

November 3, 2010
5:30 P.M.

Cowles Council Chambers
491 East Pioneer Avenue
Homer, Alaska

WORK SESSION Advisory Planning Commission AGENDA

1. Call To Order, 5:30 P.M.
2. Discussion of Items on the Regular Meeting Agenda
3. Staff Report PL 10-105, Sign Code
4. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance (Outdoor Storage)
5. Staff Report PL 10-104, East End Mixed Use District
6. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
7. Commission Comments
8. Adjournment

**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 October 6, 2010 and October 20, 2010 *Page 1*
6. **Presentations**
7. **Reports**
 - A. Staff Report PL 10-106, City Planner's Report *Page 19*
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 10-99, Draft Subdivision Code Amendment *Page 33*
 - B. Staff Report PL 10-103, A request for exclusion from the regulations of the Bridge Creek Watershed Protection District at Lot 6 Eker Estates, 5620 Easy Street, on the NE corner of Easy Street and Skyline Drive *Page 45*
9. **Plat Consideration**
10. **Pending Business**
 - A. Staff Report PL 10-107, Ordinance 10-XX Amending Draft Steep Slope Ordinance *Page 55*
 - B. Staff Report PL 10-105, Proposed Sign code changes *Page 59*
 - C. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance (Outdoor Storage) *Page 71*
11. **New Business**
 - A. Staff Report PL 10-104, East End Mixed Use District *Page 79*
 - B. Staff Report PL 10-108, Meeting Schedule for 2011 *Page 89*
12. **Informational Materials**
 - A. City Manager's Report *Page 97*
 - B. "You'll Wish You Were Here," magazine article provided by Commissioner Highland *Page 103*
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 10:00 p.m. An extension is allowed by a vote of the Commission.
The next regular meeting will be held on December 1, 2010 at 7:00p.m. There will be a work session at 5:30p.m.



Session 10-15, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:00 p.m. on October 20, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, HIGHLAND, KRANICH, MINSCH, VENUTI

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

There were no items to be reconsidered.

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 the October 6, 2010 Minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030g
4. KPB Coastal Management Program Reports

Commissioner Highland requested the minutes be addressed under new business.

The amended consent agenda was approved by consensus of the Commission.

PRESENTATIONS

- A. Legal Issues Facing the Homer Advisory Planning Commission - Holly Wells, City Attorney

City Attorney Wells completed her presentation in the worksession.

REPORTS

- A. Staff Report PL 10-100, City Planner's Report

City Planner Abboud reviewed his report that was included in the packet.

PUBLIC HEARINGS

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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.

There were no public hearings scheduled.

PLAT CONSIDERATION

There were no plats scheduled for consideration.

PENDING BUSINESS

A. Staff Report PL 10-97, Draft Sign Code Amendment

City Planner Abboud reviewed the staff report.

DRUHOT/BOS MOVE TO DISCUSS AND MAKE RECOMMENDATIONS ON STAFF REPORT PL 10-97 DRAFT SIGN CODE AMENDMENT.

Commissioner Druhot said she thinks it is ready to go to public hearing and hear what people have to say.

Commissioner Kranich suggested adding "may be" on line 74 changing it to say Temporary signs may be displayed only during the hours the business is open.

There was brief discussion about political signs and City Planner Abboud explained that political signs are addressed elsewhere in code.

Commissioner Dolma questioned the square footage of signs on flat boards with signage on both sides and sandwich board signs. City Planner Abboud said he thought there shouldn't be a display of more than 16 square feet, but wants to confer with the staff who deal with this more frequently.

Commissioner Highland asked if this revision would keep us in the realm of allowing large unattractive signs. City Planner Abboud commented that the ordinance is more liberal in some instances where there are multiple buildings on a lot or boardwalk.

Chair Minsch would like to discuss it further at a worksession. The Commission has only had staff presentations and hasn't had an opportunity to discuss the ordinance yet.

There was brief discussion that there should be clarification about what would be considered a principle building.

Question was raised whether signs currently in place will be grandfathered when this is enacted. City Planner Abboud responded that this ordinance isn't more restrictive than current code so there wouldn't be an issue.

DRUHOT/HIGHLAND MOVED TO TAKE THIS TO A WORKSESSION.

There was discussion that staff will take care of scheduling.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 10-102, Ordinance 10-Xx Amending 21.50 Site Development Standards to Require Storm Water Plans, Enacting 21.50.150 Fill Standard and Establishing Standards for Fill

City Planner Abboud reviewed Rick reviewed staff report and reviewed Commissioner Kranich's laydown. He suggested they have discussion of consequences and consider the bigger picture resulting from the amendments.

BOS/KRANICH MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION AND RECOMMENDATION.

Commissioner Bos asked if they are creating an undesirable situation if they are allowing fill up to five feet of the lot line and a utility comes in needing a 15 foot easement. He does not support allowing concrete as fill. City Planner Abboud said he didn't see it as an issue as long as it is regular fill and not debris in the setback area. Commissioner Kranich noted that he is not changing the first part of line 74 where it states no fill closer than 5 feet to a side or rear lot line. He is recommending adding an exception when adjacent property owners agree to fill across the lot line with a development plan approved by the City Engineer.

Points raised regarding concrete as fill included:

- The concrete won't be visible because the area filled has to be capped.
- A concern is not what you see, but what you don't see.
- When building structure you will have to dig through all that stuff to lay lines and so forth.
- Regulating the size of concrete allowed as fill, it would behave the same way as rock.
- Ditch Witches tend to bounce off rock but seem to want to pick up concrete.
- How often is concrete available to be used for fill.

There was discussion about providing an opportunity to go through the CUP process for placing fill on a lot. City Planner Abboud commented that if this is a use it would become an ongoing issue and essentially create a dump. Chair Minsch noted that when this started they were trying to get away from that and now it is coming back. The debris needs to go out, as a city we are moving towards density and development on smaller lots in smaller areas resulting in less of a footprint and less of an opportunity to bury that stuff. She feels like they have lost their focus.

Commissioner Kranich suggested that we are trying to support responsible development, yet we are saying if you have something you create during the development get it out of the city. If we as the city are going to encourage the development we should be able to address all aspects of it. This will put a heavy strain on the landfill and soon have to start taking it up the road. There aren't many places in the city to place unused fill, but having a CUP, the public and a potential buyer are protected because when a title search is done, the CUP will show up and the City will have a record of what happened on the lot as well.

The Commission continued their discussion on the ideas for concrete, dump sites, filling across lot lines, and CUP's.

KRANICH/BOS MOVED TO PAGE DELETE NUMBER 5 LINE 74 AS INDICATED AND SUBSTITUTE AS PRESENTED IN THE LAYDOWN:

NO FILL MAY BE PLACED CLOSER THAN 5 FEET TO A SIDE OR REAR LOT LINE, WITH THE FOLLOWING EXCEPTION; FILL MAY BE PLACED ACROSS COMMON LOT LINES AFTER A DEVELOPMENT PLAN THAT INCLUDES A DRAINAGE PLAN HAS BEN APPROVED BY ALL PROPERTY OWNERS AND THE CITY ENGINEER.

There was discussion about what can be used as fill according to the ordinance.

MINSCH/KRANICH MOVED TO AMEND THE AMENDMENT TO SAY "CLEAN FILL" MAY BE PLACED...

There was no discussion.

VOTE: (Primary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE: (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Highland suggested considering a motion to address the ability to use concrete.

There was brief discussion that the Commission can continue to work through the notion of dealing with concrete and uses as dump sites after this ordinance is approved. This way they can get something on the books to start and take time to give appropriate consideration to uses of dump sites, districts, and so forth.

DOLMA/KRANICH MOVED TO ACCEPT HCC 21.50.150 AS AMENDED AND MOVE IT TO CITY COUNCIL.

There was brief discussion confirming that the entire ordinance as amended is moving forward to City Council and that staff will bring something back to them regarding fill and uses.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-101, Ordinance 10-xx amending Draft Steep Slope Ordinance

City Planner Abboud reviewed the staff report and laydown information from Commissioner Kranich.

KRANICH/BOS BRING TO THE FLOOR FOR DISCUSSION, RECOMMENDATIONS AND SCHEDULE FOR PUBLIC HEARING.

There was discussed of Commissioner Kranich's amendment after line 96 insert: 3. In 1 and 2 above the allowable area of development may be exceeded by and approved site plan,

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approved by the City Engineer under HCC 21.44.050. City Planner Abboud was agreeable with the concept and would want to run it by the attorney for review. Point was raised that it conflicts with current which code states the property owner has to hire an engineer and then it has to be approved by the City Engineer. Commissioner Kranich noted that it is the same language that is used on line 99.

There was discussion about the wording of the conditions, the use of negatives, and that it should be changed to be clearer.

City Planner Abboud had suggested adding a table and Commissioners thought that would be good to look at.

Commissioner Kranich noted his amendment to define a time frame for review by the City Engineer and it would be deemed approved if the applicant did not receive a response. City Planner Abboud said he did not speak to the Public Works Director about this but agrees that it should have a time frame for response. It was noted that there hasn't been a big problem in the past, but may be necessary when the economy turns around and it get busy again.

HIGHLAND/BOS MOVED THAT LINE 103 READ NO STRUCTURE MAY BE CLOSER TO THE TOP OF A RAVINE, STEEP SLOPE OR NON COASTAL BLUFF AND LINE 106 TO READ 1/3 OF THE HEIGHT OF THE STEEP SLOPE BUT NOT LESS THAN 15 FEET.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

KRANICH/BOS MOVED TO POSTPONE ACTION ON THE DRAFT STEEP SLOPE ORDINANCE UNTIL BROUGHT BACK BY STAFF.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

D. Staff Report PL 10-96, Draft Zoning Ordinance (Outdoor Storage)

City Planner Abboud reviewed the staff report.

BOS/HIGHLAND MOVED TO MOVE THIS TO A WORKSESSION FOR FURTHER DISCUSSION.

Commissioner Druhot expressed her concern about the 5 foot setback and would like to address it in the worksession.

Commissioner Venuti questioned why this is limited to junk cars when there are other things like boats, trucks, and so forth.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

A. October 6, 2010 Minutes

HIGHLAND/KRANICH MOVED TO HAVE THE CLERK REVIEW THE RECORDING AND MINUTES AND BRING THEM BACK FOR APPROVAL.

Commissioner Highland explained that she had already talked to Deputy City Clerk Jacobsen about her concerns.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. Resolution 10-78(A) A Resolution of the City Council adopting the 2011-2016 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2012
- B. Kenai Peninsula Borough Plat Committee meeting minutes of September 27, 2010
- C. Memo dated October 7, 2010 from Walt Wrede, City Manager to all City Employees regarding budget update.

COMMENTS OF THE AUDIENCE

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

Beau Burgess, city resident, commented that as he understands it the Commission just approved the site development standards and fill standards ordinance with slight amendment and the caveat that it would be understood that they will review fill standards in possibly another ordinance. He raised question what is the issue with concrete as fill and if they aren't allowing concrete why are they allowing rock. Why not put a size limit as earlier suggested. Concrete has compressive strength comparable to rock. He doesn't see the need to create legislation on what can and cannot be used. We aren't talking about construction debris, asphalt or toxic materials. We are talking about concrete which can improve chemical properties of soil and has compressive strength similar to rock. Why create a situation where a builder is unable to use a material that would otherwise be available and have it leave the city or go to the land fill. If size is an issue making trenching difficult why can't concrete be allowed to be used as a fill even below a structure. He can't imagine any engineer he has worked with say that it wouldn't have the proper compressive strength to support a structure. Footers are made from concrete for a reason so he doesn't understand the logic. He still reads the ordinance that wood can not be moved from one lot to another regardless of fill status. Some wording to make it explicit that wood can not be used from one lot to another and be buried would still be useful because you are making some forms of business and possibly what you can do with wood once you remove it from a lot pretty questionable. It seems to him that limiting what someone can do and cost incurred in cleaning up the lot creates an incentive structure for people to not dispose of a building or waste materials properly. Even with his small construction business he has to pay \$50 a load at the dump.

COMMENTS OF STAFF

There were no staff comments.

COMMENTS OF THE COMMISSION

Commissioners Venuti, Dolma, and Highland had no comment.

Commissioner Kranich responded to Mr. Burgess that the possibility of having fill sites for stumps and other things is still going to be on the Commission's worklist. He said it is nice to have a full table and hear everyone's input on the issues.

Commissioner Druhot welcomed Commissioner Dolma and said it is good to have a full table.

Commissioner Bos welcomed Commissioner Dolma and agrees that it is good to have a full group, it allows you to miss every once in a while and not feel terribly guilty.

Chair Minsch commended everyone on a good job.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at p.m. The next regular meeting is scheduled for November 3, 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: _____



Session 10-14, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:00 p.m. on October 6, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS DOLMA, HIGHLAND, KRANICH, MINSCH, VENUTI

ABSENT: COMMISSIONER BOS, DRUHOT

STAFF: CITY PLANNER ABBOUD
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

There were no items 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.

1. Approval of the September 15, 2010 Minutes
2. Draft Decisions and Findings for Conditional Use Permit 10-08 5655 Scenic View Place

Chair Minsch excused Commissioner Dolma from voting on the Consent Agenda because he was not present at the meeting.

The Consent Agenda was adopted by consensus of the Commission.

PRESENTATIONS

- A. Harbor Dredge Spoils- Port and Harbor Director Hawkins and Public Works Director Meyer

Port and Harbor Director Hawkins and Public Works Director Meyer commented to the Commission about beneficial uses for dredged materials from the harbor. The recommendation is to use the material to replenish eroded material along the beaches on the east and west sides of the spit and also create additional parking pads. A Corps of Engineers permit is needed to accomplish this. When they apply for the permit it will trigger public comment periods through the state agencies that will span a wider area than what the City could cover.

REPORTS

A. Staff Report PL 10-95, City Planner's Report

City Planner Abboud reviewed his report that was included in the packet.

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 10-85, Ordinance 10-xx Amending 21.50 Site Development Standards to Require Storm Water Plans, Enacting 21.50.150 Fill Standards and Establishing Standards for Filling Land

City Planner Abboud commented there was no change to the staff report or ordinance.

Chair Minsch opened the public hearing. There were no comments and the public hearing was closed.

KRANICH/HIGHLAND MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING 21.50 SITE DEVELOPMENT STANDARDS TO REQUIRE STORM WATER PLANS, ENACTING 21.50.150 FILL STANDARDS AND ESTABLISHING STANDARDS FOR FILLING LAND AND FORWARD IT TO COUNCIL FOR PUBLIC HEARING AND ADOPTION.

Commissioner Highland noted that the entire title of the ordinance wasn't read prior to the public hearing and wondered if there was public that intended to speak about the fill standards. It was determined that there was public wanting to comment and the opening of the hearing was not clear.

HIGHLAND/DOLMA MOVED TO POSTPONE DISCUSSION UNTIL AFTER THE PUBLIC HEARING IS RE-OPENED AND PUBLIC HAS THE OPPORTUNITY TO COMMENT.

Chair Minsch opened the public hearing.

Scott Adams, 30 year resident in the area and city resident by annexation, questioned why the City wants its own standards when the Corps of Engineers oversees whether you can put fill on your property. There was discussion that the ACOE addresses fill in the wetlands. Mr. Adams said they still look even if you aren't in the wetlands.

Beau Burgess, city resident, commented that the Corps of Engineers regulate any lot that has a portion of wetland; and upward of at least ¾ the land mass in Homer does have wetland via discharge slope or semi riparian area. He is trying to fully understand the need to regulate the kinds of fill that can be used. It seems like we are not accounting for all the possibilities of kinds of fill or uses for the fill. We are simply trying to legislate to avoid particular instances like what occurred out East Road where a large amount of trash was being used. He understands the need for the ordinance but would like to see a lot more flexibility and far thinking foresight put into what people can do. There is not a sufficient process for redress in situations. In his business they frequently remove stumps and macro woody debris when

clearing lots and put it to good use as retaining walls, mulch, or other products that can actually reduce erosion and serve some of the purposes this ordinance is trying to address. If we think this is an important thing to regulate, granted we are already overlapping Corps of Engineers jurisdiction when talking about wetlands, are we really putting enough thought into kinds of fill, what's allowed and addressing every possible situation.

There was brief discussion that there isn't an avenue through a CUP or other means in the ordinance for doing something as Mr. Burgess has suggested.

Dr. Nancy Livingston, city resident, commented that she supports this document and referenced her property, noting that in the absence of any regulation on fill in residential areas the lot adjacent to her was completely filled so that water was diverted and she had flooding in her home and damming in the property she owns in front of her home. The Daybreeze Subdivision lot where her property is located is made up of over 60 small lots. Lots now are smaller and regulations are needed as to what can be done in good conscience according to professional and industry standards. In her case good standards were not applied and there was no good conscience in what happened to her property. Therefore she had to resort to litigation to resolve it rather than looking to building and construction codes that should have been aligned and accountable to what is going on when the town is developing itself with regard to high quality residence. She thinks what is written here well address that and with the greater growth we have in area, and the topography for drainage and flooding, this needs to be addressed legislatively. We can not rely on the hands of novices. Should this not happen she would submit that the City needs to look at warning waivers and liability documents for realtors to issue to people purchasing such small lots, clarifying that there are no code regulations that apply to damages from fill should you incur it from another property owner that is adjacent to you so that you know this going in that your recourse will be expensive litigation. She encouraged the Commission to support the ordinance.

There were no more public comments and Chair Minsch closed the public hearing.

The postponed motion to adopt is back on the floor.

The Commission considered the concepts suggested by Mr. Burgess and ways to incorporate them so there isn't abuse of fill, but have a mechanism to allow the creative ideas. It was suggested it could be through a waiver or CUP that could be considered by staff or the Commission to utilize the materials the manners Mr. Burgess spoke of. It was noted that the ordinance does allow stumps and organic fill in any manner except where housing will be built. It doesn't appear to prohibit fill and placing stumps for erosion control. The ordinance doesn't prohibit removing stumps off your lot and taking them to the landfill or a disposal site that is probably outside the city. People are misusing fill and Homer is far enough along in its development that there needs to be some rules in place for this.

There was brief discussion of placement of fill along property lines where adjoining property owners are in agreement for filling their lots why would we want a setback that could create a canyon between the two lots. Point was raised that this could impact drainage. Public Works Director noted that there are situations where two lots might fill next to each other and it is a big encumbrance to have to provide a swale or ditch between them deeper than needed for drainage. He suggested that no fill can be placed within 5 feet of a side lot line of an adjacent lot that is not receiving fill. Two adjoining lots that are proposed to be filled to the same elevation, the five foot setback does not apply. City Planner Abboud suggested that

this gets into an area where it goes beyond our expertise and you would be looking at a waiver per an expert in the field. Mr. Meyer noted that there is a provision in the ordinance that a grading plan be prepared that is approved by the City Engineer so maybe that is an opportunity for the possibility of fill being placed up to the property line.

Question was raised why concrete is prohibited; it is no worse than large stone and it is not prohibited by DEC. Public Works Director Meyer participated in the discussion about using concrete. He noted that it is an inert substance and perhaps it is better used in someone's back yard than taking up expensive space in the land fill and smaller chunks of concrete are better than larger chunks. He advised against asphalt as it has potentially toxic substances in it. It is best not to place concrete under buildings, but trucking stuff to the land fill is an expensive way for society to deal with that type of material. Point was raised that we don't have building inspections or an avenue for establishing where it should and should not be placed.

Commissioner Kranich said he would talk to staff wording for amendments.

KRANICH/HIGHLAND MOVED TO POSTPONE ADOPTION TO THE NEXT MEETING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 10-84, Ordinance 10-xx Amending Draft Steep Slope Ordinance

City Planner Abboud reviewed laydown item noting that if the intent of the Commission to regulate setbacks from steep slope that they add they add the term steep slope into the list of ravine and non coastal bluff. He also suggests adding where they have 1/3 the height of the bluff, add or steep slope but not less than 15 feet.

Chair Minsch opened the public hearing.

Scott Adams, 30 year resident in the area and city resident by annexation, has a lot with slope development on East Hill. He agrees with the slope of 15 to 30% and not exceed the 25% of total area. He said when it comes to an area with a slope over 30% you are only allowed 10%, if you have a space that requires a long driveway, it is going to eat up a lot of the allowable area. He suggested it be increased to 15%. It states if a person wants to clear, fill, or grade they have to get a permit and he said that it is a lot of oversight by the city, and he questioned if he needs a permit to clear a few trees off his property or ditching around his house. Mr. Adams also noted that it gets vague when it comes to development of slopes 45% or greater. There should be a specific number so people can see what is happening and express their opinions about that. He knows Homer has interesting ground under each location so thinks that he has a hard time with this. His wife purchased a neighboring lot for a retirement property. With restrictions like this it is costly to develop and puts this expense on property owners.

There were no further comments and Chair Minsch closed the public hearing.

KRANICH/HIGHLAND MOVED TO BRING TO THE FLOOR FOR DISCUSSION AND RECOMMENDATION FOR FURTHER REVIEW BEFORE FORWARDING TO COUNCIL.

Commissioner Kranich raised concern about the formatting and layout as to the area of development and being able to have an engineer prepare a site plan allow for development exceeding the percentage limits. He is not sure he has the answer he wants that the information is readily available to a member of the public coming in to look at code. He would like to have it prepared in a clearer manner for the public to understand.

KRANICH/HIGHLAND MOVED TO POSTPONE TO THE NEXT MEETING AND HAVE IT AS AN ACTION ITEM.

