

REGULAR MEETING AGENDA

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Public Comment**
The public may speak to the Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
- 4. Reconsiderations**
- 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.
 - A.** Approval of minutes of August 2, 2017 **p. 1**
 - B.** Staff Report 17-72, Decision and Findings for CUP 17-04, for 4 dwellings on a lot at 3101 Kachemak Drive
- 6. Presentations** **p. 13**
- 7. Reports**
 - A.** Staff Report PL 17-73, City Planner's Report 17-73 **p. 19**
- 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 17-74, CUP 17-05 to build a structure for the Fabrication and Assembly of Boats at 3301 East End Road **p. 25**
 - B.** Staff Report PL 17-75, Variance 2017-01 for a reduced building setback from the Sterling Highway at 3965 Sterling Highway **p. 45**
 - C.** Staff Report PL 17-76, CUP 17-06 to build a dwelling within the steep slope setback at 3965 Sterling Highway
- 9. Plat Consideration** **p. 77**
- 10. Pending Business**
 - A.** Staff Report 17-77, RVs as employee dwelling units **p. 117**
 - B.** Staff Report 17-78, Comprehensive Plan Update –Chapter 6 Public Services and Facilities **p. 119**
- 11. New Business**
- 12. Informational Materials**
 - A.** City Manager's Reports for the August 14, 2017 City Council Meeting. **p. 127**
- 13. Comments of the Audience**
Members of the audience may address the Commission on any subject. (3 min limit)
- 14. Comments of Staff**
- 15. Comments of the Commission**
- 16. Adjournment**

HOMER ADVISORY PLANNING COMMISSION AGENDA

AUGUST 2, 2017

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The next regular meeting is scheduled for September 6, 2017. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

Session 17-10, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:30 p.m. on August 2, 2017 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, STEAD, ABRAHAMSON, BANKS AND VENUTI

ABSENT: COMMISSIONER HIGHLAND

STAFF: DEPUTY CITY PLANNER ENGBRETSSEN
DEPUTY CITY CLERK KRAUSE

The Commission met in a worksession prior to the regular meeting at 5:30 p.m. On the agenda was the proposed ordinance to allow one Recreational Vehicle as an Accessory Use in the Marine Commercial Zoning District. Members of the Port & Harbor Advisory Commission were invited to attend.

APPROVAL OF AGENDA

Chair Stead called for a motion to approve the agenda.

BOS/ABRAHAMSON– SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

A. Approval of minutes of July 19, 2017 regular meeting

Chair Stead requested a motion to approve the consent agenda.

ABRAHAMSON/BOS – SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS

REPORTS

A. Staff Report PL 17-66 City Planner's Report

City Planner Abboud reviewed his staff report commenting on the ordinance to sell a remnant lot and subsidized transportation services in Homer. He requested volunteers to attend upcoming Council meetings.

Commissioner Bos volunteered for the August 28th Council meeting and Chair Stead volunteered for the October 23rd Council meeting.

Commissioners Abrahamson commented that since she has been appointed to the Borough Planning Commission she would be unable to attend the council meetings.

City Planner Abboud extended information on the scheduled August 24th FEMA Resilience meeting and suggested that the commissioners may find it interesting and could attend the event.

PUBLIC HEARINGS

A. Staff Report PL 17-67, Section Line Easement Vacation Request at 4160 West Hill Road Lot 1 of Ditton 2014 Replat T6S, R14W, SEC 13, S.M.

Chair Stead read the title into the record and requested to hear the staff report.

City Planner Abboud provided a summary review, referenced the map depicting the area and recommendations for the Commission.

The applicant had no presentation and was available for questions.

Chair Stead opened the Public Hearing for testimony, upon hearing no testimony the Public Hearing was closed. There were no questions from the commissioners.

Chair Stead requested a motion.

BOS/ABRAHAMSON - MOVED TO APPROVE STAFF REPORT PL 17-67, SECTION LINE EASEMENT VACATION REQUEST AT 1105 SEASCAPE DRIVE¹, LOT 1 OF DITTON 2014 REPLAT T6S, R14W, SEC 13, S.M. WITH STAFF RECOMMENDATION GRANTING A 30 FOOT WIDE SEWER LINE EASEMENT TO THE CITY OF HOMER.

There was no discussion.

¹ This address was listed incorrectly on agenda. Correct address is 1105 Seascape Drive. Information in motion changed to reflect proper address.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 17-72, Conditional Use Permit 17-04 for Four Dwellings on a Lot at 3101 Kachemak Drive

Chair Stead read the title into the record and requested staff to present the report. Planning Technician Brown provided a summary report noting the following:

- This was postponed from the July 19, 2017 regular meeting
- Additional material has been provided by the applicant
 - o Scaled 1:20 Site Plan showing two eastern most dwellings have been combined into one duplex
 - o Additional parking for a total of 6 spaces
 - o Elevation Drawings of proposed buildings and existing buildings
 - o Updated narrative reflecting the changes
- Two single family homes and duplex on 2.37 acres
- Average slope of the lot limits development to 25% per city code and this development only uses 12.5% or 12,000 square feet.
 - o Provided clarification of the steep slope setback for the structures
- Reviewed the findings and recommended condition regarding downward lighting

Chair Stead called for the applicant to present to the commission.

Josh and Liz Garvey Applicant and Bill Hand, Contractor provided a brief presentation to the Commission and touched on their appreciation for the input and concerns received from their neighbors and the assistance from the Planning Department in navigating this process.

The applicant provided the following:

- Historical ownership information on the property and reasons for developing the property
- Development is necessary due to the high costs of assessments for utilities
- Their development plan is conscious of the Comprehensive Plan and compliant with all regulations.
- Previous conditional use permits that have been issued on property in the same area
- The proposed development provides needed housing options for the community
- Preserving the bluff is of great concern and consideration

Bill Hand commented on the development plan and concerns related to the following:

- Rebutted that compaction and hydrologic impacts as presented in the packet have no impact on this project
- Footprint of the two dwellings will be on pilings

- Physical measurements were taken on the location of the Artist Studio in relation to the bluff

Chair Stead opened the Public Hearing for testimony.

Troy Jones, resident of 60 plus years, commented he has performed construction and erosion repairs on the bluff and this property is located further along and in his opinion the area is not an extreme erosion with the strata is sloping away from the bluff taking water away. He recommended approval, citing the intent to clean up the lot and offering a place where people can stay for a long period of time. He believed that the city needed to encourage development like this; he believed the applicant was addressing all the issues and concerns. Mr. Jones added his experience building.

Mike Yourkowski, owns the property on the west side of the applicant, commented on wanting to see more analysis on bluff erosion and water issues, but he recalled an incident from 15 years ago on his efforts to subdivide his property and the results of an opinion on the rate of erosion versus the area under roof. When he moved to the property 25 years ago he has lost only about 1.5 feet, he has noticed more alder at the tow of bluff, he has built since first moving there two high tunnels and a shop and hasn't seen any increase in erosion and recommended the commission approves the request.

Chair Stead reminded that this was a continuation of a public hearing and requested any additional testimony at this time. There was no additional testimony and the Chair closed the Public Hearing.

Planning Technician Brown responded to hydrology reports were included in the packet since they are not experts on the matter, he further noted that page 92 in the packet, a letter to State of Alaska Department of Transportation dated November 11, 2003, Geoff Coble reported on hydrology impacting the bluff, this report was included to show the impacts.

Mrs. Garvey, applicant, responded that they reviewed the study and opined that it focused mostly on the road and that humans were the biggest impact to erosion and that they would be looking at various materials and plants to assist in preventing erosion along with placement of a rain garden and plants that require more water and would help preserve the land.

Mr. Garvey, applicant, again acknowledged and appreciated the concerns and input from their neighbors and noted that their neighbor on the east had requested additional and larger parking places and they have accommodated her request noting that they share a driveway. He went on to state that only two neighbors have voiced concerns and opposition and while they appreciate their neighbor's concerns no factual information has been provided regarding their proposed development and this development is no more so than their neighbors. They are intending to protect their investment for the future and future generation.

Chair Stead inquired if the rain gardens, vegetation and retaining walls included in the submitted plan? Mr. Garvey responded that they were not in the submitted documents.

Commissioner Venuti questioned the artistic studio was not permitted and his understanding that the property was in the family and how that came about? Mr. Garvey responded that his brother in law was the previous tenant and built the structure. They were unaware that it was not a permitted structure.

Mr. Hand confirmed for Commissioner Venuti that the proposed structures were being built on pilings and were over one story. Commissioner Venuti stated that according to code they needed to be an engineered design. Mr. Hand was unaware of that requirement.

Commissioner Abrahamson inquired if the applicant had considered the stated erosion prevention methods transferring risk to adjacent properties from those additional seawalls and hardened surfaces. Mr. Garvey responded that they had not since they were in the beginning stages and at this time speaking with the property owners adjacent to his property. Commissioner Abrahamson opined that they are surrounded by great experts and would be more than happy to offer suggestions. Mr. Garvey added that Mr. McCarthy has offered several helpful suggestions.

Commissioner Abrahamson then addressed the tipped strata and expressed a concern regarding the redistribution of surface water along the utility corridor so that any impervious surface the project has may impact Kachemak Drive, in accordance with testimony, statements from the applicant and included reports; she recommended to the applicant to look into the stated strategies of rain gardens and such and the impact those strategies would have on that redistribution of near surface water.

Mr. Garvey agreed and stated that he was under the impression that the neighbors wanted it to run away from the bluff to avoid running off the bluff, stating that the study had been that the pressure on the bluff had been pushing it (water) to the south and where you can see the water pushing through the bluff, eroding it further in the winter; they have designed the drainage plan to move the water away from the bluff; Mr. Garvey noted the installation by the state of Alaska cross section drainage which allows the water back through the road to the other side as well.

City Planner Abboud responded to Commissioner Abrahamson regarding the addition to impervious surfaces, slow erosion and bluff collapse and the effects to neighboring properties but that is not part of this conditional use permit or it would have to be addressed.

Planning Technician Brown confirmed that the planned development would not trigger a storm water plan since it was well below the 25,000 square feet.

Commissioner Banks questioned the drainage through the parking area and if the applicant consulted an engineer on the size of culverts to be used.

Mr. Hand responded that one culvert has been planned for in the development and no engineer has spoken to with the exception of the size required to handle the weight of a large vehicle the size of a fire truck. This culvert is planned for the new driveway.

Planning Technician Brown provided clarification on the application of HCC 21.44.020 and 21.44.050 in relation to development of the lot since the reported slope was 22% for Commissioner Banks. He then requested a moment to further review the code.

City Planner Abboud stated that in his understanding since they are not digging into the slope, creating an erosive situation, but they are on a plateau and not changing the vegetation.

Commissioner Venuti inquired the same, if it requires a site plan. City Planner Abboud answered that this does not since it does not exceed 25% and they are not developing a steep slope, the development is not impacting the slope such as driving vehicles on the slope, etc. If the applicant was creating a slope or introducing abundant fill or taking away, the applicant is constructing a driveway.

Planning Technician Brown reported, reading from Homer City Code, 21.44.030 (b) Area of Development

1. Except where the City Engineer approves a site plan under HCC 21.44.050 that provides for a larger area of development, the area of development on a lot with an average slope:

a. of 15 to 30 percent shall not exceed 25 percent of the total lot area.

So if the Applicant was proposing to develop more than 25% of the lot then the Steep Slope requirements would be applied including items that would require approval by the City Engineer.

Commissioner Bos reiterated that there is a 22% slope, which gives the applicant 25% to build on and the dwellings are less than 10, 000 square feet, and the Artist's Studio complies with the established setback. Staff concurred.

Chair Stead requested a motion.

BOS/BANKS - MOVE TO ACCEPT STAFF REPORT PL 17-61, CONDITIONAL USE PERMIT 17-04 FOR FOUR DWELLINGS ON A LOT AT 3101 KACHEMAK DRIVE WITH FINDINGS 1-11 AND THE FOLLOWING CONDITIONS: OUTDOOR LIGHTING MUST BE DOWNWARD DIRECTIONAL AND MUST NOT PRODUCE LIGHT TRESPASS OR GLARE PER THE COMMUNITY DESIGN MANUAL AND HOMER CITY CODE 21.59.030

Chair Stead requested a second to the motion.

Commissioner Banks questioned if they had to make a decision at this meeting. Chair Stead stated that the commission can move it to deliberation and that there is a motion on the floor that deserves a second. City Planner Abboud commented on process for Commissioner Banks.

Discussion ensued on the facts of the conditional use permit application and proposed development versus historical and current conditions regarding bluff erosion, water hydrology, effects on property and road in the area and Homer City Code requirements. Additional points were made on the historical erosion was great during certain periods of time in the 1960's and 1970's but since then has been minimal and may have reached its natural angle of repose, there is no reports or hard evidence to state that it has, personal choices aside, this development meets established city code, there is no significant life safety or density impact.

City Planner Abboud provided direction on procedural avenues that the commission could take regarding the application reminding the commission that the need to make a finding on the convincing evidence and how that applies and approve the CUP or the commission must apply a condition that may be adequate to address the goals that commission believes need to be addressed. The commission would have to come up with defensible findings based on evidence that was heard.

VENUTI – MOVED TO AMEND THE MOTION TO INCLUDE SUBJECT TO A SITE PLAN BY A QUALIFIED GEOTECHNICAL ENGINEER TO INCLUDE LOCATION OF WATER COURSES, WETLANDS, EXISTING AND PROPOSED STRUCTURES, SITE TYPOGRAPHY WITH VERTICAL INTERVAL OF FIVE FEET, LOCATION OF ALL EXISTING BUILDINGS, DRIVEWAYS AND STREETS, LOCATION OF EXISTING VEGETATION TYPES, SPECIFIC METHODS TO CONTROL SOIL EROSION, SEDIMENTATION AND EXCESSIVE STORMWATER RUNOFF.

A brief discussion between Commissioner Venuti and City Planner Abboud ensued.

Deputy City Clerk Krause stated that there was a motion on the floor that needed a second for discussion.

Commissioner Abrahamson seconded the motion.

Discussion continued on the concern for site stability and examples were provided using Ocean Drive Loop seawall and the bottom of West Hill and if this development would not create another liability.

VOTE. (Amendment) NO. BANKS, VENUTI, STEAD, BOS, ABRAHAMSON

Motion failed.

VOTE. (Main) YES. ABRAHAMSON, BOS, STEAD, BANKS
NO. VENUTI.

Motion carried.

Chair Stead called for a recess at 8:00 p.m. The meeting was called back to order at 8:07 p.m.

PLAT CONSIDERATION

A. Staff Report PL 17-62, Mariner Village 2017 Preliminary Plat

Commissioner Venuti declared a conflict of interest that the applicant is a valued client and a good friend. Deputy City Clerk Krause clarified the level of remuneration for the Chair.

ABRAHAMSON/BOS – MOVED THAT THERE WAS A CONFLICT OF INTEREST.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead requested to hear Staff Report PL 17-62, Mariner Village 2017 Preliminary Plat

City Planner Abboud reviewed the staff report stating that this action shifts a common lot line between lots by seven feet as a new residence was built too close to the lot line and this action solves the encroachment.

City Planner Abboud further noted that the Plat meets all requirements however Public Works is requesting a 15 foot utility easement fronting the right of way and staff recommendation includes property owner contacting the Corps of Army Engineers prior to any onsite 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.

There was no applicant present.

Chair Stead opened the public testimony, with no public present he closed the public comment period.

ABRAHAMSON/ BOS – MOVED TO APPROVE STAFF REPORT PL 17-62, MARINER VILLAGE PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS ONE AND TWO.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Venuti returned to the table.

B. Staff Report PL 17-69, Commercial Park Unit 1 Preliminary Plat

Chair Stead read the title into the record. Commissioner Banks declared that he has a business within the 300 feet distance and confirmed that he received a notice of the action.

City Planner Abboud clarified that normally the commissioner will be questioned and if it was a Conditional Use Permit he would be excused from the action but he will let the Commission proceed from here.

Chair Stead inquired a series of questions as follows of Commissioner Banks with this resulting responses:

1. Is there a financial interest of gain in this property? No
2. Do you know the applicants? No.
3. Do you live close to the property and received notice? No, his place of business is within the distance, providing the address.
4. Will there be any issue making a fair and honest judgement? No, he believes he can make a fair and honest judgement, the property in question has no access to his property but he is willing to recuse himself if the commission determines it best he do so.

BOS/ABRAHAMSON – MOVED THAT COMMISSIONER BANKS HAS NO CONFLICT.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead requested City Planner Abboud to review his report.

City Planner Abboud stated that a correction was required for the acreage reported which should reflect 40 acres total. He noted the following in his review:

- East End Mix Use District.
- This revised plat creates 8 additional lots
- Extending Water & Sewer so there are no individual septic systems, the infrastructure is not in service so has not been accepted for city maintenance.
- This was before the commission last year and approval was recommended however the phasing has changed. Platting Phase 1 allows the developer to begin selling those lots.

- Phase 2 contains wetlands and developer is working with the Army Corps of Engineers on permitting and mitigation
- Applicant is dedicating Ternview Place and Little Fireweed Lane as multipurpose trail routes in the Homer Non-motorized Trail and Transportation Plan. The Plan does not include proposals for bike lanes or pedestrian trails in this area. Staff does not recommend additional easements for multipurpose trail within the subdivision.
- Recommends requesting an exception to Kenai Peninsula Borough Code 20.30.030, to allow phasing without through street dedication until such a time as the developer can dedicate and construct street to city specifications. The rights of way around the parent tract will be dedicated in Phase 1, and Kilokak Lane will be dedicated and constructed in Phase 2.
- Public Works requires a development or construction agreement.
- Fire Department noted the benefit of fire hydrants to potential businesses
- Staff recommends the Property owner contact Army corps of Engineers prior to onsite 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.

There was no applicant present. Chair Stead opened the public comment period in view of no public in the audience, Chair Stead closed the public comment period.

Commissioner Abrahamson stated she was familiar with the preliminary plat and questioned permitting in the wetlands in Phase 2. City Planner Abboud responded that the developer will usually end up with a general permit. The developer will address the issues with the Corps since he would be unable to sell the lots.

Chair Stead requested a motion hearing not further questions from the commission.

BOS/ABRAHAMSON – MOVED TO APPROVE STAFF REPORT PL 17-69, COMMERCIAL PARK UNIT 1 PRELIMINARY PLAT WITH RECOMMENDATIONS ONE AND TWO:

1. PROPERTY OWNER 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 OWNER RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.
2. REQUEST AN EXCEPTION TO KENAI PENINSULA BOROUGH CODE 20.30.030, TO ALLOW FOR PHASING WITHOUT THROUGH STREET DEDICATION UNTIL SUCH A TIME AS THE DEVELOPER CAN DEDICATE AND CONSTRUCT THE STREET TO CITY SPECIFICATIONS.

There was a brief discussion on

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

- A. Staff Report 17-71, Proposed Draft Ordinance to allow one Recreational Vehicle (RV) as an Accessory Use in the Marine Commercial Zoning District

Chair Stead read the title into the record. City Planner Abboud noted the discussion held during the worksession and will bring back a Staff report addressing those recommendations and concerns for the next meeting.

The Commissioners continued discussions and recommendations to use to draft an ordinance using a RV as a dwelling unit for caretakers, employees or business owners on the Spit. The commission expressed allowing this use in the commercial and industrial areas going forth in drafting the ordinance – particular issue in both areas is people camping on the spit in the winter which was noted that they could allow temporary usage from April 15-Sept 15 in one area of the spit that would assist in not having derelict RV's all over on the spit. That would allow the lessee to come and earlier or later than those dates they can rent a camping spot for a few weeks.

There was no further discussion.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. City Manager's Report for July 24, 2017 City Council Meeting
- B. KPB Notice of Decisions:
- Bay View Subdivision 2017 Replat Preliminary Plat
 - Foothills Subdivision Sunset View Estates Addition No. 3 Preliminary Plat
 - Sterling Highway & Main Street Intersection Improvements Right-of-Way Acquisition Plat

There were no comments or discussion on the materials provided.

COMMENTS OF THE AUDIENCE

COMMENTS OF STAFF

Deputy City Clerk Krause commented that tonight was interesting she is learning quite a bit.

COMMENTS OF THE COMMISSION

Commissioner Banks commented on a fun way to get started with the commission.

Commissioner Venuti welcomed Commissioner Banks.

Commissioner Bos welcomed Commissioner Banks and commented that he did a great job. He requested page numbers on the Chair's Agenda from the Clerk and commented on the decisions made tonight based on the rules, law and code tonight.

Commissioner Abrahamsen welcomed Dale to the commission and reported that she was appointed to the Borough Planning Commission. She feels that they help property owners make decisions through education on best practices for shoreline stabilization and green infrastructure. NOAA has just published new green infrastructure database which is a new resource, and she has spoken to Julie about bringing a workshop to the commission; this is available online; she is looking forward to the Community Resilience workshop meeting through FEMA, she is interested in learning how to improve the utility of the community rating system and using the risk maps assessments in their endeavors to improve t Stormwater management in the city.

Chair Stead welcomed Commissioner Bos and Commission Banks, he said they will enjoy this and it is nice to have comments and banter between them and appreciated the efforts to keep him on task.

ADJOURN

There being no further business to come before the Commission, Chair Stead adjourned the meeting at 8:39 p.m. The next regular meeting is scheduled for WEDNESDAY, AUGUST 16, 2017 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____



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HOMER ADVISORY PLANNING COMMISSION

Approved CUP 2017-02 at the Meeting of April 19, 2017

RE: Conditional Use Permit (CUP) 2017-04
Address: 3101 Kachemak Drive

Legal Description: Lot 12-A-1 De Garmo Subdivision No. 2, Located within a portion of BLM Lots 12 & 13 Within Sections 22 & 23, T. 6 S, R. 13 W, S.M.

DECISION

Introduction

Joshua and Liz Garvey (the “Applicants”) applied to the Homer Advisory Planning Commission (the “Commission”) for a Conditional Use Permit (CUP) to build four dwelling units on a lot at 3101 Kachemak Drive under Homer City Code 21.12.030(m), more than one building containing a permitted principal use on a lot.

The proposal included two single family homes, one duplex, a storage building, and a studio building on a lot served by City water and sewer.

A public hearing was held for the application before the Commission on July 19, 2017 as required by Homer City Code 21.94. The public hearing was postponed and continued on August 2, 2017. Notice of both public hearings was published in the local newspaper and sent to 10 property owners of 9 parcels as shown on the Kenai Peninsula Borough tax assessor rolls.

At the August 2, 2017 meeting of the Commission, there were six commissioners present. The Commission voted 5-1 to approved CUP 2017-04 with findings 1-11 and conditions 1.

Evidence Presented

At the meeting of July 19, 2017, Chair Stead noted that the applicant had requested a postponement until the August 2, 2017 regular meeting. The public hearing was opened and two city residents, Mike McCarthy and Rika Mouw, each spoke in opposition to the proposal. The Commission voted unanimously to postpone the public hearing.

At the meeting of August 2, 2017, Planning Technician, Travis Brown, summarized the staff report. The applicants and their contractor, Bill Hand, provided a presentation to the

Commission. Troy Jones, area resident, and Mike Yourkowski, neighboring property owner, spoke in favor of the proposal.

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determines Condition Use Permit 2017-04, to build four dwellings on a lot at 3101 Kachemak Drive, satisfies the review criteria set out in HCC 21.71.030 and is hereby approved.

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

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

Analysis: The Rural Residential zoning district allows for more than one single family dwelling on a lot as a conditional use, per HCC 21.12.030(m). Lots served by City water and sewer may have increased density up to one dwelling unit for every 10,000 square feet of lot area, per HCC 21.12.040(a)(3).

Finding 1: More than one single family dwelling on a lot is authorized by conditional use permit.

Finding 2: The proposal meets the density requirement because it has more than 40,000 square feet of area for the four dwelling units proposed.

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

21.12.010 Purpose: The purpose of the rural residential district is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter.

Finding 3: Four single family homes are compatible with the purpose of this zoning district by providing residential development at a density allowed by code.

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

Analysis: An apartment building, which is allowed outright in this district, could dominate the site in terms of bulk and height more so than this proposal. Other conditionally allowed uses such as a day care facility could produce more traffic, negatively impacting the neighbors more so than this proposal.

Finding 4: The value of adjoining properties will not be negatively affected greater than an apartment building or a conditionally permitted day care facility.

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

Analysis: Surrounding land is mostly single-family dwellings. The homes in the immediate vicinity range from 500 square feet to 3,300 square feet. The proposed dwellings will have approximately 1,800 square feet of living space.

Finding 5: The proposed dwellings are the same use and of similar bulk to the single-family homes in the surrounding area.

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

Applicant: Water, sewer, electricity, and natural gas will be supplied to all the new construction.

Finding 6: Existing public water and sewer, natural gas, electricity, and fire services are adequate to serve the proposed development.

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

Analysis: Four single-family homes on a single lot will have a larger coverage and density than surrounding properties, but they are not expected to cause an undue harmful effect to desirable neighborhood character. The proposed dwellings will be setback further from the bluff than the adjacent house to the west and about the same distance as the adjacent house to the east. Kachemak Drive is more than adequate to handle the increased traffic.

Finding 7: Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

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

Analysis: The permitting process will require the applicant to meet Federal, State and local standards including, but not limited to approval by the State Fire Marshal's Office and ADEC approval of the water and sewer design.

Finding 8: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by city code.

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

Analysis: No relief from code is sought from the applicant. The proposal meets the dimensional requirements for the district including setbacks from property lines and steep slopes.

Finding 9: The proposal will comply with all applicable regulations and conditions when the permitting process is successfully navigated as provided in the CUP and permitting process.

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

Analysis: This proposal promotes Goal 5: Objective C by providing infill of housing in a location that has existing road, water, and sewer infrastructure.

Finding 10: No evidence has been found that the project is contrary to the applicable land use goals and objectives of the Comprehensive Plan.

j. The proposal will comply with the applicable provisions of the Community Design Manual (CDM).

Analysis: The Outdoor Lighting section of the Community Design Manual is applicable. This section encourages outdoor lighting sources to be hidden from public view, to avoid excessive light throw, and to be downward directional lighting.

Condition 1: Outdoor lighting must be downward directional and must not produce light trespass or glare per the CDM and HCC 21.59.030.

Finding 11: Condition 1 will assure that the proposal complies with level one lighting standards and the Community Design Manual.

HCC 21.71.040(b). b. In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will

continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

- 1. Special yards and spaces:** No specific conditions deemed necessary
- 2. Fences and walls:** No specific conditions deemed necessary
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:**
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.
- 9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions deemed necessary.
- 10. Limitation of time for certain activities:** No specific conditions deemed necessary.
- 11. A time period within which the proposed use shall be developed:** No specific conditions deemed necessary.
- 12. A limit on total duration of use:** No specific conditions deemed necessary.
- 13. More stringent dimensional requirements,** such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.
- 14. Other conditions necessary** to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

Condition 1: Outdoor lighting must be downward directional and must not produce light trespass or glare per the CDM and HCC 21.59.030.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2017-04 is hereby approved, with Findings 1-11 and Conditions 1.

Date

Chair, Don Stead

Date

City Planner, Rick Abboud

NOTICE OF APPEAL RIGHTS

Pursuant to Homer City Code, Chapter 21.93.060, any person with standing that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on _____, 2017. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date

Travis Brown, Planning Technician

Joshua and Liz Garvey
664 Range View
Homer, AK 99603

Bill Hand
PO Box 3129
Homer, AK 99603

Holly C. Wells
Birch, Horton, Bittner & Cherot
1127 West 7th Ave

Anchorage, AK 99501

Katie Koester, City Manager
City of Homer
491 E Pioneer Avenue
Homer, AK 99603



City of Homer

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TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 16, 2017
SUBJECT: City Planner's Report PL 17-73

The City Council Meeting of 6.26.17 had quite a bit of planning items below are the minutes from the items.

City Council - 7.24.17

Memorandum 17-102 from Mayor, Re: Re-appointment of Tom Bos to the Advisory Planning Commission, Appointments of Dale Banks to the Advisory Planning Commission

Ordinance 17-30, An Ordinance of the City Council of Homer Alaska, Approving a Contract with Homer Real Estate for Real Estate Services to Market and Sell Lot 1 Harry Feyer Subdivision, Section 14, Township 6 South, Range 13 West, Seward Meridian, KPB 4 Parcel No. 179-110-05 And Authorizing the City Manager to Adjust the Sales Price, the Balance of the Assessments, and the Realtor's Commission to Facilitate a Sale. City Manager. Recommended dates: Introduction July 24, 2017, Public Hearing and Second Reading August 14, 2017.

Memorandum 17-104 from City Clerk, Re: Vacation of the North 10 Feet of the Existing 20-foot Wide Easement long the South Boundary of Lots 115 and 116 as dedicated on Bay View Subdivision, Plat HM 839; Located Within the SW1/4 SW1/4 of Section 21, T06S, R13W S.M., Alaska Within the KPB; file 2017-062V.

APPROVED without discussion.

Activities

We have been busy with development inquiries and activities of the summer.

I have also attended meeting with the CARTs organization regarding the voucher program that provides subsidized taxi rides in the Homer area. Rider transportation has sent notice of their intent to terminate their contract to provide rides in the Homer area. The Homer area group is working to try and encourage an agreement to provide services yet this year. In the meantime, no subsidized voucher will be available.

