

April 4, 2012  
5:30 P.M.

Cowles Council Chambers  
491 East Pioneer Avenue  
Homer, Alaska

## WORK SESSION Advisory Planning Commission AGENDA

1. Call To Order, 5:30 P.M.
2. Discussion of Items on the Regular Meeting Agenda
3. Staff Report PL 12-13, Flag Lots (*Please refer to page 41 of the regular meeting packet.*)
4. Bank Stabilization Permits (*Please refer to page 9 of the regular meeting packet.*)
5. Public Comments  
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
6. Commission Comments
7. Adjournment



**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 March 7, 2012 *Page 1*
  2. Time Extension Requests
  3. Approval of City of Homer Projects under HCC 1.76.030 g.
  4. KPB Coastal Management Program Reports
- 6. Presentations**
- 7. Reports**
  - a. Staff Report PL 12-14, City Planner's Report *Page 7*
- 8. Public Hearings**  
Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.
  - A. Staff Report PL 12-16, CUP 12-01, 4744 Homer Spit Road *Page 13*
- 9. Plat Consideration**
- 10. Pending Business**
- 11. New Business**
  - A. Staff Report PL 12-13, Flag Lot Regulations *Page 41*
- 12. Informational Materials**
  - A. City Manager's Report dated March 27, 2012 *Page 45*
- 13. Comments of The Audience**  
Members of the audience may address the Commission on any subject. (3 minute time limit)
- 14. Comments of Staff**



Session 12-03, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 6:30 p.m. on March 7, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**PRESENT:** COMMISSIONERS ERICKSON, HIGHLAND, MINSCH, SONNEBORN, VENUTI

**ABSENT:** COMMISSIONER BOS, DOLMA

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

### **APPROVAL OF AGENDA**

The agenda was approved by consensus of the Commission.

### **PUBLIC COMMENT**

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

There were no public comments.

### **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.

A. Approval of the February 15, 2012 minutes

The consent agenda was approved by consensus of the Commission.

### **PRESENTATIONS**

### **REPORTS**

A. Staff Report PL 12-11, City Planner's Report

City Planner Abboud reviewed his staff report and answered Commission questions regarding Fire Marshall information on the city website, bank stabilization, and the FEMA Flood maps.

### **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.

### **PLAT CONSIDERATION**

### **PENDING BUSINESS**

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MARCH 7, 2012

A. Staff Report PL 12-10, Sign Ordinance

The Commission reviewed and discussed the sections of the staff report starting with electoral signs.

VENUTI/ERICKSON MOVED TO SEND ELECTORAL SIGNS BACK TO THE COUNCIL AT 32 SQUARE FEET.

There was brief discussion in opposition to the 32 square foot signs and others felt it wasn't worth the fight to keep it at 16 square feet.

VOTE: YES: MINSCH, VENUTI, ERICKSON  
NO: HIGHLAND, SONNEBORN

Motion failed.

VENUTI/ERICKSON MOVED SO SEND IT BACK TO COUNCIL WITH 24 SQUARE FOOT ALLOWANCE FOR POLITICAL SIGNS.

There was no discussion.

VOTE: YES: VENUTI, ERICKSON  
NO: HIGHLAND, SONNEBORN, MINSCH

Motion failed.

City Planner Abboud reviewed the section "Emphasis on Safety"

MINSCH/HIGHLAND MOVED TO ADD TO HIS SENTENCE "ADDITIONAL ENFORCEMENT IS WHAT IS NEEDED".

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Discussion ensued regarding temporary signs.

ERICKSON/VENUTI MOVED THAT TEMPORARY COMMERCIAL SIGNS, SPEAKING SPECIFICALLY ABOUT SANDWICH BOARDS, ARE ALLOWED FOR 30 DAYS, ONCE A CALENDAR QUARTER BY SPECIAL PERMIT. THOSE NEEDING EXTENDED TIME WILL BE BY PERMIT ONLY FOR 30 DAYS ONCE A QUARTER, RENEWABLE WITH AN ESCALATING FEE. ALL TEMPORARY SIGNS WILL BE ALLOWED FROM THE TIME OF BUSINESS OPERATION WHEN STAFF IS ON SITE AND OPEN TO THE PUBLIC. NON COMPLIANCE SIGNS WILL BE COLLECTED AND RETURNED FOR A FEE TO COVER ADMINISTRATION'S COST.

There were brief statements of opposition.

VOTE: YES: ERICKSON, VENUTI

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MARCH 7, 2012

NO: SONNEBORN, MINSCH, HIGHLAND

Motion failed.

Chair Minsch commented they had discussion during their worksession about sending this back to Council to outline the Commission's perspective. Commissioner Highland agreed noting that it is important to express to Council if they want to change the policy, it will allow everyone to have a sandwich board, and questions if this is that what Council wants.

The other Commissioners brought up points about allowing temporary signs through permitting and enforcement.

- We need to be careful not to tie the hands of staff so they can't work with people in the community.
- There are times people need a temporary sign for things like grand openings, change of location, new personnel, and so forth.
- There will still be issues with enforcement if the temporary signs are allowed.
- We have watched the signs grow over the last few years. If they are allowed they will show up all over town.
- Staff can provide the resources to deal with the signs, but the fallout of enforcement will have to be dealt with.
- This is not a solution to give people with permanent sandwich boards what they want; it is a case for a temporary sign if needed.

ERICKSON/HIGHLAND MOVED ON PAGE 28 LINE 361 TO GO BACK TO THE ORIGINAL LANGUAGE THAT TEMPORARY SIGNS ON PRIVATE PROPERTY SHALL BE, A FOR THE TERM AND B FOR THE NUMBER AND THAT THEY WILL BE ALLOWED BY PERMIT.

There was discussion that the renumbering will be addressed by staff. This goes back to the original language and adds that a permit is needed.

SONNEBORN/ERICKSON MOVED TO AMEND AND ADD DISPLAY SHALL BE DURING TIME OF BUSINESS OPERATION ONLY WHEN STAFF IS ON SITE AND OPEN TO THE PUBLIC.

Comments were made in opposition to the amendment because of temporary nature of the signs, people are not going to bring them in each night as it would be cumbersome to business owners or nonprofit organizations to do so.

VOTE: (Amendment) YES: SONNEBORN  
NO: VENUTI, MINSCH, HIGHLAND, ERICKSON

Motion failed.

There was discussion that 14 consecutive days out of 90 isn't necessary as the permit can be drawn up to specify what days a business intends to display their temporary sign.

VOTE (Main Motion): NON OBJECTION: UNANIMOUS CONSENT

City Planner Abboud commented on line 136 they added suspended sign back to definitions but need to add "means" in front of a sign is suspended.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MARCH 7, 2012

MINSCH/HIGHLAND MOVED TO AMEND LINE 136 TO READ SUSPENDED SIGN MEANS A SIGN...

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud explained that Table 3 is missing two categories in the draft ordinance and also on the web, but they are included in the code book. He mentioned that it should come back as technical change through the attorney to be corrected. The Commission asked to see the table when it is corrected.

HIGHLAND/ERICKSON MOVED TO FORWARD THE SIGN CODE AS AMENDED TO CITY COUNCIL FOR ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 12-07, Land Allocation Plan

The Commission discussed the land allocation plan and the process for making recommendations.

Commissioner Minsch called for a brief recess to allow Commissioner Highland an opportunity to talk to staff regarding her recommendation.

HIGHLAND/VENUTI MOVED THEY RECOMMEND C7 AND C8 RECOMMENDED FOR FUTURE CONSIDERATION FOR CONSERVATION, C9 THE SOUTH SECTION OF LOT 13 AND 14 RECOMMENDED FOR FUTURE CONSIDERATION FOR CONSERVATION, E24 RECOMMENDED FOR FUTURE CONSIDERATION FOR CONSERVATION, AND E26 RECOMMENDED FOR FUTURE CONSIDERATION FOR CONSERVATION AND E35 BE DESIGNATED AS PARK.

There was discussion that in the mixed use area there is such a small amount of land to develop for business, there is concern that we don't want to tie our hands. There are enough hurdles to jump through to develop the land. Further comments were that the Commission doesn't have enough information to make these decisions.

Commissioner Highland commented that this is where she feels the future of Homer is going, there is a quandary with the lack of adequate land and the wetlands play an important part for the protection of Homer.

VOTE: YES: HIGHLAND  
NO: ERICKSON, SONNEBORN, VENUTI, MINSCH

Motion failed.



The Commission discussed if they wanted to proceed as they did last year with a memo stating they respectfully decline to participate. They asked to see their last memo at their next regular meeting.

#### **NEW BUSINESS**

#### **INFORMATIONAL MATERIALS**

- A. Memorandum 12-xx, RE: KPB Ordinance 2012-06

City Planner Abboud reviewed his memorandum regarding the Borough's ordinance.

- B. City Manager's Report dated January 23, 2012

#### **COMMENTS OF THE AUDIENCE**

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

There were no audience comments.

#### **COMMENTS OF STAFF**

#### **COMMENTS OF THE COMMISSION**

Commissioner Venuti said he is amazed they got something resolved on the sandwich boards.

Commissioner Highland commented that she would still like the Commission to talk about the allocated land, but that's the way it goes. Getting through the sign ordinance, she agrees, is a small miracle.

Commissioner Erickson and Sonneborn had no comments.

Chair Minsch said the Commission understands Ms. Highlands's heart regarding the land and encouraged Ms. Highland to attend the Council land allocation plan meeting. Perhaps she will have comments on how to make the process work better.

#### **ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 9:00 p.m. The next regular meeting is scheduled for March 21, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_





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## STAFF REPORT PL 12-14

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** April 2, 2012  
**SUBJECT:** Planning Director's Report

### March 27<sup>th</sup> City Council Meeting

**Ordinance 12-11(A)**, An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR) and General Commercial Two (GC2) Zoning Districts to Conservation (CONS). Planning. Introduction March 12, 2012, Public Hearing and Second Reading March 27, 2012.

Memorandum 12-033 from City Planner as backup.

There was no public testimony.

ADOPTED without discussion.

**Ordinance 12-01(S)(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-Of-Way; **Homer City Code 21.60.095, Electoral Signs**; Homer City Code 21.60.100, Signs Exempt from Regulation Under this Chapter; Homer City Code 21.60.110 Signs Prohibited Under this Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-Of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Planning/City Attorney. Recommended dates: Public Hearing and Second Reading April 9, 2012.

Memorandum 12-007 and 12-051 from City Planner as backup.

Memorandum 12-008 from City Attorney as backup.

Memorandum 12-048 from Economic Development Advisory Commission as backup.

Motion on the floor from January 23, 2012: MOTION FOR THE ADOPTION OF ORDINANCE 12-01(S)(A) BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

AMENDMENTS from City Attorney and Planning Commission were adopted.

POSTPONED to April 9, 2012 for a PUBLIC HEARING.

### Activities

I was part of an Emergency Operations desktop exercise that was coordinated with the test of the tsunami warning system test. The lease committee had a special meeting to consider material that submitted by the applicant and not received. After review of the information, the committee recommended a 10 year lease with two 2.5 year extensions with consideration to be given for a longer term when the applicant (Billy

Sullivan) commits to further capital improvements on the lot (88-3). We also received some new furniture so Julie and I now have desks!

### **Training**

Dotti and I will be attending the National Planning Conference in Los Angeles April 14<sup>th</sup> – 17<sup>th</sup>. Due to the travel constraints I will not be back until late the night before the next meeting. We do not have any pressing business e.g. CUP applications, Plats or etc... It might be beneficial to have a discussion about possibly canceling the meeting. I do plan to work on items that may come up in this meeting and also to start the conversation about spit zoning for the meetings after this.

### **Information – Bank Stabilization**

The HAPC asked for information on how the Planning Office permits Bank Stabilization projects. Below is an explanation that is posted on our website, followed by two examples.

#### Website: Bank Stabilization Permitting:

Bank stabilization projects are usually constructed between the 17.4 ft and 23.3 ft tide line. When walking the beaches along Kachemak Bay you will see a variety of options from gabions (wire baskets) to rock boulders. All shoreline bank stabilization projects may impact neighboring properties as well as jeopardize the integrity of the bank it is designed to protect. For this reason, bank stabilization projects are regulated within reviewed by the City of Homer.

Applicants wishing to construct a bank stabilization project are directed to the Army Corp of Engineers (ACOE) and Alaska Dept of Fish and Game (AF&G). Their requirements are listed below.

Below is an outline of the permitting requirements.

Activity below 17.4 ft (Critical Habitat Area): If heavy equipment access is needed through or to stage equipment below the 17.4 ft tide line, Fish and Game (F&G) Special Area Permit is required. Ginny Litchfield is the Kenai Peninsula Area Manager. 907-714-2477. Email: [ginny.litchfield@alaska.gov](mailto:ginny.litchfield@alaska.gov)  
<http://www.adfg.alaska.gov/static/license/uselicense/pdfs/specareapermit.pdf>

Between 17.4 ft and 23.3 ft: The bulk of the bank stabilization activity takes place between the 17.4 - 23.3 ft tide line. A permit from Army Corps of Engineers (ACOE) is required. Kenai Office, 907-283-3519. Email. See criteria below.

