September 5, 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 12-43, Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District ***(Please refer to page 53 of the regular meeting packet)***

4. Staff Report PL 12-49, Pier I Land Use ***(Please refer to page 55 of the regular meeting packet)***

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

HOMER ADVISORY PLANNING COMMISSION
491 E. PIONEER AVENUE
HOMER, ALASKA

SEPTEMBER 5, 2012
WEDNESDAY AT 6:30 P.M.
COWLES COUNCIL CHAMBERS

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

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

4. Reconsideration

5. Adoption of Consent Agenda

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

1. Approval of Minutes of August 15, 2012 ***Page 1***
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g.
4. KPB Coastal Management Program Reports

6. Presentations

7. Reports

A. Staff Report PL 12-50, City Planner's Report ***Page 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.

A. Staff Report PL 12-46, CUP 12-03 Dockside Fisheries, 4470 Homer Spit Rd ***Page 7***
B. Staff Report PL 12-48, Pratt Public Easement Vacation ***Page 33***

9. Plat Consideration

A. Staff Report PL 12-47, Pratt Subdivision Preliminary Plat ***Page 43***

10. Pending Business

A. Staff Report 12-43, Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District ***Page 53***

11. New Business

A. Staff Report PL 12-49, Pier I Land Use ***Page 55***

12. Informational Materials

A. City Manager's Report dated August 13 and August 27, 2012 ***Page 65***
B. Memorandum dated August 15, 2012 from Julie Engebretsen, Planning Technician, regarding Homer Spit Trail and Cruise Ship Improvements ***Page 71***
C. Letter dated August 30, 2012 to Eldeen Jackson from Dotti Harness-Foster, Planning Technician, regarding AA Mattox Sub 1958 Addn No 2, Lot 23 ***Page 75***
D. KPB Staff Report dated 8/27/12: WR Bell Subdivision ***Page 77***
E. State of Alaska DOT Lake Street Rehabilitation Project diagrams

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."

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 15, 2012

UNAPPROVED

Session 12-10, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:30 p.m. on August 15, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: DOLMA

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

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

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 August 1, 2012 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects Under HCC 1.76.030 g.
4. KPB Coastal Management Programs Report
5. Draft Decisions and Findings for CUP 12-01, Homer Spit Subdivision No. Two Amended, Lot 88-4 and a Portion of Parking and Access Area 4744 Homer Spit Road
6. Draft Decision and Finding for CUP 12-02, 3800 Sterling Highway/Greenhouse

The consent agenda was approved by consensus of the Commission.

PRESENTATIONS

REPORTS

A. Staff Report PL 12-45, 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.

A. Staff Report PL 12-42, CUP 12-03, A Request for a Conditional Use Permit (CUP) for 4470 Fish Dock Road, Lot 88-3 Homer Spit Subdivision No. 2/Dockside Fisheries

City Planner Abboud explained that there was some missing information regarding this and said it will be re-advertised for next meeting.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report PL 12-43, Staff Report 12-43, Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

The Commission discussed the public feedback that they received during the worksession. They expressed their frustration with the animosity that was expressed by the business owners regarding lodging. The folks who commented didn't seem to have a full understanding of what the Commission is considering, and the Commission and staff need to work to find a way to get a better message out. The public doesn't understand that one of the Commission's responsibilities is to look at health and safety for the good of the public that uses the facilities in question. Business owners on the spit want rules for themselves and to let it run itself out there, but there are a lot of other businesses in the City and throughout the state that can't and won't do that, nor are they allowed to. The goal of the amendment for lodging is not a dramatic change; it is an opportunity to classify the lodging use so it can be effectively addressed by staff. They had general discussion on Fire Marshall review, health and safety, and if there are ways to help the public better understand what the Commission is trying to accomplish through this amendment.

NEW BUSINESS

None

INFORMATIONAL MATERIALS

None

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

No

COMMENTS OF THE COMMISSION

Commissioner Venuti commented that it was an interesting meeting. He has learned that in business when dealing with difficult customers you can win them over if they think the resolution is their idea. Some how we need to change the perception that we are not the enemy. He reaffirmed his thought that a city business license should be established. It would be so much easier because businesses would self police.

Commissioner Stead had no comments.

Commissioner Highland questioned how people were alerted to tonight's meeting. She wonders if there is a way to try to get the property owners to attend. She said it was a interesting meeting and thanked everyone.

Commissioner Sonneborn said it was great to be back.

Commission Bos likes Mr. Venuti's notion of giving the people a chance to share in the idea or decision. Next time if they have a presentation where the businesses have to select if they are R1, R2, or R3 and get them in one of the categories, they can classify them where they need to be. He thinks the staff is doing what they can to get notices out and people need to take time to understand what is happening. It was a fantastic meeting.

Chair Erickson questioned about formalities of thanked everyone and said it was a good meeting.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:24 p.m. The next regular meeting is scheduled for September 5, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

_____
MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

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STAFF REPORT PL 12-50

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: September 5, 2012
SUBJECT: Planning Director's Report

August 27th City Council Meeting
Resolution 12-074, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Negotiate a Transfer of Responsibility Agreement with the Alaska Department of Transportation and Public Facilities which Designates the City as the Entity Responsible for Engineering, Design, and Construction of Traffic Control Improvements at the Intersection of Main Street and the Sterling Highway. City Manager. (Postponed from August 13, 2012.)
Memorandum 12-127 from City Manager as backup.
FAILED with discussion.

Memorandum 12-134 from Community and Economic Development Coordinator, Re: Online Calculator - Providing the Public with Information on How Much Converting Their Home to Natural Gas Will Cost.
FAILED with discussion.

Resolution 12-076, A Resolution of the City Council of Homer, Alaska, Approving Exclusion Criteria for Parcels Within the City Limits That Will Not be Directly Served by Natural Gas Distribution Mains Constructed Under the Proposed Natural Gas Special Assessment District. City Manager.
Councilmember Wythe was excused from participation due to an ongoing conflict of interest.
ADOPTED with discussion.

Activities
Julie I have been spending time working with the Gasline Committee. We have been developing criteria for inclusion within the district and I have been working to introduce some project management software to help us communicate better and meet all of the various deadlines. Julie continues to do extensive work for the Parks and Recreation Committee. Dotti continues to work with code enforcement issues and educating the public about various concerns. She has also taken the lead in submitting a proposal for a session at the APA conference in Anchorage about signs where I will be presenting with her. I attended the DOT meeting involving the Lake Street improvements and comments are requested by September 30th.

Commissioner Training
Mark your calendar for Sunday, Nov 11-13th. The exact times of the sessions have not been determined yet.

Lighting standards in the residential districts

With decreasing daylight, comes increasing complaints about bright glaring exterior lights. Neighbors are annoyed when a barn style light fixture that sends light upward, outward and beyond, known as the "glare bombs." Neighbors content that it disrupts their sleep; pollutes the sky, wastes energy. Regardless, the unwelcome light trespass is avoidable with downlit/cut-off light fixtures.

Neighbors are surprised to learn that the lighting standards are not applicable to the residential districts, "after all this is where we sleep and spend most of our evenings." Homer has Lighting Standards for the business and commercial districts. When an exterior light fixture is replaced, the new fixtures must be downlit/cut-off luminaires, HCC 21.59.030. These standards apply to new developments and often times the HAPC have made these lighting standards a CUP condition.

Safety and security is usually the main goal of nighttime lighting. Downlit/cut-off luminaires that directs light to where it's needed improves security while reducing glare.

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STAFF REPORT PL 12-46

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: Sept. 5, 2012
SUBJECT: CUP 12-03 Kachemak Bay Seafoods at 4470 Homer Spit Rd.
BRING: Your copy of the Homer Spit Comprehensive Plan (HSCP)

SYNOPSIS: Kachemak Bay Seafoods leases a 7,749 sf lot on the Homer Spit Road. This lot backs up to the harbor and the front faces Homer Spit Road. Kachemak Bay Seafoods processes fish which is a permitted use in the Marine Industrial District. A CUP is needed for:

- Other similar uses, HCC 21.30.020(i)
- Planned unit development HCC 21.30.030(a)
- Restaurants HCC 21.30.030(c)
- Caretakers HCC 21.30.030(g)
- More than one building containing a permitted principle use on a lot, 21.30.040(j).

There are four (4) buildings on site:

1. A two-story retail/office building
2. A one-story retail building
3. A one-story fish processing building
4. One long cold storage container

The primary use of the buildings is fish processing, with one exception. The 261 sf retail building is typically rented to a charter office, retail, some tourist related business, which in the Marine Industrial district is "Other similar uses, per HCC 21.30.020(i).

Applicants:

William Sullivan (lease holder)
Kachemak Bay Fisheries
(fo rmerly Dockside II Fisheries)
PO Box 4004
Homer, AK 99603

City of Homer (land owner)
491 E. Pioneer Ave
Homer, AK 99603

Location:	4470 Homer Spit Rd. Lot 88-3 Homer Spit No. 2 (Plat 91-3)
Parcel ID:	18103443
Lot Size(s)	0.18 acres or 7,749 square feet
Zoning Designation:	Marine Industrial
Existing Land Use:	Residential/Accessory Structure
Surrounding Land Use:	Northeast: Harbor Southwest: Public parking, Seafarer's Memorial Southeast: Residential and fishing gear storage Northwest: Retail and restaurant
Homer Spit Comprehensive Plan:	Industrial Development, pg 21 • Better utilize the limited land available for industrial and economic development. • Encourage development related to the fishing, fish processing, and boating activities.
Flood Plain Status:	In the 500-yr (non regulated) floodplain
Utilities:	Public water and sewer
Public Notice:	Notice was sent to 10 property owners of 24 parcels as shown on the KPB tax assessor rolls.

Port and Harbor Advisory Commission Recommendations
This project is within the Marine Industrial District. The applicant is proposing some land uses that are listed in the Marine Commercial. This is allowed under Homer City Code. As part of this process, the Port and Harbor Advisory Commission conducted a public hearing, and adopted the findings staff presented. The findings are attached to this staff report.

Lease Renewal: On March 28, 2012 the Lease Committee authorized the City Manager to negotiate a new lease contingent upon William Sullivan's compliance with zoning regulations. This requires a CUP and Fire Marshal approval. The applicant has been in the seafood processing business for 23 years, and at this location for 18 years. M. Sullivan continues to make a concerted effort to obtain Fire Marshal approval, and to resolve building encroachment issues.

Building Encroachments and Fire Marshal Approval: A 2005 as-built survey shows three building encroachments, two have been resolved. The front of the lot is not on Homer Spit Road. Instead, there is a "parking and access' lot, as designated by the subdivision plat, which requires a five foot building setback. A shed that was in the City's Parking and Access Area has been relocated onto the property and an old ATCO trailer was removed. The third and most challenging is to move the two-story retail/office building. Moving the two-story retail/office building will resolve two issues: 1) building encroachment into the setback area and 2) building separation for Fire Marshal approval. Condition 1.

Lease Area: In the past, the lease included the 15 feet along the harbor's edge, where the future Homer Spit Trail extension is proposed. The new lease area will be shifted 15 feet toward Homer Spit Road. This would allow room for the Spit Trail to be extended behind Mr. Sullivan's buildings, along the harbor. It would also allow Mr. Sullivan to build a boardwalk that would extend across the front lot line. There is still enough room for cars to park in front of his development, off of the road. This additional area will be described in the lease, and does not require a replat.

Parking: HCC 21.55.100 Homer Spit parking requirements, only requires onsite-parking for year round uses. The water is off in the winter, so there is no winter time caretaker's or fish processing. There are 4-5 parking spaces in the Parking and Access area.

Caretaker: Most fish processing operations need an on-site caretaker which allows the business to operate 24/7 during the summer months. The caretaker for Kachemak Bay Seafoods is usually the owner, the applicant, and leaseholder. The caretaker's unit is not intended, nor designed for overnight rental to tourists.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.

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

Marine Commercial Permitted Uses and Structures 21.28.020:

(a) Boat charter offices;
(c) Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;
(d) Business offices for water-dependant and water related activities such as fish brokers, off-shore oil and gas service companies, and stevedores.

Marine Industrial 21.30.030

(a) Planned Unit Development (for setback exceptions only);
(c) Restaurants and Drinking establishments;
(g) Caretaker's residence as an accessory to a permitted or conditionally permitted use;
(j) More than one building containing a permitted principle use on a lot.

Finding 1: Homer City Code authorizes the proposed uses and structures.

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

Analysis: "The purpose of the Marine Industrial District is primarily to provide adequate space for those water-dependent industrial uses that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil development and tourism; giving priority to those water-dependent uses over other industrial, commercial and recreational uses" per HCC 21.30.010.

A caretaker's residence allows the fish processing facility to be open and available 24/7 during the summer months. The retail building is small, 261 SF, and is usually rented to a tourist related business leaving the remainder of the lot to focus on fish processing.

Finding 2: The proposed uses and structures support a mixed use development of tourism and fisheries uses. The proposed structures and uses are compatible with the purpose of the zoning 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: Continued business will generate revenue for the city and enhance the fishing culture of the Homer Spit along with limited retail area. A caretaker's residence will not be negatively affect greater than other permitted and conditionally permitted uses in this district considering the mixed use nature of the adjoining properties.

Analysis: Mr. Sullivan has been in the seafood processing business for 23 years, and at this location for 18 years. The value of the adjoining property was not negatively affected greater than that of other permitted or conditionally permitted uses in the district such as bulk petroleum storage, heliports and pipeline.

Finding 3: The value of the adjoining property will not be negatively affected greater than that anticipated from the permitted or conditionally permitted uses in the district.

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

Analysis: Kachemak Bay Seafoods is part of the eclectic mixture of land uses which adds to the Spit character. Other land uses nearby are: fish processing, retail, restaurant, City parking, memorial, camping and vacant MI land.

Finding 4: This proposal continuation of fish processing, retail and caretaker's residence is compatible with the mixed uses along Homer Spit Road and the surrounding land.

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

Finding 5: City water and sewer are adequate to serve the proposed uses and structures. This site fronts Homer Spit Road; a state maintained road and the Homer Harbor.

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.

Analysis: This 7,749 SF lot processes fish, has two retail outlets and one caretaker's unit. The four existing structures range from 120 SF to 764 SF. The structures cover approximately 25% of the lot area. The traffic that is generated from the two small retail outlets and a caretaker's unit is minimal. Noise from retail is not greater than the noise generated by the commercial harbor activity and traffic on Homer Spit Road.

Finding 6: The development is in harmony with the scale, bulk, coverage, density and does not have an undue effect on the surrounding parcels.

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

Analysis: The applicant's effort to obtain Fire Marshal approval and to resolve building encroachment issues is a big step in improving the health and safety on the Spit.

Condition 1: Within 12 months of the signed Decisions and Findings, the building setbacks issues to be resolved and Fire Marshal Approval obtained.

Finding 7: Upon approval from the State Fire Marshal this development will not be detrimental to the health, safety or welfare of the surrounding area and the City of Homer. Reserving area for the extension of the Homer Spit Trail will contribute to the future health and safety of users, and reduce conflicts with industrial activities such as trucking and fork lift operations.

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 local, state and federal regulations and conditions of this CUP.

i. The proposal is not contrary to the applicable land use goals and objectives of the Homer Spit Comprehensive Plan (HSCP).

Analysis: The HSCP suggests "selective screening of industrial land that abuts other existing developments and transportation routes" pg 21. That being said, there is an existing partial fence along the NW lot line. Extending the fence along the NW lot line would provide a visual buffer between the restaurant/retail use and fish processing. Staff considered two fence scenarios:

One scenario: The HSCP suggests selective screening of industrial land. Extending the fence along the NW lot line would provide a visual barrier.

Second scenario: Fish processing in the MI district is a permit use. The Marine Commercial uses that 'creep' into the MI district should provide the screening.

If the Planning Commission supports the first scenario, a motion is needed for a condition and a finding that requires a visual barrier along the NW lot line by June 1, 2013.

In time, the Spit bike trail may extend along the harbor and abut Kachemak Bay Seafoods. The HSCP suggests a visual buffer between the proposed bike path extension and fish processing.

Condition 2: The rear of the lease property, adjacent to the harbor and future spit trail shall be delineated with a fence, driftwood or some type of visual marker to show the lease boundary.

The HSCP has several land use goals; 1.1 "Maintain the variety of land uses that establish the unique "Spit" character and mix of land uses, pg 20. The HSCP seeks to reduce the future "creep of commercial land uses into an industrial area" pg 21.

Approximately 90% of the lot is use for fish processing, leaving 10% of retail.

Finding 9: This development meets the intent of HSCP in that it provides a variety of land uses, fish processing which contibute to economic development.

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

Analysis: In the Marine Industrial district, the CDM encourages outdoor furniture in public rights of way and private common areas. There are no direct recommendations or requirements that apply to this project. The development does include a boardwalk along the front which will help create a welcoming streetscape for customers.

Finding 10: The proposal will comply with all applicable provisions of the Community Design Manual (there are none).

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 special conditions deemed necessary.
2. **Fences, walls and screening.** See Condition 2.

3. **Surfacing of vehicular ways and parking areas.** Gravel. No special conditions deemed necessary.

4. **Street and road dedications and improvements (or bonds).** None.

5. **Control of points of vehicular ingress and egress.** Access onto City of Homer Parking and access area.

6. **Special restrictions on signs.** Freestanding sign has been reduced to a maximum height of ten feet.

7. **Landscaping.** No special conditions deemed necessary.

8. **Maintenance of the grounds, buildings, or structures.** No special conditions deemed necessary.

9. **Control of noise, vibration, odors, lighting or other similar nuisances.** No special conditions deemed necessary.

10. **Limitation of time for certain activities.** No special conditions deemed necessary.

11. A time period within which the proposed use shall be developed and commence operation. See Condition 1.

Condition 3: Boardwalk construction to be complete within two years.

12. A limit on total duration of use or on the term of the permit, or both. No special 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 special 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. See Condition 1.

Condition 4: The caretaker's unit to be used solely by an employee, the owner, the applicant and/or leaseholder of the property who are an integral part of the on-site fish processing operation.

21.52.060 Commercial, noncommercial and industrial PUDs.

b. A planned unit development that includes commercial, noncommercial or industrial uses shall comply with the following requirements and conditions:

1. The PUD site shall have direct access to an arterial or collector street.
   Finding 11: The project has direct access to Homer Spit Road, an arterial.

2. Utilities, roads and other essential services must be constructed, installed and available for the immediate use of occupants of the PUD.
   Finding 12: Utilities and roads exist and are available for use by the occupants.

3. The PUD shall be developed with a unified architectural treatment.
   Finding 13: The boardwalk shall be of similar style and construction of the adjoining boardwalks. Condition 6.

c. If topographical or other barriers do not provide adequate privacy for uses adjacent to the PUD, the Commission may impose conditions to provide adequate privacy, including without limitation one or both of following requirements:

1. Structures located on the perimeter of the planned development must be set back a distance sufficient to protect the privacy of adjacent uses;
   Finding 14: Structures on the property will be set back to sufficiently sufficient to protect the privacy of adjacent uses. Condition 1.

2. Structures on the perimeter must be permanently screened by a fence, wall or planting or other measures sufficient to protect the privacy of adjacent uses.

Finding 15: Condition 2 delineates with a fence, driftwood or some type of visual marker the lease boundary on the harbor side.

d. Dimensional Requirements. Setbacks and distances between buildings within the development shall be at least equivalent to that required by the zoning district in which the PUD is located unless the applicant demonstrates that:

1. A better or more appropriate design can be achieved by not applying the provisions of the zoning district; and

Discussion: Allowing the boardwalk to not meet the setback requirement and extend onto the front lot allows more area to be preserved in the interior of the development. This lot is small, and the interior space is needed for fork lift maneuvering. It also allows for buildings to be a little bit closer to Homer Spit Road, allowing for a better pedestrian experience, but not encroaching too much onto the parking area.

Finding 16: Waiver of the building setback for the purpose of building a boardwalk will result in a better design.

Finding 17: The boardwalk, stairs and ramps may extend into Parking and Access area which the applicant is leasing.

Condition 5: The boardwalk may extend up to ten feet into Parking and Access Area for the purpose of a boardwalk, stairs and/or handicap ramp down to grade.

2. Adherence to the dimensional requirements of the zoning district is not required in order to protect health, safety and welfare of the occupants of the development and the surrounding area.

Finding 18: The health, safety and welfare of the occupants of the development and the surrounding area will not be affected by the board walk.

PUBLIC WORKS COMMENTS: No comment.

FIRE DEPARTMENT COMMENTS: Applicant is working towards Fire Marshal approval.

STAFF COMMENTS/RECOMMENDATIONS: Approval requires 5 yes votes.

Planning Commission approve CUP 12-03 with findings 1-18 and conditions 1-5. *If the Planning Commission supports a visual barrier along the NW lot line a condition is needed that includes a timeline. See page 5, i.*

1. Within 12 months of the signed Decisions and Findings, the building setbacks issues to be resolved and Fire Marshal Approval obtained.

2. The rear of the lease property, adjacent to the harbor and future spit trail shall be delineated with a fence, driftwood or some type of visual marker to show the lease boundary.

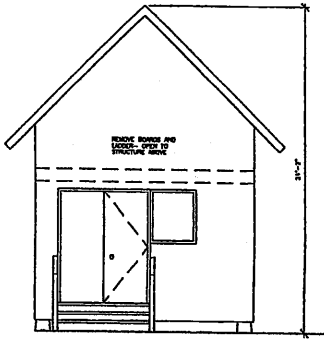
3. Boardwalk construction to be complete within two years.

4. The caretaker's unit to be used solely by an employee, the owner, the applicant and/or leaseholder of the property who are an integral part of the fish processing operation.

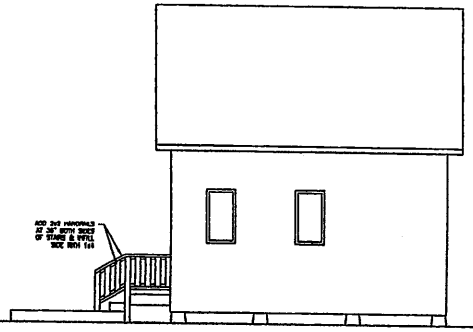
5. The boardwalk may extend up to ten feet into Parking and Access Area for the purpose of a boardwalk, stairs and/or handicap ramp down to grade.