I have also been involved in the planning process for a Resilience Meeting organized by FEMA and the state to review resources available to help reduce multi-hazard risks as outlined in the Draft Risk Report associated with our new Risk mapping (formerly the flood hazard maps).

Planning Commission report schedule for City Council meetings

August 14, 2017: Roberta

August 28, 2017:

September 11, 2017:

September 25, 2017:

October 9, 2017:

October 23, 2017:

Attachments:

What is a resilience meeting?

Homer Resilience Agenda

Kenai Resilience Dashboard

Risk MAP: Resilience

Informing Mitigation Actions to Reduce Multi-Hazard Risk

WHAT IS RISK MAP?

The FEMA Risk Mapping, Assessment, and Planning (Risk MAP) program provides communities with hazard information and tools they can incorporate into existing planning efforts to reduce risk.

THE RESILIENCE MEETING

The Resilience Meeting brings together Federal, State, and local stakeholders to identify actions to reduce hazard risks in the community. FEMA provides economic loss estimates by integrating hazard scenarios with the best available building data from the community.

MEETING PURPOSE

The purpose of the Resilience Meeting is to create a list of risk reduction actions using existing information, risk assessments, and local capability assessments. These actions can then be integrated into existing community plans.

BEFORE THE RESILIENCE MEETING

FEMA provides data gathered through the Risk MAP process to communities in the form of a risk database, which includes a risk assessment and risk report. The risk database identifies potential hazards and analyzes how those hazards could affect people, buildings, and the local economy. FEMA holds a webinar before the Resilience Meeting to discuss in-depth risk database results.

DURING THE RESILIENCE MEETING, FEMA:

- Reviews the Risk MAP process and project timeline
- Provides high-level risk assessment summary results
- Discusses resilience strategies and implementation opportunities
- Reviews funding sources that support resilience strategies
- Facilitates breakout sessions for individual communities to address risk assessment information and discuss how to implement mitigation actions

AFTER THE RESILIENCE MEETING

Communities can use information obtained through the Risk MAP process to help with the following activities:

- Inform regularly scheduled updates to Hazard Mitigation Plans, Comprehensive Plans, and Shoreline Master Plans
- Prioritize mitigation actions to mitigate risk
- Develop more competitive funding applications using localized risk data

WHO SHOULD ATTEND?

- Elected officials
- Tribal partners
- Floodplain administrators, engineers, community developers, planners, emergency managers, first responders, and GIS technicians
- Federal, State, regional, academic and non-profit organizations interested in hazards or land use
- Other stakeholders

"Resilience is the capacity of individuals, communities, institutions, businesses, and systems within a [community] to survive, adapt, and grow no matter what kinds of chronic stresses and acute shocks they experience."

- The Rockefeller Foundation

AGENDA

Resilience Workshop

STATE PARTNERS

Alaska Department of Commerce,
Community, and Economic
Development

Sally Cox
State Risk MAP Coordinator

Alaska Sea Grant

Davin Holen
Coastal community Resilience
Specialist

Kachemak Bay NERR

Syverine Abrahamson
Coastal Training Program Coordinator

Department of Homeland Security
and Emergency Management

Alex Fonteyn
Emergency Management Specialist

Dan Belanger
Emergency Management Specialist

George Grady
State Mitigation Planner

Brent Nichols
State Hazard Mitigation Officer

FEDERAL PARTNERS

FEMA REGION 10

Cynthia McCoy
Risk Analyst

Karen Wood-McGuinness
Floodplain Management Specialist

Risk MAP Support

Michael Levkowitz
Project Coordinator, CERC

Toni Marie Pignatelli
Mitigation Champion, CERC

Marshall Rivers
Project Coordinator, STARR

City of Homer, Alaska

DATE: Thursday, August 24, 2017 • **TIME:** 8:30 AM – 12:00 PM

• Homer City Council Chambers • 491 E. Pioneer Ave • Homer, AK 99603

MEETING GOAL(S):

1. Identify one-to-two feasible actions to protect infrastructure and reduce risk in your jurisdiction.
2. Discuss implementation opportunities and next steps toward action.
3. Strengthen networks and partnerships among Local, State, and Federal partners.

AGENDA

8:30 – 9:00

Check-In, Snacks, and Informal Networking

9:00 – 9:10

Welcome and Introductions

9:10 – 9:45

Why are We Here – Goals of the Workshop [Presenter: Cynthia McCoy]

- Risk MAP Process Overview
- Risk Assessment Results (High-Level)
- Project Timeline
- Resilience and Risk Assessment
- Implementation Opportunities
- Mitigation Actions
- Funding Opportunities

9:45 – 10:00

Break

10:00 – 11:30

Panel Discussion with Subject Matter Experts

Subject Matter Experts Available to Discuss:

- The National Flood Insurance Program (NFIP)
- Community Stormwater Management Plans
- Mitigation Strategy Development
- Funding and Training
- Hazard Data

11:30 – 11:50

Group Report Outs: Present Prioritized Projects and Actions

- What are the projects or actions that you focused on during discussions?
- How do you plan to follow-up on these discussions?
- Who is responsible for taking the next step?
- What can partners in the room do to help move this effort forward?

11:50 – 12:00


Looking Forward and the Next Risk MAP Touchpoint [Sally Russell Cox]

12:00 -


Informal Discussion with State and Federal Partners (Optional)

KENAI PENINSULA BOROUGH, ALASKA | May 2017


FEMA's Risk MAP Program helps strengthen communities by identifying actions they can take now to reduce their hazard risk, enhances local planning, improves outreach through risk communications, and increases local resilience to natural hazards. Below is an overview of some key items documented in the Risk Report.




KPB can expect \$5.8 million in building loss during a 1-percent-annual-chance flood event.




Cook Inlet coastal erosion threatens 166 improved parcels between the Kasilof River and Ninilchick River totaling over \$36 million in assets at risk.




Over 250 educational, health, and government facilities were assessed for earthquake loss.




The risk report highlights critical facilities that are most vulnerable to hazard events and includes suggested mitigation strategies.




Cooper Landing, Happy Valley, Homer, Kenai, and Seward have newly created flood depth grids.




An earthquake risk assessment of a M9.2 Great Alaska Earthquake scenario projected over \$400 million in building and content losses.



Twelve Presidential Disaster Declarations have been declared for the Borough for fire, flooding, freezing, and severe storms dating back to 1986.



338 flood insurance policies are in effect with almost \$87 million in coverage.



Tsunami Risk Assessments are available for Homer, Seldovia, and Seward.

Over 220 parcels have improvements in an identified tsunami inundation zone.

Seldovia and Seward have over 13-percent of their improved parcels in a tsunami inundation zone.

KEEPING KENAI PENINSULA BOROUGH SAFE: Your Risk MAP Timeline





City of Homer

www.cityofhomer-ak.gov

Planning

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(f) 907-235-3118

Staff Report PL 17-74

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: August 16, 2017
SUBJECT: CUP 17-05 Structure for the Fabrication and Assembly of Boats at 3301 East End Road

Introduction The applicant proposes a 3,500 square foot structure for the fabrication and assembly of boats on the Bay Weld Boats site at 3301 East End Road. A Conditional Use Permit (CUP) is required per HCC 21.27.040(d) "no lot shall contain more than 8,000 square feet of building area (all buildings combined) nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit."

Applicants: Allen Engebretsen
3301 East End Road
Homer, AK 99603

Location: Mile 3 East End Road. 3301 East End Road
Parcel ID: 17419105
Size of Existing Lot: 4.18 acres
Zoning Designation: East End Mixed Use
Existing Land Use: Fabrication and Assembly Facility
Surrounding Land Use: North: Auto repair, industrial storage yard
South: Vacant, but currently under development to become 1-acre commercial/industrial lots
East: Construction aggregate, heavy equipment yard
West: Commercial Building – Down East Saloon

Wetland Status: No designated wetlands on this parcel.
Flood Plain Status: Not in a floodplain.
BCWPD: Not within the Bridge Creek Watershed Protection District
Utilities: Lot is not served by City water or sewer.
Public Notice: Notice was sent to 8 property owners of 8 parcels as shown on the KPB tax assessor rolls.

Synopsis

The applicant proposes a 3,500 square foot building for the fabrication and assembly of boats on the Bay Welding Services lot. The new building will increase the total building area on the lot to 22,000 square feet. A CUP is required per HCC 21.27.040(d) for more than 8,000 square feet of building area on the lot. The proposed building will not trigger a Storm Water Plan (SWP), however, due to previous expansion of the lot, a SWP should be required on this lot.

Building coverage

The 4.18 acre lot currently has a 12,900 square foot fabrication building, a 2,500 square foot fabrication building, and a 3,100 square foot covered storage structure. The proposed building will bring the total building area up to 22,000 square feet.

Impervious coverage

Development in the East End Mixed Use District must meet the level two site development standards found in HCC 21.50.030. These standards require a Storm Water Plan (SWP) for development with “an impervious surface coverage that is greater than 60 percent of the lot area (existing and proposed development combined).”

The site already has an impervious coverage of over 60% of the lot area as indicated by a 2016 aerial photograph. The proposed structure will be located on an existing gravel area and will not increase the impervious coverage. In practice, we do not require a SWP when a new building will not increase the impervious coverage of the lot.

Previous expansion of impervious coverage

Aerial photography indicates that, sometime between 2008 and 2013, the impervious coverage of the lot went from about 50% of the lot to well over 60% of the lot. The increase would have required a SWP had the City permitting process been followed at that time. Staff recommends that a SWP be required as part of this CUP for the previous increase of impervious coverage. Further, staff recommends a timeline for completion that provides a reasonable amount of time for the applicant to submit and install an adequate SWP.

Condition 1: The applicant shall prepare and install a Storm Water Plan (SWP) in accordance with “Homer City Code 21.75 Stormwater Plan.” The SWP must be submitted to the City by February 28, 2018 and installed by August 1, 2018.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030, Review Criteria, and establishes the following conditions:

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

Finding 1: HCC 21.27.20(e) authorizes boat manufacturing and storage as a permitted use in the East End Mixed Use District. HCC 21.27.20(mm) authorizes more than one building containing a permitted principal use on a lot in the East End Mixed Use District.

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

Purpose: The East End Mixed Use (EEMU) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area. The district is meant to accommodate a mixture of existing and accessory residential with nonresidential uses. When a conflict exists between residential and nonresidential uses conflicts shall be resolved in favor of nonresidential uses.

Applicant: Per Homer City Code 21.27.020(e): Boat and marine equipment manufacturing, storage yard and service – these are all acceptable uses of these properties.

Finding 2: The proposed building expands the use of a business that requires motor vehicle access and a larger land area and is, therefore, compatible with the purpose of the East End Mixed Use district.

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

Applicant: This property is already one of the more appealing and well-designed developments in this district.

Analysis: The addition of a commercial building will likely have a positive effect on the value of the neighboring commercial lots compared to other allowed uses such as parking lots or commercial storage or conditionally allowed uses such as junk yards.

Finding 3: The addition of a commercial building is not expected to have a negative effect on property values more so than other permitted or conditionally permitted uses in this district.

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

Applicant: The existing and proposed buildings and their uses are within the preferred guidelines of the East End Mixed Use district.

Analysis: This property does not abut any residential lots. Boat fabrication and assembly is compatible with the other industrial uses nearby such as the large commercial shop to the north and the equipment storage yard to the east.

Finding 4: The proposal is compatible with existing uses of surrounding land.

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

Applicant: The property is not served by City of Homer water or sewer. A domestic water cistern, and a pumped septic holding tank provide the necessary sanitary services. The proposed structure will not have water, nor bathroom services. These are provided

Analysis: The proposal is not expected to place an additional burden on the existing on-site water and sewer services.

Finding 5: The existing on-site water and sewer as well as the public fire services are adequate to serve the proposal.

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

Applicant: The property is in character with the surrounding neighborhood. The existing and proposed structures have a coordinated aesthetic (metal siding and roof), which helps to create a pleasing presentation in such an industrial area. Traffic will not be negatively affected, nor will it be increased by the development of this building.

Analysis: The nature of the lot as a boat fabrication facility will not change and the increased intensity of use and bulk of the proposal is in line with the commercial nature of the district. The proposed building will be placed on an existing graveled area and will therefore not change the lot coverage.

Finding 6: The proposal is not expected to cause undue harmful effect upon desirable neighborhood character.

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

Analysis: The addition of a commercial building on this lot is a positive addition to the city as a whole.

Finding 7: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

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

Applicant: Bay Welding has been, and continues to be a substantial economic driver in the Homer community. The company employs around 20 area residents and serves many in the maritime industry here in Homer and across the state.

Finding 8: The zoning permit process will address applicable regulations including Fire Marshal approval of the proposed structure prior to construction.

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

Analysis: The proposal includes commercial activities in an appropriate location. Goal 5, Objective D states “Introduce new commercial districts to better encourage and accommodate commercial land uses in appropriate locations, and allow new types of commercial activities to take place.”

Finding 9: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

j. The proposal will comply with the applicable provisions of the Community Design Manual (CDM).

Finding 10: The Community Design Manual does not apply in the East End Mixed Use District.

HCC 21.71.040(b). b. In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

- 1. Special yards and spaces:** No specific conditions deemed necessary
- 2. Fences and walls:** No specific conditions deemed necessary
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.

5. Control of points of vehicular ingress and egress: No specific conditions deemed necessary.

6. Special provisions on signs: No specific conditions deemed necessary.

7. Landscaping: No specific conditions deemed necessary.

8. Maintenance of the grounds, building, or structures: No specific conditions deemed necessary.

9. Control of noise, vibration, odors or other similar nuisances: No specific conditions deemed necessary.

10. Limitation of time for certain activities: No specific conditions deemed necessary.

11. A time period within which the proposed use shall be developed: No specific conditions deemed necessary.

12. A limit on total duration of use: No specific conditions deemed necessary.

13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.

14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

PUBLIC WORKS COMMENTS: No comments for this CUP.

FIRE DEPARTMENT COMMENTS: With Fire Marshal approval, I have no issues.

PUBLIC COMMENTS: None

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP **Staff Report PL 17-74** with findings 1-11 and condition 1.

Condition 1: The applicant shall prepare and install a Storm Water Plan (SWP) in accordance with “Homer City Code 21.75 Stormwater Plan.” The SWP must be submitted to the City by February 28, 2018 and installed by August 1, 2018.

Attachments

Application

Public Notice

2016 Aerial Imagery



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

Applicant

Name: ALLEN ENGBERGSEN Telephone No.: 907.399.4895

Address: 3301 EAST END ROAD Email: ERIC@DAYWELD BOATS.COM

Property Owner (if different than the applicant):

Name: _____ Telephone No.: _____

Address: _____ Email: _____

PROPERTY INFORMATION:

Address: 3301 EAST END RD Lot Size: 4.179 acres KPB Tax ID # 174-19-105

Legal Description of Property: T06S, R13W, SECTION 11 OF SEWARD
MERIDIAN, OF THE HOMER RECORDING DISTRICT, PLAT HM0850014
COMMERCE PARK SUB, LOTS,

For staff use:
Date: 7/26/17 Fee submittal: Amount \$1,000
Received by: TJB Date application accepted as complete _____
Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

Circle Your Zoning District

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

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

- ☒ Y/N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: PERMIT APPLICATION IS CONTINGENT UPON CITY 'CUP' APPROVAL.
- ☒ Y/N Will your development trigger a Development Activity Plan? Application Status: NO
- ☐ Y/N Will your development trigger a Storm water Plan? Application Status: _____
- ☒ Y/N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: NONE FOR LRP PAPER REVIEW
- ☒ Y/N Is your development in a floodplain? If yes, a Flood Development Permit is required.
- ☒ Y/N Does your project trigger a Community Design Manual review? If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>
- ☒ Y/N Do you need a traffic impact analysis?
- ☐ Y/N Are there any nonconforming uses or structures on the property?
- ☐ Y/N Have they been formally accepted by the Homer Advisory Planning Commission?
- ☐ Y/N Do you have a state or city driveway permit? Status: _____
- ☒ Y/N Do you have active City water and sewer permits? Status: _____

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)? (SEE SUBMITTED PROJECT DRAWINGS WITH THIS PERMIT APPLICATION.)

2. What is the proposed use of the property? How do you intend to develop the property? (Attach additional sheet if needed. Provide as much information as possible).

FABRICATION AND ASSEMBLY OF ALUMINUM BOATS.

CONDITIONAL USE INFORMATION: Please use additional sheets if necessary. HCC21.71.030

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

per Homer City Code 21.27.040 d; This property has existing buildings and structures which cover approximately 18,500 square feet of area. The proposed building will add an additional 3510 square feet of lot coverage. Although exceeding the 8000 sf threshold for conforming developments, the existing and proposed structures are far below the 30% maximum coverage allowed (with a Cond. Use Permit).

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

Per Homer City Code 21.27.020 e: Boat and marine equipment manufacturing, storage yard and service - these are all acceptable uses of these properties.

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

This property is already one of the more appealing, and well designed developments in this district.

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

The existing and proposed buildings and their uses are within the preferred guidelines of the East End Mixed Use district.

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

The property is not served by City of Homer water or sewer. A domestic water cistern, and a pumped septic holding tank provide the necessary sanitary services.

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

The property is in character with the surrounding neighborhood. The existing and proposed structures have a coordinated aesthetic (metal siding and roof), which helps to create a pleasing presentation in such an industrial area. Traffic will not be negatively affected, nor will it be increased by the development of this building.

- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?

No.

- h. How does your project relate to the goals of the Comprehensive Plan?
The Comprehensive Plan are online,

Bay Welding has been, and continues to be a substantial economic driver in the Homer community. The company employs around 20 area residents, and serves many in the maritime industry here in Homer, and across the state.

- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (**circle each answer**)

1. Y/☒N Special yards and spaces.
2. Y/☒N Fences, walls and screening.
3. Y/☒N Surfacing of parking areas.
4. Y/☒N Street and road dedications and improvements (or bonds).
5. Y/☒N Control of points of vehicular ingress & egress.
6. Y/☒N Special provisions on signs.
7. Y/N Landscaping.
8. Y/N Maintenance of the grounds, buildings, or structures.

9. ☒ Y ☐ N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. ☒ Y ☐ N Time for certain activities.
11. ☐ Y ☐ N A time period within which the proposed use shall be developed.
12. ☒ Y ☐ N A limit on total duration of use.
13. ☒ Y ☐ N Special dimensional requirements such as lot area, setbacks, building height.
14. ☒ Y ☐ N Other conditions deemed necessary to protect the interest of the community.

PARKING

1. How many parking spaces are required for your development? 9 required spaces
- If more than 24 spaces are required see HCC 21.50.030(f)(1)(b).
2. How many spaces are shown on your parking plan? 18 suggested spaces
3. Are you requesting any reductions? No

Include a site plan, drawn to a scale of not less than 1" = 20' which shows existing and proposed structures, clearing, fill, vegetation and drainage.

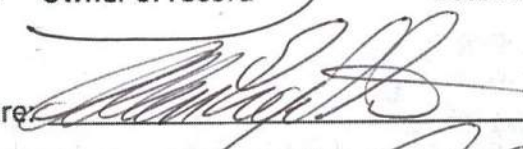
I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

CIRCLE ONE:

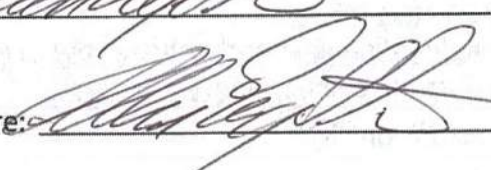
☒ Owner of record

☐ Lessee

☐ Contract purchaser

Applicant signature: 

Date: 7-26-17

Property Owner's signature: 

Date: 7-26-17

PROJECT ADDRESS: 3301 East End Road; Homer, Alaska 99603

OWNER: Bay Welding Services; 3301 East End Road: Homer, Alaska 99603

APN: 174-19-105

LEGAL DESCRIPTION: T 06 S; R 13 W; Section 11 of the Seward Meridian, of the Homer Recording District; plat HM 0850014 Commerce Park Subdivision Lot 5

PROPOSED USE(S): F1 - Moderate hazard factory - Industrial

PROPOSED BLDG CONST.: V - 1 HR: Wood frame exterior walls, wood truss roof with concrete foundation

AREA:

LOT: 424.65' x 482.26' (irregular)	= 4.18 acres (182,000 sf)
EXISTING (A) Building (footprint)	= 12,900 sf.
(B) Building (footprint)	= 2,500 sf.
PROPOSED 45' x 78' structure	= 3,510 sf.

ZONING: per City of Homer - East End Mixed Use (EEMU)

SETBACKS: 20' to all right of ways and alleys, 5' to 8' (height dependent) on side and rear lot lines.

MAXIMUM STRUCTURE HEIGHT: 35'

MAXIMUM BUILDING AREA: 8000 sf, or 30% of lot area with Conditional Use Permit (CUP)

WETLANDS: None, per Kenai Peninsula Borough

SCOPE OF WORK PROPOSED: New 45' x 78', single story, wood framed structure to be erected. The proposed space is an expansion of the existing fabrication facility for Bay Welding Services. The space will be used for the assembly and fabrication of aluminum boats.

Space heating to be provided by natural gas fired, forced air furnace with overhead spiral ducting.

Electrical service will be extended from existing facility meter base.

The proposed structure will not have water, nor bathroom services. These are provided within the existing facility structures.

Domestic water cistern, natural gas service, and underground electrical services are all existing on site.

SITEWORK AND GRADING: NO additional impervious coverage will be created by this project.



VICINITY MAP

USE, OCCUPANCY, and PARKING:

Bldg. A: the existing building contains 650 sf. of office use, and 12,250 sf of fabrication, storage and assembly spaces for the construction of aluminum boats.

OFFICE Use (B): 650 sf / 100 (Occupant Load Factor) = 6.5 Occupants (2 parking spaces)

SHOP Use (F-1): 12,250 sf / 200 (Occupant Load Factor) = 62 Occupants (4 parking spaces)

BUILDING A Total OCCUPANT LOAD= 69 Occupants

Bldg B: the existing building contains 2500 sf of fabrication, storage and assembly spaces for the manufacturing of vinyl signage.

SHOP Use (F-1): 2500 sf / 200 (Occupant Load Factor) = 12.5 Occupants (1 parking spaces)

BUILDING B Total OCCUPANT LOAD= 13 Occupants

PROPOSED Building: the new 45' x 78' shop would be one space for the fabrication and assembly of aluminum boats.

SHOP Use (F-1): 3510 sf / 200 (Occupant Load Factor) = 17.5 Occupants (2 parking spaces)

PROPOSED Building Total OCCUPANT LOAD= 18 Occupants

TOTAL City of Homer REQUIRED PARKING SPACES: 9 spaces

wing nut
DESIGN BUILD, INC.

POB 1191
Homer, Alaska 99603
907.299.2277 c

EXPANSION

BAY WELDING

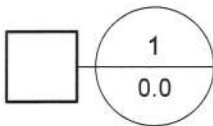
3101 East End Road
Homer, Alaska 99603

Project Title: BW 17
Set Date: 24 JUL 17

Drawn by: ABR

Revisions:

INFO



SITE AND PROJECT INFORMATION



POB 1191
er, Alaska 99603

07.299.2277 c

EXISTING 30' ACCESS
EASEMENT to East End Road
(granted per Lot 4)

PHOTO B and C VIEWPOINTS

BUILDING A

EXISTING FOOTPRINT 12,900 SF

Single story, fabrication and assembly facility for *Bay Welding Services*.

PUFFIN ACRES
SUBDIVISION
LOT 4, BLK. 1
(East Road Services, INC.)

BUILDING B

EXISTING FOOTPRINT 2500 SF

Single story, fabrication and assembly facility for *Northwest Signs and Vinyl*.

PROPOSED BUILDING

FOOTPRINT 3510 SF

New, single story, assembly and fabrication area for *Bay Welding Services*.

STRUCTURE C

EXISTING FOOTPRINT 3100 SF

Covered, open air materials storage.

BAY WELDING
EXPANSION
3101 East End Road

Homer, Alaska 99603

Project Title: BW 17
Set Date: 24 JUL 17

Drawn by: ABR

Revisions:

SITE

SITE PLAN

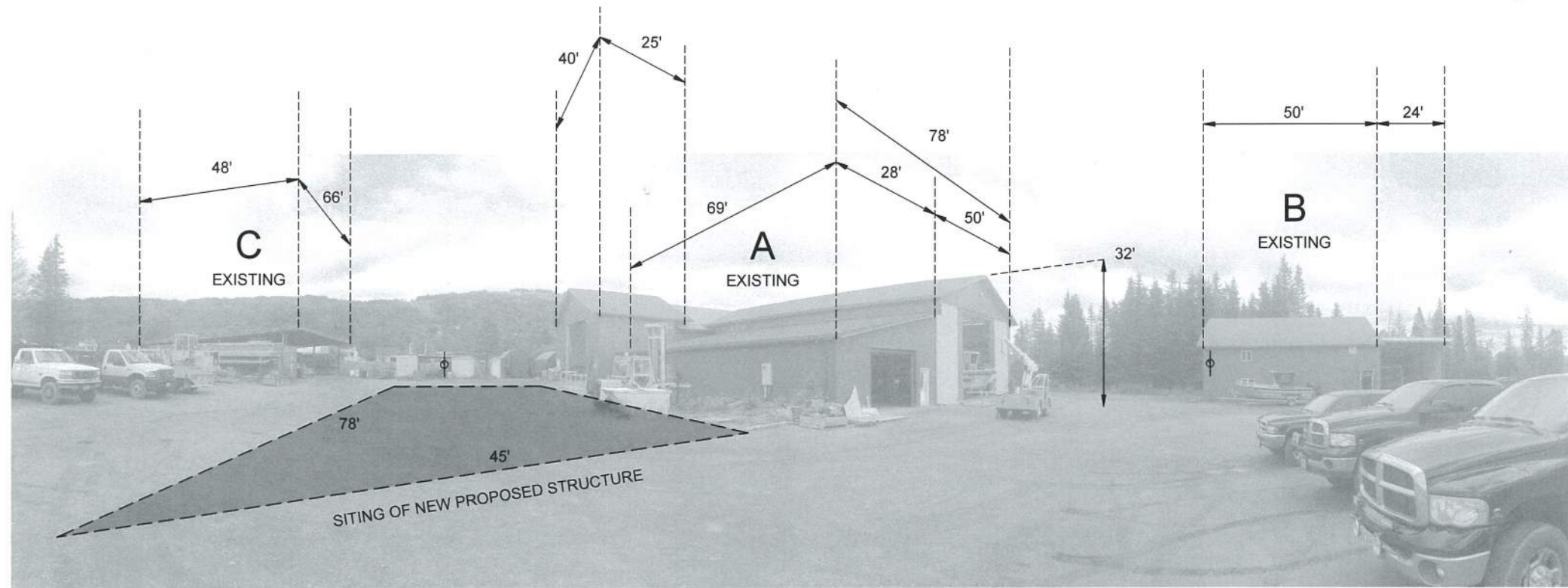
36

1.0



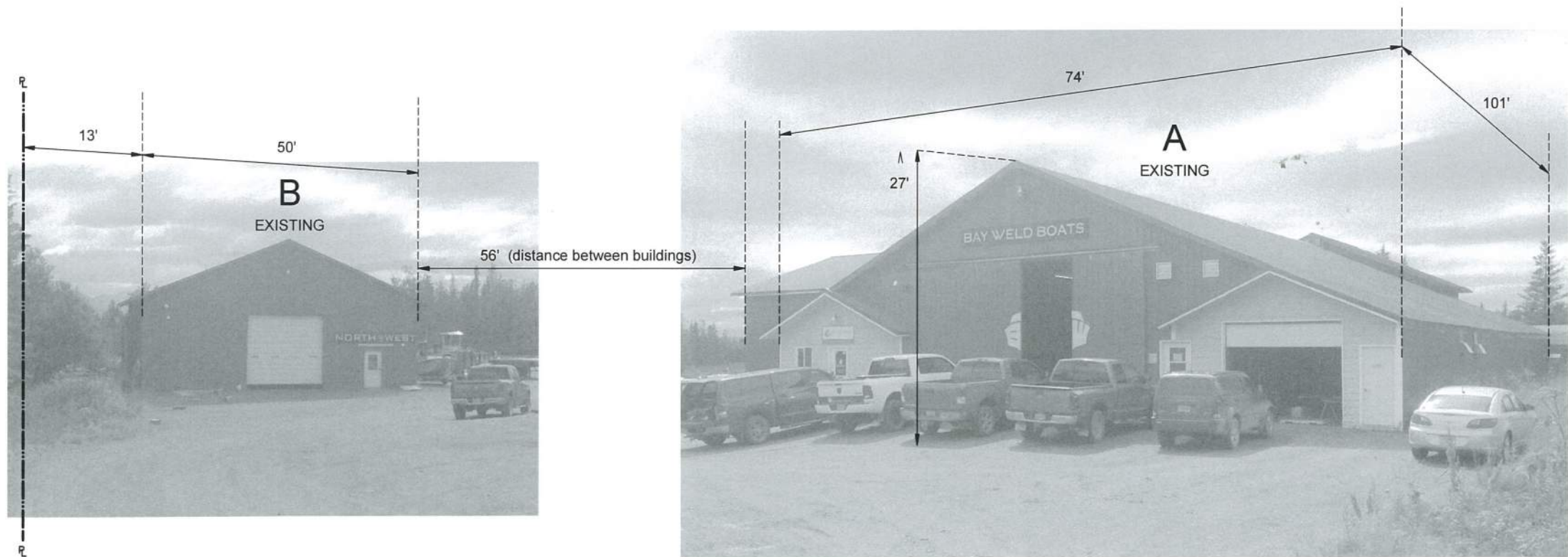
wing nut
DESIGN BUILD, INC.