- a. No material is placed in excess of the minimum needed for erosion protection.
- b. Bank stabilization activity is less the 500 ft in length.
- c. The activity will not exceed an average on one cubic yard or material per one linear foot.
- d. No material is place in any special aquatic site, including wetlands;
- e. No material to impair surface water flow
- f. No material placed in a manner that will be eroded by normal or expected high tides.

If the project exceeds these standards a more detailed ACOE permit could be requested.

Above the 23.3 ft: Typically this includes fill, grading and revegetation to meet the upland contours.

No state/federal permits are needed (unless the project is in wetlands). Your site plan should include the amount and type of upland fill, the grades that will be produced and revegetation plans to stabilize the slope.

**Final Step the Zoning Permit:** With the state and federal permits in place, the City verifies that:

The above requirements have been met, and  
All fill is non-toxic, and  
The 17.4 ft tide line is staked.

Only then, is a Zoning Permit issued, \$200 fee.

**Example 1:**

**Location:** West of Bishop's Beach on Waddell Way.

A retaining wall, approximately 100 feet long that consists of pilings, timbers, tiebacks which are located above the 23.3 tide line. The applicant obtained a State of Alaska, DF&G, Special Area Permit 12-V-0054-SA allowing the excavator to travel the Bishop's Beach area. The project did not require an ACOE permit because all the work was above the 23.3 ft tide line. The footprint of this project does not meet the thresholds for the City's Development Activity Plan (DAP), Stormwater Plan (SWP), or Steep Slope plan. With the submission of a site plan and the documents from the State of Alaska a zoning permit was issued. See attached: Development questions for wetlands, fill, grading, slope and stormwater.

**Example 2:**

**Location:** West of Bishop's Beach on Charles Way.

Rip-rap and fill extended an existing bank stabilization project approximately 60 feet. The organic material was bounded by filtration fabric and rip-rap to stabilization the toe of the slope. The project did not require an ACOE permit because all the work was above the 23.3 ft tide line. The applicant did not need access below the 17.4 ft tide line so a State of Alaska, DF&F permit was not required. The project did not meet the thresholds for the City's DAP, SWP, or Steep Slope plan. With a site plan and an engineer's written description of the project that included a no adverse impact statement a zoning permit was issued.

Att.

Development questions ....





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**Development questions for wetlands, fill, grading, slope and stormwater.**

Name \_\_\_\_\_ Project address: \_\_\_\_\_ Zoning: \_\_\_\_\_

Parcels with designated **Wetlands** require Army Corp of Eng. Approval.

Y / N Wetlands? KPB \_\_\_\_\_ Legal: \_\_\_\_\_

The **Fill standards** apply to "new fill" and address slope stabilization, sedimentation and erosion. Please verify that your project meets these standards:

Y / N Fill must be free of demolition debris including concrete, asphalt, garbage and hazardous or toxic materials.

Y / N Disposing of organic debris from other lots is not allowed.

Y / N The slope of the fill shall not exceed 50% or 1:2 which is a one foot rise to a two feet run.

Y / N No fill may be placed closer than five (5) feet from the side or rear lot lines.

Y / N Organic debris including stumps may not be used to support structures.

**Fill** for the project will be a maximum depth of \_\_\_\_\_ feet over \_\_\_\_\_% or less of the lot.

If you intended to fill to a depth greater than 3 ft over 25% or more of the lot a **Grading Plan** is required and must be approved by the City prior to issuance of a Zoning Permit.

The **Drainage standards** aim to preserve the natural drainage patterns. At a minimum:

T / F The development shall not adversely impact other properties including drainages, slope failure, root damage. HCC 21.50.020(b) and HCC 21.44.030(d)

T / F All exposed soils to be revegetated within 16 of initial earthwork. HCC 21.50.020(c)

The **Slope Standards** apply to activity that disturbs the existing land surface including clearing, grading, excavating and filling per HCC 21.44.030. At a minimum:

Y / N Is the average slope of your lot greater than 15%? (A rise of 15 ft to 100 ft run)

Y / N Is clearing, grading, excavating and/or filling taking place within 40 ft of the top, or 15 ft of the toe of a steep slope (45%), bluff, coastal bluff or ravine? HCC 21.44.030(c)

If **YES** to either of the two above, a site plan for Slope Development Plan is required, HCC 21.44.050.

A **Development Activity Plan** is required when your development exceeds ONE of these standards. Circle those that apply to your project.

1. Land clearing or grading of 10,000 SF or greater;
2. The cumulative addition of 5,000 square feet or greater of impervious surface area from the pre-development conditions;
3. Grading, filling or excavating involving the movement of 1,000 cubic yards of material;
4. Grading activities that will result in a temporary or permanent slope having a steepness of 3:1 and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 5 feet;
5. Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site;
6. Any land clearing or grading on slopes steeper than 20%, or within 20 feet of wetlands, streams, or ponds;

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A **Storm Water Plan** is required when your development exceeds ONE of these standards. Circle those that apply to your project.

1. An impervious surface coverage that is greater than 60 percent of the lot area. "Impervious Coverage" (also referred to as "Coverage" means an area of ground, which, by reason of its physical characteristics or the characteristics of materials covering it, does not absorb rain or surface water. All parking areas, driveways, roads, sidewalks and walkways, whether paved or not, and any areas covered by buildings or structures, concrete, asphalt, brick, stone, wood, ceramic tile or metal shall be considered to be or have impervious coverage.
2. The creation of cumulative addition of 25,000 square feet or greater of impervious surface area from the pre-development conditions;
3. Land disturbing activity of one acre or greater;
4. Grading, fill or excavation involving the movement of 10,000 cubic yards of material;
5. Grading activities that will result in a temporary or permanent slope having a steepness of 3:1 and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 10 feet;
6. Any land clearing or grading on slopes steeper than 25%, or within 10 feet of wetlands, streams, or ponds.

**The Owner/Applicant's is responsible for the work of his/her contractors.**

Owner/Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_

Contactor's signature \_\_\_\_\_ Date \_\_\_\_\_

Excavator's signature \_\_\_\_\_ Date \_\_\_\_\_





# City of Homer Planning & Zoning

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## STAFF REPORT PL 12-16

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** April 4, 2012  
**SUBJECT:** Request for CUP 12-01 at 4744 Homer Spit Road

**Requested Action:** Conduct a public hearing and make a decision on the application for the conditional use permit.

**This is a quasi-judicial decision and requires 5 yes votes.**

### SYNOPSIS:

Applicants:	Brad Faulkner (lessee), City of Homer (property owner)
Requested Action:	Approve CUP 12-01
Location:	4744 Homer Spit Road
Parcel ID:	181 034 44, 41, Lot 88-4 Homer Spit Subdivision No Two
Lot Size(s):	Amended, Lot 88-4, and Parking and Access Area
Zoning Designation:	Total lease area 0.31 acres, or about 13, 500 square feet
Existing Land Use:	Marine Industrial
Surrounding Land Use:	Residential/fish office/tote and equipment storage
	North: Boat harbor
	South: Parking, Seafarers Memorial, campground
	East: Vacant/parking/fish processing
	West: Fish processing, small retail

**Comprehensive Plan:** Goal1.1 Maintain the variety of land uses that establish the unique "Spit" character and mix of land uses. Strategies include: Similar land uses (such as charter offices, boat and gear sales, tourism activities) shall be encouraged to cluster to achieve a mix of related activities and minimize adverse impacts on other activities.

**Wetland Status:** Not within a wetland.  
**Flood Plain Status:** Not within the 100 year flood plain. In the 500 year floodplain.

**BCWPD:** Not within the Bridge Creek Watershed Protection District  
**Utilities:** City water and sewer serve the property.

**Public Notice:** Notice was sent to 10 property owners of 28 parcels as shown on the KPB tax assessor rolls.

### Port and Harbor Advisory Commission Recommendations

This project is within the Marine Industrial District. The applicant is proposing some land uses that are listed in the Marine Commercial, but not the Marine Industrial district. This is allowed under Homer

City Code. As part of this process, the Port and Harbor Advisory Commission conducts a public hearing, and makes a recommendation to the HAPC. This is a fairly new section of code and this is the first time it has been put to use. The Port and Harbor Commission met on March 28<sup>th</sup>, and adopted the findings staff presented. The findings are attached to this staff report.

### **Introduction**

Mr. Faulkner leases lot 88-4, at the corner of Homer Spit Road and Fish Dock Road. This lot backs up to the harbor. The front of the lot is not on Homer Spit Road. Instead, there is a "parking and access" lot, as designated by the subdivision plat, which requires a five foot building setback. The City and Mr. Faulkner propose to shift the area that Mr. Faulkner leases. Currently, Mr. Faulkner's lease includes 15 feet along the harbor's edge, where the future Homer Spit Trail extension is proposed. The new lease area would be shifted 15 feet toward Homer Spit Road. This would allow room for the Spit Trail to be extended behind Mr. Faulkner's buildings, along the harbor. It would also allow Mr. Faulkner to build a boardwalk that would extend across lot lines. There is still enough room for cars to park in front of his development, off of the road.

### **Proposed Development**

The development proposal includes the following:

1. A total of 6 hotel/motel units, and two caretaker's units.
2. The current house/office will be used for two hotel/motel rooms, office and include a caretakers residence.
3. The existing office used for a fish broker will move to the front of the lot. It will still be used as an office for the fish broker, but will include a small apartment for the employee when he is in town (staff is considering this as a caretaker's residence). A new office and upstairs apartment will be built for the fish broker in the future.
4. Four new cabins would be built along the front lot line (along Homer Spit Road). They will be used for some combination of retail, tourism or restaurant use, with nightly rentals upstairs. Mr. Faulkner has not identified specific tenants at this time. He plans to build the cabins over time as demand warrants.
5. There will be a new boardwalk built in front of the cabins. It will be a low boardwalk, a few feet off the ground. The buildings will meet the district setback requirements along this lot line but the boardwalk will not. The boardwalk will extend over the lot line, and five feet into the 'parking and access' lot, which Mr. Faulkner will lease. This triggers a requirement for a Planned Unit Development (PUD).
6. The fish buying operation on the back side of the lot will remain. It is adjacent to the harbor and Fish Dock Road.

### **Parking**

HCC 21.55.100 Homer Spit parking requirements, only requires onsite-parking for year round uses. Staff considers the two caretaker units and the fish tote storage as year round uses and therefore three parking spaces are required on site. The applicant shows five spaces on site, and there is room for several more. Were this development not located on the spit, about 13 spaces would be required. The applicant has space for possibly as many as 11 on site, and twelve in front of the boardwalk. The spaces could be oriented to avoid backing onto Homer Spit Road. Between on-site parking and the public parking area immediately in front of the businesses there is adequate parking available for the proposed uses during the peak summer season. There is also additional public parking across the street.

### **Cabin design**

Mr. Faulkner proposes to build four two story cabins along the boardwalk, and one two story office behind them. The exact design of the cabins has not been decided, but they will be two story, wood structures similar to other small buildings on the Spit. Most likely metal roofing will be used. Photographs of sample structures are included in the application.

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

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

21.30.020 (i), Other similar uses....(see p 238 of Homer City Code, Marine Industrial District)

Marine Commercial Permitted Uses and Structures 21.28.020:

(a) Boat charter offices;

(c) Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;

(d) Business offices for water-dependant and water related activities such as fish brokers, off-shore oil and gas service companies, and stevedores

21.28.030 MC Conditional Uses and Structures:

(h) Hotels and motels

Marine Industrial:

21.30.030 (a) Planned Unit Development(for setback exceptions only),

(c) Restaurants and Drinking establishments;

(g) Caretaker's residence as an accessory to a permitted or conditionally permitted use;

(j) More than one building containing a permitted principle use on a lot;

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

**Finding 1:** Homer City Code authorizes each proposed use and structure.

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

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

**Finding 2:** The proposed uses and structures support a mixed use development of tourism and fisheries uses. The proposed structures and uses are compatible with the purpose of the zoning district.

**c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.**

**Finding 3:** The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district considering the mixed use nature of the adjoining property.

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

**Discussion:** The adjacent properties to the west include fish processing, retail and restaurant space. Other uses include parking, memorial, camping/RV park and vacant marine industrial land used for temporary staging.

**Finding 4:** The proposed continuation of the fish office with caretaker's quarters, and fish totes and equipment along the harbor side of the lot and boardwalk with mixed use retail along Homer Spit Road is compatible with the existing uses of surrounding land.

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

**Finding 5:** City water and sewer serve the property and are adequate to serve the proposed uses and structures.

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

**Discussion:** The development consists of several small buildings, in scale with small shops and buildings on the Spit and creating moderate density on the lot. It is desirable to create dense activity along Homer Spit Road, with the proposed boardwalk as a pedestrian amenity. The proposal will not generate significant vehicle traffic. There is on-site parking meeting city parking requirements, and city owned public parking immediately in front of the proposed boardwalk. There is a large amount of public parking within 1500 feet of the development. The boardwalk would be similar to the existing boardwalk to the west.

