

October 6, 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. Draft Homer Spit Comprehensive Plan
4. Staff Report PL 10-97, Draft Sign Code Amendment (*Please refer to page 67 of the regular meeting packet.*)
5. Policies and Procedures
6. Staff Report PL 10-92, Draft Subdivision Code Amendment (*Please refer to page 59 of the regular meeting packet.*)
7. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance (*Please refer to page 73 of the regular meeting packet.*)
8. 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).
9. Commission Comments
10. Adjournment



**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 15, 2010
2. Draft Decision and Findings for CUP 10-08, 5655 Scenic View Place

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Page 9*

**6. Presentations**

- A. Harbor Dredge Spoils  
Bryan Hawkins, Port and Harbor Director  
Carey Meyer, Public Works Director

*Page 15*

**7. Reports**

- A. Staff Report PL 10-95, City Planner's Report

*Page 23*

**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, Draft 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
- B. Staff Report PL 10-84, Draft Ordinance 10-xx, Amending Draft Steep Slope Ordinance
- C. Staff Report PL 10-86, Section Line Easement Vacation at Lot 4B-1, Dierich Addition
- D. Staff Report PL 10-93, Draft Ordinance 10-xx, Rezones

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**9. Plat Consideration**

- A. Staff Report PL 10-98, Dierich Section Line Easement Vacation Preliminary Plat

*Page 53*

**10. Pending Business**

**11. New Business**

- A. Staff Report PL 10-92, Draft Subdivision Code Amendment
- B. Staff Report PL 10-97, Draft Sign Code Amendment

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*Page 67*

- C. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance (Outdoor Storage) *Page 73*

**12. Informational Materials**

- A. City Manager's Report *Page 81*
- B. Eker Estates No. 3 Replat 2010 Preliminary Plat and Driveway Permit *Page 83*
- C. Hillstrand's Homestead Preliminary Plat, Excerpt from KPB September 27, 2010 packet *Page 87*
- D. Letter dated September 29, 2010 to James Dolma from Mayor Hornaday regarding appointment to the Homer Advisory Planning Commission *Page 91*

**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. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment."

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 15, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

**STAFF:** CITY PLANNER ABOUD  
DEPUTY CITY CLERK JACOBSEN

### **APPROVAL OF AGENDA**

Commissioner Kranich requested that Borough Planning Commissioner Foster be added to Comment under Presentations.

The amended agenda was approved by consensus of the Commission.

### **PUBLIC COMMENT**

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

There were no public comments.

### **RECONSIDERATION**

There were no items scheduled for reconsideration.

### **ADOPTION OF CONSENT AGENDA**

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

1. Approval of the September 1, 2010 Minutes
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

The Consent Agenda was adopted by consensus of the Commission.

### **PRESENTATIONS**

- A. Borough Report from Borough Planning Commissioner Foster

Dr. Foster encouraged the Commission to be clear on their intent for items that go to the Borough Planning Commission for consideration. He explained that the HAPC took action regarding a subdivision in Old Town that involved an easement. An amendment was made that failed resulting in failing the approval of the plat. At the Borough level it wasn't clear what the Planning Commission wanted because they let it fail. They could look at what staff wanted and kind of see what the Commission wanted based on it failing. He recommended they make amendments to make it how they want it and pass it. In this case there was no statement made so it was not clear.

B. Staff Presentation on Draft Ordinances Regarding Site Development Standards and Steep Slopes by Planning Technician Engbretsen

Planning Technician Engbretsen said she gave this presentation earlier in the day at the Realtors luncheon. They invited over 40 contractor type business people and surveyors and only one came. She went through the power point presentation with the Commission touching on steep slopes and bluff setbacks, grading and filling, and residential storm water plans.

## REPORTS

A. Staff Report PL 10-83, City Planner's Report

City Planner Aboud 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 10-85, 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

City Planner Aboud said the presentation touched on this and he didn't have anything to add.

Chair Minsch opened the public hearing.

Beauregard Burgess, city resident, commented regarding the slope portion, that there is an overlap with other government agencies. When looking at working with a hydrologist or soil engineer you are looking at \$8,000 to \$10,000. He appreciates the intent of the slopes ordinance to allow people to develop larger aspects, where before they couldn't, but doesn't agree with mandating the use of an expensive third party to determine whether or not you can build on the steeper slopes. We should be wary of mandating this on a large scale without considering the bureaucratic strain it could put on city engineers, or an over worked planning department. You can't legislate for people to build intelligently, but you can provide guidelines. He just wonders if this is something that should be imposed on everyone due to costs and time lines associated.

Regarding fill, Mr. Burgess commented that he has a landscaping, dirt moving company and has concerns about limiting fill. If he can't take macro-woody debris that he is removing on one lot and place it on another lot than it ends up at the dump or puts a financial burden on customers and consumers in the city when lots need to be cleared. He wonders if there is a way to tone it back to larger projects or ocean side setbacks. He questioned if this is legislating ahead of our ability to effectively enforce or to have city resources for residents to turn to without giving them the flexibility that those of us without financial means could use.

Mr. Burgess responded to question regarding moving material from peoples lots. He explained that using non organic fill or construction debris is obviously undesirable. But if he has a customer who wants to clear a portion of their lot responsibility, to get the woody debris off the lot they can either bury it or burn it. He can take it to his lot process it, turn it to mulch for compost, use it for retaining walls, or other products he can sell. He has to take it to his own lot for processing, or he can take it to the dump, which costs money and in essence either becomes carbon in the atmosphere or turned into a land fill. You are putting a restriction on developers or smaller land owners on how they can use the material and process it effectively. He agrees with what they are trying to do with the ordinance to keep people from burying a lot of garbage but at the same time they want to allow for peoples rights to essentially assert their own aesthetic. A pile of logs or dirt one person may not like, may be able to be a valuable product to someone else and he doesn't think that should be mandated. We need to allow for those unanticipated situations.

Dr. Nancy Livingston, property owner in the city, asked the Commission to recall a photo from the presentation of two houses next to each other and between them a drainage and dirt fill issue in regard to that. It referred to a high field being built after a home was already built on one lot. Her lot is at 825 Soundview in Daybreeze Park Subdivision. The lot was previously owned; they are the third owners and were not participants in the development or placement of dirt or gravel. They purchased the home last August and remained in the home for five weeks. When she returned to the home in June she saw a similar situation to the one in the photo with the exception that the water wasn't there at that time because in June to late July there were substantial volumes of rain. In recalling the photo you see the five foot setback and the slope coming down to the common property line which runs approximately 123 feet from Soundview down to the acknowledged drainage. Their gravel, driveway, and walkway were destroyed by a 10 blade cat that came down, which they did not hire and knew nothing about. She thinks it is necessary to adopt this ordinance. Having to take legal action as she will have to do to redress her damages should not be a necessity for people of good will to purchase property and have a reasonable expectation that massive damage that can be guided by law and doesn't affect the development of this community. Dr. Livingston urged the Commission to support this ordinance so these circumstances do not continue to occur.

Kevin Walker, Kachemak City resident, commented regarding the storm water portion that small culverts often freeze and he worries about flooding with new development going on up hill from him. Three of the small culverts in the subdivision have frozen over the last two winters and that's what protects his home from the water coming down the hill. The back slopes are too steep at the 1.5 to 1 which is legal if it is engineered. But they put them everywhere and several failed including one on the uphill side of the street from him. When it failed all the dirt and grass seed went into the ditch. Now they have wonderful grass in the culvert, but not much room for water. It has glaciated the last two winters, closing the subdivision until city crews can open it up. He explained that he lives just below the entrance of the Canyon Trails Subdivision on Golden Plover and borders city of Homer property.

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

KRANICH/VENUTI MOVED TO TAKE NO ACTION UNTIL AFTER THE NEXT PUBLIC HEARING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 10-84, Ordinance 10-xx Amending Draft Steep Slope Ordinance

City Planner Aboud said the presentation touched on this and he noted one technical issue on line 100-106 he believes the Commission intended to require setbacks from steep slopes also. If that was the intent it can be added to lines 103 and 106.

Question was raised on line 99 if it should state the property owner should have an engineered site plan with approval of City Engineer. City Planner Aboud noted it is in the section for site plans requirements. It could be redundant to put it in the section that requires an engineered plan. He will check the formatting.

It was suggested on line 154 where it references requirements for slope development, that it should say steep slope development. City Planner Aboud said no because the ordinance references graduated degrees of slope.

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

KRANICH/HIGHLAND MOVED TO TAKE NO ACTION UNTIL AFTER THE NEXT PUBLIC HEARING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 10-81, CUP 10-08, 5655 Scenic Place/Bed and Breakfast

City Planner Aboud reviewed the staff report.

There was no applicant or representative present and Chair Minsch opened the public hearing. There were no public comments and the public hearing was closed.

BOS/HIGHLAND MOVED TO BRING STAFF REPORT PL 10-81 TO THE FLOOR FOR DISCUSSION.

There was no objection and discussion ensued.

Commissioner Kranich argued that if the residences are currently being used or have been used then item e in the staff report is incorrect since the buildings have already been occupied.

The Commission also discussed the access to the cabin off Skyline Drive and access to the residence off Scenic Place.

HOMER ADVISORY PLANNING COMMISSION  
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The Commission took a break at 7:58 so the City Planner could get an aerial map. The meeting resumed at 8:10.

City Planner Abboud reviewed the aerial photo and continued discussion of access. It was noted that the frontage on Skyline will have to be handled through DOT as it is a state right-of-way.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 10-81 CUP 10-08 5655 SCENIC PLACE/BED AND BREAKFAST WITH STAFF RECOMMENDATIONS.

There was further discussion that the access and encroachment for the cabin will be addressed when the cabin is moved, and that the residence driveway was adjusted to rectify the encroachment of the access to Scenic Place.

MINSCH/KRANICH MOVED TO AMEND ON PAGE 34 TO READ: "PLANNING COMMISSION APPROVE CUP 10-08 WITH THE FOLLOWING CONDITIONS." AND DELETE THE REST OF THE SENTENCE.

There was brief discussion.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

BOS/KRANICH MOVED TO ADD RECOMMENDATION 3 THAT THERE BE PROOF OF LEGAL ACCESS TO THE NORTH DRIVE OF SKYLINE DRIVE, INCLUDING A DRIVEWAY PERMIT.

Comment was made that it is helpful when an applicant or representative is present to answer questions.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was further discussion for more appropriate language for the finding.

KRANICH/HIGHLAND SO MOVED TO AMEND THE FINDING UNDER E AS FOLLOWS: THE WELL AND SEPTIC ON THE NORTHERLY STRUCTURE SHALL MEET STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (AKDEC) STANDARD PER HCC 21.12.040 RURAL RESIDENTIAL DIMENSIONAL REQUIREMENTS PRIOR TO FURTHER OCCUPANCY.

There was brief discussion.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion of the main motion as amended.

VOTE: (Amended Main Motion) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### PLAT CONSIDERATION

A. Staff Report PL 10-82, Bouman's Bluff Lost 2 Preliminary Plat

City Planner Abdoud reviewed the staff report.

John Bouman, applicant had no comments but was available for questions.

There were no public comments.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 10-82, BOUMAN'S BLUFF LOT 2  
PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was brief comment about lot size and driveway conditions that were addressed as  
requirements when the CUP was approved previously.

Mr. Bouman responded to Commission question explaining that they will get a driveway  
permit and also that they will be closing on the adjacent property to the west that already  
has a driveway on it and intend to resolve access problem by using that if necessary.

KRANICH/HIGHLAND MOVED TO AMEND STAFF COMMENT 4 TO STATE THAT PLAT NOTE TWO  
WILL BE AMENDED TO COMPLY WITH THE RECOMMENDATION.

There was no discussion.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE: (Main motion as Amended) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### PENDING BUSINESS

A. Staff Report PL 10-87, Draft Spit Comprehensive Plan

Planning Technician Engbretsen and the Commission reviewed and discussed the revised  
Draft Spit Comprehensive Plan provided by the consultant, and considered options to get it  
out to the public and have an open house on October 13.

The Commission took a short break so staff could get copies of the changes from the  
consultant at 8:57 p.m. and resumed at 9:10 p.m.

Commissioners expressed concern regarding the consultant's changes regarding the comments of the leases, and questioned what else she may have changed.

The Commission agreed they would read through the plan and get comments to staff by the end of the week so they can go ahead and get the plan out for review and public comment.

**MINSCH/KRANICH MOVED TO MOVE THE HOMER SPIT COMPREHENSIVE PLAN ON TO THE NEXT STAGE OF PUBLIC INPUT.**

There was discussion reiterating that the Commission needs to review and get comments they may have to staff as soon as possible.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT**

Motion carried.

**B. Staff Report PL 10-90, Draft Rezone Ordinance**

City Planner Abboud reviewed the staff report.

**BOS/KRANICH MOVED TO BRING TO THE FLOOR FOR DISCUSSION THEN SCHEDULE THIS FOR PUBLIC HEARING.**

There was discussion about item c and the way the ordinance ties in with the Comprehensive Plan.

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

Motion carried.

## **NEW BUSINESS**

There were no new business items scheduled.

## **INFORMATIONAL MATERIALS**

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

## **COMMENTS OF THE AUDIENCE**

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

Beauregard Burgess, city resident, commented about the steep slope ordinance. He realizes the benefit of the proposed ordinance is to get better controls and address important issues for the community at large. Legislating solution and the process to resolve the problems limits the process and recourse the public has to work within the system. He noted an example of different ways of dealing with waste fill. Mr. Burgess suggested ideas of minimum lot sizes, not having a mandate for specific professionals prepare drawings, as that is costly and can be time consuming, and just adds another layer of bureaucratic process. He also suggested a time line for City Engineer review of a proposal so people can plan their process with a certain amount of guarantee of what to expect. Regarding fill issues he can understand not

wanting certain kinds of debris to be used, but certain type of organic material that is ground down or certain kinds of concrete can serve well for a base and not pose a threat or problems for surrounding home owners or future homeowners of the property being filled. He thanked the Commission for their time.

#### COMMENTS OF STAFF

City Planner Aboud wanted to acknowledge and pat his staff on the back. They have been working hard and getting a lot of stuff done.

#### COMMENTS OF THE COMMISSION

Commissioners Druhota, Kranich, and Venuti had no comment.  
Commissioner Highland commented in the Journal she saw an article about new ways to weigh the economy and the environment. She thanked everyone.

Commissioner Bos thanked the staff for all their hard work, and Rick, and our Clerk. Most of the times it makes their jobs easier and just a few occasions where it is more difficult.

Chair Minch said the Commission continues to do great work and she appreciates them more than they know.

#### ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:45 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: \_\_\_\_\_



# City of Homer

## Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

E-mail: [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

Web Site: [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

Telephone (907) 235-3106

Fax (907) 235-3118

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### HOMER ADVISORY PLANNING COMMISSION

September 15, 2010

RE: CUP 10-08 at 5655 Scenic Place

#### DECISION

#### Introduction

Beth Ann Van Sandt applied to the Homer Advisory Planning Commission (the "Commission") under Homer City Code 21.12.030(m) for "more than one building containing a permitted principal use on a lot" in the Rural Residential district and located at: PORTION OF E1/2 E1/2 SE1/4 NE1/4 LYING S OF DIAMOND RIDGE ROAD.

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 21 property owners of 32 parcels.

Notice of the September 15, 2010 public hearing was published in the local newspaper and sent to 21 property owners of 32 parcels.

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

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

**EVIDENCE PRESENTED and FINDINGS OF FACT**

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.

**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 Conversation (AKDEC) standards per HCC 21.12.040 Rural Residential Dimensional Requirements prior to further occupancy.

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. 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.

**CONCLUSION**

Based on the foregoing findings of fact and law, Conditional Use Permit 10-08 is hereby approved, subject to the following conditions:

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.
3. Provide proof of legal access to the north drive off skyline drive, including a 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

Beth Ann Van Sandt  
5655 Scenic Place  
Homer, AK 99603

**DRAFT**





# City of Homer

## Port / Harbor

4350 Homer Spit Road  
Homer, Alaska 99603-8005

Telephone (907) 235-3160  
Fax (907) 235-3152  
E-mail [port@ci.homer.ak.us](mailto:port@ci.homer.ak.us)  
Web Site <http://port.ci.homer.ak.us>

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### MEMORANDUM

TO: CITY OF HOMER, PLANNING COMMISSION

FROM: BRYAN HAWKNS, PORT DIRECTOR/HARBORMASTER *BH*

SUBJECT: CORPS OF ENGINEERS PERMITS

DATE: OCTOBER 1, 2010

#### Background

The title and purpose of this permit is: Beneficial Uses of Dredge Materials on the Homer Spit.

Due to the natural sedimentary transport that occurs on the Homer Spit, The harbor entrance, and the U.S.C.G. Cutter Hickory's berth must receive maintenance dredging to sustain operating depths. The Army Corps is federally mandated to maintain the navigable waterways. They budget for and contract out the dredging required for the harbor entrance. The CG pays to maintain the Hickory's berth to the required depths and contracts the work through the Corps.

The City's responsibility in this is to provide and maintain a disposal site for the dredge materials. This location is Lot TR1-C, locally referred to as the Pier One lot and can be distinguished by the large piles of sand and gravel just behind Bobs Trophy Charters.

There is approximately enough space on that lot for two years worth of materials, if piled really high. The Port must then make space for the next dredging event by loading and trucking the material to some other location in order to honor our contract with the Corps. This is a cost burden to the Port enterprise and we normally are able to avoid this "double handled shovel" by selling the materials to businesses on the Spit directly from the dewatering site located on Lot 49. However, these marketing options are quickly coming to an end and we will be forced to put them back on the pile if we don't find better uses for them soon. As you recall, a local ordinance dictates that the dredge materials may not be removed from the Spit.

The purpose of this permit is to create beneficial uses for the 10,000 to 15,000 cubic yards of materials that are dredged annually, that will enhance and maintain the life and usability of the Homer Spit. Since this material is acquired during mandatory maintenance dredging of the Homer Harbor, our goal is to turn what is becoming a burden to the harbor enterprise, into a positive use of this resource.



