the entrance channel, fairway, and one side of the basin to accommodate the USCGC *Hickory* at the proposed Coast Guard float. The new basin will provide the security zone and private moorings for the U.S. Coast Guard vessels at one side and will accommodate the large, deep draft commercial vessels at the other side.

**PLANS & PROGRESS:** The Army Corps of Engineers completed a reconnaissance study in 2004 and has begun a feasibility analysis. The City of Homer is requesting that the Alaska Department of Transportation and Public Facilities cover 50% of the non-federal share (25% of the total) of the feasibility study.

**Schedule and Cost:** 2010-11 (design and permitting)—\$1.52 million  
2012 (breakwater construction and dredging)—\$78.5 million  
2013-2014 (inner harbor improvements)—\$20.6 million

*What do we do with this one?*

**Funding:** Federal/direct appropriation as Corps of Engineers construction project; Federal/Homeland Security for TSA U.S. Coast Guard Security; State and Local

Priority Level 1



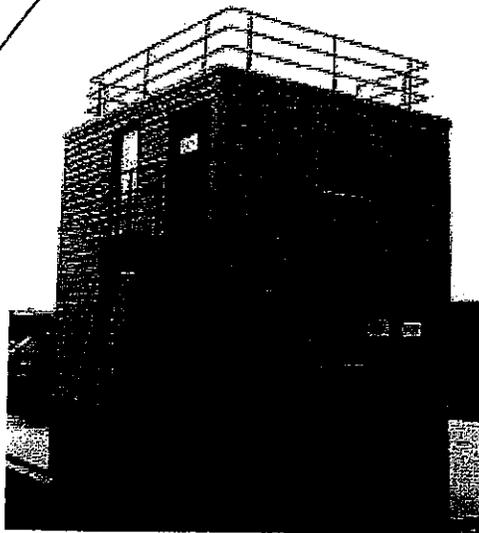


## FIRE TRAINING FACILITY

**PROJECT DESCRIPTION & BENEFIT:** It is true in firefighting as in many other endeavors: If skills are not practiced, they quickly deteriorate. However, the City of Homer does not have a fire training facility and cannot afford to send personnel up to the Kenai Fire Training Center as often as needed to maintain proficiency, due to the cost and the manpower shortages created when groups of local firefighters are out of the response area for 8-12 hours for each training session. In addition, the Kenai training does not accurately replicate the types of fires that HVFD firefighters are most likely to encounter. Thus, local firefighters do not have the benefit of training as part of an HVFD team, nor do they have the opportunity to use equipment and apparatus on "real" fires in a training situation. The lack of local training puts firefighter safety and public safety at risk. The lack of a live fire training site was also partly responsible for Homer's less favorable PPC rating during the 2008 ISO review.

This project will fund the purchase of land and construction of a small building that includes live-burn rooms. Live-burn rooms are constructed of heat resistant materials and have engineered safety controls that allow firefighters to train in a realistic burn environment while minimizing risk of injury. Such exercises would enable Homer to meet state and national standards for firefighter training. The facility could also be used by other public safety agencies and fire departments in the area. A possible location for the facility would be adjacent to the proposed Skyline Fire Station; however, a small burn building located anywhere in the HVFD response area would improve Homer's ISO score and ensure that critical firefighting skills are maintained.

**PLANS & PROGRESS:** The Homer Volunteer Fire Department Member Association has pledged up to \$35,000 in matching funds to see this project proceed.



*Delete*

A structure of this type will help provide valuable firefighting training in Homer.





## HARBOR ENTRANCE EROSION CONTROL

**PROJECT DESCRIPTION & BENEFIT:** The entrance to Homer's small boat harbor is under steady assault from wave action, putting infrastructure at risk from erosion. In 1995, Icicle Seafood and the City of Homer worked together to build a log cribbing revetment structure on the City property where Icicle Seafood was located. Although this project stopped the immediate erosion threat, it was built as a temporary measure until such time as funding could be obtained to build a rock revetment. Since it was built, the log cribbing itself has been hammered by waves and is steadily disintegrating.

Other leased City property in jeopardy includes petroleum pipelines at the Petro Marine site. Pipelines to Petro Marine's tank farm are located in the bluff-line area just outside the entrance to Homer Harbor. A continued lack of shore protection in this area will lead to the facilities having to be abandoned or pipelines rerouted at considerable expense. A rip-rap revetment is being proposed that will extend 935 feet from the jetty entrance of the harbor to the existing revetment near the Ferry Terminal. (Note: This project could be completed in conjunction with the proposed East Boat Harbor or Harbor Pathways construction.)

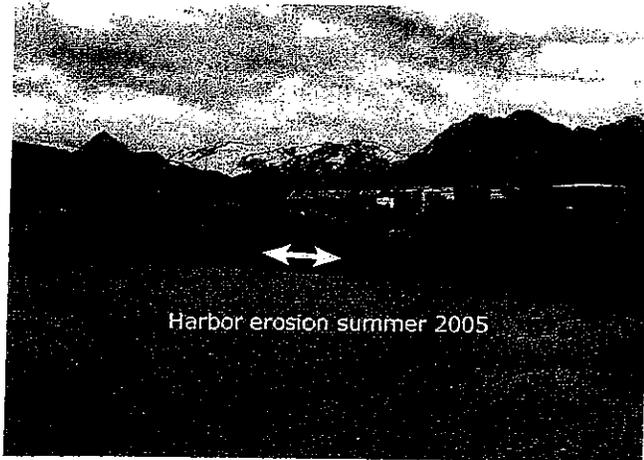
Homer Harbor is the home port to commercial and recreational fishing fleets of more than 1,500 vessels and is an integral part of the local economy. The fuel storage facility is a vital part of refueling operations within the harbor and is located for maximum efficiency. Erosion control is needed to protect the harbor for fishermen, tourists, and other users.

Cost: ~~\$600,000~~

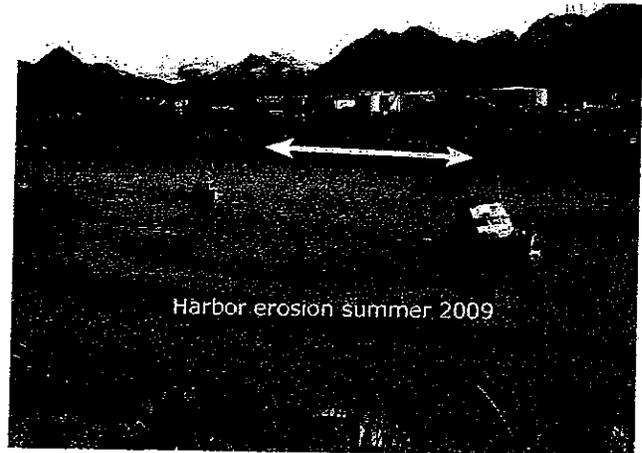
Priority Level 2

Schedule: 2012

*Bryan will get back to me  
has been working w/ADOT*



Harbor erosion summer 2005



Harbor erosion summer 2009

A large section of the temporary wooden cribbing built to protect the shore from erosion has been destroyed by wave action. Each year the extent of damage increases.





# City of Homer Capital Improvement Plan • 2011 – 2016

## JACK GIST PARK IMPROVEMENTS, PHASE 1

**PROJECT DESCRIPTION & BENEFIT:** Jack Gist Park has been in development since 1998 on 12.4 acres of land donated to the City of Homer by a private landowner. As originally envisioned by the Jack Gist Recreational Park Association, this parcel was to be developed primarily for softball fields. The long-term goal is to acquire adjacent properties that will provide space for soccer fields and an equestrian park.

The proposed project will complete Phase 1 of Jack Gist Park by expanding the parking area and constructing a concession stand adjacent to the softball fields, along with a maintenance equipment storage building. Phase 2 of the project will provide a restroom facility.

**PLANS & PROGRESS:** In 2005-2006, a road was constructed to Jack Gist Park from East End Road, a 70-space gravel parking area was constructed, and three softball fields were constructed including fencing, dugouts, and backstops. In 2008, bleachers were installed at all three softball fields. In 2009, two out-of-three infields were resurfaced. Volunteer efforts to improve dugouts and accomplish other improvements are planned for 2010.

Cost: \$100,000

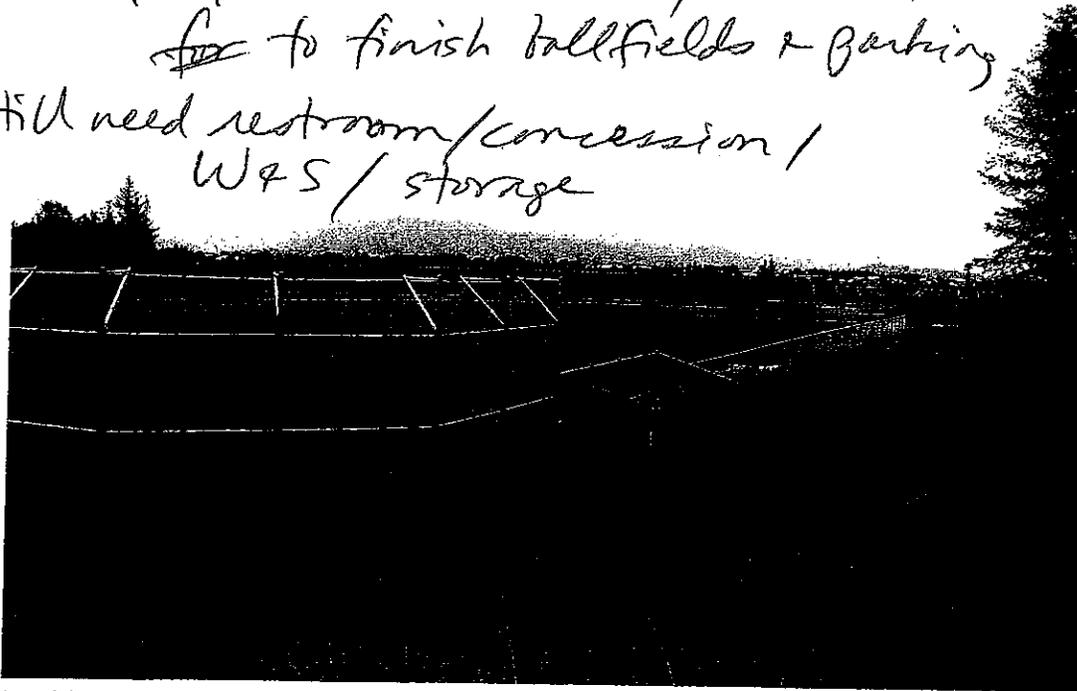
Priority Level 2

Schedule: 2012

*Has this happened?*

*\$55,000 earmarked by Council  
for to finish ballfields & parking*

*Still need restroom/concession /  
W&S / storage*



One of the new softball fields at Jack Gist Park





## MARINER PARK IMPROVEMENTS, PHASE 1

---

**PROJECT DESCRIPTION & BENEFIT:** This project will provide significant improvements to Mariner Park, at the base of the Homer Spit. As one of Homer's most popular recreation areas, Mariner Park attracts campers, beach walkers, kite-flyers, Spit Trail users, birders, people with dogs, and others who come to enjoy the views and open-air recreation opportunities.

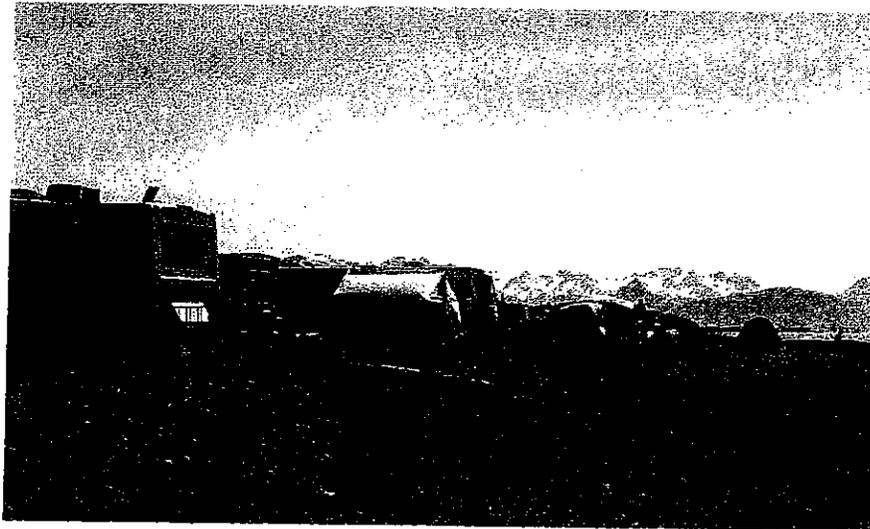
Homer's growing population and tourist visitation are placing greater demand on Mariner Park, increasing the need for recreation and safety enhancements. The following have been identified as specific areas for improvement in the next six years:

- Construct a plumbed restroom facility (\$475,000)
- Develop a bike trail from "Lighthouse Village" to Mariner Park (\$325,000)
- Expand the park and move the vehicle entrance to the north, away from the curve in the Spit Road where the existing entrance is (\$175,000)

Phase 2 improvements, to be undertaken in later years, will include construction of a tunnel under the Spit Road to provide safe access to the Homer Spit Trail, fee camping sites, and a picnic/barbeque area.

Schedule and Cost: 2011-2015—\$975,000

Priority Level 1 (restroom facility)/2



At the base of the Homer Spit, Mariner Park provides access to the beach, to the Homer Spit Trail, and to spectacular views.





## PUBLIC RESTROOM - FISH DOCK

---

**PROJECT DESCRIPTION & BENEFIT:** With increased activity on the Homer Spit the need for restroom facilities has also increased. The most urgently needed restrooms are in the vicinity of the Fish Dock and at Mariner Park. (The Mariner Park restroom is addressed in this plan under "Mariner Park Improvements.")

