

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

3. Public Comment

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

4. Reconsideration

5. Adoption of Consent Agenda

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

1. Approval of Minutes of November 4, 2016
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g.
4. KPB Coastal Management Program Reports

Page 1

6. Presentations

7. Reports

- A. Staff Report 17-01, City Planner's Report

Page 4

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 17-04 Draft Ordinance Amending 21.95.060 and 21.95.070, Introduction of amendments to Title 21.

Page 5

9. Plat Consideration

- A. Staff Report PL 17-02, DeGarmo Subdivision Three Preliminary Plat **Page 13**
- B. Staff Report PL 17-06 Barnett South Slope Subdivision Fell Addition Preliminary Plat **Page 23**

10. Pending Business

11. New Business

- A. Staff Report PL 17-03, HART Program revisions **Page 33**
- B. Staff Report PL 17-05, Review of HCC 21.46 Small Boat Harbor Overlay District, and potential harbor over-slope development locations **Page 57**

12. Informational Materials

- A. City Manager's Report, December 5, 2016 **Page 69**
- B. KPB Notice of Action, Lake Street ROW Acquisition Preliminary Plat **Page 73**

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

The next regular meeting will be held on January 18, 2017. A work session may 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.

January 4, 2017
5:30 P.M.

Cowles Council Chambers
491 East Pioneer Avenue
Homer, Alaska

WORK SESSION

Advisory Planning Commission

AGENDA

1. Call to Order, 5:30 P.M.
2. Discussion of Items on the Regular Meeting Agenda
3. Staff Report PL 17-05, Review of HCC 21.46 Small Boat Harbor Overlay District, and potential harbor over-slope development locations **Page 57**
4. Staff Report PL 17-03, HART Program revisions **Page 33**
5. **Public Comments**
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
6. Commission Comments
7. Adjournment

Session 16-18, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on November 2, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ABRAHAMSON, ARNOLD, BRADLEY, HIGHLAND, STEAD, VENUTI

ABSENT: BOS

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

BRADLEY/HIGHLAND SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

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

Reconsideration

Adoption of Consent Agenda

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

A. Approval of Minutes of October 18, 2016

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

BRADLEY/HIGHLAND SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

A. Staff Report PL 16-63, City Planner's Report

City Planner Abboud reviewed his staff report in the packet.

He touched on next year's topics including the Comp Plan update and homeless shelters.

Public Hearings

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

Plat Consideration

A. Staff Report PL 16-62, Lake Street Right-of-Way Acquisition, Preliminary Plat

City Planner Abboud reviewed the staff report and explained this is a right of way acquisition plat.

There was no applicant to present or public comment.

There was brief discussion about right-of-way relating to Lot 1 Waddell Park 2000 and the Triangle Park area across the street.

HIGHLAND/BRADLEY MOVED TO APPROVE STAFF REPORT PL 16-62 AND THE LAKE STREET RIGHT-OF-WAY ACQUISITION PRELIMINARY PLAT.

Chair Stead noted that in some places it says these are a fee easement and wondered why they are doing them as easements if they are paying a fee, unless it's to compensate the land owner for the use. City Planner Abboud was unsure.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Pending Business

New Business

Informational Materials

A. City Manager's Report dates October 24, 2016

Comments of the Audience

Comments of Staff

City Planner Abboud encouraged the Commission to think about homeless shelters and the concerns that have come up previously. He will provide them with some information.

Deputy City Clerk Jacobsen reminded them of the training with the City Attorney scheduled for Wednesday, November 9th.

Comments of the Commission

Commissioner Highland welcomed Commissioner Arnold and said this may be their record for a short meeting.

Commissioner Bradley welcomed Commissioner Arnold and reminded everyone about the Pratt Museum fund raiser, The Ritz, is this weekend.

Commissioner Abrahamson welcomed Commissioner Arnold. She noted the City Manager’s report and the letter of non-objection about the gate at the top of Airport Road. She’s happy to see it go in, it will provide some good habitat protection as well as help reduce crime in that area.

Commissioner Arnold thanked everyone and looks forward to working with the Commission.

Chair Stead said they did well tonight and welcomed Commissioner Arnold.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 7:01 p.m. The next regular meeting is scheduled for December 7, 2016 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: _____



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

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: January 4, 2017
SUBJECT: City Planner's Report

City Council

Meeting of 1/9/16

Ordinance 16-57, review of Title 21 Amendments

This item is scheduled to be turned around with input from the Planning Commission at this meeting. It is scheduled for a public hearing.

The November and December City Council meeting date have changed. The new dates are 11/21 and 12/5. So, in hear is the new schedule for Commissioners to present to the council new dates.

January 9, 2017: Savanna

January 23, 2017: Roberta

February 13, 2017:

February 27, 2017:

March 13, 2017:

March 27, 2017:

Staff

My temporary Planning Clerk job is now being advertised as a full-time Planning Tech position. I am in the midst of conducting interviews and hopefully will have someone hired soon. Until then, I am severely understaffed and I may be the only person in the office during the first week of January.

Future PC topics

I have been asked to work on reviewing options for temporary shelters for the homeless and to give consideration for temporary auto sales in the Marine Industrial District. Council will soon give direction. Being legislative items, feel free to have discussions on the subjects. What we are asked to consider will be refined through the City Council.



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Staff Report PL 17-04

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: January 4, 2016
SUBJECT: Draft Ordinance 16-57, AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.95.060 AND HOMER CITY CODE 21.95.070 TO REQUIRE THE HOMER ADVISORY PLANNING COMMISSION TO REVIEW AMENDMENTS TO TITLE 21 OR THE OFFICIAL ZONING MAP BEFORE SUCH AMENDMENTS ARE ADOPTED BY CITY COUNCIL BUT NOT NECESSARILY BEFORE SUCH AMENDMENTS ARE SUBMITTED TO CITY COUNCIL FOR REVIEW.

Requested Action: Conduct a public hearing and make a recommend to the City Council.

Introduction: The proposed ordinance was introduced on the Consent Agenda of the City Council at the meeting held on November 21, 2016. The proposed ordinance was advertised and a public hearing was held at the December 5, 2016 meeting of the City Council. No one testified and no discussion was documented. The item was then referred to the Planning Commission for review.

Analysis: The City Attorney has determined that our code does not support a City Council member to introduce an amendment to Title 21 at a council meeting and then refer it to the Planning Commission. This amendment proposes to make it clear that a proposed amendment may be introduced and discussed at City Council meeting, but does need to go to the Planning Commission for a recommendation prior to the adoption of an amendment.

I believe this is good practice for the City Council to propose amendments to Title 21. It accomplishes two things that improve our process. 1. A Council Member may gauge the support of a proposal before the Planning Commission spends time on the item. A discussion of the Council may be able to further 'flesh out' an amendment that would have more support at the Council level. 2. It provides a wider notice of the subject going to the Planning Commission. The audience for the Council is greater than that of the Planning Commission. More members of the public will be made aware of the conversation and hopefully may provide input to the Planning Commission, when they might have otherwise missed the subject.

Staff Recommendation: Conduct a public hearing and recommend that City Council adopt the amendment.

Attachments

Memo 17-01
Draft Ordinance 16-57
Public notice



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www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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(p) 907-235-3106
(f) 907-235-3118

Memorandum 17-01

TO: Homer Advisory Planning Commission

FROM: Rick Abboud

DATE: December 13, 2016

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.95.060 AND HOMER CITY CODE 21.95.070 TO REQUIRE THE HOMER ADVISORY PLANNING COMMISSION TO REVIEW AMENDMENTS TO TITLE 21 OR THE OFFICIAL ZONING MAP BEFORE SUCH AMENDMENTS ARE ADOPTED BY CITY COUNCIL BUT NOT NECESSARILY BEFORE SUCH AMENDMENTS ARE SUBMITTED TO CITY COUNCIL FOR REVIEW.

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

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

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

Staff response: The proposed amendment is not inconsistent with the Comprehensive Plan. This amendment is process oriented. Once adopted, it will contribute to a more transparent process that provides an additional opportunity for the public to gain knowledge of proposals that are going to the Planning Commission for input. The Planning Commission will still assess whether individual proposals from the City Council further items found in the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Staff response: The proposed amendment is easily implemented and enforced. It clarifies the process for the City Council to recommend items for review of the Planning Commission.

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

Staff response: The proposed amendment will promote a more informed public, which will have more opportunity to be made aware of proposed amendments before they go to the Planning Commission for review.

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

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

21.95.010 Initiating a code amendment.

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

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 City Manager

4 **ORDINANCE 16-57**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 21.95.060 AND HOMER CITY CODE
8 21.95.070 TO REQUIRE THE HOMER ADVISORY PLANNING
9 COMMISSION TO REVIEW AMENDMENTS TO TITLE 21 OR THE
10 OFFICIAL ZONING MAP BEFORE SUCH AMENDMENTS ARE
11 ADOPTED BY CITY COUNCIL BUT NOT NECESSARILY BEFORE
12 SUCH AMENDMENTS ARE SUBMITTED TO CITY COUNCIL FOR
13 REVIEW.
14

15 WHEREAS, Homer City Council highly values recommendations made by the Homer
16 Advisory Planning Commission (“Commission”) on all ordinances proposing changes to Title
17 21 entitled “Zoning and Planning”; and
18

19 WHEREAS, The Council is dedicated to preserving the Commission’s role in reviewing
20 all ordinances changing Title 21 while also permitting Council greater flexibility regarding
21 when and to what extent Council discusses proposed changes to Title 21; and
22

23 WHEREAS, It is in the City’s best interest to clarify within Title 21 that while the
24 Commission must review any change to Title 21 before it is adopted, Council has authority to
25 consider and review proposed changes to Title 21 concurrently with and even prior to
26 submittal of such changes to the Commission.
27

28 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
29

30 Section 1. Section 21.95.060 is amended to read as follows:

- 31 a. The Planning Commission shall review each proposal to amend this title or
32 to amend the official zoning map before it is **adopted by**~~submitted to~~ the City
33 Council.
34 b. Within 30 days after determining that an amendment proposal is complete
35 and complies with the requirements of this chapter, the Planning Department
36 shall present the amendment to the Planning Commission with the Planning
37 Department’s comments and recommendations, accompanied by proposed
38 findings consistent with those comments and recommendations.
39 c. The Planning Department shall schedule one or more public hearings before
40 the Planning Commission on an amendment proposal, and provide public
41 notice of each hearing in accordance with Chapter 21.94 HCC.

42 d. After receiving public testimony on an amendment proposal and completing
43 its review, the Planning Commission shall submit to the City Council its written
44 recommendations regarding the amendment proposal along with the Planning
45 Department's report on the proposal, all written comments on the proposal,
46 and an excerpt from its minutes showing its consideration of the proposal and
47 all public testimony on the proposal.
48

49 Section 2. Section 21.95.070 is amended to read as follows:

50 ~~After receiving the recommendations of the Planning Commission regarding an~~
51 ~~amendment proposal, the City Council shall consider an the amendment~~
52 ~~proposal~~ **to this title** in accordance with the ordinance enactment procedures
53 in the Homer City Code **but shall not adopt an amendment proposal under**
54 **this title without considering the recommendations of the Planning**
55 **Commission regarding an amendment proposal. When City Council is**
56 **considering an amendment proposed by the Planning Commission, t**~~The~~
57 City Council may adopt the proposed amendment as submitted or with
58 amendments, or reject the proposed amendment.
59

60 Section 3. This ordinance shall take effect upon its adoption by the Homer City
61 Council.
62

63 Section 4. This ordinance is of a permanent and general character and shall be
64 included in the City Code.
65

66 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
67 _____, 2016.
68

69 CITY OF HOMER
70

71 _____
72
73 BRYAN ZAK, MAYOR
74

75 ATTEST:
76

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

84 YES:

85 NO:

86 ABSTAIN:

87 ABSENT:

88

89

90

91 First Reading:

92 Public Hearing:

93 Second Reading:

94 Effective Date:

95

96 Reviewed and approved as to form.

97

98 _____

99 Mary K. Koester, City Manager

Holly C. Wells, City Attorney

100

101 Date: _____

Date: _____

102

103

104 Fiscal Note: NA

PUBLIC NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, January 4, 2017 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

Draft Ordinance 16-57, AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.95.060 AND HOMER CITY CODE 21.95.070 TO REQUIRE THE HOMER ADVISORY PLANNING COMMISSION TO REVIEW AMENDMENTS TO TITLE 21 OR THE OFFICIAL ZONING MAP BEFORE SUCH AMENDMENTS ARE ADOPTED BY CITY COUNCIL BUT NOT NECESSARILY BEFORE SUCH AMENDMENTS ARE SUBMITTED TO CITY COUNCIL FOR REVIEW.

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

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

PLEASE PUBLISH ONCE

ACCOUNT 100.130.5227



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 17-01

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: January 4, 2017
SUBJECT: Staff Report PL 17-01, DeGarmo Subd. Three Preliminary Plat

Requested Action: Preliminary Plat approval to divide one larger lot into two smaller lots

General Information:

Applicants:	Ann Reed Griffin 110 Falling Creek Drive Thomasville, NC 27360	Jerry Anderson, PLS 2836 S. Ranchview Rd., #206 Brookline, MO 65619
Location:	South Side of Kachemak Drive, South of the Airport	
Parcel ID:	17915081	
Size of Existing Lot(s):	2.37 acres	
Size of Proposed Lots(s):	Lot 12-A-1A: 1.27 acres, Lot 12-A-1B, 1.111 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Commercial South: Beach/Ocean East: Residential West: Residential	
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:	Tidal areas shown in wetland mapping.	
Flood Plain Status:	Zone VE along Kachemak Bay	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer is available.	
Public Notice:	Notice was sent to 13 property owners of 15 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the Rural Residential District. This plat divides one larger lot into two smaller lots.

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.

- 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 needs to display that the lot directly to the west is Lot 13 B-1.

- 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. Water and sewer is currently being installed on Kachemak Drive.

- 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 could display this feature better with hashing.

- 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. An installation agreement will be required. They will need to work with Public Works on providing water and sewer to the new lot.

Fire Department Comments: No issues.

