

# City of Homer Beach Policy

2016



## **Table of contents**

1. Purpose and Intent
2. Definitions
3. General Policy Recommendations
4. Specific Area Recommendations
5. Beach Policy History

Beach Area Map

Section Line Easement Diagram

State Attorney General Opinion

Appendix A: Beach Access Notes

Appendix B: Mainland public access points to Kachemak Bay

## 1. Purpose and Intent

This document is an update to the Beach Policy Task Force Final Recommendations, adopted June 25<sup>th</sup> 2001. Since 2001, the City of Homer has annexed more land and beaches, and implemented parts of the original plan. The purpose of this document is to update the Beach Policy and make recommendations for future actions. The intent of the Beach Policy is to keep Homer's beaches safe and enjoyable for all users, and preserve natural environment.

### Goals

#### **Education**

Educate beach users by provide signage and beach information at convenient locations.

#### **Prevention**

Limit conflicts between motorized users and pedestrians by encouraging courtesy and common sense.

Protect sensitive beach habitat and wildlife from inappropriate use of beaches – i.e. keep motorized vehicles out of lagoon areas.

#### **Enforcement**

Ensure adequate staffing on holiday weekends.

## 2. Definitions

a. **“Berm”** means a natural, linear mound or series of mounds in a beach area composed of sand, gravel, or both, generally paralleling the water at or landward of the elevation of mean high water.

b. **“Storm berm”** – means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other water-borne materials. A beach area may have more than one storm berm.

**Example:** Grassy areas of Mariner Lagoon and Beluga Slough where highest tides and storm deposit logs and driftwood. Tall grasses grow there most of the time, and only at the highest tides and largest storms are logs thrown up on the beach.

c. **“Submerged land”** means land covered by tidal water from the elevation of mean low water seaward to the corporate boundary of the city.

d. **“Tideland”** means land that is periodically covered by tidal water between the elevation of mean high water and mean low water.

e. **“Beach area”** means all of the following, whether publicly or privately owned: submerged land, tideland, and the zone of sand, gravel and other unconsolidated materials

that extends landward from the elevation of mean high water to the place where there is a marked change in material or physiographic form.

f. “Motor vehicle” means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over land, that is self propelled except by human or animal power.



### **3. General Recommendations for all Homer Beaches**

**1. Identify and improve beach access points.** Heavy impacts are created by a large number of people accessing the beach at a small number of places. By finding, improving and publishing all public beach access points, we will diffuse the impacts and provide a more enjoyable experience to all.

A. Improve Access via: Crittenden Dr., Ocean Dr., Spit, Kachemak Dr.

B. Provide signage at all public access points.

1. Specifically, signage shall be maintained at Bishop’s beach park, Ocean Drive Loop, the parking areas on the east side of the Homer Spit, on the Airport Beach Road, and Kachemak Drive.

C. Appendix A documents other public access points and the pros and cons of their development. The appendix should be expanded to include Homer Spit public access points, particularly on the east side of the spit.

**2. Signage should be positive and informative.**

A. Sign examples for the Mud Flats, Berms & Driftwood

1) Help build our beach berms and protect our critical habitat areas.

2) Please do not drive on or remove any material from the storm berms. The grasses growing here provide habitat and are an important part of berm stabilization. Driftwood plays an important role in building and protecting our berms.

3) The Mud Flats are fragile and important habitat for wildlife. They are hazardous and off-limits to vehicles and foot traffic.

4) Encouraging courtesy to other users.

B. Examples for private property:

1) Please be aware that private property extends 100' or more toward the water from the high tide line.

**3. Ask for City Attorney opinion on location of seaward property lines.** Although many people believe property lines stop at a water boundary, it has become apparent this is not the case in Kachemak Bay. Normal property lines next to the ocean are established at mean high tide, and slow erosion does change boundaries. The 1964 earthquake caused the sinking of the Spit and Homer area. The sea flowed over the lowered land. This sudden change is called avulsion and legally does not change land boundaries. (See attached opinion by State Attorney General)

**4. Encourage better enforcement of applicable existing state and local laws.** Examples of applicable laws include: HCC 19.08 Campgrounds, HCC 7.16 Vehicles in Beach Areas; HCC 18.28.200 Waste or injury to land, and Alaska State Traffic Regulations regarding: DWI, Reckless Driving, Negligent Driving, Basic Speed, and Littering.