A new restroom in the vicinity of the Fish Dock will provide a public facility for commercial fishermen, cash buyers, dock workers, truck drivers, and others who catch, unload, process, and transport millions of pounds of seafood across the dock annually.

**PLANS & PROGRESS:** \$120,000 has been set aside to help pay for the restroom at the Fish Dock. Funding secured for completion of the Homer Spit Trail (FY 2010 state appropriation) is another possible source of funding for the restroom.

Cost: \$400,000

Priority Level 1    Schedule: 2011



The Homer Fish Dock is one of the busiest places in the Homer harbor, but currently has no restroom facility.

*Corey questioned  
this one*



Agency: Commerce, Community and Economic Development

Grants to Municipalities (AS 37.05.315)

Grant Recipient: Homer

Project Title:

Project Type: New Construction and Land Acquisition

# Homer - Anchor Point to Homer Natural Gas Pipeline

State Funding Requested: \$4,800,000  
One-Time Need

House District: 35 / R

### Brief Project Description:

Ab 8 inch diameter plastic distribution line to serve Homer. A distribution rated line would enable picking up home and business needs en route. The pipeline would be able to supply 5 million cuft/day to Homer which is adequate for a 30 year customer base buildout.

Cost for 14 miles 8 inch plastic pipe	\$4.5 million
Cost for Regulator Station to feed both Anchor point and Homer	\$300,000

### Funding Plan:

Total Cost of Project: \$4,800,000

*There is no other funding needed*

### Detailed Project Description and Justification:

This request is for an 8 inch diameter plastic distribution line to serve Homer with a steady supply of Natural Gas. Enstar recently recieved approval from the Regulatory Commission of Alaska on a Gas Supply Contract with Armstrong Alaska for gas from Armstrong's North Fork Unit. Under the Gas Supply Contract current North Fork gas will not be sent to Homer, where there is growing market demand for natural gas, but is currently limited to diesel and propane for home heating purposes.

A distribution rated line would enable picking up home and business needs en route to Homer. The pipeline would be able to supply 5 million cu ft/day to Homer which is adequate for a 30 year customer base buildout.

Cost for 14 miles 8 inch plastic pipe	\$4.5 million
Cost for Regulator Station to feed both Anchor point and Homer	\$300,000

### Project Timeline:

Fall 2010/Spring 2011

### Entity Responsible for the Ongoing Operation and Maintenance of this Project:

City of Homer

Contact Name: Katie Koester  
Contact Number: (907) 465-2028

For use by Co-chair Staff Only:  
 \$4,800,000  
 Approved by  
 Legislature - All but  
 \$525,000 vetoed by  
 Governor  
 5:00 PM 6/9/2010



**UTILITIES**  
**SUMMARY OF PROJECTS BY YEAR AND COST**

CATEGORY/PROJECT	2010	2011	2012	2013	2014	2015	TOTAL \$
Alternative Water Source	750,000	1,000,000	15,000,000				16,750,000
Bridge Creek Watershed Land Acquisition	200,000	200,000	200,000	200,000	200,000		1,000,000
Kachemak Bay Tidal Power Feasibility/Conceptual Design	1,258,935						1,258,935
Sewer Treatment Plant Bio-solids Treatment Improvements	525,000	4,720,000					5,245,000
Water Storage/Distribution Improvements		390,000	3,510,000				3,900,000
<b>TOTAL \$</b>	<b>2,733,935</b>	<b>5,310,000</b>	<b>18,710,000</b>	<b>200,000</b>	<b>200,000</b>		<b>27,153,935</b>

*Update*





# City of Homer Capital Improvement Plan • 2011 - 2016

## BRIDGE CREEK WATERSHED LAND ACQUISITION

**PROJECT DESCRIPTION & BENEFIT:** Currently, the Bridge Creek watershed is the sole source of water for Homer. To protect the Bridge Creek watershed from development that could threaten the water supply and to ensure the availability of land for possible future expansion of water treatment operations within the watershed, the City seeks to acquire additional acreage and/or utilize conservation easements to restrict development that is incompatible with clean water.

**PLANS & PROGRESS:** Since 2003, the City of Homer has acquired approximately 261 acres in the Bridge Creek watershed. The most recent acquisition (2009) was three parcels totaling approximately 31 acres immediately adjacent to Bridge Creek above the reservoir.

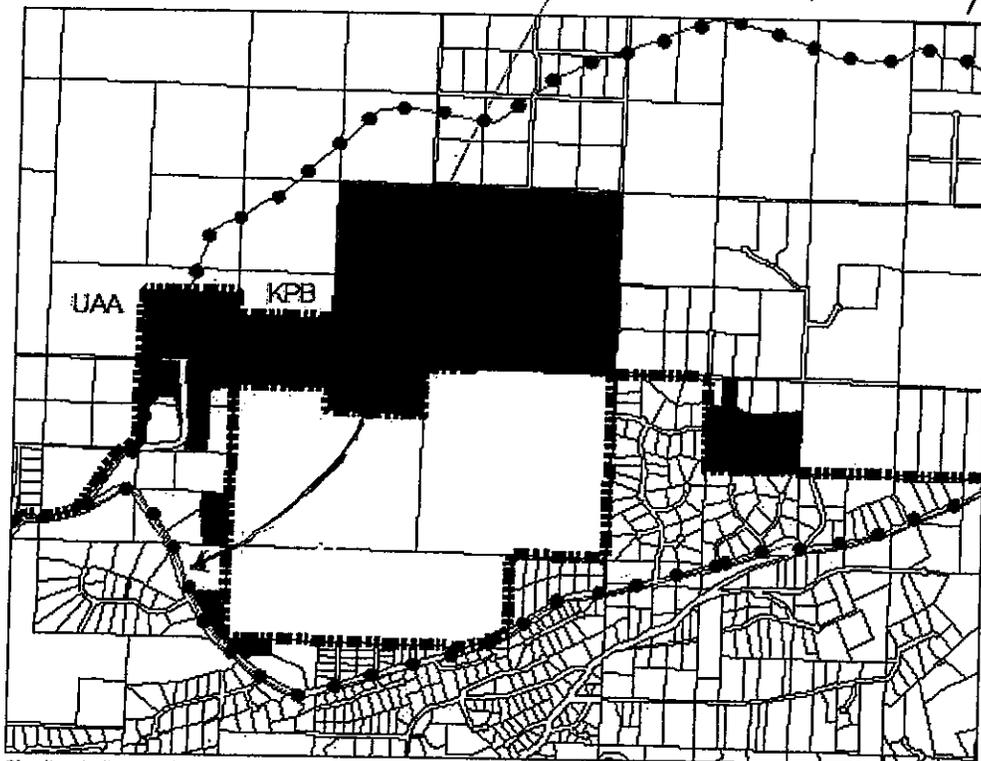
Cost: \$1 million

Priority Level 1

Schedule: 20010 - 2014

*Any more land purchased? Yes*

*How many acres?*



Shading indicates the property already owned by the City of Homer within the Bridge Creek watershed, as of August 2009.





## SEWER TREATMENT PLANT

### BIO-SOLIDS TREATMENT IMPROVEMENTS

**PROJECT DESCRIPTION & BENEFIT:** Currently the Homer sewer treatment plant produces more sludge than the facility can treat or dispose. During wet weather, the collection system delivers more wastewater than the plant is designed to treat. This project is designed to solve both problems, with the following strategies:

- Install mechanical sludge de-watering equipment to provide adequate capacity to treat and dispose of sludge.
- Install a digester, allowing Public Works to abandon the existing sludge lagoon. Abandoning the lagoon will provide for the creation of a wastewater equalization basin, freeing up space for other sewer treatment support and operation activities. In addition, use of a digester opens up new possibilities for energy recovery.
- Slip-line the aging asbestos cement sewer collection mains to reduce infiltration and peak flows to the sewer treatment plant. This will prevent violations of the City's NPDES permit related to unacceptable flow and fecal coliform levels.

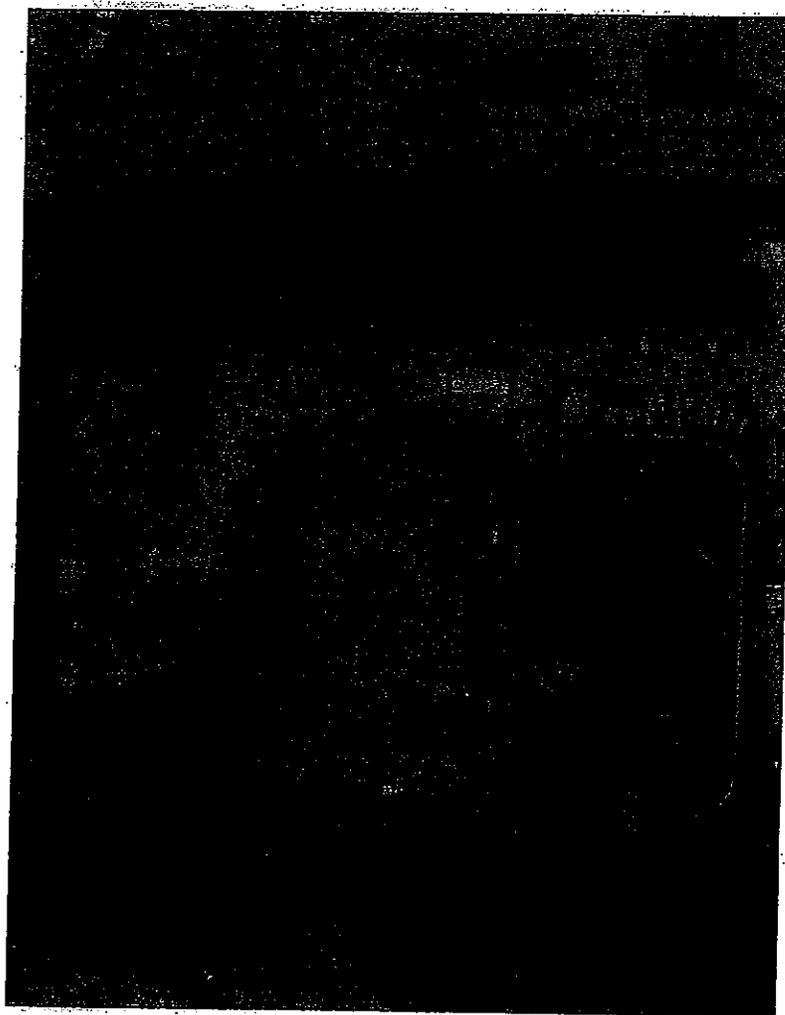
**PLANS & PROGRESS:** The need for this project has been documented in the Homer Water & Sewer Master Plan (2006). Likewise the City of Homer Inflow and Infiltration Study recommends repairing leaking collection and trunk sewer mains.

**Schedule and Cost:**

2010-2011 (Design)—\$525,000

2011-2012 (Construction)—\$4.72 million

Priority Level 1





**EQUIPMENT**  
**SUMMARY OF PROJECTS BY YEAR AND COST**

PROJECT	2010	2011	2012	2013	2014	2015	TOTAL \$
Brush/Wildland Firefighting Truck		120,000					120,000
Fire Engine 4 Refurbishment	150,000						150,000
Firefighting Enhancement/ Aerial Truck	800,000						800,000
Fire Pump Testing Trailer	70,000						70,000
Harbor Float Replacement/Ramp 3 Gangway and Approach Replacement		3,550,000					3,550,000
Passenger Ship Gangway			150,000				150,000
Pioneer Dock Fenders	80,000						80,000
Tide Gauge/Meteorological Station		210,000					210,000
<b>TOTAL \$</b>	<b>1,100,000</b>	<b>3,880,000</b>	<b>150,000</b>				<b>5,130,000</b>

*Update*





## City of Homer Capital Improvement Plan • 2011 – 2016

### FIRE ENGINE 4 REFURBISHMENT

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**PROJECT DESCRIPTION & BENEFIT:** With the addition of a new fire engine to the Homer Volunteer Fire Department fleet in fall 2008, Fire Engine 4 can now serve as a reserve engine if it is refurbished with a rebuilt pump, engine and drive line overhaul, and body and paint work. The refurbished truck could be housed in the proposed Skyline Fire Station or the old (refurbished) water treatment plant. A reserve fire engine would help Homer qualify for an improved ISO rating, benefiting all households through reduced homeowner insurance costs.

Cost: \$150,000

Priority Level 1

Schedule: 2010







## FIRE PUMP TESTING TRAILER

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**PROJECT DESCRIPTION & BENEFIT:** This project will provide the Homer Volunteer Fire Department with a mobile fire pump testing trailer to meet National Fire Protection Association requirements for annual pump testing and ensure that firefighting water pumps used throughout the southern Kenai Peninsula are in good working order when they are needed.

Acquisition of a pump testing trailer, manufactured and sold under the name Draft Commander, would eliminate problems associated with other testing methods. For example, using the City's hydrant system for testing can damage the system or cause erosion at the site. Using surface water from Beluga Lake necessitates getting the heavy fire apparatus close enough to reach the water. In some cases personnel must gain permission to use private land, which may require constructing improvements. There is also the risk of drafting contaminants into the pump, causing damage to the pump and/or engine.

The Draft Commander is a completely self-contained system that can be taken "on the road" to where the apparatus are, such as to the McNeil Fire Station, Anchor Point, or even Ninilchik or Seldovia. This is truly a multi-jurisdictional project with the potential to assist several area fire agencies with mandated testing that they are either not currently doing or have difficulty performing.

