

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.
2. Presentation Matt Steffy, Natural Resource Specialist, Homer Soil & Water Conservation District on Invasive Weed Management and revegetation. **Related to page 61 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 April 15, 2015 meeting **Page 1**

6. Presentations

7. Reports

A. Staff Report PL 15-27, City Planner's Report **Page 9**

8. Public Hearings

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

A. Staff Report PL 15-28 Small Wind Energy Systems to delete the one-acre minimum **Page 11**

9. Plat Consideration

A. Staff Report PL 15-29 Ageya Homestead 2015 Preliminary Plat **Page 19**

B. Staff Report PL 15-30 Bayview Gardens Sub. No. 12 Preliminary Plat **Page 31**

C. Staff Report PL 15-31 East Highlands Sub. No. 2 2015 Preliminary Plat **Page 41**

10. Pending Business

A. Staff Report PL 15-33 Towers Ordinance **Page 51**

B. Staff Report PL 15-34 Site Development Standards **Page 61**

11. New Business

A. Staff Report PL 15-32 Appointment to the Cannabis Advisory Commission **Page 71**

12. Informational Materials

A. City Manager's Report from the April 27, 2015 City Council Meeting **Page 73**

b. Lillian Walli Sub. Updated from Marvin Yoder **Page 79**

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:

Next regular meeting is scheduled for May 20, 2015. A work session will be held at 5:30 pm Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

Session 15-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:35 p.m. on April 15, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, HIGHLAND, STEAD, STROOZAS, VENUTI

ABSENT: BRADLEY, ERICKSON

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN
PUBLIC WORKS DIRECTOR MEYER

Approval of Agenda

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA

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 March 18, 2015 meeting
- B. Time Extension Request, Christensen Tracts 2009 Addition

Chair Stead called for adoption of the consent agenda

HIGHLAND/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

None

Reports

A. Staff Report PL 15-21, 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.

A. Staff Report PL 15-22 Draft Ordinance Amending Bridge Creek

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Sue Mauger, property owner in the district and Science Director for Cook Inletkeeper, shared some research she did relating to property currently developed in the district to show that the owners are able to develop their property with the ordinance that is currently in place which suggests that it's reasonable and smaller lots are developable. She also referenced comment in the January 21st meeting minutes that suggest the information provided by the Cook Inletkeeper says the city should be able to go up to 10% impervious cover if buffers were provided, is incorrect. She noted the information indicates in Alaska when impervious coverage hits 4.4% and 5.8% water quality decreases, a 10% threshold has been reported in other parts of the country but in Alaska our streams are more sensitive to degradation because there are more extreme natural stressors on the landscape. She questions the 70% and 90% values as they seem arbitrary and encouraged that they are cautious of changes that might weaken the effectiveness of the ordinance that protects our drinking water.

Mark Hemstreet, property owner in the district, commented in support of the proposed amendments. He and his wife think it is a fair and equitable plan because it gives property owners a little more flexibility and it isn't a huge change from the current code.

Bill Smith commented that a lot of work went into developing the numbers currently used in code, based on the more lenient of the impact range they found. He likes that the mitigation plan can be approved by the City Planner, and also likes the reseeding and retention standards. He doesn't agree with the 90% impervious coverage regarding structures. He thought they eliminated the impervious requirement for driveways with a proper mitigation plan. Lastly he expressed that this narrow application applies to Mr. Stroozas' property and the group should revisit whether he is conflicted.

Joel Cooper, property owner in the district, concurred with Ms. Mauger's comments that the ordinance in place is working, adding that people are managing to work with what is in code now. He

agrees the lots adjacent to the stream raise concern due to non-point source pollution being a conduit into the stream. It would be great to see if there are ways to acquire the riparian corridor. The 70% related to walkways has no detail as to specifics about materials used. He likes the reseeding and retention standards.

There were no further comments and the hearing was closed.

City Planner Abboud mentioned that the 70% and 90% gives property owners a concrete target, where before they had to come in and convince the Commission of the effectiveness of what they were mitigating.

Public Works Director Meyer explained that in the textbook and advice that is given to engineers is a .9 coefficient to estimate runoff from impermeable surfaces. He assumes there is some evaporation and that not every drop of water that falls on a dry pavement, leaves the dry pavement. Regarding the difference in the permeability between gravel and concrete surface, he agrees there is a difference in the summer, but in the winter months a frozen gravel surface is just as impervious as a paved surface. Mr. Meyer noted that most of the significant rain events happen in November through January when the ground is frozen and an engineer would have to take into account dealing with worst case scenarios.

Commissioner Highland noted that they didn't identify in the ordinance what driveways and walkways were made of relating to percentages. It seems that it needs to be included. Chair Stead noted it says they may be calculated at 70% not that they will be, which allows for consideration of materials used to determine 70 or 90 percent.

BOS/HIGHLAND MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.40.070, REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATER SHED PROTECTION DISTRICT AND FORWARD IT TO CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

Commissioner Highland commented she thinks gravel or paved should be included in the language and that 100% makes more sense under item C. No amendment was proposed.

VOTE: YES: STROOZAS, BOS, STEAD, VENUTI
NO: HIGHLAND

Motion carried.

Plat Consideration

A. Staff Report PL 15-23 Webber Subdivision No. 9 Preliminary Plat

City Planner Abboud reviewed the staff report.

Steve Smith, project surveyor, said he was available for questions.

Chair Stead opened the floor to public comments.

Michael Kennedy, city resident, noted that there is water and sewer installed and the property to the west has a small house. He supports vacating the lot line as it will allow the buyer ease in develop the lot as they will likely have more challenges with the overslope rules

There were no further public comments.

Steve Smith, project surveyor, pointed out that this action shouldn't be subject to subdivision requirement and provided some history on his experience with defending that a lot line vacation is not the same as a subdivision.

Commissioner Venuti asked if the applicant is aware that this action does not change the assessments for the gas line related to the two properties. City Planner Abboud said he has not spoken with the applicant and does not know if they are aware.

BOS/HIGHLAND MOVED TO APPROVE STAFF REPORT PL 15-23 AND THE WEBBER SUBDIVISION NO. 9 PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 15-24 Foothills Marley-Dell Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

There were no applicant comments, no public comments, and no questions from the Commission.

BOS/HIGHLAND MOVED TO APPROVE STAFF REPORT PL 15-24 FOOTHILLS MARLEY-DELL REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 15-25 Hodnik Subdivision Preliminary Plat

City Planner Abboud acknowledged the laydowns provided. He disclosed the applicant is his and his family's dentist and has not talked to her about any of this.

Chair Stead called for a recess at 7:26 so the Commission could review the laydown information and called the meeting back to order at 7:32 p.m.

City Planner Abboud reviewed the staff report.

Chris Mullikin, project surveyor, commented he expects the state will require 60 feet and not 100 feet of right-of-way width, as with the adjacent properties, but don't have it in writing yet. It's understood that there may be necessary amendments based on the results of the soil tests. His client does not support the 20 foot utility easement, but if they accept the garage and well encroachment, it may not impact her too much. The well is not used for drinking; only gardening. He believes the 3:1 ratio will work based on the overall perimeter and usable land of each lot proposed.

Arne Tikka, a civil and environmental engineer with Alaska Consulting and Environmental Engineering in Soldotna, said he has been retained by Ms. Hodnik to do the soils investigation for this subdivision. He is unable to comment regarding the lot configuration until he completes the investigation and reviews how the results relate to borough code. He recognizes the challenges with lot configuration based on the areas available in relation to on-site septic. He will likely recommend an ACOE wetland delineation on the north side of the road to ensure there is at least 20,000 sf of contiguous usable area, as outlined in borough code. He spoke of the septic tanks installed on the property and the surrounding properties as well as borough set back requirements.

Vickey Hodnik, applicant, commented she has lived on the property for 20 years and is looking at estate planning and so forth. Her relationship with the city hasn't always been so keen and she wouldn't necessarily subdivide, because she would still like to be able to negotiate what she wants to do with her easements. Years ago she gave the city an easement to do sewer down on the west side of her property and five people were able to get water and sewer, even though she doesn't have it. She is hopeful they will have water and sewer properly installed. She doesn't want to give the city 20 feet of easement. Gas is there and water sewer can go on the north side to take care of that problem. She did soils testing years ago but it never got filed and she doesn't have any documents on it. She noted the garage was in place when Kachemak Drive was put in and the well is used for gardening and doesn't think it will get in anyone's way.

Chair Stead opened the floor for public comment.

Dan Veerhusen, city resident, said as far as he is concerned the shed stays. It's been there a long time and he doesn't think any more easements need to be taken on the south side of the road either.

There was no further public comment.

Question was raised about delaying the plat until some of the questions are resolved, like the right of way requirement from the state and the ACOE permit for the other side of the road. Mr. Mullikin responded that it's his understanding that those aren't required at this stage.

It was recommended they contact HEA regarding the electric service crossing new lot lines proposed in the plat.

There was discussion to clarify location of the septic's and that contour lines are not required except in areas where the slope is over 20%. They also talked about the request for exceptions and that the borough will be scrutinizing the requests along with staff report included for their review. The shop next to the road and the well may be looked at by the state.

City Planner Abboud couldn't confirm an exception to 3:1 ratio would be approved if the soil samples came back as satisfactory, staff would want to review the soil report first. They also discussed DEC and borough code requirements relating to usable area of property necessary for onsite septic.

HIGHLAND/BOS MOVED TO APPROVE STAFF REPORT PL 15-25 HODNIK SUBDIVISION PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

Discussion ensued confirming that the amendments to staff report 15-25 provided in the laydown are part of this recommendation. It further clarifies opposition to the 3:1 ratio is included in the recommendations. Several Commissioners' felt this preliminary plat is premature because of the information that is still needed. It was also noted that concern regarding bluff erosion is addressed in the amendments relating to not recommending the 3:1 ratio exception.

VOTE: YES: STEAD, HIGHLAND, VENUTI, STROOZAS
NO: BOS

Motion carried.

Chair Stead called for a brief recess at 8:26 p.m. and the meeting resumed at 8:30 p.m.

Pending Business

A. Staff Report PL 15-26 Towers Ordinance

City Planner Abboud and the Commission reviewed staff report, draft tower ordinance, and the article *Federal Cell Tower Zoning: Key Points and Practical Suggestions*.

There was brief discussion about view shed, camouflage, and height. The Commission took no action during ordinance review.

New Business

Informational Materials

- A. City Manager's report for March 23, 2105 Council Meeting
- B. Memo to City Council Re: Site Development Amendment

Comments of the Audience

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

None

Comments of Staff

Public Works Director Meyer commented about the completion of water and sewer on Kachemak Drive. He explained there is a phase one and phase two and there is a section in between that isn't serviced. There is a process for property owners to create improvement districts where a majority of the property owners in the district have to support it. There are some things happening to help stimulate that. There is an EPA grant to design some water improvements and designed the water line portion of the middle section, phase three. The city put in for a municipal matching grant that is the legislative budget so he expects they will get the grant and find matching funds for the city to construct the waterline portion. The sewer will have to be initiated by property owners. He added that just because water line goes through the area it won't mean that they can tie in. From the Public Works perspective it isn't a good idea to provide water to an area with marginal septic's along an eroding bluff. If the waterline goes in, it's hopeful that property owners will decide it's a good time to move forward with sewer. The city would pay 25% of those costs and can offer financing for the property owner's portion.

Deputy City Clerk Jacobsen advised the group that there is a seat available for a Planning Commissioner to serve on the Cannabis Advisory Commission.

Comments of the Commission

Commissioner Highland commented she thinks they are the ones who should start the conversation regarding invasive weeds. She also thinks they should have quarterly work sessions regarding transportation. She isn't sure what to think about the Cannabis Advisory Commission and maybe should discuss it when the other commissioners are back.

Commissioner Bos said it was a good meeting and good to have the public here.

Commissioner Venuti said it was an interesting meeting. He told the group the Borough Planning Commission will be meeting at Land's End and invited the group to come listen in.

Commissioner Stroozas said it was an excellent meeting. They accomplished a lot and is glad they are finishing up with Bridge Creek and towers.

Chair Stead said it was a good meeting and he is willing to serve on the Cannabis Advisory Commission. He also supports quarterly transportation worksessions and will work with the planner for scheduling.

Adjourn

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 15, 2015

There being no further business to come before the Commission, the meeting adjourned at 9:19 p.m. The next regular meeting is scheduled for May 6, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



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STAFF REPORT PL 15-27

TO: Homer Advisory Planning Commission
FROM: Rick Abboud
MEETING: May 6, 2015
SUBJECT: City Planner's Report

Lilian-Walli Estates: At the last City Council meeting, the council passed a resolution releasing the owners of lots in the Lillian Walli Estates Subdivision from the subdivision agreement requirement that all lots must have all infrastructure improvements prior to the issuance of a zoning permit. It is now revised to state: "no request for a building permit or additional utility connections will be made for a lot or tract until improvements (roads, water, sewer, drainage, and other utilities) serving that lot or tract are completed and accepted by the City."

The May 20th work session: Paul Voeller, Platting officer and Maria Sweppy, Platting Specialist will be our guest speakers at the HAPC May 20th work session. I have specifically asked them to address:

- 3 to 1 ratio for lots with water frontage where majority of the lot is down the bluff and /or out in the water.
- If and when a wetland delineation is required and if it must be shown on a plat.
- Minimum lot size with cistern water and onsite septic.

If you have anything else specific, let me know and I can forward it to them.

Trails Symposium: Homer on the Move connected community members, users groups and organizations met on April 18th to advocate for safe, accessible trails, sidewalks, and roadways.

All-Hazard Mitigation Plan Update Town Hall Meeting: The next meeting will be Thursday, May 7th, 9am-10am at the Homer Fire Station. Bob Painter, Catriona Reynolds and Dotti Harness-Foster are all working to update this plan.

Poopdeck Planning and Effler Trail: I attended the Kachemak Heritage Land Trust long-term planning for the 3 acre Poopdeck property at the end of Klondike Ave. On Saturday, May 9th the Effler Trail Trailhead (Skyline Drive) Ribbon Cutting takes place, 2-3pm.

Planning Items on City Council agenda: Due to all the interest and critique of planning items on the CC agenda, I believe that we need Planning Commissioner presence to answer questions of

the council and give insight on the thoughts and work done on items brought to the council. I will be working with the Chair on this.

PARC: A presentation was made to the City Council about the results of the survey. A meeting is being held regarding a recommendation for the 'next steps' on Wednesday, May 6 at 4:30 PM before the Planning Commission meeting.



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Staff Report PL 15-28

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: May 6, 2015
SUBJECT: Draft ordinance 15-09 amending 21.58.020, Installation requirements, to delete the one-acre minimum lot area for small wind energy systems.

Introduction

The City Council introduced an ordinance to delete the one-acre minimum lot sized requirement for the installation of a wind energy system. This was referred to the Planning Commission for a recommendation.

Analysis

This amendment does not change any other standard or requirement for the installation of a wind energy unit. Practically, it opens up the opportunity for these units anywhere that the 1.1 fall zone on a lot is available. Currently, I am not able to permit even a small rooftop or vertical axis system that might not need to be located above the tree level on a lot due to the one acre restriction.

The Commission narrowly approved this requirement in their previous recommendation. I believe that it was approved on the bases of reducing the opportunity of these devices in the more densely populated urban environments. In consideration that all safety, noise, and setback requirements have not been compromised, I do not oppose the ordinance. The underlying issue of scenic preservation is the community value that may be addressed. The building standards of Homer (basically anything can be built to 35 feet) seem to show support for tolerance of the ordinance. The fact the all new development is required to bury all utilities seems to oppose the ordinance.