There was no discussion.

VOTE: YES: HIGHLAND, DOLMA, KRANICH
NO: MINSCH, VENUTI

Motion failed for lack of a majority.

There was further discussion about Commissioner Kranich's concern regarding the clarity of the ordinance with regard to requirements for development on a slope greater than 45% and where the requirements are clearly outlined in code.

MINSCH/HIGHLAND MOVED TO RECONSIDER THE MOTION TO POSTPONE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion on the motion to postpone.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-86, Section Line Easement Vacation at Lot 4B-1 Dierich Addition

City Planner Abboud reviewed the staff report.

Roger Imhoff, project surveyor, said he was available to answer questions.

Chair Minsch opened the public hearing. There were no comments and the public hearing was closed.

KRANICH/DOLMA MOVED TO BRING TO THE FLOOR FOR ADOPTION STAFF REPORT 10-86, SECTION LINE EASEMENT VACATION AT LOT 4B-1 DIERICH ADDITION WITH STAFF RECOMMENDATIONS AND FINDINGS.

Commissioner Kranich commented that this is straight forward and the property fronts a dedicated right-of-way even though it is not constructed.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

D. Staff Report PL 10-93, Draft Ordinance 10-xx, Rezones

City Planner Abboud reviewed staff report.

Chair Minsch opened the public hearing. There were no public comments and the public hearing was closed.

KRANICH/HIGHLAND MOVED TO BRING THE DRAFT ORDINANCE TO THE FLOOR TO DISCUSS AND MAKE RECOMMENDATION AND/OR FORWARD TO COUNCIL.

There was no objection expressed and discussion ensued.

Commissioner Kranich commented that what qualifies for rezone is a muddy topic, but doesn't think there is any way to have it clear in black and white from the decisions of several court cases.

Chair Minsch said they have come a long way from a few sentences in their policy and procedures manual to codifying and making a stab at this. It is a moving target but it's a place to start.

KRANICH/HIGHLAND MOVED TO FORWARD THIS DRAFT ORDINANCE TO COUNCIL FOR PUBLIC HEARING AND ADOPTION.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

A. Staff Report PL 10-98, Dierich Section Line Easement Vacation Preliminary Plat

City Planner Abboud reviewed the staff report.

There were no comments from the applicant or the public.

KRANICH/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 10-98 DIERICH SECTION LINE EASEMENT VACATION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was discussion regarding the section line easement vacation process and the time it takes for it to make the rounds through the City, Borough, and State.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

There were no pending business items on the agenda.

NEW BUSINESS

A. Staff Report PL 10-92, Draft Subdivision Code Amendment

City Planner Abboud reviewed the staff report.

KRANICH/HIGHLAND MOVED TO SCHEDULE THE SUBDIVISION ORDINANCE UNDER STAFF REPORT 101-92 FOR PUBLIC HEARING AT THE NEXT MEETING.

Commissioner Kranich explained that the Commission had good discussion at the worksession. The ordinance clarifies granting utility easements which has been ambiguous to the Commission in the past. There is information regarding the Non Motorized Transportation and Trails Plan he encouraged everyone review this to ensure it is correct. City Planner Abboud said he would distinguish what is the Planning Commissions work and what is the staff and attorneys work.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 10-97, Draft Sign Code Amendment

City Planner Abboud reviewed the staff report.

KRANICH/HIGHLAND MOVED TO POSTPONE ACTION AND SCHEDULE AT THE NEXT WORKSESSION AND NEXT MEETING AS AN ACTION ITEM.

It was noted that the next worksession is Commission training with the City Attorney so the Commission agreed to have it on the next available worksession.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance (Outdoor Storage)

City Planner Abboud reviewed the staff report.

There was brief discussion about including commercial districts, provision for vehicles used for work, and if items can be concealed. It was suggested that seasonal use vehicles like tractors or snow plows can sit through the off season.

KRANICH/DOLMA MOVED TO POSTPONE THIS TO A WORKSESSION FOR FURTHER DISCUSSION.

City Planner Abboud noted that it will likely be December before it comes back.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager's Report
- B. Eker Estates No. 3 Replat Preliminary Plat and Driveway Permit
- C. Hillstrand's Homestead Preliminary Plat, Excerpt from KPB September 27, 2010 packet
- D. Letter dated September 29, 2010 to James Dolma from Mayor Hornaday regarding appointment to the Homer Advisory Planning Commission

COMMENTS OF THE AUDIENCE

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

Beau Burgess, city resident, thanked the Commission for taking more time to review the fine details of the steep slope and fill ordinances. He thinks there should be some attention to recourse of how to constructively use concrete and macro woody debris rather than seeing it in a land fill. On a humorous note, he said he does drive a small dump truck and parks it on his property.

Dr. Nancy Livingston, city resident, thanked the Commission for consideration of the fill ordinance and urged them to move something forward in a reasonable time frame and not stall indefinitely something that has been going on for a historical period of time. More complicatedly with the number of subdivisions in Homer the fact that those subdivisions have very small lots and anything done between two property owners on one common line not only affects the two property owners but also properties below them. Drainage down her lot line affects two houses below hers and the home adjacent to hers affects three. She was not afforded an opportunity of agreement with the common land owner but confronted with a situation that caused disastrous damage that should not have to happen to the 59 other homeowners in the subdivision. As it stands there is a total absence of this not recurring by not having any definition to the fill codes. She submits that there needs to be guidelines that are applicable to large and small estates and there needs to be some common base line that is more focused as opposed to just having a privilege for two people who share a common lot line and agree on their property. They can not mandate what happens on other adjoining properties and what might satisfy two may be very damaging to others. That being a given the Commission could consider a moratorium on subdivision or in real estate for selling these properties without people being forewarned through warning waiver and liability.

Scott Adams, city resident, advised the Commission that he was unaware of the CUP 10-08 at 5655 Scenic View Place. He said he is one of the affected land owners and he did not receive any notice about the proposed CUP. He questions where they propose to put the additional building because he thinks it will be on Skyline Drive, which affects his property because they abut a driveway to his property and that happened about 4 years ago. He has the property on Skyline and also on Scenic Place. He said he is not happy about this situation.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 6, 2010

Chair Minsch explained that the action has been completed and encouraged him to contact to Planning staff to address the issue of the public notice.

COMMENTS OF STAFF

City Planner Abboud had no comments.

COMMENTS OF THE COMMISSION

Commissioner Highland reiterated her dream that we have a balance between economy and environment. She thanked everyone for their time and welcomed Mr. Dolma to the Commission.

Commissioner Kranich welcomed Mr. Dolma and said it is good to have a full Commission again and looks forward to continue working with this group.

Commissioner Venuti thanked everyone.

Commissioner Dolma thanked the group for making him feel welcome.

Chair Minsch commented that they didn't get as much done as she hoped but there was good discussion and we will keep moving forward.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:30 p.m. The next regular meeting is scheduled for October 20, 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: _____





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STAFF REPORT PL 10-106

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: November 3, 2010
SUBJECT: Planning Director's Report

October 25th City Council Meeting

Resolution 10-87, A Resolution of the Homer City Council Expressing its Continued Strong Support for the Homer Deep Water Dock Construction Phase II Project and Expressing its Intent to Place a Bond Proposition in the Amount of Two Million Dollars on the October 2011 Regular Election Ballot Instead of the October 2010 Regular Election Ballot as Authorized by Resolution 08-72. City Manager.

ADOPTED with discussion.

Council scheduled a Worksession at 5:00 p.m. on November 8, 2010 to discuss the Budget.

Activities

Little by little we keep processing junk car vouchers. It has been arranged so that we will be able to continue to issue vouchers until the fund runs dry and not have to stop at the beginning of the next financial year (January).

A while back, I attended a presentation offered by the Kachemak Heritage Land Trust with a title of "Maintaining Landscape Connectivity on the Rapidly Changing Kenai Peninsula." Climate data has been gathered and models have been made that predict land around Homer could become drier and savanna like, in the next 100 years. I suppose 100 years is rapid in geology. This study did not look at the Homer area specifically but looked at the whole peninsula. I did learn about Caribou migration and moose travel in the central peninsula, but did not take away a whole lot information for local use other than the necessity of Homer to secure another water source. On the other hand, I just looked at some modeling presented on the Discovery web site that shows us and the rest of Alaska become much wetter over time. Stay tuned.

The Parks and Recreation Committee had a special meeting in order to review and produce comments to the Spit Comprehensive Plan prior to the deadline for comments.

I attended a meeting of the Southern Kenai Peninsula Communities Project. This project (for those who may not have heard) is a collaborative effort of wide ranging community stakeholders to identify needs and create an action plan to improve the overall health of our community. One of the actions that I have been

tapped to assist with is related to the advocacy and implementation of improved trails and non-motorized transportation. Things that I am addressing include implementation of the Non-motorized Trails and Transportation Plan adopted by City Council and affirmed in our Comprehensive Plan. The first action on this front is included in the Subdivision Ordinance. Find out more about the community project at <http://www.skpcommunitiesproject.net/>.

I also assisted with the City's presentation to Senator Begich touting our priority capital projects. He seemed very receptive and willing to help forward the projects as he is able.

I have been invited to another Homer Transportation Community Meeting. This meeting is to further disseminate a final draft report (executive summary found in the packet) on what I would call transportation opportunities in the Southern and Central Peninsula. They have identified a need for local transportation between Homer's central business district and the Homer Spit as well as between Homer and communities beyond. Probable costs and services have been identified and are presented in a report found at <http://lscs.com/projects/kenai/centraltm2.htm>. Unfortunately, I was out-voted for the time and the place of the meeting which falls on November 3 at 4pm at the South Peninsula Hospital Training Center.

Another wonderful project that I have become involved with is a Science Collaborative Project spearheaded by the Kachemak Bay Research Reserve and partnered by the City and other organizations. The study, "Assessing Coastal Uplift and Habitat Changes in a Glacially-Influenced Estuary System" will collect data to verify movement in the vertical datum in and near Kachemak Bay. Evidence that there has been a rise in land levels around the Bay has been noted of late. The project proposes to monitor the changes and provide data that may be relevant (to the Commission in this example) in making planning decisions regarding lands in or near the water. A meeting is planned November 30th from 10am-3pm at Islands and Ocean Visitor Center.

As the Chair of the City Hall Renovation & Expansion Task Force, I continue to work toward expansion and updates to City Hall. An RFP for a General Contractor has a deadline of November 30. It looks as though we should be able to have a two story, 4000ft. expansion with money left over for renovations to the existing structure. Of course, it is assured that we will not have all the money to do all we wish (a familiar theme in government these days).

Finally, as a member of the lease committee, I have been looking at some lease renewals. Both Chapple's Campground and Brad Faulkner's lease of lot 88-4 at the corner of Sterling and Fishdock Road are at the end of their respective lease terms without any renewals available. Additionally, the Wooden Boat Society has been seeking a lease for \$1 a year of 10,000 square feet near the theater.

Attachment: "Public Services Community Coordination Plat, excerpt, Executive Summary"

Executive Summary



Executive Summary

PROPOSED PLAN

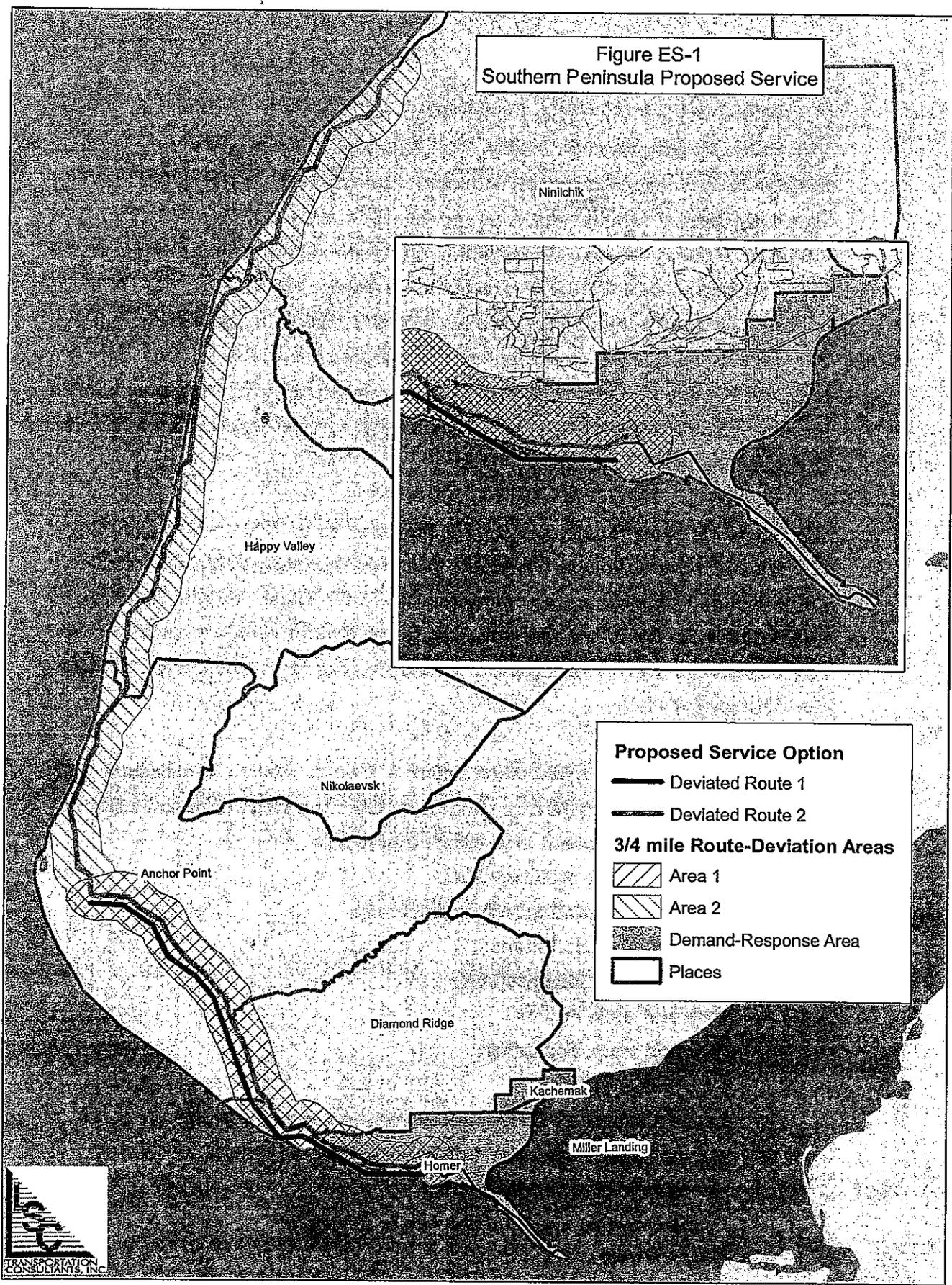
This Public Transit Human Services Community Coordination Plan for the Central and Southern Kenai Peninsula represents the culmination of six months of work by many people who have a true and abiding interest in the goodwill of the community. The recommendations of this plan are agreements-in-principle, with many details still to be worked out, agreements to sign, and steps taken in a thoughtful, careful way toward implementation. The recommendations are made for the Southern Peninsula and Central Peninsula independently, reflecting the autonomous nature of these two areas.

Proposed budgets appear in this document, and they too are agreements-in-principle. The proposed budgets list the participants expected to be part of future agreements; the actual amounts of contributions have yet to be approved. This level of detail is provided in a proposed budget format to show good faith efforts toward federal and state requirements. This Coordination Plan is a first step toward eligibility for Federal Transit Administration (FTA) funds administered by the State of Alaska Department of Transportation and Public Facilities.

Proposed Plan - Southern Peninsula

The proposed plan for the Southern Peninsula of the region consists of a mix of services: 1) regional routes from Ninilchik and Anchor Point to Homer, 2) demand-responsive service within Homer city limits, and 3) seasonal deviated-route service between the Homer central business district and the End of the Spit. These three types of services combine to create a balanced, regionally accessible system, as shown in Figure ES-1.

Figure ES-1
Southern Peninsula Proposed Service



Proposed Service Option

- Deviated Route 1
- - - Deviated Route 2

3/4 mile Route-Deviation Areas

- ▨ Area 1
- ▩ Area 2
- ▧ Demand-Response Area
- Places



The regional route from Anchor Point to Homer is designed to provide four round-trips daily, Monday through Friday. The other regional route, Ninilchik-Homer, has a more streamlined schedule, with two round-trips scheduled on Tuesday and Thursday. Homer demand-response service will operate between 6:00 a.m. and 7:00 p.m. Monday through Friday within city limits. Lastly, the seasonal service operating between the Homer central business district and the End of the Spit will operate Monday through Friday between 6:00 and 10:00 a.m., and again between 3:00 and 7:00 p.m. This service will only be in operation for five months, between May and September. Homer demand-response service is proposed to be started as a one-year demonstration program, with other services implemented after the demand-response service shows success.

The operating costs for the system are projected to be \$401,000 during 2011. There are also capital needs during the first year, including vehicle procurement and bus stop upgrades, in the amount of \$344,000. These capital costs drop off substantially in the following years, due to the lack of vehicle purchase costs. Fares associated with the system will be variable, with costs increasing the further the distance traveled.

Many steps need to be undertaken before a transit system can become fully functional. In order to implement service the following steps need to be taken:

- Finalize routes and then create a schedule.
- Determine bus stop locations.
- Develop route and schedule brochures.
- Develop job descriptions.
- Hire an operations position.
- Hire and train drivers.
- Hire and train dispatcher.
- Purchase a vehicle.
- Lease a facility for transit operations and vehicle storage.
- Set up administrative and dispatch space.
- Set up communications system.
- Prepare and conduct publicity prior to startup.
- Begin service.

Proposed Plan - Central Peninsula

In the Central Peninsula area, this coordinated human services plan and its study process have considered many coordination activities and many larger transportation alternatives, with input from a working group and the public over several meetings. The collective choice is to start from a base of coordination activities which will enhance existing transportation service delivery and step the whole of the public transportation community in the Central Peninsula toward a larger, more comprehensive change in service delivery.

The larger change envisioned is to move the Kenai-Soldotna service from demand-responsive service delivery to deviated-route service delivery. This decision represents a significant departure from current practices. As such, it will take time, strong partnerships, persistent commitment, and thorough communication to accomplish. While it will offer fixed schedules and a path that moves along a generalized route, it is not the traditional fixed-route service that the public may expect from more urban experiences.

The coordination activities envisioned by the group are ones that will require continued communication and collaboration. The coordination activities can improve the existing service efficiency and are necessary prerequisites to attempting the larger service delivery change. The coordination activities build the essential financial, political, and institutional/human foundation required for the larger service delivery change. If at any point along the process, the coordination activities plateau and do not build the larger foundation, then the public transportation community may discontinue pursuit of the larger change. Keeping the trust between the customer and the community of service providers is of utmost importance.

The Working Group discussed the various service alternatives and came to a consensus on the preferred coordinated transit service. Based on comments from participants at these meetings, the preferred service plan would focus on:

- Continuation of purchase-of-service program for demand-responsive transportation in Nikiski, Kasilof, Sterling, Funny River, and portions of Kenai, Soldotna, and Kalifornsky Beach.

- Gradual transition from demand-responsive to checkpoint or route-deviation service between Kenai and Soldotna along the Sterling Highway, Kalifornsky Beach Road, and the Bridge Access Road.

The purchase-of-service program will continue to operate much as it has for trips outside the Kenai-Soldotna corridor. This provides continuing flexibility for human service programs to determine eligibility for their clients and to select between CARTS and taxi providers as a means of delivering high quality, personalized service for their clients with diverse needs.

Figure ES-2 gives a graphic representation of the preferred transit service plan in the Kenai-Soldotna corridor. The preferred transit service would provide route-deviation services along the corridor. With route-deviation service, the vehicle would make scheduled stops at activity centers such as program sites, shopping areas, or residential communities. Between stops, the vehicles can provide demand-response service up to three-quarters of a mile either side of the route, alleviating the need for the ADA complementary paratransit service. Riders are picked up at the stops and taken either to another stop or to a demand-response specific destination. Service between the stops does not require advance reservations. However, service to/from any other location on a demand-response basis requires an advance reservation so that the vehicles can be scheduled for pick-up and drop-off.

The following is a list of activities that need to be completed to operate the preferred transit service.

