

August 1, 2012  
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 12-40, Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District
4. Carey Meyer, Public Works Director
5. **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).
6. Commission Comments
7. Adjournment





# City of Homer

## Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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

---

### STAFF REPORT PL 12-40

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** August 1, 2012  
**SUBJECT:** Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

The purpose of this staff report is to share some concepts and definitions.

**Requested Action:** Please discuss the definition and concepts at the end of the staff report.

#### Introduction

This staff report addresses two aspects of 'overnight accommodations' on the Spit, specifically the second story rooms above shops.

1. What should we call these overnight accommodations?
2. How to limit the number of rooms and avoid negatively affecting the current mix of businesses?

#### Definitions

We discussed how to come up with a definition of these overnight accommodations on the Spit. A room or two above a shop is not technically a hotel, its not a boarding house, or a BnB. How do other communities define this type of accommodation? What are some options?

Note that other city's definitions include the type of resident, and the length of stay as part of the description of the activity. Homer definitions usually don't specify how long guests stay, or the type of guest. That's fine, until we start to describe occupancy in life safety terms (fire marshal). Staff would prefer not to change our existing definitions – we may run in to unintended consequences if we make changes to code that is used city wide.

Also keep in mind that each town has its own set of problems they are trying to address. You can imagine if we lived on the Jersey Shore, we might have more of a problem with party houses and renters in residential neighborhoods, trash, too many parked cars, etc. We're not trying to regulate these issues. But, its common practice to very specifically define and regulate what kind of guest we are talking about on the Spit.

#### **Hotel**

##### *Soldotna*

"Hotel" or "Motel" means a building containing 6 or more guestrooms designed for occupancy as a temporary place of abode for individuals who are lodged with or without meals.

*Kenai*

...containing more than 5 guest rooms and used for the purpose of offering public lodging on a day to day basis with or without food.

*Homer*

"Hotel" or "motel" means any building or group of buildings containing six or more guest rooms that are used, rented or hired out to be occupied for sleeping purposes by guests. "Hotel" or "motel" also means any building or group of buildings containing five or less guest rooms that are used, rented or hired out to be occupied for sleeping purposes by more than fifteen guests. The terms "hotel" and "motel" exclude bed and breakfast, rooming house, dormitory, shelter for the homeless, and hostel.

Staff comment: So a hotel is more than 5 guest rooms, and in Homer, a congregation of more than 15 guests, regardless of room arrangement. Also, these other communities have an adopted building code. It is quite likely the 15 guest limit in Homer's code matches the state fire marshal regulation. Its an indirect way to make sure people are in compliance...and to help a home owner decide how many rooms and guests they can have before they run into a higher level of regulation.

**Bed and Breakfast**

*Kenai*

"Bed and Breakfast" means a residential, owner occupied dwelling in which rooms are rented to paying guests on an overnight basis with no more than one (1) meal served daily.

*Homer*

"Bed and breakfast" means a dwelling in which an individual or family resides and rents bedrooms in the dwelling to overnight guests, if the bed and breakfast use is accessory to the principal use of the dwelling as the primary residence of the operator. If the dwelling has six or more bedrooms available for rental to overnight guests it is a hotel and not a bed and breakfast.

**Lodge**

*Kenai*

"Lodge" means a building or group of buildings containing five or fewer guest rooms used for the purpose of offering public lodging on a day to day basis with or without meals.

*Soldotna*

"Recreation Lodge" means a building or establishment containing not more than 5 guestrooms where short-term (not to exceed one month) sleeping accommodations and/or meals are provided for compensation, including individual rental cabins.

NOTE – these are not B&B's. There is no mention of a dwelling unit, or an onsite owner occupant.

Homer – no definition. Its either a hotel, or associated with a dwelling and is therefore a roominghouse or bed and breakfast. We have no definition of room rentals not greater than 6, and not associated with a dwelling.

**Boardinghouse**

*Kenai*

“Boarding house” means a building other than a hotel where lodging, with or without meals, is provided for compensation for three or more persons, on other than day- to day basis and which is not open to transient guests.

Example: College type apartment with lots of people renting a room.

#### *Homer*

“Rooming house” means a dwelling containing not more than five guest rooms that are used, rented or hired out to be occupied for sleeping purposes by guests. A rooming house shall not accommodate in excess of 15 guests. A rooming house shall also include any structures associated with the dwelling, such as guest cabins, provided that a conditional use permit was obtained for any associated structures, if a permit is required in order to have more than one building containing a permitted principal use on the lot. "Rooming house" does not include bed and breakfast.

Staff note: the Homer Roominghouse definition is broader than a boarding house. We don't care how long people stay, or if they pay or not.

#### **Possible Homer definition: Please Discuss!**

“Lodge” means a building or a portion of a building containing no more than five guest rooms provided for compensation on a less than monthly basis.

Components in this definition: 1. Less than monthly occupancy. 2. For compensation. 3. Limited number of guestrooms - 5. ...by definition 6 is a hotel....

#### **How to limit the number of rooms**

The simplest way to limit the number of rooms, is limit how much of the building can be used for accommodations. Staff recommends that no more than 50% of the building may be used for accommodations. By regulating a percentage of floor area, it doesn't really matter how big or small the building is, which floor the rooms are on, or how many rooms there are. By physical design, the building will always have 50% or more business activity, and rooms would always be secondary. A lodge, and all residential activity – (caretaker, employee, owner), would be a conditional use, and be limited to 50% of the building area.

#### **Staff Recommendation: Planning Commission discuss**

1. Defining overnight accommodations, with less than 6 units
2. Limiting the use to 50% of the building.

**Staff comment:** Staff would like to have a working definition and basic regulation concept to take to the Port and Harbor Commission, and to contact Spit lease holders and businesses.



**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 July 18, 2012 *Page 1*
  2. Staff Report PL 12-41, CIP Proirities List *Page 7*
- 6. Presentations**
- 7. Reports**
  - a. Staff Report PL 12-39, City Planner's Report *Page 9*
- 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 12-36, 3800 Sterling Highway, Unlisted Use *Page 11*
  - B. Staff Report PL 12-37, CUP 12-02, 3800 Sterling Highway/KESA Fire Truck *Page 15*
- 9. Plat Consideration**
- 10. Pending Business**
- 11. New Business**

Staff Report PL 12-38, Election of Officers *Page 31*
- 12. Informational Materials**
  - A. City Manager's Report dated July 23, 2012 *Page 33*
  - B. Ordinance 12-26, Changeable Copy Signs *Page 37*
- 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 12-09, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Dolma at 6:30 p.m. on July 18, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, ERICKSON, HIGHLAND, STEAD, VENUTI

ABSENT: SONNEBORN

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).

None

### **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 June 20, 2012 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 12-31, City Planner's Report

City Planner Abboud reviewed the staff report.

### **PUBLIC HEARINGS**

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

None

**PLAT CONSIDERATION**

None

**PENDING BUSINESS**

**A. Staff Report PL 12-32, Flag Lots**

Planning Technician Engebretsen reviewed the staff report and asked how the Commission would like to proceed.