ATTACHMENTS

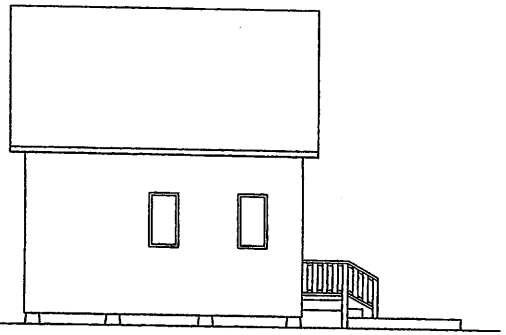
1. Vicinity map
2. Site Plan
3. Building elevations
4. Page 22-24 of the Homer Spit Comprehensive Plan
5. Port & Harbor recommendation dated Sept. 5, 2012
6. Application



④ SW ELEVATION
SCALE: 1/4" = 1'-0"

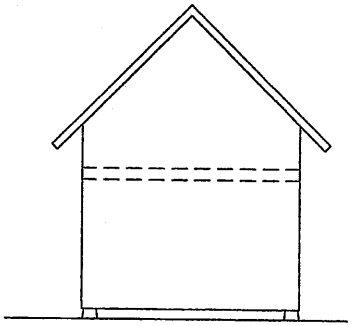


③ SE ELEVATION
SCALE: 1/4" = 1'-0"



② NW ELEVATION
SCALE: 1/4" = 1'-0"

Building A: Retail



① NE ELEVATION
SCALE: 1/4" = 1'-0"

General Notes

No.	Revision/Issue	Date

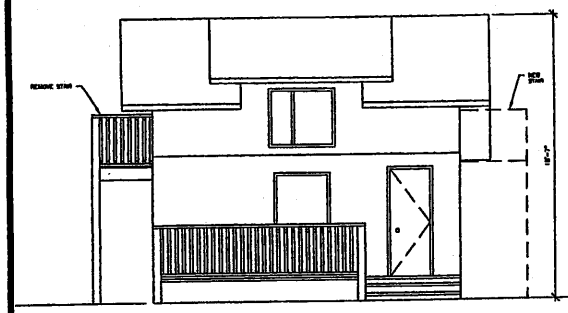
Firm Name and Address
WILLIAM SULLIVAN
KACHEMAK BAY SEAFOODS
PO BOX 4004
HOMER, AK 99603

(907)-299-1551

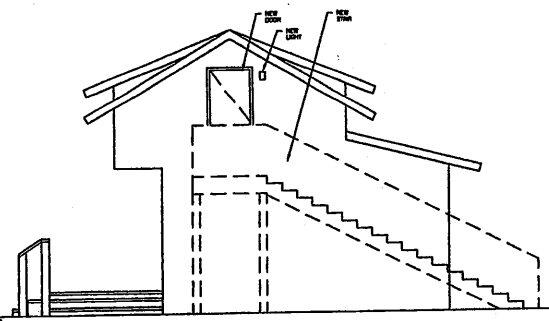
Project Name and Address
KACHEMAK BAY SEAFOODS
LOT 88-3 HOMER SPIT NO. 2
HOMER, AK 99603
BUILDING A ELEVATIONS
CONDITIONAL USE PERMIT

Project
Date 07-12-12
Scale 1/4" ON 34x22

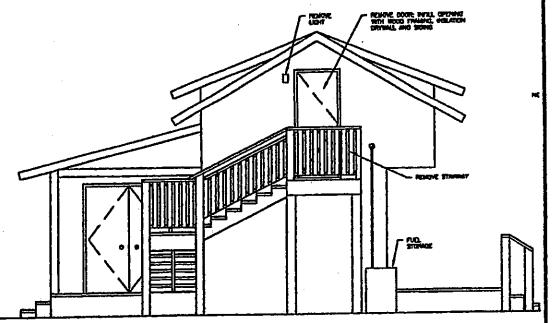
Sheet A1



4 SW ELEVATION
SCALE: 1/4" = 1'-0"

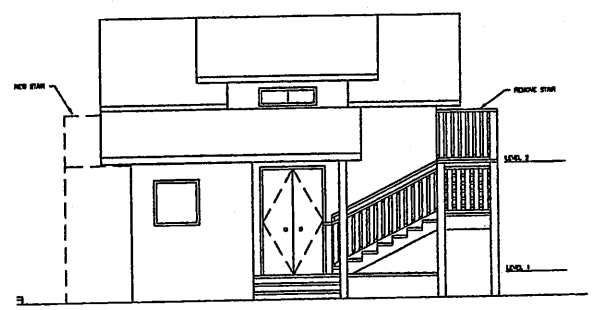


3 SE ELEVATION
SCALE: 1/4" = 1'-0"



2 NW ELEVATION
SCALE: 1/4" = 1'-0"

Retail/Office



1 NE ELEVATION
SCALE: 1/4" = 1'-0"

General Notes

No.	Revision/Issue	Date

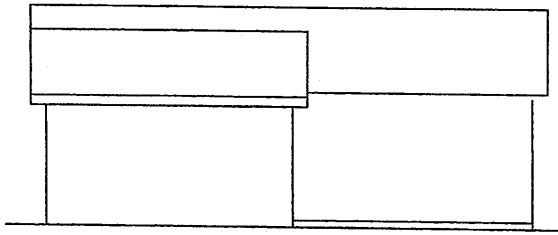
Firm Name and Address
WILLIAM SULLIVAN
KACHEMAK BAY SEAFOODS
PO BOX 4004
HOMER, AK 99603

(907)-299-1551

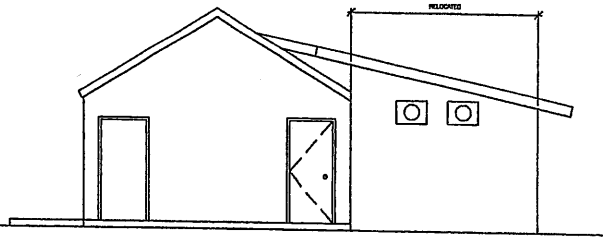
Project Name and Address
KACHEMAK BAY SEAFOODS
LOT 88-3 HOMER SPIT NO. 2
HOMER, AK 99603
RETAIL OFFICE ELEVATIONS
CONDITIONAL USE PERMIT

Project
Date 07-12-12
Scale 1/4" ON 34x22

Sheet A2



④ NW ELEVATION
SCALE: 1/4" = 1'-0"



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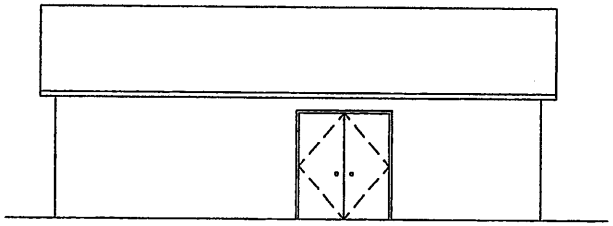
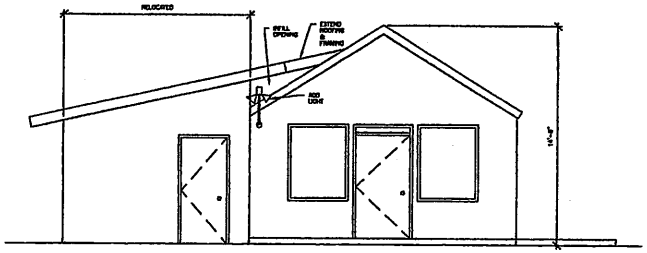
SCALE: 1/4" = 1'-0"



② SE ELEVATION
SCALE: 1/4" = 1'-0"

Processing Bldg



① SW ELEVATION
SCALE: 1/4" = 1'-0"

General Notes

No.	Revision/Issue	Date

Firm Name and Address
WILLIAM SULLIVAN
KACHEMAK BAY SEAFOODS
PO BOX 4004
HOMER, AK 99603

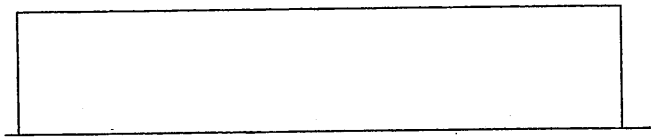
(907)-299-1551

Project Name and Address
KACHEMAK BAY SEAFOODS
LOT 88-3 HOMER SPIT NO. 2
HOMER, AK 99603
PROCESSING ELEVATIONS
CONDITIONAL USE PERMIT

Project
Date 07-12-12
Scale 1/4" ON 34x22

Sheet
A3

Cold Storage Van



④ SE ELEVATION
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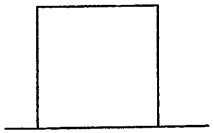
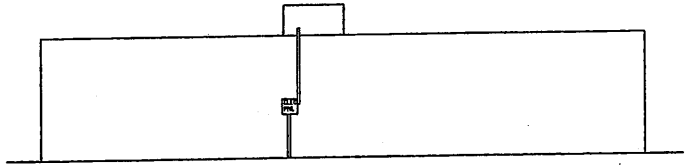
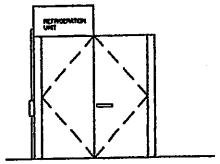


③ NE ELEVATION
SCALE: 1/4" = 1'-0"



② NW ELEVATION
SCALE: 1/4" = 1'-0"



① SW ELEVATION
SCALE: 1/4" = 1'-0"

General Notes

No.	Revision/Issue	Date

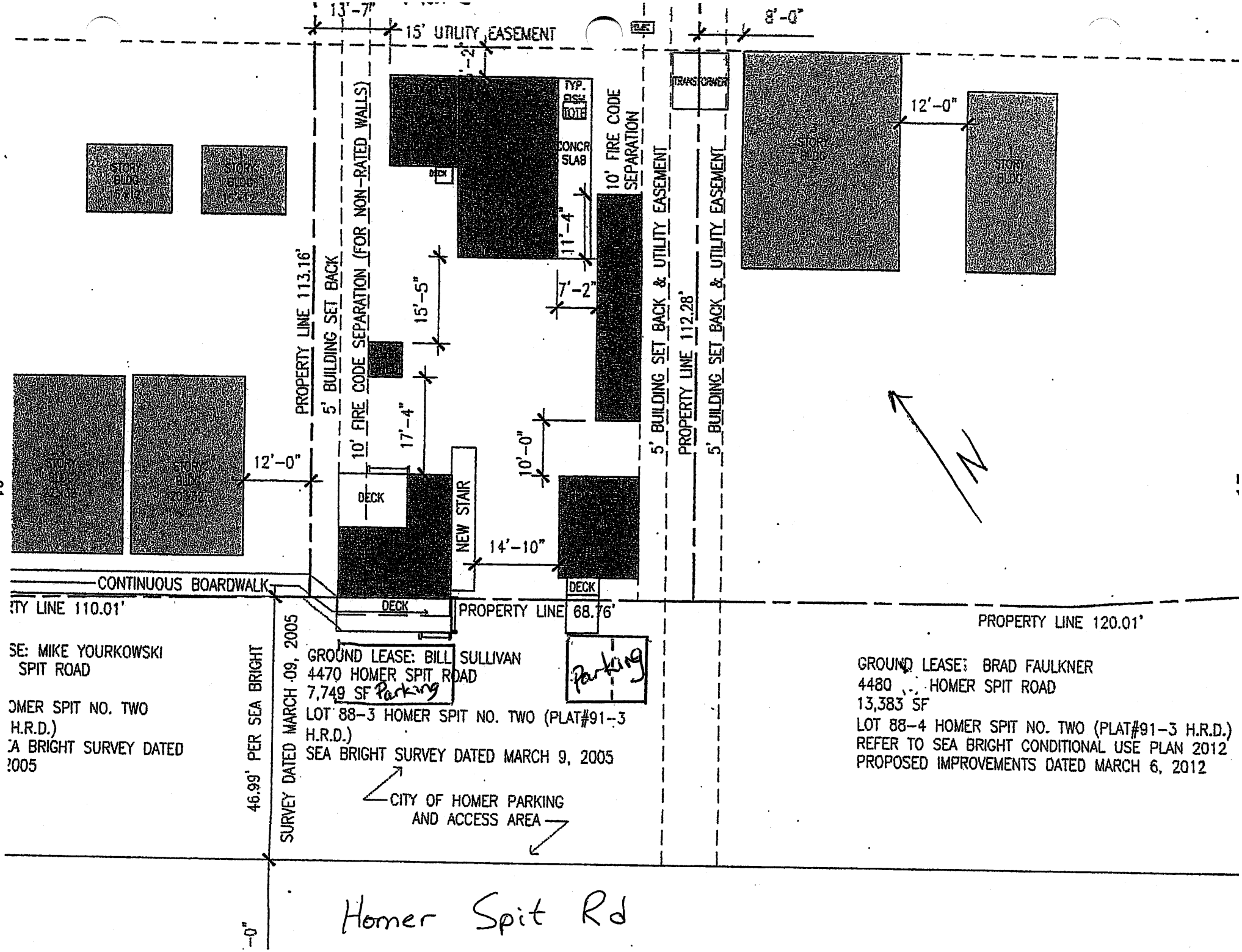
Firm Name and Address
WILLIAM SULLIVAN
KACHEMAK BAY SEAFOODS
PO BOX 4004
HOMER, AK 99603

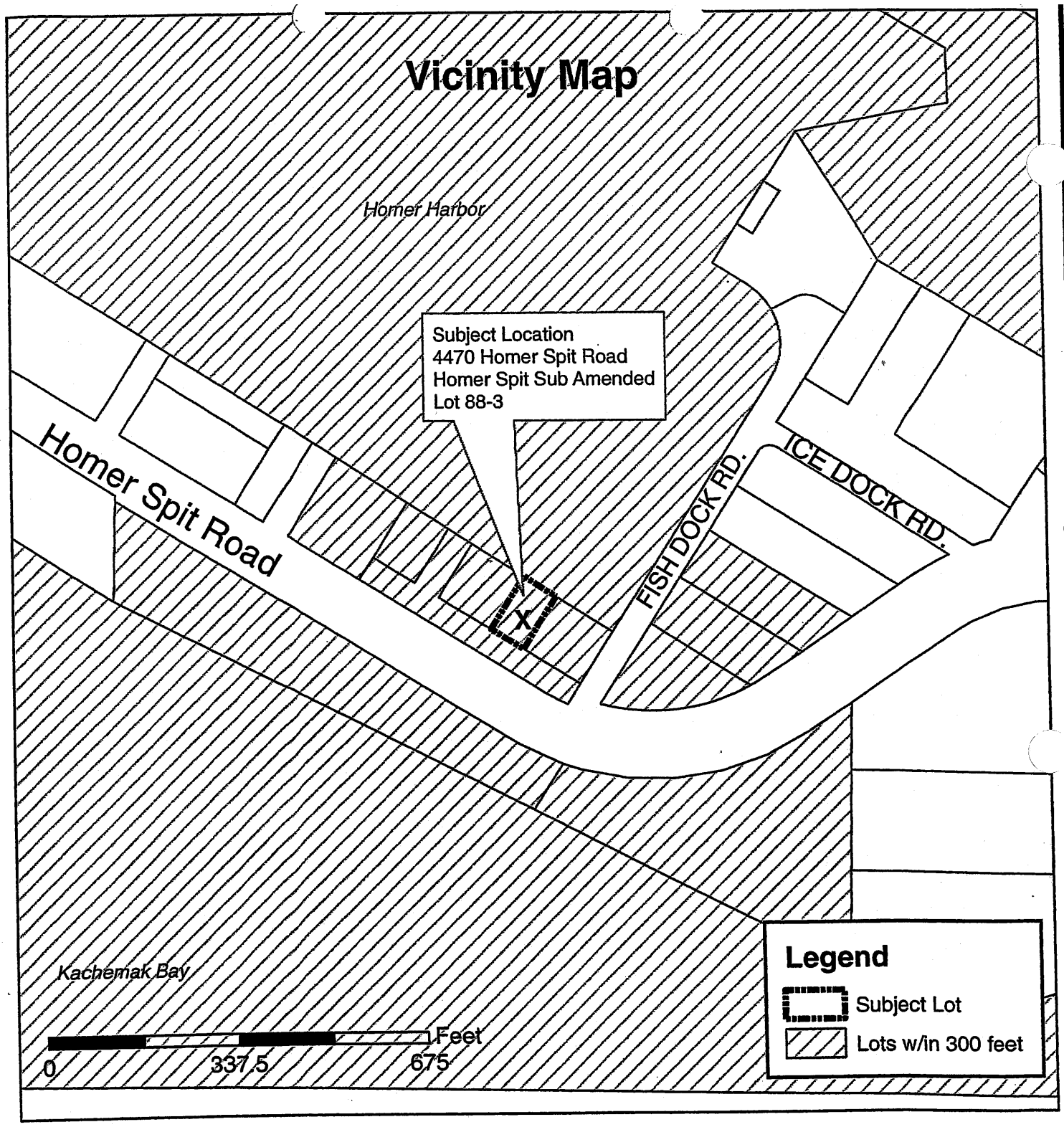
(907)-299-1551

Project Name and Address
KACHEMAK BAY SEAFOODS
LOT 88-3 HOMER SPIT NO. 2
HOMER, AK 99603
COLD STORAGE ELEVATIONS
CONDITIONAL USE PERMIT

Project
Date 07-12-12
Scale 1/4" ON 34x22

Sheet
A4


13'-7"
15' UTILITY EASEMENT
8'-0"
TYP. DISH TOTE
CONCR SLAB
10' FIRE CODE SEPARATION
TRANSFORMER
12'-0"
STORY BLDG
DECK
11'-4"
7'-2"
15'-5"
PROPERTY LINE 113.16'
5' BUILDING SET BACK
10' FIRE CODE SEPARATION (FOR NON-RATED WALLS)
5' BUILDING SET BACK & UTILITY EASEMENT
PROPERTY LINE 112.28'
5' BUILDING SET BACK & UTILITY EASEMENT
17'-4"
10'-0"
12'-0"
DECK
NEW STAIR
14'-10"
CONTINUOUS BOARDWALK
DECK
DECK
PROPERTY LINE 68.76'
PROPERTY LINE 120.01'
TY LINE 110.01'
SE: MIKE YOURKOWSKI
SPIT ROAD
OMER SPIT NO. TWO
H.R.D.)
A BRIGHT SURVEY DATED
005
46.99' PER SEA BRIGHT
SURVEY DATED MARCH 09, 2005
GROUND LEASE: BILL SULLIVAN
4470 HOMER SPIT ROAD
7,749 SF Parking
Parking
LOT 88-3 HOMER SPIT NO. TWO (PLAT#91-3 H.R.D.)
SEA BRIGHT SURVEY DATED MARCH 9, 2005
CITY OF HOMER PARKING AND ACCESS AREA
GROUND LEASE: BRAD FAULKNER
4480 HOMER SPIT ROAD
13,383 SF
LOT 88-4 HOMER SPIT NO. TWO (PLAT#91-3 H.R.D.)
REFER TO SEA BRIGHT CONDITIONAL USE PLAN 2012
PROPOSED IMPROVEMENTS DATED MARCH 6, 2012
-0"
Homer Spit Rd



City of Homer
Planning and Zoning Department
August 2, 2012

Request for a conditional use permit
4470 Homer Spit Road

Property owners w/in 300 feet are notified

N

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, interpr[illegible]ns or conclusions drawn therefrom.

This is a consideration when deciding upon future park areas, viewing platforms, and activities that do not generate money for the port, but are paid for solely by port users.

Taking these underlying land use and fiscal concerns into account, a vision is provided in the following section that respects the public's desires by framing realistic options and opportunities. Specifically, the vision is outlined in terms of four overarching categories with subcategories:

1. **Land Use and Community Design**
2. **Transportation**
3. **Economic Vitality**
4. **Natural Environment**

The vision consists of goals within each of these categories that can help guide decision making and provide a framework for final plan recommendations.

1. Land Use and Community Design

Goals for Land Use and Community Design:

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

1.2 Improve the permanence and character of new commercial development.

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

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

1.5 Respond to seasonal land use demand fluctuations.

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

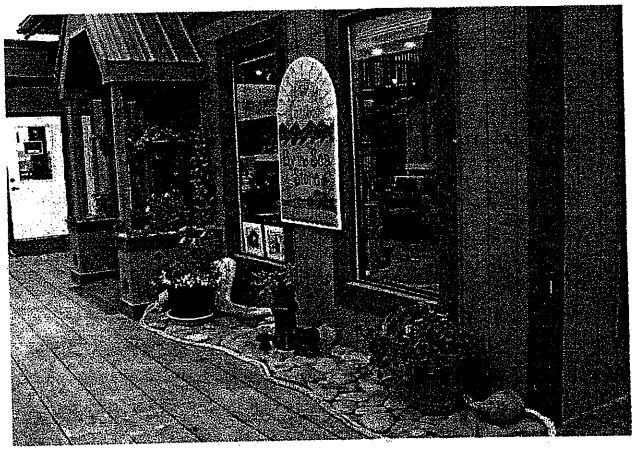
This plan does not suggest major changes to Spit land use. The community appreciates the eclectic mixture of land uses and activities. The goal is to keep the character of the Spit and make minor changes to improve the experience and functionality. The Spit should be a clean, safe, and fun place to fish,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

Traditionally, business owners have used creative solutions to solve problems; there is a desire to keep this independent spirit and sense of individuality. The Spit should avoid a "plastic" look that is "Anywhere USA." There is very limited developable area; compact development will be key to future economic growth. Reduced building setbacks and parking requirements are possible solutions.

The minimum lot sizes are 6,000 square feet in the Marine Industrial (MI) District and 20,000 square feet in the Marine Commercial (MC) District respectively. These minimums are for new platted lots. The uniform size and grid pattern that this promotes does not make sense for all development on the Spit given the underlying curvilinear land form and the premium value of land.