**Finding 6:** The development will not cause a harmful effect on neighborhood character, harmony of bulk, scale, traffic generation or other effects.

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

**Discussion:** Leaving space for the future spit trail extension will concentrate trail users in one area as they enter the busy industrial area along Fish Dock Road. Having a defined trail will increase the future safety of trail users.

**Finding 7:** The proposal will not be unduly detrimental on the health, safety or welfare of the city as a whole. Reserving area for the extension of the Homer Spit Trail will contribute to the

future health and safety of users, and reduce conflicts with industrial activities such as trucking and fork lift operations.

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

**Discussion:** City code requires State Fire Marshal review, and compliance with all other federal, state and local regulations.

**Finding 8:** The proposal will comply with application regulations and conditions.

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

**Finding 9:** The proposal meets the applicable land use goals and objectives of the Comprehensive plan.

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

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

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

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

- 1. Special yards and spaces.**
- 2. Fences, walls and screening.**

**Condition 1:** The rear of the lease property, adjacent to the harbor and future spit trail, shall be delineated. Three feet of landscaping is not required as it is not a lot line. A fence, regularly spaced planters, driftwood or some type of visual marker will be placed to show the lease boundary.

**Condition 2:** The property line along Fish Dock Road, between Homer Spit Road and the driveway on Fish Dock Rd, will be delineated by a fence or planters, in lieu of landscaping. Planters or seasonal fixtures are acceptable.

**Condition 3:** Fish totes and all related equipment shall be stored within the leased area. No storage, staging, or operations may occur off the leased area.

**Condition 4:** Any dumpsters shall be screened on three sides. Dumpsters shall not be visible from Homer Spit Road or the trail along the harbor.

3. Surfacing of vehicular ways and parking areas.
4. Street and road dedications and improvements (or bonds).
5. Control of points of vehicular ingress and egress.

**Condition 5:** The driveway access on Fish Dock road shall be marked. Planters or other seasonal fixtures may be used.

6. Special restrictions on signs.
7. Landscaping. (See conditions 1 and 2.)
8. Maintenance of the grounds, buildings, or structures.
9. Control of noise, vibration, odors, lighting or other similar nuisances.
10. Limitation of time for certain activities.
11. A time period within which the proposed use shall be developed and commence operation.

**Condition 6:** Boardwalk construction must begin within two years.

12. A limit on total duration of use or on the term of the permit, or both.
13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit. (See PUD review)
14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

### 21.52.060 Commercial, noncommercial and industrial PUDs.

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

1. The PUD site shall have direct access to an arterial or collector street.

**Finding 11:** The project has direct access to Homer Spit Road, an arterial.

2. Utilities, roads and other essential services must be constructed, installed and available for the immediate use of occupants of the PUD.

**Finding 12:** Utilities and roads exist and are available for use by the occupants.

3. The PUD shall be developed with a unified architectural treatment.

**Condition 7:** The new structures shall have a unified architectural treatment.

**Finding 13:** The new buildings and boardwalk shall be of similar style and construction to other small buildings on the Spit.

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

1. Structures located on the perimeter of the planned development must be set back a distance sufficient to protect the privacy of adjacent uses;

**Finding 14:** Structures on the property adjacent to lot 88-3 are set back according to the requirements of the district and are sufficient to protect the privacy of adjacent uses.

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

**Finding 15:** Structures along the lot line shared with lot 88-3 are oriented away from the lot line and no other measures are needed to protect the privacy of adjacent uses.

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

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

**Discussion:** Allowing the boardwalk to not meet the setback requirement and extend onto the front lot allows more area to be preserved in the interior of the development. This allows for on-site parking and circulation. If more area is needed for fish totes etc, there is room for the parking to shift a little bit, and still have enough maneuvering room. It also allows for buildings to be a little bit closer to Homer Spit Road, allowing for a better pedestrian experience, but not encroaching too much onto the parking area.

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

**Finding 17:** Setback requirements along Fish Dock Road must be met. No exception to the 20 foot setback for a cabin is necessary. The boardwalk may extend into the twenty foot setback the purpose of stairs or handicap ramp down to grade.

**Condition 8:** The boardwalk may extend up to ten feet into the twenty foot setback for the purpose of stairs or handicap ramp down to grade.

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

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

**PUBLIC WORKS COMMENTS:** No comments or concerns.

**FIRE DEPARTMENT COMMENTS:** State Fire Marshal approval is required prior to any work. Due to the narrow distance between each structure they may view this as "one" structure on the lot.

**STAFF COMMENTS/RECOMMENDATIONS:** Planning Commission approve CUP 12-01 with findings 1-18 and conditions 1-8.

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

## ATTACHMENTS

1. Application
2. Port and Harbor Advisory Commission findings and minutes of March 28<sup>th</sup>.
3. Location map







# City of Homer Planning & Zoning

491 East Pioneer Avenue      Telephone (907) 235-3106  
Homer, Alaska 99603-7645      Fax (907) 235-3118  
E-mail Planning@ci.homer.ak.us  
Web Site www.ci.homer.ak.us

## Applicant

Name: Brad Faulkner      Telephone No.: 907-299-1871  
Address: PO Box 996; Homer, AK 99603  
Email: bradalaska08@yahoo.com

## Property Owner

Name: City of Homer Lease leased to Brad Faulkner

## PROPERTY INFORMATION:

Address: 4474 Homer Spit Road

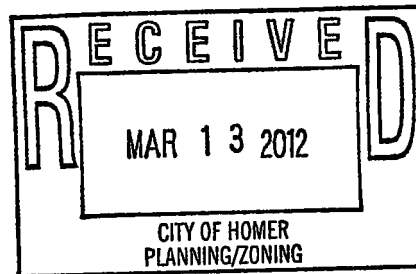
Lot Size: 0.3 acres

KPB Tax ID: # 181-033-07

Legal Description of Property: Lot 88-4 Homer Spit Sub. No. 2 Amended

*For staff use:*

Date: 3/13/12      Fee submittal: Amount \$500.00  
Received by: FRODO KANN      Date application accepted as complete 3/13/12  
Planning Commission Public Hearing Date: 4/04/12



## Conditional Use Permit Application Requirements:

1. A Site Plan See Plat
2. Right of Way Access Plan See Plat
3. Parking Plan See Plat
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. Attached are 8x10 photographs of the adjacent Sullivan and Yourkowski leases with a narrative of existing uses
5. Completed Application Form Yes
6. Payment of application fee (nonrefundable) Yes
7. Any other information required by code or staff, to review your project

### Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWPD
Level 1 Site Plan	x	x	x			x			x		x	x
Level 1 ROW Access Plan	x	x							x		x	
Level 1 Site Development Requirements	x	x										
Level 1 Lighting			x	x	x	x	x	x	x	x		
Level 2 Site Plan			x	x	x		x	x		x		
Level 2 ROW Access Plan			x	x	x		x	x		x		
Level 2 Site Development Requirements			x*	x	x	x	x	x	x	x		
Level 3 ROW Access Plan						x						
DAP/SWP questionnaire				x	x	x	x	x	x	x		

### Circle applicable permits. Planning staff will be glad to assist with these questions.

- No Are you building or remodeling a commercial structure or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: **Fire Marshal certification will be sought prior to new construction. A copy of the Sept. 1, 1999 Fire Marshall approval on the existing building is attached**
- No Will your development trigger a Development Activity Plan?  
Application Status: **Not Applicable**
- No Will your development trigger a Storm water Plan?  
Application Status: **Not Applicable**
- No Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: **Not Applicable**
- No Is your development in a floodplain? If yes, a Flood Development Permit is required. **Rick Aboud says that his talks with FEMA show that Fish Dock Road will not be included in the new Flood Hazard Area**
- Yes Does your project trigger a Community Design Manual review? **We will provide details of lighting and public seating along the board walk on the site plan**
- No Do you need a traffic impact analysis?

- No Are there any nonconforming uses or structures on the property?
- N/A Have they been formally accepted by the Homer Advisory Planning Commission?
- Yes Do you have a state or city driveway permit? Status: Existing
- Yes Do you have active City water and sewer permits? Status: Existing

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)? **There are two existing buildings on the property. Building labeled "existing house" on the plat was relocated from the Icicle lot where it was used as an ice house. It is currently used as a care taker residence. The proposed use is multiple use as caretaker residence/office/nightly rental. Cross sections and plans of this building are attached. It was constructed to meet all code requirements for a multiple use building. Two layers of 5/8<sup>th</sup> gypsum separate the different stories. Wiring is shielded cable. Doors are 1 hour fire rated. Fire alarms are hard wired throughout. Emergency lighting is installed in the stair well. The second building is labeled as existing office. This building was relocated from the adjacent lot where it was used as a grocery store. This office is leased by Dana Besicker. His employee, Eric Olsen uses it as fish buying office.**

Existing Building Square Footages:

**Existing House: 2978**

**Existing Office: 512**

Total existing built square footage: 3490

Total existing building footprint: 1609

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

**The proposed use of the property is to replace the existing office with a 16x24 two story structure that has living quarters up top and the fish buying office on the first floor. Eric Olsen got remarried and moved to Anchorage. This will give him a place to stay when he is down here buying fish. As Dana Besicker's representative,**

**Eric is the number 1 halibut and black cod buyer in Homer, utilizing both the Auction Block and Fish Factory to move and process his product. My business relationship with Eric dates to 1995. The existing office will be relocated and used as a tourist shop/charter office till the boardwalk development is completed.**

**Facing the highway will be a boardwalk and four 16X24 two story structures. The bottom floor of each will be leased as tourist shop/charter office/tourist business. The top story of each cottage will be leased as nightly rentals. They will all be built to code; meaning 1 hour fire rating between commercial uses on the first floor and nightly rentals on the second floor. Hopefully, high quality construction will attract high quality businesses that will help extend the central tourist area beyond the Coal Point / Hillstrand boardwalk area.**

**That portion of the lot abutting fish dock road and facing the harbor will continue to be used as tote and equipment staging for Glenn Carroll's cod fishing and buying operation. Cod fishing happens at non-tourist times of year. Glen has been the number 1 cod buyer in Homer for some time. Our business relationship dates to 1995.**

**Proposed New building Square Footages:**

**Fish office / living quarters 768**

**4 x Tourist office / nightly rental 3072**

**Total proposed new building square footage: 3840 s.f.**

**Total new building footprint: 1920**

**Total combined building square footage: 7390**

**Total combined building footprint: 3145**

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

a. What code citation authorizes each proposed use and structure by conditional use permit?

HCC 21.28.030(i) More than one building containing a permitted principal use on a lot.

- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.

**The current zoning is MI for marine industrial. This is the same zoning of the adjacent Sullivan and Yourkowski leases. The City Council recently passed the updated Homer Spit Comprehensive Plan which shows my lot and the Sullivan and Yourkowski lots as Marine Commercial. ( see attached map 5 future land use concept) The Comp Plan simply recognized the existing uses of these three lots. Until the City Council actually passed the new plan, multiple commercial uses, while existing, were not allowed. The other big change in spit property management is the new lease passed last June. Many of the existing sub-leases were explicitly illegal under the old lease. The new lease allows development that can be sub-leased. The new Spit Comprehensive Plan allows multiple commercial uses.**

**A new boardwalk, done to code, with code plumbing and code electrical will be a significant up grade of the buildings on adjacent leases. Located across from the Sea Farers Memorial, it should help draw tourist walking traffic east of the Salty Dawg and serve to anchor this corner of the harbor. By including the commercial fish operations of Dana Besicker and Glen Carroll with new space for tourist shops and permitted nightly accommodations, all facets of the multi-use development will be included on one lot.**

**By passing the new spit comprehensive plan, the council recognized that commercial uses such as those proposed in this CUP.**

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

**The adjacent property values will likely experience positive effects from this improvement.**

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

**The Yourkowski lease has eight buildings housing five tourist businesses. Six of those buildings include living accommodations. There is no commercial fish or industrial activity on the Yourkowski lease.**

**The Sullivan lease includes four building. There are two tourist businesses with living quarters and a small fish plant.**

**This development should help draw tourist businesses to both of these leases.**

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

**Yes. City of Homer sewer and water mains front the property. The existing sewer connect is 8" necked to 4" at the property line. The existing water connect is 2" necked to 3/4" at the property line .**

- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?

The existing boardwalk developments on the spit are the most successful retail areas. It makes it easy for tourists to walk from shop to shop and keeps them out of the puddles if it is raining. The density will be substantially lower than the Coal Point or Central Charters boardwalk areas. Including nightly rentals above the shop space is the key to making the whole development pencil out financially. Due to high demand for accommodations on the spit, pretty much all of the existing boardwalk areas include nightly rentals. The scale of the proposed improvements should bring the lot as a whole into a more harmonious look and feel for the Spit.

The plat shows the buildings set back five feet from the lot line. It shows the boardwalk extending 5 feet into the City parking easement. In order to facilitate the new Spit walking path, 10' of property on the harbor side of the lot will be exchanged for 10' of property on the ocean side. The new Spit walking path should be a big improvement for everyone.

- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?  
**This development is designed to meet all current requirements in health and safety. The tsunami evacuation plan for the Homer Spit will be posted prominently in all of the businesses and in each of the overnight cabins.**
- h. How does your project relate to the goals of the Comprehensive Plan?  
The 2006 Town Center Plan and the 2008 Comprehensive Plan are online at:  
<http://www.ci.homer.ak.us/documents/planning>.  
**The recently passed Homer Spit Comprehensive Plan specifically addresses this type of development. Quoting from page 25, "Both formal permitted lodging facilities and campgrounds, and informal, unpermitted lodging and camping are present on the Spit. While there may be community concern about additional lodging, camping and residential uses, the uses are already there. A residential option may be considered as part of the planning process. A clear policy is needed and appropriate regulations created and enforced to meet public health and safety concerns. Lodging and nightly rental facilities that may be permitted in the future can be located above existing and future commercial developments. By permitting these activities, the City can better regulate them and ensure facilities meet building health and safety codes."**
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)
1. Yes    **Special yards and spaces. The boardwalk is a special space designed to promote viewing. It will have some seating areas built in.**
  2. No    **Fences, walls and screening.**

3. No Surfacing of parking areas.
4. N/A Street and road dedications and improvements (or bonds).
5. N/A Control of points of vehicular ingress & egress.
6. Yes Special provisions on signs. **The project will be in compliance with the new Homer sign code**
7. Yes Landscaping. **There will be seasonal planters and hanging baskets placed around the boardwalk.**
8. Yes Maintenance of the grounds, buildings, or structures. **Maintenance of the existing buildings and boardwalk will be ongoing.**
9. N/A Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. N/A Time for certain activities.
11. Yes A time period within which the proposed use shall be developed. **I am proposing one building a year for five years with the first building going up this summer. The first building will be the office/living for Besicker Company.**  
**The boardwalk development may proceed all at once next summer, however I would like to reserve the right to do it out of pocket at the pace of one building a year.**
12. No A limit on total duration of use.
13. Yes Special dimensional requirements such as lot area, setbacks, building height. **The City has agreed in principal to extending the lot toward the ocean in trade for land adjacent the harbor. This is to facilitate the new walking path with the previously discussed community benefits.**
14. NO Other conditions deemed necessary to protect the interest of the community.

**PARKING**

1. How many parking spaces are required for your development? 5  
 If more than 24 spaces are required see HCC 21.50.030(f)(1)(b).
2. How many spaces are shown on your parking plan? 5
3. Are you requesting any reductions? No

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

**CIRCLE ONE:**      Owner of record      Lessee      Contract purchaser

Applicant signature: Brad Faulkner      Date: 3/13/12

Property Owner's signature: Watt White      Date: 3/13/12

## Attachments

Brad Faulkner CUP plan 2012 Plat

8X10 photo of Sullivan Lease

8X10 photo of Yourkowski lease

Map 5 Homer Spit Comprehensive Plan showing Marine Commercial Zoning and proposed harbor walking /bike path

Fire Marshall permit for existing building

1<sup>st</sup> floor plan existing building

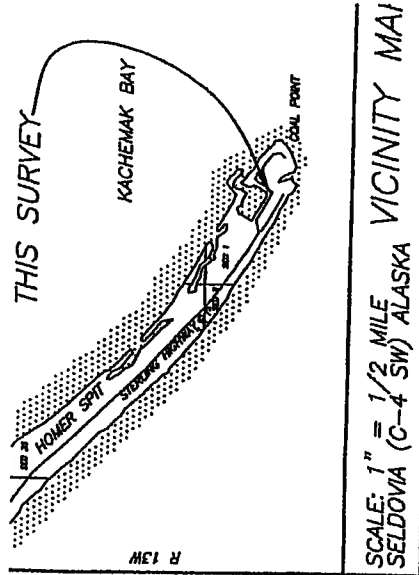
2<sup>nd</sup> floor plan existing building

Cross section existing building

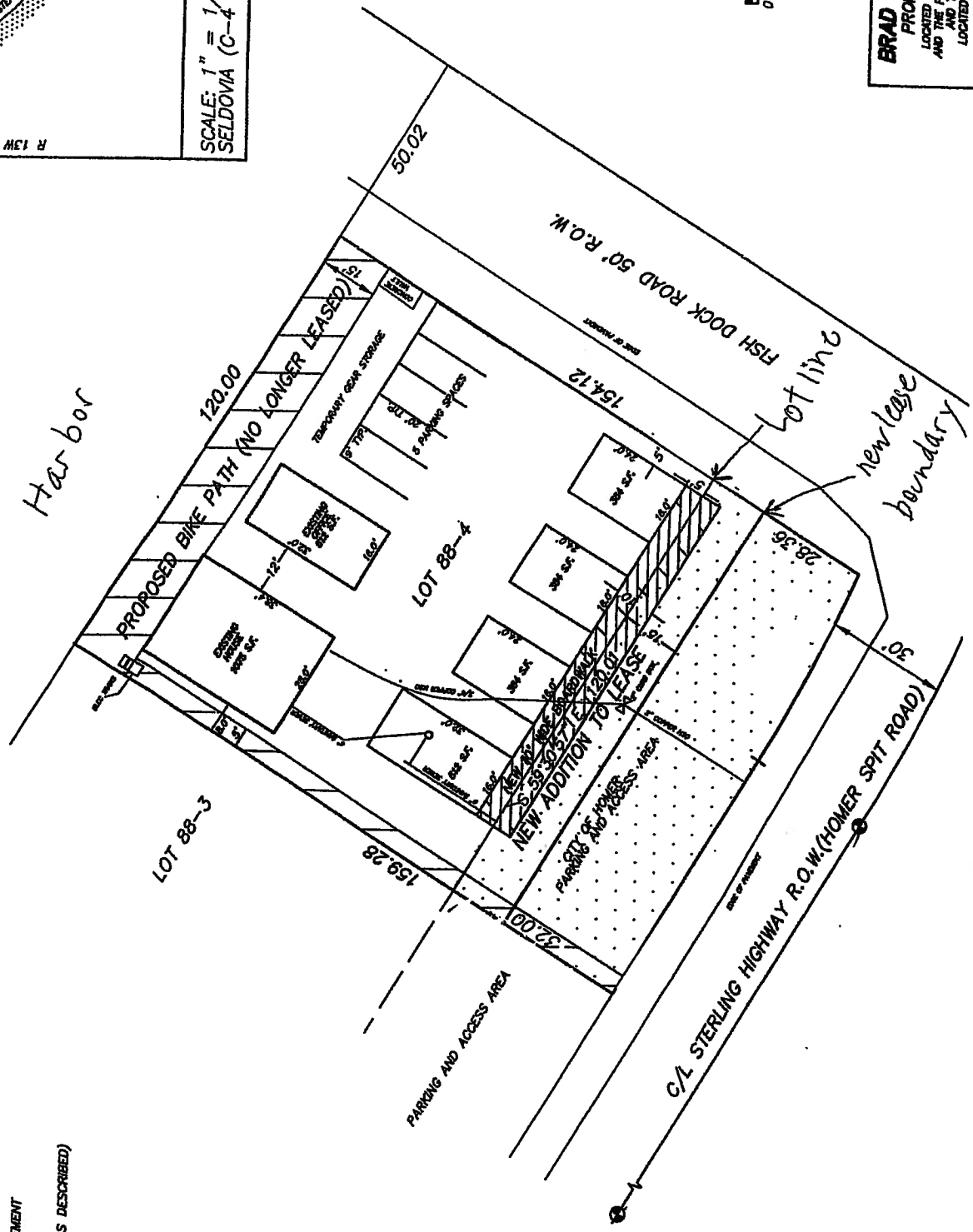
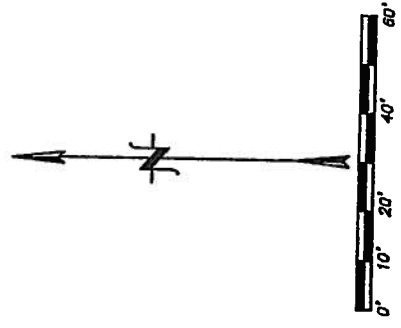
*Photo of existing office building*

*Photo of examples of future cabin design*





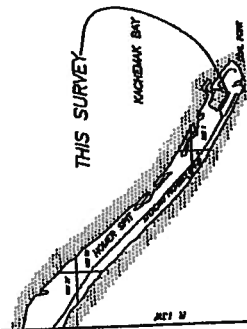
**BRAD FAULKNER C.U.P. PLAN 2012**  
**PROPOSED IMPROVEMENTS PLAN VIEW**  
 LOCKED UPON LOT 84-4, HOUSE SET NO. TWO (PLAT #81-384  
 AND THE PUBLIC PARKING AND ACCESS AREAS BETWEEN LOT 86-4  
 AND THE STERLING HIGHWAY R.O.W. (HOMER SPIT ROAD)  
 LOCATED SEC 1, TOWNSHIP 75, RANGE 12W, SEWARD MERIDIAN  
 UNLESS OTHERWISE SPECIFIED ALL DIMENSIONS ARE IN FEET



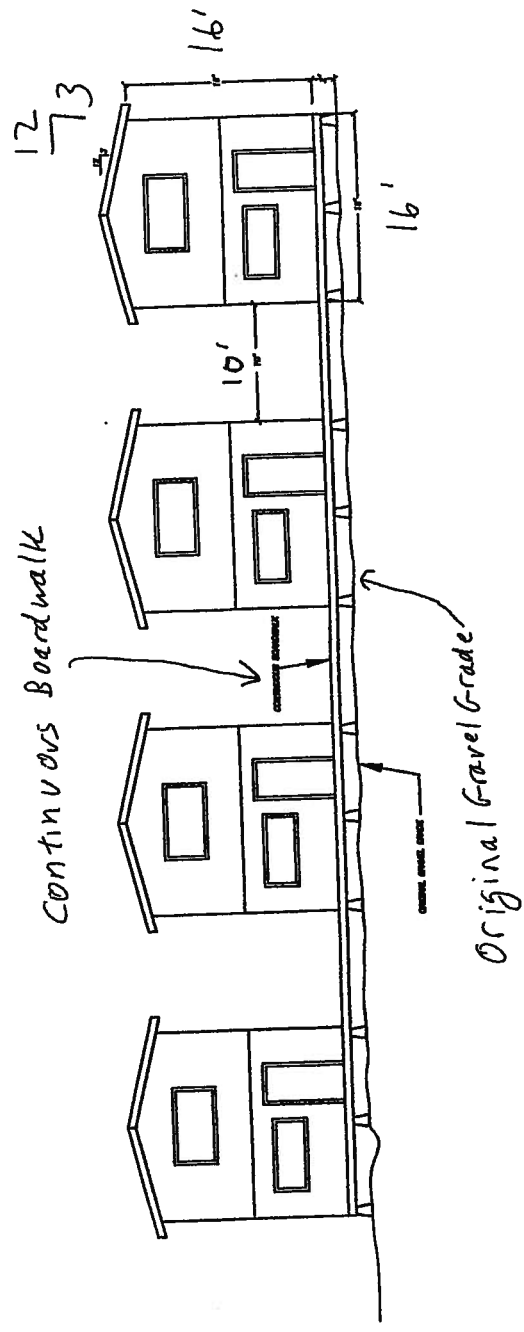
**END**

UTILITY EASEMENT

U.S. UTILITY (AS DESCRIBED)



SCALE: 1" = 1/2 MILE  
 SELDOVIA (C-4 SW) ALASKA  
 VICINITY MAP



**BRAD FULLMER CLIP, PLAN 2012**  
 PROPOSED IMPROVEMENTS ELEVATIONS  
 LOCATED FROM LAT. 41° 45' 00" N LONG. 157° 00' 00" W  
 AND THE SURVEY POINTS, FULL, KACHEMAK BAY, AND  
 LOCATED ON THE 1:25000 SCALE MAP, ALASKA, 6000000

**SEWARD ENGINEERING**  
 1044 EAST BOND STREET A  
 SELDOVIA, ALASKA 99587  
 (907) 261-1100  
 www.sewardeng.com

DATE: 04/17/12	SHEET NO. 001
DATE: 04/17/12	SHEET NO. 002
DATE: 04/17/12	SHEET NO. 003
DATE: 04/17/12	SHEET NO. 004
DATE: 04/17/12	SHEET NO. 005
DATE: 04/17/12	SHEET NO. 006
DATE: 04/17/12	SHEET NO. 007
DATE: 04/17/12	SHEET NO. 008
DATE: 04/17/12	SHEET NO. 009
DATE: 04/17/12	SHEET NO. 010

