

September 15, 2010
5:30 P.M.

Cowles Council Chambers
491 East Pioneer Avenue
Homer, Alaska

WORK SESSION Advisory Planning Commission AGENDA

1. Call To Order, 5:30 P.M.
2. Discussion of Items on the Regular Meeting Agenda
3. Staff Report PL 10-89, Planning Commission Work List *Page 1*
4. Discussion of Policy and Procedures, by request of Chair Minsch
5. Staff Report PL 10-88, Sign Code Changes *Page 9*
6. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
7. Commission Comments
8. Adjournment





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STAFF REPORT PL 10-89

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 15, 2010
SUBJECT: Work List

GENERAL INFORMATION

It was requested that the work list be on the work session agenda. It's a good idea for the Commission to review the list periodically. That way staff knows which topics the Commission is interested in, and also so the Commission is aware of issues staff is working on. Staff has attached a short term and a longer term work list.

Short Term

The attached HAPC short term work list contains the items actively being worked on, through the end of the year.

Some other recent issues that have arisen are:

- Fence height along rights of way (related to conditional fence permits)
- Rooming house definition, and regulation of overnight accommodations
- Sign code amendments (on agenda)

If the Commission has consensus that these are issues you'd like to work on, they can be added to the list. Staff will begin to research the issues and present some possible solutions over the winter.

If you have new items you would like on the work list, please bring those ideas to the meeting. If there is consensus on the problem and topic, staff will add it to the work list.

Longer Term

There is also an attached work list from last year containing long term items; some were awaiting adoption of the 2008 Comp Plan (which happened in June), or the Spit Plan. If you think any particular item should be a higher priority, put it on the short term work list!

Lastly, there is a synopsis of the action items from the 2008 Comprehensive Plane. Feel free to any of those topics to either work list.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission discuss any new items that should be on the work list.

ATTACHMENTS

1. HAPC short term work list
2. 2009 Long term work list
3. 2008 Comp Plan Implementation

HAPC short term work list, through January 2011, unordered

1. Steep Slope ordinance (at public hearing)
 2. RO district rewrite (Scheduled for October 15th meeting) DONE
 3. Grading/filling ordinance (at public hearing)
 4. ~~Mobile Home/nonconforming regulations, from City Council (on agenda) DONE~~
 5. ~~Clean up/update ordinances — Storm water plan code, Bridge Creek, mobile homes Done~~
 6. Ordinance to allow more than one home per lot without a CUP (PC decided against in recent RO revision)
 7. Review standards for rezones (on agenda)
 8. Storm Water Plan (SWP) and already developed properties
 9. Review/Amendment of Planned Unit Development code
 10. Subdivision process (on agenda)
 11. Spit Comp Plan process (underway)
- Commissioner training TBA, and platting

HAPC work list 2010 March-December

- Subdivision code, visioning w HAPC, KPB plat issues, fire access issues
- Continue storm water conversation and DAP, BMP... have spent a lot of time with commission, should think about what can be achieved now w current resources
- Rezone ordinance (underway)
- Review PUD requirements
- Community design manual

After comp plan adoptions:

- Spit comp plan stuff, parking, zoning, 2011
- Main comp plan stuff:
 1. Allow residential in commercial districts
 2. Create Transition zoning district. Need to be ready for density when it comes...
 3. Fix E end mixed use district to allow for mixture of uses we have.



HOMER ADVISORY PLANNING COMMISSION
Long Term WORK LIST September 2009, updated 9/2010

Develop subsections to Sensitive Areas Ordinance

- a. steep slope – (Underway)
- b. wetlands/shorelines/bluff erosion – partially underway
- c. discussion/development of waterbody setbacks – discussion guided in comp plan.
No work in progress
- d. development standards– discussion guided in comp plan. No work in progress
 - i. Limit clearing w/out building
 - ii. Tree protection
 - iii. Regulations and incentives

Subdivision process -- discussion guided in comp plan. Some work underway

- a. subdivision agreement fitting in order of pre plat process
- b. code rewrite
- c. platting powers – partial or full from KPB

Title 21 rewrite

~~—phase 2 policy changes—~~ Guided by comp plan DONE

~~Clarification of the issues of uses and building sizes in the residential office district –~~ DONE

Review standards for rezone requests – UNDERWAY

~~Grading and filling permit/code language—~~

- a. ~~DAP to apply to all other zoning districts (note may be addressed thru grading and filling)~~ Underway

sub-zones in CBD – Comp plan driven No work in progress

Lot sizes – review of minimum lot size requirements in all districts – Comp plan driven No work in progress

Review GC1 and GC2 District (review allowed uses, consider subordinate residential uses or residential outright) – Comp plan driven No work in progress

Review Residential Districts (cottage industries, bed&breakfasts/roominghouse) – Comp plan driven, Possible new work list item

Review/Amendment of Planned Unit Development code – No work in progress

Spit Parking regulations (*post Spit Comp Plan*) – addressing with parking study (Port)

Community Design Manual – No work in progress

- Complete connection section
- Scenic Spit
- Old Town

HOMER ADVISORY PLANNING COMMISSION
Long Term WORK LIST September 2009, updated 9/2010

Bridge Creek Watershed Protection District Enhancements – **Some guidance from comp plan discussion and guidance needed. No work in progress**

- amend legal boundaries of District to reflect physical watershed boundaries
(*information to do this is NOT available consider removing from list*)
- propose to CC tax breaks for properties w/low impervious surface coverage and conservation lands
- annexation of City owned lands w/the district
- explore annexation of lands w/in the district w/interested parties
- low impact trail and recreation system plan w/in district (coordinate w/PR)
- propose assistance program for failing septic systems w/in the district

Definitions – can review as needed for code amendments after comp plan adoption. **No work in progress**

- Use
- Tree thinning
- Development
- ~~Bed & Breakfast (done in title 21 rewrite) done~~

Storm Water Plan (SWP) and already developed properties – **No work in progress**

HCC 21.42.010 –when is a zoning permit required – land use permit? Small additions (decks)?
Itinerant Merchants/Mobile Food Vendors – **Not high on priority list, unless brought forward by HAPC No work in progress**

Sign Code Amendment

-Internally illuminated signs or back lighted signs

-Definitions

- Reorganization/clarification

Consider if conditions for various CUP are appropriate (ex. Is it necessary for “More than one building containing a permitted principal use on a lot?") **No work in progress**

Permitting for higher density development – **Comp plan driven No work in progress**

Town Center – **not top priority statues will be developing in the future No work in progress**

- a. parking requirements – on-street parking, shared/joint use parking pockets (public)
- b. Homer Boulevards Document

Timeframe For 2008 Comprehensive Plan Implementation

September 2009

Short Term – 1-5 Years (2010-2015)

1. Revise the City's existing zoning code, to reflect the general land use designations presented in Objective B and Appendix B.
2. Allow for housing in more zones, allow for greater housing density, and support infrastructure expansion so more land is readily developable for housing.
3. Transitional residential areas – establish a new R-2 residential district to support moderate density residential development in areas previously designated rural residential.
4. Commercial districts – encourage residential uses, while recognizing the primacy of commercial and/or industrial uses.
5. Implement new zoning districts and refine existing districts.
6. Develop standards and policies such as buffers and transitional densities to ensure high-quality higher density residential and/or mixed use development, particularly where this adjoins existing lower density residential areas. Create regulations that promote mixed use and high quality, attractive medium- to high-density development.
7. Develop standards and policies for new mixed use districts, including the recently established Gateway Business district. Use “form-based” zoning strategies, encouraging a modest scale of development, while allowing for a wide range of uses. Tailor current residential office and central business district zoning to accommodate more mixed use, medium- to high-density housing, for example, through allowing for more shared parking.
8. Encourage alternative methods for preserving natural areas by creating improved cluster housing/open space/Planned Unit Development zoning standards and subdivision ordinance.
9. Develop and apply in all districts new standards addressing environmental issues including management of storm water, slope standards and on-site septic systems.
10. Review the existing Planned Unit Development ordinance which provides the chance to offer somewhat higher density housing, in exchange for protecting natural areas, trails and environmental functions.
11. Work with KPB on plat issues and write a new subdivision code to address city concerns.
12. Encourage developers and provide incentives to consider including affordable housing as a percentage of new development (as is done, for example, in a number of Lower 48 resort communities, where 5-10 percent of new housing must be affordable.) Mixture of lot sizes in subdivisions.
13. Develop standards for coastal bluff stabilization projects
14. Create building setbacks from coastal bluffs.
15. Create standards for setbacks on streams and wetlands.
16. Create standards for development on steep slopes, in wetland areas and other sensitive sites, including standards for grading and drainage, vegetation clearing,

building setbacks and building footprints. Include flexibility in road dimensions to avoid excessive grading.

17. Provide a clear and predictable approval process for every development including organizing project review and permitting and providing appropriate staff review.

Mid Term 5-10 Years (2015-2020)

1. Consider impact fees, and stormwater regulation
2. Review the existing Planned Unit Development ordinance which provides the chance to offer somewhat higher density housing, in exchange for protecting natural areas, trails and environmental functions.
3. Require developers to include details about environmental features and processes, along with plans for open space, when submitting subdivisions or other developments for approval.
4. Require developers to demonstrate how features that cross multiple parcels will be protected in individual projects. Use this process to create links between open space areas and integrate new development into the network of open space.
5. Synthesize existing rules and regulations for both public and private development in a comprehensive design manual. For instance, it is important that the Master Roads and Streets Plan is supplemented by the Community Design Manual, Transportation Plan and a Streetscape Design Manual to balance functionality and aesthetics.

Long Term 10+ Years (2020-)

1. Adopt building codes and incentives to increase energy efficiency in all new residential and commercial development. Adopt building codes and create an inspection program.
2. Consider adopting LEED standards for neighborhood development and building remodeling, and incorporate in the permit process.
3. Develop specific policies regarding site development including standards for landscaping, grading, lighting, view protection etc., in coordination with current national efforts that promote better site development (LEED Certification standards, Sustainable Sites Initiative, Low Impact Development, etc.).
4. Improve zoning standards to ensure that new moderate and higher density development is attractive and a good fit with Homer's character.
5. Set standards that regulate the form of development to encourage attractive, diverse housing styles. Specific design objectives are presented under Goal 5. Page 4.17.
6. Develop consistent design standards for new development, to complement the character of the land use. Include architectural and site development standards and standards for associated infrastructure (particularly roads and trails),
7. Create an option for a specialized review processes for hillsides and other sensitive settings (e.g., allowance for development on steeper slopes subject to submission of more extensive site analysis and engineering reports)

Homer Spit comp plan items to be added upon adoption, and this revised and re-prioritized



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STAFF REPORT PL 10-88

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: September 15, 2010

SUBJECT: Proposed Signi code changes

At the August 4th HAPC Work session the Commission discussed Spit sign issues. The Commission directed staff to research and bring back a proposal. Options are numerous from no change to limitless signage on the Spit with a few guidelines. Based on the August 4th discussion staff has focused on lots with multiple buildings both in town and on the Spit. Staff has taken measurements of existing signs, their associated buildings. This report focuses on:

1. The amount of signage allowed per building versus per lot, HCC 21.60.060 Table 2 Part B.
2. Displaying temporary signs only when the business is open.
3. Clarifying fines for sign violations.

Our proposed solution includes:

Allocating signage by "principal building."

Adding a row to Table 2 "0 to 199 square feet of wall frontage" to allow "30 square feet."

Restricting temporary portable signs to the hours the business is open.

Streamlining violation procedures.

Background on these three topics:

1. Currently, the amount of signage is prescribed per lot and by the amount of wall frontage. The larger the building the more signage allowed. For example, Safeway is allowed the maximum of 150 square feet in signage, while small buildings like the Alibi or Northwind Gallery are allowed 50 square feet of signage. These are straightforward, one business per lot. From HCC 21.60.060 Table 2 Part B:

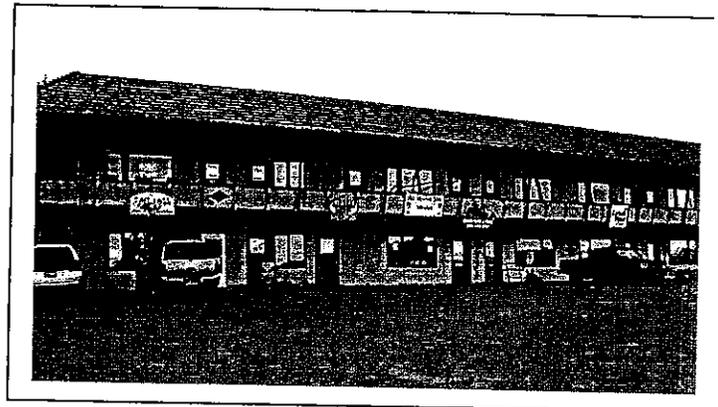


Square feet of wall frontage	Maximum allowed sign area per lot
750 s.f. and over	150 s.f.
650 to 749	130 s.f.
550 to 649	110 s.f.
450 to 549	90 s.f.
350 to 449	70 s.f.
0 to 349	50 s.f.

The Hillas Building on Pioneer Avenue has 12 units. Belmonte Vista on Lake Street and Ivory Goose on Pioneer Avenue, each have four buildings on one lot and have CUP's for "more than one permitted principal use." Based on the existing sign code, each lot is allowed a maximum of 150 square feet of signage plus a freestanding sign per HCC 21.60.060 Table 2 Part B. Dividing the 150 square feet of signage amongst four units seems workable and provides sufficient and legible signage.

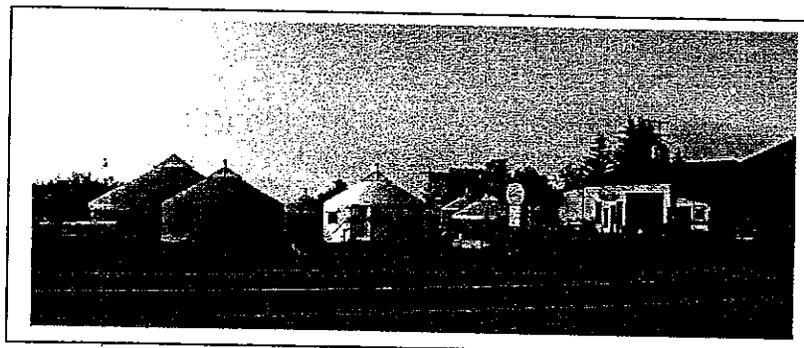


Belmonte Vista with four buildings and a freestanding sign.



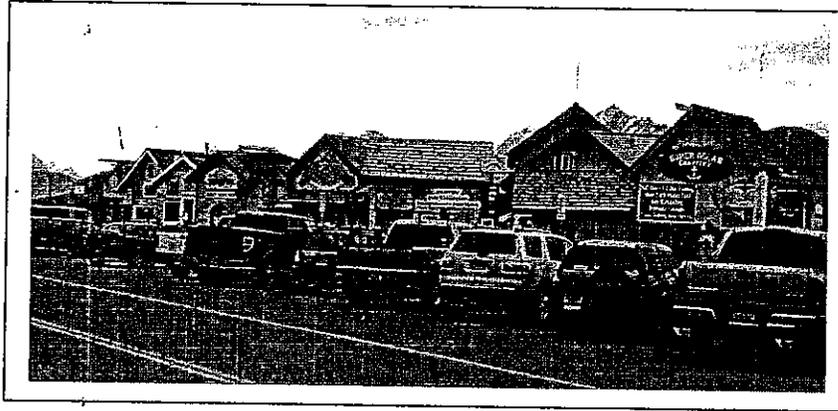
Hillas Building on Pioneer, 12 units.

The Yurt Village has seven (7) permitted principal buildings and is allow 150 square feet of signage for the entire lot.





However, as the number of buildings increase, some buildings permitted, some not, the amount of signage per lot remains at 150 square feet.



Multiple buildings on one foundation, Cannery Row Boardwalk.

Staff explored amending the sign code to base the amount of signage on a “Principal Building(s)”.

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

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

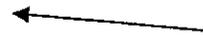
Staff compared the existing per lot code with the proposed per principal building(s) concept. For example, the Hillas Building would remain the same, one principal building. At Belmonte Vista, and the Ivory Goose each building would be allowed 50 square feet per building, for a total of 200 square feet for the entire lot. The Yurt Village would be allowed 50 square feet per building, for a total of 350 square feet for the entire lot. Staff felt an adjustment was needed to accommodate the increasing number of small buildings.



Focusing on small Spit retail buildings, staff measured signs and wall frontage. Approximately half of the small Spit buildings have less than 200 square feet of wall frontage, likewise the Yurt Village. Therefore, staff recommends a more proportional arrangement: adding a row to Table 2 "0 to 199 square feet of wall frontage" to allow "30 square feet of signage", progressing to "200 to 349 of wall frontage" to allow "50 square feet of signage".