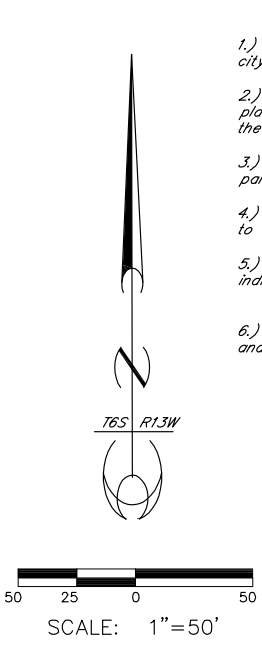
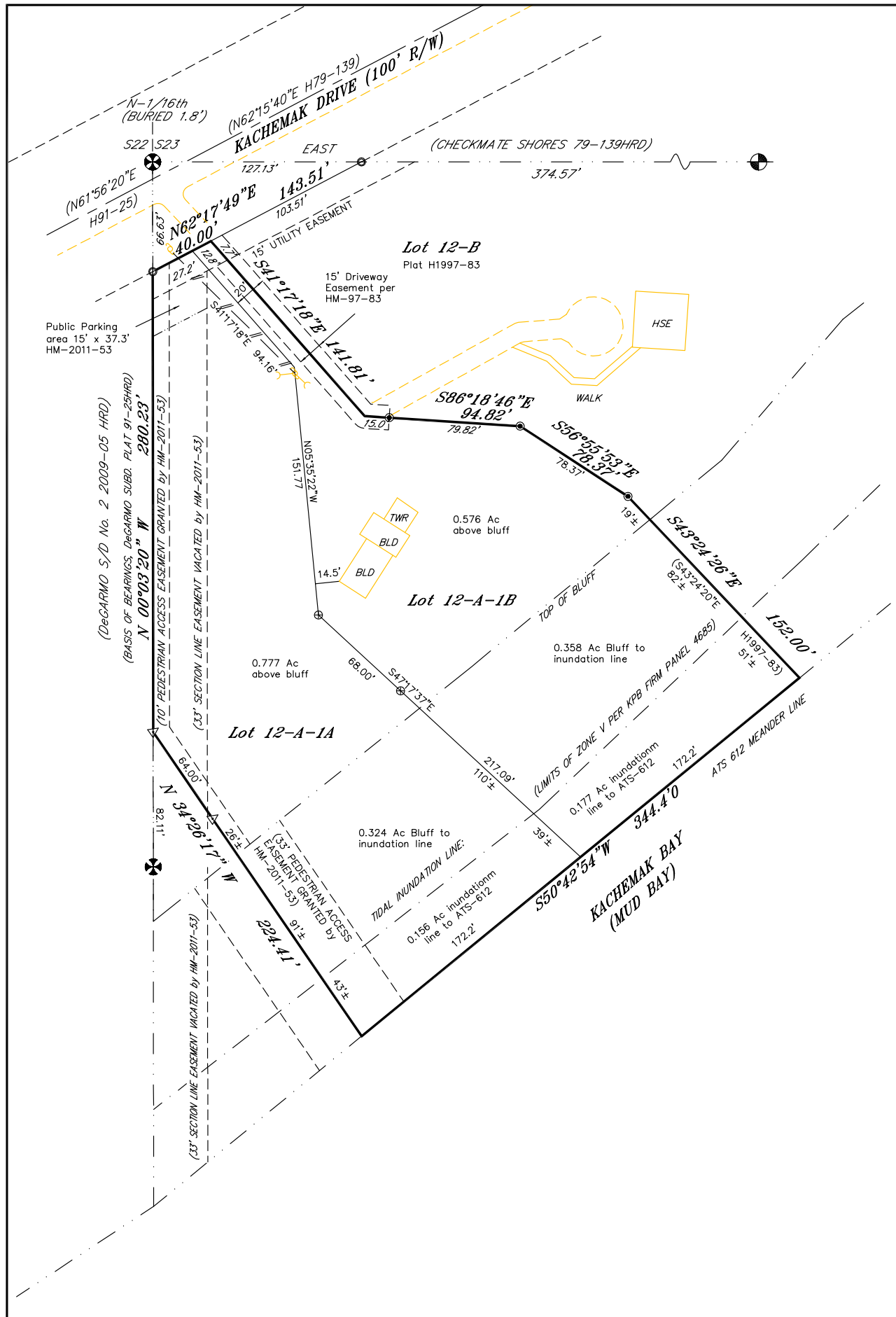
Staff Recommendation:

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

- 1. Label Lot 13B-1 to the west.
- 2. Note 1 is not necessary with the inclusion of note 4.
- 3. Recommend that note 4 read, "Prior to any development the City of Homer Planning Office should be contacted for current regulations and permits."
- 4. The information regarding firm panel 4685 is outdated and has been replaced with KPB Panel 2115E. The hazard has been mapped as a "VE" zone.
- 5. Add note, "A portion of the lot has been identified as a Special Flood Hazard Area by FEMA. Contact the City of Homer prior to any development."

Attachments:

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



- GENERAL NOTES:**
- 1.) Homer city code regulates setbacks within the city limits.
 - 2.) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 - 3.) No structures are permitted within the pan-handle portion of lot 12-A-1B.
 - 4.) Development within the City of Homer is subject to City of Homer zoning regulations.
 - 5.) Acceptance of the plat by the Borough does not indicate acceptance of encroachments, if any.
 - 6.) These lots are served by City of Homer Water and Sewer.

SYMBOL LEGEND	
(F) BLM Brass Cap 1952	(F) Brass Cap WC LS-7614 (HM 97-83)
(F) 5/8" Rebar, LS-7614 (HM 97-83)	(R) 1/2"x 30" Rebar, LS-3686 (HM 1977)
(F) Existing HEA Power Pole	

SURVEYORS CERTIFICATE
 I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.

WASTEWATER DISPOSAL:
 Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

Jerry A. Anderson 11/14/2016
 Date

REC. DIST. _____
 Date _____ 20 ____
 TIME _____ M
 REQUESTED BY: _____
 ADDRESS _____

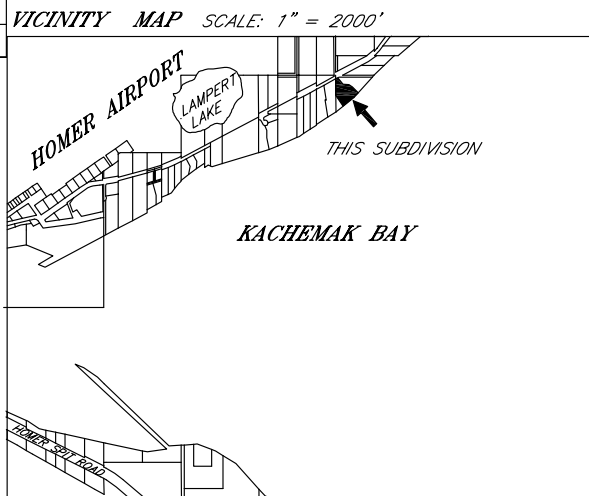
CERTIFICATE OF OWNERSHIP
 We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all rights of way and public areas to public use, and grant all easements to the use shown.

Ann Reed Griffin
 110 Falling Creek Drive
 Thomasville NC 27360

NOTARY'S ACKNOWLEDGMENT
 For: Ann Reed Griffin
 Acknowledged before me this _____ day of _____ 2017

Notary Public for _____ My Commission Expires: _____

PLAT APPROVAL
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____
 KENAI PENINSULA BOROUGH
 BY: _____
 Authorized Official



	JOB No. 2151
	DATE: NOV 07 2016
	SCALE: 1" = 50'
	KPB FILE No. 2016- _____
	FIELD BOOK: 34/13-PJC
	LOCATION: 3101 KACHEMAK DR.
	SECTION: SW1/4 NW1/4 Sec. 23
TOWNSHIP: 06S	
RANGE 13W	

"DeGARMO SUBD. THREE"
 DIVIDING LOT 12-A-1 HM-2009-005 INTO TWO PARCELS
 WITHIN THE SW1/4 NW1/4 (GLO LOT 12)
 Sec. 23, Twp. 6S Rge. 13W, S.M.
 HOMER RECORDING DISTRICT
 WITHIN THE KENAI PENINSULA BOROUGH
 AND THE CITY OF HOMER ALASKA
 CONTAINING 2.370 Ac.

JERRY ANDERSON SURVEYS & BOUNDARY SOLUTIONS
 JERRY ANDERSON PLS
 417-830-0978
 2836 RANCHVIEW RD. #206
 BROOKLINE MO 65619

Jerry Anderson PLS
2836 S. Ranchview Rd. #206
Brookline MO 65619

“Surveys & Boundary Solutions”

417-830-978

Email: fchwartz@gmail.com
jandersonsurveyor@gmail.com

November 14, 2016

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

RECEIVED

NOV 22 2016

CITY OF HOMER
PLANNING/ZONING

Re. Plat Submittal, DeGarmo Subd. Three.

Attached are two full size and one reduced size copy of the proposed plat, along with a check for the filing fee of \$200.00

The purpose of this plat is to divide an existing lot for a family transfer.

The existing lot is served by city sewer & water.

If you have questions or require additional information, please call or send an email.


Regards-



Jerry A. Anderson PLS

cc: Ann Griffin Reed
110 Falling Circle Dr.
Thomasville NC 27360

Paul Alan Riedel
3101 Kachemak Drive Homer Alaska 99603

 Joshua Adam Garvey and Elizabeth Marie Garvey
4037 Mattox Road Homer, AK 99603

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:

DeGarmo Subd. Three Preliminary Plat

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, January 04, 2017 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

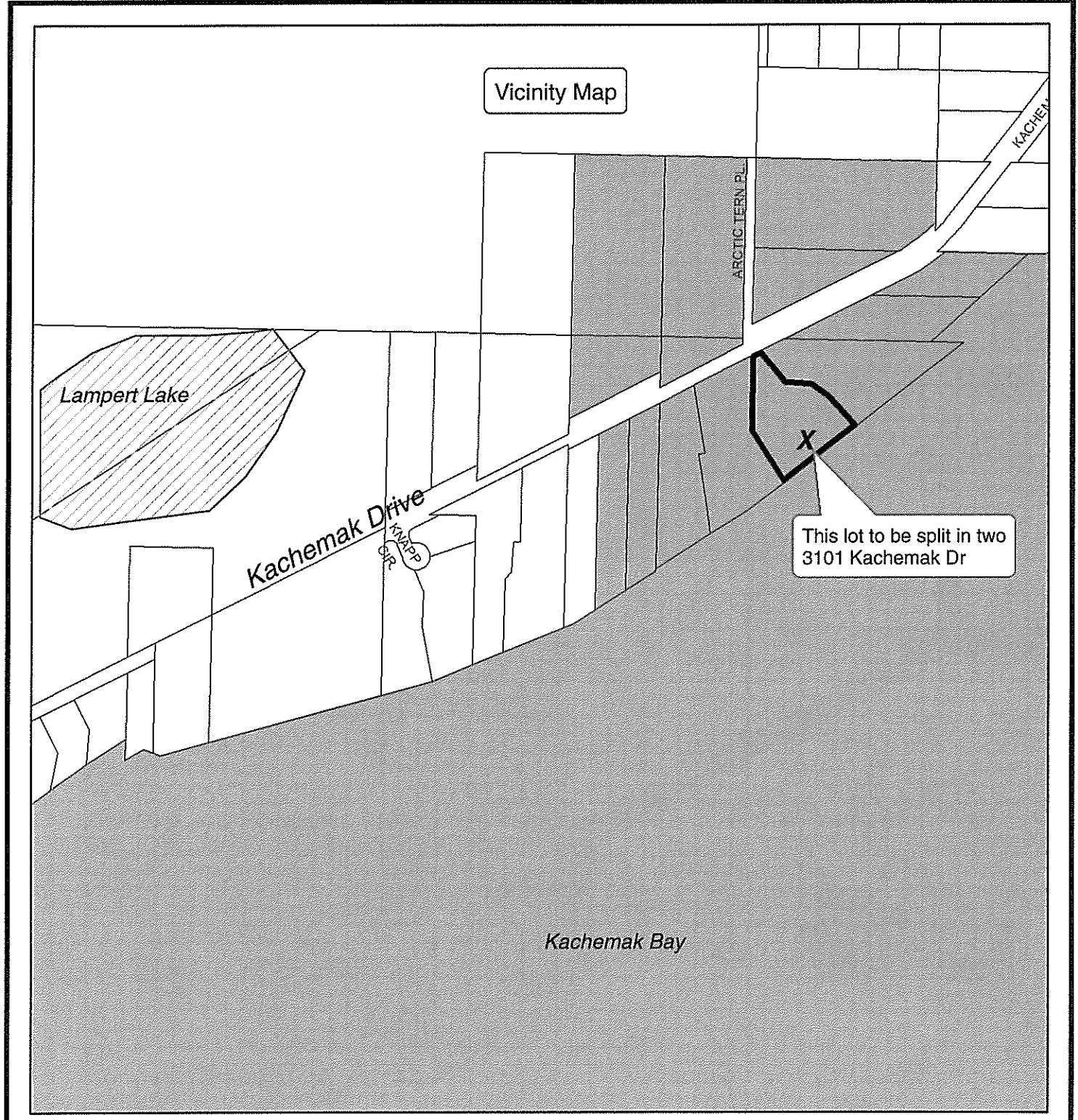
Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

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.

.....

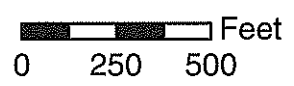
VICINITY MAP ON REVERSE



City of Homer
 Planning and Zoning Department
 12/5/2016

De Garmo Subdivision Three Preliminary Plat

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



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

CERTIFICATE OF OWNERSHIP
 We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt the plan 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.

Ann Reed Griffin
 110 Falling Creek Drive
 Thomasville NC 27380

NOTARY'S ACKNOWLEDGMENT
 For: Ann Reed Griffin
 Acknowledged before me this _____ day of _____ 2017

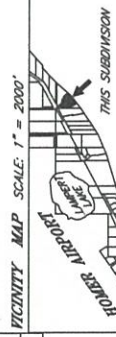
Notary Public for _____ My Commission Expires: _____
PLAT APPROVAL
 This plat was approved by the Keno Peninsula Borough Planning Commission at the meeting of _____
 KENAI PENINSULA BOROUGH

BY: _____
 Authorized Official

- GENERAL NOTES:**
- 1.) Home city code regulates setbacks with the city limits.
 - 2.) No permanent structure shall be constructed or placed on the lot until the owner has obtained the ability of a utility to use the easement.
 - 3.) No structures are permitted within the perimeter portion of lot 12-A-1B.
 - 4.) Development within the City of Homer is subject to City of Homer zoning regulations.
 - 5.) Acceptance of the plat by the Borough does not indicate acceptance of encroachments.
 - 6.) These lots are served by City of Homer Water and Sewer.

SYMBOL LEGEND

⊕	(F) BLM Brass Cap 1952
⊙	(F) Brass Cap WC LS-7614 (HM 97-83)
⊙	(F) 5/8" Brass, LS-7614 (HM 97-83)
⊙	(R) 1/2" x 30" Rebar, LS-3686 (HM 1977)
⊙	(F) Existing NEA Power Pole



SURVEYORS CERTIFICATE
 I hereby certify that this survey was performed by me or under my direct supervision, and that the information shown hereon is true and correct to the best of my knowledge and belief.

WATERWORKS DEPARTMENT
 I hereby certify that this survey was performed by me or under my direct supervision, and that the information shown hereon is true and correct to the best of my knowledge and belief.

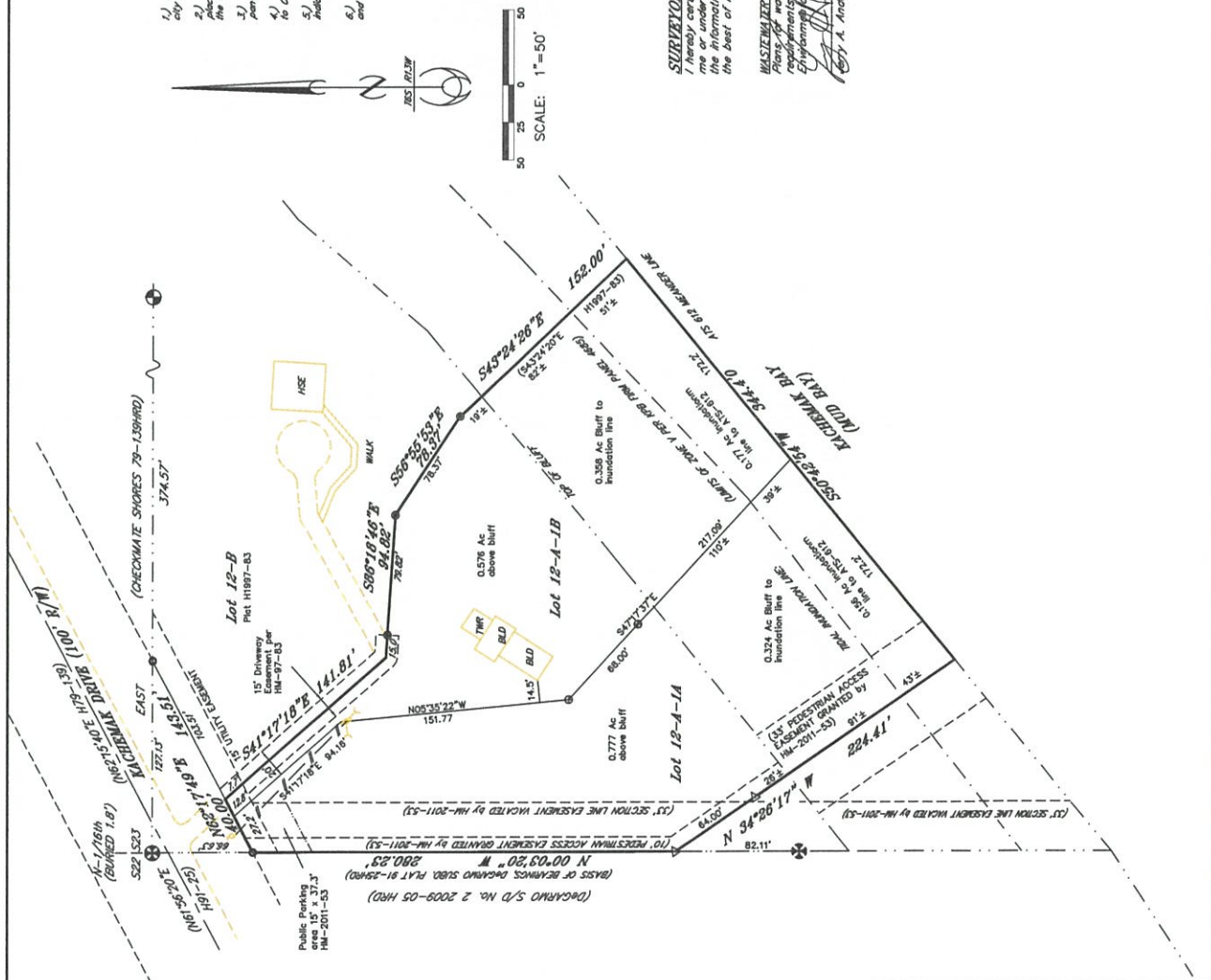
JOB No. 2151
 DATE: NOV 07 2016
 SCALE: 1" = 30'
 KPB FILE No. 2016-
 FIELD BOOK: 34/13-A-C
 LOCATION: JUD KACHEMAK DR
 SECTION: SW 1/4 NW 1/4 Sec. 23
 TOWNSHIP: 08S
 RANGE: 13W



"DeGarmo Subd. Three"
 DIVIDING LOT 12-A-1 HM-2009-005 INTO TWO PARCELS WITHIN THE SW 1/4 NW 1/4 (GLO LOT 12) Sec. 23, Twp. 6S Rge. 13W, S.4.
 HOMER RECORDING DISTRICT
 WITHIN THE CITY OF HOMER ALASKA
 CONTAINING 2.370 AC.