POB 1191
Homer, Alaska 99603
907.299.2277 c



A
2.0

SITE PHOTO "A"



B C
2.0

SITE PHOTO "B"

SITE PHOTO "C"

BAY WELDING EXPANSION

3101 East Ekl Road
Homer, Alaska 99603

Project Title: BW 17
Set Date: 24 JUL 17

Drawn by: ABR

Revisions:

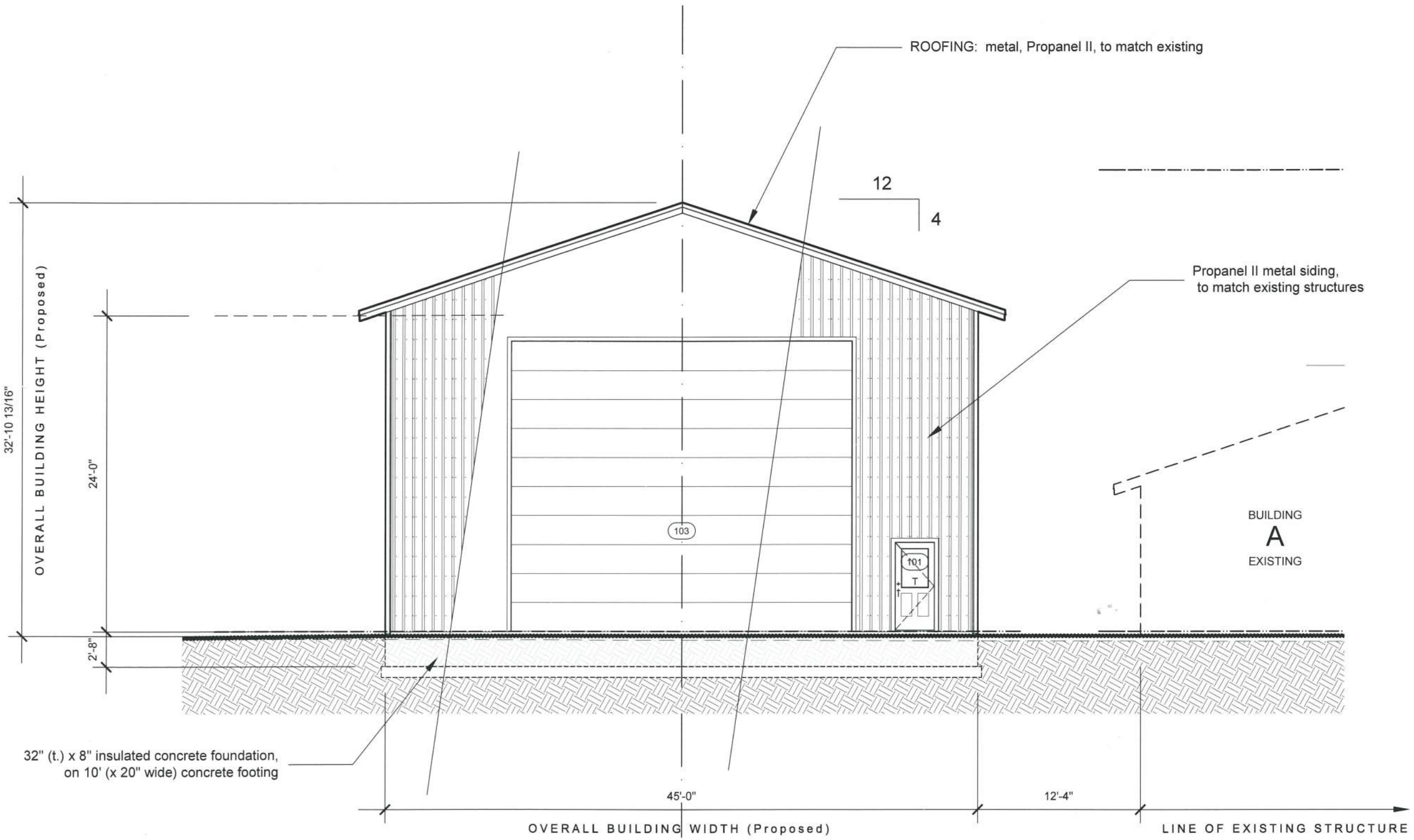
PHOTOS

2.0



wing nut
DESIGN BUILD, INC.

POB 1191
Homer, Alaska 99603
907.299.2277 c



BAY WELDING EXPANSION

3101 East End Road
Homer, Alaska 99603

Project Title: BW 17
Set Date: 24 JUL 17
Drawn by: ABR
Revisions:

ELEVATION

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, August 16, 2017 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

Request for Conditional Use Permit (CUP) 2017-05 to build a structure for the assembly and fabrication of boats at 3301 East End Road, pursuant to Homer City Code 21.27.040(d) “No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit.” Legal description of the property: Lot 5 Commerce park Subdivision, T 6 S, R 13 W, Section 11, S.M.

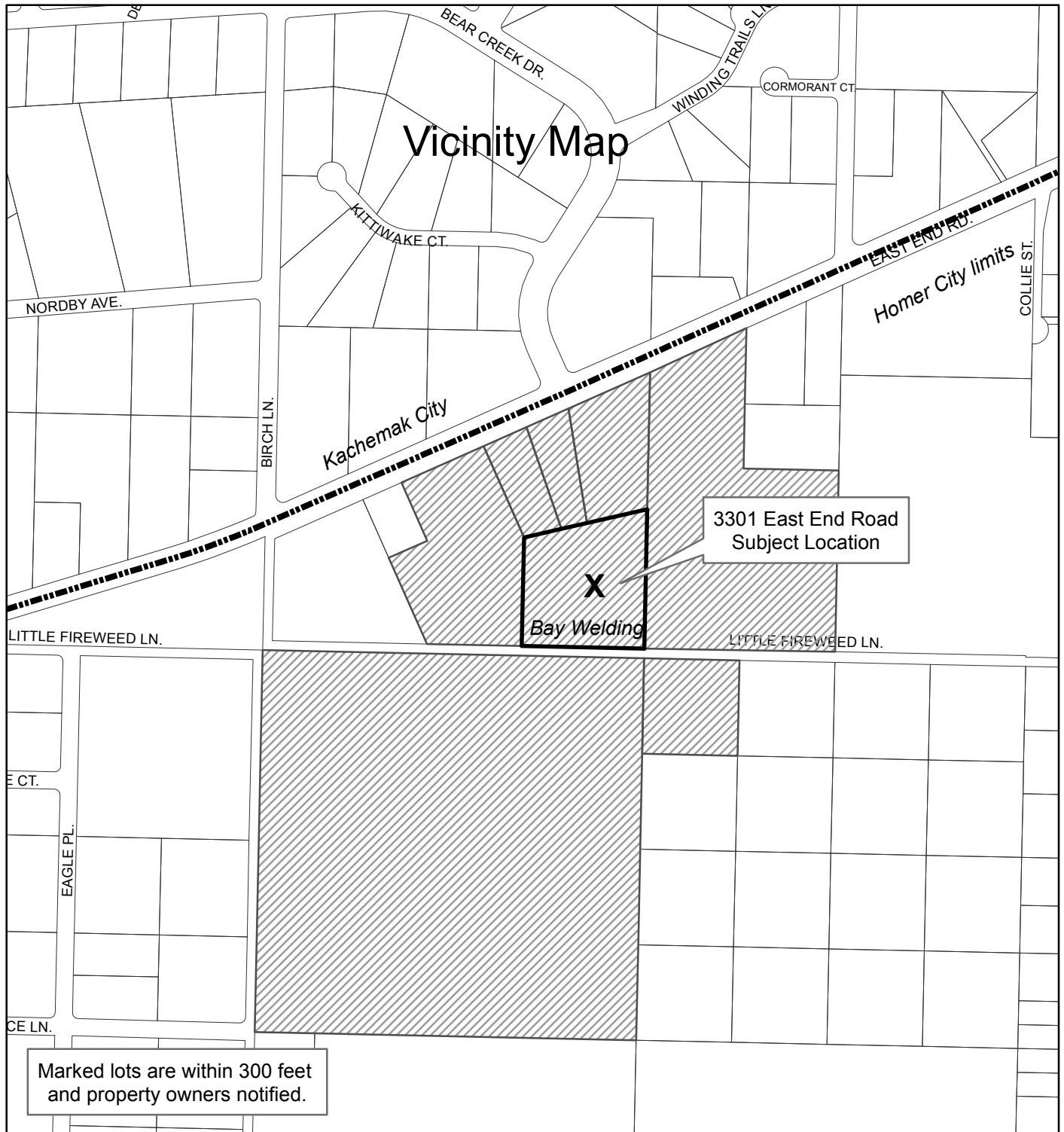
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

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

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

.....

VICINITY MAP ON REVERSE



City of Homer
Planning and Zoning Department

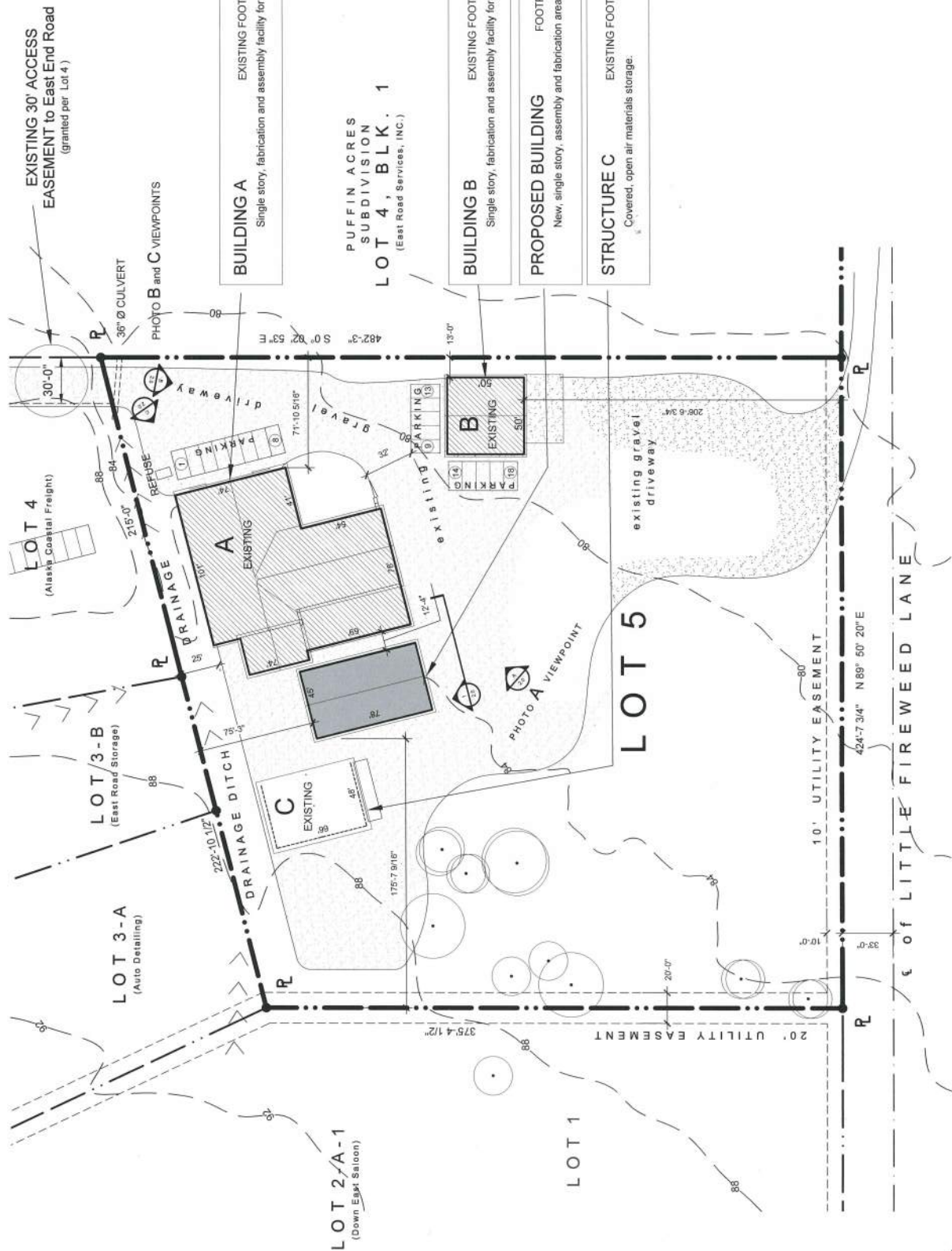
8/3/2017

Conditional Use Permit 17-05
More than 8,000 square feet of
building area, and more
than 30% building coverage of the lot.

0 250 500 1,000 Feet



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





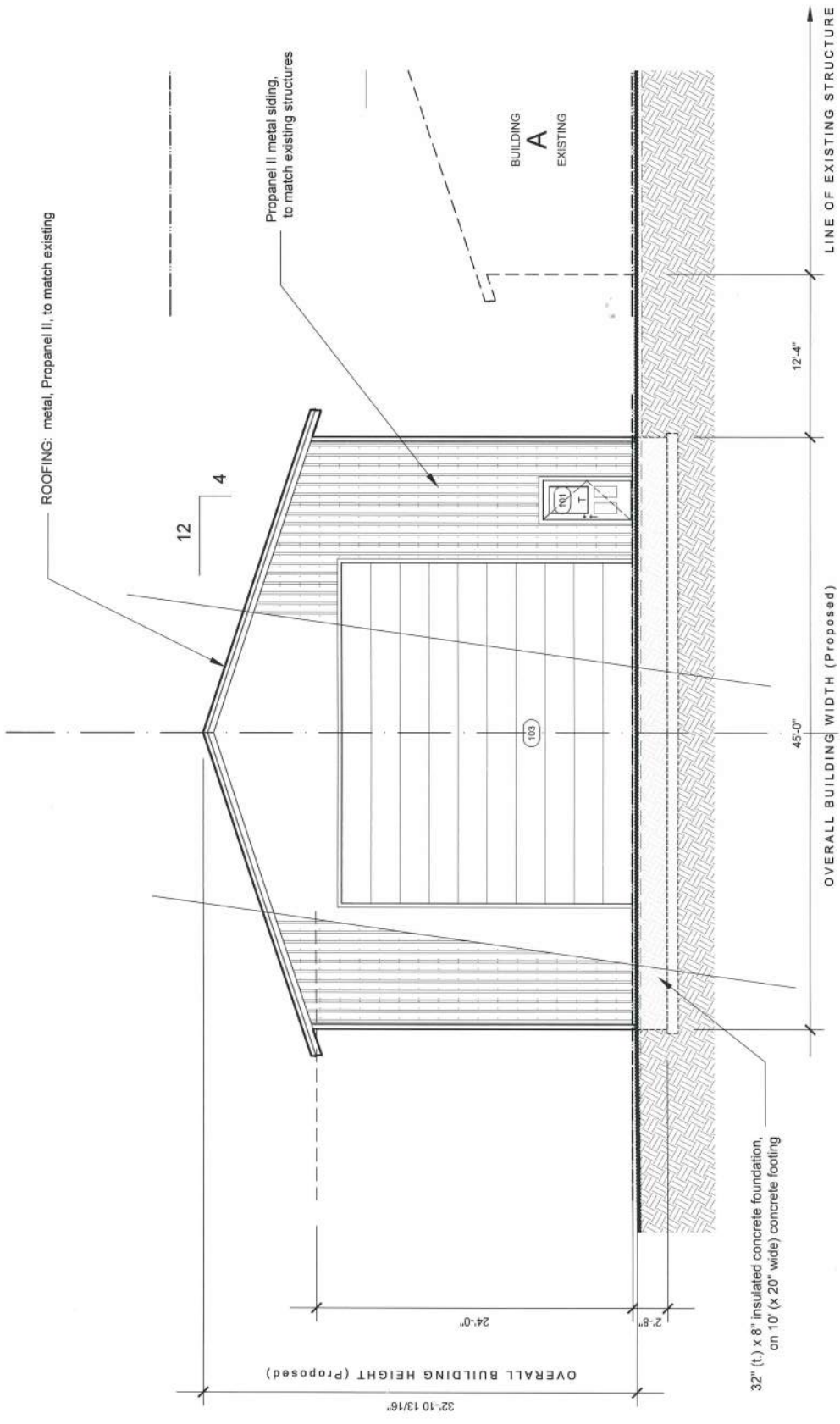
wing nut
DESIGN BUILD, INC.
POB 1195
Honolulu, Hawaii 96803
808 299-2277 c

BAY WELDING EXPANSION

3101 East First Road
Honolulu, Hawaii 96803

Project Title: BW 17
Set Date: 24 JUL 17
Drawn by: ABR
Revisions:

ELEVATION





*City of Homer
Planning and Zoning Department*

8/9/2017

Aerial Map 2016 Photo

0 50 100 200 300 400 Feet



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



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 17-75

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: August 16, 2017
MEETING: August 16, 2017
SUBJECT: Request for Variance 2017-01

Synopsis: This staff report addresses the request for a variance from the twenty-foot building setback from the Sterling Highway. The applicant would like to build a single family home on the property. This project will require approval of two applications by the Homer Advisory Planning Commission: approval of a variance from the 20 foot building setback from the Sterling Highway, and approval of a conditional use permit to allow the structure to be within a steep slope/bluff setback area. These are two separate actions and will be considered individually by the Commission.

GENERAL INFORMATION

Applicant/contract purchaser: John Bouman
3651 Sterling Highway
Homer, Alaska 99603

Landowners: John and Sherry Bouman II
23550 S 624 Rd
Wyandotte, OK 74370

Requested Action: Approval of a request for a variance from the twenty foot building setback from the Sterling Highway

Location: 3965 Sterling Highway, about MP 168.5 Sterling Highway
Parcel ID #: 17316002
Size of Lot: 1 acre
Zoning Designation: Rural Residential
Existing Land Use: Vacant

Comprehensive Plan: Goal 5 Chapter 4: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.

Surrounding Land Use: North: Commercial/vacant (Quick Draw services and vacant land)

South: Vacant, steep slope to Kachemak Bay
East: Sterling Highway, vacant land
West: Vacant, steep slope to Kachemak Bay

Public Notice: Notice was sent to 6 property owners of 6 parcels of land listed on the KPB tax rolls. The public hearing was advertised in the local newspapers for one week.

INTRODUCTION

The applicant would like to build a single family home on the property. This construction would require approval of two applications by the Homer Advisory Planning Commission: approval of a variance from the 20-foot building setback from the Sterling Highway, and approval of a conditional use permit. This staff report addresses the application for a variance only.

ANALYSIS

The project location consists of a 1-acre lot, most of which has approximately 80% slope. A narrow band of relatively flat ground runs adjacent to the Sterling Highway right of way. This land strip varies in width but is generally about 25 feet wide (see staff report attachments), with a portion slightly wider ground on the eastern corner of the lot. This wider portion is the proposed location of the single-family dwelling. The highway itself is nearly 60 feet northeast of the property line. The applicant is requesting a variance from HCC 21.12.40(b)(1), "Buildings shall be set back 20 feet from all dedicated rights-of-way..." The applicant would like to build the home with a 5-foot setback from the front property line, along the Sterling Highway. The proposed home would have a deck/porch, a rooftop deck, and approximately 420 square feet of enclosed living space.

FINDINGS OF FACT

Pursuant to HCC 21.72.010, a variance may be granted by the Planning Commission to provide relief when a literal enforcement of the Homer Zoning Code would deprive a property owner of the reasonable use of a lot.

21.72.020 Conditions precedent to granting variance.

A. All of the following conditions shall exist before a variance may be granted:

1. A literal interpretation of the provisions of the Homer Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district.

Finding 1: The literal interpretation of the provisions of the Homer Zoning Code would prevent the applicant from constructing a single family home on the property, which is a land use commonly enjoyed by many other properties in the Rural Residential District.

2. Special conditions and circumstances exist that are peculiar to the land or structures involved and are not applicable to other lands and structures in the same district.

Finding 2: Special conditions exist on this property, as it is located along a steep bluff and there is limited land area suited to structures and parking. Steep slopes and bluffs are not uncommon in this district, but most lots contain suitable land area for a single-family home without the need for a variance.

3. The special conditions and circumstances that require the variance have not been caused by the applicant.

Finding 3: The steep slopes and bluff on this property are naturally occurring and not caused by the applicant.

- B. Financial hardship or inconvenience shall not be the sole reason for granting a variance.

Finding 4: The variance is not sought solely for financial hardship or inconvenience. The applicant must build within the twenty-foot building setback area if this lot is to be developed.

- C. Other nonconforming land use or structures within the district shall not be considered grounds for granting a variance.

Finding 5: The applicant is not seeking a variance because of other nonconforming land use or structures within the district.

- D. A variance shall be the minimum variance necessary to permit the reasonable use of the land or structure.

Finding 6: The applicant has applied for a variance of 15 feet, so that the structure can be as far as possible from the adjacent bluff and steep slope.

- E. A variance shall not be granted that will permit a land use in a district in which that use is otherwise prohibited.

Finding 7: The applicant intends to build a single family dwelling, which is a permitted use under HCC 21.12.020(a).

Public Works Comments:

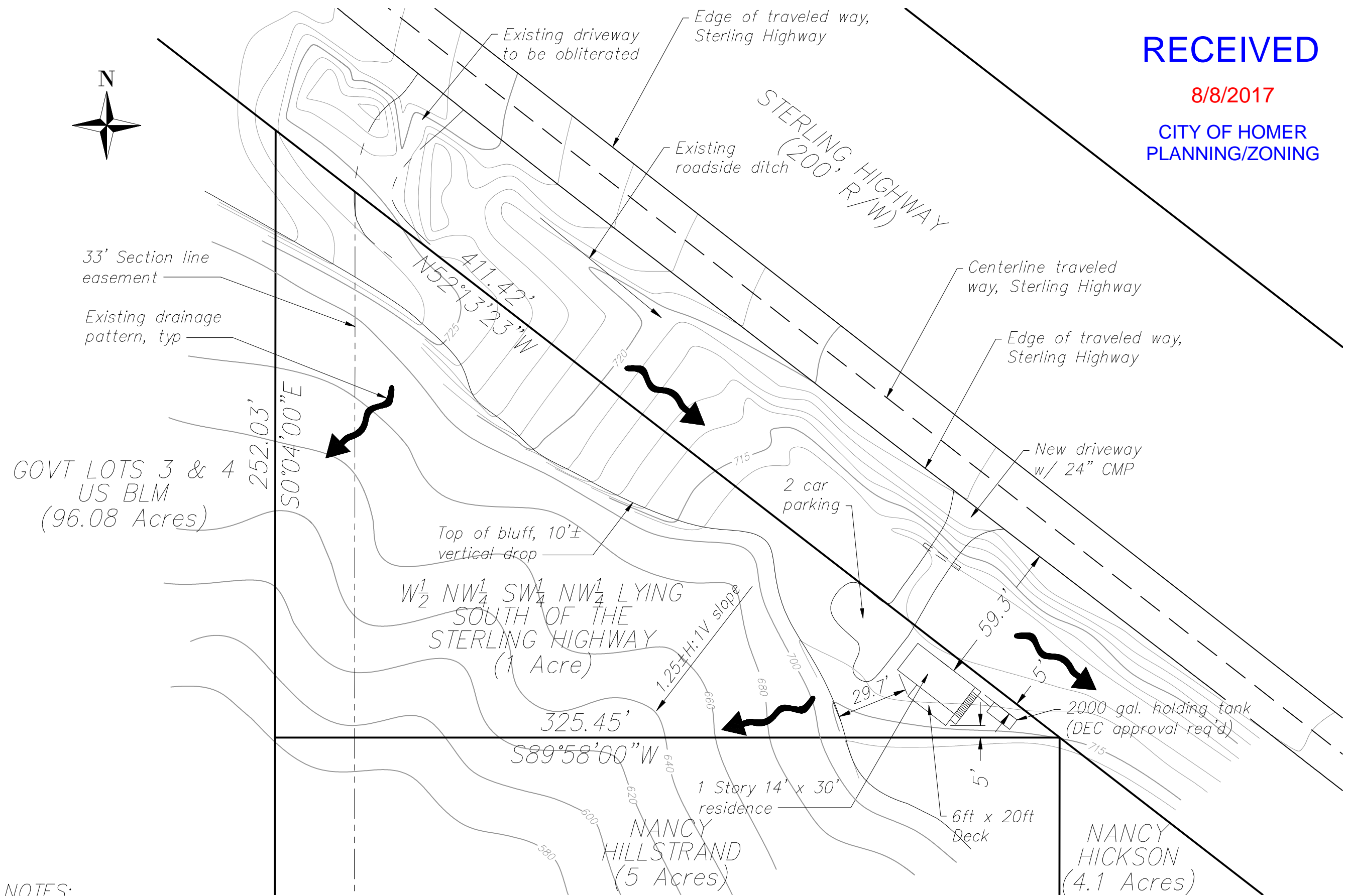
Fire Dept Comments:

STAFF RECOMMENDATION


Staff recommends the Planning Commission approve the variance with findings 1-7.

ATTACHMENTS

1. Zoning Variance Application
2. Public Notice
3. Aerial Map



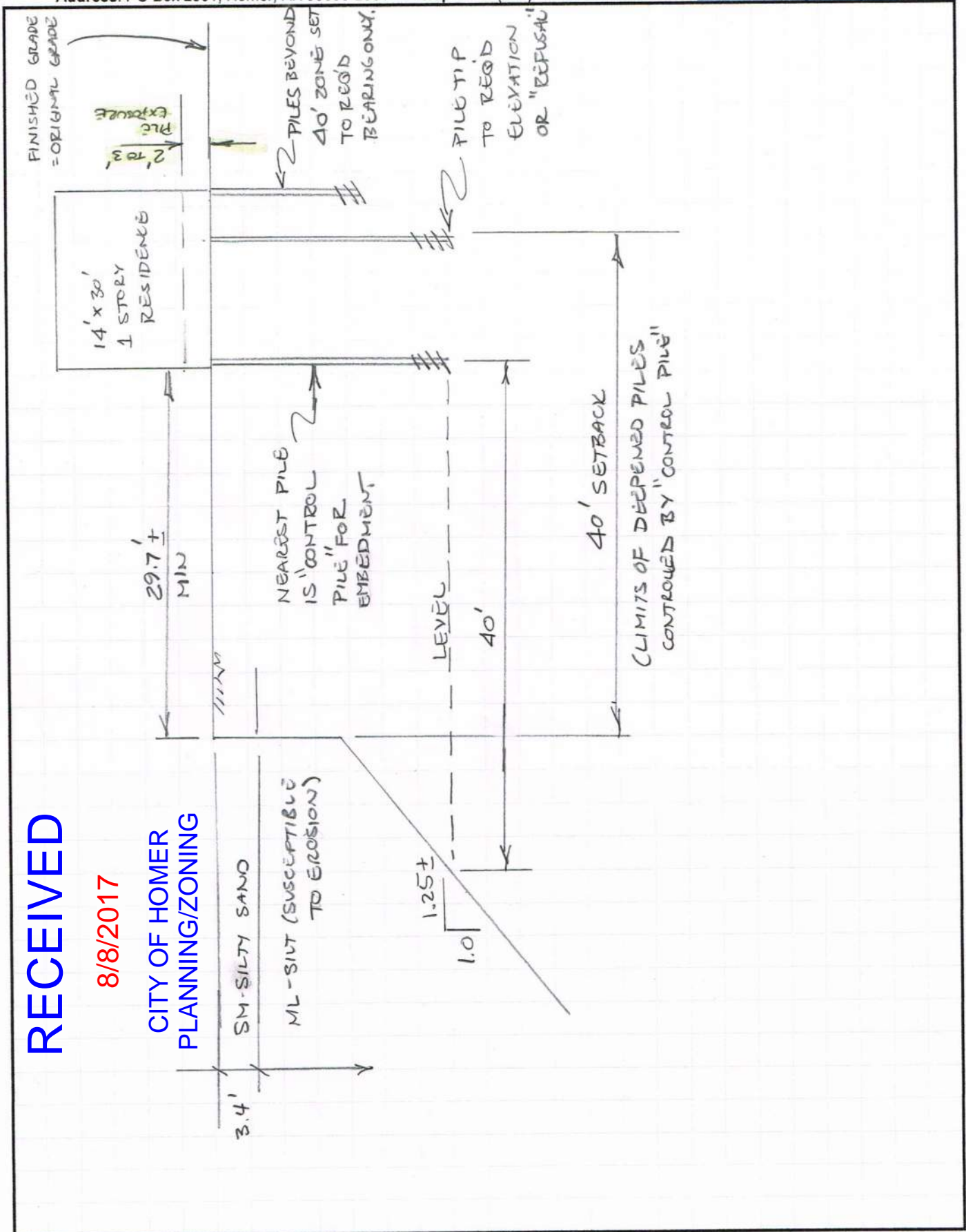
1. Finished grade shall match existing grade.
2. Predominant vegetation consisting of Alder, Elderberry, and grasses/herbaceous plants shall not be removed outside of building, driveway, and wastewater disposal system construction limits.
3. Existing drainage patterns to northeast and east shall not be modified.
4. Site does not contain wetlands or watercourses.