Proposed amendment HCC 21.60.060 Table 2 Part B:

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



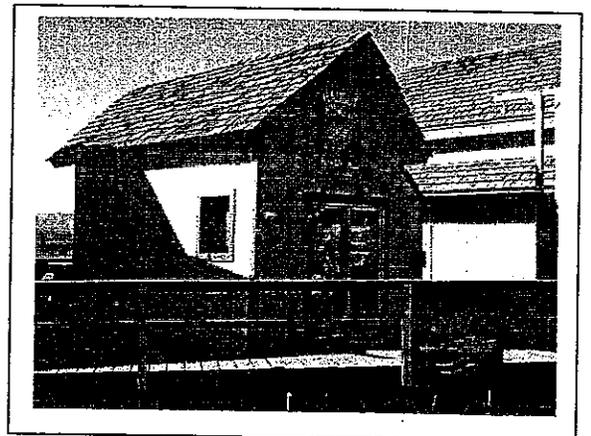
The photos might help grasp the wall frontage to sign area concept.



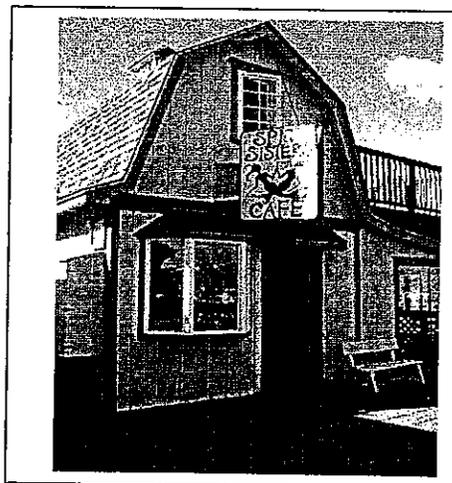
Homer Clayworks has 30 +/- sf of signage.

Halibut King has 47 +/- sf of signage (including deck sign).

Both buildings have less than 200 sf of wall frontage.







Spit Sisters has 226+- wall frontage. The signage including the banners adds up to 82 sf.

None of the Spit boardwalks comply with the existing code. The proposed amendment reduces visual clutter, and makes sign size compatible and in scale with multiple small buildings.



Harborview Boardwalk (harbor view)



2. Displaying temporary portable signs only when the business is open.

Temporary portable signs are effective for businesses during operating hours, but add visual clutter especially when the business is not open. Staff recommends displaying temporary portable signs only during business hours.

3. Clarifying fines for sign violations.

HCC 21.60.170(b) Enforcement and remedies directs us to "conviction by a court" per HCC 21.90.100 Fines for violations. Slow and costly are appeals to the HAPC, then to the Board of Adjustment followed by Court action to collect fines. This process can take years a while the signs are up. The city attorney may have suggestions for streamlining violation procedures.

RECOMMENDATION: Discuss, provide input and direct staff to write a draft ordinance to amend the sign code to include:

1. Allocating signage by "principal building."
2. Adding a row to Table 2 "0 to 199 square feet of wall frontage" to allow "30 square feet."
3. Restricting temporary portable signs to the hours the business is open.



**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 September 1, 2010 *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
 5. Draft Decisions and Findings for Conditional Use Permit 10-04, 3685 Sterling Highway *Page 9*
6. **Presentations**
 - A. Staff presentation on Draft Ordinances regarding Site Development Standards and Steep Slopes
7. **Reports**
 - A. Staff Report PL 10-83, City Planner's Report *Page 13*
8. **Public Hearings**

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

 - A. Staff Report PL 10-85, Ordinance 10-xx Amending 21.50 site development standards to require storm water plans, enacting 21.50.150 fill standards and establishing standards for filling land *Page 15*
 - B. Staff Report PL 10-84, Ordinance 10-xx amending Draft Steep Slope Ordinance *Page 21*
 - C. Staff Report PL 10-81, CUP 10-08, 5655 Scenic Place/Bed and Breakfast *Page 31*
9. **Plat Consideration**
 - A. Staff Report PL 10-82, Bouman's Bluff Lot 2 Preliminary Plat *Page 37*
10. **Pending Business**
 - A. Staff Report PL 10-87, Draft Spit Comprehensive Plan *Page 43*
 - B. Staff Report PL 10-90, Draft Rezone Ordinance *Page 45*

11. New Business

12. Informational Materials

- A. Ordinance 10-41 (A), An Ordinance Amending Sections of Planning
Administrative Appeals

Page 47

13. Comments of The Audience

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

14. Comments of Staff

15. Comments of The Commission

16. Adjournment

Meetings will adjourn promptly at 10 p.m. An extension is allowed by a vote of the Commission.
The next regular meeting will be held on October 6, 2010 at 7:00p.m. There will be a work session at
5:30p.m.

Session 10-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:00 p.m. on September 1, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: COMMISSIONER SINN

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

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

Nancy Hillstrand, city resident, thanked the Commission for the reconsideration as it has given her time to get a better understanding of what is happening. She provided some information to explain her specific concerns. She explained that plat as written is that only a portion of her property was involved in the eminent domain and the rest of her property was not. She wants it to be as close to the original integrity of her original deed as possible, because then the rest of her rights are not being taken away. She has concern that some of the notes will pertain to the rest of her unsubdivided land that was not part of the eminent domain process. She wants to ensure there will not be more of a taking with the unsubdivided land. Ms. Hillstrand said she better understands the vacation and doesn't have any issue with that. She would like the plat to reflect how clean the deed was prior to the eminent domain. She is trying to keep the rest of her land clean from the restrictions and encumbrances because that is a result of the taking of the four acres. It kind of makes her a victim again, where she didn't ask for this to happen. She thanked the Commission again reiterating that the extra time has been helpful to her to gain better understanding.

RECONSIDERATION

HIGHLAND/BOS MOVED TO RECONSIDER STAFF REPORT PL 10-67, HILLSTRAND'S HOMESTEAD SECTION LINE EASEMENT AND RIGHT-OF-WAY VACATION.

Commissioner Highland said that after the last meeting she left with concerns and wanted to make sure that a private citizen wasn't wronged in some way. She said Ms. Hillstrand's comments left her wanting to investigate it more. It would have been more helpful to have more history of the situation. It is a scenario where city's go a little bit over the line on doing some takings and she just wanted to have more information to make sure something like that didn't happen here.

It was noted that Ms. Hillstrand said she did not have any objection to the vacation.

VOTE: YES: HIGHLAND

NO: BOS, MINSCH, DRUHOT, KRANICH, VENUTI

Motion failed.

HIGHLAND/KRANICH MOVED TO RECONSIDER STAFF REPORT PL 10-66 HILLSTRAND'S HOMESTEAD PRELIMINARY PLAT.

Commissioner Highland said that she had similar concerns as noted previously and wants to ensure that the plat appropriately reflects that the conditions are specific to the subdivided portion. Planning Technician Engebretsen explained that the City is happy to create an additional plat note to specify that lots outside City limits but inside the watershed district are only subject to the watershed rules, and not the rest of the zoning code.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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.

- A. Approval of the August 18, 2010 regular meeting minutes

Commissioner Kranich requested the minutes be placed under new business for discussion.

PRESENTATIONS

There were no presentations scheduled.

REPORTS

- A. Staff Report PL 10-79, City Planner's Report

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

PUBLIC HEARINGS

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

- A. Staff Report PL 10-72, Conditional Use Permit PL 10-07, 3685 Sterling Highway for "more than one building containing a permitted principal use on a lot" per HCC 21.12.030(n) Rural Residential

City Planner Abboud reviewed the staff report.

John Bouman, applicant, asked for clarification whether the deck could be 5 feet into the setback. City Planner Abboud noted that the recommendation is for a 40 foot set back from the edge of the porch. Mr. Bouman didn't have any objection. He requested an opportunity to rebut after the public hearing.

Chair Minsch opened the public hearing.

Holly Van Pelt, city resident and adjacent property owner, thanked the Commission. She provided the Commission with a plan of action regarding the property. She provided written testimony that was included in the packet. She does not want to see the CUP go forward as she feels there are too many unanswered questions. She noted that there is a propose subdivision of the property coming forward next week, so the 160 square feet of property may be true today but may not be tomorrow. She does not approve of putting the structures on a smaller lot. She added that she is part owner of the driveway that allows access to the property and is concerned that there are considerations that haven't been thought about. She is concerned about the hold harmless statements in the warranty deed because of the increased traffic that will be created by this project and her liability as part owner of the driveway. She is also concerned about being responsible for 50% of maintenance of the driveway and she certainly won't be using it at a 50% rate in relation to the proposed business. She wants to be cooperative with her neighbor but she just found out about the project last week when notice came in the mail and hasn't had an opportunity to talk with the applicant about her concerns. If it could be worked out so these are moot points, it would serve everyone well. She hopes the Commission will consider her options so they won't have to butt heads and can live in harmony.

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

Mr. Bouman commented that he is willing to work with Ms. Van Pelt on terms to resolve this issue and satisfy her concerns.

BOS/HIGHLAND MOVED TO BRING STAFF REPORT 10-72 TO THE TABLE FOR DISCUSSION.

There was no objection and discussion ensued.

Commissioners expressed interest in taking this up in deliberations.

Commissioner Highland questioned if the plan for subdividing is before staff. City Planner Abboud responded it is not. It was noted that subdivision is alluded to in the staff report.

KRANICH/BOS MOVED TO SCHEDULE DELIBERATIONS FOR A LATER TIME.

There was discussion attempting to establish when they would deliberate.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Minsch called for a short break at 7:40. The meeting resumed at 7:45

PLAT CONSIDERATION

No plats were scheduled for consideration.

PENDING BUSINESS

KRANICH MOVED TO RE-ORDER PENDING BUSINESS TO DISCUSS THE PRELIMINARY PLAT BEFORE THE OTHER PENDING BUSINESS.

A. Staff Report PL 10-66 Hillstrand's Homestead Preliminary Plat

The motion on the floor after reconsideration passed:

KRANICH/BOS MOVED TO ADOPT STAFF REPORT 10-66 WITH COMMENTS AND RECOMMENDATIONS.

Planning Technician Engebretsen commented that she talked to Ms. Hillstrand and the City is happy to add a plat note to clarify that the portions of the subdivision outside the city are subject only to the Bridge Creek Water Shed Protection District regulations, and note the appropriate code citation.

HIGHLAND/BOS MOVED TO AMEND TO ADD A PLAT NOTE AS REFERENCED BY PLANNING TECHNICIAN ENGBRETSSEN.

There was no discussion.

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

Motion carried.

There was brief discussion.

VOTE: (Amended main motion): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

KRANICH/BOS MOVED TO SUSPEND THE RULES TO DISCUSS THE MINUTES NOW.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was consensus of the Commission to amend the minutes to clarify that the items on the Consent Agenda were approved, the recording of the meeting was inaudible, that Nancy Hillstrand commented to the Commission regarding actions affecting her property, and to clarify the voting process on the motions.

KRANICH/BOS MOVED TO APPROVE THE AUGUST 18 MINUTES AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 1, 2010

DRUHOT/KRANICH MOVED TO GO INTO DELIBERATIONS RIGHT NOW ON CUP 10-07, 3685 STERLING HIGHWAY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

The Commission went into deliberations at approximately 7:56 p.m. The meeting resumed at approximately 9:30 p.m.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT PL 10-72 CONDITIONAL USE PERMIT 10-07 WITH STAFF RECOMMENDATIONS AND FINDINGS.

Chair Minsch restated the amendments that were addressed in deliberations.

KRANICH/HIGHLAND SO MOVED TO DELETE RECOMMENDATION TWO AND SUBSTITUTE PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS AN ENGINEER IS TO CERTIFY ON SITE WELL AND SEPTIC SYSTEMS ARE APPROVED BY ADEC AS PUBLIC WATER OR PUBLIC SEWER.

There was brief discussion.

VOTE: NON OBJECTION UNANIMOUS CONSENT.

Motion carried.

KRANICH/BOS SO MOVED THE MINIMUM LOT SIZE BE NOT LESS THAN 100,000 SQUARE FEET.

There was brief discussion about adding reference to subdivision.

KRANICH/HIGHLAND MOVED TO AMEND TO ADD "IF SUBDIVISION OCCURS" AT THE FRONT.

There was no discussion

VOTE (AMENDMENT): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE (MOTION AS AMENDED): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

KRANICH/BOS SO MOVED THAT IF ANY SUBDIVIDING OCCURS OF THIS LOT OCCURS BOTH LOTS ARE TO HAVE DIRECT ACCESS TO THE STERLING HIGHWAY VIA DOT DRIVEWAY PERMIT.

There was discussion supporting need for direct access.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Druhot expressed that the current access needs to be wider to accommodate two vehicles turning in and out between the property and highway. There was discussion of the need for a wider entrance based on the information provided.

DRUHOT/HIGHLAND MOVED TO ADD A REQUIREMENT THAT THE DRIVEWAY BE MAINTAINED TO PROVIDE SAFE SIMULTANEOUS INGRESS AND EGRESS OFF THE STERLING HIGHWAY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 10-78, Draft Spit Comprehensive Plan

BOS/KRANICH MOVED TO EXTEND THE MEETING TIME TO 10:30.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

The Commission started a page by page review of the Draft Spit Comprehensive Plan. Typographical corrections were noted as well as items that needed clarifications.

BOS/KRANICH MOVED TO EXTEND THE MEETING TIME TO 10:45.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

The Commission completed their review of the Draft Spit Comprehensive Plan.

C. Staff Report PL 10-59, Draft Rezone Ordinance

NEW BUSINESS

A. August 18, 2010 Minutes

This was taken up earlier in the meeting.

INFORMATIONAL MATERIALS

A. City Manager's Report

COMMENTS OF THE AUDIENCE

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

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 1, 2010

There were no audience comments.

COMMENTS OF STAFF

There were no comments from staff.

COMMENTS OF THE COMMISSION

There were no comments from the commission.

Commissioner Highland asked to clarify that on the motion to reconsider the vacation she had meant to vote no rather than yes.

There were no other Commission comments.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 10:45 p.m. The next regular meeting is scheduled for September 15, 2010 at 7:00 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____





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HOMER ADVISORY PLANNING COMMISSION

September 1, 2010

DECISION

RE: Conditional Use Permit 10-07
3865 Sterling Highway

Introduction

John Bouman and Jim Thacker applied to the Homer Advisory Planning Commission (the "Commission") under Homer City Code 21.12.030(n) for approval of "more than one building containing a permitted principal use on a lot" located at 3685 Sterling Highway, Lot 2 Bouman's Bluff Subdivision Amended. The property is zoned Rural Residential pursuant to Homer City Code 21.12.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on September 15, 2010. Notice of the public hearing was published in the local newspaper and sent to five (5) property owners of nine (9) parcels.

At the September 15, 2010 meeting of the Commission, Holly Van Pelt, an adjacent property owner spoke in opposition to the CUP with concerns about the shared driveway.

At the September 15, 2010 meeting of the Commission, the Commission voted to approve the request with six (6) Commissioners present, five (5) Commissioners voted in favor of the conditional use permit.

After due consideration of the evidence presented and deliberation, the Homer Advisory Planning Commission, hereby makes the following findings of fact and conclusions of law.

EVIDENCE PRESENTED

FINDINGS OF FACT

Homer City Code §21.71.030 provides:

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

Finding: HCC 21.12.030(n) "More than one building containing a permitted principal use on a lot."

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

Finding: A rooming house is a permitted use in the Rural Residential district per HCC 21.12.020(e).

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.

Finding:

Finding: The value of adjoining properties will not be negatively affected greater than other permitted uses such as multi-family units and mobile homes or conditionally permitted uses such as kennels, group care homes, and recreational facilities.

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

Finding: The proposal is compatible with existing uses and surrounding residential land use.

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

Finding: The well and septic shall meet State Department of Environmental Conversation (AkDEC) standards per HCC 21.12.040 Rural Residential Dimensional Requirements.

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.

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

are low in scale and bulk. The lot coverage for all six (6) structures is approximately 4,000 square feet which is comparable to other residential developments. Traffic is comparable to a bed and breakfast or multi-family dwellings.

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

Finding: This proposal is not detrimental to the health, safety or welfare of the surrounding area or the City of Homer. A forty (40) foot building setback (including deck) from the top of the bluff provides additional safety. State Department of Environmental Conversation (AkDEC) standards for well and septic ensures health and safety of the surrounding area, per HCC 21.12.040 Rural Residential Dimensional Requirements.

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

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

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

Finding: This proposal meets the intent of Homer Comprehensive Plan in that it provides unique dwelling choices.

J. The proposal will comply with all applicable provisions of the Community Design Manual. (Ord. 08-60 §2008; Ord. 08-29, 2008).

Finding: All lighting shall be downlit and will avoid light trespass per HCC 21.59.030.