## Spit Dredged Material Beneficial Use Project

**Project Scope:** The purpose of this project is to dispose of dredged material from the entrance of the Small Boat Harbor and the Pioneer Dock berth in a beneficial manner. The material would be used to replenish eroded material along the beaches of the Spit and create additional parking pads on the Spit. The beach replenishment points would be at Mariner Park (replenishing beaches on the west side of the Spit) and just north of the Fishing Hole (replenishing beaches on the east side of the Spit). The new parking pads would be created at two location; one between the Wayfarer's Memorial and the . . . . , and the other between the . . . and the . . . . The material will be placed on the beaches as part of the Corps dredging/disposal operations (hauling costs supplemented by Harbor Funds when hauling to Mariner Park). Material incorporated into the parking pads will be placed as part of the Corps dredging/disposal operations; additional City funds will be required to spread, cap and place riprap along the beach were fill is place near or in the tidal zone. A Corps permit will be needed to accomplish this work.

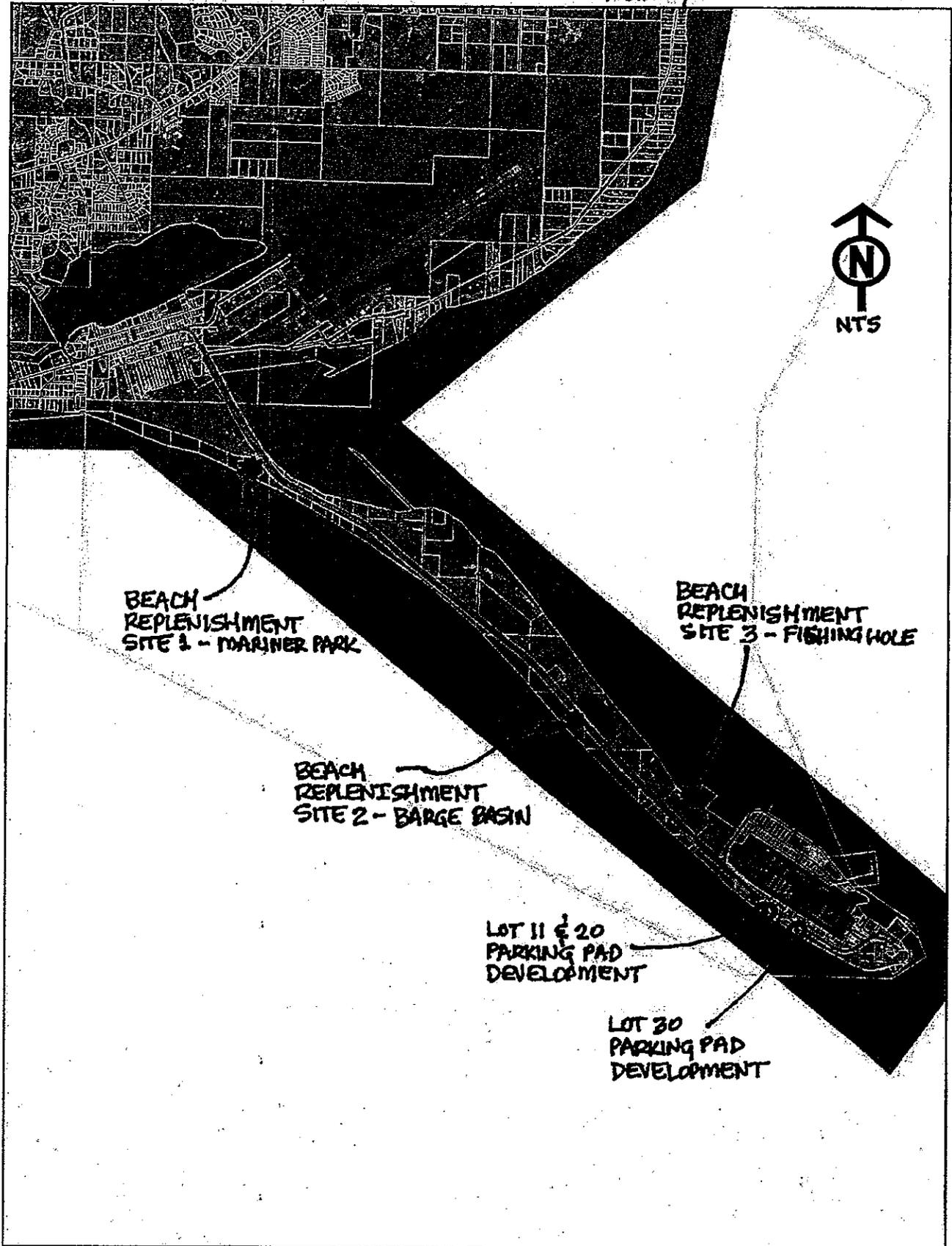
**Schedule:** The beach replenishment work would be completed over a ten year period; the parking pads would be constructed over a three year period. Beneficial use of dredged material would begin in 2011 and be completed by 2020.

### Cost:

2011	\$ 10,000 – Spread available material in upland parking pad areas
2012-13	\$ 20,000 – Place and compact all needed material to create parking pads
	\$ 675,000 - Install 3000 CY of riprap on slopes
	<u>\$ 95,000</u> – Install gravel cap on parking pad area
Total Construction =	\$ 800,000
Design/Inspection =	\$ 90,000
Contingency =	<u>\$ 90,000</u>
Total Project Cost =	\$ 980,000



EXHIBIT A  
10 YR PLAN - BENEFICIAL USE DREDGE MATERIAL  
VICINITY MAP - BEACH REPLENISHMENT



1 inch = 3,000 feet

1 inch = 150 feet

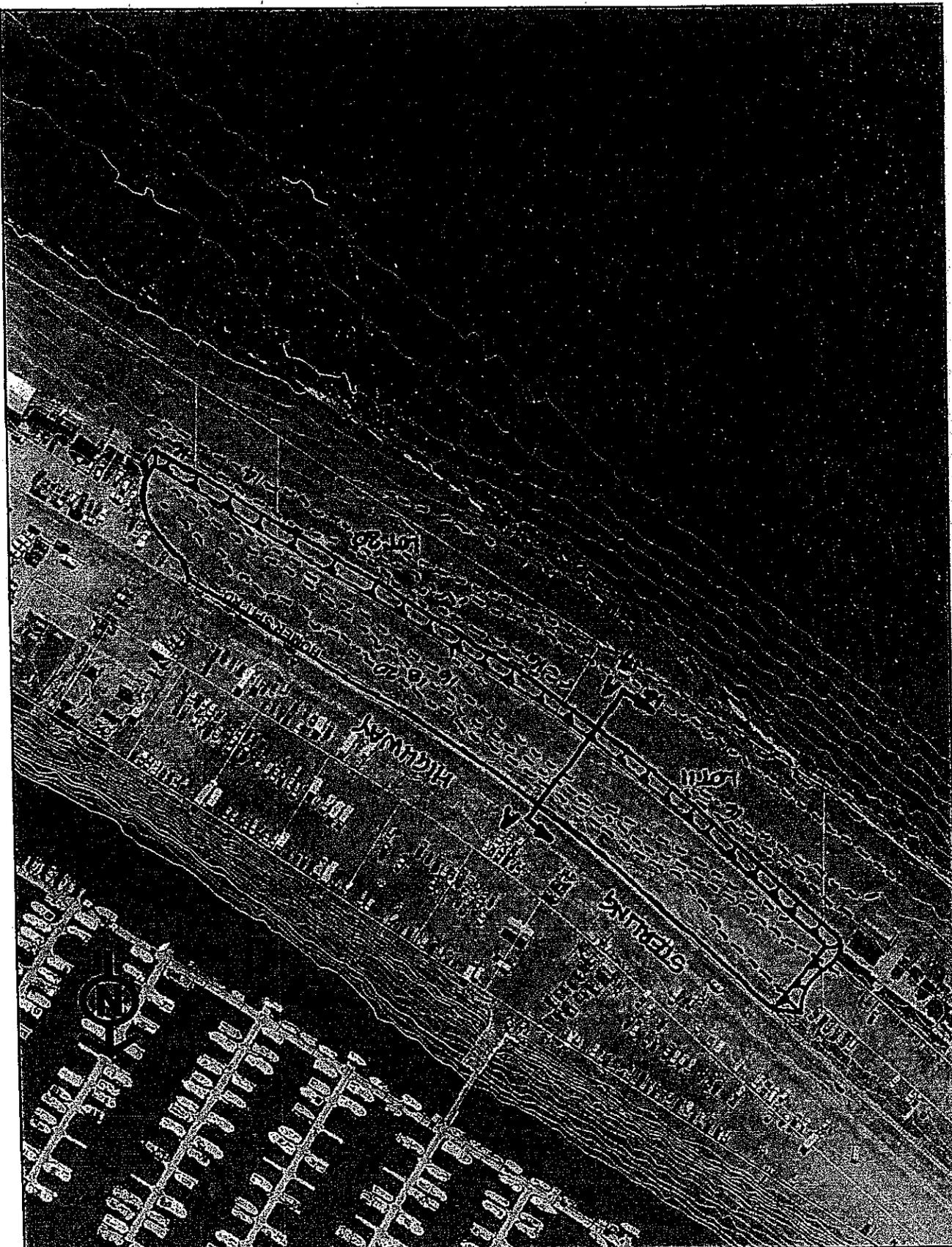
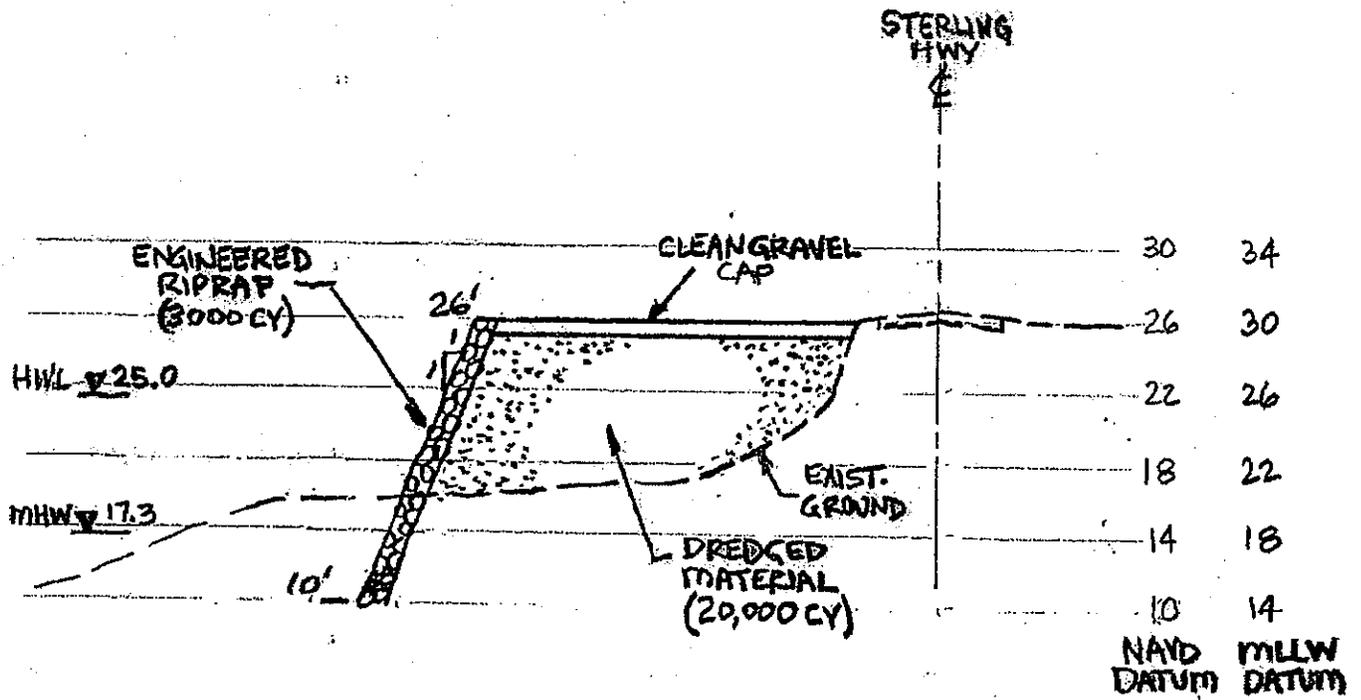


EXHIBIT B  
 10 YEAR PLAN - BENEFICIAL USE DREDGE MATERIAL  
 LOT 11 & 20 PARKING PAD DEVELOPMENT



LOT 11 & 20  
 PARKING PAD DEVELOPMENT  
 TYPICAL SECTION A-A

SCALE:  
 VERT. 1" = 10'; HORIZ. 1" = 50'

1 inch = 150 feet

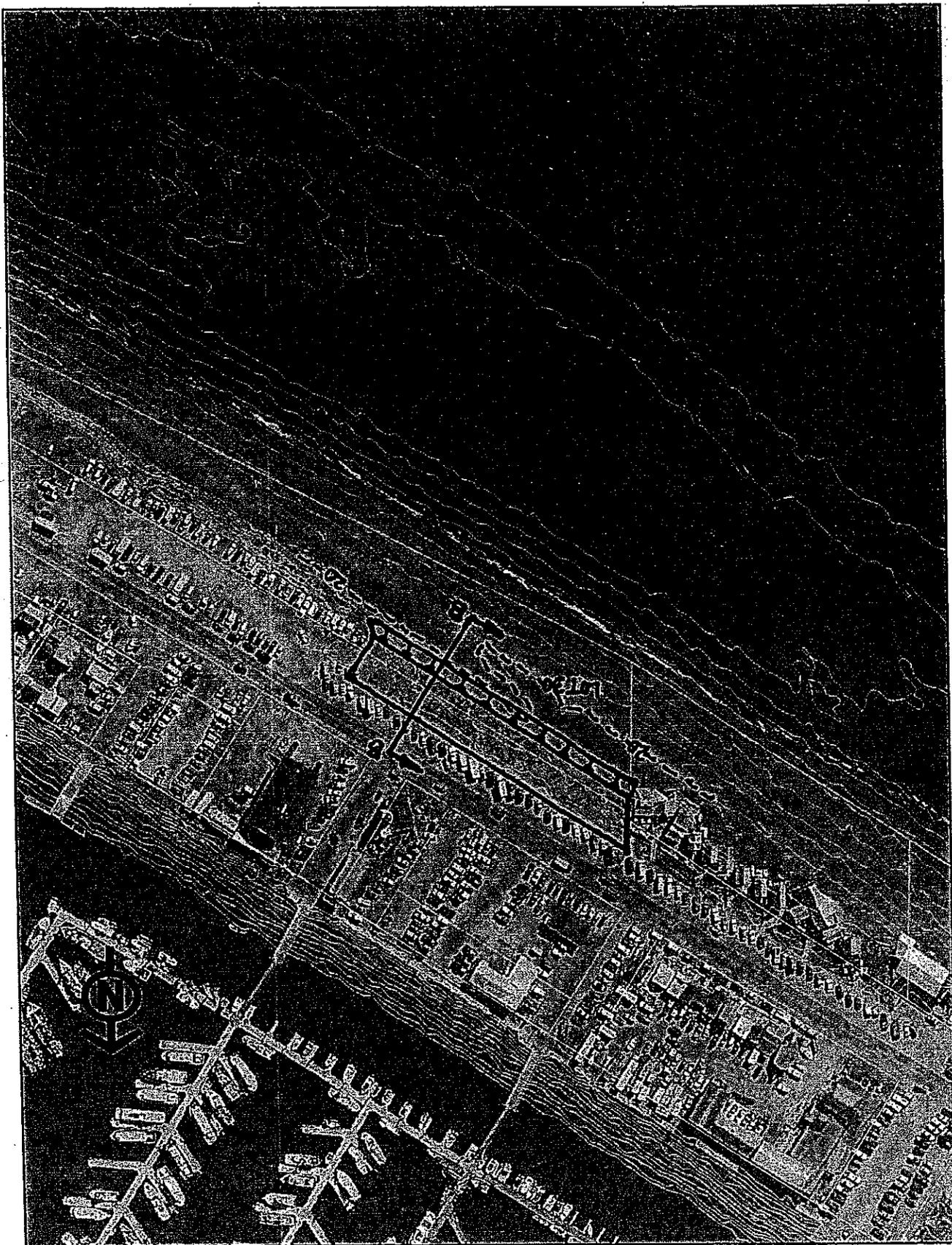
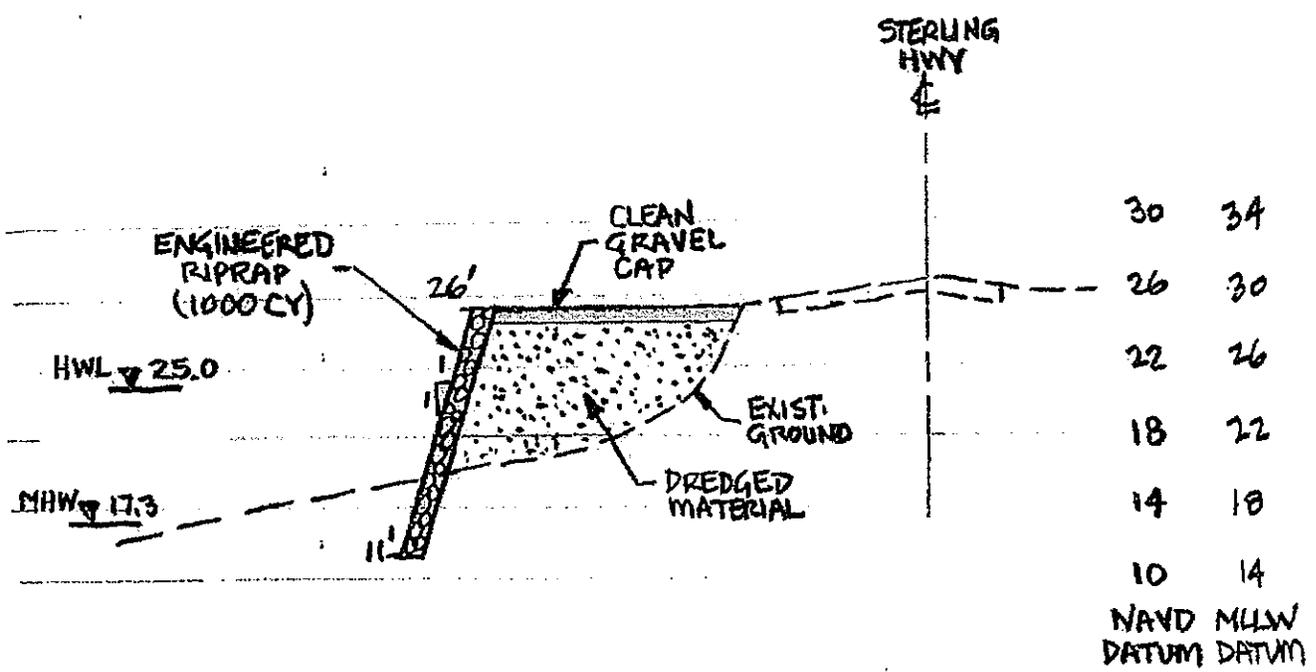


EXHIBIT C  
 10 YR PLAN - GENERAL USE DREDGE MATERIAL  
 LOT 30 PARKING AND DEVELOPMENT



LOT 30  
 PARKING PAD DEVELOPMENT  
 TYPICAL SECTION B-B  
 SCALE:  
 VERT. 1" = 10'; HORIZ. 1" = 50'





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

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

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**STAFF REPORT PL 10-95**

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** October 6, 2010  
**SUBJECT:** Planning Director's Report

**September 27<sup>th</sup> City Council Meeting**

**Ordinance 10-48(S)**, 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. Introduction September 13, 2010, Public Hearing and Second Reading September 27, 2010.