<p align="center">Notes:</p> <ol style="list-style-type: none">1. This drawing may not be reproduced in whole or part or used for construction without the express permission of the copyright holder, BISHOP ENGINEERING, LLC.2. This drawing is to be read in conjunction with all relevant architectural and engineering drawings and specifications.	
<p>ENGINEER: BISHOP ENGINEERING, LLC PO Box 2501 Homer, AK 99603 (907) 299-7609</p>	
 <p>The seal is circular with a double-lined border. The outer ring contains the text "STATE OF ALASKA" at the top and "REGISTERED PROFESSIONAL ENGINEER" at the bottom, separated by two stars. Inside the ring, the text "49 TH" is above a five-pointed star. Below the star is the signature "John S. Bishop". Under the signature is the text "John S. Bishop" and "CE 10899". At the bottom of the seal is the date "7/24/2017".</p>	
<p>CLIENT: John Bouman 23550 S 624 Street Wyandotte, OK 74730</p>	
<p>OWNER: John Bouman 23550 S 624 Street Wyandotte, OK 74730</p>	

FOR PERMITTING PURPOSES ONLY

TITLE:													
DATE:													
BY:													
DESCRIPTION:													
REV:													
SITE:													
W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{2}$ NW $\frac{1}{4}$ LYING SOUTH OF THE STERLING HIGHWAY													
SCALE AT ANSI D:		DATE:		DRAWN BY:				CHECKED:					
As Noted		07/24/2017		JSB									
PROJECT NO:		DRAWING NO:				REVISION:							
2017059		SP-1				0							

Address: PO Box 2501, Homer, AK 99603-2501 • Telephone: (907) 299-7609 • Website: www.bishop-engineering.com



RECEIVED

8/8/2017

CITY OF HOMER
PLANNING/ZONING

From: John Bishop <jbishop@bishop-engineering.com>
Sent: Tuesday, August 08, 2017 12:13 PM
To: Julie Engebretsen
Subject: John Bouman - CUP application information
Attachments: SITE PLAN 11x17Rev20170807.pdf; SlopeDevelopmentElevation.pdf; GRADING PLAN 11x17.pdf

Good afternoon Julie,

My responses (in red) to the your discussion topics (recopied here in blue italics) are as follows:

We discussed a holding tank vs the leach field, as a way to minimize the area of disturbance, and to avoid to changing the strata/water flow along the bluff caused by the trenching and backfilling. If Mr. Bishop could provide some discussion that would be helpful. After discussions with the client, it has been determined that a holding tank is the preferred alternative at this site. Even though the general direction of subsurface flow in this parcel is southeast to east and generally parallels the surface slope edge, localized slopes and depressions of the top surface of the impermeable silt layer may direct effluent to the face of the slope. The holding tank option will not release additional water close to the slope and locating the holding tank close the residence will minimize the potential for redirection of and transport of subsurface flows along the pipe trenches.

- 1. We discussed the idea of having a new slope stability evaluation at some point in the future, say 10 years. The idea being the current engineer report has analyzed the data and the site and found that 18 years might be the life of this structure. Is there a future timeframe that would be reasonable to re-evaluate the safety of the structure?* We would agree that it would be reasonable to require and inspection and re-evaluation of the condition of the slope and stability of the structure at 10 years but we would also recommend that a second criteria be used to trigger a re-evaluation. This second criteria would be based on the physical recession of the slope face and would trigger the need for a re-evaluation when the slope has receded to within 10 feet of the nearest support if this were to occur prior to the 10 years. The clear distance of 10 feet is chosen based upon generally accepted engineering practice that assumes the influence of surcharge loads (in this case the building or deck) can be assumed to act at a 1H:1V influence line from the edge of load down and outward within the soil. It will also allow the evaluation to take place when there's enough soil left around the piles to determine if measures are needed to stabilize soil around the sides of the pile to assure lateral stability of the piles is maintained during seismic events.

I've attached an updated site plan with drainage arrows, a local grading plan with hatching indicating the area if disturbance and fill heights and footprint, and an updated elevation to show the anticipated pile height above the ground surface to help show the additional plan information Julie was requesting.

John S. Bishop, SE, PE
President

BISHOP ENGINEERING, LLC
PO Box 2501
Homer, AK 99603-2501
(907) 299-7609
WWW.BISHOP-ENGINEERING.COM
John S. Bishop, SE, PE
President

From: John Bouman [<mailto:7boumans@gmail.com>]
Sent: Thursday, August 3, 2017 1:19 PM
To: John Bishop <jbishop@bishop-engineering.com>
Subject: Fwd: CUP application information

Hi John,

Could you give me a call and converse with me relative to the below requests from the city. I need to respond to them asap.

Thanks,
John

----- Forwarded message -----

From: **Julie Engebretsen** <JEngebretsen@ci.homer.ak.us>

Date: Thu, Aug 3, 2017 at 12:57 PM

Subject: CUP application information

To: "7boumans@gmail.com" <7boumans@gmail.com>

Hi John,

Thanks for your visit today.

I need more information on the following topics:

1. A grading and drainage plan indicating all cuts, fills and areas of disturbance. The plan shall display elevation changes and cut and fill quantities.
2. A cabin elevation showing the piling height above grade.
3. A sheet showing the surface drainage of the lot (bold directional arrows for sheet flow are helpful for the Commission)
4. We discussed a holding tank vs the leach field, as a way to minimize the area of disturbance, and to avoid to changing the strata/water flow along the bluff caused by the trenching and backfilling. If Mr. Bishop could provide some discussion that would be helpful.
5. We discussed the idea of having a new slope stability evaluation at some point in the future, say 10 years. The idea being the current engineer report has analyzed the data and the site and found that 18 years might be the life of this structure. Is there a future timeframe that would be reasonable to re-evaluate the safety of the structure?

Thanks

Julie

Julie Engebretsen
Deputy City Planner
City of Homer

[907-435-3119](tel:907-435-3119)



Address: PO Box 2501, Homer, AK 99603-2501 • Telephone: (907) 299-7609 • Website: www.bishop-engineering.com

July 24, 2017

Mr. Rick Abboud
City of Homer
491 East Pioneer Ave
Homer AK 99603

**RE: Engineering Analysis in Support of Request for Variances for Parcel Development
3965 Sterling Highway; T6S R14W Sec 15 SM W½ NW¼ SW¼ NW¼ Lying South of Sterling Highway**

Dear Mr. Abboud:

This letter discusses and provides support for the development of the above referenced parcel and two zoning variance requests. The property is the first parcel on the south side of the highway as one enters the City limits southbound on the Sterling Highway at Mile Post 168.4 (APN 17316002).

EXISTING SITE CONDITIONS

The property is a 1-acre triangular shaped parcel abutted by the 200-foot wide Sterling Highway right-of-way to the northeast, a 96-acre unimproved parcel owned by the US BLM to the west, and a 5-acre unimproved parcel owned by Nancy Hillstrand to the south. The Sterling Highway southerly edge of traveled way is located 54.3 feet from the subject property's northerly boundary. A 33-foot wide section line easement runs down the easterly property boundary.

The parcel has limited usable area on which to develop. A site topographic survey indicates a strip of land averaging 30 feet in width exists along the right-of-way on which development may take place. One segment of this strip of land reduces down to just 10 feet in width approximately midlength of the right-of-way. This usable land slopes to the northeast about 5%, matching surrounding average surface slopes that drain to Diamond Creek. The southerly edge of the usable land ends with an average 10 foot vertical drop to the top of a slope that averages a 1.25H:1V (80%) for 220 feet in elevation change. The slope then breaks at slightly less steepness for an additional 60 feet and then resumes at 1.25H:1V slope for another 240 feet where it intersects a much more level 200 foot wide zone approximately 60 feet above and more than 300 feet away from the MHHW of Kachemak Bay.

A site soil profile was obtained by studying the soil strata at the slope face. Site soils consist of a 1-foot thick organic silt and root layer underlain by a 2-foot thick loose silty sand layer. A deep medium dense relatively impermeable sandy silt layer is found below these surface soils to at least 15 feet of depth where the ability to uncover soils at the slope face became infeasible. The slope recession is due in large part by erosion of the sandy silt layer by surface runoff and freeze thaw effects separating the exposed silt and sand particles from the rest of the silt formation. The erosion of the open face silt formation eventually undercuts the silty sand and organic layers above to the point these top overhanging layers sluff off in large chunks or blocks. The process is continuous but varies in the rate of erosion per year based on weather. A study of as-builts for the Sterling Highway from 1958 indicates there was a building on the subject parcel approximately 70 feet from the northerly

boundary at that time. Assuming the slope edge was not right up against the building limits at that time, we estimate the average rate of recession of the steep slope is 0.9 foot per year.

PROPOSED DEVELOPMENT

The owner proposes to build a single story, single bedroom, 14-foot by 30-foot residence on the largest area of usable ground to maximize the setback from the steep slope edge. Other improvements include relocating the existing driveway east to serve the residence. We anticipate this driveway relocation will be permitted by the State as the new location has improved sight distance over the existing location. We will also install a wastewater disposal package treatment system (Biocycle 1500) that will discharge highly pretreated effluent to the absorption field. This system will be required as the standard DEC horizontal separation to steep slopes cannot be met for a standard wastewater disposal system. The owner anticipates using a cistern to hold delivered fresh water.

REQUEST FOR VARIANCES

To develop this parcel, two variances are being requested:

1. Reduced setback to right-of-way to 5 feet from 20 feet (City Code 21.12.040.b.1).
2. Reduced setback to steep slopes exceeding 45% to 29.7 feet from 40 feet (City Code 21.44.030.c.1).

DISCUSSION IN SUPPORT OF VARIANCE REQUESTS

SETBACK TO DEDICATED RIGHTS-OF-WAY

In support of the variance request to reduce the setback to the Sterling Highway right-of-way, we first look to the distance between the nearest edge of traveled way to the right-of-way line. This distance is 54.3 feet. The Federal Highway Administration considers 30 feet as adequate space in which errant vehicles come to rest or recover after leaving the highway and is measured from the edge of traveled way. We also do not anticipate the State requesting temporary construction easements from the property owner for highway work in this section of highway which would normally be another reason to avoid building close to the right-of-way. In fact, the State is performing studies to relocate the highway further from the steep slope. Finally, to avoid requesting temporary construction easements from the State to construct the improvements on this parcel, we have considered a 5-foot setback from the right-of-way as appropriate to construct the improvements without entering the State right-of-way. This results in a 59.3-foot setback from the edge of traveled way and addresses the life safety of the building occupants and highway travelers and avoidance of potential future construction conflicts.

SETBACK TO STEEP SLOPES GREATER THAN 45%

In support of the variance request to reduce the setback to slopes exceeding 45%, we have identified a foundation type to be used that will transfer building loads to deeper soils with more protection and confinement than shallow foundations will provide. See the attached elevation for proposed helical pile installation for the building. We'll also require that there be no rerouting or increases of surface runoff to the steep slope face. Finally, we'll require that outside of the footprint of the residence, driveway, and wastewater disposal components, removal of vegetation shall be avoided. We've also informed the owner that steep slope face recession will continue and will impact the safe use of any improvements in time.

Given current limited knowledge of the rate of steep slope recession we have estimated that there may be only 18 years of use left for this parcel. This is an estimate only and changes in rainfall, snow depth, and average temperatures will affect this estimate going forward. We've also looked at the potential for earthquake induced slope failures produced by liquefaction and lateral spreading. Both of these conditions require loose to medium dense sands and silts in saturated conditions to occur. While the soils do fit the first criteria, saturation is not present to consider these soils susceptible to liquefaction and lateral spreading. Additionally, review of the study "Effects of the Earthquake of March 27, 1964, in the Homer Area, Alaska" by Roger Waller (USGS) which mapped out slope failures in the Homer area after the 1964 earthquake indicated no slope failures at or near this location due to the 1964 earthquake.

We've also considered the introduction of a design flow of 150 gallons per day into the soils where the wastewater disposal system absorption field is located. Since the soil layers slope back toward Diamond Creek, and the silt layer is relatively impermeable, this introduced subsurface flow will head northeast and not toward the steep slope leading to accelerated or concentrated steep slope erosion and recession.

CONCLUSIONS

It is our opinion that the proposed development with the special design and construction requirements discussed above and shown in the attached plan and elevation allows for the reasonable and safe use of the property, does not impact the State's full use of the adjacent Sterling Highway right-of-way, does not adversely affect downhill properties, and meets the development goals of Chapter 21 of the City Code.

Respectfully,


John S. Bishop, SE, PE
BISHOP ENGINEERING, LLC

Attachments: Site Plan
Elevation





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

ZONING VARIANCE APPLICATION

APPLICANT INFORMATION

Name: John Bouman Phone: 299-6191

Address: 3651 Sterling Hwy Homer, AK 99603

Property Owner (if different than applicant):

Name: _____ Phone: _____

Address: _____

PROPERTY INFORMATION

Address: 3965 Sterling Hwy Homer, AK 99603

Legal Description: T 6S R 14W SEC 15 Seward Meridian 1/2 NW 1/4

KPB Tax ID #: 17316002 Zoning designation: SW 1/4 NW 1/4 Lying S of Sterling Hwy.
Rural residential?

Lot size: 1 (acres) AND/OR _____ (square feet)

City water service? Y ☒ N City sewer service? Y ☒ N Electric service? ☒ Y N

Are there existing structures on the property? Y ☒ N

If yes, describe the structure(s) _____

What is the existing use of the property? vacant land

What is the proposed use of the property? Residence

What land uses exist on the neighboring properties? i.e. residence, commercial, vacant, etc.

North: Commercial/Residence East: Residence

South: Ocean West: vacant land

ZONING VARIANCE INFORMATION

Provide the zoning ordinance from which you are requesting a variance (give the exact sentence, paragraph and section) 21.12.040.b.1

Conditions precedent to granting variance (Homer City Code 21.72.020)

Please describe how the application satisfies the following requirements (use page 4 for extra space)

A. All of the following conditions shall exist before a variance may be granted:

1. A literal interpretation of the provisions of the Homer Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district.

If we can't build within the 20ft setback we would not be able develop the property.

2. Special conditions and circumstances exist that are peculiar to the land or structures involved and which are not applicable to other lands and structures in the same district.

Yes, this property has limited building area with a very steep slope.

3. The special conditions and circumstances that require the variance have not been caused by the applicant.

We did not cause this issue. This is the natural layout of the land.

B. Financial hardship or inconvenience shall not be the sole reason for granting a variance.

N/A

C. Other nonconforming land use or structures within the district shall not be considered grounds for granting a variance.

N/A

D. A variance shall be the minimum variance necessary to permit the reasonable use of the land or structure.

Min necessary to stay away from the bluff edge.

E. A variance shall not be granted which will permit a land use in a district in which that use is otherwise prohibited. If granted the variance, how will you utilize this variance? Is this use allowed in your zoning district?

Single family residence permitted in this district/zone.

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property: _____ owner of record; _____ lessee; X contract purchaser; _____ duly authorized to act for a person who has the following legal interest; _____, and that the owner of record is knowledgeable of this application if I am not the owner. I also understand that this item will be scheduled for the Planning Commission agenda only if all application materials are submitted by _____ (date).

Applicant's Signature: _____


Date: 7/27/17

Property Owner's Signature: _____

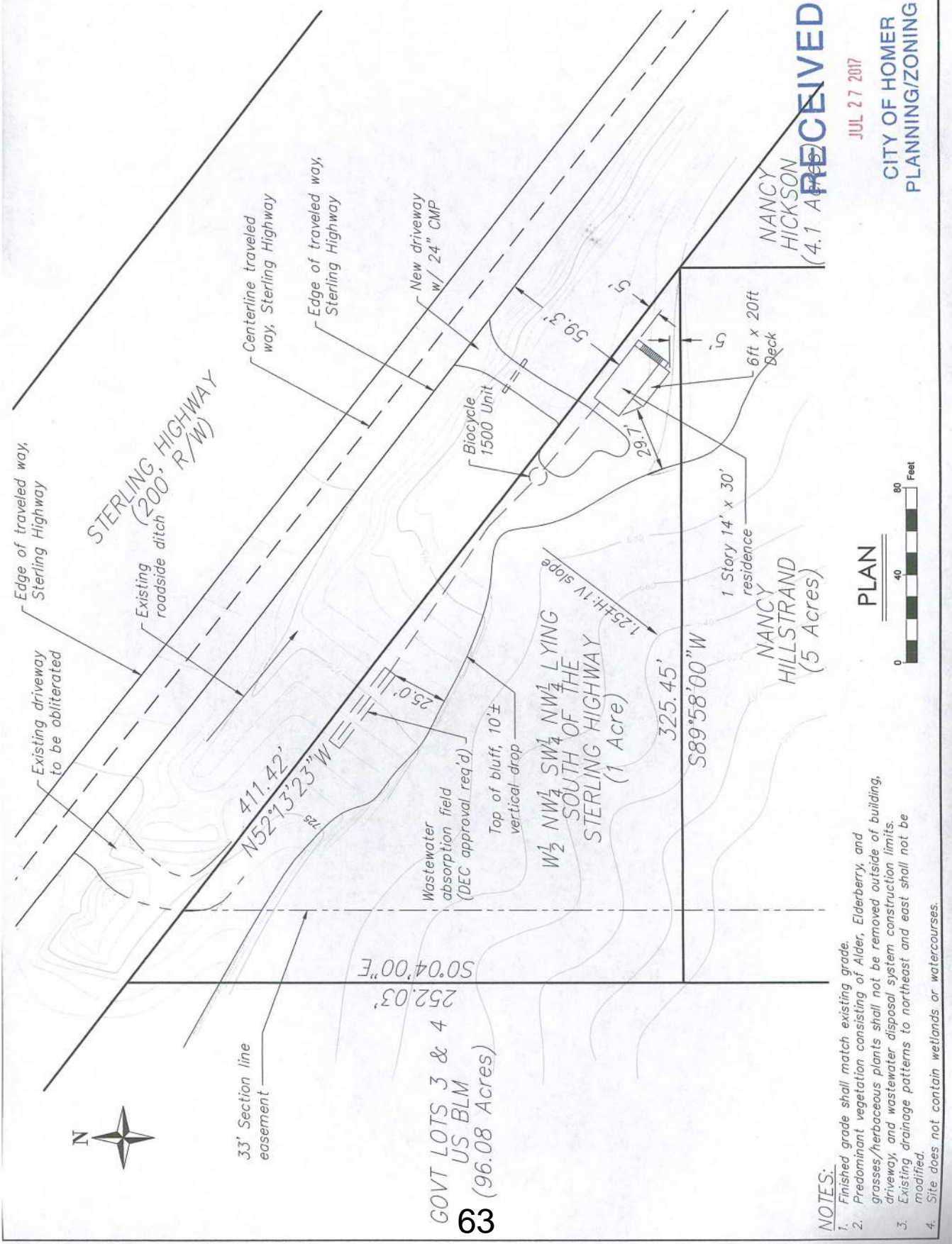
Date: _____

Fee: \$250.00 () Paid Received by: _____

Planning Commission Public Hearing Date: _____

Applicant's Signature:  Date: 7/27/17
Property Owner's Signature: Sherry L. Bourman Date: 7/30/17
Fee: \$250.00 () Paid Received by: _____

Planning Commission Public Hearing Date: _____



- NOTES:
1. Finished grade shall match existing grade.
 2. Predominant vegetation consisting of Alder, Elderberry, and grasses/herbaceous plants shall not be removed outside of building, driveway, and wastewater disposal system construction limits.
 3. Existing drainage patterns to northeast and east shall not be modified.
 4. Site does not contain wetlands or watercourses.



PLAN

JUL 27 2017

RECEIVED

NANCY HICKSON (4.1 Acres)

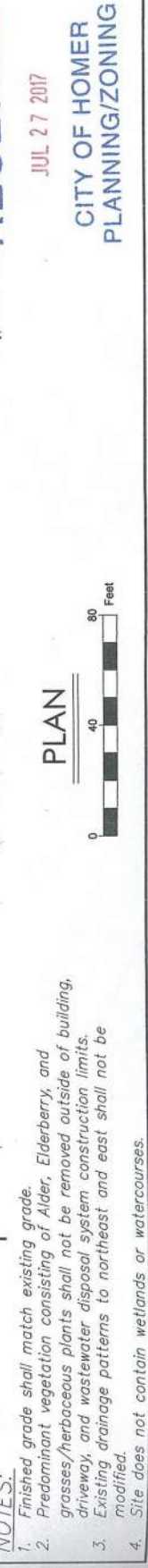
NANCY HILLSTRAND (5 Acres)
1 Story 14' x 30' residence
6ft x 20ft Deck

W 1/2 NW 1/4 SW 1/4 LYING SOUTH OF THE STERLING HIGHWAY (1 Acre)
325.45'
S89°58'00"W

GOVT LOTS 3 & 4 US BLM (96.08 Acres)
63

W3 NW1/4 SW1/4 NW1/4 LYING SOUTH OF THE STERLING HIGHWAY	ACREAGE AT TIME OF FORFEIT As Noted	DATE 07/24/2017	AGENCY JSB	CHECKED <input checked="" type="checkbox"/>
	PROJECT NO. 2017059	DRAWING NO. SP-1	REGION 0	

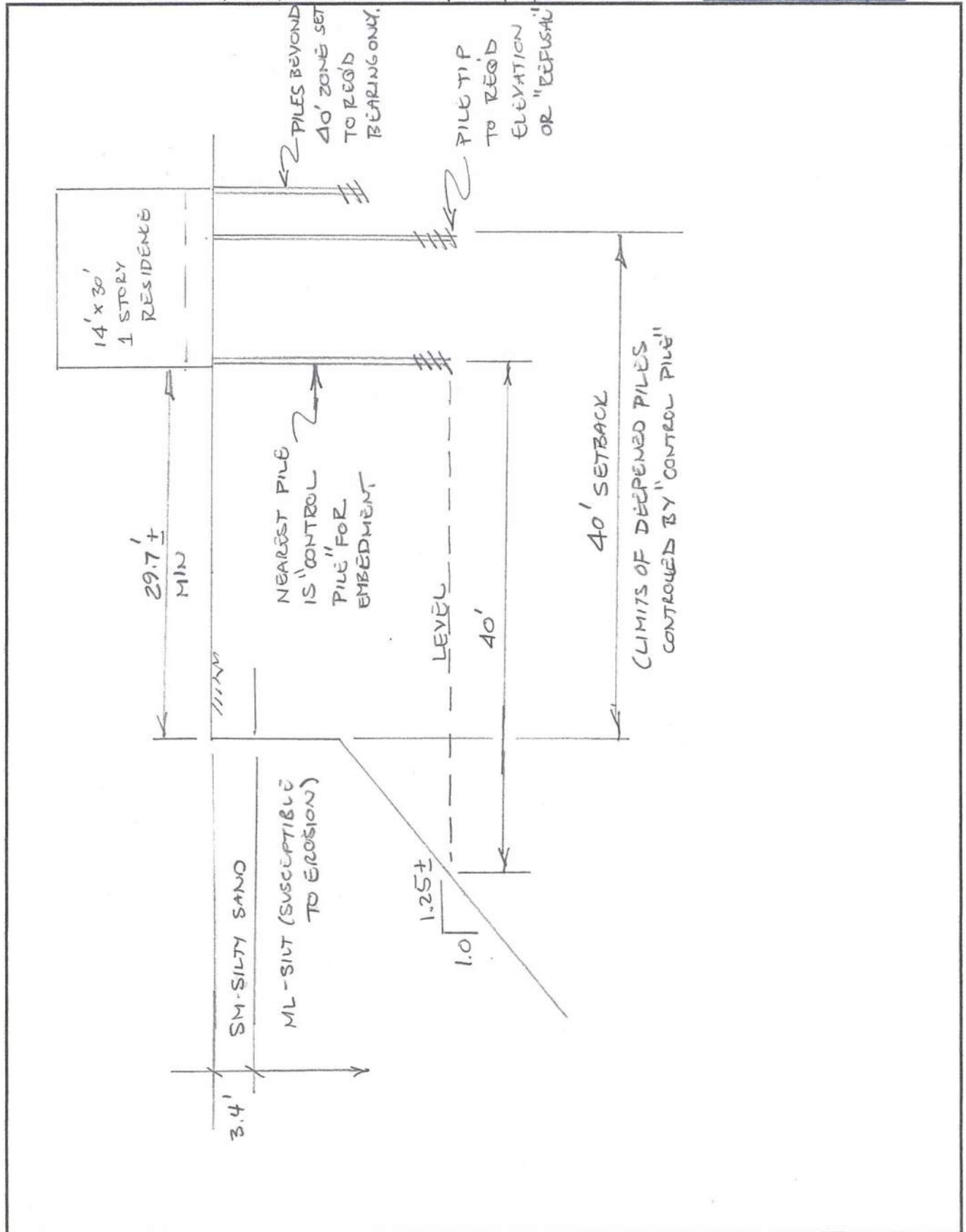
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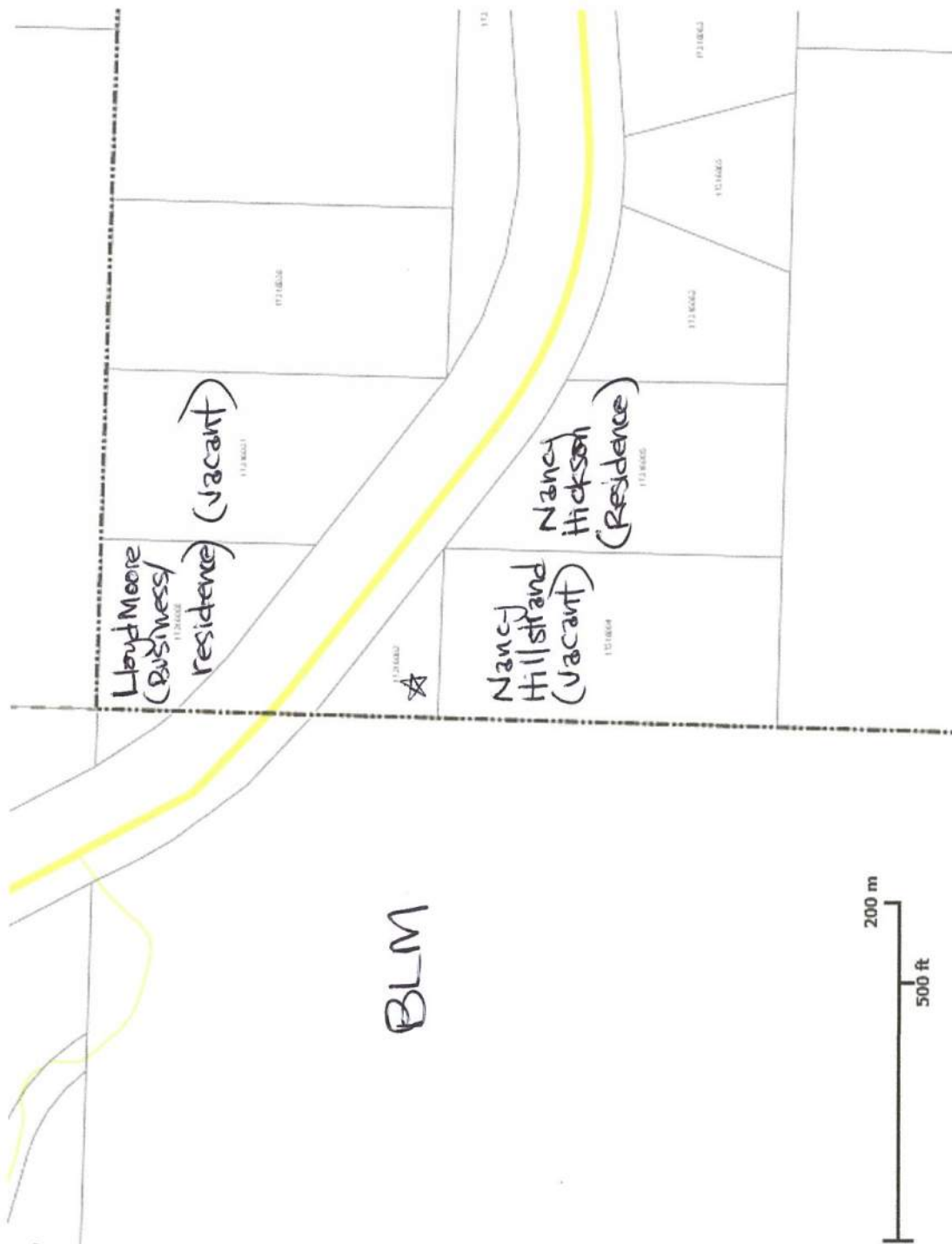


NOTES:

1. Finished
2. Predominant grasses/
driveway
3. Existing
modified
4. Site does

Address: PO Box 2501, Homer, AK 99603-2501 • Telephone: (907) 299-7609 • Website: www.bishop-engineering.com







RECEIVED

JUL 27 2017

CITY OF HOMER
PLANNING/ZONING

July 27, 2017

City of Homer Planning Dept,

We are wanting to build a small cabin on top of Baycrest Hill. Please see attached engineering report for the site details. Below you will see an approximate image of what the cabin will look like. The main difference is that the one we're building will have a flat roof top deck. For any further questions please contact John Bouman at 299-6191.