Cost: \$70,000

Priority Level 2

Schedule: 2011







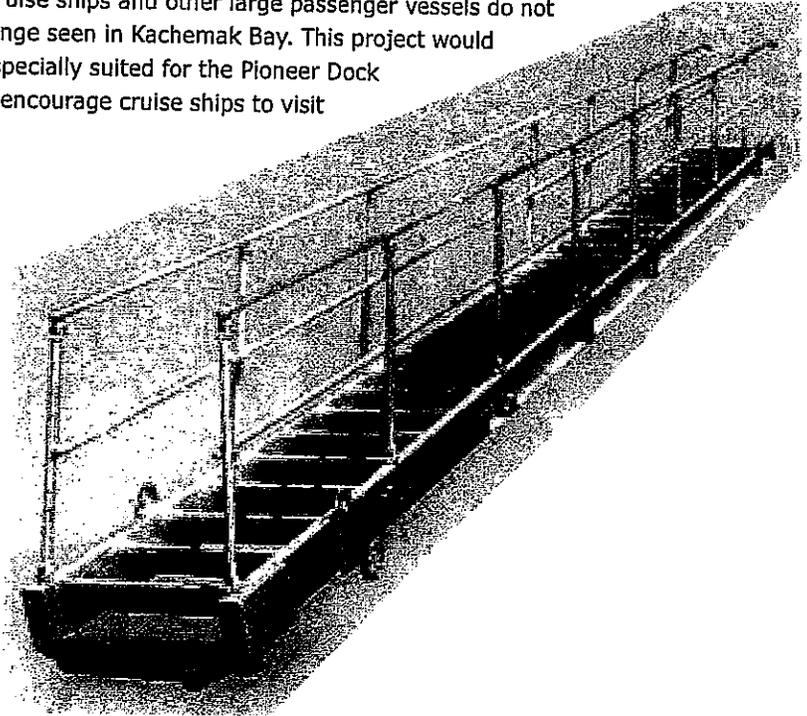
## PASSENGER SHIP GANGWAY

**PROJECT DESCRIPTION & BENEFIT:** Generally, cruise ships and other large passenger vessels do not carry a gangway that is adequate for the tidal range seen in Kachemak Bay. This project would allow the Port of Homer to provide a gangway especially suited for the Pioneer Dock and the large tidal fluctuations seen here. It will encourage cruise ships to visit Homer and help ensure passenger safety.

Cost: \$150,000

Priority Level 2

Schedule: 2012



*Bryan says  
"need to reevaluate  
this need"*

*We have a small  
38' gangway and  
cruise lines are  
bringing their own -  
e.g. this summer*





## TIDE GAUGE/METEOROLOGICAL STATION

**PROJECT DESCRIPTION & BENEFIT:** This project will install a Water Level Station (tide gauge) with meteorological sensing equipment at Pioneer Dock and current sensing equipment at the Deepwater Dock. The project will provide important benefits to the Port of Homer, including:

- Enabling the Port of Homer to better fulfill its role as a contingency "back-up" port for handling Port of Anchorage cargo in case of a catastrophic event;
- Enabling deep-draft ships to dock at Homer docks or anchor in the inner bay (the only "place of refuge" anchorage for Cook Inlet and Kennedy Entrance traffic) with more assurance of the actual water depth during minus tides;
- Enhancing navigational safety in the vicinity of the Homer docks and harbor;
- Providing a toll-free phone number plus Internet access for up-to-date tide, wind, atmospheric pressure, and temperature information;
- Providing a display box with electronic/digital readout visible to vessels passing Pioneer Dock;
- Assisting pilots in docking vessels at Homer docks, thus minimizing the damage potential of "hard landings."

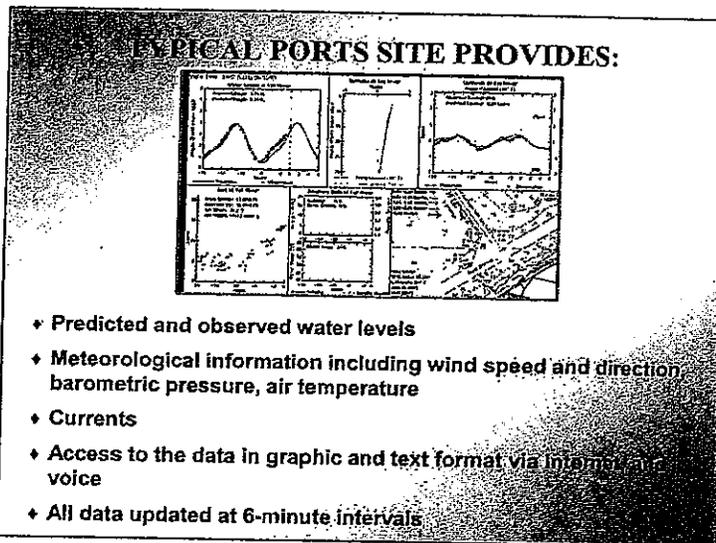
Installation of this equipment will result in the Port of Homer being listed along with the Port of Anchorage as participating in NOAA's PORTS (Physical Oceanographic Real-Time System) program. Homer can then be listed as a reference station in published tide tables and tide books. With these improvements, Homer will be positioned for further growth as an operational port and better able to fulfill roles as a contingency port and a "place of refuge" for vessels needing assistance with safe navigation during the approach. This project has high potential for federal funding and has the support of the Southwest Pilots Association, Homer Port and Harbor Commission, many representatives of the local maritime community, and other regional stakeholders.

**PLANS & PROGRESS:** The National Oceanic and Atmospheric Administration's National Ocean Service PORTS team visited Homer in June 2003 to develop cost estimates and study locations for optimal installation. Funding is now being sought to complete the project.

Cost: \$210,000

Priority Level 2

Schedule: 2012





## STATE TRANSPORTATION PROJECTS

*The City of Homer supports the following state transportation projects which, if completed, will bring significant benefits to Homer residents:*

(Within city limits): Homer Intersection Improvements  
Kachemak Drive Rehabilitation/Pathway  
Main Street Reconstruction/Intersection  
Pioneer Avenue Upgrade

(Outside city limits): East End Road Rehabilitation, Kachemak Drive to Waterman Road  
Sterling Highway Reconstruction, Anchor Point to Baycrest Hill  
Sterling Highway Realignment, MP 150-157

See following pages for project descriptions.

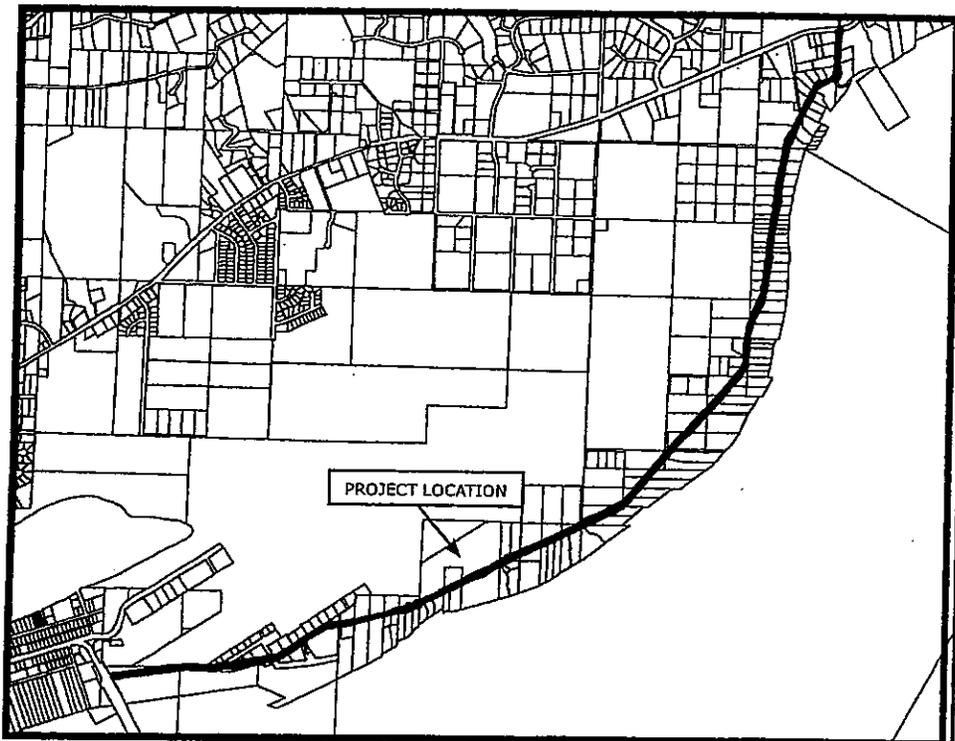




## KACHEMAK DRIVE REHABILITATION/PATHWAY

**PROJECT DESCRIPTION & BENEFIT:** Kachemak Drive provides an alternate route for east-of-Homer traffic to the airport, Spit and harbor, and Ocean Drive commercial district (approximate daily traffic 1,500 vehicles). The road accesses the largest industrial marine storage repair and boat launch complex on the southern peninsula, passes residences, light commercial/ industrial businesses, and moose wetlands. Rehabilitation needs have been identified for raising the embankment, surfacing, widening, and drainage improvements.

Automobile and large truck traffic on Kachemak Drive has increased in recent years, with drivers showing a greater tendency to speed. These conditions make the road treacherous, at best, for bicycle and pedestrian traffic. Construction of a separated pathway along East End Road, as proposed, will increase recreational and commuter bicycle and pedestrian traffic on Kachemak Drive and will improve driver, bicycle, and pedestrian safety. Because of the significant right-of-way acquisition involved, the project to build a separated pathway along Kachemak Drive will take several years to complete.





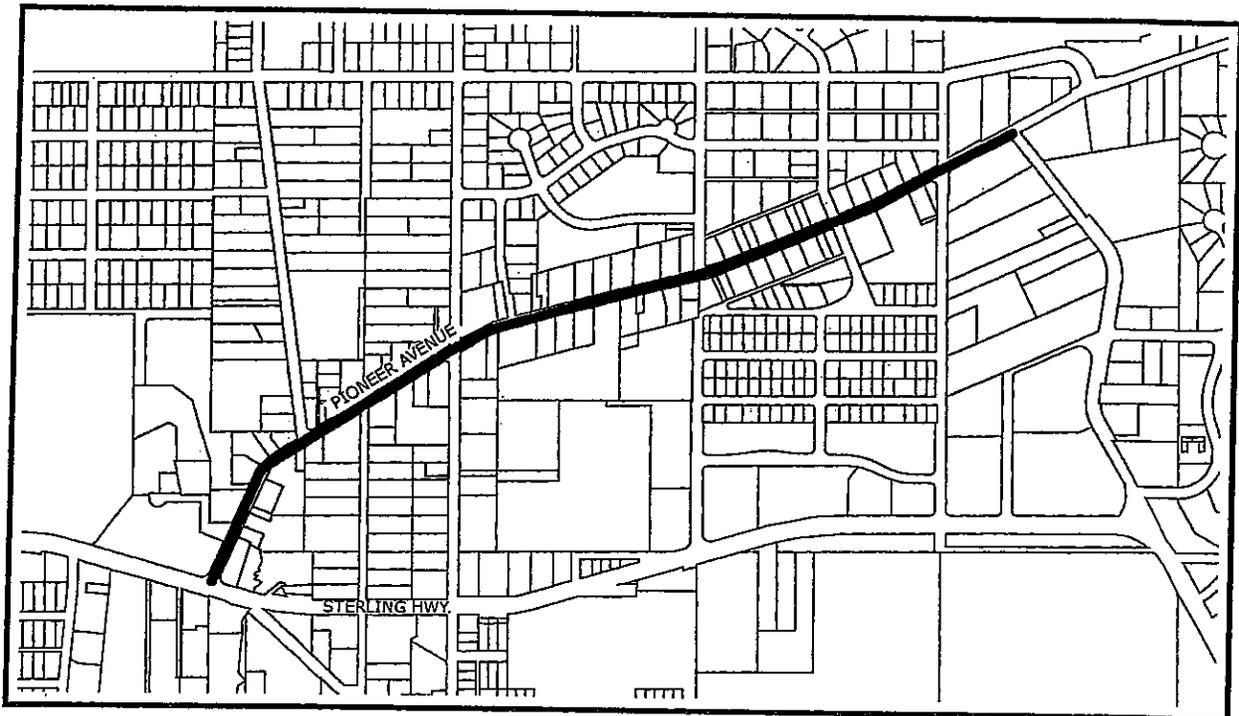


## PIONEER AVENUE UPGRADE

**PROJECT DESCRIPTION & BENEFIT:** "Complete streets" are defined as streets which are designed and operated to enable safe access for all users: pedestrians, bicyclists, and motorists. Pioneer Avenue is a mile-long arterial road in the part of Homer typically thought of as "downtown." However, in its current form, Pioneer Avenue does not function well as a downtown street. While the posted speed limit is 25 mph, wide lanes and lack of traffic calming features encourage drivers to go much faster. Using a bicycle on a sidewalk in a business district is against state law, but the practice is tolerated on Pioneer Avenue because it is generally acknowledged that the street is unsafe for cyclists. Crosswalks are few and far-between (five total) and many drivers fail to notice pedestrians in time to stop when pedestrians are waiting to cross. Some east-west crossings are particularly long and intimidating (e.g., at Main Street and Heath Street). For all these reasons, walking is not very popular along Pioneer Avenue, to the detriment of downtown businesses.

The Pioneer Avenue Complete Street Project will encourage non-motorized transportation by narrowing the driving lanes, adding distinct bicycle lanes and additional well-marked crosswalks, and incorporating other traffic calming features to further slow traffic and improve pedestrian and bicycle safety. Landscaping and appropriate "downtown" lighting will also be included in the project. It will be most cost effective to complete this work in conjunction with Pioneer Avenue Intersection safety improvements recommended in the 2005 Homer Intersections Planning Study (ADOT).