State of Alaska  
Office of the State Fire Marshal  
Plan Review

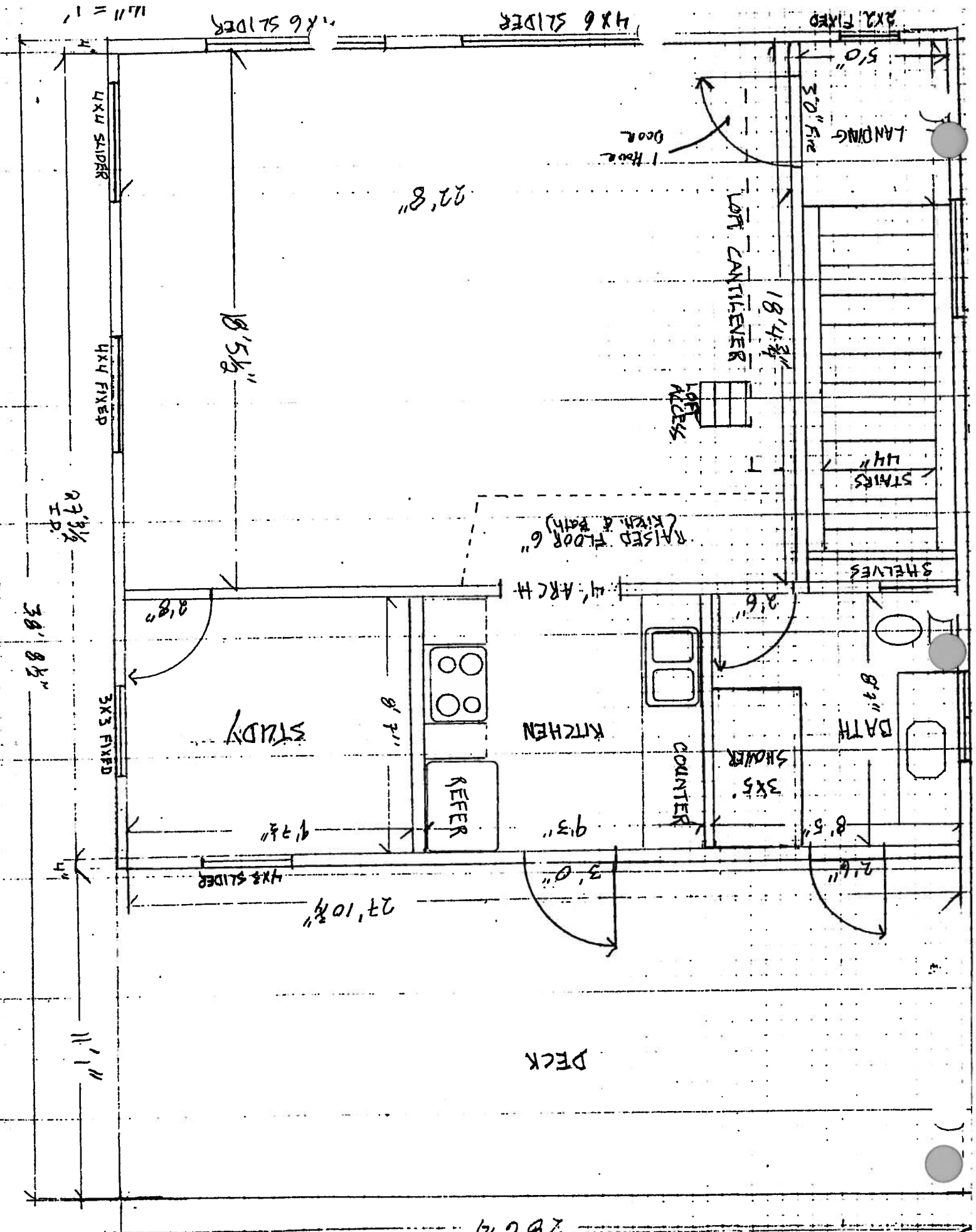
This is to certify that the plans for this building were reviewed by the *State Fire Marshal* on September 1, 1999 for conformance with AS 18.70.010 -- 100; 13 AAC 50.027.

This certificate shall be posted in a conspicuous place on the premises named Alaska Custom Seafoods and shall remain posted until construction is completed.

**NOTICE:** Any changes or modifications to the approved plans must be resubmitted for review by the *State Fire Marshal*.

Plan Review #: 2000A-070 By: Carol MacDonald

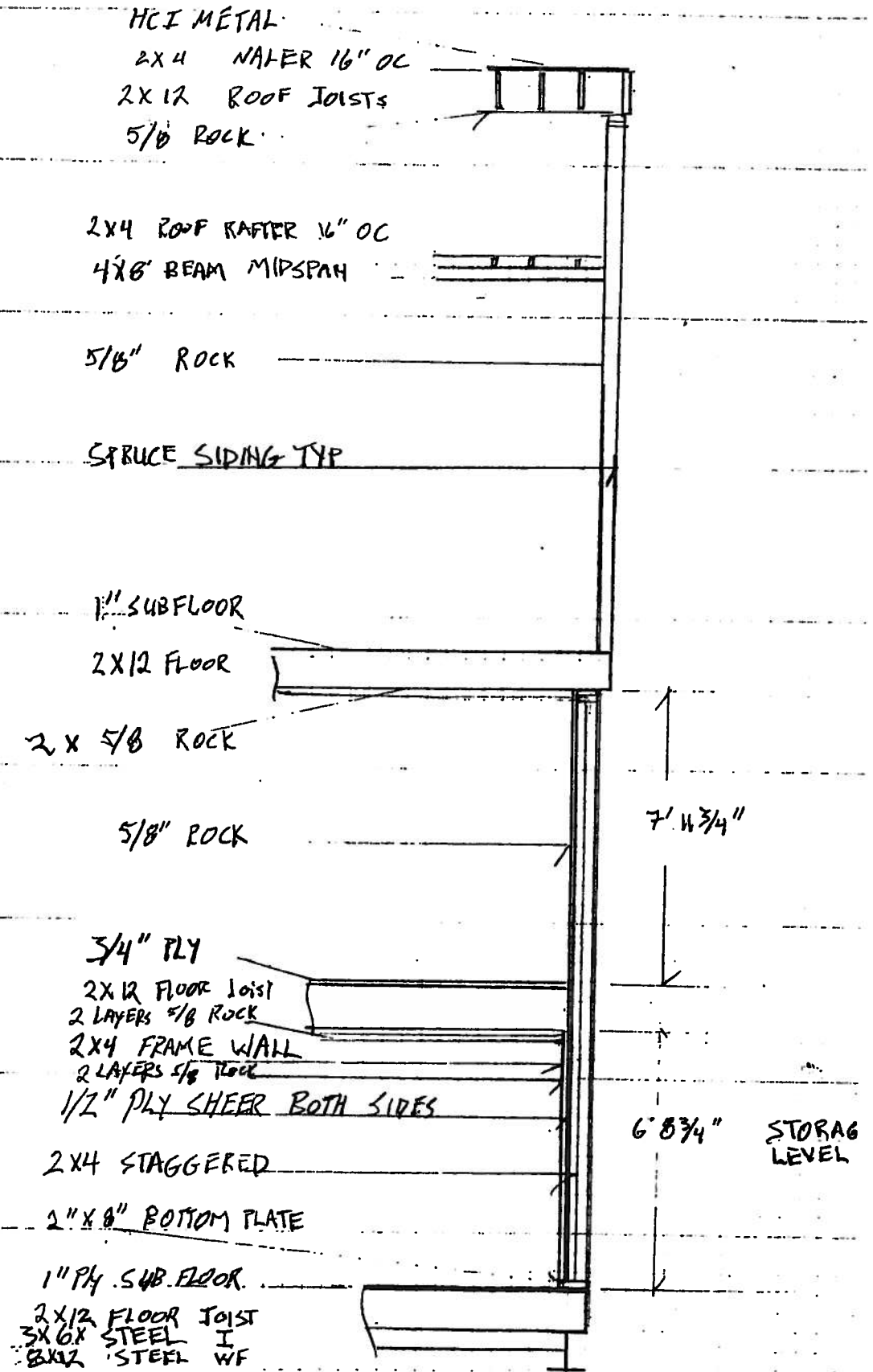
Authority: AS 18.70.080  
Form: 12-741  
(6/97)  
Carol MacDonald  
Deputy Fire Marshal



SECOND FLOOR

28' 3 1/2"

NORTH ↓



HCl METAL

2X4 NAILER 16" OC

2X12 ROOF JOISTS

5/8" ROCK

2X4 ROOF RAFTER 16" OC

4X8 BEAM MIDSPAN

5/8" ROCK

SPRUCE SIDING TYP

1" SUBFLOOR

2X12 FLOOR

2 X 5/8 ROCK

5/8" ROCK

3/4" PLY

2X12 FLOOR JOIST  
2 LAYERS 5/8 ROCK

2X4 FRAME WALL  
2 LAYERS 5/8 ROCK

1/2" PLY SHEER BOTH SIDES

2X4 STAGGERED

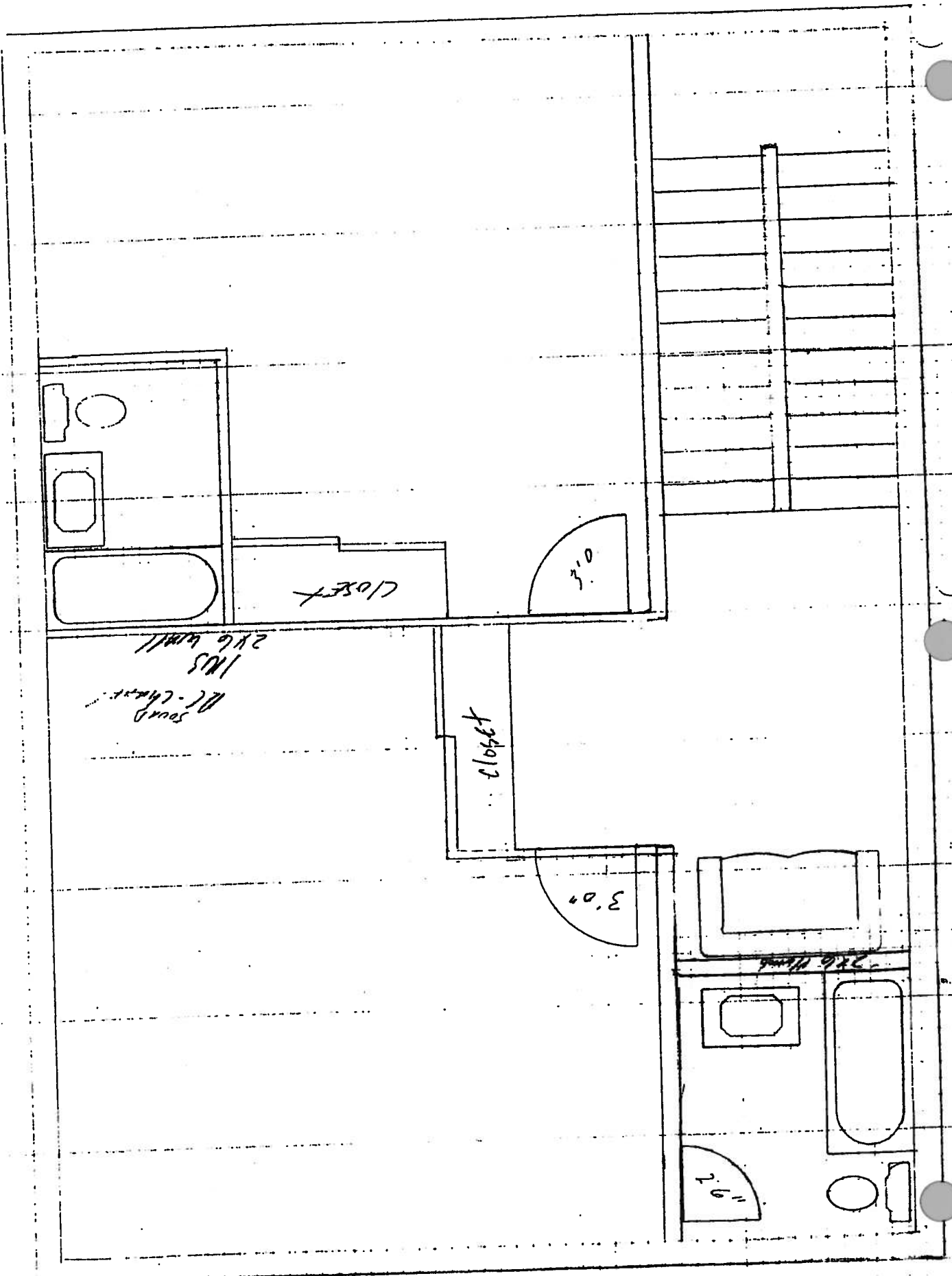
2" X 8" BOTTOM PLATE

1" PLY SUB FLOOR

2X12 FLOOR JOIST  
3X6X STEEL I  
8X12 STEEL WF

7' 4 3/4"

