

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 16, 2017 **p. 3**

B. Staff Report 17-79, Vacation of a Utility Easement on Lot 1, Block 3 of Mariner Village Subdivision **p. 17**

C. Decisions & Findings for Variance 2017-01, Steep slope setback reduction at 3965 Sterling Highway **p. 31**

D. Decisions & Findings for CUP 2017-06, Building setback reduction at 3965 Sterling Highway **p. 35**

E. Decisions & Findings for CUP 2017-05, More than 8,000 square feet of building area at 3301 East End Road

6. Presentations

p. 39

7. Reports

A. Staff Report 17-80, City Planner's Report **p. 47**

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.

9. Plat Consideration

10. Pending Business

A. Staff Report 17-81, Comprehensive Plan Update Chapter 6 Public Services and Facilities **p. 67**

11. New Business

12. Informational Materials

A. City Manager's Reports for August/September City Council Meetings **p. 95**

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

The next regular meeting is scheduled for Tuesday, October 17, 2017. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

Session 17-11, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:30 p.m. on August 16, 2017 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, STEAD, BENTZ, HIGHLAND AND VENUTI

ABSENT: COMMISSIONER BANKS

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF AGENDA

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

Catherine Ulmer, resident, a member of the Port and Harbor Advisory Commission, commented on the work that that commission has been doing to clean up the spit and as such they have been putting requirements into the leases, they govern the hours that businesses are open so that no one is out on the Spit late at night. There are rules about motorhomes on the spit and they do not want motorhomes used as caretaker residences. She did not support using motorhomes as caretaker residences on the spit. Ms. Ulmer recommended using the RV parks that is already established. She suggested instituting charging rates for those that want to be there beyond the regular season, suggesting \$75-\$100 per night, saying she would prefer seeing a connex attached to the building. Ms. Ulmer requested the support of the Planning Commission in maintaining the Port & Harbor's goals.

Ms. Ulmer affirmed for Commissioner Highland that she is representing the Port & Harbor Commission and the people who live in Homer.

Marcia Pierce, resident of Soldotna, owner of Sportsman Supply, has had her motor home next to the business on the spit for 18 years. Nothing bad about it very clean, she stated she maintains a home in Soldotna and she noted they reside in the motorhome from February to September every year. Ms. Pierce stated that she has her office in her motorhome and everything else she requires to run the business. The previous comment regarding one

motorhome on the spit is incorrect, Ms. Pierce noted that there are about 10 sites that had motorhomes on the spit. She did have a RV Park but this year it was taken away from her because she did not have 40,000 square feet. Ms. Pierce stated that her motorhome is fully functional and can be moved in case of fire or other hazard. She noted that it would okay to build a home down there but not a motorhome. She has had her motorhome there for 18 years and just renewed her lease for 20 years and would like to keep it there for her use.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

A. Approval of minutes of August 2, 2017 regular meeting

Chair Stead requested a motion to approve the consent agenda.

BOS/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS

REPORTS

A. Staff Report PL 17-73 City Planner's Report

City Planner Abboud apologized for the confusion regarding the report in the packet and the correct one has been provided as a laydown. He reviewed his report and noted that the Council discussed budget priorities at the council meeting on Monday, August 14, 2017 he provided a memo on Cold Weather shelters which is included in the packet.

- extended invitation to the Commissioners to attend the FEMA Resilience meeting regarding natural hazards and mitigation of infrastructure is scheduled on August 24, 2017 in Council Chambers, 9:00-Noon

- Planning staff attended a Smart Growth seminar held by the Kachemak Bay Realtors spoke on funding available for small projects such as parks and gathering places and use of drones

- Requested volunteers to attend the Council meetings on September 11th, there was none forthcoming.

Commissioner Bentz requested the dates of the Council meeting to be noticed when the email stating the packet is ready to pick up would be good then commissioners can check their calendars and be prepared for the meeting.

Chair Stead inquired about the invitation to attend the Resilience meeting by FEMA and asked if this was about city infrastructure, Chair Stead inquired about sending notice to HEA, Enstar, GCI, etc.

City Planner Abboud requested contact information and he would be happy to send them a notice of the meeting.

Commissioner Highland commented that City Council did not appear to be aware of the meeting when she mentioned it. City Planner Abboud responded that he has one Council member on it.

PUBLIC HEARINGS

- 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

City Planner Abboud provided a summary review, referenced a map depicting the area and noted the following:

- Lot is not currently served by Water and Sewer
- The proposed building will bring the coverage of the parcel from 12,900 sf to 22,000 sf
- Noticed that impervious coverage of the lot was expanded sometime between 2008 and 2016 resulting in an increase from 50% to 60% and required a Stormwater Plan
- Recommended a Stormwater Plan be prepared and required
- Fire Marshall approval is required
- Recommended Approval with Findings and Conditions

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.

BOS/VENUTI - MOVE TO APPROVE STAFF REPORT PL17-74, CUP 17-05 TO BUILD A STRUCTURE FOR THE FABRICATION AND ASSEMBLY OF BOATS AT 3301 EAST END ROAD WITH FINDINGS ONE THROUGH ELEVEN AND CONDITIONS THAT THE APPLICANT SHALL PREPARE AND INSTALL A STORM WATER PLAN IN ACCORDANCE WITH HOMER CITY CODE 21.75 AND FURTHER MOVE THAT THE STORMWATER PLAN BE SUBMITTED TO THE CITY BY FEBRUARY 28, 2018 AND INSTALLED BY AUGUST 1, 2018.

There was a brief discussion on the conditions.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 17-75, Variance 2017-01 for a reduced building setback from the Sterling Highway at 3965 Sterling Highway

City Planner Abboud reviewed the Staff Report noting that they do not have this type of action before the commission very often. He noted the following:

- 1 acre lot with most having an 80% slope, narrow band of land generally 25 feet wide with a wider portion located on the easterly portion of the strip of land
- Roadway is 60 feet from property line
- Homer City Code requires 20 foot setback and property owner is requesting a 5 foot setback which still keeps the proposed building approximately 65 feet from the roadway, this action would be granting a 15 foot variance
- Proposed structure will be 420 square feet, with a rooftop deck and front porch/deck area

Findings:

1. Literal interpretations of Homer City Code would prevent the applicant from constructing a single family home on this property which is a land use commonly enjoyed by many other properties in the Rural Residential District
2. Special conditions exist on this property as it is located along a steep bluff and there is limited land 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 steep slopes and bluff on this property are naturally occurring and not caused by the applicant.
4. The variance is not sought solely for financial hardship or inconvenience. The applicant must build within the 20 foot setback area if this lot is to be developed.
5. The applicant is not seeking a variance because of other nonconforming land use or structures within the district.
6. The applicant has applied for a 15 foot variance so that the structure can be as far as possible from the adjacent bluff and steep slope.
7. The applicant intends to build a single family dwelling which is a permitted use under HCC 21.12.020(a)

The Fire Department and Public Works had no comments.

Staff recommends approval of the variance with findings 1-7.

Mr. Bouman, applicant and his engineer, John Bishop were present for any questions that the commission may have or provide any clarification they may need on the project.

Chair Stead opened the public hearing for testimony, hearing none the public hearing was closed.

Chair Stead opened the floor to questions from the commission.

Commissioner Highland requested clarification on the location of the property, noting the erosion amount since 1958 averaged less than a foot per year and commenting on the future intent of the State to relocate the highway since this was an area of great concern due to the extent of future erosion.

Chair Stead commented on the proposed home and future owner's knowledge of the life expectancy of a structure on this parcel was approximately 18 years.

Commissioner Bos questioned if there were plans to lose the structure by the owner and if there would be any potential liability on the city if that were to happen. City Planner Abboud responded that he did not believe there to be any liability issues.

Commissioner Bentz asked if there were any detrimental impacts to the roadway by the project.

The applicant responded that he believed there were none. It was noted by the applicant that a planned 1500 sf total of surface will be made impervious and this is a net loss since there is a pre-existing impervious area already there. The driveway will allow for a three point turn so that vehicles will not be required to back out onto the roadway.

City Planner Abboud noted a State Driveway Permit was required.

The applicant assured Commissioner Highland that flooding was not the concern, slope is towards Diamond Creek, freeze-thaw was a main concern.

The applicant responded to Commissioner Bentz that he has not seen the report mentioned by Commissioner Bentz on concerns regarding bluff collapse report by a local geologist.

BOS/BENTZ – MOVED TO APPROVE STAFF REPORT PL 17-75 VARIANCE 2017-01 FOR A REDUCED BUILDING SETBACK FROM THE STERLING HIGHWAY AT 3965 STERLING HIGHWAY WITH FINDINGS ONE THROUGH SEVEN AND CONDITION ONE.

There was a brief discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 17-76, CUP 17-06 to Build a Dwelling within the Steep Slope setback at 3965 Sterling Highway

City Planner Abboud reviewed the staff report noting the following points:

- Project consists of a one acre lot most of which has a 80% slope
- To build on a steep slope the applicant must have a conditional use permit
- Neighboring property owner has expressed concern on the potential impact to their parcel by ground disturbance and removal of existing vegetation and has requested a requirement that the applicant be restrained from removing the vegetation from the ground but trimming to ground level to obtain the viewshed would be acceptable.
- The applicant wishes to build within 30 feet of the bluff and there is a 40 foot requirement in code.
- The home will be built with the ability to be removed on relatively short notice.
- The original plan submitted included a biocycle septic system with a drain field but based on the Public Works Director's review with Planning, the applicant has revised the site plan to reduce the area of disturbance and will use a holding tank.
- The applicant has discussed with Planning the life of the structure versus the rate of erosion and since the proposed structure will outlive the rate of erosion the applicant has offered to comply to following conditions:
 - The landowner shall provide a slope evaluation and site inspection in 10 years
 - 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.
 - Site ground disturbance shall be limited to the area encompassing the building, parking area and holding tank.
 - Do not alter ground vegetation outside of the construction area by mowing or creating a lawn area. Tree removal or trimming down to the ground level is permissible.
 - Project site development work must be completed by December 31, 2019. If it is not complete by that date then a new engineering report and steep slope plan must be approved by the Public Works Director prior to any additional ground disturbance.
 - The developer shall record a document stating that a CUP is on file with the Homer Planning Department. The purpose of this condition is to notify future property owners of the CUP and its conditions.

The recommendation from staff is to approve the CUP 17-06 with the Findings 1-7, 8A, 9 thru 12 and Conditions 1-6. Further if the Commission decided to deny CUP 17-06 they can use the Findings provided and any additional findings that they discuss.

Chair Stead inquired if the applicant had a presentation, there was none and opened the Public Hearing. Seeing no one coming forward to offer testimony the public hearing was closed.

The commission posed the following questions to the applicant:

1. How will the water runoff from the roof be handled since it appears to be a flat roof?

Answer from Applicant: The roof is a standard gable roof but will have a roof top deck over it so the runoff will be the same; they can install gutters to direct the runoff to a specific area. The applicant related that he has been building on the bluff of Baycrest for the last 18 years and takes remedial actions to assure the least impacts to the bluff.

2. Installation of the pilings for the structure, how will this affect the strength of the bluff?

Clarification from Applicant: The pilings will be 40 feet from the tip of the sloped surface so they will be a depth of 18 feet, these pilings will be drilled or screwed in and are load displacement piles used in situations such as is presented on this parcel. No vibrations result in placement since there is no hammering.