Commissioner Venuti commented that the Fire Chief expressed that there isn't anything pressing at this time.

**BOS/HIGHLAND MOVED TO POSTPONE ACTION ON FLAG LOTS UNTIL AFTER THE BOROUGH COMPLETES THE REWRITE OF THEIR SUBDIVISION CODE.**

Commissioner Bos expressed his agreement that it would be better to wait for the Borough to complete theirs so the Commission can be better educated and have the same rules to enforce as the Borough. The Borough has final approval over subdivision's right now.

**HIGHLAND/VENUTI MOVED TO AMEND TO SAY THE COMMISSION WILL REVISIT THIS IN A YEAR.**

There was brief discussion.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.

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

Motion carried.

**B. Staff Report PL 12-33 Amending HCC 21.28 Marine Commercial Zoning District**

Planning Technician Engebretsen reviewed the staff report. She noted that in relation to the Fire Marshall review R1 is occupancy less than 30 days and must have sprinklers; R2 is someone who spends 30 days or more like a tenant or employee; R3 is a personal residence and requires no Fire Marshall review of the dwelling unit.

The Commission discussed including employees, as well as employer or caretaker as allowable to reside in an upstairs unit. Mrs. Engebretsen explained how it will simplify the process for the applicant who is getting a CUP for the dwelling unit upstairs. Staff isn't recommending it is a place that can be rented out on a monthly basis. There was no objection expressed by the Commission.

The Commission also addressed nightly rentals. They discussed

- How to define the nightly rental over a business on a boardwalk.
- Increased risk in a fire event due to proximity of the buildings.
- Requiring overnight accommodations on the boardwalks are tied to the business downstairs.
- Regulating it based on Fire Marshall occupancy type would be a cleaner way to proceed.
- It shouldn't be regulated to the point that it drives businesses away.
- A lot of people struggle with this because they came here because they don't want any rules, and that isn't fair.

The Commission agreed to have a worksession to further discussion. They requested copies of Kenai and Soldotna's regulation to see another perspective on how this type of lodging could be handled.

### **NEW BUSINESS**

#### **A. Staff Report PL 12-34 Elections**

The Commission agreed to postpone voting for Vice Chair to their August meeting when they hold their regular elections, in accordance with their bylaws.

#### **B. Staff Report PL 12-35, Capital Improvement Plan**

City Planner Abboud reviewed the staff report.

The Commission discussed some of the projects and each person's top five were as follows:

Erickson- Main Street and Sterling Highway Improvements , Fishing Lagoon Improvements, Marine Ways Haul out, Alternative Water Source, and Maritime Academy

Venuti- Main Street and Sterling Highway Improvements, Sterling Highway Realignment, Port and Harbor Building, Deep Water Dock Expansion, Sewer Treatment Facility

Stead- Alternative Water Source, Water Storage/Distribution Improvements, Engine 4 and Tanker 2 Refurbishment, Fire System Booster, Public Safety Building

Dolma- Alternative Water Source, Marine Ways Haul out, Water Storage/Distribution Improvements, Main Street and Sterling Highway Improvements, Sterling Highway Realignment

Highland- Main Street and Sterling Highway Improvements, Barge Mooring Facility, Port and Harbor Building, HERC Building Upgrades, Harbor Entrance Erosion

City Planner Abboud said he would tally their recommendations and bring a memo back at the August 1<sup>st</sup> meeting for approval.

### **INFORMATIONAL MATERIALS**

#### **A. City Manager's Report dated June 25, 2012**

**COMMENTS OF THE AUDIENCE**

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

None

**COMMENTS OF STAFF**

None

**COMMENTS OF THE COMMISSION**

Commissioner Highland welcomed Mr. Stead. She commented that they forgot to add talking about changeable copy signs to their agenda. Staff commented that the draft ordinance is before City Council and they can determine what to do after Council takes their final action. Ms. Highland said she is interested in looking at an ordinance that requires residents to be responsible for damage cause to other people's property. For instance a subdivider inside the city limits who causes property damage to someone out side the city on a contiguous property. She said this is because of what Kevin Walker has gone through off of Bear Creek Drive with the Canyon Trails Subdivision. Staff invited her to come to the office to talk about it. And her usual wanting to balance economy and the environment.

Commissioner Erickson welcomed Mr. Stead. She said she was out on the spit as a tourist and felt really sad because the boardwalks have lost their festive look. All she saw was grey buildings in her personal opinion with a group of tourists. The new signs on the buildings are very nice but the photo op is gone as a tourist in what they have done. She would like look at zoning in how we make that look like a destination place, not just a bunch of buildings that al look the same.

Commissioner Bos commended the Planning Department and citizens of Homer for all the clean up efforts that have been going on. The town is looking better all the time. He hope the attitude catches on with some of the folks who need to do some serious work on their properties. He welcomed Mr. Stead and said as he might have notice they are passionate about some of their ideas, and he hopes Mr. Stead is as passionate as well.

Commissioner Stead commented that it was an interesting first meeting; he has a lot to learn and will endeavor to persevere.

Commissioner Venuti said great job to Chair Dolma and welcomed Mr. Stead.

Chair Dolma welcomed Mr. Stead. He commented that he had the opportunity to go to Adak and attend their city council meeting, to speak to the city planner and staff there, and to get an idea of other community's problems. They have infrastructure for 100,000 people and a population of 100. They have different issues than we do but it was enlightening. The city council meeting took 20 minutes gavel to gavel and that included 2 guest speakers.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:12 p.m. The next regular meeting is scheduled for August 1, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
JULY 18, 2012

---

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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





# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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

---

## STAFF REPORT PL 12-41

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** August 1, 2012  
**SUBJECT:** Capital Improvement Plan

At the last planning commission meeting on July 18, the commission prioritized their top projects on the CIP list. Below is a list of the projects with the highest number of votes:

1. Main Street Reconstruct (4 votes)
2. Alternate Water Source (4 votes)
3. Port and Harbor Building (3 votes)
4. Large Vessel Haul Out (2 votes)
5. Alaska Maritime Academy (2 votes)
6. Deep Water Dock (2 votes)





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

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

---

## STAFF REPORT PL 12-39

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

### City Council Meeting 7/23

**Ordinance 12-26**, An Ordinance of the City Council of Homer, Alaska, Amending Table 3 Permitted Sign Characteristics by Zoning District, Following Homer City Code 21.60.060, Signs on Private Property, to Permit Changeable Copy Signs for Institutional Uses Permitted in the RR, UR And RO Zoning Districts. Planning. Recommended dates: Introduction June 25, 2012, Public Hearing and Second Reading July 23, 2012. Memorandum 12-102 from City Planner as backup.  
There was no public testimony.  
ADOPTED without discussion.

**Ordinance 12-28**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating Up to \$30,000 from the Parks and Recreation Depreciation Reserve Fund for the Relocation of the Mariner Park Driveway Access. Introduction June 25, 2012, Public Hearing and Second Reading July 23, 2012.  
Memorandum 12-105 from Public Works Director as backup.  
There was no public testimony.  
ADOPTED without discussion.

