

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.
2. Staff Report PL 14-80, Proposal to amend to the Bridge Creek Watershed Protection District
page 41 of regular meeting packet
3. Discussion of Items on the Regular Meeting Agenda
4. 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).
5. Commission Comments
6. 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.

A. Approval of Minutes of August 6, 2014 meeting **page 5**

6. Presentations

A. Public Speaker Carey Meyer – Public Safety Building Presentation

7. Reports

A. Staff Report PL 14-77, City Planner's Report **page 13**

8. Public Hearings

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

A. Staff Report PL 14-78, Proposal to expand the Residential Office Zoning District eastward along East End Road **page 21**

9. Plat Consideration

10. Pending Business

A. Staff Report PL 14-80, Proposal to amend to the Bridge Creek Watershed Protection District **page 41**

11. New Business

12. Informational Materials

A. City Manager's Report from August 11, 2014 City Council Meeting **page 45**

B. Resolution 14-086 scheduling a joint worksession with Homer City Council and the Advisory Planning Commission to discuss tower regulation and permit requirements, and other planning matters on Thursday, October 23, 2014 at 6pm **page 49**

C. Planning Commission Memo to City Council Re: CIP Recommendations **page 51**

D. Kenai Peninsula Borough Plat Committee Notice of Decision Re: Bidarka Heights Unit 3 Knutson Replat Preliminary Plat **page 55**

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 9:30 p.m. An extension is allowed by a vote of the Commission.
Next regular meeting is scheduled for September 3, 2014. A work session will be held at 5:30 pm.

Session 14-14, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on August 6, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BRADLEY, ERICKSON, HIGHLAND, STEAD, STROOZAS, VENUTI

ABSENT: BOS

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/STEAD SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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).

None

Reconsideration

None

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 Minutes of July 16, 2014 meeting
- B. Decisions and Findings for CUP 2014-10 Request to operate a daycare facility at 1164 East End Road
- C. Decisions and Findings for Board of Adjustment Remand of CUP 2013-13 3850 Heath Street to the Homer Advisory Planning Commission

Chair Venuti called for a motion to adopt the consent agenda.

HIGHLAND/STEAD SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

A. Staff Report PL 14-69, City Planner's Report

City Planner Abboud reviewed his 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 14-70, Proposal to expand the Residential Office Zoning District eastward along East End Road.

City Planner Abboud reviewed the staff report.

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

Commissioner Highland asked if property owners in the area had been notified. City Planner Abboud confirmed that notices were sent to lot owners in the proposed district, also those within 300 feet, and noticed in the paper.

STEAD/HIGHLAND MOVED TO ACCEPT THE STAFF REPORT WITH STAFF RECOMMENDATIONS FOR AMENDMENTS TO THE MAP AND TEXT AND TO HOLD ANOTHER PUBLIC HEARING.

Commissioner Stead commented that he doesn't think they have much work to do at another meeting, and they can close up this issue.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Plat Consideration

A. Staff Report PL 14-71, Lakeside Village Subdivision 2014 Replat Preliminary Plat

Commissioner Erickson stated she has a conflict of interest.

HIGHLAND/STROOZAS MOVED THAT COMMISSIONER ERICKSON HAS A CONFLICT OF INTEREST.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 6, 2014

Commissioner Erickson said it is a financial conflict.

VOTE: YES: STEAD, HIGHLAND, VENUTI, STROOZAS, BRADLEY

Commissioner Erickson left the table.

City Planner Abboud reviewed the staff report.

Kenton Bloom, project surveyor, commented the proposal was made to vacate the utility and drainage easement, but after talking to planning and public works and it became obvious it would be simpler to leave the easement there. He said there is no objection to the other conditions and recommendations.

In response to questions Mr. Bloom said there are no utilities in the utility easement and that the 15 foot easement will be extended all the way around Hillfair Court.

There were no public comments.

HIGHLAND/STEAD MOVED TO APPROVE STAFF REPORT PL 14-71, LAKESIDE VILLAGE SUBDIVISION 2014 REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Erickson returned to the table.

B. Staff Report PL 14-72, Forest Glen Subdivision Unit 2 2014 Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

Kenton Bloom, project surveyor, commented that city has built a street into private property and there is a working agreement between the property owner and the city to move it at a future date and ancillary agreements on the driveway, but nothing impacting platting.

There were no public comments.

Question was raised regarding the eastern half being a discharge slope. Mr. Bloom said it is based on the wetlands mapping which is not site specific. The plat has a note regarding permitting with ACOE may be required before any development can occur on these lots.

STROOZAS/HIGHLAND MOVE TO APPROVE STAFF REPORT PL 14-72 FOREST GLEN SUBDIVISION UNIT 2 2014 REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 14-73, Scenic View Tract A 2014 Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

Kenton Bloom, project surveyor, commented about the 2008 ordinance that says you can't grant an easement and get access to sewer and water, it has to be a physical property fronting the main, and that is where the flag comes in. The lots are big enough and suitable for on-site septic, and the property owner can access water from the flag. Should a water/sewer special assessment district be proposed for this area, the property owner having a yes vote is part of this approval process.

There were no public comments.

Commissioner Highland referenced the letters of opposition from Barbara Williams and from Robert and Tina Day that were provided as laydowns and acknowledged the concerns with drainage, increased traffic, and lot size. Mr. Bloom suggested that concerns relating to drainage could be addressed with the engineer who has established the adequacy of the soils. He understands the other concerns but while each person's personal dialog is compelling, there isn't a response to make everyone feel better.

Regarding question about runoff, Mr. Bloom said there is natural ditching and he will encourage the property owner to direct runoff away from their neighbors. He explained drainage is already formed on the west side and there is a culvert under East Road.

HIGHLAND/STEAD MOVED TO APPROVE STAFF REPORT PL 14-73, SCENIC VIEW TRACT A, 2014 REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

It was clarified that this action doesn't force the property owners in the area into a special assessment district. It just ensures that if one is proposed in the future, this property owner has a yes vote and that they will hook up if an assessment district is established.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Pending Business

A. Staff Report PL 14-76, Proposal to amend to the Bridge Creek Watershed Protection District.

Commissioner Stroozas commented that he may have a conflict of interest because he resides inside the Bridge Creek Watershed District.

ERICKSON/HIGHLAND MOVED THAT COMMISSIONER STROOZAS HAS A CONFLICT OF INTEREST.

There was discussion that this addresses an aggregate amount of people in a large district. Commissioner Stroozas is one of many in a larger group.

VOTE: NO: HIGHLAND, ERICKSON, STEAD, VENUTI, BRADLEY

Motion failed.

City Planner Abboud reviewed the staff report.

In response to questions, Commissioner Stroozas reviewed his experience with filing his mitigation plan back in 2008. He noted that driveways have been a stifling issue and that decks shouldn't be counted as impermeable surface if they have gravel or grass underneath.

Commissioner Highland recalled comments from a previous meeting about getting an overlay of the area from NRCS or the Soil and Water Conservation District. She believes there is land in the district that isn't going to negatively affect the reservoir.

Commissioner Stead questioned if the study included in the packet is the one used in establishing the district guidelines. City Planner Abboud confirmed that it is. Mr. Stead said he would like to spend more time reading the study, but noted that it addresses watershed issues in Anchorage. He questions how applicable they are to the BCWPD. The study addresses various toxicity levels and chemicals that get washed in, and he noted that Anchorage has other issues associated with coal fired plants adjacent to them. He would like to have the study again at the next worksession. Regarding driveways, he commented that there are ways to build the surfaces so they don't cause problems. He isn't sure about uncovered decks; his own uncovered deck impedes water getting into the ground.

The Commissions reviewed the 5 proposals included in the staff report. Comments included:

Proposal 1. Allow a portion of a lot to be excluded from the watershed.

- There should be concern about people shaping their lot by bringing fill onto the lot to take usable filtering land away from the watershed or modifying the natural drainage.
- Depending on the area it might be acceptable to do it through subdividing.
- Consider ways for more leniencies in allowing exclusions and still protecting the watershed.
- Consider if exclusion should be allowed through a CUP process.
- Limiting it to natural drainage could be a consideration rather than a CUP process.

Proposal 2. Allow mitigation plans to be approved by staff.

- There was general support of proposal 2. The review and approval can easily be done by staff.
- Consider whether city engineer will be included in the review.
- Consider more specific re-vegetation related to construction timeframe.

Proposal 3. Allow a flat amount of developable area for smaller lots under 4.5 acres.

- The realtors suggested 6200 sf and the staff recommends 4000-5000 sf. That's a variance of 25% from one figure to the other.
- 6000 sf triggers a CUP, so to keep it simpler it needs to be under 6000 sf.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 6, 2014

- There was general support of allowing up to 5000 sf.
- The 1 acre lot with 5000 sf brings it up to 7.6%, it isn't a dramatic difference from 6.4%. Most of the smaller lots are closer to the 1.5 acre size.
- A mitigation plan would still be required at 5000 sf.

The group discussed their interest in knowing information about water quality of the reservoir, before the water is treated. Monitoring the pretreated water is the only way to tell if these regulations are making a difference in maintaining water quality. City Planner Abboud said he would see if there is information available.

Proposal 4. Exempt uncovered decks connected to a primary structure from the impervious calculation.

- It's difficult to determine how much water comes off a deck.
- A percentage of the structure could be a way to address it.

Proposal 5. Exempt one accessory structure under 200 sf from the impervious calculation.

- There was general support regarding proposal 5.

The Commission took a break at 8:40 p.m. and the meeting resumed at 8:43 p.m.

New Business

A. Staff Report PL 14-74, CIP List Recommendations. Bring CIP from the July 16th packet

ERICKSON/HIGHLAND MOVED TO RECOMMEND INCLUDING A CIP ITEM FOR AT LEAST ONE RESTROOM AT THE TRAILHEAD ON KACHEMAK DRIVE AND THE SPIT ROAD.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

HIGHLAND/STEAD MOVE TO RECOMMEND INCLUDING IN THE 2015 CIP LIST, WATER STORAGE DISTRICT IMPROVEMENTS AND STORM WATER MASTER PLAN.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Stroozas commented that both items recommended are good ones. He mentioned the ice plant earlier, which was number three on their list. The ice plant is a money maker for the city and improving it with new generators that would run on natural gas, would save the city money and enable them to produce ice with a higher profit margin. It's number one on his list.