Greater flexibility in lot size and building setbacks are possible solutions. The minimum lot size of MC could be reduced. Buildings should also be designed to maintain the human scale and preserve views of the surrounding bay and mountains. A combination of lower building height regulations and conditional use allowances for buildings up to 35 feet should be considered.

Another set of zoning issues on the Spit relates to what uses are permitted, or are conditional use. Several common commercial



Zoning should be adjusted to support Spit business owner's sense of individuality and unique character.

uses are conditional uses in the MI zones, such as restaurants. Although these existing measures help limit the potential overexpansion of commercial and residential development, more carefully tailored tools are desired that better address the demand for these uses, while preserving the waterfront and other fishing, marine transportation, and economic uses.

Another issue relates to existing parking requirements. A clear policy is needed regarding off-street parking requirements. Separate, private, off-street parking facilities can create more traffic and detract from the pedestrian environment. An alternative is to waive parking requirements in lieu of a onetime parking system contribution or assessment, or requiring annual permit purchases.

A final zoning consideration relates to the current required setbacks. Setbacks may be needed on the Spit in some locations to provide egress, fire access, and buffer between different land uses. In other cases due to the uniqueness of the Spit, with its very limited amount of developable land and very wide right-of-ways, reduced setbacks may be one way to accommodate future growth and create a denser pattern of development that also improves pedestrian access. This is especially pertinent when a landowner with multiple lots is interested in developing the sites in an integrated approach, such as the successful commercial district around the privately owned boardwalks near Coal Point Seafoods.

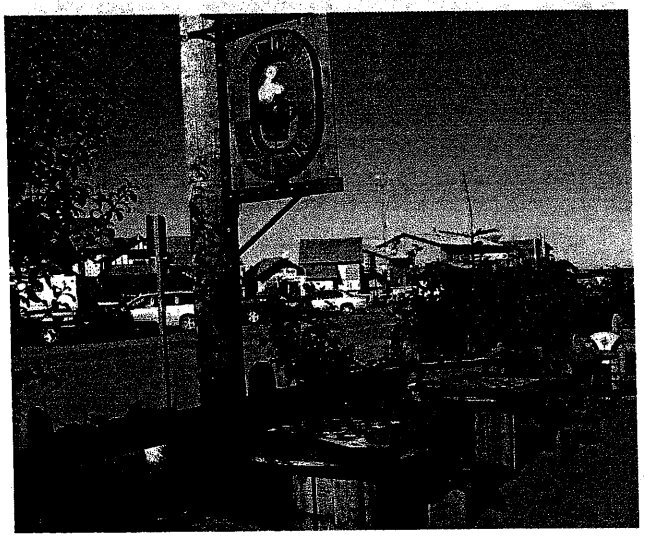
Beyond zoning, each future land use has a number of issues and opportunities that need to be considered within the final comprehensive plan. These are addressed separately, followed by broad overarching goals for Land Use and Community Design.

1.A Industrial Development

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

- Better utilize the limited land available for industrial and economic development.
- Reserve sufficient land by the Deep Water Dock for future industrial development.
- Encourage development related to the fishing, fish processing, and boating industries.

Future industrial development should be clustered in specific locations as highlighted in the Future Land Use Concept Maps (pages 44-45). However, industrial activities can have deleterious impacts to scenic resources that are valued by the public. Selective screening of industrial land use should be considered where industrial activity takes place adjacent to other existing



Compact development, reduced setbacks, and integrated development approaches that cross lot lines—such as this private connected boardwalk—all help take better advantage of the Spit's limited land base.

Better definition of traffic circulation and safety are needed to ensure safe functioning of the existing fish dock, ice plant and processing plants.

development and transportation routes. However, care must be exercised to ensure that screening does not then restrict views to scenic resources or limit the public's ability to view areas and enjoy activities that add to the interest of the Spit, such as storage of crab pots.

The existing fish dock, ice plant, and processing plants are key economic generators on the Spit but they are potentially threatened by incompatible land uses. Furthermore, the mix of land uses in the area and the undefined circulation sometimes creates hazards to pedestrians and others that pass through. The public needs to be aware there are hazards in the area; signage can be used to discourage foot traffic. This area requires attention to provide for separation of uses and reservation of land for future industrial development.

The area east of the harbor basin by the Deep Water Dock is a bright spot in industrial activity on the Spit and receives high use. However, competing uses and traffic patterns may encroach into the activity in this area and create safety hazards in the future.

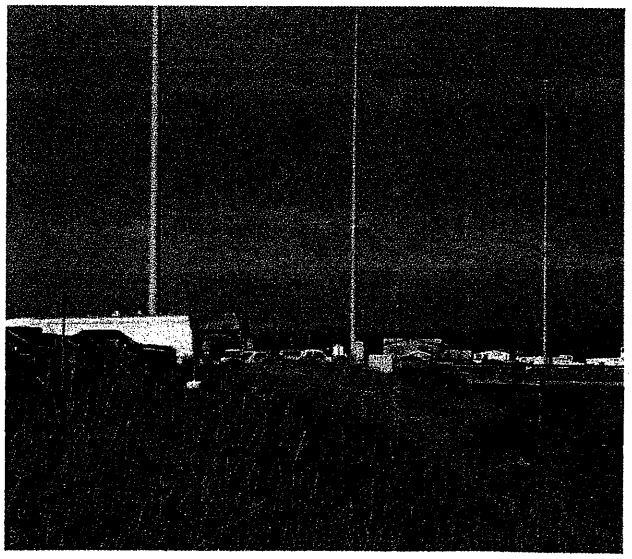
Finally, creep of commercial land uses into an industrial area should be avoided because it reduces future options for marine industrial uses and harbor facilities. Marine industrial and transportation are strategically important long term-uses, and commercial activity should be located so that future opportunities are preserved.

A related issue that is sometimes difficult to address is the issue of how to regulate commercial versus industrial development. More definition is needed with respect to commercial use to address the character of commercial development as it has occurred on the Spit.

1.B Commercial Development

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

As more commercial opportunities are desired, the overslope area at the harbor basin offers excellent opportunities for commercial growth and maintaining a controlled and established character to the Spit. These opportunities are available in particular on the west and east sides of the harbor basin, which could accommodate 40,000 square feet of new overslope development. This level of leasable square footage devoted to small shops, restaurants,



Overslope commercial development could expand alongside the harbor basin; preservation of views and limiting overexpansion are key issues.

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
Web Site www.ci.homer.ak.us

MEMORANDUM

TO: Homer Planning Advisory Commission
FROM: Dotti Harness-Foster, Planning Technician
MEETING: September 5, 2012
SUBJECT: Port and Harbor Advisory Commission recommendations on CUP 12-03

The Port and Harbor Commission met on August 22, 2012, and adopted the following findings.

Homer City Code 21.30.020 states:
(i). Other similar uses, if approved after a public hearing by the Commission [Planning Commission], including but not limited to those uses authorized in the Marine Commercial District under HCC §§ 21.28.020 and 21.28.030, provided the Commission finds the use meets the following standards and requirements:

1. The proposed use is compatible with the purpose of Marine Industrial District or provides a necessary service to water-dependent industry,
2. The proposed use is compatible with land use development plans for the Homer Spit and the comprehensive plan,
3. Public facilities and services are adequate to serve the proposed use, and
4. The Port and Harbor Commission, after a public hearing, has made a written recommendation to the Commission concerning the proposed use, including specifically whether conditions (1) through (3) of this subsection are or may, with appropriate conditions, be met by the proposed use;

Analysis and Findings:

1. The proposed use is compatible with the purpose of Marine Industrial District or provides a necessary service to water-dependent industry,

21.30.010 Purpose. The purpose of the Marine Industrial District is primarily to provide adequate space for those water-dependent industrial uses that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil development and tourism; giving priority to those water-dependent uses over other industrial, commercial and recreational uses.

Finding 1: The proposed land use includes office space for a fisheries business, and area for commercial fish buying operations. The proposed overnight accommodations and other tourist related businesses are compatible with the commercial fisheries activities.

2. The proposed use is compatible with land use development plans for the Homer Spit and the comprehensive plan,

   Finding 2: *The proposed use is compatible with the land use development plans for the Homer Spit. The development will leave room for the proposed Homer Spit Trail extension, and still leave room for public parking in front of the development. The Spit Comprehensive Plan (2011) calls for the area to be used for commercial lease. The proposed development meets the land use and community design goals 1.1, 1.2 and 1.5; Maintain the variety of land uses that establish the unique "Spit" character and mix of land uses, improve the permanence and character of new commercial development, and respond to seasonal land use demand fluctuations*

3. Public facilities and services are adequate to serve the proposed use.

   Finding 3: City water and sewer and a paved state maintained road provide service to the property. Public services and facilities are adequate to serve the proposed use.

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
Web Site www.ci.homer.ak.us

Applicant

Name: William Sullivan_____Telephone No.: 299-1551_____

Address: POBox 4004_____Email: freshhalibut@gmail.com_____

Property Owner (if different than the applicant):

Name: City of Homer_____Telephone No.: _____

Address: 491 E Pioneer Avenue_____Email:_____

PROPERTY INFORMATION:

Address: 4470 Homer Spit Rd_____Lot Size: 0.18 acre_____ KPB Tax ID # 18103443

Legal Description of Property: Lot 88-3 Homer Spit No. 2

For staff use:
Date: 7/11/12 Fee submittal: Amount $500
Received by: Date application accepted as complete
Planning Commission Public Hearing Date: 8/1/2012

Conditional Use Permit Application Requirements:

1. A Site Plan – SEE SHEET A6
2. Right of Way Access Plan SEE SHEET A6
3. Parking Plan – SEE SHEET A6
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	x	x		
Level 3 ROW Access Plan						x						
• DAP/SWP questionaire				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:
Application submitted to the State Fire Marshal Office.
Making improvements/modifications.

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? NA

Y/N Do you have a state or city driveway permit? Status: _____

Y/N Do you have active City water and sewer permits? Status: *Active. Seasonal.*

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

   There are ~~six~~ five structures on the property.
   One freezer van, 320 SF
   One retail office building with caretaker's quarters upstairs, 400 SF
   One retail building, 238 SF
   One fish processing building, 640 SF
   One storage shed, 192 SF
   TO BE CONNECTED INTO SINGLE STRUCTURE.
   One small storage shed, 120 SF

2. What is the proposed use of the property? How do you intend to develop the property?

   Continue to use the property for fish processing, retail with a caretaker's quarters.

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

a. What code citation authorizes each proposed use and structure by conditional use permit?
Permitted use: HCC 21.30.020 (b)(c) & (g). Manufacturing, processing and packing of sea products. Warehousing and retail.
Conditional uses: HCC 21.30.030 (g) & (i) Caretaker's residence as an accessory use and more than one building containing a permitted principal use on a lot.

b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.
The purpose of the MI district is to provide space for water-dependent industrial uses that require direct marine access for their operation. Dockside Processing required direct access for fish processing and the ability to transport fish product to market.

c. How will your proposed project affect adjoining property values?

CONTINUED BUSINESS WILL GENERATE REVENUE FOR CITY AND ENHANCE FISHING CULTURE OF HOMER SPIT. = TOURISM

d. How is your proposal compatible with existing uses of the surrounding land?

FISH PROCESSING IS EXISTING USE ON SURROUNDING PARCELS.

e. Are/will public services adequate to serve the proposed uses and structures?

Public water and sewer are available.

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?

Existing development with ~~six~~ five structures on site that range from 120 SF to 640 SF each.

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?

Page 21, 1.A Industrial Development: Dockside Fisheries specializes in fish processing. The processing facility is clustered amongst retail, restaurants, and caretaker's residence.

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. – SECURITY CONCERNS AS A RESULT OF FENCES. OPEN IS BETTER & SAFER
3. Y/N Surfacing of parking areas. PERMEABLE FOR CLEANING.
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. GENERAL BUILDING MAINT.
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. PER FIRE CODE.
10. Y/N Time for certain activities.
11. Y/N A time period within which the proposed use shall be developed. EXISTING USE
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. REPEAT OF #9

PARKING

1. How many parking spaces are required for your development? *Two*
   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? Two
3. Are you requesting any reductions? *No*

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: _____ Date: 8/14/12

Property Owner's signature: _____ Date: 7/11/12

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 12-48

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 5, 2012
SUBJECT: Vacation of a public trail easement,

Requested action: Conduct a public hearing and recommend approval of the vacation of a public trail easement on the Pratt Museum property between Bartlett Street and Fairview Ave.

GENERAL INFORMATION

Applicants:	Gary Nelson, PLS Ability Surveys 152 Dehel Ave Homer, AK 99603	Homer Society of Natural History Inc. 3779 Bartlett St Homer, AK 99603

Requested Action:	Vacation of a public trail easement
Location:	south of Spruceview Ave
Zoning Designation:	Urban Residential
Existing Land Use:	Trails, Museum grounds
Surrounding Land Use:	North: Residential/Vacant South: Residential/Vacant East: Museum West: Middle School
Comprehensive Plan:	Chapter 7, Parks, Recreation and Culture, Goal 3: Enhance area wide recreational trail systems and connections between residential areas, downtown, schools, university, institutional areas and recreational areas.
Public Notice:	Notice was sent to 65 property owners of 95 parcels as shown on the KPB tax assessor rolls.

ANALYSIS:
This vacation request lies within the Urban Residential zoning district. A preliminary plat also accompanies this request. The plat requires a separate platting action and vote. This staff report will only

address the vacation of the trail easement. The purpose of the vacation is to relocate a public access easement. A new trail has been built, and the easement would be dedicated over the new trail.

An *easement* exits when the property owner retains ownership to the underlying land, but grants certain surface use privileges to someone else. It might be a driveway easement, an easement to the phone company, or in this case, and allowance for the general public to cross the property in a specific location. In a vacation request, the property owner is petitioning for the public to give up the public's right to cross the property. It is the Commission's role to review the public interest in the easement, and make a recommendation for or against giving up the public's right to cross the property. The Homer City Council makes the final decision on giving up this right. A new trail easement it proposed.

REVIEW
Kenai Peninsula Borough Code:

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

Staff Finding 1: An adequate and safe road system has been provided to serve this area. A new trail easement is proposed over the recently constructed trail.

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

Staff Finding 2: Vehicular access is provided Spruceview Ave and Bartlett St. Pedestrian access is desirable through this area, and a new easement has been proposed.

20.28.160. Other access provisions.
Rights-of-way which provide or could provide access for pedestrians, off-road vehicles, aircraft and similar modes of transport shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available.

Staff Finding 3: Superior access is available over the recently constructed trail and proposed trail easement.

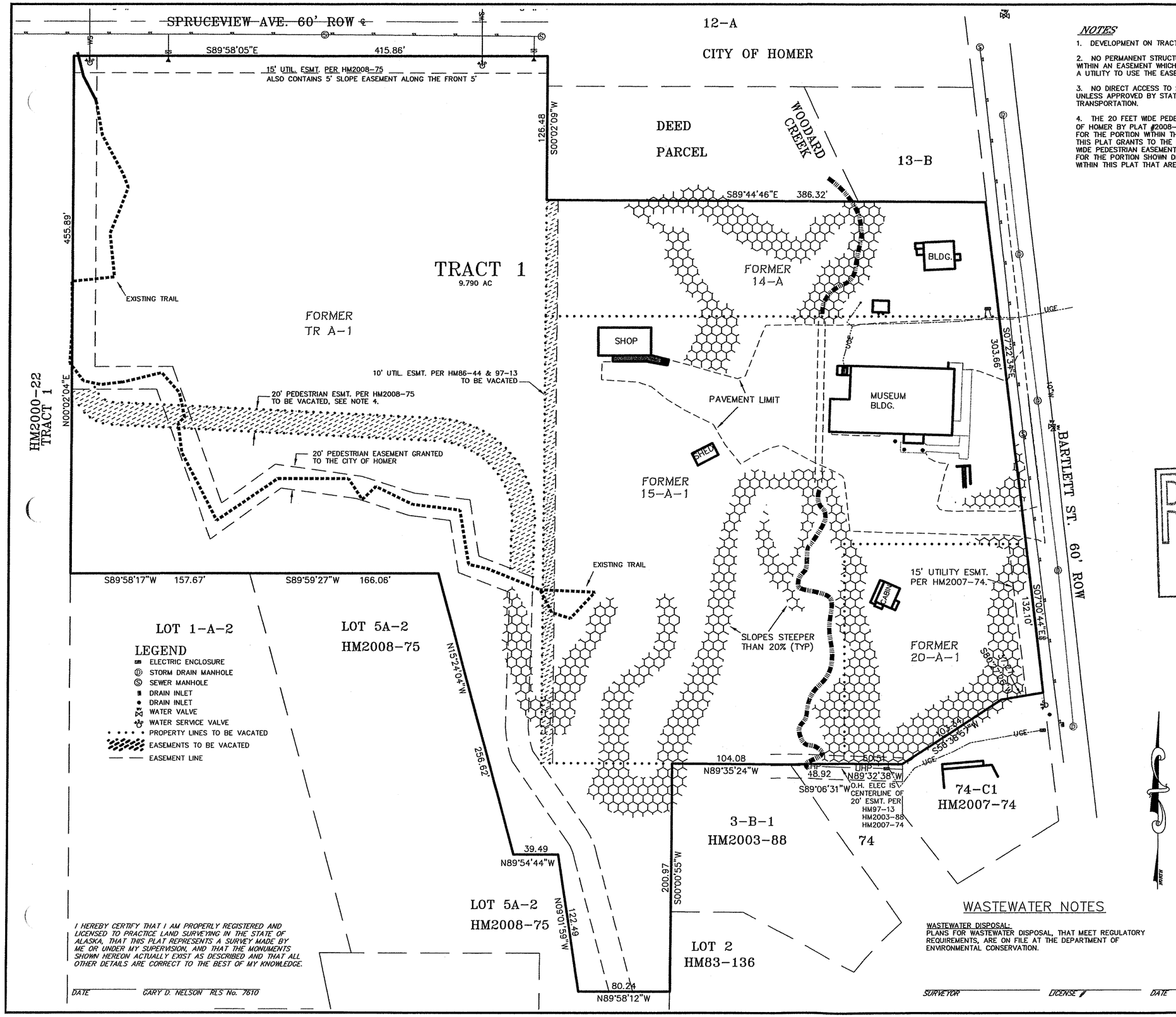
PUBLIC WORKS COMMENTS: The Public Works Department had no comments.

FIRE DEPARTMENT COMMENTS: Fire Chief Painter had no concerns with the vacation.

STAFF COMMENTS:
Staff recommends the Commission recommend approval of the vacation of the public trail easement.

ATTACHMENTS

1. Vacation Petition
2. Preliminary Plat and vacation map
3. Public Notice
4. Location map



NOTES

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4. THE 20 FEET WIDE PEDESTRIAN EASEMENT GRANTED TO THE CITY OF HOMER BY PLAT #2008-75 IS HEREBY VACATED IN IT'S ENTIRETY FOR THE PORTION WITHIN THE AREA ENCOMPASSED WITHIN THIS PLAT. THIS PLAT GRANTS TO THE CITY OF HOMER, A REPLACEMENT 20 FEET WIDE PEDESTRIAN EASEMENT IN NEARLY THE SAME LOCATION EXCEPT FOR THE PORTION SHOWN DEVIATING HEREON. OTHER TRAILS EXIST WITHIN THIS PLAT THAT ARE NOT SHOWN.

CERTIFICATE OF OWNERSHIP

I hereby certify that Homer Society of Natural History is the owner of the real property shown and described hereon, and that Homer Society of Natural History Inc. does hereby adopt this plan of subdivision, and by it's free consent dedicate all public rights-of-way and grant all easements to the use shown.

Authorized signatory
Homer Society of Natural History Inc.
3779 Bartlett St.
Homer, AK 99603

NOTARY'S ACKNOWLEDGEMENT

For XXXXXXXXXXXXX

Subscribed and sworn to before me this

_____ day of _____ 2012.

Notary public for Alaska My Commission Expires

PLAT APPROVAL

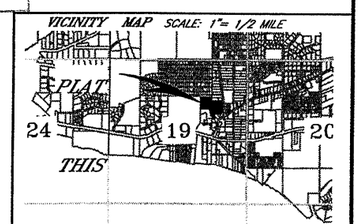
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____

KENAI PENINSULA BOROUGH

BY _____
Authorized Official

RECEIVED
AUG 15 2012
CITY OF HOMER
PLANNING/ZONING

VICINITY MAP SCALE: 1"= 1/2 MILE



DATE	August 1, 2012
SCALE	1"= 50'
GRID No.	AR-74
JOB No.	4606
DRAWING:	4606

STATE OF ALASKA
49TH
Gary D. Nelson
No. 7610-S
REGISTERED PROFESSIONAL LAND SURVEYOR

PRATT SUBDIVISION

VACATING PORTIONS OF; TRACT A-1 ALFRED ANDERSON SUBDIVISION PRATT MUSEUM REPLAT (HM2008-75), LOT 20-A-1 BUNNELL'S SUBDIVISION 2007 ADDITION (HM2007-74), LOT 15-A-1 BUNNELL'S SUBDIVISION 1996 PRATT MUSEUM ADDITION (HM97-13), AND LOT 14-A BUNNELL'S SUBD. NO. 17 (HM86-44), TO CREATE TRACT 1 WITHIN THE NE1/4 OF SETION 19, T6S, R13W, S.M., CITY OF HOMER, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA
CONTAINING 9.790 ACRES

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED AND THAT ALL OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

DATE GARY D. NELSON RLS No. 7610

WASTEWATER NOTES

WASTEWATER DISPOSAL:
PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS, ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

SURVEYOR LICENSE # DATE

	REC DIST
Date	20
Time	M
Requested By	
Address	

KPB FILE No. 2012-

ABILITY SURVEYS
GARY NELSON, PLS
(907) 235-8440
152 DEHEL AVE., HOMER ALASKA 99603

Kenai Peninsula Borough Planning Department
144 North Binkley
Soldotna, Alaska 99669-7599
Toll free within the Borough 1-800-478-4441, extension 2200
(907) 714-2200

Petition to Vacate Public Right-of-Way / Section Line Easement
Public Hearing Required

Upon receipt of complete application with fees and all required attachments; a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- ☐ Fees - $500 non-refundable fees to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
- ☐ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- ☐ Name of public right-of-way proposed to be vacated is _____; dedicated by plat of _____ Subdivision, filed as Plat No. _____ in _____ Recording District.
- ☐ Are there associated utility easements to be vacated? ☐ Yes ☐ No
- ☐ Are easements in use by any utility company, if so which? _____.
- ☐ Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
- ☐ Section Line Easement. Width of easement must be shown on sketch.
- ☐ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.