**G. Resolution 12-069**, A Resolution of the City Council of Homer, Alaska, Initiating a Special Assessment District to Provide a Natural Gas Distribution System in the City, and Authorizing the City Manager to Prepare a Proposed Improvement Plan. City Manager.  
Memorandum 12-119 from City Attorney as backup.  
Councilmember Wythe recused herself due to a financial conflict of interest and vacated her seat (for both Resolutions 12-069 and 12-070).  
ADOPTED without discussion.

**H. Resolution 12-070**, A Resolution of the City Council of Homer, Alaska, Approving a Main Extension Contribution in Aid of Construction Agreement Between the City of Homer and Enstar Natural Gas Company for Construction of a Natural Gas Main Extension from Anchor Point through Homer to the Eastern Boundary of Kachemak City and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.  
Councilmember Wythe recused herself due to a financial conflict of interest and vacated her seat.  
ADOPTED without discussion.  
Councilmember Wythe returned to her seat.

**Commissioner Training**

The exact times of the sessions have not been determined yet. I will keep you apprised of when they are so that we can plan appropriately.

**FEMA**

FEMA had their public meeting July 26<sup>th</sup>. I will report any things of significance during my oral report.

**Activities**

Still working on rearranging the office and hope to have things well settled prior to the open house in August. July has been spending a significant amount of time working with the Park and Recreation Committee. Working with DOT on intersection plans Sterling at Main as well as Pioneer at Lake/Sterling. This is in addition to the Lake Street Reconstruction Project.



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 12-36

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
MEETING: August 1, 2012  
SUBJECT: Unlisted Use (Public Safety Facility) at 3800 Sterling Highway

**SYNOPSIS:** If approved, this Public Safety Facility will allow use of the Quonset hut as a storage facility for five apparatus used by Kachemak Emergency Service Area (KESA) as a temporary unmanned response facility for approximately 18 months. A public hearing is a requirement for “unlisted uses” per HCC 21.04.020 General Provisions.

**Applicants:** Daniel Stanislaw, 3800 Sterling Highway, Homer, AK 99603  
**Location:** 3800 Sterling Highway  
**Legal:** T 6S R 14W SEC SM HM W1/2 NE1/4 SW1/4 NW1/4  
**Parcel ID:** 17316038  
**Lot Size(s):** 5.00 acres or 217,800 sf  
**Zoning Designation:** Rural Residential  
**Existing Land Use:** Residential/Accessory Structure  
**Surrounding Land Use:** North: vacant KPB property  
South: Sterling Highway/residential  
East: vacant KPB property  
West: vacant/commercial  
**Comprehensive Plan:** Note: KESA’s primary function is to provide fire and emergency response to areas surrounding Homer, but they do have a mutual aid agreement with the City of Homer and respond as needed within the City.

**Chapter 6 Public Services**

**Goal 1, Objective A: Fire and Emergency Services –** Maintain and improve the high level of fire protection and emergency services in Homer to respond to current and anticipated future needs.

**Goal 2:** Seek collaboration and coordination with other service providers and community partners to ensure important community services are improved upon and made available.

**Goal 3:** Encourage the broader community to provide community services and facilities by supporting other organizations and entities to develop community services.

**Wetland Status:** some discharge slope possible on far NE corner  
**Utilities:** Well and septic  
**Public Notice:** Notice was sent to seven (7) property owners of ten (10) parcels as shown on the KPB rolls.

**Introduction:** KESA wishes to use the site for storage of five apparatuses in an existing Quonset hut temporarily for approximately 18 months while a new facility is being prepared on the Diamond Ridge area. No personnel will be stationed on site. While the amount of responses can vary, a typical week might have 2 or less and a busier month might have 12 or less. Services for vehicles will not be performed on site. The only outward onsite manifestations of the use will be a DOT sign on the highway and a possible flashing yellow light that would only be activated during a response before vehicles enter the highway.

**Lot:** This lot is 5 acres or 217,800 square feet that currently supports a total of 3,640 sf of structures (a 2,304 sf two-story residence, 2,400 sf Quonset hut, 770 sf shop and a 240 sf office).. Separate from this hearing will be a request to add a 2,880 sf Commercial Greenhouse for a total of 6,520 sf of structures on the lot. 1.7% of building coverage is present in the first scenario and 2.9% in the second, either way this represents a very low density.

**Driveway:** Driveway easement granted by KPB, LMD # 11-41.

**Parking:** Homer City Code does not prescribe a particular parking requirement for a public safety facility. The City Planner may determine the number necessary in such an instance per HCC 21.55.090 (b). The site plan shows six (6) parking spaces dedicated to the facility and 14 more on site if a commercial greenhouse is approved. In addition to the 20 are 2 spaces for the dwelling. In consideration of the current lot configuration and the additional amount of land available for parking, the dedication of six spaces is adequate for this use.

**21.04.020 Unlisted uses. a. Unlisted uses may be allowed within a zoning district upon application of the property owner and written decision by the Planning Commission, if, after a public hearing, the commission finds the proposed use meets all of the following criteria:**

**1. The use is not specifically permitted outright or conditionally in any other district;**

**Finding 1.** Public Safety Facility (e.g. Fire Station) is not permitted outright or conditionally in any other district.

**2. The use is not more appropriate in another district;**

**Finding 2.** The use is not more appropriate in another district. The Rural Residential district is the largest and most wide spread district in Homer. It contains some of the more distant and difficult areas for response from the existing fire station. While it may not be more appropriate in another district, future concerns might reveal that it could be equally important in another district.

**3. The use is compatible with the purposes of the district in question;**

**Finding 3.** Providing nearby backup fire protection in town and primary responses to adjacent areas is compatible with the district. The apparatuses will be stored in an enclosed area, no additional structures are proposed and the site footprint maintains a very low density ratio which is desirable in the Rural

Residential District. Additionally, as indicated above, emergency responses are infrequent and should not be promote an undue harmful effect in the district.

**4. The use is similar to and not more objectionable than other uses permitted outright in that district;**

**Finding 4.** The use is not more objectionable than other uses permitted outright in the district such as private floatplane tie-down, agricultural activities or multifamily/multitenant housing.

**5. The use satisfies any other criteria specifically applicable to approval of unlisted uses in the zoning district in question.**

**Finding 5.** The unlisted use meets all dimensional requirements of the district and shall comply with all applicable local, state and federal regulations.

**b. In approving an application for a specific unlisted use, the Planning Commission may determine that the unlisted use should be treated as a conditional use. If it does, then the application shall be processed and decided under the provisions of HCC Chapter 21.71. The applicant will be given notice and an opportunity to provide supplemental information in support of the matter as a conditional use permit application.**

**PUBLIC WORKS COMMENTS: No comment.**

**FIRE DEPARTMENT COMMENTS: Fire Marshal review needed for KESA building.**

Note: If/when approved applicant will be responsible for meeting all local, state or federal regulations pertaining to the use.

