

January 5, 2011
5:30 P.M.

Cowles Council Chambers
491 East Pioneer Avenue
Homer, Alaska

WORK SESSION Advisory Planning Commission AGENDA

1. Call To Order, 5:30 P.M.
2. Discussion of Items on the Regular Meeting Agenda
3. Staff Report PL 10-111, Draft Ordinance amending the City of Homer Comprehensive Plan to include the Homer Spit Comprehensive Plan and Recommending Adoption to the Kenai Peninsula Borough (*Please refer to page 19 of the regular meeting packet.*)
4. Staff Report PL 11-01, East End Mixed Use District (*Please refer to page 43 of the regular meeting packet.*)
5. Staff Report PL 11-07, Exclusion from Bridge Creek Watershed Protection District (BCWPD) (*Please refer to page 53 of the regular meeting packet.*)
6. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
7. Commission Comments
8. Adjournment

**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 December 1, 2010
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g.
4. KPB Coastal Management Program Reports

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6. Presentations

7. Reports

- a. Staff Report PL 11-05, City Planner's Report

Page 9

8. Public Hearings

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

- A. Staff Report PL 11-02, Draft Ordinance Zoning Enforcement
- B. Staff Report PL 10-111, Draft Ordinance amending the City of Homer Comprehensive Plan to include the Homer Spit Comprehensive Plan and Recommending Adoption to the Kenai Peninsula Borough
- C. Staff Report PL 11-08, Nonconforming use status as a bulk petroleum storage site located at 4755 Homer Spit Road, aka as Tract A and Lot 22A Lands End Subdivision. The nonconforming use includes eight (8) fuel storage tanks that were onsite prior to Sept. 28th, 1982 and their continued use

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Page 19

Page 27

9. Plat Consideration

- A. Staff Report PL 11-03, Anderson 2011 Subdivision Preliminary Plat

Page 35

10. Pending Business

- A. Staff Report PL 11-01, East End Mixed Use District

Page 43

11. New Business

- A. Staff Report PL 11-07, Exclusion from Bridge Creek Watershed Protection District (BCWPD)

Page 53

12. Informational Materials

- A. City Manager's Report

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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 10-16, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:05 p.m. on December 1, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

Chair Minsch stated that the CUP for Kachemak Nordic Ski Club was pulled by the applicant. The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

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

There were no public comments.

RECONSIDERATION

There were no times 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 November 3, 2010 minutes

The Consent Agenda was approved by the consensus of the Commission.

PRESENTATIONS

There were no presentations scheduled.

REPORTS

- A. Staff Report PL 10-112, City Planner's Report

City Planner Abboud reviewed his staff report.

PUBLIC HEARINGS

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

A. ~~Staff Report~~ PL 10-111 Draft Ordinance Amending the City of Homer Comprehensive Plan to Include the Homer Spit Comprehensive Plan and Recommending Adoption to the Kenai Peninsula Borough

City Planner Abboud reviewed the staff report.

Chair Minsch opened the public hearing.

Barbara Petersen, city resident, said when reviewing the maps she saw a new park in the area where Pier One Theater is located. If a park is there she is concerned where the theater would be located. She wants it to stay out on the spit and wondered when there will be time for dialog regarding this. City Planner Abboud commented that he neither is aware of a plan for removal of Pier One nor is it suggested in the plan.

George Matz, commented on behalf of Kachemak Bay Birders, he noted the group had provided written comments in the spring and they appreciated the recognition that was given to birding in the plan and that their suggestions were addressed in the plan. He said the earlier draft had things happening at Mariner Park like an under pass and things like that. In their letter they recommended deleting the whole section, and it seems to have been changed. He suggested that there could be some improvements within the foot print of the Mariner Lagoon parking area making it better organized but it shouldn't go beyond the existing foot print. He pointed out that the City's Capital Improvement Plan has some projects that are not compatible with the Spit Plan. One project is developing a bike trail from the Light House Village to Mariner Park, when there is already a bike path on the other side and there would be a major environmental issue filling in that area.

Harold Shepherd, Acting Executive Director of Kachemak Bay Conservation Society, thanked the Commission and Staff for putting the plan together as some provisions are encouraging. He commented regarding the natural environment section. He acknowledged the plans reference to some of the values such as birding, intertidal areas, and other areas of the spit that attract people from all over the country and even internationally. The plan addresses threats from the environment such as tsunamis and flooding, but it does not sufficiently address the economic and other social benefits from preserving the environment and does emphasize quite a bit of development. Promoting development can actually eliminate and harm some of the attributes of that natural environment, thereby eliminating or reducing the corresponding economic and social benefits that can be derived from preserving this incredibly unique area that Homer has. Development of tidal lands rather than preservation is a concern for natural values. He noted reference to page 6 which states "many tidal lands that that make up portions of the parcels of the acreage charts are unusable". He assumes that is reference to unusable for development, however they are usable for other things and in practical terms are highly valuable and usable if the areas are protected.

Robert Archibald, city resident, commented that the Homer Spit is a natural phenomenon. It is one of the few in the world and it should be protected as the valuable piece of property that it is. Nature has created and changed it over geological time. Man can make the plans, but nature can change them without a hearing. The Spit Plan is maturing and becoming a viable document. He sees some issues that may have come up in comments and may need some reinforcement. The spit has diverse user groups striving to get along. The enterprise fund system the Port and Harbor uses will have unknown effects on this plan. The areas near Pier One will come under Port and Harbor funding and that discussion needs to happen soon.

HOMER ADVISORY PLANNING COMMISSION
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DECEMBER 1, 2010

He thinks enhancement of parks and camping areas should be a priority, and that safe access to Mariner Park needs attention either by speed limit reduction or relocation. The park area is used heavily and restrooms need to be installed instead of a portable toilet, a vault system could be installed for a reasonable price. To enhance camping, a layout for campsites could be developed to utilize the area and not increase the footprint. Mr. Archibald said ATV's and off road vehicle use should be banned on the spit, especially now that the City is going to lose the beach patrol. His observation and conversation with others lead him to believe that ATV's and off road vehicles are out for thrills. The danger this expresses to foot traffic is inexcusable. The threat of tidal inundation of stuck vehicles is also a pollution hazard. He commented that the EPA is in the process of implementing new regulations for vessel waste water management, which includes grey water, wash water, detergents, chemicals, and paint from vessels. The use of grids for hull cleaning and paint work may soon be over by regulation and polluting activities as identified by the EPA should be banned. He encouraged the removal and dismantling of derelict vessels in an environmentally sound process. Mr. Archibald provided a copy of his comments for the Commission.

Jack Wiles commented that the theme that has been heard throughout the process has been a plea not to overdevelop the spit. He doesn't think it is anti-development; it is a plea that says the defining character of the spit is its open space, majestic views, and beach access. What we are hoping we won't see more of is condo's blocking those views. He hopes they will not enact a part of the plan that gives conditional use permits for building's over 25 feet on the west side and at the terminus of the spit. It would be a bold and brave move to follow. Keeping the height limit at 25 feet and keeping the views, will keep the defining character of the spit alive. Mr. Wiles said there is a persuasion in the plan that residential use is there and therefore should continue and maybe even expand. He encouraged the Commission to step back and look at what are we if not residential. Define the residential group not as the spit but as the core community where you have services, access to parks, schools, and shopping. On the planning side he hopes they ask tough questions like how we define the zoning through design standards. He hopes they put together a good implementation plan that brings in people who can provide that expertise like architects, landscape architects, or urban type planners who deal with design standards because that is going to help define the character of the spit. He hopes they embrace the clean harbor initiative and become involved rather than pass it off to the Port. He also hopes they protect the world class biological importance of the intertidal zone. There can't be anymore giving of that zone as world wide intertidal zones are disappearing. We have a world class resource here and it needs to be treated that way with a great deal of respect. In terms of traffic and pedestrian flow Mr. Wiles encouraged that the plan give the pedestrian the priority and work around that. Look at how we build the nodes that bring pedestrians in closer contact to the commercial, industrial, and marine part of the spit, rather than accommodating just the vehicle. He hopes they look at the area around Pier One as a planned unit development and see how to make it a focal point of the spit, a Mariner Square. More is not always better, sometimes it is just more.

Lani Raymond read information from her husband who was unable to attend. He is a biologist who is familiar with a lot of these things and has studied the plan in great detail. The plan mentions possible development in tidelands, even while acknowledging the critical habitat regulations generally prohibit it. All the submerged and partially submerged areas of Kachemak Bay are included in critical habitat area for a reason. Habitat and clean water are generally more important than more development. The critical habitat area was established by the State Legislature in 1974. It may allow structures by permits that enhance access but development for economic reasons is prohibited. The proposed capital investment that would

fill in parts of Mariner Park Lagoon to enlarge the camping area and build a bike path to the park should be scrapped. This is the kind of development the critical habitat area was intended to prevent. It would destroy shorebird habitat and the bike path is not needed. The safety aspect that is supposed to be addressed by the new bike path and by building a tunnel under the road can be solved by moving the entrance to the park a few hundred feet to the northwest. This would allow plenty of time for northwest bound drivers to slow down, save a lot of money, and keep an angry flock of birders from swarming City Hall. On page 10 the plan states tsunami warning signs and evacuation signs are currently in place and consideration should be given to provide additional warning siren location and evacuation plans. The July 10, 2009 vehicle count found 1023 vehicles present at the peak of activity, and considered a typical busy day. There are still no estimates of how visitors will be informed of an emergency evacuation, how such an evacuation would be conducted, or how long it would take. These are important considerations and should be completed soon.

Justice Cousins, city resident, commented about the 28 foot building height. His family owns property in the industrial area and it would be a shame if they lost the ability to use it as they want to. If they want to do a boat shop or something over 28 feet they would like to have the ability to so.

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

KRANICH/BOS MOVED TO MOVE THIS TO ANOTHER PUBLIC HEARING ON JANUARY 5, 2011.

It was noted that there can be further discussion and recommendation at that time.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Minsch requested the Commission get their packets with this additional information a little sooner than usual so they will have extra time for review.

B. Staff Report PL 10-110, CUP 10-09 Kachemak Nordic Ski Club Parking

This item was pulled by the applicant.

PLAT CONSIDERATION

There were no plats scheduled for consideration.

PENDING BUSINESS

A. Staff Report PL 10-105, Proposed Sign Code Changes

BOS/DRUHOT MOVED TO POSTPONE ANY FURTHER DISCUSSION ON THE SIGN CODE ORDINANCE TO SOME TIME IN THE FUTURE.

There was discussion that the Commission would like to meet with Council to hear what they are interested in doing with this issue.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 10-96, Draft Enforcement Ordinance

City Planner Abboud reviewed the staff report.

DRUHOT/KRANICH MOVED TO MOVE THIS ORDINANCE TO THE NEXT WORKSESSION.

Commissioner Druhot felt they need to have more discussion and review.

VOTE: NO: BOS, MINSCH, HIGHLAND, DRUHOT, VENUTI, KRANICH, DOLMA

Motion failed.

DRUHOT/BOS MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

There was no objection and discussion ensued.

It was noted that the goal of this ordinance is to maintain the integrity of residential neighborhoods, and to limit the number of cars stored on a residential lot. This ordinance only affects a small number of properties currently.

Some suggestions included:

- They have to be on a parking pad.
- They can't be placed in front of the house.
- More would be allowed if they are fenced in.
- There could be consideration of lot size to the number of vehicles.