Thank you,
John Bouman
299-6191





8/11/18

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, August 16, 2017 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matters:

Request for Conditional Use Permit (CUP) 2017-06 to allow an exception to the steep slope setback for a proposed dwelling at 3965 Sterling Highway, pursuant to Homer City Code 21.44.040(b). Legal description of the property: W ½, NW ¼ SW ¼ NW ¼ Lying South of Sterling Highway, T 6 S, R 14W, Section 15, S.M.

Request for a variance to allow a reduced building setback from a dedicated right-of-way at 3965 Sterling Highway, pursuant to Homer City Code 21.12.040(b)(1) and 21.72. Legal description of the property: W ½, NW ¼ SW ¼ NW ¼ Lying South of Sterling Highway, T 6 S, R 14W, Section 15, S.M.

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.

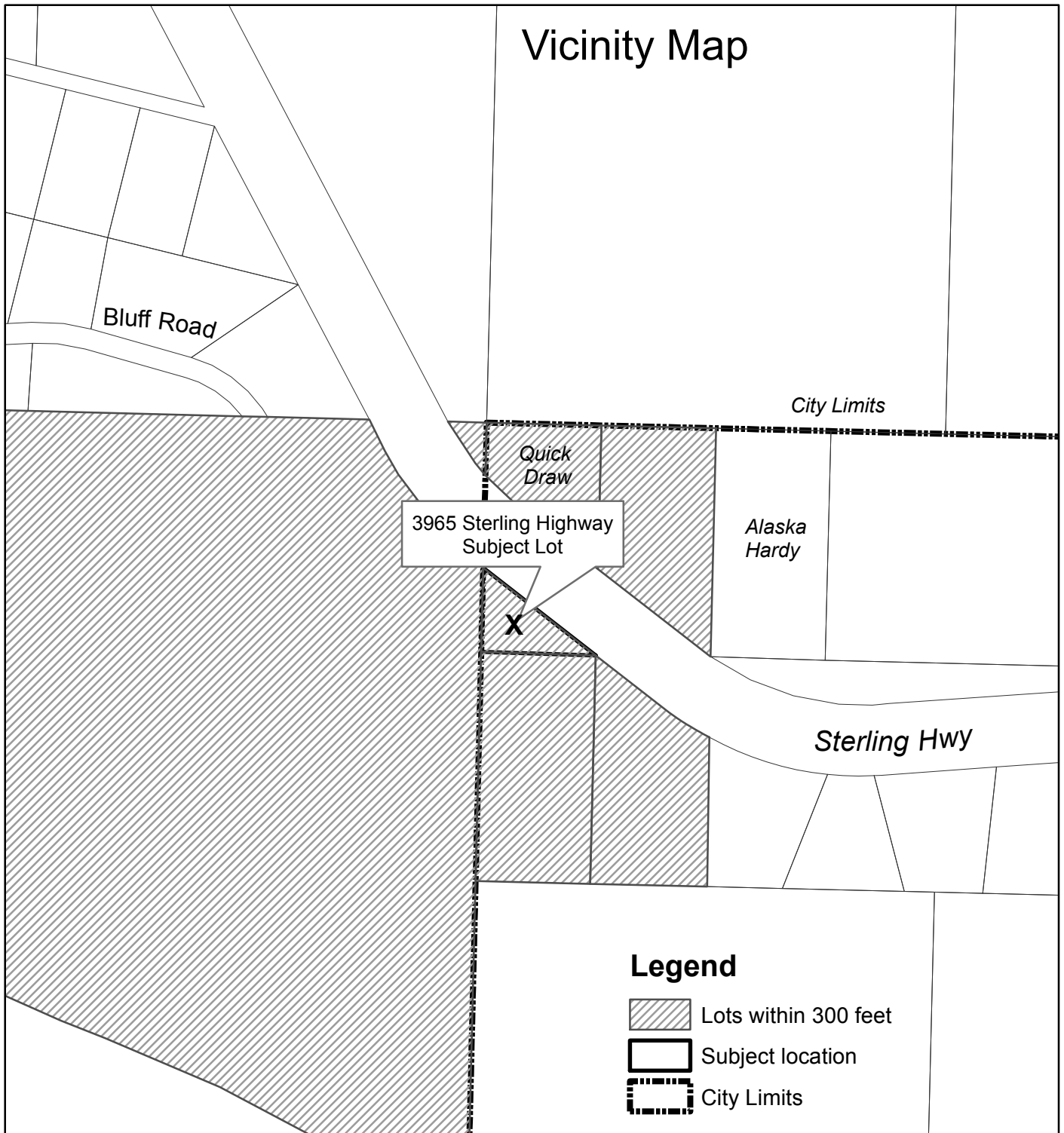
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
Planning and Zoning Department
 August 3, 2017

Request for a Variance and a Conditional Use Permit

Marked lots are with 300 feet
 and property owners notified.

0 150 300 600
 Feet



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

1. This drawing may not be reproduced in whole or in part for any purpose without the written permission of the copyright holder.

2. This drawing is to be read in conjunction with the project description and engineering drawings and specifications.

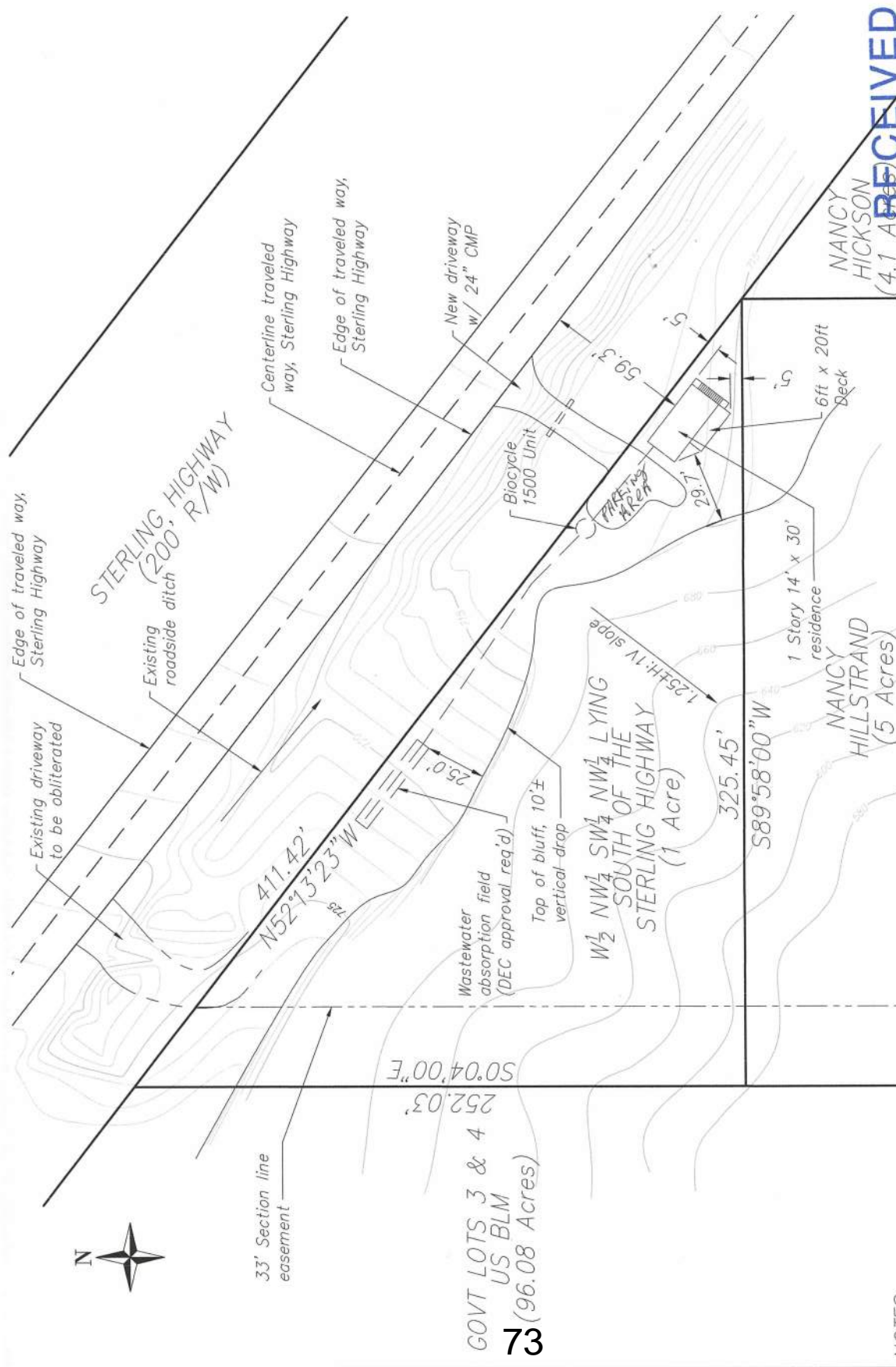
BSHOP ENGINEERING, LLC
 PO Box 2501
 Homer, AK 99603
 (907) 299-7469

John Bourman
 23530 S 624 Street
 Wyandotte, OK 74790

John Bourman
 23530 S 624 Street
 Wyandotte, OK 74790

FOR PERMITTING PURPOSES ONLY

W1/4 NW1/4 NW1/4 LYING SOUTH OF THE STERLING HIGHWAY
 As Noted 07/24/2017 JSS
 PROJECT NO. 2017059 SP-1
 REVISION: 0



NOTES:

1. Finished grade shall match existing grade.
2. Predominant vegetation consisting of Alder, Elderberry, and grasses/herbaceous plants shall not be removed outside of building, driveway, and wastewater disposal system construction limits.
3. Existing drainage patterns to northeast and east shall not be modified.
4. Site does not contain wetlands or watercourses.

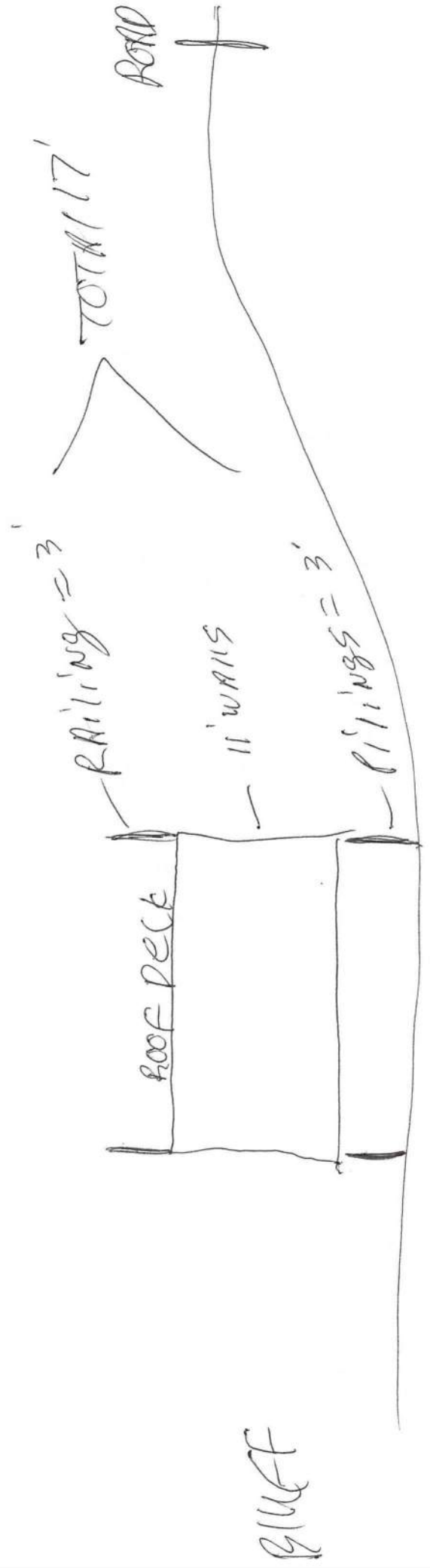
PLAN
 0 40 80 Feet

RECEIVED
 JUL 27 2017
 CITY OF HOMER
 PLANNING/ZONING

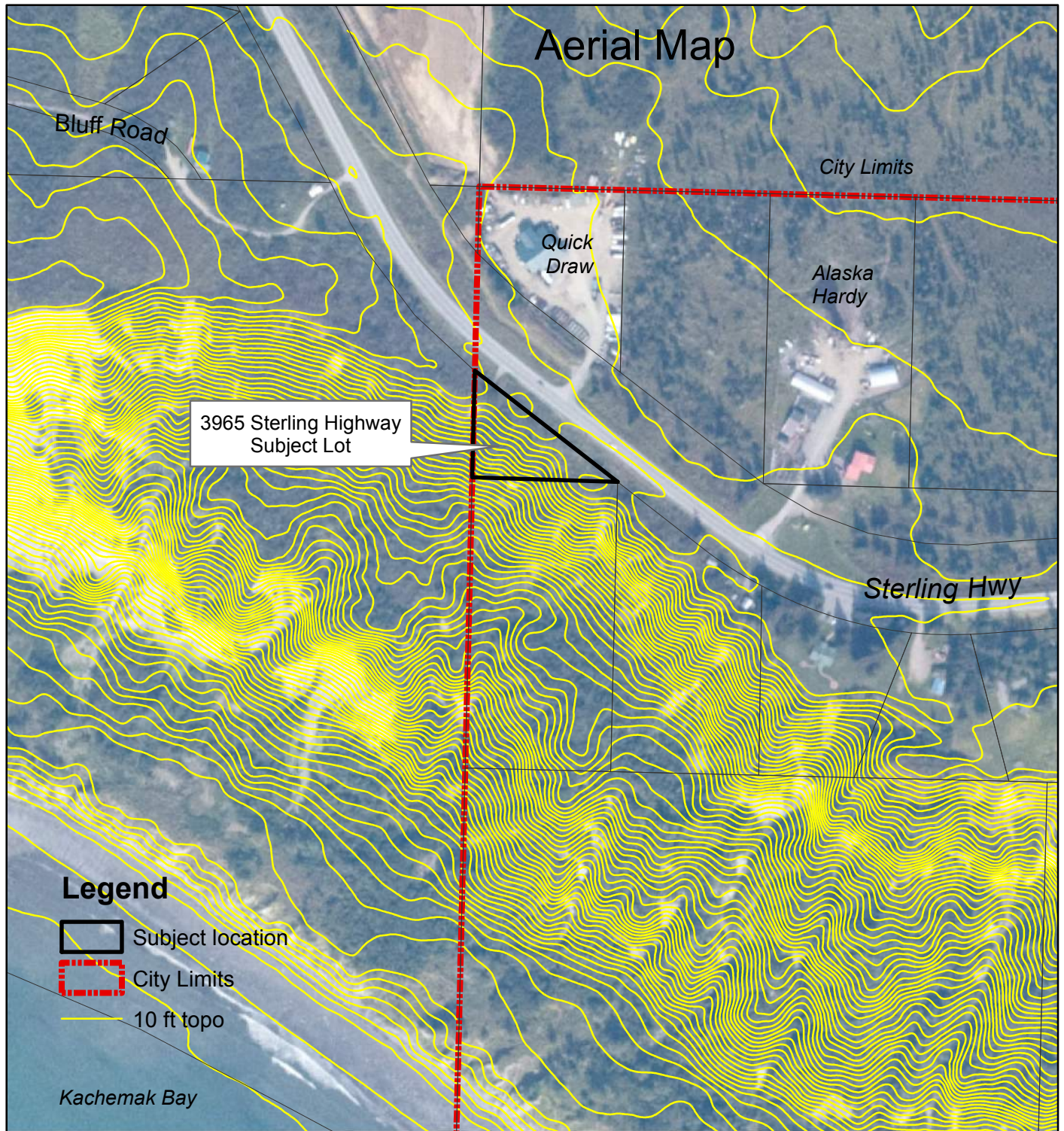


The picture above shows the dwelling design.

The depiction below shows the proposed roof deck addition.



9/11/17



City of Homer
Planning and Zoning Department
 August 3, 2017

Request for a Variance

2016 photo. Property lines not exact,
use with care.

0 150 300
 Feet



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



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 17-76

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 16, 2017
SUBJECT: CUP 2017-06

Synopsis The applicant would like to build a single family home on the property. This project will require approval of two applications by the Homer Advisory Planning Commission: approval of a variance from the 20-foot building setback from the Sterling Highway, and approval of a conditional use permit to allow the structure to be within a steep slope/bluff setback area. These are two separate actions and will be considered individually by the Commission. This staff report addresses the request for a Conditional Use Permit for a structure within the 40-foot bluff setback.

Applicant/contract purchaser: John Bouman
3651 Sterling Highway
Homer, Alaska 99603

Landowners: John and Sherry Bouman II
23550 S 624 Rd
Wyandotte, OK 74370

Location: 3965 Sterling Highway, about MP 168.5 Sterling Highway
Parcel ID #: 17316002
Size of Lot: 1 acre
Zoning Designation: Rural Residential
Existing Land Use: Vacant

Comprehensive Plan: Chapter 4, Goal 5 Chapter 4: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.
Goal 3 Objective B: Encourage high quality site design and buildings.

Surrounding Land Use: North: Commercial/vacant (Quick Draw services and vacant land)

South: Vacant, steep slope to Kachemak Bay
East: Sterling Highway, vacant land
West: Vacant, steep slope to Kachemak Bay

Wetland Status: No designated wetlands on this parcel.
Flood Plain Status: Not in a floodplain.
BCWPD: Not within the Bridge Creek Watershed Protection District
Utilities: Public utilities do not serve the site. Applicant intends to use a cistern and a wastewater holding tank to provide water and septic for the dwelling.
Public Notice: Notice was sent to 6 property owners of 6 parcels as shown on the KPB tax assessor rolls.

PUBLIC COMMENTS: Staff spoke with Nancy Hillstrand, adjacent landowner. She was concerned about potential impact to her property caused by ground disturbance and removal of existing vegetation. She suggested that the site retain the natural vegetation outside the planned construction areas– i.e. do not mow the vegetation or create a lawn. Tree trimming to enjoy the view is reasonable, but leave the ground vegetation intact.

INTRODUCTION

The project location consists of a 1-acre lot, most of which has approximately 80% slope. A narrow band of relatively flat ground runs adjacent to the Sterling Highway right of way. This land strip varies in width but is generally about 25 feet wide (see staff report attachments), with a portion slightly wider ground on the eastern corner of the lot. This wider portion is the proposed location of the single-family dwelling. The highway itself is nearly 60 feet northeast of the property line. A separate staff report addresses the request for a variance from the setback to the Sterling Highway.

The applicant is requesting a conditional use permit under, HCC 21.44.040(b), which allows for a structure to be located within a required setback of a steep slope with an approved conditional use permit. The applicant would like to build the home within 30 feet of the edge of the bluff, and the code requirement is 40 feet. The dwelling would be a 420 square foot, single story structure with a deck, built on pilings, with a roof top deck. The applicant is aware of the potential bluff erosion, and has designed the home so that it can be moved on relatively short notice.

ANALYSIS:

In order to build within 40 feet of a bluff/steep slope, an applicant must have an approved conditional use permit from the Homer Advisory Planning Commission, and a site plan for steep slope development, approved by the Public Works Director. Please see Bishop Engineering, LLC's report under attachments. The plan was submitted to meet the requirements of 21.44.050, which essentially says that a licensed engineer will provide a plan

to the City, and that the Public Works Director will approve or deny the site plan. As of the writing of this report, the Public Works Director has reviewed the original plan. This original site plan (also included in the public notice) utilized a Biocycle septic system with a drain field. Based on the Public Works Director's review with Planning, the applicant has revised the site plan to reduce the area of disturbance, and instead will use a holding tank.

The engineer states on the third page of his report that he estimate the structure will have 18 years of use, based on the current limited knowledge of the rate of steep slope recession. Eighteen years is less than the expected life of the structure. Staff discussed this issue with the applicant, and the applicant has offered a condition.

Applicant statement: " We would agree that it would be reasonable to require and inspection and re-evaluation of the condition of the slope and stability of the structure at 10 years but we would also recommend that a second criteria be used to trigger a re-evaluation. This second criteria would be based on the physical recession of the slope face and would trigger the need for a re-evaluation when the slope has receded to within 10 feet of the nearest support if this were to occur prior to the 10 years. The clear distance of 10 feet is chosen based upon generally accepted engineering practice that assumes the influence of surcharge loads (in this case the building or deck) can be assumed to act at a 1H:1V influence line from the edge of load down and outward within the soil. It will also allow the evaluation to take place when there's enough soil left around the piles to determine if measures are needed to stabilize soil around the sides of the pile to assure lateral stability of the piles is maintained during seismic events."

Condition 1: The landowner shall provide a slope evaluation and site inspection in 10 years,

Condition 2: The landowner shall provide a slope evaluation and site inspection if the bluff recedes to within 10 feet of the piling closest to the bluff.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.020, General conditions, and establishes the following conditions:

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

Finding 1: HCC 21.12.020(a) authorizes a single family dwelling as a permitted use in the Rural Residential District. HCC 21.44.040(b) allows for a structure to be located within a required setback with an approved conditional use permit.

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

Purpose: The purpose of the Rural Residential District is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter.

Finding 2: The proposed single-family residence on a one-acre lot is compatible with the purpose of the district.

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

Analysis: Many uses in the rural residential district have greater negative impacts than would be realized from a single-family dwelling within a bluff setback area. Pipelines, railroads, kennels and storage of heavy equipment would have a greater impact on nearby property values. Assisted living, group care, religious, cultural and fraternal assembly would generate more traffic.

Finding 4: A single-family residence is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

Analysis: Existing uses of surrounding land include a dumpster and water delivery business, commercial greenhouse, and residential and vacant lands along the Sterling Highway.

Finding 5: The proposed single family home is compatible with the existing mixture of commercial, vacant and residential land uses of surrounding land.

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

Finding 6: Existing public, water, sewer, and fire services are adequate to serve the single family home.

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

Analysis: Desirable neighborhood character could be described by a portion of the Purpose statement for the district, see above under (b).

Finding 7: The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.

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

Analysis: Staff notes the comprehensive plan recommends a process for more in depth review of development in such areas as this project site. However, there is no guidance on what the review standard should be. The applicant has submitted a thorough review of the site as required by code. But beyond providing the information to the Commission for a CUP, there is no standard of review, i.e., how long should a building be viable for approval? The decision on this CUP is one of community judgement, provided by the Commission. Is this proposal detrimental to the community or surrounding area? Or does it have little impact and the property owner should have the right to succeed or fail with this project?

Finding 8A (in favor): The single family home within the bluff setback area will not be unduly detrimental to the health, safety or welfare of the surrounding area, or the city as a whole. The applicant has minimized site disturbance by using piling construction and a holding tank rather than disturbing a larger area for a septic system. The disturbance to the site is the minimum needed to build a small home and reasonably utilize the lot.

Finding 8B (denial): The evidence presented in the engineer's report states "there may be only 18 years of use left for this parcel." While this is an estimate based on the limited information available, it does suggest that it is very possible that the building could fall off the bluff at some point in the future. The Commission finds this is an unacceptable level of health and safety risk for the occupants of the dwelling.

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

Finding 9: The proposal shall comply with applicable regulations and conditions specified in Title 21. Public Works Director approval of the site plan per 21.44.050 is required prior to issuance of a zoning permit.

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

Analysis: Goals of the Land Use Chapter of the Homer Comprehensive Plan include

1. Goal 2 Objective B: Establish development standards and require development practices that protect environmental functions. Implementation strategy 6: Create and option for specialize review processes for hillsides and other sensitive settings (e.g., allowance for development op steeper slopes subject to submission of more extensive site analysis and engineering reports.)
2. Goal 3 Objective B: Encourage high quality site design and buildings.
3. Goal 5: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.

Finding 10: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns Goal 2 Objective B, Goal 3 Objective B and Goal 5 and no evidence has been found that it is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

j. The proposal will comply with the applicable provisions of the Community Design Manual (CDM).

Analysis: The Outdoor Lighting portion of the Community Design Manual applies to conditional use permits in this district.

Finding 11: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

HCC 21.71.040(b). b. In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

- 1. Special yards and spaces:** No specific conditions deemed necessary
- 2. Fences and walls:** No specific conditions deemed necessary
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** A driveway permit from the State of Alaska DOT is a zoning permit requirement.
- 6. Special provisions on signs:** Per HCC 21.60, Table 2 Part A, signs in the Rural Residential District are limited to 4 square feet per lot.
- 7. Landscaping:**

Condition 3: Site ground disturbance shall be limited to the area encompassing the building, parking area and holding tank.

Condition 4: Do not alter ground vegetation outside of the construction area by mowing or creating a lawn area. Tree removal or trimming down to ground level is permissible.

8. Maintenance of the grounds, building, or structures: No specific conditions deemed necessary.

9. Control of noise, vibration, odors or other similar nuisances: No specific conditions deemed necessary.

10. Limitation of time for certain activities: See conditions 1 and 2.

11. A time period within which the proposed use shall be developed:

Condition 5: Project site development work must be completed by December 31, 2019. Thereafter a new engineering report and steep slope plan must be approved by the Public Works Director prior to any additional ground disturbing activity.

12. A limit on total duration of use: No specific conditions deemed necessary.

13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.

14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

Condition 6: The developer shall record a document stating that a CUP is on file with the Homer Planning Department. The purpose of this action is to notify future property owners of the CUP and its conditions.

Finding 12: The Commission finds that conditions 1-6 are necessary to protect the health safety and welfare of the occupants of the dwelling unit.

PUBLIC WORKS COMMENTS: No written comments.

FIRE DEPARTMENT COMMENTS: No fire issues.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP 17-06 with findings **1 through 7, 8A, 9 through 12 and Conditions 1-6**

If the Commission denies CUP 1706, use finding **8B** and make any additional findings.

Conditions

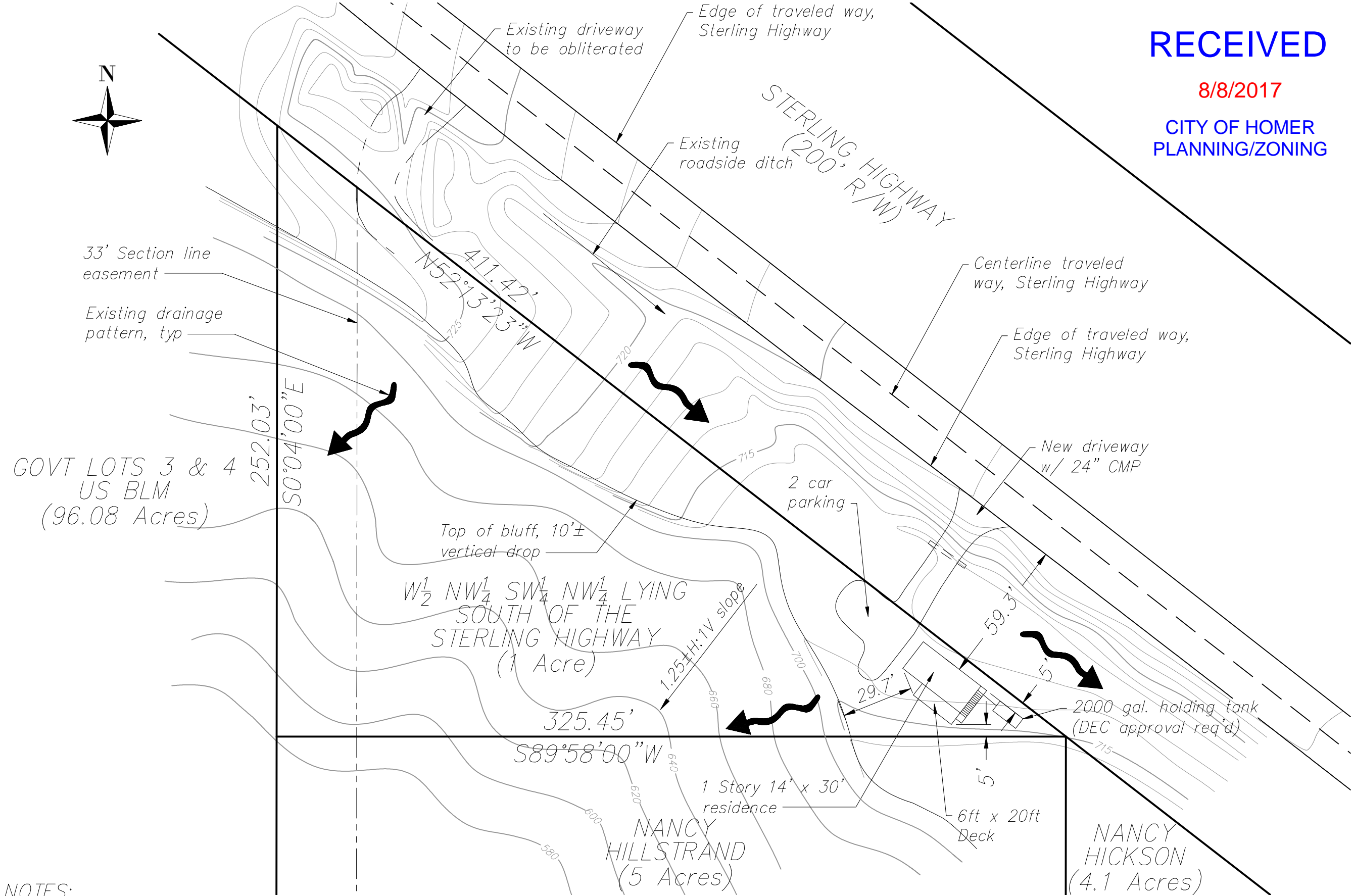
1. The landowner shall provide a slope evaluation and site inspection in 10 years.
2. The landowner shall provide a slope evaluation and site inspection if the bluff recedes to within 10 feet of the piling closest to the bluff.
3. Site ground disturbance shall be limited to the area encompassing the building, parking area and holding tank.
4. Do not alter ground vegetation outside of the construction area by mowing or creating a lawn area. Tree removal or trimming down to ground level is permissible.
5. Project site development work must be completed by December 31, 2019. Thereafter a new engineering report and steep slope plan must be approved by the Public Works Director prior to any additional ground disturbing activity.
6. The developer shall record a document stating that a CUP is on file with the Homer Planning Department. The purpose of this action is to notify future property owners of the CUP and its conditions.