6' 8 3/4" STORAGE LEVEL



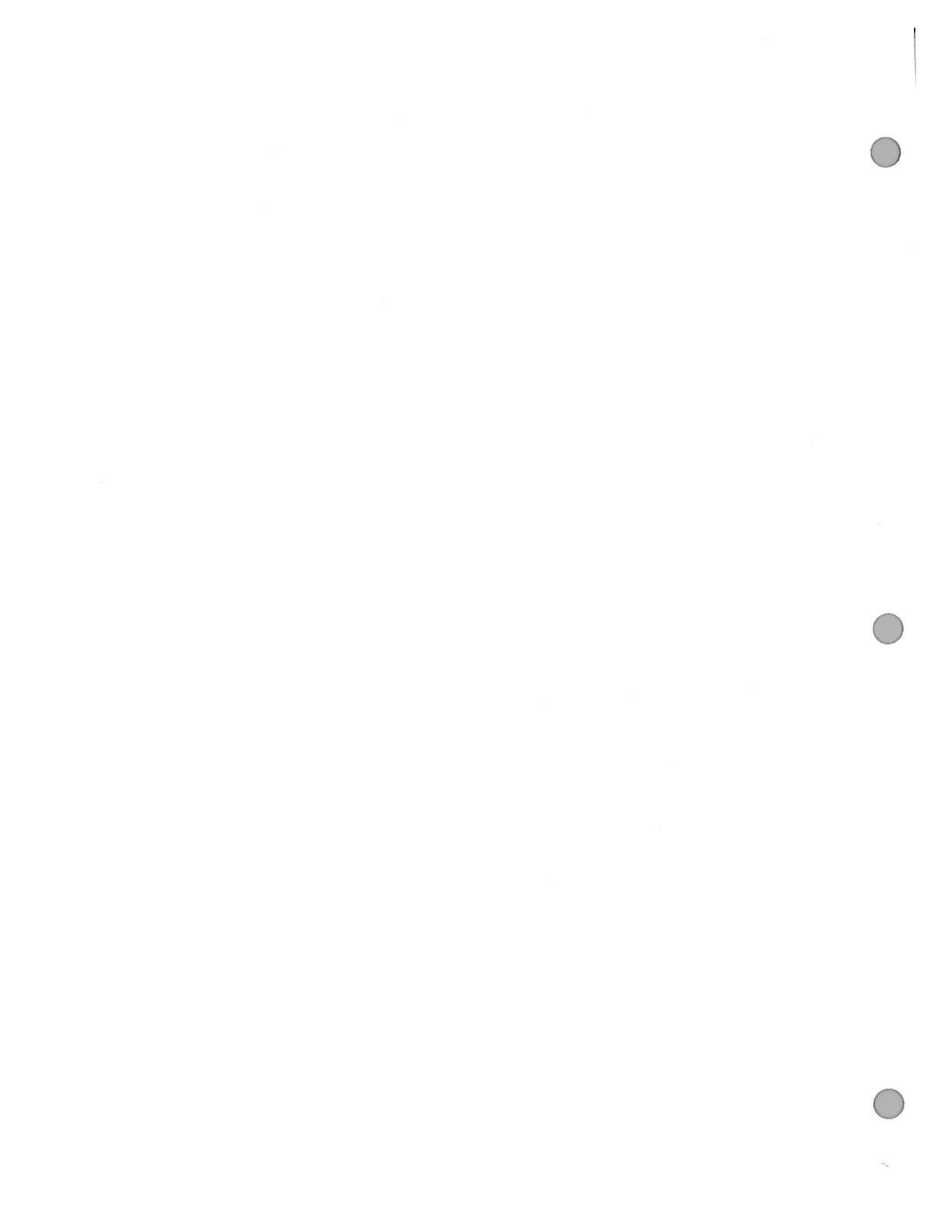
N ↓

ERIC OLSON  
Fish Buyer • 299-1161



EXISTING

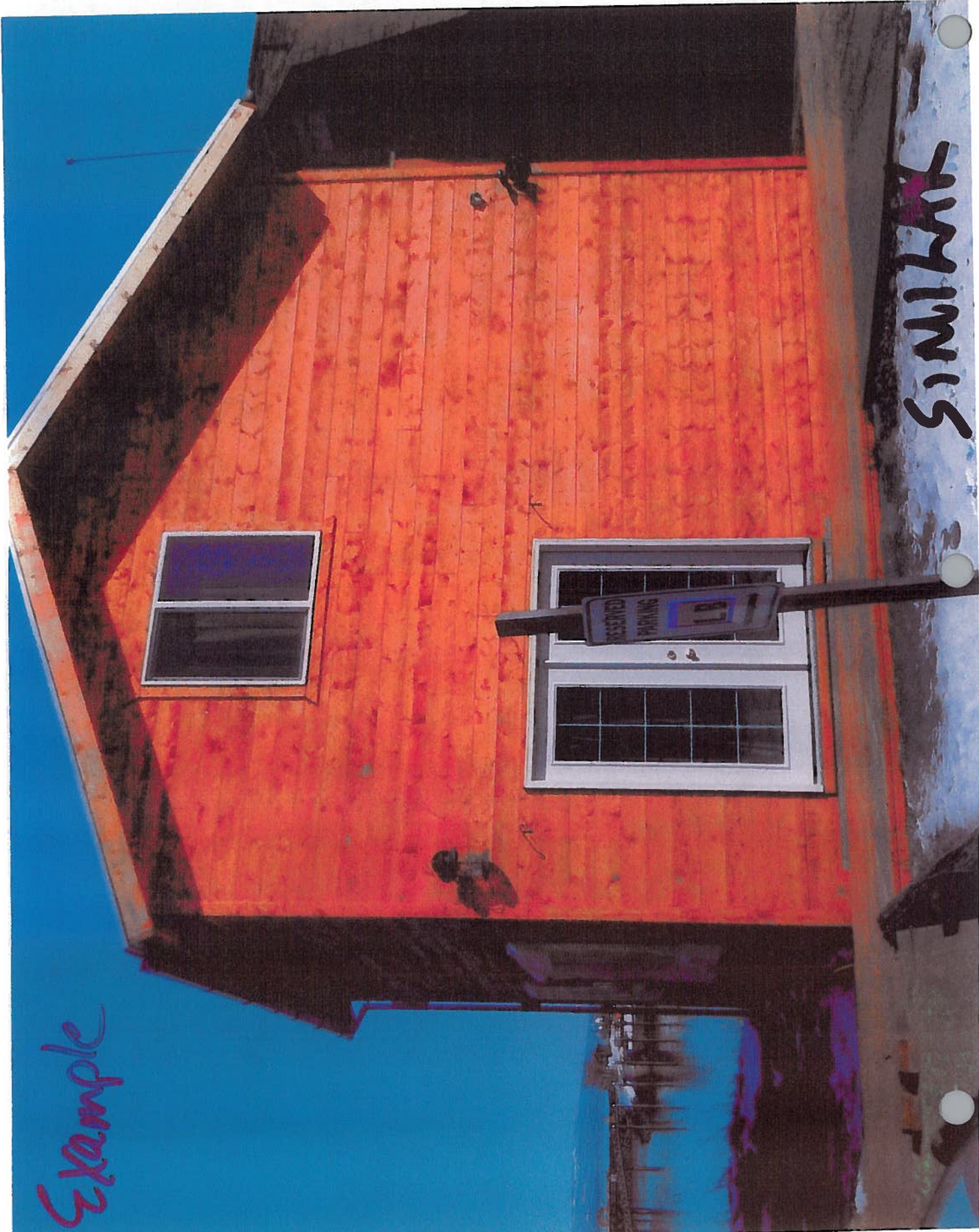
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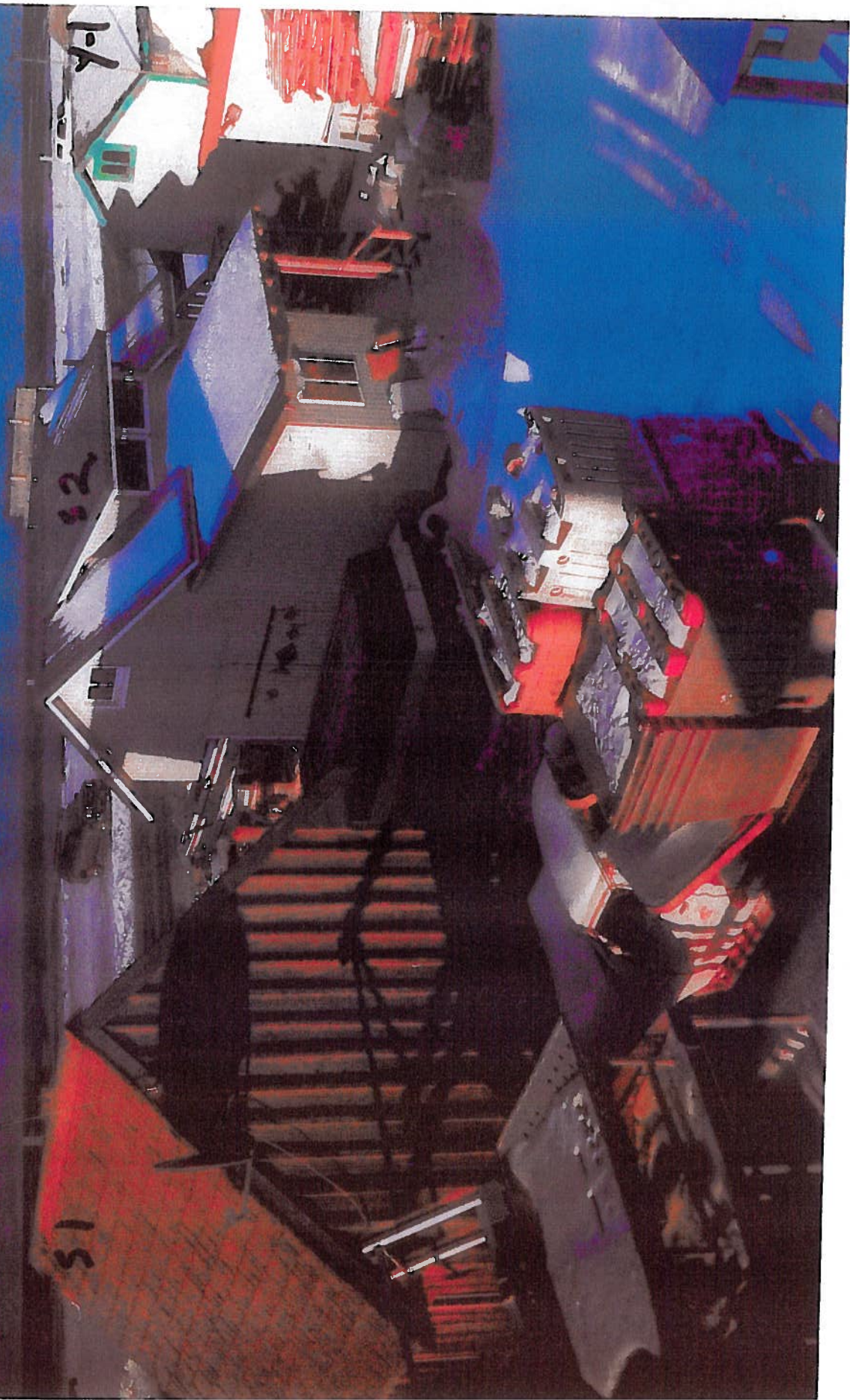