There was discussion of the challenges of dealing with junk cars currently and the requirement to have someone who can come in and establish the vehicle is inoperable and having cooperation from the owner to have access to the vehicle.

Chair Minsch called for a short break at 8:15 p.m. The meeting resumed at 8:18 p.m.

BOS/DOLMA MOVED TO HAVE STAFF SCHEDULE THIS FOR A PUBLIC HEARING.

There was brief discussion about lot size.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

No New Business items were schedule.

INFORMATIONAL MATERIALS

A. City Manager's Report

Chair Minsch commented that she was pleased to read that Kachemak City Council has decided they will finance the installation of gas mains in Kachemak City and pay for it with an increase in their mil rate.

COMMENTS OF THE AUDIENCE

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

Justice Cousins, city resident, questioned the issue with junk and why is it the Commission's job to say what people can and can't have on their property. Maybe people who have 5 or 6 cars on their property are using them for parts on a vehicle that does run. He referenced his property on the spit and Mike Kennedy's property. Chair Minsch suggested that Mr. Cousins come and talk to staff regarding those issues.

Robert Archibald, city resident commented regarding the bike path on the west side of the spit. His understanding is that there will be no fill and there is enough room on that side of the road to put in a bike path. The reason for it is that from the bypass across Beluga Lake Bridge everything is on that side of the road. Hopefully at some time there will be slower traffic or a cross walk or something to permit safe crossing for pedestrians. Mr. Archibald said in due respect to Mr. Cousins, he has had a problem with junk and he is glad to see they are going to try to address it.

COMMENTS OF STAFF

There was discussion whether the Commission needs an extra worksession. No additional meetings were scheduled.

COMMENTS OF THE COMMISSION

Commissioners Highland and Dolma had no comments.

Commissioner Kranich commented that the outside storage ordinance refers to the three residential zones only. He read that the urban residential district is primarily intended to provide a sound environment for medium density residential occupancy including single family, duplex, et cetera, and other compatible uses as provided in the chapter. Rural Residential primarily provides an area for low density, primarily residential development. He thinks really the ordinance is there to help the City and residents achieve the goals of the residential zoning.

Mr. Cousins was allowed to comment and noted that there are people who have different income levels and perhaps the only way they can have a vehicle is to build it from several other vehicles. He doesn't agree with the notion of regulations of what a person can store on their property. Chair Minsch encouraged him to come and comment at the Public Hearing.

Commissioner Druhot thought the meeting went well and said it is good to see a full table.

Commissioner Bos wished everyone a merry Christmas.

Commissioner Venuti wished everyone a happy December and said that spring is coming.

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ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:31 p.m. The next regular meeting is scheduled for January 5, 2011 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: _____

[illegible text]

[illegible text]



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

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STAFF REPORT PL 11-05

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: January 5, 2011
SUBJECT: Planning Director's Report

December 13th City Council Meeting

Ordinance 10-56 Steep Slope

Introduced and adopted first reading by title only. Second reading postponed until January 24th

Ordinance 10-57 Subdivisions

Introduced and adopted first reading by title only. Second reading postponed until January 24th

Ordinance 10-58 Rezones

Introduced and adopted first reading by title only. Second reading postponed until January 24th

Resolution 10-94 Brad Faulkner lease on Lot 88-4

Approved without a competitive bidding process.

Resolution 10-98 Snug Harbor Seafoods lease for one half of lot 13B.

Approved City Manager to negotiate and execute a five year lease with two one year options.

January 10th City Council Meeting

Ordinance 10-54 Stormwater and Dirt work

Second reading postponed and special meeting scheduled on item prior to the meeting

Activities

I have been on vacation from 12/16 through 1/2

CESLC course in Homer Feb. 16-17, 2011

The Certified Erosion and Sediment Control Class is coming to Homer!

This course is required on all USACE and ADOT&PF projects. It's also helpful with City of Homer projects that require a Development Activity Plan and/or Stormwater Plan. You'll learn practical step-by-step installation methods of erosion and sediment controls methods.

The \$350 course fee includes all course material, light breakfast, snacks and lunch both days.

2010 Statistics:

Staff Reports	112
Plats	19
CUPs	9
Ordinances	12



City of Homer Planning & Zoning

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STAFF REPORT PL 11-02

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: January 5, 2011
SUBJECT: Staff Report PL 11-01, Draft Zoning Enforcement Ordinance

The zoning enforcement 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 December.

Recommendation

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



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CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS USED IN ZONING CODE; 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 21.03.040, Definitions used in zoning code, is amended to read as follows:

“Motor vehicle” means a vehicle which is self-propelled except a vehicle moved by human or animal power.

“Vehicle” means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area; “vehicle” does not include (i) devices used exclusively on stationary rails or tracks; or (ii) mobile homes.

Section 2. 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:

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

- 43 1. ~~Other than normal household pets, no poultry or livestock may be housed~~
 44 and no fenced runs may be located within one hundred feet of any residence other than the
 45 dwelling on the same lot,
 46 2. No retail or wholesale business sales office is maintained on the premises;
 47 h. Private stables;
 48 i. Private floatplane tie-down as an accessory use incidental to residential use;
 49 ~~j. Storage of personal commercial fishing gear in a safe and orderly manner and~~
 50 ~~separated by at least five feet from any property line as an accessory use incidental to residential~~
 51 ~~use;~~
 52 k. As an accessory use ~~incidental to~~ **a principal** residential use, the private outdoor
 53 storage ~~of noncommercial equipment, including noncommercial trucks, boats, and not more than~~
 54 ~~one recreational vehicle~~ in a safe and orderly manner **occupying an area not exceeding 1500**
 55 **square feet**, and separated by at least five feet from any property line, **of any of the following:**
 56 ~~provided no stored equipment, boat or vehicle exceeds 36 feet in length;~~
 57 **1. commercial fishing gear.**
 58 **2. not more than five motor vehicles, including not more than one**
 59 **recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if**
 60 **it is not moved for at least 240 consecutive days.**
 61 **3. noncommercial equipment, including noncommercial boats and boat**
 62 **trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided**
 63 **no stored equipment or boat exceeds 36 feet in length.**
 64 k. As an accessory use incidental to residential use, the private outdoor storage of
 65 noncommercial equipment, including noncommercial trucks, boats, and not more than one
 66 recreational vehicle in a safe and orderly manner and separated by at least five feet from any
 67 property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;
 68 l. Other customary accessory uses incidental to any of the permitted uses lists in the
 69 RR district, provided that no separate permit shall be issued for the construction of any detached
 70 accessory building prior to that of the main building.
 71 m. Temporary (seasonal) roadside stands for the sale of produce grown on the
 72 premises;
 73 n. Mobile homes, subject to the requirements of HCC § 21.54.060.
 74 o. Day care homes; provided, however, that outdoor play areas must be fenced.
 75 p. Recreational vehicles, subject to the requirements of HCC § 21.54.320.
 76 q. Open space, but not including outdoor recreational facilities described in HCC §
 77 21.12.030.
 78 r. As an accessory use, one small wind energy system per lot having a rated capacity
 79 not exceeding 10 kilowatts.
 80

81 **Section 3.** Homer City Code 21.14.020, Permitted uses and structures, is amended to
 82 read as follows:

83
 84 **21.14.020 Permitted uses and structures.** The following uses are permitted outright in the urban
 85 residential district:

- 86 a. Single-family dwelling, excluding mobile home.
[Bold and underlined added. Deleted language stricken through.]

- 87 b. Duplex dwelling, excluding mobile home.
 88 c. Multiple-family dwelling, only if the structure conforms to HCC §
 89 21.14.040(a)(2) and excluding mobile home.
 90 d. Public parks and playgrounds;
 91 e. Home occupations, provided they conform to the requirements of HCC §
 92 21.51.010
 93 f. Rooming house and bed and breakfast;
 94 g. Private floatplane tie-up facility as an accessory use incidentally to residential
 95 use;
 96 ~~h. As an accessory use incidental to residential use, storage of personal commercial~~
 97 ~~fishing gear in a safe orderly manner and separated by at least five feet from any property line;~~
 98 i. As an accessory use incidental to **a principal** residential use, the private outdoor
 99 ~~storage of noncommercial equipment, including noncommercial trucks, boats, and not more than~~
 100 ~~one recreational vehicle in a safe and orderly manner~~ **occupying an area not exceeding 1500**
 101 **square feet, and separated by at least five feet from any property line, of any of the following:**
 102 ~~provided no stored equipment, boat or vehicle exceeds 36 feet in length;~~
 103 **1. commercial fishing gear.**
 104 **2. not more than five stored motor vehicles, including not more than one**
 105 **recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if**
 106 **it is not moved for at least 240 consecutive days.**
 107 **3. noncommercial equipment, including noncommercial boats and boat**
 108 **trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided**
 109 **no stored equipment or boat exceeds 36 feet in length.**
 110 j. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
 111 to a residential use in a manner consistent with the requirements of all other provisions of the
 112 Homer City Code and as long as such animals are pets of the residents of the dwelling and their
 113 numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;
 114 k. Customary accessory uses to any of the permitted uses listed in the UR district,
 115 provided that no separate permit shall be issued for the construction of any detached accessory
 116 building prior to that of the main building.
 117 l. Day care homes; provided, however, that outdoor play areas must be fenced.
 118 m. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
 119 n. Open space, not including outdoor recreational facilities.
 120 o. Public schools and private schools.
 121 p. As an accessory use, one small wind energy system per lot having a rated capacity
 122 not exceeding 10 kilowatts.

123
 124 **Section 4.** Homer City Code 21.16.020, Permitted uses and structures, is amended to
 125 read as follows:

126
 127 **21.16.020 Permitted uses and structures.** The following uses are permitted outright in the
 128 residential office district:

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

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

- 130 b. ~~Multiple family dwelling, provided the structure conforms to HCC §~~
 131 ~~21.14.040(a)(2) and excluding mobile homes;~~
 132 c. Public parks and playgrounds;
 133 d. Rooming house and bed and breakfast;
 134 e. Home occupations; provided they conform to the requirements of HCC §
 135 21.51.010;
 136 f. Professional offices and general business offices;
 137 g. Personal services;
 138 h. Museums, libraries and similar institutions;
 139 i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
 140 j. Religious, cultural and fraternal assembly;
 141 k. ~~Storage of the occupant's personal commercial fishing gear in a safe and orderly~~
 142 ~~manner and separated by at least five feet from any property line as an accessory use incidental~~
 143 ~~to a permitted or conditionally permitted principal use;~~
 144 l. As an accessory use incidental to a principal permitted or conditionally
 145 permitted use, the private outdoor exterior storage of the occupant's personal noncommercial
 146 equipment, including noncommercial trucks, boats, campers and not more than one recreational
 147 vehicle in a safe and orderly manner occupying an area not exceeding 1500 square feet, and
 148 separated by at least five feet from any property line, as an accessory use incidental to a
 149 permitted or conditionally permitted principal use of any of the following: provided no stored
 150 equipment, boat or vehicle exceeds 36 feet in length;
 151 1. commercial fishing gear.
 152 2. not more than five motor vehicles, including not more than one
 153 recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if
 154 it is not moved for at least 240 consecutive days.
 155 3. noncommercial equipment, including noncommercial boats and boat
 156 trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided
 157 no stored equipment or boat exceeds 36 feet in length.
 158 m. Other customary accessory uses to any of the permitted uses listed in the
 159 residential office district; provided that no separate permit shall be issued for the construction of
 160 any detached accessory building prior to that of the main building.
 161 n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
 162 use in a manner consistent with the requirements of the Homer City Code and as long as such
 163 animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb
 164 occupants of neighboring property;
 165 o. Day care homes; provided, however, that outdoor play areas must be fenced.
 166 p. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
 167 q. As an accessory use, one small wind energy system per lot having a rated capacity
 168 not exceeding 10 kilowatts.