There was no public testimony.

ADOPTED with discussion.

**Resolution 10-69**, A Resolution of the City Council of Homer, Alaska, Approving a Transfer of Responsibility Agreement (TORA) Between the State of Alaska and the City of Homer Regarding Management and Enforcement of Parking, Loading Zones, Pedestrian Crossings, and Seasonal Speed Zones Within the Sterling Highway Right of Way on the Homer Spit. City Manager. (Postponed from August 23, 2010)

TABLED with discussion.

**Resolution 10-75**, A Resolution of the City Council of Homer, Alaska, Establishing a Natural Gas Distribution Task Force. City Manager.

Memorandum 10-93 from City Manager as backup.

ADOPTED with discussion.

**Activities**

We are still processing junk car vouchers and refining the hazard mitigation plan. Of course, we have been busy facilitating the creation of the Public Review Draft of the Spit Comprehensive Plan. Julie, Sharon M.,

and I were guests on last week's Coffee Table program to discuss the spit plan. We had several callers and I believe that our message was well received as we continued to promote public participation in the process.

**Work session item**

I have included the Spit Comp Plan on the work session agenda. This was included for the commission to look over the plan and see if there are any specific issues that they would like to promote for further public comment. Participants in the open house could be surveyed or subjects could be brought up for discussion.

Spit Comprehensive Plan schedule:  
Open House Workshop October 13<sup>th</sup> 6-8:30pm City Hall  
Written Comments until November 10<sup>th</sup>  
Public Hearing December 1<sup>st</sup>  
Future Public Hearings TBD based upon possible amendments



# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

Telephone (907) 235-8121

Fax (907) 235-3118

E-mail [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

Web Site [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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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, ~~October 6, 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 15<sup>th</sup> and October 6<sup>th</sup>, 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;

45  
46 **[Bold and underlined added. Deleted language stricken through.]**

45 Increases the total impervious surface area of a lot beyond one acre;  
 46 2. 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 **Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:**

52 **21.50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall**  
 53 **be free of large organic debris (including without limitation stumps), construction or demolition**  
 54 **debris (including without limitation concrete and asphalt), garbage and any material that is**  
 55 **categorized as hazardous or toxic under federal or state law.**  
 56 **b. Fill material that will not support a structure may include large organic debris that**  
 57 **originated on the lot where the fill is placed, provided that it is capped with clean fill for future**  
 58 **landscaping or driveway use.**  
 59 **c. The placement of fill to a depth greater than three feet over 25% or more of a lot**  
 60 **is subject to following requirements:**

61 1. Before any fill is placed, a grading plan for the lot must be approved by  
 62 the City Engineer. The grading plan shall show the following:  
 63 i. The existing grade and finished grade of the lot using contour  
 64 intervals sufficiently small to show the nature and extent of the work, and its compliance with  
 65 the requirements of this title; and  
 66 ii. The existing grade on adjoining properties in sufficient detail to  
 67 identify how grade changes will conform to the requirements of this title.

68 2. Best management practices shall be used to limit sedimentation and storm  
 69 water runoff, and shall be installed prior to the placement of fill on the lot.  
 70 3. All corners of the lot shall be flagged before fill is placed on the lot.  
 71 4. The slope of the fill shall not exceed 50%, or 1:2.  
 72 5. No fill may be placed closer than five feet to a side or rear lot line.  
 73 6. The placement of fill shall be completed within 24 months after its  
 74 commencement, and the filled area shall be capped and seeded as soon as possible within the  
 75 growing season.

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

79 **Section 4. This Ordinance is of a permanent and general character and shall be included**  
 80 **in the City Code.**

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

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

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CITY OF HOMER

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

ATTEST:

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

YES:  
NO:  
ABSTAIN:  
ABSENT:  
First Reading:  
Public Hearing:  
Second Reading:  
Effective Date:

Reviewed and approved as to form:

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

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

**[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](mailto:Planning@ci.homer.ak.us)  
 Web Site [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

## STAFF REPORT PL 10-84

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** September 15, 2010, ~~October 6, 2010~~  
**SUBJECT:** Ordinance 10-xx amending Draft Steep Slope Ordinance

**Requested Action:** Conduct a public hearing September 15<sup>th</sup> and October 6<sup>th</sup>, 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

1 Planning Commission Public Hearing Draft September 15, 2010

2  
3 CITY OF HOMER  
4 HOMER, ALASKA

5 Planning

6 ORDINANCE 10-  
7

8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
9 AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS; ENACTING  
10 HOMER CITY CODE CHAPTER 21.44, SLOPES; AND AMENDING HOMER  
11 CITY CODE 21.50.020, SITE DEVELOPMENT STANDARDS – LEVEL ONE,  
12 AND HOMER CITY CODE 21.50.030, SITE DEVELOPMENT STANDARDS  
13 – LEVEL TWO; REGARDING THE REGULATION OF DEVELOPMENT  
14 ACTIVITY ON SITES AFFECTED BY SLOPES.  
15

16  
17 WHEREAS, There has been community concern about steep slope development since  
18 2001 and the formation of the Steep Slope Task Force; and  
19

20 WHEREAS, The 2008 City of Homer Comprehensive Plan, Chapter 4 Land Use, Goal 1  
21 Object C, strategy 7 states, “Develop and apply in all districts new standards addressing  
22 environmental issues including management of storm water, slope standards, and onsite septic  
23 systems;” and  
24

25 WHEREAS, Goal 2, Objective B, includes strategies such as developing standards for  
26 building setbacks on coastal bluffs, creating standards for development on steep slopes and  
27 creating an option for a specialized review process for hillsides, e.g. allowing development on  
28 steeper slopes subject to more extensive site analysis and engineering reports.  
29

30  
31 NOW THEREFORE THE CITY OF HOMER ORDAINS:  
32

33 Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is hereby  
34 amended by adding the following definitions:  
35

36 “*Bluff*” means an abrupt elevation change in topography of at least 15 feet, with an  
37 average slope of not less than 200% (two feet difference in elevation per one foot of horizontal  
38 distance).  
39

40 “*Coastal bluff*” means a bluff whose toe is within 300 feet of the mean high water line of  
41 Kachemak Bay.  
42

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

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

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

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

48 Section 2. Homer City Code Chapter 21.44 Steep Slopes is hereby enacted to read as follows:

49 CHAPTER 21.44

50 SLOPES

51	21.44.010	Purpose and intent
52	21.44.020	Applicability
53	21.44.030	Slope development standards
54	21.44.040	Exceptions to setback requirements
55	21.44.050	Site plan requirements for slope development

56 21.44.010 Purpose and intent. This chapter regulates development activity and structures in areas affected by slopes, bluffs, coastal bluffs and ravines, and provides the means for additional review and protection to encourage safe and orderly growth to promote the health, welfare and safety of Homer residents.

57 21.44.020 Applicability. a. This chapter applies to all development activity that disturbs the existing land surface, including without limitation clearing, grading, excavating and filling in areas that are subject to any of the following conditions:

58 1. Lots with average slopes 15% or greater, bluffs, coastal bluffs and ravines;

59 2. Located within forty (40) feet of the top or within fifteen (15) feet of the toe of a steep slope, bluff, coastal bluff or ravine; and

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

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

62 21.44.030 Slope development standards. The following standards apply to all development activity on a site described in HCC 21.44.020. Development that does not meet

63 ~~the following standards apply to all development activity on a site described in HCC 21.44.020. Development that does not meet~~

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 21.44.050.

90 a. No development activity, including clearing and grading, may occur before the 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 shall not exceed 25 percent of the total lot area.

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

96 3. The area of development on a lot with an average slope of 45 percent or greater shall not exceed the area of development described in a site plan, any development 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 following setback requirements.

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

104 i. 40 feet; or

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

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

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

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

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

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

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

124 e. Erosion control.

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

**Bold and underlined added. Deleted language stricken through.**  
P:\PACKETS\PCPacket 2010\Ordinance\Slope\Clean Copy August 27 2010.DOC

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,  
Slopes is amended to read as follows:

191  
192  
193 This section establishes level one site development standards. Level one site  
194 development standards apply in all zoning districts, unless otherwise provided by another  
195 provision of the zoning code.

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

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

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

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

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

211 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 for 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 CITY OF HOMER.

246  
247  
248  
249  
250 JAMES C. HORNADAY, MAYOR

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

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272 Walt E. Wrede, City Manager

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

Thomas F. Klinkner, City Attorney

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

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**City of Homer  
Planning & Zoning**

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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

**STAFF REPORT PL 10-86**

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** October 6, 2010  
**SUBJECT:** Vacation of a portion of a Section Line Easement

**Requested Action:** Conduct a public hearing on the vacation of a Section Line Easement. Make a recommendation to the Kenai Peninsula Borough Planning Commission.

**Staff Recommendation:** Recommend approval of the vacation.

**GENERAL INFORMATION**

<b>Applicants:</b>	Douglas & Sandra Stark PO Box 1242 Homer AK 99603	Roger Imhoff, RLS PO Box 2588 Homer AK 99603
<b>Location:</b>	Nelson Ave, north of East End Road.	
<b>Parcel ID:</b>	17903035	

**Zoning Designation:** Residential Office  
**Existing Land Use:** Single Family Residence  
**Surrounding Land Use:** North: Vacant/Residential  
 South: Residential  
 East: Vacant/Residential  
 West: Vacant  
**Comprehensive Plan:** Chapter 4, Goal 1 Objective B, Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate to high density residential and mixed use areas with lower densities in outlying areas.  
**Public Notice:** Notice was sent to 18 property owners of 23 parcels as shown on the KPB tax assessor rolls.

**ANALYSIS:**

This vacation request lies within the Residential Office Zoning District. A preliminary plat also accompanies this request. The plat will be considered under a separate agenda item. This staff report will only address the vacation of the section line easement.

The section line easement is 33 feet wide, and the applicant proposes to vacate 28 feet. The surveyor stated there is no section line easement on the property to the west; so the total width is the 33 feet on the subject property, not 66 feet as is commonly found. The easement has been vacated to the north, except for five feet on either side of the centerline. The proposed vacation follows the same pattern; five feet will remain for pedestrian and utility access.

The petitioner provided the following justification for the vacation: "The subject lot has more than adequate frontage on Nelson Ave for both legal and physical access. The section line easement is not required for access to any of the joiners. A five foot wide portion east of the section line is being retained as a section line easement for a pedestrian trail and utility needs."

The city of Homer does not have code criteria to review a right of way vacation. Applicable Kenai Peninsula Borough Code states:

20.04.010 Purpose of provisions.

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

**Staff Finding:** An adequate and safe road system has been dedicated in the area. Nelson Avenue and Ronda Street provide for future road construction.

20.28.150. Vehicular access provision.

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

**Staff Finding:** Alternate right of way has been dedicated. A portion of the section line easement will remain for public trail access.

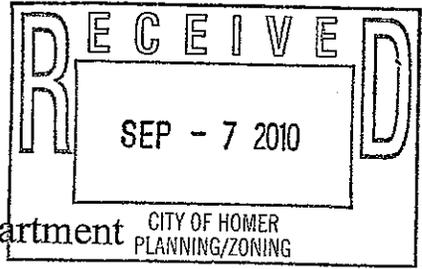
**PUBLIC WORKS COMMENTS:** The Public Works Department had no objection to the vacation.

**FIRE DEPARTMENT COMMENTS:** Fire Chief Painter had no concerns.

**STAFF COMMENTS**  
Staff recommends the Commission recommend approval of the vacation of the section line easement.

ATTACHMENTS

1. Vacation Petition
2. Preliminary Plat



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

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

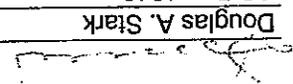
Upon receipt of complete application with fees and all required attachments a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute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

- Fees - \$300 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
  - City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
  - Name of public right-of-way proposed to be vacated is \_\_\_\_\_; dedicated by plat of \_\_\_\_\_ Subdivision, filed as Plat No. \_\_\_\_\_ in \_\_\_\_\_ Recording District.
  - Are there associated utility easements to be vacated?  Yes  No
  - Are easements in use by any utility company; if so which? \_\_\_\_\_
  - Easement for public road or right-of-way as set out in (specify type of document) \_\_\_\_\_ as recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ of the \_\_\_\_\_ Recording District. (Copy of recorded document must be submitted with petition)
  - Section Line Easement. Width of easement must be shown on sketch.
  - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11 x 17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- |   |   |  |
|---|---|--|
| Has right-of-way been fully or partially constructed? | <input type="checkbox"/> Yes            | <input type="checkbox"/> No            |
| Is right-of-way used by vehicles/pedestrians/other?   | <input type="checkbox"/> Yes            | <input type="checkbox"/> No            |
| Has section line easement been constructed?           | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Is section line easement being used?                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Is alternative right-of-way being provided?           | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

**The petitioner must provide reasonable justification for the vacation.** Reason for vacating:  
The subject lot has more than adequate frontage on Nelson Ave for both legal and physical access. The section line easement is not required for access to any of the adjoiners. A 5 ft wide portion east of the section line is being retained as section line easement for a pedestrain trail and utility needs.

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

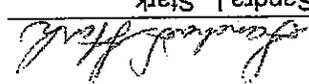
As:  Petitioner  Representative

Submitted by:   
 Signature  
 Name  
 Address  
 Phone

Douglas A. Stark  
 PO Box 1242  
 Homer AK 99603  
 Co-Owner Lot 4B-1 Dierich Addition  
 907-235-5537

Petitioners:

Signature  
 Name  
 Address

  
 Sandra L. Stark  
 same address as above

Owner of

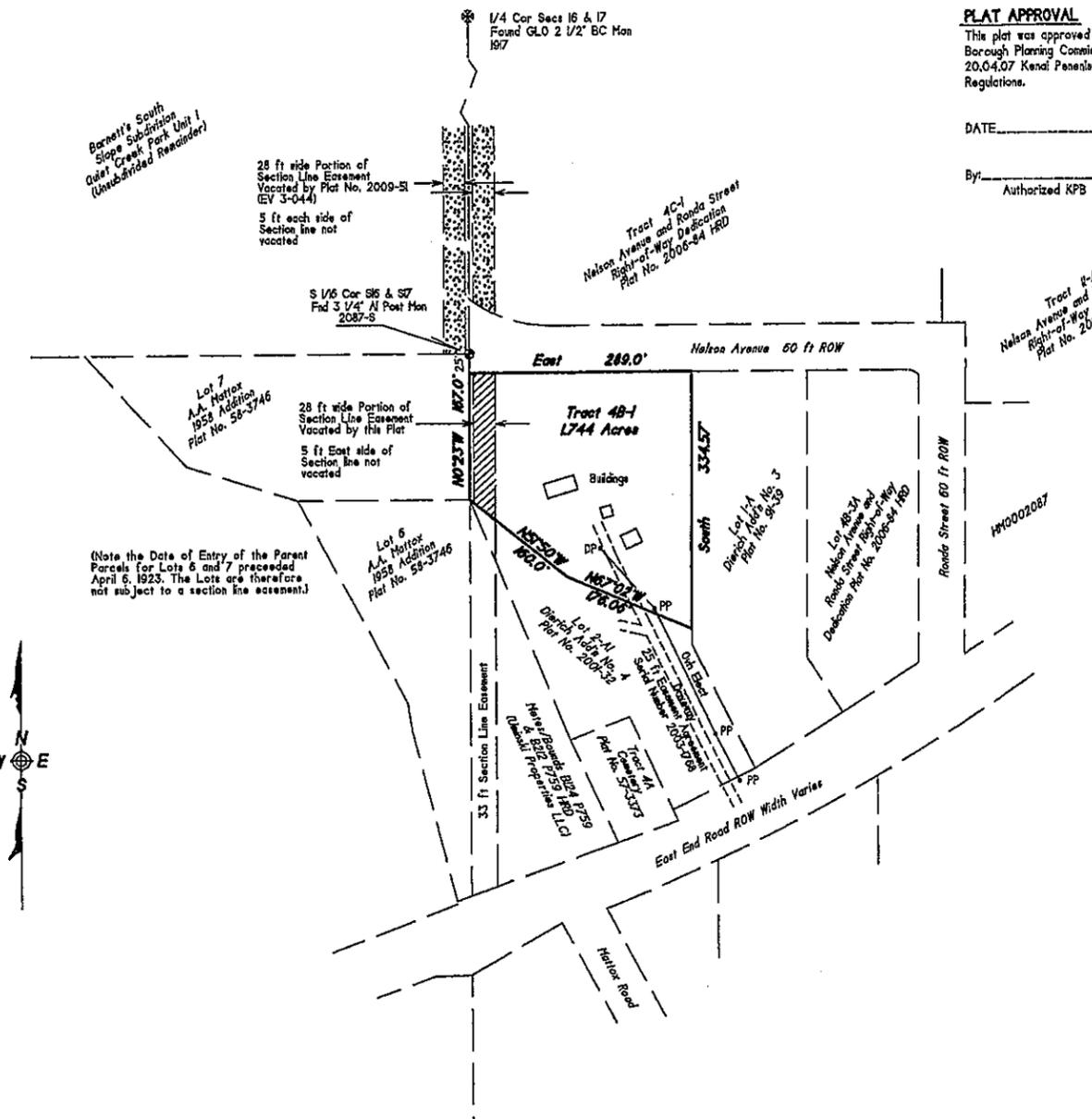
Owner of Lot 4B-1 Dierich Addition

Signature  
 Name  
 Address

Signature  
 Name  
 Address

Owner of

Owner of



- LEGEND**
- Section Line Easement Vacated by this Plat
  - Section-Line Easement Previously Vacated
  - Found Primary monument of record as described
  - GLO Monument Recovered
  - GLO Monument of Record

**PLAT APPROVAL**  
 This plat was approved by the Kenai Peninsula Borough Planning Commission in accordance with 20.04.07 Kenai Peninsula Borough Subdivision Regulations.