- Begin proposed service contract negotiations
- Initiate a Project-Specific Coordinating Council
- Determine bus stop locations in concept
- Finalize routes and then create a schedule
- Finalize bus stop financing and implementation
- Finalize service contracts
- Develop route and schedule brochures/edit rider guide and website
- Train drivers and dispatchers/make procedure changes
- Prepare and conduct publicity prior to start-up

Executive Summary

- Begin service
- Monitor service

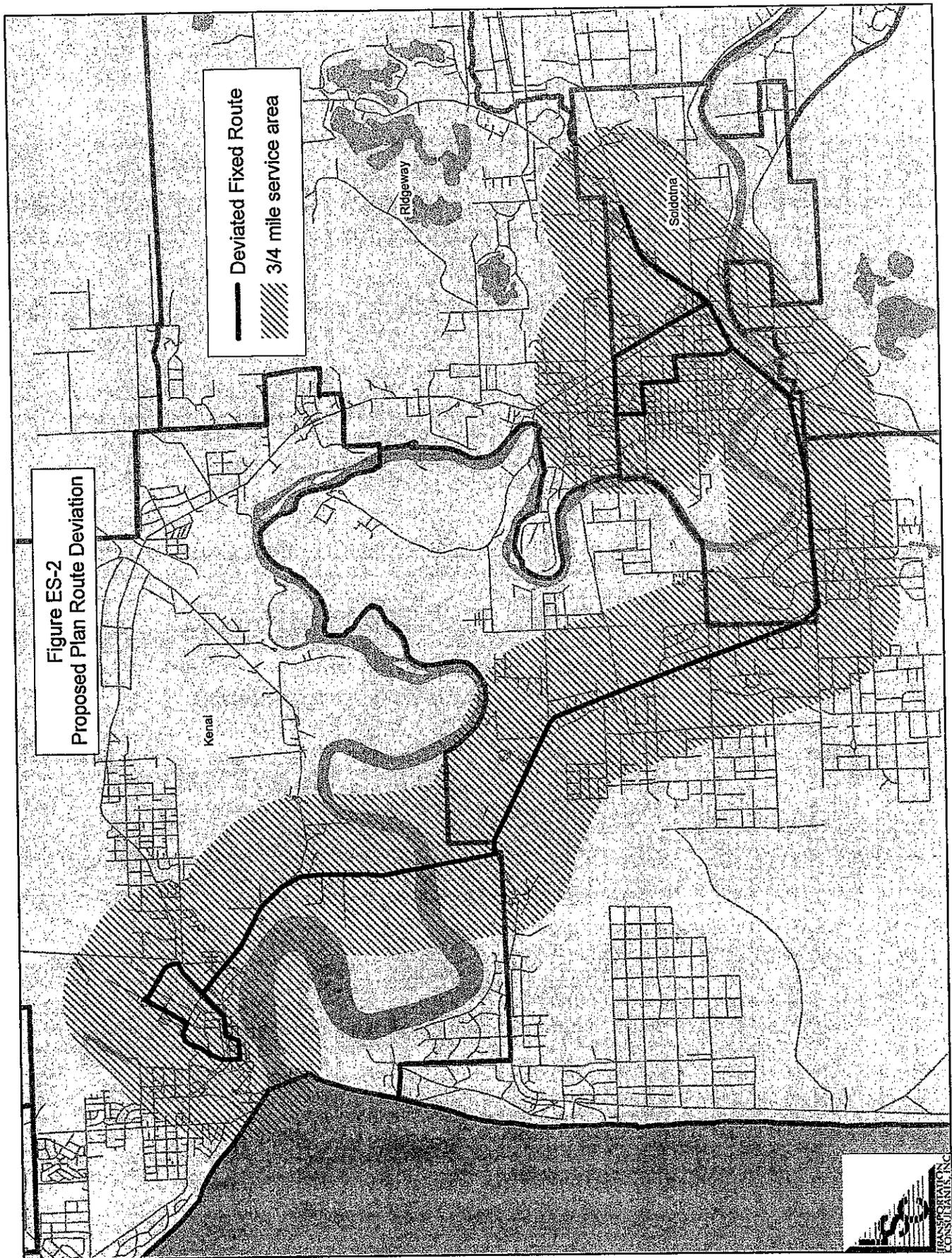


Figure ES-2
Proposed Plan Route Deviation



PUBLIC INVOLVEMENT

One of the key aspects of this plan was to solicit input and feedback throughout various stages of the planning process. During the initial kick-off meetings, the Working Group provided the planning team with the strengths and weaknesses of the region and transit system. Working Group meetings were held during the same time period as public meetings at three separate times during the planning process. For each visit the planning team made, public meetings were held in both Homer and Kenai/Soldotna to ensure adequate community involvement in the process. Meetings were held at the beginning of March, the end of April, and the end of May 2010.

EXISTING CONDITIONS

Community Conditions

The estimated 2010 US Census population for the study area is 42,981. The demographic information for the Central Kenai Area indicates that at any given time nearly 15 percent of the population is in need of public or human service transportation. Population is forecast to grow between one-half of one percent and one percent each year, with elderly population growing at a slightly faster rate.

The borough has a current unemployment rate of 8.8 percent, matching the rate of the state. The amount of unemployment in the Kenai Peninsula Borough has varied substantially between 1990 and 2009, according to Bureau of Labor Statistics data. The highest unemployment rate over the past 20 years was in 1992, when unemployment was 15 percent. Conversely, the lowest unemployment for the borough was experienced during 2007, with 7.7 percent.

The 2000 US Census yields information useful to this study regarding the means of transportation to and from work for Central Kenai Area residents. These data were tabulated for employees 16 years of age and older who were at work when the US Census questionnaire was completed. The majority of the Central Kenai Area workforce drives alone to work (12,327 people or 70.6 percent). Workers carpool (12.0 percent) and choose other means (7.2 percent) as the next most reported modes of transportation. Of the total, 0.3 percent of employees reported using

public transit (bus, ferryboat, and taxi) as their mode of transportation to work. Slightly over five percent of individuals reported working from home.

Existing Transportation Resources

There are 25 human services agencies, three churches/other organizations, two public school districts, six taxicab companies, and two private transportation providers that provide transportation within the Central Kenai Area. Most of these human service agencies are either private nonprofit agencies or government human service agencies. CARTS is the one public transportation provider in the area.

All agencies surveyed were asked to indicate the level of interest in a number of coordination strategies. In the Central Kenai Area, a level of coordination has existed for many years. There are opportunities for additional coordination or improvements to existing coordination.

Coordination activities that respect the independence of many agencies and the different client markets seemed to receive the most positive reaction. These activities included training, procurement, vehicle maintenance, and shared public information/marketing. Some degree of schedule coordination that would allow individual customers/consumers to transfer between services was viewed positively, as was the establishment of a fixed route. Coordination with like services is also an area of possibility.

Several activities received moderate or conditional acceptance. These conditional coordination activities included the purchase of transportation services from other organizations and joining with other organizations to consolidate some services.

Centralized and borough-wide coordination ideas received the least support. This more far-reaching level of coordination seemed to exceed the current level of trust, understanding, and common ground among agencies/organizations. Fears and concerns rise with perceptions of moving too fast toward far-reaching coordination or being forced into a one-size-fits-all coordination.

Transit Needs Assessment

Input received suggests there are people in the community doing without transportation, or phrased another way, that if more transportation services were available, more trips would be made. Various quantitative methods estimate this number of additional trips between 250 and 2,150 per day. While the greater number of 2,150 per day may sound large, it means that for the roughly 15 percent of the population that need public or human service transportation, one in three would make an additional trip each day if the appropriate service were available.

COORDINATION OPPORTUNITIES

The simplest means of coordination are communication actions, followed by basic acts of cooperation, then full coordination, and finally consolidation. A qualitative evaluation shows the likely input efforts required and the output benefits that could be expected.

One of the many coordination opportunities that exists for transit providers in the area is to create inclusive brochures and shared websites. These are simple measures that allow the public to access the breadth of transit options within the region. Another coordination opportunity exists in the realm of joint technical assistance, training, and planning. Participating in joint training reduces the amount of overlap in terms of positions, while also maximizing the effectiveness of skilled personnel between agencies. Coordinating councils and vehicle coordination allow for the sharing of human and physical resources at the same time. Lastly, service contracts allow for better use of resources by ensuring that local residents' needs are being met in the most efficient manner.

Potential Service Options

Preliminary service options and ideas were requested at the March round of meetings. For each service option, costs were developed, and where applicable, ridership estimated. These options are presented for discussion purposes and as the base for determining a preferred alternative. All of the service options generate a level of productivity, measured by passengers per hour, generally associated with demand-responsive or route-deviation service. These estimates of pro-

ductivity allow for comparisons to be made between the different types of service and geographic areas that are covered.

Institutional and Financial Options

Four institutional options for consideration are discussed in the document: (1) Coordinated Service, (2) Intergovernmental Agreements (IGA), (3) Intergovernmental Transit Agency (ITA), and (4) Regional Transportation Authority (RTA). Although the fourth is presented, it is not yet available in Alaska. CARTS operates by ITA with local IGAs and state authorization as the lead transit agency. It is possible to consider extending CARTS to Homer, or for Homer and the Southern Peninsula to collaboratively establish an ITA there.

Funding streams for capital expenditures are distinguished from funding streams for ongoing operating and maintenance costs. The two are both important to fully funding any service option. Local funding options such as taxes, assessments, fare revenues, transportation impact fees, and private contributions are all potential revenue streams for the proposed service. Many federal funding options are also available, including Federal Transit Administration funds for rural, elderly, and disabled programs; clean fuels; and job access. Federal health funding and federal funding for tribal transportation programs were also considered. Appropriate funding streams are shown in the final chapters and reflect the proposed coordination, service, and organizational changes.



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STAFF REPORT PL 10-99

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: November 3, 2010
SUBJECT: Draft Ordinance 10-xx Subdivision Code Amendments

Requested Action: Conduct a public hearing and make a recommendation to the City Council on the draft ordinance.

This staff report is divided into two sections. The first section will address changes to the subdivision and Title 11 code that concentrate on concerns of the Commission and staff. The second section addresses the changes for the Homer Non-Motorized Transportation and Trails Plan (HNMTTP), part of Homer's Comprehensive Plan. While the Commission was discussing changes to the subdivision code, staff brought forward an older ordinance that included changes to the same sections of code from the HNMTTP. Rather than have two separate ordinances to fix the same sections of code, staff compiled all the amendments into one ordinance.

I. Subdivision/Title 11 Changes

This ordinance addresses two longstanding issues. First, the ordinance creates a new definition of a subdivision, to include just about any type of platting action, not just the creation of a new lot. It has been a point of contention between surveyors and the city that a lot line vacation is not a subdivision and therefore the city cannot require the dedication of utility easements. Second, the requirement for utility easements has changed, from access to a 15 foot utility easement, to requiring a 15 foot utility easement along all rights of way. Homer has two titles in code that deal with subdividing and development; Title 11 Streets Sidewalks and Driveway Construction, and Title 22, Subdivisions. City code must be changes in both places. Therefore some amendments appear twice in the ordinance as each part of code must be amended separately.

Definition of a subdivision

Lines 33-40 and 110-115 change the definition of a subdivision to include most platting actions.

Utility easements

Lines 141-144 require a the dedication of a 15 foot utility easement along all rights of way. Current code only requires access to a 15 foot utility easement (which may or may not be on the subject property).

Lines 145-147 require that easements needed for future water and sewer service, as shown in the approved Water and Sewer Master Plan. The City of Homer adopted the most recent water and sewer

master plan in 2006. The plan is the product of a \$300,000, three-year project to model future water and sewer extensions city wide.

II. General Information on Public Access Easements

The Homer Non-Motorized Transportation and Trails Plan (HNMTTP) was adopted as part of the Homer Comprehensive Plan in 2005. Pages 46-49, Policies 4 and 5, list specific code changes need to implement the plan. The current ordinance in front of the Commission contains some code amendments called for by the plan and that work within the current code.

History

Several years ago, staff worked with Attorney Tans to draft an ordinance to implement the plan. At that time, there were two main issues that effectively stalled the ordinance. The first was the City had no adopted trail requirements (easement width, grade, etc). In 2009, the City adopted trail standards. The second issue was the City had not established historical access routes well enough to support the proposed code requirements. (Parts of the HNMTTP heavily emphasis protecting historical trails.) Historical trail access routes is an issue that is still unresolved, therefore staff is not recommending that part of the plan be implemented at this time. But there are sections of the plan that are ready for implementation.

There are some plan action items that have already been adopted. Since working on the original ordinance with Attorney Tans, there have been changes to Title 21, most notable a re-write in 2008. Some of the code changes during the re-write, such as 21.73 Site Plans and Right-of-Way Access, included some of the recommendations of the plan. Specifically, pedestrian access and flow information became a requirement on site plans. (Previous code language may have already required pedestrian connections in some districts but was inconsistent; the new code language made it clear when and what kind of pedestrian information was required.) Therefore some of the actions items of the HNMTTP have already been accomplished.

Analysis

This ordinance changes three different sections of city code: Title 11 Streets, Sidewalks and Driveway Construction, Title 21 Zoning and Planning, and Title 22 Subdivisions. The ordinance would require the granting of non-motorized public access easements during the subdivision and planned unit development processes, and that trails and easements meet city trail standards. The ordinance does not require the construction of these improvements, only the granting of the easement.

Title 11, Streets, Sidewalks and Driveway Construction

This ordinance makes three main amendments to Title 11. First, it adds definitions (see ordinance lines 42-52). Second, it requires trails be built to city trail standards (line 57). For example, if a developer wanted to build a public access trail, the trail must be built to city standards if the city is going to accept the easement, and responsibility of the trail. Title 11 is amended in more than one location for this requirement. The City adopted trail design and construction standards in 2009. Third, it requires the dedication of easements in certain situations – see lines 65-70. (Kenai Peninsula Borough Code already requires the dedication of pedestrian easements – see attachment).

Title 21 Zoning and Planning

This ordinance requires planned unit developments to provide public access easements in some circumstances. (Line 83)

Title 22 Subdivisions

This ordinance adds definitions to the Title (lines 97-104), requires the granting of easements during the subdivision process (lines 148-151), and also outlines how the city will accept easements (lines 152-155). This provision allows the Council to accept or reject easements, rather than the City Manager. City Manager Wrede felt it was important to have a process in code, so that trail easements are institutionalized. The decision to accept or reject an easement should not lie with a single individual. Potentially every time there is a different manager, the city policy on easements could change. By creating code and a process through City Council, the city will be more consistent over time.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission conduct a public hearing and make a recommendation to the City Council.

ATTACHMENTS

1. Draft Ordinance
2. Kenai Peninsula Subdivision Code on pedestrian easements



CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 11.04.030, DEFINITIONS; AMENDING HOMER CITY CODE 11.04.040, STREET CONSTRUCTION, DESIGN AND DEDICATION REQUIREMENTS—GENERAL; AMENDING HOMER CITY CODE 11.04.120, SIDEWALKS; AMENDING HOMER CITY CODE 21.52.030, DEVELOPMENT PLAN; AMENDING HOMER CITY CODE 22.10.030, DEFINITIONS; AMENDING HOMER CITY CODE 22.10.050, IMPROVEMENT REQUIREMENTS—GENERAL; AND HOMER CITY CODE 22.10.051, UTILITY EASEMENTS; REGARDING SUBDIVISIONS AND SUBDIVISION AND PLANNED UNIT DEVELOPMENT IMPROVEMENT REQUIREMENTS.

WHEREAS, The City of Homer City Council Adopted the Homer Non-motorized Transportation and Trails Plan on August 10, 2004; and

WHEREAS, The Homer Non-motorized Transportation and Trails Plan will guide the development of the non-motorized transportation and trails system for the City of Homer; and

WHEREAS, The Homer Non-motorized Transportation and Trails Plan contains suggested code amendments to implement its goals and objectives;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Subsection (y) of Homer City Code 11.04.030, Definitions, is amended to read as follows:

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 resubdivision. Any addition, deletion or relocation of the boundary of a tract or parcel of land shown on a recorded plat is a subdivision. ~~any subdivision, and~~ Wwhen appropriate to the context, the term shall refer to the process of subdividing or to the land or areas 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.~~

Section 2. Homer City Code 11.04.030, Definitions, is amended to add the following definitions, with subsections renumbered accordingly:

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

45 “Non-Motorized Transportation and Trail Plan” means the Homer Non-Motorized
46 Transportation and Trail Plan (2004), adopted as an element of the Homer Comprehensive
47 Plan by HCC 21.02.010(b).

48 “Non-motorized transportation corridor” means an easement or right-of-way
49 designated for public use for pedestrian, bicycle, equestrian or other non-motorized means
50 of transportation.

51 “Public access corridor” means an easement or right-of-way providing public access
52 through a lot, subdivision or development.

53
54 Section 3. Subsection (a) of Homer City Code 11.04.040, Street construction, design and
55 dedication requirements—General, is amended to read as follows:

56
57 a. All streets, ~~or~~ roads or non-motorized transportation facilities constructed or
58 reconstructed within the City of Homer after the effective date of the ordinance codified in this
59 chapter shall adhere to the dedication, design and construction standards set forth in this chapter
60 and shall also be designed and constructed according to the procedures and standards set forth in
61 Chapter 11.20, unless waived as provided in Chapter 11.20.

62
63 Section 4. Homer City Code 11.04.120, Sidewalks, is amended to read as follows:
64

65 11.04.120 Sidewalks and non-motorized transportation corridors. a. New streets to be
66 accepted by the City and identified as public access corridors in the adopted Homer Non-
67 Motorized Transportation and Trail Plan shall have easements for sidewalks, bicycle paths
68 or other non-motorized transportation facilities to ensure convenient mobility and
69 convenient access to parks, recreation areas, trails, playgrounds, schools and places of
70 public assembly.

71 ab. New streets to be accepted by the City and not identified as public access
72 corridors in the Non-Motorized Transportation and Trail Plan may, at the developer's
73 option, have sidewalks, ~~and/or~~ bicycle paths or other non-motorized transportation facilities.

74 bc. Sidewalks, ~~and~~ bicycle paths and other non-motorized transportation facilities
75 shall be designed in accordance with the design criteria of the City of Homer Design Criteria
76 Manual.

77
78 Section 5. Paragraph (a)(11) of Homer City Code 21.52.030, Development plan, is
79 amended to read as follows:

80
81 11. The substance of covenants, grants of easements or other restrictions to be
82 imposed upon the use of the land, buildings and structures, including proposed easements for
83 public utilities and public access;

84
85 Section 6. Paragraph (a)(18) of Homer City Code 21.52.030, Development plan, is
86 adopted to read as follows:

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

57
58 18. Where practical and safe, and where other means of access have not
59 been provided, public access easements or dedications may be required to provide access to
60 contiguous public lands or connections with existing or proposed non-motorized
61 transportation corridors.
62

63 Section 7. Homer City Code 22.10.030, Definitions, is amended to read as follows:
64

65 22.10.030 Definitions. The following words and phrases shall have the meanings set forth in this
66 section, unless otherwise provided or the context otherwise requires:

67 a. "Non-Motorized Transportation and Trail Plan" means the Homer Non-
68 Motorized Transportation and Trail Plan (2004), adopted as an element of the Homer
69 Comprehensive Plan by HCC 21.02.010(b).

70 b. "Non-motorized transportation corridor" means an easement or right-of-
71 way designated for public use for pedestrian, bicycle, equestrian or other non-motorized
72 means of transportation.

73 c. "Public Access Corridor" means an easement or right of way allowing public
74 access through a lot, subdivision or development.

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

80 eb. "Subdivision" means the division of a tract or parcel of land into two or more lots,
81 sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building
82 development, including any subdivision or resubdivision. Any addition, deletion or relocation
83 of the boundary of a tract or parcel of land shown on a recorded plat is a subdivision.
84 When appropriate to the context, the term shall refer to the process of subdividing or to the land
85 or areas subdivided.
86

87 Section 8. Subsection (a) of Homer City Code 22.10.050, Improvement requirements—
88 General, is repealed and reenacted to read as follows:
89

90 a. The Kenai Peninsula Borough shall not release any final plat for a subdivision in
91 the city for filing at the State Recorder's Office until the subdivider or developer of the
92 subdivision either enters a subdivision agreement for, or constructs and obtains written city
93 approval of, the following improvements, according to the standards and procedures required
94 under Title 11 of this Code:

- 95 1. Streets in all rights-of-way dedicated by the plat; and,
- 96 2. All other utilities and public improvements to be constructed in the rights-of-way
97 and easements dedicated by the plat, including water, sewer, electric, communications, and gas
98 lines, as applicable.
- 99 3. Abandonment or relocation of existing water or sewer service lines required due
100 to conflict with new or relocated property lines, as required by the Public Works Department.

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

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Section 9. Subsection (b) of Homer City Code 22.10.050, Improvement requirements—
General, is repealed and reenacted to read as follows:

b. The commission may exempt a plat from the provisions of subsection (a) of this section as provided in Section 22.10.040.

Section 10. Homer City Code 22.10.051, Utility easements, is amended to read as follows:

~~22.10.051 Utility eEasements and rights-of-way. Each lot of a new subdivision must have access from a fifteen foot utility easement.~~ **a. The subdivider shall dedicate a fifteen (15) foot wide utility easement immediately adjacent along the entire length of the shared boundary to each existing or proposed street right-of-way in each lot of a new subdivision.**

b. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the council.

c. Easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities shall be dedicated in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the Homer City Council or as required by the Kenai Peninsula Borough Code.

d. The city council may accept the dedication of easements or rights-of-way for non-motorized transportation facilities that are not identified in 21.10.051(c), if the city council determines that accepting the dedication would be consistent with the adopted plans of the city.

Section 11. This ordinance shall be effective upon adoption, and shall apply to all subdivisions for which the Kenai Peninsula Borough grants preliminary plat approval after the effective date of this ordinance.

Section 12. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2010.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

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

3 ATTEST:

174

175

176

177 JO JOHNSON, CMC, CITY CLERK

178

179 YES:

180 NO:

181 ABSTAIN:

182 ABSENT:

183

184 First Reading:

185 Public Hearing:

186 Second Reading:

187 Effective Date:

188

189

190 Reviewed and approved as to form:

191

192

193

194 Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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



20.20.130. Streets—Reversed curves.

Compound curves and broken-back curves should not be generally used. Reverse curves should have an intermediate tangent of 100' or more unless the radii are 200' or greater. (Ord. No. 78-37, § 2(part), 1979)

20.20.140. Streets—Intersection requirements.

A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees. Where acute street intersections are designed, a minimum 50-foot radius corner at the right-of-way line of the acute angle shall be provided.