SURVEY & BOUNDARY SOLUTIONS
 JERRY ANDERSON PLS
 417-830-0978
 2836 RANCHVIEW RD. #206
 BROOKLINE, MO 65619

REC. DIST. _____
 DATE _____ 20 ____
 TIME _____
 REQUESTED BY: _____
 ADDRESS _____





Aerial Map

Kachemak Drive

ARCTIC T...

X

This lot to be split in two
3101 Kachemak Dr
2008 Aerial Photo

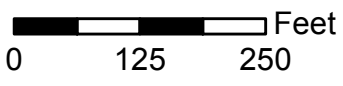
Kachemak Bay



City of Homer
Planning and Zoning Department
12/5/2016

De Garmo Subdivision Three
Preliminary Plat

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



Disclaimer:
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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 17-06

TO: Homer Advisory Planning Commission
 THROUGH: Rick Abboud, City Planner
 FROM: Julie Engebretsen, Deputy City Planner
 DATE: January 4, 2017
 SUBJECT: Barnett South Slope Subdivision Fell Addition Preliminary Plat

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

General Information:

Applicants:	Michael & Mary Fell PO Box 149 Homer, AK 99603	Steve Smith, Geovera LLC PO Box 3235 Homer, AK 99603
Location:	West of East Hill Road, between Shellfish Ave and W Tasmania Ct	
Parcel ID:	17702032, 17702035	
Size of Existing Lot(s):	0.63 and 0.6 acres	
Size of Proposed Lots(s):	1.231 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Single family home and vacant	
Surrounding Land Use:	North: Residential, future location of City water tank. 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 Wetland Mapping shows possible discharge slope wetlands.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water is available.	

Public Notice:	Notice was sent to 39 property owners of 27 parcels as shown on the KPB tax assessor rolls.
----------------	---

Analysis: In 2016, city installed a water line within the Shellfish Avenue right of way. This lot line vacation will allow the property owner to connect city water to the single family home on West Tasmania Court. Unused utility easements will also be vacated.

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. *Staff recommendations; Street name correction to West Tasmania Court. Public works is reviewing the existing 50 foot right of way dedication. Their comments were not available as of the day the packet was published. Comment, if any, will be provided at the meeting.*

- 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.

- 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. See staff recommendations.

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

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

- 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 main was recently constructed (final as-built not available yet).

- 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 in 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. Contours are shown.

- 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; no encroachments known.

- 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. A development agreement is required to connect to water.
2. PW will provide any comments about the 50 foot right of way dedication at the meeting.

Fire Department Comments: No concerns.

Staff Recommendation:

Review any PW comments on the right of way width and add any necessary recommendations or comments.

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

1. Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state and federal permits.
2. Street name correction to West Tasmania Court.

Attachments:

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

NOTES

1. THIS REPLAT IS BASED ON RECORD INFORMATION SHOWN ON THE PLAT OF BARNETT'S SOUTH SLOPE SUBDIVISION (77-61 HRD). NO FIELD SURVEY WAS PERFORMED AND NO CORNERS WERE FOUND OR SET.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.
5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
6. THE LOT IS AFFECTED BY A BLANKET EASEMENT OF RECORD GRANTED TO HOMER ELECTRIC ASSOCIATION (BK48, PG77 HRD AND BK90, PG166 HRD).
7. THE LOT IS SUBJECT TO COVENANTS AND AMENDMENTS THERETO (BK94, PG927 HRD / BK100, PG 161 HRD / BK104, PG746 HRD).

NOTARY'S ACKNOWLEDGMENT

FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____
 DAY OF _____, 2017.

 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

NOTARY'S ACKNOWLEDGMENT

FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____
 DAY OF _____, 2017.

 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

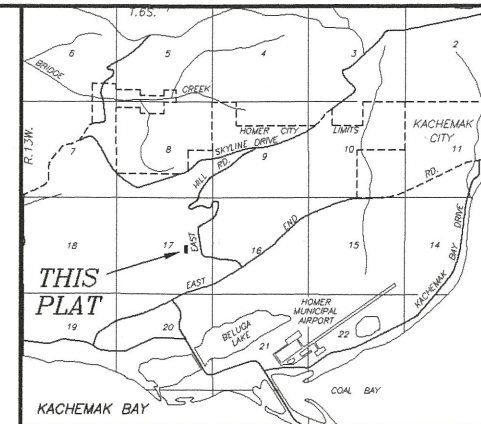
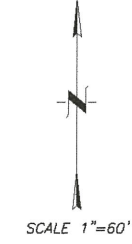
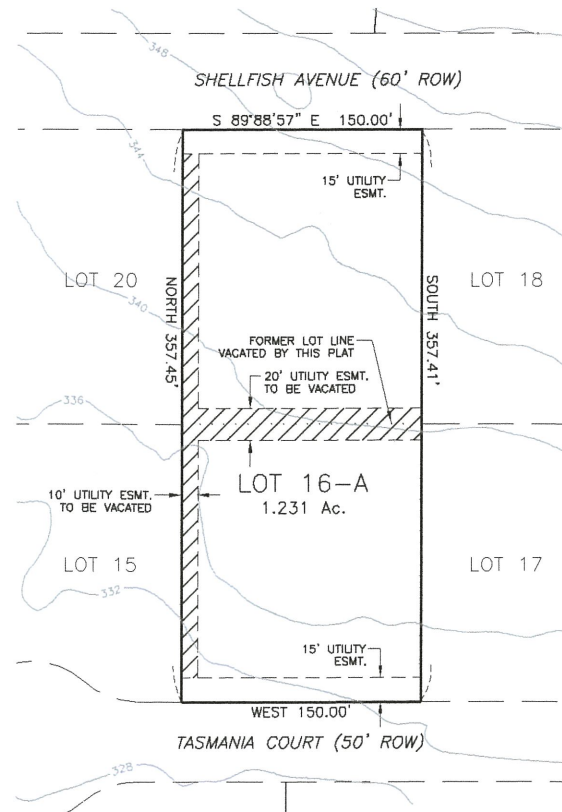
WASTEWATER DISPOSAL

WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

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

BY: _____ DATE _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH



CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAN 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.

 MICHAEL W. FELL
 PO BOX 149
 HOMER, ALASKA 99603

 MARY K. FELL
 PO BOX 149
 HOMER, ALASKA 99603

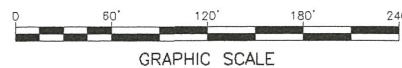
CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

THE UTILITY EASEMENTS WITHIN THE 15' FEET ADJACENT TO ALL STREET ROW'S AND WITHIN THE 5' SETBACK FROM ALL SIDE LINES.

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
 NAME AND TITLE OF AUTHORIZED CITY OFFICIAL
 CITY OF HOMER, ALASKA



LEGEND

ESMT. EASEMENT



HOMER RECORDING DISTRICT KPB FILE No. 2017-???

BARNETT'S SOUTH SLOPE SUBDIVISION FELL ADDITION

REPLAT OF LOTS 16 AND 19, BLOCK 1, BARNETT'S SOUTH SLOPE SUBDIVISION (77-61 HRD), INTO LOT 16-A LOCATED WITHIN THE N 1/2 SE 1/4, SEC 17, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 1.231 ACRES

OWNERS:
 MICHAEL W. AND MARY K. FELL
 PO BOX 149 HOMER, AK 99603

GEOVERA, LLC
 PO BOX 3235
 HOMER ALASKA 99603
 (907) 399-4345
 EMAIL: scsmith@gci.net

DRAWN BY: SCS	DATE: DEC. 2016	SCALE: 1" = 60'
CHK BY: SCS	JOB #16-54	SHEET 1 OF 1

RECEIVED

DEC 16 2016

CITY OF HOMER
 PLANNING/ZONING

Geovera, LLC

PO Box 3235 • Homer, Alaska 99603 • (907) 399-4345 • scsmith@gci.net

December 16, 2016

City of Homer
Planning Department
491 E. Pioneer Avenue
Homer, Alaska 99603

Re: Barnett's South Slope Subdivision Fell Addition

Please find enclosed two full size and one half size copy of the preliminary plat of Barnett's South Slope Subdivision Fell Addition and a check for the plat submittal fee of \$200.00.

The purpose of this plat is to combine two lots so that the resulting lot will have frontage on Shellfish Avenue. The City recently completed a water main extension on Shellfish Avenue and provided a water service to existing lot 19. The Fell's have a house on existing lot 16 and this lot line vacation is required in order for them to connect their house to the new water service. Their lot currently has an onsite wastewater disposal system. City sewer does not extend to that area.

The preliminary plat shows a proposed vacation of a portion of the existing utility easements within the lots. That vacation action will be initiated through the KPB petition process and will only be granted if the utility companies have no objection.

Please let me know if you have any questions or require any additional information.

Sincerely,



Stephen C. Smith P.L.S.

RECEIVED

DEC 16 2016

CITY OF HOMER
PLANNING/ZONING

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:

Barnett South Slope Subdivision Fell Addition Preliminary Plat

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.**

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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.

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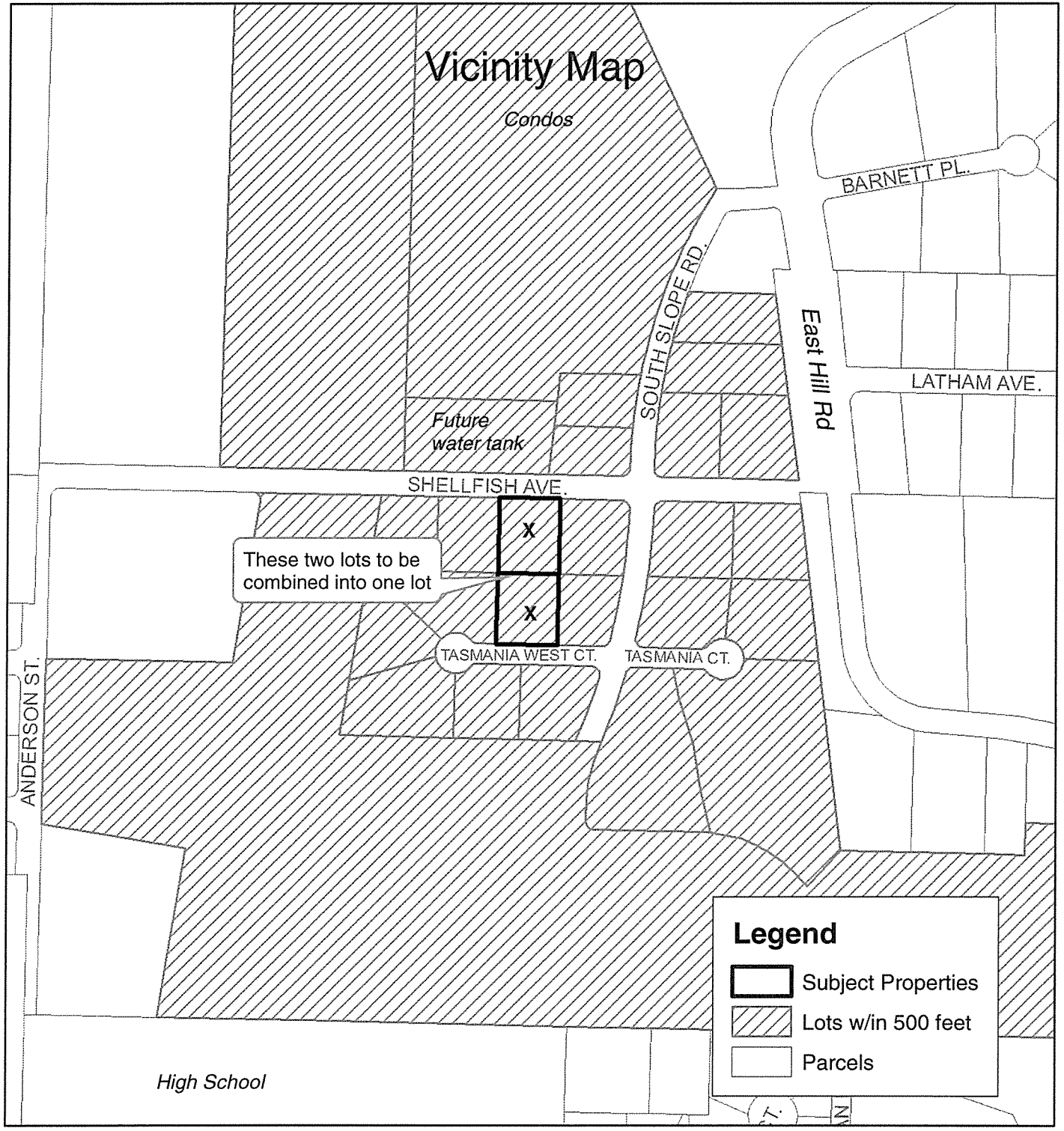
VICINITY MAP ON REVERSE

Vicinity Map




Condos

Future water tank

These two lots to be combined into one lot



Legend

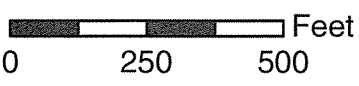
-  Subject Properties
-  Lots w/in 500 feet
-  Parcels



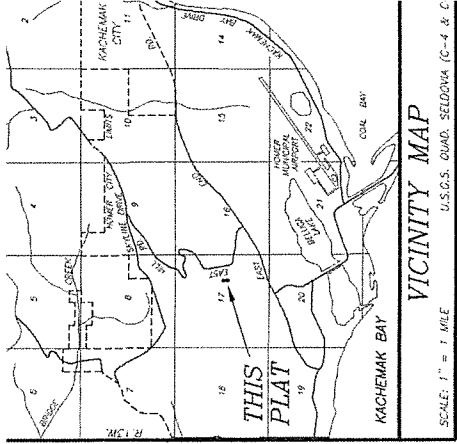
City of Homer
Planning and Zoning Department
 12/20/16

Barnett South Slope Subdivision Fell Addition Preliminary Plat

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



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VICINITY MAP
 SCALE: 1" = 1 MILE
 U.S.G.S. QUAD, SELDOVNA (G-4 & C)

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MICHAEL W. FELL
 PO BOX 149
 HOMER, ALASKA 99603

MARY K. FELL
 PO BOX 149
 HOMER, ALASKA 99603

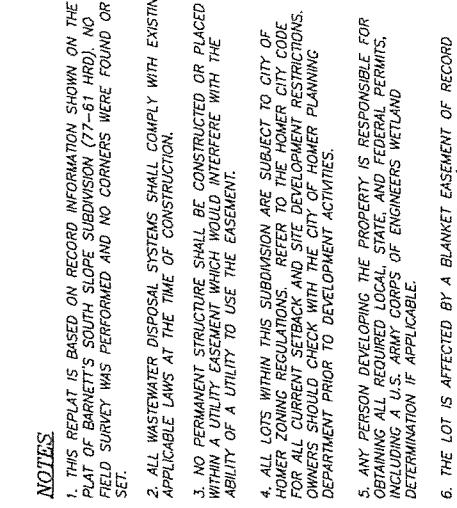
HOMER RECORDING DISTRICT KPB FILE No. 2017-2:
BARNETT'S SOUTH SLOPE SUBDIVISION FELL ADDITION

REPLAT OF LOTS 16 AND 19, BLOCK 1, BARNETT'S SOUTH SLOPE SUBDIVISION (77-61 HRD), INTO LOT 16-A LOCATED WITHIN THE N 1/2 SEC 1/4, SEC 17, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 1.231 ACRES

OWNERS:
 MICHAEL W. AND MARY K. FELL
 PO BOX 149 HOMER, AK 99603

GEOVERA, LLC
 PO BOX 3235
 HOMER ALASKA 99603
 (907) 399-4345
 EMAIL: scsmith@gci.net

DRAWN BY: SCS DATE: DEC 2016 SCALE: 1" = 60'
 CHK BY: SCS JOB #16-54 SHEET 1 OF 1



BY: _____ DATE: _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH

NOTARY'S ACKNOWLEDGMENT
 FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____, 2017.
 DAY OF _____

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

NOTARY'S ACKNOWLEDGMENT
 FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____, 2017.
 DAY OF _____

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

WASTEWATER DISPOSAL
 WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

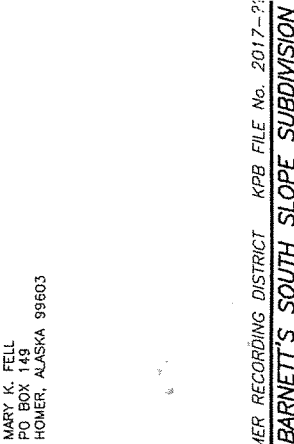
BY: _____ DATE: _____
 NAME AND TITLE OF AUTHORIZED CITY OFFICIAL
 CITY OF HOMER, ALASKA

LEGEND
 EASEMENT
 ESMT.

