

**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 January 4, 2012 P. 1
  2. Time Extension Requests
    - A. Barnett's South Slope Quiet Creek Park *Laydown*
    - B. Tice-Henrikson No. 2 Oracle Point Addition *Laydown*
  3. Approval of City of Homer Projects under HCC 1.76.030 g.
  4. KPB Coastal Management Program Reports
6. **Presentations**
7. **Reports**
  - a. Staff Report PL 12-06, City Planner's Report P. 5
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. P. 7
  - A. Staff Report PL 12-05, Draft Ordinance 12-xx Amending the Zoning Map to rezone portions of the Rural Residential, Urban Residential and General Commercial Two districts to Conservation, and a portion of the Urban Residential district to Open Space Recreation.
9. **Plat Consideration**
  - A. Staff Report PL 12-03, Thompson Subdivision, Upton Addition Preliminary Plat P. 2 1
10. **Pending Business**
11. **New Business**
  - A. Staff Report PL 12-04, Planning Commission Work List P. 2 9
12. **Informational Materials**
  - A. City Manager's Report dated January 23, 2012 P. 3 3

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 9:30 p.m. An extension is allowed by a vote of the Commission. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment."

Session 12-01, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 6:30 p.m. on January 4, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**PRESENT:** COMMISSIONERS BOS, DOLMA, HIGHLAND, MINSCH, SONNEBORN, VENUTI

**ABSENT:** COMMISSIONER ERICKSON

**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**

### **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 December 7, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030g
4. KPB Coastal Management Program Reports

The consent agenda was approved by consensus of the Commission.

### **PRESENTATIONS**

#### **REPORTS**

- A. Staff Report PL 12-02, City Planner's Report

City Planner Abboud reviewed his staff report and answered Commission questions.

### **PUBLIC HEARINGS**

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

No public hearings were scheduled.

## PLAT CONSIDERATION

### A. Staff Report PL 12-01, Bay View Subdivisions, Swan Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

Gary Nelson, project surveyor, commented that he and the owner are available for questions. Regarding the 15 utility easement, he commented that each time commission make zoning or other law it has the potential of diminishing property value as well affecting property rights, sometimes negatively and sometimes positively. When the parcel was last before a planning commission it met code for utility easements at that time. Since then a new law was enacted for 15 foot utility easements along rights-of-way in subdivisions. He questioned if it makes sense to add additional easement to an existing subdivision where utilities are already in and roads are paved. He asked the Commission to consider how that diminishes the value of property in this property owner's case. Mr. Nelson said he appreciated recommendation 5 to add a note regarding the flood plane rather than a demarcation of the flood zone. The flood zones are political boundaries that will change over time. FEMA is in the currently process of amending them.

**BOS/VENUTI MOVED TO ADOPT STAFF REPORT PL 12-01, BAY VIEW SUBDIVISION, SWAN ADDITION, PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.**

There were comments that everything appears to be in order. The wetlands status is addressed through the plat note to contact the ACOE. Comment was also made that the Commission has previously expressed concerns regarding flag lots and the problems they can cause. It hasn't been addressed through an ordinance, but is something to be aware of.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT**

Motion carried.

## PENDING BUSINESS

No pending business items were scheduled.

## NEW BUSINESS

No new business items were scheduled.

## INFORMATIONAL MATERIALS

- A. City Manager's Report dated December 12, 2011
- B. Staff Report PL 08-70, Robert's Rules, Discussion and Findings

Commissioners and staff reviewed staff report PL 08-70 and discussion included:

- More commission discussion on the record regarding action items.
- Staff is doing a real good job at providing the Commission what they need to make an informed decision.
- Contacting staff if commissioners feel they need additional information before meeting time so staff can be prepared.

- The importance of public participation and consideration for ways to help get people informed.
- Having a schedule for Commissioners to attend and give feedback at City Council meetings under Commission Reports, or preparing a report for the City Council packet.

#### COMMENTS OF THE AUDIENCE

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

There were no audience comments.

#### COMMENTS OF STAFF

There were no staff comments.

#### COMMENTS OF THE COMMISSION

Commissioner Highland wished everyone happy new year.

Commissioner Sonneborn thanked everyone for a great meeting.

Commissioner Bos wished everyone a happy new year and said he is glad to be back.

Commissioner Dolma said he is looking forward to seeing their updated worklist and addressing it over the next year.

Commissioner Venuti had no comment.

Chair Minsch commented on the Commission's good work.

#### ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:41 p.m. The next regular meeting is scheduled for January 18, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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





**City of Homer**  
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**STAFF REPORT PL 12-06**

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** February 1, 2012  
**SUBJECT:** Planning Director's Report

**January 9<sup>th</sup> City Council worksession and regular meeting**

**Ordinance 12-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-Of-Way; Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-Of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Planning. Recommended dates: Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

**Ordinance 12-01(S)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs.

Memorandum 12-007 from City Planner as backup.  
Memorandum 12-008 from City Attorney as backup.

City Planner Abboud, Advisory Planning Commission Chair Minsch, and City Attorney Klinkner presented proposed changes to the sign code.

**SUBSTITUTE ORDINANCE 12-01(S) ADOPTED.**  
**AMENDED: SECTION 10 FROM ORDINANCE 12-01 REPLACED FOR SECTION 10 ON ORDINANCE 12-01(S).**  
**ADOPTED as AMENDED with discussion.**

**Resolution 12-004**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Advisory Planning Commission Bylaws and Policies and Procedures Manual. Planning.  
ADOPTED without discussion.

**January 23<sup>rd</sup> City Council  
Regular Meeting**

**Ordinance 12-01(S)(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs- Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Memorandum 12-007 from City Planner as backup.  
Memorandum 12-008 from City Attorney as backup.  
There were ten who testified.

**AMENDED and REFERRED TO PLANNING COMMISSION and ECONOMIC DEVELOPMENT  
ADVISORY COMMISSION.**

**Activities:**

No word yet regarding FEMA's additional analysis of the proposed FIRM's.

