

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.
2. Cook Inlet Keeper Executive Director, Bob Shavelson, to speak about the Proposal to amend the Bridge Creek Watershed Protection District **page 49 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 September 3, 2014 meeting **pg. 5**

6. Presentations

7. Reports

A. Staff Report PL 14-84, City Planner's Report **pg. 11**

B. Kenai Peninsula Borough Planning Commission Report – Franco Venuti

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 14-85, Proposed zoning code amendments to change where heliports and helipads are allowed within the City, creates a definition for helipads and changes the definition of hospital **pg. 17**

B. Staff Report PL 14-86, Ordinance 14-45 Amending Homer City Code 21.93.060 Standing – Appeal to Board of Adjustment and 21.93.500 Parties Eligible to Appeal to Board of Adjustment – Notice of Appearance, Providing for the City Planner or Designee to Participate in Appeals to the Board of Adjustment **pg. 41**

9. Plat Consideration

10. Pending Business

A. Staff Report PL 14-87, Proposal to amend the Bridge Creek Watershed Protection District **pg. 49**

11. New Business

A. Staff Report PL 14-88, An ordinance of the Homer City Council amending Homer City Code 21.70.010, Zoning permit required, and 21.90.030, Invalid land use permits, regarding the requirement for a zoning permit and the relationship of zoning violations to permit issuance **pg. 61**

12. Informational Materials

A. City Manager's Report September 8th, 2014 **pg. 67**

B. Joanne Thordarson Letter - view obstruction with new development in Forest Glenn Subdivision **pg. 71**

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 October 1, 2014. A work session will be held at 5:30 pm.

Session 14-16, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Acting Chair Bos at 6:30 p.m. on September 3, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, ERICKSON, HIGHLAND, VENUTI

ABSENT: STEAD, STROOZAS

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Acting Chair Bos called for approval of the agenda.

HIGHLAND/VENUTI 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).

Reconsideration

Adoption of Consent Agenda

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

A. Approval of Minutes of August 20, 2014 meeting

Acting Chair Bos called for a motion to adopt the consent agenda.

HIGHLAND/ERICKSON SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 14-81, City Planner's Report

City Planner Abboud reviewed the staff report.

Public Hearings

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

There were no public hearings scheduled.

Plat Consideration

- A. Staff Report PL 14-82, Homer Enterprises Inc. Subdivision Resetarits Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant presentation.

Michael Squires, city resident and neighboring property owner, had questions about the reason for the replat and what impact the replat will have on property taxes. City Planner Abboud replied that he doesn't have any information from the applicant regarding their intent for the replat, but any activity will have to be in accordance with urban residential zoning. He said he doesn't know about any affect it will have related to property taxes.

There were no further public comments.

Question was raised whether the applicant had been advised that this will not eliminate an assessment for the natural gas line. City Planner Abboud said he has not spoken with the applicant and does not know if they are aware.

There was discussion about the need to advise property owners who are eliminating lot lines that the deadline for being exempt from gas line assessment has passed.

HIGHLAND/ERICKSON MOVED TO APPROVE STAFF REPORT PL 14-82, HOMER ENTERPRISES INC. SUBDIVISION RESETARITS REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.
Motion carried.

Pending Business

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 3, 2014

A. Staff Report PL 14-83, Proposal to amend to the Bridge Creek Watershed Protection District.

City Planner Abboud commented that Cookinlet Keeper will be providing feedback at a future meeting and briefly reviewed the staff report and the proposals included in the report.

ERICKSON/HIGHLAND MOVED TO ACCEPT PROPOSAL 2, 4, AND 5 AS IS.

Proposal 2: Staff, rather than the Commission, will approve mitigation plans. Code requirements for mitigation plans will be drafted based on prior staff reports and meeting minutes.

Proposal 4: Uncovered decks connected to a primary structure are exempt from impervious calculations (up to 500 square feet.)

Proposal 5: One accessory structure up to 200 square feet is allowed without a zoning permit and is not counted toward impervious coverage on the lot.

Comments included:

- Proposals 2, 4, and 5 gives the property owners a little more flexibility and simpler for the planning department. It's a good compromise to get started without a lot of extra work.
- There haven't been a lot of property owners clamoring for this change. The realtors have an interest.
- Water quality is the most important aspect to all of us and unless we get a lot of people clamoring for change, then there isn't a pressing reason to change.
- Decisions should be made based on feedback from the people who live there.
- Uncovered decks being exempt seem reasonable.
- The numbers in 4 and 5 would be in addition to the total square foot allowable coverage.

There was discussion about the impact of proposals 4 and 5, on current residents and impervious coverage.

ERICKSON/HIGHLAND MOVED TO AMEND PROPOSAL 4 THAT THE 500 SQUARE FEET INCLUDES THE EXISTING DECKS.

There was discussion that this will help clarify the intent that existing residents can have the exemption for up to 500 sf of deck. City Planner Abboud suggested after the amendment proposal 4 would read uncovered decks, including existing decks, connected to a primary structure are exempt from impervious calculations (up to 500 sf).

VOTE: (Amendment) YES: BOS, HIGHLAND, ERICKSON, BRADLEY
NO: VENUTI

Motion carried.

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

VOTE: (Main motion as amended): YES: HIGHLAND, ERICKSON, VENUTI, BRADLEY, BOS

Motion carried.

HIGHLAND/ERICKSON MOVED TO ACCEPT PROPOSAL THREE.

Proposal 3: Set a maximum amount of developable area for smaller lots. Staff recommends for lots under 3 acres:

1. *An impervious surface maximum of 5,500 square feet.*
2. *A property may have 4.2% impervious surface without a mitigation plan.*
3. *Eliminate the provision of an increase to 6.4%, instead, the cap is a flat 5,500 square feet.*
4. *If a property wants to go over 4.2%, a mitigation plan is required*

Comments included:

- The realtor's suggestion of a 6200 sf coverage allowance to encompass a 2000 to 2200 sf house seems reasonable for growing families. Reducing it to 5500 reduces the size of those family houses.
- Access is a key point in how much coverage is needed. Some of the lots need long driveways.
- With the demographics of an aging population, is 5500 sf adequate for a ranch still home and attached garage.
- It's hard to say whether or not the 2.5 acre lots will need enough driveway construction to use up a significant amount of impervious coverage.
- 5500 sf allowance with the 500 sf deck and 200 sf out building is still a 6200 sf allowance overall. Less than 5500 sf allowed would not be adequate for development.

There was discussion for clarification that the 4 recommendations in proposals three would all be options for development on lots less than three acres.

In response to the suggestion of an incentive for property owners to purchase the empty lot next to them and leave it vacant to help protect the watershed, City Planner Abboud explained it could work in a place where there is a lot of pressure for development and a lot of opportunity for protection. In this case it could eventually raise issue with non-conformity. It is also questionable if the demand is there.

There was further discussion reviewing and clarifying the calculations addressed in the effects of proposal three.

VOTE: YES: ERICKSON, BRADLEY, BOS, HIGHLAND, VENUTI

Motion carried.

HIGHLAND/VENUTI MOVED TO ACCEPT PROPOSAL ONE.

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

There was discussion that there is an allowance in code that a property owner can be excluded if they provide evidence the entire lot is out of the watershed. Allowing a portion of a lot to be excluded can raise issue with meandering lines, manipulating lots, and how the property can be developed.

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

Motion failed.

VENUTI/BOS MOVED TO ACCEPT THE PROPOSAL TO ALLOW MOVING PROPERTY LINES TO FOLLOW WATERSHED BOUNDARIES.

There was discussion that this is like proposal one, where it raises similar issues. There is already a requirement lots can't be subdivided smaller than 4.5 acres.

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

Motion failed.

New Business

Informational Materials

- A. City Manager's Report, August 25, 2014
- B. Kenai Peninsula Borough Planning Commission Notice of Decision Re: James Waddell Survey Petska Addition Time Extension Request

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 said well-done Mr. Bos.

Commissioner Bradley had no comment.

Commissioner Erickson said it was a fun meeting.

Commissioner Venuti said Mr. Bos was a great Chair tonight.

Acting Chair Bos said it was a good meeting. He liked the talk about the water shed and water quality.

Adjourn

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 3, 2014

There being no further business to come before the Commission, the meeting adjourned at p.m. The next regular meeting is scheduled for September 17, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



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STAFF REPORT PL 14-84

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: September 17, 2014
SUBJECT: City Planner's Report

Old Town: The Planning staff has nominated the Bunnell Street Arts Center for the 2014 Grassroots Initiative Award. "Bunnell's Old Town ArtPlace Initiative continues to utilize the planning process to address a long standing challenge of speeding traffic and pedestrian accessibility, and increase the sense of place in this unique Homer business district through creative placemaking: projects that inspire community participation and neighborhood stewardship, aesthetic improvements, safety and economic vibrancy."

Joint work session with City Council on October 23, 2014

This is an opportunity for the Commission to get input and direction from the City Council for various issues.

So far, the agenda items will include:

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

The Alaska Chapter of the American Planning Association Specialized Commissioner Training will be held on Sunday, Nov. 16th. Additional training on Monday and Tuesday, Nov 17th and 18th, will be held on topics geared for professional planners. The conference will be held in Anchorage at the Hotel Captain Cook. We do have (limited) funds available to cover registration and hotel for the training and priority will be given to the newest members of the Commission. Please tell Rick if you're interested or email him and cc Travis before the September 17 meeting. The Sunday planning commissioner training agenda is attached.

Flood Risk Information Open House was held on September 11, 2014

The meeting started with FEMA explaining why and how they are involved in coastal floodplain management and identifying the scope of the Flood Insurance Study and Insurance Rate Maps. A property identification station was provided where property owners could have a map printed out showing their property and flood designation. They could then take that information to the insurance specialist to talk about how rates may be affected by the changes. Time was allowed for Q&A and Travis heard from more than one property owner that the open house was very helpful in understanding how floodplain regulation affects their property. The map updates are expected to become effective in October or November of 2015.

You can find the preliminary FIRMs at our website: <http://www.cityofhomer-ak.gov/planning/2014-coastal-floodplain-update>

City Council

Pending business – *This ordinance was postponed in order to have a review by the Planning Commission as required in code.*

Ordinance 14-45, An Ordinance of the Homer City Council Amending Homer City Code 21.93.060 Standing – Appeal to Board of Adjustment and 21.93.500 Parties Eligible to Appeal to Board of Adjustment – Notice of Appearance, Providing for the City Planner or Designee to Participate in Appeals to the Board of Adjustment. City Manager. Recommended dates: Introduction August 25, 2014, Public Hearing and Second Reading September 8, 2014. Memorandum 14-123 from City Attorney as backup.

REFERRED to the Planning Commission and POSTPONED to September 22, 2014 for second reading and public hearing.