170 Section 5. Homer City Code 21.61.060, Termination of nonconforming use or structure,
 171 is amended to read as follows:

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

173 21.61.060 Termination of nonconforming use or structure. a. The right to continue a
174 nonconforming use or structure previously approved under this chapter is subject to termination
175 by the Commission if it finds, after providing the property owner notice and an opportunity to be
176 heard at a public hearing, that

177 1a. in the case of a nonconforming structure, it has subsequently been
178 abandoned or brought into conformity with the Homer Zoning Code, or

179 2b. in the case of a nonconforming use, the use has subsequently been
180 abandoned, changed, discontinued, or ceases to be the primary use of a lot.

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

183
184 Section 6. This Ordinance is of a permanent and general character and shall be included
185 in the City Code.

186
187 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
188 _____ 2010.

189
190 CITY OF HOMER

191
192
193
194
195 _____
196 JAMES C. HORNADAY, MAYOR

197 ATTEST:

198
199 _____
200 JO JOHNSON, CMC, CITY CLERK

201 YES:

202 NO:

203 ABSTAIN:

204 ABSENT:

205
206
207 First Reading:

208 Public Hearing:

209 Second Reading:

210 Effective Date:

211
212
213 Reviewed and approved as to form:

214
215 _____
216 [Bold and underlined added. Deleted language stricken through.]

217 ~~Walt E. Wrede, City Manager~~

~~Thomas P. Klinkner, City Attorney~~

218 Date: _____

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
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-111

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen
MEETING: December 1, 2010, ~~Jan. 5, 2011~~
SUBJECT: Spit Comp Plan Public Hearing

Requested action: Conduct a public hearing. Consider submitted comments, public testimony and amend the plan. Schedule a second public hearing for January 5th, 2011.

GENERAL INFORMATION

There are a few places in the plan the Commission may want to amend. Staff has some below, with suggested language. If the Commission approves them, the language will be inserted in the City Council draft of the plan.

Comments from the Parks and Recreation Advisory Commission are attached to this staff report, and some of the recommendations are included below.

If there are any errors on the maps or other places that you see, this is the meeting to say so! Staff comments in the November 17th staff report (SR 10-109) under "wrap up" still apply.

If you have any other last comments, ideas or things you think are missing, Please bring them up at this meeting, or provide them to staff by Monday, December 13th so they may be included in the January 5th meeting packet.

Suggested Amendments

1. Mariner Park

A recurring comment has been no more filling at Mariner Park – i.e. do not expand the footprint of the park into the lagoon. The Commission could add the following sentence under Mariner Park Improvements on page 27: "Strong public sentiment was voiced against any further expansion of the park by placing fill material in Mariner Lagoon."

2. Tsunami Warning Sirens – from Parks and Recreation Commission Comments

Page 10, at the end of the second paragraph, add a sentence "Signage may also be added at public locations to educate the public about tsunamis and what the sirens mean."

3. Page 43, Map 3 Future Land Use Map: remove the "future use needs consideration" from the property next to the Hockey Rink. The plan at one time talked about opportunity areas with more

residential uses. This language has been cut from the plan, and no longer talks about something other than Marine Industrial Development in this area.

4. Missing objective under goal 1.6

There is a missing objective and strategy on page 36 that was in previous drafts. This object was inadvertently cut off in the layout table under Goal 1.6: Objective "Protect the scenic, natural and aesthetic resources of the Spit." Strategies: "Encourage the build-up of driftwood on Spit Beaches. Use native landscape elements in public design projects (beach grass, driftwood)."

The following is from Dotti Harness-Foster, Planning Technician:

5. Land Use and Community section of the Implementation Table:

Pg 36, Goal 1.6 Objective.

Comment: Public input has indicated a need to acknowledge conflicts between motorized and non-motorized users on the Spit.

Add a strategy: Minimize conflicts between motorized and non motorized users on the Spit. Safety and noise do not mix with a picnic, walk on the beach. Install signage to education ATV uses about responsible ATV use.

6. Natural Environment section of the Implementation Table:

Pg 41, Goal 4.1, second Objective.

Comment: Include both sides of the spit in the goal to obtain private lands.

"Purchase or obtain conservation easements on private lands on ~~the east side of~~ the Spit, such as between north of the hockey rink and the base of the Spit."

7. Pg 42, Goal 4.4 Objective.

Comment: Use a more positive tone.

Change "Dead boat removal" to "Remove derelict vessels"

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission conduct a public hearing, review comments and suggested amendments. Amend the plan. Schedule a final public hearing for January 5th, 2011 and forward to the City Council.

ATTACHMENTS

1. Draft ordinance
2. Parks and Recreation Advisory Commission comments

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE 2008 HOMER COMPREHENSIVE PLAN TO INCORPORATE THE HOMER SPIT PLAN AND RECOMMENDING APPROVAL OF THE AMENDMENT BY THE KENAI PENINSULA BOROUGH.

WHEREAS, The Kenai Peninsula Borough as a second class borough shall provide for planning on an areawide basis in accordance with AS 29.40; and

WHEREAS, As provided in Kenai Peninsula Borough Code 21.01.025, cities in the Borough requesting extensive comprehensive plan amendments may recommend to the Kenai Peninsula Borough Planning Commission a change to the city comprehensive plan; and

WHEREAS, The City of Homer has prepared an extensive amendment to the 2008 Comprehensive Plan in the form of the Homer Spit Plan; and

WHEREAS, A comprehensive plan is a public declaration of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the City; and

WHEREAS, The Homer Spit Plan will guide development on the Homer Spit; and

WHEREAS, The Homer Advisory Planning Commission and other City commissions and bodies have reviewed and/or conducted public hearings regarding the Homer Spit Plan; and

WHEREAS, The Homer City Council, based upon the recommendation of the Homer Advisory Planning Commission, recommends that the Kenai Peninsula Borough Planning Commission and Assembly amend the 2008 Homer Comprehensive Plan to incorporate the Homer Spit Plan.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The 2008 Homer Comprehensive Plan is hereby amended to incorporate the Homer Spit Plan, which shall supersede the Homer Spit Plan section of the 1999 Homer Comprehensive Plan Update.

Section 2. Subsection (b) of Homer City Code 21.02.010, Comprehensive Plan—Adoption, is amended to read as follows:

b. The following documents, as initially approved and subsequently amended, are

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

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46 adopted by reference as comprising the Homer Comprehensive Plan.

- 47 1. Homer Comprehensive Plan (2008)
- 48 2. Homer Non-Motorized Transportation and Trail Plan (2004)
- 49 3. Homer Area Transportation Plan (2005)
- 50 4. Homer Town Center Development Plan (2006)
- 51 **5. Homer Spit Plan (2010)**

52
53 Section 3. The City hereby recommends that the Kenai Peninsula Borough Planning
54 Commission and Assembly amend the 2008 Homer Comprehensive Plan by incorporating the
55 Homer Spit Plan as an extensive comprehensive plan amendment under Kenai Peninsula
56 Borough Code 21.01.025, and as an element of the Official Borough Comprehensive Plan within
57 the City of Homer planning area of the Borough.

58
59 Section 4. Sections 1 and 2 of this ordinance shall take effect upon the Kenai Peninsula
60 Borough Assembly amending the 2008 Homer Comprehensive Plan to incorporate the Homer
61 Spit Plan. The remainder of this ordinance shall take effect upon its adoption by the Homer City
62 Council.

63
64 Section 5. Section 2 of this ordinance is of a permanent and general character and shall
65 be included in the city code. The remainder of this ordinance is not of a permanent nature and is
66 a non code ordinance.

67
68 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
69 _____ 2011.

70
71 CITY OF HOMER

72
73
74 _____
75 JAMES C. HORNADAY, MAYOR

76
77 ATTEST:

78
79
80 _____
81 JO JOHNSON, CMC, CITY CLERK

82
83
[**Bold and underlined added.** Deleted language stricken through.]

84 YES:

85 NO:

86 ABSTAIN:

87 ABSENT:

88

89 First Reading:

90 Public Hearing:

91 Second Reading:

92 Effective Date:

93

94 Reviewed and approved as to form:

95

96

97

98 _____
Walt E. Wrede, City Manager

99 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

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Thomas J. Kibben, City Attorney
 Date: _____

William E. Jones, City Attorney
 Date: _____



(I and the undersigned hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the City of _____)





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

TO: Homer Advisory Planning Commission
THROUGH: Julie Engebretsen, Planning Technician
FROM: Parks and Recreation Advisory Commission
MEETING: December 1, 2010
SUBJECT: Spit Comprehensive Plan Recommendations

The Parks and Recreation Advisory Commission discussed the September 28th, 2010 draft Homer Spit Comprehensive Plan at a special meeting on October 25th, and again at their regular meeting on November 17th. These are their comments on the plan.

1. Recreation is a prime reason people come to the Spit.
2. The plan does not place enough emphasis on the importance of parks, recreation and open space on the Spit
3. Keep open space; it tends to get lost over time
4. Improve camping and recreation facilities to draw visitors
5. Camping is an important activity that generates revenue for the General Fund (\$175,819 in 2010 for all city campgrounds)
6. Add signage about tsunamis to provide public education, possibly in campgrounds or other central locations. Explain what and where the sirens are and what they mean
7. Crossing Homer Spit Road between the Spit Trail and Mariner Park is dangerous. Pave the full shoulder between Mariner Village and Mariner Park to create a bike path on the western side of the Homer Spit Road. Move the entrance of Mariner Park north about 500 feet, so it is away from the curve and there is better visibility. Extend the 35 mph speed zone to the new entrance of Mariner Park; maybe a crosswalk would be possible and signage notifying drivers of pedestrians in the area. Then increase the speed limit further out the spit.
8. Restrooms at Mariner Park are a priority; could be vault style or fully plumbed
9. Move harbor master office to the far side of the harbor and use the former area as a plaza
10. Campsites and facilities support visitors who enjoy the environment
11. Consider an interim campground on the east side of the harbor near the chip pad
12. Spit looks unloved; lots of junk is left/abandoned. Clean up abandoned stuff.
13. Have a trail along the harbor; move the parking lot logs back a few feet to create it.
14. Increase the visitor experience along the harbor boardwalk with points of interest; signage, art walk, waypoints. Build a 'walking experience' that is intriguing, not a puddle jumping exercise
15. Build an extension of the Homer Spit Trail along Fish Dock Road to access Coal Point Park, and then travel along the harbor entrance to the End of the Road Park.



City of Houston
Planning & Zoning
City Hall, Houston, Texas 77002
Phone: 713-836-1000

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City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 11-08

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: January 5, 2011
SUBJECT: Determination of nonconforming use at 4755 Homer Spit Road

Synopsis: There are two types of nonconformities: 1) structures 2) uses. There are no City records granting nonconforming status for use or structures at this address. So in many ways this 'cleans-up' past permitting. Homer's nonconforming code outlines who grants nonconforming status. Only the City Planner can grant structures nonconforming status per HCC 21.61.050(b)(3). Only the Planning Commission can grant uses nonconforming status that existed prior to 1982, HCC 21.61.050(c). The applicants have requested nonconforming use for "Bulk petroleum storage" on two lots, listed below. At a future meeting the Commission will be reviewing a CUP for expansion of the existing Bulk Petroleum storage.