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER OR PUBLIC USES AND OR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAN INCLUDING EASEMENTS, RIGHTS OF WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAN IDENTIFIED AS FOLLOWS:

THE UTILITY EASEMENTS WITHIN THE 15' FEET ADJACENT TO ALL STREET ROWS AND WITHIN THE 5' SETBACK FROM ALL SIDE LINES. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH



VICINITY MAP
 SCALE: 1" = 1 MILE
 U.S.G.S. QUAD, SELDOVNA (G-4 & C)

CERTIFICATE OF OWNERSHIP
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, THAT WE HEREBY ADOPT THIS PLAN 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.

MICHAEL W. FELL
 PO BOX 149
 HOMER, ALASKA 99603

MARY K. FELL
 PO BOX 149
 HOMER, ALASKA 99603

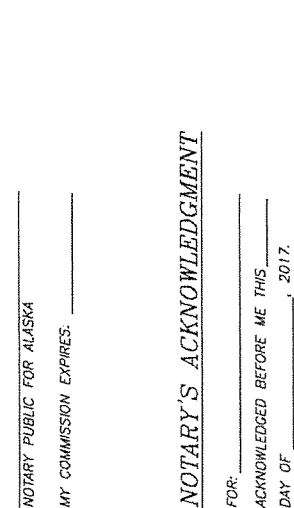
HOMER RECORDING DISTRICT KPB FILE No. 2017-2:
BARNETT'S SOUTH SLOPE SUBDIVISION FELL ADDITION

REPLAT OF LOTS 16 AND 19, BLOCK 1, BARNETT'S SOUTH SLOPE SUBDIVISION (77-61 HRD), INTO LOT 16-A LOCATED WITHIN THE N 1/2 SEC 1/4, SEC 17, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 1.231 ACRES

OWNERS:
 MICHAEL W. AND MARY K. FELL
 PO BOX 149 HOMER, AK 99603

GEOVERA, LLC
 PO BOX 3235
 HOMER ALASKA 99603
 (907) 399-4345
 EMAIL: scsmith@gci.net

DRAWN BY: SCS DATE: DEC 2016 SCALE: 1" = 60'
 CHK BY: SCS JOB #16-54 SHEET 1 OF 1



BY: _____ DATE: _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH

NOTARY'S ACKNOWLEDGMENT
 FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____, 2017.
 DAY OF _____

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

NOTARY'S ACKNOWLEDGMENT
 FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____, 2017.
 DAY OF _____

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

WASTEWATER DISPOSAL
 WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

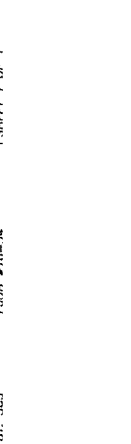
BY: _____ DATE: _____
 NAME AND TITLE OF AUTHORIZED CITY OFFICIAL
 CITY OF HOMER, ALASKA

LEGEND
 EASEMENT
 ESMT.

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER OR PUBLIC USES AND OR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAN INCLUDING EASEMENTS, RIGHTS OF WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAN IDENTIFIED AS FOLLOWS:

THE UTILITY EASEMENTS WITHIN THE 15' FEET ADJACENT TO ALL STREET ROWS AND WITHIN THE 5' SETBACK FROM ALL SIDE LINES. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH



VICINITY MAP
 SCALE: 1" = 1 MILE
 U.S.G.S. QUAD, SELDOVNA (G-4 & C)

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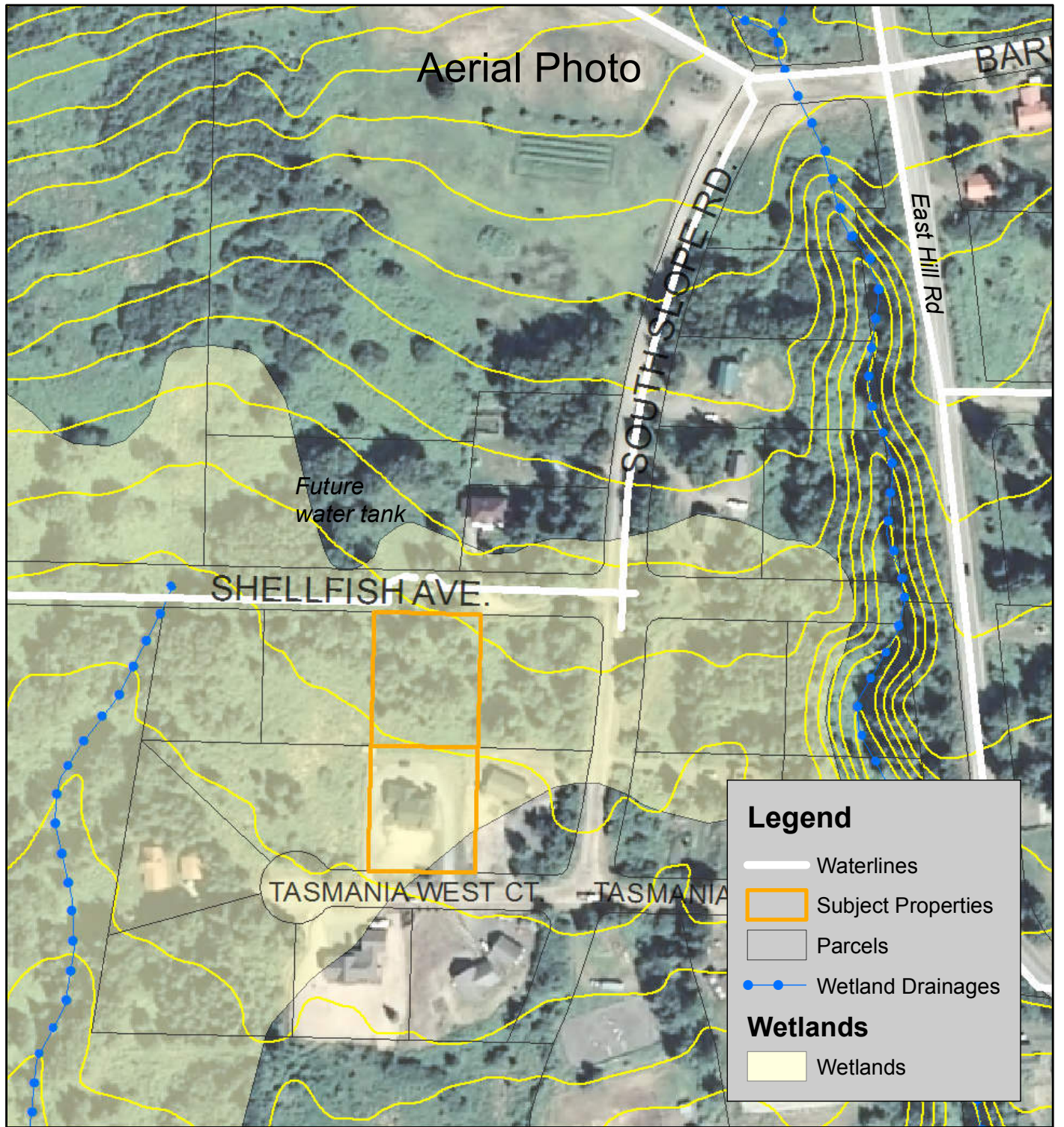
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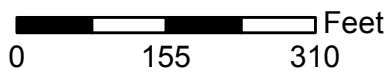
BY: _____ DATE: _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH



City of Homer
Planning and Zoning Department

12/20/16

Barnett South Slope Subdivision
Fell Addition Preliminary Plat



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



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

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

STAFF REPORT PL 17-03

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
MEETING: January 4, 2017
SUBJECT: HART Policy Revisions

GENERAL INFORMATION

The City Council requested the Planning Commission review the Homer Accelerated Roads and Trails (HART) policy manual, as well as the Homer Accelerated Water and Sewer Plan (HAWSP).

REQUESTED ACTION: Become familiar with the HART policy manual. Review the recommended changes to the HART plan and provide comments to staff.

BACKGROUND INFORMATION

- The HART program was first approved by voters around 1987, by a ballot measure. It levies a sales tax of $\frac{3}{4}$ of 1% (or 0.75%).
- The ballot measure authorized the tax for 20 years, through 2007.
- These are the funds the city uses to cost share when citizens use the Special Assessment District (SAD) process to upgrade and pave their street.
- Many city streets were upgraded and paved as a result of the 1987 vote, such as the Tamara/Sabrina area, streets around the hospital, and below city hall.
- These funds are also used for building roads, large maintenance projects, such as repaving, and storm drain repairs.
- Voters re-approved the program again in 2007, adding trails and new city roads as eligible for funding, with a new sunset date of 2027.
- Trail fund and road funds are accounted for separately. Although they are both part of HART, the pots of money do not mingle. Trails are allocated 10% of the sales tax revenue, and roads 90%.
- In 2015, voters approved collecting the sales tax, but for the next three years, using the money to fund general government. No tax revenue will go into the HART fund during this timeframe. About \$1,250,000 was collected in FY15.

How much money is there now, and what are common expenses?

The HART policy manual is what determines which road projects can utilize these tax funds. If the program is going to be changed or expanded, it's important to know something about how much money there is, and how it is spent.

Current assets: The HART program currently has a balance of about 4.5 million dollars. The HART program has had a high balance in the past decade (over 7 million dollars, until the last year or so.)

Common expenses: Repaving, new road projects, and storm drain repairs.

- This year, these costs were over 1.1 million dollars, NOT including the construction of Grubstake.
- Repaving: \$600,000 every three years.
- New projects, either the city building a road, or citizens voting in favor of a special assessment district are infrequent. A recent example is the paving of Crittenden and Waddell SAD in 2013. Total project costs were \$294,767.00; property owner share was \$61,230.66; \$233,536.34 paid by HART.
- A hidden but growing expense is likely to be storm drain repair. This year the city budgeted \$494,000 to fix an aging storm drain on Bunnell Ave, when a large sinkhole developed.

Future of the HART fund. Homer voters and the City Council will decide the future of the HART fund; how much is collected and how much will be available to pay for roads and trails. Staff is operating under the assumption that the 1.25 million dollars in annual revenue will be split between roads and general government. The Council and community have not started this discussion. By fall of 2018 it will be a hot topic!

HART POLICY MANUAL REVIEW

The assigned tasks from Council were:

1. Update and improve the organization and readability of the HART Policy Manual
2. Make HART policies as consistent as possible with HAWSP policies
3. Review project eligibility
4. Provide for funding of SAD's for sidewalks w HART funds
5. Develop a matching grant program for trails.

Additionally, the City Manager requested that the calculation for the 1.25 debt ratio be described (applies to both HART and HAWSP).

Work to date:

Task 1: Readability

Staff has removed duplicate information and things that are spelled out in code. This document was first written circa 1987, and there have been a lot of code amendments since then! Any items that are

spelled out in code or other adopted city documents have been removed. Staff will continue to work on readability. Your suggestions are welcome!

Task 2: Consistency between manuals. This task is probably mostly staff/clerk/attorney review. As Rick and I have worked through the HART manual, we have given thought to the applicability to HAWSP.

Task 3: Project eligibility conversation. (Page 2 Section D) This is a policy conversation with HAPC, with recommendations to City Council. The crux here is when should HART funds be used, and when not?

There appears to be a need for funding major patch jobs that are outside the scope of the operating budget, but are lesser than a total road rebuild that requires an SAD. To be clear, HART funds cannot be used for routine maintenance, like ditch cleaning or grading.

A. Should HART funds be used to build major patch jobs, when not going to the full expense of upgrading the road/facility to city standards? Can funds be used to do a 'good enough' repair?

Recent example: the City authorized \$30,000, with an additional \$7,000 in matching funds to do patch repairs to annexed roads on the hill – Fireweed Ave and Cottonwood Lane (Ordinance 15-10 (S)). There was not enough land owner support for a full road SAD.

Discussion Question 3A: If there is a bad section of road, should the city require the property owners use the SAD process, or could HART funds be used to do section repairs?

B. When should HART funds be used in the absence of an SAD? When emergency vehicles can't pass? When property owners are willing to help pay for repairs?

Discussion Question 3B: Should the HART manual provide direction on using HART funds for major road repairs, or should this be left for Council to decide on a case by case basis?

4. Provide for funding of SAD's for sidewalks with HART funds.

The concern from Council is that sidewalks are very expensive. When we look at the city's overall road and drainage expenses, sidewalks projects could have the potential to use a lot of funds, making funding unavailable to other projects. Staff researched other community sidewalk policies and found that some have a required property owner match, but it's capped at \$2,000. City costs are capped at \$15,000 per lot. (Our Homer costs are significantly higher). Additionally, a community may have a sidewalk plan, or a prioritization of sidewalk improvements. This focuses where new sidewalks should be constructed. The Homer Non-motorized Transportation and Trails Plan does a nice job of mapping where our community improvements are desired, and also states that special populations are of importance to our community. Accordingly, staff recommends relying on that document when the City considers new sidewalk projects.

Recommendation: *“E. Sidewalks. To use HART funds, projects must be mapped as either sidewalks, paved shoulders or separated pathways, or directly serve the special populations discussed in sections 3.1 and 3.2 of the HNMTTP. Effort will be made to find grants or non-city funding sources to match city construction funds, whenever possible.”*

Requested action on Task 4: If the Commission agrees with limiting where HART funds can be used to build sidewalks, please make a motion and forward the recommendation to the City Council.

Task 5: Develop a matching grant program for trails.

Currently, there is about \$600,000 of trail money available. The city has had some success in building trails (Reber Trail), but generally, we don’t have the staff to plan and construct trails, despite the community desire for them. The fund has grown by \$100,000 a year as taxes are collected but we’re not building any trails. Homer citizens have responded by suggesting a small grant program. Citizens apply for funds to build trails – think neighborhood groups, youth groups, scouts etc. These would be projects that don’t require heavy equipment and would not require a lot of engineering. The Calhoun Trail is a good example. Trail builders would leverage their volunteer labor fundraising, and city funds, to build new trails.

Julie worked with the Parks, Recreation Arts and Culture Advisory Commission (PARCAC) and the local ad-hoc trails group on a process. Within the HART Manual, things have been kept very simple. On page 3 of the Manual, it states “C. Citizens may work with the City Administration to use HART funds to construct public trails.” Also, the availability of volunteer efforts or matching funds can be considered when the City is selecting trail projects. See the attachments for Julie’s June 22, 2016 staff report to PARCAC, a sample grant application, and scoring sheet.

Requested action on Task 5: If the Commission agrees with the matching grant program, please make a motion and forward the recommendation to the City Council.