DATE \_\_\_\_\_  
 By: \_\_\_\_\_  
 Authorized KPB Official

**SECTION LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATION**

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
 The vacation statement, as shown hereon, has been reviewed by the Central Regional Office and is hereby recommended for approval by the Commissioner.

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_  
 Title: Regional Chief Right-of-Way Agent

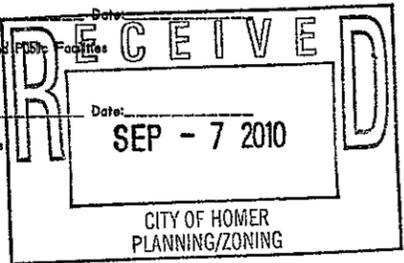
STATE OF ALASKA DIVISION OF MINING, LAND, and WATER  
 The vacation statement, as shown hereon, has been reviewed by the Division of Mining, Land, and Water and is hereby recommended for approval by the Commissioner.

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_  
 Title: Director, Division of Mining, Land, and Water

The STATE OF ALASKA, acting by and through the Commissioner of the Department of Natural Resources and the Commissioner of the Department of Transportation and Public Facilities, does hereby state and declare that the STATE OF ALASKA vacates and releases all rights and title to any and all portions of section line easements for public highways reserved to it under AS 19.10.010 (specific area delineated by diagonal hatching on this plat).

Approved: \_\_\_\_\_ Date \_\_\_\_\_  
 Commissioner  
 Department of Transportation and Public Facilities

Approved: \_\_\_\_\_ Date \_\_\_\_\_  
 Commissioner  
 Department of Natural Resources



- NOTES**
- Diagonally hatched area indicates portions of the section line easements being vacated within Section 16, T6S, R13W, S.M. It is not the intent of this plat to vacate any other dedicated public rights-of-way or easements.
  - No field survey has been conducted in relation to the preparation this section-line easement vacation plat. All dimensions and other details as shown hereon are from the plat of Dierich Addition on file at the Homer Recording District as Plat No. 72-1059.
  - Vacation approved by the Kenai Peninsula Borough Planning Commission at its meeting on \_\_\_\_\_.
  - Alternate access in accordance with AS 19.30.410 is provided by the platted rights-of-way of Nelson Avenue and East End Road.
  - This section-line easement vacation is in compliance with the final finding and decision approved \_\_\_\_\_.

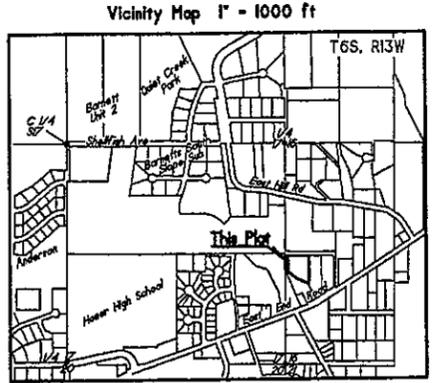
**SURVEYORS CERTIFICATE**  
 I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, and that this plat was drafted under my direct supervision, and that all data shown hereon is true and correct as compiled from existing record information.

Date Roger W. Inhoff Registration Number \_\_\_\_\_



8-27-2010

**SECTION LINE EASEMENT VACATION PLAT**



**CERTIFICATE OF OWNERSHIP**

We the undersigned, hereby certify that we are the owners of the real property shown and described hereon.

We hereby approve this section line easement vacation.

DATE \_\_\_\_\_  
 Douglas A. Stark  
 PO Box 1242  
 Homer AK 99603

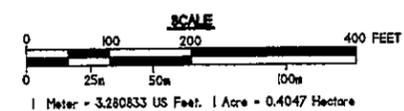
Notary's Acknowledgement  
 Subscribed and sworn to me before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

for Douglas A. Stark  
 Notary Public for Alaska  
 My Commission Expires \_\_\_\_\_

DATE \_\_\_\_\_  
 Sandra L. Stark  
 PO Box 1242  
 Homer AK 99603

Notary's Acknowledgement  
 Subscribed and sworn to me before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

for Sandra L. Stark  
 Notary Public for Alaska  
 My Commission Expires \_\_\_\_\_



<b>DATE OF SURVEY</b> Beginning _____ Not Field Surveyed _____ Ending _____		<b>NAME OF SURVEYOR</b> Roger W. Inhoff, RLS PO Box 2538 Homer, AK 99603	
<b>STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND, and WATER ANCHORAGE, ALASKA</b>			
<b>SECTION-LINE EASEMENT VACATION PLAT</b> Associated with Lot 4B-1 Dierich Addition (Plat No. 72-1059)			
Within Section 16, T.6S., R.13W., S. H. Alaska Homer Recording District			
<b>DRAWN BY:</b> RW	<b>APPROVAL RECOMMENDED</b>		
<b>DATE:</b> 8-26-2010	STATEWIDE PLATTING SUPERVISOR Date _____		
<b>SCALE:</b> 1" = 100 ft	<b>CHECKED:</b> RW	<b>DNR FILE NO.:</b>	<b>EV-</b>





# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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

---

## STAFF REPORT PL 10-93

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** October 6, 2010  
**SUBJECT:** Rezone Ordinance

The rezone ordinance is returned for public hearing as requested. No changes have been made to the ordinance since the Planning Commission last looked at it in September.

### **Recommendation**

Receive public comments and recommend that it be forwarded to City Council for adoption.





# City of Homer Planning & Zoning

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## STAFF REPORT PL 10-90

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** September 15, 2010, October 6, 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.



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  
130

131  
132 \_\_\_\_\_  
133 JAMES C. HORNADAY, MAYOR

134

ATTEST:

135

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137

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139

JO JOHNSON, CMC, CITY CLERK

140

YES:

141

NO:

142

ABSTAIN:

143

ABSENT:

144

First Reading:

145

Public Hearing:

146

Second Reading:

147

Effective Date:

148

Reviewed and approved as to form:

149

150

151

152

Walt E. Wrede, City Manager

153

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

154

Thomas F. Klinckner, City Attorney

155

156

157



# City of Homer

## Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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

### STAFF REPORT PL 10-98

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** July 21, 2010  
**SUBJECT:** Dierich Section Line Easement Vacation Preliminary Plat

**Requested Action:** Preliminary plat approval for a section line easement vacation plat.

#### GENERAL INFORMATION

Applicants:	Douglas & Sandra Stark PO Box 1242 Homer AK 99603	Roger Imhoff, RLS PO Box 2588 Homer AK 99603
Location:	Nelson Ave, north of East End Road	
Parcel ID:	17903035	
Size of Existing Lot(s):	1.744 acres	
Size of Proposed Lots(s):	unchanged	
Zoning Designation:	Residential Office	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Vacant/Residential South: Residential East: Vacant/Residential West: Vacant	
Comprehensive Plan:	Chapter 4, Goal 1 Objective B, Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate to high density residential and mixed use areas with lower densities in outlying areas.	
Wetland Status:	The 2005 wetland mapping shows the northern half of the lot may be contain wetlands. (Wetland Upland complex; a mixture of wetlands and non-wetlands)	
Flood Plain Status:	Not within a mapped flood hazard area.	
Utilities:	City water and sewer are available.	
Public Notice:	Notice was sent to 18 property owners of 23 parcels as shown on the KPB tax assessor rolls.	

**ANALYSIS:**

The vacation of the section line a separate motion and public hearing. This preliminary plat staff report only addresses the plat. The purpose of the plat is to depict the section line easement vacation. No other lot division or changes to the lot are proposed.

**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: Lot is served by city water and onsite sewer.*

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

*Staff Response: No rights of way are dedicated by this plat.*

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

*Staff Response: The plat meets these requirements. No areas are in excess of 20% grade.*

**PUBLIC WORKS COMMENTS:** The Public Works Department had no comments. An installation agreement is not required.

**FIRE DEPARTMENT COMMENTS:** No fire department concerns.

**STAFF COMMENTS/RECOMMENDATIONS:**

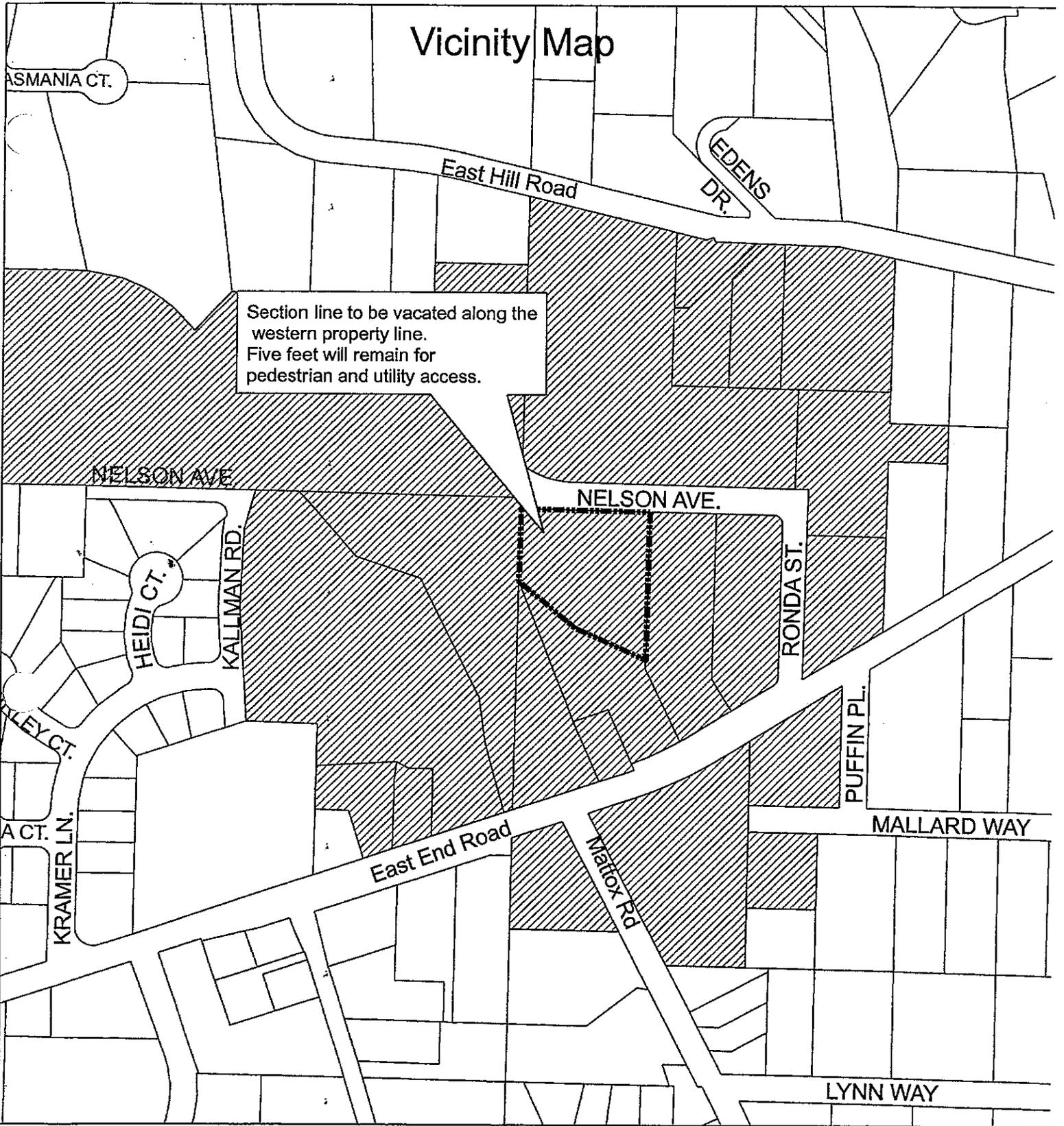
Planning Commission recommend approval of the preliminary plat.

**ATTACHMENTS**

1. Vicinity Map
2. Preliminary Plat

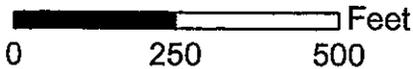


# Vicinity Map



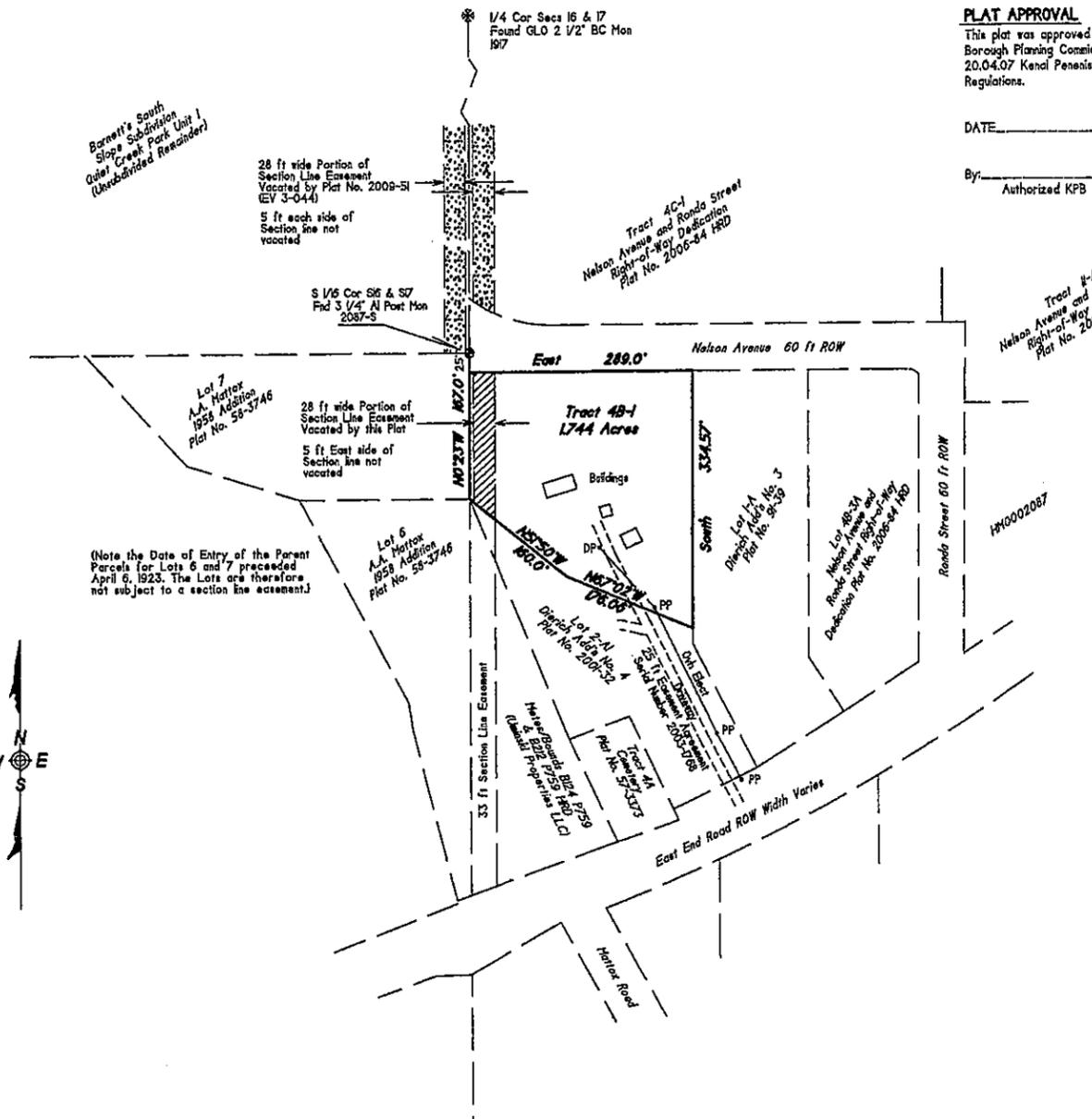
**Request for a vacation of a portion of a section line easement and preliminary plat**

Shaded lots are within 500 feet and property owners notified.





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Barnett's South Slope Subdivision Outer Creek Park Unit 1 (Unrecorded Remainder)

28 ft wide Portion of Section Line Easement Vacated by Plat No. 2009-SI EV 3-044  
5 ft each side of Section line not vacated

S 1/8 Cor S6 & S7 Fd 3 1/4" Al Post Mon 2087-S

28 ft wide Portion of Section Line Easement Vacated by this Plat  
5 ft East side of Section line not vacated

(Note the Date of Entry of the Parent Parcels for Lots 6 and 7 preceded April 6, 1923. The Lots are therefore not subject to a section line easement.)