**PLANS & PROGRESS:** The project Pioneer Avenue Rehabilitation is included in the Draft 2010-2013 Alaska Statewide Transportation Improvement Program.







## STERLING HIGHWAY RECONSTRUCTION - ANCHOR POINT TO BAYCREST HILL

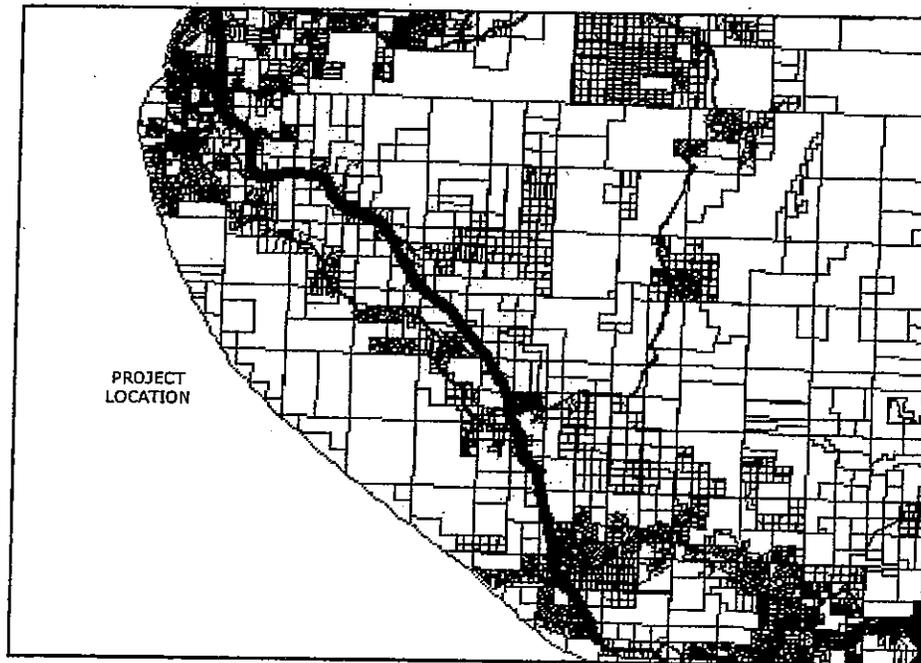
**PROJECT DESCRIPTION & BENEFIT:** This project will reconstruct 12 miles of the Sterling Highway between Anchor Point (MP 157) and the top of Baycrest Hill in Homer (MP 169) to address severe safety issues resulting from curves, hills, and blind spots on the existing road. The project has been identified as a high priority of the Kenai Peninsula Borough.

Many major side road intersections, gravel hauling operations, and school bus stops contribute to dangerous conditions on the 12-mile section of highway, which has been the scene of several serious accidents, many with fatalities, over the past several years. Continued population growth has led to more subdivisions with intersecting roads and more traffic on the highway, exacerbating the problem. School buses must stop in some locations with blind corners and hills.

The project calls for construction of an improved 2-lane highway paralleling the alignment of the existing highway. The reconstructed highway will be designed to allow two additional lanes to be added at a future date.

**PLANS & PROGRESS:** This project ("Sterling Highway: MP 157-169 Rehabilitation - Anchor Point to Baycrest Hill") is included in the Draft 2010-2013 Alaska Statewide Transportation Improvement Program (STIP). In September 2009, the Kenai Peninsula Borough reported sufficient funding has been identified for preliminary design and environmental documents, but additional funding will be necessary to proceed. Total costs are expected to exceed \$36 million; consequently, the project may be constructed in phases.

*check w/ DOT*





## PROJECTS PROPOSED BY OTHER ORGANIZATIONS

*The City of Homer supports the following projects  
for which local non-profit organizations are seeking funding  
and recognizes them as being of significant value to the Homer community:*

Cottonwood Horse Park  
Haven House Sustainability/Energy Efficiency Projects  
Kevin Bell Arena Floor Upgrade  
Pratt Museum Renovation  
Roger's Loop Trailhead Land Acquisition  
Senior Independent Housing  
South Peninsula Hospital: New Surgery Doors  
South Peninsula Hospital: Bariatric Equipment  
South Peninsula Hospital: Enhanced Communication System  
South Peninsula Hospital: Fire Suppression System Booster Pump  
Visitor Information Center Parking Lot

See following pages for project descriptions.

*Waiting to hear from all these orgs*





## City of Homer Capital Improvement Plan • 2011 – 2016

### HAVEN HOUSE SUSTAINABILITY/ ENERGY EFFICIENCY PROJECTS

**PROJECT DESCRIPTION & BENEFIT:** South Peninsula Haven House is a 24-hour staffed shelter with a mission to support and empower people impacted by domestic violence and sexual assault. As part of the area's comprehensive public safety network, Haven House operates a 10-bed shelter and child advocacy center and has responded to community crisis needs by expanding services. This increased service demand has occurred while the shelter faces dramatic increases in the cost of fuel and utilities.

The proposed project seeks to enhance sustainability and reduce costs at Haven House by 1) establishing a greenhouse to produce fresh vegetables (and provide a soothing, nurturing activity for shelter residents); 2) replacing 27 drafty windows with more secure, insulated windows; and 3) modifying the current entry way and replacing entry way doors with more heat-efficient models. This modification will also increase the security of the property and safety of the residents.

These projects will build on sustainability programs that have already been undertaken at Haven House. These include an internal recycling program, replacement of old inefficient plumbing fixtures, and education about recycling, composting, and basic gardening.

Cost: \$5,000 for greenhouse kit, \$8,000 for entry way modifications, \$20,000 for 27 replacement windows, and \$3,000 for ten window quilts. Total: \$36,000.





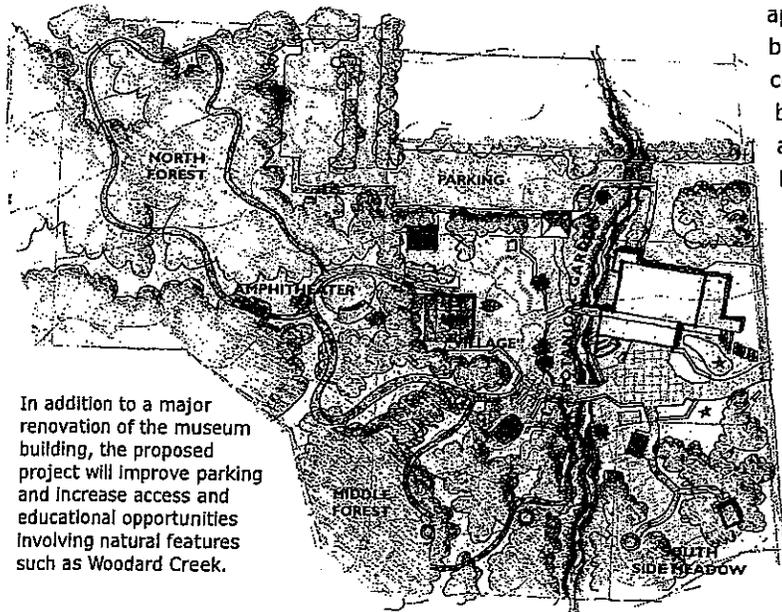


## PRATT MUSEUM RENOVATION

**PROJECT DESCRIPTION & BENEFIT:** The award-winning Pratt Museum is dedicated to helping people explore the Kachemak Bay region through the sciences, arts, and humanities. The Pratt's exhibits, education programs, and collections seek to foster self-reflection and dialogue among the Museum's community and visitors. Each year, the Pratt serves more than 35,000 visitors and engages more than 4,000 students in its programs. One of only five accredited museums in Alaska and the recipient of the National Award for Museum Service, the Pratt is consistently viewed as one of Alaska's most important cultural institutions and as a leader among small museums across the country.

Today the Pratt Museum finds itself in a structure that doesn't meet the Museum and community's needs. The existing 10,500 square foot building is more than 41 years old and is in need of repair and equipment upgrade. Likewise the galleries, collections storage, public meeting, and education spaces don't support the Pratt's goals or embrace current opportunities. The Pratt is now working with its community on a project to achieve long-term financial sustainability for the Museum and better serve the community and visitors long into the future. Benefits of this project will include: 1) improved education programs and exhibits; 2) addition of a community learning space to promote education and community dialogue; 3) expanded trail system, outdoor exhibits, and stewardship of Woodard Creek; 4) ability to serve larger visitor groups; 5) greater investment by and representation of diverse community groups; and 6) full disability accessibility. The Planning Phase is Fall 2007–March 2010. The Design Phase will run April 2010–March 2011. Construction is planned to begin in April 2011 and conclude in 2013. The total budget of this project is \$8.5 million.

### PRATT MUSEUM – CONCEPT SITE PLAN "Take Greater Advantage of the World Outside the Museum Door"



In addition to a major renovation of the museum building, the proposed project will improve parking and increase access and educational opportunities involving natural features such as Woodard Creek.

**PLANS & PROGRESS:** The Pratt Museum has addressed building deficiencies with a systematic approach through professional assessments—in building conditions, handicap accessibility, and collections storage—which found that the current building is sound but in need of expansion and repair. In Fall 2007, the Pratt entered the Pre-Development program of the Rasmuson Foundation and its partners, which has provided critical project planning and support services. As a result, the Pratt has in-hand draft architectural and site concepts, resulting in substantial cost savings.

In addition, the Pratt has taken a number of critical steps to lay the groundwork for successful completion of this project: 1) \$763,000 funds have been secured or pledged; 2) More than \$200,000 additional funds have been secured for project planning, to support activities including community and stakeholder involvement as well as ramp-up

of the Pratt's development efforts; 3) The Museum has engaged the fundraising consultation services of Joy Atrops-Kimura, director of the Anchorage Museum's \$106 million capital campaign; 4) The Pratt will have developed a Business Plan and a 2010-2015 Strategic Plan by the end of April 2010; 5) The Pratt is working with the Army Corps of Engineers to plan the rehabilitation of Woodard Creek, a key component of the draft site plan; 6) The Museum has acquired 9.3 contiguous acres of urban greenspace, all owned debt-free; and 7) The Pratt has the internal capacity to take these next steps: the Museum is debt-free, has consistently operated with a budget surplus, has an energetic development office of 1.5 FTE, and has full commitment and strategic leadership from its Board and staff.

Cost: Design and campaign—\$1 million      Construction—\$7.5 million

*will be revised*



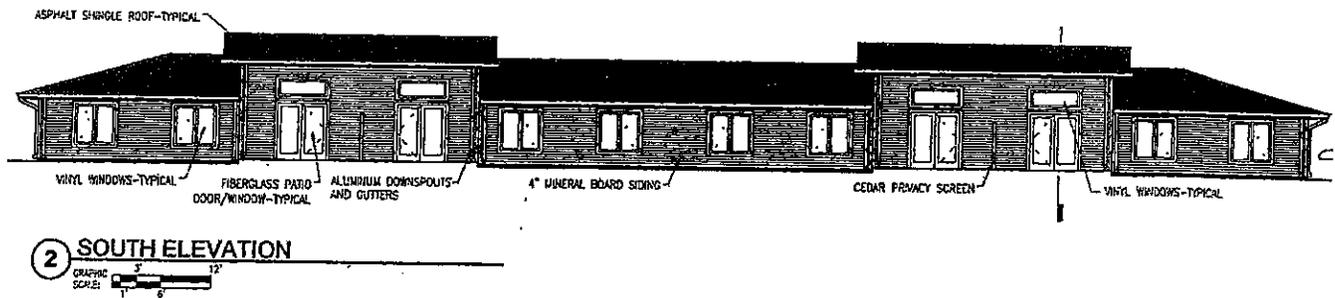


## SENIOR INDEPENDENT HOUSING

**PROJECT DESCRIPTION & BENEFIT:** This project will construct a 4-unit senior independent housing rental complex. The single story complex will be located on property currently owned by Homer Senior Citizens (HSC) on Swatzell Street. Approximate size will be 5,620 square feet. The complex will consist of four 2-bedroom units which will be rented at market rate to seniors 55 years and older. All units will be handicapped equipped.

At present, all of HSC's 42 units of independent rental housing are full and there is a waiting list of 45 individuals who wish to move into rental housing. This project will provide safe, affordable rental housing to a rapidly increasing segment of Homer's population. It is important that these units be built because most rental units that are available in Homer, other than those owned by HSC, are not handicap accessible. The housing is also important because it allows seniors to remain in the community. Senior citizens typically shop locally, provide expertise in a variety of fields, and provide more volunteer hours than any other age group. In addition, their contributions as friends and family members are of great value to the social fabric of the community.

**PLANS & PROGRESS:** This project is presently in the preliminary planning stages. Land for the project has been acquired by HSC. A preliminary application for construction funds was submitted to Alaska Housing Finance Corporation (AHFC) in June 2008. If the preliminary application is approved, a full grant proposal will be prepared and submitted in October 2008. It is anticipated that funding for the project will come from Alaska Housing Finance Corporation, the Denali Commission, private loans, private donations, and HSC funds. Final approval for AHFC funding requires approval of the Legislature and the Governor.



2 SOUTH ELEVATION

GRAPHIC SCALE: 1" = 6'





## SOUTH PENINSULA HOSPITAL: ENHANCED COMMUNICATION SYSTEM

**PROJECT DESCRIPTION & BENEFIT:** An Enhanced Hospital Communication System is needed to provide immediate and continuous communication for clinical healthcare workers at South Peninsula Hospital. The hospital encourages physicians and nursing staff to be at patient bedside; however, that time is limited due to the need for staff to confer with each other and document the needs of the patient. A new system will allow physicians and staff to talk with each other without being in the same room; hence, more time can be spent with patients.