Procedure: Conduce a public hearing. Four yes votes are required for approval.

General Information:

Applicants: Homer Enterprises dba Petro Marine Service
Location: 4755 Homer Spit Road, Homer, AK 99603
Parcel ID: 18103406 a 1.3 acre parcel and 18103407 a 0.19 acre parcel
Legal: Tract A and Lot 22A Lands End Subdivision
Zoning: Marine Industrial per Ord. 82-15
Public Notice: Notice sent to 31 property owners of 55 parcels

Timeline: Below is a timeline that provides evidence proving the existence and continuous use of "Bulk petroleum storage" at 4755 Homer Spit Road from 1966 to date.

1966 Plat illustrates six (6) fuel tanks
1970 KPB recognized a 100 sf storage/pump house on small lot
1971 KPB recognized a 5,480 sf of building (tanks not included) on large lot
1975 Aerial photos showing at least 6 tanks, storage/pump building, and warehouse building
1982 Ord. 82-15 Bulk petroleum storage became a Condition Use Permit in the MI district.
1984 KPB tax records indicate eight (8) fuel tanks, and a storage/pump building
1987 Permit office addition
1993 Permit warehouse addition
1995 Permit plant upgrades
2003 Aerial photo shows 8 tanks, storage/pump house and office warehouse building

Nonconforming Use: HCC 21.61.040 Nonconforming uses. A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied as of the date it became nonconforming;

Finding: The use as a “bulk petroleum storage” has not expanded to occupy a greater area of land than was occupied in 1982.

b. No nonconforming use shall be moved in whole or in part to any other portion of the lot that was not occupied by the nonconforming use as of the date it became nonconforming;

Finding: Petroleum storage tanks have not moved to any other portion of the lots.

c. Any new structure built in connection with the nonconforming use must be in full compliance with all applicable provisions of the zoning code and other laws then in effect.

Finding: Future additions and structures shall require approval of a CUP per HCC 21.30.030 (f) “Bulk petroleum storage.”

d. If at any time a nonconforming use is abandoned, changed, discontinued, or ceases to be the primary use of a lot, the use of that lot shall thereafter conform to the code provisions applicable in the zone in which the lot is located, and the nonconforming use shall not thereafter be resumed or allowed to continue.

Finding: The use of “bulk petroleum storage” has not been abandoned, changed or discontinued.

STAFF RECOMMENDATION: Four yes votes are required for approval.

The Homer Advisory Planning Commission hereby grants:

Nonconforming use status as a bulk petroleum storage site located at 4755 Homer Spit Road, aka as Tract A and Lot 22A Lands End Subdivision. The nonconforming use includes eight (8) fuel storage tanks that were onsite prior to Sept. 28th, 1982 and their continued use.

Att: 1966 plat showing six (6) tanks
1971 KPB indicated building totally 5,480 sf
1975 Aerial photo
1984 Kenai Peninsula Borough tax records
1987 Building Permit for an office addition
1993 Building Permit for a warehouse
1995 Building Permit for plant upgrades
2003 Aerial photo



Kenai Peninsula Borough, Alaska
Assessing Department

Site Provided by...
governmentmax.com

Improvements



Parcel Number
1 of 1

Property Info

- Parcel
- Improvements
- Print View
- Tax Record New →
- Assessment History

Parcel Number	Tax Account	Address	2010 Total Value	Data as of	Assess Year
18103407		4755 HOMER SMT RD, HOMER	\$178,800	8/5/2010	4 2010

Improvements

View	Use Code	Building #	ID #	Constructed Yr.	Grade	Square Ft.	2010 Value
	PAV	R01	01	3000	Avg	8,200	\$8,200
	MISC	R01	02	1970	Avg	100	\$72,300

Improvement Abbreviations & Descriptions

Small lot, Lot 22A Land's End Sub.

Searches

- Parcel Number
- Owner
- Address

Functions

- Welcome Page
- Property Search
- Contact Us
- Help
- Return to KPB
- Home
- Login / Logout



Kenai Peninsula Borough, Alaska
Assessing Department

Site Provided by...
governmentmax.com

Improvements



Parcel Number
1 of 1

Property Info

- Parcel
- Improvements
- Print View
- Tax Record New →
- Assessment History

Parcel Number	Tax Account	Address	2010 Total Value	Data as of	Assess Year
18103408		4756 HOMER SPIT RD, HOMER	\$958,800	8/5/2010	4 2010

Improvements

View	Use Code	Building #	ID #	Constructed Yr.	Grade	Square Ft.	2010 Value
	PAV	R01	01	3000	Avg	7,500	\$5,800
	MISC	R01	02	1971	Avg	5,480	\$568,800

Improvement Abbreviations & Descriptions

Larger lot. Tract A Land's End Sub.

Searches

- Parcel Number
- Owner
- Address

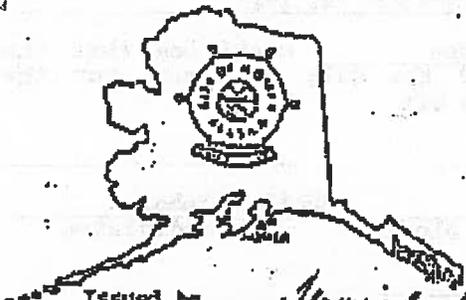
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- Welcome Page
- Property Search
- Contact Us
- Help
- Return to KPB
- Home
- Login / Logout

181-034-0600
5/9/70

CITY OF HOMER

BOX 339
HOMER, ALASKA 99603



BUILDING PERMIT NUMBER 87-1-1
TRAILER PERMIT NUMBER _____
DATE 1/13/87

Issued to Stanford A. Miller certifies that the applicant has met the requirements of the City of Homer for the construction or installation of:

Office Addition
at 4755 Homer Spit Rd 22A Leads Nat. Subd.
Street Lot Block Subdivision

for a period from 1/13/87 to 1/13/88

This permit may not be transferred or assigned by the original permittee and shall be displayed in a prominent, readily visible place at the site of the building. If the work is not completed within the above specified time, application for an extension must be made to the City of Homer.

This permit is issued with the expressed understanding that the City of Homer assumes no responsibility hereunder with regard to proper location of lot lines or site dimensions and the permittee, by his signature below, agrees to hold the City harmless from any and all suits, actions, or claims arising from any work undertaken.

The issuance of this permit does not imply that the permittee has met all the requirements of any agency of the State of Alaska or the Kenai Peninsula Borough. It is the responsibility of the permittee to meet whatever requirements any agency may have which may apply to the construction or installation specified in this permit.

Permit Issued by Wade T. Kelly
Office of Administration

Permittee Richard W. Edens Jr.

Address 4755 Homer Spit Rd.

Plot Plan Required: Yes No House Number 4755

Utilities: Water: Municipal Private System _____

Sewer: Municipal _____ Private System
Private Sewer system must be approved by the State of Alaska.

Zoning: DL Building Setback: 20 feet from right-of-way.

Driveway Permit Request: City _____ State _____ Existing

Fees \$5.00 Estimated Value: \$12,500

Special Provisions: Building on unimproved lot per T.12, with 5' setback from street

Information Given: _____
lot lines

CITY OF HOMER
491 E. Pioneer Ave.
Homer, Alaska 99603

BUILDING PERMIT NUMBER 93-25

DATE September 22, 1993

Issued to Harbor Enterprises dba Petro Marine certifies that the applicant has met the requirements of the City of Homer for the construction/destruction or installation of:

40 ft. x 56 ft. steel warehouse

at 4755 Homer Spit Rd 7-B Shepard Subd.
Street Lot Block Subdivision

KPB Assessor Number 177-070-05 Old

For a period from September 22, 1993 to September 22, 1994

This permit may not be transferred or assigned by the original permittee and shall be displayed in a prominent, readily visible place at the site. If the work is not completed within the above specified time, application for an extension MUST be made to the City of Homer.

The city assumes no responsibility for the accuracy of any City held asubuilt drawings or for the permittee's interpretation thereof.

This permit is issued with the expressed understanding that the city of Homer assumes no responsibility hereunder with regard to maintenance of private drainage systems that terminate in City ditch lines or drainages, including but not limited to foundation drains; proper location of lot lines or site dimensions. The permittee, by his signature below, agrees to hold the City harmless from any and all suits, actions, or claims arising from any work undertaken.

The issuance of this permit does not imply that the permittee has met all the requirements of any agency of the State of Alaska or the KanaI Peninsula Borough. It is the responsibility of the permittee to meet whatever requirements any agency may have which may apply to the construction/destruction or installation specified in this permit.

Permit Issued by [Signature]
Planning & Zoning

Permittee [Signature] / Petro Marine

Address/Phone 4755 Homer Spit Rd 234-8818

Plot Plan Required: Yes X No

Utilities: Water: Municipal X Private System
Sewer: Municipal X Private System

** PRIVATE SEWER SYSTEM MUST BE APPROVED BY ADEC. **

Zoning: MC Building Setback: 20 feet from right-of-way

Driveway Permit No. City State Existing X

Fee from Schedule: \$100 Estimated Value: \$78,000

SPECIAL CONDITIONS:

CITY OF HOMER
491 E. Pioneer Ave.
Homer, Alaska 99603

BUILDING PERMIT NUMBER 95-023

DATE January 5, 1995

Issued to Petro Marine Services certified that the applicant has met the requirements of the City of Homer for the construction/destruction or installation of:

Main Plant Upgrade, as per attached development plan

at 4755 Homer Spit Road Lot 22-A, Land's End Subdivision
Street Lot Block Subdivision

KPB Assessor Number 161-034-07

For a period from 1/5/95 to 1/4/96

This permit may not be transferred or assigned by the original permittee and shall be displayed in a prominent, readily visible place at the site. If the work is not completed within the above specified time, application for an extension MUST be made to the City of Homer.

The City assumes no responsibility for the accuracy of any City held asbuilt drawings or for the permittee's interpretation thereof.

This permit is issued with the expressed understanding that the city of Homer assumes no responsibility hereunder with regard to maintenance of private drainage systems that terminate in city ditch lines or drainages, including but not limited to foundation drains; proper location of lot lines or site dimensions. The permittee, by his signature below, agrees to hold the City harmless from any and all suits, actions, or claims arising from any work undertaken.

The issuance of this permit does not imply that the permittee has met all the requirements of any agency of the State of Alaska or the Kenai Peninsula Borough. It is the responsibility of the permittee to meet whatever requirements any agency may have which may apply to the construction/destruction or installation specified in this permit.