3. Are you as close to the bluff on the other projects that were constructed?

Response from Applicant: At Alaskan Suites, the structures were placed 14 feet from the edge of the bluff, this was prior to annexation, and there has been no loss of the bluff.

Mr. Bouman responding to Condition #4, requested an amendment to the condition in that they do not plan to dig up any trees but do want to remove the hummocks or root mat of the tall grass and then reseed via hydroseeding. This would result in a net loss of vegetation coverage.

Commissioner Bentz inquired what the impacts would be to reseed with grass instead of the native vegetation as far as root stabilization for the slope.

Mr. Bishop responded that the area in question slopes toward the highway and to the east and the function of the roots are different whereas if they were on the steep slope where the alders and other grasses are growing. This is where you would want the stabilization. The area in question does not move but the concern would be the infiltration that would eventually make its way towards the bluff and their revegetation plan does create any change. There would be no additional irrigation required with that either.

Commissioner Bentz then inquired that the conditions would be adhered to by the new property owner and the applicant responded that they would be required.

BOS/HIGHLAND - MOVED TO APPROVE STAFF REPORT PL 17-76 CUP 2017-06 TO BUILD A DWELLING WITHIN THE STEEP SLOPE SETBACK AT 3965 STERLING HIGHWAY WITH FINDINGS 1-7, 8A, 9-12, AND CONDITIONS 1-6.

Discussion ensued on the engineering backup provided, the risk of failure, the quality of the structure outliving the location, there is no liability to the city by allowing the project, the method of construction will not save the structure if the bluff fails in a natural disaster, the objective of the Commission is to protect the City interests and nearby property owners not the intents of the individual property owners; the owner and future owner are fully aware of the future possibility of loss and have implemented the use of innovative constructive methods; there is no other location on the property to build.

HIGHLAND/BOS – MOVED TO AMEND CONDITION FOUR TO ALLOW APPLICANT TO CREATE A LAWN AREA.

Discussion on the request made by the neighboring property owner and knowing the type of grass the property owner intends to remove and some possible benefits those root systems would offer to stabilizing the ground area, recognition that the area to be made into a lawn slopes away from the bluff; the value added to having a “lawn area”; limiting the lawn area to a specific square footage or location, difficulties in enforcement, tree removal versus tree trimming, and that this topic would need to be addressed separately.

VOTE. (Amendment). NO. VENUTI, STEAD, BOS, BENTZ, HIGHLAND

Motion failed.

HIGHLAND/BENTZ – MOVED TO AMEND CONDITION FOUR TO ALLOW A LAWN AREA OF 200 SQUARE FEET STAYING TEN FEET FROM THE EDGE OF THE BLUFF REMOVE THE WORD “REMOVAL”

Commissioner Bentz noted that the amendment does not address the clarification of tree removal versus tree trimming. She then asked if she could offer a motion that reflects commissioner Highland intent. Chair Stead allowed this action.

BENTZ/BOS – MOVED TO AMEND CONDITION FOUR TO READ, DO NOT ALTER GROUND VEGETATION OUTSIDE THE CONSTRUCTION AREA BY MOWING OR CREATING A LAWN EXCEPT AN AREA OF 200 SQUARE FEET, STAYING 10 FEET FROM BLUFF. TREE TRIMMING DOWN TO GROUND LEVEL IS PERMISSABLE.

Discussion ensued on the intent of the property owner for the lawn area so the square footage is arbitrary.

VOTE. (Amendment)YES. HIGHLAND.

VOTE. NO. BENTZ, BOS, STEAD, VENUTI.

Motion failed.

Commissioner Bos called for the vote.

Commissioner Bentz reminded the commission of the action at the last meeting regarding a project and steep slopes and that they were uncomfortable. She wanted to remind them where they have been and where they are going with these types of variances and setting precedence.

Commissioner Highland referenced Finding 8B and Chair Stead noted they are voting on Finding 8A so does not apply.

VOTE. YES. BOS, STEAD, VENUTI, HIGHLAND

VOTE. NO. BENTZ.

Motion carried.

Commissioner Bos departed the meeting at 8:15 p.m. Chair Stead called for a recess at the request of the commission. The meeting was called back to order at 8:20 p.m.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 17-77, Recreational Vehicle (RV) as Employee Dwelling Units

Chair Stead read the title into the record. City Planner Abboud commented on the discussion the commission had during the worksession at the previous meeting and noted the following:

- Current regulations allow RV's up to 90 days, but not allowed to hook up to city water and sewer
- There are a total of 22 lots in Marine Commercial and Marine Industrial
- The language proposed is conceptual the city attorney will draft the actual ordinance
- The Port and Harbor Advisory Commission voted six to one in favor of further exploration of the idea
- Some items to determine or clarify were:
 - o Allowable number of RV's per lot
 - o Allow hook up to city water and sewer
 - o Length of time - Permanent? 4 months? April 1- October 1?
 - o Should the RV be registered? Operable? The only other place that Title 21 addresses registered vehicles is in the definition of junk.

Commissioner Highland noted that a short report of what was discussed at the worksession would have been very helpful in the minutes since she was unable to attend the last meeting. She was unaware how this could be accomplished but it would be a value added to the minutes. She asked if a memo was received from the Port & Harbor Commission.

City Planner Abboud explained that there was a discussion with the Port and Harbor Advisory Commission and they voted six to one in favor of further exploration of the idea and the information in the packet represents what came from the prior meeting and worksession. He further noted that nothing was set in stone and there was still plenty of time to discuss and change things. The questions and concerns were listed and the definition of RV is for temporary use. The Planning Commission would work on it and have public hearings and they could adopt the code and see how it goes and make changes as necessary.

Discussion ensued on the following:

- concept to allow the RV's to encourage business
- the community value; there is an allowance to bring in a structure in the code, differs in residential areas
- improvements to lots
- the prevalence of RV's currently on the Spit
- the cost of an RV which is a self-contained living space
- defining it as an accessory dwelling unit would cause conflict within in the city code
- keeping it consistent in the code to just allow it for 90 days is really stringent and not necessary
- intent or purpose of the need of an RV for an employee, caretaker or business owner
- the number in non-compliance is unknown currently
- preference not to allow more than one RV per lot whether Marine Industrial or Marine Commercial
- allowing hookup to city water and sewer
- imposing a time frame with consideration of the ability to hook up to water and sewer was considered
-

Commissioner Highland questioned the member in the audience regarding usage of water and sewer and her response revealed that before city water and sewer was activated they use the city public facilities across the street and then they had their own water and sewer hookup for the season, it was determined that no time frame be implemented. The commission expressed concerns regarding the vehicles being road worthy including road legal and noted that motor homes do not detract from Spit.

Further discussion covered the following:

- Sending a memo to the Port and Harbor Advisory Commission on the proposed regulations
- Enforcing the regulations and current staffing limitations will make it very difficult for the Planning Department to enforce these new regulations
- Preference to make an annual inspection and or renewal of a permit and since that would only apply to 22 lots this should not prove to be too onerous on staff
- Regulations that require 40,000 sf for a RV park were reviewed briefly and the situation on why the one was not allowed or renewed.

Commissioner Bentz stated that how it was worded in the packet would suffice and could be included in the annual permit requirement on hooking up to city services.

City Planner Abboud will bring the Commission's recommendations to the Port and Harbor Advisory Commission for review and comment.

B. Staff Report 17-78, comprehensive Plan Update – Chapter 6 Public Services and Facilities

City Planner Abboud commented that they were almost down to the final stretch. He stated that this represents the formatting changes, includes staffing levels desired, equipment priorities, increasing volunteers, providing ample public safety. These are the first two objectives and there are still several more to work on.

Commissioner Highland inquired if it was true on the number reflected in the statement on page 122 under Objective A, Current Status, fifth line, approximately 30 individuals support the department's staff.

City Planner Abboud responded that the Chief's reviewed this and provided the information.

Commissioner Highland then questioned, on page 123, Under Near-term Priorities, line 9, in 20XX?

City Planner Abboud responded that he will need to research what year that should reflect. He also noted that the Police Department is now fully staffed for officers.

Commissioner Bentz requested clarification on the agreement with Kachemak City and KESA, then noted the budgets referenced should reflect 2017 not 2016. She inquired when the expected publication of the revised document would be in 2018.

City Planner Abboud was unable to pinpoint a date for publication but was hoping to get it through the public outreach, public hearings and the Borough before the close of 2018. He additionally provided clarification on the percentage of crime shown on page 124 for Commissioner Bentz.

NEW BUSINESS

INFORMATIONAL MATERIALS

A. City Manager's Report for August 14, 2017 City Council Meeting

COMMENTS OF THE AUDIENCE

Sarah Vance, city resident and candidate for City Council, stated she came to learn what this commission does and now has a greater sense of respect for each of member who sits in that

position. The responsibility that they take, the decisions that are presented she is very impressed. It gives her assurance that the decisions coming forth to City Council are weighed very carefully. She has noticed some available seats and will encourage people to apply for them. She asked about using RV's as employee dwelling units, why the term employee instead of proprietor? Are they trying to fill needs for employment or the proprietor to take care of their business? Will this change code or zoning if the RV's are attached to the business/units or if the business owner wants to charge the employees rent for providing them a place to live in the RV?

City Planner Abboud responded that it is kind of a caretaker or third party that has a relationship with the business owner. As far as rent that would be beyond the Planning department and almost impossible to oversee, it would additionally be similar to an RV park and that is not what they want.

Ms. Vance noted that if rent is charged it would then make it accommodations, correct.

Commissioner Venuti asked if rent was charged what difference would it make. City Planner Abboud noted that it would not since there would be no way that they could control that.

COMMENTS OF STAFF

City Planner Abboud commented that they will keep working on things with the Comprehensive Plan, there are no public hearings scheduled and he is actually scheduled off for the first week in September.

Deputy City Clerk Krause had no comments.

COMMENTS OF THE COMMISSION

Commissioner Highland stated that Ms. Vance brought forward a good point on why would it be labeled employee why not employee/owner? Just an idea.

Commissioner Bentz formally provided notification of her name change. She asked if there was nothing for CUP was there a possibility of the meeting being canceled.

City Planner Abboud responded that he was trying to allude to that possibility in his comments noting that the Port & Harbor will not have their recommendations for the ordinance, he has not received any applications for CUP's, plats, etc., so it will be up to the Chair to make a final decision.

Chair Stead noted that he will be absent for the September 20th and October 4th commission meetings and Commissioner Bentz commented that she also will be out for the September 20th meeting.

Commissioner Venuti commented that it was an interesting meeting, reiterated that it was nice to have the engineering on the Bouman property but even with the good engineers report he still felt that it was a very risky venture. Interesting meeting though.

Chair Stead commented on coming to the meeting with the motions preformatted like they get with their agenda, it would be nice to be more cogent in the presentation of motions or writing them out prior to speaking. They can always take a five minute recess to formulate a motion, and request assistance from the Clerk or even the Planner.

Commissioner Venuti added that it was nice to have the language for the finding in opposition even though they did not.

City Planner Abboud replied that the commission can always bring a finding back allowing the commission more time for consideration of the action before them.

ADJOURN

There being no further business to come before the Commission, Chair Stead adjourned the meeting at 9:18 p.m. The next regular meeting is scheduled for WEDNESDAY, SEPTEMBER 6, 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: _____



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 17-79

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: October 4, 2017
SUBJECT: Vacation of a utility easement on Lot 1, Block 3 of Mariner Village Subd.