Lot 6 A.A. Hattori 1958 Addition Plat No. 58-3746

Cor for Sects 16, 17, 20, 21 G.L.O. 3' BC Mon 1917

**PLAT APPROVAL**  
This plat was approved by the Kenai Peninsula Borough Planning Commission in accordance with 20.04.07 Kenai Peninsula Borough Subdivision Regulations.

DATE \_\_\_\_\_  
By \_\_\_\_\_  
Authorized KPB Official

**SECTION LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATION**

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The vacation statement, as shown hereon, has been reviewed by the Central Regional Office and is hereby recommended for approval by the Commissioner.

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_  
Title: Regional Chief Right-of-Way Agent

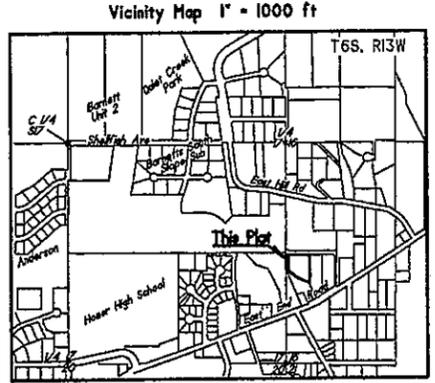
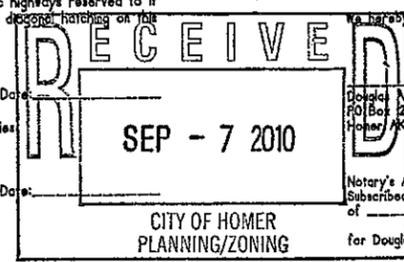
STATE OF ALASKA DIVISION OF MINING, LAND, and WATER  
The vacation statement, as shown hereon, has been reviewed by the Division of Mining, Land, and Water and is hereby recommended for approval by the Commissioner.

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_  
Title: Director, Division of Mining, Land, and Water

The STATE OF ALASKA, acting by and through the Commissioner of the Department of Natural Resources and the Commissioner of the Department of Transportation and Public Facilities, does hereby state and declare that the STATE OF ALASKA vacates and releases all rights and title to any and all portions of section line easements for public highways reserved to it under AS 19.10.010 (specific area delineated by diagonal hatching on the plat).

Approved: \_\_\_\_\_ Date \_\_\_\_\_  
Commissioner  
Department of Transportation and Public Facilities

Approved: \_\_\_\_\_ Date \_\_\_\_\_  
Commissioner  
Department of Natural Resources



**CERTIFICATE OF OWNERSHIP**

We the undersigned, hereby certify that we are the owners of the real property shown and described hereon.

I hereby approve this section line easement vacation.

DATE \_\_\_\_\_  
Douglas A. Stark  
2014  
Homer AK 99603

Notary's Acknowledgement  
Subscribed and sworn to me before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

for Douglas A. Stark

Notary Public for Alaska  
My Commission Expires \_\_\_\_\_

DATE \_\_\_\_\_  
Sandra L. Stark  
PO Box 1242  
Homer AK 99603

Notary's Acknowledgement  
Subscribed and sworn to me before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

for Sandra L. Stark

Notary Public for Alaska  
My Commission Expires \_\_\_\_\_

- NOTES**
1. Diagonally hatched area indicates portions of the section line easements being vacated within Section 16, T.6S., R.13W., S.H. It is not the intent of this plat to vacate any other dedicated public rights-of-way or easements.
  2. No field survey has been conducted in relation to the preparation this section-line easement vacation plat. All dimensions and other details as shown hereon are from the plat of Dierich Addition on file at the Homer Recording District as Plat No. 72-1059.
  3. Vacation approved by the Kenai Peninsula Borough Planning Commission at its meeting on \_\_\_\_\_
  4. Alternate access in accordance with AS 19.30.410 is provided by the platted rights-of-way of Nelson Avenue and East End Road.
  5. This section-line easement vacation is in compliance with the final finding and decision approved \_\_\_\_\_

**SURVEYORS CERTIFICATE**

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, and that this plat was drafted under my direct supervision, and that all data shown hereon is true and correct as compiled from existing record information.

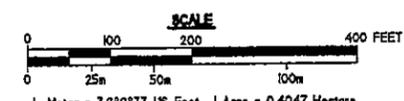
Date Roger W. Inhoff Registration Number \_\_\_\_\_



8-27-2010

**SECTION LINE EASEMENT VACATION PLAT**

- LEGEND**
- Section Line Easement Vacated by this Plat
  - Section-Line Easement Previously Vacated
  - Found Primary monument of record as described
  - G.L.O. Monument Recovered
  - G.L.O. Monument of Record



DATE OF SURVEY Beginning Not Field Surveyed Ending	NAME OF SURVEYOR Roger W. Inhoff, RLS PO Box 2588 Homer AK 99603
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND, and WATER ANCHORAGE, ALASKA	
SECTION-LINE EASEMENT VACATION PLAT Associated with Lot 48-1 Dierich Addition (Plat No. 72-1059)	
Within Section 16, T.6S., R.13W., S. H. Alaska Homer Recording District	
DRAWN BY: RW	APPROVAL RECOMMENDED
DATE 8-26-2010	STATEWIDE PLATTING SUPERVISOR Date
SCALE 1" = 100 ft	CHECKED RW
	DNR FILE NO. EV-





# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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

## STAFF REPORT PL 10-92

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** October 6, 2010  
**SUBJECT:** Subdivision Ordinance

### Introduction

This ordinance has been refined and additional content has been added to reflect some of the proposed changes recommended in the Homer Non-Motorized Transportation and Trails Plan (HNMTTP), since the changes are to some of the same sections of code we are proposing to amend.

### GENERAL INFORMATION

The Homer Non-Motorized Transportation and Trails Plan (HNMTTP) was adopted as part of the Homer Comprehensive Plan in 2005. This ordinance changes three different sections of city code: Title 11 Streets, Sidewalks and Driveway Construction, Title 21 Zoning and Planning, and Title 22 Subdivisions. The ordinance would require the granting of non-motorized public access easements during the subdivision and planned unit development processes, and that trails and easements meet city trail standards.

The ordinance does not require the construction of these improvements, only the granting of the easement. This is something the Commission can further discuss if desired.

### ANALYSIS:

#### Title 11, Streets, Sidewalks and Driveway Construction

This ordinance makes two main amendments to Title 11. First, it adds definitions. Second, it requires trails be built to city trail standards. For example, if a developer wanted to build a public access trail, the trail must be built to city standards if the city is going to accept the easement, and responsibility of the trail. Title 11 is amended in more than one location for this requirement. The City adopted trail design and construction standards in 2009.

#### Title 21 Zoning and Planning

This ordinance requires planned unit developments to provide public access easements in some circumstances.

#### Title 22 Subdivisions

This ordinance adds definitions to the Title, requires the granting of easements during the subdivision process, and also outlines how the city will accept easements. This provision allows the Council to

accept or reject easements, rather than the City Manager. City Manager Wrede felt it was important to have a process in code, so that trail easements are institutionalized. The decision to accept or reject an easement should not lie with a single individual. Potentially every time there is a different manager, the city policy on easements could change. By creating code and a process through City Council, the city will be more consistent over time.

**Changes from the last draft presented to the Planning Commission**

Lines 35 – 40, 112 – 113

Clearly indicates that a subdivision includes the 'deletion or relocation of the boundary of a tract or parcel'. Also aligns the definition of "Subdivision" found in different chapters of code.

Lines 45-51, 57, 65-75, 83, 88-91, 97-104, 148-156

Changes as recommended in HNM/TTP relating to the dedication of easements.

Section 8-9, lines 120-136

Repealed and reenacted at my request for brevity and clarity. I found the existing code a difficult read made even more so after incorporating a strikeout version. This basically delineates the various standards expected for subdivision improvements including those that Public Works wished to expand upon.

Lines 141-147

Amended to recommendations of Public Works

**Recommendation**

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

CITY OF HOMER  
HOMER, ALASKA

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 11.04.030, DEFINITIONS; AMENDING HOMER CITY CODE 11.04.040, STREET CONSTRUCTION, DESIGN AND DEDICATION REQUIREMENTS—GENERAL; AMENDING HOMER CITY CODE 11.04.120, SIDEWALKS; AMENDING HOMER CITY CODE 21.52.030, DEVELOPMENT PLAN; AMENDING HOMER CITY CODE 22.10.030, DEFINITIONS; AMENDING HOMER CITY CODE 22.10.050, IMPROVEMENT REQUIREMENTS—GENERAL; AND HOMER CITY CODE 22.10.051, UTILITY EASEMENTS; REGARDING SUBDIVISIONS AND SUBDIVISION AND PLANNED UNIT DEVELOPMENT IMPROVEMENT REQUIREMENTS.

WHEREAS, The City of Homer City Council Adopted the Homer Non-motorized Transportation and Trails Plan on August 10, 2004; and

WHEREAS, The Homer Non-motorized Transportation and Trails Plan will guide the development of the non-motorized transportation and trails system for the City of Homer; and

WHEREAS, The Homer Non-motorized Transportation and Trails Plan contains suggested code amendments to implement its goals and objectives;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Subsection (y) of Homer City Code 11.04.030, Definitions, is amended to read as follows:

y. "Subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including resubdivision. Any addition, deletion or relocation of the boundary of a tract or parcel of land shown on a recorded plat is a subdivision. ~~any subdivision, and~~ When appropriate to the context, the term shall refer to the process of subdividing or to the land or areas subdivided. ~~A "new subdivision" is an subdivision in which a plat has received preliminary approval prior to the effective date of this chapter. There will be no time extension allowed for said preliminary plat to be considered at a later date.~~

Section 2. Homer City Code 11.04.030, Definitions, is amended to add the following definitions, with subsections renumbered accordingly:

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

"Non-Motorized Transportation and Trail Plan" means the Homer Non-Motorized Transportation and Trail Plan (2004), adopted as an element of the Homer Comprehensive

Plan by HCC 21.02.010(b).

"Non-motorized transportation corridor" means an easement or right-of-way

designated for public use for pedestrian, bicycle, equestrian or other non-motorized means

of transportation.

"Public access corridor" means an easement or right-of-way providing public access

through a lot, subdivision or development.

Section 3. Subsection (a) of Homer City Code 11.04.040, Street construction, design and

dedication requirements—General, is amended to read as follows:

a. All streets, or roads or non-motorized transportation facilities constructed or

reconstructed within the City of Homer after the effective date of the ordinance codified in this

chapter shall adhere to the dedication, design and construction standards set forth in this chapter

and shall also be designed and constructed according to the procedures and standards set forth in

Chapter 11.20, unless waived as provided in Chapter 11.20.

Section 4. Homer City Code 11.04.120, Sidewalks, is amended to read as follows:

11.04.120 Sidewalks and non-motorized transportation corridors. a. New streets to be

accepted by the City and identified as public access corridors in the adopted Homer Non-

Motorized Transportation and Trail Plan shall have easements for sidewalks, bicycle paths

or other non-motorized transportation facilities to ensure convenient mobility and

convenient access to parks, recreation areas, trails, playgrounds, schools and places of

public assembly.

ab. New streets to be accepted by the City and not identified as public access

corridors in the Non-Motorized Transportation and Trail Plan may, at the developer's

option, have sidewalks, and/or bicycle paths or other non-motorized transportation facilities.

eg. Sidewalks, and bicycle paths and other non-motorized transportation facilities

shall be designed in accordance with the design criteria of the City of Homer Design Criteria

Manual.

Section 5. Paragraph (a)(11) of Homer City Code 21.52.030, Development plan, is

amended to read as follows:

11. The substance of covenants, grants of easements or other restrictions to be

imposed upon the use of the land, buildings and structures, including proposed easements for

public utilities and public access;

Section 6. Paragraph (a)(18) of Homer City Code 21.52.030, Development plan, is

adopted to read as follows:

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

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18. Where practical and safe, and where other means of access have not been provided, public access easements or dedications may be required to provide access to contiguous public lands or connections with existing or proposed non-motorized transportation corridors.

Section 7. Homer City Code 22.10.030, Definitions, is amended to read as follows:

22.10.030 Definitions. The following words and phrases shall have the meanings set forth in this section, unless otherwise provided or the context otherwise requires:

a. "Non-Motorized Transportation and Trail Plan" means the Homer Non-Motorized Transportation and Trail Plan (2004), adopted as an element of the Homer Comprehensive Plan by HCC 21.02.010(b).

b. "Non-motorized transportation corridor" means an easement or right-of-way designated for public use for pedestrian, bicycle, equestrian or other non-motorized means of transportation.

c. "Public Access Corridor" means an easement or right of way allowing public access through a lot, subdivision or development.

da. "Subdivider" means a person, firm, association, partnership, corporation, governmental unit or combination of any of these which may hold any recorded or equitable ownership interest in land, and dividing or proposing to divide such land so as to constitute a subdivision as defined in this section. This term shall also include all heirs, assigns or successors in interest, or representatives of, the subdivider, owner, proprietor or developer.

eb. "Subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including any subdivision or resubdivision. Any addition, deletion or relocation of the boundary of a tract or parcel of land shown on a recorded plat is a subdivision. When appropriate to the context, the term shall refer to the process of subdividing or to the land or areas subdivided.

Section 8. Subsection (a) of Homer City Code 22.10.050, Improvement requirements—General, is repealed and reenacted to read as follows:

a. The Kenai Peninsula Borough shall not release any final plat for a subdivision in the city for filing at the State Recorder's Office until the subdivider or developer of the subdivision either enters a subdivision agreement for, or constructs and obtains written city approval of, the following improvements, according to the standards and procedures required under Title 11 of this Code:

1. Streets in all rights-of-way dedicated by the plat; and,
2. All other utilities and public improvements to be constructed in the rights-of-way and easements dedicated by the plat, including water, sewer, electric, communications, and gas lines, as applicable.
3. Abandonment or relocation of existing water or sewer service lines required due to conflict with new or relocated property lines, as required by the Public Works Department.

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

Section 9. Subsection (b) of Homer City Code 22.10.050, Improvement requirements—  
General, is repealed and reenacted to read as follows:

b. The commission may exempt a plat from the provisions of subsection (a) of this  
section as provided in Section 22.10.040.

Section 10. Homer City Code 22.10.051, Utility easements, is amended to read as  
follows:

~~22.10.051 Utility easements and rights-of-way. Each lot of a new subdivision must have  
access from a fifteen-foot utility easement. a. The subdivider shall dedicate a fifteen (15) foot  
wide utility easement immediately adjacent along the entire length of the shared boundary  
to each existing or proposed street right-of-way in each lot of a new subdivision.~~

b. The subdivider shall dedicate in each lot of a new subdivision any water  
and/or sewer easements that are needed for future water and sewer mains shown on the  
official Water/Sewer Master Plan approved by the council.

c. Easements or rights-of-way for sidewalks, bicycle paths or other non-  
motorized transportation facilities shall be dedicated in areas identified as public access  
corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted  
by the Homer City Council or as required by the Kenai Peninsula Borough Code.

d. The city council may accept the dedication of easements or rights-of-way for  
non-motorized transportation facilities that are not identified in 21.10.051(c), if the city  
council determines that accepting the dedication would be consistent with the adopted  
plans of the city.

Section 11. This ordinance shall be effective upon adoption, and shall apply to all  
subdivisions for which the Kenai Peninsula Borough grants preliminary plat approval after the  
effective date of this ordinance.

Section 12. This Ordinance is of a permanent and general character and shall be included  
in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_  
2010.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

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173 ATTEST:

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177 JO JOHNSON, CMC, CITY CLERK

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179 YES:

180 NO:

181 ABSTAIN:

182 ABSENT:

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184 First Reading:

185 Public Hearing:

186 Second Reading:

187 Effective Date:

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190 Reviewed and approved as to form:

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194 Walt E. Wrede, City Manager

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

Thomas F. Klinkner, City Attorney

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

**[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](mailto:Planning@ci.homer.ak.us)  
Web Site [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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**STAFF REPORT PL 10-97**

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Dotti Harness-Foster, Planning Technician  
**MEETING:** October 6, 2010

**SUBJECT:** DRAFT Sign Code Amendment

At the September 15, 2010 HAPC Work session staff presented options for amending the sign code to accommodate lots with multiple buildings. Based on that discussion staff has drafted an ordinance that would amend the existing sign code city-wide. The draft ordinance:

1. Allocates signage by "permitted principal building." HCC 21.60.060 Table 2 Part B. (Line 50-51)
2. Adds a row to Table 2 for small building "0 to 199 square feet of wall frontage" to allow "30 square feet" of signs, HCC 21.60.060 Table 2 Part B. (Line 57-59)
3. Restricts temporary portable signs to the hours the business is open, HCC 21.60.130 Temporary signs. (Line 74-75)
- 4.

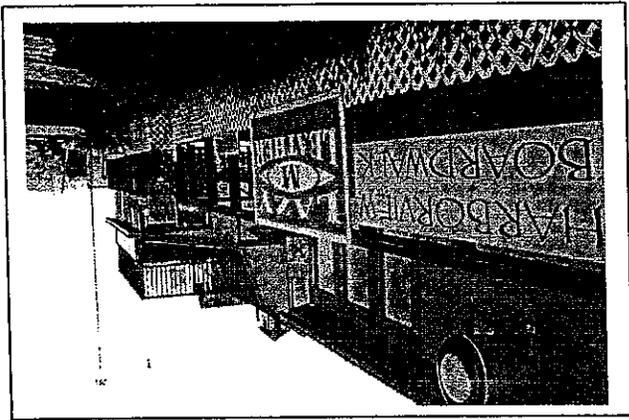
**RECOMMENDATION:** Review and suggest date for public hearing(s) or schedule time for further review.

Clarification to questions that surfaced during the September 15, 2010 Work Session:

The commission asked how boardwalks could identify themselves with a freestanding sign. Secondly, the commission asked how freestanding signs were sized for lots with multiple businesses.