An example of the space necessary for a wind energy system under the new regulations:

One 40' tall unit requires 1.1 fall zone setback, $40 \times 1.1 \times 2 = 88'$. Standard lots are required to have a 3:1 ratio. So, if you need at least 88' of the narrow dimension and your lot is 3:1, your long distance would be $88' \times 3 = 264'$. In this example, your theoretical minimum lot would be $88' \times 264' = 23,232$ square ft. or .53 acres. Or course, there are other examples of non-standard

lot dimensions but this does give one the idea of what size of lot might accommodate a system that is just 5' taller than the building height limit.

Staff Recommendation: Hold public hearing and make recommendation in consideration of the adoption of the draft ordinance to the City Council.

Attachments:

1. Memorandum PL15-02
2. Draft Ordinance 15-09
3. City Council minutes



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Memorandum PL 15-02

TO: HOMER ADVISORY PLANNING COMMISSION

FROM: RICK ABOUD, CITY PLANNER

DATE: MAY 6, 2015

SUBJECT: DRAFT ORDINANCE 15-09 AMENDING SUBSECTION (D) OF HOMER CITY CODE SECTION 21.58.020, INSTALLATION REQUIREMENTS, TO DELETE THE ONE-ACRE MINIMUM LOT AREA FOR SMALL WIND ENERGY SYSTEMS.

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.

Discussion: Comprehensive Plan Chapter 9, Goal 4: "Support renewable-energy research and development." A strategy stated to accomplish this goal includes "Encourage the development of tidal, geothermal, wind and other renewable energy sources to generate energy for adjacent uses or for transmission to the electrical grid." This amendment is directly correlated toward accomplishing this goal.

Staff response: This amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Staff response: This code amendment will be reasonable to implement and enforce. It does not require the creation of any additional processes than currently exists.

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

Staff response: The public health, safety and welfare are not compromised, as no safety standards for wind energy systems are modified.

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

Staff response: This amendment is consistent with the intent and wording of other provisions of this title. 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 City Council initiated the code amendment. Per 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.

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

3 Councilmember Zak

4 **ORDINANCE 15-09**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING SUBSECTION (d) OF HOMER CITY CODE SECTION
8 21.58.020, INSTALLATION REQUIREMENTS, TO DELETE THE ONE-
9 ACRE MINIMUM LOT AREA FOR SMALL WIND ENERGY SYSTEMS.
10

11 WHEREAS, Wind energy systems have become more sophisticated and diverse since
12 the existing wind turbine definitions, standards, and other governing ordinances of the city of
13 Homer, Alaska, were created in 2009; and
14

15 WHEREAS, The Homer City Code currently lacks standards recognizing that there are
16 now new types of wind energy systems that have much smaller underlying footprints and
17 dramatically lowered noise levels; and
18

19 WHEREAS, The Homer City Code currently lacks standards recognizing that there are
20 now new types of wind energy systems that have largely eliminated the potential harm to
21 birds; and
22

23 WHEREAS, The Homer City Code currently lacks standards recognizing that there are
24 now new types of wind energy systems that have much greater stamina with respect to
25 Alaskan weather; and
26

27 WHEREAS, The Homer City Code currently lacks standards recognizing that modern
28 wind turbines create the opportunity to decentralize locally and, as a result, better deal with
29 climate change, natural disasters, and terrorism; and
30

31 WHEREAS, The Climate Action Plan of the City of Homer encourages renewable energy
32 to reduce fossil fuel use and carbon emissions; and
33

34 WHEREAS, The cost of electric power has become a serious financial issue for the
35 citizens and small businesses of Homer.
36

37 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
38

39 Section 1. Subsection (d) of Homer City Code 21.58.020, Installation requirements, is
40 hereby amended to read as follows:
41

[Added language underlined. Deleted language ~~stricken through.~~]

d. Dimensional Requirements.

~~1. A small wind energy system may be installed only on a lot having an area not less than one acre.~~

12. The distance from a small wind energy system to the closest property line may not be less than 1.1 times its total height.

23. All guy wires, cables and other accessory support structures for a small wind energy system must be on the same lot as the small wind energy system, but may be located within required setback areas, and shall be properly jacketed to ensure visible safety standards.

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____, 2015.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Mary K. Koester, City Manager

Thomas Klinkner, City Attorney

Date: _____

Date: _____

Fiscal Note: NA

[Added language underlined. Deleted language stricken through.]

Excerpt from City Council Regular Meeting Minutes of April 13, 2015 (unapproved)

- B. **Ordinance 15-09**, An Ordinance of the City Council of Homer, Alaska, Amending Subsection (d) of Homer City Code Section 21.58.020, Installation Requirements, to Delete the One-Acre Minimum Lot Area for Small Wind Energy Systems. Zak. Recommended dates: Introduction April 13, 2015, Public Hearing and Second Reading April 27, 2015.

Mayor Wythe called for a motion for the adoption of Ordinance 15-09 for introduction and first reading by reading of title only.

BURGESS/REYNOLDS - SO MOVED.

The Council expressed approval for bringing the ordinance forward.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/LEWIS - MOVED TO SEND ORDINANCE 15-09 TO THE PLANNING COMMISSION AND TO POSTPONE SECOND READING UNTIL IT RETURNS FROM THEM.

Although the Planning Commission may have nothing to add, all ordinances affecting planning and zoning are vetted by the commission.

BURGESS/ROBERTS - MOVED TO AMEND TO HAVE THE PLANNING COMMISSION GET THE ORDINANCE BACK TO US FOR OUR MAY 26TH MEETING.

There was brief discussion on the commission meeting dates.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (refer to Planning Commission as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

	The creek itself is not on this property, nor is the mapped riparian area.
Flood Plain Status:	Not within a mapped flood hazard area.
BCWPD:	Located within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are not available at this time.
Public Notice:	Notice was sent to 15 property owners of 18 parcels as shown on the KPB tax assessor rolls.

Analysis: This subdivision is within the Bridge Creek Watershed Protection District. This plat shifts the common lot lines of these tracts. No new right of way is dedicated. The Bridge Creek Watershed Protection District requires a minimum lot size of 4.5 acres, and this plat meets the requirement. All lots are larger than 4.5 acres.

Preliminary Approval, per KPB code 20.25.070 Form and contents required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
 1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

Staff Response: The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

Staff Response: The plat meets these requirements. Staff recommends showing Homer City Limits and the Bridge Creek Watershed Protection District. Staff further recommends a plat note stating that development activities are subject to the City of Homer Zoning code.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in

the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

Staff Response: The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff Response: The plat meets these requirements.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff Response: The plat meets these requirements.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

Staff Response: The plat meets these requirements.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

Staff Response: The plat meets these requirements.

Public Works Comments:

- 1. No comments

A development agreement is not required

Fire Department Comments: No comments

Staff Recommendation:

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

- 1. On the vicinity map, show the Homer City Limits and the Bridge Creek Watershed Protection District.
- 2. Include a plat note stating that development activities are subject to the City of Homer Zoning code.

Attachments:

- 1. Preliminary Plat
- 2. Surveyor's Letter
- 3. Public Notice
- 4. Watershed Map
- 5. Aerial Map

CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	ARC DIST.	CHD. BRNG.	CHD. DIST.
C1	89°53'48"	25.00'	25.05'	39.32'	N 44°57'08"E	35.39'
C2	18°32'51"	170.00'	27.76'	55.03'	S 80°43'37"E	54.79'
C3	42°50'03"	25.00'	9.81'	18.69'	N 48°08'00"E	18.25'
C4	154°11'48"	50.00'	218.28'	134.56'	N 7°32'41"W	97.48'
C5	111°28'18"	50.00'	73.40'	97.28'	S 39°37'15"W	82.65'
C6	42°50'00"	25.00'	9.81'	18.69'	N 5°18'04"E	18.26'
C7	81°49'42"	95.30'	82.59'	136.11'	N 6°38'00"E	124.83'
C8	18°32'51"	230.00'	37.56'	74.49'	N 80°44'34"W	74.13'
C9	90°06'12"	25.00'	24.96'	39.23'	S 45°03'40"E	35.32'
C10	81°49'42"	155.30'	134.79'	221.80'	S 67°38'00"W	203.42'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 26°43'10" W	171.10'
L2	S 89°55'38" W	30.04'
L3	EAST	60.18'
L4	N 26°43'10" E	171.10'
L5	EAST	59.98'

LEGEND

- ⊕ INDICATES 3-1/4" AL-CAP ON 2" ALUM. PIPE RECOVERED THIS SURVEY
- ⊕ INDICATES BLM BRASS CAP MONUMENT RECOVERED THIS SURVEY
- ⊙ INDICATES 5/8" X 30" REBAR WITH 2" ALUMINUM CAP (7968-S, 2015) SET THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALUMINUM CAP (7968-S, 1996) FOUND THIS SURVEY
- ⊙ INDICATES 2-1/2" AL-CAP ON 2" ALUM. PIPE FOUND THIS SURVEY 7968-S 1996

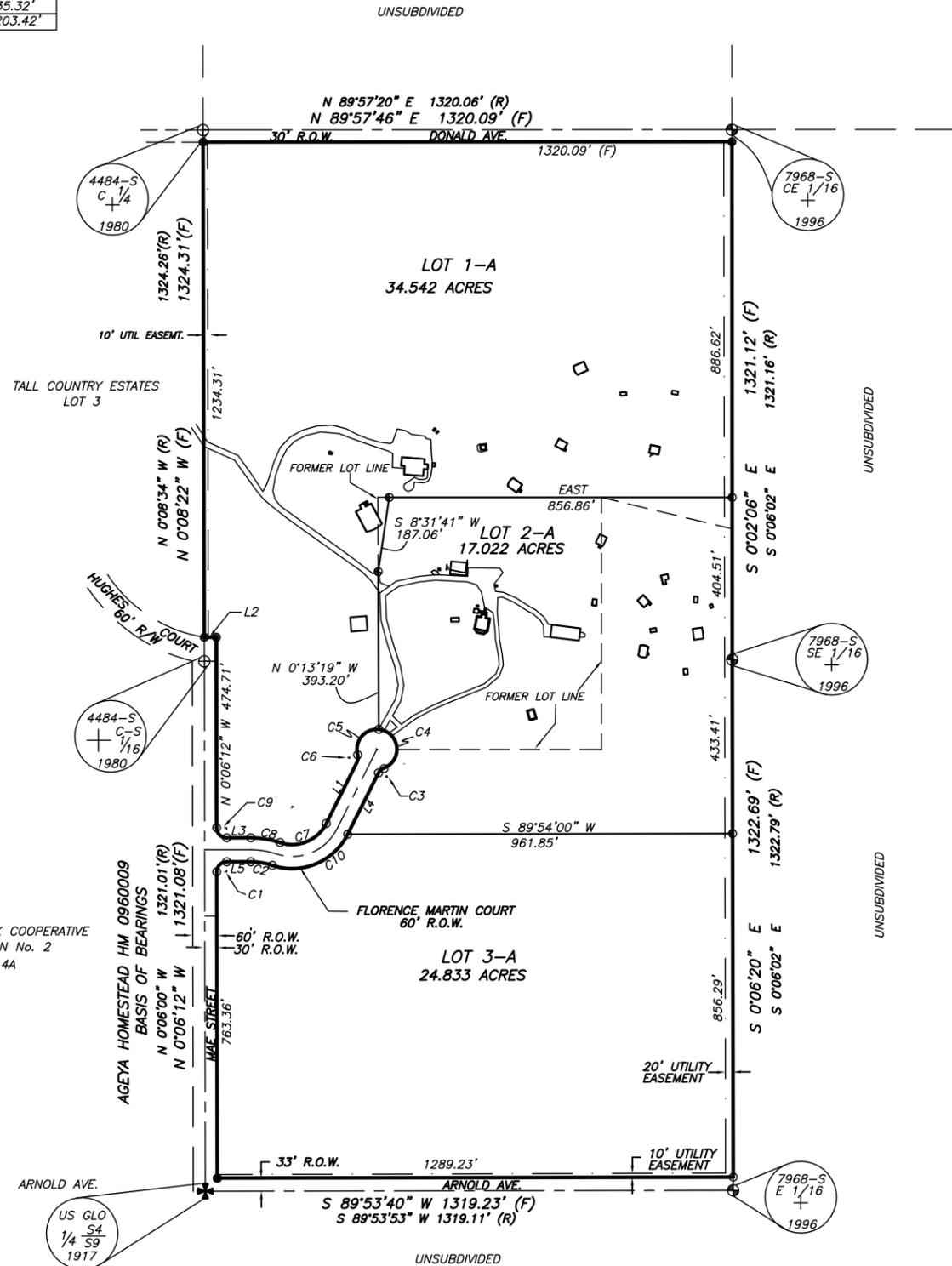
NOTES

1. BASIS OF BEARINGS IS THE S 1/4 AND THE CS 1/16 CORNER OF SECTION 4 PER PLAT HM 0960009. ALL RECORD INFORMATION SHOWN ON THIS PLAT REFERENCES THE PARENT PLAT.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE UTILITY TO USE THE EASEMENT.
3. THESE LOTS WILL BE SERVED BY ONSITE WATER AND SEWER.
4. THE FRONT 10' OF THE 20' BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF THE SIDE LOT LINES IS RESERVED AS UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
5. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
6. HEA WAS GRANTED A 15' WIDE EASEMENT EXTENDING EASTERLY 464' M/L FROM HEA POLE #S3-04-4059, ONTO THE WEST 1/2 OF THE SE 1/4 OF SEC. 4, T6S, R13W, S.M. (TO HEA TRANSFORMER #S3-04-4579). PER PLAT HM 0960009.

WASTEWATER DISPOSAL

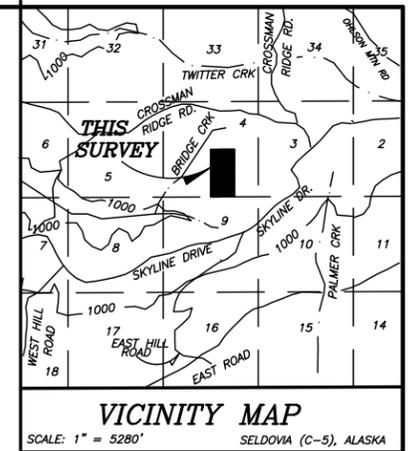
CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. SUBJECT TO ANY NOTED TO RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING.