SEE STAFF REPORT 14-86 ON THIS AGENDA

The City Council will hear an appeal to the decision regarding CUP 14-05, Windjammer building September 15th at 6pm.

Attachments:

Alaska Planning Conference 2014 Draft Planning Commissioner Training Agenda
Old town nomination for Alaska APA 2014 Grassroots Initiative Award

ALASKA PLANNING CONFERENCE 2014

Draft Planning Commissioner Training



Sunday, November 16, 2014

- 8:30 AM –
9:00 AM REGISTRATION AND BREAKFAST
- 9:00 AM -
10:00 AM Planning Commissioner 101 – fast and furious. Just the basics.
Provide a general overview of the AK PC handbook, and statutory basis for planning in the state.
- 10:00 AM - Robert's Rules – meeting etiquette. What to do in hairy situations.
11:00 AM
- When people disagree
 - When new information shows up
 - Dealing w/ upset people
 - Dealing with upset decision makers
 - When people make mistakes (how do you fix it, what are your options).
 -
- 11:00 AM - Let's get Quasi-judicial! Site Plan Review, CUP, and Variances. How to read
11:45 AM applications, review site plans, and make good decisions.
- 11:45 AM -
1:00 PM LUNCH
- 1:00 PM -
2:00PM Advanced PC; legal issues for Planning Commissioners:
- Due process, equal protection, 1st 5th 14th amendment rights.
 - Ethical considerations (conflict or interest and bias)
 - Ex-parte communication
 - When staff and commission don't agree.
 - When you disapprove something, what then? (drafting findings to support a denial)
 - Conditional Uses – how far can we take it? (how much latitude to impose additional conditions)
 - Any recent AK court cases of note
 -
- 2:00 PM – Plans – the other half of the planning commissioner job. Comp. plan, master
2:45 PM plan, trails plan, CIP. Why are they important and how to write them, how to use them. Examples, funding sources, additional resources.
- 3:00 PM – A round-table peer discussion on issues/concerns of interest in communities.
4:00 PM

Training will be held at the Hotel Captain Cook in Anchorage, Alaska.

Early Bird Registration (until October 15): \$125 Regular Registration: \$150

To register, please go to <https://www.planning.org/chapters/alaska/conference/>

Homer's Old Town ArtPlace Initiative

Project Website: <http://www.bunnellarts.org/old-town-artplace-initiative/>

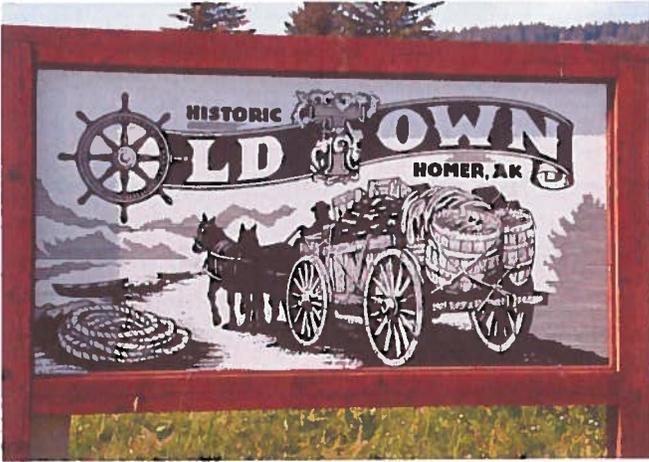
The City of Homer would like to nominate Bunnell Street Arts Center for the 2014 Grassroots Initiative Award. Bunnell's Old Town ArtPlace Initiative continues to utilize the planning process to address a long standing challenge of speeding traffic and pedestrian accessibility, and increase the sense of place in this unique Homer business district through creative placemaking: projects that inspire community participation and neighborhood stewardship, aesthetic improvements, safety and economic vibrancy.

Old Town is a popular small neighborhood between the Sterling Highway and Kachemak Bay. The eclectic mix of restaurants, housing, lodging, an art gallery, and retail as well as one of the most popular beach parks in Homer, make this a busy neighborhood year round. This popularity has also resulted in lots of traffic on the narrow streets, which dead end in this neighborhood. Bunnell Street Arts Center began hosting neighborhood gatherings to address these issues in 2012. Rather than the traditional process of the City holding meetings, the Arts Center facilitated gatherings to discuss ideas, and invited key city officials and other community members to participate and contribute their expertise. The planning process expanded with the award of the ArtPlace grant.

The Old Town neighborhood has addressed safety in some very effective ways, such as signage and traffic calming, coupled with unique "out of the box" approaches which have brought life and energy into Homer's Old Town. As in many small communities, Homer cannot afford traditional sidewalks (and the resulting curb and gutter drainage systems) in every location where they are desired. Old Town has narrow rights of way, and is a popular destination for cyclists, pedestrians and drivers alike. Through the Arts Center's continued efforts, the neighborhood leveraged city funding for shoulder paving and striping to designate a pedestrian path along Bunnell Ave, constructed a pedestrian trail, painted crosswalks, paved the major public parking lot, and installed new signage. This along with future speed bumps and humps, and flashing speed signs will help reduce traffic speeds, creating a safer and friendlier walking environment. Altogether, the City of Homer has approved \$180,000 in road and trail improvements. The Old Town neighborhood was so successful in their unified planning and lobbying efforts that the City is using this neighborhood as a pilot project to guide pedestrian improvements in other parts of the community.

The ArtPlace Initiative provided Bunnell Street Arts Center an additional \$150,000 in funding for Creative Placemaking. The grant was used for a variety of projects, but some of the most visible are the new murals on several buildings. One of the first, pictured below, depicts the lifecycle of fireweed. The mural consists of wood panels mounted to a fence at a local business. The panels can be removed in winter, to prolong the life of the artwork. What had been a blank wall on the streetscape is now an interesting piece of artwork, painted by local artist Dan Coe. Another example is Bouy's and Barrels, an installation that extends from the front porch of Bunnell to the street, a welcome to Old Town hand-painted sign, and new mural on Fat Olives, as well as Breezy's Bench and Old Town People's Garden on the boardwalk adjacent to Bunnell Street Arts Center. All of these additions have slowed traffic, invited people to walk around and explore the neighborhood. Murals, creative signage and public art installations have increased the sense of place in Old Town. This process has forged new relationships between public and private partners, and created a new attitude on collective problem solving between the city and land owners, and between land owners.





Far more refreshing and certainly worth celebrating is the creative partnerships that helps provide a sense of "place." Today, you'll see both vehicles and pedestrians slowing-down to cherish the neighbor pride and unique character



"Dinner in the Street" was a fundraiser for Creative Placemaking in Homer's Old Town. Artists, restaurants, musicians, businesses and the community celebrated the sense of "place" for community engagement with 200 of the friends and neighbors raising \$13,000.

The event began with West-African style drumming to lead dinner guests onto Bunnell Street. Guests dined on appetizers at picnic tables in the center of the street.

Then the crowd sauntered down Bunnell Avenue to the Elk's Lodge where Kachemak Bay Seafood Bouillabaisse was served. Serenaded guests bid on auction items and topped the evening off with local rhubarb pie for dessert.

Creative Partnerships (Old Town ArtPlace) together with the City of Homer and neighborhood businesses funded:

Edible gardens • Painted murals • Benches made of recycled materials • Poetry that describes the Beluga Slough natural environment • Interesting bike racks • Peony garden planted beside the boardwalk • Crosswalk striping and signage • Reduced speed limit • New trail construction • Paved parking at Bishop's Beach • Widened shoulder with narrowed travel lanes on Bunnell Ave • Outdoor sculpture - Future installation of speed humps, bumps and automated speed signs to slow neighborhood traffic further

Homer's Comprehensive Plan describes a public/private partnership that "Aims for future buildings to continue in the style of the older buildings" by using "public/private partnerships, Business Improvement Districts, or Tax Increment Financing to improve streetscapes, including better sidewalks, landscaping, and building facades." This project leveraged \$180,000 from the City of Homer's Accelerated Roads and Trails Programs, a dedicated sales tax fund for road and trail improvements. The ArtPlace Initiative funded an additional \$150,000.

Partnerships:

City of Homer: Public Works, Planning Office, Public Art Committee, and Parks and Recreation Commission
 ArtPlace Initiative, ArtPlace America * Alaska State Council on the Arts * Bunnell Street Arts Center Artist in Residence Program * Alaska Islands and Oceans Visitor Center * US Fish and Wildlife Service * Homer Chamber of Commerce * Numerous businesses, residents and land owners



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Staff Report PL 14-85

TO: Homer Advisory Planning Commission / Public
FROM: Rick Abboud, City Planner
DATE: September 17, 2014
SUBJECT: Heliport Public Hearing

Introduction: The Planning Commission wishes to address the many current provisions for “heliports” within the city boundaries. It is currently found as a conditional use in most districts. Not aware of the need for such operations throughout the city, the Commission wishes to refine where helicopters may best fit in with surrounding land uses.

In reviewing the allowance of “heliport” it was found that “helipad” was a use differentiated from “heliport” in that it was basically for loading and unloading of passengers only and would not permanently stage or service helicopters, such as the use found associated with the hospital.

Below is a rundown of the suggested changes. This is a reflection of the complete reference to “heliport and “helipad” in the entire zoning code. In regards to the recommendation made in the Bridge Creek Watershed Protection District, the City of Homer only has the right to make regulation regarding the preservation of water quality and in the case where the district ‘overlays’ the Rural Residential District the rule of the ‘more restrictive’ regulation prevails thus, no heliport/helipad operations would be allowed.

Analysis: Upon recommendation from the Planning Commission the following changes are recommended.

Remove from code the currently listed conditional use of “Heliport” from the following districts:

1. Rural Residential
2. Urban Residential
3. Central Business District
4. General Commercial 1
5. Marine Commercial
6. Open Space-Recreational

Add Helipad as a conditional use to the following districts:

1. Residential Office (only as an accessory use incidental to a hospital conditional use)
2. General Commercial 2
3. Marine Industrial
4. Bridge Creek Watershed Protection

Heliports would remain as a conditional use in the Marine Industrial District and as a permitted use in the General Commercial 2 District (airport)

Staff Recommendation: Take testimony and make recommendations to the City Council for adoption. If testimony is such that a change might be warranted, make motion and move to additional public hearing.