Requested action: Recommend approval of the utility easement vacation.

Introduction

The owner of Lot 1, Block 3 of Mariner Village Subdivision is requesting a vacation of a utility easement. As stated in her letter, the property owner wishes to remove the burden of an unnecessary utility easement on her property.

Under borough code, the city planning commission provides comments and recommendations on behalf of the City for utility easement vacations.

Planning Staff Comments: No objection to the vacation.

Public Works Comments: No objections to the vacation of the utility easement.

Staff Recommendation

Recommend vacation of the 10-foot utility easement along the east lot line as shown on the attached drawing.

Attachments

Petition

Vicinity Map



Kenai Peninsula Borough Planning Department
144 North Binkley
Soldotna, Alaska 99669-7599
Toll free within the Borough 1-800-478-4441, extension 2200
(907) 714-2200

Petition to Vacate Utility Easement

No Public Hearing Required

Submit completed form to the Kenai Peninsula Borough Planning Department, 144 North Binkley St., Soldotna, AK 99669

Upon receipt of complete application with all required attachments the vacation will be scheduled for Planning Commission action. The petitioner must secure and submit written comments from utility companies. If the easement is within city limits; secure and submit city's written comments. **The completed petition, with all required attachments, accompanied by a \$75.00 non-refundable fee, must be submitted to the Planning Department a minimum of thirty (30) days prior to the meeting at which the Planning Commission will take action.**

Fees - \$75.00 non-refundable fee attached.

To accomplish an approved vacation; a Planning Commission Resolution must be filed with the State Recorder to enter the vacation into the public records unless the vacation is accomplished by plat. Petitioner must pay filing fees (usually \$22-\$27).

Utility easement requested to be vacated was granted by plat of Subdivision, filed as Plat No. 68-657 in Homer Recording District.

Utility easement proposed to be vacated was granted by (specify type of document) as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition)

Comments from X Electric Association attached.

Comments from X Gas Company attached.

Comments from X Telephone Company attached.

Comment from X Cable Company attached.

Please note comments or no comments on the sketch or plat that is to be submitted with the petition.

Comments from the KPB Roads Department attached if applicable. NA

Comments from City of Homer attached.

One copy of plat or map (sketch) showing area proposed to be vacated. If easement was granted by document; one copy of recorded document must be submitted.

If an existing structure is encroaching into easement; As-Built showing encroachment must be attached.

Is easement being used by utility company? | Yes No
If yes, which utility _____

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

Please see attached letter.

The petition must be signed (written signature) by owners of the land subject to the easement proposed to be vacated. Each must include mail address and legal description of his / her property.

Submitted by: Signature CR Edwards As Petitioner Representative

Name: Candace R. Edwards

Address: PO Box 2644

Homer AK 99603

Phone: (907) 235-8942

Lot 1, Block 3 Mariner Village Subd.
KPB Parcel #179-270-14

Petitioners:

Signature CR Edwards

Name Candace R. Edwards

Address PO Box 2644

Homer AK 99603

Lot 1, Block 3 Mariner Village Subd.

Signature _____

Name _____

Address _____

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT
144 North Binkley Street
Soldotna, Alaska 99669-7520
Toll free within the Borough 1-800-478-4441, extension 2200 (907) 714-2200

UTILITY EASEMENT VACATION
Procedures by the Petitioner(s)

Some legally described and recorded utility easements are unimproved and not used. Under certain circumstances, some of these easements may be vacated.

If a utility easement is vacated in conjunction with a right-of-way vacation, the easement vacation can be accomplished on the same plat. In some cases, a utility easement vacation is accomplished by recording a Planning Commission Resolution with the appropriate District Recorder.

When a utility easement only is being vacated, surrounding owners within 300 feet of the proposed vacation are notified. The vacation notice is not placed in the paper, other than being shown as an agenda item.

When the application is complete, the planning director will take action on the requested vacation within ten working days, either approving or denying the requested vacation. If the director approves the vacation, a vacation resolution will be prepared and taken to the planning commission for adoption, in accordance with KPB 20.70.140 unless the vacation will be accomplished by a plat.


If the director denies the vacation, a letter containing the reasons supporting the denial will be sent to the petitioner. The director may choose to forward any utility easement vacation request to the planning commission for action. If the reasons for denial are resolved, the petitioner may submit a new petition for vacation with documentation that the issues have been resolved, accompanied by a new fee.

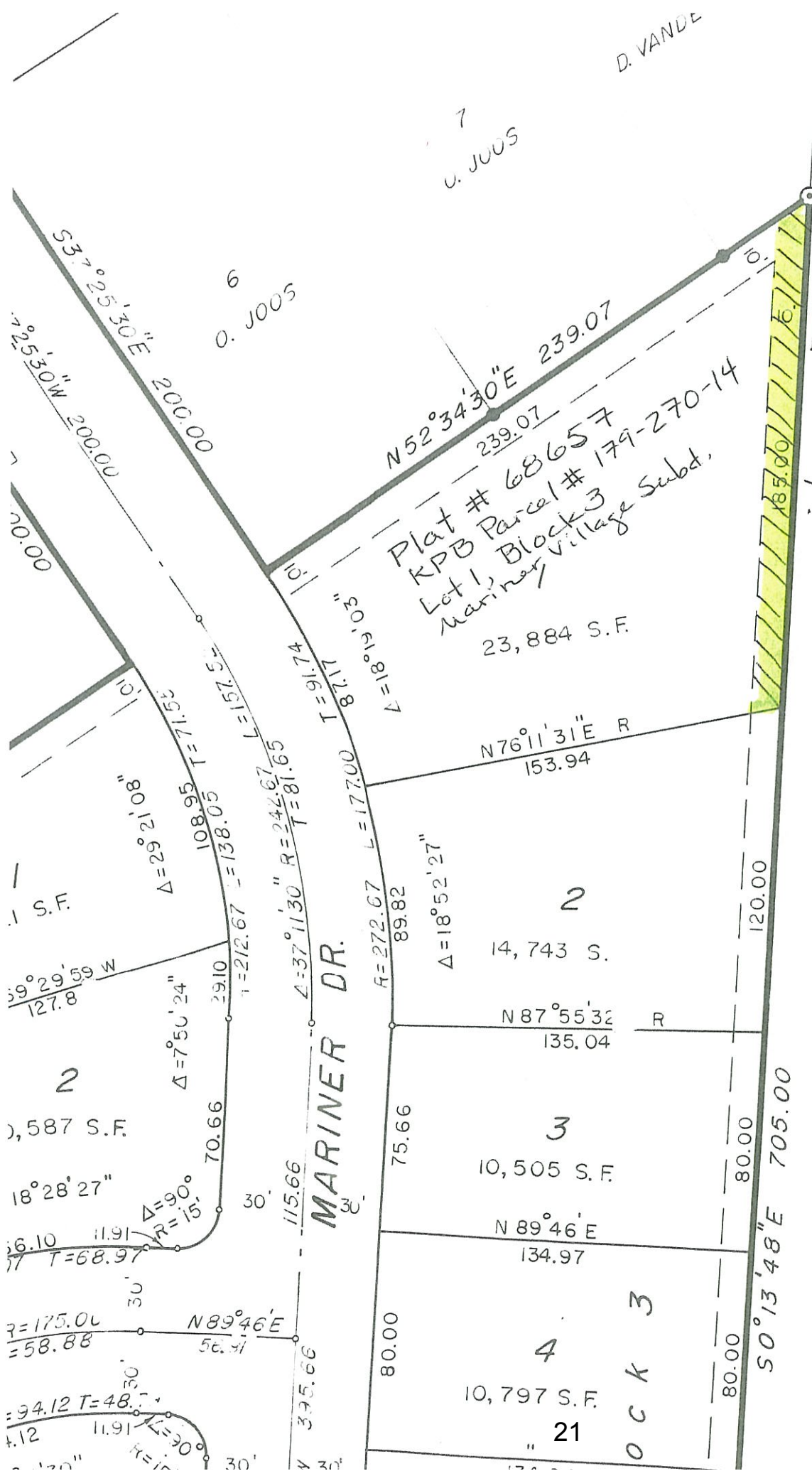
Denial of a vacation petition by the Kenai Peninsula Borough Planning Commission is a final act for which no further consideration shall be given by the Borough. Appeals from denials of vacations must be taken within 30 days to the Superior Court at Kenai, Alaska pursuant to Part VI of the Alaska Rules of Appellate Procedure.

The following provides basic guideline steps to follow in securing the vacation.

Confer with the Borough Planning Department to determine if your proposed vacation is workable. This is an optional step.

Application must include the following:

- Description of proposed vacation.
- Reason for the vacation (**Petitioner is responsible for justifying the vacation.**)
- Name and address of all petitioners.
- Each petition filed by the adjoining property owners shall be signed by the owners of the land subject to the easement. Each signer must include his/her mailing address and description of his/her property.
- \$75.00 non-refundable fee with petition to vacate utility easement.
- If the utility easement vacation will be finalized by Planning Commission resolution, the petitioner(s) will be responsible for the recording fees.
- One copy of a clean / clear sketch of the proposed vacation showing the vacated portion hatched with slash marks (see example ) not to exceed 11 x 17 inches in size.



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DATE

21 September 2017

CR Edwards
PO Box 2644
Homer, AK 99603
(907) 235-8942

City of Homer Planning & Zoning Commission
KPB Planning Department

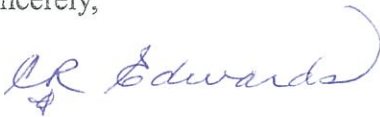
RE: Vacation of Easterly 10' Utility Easement on Lot 1, Block 3, Mariner Village Subdivision, KPB
Parcel # 179-270-14

Ladies and Gentlemen,

The other properties down my side of Mariner Drive have less than 10% of their property 'tied up' with utility easements. Over 17% of my property is subject to utility easements. Initially I had requested the vacation of both the Northerly and the Easterly easements, however, the City of Homer has a sewer line in place that requires the Northerly easement for its maintenance of the line. Therefore, **I am requesting vacation of only the Easterly 10' easement to which all concerned utilities, including the City of Homer, have no objection. This will allow me to have fuller use of my property for my purposes without concern of it being disturbed after years of effort, expense, and care on my part.** The remaining Northerly 10' utility easement would still be over 10% of my property for a utility from which my property gains no benefit, however, I would content myself with the peace of mind I would gain with the addition of 7% of undisturbed property.

Thank you for your consideration of this matter.

Sincerely,



Candace Rae Edwards
Property Owner

copy: file



Homer Electric Association, Inc.

Corporate Office
3977 Lake Street
Homer, Alaska 99603-7680
Phone (907) 235-8551
FAX (907) 235-3313

Central Peninsula Service Center
280 Airport Way
Kenai, Alaska 99611-5280
Phone (907) 283-5831
FAX (907) 283-7122

Letter of Non-Objection

July 3, 2017

Candace R. Edwards
PO Box 2644
Homer, AK 99603

Re: Mariner Village Subdivision Lot 1, Block 3 – Plat # 68-657 HRD
KPB Parcel # 179-27-014

Dear Ms. Edwards:

Homer Electric Association, Inc. (HEA) has reviewed the proposal to vacate a 10 ft. wide utility easement along the North and East boundaries of Lot 1, Block 3 of Mariner Village Subdivision, according to Plat No. 68-657, Records of the Homer Recording District, Third Judicial District, State of Alaska.