B. Staff Report PL 14-75, Election of Homer Advisory Planning Commission Officers

The floor was opened to nominations for Chair. Nominees included Commissioner Bos, Erickson, and Stead. The Commission voted by secret ballot. Commissioner Stead received 3 votes, Commissioner Bos received 2 votes, and Commissioner Erickson received 1 vote. Commissioner Stead accepted the position of Chair.

The floor was open to nominations for Vice Chair. Nominees included Commissioner Bos and Stroozas. The Commission voted by secret ballot. Commissioner Stroozas received 3 votes and Commissioner Bos received 3 votes. Commissioner Stroozas agreed to accept the seat of Vice Chair.

Informational Materials

- A. City Manager’s Report for the July 28, 2014 City Council Meeting
- B. Kenai Peninsula Borough Planning Commission Time Extension Request for James Waddell Survey Petska Addition Preliminary Plat

Comments of the Audience

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

None

Comments of Staff

None

Comments of the Commission

Commissioner Highland welcomed Ms. Bradley to the Commission.

Commissioner Bradley thanked everyone and said it was a good first meeting.

Commissioner Erickson welcomed Ms. Bradley and hopes they didn’t scare her.

Commissioner Stroozas welcomed Ms. Bradley.

Commissioner Stead welcomed Ms. Bradley. He thought it was a good meeting and looks forward to seeing what comes out of the Bridge Creek Watershed District.

Chair Venuti congratulated Commissioner Stead and Stroozas. He said it’s been interesting being the Chair, but he has found that so much time is facilitating the meeting and he doesn’t participate as much in the discussion. He is looking forward to serving on the Borough Planning Commission.

Adjourn

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 6, 2014

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 August 20, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 14-77

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: August 20, 2014
SUBJECT: City Planner's Report

Flood Maps: On September 11, 2014 the City in cooperation with FEMA and the State of Alaska is hosting a combined Flood Risk Information Open House. The event will be held at City Hall and will begin at 12:00 pm (noon) with a FEMA presentation from noon to 12:30pm. The Open House will provide the public the opportunity to review the preliminary Flood Insurance Study (FIS) and its accompanying preliminary Flood Insurance Rate Maps (FIRM). The FIS and the FIRMs provide base flood information, delineate areas subject to significant flood hazards within the county, and offer information public officials may use when permitting development in the floodplain. This is an opportunity to view the preliminary maps and FIS in preparation for the upcoming comments and appeals period.

Mark your calendar: October 23, 2014 joint worksession with City Council

So far, the agenda items will include:

- Cell towers regulation
- Code adjustments that help resolve permitting issues.
- Bridge Creek Water Protection District

Here we are hoping to make an opportunity for communication of the items we are working on and get input as to the direction of support regarding policy the City Council has for various projects or issues. I do plan to come up with more items for the Planning Commission to consider.

City Council

Ordinance 14-41, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72.030(B) Regarding the Duties and Powers of the Homer Advisory Planning Commission Related to Subdivisions, and Amending Homer City Code 2.72.060 Regarding the Commission's Meeting Schedule and the Provision of Records of Commission Action to the Council. City Manager. Recommended dates: Introduction August 11, 2014, approved on consent agenda. Public Hearing and Second Reading August 25, 2014.

Memorandum 14-122 from City Manager as backup.

Resolution 14-086, A Resolution of the Homer City Council Scheduling a Joint Worksession. October 23, 2014 With the Advisory Planning Commission to Discuss Tower Regulation and Permit Requirements, and Other Planning Matters. City Manager.

Memorandum 14-116 from City Planner as backup.

The consent agenda was approved by consensus of the Council

Ordinance 14-34, An Ordinance of the City Council of Homer, Alaska, Amending Table 3 Permitted Sign Characteristics by Zoning District, Following Homer City Code 21.60.060, Signs on Private Property, to Permit Changeable Copy Signs and Illumination Internal in the Gateway Business District. Planning. Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014.

Memorandum 14-119 from City Planner as backup.

There was no public testimony.

ADOPTED without discussion.

Attachments:

Memorandum 14-122 from City Manager

Ordinance 14-41



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 14-122

TO: Mayor Wythe and Homer City Council

FROM: Walt Wrede

DATE: August 4, 2014

SUBJECT: New Ordinance / Old Topic (Ordinance 14-32)

Ordinance 14-32 entitled "AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 2.72.030 (b) REGARDING THE DUTIES AND POWERS OF THE HOMER ADVISORY PLANNING COMMISSION RELATED TO SUBDIVISIONS, AND AMENDING HOMER CITY CODE 2.72.060 REGARDING THE COMMISSIONS'S MEETING SCHEDULE AND DELETING THE REQUIREMENT TO PROVIDE RECORDS OF COMMISSION ACTION TO THE COUNCIL", failed upon introduction at the regular Council meeting on July 28, 2014. The primary objection to this ordinance seemed to be the deletion of the requirement that the Council be notified of Commission decisions or findings at the earliest possible date. It was noted that the Planning Commission is advisory to the Council and the Council should be aware of its actions and decisions.

At the meeting I suggested that a reconsideration of the vote on Ordinance 14-32 might be appropriate because the ordinance could easily be amended to address the specific concerns voiced by the Council. Voting the Ordinance down threw out the primary objective of the Ordinance which was to make HCC 2.72.030 (b) consistent with the Borough Code with respect to Planning Commission duties and powers, and remove the clause which says Planning Commission recommendations to the Borough on Plats can be forwarded after 20 days if the Council does not disapprove of the recommendation. Ordinance 14-32 was brought to you for two reasons. First, The City Attorney thought it was important to remove inconsistency between the City and Borough Codes in order to avoid confusion and potential legal actions. Second, I was under the impression (perhaps incorrectly), that the Council did not want to hear appeals of Planning Commission recommendations to the Borough on platting matters. The Borough has not delegated platting powers to the City. Therefore, the Planning Commission in this case is advisory to the Borough, who is the final authority. The

appeal of Planning Commission recommendations on the proposed Quiet Creek Subdivision Preliminary Plat brought this issue to the forefront.

The Council suggested that rather than reconsidering Ordinance 14-32, it would be better if I simply came back with a different ordinance. The packet for this meeting contains Ordinance 14-41 which addresses the concerns expressed by the Council. Specifically, it states that Planning Commission minutes should be placed in the Council packet at the first meeting after they are prepared. This requirement should serve to keep the Council up to speed on Commission decisions, findings and actions. The ordinance keeps the language contained in Ordinance 14-32 which clarifies the duties of the Commission with respect to subdivisions and plats in order to make it consistent with the Borough Code. The ordinance also deletes the provision that says Commission recommendations on plats are forwarded to the Borough after 20 days if the Council does not disapprove.

RECOMMENDATION: Introduce and approve Ordinance 14-41.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager

4 **ORDINANCE 14-41**

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
6 AMENDING HOMER CITY CODE 2.72.030(b) REGARDING THE
7 DUTIES AND POWERS OF THE HOMER ADVISORY PLANNING
8 COMMISSION RELATED TO SUBDIVISIONS, AND AMENDING
9 HOMER CITY CODE 2.72.060 REGARDING THE COMMISSION'S
10 MEETING SCHEDULE AND THE PROVISION OF RECORDS OF
11 COMMISSION ACTION TO THE COUNCIL.
12

13
14 WHEREAS, The platting power within the City is exercised by the Kenai Peninsula
15 Borough.
16

17 WHEREAS, Kenai Peninsula Borough Code 20.25.050 provides for the Homer Advisory
18 Planning Commission ("Commission") to review and comment on all proposed vacations,
19 abbreviated subdivision plats, subdivision plat waivers, and preliminary plats of land within
20 the City.
21

22 WHEREAS, The language of HCC 2.72.030(b) regarding the duties of the Commission
23 related to platting and subdivisions is inconsistent with Kenai Peninsula Borough Code
24 20.25.050, and should be amended to conform to the latter provision.
25

26 WHEREAS, HCC 2.72.060 should be updated to conform to the Commission's current
27 meeting schedule, and the requirement in HCC 2.72.060 that every decision or finding of the
28 Commission shall be directed to the City Council at the earliest possible date should be
29 modified to conserve limited City resources.
30

31 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
32

33 Section 1. Subsection (b) of Homer City Code 2.72.030, Duties and powers, is
34 amended to read as follows:
35

36 The Commission shall be required to do the following:
37

38 b. Review and comment on all proposed vacations, abbreviated subdivision
39 plats, subdivision plat waivers, and preliminary plats of land within the City before their
40 submittal to the Kenai Peninsula Borough, as provided in Kenai Peninsula Borough Code
41 20.25.050 ~~Exercise control over platting and subdivision of lots, blocks or lands within the City~~
42 ~~limits. All proposed plans, plats or replats of lots, blocks or lands within the City limits, and all~~

43 ~~streets, alleys and other portions of the same intended to be dedicated to public or private~~
44 ~~use, or vacated within the corporate limits, shall first be submitted to the Commission for its~~
45 ~~approval or rejection before such plans, plats or replats shall be submitted to the Borough~~
46 ~~Planning and Zoning Commission for final approval and recordation. Unless the City Council~~
47 ~~shall disapprove the action of the Commission within 20 days, its decision shall be final. If the~~
48 ~~Commission has approved any plan, plat or replat, and the City Council has not, within 20~~
49 ~~days, disapproved this action, the Commission, through its Chairman, shall endorse its~~
50 ~~approval on the plan, plat or replat, and the owner thereof may then offer it to the Borough~~
51 ~~Planning and Zoning Commission for final approval;~~

52
53 Section 2. Homer City Code 2.72.060, Record of proceedings, is amended to read as
54 follows:

55
56 2.72.060 Record of proceedings. The Commission shall meet regularly twice a month,
57 ~~There shall be a regular monthly meeting of the Commission, and permanent records or~~
58 ~~minutes shall be kept of Commission proceedings, and such minutes shall record the vote of~~
59 ~~each member upon every question. Copies of such minutes Every decision or finding shall~~
60 ~~immediately be filed in the office of the City Clerk, shall be provided to the City Council not~~
61 ~~later than its first regular meeting after their preparation, and shall be a public record open to~~
62 ~~inspection by any person. Every decision or finding shall be directed to the City Council at the~~
63 ~~earliest possible date.~~

64
65 Section 3. This Ordinance is of a permanent and general character and shall be
66 included in the City Code.