STAFF COMMENTS/RECOMMENDATIONS:

1. **Discussion Question 3A Project eligibility:** If there is a bad section of road, should the city require the property owners use the SAD process, or could HART funds be used to do section repairs?
2. **Discussion Question 3B Project eligibility:** Should the HART manual provide direction on using HART funds for major road repairs, or should this be left for Council to decide on a case by case basis?
3. **Recommend to Council Task 4 Sidewalks:** *“E. Sidewalks. To use HART funds, projects must be mapped as either sidewalks, paved shoulders or separated pathways, or directly serve the special populations discussed in sections 3.1 and 3.2 of the HNMTTP. Effort will be made to find grants or non-city funding sources to match city construction funds, whenever possible.”*

4. **Task 5, trails grant program:** If the Commission agrees with the matching grant program, please make a motion and forward the recommendation to the City Council.

ATTACHMENTS

1. Revised Draft HART Manual
2. Staff Report 6/22/15 to PARCAC RE trails grant program, with associated draft grant program paperwork
3. Current HART Manual

H.A.R.T. POLICY MANUAL (HOMER ACCELERATED ROADS AND TRAILS PROGRAM)

TABLE OF CONTENTS

- I. Purpose and Intent
- II. Definitions
- III. Roads Qualifying and Project Criteria
- IV. Trails Qualifying and Project Criteria
- V. Financing and Assessments
- VI. Utilities
- VII. Special Provisions

I. PURPOSE

The H.A.R.T. program is a voter approved combined local funding source of dedicated sales tax, and assessments levied on adjacent benefited properties. The purpose of the program is to pay for reconstructing substandard city roads, upgrading existing roads, and constructing new streets and non-motorized trails, with the intent of reducing maintenance cost, improving access, increasing property values and improving the quality of life. State maintained roads are not part of this program.

II. DEFINITIONS

- A. Sidewalk- the term “sidewalk” means a pedestrian facility associated with a road and generally within a street right of way.
- B. Trail – a pedestrian facility detached from a road, or not within a street right of way.
- C. Debt Ratio. The debt service coverage ratio is a measure of the ability of the HART fund revenues to pay the annual debt expenses. HART revenues are generated by sales tax, and collection of assessment principle and interest payments due from completed projects. HART debts include general fund overhead costs, debt principle, and interest payments. The ratio is calculated as:

Debt Service Ratio = net income/debt and expense payments

- D. Fund Balance is the unreserved fund balance that is not allocated to pay the city portion of a project.
- E. HAPC – Homer Advisory Planning Commission
- F. Homer Non-Motorized Transportation and Trail Plan (HNMTTP) – a document that is an adopted part of the City of Homer Comprehensive Plan

- G. 2005 Homer Area Transportation Plan (Transportation Plan) – a document that is an adopted part of the City of Homer Comprehensive Plan

III. ROAD QUALIFYING AND PROJECT CRITERIA

To be eligible for HART funds, roads and projects must meet the qualifying criteria below.

- A. Qualifying Criteria for Existing Roads. HART fund may be used on existing roads that meet one or more of the following criteria:
 - 1. Road has been accepted for city maintenance.
 - 2. Right of way was dedicated prior to March 14, 1987 (Ord. 87-6(s)).
 - 3. Right of way was dedicated prior to being annexed into the City.

- B. Qualifying Criteria for New Roads. HART funds may be used for new roads when one or both of the following criteria are met:
 - 1. The City owns the property wherein the road is to be constructed.
 - 2. The construction project benefits the entire City.

- C. Project Criteria. The following criteria may be considered for using HART funds:
 - 1. Project is listed in the 2005 Homer Transportation Plan or furthers a stated goal of that plan
 - 2. HART funds may be used in accordance with Title 11.04.05, to pay to the developer the cost difference between the required street and the proposed street.
 - 3. Improves life, safety and traffic flow
 - 4. Correct deficiencies of existing systems
 - 5. Complete traffic circulation pattern
 - 6. Encourage economic development
 - 7. Correct drainage problems
 - 8. Reduce maintenance costs
 - 9. Other factors deemed appropriate by the City Council

- D. Use of HART funding for major repairs. HART funds may be used for major eligible road and drainage repairs that are beyond the scope of routine maintenance. The use of the SAD process and property owner participation is preferred. However there may be situations in which a section of road may be repaired to a reasonable level of service without the expense of a complete rebuild.

E. Sidewalks. To use HART funds, projects must be mapped as either sidewalks, paved shoulders or separated pathways, or directly serve the special populations discussed in sections 3.1 and 3.2 of the HNMTTP. Effort will be made to find grants or non-city funding sources to match city construction funds, whenever possible.

IV. TRAILS QUALIFYING AND PROJECT SELECTION CRITERIA

To be eligible for funding, trails must be located within trail easements or within the boundaries of municipal lands that will be held in perpetuity for public use. The goal is to avoid building expensive trails across lands that could become privatized and result in the loss of public access. An exception to this is the use of trail funds to construct short term trails within platted rights of way. Trails within rights of way should benefit the community circulation system and be low cost, since trails will likely become part of the road when the right of way is developed.

A. New local non-motorized trails shall be prioritized according to the following:

1. Project is listed in the HNMTTP or furthers a stated goal of that plan;
2. Solves a safety concern;
3. Creates connectivity to existing trail(s), completes pattern or provides access to a point of interest;
4. Protects an established trail;
5. Creates or improves a trailhead;
6. Has significant scenic or aesthetic value;
7. Existence or potential for contributing funds or volunteer efforts;
8. Property owner participation.

B. Trail Project Selection Criteria. The Homer Advisory Planning Commission and Parks Art, Recreation and Culture Advisory Commission will review the trail priority list during the bi-annual review of the HART. The list will be presented in a memorandum from staff, and will contain a mix of large and small projects. Generally it will include up to five trail projects that staff has reviewed and found ready for preliminary work. Trails on this list are planned for construction in the near term (one to three year timeframe). Staff will actively work to prepare those projects for construction.

C. Citizens may work with the City Administration to use HART funds to construct public trails.

D. When a developer builds a trail as part of a new subdivision, HART funds may be used to reimburse up to 25% of trail construction costs.

V. FINANCING and ASSESSMENTS – JE comments – have not put this in any kind of order.

This program is funded by a dedicated sales tax of up to three quarters of one percent ($\frac{3}{4}\%$), and the collection of assessment payments due from completed projects. The tax will be

collected for up to twenty years expiring December 31, 2027, as approved by voters. Roads are allocated 90% of the annual revenue, and trails are allocated 10%. Expenditures under the HART program are subject to the availability of funds, after maintaining a debt-service coverage ratio of 1.25 or above.

1. The City will attempt to obtain long term financing for up to ten years for the private share of funding.
2. Additional right-of-way required will be paid by this program, at no additional cost to abutting property owners.
3. Interest, if any, generated from the program will remain with the program funds.
4. This program includes paving driveway aprons on contracts funded by HART.
5. Abutting property owners will share the cost of upgrading a street by paying the cost sharing specified in the fee schedule as adopted the year the project or special assessment district was initiated.
6. Lots having a frontage on two parallel streets, or flag lots having a frontage on two perpendicular streets, are exempt from a double front footage assessment unless actually accessing the lot from both streets either prior to or after reconstruction and/or paving Deferred Assessment Agreement Required pursuant to HCC 17.04.180. (Ordinance 12-15; Resolution 88-47 #16) See 17.04.180(a) this may need updating and work, but its in code. (Ask legal for an opinion)
7. The City will pay all costs for any additional improvements required when deemed necessary by the City.
8. Other improvements requested by the benefited property owners will be paid by those same property owners.
9. City share can apply to related utilities, sidewalks, street lighting, drainage, paving and/or reconstruction of roads identified on the road maintenance map.
10. HART funds may be used to leverage outside funds for New Local Roads and Trails.
11. New Local Trails may be constructed using 100% program funds.
12. Sidewalks shall be paid for out of road funds, and trails shall be paid for out of trail funds.

VI. UTILITIES

1. Prior to street reconstruction, necessary related non-existing water and sewer improvements shall be encouraged whenever possible.
2. Water and Sewer utility extensions necessary to extend the utilities short distances beyond a construction area will be paid for by the program.
3. Water and sewer utility relocations directly caused by reconstruction will be paid for by HART funds.
4. Water and sewer utility upgrades necessary for future capacity that are done concurrently with reconstruction and/or paving will be paid for by the utility (a) fund.
JE comment – not sure what the (a) is about, will research more

5. The City shall recover from the property owner the cost of construction of City-provided sewer and water service connections by including the cost of construction of such connections in the service connection fee established under HCC Chapter 14.13. (Resolution. 88-47) **JE comment: clarify with PW on current practice**
6. Cost of installing stub-outs would be a necessary expense to anyone building on lots requiring sewer and/or water service. Sewer and/or Water funds or other public money was provided to pay the cost of these stub-outs because of the benefit of a quality finished road and the use of stub-outs benefit only those particular lots. Costs will be recouped from benefiting property owners through deferred assessments. The Planning Clerk and Finance Department will maintain a listing of these deferred sewer and/or water service connection fees. **JE comment: clarify with PW and Finance on current practice. Can we continue to afford this, or does the fee need to get wrapped into assessment district? Should the deferred assessments be listed in code? Title 17 used to address deferred assessments, but this is now cut from code.**
7. Whenever practical streetlights shall be included in the construction of new local roads and shall be paid by HART funds. Property owners participating in a road reconstruction and/or paving Special Assessment District may request streetlights. If the project is deemed feasible, the property owners shall be assessed for the installation of the streetlights on an equal share per parcel methodology. Property owner approval of the street light assessment shall follow the process in HCC 17.04. Once constructed, the City will absorb the utility billing for the street light(s). (Ordinance 12-15; Resolution 07-82)

VII. SPECIAL PROVISIONS – this section might all be able to go away, it was used as a catch all.

1. The Homer Advisory Planning Commission shall review the criteria for the H.A.R.T. program bi-annually, with recommendations reported to the Homer City Council. – **THIS COULD GET MOVED. Suggested on where?**
2. Pedestrian amenities shall be included in all new road projects unless exempted by the City Council. – **THIS COULD GET MOVED**
3. Exempting Certain Lands that will not be Developed due to Conservation Easements or Owned by Organizations that Conserve Land for Public Purpose and/or Habitat Protection from the Homer Accelerated Roads and Trails Program and the Homer Accelerated Water and Sewer Program Assessment District Assessments on a Case by Case Basis and that Each Program Shall be Amended to Include this Exemption under Special Provisions. (Resolution 05-50(A)) **this should be fleshed out to include if the property will be assessed in the first place, and how the assessment will be paid.** **Better yet, include in code as part of the district formation....**
4. Funds may be used to finance projects where property owners pay 100% of the costs. Subject to City Council approval.



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

To: Parks, Art, Recreation and Culture Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: June 22, 2016
Subject: Draft HART Trails grant program

Requested Action: Review draft trail grant program and provide feedback. Overall, this process should be easy to understand, and uncomplicated.

The following information was compiled from conversations with Adele Person and Kenton Bloom. A copy has been provided to them, so that the conversation can continue over the summer. The Planning Commission will also receive a copy. I expect the PARC Commission will have this item on the August or September agenda for fine-tuning.

Goal: Create a grant process that would use trail HART funds to empower community groups to complete long-standing trail and walk/bike projects. The current HART trails process has no mechanism to get community involved except to ask the City to do something. We want to legitimize trail work done by community groups, and unlock matching funds and efforts. A great example is the State of AK Recreational Trail Program, which leveraged state/federal funds with local dollars and in kind matches.

This would not be a new HART *policy*, but a new *process* to facilitate HART goals. The goals of such a proposal are:

- to build greenway trails in a cost-effective and value-added way
- to strengthen the overall trail and transportation system
- to leverage community matching in cash, expertise, equipment, volunteers, and labor
- to engage and empower community groups to take active responsibility for a larger system
- to remove small projects from Public Works' stretched resources

How HART works:

People pay $\frac{3}{4}$ % of sales tax. Of this amount, 10% is dedicated to trails, and 90% to roads. Roads and trails each have their own account number and are accounted for separately by the Finance Department.

Current Hart Review

The City Council referred the full HART manual to the Homer Advisory Planning Commission. Council requested the PARC Commission review and make recommendations on the subject of revising the manual to develop a matching grant program for small scale greenway trails.

What is a small-scale greenway trail? Well, the intent is compacted gravel trails, probably a level 3 trail in the Trails Design Criteria Manual. These are urban connectors, about the same size and usage as the Library Trail, Poopdeck or Calhoun Trails. They are ADA accessible (or very close to it). These are NOT footpaths or primitive trails used primarily for recreation; the trails we are talking about are used to walk and get around the community(some biking too). They provide a needed transportation component. Paved trails like the Spit Trail and East End Road pathway are beyond the scope of our work here; those trails are not something a volunteer group is going to plan, design or build.

Grant Program Outline

Use either 15% of the trails fund balance, or up to \$50,000 for trail projects on an annual basis. Council may amend the amount with a budget ordinance.

Project Requirements:

1. Trail meets the qualifying criteria in the HART Manual:

B. Trails

New local non -motorized trails shall be prioritized according to the following:

- a. Project is listed in the HNMTTP or furthers a stated goal of that plan;
 - b. Solves a safety concern;
 - c. Creates connectivity to existing trail(s), completes pattern or provides access to a point of interest;
 - d. Protects an established trail;
 - e. Creates or improves a trailhead;
 - f. Has significant scenic or aesthetic value;
 - g. Existence or potential for contributing funds **or volunteer efforts;**
 - h. Property owner participation. (Resolution 07-82)
2. A public trail or City of Homer trail easement is in place or will be prior to construction
 3. There is a clear project budget
 4. Trails will be built to city specs - City Trail Design Criteria Manual, level 3 or 4, hardened surface trails.
 5. Work in city rights of way with heavy equipment will be done by approved city contractors
 6. Volunteers will sign a liability release form provided by the city
 7. Groups awarded a trail grant will have an appointed spokesperson/project manager to work with city staff.
 8. Applicants will demonstrate(how?) they have the ability to complete the project.
 9. In kind match of 20-50% of project value is required. Volunteer labor may be calculated at \$15/hour for participants over the age of 18. Another amount may be agreed upon based on specialized services such as skilled labor, heavy equipment operators/equipment use, or professional contributions such as engineering and surveying.

Grant funds will be administered on a reimbursement basis. **City Responsibilities**

1. City will have appointed person to work with the trail group representative.
2. City will work with the applicant to acquire necessary permits.

3. City or city designated organization will provide cost reimbursement
4. City will create a grant selection committee to include staff members, two members of the PARCAC, and two members of the public.

Timeline

Grant applications are available in January and due March 1.

A selection committee will select grant recipients.

Council will amend the budget by ordinance, to allocate the funds, by the first meeting in April. Any required permits will be applied for in April or early May, prior to construction.

Projects will generally be completed by November 1. Multiyear projects can be phased.

Sample grant application - NOT a document that needs Council Approval. It can be changed over time as needed.

*Sheets the applicant will include:

Grant application

Budget sheet

Narrative sheet

Drawings: A basic map showing trail routing in relation to existing streets, trails and land ownership

Trail project name _____

Applicant _____

Organization _____

Project location _____

When would you like to construct _____

Proposed completion date _____

Is this a new or existing trail?

Briefly explain why is this new trail needed, or why this existing trail needed to be upgraded?

Does the trail complete a link shown in the Homer Non-Motorized Transportation and Trail Plan?

Are trail easements already recorded? Y/N

If no, how will you acquire them, or do you need city assistance?

What permits are needed (City, ACOE, etc)?

Are there mapped wetlands or drainages?

What level of trail do you plan to construct, 3 or 4?

How will you build the trail – attach separate sheet with 1 page or shorter narrative describing construction materials, volunteer efforts and community match for the project.

Length of trail/project (linear feet) _____

Total estimated cost: (attach a separate budget sheet) _____

City funds requested \$ _____

I/my group will raise or provide a Cash match of \$ _____

List the In kind/ volunteer labor/materials you will provide. In kind volunteer labor will generally be valued at \$15/hr. _____

Primary grant contact _____

Primary construction contact (works with Public Works on details, permits etc) _____

SAMPLE HART Trails grant scoring sheet. NOT a document that needs Council Approval. It can be changed over time as needed.