A) More evening enforcement in City campgrounds, and encourage/post quiet hours.

B) More enforcement of city driving laws on city beaches.

**5. Develop and distribute brochures with a coordinated public relations campaign.** It is important to enlist the public in the campaign to keep our beaches enjoyable for all, to limit the human damage to fragile areas and to minimize friction between user groups. We need everyone's help.

A. Prior to major holiday weekends, advertise beach rules and etiquette in the local newspapers. Consider a public services announcement on local radio stations. Budget at least \$500 annually for this advertising.

B. Budget at least \$500 a year for sign replacement.

C. Provide beach maps and brochures on beach etiquette at city campground facilities.

**6. Perform an annual assessment of beach health and developing impacts.**

A. City staff & Parks and Recreation Commission representatives prepare an assessment with reports to City Manager, City Council, & City Commissions. The report should be prepared in a timely manner so that items requiring maintenance or ongoing funding may be considered during the budget process. Include an assessment of the condition of the storm berm at Mariner Park, specifically including pedestrian impacts.

B. Add each annual assessment to the original BPTF report with updated photos to create a continuous record.

**7. Driftwood from berm areas should not be removed.** Testimony by scientists emphasized the importance of the natural berm building process to protect the spit, lagoon and slough. The berms also provide important wildlife habitat. It was found that driftwood plays an important role in building and stabilizing berms. Thus, it is hoped that providing an alternate source of campfire wood for campers serves the important function of protecting the berms. Driftwood was also described as an important esthetic enhancement to the beach and a material resource.

A. Direct City Administration to investigate providing firewood to beach users or allowing firewood concessions in city campgrounds.

**8. Find ways of supporting beach cleanup.**

A. Support the efforts of spring clean-up day to include Homer beaches. The City should actively continue to support the efforts of volunteers by providing trash bags for the event and dumpsters or trash removal at locations such as Bishop's Beach.

B. Support the efforts of the Center for Alaskan Coastal Studies for their annual CoastWalk and beach trash removal. Support may be in the form of providing trash bags, dumpster service at beach parks, and city funding for newspaper advertising for CoastWalk educational and beach clean-up activities.

**9. Increase Parking on the Spit.**

A. We need more parking and areas for people to access the beach. These parking areas distribute the impact of beach users, provide safe off-highway parking for vehicles.

B. Situate the parking close to Spit Road for aesthetic purposes.

C. Better parking further down the spit will allow pedestrians to enjoy to the beach where vehicles are not present.

**4. Recommendations by Area (Following the beach line, East to West)**

## 1. Area 1 - Miller's Landing to Airport Access Road

A. Miller's Landing. Create a public viewing spot in the Beach Access Road Right of Way off of Kachemak Drive, by posting a sign stating the location of the public access. In the future, as use warrants, create a small parking area, and use boulders to discourage trespassing on adjacent properties.

B. Airport Access Road Signage (with diagram of berm-slope-flats).

- No camping
- Please keep vehicles between the storm berm and the mud flats.
- All of the areas above high tide (and much below) are private property and there are no designated camping areas.

C. Vehicle use at the bottom of airport beach access road on the beach is not allowed.

D. Vehicles are allowed on the beach east of the vacated easement formerly known as Shirlene Circle (refer to map), under the terms of HCC 7.16

Vehicles are not allowed on the beach at the bottom of the airport beach access road. Vehicles are allowed east of that area, but there is no public vehicle access point to get to that part of the beach. Land owners or those with land owner permission may access the beach from private vehicle access points. Once on the beach, nothing in City laws or policy condones trespassing on adjacent private lands.



## 2. Area 2 - Airport Beach Access Road to North End of Berm outside of Louie's Lagoon and Louie's Lagoon

A. Due to expert testimony, it was agreed by the BPTF that limiting vehicle use in this area was necessary to protect the fragile habitats from Mud Bay to Louie's Lagoon.