B. 3-way intersections are encouraged and may be required where an access street intersects with an arterial unless the commission finds topography, existing street patterns or property boundary patterns make such requirement impractical. (Ord. No. 78-37, § 2(part), 1979)

20.20.150. Streets—Name requirements.

Streets shall be named to conform to adjacent areas and to avoid duplication, and in the uniform manner prescribed by the commission. (Ord. No. 78-37, § 2(part), 1979)

20.20.160. Blocks—Length requirements—Generally.

Blocks shall not be less than 400 feet or more than 1400 feet in length unless existing conditions justify a variation from this requirement. Along arterial streets and state maintained roads block lengths shall not be less than 800 feet. (Ord. No. 78-37, § 2(part), 1979)

20.20.170. Pedestrian ways required when.

Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities. (Ord. No. 78-37, § 2(part), 1979)

20.20.180. Lots—Dimensions.

A. The size and shape of lots shall be such as to provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Lots shall not be less than 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the depth shall be no greater than three times the width.





City of Homer Planning & Zoning

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STAFF REPORT PL 10-103

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: November 3, 2010
SUBJECT: Request to exclude Lot 6 Eker Estates from the Bridge Creek Watershed Protection District per HCC 21.40.020(b).

Requested action: Hold public hearing and adopt staff recommendation.

SYNOPSIS: The applicant is requesting Lot 6 Eker Estates at 5620 Easy Street be excluded from the regulations of the Bridge Creek Watershed Protection District. The applicant has submitted a topographic survey with slope directions. HCC 21.40.020(c) requires that for a lot to be excluded from the BCWPD the HAPC must determine that all surface-waters drain away from the Bridge Creek Watershed.

Applicants:	Joe Carter, property owner
Location:	5620 Easy Street, Lot 6 Eker Estates
Parcel ID:	17405106
Size of Existing Lot(s):	1.51 acres
Zoning Designation:	Rural Residential and BCWPD
Existing Land Use:	Residential
Wetland Status:	No identified wetlands.
Flood Plain Status:	Not in a flood plain
Utilities:	On site well and septic
Public Notice:	Notice was sent to 16 property owners of eleven parcels as shown on the KPB tax assessor rolls.

Background: In 2003, the City adopted the BCWPD with the goal of protecting the water quality of the City's water supply. Lots within the BCWPD are restricted to a maximum impervious coverage of 6.4%, while lots outside the BCWPD have no impervious coverage restrictions.

The applicant's lot has an impervious coverage of approximately 9%. The impervious coverage was constructed in the 1990's. Though the impervious coverage is considered nonconforming, HCC 21.40.135 (b) does not allow an increase to the nonconformity. The only exclusion from the BCWPD regulations is to prove that surface waters drain away from the Bridge Watershed, HCC 21.40.020(c).

HCC 21.40.020(c). “Excluded from the regulations of the Bridge Creek Watershed Protection District are parcels that are within the Bridge Creek Watershed Protection District and from which all the surface waters drain away from the Bridge Creek Watershed, provided that the drainage of the entire parcel is proven by survey to be unable to enter the Bridge Creek Watershed. The determination of whether a parcel is excluded under this subsection will be made by the Planning Commission on a case-by-case basis after notice and a public hearing. The property owner has the burden of proof. “

The applicant has provided a topographic survey of Lot 6 Eker Estates, dated October 8, 2010, showing one foot topographic interval and slope direction. In addition, Note 3 on the survey states, “By natural and man-made slopes and ditching, the runoff from this lot does not flow into the Bridge Creek Watershed this date of survey.”

Finding: HCC 21.40.020(c) allows a parcel to be excluded from the regulations of the Bridge Creek Watershed if all the surface waters drain away and are unable to enter the Bridge Creek Watershed.

Finding: Based on the survey dated October 8, 2010 all surface waters from Lot 6 Eker Estates do not drain into the Bridge Creek Watershed.

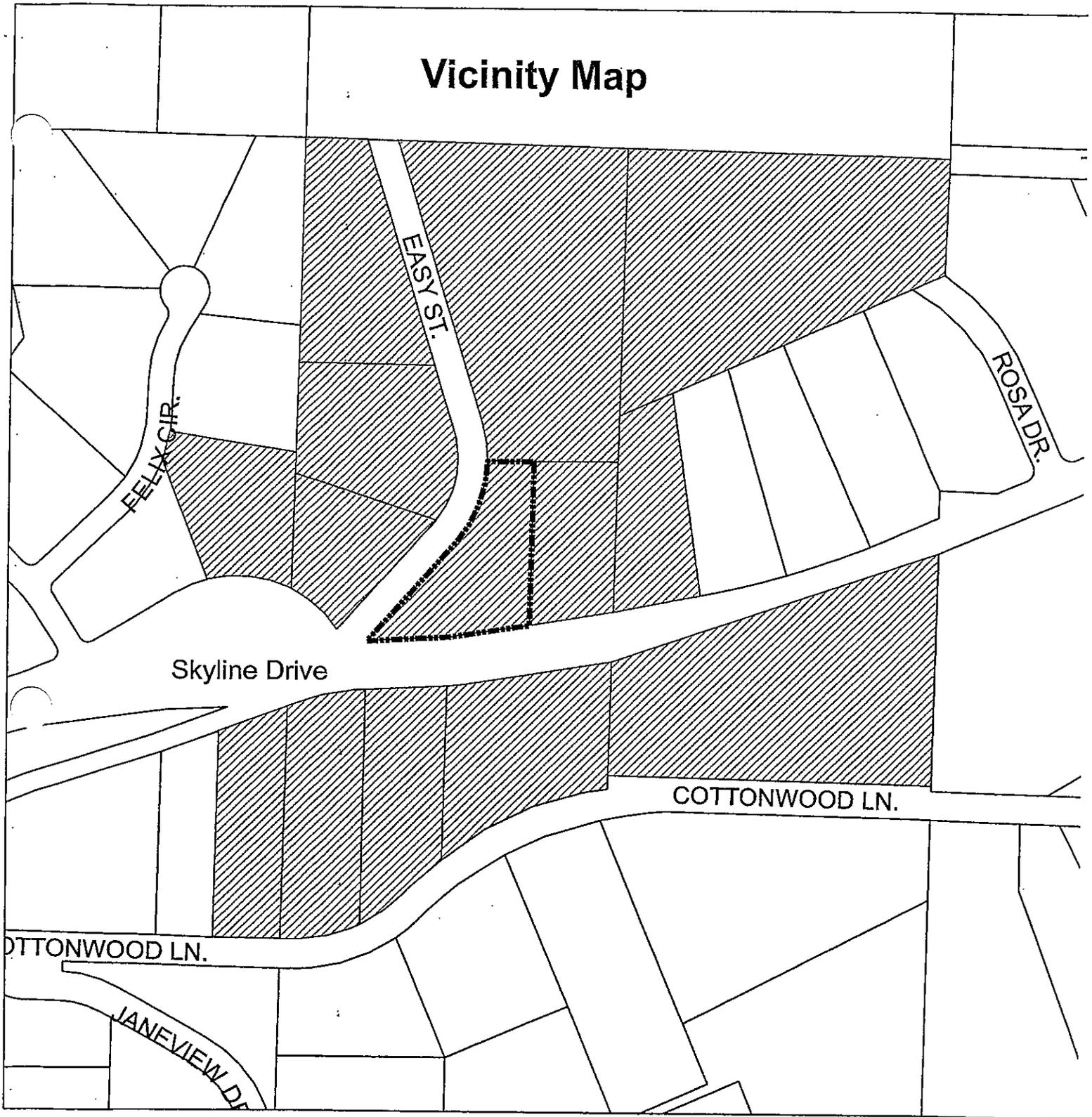
STAFF RECOMMENDATION: Adopt the findings and staff recommendation.

1. Based on the survey dated October 8, 2010 the HAPC hereby excludes Lot 6 Eker Estates from the Bridge Creek Water Protection District, HCC 21.40.

ATTACHMENTS

1. Location map
2. Enlarged survey
3. Letter from Joe Carter dated Oct. 13, 2010
4. Exhibit A survey dated October 8, 2010
5. Exhibit B survey dated October 8, 2010 with anticipated improvements

Vicinity Map



A request for exclusion from the regulations of the Bridge Creek Watershed Protection District at Lot 6 Eker Estates, 5620 Easy Street, on the NE corner of Easy Street and Skyline Drive.

Shaded lots are within 300 feet and property owners notified.



PUBLIC NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, November 3, 2010 at 7:00 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

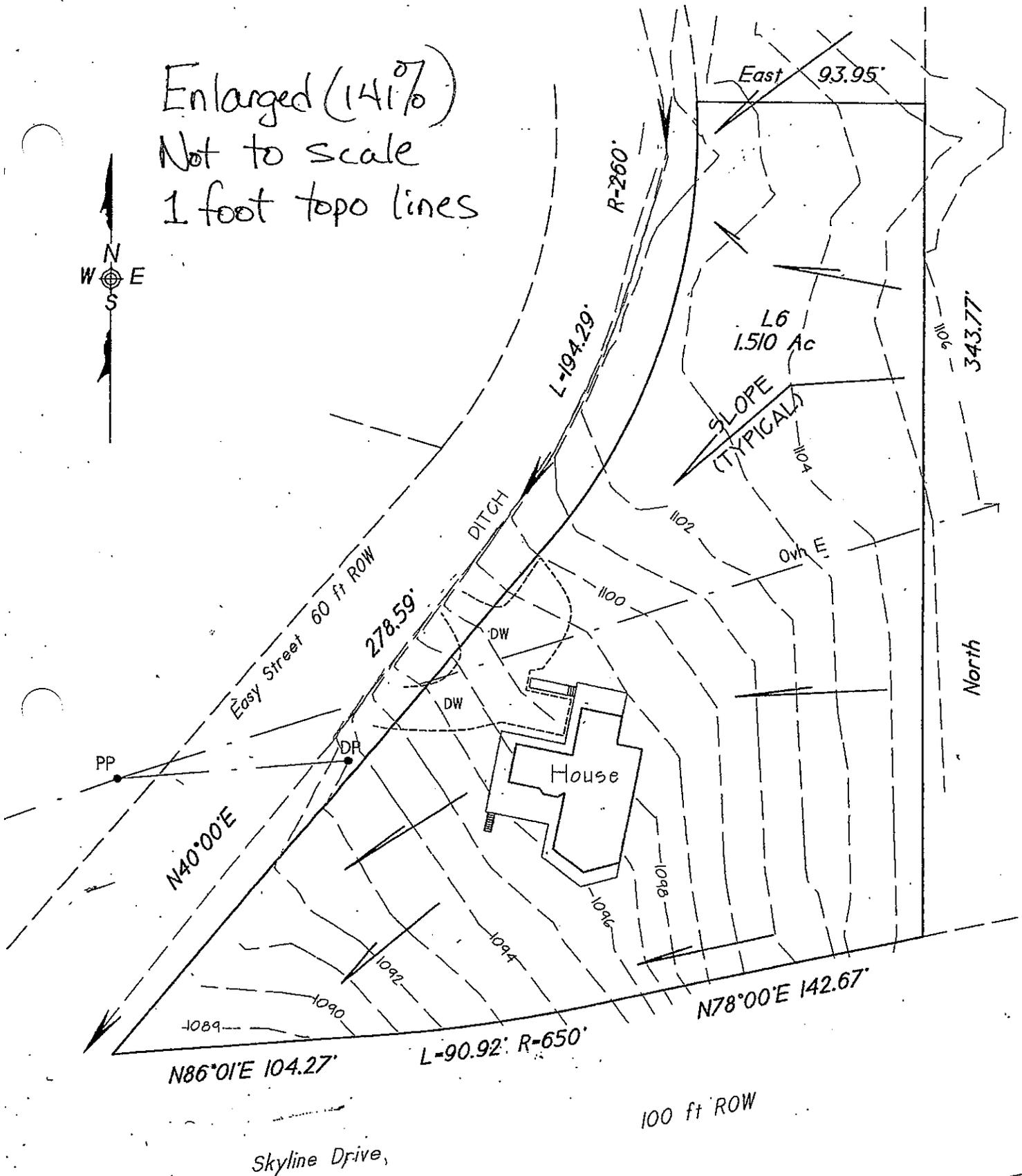
A request for exclusion from the regulations of the Bridge Creek Watershed Protection District at Lot 6 Eker Estates, 5620 Easy Street, on the NE corner of Easy Street and Skyline Drive.

Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

For additional information, please contact Dotti Harness-Foster in the City Planning and Zoning Office at 235-8121, ext. 2239.

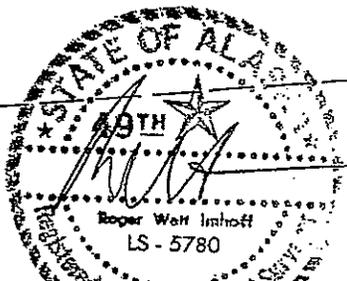
NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.

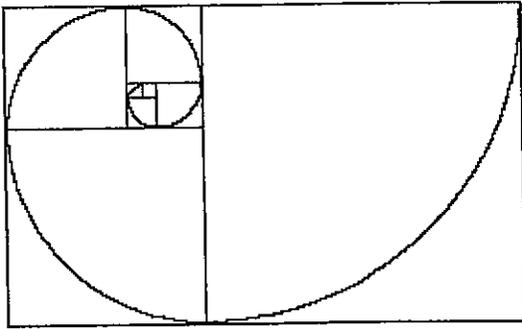
Enlarged (141%)
 Not to scale
 1 foot topo lines



Notes

1. Elevations are on an assumed datum.
2. Elevations measured by field survey 10-08-2010
3. By natural and man-made slopes and ditching, the runoff from this lot does not flow into the Bridge Creek Watershed this date of survey.





Joe Carter

P.O. Box 56
5620 Easy Street
Homer, Alaska 99603

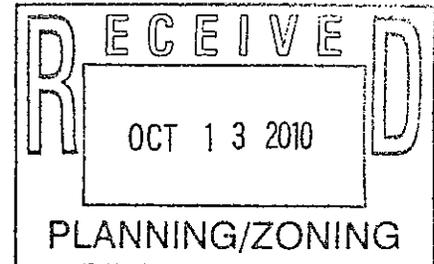
The Petroleum Center
4657-C1 Business 181 North
Beeville, Texas 78102

Phones: Office: 361.362.2783
FAX: 907.235.4107 361.362.1305
Mobile: 361.318.1214 361.318.1214
E-Mail: joe@joecarter.biz joe@joecarter.biz

Wednesday, October 13, 2010

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

Re: Property known as Lot 6 of Eker Estates as shown on Plat No. 90-43 of Homer Recording District, otherwise known as KPB Tax Parcel 17405106 found at 5620 Easy Street, Homer, Alaska 99603 titled in the name of Joe L. Carter, Jr.



This letter is advanced to you requesting a notice and public hearing on this request for a "Decision and Findings" that the referenced parcel be found to be in compliance with the provisions of paragraph 21.40.020 c. which allows that certain parcels may be excluded from the Bridge Creek Watershed Protection District.

Said paragraph, 21.40.020 c., provides that the property owner must prove by survey that "all the surface waters (*from said excluded parcel*) drain away from the Bridge Creek Watershed,...".

I attach herewith (see Exhibit "A") a Topographic Survey, made on the ground on October 8, 2010, and completed and sealed on October 12, 2010 by Registered Professional Land Surveyor, Roger W. Imhoff. Said survey shows one foot contour lines draining down hill to Skyline Drive, where any and all such runoff waters cross under Skyline Drive and thereafter to drain to Kachemak Bay. Item 3. of the notes to said survey states the following: "By natural and man-made slopes and ditching, the runoff from this lot does not flow into the Bridge Creek Watershed this date of survey."

My sole reason for advancing this request for such Decision and Findings is so that I may later be permitted to make modifications to my residential structure and add a detached shop together with a slight extension of the current driveway to reach the shop to be located as near as possible to the existing drive.

To support my request I wish to state affirmatively the following:

1) I have read and reviewed Chapter 21.40 of the local code which creates the Bridge Creek Watershed Protection District and fully agree with its purpose and goals as they are stated in paragraph 21.40.010;

2) Separate and apart from my reverence for the law, I have always, from my experience, youth and heritage, had the most profound appreciation for water quality and soil conservation. Throughout my adult life, when considering any prospective real estate transaction, I have always over weighted the relative value of abundant pure water;

3) While, the provision of paragraph 21.40.020 c., excluding said parcel, frees it from the restrictions on the percentage of "Impervious Coverage", found therein, I have no intention or desire, other than to be permitted to develop the property for my use as a single family residence, which will include my home office, single car heated garage, a shop and perhaps a small garden plot, as described below;

4) The anticipated development described below complies with the Declaration of Covenants and Restrictions of Eker Estates, as recorded on September 24, 1990 in Book 0201 at Page 374 in the Homer Recording District;

5) The present extent of Impervious Coverage, which is the same as it was when I purchased the property in 2009 and the anticipated extent of Impervious Coverage which will be present when I complete the planned development are reflected in the following table. The percentage of Impervious Coverage is calculated in comparison to the stated parcel size of 1.51 Acres or 65,776 square feet. Impervious Coverage present in 2010 is depicted on Exhibit "A" attached hereto. Anticipated Impervious Coverage is depicted on Exhibit "B" attached hereto.

Impervious Coverage Calculations for Lot 6 of Eker Estates		
Item	Present in 2010	Anticipated After Development
Residential Structure measured to the drip lines of roof, which is substantially more than just the foundation	2,549 square feet	4,359 square feet
Decks, to the extent that they extend beyond that measured within or under the drip lines included in above	679 square feet	400 square feet
Driveway and boardwalk	2,560 square feet	4,100 square feet
Shop Building of 36' by 36' foundation with 40' by 40' drip line	Zero	1,600 square feet
Existing Garden Tool Sheds	160 square feet	160 square feet
Possible Greenhouse or Garden Plot	Zero	400 square feet
Totals Present and Anticipated	5,948 square feet	11,019 square feet
Impervious Coverage – Present and Anticipated	9.04 per cent	16.75 per cent

6) The Topographic Survey attached herein as Exhibit "A" shows all the surface waters from the referenced parcel to drain away from the Bridge Creek Watershed .

7) All present and anticipated development on the referenced parcel, as depicted on Exhibits "A" and "B", attached hereto, lie within the plane of surface that slopes directly toward Kachemak Bay and therefore, it would be impossible for the anticipated development within the areas shown to affect the drainage or quality of water going into the Bridge Creek Watershed District.

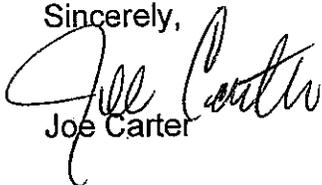
Whereas and therefore, I pray for the consideration of the Homer Advisory Planning Commission and its decision to grant the requested exclusion from the regulations of the Bridge Creek Watershed Protection District as provided in paragraph, 21.40.020 c. and the issuance of a Decision and Findings reflecting same.

If, after consideration of my request, the Planning Commission continues to have reservations, I would find it acceptable if the Decision and Findings allowed my parcel to contain no more than 20% Impervious Coverage. Then such a determination would satisfy my requirements and the sole reason for advancing this request as stated above. I find no other conflicts between my desire to develop this parcel for residential purposes as depicted above and Chapter 21.40 of the local code which creates the Bridge Creek Watershed Protection District.

I may, at any time be reached with questions at my mobile phone of 361-318-1214 or by E-mail at joe@joecarter.biz.

Thanking you in advance for your consideration of this request and your service to the Homer community, I remain.