SIGNATURE _____ TITLE _____ DATE _____



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____ KENAI PENINSULA BOROUGH
 BY: _____ AUTHORIZED OFFICIAL



CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

PATRICIA M. DOLESE (LOT 2 AND LOT 3)
 PO BOX 25
 HOMER, ALASKA 99603

AGEYA HOMESTEAD PROPERTIES, LLC (LOT 1)
 PO BOX 25
 HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

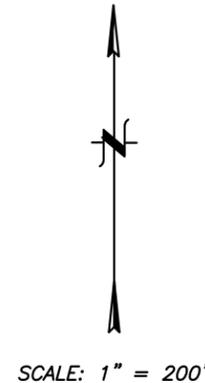
FOR: _____
 ACKNOWLEDGED BEFORE ME THIS
 DAY OF _____, 2015

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

FOR: _____
 ACKNOWLEDGED BEFORE ME THIS
 DAY OF _____, 2015

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____



FILED
 HOMER RECORDING DISTRICT
 DATE _____ 19 ____
 TIME _____ M
 Requested by Seabright Surveying
 Address 1060 East End Road
 Homer, Alaska 99603

HOMER RECORDING DISTRICT KPB FILE No. 2015-000

AGEYA HOMESTEAD 2015 REPLAT
 A RE-SUBDIVISION OF AGEYA HOMESTEAD
 LOT 1 LOT 2 AND LOT 3 HM 0960009
 LOCATED WITHIN THE W1/2 OF THE SE1/4 OF SECTION 4,
 T6S, R13W, S.M., KENAI PENINSULA BOROUGH
 THIRD JUDICIAL DISTRICT, STATE OF ALASKA
 CONTAINING 76.40 ACRES M/L

HOMER RECORDING DISTRICT, ALASKA
SEABRIGHT SURVEY + DESIGN
 KENTON T. BLOOM, P.L.S.
 1044 EAST ROAD, SUITE A
 HOMER, ALASKA 99603
 (907) 235-4247

DRAWN BY: K.B. DATE: 3/26/2015 SCALE: 1" = 200'
 CHK BY: K.B. JOB #2014-49 SHEET 1 OF 1

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Ageya Homestead 2015 Replat

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, May 06, 2015 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

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

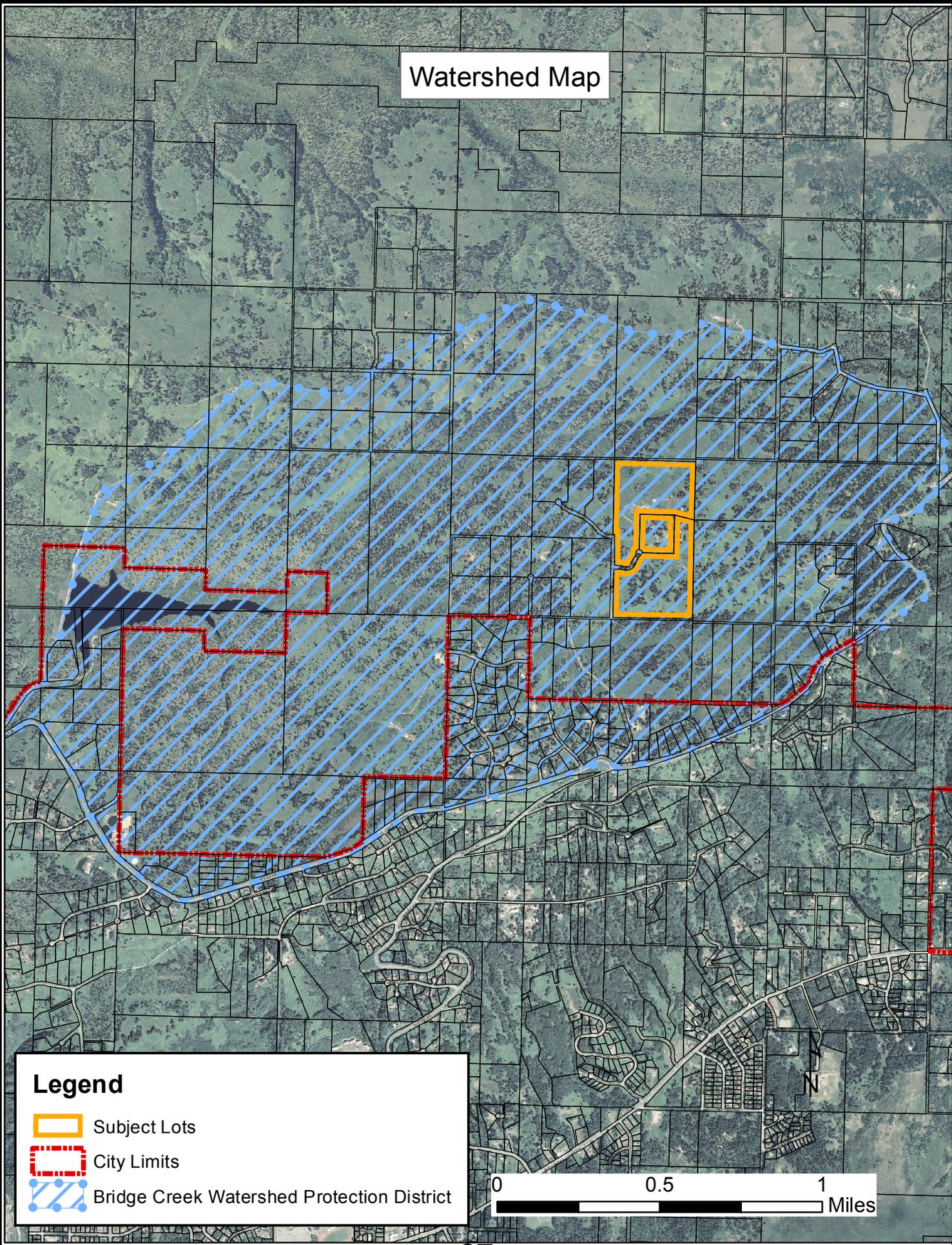
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud in the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE

Watershed Map



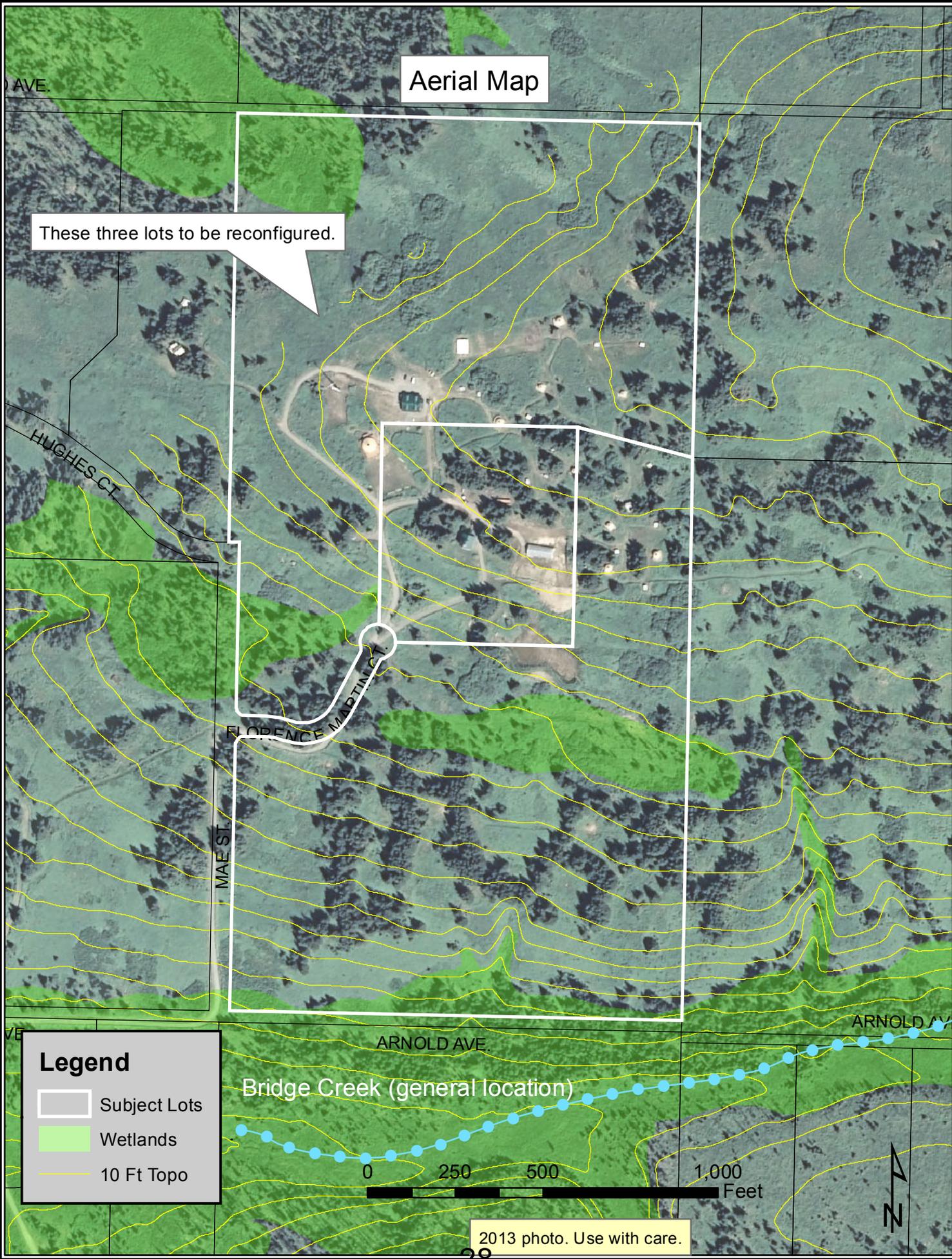
Legend

-  Subject Lots
-  City Limits
-  Bridge Creek Watershed Protection District



Aerial Map

These three lots to be reconfigured.



Legend

- Subject Lots
- Wetlands
- 10 Ft Topo

Bridge Creek (general location)

0 250 500 1,000 Feet

2013 photo. Use with care.

SEABRIGHT SURVEY + DESIGN

Kenton Bloom, PLS
1044 East Road Suite A
Homer, Alaska 99603
(907) 235-4247 (& fax)
seabrightz@yahoo.com

March 31, 2015

City of Homer
Planning Dept.
491 E. Pioneer
Homer, Alaska 99603

RE: Ageya Homestead 2015 Replat

To Whom It May Concern:

Seabright Survey + Design is pleased to submit the preliminary plat for the Ageya Homestead 2015 Replat.

We are providing you with a check for \$300.00 for platting review fees and two full size copies. Please find the PDF 11"x17" in an email for your review. We look forward to working with the City of Homer on this project within city limits. Thank you for your consideration. Please call with any questions or concerns.

Cordially,



Kenton Bloom, P.L.S.
Seabright Survey + Design

RECEIVED

MAR 31 2015

**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 15-30

TO: Homer Advisory Planning Commission
 THROUGH: Rick Abboud, City Planner
 FROM: Julie Engebretsen, Deputy City Planner
 DATE: May 6, 2015
 SUBJECT: Bayview Gardens Sub No. 12 Preliminary Plat

Requested Action: Preliminary Plat approval for the vacation of a common lot line, creating one larger lot from two smaller lots.

General Information:

Applicants:	Bonnie A. Forster 860 Willow Drive #A Homer, AK 99603	Seabright Survey + Design Kenton Bloom, PLS 1044 East End Road, Ste A Homer, AK 99603
Location:	Corner of East Hill Road and Willow Drive	
Parcel ID:	17401017, 17401018	
Size of Existing Lot(s):	0.53 and 0.4 acres	
Size of Proposed Lots(s):	0.925 acres (about 40,293 sq ft)	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential/vacant	
Surrounding Land Use:	North: Vacant South: Residential East: Residential West: Residential/Vacant	
Comprehensive Plan:	Goal 1 Object B (p. 4-4) Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.	
Wetland Status:	The 2005 wetlands mapping shows a potential drainage across the property.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are not available at this time.	
Public Notice:	Notice was sent to 47 property owners of 42 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the Rural Residential District. This plat vacates a common lot line to create one larger lot.

Homer City Code 22.10.051 Easements and rights-of-way

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. Utility easements are granted.

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

Staff Response: The plat meets these requirements. No additional easements are requested.

Preliminary Approval, per KPB code 20.25.070 Form and contents required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
 - 1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 - 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

Staff Response: The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

Staff Response: The plat meets these requirements. Add city limits to the vicinity map.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

Staff Response: The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements. (Not applicable in this area)

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. City water and sewer are not available.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff Response: The plat meets these requirements. No right of way is dedicated by this plat.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff Response: The plat meets these requirements. There do not appear to be any areas with greater than 20% grade.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

Staff Response: The plat does not meet these requirements. From aerial photos, it appears a structure encroaches into the Willow Drive building setback area. Staff recommends the property owner pursue nonconforming status on the structure. The parent plat did not require a twenty foot building setback, and the property and structure were annexed into the City of Homer. The building also appears to encroach into a side lot line, which this plat rectifies. The longstanding encroachment into Willow Drive is not affected by this plat and does not need to be resolved at this time. Staff recommends the land owner apply for nonconforming status to resolve the encroachment issue.

The plat does grant a 15 foot utility easement along rights of way. Depending on the exact location of the structure, the structure may encroach into the new 15 ft utility easement. Staff recommends narrowing the utility easement if needed to avoid creating any new encroachments.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

Staff Response: The plat meets these requirements.

Public Works Comments:

1. Correct Plat Note #4. City water and sewer are not available.
2. Depict the 15' utility easement fronting the right of ways.

A development agreement is not required

Fire Department Comments: No comments

Staff Recommendation:

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

1. Add city limits to the vicinity map.
2. Correct plat note 4.
3. Reduce the width of the 15 foot the utility easement if needed to avoid creating a new encroachment problem with the structure.

Attachments:

1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Map

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

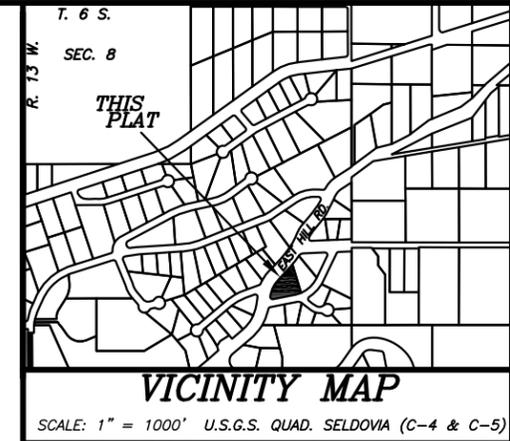
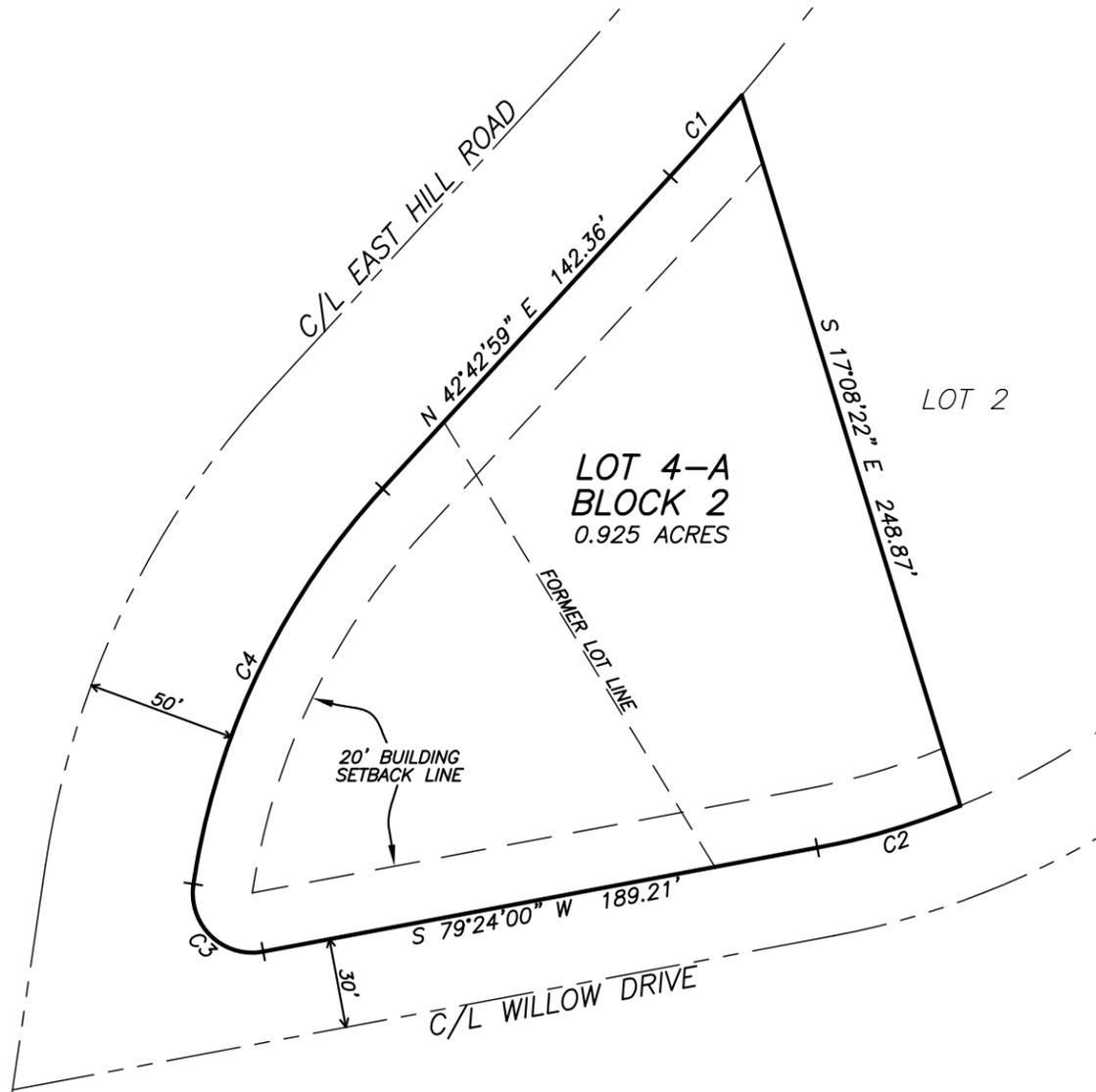
BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
DATE _____