The City Hall addition is finished. We are now in our new offices waiting for some new furniture to arrive.

Thanks to Jennifer, Franco and Roberta for attending the training:

***Legal Issues Facing the City of Homer City Council, Commissions and Boards.***

The training covered the Open Meetings Act, *Ex-Parte* Communications, conflicts of interests, and drafting good findings. In particular, the discussion on how to draft good findings led us to the nuts and bolts of going in and out of deliberation. For example, there are times when the Commission would benefit by keeping the hearing open until after the Commission has deliberated (behind closed doors) and asked questions of the applicant. We discussed the how to continue the hearing at a later date; by simply stating the time and place of the continued hearing before moving onto the next agenda item.



**City of Homer**  
**Planning & Zoning**  
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**STAFF REPORT PL 12-05**

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** February 1, 2012  
**SUBJECT:** Draft Ordinance 12-xx, Amending the Zoning Map to rezone portions of the Rural Residential, Urban Residential and General Commercial Two districts to Conservation, and a portion of the Urban Residential district to Open Space Recreation.

**Requested Action:** Conduct a public hearing and make a recommendation on the City Council on the proposed zoning map changes.

**NOTE:**

Staff originally advertised this ordinance to include more lands to be rezoned. However, it has become apparent that there are questions about the city's ability to apply zoning to airport lands, including access to Beluga Lake which is a floatplane facility. Therefore, staff withdrew these lands from the ordinance until there is more information. There has been some interest from the public on some of these areas. There may be public comment on parcels that are no longer included- see attachments. Another rezone ordinance could address these areas in the future if warranted.

**GENERAL INFORMATION**

This ordinance proposes to rezone two areas of the City. The first proposal is to rezone a piece of Rural Residential land to Conservation. The property is located on the far western boundary of the City, and is part of the state lands commonly called Overlook Park. The property is adjacent to existing conservation lands. The second proposal is to rezone a large area north of the airport to Conservation. The lands to be rezoned are currently zoned General Commercial Two, and Urban Residential.

**Map comment:**

The Conservation zone boundary along the northern part of the airport runway shall follow the legal description of CHA despite any graphic interpretations.

**STAFF COMMENTS/RECOMMENDATIONS:**

Planning staff has reviewed the ordinance per 21.95.050 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

**ATTACHMENTS**

1. Staff Memorandum; review of HCC 21.95.050
2. Draft ordinance and attachments
3. Public Notice
4. Map of parcels withdrawn from ordinance





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MEMORANDUM

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** February 1, 2012  
**SUBJECT:** Draft Ordinance 12-xx, Amending the Zoning Map to rezone portions of the Rural Residential, Urban Residential and General Commercial Two districts to Conservation, and a portion of the Urban Residential district to Open Space Recreation.

**This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.050.**

**21.95.050 Planning Department review of zoning map amendment.** The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

**a.** Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

*Staff response:* The proposed amendments are consistent with the Comprehensive Plan and follow the guidelines of the Land Use Recommendations Map found in Chapter 4, Land Use, of the Plan.

**b.** Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

*Staff response:*

1. Conservation zoning around the airport. Since initial zoning of the area around the airport in 1982 with the adoption of the Homer Zoning Code, it has become apparent that heavy industrial zoning is not appropriate to the area. A large part of the General Commercial Two district was designated as Critical Habitat Area in 1996 in recognition of important wetlands and area moose habitat. Through the Comprehensive Plan, the community has outlined those areas

more appropriate for industrial development, and those areas that would better serve community needs through conservation. The proposed map amendment follows the guidelines in the Plan.

2. Conservation zoning near Bluff Point (western edge of the City). The land is beach bluff property on a bench. It is much lower in elevation than adjacent residential lots along the Sterling Highway. When this area was annexed in 2002, it was owned by a private citizen who requested rural residential zoning. Staff thinks it may have been a lot selected as part of the Alaska Native Claims Settlement Act. Over the past ten years, the property has returned to the state, and the citizen has passed away. The land, and the adjacent land, is an area the state purchased with Exxon Valdez Oil Spill money for conservation or inclusion in the Kachemak bay State Park. With this change in ANCSLA selection, lack of physical access for residential development, and proximity to other conservation lands, it is appropriate to rezone this property to Conservation.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

*Staff response:*

1. Airport conservation area. It is in the best interest of the public to rezone this portion of the Beluga Wetlands area as conservation. There are few public services or facilities available, and development would have a negative effect on the environment. The area is important moose and bird habitat, and contains extensive wetlands.

2. Bluff point conservation area. It is in the best interests of the public to rezone this parcel to conservation. There are no public services or access available for rural residential development and the land is adjacent to other conservation areas.

**CITY OF HOMER  
HOMER, ALASKA**

Planning

**ORDINANCE 12-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE PORTIONS OF THE RURAL RESIDENTIAL (RR), URBAN RESIDENTIAL (UR) AND GENERAL COMMERCIAL TWO (GC2) ZONING DISTRICTS TO CONSERVATION (CONS).

WHEREAS, Chapter 4 Goal 1 Objective C of the Homer Comprehensive Plan states, "Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth"; and

WHEREAS, the Alaska Legislature enacted Chapter 39 SLA 1996 establishing the Homer Airport Critical Habitat Area north of the Homer Airport for the purpose of providing an area for enhancing winter browse for the moose herd in the lower Kenai Peninsula area, and the Homer Comprehensive Plan classifies the Homer Airport Critical Habitat Area for conservation or open space recreational use; and

WHEREAS, the Homer Comprehensive Plan classifies an 80-acre parcel northwest of the Homer Airport owned by the Kenai Peninsula Borough and described as Parcel No. 179-010-26 for conservation use, and the Kenai Peninsula Borough Assembly adopted Resolution 2011-97 classifying this parcel for Preservation; and

WHEREAS, The Homer Advisory Planning Commission held a public hearing on the rezonings described herein on \_\_\_\_\_, 2012 as required by Homer City Code 21.95.040, and

WHEREAS, The Homer Advisory Planning Commission found that (i) the proposed rezonings are consistent with the Homer Comprehensive Plan and will further specific goals and objectives of the Plan; (ii) the proposed rezonings apply zoning districts that are better suited to the areas that are the subject of the rezonings than the districts that the rezonings would replace; and (iii) there is a public need and justification for the rezonings, the rezonings are in the best interest of the public, and the rezonings will not have a negative effect on the public health, safety or welfare.