First, Table 2 Part B allows one freestanding sign per lot. In addition to the sign area per principal building(s), lots with multiple principal buildings are allowed up to thirty (30) square feet of signage that promotes or identifies the "complex of buildings." This could be a freestanding sign like Belmonte Vista, or attached to a wall or railing as does Harborview Boardwalk and Cannery Row Boardwalk. Signs that identify a "complex of buildings" can be up to thirty (30) square feet which represents 20% of 150 square feet. From HCC 21.60.060 Table 2 Part B:

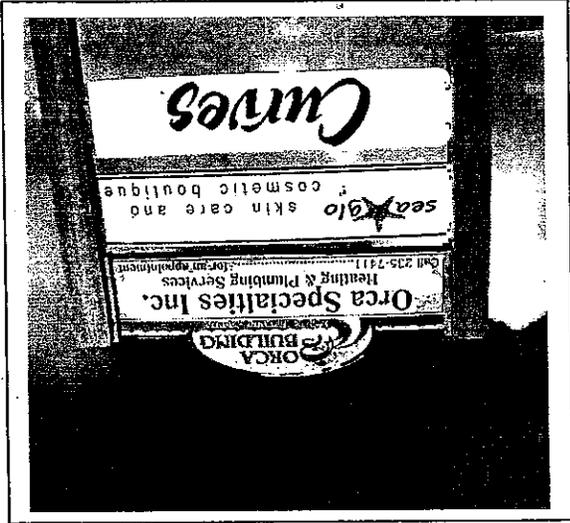
**"In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings."**



Secondly, lots with multiple businesses may share one the freestanding sign. In this case the code states that:

- One business is allowed
- Two businesses are allowed
- Three businesses are allowed
- For or more business are allowed
- 36 square feet
- 54 square feet
- 63 square feet
- 72 square feet

The above sign area is included in the allowed signage. The Orca Building and The Professional Center on Ben Walters use a freestanding sign to identify the building(s) while providing signage for the individual businesses:



Att: Draft ordinance

CITY OF HOMER, ALASKA

City Manager/Planning

AN ORDINANCE OF THE CITY OF HOMER  
CITY COUNCIL TO AMEND HOMER CITY  
CODE 21.60.060 TABLE 2 PART B MAXIMUM  
TOTAL SIGN AREA AND AMEND HCC  
21.60.130 TO RESTRICT THE DISPLAY OF  
TEMPORARY SIGN DURING HOURS THE  
BUSINESS IS OPEN AND AMEND 21.60.170  
ENFORCEMENT AND REMEDIES TO ALLOW  
FINES TO BE ASSESSED  
ADMINISTRATIVELY.

WHEREAS, Minimizing the visual sign clutter of excess signs prevents unsafe conditions and contributes to the identity of the Spit and cultivates pride; and

WHEREAS, Currently the sign code allocates sign area per lot; and

WHEREAS, Sign size needs to be compatible and in scale with multiple small principal buildings on one lot; and

WHEREAS, The number of principal buildings on a lot is prescribed in the Conditional Use Permit process; and

WHEREAS, Restricting the display of portable temporary signs to when the business is open will help reduce visual sign clutter; and

WHEREAS, Enforcement and fines for violations of the sign code should be handled administratively per HCC 21.90.080.

WHEREAS, The Homer Advisory Planning Commission held a public hearing on this matter on \_\_\_\_\_.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Title 21 Zoning and Planning, 21.60.060 Table 2 Part B Sign Code Maximum Total Sign Area is hereby amended as follows:

41 Table 2. Maximum Total Sign Area Per Principal Building(s) Set-By  
42 Zoning District  
43 Table 2 Part B  
44

45 In all other districts not described in Table 2 Part A, the maximum  
46 combined total area of all signs, in square feet, except  
47 incidental, building marker, and flags, shall not exceed the  
48 following:

49 Square feet of wall frontage (c):  
50 Maximum allowed sign area  
51 per principal building(s)  
52 feet.

52	750 s.f. and over	150 s.f.
53	650 to 749	130 s.f.
54	550 to 649	110 s.f.
55	450 to 549	90 s.f.
56	350 to 449	70 s.f.
57	<del>0 to 349</del>	<del>50 s.f.</del>
58	200 to 349	50 s.f.
59	0 to 199	30 s.f.

60  
61 Section 2. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-Private  
62 property is amended to read as follows:

63 21.60.130 Temporary signs-Private property. Temporary signs on  
64 private property shall be allowed subject to the following  
65 requirements:

66 a. Term. A temporary sign shall not be displayed for more than 14  
67 days in any 90-day period, except a sign offering for sale or  
68 lease the lot on which the sign is located, which is allowed as  
69 long as the property is for sale or lease.

70 b. Number. Only one temporary sign per lot is allowed.

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71 c. Unless a smaller size is required by another provision of this  
72 title, the maximum size of a temporary sign is restricted to 16  
73 square feet. (Ord. 08-29, 2008).

74 d. Hours. Temporary signs displayed only during the hours the  
75 business is open.

76 Section 3. Homer City Code Title 21 Zoning and Planning 21.60.170 Enforcement and remedies  
77 is amended to read as follows:

78 21.60.170 Enforcement and remedies. a. Any violation or attempted  
79 violation of this chapter or of any condition or requirement  
80 adopted pursuant hereto may be restrained, corrected, or abated,  
81 as the case may be, by injunction or other appropriate  
82 proceedings pursuant to law.

83 b. A violation of this chapter shall be considered a violation of  
84 the zoning code of the City, subject prosecution and, upon  
85 conviction, subject to fines pursuant to HCC § 21.90.~~80100~~.

86 Section 4. This Ordinance is of a permanent and general character and shall be included in the  
87 City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this \_\_\_\_\_ day of  
\_\_\_\_\_, 2009.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO L. JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

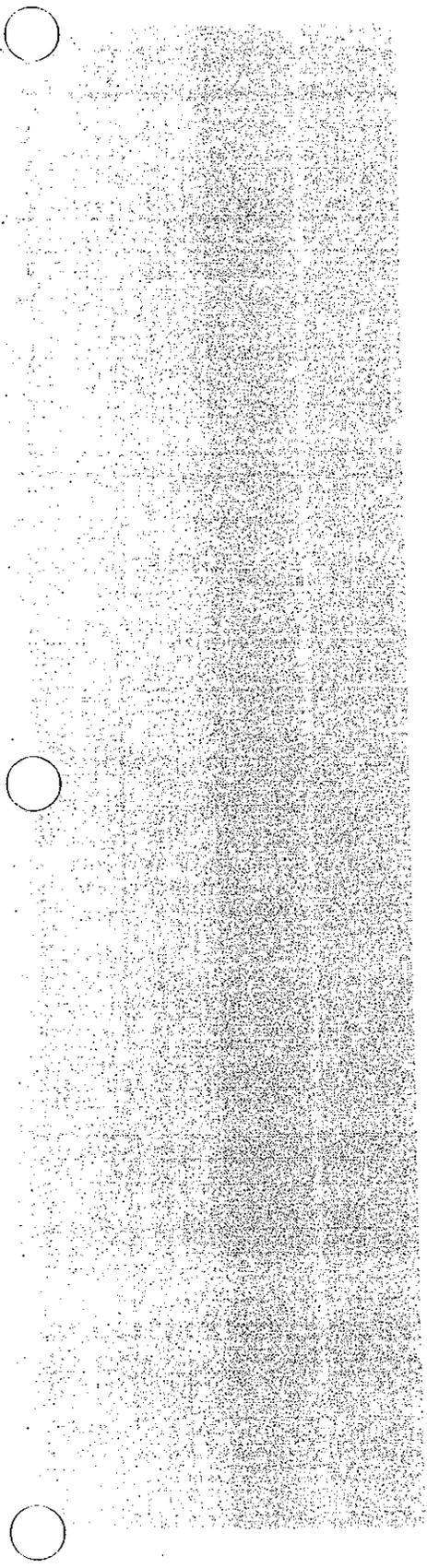
ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



112  
113  
114  
115  
116  
117  
118  
119  
120

Reviewed and Approved as to form and content:

Walt E. Wrede, City Manager

Thomas F. Klunkner, City Attorney

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



# City of Homer

## Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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

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### STAFF REPORT PL 10-96

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** October 6, 2010  
**SUBJECT:** Storage in UR, RR, RO & Nonconforming (Outdoor Storage)

#### Introduction

In our efforts to enforce nuisance property and facilitate the removal of junk cars, we have found the code problematic in the way it deals with storage, especially junk cars.

Currently, by my interpretation, one of the ways to deal with removal of junk cars is under title 18 where it refers to abandon vehicles. If they are not abandoned, this is not too useful. The other way of going after this would be as junk, using the definition of junk vehicles. It is pretty much illegal to store dismantled vehicles, unless you are permitted as a junk yard, but many junkers may appear to be operable. It just too burdensome to investigate and prove that vehicles are inoperable in order to enforce regulations regards the storage of junk. In order to make it more understandable and enforceable, I suggest that we have some sort of limit on the number of vehicles or the space that they may occupy. I talked to the attorney to develop something more clear cut.

#### Attorney Comments

The attachment is the first of several documents that I will be working on to develop more effective methods of zoning enforcement. It establishes limitations on storage as an accessory use in residential zones. In particular, it limits the lot area that can be used for storage, requires that stored items be owned by an occupant of the property, limits the number of motor vehicles that can be stored, and limits the period during which nonconforming storage can be grandfathered.

The quantities used for these limitations are merely placeholders, which you and the Planning Commission may adjust to establish quantities that are reasonable for Homer.

#### Notable Changes

Line 41 removes terminology of "incidental" and further prescribes a "principle" residential use. Not much of a change other than possible narrowing down some possibilities (that I cannot seem to think of an example at this time – do we have the storage of things not incidental to the "primary" residential use?).

Lines 43 - 44 describe an area of not more than 400 square feet. This needs discussion. I do not believe that this number may be appropriate in all situations. Perhaps some number this small or a bit larger may be appropriate for an UR district but, maybe less reasonable for the larger lots found in RR?

Lines 46 - 52 further prescribes that commercial fishing gear is owned by an occupant who is permitted for such an activity, no storage for your buddies.  
Not more than 2 "stored" vehicles (not moved for at least 30 days) allowed per property. Is this adequate for the snow birds? Two stored trucks approach 400 square feet.

The changes noted above are identical as written for UR, RR and RO districts.

Lines 170-171 nonconforming storage terminates after one year. Perhaps a date would be added after passage by the City Council.

**Recommendation**

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

CITY OF HOMER  
HOMER, ALASKA

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.12.020, PERMITTED USES AND STRUCTURES; HOMER CITY CODE 21.14.020, PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.16.020, PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.61.060, TERMINATION OF NONCONFORMING USE OR STRUCTURE; REGARDING THE ACCESSORY USE OF STORAGE IN RESIDENTIAL ZONING DISTRICTS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.12.020, Permitted uses and structures, is amended to read as follows:

21.12.020 Permitted uses and structures. The following uses are permitted outright in the rural residential district:

- a. Single family dwelling.
- b. Duplex dwelling.
- c. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2).
- d. Public parks and playgrounds;
- e. Rooming house and bed and breakfast;
- f. Home occupations, provided they conform to the requirements of HCC § 21.51.010;
- g. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, and greenhouses provided that:
  - 1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within one hundred feet of any residence other than the dwelling on the same lot,
  - 2. No retail or wholesale business sales office is maintained on the premises;
- h. Private stables;
- i. Private floatplane tie-down as an accessory use incidental to residential use;
- j. ~~Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to residential use;~~
- k. As an accessory use ~~incidental to~~ **a principal residential use**, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner **occupying an area not exceeding 400**

[**Underlined added.** Deleted language stricken through.]

44 **square feet, and separated by at least five feet from any property line, of any of the following:**  
 45 **provided no stored equipment, boat or vehicle exceeds 36 feet in length;**  
 46 **1. commercial fishing gear owned by an occupant who is permitted to**  
 47 **engage in commercial fishing under federal or state law.**  
 48 **2. not more than two motor vehicles owned by an occupant. A motor**  
 49 **vehicle is stored if it is not moved for at least 30 consecutive days.**  
 50 **3. noncommercial equipment, including noncommercial boats, owned by**  
 51 **an occupant, but excluding motor vehicles, provided no stored equipment or boat exceeds**  
 52 **36 feet in length.**  
 53 **k. As an accessory use incidental to residential use, the private outdoor storage of**  
 54 **noncommercial equipment, including noncommercial trucks, boats, and not more than one**  
 55 **recreational vehicle in a safe and orderly manner and separated by at least five feet from any**  
 56 **property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;**  
 57 **l. Other customary accessory uses incidental to any of the permitted uses lists in the**  
 58 **RR district, provided that no separate permit shall be issued for the construction of any detached**  
 59 **accessory building prior to that of the main building.**  
 60 **m. Temporary (seasonal) roadside stands for the sale of produce grown on the**  
 61 **premises;**  
 62 **n. Mobile homes, subject to the requirements of HCC § 21.54.060.**  
 63 **o. Day care homes; provided, however, that outdoor play areas must be fenced.**  
 64 **p. Recreational vehicles, subject to the requirements of HCC § 21.54.320.**  
 65 **q. Open space, but not including outdoor recreational facilities described in HCC §**  
 66 **21.12.030.**  
 67 **r. As an accessory use, one small wind energy system per lot having a rated capacity**  
 68 **not exceeding 10 kilowatts.**  
 69  
 70 **Section 2. Homer City Code 21.14.020, Permitted uses and structures, is amended to**  
 71 **read as follows:**  
 72  
 73 **21.14.020 Permitted uses and structures. The following uses are permitted outright in the urban**  
 74 **residential district:**  
 75 **a. Single-family dwelling, excluding mobile home.**  
 76 **b. Duplex dwelling, excluding mobile home.**  
 77 **c. Multiple-family dwelling, only if the structure conforms to HCC §**  
 78 **21.14.040(a)(2) and excluding mobile home.**  
 79 **d. Public parks and playgrounds;**  
 80 **e. Home occupations, provided they conform to the requirements of HCC §**  
 81 **21.51.010**  
 82 **f. Rooming house and bed and breakfast;**  
 83 **g. Private floatplane tie-up facility as an accessory use incidentally to residential**  
 84 **use;**

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

85 ~~h. As an accessory use incidental to residential use, storage of personal commercial~~  
86 ~~fishing gear in a safe orderly manner and separated by at least five feet from any property line;~~

87 i. As an accessory use incidental to **a principal** residential use, the private outdoor  
88 storage of ~~noncommercial equipment, including noncommercial trucks, boats, and not more than~~  
89 ~~one recreational vehicle~~ in a safe and orderly manner **occupying an area not exceeding 400**  
90 **square feet**, and separated by at least five feet from any property line, **of any of the following:**  
91 ~~provided no stored equipment, boat or vehicle exceeds 36 feet in length;~~

92 **1. commercial fishing gear owned by an occupant who is permitted to**  
93 **engage in commercial fishing under federal or state law.**

94 **2. not more than two motor vehicles owned by an occupant. A motor**  
95 **vehicle is stored if it is not moved for at least 30 consecutive days.**

96 **3. noncommercial equipment, including noncommercial boats, owned by**  
97 **an occupant, but excluding motor vehicles, provided no stored equipment or boat exceeds**  
98 **36 feet in length.**

99 j. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory  
100 to a residential use in a manner consistent with the requirements of all other provisions of the  
101 Homer City Code and as long as such animals are pets of the residents of the dwelling and their  
102 numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

103 k. Customary accessory uses to any of the permitted uses listed in the UR district,  
104 provided that no separate permit shall be issued for the construction of any detached accessory  
105 building prior to that of the main building.

106 l. Day care homes; provided, however, that outdoor play areas must be fenced.

107 m. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.

108 n. Open space, not including outdoor recreational facilities.

109 o. Public schools and private schools.

110 p. As an accessory use, one small wind energy system per lot having a rated capacity  
111 not exceeding 10 kilowatts.

112  
113 **Section 3.** Homer City Code 21.16.020, Permitted uses and structures, is amended to  
114 read as follows:

115  
116 **21.16.020 Permitted uses and structures.** The following uses are permitted outright in the  
117 residential office district:

118 a. Single-family and duplex dwelling, excluding mobile homes;

119 b. Multiple family dwelling, provided the structure conforms to HCC §  
120 21.14.040(a)(2) and excluding mobile homes;

121 c. Public parks and playgrounds;

122 d. Rooming house and bed and breakfast;

123 e. Home occupations; provided they conform to the requirements of HCC §  
124 21.51.010;

125 f. Professional offices and general business offices;

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

- 126 g. Personal services;
- 127 h. Museums, libraries and similar institutions;
- 128 i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- 129 j. Religious, cultural and fraternal assembly;
- 130 k. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;
- 131 l. As an accessory use incidental to a principal permitted or conditionally permitted use, the private outdoor exterior storage of the occupant's personal noncommercial equipment, including noncommercial trucks, boats, campers and not more than one recreational vehicle in a safe and orderly manner occupying an area not exceeding 400 square feet, and separated by at least five feet from any property line, as an accessory use incidental to a permitted or conditionally permitted principal use of any of the following: provided no stored equipment, boat or vehicle exceeds 36 feet in length;
- 132 1. commercial fishing gear owned by an occupant who is permitted to engage in commercial fishing under federal or state law;
- 133 2. not more than two motor vehicles owned by an occupant. A motor vehicle is stored if it is not moved for at least 30 consecutive days.
- 134 3. noncommercial equipment, including noncommercial boats, owned by an occupant, but excluding motor vehicles, provided no stored equipment or boat exceeds 36 feet in length.
- 135 m. Other customary accessory uses to any of the permitted uses listed in the residential office district; provided that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building.
- 136 n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use in a manner consistent with the requirements of the Homer City Code and as long as such animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;
- 137 o. Day care homes; provided, however, that outdoor play areas must be fenced.
- 138 p. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
- 139 q. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts.

Section 4. Homer City Code 21.61.060, Termination of nonconforming use or structure, is amended to read as follows:

21.61.060 Termination of nonconforming use or structure. a. The right to continue a nonconforming use or structure previously approved under this chapter is subject to termination by the Commission if it finds, after providing the property owner notice and an opportunity to be heard at a public hearing, that

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

166 1a. in the case of a nonconforming structure, it has subsequently been  
167 abandoned or brought into conformity with the Homer Zoning Code, or

168 2b. in the case of a nonconforming use, the use has subsequently been  
169 abandoned, changed, discontinued, or ceases to be the primary use of a lot.