Attachments

1. Draft Ordinance
2. Memo 14-02
3. Letter to interested parties
4. Public comments

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**CITY OF HOMER
HOMER, ALASKA**

ORDINANCE 14-__

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS; HOMER CITY CODE 21.12.030, 21.14.030, 21.16.030, 21.18.030, 21.24.030, 21.26.030, 21.28.030, 21.30.030, 21.32.030 AND 21.40.050, CONDITIONAL USES AND STRUCTURES; AND HOMER CITY CODE AND PERMITTED USES AND STRUCTURES, TO DEFINE THE TERMS HELIPAD AND HOSPITAL, TO DELETE HELIPOINT AS A CONDITIONAL USE IN THE RURAL RESIDENTIAL, URBAN RESIDENTIAL, CENTRAL BUSINESS DISTRICT, GENERAL COMMERCIAL ¹, MARINE COMMERCIAL AND OPEN SPACE – RECREATION ZONING DISTRICTS; TO DELETE HELIPOINT AS A PERMITTED USE IN THE GENERAL COMMERCIAL ² DISTRICT, TO ADD HELIPAD AS A CONDITIONAL USE ACCESSORY TO A HOSPITAL IN THE RESIDENTIAL OFFICE ZONING DISTRICT AND ADD HELIPAD AS A CONDITIONAL USE IN THE GENERAL COMMERCIAL ², MARINE INDUSTRIAL AND BRIDGE CREEK WATERSHED PROTECTION DISTRICT ZONING DISTRICTS;

THE CITY OF HOMER ORDAINS:

Section 1. HCC 21.03.040 Definitions, is amended by adding definitions of “helipad” and “hospital” to read as follows:

“Helipad” means any surface where a helicopter takes off or lands, but excludes permanent facilities for loading or unloading goods or passengers, or for fueling, servicing or storing helicopters.

“Hospital” has the meaning given in AS 47.32.900.

Section 2. HCC 21.12.030, Conditional uses and structures (Rural Residential), is amended to read as follows:

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

43 21.12.030 Conditional uses and structures. The following uses may be permitted in the
44 Rural Residential District when authorized by conditional use permit issued in accordance with
45 Chapter 21.71 HCC:

- 46 a. Planned unit development, limited to residential uses only;
- 47 b. Religious, cultural and fraternal assembly;
- 48 c. Cemeteries;
- 49 d. Kennels;
- 50 e. Commercial greenhouses and tree nurseries offering sale of plants or trees grown on
51 premises;
- 52 f. Mobile home parks;
- 53 g. Public utility facilities and structures;
- 54 h. Pipelines and railroads;
- 55 ~~i. Heliports;~~
- 56 **ij.** Storage of heavy equipment, vehicles or boats over 36 feet in length as an accessory
57 use incidental to a permitted or conditionally permitted principal use;
- 58 **jk.** Day care facilities; provided, however, that outdoor play areas must be fenced;
- 59 **kl.** Group care home;
- 60 **lm.** Assisted living home;
- 61 **mn.** More than one building containing a permitted principal use on a lot;
- 62 **no.** Indoor recreational facilities;
- 63 **op.** Outdoor recreational facilities;
- 64 **pq.** Public school and private school;
- 65 **qr.** One small wind energy system having a rated capacity exceeding 10 kilowatts,
66 provided that it is the only wind energy system of any capacity on the lot.

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68 Section 3. HCC 21.14.030, Conditional uses and structures (Urban Residential), is
69 amended to read as follows:

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71 21.14.030 Conditional uses and structures. The following uses may be permitted in the
72 Urban Residential District when authorized by conditional use permit issued in accordance
73 with Chapter 21.71 HCC:

- 74 a. Planned unit development, excluding all industrial uses;
- 75 b. Townhouse developments;
- 76 c. Day care facilities; provided, however, that outdoor play areas must be fenced;
- 77 d. Religious, cultural and fraternal assembly;
- 78 e. Hospitals;
- 79 f. Pipelines and railroads;
- 80 ~~g. Heliports;~~
- 81 **gh.** Storage of heavy equipment or boats over 36 feet in length as an accessory use
82 incidental to a permitted or conditionally permitted principal use;

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

83 hi. Private stables and the keeping of larger animals not usually considered pets,
84 including paddocks or similar structures or enclosures utilized for keeping of such animals as an
85 accessory use incidental to a primary residential use; such use shall be conditioned on not
86 causing unreasonable disturbance or annoyances to occupants of neighboring property, and
87 on sufficient land to harbor such animals;

88 ij. Group care home;

89 jk. Assisted living home;

90 ~~kl.~~ More than one building containing a permitted principal use on a lot;

91 ~~lm.~~ Indoor recreational facilities;

92 mn. Outdoor recreational facilities;

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

95
96 Section 4. HCC 21.16.030, Conditional uses and structures (Residential Office), is
97 amended to read as follows:

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99 21.16.030 Conditional uses and structures. The following uses may be permitted in the
100 Residential Office District when authorized by conditional use permit issued in accordance with
101 Chapter 21.71 HCC:

102 a. Planned unit developments, excluding all industrial uses;

103 b. Townhouses;

104 c. Public or private schools;

105 d. Hospitals and medical clinics;

106 e. Public utility facilities and structures;

107 f. Mortuaries;

108 g. Day care facilities; provided, however, that outdoor play areas must be fenced;

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

110 i. Group care homes;

111 **j. Helipads, but only as an accessory use incidental to a hospital conditional use;**

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

114 lk. Other uses approved pursuant to HCC 21.04.020.

115
116 Section 5. HCC 21.18.030, Conditional uses and structures (Central Business District), is
117 amended to read as follows:

118
119
120
121
122
[Bold and underlined added. Deleted language stricken through.]

123 21.18.030 Conditional uses and structures. The following uses may be permitted in the
124 Central Business District when authorized by conditional use permit issued in accordance with
125 Chapter 21.71 HCC:

- 126 a. Planned unit developments, excluding all industrial uses;
- 127 b. Indoor recreational facilities and outdoor recreational facilities;
- 128 c. Mobile home parks;
- 129 d. Auto fueling stations;
- 130 e. Public utility facilities and structures;
- 131 f. Pipeline and railroads;
- 132 ~~g. Heliports;~~
- 133 **gh.** Greenhouses and garden supplies;
- 134 **hi.** Light or custom manufacturing, repair, fabricating, and assembly, provided such
135 use, including storage of materials, is wholly within an enclosed building;
- 136 **ij.** Shelter for the homeless, provided any lot used for such shelter does not abut a
137 residential zoning district;
- 138 **jk.** More than one building containing a permitted principal use on a lot;
- 139 **kl.** Group care homes and assisted living homes;
- 140 **lm.** Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber
141 Subdivision to Heath Street;
- 142 **na.** One small wind energy system having a rated capacity exceeding 10 kilowatts;
143 provided, that it is the only wind energy system of any capacity on the lot;
- 144 **ne.** Other uses approved pursuant to HCC 21.04.020.

145
146 Section 6. HCC 21.24.030, Conditional uses and structures (General Commercial 1), is
147 amended to read as follows:

148
149 21.24.030 Conditional uses and structures. The following uses may be permitted in the
150 General Commercial 1 District when authorized by conditional use permit issued in accordance
151 with Chapter 21.71 HCC:

- 152 a. Campgrounds;
- 153 b. Crematoriums;
- 154 c. Multiple-family dwelling;
- 155 d. Public utility facility or structure;
- 156 e. Mobile home parks;
- 157 f. Planned unit developments;
- 158 g. Townhouses;
- 159 h. Pipelines and railroads;
- 160 ~~i. Heliports;~~
- 161 **ij.** Shelter for the homeless, provided any lot used for such shelter does not abut an RO,
162 RR, or UR zoning district;

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

- 163 ~~jk.~~ More than one building containing a permitted principal use on a lot;
- 164 ~~kl.~~ Day care facilities; provided, however, that outdoor play areas must be fenced;
- 165 ~~lm.~~ Other uses approved pursuant to HCC 21.04.020;
- 166 ~~mn.~~ Indoor recreational facilities;
- 167 ~~no.~~ Outdoor recreational facilities.

168
169 Section 7. HCC 21.26.030, Conditional uses and structures (General Commercial 2), is
170 amended to read as follows:

171
172 21.26.030 Conditional uses and structures. The following uses may be permitted in the
173 General Commercial 2 District when authorized by conditional use permit issued in accordance
174 with Chapter 21.71 HCC

- 175 a. Mobile home parks;
- 176 b. Construction camps;
- 177 c. Extractive enterprises, including the mining, quarrying and crushing of gravel, sand
178 and other earth products and batch plants for asphalt or concrete;
- 179 d. Bulk petroleum product storage above ground;
- 180 e. Planned unit developments, excluding residential uses;
- 181 f. Campgrounds;
- 182 g. Junk yard;
- 183 h. Kennels;
- 184 i. Public utility facilities and structures;
- 185 j. Pipelines and railroads;
- 186 k. Impound yards;
- 187 l. Shelter for the homeless, provided any lot used for such shelter does not abut an
188 urban, rural or office residential zoning district;
- 189 m. More than one building containing a permitted principal use on a lot;
- 190 n. Day care facilities; provided, however, that outdoor play areas must be fenced;
- 191 o. Group care homes and assisted living homes;
- 192 p. Other uses approved pursuant to HCC 21.04.020;
- 193 q. Indoor recreational facilities;
- 194 r. Outdoor recreational facilities. [Ord. 08-29, 2008].

195 s. Helipads.

196
197 Section 8. HCC 21.28.030, Conditional uses and structures (Marine Commercial), is
198 amended to read as follows:

199
200 21.28.030 Conditional uses and structures. The following uses may be permitted in the
201 Marine Commercial District when authorized by conditional use permit issued in accordance
202 with Chapter 21.71 HCC:

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

- 203 a. Drinking establishments;
204 b. Public utility facilities and structures;
205 ~~c. Heliports;~~
206 ~~cd.~~ Hotels and motels;
207 ~~de.~~ Lodging;
208 ~~ef.~~ More than one building containing a permitted principal use on a lot;
209 ~~fg.~~ Planned unit developments, limited to water-dependent and water-related uses,
210 with no dwelling units except as permitted by HCC 21.28.020(o);
211 ~~gh.~~ Indoor recreational facilities;
212 ~~hi.~~ Outdoor recreational facilities;
213 ~~ij.~~ The location of a building within a setback area required by HCC 21.28.040(b). In
214 addition to meeting the criteria for a conditional use permit under HCC 21.71.030, the building
215 must meet the following standards:
216 1. Not have a greater negative effect on the value of the adjoining property than
217 a building located outside the setback area; and
218 2. Have a design that is compatible with that of the structures on the adjoining
219 property.