Has right-of-way been fully or partially constructed?	☐ Yes	☐ No
Is right-of-way used by vehicles / pedestrians / other?	☐ Yes	☐ No
Has section line easement been constructed?	☐ Yes	☐ No
Is section line easement being used?	☐ Yes	☐ No
Is alternative right-of-way being provided?	☐ Yes	☐ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
The intent of the easement - to provide public pedestrian access - has been fulfilled by constructing publicly accessible trails in the western portion of our property.

The petition must be signed (written signature) by owners of majority of the front feet of land fronting part of the right-of-way or section line easement proposed to be vacated. Each must include address and legal description of his / her property.

Submitted by: Signature Diane Converse As ☒ Petitioner ☐ Representative
Name Diane Converse
Address Pratt Museum
3779 Bartlett Street
Homer, AK 99603
Phone 907-235-8635

Petitioners:

Signature _____	Signature _____
Name _____	Name _____
Address _____	Address _____
Owner of _____	Owner of _____
Signature _____	Signature _____
Name _____	Name _____
Address _____	Address _____
Owner of _____	Owner of _____

ABILITY SURVEYS
MEASURING MAPPING & REPORTING ON ALASKA'S INFRASTRUCTURE SINCE 1976
152 DEHEL AVE. , HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440
email; gary@abilitysurveys.com

Aug 15, 2012

Homer Planning Dept.
491 E. Pioneer Ave.
Homer, AK 99603

Re: Preliminary Plat Submittal of Pratt Subdivision

Enclosed herewith for preliminary plat submittal please find:

- One full sized paper copy of the 24"X36" preliminary plat and 4 half sized copies.
- Check number 3265 in the amount of $300.

The Homer Society of Natural History would like to consolidate these parcels in order to comply with Homer City Code criteria for future development.

The owner would like to vacate a 20' wide pedestrian easement granted to the city of Homer by plat #2008-75, replacing it with a 20' wide easement as shown in nearly the same location except for the portion shown deviating hereon. This is to meet their specific intentions for public recreation and educational goals.

The owner would like to vacate the property lines between former 14-A and 15-A-1, also between 14-A, 15-A-1 and TR A-1 as shown on the plat.

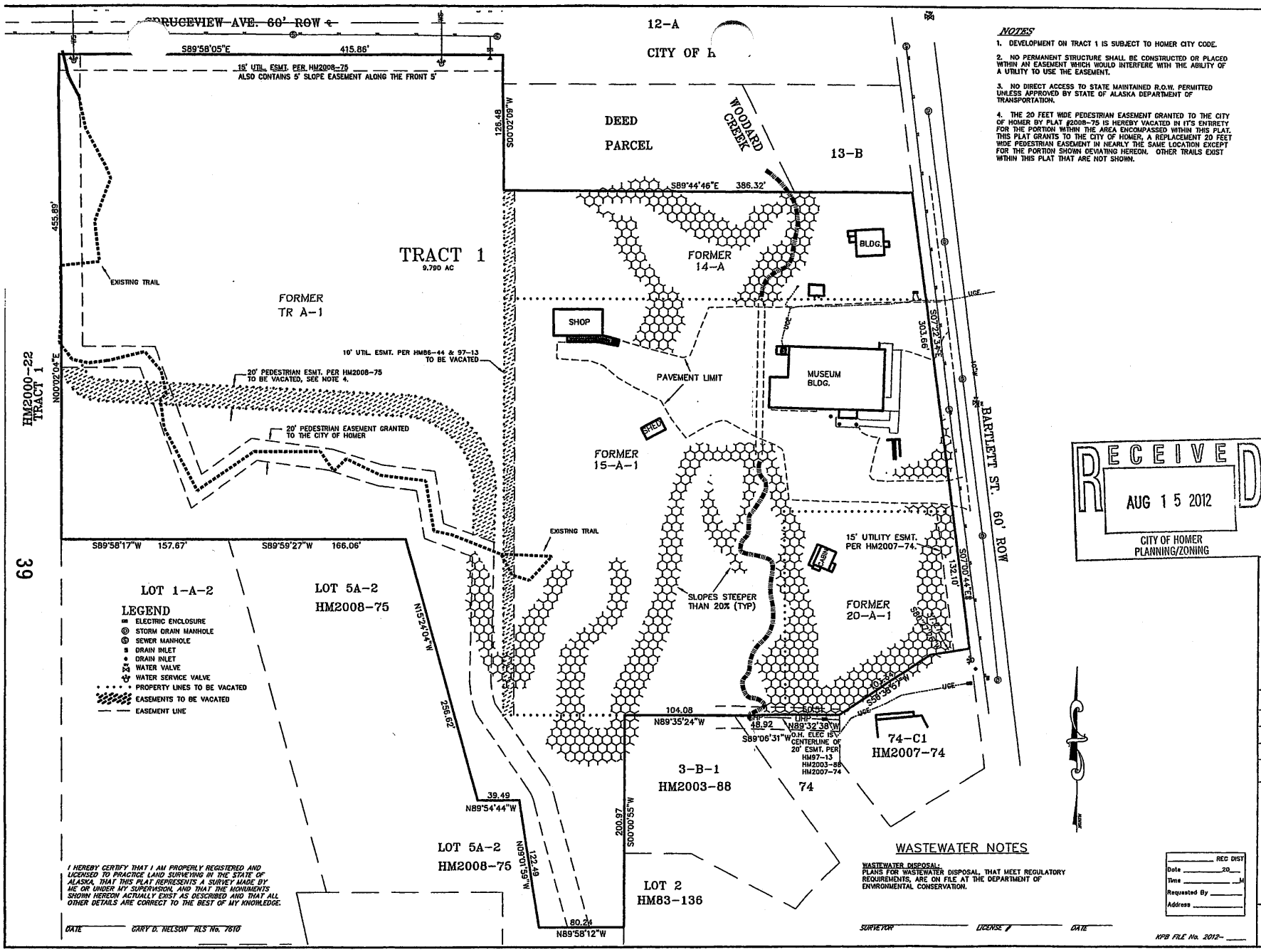
I believe the Pratt Museum Staff has been working with the City of Homer on rezoning so I will leave it up to Planning Staff to determine the Zoning Status.

Water and Sewer utilities are provided by the City and are on-site.

Thank you for your assistance in this endeavor.

Gary Nelson

Gary Nelson, PLS



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Authorized signatory
Homer Society of Natural History Inc.
3779 Bartlett St.
Homer, AK 99603

NOTARY'S ACKNOWLEDGEMENT

For XXXXXXXXXXXX

Subscribed and sworn to before me this
_____ day of _____ 2012.

Notary public for Alaska My Commission Expires

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____
KENAI PENINSULA BOROUGH

BY _____
Authorized Official

RECEIVED
AUG 15 2012
CITY OF HOMER
PLANNING/ZONING

VICINITY MAP SCALE: 1" = 1/2 MILE

DATE	August 1, 2012
SCALE	1" = 50'
GRID No.	AR-74
JOB No.	4606
DRAWING:	4606

Gary D. Nelson
LS No. 7610-S

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I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED AND THAT ALL OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

DATE _____ GARY D. NELSON RLS No. 7610

WASTEWATER NOTES

WASTEWATER DISPOSAL:
PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS, ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

SURVEYOR _____ LICENSE # _____ DATE _____

	REC DIST
Date	20
Time	M
Requested By	
Address	

KPB FILE No. 2012- ____

ABLITY SURVEYS
GARY NELSON, PLS
(907) 235-8440
152 BOHL AVE., HOMER ALASKA 99603

39

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, September 5, 2012 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

Request for a Conditional Use Permit at 4470 Homer Spit Road, Homer Spit Subdivision No. Two Amended, Lot 88-3 and a portion of Parking and Access Area. The CUP is requested for: HCC 21.30.020(i) other similar uses, HCC 21.30.030 (a) Planned unit development (c) Restaurants, (g) Caretakers, and (j) More than one building containing a permitted principle use on a lot. The primary use of the buildings is fish processing and a caretaker's residence. Secondary uses include retail and a charter office.

A Vacation of a 20' pedestrian easement at Tract A-1 Alfred Anderson Subdivision Pratt Museum Replat, Lot 20-A-1 Bunnell's Subdivision 2007 Addition, Lot 15-A-1 Bunnell's Subdivision 1996 Pratt Museum Addition, and Lot 14-A Bunnell's Subdivision No 17.

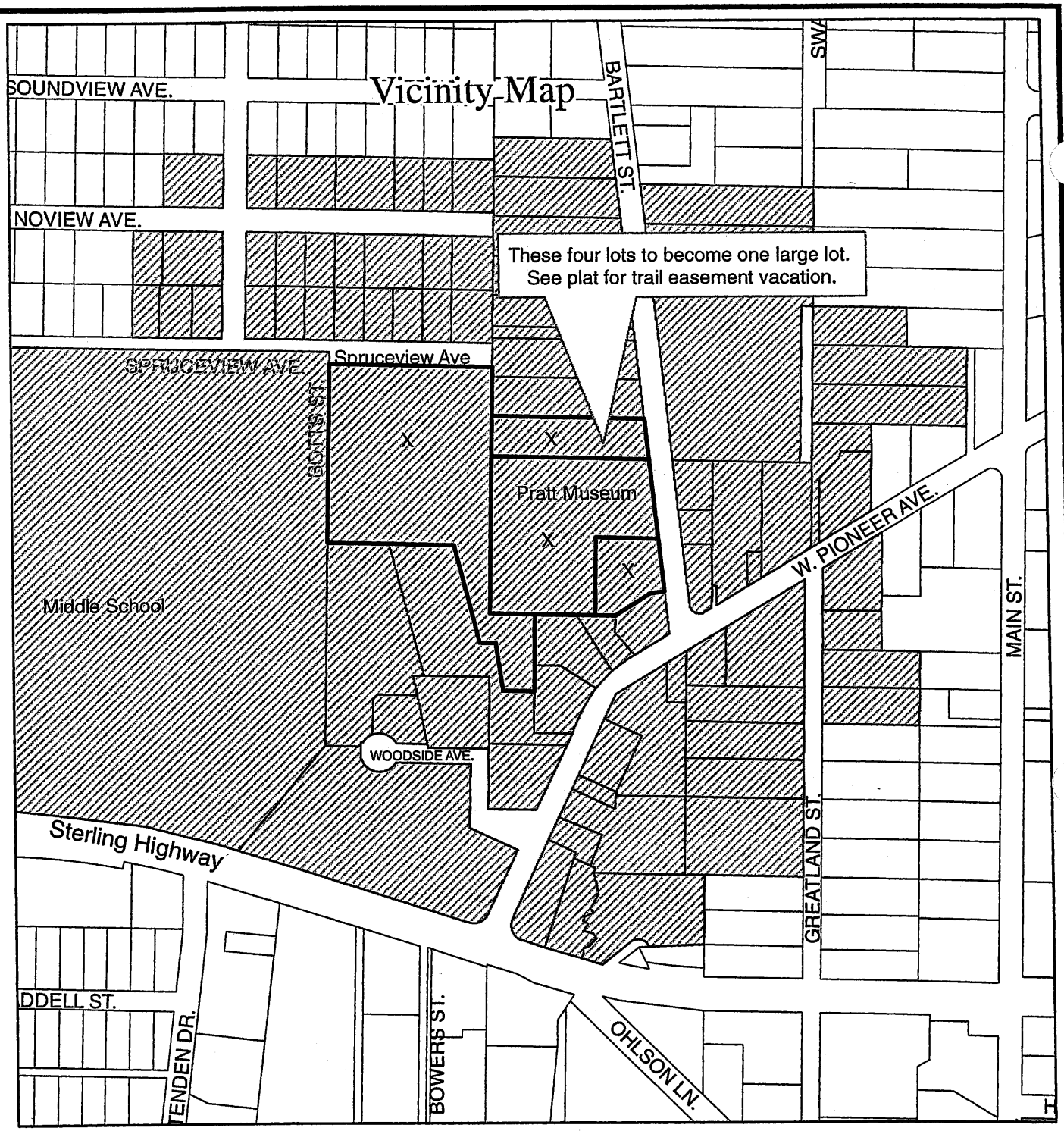
Pratt Subdivision Preliminary Plat

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

For additional information, please contact Dotti Harness-Foster in the City Planning and Zoning Office at 435-3118.

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

****



City of Homer
Planning and Zoning Department
8/23/12

Pratt Subdivision
Preliminary Plat and
Vacation of a public trail easement

Lots within 500 feet are marked and property owners notified

0 500 1,000 Feet

N

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

Telephone *(907) 235-3106*
Fax *(907) 235-3118*
E-mail *Planning@ci.homer.ak.us*
Web Site *www.cityofhomer-ak.gov*

STAFF REPORT PL 12-47

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 5, 2012
SUBJECT: Pratt Subdivision Preliminary Plat

Requested Action: Preliminary Plat approval for vacation of common lot lines to consolidate all the Pratt Museum lots into one large parcel.

GENERAL INFORMATION

Applicants:	Gary Nelson, PLS Ability Surveys 152 Dehel Ave Homer, AK 99603	Homer Society of Natural History Inc. 3779 Bartlett St Homer, AK 99603
Location:	Bartlett St and Spruceview Ave	
Parcel ID:	1751- 0126, 0220, 3345, 3331	
Size of Existing Lot(s):	0.92, 0.65, 3.08 5.12 acres	
Size of Proposed Lots(s):	9.790 acres	
Zoning Designation:	Urban Residential, Central Business, and Residential Office Districts	
Existing Land Use:	Pratt Museum and associated grounds and buildings	
Surrounding Land Use:	North: Residential South: Commercial East: Commercial/Church West: Residential/Homer Middle School	
Comprehensive Plan:	Chapter 7, Parks, Recreation and Culture, Goal 3: Enhance area wide recreational trail systems and connections between residential areas, downtown, schools, university, institutional areas and recreational areas. Goal 8: Continue to improve local arts and cultural opportunities and Homer's reputation as an art-and culture-friendly community.	
Wetland Status:	The 2005 wetland mapping shows wetland areas and Woodard Creek.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available.	

Public Notice:	Notice was sent to 95 property owners of 65 parcels as shown on the KPB tax assessor rolls.

ANALYSIS:
The vacation of the trail easement requires a separate action and is discussed in another staff report.

This plat vacates the common lot lines of four properties, to create one large lot. Eventually the Pratt plans to build a new facility and the proposed building would cross the current lot lines. This platting action is one of the steps needed before applying for a conditional use permit for the new facility. A rezone may also be applied for in the future.

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: The plat meets these requirements

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

Staff Response: The plat does not meet these requirements. There is a 25 foot bank maintenance easement of each side of the creek per plat 83-136 and 97-13. Staff recommends the plat note be carried forward.

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.

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. Lot is be served by city water and sewer.

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: The standard 15' utility easement needs to be dedicated along the Bartlett Street right-of-way.

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

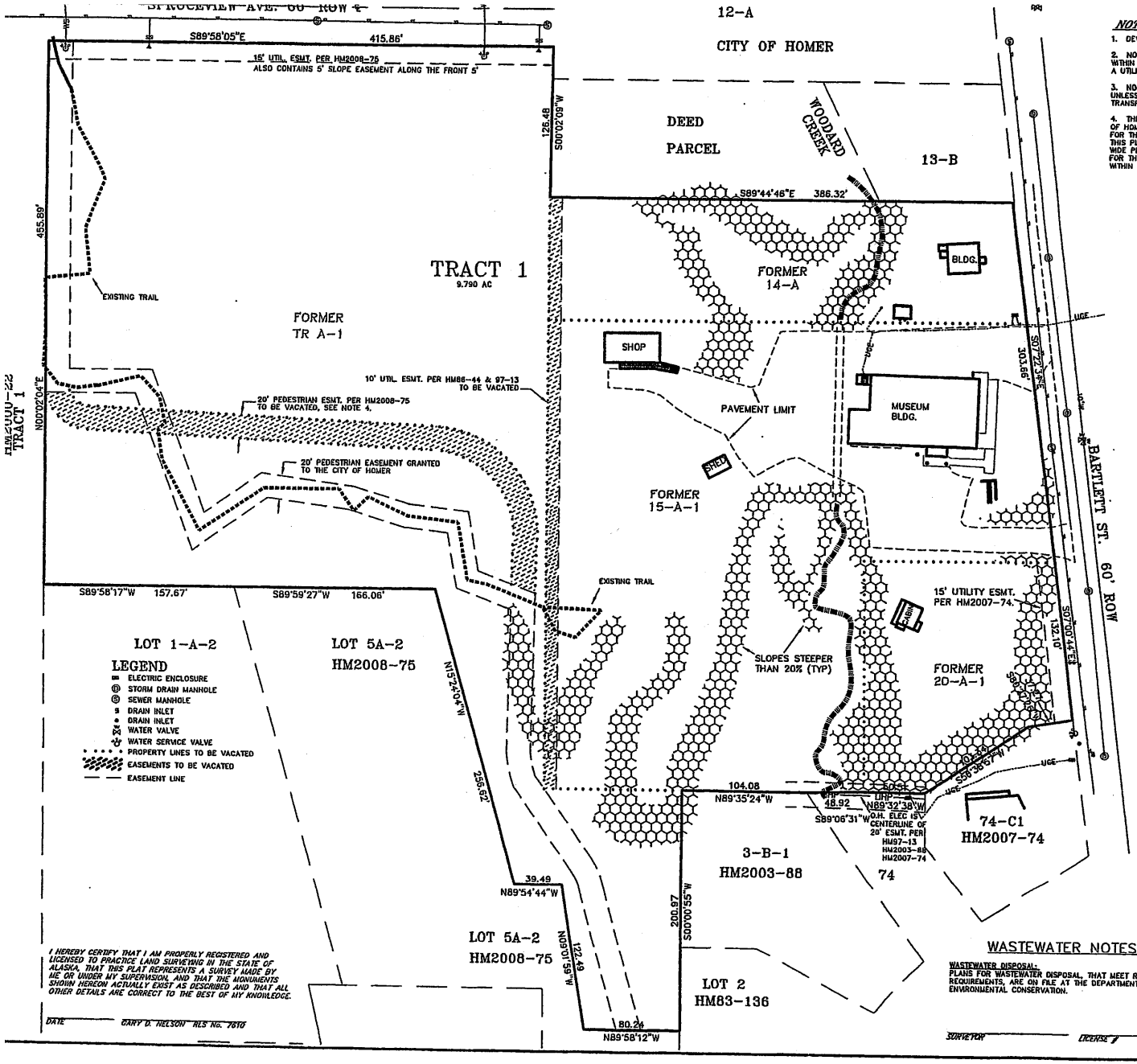
STAFF COMMENTS/RECOMMENDATIONS:

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

1. Include creek symbol in legend
2. Carry forward the plat note about the creek maintenance easement from previous plats.
3. Dedicate the 15 foot utility easement along Rights of Way per HCC 22.10.051.

ATTACHMENTS

1. Preliminary Plat
2. Letter from Surveyor
3. Vicinity map
4. Plat HM 97-13
5. Plat HM 83-136



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WASTEWATER NOTES

WASTEWATER DISPOSAL:
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SURVEYOR LICENSE # DATE

REC DIST	
Date	20
Time	M
Requested By	
Address	

KPB FILE No. 2012-

CERTIFICATE OF OWNERSHIP

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Authorized signatory
Homer Society of Natural History Inc.
3779 Bartlett St.
Homer, AK 99603

NOTARY'S ACKNOWLEDGEMENT

For XXXXXXXXXXXXXX

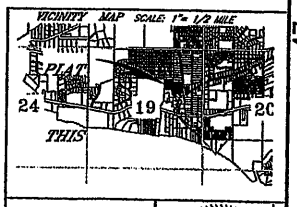
Subscribed and sworn to before me this _____ day of _____ 2012.

Notary public for Alaska My Commission Expires

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____
KENAI PENINSULA BOROUGH
BY _____
Authorized Official

RECEIVED
AUG 15 2012
CITY OF HOMER
PLANNING/ZONING



DATE	August 1, 2012
SCALE	1" = 50'
GRID No.	AR-74
JOB No.	4606
DRAWING:	4606

Gary D. Nelson LSA 7610-S

PRATT SUBDIVISION

VACATING PORTIONS OF: TRACT A-1 ALFRED ANDERSON SUBDIVISION PRATT MUSEUM REPLAT (HM2008-75), LOT 20-A-1 BUNNELL'S SUBDIVISION 2007 ADDITION (HM2007-74), LOT 15-A-1 BUNNELL'S SUBDIVISION 1996 PRATT MUSEUM ADDITION (HM97-13), AND LOT 14-A BUNNELL'S SUBD. NO. 17 (HM86-44), TO CREATE TRACT 1 WITHIN THE NE1/4 OF SECTION 19, T6S, R13W, S.M., CITY OF HOMER, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA
CONTAINING 9.790 ACRES

ABLEY SURVEYS
GARY NELSON, RLS
(907) 235-8440
152 OCEAN AVE., HOMER ALASKA 99603

ABILITY SURVEYS
MEASURING MAPPING & REPORTING ON ALASKA'S INFRASTRUCTURE SINCE 1976
152 DEHEL AVE. , HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440
email; gary@abilitysurveys.com

Aug 15, 2012

Homer Planning Dept.
491 E. Pioneer Ave.
Homer, AK 99603

Re: Preliminary Plat Submittal of Pratt Subdivision

Enclosed herewith for preliminary plat submittal please find:

- One full sized paper copy of the 24"X36" preliminary plat and 4 half sized copies.
- Check number 3265 in the amount of $300.