67
68 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
69 August 2014.

70
71 CITY OF HOMER

72
73
74 _____
75 MARY E. WYTHE, MAYOR
76

77 ATTEST:

78
79
80 _____
81 JO JOHNSON, MMC, CITY CLERK
82
83
84

85 AYES:

86 NOES:

87 ABSTAIN:

88 ABSENT:

89

90

91 First Reading:

92 Public Reading:

93 Second Reading:

94 Effective Date:

95

96

97 Reviewed and approved as to form:

98

99

100 _____

101 Walt Wrede, City Manager

102

103 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 14-78

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 20, 2014
SUBJECT: Draft ordinance amending RO zoning district on East End Road

Last meeting the Planning Commission held a public hearing on whether or not 15 properties currently zoned Rural Residential should be change to Residential Office. Only one property owner submitted a comment and none testified. The one comment that was received expressed concern to whether Blackwell Pump would be negatively affected. Not one property owner or developer or anyone else has suggested their desire or the need to operate any of the additional uses allowed in a Residential Office District (RO) in this area. Additionally, there are several vacant lots located on East End Road in the RO district immediately to the west of the proposed expansion.

Unless we hear from some people expressing a demand for the opportunities that an expanded RO district would provide, I am extremely hesitant to recommend this a change in the zoning map. This issue has been forwarded several times in the last 8 years or so and not come to fruition. Reviewing the evidence so far, it seems to revolve around the business with the Blackwell sign on it.

This map amendment does nothing to change the status of the pump business located within. Blackwell lost a court case that determined he did not have a right to continue his long time use of the lot. The restriction of uses of this lot was a result of the first introduction of zoning to the City of Homer. The operation, as I understand it, does not cleanly fit into code. It could be supported in the Central Business District if all activities and storage were within an enclosed building and some attention given to design manual concepts. As I see it, it is best suited for the East End Mixed Use or General Commercial 1 or 2 Districts. This being the case, there is a very good reason the zoning has not changed to accommodate it.

The RO district is meant to be a buffer between a commercial district and a residential district, not a full blown commercial district. In order to accommodate a business such as Blackwell, all others in the same district would have the same opportunity. So not just one "Blackwell" but, possibly "Blackwell" in every lot.

Please consider your recommendation to the City Council carefully. Discuss your reasoning for support or opposition to the proposal. Below is the Planning Department review of the code and general analysis of condition.

Surrounding Land Use:

North:	RR	Residential and multi-family
South:	UR	Urban Residential
East:	RR	Rural Residential
West:	RO	Residential Office

Comprehensive Plan: “NC Neighborhood Commercial East End Road – limited numbers of small scale, local serving commercial areas, designed to meet the convenience commercial service needs of neighborhood residents. The objectives behind this recommendations category might also be met through the Planned Unit Development process or an overlay zone allowing more commercial and retail uses than the underlying Residential Office District.”

Wetland Status: Possible wetlands in northwest corner of Lot 1 Watson Ridge and southeast corner of Lot B-3-B Mutch-Gangl 2005 Addn,

Flood Plain Status: Zone D: Areas in which flood hazards and undetermined.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: City water and sewer is available or extension possible.

Benefits of the rezone:

- Creates additional areas for office operations that value frontage on an arterial road.
- May open a new area open to business activities with minimal additional infrastructure requirements or public expenditures.
- Provides an opportunity to increase the tax base with additional businesses.
- Increases the value of the property currently located in the proposed rezone area (as suggested by the Kenai Peninsula Borough Assessor’s office).
- Provides more options for development of vacant properties

Detriments of the rezone:

- More traffic may be introduced during the start and finish of the workday.
- Arterial development creep may discourage infill development in the Central Business District.
- May encourage strip development that is to be discouraged according to comprehensive plan.

Existing Conditions:

- The area proposed to be rezoned is served by a paved arterial and is served by city water and sewer or it is nearby for consideration of extension.
- The proposed area also abuts the Residential Office district to the west and a residential zone is found to the East North and South. The progression of zoning district, west to east, is CBD, RO, and lastly RR.
- Current uses in the proposed area include a mixture of single family, nonconforming business and vacant land.

PARCEL_ID	USEAGE	ACREAGE
17903021	100 Residential Vacant	4.85
17903033	110 Residential Dwelling - single	0.50
17903034	110 Residential Dwelling - single	0.64
17903080	110 Residential Dwelling - single	1.13
17903083	110 Residential Dwelling - single	5.45
17903016	130 Residential Mobile Home	0.95
17903063	350 General Commercial (Mobile Home and former water fill up location)	0.52
17903076	100 Residential Vacant	0.96
17903079	100 Residential Vacant	0.73
17903027	100 Residential Vacant	0.50
17903066	350 General Commercial (Blackwell Pump)	1.10
17903082	110 Residential Dwelling - single	1.27
17903065	110 Residential Dwelling - single	0.93
17903077	100 Residential Vacant	2.62
17903078	100 Residential Vacant	0.68
Total Acreage		22.83
Vacant lots: 6, Acreage:		10.34

Function of Zone:

- Currently, the area proposed for expansion of the Residential Office District supports rural activities with larger lot sizes focused on support of residential uses.
- The proposed area would provide an even larger buffer between the CBD and Urban Residential district as does the existing RO districts and would support smaller lot size and general office uses.

Nonconforming Uses and Structures.

At least three nonconforming uses have been identified in the area proposed for rezone along with two structures. Currently, no properties in the area proposed for rezone has been subject to code enforcement: no complaints have been recorded and no activities or conditions have been found have significant negative impact the health, safety and welfare of the nearby residents or the community in general. Code enforcement activity commencement is generally determined in relation to the condition mentioned above in relation to the entire community. The propose rezone is based on the need for support of . Additionally, I have noticed a lot that is used for grazing horses, this use would become subject to rules regarding nonconforming uses, as it is not supported in the Residential Office District. The two mobile homes found in the area for rezone would become nonconforming and if moved or damaged above 50% of the value they would have to be discontinued.

Analysis

HCC 21.95.020 states that a zoning map amendment may be initiated by a member of the City Council.

City Councilman Van Dyke introduced Ordinance 14-19, proposing to rezone property near East End Road and City Council requested that the Commission review Homer Comprehensive Plan recommendations.

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

a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

After reviewing the comprehensive plan recommendations, the proposal is consistent with the suggested area and zoning designation. The Planning Commission makes the recommendation with consideration for the intent of the comprehensive plan in consideration of the effect on the nearby properties and the wider community.

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

Conditions in this area have been consistent over time. Several lots and nearly half of the acreage has remained vacant. The two businesses found in the area are not found to be listed as uses in the current Rural Residential District and neither in the proposed Residential Office District.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity

of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns

It is difficult to see the interest of the public as we have found no indication that the landowners of the fifteen lot or any surrounding lots seek the change. No proposals have been suggested that would take advantage of a new zoning classification. A good deal of vacant land exists in the Residential Office District on East End Road leading to the proposed area of expansion. East End Road in this area is dominated by a turning lane into Paul Banks Elementary School and no other provisions are found for making left hand turns. It would lead one to believe that State DOT would want to limit driveway accesses in the area. Extension of the zone would fit into long range land use patterns as demand would dictate. Up zoning any more than to the Residential Office would lead to leakage from other districts especially the Central Business District where a desire to concentrate business is expressed in the comprehensive plan.

STAFF RECOMMENDATIONS:

Hold a Public Hearing, giving consideration to testimony. Review and discuss staff report and forward recommendation to the City Council. It is not the recommendation of staff to forward the proposed change in zoning unless convincing public testimony is provided about the demand for the change.

ATTACHEMENTS:

1. Lay down comment from Aug 6th meeting: Gloria Corey
2. Sharon Minsch Comment dated Aug. 15, 2014
3. Utilities Map
4. Residential Office Regulations
5. Draft Ordinance 14-XX
6. Exhibit A
7. Exhibit B
8. Public Notice

Lay Down at August 6, 2014 HAPC Meeting

In regard to Public Hering by the Homer Advisory Planning Commission on Wednesday, August 6, 2014 at 6:30 p.m. at the Homer City Hall

Thank you Travis for the links - I have a concern that Blackwell Pump (Wholesale Retail) and Quick Draw (Retail) would have to find another locale for their business location - Am I reading the proposal correctly? If so, I would like to state that Don Blackwell has been a good neighbor to my husband and I in many caring ways and I would hope that this new zoning would not force him to find a new location?

This comment is for tonights public hearing that I am unable to attend - so during the three inute comment from those in attendance please read my concern into the record

Thank You

Gloria F. Corey and William A Corey

access road by Blackwells to 1410 East End Road

PO Box 1155

Homer, Alaska 99603

phone 235-1897



Regarding the public hearing on a proposed amendment to the Homer Zoning Code to rezone a few properties on East End from Rural Residential to Residential Office. We live next door to Paul Banks and are zoned RO. We are allowed office and residential uses. That is compatible with the area homes and the school.

There is no reason given to rezone the residential homes in this area to RO. Why is this being proposed and what is the purpose? What benefit is there to the City of Homer?

The comprehensive plan specifically outlines efforts to prohibit urban sprawl. This area is to be a buffer between the road, town and the heavy industrial activity further out the road. The property owners are not asking for this area to be rezoned. The newest building activity in this area of RO has been multi family, residential and office. A check of the records will show that the Blackwell property owner went to court and the court ruled against the property owner. The problem was not created by the City and is not the responsibility of the City to solve yet I still hear people publically continue to vilify the City for not fixing the problem.

When the property was purchased by Blackwell the previous business was closed and shut down. There were no grandfather rights transferred. The property has operated illegally under the current zoning and continues to do so even though the court ruled against them. I do not understand why the City allows it to continue but that does not make it legal.

I have nothing against Don Blackwell. He is well known and respected in Homer. This issue is not about him or his property. Changing zoning for the entire City to try to solve a problem for one property owner is basically "spot" zoning and it is not legal. Trying to rezone this problem away is not responsible nor does this make any sense.