220
221 Section 9. HCC 21.30.030, Conditional uses and structures (Marine Industrial), is
222 amended to read as follows:

223
224 21.30.030 Conditional uses and structures. The following uses may be permitted in the
225 Marine Industrial District when authorized by conditional use permit issued in accordance with
226 Chapter 21.71 HCC:

- 227 a. Planned unit development, limited to water-dependent or water-related uses and
228 excluding all dwellings;
229 b. Boat sales, rentals, service, repair and storage, and boat manufacturing;
230 c. Extractive enterprises related to other uses permitted in the district;
231 d. Campgrounds;
232 e. Bulk petroleum storage;
233 **f. Helipads;**
234 **gf.** Heliports;
235 **hg.** Indoor recreational facilities;
236 **ih.** Outdoor recreational facilities;
237 **ji.** Public utility facilities and structures;
238 **kj.** The location of a building within a setback area required by HCC 21.30.040(b). In
239 addition to meeting the criteria for a conditional use permit under HCC 21.71.030, the building
240 must meet the following standards:
241 1. Not have a greater negative effect on the value of the adjoining property than a
242 building located outside the setback area; and

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

243 2. Have a design that is compatible with that of the structures on the adjoining
244 property.

245
246 Section 10. HCC 21.32.030, Conditional uses and structures (Open Space -- Recreation),
247 is amended to read as follows:

248
249 21.32.030 Conditional uses and structures. The following uses may be conditionally
250 permitted in the Open Space – Recreation District when authorized by conditional use permit
251 issued in accordance with Chapter 21.71 HCC:

- 252 a. Public utility facilities and structures;
- 253 b. Any structures used for uses permitted outright in the district;
- 254 c. Fishing gear and boat storage;
- 255 d. Campgrounds;
- 256 e. Pipelines and railroads;
- 257 f. Parking areas;
- 258 ~~g. Heliports;~~
- 259 **gh.** Other open space and recreation uses;
- 260 **hi.** Indoor recreational facilities;
- 261 **ij.** Outdoor recreational facilities.

262
263 Section 11. HCC 21.40.050, Permitted uses and structures (Bridge Creek Watershed
264 Protection District), is amended to read as follows:

265
266 21.40.060 Conditional uses and structures. The following uses are permitted in the
267 BCWP district if authorized by a conditional use permit granted in accordance with Chapter
268 21.71 HCC and subject to the other requirements of this chapter:

- 269 a. Cemeteries;
- 270 b. Public utility facilities and structures;
- 271 c. Timber harvesting operations, timber growing, and forest crops, provided they
272 conform to HCC 21.40.100;
- 273 d. Agricultural activity and stables, if they conform to HCC 21.40.090, but not including
274 farming of swine;
- 275 e. Other uses similar to uses permitted and conditionally permitted in the BCWP
276 district, as approved by written decision of the Planning Commission upon application of the
277 property owner and after a public hearing;
- 278 f. Uses, activities, structures, exceptions, or other things described as requiring a
279 conditional use permit in HCC 21.40.080(a), 21.40.110(b) or any other provision of this chapter;
- 280 g. More than one building containing a permitted principal use on a lot.

281 **h. Helipads.**

282

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



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 14-02

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: September 17, 2014
SUBJECT: AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED, AND 21.90.030, INVALID LAND USE PERMITS, REGARDING THE REQUIREMENT FOR A ZONING PERMIT AND THE RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT ISSUANCE.

Introduction: The Planning Department shall evaluate all amendments to Title 21.

This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 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.

Staff response: The proposed changes do support objectives regarding affordable housing. Permitting otherwise lawful development is much more affordable than destroying or moving away and starting over.

b. Will be reasonable to implement and enforce.

Staff response: The proposed amendment does not introduce any new implementation or enforcement requirements not already in place. It will be reasonable to implement and enforce.

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

Staff response: The proposed amendment does not hinder the future public health, safety and welfare. All new developments will be required to comply with current code.

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

Staff response: The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The code amendment was initiated by the City Manager as permitted by HCC 21.95.010(a)

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.

Staff Recommendation: Forward positive recommendation for adoption to City Council.



City of Homer

www.cityofhomer-ak.gov

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491 East Pioneer Avenue
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(p) 907-235-3106

(f) 907-235-3118

July 2014

You are being sent this letter because you may have an interest in where “**heliports**” and “**helipads**” are permitted. The Homer Advisory Planning Commission has DRAFTED a “**heliport**” ordinance and would like your feedback. Due to the busy summer season, the Planning Commission is delaying the public hearing until:

Date: Wednesday, September 17, 2014, 6:30 pm

Where: Cowles Council Chambers, City Hall, 491 Pioneer Avenue

Why a change? Currently “**heliports**” are allowed in the residential districts where our neighborhoods and schools are located; yet not listed in the Residential Office district where the hospital is located with air ambulance flights. The draft ordinance helps to maintain neighborhood characteristics while designating appropriate areas for **heliports** and **helipads**.

First, what is the difference between “helipads” and “heliports”? In a nutshell, a “**helipad**” is take-offs and landings location only, with no permanent structures. A “**heliport**” includes hangers, servicing, refueling and storage.

“**Helipad**” means any surface where a helicopter takes off or lands, but excludes permanent facilities for loading or unloading goods or passengers, or for fueling, servicing or storing helicopters.

“**Helipad**” **Location:** The Planning Commission focused on location only, leaving it to the experts to administer flight standards. As proposed, “**helipad**” (take-offs and landings only) would need a Conditional Use Permit at the:

- Hospital
- General Commercial 2 district encompasses the airport and allows **heliports**. “**Helipads**” would be conditionally permitted (outside the airport boundary) in the GC2 district (along Kachemak Drive).
- Marine Industrial district which includes the commercial fish dock area and the east side of the Spit.
- Bridge Creek Watershed Protection District (north of Skyline Drive)

“**Heliports**” means any place including airports, fields, rooftops, etc., where helicopters regularly land and take off, and where helicopters may be serviced or stored.

Understandably, “**heliports**” are allowed at the airport. In addition, as proposed “**heliports**” would need an approved Conditional Use Permit in the Marine Industrial District.

More information is on the City’s web site: www.cityofhomer-ak.gov/planning. Please call Dotti Harness-Foster at 907-235-3106 if you have questions or submit written comments (above in the letterhead).

From: '2&) 5 6 [&2 ^ 2&\)](#) 7 2 # 0 8
Sent: " 9 ^ 5"
To:
Subject: 3 2&) 4 \$ &

To Whom it may concern,

Helicopter service on Kachemak Drive or on the Homer Spit is at odds with the environmental, scenic, spiritual, and tourism interests of the City of Homer. They are noise and visual pollution in the pristine environs that make our area unique. Please contain this disturbance within the Homer Airport, where it belongs, rather than allowing such development to sprawl.

Sincerely,

Alice Porter

Iris Court, Homer
35 year Homer resident
Retired teacher, frequent substitute teacher
Environmental educator
Senior citizen

RECEIVED

9/9/2014

**CITY OF HOMER
PLANNING/ZONING**

From: Jo Johnson
Sent: Tuesday, September 09, 2014 1:59 PM
To: Travis Brown
Subject: FW: proposed helicopter traffic on spit

From: michael Bavers [<mailto:mbavers@yahoo.com>]
Sent: Tuesday, September 09, 2014 12:18 PM
To: Jo Johnson
Subject: proposed helicopter traffic on spit

I am opposed to this. Helicopters are very noisy and disruptive to peaceful and quiet enjoyment. There is already too much helicopter traffic in the area. Their noise is more annoying than most other aircraft, and it lasts longer. Also, it is disturbing to wildlife.

michael bavarsky
po box 15115
fritz creek
9072990163

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9/9/2014

CITY OF HOMER
PLANNING/ZONING

41640 Gladys Ct
Homer, AK 99603

September 10, 2014

Homer Planning Commission
City of Homer
Homer, AK 99603

Dear Planning Commission Members:

I am opposed to helicopter facilities in additional areas of Homer, that is, in any other area besides the hospital and the airport. Permission should not be given for any of the additional facilities on the spit, on Kachemak Drive, or in the Bridge Creek Watershed Area.

I believe additional helicopter sites in Homer would have a major impact:

Increased noise over the town, especially bad in adjacent neighborhoods and below the flight path for takeoffs and landings. Research has shown that helicopters are much more disruptive to people and wildlife than fixed-wing plane flight noise.

Increased danger to neighborhood residents and property and to small planes in the vicinity. Away from the airport, there would be no flight control.

Decreased property values surrounding each facility and the threat to future neighborhood development of not knowing where/when these might be built.

Decreased desirability of Homer as a tourist destination. Homer would eventually become a very noisy place to visit especially out on the spit.

Potential negative effect on and disturbance of migratory birds and wildlife in these areas.

Helicopter traffic should be confined to the airport because there is adequate safety and communication equipment and trained personnel there in case of an accident or fire. There would always be a traffic control official on duty. The noise would not affect all those other areas of town. The airport is centrally located—close to the spit and Kachemak Drive.

Homer is such a beautiful, special place. A treasure to be cherished. Allowing helicopters in those other areas would have a major negative impact on Homer and would not be a wise thing to do.

Lani Raymond

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9/11/2014

CITY OF HOMER
PLANNING/ZONING

Homer Planning Commission Advisory Board
City of Homer
491 E. Pioneer Ave
Homer, AK 99603

September 11, 2014

RE: Helipad/Heliport

Dear Honorable Committee Members:

I am writing to formally request your support for amending the City of Homer's existing ordinance to allow helicopter landings on South Peninsula Hospital's helipad. I am on the Operating Board of South Peninsula Hospital, and would testify in person, however we have a board meeting on Wednesday, September 17th.

I doubt this is a controversial issue, but I do want to voice my support – not as a board member, but as a mother who has had to medivac both of my children out of Homer for medical emergencies. While I pray no one has to experience this, and our helipad sits unused due to our family and friends being whole and healthy – we need to know this service is there if needed.

Finally, I want to thank each of you for committing the time to serve on this committee. As I write this letter, it is September 11th, a day to give thanks for our freedom and our rights as Americans, and your role in our local government is a direct example of that. Thank you for your service, it does not go unnoticed.

If you have any questions concerning this letter or any other hospital matters, please feel free to contact me a 399-4488.

Thank You,

Sincerely,



Julie Woodworth
Homer Citizen
PO Box 1012
Homer, AK 99603

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SEP 11 2014

CITY OF HOMER
PLANNING/ZONING

From: Jo Johnson
Sent: Thursday, September 11, 2014 8:30 AM
To: Travis Brown
Subject: FW: Comments for Planning Commission re: helicopter/heliport hearing
Attachments: Commnets on Heliport.docx

From: Jason Sodergren [<mailto:jason@taiga.com>]
Sent: Wednesday, September 10, 2014 8:01 PM
To: Jo Johnson
Cc: George Matz; Lani Raymond
Subject: Comments for Planning Commission re: helicopter/heliport hearing

Hello.

On behalf of the Kachemak Bay Birders group, I'm attaching comments that we submitted when this topic last arose in May 2013.