**NOW, THEREFORE, THE CITY OF HOMER ORDAINS:**

**Section 1.** The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from the Rural Residential (RR) zoning district to the Conservation (CONS) zoning district as shown on the attached Exhibit B.

Section 2. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from the General Commercial 2 (GC2) zoning district to the Conservation (CONS) zoning district as shown on the attached Exhibit C.

Section 3. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from the Urban Residential (UR) zoning district to the Conservation (CONS) zoning district as shown on the attached Exhibit C.

Section 4. The City Planner is authorized to note on the Homer Zoning Map the amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

Section 5. This is a non-Code ordinance of a permanent nature and shall be noted in the ordinance history of Homer City Code 21.10.030.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_ 2012.

CITY OF HOMER

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

ATTEST:

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

YES:  
NO:  
ABSTAIN:  
ABSENT:

First Reading:  
Public Hearing:  
Second Reading:  
Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt E. Wrede, City Manager  
Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney  
Date: \_\_\_\_\_

Exhibit A

PARCEL ID	LEGAL DESCRIPTION	Zoning Change	OWNER	OWNTYPE
17316006	T 6S R 14W SEC 15 SEWARD MERIDIAN HM GOVT LOT 1	Rural Residential to Conservation	ALASKA STATE D N R	STATE
17901027	T 6S R 13W SEC 15 SEWARD MERIDIAN HM NE1/4 SE1/4	GC2 to Conservation. CHA Land	ALASKA STATE D N R	STATE
17901025	T 6S R 13W SEC 15 SEWARD MERIDIAN HM N1/2 SW1/4 SE1/4 & S1/2 SW1/4	GC2 to Conservation. CHA Land	ALASKA STATE D N R	STATE
17901026	T 6S R 13W SEC 15 SEWARD MERIDIAN HM NW1/4 SE1/4 & NE1/4 SW1/4	GC2 to Conservation.	KENAI PENINSULA BOROUGH	BOROUGH
17901008	T 6S R 13W SEC 21 SEWARD MERIDIAN HM N1/2 NE1/4 NW1/4 & N1/2 NW1/4 NE1/4	Eastern half of parcel only. Urban Residential to Conservation. CHA Land	ALASKA STATE D N R	STATE
17901021	T 6S R 13W SEC 21 SEWARD MERIDIAN HM S1/2 NE1/4 NW1/4 & S1/2 NW1/4 NE1/4 & N1/2 SW1/4 NW1/4	Eastern two thirds of parcel only. GC2 to Conservation. CHA Land	ALASKA STATE AVIATION DIVISION	STATE
17940001	T 6S R 13W SEC 15 & 21 & 22 SEWARD MERIDIAN HM PTN OF HOMER AIRPORT LAND NORTH OF KACHEMAK DR EXCL NE1/4 NW1/4 & NW1/4 NE1/4 & N1/2 SW1/4 NW1/4 IN SEC 21	Only portions of this lot will change. The CHA lands will change from GC2 to Conservation.	ALASKA STATE AVIATION DIVISION	STATE

# Exhibit B

Dump

City Limits

Rural Residential

Sterling Highway

X

Conservation

This lot to change from Rural Residential to Conservation zoning.