CONCLUSION: Based on the foregoing findings of fact and law, Conditional Use Permit 10-07 is hereby approved, subject to the following conditions:

1. Forty (40) foot building setback (including deck) from the top of the bluff confirmed by professional surveyor prior to foundation concrete pour or installation of pilings.
2. An engineer is to certify the on-site well and septic systems are approved by State Department of Environmental Conversation (AkDEC) standards and HCC 21.12.040(a) Rural Residential Dimensional Requirements.
3. Project shall meet local, state and federal standards.
4. If subdivision occurs, the minimum lot size is to be no less than 100,000 square feet.
5. If subdivision occurs, both lots are to have direct access to the Sterling Highway via AkDOT Driveway Permit.

Date: _____

Chair, Sharon Minsch

Date: _____

City Planner, Rick Abboud

NOTICE OF APPEAL RIGHTS

Pursuant to Homer City Code, Chapter 21.93, any person with interests in land that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on _____, 2010. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date: _____

Shelly Rosencrans, Planning Assistant

Walt Wrede, City Manager
491 E Pioneer Avenue
Homer, AK 99603

Thomas Klinkner
Birch, Horton, Bittner & Cherot
1127 West 7th Ave
Anchorage, AK 99501

John Bouman
3685 Sterling Hwy
Homer, AK 99603

Jim Thacker
4529 Thunder Ridge
Eureka, MO 63025



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STAFF REPORT PL 10-83

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: September 15, 2010
SUBJECT: Planning Director's Report

September 13th City Council Meeting

Ordinance 10-43, An Ordinance of the City Council of Homer, Alaska, Authorizing the City to Grant an Easement for Residential Driveway Access Across City Property Described as Lot 34, Tulin Terrace Subdivision Upper Terrace. City Manager. Introduction August 23, 2010, Public Hearing and Second Reading September 13, 2010.

Ordinance 10-48, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Legislative Grant for Use Towards Construction of Phase I of the Anchor Point to Homer Natural Gas Pipeline in the Amount of \$525,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction September 13, 2010, Public Hearing and Second Reading September 27, 2010.

Activities

I have taken some vacation around the holiday and time in the office has been spent on routine issues. We continue to work with the contractor to get the draft Spit Comp Plan out (hopefully a lay down) and are tentatively scheduling presentations and media releases.

Thought

CUP FOR SECOND RESIDENCES: In the past the Commission has discussed eliminating the need for a CUP for a second residence on a residential lot. Applicants often consider these structures as an accessory use, providing privacy for guests. Perhaps this should get on the work list for further refinement and consideration.





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STAFF REPORT PL 10-85

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 15, 2010
SUBJECT: Ordinance 10-xx Amending 21.50 site development standards to require storm water plans, enacting 21.50.150 fill standards and establishing standards for filling land

Requested Action: Conduct a public hearing September 15th and October 6th, and forward a recommendation to the City Council.

GENERAL INFORMATION

The Commission has discussed many different ideas for regulating fill, and storm water.

What does this ordinance do?

This ordinance is intended to address the following problems:

1. Lack of storm water regulation outside of the commercial districts for large development projects.
2. Lack of regulation of fill, such as stump or dumping lots.
3. Inadequate regulations to address filling and the affect of runoff on adjacent lots when fill is placed over a large area.

Storm water regulations

The City currently requires storm water plans in the commercial business districts. This ordinance would extend the storm water plan requirements city wide.

Placement of fill

There are two parts to the new regulations. First, construction debris may not be used as fill, nor can stumps be brought from one lot onto another lot. Only clean fill may be used for a building pad. Second, when a development will place more than three feet of fill over more than 25% of a lot, a grading plan that meets certain standards is required.

What is not addressed by this ordinance?

This ordinance does not address the cumulative effect of development on area storm water systems. It only addresses larger projects, and will probably not affect most development. This ordinance does not

address all of the drainage problems that arise between property owners. The grading plan requirements only apply when more than 25% of the lot will be filled more than three feet deep. However, it is an incremental step toward regulating drainage in Homer as a larger system, instead of lot by lot.

City wide, the storm water plan (SWP) requirements will be identical. But WHEN a storm water plan is required will be different. In the business districts, an SWP is required when development will be within ten feet of a wetland, or if more than 60% of the lot will be impervious. These two requirements will not apply in this ordinance. The intent of storm water plan requirement is to apply to larger projects, not the average single family home.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission conduct two public hearings and forward a recommendation to the City Council.

ATTACHMENTS

1. Draft Ordinance

1 Planning Commission Public Hearing Draft September 15, 2010

2
3 CITY OF HOMER
4 HOMER, ALASKA

5
6 Planning

7 ORDINANCE 10-

8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
9 ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE
10 DEVELOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE
11 21.50.150, FILL STANDARDS, REGARDING THE REQUIREMENT OF A
12 STORM WATER PLAN, AND ESTABLISHING STANDARDS FOR FILLING
13 LAND.

14
15 WHEREAS, Chapter 4 Land Use, Goal 3 of the 2008 Comprehensive Plan states,
16 “Encourage high quality buildings and site design that complement’s Homer’s beautiful natural
17 setting,” and recommends developing specific policies regarding site development such as
18 grading; and

19
20 WHEREAS, Chapter 4, Goal 2 Objective C of the Comprehensive Plan, item #7 states:
21 “Develop and apply in all districts new standards addressing environmental issues including the
22 management of storm water...;”and

23
24 WHEREAS, Chapter 6 Public Services and Facilities, Goal 1, Objective F Storm Water
25 Control, states “Provide for current and future needs and explore options for expanding the
26 quality and extent of storm water control;” and

27
28 WHEREAS, there are currently storm water plan requirements in the commercial zoning
29 districts, but not in residential, recreational or conservation zoning districts; and

30
31 WHEREAS, this ordinance applies basic storm water plan requirements city-wide; and

32
33 WHEREAS, this ordinance applies basic fill requirements city-wide;

34
35 NOW THEREFORE THE CITY OF HOMER ORDAINS:

36
37
38 Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards –
39 level one, is enacted to read as follows:

40
41 d. A Storm Water Plan approved under HCC Chapter 21.75 is required for
42 development that:

43 1. Creates more than 25,000 square feet of new impervious surface area on a
44 lot;

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

- 45 2. Increases the total impervious surface area of a lot beyond one acre;
46 3. Includes grading, excavation or filling that cumulatively moves 1,000
47 cubic yards or more of material; or
48 4. Includes grading, excavation or filling that creates a permanent slope of
49 1:3 or more, and that has a total height, measured vertically from toe of slope to top of slope,
50 exceeding ten feet.

51
52 Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:

53
54 21. 50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall
55 be free of large organic debris (including without limitation stumps), construction or demolition
56 debris (including without limitation concrete and asphalt), garbage and any material that is
57 categorized as hazardous or toxic under federal or state law.

58 b. Fill material that will not support a structure may include large organic debris that
59 originated on the lot where the fill is placed, provided that it is capped with clean fill for future
60 landscaping or driveway use.

61 c. The placement of fill to a depth greater than three feet over 25% or more of a lot
62 is subject to following requirements:

63 1. Before any fill is placed, a grading plan for the lot must be approved by
64 the City Engineer. The grading plan shall show the following:

65 i. The existing grade and finished grade of the lot using contour
66 intervals sufficiently small to show the nature and extent of the work, and its compliance with
67 the requirements of this title; and

68 ii. The existing grade on adjoining properties in sufficient detail to
69 identify how grade changes will conform to the requirements of this title.

70 2. Best management practices shall be used to limit sedimentation and storm
71 water runoff, and shall be installed prior to the placement of fill on the lot.

72 3. All corners of the lot shall be flagged before fill is placed on the lot.

73 4. The slope of the fill shall not exceed 50%, or 1:2.

74 5. No fill may be placed closer than five feet to a side or rear lot line.

75 6. The placement of fill shall be completed within 24 months after its
76 commencement, and the filled area shall be capped and seeded as soon as possible within the
77 growing season.

78
79 Section 3. This ordinance shall be effective upon adoption, except that land development
80 plans that received final approval prior to the effective date of this ordinance shall not be subject
81 to the amendments in this ordinance.

82
83 Section 4. This Ordinance is of a permanent and general character and shall be included
84 in the City Code.

85
[Bold and underlined added. Deleted language stricken through.]

86 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
87 _____ 2010.
88

89 CITY OF HOMER
90

91
92
93 _____
94 JAMES C. HORNADAY, MAYOR

95 ATTEST:
96

97
98 _____
99 JO JOHNSON, CMC, CITY CLERK
100

101 YES:

102 NO:

103 ABSTAIN:

104 ABSENT:

105 First Reading:

6 Public Hearing:

107 Second Reading:

108 Effective Date:
109

110
111 Reviewed and approved as to form:
112

113
114 _____
115 Walt E. Wrede, City Manager

116 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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





City of Homer

Planning & Zoning

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STAFF REPORT PL 10-84

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 15, 2010
SUBJECT: Ordinance 10-xx amending Draft Steep Slope Ordinance

Requested Action: Conduct a public hearing September 15th and October 6th, and forward a recommendation to the City Council.

General Information

The Homer community and the Commission have talked about steep slope development for over ten years. For the past two and a half years, staff and the Commission have been working on a draft ordinance. Over the summer, the Commission finalized a revised set of rules.

Under current city code, development on a sloping lot is based on the average slope of the lot. If the lot has an average slope steeper than 30%, only 10 percent of the lot may be developed. The proposed ordinance allows a land owner to develop more land, if they work with an engineer. A 'Steep Slope Site Plan' must be prepared by a registered Alaskan engineer, and approved by the City before a zoning permit may be issued for the project.

Existing rules	Average Slope	Developable area
	0-15	100%
	15-30	25%
	30+	10%
New Rules	Average Slope	Developable area
	0-15	100%
	15-30	25% *
	30-45	10% *
	45%	Engineered site plan required

* More development allowed with an approved engineered site plan

The ordinance also creates new requirements for building setbacks from the edge of a bluff or ravine. These standards are loosely based on the international building code. The rules require buildings to be set back between 15 and 40 feet respectively from the toe and top of a bluff. Along Kachemak Bay, buildings must be 40 feet back from the top of the bluff. There is a conditional use permit process to allow buildings closer to the edge of the bluff, with an approved engineered site plan, and a conditional use permit.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission conduct two public hearings and forward a recommendation to the City Council.

ATTACHMENTS

1. Draft Ordinance

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Planning Commission Public Hearing Draft September 15, 2010

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS; ENACTING HOMER CITY CODE CHAPTER 21.44, SLOPES; AND AMENDING HOMER CITY CODE 21.50.020, SITE DEVELOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE 21.50.030, SITE DEVELOPMENT STANDARDS – LEVEL TWO; REGARDING THE REGULATION OF DEVELOPMENT ACTIVITY ON SITES AFFECTED BY SLOPES.

WHEREAS, There has been community concern about steep slope development since 2001 and the formation of the Steep Slope Task Force; and

WHEREAS, The 2008 City of Homer Comprehensive Plan, Chapter 4 Land Use, Goal 1 Object C, strategy 7 states, “Develop and apply in all districts new standards addressing environmental issues including management of storm water, slope standards, and onsite septic systems;” and

WHEREAS, Goal 2, Objective B, includes strategies such as developing standards for building setbacks on coastal bluffs, creating standards for development on steep slopes and creating an option for a specialized review process for hillsides, e.g. allowing development on steeper slopes subject to more extensive site analysis and engineering reports.

NOW THEREFORE THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is hereby amended by adding the following definitions:

“*Bluff*” means an abrupt elevation change in topography of at least 15 feet, with an average slope of not less than 200% (two feet difference in elevation per one foot of horizontal distance).

“*Coastal bluff*” means a bluff whose toe is within 300 feet of the mean high water line of Kachemak Bay.

“*Ravine*” means a long, deep hollow in the earth’s surface with walls that have a height of at least 15 feet and an average slope of not less than 500% (five feet difference in elevation per one foot of horizontal distance).

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

46
47 “Slope” means with respect to two points on the surface of the ground, the ratio,
48 expressed as a percentage, of the difference between their elevations divided by the horizontal
49 distance between them. Slope is measured as provided in HCC 21.05.040.

50
51 “Steep slope” means an elevation change in topography of at least 15 feet, with an
52 average slope of not less than 45% (one foot difference in elevation per 2.22 feet of horizontal
53 distance). A steep slope can occur naturally or can be created by excavation into or filling over
54 natural ground.

55
56
57 Section 2. Homer City Code Chapter 21.44 Steep Slopes is hereby enacted to read as
58 follows:

59
60 CHAPTER 21.44

61
62 SLOPES

63		
64	21.44.010	Purpose and intent
65	21.44.020	Applicability
66	21.44.030	Slope development standards
67	21.44.040	Exceptions to setback requirements
68	21.44.050	Site plan requirements for slope development
69		

70 21.44.010 Purpose and intent. This chapter regulates development activity and structures
71 in areas affected by slopes, bluffs, coastal bluffs and ravines, and provides the means for
72 additional review and protection to encourage safe and orderly growth to promote the health,
73 welfare and safety of Homer residents.

74
75 21.44.020 Applicability. a. This chapter applies to all development activity that disturbs
76 the existing land surface, including without limitation clearing, grading, excavating and filling in
77 areas that are subject to any of the following conditions:

- 78 1. Lots with average slopes 15% or greater, bluffs, coastal bluffs and ravines;
79 2. Located within forty (40) feet of the top or within fifteen (15) feet of the
80 toe of a steep slope, bluff, coastal bluff or ravine; and

81 3. Any other location where the City Engineer determines that adverse
82 conditions associated with slope stability, erosion or sedimentation are present.

83 b. This chapter imposes regulations and standards in addition to the requirements of
84 the underlying zoning district(s).

85
86 21.44.030 Slope development standards. The following standards apply to all
87 development activity on a site described in HCC 21.44.020. Development that does not meet

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

129 2. Winter Erosion Control Blankets. If development on a slope is not
130 stabilized by October 15, erosion control blankets (or a product with equivalent performance
131 characteristics) must be installed upon completion of the seasonal work, but no later than
132 October 15. The erosion control blankets shall remain in place until at least the following May

133 3. Vegetation shall remain undisturbed except as necessary to construct
134 improvements and to eliminate hazardous conditions, in which case it must be replanted with
135 approved materials including ground cover, shrubs and trees. Native vegetation is preferred for
136 replanting operations, and will be used where practicable.

137 4. Grading shall not alter the natural contours of the terrain except as
138 necessary for building sites or to correct unsafe conditions. The locations of buildings and roads
139 shall be planned to follow and conform to existing contours as nearly as possible.

140
141 21.44.040 Exceptions to setback requirements. a. Any of the following may be located
142 within a setback required by HCC 21.44.030(c):

143 1. A deck extending no more than five feet into the required setback.
144 2. An unoccupied accessory structure having a building area not greater than
145 200 square feet that is no closer than 15 feet to the top of any bluff or ravine.

146 3. A boardwalk, sidewalk, foot path or stairway that provides access to a
147 beach, bluff or accessory structure, and that is located at or within three feet above ground level.

148 4. Development activity that the City Planner determines is reasonably
149 intended to stabilize an eroding coastal bluff.

150 b. No structure other than a structure described in (a) of this section may be located
151 in a required setback without a conditional use permit issued in accordance with HCC Chapter
152 21.71 and a site plan approved by the City Engineer under HCC 21.44.050.

153
154 21.44.050 Site plan requirements for slope development. a. No permit for development
155 activity for which HCC 21.44.30 or 21.44.040(b) requires a site plan may be approved unless the
156 City Engineer approves a site plan for the development activity that conforms to the
157 requirements of this section. The City Engineer shall accept or reject the plan as submitted or
158 may require that specific conditions be complied with in order for the plan to meet approval.

159 b. The site plan shall be prepared by a qualified geotechnical engineer licensed to
160 practice in the state of Alaska and shall include the following information.

161 1. The location of all watercourses, water bodies, and wetlands within 100
162 feet of the location of the proposed development activity.

163 2. The location of all existing and proposed drainage structures and patterns.

164 3. Site topography shown by contours with a maximum vertical interval of
165 five feet.

166 4. The location of all proposed and existing buildings, utilities (including
167 onsite well and septic facilities), driveways and streets.

168 5. The location of all existing vegetation types including meadow, forest and
169 scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be
170 preserved or replaced. Specifications for revegetation shall also be included.

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

88 these standards must conform to a site plan approved by the City Engineer under HCC
89 21.44.050.

90 a. No development activity, including clearing and grading, may occur before the
91 issuance of a zoning permit under HCC Chapter 21.70.

92 b. Area of development.

93 1. The area of development on a lot with an average slope of 15 to 30 percent
94 shall not exceed 25 percent of the total lot area.

95 2. The area of development on a lot with an average slope greater than 30
96 percent but less than 45 percent shall not exceed 10 percent of the total lot area.

97 3. The area of development on a lot with an average slope of 45 percent or
98 greater shall not exceed the area of development described in a site plan, any development
99 requires an approved site plan approved by the City Engineer under HCC 21.44.050.