Sincerely,

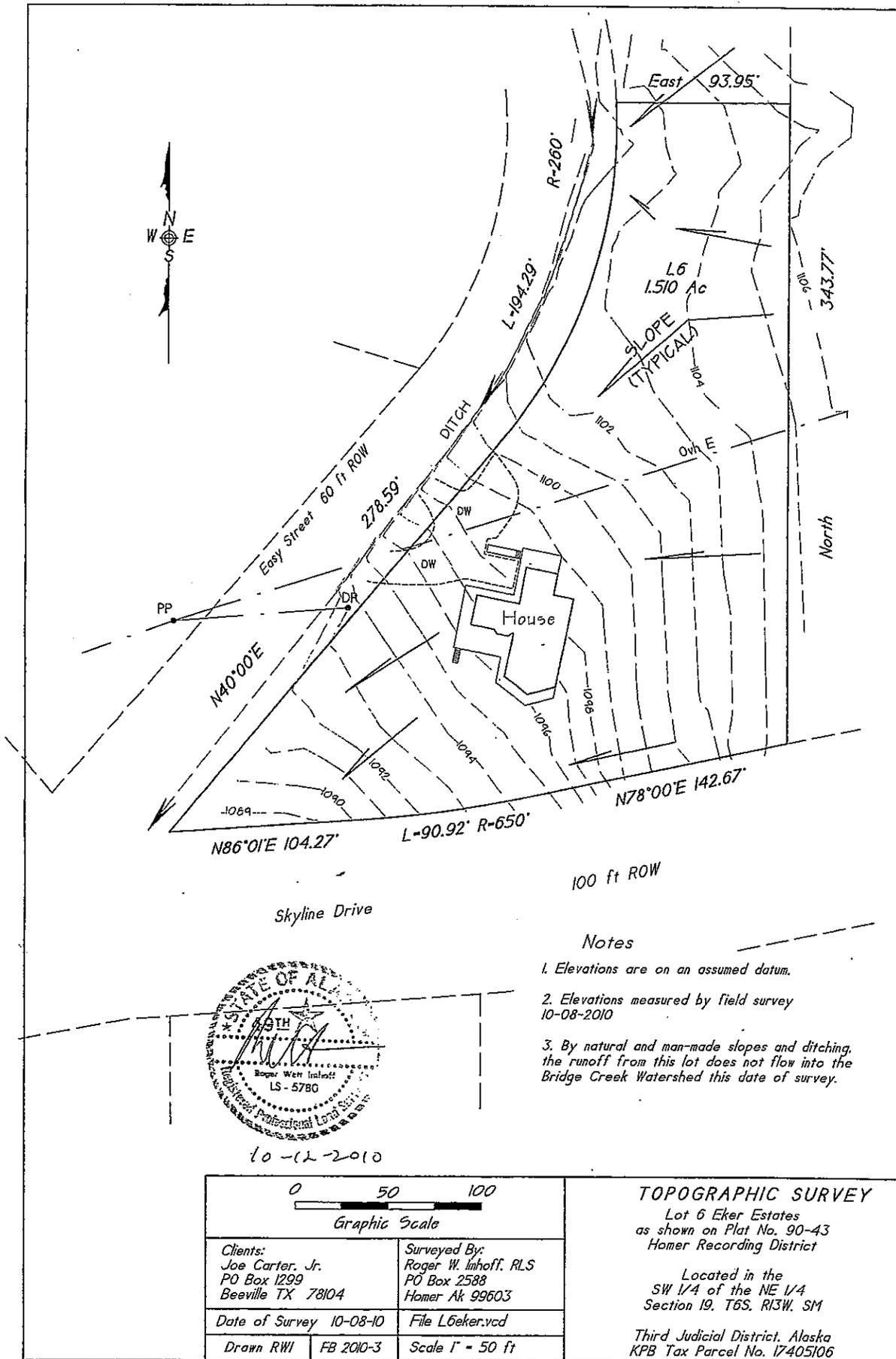


Joe Carter

Enclosures:

Copy: File

EXHIBIT "A"



Notes

1. Elevations are on an assumed datum.
2. Elevations measured by field survey 10-08-2010
3. By natural and man-made slopes and ditching, the runoff from this lot does not flow into the Bridge Creek Watershed this date of survey.



10-12-2010



Clients: Joe Carter, Jr. PO Box 1299 Beeville TX 78104		Surveyed By: Roger W. Inhoff, RLS PO Box 2588 Homer Ak 99603	
Date of Survey 10-08-10		File L6eker.vcd	
Drawn RWI	FB 2010-3	Scale 1" = 50 ft	

TOPOGRAPHIC SURVEY

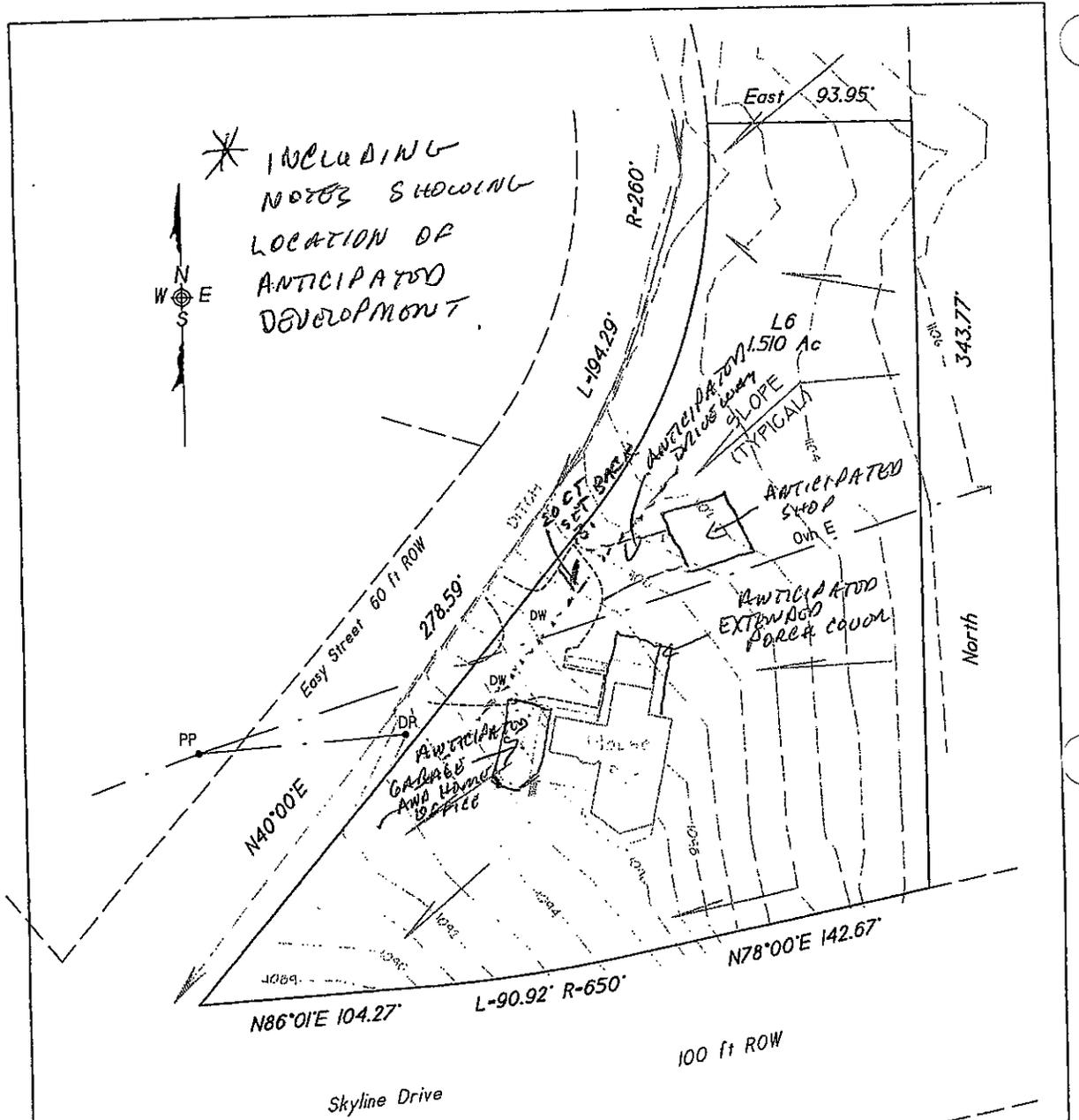
Lot 6 Eker Estates
 as shown on Plat No. 90-43
 Homer Recording District

Located in the
 SW 1/4 of the NE 1/4
 Section 19, T6S, R13W, S1M

Third Judicial District, Alaska
 KPB Tax Parcel No. 17405106

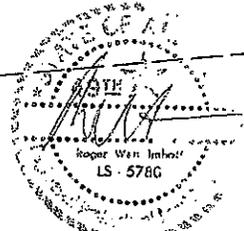
EXHIBIT "A"

EXHIBIT "B"



* INCLUDING NOTES SHOWING LOCATION OF ANTICIPATED DEVELOPMENT.

- Notes
1. Elevations are on an assumed datum.
 2. Elevations measured by field survey 10-08-2010
 3. By natural and man-made slopes and ditching, the runoff from this lot does not flow into the Bridge Creek Watershed this date of survey.



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TOPOGRAPHIC SURVEY
 Lot 6 Eker Estates
 as shown on Plat No. 90-43
 Homer Recording District

Located in the
 SW 1/4 of the NE 1/4
 Section 19, T6S, R13W, SM

Third Judicial District, Alaska
 KPB Tax Parcel No. 17405106

EXHIBIT "B"



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-107

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: November 3, 2010
SUBJECT: Steep Slope Ordinance

GENERAL INFORMATION

After taking a closer look at the ordinance in light of Commissioner Kranich's suggestion for clarification, I have incorporated changes of deleting language found on lines 87-89 and inserting language in lines 92-93 and 102. I found it problematic in lines 87-89 to refer to all of the development standards when exceptions should only apply to the area of development and setbacks. Inserting the rule for exception to the area of development prior to the list of standards and a reminder of the exceptions to setbacks prior to the description should make it easier to figure out the requirements. I chose not to include a table at this point. I believe the clarifications of the exceptions should be adequate and a table would be redundant the way the ordinance is now written.

STAFF RECOMMENDATIONS:

1. Move to accept as amended and forward to City Council for adoption.





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STAFF REPORT PL 10-101

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 20, 2010
SUBJECT: Steep Slope Ordinance

GENERAL INFORMATION

After the October 6th Planning Commission meeting, there was discussion that this ordinance could be made more user friendly. Since then I have not had any particular input or suggestions. I was planning on have some more specific recommendation ready for our next meeting.

After taking a rather quick look at the ordinance I did see a few places where some confusion may exist. I will point these out for further discussion. Lines 87-89 state that "Development that does **not** meet these standards must conform to a site plan approved by the City Engineer under HCC 21.44.050." Then the standards are listed below (lines 90-99). This sort of leads to some double negatives when applied to such standards as "shall **not** exceed", perhaps this could be better positioned or a simple table could be added.

Another part of the ordinance referring to the additional requirement of a site plan review by the City Engineer is 21.44.050. I do not find this too problematic other than it refers to language mentioned above where perhaps a table of some sort might be of assistance.

Please take a look at the ordinance and see if you have any trouble identifying developmental requirements in various situations such as, development under and over the specific thresholds.

STAFF RECOMMENDATIONS:

1. Discuss and make suggestions for improvement.





City of Homer Planning & Zoning

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STAFF REPORT PL 10-105

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: November 3, 2010

SUBJECT: Proposed Sign code changes

At the August 4th HAPC work session the Commission directed staff to research and present amendments to the existing sign code. Staff focused on lots with multiple buildings both in town and on the Spit and compared measurements of approximately fifty buildings and their signs. This staff report begins with some background on the current sign code and includes excerpts from staff reports presented at the Sept. 15, 2010, October 6, 2010 and October 20, 2010 HAPC meetings:

- A. Background on how the current sign code affects lots with multiple buildings.
- B. Principal Building definition.
- C. Amount of signage allowed per principal building.
- D. Visual examples of small buildings and their sign area.
- E. Freestanding signs (Anchored in the ground and independent from the buildings(s)).
- F. Temporary signs (Not permanently mounted)
- G. Measuring two-sided signs
- H. Compliance

REQUESTED ACTION: Review, modify as needed, and send to public hearing. (If the Commission wants these changes to be effective for the 2011 summer season, this draft ordinance needs to be moved to public hearing.)

The proposed amendments makes sign size compatible and in scale with multiple small buildings on the Spit by:

1. Changing the amount of signs allowed FROM being based on a ~~lot~~ TO being based on a **principal building(s)**. HCC 21.60.060 Table 2 Part B. Line 44-45.
2. Adding a row to Table 2 for small buildings. Line 51-53.
3. Establishing the maximum size of a building complex sign. Line 58.

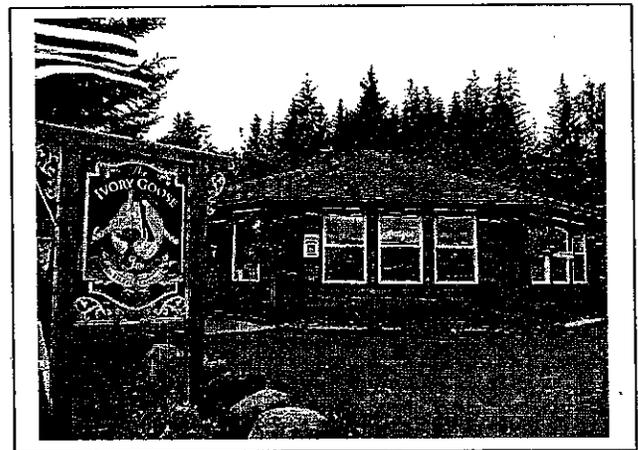
A. Background on how the current sign code affects lots with multiple buildings.

Currently, the amount of signage is based on a lot and by the amount of wall frontage. The more wall frontage a building has the more signage allowed. For example, Safeway is allowed the maximum of 150 square feet in signage, while small buildings are allowed 50 square feet of signage. So far straightforward, one business per lot. HCC 21.60.060 Table 2 Part B.

Belmonte Vista, The Yurt Village and Ivory Goose on Pioneer Avenue, have multiple buildings on one lot. Currently each lot is allowed a maximum of 150 square feet of signage plus a freestanding sign per HCC 21.60.060 Table 2 Part B. Dividing the 150 square feet of signage amongst these units seems workable and provides sufficient and legible signage.



Belmonte Vista with four buildings and a freestanding sign.



Ivory Goose on Pioneer Avenue, four buildings.

However, as the number of buildings increase the amount of signage remains at 150 square feet (per lot). Dividing 150 sf between twelve buildings provides 12.5 sf of signage per building.



Multiple buildings on one foundation, Cannery Row Boardwalk.

B. Staff explored amending the sign code to base the amount of signage on a “principal building”.
 From HCC 21.60.060(c) Table 2 Part B:

Square feet of wall frontage	Maximum allowed sign area per lot principal building.
------------------------------	--

Homer’s Sign Code HCC 21.60.040 defines “Principal building” as “The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other accessory structures shall not be considered principal buildings.” This existing definition accommodates multiple principal buildings, while excluding storage and accessory structures.

C. Amount of signage per “principal building.”

Staff compared the existing per lot code with the proposed per principal building(s) concept. At Belmonte Vista, and the Ivory Goose each building would be allowed 50 square feet per building, for a total of 200 square feet. The Yurt Village would be allowed 50 square feet per building, for a total of 400 square feet.

As the number of “principal buildings” increase the amount of signage increases. Since signage is proportional, staff considered adding a row to Table 2 to accommodate the small buildings. Proposed amendment HCC 21.60.060 Table 2 Part B:

Square feet of wall frontage	Maximum allowed sign area per lot principal building.
750 s.f. and over	150 s.f.
650 to 749	130 s.f.
550 to 649	110 s.f.
450 to 549	90 s.f.
350 to 449	70 s.f.
0 to 349 (existing)	50 s.f.
With wall frontage and sign sf adjusted	
200 to 349	50 sf
50 to 199	30 s.f.

Approximately half of the small Spit buildings have less than 200 square feet of wall frontage, likewise the Yurt Village. Therefore, staff considered a more proportional arrangement: adding a row to Table 2 “50 to 199 square feet of wall frontage” to allow “30 square feet of signage”, progressing to “200 to 349 of wall frontage” to allow “50 square feet of signage”.

Note: Starting with 50 sf of wall frontage requires a minimum to be considered a “principal building.”

Below: The Yurt Village has eight (8) permitted principal buildings. The current code allows a maximum of 150 sf of signage for the entire lot, which is workable. Based on the proposed amendment 400 sf of signage would be allowed.



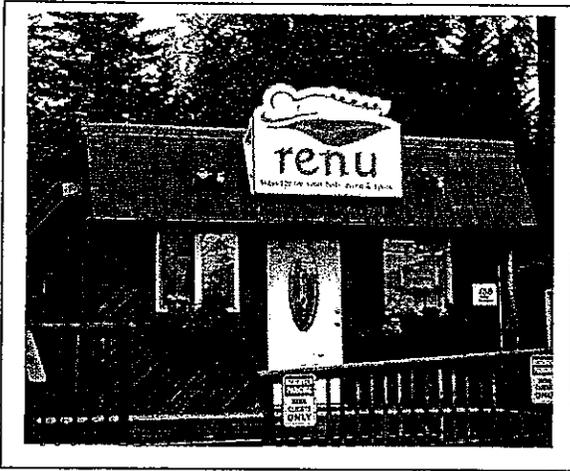
This grid shows the affects of the proposed amendments on lots with multiple small buildings. As the number of buildings increase, so does the signage. Consideration should be given to making the proposed amendments effective for only the Marine Commercial (MC) and Marine Industrial (MI) districts. If so, this amendment would affect eight (8) Spit parcels with multiple buildings.

	Belmonte Vista	Ivory Goose lot	The Yurt Village	Central Charters BW	Harborview Board walk	Cannery Row
Number of principal buildings	4	3	8	5	6	12
Zoning district	CBD	CBD	CBD	MC	MC	MC
Amount of signs allowed with the current code.	150 sf	150 sf	150 sf	150 sf	150 sf	150 sf
Proposed: Amount of signs based on Principal Building(s) and small (50 to 199) buildings.	160 sf	160 sf	400 sf	490 sf	260 sf	480 sf

Rationale for making the Table 2 effective for the MC and MI districts only are:

- In town signage is working on sites with multiple buildings.
- 10+ buildings on one lot is UNIQUE to the Spit.
- Sign codes vary between zoning districts. For example: Homer's Residential Office district allows 50 sf of signage IF the business is along East End Road, Bartlett, Hohe, and Pennock, HCC 21.60.060(c) Table 2 Part B (e).
- The proposed amendments address the MAIN issue on the Spit.
- Small, baby steps rather than city wide.

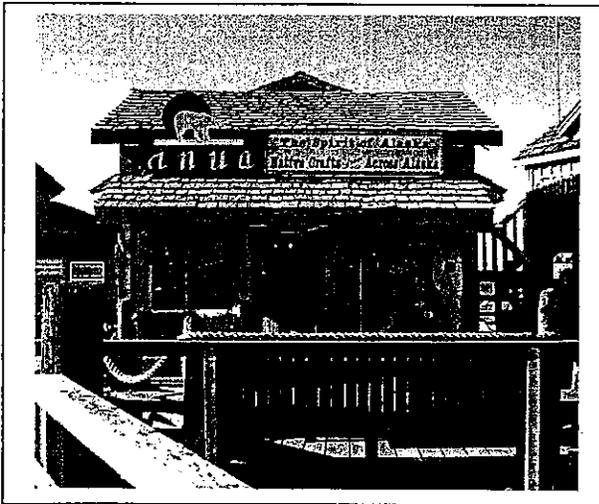
D. The photos might help grasp the wall frontage to sign area concept.



As proposed, the Renu building would be allowed 30 sf of signage. Currently 12 sf is displayed. Complies.



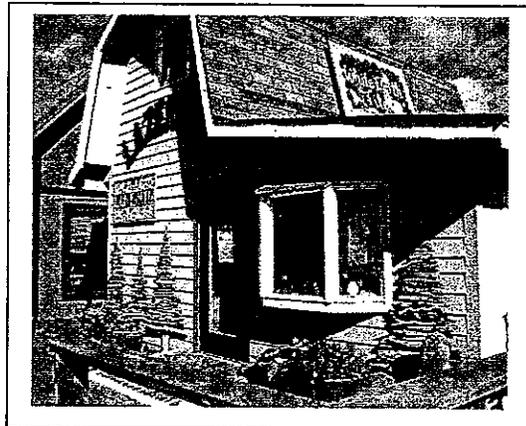
As proposed, All Hopped Up Espresso would be allowed 50 sf of signage. Currently 45 sf is displayed. Complies.

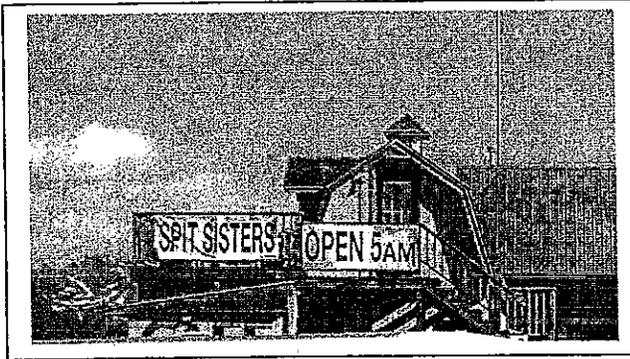


*The Inua Gift Shop has less than 200 sf of wall frontage. As proposed the The Inua Gift Shop would be allowed 30 sf of signs.
 The Inua Gift Shop has approximately 30 sf of signs.*

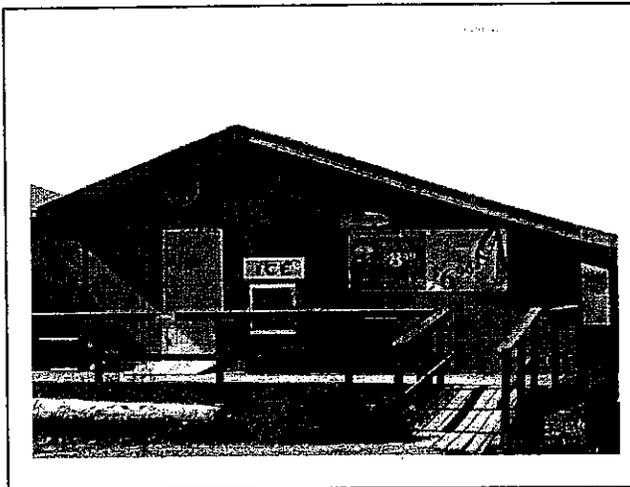
Complies with the proposed amendments.