An Enhanced Hospital Communication System will allow clinical staff to better respond to the needs of patients and fellow staff. It is facilitated by a small device which can be clipped to a uniform or identification badge. It enables instant 2-way voice communication, the transmission of data, the ability to send alerts or text messages, and the ability to make phone calls. On command, the information is integrated directly into the patient's electronic health record, resulting in fewer errors and better quality of care.

Such a system increases efficiency since work can be performed from all locations in the hospital without waiting to get to a designated work station. Not only is this system critical for the quality of patient care, improved customer service, and improved staff efficiencies on a daily basis, it will be invaluable as an emergency response communication system.

**PLANS & PROGRESS:** Systems have been researched and price quotes obtained. Pricing here is based on the Vocera brand. The existing hospital information system is being altered to integrate with this system.

Cost: \$31,000 (includes system software and hardware purchase and installation)



An Enhanced Hospital Communication System allows staff to communicate with each other at the touch of a button on a device clipped to a pocket or ID badge or worn on a lanyard around the neck. Shown here are staff at Memorial Healthcare in Owosso, Michigan, which touts its use of





## SOUTH PENINSULA HOSPITAL:

### NEW SURGERY DOORS

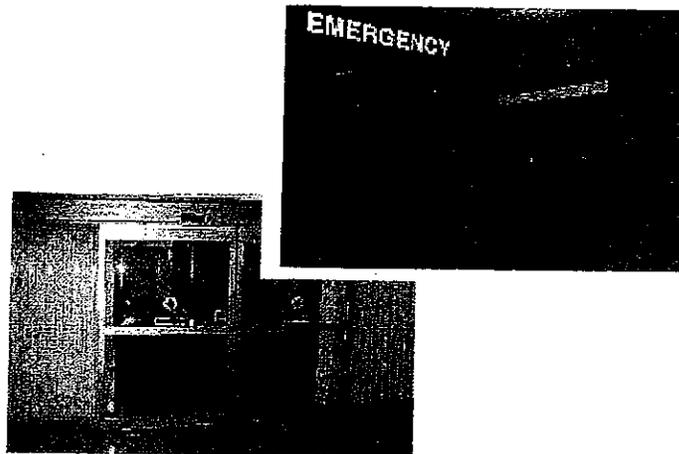
**PROJECT DESCRIPTION & BENEFIT:** South Peninsula Hospital's Surgery Department has a need for ergonomic, hospital-grade automatic operating room doors for to reduce the risk of injury to patients, staff, and surgeons and to comply with fire safety codes. The project consists of replacing the door in each of two operating rooms at the hospital with automatic doors constructed of metal and glass that meet new safety standards.

The existing doors are of a swinging style which creates a risk for staff due to the way they are opened. Staff routinely open the doors with a foot or arm in the interest of maintaining a sterile environment. However, this awkward maneuver puts staff at risk of injury.

Automatic doors will also help prevent the staff injuries incurred while moving patient stretchers in and out of the room through the manually operated doors currently in place. New, automatically opening doors will provide a significant improvement for a vital 30-year old section of the hospital to comply with current industry standards.

**PLANS & PROGRESS:** Door types have been researched and a preferred model has been selected.

**Cost:** \$32,000 for two doors, including installation. South Peninsula Hospital staff will provide site prep to make the project construction-ready.



Proposed automatic opening surgery doors at South Peninsula Hospital would be similar to the models shown here.



## APPENDICES

Explanation of Project Table

Project Table

City of Homer Long-Range Capital Projects

City of Homer Financing Assumptions

CIP Development Schedule

CIP News Release

Public Hearing Notice



## PROJECT TABLE – EXPLANATION

- Category:** Type of project: Road/Trail, Structure, Utility, Equipment
- Project:** Title of project
- Cost:** Total project cost
- Priority Level:** The numbers in this column refer to Priority Level 1 (highest), Priority Level 2, or Priority Level 3. In setting a priority level, the Homer City Council considers such questions as:
- Will the project correct a problem that poses a clear danger to human health and safety?
  - Will the project significantly enhance City revenues or prevent significant financial loss?
  - Is the project widely supported within the community?
  - Has the project already been partially funded?
  - Is it likely that the project will be funded only if it is identified as being of highest priority?
  - Has the project been in the CIP for a long time?
  - Is the project specifically recommended in other City of Homer long-range plans?
  - Will the project provide significant economic benefits to the community?
  - Is the project strongly supported by one or more City advisory bodies?
- These factors are weighed in combination to arrive at a priority determination.
- Year:** An X in one or more years indicates when the project is scheduled for implementation.
- Year to CIP:** Year when project was first included in the City of Homer Capital Improvement Plan



**CITY OF HOMER  
CAPITAL IMPROVEMENT PROJECTS 2010-2015**

Project Description	\$ Cost	Priority Level	YEAR							Year To CIP
			2010	2011	2012	2013	2014	2015		
Kachemak Bay Tidal Power -- Feasibility and Conceptual Design	1.15 M	1	X	X						2009
Sewer Treatment Plan Bio-solids Treatment Improvements	5.245 M	1	X	X	X					2009
Water Storage/Distribution Improvements	3.9 M	1	X	X	X	X				2009
<b>EQUIPMENT</b>										
Brush/Wildland Firefighting Truck	120,000	2		X						2009
Fire Engine 4 Refurbishment	150,000	1	X							2009
Firefighting Enhancement /Aerial Truck	800,000	1	X							1992
Fire Pump Testing Trailer	70,000	2		X						2009
Harbor Float Replacement / Ramp 3 Gangway and Approach	3.55 M	1	X	X						2006
Passenger Ship Gangway	150,000	2			X					2003
Pioneer Dock Fenders	80,000	2		X						2003
Tide Gauge/Meteorological Station	210,000	2			X					2004

Note: Only projects to be undertaken by the City of Homer are listed here. List does not include State transportation projects or those sponsored by non-profits or other organizations.



- The Beluga Lake Trail will partially encircle Beluga Lake with a raised platform trail that includes a wildlife observation site. The trail will connect neighborhoods and business districts on the north and south sides of the lake.
- The East Trunk Trail will provide a wide gravel pathway from Ben Walters Park east along the City sewer easement, along the north side of Beluga Lake (connecting with the Beluga Lake Trail), and eventually reaching East End Road near Kachemak City.

The completed trail system will connect Paul Banks Elementary School, the Meadowood Subdivision, and other subdivisions and residential areas to Ben Walters Park and also provide hiking, biking, and wildlife viewing opportunities around Beluga Lake. In addition, it will provide an important non-motorized transportation route.

The Beluga Lake Trail and a trail connection to Paul Banks Elementary School and East End Road are included in the 2004 City of Homer Non-Motorized Transportation and Trail Plan.

Cost: Beluga Lake Trail—\$1.5 M      East Trunk Trail—\$2 M      Priority Level 3

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Homer Coastal Trail. Homer's coastal environment provides enormous scenic and recreational opportunities for area residents and visitors and has helped attract world-class educational and research facilities such as those incorporated in the new Islands and Ocean Visitor Center. With trail development in the area from Mariner Park to Bishop's Beach, the potential exists for even greater access to and appreciation of this unique resource, by individuals of all ages and physical abilities.

The 1.3 mile Homer Coastal Trail would be completed in three phases. Phase 1 will be to install rip-rap revetment and construct a paved asphalt pedestrian trail along the top of the new Ocean Bluff seawall, providing a route along this previously difficult-to-access section of the coast. Phase 2 will involve construction of a bridge over Beluga Slough and a boardwalk trail through the intertidal zone west to Bishop's Beach. Phase 3 will provide a boardwalk trail from the seawall to Mariner Park. The new trail will connect with the existing Beluga Slough trail and Homer Spit Trail. It will be enjoyed by hundreds of visitors and residents each year, contributing to quality of life and economic development.

Cost: Phase 1—\$2.5 million      Phase 2—\$1.2 million      Phase 3—\$1.5 million      Priority Level 3

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## STRUCTURES

Downtown Restroom. It is expected that one public restroom facility will be built in a downtown location before 2014. This project will provide an additional downtown restroom for the benefit of residents and visitors. Currently, the only public restroom facilities along Pioneer Avenue are in City Hall. With proposed "Town Center" development, the need for restroom facilities will increase as more people frequent the downtown area. The specific location will depend on Town Center development and on where the first downtown restroom is located.

Cost: \$400,000      Priority Level 3

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End of the Road Wayside, Phase 2. Phase 2 of this project will construct a plumbed bathroom.

Cost: \$400,000      Priority Level 3

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Homer Conference Center. Homer is a popular visitor destination and the visitor industry is a critical component of the local economy. However, millions more dollars might be spent in Homer if a meeting facility large enough to attract conferences with several hundred participants was available. Currently, Homer has no facility capable of providing meeting space for groups of more than 180 people.

Homer's reputation as an arts community will help attract meetings and audiences if a facility exists to accommodate and showcase these events. The conference center, featuring banquet/ballroom space and flexible meeting space, will fill this need. If the facility is located in Homer's developing Town Center, other area businesses would also benefit from the increased number of visitors attending meetings at the conference center.



Cost: \$400,000

Priority Level 3

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Homer Police Station. The Homer Police Station was built in stages from 1975 to 1983. The building is aging and it is time to plan for its replacement. The lot that the police station is on is not large enough to allow for continued expansion.

The existing facility is inadequate in space and design to meet the Police Department's current and future needs in several capacities. Particularly serious problems exist in the current jail spaces. Examples of problems throughout the facility include:

- Inadequate training and exercise spaces
- Shortage of storage space
- Health and safety deficiencies primarily involving an inadequate ventilation system
- No area for evidence processing of large items
- No crisis cell for special needs prisoners.
- Poorly designed jail entry area, booking room, and jail office spaces
- Inadequate space for communications equipment required for dispatch operations
- Existing dispatch spaces are too small for current and projected operational needs
- Unsafe and improper juvenile holding area
- Lack of adequate outside parking, both open and garaged

A new police station in Homer will benefit public safety area-wide. The Homer Police Department provides 9-1-1 services for many of the communities on the southern Kenai Peninsula and area-wide radio dispatching and support services to a host of agencies. The new facility will incorporate safety enhancements for all police personnel, reducing potential liability to the City.

Cost: Site acquisition/conceptual design—\$550,000      Design/site preparation—\$550,000

Construction—\$4.5 million      Priority Level 2

Note: A new Police Station could be built in conjunction with a new fire station. A combined facility would be less expensive to build and operate than if each facility is constructed separately. Certain areas could be shared between the two departments. A space needs study conducted in 2006 determined that a combined facility which includes indoor shooting lanes would require approximately 38,650 square feet.

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Jack Gist Park Restroom. Jack Gist Park has been in development since 1998 on 12.4 acres of land donated to the City of Homer by a private landowner. As originally envisioned by the Jack Gist Recreational Park Association, this parcel was to be developed primarily for softball fields. The long-term goal is to acquire adjacent properties that will provide space for soccer fields and an equestrian park. The proposed project will construct a restroom facility at Jack Gist Park, completing Phase 1 development. (Other aspects of Phase 1 are to be completed before 2014.)

Cost: \$400,000

Priority Level 3

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Karen Hornaday Park Improvements, Phase 2. Phase 2 park improvements will include Woodard Creek restoration, park entrance road realignment, west side parking, east side parking, Woodard Creek Trail construction (including a bridge to South Peninsula Hospital), and further landscaping improvements.

Cost: \$570,000

Priority Level 2

Mariner Park Improvements, Phase 2. This project will provide significant improvements to Mariner Park, at the base of the Homer Spit. As one of Homer's most popular recreation areas, Mariner Park attracts campers, beach walkers, kite-flyers, Spit Trail users, birders, people with dogs, and others who come to enjoy the views and open-air recreation opportunities. Homer's growing population and tourist visitation are placing greater demand on Mariner Park, increasing the need for recreation and safety enhancements.



A conceptual design for a 6-lane indoor shooting range was prepared for the City of Homer in 1996. Note: This project could be completed in conjunction with a new Police/Fire Hall complex.

Cost: \$1,000,000                      Priority Level 3

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## **UTILITIES**

Spit Water Line Replacement - Phase 4. The existing Homer Spit water line is 30 years old and is constructed of 10-inch cast iron. In recent years it has experienced an increasing number of leaks due to corrosion. The condition has been aggravated by development on the Spit resulting in increased load from fill material on an already strained system. Phase 4 of this project consists of construction of approximately 1,500 lineal feet of water main to the end of the Spit. Replacement of the Homer Spit waterline will ensure an uninterrupted water supply for public health, fire/life safety needs, and expanding economic activities on the Spit.

Cost: \$400,000                      Priority Level 3

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West Hill Water Transmission Main and Water Storage Tank. Currently, water from the Skyline treatment plant is delivered to Homer via two transmission mains. One main (12-inch) is located along East Hill Road and delivers water to the east side of town. The other (8-inch) runs directly down to the center of town. A third transmission main is needed to deliver water to the west side of town, provide water to the upper West Hill area, and provide backup support to the two existing transmission mains. A new water storage facility is also needed to meet the demands of a rapidly growing community.

The addition of a third water transmission main has been identified in comprehensive water planning documents for over twenty years.