HEA has no objection to this proposal as there are not currently any HEA facilities present within the easement to be vacated.

Thank you for the opportunity to review this proposal.

Sincerely,

HOMER ELECTRIC ASSOCIATION, INC.

Cody Neuendorf
Land Management Officer - RWP



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department, Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

June 22, 2017

Candace R. Edwards
P.O. Box 2644
Homer, AK 99603

Grid: HO5133

Subject: Letter of Non-Objection / 4508 Mariner Drive / L1B3 Mariner Village

To whom it may concern:

ENSTAR Natural Gas Company has no objection to the proposed vacation of the northerly and easterly ten feet (10 FT) wide utility easements situated on Lot 1, Block 3, Mariner Village Subdivision, according to Plat No. 68-657, records of the Homer Recording District, Third Judicial District, State of Alaska.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Fraiser", is written over a light blue horizontal line.

Andrew Fraiser
Right of Way & Permitting Supervisor

DATE: 6/30/17

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retain 15' along R.O.W.

N 52° 30'

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U. JUNG

Hand-drawn map of a property with handwritten notes and survey data. The map shows a green-shaded area representing a lot, with a black line indicating a boundary or easement. The word "vacate" is written in blue ink above the line. The survey data "34'30\"/>

23,884 S.F.

N 76° 11' 31" E R
153.94

2
14,743 S.

N 87° 55' 32"
135.04

3
10,505 S.F.

26
N 89° 46' E

MARINER DR.

J. DODD (UNDEV)

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June 30, 2017

Candace R. Edwards
4508 Mariner Dr
PO Box 2644
Homer, AK 99603
(907) 235-8943

Dear Ms. Edwards,

GCI Communication Corp has no objection to the proposed vacation of the northerly and easterly utility easement of Lot 1, Block 3, Mariner Village Subdivision, also known as 4508 Mariner Dr, grid 4851.

Sincerely,

A handwritten signature in black ink, appearing to read "Markus Kofoed", is written over a faint, larger version of the same signature.

Markus Kofoed
Manager, OSP Design & Data Management
GCI Communication Corp
5151 Fairbanks St.
Anchorage, AK 99503
907-868-6168 Office
907-868-8580 Fax



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

August 2, 2017

Letter of Non-Objection

**RE: Lot 1 Blk 3 Mariner Village Sub, Plat #68-657
KPB Parcel # 179-270-14**

Ms. Edwards,

The City of Homer has no objection to the vacation of the 10' (foot) utility easement along the east boundary of your property.

As we discussed on August 1, 2017 and per the letter dated July 19, 2017; COH cannot grant a non-objection to the vacation of the 10' (foot) utility easement on the northern property boundary, due to the need for maintenance and repair of an existing sewer main that falls within the boundaries of a 20' (foot) utility easement (10 feet either side of property line).

Sincerely,

CITY OF HOMER

Jean Hughes
Public Works, Inspector
907-435-3129
Jhughes@ci.homer.us.us



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

July 19, 2017

Candace Edwards
4508 Mariner Drive
P.O. Box 2644
Homer, Alaska 99603

RE: Request for Non Objection to 10' Utility Easements Per Plat #68-657

Ms. Edwards,

I am in receipt of your letter dated June 26, 2017, requesting a letter of non-objection to the vacation of two utility easements on your property, per plat #68-657.

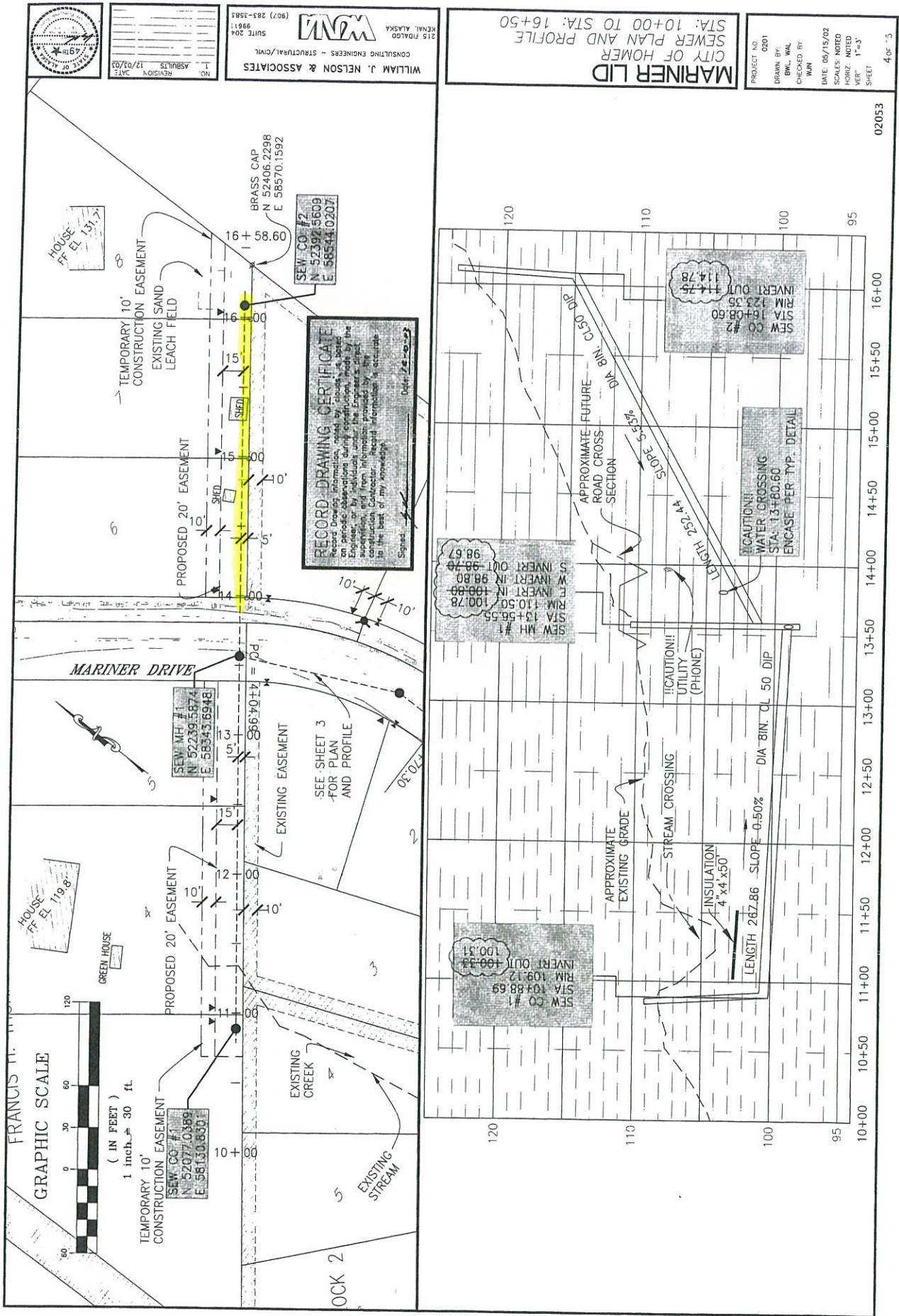
Unfortunately COH is unable to grant one of the vacation requests due to a sewer main running adjacent to the northern property boundary of your lot. This easement is necessary for the maintenance and repair of facilities that fall within the 10' on either side of the property line.

However, COH does not object to the vacation of the easement on the easterly property boundary. Please let me know if you would like me to proceed with the letter of non-objection for the utility easement along the easterly boundary. I would be happy to answer any question you may have regarding the two vacation requests.

Sincerely;

CITY OF HOMER

Jean Hughes
Public Works, Inspector
907-435-3129-907-399-1951
jhughes@ci.homer.ak.us





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

HOMER ADVISORY PLANNING COMMISSION

Approved VAR 2017-01 at the Meeting of August 16 2017

RE: Variance (VAR) 2017-01

Address: 3965 Sterling Highway

Legal Description: T 6S R 14W SEC 15 Seward Meridian HM W1/2 NW1/4 SW1/4 NW1/4
LYING S OF THE STERLING HWY

DECISION

Introduction

John Bouman, (the “Applicant”) and John and Sherry Bouman II (“Land Owners”) applied to the Homer Advisory Planning Commission (the “Commission”) for a Variance (VAR) to build a single family home within the twenty foot building setback area on a lot at 3965 Sterling Highway under Homer City Code 21.72.010.

A public hearing was held for the application before the Commission on August 16, 2017 as required by Homer City Code 21.94. Notice of the public hearing was published in the local newspaper and sent to 6 property owners of 6 parcels as shown on the Kenai Peninsula Borough tax assessor rolls.

At the August 16, 2017 meeting of the Commission, there were five commissioners present. The Commission voted 5-0 to approve VAR 2017-01 with findings 1-7.

Evidence Presented

At the meeting of August 16, 2017, City Planner Abboud reviewed the staff report. The applicant Mr. Bouman and his engineer John Bishop, were present to answer questions.

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).

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determined Variance 2017-01, to build a single family residence up to 15 feet within the building setback area on a lot at 3965 Sterling Highway, satisfies the review criteria set out in HCC 21.72.020 and is hereby approved.

Conclusion: Based on the foregoing findings of fact and law, Variance 2017-01 is hereby approved, with Findings 1-7.

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

John Bouman
3651 Sterling Highway
Homer, AK 99603

John and Sherry Bouman II
23350 S 624 Rd
Wyandotte, OK 74370

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

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

HOMER ADVISORY PLANNING COMMISSION

Approved CUP 2017-02 at the Meeting of August 16, 2017

RE: Conditional Use Permit (CUP) 2017-06

Address: 3965 Sterling Highway

Legal Description: T 6S R 14W SEC 15 Seward Meridian HM W1/2 NW1/4 SW1/4 NW1/4
LYING S OF THE STERLING HWY

DECISION

Introduction

John Bouman, (the “Applicant”) and John and Sherry Bouman II (“Land Owners”) applied to the Homer Advisory Planning Commission (the “Commission”) for a Conditional Use Permit (CUP) to build a single family residence within a 40 foot bluff setback area on a lot at 3965 Sterling Highway under Homer City Code 21.44.040(b).

The proposal included building a single-family residence within 30 feet of the edge of the bluff.

A public hearing was held for the application before the Commission on August 16, 2017 as required by Homer City Code 21.94. Notice of both public hearings was published in the local newspaper and sent to 6 property owners of 6 parcels as shown on the Kenai Peninsula Borough tax assessor rolls.

At the August 16, 2017 meeting of the Commission, there were five commissioners present. The Commission voted 4-1 to approved CUP 2017-06 with findings 1-7, 8A, 9-12 and conditions 1-6.

Evidence Presented

At the meeting of August 16, 2017, City Planner Abboud, summarized the staff report. No members of the public testified at the hearing. The applicant Mr. Bouman and his engineer John Bishop, were present to answer questions.

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determined Condition Use Permit 2017-06, to build a single-family residence

within a 40-foot bluff setback area a lot at 3965 Sterling Highway under Homer City Code 21.44.040(b) and is hereby approved.

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.

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.

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.

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.

Finding 8A: 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.

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.

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).

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.

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.

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.