Kachemak Bay



City of Homer  
Planning and Zoning Department

1/27/2012

## Legend

 City Limits

## Adjacent Existing Zoning

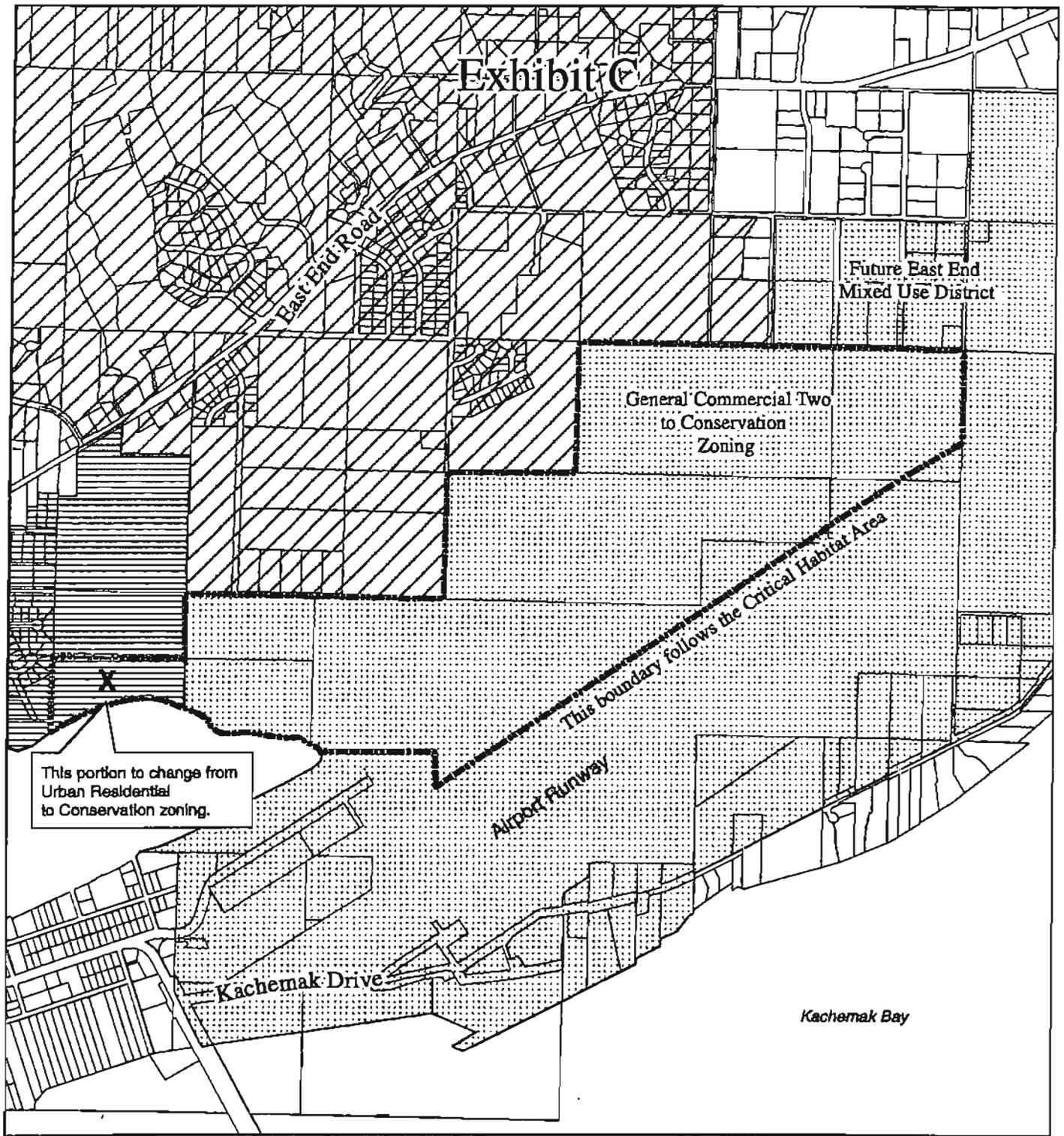
### Zone

 Rural Residential

 Conservation



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



City of Homer  
 Planning and Zoning Department

1/27/2012

### Legend

#### Existing Adjacent Zoning

-  General Commercial 2
-  Rural Residential
-  Urban Residential
-  Proposed Conservation



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# 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, February 1, 2012 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

**Draft Ordinance 12-xx Amending the Zoning Map to rezone portions including T 6S R 13W SEC 15 SEWARD MERIDIAN HM NE1/4 SE1/4, T 6S R 13W SEC 15 SEWARD MERIDIAN HM N1/2 SW1/4 SE1/4 & S1/2 SW1/4, T 6S R 13W SEC 15 SEWARD MERIDIAN HM NW1/4 SE1/4 & NE1/4 SW1/4, T 6S R 13W SEC 21 SEWARD MERIDIAN HM N1/2 NE1/4 NW1/4 & N1/2 NW1/4 NE1/4, T 6S R 13W SEC 21 SEWARD MERIDIAN HM S1/2 NE1/4 NW1/4 & S1/2 NW1/4 NE1/4 & N1/2 SW1/4 NW1/4, T 6S R 13W SEC 14 SEWARD MERIDIAN HM W1/2 SW1/4, T 6S R 13W SEC 23 SEWARD MERIDIAN HM 0850117 HOMER AIRPORT INDUSTRIAL PARK SUB LOT 2, T 6S R 13W SEC 23 SEWARD MERIDIAN HM 0850117 HOMER AIRPORT INDUSTRIAL PARK SUB LOT 3, T 6S R 13W SEC 23 SEWARD MERIDIAN HM 0850117 HOMER AIRPORT INDUSTRIAL PARK SUB LOT 1, T 6S R 13W SEC 23 SEWARD MERIDIAN HM 0850117 HOMER AIRPORT INDUSTRIAL PARK SUB LOT 4, T 6S R 13W SEC 23 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING NORTHWESTERLY OF KACHEMAK BAY DRIVE, T 6S R 14W SEC 15 SEWARD MERIDIAN HM GOVT LOT 1, T 6S R 13W SEC 22 SEWARD MERIDIAN HM BEGINNING AT THE NORTHWEST CORNER OF GOVT LOT 2 TH S 89 DEG 49 MIN 19 SEC E 1064.51 FT TH S 56 DEG 17 MIN, 36 SEC W 1297.70 FT TH N 01 DEG 10 MIN 41 SEC E 742.19 FT TO THE POB, of the Rural Residential, Urban Residential and General Commercial Two districts to Conservation, and a portion of the Urban Residential district, to Open Space Recreation.**

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.