Permit Issued by Randy J. Switzer
Planning & Zoning

Permittee Jeff Erickson

Address/Phone 4755 Homer Spit Rd Homer AK 99603

Plot Plan Required: Yes X No _____

Utilities: Water: Municipal X Private System _____
Sewer: Municipal X Private System _____

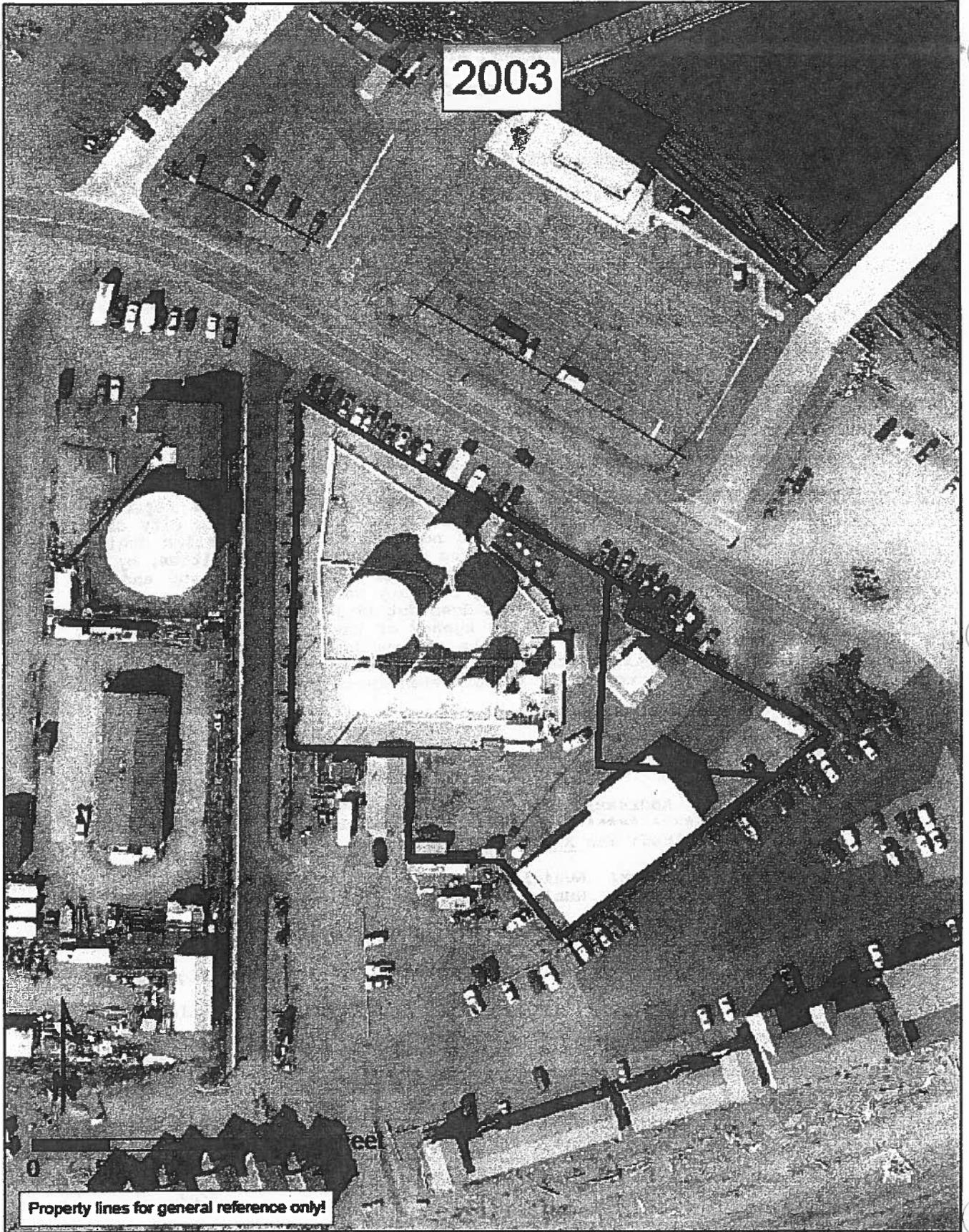
** PRIVATE SEWER SYSTEM MUST BE APPROVED BY ADEC. **

Zoning: M1 Building setback: 20 feet from right-of-way

Driveway Permit No. _____ City _____ State _____ Existing X

Fee from Schedule: \$100 Estimated Value: \$100,000

SPECIAL CONDITIONS: Achievance of subdivision covenants are the responsibility of the property owner.



2003

Property lines for general reference only!

0



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 11-03

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: January 5, 2011
SUBJECT: Anderson 2011 Subdivision Preliminary Plat

Requested Action: Preliminary Plat approval for the creation of two lots and an unsubdivided remainder from one large lot.

GENERAL INFORMATION

Applicants:	Margaret Anderson PO Box 115 Homer, AK 99603	Roger Imhoff, RLS PO Box 2588 Homer, AK 99603
Location:	Rainbow Court, between Kachemak Way and Homer High School	
Parcel ID:	17702049, 15	
Size of Existing Lot(s):	9.53* and 1.84 acres *KPB records appear to be wrong. Lot size appears to measure closer to 12 acres	
Size of Proposed Lots(s):	13,076 square feet, 3.562 and 8.457 acres	
Zoning Designation:	Urban Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Residential South: Residential East: Homer High School West: Residential	
Comprehensive Plan:	Goal 5 Object C: "Promote infill development in all housing districts..." (4-19)	
Wetland Status:	The 2005 wetland mapping shows there may be some area of discharge slope wetland along the north property line.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water is available and city sewer will be extended.	
Public Notice:	Notice was sent to 70 property owners of 83 parcels as shown on the KPB tax assessor rolls.	

ANALYSIS:

This subdivision is within the Urban Residential District. The lots meet the dimensional size requirements of the district. This plat reconfigures the original two parcels into two new lots, and an unsubdivided remainder. The property owner will extend city sewer along Rainbow Court to serve the new single family house lot, Lot 1, as well as the existing residence on the new Tract A.

Anderson Street

The 2005 Transportation Plan (part of the Comprehensive Plan), shows a connecting street, approximately between Heath Street and Anderson St. However, a route has not been designed to date. Kenai Peninsula Borough Platting Officer Paul Voeller said he would not require the further half dedication of Anderson Street because it does not lead anywhere, there are grade issues for a road, major power lines to be relocated and there an underlying assumption that the high school would give up a portion of the fire lane for a right of way dedication. The property owner is not subdividing the land in any way that would preclude the future construction of such a road.

Staff does not recommend a half dedication of Anderson Street as it appears the road would be unbuildable under adopted road standards, without additional right of way and relocation of the high voltage overhead power lines.

The Commission is making a recommendation to the Kenai Peninsula Borough Planning Commission. The HAPC may recommend a half dedication of Anderson Street and the extension along the eastern boundary.

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. Staff recommends checking for any existing utility easements on the eastern boundary of the unsubdivided remainder prior to final platting.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. Lots will be served by city water and sewer.

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

Staff Response: The plat meets these requirements. No Rights of Way are to be dedicated by this action.

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

Staff Response: The plat meets these requirements.

PUBLIC WORKS COMMENTS: The Public Works Department had the following comments:

1. The owner will extend the sewer mainline to provide service to Lot 1 and Tract A of the proposed Subdivision and service to lots 2 & 3, block 5 of Anderson Sub 1973. This will be approximately a 260 foot sewer mainline extension.
2. The sewer mainline improvements need to be extended prior to recording of the plat or a Subdivision Agreement will need to be in place prior to recording due to the size of Lot 1.
3. A fifteen foot utility easement needs to be placed parallel to the Rainbow Avenue ROW.

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

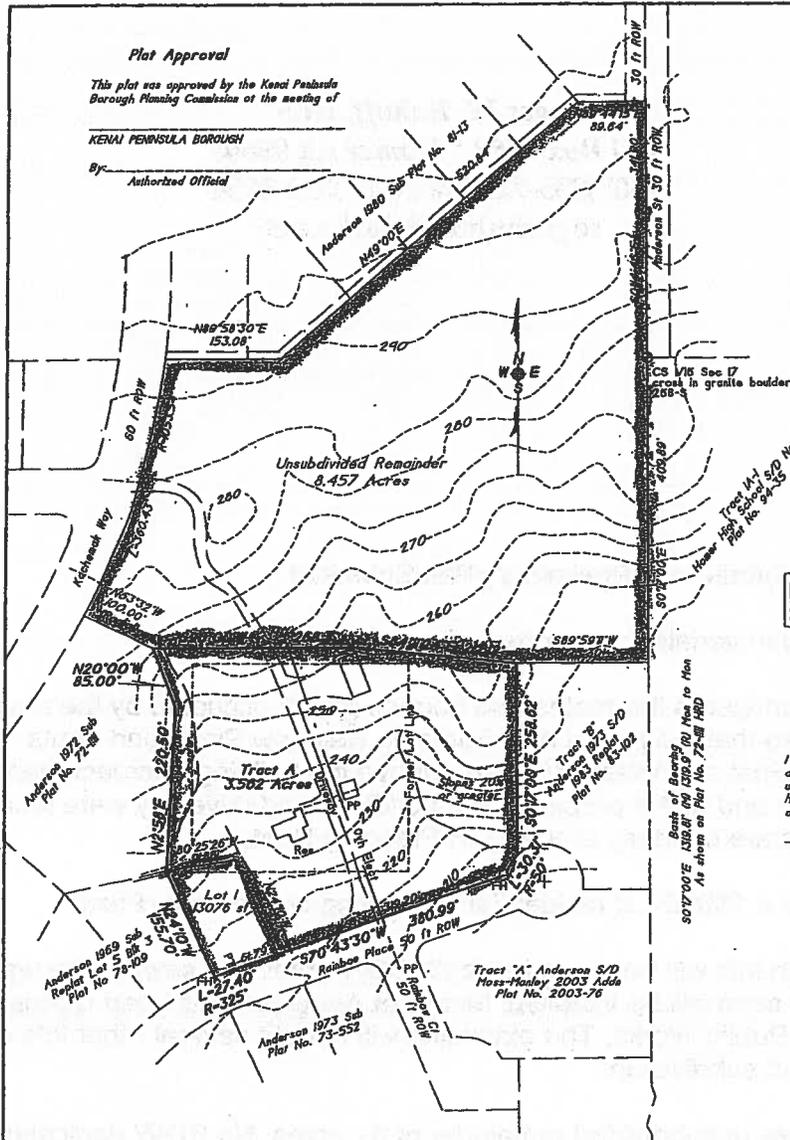
STAFF COMMENTS/RECOMMENDATIONS:

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

1. A subdivision development agreement will be required prior to recording the plat if the sewer line extension has not been completed.
2. A 15 foot utility easement is required along Rainbow Court.

ATTACHMENTS

1. Preliminary Plat
2. Letter from surveyor



- Notes**
1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
 2. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 3. All lots within this subdivision are subject to City of Homer Zoning Regulations. Refer to the Homer City Code for all current setback and site development restrictions. Owners should check with the City of Homer Planning Dept. prior to development activities.
 4. Portions of these lots may or may not contain wetlands. The Owner should contact the Corps of Engineers for wetlands information prior to any ditching or filling of these lots.
 5. WASTEWATER DISPOSAL: Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.
 6. Set self identifying 2" diameter cap on 5/8" diameter x 33" long steel rebar at all lot corners and ROW points of curvature for this survey unless noted otherwise.
 7. Areas labelled "Slopes 20% or greater" are approximate.
 8. This subdivision may be subject to "State of Alaska Permit and Appropriation of Water" per Bk 105 Page 572.