Although this attached letter specifically references Conditional Permit Application #13-07, the points made in the letter are relevant to the current proposal to allow helipads with a CUP in General Commercial 2 along Kachemak Drive, Marine Industrial on the spit and the Bridge Creek Watershed Protection District, and as an accessory to the South Peninsula Hospital in the Residential Office Zoning District.

We would appreciate inclusion of this letter in the comments provided to the Planning Commission.

Thank you!

- Jason Sodergren for Kachemak Bay Birders (chair)
jason@taiga.com
907-399-2330

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9/11/2014

**CITY OF HOMER
PLANNING/ZONING**



<http://kachemakbaybirders.org/>

May 29, 2013

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

Dear Commission Members:

Kachemak Bay Birders, a Homer-based birding club, wishes to comment on the Conditional Use Permit Application 13-07 from Eric Lee to establish a heliport on the Homer Spit. Based on our knowledge of birds in the Homer Spit area, we believe that a heliport meant for general aviation (which is what is being proposed) poses a very high risk to both people and birds. In addition, we know from our observations on the Homer Spit that low flying helicopter traffic is more disruptive to migrating birds than planes, often causing evasive flight.

Not all species of birds pose significant risk to aircraft but large, gliding birds definitely do. Gulls and eagles, which routinely glide up and down the spit at low elevation while foraging, will be particularly risky to helicopters that are landing and taking off on the spit. This situation is totally dismissed by the applicant when he says; "The helicopter creates no more of a hazard than the many aircraft that fly transit the spit to get to and from both the Homer Airport." The aircraft he refers to are not flying at the same elevation as these birds. Not being aware of these subtle differences seems to us to increase the potential for a helicopter/bird collision.

For the past five years the Kachemak Bay Birders has been monitoring the spring shorebird migration on the Homer Spit. Our protocol asks the observer to note any disturbances to shorebirds. From these observations we know that helicopters are more disruptive than planes because their flight pattern approaches flocks of birds feeding and resting in the intertidal area. Only planes taking off are noisy and their flight pattern and noise is away from, not directed to the birds. Numerous scientific studies (available upon request) have documented the disproportional impact of helicopters on migratory birds, compared to fixed-winged aircraft. Again, the applicant over generalizes and does not seem to be aware of what is or is not a risk or disturbance.

We are concerned that the disturbance of a helicopter pad on the spit to migratory shorebirds might reduce the value of Homer as a destination for eco-tourists and birdwatchers, especially during the shorebird festival. Other communities in the region (e.g. Kenai, Seward, Cordova, Yakutat) are beginning to cash in on their migratory birds to attract visitors, sometimes in direct competition to our popular Homer events. Increased helicopter traffic on the spit would devalue

Homer as a destination for human and avian visitors alike, resulting in very tangible negative impacts for the Homer business community.

Unfortunately, the FAA does not oversee development of heliports for general aviation use. The FAA says in its Part 139 Airport Certification document that “it is not in the public interest to certificate heliports at this time and has exempted operators of heliports from complying with Part 139 requirements... Heliports typically are used by general aviation operators and serve very few air carrier operations....Congress has not given FAA the authority to certificate facilities serving general aviation operations.” This means that the burden and knowledge needed to avoid the risks and liabilities associated with this Conditional Use Permit Application now rest with the Homer Advisory Planning Commission. We urge that unless you feel absolutely certain that there will be no risk or nuisance resulting from the proposed heliport that you take the rational precautionary approach and deny the Conditional Use Permit 13-07.

Also, we note that denying this permit application does not preclude offering helicopter services in the Kachemak Bay area. Helicopter service will still be available at the Homer Airport. Though travel of an extra mile or two from a cruise ship may not be as convenient, the extra convenience of a heliport in the middle of the spit is not at all worth the risk and nuisance to the public and birds.

We thank you for this opportunity.

Sincerely,



George Matz, Chair

From: Jo Johnson
Sent: Thursday, September 11, 2014 8:30 AM
To: Travis Brown
Subject: FW: Helipads around Homer

From: Nina Faust [<mailto:fausbail@horizonsatellite.com>]
Sent: Wednesday, September 10, 2014 9:47 PM
To: Jo Johnson
Subject: Helipads around Homer

P.O. Box 2994
Homer, AK 99603

September 10, 2014

Homer Planning Commission
City of Homer
Homer AK 99603

Dear Planning Commission Members:

I am opposed to heliports in areas of Homer other than the airport and the hospital. I do not support allowing helipads in the Bridge Creek area. Even though Conditional Use Permits (CUPs) will be required, I object to the additional noise helicopter take offs and landings would bring to parts of town that are now relatively quiet, the increased hazards to surrounding properties in case of an accident, potential reduction in property values nearby residences may suffer, and finally, the lack of certainty for property owners as to whether or not their properties may have a heliport nearby.

Helicopters are a contentious issue. Other communities have grappled with this problem. One common complaint about helicopter businesses, particularly flightseeing, is noise. I can imagine the frustrations property owners who currently enjoy relative peace and quiet but are adjacent to areas that were zoned commercial by the city will have if a helipad is granted a heliport CUP nearby. I believe the city is better served by keeping this noisy and potentially dangerous activity in the airport area where there are already emergency response vehicles in case of a crash or fire.

If the business requesting a CUP is a flightseeing business, the noise from many take offs and landings will be a huge annoyance to all neighborhoods surrounding the helipad. Conflicts will increase as Homer grows.

Bringing helicopter flights to other parts of the community that were not meant to be a flight zone for frequent helicopter landings is an unreasonable use to impose on those that would have to live with it. These helipads could conflict with and impact nearby Conservation Areas set aside for bird habitat. Also, the FAA would not be controlling the take offs and landings at heliports, an added concern. The airport is in a convenient location, so it would be sensible for companies needing helicopter support to be sited there.

Let's not mix this incompatible use right into the midst of our community. We are truly fortunate not to have this noisy industry plunked down in commercial zones where there are already people living in nearby neighborhoods who have invested in their homes. Granting a CUP for a helicopter-based business surrounded by the rest of the community weighs more heavily toward that one person or

business and does not adequately consider the huge investment by all the rest of the surrounding property owners.

Let's keep Homer a place of quiet beauty by not allowing helicopter traffic into the rest of Homer. Keep helicopters confined to the airport.

Sincerely,

Nina Faust

RECEIVED

9/11/2014

**CITY OF HOMER
PLANNING/ZONING**



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 14-86

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: September 17, 2014
SUBJECT: Standing and Parties Eligible to Appeal to BOA

Introduction: The City Council has before it a proposal to amend some text in title 21. According to HCC 21.95.060, the Planning Commission shall review each proposal to amend Title 21.

Analysis: There has been some confusion regarding authorization of the City Planner or other Planning Department employee to participate in an appeal to the Board of Adjustment as a party. The City Attorney explains this in Memo 14-123.

Staff Recommendation: Review proposed ordinance, take public comments and forward a recommendation to the City Council.

Attachments:

1. Memorandum 14-123
2. Ordinance 14-45
3. Memorandum 14-01

MEMORANDUM 14-123

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

**RE: PARTICIPATION OF CITY PLANNER AND PLANNING DEPARTMENT
EMPLOYEES IN APPEALS TO BOARD OF ADJUSTMENT**

FILE NO.: 506,742.563

DATE: JULY 30, 2014

In recent appeals from the Homer Advisory Planning Commission ("Commission") to the Board of Adjustment ("Board"), either the City Planner or another Planning Department employee has filed a brief and appeared at the appeal hearing before the Board to provide information to the Board regarding the Commission's decision. I have been asked to draft an amendment to the Homer City Code to sanction this practice. This memorandum accompanies the ordinance that I have prepared for that purpose, and explains the Code amendments in the ordinance.

HCC 21.93.500(a) authorizes the City Planner to participate *as a party* in all appeals to the Board from decisions of the Commission. HCC 21.93.500(a) provides, "Only persons who actively and substantively participated in the matter before the Commission and who would be qualified to appeal under HCC 21.93.060 may participate as parties in an appeal from the Commission to the Board of Adjustment." Under HCC 21.93.500(a), one must meet two qualifications to participate as a party in an appeal from the Commission to the Board: (i) active and substantive participation in the matter before the Commission, and (ii) having standing to appeal under HCC 21.93.060. The City Planner or another Planning Department employee will actively and substantively participate in each matter before the Commission that is subject to appeal to the Board. The City Planner also is designated in HCC 21.93.060(b) as a person who has standing to appeal a decision of the Commission to the Board. Since the City Planner may designate another Planning Department employee to present recommendations to the Commission in a matter that may be appealed to the Board, other Planning Department employees also should be authorized to participate as parties before the Board. Section 1 of the accompanying ordinance amends HCC 21.93.060(b) to make this change.

HCC 21.93.500(b) requires that any person desiring to participate as a party in an appeal to the Board, other than the appellant, the applicant for the action or

determination that is the subject of the appeal and the owner of the property that is the subject of the action or determination, must file an entry of appearance with the City Clerk. Since the City Planner or other Planning Department employee who participates in a matter before the Commission automatically becomes a party to an appeal of the Commission decision to the Board, efficiency would be served by exempting them from this requirement. Section 2 of the accompanying ordinance amends HCC 21.93.500(b) to make this change.

HCC 21.93.090 provides, "No person may **represent a party** to an appeal without filing with the City Clerk written authorization, which shall be signed by the party so represented and provide the name and address of the party's representative" (emphasis added). There has been some confusion regarding whether the City Planner or another Planning Department employee participates in an appeal to the Board in a representative capacity (e.g., as a representative of the City), and therefore is subject to the written authorization requirement in HCC 21.93.090. As the discussion in the preceding paragraphs indicates, the City Planner (or with the proposed Code amendment discussed therein, another Planning Department employee) participates in an appeal to the Board as a party, and not as a representative of a party. Thus, the written authorization requirement in HCC 21.93.090 does not apply to such participation.

TFK/TFK

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**CITY OF HOMER
ORDINANCE 14-45**

City Manager

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AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
HOMER CITY CODE 21.93.060 STANDING – APPEAL TO BOARD
OF ADJUSTMENT AND 21.93.500 PARTIES ELIGIBLE TO
APPEAL TO BOARD OF ADJUSTMENT – NOTICE OF
APPEARANCE, PROVIDING FOR THE CITY PLANNER OR
DESIGNEE TO PARTICIPATE IN APPEALS TO THE BOARD OF
ADJUSTMENT.

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THE CITY OF HOMER ORDAINS:

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Section 1. Homer City Code 21.93.060, Standing – Appeal to Board of Adjustment, is amended to read as follows:

21.93.060 Standing – Appeal to Board of Adjustment. Only the following have standing to appeal an appealable action or determination of the Planning Commission to the Board of Adjustment:

a. Applicant for the action or determination, or the owner of the property that is the subject of the action or determination under appeal.

b. The City Manager, ~~or~~ **the City Planner** or the City Planner’s designee, or any governmental official, agency, or unit.

c. Any person who actively and substantively participated in the proceedings before the Commission and is aggrieved by the action or determination.

d. Any person who actively and substantively participated in the proceedings before the Commission and would be aggrieved if the action or determination being appealed were to be reversed on appeal.