NOTES

1. A BUILDING SETBACK OF 20' FROM ALL STREET ROW'S IS REQUIRED UNLESS A LESSER STANDARD IS APPROVED BY A RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 15' OF BUILDING SETBACK IS ALSO A UTILITY EASEMENT AS IS THE ENTIRE SETBACK WITHIN 5' OF ALL SIDE LINES.
2. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
3. THIS SUBDIVISION IS SUBJECT TO THE ZONING REGULATIONS OF THE CITY OF HOMER.
4. THIS LOT IS SERVED BY CITY OF HOMER WATER AND SEWER.
5. THIS REPLAT IS BASED ON RECORD INFORMATION SHOWN ON THE PLAT OF BAYVIEW GARDENS SUBDIVISION (73-748 HRD). NO FIELD SURVEY WAS PERFORMED AND NO CORNERS WERE FOUND OR SET.

CURVE TABLE

	RADIUS	ARC DIST.	DELTA	CHORD BEARING	CHORD DIST.
C1	840'	36.20'	2°28'08"	N 41°28'55" E	36.19'
C2	250'	50.08'	11°28'42"	S 73°39'39" W	50.00'
C3	20'	38.11'	109°10'15"	N 46°00'53" W	32.60'
C4	250'	148.99'	34°08'45"	N 25°38'37" E	146.79'



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

BONNIE A. FORSTER
860 WILLOW DRIVE #A
HOMER, ALASKA 99603

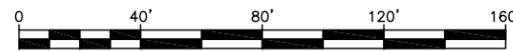
NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2015

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



GRAPHIC SCALE

HOMER RECORDING DISTRICT KPB FILE No. 2015-???

BAYVIEW GARDENS SUBDIVISION NO. 12

A REPLAT COMBINING LOTS 3 AND 4, BLOCK 2, BAYVIEW GARDENS SUBDIVISION (73-748 HRD) LOCATED WITHIN THE SE 1/4 SE 1/4, SEC 8, T. 6 S., R. 13 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 0.925 ACRES

**SEABRIGHT SURVEY + DESIGN
KENTON T. BLOOM, P.L.S.**

1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 235-4247

DRAWN BY: SCS CHKD BY: KB JOB #2015-09

DATE: 3/2015 SCALE: 1"=40' SHEET #1 OF 1

SEABRIGHT SURVEY + DESIGN

Kenton Bloom, PLS
1044 East Road Suite A
Homer, Alaska 99603
(907) 235-4247 (& fax)
seabrightz@yahoo.com

March 31, 2015

City of Homer
Planning Dept.
491 E. Pioneer
Homer, Alaska 99603

RE: Bayview Gardens Subdivision 2015 Replat

To Whom It May Concern:

Seabright Survey + Design is pleased to submit the preliminary plat for the Bayview Gardens Subdivision 2015 Replat.

We are providing you with a check for \$300.00 for platting review fees and two full size copies. Please find the PDF 11"x17" in an email for your review. We look forward to working with the City of Homer on this project within city limits. Thank you for your consideration. Please call with any questions or concerns.

Cordially,

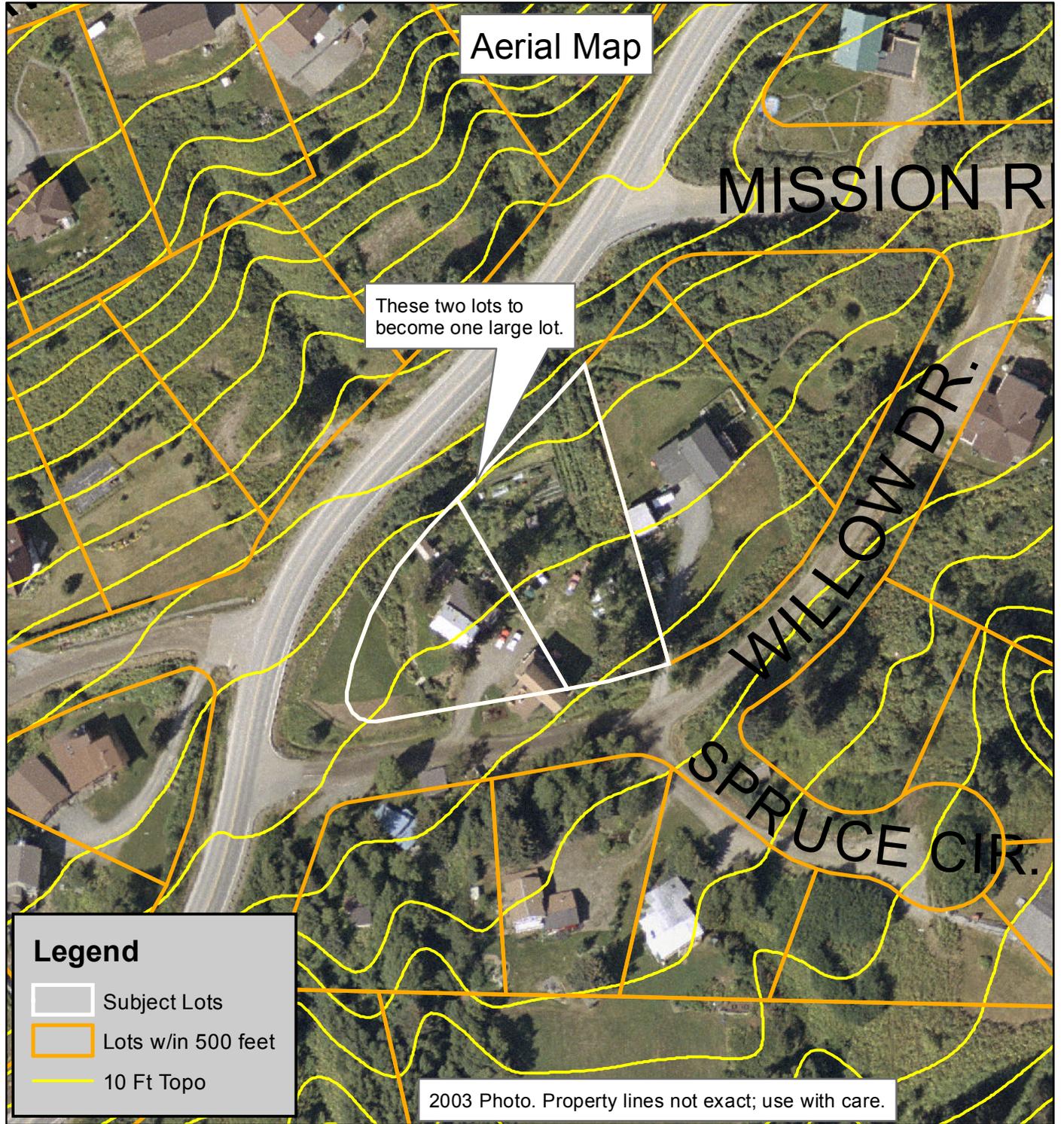


Kenton Bloom, P.L.S.
Seabright Survey + Design

RECEIVED

MAR 31 2015

**CITY OF HOMER
PLANNING/ZONING**



City of Homer
 Planning and Zoning Department

April 17, 2015

Bayview Gardens Sub No. 12 Preliminary Plat

Marked Lots are within 500 feet
 and property owners notified.



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

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Bayview Gardens Sub. No 12

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, May 06, 2015 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

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

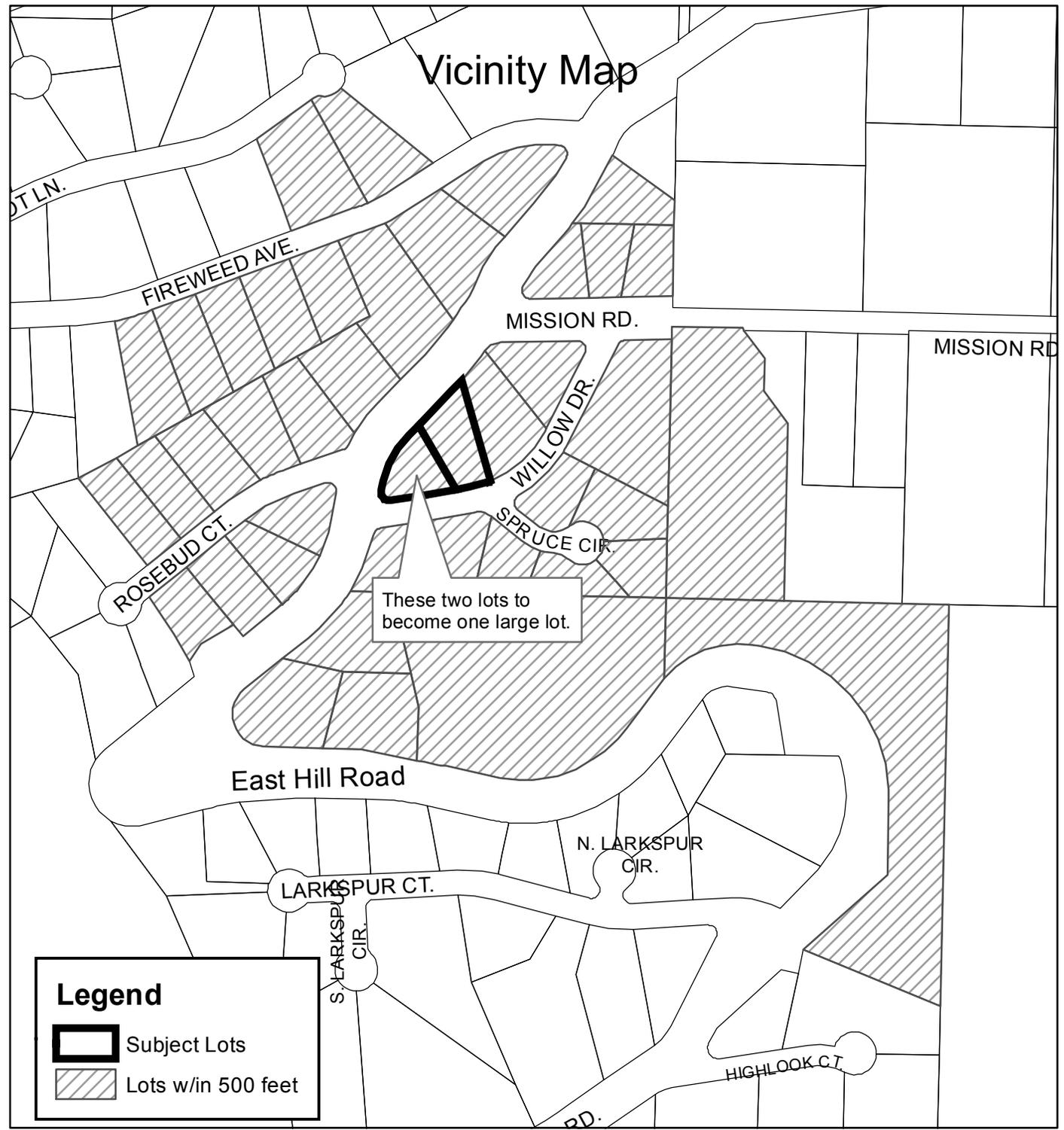
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud in the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map



These two lots to become one large lot.

Legend

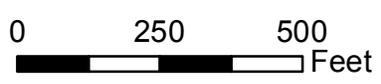
-  Subject Lots
-  Lots w/in 500 feet



City of Homer
 Planning and Zoning Department
 April 17, 2015

Bayview Gardens Sub No. 12 Preliminary Plat

Marked Lots are within 500 feet
 and property owners notified.



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



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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

Staff Report 15-31

TO: Homer Advisory Planning Commission
 THROUGH: Rick Abboud, City Planner
 FROM: Julie Engebretsen, Deputy City Planner
 DATE: May 6, 2015
 SUBJECT: East Highlands Subdivision No 2 Preliminary Plat

Requested Action: Preliminary Plat approval to shift a common lot line.

General Information:

Applicants:	Glen and Christine Szymoniak PO Box 1431 Homer, AK 99603	Seabright Survey + Design Kenton Bloom, PLS 1044 East End Road Ste A Homer, AK 99603
Location:	Corner of East Hill Road and Highlook Court	
Parcel ID:	17701008, 17902052	
Size of Existing Lot(s):	0.42 and 1.05 acres	
Size of Proposed Lots(s):	0.777 and 0.698 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential and assessor residential structure (small shop/garage)	
Surrounding Land Use:	North: Residential, Vacant South: Residential, Vacant East: Residential West: Residential, Vacant	
Comprehensive Plan:	Goal 1 Object B (p. 4-4) Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer serve lot 5-A. City sewer only is available to Lot 5-B.	

Public Notice:	Notice was sent to 26 property owners of 29 parcels as shown on the KPB tax assessor rolls.
----------------	---

Analysis: This subdivision is within the Rural Residential District. This plat shifts the common lot line between two lots. Currently, both a single family home and a detached shop/garage are on lot 5. The lot adjacent to East Hill Road is vacant/has a driveway to the shop. The proposed plat will separate the house and the shop onto two parcels.

Utilities

City sewer can serve lot 5-B. Lot 5-A, with the house, is served by city water and sewer. Under the proposed lot configuration, the sewer line would cross lot 5-B. This is not permissible. The property owner has two options: shift the lot lines so the sewer line does not cross lot 5-B, or install a new sewer line to the house, using the right of way and avoiding lot 5-B. Either solution is acceptable to Public Works staff. The land owner can work with Public Works on the details.