170 **b. The right to continue a nonconforming storage use in the rural residential,**  
171 **urban residential or residential office districts shall terminate after one year.**

172  
173 Section 5. This Ordinance is of a permanent and general character and shall be included  
174 in the City Code.

175  
176 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
177 \_\_\_\_\_ 2010.

178  
179 CITY OF HOMER

180  
181  
182  
183 \_\_\_\_\_  
184 JAMES C. HORNADAY, MAYOR

185 5 ATTEST:

186  
187  
188 \_\_\_\_\_  
189 JO JOHNSON, CMC, CITY CLERK

190  
191 YES:

192 NO:

193 ABSTAIN:

194 ABSENT:

195  
196 First Reading:

197 Public Hearing:

198 Second Reading:

199 Effective Date:

200  
201  
202 Reviewed and approved as to form:

203  
204  
205 \_\_\_\_\_  
206 Walt E. Wrede, City Manager

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

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

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

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

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

**MANAGERS REPORT**  
**September 13, 2010, 2010**

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

**FROM:** WALT WREDE

**UPDATES / FOLLOW-UP**

The City Manager's report for this meeting will be a verbal report and it will be devoted entirely to the FY 2011 Draft Budget. Some graphs and other data may be passed out at the meeting. The purpose of this report is to give the Council and the public a general briefing on the status of budget preparations and the significant budget issues that the Council will be addressing this fall. The draft budget will be delivered to the Council later in the week.



**WASTEWATER DISPOSAL:**  
 LOT 21-A AND TRACT A-1 ARE AT LEAST 200,000 SQUARE FEET OR EQUIVALENT. 5 ACRES IN SIZE. CONDITIONS MAY NOT BE SATISFIED FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SHALL BE IN ACCORDANCE WITH THE REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

**NOTES**

1. THE POINT OF BEGINNING FOR THE RIGHT-OF-WAY AND THE 30' EASEMENT TO THE SEWER LINES IS A UTILITY EASEMENT. NO SEWER STATION SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOOPER ZONING REGULATIONS.
3. LOTS WILL BE SERVED BY ON-SITE WATER AND SEWER.
4. NO ACCESS TO STATE MAINTAINED ROADS OR HIGHWAY REMAINED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
5. PORTIONS OF THE SUBJECT LOTS MAY BE SUBJECT TO WETLAND REGULATIONS. OWNERS SHOULD CONTACT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR ANY DEVELOPMENT ACTIVITY IN WETLANDS.
6. A 1998 PLAT COMMITTEE OBTAINED AN EXCEPTION TO 099.02-02000 EXTENSION OF SCenic PLACE AND EXTENDING TRACT-OF-WAY TO THE 25-AGE LANDLOCKED PARCEL, AT THE SOUTHEASTERN CORNER OF TRACT A-1, ON THE EVENING OF JULY 9, 2010.
7. 1998 PLAT COMMITTEE OBTAINED AN EXCEPTION TO 099.02-01000 WASTEWATER BLOCK LAYOUT, ON THE EVENING OF JULY 9, 2010.

**NOTARY'S ACKNOWLEDGMENT**

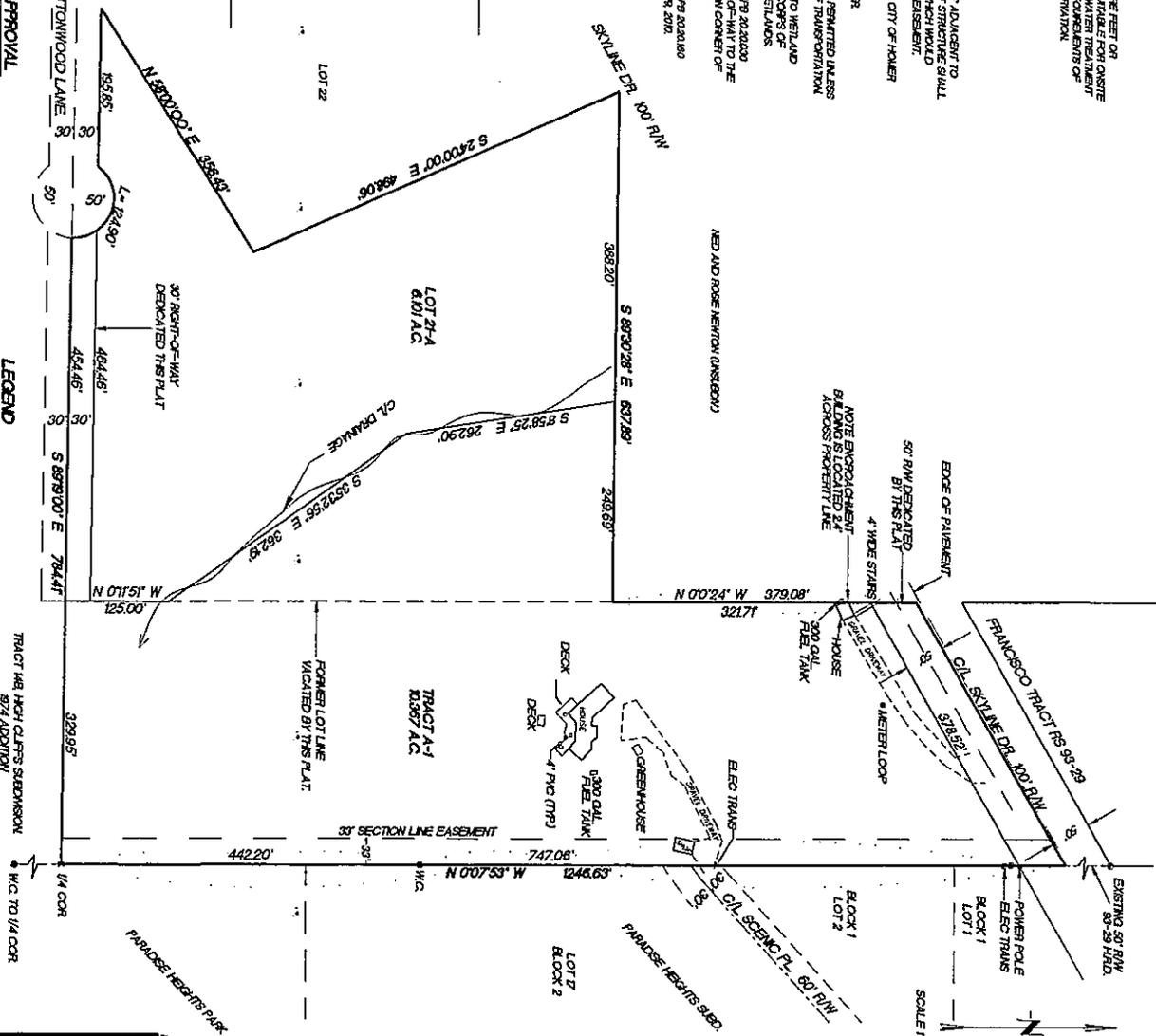
SUBSCRIBED AND SIGNED TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.  
 FOR \_\_\_\_\_  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES \_\_\_\_\_

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SIGNED TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.  
 FOR \_\_\_\_\_  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES \_\_\_\_\_

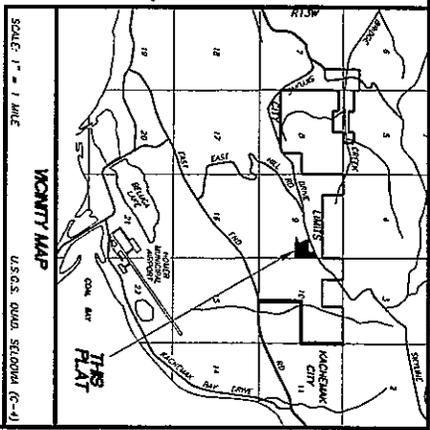
**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE NEWAYPENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_ NEWAYPENINSULA BOROUGH.



**LEGEND**

INDICATES AREAS IN EXCESS OF 20X GRADE



**CERTIFICATE OF OWNERSHIP:**  
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON. THAT THE EASEMENT, ADJOINT RIGHTS OF WAY, SECTIONAL AND OR CHAIN FREE CONSENT, DEEDS, ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

BETTY ANN LUTHERS, TRACT A-1  
 5655 SCENIC PL.  
 HOOPER, ALASKA 99603

KURT WICHMANN, TRACT A-1  
 3055 SCENIC PL.  
 HOOPER, ALASKA 99603

ROMAN TRITTE, LOT 21-A  
 2644 MOUNT TABOR RD.  
 BLACKSBURG, VA 24060

**NOTARY'S ACKNOWLEDGMENT**  
 SUBSCRIBED AND SIGNED TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.  
 FOR \_\_\_\_\_  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES \_\_\_\_\_

**SEABRIGHT SURVEY + DESIGN**  
 1041 EAST ROAD, SUITE A  
 HOOPER, ALASKA 99603  
 (907) 235-4847  
 EMAIL: seabright@seabrightalaska.com

**HOOPER RECORDING DISTRICT** K79 FILE NO. 2010-092  
**EKER ESTATES NO. 3**  
**REPLAT 2010**

A RESUBDIVISION OF LOT 21, EKER ESTATES PLAT #00-49 (1982) AND TRACT A-1, EKER ESTATES PLAT #00-49 (1982) AND TRACT A-1, EKER ESTATES PLAT #00-49 (1982) WITHIN THE CITY OF HOOPER, NEWAYPENINSULA BOROUGH, CONTAINING EASER AREAS, ALASKA.

DRAWN BY/ER	DATE: APRIL 2010	AC'	70'
CHK BY/ER	JOB #00-04	8'	



# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DESIGN & ENGINEERING SERVICES DIVISION  
CENTRAL REGION - RIGHT OF WAY SECTION

FRANK H. MURKOWSKI, GOVERNOR

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-6900  
(907) 269-0700 (FAX 248-9456)  
(TTY 269-0473) 1-800-770-5263

July 26, 2006

Kurt Weichhand  
5655 Scenic Place  
Homer, Alaska 99603

Re: Permittee Signature and Performance Deposit  
Driveway Permit #16959

Dear Mr. Weichhand:

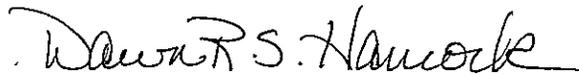
Enclosed is a draft of your driveway permit. Please review the document, sign and return the draft to this office. A performance deposit of \$500 is required. After we receive your signed draft and performance deposit, the driveway permit can be "Approved for Construction".

The approval to construct grants the authorization to construct an access on to Skyline Drive. Your performance deposit of \$500 will be refunded when construction of the driveway is complete and the Department has verified the following:

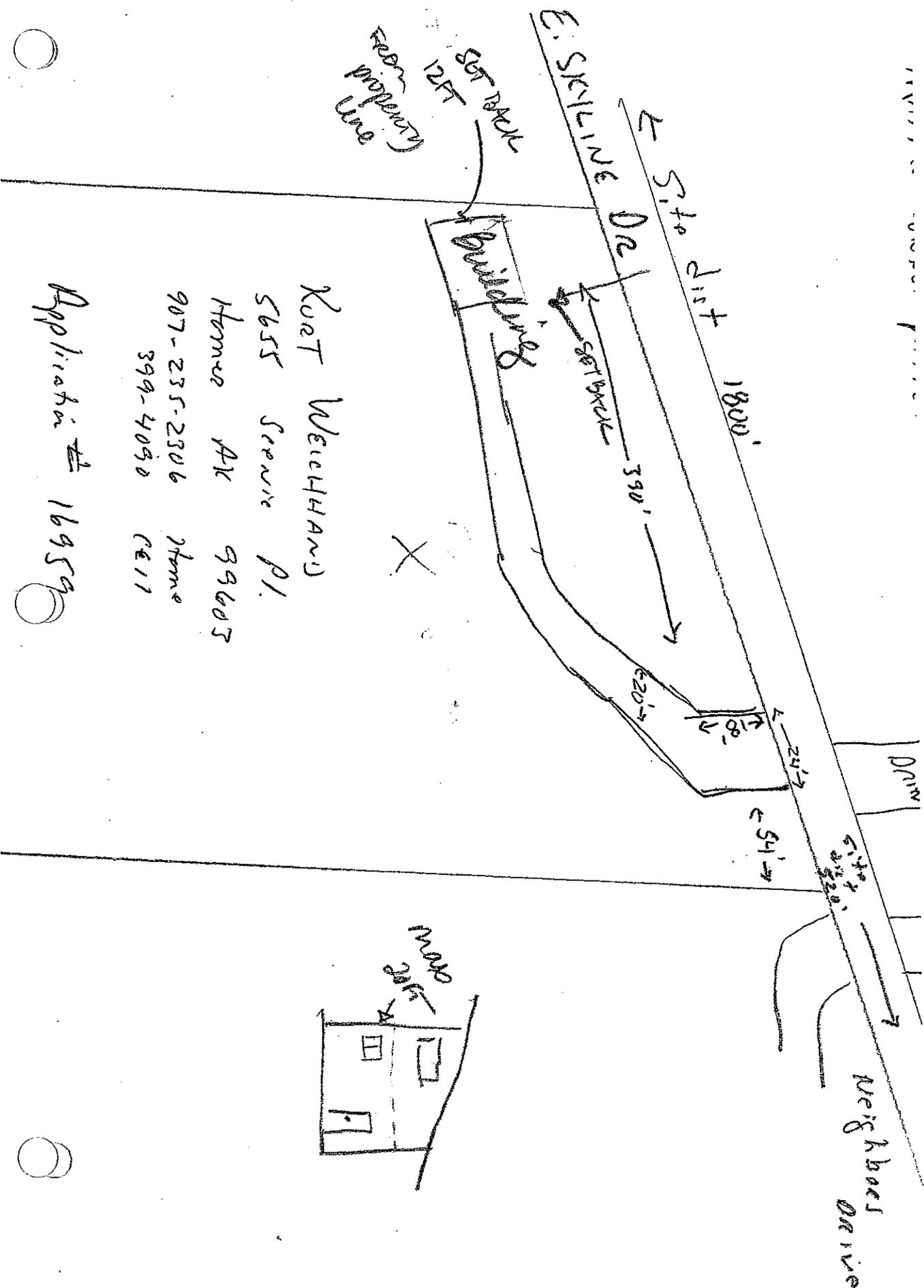
- 1) Landing constructed with a 2% grade away from the State road
- 2) Landing paved to length as stipulated within the permit
- 3) Ditch line and slopes match the existing and are cleared of debris.

If you have questions or if I can be of further assistance, call me toll-free at 1-800-770-5263, or my direct line in Anchorage at (907) 269-0695.

Respectfully yours,



Dawn R. S. Hancock  
Right of Way Agent



KURT WEICHHAND  
 5655 Spruce Pl.  
 Home AK 99605  
 907-235-2306 Home  
 399-4090 Cell

Application # 16959

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

10. Hillstrand's Homestead  
KPB File 2010-151; Seabright/Hillstrand, City of Homer

STAFF REPORT

Plat Committee Meeting: 9/27/10

Location: City of Homer  
Proposed Use: Not Provided  
Zoning: Rural Residential and Bridge Creek Watershed Protection District  
Sewer/Water: On-site  
Assessing Use: Residential, Institutional, Vacant

Supporting Information:

The Plat Committee granted conditional preliminary approval for a plat containing the Hillstrand property and one Homer City-owned parcel south of the Hillstrand property that included dedication of 60-foot Nancy Place. The intent of the replat was to allow the city to acquire additional property for a new water treatment facility. Agreement with the private property owner could not be reached, and an eminent domain action was pursued. On January 4, 2010, the Planning Commission granted a one-year time extension, which extended preliminary approval to January 4, 2011.

A plat containing a portion of the Hillstrand property and two City-owned parcels west of the Hillstrand property has been submitted. Due to the proposed easement vacations, new dedications, elimination of Nancy Place dedication, and different parcels being replatted, the preliminary was processed as a new submittal.

The new subdivision design creates two lots containing approximately 8 acres each, proposes to vacate a recorded right-of-way easement and a portion of a 66-foot section line easement, provides a 50-foot dedication for Skyline Drive and a 60-foot dedication for Carter Drive, and leaves an unsubdivided remainder of about 114 acres. A soils report is not required. **Staff recommends** the wastewater disposal note per KPB 20.14.030 be placed on the final plat.

The redesign will direct traffic away from the city's facilities. The submittal states the new design reflects the wishes of the attorneys of the city and private property owner.

The Homer Advisory Planning Commission reviewed the proposed vacations and preliminary plat on August 18, 2010. After brief discussion, the advisory commission approved the vacation and replat subject to:

- Provide contour information  
*Borough staff comments: The Homer City staff report noted that Carter Drive could be constructed to city standards within the proposed right-of-way. **Staff recommends** the approximate locations of slopes over 20 percent in grade within the proposed plat be shown and labeled per KPB 20.12.060.*
- New right-of-way extending Carter Drive.  
*Borough staff comments: Carter Drive was extended on the preliminary plat submitted for Borough review.*
- Depict the major drainages.  
*Borough staff comments: **Staff recommends** major drainages and low wet areas within the proposed plat be shown and labeled. Plat Note 8 puts the public on notice about the contacting the Corps of Engineers prior to development in wet areas. The Homer City staff report noted the plat is not within a mapped flood hazard zone.*

Development within the subdivision may be subject to the administrative policies and/or enforceable policies of the KPB Coastal Zone Management Program (Ordinance 2007-25).

A portion of Lot 2 is outside Homer City Limits. KPB Code does not prohibit a parcel from being divided by city limits. **Staff recommends** the area inside the city limits be clearly labeled on the plat.

**Staff recommends** Plat Note 6 be revised to: All lands within the City of Homer are subject to City of Homer Zoning regulations.