Cost: Design--\$500,000      Construction--\$4.5 M                      Priority Level 2







## PROPOSED NEW PROJECTS

*NOTE: These projects will require City Council approval to be included in the CIP*

(City projects): Upgrade System 5 - Vessel Shore Power  
Deep Water Dock Upland Improvements (recommended by EDC)

South Peninsula Hospital RFID

Anchor Point to Homer Natural Gas Line  
(page not developed yet)





## City of Homer Capital Improvement Plan • 2011 - 2016

### DEEP WATER DOCK UPLAND IMPROVEMENTS

PROPOSED NEW PROJECT

**PROJECT DESCRIPTION & BENEFIT:** Homer's Deep Water Dock is utilized by a wide array of large vessels, including those related to freight hauling, government operations, and tourism (cruise ships). Currently, onshore amenities in the vicinity of the Deep Water Dock are lacking, contributing to inconvenience, discomfort, and even safety hazards for passengers and crew embarking and disembarking from the vessels. This project will address these needs by providing the following improvements:

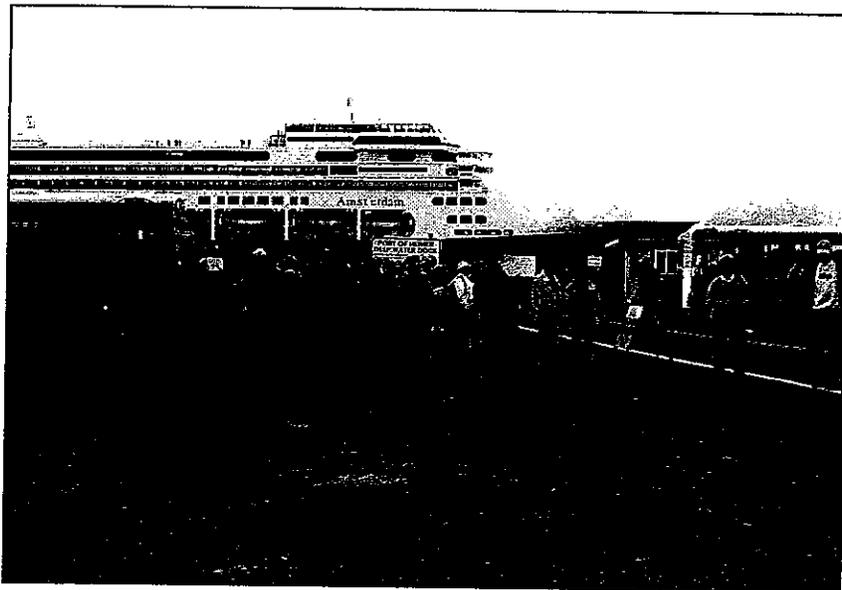
- Construct a guard house for security personnel that includes a public restroom.
- Construct an area that provides rain cover for those waiting to board a ship or waiting for ground transportation.
- Level and pave the staging area to control dust and reduce the risk of falling. Mark the pavement to facilitate traffic movement and parking.
- Establish an ADA-compliant trail along the east side of the existing harbor and Outer Dock Road (4000 lf). Include signage and park benches.

This project will also benefit local residents who utilize the east harbor area for work or recreation.

Cost: \$800,000  
(\$325,000 - guard house with restroom, \$35,000 - covered waiting area, \$45,000 - pave staging area, \$195,000 - trail, plus \$66,000 for engineering/design, \$30,000 for construction inspection, and \$104,000 contingency)

Schedule: ??

Priority Level: ??



A rough unmarked parking lot, lack of weather protection, and general disheveled appearance at the Deep Water Dock uplands do not provide the best first impression of Homer.





## NATURAL GAS PIPELINE ANCHOR POINT TO HOMER

**PROJECT DESCRIPTION & BENEFIT:** This project will provide natural gas to Homer from the North Fork field east of Anchor Point. The project will include a regulator station to feed both Anchor Point and Homer and approximately 14 miles of 8-inch plastic pipe. The distribution-rated line would serve home and business needs enroute and be able to supply 5 million cubic feet per day to Homer, which is adequate for a 30-year customer base buildout. Prospective customers can utilize the City of Homer's existing Limited Improvement District (LID) program to finance the cost of hook-up to the system. The benefit to Homer residents and businesses will be a reliable source of energy for heating/hot water at less than half the cost of fuel oil and roughly one-fifth of the cost of electricity or propane. Natural gas has the added benefit of having a relatively low carbon footprint as compared to fuel oil.

**PLANS AND PROGRESS:** The Alaska Legislature approved \$4.8 million for this project in April 2010; however, Governor Parnell reduced the amount to \$525,000 before signing the FY 2011 capital budget into law. The initial funding will enable completion of the regulator station and perhaps the first section of pipe heading south from Anchor Point to Homer.

Schedule and Cost: 2011—\$4.8 million      Priority Level 1

(Enstar will be able to provide map by October.)

PROPOSED NEW PROJECT



## MANAGERS REPORT

August 9, 2010

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

**FROM:** WALT WREDE

### UPDATES / FOLLOW-UP

1. **Bridge Creek Watershed / Proposed Wildfire Protection and Forest Health Restoration:** At the last meeting, the Council was introduced to a report prepared by the Borough Spruce Bark Beetle Mitigation Program staff which discussed wildfire danger and threats to water quality in the Bridge Creek watershed. The agenda for this meeting contains a resolution which accepts this report and authorizes the City to participate in a project that reduces the fuel load and institutes reforestation. The authors of the report will be at both the Committee of the Whole and the regular meeting to present a concept plan about how fire danger would be reduced, the forest restored, and water quality protected. This is where the "rubber meets the road" and is what most residents, adjacent property owners, and other concerned citizens will be most interested in. It is important that the Council make a decision soon about participation because the stimulus money must be committed by September 1. However, there is still plenty of time to work out the details of what is actually done. The plan will evolve based upon Council input and that of the public. Also, according to the City code, this activity will likely require a conditional use permit, so there will be at least one hearing at the Planning Commission.
2. **Spit Transfer of Responsibility Agreement (TORA):** This agenda contains a resolution approving a TORA between the City and ADOT/PF. This is the agreement under which the City is granted authority to regulate and maintain parking, pedestrian crossings, seasonal speed limits, loading zones, etc. within the ROW along the entire length of the Spit Road. At the time this report was written, the City was still discussing a few issues with DOT/PF and some amendments may still be coming. So, it is possible that we may ask Council to postpone this resolution for one meeting. But, we thought we would put it out there in its present form so that the Council and the community could get a look at it. It is not likely to change much.
3. **Main Street/Sterling Intersection:** Based on the discussion Council had at the last meeting, I wrote a letter to DOT/PF this week stating that the Council still preferred a traffic signal at the intersection of Main St. and the Sterling Highway. I provided a copy of the original resolution expressing that preference and stated that the City requests that DOT/PF begin this project as soon as possible; particularly since we know that DOT/PF now believes it can do it within the amount of money we have available.
4. **Sales Tax:** I have been receiving a fair amount of calls by people concerned that itinerant merchants and merchants at flea markets and other events are not collecting sales tax. We have had several discussions with the Borough Finance



it at the meeting if it wishes. Regina will be there to answer questions. This report is important because it shows us where we are at mid-year. You will recall that when the budget was adopted, the Council stated that it would like to look at perhaps adding some things or increasing funding for some items at mid-year if finances allowed. You will see that the departments are doing a good job at keeping expenditures in line with the budget. Revenues are a little down right now but that is expected since most of the sales tax and almost all of the property tax comes in later in the year. The next quarter, ending September 30, will really tell the story on the sales tax. In short, I don't see any indication at this time that Council can safely add anything major back into the budget.

8. Anchor Point / Homer Gas Line: At the last meeting, the Council approved Memorandum 10-93 which set out a recommended course of action on the Anchor Point to Homer gas line project. Council heard testimony from Enstar that it is ready to build the regulation station and stage one of the gas line to the Anchor River this fall, hopefully starting on September 1. Doing this has advantages because it will set us up to seek the money for Phase II ; the rest of the line into Homer and on to Kachemak City. To do the work on this timeframe will require a leap of faith by the Council. Enstar and the City are currently working on an agreement/contract which should not take too long to complete. After that, Enstar will need a formal Notice to Proceed. They will upfront the money, build the project, and bill the City after the project is complete. One possible hurdle is that we don't have the grant agreement yet. Council normally passes an ordinance accepting and appropriating grants. To stay on this schedule, I would have to issue a notice to proceed before the Council formally accepts the money. If I do that, and the Council changes its mind and does not accept the grant, the City would be on the hook for the money Enstar expended to build the project. I think Council might want to discuss this a little before I proceed too much further to make sure we are all on the same page.

ATTACHMENTS *- not included*

1. Letter from the Pratt Museum
2. July 30, 2010 Treasurer's Report





*Office of the Mayor*  
*James C. Hornaday*

Homer City Hall  
491 E. Pioneer Avenue  
Homer, Alaska 99603-7624

Phone 907-235-8121 x2229  
Fax 907-235-3143

August 11, 2010

Franco Venuti  
P.O. Box 3652  
Homer, AK 99603

Dear Franco,

Congratulations! Council confirmed/approved your appointment to the Advisory Planning Commission during their Regular Meeting of August 9, 2010, via Memorandum 10-107.

Included is the 2010 Public Official Conflict of Interest Disclosure Statement. Please complete this document and return to the Clerk's office. This form will be retained in the Clerk's office. It is a public document and may be requested by any member of the public. In the event the Public Official Conflict of Interest Disclosure Statement is requested by a member of the public, you will be notified of the requestor's name.

Also included is the Code of Ethics as outlined in Homer City Code 1.18. This provides important guidelines in your role as a commissioner as to conduct and conflicts of interest.

Thank you for your willingness to serve the City of Homer on the Advisory Planning Commission.

Your term will expire July 1, 2013.

Cordially,

James C. Hornaday, Mayor

Enc: Memorandum 10-107  
Certificate of Appointment  
HCC 1.18 Conflicts of Interest, Partiality & Code of Ethics  
2009 Public Official Conflict of Interest Disclosure Statement

Cc: Homer Advisory Planning Commission

(Good luck, Franco!)



# City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Greetings

Be It Known That

*Franco Venuti*

Has been appointed to

serve as

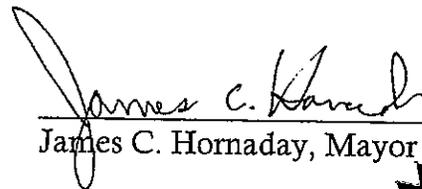
**"Commissioner"**

on the

**"Advisory Planning Commission"**

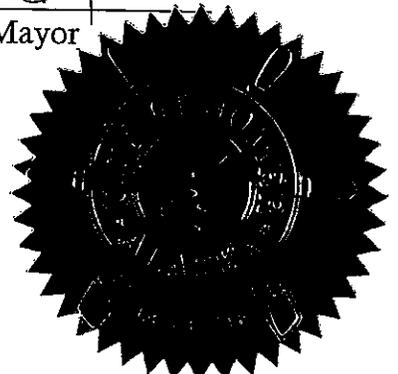
*This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.*

*In Witness whereof I hereunto set my hand  
this 11<sup>th</sup> day of August, 2010.*

  
James C. Hornaday, Mayor

Attest:

  
Jo Johnson, CMC, City Clerk







Office of the Mayor  
James C. Hornaday  
Homer City Hall  
491 E. Pioneer Avenue  
Homer, Alaska 99603-7624

Phone 907-235-8121 x2229  
Fax 907-235-3143

## MEMORANDUM 10-107

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: AUGUST 2, 2010

SUBJECT: APPOINTMENT OF FRANCO VENUTI TO THE PLANNING COMMISSION.

Franco Venuti is appointed to the Planning Commission to fill the seat vacated by Coletta Walker. His term will expire July 1, 2013.

### RECOMMENDATION:

Confirm the appointment of Franco Venuti to the Planning Commission.

Fiscal Note: N/A





**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.*"



### **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.

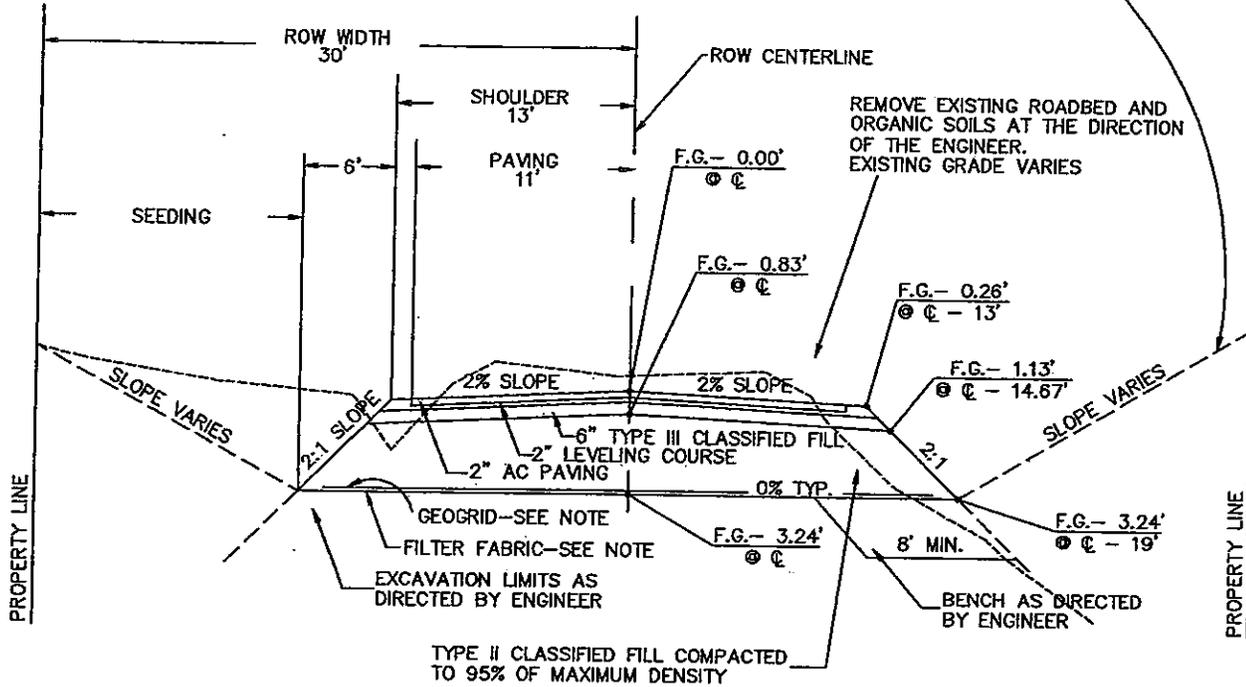
Some additional language in Homer City Code would make sense; recommended language is contained in the recommendations section below.