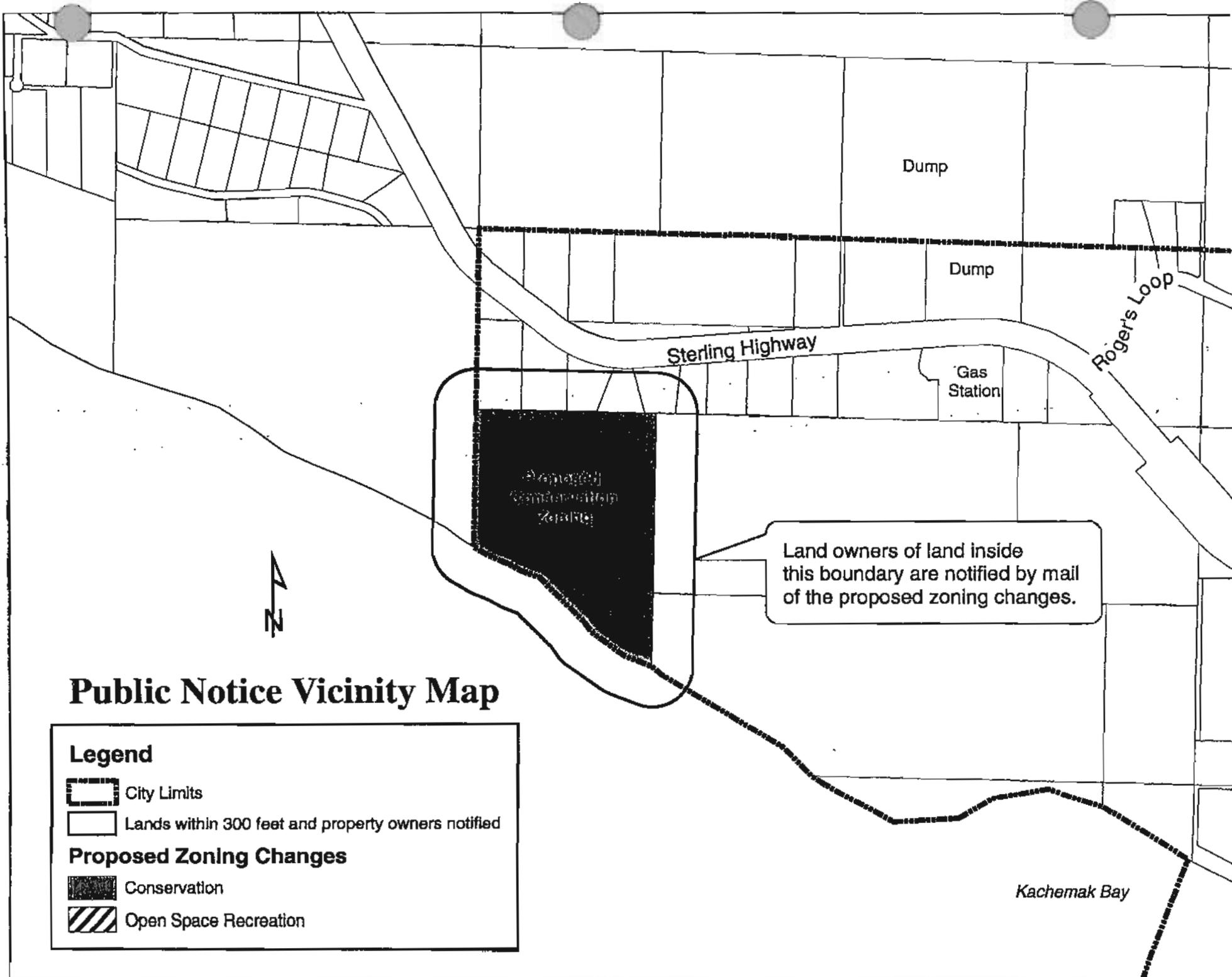
For additional information, please contact Rick Abboud in the City Planning and Zoning Office at 235-8121, ext. 2236.

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

\*\*\*\*\*

PLEASE PUBLISH ONCE

ACCOUNT 100.130.5227



## Public Notice Vicinity Map

### Legend

-  City Limits
-  Lands within 300 feet and property owners notified

### Proposed Zoning Changes

-  Conservation
-  Open Space Recreation

Land owners of land inside this boundary are notified by mail of the proposed zoning changes.

Proposed Open Space Recreation Zoning

Proposed Conservation Zoning

Airport Runway/Fenced Area

Kachemak Drive

Beluga Lake

FAA Road

Ocean Drive



# Public Notice Vicinity Map

## Legend

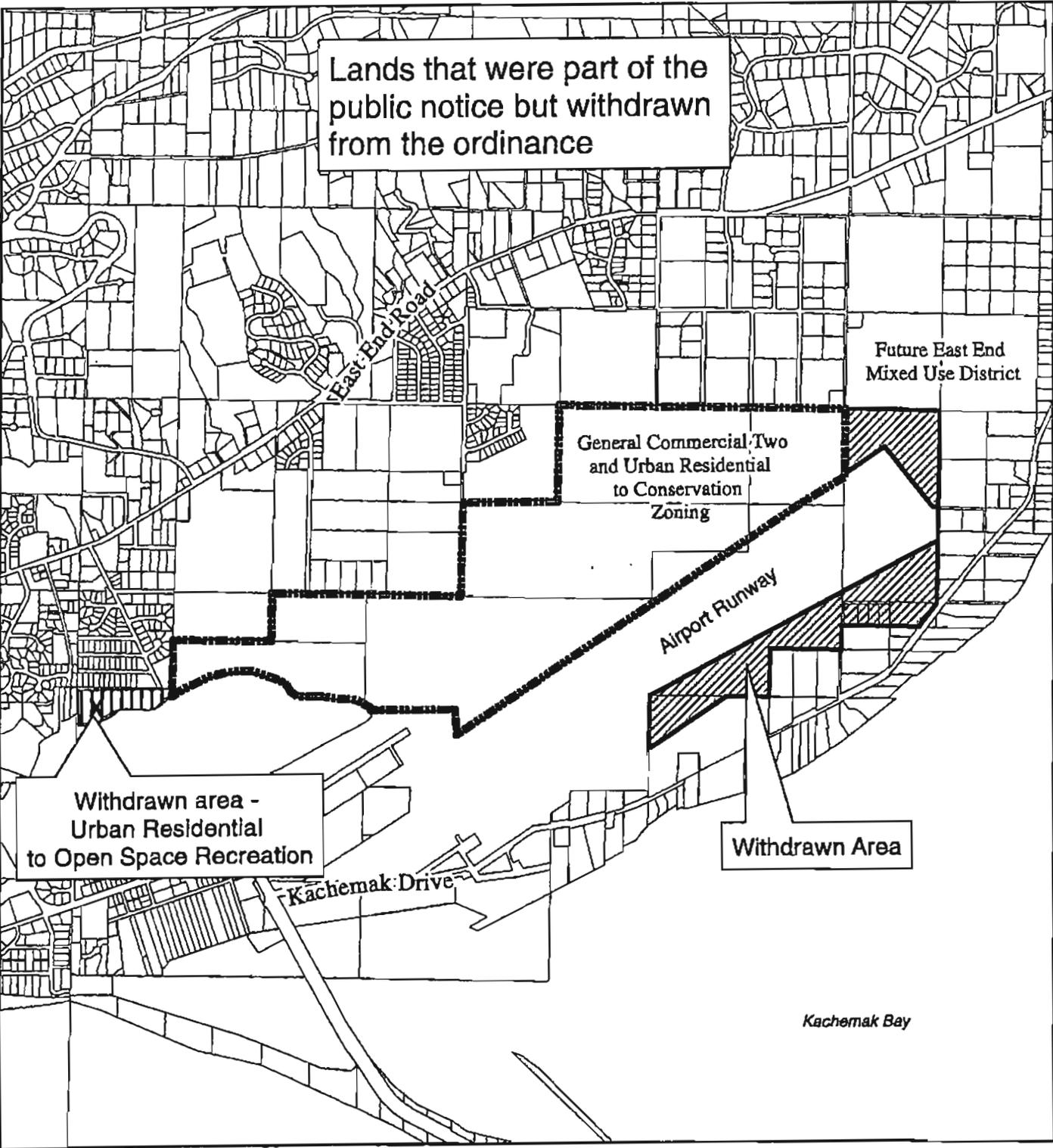
 Lands within 300 feet and property owners notified