**STAFF COMMENTS/RECOMMENDATIONS: Approve unlisted use as a Public Safety Facility.**

**ATTACHMENTS**

\*Please see attachments to Staff Report PL 12-37





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 12-37

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
MEETING: August 1, 2012  
SUBJECT: CUP 12-02 at 3800 Sterling Highway

**SYNOPSIS:** If approved, this Conditional Use Permit (CUP) will allow the addition of a 2,880 sf commercial greenhouse. A CUP is needed for "commercial greenhouses" per HCC 21.12.030(e) Rural Residential.

**Applicants:** Daniel Stanislaw, 3800 Sterling Highway, Homer, AK 99603  
**Location:** 3800 Sterling Highway  
**Legal:** T 6S R 14W SEC SM HM W1/2 NE1/4 SW1/4 NW1/4  
**Parcel ID:** 17316038  
**Lot Size(s):** 5.00 acres  
**Zoning Designation:** Rural Residential  
**Existing Land Use:** Residential/Accessory Structure  
**Surrounding Land Use:** North: vacant KPB property  
South: Sterling Highway/residential  
East: vacant KPB property  
West: vacant/commercial  
**Comprehensive Plan:** Chapter 4, Goal 1, Objective B  
Promote a pattern of growth characterized by concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.

R3 Rural Residential – Lower density and limited agricultural pursuits.

**Wetland Status:** Some discharge slope possible on far NE corner.  
**Utilities:** Well and septic  
**Public Notice:** Notice was sent to seven (7) property owners of nine (10) parcels as shown on the KPB rolls.

**Introduction:**

Separate from this proposal but a consideration if/when approved is a temporary use of the Quonset hut as an un-manned storage/response site for 5 apparatuses to be used by KESA for approximately 18 months. This CUP is for the addition of a 2,880 sf commercial greenhouse.

**Lot:** This lot is 5 acres or 217,880 sf which if approved would support 6,520 sf of structures. Currently on-site there is a 2,304 sf two-story residence, 2,400 sf Quonset hut, 770 sf shop and a 240 sf office.

**Driveway:** Driveway easement granted by KPB, LMD# 11-41.

**Parking:** Homer City Code does not prescribe a particular parking requirement for green house or public safety facility (if approved). The City Planner may determine the number necessary in such an instance per HCC 21.55.090 (b). Twenty (20) parking spaces are available outside of the two provided for the dwelling. The site plan shows fourteen (14) for the greenhouse and shop and an additional six (6) for the Quonset hut. In consideration of the current lot configuration and the additional amount of land available for parking, the dedication of 14 spaces is adequate for the shop and greenhouse.

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

**21.71.030 Review criteria.**

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

**Finding 1:** "Commercial greenhouses" is a listed as a conditional use per HCC 21.12.030(e) Rural Residential.

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

**Analysis:** "HCC 21.12.010 Rural Residential District. Purpose. The purpose of the rural residential district is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter." A commercial greenhouse is a listed "limited agricultural pursuit".

**Finding 2:** A Commercial greenhouse is compatible with the Rural Residential district.

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

**Applicant:** Will not affect adjoining property owners.

**Finding 3:** The value of adjoining properties will not be negatively affected greater than other permitted uses such as multi-family units, rooming houses, hostels, and mobile homes or conditionally permitted uses such as kennels, heliports or public and private schools.

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

**Applicant:** Large space for equipment movement and similar to greenhouse ½ mile down road. Less open storage than adjacent neighbors.

**Analysis:** Aside from vacant properties owned by the borough, most of the adjacent lands are used for types of commercial or industrial uses. This proposal has a relative small footprint for the size of the lot and in comparison with some neighboring development.

**Finding 4:** This proposal is compatible with existing uses and surrounding residential land use.

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

**Applicant:** Yes.

**Analysis:** Well and septic are adequate for the proposed uses found on the site. The site is also served by the Sterling Highway. Anticipated traffic counts will not affect the level of service on the highway.

**Finding 5:** Public services and facilities are adequate for the proposed uses and structures.

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

**Applicant:** The scale and coverage are similar or less than neighbors.

**Analysis:** The proposed activities are not heavy traffic generators and will generate less than some multifamily options. Structures and lot coverage are not high density and will have a smaller footprint than of some of the neighboring properties. The site will not generate noise comparable to that of the highway.

**Finding 6:** The development is in harmony with the scale, bulk, coverage and density and will not have a harmful effect of the neighborhood character.

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

**Applicant:** No

**Analysis:** Activities on the site, as described above, should improve the safety health and welfare of the city in consideration of the benefits they provide.

**Finding 7:** This proposal is not detrimental to the health, safety or welfare of the surrounding area or the City of Homer.

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

**Finding 8:** The proposal shall comply with all local, state and federal regulations and conditions of this Conditional Use Permit.

**Condition 1: The commercial greenhoude shall gain Fire Marshall approval prior to construction.**

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

**Finding 9:** This proposal meets the intent of Homer Comprehensive Plan in that it provides limited agricultural activities in a low density environment.

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

**Finding 10:** The proposal shall comply with the Community Design Manual.

**Condition 2: All lights more than 7 feet above the ground shall be downward directional lighting (CDM p.36).**

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

1. Special yards and spaces. **No specific conditions deemed necessary.**
2. Fences, walls and screening. **No specific conditions deemed necessary.**
3. Surfacing of vehicular ways and parking areas. **Gravel.**
4. Street and road dedications and improvements (or bonds). **NA**
5. Control of points of vehicular ingress and egress. **Driveway Easement LMD# 11-41.**
6. Special restrictions on signs. **Maximum of four (4) square feet per 21.60.060.**
7. Landscaping. **Natural with some lawn.**
8. Maintenance of the grounds, buildings, or structures. **No specific conditions deemed necessary.**
9. Control of noise, vibration, odors, lighting or other similar nuisances. **No specific conditions deemed necessary.**
10. Limitation of time for certain activities. **No specific conditions deemed necessary.**
11. A time period within which the proposed use shall be developed and commence operation. **No specific conditions deemed necessary.**
12. A limit on total duration of use or on the term of the permit, or both. **No specific conditions deemed necessary.**
13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent

other provisions of the zoning code expressly prohibit such alterations by conditional use permit. **No specific conditions deemed necessary.**

14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot. **No specific conditions deemed necessary.**