I do not believe that the current business operating at the Blackwell property is permitted in RO zoning. This only makes the zoning issue worse. Storing commercial water tanks, pipe or well drilling equipment is not permitted in RO. A retail store selling products is not permitted in RO. Changing the zoning to RO does not solve the Blackwell property problem.

Permitting a commercial/industrial activity at this location by rezoning to RO would then permit this type of commercial/industrial activity in any RO zone in town. Industrial storage such as large water tanks, pipe and well drilling equipment nor retail store fronts are appropriate or allowed in Residential Office zoning.

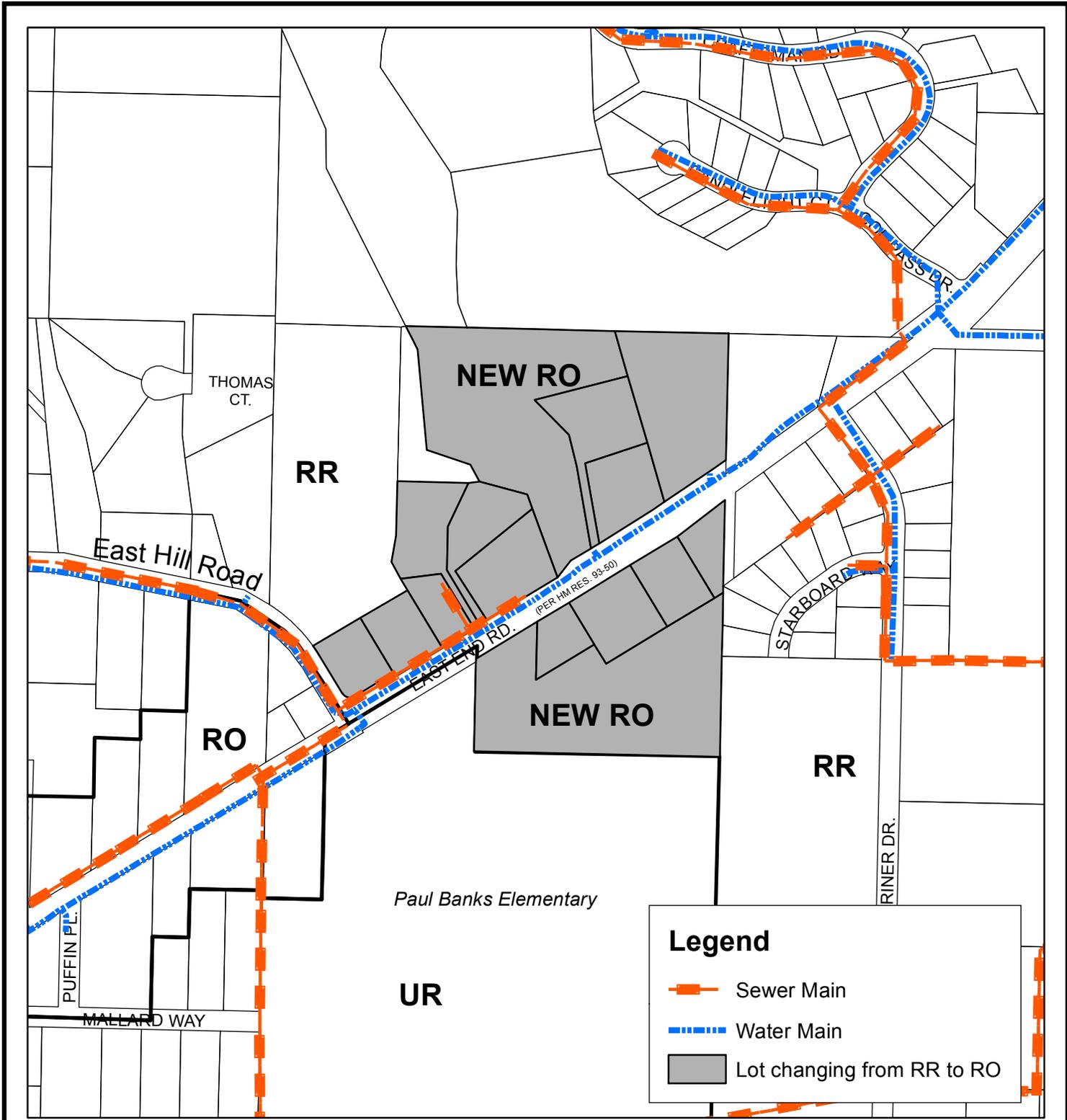
If there is a need for more commercial/industrial/retail activity on East End Road it should include the entire area from Lake Street out to the E End Mixed use. It should happen after a review and amendment to the Comp plan. It should be because Homer needs more land zoned for those type of activities and not done as an attempt to make a non-confirming use legal. There is nothing any different about these lots proposed to be rezoned RO from the rural residential use they are except the one non-confirming illegally operating business that is part of it.

If the City Council wants to find a way to solve the Blackwell property problem they should do it without opening the City up for lawsuits. Expanding RO zoning in this little area does not serve the area nor the City well at this time. Rezoning the area surrounding Blackwell does not fix the problem.

Sharon Minsch 1379 E. Edn Road #1 submitted electronically 8-15-2014

RECEIVED

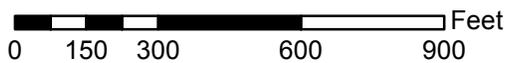
8/15/2014



City of Homer
 Planning and Zoning Department

8/13/14

Utilities Map



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.

Chapter 21.16RO RESIDENTIAL OFFICE DISTRICTSections:

- 21.16.010 Purpose.
- 21.16.020 Permitted uses and structures.
- 21.16.030 Conditional uses and structures.
- 21.16.040 Dimensional requirements.
- 21.16.050 Site and access.
- 21.16.060 Traffic requirements.
- 21.16.070 Site development standards.
- 21.16.080 Nuisance standards.
- 21.16.090 Lighting standards.

21.16.010 Purpose. The residential office district is primarily intended for a mixture of low-density to medium-density residential uses and certain specified businesses and offices, which may include professional services, administrative services and personal services, but generally not including direct retail or wholesale transactions except for sales that are incidental to the provision of authorized services. A primary purpose of the district is to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods. (Ord. 08-29, 2008).

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

- a. Single-family and duplex dwelling, excluding mobile homes;
- b. Multiple family dwelling, provided the structure conforms to HCC § 21.14.040(a)(2) and excluding mobile homes;
- c. Public parks and playgrounds;
- d. Rooming house, bed and breakfast and hostel;
- e. Home occupations; provided they conform to the requirements of HCC § 21.51.010;
- f. Professional offices and general business offices;
- g. Personal services;
- h. Museums, libraries and similar institutions;
- i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- j. Religious, cultural and fraternal assembly;
- k. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;

l. Private exterior storage of the occupant's personal noncommercial equipment, including non commercial trucks, boats, campers and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;

m. Other customary accessory uses to any of the permitted uses listed in the residential office district; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building.

n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use in a manner consistent with the requirements of the Homer City Code and as long as such animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

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

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

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

r. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot. (Ord. 11-44(S) §2 (part), 2011; Ord. 11-23(A) §3 (part), 2011; Ord. 09-34(A) §8 (part), 2009; Ord. 08-29, 2008).

21.16.030 Conditional uses and structures. The following uses may be permitted in the residential office district when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Planned unit developments, excluding all industrial uses;
- b. Townhouses;
- c. Public or private schools;
- d. Hospitals and medical clinics;
- e. Public utility facilities and structures;
- f. Mortuaries;
- g. Day care facilities; provided, however, that outdoor play areas must be fenced.

h. More than one building containing a permitted principal use on a lot.

i. Group care homes.

j. One small wind energy system having a rated capacity exceeding 10 kilowatts, provided that it is the only wind energy system of any capacity on the lot.

k. Other uses approved pursuant to HCC §21.04.020.(Ord. 10-06 §1, (part), 2010; Ord. 09-34(A) §9 (part), 2009; Ord. 08-29, 2008).

21.16.040 Dimensional requirements. The following dimensional requirements shall apply to all structures and uses in the residential office district:

a. The minimum lot size is 7,500 square feet.

b. Building setbacks;

1. Buildings shall be set back 20 feet from all dedicated rights-of-way.

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

<u>Number of Stories</u>	<u>Setback (in feet)</u>
1 story	5 feet
1 ½ half stories	6 feet
2 stories	7 feet
2 ½ half stories	8 feet

3. Non-residential buildings shall be set back 15 feet from all other lot boundary lines, except that this setback may be reduced to not less than the setback that would apply under HCC §21.16.040(b)(2) if the reduction is approved by the State Fire Marshal.

c. The maximum building height shall be 35 feet.

d. Detached accessory buildings may not occupy more than 25 percent of a required rear or side yard and no portion of a required front yard, and shall be located at least five feet from the nearest part of a main building and five feet from all property lines.

e. 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. (Ord. 10-06 §2 (part), 2010; Ord. 08-29, 2008).

21.16.050 Site and access. a. A zoning permit for any non-residential use or structure shall not be issued by the City without an approved site plan and an approved level two right-of-way access plan that conform to the standards of HCC Chapter 21.73.

b. All access points to rights-of-way shall conform to the standards of a level two right-of-way access plan stated in HCC Chapter 21.73. This applies to all uses and structures. (Ord. 08-29, 2008).

21.16.060 Traffic requirements. A conditional use permit is required for every use that:

a. Is estimated to generate more than 100 vehicle trips during any hour of the day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition),

b. Is estimated to generate more than 500 vehicle trips per day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition);

c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use;

d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection. (Ord. 10-06 §4, 2010).

21.16.070 Site development standards. a. All single family and duplex residential development in the residential office district shall comply with the level one site development standards contained in HCC § 21.50.020.

b. All multifamily residential and all commercial development on lands in this district shall conform to the level two site development standards set forth in HCC §21.50.030.(Ord. 10-06 §3 (part, 2010; Ord. 08-29, 2008).

21.16.080 Nuisance standards. The nuisance standards of HCC § 21.59.010 apply to all development, uses, and structures in this zoning district. (Ord. 10-06 §5, 2010).