Scoring criteria _____

_____ **100 pts possible**

Pick only 1 of 1A or 1B

1A. Project is in the Homer Non-Motorized Transportation and Trail Plan _____ Y=25 pts no= 0

1B. Project is not in HNMTTP but does one or more of the following: _____ up to 10 pts

- Solves a safety concern;
- Creates connectivity to existing trail(s), completes pattern or provides access to a point of interest;
- Protects an established trail;
- Creates or improves a trailhead;
- Has significant scenic or aesthetic value;
- Property owner participation (cash or in kind).

2. Are the easements already in place and recorded? _____ Y = 10, some = 5, No = 0

3. Applicant knows what permits are needed and has a designated project manager _____ Y= 10, some = 5, No = 0

4. Total project cash cost is: \$ _____

City cash contribution requested \$ _____

Volunteer/in kind match value \$ _____

Project Match \$ _____, _____% _____ 20-50% = 15 points

Project Match: A 20% match is worth 15 points

A 50% or greater match is worth 30 pts _____ 50% or greater= 30 pts

5. Confidence the applicant can meet the budget, project management and construction timeframe in application _____ 20 points High = 20, moderate = 10, Low = 0

6. Reviewer preference, 5 points awarded only to the top project _____ 5 Points

H.A.R.T. POLICY MANUAL
(HOMER ACCELERATED ROADS AND TRAILS PROGRAM)

TABLE OF CONTENTS

- I. Purpose and Intent
- II. Definitions
- III. Qualifying Criteria
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- VI. Special Provisions
- VII. Trail Prioritizing Criteria and Planning Guidelines

I. PURPOSE and INTENT

1. The H.A.R.T. is a combined local funding source of dedicated sales tax and assessments to upgrade city streets, new city streets and new city non-motorized trails.(Ordinance 06-42(S); Resolution 88-47 #1)
2. The intent of the program is to reconstruct local substandard city roads and/or upgrade existing city roads, construct new city streets and non motorized trails, thereby reducing maintenance cost, improving access, increasing property values and improving the quality of life. (Ordinance 06-42(S); Resolution 88-47 #2)
3. Reconstruction and new construction shall be to City Standards. (Ordinance 06-42(S) Resolution 88-47 #19)
4. The City will not accept a street for full time maintenance until it meets city standards and is shown on the official maintenance map.¹ (Ordinance 85-14 07/01/85; Resolution 88-47 #8)
5. When practical, the intent of the program is to preclude the destruction of existing property improvements in built up areas. (Resolution 88-77(A), be it further Resolved clause.)
6. State maintained roads are not part of this program. (Resolution 88-47 #7)
7. The criteria for the H.A.R.T. shall be reviewed annually by the Transportation Advisory Committee, with recommendations reported to the Homer City Council. (Resolution 88-47 #22)
8. Annexed roads are included as newly eligible roads, as listed on the Official Road Maintenance Map. (Resolution 03-116, 08/25/03)
9. New roads shall be listed on the Official Road Maintenance Map. (Resolution 07-82)
10. New trails shall be listed on a map in the City Clerk's Office. (Resolution 07-82)

II. DEFINITIONS

- A. Sidewalk- the term "sidewalk" means a pedestrian facility associated with a road and generally within a street right of way. (Resolution 07-82)
- B. Trail – a pedestrian facility detached from a road, or not within a street right of way. (Resolution 07-82)
- C.

¹1.Clerk's Note: Done by Ordinance

III. QUALIFYING CRITERIA

A. Roads

The schedule of street improvements and costs developed by the Public Works Department August 1987, consisting of Groups I-IV and the annexed roads of the City boundary amendment of Ordinance 02-08(A) and as noted on the Official Road Maintenance Map, are hereby incorporated. (Resolution 05-70, 06/13/05; Ordinance 02-23(A), 06/10/02; Ordinance 02-08(A), 04/08/03; Resolution 03-116, 08/25/03)

Amendments to the schedule can be accomplished only by Council action and are limited to additions to the schedule due to revision of the street map or transfer of state rights-of-ways to the City.

All projects will be authorized only after a public hearing to insure public participation in the process. (Resolution 88-47 #13)

1. The following criteria may be considered for roads qualifying for reconstruction/utility improvements: (Resolution 88-47 #14, Resolution 87-61(S))

- a. Life, safety and traffic flow (Resolution 87-61(S), Resolution 88-47);
- b. Correct deficiencies of existing systems (Resolution 87-61(S), Resolution 88-47);
- c. System wide basis versus local needs (Resolution 87-61(S), Resolution 88-47);
- d. Complete traffic circulation pattern (Resolution 87-61(S), Resolution 88-47);
- e. Encourage economic development (Resolution 87-61(S), Resolution 88-47);
- f. Correct drainage problems (Resolution 87-61(S), Resolution 88-47);
- g. Reduce maintenance cost (Resolution 87-61(S), Resolution 88-47);
- h. Built to city standards prior to acceptance for maintenance (Resolution 61(S), Resolution 88-47);
- i. Reconstruction is a higher priority than new construction projects (Resolution 87-61(S), Resolution 88-47);
- j. For special assessment districts initiated on or before May 10, 2016, property owner contribution through SAD process by paying \$30 per front foot for gravel and \$17 per front foot for paving cost of a residential standard street and the city pays all costs for additional improvements deemed necessary. For special assessment districts initiated after May 10, 2016, property owner contribution through SAD process of 25% of project cost for street reconstruction or new street construction on an equal assessment per lot basis for cost of a residential standard street and the city pays all costs for additional improvements deemed necessary. (Resolution 16-041(S-2)(A))
- k. City share can apply to related utilities, sidewalks, street lighting, drainage, paving and/or reconstruction of roads identified on the road maintenance map. (Resolution 88-47, Resolution 04-41(A).);
- l. Other factors deemed appropriate by the City Council. (Resolution 87-61(S), Resolution 88-47))

2. The following criteria may be considered for new local roads in addition to applicable criteria in 1:

- a. Connectivity to existing road(s), for example completes a traffic pattern.
- b. Arterials or thoroughfares;
- c. Existing utilities;
- d. Contributing funds such as property owner assessments, loans, grants, etc;
- e. Level of need. (Resolution 07-82)

B. Trails

New local non motorized trails shall be prioritized according to the following:

- a. Project is listed in the HNMTTP or furthers a stated goal of that plan;
- b. Solves a safety concern;
- c. Creates connectivity to existing trail(s), completes pattern or provides access to a point of interest;
- d. Protects an established trail;
- e. Creates or improves a trailhead;
- f. Has significant scenic or aesthetic value;
- g. Existence or potential for contributing funds;
- h. Property owner participation. (Resolution 07-82)

IV. FINANCING and ASSESSMENTS

1. The program will utilize an additional dedicated City sales tax not to exceed three quarters of one percent ($\frac{3}{4}\%$) supplemental with assessments against adjacent benefited properties. (Ordinance 06-42, Resolution 87-61(S), Resolution 88-47 #3)

2. A three quarters of one percent ($\frac{3}{4}$) dedicated sales tax and will be collected for up to twenty years expiring December 31, 2007 and reauthorizing up to an additional twenty years expiring December 31, 2027 to participate in funding the accelerated roads and trails program (Ordinance 06-42, Resolution 87-61(S), Resolution 88-47 #4). Reauthorized twenty additional years at the October 3, 2006 election (Resolution 06-145(S)) to expire December 31, 2027. Ten percent of the annual revenue shall be used for trail projects.

3. The road improvements will be financed on a combined pay as you go basis as well as sale of revenue bonds in a fifty-fifty ratio. There may be future bond sales as revenues increase. (Resolution 87-47 #6)

4. The City will attempt to obtain long term financing for up to ten years for the private share of funding. (Resolution 88-74 #12, bond change Ordinance 89-17, regarding ten years financing.)

5. Interest, if any, generated from the program will remain with the program funds. (Resolution 88-47 #18)

6. Abutting property owners will share the cost of upgrading a street to residential standards by paying \$30 per front foot for gravel and \$17 per front foot for paving.² (Resolution 87-61(S), Resolution 88-47, Resolution 94-50, Resolution 95-97)

7. The City will pay all costs for any additional improvements required when deemed necessary by the City. Other improvements requested by the benefited property owners will be paid by those same property owners. (Resolution 88-47 #11)

8. For special assessment districts initiated on or before May 10, 2016, property owner contribution through SAD process by paying \$30 per front foot for gravel and \$17 per front foot for paving cost of a residential standard street and the city pays all costs for additional improvements deemed necessary. For special assessment districts initiated after May 10, 2016, property owner contribution through SAD process of 25% of project cost for street reconstruction or new street construction on an equal assessment per lot basis for cost of a residential standard street and the city pays all costs for additional improvements deemed necessary. (Resolution 16-041(S-2)(A))

9. Road Reconstruction assessment payment date, penalty and interest shall be set as soon as the reconstruction project has been accepted by the Public Works Department regardless if the Special Assessment District wherein reconstruction has been completed is also scheduled for paving as part of the same Special Assessment District. Paving assessment payment date, penalty and interest will be set as soon as the paving project has been accepted by the Public Works Department. HCC 17.04.070 - 120. (Ordinance 12-15; Resolution 96-73)

10. New Local Roads may be constructed by 100% program funds when the construction thereof benefits the entire City or when the City owns the property wherein the road is to be constructed. The Road to be constructed must meet the qualifying criteria and be recommended by the Transportation Advisory Committee to the City Council. This expenditure must be approved via Ordinance with justification noted within the body of the Ordinance. Whenever possible, New Local Roads will be constructed using the Special Assessment District process HCC 17.04 and the assessment methodology as noted in item 6. and 8. (Ordinance 12-15; Resolution 07-82)

11. HART funds may be used to leverage outside funds for New Local Roads and Trails.

12. New Local Trails may be constructed using 100% program funds and follow the

² Danview/Svedlund and Sabrina/Mark White are grandfathered in at the \$20/\$11 split per Council action. (Resolution 94-52)

procedures listed in item 10. (Resolution 07-82)

13. Sidewalks shall be paid for out of road funds, and trails shall be paid for out of the 10% allocated to trails. (Resolution 07-82)

14. Expenditures under the HAWSP program are subject to the availability of funds, after maintaining a debt-service coverage ratio of 1.25 or above. (Resolution 16-041(S-2)(A), May 9, 2016)

V. UTILITIES

1. Prior to street reconstruction, necessary related non existing water and sewer improvements shall be encouraged whenever possible. (Resolution 88-47 #9)

2. Water and Sewer utility extensions necessary to extend the utilities short distances beyond a construction area will be paid for by the program. (Resolution. 88-47 #10)

3. Water and sewer utility relocations directly caused by reconstruction will be paid for by the Accelerated Roads Program. (Resolution. 88-47 #10)

4. Water and sewer utility upgrades necessary for future capacity that are done concurrently with reconstruction and/or paving will be paid for by the utility (a) fund. (Resolution 88-47 #10)

5. The City shall recover from the property owner the cost of construction of City-provided sewer and water service connections by including the cost of construction of such connections in the service connection fee established under HCC Chapter 14.13. (Resolution. 88-47)

6. Cost of installing stub-outs would be a necessary expense to anyone building on lots requiring sewer and/or water service. Sewer and/or Water funds or other public money was provided to pay the cost of these stub-outs because of the benefit of a quality finished road and the use of stub-outs benefit only those particular lots. Costs will be recouped from benefiting property owners through deferred assessments. The Planning Clerk and Finance Department will maintain a listing of these deferred sewer and/or water service connection fees.

7. Whenever practical street lights shall be included in the construction of new local roads and shall be paid by HART funds. Property owners participating in a road reconstruction and/or paving Special Assessment District may request street lights. If the project is deemed feasible the property owners shall be assessed for the installation of the street lights on an equal share per parcel methodology. Property owner approval of the street light assessment shall follow the process in HCC 17.04. Once constructed, the City will absorb the utility billing for the street light(s). (Ordinance 12-15; Resolution 07-82)

VI. SPECIAL PROVISIONS

1. Additional right-of-way required will be paid by this program, at no additional cost to abutting property owners. (Resolution 88-47 #20)
2. Corner lots are exempt from a double front footage assessment and the total assessed frontage shall not exceed the longest side of the lot. Reconstruction assessments apply to reconstruction and paving. Corner lot agreement is required after 10/25/94. (Resolution 87-61(S) #15; Resolution. 88-47 #15, Resolution 91-68, Ordinance 94-16(A))
3. Lots having a frontage on two parallel streets, or flag lots having a frontage on two perpendicular streets, are exempt from a double front footage assessment unless actually accessing the lot from both streets either prior to or after reconstruction and/or paving Deferred Assessment Agreement Required pursuant to HCC 17.04.180. (Ordinance 12-15; Resolution 88-47 #16)
4. This program includes paving driveway aprons on contracts funded by HART. (Resolution 88-47 #17) (Resolution 91-48)
5. When at all practical, the center line of rights-of-way will be the established road center line. Where impractical, the center line may be shifted to mitigate improvement encroachments of high cost hillside excavation. (Resolution 88-77(A))
6. In established neighborhoods, where improvements such as housing, carports, lawns or landscaping have been constructed near the right-of-way line and ditching would seriously impact these improvements, alternates to open ditching may be considered. These alternates may include gently sloping ditches back to the lawn, trench drains, standard or rolled curbs and gutter or any other sound engineering practices. The cost of these alternates will be born by the road program unless the residents elect to participate in the curb, gutter and sidewalk programs. (Resolution 88-77(A))
7. Pedestrian amenities shall be included in all new road projects unless exempted by the City Council. (Resolution. 04-41(A))
8. Exempting Certain Lands that will not be Developed due to Conservation Easements or Owned by Organizations that Conserve Land for Public Purpose and/or Habitat Protection from the Homer Accelerated Roads and Trails Program and the Homer Accelerated Water and Sewer Program Assessment District Assessments on a Case by Case Basis and that Each Program Shall be Amended to Include this Exemption under Special Provisions. (Resolution 05-50(A))
9. New Subdivisions may not participate in HART for the construction of subdivision roads or trails.

a. Exception: To encourage trail connectivity, the Subdivider will be required to pay a prorated share of the project cost not to exceed 75% of the cost of public trail construction. (Resolution 07-82)

10. HART funds may be used in accordance with Title 11.04.05. If a development includes a segment of an arterial or collector street as shown on the Master Plan, the developer shall construct the streets on the alignment adopted in the Master Roads and Streets Plan, and conforming to the respective classification. The developer shall be required to construct the street to a twenty-eight-foot width in accordance with the minimum requirements of a local residential street; provided, however, that the City may, upon direction of the City Council, elect to require construction to the full standards and pay to the developer the cost difference between the required street and the proposed street. (Resolution 07-82)

VII. TRAIL PRIORITIZING CRITERIA AND PLANNING GUIDELINES

A. Trail Prioritizing. The TAC and Parks and Recreation Advisory Commission will review the trail priority list during the annual review of the HART. The list will be presented in a memorandum from staff, and will contain a mix of large and small projects. Generally it will include up to five trail projects that staff has reviewed and found ready for preliminary work. Trails on this list are planned for construction in the near term (one to three year timeframe). Staff will actively work to prepare those projects for construction. (Resolution 07-82)

B. Trail Planning Guidelines

Trail design shall take into account at minimum the following:

1. Use context sensitive design when locating and planning trails to take advantage of scenic resources.
2. Respect the character of trails based on function, setting, and expectation of accessibility.
3. Evaluate the soils, drainage, wetlands, Tsunami zone, flood plain, stream setbacks, historical resources, visual resources, topography, existing and potential land use, zoning and land ownership.
4. Where estimated costs, operating costs and outside funding availability are considerations and important criteria, care should be used to ensure that important trails are not eliminated solely using cost as a determinant.
5. Multi-use trails are encouraged. Design of the trail should include consideration of compatible uses such as pedestrians and bicycles.

6. All trails should be designed to recognize the requirements of ADA standards and guidelines. (Resolution 07-82)



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 17-05

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: January 4, 2017
SUBJECT: Harbor Overslope Development

Introduction

Due to a request for consideration of leasing property for overslope development, the Lease Committee identified some concerns for the Port and Harbor and Planning Commissions to weigh in on. Port and Harbor have addressed this subject and now it is the Planning Commissions turn. Included are the Port and Harbor staff report, minutes, overslope code, and Spit Plan information.

I would like the Commission to discuss the questions proposed by Port and Harbor. I would also like the Commission to (as always) consider the 'big picture'. This may warrant a discussion beyond the Port and Harbor staff report and the Commission may request more information to be considered at another meeting.