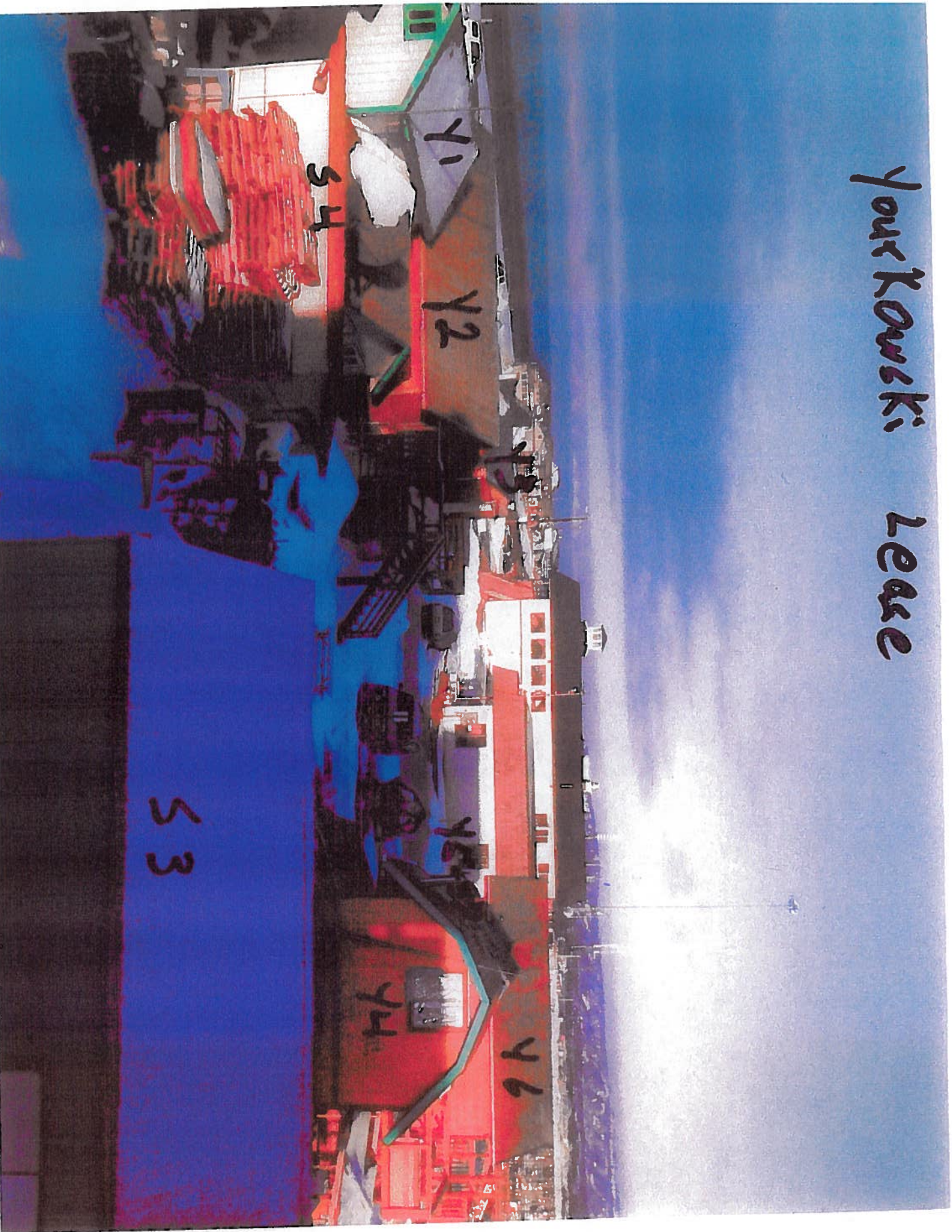
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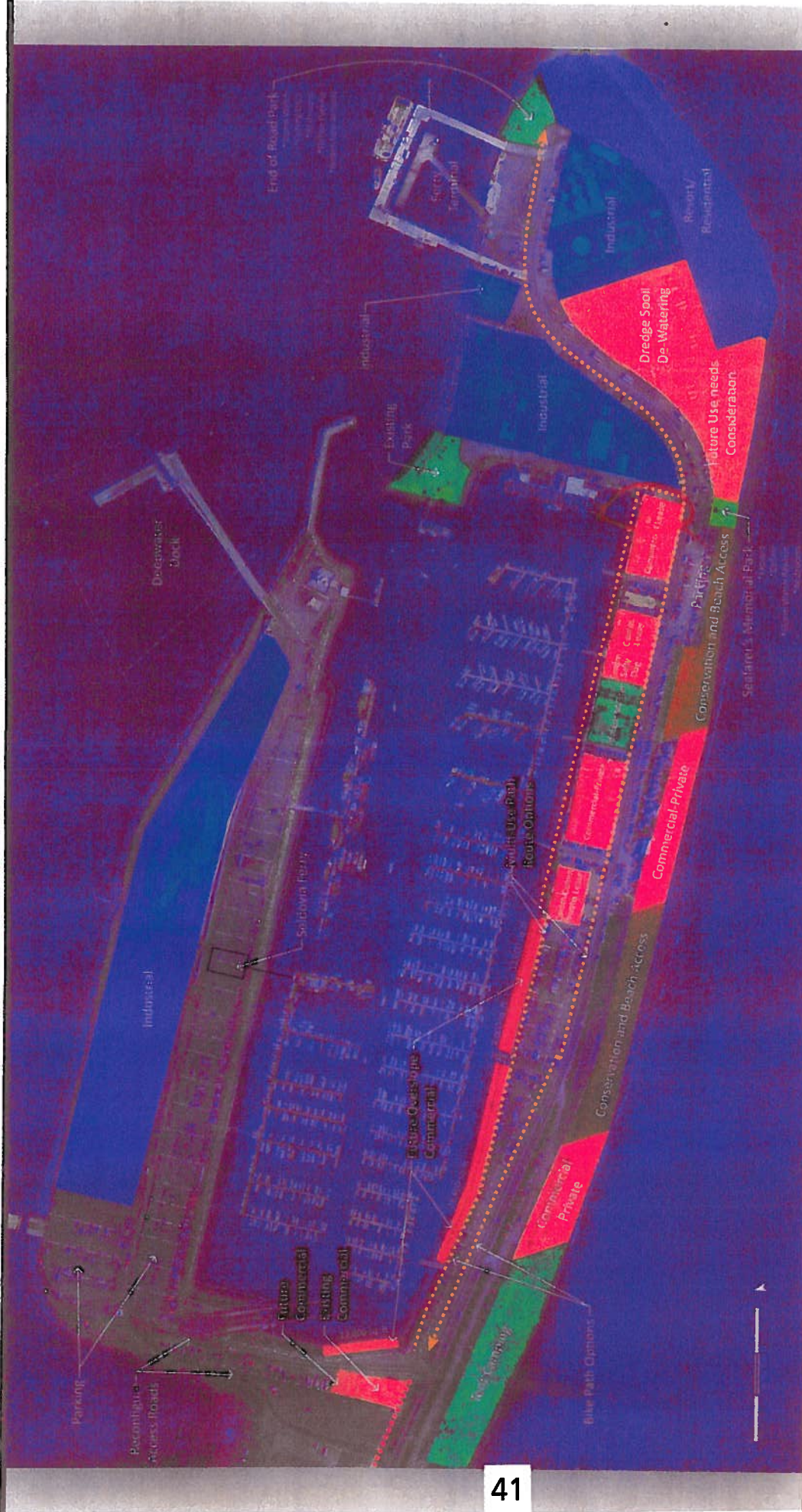
Sullivan Lease



Your Kowski Lease



Map 5: FUTURE LAND USE CONCEPT ENLARGEMENT



*Subject location*





# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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

## MEMORANDUM

**TO:** Homer Planning Advisory Commission  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** April 4, 2012  
**SUBJECT:** Port and Harbor Advisory Commission recommendations on CUP 12-01

The Port and Harbor Commission met on March 28<sup>th</sup>, and adopted the following findings.

Homer City Code 21.30.020 states:

- (i). Other similar uses, if approved after a public hearing by the Commission [Planning Commission], including but not limited to those uses authorized in the Marine Commercial District under HCC §§ 21.28.020 and 21.28.030, provided the Commission finds the use meets the following standards and requirements:
1. The proposed use is compatible with the purpose of Marine Industrial District or provides a necessary service to water-dependent industry,
  2. The proposed use is compatible with land use development plans for the Homer Spit and the comprehensive plan,
  3. Public facilities and services are adequate to serve the proposed use, and
  4. The Port and Harbor Commission, after a public hearing, has made a written recommendation to the Commission concerning the proposed use, including specifically whether conditions (1) through (3) of this subsection are or may, with appropriate conditions, be met by the proposed use;

### Analysis and Findings

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

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

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

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

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

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

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



**Julie Engebretsen**

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**From:** Melissa Jacobsen  
**Sent:** Thursday, March 29, 2012 12:27 PM  
**To:** Julie Engebretsen  
**Subject:** draft excerpt PH unapproved minutes

A. Application for a Conditional Use Permit at 4744 Homer Spit Road

City Planner Abboud reviewed the staff report.

Commissioner Carroll stated he has a conflict of interest.

HOWARD/HARTLEY MOVED THAT COMMISSIONER CARROLL HAS A CONFLICT OF INTEREST.

Commissioner Carroll confirmed that his financial conflict falls with in the parameters outline in Homer City code.

VOTE: YES: HARTLEY, HOWARD, HOTTMAN, ULMER, WEDIN, ZIMMERMAN

Motion carried.

Commissioner Carroll left the table.

Brad Faulkner, applicant, briefly commented with an overview of what has brought him to this point, how it relates to the spit comprehensive plan, and said he was available for questions.

Question was raised regarding how it pertains to the spit comprehensive plan and the neighboring leases are considered commercial rather than industrial. City Planner Abboud responded the map provided is a future land use concept map and consideration will given by the Planning Commission and City Council to decide when the time is right to change. The other leases on the block would have to go through the same permitting process with their renewals.

Chair Ulmer opened the public hearing. There were no public comments and the public hearing was closed.

In response to questions Mr. Faulkner explained that although his proposal states on building per year for five years, it would be to his advantage to speed up the process. He hopes to break ground and start the buildings in the fall and finish the inside through the winter. He said he is not currently processing fish, but this proposal does not preclude it in the future.

ZIMMERMAN/HARTLEY MOVED THAT THE PORT AND HARBOR ADVISORY COMMISSION SUPPORTS THE RECOMMENDATION FOR A CONDITIONAL USE PERMIT AT 4744 HOMER SPIT ROAD WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no discussion.

VOTE: YES: HOWARD, HOTTMAN, ULMER, WEDIN, HARTLEY, ZIMMERMAN

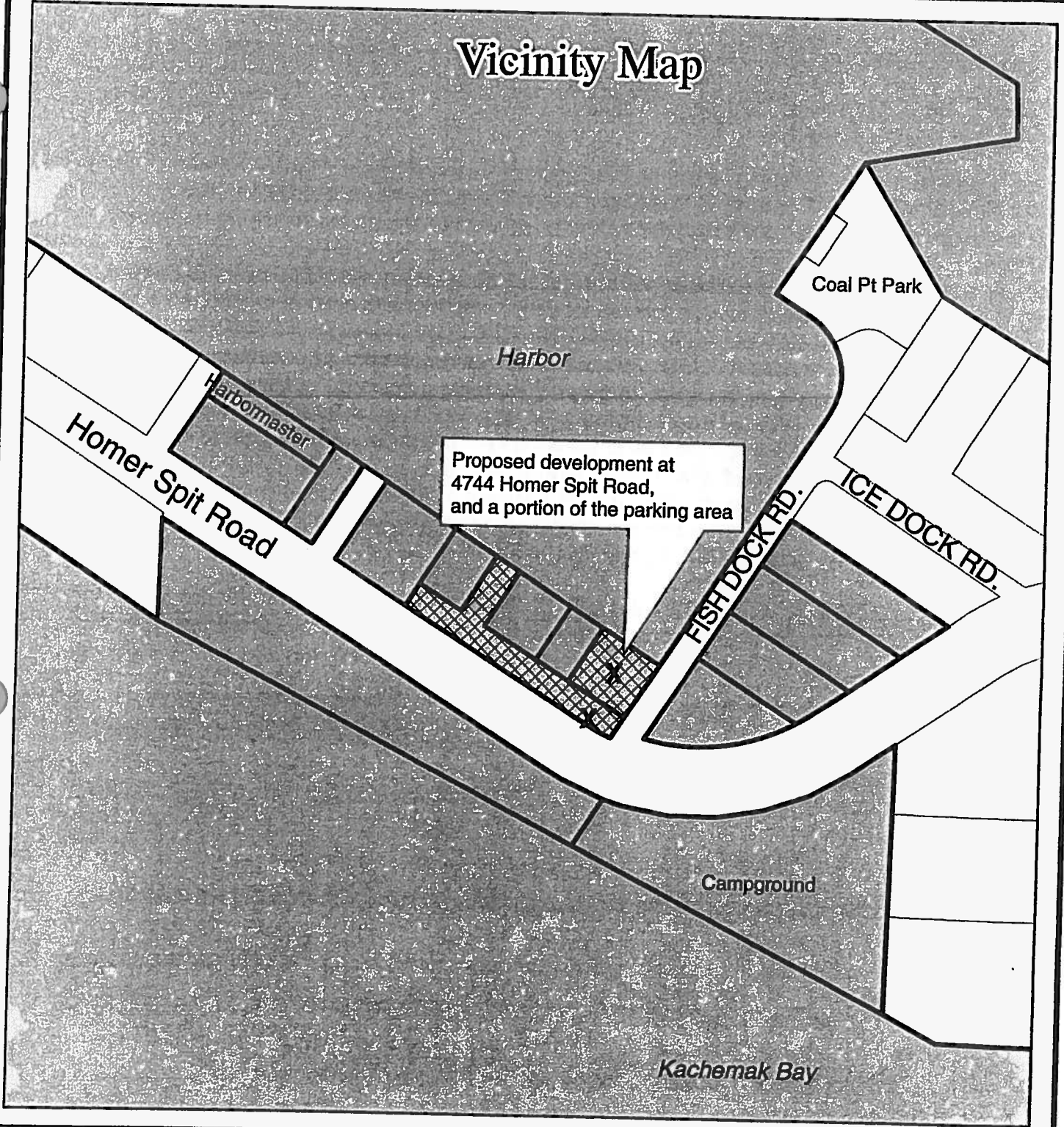
Motion carried.