21.16.090 Lighting standards. The level one lighting standards of HCC § 21.59.030 apply to all development, uses, and structures in this zoning district. (Ord. 10-06 §6, 2010).

REST OF PAGE INTENTIONALLY LEFT BLANK

**CITY OF HOMER
HOMER, ALASKA**

City Manager/Planning

ORDINANCE 14-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) DISTRICT TO RESIDENTIAL OFFICE (RO).

WHEREAS, The Homer Advisory Planning Commission reviewed a request from the Homer City Council to review the Homer Comprehensive Plan in regards to recommendations found for Neighborhood Commercial East End rezone, and

WHEREAS, The Homer Advisory Planning Commission, after extensive review, recommends rezoning property from the Rural Residential District to the Residential Office Zoning District; and

WHEREAS, The Homer Advisory Planning Commission held a public hearing on the matter on August 6, 2014, as required by Homer City Code, Section 21.70.020; and

WHEREAS, The Homer Advisory Planning Commission finds the area of map amendment represents of an extension of an existing boundary contiguous to an existing zoning district; and

WHEREAS, The Homer Advisory Planning Commission determined the map amendment is consistent with the Comprehensive Plan; and

WHEREAS, The Homer Advisory Planning Commission determined the rezone applies a district that is better suited to the proposed area for the zoning map amendment; and

WHEREAS, The Homer Advisory Planning Commission has found that the zoning map amendment is in the best interest of the public; and

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map will be amended as per attached Exhibit A, to extend Residential Office zoning to include all parcels listed on Exhibit B.

Section 2. The City Planner is authorized to sign the map and adhere to the requirements set forth in the Homer City Code, Section 21.10.030(b).

Section 3. This is a non Code Ordinance of a permanent Nature.

CITY OF HOMER

Mary E. (Beth) Wythe, MAYOR

ATTEST

Jo Johnson, CMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

REVIEWED AND APPROVED AS TO FORM AND CONTENT:

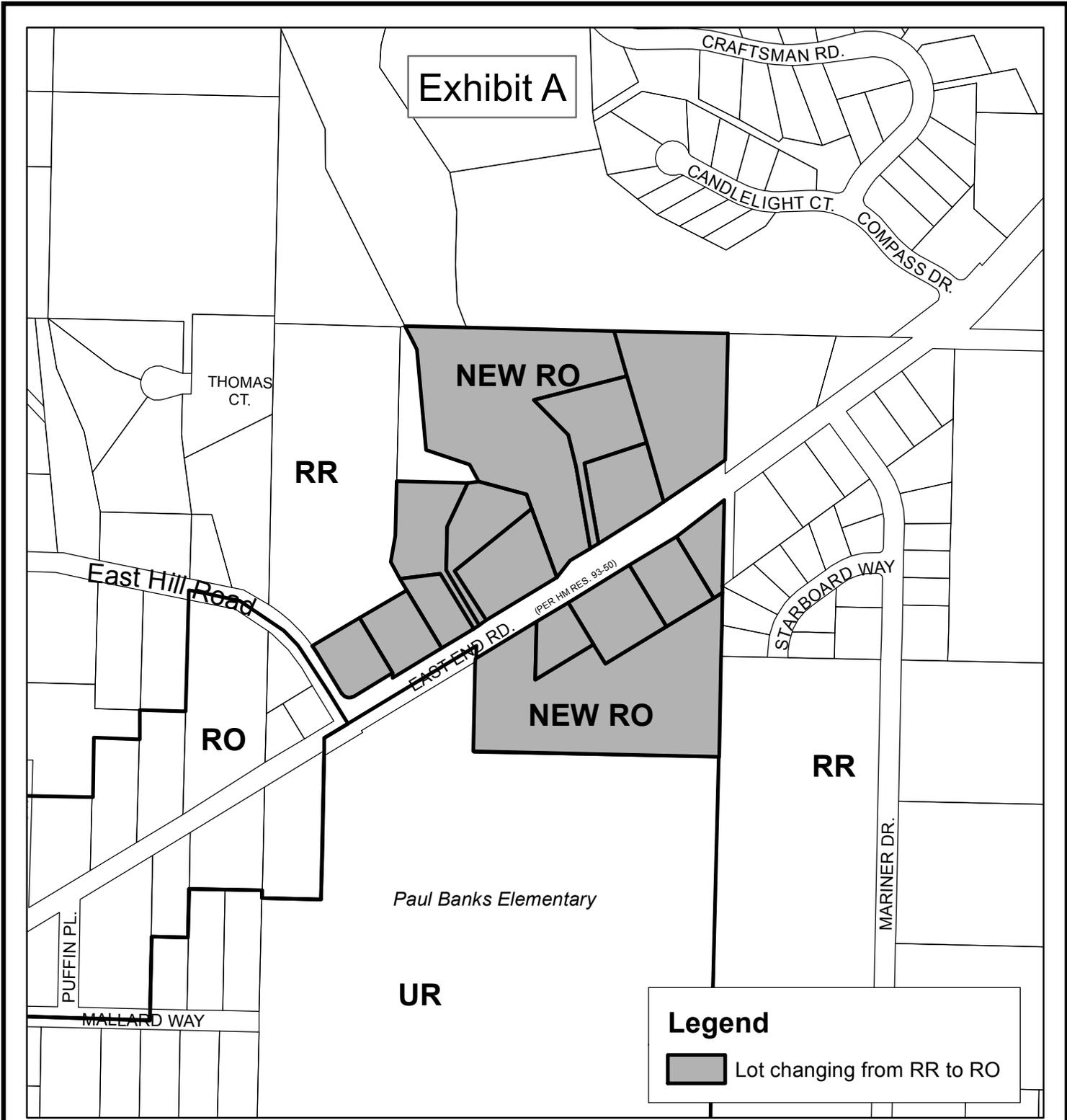
Walt Wrede, City Manager

Tom Klinkner, City Attorney

Date: _____

Date: _____

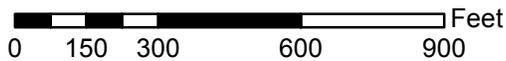
Fiscal Note: Costs of mapping.



City of Homer
Planning and Zoning Department

7/22/2014

Properties to be rezoned from Rural Residential to Residential Office



*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.*

Tax ID	LEGAL DESCRIPTION
17903021	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 SW1/4 BEGIN @S1/4 CORNER COMMON TO SEC 16&21; TH N 0 DEG 13'20" W 1448.35 FT TO POB; TH W 714.79 FT; TH N 0 DEG 13'20"W 269.14 FT TO CENTER OF HOMER EAST RD; TH N57 DEG 17'30"E 208 FT ALONG CENTER OF RD;
17903033	T 6S R 13W SEC 16 SEWARD MERIDIAN HM THAT PORTION OF THE NE1/4 SW1/4 COMMENCING AT THE CENTER 1/4 CORNER OF SEC 16 TH PROCEEDING S 0 DEG 14 MIN E ALONG CENTERLINE 485.4 FT TO THE INTERSECTION WITH THE SOUTH ROW LINE OF HOMER EAST RD TO THE POB TH S 0 DE
17903034	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT INTERSECTION OF CENTERLINE OF SEC 16 WITH THE SOUTH ROW LINE OF HOMER EAST RD PROCEED S 00 DEG 14 MIN E 265.8 FT TH S 57 DEG 17 MIN 30 SEC W 23.7 FT TO THE POB TH N 32 DEG 42 MIN 30 SEC W TO HOMER EAST R
17903080	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 3-A
17903083	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 2
17903016	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 NE1/4 SW1/4 COMMENCE @SECT CORNER SECS 16 17 20 & 21 TH N1 DEG 11'40"W 568.5 FT TO SOUTH ROW LINE OF HOMER EAST RD; TH N70 DEG 14'E 354 FT; TH N57 DEG 17'30"E 2203.18 FT; TH S32 DEG 42'30"E 30 FT TO POB;
17903063	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 2
17903076	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-A
17903079	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 2
17903027	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT THE 1/4 CORNER COMMON TO SEC 16 & 21 TH PROCEED N 0 DEG 13 MIN 20 SEC W 1448.35 FT TH WEST 714.79 FT TH N 0 DEG 13 MIN 20 SEC W 233.49 FT TH N 57 DEG 17 MIN 30 SEC E 208 FT TO THE POB TH CONTINUE N 57 DE
17903066	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 5
17903082	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 1
17903065	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 4
17903077	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-B
17903078	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 1

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, August 20, 2014 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

A second Public Hearing, per by HCC 21.95.060, regarding a proposed amendment to the official Homer City Zoning Map to change the Rural Residential district to the Residential Office District eastward along East End Road.