Ownership Certificate

I hereby certify that I am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Margaret S. Anderson DATE
 PO Box 115
 Homer Ak 99603

Notary's Acknowledgment
 Subscribed and sworn to me before on this ____ day of ____ 20__

For Margaret S. Anderson

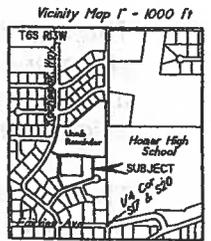
Notary Public for Alaska
 My Commission Expires _____

5 ft contours from COH Planning

Surveyors Certificate

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

Roger W. Imhoff LS 5780 Date



PRELIMINARY PLAT

Anderson 2011 Subdivision

Being a vacation of the lot less of that Metes and Bounds Parcel as described in Book 39 Page 254 AND a subdivision of a portion of the unsubdivided remainder of Anderson 1980 Subdivision as shown on Plat No. 81-13 and Anderson 1973 Subdivision as shown on Plat No. 73-552, said portion lying West of Tract "B" Anderson 1973 S/D 1983 Replat as shown on Plat No. 83-102 and lying North of Rainbow Place

Located within the E 1/2 SW 1/4 Section 17, T6S, R13W, S41 in the City of Homer - Kenai Peninsula Borough Homer Recording District, Third Judicial District State of Alaska

Contains 3.862 Acres, more or less

Clients: Margaret S. Anderson PO Box 115 Homer Ak 99603		Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603
Drawn: RWI	FB 2010-4	Date: 11-29-2010
Scale 1" = 100 ft	File Anderson2011vcd	KPB File No. 201-

Reduces Scale

Roger W. Imhoff, RLS
PO Box 2588 * Homer Ak 99603
(907)235-7279 fax (907)235-5254
rogerimhoff@alaska.net

12-13-2010

Julie Engebretsen
Planning Dept
City of Homer

Re: Anderson 2011 Subdivision Preliminary Plat Submittal

Please find enclosed materials for your review.

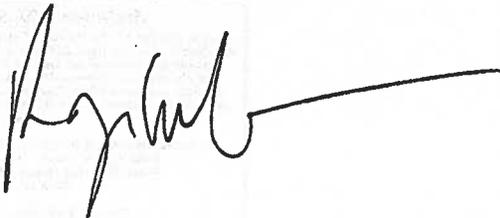
This subdivision reconfigures the metes and bounds parcel occupied by the residence of Margaret Anderson so that the parcel now fronts on Rainbow Place and abuts the previously platted parcels both East and West. We also remove the building encroachment of the "garage" on the north end of the property. The buildings and driveway were located by field survey. The contours are courtesy of the COH Planning Dept.

The plat also creates a 13000+ sf residential lot fronting on Rainbow Place.

The intent is that both lots will be served by both COH water and sewer. The water main is in place and the sewer main will be installed. Margaret Anderson has been discussing the sewer main extension with Public Works. The extension will benefit several other lots on Rainbow aside from the subject subdivision.

The plat depicts a new unsubdivided remainder of 8+ acres. No ROW dedications are proposed for the plat.

Sincerely,



NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivisions under consideration are described as follows:

Anderson 2011 Subdivision Preliminary Plat

The location of the proposed(s) subdivision is provided on the attached map(s). A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, January 5, 2011 at 7:00 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska.

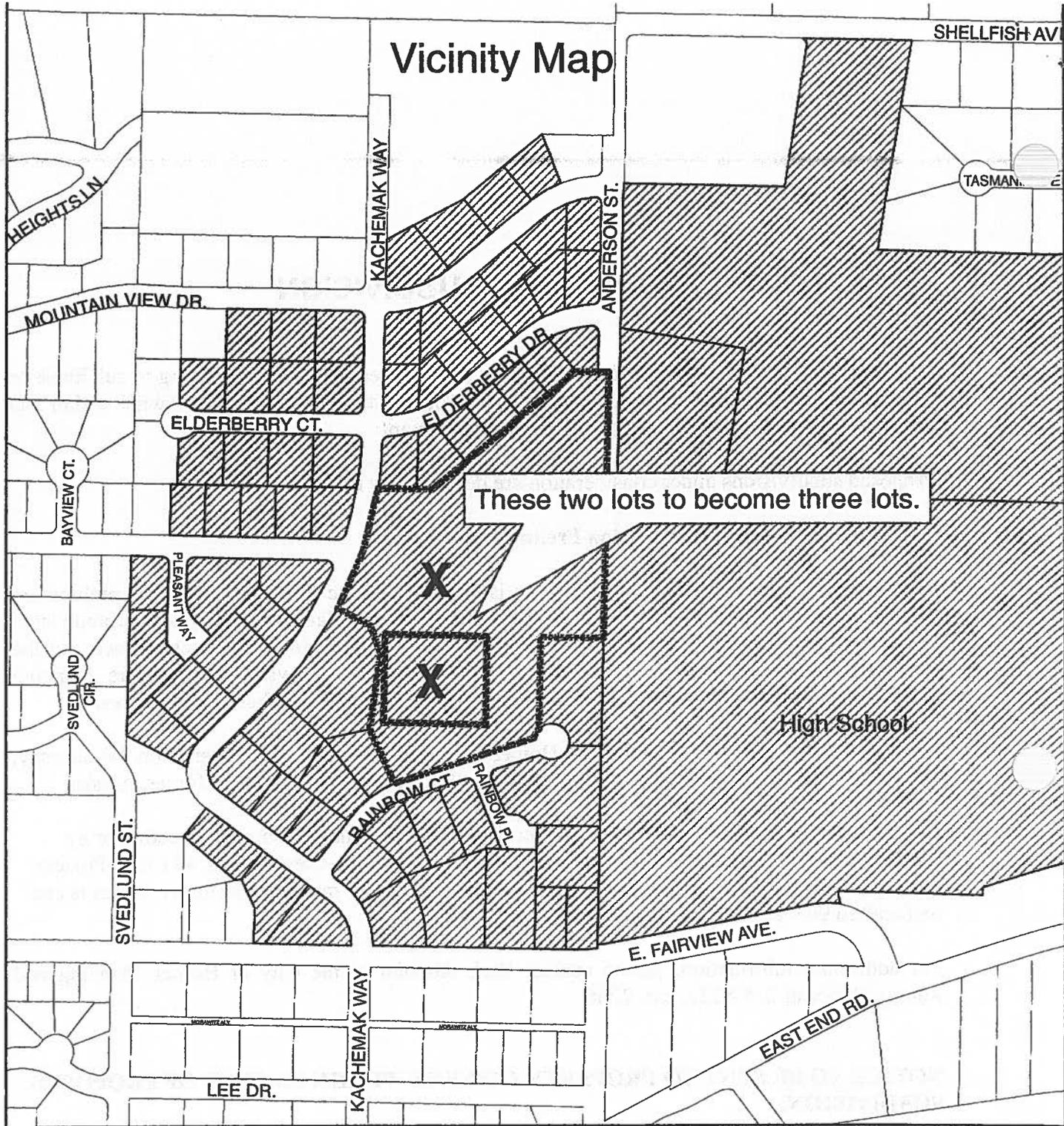
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting. Written comments can be faxed to 907-235-3118.

For additional information, please contact Rick Abboud in the City of Homer Planning and Zoning Office at 235-8121, ext. 2236.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPOSED SUBDIVISION.

VICINITY MAP ON REVERSE

Vicinity Map



These two lots to become three lots.

High School

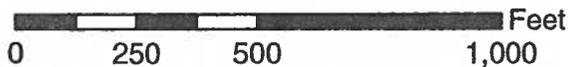


City of Homer
Planning and Zoning Department

December 17, 2010

Anderson 2011 Subdivision Preliminary Plat

Marked lots are w/in 500 feet
and property owners notified.



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



City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

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STAFF REPORT PL 11-01

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: January 5, 2011
SUBJECT: Draft Ordinance 11-xx East End Mixed Use District

GENERAL INFORMATION

At the HAPC work session on November 3rd, 2010, the commission reviewed the first draft of the East End Mixed Use District. Some of the concerns voiced were:

- o Lack of community design manual standards
- o Development standards (or called performance standards), relating to the 100 foot buffer area

What the comprehensive plan says (Page B-6):

E-MU (EAST END MIXED USE)

- **Intent** The intent of the E-MU district is to allow a wide variety of commercial, industrial, and heavy industrial uses in a district with access to the boatyard, marine services, and the airport; and to ensure such uses, which are important to Homer's economy, continue to have a viable location.
- **Primary Use** Mixed-use development with fewer constraints on uses than existing GC-1 and GC-2. Designed to accommodate the wide range of uses found in the area today, as well as other future uses; examples include industrial, marine-oriented, construction services (including batch plants), storage, and artist workshops. Residential and retail are allowable, but residential/retail and commercial conflicts will be resolved in favor of commercial/industrial uses.
- **Other Uses, Allowances and Specifications**
 - Allows for mixed use, live/work, provides larger lots than would be available in CBD.
 - On-site parking required.
 - Guide use to create/maintain an attractive highway environment.
- **Development standards**
 - Minimal – basic guidelines for parking, setbacks.
 - Encourage basic landscaping.
 - Properties adjacent to the Conservation zone should use best management practices when developing near the southern edge of the property. Strategies may include, but are not

limited to, 100 foot buffer zones along the southern property lines adjacent to the conservation areas, tree retention (bird habitat, moose cover), habitat and vegetation retention, and storm water and pollution management techniques. Developers are encouraged to use a combination of techniques to minimize impacts within 100 feet of the south property line and to provide for storm water filtration. Development is encouraged to concentrate on the northern portions of these lots.

Community Design Manual (CDM)

If the Commission would like to apply the CDM to this district, we need to amend the CDM to include this new district. Please be aware the CDM has limitations; it applies to certain projects that require a conditional use permit, and outside of the Central Business District, there are very few design criteria. In the GC1 district, only the outdoor lighting and outdoor furnishing sections apply, and to only a portion of that district. Since the CDM was adopted, city code has also been amended to address outdoor lighting, district wide. So the CDM does not really require much if anything in the GC1 district, and nothing in the GC2 district. City code now covers some of the basic concerns the CDM was intended to address. The current draft ordinance would require 3 feet of landscaping along lot boundaries, and down lighting, as is required city wide in all commercial districts. See HCC 21.50 and 21.49 for current code requirements.

A. One question that arises is, does the Commission and community feel that architectural standards for buildings are appropriate in this area? In the whole district? Or just along East End Road? How should this affect existing buildings and businesses?

B. Another option is clearly state in code what is required. For example, if the visual quality East End Road business corridor is of concern, the code should address that. Are there special landscaping requirements that are warranted along East End Road?

Performance Standards (buffer area)

Staff has done some research, and found that one approach to buffer zones is to require an average buffer size, with a minimum width. For example, the ordinance might require an average 100 foot buffer, measured from the property line, along all properties adjacent to a conservation zone. The buffer area must be a minimum 50 feet in width. There might be allowable exceptions, like utility connections and driveways, if the area is made up in another location. This approach allows the property owner some flexibility to use their land as they see fit, but still retain some habitat.

If the Commission agrees with this approach, staff will include such language in the draft ordinance.

STAFF COMMENTS: I have spent some time thinking about public process for this new zone. I suggest having an open house style meeting for land owners in the area, after the Commission has worked through the major issues of the ordinance. Residents would have ample opportunity to ask questions about the ordinance, and time to consider how it would affect them. They would not be receiving a copy of the final ordinance a week or two before public hearing. They need the opportunity for input earlier in the process. Many people were annexed into the city, and raised land use concerns at the time they were zoned. The draft ordinance is a starting point for having this discussion with the community.

There is no timeframe on these activities; this ordinance could take 6 months, or a year! There are no plans for any neighborhood meetings right now; I just wanted to communicate one possibility for public involvement. When the Commission feels the ordinance is ready for thorough public review, we can discuss a more firm plan for public participation.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission consider the following questions:

1. Are architectural standards appropriate in part of r all of this district?
2. Are additional landscaping or other design elements needed along East End Road?
3. Does the Commission agree with the idea presented for implementing the 100 foot buffer discussed in the Comprehensive Plan?