The Homer Society of Natural History would like to consolidate these parcels in order to comply with Homer City Code criteria for future development.

The owner would like to vacate a 20' wide pedestrian easement granted to the city of Homer by plat #2008-75, replacing it with a 20' wide easement as shown in nearly the same location except for the portion shown deviating hereon. This is to meet their specific intentions for public recreation and educational goals.

The owner would like to vacate the property lines between former 14-A and 15-A-1, also between 14-A, 15-A-1 and TR A-1 as shown on the plat.

I believe the Pratt Museum Staff has been working with the City of Homer on rezoning so I will leave it up to Planning Staff to determine the Zoning Status.

Water and Sewer utilities are provided by the City and are on-site.

Thank you for your assistance in this endeavor.

Gary Nelson

Gary Nelson, PLS

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, September 5, 2012 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

Request for a Conditional Use Permit at 4470 Homer Spit Road, Homer Spit Subdivision No. Two Amended, Lot 88-3 and a portion of Parking and Access Area. The CUP is requested for: HCC 21.30.020(i) other similar uses, HCC 21.30.030 (a) Planned unit development (c) Restaurants, (g) Caretakers, and (j) More than one building containing a permitted principle use on a lot. The primary use of the buildings is fish processing and a caretaker's residence. Secondary uses include retail and a charter office.

→ **A Vacation of a 20' pedestrian easement at Tract A-1 Alfred Anderson Subdivision Pratt Museum Replat, Lot 20-A-1 Bunnell's Subdivision 2007 Addition, Lot 15-A-1 Bunnell's Subdivision 1996 Pratt Museum Addition, and Lot 14-A Bunnell's Subdivision No 17.**

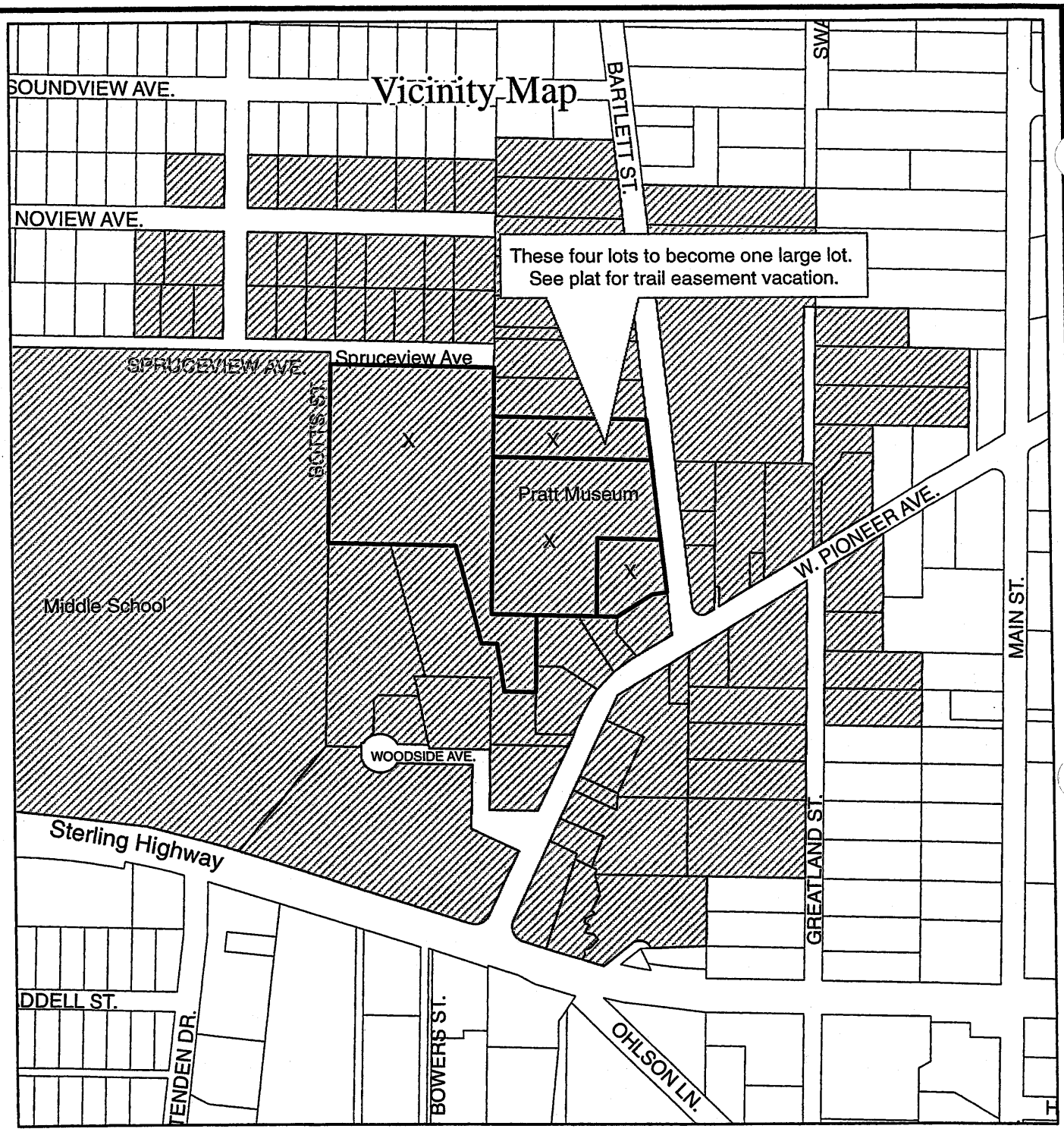
→ **Pratt Subdivision Preliminary Plat**

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

For additional information, please contact Dotti Harness-Foster in the City Planning and Zoning Office at 435-3118.

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

****



City of Homer
Planning and Zoning Department
8/23/12

Pratt Subdivision
Preliminary Plat and
Vacation of a public trail easement

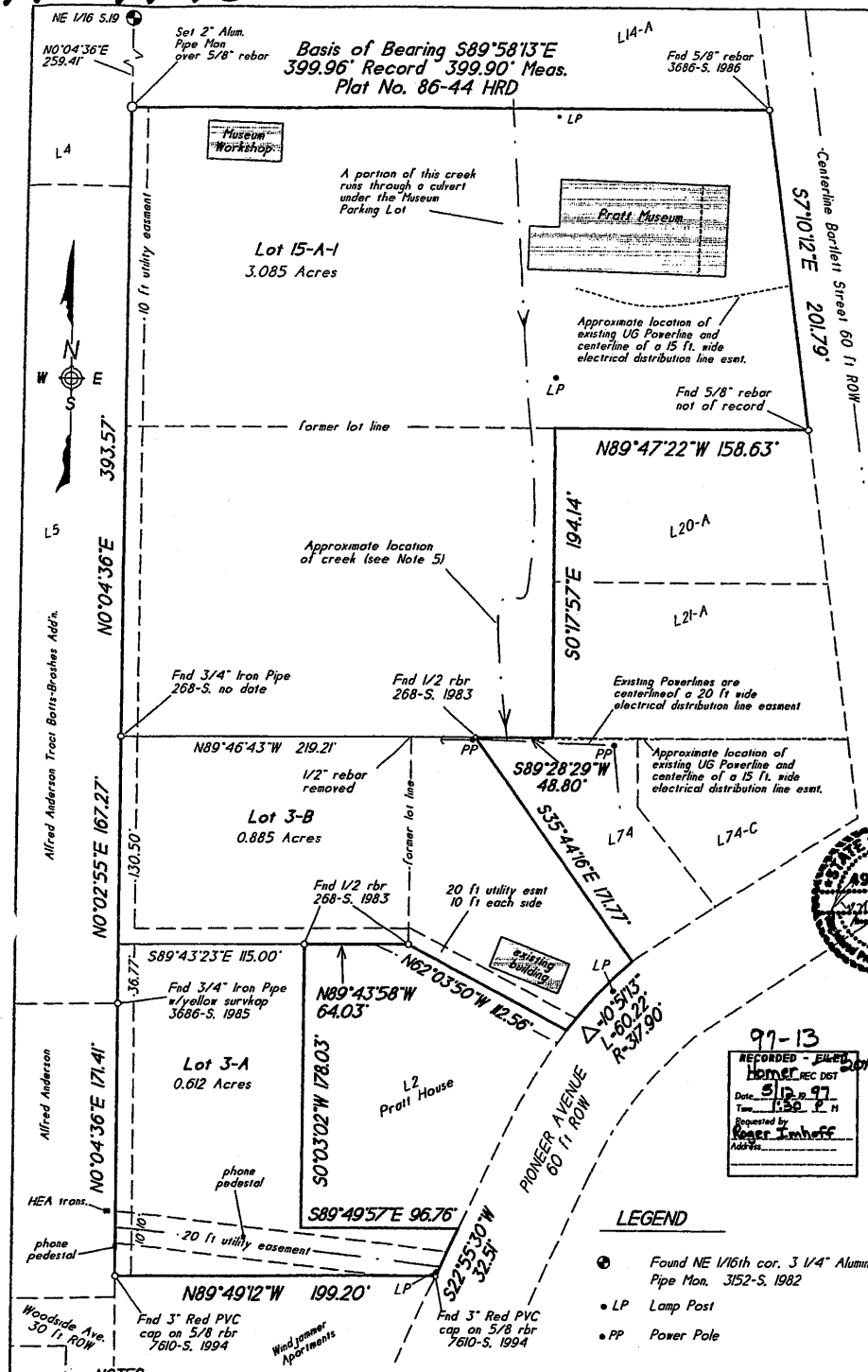
Lots within 500 feet are marked and property owners notified

0 500 1,000 Feet

N

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.

1M- 97-13



OWNERSHIP CERTIFICATE

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Vega K Pratt 4/9/97
Owner of former Lots 1 and 3
Vega C. Pratt a.k.a. Vega K. Pratt Date
PO Box 372
Homer Ak 99603

Notary's Acknowledgement
Subscribed and sworn to me before me this 9th day of April, 1997
for VEGA K. PRATT
Lynnell Bittner
Notary Public for Alaska
My Commission Expires 9/28/99

W E Murphy 4-4-97
Owner of former Lot 15-A
W.E. Murphy. President of the Board Date
Homer Society of Natural History. Inc.
3779 Bartlett Street
Homer Ak 99603

Notary's Acknowledgement
Subscribed and sworn to me before me this 4th day of April, 1997
for W E Murphy
Notary Public for Alaska
My Commission Expires 12-2-97

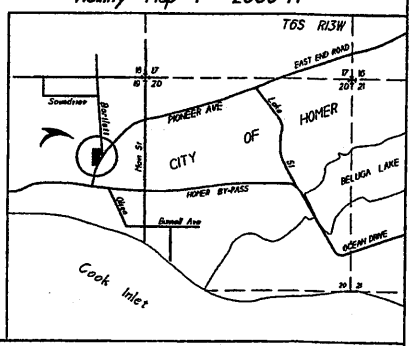
STATE OF ALASKA 49th Roger Wm Imhoff LS-5780 Registered Professional Land Surveyor

WASTEWATER DISPOSAL

Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.

97-13
RECORDED - FILED
Homer REC DIST
Date 5-12-97
Time 1:30 P M
Requested by Roger Imhoff
Address

Vicinity Map 1" - 2000 ft



LEGEND

- Found NE 1/16th cor. 3 1/4" Aluminum Pipe Mon. 3152-S. 1982
- LP Lamp Post
- PP Power Pole

NOTES

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
4. No permanent structures will be allowed in the "panhandle" portion of Lot 3-A.
5. There is a creek bank maintainence easement in place of 25 ft (83-136 HRD) on each side of the creek. This creek is designated "low value". A wetlands permit issued by the City of Homer will be required prior to any development which may affect the creek.
6. Certain restrictions may apply to these lots. All development must be approved by the City of Homer.
7. A waterline easement for Esther S. Anderson and Alfred M. Anderson was recorded in Book 54 Page 175, effecting Lot 3-A (Specific location not described).
8. Set 2" Aluminum cap on 5/8" diameter x 36" long steel rebar this survey at all lot corners unless otherwise specified.

SURVEYORS CERTIFICATE

I hereby certify that I am a Registered Land Surveyorand that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

3/20/97 Roger W. Imhoff
Date Roger W. Imhoff LS 5780

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

January 13, 1997
KENAI PENINSULA BOROUGH
By: Mary J. Best
Authorized Official

Bunnell's Subdivision
1996 Pratt Museum Addition

Being a Replat of Lots 1 and 3 Bunnell's Subdivision Vega C. Pratt No. 1 as shown on Plat No. 83-136 HRD and Lot 15-A Bunnell's Subd. No. 17 as shown on Plat No. 86-44 HRD

Located within the SE 1/4 NE 1/4 Section 19, T6S, R13W, SM, in the City of Homer, Homer Recording District Third Judicial District, Alaska

Contains 4.582 Acres, more or less

Clients:	Owner:	Surveyor:
Vega C. Pratt PO Box 372 Homer AK 99603	Homer Society of Natural History 3779 Bartlett St. Homer AK 99603	Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603
Drawn: RWI	FB 98-6	Date: 2-04-97
Scale 1" = 50 ft	File Pratt.vcd	KPB File No. 97-001

HM 83-136

Bunnell's Subd.

1983 VEGA C. PRATT No. 1

LOCATED IN E1/2NE1/4 SEC. 19 T6S R13W S.M., HOMER CITY, ALASKA
SCALE 1" = 50' AREA = 3.194 AC OCT. 20, 1983
A subd. of Bunnell's lots 17 and 18 and tract A as shown on plat 83-27 BS.
BY VEGA C. PRATT BOX 372 HOMER, ALASKA 99603

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of November 14, 1983
By Stephen Cervantes
AUTHORIZED OFFICIAL

LEGEND

- 1977 al cap mon. by 1301-S, fnd.
- 1982 bernsten mon. by 3152-S, fnd.
- 1/2" rebar with al cap, fnd.
- 1/2"x2' rebar with al cap set.
- 2 1/2" brass cap set 1964 by 268-S, reset in same pos. by 3686-S, found.

CURVES

1	2
A= 10°-48'-50"	A= 12°-55'-28"
R= 317.90'	R= 317.90'
C= 59.91'	C= 71.56'
T= 30.09'	T= 35.91'
L= 60.00'	L= 71.71'
CB= S43°-02'-55"W	CB= N31°-10'-44"E

OWNER'S CERTIFICATE AND DEDICATION

I hereby certify that I am the owner of the property shown and described hereon, and that I hereby adopt this plan of subdivision, and grant all easements to the uses shown.

Vega C. Pratt
Vega C. Pratt

NOTARY'S ACKNOWLEDGEMENT

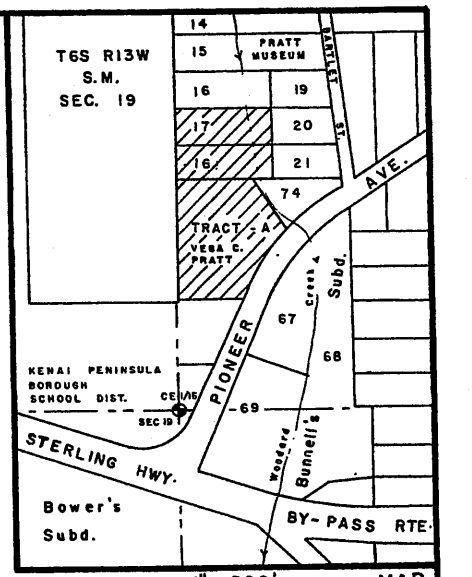
Subscribed and sworn to before me this 2nd day of Dec 1983

Ian Lewis Maxfield
NOTARY FOR ALASKA FOR VEGA C. PRATT
My commission expires 7/21/85

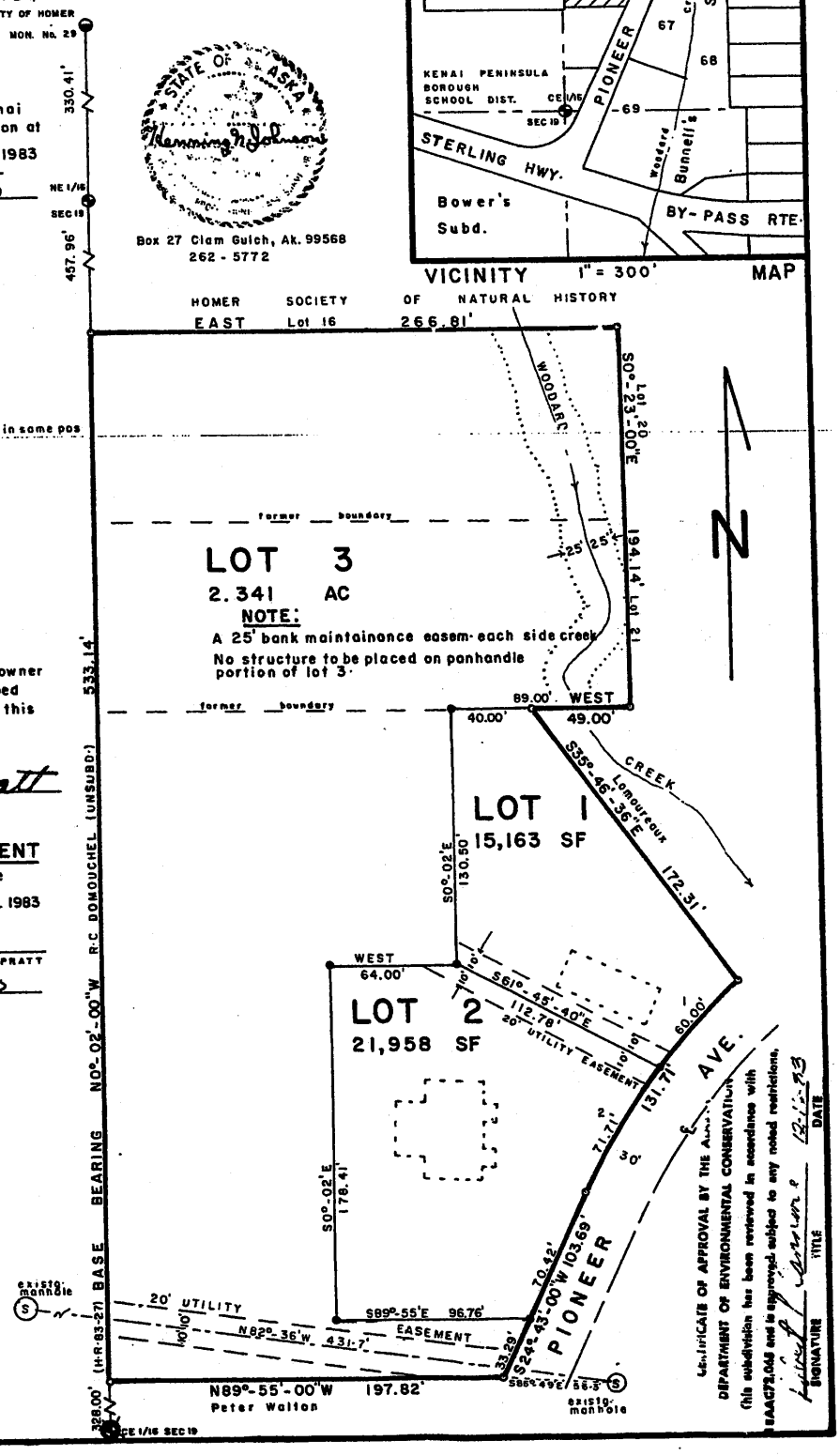
MARY A. C. MAXFIELD
MY COMMISSION EXPIRES 1-4-85

83-136
RECORDED FILED
Homer
1301
Sitzstra

STATE OF ALASKA
Hemming Johnson
Box 27 Clam Gulch, Ak. 99568
262-5772



VICINITY 1" = 300' MAP



CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
This subdivision has been reviewed in accordance with 18AAC72.045 and is approved subject to any noted restrictions.
SIGNATURE TITLE DATE 12-15-83

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*
Web Site *www.cityofhomer-ak.gov*

STAFF REPORT PL 12-43

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: August 15, 2012, Sept. 5, 2012
SUBJECT: Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

Introduction
Staff has mailed a flier to Spit businesses, leaseholders and property owners (attached). At the August 15th and September 5th work sessions, citizens are invited to talk with the Commission about the proposed "accessory lodging" definition and regulations.

Discussion
Currently, a provision exists to allow a motel (defined as 6 or more guest rooms) to gain approval with a CUP on the Spit. Several lodging operations have been operating with less than 6 rooms. Since code contains no definition for this activity, it is implied that it is not allowed. Throughout the Spit comprehensive plan public process, the subject received mixed comments with most not wishing for their elimination. The Planning Office needs guidance on how such an activity might be regulated or if it should be prohibited. To allow this activity we need a definition and a few regulations and would like to hear from spit businesses and interested citizens on the draft proposal below.

Proposed regulation for accessory lodging
As a conditional use:
"Accessory Lodging" 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. No more than 50% of the building may be used for accommodations.

- A conditional use allows the Commission to individually review proposals on a per-lot basis and consider each site independently and formulate appropriate conditions for such use.
- All uses are subject to any applicable local, state of federal regulation, which includes Fire Marshall Review.

Additionally it is proposed that caretakers, business owners and employees would also be allowed to live in rooms above shops, through a conditional use permit.

Staff Recommendation: Planning Commission take public comments about the proposed regulations.

Attachments
1. Revised memo to Port and Harbor Commission RE: Fire Marshal regulations
2. July 10 draft ordinance
3. Meeting invitation

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*
Web Site
www.ci.homer.ak.us

STAFF REPORT 12-49

TO: Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 31, 2012
SUBJ: Pier One Theater/Campground Site

Executive Summary

We are preparing a plan for use of the Pier One lot on the spit. The result of this will be to address a short and long term plan for the lot so that activities can proceed with guidance.

The lot has multifaceted interests and uses in the present and future. This report summarizes these various interests and evaluates how they may work together. Presently, the only significant capital improvement is the Pier One Theater Building. Other activities can easily make way for future development considerations.