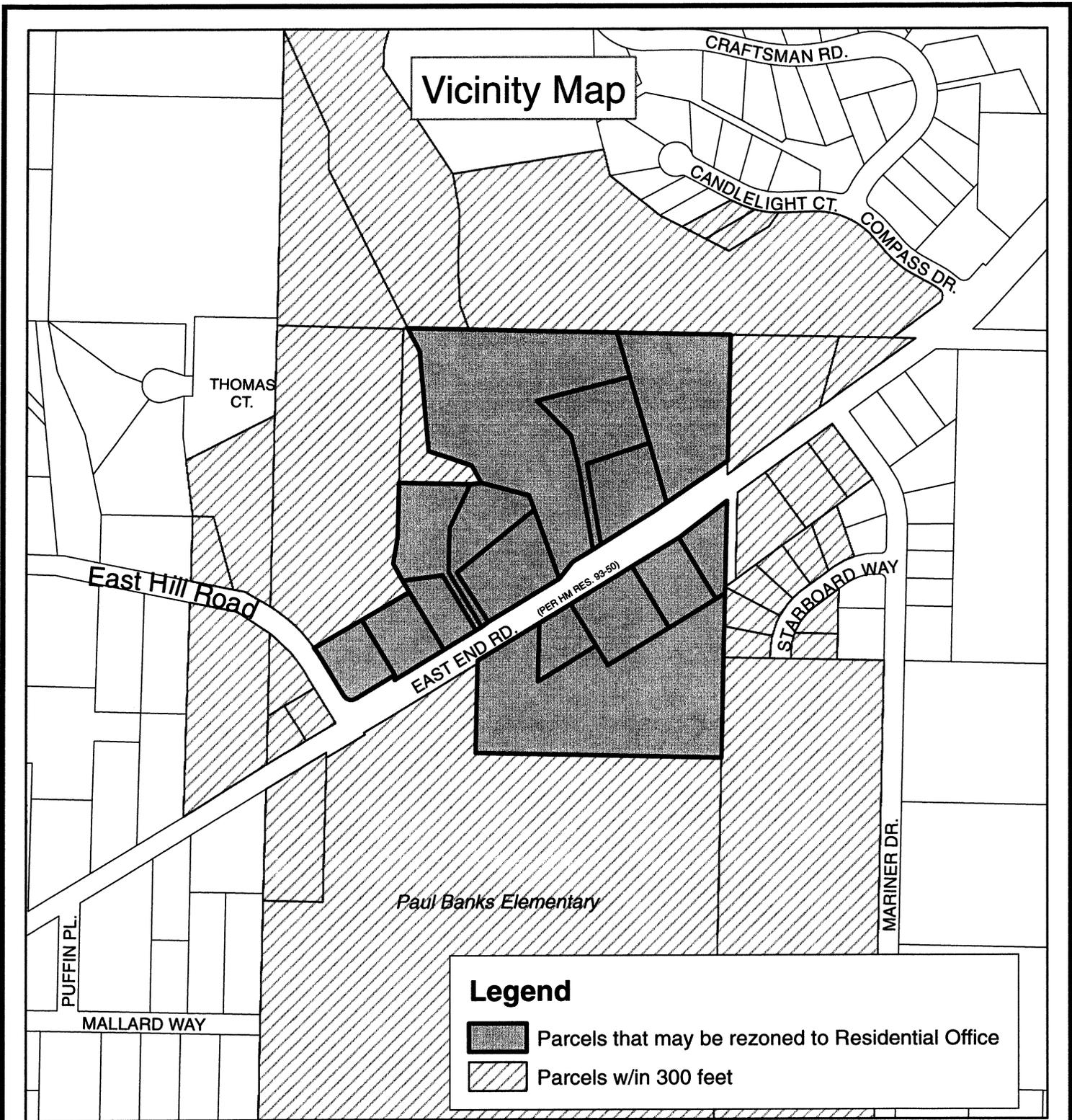
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis Brown at the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE



City of Homer
 Planning and Zoning Department
 7/22/2014

Proposed rezone from Rural Residential to Residential Office

Marked lots are within 300 feet and property owners notified.

0 150 300 600 900 Feet

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.



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report PL 14-80

TO: Homer Advisory Planning Commission (HAPC)
FROM: Rick Abboud, City Planner
DATE: August 20, 2014
SUBJECT: Proposed changes to the Bridge Creek Watershed Protection District

Introduction:

At the August 6, 2014 HAPC meeting, the Commission discussed several proposals to amend land use regulations in the Bridge Creek Watershed Protection District (BCWPD). This conversation will continue at the August 20th HAPC meeting with Kachemak Board of Realtors (KBP) and Cook Inlet Keeper present.

Since this is a 'continued' conversation, in regular font are excerpts from the August 6th staff report 14-76. Italicized is a staff summary of the HAPC responses plus additional information that might further the conversation.

Proposal 1. Allow a portion of a lot to be excluded from the watershed.

Currently, the entire lot must drain away from the watershed to be eligible for exclusion from the regulations. Staff did not count the number of lots that might be eligible for exclusion, but it's reasonable to say not very many lots will be affected by allowing a portion to be excluded. Another option would be to allow lots to be subdivided along the watershed boundaries, but that gets more complicated due to the minimum lot size. It would be simpler to allow the exclusion of a portion of a lot. See HCC 21.40.020(c) for exclusion criteria.

HAPC Concerns are:

- *Surface contours do not necessarily indicate subsurface flows.*
- *Meandering lot lines or boundaries,*
- *Property owners reshaping lots,*
- *Splitting lots (based on topography)*
- *Limiting development of portion within the watershed*

HAPC did not seem to support this proposal.

Proposal 2. Allow mitigation plans to be approved by staff.

Currently, a property owner with a lot less than 2.5 acres can apply to the Planning Commission for a mitigation plan. This allows the property owner to develop up to 6.4% of the property, rather than 4.2%. Since the ordinance was adopted in 2003, 13 land owners

have applied for mitigation plans. The requirements of the mitigation plans have become more consistent as staff and the Commission gain experience working with the code. Today when a property owner applies for a mitigation plan, staff spends a lot of time working with them. The HAPC reviews the plan and generally approves them, with the same set of mitigation strategies. Staff proposes allowing staff to approve mitigation plans, and amending code to set the minimum requirements for the mitigation plan. This will result in faster more consistent approvals for land owners, less work for staff, less review for the Commission, and clear code requirements.

These requirements were generally supported by the HAPC. Staff will pursue amendments to allow a mitigation plan to be approved by staff for lots less than 2.5 acres.

Mitigation Plan Requirements

1. Construct a dry well, rain garden or some method of capturing footer drains or rain gutter water. Goal: slower infiltration of water back into soil, rather than quick runoff.

There are examples in City code that aim to capture and filter runoff from roofs and foundation drains with a submerged dry or rock wells and rain gardens, such as mitigation for 2-year, 3-hr storm, HCC 21.74.020(g) Development. Activity Plan (DAP). Retention volumes and basic designs can be done by the property owner and staff.

2. Reseed construction site by August 31st.

Goal: inexpensive, effective way to minimize soil erosion.

Or upon completion of earthwork determined by permit.

3. Ditch driveway and line with filter fabric and rock. Only required when appropriate to the site; i.e. enough slope (defined) so water is slowed either on the way to the street ditch, or if it runs downhill. This mitigation may not necessarily be appropriate on level sites with short driveways. Goal: slow water runoff from driveways and encourage infiltration of water into the ground.

Runoff created by driveways and parking areas can be treated with permanent channels, ditching or retention swales. This is similar, by interest to Erosion and Sediment control prescribed in HCC 21.40.080(b)(1)

Proposal 3. Set a maximum amount of developable area for smaller lots under 4.5 acres. Rather than a calculated percentage, land owners would have a set, consistent area they could develop. The realtors proposed roughly 6200 square feet per lot.

The Planning Commission supported development of 5,000 sf per lot with a staff approved mitigation plan. Research has found this will apply practically to lots 2.5 acres. Larger lots presently have an allowance to develop more than 6000 square feet.

Proposal 4.

Exempt uncovered decks connected to a primary structure from the impervious calculation.

After using the watershed rules, staff finds there are a few things that are hard for new landowners to work with. For example, nonconforming home may already exceed the watershed rules. Or a newer home may be close to the maximum impervious area. A potential buyer comes to the Planning Department, looking to see if they can add a deck, small greenhouse, dog run, tree house etc. to a property. And the answer to this very minor improvement is no. Staff would like to see the regulations eased to allow some small, minor increases in impervious surface. Rather than change the amount of impervious surface allowed (the 4.2% rule), staff recommends excluding uncovered decks attached to homes.

This does not allow for the construction of larger garages or big accessory structures, its just for the small improvements people like to make to their homes to make them more livable.

Staff recommends a maximum allowance of less than 500 square feet or appropriate number.

Proposal 5. Exempt one accessory under 200 square feet from the impervious calculation.

This is supported by the HAPC:

Exempt one accessory structure under 200 sf from the impervious calculation. Most of small structures are built on pilings or on skids which minimizes the land disturbance. To be consistent with other zoning districts, staff would recommend referencing:

*“Erection or construction of a one-story detached accessory building used as a tool and storage shed, playhouse, or other accessory use, provided the building area does not exceed 200 square feet; and further provided, that there is already a main building on the same lot.”
HCC 21.70.010(c)(1).*

Conversation with Todd Cook

Mr. Cook, Water/Wastewater Treatment Superintendent is responsible for the water and sewer systems in the City. He reviewed out proposals and in general did not take issue with the suggestions. He has not seen any indication that the quality of the water in the reservoir has changed in the past ten years. His main concerns are with the possibility of high density development. Fuel tanks, septic systems and general erosion are of the greatest concern. So far, negative impacts from these sources have not been indicated in the testing of the water. He has

a great deal of technical knowledge and information and is willing to present to the Planning Commission if so desired.

What happens next? *After listening to input we can further refine the suggestions and seek more public input once they are on paper. We are working on numbers that will show the cumulative effect in consideration of the entire watershed in relation to current regulations. We still need to schedule to hear from others in the field, such as Todd Cook or Cook Inletkeeper to get more input. Cook Inletkeeper requested to present at a worksession in September. A public hearing must also be scheduled.*



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

MANAGER'S REPORT

August 11, 2014

TO: MAYOR WYTHE / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

NOTE: Some of these items appeared in the last report. I have updated them and brought them back in case the Council wanted to discuss.

1. Kachemak City Sewer: I have informed Mayor Morris that the Homer City Council liked his proposal and that I was instructed to bring back a resolution which amends the Fee Schedule for sewer only customers in both Kachemak City and within the Homer City limits. The Mayor was scheduled to relay this information to his City Council this week. Tom Klinkner is working on a draft of a new wastewater agreement between the two Cities. Resolutions amending the fee schedule and approving the new wastewater agreement are scheduled for the August 25 meeting.
2. Ocean Drive Paving and Striping: At the last meeting, the Council discussed the proposed paving and striping plan for Ocean Drive. Council requested a resolution expressing its recommendation that the existing wide bike lane on the South side of the road remain and that the proposed crosswalk at Lake Street be eliminated. A resolution to that effect is included in the agenda for this meeting. I conveyed the Council's recommendations to the ADOT/PF project staff in an e-mail and follow-up phone call last week. In response, the Project Engineer and the Construction Project Manager have decided to come down and address the Council at this meeting. I have scheduled them as a Visitor on the meeting Agenda.
3. DEC Grant Application: Attached is a copy of the City's DEC water and sewer grant application for State Fiscal Year 2016. I have attached this information for your review in part, because the City generally lists DEC projects as its number 1 Priority on the CIP List. These projects are reviewed and scored by DEC and if they score high enough, and funding is available, they are inserted in the Governor's Capital Budget and transmitted to the Legislature for final approval. This application requests a grant in the amount of \$1,922,577. The total estimated project cost is \$2,746,538. A local match of approximately \$800,000 will be needed. In the past, the City has provided local matches by taking low interest loans which reduces pressure on the HAWSP Fund Balance. The loans are repaid through a combination of property assessments and sales tax revenues. The proposed project is phased and includes several components which are included

in the Water and Sewer Master Plan. The projects were designed and engineered using an EPA grant. There is also an alternative energy component.