*Melissa Jacobsen, CMC  
Deputy City Clerk*

City of Homer, Alaska

*PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.*

# Vicinity Map

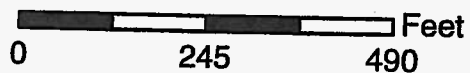


City of Homer  
Planning and Zoning Department

March 23, 2012

Request for CUP 2012-01

Marked lots are w/in 300 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, interpretations  
or conclusions drawn therefrom.*

## PUBLIC NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, April 4, 2012 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

**Request for Conditional Use Permit 2012-01 located at 4474 Homer Spit Road, Homer Spit Subdivision No. Two Amended, Lot 88-4 and a portion of Parking and Access Area KPB# Tax ID #17103441. The CUP is requested for 21.30.020(i) other similar uses, 21.30.030 (a) Planned unit development (c) Restaurants, (g) Caretakers, (j) More than one building containing a permitted principle use on a lot, 21.30.040 Dimensional requirements (d), more than 8,000 square feet of building area and more than 30% lot coverage. The proposed development would include construction of a boardwalk with buildings to be used for a combination of mixed use retail, charter office, tourist business, restaurant, fish brokerage office, overnight accommodation rentals, caretakers facilities and fish tote and equipment staging for commercial fishing buying.**

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

For additional information, please contact Julie Engebretsen in the City Planning and Zoning Office at 235-8121, ext. 2237.

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

\*\*\*\*\*



# City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

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## STAFF REPORT PL 12-13

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** April 4, 2012  
**SUBJECT:** Flag Lot Regulations

### Introduction

One of the items on the PC work list is to review the regulations for subdividing flag lots. Flag lots are parcels with a long narrow 'handle' that connect to a larger lot area. The state of Oklahoma is a 'panhandle' state.

Pan handle lots are not necessarily a bad method of subdivide. They do affect the development of the neighborhood, and can create safety concerns. The following is some background information to keep in mind as the Commission explores this issue.

Panhandles have two main impacts; the urban form of the community, and safety.

### Panhandles as shared access

In recent years when subdivisions have presented adjacent flag lots, staff routinely recommends joint driveway easements. This allows the neighbors to legally share a driveway, rather than potentially building two narrow driveways right next to each other. It is not uncommon to have friction between neighbors with this arrangement – who pays for snow removal, maintenance, etc. However, both parties have the legal right of passage. Staff still recommends joint driveways, because access gets really contentious when there is no legal easement, and one neighbor denies the other of the access that has traditionally been used. Also, serial long driveways are unattractive, and create their own drainage issues on small lots (it's a lot of impervious surface and snow piles in a small area).

### How panhandles affect home placement

First, how do panhandle lots affect the location of future homes? Will it cause homes to appear randomly placed on the lots? Is this something the community is concerned about? An example would be, the Tamara/Sabrina neighborhood, vs the area around West Home Elementary. In the Tamara Sabrina neighborhood, homes are generally somewhat uniformly placed on the property ie not pushed all the way to the back of the lot. As you drive through the neighborhood, the development is 'orderly'. The new lots around the school are larger, but due to the layout of the subdivisions, and desire to maximize the views, the homes are not uniformly placed on the lots. The development feels a little more random – house plunked down every which way. (Many communities have more strict regulations than

Homer about where homes shall be placed on a lot. For purposes of this discussion, staff is focusing only on flag lots).

### **Safety**

The City has not adopted the fire code or a building code. But if we did, homes would need to be within 150 of a fire department accessible area – i.e. a place wide enough and stable enough to support a fire truck and turn around. If a home is further than 150 from the road, a fire truck may not be able to get close enough to effectively fight a fire. (This concern is true for a flag lot, or a steep driveway, or a long private drive, etc.)

Concept to consider: Should flags have a maximum length?

### **Other local codes**

- Soldotna limits the zones where flag lots can be created (see attachments).
- The Borough passed an ordinance in 2009, requiring the flag portion to be at least 20 feet wide.

### **Staff Recommendation**

Planning Commission provide staff direction on where the PC would like to go with this topic.

### **Attachments**

1. Soldotna City Code (enacted in the 2005)
2. Kenai Peninsula Borough code 20.20.180. (b) was enacted in 2009.

# City of Soldotna

## 16.10.100 - Flag lots regulations.

No subdivision of property within the city limits shall create a flag lot that does not meet the requirements of this section and chapter.

- A. Flag lots may not be created, except in any zone other than the "single-family/two-family" and "rural residential" zoning districts.
- B. The stem portion of the lot shall not be included in calculating area for meeting the minimum lot size requirement.
- C. No structures, other than fencing, may be placed within the stem portion of the lot.
- D. No parking shall be allowed within the stem portion of the lot.
- E. Minimum width of the stem portion or any part of it shall be thirty feet.
- F. Maximum length of the stem portion of the lot shall be one hundred fifty feet.
- G. There shall be no stacking of flag lots. Stacking means locating flag lots so that the stem portions of two or more flag lots have a common boundary.
- H. There may be no more than one flag lot for every four lots within the subdivision plat being proposed. Any unsubdivided remainder shall not be considered a "lot" in counting the number of lots in the subdivision for this subsection.
- I. The stem portion shall not have a grade of more than ten percent on any part of its length.
- J. No more than one lot on a cul-de-sac may be a flag lot.
- K. Street addresses must be posted adjacent to the right-of-way regardless of which direction the main entrance of a building on the lot faces.

*(Ord. 2005-13 § 1, 2005)*

# Kenai Peninsula Borough

## 20.20.180. - Lots—Dimensions.

- A. The size and shape of lots shall be such as to provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Lots shall not be less than 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the depth shall be no greater than three times the width.
- B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography.

*(Ord. No. 2009-04(S), § 2, 4-7-09; Ord. No. 78-37, § 2(part), 1979)*



**MANAGERS REPORT**  
**March 27, 2012**

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

**FROM:   WALT WREDE**

**UPDATES / FOLLOW-UP**

1. **Customer Charge / Multi-family Dwellings**: This meeting agenda contains an ordinance and two resolutions that would change the customer service charge for water and sewer customers. The Council has recently received feedback that the new customer service charge for units within multi-family dwellings places an undue burden on property owners, the elderly, and people on fixed and low incomes. Some of these comments may have merit and it is impossible to anticipate all unintended consequences when you change fees or charges.

I would urge the Council not to overreact and jump into new fee changes that are not fully researched and adequately vetted by the public. This would have a high probability of resulting in new unintended consequences, more turmoil, and a whole new set of agitated customers. Council spent months working on this last summer. You looked at many different ways to fairly allocate the costs of maintaining and operating the system. You reviewed reams of information and you have heard testimony from state and university experts about the fee structure. The changes in the fee structure just went into effect with the February billing. Unfortunately, there was a billing error in which multi-family dwellings were charged at commercial rates instead of residential rates. This grossly distorted the impacts of the changes and almost certainly had an effect on the reaction the Council received.

We would recommend that the Council take no action at this time and give us all some time to see how the new fee structure works once adjustments are in place. For example, the Finance Department has sent out new bills and provided a credit so that multifamily dwellings are not overcharged at commercial rates. This has dramatically changed some bills. The Finance Department has been diligently working with customers who have complaints. For example, it turns out that one new apartment owner who testified about her high bills had a broken water pipe and the water had been running constantly for a long time. That explained her high bill much more than the individual service charges. Regina has determined, and I agree, that it would be proper to treat the Senior Citizen housing similar to the hospital because residents are receiving an array of medical and other services while there. As a result, we have eliminated the customer service charge for most if not all of the housing units. Finally, we have determined that we should be treating units in multi-family dwellings the same way we treat residential homes and commercial users when those units are vacant. We charge a customer service charge but at 50% of the normal rate. Regina has developed a process for

allowing apartment owners to apply for a credit if they can prove that units were vacant. The burden of proof lies with the apartment owner and it minimizes administrative cost. This will also result in significant savings for multi-family dwellings.

2. Ordinance Amending Title 17: Local Improvement Districts: At the last meeting, there was an ordinance on the agenda that would have amended Title 17 to make it more efficient and easy to understand. It would also have made it possible to establish Special Assessment Districts or LIDs to finance the construction of gas utility distribution systems. This ordinance did not have enough votes to get introduced. This has caused great concern among interested parties who support and are actively working on bringing natural gas to the Homer area. The failure of this ordinance to be introduced has ramifications beyond what you might expect. I am bringing this ordinance back for your consideration with a new number, a new title, and some amendments based upon Council comments received at the meeting. I am doing so because this ordinance is a key component of the effort to bring natural gas to Homer. Council has repeatedly identified this as a top priority and I believe understood that this ordinance was an important part of the strategy for success discussed at the workshop we had. It just seemed like this needed more discussion. If this ordinance does not pass, Council would essentially be saying that it has no intent to even discuss a gas distribution system LID. If that is the Council's intent, then we should be clear about it and avoid sending mixed or ambivalent messages to our partners and to the Legislature and Governor.

I want to apologize if we tried to do too much with the ordinance the first time around. As you know, we have been talking about revising this section of the code for some time and we may have tried to accomplish too much at once. Some of the proposed amendments clearly muddied the water and caused concern. A strikeout version was not provided and this concerned several of you because the amendments were not easy to identify. This new ordinance contains strikeouts and it also addresses the issues that caused the most concern, namely the supermajority issue and public notice.

Several issues came up that should be addressed. First of all, it should be noted that all this ordinance does is amend the code to allow gas utility LIDS if the Council chooses to create one. This is a necessary prerequisite. It puts Council in position to create an LID but it does not create one nor does it obligate you to do so. Even if the Council never establishes a gas LID, approving this ordinance would be a benefit because the City would be left with an improved section of code that would govern all future water and sewer LIDs.

Second, the question about whether the City should be subsidizing Enstar is a recurring one. The fact is that Enstar almost never pays for main line or distribution system expansions out of its own pocket. The customers do. It is the same with almost all utilities, including HEA. Homer residents are going to pay for getting gas mains in the streets one way or another. The question is whether

they pay for the full cost up front direct to Enstar or whether the City helps them get the benefit of gas quicker by providing financing at attractive terms. In short, the City would not be subsidizing Enstar, it would be subsidizing its own residents and businesses in an effort to lower the overall cost of living and stimulate economic growth. In fact, subsidizing is probably not even the correct term since the property owners would be paying all of the money back.

Third, some have questioned whether the City should provide financing for the construction of infrastructure that it does not own. This is common practice with all utilities including the City water and sewer system. Customers pay for the utility expansion and the utilities own the improvements. One way to look at this is who would you want to own the improvements? The City? Does the City want to be responsible for maintenance, operations, and the liability associated with gas lines? Does the City want to have anything to do with being in the gas utility business? You have made it pretty clear so far that you do not.

Finally, some have questioned whether the City should be in the business of promoting one business over another. This happens all the time because governments have an interest in doing things that benefit society as a whole. There are many, many examples of this and I won't go into that here. There is no doubt that if natural gas comes to Homer, some businesses will be negatively impacted. That is unfortunate and regrettable. However, many businesses and their customers will benefit. I believe that the City Manager has a responsibility to the Council to make recommendations that would benefit the community at large. This is perhaps one of the biggest economic and community development opportunities to hit Homer in decades. Perhaps it would be helpful to look at this question from another angle. Would it be proper for the City to deny the benefits of gas to its residents and business so that it could protect the interests of a few? Just food for thought and discussion.

3. Future Council Workshops: At the last meeting, the Council discussed several topics that would be suitable for future workshops. There were three topics discussed in particular that were prioritized in terms of timing in the following order: 1) Community Recreation Program 2) Community Economic Development Strategy (CEDS) and 3) E-Mail training. The Council asked me to come back with a suggested plan for addressing these issues. Council seems to like two hour workshops that are held from 4 to 6 PM on the Mondays between Regular Council meetings. If so, in April, the open dates would be April 2, 16, and 30. I don't think that any of us are all that interested in meeting every Monday for the next six weeks. If I am wrong, let me know! I would suggest starting with the Community Recreation Program on April 16 and then scheduling the CEDS on either April 30 or May 7. The e-mail training could require longer than two hours, especially if you want to add additional training topics. We should probably talk about that one a little more before scheduling something.
4. Juneau Trip: As you know, I was in Juneau March 14-16. While there, I had the opportunity to meet with two of the Governor's staff and a number of key

legislators, including Representative Seaton and Senator Stevens. The City Lobbyist was very helpful when it came to scheduling meetings, discussing key points, and formulating strategy. We worked on a number of bills and topics that might have impacts upon municipalities including revenue sharing and PERS. We also of course, focused on the City's capital projects. Most of the time was spent talking about the gas line, the gas distribution system, the proposed Port G.O. Bond (Deep Water Dock), and the Proposed Transportation Bond (City Intersection Improvements and Main St). We also talked about the City's number 3 and 4 priorities, (the firestation on Skyline and the Nick Dudiak Fishing Lagoon) since they are high priorities but lower cost requests which might be suitable for discretionary funding. Finally, there was discussion about a proposed amendment to the Capital Budget to provide low cost loans to Homer and a number of other communities through the Alaska Municipal Bond Bank. This low interest money could be used to finance the gas distribution system and could save a great deal of money. This issue is important and should be discussed further during the meeting.

5. HB 312: This is a bill that we are watching closely which could have big impacts for Homer residents if natural gas arrives in the community. Katie testified in favor at a hearing last week and Linda Anderson is working on it as well. Council has not formally expressed an opinion on this one so we want to bring it to your attention and make sure you knew that we are working on it. HB 312 would provide low interest loans to businesses and residents who wish to make the conversion to natural gas.

#### ATTACHMENTS

1. Letter to Chief Painter from Borough re: Alaska Shield 2012