Section 2. Homer City Code 21.93.500, Parties eligible to appeal to Board of Adjustment – Notice of appearance, is amended to read as follows:

21.93.500 Parties eligible to appeal to Board of Adjustment – Notice of appearance. a. Only persons who actively and substantively participated in the matter before the Commission and who would be qualified to appeal under HCC 21.93.060 may participate as parties in an appeal from the Commission to the Board of Adjustment.

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

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

45 Section 3. This Ordinance is of a permanent and general character and shall be
46 included in the City Code.

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48 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of
49 _____, 2014.

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51 CITY OF HOMER

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54 _____
55 MARY E. WYTHE, MAYOR

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57 ATTEST:
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60 _____
61 JO JOHNSON, MMC, CITY CLERK

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64 AYES:
65 NOES:
66 ABSTAIN:
67 ABSENT:

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70 First Reading:
71 Public Hearing:
72 Second Reading:
73 Effective Date:

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76 Reviewed and approved as to form:

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79 _____
80 Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

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82 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 14- 01

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: September 17, 2014
SUBJECT: AN ORDINANCE OF THE HOMER CITY COUNCIL MENDING HOMER CITY CODE 21.93.060 STANDING – APPEAL TO BOARD OF ADJUSTMENT AND 21.93.500 PARTIES ELIGIBLE TO APPEAL TO BOARD OF ADJUSTMENT – NOTICE OF APPEARANCE, PROVIDING FOR THE CITY PLANNER OR DESIGNEE TO PARTICIPATE IN APPEALS TO THE BOARD OF ADJUSTMENT.

Introduction: The Planning Department shall evaluate all amendments to Title 21.

This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 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.

Staff response: The many goals and objectives of the comprehensive plan are a requirement to be followed in decision making of the Planning Commission. Allowing the City Planner or designee to present briefs before the Board of Adjustment allows defense of decisions to be accomplished in an affordable manner, thus supporting the many references to affordability in the comprehensive plan.

Additionally, the City Code is the primary tool used in furthering the goals and objectives of the Comprehensive Plan Land Use Chapter. Presenting briefs and the ability to appeal are necessary tools to interpret and enforce title 21 as indicated in the duties of the City Planner in HCC 21.90.020(c)(4).

b. Will be reasonable to implement and enforce.

Staff response: The City Planner's duties include enforcing code and upholding the decisions of law made by the Planning Commission or the City Council. The ability to present briefs before the Board of Adjustment enables the City Planner or designee to perform his or her duties to "exercise all powers to administer and enforce the zoning code" as stated in HCC 21.90.020 continuing "assistants to the City Planner may exercise the administration and enforcement functions and powers of the City Planner under the City Planner's supervision." The proposed amendment does not change the premise or concept of due process. It will be reasonable to implement and enforce.

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

Staff response: The proposed amendment does not hinder the future public health, safety and welfare.

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

Staff response: The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The code amendment was initiated by the City Manager as permitted by HCC 21.95.010(a)

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.

Staff Recommendation: Forward positive recommendation for adoption to City Council.



City of Homer

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Planning

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Staff Report PL 14-87

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: September 17, 2014
SUBJECT: Amendments to the Bridge Creek Watershed Protection District

Introduction

This staff report is a continuation of the discussion on amendments to the Bridge Creek Watershed Protection District. At the work session, Bob Shavelson from Cook InletKeeper will make a presentation. At the last regular meeting, the Commission voted on six different proposals. Staff has created a draft ordinance for discussion. In writing the draft ordinance, a few more questions came up for the Commission to consider.

Analysis

Mitigation Plans and storm water

One of the proposals the Commission agreed with was staff approval of mitigation plans. It was suggested in a previous staff report that the storm water volume calculations that are already in code could be used in the watershed. Current code cites the 10 year, 3 hour storm event, which creates 0.5 inches of rainfall per hour (so 1.5 inches total). Using this calculation, staff figured that an 'average' small house would be required to retain 17 gallons of water. If we use the current code language, then this water calculation would have to be done for every development. That seems like a lot of work when we are talking about pretty small water volumes. Staff has this proposal: Every lot under 3 acres in the watershed would be required to retain water based the maximum impervious coverage. In other words, retain water based on the assumption that everyone will build out to the 5,500 square feet of impervious surface, plus 500 square foot deck plus 200 square foot shed (6,200 square feet). This raises the amount of water to be retained to 40 gallons. This could be accomplished with two rain barrels, for under \$300.00. Using a firm number of gallons saves staff and the land owner the time of making a calculation every time there is development. The small water volume generated doesn't really warrant a computation for every development, and 40 gallons of retention is very easy to accomplish. Options include rain barrels, rain gardens, foot drain retention areas, dry wells, etc. Additionally, when a new home is built, this retention would be included. The mitigation plan would not need to be changed if there was more construction in the future since it was included at the time of constructions. Existing homes can easily add a rain barrels to meet this requirement.

Table 1. Storm water created by impervious surface area

| Impervious area (Sq Ft) | Rainfall cu. inch | storm water created cu. inch | Total gallons |
|-------------------------|-------------------|------------------------------|---------------|
| 2750 | 1.5 | 4125 | 17.9 |
| 5500 | 1.5 | 8250 | 37.5 |
| 6200 | 1.5 | 9300 | 40.3 |

Mitigation plans or simple code requirement?

Another issue came to light as the ordinance was drafted. The 4.2% calculation on lots under about 2 acres results in a small impervious area. Staff thinks many of these land owners will apply for a mitigation plan. Rather than have a 4.2% rule for lots less than 3 acres, staff recommends that all lots less than 3 acres have to follow a mitigation plan and can develop up to 5500 square feet. The mitigation simply becomes part of the requirements for building in this district, (ie a performance standard). In fact we could just get rid of the term mitigation; construction simply has specific requirements in this district, just like other districts might require paved parking lots or require landscaping. And since all mitigation would be for the maximum amount, it could be a onetime effort by the land owner. For example, if the land owner built a new home with footer drain retention, they wouldn't need to update their mitigation plan if they created more impervious surface in the future. Staff recommends eliminating the 4.2% language for lots less than 3 acres. Lots less than 3 acres would be allowed a certain amount of coverage and would be required to construct storm water detention. See attached ordinance.

Total Impact of these changes to the watershed

At the last meeting the Commission questioned the total impact to the watershed, if 5,500 square feet of impervious surface was allowed, and in addition, 500 square feet of deck and 200 square feet of accessory structure were allowed. This would total 6,200 square feet, and apply to all lots under 3 acres, developed or vacant.

- Total impervious coverage under the existing rules: **9.24 acres** (See SR 14-83)
- Total impervious coverage with only 5,500 square feet impervious = **11.74 acres. This is an increase of 2.5 acres.**
- Total impervious coverage of 5,500 sq ft + 500 deck + 200 shed = **13.24 acres This is an increase of 4 acres from the existing rules.** Creates up to 8.95% impervious coverage for the 93 developable lots containing 148 acres that are affected.

If the Commission feels that 13.24 acres is too much, the ordinance can be amended by deleting lines 28-31.

Staff Recommendation

1. Discuss the draft ordinance and make any amendments. When ready, move to public hearing.

Staff will forward the ordinance to the attorney for review, schedule a public hear for October 15th (estimate) and mail notice to all property owners within the watershed.

Attachments

1. Draft Ordinance 9 17 2014
2. List of developable lots impacted by these rules
3. Minutes of Septembers 3, 2014 HAPC meeting

1 **Draft Ordinance 9 17 2014 HAPC meeting**

2 The requirements of this section shall apply to all structures and uses in the BCWPD district
3 unless more stringent requirements are required pursuant to Chapter 21.71 HCC. The City of
4 Homer water utility is exempt from this section.

5 a. Impervious Coverage.

6 1. Lots ~~two and one half~~ **three** acres and larger shall have a maximum total impervious
7 coverage of 4.2 percent.

8 2. Lots smaller than ~~two and one half~~ **three** acres shall have a maximum total impervious
9 coverage of 4.2 percent, **5,500 square feet.**, ~~except as provided in subsection (a)(3) of this~~
10 ~~section.~~

11 3. Lots smaller than ~~two and one half~~ **three** acres **shall comply with the following**
12 **performance standards:**

13 **1. Construction sites shall be reseeded by August 31st**

14 **2. Storm water retention of 40 gallons must be provided on site. Any combination**
15 **of dry wells, rain barrels, rain gardens, foot drain retention or other approved method**
16 **may be used. The storm water retention is intended to mitigate the effect of impervious**
17 **coverage on water flow and the effect of loss of vegetation created by the impervious**
18 **coverage.**

19 (NOTE: Attorney to provide defensible language here;) **3. When required by the City**
20 **Planner due to special site considerations such as topography and drainage, ditch the**
21 **driveway and line with filter fabric and rock to slow water runoff from the driveway and**
22 **encourage infiltration of water into the ground.**

23 ~~may be allowed impervious coverage up to 6.4 percent if (a) the owner submits a lot-~~
24 ~~specific mitigation plan for Planning Commission's approval, and (b) if approved, thereafter~~
25 ~~implements and continuously complies with the approved plan. The mitigation plan must be~~
26 ~~designed to mitigate the effect of impervious coverage on water flow and the effect of loss of~~
27 ~~vegetation created by the impervious coverage.~~

28 b. Impervious Coverage Calculations.