100 c. Setbacks. Subject to HCC 21.44.040, all development activity is subject to the
101 following setback requirements.

102 1. No structure may be closer to the top of a ravine or non-coastal bluff than
103 the lesser of:

104 i. 40 feet; or

105 ii. 1/3 of the height of the bluff, but not less than 15 feet.

106 2. No structure may be closer than 15 feet to the toe of a bluff other than a
107 coastal bluff.

108 3. No structure may be closer than 40 feet to the top of a coastal bluff and
109 closer than 15 feet to the toe of a coastal bluff.

110 d. Natural Drainage. The site design and development activity shall not restrict
111 natural drainage patterns, except as provided in this subsection.

112 1. To the maximum extent feasible, the natural surface drainage patterns
113 unique to the topography and vegetation of the site shall be preserved. Natural surface drainage
114 patterns may be modified only pursuant to a site plan approved by the City Engineer under HCC
115 21.44.050, and upon a showing that there will be no significant adverse environmental impacts
116 on the site or on adjacent properties. If natural drainage patterns are modified, appropriate soil
117 stabilization techniques shall be employed.

118 2. The site shall be graded as necessary to ensure that drainage flows away
119 from all structures for a distance of at least 10 feet, especially where building pads are cut into
120 hillsides.

121 3. The development activity shall not cause an adverse effect on adjacent
122 land and surrounding drainage patterns.

123 e. Erosion control.

124 1. Erosion control methods approved by the City Planner and City Engineer,
125 including without limitation sediment traps, small dams and barriers, shall be used during
126 construction and site development to protect water quality, control soil erosion and control the
127 velocity of runoff.
128

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

- 171 6. Specific methods that will be used to control soil erosion, sedimentation,
172 and excessive storm water runoff during and after construction.
173 7. A description of the stability of the existing soils on site and a narrative
174 and other detail sufficient to demonstrate the appropriateness of the development and
175 construction methods proposed.
176 8. A grading plan for all areas that will be disturbed by the development
177 activity.
178 9. A slope stability analysis including the following:
179 i. Summary of all subsurface exploration data, including subsurface
180 soil profile, exploration logs, laboratory or *in situ* test results, and ground water information;
181 ii. Interpretation and analysis of the subsurface data;
182 iii. Summary of seismic concerns and recommended mitigation;
183 iv. Specific engineering recommendations for design;
184 v. Discussion of conditions for solution of anticipated problems;
185 vi. Recommended geotechnical special provisions;
186 vii. An opinion on adequacy for the intended use of sites to be
187 developed by the proposed grading as affected by soils engineering factors, including the
188 stability of slopes.
189

190 Section 3. Homer City Code 21.50.020(a), Site development standards – level one,
191 Slopes is amended to read as follows:

192 This section establishes level one site development standards. Level one site
193 development standards apply in all zoning districts, unless otherwise provided by another
194 provision of the zoning code.

195 a. Slopes. All development on a site affected by a slope of 15% or more, bluff,
196 coastal bluff or ravine, as described in HCC 21.44.020, shall be subject to the requirements
197 of HCC Chapter 21.44 in addition to the requirements of this section ~~lots with slopes of 15~~
198 ~~percent more is subject to the following standards:~~

199 1. ~~For lots with slopes of 15 to 30 percent, the area used for development~~
200 ~~shall not exceed 25 percent of the lot. If the development site includes more than one lot, a~~
201 ~~conditional use permit is required.~~

202 2. ~~For lots with slopes of greater than 30 percent, the area used for~~
203 ~~development shall not exceed ten percent of the lot. If the development site includes more than~~
204 ~~one lot, a conditional use permit is required.~~

205 (Staff note Items 3 and 4 below moved to 21.44.030 Slope development
206 standards.) 3. ~~Vegetation shall remain undisturbed except as necessary to construct~~
207 ~~improvements and to eliminate hazardous conditions, in which case it must be replanted with~~
208 ~~approved materials including ground cover, shrubs and trees. Native vegetation is preferred for~~
209 ~~replanting operations, and will be used where practicable.~~
210

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

211 ~~4. Grading shall not alter the natural contours of the terrain except as~~
212 ~~necessary for building sites or to correct unsafe conditions. The locations of buildings and roads~~
213 ~~shall be planned to follow and conform to existing contours as nearly as possible.~~

214
215 Section 4. Subsection (b) of Homer City Code 21.50.030(b) Slopes, Site development
216 standards -- level two, is amended to read as follows:

217
218 b. Slopes. All development on a site affected by a by a slope of 15% or more,
219 bluff, coastal bluff or ravine, as described in HCC 21.44.020, shall be subject to the
220 requirements of HCC Chapter 21.44 in addition to the requirements of this section ~~lots with~~
221 ~~slopes of 20 percent or more shall be subject to the following standards:~~

222 1. ~~For lots with slopes of 20 percent to 30 percent, the area used for~~
223 ~~development shall not exceed 25 percent of the lot. If the development site includes more than~~
224 ~~one lot, a conditional use permit is required.~~

225 2. ~~For lots with slopes greater than 30 percent, the area used for development~~
226 ~~shall not exceed ten percent of the lot. If the development site includes more than one lot, a~~
227 ~~conditional use permit is required.~~

228 3. ~~Vegetation shall remain undisturbed except as necessary to construct~~
229 ~~improvements and to eliminate hazardous conditions, unless replanted with as much native~~
230 ~~vegetation as practicable including ground cover, shrubs and trees.~~

231 4. ~~Grading shall not alter the natural contours of the terrain except as~~
232 ~~necessary for building sites or to correct unsafe conditions. The locations of buildings and roads~~
233 ~~shall be planned to follow and conform to existing contours as nearly as possible.~~

234
235 Section 5. This ordinance shall be effective upon adoption, except that land development
236 plans that received final approval prior to the effective date of this ordinance shall not be subject
237 to the amendments in this ordinance.

238
239 Section 6. This Ordinance is of a permanent and general character and shall be included
240 in the City Code.

241
242 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
243 _____ 2010.

244

245

246

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249

250

CITY OF HOMER.

JAMES C. HORNADAY, MAYOR

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

251 ATTEST:

252

253

254

255 JO JOHNSON, CMC, CITY CLERK

256

257 YES:

258 NO:

259 ABSTAIN:

260 ABSENT:

261

262 First Reading:

263 Public Hearing:

264 Second Reading:

265 Effective Date:

266

267

268 Reviewed and approved as to form:

269

270

272 Walt E. Wrede, City Manager

273 Date: _____

Thomas F. Klinkner, City Attorney

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





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

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

STAFF REPORT PL 10-81

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: September 15, 2010
SUBJECT: Staff Report PL 10-81, CUP PL 10-08, 5655 Scenic Place for "more than one building containing a permitted principal use on a lot" per HCC 21.12.030(n).

SYNOPSIS: There are two dwellings on this 7.8 acre site; the primary home and a smaller second dwelling. The smaller dwelling needs to be moved twelve (12) feet to meet the building setback requirements per HCC 21.12.040(b) Building Setbacks. In the process, the dwelling will be upgraded to include cooking and sanitation facilities, therefore a Conditional Use Permit (CUP) is needed for "more than one building containing a permitted principal use on a lot" per HCC 21.12.030(n).

Applicants: Beth Ann Van Sandt
Location: PORTION OF E1/2 E1/2 SE1/4 NE1/4 LYING S OF DIAMOND RIDGE RD
Parcel ID: 17404016
Lot Size(s): 7.8 acres
Zoning Designation: Rural Residential
Existing Land Use: Residential/
Surrounding Land Use: North: Residential
South: Residential
East: Residential
West: Vacant
Comprehensive Plan: Land Use, Goal 3: Encourage high quality buildings and site design that complements Homer's beautiful natural setting. p 4-14
Land use, Goal 5: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. p 4-18
Land Use, Goal 5, Obj. A: Diversify housing stock to meet demand by people earning a broad range of incomes. p 4-18
Wetland Status: No designated wetlands.
BCWPD: Not within the Bridge Creek Watershed Protection District
Utilities: Private well and septic
Public Notice: Notice was sent to 32 property owners of 21 parcels as shown on the KPB tax assessor rolls.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.61.020.

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

Finding: Two residences on one lot requires a CUP for "More than one building containing a permitted principal use on a lot" per HCC 21.12.030(m).

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

Finding: The use is consistent with the purpose of HCC 21.12.010 which states in part, "Provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits."

Finding: Two residential dwellings on a 7.8 acre parcel is low-density.

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: There will be no negative effect on the surrounding properties.

Finding: The value of adjoining properties will not be negatively affected greater than other permitted uses such as multi-family units and mobile homes or conditionally permitted uses such as kennels, group care homes and recreational facilities.

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

Finding: This proposal is compatible with existing uses of surrounding residential land.

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

Finding: The well and septic shall meet State Department of Environmental Conservation (AKDEC) standards per HCC 21.12.040 Rural Residential Dimensional Requirements.

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

Applicant: There will be no impact on traffic or any other neighborhood character.

Finding: The development is in harmony with the scale, bulk, coverage and density and will not have a harmful effect of the neighborhood character. Traffic is comparable to a bed and breakfast, HCC 21.12.020(e) Rural Residential, Permitted Uses and Structures. Each dwelling has a private driveway.

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

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

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

Finding: This proposal shall comply with local, state and federal regulations.

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

Finding: This proposal meets the intent of the Homer Comprehensive Plan in that it provides diversified housing stock.

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

Finding: Downlit lighting is required per HCC 21.59.020.

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

1. **Special yards and spaces.** No specific conditions deemed necessary.
2. **Fences, walls and screening.** No specific conditions deemed necessary.
3. **Surfacing of vehicular ways and parking areas.** No specific conditions deemed necessary.
4. **Street dedications and improvements (or bonds).** No specific conditions deemed necessary.
5. **Control of points of vehicular ingress and egress.** No specific conditions deemed necessary.
6. **Special restrictions on signs.** Maximum of four (4) square feet per HCC 21.60.060.
7. **Landscaping.** No specific conditions deemed necessary.
8. **Maintenance of the grounds, and buildings.** No specific conditions deemed necessary.
9. **Control of noise, vibration, odors, lighting or other similar nuisances.** No specific conditions deemed necessary.
10. **Limitation of time for certain activities.** No specific conditions deemed necessary.
11. **A time period within which the proposed use shall be developed and commence operation.** No specific conditions deemed necessary.
12. **A limit on total duration of use or on the term of the permit, or both.** No specific conditions deemed necessary.
13. **More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations.** Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit. No specific conditions deemed necessary.
14. **Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.** No specific conditions deemed necessary.

PUBLIC WORKS COMMENTS: No comment.

FIRE DEPARTMENT COMMENTS: No comment.

STAFF COMMENTS/RECOMMENDATIONS:

Note: Approval of a Conditional Use Permit requires five yes votes.

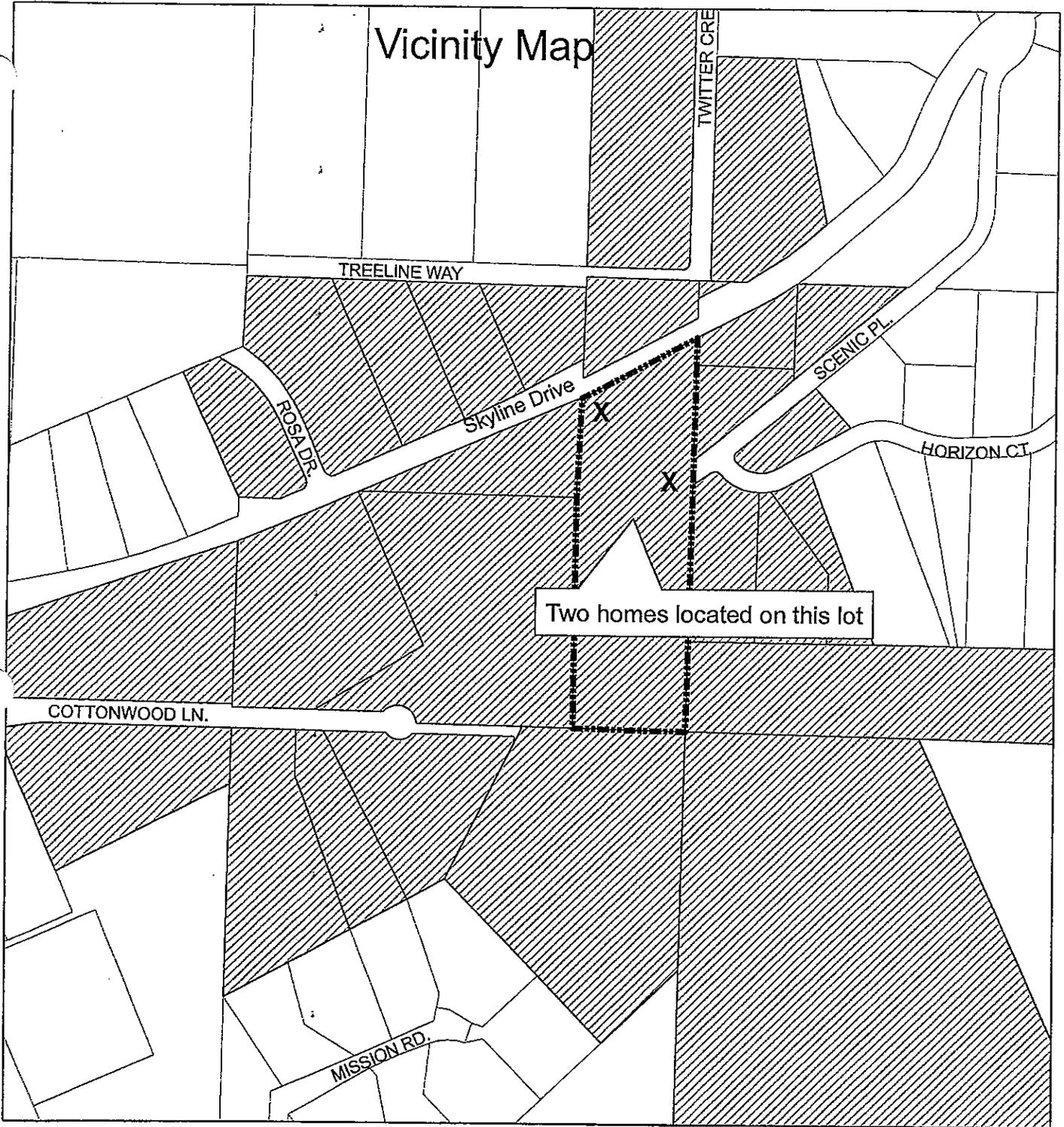
Planning Commission approve CUP 10-08 with the following condition and direct staff to bring back an ordinance that will eliminate the need for a CUP for this type of residential use.

1. Development to comply with city, state and federal requirements per HCC 21.70 Zoning Permit.
2. By December 31, 2010 the applicant to provide confirmation that the most northern building meets the building setback per HCC 21.12.040(b) Building setbacks.

ATTACHMENTS

1. Location map
2. Survey

Vicinity Map

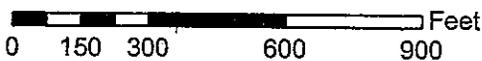


City of Homer
Planning and Zoning Department

September 1, 2010

Request for Conditional Use Permit 10-08
5655 Scenic Place, "More than one building
containing a permitted principle use on a lot."

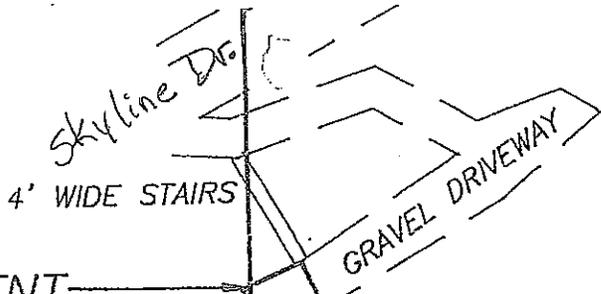
Property within 300 feet is shaded
and property owners notified.



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

4

ROACHMENT
LOCATED 2.4'
PERTY LINE



METER LOOP

300 GAL FUEL TANK

HOUSE CABIN TO be moved 12' TO THE EAST, STAIRS HAVE BEEN REMOVED ON THE WEST SIDE.

NOTE ENCROACHMENT
DRIVEWAY IS ON LOT 2

OUTHOUSE

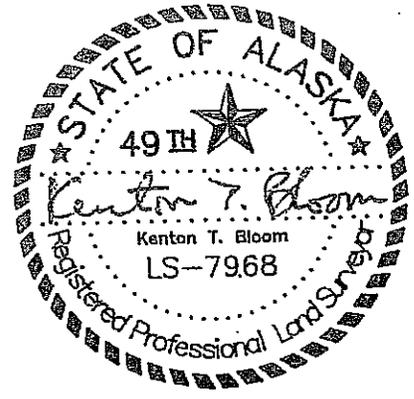
DRIVEWAY HAS BEEN MOVED
ELEC TRANS

ELEC TRANS

GRAVEL DRIVEWAY

SHOP

SCENIC PLACE
60' R/W



WELL

GREENHOUSE

SHED

300 GAL FUEL TANK

HOUSE

CONCRETE PILING 10" (TYP.)