*White Earth Tile has less than 220 sf of wall frontage. As proposed the White Earth Tile would be allowed 50 sf of signs.
 The building has approximately 42 +/- sf of signage (including deck sign).*





*Spit Sisters has 226+- wall frontage.
As proposed the Spit Sisters buildings would be allowed
50 sf of signs.
The signage including the banners adds up to 82 sf.
To comply, Spit Sisters would have to reduce signage to 50 sf.*



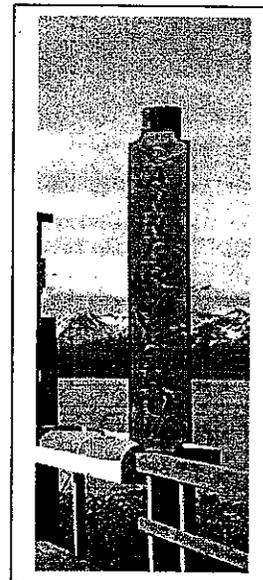
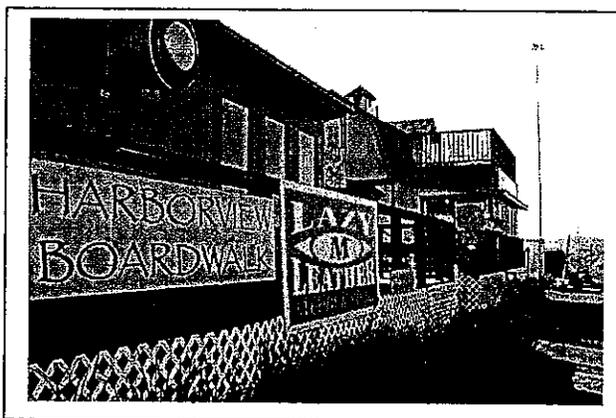
*The liquor store on the Central Charters
boardwalk has approximately
225 sf of wall frontage. As proposed the liquor
store would be allowed 50 sf of signage.
The liquor store has 72 sf of signs (including
banners on side wall).*

*To comply, the liquor store would have to reduce
signage to 50 sf.*

E. Building complex signs. (Line 58).

Parcels with multiple independent businesses are allowed additional signage to identify the building or complex of buildings. These *building complex* signs may be freestanding or mounted on a wall. Currently, the size of the *building complex* sign is based on 20% of the signs covered by Table 2 Part B. This 20% is in additional signage IF the sign is used to promote the *building complex*. Currently Belmonte Vista, Harborview Boardwalk and Cannery Row have and are allowed one *building complex* sign to identify their boardwalk, maximum of 30 sf.

As the amount of signage increases to accommodate multiple buildings, so does the sign area for *building complex* signs. Rather than a percentage, staff recommends setting the maximum “building complex” sign size at 30 sf. Thirty square feet is based on the existing code, 20% of 150 square feet equals 30 square feet. Without this amendment a parcel like Cannery Row would be allowed a *building complex* sign of 96 sf. Setting a maximum sign size for *building complex* signs is straight forward and easily to understand, regardless of the number of buildings on the lot.



Therefore, staff recommends amending HCC 21.60.060(c) Table 2 Part B (Line 54). “In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by ~~20%~~ **thirty square feet**. This additional sign area can only be used to promote or identify the building or complex of buildings.”

F. Temporary Signs: Portable, A-frame, sandwich boards. City wide. (Line 74-75)

The draft ordinance allows temporary-portable signs to be displayed only when the business is open. Temporary-portable signs are effective for businesses during operating hours, but add visual clutter especially when the business is not open.

HCC 21.60.130(d) **Hours. Temporary signs shall be displayed only during the hours the business is open.**

G. Measuring two-sided signs, HCC 21.60.050(b)

When measuring the sign area on a two-sided sign, one measures “the sign face visible from any one point.”

H. Compliance

None of the Spit boardwalks comply with the existing code which allows 150 sf of sign per lot. For example: dividing 150 sf into 12 or more buildings, each building is allowed 12.5 sf of signs. The property owner is responsible for compliance; however this is layered when the property owner, the building owner and the business owner are different people. In addition, the amount of signage one business can have is **dependent** on the amount of signage already on the lot. Basing sign standards on "per principal building" allows each building to comply **independent of** neighboring buildings.

Sign violations follow the same procedures and timeline as zoning violations, per HCC 21.60.170(b). Once the property owner, building owners and/or business owners receive their certified letter(s), they then have 30 days to comply or file a \$250 appeal. Appeals to the HAPC must be heard within 60 days, HCC 21.93.100.....the summer season is over. HCC 21.60.170(b) Enforcement and remedies directs us to "conviction by a court." Prior to moving this ordinance to public hearing the Planning staff will ask the city attorney to review HCC 21.60.170 Enforcement.

STAFF RECOMMENDATION: Review, modify as needed, and send to public hearing.

The draft ordinance:

1. Changes to Table 2 Part B are effective for Marine Commercial and Marine Industrial districts only.
2. Allocates signs by "principal building." (Line 44-45, Table 2 Part B)
3. Adds a row to Table 2 Part B "50 to 199" square feet of wall frontage to allow "30 square feet" of sign area. (Line 52-53)
4. Change HCC 21.60.060 (c) Table 2 Part B so that the maximum size of a building complex sign is by ~~20%~~ **thirty square feet.** (Line 58)
5. Restricts temporary portable signs to the hours the business is open. City wide. (Line 74-75).

Att: Draft ordinance

CITY OF HOMER, ALASKA

City Manager/Planning

1
2
3
4 AN ORDINANCE OF THE CITY OF HOMER
5 CITY COUNCIL TO AMEND HOMER CITY
6 CODE 21.60.060 TABLE 2 PART B MAXIMUM
7 TOTAL SIGN AREA AND AMEND HCC
8 21.60.130 TO RESTRICT THE DISPLAY OF
9 TEMPORARY SIGNS DURING HOURS THE
10 BUSINESS IS OPEN AND AMEND 21.60.170
11 ENFORCEMENT AND REMEDIES TO ALLOW
12 FINES TO BE ASSESSED
13 ADMINISTRATIVELY.
14
15

16 WHEREAS, Minimizing the visual sign clutter of excess signs prevents unsafe conditions and
17 contributes to the identity of the Spit and cultivates pride; and
18

19 WHEREAS, Currently the sign code allocates sign area per lot; and
20

21 WHEREAS, Sign size needs to be compatible and in scale with multiple small principal buildings on
22 one lot; and
23

24 WHEREAS, Restricting the display of portable temporary signs to when the business is open
25 will help reduce visual sign clutter; and
26

27 WHEREAS, Enforcement and fines for violations of the sign code should be handled
28 administratively per HCC 21.90.080.
29

30 WHEREAS, The Homer Advisory Planning Commission held a public hearing on this matter on
31 _____
32

33 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
34

35 Section 1. Homer City Code Title 21 Zoning and Planning, 21.60.060 Table 2 Part B Sign Code
36 Maximum Total Sign Area is hereby amended as follows:
37

38 Table 2 Part B (need to clarify city wide or MC and MI districts only)

39 In all other districts not described in Table 2 Part A, the maximum
40 combined total area of all signs, in square feet, except
41 incidental, building marker, and flags, shall not exceed the
42 following:

43 <u>Square feet of wall frontage (c):</u>	44 <u>Maximum allowed sign area</u> 45 <u>per principal building(s)</u> 46 <u>lot.</u>
46 750 s.f. and over	150 s.f.
47 650 to 749	130 s.f.
48 550 to 649	110 s.f.
49 450 to 549	90 s.f.
50 350 to 449	70 s.f.
51 0 to 349	50 s.f.
52 <u>200 to 349</u>	<u>50 s.f.</u>
53 <u>50 to 199</u>	<u>30 s.f.</u>

54 In all districts covered by Table 2 Part B, on any lot with multiple
55 principal buildings or with multiple independent businesses or
56 occupancies in one or more buildings, the total allowed sign area may
57 be increased beyond the maximum allowed signage as shown in Table 2
58 Part B, by **20% thirty square feet**. This additional sign area can only
59 be used to promote or identify the building or complex of buildings.
60

61 Section 2. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-Private
62 property is amended to read as follows:

63 21.60.130 Temporary signs-Private property. Temporary signs on
64 private property shall be allowed subject to the following
65 requirements:

- 66 a. Term. A temporary sign shall not be displayed for more than 14
67 days in any 90-day period, except a sign offering for sale or
68 lease the lot on which the sign is located, which is allowed as
69 long as the property is for sale or lease.
- 70 b. Number. Only one temporary sign per lot is allowed.

71 c. Unless a smaller size is required by another provision of this
72 title, the maximum size of a temporary sign is restricted to 16
73 square feet. (Ord. 08-29, 2008).

74 d. Hours. Temporary signs shall be displayed only during the
75 hours the business is open. (City wide)

76 Section 3. Homer City Code Title 21 Zoning and Planning 21.60.170 Enforcement and remedies
77 is amended to read as follows:

78 21.60.170 Enforcement and remedies. a. Any violation or attempted
79 violation of this chapter or of any condition or requirement
80 adopted pursuant hereto may be restrained, corrected, or abated,
81 as the case may be, by injunction or other appropriate
82 proceedings pursuant to law.

83 b. A violation of this chapter shall be considered a violation of
84 the zoning code of the City, subject prosecution and, upon
85 conviction, subject to fines pursuant to HCC § 21.90.~~80100~~.

86 Section 4. This Ordinance is of a permanent and general character and shall be included in the
87 City Code.

88
89 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____ day of
90 _____, 2009.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

97 ATTEST:

100
101 _____
JO L. JOHNSON, CMC, CITY CLERK

103 YES:

104 NO:

105 ABSTAIN:

106 ABSENT:

108 First Reading:

109 Public Hearing:

110 Second Reading:

111 Effective Date:



City of Homer Planning & Zoning

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E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-96

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 6, 2010, ~~October 20, 2010~~, November 3, 2010
SUBJECT: Storage in UR, RR, RO & Nonconforming (Outdoor Storage)

Introduction

In our efforts to enforce nuisance property and facilitate of the removal of junk cars, we have found the code problematic in the way it deals with storage, especially junk cars.

Currently, by my interpretation, one of the ways to deal with removal of junk cars is under title 18 where it refers to abandon vehicles. If they are not abandoned, this is not too useful. The other way of going after this would be as junk, using the definition of junk vehicles. It is pretty much illegal to store dismantled vehicles, unless you are permitted as a junk yard, but many junkers may appear to be operable. It just too burdensome to investigate and prove that vehicles are inoperable in order to enforce regulations regards the storage of junk. In order to make it more understandable and enforceable, I suggest that we have some sort of limit on the number of vehicles or the space that they may occupy. I talked to the attorney to develop something more clear cut.

Attorney Comments

The attachment is the first of several documents that I will be working on to develop more effective methods of zoning enforcement. It establishes limitations on storage as an accessory use in residential zones. In particular, it limits the lot area that can be used for storage, requires that stored items be owned by an occupant of the property, limits the number of motor vehicles that can be stored, and limits the period during which nonconforming storage can be grandfathered.

The quantities used for these limitations are merely placeholders, which you and the Planning Commission may adjust to establish quantities that are reasonable for Homer.

Notable Changes

Line 41 removes terminology of "incidental" and further prescribes a "principle" residential use. Not much of a change other than possible narrowing down some possibilities (that I cannot seem to think of an example at this time – do we have the storage of things not incidental to the "primary" residential use?).

Lines 43 - 44 describe an area of not more than 400 square feet. This needs discussion. I do not believe that this number may be appropriate in all situations. Perhaps some number this small or a bit larger may be appropriate for an UR district but, maybe less reasonable for the larger lots found in RR?

Lines 46 – 52 further prescribes that commercial fishing gear is owned by an occupant who is permitted for such an activity, no storage for your buddies.

Not more than 2 “stored” vehicles (not moved for at least 30 days) allowed per property. Is this adequate for the snow birds? Two stored trucks approach 400 square feet.

The changes noted above are identical as written for UR, RR and RO districts.

Lines 170-171 nonconforming storage terminates after one year. Perhaps a date would be added after passage by the City Council.

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, AMENDING HOMER CITY CODE 21.12.020, PERMITTED USES AND STRUCTURES; HOMER CITY CODE 21.14.020, PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.16.020, PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.61.060, TERMINATION OF NONCONFORMING USE OR STRUCTURE; REGARDING THE ACCESSORY USE OF STORAGE IN RESIDENTIAL ZONING DISTRICTS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.12.020, Permitted uses and structures, is amended to read as follows:

21.12.020 Permitted uses and structures. The following uses are permitted outright in the rural residential district:

- a. Single family dwelling.
- b. Duplex dwelling.
- c. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2).
- d. Public parks and playgrounds;
- e. Rooming house and bed and breakfast;
- f. Home occupations, provided they conform to the requirements of HCC § 21.51.010;
- g. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, and greenhouses provided that:
 - 1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within one hundred feet of any residence other than the dwelling on the same lot,
 - 2. No retail or wholesale business sales office is maintained on the premises;
- h. Private stables;
- i. Private floatplane tie-down as an accessory use incidental to residential use;
- ~~j. Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to residential use;~~
- k. As an accessory use incidental to a principal residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner occupying an area not exceeding 400

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

44 square feet, and separated by at least five feet from any property line, of any of the following:
45 ~~provided no stored equipment, boat or vehicle exceeds 36 feet in length;~~

46 1. commercial fishing gear owned by an occupant who is permitted to
47 engage in commercial fishing under federal or state law.

48 2. not more than two motor vehicles owned by an occupant. A motor
49 vehicle is stored if it is not moved for at least 30 consecutive days.

50 3. noncommercial equipment, including noncommercial boats, owned by
51 an occupant, but excluding motor vehicles, provided no stored equipment or boat exceeds
52 36 feet in length.

53 k. As an accessory use incidental to residential use, the private outdoor storage of
54 noncommercial equipment, including noncommercial trucks, boats, and not more than one
55 recreational vehicle in a safe and orderly manner and separated by at least five feet from any
56 property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;

57 l. Other customary accessory uses incidental to any of the permitted uses lists in the
58 RR district, provided that no separate permit shall be issued for the construction of any detached
59 accessory building prior to that of the main building.

60 m. Temporary (seasonal) roadside stands for the sale of produce grown on the
61 premises;

62 n. Mobile homes, subject to the requirements of HCC § 21.54.060.

63 o. Day care homes; provided, however, that outdoor play areas must be fenced.

64 p. Recreational vehicles, subject to the requirements of HCC § 21.54.320.

65 q. Open space, but not including outdoor recreational facilities described in HCC §
66 21.12.030.

67 r. As an accessory use, one small wind energy system per lot having a rated capacity
68 not exceeding 10 kilowatts.

69
70 Section 2. Homer City Code 21.14.020, Permitted uses and structures, is amended to
71 read as follows:

72
73 21.14.020 Permitted uses and structures. The following uses are permitted outright in the urban
74 residential district:

75 a. Single-family dwelling, excluding mobile home.

76 b. Duplex dwelling, excluding mobile home.

77 c. Multiple-family dwelling, only if the structure conforms to HCC §
78 21.14.040(a)(2) and excluding mobile home.

79 d. Public parks and playgrounds;

80 e. Home occupations, provided they conform to the requirements of HCC §
81 21.51.010

82 f. Rooming house and bed and breakfast;

83 g. Private floatplane tie-up facility as an accessory use incidentally to residential
84 use;

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

85 h. ~~As an accessory use incidental to residential use, storage of personal commercial~~
86 ~~fishing gear in a safe orderly manner and separated by at least five feet from any property line;~~

87 i. As an accessory use incidental to **a principal** residential use, the private outdoor
88 storage of nonecommercial equipment, including nonecommercial trucks, boats, and not more than
89 one recreational vehicle in a safe and orderly manner **occupying an area not exceeding 400**
90 **square feet**, and separated by at least five feet from any property line, **of any of the following:**
91 ~~provided no stored equipment, boat or vehicle exceeds 36 feet in length;~~

92 **1. commercial fishing gear owned by an occupant who is permitted to**
93 **engage in commercial fishing under federal or state law.**

94 **2. not more than two motor vehicles owned by an occupant. A motor**
95 **vehicle is stored if it is not moved for at least 30 consecutive days.**

96 **3. noncommercial equipment, including noncommercial boats, owned by**
97 **an occupant, but excluding motor vehicles, provided no stored equipment or boat exceeds**
98 **36 feet in length.**

99 j. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
100 to a residential use in a manner consistent with the requirements of all other provisions of the
101 Homer City Code and as long as such animals are pets of the residents of the dwelling and their
102 numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

103 k. Customary accessory uses to any of the permitted uses listed in the UR district,
provided that no separate permit shall be issued for the construction of any detached accessory
building prior to that of the main building.

106 l. Day care homes; provided, however, that outdoor play areas must be fenced.

107 m. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.

108 n. Open space, not including outdoor recreational facilities.

109 o. Public schools and private schools.

110 p. As an accessory use, one small wind energy system per lot having a rated capacity
111 not exceeding 10 kilowatts.

112
113 **Section 3.** Homer City Code 21.16.020, Permitted uses and structures, is amended to
114 read as follows:

115
116 **21.16.020 Permitted uses and structures.** The following uses are permitted outright in the
117 residential office district:

118 a. Single-family and duplex dwelling, excluding mobile homes;

119 b. Multiple family dwelling, provided the structure conforms to HCC §
120 21.14.040(a)(2) and excluding mobile homes;

121 c. Public parks and playgrounds;

122 d. Rooming house and bed and breakfast;

123 e. Home occupations; provided they conform to the requirements of HCC §
124 21.51.010;

125 f. Professional offices and general business offices;

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

- 126 g. Personal services;
 127 h. Museums, libraries and similar institutions;
 128 i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
 129 j. Religious, cultural and fraternal assembly;
 130 k. ~~Storage of the occupant's personal commercial fishing gear in a safe and orderly~~
 131 ~~manner and separated by at least five feet from any property line as an accessory use incidental~~
 132 ~~to a permitted or conditionally permitted principal use;~~

133 l. As an accessory use incidental to a principal permitted or conditionally
 134 permitted use, the private outdoor exterior storage of the occupant's personal noncommercial
 135 equipment, including noncommercial trucks, boats, campers and not more than one recreational
 136 vehicle in a safe and orderly manner occupying an area not exceeding 400 square feet, and
 137 separated by at least five feet from any property line, as an accessory use incidental to a
 138 permitted or conditionally permitted principal use of any of the following: provided no stored
 139 equipment, boat or vehicle exceeds 36 feet in length;

140 1. commercial fishing gear owned by an occupant who is permitted to
 141 engage in commercial fishing under federal or state law.

142 2. not more than two motor vehicles owned by an occupant. A motor
 143 vehicle is stored if it is not moved for at least 30 consecutive days.

144 3. noncommercial equipment, including noncommercial boats, owned by
 145 an occupant, but excluding motor vehicles, provided no stored equipment or boat exceeds
 146 36 feet in length.

147 m. Other customary accessory uses to any of the permitted uses listed in the
 148 residential office district; provided that no separate permit shall be issued for the construction of
 149 any detached accessory building prior to that of the main building.

150 n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
 151 use in a manner consistent with the requirements of the Homer City Code and as long as such
 152 animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb
 153 occupants of neighboring property;

154 o. Day care homes; provided, however, that outdoor play areas must be fenced.

155 p. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.

156 q. As an accessory use, one small wind energy system per lot having a rated capacity
 157 not exceeding 10 kilowatts.

158
 159 Section 4. Homer City Code 21.61.060, Termination of nonconforming use or structure,
 160 is amended to read as follows:

161
 162 21.61.060 Termination of nonconforming use or structure. a. The right to continue a
 163 nonconforming use or structure previously approved under this chapter is subject to termination
 164 by the Commission if it finds, after providing the property owner notice and an opportunity to be
 165 heard at a public hearing, that

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

207 Date: _____

Date: _____

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



City of Homer

Planning & Zoning

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Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-104

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: November 3, 2010
SUBJECT: Draft East End Mixed use District

GENERAL INFORMATION

The purpose of this staff report is to introduce the Commission to a first draft of the proposed East End Mixed Use District (EEMU). This new district will take several months to flesh out.

2008 Comprehensive Plan, pages B-6, 7 states:

E-MU (EAST END MIXED USE)

- **Intent** The intent of the E-MU district is to allow a wide variety of commercial, industrial, and heavy industrial uses in a district with access to the boatyard, marine services, and the airport; and to ensure such uses, which are important to Homer's economy, continue to have a viable location.
- **Primary Use** Mixed-use development with fewer constraints on uses than existing GC-1 and GC-2. Designed to accommodate the wide range of uses found in the area today, as well as other future uses; examples include industrial, marine-oriented, construction services (including batch plants), storage, and artist workshops. Residential and retail are allowable, but residential/retail and commercial conflicts will be resolved in favor of commercial/industrial uses.
- **Other Uses, Allowances and Specifications**
 - Allows for mixed use, live/work, provides larger lots than would be available in CBD.
 - On-site parking required.
 - Guide use to create/maintain an attractive highway environment.
- **Development standards**
 - Minimal – basic guidelines for parking, setbacks.
 - Encourage basic landscaping.
 - Properties adjacent to the Conservation zone should use best management practices when developing near the southern edge of the property. Strategies may include, but are not limited to, 100 foot buffer zones along the southern property lines adjacent to the conservation areas, tree retention (bird habitat, moose cover), habitat and vegetation retention, and storm water and pollution management techniques. Developers are encouraged to use a combination of techniques to minimize impacts within 100 feet of

the south property line and to provide for storm water filtration. Development is encouraged to concentrate on the northern portions of these lots.