**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.



CUT BACKSLOPE AT A 2:1 SLOPE UNLESS CATCH POINT IS 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

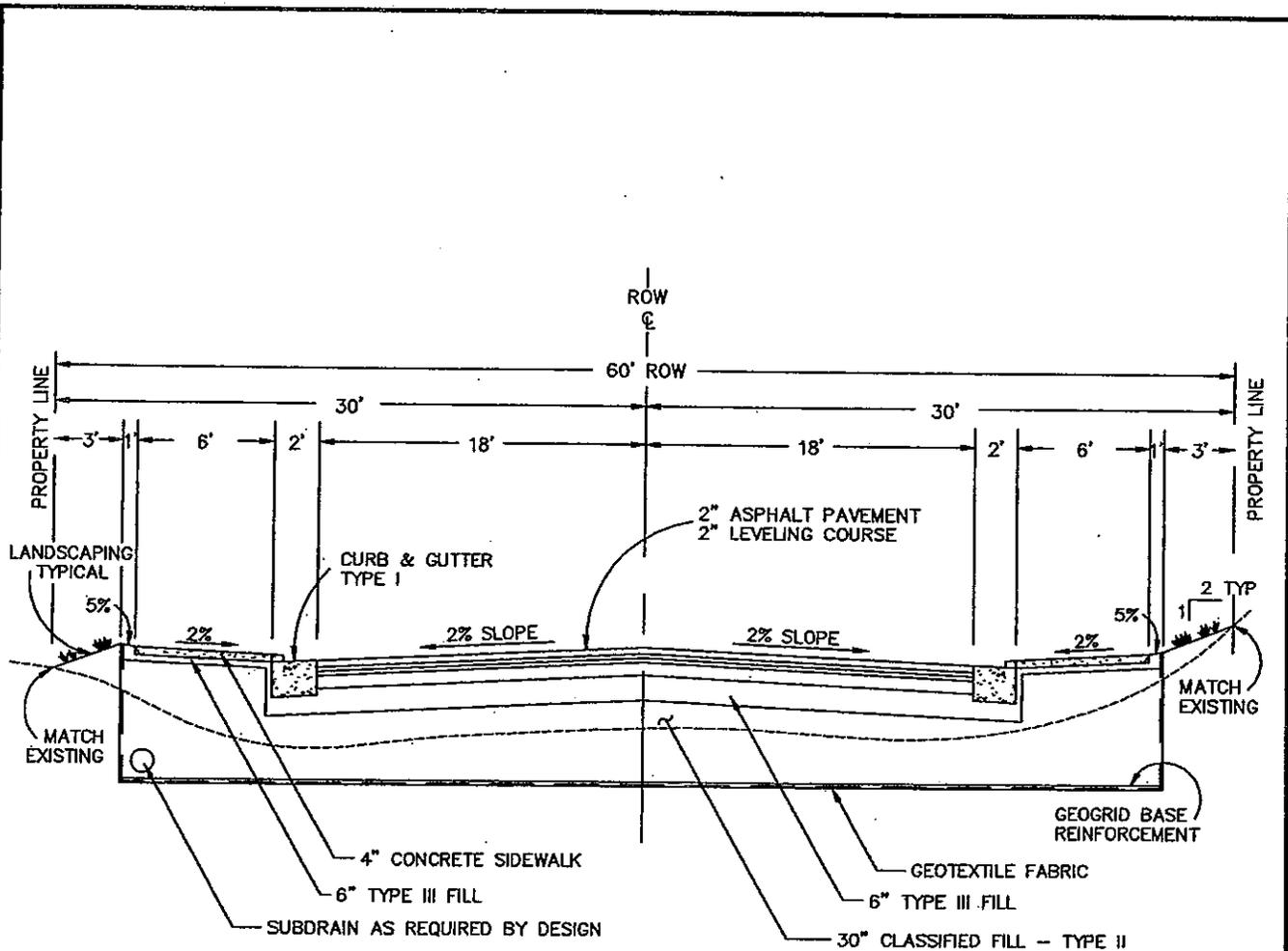
REVISED:  
6/99

TYPICAL ROADWAY SECTION  
RURAL

DETAIL #

**200.01**





NOTES:

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



SCALE:  
NTS

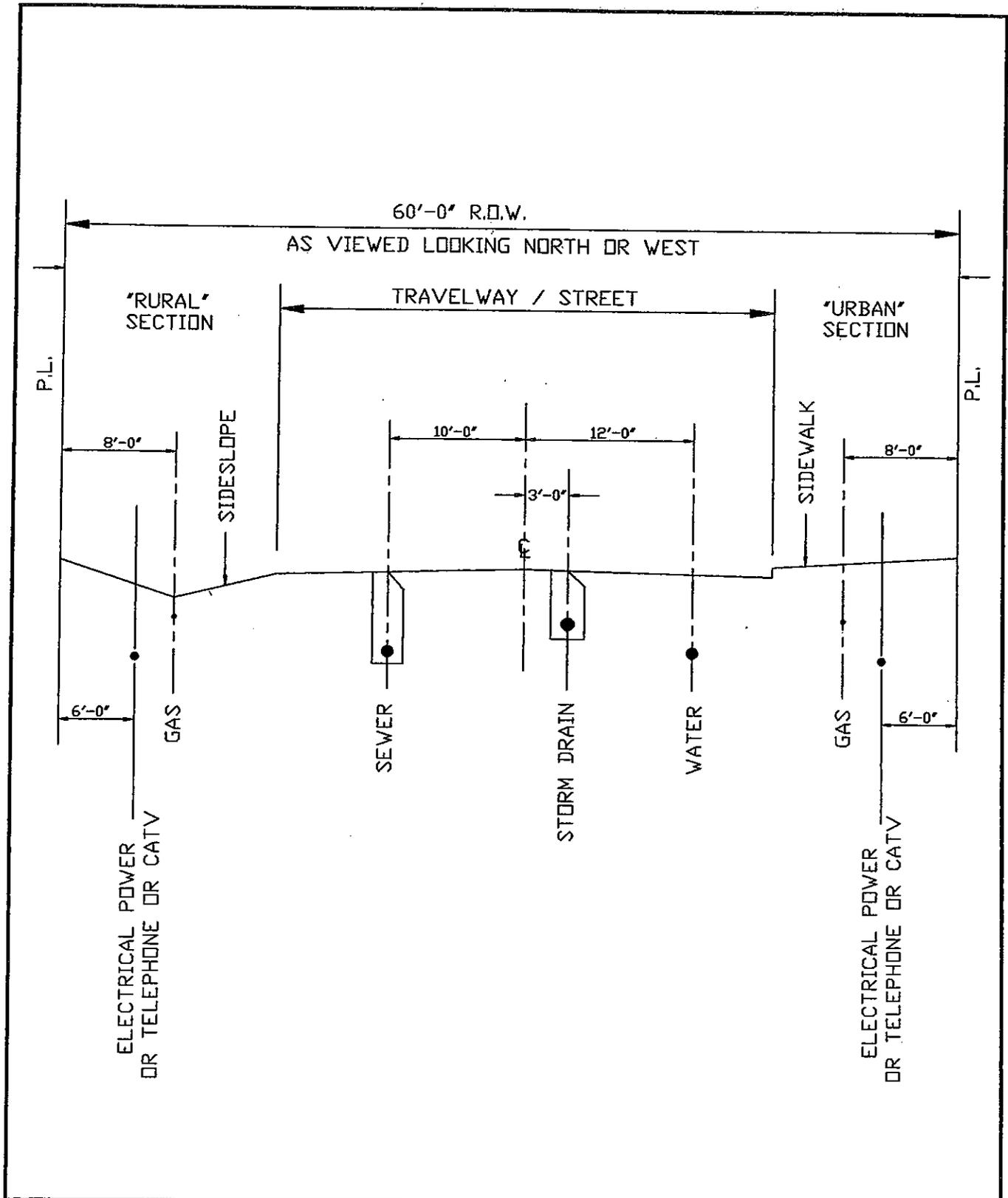
REVISED:  
6/99

TYPICAL ROADWAY SECTION  
URBAN  
(CURB, GUTTER & SIDEWALK)

DETAIL #

**200.02**





SCALE:  
NTS

REVISED:  
6/99

# TYPICAL UTILITY LOCATIONS

DETAIL #

**200.04**



**Rick Abboud**

---

**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.

---

**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?



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.



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.

=====  
=====  
**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)

=====  
=====  
**11.04.030 Definitions.** In this chapter, unless otherwise provided, or the contest 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.



*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.



CITY OF HOMER

2010 PUBLIC SIGN IN SHEET

Planning Commission Regular Meeting August 18, 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 checked="" type="checkbox"/>	<input type="checkbox"/>
2.	<i>Ray Jerney</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	<i>Henry H. Strand</i>	<input type="checkbox"/>	<input type="checkbox"/>
4.		<input 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"/>

## Shelly Rosencrans

---

**From:** Rex [rex@rexturner.com]  
**Sent:** Wednesday, August 18, 2010 4:41 PM  
**To:** Shelly Rosencrans  
**Subject:** FW: Conditional Fence Permit at 2617 Kachemak Drive

---

**From:** Rick Egelus [mailto:egelus@mtaonline.net]  
**Sent:** Wednesday, August 18, 2010 10:55 AM  
**To:** rex@rexturner.com  
**Subject:** Fw: Conditional Fence Permit at 2617 Kachemak Drive

**From:** Rick Egelus  
**Sent:** Tuesday, August 17, 2010 9:06 PM  
**To:** planning@cl.homer.ak.us  
**Subject:** Conditional Fence Permit at 2617 Kachemak Drive

Homer Advisory Planning Commission

This letter is in support of a Conditional Fence Permit for the Turner's property at 2617 Kachemak Drive. The Turner's are my next door neighbors, east of my property.

The history involving the right-a-way south of Kachemak Drive was clear cut about 5-6 years ago by a cable company.

They destroyed a natural barrier of spruce, birch, and alder that was mature and reached heights of 25-40 feet tall and cut a swath approximately 15 feet wide.

Being part time residents this clearing took place during our and Mr. Turners absence.

When the equipment reached the property of year round residents they brought a stop to the clear cutting and the cable company was forced to trench with minimal tree damage for the remainder of the project eastbound.

Looking down the right-a-way it is very obvious where the clear cutting stopped and how thick and mature the natural boundary was in front of my property and Turners.

I went to the DOT in Anchorage to see who authorized the cutting and was told that the company responsible would do the necessary reclamation.

The result was approximately 15 alder saplings being stuck in the mud about 1/4 to 1/2 inch diameter and 12 inches tall.

They never lived and had no chance of growing into what they cut down , we lost a privacy and noise barrier only because of our absence during the cable installation.

The fence is not offensive, and has been professionally installed.

Since the paving of Kachemak Drive the speeds and volume of traffic has increased dramatically. This causes a noise pollution that is offensive and not what we envisioned for our retirement homes in such a beautiful setting.

If the clear cutting had not occurred the noise would not be an issue.





# Kenai Peninsula Borough Planning Department

144 North Binkley

Soldotna, Alaska 99669-7599

Toll free within the Borough 1-800-478-4441, extension 2200

(907) 714-2200

## Petition to Vacate Public Right-of-Way/Section Line Easement Public Hearing Required

Upon receipt of complete application with fees and all required attachments a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- Fees - \$300 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Name of public right-of-way proposed to be vacated is Carter Drive and a Section line easement; dedicated by plat of \_\_\_\_\_ Subdivision, filed as Plat No. \_\_\_\_\_ in \_\_\_\_\_ Recording District.  Yes  No
- Are there associated utility easements to be vacated?  Yes  No
- Are easements in use by any utility company; if so which? \_\_\_\_\_
- Easement for public road or right-of-way as set out in (specify type of document) \_\_\_\_\_ as recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ of the \_\_\_\_\_ Recording District. (Copy of recorded document must be submitted with petition)
- Section Line Easement. Width of easement must be shown on sketch.
- Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11 x 17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed?  Yes  No
- Is right-of-way used by vehicles/pedestrians/other?  Yes  No
- Has section line easement been constructed?  Yes  No
- Is section line easement being used?  Yes  No
- Is alternative right-of-way being provided?  Yes  No

### The petitioner must provide reasonable justification for the vacation. Reason for vacating:

The portion of the section line easement being vacated runs through the City of Homer's water treatment plant complex. The security of this important municipal facility is of concern. Alternative access is provide around the complex via newly dedicated Carter Drive (see attached drawing).

The petition must be signed (written signature) by owners of majority of the front feet of land fronting part of right-of-way or section line easement proposed to be vacated. Each must include mailing address and legal description of his/her property.

Submitted by: Carey Meyer Signature  
Carey Meyer - PW Director Name  
City of Homer Address  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
(907) 235-3170 Phone

As:  Petitioner  Representative

Petitioners:

Signature Name  
Address  
Nancy J. Hillstrand  
PO Box 674  
Homer, Alaska 99603

Signature  
Name  
Address

Walt Wrede  
Walt Wrede - City Manager  
491 Pioneer Avenue  
Homer, Alaska 99603

Owner of  
Hillstrand Homestead

Owner of  
Lot 1 & 2

Signature Name  
Address  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature  
Name  
Address

Owner of  
\_\_\_\_\_  
\_\_\_\_\_

Owner of  
\_\_\_\_\_  
\_\_\_\_\_

**Legend**

-  Parcels
-  City Limits
-  Lots in Subdivision



SKYLINE DR.