4" PVC (TYP.)

HOT TUB

BEFORE ME, I HAVE SURVEYED THE FOLLOWING REAL PROPERTY:
 OF THE EAST 1/2 EAST 1/2 SOUTHEAST 1/4 NORTHEAST 1/4 SEC. 9
 T. 13 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, ALASKA
 IMPROVEMENTS SITUATED THEREON ARE LOCATED AS SHOWN ON THIS PLAT AND
 THERE ARE NO ROADWAYS, TRANSMISSION LINES OR OTHER VISIBLE EASEMENTS OR
 ENCUMBRANCES ON SAID PROPERTY EXCEPT AS SHOWN HEREON.

AT HOMER, ALASKA THIS 10TH DAY OF NOVEMBER, 1998

Kenton T. Bloom

SURVEYING
D ROAD
4 99603
47



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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STAFF REPORT PL 10-82

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: September 15, 2010
SUBJECT: Bouman's Bluff Lot 2 Preliminary Plat

ANALYSIS: This plat divides one 3.77 acre parcel into two lots. The proposed subdivision line will be adjusted so that Lot 2A has a minimum lot size of 100,000 square feet and Lot 2B will have approximately 64,000 square feet. Lot 2B has an existing shared driveway. Lot 2A will have direct access to the Sterling Highway via its own driveway. Both lots meet the Rural Residential Dimensional requirements per HCC 21.12.040. The subdivision meets the 3:1 ratio requirements of KPB code 20.20.180 Lots-Dimensions.

GENERAL INFORMATION

Applicants:	James Thacker, 4529 Thunder Ridge Road, Eureka, MO 63025
Location:	3685 Sterling Highway
Parcel ID:	17316060
Size of Existing Lot(s):	3.77 acres or 164,221 square feet
Size of Proposed Lots(s):	One 100,000 square foot (2.3 acre) parcel and one 64,221 square foot (1.47 acre) parcel.
Zoning Designation:	Rural Residential District
Existing Land Use:	Residential
Surrounding Land Use:	North: Residential/Recreational South: Conservation East: Residential/gas station & RV park West: Residential
Comprehensive Plan:	Encourage high quality site design and buildings. Obj. B, p 4-14
Wetland Status:	Not in a designated wetland.
Flood Plain Status:	Not in a flood plain.
BCWPD:	Not in the Bridge Creek Watershed Protection District.
Utilities:	Well and septic
Public Notice:	Notice was sent to 5 property owners of 9 parcels as shown on the KPB tax assessor rolls.

The City's new wetland mapping does not show wetlands in this area.

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

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

Staff Response: The plat meets these requirements.

2. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. Lots will be served by well and septic.

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 dedicated by this action.

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

Staff Response: Identify areas in excess of 20% grade.

PUBLIC WORKS COMMENTS: No Comment.

FIRE DEPARTMENT COMMENTS: No Comment.

STAFF COMMENTS/RECOMMENDATIONS:

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

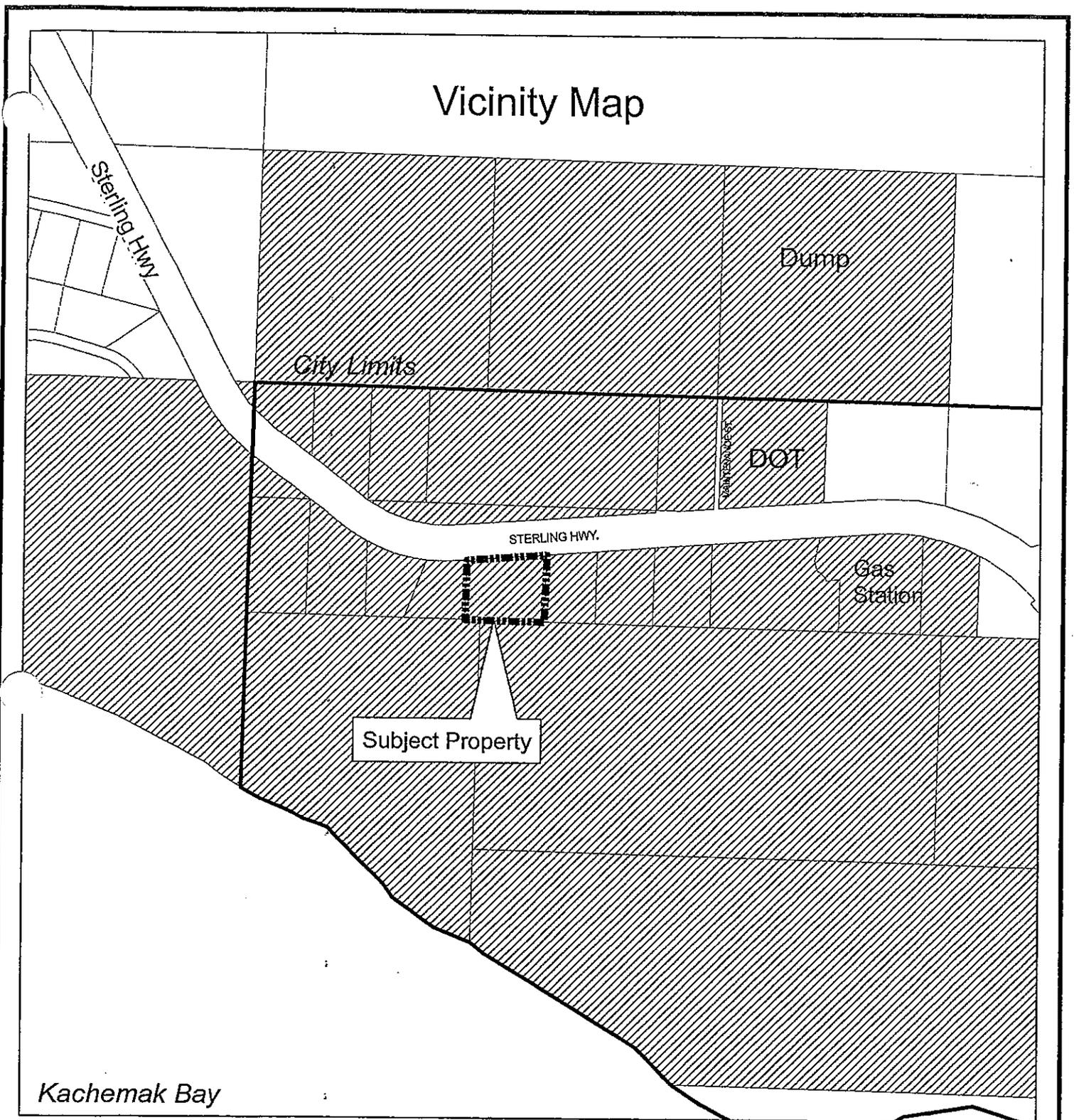
1. A plat note indicating that this subdivision may contain wetlands. Property owners should contact the Army Corp. of Engineers prior to any on-site development or construction activity to obtain the most current wetlands designation (if any).
2. The proposed subdivision line will be adjusted so that Lot 2A has a minimum of 100,000 square feet and Lot 2B has a minimum of 40,000 square feet per HCC 21.12.040 Dimensional requirements.
3. Lot 2A to have direct access to the Sterling Highway via its own driveway.
4. Applicant to provide a 15 foot utility easement along the Sterling Highway right-of-way.

ATTACHMENTS

1. Vicinity Map
2. Preliminary Plat



Vicinity Map

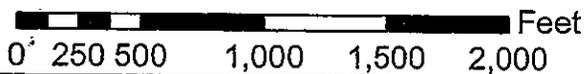


City of Homer
Planning and Zoning Department

September 1, 2010

Bouman's Bluff Preliminary Plat

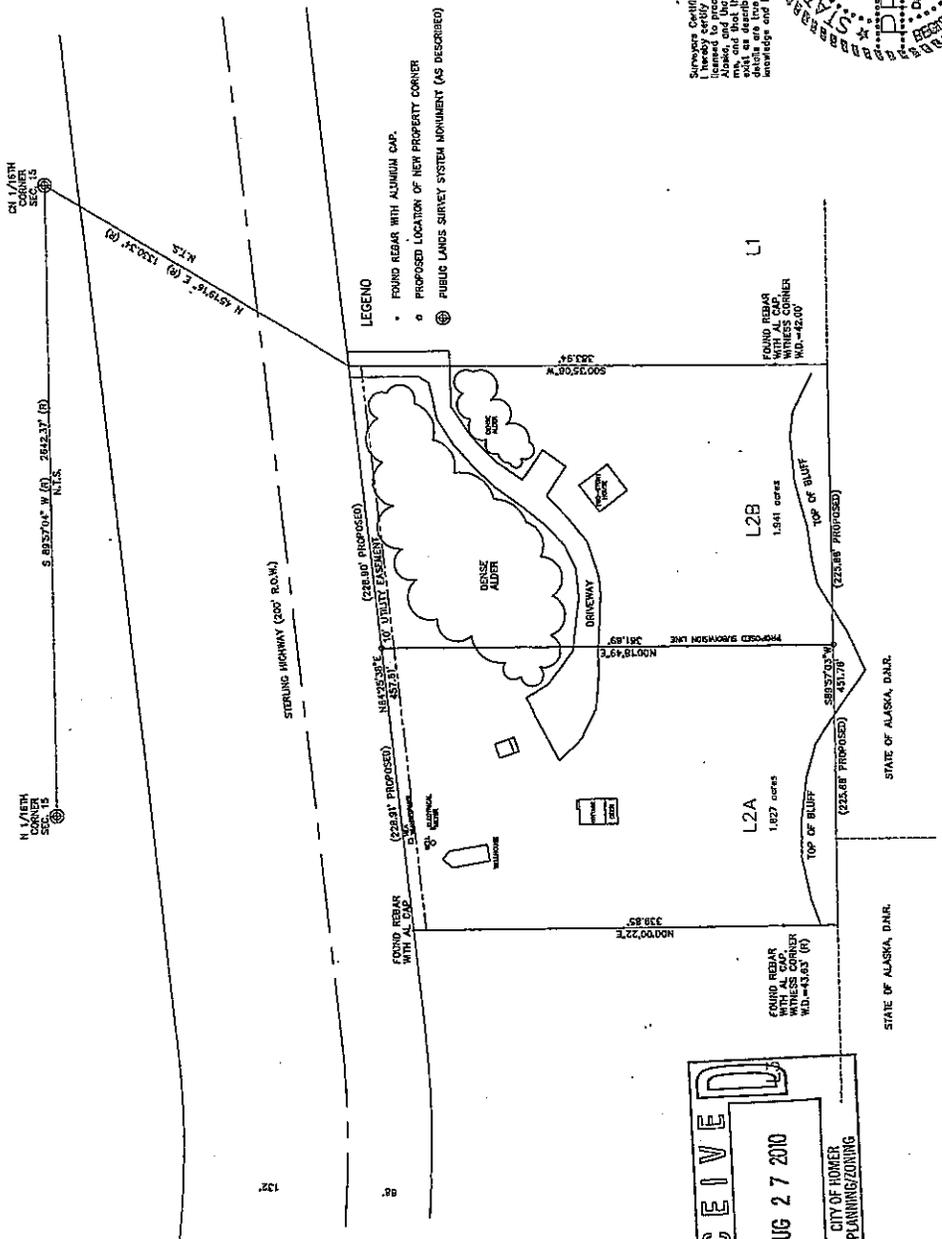
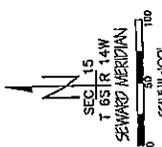
Shaded lots are w/in 500 ft
and property owners notified



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

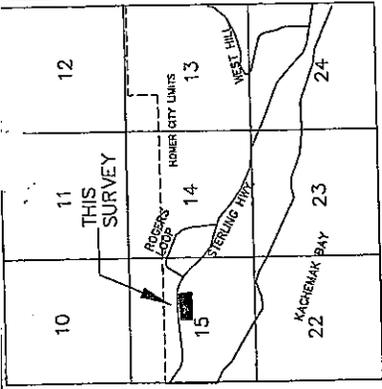
- NOTES:
1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE USE OF THE EASEMENT BY THE UTILITY.
 2. THE FRONT OF ALONG PUBLIC RIGHTS OF WAY AND 5' ON EITHER SIDE OF THE SUB LOT BOUND BY THE UTILITY EASEMENT.
 3. THIS SUBDIVISION IS SUBJECT TO THE ZONING REGULATIONS DEPARTMENT SHOULD BE CONSULTED PRIOR TO ANY DEVELOPMENT ACTIVITIES.
 4. WATER AND SEWER SHALL BE ON SITE.
 5. NO OBSTACLE ACCESS IS PERMITTED TO STATE MAINTAINED RIGHTS OF WAY UNLESS APPROVED BY THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.

PRELIMINARY PLAT



- LEGEND
- FOUND REBAR WITH ALUMINUM CAP.
 - PROPOSED LOCATION OF NEW PROPERTY CORNER
 - ⊗ PUBLIC LANDS SURVEY SYSTEM MONUMENT (AS DESCRIBED)

RECEIVED
 AUG 27 2010
 CITY OF HOMER
 PLANNING/ZONING



SCALE 1"=1 MILE
VICINITY MAP

CERTIFICATE OF OWNERSHIP:
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND USE SUBDIVISION PLAN AND BY MY FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

James R. Theaker
 4529 Thunder Ridge Road
 Grinnell, IA 52604

PLAT APPROVAL:
 THIS PLAT APPROVED BY THE HOMER PENINSULA SECTION PLANNING COMMISSION IN ACCORDANCE WITH SECTION 20.0A.070 HOMER PENINSULA BOROUGHS SUBDIVISION REGULATIONS.

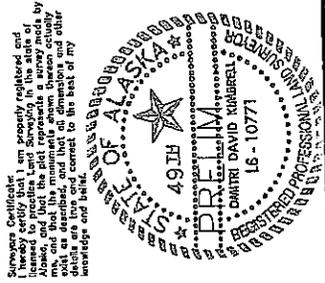
DATE: _____
 BOROUGHS OFFICIAL: _____

NOTARY:
 I HEREBY ACKNOWLEDGE AND SIGN TO ME AND BEFORE ME THIS DAY OF _____
 DR. JAMES R. THACKER

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____

BOJMAN'S BLUFF-L0T 2
 RP FILE # 2000- PHRENTPLAT 2000-166-162.
 A SUBDIVISION OF LOTS BOJMAN'S BLUFF SUBDIVISION, LOCATED IN SECTION 15, TOWNSHIP 6 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, WITHIN THE CITY OF HOMER, ALASKA, CONTAINING 3.368 ACRES

Fine Line Surveys, Inc.
 P.O. Box 774
 Anchor Point, Alaska 99556
 Dmitri D. Kuznetsov, RLS (907) 360 6982
 DATE: 8-8-2010 SCALE 1"=100'





City of Homer Planning & Zoning

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Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-87

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 15, 2010
SUBJECT: Draft Spit Comprehensive Plan

GENERAL INFORMATION

Staff has provided the contractor with the Commissions edits. The contractor is aiming to have the plan ready as a lay down at the meeting. Staff would like the Commission to flip through and look at the maps and any other graphics that were a concern. The Commission can point out any problems with the maps so staff can continue to work out any problems with the consultant.

After the meeting, if a Commission catches a typo or other error, please contact staff so we can fix it! Staff and Commissioner Minsch are scheduled to be on KBBI's coffee table radio show on September 29th. Ideally by that date, there will draft plan available for the public. If there are more minor edits the Commission wants to make in October before the Open House, those can be worked in.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission review the maps and provide staff feedback.

ATTACHMENTS

1. Draft Plan to be a laydown at the meeting!





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 10-90

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: September 15, 2010
SUBJECT: Rezone Ordinance

Introduction

After discussion with the Commission, I requested changes from the attorney to what was version 2 of the proposed draft ordinance.

Changes

The new ordinance seems much clearer. It is broken down into succinct categories that are easier to read and understand. Code amendments and map amendments are delineated.

21.95.050(c) is new and borrowed from Anchorage code. It incorporates the better-than-worse concept giving some direction on particular items that are to be considered for impact. Also, the area for impact is a bit more flexible with the use of the term vicinity instead of some hard numbered distance. No matter how it is phrased, it is expected that we review the proposal for immediate and surrounding impacts. In our case with a newly adopted comprehensive plan, it may be considered that map changes have already been largely justified.

We are still at a 2 acre minimum for map changes that are not contiguous with the same classification.

Recommendation

Review and suggest date for public hearing(s) or schedule time for further review.