Homer City Code 22.10.051 Easements and rights-of-way

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

Preliminary Approval, per KPB code 20.25.070 Form and contents required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
 - 1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 - 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

Staff Response: The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

Staff Response: The plat meets these requirements. Staff comment: staff has asked the surveyor to confirm if the section line has been vacated on this property.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

Staff Response: The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements. City of Homer Public Works verified that sewer is available to both lots, and water is available to lot 5-A.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff Response: The plat meets these requirements. No roads will be dedicated.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff Response: The plat meets these requirements.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

Staff Response: The plat meets these requirements.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

Staff Response: The plat meets these requirements.

Public Works Comments:

1. Sewer service for lot 5-A may not cross the property of lot 5-B. Either move the lot lines to avoid encroachment of the sewer line, or install a new sewer service line to.

A development agreement is not required

Fire Department Comments: No comments

Staff Recommendation:

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

1. The sewer service line to lot 5-A may not cross lot lines. Either shift the lot lines to avoid encroachment, or install a new sewer service line.
2. Verify if there is a section line easement eastern side on the former common lot line.

Attachments:

1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Map

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

BY: _____ DATE _____
 AUTHORIZED OFFICIAL KENAI PENINSULA BOROUGH

CURVE TABLE

	RADIUS	ARC DIST.	DELTA	CHORD BEARING	CHORD DIST.
C1	2050'	100.97'	2°49'20"	N 55°25'21" E	100.96'
C2	90.07'	40.92'	26°01'46"	N 67°01'35" E	40.57'

LEGEND

- INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7968-S, 2015) SET THIS SURVEY

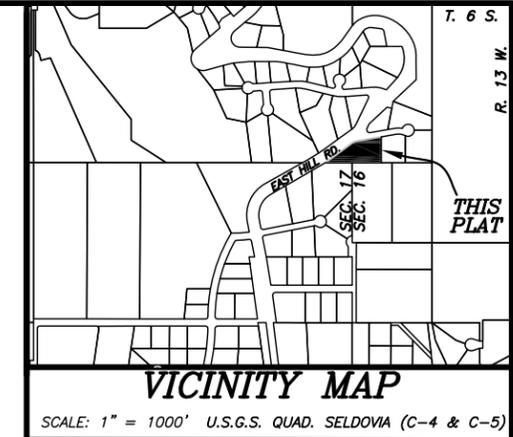
NOTARY'S ACKNOWLEDGMENT

FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____
 DAY OF _____, 2015
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____



NOTES

- BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY HiPer V RECEIVERS, DIFFERENTIALLY COLLECTED AND PROCESSED WITH MAGNET OFFICE VERSION 1.2.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" (PID TT0155).
- TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -1°17'13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.
- THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAIR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.
- A BUILDING SETBACK OF 20' FROM ALL STREET ROW'S IS REQUIRED UNLESS A LESSER STANDARD IS APPROVED BY A RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 15' OF BUILDING SETBACK IS ALSO A UTILITY EASEMENT AS IS THE ENTIRE SETBACK WITHIN 5' OF ALL SIDE LINES.
- NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
- THIS SUBDIVISION IS SUBJECT TO THE ZONING REGULATIONS OF THE CITY OF HOMER.
- THIS LOT IS SERVED BY CITY OF HOMER WATER AND SEWER.



CERTIFICATE OF OWNERSHIP

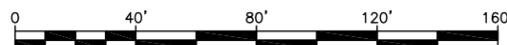
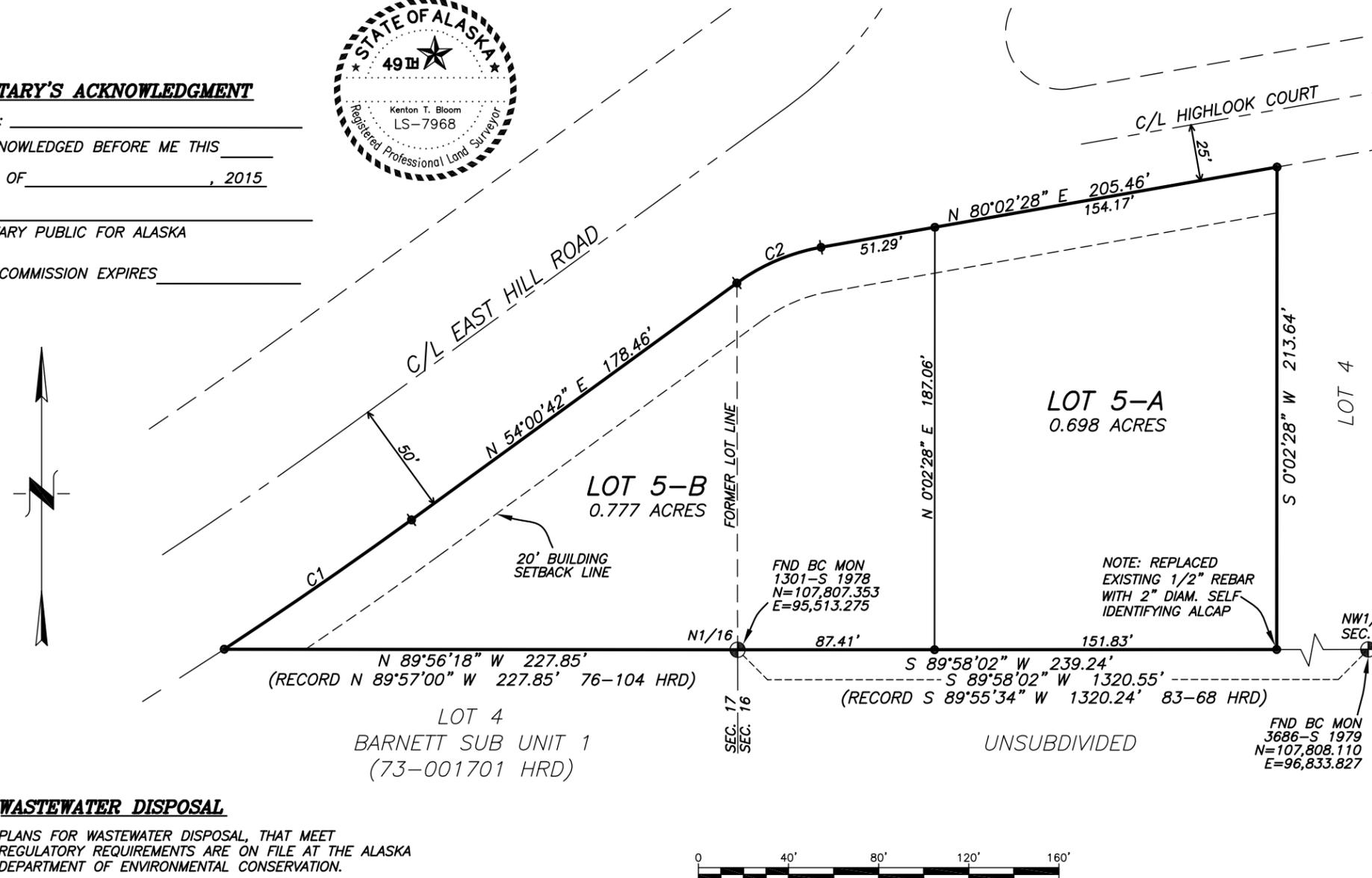
WE HEREBY CERTIFY THAT WE ARE THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

GLEN E. SZYMONIAK
 PO BOX 1431
 HOMER, ALASKA 99603

CHRISTINE L. SZYMONIAK
 PO BOX 1431
 HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____
 DAY OF _____, 2015
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____



GRAPHIC SCALE

WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

HOMER RECORDING DISTRICT KPBF FILE No. 2015-???

EAST HIGHLANDS SUB NO. 2
 A REPLAT COMBINING A PORTION OF LOT 5, EAST HIGHLANDS SUBDIVISION AMENDED (83-68 HRD) WITH TRACT A, BAYVIEW GARDENS SUBDIVISION ADDN. 1 (76-104 HRD) LOCATED WITHIN THE NW 1/4 NW 1/4, SEC 16, AND THE NE1/4 NE1/4 SEC. 17, T. 6 S., R. 13 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 1.475 ACRES

SEABRIGHT SURVEY + DESIGN
 KENTON T. BLOOM, P.L.S.
 1044 EAST ROAD, SUITE A
 HOMER, ALASKA 99603
 (907) 235-4247

DRAWN BY: SCS	CHKD BY: KB	JOB #2015-10
DATE: 3/2015	SCALE: 1"=40'	SHEET #1 OF 1

SEABRIGHT SURVEY + DESIGN

Kenton Bloom, PLS
1044 East Road Suite A
Homer, Alaska 99603
(907) 235-4247 (& fax)
seabrightz@yahoo.com

March 31, 2015

City of Homer
Planning Dept.
491 E. Pioneer
Homer, Alaska 99603

RE: East Highlands Subdivision No. 2 2015 Replat

To Whom It May Concern:

Seabright Survey + Design is pleased to submit the preliminary plat for the East Highlands Sub No. 2 2015 Replat.

We are providing you with a check for \$300.00 for platting review fees and two full size copies. Please find the PDF 11"x17" in an email for your review. We look forward to working with the City of Homer on this project within city limits. Thank you for your consideration. Please call with any questions or concerns.

Cordially,

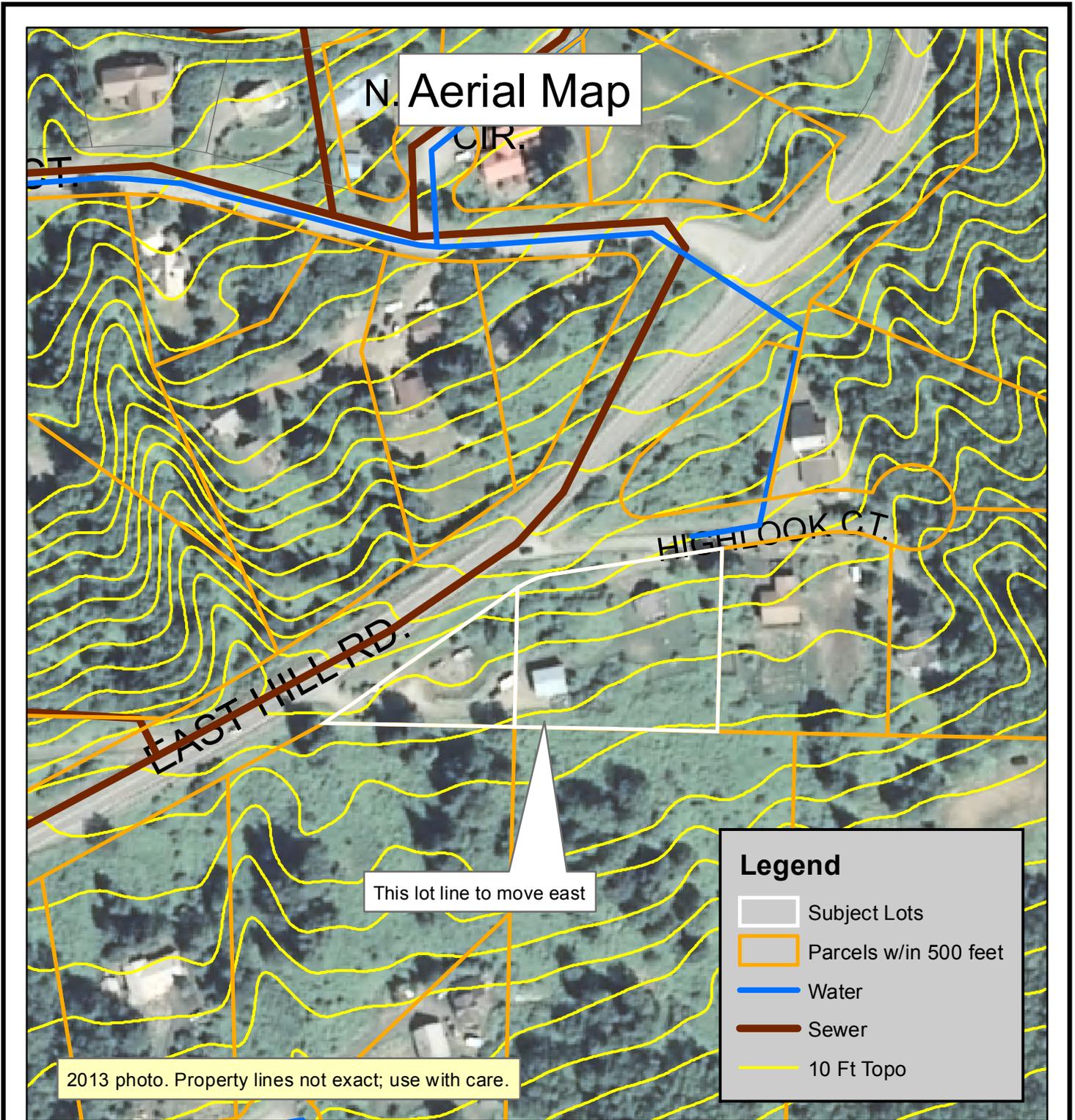


Kenton Bloom, P.L.S.
Seabright Survey + Design

RECEIVED

MAR 31 2015

CITY OF HOMER
PLANNING/ZONING

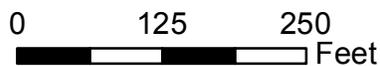


City of Homer
 Planning and Zoning Department

April 17, 2015

East Highlands Sub No. 2 Preliminary Plat

Marked Lots are within 500 feet
 and property owners notified.