ANALYSIS:

Staff drafted the ordinance by incorporating almost all the permitted and conditional uses from the GC1, GC2, and marine districts. Some districts allow some types of residential use, sometimes by conditional use permit. Staff kept these as conditional uses, and added single family homes as a conditional use. Staff also recommends deleting some of the uses – you'll see notes on the ordinance. While the east end area is a neighborhood hub and a marine/light commercial area, we do not want to detract from the existing CBD or Ocean Drive area. Staff recommends that certain activities not be allowed in the new district, so that the primary day to day business core remains more centrally located.

Other considerations for this new district will be landscaping requirements along East End Road and Kachemak Drive, and buffer requirements from the future conservation area (see the 2008 comp plan land use recommendation map).

Part of this area was annexed in 2002, including the boat yard. When the area was zoned, General Commercial 1 was the closest fit, but a lot of the well established commercial activities don't really fit within code. The boat yard is an example, as are the various support businesses. Homer annexed this tax base; Homer should have zoning that allows these businesses to remain and expand.

Another portion of the new district was rezoned from Rural Residential to General Commercial 1 in 2001. Residential use has remained the primary land use in that area, with only a few businesses locating there in the past nearly ten years. There is a lack of infrastructure i.e. roads water and sewer, to support some types of businesses. In the mean time, the nonconforming code has changed, and the existing residences are now not financeable because they cannot be re-built in case of fire, nor can they be expanded. By allowing residences by conditional use permit, homes can be managed to avoid future conflicts between business and residential uses. There are also several instances of businesses where the land owner also lives in a home on the property. While GC1 zoning allow apartments in commercial buildings, it does not allow stand alone single family homes. But you can have a rooming house! These inconsistencies in code do not serve the residents of the east end area; solutions can be found to solve some of these issues while still planning for the greater good of the community.

Future staff reports will consider:

1. What the permitted and conditional uses should be
2. What are appropriate performance standards

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission read through the ordinance. Think about what the east end area could look like, and what activities will be there, in 20 years. The goal is to write an ordinance that incorporates what is happening there now and the future as envisioned in the 2008 comprehensive plan.

ATTACHMENTS

1. Draft ordinance with staff notes
2. Location maps

1
2 Chapter 21.27

3
4 EEMU East End Mixed Use District

5
6 21.27.010 Purpose

7 21.27.020 Permitted uses and Structures

8 21.27.030 Conditional Uses and Structures

9 21.27.040 Dimensional requirements

10 21.27.050 Site and Access Plans

11 21.27.060 Traffic Requirements.

12 21.27.070 Site Development Requirements.

13 21.27.080 Nuisance standards.

14 21.27.090 Lighting Standards.

15
16
17 21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to provide
18 sites for businesses that require direct motor vehicle access and may require larger land area.
19 The district is meant to accommodate a mixture of residential and non-residential uses with
20 conflicts being resolved in favor of non-residential uses.

21 21.27.020 Permitted uses and structures. The following uses are permitted outright in the East
22 End Mixed Use District, except when such use requires a conditional use permit by reason of
23 size, traffic volumes, or other reasons set forth in this chapter.

24 General business offices and professional offices -----

- 25 1. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and
26 repair, ~~excluding storage of vehicles or equipment that are inoperable or in need of~~
27 ~~repair;~~
28 2. Auto fueling stations and drive-in car washes;
29 3. Building supply and equipment sales and rentals;
30 4. Lumberyards;
31 5. Garden supplies and greenhouses;
32 6. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and
33 repair;
34 7. Welding and mechanical repair;
35 8. Restaurants, including drive-in restaurants, clubs and drinking establishments;
36 9. Religious, cultural, and fraternal assembly;
37 10. ~~Entertainment establishments;~~
38 11. Studios
39 12. Personal services
40 13. Agricultural activities, including general farming, truck farming, livestock farming,
41 nurseries, tree farms and greenhouses provided that:

Comment [JE1]: This means I think it should
be excluded from the district. IE in this case
business offices should be in town, not 3.5 miles
out of town. We have to be careful to not
undermine the current CBD and Ocean Drive
area as the day to day business center.

- 42 Other than normal household pets, no poultry or livestock may be housed and no
 43 fenced runs may be located within one hundred feet of any residence other than
 44 the dwelling on the same lot,
 45 14. Storage of heavy equipment, vehicles or boats over 36 feet in length ~~as an accessory use~~
 46 ~~incidental to a permitted or conditionally permitted principal use; Should this read:~~
 47 Storage of heavy equipment, commercial vehicles, and boats over 36 feet in length ?
 48 15. Plumbing, heating and appliance service shops,
 49 16. Home occupations, provided they conform to the requirements of HCC § 21.51.010
 50 ~~17. Hotels and motels;~~
 51 18. Mortuaries and Crematoriums;
 52 19. Open air businesses;
 53 20. Parking lots and parking garages, in accordance with HCC Chapter 7.12.
 54 21. Manufacturing and assembly of pottery, ceramics, musical instruments, toys, novelties,
 55 furniture, small molded products and electronic equipment, instruments, equipment and
 56 ~~devices;~~
 57 ~~22. Publishing, printing and bookbinding;~~
 58 23. Retail businesses;
 59 24. Trade, skilled or industrial schools;
 60 25. Wholesale businesses, including storage and distribution services incidental to the
 61 products to be sold;
 62 26. Parks and open space;
 63 27. Warehousing, commercial storage and mini-storage;
 64 ~~28. Banks, savings and loans, credit unions and other financial institutions;~~
 65 29. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
 66 30. Dry cleaning, laundry, and self-service laundries;
 67 31. Mobile food services;
 68 32. Day care homes; all outdoor play areas must be fenced.
 69 33. Rooming house and bed and breakfast, provided that a conditional use permit was
 70 obtained for the dwelling, if required by HCC § 21.27.030
 71 34. Dormitory
 72 35. As an accessory use, one small wind energy system per lot
 73 36. Production, processing assembly and packaging of fish, shellfish and seafood products;
 74 37. Construction, assembly and storage of boats and boat equipment;
 75 38. Research and development laboratories;
 76 39. Storage and distribution services and facilities, including truck terminals, warehouses and
 77 storage buildings and yards, contractors' establishments, lumberyards and sales, or
 78 similar uses;
 79 40. ~~Airports and air charter operations;~~
 80 41. ~~Heliports;~~
 81 42. Underground bulk petroleum storage;
 82 43. Cold storage facilities;
 83 44. Mobile commercial structures;
 84 45. Dwelling units located in buildings primarily devoted to business uses;
 85 46. Update HERE for final district uses....this is a placeholder for now! Customary
 86 accessory uses...Accessory uses to the uses permitted in the GC2 district that are clearly
 87 subordinate to the main use of the lot or building, such as wharves, docks, restaurant or

Comment [JE2]: should we say manufacturing fabrication and assembly, and leave open what the product is rather than a laundry list? (encl code uses that)

Comment [JE3]: Again keep core near the airport/Kach Dr. and Ocean Drive.

- 88 cafeteria facilities for employees; or caretaker or dormitory residence if situated on a
89 portion of the principal lot; provided that separate permits shall not be issued for the
90 construction of any type of accessory building prior to that of the main building.
- 91 47. Taxi operation;
- 92 48. Itinerant merchants, provided all activities shall be limited to uses permitted outright
93 under this zoning district;
- 94 49. Public and private stables;
- 95 50. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a
96 residential use in a manner consistent with the requirements of all other provisions of the
97 Homer City Code and as long as such animals are pets of the residents of the dwelling
98 and their numbers are such as not to unreasonably annoy or disturb occupants of
99 neighboring property;
- 100 ~~51. Recreational vehicle parks, provided they shall conform to the standards in § 21.54.~~
- 101 52. **21.27.030 Conditional uses and structures.** The following uses may be permitted in
102 the East End Mixed Use District when authorized by conditional use permit issued in
103 accordance with HCC Chapter 21.71:
- 104 53. ~~Mobile home parks;~~
- 105 54. Construction camps;
- 106 55. Extractive enterprises, including ~~the mining, quarrying and~~ crushing of gravel, sand and
107 other earth products and batch plants for asphalt or concrete; *(should better spell out*
108 *noxious uses such as batch plants from more benign uses like sand pile storage for*
109 *contractors who provide sanding services)*
- 110 56. Bulk petroleum product storage above ground;
- 111 57. Planned unit developments, ~~excluding residential uses;~~
- 112 58. ~~Campgrounds;~~
- 113 59. Junk yard;
- 114 60. Kennels;
- 115 61. Public utility facilities and structures;
- 116 62. ~~Pipelines and railroads;~~
- 117 63. Impound yards; (allow outright w screening? Stuff is supposed to move in an impound
118 yard as opposed to long term storage in a junk yard?)
- 119 64. Shelter for the homeless, provided any lot used for such shelter does not abut an urban,
120 rural or office residential zoning district;
- 121 65. More than one building containing a permitted principal use on a lot. Allow outright?
- 122 66. Day care facilities; provided, however, that outdoor play areas must be fenced.
- 123 67. Group care homes and assisted living homes.
- 124 68. Indoor recreational facilities;
- 125 69. Outdoor recreational facilities.
- 126 70. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2)
- 127 71. Single family and duplex dwellings duplex
- 128 72. Townhouses;
- 129 73. Other uses approved pursuant to HCC § 21.04.020.

130 **21.27.040 Dimensional requirements.** The following dimensional requirements shall apply to all
131 structures and uses in the East End Mixed Use District:

132 a. Lot Size.

133 1. The minimum lot area shall be 40,000 square feet in areas not served by public sewer
134 and water.

135 2. Each lot shall contain a minimum of 20,000 square feet if one of the following
136 conditions exists:

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

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

141 3. Each lot shall contain a minimum of 10,000 square feet if the lot is served by both
142 public water and sewer that satisfies both conditions of subsection (a)(2).

143 b. Building Setbacks.

144 1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed
145 by subsection (b)(3);

146 2. Buildings shall be set back from all other lot boundary lines according to the number
147 of stories as follows:

148 b. Building Setbacks.

149 1. All buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys
150 are not subject to a 20 foot setback requirement. The setback requirements from any lot line
151 abutting an alley will be determined by the dimensional requirements of subparagraphs (2) and
152 (3) below;

153 2. Buildings shall be set back five feet from all other lot boundary lot lines unless
154 adequate firewalls are provided and adequate access to the rear of the building is otherwise
155 provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire
156 Marshal;

157 3. Any attached or detached accessory building shall maintain the same yards and
158 setbacks as the main building.

159 4. Adjacent to those rights-of-way that lead to Kachemak Bay and have been determined
160 to be unsuitable for road construction by Resolution of the City Council, all buildings shall be set back
161 from the boundary of the right-of-way according to the number of stories as provided in subsection (b)(2).

162 c. Building Height. The maximum building height shall be 35 feet.

163 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor
164 shall any lot contain building area in excess of 30 percent of the lot area without an approved
165 conditional use permit.

166 e. Building Area and Dimensions - Retail and Wholesale.

167 1. The total square feet of floor area of retail and wholesale business uses within a
168 single building shall not shall not exceed 75,000 square feet.

169 2. No conditional use permit, Planned Unit Development, or variance may be
170 granted that would allow a building to exceed the limits of these subparagraphs (e)(1), and (2)
171 and no nonconforming use or structure may be expanded in any manner that would increase its
172 nonconformance with the limits of subparagraphs (e)(1), and (2).

173 f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or UR
174 district or when a side or rear yard area is to be used for parking, loading, unloading or
175 servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or
176 other sight-obscuring screening. Such screening shall be of a height adequate to screen activity
177 on the lot from outside view by a person of average height standing at street level.

178 See comp plan for Beluga wetland complex setback

179 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the East
180 End Mixed Use District shall not be issued by the City without a level one site plan approved by
181 the City under HCC Chapter 21.73.

b. No zoning permit may be granted for any use or structure without a level two right-of-way
access plan approved by the City under HCC § 21.73.100.

184 21.27.060 Traffic Requirements. A conditional use permit is required for every use that is
185 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.

186 21.27.070 Site Development Requirements. All development on lands in this district shall
187 conform to the level two site development standards set forth in HCC § 21.50.030

188 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010 apply to all
189 development, uses, and structures in this zoning district.

190 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all
191 development, uses, and structures in this zoning district.

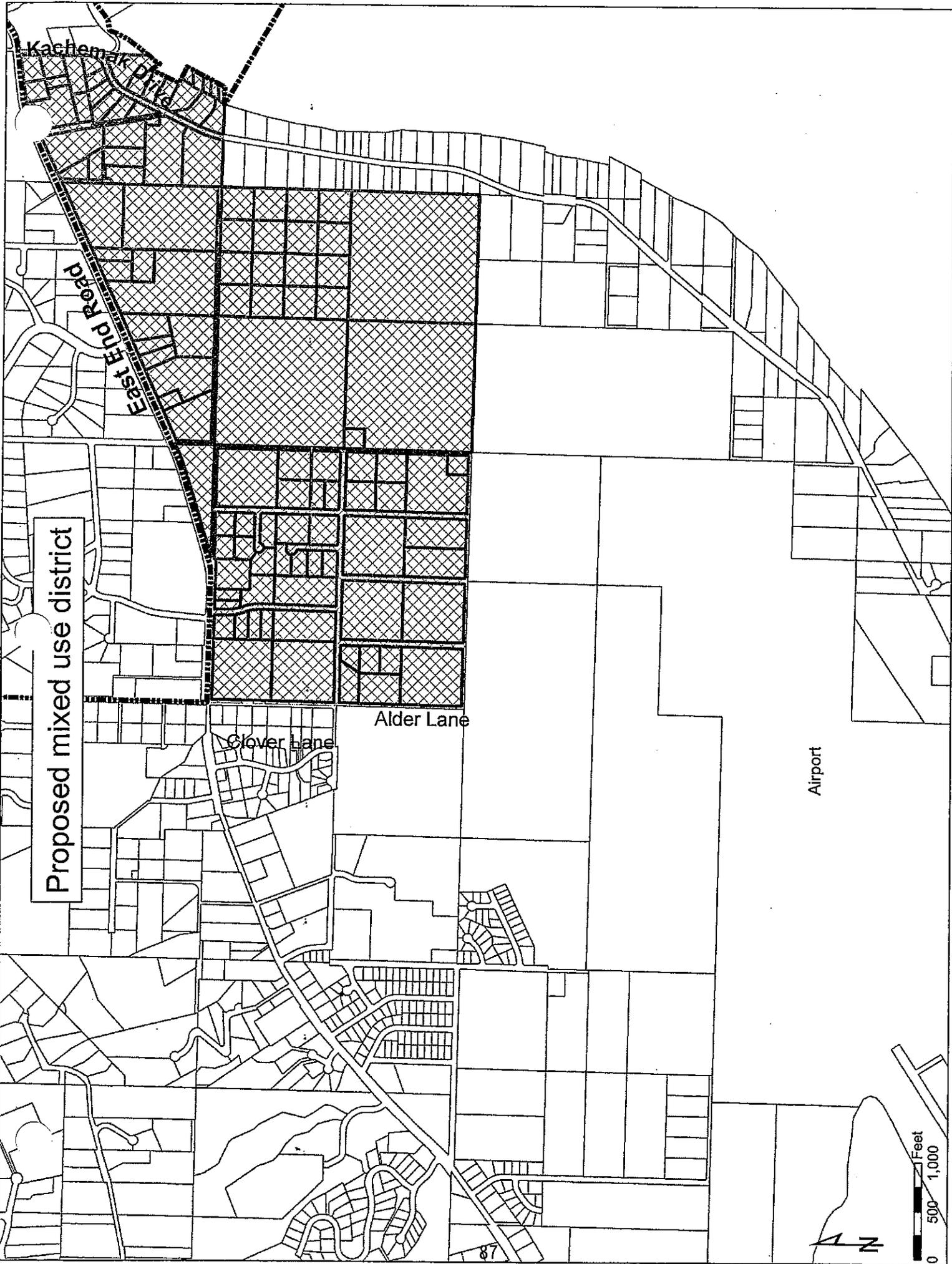
192 Section 2. The official zoning map as drafted of the East End Mixed Use Zoning
193 District dated _____ (attached exhibit A) shall consist of the originally proposed
194 properties and adjoining properties which may by request be included. The City Clerk is
195 authorized to sign the map and adhere to the requirements set forth in the Homer City Code,
196 Section 21.10.030 (b).

Comment [JE4]: The concept of screening will need more definition in this district. What should east end road look like? Are there problems now? What should be different? What is working well?

Comment [JE5]: Staff to work on setback concepts for commission review.

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Proposed mixed use district

Kachemak Drive

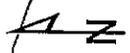
East End Road

Clover Lane

Alder Lane

Airport

0 500 1,000 Feet





Current zoning and the proposed E End Mixed Use District

East End Road

Keebler

Clover Lane

Alder Lane

Airport

Legend

- East End Mixed Use
- City Limits
- Current Zoning
- Zone
 - General Commercial 1
 - General Commercial 2
 - Open Space Rec
 - Rural Residential

0 500 1,000 Feet







City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-108

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: November 3, 2010
SUBJECT: Meeting Schedule for 2011

The City Clerk has provided the 2011 meeting schedule for your review and consideration. She requested the Commission review the schedule and make any amendments you would like to see.

In the past, the Commission has elected to not schedule a regular meeting for the second meetings in November and December. If the Commission wishes to do this for 2011, the schedule should be amended to remove the November 16th meeting. The December 21st meeting has already been removed by the Clerk's office.

Staff notes that the November 16 meeting falls the week before Thanksgiving next year.

ATTACHMENTS

1. Draft Resolution 10-XX



Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, CMC, Deputy City Clerk II
Renee Krause, CMC, Deputy City Clerk I



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM

TO: COUNCIL'S ADVISORY BODIES
FROM: JO JOHNSON, CMC, CITY CLERK
DATE: OCTOBER 21, 2010
SUBJECT: 2011 MEETING SCHEDULE

A handwritten signature in dark ink, appearing to read "Jo Johnson", is written over the "FROM:" line of the memorandum.

Please review the 2011 meeting schedule and approve, making amendments if needed. The entire 2011 meeting schedule is included in the Draft Resolution. The Resolution will be presented to Council on December 13, 2010 for adoption.

You should prepare a memorandum indicating the action taken, or an excerpt of the minutes. Please return to the City Clerk prior to December 3, 2010.

"WHERE THE LAND ENDS AND THE SEA BEGINS"

To access City Clerk's Home Page on the Internet: <http://clerk.ci.homer.ak.us>

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

DRAFT RESOLUTION 10-XXX

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ESTABLISHING THE 2011 REGULAR MEETING SCHEDULE FOR THE CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY COMMISSION, LIBRARY ADVISORY BOARD, PARKS AND RECREATION ADVISORY COMMISSION, ADVISORY PLANNING COMMISSION, PORT AND HARBOR ADVISORY COMMISSION, LEASE COMMITTEE, PERMANENT FUND COMMITTEE, PUBLIC ARTS COMMITTEE AND TRANSPORTATION ADVISORY COMMITTEE.

WHEREAS, Pursuant to Homer City Code Section 1.14.020, the City Council annually sets the schedule for regular and some special meetings, noting the dates, times and places of the City Council, Advisory Commissions, and the Library Advisory Board meetings; and

WHEREAS, The public is informed of such meetings through the kiosks located at Captain's Coffee, Harbormaster's Office, Redden Marine Services of Homer, and the City Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Home Page on the Internet, and postings at the Clerk's Office at City Hall, and the Public Library; and

WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper of general circulation at least three days before the date of the meeting and that special meetings should be advertised in the same manner or may be broadcast by local radio at least twice a day for three consecutive days or two consecutive days before the day of the meeting plus the day of the meeting; and

WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council and all commissions, boards, committees, subcommittees, task forces and any sub-unit of the foregoing public bodies of the City, whether meeting in a formal or informal meeting; that the failure to give the notice provided for under this chapter does not invalidate or otherwise affect any action or decision of a public body of the City; however, this sentence does not change the consequences of failing to give the minimum notice required under State Statute; that notice will ordinarily be given by the City Clerk; and that the presiding officer or the person or persons calling a meeting are responsible for notifying the City Clerk of meetings in sufficient time for the Clerk to publish notice in a newspaper of general circulation in the City; and

WHEREAS, This Resolution does not preclude additional meetings such as emergency meetings, special meetings, worksessions, and the like; and

WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2011 meeting schedule is established for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee of the City of Homer, Alaska, as follows:

Holidays - City Offices closed:

January 1*, New Year's Day, Saturday so will be observed on Friday, December 31, 2010	February 21*, Presidents' Day, the third Monday	March 28*, Seward's Day, last Monday	May 30*, Memorial Day, last Monday	July 4**, Independence Day, Monday	September 5*, Labor Day, first Monday
October 18*, Alaska Day, Tuesday	November 11*, Veterans Day, Friday	November 24* Thanksgiving Day, Thursday	November 25*, Friday, the day after Thanksgiving	December 25**, Christmas, Sunday so will be observed on Monday, December 26	

*Indicates holidays - City offices closed.

**If on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel Rules and Regulations.

CITY COUNCIL (CC)

January 10, 24	February 14, 28	March 14, 28	April 11, 25	May 9, 23***	June 13, 27
July 11**, 25	August 8, 22	September 12, 26	October 4 Election	October 10, 24, for Oath of Office, 17	Canvass Board October 7 or 10
November 1 Run- Off Election	November 14**, 28	December 12****	December 19**** if needed		

City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each month at 6:00 p.m. *** The City Council traditionally reschedules regular meetings that fall on holidays or High School Graduation days, for the following Tuesday. Council will not conduct a First Regular Meeting in July.