## Proposed Zoning Changes

 Conservation

 Open Space Recreation

Lands that were part of the public notice but withdrawn from the ordinance



Withdrawn area - Urban Residential to Open Space Recreation

Withdrawn Area



City of Homer  
Planning and Zoning Department

1/27/2012



*Disclaimer:*  
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**City of Homer**  
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*Web Site* [www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

**STAFF REPORT PL 12-03**

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** February 1, 2012  
**SUBJECT:** Thompson Subdivision Upton Addition Preliminary Plat

**Requested Action:** Preliminary Plat approval to shift a common lot line between two lots.

**GENERAL INFORMATION**

<b>Applicants:</b>	Herbert Upton PO Box 2854 Homer, AK 99603	Roger Imhoff, RLS PO Box 2588 Homer, AK 99603
<b>Location:</b>	Thompson Drive, north of East End Road	
<b>Parcel ID:</b>	17902022 17902023	
<b>Size of Existing Lot(s):</b>	1.067, and 0.62 acres	
<b>Size of Proposed Lots(s):</b>	Unchanged	
<b>Zoning Designation:</b>	Rural Residential District	
<b>Existing Land Use:</b>	Vacant	
<b>Surrounding Land Use:</b>	North: Residential South: Vacant East: Residential West: Residential/Vacant	
<b>Comprehensive Plan:</b>	Goal	
<b>Wetland Status:</b>	The 2005 wetland mapping shows no wetland areas.	
<b>Flood Plain Status:</b>	Zone D, flood hazards undetermined.	
<b>BCWPD:</b>	Not within the Bridge Creek Watershed Protection District.	
<b>Utilities:</b>	City water and sewer are not available.	
<b>Public Notice:</b>	Notice was sent to 33 property owners of 46 parcels as shown on the KPB tax assessor rolls.	

**ANALYSIS:**

This subdivision is within the Rural Residential District. This plat shifts the common lot line between two lots. The size of the lots remains the same. The platting action will resolve an encroachment issue; the leach field of the northern lot will lie completely on the lot 4-A.

Lot 3-A is a nonconforming lot. The area is less than 40,000 square feet, which is the minimum dimensional requirement for a lot served by onsite water and wastewater. Staff researched how a platting action would affect nonconforming rights. Staff did not want to recommend approval of this plat if it created a zoning violation, or affected the nonconforming rights of the property.

Staff conferred with the Kenai Peninsula Borough, and the City Attorney. Mr. Voeller, KPB Platting Officer, advised that there are provisions under KPB code to allow for lot line adjustments on older properties. The City Attorney responded that in his opinion, the lot would not lose nonconforming rights under Homer City Code as long as it did not become any smaller. The property can still be developed as a single family residential property. Based on comments by the Borough and the City Attorney, staff thinks the lot can reasonably be developed and meet code requirements.

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

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

*Staff Response: The plat meets these requirements.*

2. North point;

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

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

6. The names and widths of public streets and alleys and easements including drainage easements existing and proposed, within the subdivision.

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements. No flood or waterways are present.*

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

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

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

*Staff Response: The plat meets these requirements.*

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

*Staff Response: The plat meets these requirements. Lots will be served by onsite water and waste water.*

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

*Staff Response: The plat meets these requirements. No Rights of Way are to be dedicated by this action.*

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

*Staff Response: The plat meets these requirements.*

**PUBLIC WORKS COMMENTS:** No concerns. An installation or subdivision development agreement will not be required

**FIRE DEPARTMENT COMMENTS:** Fire Chief Painter did not have any concerns.

**STAFF COMMENTS/RECOMMENDATIONS:**

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

**ATTACHMENTS**

1. Preliminary Plat
2. Letter from surveyor
3. Public Notice

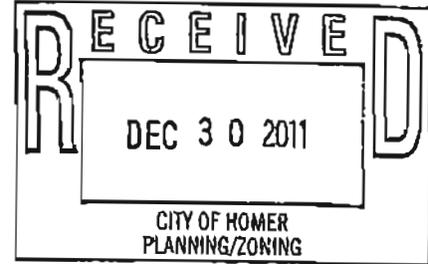




Roger W. Imhoff, RLS  
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rogerimhoff@alaska.net

12-27-2011

Julie Engebretsen  
COH Planning Dept  
Homer Ak 99603



RE: Preliminary Plat - Thompson Subdivision Upton Addition

This is a pretty simple replat.

Both lots are now vacant. There was trailer house on former Lot 4 at one time but it has been removed. There is a driveway with a drop pole on that lot.

Mr. Upton purchased these 2 lots last spring. There is an existing leachfield which is mostly on the upper lot 4. Mr. Upton wishes to adjust the common lot line so that all of the leachfield is on Lot 4. That will just make the processes of new construction and its associated loans much easier for everyone concerned.

The adjustment results in no net change of the area of either lot, ie both lots retain their original size.

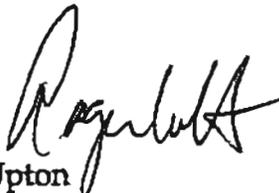
KPB 20.14.020 (Wastewater System Review Not Required) Subsection 2 "The Plat increases lot sizes" seems to apply. For the purposes of this replat, no soils testing should be required for either lot because we are not decreasing the size of either lot.