4. Storm Water Plan: Carey Meyer has submitted a grant application to EPA for a storm water master plan. Storm water and drainage generally, can be a problem in Homer, as you know. We have applied for grants in the past for this purpose but have not yet been successful. The Planning Department nominated a storm water plan as a new project for inclusion in the CIP.
5. FY 2015 Budget Priorities: The Committee of the Whole Agenda for this meeting includes a discussion of Budget Priorities for Fiscal Year 2015. This is the Council first opportunity to let the staff know what its budget priorities are for the next fiscal year. This information is very helpful to me as we prepare the draft budget for next year. In order to help jump start the discussion, I thought it might be a good idea to list my priorities going in to the process. The following list of priorities is not exhaustive but it includes most of the big ones:
 - Restore GF Depreciation Funding
 - Maintain Desirable Fund Balances
 - Sustainable Employee Health Insurance Plan
 - Maintain Existing Programs at Current Staffing Levels
 - City Gas Assessment Payments
 - Borough Loan Repayment
 - Increase Building Maintenance and Police Staffing Levels
 - Wage Scale Adjustments
 - M&O Requirements for New Buildings and Infrastructure
 - P&H Tariff Adjustments
 - W&S Revenues
6. Parks, Arts, Recreation, and Culture (PARC) Needs Assessment: The ink is dry on the contract with the consulting firm Agnew::Beck. The consultant is ready to start work and we anticipate some initial meetings as early as next week. The consultant's first meeting with the PARC Committee will be toward the end of this month or early September. At the time this report was written, there was a possibility that Chis Beck, a principle in the firm, would be available to speak with the Council at this meeting. He will definitely be in town that day doing some initial consultations with key stakeholder groups.
7. Strategic Planning: Katie has received proposals from consulting firms that are interested in facilitating a Council planning session. The objective is to establish priorities and an action plan based on existing already adopted plans; a plan to implement the plan. A proposal review team which includes the Mayor is currently reviewing and rating the proposals. We hope to have a recommendation to you soon on a consultant and the proposed date for the planning session.
8. Finance Department: The Finance Department is very busy this summer with the normal increase in sometime activities. The Department has "recovered" from recent audit and is now gearing up for preparation of the FY 2015 Budget. A great deal of time and effort is going into grant and financial reporting since we currently have so many capital projects in various stages of completion. Department staff members are working hard to test and implement new software that will make ambulance billing and special assessment district accounting more efficient and precise.

9. Clerk's Office: In addition to their regular duties, the Clerk's office is very busy gearing up for the upcoming primary and municipal elections. The candidate filing period is now open and there will be a proposition on the October ballot.
10. Police Department: HPD continues to be very busy this summer. The jail has not seen too many vacancies. Last week we said goodbye to Officer Steve Smith who is retiring after many years of service with HPD and the Alaska State troopers. Steve Smith was an excellent officer and he was loved and well respected by the community. He will be missed and we wish him the best in all of his future adventures.
11. Fire Department: Chief Painter reports that the two temporary, summertime EMT/firefighters that the Council approved are working out great. Summer is often a difficult time to get volunteers to respond in sufficient numbers to emergency medical or fire calls. Because it is summer, many volunteers have other things calling them, like the rest of us. Having these two paid staff members at the station and available to respond has been very helpful and HVFD has been able to keep its level of service high during the busiest part of the year. These positions have been particularly helpful with emergency medical calls. It is my intent to try and fit funding for these two positions in the budget for next year.
12. Library: Library Director Ann Dixon reports that the temporary/part time position the Council approved has also been very helpful. This staff person has been stationed almost exclusively at the front reference desk which frees the staff up to do other tasks and assist library patrons. The library is experiencing record numbers of visitors. At the last meeting, Council member Van Dyke noted that the Library has passed the 1 million visitation mark. The library reports that it had 12,242 visits in June (up from 10,639 last June) and 12,997 visits in July. There were only two months this year (February and May) in which visitation was less than 10,000. Library circulation in July was 11,892 which is significantly up over July of last year (9,612). The Summer Reading Program has more kids signed up than ever, over 300.
13. Construction Projects: You may have noticed that the slab is poured and framing has already begun on the new Port and Harbor Office Building. The contractor has an aggressive construction schedule and the new expectation is that the Port and Harbor staff may be able to occupy the building as soon as March of next year. What you probably haven't noticed is that the steel frame of the new Skyline Fire Station is up and that project is moving along as well. Both buildings should be closed in by winter so work can proceed on the interior. The City is waiting for the final design plans on the Load and Launch Ramp work and will put that out to bid as soon as possible. We also expect to solicit RFPs from engineering firms for the preconstruction work on the proposed Deep Water Dock expansion within the next few weeks. The harbor work, including float replacements, water and electric service to System 5, and Ramp 3 replacement will begin this fall.

ATTACHMENTS

1. SFY 2016 DEC Municipal Matching Grant Questionnaire – Storm Water Master Plan
2. SFY 2016 DEC Municipal Matching Grant Questionnaire – Water Storage/Distribution Improvements

38 ATTEST:

39

40

41

42



JO JOHNSON, MMC, CITY CLERK

43

44

Fiscal Note: N/A

45





City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Memorandum

TO: Mayor Wythe and Homer City Council
FROM: Homer Advisory Planning Commission
DATE: August 20, 2014
SUBJECT: Capital Improvement Plan Recommendations

At the August 6, 2014 regular meeting, the Homer Advisory Planning Commission voted unanimously to forward the following priorities to City Council for the Capital Improvement List:

1. Water Storage Distribution Improvements and Storm Water Master Plan
2. At least one restroom at the trailhead on Kachemak Drive and Homer Spit Road.

Staff Recommendation:

Council accept the recommendations of the Homer Advisory Planning Commission.

Attachments:

HAPC Regular Meeting Minutes of August 6, 2014 excerpt

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 6, 2014

- There was general support of allowing up to 5000 sf.
- The 1 acre lot with 5000 sf brings it up to 7.6%, it isn't a dramatic difference from 6.4%. Most of the smaller lots are closer to the 1.5 acre size.
- A mitigation plan would still be required at 5000 sf.

The group discussed their interest in knowing information about water quality of the reservoir, before the water is treated. Monitoring the pretreated water is the only way to tell if these regulations are making a difference in maintaining water quality. City Planner Abboud said he would see if there is information available.

Proposal 4. Exempt uncovered decks connected to a primary structure from the impervious calculation.

- It's difficult to determine how much water comes off a deck.
- A percentage of the structure could be a way to address it.

Proposal 5. Exempt one accessory structure under 200 sf from the impervious calculation.

- There was general support regarding proposal 5.

The Commission took a break at 8:40 p.m. and the meeting resumed at 8:43 p.m.

New Business

A. Staff Report PL 14-74, CIP List Recommendations. Bring CIP from the July 16th packet

ERICKSON/HIGHLAND MOVED TO RECOMMEND INCLUDING A CIP ITEM FOR AT LEAST ONE RESTROOM AT THE TRAILHEAD ON KACHEMAK DRIVE AND THE SPIT ROAD.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

HIGHLAND/STEAD MOVE TO RECOMMEND INCLUDING IN THE 2015 CIP LIST, WATER STORAGE DISTRICT IMPROVEMENTS AND STORM WATER MASTER PLAN.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Stroozas commented that both items recommended are good ones. He mentioned the ice plant earlier, which was number three on their list. The ice plant is a money maker for the city and improving it with new generators that would run on natural gas, would save the city money and enable them to produce ice with a higher profit margin. It's number one on his list.



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

August 12, 2014

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE

MEETING OF AUGUST 11, 2014

RE: Bidarka Hts Unit 3 Knutson Replat Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of August 11, 2014 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; and 20.40.

This notice and unapproved minutes of the subject portion of the meeting were sent August 12, 2014 to:

City of: City of Homer
491 East Pioneer Avenue
Homer, AK 99603

Advisory Planning Commission/Community Council: Homer Advisory Planning Commission
491 East Pioneer Avenue
Homer, AK 99603

Survey Firm: Johnson Surveying
Box 27
Clam Guich, AK 99568

Subdivider/Petitioner: Tracey L. Knutson
PO Box 1026
Girdwood, AK 99587-1026

KPB File Number: 2014-098



AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

Staff Report given by Patti Hartley

Plat Committee Meeting: 8/11/14

Staff has grouped the plats located under **AGENDA ITEM E (AGENDA ITEM F - FINAL PLATS WILL NEED SEPARATE REVIEW)**. They are grouped as:

- A. **Simple** (lot splits, small number of lots, replats, no exceptions required) or non-controversial (may require redesigns, create larger number of lots, no public comments received, no exceptions required) – 2 Plats
 - 2. Bidarka Hts. Unit 3 Knutson Replat; File 2014-098 [Johnson / Knutson]
 - 4. Barkman Sub 2014 Addition, File 2014-099 [Integrity / Barkman]

Staff recommends the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this group and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

END OF STAFF REPORT

Chairman Tauriainen opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Tauriainen closed the public hearing and opened discussion among the Committee.

MOTION: Commissioner Ruffner moved, seconded by Commissioner Isham to grant approval of the following preliminary plats.

- 2. Bidarka Hts. Unit 3 Knutson Replat; File 2014-098 [Johnson / Knutson]
- 4. Barkman Sub 2014 Addition, File 2014-099 [Integrity / Barkman]

VOTE: The motion passed by unanimous consent

COLLINS YES	HOLSTEN YES	ISHAM YES	LOCKWOOD ABSENT	RUFFNER YES	TAURIAINEN YES	5 YES 1 ABSENT
----------------	----------------	--------------	--------------------	----------------	-------------------	-------------------

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

- 2. Bidarka Heights Unit 3 Knutson Replat
KPB File 2014-098; Johnson/Knutson

STAFF REPORT

Plat Committee Meeting: 8/11/14

Location: City of Homer
 Proposed Use: Residential
 Water/Sewer: On-site
 Zoning: Rural Residential
 Assessing Use: Vacant
 Parent Parcel Number(s): 175-010-66, 175-010-67

Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing 5.8 acres. A soils report is not required. The subdivision fronts constructed Highland Drive.