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**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, REPEALING AND REENACTING HOMER CITY CODE CHAPTER 21.95, LEGISLATIVE PROCEDURES AND AMENDMENTS, REGARDING THE STANDARDS AND PROCEDURES FOR AMENDING TITLE 21 OF THE HOMER CITY CODE AND AMENDING THE OFFICIAL ZONING MAP.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.95, Legislative Procedures and Amendments, is repealed and reenacted to read as follows:

CHAPTER 21.95

LEGISLATIVE PROCEDURES AND AMENDMENTS

21.95.010	Initiating code amendment
21.95.020	Initiating zoning map amendment
21.95.030	Restriction on repeating failed amendment proposals
21.95.040	Planning Department review of code amendment
21.95.050	Planning Department review of zoning map amendment
21.95.060	Review by Planning Commission
21.95.070	Review by City Council

21.95.010 Initiating code amendment. An amendment to this title may be initiated by any of the following:

- a. A member of the City Council;
- b. A member of the Planning Commission;
- c. The City Manager;
- d. The City Planner; or
- e. A petition bearing the signatures, and the printed names and addresses, of not less than 50 qualified City voters.

21.95.020 Initiating zoning map amendment. An amendment to the official zoning map may be initiated by any of the following:

- a. A member of the City Council;
- b. A member of the Planning Commission;
- c. The City Manager;
- d. The City Planner; or
- e. A petition of property owners meeting the following requirements:
 1. The proposed amendment would either:

47 i. Apply to an area not less than two acres, including half the width
48 of any abutting street or alley rights-of-way; or

49 ii. Reclassify the area to a zoning district that is contiguous to the area
50 or separated from the area only by a street or alley right-of-way.

51 2. The petition represents lots that include more than 50 percent of the area
52 (excluding rights-of-way) that is the subject of the proposed amendment. A lot is represented on
53 the petition only if the petition bears the signatures, and the printed names and addresses, of all
54 record owners of the lot.

55 3. The petition also shall include the following:

56 i. The following statement on each page of the petition: "Each person
57 signing this petition represents that the signer is a record owner of the lot whose description
58 accompanies the signature; that the signer is familiar with the proposed zoning map amendment
59 and the current zoning district of the lot; and that the signer supports the City Council's approval
60 of the amendment."

61 ii. The name of each record owner, the legal description and the
62 Borough tax parcel number of each lot that is the subject of the proposed amendment.

63 iii. A map showing the lots comprising the area that is the subject of
64 the proposed amendment, all lots contiguous to the boundary of that area, and the present zoning
65 and proposed zoning of each such lot.

66 iv. A statement of the justification for the proposed amendment.

67
68 21.95.030 Restriction on repeating failed amendment proposals. No proposal by
69 qualified voters to amend this title, or by property owners to amend the official zoning map, shall
70 be reviewed by the Planning Department, or submitted to the Planning Commission or the
71 Council, if it is substantially the same as any other amendment that the Council rejected within
72 the previous nine months.

73
74 21.95.040 Planning Department review of code amendment. The Planning Department
75 shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010
76 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it
77 finds that the amendment:

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

80 b. Will be reasonable to implement and enforce.

81 c. Will promote the present and future public health, safety and welfare.

82 d. Is consistent with the intent and wording of the other provisions of this title.

83
84 21.95.050 Planning Department review of zoning map amendment. The Planning
85 Department shall evaluate each amendment to the official zoning map that is initiated in
86 accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend
87 approval of the amendment only if it finds that the amendment:

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

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

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

99
100 21.95.060 Review by Planning Commission. a. The Planning Commission shall review
101 each proposal to amend this title or to amend the official zoning map before it is submitted to the
102 City Council.

103 b. Within 30 days after determining that an amendment proposal is complete and
104 complies with the requirements of this chapter, the Planning Department shall present the
105 amendment to the Planning Commission with the Planning Department's comments and
106 recommendations, accompanied by proposed findings consistent with those comments and
107 recommendations.

108 c. The Planning Department shall schedule one or more public hearings before the
109 Planning Commission on an amendment proposal, and provide public notice of each hearing in
110 accordance with HCC Chapter 21.94.

111 d. After receiving public testimony on an amendment proposal and completing its
112 review, the Planning Commission shall submit to the City Council its written recommendations
113 regarding the amendment proposal along with the Planning Department's report on the proposal,
114 all written comments on the proposal, and an excerpt from its minutes showing its consideration
115 of the proposal and all public testimony on the proposal.

116
117 21.95.070 Review by City Council. After receiving the recommendations of the
118 Planning Commission regarding an amendment proposal, the City Council shall consider the
119 amendment proposal in accordance with the ordinance enactment procedures in the Homer City
120 Code. The City Council may adopt the proposed amendment as submitted or with amendments,
121 or reject the proposed amendment.

122
123 Section 2. This Ordinance is of a permanent and general character and shall be included
124 in the City Code.

125
126 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
127 _____ 2010.

128
129 CITY OF HOMER

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131 _____
132 JAMES C. HORNADAY, MAYOR
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ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

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**CITY OF HOMER
HOMER, ALASKA**

City Attorney

ORDINANCE 10-41(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FOLLOWING SECTIONS OF THE HOMER CITY CODE REGARDING APPEALS OF PLANNING ADMINISTRATIVE DECISIONS: 21.93.100, GENERAL APPEAL PROCEDURE; 21.93.110, APPEAL DECISIONS; 21.93.300, APPEALS TO THE PLANNING COMMISSION; 21.93.500, PARTIES ELIGIBLE TO APPEAL TO BOARD OF ADJUSTMENT; NOTICE OF APPEARANCE; 21.93.510, NEW EVIDENCE OR CHANGED CIRCUMSTANCES; 21.93.520, PREPARATION OF RECORD; 21.93.530, WRITTEN BRIEFS; AND 21.93.540, APPEAL HEARING.

WHEREAS, HCC Chapter 21.93 provides procedures for appeals to the Homer Advisory Planning Commission and the Board of Adjustment; and

WHEREAS, Experience has demonstrated the need to improve and clarify certain appeal procedures to support the fair and expeditious processing of appeals.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.93.100, General appeals procedure, is amended to read as follows:

21.93.100 General appeals procedure. a. All appeals must be heard within 60 days after the appeal record has been prepared. The body hearing the appeal may for good cause shown extend the time for hearing. The decision on appeal must be rendered within 60 days after the appeal hearing.

b. The appellant, the applicant for the action or determination that is the subject of the appeal, the owner of the property that is the subject of the action or determination, and all parties who have entered an appearance shall be provided not less than 15 days written notice of the time and place of the appeal hearing. Neighboring property owners shall be notified as set forth in HCC § 21.94.030.

c. An electronic recording shall be kept of the entire proceeding. Written minutes shall be prepared. The electronic recording shall be preserved for one year unless required for further appeals. No recording or minutes shall be kept of deliberations that are not open to the public.

Section 2. Homer City Code 21.93.110, Appeal decisions, is amended to read as follows:

21.93.110 Appeal decisions. a. All final decisions on appeals shall be in writing, and shall state the number of members of the body hearing the appeal who participated in the appeal, number voting in favor of the decision, and the number voting in opposition to the decision.

45 b. A decision shall include an official written statement of findings and reasons
46 supporting the decision. This statement shall refer to specific evidence in the record and to the
47 controlling sections of the zoning code. Upon express vote, the body may adopt, as its statement
48 of findings and reasons, those findings and reasons officially adopted by the body or officer
49 below from which the appeal was taken.

50 c. Copies of the written decision shall be promptly mailed to the appellant, the
51 applicant for the action or determination that is the subject of the appeal, the owner of the
52 property that is the subject of the action or determination, and all parties who entered a written
53 notice of appearance in the appeal proceeding.

54
55 Section 3. Homer City Code 21.93.300, Appeals to the Planning Commission, is
56 amended to read as follows:

57
58 21.93.300 Appeals to the Planning Commission. a. Within 30 days after receipt of a
59 timely notice of appeal to the Planning Commission, the City Planner will prepare an appeal
60 record consisting of all relevant documents submitted to or used by the Planning Department in
61 making the decision under appeal, including any staff reports, correspondence, applications, or
62 other documents. The appeal record shall be paginated. The appellant shall be notified by mail
63 when the appeal record is complete. Any person may obtain a copy of the appeal record from
64 the Planning Department upon payment of the costs of reproduction.

65 b. An appeal hearing shall be scheduled within the time specified in HCC §
66 21.93.100. The hearing will be open to the public.

67 c. The Commission may prescribe rules of procedure for additional public
68 notification in cases where the Commission determines its decision would have a substantial
69 effect on the surrounding neighborhood.

70 d. The Commission may accept new testimony and other evidence, including public
71 testimony, and hear oral arguments as necessary to develop a full record upon which to decide an
72 appeal from an act or determination of the City Planner. Any person may file a written brief or
73 testimony in an appeal before the Commission.

74 e. The Commission may undertake deliberations immediately upon the conclusion
75 of the hearing on appeal or may take the matter under advisement and meet at such other time as
76 is convenient for deliberations until a decision is rendered. Deliberations need not be public and
77 may be in consultation with an attorney acting as legal counsel to the Commission.

78 f. The Commission may affirm or reverse the decision of the City Planner in whole
79 or in part. A majority vote of the fully constituted Commission is required to reverse or modify
80 the action or determination appealed from. For the purpose of this section the fully constituted
81 Commission shall not include those members who do not participate in the proceedings due to a
82 conflict of interest or disqualifying ex parte contacts, disqualifying partiality, or other
83 disqualification for cause. A decision affirming, reversing, or modifying the decision appealed
84 from shall be in a form that finally disposes of the case on appeal, except where the case is
85 remanded for further proceedings.

86 g. The Commission may seek the assistance of legal counsel, city staff, or parties in
87 the preparation of a decision or proposed findings of fact.

88
89 Section 4. Homer City Code 21.93.500, Parties eligible to appeal to Board of Adjustment;
90 notice of appearance, is amended to read as follows:

91
92 21.93.500 Parties eligible to appeal to Board of Adjustment; notice of appearance. a.
93 Only persons who actively and substantively participated in the matter before the Commission
94 and who would be qualified to appeal under HCC § 21.93.060 may participate as parties in an
95 appeal from the Commission to the Board of Adjustment.

96 b. Any person so qualified who desires to participate in the appeal as a party, other
97 than the appellant, the applicant for the action or determination that is the subject of the appeal
98 and the owner of the property that is the subject of the action or determination, must, not less
99 than 14 days before the date set for the appeal hearing, file with the City Clerk a written and
100 signed notice of appearance containing that party's name and address, and proof that the person
101 would be qualified under HCC § 21.93.060 to have filed an appeal.

102
103 Section 5. Homer City Code 21.93.510, New evidence or changed circumstances, is
104 amended to read as follows:

105
106 21.93.510 New evidence or changed circumstances. a. Except as provided in
107 subsections (b) and (c) of this section, the Board of Adjustment shall not consider allegations of
108 new evidence or changed circumstances and shall make its decision based solely on the record.
109 If new evidence or changed circumstances are alleged, the Board may, in its discretion, either
110 hear the appeal without considering the allegations or may remand the matter to the appropriate
111 lower administrative body or official to rehear the matter, if necessary.

112 b. When the standing of a person is in issue, the Board of Adjustment may take
113 additional evidence for the limited purpose of making findings on the question of the person's
114 standing. No evidence received under this subsection shall be considered for purposes other than
115 determining standing.

116 c. When the disqualification of a member of the Board of Adjustment for conflict of
117 interest, ex parte contact, partiality or other cause is in issue, the Board of Adjustment may take
118 additional evidence for the limited purpose of making findings on the question of
119 disqualification. No evidence received under this subsection shall be considered for purposes
120 other than determining disqualification.

121
122 Section 6. Homer City Code 21.93.520, Preparation of record, is amended to read as
123 follows:

124
125 21.93.520 Preparation of record. a. The appeal record shall be completed within 30 days
126 after receipt of a timely and complete notice of appeal to the Board of Adjustment, shall consist
127 of the items, and shall be prepared in the manner, described in this subsection.

128 1. The Clerk will assemble and paginate all relevant documents involved in
129 the original decision, including any staff reports, minutes, exhibits, notices, and other documents
130 considered in making the original decision.

131 2. A party may elect to include a verbatim transcript of the testimony before
132 the Planning Commission in the appeal record by making a written request to the City Clerk for a
133 recording of the testimony within 14 days after the clerk mails copies of the notice of appeal to
134 the parties pursuant to HCC § 23.90.080(d). The requesting party shall arrange and pay for the
135 preparation of the transcript. Only a transcript prepared and certified as accurate by a qualified
136 court reporter shall be accepted. The original transcript must be filed with the City Clerk to be
137 provided to the Board of Adjustment with the record on appeal.

138 b. The appellant, the applicant for the action or determination that is the subject of
139 the appeal, the owner of the property that is the subject of the action or determination, and other
140 parties who have entered an appearance shall be notified by mail when the record and transcript,
141 if ordered, are complete. Any person may obtain a copy upon payment of the costs of
142 reproduction and any applicable mailing costs.

143
144 Section 7. Subsection (a) of Homer City Code 21.93.530, Written briefs, is amended to
145 read as follows:
146

147 21.93.530 Written briefs. a. Each party to the appeal (each appellant, cross-appellant,
148 and respondent) may file with the City Clerk one opening brief not later than twenty days after
149 the date of mailing the notice of the completion of the record on appeal. The brief shall be typed
150 on 8 1/2 x 11 inch paper and shall include a statement of relevant facts contained in the record on
151 appeal, with citations to the page numbers in the record, a clear statement of the party's position
152 regarding the allegations of error specified in the notice of appeal, and arguments citing points
153 and legal authorities in support of such position.

154
155 Section 8. Homer City Code 21.93.540, Appeal hearing, is amended to read as follows:
156

157 21.93.540 Appeal hearing. a. The meeting at which the Board of Adjustment hears an
158 appeal shall be open to the public. The City Attorney or another attorney acting as legal counsel
159 to the Board shall be present.

160 b. Each party (each appellant, cross-appellant, and respondent) may present oral
161 argument at the appeal hearing, subject to the order of presentation and time limitations that the
162 chair adopts at the commencement of the hearing. The taking of testimony or other evidence is
163 limited by HCC § 21.93.510.

164 c. The Board of Adjustment may undertake deliberations immediately upon the
165 conclusion of the hearing on appeal or may take the matter under advisement and meet at such
166 other time as is convenient for deliberations until a decision is rendered. Deliberations need not
167 be public and may be in consultation with the legal counsel to the Board.

168 d. The Board of Adjustment may exercise its independent judgment on legal issues
169 raised by the parties. "Legal issues" as used in this section are those matters that relate to the
170 interpretation or construction of the zoning code, ordinances or other provisions of law.

171 e. The Board of Adjustment shall defer to the findings of the lower administrative
172 body regarding disputed issues of fact. Findings of fact adopted expressly or by necessary
173 implication by the lower body shall be considered as true if they are supported by substantial
174 evidence. But findings of fact adopted by less than a majority of the lower administrative body
175 shall not be given deference, and when reviewing such findings of fact the Board of Adjustment
176 shall exercise independent judgment and may make its own findings of fact. If the lower
177 administrative body fails to make a necessary finding of fact and substantial evidence exists in
178 the record to enable the Board to make the finding of fact, the Board may do so in the exercise of
179 its independent judgment, or, in the alternative, the Board may remand the matter for further
180 proceedings. "Substantial evidence", as used in this section, means such relevant evidence as a
181 reasonable mind might accept as adequate to support a conclusion.

182
183 Section 9. This Ordinance is of a permanent and general character and shall be included
184 in the City Code.

185
186 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28th day of
187 August 2010.

CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

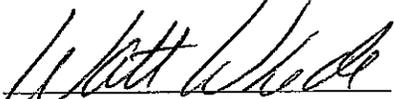
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195 ATTEST

J. Johnson
JO JOHNSON, CMC, CITY CLERK

202
203 YES: 6
204 NO: 0
205 ABSTAIN: 0
206 ABSENT: 0
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210 First Reading: 8/09/10
211 Public Hearing: 8/23/10
212 Second Reading: 8/23/10
213 Effective Date: 8/24/10
214

215
216 Reviewed and approved as to form:

217
218 
219 Walt E. Wrede, City Manager

220
221 Date: 8/8/10
222

Thomas F. Klinkner, City Attorney

Date: _____

CITY OF HOMER

2010 PUBLIC SIGN IN SHEET

Planning Commission Regular Meeting September 15, 2010 ** Check one of the following:

PRINT YOUR NAME!!! ADDRESS CITY RESIDENT NON RESIDENT

example:

1. JAMES HORNADAY	491 E. PIONEER AVENUE	<input type="checkbox"/> ✓	<input type="checkbox"/>
2. Rick Foster	457 Klondike	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Beaugard Burgess	"	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. [Signature]		<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Kevin Walker		<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- I. PUBLIC COMMENT RELEVANT PROPOSED FILL STANDARDS/FILLING ORDINANCE.
- II. PUBLIC COMMENT PREPARED BY Dr. Nancy M. Livingston, 825 Soundview AV, Homer, AK 99603, Co-Property Owner with William Roy Livingston, LOT 13, Daybreeze Park Subdivision.
- III. PUBLIC COMMENT NARRATIVE.