**PUBLIC WORKS COMMENTS: No comment.**

**FIRE DEPARTMENT COMMENTS: Fire Marshal review needed for greenhouse.**

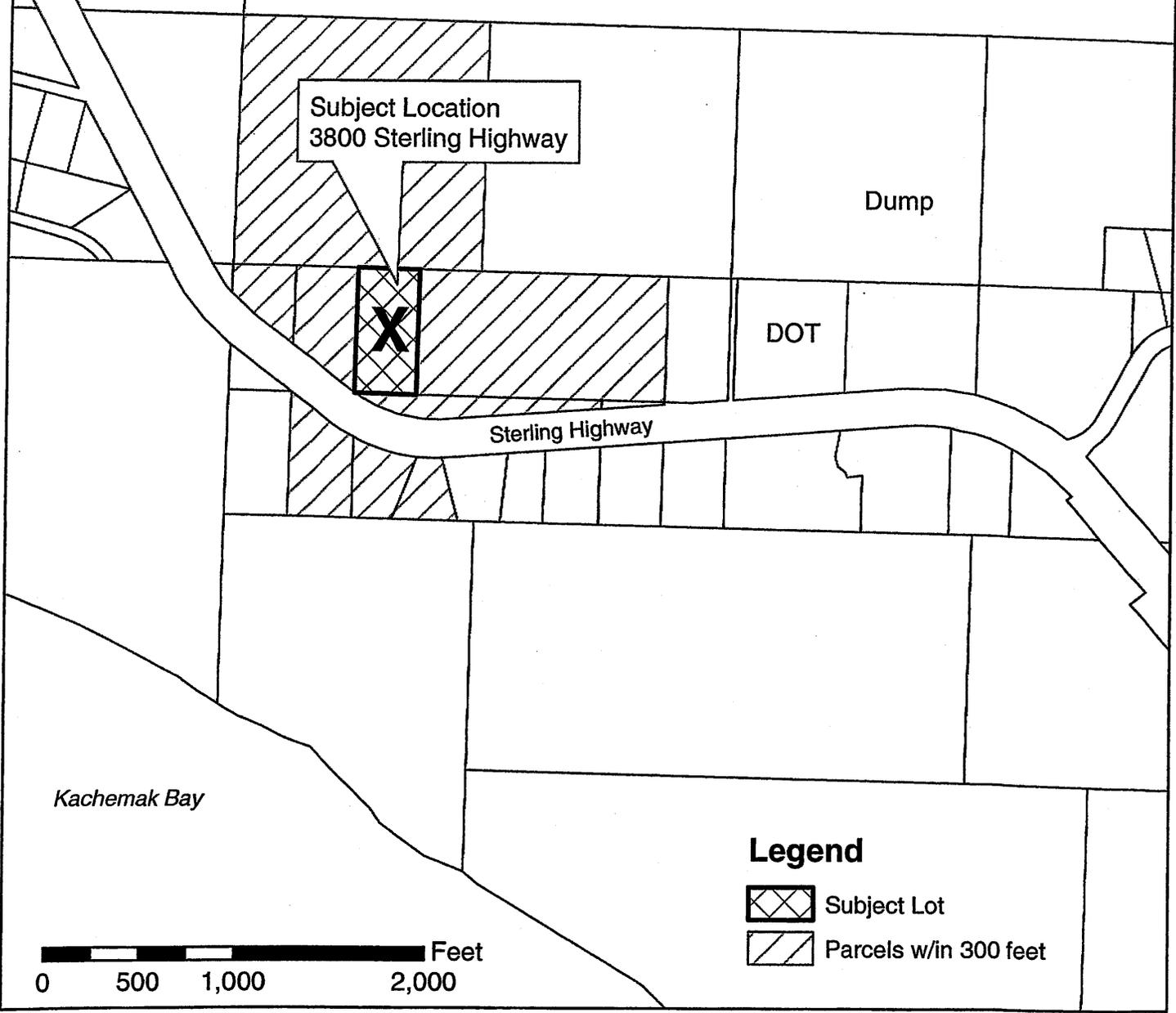
**STAFF COMMENTS/RECOMMENDATIONS: Approval of requires five yes votes. Planning Commission approve CUP 10-07 with findings 1-10 and conditions 1 and 2.**

#### **ATTACHMENTS**

1. Vicinity Map
2. Site plan
3. Application
4. Driveway easement



# Vicinity Map



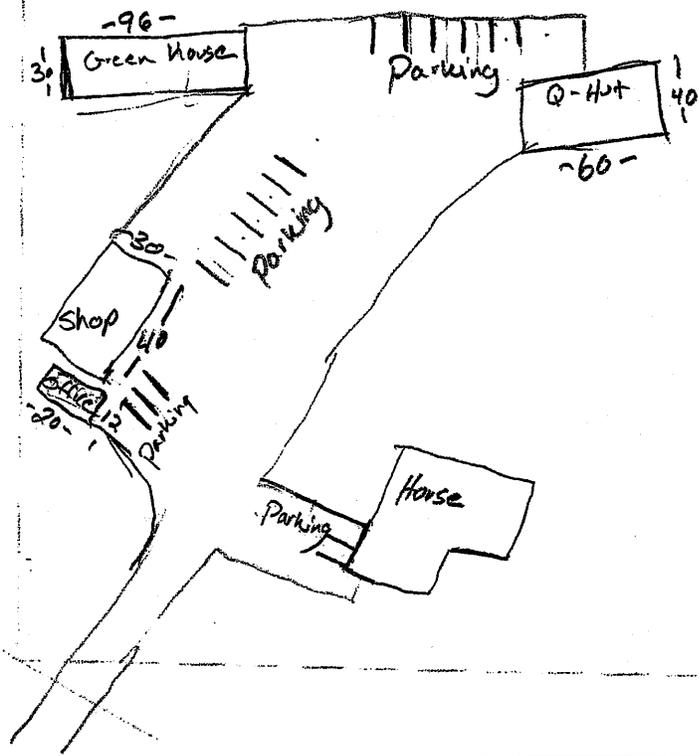
*City of Homer*  
*Planning and Zoning Department*  
July 18, 2012

## Request for an unlisted use and conditional use permit 12-02

Property owners w/in  
300 feet are notified

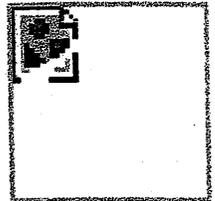


*Disclaimer:*  
*It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.*



Viewe

KPB Parcel



Printed: Jul 11

Site Plan



# City of Homer Planning & Zoning

491 East Pioneer Avenue Telephone (907) 235-3106  
 Homer, Alaska 99603-7645 Fax (907) 235-3118  
 E-mail Planning@ci.homer.ak.us  
 Web Site www.ci.homer.ak.us

**Applicant**  
 Name: Daniel Stanislaw Telephone No. (907) 235-7140  
 Address: 3800 Sterling Hwy Email: d.stanislaw@yahoo.com

**Property Owner** (if different than the applicant):  
 Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY INFORMATION:**  
 Address: 3800 Sterling Hwy Lot Size: 5 acres KPB Tax ID # \_\_\_\_\_  
 Legal Description of Property: T6S R14W Sec 15 Seward Meridian  
HM W/2 NE 1/4 SW 1/4 NW 1/4

*For staff use:*  
 Date: 7-10-12 Fee submittal: Amount \$500.00  
 Received by: SR Date application accepted as complete 7-10-12  
 Planning Commission Public Hearing Date: 8-01-12

## Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

### Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWPD
Level 1 Site Plan	X	X	X			X			X		X	X
Level 1 ROW Access Plan	X	X							X		X	
Level 1 Site Development Requirements	X	X										
Level 1 Lighting			X	X	X	X	X	X	X	X		
Level 2 Site Plan			X	X	X		X	X		X		
Level 2 ROW Access Plan			X	X	X		X	X		X		
Level 2 Site Development Requirements			X	X	X		X	X		X		
Level 3 ROW Access Plan						X						
DAP/SWP questionnaire				X	X	X	X	X	X	X		

**Circle applicable permits. Planning staff will be glad to assist with these questions.**

Y  N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: \_\_\_\_\_

Y  N Will your development trigger a Development Activity Plan?  
Application Status: \_\_\_\_\_

Y  N Will your development trigger a Storm water Plan?  
Application Status: \_\_\_\_\_

Y  N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: \_\_\_\_\_

Y  N Is your development in a floodplain? If yes, a Flood Development Permit is required.