B. Signage - identifying access and informing the public as to where vehicles are prohibited.

- C. Vehicles are prohibited in this entire area - outside of access driveways and parking.
- D. Conservation zoning is suggested for all public lands in this area. Much of Area 2 already has a conservation easement.
- E. Designate the platform area as a park and initiate cleanup of surface debris in Louie's Lagoon. A layer of dredge spoils to cover debris and more grass around the platform is also recommended. Investigate potential as a bird viewing platform.
- F. Long term goal: Reconfigure the section line easement. The current section line easement goes across the mud flat in the bird sanctuary. A reconfiguration would provide better access to the beach, and protection for the sanctuary. As designated on attached map.
- G. Preserve subsistence fishing access for vehicles, and public access to that part of the Spit. This has traditionally included an access across the northern portion of the English Bay property
- I. Budget for rock placement at the Airport Beach Access to discourage travel to the west into Mud Bay. Contract the work out.

### **3. Area 3 - From Louie's Lagoon - South to end of Homer Spit and then North to City Campground across from Fishing Hole**

- A. Long range goal: Removal of beached barge on English Bay Corporation property.
- B. Encourage the elimination of unsightly waste on properties near the beach by working with owners. Several highly visible properties have allowed the accumulation of waste and industrial junk. The City has also allowed this to occur on City land, and should lead the way in the cleanup effort.

### **4. Area 4 - From City Fishing Hole Campground to the Outlet of Mariner Park Lagoon**

- A. At campground building across from the Fishing Hole, make beach use maps available, as well as information and signage that is interpretive about the berm building process, encourages courtesy to pedestrians, and states where vehicles are permitted.
- B. Install signage at a controlled exit from the City Fishing Hole campground to the beach to direct vehicles to the base of the spit, and away from the no recreational vehicle area.
- C. Define limits to Mariner Park campground by utilizing logs, rocks or other means to restrain vehicles from entering the lagoon. Similar to Parks & Recreation Advisory Commission Draft Master Plan for Mariner park campground, which extends a revetment to protect berms, grasses and tidal mud, with no additional incursion into the lagoon.



D. Create a cost estimate for placing boulders at Mariner Park to better define the park and places where motorized vehicles are prohibited. Include the project in the annual budget in the near future, and contract the work out.

E. Budget for a new kiosk at Mariner Park. Include a large interpretive map with beach access and user information. Include the project in the annual budget and contract the work out.

F. Vehicles are prohibited between the former campground building site, and the south end of Mariner Park.

G. Between the south end of Mariner Park and the east end of the sea wall, vehicles are allowed on the beach from October 1 through March 31<sup>st</sup>, solely for the purpose of gathering sand and coal. The beach is closed to vehicles at all other times and for all other uses.

#### **5. Area 5 - Mariner Park Lagoon including the storm berm**

A. Install and maintain signage stating vehicles are prohibited in the Lagoon and above the high-tide line near the berm. This is a fragile berm.

B. Signage should also indicate the high potential of vehicles getting stuck in this area.

C. Finish transfer of ownership of parcels to City of Homer. Two large parcels in Mariner Park Lagoon were obtained by the City from DNR, but the transfer paperwork was not completed.

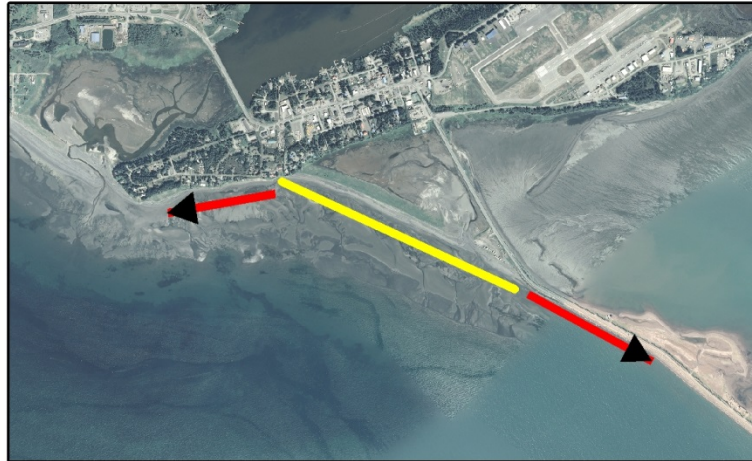
D. Enact Conservation Zoning and continue work on the conservation easement. Zoning changes may begin at any time. The land ownership transfer must be complete prior to the conservation easement completion.