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

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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

John Bouman
3651 Sterling Highway
Homer, AK 99603

John and Sherry Bouman II
23350 S 624 Rd
Wyandotte, OK 74370

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

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

HOMER ADVISORY PLANNING COMMISSION

Approved CUP 2017-05 at the Meeting of August 16, 2017

Address: 3301 East End Road

Legal Description: Lot 5 Commerce Park Subdivision SW ¼ SW ¼ SEC 11, T 6S, R 13W, Seward Meridian HM 0850014

DECISION

Introduction

Allen Engebretsen (the “Applicant”) applied to the Homer Advisory Planning Commission (the “Commission”) for a Conditional Use Permit under Homer City Code HCC 21.27.040(d), which allows a lot in the East End Mixed Use District to develop more than 8,000 square feet of building area (all buildings combined).

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on August 16, 2017. Notice of the public hearing was published in the local newspaper and sent to 8 property owners of 8 neighboring parcels.

At the August 16, 2017 meeting of the Commission, the Commission voted five to zero to approve CUP 2017-05, with findings 1-10 and condition 1.

Evidence Presented

City Planner Abboud reviewed the staff report. There was no public testimony.

Findings of Fact

After careful review of the record, the Commission approves Condition Use Permit 2017-05 with findings 1-10 and condition 1.

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.

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.

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.

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.

Finding 4: The proposal is compatible with existing uses of surrounding land such as the large commercial shop to the north and the equipment storage yard to the east.

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

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.

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.

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.

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.

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 all applicable provisions of the Community Design Manual.

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

HCC 21.71.040(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.**
- 2. Fences, walls and screening.**
- 3. Surfacing of vehicular ways and parking areas.**
- 4. Street and road dedications and improvements (or bonds).**
- 5. Control of points of vehicular ingress and egress.**
- 6. Special restrictions on signs.**
- 7. Landscaping.**
- 8. Maintenance of the grounds, buildings, or structures.**
- 9. Control of noise, vibration, odors, lighting or other similar nuisances.**
- 10. Limitation of time for certain activities.**
- 11. A time period within which the proposed use shall be developed and commence operation.**
- 12. A limit on total duration of use or on the term of the permit, or both.**
- 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.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2017-05 is hereby approved, with Findings 1-10 and the following Condition”

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.

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 the Homer City Clerk on the same date.

Date

Travis Brown, Planning Technician

Allen Engebretsen
3301 East End Road
Homer, AK 99603

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

Holly C. Wells
Birch, Horton, Bittner &
Cherot
1127 West 7th Ave
Anchorage, AK 99501



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 4, 2017
SUBJECT: City Planner's Report PL 17-80

City Council - 8.14.17

September 25 meeting

"Resolution 17-082: A resolution of the city council of Homer, Alaska, directing the Homer Advisory Planning Commission to consider a natural hazards overlay district or other appropriate zoning regulations in and around the Baycrest Subdivision." Baycrest Subdivision, accessed by Mt. Augustine Drive, is affected by unstable slopes. The City Council wants the Planning Commission to consider zoning regulations that aim to reduce the risks of unstable slopes in this area.

September 11 meeting

The Cannabis Advisory Commission recommended amending zoning on the Homer Spit to allow Cannabis. I will forward the subject to the Port and Harbor Commission for a recommendation.

RVs in Marine Commercial District

I attended the Port and Harbor Commission September 27 meeting for input on the Planning Commission's recommendations. They confirmed the Planning Commission's recommendations and wanted to ensure that the RV was for use of employees only. I will be sending the ordinance for attorney review and then scheduling a public hearing.

Planning Commission Appointment

Mandy Bernard was appointed to the Homer Advisory Planning Commission on September 11 and tonight will be her first meeting.

Planning Commission report schedule for City Council meetings

October 9, 2017:

October 30, 2017: Don was scheduled for Oct. 23, but council rescheduled the meeting.

November 27:

December 11:

Attachments:

Mandy Bernard application and appointment documents

Memos from Cannabis Advisory Commission



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 17-116

TO: HOMER CITY COUNCIL
FROM: BRYAN ZAK, MAYOR
DATE: SEPTEMBER 8, 2017
SUBJECT: APPOINTMENTS OF MANDY BERNARD TO THE ADVISORY PLANNING COMMISSION AND ETHEN GROVES TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION AS STUDENT REPRESENTATIVE

Mandy Bernard is appointed to the Advisory Planning Commission to fill the seat vacated by Savannah Bradley. Her term will expire July 1, 2020.

Ethen Groves is appointed to the Economic Development Advisory Commission to fill the Student Representative seat.

RECOMMENDATION:

Confirm the re-appointment of Mandy Bernard to the Advisory Planning Commission and Ethen Groves to the Economic Development Advisory Commission.

Fiscal Note: N/A

Melissa Jacobsen

From: Application for Appointment to an Advisory Body <clerk@cityofhomer-ak.gov>
Sent: Thursday, August 10, 2017 11:14 AM
To: Department Clerk
Subject: ** Application for Appointment **

Submitted on Thursday, August 10, 2017 - 11:14am Submitted by anonymous user: 104.254.227.213 Submitted values are:

==Applicant Information==

Name: Mandy Bernard
Physical Address: 4625 Lincoln Circle
Mailing Address: PO Box 107
Email: mandybernard@gmail.com
Phone: 9072995635

==Advisory Bodies==

Advisory Bodies: Advisory Planning Commission 1st & 3rd Wednesday
of the month at 6:30 p.m. Worksession prior to each meeting at
5:30 p.m.

==Residency & Experience==

I have been a resident of the city for: 2.5 months
I have been a resident of the area for : 6.5 years

Special Training & Education: I received a BS in Environmental Science from Roanoke College in 2004, and my masters in Urban and Regional Planning from Virginia Tech in 2008 with a focus on conservation easements and land use. I worked as a city planner in the city of Cheyenne, Wyoming for 8 months before moving to nonprofit land conservation. I was awarded a 2-year fellowship position with the Colorado Conservation Trust, working with multiple land trusts across the state of Colorado. I moved to Homer in 2011 to accept the position of Conservation Director at the Kachemak Heritage Land Trust. I held that position for nearly 6 years before moving into my current project management contract position for the Mountains to Sea partnership. My masters degree and land trust positions have provided me with a solid understanding of regional and long-term planning, land use, and title issues. My time at the city of Cheyenne was spent working closing with the planning commission, city council,
and general public to review and approve various conditional use permits and development proposals.

Prior Service : I have not served on a planning commission, but have worked with them as a city planner and during my time working with land trusts.

Why are you interested? I have chosen to make Homer my home, have recently purchased my first house in city limits, and would like to use my experience and background to contribute to my community through careful evaluation and sound decisionmaking.

Other memberships: The Land Trust Alliance Related to the Advisory Planning Commission: N/A Additional related information: I am very interested in serving on the commission, but regrettably will not be able to do so until the month of October. I will be traveling outside through the beginning of September for several workshops, and will be finishing my summer position as Homer Farmers Market Manager at the end of September. My work with the HFM is on Saturdays and Wednesdays until 6pm, which would interfere with my ability to attend commission meetings until October.

Finish: When you have completed this application please review all the information and hit the submit button. Thank you for applying!

The results of this submission may be viewed at:

https://linkprotect.cudasvc.com/url?a=https://www.cityofhomer-ak.gov/node/9051/submission/10351&c=E,1,p_NxPUnh2bLHYCfWKBkt6_FEb81DalGi33H0HeZwGTF40251cuE3ILCd1Q5r sd91F5Eew09eLuQ_VDkeD0HirTGrrXkuH9Qoa-Y1qC3Xg2gexLrvuQY,&typo=1



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Office of the Mayor

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Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

September 13, 2017

Mandy Bernard
P.O. Box 107
Homer, AK 99603

Dear Mandy,

Congratulations! Council confirmed/approved your appointment to the Advisory Planning Commission during their Regular Meeting of September 11, 2017, via Memorandum 17-116.

Included is the 2017 Public Official Conflict of Interest Disclosure Statement. Please complete this document and return it to the Clerk's office. This form will be retained in the Clerk's office. It is a public document and may be requested by any member of the public. In the event the Public Official Conflict of Interest Disclosure Statement is requested by a member of the public, you will be notified of the requestor's name.

Also included is the Code of Ethics as outlined in Homer City Code 1.18. This provides important guidelines in your role as a commissioner as to conduct and conflicts of interest. Also the Robert's Rules of Order handbook is enclosed to help you with the meeting protocol.

Thank you for your willingness to serve the City of Homer on the Advisory Planning Commission. There certainly are exciting times ahead.

Your term will expire July 1, 2020.

Cordially,

Bryan Zak, Mayor

Enc: Memorandum 17-116
Certificate of Appointment
HCC 1.18 Conflicts of Interest, Partiality & Code of Ethics
2017 Public Official Conflict of Interest Disclosure Statement
Robert's Rules of Order handbook
Commission Bylaws

Cc: Advisory Planning Commission

City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Greetings

Be It Known That

Mandy Bernard

Has been appointed to

serve as

“Commissioner”

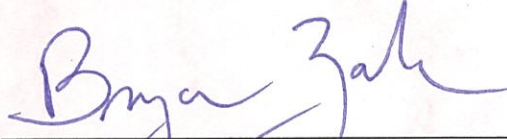
on the

“Homer Advisory Planning Commission”

This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.

*In Witness whereof I hereunto set my hand
this 12th day of September, 2017.*





Bryan Zak, Mayor

Attest:



Melissa Jacobsen, MMC, City Clerk



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

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(f) 907-235-3143

MEMORANDUM

TO: CITY COUNCIL AND MAYOR ZAK

FROM: CANNABIS ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: AUGUST 28, 2017

SUBJECT: RECOMMENDATION TO OPPOSE ONSITE CONSUMPTION OF MARIJUANA BY SMOKING

The State of Alaska Marijuana Control Board issued proposed regulations for Public Comment. Most of the proposed regulations or amendments were not commented on by the Commission. However, the Commission did comment on the proposed changes to the regulations regarding onsite consumption which generally include the following for retail establishments:

1. 3 AAC 306.370 proposes to allow retail marijuana licensees to apply for an onsite consumption endorsement if certain conditions are met.
2. 3 AAC 306.99 proposes to define “marijuana consumption area” and “retail marijuana store premises”

At the regular meeting of August 24, 2017 the Cannabis Advisory Commission reviewed the proposed regulations, discussed and made a recommendation to oppose allowing consumption by smoking of marijuana for the proposed onsite consumption regulations. Following is the excerpt from the minutes of that meeting reflecting the discussion on proposed regulations:

NEW BUSINESS

C. Proposed Regulations Open for Comment as provided in the Supplemental Packet

a. Notice of Proposed Changes in the regulations of the Marijuana Control Board to Marijuana Plant Count, Testing of Marijuana and Reporting of testing Equipment Failure

There was no comment or recommendation from the Commission on these proposed regulations.

b. Notice of Proposed Changes on Financial Interest in Marijuana Businesses and Restrictions on Advertising of Marijuana, Marijuana Products and Marijuana Businesses in the Regulations of the Marijuana Control Board

There was no comment or recommendation from the Commission on these proposed regulations.

c. Notice of Proposed Changes to the Regulations of the Marijuana Control Board regarding the addition of an Onsite Marijuana Consumption Endorsement to the Retail Marijuana License

ROBL/HARRIS – MOVED TO FORWARD A RECOMMENDATION TO COUNCIL OPPOSING ONSITE CONSUMPTION OF MARIJUANA BY SMOKING.