No additional ROW is to be dedicated because Thompson Drive was dedicated out of the original parent parcel.

There do not appear to be any wetlands issues on the lot. The KPB Parcel Viewer does not depict any type(s) of wetland ecosystems on the property.

The replatted lots do not fit into the category of "Steep Slopes."

If you or Staff have any questions or concerns, please advise me prior to the meeting date.

Thanks,  


cc: Herb Upton

## **NOTICE OF SUBDIVISION**

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivisions under consideration are described as follows:

### **Thompson Subdivision Upton Addition Preliminary Plat**

The location of the proposed(s) subdivision is provided on the attached map(s). A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, February 1, 2012 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska.

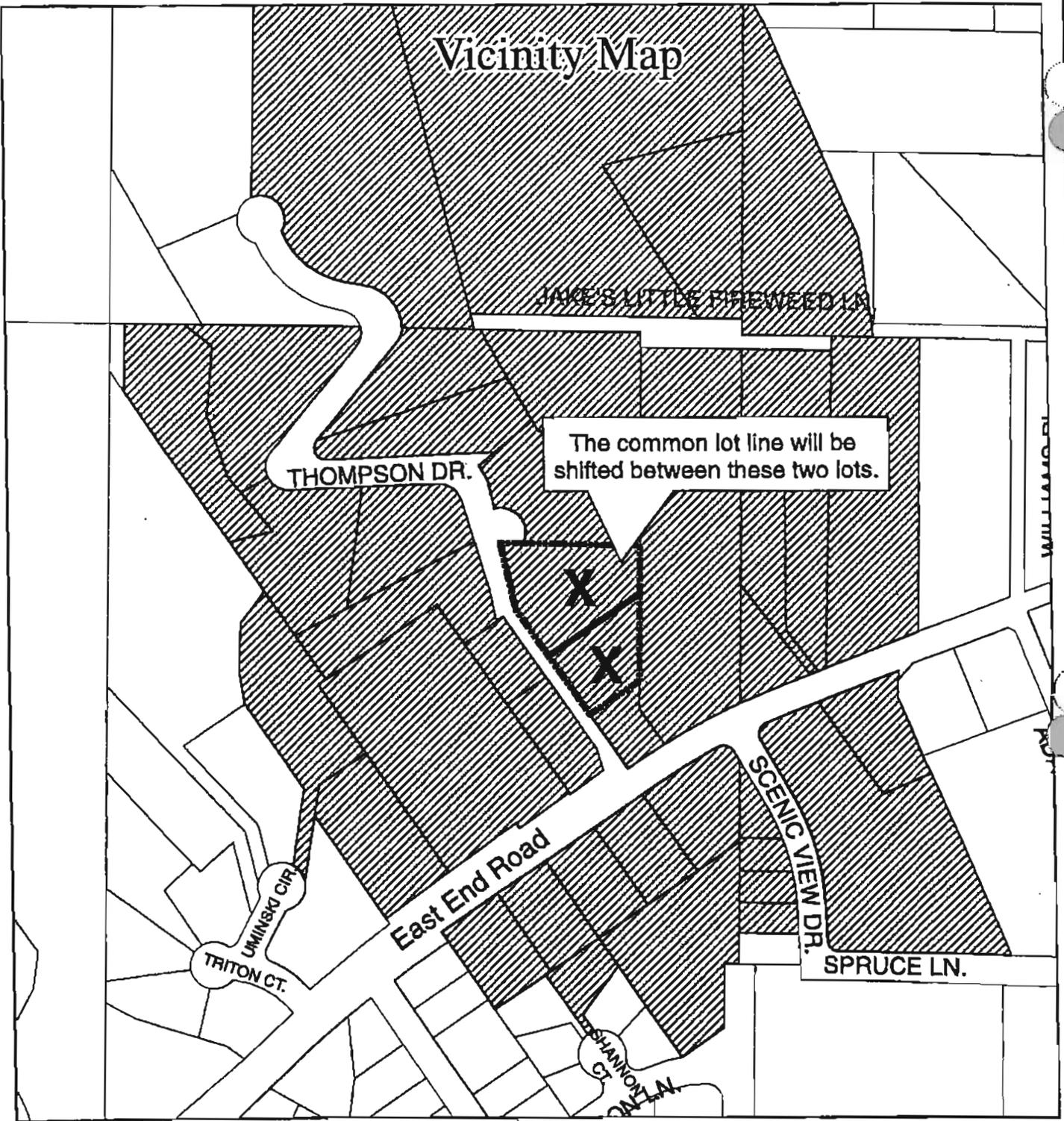
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting. Written comments can be faxed to 907-235-3118.

For additional information, please contact Rick Abboud in the City of Homer Planning and Zoning Office at 235-8121, ext. 2236.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPOSED SUBDIVISION.**

## **VICINITY MAP ON REVERSE**

# Vicinity Map



*City of Homer*  
**Planning and Zoning Department**  
 December 22, 2011

## Thompson Subdivision Upton Addition Preliminary Plat

Marked lots are w/in 500 feet  
 and property owners notified.



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



**City of Homer**  
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## **STAFF REPORT PL 12-04**

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** February 1, 2012  
**SUBJECT:** Worklist

I am bringing this to the planning commission for general discussion of the items to gain a better understanding and evaluate. Because of the move into the new office and a few other unforeseen issues, we may have additional information to provide as a laydown to consider.

### **Evaluation of items on the list**

Things to consider include timing aspects. Do other items need to be addressed before or at the same time as the item? Is it in the short, medium or long-term list on the comprehensive plan? Do we have the resources (as a city) to follow through?

### **New items for the list**

Is it an item that has not been considered in the last year or so? Is it supported in the comprehensive plan? Has staff or the commission found an omission or inconsistency in regards to code or policy? The comprehensive plan will eventually be evaluated. I would gladly welcome suggestions for items to keep track of when that time comes. Perhaps providing guidance to placement of communication structures could start such a list.