Attachments

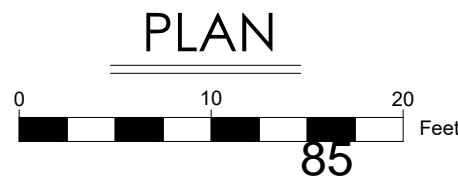
Application

Public Notice

Aerial Maps



- NOTES:
- 1. Finished grade shall match existing grade.
 - 2. Predominant vegetation consisting of Alder, Elderberry, and grasses/herbaceous plants shall not be removed outside of building, driveway, and wastewater disposal system construction limits.
 - 3. Existing drainage patterns to northeast and east shall not be modified.
 - 4. Site does not contain wetlands or watercourses.



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8/8/2017

CITY OF HOMER
PLANNING/ZONING

Notes:

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2. This drawing is to be read in conjunction with all relevant architectural and engineering drawings and specifications.

ENGINEER: BISHOP ENGINEERING, LLC
PO Box 2501
Homer, AK 99603
(907) 299-7609

CLIENT:

John Bouman
23550 S 624 Street
Wyandotte, OK 74730

OWNER:

John Bouman
23550 S 624 Street
Wyandotte, OK 74730

SITE PLAN

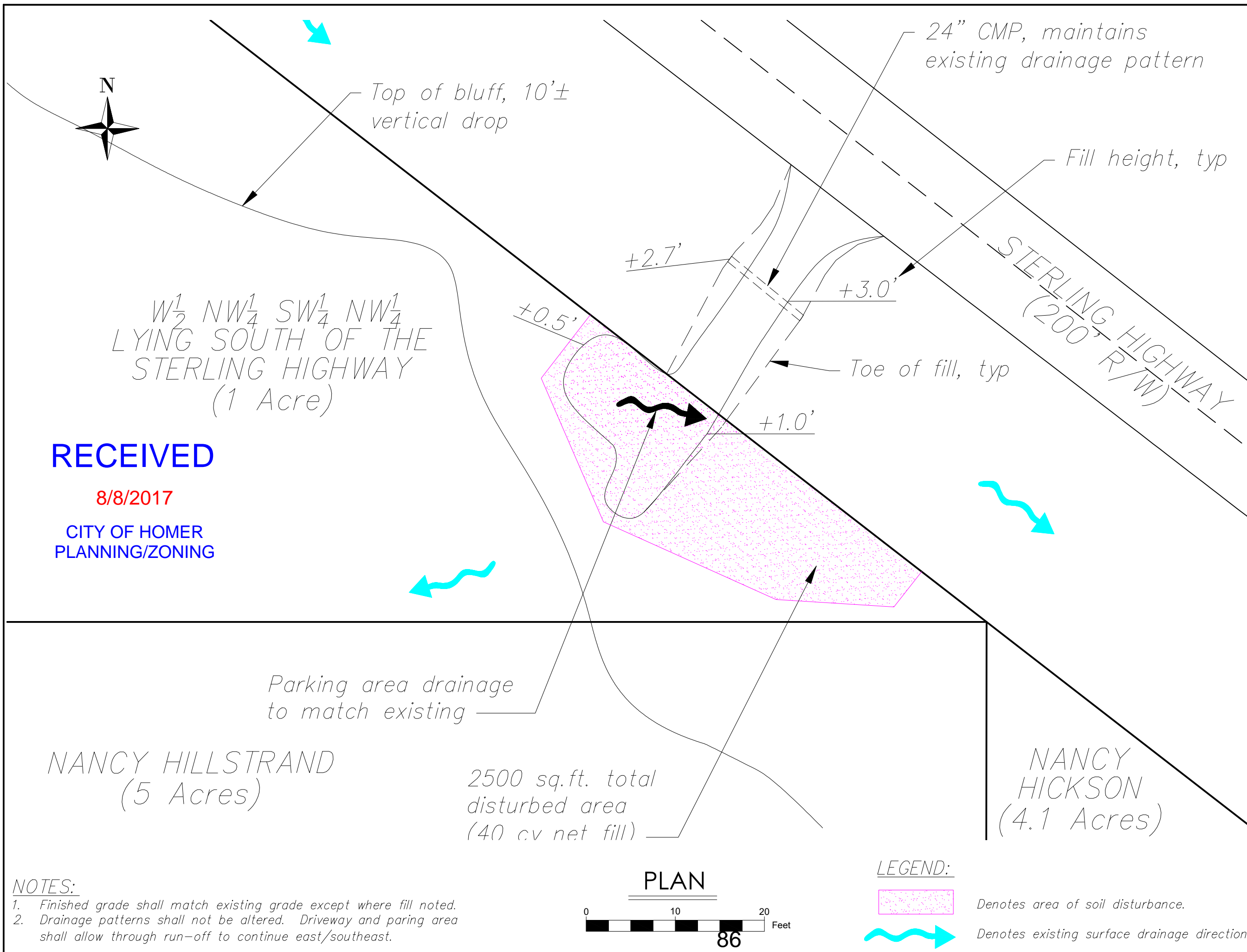
FOR PERMITTING PURPOSES ONLY

TITLE:										
DATE:										
BY:										
DESCRIPTION:										
REV:										
SITE:										

W¹/₂ NW¹/₄ SW¹/₄ NW¹/₄ LYING SOUTH OF THE STERLING HIGHWAY

SCALE AT ANSI D: As Noted DATE: 07/24/2017 DRAWN BY: JSB CHECKED:

PROJECT NO: 2017059 DRAWING NO: SP-1 REVISION: 0



Notes:

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CLIENT: John Bouman
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Wyandotte, OK 74730

OWNER:
John Bouman
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Wyandotte, OK 74730

GRADING PLAN

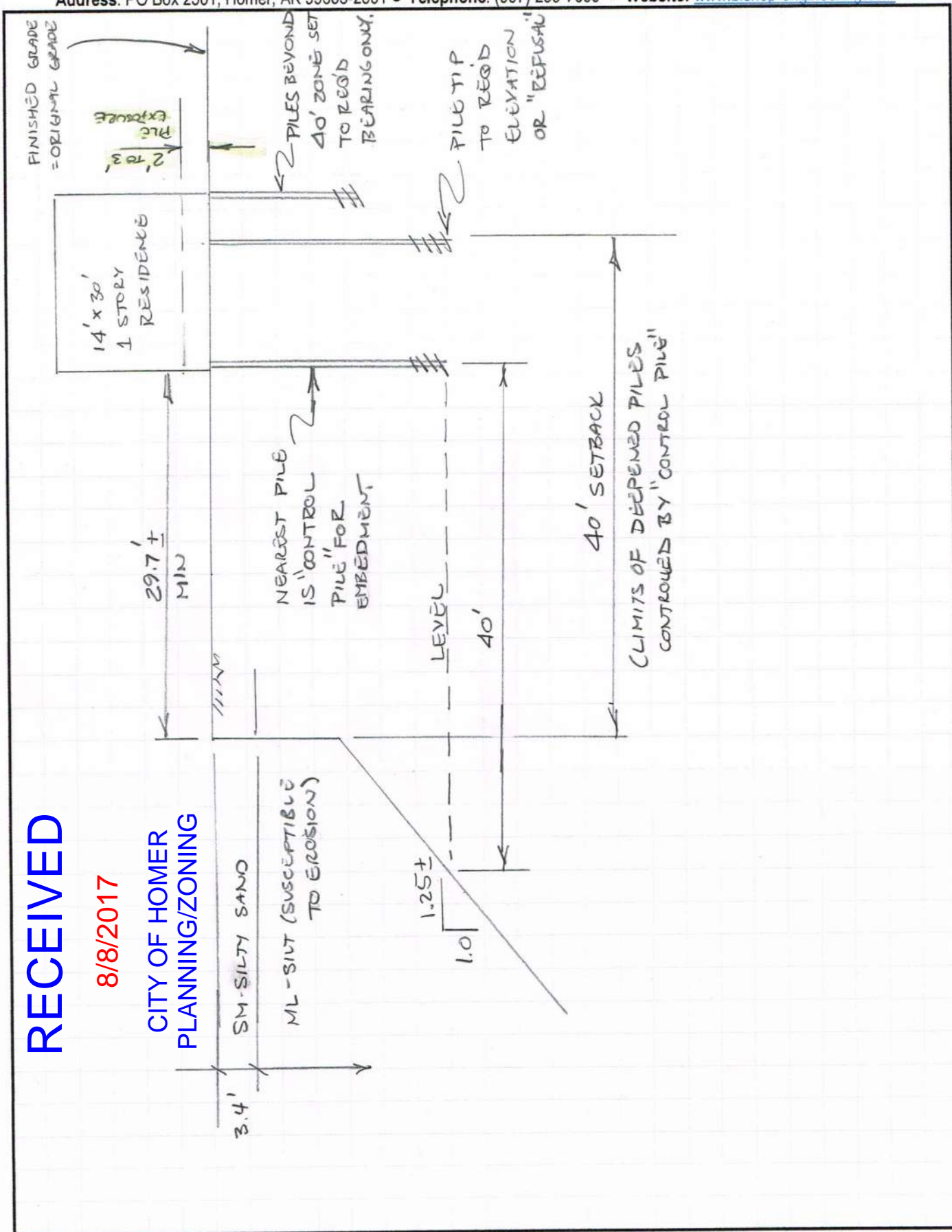
FOR PERMITTING PURPOSES ONLY

[illegible]

W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ LYING
SOUTH OF THE STERLING
HIGHWAY

SCALE AT ANSI D: As Noted	DATE: 08/06/2017	DRAWN BY: JSB	CHECKED:
PROJECT NO: 2017059	DRAWING NO: SP-1		REVISION: 0

Address: PO Box 2501, Homer, AK 99603-2501 • Telephone: (907) 299-7609 • Website: www.bishop-engineering.com



RECEIVED

8/8/2017

CITY OF HOMER
PLANNING/ZONING

From: John Bishop <jbishop@bishop-engineering.com>
Sent: Tuesday, August 08, 2017 12:13 PM
To: Julie Engebretsen
Subject: John Bouman - CUP application information
Attachments: SITE PLAN 11x17Rev20170807.pdf; SlopeDevelopmentElevation.pdf; GRADING PLAN 11x17.pdf

Good afternoon Julie,

My responses (in red) to the your discussion topics (recopied here in blue italics) are as follows:

We discussed a holding tank vs the leach field, as a way to minimize the area of disturbance, and to avoid to changing the strata/water flow along the bluff caused by the trenching and backfilling. If Mr. Bishop could provide some discussion that would be helpful. After discussions with the client, it has been determined that a holding tank is the preferred alternative at this site. Even though the general direction of subsurface flow in this parcel is southeast to east and generally parallels the surface slope edge, localized slopes and depressions of the top surface of the impermeable silt layer may direct effluent to the face of the slope. The holding tank option will not release additional water close to the slope and locating the holding tank close the residence will minimize the potential for redirection of and transport of subsurface flows along the pipe trenches.

- 1. We discussed the idea of having a new slope stability evaluation at some point in the future, say 10 years. The idea being the current engineer report has analyzed the data and the site and found that 18 years might be the life of this structure. Is there a future timeframe that would be reasonable to re-evaluate the safety of the structure?* We would agree that it would be reasonable to require and inspection and re-evaluation of the condition of the slope and stability of the structure at 10 years but we would also recommend that a second criteria be used to trigger a re-evaluation. This second criteria would be based on the physical recession of the slope face and would trigger the need for a re-evaluation when the slope has receded to within 10 feet of the nearest support if this were to occur prior to the 10 years. The clear distance of 10 feet is chosen based upon generally accepted engineering practice that assumes the influence of surcharge loads (in this case the building or deck) can be assumed to act at a 1H:1V influence line from the edge of load down and outward within the soil. It will also allow the evaluation to take place when there's enough soil left around the piles to determine if measures are needed to stabilize soil around the sides of the pile to assure lateral stability of the piles is maintained during seismic events.

I've attached an updated site plan with drainage arrows, a local grading plan with hatching indicating the area if disturbance and fill heights and footprint, and an updated elevation to show the anticipated pile height above the ground surface to help show the additional plan information Julie was requesting.

John S. Bishop, SE, PE
President

BISHOP ENGINEERING, LLC
PO Box 2501
Homer, AK 99603-2501
(907) 299-7609
WWW.BISHOP-ENGINEERING.COM
John S. Bishop, SE, PE
President

From: John Bouman [<mailto:7boumans@gmail.com>]
Sent: Thursday, August 3, 2017 1:19 PM
To: John Bishop <jbishop@bishop-engineering.com>
Subject: Fwd: CUP application information

Hi John,

Could you give me a call and converse with me relative to the below requests from the city. I need to respond to them asap.

Thanks,
John

----- Forwarded message -----

From: **Julie Engebretsen** <JEngebretsen@ci.homer.ak.us>

Date: Thu, Aug 3, 2017 at 12:57 PM

Subject: CUP application information

To: "7boumans@gmail.com" <7boumans@gmail.com>

Hi John,

Thanks for your visit today.

I need more information on the following topics:

1. A grading and drainage plan indicating all cuts, fills and areas of disturbance. The plan shall display elevation changes and cut and fill quantities.
2. A cabin elevation showing the piling height above grade.
3. A sheet showing the surface drainage of the lot (bold directional arrows for sheet flow are helpful for the Commission)
4. We discussed a holding tank vs the leach field, as a way to minimize the area of disturbance, and to avoid to changing the strata/water flow along the bluff caused by the trenching and backfilling. If Mr. Bishop could provide some discussion that would be helpful.
5. We discussed the idea of having a new slope stability evaluation at some point in the future, say 10 years. The idea being the current engineer report has analyzed the data and the site and found that 18 years might be the life of this structure. Is there a future timeframe that would be reasonable to re-evaluate the safety of the structure?

Thanks

Julie

Julie Engebretsen
Deputy City Planner
City of Homer

[907-435-3119](tel:907-435-3119)



Address: PO Box 2501, Homer, AK 99603-2501 • Telephone: (907) 299-7609 • Website: www.bishop-engineering.com

July 24, 2017

Mr. Rick Abboud
City of Homer
491 East Pioneer Ave
Homer AK 99603

**RE: Engineering Analysis in Support of Request for Variances for Parcel Development
3965 Sterling Highway; T6S R14W Sec 15 SM W½ NW¼ SW¼ NW¼ Lying South of Sterling Highway**

Dear Mr. Abboud:

This letter discusses and provides support for the development of the above referenced parcel and two zoning variance requests. The property is the first parcel on the south side of the highway as one enters the City limits southbound on the Sterling Highway at Mile Post 168.4 (APN 17316002).

EXISTING SITE CONDITIONS

The property is a 1-acre triangular shaped parcel abutted by the 200-foot wide Sterling Highway right-of-way to the northeast, a 96-acre unimproved parcel owned by the US BLM to the west, and a 5-acre unimproved parcel owned by Nancy Hillstrand to the south. The Sterling Highway southerly edge of traveled way is located 54.3 feet from the subject property's northerly boundary. A 33-foot wide section line easement runs down the easterly property boundary.

The parcel has limited usable area on which to develop. A site topographic survey indicates a strip of land averaging 30 feet in width exists along the right-of-way on which development may take place. One segment of this strip of land reduces down to just 10 feet in width approximately midlength of the right-of-way. This usable land slopes to the northeast about 5%, matching surrounding average surface slopes that drain to Diamond Creek. The southerly edge of the usable land ends with an average 10 foot vertical drop to the top of a slope that averages a 1.25H:1V (80%) for 220 feet in elevation change. The slope then breaks at slightly less steepness for an additional 60 feet and then resumes at 1.25H:1V slope for another 240 feet where it intersects a much more level 200 foot wide zone approximately 60 feet above and more than 300 feet away from the MHHW of Kachemak Bay.

A site soil profile was obtained by studying the soil strata at the slope face. Site soils consist of a 1-foot thick organic silt and root layer underlain by a 2-foot thick loose silty sand layer. A deep medium dense relatively impermeable sandy silt layer is found below these surface soils to at least 15 feet of depth where the ability to uncover soils at the slope face became infeasible. The slope recession is due in large part by erosion of the sandy silt layer by surface runoff and freeze thaw effects separating the exposed silt and sand particles from the rest of the silt formation. The erosion of the open face silt formation eventually undercuts the silty sand and organic layers above to the point these top overhanging layers sluff off in large chunks or blocks. The process is continuous but varies in the rate of erosion per year based on weather. A study of as-builts for the Sterling Highway from 1958 indicates there was a building on the subject parcel approximately 70 feet from the northerly

boundary at that time. Assuming the slope edge was not right up against the building limits at that time, we estimate the average rate of recession of the steep slope is 0.9 foot per year.

PROPOSED DEVELOPMENT

The owner proposes to build a single story, single bedroom, 14-foot by 30-foot residence on the largest area of usable ground to maximize the setback from the steep slope edge. Other improvements include relocating the existing driveway east to serve the residence. We anticipate this driveway relocation will be permitted by the State as the new location has improved sight distance over the existing location. We will also install a wastewater disposal package treatment system (Biocycle 1500) that will discharge highly pretreated effluent to the absorption field. This system will be required as the standard DEC horizontal separation to steep slopes cannot be met for a standard wastewater disposal system. The owner anticipates using a cistern to hold delivered fresh water.

REQUEST FOR VARIANCES

To develop this parcel, two variances are being requested:

1. Reduced setback to right-of-way to 5 feet from 20 feet (City Code 21.12.040.b.1).
2. Reduced setback to steep slopes exceeding 45% to 29.7 feet from 40 feet (City Code 21.44.030.c.1).

DISCUSSION IN SUPPORT OF VARIANCE REQUESTS

SETBACK TO DEDICATED RIGHTS-OF-WAY

In support of the variance request to reduce the setback to the Sterling Highway right-of-way, we first look to the distance between the nearest edge of traveled way to the right-of-way line. This distance is 54.3 feet. The Federal Highway Administration considers 30 feet as adequate space in which errant vehicles come to rest or recover after leaving the highway and is measured from the edge of traveled way. We also do not anticipate the State requesting temporary construction easements from the property owner for highway work in this section of highway which would normally be another reason to avoid building close to the right-of-way. In fact, the State is performing studies to relocate the highway further from the steep slope. Finally, to avoid requesting temporary construction easements from the State to construct the improvements on this parcel, we have considered a 5-foot setback from the right-of-way as appropriate to construct the improvements without entering the State right-of-way. This results in a 59.3-foot setback from the edge of traveled way and addresses the life safety of the building occupants and highway travelers and avoidance of potential future construction conflicts.

SETBACK TO STEEP SLOPES GREATER THAN 45%

In support of the variance request to reduce the setback to slopes exceeding 45%, we have identified a foundation type to be used that will transfer building loads to deeper soils with more protection and confinement than shallow foundations will provide. See the attached elevation for proposed helical pile installation for the building. We'll also require that there be no rerouting or increases of surface runoff to the steep slope face. Finally, we'll require that outside of the footprint of the residence, driveway, and wastewater disposal components, removal of vegetation shall be avoided. We've also informed the owner that steep slope face recession will continue and will impact the safe use of any improvements in time.

Given current limited knowledge of the rate of steep slope recession we have estimated that there may be only 18 years of use left for this parcel. This is an estimate only and changes in rainfall, snow depth, and average temperatures will affect this estimate going forward. We've also looked at the potential for earthquake induced slope failures produced by liquefaction and lateral spreading. Both of these conditions require loose to medium dense sands and silts in saturated conditions to occur. While the soils do fit the first criteria, saturation is not present to consider these soils susceptible to liquefaction and lateral spreading. Additionally, review of the study "Effects of the Earthquake of March 27, 1964, in the Homer Area, Alaska" by Roger Waller (USGS) which mapped out slope failures in the Homer area after the 1964 earthquake indicated no slope failures at or near this location due to the 1964 earthquake.

We've also considered the introduction of a design flow of 150 gallons per day into the soils where the wastewater disposal system absorption field is located. Since the soil layers slope back toward Diamond Creek, and the silt layer is relatively impermeable, this introduced subsurface flow will head northeast and not toward the steep slope leading to accelerated or concentrated steep slope erosion and recession.

CONCLUSIONS

It is our opinion that the proposed development with the special design and construction requirements discussed above and shown in the attached plan and elevation allows for the reasonable and safe use of the property, does not impact the State's full use of the adjacent Sterling Highway right-of-way, does not adversely affect downhill properties, and meets the development goals of Chapter 21 of the City Code.

Respectfully,


John S. Bishop, SE, PE

BISHOP ENGINEERING, LLC

Attachments: Site Plan
Elevation





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

Applicant

Name: John Bauman Telephone No.: 299-6191
Address: 3651 Sterling Hwy 99603 Email: 7baumans@gmail.com

Property Owner (if different than the applicant):

Name: _____ Telephone No.: _____
Address: _____ Email: _____

PROPERTY INFORMATION:

Address: 3965 Sterling Hwy 99603 Lot Size: 1 acres KPB Tax ID # 17316002

Legal Description of Property: T6SR14W SEC15 Seward Meridian HM W 1/2 NW 1/4 SW 1/4 NW 1/4 Lying S of Sterling Hwy.

For staff use:

Date: 7/27/17 Fee submittal: Amount 200.00
Received by: gn Date application accepted as complete _____
Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

- ✓1. A Site Plan
- ✓2. Right of Way Access Plan
- ✓3. Parking Plan
- ✓4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
- ✓5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

Circle Your Zoning District

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

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

- Y/N ☒ Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: _____
- Y/N ☒ Will your development trigger a Development Activity Plan?
Application Status: _____
- Y/N ☒ Will your development trigger a Storm water Plan?
Application Status: _____
- Y/N ☒ Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____
- Y/N ☒ Is your development in a floodplain? If yes, a Flood Development Permit is required.
- Y/N ☒ Does your project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>
- Y/N ☒ Do you need a traffic impact analysis?
- Y/N ☒ Are there any nonconforming uses or structures on the property?
- Y/N Have they been formally accepted by the Homer Advisory Planning Commission?
- Y/N Do you have a state or city driveway permit? Status: Existing/Will apply for new permit once building is approved by city.
- Y/N ☒ Do you have active City water and sewer permits? Status: _____

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)? Vacant

2. What is the proposed use of the property? How do you intend to develop the property? (Attach additional sheet if needed. Provide as much information as possible). Residence, single family, 420 sqft, 1 bd/1 ba. Relative to the potential ~~use of~~ 18 year use of the property (explained in engineers report) we are designing the building to be built on skids so it can easily be removed.

- 7 a. What code citation authorizes each proposed use and structure by conditional use permit?
21.12.020A
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. Compatible because it's a home in a residential neighborhood.
- c. How will your proposed project affect adjoining property values?
Increase/in hance.
- d. How is your proposal compatible with existing uses of the surrounding land?
Similar as others
- e. Are/will public services adequate to serve the proposed uses and structures?
Yes
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected? Our structure will add character & will have no adverse effects to road traffic.
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?
No
- h. How does your project relate to the goals of the Comprehensive Plan?
The Comprehensive Plan are online. Compliments it very well. See our website (www.baycrestlodge.com) to see the caliber of work to be done.
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)
1. ☒ Y ☐ N Special yards and spaces.
 2. ☒ Y ☐ N Fences, walls and screening.
 3. ☐ Y ☒ N Surfacing of parking areas.
 4. ☐ Y ☒ N Street and road dedications and improvements (or bonds).
 5. ☐ Y ☒ N Control of points of vehicular ingress & egress.
 6. ☐ Y ☒ N Special provisions on signs.
 7. ☒ Y ☐ N Landscaping.
 8. ☒ Y ☐ N Maintenance of the grounds, buildings, or structures.

9. ☒ Y ☐ N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. ☐ Y ☒ N Time for certain activities.
11. ☒ Y ☐ N A time period within which the proposed use shall be developed.
12. ☒ Y ☐ N A limit on total duration of use.
13. ☒ Y ☐ N Special dimensional requirements such as lot area, setbacks, building height.
14. ☒ Y ☐ N Other conditions deemed necessary to protect the interest of the community.

PARKING

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

Include a site plan, drawn to a scale of not less than 1" = 20' which shows existing and proposed structures, clearing, fill, vegetation and drainage.