Development considerations for the near future include a proposed barge haul out facility, kayak launch, and possible lease opportunity for a 10,000 square foot (sf) section of the lot. These activities could coincide with present ongoing activities of camping, dredge spoil storage, Pier One Theater and parking.

When the property was obtained with Port Enterprise funds, it was envisioned that it one day may be used for harbor expansion. Several options have been presented by the Corp of Engineers for a harbor expansion, none of which would include utilizing this land. A concern still exists that the use of the land should compensate the Port Enterprise Fund.

Recently the City Council has been approached by a non-profit requesting a long term lease for 10,000 sf to include a placement of a structure for nominal consideration. City staff, council along with the various committees and commissions are somewhat mixed on whether this proposal would be in the best interests of the city.

This report suggests a short term scenario for the various interests. It is left undecided whether or not the site should support an operation such as the Wooden Boat Society. This may be dependent on a long range evaluation of future opportunities. The various concerns and interest are described in greater detail below. You are being asked to evaluate the options and provide comments and recommendations.

Introduction

At request of the City Council, Administration was requested to create a planning document for proposed uses of the lot. This was brought to their attention as a result of a request from the Wooden Boat Society's request for a 10,000 sf. parcel for nominal consideration to conduct activities at the site. The Council felt they could not respond to the request until planning for the entire parcel was considered. *I am looking for comments and/or motions in support of recommendation or even new recommendations.*

Background

Funds to purchase this site were provided from the Port Enterprise Fund. The entire lot is just over 11 acres (nearly 4 acres of the lot is tidal), part of which was land purchased from World Seafoods Inc. in 1983. In 1983, a price of $1,500,000 was agreed upon for the purchase of approximately 20 acres in the vicinity of the fishing hole. The current lot configuration includes several acres not subject to that sale. According to the Borough Assessing Department, the 2012 Total Value of the lot and improvements are listed at $1,719,900 including the "Low" graded theater (listed as warehouse/storage) valued at $72,000. The relation of the assessment to market value is debatable. Water and sewer service is not connected to the structure. Functionally, the site contains approximately 7 acres not in the tidal zone.

Current Activity

Pier One Theater

Pier One Theater was granted a 5 year lease for nominal compensation last year. The theater structure is approximately 3,600 square feet (sf) and 31 parking spaces are allotted. The activity of Pier One is conducted from mid-May through mid-September. Average attendance of the performances is 75-80 people and capacity is 100. This year Pier One has painted the building and been the recipient of grants to replace the roof on the structure after it was damaged by a storm. The rest of the site consists of camping spaces and a worn picnic shelter, which are in close proximity to the nearby fish cleaning station, RV dump and restrooms found on the fishing lagoon parcel.

Camp Grounds

Over 80 city operated campground sites are located on and near the site and are in operation from April 1 through October 30. The campsites directly adjacent to the fishing hole are actually not part of the Pier One lot. The city charges $15/night for RV's and $8/night for tents. RV's generally dominate tent sites. According to the city's web site, "Amenities include Fishing Hole sites, beach sites, fish cleaning tables, handicapped accessible restroom facilities, potable water, and easy access to one of the city's RV dump sites. Pier One Theatre is next door for weekend evening entertainment." It is estimated that 30% of the total annual campground revenue of $150,000 is generated at this site.

Campsites are spread throughout the site and delineated with pieces of driftwood. A desire has been expressed to do away with the drift wood and delineate the spaces otherwise. While a covered picnic area serves the site, it is desirable to provide more green spaces for the campers. One fire ring is provided next to the picnic shelter. The shelter area is quite exposed and is usually windy and noisy next to the highway. The proposed Spit Trail extension will be constructed between the shelter and the road.

Dredge Spoils

The portion of the lot nearest to the harbor is used for the storage of dredge spoils after they are dewatered. It is not anticipated that the demand for this use will change anytime in the near

future as this is a requirement of the Corp of Engineers for harbor dredging. So far, there are not long- or short-range plans to move this to another site. Approximately 1.6 acres of the site is devoted to this use.

Access Road
An access road supporting truck traffic leads to Freight Dock Road and is located between the dredge spoils piles and the camp ground. This allows for industrial traffic to avoid conflict with the Public Boat Launch. It has been suggested that this road could be straightened to follow the edge of the lot line. The Port Direct is proposing to have the route paved. Currently the road works well to serve the dredge spoils area.

Proposed Activities
Barge Mooring Facility
After conversations with those expressing needs for a place to moor and service barges, the Port Director submitted a CIP proposal for a Barge Mooring Facility on the site. Attached are some conceptual representations of the facility. This would be a seasonal operation starting in fall and lasting until spring. Barges could moor in the tidal area or be dry docked on land while serviced. Barges serviced would have to ensure that an impermeable material is placed on the beach prior to use. With barge services wrapped up in May, the site could be repurposed for camping until fall. The proposed area for use may include the two interior rows of existing campgrounds and the beach sites that would access the area.

Kayak Launch
During the Comprehensive Plan discussions this parcel was identified as a place to provide for kayak launches into the bay. This was seen as an amenity that could be provided with little investment. The site provides an optimal entrance to the bay that does not interfere with the Small Boat Harbor traffic. Additionally, the proposed Kachemak Bay Water Trail has analyzed options for a launch site could be used as a starting gateway to the trail and identified the corner of the lot next to the armor rock protecting the port uplands as most desirable. The Water Trail Organization proposes to spearhead improvements to facilitate kayak launches. This corner of the lot is not currently utilized and has developed road/path access to the bay. The proposed launch site could be utilized without interfering with camping or proposed barge services.

Wooden Boat Society
The Wooden Boat Society requested a long term lease the use of 10,000 square feet located on the lot for $1 in annual compensation. They have suggested that they would construct a structure on the site within a 5 year time frame. They would prefer a site on the water's edge for easier boat launches. In consideration that the most desirable camp spaces and a barge haul out operation at water's edge would and do generate considerable compensation, it seems that providing a space for a facility not providing direct revenue would not be a financially prudent endeavor at that location. Each dollar of direct compensation to the city is equal to the city tax collected on $22.22 worth of service or goods. Ten Thousand square feet can provide over twelve camp spaces or over 40 parking spaces. The addition of a structure on the site is a long range endeavor will may limit other opportunities and will affect the view. Depending on site activity, year round boat building/rehabbing activities may conflict with the campground. The decision to provide such a lease is a political one. If space were to be provided the least view and site impacting might be a location between the Pier One building and the highway.

Comprehensive Plan

The Comprehensive Plan provides

Although there are many recreational needs and opportunities on the Spit serving both local residents and visitors, these must be balanced within the overall context of the existing City of Homer Comprehensive Plan Parks and Recreation priorities, currently planned Capital Improvement Projects (CIP), and staff and maintenance resources and capacity.

Moreover, addition of proposed new park sites and improvements outside of existing parks is very difficult to implement on the Spit. As described in the Port and Harbor Section, a majority of the Spit's land and infrastructure is controlled by an Enterprise Fund. Port users— not local taxpayers—would be asked to fund these endeavors making them challenging to implement, despite their merits and public support.

Thus, two ideas that generated some excitement during the public process—a park and gathering place concept focused around the Pier One Theater, and a landmark plaza and drop-off zone. Both would be challenging to fund and implement. Pg 18 HSCP

This following section provides a vision for the Spit, but also recognizes some very important realities. One is that the Spit is unusual in that so much of it is owned by the City of Homer. In addition to standard municipal responsibilities such as parks and public facilities, the City also leases land to private companies. There are two types of goals that arise from this arrangement of land ownership:

1) There are universal concepts and goals that apply to all lands regardless of ownership such as zoning; and

2) There are policies the City as a land owner should examine.

Another reality is that the City itself further manages its lands based on the way the land was purchased. The Port and Harbor is operated as an Enterprise Fund, meaning that general revenues such as City wide property and sales taxes are not used to support operations. Port revenue is used to purchase port land and to benefit port operations, not the city as a whole. Pg 20 HSCP

A new community park and gathering area was a priority identified during the planning workshops. A possible site identified in the public process is a portion of the city campground between the fishing lagoon and Freight Dock Road, near Pier One Theater. It may be feasible to purchase the property from the Port and Harbor Enterprise Fund. The area was envisioned as a place for picnics, kayak load and launch, and other day use activities. Pg 26 HSCP

Goals for Economic Development:

3.1 Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit.pg 30 HSCP

Goal 1.3 Provide public facilities that attract residents and visitors to the Spit

Objective: Provide enhanced park and recreation facilities

Strategies:

Identify and prioritize public recreation needs on the spit, and include projects on the CIP. Refer to the Master Parks and Recreation Plan, chapter 7, in the 2008 Comprehensive Plan.

Prepare a master plan for development of a new community gathering space at the site of the existing City campground north of Freight Dock Road (pier 1 area).

Provide kayak launching facilities.

Set aside a new community park.

Evaluate and develop a plan for non-boating access to fishing opportunities.
Construct weather-protected picnic and outdoor meeting facilities.

Zoning

Current zoning of the lot is Marine Commercial. Taking into account the recommendations of the comprehensive plan, I would expect this area to remain Marine Industrial until it is determined that the site is ready to be used for park and/or recreation activities or until the comprehensive plan is updated to reflect another desired use. Kayak launching is a water dependent activity permitted outright in the Marine Commercial District as are dry docks.

What Now?

I propose to have short and longer term consideration for the lot.

Short term 5-10 years

Continue present activities and consider a few of the currently proposed ones

- camping, boat launch and kayak launch can all work together and do not constitute improvements that would restrict future proposals that could present a higher use in the future. These activities can easily make way for permanent improvements if desired.

- Pier One has a five year lease and should be re-evaluated as the term expires. It is a very old building without running water that has worked well for the seasonal activities it now supports. The structure itself needs to be monitored and improvements will continue to be necessary for its continued use.

- Wooden Boat Society needs a response. It needs to be considered if the community wishes to support a long term lease and a future improvement. As indicated in the comprehensive plan, this lot is supported by the enterprise fund and a long term lease for nominal compensation is not likely to provide a direct return to the fund.

- The remainder of the lot toward the highway could be used for additional recreational activities, perhaps improving upon the shelter area or incorporating additional green spaces and/or for additional parking or camping or any combination.

Longer term 10+ years

Here we could especially use some input!

-present and proposed activities will continue to provide benefits to the city.

-depending on needs and desires, expansion of industrial or recreation could be proposed

-if there is no support for some reimbursement of funds to the enterprise fund the recreational options noted in the comprehensive plan should be modified.

-current activities can easily be moved or modified for gainful improvements.

Attachments

1. Marine Industrial Zoning Code
2. 2012 – 2017 CIP Barge Mooring Facility
3. 2011 Land Allocation Plan – Pier One Theater
4. Site
5. Map

Chapter 21.30 MI Marine Industrial District

Sections:

21.30.010 Purpose.
21.30.020 Permitted uses and structures.
21.30.030 Conditional uses and structures.
21.30.040 Dimensional requirements.
21.30.050 Site and access plan.
21.30.060 Traffic requirements.
21.30.070 Site development requirements.
21.30.080 Nuisance standards.
21.30.090 Lighting standards.

21.30.010 Purpose. The purpose of the Marine Industrial District is primarily to provide adequate space for those water-dependent industrial uses that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil development and tourism; giving priority to those water-dependent uses over other industrial, commercial and recreational uses. (Ord. 08-29, 2008).

21.30.020 Permitted uses and structures. The following uses are permitted outright in the Marine Industrial District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:
a. Port and harbor facilities;
b. Manufacturing, processing and packing of sea products;
c. Cold-storage;
d. Dry docks;
e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;
f. Marine equipment sales, rentals, service, repair and storage.
g. Boat launching or moorage facilities, marinas, boat charter services;
h. Warehouse and marshaling yards for storing goods awaiting transfer to marine vessels or off-loaded from a marine vessel and awaiting immediate pickup by land-based transportation;
i. Other similar uses, if approved after a public hearing by the Commission, including but not limited to those uses authorized in the Marine Commercial District under HCC §§ 21.28.020 and 21.28.030, provided the Commission finds the use meets the following standards and requirements:
1. The proposed use is compatible with the purpose of Marine Industrial District or provides a necessary service to water-dependent industry,
2. The proposed use is compatible with land use development plans for the Homer Spit and the comprehensive plan,
3. Public facilities and services are adequate to serve the proposed use, and
4. The Port and Harbor Commission, after a public hearing, has made a written recommendation to the Commission concerning the proposed use, including specifically whether conditions (1) through (3) of this subsection are or may, with appropriate conditions, be met by the proposed use;
j. Mobile food services;
k. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;
l. Recreational vehicle parks, provided they shall conform to the standards in HCC § 21.54.
m. As an accessory use, one small wind energy system per lot. (Ord. 09-34(A) §19 (part), 2009; Ord. 08-29, 2008).

21.30.030 Conditional uses and structures. The following uses may be permitted in the Marine Industrial

District when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:
a. Planned unit development, limited to water-dependent or water-related uses and excluding all dwellings;
b. Boat sales, rentals, service, repair and storage, and boat manufacturing;
c. Restaurants and drinking establishments;
d. Extractive enterprises related to other uses permitted in the district;
e. Campgrounds;
f. Bulk petroleum storage;
g. Caretaker's residence as an accessory to a permitted or conditionally permitted use;
h. Heliports;
i. Pipelines and railroads;
j. More than one building containing a permitted principal use on a lot.
k. Permitted uses that exceed 100 vehicles during peak hour or more than 500 vehicles per day based on the proposed land use and density, calculated utilizing the Trip Generation Manual, Institute of Traffic Engineers, most current edition;
l. Indoor recreational facilities;
m. Outdoor recreational facilities. (Ord. 08-29, 2008).

21.30.040 Dimensional requirements. a. Lot Size. The minimum lot size is 6,000 square feet.
b. Setbacks.
1. All buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys are not subject to a 20 foot setback requirement. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subparagraph (2) below.
2. Buildings shall be set back five feet from all other lot boundary lot lines unless adequate firewalls are provided and adequate access to the rear of the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal.
c. Building Height.
1. The maximum building height shall be thirty-five feet.
d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit.
e. Building Area and Dimensions - Retail and Wholesale.
1. The total square feet floor area of retail and wholesale business uses within a single building shall not exceed 25,000 square feet.
2. In no event may a conditional use permit or variance be granted that would allow a building to exceed the limits of subparagraph (d)(1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (d)(1). (Ord. 08-29, 2008; Ord. 08-27(S)§1, part, 2008).

21.30.050 Site and access plan. a. A zoning permit for a building or structure within the Marine Industrial District shall not be issued by the City without a level two site plan approved under HCC Chapter 21.73.
b. No zoning permit may be granted without a level two right-of-way access plan approved under HCC Chapter 21.73. (Ord. 08-29, 2008).

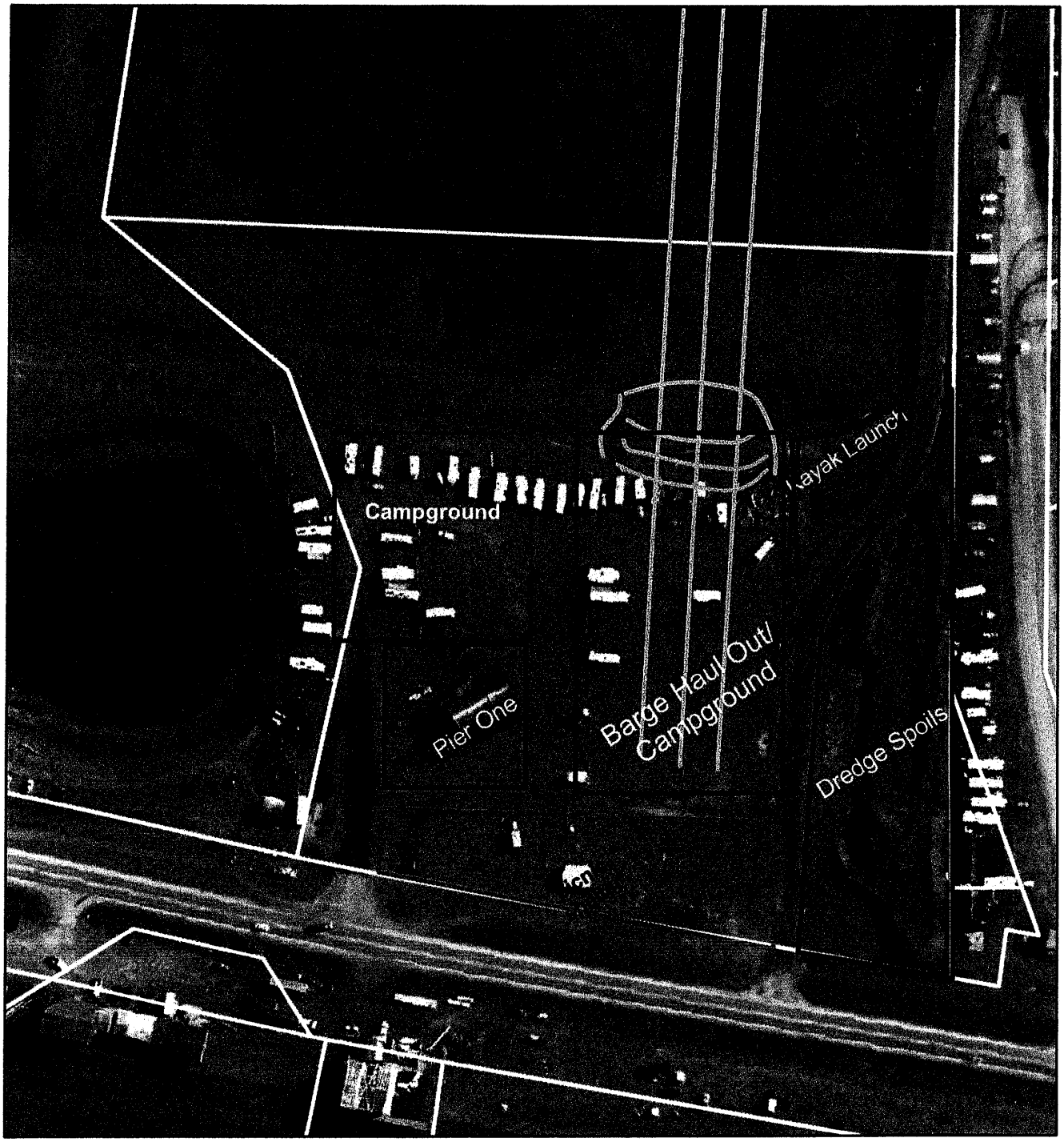
21.30.060 Traffic Requirements. A conditional use permit is required for every use that is estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060. (Ord. 08-29, 2008).

21.30.070 Site Development Requirements. a. All site development shall conform to the level two site development standards contained in HCC § 21.50.030.
b. Point source discharges to a waterway shall be in conformance with the Alaska Department of

Environmental Conservation regulations. (Ord. 08-29, 2008).

21.30.080 Nuisance Standards. The nuisance standards of HCC § 21.59.010 apply to all development, uses, and structures in this zoning district. (Ord. 08-29, 2008).

21.30.090. Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all d evelopment, uses, and structures in this zoning district. (Ord. 08-29, 2008).



City of Homer
Planning and Zoning Department
8-15-12

Pier One Site

0 50 100 150 200 400 Feet

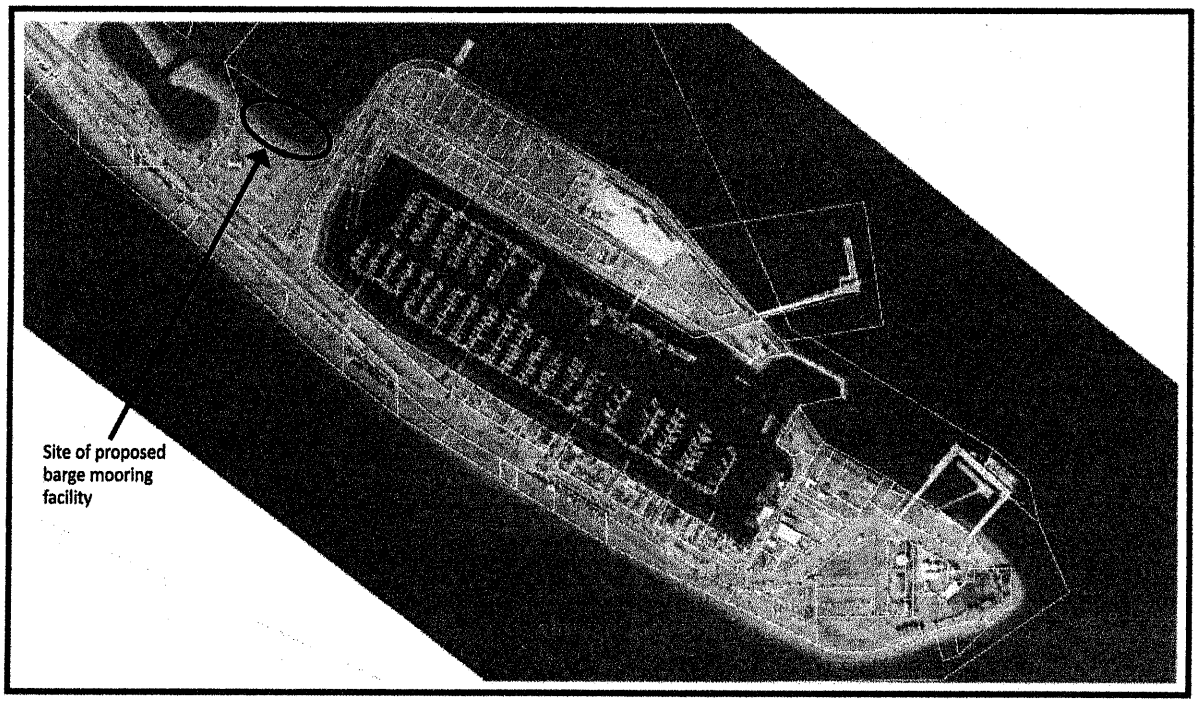
N E S W

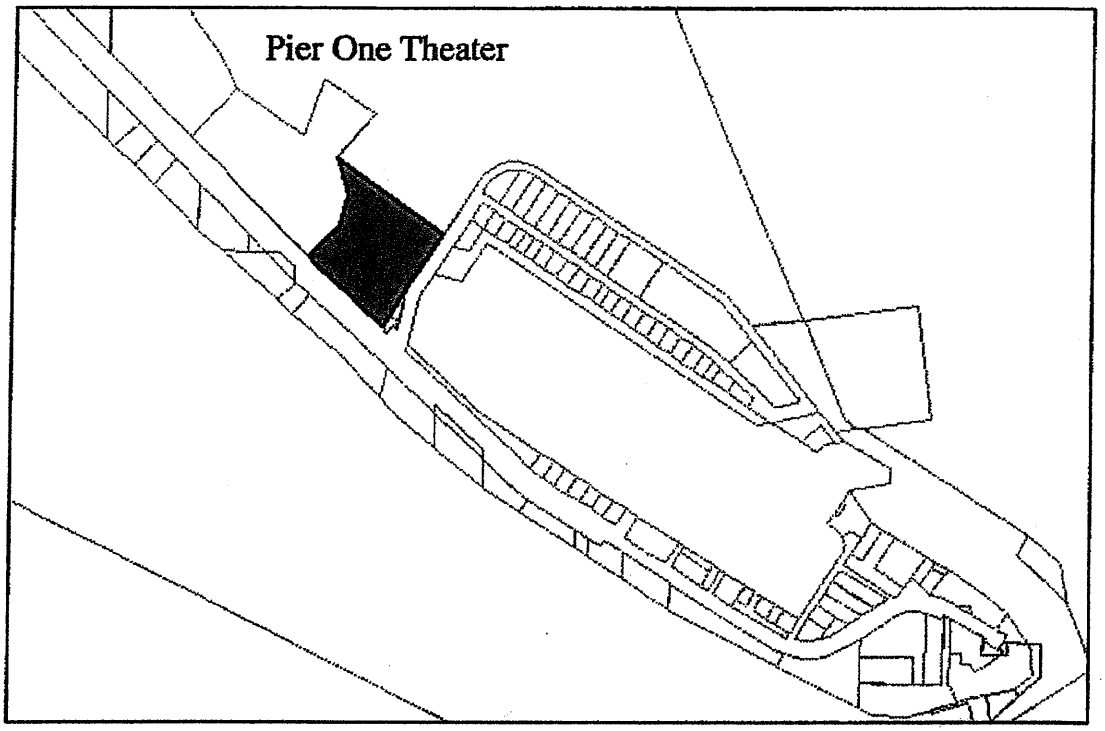
Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

Barge Mooring Facility

PROJECT DESCRIPTION & BENEFIT: This project will meet the needs of existing Homer businesses and attract additional business by constructing a barge mooring facility at Lot TR 1A (east of the Fishing Lagoon). The mooring facility will consist of a row of four or five piles driven perpendicular to the beach, extending down through the tidal area, eliminating the necessity of an offshore anchor and allowing use at various tide levels. Barges and other large shallow-draft vessels will be able to moor at the site while undergoing maintenance/repair work. When used in conjunction with bollard moorings on the beach, the pile moorings will also allow long-term storage at the site.