ATTACHMENTS

1. Draft ordinance 11/5/2011 version

(The only difference between November and January version is the deletion of some of staff's comments, and fixing some of the numbering and lettering issues).

1 **January 5, 2011 DRAFT**

2 **Chapter 21.27**

3
4 **EEMU East End Mixed Use District**

5
6 **21.27.010 Purpose**

7 **21.27.020 Permitted uses and Structures**

8 **21.27.030 Conditional Uses and Structures**

9 **21.27.040 Dimensional requirements**

10 **21.27.050 Site and Access Plans**

11 **21.27.060 Traffic Requirements.**

12 **21.27.070 Site Development Requirements.**

13 **21.27.080 Nuisance standards.**

14 **21.27.090 Lighting Standards.**

15

16

17 **21.27.010 Purpose.** The East End Mixed Use (EEMU) District is primarily intended to provide
18 sites for businesses that require direct motor vehicle access and may require larger land area.
19 The district is meant to accommodate a mixture of residential and non-residential uses with
20 conflicts being resolved in favor of non-residential uses.

21 **21.27.020 Permitted uses and structures.** The following uses are permitted outright in the East
22 End Mixed Use District, except when such use requires a conditional use permit by reason of
23 size, traffic volumes, or other reasons set forth in this chapter.

- 24 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and
25 repair,
26 b. Auto fueling stations and drive-in car washes;
27 c. Building supply and equipment sales and rentals;
28 d. Lumberyards;
29 e. Garden supplies and greenhouses;
30 f. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and
31 repair;
32 g. Welding and mechanical repair;
33 h. Restaurants, including drive-in restaurants, clubs and drinking establishments;
34 i. Religious, cultural, and fraternal assembly;
35 j. Studios
36 k. Personal services
37 l. Agricultural activities, including general farming, truck farming, livestock farming,
38 nurseries, tree farms and greenhouses provided that:
39 Other than normal household pets, no poultry or livestock may be housed and no
40 fenced runs may be located within one hundred feet of any residence other than
41 the dwelling on the same lot,
42 m. Storage of heavy equipment, vehicles or boats over 36 feet in length ~~as an accessory use~~
43 ~~incidental to a permitted or conditionally permitted principal use;~~ Should this read:
44 Storage of heavy equipment, commercial vehicles, and boats over 36 feet in length ?

- 45 n. Plumbing, heating and appliance service shops,
 46 o. Home occupations, provided they conform to the requirements of HCC § 21.51.010
 47 p. Mortuaries and Crematoriums;
 48 q. Open air businesses;
 49 r. Parking lots and parking garages, in accordance with HCC Chapter 7.12.
 50 s. Manufacturing and assembly of pottery, ceramics, musical instruments, toys, novelties,
 51 furniture, small molded products and electronic equipment, instruments, equipment and
 52 devices,
 53 t. Retail businesses;
 54 u. Trade, skilled or industrial schools;
 55 v. Wholesale businesses, including storage and distribution services incidental to the
 56 products to be sold;
 57 w. Parks and open space;
 58 x. Warehousing, commercial storage and mini-storage;
 59 y. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
 60 z. Dry cleaning, laundry, and self-service laundries;
 61 aa. Mobile food services;
 62 bb. Day care homes; all outdoor play areas must be fenced.
 63 cc. Rooming house and bed and breakfast, provided that a conditional use permit was
 64 obtained for the dwelling, if required by HCC § 21.27.030
 65 dd. Dormitory
 66 ee. As an accessory use, one small wind energy system per lot
 67 ff. Production, processing assembly and packaging of fish, shellfish and seafood products;
 68 gg. Construction, assembly and storage of boats and boat equipment;
 69 hh. Research and development laboratories;
 70 ii. Storage and distribution services and facilities, including truck terminals, warehouses and
 71 storage buildings and yards, contractors' establishments, lumberyards and sales, or
 72 similar uses;
 73 jj. Underground bulk petroleum storage;
 74 kk. Cold storage facilities;
 75 ll. Mobile commercial structures;
 76 mm. Dwelling units located in buildings primarily devoted to business uses;
 77 nn. *Update HERE for final district uses...this is a placeholder for now!* Customary
 78 accessory uses...Accessory uses to the uses permitted in the ~~GC2~~ district that are clearly
 79 subordinate to the main use of the lot or building, such as wharves, docks, restaurant or
 80 cafeteria facilities for employees; or caretaker or dormitory residence if situated on a
 81 portion of the principal lot: provided that separate permits shall not be issued for the
 82 construction of any type of accessory building prior to that of the main building.
 83 oo. Taxi operation;
 84 pp. Itinerant merchants, provided all activities shall be limited to uses permitted outright
 85 under this zoning district;
 86 qq. Public and private stables;
 87 rr. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a
 88 residential use in a manner consistent with the requirements of all other provisions of the
 89 Homer City Code and as long as such animals are pets of the residents of the dwelling

Comment [JE1]: should we say: manufacturing, fabrication and assembly, and leave open what the product is rather than a laundry list? Kenai code uses that)

90 and their numbers are such as not to unreasonably annoy or disturb occupants of
91 neighboring property;

92
93 **21.27.030 Conditional uses and structures.** The following uses may be permitted in the
94 East End Mixed Use District when authorized by conditional use permit issued in
95 accordance with HCC Chapter 21.71:

- 96 a. Construction camps;
- 97 b. Extractive enterprises, including crushing of gravel, sand and other earth products and
98 batch plants for asphalt or concrete; (*should better spell out noxious uses such as batch*
99 *plants from more benign uses like sand pile storage for contractors who provide sanding*
100 *services*)
- 101 c. Bulk petroleum product storage above ground;
- 102 d. Planned unit developments,
- 103 e. Junk yard;
- 104 f. Kennels;
- 105 g. Public utility facilities and structures;
- 106 h. Impound yards; (allow outright w screening? Stuff is supposed to move in an impound
107 yard as opposed to long term storage in a junk yard?)
- 108 i. Shelter for the homeless, provided any lot used for such shelter does not abut an urban,
109 rural or office residential zoning district;
- 110 j. More than one building containing a permitted principal use on a lot. Allow outright?
- 111 k. Day care facilities; provided, however, that outdoor play areas must be fenced.
- 112 l. Group care homes and assisted living homes.
- 113 m. Indoor recreational facilities;
- 114 n. Outdoor recreational facilities.
- 115 o. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2)
- 116 p. Single family and duplex dwellings duplex
- 117 q. Townhouses;
- 118 r. Other uses approved pursuant to HCC § 21.04.020.

119 **21.27.040 Dimensional requirements.** The following dimensional requirements shall apply to all
120 structures and uses in the East End Mixed Use District:

121 a. Lot Size.

122 1. The minimum lot area shall be 40,000 square feet in areas not served by public sewer
123 and water.

124 2. Each lot shall contain a minimum of 20,000 square feet if one of the following
125 conditions exists:

126 i. The lot is served by public water supply approved by the State Department of
127 Environmental conservation; or

128 ii. The lot is served by public or community sewer approved by the State
129 Department of Environmental Conservation.

130 3. Each lot shall contain a minimum of 10,000 square feet if the lot is served by both
131 public water and sewer that satisfies both conditions of subsection (a)(2).

132 b. Building Setbacks.

133 1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed
134 by subsection (b)(3);

135 2. Buildings shall be set back from all other lot boundary lines according to the number
136 of stories as follows:

137 b. Building Setbacks.

138 1. All buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys
139 are not subject to a 20 foot setback requirement. The setback requirements from any lot line
140 abutting an alley will be determined by the dimensional requirements of subparagraphs (2) and
141 (3) below;

142 2. Buildings shall be set back five feet from all other lot boundary lot lines unless
143 adequate firewalls are provided and adequate access to the rear of the building is otherwise
144 provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire
145 Marshal;

146 3. Any attached or detached accessory building shall maintain the same yards and
147 setbacks as the main building.

148 4. Adjacent to those rights-of-way that lead to Kachemak Bay and have been determined
149 to be unsuitable for road construction by Resolution of the City Council, all buildings shall be set back
150 from the boundary of the right-of-way according to the number of stories as provided in subsection (b)(2).

151 c. Building Height. The maximum building height shall be 35 feet.

152 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor
153 shall any lot contain building area in excess of 30 percent of the lot area without an approved
154 conditional use permit.

155 e. Building Area and Dimensions - Retail and Wholesale.

156 1. The total square feet of floor area of retail and wholesale business uses within a
157 single building shall not shall not exceed 75,000 square feet.

158 2. No conditional use permit, Planned Unit Development, or variance may be
159 granted that would allow a building to exceed the limits of these subparagraphs (e)(1), and (2)
160 and no nonconforming use or structure may be expanded in any manner that would increase its
161 nonconformance with the limits of subparagraphs (e)(1), and (2).

162 f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or UR
163 district or when a side or rear yard area is to be used for parking, loading, unloading or
164 servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or
165 other sight-obscuring screening. Such screening shall be of a height adequate to screen activity
166 on the lot from outside view by a person of average height standing at street level.

167 See comp plan for Beluga wetland complex setback SEE STAFF REPORT

168 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the East
169 End Mixed Use District shall not be issued by the City without a level one site plan approved by
170 the City under HCC Chapter 21.73.

171 b. No zoning permit may be granted for any use or structure without a level two right-of-way
172 access plan approved by the City under HCC § 21.73.100.

173 21.27.060 Traffic Requirements. A conditional use permit is required for every use that is
174 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.

175 21.27.070 Site Development Requirements. All development on lands in this district shall
176 conform to the level two site development standards set forth in HCC § 21.50.030

177 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010 apply to all
178 development, uses, and structures in this zoning district.

179 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all
180 development, uses, and structures in this zoning district.

181 Section 2. The official zoning map as drafted of the East End Mixed Use Zoning
182 District dated _____ (attached exhibit A) shall consist of the originally proposed
183 properties and adjoining properties which may by request be included. The City Clerk is
184 authorized to sign the map and adhere to the requirements set forth in the Homer City Code,
185 Section 21.10.030 (b).

Comment [JE2]: The concept of screening will need more definition in this district. What should east end road look like? Are there problems now? What should be different? What is working well?



The first part of the document is a list of names and titles, followed by a list of dates and times. The text is arranged in two columns, with the names and titles on the left and the dates and times on the right. The names and titles are written in a cursive script, and the dates and times are written in a more formal, printed style. The list appears to be a record of some kind, possibly a list of appointments or a list of names and their corresponding dates.

This is a stamp or mark located on the left side of the page. It contains some text, but it is very faint and difficult to read. It appears to be a rectangular stamp with some text inside, possibly a date or a reference number.





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STAFF REPORT PL 11-07

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: January 5, 2011
SUBJECT: Excluding parcels from the Bridge Creek Water Protection District (BCWPD)

On November 3, 2010 the Commission excluded a 1.5 acre parcel on the corner of Easy Street and Skyline Drive from the BCWPD. The decision was based on a survey showing that the surface waters do not drain into the Bridge Creek Watershed. At the meeting, the Commission directed staff to explore other factors to consider when excluding a lot from the Bridge Creek Watershed.

Surface water: Since the inception of the BC regulations in 2003 only one parcel, above, has been excluded from the BC regulations. By code only surface waters are considered. The applicant must provide a survey showing that all surface waters drain away from the BC Watershed.