#### **6. Area 6 - Mariner Park Lagoon outlet (below the berm) to Beluga Slough outlet**

A. Provide signage discouraging motor vehicle usage and encouraging courtesy to pedestrians. Vehicle prohibition is not necessary, but use of vehicles in this area often leads to driving or parking on the storm berm.

B. Improve and identify with signage the Ocean Drive Loop beach and Beluga Slough access.

C. Vehicles are allowed between the south end of Mariner Park beach and the east end of the seawall from October 1 through March 31<sup>st</sup> solely for the purpose of gathering sand and coal. The beach is closed to vehicles at all times for any other purpose. The area in front of the sea wall west to the Beluga Slough outfall is closed to vehicles.



Red = No vehicles  
Yellow = Vehicles only under the terms of HCC 7.16, paraphrased in C, above.

**7. Area 7 - Beluga Slough Outlet to Bishop's Beach Park access.** This is a heavily used area, and has the greatest potential for conflicts between user groups.

**A. This area is closed to vehicles.**

B. Support Fish & Wildlife efforts to protect berm and promote rye grass and driftwood buildup.

C. Support Fish & Wildlife work to develop a plan to maintain the ecological integrity of their educational reserve, including possible conservation zoning.

D. Increase at Bishop's Beach Park.

E. Signage at Bishop's Beach access:

1. "Pedestrian Zone"

2. "Unauthorized vehicles are prohibited on the storm berm and in the Beluga Slough area."



Vehicles are allowed west from Bishop's beach Park access, and prohibited to the east.

## **8. Area 8 - West from Bishops Beach Park Access to City Limits**

A. This area is open to vehicles, following the laws under HCC 7.16.

B. Construct a kiosk with interpretive signage (Visitor information, berms, driftwood, private property, compass rose), encourages courtesy to pedestrians.

C. Provide and maintain signage requesting;

- Please do not remove driftwood from storm berms and private property

D. Develop Charles Way as a footpath for better pedestrian flow. Do not develop for vehicle access as the bluff is eroding and it is not worth the expense to the public to build a road that will have near future erosion problems. Improve erosion control and access at Crittenden Drive and at Main Street.

E. Improve access at Main Street. Construct a stairwell to the beach. Use the right of way at the end of Main Street for an erosion control project, using seeding, native grasses and other low impact techniques. Develop a stairway so people may access the beach without treading on the eroding bluff face.

F. Correct the drainage ditch from Crittenden Drive so that the water is not eroding neighboring private property. Extending the culvert system down to the beach may be a solution. Work with adjacent landowners to secure public access easements to the beach, using a route that is sustainable.

G. Work with property owners and interested volunteers to remove the junk cars from the beach near the bottom of West Hill.

## **5. History**

The original Beach Policy Task Force was established in 2000 and completed the beach policy in 2001. The City adopted it on June 25, 2001. In 2003, Ordinance 03-27, the city was awarded a \$75,000 Coastal Impact Assessment grant to fund beach access restriction improvements, regulatory signage, a GIS coastal erosion and beach habitat information mapping project and funds for the 2004 United States Geological Survey sediment transport study camera operation.

The Task Force made further recommendations in 2005, in Memorandum 2005-78, and concluded their work. In 2007, the City Council added advising on public beaches to the duties of Parks and Recreation Advisory Commission (Ordinance 2007-01(A)). The Commission formed a Beach Committee to update the Beach Policy, which resulted in this document.

In fall of 2014 the Parks and Recreation Advisory Commission was directed by Council to review and recommend revisions to the Beach Policy. The Commission worked on the policy the first six months of 2015 and made recommendations via Memorandum 15-102. Council adopted Ordinance 16-05 (S-2)(A-2) on February 23, 2016. Ordinance 16-13 adopted by Council on

April 11, 2016 then made minor amendments. The Beach Policy was amended to reflect these revisions through Resolution 16-029(S-2) adopted by Council on April 25, 2016.