Commissioner Robl explained that he conducted extensive research speaking with industry professionals and currently there are no known filtration systems that prohibit or reduce the exposure risks of second hand smoke that would impact first responders. He further noted that in confined spaces and if smoking of a product is allowed it would create a situation that would more than likely impair officers to the degree that they would have to be relieved of duty making it necessary to bring back off duty staff creating more impacts to the budget. This is beside the fact that the impaired officer would not be allowed back on duty until he was totally cleared. He also cited the safety issues to first responders in impeding the ability to perform their jobs whether police or emergency personnel.

Further discussion ensued on the time requirement for an officer to be removed from active duty ensued, use of smokeless ashtrays, the density of the smoke and if vaping has the same effect.

HARRIS/LEWIS – MOVED TO INCLUDE IN THE MOTION THAT VAPING OF CANNABIS PRODUCTS WOULD BE ALLOWED ONSITE.

There was no discussion.

VOTE. (Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead inquired if there was any additional discussion on the motion as amended. Hearing none call for the vote.

VOTE. (Main) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation

Approve the recommendation to oppose smoking of marijuana onsite but allowing consumption of marijuana to include the method of vaping and forward the recommendation to the Marijuana Control Board before the stated deadline of October 27, 2017.

Marijuana Control Board proposed regulations-- marijuana retail store onsite consumption endorsement

NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE MARIJUANA CONTROL BOARD REGARDING THE ADDITION OF AN ONSITE MARIJUANA CONSUMPTION ENDORSMENT TO THE RETAIL MARIJUANA LICENSE

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with onsite marijuana consumption endorsements for retail marijuana establishments, including the following:

- (1) 3 AAC 306.370 proposes to allow retail marijuana licensees to apply for an onsite consumption endorsement if certain conditions are met.
- (2) 3 AAC 306.990 proposes to define "marijuana consumption area" and "retail marijuana store premises."

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 pm on October 27, 2017.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at amco.regs@alaska.gov or at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Alcohol & Marijuana Control Office will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jedediah Smith at amco.regs@alaska.gov or (907) 269-0350 not later than October 16, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or amco.regs@alaska.gov.

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070 AS 17.38.200 AS 17.38.210

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: August 21, 2017

Erika McConnell, director

 [Leave a Comment](#)

Attachments

- [MCB Additional Public Notice \(onsite consumption\).pdf](#)
- [MCB Public Notice \(onsite consumption\).pdf](#)
- [Onsite Draft for public comment 2017-08-21.pdf](#)

Revision History

Created 8/21/2017 2:56:37 PM by jrsmith
Modified 8/21/2017 4:15:09 PM by jrsmith
Modified 8/21/2017 4:21:41 PM by jrsmith

Details

Department: Commerce, Community and Economic Development
Category: Regulations
Sub-Category: Notice of Proposed Regulations
Location(s): Statewide
Project/Regulation #: JU2017200548

Publish Date: 8/21/2017
Archive Date: 10/28/2017

Events/Deadlines:

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.370. Onsite consumption endorsement for retail marijuana stores.

(a) A licensed retail marijuana store with an approved onsite consumption endorsement is authorized to

(1) sell marijuana and marijuana product, excluding marijuana concentrates, to patrons for consumption on the licensed premises only in an area designated as the marijuana consumption area and separated from the remainder of the premises, either by being in a separate building or by a secure door and having a separate ventilation system;

(2) sell for consumption on the premises

(A) marijuana bud or flower in quantities not to exceed one gram to any one person in a single transaction, unless prohibited by local ordinance or state law;

(B) edible marijuana products in quantities not to exceed 10 mg of THC to any one person in a single transaction; and

(C) food or beverages not containing marijuana or alcohol; and

(3) allow a person to remove from the licensed premises marijuana or marijuana product that has been purchased on the licensed premises for consumption under this section, provided it is packaged in accordance with 3 AAC 306.345.

(b) A licensed retail marijuana store with an approved onsite consumption endorsement may not

(1) sell marijuana concentrate for consumption in the marijuana consumption area;

(2) allow any licensee, employee, or agent of a licensee to consume marijuana or marijuana product, including marijuana concentrate, during the course of a work shift;

(3) allow a person to consume tobacco or tobacco products in the marijuana consumption area;

(4) allow intoxicated or drunken persons to enter or to remain in the marijuana consumption area;

(5) sell, give, or barter marijuana or marijuana product to an intoxicated or drunken person;

(6) allow a person to bring into or consume in the marijuana consumption area any marijuana or marijuana product that was not purchased at the licensed retail marijuana store;

(7) deliver marijuana or marijuana product to a person already known to be in possession of marijuana or marijuana product that was purchased for consumption on the premises;

(8) sell, offer to sell, or deliver marijuana or marijuana product at a price less than the price regularly charged for the marijuana or marijuana product during the same calendar week;

(9) sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana product during a set period of time for a fixed price;

(10) sell, offer to sell, or deliver marijuana or marijuana product on any one day at prices less than those charged the general public on that day;

(11) encourage or permit an organized game or contest on the licensed premises that involves consuming marijuana or marijuana product or the awarding of marijuana or marijuana product as prizes; or

(12) advertise or promote in any way, either on or off the premises, a practice prohibited under this section.

(c) An applicant for an onsite consumption endorsement must file an application on a form the board prescribes, including the documents and endorsement fee set out in this section, which must include

(1) the applicant's operating plan, in a format the board prescribes, describing the retail marijuana store's plan for

(A) security, in addition to what is required for a retail marijuana store, including:

- (i) doors and locks;
- (ii) windows;
- (iii) measures to prevent diversion; and
- (iv) measures to prohibit access to persons under the age of 21;

(B) ventilation. If consumption by inhalation is to be permitted, ventilation plans must be

- (i) signed and approved by a licensed mechanical engineer;
- (ii) sufficient to remove visible smoke; and
- (iii) consistent with all applicable building codes and ordinances;

(C) isolation of the marijuana consumption area from other areas of the retail marijuana store. The marijuana consumption area must

- (i) include a smoke-free area for employees monitoring the marijuana consumption area; and
- (ii) be entirely outdoors in a designated smoking area or separated from other retail areas by a wall with a secure door;

(D) unconsumed marijuana, by disposal or by packaging in accordance with 3 AAC 306.345; and

(E) preventing introduction into the marijuana consumption area of marijuana or marijuana products not sold by the retail marijuana store; and

(2) a detailed premises diagram showing the location of

(A) serving area or areas;

(B) ventilation exhaust points, if applicable;

(C) doors, windows, or other exits;

(D) access control points; and

(E) adequate separation from non-consumption areas of the retail marijuana store and consistent with 3 AAC 306.370(a)(1).

(d) An application for a new onsite consumption endorsement must meet the requirements of 3 AAC 306.025(b) and include in that notice the license number of the retail marijuana store requesting the endorsement.

(e) The non-refundable fee for a new or renewal onsite consumption endorsement is \$1,000.

(f) The retail marijuana store holding an onsite consumption endorsement under this chapter shall

(1) destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with the operating plan and 3 AAC 306.740;

(2) maintain a ventilation system that directs air from the marijuana consumption area to the outside of the building through a filtration system adequate to reduce odor;

(3) include in the security plan how the licensee intends to restrict access to the marijuana consumption area to persons under the age of 21;

(4) monitor patrons for overconsumption;

(5) display all warning signs required under 3 AAC 360.360 within the marijuana consumption area, visible to all consumers;

(6) provide written materials containing marijuana dosage and safety information for each type of marijuana or marijuana product sold for consumption in the marijuana consumption area at no cost to patrons; and

(7) label all marijuana or marijuana product sold for consumption on the premises as required in 3 AAC 306.345.

(g) The right of local governments to protest the issuance or renewal of individual retail marijuana store onsite consumption endorsements is separate from the right to protest the issuance of a retail marijuana store license. Not later than 60 days after the director sends notice of an application for a new or renewal onsite consumption endorsement, a local government may protest the application by sending the director and the applicant a written protest and the reasons for the protest. The director may not accept a protest received after the 60-day period. If a local government protests an application for a new or renewal onsite consumption endorsement, the board will deny the application unless the board finds that the protest is arbitrary, capricious and unreasonable.

(h) A local government may recommend that the board approve an application for a new or renewal onsite consumption endorsement with conditions. The board will impose a condition recommended by a local government unless the board finds the recommended condition to be arbitrary, capricious and unreasonable. If the board imposes a condition recommended by a local

government, the local government will assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

(i) The holder of an onsite consumption endorsement must apply for renewal annually at the time of renewal of the underlying retail marijuana store license.

3 AAC 306.990 (b) is amended to add the following subsections:

(27) “marijuana consumption area” means a designated area within the licensed premises of a retail marijuana store that holds a valid onsite consumption endorsement, where marijuana and marijuana products, excluding marijuana concentrates, may be consumed.

(28) “retail marijuana store premises” means an area encompassing both the retail marijuana store and any marijuana consumption area.



City of Homer

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Office of the City Clerk

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MEMORANDUM

TO: CITY COUNCIL AND MAYOR ZAK

FROM: CANNABIS ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: AUGUST 28, 2017

SUBJECT: RECOMMENDATION TO AMEND ZONING ON THE HOMER SPIT TO ALLOW CANNABIS

At the regular meeting of the Cannabis Advisory Board the following recommendation was discussed and passed regarding forwarding a request to Council to consider amending the zoning on the Homer Spit to allow commercial cannabis. Following is the excerpt from the minutes of that meeting reflecting the discussion and subsequent motion:

NEW BUSINESS

B. Cannabis on the Spit – Recommendation to Council to Amend the Regulations to allow Cannabis Operations on the Spit

City Planner Abboud briefly clarified that the memorandum in the packet was referring to city owned land when saying that the city would not approve cannabis related businesses and that was advice received from the City Attorney. Private owners are allowed.

Additional discussion on the lack of support from the current City Council a recommendation to reconsider zoning for cannabis on the spit might receive and the responsibility and job of this commission ensued.

HARRIS/LEWIS - MOVED TO FORWARD A RECOMMENDATION IN SUPPORT OF CANNABIS BUSINESSES ON THE SPIT AND THAT CITY COUNCIL REVIEW HOMER CITY CODE TOWARDS THAT GOAL.

Discussion ensued on reasons for prohibiting businesses on the spit, it is not the City's responsibility to govern how, when or what the public does with the merchandise as long as it was purchased legally; it was noted that the US Coast Guard still enforces the regulations against marijuana on vessels and if there was a business in town a passenger could purchase it there and they would have no control over what happened after that it was further noted that there were private property owners on the spit that were interested but were unable to have commercial cannabis since it is not zoned.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.



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Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 17-81

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 4, 2017
SUBJECT: Comprehensive Plan Update Chapter 6 Public Services and Facilities

Introduction

We have reviewed the sections dealing with the Police and Fire Departments. This continues the review of the chapter and implementation table.

Analysis

I have had the appropriate staff and commission, in the case of the Parks & Recreation, review their respective sections. The Chapter for Park and Recreation has been moved and presented as a goal in this chapter. Statistics have been updated and accomplishments have been removed. Some statistics are in red type, which indicates my need to confirm the numbers. As with the other chapters, I have (or plan to) moved the implementation strategies to the implementation table and made more general strategy statements to take their place. Anything that is listed in numerical order has been duplicated on the implementation table. The lists remain in the chapter for your convenience to review and will be removed after the commissions review.