AML Annual Conference Week is tentatively scheduled for November 7 - 11, 2011.

**There will be no First Regular Meeting in July or November.

**** The City Council traditionally cancels the last regular meeting in December and holds the first regular meeting and one to two Special Meetings as needed. Generally the second Special Meeting the third week of December, will not be held.

ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 11	February 8	March 8	April 12	May 10	June 14
July 12	August 9	September 13	October 11	November 8	December 13

Economic Development Advisory Commission Regular Meetings are held on the Second Tuesday of each Month at 6:00 p.m.

LIBRARY ADVISORY BOARD (LAB)

January 4	February 1	March 1	April 5	May 3	June 7
July 5	August 2	September 6	October 4	November 1	December 6

Library Advisory Board Regular Meetings are held on the first Tuesday of each month at 6:00 p.m.

PARKS AND RECREATION ADVISORY COMMISSION (P/R)

January 20	March 17	May 19	June 16
July 21	August 18	September 15	November 17

Parks and Recreation Advisory Commission Regular Meetings are held on the third Thursday of the months of January, March, May, June, July, August, September, and November at 6:30 p.m.

PLANNING COMMISSION (P/C)

January 5, 19	February 2, 16	March 2, 16	April 6, 20	May 4, 18	June 1, 15
July 20**	August 3, 17	September 7, 21	October 5, 19	November 2, 16	December 7**

Advisory Planning Commission Regular Meetings are held on the first and third Wednesday of each month at 7:00 p.m. **There will be no First Regular Meeting in July or Second Regular Meeting in December.

PORT AND HARBOR ADVISORY COMMISSION (P/H)

January 26	February 23	March 23	April 27	May 25	June 22
July 27	August 24	September 28	October 26	November 16	December 21

Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of each month at 5:00 p.m. The Regular Meetings in the months of November and December are traditionally scheduled for the third Wednesday of the month.

LEASE COMMITTEE (LC)

January 13	April 14	July 14	October 13
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Lease Committee Regular Meetings are held quarterly on the second Thursday of each month at 3:00 p.m.

PERMANENT FUND COMMITTEE (PFC)

January 13	April 14	July 14	October 13
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Permanent Fund Committee Regular Meetings are held quarterly on the second Thursday of the month at 5:15 p.m.

PUBLIC ARTS COMMITTEE (PAC)

February 17	May 19	August 18	November 17
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Public Arts Committee Regular Meetings are held quarterly on the third Thursday of the months of February, May, August, and November at 11:00 a.m.

TRANSPORTATION ADVISORY COMMITTEE (TAC)

February 15	May 17	August 16	November 15
-------------	--------	-----------	-------------

Transportation Advisory Committee Regular Meetings are held quarterly on the third Tuesday of the months of February, May, August, and November at 5:30 p.m.

PASSED AND ADOPTED by the Homer City Council this _____ day of December, 2010.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Impact: Adverting of meetings in regular weekly meeting ad and advertising of any additional meetings.





City of Homer

City Manager

*491 East Pioneer Avenue
Homer, Alaska 99603
907-235-8121, X-2222*

Fax (907) 235-3148 E-mail: wwrede@ci.homer.ak.us Web Site: www.ci.homer.ak.us

MANAGER'S REPORT October 11, 2010

MEMORANDUM

FY 2011 DRAFT BUDGET SUMMARY

TO: Mayor Hornaday and Homer City Council

DATE: October 4, 2010

This Memorandum contains an outline and summary of the Draft FY 2011 Operating Budget. The draft budget was placed in your mail boxes on October 4, 2010. The budget will be posted on line and will be available in hard copy for public review at the Clerk's office. The Council is scheduled to receive a full briefing on the budget at the Committee of the Whole meeting on October 11. There is a public hearing scheduled on the draft at the regular meeting the same night. The budget ordinance along with all of the associated resolutions is scheduled to be introduced at the regular meeting on October 25. At that point, the Council will be able to make amendments as it sees necessary and appropriate.

Following is a summary of the draft budget for the General Fund and the two Enterprise Funds.

General Fund

At the regular meeting on September 27, I reported to the Council that revenues were projected to be down from 2010. The primary reasons for that included reduced property taxes, loss of rent for the old intermediate school, and a reduction in the special services contract with the Alaska State Troopers. In addition, revenue from sales taxes did not appear to be up as some had predicted. This reduction in revenue coupled with an increase in some fixed costs created an initial budget deficit of approximately \$300,000 before equipment and personnel requests were considered. By meeting time, the deficit had been reduced to just over \$200,000 but much work remained to be done.

The draft budget before you is balanced in the sense that expenditures do not exceed revenues. We were able to balance the budget by making additional cuts, slightly adjusting revenues based upon new information, and minimally

raising fees (airport parking and administration overhead). We were very fortunate this year that insurance costs went down significantly. Property, auto, and liability insurance costs were reduced by \$70,000 in the General Fund alone because each department participated in AML/JIA risk reduction training. We were also able to reduce the contribution to the internal service fund by close to \$90,000 because the fund balance has grown to a comfortable level. These are one time reductions though and likely cannot be repeated next year.

Following is a outline of where the cuts were made, significant budget highlights, and some thoughts about the future.

The Additional Cuts / Where Did They Come From?

- 5% cut on average to each department budget
- A reduction in the contribution to the Internal Service Fund (self insured health plan)
- Funding for two parks seasonal employee positions
- Funding for one seasonal beach patrol / parking enforcement aid
- Deeper cuts in training, travel, and professional services line items across the board
- Reduction in snow removal budget
- Cuts to Council travel, subsistence, lobbying, and training budgets
- A myriad of additional cuts to supplies, materials
- Additional cuts to overtime budgets

Anticipated Impacts

The budget reductions noted above may not be too noticeable to the general public in the short term but the impacts will be felt over time, especially when you consider that many of these same areas have been already cut substantially over the past two years. For example, this budget reduces training funds to levels that should concern us all. For the City to provide a high level of service, it must have highly trained and professional employees. Eliminating training options for the Police, Fire, and Public Works Departments in particular can lead to unwanted costs and consequences later on.

The two seasonal parks positions are responsible for a wide variety of things including cleaning bathrooms and collecting trash. This will mean that the work will be spread to other employees and a reduced level of service overall can be expected for parks maintenance, camp fee collection, landscaping and beautification projects (especially on Pioneer Ave.) and public education on beach policies. The loss of a seasonal parking aid will mean elimination of beach patrols and a reduced parking enforcement presence at a time when the City is considering taking over parking responsibility for the entire Spit. Cuts to professional services means that we will likely have to seek a separate budget ordinance every time we need a surveyor or an assessor in the course of conducting normal City business.

Cuts to overtime budgets do not mean that there is less work to do. It just means that employees will pile up more compensation time. Although that does not cost the City cash, it does lower productivity because employees spend less time in the office. This is a particular problem for Planning and the Clerk's office as the number of committees continues to expand. Finally, there is only so much that you can reduce material and supply budgets before employees cannot do their jobs. We are getting very close to that now.

Draft Budget Highlights

- Operating Budget reduced by \$264,704 or about 2.8%
- No Employee COLA (2nd year in a row)
- No contributions to depreciation reserves
- No contributions to fleet reserves
- Vacant positions at Police, Fire, Public Works, Finance, and Clerks remain unfilled
- No vehicle or equipment purchases (with exception of a few computers, \$36,000 in fire department equipment, and new sliding glass doors at airport terminal)
- Fund Balance Grows very slightly

5% reduction in non-profit contribution

Discussion

My goal in preparing the budget this year was to come up with a short term, transitional budget that would for the most part avoid additional service cutbacks and cause as little turmoil in the community as possible. The idea was to prepare a budget that would provide the Council and the community with a little breathing room to thoughtfully discuss the level of services it is willing to pay for going forward. I think this budget does that but it is not sustainable for long. My hope is that this budget and budget message will serve as a wake-up call and will lead to good community dialog without the pressure of an immediate budget axe hovering overhead.

Unless the economy rebounds significantly or new revenue sources are identified, the budget problem is likely to be worse next year. The City cannot continue to defer transfers to its depreciation accounts or investments in its infrastructure. Sooner or later, the bill will come due. Additional cuts can be made to employee compensation packages and staffing levels but they must be weighed against reduced productivity, lowered qualifications and skill sets, and deteriorating morale. We have basically reached the bottom when it comes to cuts in supplies, materials, training, travel, overtime, and other "low hanging fruit".

In short, the City can no longer simply "cut the fat". Staffing levels are about as low as they can go and still provide something that resembles the same level of service. We continue to look for ways to operate more efficiently (energy consumption and procurement for example) but there are limits to how far that can take you. Future budget reductions will necessarily include elimination of entire programs or services. The Council will have to consider structural changes that fundamentally change the level and type of services provided. In addition to eliminating programs and services, these changes may include some of the things we see taking place in the Lower 48 (and Anchorage for that matter) such as reduced hours of operations, furloughs, layoffs, and outsourcing some functions.

Port and Harbor Enterprise Fund

The Port and Harbor Enterprise Fund is in relatively good shape, at least with respect to the short term and this year's budget. The Port and Harbor has no outstanding debt with the exception of a small equipment loan. Revenues are projected to increase slightly next year and will increase by over \$100,000 if a recommendation to increase fees by 3% is approved. Operating expenses are down from last year by over \$100,000, mostly due to decreases in insurance costs. The draft budget proposes that \$500,000 be transferred to depreciation and fleet reserves.

The draft budget contains no new employees and no COLA for existing employees. The same reductions in contributions to the internal service fund were applied. No new vehicles are included except for a ½ ton pick-up for Port Maintenance. Fortunately, the Port and Harbor is in a position to make some targeted investments in its infrastructure. The draft budget contains \$160,000 in capital improvements that includes upgrades to the harbor tug, a crane rebuild on the Fish Dock, an electrical conduit overhaul on the Fish Dock, upgrades to the ice delivery system, and replacement of the Wiggins forklift.

Discussion

As noted above, the Port and Harbor Enterprise Fund is in good shape overall, especially if the planning horizon is short term. However, the auditors have reminded us again this year that the fund needs to improve its cash balance situation and significantly enlarge its reserves. As many have noted, the port and harbor facilities are probably the most important economic engine we have in this community. The City should take a long term view in terms of investing in existing infrastructure there. The port and harbor contains upward of \$70 Million dollars of infrastructure but the City only has just over \$1 Million in reserves. Much of this infrastructure, such as the ice plant and the Fish Dock cranes is 25 years old. We have been trading water but not really maintaining and investing as we should. One large breakdown could wipe out the reserves in short order.

To that end, the administration is recommending a 3% increase in most fees. Fees have not been raised for several years and they remain low for the most part compared to other comparable harbors. The extra revenue would be used

to grow the reserves and maintain the facilities that we have. Adequate reserves and a healthy revenue stream are also vital if bond sales or grant matching funds are needed in the future.

Water and Sewer Fund

As you know, the Council has decided to set water and sewer rates every other year at mid-year. Council will revisit the water and sewer budget and water and sewer rates later this spring. However, in the meantime, a water and sewer budget must be approved along with the rest of the operating budget so that operations can continue through the first part of FY 2011.

The Water and Sewer Enterprise Fund is in pretty good shape overall considering the fundamental problems it must overcome. Those problems include a very expensive and far flung infrastructure and relatively few customers to pay for it. The overall picture becomes more tenuous when debt is considered. Although debt payments are made by the Homer Accelerated Water and Sewer Program Fund, a separate fund supported by sales tax revenues, this still remains water and sewer debt and it is close to \$14 Million. When the two funds are combined, like the auditors like to do, the overall picture suggests caution and close monitoring.

This discussion is limited to the Water and Sewer Enterprise Fund. Total water and sewer fund revenues were down this year and are projected to be down next year as well. The dip in revenues was mostly on the water side and it has been suggested that it is due in part to a very wet summer season and to conservation efforts on the part of consumers. The draft budget contains operating expenses that are essentially flat. There are no COLAs for employees and contributions to the internal service fund were reduced similar to the other funds. The budget contains no new employees, no new vehicles, and transfers \$500,000 into the reserves. The Water and Sewer Fund has just under \$4 Million in reserves. The draft budget contains sewer capital project funding for polymer feed equipment replacement and a bio-solids treatment feasibility study. The purpose of the study is to increase efficiency, reduce energy costs, and prepare for the day that the Borough closes the landfill.

Discussion

Discussion this spring will likely center on several key topics:

- How do we promote in-filling, increase customers, and increase revenues so that the cost of maintenance and operations can be shouldered by more people?
- Should the Water and Sewer Enterprise Fund be subsidized in order to keep rates down? If so, how?
- Is the present fee schedule and cost apportionment between residential, commercial and bulk carrier classes fair and equitable? If not, how should it be adjusted?
- Are there ways to reduce costs we have not thought of yet?



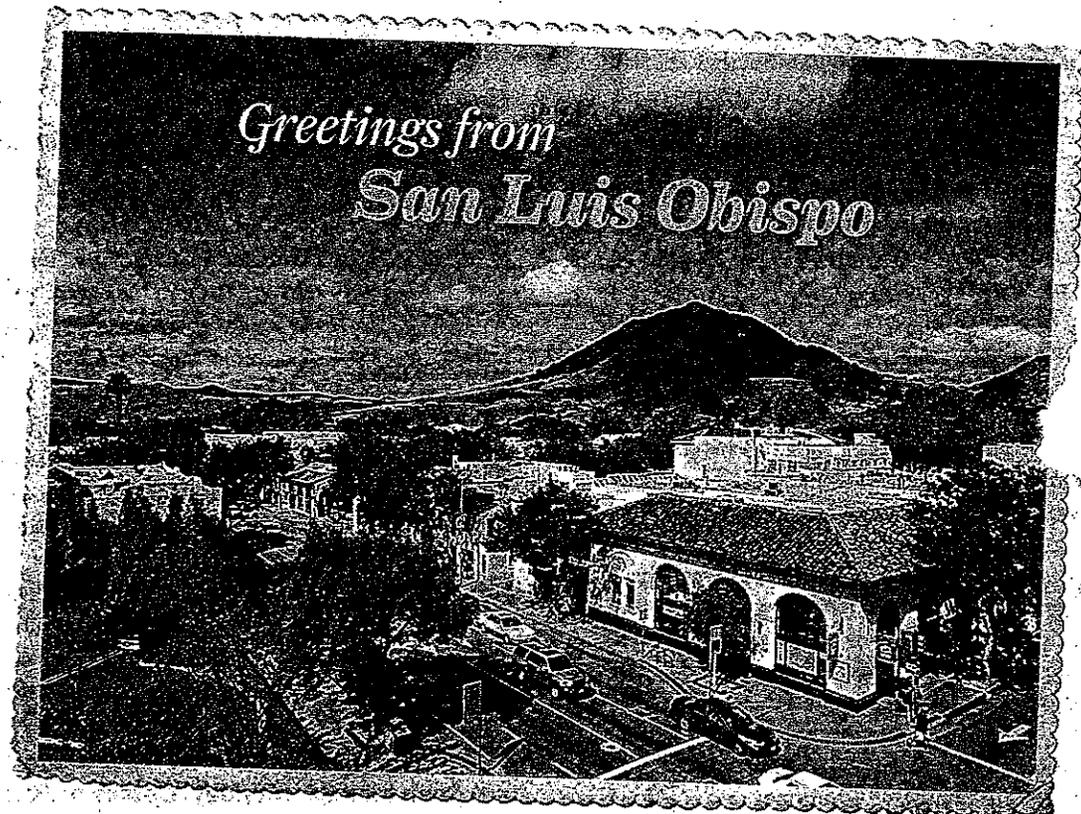
You'll Wish You Were Here

Lessons from Happy Town, U.S.A.

FOR HIS 2008 BEST-seller, *The Blue Zones*, Dan Buettner searched the world for the truth about longevity. In his new book, *Thrive*, out Oct. 19, he tackles the topic of happiness. What are the happiest spots on Earth—and what secrets can we glean from them? One utopia his travels took him to is San Luis Obispo, near California's Central Coast. Joy seems to be in the tap water. In a 2008 Gallup-Healthways poll, the city's 44,000 residents ranked No. 1 in the U.S. in overall emotional health. Here are some lessons that Buettner learned—and that we can try out in our own communities.

Support the Arts

Former mayor Ken Schwartz likes to quote this Persian proverb: "If you have but two coins, use one for bread to feed the body and the other for hyacinths to feed the soul." Art, like flowers, nourishes the soul. Happy people usually have access to art—painting, film, sculpture, theater, music—and live in places that are attractive to the eye. A city must provide venues for artists to create and exhibit their work, so San Luis Obispo created a center that houses galleries and hosts concerts and film seminars.



Boost Biking and Walking

Research shows that if city planners make the active option the easy one—by providing good sidewalks and bike lanes and taking steps to decrease and slow car traffic—activity levels go up. San Luis Obispo has all of these features, and new office buildings are required to have bike lockers and showers so people can freshen up before work. Public-transit use is also encouraged: Bus stations are conveniently located, and people who work downtown can ride for free.

Create a Greenbelt

San Luis Obispo has an aggressive greenbelt plan and an ordinance limiting housing growth to 1% a year. With help from its county's Land Conservancy, a city manager raises funds to purchase green spaces that come up for sale close to town. The result: Since 1994, the city has acquired 3,000 acres of open space, and suburban sprawl has been minimized. San Luis Obispo is now surrounded by parks, hiking trails, mountain-biking trails, and

wildlife preserves—beautiful areas to enjoy and to get the body moving.

Prohibit Drive-Throughs

The city banned drive-through restaurants in the 1980s. Since San Luis Obispo is a college town, the law was originally written to reduce traffic, but it has had beneficial effects on public health, especially on helping contain obesity and its associated costs. The obesity rate there is 17.6%, versus the national average of 26.5%.

Happy people have access to beautiful green spaces



A trolley in downtown San Luis Obispo. What can you do to raise your joy quotient? Find out at Parade.com/happytown.

Stamp Out Cigarettes

As Gallup poll data have shown, it's hard to be happy without your health. In 1990, San Luis Obispo became one of the first municipalities in the world to enact anti-smoking legislation in bars. More recently, it has placed citywide bans on smoking in front of office buildings and in parks and playgrounds. The idea is to "de-normalize" smoking—so smokers are reminded wherever they go that it's not a smart thing to do. Smoking rates stand at continued

PHOTOS COURTESY OF SANLUISOBISPOVACATIONS.COM (TROLLEY) AND SAN LUIS OBISPO CHAMBER OF COMMERCE/DAVID E. GARTH (AERIAL VIEW) ANP (TRIM)

have the so-called cool kids throw slushies at them. Seventeen-year-old Sound Check baritone Lukas Hall is self-assured enough not to care. What's important to him is the music, the camaraderie. "Everyone cheers each other on," he says. "We pass the other choirs in the hallway [at competitions] and clap for them. Of course, we also think, Can we beat them?"

That sounds like something the ultra-competitive Rachel Berry would say on *Glee*, no?

"We all have a little bit of Rachel in us," Hall says, smiling. "But it's not about winning."

His director agrees, noting that his emphasis isn't on score sheets but on education. "That experience of singing and performing and being on stage makes kids more open," Myers remarks. "Kids who are shy or tend to be withdrawn—I've seen them change." As for the attention show choirs are now getting because of *Glee*, he says, "It's nice that people across the country can recognize what we do. But I already thought show choir was cool." 

Mickey Rapkin is the author of Theater Geek: The Real-Life Drama of a Summer at Stagedoor Manor, published in June by Free Press.

Best in Show Choir

Can't get enough *Glee*? Go to Parade.com/choir to watch these show-stopping YouTube clips of real high school glee clubs. You'll be amazed by the sight of 80 kids doing jazz hands in unison.



Choir: Company of Singers, Totino-Grace High, Fridley, Minn.
Song: The title tune from the Broadway musical *Anything Goes*
Wow factor: Two words—tap dancing. You won't believe these kids are in high school.



Choir: Attaché, Clinton High, Clinton, Miss.
Song: Queen's "Under Pressure"
Wow factor: Sequins, spunk, and super-synchronized choreography keep a familiar song fresh.



Choir: Classic Connection, DeKalb High, Waterloo, Ind.
Song: Hanson's "Where's the Love"
Wow factor: This group's energy could power an entire city. You'll get a charge just watching them.

PARADE is looking for America's Favorite Glee Club! Nominations are open through Monday. Details at Parade.com/glee.



on low glade.com
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Johnson
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Happy Town | continued

around 11% in San Luis Obispo, among the lowest in the U.S.

Shrink Signage

Signs tend to beget more signs—as one sign gets bigger and blinkier, other businesses feel forced to make theirs even bigger and blinkier. In 1977, Mayor Schwartz imposed limits on the size and type of signage, making the city more aesthetically pleasing, ratcheting down marketing, and decreasing the urge to buy.

Empower the People

Having a project that people can comment on and rally around sends the lasting message that citizens have a say in how their city grows. In 1968, San Luis Obispo residents and businesspeople engaged in a heated debate over whether to close a street in the city center and create a plaza. The issue was ultimately put up for a public referendum, and voters overwhelmingly approved the plaza project. Since its construction, Mission Plaza has become a symbol of the city, an icon of civic pride, a place

for social gatherings, and a spot for the arts and farmers markets. ■



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