*Disclaimer:
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 departments, employees and agents are
 not responsible for any errors or omissions
 contained herein, or deductions, interpretations
 or conclusions drawn therefrom.*

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

East Highlands Sub. No. 2

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, May 06, 2015 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

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

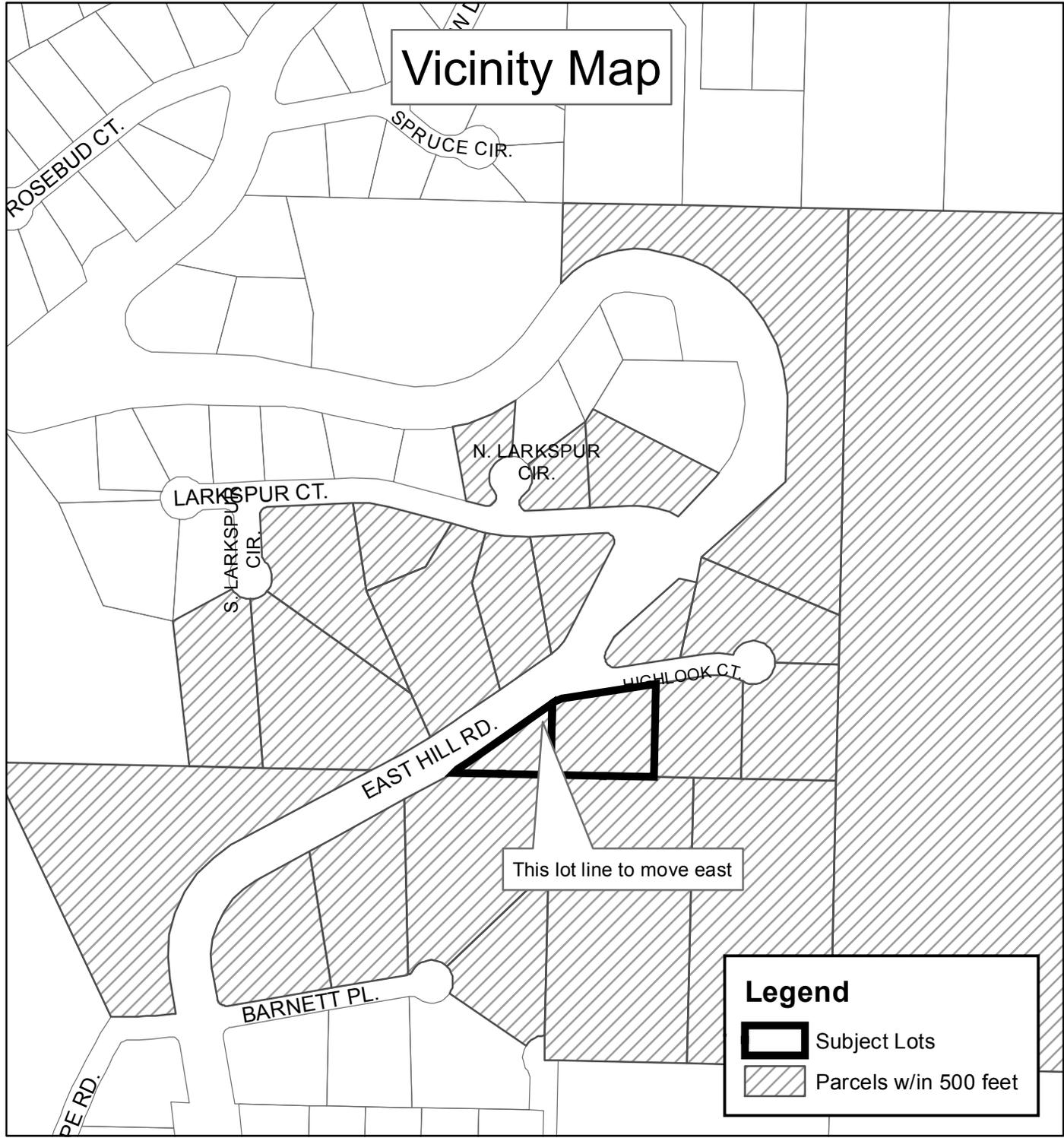
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud in the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
 Planning and Zoning Department

April 17, 2015

East Highlands Sub No. 2 Preliminary Plat

Marked Lots are within 500 feet
 and property owners notified.



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Planning
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Homer, Alaska 99603
Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report PL 15-33

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: May 6, 2015
SUBJECT: Towers

Introduction

Now we have a more polished ordinance. I am still looking for more eyes to spot inconsistency and to make sure all the recommendations have been captured.

New consideration

As I am reviewing the ordinance, I continually try to think how this will work. The CUP process seems solid as it provides us the opportunity to consider not just safety but view shed and performance standards, as far as one wishes to go down that route. I then consider the by-right permitting. It seems that the concerns are warranted for larger free-standing towers. My concern is about where we really start to expect permitting.

The definition of “tower, communication” is how we couch the regulations regarding towers. It is pretty wide reaching. As I read it, this is any structure that supports the broad unlimited category of “wireless communications equipment”, as defined. There is no physical constraint. This could be as simple as a few two-by-fours supporting a marine radio antenna. So, what are we really concerned about enough to make someone go through the permitting process?

I believe that we should consider an additional exemption. What we are really concerned about is large things sticking up in the air. We already exclude many things from the height calculations:

HCC 21.05.030. When measuring height of a building, the following are excluded from the measurement: steeples, spires, belfries, cupolas and domes if not used for human occupancy, chimneys, ventilators, weather vanes, skylights, water tanks, bulkheads, monuments, flagpoles, wind energy systems, television and radio antennas, other similar features, and necessary mechanical appurtenances usually carried above roof level.

Looking at this list, we may have to add communication equipment or whatever would be the appropriate word for items in our ordinance.

I would like you to give consideration for the exception of the permitting requirement of wireless communication equipment that does not exceed a specified height when mounted to or on an existing structure, perhaps up to ten feet. An example of something that would not be subject to this ordinance would be the equipment found on city hall or on some of the spit buildings that have marine radio equipment and such.

Review

Section 1, lines 14-39, Definitions: I am not seeing much to comment on here just defining terms not currently found in code.

Section 2 repeals the current code relating to Wind Energy Systems (WES). This was done to move the regulations into this section of code. Article II, lines 223-287 is where you will find the carry-over code pertaining to WES's.

Section 3: This is divided into Articles I and II. Article I deals with communication towers. You will see a reference to 'communication' in every section. Again Article II is regulation with relation to WES's in particular.

21.58.020. Purpose and Exceptions: Exceptions are made for temporary use of communication equipment and amateur radio as provided in Alaska Statute.

21.58.020. Wireless communication equipment exemption from regulation. This addresses items that are subject to the recent interpretation of federal regulations regarding communication towers, basically expansion or replacement of current facilities.

21.58.030. Heights above which a CUP would be required. This is always worth more consideration, remember no public notice just a zoning permit for those below.

21.58.040. Application Requirements. These have been worked over by the attorney. Consider with an eye for the useful application and consider any other information you might want to see.

21.58.050. Communication tower standards. Thing to remember that this is "tower, communications" as defined, so it is just a structure built for the "primary purpose" of supporting communication equipment.

21.58.060. Notification. This is for towers that exceed the heights stated in 21.58.030, not necessary for by-right permit.

21.58.070. Action on communications tower applications.. These are the things we are (a) looking to answer in the application and (b, c, & d) other items in response to federal guidelines.

Article II, Small Wind Energy Systems. This is the place that current code regarding WES is moving.

Recommendation:

Give the draft ordinance a thorough review and discuss any issues you may have with the regulations or understanding of the ordinance. May motions to amend and consider motion to move to public hearing(s).

Attachments

1. Attorney draft ordinance 3.0

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**CITY OF HOMER
ORDINANCE 15-xx**

Planning Commission

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS USED IN ZONING CODE, REPEALING HOMER CITY CODE CHAPTER 21.58, SMALL WIND ENERGY SYSTEMS, AND ENACTING HOMER CITY CODE CHAPTER 21.58, TOWERS AND RELATED STRUCTURES.

THE CITY OF HOMER ORDAINS:

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

“Collocation” means the placement or installation of wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

“Equipment compound” means the area occupied by a wireless communications support structure and within which wireless communications equipment is located.

“Tower, amateur radio” means a fixed vertical structure used exclusively to support an antenna used by an amateur radio operator licensed by the Federal Communications Commission, plus its accompanying base plates, anchors, guy cables and hardware.

“Tower, communications” means a fixed vertical structure built for the primary purpose of supporting wireless communications equipment, plus its accompanying base plates, anchors, guy cables and hardware.

“Wireless communications equipment” means the set of equipment and network components used in the provision of wireless communications services, including without limitation antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding any wireless communications support structure.

“Wireless communications support structure” means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a communications tower, utility pole, or building.

Section 2. Homer City Code Chapter 21.58, Small Wind Energy Systems, is repealed.

87 21.58.030 Permission for Communications Towers.

88 a. Except as provided in b of this section, a communications tower is permitted as a
89 principal or accessory use or structure in each zoning district.

90 b. A communications tower that exceeds the following maximum height for the zoning
91 district in which the tower is located is permitted only when authorized by conditional use
92 permit issued in accordance with Chapter 21.71.

93	<u>District</u>	<u>Maximum Height (feet)</u>
94	CBD	60
95	TC	60
96	GBD	60
97	GC1 (Beluga Lake)	120
98	RO	85
99	UR	60
100	RR	85
101	CONS	60
102	GC2	120
103	EEMU	120
104	MI	120
105	MC	120
106	OSR	60
107	BCWPD	120

108

109 21.58.040 Application Requirements. An application for a zoning permit or conditional
110 use permit for a communications tower shall include the following information, in addition to
111 information required by other provisions of this title:

112 a. A level two site plan that shows the location of the communications tower.

113 b. A written narrative explaining the necessity of the communications tower to the
114 applicant's wireless communications coverage, a description of alternate sites for the
115 communications tower and why the proposed site is the best alternative, a demonstration that
116 the height of the communications tower is the minimum required for the effective operation of
117 the wireless communications equipment that it supports, and a description of the
118 communications tower's capacity to accommodate collocations.

119 c. A map showing the locations of the applicant's existing communications towers that
120 serve customers in the city and of all communications towers that the applicant proposes to
121 construct to serve customers in the city.

122 d. A description of the wireless communications equipment that the communications
123 tower will support, and accessory structures such as equipment cabinets and generators.

124 e. An analysis of the potential visual impacts of the communications tower on property
125 in its vicinity, through the use of photo simulations of the communications tower and the
126 wireless communications equipment that it will support, from relevant vantage points
127 designated by the Planning Department;

128 f. A certificate from an engineer licensed in Alaska that the communications tower, and
129 all antennas and other wireless communications equipment located on it, meet industry

130 standards for their construction, including without limitation the ability to withstand
131 anticipated wind loads, and will contain only wireless communications equipment meeting
132 applicable Federal Communications Commission requirements.

133 g. Evidence of compliance with, or exemption from, Federal Aviation Administration
134 requirements.

135 h. For a conditional use permit, minutes of each public meeting held under Section
136 21.58.060(a), and copies of all public comments received under Section 21.58.060(b)(1).

137

138 21.58.050 Communications tower standards.

139 a. The distance from a communications tower to the closest property line may not be
140 less than 1.1 times its total height.

141 b. All guy wires, cables and other accessory support structures for a communications
142 tower shall be on the same lot as the tower, but may be located within required setback areas,
143 and shall be properly jacketed to ensure visibility in accordance with applicable safety
144 standards.

145 c. The equipment compound for a communications tower shall conform to the
146 minimum setback requirements of the zoning district in which it is located.

147 d. Not less than two off-street parking spaces conforming to the requirements of this
148 title shall be provided on the lot where a communications tower is located for use in the
149 operation and maintenance of the communications tower and the wireless communications
150 equipment that it supports.

151 e. The base of a communications tower shall be surrounded by a fence or wall not less
152 than six feet in height with a secured gate. The lowest part of a climbing apparatus that
153 provides access to equipment on a communications tower shall be at least 12 feet above the
154 ground, and the tower shall have no handholds or footholds below the climbing apparatus.

155 f. Except for switch type lighting, no artificial lighting shall be mounted on a
156 communications tower, and a communications tower shall not be illuminated with artificial
157 lighting, except when required by the Federal Aviation Administration.

158 g. Signs. No sign, flag or pennant may be attached to a communications tower except
159 that the following shall be posted in a location that is visible from outside the equipment
160 compound:

161 1. A sign identifying the party responsible for the operation and maintenance of
162 the communications tower, with a 24-hour emergency contact telephone number.

163 2. Any antenna structure registration number required by the Federal
164 Communications Commission.

165 3. Warnings of dangers associated with the communications tower or
166 equipment that is located on the communications tower.

167 h. No person may operate a communications tower, or equipment on a
168 communications tower, that the City Engineer has found to be unsafe or not in compliance
169 with applicable law until the unsafe condition or noncompliance has been corrected. If
170 corrective action is not taken within six months after notice of the City Engineer's finding, the
171 unsafe communications tower or equipment shall be removed.

172 i. The City may abate as a nuisance under HCC 21.90.070 a communications tower
173 supporting only wireless communications equipment that is not operational for a period of at
174 least 12 consecutive months.

175

176 21.58.060 Public notification of communications tower application.

177 a. The applicant for a conditional use permit for a communications tower shall hold at
178 least one meeting informing the public of the application that conforms to the following
179 requirements.

180 1. The meeting shall be held at city hall, or at a public facility that is nearer to the
181 location of the proposed communications tower and capable of seating a minimum of 20
182 people.

183 2. The meeting shall be held on a day that is not a city holiday at least 45 days
184 before the applicant submits its application the city.

185 3. The meeting shall be scheduled to last a minimum of two hours and shall not
186 start before 5:00 p.m. or after 7:00 p.m.

187 b. The applicant shall notify each record owner of property within 1200 feet of the
188 parcel that is the site of the proposed communications tower by first class mail at least 15 days
189 before the meeting of the following:

190 1. The legal description and a map of the vicinity of the parcel that is the site of
191 the proposed communications tower;

192 2. A description of the proposed communications tower, including its height,
193 design, and lighting, the proposed access to the site and the services proposed to be
194 provided by the tower;

195 3. The date, time, and location of the meeting;

196 4. A contact name, telephone number, and address of the applicant; and

197 5. A form on which to submit written comments, with a comment submittal
198 deadline and instructions.

199

200 21.58.070 Action on communications tower application.

201 a. The reviewing authority shall apply the following criteria in acting upon a
202 communications tower application:

203 1. The tower must conform to the requirements in Section 21.58.050, and the
204 other applicable standards in this title.

205 2. In addition to conforming to any applicable height limitation in this article,
206 the height of the communications tower is not greater than the minimum height
207 required for the effective operation of the wireless communications equipment that it
208 supports.

209 3. The communications tower is designed, constructed and surfaced in a manner
210 that minimizes its visibility beyond the lot on which it is located.

211 4. The coverage for the applicant's wireless communications customers that the
212 communications tower will provide cannot be provided by collocation on an existing
213 wireless communications support structure.

214 5. Of the available alternate sites, the selected site provides necessary coverage
215 for the applicant's wireless communications customers with the least visual impact on
216 other properties.

217 b. No action on a communications tower application may be taken on the basis of the
218 environmental effects of radio frequency emissions to the extent that the wireless
219 communications equipment that is the subject of the application complies with the Federal
220 Communications Commission's regulations concerning such emissions.

221 c. The reviewing authority shall act on a communications tower application within a
222 reasonable period of time after a complete application has been filed with the city taking into
223 account the nature and scope of the application request, but within no more than 150 days
224 after the application is complete.

225 d. An action denying a communications tower application shall be in writing and
226 supported by substantial evidence contained in a written record.

227

228 Article II. Small Wind Energy Systems

229

230 21.58.110 Purpose and application. The purpose of this article is to establish minimum
231 health and safety standards for small wind energy systems. It applies to small wind energy
232 systems in all districts where they are allowed as permitted or conditional uses.

233

234 21.58.120 Installation requirements.

235 a. The wind turbine of a small wind energy system may be mounted on a building or a
236 wind energy system tower.

237 b. The surfaces of all small wind energy system components that are visible when the
238 small wind energy system is in operation shall be painted a nonreflective, neutral color.

239 c. A zoning permit application for a small wind energy system shall include the
240 following information:

241 1. A level one site plan that shows the location of the small wind energy system.

242 2. Specifications for the small wind energy system including manufacturer make
243 and model, an illustration or picture of the turbine unit, maximum rated power output,
244 blade diameter, total height, tower color and, if proposed, the location of ladders
245 and/or climbing pegs.

246 3. Tower foundation blueprints or drawings.

247 4. Noise decibel data prepared by the wind turbine manufacturer or qualified
248 engineer indicating noise decibel level at the property line nearest to the location of the
249 small wind energy system.

250 5. Evidence of compliance with, or exemption from, Federal Aviation
251 Administration requirements.

252 6. Evidence that the small wind energy system complies with current
253 Underwriters Laboratories standards for local utility connections.

254 d. Dimensional Requirements.

255 1. A small wind energy system may be installed only on a lot having an area not
256 less than one acre.

257 2. The distance from a small wind energy system to the closest property line
258 may not be less than 1.1 times its total height.