Staff Recommendation

Please provide comments and recommendations

Attachment

Chapter 6 Public Services and Facilities working
Public Services and Facilities Implementation Table

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 six 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 2017 adopted budget for the Homer Volunteer Fire Department was \$1,045,426, 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. The firestation was built in 1980 and upgraded in 1995 and again in 2017. Several near term improvements have been identified at 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. The City funded two seasonal positions in the Department to aid in responding to emergency calls. In 2017, the department hired an Assistant Fire Chief, a long vacant position. 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.

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.

The 2017 budget for the Homer Police Department is \$3,265,539, 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

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

OBJECTIVE C: WATER/SEWER SERVICES – Continue to provide high-quality water and sewer services, anticipate future demand, and effectively guide Homer's growth with the extension of water and sewer into areas identified in the land use plan.

Current Status

Public water and sewer service for the city of Homer is City of Homer Department of Public Works (DPW). In July Sewer Master Plan was completed for the City to provide improvements and expansions for each of the utilities. master plan, approximately 64 percent of the occupied homes in the city are served by the water system and approximately 54 percent are served by the sewer system.



provided by the 2006, a Water and guidance on future

Water System

Homer operates a Class A public water system. Water is supplied from a dammed surface water source which forms the 35-acre Bridge Creek Reservoir. This is the City's sole water source; no other groundwater wells or other surface sources are operated by the City. It is important to note that groundwater in Homer is generally unsuitable for residential and commercial water wells due to low yields, shallow groundwater, lack of a significant freshwater aquifer, and saltwater in wells. The City established the Bridge Creek Watershed Protection District in an effort to preserve and protect the city's drinking water. A study on the Bridge Creek Reservoir indicates that this source has capacity limitations for supplying the community's water needs in the future, especially during dry years.

Seasonal summer population fluctuation and increased summer water needs cause summer demands to nearly double the wintertime water production. During times when demand outpaces production,

water from the storage reservoirs must be used to meet peaks. Projections from the 2006 Water and Sewer Master Plan report average winter water production is currently at 0.5 mgd and will grow to approximately 1 mgd by 2025. Average summer demands are currently around 0.8 mgd and will grow to approximately 1.9 mgd by 2025. Peak summer demands are currently around 1.3 mgd and may grow to nearly 3 mgd by 2025.

A new water treatment plant became operational in 2009. Treated water is distributed and stored in four water storage tanks, which have approximately 1,160,200 gallons of operational capacity. AN additional tank is slated to come online in the near future. These water storage tanks serve as treated water reservoirs for community water demands and fire emergencies.

The water distribution system consists of approximately 53.5 miles of buried pipe. Pipe materials consist of cast iron, ductile iron, polyvinyl chloride (PVC), and high-density polyethylene (HDPE) pipe. Sizes of pipe range from 4 to 16 inches in diameter. The piping is generally confined to the lower areas of Homer except for two corridors which carry the water down from the reservoir to town. The concentration of the system to the lower areas of town is not a function of engineering but rather of the current density of development. Approximately 1,720 customers are served. There are also 411 fire hydrants connected to the city water distribution system.

Homer residents and businesses not on the public water system typically maintain their own wells or pay to have private contractors haul potable city water to a holding tank. Because groundwater sources are often difficult to find with sufficient production and water quality, many property owners not connected to the City's system choose to purchase hauled water. Water from Homer's reservoir is also hauled to many residences outside of Homer city limits. Bulk water hauled to holding tanks accounts for approximately 20 million gallons/year of the water production at the water treatment plant.

Sewer System

Homer operates a deep shaft wastewater treatment plant (WWTP). The wastewater plant capacity is 880,000 gallons per day for peak flow. Homer has an intra-city agreement with Kachemak City to provide sewer service. Currently, the WWTP treats an average daily flow of approximately 390,000 gallons per day. However, summer population influxes and intense rain storms which contribute to inflow and infiltration can substantially increase flow to the plant. A record of 1.7 million gallons per day has been recorded, but it is rare to see a flow of over 1.2 million gallons per day.

A study was conducted to better understand the inflow and infiltration contribution to Homer's wastewater plant. Inflow is defined as surface water entering the system from various sources (i.e., manhole lids, roof leaders, foundation drains, or connection to the storm water system). Infiltration is defined as groundwater entering the system through cracks, faulty connections, or other openings. The study found inflow and infiltration to be a significant contributor to the overall wastewater collected. During a typical rain storm as much as 3 percent of the overall collection may be attributed to inflow and infiltration. During major storm events it is thought that over 1 million gallons of flow may be attributed by infiltration and inflow.

The wastewater collection system consists of approximately 55.2 miles of buried gravity sewer mains. Pipe materials consist of asbestos concrete, ductile iron, and polyvinyl chloride (PVC). About half of the system is constructed with asbestos concrete pipe, especially in the oldest sections built in

approximately 1970. These older sections of pipe seem to be major contributors to inflow and infiltration. Sizes of pipe range from 6 to 24 inches in diameter, with the majority being 8-inch size mains. The sewer system serves a total of 1,366 customers, 956 of which are residential. Parts of Kachemak City are also served by the system under an intergovernmental agreement with the City of Homer.

Homer maintains seven sewage pump stations. Two additional lift stations serve private septic systems on the Homer Spit. Lift stations are used to pump sewage from topographical low points to higher portions of the gravity system. There are approximately 11.6 miles of force main pipe from the lift stations. Force main pipes are constructed from ductile iron or high density polyethylene pipe (HDPE) and range from 3 to 6 inches in diameter.

Many Homer residents and business owners not connected to the piped community system use on-site wastewater disposal systems. According to the Master Sewer and Water Plan, 47 percent of residents have on-site systems. Soil conditions and perched groundwater levels in Homer are not ideal for on-site systems and many are believed to function poorly.

Near-term Priorities

Demand for water will continue to rise as the community grows and as the outlying areas grow, since Homer's water is hauled to residences outside city boundaries. Water conservation measures can help reduce demands on the City's finite supplies, and also reduce demands on the City sewer system and individual septic systems.

Implementation Strategies

Support measures that conserve water use

Reduce inflow

Consider actions to meet future demands

1. Provide incentives for water conservation.
2. Support the installation of low flow plumbing fixtures as well as the encouragement of landscaping using natural vegetation that does not require extensive irrigation.
3. Determine and plan for some limited near-term sewer system improvements that include sewer system main repair and rehabilitation for reduction of infiltration.
4. Enact an inflow reduction program.
5. Identify an additional water source for use in the next 10 to 20 years. An important consideration is that the location of any new source could have implications for land use development in Homer. For instance, developing a source in a new location could induce growth into new areas served by the water line.

- 266 6. Enact a better cost-share plan for the extension of water and sewer services. Watershed
267 property??

268 Long-term Needs

269 The sewer system is judged to have adequate capacity to meet projected needs and does not require
270 any major improvements. Maintenance of 30 year old sewer treatment plant.

272 **Objective D: PORT & HARBOR**–Continue to improve the infrastructure and services of the
273 Port and Harbor to improve its position as an important regional port and harbor facility.

274 Current Status

275 The City of Homer owns and operates much of the land and associated facilities on the Spit. As of
276 2007, the Port and Harbor Department manages and maintains the Homer Small Boat Harbor with
277 approximately 1,000 boat stalls, the Pioneer Dock where the US Coast Guard and Alaska State Ferry
278 moor, the commercial Fish Dock which processes over 20 million pounds of commercial fish annually,
279 the Ice Production Plant which produces several thousand tons of ice, the Fish Grinding Facility, and
280 the Deep Water Dock. The department operates as an Enterprise Fund financially supported by user
281 fees.

282 The Port and Harbor facilities are a critical component to Homer’s economy. The Small Boat Harbor
283 is the largest single basin facility in Alaska. Commercial fishing is a large, but often unseen enterprise.
284 Many of the boats that operate out of the Homer port are million dollar businesses; however, their
285 fish is either landed elsewhere or quickly moved out of town. Only a small percentage is processed
286 locally. Sport fishing is also a large economic generator in Homer, playing a key role in tourism
287 activities. A multitude of charter companies are based out of the Small Boat Harbor. The Port and
288 Harbor is engaged in a delicate balancing act of trying to accommodate the needs of many user groups.
289 Land must be maintained for marine related industrial activities which support the fishing industry
290 and freight and shipping activities, while providing space for recreational and tourist activities.

291 The Port and Harbor employs 18 staff members, both full and part-time. Their 2017 budget was
292 \$3,347,344.

293 Near-term Priorities

294 Implementation Strategies

295 Many of the projects outlined in Homer’s Capital Improvement Program 2018-2023 relate to Port and
296 Harbor activities. Two of the top five are found in the FY 2019 State Legislative Priorities list are Port
297 and Harbor Projects.

- 298
- 299 1. Homer Large Vessel Harbor. This new facility would augment the existing harbor which is
300 essentially full. Boats can be accommodated only by “rafting,” tying boats to other boats. In
301 some instances crabbing boats are tied up three deep to the dock. Operating in this manner
302 increases liability for the department and reduces the life of the docks.

2. Barge Mooring & Large Vessel Haul Out Repair Facility. This project provides safe moorage and an associated uplands haul out repair facility for large shallow draft vessels.

Long-term Needs

Many of the Port and Harbor's long-term are addressed in the Homer Spit Comprehensive Plan. The Homer Spit Comprehensive Plan has been adopted by reference as comprising the Homer Comprehensive Plan.

Implementation Strategies

See Homer Spit Comprehensive Plan

~~Objective E: PARKS & RECREATION — Improve and provide quality parks and recreation facilities to respond to current and anticipated demand.~~

~~Homer residents place high value on parks and recreational facilities and activities. Parks and Recreation programs enhance the quality of life for residents and benefit the local economy. City facilities that provide recreational opportunities include several parks, a trail system, playing fields, and campgrounds. The school district, community schools, and other parties offer a range of additional programs and facilities. As Homer continues to grow, both in size and as a tourist destination, demands for parks and recreation will grow. The City of Homer recognizes the value of these facilities and activities as an important asset to the community and supports their continued improvement. See Parks, Recreation and Culture Chapter for specific recommendations.~~

Objective E: PARKS & RECREATION - Identify resources needed to operate parks, recreation facilities and recreation programs, enhance City and community-sponsored year-round recreational facilities and programs to serve people of all ages, and support citizen efforts to maintain environmental quality and public use of beaches through the Beach Policy.

Current Status

The City of Homer provides municipal parks and recreation services through two separate departments: the Parks Maintenance Division under Public Works and Community Recreation under Administration. The Parks division maintains and is responsible for daily operations associated with the City's summer campgrounds, parks, playgrounds, restrooms, and cemetery facilities. The Community Recreation Division is responsible for providing community based educational and recreational programming for community members of all ages. Through a partnership with the Kenai Peninsula Borough School District, Community Recreation is able to utilize the Borough owned fields and facilities located at both the Homer Middle and High Schools. Currently 4.73 FTE's are budgeted for Parks (facilities), and 1 FTE for community recreation (programming). There is also a desire to better coordinate all efforts through a combined Parks and Recreation Department.

- Long term, both parks facilities and programming need secure funding. One idea for facilities is to create an endowment fund, where city fund could be leveraged to allow private citizens to donate to it for the ongoing maintenance and improvement of the City's park system, thereby relieving some pressure from the City for parks. Alternately, the funds could be used as grants to support other organizations in their efforts to provide facilities. The community probably needs to weigh in on using public funds for private facilities. On the one hand

endowment funding will help keep existing partner facilities open, and possibly allow for new facilities, but at the same time public parks need adequate funding as well.