Y  N Does your project trigger a Community Design Manual review?  
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

Y  N Do you need a traffic impact analysis?

Y  N Are there any nonconforming uses or structures on the property?

Y  N Have they been formally accepted by the Homer Advisory Planning Commission?

Y  N Do you have a state or city driveway permit? Status: \_\_\_\_\_

Y  N Do you have active City water and sewer permits? Status: \_\_\_\_\_

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)?

The property is Residential, Buildings on the property are 40X60 Dr Hut, UNfinished Shop 35X22, office 12X20 and House 2,400 sq ft

2. What is the proposed use of the property? How do you intend to develop the property?  
(Attach additional sheet if needed. Provide as much information as possible).

The proposed use of the property is rental of one building to KESA and building greenhouse for nursery.

**CONDITIONAL USE INFORMATION:** (Please use additional sheet(s), if necessary)

- a. What code citation authorizes each proposed use and structure by conditional use permit?  
21.2.030 Commercial greenhouse, 21.04.020 Unlisted uses
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. Allows for limited agricultural pursuits
- c. How will your proposed project affect adjoining property values? will not affect adjoining property values

- d. How is your proposal compatible with existing uses of the surrounding land? large space for equipment movement and similar to greenhouse, 1/2 mile down Road. Less open storage than adjacent neighbors.
- e. Are/will public services adequate to serve the proposed uses and structures?

yes

- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?

scale & coverage similar or less than neighbors

- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?

No

- h. How does your project relate to the goals of the Comprehensive Plan?  
The 2006 Town Center Plan and the 2008 Comprehensive Plan are online at:  
<http://www.ci.homer.ak.us/documents/planning>

Compliant encourages limited agricultural suites

- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)

1. Y  N  Special yards and spaces.
2. Y  N  Fences, walls and screening.
3. Y  N  Surfacing of parking areas.
4. Y  N  Street and road dedications and improvements (or bonds).
5. Y  N  Control of points of vehicular ingress & egress.
6. Y  N  Special provisions on signs.
7. Y  N  Landscaping.
8. Y  N  Maintenance of the grounds, buildings, or structures.
9. Y  N  Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. Y  N  Time for certain activities.
11. Y  N  A time period within which the proposed use shall be developed.
12. Y  N  A limit on total duration of use.
13. Y  N  Special dimensional requirements such as lot area, setbacks, building height.
14. Y  N  Other conditions deemed necessary to protect the interest of the community.
15. Y  N  Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.

**PARKING**

- 1. How many parking spaces are required for your development? 20  
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). \_\_\_\_\_
- 2. How many spaces are shown on your parking plan? 20
- 3. Are you requesting any reductions? \_\_\_\_\_

Include a site plan, drawn to a scale of not less than 1" = 20' which shows allow existing and proposed structures, clearing, fill, vegetation and drainage.

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

**CIRCLE ONE:**      Owner of record      Lessee      Contract purchaser

Applicant signature: 1 Daniel S. H.      Date: 7/10/12

Property Owner's signature: \_\_\_\_\_      Date: \_\_\_\_\_



cc

LMD # 11-41

**DRIVEWAY EASEMENT**

The GRANTOR, KENAI PENINSULA BOROUGH, an Alaska Municipal Corporation, whose address is 144 N. Binkley Street, Soldotna, Alaska 99669, for good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant to Leroy W. and Doris I. Cabana, whose address is PO Box 975, Homer, AK 99603, and Grantees' heirs, successors and assigns, forever, an appurtenant easement for driveway purposes upon, over and across the following described land owned by Grantors within the Homer Recording District, Third Judicial District, State of Alaska, to wit:

Section 15, Township 5 South, Range 14 West, Seward Meridian, Alaska

**LOCATION OF THE EASEMENT.** The land constituting the easement extends across the above described land and is more particularly described as follows:

A twenty-foot-wide strip of land, ten-feet on either side of the centerline of the existing driveway as of the date of this easement, located within the west 90 feet of the property described as: the SW1/4SE1/4NW1/4 and SE1/4SW1/4NW1/4 Excepting therefrom Bouman's Bluff Subd. HM 2007-19, as shown on Record of Survey Plat No 2009-21 Homer Recording District.

Shown on Attachment A

**PROPERTY BENEFITED BY THE EASEMENT.** The easement shall be appurtenant to and for the benefit of the following described real property:

W1/2NE1/4SW1/4NW1/4 Section 15, Township 5 South, Range 14 West, Seward Meridian, Alaska

**GRANTEES' RIGHT TO USE.** The Grantee shall have the right to use the easement for construction, operation, maintenance and repair of a driveway for vehicular and pedestrian access to the real property benefited by the easement. Grantee may locate underground utility service lines within the easement to the benefit of the property as a secondary use.

**GRANTORS' RIGHT TO USE.** The Grantor shall have the right to use the easement for purposes that will not interfere with the Grantees' full use and enjoyment of grantees' rights granted by this Easement.

GRANTORS RIGHT TO DEDICATE. Grantor reserves the right to dedicate for public use any part of the easement for public road and utility purposes.

ENTIRE AGREEMENT. It is understood and agreed that this agreement as written covers all the agreements and stipulations between the parties and that no statements or representations, oral or written, have been made modifying, adding to, or changing the terms of this Easement.

DATED this 21<sup>st</sup> day of October, 2011.

KENAI PENINSULA BOROUGH

David R. Carey  
David R. Carey, Mayor

ACCEPTANCE:  
GRANTEES

Leroy W. Cabana  
Leroy W. Cabana

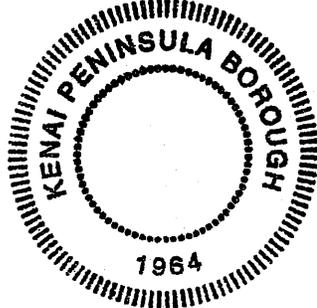
Doris I. Cabana  
Doris I. Cabana

ATTEST:

Johi Blankenship  
Johi Blankenship, Borough Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY BY:

Holly B. Montague  
Holly B. Montague, Deputy Borough  
Attorney



NOTARY ACKNOWLEDGMENT

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

The foregoing instrument was acknowledged before me this 21 day of October, 2011, by David R. Carey, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, on behalf of the corporation.