Homer Advisory Planning Commission approved the plat on June 4, 2014 subject to:

1. Add labels for the adjacent lands to include the subdivision names.
Borough staff comments: Staff recommends compliance with the Homer Commission's recommendation.
2. Carry forward Plat Note 5 from the preceding Plat 2008-05 Homer Recording District: The 5 ft. adjacent on side lot lines is a utility easement.
Borough staff comments: The graphic depiction of the 5-foot utility easements is sufficient.
3. Show the 5 ft. utility easement on the side lot lines and include the easement vacation for the lot line that is being vacated.
Borough staff comments: The requested depiction is on the plat submitted for KPB review.
4. Add Note #5, development activities subject to City of Homer zoning regulations.
Borough staff comments: The requested plat note is on the plat provided for KPB review. Staff recommends the spelling of development be corrected.
5. Add Note #6, lot contains wetlands. Contact Army Corps of Engineers prior to any development activity.
Borough staff comments: The requested plat note is on the plat provided for KPB review. Staff recommends the spelling of development be corrected.
6. Eliminate, "which would interfere with the ability of a utility to use the easement" from Note #1.
Borough staff comments: This wording is required by KPB 20.60.150 and would require an exception by the Plat Committee to be revised. Staff could not support an exception to revise this plat note.

Notice of the proposed replat was mailed to the beneficial interest holder on July 10, 2014. The beneficial interest holder will be given 30 days from the date of the mailing to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Physical addresses may be affected by the replat. Homer Planning and Zoning Department can answer questions about the effect of the replat on addresses.

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

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AS FOLLOWS:

20.25.070 - Form and contents required.

Platting staff comments: The plat complies with the following portions of 20.25.070: B-E, H, J, and M.

Platting staff comments: The following portions of 20.25.070 are not applicable to the subject plat: I, L, N, and O.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- A. Within the Title Block
 1. Name 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 plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Platting Staff Comments: Staff recommends:

- Correct the Range: R14W
- Confirm the owner's address; KPB records show P.O. Box 3504, Homer

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;

Platting Staff Comments: Staff recommends the source of the 200-foot drainage easement be noted on the plat.

- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Platting Staff Comments: Staff recommends the lot numbers for the subdivision to the north be labeled (23, 24, and 25) and Fogle Addition be added to the status label to the east.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Platting Staff Comments: Per the Homer City staff report, city utilities do not adjoin the proposed replat.

20.25.080. Petition required. A petition shall be submitted with each subdivision, abbreviated subdivision and plat waiver subdivision and shall include:

Platting staff comments: The submittal complies with 20.25.080 (A, B, D, and E).

Platting staff comments: The following portion of 20.25.080 is not applicable to the subject plat: C

KPB 20.30 Design Requirements

Platting staff comments: The plat complies with the following portions of 20.30: 20.30.050, 20.30.090, 20.30.120, 20.30.130, 20.30.190, 20.30.200, 20.30.210, 20.30.220, and 20.30.250.

Platting staff comments: The following portions of 20.30 are not applicable to the subject plat: 20.30.020, 20.30.040, 20.30.100, 20.30.110, 20.30.140, 20.30.150, 20.30.160, 20.30.230, 20.30.240, and 20.30.260.

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

20.30.030. Proposed street layout-Requirements.

Platting Staff Comments: Notice of the proposed subdivision was mailed to DOT as part of the routine agency notification process. The proposed replat does not front a State right-of-way.

20.30.060. Easements-Requirements.

Platting Staff Comments: The affected utility providers were mailed the subdivision plat public hearing notice as part of the routine notification process. Staff recommends compliance with 20.30.060.

20.30.070. Lots on major streets-Access requirements.

Platting Staff Comments: Notice of the proposed subdivision was sent to the KPB Roads Department as part of the routine agency notification process. The proposed replat does not front a KPB right-of-way.

20.30.080. Alleys.

Alleys are prohibited unless allowed by city ordinance.

Platting Staff Comments: Homer Advisory Planning Commission did not recommend alleys.

20.30.170. Blocks-Length requirements.

Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Platting Staff Comments: The block is longer than allowed by 20.30.170.

If the subject plat granted a 30-foot half right-of-way along its eastern boundary, the block would come closer to being compliant with 20.30.170. In order to aid block length, right-of-way would need to be continued through the subdivision to the north to connect with Bay Ridge Road. However, the submittal shows this area is affected by slopes greater than 20 percent. KPB GIS mapping supports this depiction.

KPB GIS mapping shows the parcels to the north are significantly affected by steep terrain. Right-of-way through the subdivision to the north does not appear to be a practical solution for block length.

Right-of-way could not be dedicated along the western boundary of the subject plat due to low wet areas, some of which have been designated as wetland-upland complex per the City of Homer staff report.

Staff will recommend a 60-foot right-of-way for Highland Drive to connect the two existing segments of Highland Drive when the 21-acre Tract 3 to the east is further subdivided. This will complete the block and create a complete (albeit somewhat long) loop access for the block.

*Based on slopes greater than 20 percent and low wet areas affecting the proposed plat and the subdivision to the north, **staff recommends** the Committee concur that this platting action cannot practically assist with block length.*

20.30.180. Pedestrian ways required when.

Platting Staff Comments: Homer Advisory Planning Commission did not recommend pedestrian ways.

20.30.270. Different standards in cities.

Platting Staff Comments: Homer Advisory Planning Commission did not recommend application of different standards.

20.30.280. Floodplain requirements.

Platting Staff Comments: River Center review was not available when the staff report was prepared.

The City of Homer administers the floodplain program by HCC 21.41 Flood Prone Areas. Per the Homer City staff report, the proposed plat is within Zone D, flood hazards undetermined.

The parent plat granted a 100-foot wide drainage easement on both sides of the creek for the preservation and maintenance of the watercourse. The City of Homer accepted the drainage easement on the parent plat.

Per KPB 21.06.050, it is the responsibility of the subdivider to provide all necessary information regarding flood protection measures at the time the preliminary plat is presented for consideration by the planning commission.

20.30.290. Anadromous habitat protection district.

Platting Staff Comments: Per KPB GIS mapping, the subdivision is not affected by the Anadromous Habitat Protection District.

Per KPB GIS mapping, no anadromous streams flow through the subdivision.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: The appropriate wastewater disposal note is on the plat.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF THE FINAL PLAT (KPB 20.60)

Platting staff comments: The plat complies with the following portions of 20.60: 20.60.110, 20.60.130, and 20.60.140.

Platting staff comments: The following portions of 20.60 are not applicable to the subject plat: 20.60.040, 20.60.050, 20.60.060, 20.60.090, and 20.60.100.

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required

20.60.010. Preparation requirements generally.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.010.*

20.60.020. Filing-Form and number of copies required.

*Platting Staff Comments: **Staff recommends** two full-sized paper copies of the plat be submitted for final review prior to submittal of the mylar. **Staff recommends** compliance with 20.60.020.*

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.030.*

20.60.070. Plat specifications.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.070.*

20.60.080. Improvements-Installation agreement required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.080.*

20.60.120. Accuracy of measurements.

All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** compliance with 20.60.120.*

20.60.150. Utility easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.150.*

20.60.160. Easements.

*Platting Staff Comments: **Staff recommends** a note be placed on the final plat for the general easement of record granted to Homer Electric Association including the recording information.*

***Staff recommends** compliance with 20.60.160.*

20.60.170. Other data required by law.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

*Platting Staff Comments: **Staff recommends** a plat note be placed on the final plat for the private restrictive covenants.*

The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.

***Staff recommends** compliance with 20.60.170.*

20.60.180. Plat notes.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: **Staff recommends** compliance with 20.60.190.

20.60.200. Survey and monumentation.

Platting Staff Comments: **Staff recommends** compliance with 20.60.200, show monumentation of record.

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff recommends compliance with 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: *If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.*

The planning director may refer the final plat to the planning commission when:

1. *Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
2. *Final approval by the commission was a condition of preliminary approval; or*
3. *The planning director determines there are other conditions to support referral to the commission.*

KPB 20.70 – Vacation Requirements

Platting Staff comments: *Per the submittal, the 10-foot utility easement centered on the former common lot line will be vacated by this platting action. A utility easement vacation petition has not yet been submitted. Once a complete utility easement vacation petition has been submitted, it will be processed per KPB 20.70. If the utility easement vacation is approved, **staff recommends** the plat conform to the conditions and approval of the vacation.*

NOTE: REVIEW OF A DECISION OF THE PLAT COMMITTEE MAY BE HEARD BY THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR ON A FORM PROVIDED BY THE BOROUGH PLANNING DEPARTMENT. THE REQUEST FOR REVIEW SHALL BE FILED WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE OR SERVICE BY MAIL.

A REQUEST FOR REVIEW MAY BE FILED BY ANY PERSON OR AGENCY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING EITHER BY WRITTEN OR ORAL PRESENTATION. THE REQUEST MUST HAVE AN ORIGINAL SIGNATURE; FILING ELECTRONICALLY OR BY FACSIMILE IS PROHIBITED. THE REQUEST FOR REVIEW MUST BRIEFLY STATE THE REASON FOR THE REVIEW REQUEST AND APPLICABLE PROVISIONS OF BOROUGH CODE OR OTHER LAW UPON WHICH THE REQUEST FOR REVIEW IS BASED.

NOTICE OF THE REVIEW HEARING WILL BE ISSUED BY STAFF TO THE ORIGINAL RECIPIENTS OF THE PLAT COMMITTEE PUBLIC HEARING NOTICE. CASES REVIEWED SHALL BE HEARD DE NOVO BY THE PLANNING COMMISSION ACTING AS THE PLATTING BOARD (KPB 2.40.080).

END OF STAFF REPORT

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

4. Barkman Subdivision 2014 Addition
KPB File 2014-099; Integrity/Barkman

STAFF REPORT

Plat Committee Meeting: 8/11/14

Location: On Appaloosa Lane, Soldotna area