This Comment endorses the Planning Department/Commission's proposed Fill Standard/Filling Ordinance to ensure responsible land and residential development. It is critical that the City of Homer establish standards that prevent irresponsible fill dumping during land development and building of pads for house construction, which in turn, creates damming of water run-off, diversion of water drainage, and flooding of homes on the adjacent lots of existing home owners. The sloping topography of Homer in the newer, developing areas at lower elevation, present major, compounding, and negative issues for existing home owners in the current presence of weak, outdated, or non-existent codes and ordinances relevant to fill dumping and pad building.

In August 2009, my husband and I bought a home and lot identified as 825 Soundview AV, LOT 13, Daybreeze Park Subdivision. The home was on the market since 2007, and no drainage, flooding, or damming issues presented during this time frame; nor did any present from our time of purchase in August 2009, until summer of 2010. The intervening variable was the dirt fill associated with the house construction on the lot adjacent to us in the above named subdivision. With the creation of a high built pad and a steep slope within the 5 feet required set back, these variables were contributory to increased water drainage and damming to our adjacent lot and house. In general, the closer the dirt fill is to another property, the greater the propensity for negative impact to existing, neighboring, lots and houses. Further, the higher and steeper the respective pad and dirt fill are allowed to be built, the greater the general flooding issues become. In the absence of City of Homer dirt fill standards and ordinances, costly damages are necessitated for repairs to drainage, landscaping, walks, driveways, grading, etc., on existing properties and houses.

In conclusion, the absence of City of Homer mandates for these issues leaves home owners reliant on 1) ethical and conscientious neighbor relations, 2) subdivision CC&Rs and HOAs, and 3) legal redress through attorneys and the court system. Needlessly, all of these are secondary, "after the fact remedies" to address situations which primarily, "in the first place" would not occur if City of Homer standards and ordinances existed appropriate to this aspect of land development and home construction. As a homeowner in Homer, I strongly urge your support of the proposed Fill Standards/Filling Ordinance. Thank you.

Signatory: 
Dr. Nancy M. Livingston
Emeritus Faculty/SDSU-IV Campus/DIV of EDC

Date: 9/15/10

Shelly Rosencrans

From: nlivings@mail.sdsu.edu
To: Department Planning
Subject: Narrative/Photos from Livingston to Planning/Zoning Commissioners Oct. 6 Packet
Attachments: NL-PZC.jpg; rogerimhoff2 8-18-10.JPG; rogerimhoff8-18-10.JPG

Attached please find a narrative (Livingston) and two photos (Imhoff) supportive of Ordinance 10/Section 2 relevant Fill Standards. Please kindly include this in the commissioners packet for the OCT 6 Planning/Zoning Meeting. I would like to provide oral comment during the Public Input session. Thank you, Nancy Livingston 907-235-4026 Residence 760-791-0236
Cell nlivings@mail.sdsu.edu





Chapter 3.

It is clear that the Homer Spit is a defining physical and social element of the larger Homer community and of Southcentral Alaska. Visitors and residents treasure this "jewel" of Alaska and its unique mix of art, culture, sport, recreation, and environmental assets.

The community wishes to protect and continue this mix, but at the same time wishes to promote commercial and maritime industrial vitality. Also, the community wishes to provide better connections for pedestrians and non-motorized users to improve access and safety.

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 money is used to purchase Port land, to benefit port operations, not the city as a whole.

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:

Comment [JE1]: Good

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

Within each of the category goals are provided that can help guide decision making and provide a framework for final plan recommendations.

Comment [JE2]: First part of the sentence does not work... Within each category, goals are provided... (add comma?) or, Within each of these categories, goals are...

1. Land Use & 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 of the Spit – 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 'plastic' i.e. looking like Anywhere USA. There is very limited developable area; compact development will be key to future economic growth. Consideration of reduced building setbacks, and rethinking parking requirements are possible solutions.

The minimum lot sizes are 6,000 square feet in the MI District and 20,000 square feet in the 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 some 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 relate to what uses are permitted, or are conditional use. Several common commercial uses are conditional uses in the MI-Marine Industrial uses, 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 and marine transportation and economic uses.

Another issue relates to existing parking requirements. There should be a clear policy on required off-street parking. 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 just south of Coal Point.

Beyond zoning, each future land use has a number of key issues, opportunities, and consideration 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

Comment [JES]: All good with this whole section until this very last sentence...its not clear you are talking about the privately owned land and boardwalks across the street from Coal Point. I took south as towards the harbormaster office, Soooo. Maybe say something like ...such as the successful commercial district around the privately owned boardwalks near Coal Point Seafoods.

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 designated by the current zoning map in Appendix A. 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 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 to view areas and 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. Further the mix of land uses in the area and the undefined circulation sometimes creates hazards to pedestrians and others that pass through the area.

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. The public needs to be aware there are hazards in the area; signage can be used to discourage foot traffic through the area. This area requires attention to provide for separation of uses and reservation of land for future industrial development.

Finally, creep of commercial land uses into an industrial area should be avoided to reduce 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 to preserve future opportunities.

A related issue that is sometimes found 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 Homer 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 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, service businesses or other uses should be sufficient to meet demands well into the future.

While this opportunity has tremendous economic opportunities, the impact to existing commercial areas, and the character of overslope development must be carefully considered. The City of Homer should look into developing appropriate standards and design guidelines for new development to maintain the character of the Homer Spit, including how to maintain public views into the harbor.

1.C Resort/Residential Development

In recent years, new residential condominium development was constructed on the Spit as a planned unit development. Strong community concerns over additional residential development were expressed at planning workshops. Concerns included the height of buildings blocking views, and safety related to tsunami and flooding. Although some of these concerns and objections may be overcome through design, the concern over tsunami and severe flood/weather events is real.

Both formal permitted lodging facilities and campgrounds, and informal, unpermitted lodging and camping are present on the Spit. While there may be community concern about additional lodging, camping and residential uses, the uses are already there. A residential option may be considered as part of the planning process. A clear policy is needed and appropriate regulations created and enforced to meet public health and safety concerns. Lodging and nightly rental facilities, that may be permitted in the future, can be located above existing and future commercial developments. By permitting these activities, the City can better regulate them and ensure facilities meet building, health, and safety codes.

1.E Parks and Recreation

The public clearly indicated its recognition of the value of the tidal habitat, beaches, and views available on the Homer Spit. These areas are not just important as habitat for a myriad of shorebirds, waterfowl, fish, mammals, and plant life, but are important to the identity of the community of Homer. Protection of these areas is endemic to any development or use that is allowed on the Homer Spit.

This planning effort recognizes the value of the natural environment of the Homer Spit by recommending continued preservation of this unique marine tidal habitat as conservation areas. In addition, public access to important use and viewing areas should be preserved, and where required, improved.

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 Fishin Hole and Freight Dock Road, near Pier One Theater. The area was envisioned as a place for picnics kayak load and launch and other day use activities.

Another priority identified in the written comments was a viewing area to watch the commercial fishing activities on the fish dock. People like to watch what is going on, but need to do so in a safe place, away from forklifts and truck traffic. Potential locations could include Coal Point Park, or the southwest corner of the harbor and the steel grid.

Other improvements for existing parks include:

End of the Road Park: storm watch pavilion, restrooms, a fishing dock, better definition of the parking area and an improved turn around for vehicles.

Seafarer's Memorial Park: It is suggested this park be expanded slightly to give it more prominence. This is another excellent location for a multi-seasonal storm watch pavilion and public restrooms.

Comment [JE4]: I sort of feel like we have some basic architectural standards, but what the commission has said is we don't have any idea for policies on parking requirements, how we will provide access, what the lease policies will be... view shed is a good point. So far, that is being handled by limiting the areas we would consider to allow overslope development. But it could use more discussion (not in the plan but down the road). But that is just me, maybe our overlay code does not go far enough...your thoughts?

Coal Point Park: The existing small park located adjacent to the fish dock has difficult pedestrian access given the lack of pedestrian connectivity to the harbor boardwalk and the safety hazards of walking along the Fish Dock Access Road. The park has a parking area that is too big and a small, but wonderful green space with excellent views of the harbor and fish dock. A community discussion may be warranted about whether this park should be improved by expanding its greenspace and upgrading its amenities, or whether relocation would be more strategic.

The now underutilized park is proximate to several key industrial sites and could provide needed restrooms to serve the fish dock, the wood grid and the fuel dock. This could be linked to parking for boat owners and/or Spit employees, which would remove them from the key activity zones.

If the park is relocated, potentially some of its historic elements that are salvageable could be incorporated into a better park location. One option could be creation of a central landmark plaza that could also serve as a drop-off and meeting site for visitors. Another option could be moving the park to the vicinity of the Cruise Ship arrival zone and include a rain shelter and Spit viewing platform looking across the harbor.

Comment [JES]: This section is fine

Fishing Lagoon Improvements: The Nick Dudiak Fishing Lagoon (also known as the "Fishing Hole") is a man-made marine embayment approximately 5 acres in size, stocked to provide sport fishing harvest opportunity. It is extremely popular with locals and visitors alike. During the summer when salmon are returning, approximately 100 bank anglers may be present at any one time between 7 a.m. and 10 p.m.

The lagoon embayment itself requires ongoing maintenance including removal of a gravel bar at the entrance, lengthen and increase the height of the northern-most terminal groin using rip-rap armor stone from the City's small stockpile, rebuild the north berm using beach nourishment methods, dredge the lagoon approximately 3 feet to remove deposits from tidal action, and to plant wild rye grass sprigs to stabilize the inner basin slope.

Mariner Park Improvements: As one of Homer's most popular recreation areas, Mariner Park attracts campers, beach walkers, kite-flyers, trail users, birders, people with dogs, and others who come to enjoy the views and open-air recreation opportunities. Homer's growing population and tourist visitation are placing greater demand on Mariner Park, increasing the need for recreation and safety enhancements. Mariner Park needs a master plan to identify and prioritize improvements, and analyze how the park fits in to the community's recreational activities. Several improvements have been identified in the Capital Improvement Plan.

1 F. Future Site Use Considerations

Comment [JES]: Good - I like this section I think it sums up the considerations really well

A final issue, important to the Land Use and Community Design discussion, are whether City Leased lands are being used for their highest and best purposes, and whether some less visually attractive uses can be re-located. A couple of key issues include:

Dredge Spoils: Currently, a number of acres must remain dedicated to both draining and storing dredge spoils on the spit. The city is working with ACOE on a long term dredge spoils plan. A lot of material is dredged from the harbor entrance and it must have a large dewatering area. This should be considered when planning what to do with city owned properties, as planning and permitting for dredge spoils is a lengthy and complicated process.

Lease Renewals: As leases are renewed, particularly long-term leases, the city should consider how well the current use fits its specific parcel, and whether other opportunities might be better suited to the site. However, before displacing uses, impacts to the economic mix of enterprises on the entire Spit should be considered. For example, the Homer Spit Campground's lease will soon expire, where for over 30 years a local family has provided a mid-price range level RV/Tent

camping with laundry facilities. Although new uses could be considered for that site, it is important to consider in any lease re-negotiation:

- How the displacement of an existing use will impact the overall commercial/land use mix;
- Whether a historic continuity of use on a site reduces the attraction for returning and future visitors; and
- Whether the economics of the proposed activity are proven and markedly more valuable to the community than the existing use:

2. Transportation

Goals for Transportation on the Homer Spit:

- 2.1 Enhance and protect the Spit's critical role in regional marine transportation.
- 2.2 Improve traffic flow and safety on the Sterling Highway.
- 2.3 Provide adequate and safe facilities for pedestrians and bicyclists.
- 2.4 Provide improved multi-modal transportation on and to the Spit.
- 2.5 Improve organization, wayfinding, and management of parking.

2.A Marine Transportation

Comprehensive Planning for the Spit must take care as it addresses land issues to remember that the Spit is a critical regional marine transportation link. Maintaining infrastructure, and enhancing and expanding the port facilities, freight capacity, and multi-modal access links are critical. Multi-modal refers to the ability to move people and cargo by more than one method of transportation, such as barge, truck, air and rail. These will provide for improved transportation of goods and materials in and out of Homer, and also help move people both regionally and along the Alaska's Pacific Coast.

2.B Road and Trail Access

The City of Homer should continue to work with DOT on use and management of the Sterling Highway right-of-way through the Spit commercial area. The proposed bike path extension was originally conceptualized to be located along the harbor basin. However, this concept creates conflicts with proposed overslope development, and safety issues with mixing bicycles, pedestrians, shoppers, and marina users. An alternative concept would locate the bike path along the highway, with sufficient separation for the comfort and safety of pedestrians and careful placement of driveways. The bike path, situated in a median of saw grass, or a rain-garden vegetated catchment system would add natural green space and create the opportunity to define specific driveway locations for the large parking area.

Comment [JE7]: fine

2.C Parking Management

Parking Management Ideas and Recommendations

The framework plan recommends a number of actions to organize and manage parking on the Spit. These ideas focus on parking management, separating as much as possible different long and short term parking uses, redefining parking

areas, and charging a fee for long-term parking. A large, fold-out map (#3) is located at the end of this document and provides a general concept for future parking on the Homer Spit.

Free Parking: Free parking for 4 hours should be provided in key locations to support retail and commercial business on the Spit. The free parking areas should be patrolled during peak periods to enforce compliance and parking tickets issued for violations.

Permit Parking for Slip Rentals and Employees: Employees and annual slip customers should be issued permits for designated areas. The idea is to not necessarily charge a fee for this parking but rather to manage where this parking occurs. Parking for slip rentals is proposed adjacent to several of the marina ramps.

Permits for Long Term Parking: Fee permits for those who need to leave a vehicle on the spit for a longer term should be required. Under the current situation, people can leave a vehicle parked anywhere for up to 7 days, and it is difficult to enforce this term. There is no incentive not to leave a car on the Spit for extended periods of time. There needs to be a long term parking solution. Compress the Existing Boat

Trailer Parking Area: Currently, an area larger than required is being used for boat trailer parking. Average daily use is approximately 80 to 100 trailers parked during peak summer season, falling to a peak of 45 during fall and spring months. However, up to 165 trailer parking spaces may be required during the winter king salmon derby.

The boat trailer parking area should be compressed for better utilization, enforcement of policies and maintenance. The area should be large enough to accommodate peak use. The land not being used for boat trailer parking can be available for future economic development, but making the area smaller now will help identify exactly how much trailer parking is necessary.

Parking Signage: Parking users need guidance and information to know where and how to park. Currently, parking areas are not clearly identified and policies are not well communicated. Clear identification of parking areas, occupancy rules and fees through an attractive, informative and consistent signage system will help resolve many of the parking problems. Information could also be provided at the launch ramp kiosk.

Create Specific Parking Lot Entrances: The large parking area that borders the west side of the harbor is wide open and vehicles can enter the parking area anywhere. This creates unsafe turning movements and chaos in the parking lot. RVs are prone to hang up on the elevation change present alongside the Spit Road. To improve safety & efficiency, specific driveways should be created at key locations related to layout and traffic flows.

Parking Management: Parking facilities and land are valuable assets, especially on the Homer Spit, where land resources are limited. Public parking must be managed to balance the needs of the many different parking user groups. Consider creating a parking subcommittee to develop parking policies and improvement projects. Consider creating a mechanism for City Parking leases to private businesses to meet parking requirements.

Loading Zones and Handicap Parking: The commercial and retail businesses located on the Spit require numerous deliveries. Specific loading zones should be identified and designated. Handicap parking spaces are needed near marina ramps and retail areas. Specifically, handicap spaces are needed for the ramps on the east side of the harbor.

3. Economic Vitality

The 2008 Homer Comprehensive Plan contains a chapter exclusively on economic vitality. The goals and strategies of Chapter 8, Economic Vitality, may be applied to both the Spit and mainland area of Homer. The paragraphs below provide additional information gathered from the public meetings and comments.

Goals for Economic Development on the Homer Spit

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.

There is a draft land use plan, which supports the goals outlined in this chapter. Two large fold-out maps (#1 & #2) supplement this draft document and provide the general Framework Plan for future land use on the Spit. The plan does not make sweeping changes to the existing development pattern or use of the Spit. It does address future use of underutilized property, designates specific areas for economic development, and provides for reorganization of land use to create a community park and gathering place.