Cost: $400,000 Schedule: 2013 Priority: 2





Designated Use: Fishing Lagoon
Acquisition History: Ordinance 83-26. Purchase from World Seafood.

Area: 11.27 acres	**Parcel Number:** 18103117
2009 Assessed Value: $1,719,400 (Land: $1,570,600 Structure: $148,800)	
Legal Description: HM0940043 T06S R13W S35 TRACT 1-A THE FISHIN HOLE SUB NO 2	
Zoning: Marine Industrial	**Wetlands:** N/A
Infrastructure: Water, sewer, paved road access	**Address:** 3854 Homer Spit Road

This is a large parcel that is used several ways.

- Dredge spoils dewatering and storage
- City RV park/campground, and access to the only public RV dump on the spit
- Pier One Theater Lease. Theater leases the building only; not the land. Resolution 89-36A.
- Other summer only leases

Resolution 2011-37(A): Develop a plan which will consider designation of a 10,000 sq. ft. portion to make the land available for Request for Proposals.

Leased to: Pier One Theater
Lease Renewal Options:
Expiration: 12/9/2011 Resolution 2007-56
The Homer Spit Trail currently ends on this lot.

Finance Dept. Code:

MANAGERS REPORT
August 13, 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: Based upon the conversation Council had at the last meeting during the Manager's Report, we have gotten back to ADOT/PF and informed them that the City of Homer has no objection to planning for a round-about at the intersection of Lake St. and Pioneer. Intersection improvements would become part of the larger Lake St. Rehabilitation project. You will recall that DOT/PF wanted to know the City's opinion before it started the planning, environmental assessment, and permitting process. ADOT/PF will hold community meetings to solicit public comments after the preliminary design is complete.
4. Intersection Main and Sterling: Based upon the conversation Council had at the last meeting regarding this intersection, it was agreed that I should bring back a resolution which says that the City is willing to assume responsibility for construction of intersection improvements. The main reason for the resolution

was to get the issue on the table for additional discussion and action. A resolution to that effect is included in the packet. Also included is additional information requested by Council which will assist it in deciding how to proceed with respect to the resolution.

5. High School Track: At the last meeting, there seemed to be a consensus that I should bring back an ordinance that appropriates money to complete the HS track renovation project, including all of the additive alternatives. Again, the primary reason for bringing this ordinance forward was to get the issue on the table for additional discussion and possible action.
6. Harbor Projects: Things are moving ahead with the proposed harbor improvements (the bond projects). Katie has completed and submitted the grant application for Municipal Harbor Grant Funds. Carey has the engineers lined up and ready to begin the engineering and design phase so that the projects are "shovel ready." This agenda contains an ordinance accepting and appropriating a grant of over $400,000 from the Denali Commission. You will recall that this grant was specifically for engineering and design of the Ramp 3, harbor float replacement, and System 5 upgrades. The local match is included in the mid-year budget amendment. The Spit Trail MOU is ready to be signed and design work could begin this fall. Work is moving ahead on the Cruise Ship head tax grant project.
7. Natural Gas: I have formed an internal natural gas planning group to focus on the proposed gas distribution special assessment district. This is a very complex project and it will require cooperation and coordination between a number of City departments. Our goal is to meet on a regular basis and make sure we are coordinating well and maximizing efficiency and productivity. We have had two meetings so far. We are focused now on the development plan. Work products that you will hear about soon will include a development plan, budget, and project schedule. We had a meeting last week with officials from Enstar including the Director of Operations, the Project Engineer, and the Project Manager. The project Manager is moving to Homer for the duration and is looking for housing. The primary focus of the meeting was on design, communication, and permitting for gas lines in City streets. Enstar has begun work and let contracts for environmental studies, ROW location, permitting, and design. Please let me know if you have questions about any of this.
8. 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. Carey will provide a full and more detailed report on capital projects at a future meeting.

9. FY 2013 Operating Budget: Yes, it is that time again. Regina has completed her initial work on the draft budget and the Department Heads are currently reviewing it and proposing amendments. This Committee of the Whole contains an agenda item entitled "Council Budget Priorities." This always causes confusion because there is nothing yet for the Council to really comment on. This was placed on the budget approval schedule several years ago because a few Council members were not happy that the Council did not get to provide any input until the Manager's Draft Budget was completed and submitted to Council. So, this is an opportunity for Council to weigh in early and let me know what your budget priorities are so that I have that information and can take it into consideration. There is also a public hearing scheduled. Again, this is an opportunity for the public to get their comments in early about priorities before the draft budget is prepared.

ATTACHMENTS

1. Letter from National Parks Conservation Association
2. Letter from Kachemak Heritage Land Trust re: Conservation Easement
3. Letter from Kate Mitchell re: Homer Marine Trades
4. Washington Post Article: Karen Hornaday Park Playground

10. CITY MANAGER'S REPORT 8/27/12

A. City Manager's Report

This City Manager's report will be devoted primarily to a verbal update on a number of natural gas issues. They include, but will likely not be limited to:

1. Budget Development for the assessment district
2. On-Line calculator and other public information effort topics
3. Exclusion criteria for the improvement plan
4. Exclusion criteria for the Special Assessment District
5. Trunk Line developments

City Manager Wrede reported on the resolution about decision making criteria on the gas line. When Council passed the resolution asking for the improvement plan we needed to know how much pipe was going to be built and where it would go. Until we tell Enstar what the scope of the project is they can't come up with estimates and we can't give the precise number of lots that will be served. The task force has been working on a set of criteria that is included in Resolution 12-076.

Last week staff met with four representatives of Enstar. We showed them our criteria and a map of the lots that would be excluded. The criteria that was established is a way to make decisions and explain it to the public. The map depicts parcels that will not be served by the pipe. Either there is no road, no other utilities there, in an area that would be difficult or impossible to develop, steep areas or extreme wetlands. If someone is excluded they will have the option of coming to the Council and petitioning to be included in the Special Assessment District/LID. Or later on, two to three years, if someone decides to develop a subdivision beyond where the gas line stops they could form a new LID or go directly to Enstar. We have been spending a lot of time on it. Katie is trying to get as much information to the public as possible.

If someone wishes to join in the Special Assessment District they can petition to be included. If the land excluded is expensive to serve it would increase the costs for all people within the Special Assessment District/LID. It will be a value judgment the Council will need to make. Council has said they wanted to extend gas to the whole town with every lot owner paying the same. There are a lot of instances where extending the pipe will cost more for everyone else. The Spit is a good example. It will mean additional costs for everyone else. The Spit and bluffs raise the cost. Council has said there are good arguments to supply the whole town now. Enstar will draw the pipe in the map and provide cost estimates. We will have a more precise cost of the lots to be served. We will then take a look at the cost estimates and may seek a second opinion on some prices to ensure the public is getting the best deal for their money.

City Manager Wrede provided an update on the trunk line developments. Enstar is working on the right-of-way and permitting, along with cultural resources and wetlands. They have asked for a monetary advance to provide compensation for the work they are doing. They are on track for construction next spring. The task force compiled a schedule for getting the LID approved if construction is to begin this spring. Good reasons to start construction next spring are for prices and the opportunity to do the whole town for the same price. Enstar will build the trunk line as

fast as possible and hook up customers as they go. If we delay the process, there is the possibility the trunk line down Fairview could have a lot of people hooked up before we get around to the LID. Large consumers may contract directly with Enstar to get the gas quickly. Enstar says if we have the LID approved by the end of January it will put them in good shape to order the pipe. The schedule works to allow us to be on track. Enstar says they can do it all in two years and will let us know if they can guarantee the price for two years. The quicker the better, as they can get in and get out with cost savings. From the City's perspective getting the project done quickly will be the best. There will be real challenges with traffic control.

We are working on the budget for the gas line and costs allocated to the project. Some of the costs may be addressed with software and new automated office equipment. Some staff will be needed for the Clerk's department for four months and Public Works will need temporary people in the summertime to deal with utility locates and onsite permitting for services lines.

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*
Web Site *www.ci.homer.ak.us*

MEMORANDUM

To: Advisory Commissions and Committees
Through: Carey Meyer, Public Works Director
From: Julie Engebretsen, Planning Technician
Date: August 15, 2012
Subject: Homer Spit Trail and Cruise Ship Improvements

Changes are in the works on the Homer Spit! The purpose of this memo is to let you know what is happening, and when to expect more information.

There are two interrelated projects over the next year and a half. The first project is loosely called "Cruise Ship Improvements." The City was awarded $6,000,000 from the state to make improvements to serve cruise ship passengers. Passengers pay a head tax to the state, and the state grants the money to communities where cruise ships visit. Homer has many needs, and the money will be used to build things for the benefit of all our visitors and residents. Construction will include four new public restrooms – two on Pioneer, and two on the Spit. There will also be a trail constructed around the harbor, a fish dock viewing platform, improvements for the Deep Water Dock area such as a guard building and paving, and a bus shelter by the Happy Face Restaurant. Tour vans, busses and the trolley will have a centrally located, safe, paved area to load and unload customers, without blocking traffic.

The second big project is the extension of the Homer Spit Trail from the Pier 1 campground, to the End of the Road Park. The state provided funding for the completion of the trail some years ago, but there have been a lot of steps to get the project off the ground.

The two projects are being designed cohesively; the materials, waypoint information, and "feel" will be the same. You could think of them as one big project; its just the funding sources that make it two for staff purposes. A Request for Proposals for public art has been issued for the restrooms. Additional art will be incorporated at points along the trails.

These projects are all in very early stages. Construction is envisioned for fall 2013. Over the next few months, you can expect to see a draft plan, and more memos like this to keep you informed. There will be presentations to the Commissions at a future date.

Attachment:
Draft concept map 7/13/2012
Enhancements and materials p. 8

C:\Documents and Settings\jengebretsen\Local Settings\Temporary Internet Files\Content.Outlook\JPDZ8JAP\8152012memo.docx

v. Alternative 5 (Preferred Alternative)

Alternatives 1-4 were developed as part of the draft concept report, upon review Alternative 5 was developed as the preferred alternative. This alternative will use pavement markings and removable vertical markers or bollards to delineate traffic ways, loading zones, and pathways. Alternative 5 will use portable loading platforms to assist passengers boarding and exiting the busses were the other alternatives would have raised curb.

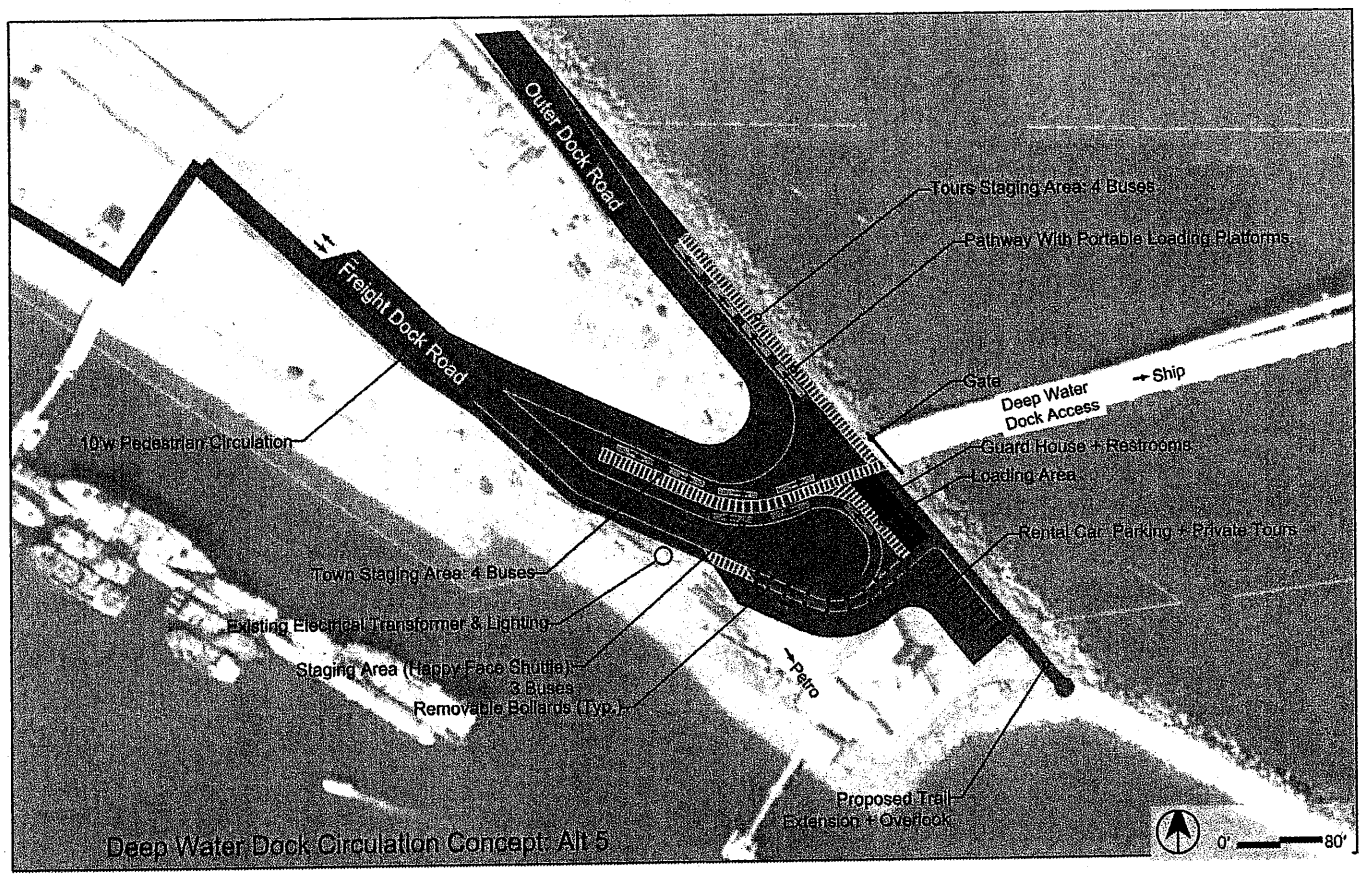
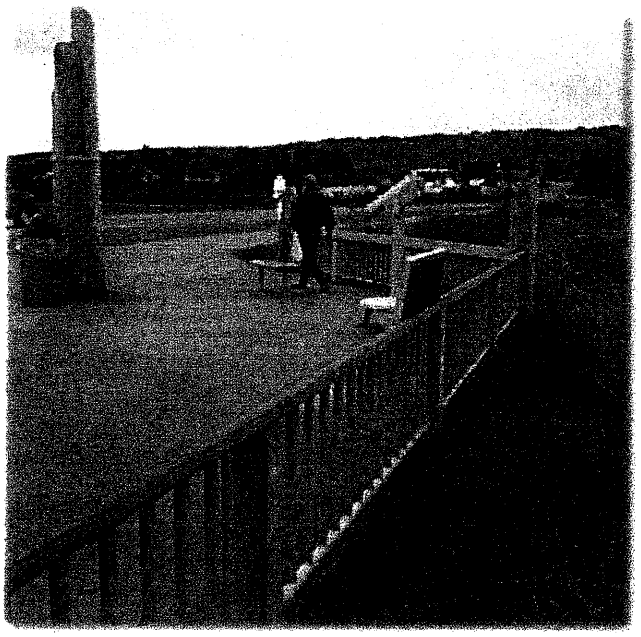


Figure 22 - - Deep Water Dock Circulation Concept: Alternative 5

3. Enhancements

a. Appearance and Materials

The appearance of the improvements along the proposed trails will generally match that of the existing improvements and amenities on the Homer Spit. Railings will be of treated round posts, treated wood top and bottom rails and galvanized metal panels. The posts and top rails will be angled to prevent birds from using them as perches. Additional detail is suggested in order to create a sense of place, strengthen the overall appearance of improvements to visitors, and to provide a strong wayfinding theme. These details may include stamped and colored concrete, banner poles, and the display of art.



The theme, style and materials of new improvements will follow that of existing improvements on the Homer Spit in order to maintain visual continuity and provide effective wayfinding throughout the Spit trail system.

Figure 4 – Existing Material Appearance

City of Homer
Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
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E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

August 30, 2012

Eldeen Alza Jackson
49937 Myrtle Creek Road
Myrtle Point, OR 97458

RE: A A MATTOX SUB 1958 ADDN NO 2 LOT 23

Dear Ms. Jackson,

Thank you so much for your help and cooperation in removing the dilapidated structures, abandoned vehicles and scrap metal. Your property is now cleaner and safer.