DR.

There is a 66 foot wide section line easement running north/south. The whole section line within the proposed subdivision would be vacated. City Limits run along the section line.

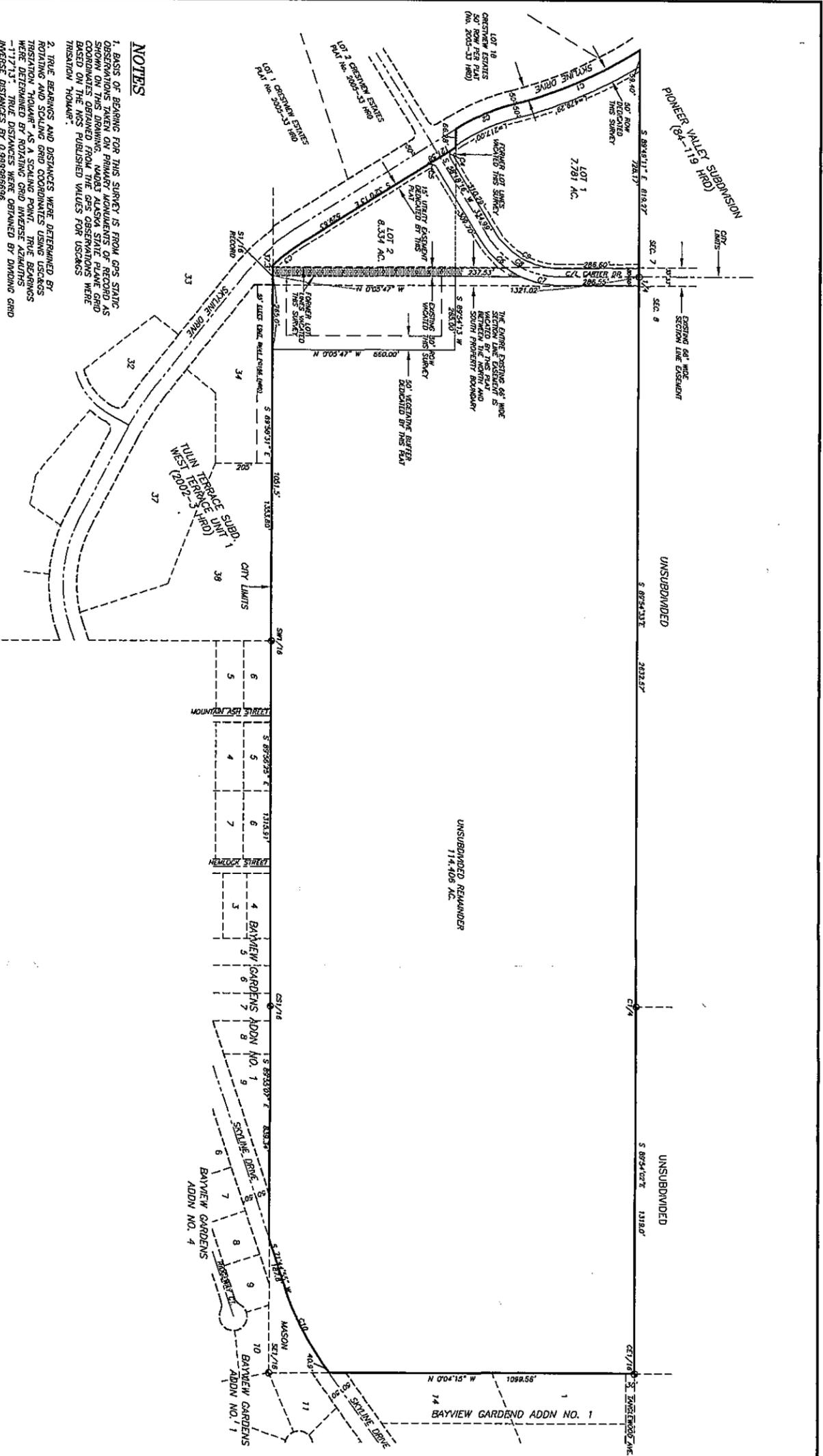
**Right of Way and Section Line Easement Vacation Map**

The panhandle portion of this lot may also be a dedicated right of way (30 ft). It is unclear how it was dedicated; therefore the City is petitioning to vacate the right of way to clear up any question of access.

MOUNTAIN ASH ST.

AL





**NOTES**

1. BASIS OF BEARING FOR THIS SURVEY IS FROM GPS STATIC OBSERVATIONS TAKEN ON PRIMARY MONUMENTS OF RECORD AS SHOWN ON THIS DRAWING. NAADS ALASKA STATE PLATE GRID BEARINGS DERIVED FROM THE GPS OBSERVATIONS BASED ON THE NAADS PUBLISHED VALUES FOR USCARCS TRINASTION THOMAS.
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING GRID COORDINATES USING USCARCS TRINASTION THOMAS AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -117°13'. TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.9999868686.
3. TRUE COORDINATE VALUES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON N=100,000 E=100,000 AT USCARCS TRINASTION THOMAS.
4. BASIS OF ELEVATION FOR THIS SURVEY IS THE NGSS PUBLISHED VALUE FOR USCARCS TRINASTION THOMAS (683.232 METERS) AND USCARCS (683.232) ELEVATIONS FROM GPS STATIC OBSERVATIONS FULL (683.232) ELEVATIONS FROM ELLIPSOID HEIGHT TO GEOD HEIGHT DETERMINED BY GEO0999.
5. BUILDING SETBACK-A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
6. THE FRONT 15' OF THE 20' BUILDING SETBACK IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
7. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOMER ZONING REGULATIONS.
8. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
9. PORTIONS OF THE SUBJECT LOTS MAY BE SUBJECT TO WETLAND REGULATIONS. OWNERS SHOULD CONTACT THE AGRY CORPS OF ENGINEERS PRIOR TO ANY DEVELOPMENT ACTIVITY IN WETLANDS.

**WASTEWATER DISPOSAL**

PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPT. OF ENVIRONMENTAL CONSERVATION.

**LEGEND**

- INDICATES 2-1/2" ALUM. CAP MONUMENT (2008-S 1976) RECOVERED THIS SURVEY
- INDICATES 2-1/2" BRASS CAP MONUMENT (3888-S 1977) RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR W/ 2" ALCAP (7388-S 2007) RECOVERED THIS SURVEY

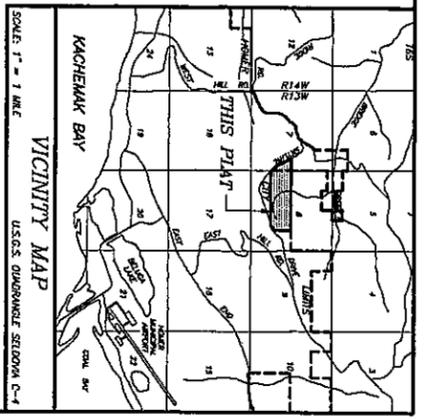
**CURVE TABLE**

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	165.20°	1500'	495.34'	S 23°59'30" E	493.13'
C2	172.81°	225'	73.01'	S 23°59'30" E	72.93'
C3	172.81°	225'	73.01'	S 23°59'30" E	72.93'
C4	85.41°	1500'	495.34'	S 23°59'30" E	493.13'
C5	90.18°	225'	73.01'	S 23°59'30" E	72.93'
C6	337.65°	330'	194.58'	N 47°24'50" E	191.76'
C7	243.71°	330'	141.80'	N 73°12'48" E	140.71'
C8	58.24°	300'	305.22'	N 28°08'14" E	297.72'
C9	58.24°	300'	305.22'	N 28°08'14" E	297.72'
C10	171.40°	1000'	300.75'	N 43°09'14" E	293.68'

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_ AUTHORIZED OFFICIAL



**CERTIFICATE OF OWNERSHIP**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADAPT THIS PLAT OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WALT WRENDE, CITY MANAGER  
FOR THE CITY OF HOMER  
491 E. PIONEER AVE.  
HOMER, ALASKA 99603

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF \_\_\_\_\_, 2010.

FOR: \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES \_\_\_\_\_

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF \_\_\_\_\_, 2010.

FOR: \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES \_\_\_\_\_

**HILLSTRANDS' HOMESTEAD**

HOMER RECORDING DISTRICT KRB FILE NO. 272

CONTAINED WITHIN THE NW1/4 SW1/4 SEC. 8 THE NE1/4 SW1/4 SEC. 8 LIVING NORTH OF SKYLENE DRIVE NE1/4 SE1/4 SEC. 7, EAST OF SKYLENE DRIVE AND WITHIN THE KENAI PENINSULA BOROUGH THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 130.521 ACRES

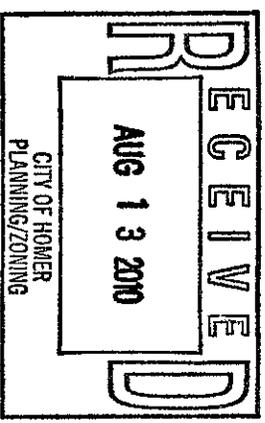
**SEABRIGHT SURVEY + DESIGN**  
KENTON T. BLOOM, P.L.S.  
1044 EAST ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 235-4247

DATE: 7/2010	SCALE: 1"=200'	SHEET #1 OF 1
DRAWN BY: KB	CHKD BY: KB	JOB #06-15(G)



SCALE 1" = 200'





P.O. Box 101161 • Anchorage, Alaska 99510 • [www.anchorageaudubon.org](http://www.anchorageaudubon.org)

*Anchorage Audubon Society is a chapter of the National Audubon Society*  
August 11, 2010

City of Homer Planning Department  
491 E. Pioneer Avenue  
Homer, Alaska 99603

Dear Planning Department and Commission:

The Anchorage Audubon Society urges you to protect as much shorebird habitat on the Homer Spit as possible. Shorebirds migrate through Kachemak Bay every spring, and the undeveloped habitats along the spit are major feeding and roosting areas for many species. The public, especially birders but also many casual observers, are attracted to this annual spectacle. Hundreds of people visit Homer during the Shorebird Festival (and spend money for lodging, transportation, food, and in retail stores.) And many come to Homer at other times throughout the year to enjoy the birds and their habitats.

The Anchorage Audubon Society is a conservation group with 1200 members in southcentral Alaska. We are affiliated with the National Audubon Society but are a separate nonprofit corporation. Our area includes the Kenai Peninsula as well as Anchorage. Our mission is conservation of Alaskan wildlife, protection of their habitats, and promoting enjoyment of wildlife by all members of the public.

Many of our members travel to Homer to enjoy the spectacular shorebird aggregations in Mud Bay and nearby. People come from other states to share the opportunity. Mud Bay probably offers the best and closest view of migrating shorebirds in Alaska, if not the entire West Coast. It is a treasure, and we urge you to maintain and protect it, for the people of Homer and the rest of us.

We recognize that it is necessary to plan for the future of the Homer Spit. We also recognize that you have to consider many types of use on the Spit. However, **we urge you to put a higher priority on protecting shorebird habitats.** You state in the plan that the public values natural areas; however, your goals and objectives do not make a strong statement about conservation of bird habitats or populations. Goal 1.6, "Protect public access to and enjoyment of the Spit's unique natural resources," does not list protection of

bird habitat among its objectives. The only mention of habitat conservation falls under an objective to “...protect traditional public use...” This objective includes one strategy for “Conservation of the Mud Bay area,” but the statement is weak and non-specific.

**We recommend that you add a third objective under Goal 1.6:** “Maintain and protect the fragile natural shorebird habitats along the Spit, so as to support the traditional public enjoyment of the area’s unique bird aggregations.” Strategies could include “Conserve and maintain all of Mud Bay in its natural condition as bird habitat,” and “Maintain rock and gravel habitats near Mud Bay in their current condition as feeding and roosting habitat for shorebirds, where recommended by wildlife experts.”

We support the recommendations presented to you by the Kachemak Bay Birders (June 21, 2010). This group’s statements are supported by their intensive and time-consuming monitoring of bird populations. Other wildlife experts can also be consulted in Homer, including those at state and federal agencies.

Thank you. We look forward to seeing the next stage of your plan.

Sincerely,

A handwritten signature in cursive script that reads "Vivian Mendenhall". The signature is written in dark ink and is positioned above the printed name and title.

Vivian Mendenhall, Ph.D.  
Conservation Chair, Anchorage Audubon Society

**Shelly Rosencrans**

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**From:** Melissa Jacobsen  
**Sent:** Tuesday, August 17, 2010 12:37 PM  
**To:** Shelly Rosencrans  
**Subject:** 2009 Planning Commission CJP Recommendations

Hi Shelly,

A lot of time Commissions ask what they recommended previously so would you provide this to the PC tomorrow night?

Thanks!!

BOS/SINN MOVED TO BRING STAFF REPORT PL 09-63 TO THE FLOOR FOR DISCUSSION.

There was no objection and discussion ensued.

The Commission ranked their priorities for recommendation to the City Council.

KRANICH/SINN MOVED TO RECOMMEND THE FOLLOWING LIST TO COUNCIL FOR CONSIDERATION:

1. Alternative Water Source
2. Sewer Treatment Plant Bio-solids Treatment Improvements
3. East Boat Harbor
4. Skyline Fire Station
5. Deep Water Dock Expansion
6. Port and Harbor Building

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Melissa Jacobsen, CMC  
Deputy City Clerk  
City of Homer, Alaska

*PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.*