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

CIRCLE ONE:

Owner of record

Lessee

Contract purchaser

Applicant signature: _____

Date: 7/27/17

Property Owner's signature: _____

Date: _____

9. ☒ Y ☐ N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. Y ☒ N Time for certain activities.
11. ☒ Y ☐ N A time period within which the proposed use shall be developed.
12. Y ☒ N A limit on total duration of use.
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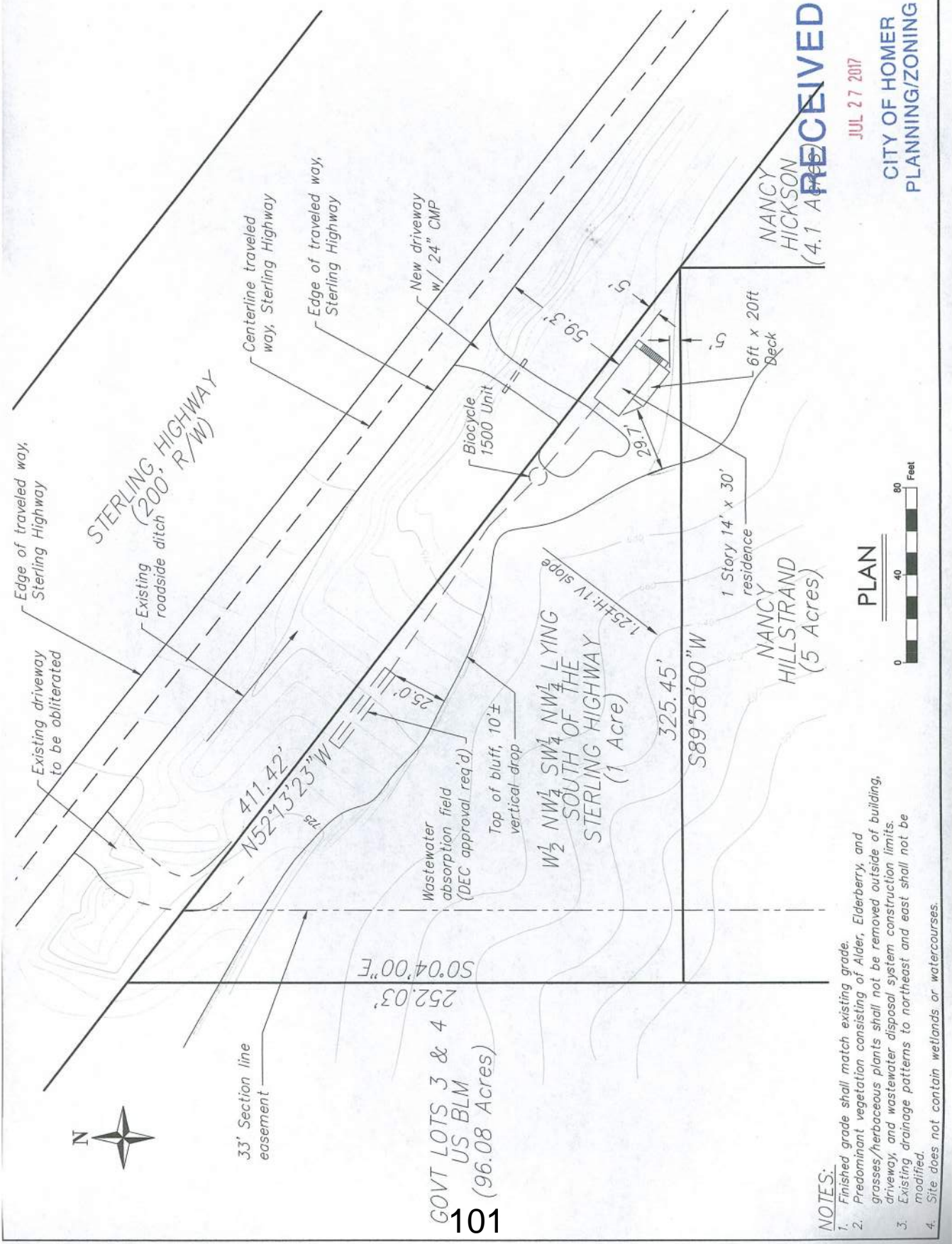
Applicant signature: _____

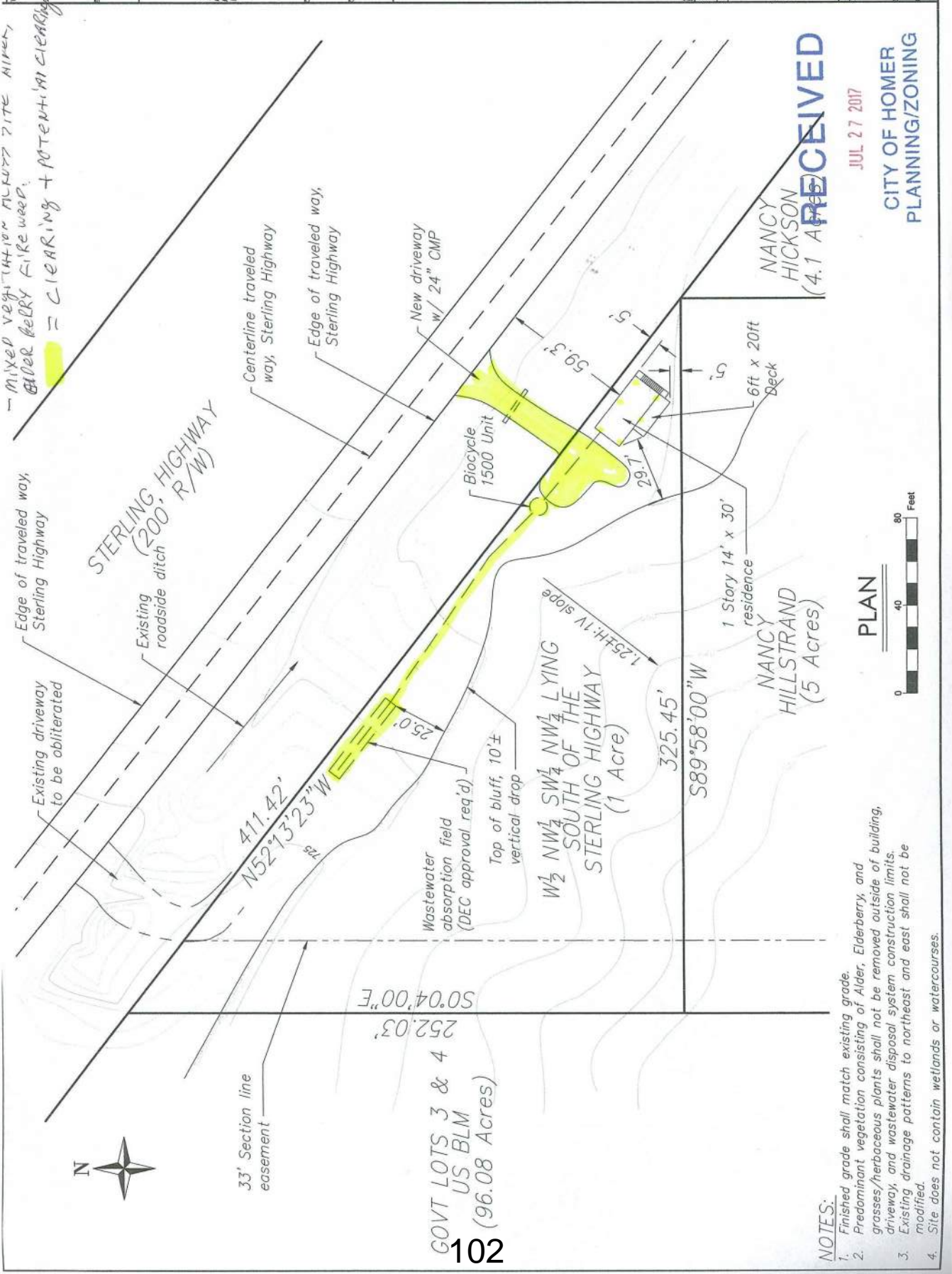
Date: 7/27/17

Property Owner's signature: _____

Date: _____

Sherry L Bouman 7/30/17





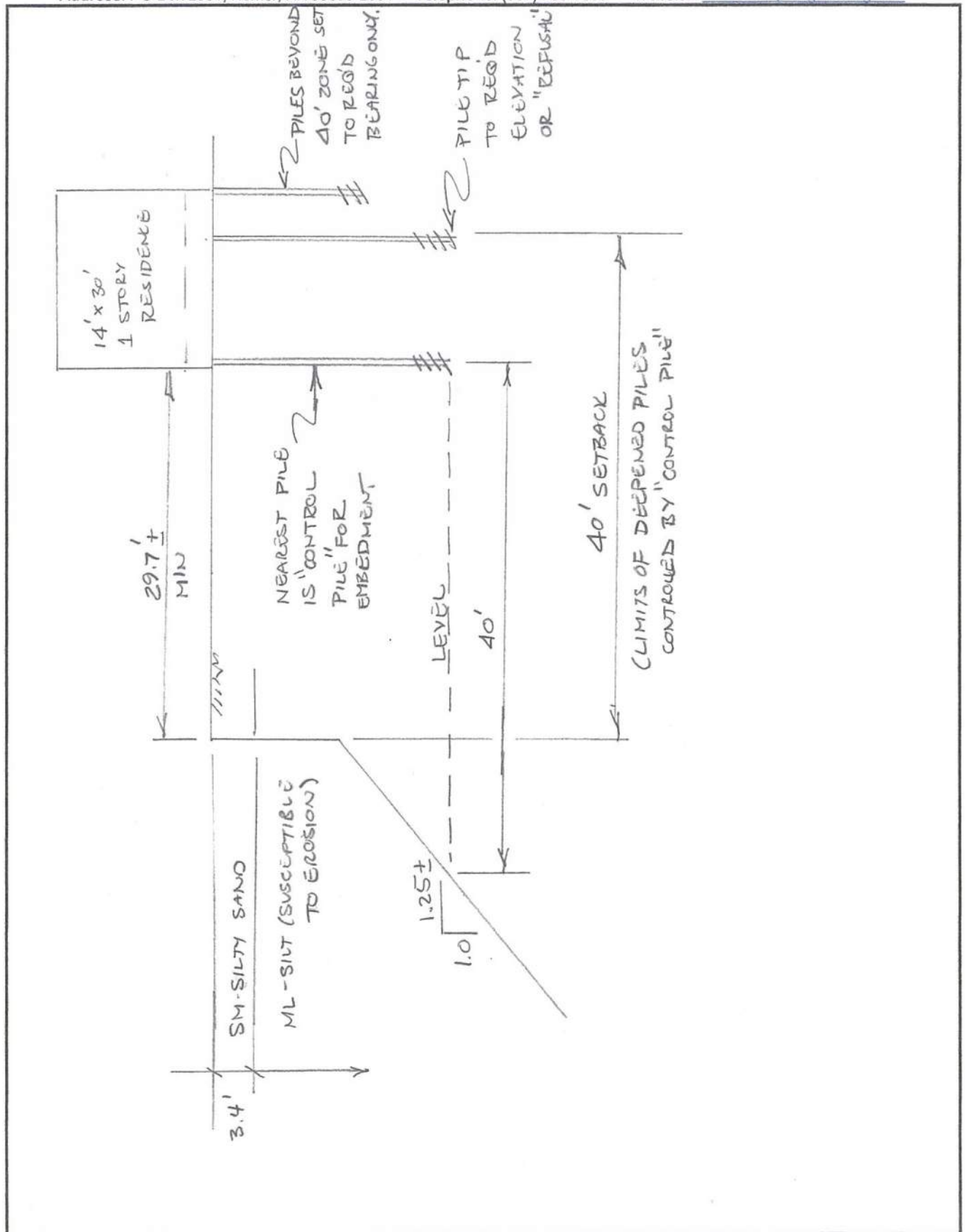
NOTES:
 1. Finished grade shall match existing grade.
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 3. Existing drainage patterns to northeast and east shall not be modified.
 4. Site does not contain wetlands or watercourses.

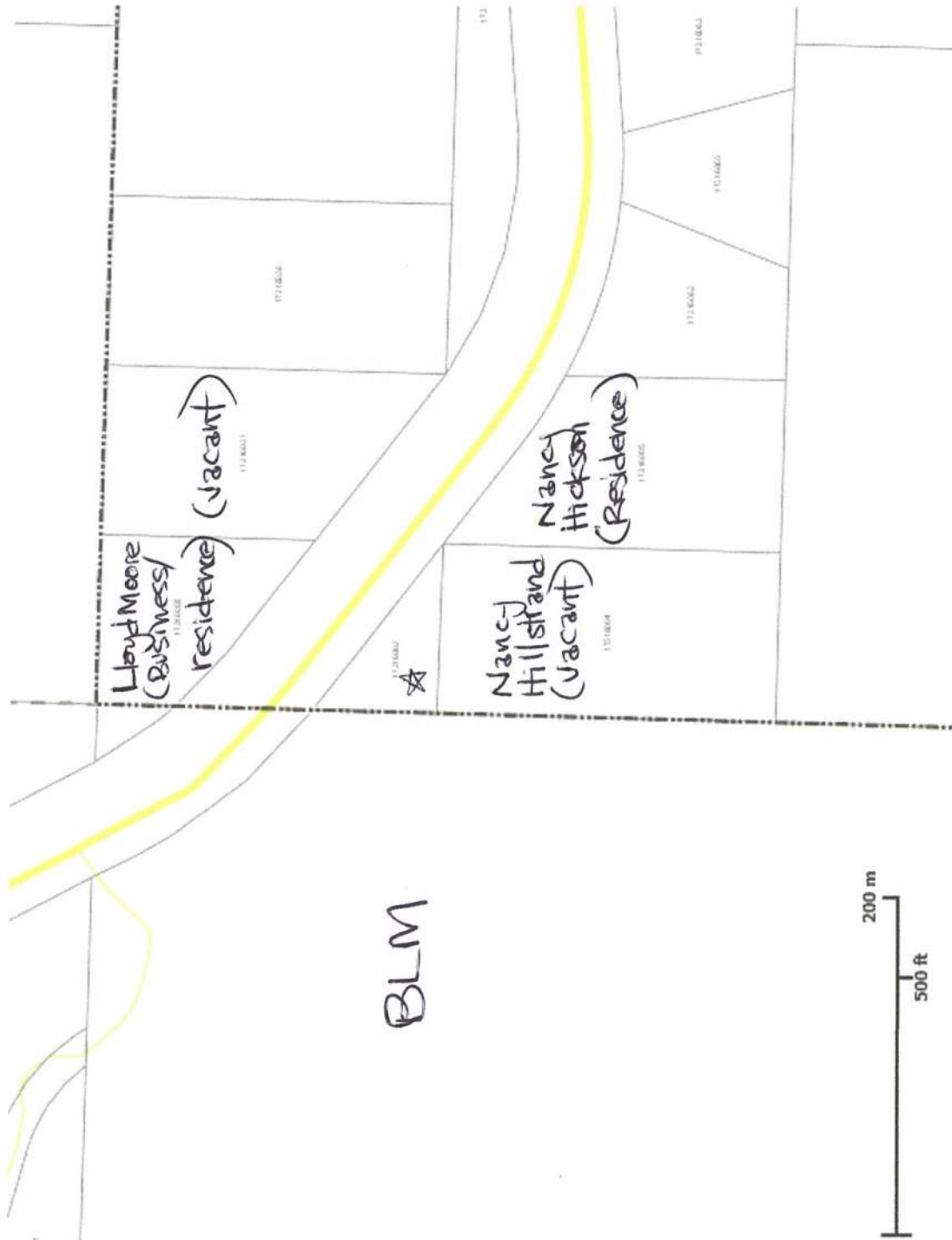
PLAN
 0 40 80 Feet

JUL 27 2017
 CITY OF HOMER
 PLANNING/ZONING

RECEIVED
 (4.1 Acres)

Address: PO Box 2501, Homer, AK 99603-2501 • Telephone: (907) 299-7609 • Website: www.bishop-engineering.com







RECEIVED

JUL 27 2017

CITY OF HOMER
PLANNING/ZONING

July 27, 2017

City of Homer Planning Dept,

We are wanting to build a small cabin on top of Baycrest Hill. Please see attached engineering report for the site details. Below you will see an approximate image of what the cabin will look like. The main difference is that the one we're building will have a flat roof top deck. For any further questions please contact John Bouman at 299-6191.

Thank you,
John Bouman
299-6191





8/11/18

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, August 16, 2017 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matters:

Request for Conditional Use Permit (CUP) 2017-06 to allow an exception to the steep slope setback for a proposed dwelling at 3965 Sterling Highway, pursuant to Homer City Code 21.44.040(b). Legal description of the property: W ½, NW ¼ SW ¼ NW ¼ Lying South of Sterling Highway, T 6 S, R 14W, Section 15, S.M.

Request for a variance to allow a reduced building setback from a dedicated right-of-way at 3965 Sterling Highway, pursuant to Homer City Code 21.12.040(b)(1) and 21.72. Legal description of the property: W ½, NW ¼ SW ¼ NW ¼ Lying South of Sterling Highway, T 6 S, R 14W, Section 15, S.M.

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.

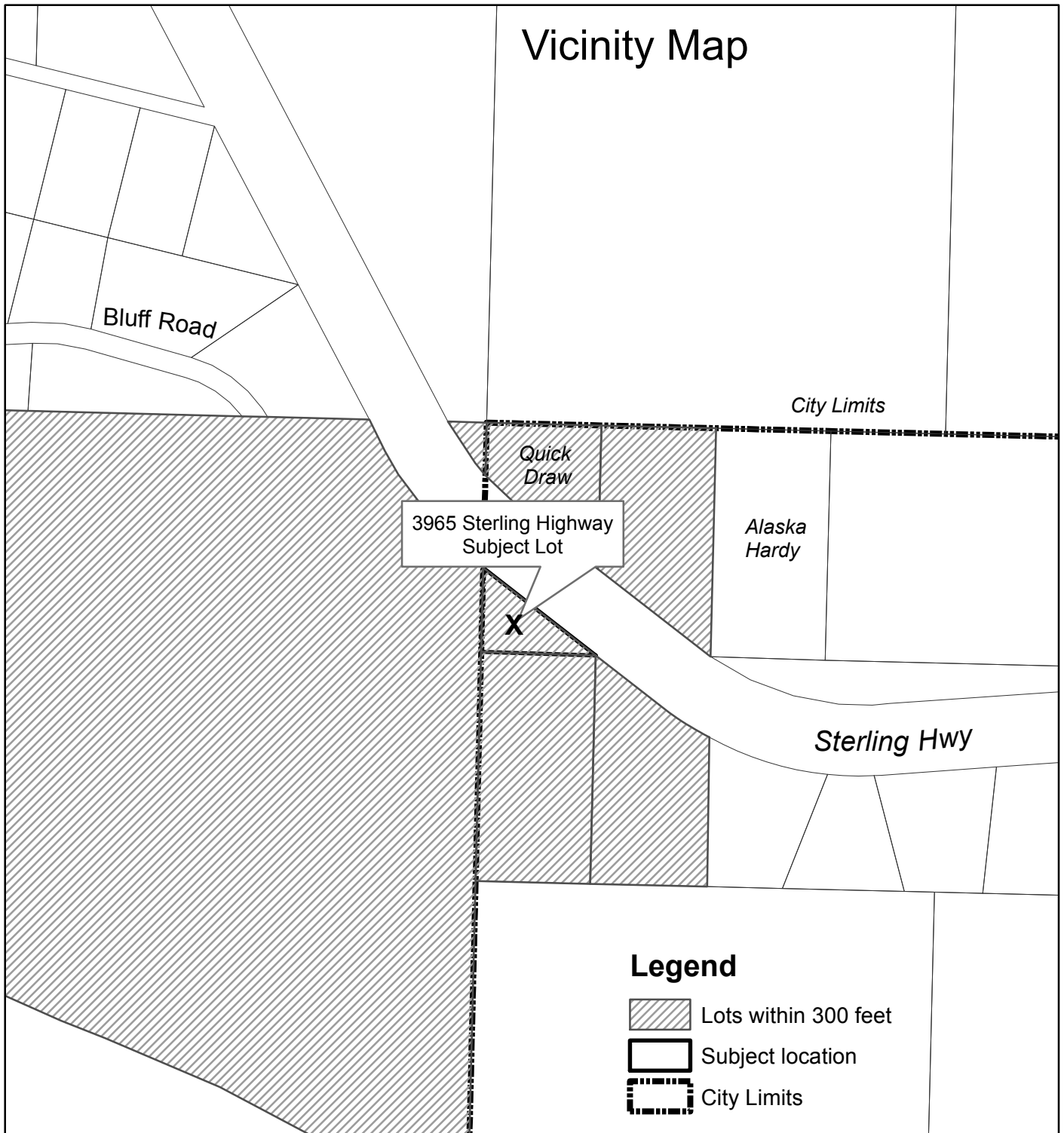
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE


Vicinity Map



City of Homer
Planning and Zoning Department
 August 3, 2017

Request for a Variance and a Conditional Use Permit

Marked lots are with 300 feet
 and property owners notified.

0 150 300 600
 Feet



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

ENGINEER: BISHOP ENGINEERING, LLC
PO Box 2501
Homer, AK 99603
(907) 299-7609



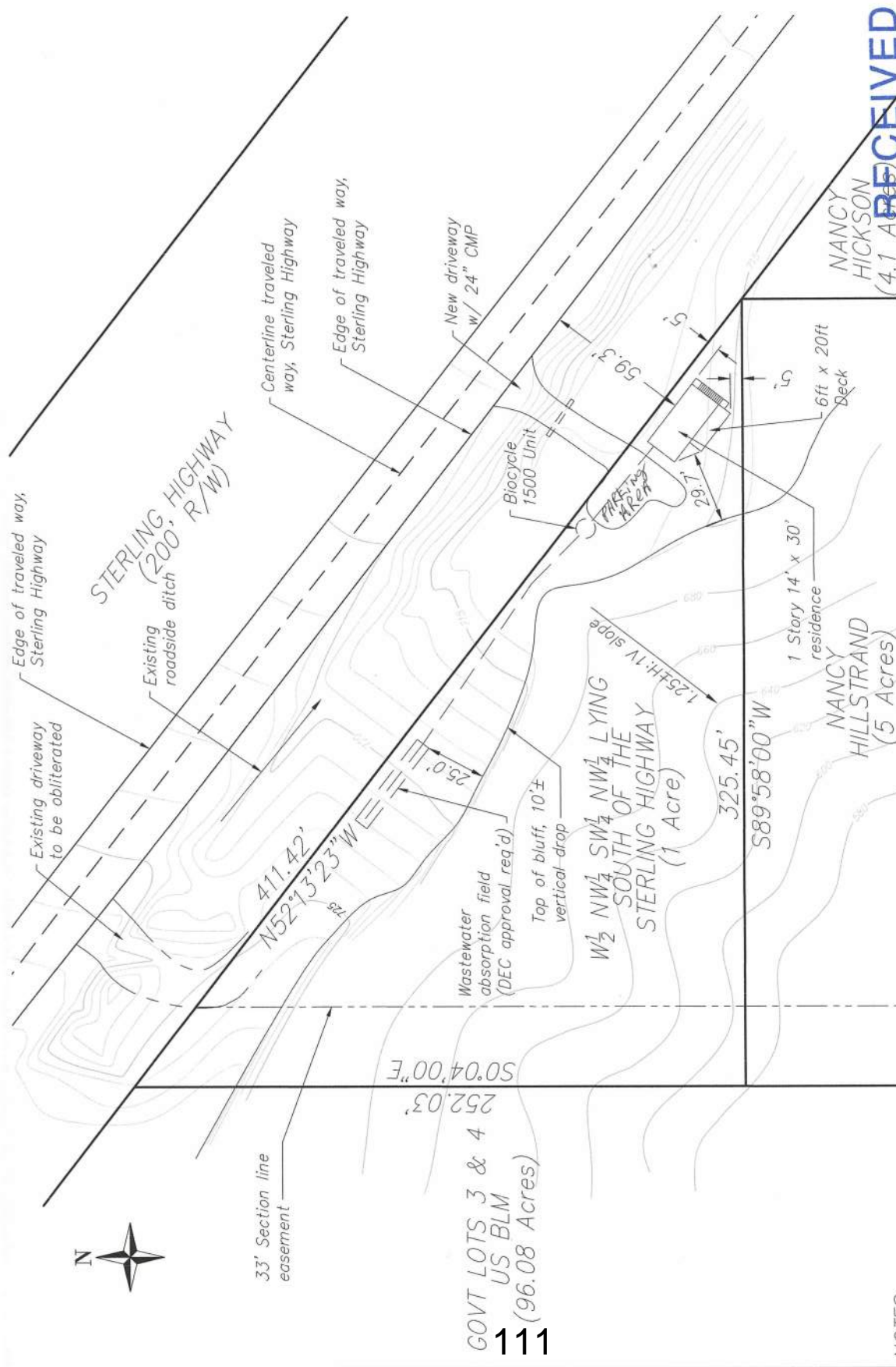
John Bouman
23550 S 624 Street
Wyandotte, OK 74730

John Bauman
23550 S 624 Street
Wyandotte, OK 74730

SITE PLAN

[illegible]

DATE:	W4 HW4 SW4 NW4 LYING SOUTH OF THE STERLING HIGHWAY	
CONTRACT NO. & DATE:	QUANTITY:	CREATED:
As Noted	J5B	
PROJECT NO.:	REMARKS:	
2017059	SP-1	0



JUL 27 2017
CITY OF HOMER
PLANNING/ZONING

JUL 27 2017

RECEIVED

PLAN



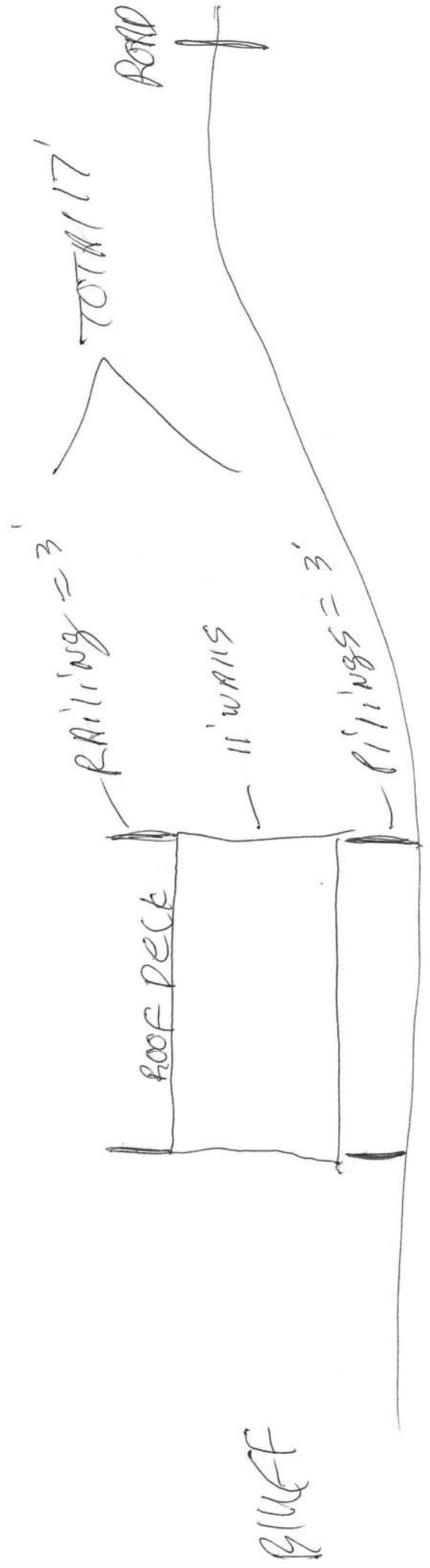
NOTES:

1. Finished grade shall match existing grade.
2. Predominant vegetation consisting of Alder, Elderberry, and grasses/herbaceous plants shall not be removed outside of building, driveway, and wastewater disposal system construction limits.
3. Existing drainage patterns to northeast and east shall not be modified.
4. Site does not contain wetlands or watercourses.

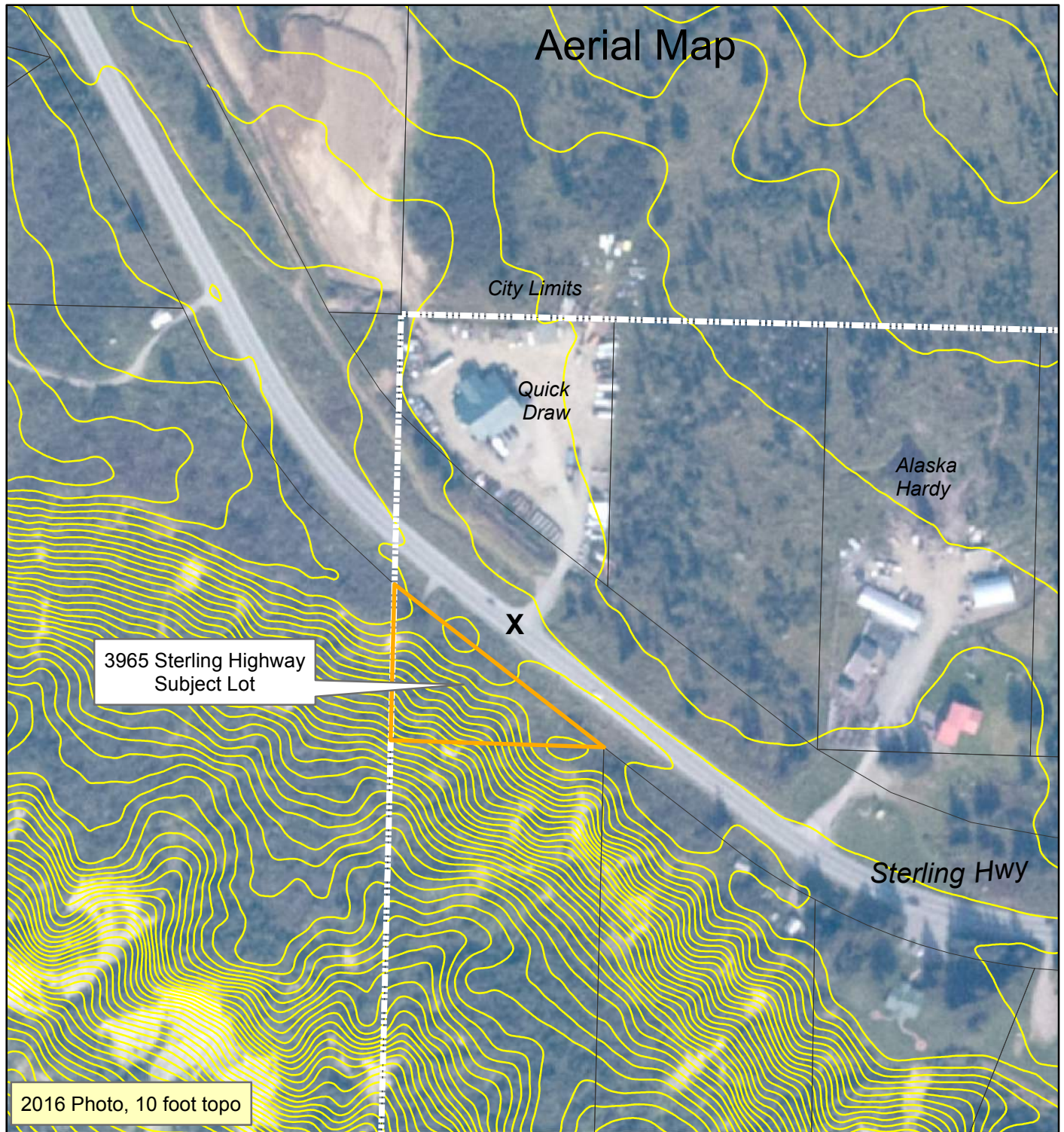


The picture above shows the dwelling design.

The depiction below shows the proposed roof deck addition.