Jessica Bohn  
Notary Public for the State of Alaska  
My Commission Expires: w/office

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

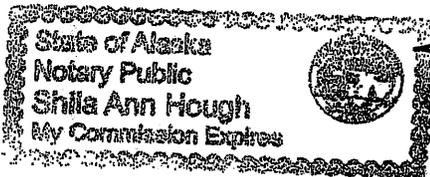
The foregoing instrument was acknowledged before me this 21 day of October, 2011, by Leroy W. Cabana.



Shila Ann Hough  
Notary Public for the State of Alaska  
My Commission Expires: 9-13-2013

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

The foregoing instrument was acknowledged before me this 21 day of October, 2011, by Doris I. Cabana.

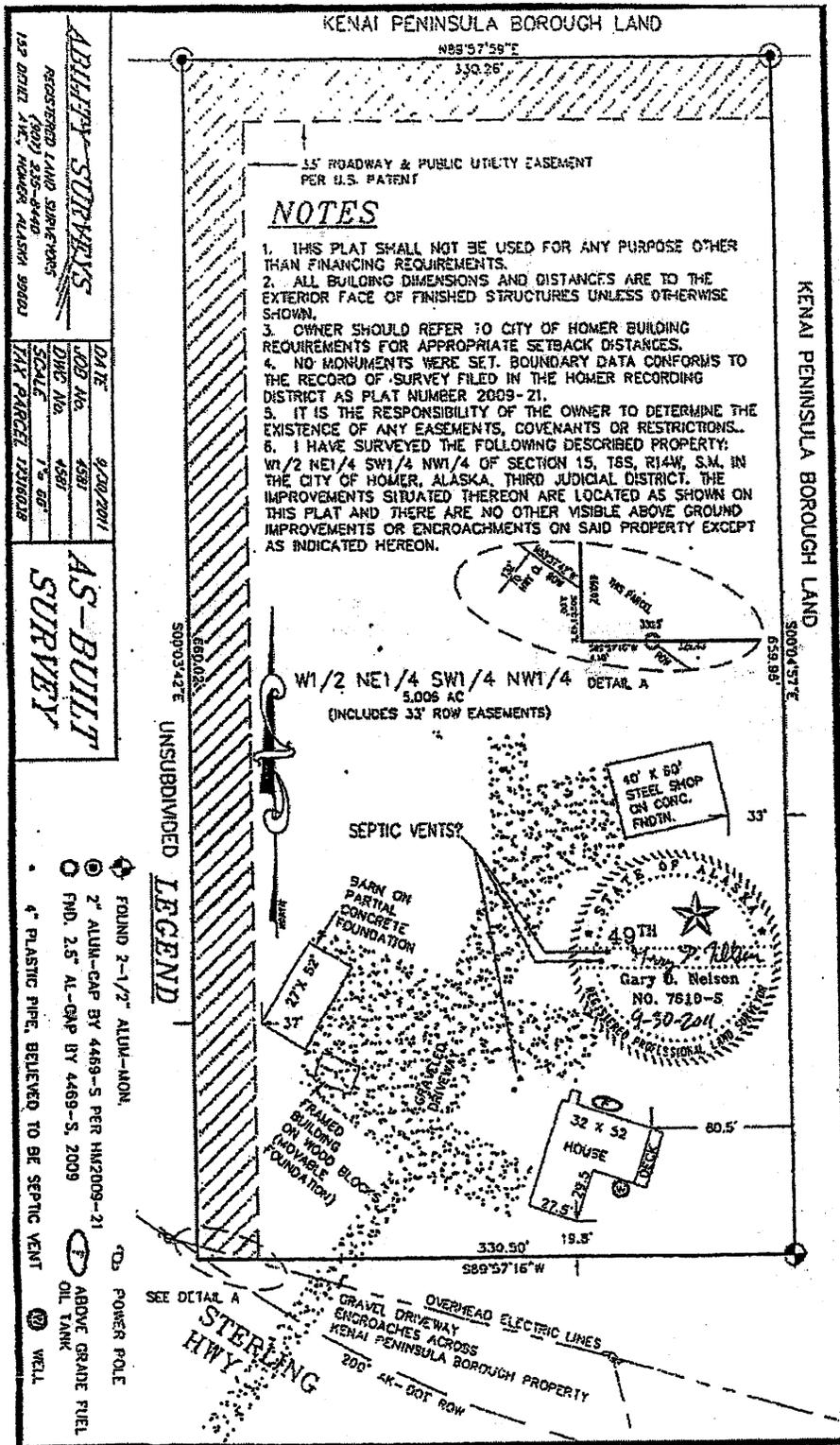


Shila Ann Hough  
Notary Public for the State of Alaska  
My Commission Expires: 9-13-2013

Return to: Grantor  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, AK 99669



# ATTACHMENT A



4 of 4

2011-003246-0



# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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

---

## STAFF REPORT PL 12-38

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** August 1, 2012  
**SUBJECT:** Election of Officers

### Introduction

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

### Staff Comments:

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



**MANAGERS REPORT**  
**July 23, 2012**

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

**FROM:** WALT WREDE

UPDATES / FOLLOW-UP

1. Mid Year Budget Amendments: This agenda contains three mid-year budget amendment ordinances. Three ordinances were used because the proposed transfers involve depreciation accounts for multiple budget years, 2012 operating expenses, and new capital projects. It seemed cleaner to do it that way rather than try to accomplish all of that in one ordinance. These ordinances attempt to do two things: 1) appropriate excess revenues from FY 2011 and 2) appropriate funds to cover unanticipated operating expenses. The City took in revenues that exceeded budget projections for 2011. Over 400,000 of that was sales taxes due to the rising costs of things like fuel. Revenue Sharing turned out to be more than was budgeted and the City also saw an increase in the jail contract. PERS relief had to be shown as revenue which skews the numbers somewhat. The administration is proposing to appropriate most of the excess revenues into depreciation accounts to compensate for the fact that no funds were transferred into these accounts in either 2010 or 2011. Funds are also appropriated to repay the Revolving Energy Fund. The ordinances also propose appropriating money and amending the current FY 2012 Operating Budget to address unanticipated increases in fuel, electricity, and overtime costs. Most of the major cost increases have explanations in the margin however, we will be happy to explain any line item at the meeting.
2. Land Negotiations: The Council recently adopted Resolution 12-54 (A) which authorized the City Manager to negotiate a purchase agreement for Lot 75 Bunnells Subdivision. Contact has been made with the property owner and a commercial appraisal has been ordered.
3. Intersection of Lake and Pioneer: You may recall that Lake Street is scheduled to receive a make-over which includes fixing drainage problems, new pavement, and a new bike lane. We were recently informed by DOT/PF that they may have access to additional funds to upgrade traffic control at the intersection of Lake and Pioneer. This intersection was identified as one that would need improvements in this timeframe. DOT/PF prefers roundabouts and thinks one would work well at this location. However, they wanted to check with the community first. They wanted a quick answer because if the City had a preference, they would need to include it in the environmental and permitting documents, which they are working on now. We did not want to be held responsible for delaying the project further. We told them that the administration had no objection to roundabouts or specifically, one at that location, but that we would bring this to the Council's attention. We told them that if they went with a roundabout, that they would need

to address the most common questions related to truck traffic and pedestrian safety. DOT/PF plans to hold a public meeting on this topic as well.