29 1. For the purpose of calculating impervious coverage on lots smaller than ~~two and~~
30 ~~one half~~ **three** acres, **uncovered decks up to 500 square feet when attached to a**

31 **residence, and one accessory structure up to 200 square feet are excluded from**
32 **calculation.**

33 ~~driveways and walkways may be partially or fully excluded from the calculation, if~~
34 ~~constructed and maintained in accordance with a mitigation plan, submitted and approved~~
35 ~~in accordance with subsection (a)(3) of this section.~~

List of affected lots by lot size

| USEAGE | ACREAGE | | |
|-----------------------------------|---------|-----------------------------------|------|
| 110 Residential Dwelling - single | 0.83 | 100 Residential Vacant | 1.48 |
| 100 Residential Vacant | 0.98 | 110 Residential Dwelling - single | 1.49 |
| 100 Residential Vacant | 0.98 | 110 Residential Dwelling - single | 1.50 |
| 100 Residential Vacant | 1.01 | 110 Residential Dwelling - single | 1.50 |
| 110 Residential Dwelling - single | 1.03 | 110 Residential Dwelling - single | 1.51 |
| 110 Residential Dwelling - single | 1.10 | 190 Residential Accessory Bldg | 1.52 |
| 105 Residential Improved Land | 1.13 | 110 Residential Dwelling - single | 1.53 |
| 110 Residential Dwelling - single | 1.15 | 110 Residential Dwelling - single | 1.54 |
| 100 Residential Vacant | 1.20 | 100 Residential Vacant | 1.54 |
| 190 Residential Accessory Bldg | 1.20 | 110 Residential Dwelling - single | 1.54 |
| 100 Residential Vacant | 1.21 | 100 Residential Vacant | 1.56 |
| 100 Residential Vacant | 1.21 | 110 Residential Dwelling - single | 1.56 |
| 110 Residential Dwelling - single | 1.21 | 110 Residential Dwelling - single | 1.60 |
| 105 Residential Improved Land | 1.22 | 100 Residential Vacant | 1.60 |
| 110 Residential Dwelling - single | 1.23 | 100 Residential Vacant | 1.61 |
| 100 Residential Vacant | 1.24 | 100 Residential Vacant | 1.63 |
| 100 Residential Vacant | 1.24 | 110 Residential Dwelling - single | 1.70 |
| 100 Residential Vacant | 1.24 | 110 Residential Dwelling - single | 1.73 |
| 100 Residential Vacant | 1.24 | 110 Residential Dwelling - single | 1.73 |
| 100 Residential Vacant | 1.25 | 110 Residential Dwelling - single | 1.75 |
| 100 Residential Vacant | 1.26 | 110 Residential Dwelling - single | 1.76 |
| 110 Residential Dwelling - single | 1.27 | 100 Residential Vacant | 1.76 |
| 110 Residential Dwelling - single | 1.29 | 100 Residential Vacant | 1.77 |
| 112 Residential Dwellings 2-4 | 1.29 | 100 Residential Vacant | 1.80 |
| 100 Residential Vacant | 1.30 | 100 Residential Vacant | 1.80 |
| 100 Residential Vacant | 1.30 | 100 Residential Vacant | 1.80 |
| 100 Residential Vacant | 1.32 | 100 Residential Vacant | 1.82 |
| 100 Residential Vacant | 1.36 | 110 Residential Dwelling - single | 1.85 |
| 110 Residential Dwelling - single | 1.37 | 110 Residential Dwelling - single | 1.86 |
| 100 Residential Vacant | 1.38 | 105 Residential Improved Land | 1.86 |
| 100 Residential Vacant | 1.38 | 110 Residential Dwelling - single | 1.86 |
| 100 Residential Vacant | 1.38 | 130 Residential Mobile Home | 1.86 |
| 100 Residential Vacant | 1.41 | 105 Residential Improved Land | 1.86 |
| 100 Residential Vacant | 1.43 | 110 Residential Dwelling - single | 1.86 |
| 110 Residential Dwelling - single | 1.43 | 100 Residential Vacant | 1.86 |
| 110 Residential Dwelling - single | 1.43 | 110 Residential Dwelling - single | 1.86 |
| 105 Residential Improved Land | 1.43 | 100 Residential Vacant | 1.88 |
| 100 Residential Vacant | 1.44 | 110 Residential Dwelling - single | 2.00 |
| 110 Residential Dwelling - single | 1.45 | 100 Residential Vacant | 2.03 |
| 100 Residential Vacant | 1.45 | 110 Residential Dwelling - single | 2.04 |
| 100 Residential Vacant | 1.46 | 100 Residential Vacant | 2.12 |
| 105 Residential Improved Land | 1.47 | 100 Residential Vacant | 2.16 |
| | | 110 Residential Dwelling - single | 2.16 |
| | | 130 Residential Mobile Home | 2.16 |
| | | 100 Residential Vacant | 2.21 |

| | |
|-----------------------------------|------|
| 100 Residential Vacant | 2.31 |
| 110 Residential Dwelling - single | 2.39 |
| 600 Leased Vacant Land | 2.50 |
| 110 Residential Dwelling - single | 2.54 |
| 112 Residential Dwellings 2-4 | 2.68 |
| 100 Residential Vacant | 2.86 |

(next lot is 3 acres in size)

93 lots, totaling 148 acres

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 3, 2014

A. Staff Report PL 14-83, Proposal to amend to the Bridge Creek Watershed Protection District.

City Planner Abboud commented that Cookinlet Keeper will be providing feedback at a future meeting and briefly reviewed the staff report and the proposals included in the report.

ERICKSON/HIGHLAND MOVED TO ACCEPT PROPOSAL 2, 4, AND 5 AS IS.

Proposal 2: Staff, rather than the Commission, will approve mitigation plans. Code requirements for mitigation plans will be drafted based on prior staff reports and meeting minutes.

Proposal 4: Uncovered decks connected to a primary structure are exempt from impervious calculations (up to 500 square feet.)

Proposal 5: One accessory structure up to 200 square feet is allowed without a zoning permit and is not counted toward impervious coverage on the lot.

Comments included:

- Proposals 2, 4, and 5 gives the property owners a little more flexibility and simpler for the planning department. It's a good compromise to get started without a lot of extra work.
- There haven't been a lot of property owners clamoring for this change. The realtors have an interest.
- Water quality is the most important aspect to all of us and unless we get a lot of people clamoring for change, then there isn't a pressing reason to change.
- Decisions should be made based on feedback from the people who live there.
- Uncovered decks being exempt seem reasonable.
- The numbers in 4 and 5 would be in addition to the total square foot allowable coverage.

There was discussion about the impact of proposals 4 and 5, on current residents and impervious coverage.

ERICKSON/HIGHLAND MOVED TO AMEND PROPOSAL 4 THAT THE 500 SQUARE FEET INCLUDES THE EXISTING DECKS.

There was discussion that this will help clarify the intent that existing residents can have the exemption for up to 500 sf of deck. City Planner Abboud suggested after the amendment proposal 4 would read uncovered decks, including existing decks, connected to a primary structure are exempt from impervious calculations (up to 500 sf).

VOTE: (Amendment) YES: BOS, HIGHLAND, ERICKSON, BRADLEY
NO: VENUTI

Motion carried.

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

VOTE: (Main motion as amended): YES: HIGHLAND, ERICKSON, VENUTI, BRADLEY, BOS

Motion carried.

HIGHLAND/ERICKSON MOVED TO ACCEPT PROPOSAL THREE.

Proposal 3: Set a maximum amount of developable area for smaller lots. Staff recommends for lots under 3 acres:

1. *An impervious surface maximum of 5,500 square feet.*
2. *A property may have 4.2% impervious surface without a mitigation plan.*
3. *Eliminate the provision of an increase to 6.4%, instead, the cap is a flat 5,500 square feet.*
4. *If a property wants to go over 4.2%, a mitigation plan is required*

Comments included:

- The realtor's suggestion of a 6200 sf coverage allowance to encompass a 2000 to 2200 sf house seems reasonable for growing families. Reducing it to 5500 reduces the size of those family houses.
- Access is a key point in how much coverage is needed. Some of the lots need long driveways.
- With the demographics of an aging population, is 5500 sf adequate for a ranch still home and attached garage.
- It's hard to say whether or not the 2.5 acre lots will need enough driveway construction to use up a significant amount of impervious coverage.
- 5500 sf allowance with the 500 sf deck and 200 sf out building is still a 6200 sf allowance overall. Less than 5500 sf allowed would not be adequate for development.

There was discussion for clarification that the 4 recommendations in proposals three would all be options for development on lots less than three acres.

In response to the suggestion of an incentive for property owners to purchase the empty lot next to them and leave it vacant to help protect the watershed, City Planner Abboud explained it could work in a place where there is a lot of pressure for development and a lot of opportunity for protection. In this case it could eventually raise issue with non-conformity. It is also questionable if the demand is there.

There was further discussion reviewing and clarifying the calculations addressed in the effects of proposal three.

VOTE: YES: ERICKSON, BRADLEY, BOS, HIGHLAND, VENUTI

Motion carried.

HIGHLAND/VENUTI MOVED TO ACCEPT PROPOSAL ONE.

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

There was discussion that there is an allowance in code that a property owner can be excluded if they provide evidence the entire lot is out of the watershed. Allowing a portion of a lot to be excluded can raise issue with meandering lines, manipulating lots, and how the property can be developed.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 3, 2014

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

Motion failed.

VENUTI/BOS MOVED TO ACCEPT THE PROPOSAL TO ALLOW MOVING PROPERTY LINES TO FOLLOW WATERSHED BOUNDARIES.

There was discussion that this is like proposal one, where it raises similar issues. There is already a requirement lots can't be subdivided smaller than 4.5 acres.

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

Motion failed.

New Business

Informational Materials

- A. City Manager's Report, August 25, 2014
- B. Kenai Peninsula Borough Planning Commission Notice of Decision Re: James Waddell Survey Petska Addition Time Extension Request

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 said well-done Mr. Bos.

Commissioner Bradley had no comment.

Commissioner Erickson said it was a fun meeting.

Commissioner Venuti said Mr. Bos was a great Chair tonight.

Acting Chair Bos said it was a good meeting. He liked the talk about the water shed and water quality.

Adjourn



City of Homer

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Staff Report PL 14-88

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: September 17, 2014
SUBJECT: AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED, AND 21.90.030, INVALID LAND USE PERMITS, REGARDING THE REQUIREMENT FOR A ZONING PERMIT AND THE RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT ISSUANCE.

Introduction: This particular section of code has been cited in regards to recent appeals of Planning Commission decisions in CUP's. The City Attorney has provided a suggested code amendment for your review.

Attached is a draft of an ordinance amending the Zoning Code regarding the issuance of zoning permits and relationship between permit issuance and zoning violations:

1. The ordinance defines more clearly the activities that require a zoning permit, in particular a zoning permit for alteration of an existing building, which is required only when the alteration changes the exterior dimensions of the building.
2. The ordinance prohibits the issuance of a permit under the Zoning Code unless all structures and uses permitted under the permit conform to the Zoning Code, and leaves it to the discretion of the permitting authority whether to require correction of other Zoning Code violations on the property.

Analysis: Code language may now be interpreted that all alterations need a zoning permit, even though we do not have a building inspector. It seems to be a waste of time and money to make someone gain a permit for an activity that the City does not have any regulation regarding, such as a residential interior remodel or roof replacement and such. This proposed amendment addresses this issue.

Currently if one were to make an inflexible interpretation of code, no zoning permits (as in all permits reference in zoning code, not just CUP's) could be issued unless it was determined that a property has maintained complete compliance with all development regulations and permits. While there may be some better reasons than others why someone may not be in

compliance, permits might only be issued after correction, as in correction that would not require a permit (sometimes this may be nearly impossible, how could you move a building without gaining a permit to do so??). This code language in its present form introduces a 'catch 22' situation. Our city's most experienced litigant has stated he believes all development found to not be in compliance must be removed prior to issuing a permit and no permit may be issued after the fact. While in a perfect world everyone would do their due diligence and get a permit for absolutely everything they do and not make any errors in construction, but this is just not realistic. Sometimes the only reasonable option is to gain a permit.