3.A Port and Harbor

The City of Homer has been attempting to secure funding for a major expansion project. The Corps of Engineers conducted an economic feasibility study of the project, funded by the State of Alaska, the Corps and the City of Homer. The results of this study do not look favorable for a harbor expansion in the short term future. The Port is a major economic asset to the Community and continued efforts should be made to maintain the port and incrementally improve it. A long range plan for the port and harbor facilities is warranted; the last plan was completed in 1984. Significant improvements have been made since then, and it is time to look forward to the next 25 years of port operations, regardless of the success of the expansion project.

3.B Multi-Seasonal Use

The Homer Spit and Harbor provide a jumping off point for many community and regional events. Events such as the Winter King Derby, Shorebird Festival, and many others, draw locals and visitors to the Spit. As a winter city, Homer should create more opportunities to make the Spit a year round destination for both locals and visitors. However, walking, running, beach combing, and storm watching, beach combing, and bird, and mammal watching are all activities that can be enhanced for all season use! Alternate wording... beach combing, and watching storms, birds and mammals are all...

Comment [JEB]: Not wild about this paragraph but good enough...

4. Natural Environment

The Homer Spit and Kachemak Bay offer rich coastal waters for marine habitat. The Spit is a premier destination for birding; waterfowl and seabirds alike populate the sparkling waters. Public comment during this plan emphasized the importance of the habitat to birds and marine mammals, and the economic benefits to the community. Preserving habitat is important to the environment and the local economy. The Shorebird Festival is an important shoulder season tourism event that draws many visitors. Many years have been spent acquiring and protecting habitat on the Spit. Most recently, the Exxon Valdez Oil Spill (EVOS) worked with the city to acquire land in the Louie's Lagoon area and create conservation easements. The Kachemak Heritage Land Trust has also been instrumental in partnering with the City for further conservation easements.

This plan makes a distinction between places for people and places for wildlife. Open space and recreation uses are meant to be areas for "active" recreation by people – fishing, beach combing with the dog, etc. Goals for open space and recreation can be found under section 1, Land Use and Community Design. Conservation areas are meant for "passive" human use, such as bird watching and photography. Conservation areas are defined through zoning, conservation easements, the Beach Policy and the legal boundaries of the Kachemak Bay Critical Habitat Area. Conservation areas are important to manage because they are spaces intended to be protected for wildlife habitat. Habitat in Kachemak Bay is irreplaceable and there are few alternatives in the region. Where else will 100,000 shorebirds land in May and feed on specific beach life to fuel up for the continuation of their journey?

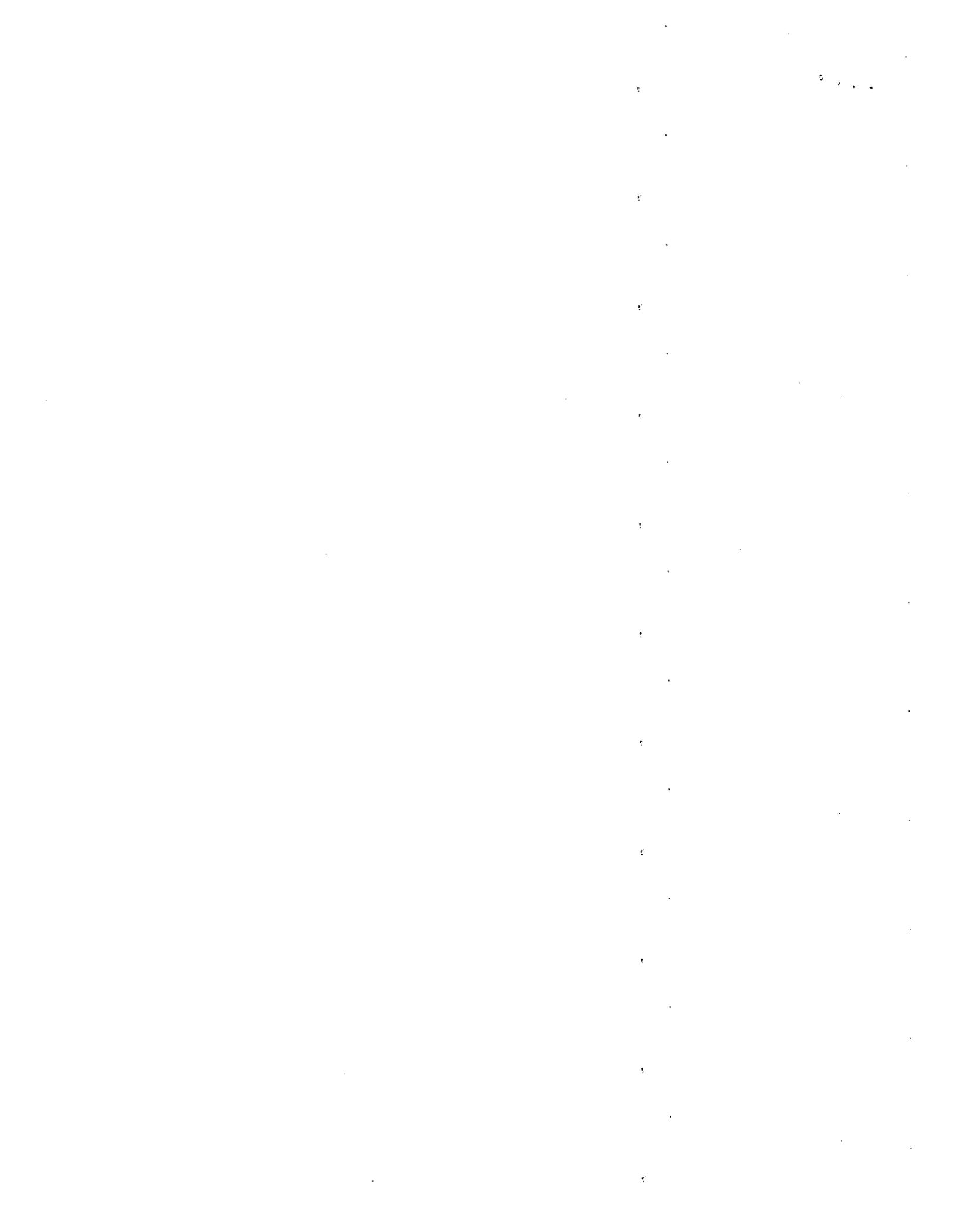
Harbor operations and boat owner habits also play an important role in protecting Kachemak Bay resources. The City of Homer supports the Alaska Clean Harbor Pledge, which is a list of best management practices to address topics such as cleaning agents, garbage, recycling, storm water and sewage management. Implementation of these practices will need to come from the Port. Boat owners also have a role in greener boating practices, and are encouraged to refer to the publication "Clean Boating for Alaskans."

Goal 4.1: Manage conservation areas and the natural resources of the Spit to ensure continued habitat and biological diversity.

Goal 4.2: Support environmentally responsible harbor operations by all user groups. Activities such as power washing and scarping, sanding and painting may not be allowed in the harbor in the future due to environmental regulations.

Goal 4.3 Manage Storm water runoff

Goal 4.4 Manage the Port as a working harbor, for both recreational and working vessels, and remove the environmental hazard of "Dead Boats." We're talking about derelict or abandoned vessels, typically who are not paying moorage and may be years behind in payments. They are non-paying harbor users taking up space that could be used by working boats. The east boat harbor expansion is partially because we have more demand from working boats to use the harbor but can't meet the demand. If we got rid of the 'dead boats' we'd be able to serve more working boats, which would in turn help the local economy because of the good and services needed by these vessels.



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

September 14, 2010

Dear Members of the Homer Advisory Planning Commission:

My name is Holly Van Pelt. I am the legal owner of record of lot 1 which lies to the east directly adjacent to lot 2 in Bouman's Bluff Subdivision. I am writing to you to voice my concerns regarding the proposed subdivision of lot 2 into 2 lots.

I am concerned that the proposal that has been submitted will cause problems regarding the usage of the shared driveway. The suggested access to Lot 2b is shown to originate in the shared driveway then cross through almost the middle of lot 2a. This proposal would serve to diminish the value of my lot because of reduced privacy and increased traffic. It would greatly diminish the value of lot 2a. I could support the subdivision of lot 2 should it be required that lot 2b provide its own access from the Sterling Highway into that lot.

I hope that you give my concerns serious consideration. I appreciate the time and effort that you spend as volunteer commissioners to our community.

Sincerely,

Holly S Van Pelt
P.O. Box 3309
Homer, AK 99603
(907)235-8282

MANAGERS REPORT
September 13, 2010, 2010

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE *W. Wrede*

UPDATES / FOLLOW-UP

1. **Budget Preparation:** We are in the middle of budget preparation and appear to be on target for delivering the budget to Council at the end of the month. This week will be spent in meetings with department heads going over and refining their individual budgets. So far, at this early stage, it is looking very much like Council will receive pretty much a status quo budget. There might even be some further reductions. We have not yet received the third quarter sales tax report but we have received the data for August, which is generally the biggest month in terms of taxable sales and sales tax receipts. This August is slightly up over last year but the overall impact is minimal because preceding months were down. So far, sales taxes look flat and are trending close to last year. We have not yet seen the bump in sales taxes that some have predicted. We still might, but probably not in time for the draft budget unless I delay delivery of the budget by a week or so. By the end of September, first week in October, we should have information on taxable sales (good for projections) but we won't receive the actual check for third quarter taxes until November. In addition, real property values in Homer have declined by \$21,421,680. This translates into a loss of about \$160,000 in property tax revenue.
2. **Tidal Power Feasibility Study:** The City is preparing another grant application for a Tidal Power Feasibility Study. This is Round IV of the State Alternative Energy Grant Program. The applications will be evaluated and scored by the Alaska Energy Authority and then the highest scoring projects will be submitted to the Governor and the Legislature for funding. The application deadline is Tuesday. We are receiving lots of help from volunteers including Bill Smith and Chris Holderied. HEA is a partner in this project and we are optimistic that the City will be successful this round.
3. **Energy Efficiency:** Work has begun on the project to do energy audits and make associated improvements on City buildings and facilities. The consultants have already been to Homer twice to view the facilities, look at plans and specifications, and consult with City buildings and maintenance staff. Special attention is being given to the biggest energy users, the ice plant and the sewer treatment plant.
4. **Library energy efficiency:** The contractor has begun work on a separate contract to improve energy efficiency at the library. You will recall that this work involved mostly computer programming and technical adjustments to equipment. It also included limited capital improvements. This work should be completed in time to save money on energy costs this winter.
5. **Reservoir Fire Mitigation / Forest Health Project:** This project is moving ahead and has a projected start date in late October. The City and the Spruce Bark Beetle

- Program staff are currently developing the precise treatment plant, working with cooperating agencies, contacting adjacent landowners, and developing the required Conditional Use Permit application.
6. New City Website: Work is on-going on the new City website. Department liaisons have been working with the contractor to refine the site features and overall look. At this point, we expect the new site to be launched at the end of September or early October.
 7. Fire Training Facility: A construction contract has been signed and we anticipate that the facility will be assembled here in Homer this fall. We are discussing sites to place this facility (it is mobile but would need a semi-permanent location). We are targeting an area on the Spit that is within the old Gates enclosure but not on the cement chip pad. This site has benefits because it is close to fire hydrants, close to the harbor for maritime fire training, is partially shielded from public view, no expensive site work is required, and it is away from residential neighborhoods. Some smoke might be produced during training exercises. The facility could be moved if a business wished to lease the area.
 8. Animal Shelter Fence: You might have noticed that the fenced area next to the Animal Shelter is just about completed. Hopefully you also noticed the new piece of historical "art" that has been placed right next to the fence by the Public Works staff. Some of the crew want to drive it this winter!
 9. Cemetery Land: The land sale transaction for an addition to the cemetery has been completed. We will now look for funding to make the necessary improvements over the next few years.
 10. Water Treatment Plant Land: This land sale transaction was also completed last week.
 11. Gas Line Distribution System Task Force: The Council recently adopted a memorandum which recommended that a Task Force be created that would look at all of the options for financing a gas distribution system within the Homer City limits and make recommendations to the Council. You will recall that this was part of the legislative intent language in the capital budget. I think that Council should consider forming the task Force this fall for a variety of reasons. First, it would be very beneficial for the City to have a plan in place before the Governor and the legislature begin discussing the capital budget and Phase II of the transmission line to Homer in January. Second, it appears that a least one program that might provide low interest financing expires at the end of December. That might be an option Council would want to keep on the table. Unless Council objects, I will bring a memorandum or resolution to the next meeting which will jump start getting this task force up and running.

ATTACHMENTS

1. September Employee Anniversaries

September 4, 2010



**RE: PLANNING COMMISSIONER TRAINING
CENTENNIAL HALL CONVENTION CENTER: JUNEAU, ALASKA
NOVEMBER 16, 2010, 8:00 AM to 5:00 PM**

In conjunction with the Alaska Municipal League's (AML) 2010 Annual Conference, the Alaska Chapter of the American Planning Association (AK APA) is pleased to offer an intensive one-day Planning Commissioner Training on November 16, 2010 in Juneau, Alaska.

The Alaska Chapter invites all planning commissioners, planners, and other interested municipal staff to attend the training to be conducted at Centennial Hall Convention Center from 8:00 AM to 5:00 PM, with continental breakfast starting at 7:30 AM. **Please distribute this invitation to your local planning commissioners, planning staff, and other interested parties as soon as possible.**

Whether newly appointed or experienced, all planning commissioners will benefit from training with their colleagues dedicated to the services they provide and decisions they make. The training has wide applicability with sessions regarding the role of the planning commissioner, land use planning, Robert's Rules of Order, decision documentation, and tips for becoming an effective planning commissioner. The workshop also offers opportunities to network with fellow commissioners and ask questions of planning professionals. Please note the workshop will be held one-day prior to the start of the AML conference in Juneau.

The registration fee of \$150.00 is due by October 15, 2010. A \$25.00 late fee will be added for registrations received after this date. To register, send your check or money order to:
Alaska Chapter APA, PO BOX 241846, Anchorage, AK 99524-1846.

Purchase orders are also accepted and should be made out to Alaska Chapter APA.

The complete workshop agenda is available on the **AK APA website:**
<http://www.alaskaplanning.org> or **Facebook:** Alaska Chapter of the American Planning Association

For further information, please contact: Lauren Kruer 907-315-6164 or lkruer@matsugov.us

Thank you for your assistance in distributing this information. We hope to see you and your local planning commissioners at the workshop!

Sincerely,

Maryellen Tuttell
Chapter President



Alaska Chapter
American Planning Association

PLANNING COMMISSIONER TRAINING

CENTENNIAL HALL

101 EGAN DRIVE, JUNEAU

TUESDAY, NOVEMBER 16, 2010

7:30 AM – 8:00 AM	Continental Breakfast
8:00 AM – 8:30 AM	Introductions
8:30 AM – 9:45 AM	Role of Planning Commission <ul style="list-style-type: none">Local Government ContextTitle 29: Planning Authority and Guiding State StatutesRelationship with City Council, Assembly, and StaffCommunity Plans and Local Land Use Ordinances
9:45 AM – 10:00 AM	Break
10:00 AM – 11:15 AM	Land Use Planning and Decision-Making: The Basics <ul style="list-style-type: none">Comprehensive PlansZoning and Subdivision RegulationsVariances, Conditional Use, and Allowable Use PermitsCapital Projects
11:15 AM – 12:00 PM	Robert's Rules of Order <ul style="list-style-type: none">Mock MeetingBasic Motions
12:00 PM – 1:15 PM	Lunch and Keynote Address
1:15 PM – 2:15 PM	Importance of Documentation <ul style="list-style-type: none">Purpose and EssentialsMeeting MinutesFindings of FactTop Five Mistakes
2:15 PM – 3:15 PM	Ethics <ul style="list-style-type: none">Alaska Open Meetings ActConflicts of InterestEx Parte Communications
3:15 PM – 3:30 PM	Break
3:30 PM – 5:00 PM	Panel Discussion



Alaska Chapter
American Planning Association

Planning Commissioner Training
Conference Registration
November 16, 2010
7:30 a.m. to 5:00 p.m. (lunch included)

Alaska Chapter APA
 PO BOX 241846
 Anchorage, AK 99524-1846

Contact Lauren Krueer with questions @
 907-315-6164
lkruer@matsugov.us
www.alaskaplanning.org

Attendee Information

Name (1): _____

Name (2): _____

Name (3): _____

Name (4): _____

Company/Organization: _____

Address: _____

State: _____ Zip/Postal Code: _____ Country: _____

Main Contact

E-mail: _____

Phone: _____

Special Dietary Needs: _____

Registration Fee

Paid Registration by October 30, 2010 = \$150

Late Registration (after 10/30 or day of the event) = \$175

Conference Fee:	
<input checked="" type="checkbox"/> number of attendees	
Subtotal:	
Total Due:	

Please Make checks payable to "Alaska Chapter APA" and mail to:
 ALASKA CHAPTER APA * PO BOX 241846 * Anchorage, AK 99524-1846