Analysis

The Spit Comprehensive Plan does have some reference to overslope. The best information for our discussion is the Future Land Use Map, which is provided. Other references are identified below. Please refer to your copy of the plan for the information.

Spit Comprehensive Plan

1.B Commercial Development (Homer Spit Plan, pages 24-25).

Goal 3.1

Determine incentives needed to promote overslope development

- Analyze and develop market plan for development.
- Determine alternate incentives that would encourage growth.
- Identify sources of funding or implementation actions for identified incentives.

Staff Recommendation

Review and discuss the questions in consideration of the responses from the Port and Harbor Commission. Bring any additional concerns you have to the table for discussion.

Attachments

1. Port and Harbor Commission Memo
2. Port and Harbor Commission Minutes
3. HCC 21.46, Small Boat Harbor Overlay District
4. Homer Spit Comprehensive Plan, Future Land Use Map



Memorandum

TO: PORT & HARBOR ADVISORY COMMISSION
FROM: LEASE STAFF
DATE: AUGUST 8, 2016
SUBJECT: POLICIES FOR OVERSLOPE LEASING & DEVELOPMENT

Background

In October 2009, Ordinance 09-44(S) was passed by City Council establishing HCC 21.46, Small Boat Harbor Overlay District. This code primarily focuses on the design and building standards of overslope development, not necessarily policies regarding property management (outlined in Chapter 18).

At the May 25, 2016 regular meeting, the Port and Harbor Advisory Commission discussed overslope development and reviewed the current HCC and a 1983 Homer Harbor Slope Study that was conducted by Derry & Associates. Concerns were raised that the planning/zoning code seemed prohibitive, that parking was not adequate, and for it to work it had to be able to overcome the three month business window to justify the development. It was concluded at this meeting that it's good to address overslope from time to time, but it isn't feasible yet.

A Need for New Overslope Management Policies

A formal lease request for overslope area was submitted to the City by a current lessee on June 8, 2016. This request was presented to City Lease Staff at their last meeting on August 5, 2016 and sparked a discussion on not just the question "Do we say yes to an overslope proposal?", but the bigger question "What policies do we follow when leasing overslope?" It is a unanimous agreement among Lease Staff that overslope should be treated differently than standard upland ground leases, and there needs to be policies in place so when proposals are received staff knows how to process them.

City leases are managed per HCC Chapter 18 and the Property Management Policies and Procedures. Lease and Port and Harbor Staff would like to amend the code and lease manual to include a section on overslope leasing. This information will also be used to update the Land Allocation Plan, which is necessary before any City land is allowed to be leased out. Staff is requesting input from the Port and Harbor Advisory Commission and the Planning Advisory Commission on several points that were brought up during the discussion:

- 1. Areas Allowed for Development:** The primary question to the commissions: which sections of the overslope are to be available for development, and which areas are to stay undeveloped? The Land Allocation Plan (LAP) will need to be revised to include any overslope areas that are available for leasing. Staff has discussed the pros and cons of re-platting the two parcels that contain overslope (would it be easier to have established lots for leasing?) and concluded that the City would NOT replat. One of the reasons is because by zoning code, each new lot would require an access easement, which is extremely difficult to provide in such a congested area as the Homer Spit. It was agreed that once all the development-allowed overslope areas are chosen, a professional surveyor would be hired to measure out and provide the City with the specific descriptions of those areas. Those descriptions will be included in the LAP detailing which areas are available for lease, and for use in City leases to delineate the area.

- 2. Parking:** As was discussed at the last port commission meeting, Lease Staff is fully aware of the parking inadequacies on the Spit and discussed with the Planning Dept. the regulations concerning parking requirements. Since businesses built on overslope would not be able to provide the standard number of parking spaces as usual ground leases do, a simple solution to this problem would be a “Parking Impact Fee”. Lease Staff agreed that instead of requiring lessees to provide unrealistic parking spaces on boardwalks that cannot be accessed by vehicles, a Parking Impact Fee would be established and written into their lease to compensate the City for the parking we provide to that business’s employees and customers. According to Planning Staff, if a business is within 1,500 feet of a public parking area it may use that area to meet their parking requirements; overslope areas would meet this option, giving further approval towards a parking impact fee vs. requiring parking spaces.
- 3. Sanitations/Dumpsters:** Another standard lease requirement is that each lessee is supposed to provide their own dumpsters for their business; they are not allowed to use the dumpsters provided by the Port and Harbor for vessel owners and other harbor patrons. Overslope lessees would have great difficulty meeting this requirement given the fact that dumpsters not only take up quite a bit of space, but also need accessibility by sanitation trucks. The Lease Staff proposed establishing a “Sanitation Impact Fee”, similar to the parking impact fee in that it would be written into the lease and paid in lieu of implementing a lease policy that is impractical for overslope leases.
- 4. To Provide or Not Provide Preferential Treatment to Upland Lessees/Owners:** Commonly when a City lot is listed in the LAP as available for lease, a Request for Proposals (RFP) is advertised as a fair and equitable way to solicit lease proposals from the public. This process also allows the City to conduct its due diligence so that if an unsolicited lease proposal is submitted to us, we are able to accept it for review since we have already offered the lot to other potential lessees. The issue with overslope areas is that much of the prime locations are adjacent to upland lots that are either privately-owned or currently leased by the City. Once the overslope areas are depicted in the LAP, how does the City solicit for proposals in a fair and equitable way when it could be unfair to the existing lessee/land owner if the overslope directly in front of their lot is suddenly occupied by another entity/individual that blocks their business’ view of the harbor?

Lease Staff recommends that after the overslope areas are included in the LAP, the City would send out notifications to all lessees and land owners that have adjacent upland property giving them the first opportunity to submit a lease/development proposal. Afterwards, the City could then advertise a RFP or not.

- 5. Building a Boardwalk:** Current HCC details the standards that a boardwalk must be built to; this code may be revised to ensure the platform itself is structurally sound and make it a requirement that any new development be done in a way that connects seamlessly to neighboring overslope platforms to ensure a continuous path along the boardwalk. This code, though, poses the question: does the City want multiple overslope dock/platforms built at different times by different people? Would it be smart for the City to invest in the construction of a single platform (say, in the overslope between Ramp 2 and 3), and then lease the boardwalk space for development by long-term lessees or even rent boardwalk space for seasonal businesses? It could be set up where certain overslope areas could be available for individual development, but designate other spots for City development.

If the City agrees that areas of the overslope should be developed by us, where would that money come from? The Port and Harbor Enterprise could fund the expense, but how will it get paid back? If the commission supports the idea, determining the cost of building a boardwalk would be the first step, next would be to estimate the rate of return to see how much we would need to charge for leasing it. This information could help us decide if building our own boardwalk is a good investment or not.

Recommendation

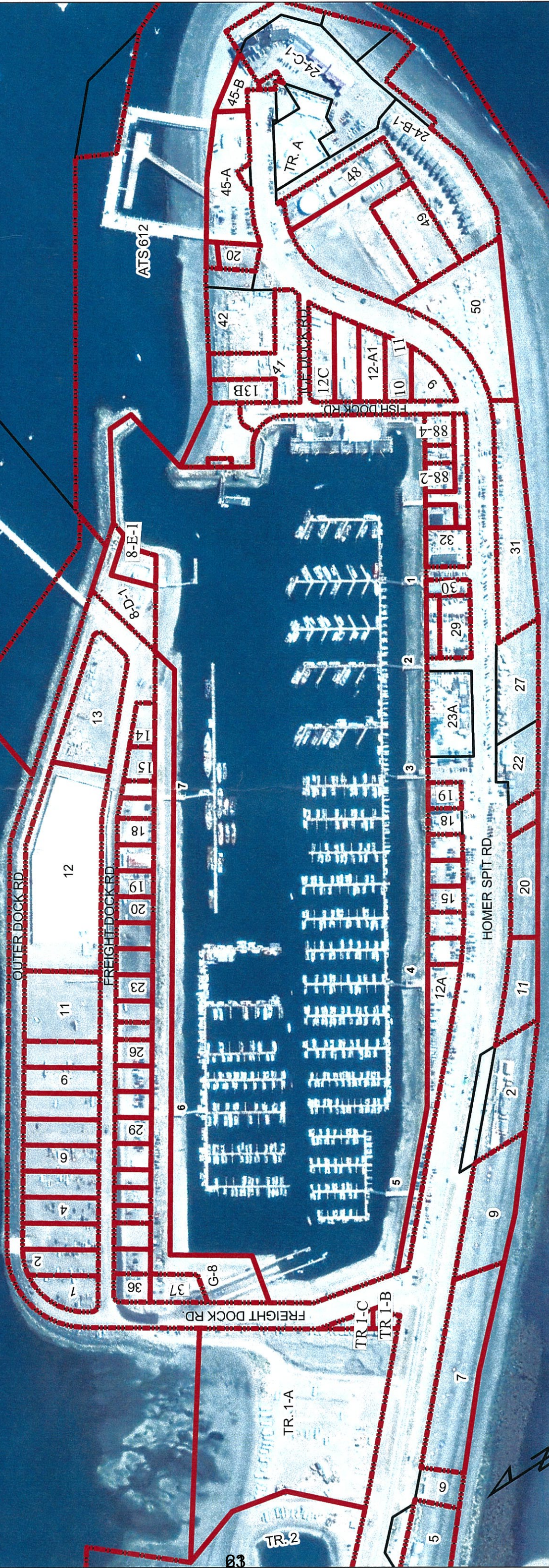
Lease Staff requests input from the Port and Harbor Advisory Commission regarding overslope leasing and development, specifically on the following questions:

1. Which sections of the overslope are to be available for development, and which areas are to stay undeveloped?
2. Does the commission support Lease Staff's recommendation of a "Parking Impact Fee" as a solution to the parking issue?
3. Does the commission support Lease Staff's recommendation of a "Sanitation Impact Fee" in lieu of requiring individual dumpsters for every overslope lease?
4. (a) Once the overslope areas are depicted in the LAP, how does the City solicit for proposals in a fair and equitable way when it could be unfair to the lessee/land owner occupying the adjacent uplands lot?
 (b) Should the City send out notifications to all lessees and land owners that have adjacent upland property giving them the first opportunity to submit a lease/development proposal?
 (c) Does the commission think the City should or shouldn't advertise a RFP?
5. (a) What revisions to the Planning code would the commission like to see?
 (b) Would the commission rather see all the overslope lots available for individual development, or designate some lots for City development?
 (c) If the City builds all or some of the boardwalks, how should staff proceed in determining the funding sources and investment/rate of return information?

Further, if the commission believes that there is adequate interest in overslope development, staff recommends to make a motion either at this meeting or their next regular meeting requesting that City Council approve amending City documents, such as the Land Allocation Plan, Homer City Code, and the Property Management Policies and Procedures, to include verbiage regarding harbor overslope leasing for the purpose of development.

Attached: Overview Map of Homer Spit Parcels
 HCC 21.46, Small Boat Harbor Overlay District

ATS612



Legend

-  City Land
-  Private Land

City property outlined in red.
 Photo taken in 2005
 Property lines are not exact - use with care
 P & Z 6/5/08, JE

ATS612

PENDING BUSINESS

- A. Memo to Port & Harbor Advisory Commission from City Lease Staff Re: Policies for Overslope Leasing and Development dated August 8, 2016
 - i. Overview of Map and Homer Spit Parcels
 - ii. NCC 21.46 Small Boat Harbor Overlay

Harbormaster Hawkins reviewed the memo and directed the Commission to review and comment on the recommendations at the end.

Lease Staff requests input from the Port and Harbor Advisory Commission regarding overslope leasing and development, specifically on the following questions:

- 1.** *Which sections of the overslope are to be available for development, and which areas are to stay undeveloped?*

Recommended areas to be available for overslope include lots 88-2 through 88-4, lot G8, lots 26-34, lots 14-17, and lots between ramp 4&5.

- 2.** *Does the commission support Lease Staff's recommendation of a "Parking Impact Fee" as a solution to the parking issue?*

The Commission agreed with the notion of the parking impact fee to satisfy code requirements for parking. It was suggested they call it something different, like a parking compliance fee, and consider the lessee purchasing two long term parking passes instead.

- 3.** *Does the commission support Lease Staff's recommendation of a "Sanitation Impact Fee" in lieu of requiring individual dumpsters for every overslope lease?*

They agreed with the sanitation impact fee and suggested it be delineated in the lease and that the fee be based on the service provided, as a restaurant would have a larger impact than a retail space.

- 4. (a)** *Once the overslope areas are depicted in the LAP, how does the City solicit for proposals in a fair and equitable way when it could be unfair to the lessee/land owner occupying the adjacent uplands lot?*

(b) *Should the City send out notifications to all lessees and land owners that have adjacent upland property giving them the first opportunity to submit a lease/development proposal?*

(c) *Does the commission think the City should or shouldn't advertise a RFP?*

In response to the three questions, the Commission agreed that adjacent lessees should have first option to lease, and then advertise an RFP after they have declined.

- 5. (a)** *What revisions to the Planning code would the commission like to see?*

Commissioner Zimmerman expressed his disagreement with the code requirement 21.46.060(h) regarding public access on and at each end of the overslope platform. Lessees would lose 16 feet off their platform for public access but still have to pay the full lease rate. He also question who's liable for the public access and the security for their business. If the goal of the boardwalk is to protect the view shed, then the buildings should be spaced to accommodate it.

It was suggested that the size of the building should factor into the amount of public access required.

It was also suggested the design requirements are too restrictive and should allow more creativity into the development.

(b) Would the commission rather see all the overslope lots available for individual development, or designate some lots for City development?

Some lots should be designated for city development, but at this time the city doesn't have money to develop overslope.

(c) If the City builds all or some of the boardwalks, how should staff proceed in determining the funding sources and investment/rate of return information?

This option is not realistic at this time.

Chapter 21.46**SMALL BOAT HARBOR OVERLAY
DISTRICT**

Sections:

- 21.46.010 Purpose and intent.
- 21.46.020 Overlay district boundaries.
- 21.46.030 Applicability.
- 21.46.040 Conditional uses.
- 21.46.050 Overslope platform standards.
- 21.46.060 Architectural standards.
- 21.46.070 Signs.
- 21.46.080 Landscaping.
- 21.46.090 Architectural plans.

21.46.010 Purpose and intent.

The purpose of the Small Boat Harbor Overlay District is to establish additional development regulations specifically designed for the unique nature and needs of water- and tourism-oriented uses on platforms over the small boat harbor. These regulations will delineate special performance and design standards, encourage mixed use developments which contribute to the stabilization of water-dependent and water-related uses, encourage the link between the marine business and general business sectors of the community, and encourage safe and enjoyable access along the harbor's edge. [Ord. 09-44(S) § 3, 2009].

21.46.020 Overlay district boundaries.

The Small Boat Harbor Overlay District applies to the property described as Lot G-8 and Small Boat Harbor, Homer Spit Subdivision No. Two, T6S, R13W, Sections 35 and 36, and T7S, R 13W, Sections 1 and 2, Seward Meridian, as shown on Plat No. 92-50. [Ord. 09-44(S) § 3, 2009].

21.46.030 Applicability.

Unless otherwise noted, the requirements of the Small Boat Harbor Overlay District apply to all development and are in addition to the requirements of the underlying zoning district. Where a requirement of the underlying district conflicts with a requirement of the overlay district, the overlay district requirement shall govern. [Ord. 09-44(S) § 3, 2009].

21.46.040 Conditional uses.

The following uses may be permitted in the Small Boat Harbor Overlay District when authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

- a. Overslope development. [Ord. 09-44(S) § 3, 2009].

21.46.050 Overslope platform standards.

An overslope platform shall comply with the following standards:

- a. An overslope platform shall be 40 feet deep, and shall be not less than 40 feet nor more than 240 feet wide.

- b. There shall be a minimum 20-foot setback separating an overslope platform from a dedicated right-of-way. Except as provided in the preceding sentence, there are no setback requirements for overslope platforms, and an overslope platform may be constructed to the lot line.

- c. An overslope platform that is used for the docking of boats shall be designed to bear the loads associated with that use, and include suitable rail access, gates, stairs and fenders.

- d. The bottom of the lowest structural member of the lowest floor of an overslope platform (excluding pilings and columns) shall be at least one foot above the base flood elevation.