Staff Recommendation: Review the proposed amendment and have a discussion. A public hearing could be scheduled if so desired.

Attachments:

1. Proposed Ordinance

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CITY OF HOMER
ORDINANCE 14-xx

City Manager

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED, AND 21.90.030, INVALID LAND USE PERMITS, REGARDING THE REQUIREMENT FOR A ZONING PERMIT AND THE RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT ISSUANCE.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.70.010, Zoning permit required, is amended to read as follows:

21.70.010 Zoning permit required. a. Except as provided in subsection (c) of this section, a zoning permit shall be obtained from the City Planner for the following:

1. Erection, construction or ~~moving~~ **expansion** of any building or structure.
2. Site development activities that trigger other review or approval requirements under the Homer Zoning Code, such as, but not limited to, the requirement of a site plan, development activity plan or stormwater protection plan.

3. **An increase in the height, or an exterior dimension of any floor, of an existing building, or an increase in the height, or the footprint area,** ~~A change or expansion of an existing any building, structure or lot.~~

4. A change or expansion of the use of a lot.

b. The zoning permit required by this section shall be obtained prior to the commencement of any ~~work, change or expansion of a building, structure, lot or use, or other~~ activity for which the permit is required. Failure to do so is a violation.

c. The following are exempt from the requirement to obtain a zoning permit, but not from compliance with applicable requirements of the Homer Zoning Code, such as, but not limited to, the development activity plan or stormwater protection plan:

1. **Any change to an existing building that does not increase the height, or exterior dimension of any floor, of the building, and any change to an existing structure that does not increase the height, or footprint area, of the structure.**

2. 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.

~~3.~~ Fences or walls used as fences, unless otherwise regulated by the Homer City Code.

~~4.~~ Removal of any building or structure.

~~5.~~ Termination of any type of use.

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

88 Second Reading:

89 Effective Date:

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92 Reviewed and approved as to form:

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95 _____

96 Walt Wrede, City Manager

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98 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

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Office of the City Manager

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MANAGER'S REPORT

September 8, 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. Tsunami Warning System: As most of you know, we had another false alarm this past week which caused quite a bit of disruption and anxiety for a short period of time. Police Dispatch, the Port and Harbor Office and City Hall spent a fair amount of time fielding phone calls and helping to get the information out that it was a false alarm. Homer, Seward, Seldovia and Nanwalek were affected. NOAA reports that it was a computer glitch. What was supposed to be a test message came across that way on the weather radios. Unfortunately, it came across as a real warning on the sirens. Chief Painter, Chief Robl, and Port and Harbor Director Bryan Hawkins have all been communicating with the Borough Office of Emergency Management about this incident. One positive outcome was that the manually activated "all clear" message worked.
2. Public Safety Building Open House: There is an open house this Wednesday, September 10th, at 6 PM here at City Hall. The purpose of the open house is to give the public an opportunity to learn more about the proposed new public safety building. Emphasis will be placed on the deficiencies of the two existing buildings and the space needs analysis. Attached is a flyer announcing the event. We encourage the public to come, get informed, and get involved in the discussion during the early stages of planning.
3. Public Safety Building Committee Requests: At the last Council meeting, Committee Chair Ken Castner stated that it would be really helpful to the Committee going forward if the Council could give it guidance on two specific issues: 1) Is the Council "locked in" on the HERC property as the location for the public safety building? Does the Committee have the green light to evaluate additional sites or would it be wasting time and energy by doing so? 2) Is the Council open to the idea of having a private company build the building and entering into a lease agreement? On the first question, the City Clerks researched the record and no resolution specifically naming the HERC site as the location for the building could be found. There are numerous memorandums and project descriptions which mention this site as a preferred location. There are many reasons why the Council initially

identified this as a likely location. Those reasons included location, parcel size, terrain, access, ownership, proximity to utilities, already developed infrastructure, a local match for outside funding, etc. However, the Council has not specifically or unequivocally identified this site as the location for the building. I think the idea was to wait for a recommendation from the Committee and the Consultants. I agree that it would be helpful to let the Committee know where the Council is on this.

On the second question, this is an option the Council has not discussed with respect to the public safety building. Some of you will recall that it was part of the discussion when the new city hall in Town Center was being considered. The Council at that time decided that it was more in the long term public interest to own the building and finance it with public dollars than it would be to lease. In this case, there are clearly advantages and disadvantages to leasing.

Much depends upon how the lease is structured. For example, if the City owned the building and the ground under it at the end of the lease term, leasing might be worth considering. There are many variables that would have to be taken into consideration. Who pays for building maintenance and repair? Those types of considerations would be addressed through the proposal and lease negotiation process. Following is a quick snapshot of some advantages and disadvantages:

Advantages

- The financing package could come together quicker.
- Initial investment made by the private sector and not the taxpayers
- The City does not incur long term debt, in the conventional sense.
- HVFD and HPD could occupy the building quicker.

Disadvantages

- The City may have less control over location
- The City may be making lease payments for many years instead of loan payments on a building it owns.
- Leasing might take away the City's ability to leverage other public funds.
- Homer taxpayers could end up paying the full cost of the building.
- A large, probably outside investor, or group of investors, would need to be involved, and they would be looking to recoup their investment and turn a profit. That is not a bad thing. We just need to be cognizant of who is paying for it.

That is a very brief outline of some of the considerations. Again, I agree with Ken that it is important for the Council to rule this option in or out at some point soon. If the Council wants to pursue the lease option, the strategy will be important. For example, if Council wants to design the building itself and select the location, it may have a little time. Then you are simply telling investors you want them to build this building at this location and if

they do so, you will lease it from them. If you want to solicit proposals for a building with basic space needs only specified, we should think about doing that sooner.

4. CUP 13-12 Remand: CUP 13-12, the one having to do with a proposed communications tower, was remanded from the Board of Adjustment back to the Planning Commission. City Planner Rick Abboud requested that the Council be informed that the permit applicant, Kodiak Microwave System, LLC has withdrawn its application. Therefore, no further action is planned or scheduled related to this remand.
5. Strategic Planning: Attached is a brief update on the October 25 Strategic Planning session. Katie will be available to discuss this with you at the meeting if there are comments or questions.
6. Kachemak City Sewer Agreement and Fee Schedule Changes: This agenda contains Resolution 14-008 (sewer agreement) and Resolution 14-088 (Fee Schedule amendments) under Pending Business. They were postponed at the last meeting in order to give the Kachemak City Council time to review the agreement. It turns out that Kachemak City was not able to schedule a meeting until Wednesday, September 10th. So, I will be asking you to postpone these two resolutions again, until September 22. In the meantime, I am working with Holly on some of the amendments requested by Councilmember Burgess.
7. Ordinance 14-45: Ordinance 14-45 is the ordinance which addresses appeals to the Board of Adjustment. This ordinance appears under pending business instead of under public hearings and second reading, as you might expect. The reason for that is we were reminded that this ordinance amends Title 21 and therefore, must be reviewed by the Planning Commission. So, we placed this ordinance under Pending Business and will request that Council postpone it until the PC can review it. They will do so at the next available meeting.
8. DOT/PF Scoping Meeting / MP 157-169 / Anchor Point to Baycrest Hill: DOT/PF will be holding public scoping meetings on September 15 and 16 to gather public input on the Sterling Highway MP 157-169 (Anchor Point to Baycrest Hill) project. (AKSAS#58106). Anticipated work includes reconstructing the roadway, realigning horizontal and vertical curves, adding passing and climbing lanes, improving intersections, replacing culverts, constructing a bridge over the North Fork Anchor River, replacing the bridge over the South Fork Anchor River, increasing shoulder width, and clearing vegetation. A copy of the flyer announcing the meetings is attached.
9. Hospice of Homer Open House: Attached is an invitation from Hospice of Homer to the Mayor and Council to attend the open house at their new facility on Wednesday, Oct. 15, from 5 to 7 PM. As always, please notify the Clerk if you plan to attend so we can put out a public notice if necessary.
10. Karen Hornaday Park Fire Circle Project: Attached is a copy of a letter from the Homer Foundation that was written to Public Works Director Carey Meyer. A fire circle is an important component of the Karen Hornaday Park Improvement Plan. This park has benefitted frequently from collaborative community effort and the fire circle is just another example. Many thanks to the Rotary Club, the Homer Foundation, and the Homer Playground project for their support.

11. Kachemak Bay Research Reserve: Things are looking up and appear to be moving in a good direction concerning the Research Reserve. You will recall that State Funding and support was in jeopardy this spring and the Council adopted a Resolution of support and authorized the staff and the City Lobbyist to work on the issue with the legislature. I have been representing the City at Reserve Community Council meetings and there will be another one this coming week. At this point, it looks like the Reserve will partnering with and possibly become part of the University of Alaska, Anchorage. This is potentially a very positive development on several levels.

ATTACHMENTS

1. Public Safety Building Open House Flyer
2. Library Director's Report
3. Memorandum 14-137 from Community & Economic Development Coordinator, Re: Plan Selection for Strategic Implementation Planning
4. Flyer / Sterling Highway Anchor Point to Baycrest Project
5. Hospice of Homer / Invitation to Open House
6. Karen Hornaday Park Fire Circle Project

From: Joanne Thordarson <jktalaska@gci.net>
Sent: Monday, September 08, 2014 3:15 PM
To: Department Planning
Subject: Two duplexes on Aprill

To Whom It May Concern,

I want to express my deep concerns about the two huge duplexes (right together) on Aprill Pl. (across the street from where I live). They ruin the view of the two new homes behind them, the view of the two homes beside them with a driveway to both units that takes away from the quality of life for two homes. In addition, they seem so out of place in a residential area. It does not appear that there will be enough room for four families, their vehicles and extras i.e., the quality of life will be at a minimum for an expensive duplex. It just looks like someone is trying to exploit their property by building large units to the detriment of the neighborhood, neighbors, and whoever lives there. There does not look like there is any consideration for views, quality of life, space for vehicles, yard etc.--all a family needs to enjoy their property. I 'm just appalled at what they are doing there. I even bought the lot next to mine for fear of what might be built there.

As Homer grows, it is about time to consider the quality of life, view and consequences of buildings in residential areas. It appears now that anything goes and neighbors don't matter, the view and view of others don't matter. This is beautiful mountains and bay Homer. That's sad.

Thank you for listening.

Joanne Thordarson
3833 Aprill Pl.
907-435-7344