259 3. All guy wires, cables and other accessory support structures for a small wind
260 energy system must be on the same lot as the small wind energy system, but may be
261 located within required setback areas, and shall be properly jacketed to ensure visible
262 safety standards.

263
264 21.58.130 Operation standards.

265 a. Electrical Standards.
266 1. A small wind energy system shall comply with the National Electric Code.

267 2. All electric transmission wires connected to a small wind energy system must
268 be underground, or within the building on which the small wind energy system is
269 mounted.

270 3. A small wind energy system shall not interfere with television, microwave,
271 navigational or radio reception.

272 b. Noise and vibration from a small wind energy system shall not exceed the levels
273 permitted in HCC 21.59.010(b) and (c), except during short-term events such as utility outages
274 and severe wind storms.

275 c. Tower Safety.

276 1. The lowest part of a climbing apparatus that provides access to a wind turbine
277 shall be at least 12 feet above the ground, and the wind energy system tower or
278 building on which the wind turbine is mounted shall have no handholds or footholds
279 below the climbing apparatus.

280 2. The lowest point through which a wind turbine blade rotates must be at least
281 20 feet above the ground.

282 d. Lighting. Except for switch type lighting, no artificial lighting shall be mounted on a
283 small wind energy system, and a small wind energy system shall not be illuminated with
284 artificial lighting, except when required by the Federal Aviation Administration and approved by
285 conditional use permit.

286 e. Signs. No sign, flag or pennant may be attached to a small wind energy system
287 except for the following:

288 1. A sign identifying the manufacturer or installer of the small wind energy
289 system.

290 2. Signs warning of dangers associated with the small wind energy system.

291 f. No person may operate a small wind energy system that the City Engineer has found
292 to be unsafe or not in compliance with applicable law until the unsafe condition or
293 noncompliance has been corrected. If corrective action is not taken within six months after
294 notice of the City Engineer's finding, the small wind energy system shall be removed.

295 g. The City may abate as a nuisance under HCC 21.90.070 a small wind energy system
296 that is not operational for a period of at least 12 consecutive months.

297
298 Section 4. This Ordinance is of a permanent and general character and shall be
299 included in the City Code.

300
301 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of
302 _____ 2015.

303
304 CITY OF HOMER

305
306
307 _____
308 MARY E. WYTHE, MAYOR

309
310 ATTEST:

311
312
313 _____
314 JO JOHNSON, MMC, CITY CLERK

315
316
317 AYES:

318 NOES:

319 ABSTAIN:

320 ABSENT:

321
322
323 First Reading:

324 Public Hearing:

325 Second Reading:

326 Effective Date:

327
328
329 Reviewed and approved as to form:

330
331
332 _____
333 Katie Koester, City Manager

334
335 _____
Thomas F. Klinkner, City Attorney

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning

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Staff Report PL 15-34

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: May 6, 2015
SUBJECT: Site Development Standards

Introduction

At the April 13th City Council meeting, the Council introduced Ordinance 15-08, amending the site development requirements to require revegetation of exposed soils within 9 months. The Council referred the ordinance back to the Commission with direction to address several issues.

One of the issues was invasive weeds. Matt Steffy, from Homer Soil and Water Conservation District, will be presenting at the work session. This staff report does not address invasive weeds, but staff expects some discussion after hearing his presentation.

Analysis

There are several points Council would like the Commission to consider. Excerpts of the Council's minutes are below, with discussion points from staff. The full minutes are an attachment. Staff also created a table of the various related regulations we already have on the books – see attachments.

Additionally, it is helpful to consider there are two different things going on in code. One deals with erosion and sediments, and the other deals with revegetation. A land owner who hydro seeds right away accomplishes both goals: prevents further soil erosion, and establishes quick growing vegetation. A land owner that uses straw to keep mud from flowing on the property accomplishes erosion and sediment control, but may not accomplish long term vegetation if the grasses don't grow underneath the straw.

HCC 21.50.020 (c) in part states:

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork. Natural revegetation is acceptable if the site naturally revegetates within that 16-month period. If natural revegetation is not successful within that 16-month period, the property owner and developer shall revegetate by other means no later than the end of that 16-month period.

Council Comments and Staff Responses. Sections added for organization, and minutes were organized by topic.

Section 1 – Invasive Species

Section 2 – Allow alternate erosion control methods

Section 3 - Revisit the enforceability and legal ramifications of ‘no adverse impact’ language

Section 4 – consider over all enforceability, and not prohibiting development.

Section 1 Invasive Species

REYNOLDS/ROBERTS –MOVED THAT DURING THE CONSTRUCTION PERIOD THAT THE SOIL IS DISTURBED IF THERE COULD BE ANY MEASURES PUT IN THAT INVASIVES DON’T GET HOLD THEN THAT THEY WOULD BE REMOVED.

The Council discussed the burden it would place on property owners since practically everything is invasive. Most invasive plants are wind or water populated. Regulating anyone who leaves an area open and disturbed that may be populated by an invasive species has an economic obligation to remove the invasive species. This would require removing invasive species from public right-of-ways.

There are a number of invasive species that are problematic and the City does work with Soil and Water Conservation to reduce and remove the invasive species. Motion carried.

REYNOLDS/BURGESS – MOVED THAT LINE 29 HAVE MORE SPECIFIC LANGUAGE: VEGETATIVE NATIVE COVER AND WEED FREE PLANTS WITH NO INVASIVE SPECIES.

Although there are few plant varieties native to Alaska, the plant material center in Palmer may help the Planning Commission determine which plants are invasive species. Motion carried.

Planning staff comment: Council voiced two issues: preventing invasive species during construction, and then vegetating with native species and no invasives if the site doesn’t green up on its own. Mr. Steffy will provide more information at the May 6th HAPC work session. Additionally, staff will provide information on what the city already does about invasive weeds, and it may be possible to update the city website as well.

Staff recommendation: *Hear Mr. Steffy’s presentation, and consider if the zoning code is a mechanism to address invasive species concerns.*

Section 2 – Allow alternate erosion control methods

BURGESS/ROBERTS – MOVED TO AMEND THAT IN ALL THE SECTIONS THEY OFFER REASONABLE EROSION PREVENTION ALTERNATIVES TO VEGETATIVE COVER IF AND WHEN APPROPRIATE FOR SWPP LIKE BURLAP MATTING OR THOSE CONTROL SACKS THAT YOU CAN USE FOR HIGHWAY PROJECTS OR WOOD CHIPS OR LANDSCAPING MATERIALS OR GRAVELS.
Motion carried.

Planning staff comment: These options are already available to the developer. Code does not offer a long list of options; it simply gives a few examples. Further, the developer is not limited to the few items listed in code. Under HCC 21.03.020 Words and Phrases, states: c. When the words “include” or “including” or “such as” are used, they shall be construed as though followed by the phrase “but not limited to” unless the context clearly indicates the contrary. So if a developer wants to do something besides planting or limiting their clearing area, they can. The developer has any number of options that they can present, the only thing that is not an option is do nothing.

Code states:

“2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.”

Section 3 Revisit the enforceability and legal ramifications of the ‘no adverse impact’ language

BURGESS/REYNOLDS – MOVED TO ASK THE PLANNING COMMISSION TO REVISIT THE ENTIRE SECTION OF CODE WITH SPECIFIC REGARD FOR ENFORCEABILITY AND POTENTIAL LEGAL RAMIFICATIONS OF ENFORCEABILITY FOR THE CITY OF HOMER AND INTER-NEIGHBOR RELATIONSHIPS, SPECIFICALLY SECTION 1 OF ITEM C.
Motion carried.

Planning Staff Comments: Council is referring to this section of code, 21.50.020(c)1. Staff will provide more comment on this section of code at the next meeting.

“1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees,

or other damaging physical impacts. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.”

Section 4

Mayor Wythe asked that the Planning Commission consider enforceability and non-prohibitive development.

Mayor Wythe commented the amendments have made it prohibitive to develop at a time when economic development is going to become extremely key for us to do anything to resemble a park and recreation. It is important we don't continue building regulation that prevents people from developing properties. She asked that the Planning Commission look at it fresh as to how it will affect the ability of an individual to develop their properties.

Planning Staff Comment: Code requires the staff and the Commission to consider these very concerns. Staff thinks with a little more discussion and clarity on why the amendment is proposed, Council's concern will be addressed.

Staff recommendation: Planning Commission discuss on the record (at the regular meeting) why the change in code is beneficial, what is accomplished, and the effective burden for developers.

Staff Recommendation:

1. After hearing Mr. Steffy's presentation, discuss any concerns or ways to address invasive species within 21.50.
2. Consider Comments in each section, and discuss on the record (regular meeting).

Next steps: at the next meeting, staff will bring forward discussion of the 'no adverse impact' language, and anything else the Commission requests. The Council did not provide a date by which they wanted this ordinance back, so the Commission has time to further consider this ordinance if desired.

Attachments

1. Excerpt of Council meeting minutes of April 13, 2015
2. Table 1, General requirements for landscaping and reseedling
3. Draft ordinance

Excerpt from City Council Regular Meeting of April 13, 2015 (unapproved)

- A. **Ordinance 15-08**, An Ordinance of the Homer City Council Amending Subsection (C) of Homer City Code 21.50.020, Site Development Standards – Level One, and Subsection (A) of Homer City Code 21.50.030, Site Development Standards – Level Two, to Require Revegetation of Exposed, Cleared, Filled and Disturbed Soils Within 9 Months. Planning. Recommended dates: Introduction April 13, 2015, Public Hearing and Second Reading April 27, 2015.

Memorandum 15-048 from City Planner as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 15-08 for introduction and first reading by reading of title only.

ROBERTS/REYNOLDS – SO MOVED.

REYNOLDS/ROBERTS – MOVED TO AMEND TO STRIKE 9 MONTHS AND PROPOSE 6 MONTHS (LINES 30-34).

The Council discussed shortening the time for requiring revegetation. It is impractical and an added expense for a builder to have to revegetate halfway through the building process. It is not effectively accomplishing the goal to prevent erosion and promote positive species. In our long winter season it is difficult to have a project finished within 9 months after start.

Councilmember Roberts called for the question.

VOTE: YES. REYNOLDS

VOTE: NO. ROBERTS, LEWIS, ZAK, BURGESS, VAN DYKE

Motion failed.

The Council discussed sending the ordinance back to the Planning Commission since Item 1C incites litigation.

BURGESS/VAN DYKE - MOVED TO STRIKE CONTENTS IN LINES 21 - 26.

The Council suggested that the Planning Commission review the language from a regulatory standpoint.

VOTE: (amendment) YES. VAN DYKE, BURGESS

VOTE: NO. REYNOLDS, ROBERTS, ZAK, LEWIS

Motion failed.

VOTE: (introduction) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/LEWIS - MOVED TO REFER THIS TO THE PLANNING COMMISSION.

A time frame within completion of a project is more important than time frame from initial disturbance. Adjustments may be made for projects that have erosion considerations. The post-construction time for revegetation is needed

ROBERTS/BURGESS – MOVED TO AMEND TO POSTPONE THE SECOND READING.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (refer to Planning Commission as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REYNOLDS/BURGESS – MOVED THAT LINE 29 HAVE MORE SPECIFIC LANGUAGE: VEGETATIVE NATIVE COVER AND WEED FREE PLANTS WITH NO INVASIVE SPECIES.

Although there are few plant varieties native to Alaska, the plant material center in Palmer may help the Planning Commission determine which plants are invasive species.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/ROBERTS – MOVED TO AMEND THAT IN ALL THE SECTIONS THEY OFFER REASONABLE EROSION PREVENTIONAL ALTERNATIVES TO VEGETATIVE COVER IF AND WHEN APPROPRIATE FOR SWPP LIKE BURLAP MATTING OR THOSE CONTROL SACKS THAT YOU CAN USE FOR HIGHWAY PROJECTS OR WOOD CHIPS OR LANDSCAPING MATERIALS OR GRAVELS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/REYNOLDS – MOVED TO ASK THE PLANNING COMMISSION TO REVISIT THE ENTIRE SECTION OF CODE WITH SPECIFIC REGARD FOR ENFORCEABILITY AND POTENTIAL LEGAL RAMIFICATIONS OF ENFORCEABILITY FOR THE CITY OF HOMER AND INTER-NEIGHBOR RELATIONSHIPS, SPECIFICALLY SECTION 1 OF ITEM C.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REYNOLDS/ROBERTS –MOVED THAT DURING THE CONSTRUCTION PERIOD THAT THE SOIL IS DISTURBED IF THERE COULD BE ANY MEASURES PUT IN THAT INVASIVES DON'T GET HOLD THEN THAT THEY WOULD BE REMOVED.

The Council discussed the burden it would place on property owners since practically everything is invasive. Most invasive plants are wind or water populated. Regulating anyone who leaves an area open and disturbed that may be populated by an invasive species has an economic obligation to remove the invasive species. This would require removing invasive species from public right-of-ways.

There are a number of invasive species that are problematic and the City does work with Soil and Water Conservation to reduce and remove the invasive species.

VOTE: YES. LEWIS, REYNOLDS, ZAK, ROBERTS

VOTE: NO. VAN DYKE, BURGESS

Motion carried.

Mayor Wythe asked for a motion that the Planning Commission consider enforceability and non-prohibitive development.

BURGESS/LEWIS – SO MOVED TO DO WHAT THE MAYOR SAID.

Mayor Wythe commented the amendments have made it prohibitive to develop at a time when economic development is going to become extremely key for us to do anything to resemble a park and recreation. It is important we don't continue building regulation that prevents people from developing properties. She asked that the Planning Commission look at it fresh as to how it will affect the ability of an individual to develop their properties.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Table 1 General Re seeding and Landscaping Requirements

District/type of development	Code Requirements	Re-Seeding timeframe	Required landscaping	Staff notes
Residential - generally triplexes and smaller	21.50, level 1	16 months, if native vegetation does not take hold before.	no	* recommendation is to change to 9 months
Commercial, small and large building projects, 4-plexes or larger	21.50, level 2	16 months, if native vegetation does not take hold before.	Yes, within 9 months or one growing season after substantial completion.	Generally, commercial projects don't last for years, and this timeframe is easily met. Most contractors and business owners don't want a muddy mess for their customers. (examples: city hall, college, Orielly's, recently built apartment complexes)
mid-large project	DAP - Development Activity Plan - 21.74	soil stabilization: 3 days		DAP is geared toward controlling storm water and run off during construction. Silt fencing is an example. Its there during construction but removed when the project is complete.
	SWP (Storm Water Plan) 21.75			SWP is geared toward long term storm water control AFTER construction. A permanent storm water pond is an example, or fuel tank containment area.

Non City regulations: Development clearing **an acre or more** requires a SWPPP, or Storm Water Pollution Prevention Plan. This is a state/federal requirement and is above and beyond what the City regulates. The City Storm Water Plan is similar, but is less rigorous and is geared toward smaller projects.

CITY OF HOMER
ORDINANCE 15-xx

City Manager

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
SUBSECTION (c) OF HOMER CITY CODE 21.50.020, SITE
DEVELOPMENT STANDARDS – LEVEL ONE, AND SUBSECTION
(a) OF HOMER CITY CODE 21.50.030, SITE DEVELOPMENT
STANDARDS – LEVEL TWO, TO REQUIRE REVEGETATION OF
EXPOSED, CLEARED, FILLED AND DISTURBED SOILS WITHIN 9
MONTHS.