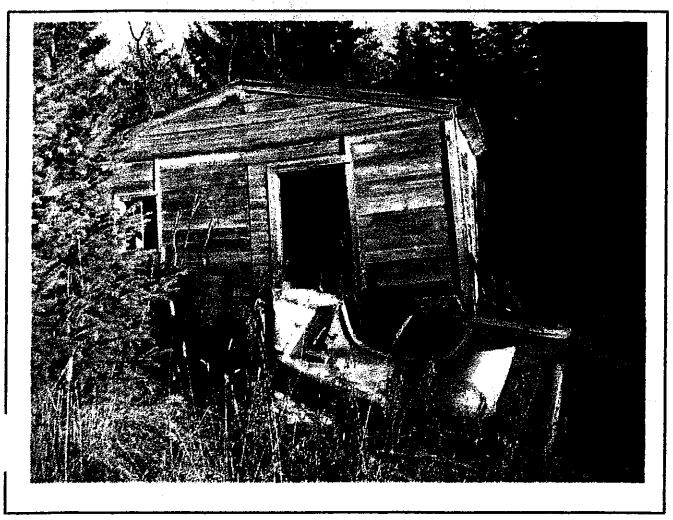
Sincerely,

D Harness - Foster

Dotti Harness-Foster
Planning Technician
907-435-3118

Cc: Homer Advisory Planning Commission
Walt Wrede, City Manager
Rick Abboud, City Planner
Elaine Grabowski, Fire Department

BEFORE



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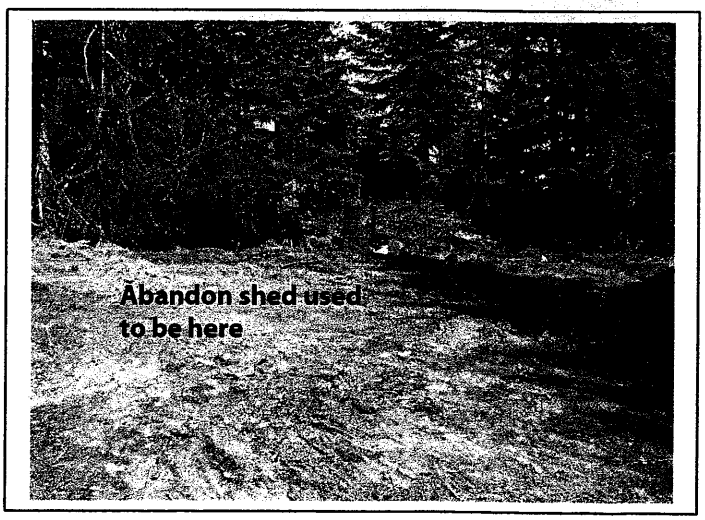

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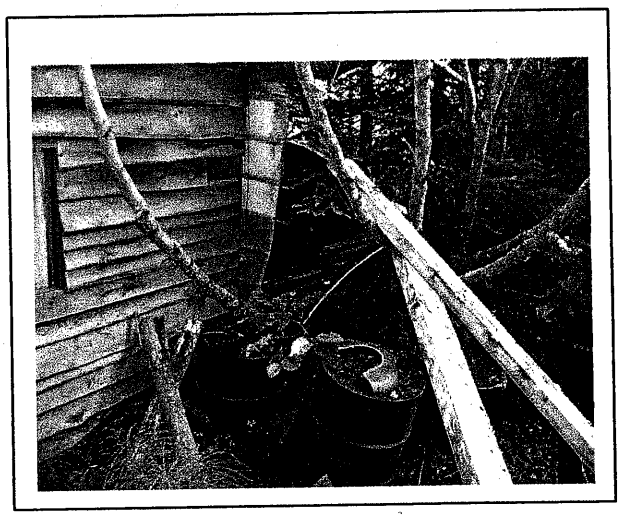

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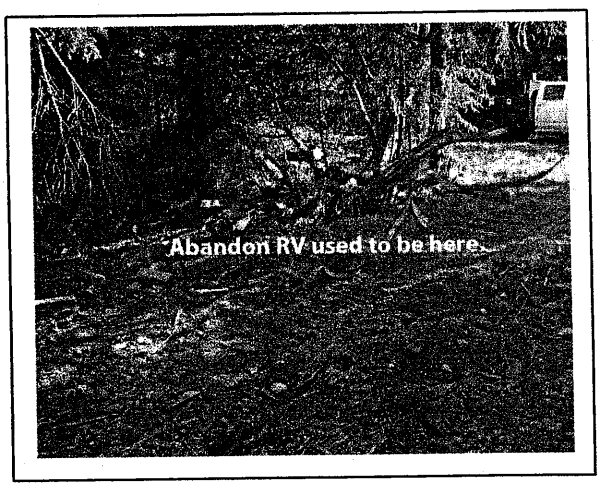

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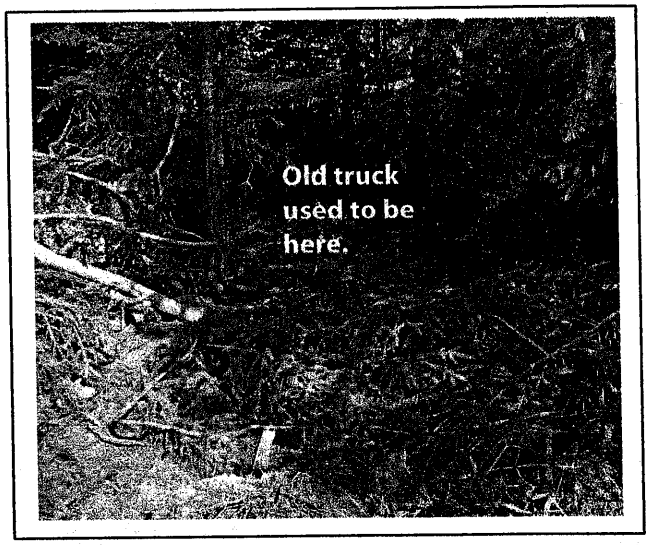


AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

1. W.R. Bell Subdivision Rozak Replat
KPB File 2012-109; Johnson/Rozak

STAFF REPORT Plat Committee Meeting: 8/27/12

Location:	City of Homer
Proposed Use:	Residential
Zoning:	Rural Residential
Assessing Use:	Residential, Residential Improved
Parent Parcel Number(s):	175-230-18, 175-230-19, 175-230-20

Supporting Information:

The proposed subdivision is a simple replat of three lots into two lots containing 32,747 square feet and 1.1 acres. Per KPB 20.14.020, a soils report is not required. The plat fronts constructed Alpine Way.

Homer Advisory Planning Commission approved the plat on June 20, 2012 subject to:

1. Include a plat note that lots are subject to the City of Homer zoning regulations.
*Borough staff comments: **Staff recommends** compliance with the Homer Advisory Planning Commission's recommendation.*

2. Depict the 20-foot building setback.
*Borough staff comments: Although the plat is within a city, the KPB Legal Department advised platting staff that building setbacks depicted on plats within cities need to be carried forward. **Staff recommends** compliance with the Homer Advisory Planning Commission's recommendation.*

3. Dedicate and depict a 15-foot utility easement along Alpine Way.
*Borough staff comments: **Staff recommends** the 15-foot utility easement be granted along Alpine Way.*

Per Planning Commission Resolution 2000-25, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception(s) Requested: Minimum lot size for Lot 5A. It is increasing in size.

Findings

1. Former Lot 5 contained 16,460 square feet.
2. Lot 5A contains 32,474 square feet.
3. Lot 5A is within the City of Homer.
4. It is reasonable to expect that city water and/or sewer service will be available to this area in the future.
5. Development on Lot 5A must comply with the requirements of the zoning district.
6. Homer Advisory Planning Commission recommended conditional approval of the plat on June 20, 2012.
7. Lot 5A is increasing in size, thereby creating a better situation.

8. All wastewater disposal systems must comply with ADEC regulations.
9. The replat brings the new lot near compliance with the current code.
10. The increase in size is voluntary; the Borough cannot require the replat.
11. The minimum lot size is designed to ensure that there is sufficient area on a lot to safely and legally accommodate onsite water (well) and wastewater disposal systems.

Staff reviewed the exception request and recommends granting approval. Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following facts, and vote on the exception in a separate motion.

20.24.010 provides that the commission (committee) may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The commission (committee) shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-11 support this fact.

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-11 support this fact.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-10 support this fact.

STAFF RECOMMENDATION: Grant approval of the preliminary plat subject to any above recommendations, and the following conditions and findings:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 (FORM AND CONTENTS), KPB 20.14 (WASTEWATER DISPOSAL), AND KPB 20.20 (DESIGN REQUIREMENTS) AS FOLLOWS:

1. **20.12.060 - Form and contents required. The preliminary plat shall be drawn to scale of sufficient size to be clearly legible and shall show the following:**

A. Within the Title Block
   1. Name 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,
   2. Legal description, location date, and total area in acres of the proposed subdivision,
   3. Name and address of owner, and registered land surveyor;

   *Platting Staff Comments: **Staff recommends** the surveyor confirm the aliquot part description. The plat appears to be in the NW1/4 SW1/4. **Staff recommends** the surveyor confirm the owner's address. KPB records show P.O. Box 1415, Homer.*

B. North point;
   Platting Staff Comments: The plat has a north point.

C. 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;
   Platting Staff Comments: The required information has been shown.

D. 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;

Platting Staff Comments: The vicinity map is sufficient.

E. 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 limitations of such reservations;
Platting Staff Comments: The required information has been shown.

F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: The required information has been shown.

G. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided;
Platting Staff Comments: Correct the status label to the northwest: Lot 3A Block 3.

H. Approximate locations of areas subject to inundation, flooding or storm water overflow; when adjacent to lakes or non-tidal streams the line of ordinary high water, wetlands. If applicable, cite the appropriate study which identifies a flood plain;
Platting Staff Comments: The approximate location of the creek has been shown and labeled. ***Staff recommends*** *a note be placed on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination, if applicable. Per the submittal, no swamp is on the property. The Homer City staff report states their mapping shows no wetland areas.*

I. Approximate locations of areas subject to tidal inundation including the mean high water line;
Platting Staff Comments: The plat is not subject to tidal inundation.

J. Block and lot numbering per Section 20.16.110 and approximate dimensions and total numbers of proposed lots;
Platting Staff Comments: ***Staff recommends*** *Block 3 be added to the face of the plat.*

K. Within the limits of first class cities, the approximate location of known existing municipal sewers, water mains, and other utilities within the subdivision and immediately abutting thereto;
Platting Staff Comments: The proposed plat will have on-site water and septic systems. The approximate location of the spring on Lot 5A has been shown and labeled. Power boxes have been shown and labeled.

L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets.
Platting Staff Comments: The plat is not dedicating right-of-way. Four-foot contours have been provided.

M. Approximate locations of slopes over 20 percent in grade. (Ord. No. 78-37, § 2(part), 1979)
Platting Staff Comments: Areas over 20 percent in grade have been shown and labeled.

20.12.070 - Statement required when—Contents. Information which is not shown on the plat shall be presented in written or mapped form and shall include:

A. Proposed means of supplying water;
Platting Staff Comments: Water will be supplied on-site.

B. Proposed means of sewage disposal;
Platting Staff Comments: Sewage will be disposed on-site.

C. Identification of the subdivider for the purpose of processing the plat. This person may be the owner, surveyor or other agent designated by the owner. All official contact by the commission and staff concerning the plat shall be with this person;
Platting Staff Comments: The owner and surveyor have been identified.

D. Such other information as the subdivider may care to present. (Ord. No. 78-37, § 2(part), 1979)
Platting Staff Comments: Other than the information requested by staff, no other preliminary information is required.

2. KPB 20.14 -- Wastewater Disposal
Platting Staff Comments: Both lots are larger than the parent lots. Per KPB 20.14.020, an exception to wastewater review is not required, and a soils report is not required. ***Staff recommends*** *the appropriate wastewater disposal note be placed on the final plat.*

3. KPB 20.20 Design Requirements -- 20.20.010 - Standards applicable.

20.20.020 - Reserved strips prohibited—Exception.
Platting Staff Comments: The plat does not contain reserved strips.

20.20.030 - Proposed street layout—Requirements.
Platting Staff Comments: The plat is not dedicating right-of-way.

20.20.035 - Legal access.
Platting Staff Comments: The plat complies with 20.20.035.

20.20.040 - Easements—Requirements.
Platting Staff Comments: ***Staff recommends*** *compliance with the recommendations submitted by the utility providers.*

20.20.050 - Lots on major streets—Access requirements.
Platting Staff Comments: The plat complies with 20.20.050.

20.20.060 - Intersections—Number required.
Platting Staff Comments: The plat complies with 20.20.060.

20.20.070 - Alleys.
Platting Staff Comments: Homer Advisory Planning Commission did not recommend dedication of alleys.

20.20.080 - Streets—Grades required.
Platting Staff Comments: The plat is not dedicating right-of-way.

20.20.090 - Culs-de-sac.
Platting Staff Comments: The plat is not dedicating a cul-de-sac.

20.20.100 - Half streets.
Platting Staff Comments: The plat is not dedicating right-of-way.

20.20.110 - Streets—Width requirements.
Platting Staff Comments: Alpine Street is 60 feet wide.

20.20.120 - Streets—Curve requirements.
Platting Staff Comments: The plat is not dedicating right-of-way.

20.20.130 - Streets—Reversed curves.
Platting Staff Comments: The plat is not dedicating right-of-way.

20.20.140 - Streets—Intersection requirements.
Platting Staff Comments: The plat complies with 20.20.140.

20.20.150 - Streets—Name requirements.
Platting Staff Comments: The plat is not dedicating right-of-way.

20.20.160 - Blocks—Length requirements—Generally.
Platting Staff Comments: The block length is less than 400 feet. The parent plat was recorded in 1970. The block design of the parent plat dictates the block design of the replat. The plat is within the City of Homer. Development within the replat must comply with the requirements of the zoning district. ***Staff recommends*** *the Committee concur that existing conditions justify a variance from the requirement.*

20.20.170 - Pedestrian ways required when.
Platting Staff Comments: Homer Advisory Planning Commission did not recommend pedestrian ways.

20.20.180 - Lots—Dimensions.
Platting Staff Comments: The plat complies with 20.20.180.

20.20.190 - Lots—Minimum size.
Platting Staff Comments: Lot 7A contains 1.144 acres. ***Staff recommends*** *the Committee grant an exception to minimum lot size for Lot 5A.*

20.20.200 - Lots—Access to street.
Platting Staff Comments: All lots being created front existing right-of-way.

20.20.210 - Lots—Side line requirements.
Platting Staff Comments: The plat complies with 20.20.210.

20.20.220 - Lots—Double frontage prohibited when.
Platting Staff Comments: Lots in the subdivision do not have double frontage.

20.20.230 - Building setbacks.
Platting Staff Comments: The plat is within a city.

20.20.235 - Building setbacks—Within cities.
Platting Staff Comments: Homer Advisory Planning Commission recommended the 20-foot building setback be depicted. ***Staff recommends*** *the 20-foot building setback be carried forward from the parent plat with the source noted on the plat.*

20.20.240 - Unsubdivided remainder.
Platting Staff Comments: The plat does not have an unsubdivided remainder.

20.20.250 - Different standards in cities.
Platting Staff Comments: The Homer staff report indicated the subdivision may be subject to the City of Homer's steep slope ordinance. A plat note stating the lots are subject to the city's zoning requirements will put the public on notice to contact the city prior to development.

20.20.260 - Flood plain requirements.
Platting Staff Comments: Per the Homer City staff report, the plat is within Zone D, flood hazards undetermined. Homer Advisory Planning Commission did not recommend a plat note.

KPB 20.28. Comply with Planning Commission requirements related to the associated vacation.
Platting Staff Comments: The plat is not finalizing a vacation.

4. Additional requirements for administrative approval of the final plat (KPB 20.16) -- 20.16.010 - Preparation requirements generally.

20.16.020 - Filing—Form and number of copies required.
Platting Staff Comments: ***Staff recommends*** *two full size copies of the plat be provided for final review. Electronic submission is not acceptable.*

20.16.030 - Certificate of borough finance department required.
Platting Staff Comments: ***Staff recommends*** *compliance with 20.16.030.*

20.16.035 - Dedication of land for nonpublic use.
Platting Staff Comments: The plat is not dedicating land for nonpublic use.

20.16.040 - Dedication of public use lands.
Platting Staff Comments: The plat is not dedicating public use lands.

20.16.045 - Dedication and construction of anadromous waterbody crossings.
Platting Staff Comments: Per KPB GIS mapping, the plat does not have anadromous waterbody crossings.

20.16.046 - Dedications parallel to waterbodies.
Platting Staff Comments: The plat is not dedicating right-of-way.

20.16.050 - Plat specifications.
Platting Staff Comments: ***Staff recommends*** *compliance with 20.16.050.*

20.16.060 - Improvements—Installation agreement required.
Platting Staff Comments: Per the Homer City staff report, an installation agreement is not required.

20.16.070 - Reversion to acreage—Statement required when.
Platting Staff Comments: The plat is not reverting to acreage.

20.16.080 - Dimensional data required.
Platting Staff Comments: The required information has been provided.

20.16.090 - Accuracy of measurements.
Platting Staff Comments: The GIS Division will confirm closure meets 20.16.090 when the final plat is submitted. ***Staff recommends*** *compliance with 20.16.090.*

20.16.100 - Boundary of subdivision.
Platting Staff Comments: The plat complies with 20.16.100.

20.16.110 - Block and lot numbering.
Platting Staff Comments: The plat complies with 20.16.110.

20.16.120 - Utility easements.
Platting Staff Comments: ***Staff recommends*** *compliance with the recommendations submitted by the utility providers.*

20.16.130 - Easements.
Platting Staff Comments: ***Staff recommends*** *compliance with 20.16.130.* ***Staff recommends*** *the surveyor confirm the southern boundary of the plat is affected by a 20-foot utility easement. The parent plat indicates this may have been set aside for a building setback.*

20.16.140 - Other data required by law.

Platting Staff Comments: ***Staff recommends*** *compliance with 20.16.140.*

20.16.145 - Plat notes.
Platting Staff Comments: Notes on the plat and those recommended in the staff report comply with 20.16.145.

20.16.155 - Certificates, statements and signatures required.
Platting Staff Comments: ***Staff recommends*** *compliance with 20.16.155.*

20.16.160 - Survey and monumentation.
Platting Staff Comments: ***Staff recommends*** *compliance with 20.16.160*

20.16.170 - Approval—Authority—Certificate issued when.
Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff recommends compliance with 20.16.170.

20.16.180 - Administrative approval.
Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.16.180.

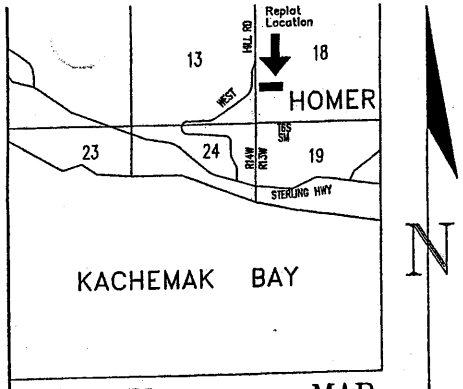
20.16.190 - Disapproval. When a plat has been disapproved by the planning commission, it may be refiled once more with corrections for approval within 28 days of notification of first disapproval. If disapproved again, said plat shall be void. A new fee will be required for subdivision of the property in the voided plat.
Platting Staff Comments: If the Plat Committee disapproves the proposed plat, staff recommends findings be cited and adopted in support of the denial.

NOTE: REVIEW OF A DECISION OF THE PLAT COMMITTEE MAY BE HEARD BY THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR ON A FORM PROVIDED BY THE BOROUGH PLANNING DEPARTMENT. THE REQUEST FOR REVIEW SHALL BE FILED WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE OR SERVICE BY MAIL.

A REQUEST FOR REVIEW MAY BE FILED BY ANY PERSON OR AGENCY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING EITHER BY WRITTEN OR ORAL PRESENTATION. THE REQUEST MUST HAVE AN ORIGINAL SIGNATURE; FILING ELECTRONICALLY OR BY FACSIMILE IS PROHIBITED. THE REQUEST FOR REVIEW MUST BRIEFLY STATE THE REASON FOR THE REVIEW REQUEST AND APPLICABLE PROVISIONS OF BOROUGH CODE OR OTHER LAW UPON WHICH THE REQUEST FOR REVIEW IS BASED.

NOTICE OF THE REVIEW HEARING WILL BE ISSUED BY STAFF TO THE ORIGINAL RECIPIENTS OF THE PLAT COMMITTEE PUBLIC HEARING NOTICE. CASES REVIEWED SHALL BE HEARD DE NOVO BY THE PLANNING COMMISSION ACTING AS THE PLATTING BOARD (KPB 2.40.080).

END OF STAFF REPORT



VICINITY 1" = 1 mile MAP

W.R. Bell Subdivision
Rozak Replat

Preliminary Plat

A replat of Lots 5, 6, & 7, Block 3, W. R. Bell Subdivision, HRD #70-402
Located in the NE 1/4 SE 1/4 Section 18, T6S R13W, SM, City of Homer, Alaska
Homer Recording District, Kenai Peninsula Borough

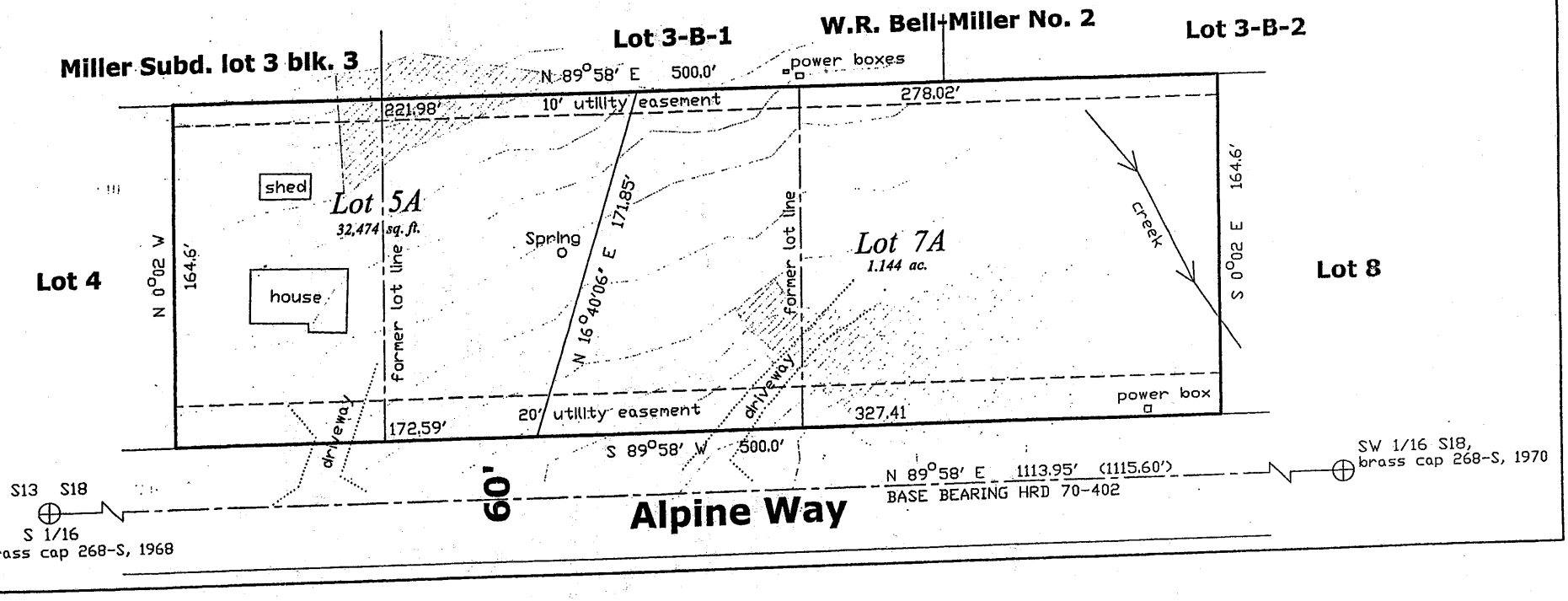
Prepared for

Theodore W. Rozak
Living Trust
1201 Denali St. #303
Anchorage, AK 99501

Prepared by

Johnson Surveying
Box 27
Clam Gulch, Ak 99568

SCALE 1" = 50' 1.889 Acres 23 July, 2012

2012-109

NOTES
1. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
2. Contour interval 4.0'. No swamp located on the property.
3. Hatched areas (▨) indicate a grade of 20% or greater.
4. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commision. The entire building setback is also a utility easement.