4. Intersection Main and Sterling: We had a teleconference with DOT/PF about this intersection last week. The traffic engineer wanted us to know that he was submitting a proposal/recommendation for “safety” funding for this intersection and for the intersection of Main and Pioneer. We used the opportunity to re-emphasize that the Council wants traffic control at Main and Sterling ASAP. We have since been debating the pros and cons of allowing DOT/PF to apply for the intersection money and then using the \$2 Million the City has to fix up Main Street itself. But this might take longer than the community wants. We all agreed that the fastest way to get something done at Main and Sterling is for the City to assume responsibility for the project and manage construction. This is a topic we could use some guidance on from Council.
5. High School Track: The Borough received a Legislative Grant for 1.1 Million for the Homer High School track. The construction bids are now in and it appears that the Borough has enough money for the base contract and Alternative 1 which is the long/triple jump. Approximately \$51,000 is needed to complete the other alternatives which include the shot put area, blue track, and exterior curbing. An active search is on for the rest of the money. I have been reminded that the City of Kenai is providing some matching funding for the track there. I have been asked by Borough and School Board representatives if the City of Homer would consider helping out. Please let me know if Council is interested. A good argument could be made that these improvements benefit the entire community.
6. Banners: Perhaps you have noticed that banners are appearing at businesses all over town. This seems to be getting quite popular in communities all around the state. Under the City code, these banners can be considered advertising and/or signs. It could be argued that banners in some cases cause sign code violations. The planning department has been debating how to react and whether an enforcement effort is necessary. Since the summer is already half over and since reasonable people can differ over these banners, their impact, and whether they should or should not be enforced under the sign code, we have decided not to spent time and resources on enforcement efforts right now (unless there was a safety issue, an extreme case, or the banners proliferated rapidly). We concluded it made sense to evaluate these banners and their impact this summer and make enforcement policy or code changes over the winter if it seems appropriate. It did not seem like a good use of time and resources to jump right into another sign code controversy! When it comes to zoning code enforcement, there are much higher priorities.
7. Harbor Projects: This agenda contains a resolution expressing the Council’s support for a grant application to help finance improvements in the harbor. These projects and this grant application is recommended by the Port and Harbor Commission and the Port and Harbor Improvement Committee. A resolution of support from the governing body is required as part of the grant application submittal. The matching funds will be raised through a revenue bond sale and Council has already approved fee increases so that the bonds can be repaid. Katie

has a draft grant application completed and she is presently circulating it internally for comments. Let us know if Council members want to review it.

8. Library Grants: The Homer Public Library recently applied for a Tier I grant from the Rasmuson Foundation for collection enhancement in the amount of \$18,852. Also, the Friends of the Homer Public Library received a grant from the National Endowment for the Arts (NEA) for a program entitled "The Things They Carried" which is the title of an acclaimed book. The author will be visiting Homer and Ann Dixon can give you more details at the meeting.
9. Capital Projects: Engineering and design is underway on portions of the Cruise Ship Grant project and the Council has awarded a contract for construction of new fenders at the Deep Water Dock. The approved street repaving project will take place this summer. The MOU is about complete with DOT/PF and we expect to start the design phase of the Spit Trail extension this summer. Contracts have been awarded for the Beluga Slough Trail improvements. Permits are now lined up for moving the entrance to Mariner Park and construction might occur this summer or fall. The Kachemak Drive Water and Sewer Project is essentially complete. A surveyor is working on the Nick Dudiak Fishing Lagoon to determine how much material needs to be removed. We expect to bid that work out this fall and the lagoon should be ready for new fish from ADF&G next summer. I am sure there are other projects I forgot to mention in my haste to complete this report. Please don't hesitate to ask questions about these or any other capital projects.
10. Land Use Planning: Council will recall that some time ago, it decided not to lease any land (new leases) or make any long term land use decisions on the 11 acre parcel that contains the Pier One Theatre and the campground; the parcel wedged between the fishing hole and the harbor. The reason for doing so was that there are numerous competing visions about the best use of the property and while it appears to be mostly vacant now, it is likely to be very valuable in the future. The City paid well over a million dollars to acquire the property and my understanding is that port and harbor enterprise funds were used. Council said it would not do anything there until a long term land use plan was prepared and it tasked the staff with preparing the plan. The planning department is beginning work on a plan and is currently gathering as much information as it can about the property. One of the things that has spurred us to get moving on this is a new proposal to establish a trailhead for the proposed new water trail there. I can talk a little more about that and I suspect that Dave Brann will be addressing you soon on this.
11. Natural Gas: This agenda contains a lot of information and action items regarding natural gas. At the Committee of the Whole, Tom Klinkner will be there to discuss some of the more prominent topics regarding special assessment districts and financing for them. A memo from him is included in the packet. On the regular meeting agenda, there is second reading of the ordinance accepting the grant and appropriating the money, a resolution initiating a special assessment district which includes the entire town, and a resolution approving a construction contract with Enstar to build the main extension from Anchor Point to here.

**ATTACHMENTS**

**CITY OF HOMER  
HOMER, ALASKA**

Planning

**ORDINANCE 12-26**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING TABLE 3 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT, FOLLOWING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, TO PERMIT CHANGEABLE COPY SIGNS FOR INSTITUTIONAL USES PERMITTED IN THE RR, UR AND RO ZONING DISTRICTS.

THE CITY OF HOMER ORDAINS:

Section 1. Table 3, Permitted Sign Characteristics by Zoning District, following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

Table 3.														
Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	EEMU	MC	MI	OSR	PS(e)
Animated (b)	N	N	N	N	P	P	N	P	N	P	P	N	N	N
Changeable Copy (c)	N	N	N	P	P	P	N	P	P	P	P	P	N	PH
Illumination Internal	N	N	N	P	P	P	N	P	P	P	P	P	N	N
Illumination External	N	N	N	P	P	P	P	P	P	P	P	P	N	PH
Neon (d)	N	N	N	N	P	P	N	P	P	P	P	P	N	N

Notes to Table 3

- a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, *i.e.*, schools, churches and hospitals.
- b. Animated signs may not be neon or change colors or exceed three square feet in area.
- c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.
- d. Neon signs may not be flashing and may not exceed 32 square feet.
- e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

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

24 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 23<sup>rd</sup> day of July,  
25 2012.

CITY OF HOMER

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

34 ATTEST:

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

39  
40 YES: 6  
41 NO: 0  
42 ABSTAIN: 0  
43 ABSENT: 0

44  
45 First Reading: 6/25/12  
46 Public Hearing: 7/23/12  
47 Second Reading: 7/23/12  
48 Effective Date: 7/24/12

49  
50 Reviewed and approved as to form:

51  
52   
53  
54 Walt E. Wrede, City Manager

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

55  
56 Date: JULY 25, 2012

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