THE CITY OF HOMER ORDAINS:

Section 1. Subsection (c) of Homer City Code 21.50.020, Site development standards –
Level one, is amended to read as follows:

c. Landscaping Requirements. All development activity on lands shall conform to the
following:

1. Development activities shall not adversely impact other properties by causing
damaging alteration of surface water drainage, surface water ponding, slope failure,
erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or
other damaging physical impacts. The property owner and developer shall take such
steps, including installation of culverts or buffers, or other methods, as necessary to
comply with this requirement.

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
disturbed soils shall be protected against subsequent erosion by methods such as, but
not limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within ~~9-16~~
months following the initiation of earthwork. Natural revegetation is acceptable if the
site naturally revegetates within that ~~9-16~~-month period. If natural revegetation is not
successful within that ~~9-16~~-month period, the property owner and developer shall
revegetate by other means no later than the end of that ~~9-16~~-month period.

Section 2. Subsection (a) of Homer City Code 21.50.030, Site development standards –
Level two, is amended to read as follows:

a. Site Development.

1. Development shall not adversely impact other properties by causing
damaging alteration of surface water drainage, surface water ponding, slope failure,
erosion, siltation, or root damage to neighboring trees, or other adverse effects.

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
disturbed soils shall be protected against subsequent erosion by methods such as, but
not limited to, landscaping, planting, and maintenance of vegetative cover.

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

44 3. All exposed, cleared, filled and disturbed soils shall be revegetated within ~~9~~¹⁶
45 months following the initiation of earthwork.

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

49
50 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of
51 _____ 2015.

52
53 CITY OF HOMER

54
55
56 _____
57 MARY E. WYTHE, MAYOR

58
59 ATTEST:

60
61
62 _____
63 JO JOHNSON, MMC, CITY CLERK

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

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72 First Reading:
73 Public Hearing:
74 Second Reading:
75 Effective Date:

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78 Reviewed and approved as to form:

79
80
81 _____
82 Marvin Yoder, City Manager

81 _____
82 Thomas F. Klinkner, City Attorney

83
84 Date: _____

Date: _____



City of Homer

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STAFF REPORT PL 15-32

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Tech
MEETING: May 6, 2015
SUBJECT: Cannabis Advisory Commission

Introduction

The Cannabis Advisory Commission is seeking one member from the Homer Advisory Planning Commission. The Cannabis Advisory Commission will be considering how to govern the number, time, place, and manner of cannabis cultivation and manufacturing facilities, retail stores and testing facilities within Homer's city limits.

At the April 15, 2015 Don Stead indicated interest, but no motion was made. Typically, the chair opens the floor for nominations, and the Commission makes one or more nominations. The vote can be by roll call, or by secret ballot.

Staff Comments:

Staff recommends the Planning Commission elect one member to the Cannabis Advisory Commission.



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(f) 907-235-3148

City Manager's Report

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: April 22, 2015
SUBJECT: City Manager's Report

Mental Health Trust Land Sale

The Council had lingering questions after the April 13 City Manager's report regarding the Mental Health Trust land at the mouth of the harbor.

In 2013 while acquiring right of way for the construction of the Homer Spit Trail it came to the City's attention that what is known as 'Lot 42' at the mouth of the harbor was not wholly owned by the City. This is where the trail to Coal Point Park is and where rip rap was installed to protect the trail from erosion along the mouth of the harbor. It is a confusing title situation: likely what happened is in the 90's the small boat harbor was re-platted without recognizing the Trust owned the property. From the best the City can tell DNR owns a small 30 foot strip, the City owns the triangle of land at the back corner of the lot, and the Trust owns the rest, including an oddly configured strip of land that goes through the mouth of the harbor. There are many reasons it is in the best interest of the City to have clear title to this land: it is the mouth of the harbor, is crossed by a City trail, and its location close to the fish dock makes it an ideal space for potential economic development opportunities. Icicle is the current lessee and they use the land for storage.

The Trust is amendable to the sale of the land and is moving forward with having the parcel appraised (see attached letter RE: Agreement of Appraisal Scope of Services). The direction to the appraiser includes appraising it as raw land with no improvements (i.e., the rip rap that the City installed cannot be used to increase the value of the lot). Also, the land that extends into the harbor will be assessed as tidelands. Further action and any decision on whether or not to purchase the land will come before Council after the appraisal is complete, sometime later this summer.

Lake Street Rehabilitation

The 2015 amendment to the Statewide Transportation Improvement Plan (STIP) delays funding for Lake Street Rehabilitation (Rehabilitate pavement of approximately 0.47 miles, construct a sidewalk on both sides of the road, improve the intersection at Pioneer to enhance safety, and provide drainage improvements).

Over \$300,000 was scheduled to be spent this year on initial stages of the project. This has been delayed until 'after 2015.' City Planner Abboud submitted public comment from the City expressing the need for the project in the attached letter.

Main Street Intersection

DOT has selected an alternative for Main Street Intersection Improvements. Known as 'option 3' in the public meetings held, it is a stop light with a turning lane. The attached letter from DOT explains their reasons for not selecting a roundabout (cost of right of way acquisition) and the need for a turning lane (safety). According to conversations City Planner Abboud has had with DOT, if ROW acquisition goes smoothly, they plan on advertising for project construction in 2016. A 4-directional flashing red beacon will be installed at the Pioneer and Main Street intersection by October 31 of this year.

Kachemak Drive

As you are aware, approximately 100 feet of Kachemak Drive sloughed into Mud Bay around 8am Sunday morning April 19 about ½ mile in from the intersection of Ocean Drive/Homer Spit Road and Kachemak Drive. City of Homer Police Department was on the scene early, barricaded the road and contacted AKDOT/PF. As of Monday April 20 DOT was hoping to complete repairs in one week. Under that timeline the road should be repaired by the time of the Council meeting. I hope to be able to provide additional verbal updates at the meeting. The City is very interested in Kachemak Drive being repaired quickly. With summer season around the corner there are boats that need to travel to the harbor, people who need to be able to quickly get to their boats and shops, and many other businesses along Kachemak Drive, including the old airport, where convenient access is critical, not to mention the many residences along Kachemak Drive. Kachemak Drive is also a Tsunami evacuation route and having it closed is a safety concern. We will be following the repairs closely and applaud DOT for understanding the need to respond quickly to the situation.

Assistant City Manager

I am planning on evolving the Community and Economic Development Coordinator position to an Assistant City Manager position. Many of the job duties and functions will remain the same. The Assistant job description pulls some things that I was doing for the City over to the City Manager job (legislative relations, coordinating strategic doing, and representation on certain boards for the City) and adds coordinating the Social Media Policy, land management, and eventually some supervisory authority.

Eleven people report directly to the City Manager. In order for every Department/Division to get the attention it deserves from their manager, in time I foresee the Assistant taking over the supervision of a couple Departments or Divisions. However, I want to wait until I have some time under my belt with all of the Departments/Divisions and the Assistant has time in the position to have an understanding of how to structure the best possible fit for the City.

The Assistant City Manager will be expected to maintain grant research and oversight, though actual grant writing will depend on capacity at the time of the application. In the past 2 years

I have not written any substantial grants and have been fully tasked in the Community and Economic Development Coordinator position. A grant writer can be contracted at less than the cost of staff time, would accurately represent the cost of the grant, and in some cases reimbursement can be written into the grant. That being said, in times of declining state revenue, we will need to be turning over more rocks for opportunities and grant research to identify potential opportunities will be an important component of the job.

There are many benefits to an Assistant City Manager position. The Assistant will provide continuity for the Council and staff when the City Manager is absent, allow more representation of the City in the community and more accurately reflects the duties of the position (marketing, economic development, special initiatives by the manager/council). Salary will be absorbed within the current budget. The position will be posted this week.

USCG Solicits Public Comment on Decommissioning Oil Spill Response Equipment Caches

Prince William Sound Regional Citizens' Advisory Council sent the attached notice to the City asking for member organizations to comment in favor of keeping USCG oil spill response equipment Caches in the region. The Coast Guard is recommending decommissioning the caches due to funding constraints. Comments are due by July 1. Please let me know if the Council would like to take any action on this or request further information.

Cook Inlet Harbor Safety Committee

After the Seabulk Pride grounding in 2006, Cook Inlet RCAC received funding to conduct a Risk Assessment for Cook Inlet. Homer was invited to participate and Harbormaster Hawkins represented the City in the study. One of the main recommendations from the Assessment was to form a Harbor Safety Committee (HSC). According to Hawkins, the HSC is a group of industry professionals coming together to address specific maritime safety issues who will then make advisory motions to the USCG Captain of the Port (person in charge). This management method has proven to be very effective in other major US waterways. The need for such an organization is justified given the volume of large vessel traffic and sensitive cargo in Cook Inlet. Nuka Research is soliciting comments of the draft charter (see attached letter from Nuka Research and draft charter). With your approval, I will draft a letter from the City expressing support for the Harbor Safety Committee and reinforcing the need to keep safety and protecting Kachemak Bay and Cook Inlet a top concern. Comments are due by May 20.

Cook Inlet Waterways Suitability Assessment for Cook Inlet

Alaska LNG has submitted a Waterways Suitability Assessment for Cook Inlet. The first meeting was a planning session held in Anchorage on March 31st. Harbormaster Hawkins attended and will be following this issue closely due to the potential impact of AKLNG on our Port and Harbor and Kachemak Bay. The assessment is necessary due to the proposed increase in traffic and the size of the proposed fleet. AKLNG is proposing 20 Panamax tankers (thousand foot class) per month for 30 years. The next meeting will be a three day work session in Anchorage.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Transportation
and Public Facilities

DESIGN & ENGINEERING SERVICES
Traffic Safety & Utilities

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April 10, 2014

Mr. Walt Wrede, City Manager
Homer City Hall
491 East Pioneer Avenue
Homer, AK 99603

Dear Mr. Wrede :

This letter is to inform you that the State of Alaska Department of Transportation (ADOT) has selected an alternative for the Sterling and Main Street intersection improvements. The three alternatives reviewed to solve intersection crashes and improve traffic flow are a roundabout, a signal with no turn lanes and a signal with turn lanes.

ADOT considered the impacts of each alternative including Right of Way (ROW), cost and project schedule. Both the signal alternatives have less ROW impact, cost and provide a faster project delivery schedule than the roundabout option. The signal with right turn lanes will provide better traffic operations over the signal with no turn lanes. Constructing the turn lanes can be completed at a much lower cost as part of the initial signal installation, rather than revisiting the intersection to install the turn lanes in the future. Based on this information, we will move forward with design of the signal with turn lanes alternative.

Signals constructed by ADOT outside of the Municipality of Anchorage continue to be budgeted and maintained by ADOT&PF. As budgets are constrained and more signals are desired in the future, it will be valuable for our agencies to discuss long term funding of maintenance for signals before more are constructed.

Sincerely,

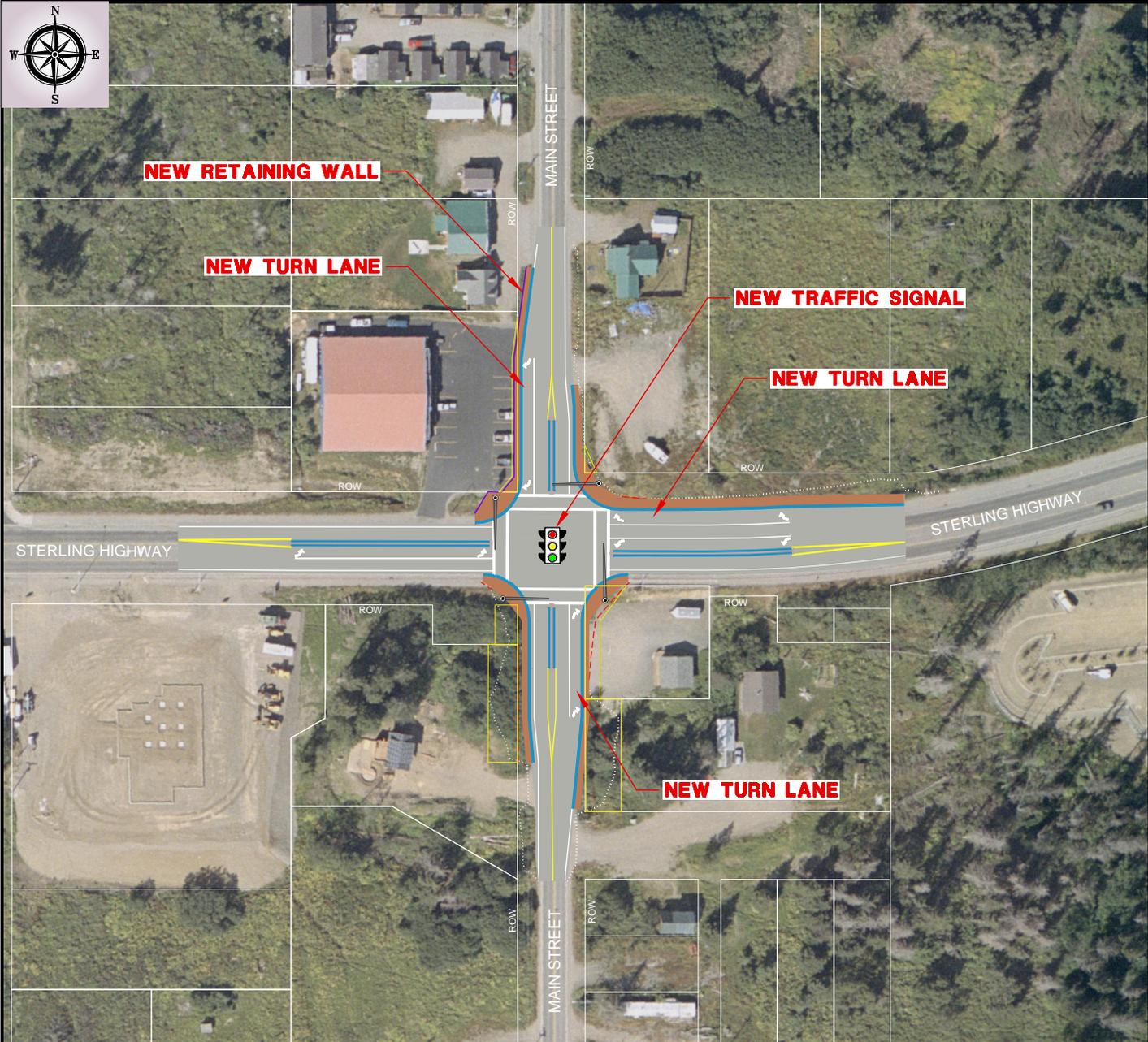
Carla J Smith, P.E

carla.smith@alaska.gov

RECEIVED

APR 24 2014

CITY OF HOMER
PLANNING/ZONING



DOT(CR) HSIP
STERLING HWY AND MAIN ST IMPROVEMENT
ALTERNATIVE 3 - SIGNAL WITH NEW TURN LANES



To the Planning Commission

Through Rick Abboud

From Marvin Yoder

The City Council has revised the Development Covenant for Lillian Walli Subdivision. The new covenant allows for phased development.

The original plat recognized that Eric Lane (Fairview) would be a main street and therefore designed the subdivision so that no lots had egress directly onto a Collector Street. I believe similar consideration should be given to West Hill Road. Lillian Walli includes lots on both sides of West Hill Road. However all lots have platted ROW without exiting directly onto West Hill.

As building permits are considered, The Planning Commission should consider a conditional use permit that requires proper access to West Hill Road.