HCC 21.40.020(c). "Excluded from the regulations of the Bridge Creek Watershed Protection District are parcels that are within the Bridge Creek Watershed Protection District and from which all the surface waters drain away from the Bridge Creek Watershed, provided that the drainage of the entire parcel is proven by survey to be unable to enter the Bridge Creek Watershed. The determination of whether a parcel is excluded under this subsection will be made by the Planning Commission on a case-by-case basis after notice and a public hearing. The property owner has the burden of proof."

Ground water: Ground water lies beneath the earth's surface. We know that groundwater contributes to the Bridge Creek Watershed, but we don't know how much. Groundwater occupies spaces between particles of dirt and rock, sometimes found near the surface, and is sometimes found deep. Underground layers of earth or rock that hold groundwater are called aquifers. As water moves through soil, the soil filters out many harmful chemicals, minerals, and biological components before they reach the aquifer. As a result, groundwater is usually purer than surface water.¹

Groundwater flows, travels and seeps through soil and rock underground. Measuring the flow and direction of ground water involves a network of testing sites. The traditional first step is to construct a piezometer, or a borehole designed to measure groundwater at a single point. The volume is measured by calculating water flowing in and out of a small volume. Flow direction is determined by 1) inserting dyes into boreholes and monitoring the flow of dye at neighbors boreholes 2) comparing the water levels at different sites. Using a ground water flow equation, a mathematical relationship describes the flow of

groundwater through an aquifer. Generally, but not always groundwater flow direction mimics the surface topography. The sub-surface directional flow of the Bridge Creek aquifers has not been mapped.

There are a lot of variables in measuring groundwater flow such as²:

- Seasonal fluctuation
- Climatic cycles
- Frequency of monitoring
- Neighboring wells

Accuracy is improved with a large, watershed approach, not parcel by parcel. A wide range of test holes with frequent and long periods (years) of measurements is warranted. In the end there will be gray or unknown areas. The data available for Bridge Creek is very limited.³ We know that groundwater contributes to the Bridge Creek Watershed, but we don't know how much.

STAFF COMMENTS/RECOMMENDATION that the Commission:

1. Do nothing: Leave HCC 21.40.020(c) as is which requires a survey to prove that all surface waters drain away from the Bridge Creek Watershed; OR
2. Sunset the existing exclusion HCC 21.40.020(c). Direct staff to draft an ordinance that establishes a date when no further exclusions will be considered. Ten-year from adoption would be 2013; OR
3. Remove the exclusion. Direct staff to draft an ordinance to remove HCC 21.40.020(c).

¹ Alaska Watershed Management Handbook, Department of Environmental Conservation

² http://www1.wrd.state.or.us/pdfs/NGWN/Ground_Water_Level_Measurement.pdf

³ Bridge creek Watershed, 2nd Edition, 2000 <mailto:srosencrans@ci.homer.ak.us?subject=BC SR>

MANAGERS REPORT

December 13, 2010

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

This report is devoted to discussing the impacts associated with some of the proposed budget amendments offered by members of the Council. At the last Committee of the Whole meeting, the Council discussed some of these proposed amendments, but not all of them. It is hoped that this report will assist in moving the conversation ahead.

The report focuses on major proposed cuts that represent a change in direction or policy and that would have very significant impacts upon the City's ability to carry out its mission and to serve and protect the public. Reports from individual department heads are attached. Department heads will be available to answer questions at the Committee of the Whole.

In-House Legal Department: This topic has been discussed several times over the past few years. It is a good conversation to have periodically to make sure the Council is getting the best value it can for legal services. There are definitely a set of advantages and disadvantages to doing this and I won't take the space to go into that here. As far as the budget goes, I do not see any advantage to taking this step now. First, I am not convinced this would actually save the City money. In house attorneys are often quite skilled at a number of areas of municipal law. However, outside legal experts are often required and you still have the conflict of interest problem which we seem to experience regularly. Also, as Council member Hogan notes in his memo, the Council would have to not only hire an Attorney but also an assistant, perhaps a paralegal. Both of which might be PERS employees. Second, the numbers Mr. Hogan uses for expenses are speculative. We could not know what it would really cost until we draft up a job description, advertise or issue an RFP, and hire someone. That is not a good way to build a budget. In short, this might be a good discussion to have again, but now is not the time because the discussion has little immediate impact upon the budget. I would suggest bringing this up again before the next legal contract expires if the Council wishes.

Outsourcing IT: This proposal would have very serious negative impacts upon all City operations. It would be extremely disruptive and again, I am not sure it saves any money. As I was thinking about this, it occurred to me that the Council probably does not have a good idea of the scope of responsibility that the IT department currently handles. At the last meeting, I brought along the Systems Manager's job description in case I had an opportunity to discuss this. Following is a sample of what is included in the Job Functions and Major Activities:

- Maintaining and improving the City's Wide Area Network (WAN) and Local Area network (LAN).
- Installation and maintenance of the citywide IP Telephone system
- Advises all staff on aspects of computerized information systems as needed
- Install and configure hardware and software and monitors computer resource utilization and performance
- Information systems procurement and third party upgrades and repairs
- Analyze and document information needs; develop solutions that are consistent with the computing environment
- Manage security, backup, and recovery procedures to assure system integrity.
- Monitors networks on a regular basis to insure the integrity of those systems including auditing backup, testing restoration, monitoring virus protection, monitoring network statistics, and overseeing system security.
- Assists the Police Department with investigations of computer related crime, including but not limited to computer theft, fraud, child pornography and computer hacking.
- Assists in development of departmental procedures and policies related to the use of automated systems.
- Technical support for City's web page and certain webmaster functions.
- Installs network cabling and retrofit cabling.
- Develops training classes.
- Troubleshoots and resolves problems relating to both hardware and software in all departments.
- Performs preventative and remedial maintenance of computer equipment such as terminals, modems, printers, microcomputers, disk drives, and cables in all City departments.
- Assist departments with other non-pc computer technologies, including but not limited to, telephone systems, PLC controllers and telemetry monitoring, heating and air conditioning automation, E911 systems, EMS and Police dispatch and radio console systems, network based security systems, and wireless GPS systems and base stations.

As you can see, the scope of responsibilities is probably much broader than many people may realize. It is my view that the City is getting a tremendous value for its money. It is doubtful that an outside consulting firm would be able to do all of this for less money. Further, the IT staff are available 24/7 and are always there when they are needed. The City's systems are critical for public health and safety and need the type of attention that can only be provided by in-house staff. The IT staff have saved the City significant amounts of money through innovative approaches to service delivery and the procurement of services; especially telephone services. I strongly recommend no change here.

Employee Health Care Contribution

I would recommend that the Council not take any action on this at this time. If the Council wishes to do something in this area, I recommend that it delay any action until the following steps are completed:

- The Parity Study. This will give the Council a better overall picture of the employee benefit package as a whole as it compares to other municipalities and hopefully, comparables in the private sector. That way, Council can see the entire compensation package instead of focusing all of its attention on health care.
- Federal Health Care Regulations: The new rules are still being written. The City is consulting with its attorney's and insurance experts regarding potential impacts associated with making changes to the plan and subsequently losing the City's grandfather status. More information is coming in almost every day and we are getting closer being able to making recommendations with some degree of confidence.
- Consultation with Employees: The Council previously adopted a policy that no changes would be made to the health care plan unless the employees had at least 30 days to review and comment. The employees have not had the opportunity to review and comment on Councilmember Hogan's proposed amendment. Further, consultation with the employees is desirable because they would likely come up with and endorse options that are perceived to be more fair and equitable than the one on the table.

As has been noted many times, the City Health Insurance Plan is a pretty good one and it serves as one of the best remaining recruitment and retention tools the City has at its disposal. Making cuts to this plan would reduce benefits further on top of other cuts that have already been made. There would be a real cost to employees, especially young ones with families. It is always good to remember that City employees live here too. They pay taxes and they spend their earnings at local businesses.

That aside, the administration and many employees recognize that health care costs now constitute an unacceptably high percentage of the City budget. The current benefit may be something the City can no longer afford. If the Council wants to address the issue this year, I would suggest the following course of action.

- Instruct the City Manager to come up with a plan to reduce health care costs. It would be helpful if a target amount of savings were identified.
- Give the Manager several months to consult with employees to review options and develop a set of recommendations
- The CM will provide a report with a set of recommendations no later than April 1 that could be implemented this year.
- This approach would result in savings toward the end of this year, hopefully result in some buy-in from employees, and would slow the growth of health care costs in future years.

Overtime: The attached reports from department heads address much of what needs to be said about overtime. The Police, Fire, Public Works, and Port and Harbor overtime

budgets go directly in large part to emergency response, public safety, and vital services. It is difficult if not impossible to cut overtime and make it up with part time employees. A very significant amount of training and certifications are necessary to do these jobs and to respond in emergencies. Part time employees with minimal training and compensation cannot even go into the water treatment plant, work on a broken sewer line, or attack a fire. They also can't do a whole lot to reduce the responsibilities of full time employees in the office.

Cutting overtime in these departments would represent a serious cut in services and the public should be forewarned. It is hard to budget for overtime in general. These budgets are based upon experience and past actual expenses. The bottom line is that cutting these budgets is in many ways just a paper exercise. If emergencies arise, we will respond. That is our duty. The Fire Chief is not going to decline to send personnel to a structure fire because it would put him in danger of exceeded his overtime budget. Public Works will send the sanders out if the roads become dangerously icy or the culverts freeze up and cause flooding. We will continue to do this unless the Council tells us to stop. Most overtime expenditures are non-discretionary.

On the administration side, the best way to reduce overtime is to do something about the number of boards, commissions, and committees we have. I am talking specifically about the Planning, City Clerk and City Manager office staff. Committee work takes up a very large percentage of available staff time reducing productivity and increasing overtime and compensation costs. Council could consider a) reducing the number of committees, b) requiring that most meetings take place during the day, and c) relieving the Clerk's office of staffing all committees except standing Commissions like Planning, Port and Harbor, Parks, and Economic Development. Most duties of the committees can be added to the responsibilities of the standing Commissions.

Credit Card Charges: Please refer to the attached memorandum from the Finance Director. While we do not like paying these charges either, there are real benefits associated with allowing customers to pay by credit card. The Finance Department is hot on the trail of ways to reduce these expenses. Also, note that we would lose the discount we already get from the bank on these charges if we start making customers pay a fee for using a credit card.

Uniforms: At the last meeting, the Chief of Police discussed what is included in the uniform budget. Attached is a Memorandum from the Fire Chief in which he addresses the same issue. In my opinion, making police, firefighters, emergency medical responders, and public works employees who are dealing with hazardous wastes or crawling into confined spaces pay for gear that they are required to have either by law or for safety is a really bad idea. No other City does this that we are aware of.

ATTACHMENTS

1. December Employee Anniversaries
2. Memorandum from Port and Harbor Director re: Budget Impacts
3. Memorandum from Fire Chief re: Budget Impacts
4. Memorandum from City Planner re: Budget Impacts
5. Memorandum from Personnel Director re: Budget Impacts
6. Memorandum from Public Works Director re: Budget Impacts
7. Memorandum from Chief of Police re: Budget Impacts
8. Memorandum from Library Director re: Budget Impacts
9. Memorandum from Finance Director re: Budget Impacts
10. Memorandum from Finance Director re: Credit Cards Expenses
11. Memorandum from City Clerk re: Budget Impacts

1. The first step in the process of...
2. The second step is to...
3. The third step is to...
4. The fourth step is to...
5. The fifth step is to...
6. The sixth step is to...
7. The seventh step is to...
8. The eighth step is to...
9. The ninth step is to...
10. The tenth step is to...