9/11/18



City of Homer
Planning and Zoning Department
 August 3, 2017

Request for a Variance and a Conditional Use Permit

0 150 300
 Feet



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

Aerial Map 2

3965 Sterling Highway
Subject Lot



City of Homer
Planning and Zoning Department
August 3, 2017

Request for a Variance and a Conditional Use Permit

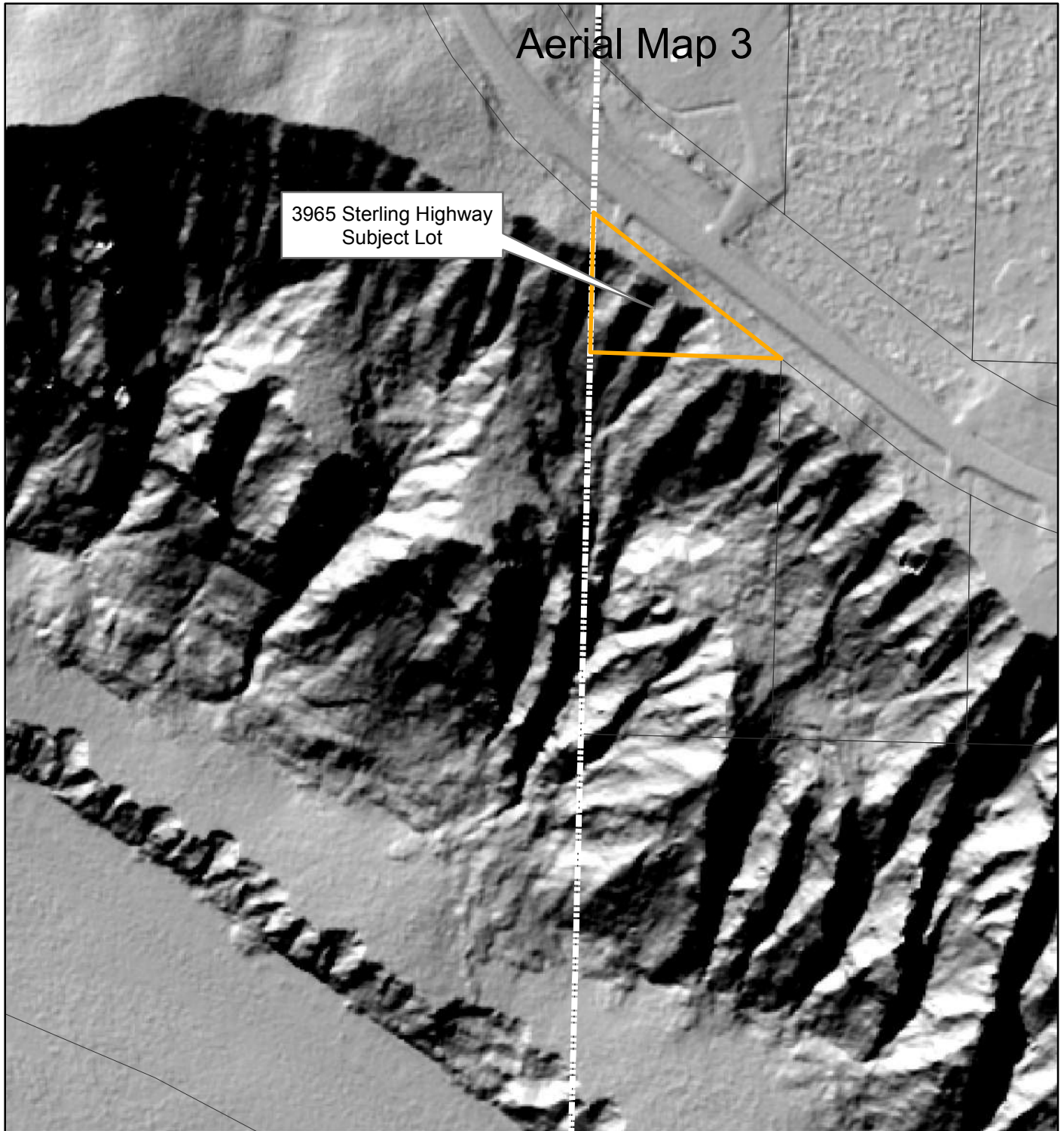
0 150 300
Feet



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Aerial Map 3

3965 Sterling Highway
Subject Lot



City of Homer
Planning and Zoning Department
August 3, 2017

Request for a Variance and a Conditional Use Permit

0 150 300
Feet



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City of Homer

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Planning

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(f) 907-235-3118

Staff Report PL 17-77

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 16, 2017
SUBJECT: RV's as employee dwelling units

Introduction

The Commission discussed RV's as dwelling units on the Spit at the last work session. Staff has continued to work on draft regulations.

Analysis

Currently, HCC 21.54.32 provides standards for RV's in the residential districts. A home owner can have someone stay in an RV as a guest for up to 90 days a year. RV's cannot hook up to city water and sewer - this is a zoning regulation, not a constraint of the water and sewer system. Staff took this section of code and modified it for potential use on the Spit. The bold underlined sections are for the Commission to consider.

There are approximately 12 Marine Commercial and 10 Marine Industrial lots affected.

1. Allowable number of RV's per lot in Marine Commercial and Marine Industrial?
2. Allow hook ups to City water and sewer?
3. Length of time – permanent? 4 months? April 1 to October 1?
(Work seems to begin on Spit business around April 1st.)

Other considerations

1. Should the RV be registered? Is this something we want to enforce through the zoning code? The only other place title 21 addresses registered vehicles is in the definition of junk.

21.54.3xx Standards for recreational vehicles in MC and MI zoning districts.

Outside of recreational vehicle parks, the use of recreational vehicles in the MC and MI zoning districts shall conform to the following standards, except to the extent otherwise specified in the regulations applicable in the zoning district:

- a. As an accessory to a permitted structure a lot, **one** recreational vehicle per lot may be used for living purposes to accommodate persons while employed on site. **(More allowed for MI?)** A recreational vehicle used for such purposes must be a self-contained recreational vehicle and must have a receptacle approved by law for collection of liquid and semi-solid wastes. Direct hook-up to municipal water and sewer is allowed with **Public Works approval**. If the unit is not hooked up to City water and sewer, the business owner shall provide the Planning Department with a plan of how solid waste and greywater will be handled.
- b. While the recreational vehicle being used to accommodate employees is parked on the property, it must be parked in a manner that will not create a dangerous or unsafe condition on the lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip or roll constitutes a dangerous and unsafe condition. A parked recreational vehicle used to accommodate employees must be in a condition for the safe and effective performance of its intended function as an operable motor vehicle.
- c. Use of a recreational vehicle to accommodate employees as allowed in subsection (a) of this section may not exceed a total of **(Timeframe?)(120 days?) (April 1- October 1?)** Such use to accommodate employees must be approved by the property owner, and in the case of property under lease, by both the lessee and the property owner.

Staff Recommendation: Discusses the questions above and provide direction to staff.



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Staff Report PL 17-78

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 16, 2017
SUBJECT: Comprehensive Plan Update Chapter 6 Public Services and Facilities

Introduction

We are starting the review on the sections dealing with the Police and Fire Departments. Please refer to your current Comprehensive Plan for comparison.

Analysis

I have had the respective Chiefs review their part of the Plan. Some statistics have been updated and accomplishments have been removed, such as the addition of the Skyline Station. Not much has changed from the original except for formatting. As with the other chapters, I have moved the concepts of the implementation strategies to the implementation table and made more general strategy statements to take their place.

I do not expect too much conversation on these sections. This is generally operational and does not propose to expand or decrease these services. The Chiefs propose to maintain staffing levels that have previously been supported and both want to better plan for equipment replacement.

Staff Recommendation

Please provide comments and recommendations

Attachment

Chapter 6 Public Services and Facilities 8.9.17 Draft

CHAPTER 6 PUBLIC SERVICES & FACILITIES

Vision Statement: The City should strive to provide public services and facilities that meet current needs while planning for the future. The City wishes to develop strategies to work with community partners that provide beneficial community services outside of the scope of City government.

Overview

Providing adequate, accessible community facilities, services, and infrastructure is a principal function of the City of Homer. Often government effectiveness is somewhat measured by its ability to plan for and finance these facilities. The City of Homer has been successful in this role with a variety of high quality, well-managed community facilities and services. This chapter outlines actions needed to maintain and improve facilities and services as the city changes.

The City provides public water and sewer services, police, fire protection, and emergency services. It also operates and maintains the port and harbor, public library, parks, animal shelter, airport terminal, and recreation facilities. The Kenai Peninsula Borough and City cooperate to provide education, health care, and certain land use planning functions, solid waste disposal, and other human services such as assistance to senior citizens. Homer residents pay city and borough property and sales taxes to help cover the costs of these services and facilities. In addition, Homer has a wide array of community services that are provided and supported by a robust network of nonprofit organizations and community groups.

The first goal in this chapter focuses on actions to provide and improve the services and facilities for which the City is directly responsible. The second goal addresses activities that the City supports. The third goal identifies strategies for the City to work with partners to provide additional community services. Under each goal are objectives which further describe near-term priorities and long-term needs for the described public services and facilities.

This document identifies general goals for future improvements. Final decisions regarding if and when such improvements are made will be determined by the City Council, considering available funding, competing needs, and other factors. Responsibility to achieve the goals in this chapter, particularly the second and third goals, does not solely lie with the City of Homer. As with any community, it is the active participation, support, and motivation of individuals, businesses, non-profit and other organizations that creates a home for many generations to enjoy.

Summary of Goals

GOAL 1: Provide and improve city-operated facilities and services to meet the current needs of the community, anticipate growth, conserve energy, and keep pace with future demands.

GOAL 2: Seek collaboration and coordination with other service providers and community partners to ensure important community services are improved upon and made available.

GOAL 3: Encourage the broader community to provide community services and facilities by supporting other organizations and entities that want to develop community services.

Goals and Objectives for Public Services and Facilities

GOAL 1: Provide and improve city-operated facilities and services to meet the current needs of the community, anticipate growth, conserve energy, and keep pace with future demands.

Objective A: FIRE & EMERGENCY SERVICES – Maintain and improve the high level of fire protection and emergency services in Homer to respond to current and anticipated future needs.

Current Status

The Homer Volunteer Fire Department provides fire, rescue, and emergency medical services to the City of Homer and, when necessary, to areas outside of city limits through mutual aid agreements with neighboring fire service areas. The department also reviews new building development to ensure it meets certain emergency access criteria. The Department employs five staff. A volunteer core of approximately 30 individuals supports the department's staff. Staff and volunteers are trained in emergency medical services, structural fire-fighting, wildland fire-fighting, marine fire-fighting, and some specialty rescue services. Fire hydrant coverage extends throughout the majority of city limits. The city has achieved a fire insurance rating (ISO) of 4 in areas within 1,000 feet of the City's fire hydrants, resulting in significant savings in the cost of home insurance. Structures located more than 1,000 feet distant of a fire hydrant have an ISO rating of 4Y. Areas located more than five miles from a fire station are rated at an ISO of 10. The goal is to maintain the current ISO ratings as well as the 35-foot structure height limit until the adoption of regulation for allowance of taller structures that do not negatively affect ISO ratings.

The fire department manages two stations (one is unmanned) in the City of Homer as well as twelve apparatus. Kachemak City contracts annually with Homer for Fire and EMS services.

The majority of calls responded to by the department are for emergency medical services (85 percent). The 2016 adopted budget for the Homer Volunteer Fire Department was \$963,352, approximately 5 percent of the City's overall budget.

Near-term Priorities

The fire department's top priority needs relate to facility improvements and adequate staffing. Built in 1980 and upgraded in 1995, the department's current facility is reaching the end of its functional life span and needs to be upgraded or replaced. Several near term improvements have been identified as part of the new public Safety Building discussion. Currently, the facility is being renovated. The renovation is expected to extend the life of the facility for 10 years. With the existing level of marine activity, there is a need for increased marine fire and rescue capacity. Notably, Homer often provides refuge/safe harbor to ships not normally scheduled to stop in port due to the nature of its location, orientation, and protected waters. Homer's economy is highly seasonal with larger call volume occurring the summer months. In 201x, the City funded two seasonal positions in the Department to aid in responding to emergency calls. As Homer continues to grow and develop, the need for code enforcement capabilities is steadily increasing. Enforcement issues have been a concern for several years. Hiring a plans examiner and Fire Inspector will increase the city's capacity to meet demand. Presently this service is deferred to the State Fire Marshal's Office in Anchorage for commercial structures.

Implementation Strategies

Improve facilities

Evaluate expanding services and capabilities

Long-term Needs

There is a general need for greater capacity to respond to City demands. The timing and magnitude of this need will be driven by population increases within the City. In regard to marine activities, the Homer port is engaged in determining the feasibility of expanding the deep water port which, if implemented, would attract more marine cargo traffic. Firefighting capabilities should be evaluated in correlation with proposed harbor expansion. The fire department with the assistance of other City agencies should continue to address and update their emergency plans, such as the Local All-Hazard Mitigation Plan, as new technology and information become available.

Implementation Strategies

Evaluate marine firefighting capabilities

Establish reserves and correlate with equipment replacement schedule

Increase volunteer base and training opportunities

Objective B: LAW ENFORCEMENT – Provide ample law enforcement services to meet existing demand and anticipated future demands.

Current Status

Homer has a full service municipal police department and is responsible for emergency and police dispatch, patrol and criminal investigations, operating the Homer Jail and animal control.

Police Department staffing includes twelve full time police officers, seven full time dispatchers and six jail officers. Police officers attend a certified police academy and receive on-going training

throughout their careers. Jail officers receive initial training through the state municipal corrections officer program. All officers are state certified. Dispatchers are primarily trained through an intensive in-house training program and then receive advanced training in emergency medical dispatch and other areas. The department has been faced with recruitment problems which follow the national trend of less people being attracted to law enforcement jobs. Retention has improved in recent years. Retention is heavily impacted by wage parity with other agencies. The current vehicle fleet has many vehicles aged beyond any reasonable expectation of service.

The department's boundaries and responsibilities do not extend beyond the city limits. Homer Police officers do have enforcement authority throughout the state. The department has a very good working relationship with the State Troopers and the agencies support each other when necessary. The highest demand on the department is experienced during the summertime due to the large influx of visitors to the Homer area.

The crime rate in Homer is relatively moderate, consisting mostly of traffic offenses, property crimes and drug and alcohol related activity. In terms of major offenses, 80 percent of crime is related to vandalism and theft. Violent crime is very low. Due to low staffing, Homer Police officers face a very high case load per officer. The case load per officer is currently approximately 30 percent higher than any other agency on the Kenai Peninsula. In addition to criminal investigation, crime solving and general patrol work, officers also enforce city ordinances on a complaint call basis. Ordinance enforcement related to protecting Homer's fragile beach ecosystem has been a matter of significant public concern.

The public safety radio system is nearing the end of its useful life. Key components of it will no longer be supported by the manufacturer after 2018. It is imperative to begin replacing and updating the system as soon as possible.

The 2016 budget for the Homer Police Department is \$3,218,172.00, approximately 14 percent of the City's overall budget.

Near –Term Priorities

Implementation Strategies

Maintain authorized positions

Plan for equipment upgrade/replacement

Review staffing levels

Mid-Term Needs

There is a strong need to replace the building and grounds utilized by the Homer Police Department. The existing structure was built in the late 1970's. Department operations have outgrown the current building and it has serious personnel safety and health concerns. The existing site is too small to accommodate expansion or reuse. The city formed a Public Safety Building Review Committee approximately eighteen months ago. Space needs have been evaluated for a joint use police/fire facility and preliminary plans have been drafted. Site selection has been performed and the committee is continuing to meet. The city council is currently discussing building options.

Implementation Strategies

Plan for new facility

Long Term Needs

To maintain the delivery of efficient, professional long term public safety services to Homer, the Homer Police Department needs a stable work force supplied with a minimum of essential tools. These tools include a well maintained and adequate fleet, on-going training and personnel development, current radio, computer, investigations and office equipment and professional management and leadership. Maintaining wage parity with other law enforcement agencies combined with proper equipment and leadership is a key factor in retaining workers and offering them career stability. Computer and radio equipment age rapidly and quickly become outdated. Obsolete equipment often does not interface properly resulting in increased workloads and sometimes a complete failure in necessary interagency data transfer.

Implementation Strategies

Determine action necessary to ensure a stable workforce

Public Services and Facilities Implementation Table

Project	Timeframe			Primary Responsibility
	Near Term	Mid Term	Longer Term	
Fire & Emergency Services				
I-A-1 Construct new building and training facility.		x		City
I-A-2 Maintain personnel funding	x			City
I-A-3 Hire Fire Marshal/Code Examiner.	x			City
I-A-4 Increase marine fire/emergency response capabilities.		x		City, Port & Harbor merchants & patrons
I-A-5 Increase volunteer core to 50 people.		x		City, community volunteers
I-A-6 Establish an adequate on-going annual budget for replacing or refurbishing essential equipment.		x		City
I-A-7 Evaluate capacity to respond to emergencies associated with possible expansion of harbor or neighboring waters.		x		City
I-A-8 Increase training opportunities.	x			Fire Department
I-A-9 Update Emergency Operations & Hazard Plans.		x		City
Police Department				
I-B-1 Retain and recruit to maintain full staffing levels	x			City
I-B-2 Address retention and recruitment issues, and retain a competitive compensation package.	x			City
I-B-3 Implement a reasonable vehicle replacement plan.	x			City
I-B-4 Hire dedicated Homer Spit Officer for summer months.	x			City
I-B-5 Pursue grants and city funding to upgrade and replace radio system	x			City
I-B-6 Construct new building.		x		City
I-B-7 Ensure adequate on-going funding			x	City
I-B-8 Maintain aggressive training program in all divisions			x	Police Department
I-B-9 Communicate department needs with community leaders			x	Police Department/Admin.



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Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: August 9, 2017
SUBJECT: August 14 City Manager's Report

Salary and Benefits Study

HR Director Browning has been working on a salary and benefits study comparing other municipalities' complete compensation packages which includes: position descriptions and wages, longevity scale info, health care, cost of living adjustments, and other fringe benefits with the City of Homer to help inform your deliberation during the budget cycle. Her analysis depends on the participation of neighboring municipalities and their willingness to share information, so timing is difficult. Nevertheless, her goal is to have the study done by the end of September. This report will produce a lot of real time, real world information that will be very valuable. I am looking forward to reviewing the results with you.

Lunch with a Councilmember

Fall must really be right around the corner...Lunch with a Councilmember is starting back up soon. The Homer Friends of the Library Coordinator will contact you to schedule a time slot. I encourage members of the public who are interested in more free form dialogue with their City leaders to attend this hour long 'brown bag' lunch at the Library conference room from noon to one the first Council Monday of the month (September 11, October 9, November 27, December 11).

Reminder: Emergency Management Worksession September 11th

Council expressed an interest in more information regarding City of Homer specific emergency operations after the worksession held with the Department of Military and Veteran's affairs. The worksession on September 11th will provide Council an opportunity to review the City of Homer Emergency Operations Plan (<https://www.cityofhomer-ak.gov/fire/emergency-operations-plan>), ask specific questions of the Fire Chief and hopefully allow time for some discussion on area maritime response.

Coffee Table

August 2 Mayor Zak, former Councilmember Howard and myself were invited to KBBI's coffee table to discuss the structure and responsibilities of City government. It was a great opportunity to share with the public details on what Councilmembers are asked to take on as the decision makers and leaders of a complex organization of 100 employees and a 25 million dollar annual budget. KBBI expressed an interest in running a series of coffee table programs that focus on different departments and responsibilities of City government.

Visit from Captain of the Port

Port and Harbor Director Hawkins and I met with newly appointed USCG Captain of the Port for Western Alaska (including Southcentral), Captain Sean MacKenzie and staff. The Captain of the Port is in charge of enforcing USCG regulations regarding maritime security, safety and environmental protection. In addition to providing Captain MacKenzie with an overview of the Large Vessel Harbor expansion plans, we emphasized the importance of the Coast Guard in our community and the City's willingness to work with them on any issues they may have.

Alaska Municipal League Summer Meeting

I will be out of the office Tuesday August 15 through Friday August 19 to attend Alaska Municipal League Summer meeting with Councilmember Smith and Mayor Zak. I am looking forward to touching base with other Managers and municipal leaders about how they are handling everything from declining revenue to Port and Harbor development. Though I will not be in the office, I will be available by phone and email and will be working on packet preparation for the next meeting while I am there, so please feel free to contact me if you need anything.

Global Sustainable Fisheries of Alaska

In 2015, the City was approached by Global Sustainable Fisheries of Alaska (GSFA) to lease Lot 9A and Lot 10A on the Homer Spit (corner of Fish Dock and Homer Spit Road). In the original proposal GSFA planned to build a 10,780 sq ft fish processing plant that used unique freezing technology to preserve quality. Eventual plans included manufacturing modular units that could be sent to bush Alaska for preserving harvest in rural communities. Resolution 16-086 authorized lease negotiations. In Resolution 16-105 the proposed facility was reduced to 2,700 sq ft. The lease was subject to GSFA obtaining \$1.6 million grant from the U.S. Department of Commerce and Economic Development Administration (EDA). As the landowner, the EDA required the City to file as a joint applicant for the grant. Resolution 16-096 approved a joint agreement between GSFA and the City of Homer that specified that GSFA would be treated like any other lease holder and be responsible for meeting all grant requirements.

On August 3, 2017, the City Manager's office received notification that GSFA was not awarded the Economic Development Administration grant due to failure to secure the required match. As you can see from the long trail of resolutions, staff has spent a lot of time working with GSFA over the last 3 years. The project has gained significant statewide attention with promises to revolutionize fish processing in Alaska and combat unemployment in rural communities. GSFA has contacted City staff to request renewed partnership on a second application. However, with lease approval being dependent on a successful grant award, I have no choice but to terminate negotiations with GSFA. After going through one round of application, I don't believe the City has the time or expertise to reapply as a joint applicant for the EDA grant and I will be re-advertising lots 9A and 10A as available for lease.

Community Assistance

At the July 24th Council meeting I was asked to report on the status of the FY 2017 community assistance payment from the state. As you recall, Ordinance 16-21(S) appropriated \$189,000 for the SPARC project with the intent of reimbursing the General Fund those dollars once payment was received from the state.

- State Fiscal year 2017 Community Assistance Payment: \$215,640 received November of 2016

- State Fiscal year 2018 projected Community assistance amount: \$145,735 (will receive late 2017)

Right of Way Clearing

Over the last few years Public Works has dedicated a portion of the summer to improving drainage along roads by re-establishing road side ditches. This work extends the life of roads, improves their level of

service, and reduces long-term maintenance costs. The City Council has probably received complaints about this work similar to those received in the City Manager's office and at Public Works, so I want to take a minute to explain the need for this work and the pains the department takes to be respectful of property owners.

Ordinance 16-51 and Homer City Code Chapter 11.36 provides for the removal of vegetation that interferes with the reasonable public use of a right-of-way. Public Works makes every effort to contact adjacent property owners about the work in their neighborhood and explain why the work is necessary. We knock on doors and leave door hangers. At the property owner's request, downed trees can be salvaged for firewood. All work is completed within street right-of-way. Surveyors are employed to locate property lines to make sure we are not excavating or clearing vegetation on private property.

Road side ditches play an important role in collecting surface water from adjacent property and draining the road subgrade. Poor drainage contributes to saturated road gravel/subgrades which (especially during breakup) causes roads to become impassable. Good drainage reduces the severity and the length of time gravel roads suffer during thawing and wet conditions. Paved roads will deteriorate more quickly if underlying subgrade and gravel become saturated. The types of soils encountered in Homer are generally fine-grained silty soils that are highly moisture sensitive, impermeable and frost susceptible. Keeping ground and surface water away from roads, buildings and infrastructure is especially important in Homer.

To complete ditch maintenance, vegetation along the road side is impacted. We understand that to some property owners, trees and vegetation growing in the right-of-way act as a visual buffer to their property. It is especially difficult to see trees removed when the aphides and beetles have killed so many healthy trees in our town. Unfortunately, trees in the right-of-way can and do block sight distances, interfere with snow plowing and storage. They also interfere with the maintenance and operation of drainage improvements, gas mains, telephone and power lines, and cable facilities. Street right-of way is intended to serve the public and provide access, drainage, and a corridor for aboveground and underground utilities. In most cases, trees in the right-of-way conflict with these public needs.

In summary, the work described above is completed for the following reasons:

- Maintain and improve drainage
- Clear overhanging/protruding vegetation that interferes with the heavy maintenance equipment and emergency vehicle response
- Provide for snow storage and the ability to "wing back" snow during heavy accumulations
- Maintain sight distances at driveways and intersection
- Allow for utility companies, including power, telephone, gas and cable TV facilities, to efficiently operate and maintain their facilities

It is probable that the lack of attention in the past to maintaining street right-of-way in the manner described above has contributed to the severity of the work being accomplished now. We hope that the Council and the community can understand and support our ongoing efforts to maintain street right-of-way for the benefit of the many users of our public rights-of-way.

Enc:

Employee Anniversaries - August

Memo from Planning Commission Updating Council on their work on Homelessness

Memo from Public Works Director on Providing Small Quantity Bulk Water to the Public



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Memorandum

TO: MAYOR ZAK AND CITY COUNCIL
FROM: Katie Koester
DATE: August 14, 2017
SUBJECT: August Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Dan Gardner,	Public Works	26	Years
Carey Meyer,	Public Works	18	Years
Dotti Harness,	Admin	12	Years
Dale Bothell,	Public Works	7	Years
Joe Inglis,	Public Works	6	Years
Eve Dickmann,	Police	5	Years
Staci LaPlante,	Public Works	3	Years



Memorandum

TO: MAYOR ZAK AND HOMER CITY COUNCIL

THROUGH: KATIE KOESTER, CITY MANAGER

FROM: RICK ABBOUD, CITY PLANNER

DATE: JANUARY 5, 2017

SUBJECT: TEMPORARY COLD WEATHER SHELTER FOR THE HOMELESS

Council Member Erickson proposed that the Planning Commission review options for temporary cold weather shelters for the homeless in a memo to the Mayor and City Council dated January 5, 2017. The Planning Commission was introduced to the subject at their meeting on February 1st. The subject was further explored at the meetings on February 15th and March 1st. The Commission had discussions at length about the parameters for the allowance of cold weather shelters. The conversations quickly delved into the many related services necessary to help alleviate homelessness.

There was discussion of the definition of hostel and rooming house that do not require payment for use. I further explored how one could gain these designations and offer a temporary cold weather shelter. Based on existing programs, such as those found in Anchorage. I found that the cold weather shelter opens as demand exceeds the supply of beds in the homeless shelters. After having Captain Christy of the Salvation Army present to the Commission (my only candidate for operation of a shelter), she concluded that in consideration of all the effort it would take to run a cold weather shelter, she may as well open a shelter for the homeless (note: Captain Christy has recently accepted an assignment outside of Homer). If the only program for homeless were a temporary cold weather (defined as 45 degrees or below) shelter, what exactly would be temporary? The temperature in Homer routinely dips below 45 degrees for 10 months or so.

All this begs to ask, when does a hostel/rooming house or something else become a shelter for the homeless? Considering that Homer does not really have a shelter for the homeless and a 'cold weather' shelter would/could be designated nearly year-round, what would actually be temporary? The client? The time a shelter operates? Now this is really looking like a straight shelter for the homeless, especially when we seemingly only have one possible operator.

An emergency shelter for the homeless in Anchorage is based on an actual emergency situation and the designation for such supersedes zoning. The Muni spends over \$2 million

dealing with homelessness. They regulate the occupancy issues of the structure itself along with the operational policies and plans. Health and Human Services along with the Fire Department administer the program. It is but one piece of a multifaceted program to address homelessness in Anchorage. We are talking life and death here. If a hostel or rooming house wanted to offer a free room on occasion to those in need, I would see no problem with that. When a temporary shelter is not really temporary and could house a population nearly indefinitely, there is nothing really different from a shelter for the homeless. This could be addressed if we had a potential applicant.

Where are we now?

So far, I have found lots of concern for the homeless, while noting that their presence in Homer lately has not been nearly as noticeable as last year. We have no organization proposing to provide temporary cold weather shelter for the homeless, thus no potential provider. The designation of the temporary shelter for the homeless, such as in Anchorage, seemingly requires more effort than dealing with an by-right shelter for the homeless and is really seen as a program in conjunction with a greater effort to address homelessness.

What about shelter for the homeless? Any designated shelter for the homeless has a myriad of concerns, which can be very programmatic and site specific. I find it particularly challenging to make a long list of conditions for the operation of a shelter to conceivably address an unknown operational plan. When a shelter is near a residential neighborhood, I believe there is good reason to solicit and address local concerns with a CUP. At this point, we have not chosen to address a by-right provision for a homeless shelter.

I have made contacts and keep abreast of potential opportunities for the development of programs for the homeless. I will continue to monitor organizations for their proposals and consider how they may be addressed in zoning. I will gladly work with any potential applicant in the development service facilities and examine the issues with the Planning Commission. I hope to schedule an annual presentation to the Planning Commission on the subject of Homelessness.



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Public Works

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publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum

TO: Katie Koester, City Manager
FROM: Carey S. Meyer, Public Works Director
DATE: August 9, 2017
SUBJECT: Options for providing a small quantity bulk watering point

Every so often, there is renewed interest in developing a bulk watering point where the public can access small quantities (500 – 1000 gallons) of drinking water. No reasonable solution has ever been identified that 1) does not require significant capital costs, 2) could generate revenue in a cost effective manner and did not compete with the private sector, and 3) provide safe public access. The following options are available:

Option 1 – make minor improvements to current “RV dump site sites” to allow for safe access and provide “iron rangers” and signage to facilitate revenue collection. This would provide summer time access to bulk water (up to 20 gpm) at two locations (Public Works and the Spit).

Cost = \$5,500; Expected Annual Revenue = \$1,100.



Existing Public Works RV Dump Site

Advantages: low initial capital expenditure, produces revenue; does not compete with public sector (local bulk water haulers are not set up to serve customers wanting 1000 gallons or less); safe access provided.

Disadvantages: summer use only, low fill rates, requires cash handling.

Option 2- provide year round facility. This would require a heated enclosure and a more significant capital expenditure. would result in a single location (probably near Public Works) that could provide access to bulk water at higher flows (50-100 gpm). Would include capacity to pay for water using credit card.

Cost = \$85,000; Expected Annual Revenue = \$5,500

Advantages: higher level of service (year round at higher fill rates), no cash handling.

Disadvantages: could begin to compete with private sector, higher capital expenditure and O&M costs.