- e. The area of an overslope platform that at the time of its construction is within 15 feet of the edge of a ramp shall be used as a public access area, within which no sales or commercial activity may occur. Such a public access area shall not be counted to meet open space or landscaping requirements.

- f. Direct access from an overslope platform to the ramp shall be limited to avoid user conflicts. Gates or other moveable barriers that facilitate loading and unloading may be used to control access. [Ord. 09-44(S) § 3, 2009].

21.46.060 Architectural standards.

Overslope development shall conform to the following architectural standards:

- a. All buildings on the same overslope platform shall receive a common architectural treatment. The main color of the exterior walls of all buildings on an overslope platform shall be one or more earth or seascape tones.

b. Not less than five percent of the area of an overslope platform area shall be outdoor public open space.

c. Overslope development shall include pedestrian walkways that provide direct access between common areas in the overslope development and public rights-of-way.

d. Opaque walls, fences or planter boxes, or any combination of them, shall be used to screen mechanical equipment and trash containers from view in adjacent public areas.

e. The design of structures and outdoor pedestrian areas shall take into consideration environmental factors such as prevailing wind, salt spray, solar exposure, snow and heavy rains.

f. Along the length of a building, the roofline shall not be continuous for more than 60 feet. Roofs shall be gabled.

g. The maximum height of a building measured from the overslope platform or the adjacent grade to the highest roof peak shall not exceed 25 feet.

h. A public access not less than eight feet wide to an area overlooking the harbor shall be provided at each end of an overslope platform and at intervals not greater than 150 feet on the overslope platform.

i. A continuous pedestrian corridor at least eight feet wide must extend the length of the overslope development, on either the harbor or the uplands side, or some combination thereof. The corridor must be clear of obstructions, but may be covered by an awning or roof overhang. The minimum eight-foot width of the corridor may not be counted to meet landscaping or public open space requirements. [Ord. 09-44(S) § 3, 2009].

21.46.070 Signs.

Signs are subject to the requirements in Chapter 21.60 HCC that apply in the underlying zoning district; provided, that the maximum combined total area for all signs under Table 2 in HCC 21.60.060(c) is calculated on a per-building basis instead of on a per-lot basis. No sign bearing a commercial message, as defined in HCC 21.60.040, may be placed in an outdoor public open space. [Ord. 09-44(S) § 3, 2009].

21.46.080 Landscaping.

a. Five percent of the area of an overslope platform must be landscaped.

b. In addition to the types of plantings listed in the definition of landscaping in HCC 21.03.040, landscaping on an overslope platform may include planter boxes and hanging basket plantings.

c. The Commission may permit the substitution of durable outdoor art, or amenities for public use such as bike racks, benches, trash receptacles and information kiosks, for part of the required landscaping on an overslope platform. [Ord. 09-44(S) § 3, 2009].

21.46.090 Architectural plans.

An application for an overslope development conditional use shall include the following detailed plans and specifications showing compliance with the requirements of this chapter:

a. Floor plans at a scale of one-eighth inch equals one foot.

b. Architectural elevations.

c. Site elevation showing the relationship to the platform of the base flood elevation and mean high tide line, and the elevation of the land where the platform adjoins the shore.

d. Exterior finish schedule.

e. Roof plan showing direction of drainage and where runoff will go.

f. Drawings must show design oversight by an architect registered under the laws of the State of Alaska. [Ord. 09-44(S) § 3, 2009].

Map 5: FUTURE LAND USE CONCEPT ENLARGEMENT





City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: November 30, 2016
SUBJECT: City Manager's Report – December 5, 2016

Alaska Division of Homeland Security and Emergency Management Tsunami Workshop

The Alaska Division of Homeland Security and Emergency Management is interested in Homer hosting the 2017 State Tsunami Workshop in April. They are looking at the weeks of April 10th or April 17th and are in contact with Islands and Ocean about using their Seminar Room. This conference will likely bring 20-30 emergency managers from across the state to attend. In addition to providing a boost to our local economy, it will be an excellent opportunity for locals to learn more about tsunami preparedness.

Emergency Management Roles and Responsibilities for Mayor and Council

Do you know what your role is as a Councilmember in the event of a major disaster? Do you know the difference between a liaison officer and a public information officer and how they each interact with you? Councils and mayors have a lot of decision making authority in the event of a major disaster, and sometimes you are required to make rapid and costly decisions with incomplete information. Mayor Zak has requested a worksession on emergency management roles and responsibilities for Mayor and Council, scheduled for February. Chief Painter is working on getting the State of Alaska Director of Emergency Management to facilitate the worksession.

Graduated Linear Rate Structure Implementation One Year Out

In October the City Council passed Resolution 16-112 implementing a new graduated linear rate model for the Port and Harbor. The billing software that the Port and Harbor uses cannot accommodate the new rate structure. The 2016 budget appropriated \$30,000 for the Port and Harbor to work on new software. The Port and Harbor has hired a consultant to assist with drafting a request for proposal for new custom software that will not only exactly meet the City of Homer billing needs and provide ongoing support, but serve as a model for other ports and harbors in Alaska and possibly become a commodity we can sell to other communities (as more communities transfer to a linear rate model, the need for more complicated and custom software will increase). Port and Harbor will ask Council for authorization to move forward on an RFP for billing software, and a budget appropriation to cover the increased cost, at the next council meeting (January 9). The Port and Harbor will not be able to implement the new rate structure until the software is complete, potentially delaying implementation for one year. A time frame for implementation and cost estimate will be

included in the ordinance requesting moving forward on software upgrades at the next Council meeting.

Alaska Municipal League Travel Report

I attended the Alaska Municipal League winter conference the second week in November. It is a great opportunity to network with other community leaders and learn about statewide issues. During the Alaska Municipal Management conference, I was impressed with the number of City Managers who are in the process of port and harbor expansion projects or have just completed them. To gain more knowledge of HOW these communities were able to be successful with their projects, I have signed up for the Port and Harbor Committee. I attended worksessions on topics such as homelessness and opioid abuse and am looking forward to sharing with our community what other communities are doing to address these epidemics. Alaska Municipal League is always an interesting, relevant and rewarding trip. More than any other professional development, it is an opportunity to interact with other Alaskans about Alaskan issues. See 2017 AML priorities attached. These and 2017 resolutions can be found online at www.akml.org

Enc:

Alaska Municipal League State and Federal Priorities



One Sealaska Plaza, Suite 200 • Juneau, Alaska 99801

Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

ALASKA MUNICIPAL LEAGUE

FY 2017 STATEWIDE PRIORITIES

- **LEGISLATIVE ADOPTION OF A SUSTAINABLE BUDGET PLAN**

The Alaska Municipal League supports a Legislative adoption of a sustainable budget plan that does not rely primarily on cuts, but on new sources of revenues. We feel that the leaders of our State must immediately adopt changes that stop the bleeding that we are currently experiencing. Despite the cuts experienced this last year by local governments, municipalities must continue to provide basic and essential services. The Alaska Municipal League stands behind their updated FY 2017 Sustainability Plan and encourages the Legislature to quickly take action. As more responsibilities are passed down to the “political subdivisions” of the state, municipalities must be given the tools to provide for themselves.

- **REVENUE SHARING (COMMUNITY ASSISTANCE)**

The Alaska Municipal League realizes that the State is in a fiscal crisis. We have attempted to work with the Legislature through the decrease of Revenue Sharing by half. We cannot agree to the ending of Revenue Sharing, however. As our Revenue Sharing goes down and as the State continues to cost shift to municipalities, many local governments will find themselves in the position of closing their doors. The current \$30 million is a small part of the yearly state budget. With the recent loss of Timber Receipts and the potential loss of PILT, a sustainable and predictable allocation is necessary for municipal budget purposes. This money allows for the provision of basic local services and as a means to keep taxes down.

- **PERS/TRS**

The Alaska Municipal League recently fought back a proposal by the Alaska State Legislature that would have seen municipalities acquire a larger percentage of the PERS/TRS unfunded liability. The PERS/TRS system is the legal and moral responsibility of the State, as it is THEIR program. Municipalities simply pay an amount set by the State in order to be participants in the plan. We do not provide retirement benefits; we do not have a say in any of the fiduciary decisions. AML and its member municipalities will hold fast to the previously agreed upon 22% of salary towards the pay down of the unfunded liability.



ALASKA MUNICIPAL LEAGUE

FY 2017 FEDERAL PRIORITIES

- **SUPPORT PILT AND SRS**

The Alaska Municipal League supports restoring full mandatory funding for the Payment in Lieu of Taxes (PILT) program, which compensates municipalities for tax-exempt federal land within their boundaries. The Alaska Municipal League also supports extending the Secure Rural Schools (SRS) program as a transitional funding mechanism until the federal government fully implements a sustainable long-term forest management program with adequate revenue sharing for forest counties and school.

- **PROTECT MUNICIPAL BONDS**

The Alaska Municipal League supports preserving the federal deductibility of local property and income taxes and the tax-exempt status of municipal bonds that provide critical funding for public facilities, infrastructure and development. Provisions like the tax exemption for municipal bond interest have been part of the federal tax code for over 100 years, helping finance trillions of dollars in public works projects.

- **PRESERVE MUNICIPAL INTERESTS IN “WATERS OF THE U.S.” REGULATIONS**

The Alaska Municipal League believes that local streets, gutters and human-made ditches should be excluded from the definition of “Waters of the U.S.,” under the federal Clean Water Act. The Alaska Municipal League calls on Congress to require the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers to withdraw the new rule and rewrite it in consultation and collaboration with state and local governments.

- **PROMOTE LOCAL GOVERNMENT PRIORITIES IN SURFACE TRANSPORTATION IMPLEMENTATION**

The Alaska Municipal League will work to ensure that the new surface transportation law is implemented to reflect municipal priorities, including allocating more funding for locally owned infrastructure, increasing local decision making authority, prioritizing investments that increase safety, as well as continuing to urge Congress to resolve the long-term solvency of the Highway Trust Fund.



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2215 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

www.kpb.us

**MIKE NAVARRE
BOROUGH MAYOR**

December 14, 2016

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE

MEETING OF DECEMBER 12, 2016

RE: Homer Lake Street Rehabilitation Right-of-Way Acquisition Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of December 12, 2016 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; 20.40 and 20.60.

This notice and unapproved minutes of the subject portion of the meeting were sent December 14, 2016 to:

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

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

Survey Firm: Alaska State DOT & PF
Attention: Louise Hooyer
4111 Aviation Avenue
Anchorage, AK 99516

Subdivider/Petitioner: Alaska State DOT & PF
Attention: Louise Hooyer
4111 Aviation Avenue
Anchorage, AK 99516

KPB File Number: 2016-142

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

6. Homer Lake Street Rehabilitation Right-of-way Map
Right-of-Way Acquisition Plat
KPB File 2016-142 [Hooyer / State Department of Transportation]
Location: City of Homer

Staff Report given by Patti Hartley

Plat Committee Meeting: 12/12/16

Supporting Information:

The Homer Lake Street Project will rehabilitate Lake Street between the Sterling Highway and Pioneer Avenue/East End Road. The project is intended to extend the life of the roadway by accomplishing (but not limited to) the following:

- Rehabilitate 2,500 feet of pavement.
- Widen the road.
- Add bike lanes to both sides of the road.
- Reconstruct curb/gutter and sidewalk.
- Replace failing culverts.
- Relocate utilities as needed.
- Re-establish existing ditches.

Notice of the right-of-way acquisition plat public hearing was provided to all land owners within 600 feet, utility providers, and the City of Homer.

Homer Advisory Planning Commission approved the right-of-way acquisition plat on November 2, 2016.

The plat is reviewed and approved under KPB 20.10.070, Right-of-way Acquisition Plat. Preliminary approval of the plat shall be for a period of 24 months. Additional time extensions may be granted by the planning director for specified time periods upon finding that it is in the public interest to do so.

STAFF RECOMMENDATIONS: Grant a two-year approval of the preliminary plat subject to any above recommendations, and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.10.070 AS FOLLOWS:

1. Remove the Special General Note. All status labels will be current as of the date of KPB signature per KPB 20.10.070(C)(4).
2. Revise the acceptance statement for the city's signature per KPB 20.60.190.
3. Include City of Homer in the location information in the lower right corner of R1.
4. Correct the following status labels:

SHEET 3

- a. Lot 1-A-1 is part of Lakeside Village Park Addition Replat.
- b. Lot 2A Waddell Park 1985 Replat is now Lot 3-A-1 Waddell Park 2016 Replat.
- c. Lot 2 Waddell Park 2000 is now Lot 2-A-1 Waddell Park 2016 Replat.
- d. Lots 1A and 2A Yah Sure Subdivision are part of Yah Sure Subdivision 2013
- e. Lot E Heath Street Replat is now Lot 1-A-1 Waddell Park 2016 Replat.
- f. The property between Lot 1A/2A Yah Sure Subdivision 2013 and Lots 1-4 Elks Subdivision is one unsubdivided parcel.
- g. Ensure the label for Lot 2-A-1 Carl Sholin No. 5 is not cut off on the final plat.
- h. Move the label for Health Street Replat so it does not encroach into the plat of Carl Sholin No. 5.
- i. Homer United Methodist Church is Homer United Methodist Church Amended.

- j. Lot 2A Lakeside Center Subdivision is Tract 2A Lakeside Center Subdivision

SHEET 4

- k. Correct Ben Walters Avenue to Ben Walters Lane
- l. Correct Waddell Way to Snowbird Street.
- m. Change Lakeside Village Park to Lakeside Village Park Addition Replat.
- n. Lot 2 adjoining Waddell Park 2000 is now Lot 2-A-1.
- o. Confirm the recording number for the unsubdivided parcel adjoining Ben Walters Lane. The description in the statutory warranty deed is for property in Section 17, T6S, R13W. This deed may need correcting.

SHEET 5

- p. Lot 2 Waddell Park 2000 is now Lot 2-A-1 Waddell Park 2016 Replat. Remove the building setback lines from Lot 2-A-1. The Committee approved an exception so the building setback note from the parent plat did not have to be carried forward.
- q. Correct Waddell Way to Grubstake Avenue.
- r. Lot E Heath Street Replat is now Lot 1-A-1 Waddell Park 2016 Replat. Remove the easement label (BK 154 PG 294) from Lot 1-A-1. This easement has been vacated.

SHEET 6

- s. Homer United Methodist Church is Homer United Methodist Church Amended. Confirm the 10-foot utility easement shown adjoining East End Road. This easement was not granted by plat.
- t. Correct the recording number for the unsubdivided parcel at the southeast corner of Tract 2 New Homer High School No. 2.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20 INCLUDE:

- 5. Survey and monumentation to meet Ordinance requirements; or an exception having been granted.
- 6. Electronic submittals of preliminary and final plats are not acceptable.

NOTE: A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

PARTIES OF RECORD: UNLESS SPECIFIED OTHERWISE MEANS THOSE PERSONS WHO HAVE COMMENTED IN A WRITTEN AND SIGNED DOCUMENT OR IN PERSON ON AN AGENDA ITEM BEFORE THE PLANNING COMMISSION OR PLAT COMMITTEE WHO OWN PROPERTY WITHIN THE NOTIFICATION RADII ESTABLISHED IN THIS CHAPTER.

END OF STAFF REPORT

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

MOTION: Commissioner Ecklund moved, seconded by Commissioner Carluccio to approve the Homer Lake Street Rehabilitation Right-of-Way map per recommendations, conditions and compliance with borough code.

Chairman Martin asked what the process was for the right-of-way acquisition plat and if there was a process for eminent domain. Mr. Voeller replied that the State purchases the areas they need so there is compensation and no eminent domain was involved with these parcels. Chairman Martin asked if there has been a fight from property owners or if they just take the payment. Mr. Voeller replied that in the past there has been some occasional reluctance and some eminent domain actions in the Homer area but none involved with this one.

VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	ISHAM YES	LOCKWOOD YES	MARTIN YES	5 YES
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- ~~AGENDA ITEM F.~~ FINAL SUBDIVISION PLAT PUBLIC HEARINGS - None
- ~~AGENDA ITEM G.~~ OTHER/NEW BUSINESS - None
- ~~AGENDA ITEM H.~~ MISCELLANEOUS INFORMATION -- NO ACTION REQUIRED
- ~~AGENDA ITEM I.~~ ADJOURNMENT

Chairman Martin adjourned the meeting at 6:43 p.m.

Patti Hartley