Att. HAPC Worklist 1.26.12



### *Not prioritized*

- ~~- ordinance to allow more than one home per lot without a CUP~~
- water and sewer hookups
- storm water/ run off concerns
  - on already developed property
  - best management practices (BMP)
  - development action plans (DAP)
- design review of design manual
  - considerations for already developed property
  - complete connection section
  - scenic spit
  - Old Town
- additional requirements for subdivision (visioning to further refine list)
  - area stormwater retention
  - open space
  - flag lots
  - fire access
  - KPB plat issues
  - limit tree clearing, tree protection (possible design manual)
  - regulations and incentives
- land use vs. zoning permits
- on-street parking
- PUD
- ~~- policy and procedures~~
- ~~- Hostel as listed use~~
- Spit parking requirements

## Comprehensive Plan Land Use

Increased residential uses

- ~~— Second residential dwelling option in/near downtown (more than one)~~

Establish R-2 District

Growth pattern

- Growth ring, dense (density bonus) to moderate (R2) to low (limit density in rural, one acre)

Work on cluster housing/open space/PUD standards for consideration in various districts

Review policy for on-site septic systems

Building Codes/Inspector

Old Town overlay district

Spit Zoning evaluation

## MANAGERS REPORT

January 23, 2012

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

### South Peninsula Gas Line and Distribution System Update

This Manager's Report is devoted entirely to the proposed natural gas transmission line and the gas distribution system within the Homer city limits. I think this is appropriate because there is a lot happening on this front right now and it would be good for the Council to be engaged and proactive. There are very specific steps the Council can take in the next few months that can greatly assist in making this project a reality.

#### The Transmission Line

This past summer, the Governor vetoed capital funding which would have financed construction of an 8 inch gas transmission line from Anchor Point through Homer to Kachemak City. In his veto message, and in subsequent interviews, the Governor indicated that he wanted local consumers to participate in financing the line. In other words, he wanted to see some "skin in the game". Although, we still believe there are numerous valid arguments against this position, the City lobbyist and many key legislators believe this is something that must be addressed if we want the Governor's support.

Since the Governor's veto, Representative Seaton has been working with Enstar and the RCA on a possible tariff increase that would enable local consumers to pay for some of the cost of constructing the transmission line. It would be a local match of sorts. The current idea on the table is that local consumers would pay an additional \$1.00 per mcf above the "postage stamp" rate for gas (what everyone else in the Enstar service area pays) for 10 years. This would raise about \$2.5 Million. The extra dollar in the tariff would be extinguished after 10 years or sooner if the target of \$2.5 Million is reached. Enstar would provide the \$2.5 Million upfront and would be repaid through the tariff increase. Instead of asking the state for 10.5 Million, the request would now be in the neighborhood of \$ 8 Million.

This idea seems to be gaining traction and support. Enstar has agreed in concept. Key legislators who are in positions of power and have the ear of the Governor appear to be lining up in favor. A meeting with key legislators, the Governor, and Enstar is expected to take place in the next month/ In short, this could be a key tipping point in making this project a reality.



It would be beneficial if the City Council took a position on this idea. I think a constructive role for the City would be to disseminate information to the public and make sure local residents understand this proposal and what it would mean for them in terms of cost and payback period. My understanding is that even with this additional cost on the gas bill, the consumer would still save over 50% on heating costs at current prices. Note: I am talking here about just the cost of gas. This does not include the costs associated with getting the gas to your house or making necessary conversions. We hope to have some updated spreadsheets addressing this type of information at the meeting. We also plan to provide a list of anticipated distribution line and conversions costs.

### The Distribution System

Local consumers will pay for the cost of building the distribution system within the Homer City limits under any scenario. The big question is whether the City will stimulate and quicken the pace of construction of the distribution system and make it easier for its residents to hook up by providing financing with attractive terms. I have requested projected construction costs and a build-out plan from Enstar so that the Council could fully evaluate its options. Last week we received a proposed build-out plan for the "core area" and a first shot at estimated costs. There were good reasons for starting with the core area but however, there are also good arguments for doing the entire town at once. We think that the build-out plan could be revised in certain areas and that the costs can be lowered. We will be working with Enstar and the City Planning and PW departments on that this week. We plan to have the build-out map available at the meeting. The core area contains 37 miles of road and an estimated cost of about \$6 Million.

I believe that the local economy and cost of living would benefit substantially if the City providing financing for the distribution system. There are arguments on either side of this but I think the proper timing for this discussion is now. The Borough and Kachemak City are already positioned to provide financing. City participation is important because it may have a bearing on whether this project moves ahead. I am aware that City participation is anticipated and assumed by Legislators, the Governor, and Enstar. But, it is the City's finances, fund balances, and credit rating that we must also take into consideration. Key factors to be considered include:

- The costs/and benefits to the economy and local business and residents
- The type of financing mechanism (LID, Special Service Area), etc.
- The lending institution (Commercial Bank, AIDEA, Bonds, etc).
- The overall fiscal health of the city and its capacity to take on debt.
- Is a public vote required or desirable

### Financing Mechanisms

I believe the two most logical approaches would be an LID or a Special Service Area. One uses property taxes to repay the debt, the other uses special assessments on

benefitted properties, similar to what the City already does with water and sewer LIDs. There are very definite advantages and disadvantages to each which we can discuss in more detail. I am currently looking at the options and will be prepared to make a recommendation very soon. If Council decides to move ahead, key considerations will be:

1. The scope of the LID or SSD
2. Whether the LID or SSD is Council initiated or initiated by the benefitted property owners.
3. Whether a vote is needed or desirable.

Next Steps:

- A workshop, probably several or one that lasts more than an hour
- Decision on whether to provide financing. Supporting resolutions, ordinances, etc.
- Revise Utility Code
- Revise LID Code

ATTACHMENTS

1. Homer Area Natural Gas Pipeline Project: Approved 2011-2012 Action Plan
2. Proposed gas line and gas line distribution system maps and spreadsheets will be available at the meeting.