**Staff recommends** the following be added to Plat Note 5 be revised: For lands outside the City of Homer, a building setback of 20 feet is required from all rights-of-way unless a lesser standard is approved by resolution of the appropriate planning commission.

**Staff recommends** a copy of the court decision for the eminent domain action be provided for the plat file prior to final plat.

The vacation petition has been submitted and is tentatively scheduled for the October 25, 2010 Planning Commission meeting. **Staff recommends** approval of the plat be subject to approval and conditions of the vacation. If the vacation is approved, **Staff recommends** the approval date be included in the vacation label. **Staff recommends** the vacation label be revised to show a right-of-way easement is being vacated. **Staff recommends** the easement's recording information be noted on the plat.

The Addressing Officer review indicates the currently assigned address will become invalid or be reassigned to one of the new lots being created. **Staff recommends** the owner contact Carrie Henson, Addressing Officer, with any questions regarding addresses.

A section line easement vacation plat has not been submitted for Plat Committee review. Planning staff has no information regarding whether a section line easement vacation plat has been submitted to the State of Alaska.

**Staff recommends** the plat boundary be revised to include only those lots being subdivided.

KPB Code does not define, describe uses or restrictions, or contain enforcement provisions for vegetative buffers. **Staff recommends** the vegetative buffer be granted by separate document with the recording information noted on the plat or provide a note or an acceptance statement signed by the City of Homer assuming responsibility for the buffer.

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

If the Certificate to Plat shows the property is affected by private covenants, **staff recommends** the recording information of the private covenants and restrictions of record in effect at the time the final plat is approved be noted on the plat (KPB 20.16.140).

Kachemak Bay Advisory Planning Commission is inactive at this time.

No exceptions have been requested.

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

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Include the Township and Range in the legal description in the Title Block.
2. Provide the names of all owners; confirm the address for Hillstrands (KPB 20.12.060).
3. Show the proposed subdivision on the Vicinity Map.
4. Identify use of all lots (KPB 20.12.060).

**ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF THE FINAL PLAT IN ACCORDANCE WITH TITLE 20 INCLUDE:**

5. Provide an improvement installation agreement from the city or a letter that an agreement is not required (KPB 20.16.060).
6. State right-of-way. Work with Louise Hooyer at DOT (907-269-0713) to verify the ROW and monumentation shown is correct prior to final plat submittal [louise.hooyer@alaska.gov].
7. Revise the utility easement label to grant, not dedicate, the easement.
8. Move the wording for Plat Note 8 up to be opposite its number.
9. Survey and monumentation must meet the ordinance requirements (KPB 20.16.160).
10. Conform to conditions of KPB Planning Commission Resolution 78-6.
11. Compliance with Ordinance 90-38 (Substitute) - Ownership.
12. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

**NOTE: Review of a decision of the plat committee may be heard by the planning commission acting as platting board by filing written notice thereof with the borough planning director on a form provided by the borough planning department. The request for review shall be filed within 10 days after notification of the decision of the plat committee by personal service or service by mail.**

**A request for review may be filed by any person or agency that participated at the plat committee hearing either by written or oral presentation. The request must have an original signature; filing electronically or by facsimile is prohibited. The request for review must briefly state the reason for the review request and applicable provisions of borough code or other law upon which the request for review is based.**

**Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice. Cases reviewed shall be heard de novo by the planning commission acting as the platting board (KPB 2.40.080).**

END OF STAFF REPORT





*Office of the Mayor*  
*James C. Hornaday*

Homer City Hall  
491 E. Pioneer Avenue  
Homer, Alaska 99603-7624

Phone 907-235-8121 x2229  
Fax 907-235-3143

September 29, 2010

James Dolma  
4276 Shirley Court  
Homer, AK 99603

Dear James,

Congratulations! Council confirmed/approved your appointment to the Advisory Planning Commission during their Regular Meeting of September 27, 2010, via Memorandum 10-119.

Included is the 2010 Public Official Conflict of Interest Disclosure Statement. Please complete this document and return to the Clerk's office. This form will be retained in the Clerk's office. It is a public document and may be requested by any member of the public. In the event the Public Official Conflict of Interest Disclosure Statement is requested by a member of the public, you will be notified of the requestor's name.

Also included is the Code of Ethics as outlined in Homer City Code 1.18. This provides important guidelines in your role as a commissioner as to conduct and conflicts of interest.

Thank you for your willingness to serve the City of Homer on the Advisory Planning Commission.

Your term will expire July 1, 2011.

Cordially,

James C. Hornaday, Mayor

Enc: Memorandum 10-119  
Certificate of Appointment  
HCC 1.18 Conflicts of Interest, Partiality & Code of Ethics  
2010 Public Official Conflict of Interest Disclosure Statement

Cc: Homer Advisory Planning Commission





Office of the Mayor  
James C. Hornaday  
Homer City Hall  
491 E. Pioneer Avenue  
Homer, Alaska 99603-7624

Phone 907-235-8121 x2229  
Fax 907-235-3143

## MEMORANDUM 10-119

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: SEPTEMBER 20, 2010

SUBJECT: APPOINTMENT OF JAMES DOLMA TO THE PLANNING COMMISSION.

James Dolma is appointed to the Planning Commission to fill the seat vacated by Jeff Sinn. This appointment will expire July 1, 2011.

### RECOMMENDATION:

Confirm the appointment of James Dolma to the Planning Commission.

Fiscal Note: N/A



# City of Homer

Homer, Alaska

## Mayor's Certificate of Appointment

Greetings

Be It Known That

*James Dolma*

Has been appointed to

serve as

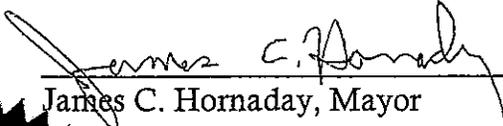
“Commissioner”

on the

“Advisory Planning Commission”

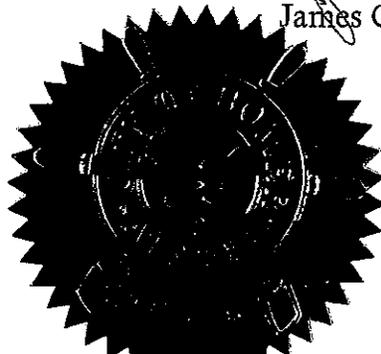
*This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.*

*In Witness whereof I hereunto set my hand  
this 29<sup>th</sup> day of August, 2010.*

  
James C. Hornaday, Mayor

Attest:

  
Jo Johnson, CMC, City Clerk





CITY OF HOMER

2010 PUBLIC SIGN IN SHEET

Planning Commission Regular Meeting October 6, 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 checked="" type="checkbox"/>	<input type="checkbox"/>
2.	Scott Adams	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	<i>[Handwritten Signature]</i>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Beauregard Burgess	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
5.		<input type="checkbox"/>	<input type="checkbox"/>
6.		<input type="checkbox"/>	<input type="checkbox"/>
7.		<input type="checkbox"/>	<input type="checkbox"/>
8.		<input type="checkbox"/>	<input type="checkbox"/>
9.		<input type="checkbox"/>	<input type="checkbox"/>
10.		<input type="checkbox"/>	<input type="checkbox"/>
11.		<input type="checkbox"/>	<input type="checkbox"/>
12.		<input type="checkbox"/>	<input type="checkbox"/>
13.		<input type="checkbox"/>	<input type="checkbox"/>
14.		<input type="checkbox"/>	<input type="checkbox"/>





## *City of Homer*

*City Manager*

*491 East Pioneer Avenue  
Homer, Alaska 99603  
907-235-8121, X-2222*

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Fax 907) 235-3148 E-mail: [wwrede@ci.homer.ak.us](mailto:wwrede@ci.homer.ak.us) Web Site: [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

### **MANAGER'S REPORT October 11, 2010**

#### **MEMORANDUM**

#### **FY 2011 DRAFT BUDGET SUMMARY**

**TO:** Mayor Hornaday and Homer City Council

**DATE:** October 4, 2010

This Memorandum contains an outline and summary of the Draft FY 2011 Operating Budget. The draft budget was placed in your mail boxes on October 4, 2010. The budget will be posted on line and will be available in hard copy for public review at the Clerk's office. The Council is scheduled to receive a full briefing on the budget at the Committee of the Whole meeting on October 11. There is a public hearing scheduled on the draft at the regular meeting the same night. The budget ordinance along with all of the associated resolutions is scheduled to be introduced at the regular meeting on October 25. At that point, the Council will be able to make amendments as it sees necessary and appropriate.

Following is a summary of the draft budget for the General Fund and the two Enterprise Funds.

#### ***General Fund***

At the regular meeting on September 27, I reported to the Council that revenues were projected to be down from 2010. The primary reasons for that included reduced property taxes, loss of rent for the old intermediate school, and a reduction in the special services contract with the Alaska State Troopers. In addition, revenue from sales taxes did not appear to be up as some had predicted. This reduction in revenue coupled with an increase in some fixed costs created an initial budget deficit of approximately \$300,000 before equipment and personnel requests were considered. By meeting time, the deficit had been reduced to just over \$200,000 but much work remained to be done.

The draft budget before you is balanced in the sense that expenditures do not exceed revenues. We were able to balance the budget by making additional cuts, slightly adjusting revenues based upon new information, and minimally

raising fees (airport parking and administration overhead). We were very fortunate this year that insurance costs went down significantly. Property, auto, and liability insurance costs were reduced by \$70,000 in the General Fund alone because each department participated in AML/JIA risk reduction training. We were also able to reduce the contribution to the internal service fund by close to \$90,000 because the fund balance has grown to a comfortable level. These are one time reductions though and likely cannot be repeated next year.

Following is a outline of where the cuts were made, significant budget highlights, and some thoughts about the future.

#### The Additional Cuts / Where Did They Come From?

- 5% cut on average to each department budget
- A reduction in the contribution to the Internal Service Fund (self insured health plan)
- Funding for two parks seasonal employee positions
- Funding for one seasonal beach patrol / parking enforcement aid
- Deeper cuts in training, travel, and professional services line items across the board
- Reduction in snow removal budget
- Cuts to Council travel, subsistence, lobbying, and training budgets
- A myriad of additional cuts to supplies, materials
- Additional cuts to overtime budgets

#### Anticipated Impacts

The budget reductions noted above may not be too noticeable to the general public in the short term but the impacts will be felt over time, especially when you consider that many of these same areas have been already cut substantially over the past two years. For example, this budget reduces training funds to levels that should concern us all. For the City to provide a high level of service, it must have highly trained and professional employees. Eliminating training options for the Police, Fire, and Public Works Departments in particular can lead to unwanted costs and consequences later on.

The two seasonal parks positions are responsible for a wide variety of things including cleaning bathrooms and collecting trash. This will mean that the work will be spread to other employees and a reduced level of service overall can be expected for parks maintenance, camp fee collection, landscaping and beautification projects (especially on Pioneer Ave.) and public education on beach policies. The loss of a seasonal parking aid will mean elimination of beach patrols and a reduced parking enforcement presence at a time when the City is considering taking over parking responsibility for the entire Spit. Cuts to professional services means that we will likely have to seek a separate budget ordinance every time we need a surveyor or an assessor in the course of conducting normal City business.

Cuts to overtime budgets do not mean that there is less work to do. It just means that employees will pile up more compensation time. Although that does not cost the City cash, it does lower productivity because employees spend less time in the office. This is a particular problem for Planning and the Clerk's office as the number of committees continues to expand. Finally, there is only so much that you can reduce material and supply budgets before employees cannot do their jobs. We are getting very close to that now.

#### Draft Budget Highlights

- Operating Budget reduced by \$264,704 or about 2.8%
- No Employee COLA (2<sup>nd</sup> year in a row)
- No contributions to depreciation reserves
- No contributions to fleet reserves
- Vacant positions at Police, Fire, Public Works, Finance, and Clerks remain unfilled
- No vehicle or equipment purchases (with exception of a few computers, \$36,000 in fire department equipment, and new sliding glass doors at airport terminal)
- Fund Balance Grows very slightly

## 5% reduction in non-profit contribution

### Discussion

My goal in preparing the budget this year was to come up with a short term, transitional budget that would for the most part avoid additional service cutbacks and cause as little turmoil in the community as possible. The idea was to prepare a budget that would provide the Council and the community with a little breathing room to thoughtfully discuss the level of services it is willing to pay for going forward. I think this budget does that but it is not sustainable for long. My hope is that this budget and budget message will serve as a wake-up call and will lead to good community dialog without the pressure of an immediate budget axe hovering overhead.

Unless the economy rebounds significantly or new revenue sources are identified, the budget problem is likely to be worse next year. The City cannot continue to defer transfers to its depreciation accounts or investments in its infrastructure. Sooner or later, the bill will come due. Additional cuts can be made to employee compensation packages and staffing levels but they must be weighed against reduced productivity, lowered qualifications and skill sets, and deteriorating morale. We have basically reached the bottom when it comes to cuts in supplies, materials, training, travel, overtime, and other "low hanging fruit".

In short, the City can no longer simply "cut the fat". Staffing levels are about as low as they can go and still provide something that resembles the same level of service. We continue to look for ways to operate more efficiently (energy consumption and procurement for example) but there are limits to how far that can take you. Future budget reductions will necessarily include elimination of entire programs or services. The Council will have to consider structural changes that fundamentally change the level and type of services provided. In addition to eliminating programs and services, these changes may include some of the things we see taking place in the Lower 48 (and Anchorage for that matter) such as reduced hours of operations, furloughs, layoffs, and outsourcing some functions.

### ***Port and Harbor Enterprise Fund***

The Port and Harbor Enterprise Fund is in relatively good shape, at least with respect to the short term and this year's budget. The Port and Harbor has no outstanding debt with the exception of a small equipment loan. Revenues are projected to increase slightly next year and will increase by over \$100,000 if a recommendation to increase fees by 3% is approved. Operating expenses are down from last year by over \$100,000, mostly due to decreases in insurance costs. The draft budget proposes that \$500,000 be transferred to depreciation and fleet reserves.

The draft budget contains no new employees and no COLA for existing employees. The same reductions in contributions to the internal service fund were applied. No new vehicles are included except for a ½ ton pick-up for Port Maintenance. Fortunately, the Port and Harbor is in a position to make some targeted investments in its infrastructure. The draft budget contains \$160,000 in capital improvements that includes upgrades to the harbor tug, a crane rebuild on the Fish Dock, an electrical conduit overhaul on the Fish Dock, upgrades to the ice delivery system, and replacement of the Wiggins forklift.

### Discussion

As noted above, the Port and Harbor Enterprise Fund is in good shape overall, especially if the planning horizon is short term. However, the auditors have reminded us again this year that the fund needs to improve its cash balance situation and significantly enlarge its reserves. As many have noted, the port and harbor facilities are probably the most important economic engine we have in this community. The City should take a long term view in terms of investing in existing infrastructure there. The port and harbor contains upward of \$70 Million dollars of infrastructure but the City only has just over \$1 Million in reserves. Much of this infrastructure, such as the ice plant and the Fish Dock cranes is 25 years old. We have been treading water but not really maintaining and investing as we should. One large breakdown could wipe out the reserves in short order.

To that end, the administration is recommending a 3% increase in most fees. Fees have not been raised for several years and they remain low for the most part compared to other comparable harbors. The extra revenue would be used

to grow the reserves and maintain the facilities that we have. Adequate reserves and a healthy revenue stream are also vital if bond sales or grant matching funds are needed in the future.

### ***Water and Sewer Fund***

As you know, the Council has decided to set water and sewer rates every other year at mid-year. Council will revisit the water and sewer budget and water and sewer rates later this spring. However, in the meantime, a water and sewer budget must be approved along with the rest of the operating budget so that operations can continue through the first part of FY 2011.

The Water and Sewer Enterprise Fund is in pretty good shape overall considering the fundamental problems it must overcome. Those problems include a very expensive and far flung infrastructure and relatively few customers to pay for it. The overall picture becomes more tenuous when debt is considered. Although debt payments are made by the Homer Accelerated Water and Sewer Program Fund, a separate fund supported by sales tax revenues, this still remains water and sewer debt and it is close to \$14 Million. When the two funds are combined, like the auditors like to do, the overall picture suggests caution and close monitoring.

This discussion is limited to the Water and Sewer Enterprise Fund. Total water and sewer fund revenues were down this year and are projected to be down next year as well. The dip in revenues was mostly on the water side and it has been suggested that it is due in part to a very wet summer season and to conservation efforts on the part of consumers. The draft budget contains operating expenses that are essentially flat. There are no COLAs for employees and contributions to the internal service fund were reduced similar to the other funds. The budget contains no new employees, no new vehicles, and transfers \$500,000 into the reserves. The Water and Sewer Fund has just under \$4 Million in reserves. The draft budget contains sewer capital project funding for polymer feed equipment replacement and a bio-solids treatment feasibility study. The purpose of the study is to increase efficiency, reduce energy costs, and prepare for the day that the Borough closes the landfill.

### **Discussion**

Discussion this spring will likely center on several key topics:

- How do we promote in-filling, increase customers, and increase revenues so that the cost of maintenance and operations can be shouldered by more people?
- Should the Water and Sewer Enterprise Fund be subsidized in order to keep rates down? If so, how?
- Is the present fee schedule and cost apportionment between residential, commercial and bulk carrier classes fair and equitable? If not, how should it be adjusted?
- Are there ways to reduce costs we have not thought of yet?



# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

*Telephone* (907) 235-8121

*Fax* (907) 235-3118

*E-mail* [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

*Web Site* [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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## STAFF REPORT PL 10-94

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** October 6, 2010  
**SUBJECT:** Steep Slope Ordinance

### GENERAL INFORMATION

It was orally noted that review of this ordinance prior to the last Planning Commission meeting found that setbacks from the top of steep slopes were not addressed.

This ordinance can be corrected (if this is the intent of the Commission) by making a motion to have line 103 read

“No structure may be closer to the top of a ravine, steep slope or non-coastal bluff.....

And line 106 to read

“1/3 of the height of the bluff or steep slope, but not less than 15 feet.”

### STAFF RECOMMENDATIONS:

Planning Commission

1. Amend as desired and forward for adaption of City Council