The City's Public Art Program and public beaches fall under the purview of the Parks, Art, Recreation and Culture Advisory Commission. *Arts activities are addressed in Chapter 8, Economic Development.* The City has an adopted Beach Policy, which has historically been updated about every 7 years, generally in response to new or unresolved ongoing problems. As new challenges and opportunities arise, this document will need to be updated and the city will need to fund any plan implementation strategies.

Near term

Implementation Strategies

Seek out strategies that enhance facilities and programs

1. Research the year-round and seasonal staff needs to maintain and operate city park facilities and programs. Increase staffing and volunteer involvement as needed to provide basic City services.
2. Expand and promote the “adopt-a-park” program in which local businesses, service organizations, or youth groups care for a particular park.
3. Establish a park endowment fund through the City or in partnership with the Homer Foundation.
4. Conduct a cost benefit analysis on creating a unified Parks and Recreation Department that combines the Community Recreation and Parks Maintenance Division.
5. Maintain a balance between natural and manicured park development.

Mid term

A particular challenge is ensuring residents from all sectors of the community have access to programs and facilities. In addition to providing programs and facilities for which the City is directly responsible (e.g., campground, trails), Homer has a hardworking sector of volunteers, nonprofit recreation organizations, and private businesses that provide recreational activities. The City will need to continue to partner with organizations and businesses for Homer to continue to enjoy the wealth of facilities and programs currently available.

Implementation Strategies

Pursue partners to maintain and expand recreational opportunities

6. Long term CR funding? Ideas?? (create a structure for public/private partnership grants for operations?)
7. Partner with other organizations to continue providing programs and facilities.

8. Continue to work with the school district and borough to maintain and expand the partnership for community use of their infrastructure for recreational purposes.
9. Every 5-10 years, assess whether available park and recreation facilities and programs are meeting demands, from inside and outside city limits.
10. Pursue financial strategies that leverage City tax dollars to build public recreation facilities.
11. Use the Capital Improvement Plan, city budget, bond measures and partnerships with other organizations (such as Little League) to lobby, fundraise and build public recreation facilities.

Long term

In 2015, the City completed the Park, Art Recreation and Culture Needs Assessment (PARC). The goal of the needs assessment was to determine the resources and prioritize the needs for the community concerning parks, arts, recreation and culture facilities and programs. One desired improvement identified by many Homer residents is a multi-use, year round community facility. The PARC Needs Assessment identifies a range of activities that need indoor recreation and performing arts space, although no one facility would likely accommodate all the desires. The City's role in a community recreation facility includes providing political support for the establishment of the facility and assisting to secure space in an existing building or a site for the proposed facility. It is possible that a public private partnership is more advantageous to the community, such as a combination hotel and convention center. In the absence of a private or non-profit sector partner, the community will need to identifying the priority uses, and thus building design, as one of the first steps. In the near term, the City can continue to rely on existing facilities and a collaborative approach to host performing arts events, cultural activities, community meetings, conferences, and conventions. *See also Chapter 8, Economic Development.*

Lastly, the City of Homer has an adopted beach policy. As new challenges and opportunities arise, this document will need to be updated and the city will need to fund any plan implementation strategies.

Implementation Strategies

Consider the ability of the city to support a Community Recreation Center

Implement and review beach policies

12. Establish Community Recreation Center; define what is needed as part of this facility, what gap it will fill, what purpose it will serve, and how operations and maintenance will be funded.

Ongoing

13. Support the policies and recommendations of the Beach Policy document.
14. As the need arises, update the beach policy and implement the recommendations.
15. Discourage right-of-way and public access easement vacations to the beach.

16. When opportunities arise, enhance or improve public access to the beach at public access points.

Objective F: STORM WATER CONTROL – Provide for current and future needs and explore options for expanding the quality and extent of storm water control.

Current Status

The majority of Homer's storm water is channeled and drained through an open ditch system. Only the downtown and Old Town area have storm drain lines, specifically along Pioneer Avenue and Main Street. In total, the City maintains approximately 3 miles of storm sewer and associated catch basins. There is one oil/water separator facility, at the intersection of Bartlett Avenue. The State Department of Transportation maintains drainage roadways. Homer's stormwater outflow is located just north of Beach. This outflow has not yet reached the threshold which would require monitoring the quality of discharge under NPDES rules.



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Currently, drainage needs for large parcel development are dealt with individually, by the developer. Homer's design criteria manual for subdivisions does not address on-site storm water management. However, in the city's denser commercial districts, the zoning code does have provisions requiring developers to prepare storm water management plans. In some recent subdivision developments, property has been dedicated for retention ponds and related facilities due to wetland permit requirements from the Army Corp of Engineers.

Near-term Priorities

The City should develop a long-range plan for stormwater drainage to foster appropriate development and meet increasing federal and state water quality standards. The plan should set a strategy for most efficiently meeting city stormwater needs, incorporating on-site infiltration when possible.

Implementation Strategies

Plan and implement additional strategies for addressing stormwater

1. ~~Develop~~ **Review** stormwater design criteria. ~~for large parcel development.~~
2. **Develop stormwater master plan**
2. Adopt area wide stormwater management standards.
3. Encourage the utilization of green infrastructure mapping as a means to identify and retain natural drainage channels and important wetlands, which serve drainage functions.
4. Enhance stream channels with the creation of ponds, wetlands, and different habitats that allow for trail systems, water bird habitat, overflow surface water and stormwater collection.
5. Encourage on-site stormwater infiltration management.

Long-term Needs

Currently significant areas of the city are not served by storm drains. As the amount and intensity of development increases, the percentage of community covered by impervious surfaces will grow and the City will need to develop new, more active stormwater management strategies. Homer's

topography lends itself to drainage issues with highly erodible bluffs and slopes. An effective strategy is to use on-site stormwater infiltration management techniques coupled with limiting development on steep slopes. Under this approach, future subdivisions and other large development projects will retain open space within their boundaries for stormwater collection and infiltration. In addition, development will need to limit impervious areas such as paved driveways and paths to reduce the quantity of runoff and provide more areas for infiltration. Increased reliance on on-site management of stormwater is consistent with the general intent of federal water quality standards, focused on reducing non-point source pollution. Open space areas for stormwater infiltration should become part of Homer's green infrastructure network and could double as space for recreation, community gardens, and similar amenities.

Objective G: LIBRARY– Maintain Homer's first-class library facility and continuously build on the high-quality library services to meet current and projected needs.

Current Status

In the ten years since the new Homer Public Library opened in 2006, use of the facility and library services has increased dramatically. Between 2008 and 2015, circulation of library materials grew by 43%, rising to 142,178 items. The number of people using the library's study rooms rose 19%, while use of the meeting room increased 35%. Attendance at children's story times grew by 63%. Fortunately, the library enjoys wide community support, as reflected in the fact that volunteer hours rose as well, by 48%. Since the closure of Homer's Boys and Girls Club in 2013, the library has seen a significant increase in the number of children using the library after school. Tourists and transient workers use the library heavily during the summer months. Winter, traditionally a slower time at the library, has also seen increased activity in recent years, on par with the summer months.



The library building is approximately 17,000 square feet and houses about 45,800 titles with a capacity for up to 47,000. The library offers 26 public computers with internet access, wireless internet, and cabled connections in study rooms and carrels. The library employs six full-time and three part-time staff. The Friends of Homer Library and numerous other volunteers support library operations.

Resources to support the library come from the City's general fund, the majority of which is from sales and property tax revenue, a small annual grant from the State of Alaska, and extensive local support from the Friends of Homer Library. The Friends of Homer Library is a nonprofit organization which provides resources for many library programs as well as occasional one-time equipment purchases not provided for in the city budget.

The 2017 library budget for the City of Homer is \$935,696 approximately 4.2% of the City's overall budget. This includes an annual building loan payment of \$99,824.

The facility currently accommodates the existing level of usage with moderate conflicting demands for space or services; however, if current trends continue, the ability to provide the access to information, materials, programming, and workspace requested by the community will be challenged.

Short-term Priorities

Technology: The use of computers and other digital devices to access information and reading material continues to expand. The library's public computers and wireless network are used extensively (49,406 sessions in 2015). The current public-use computers, as well as the video conference equipment, are near the end of their useful life span. A depreciation/replacement reserve fund is crucial to replace this essential equipment as it ages.

Staff: On-going training is essential to keep current on new technologies as they arise in order to implement best practices regarding technology, as well as to assist the public of all ages. Additional staff would also be helpful to prevent staff burnout as workloads continue to increase.

The library staff is fully aware of fiscal constraints facing Alaska and the City of Homer. However, it is important to keep in mind that when economies tighten, library use increases because individuals are less able to afford to purchase internet connections, computers, books, and DVDs. More people use library computers to seek employment, higher education, and training. Especially during difficult economic times, the public library plays a crucial role in equalizing access to information, government, jobs, and educational resources.

Implementation Strategies

Keep current with the demands of new technology

1. Identify and fund for technology upgrades.
2. Identify opportunities for staff training.
3. Keep public and City Council updated on usage trends.

Mid and long-term Priorities

The library building was intended to provide capacity to serve projected demand for 20 years. With significant increases in library use and demand for services at the ten-year mark, meeting the demand at 20 years may be optimistic. Services the library provides including meeting rooms, the children's library, areas for teens, and study rooms all demonstrate needs that are challenging to provide in light of facility capacity. While it's difficult to anticipate exactly what the next ten years will bring in terms of library collections, if patterns of increasing use continue more space will be desirable for some combination of physical media, digital work stations, and areas for reading and working.

Implementation Strategies

Consider the strategies to address the demand for library services

4. Track demand for space and share information with others providing community meeting spaces.
5. Consider how a fee structure or other funding/pay back opportunities might be able to contribute to an expansion that would meet the demands for space.
6. Determine appropriate levels of service in relation to the ability to leverage resources.
7. The library should continue to be involved in the planning for the Homer town center to ensure that it will be linked to this important community project and that any future expansion needs are addressed.

Objective H: ADMINISTRATION – Provide adequate administrative services and associated facilities to meet current and anticipated future administration demands on the City of Homer.

Current Status

The City Manager's office is responsible for overall administration including property, personnel, budget and finance, planning and enforcement of ordinances, as well as implementation of policy directed by the City Council. The offices of the City Manager, City Clerk, Planning, Library, Community Schools, and Personnel comprise the City's administrative services. The Finance Department is a stand-alone department. The Public Works Department is located separately from the City's administrative offices; however, it also provides essential administrative functions.

City sales tax, transfers from other funds, and real property taxes make up of the majority of City revenue. The 2017 City budget is based upon a 4.5 mill property tax rate. The City levies a sales tax of 4.5 percent.

Future Needs

Implementation Strategies

~~The present City Hall building on East Pioneer Avenue has served the City well for several decades. The building houses the City's administrative services, as well as the mayor's office, and the City Council chambers. A new City Hall is required to respond to increased staffing needs. The City Hall will be located in the proposed town center development area in order to help move that project forward and further improve the Homer central business district.~~

~~Present and anticipated population growth of the city will result in the need for an increase in municipal staff and resources to meet public service demands, particularly if the City expands its boundaries through annexation.~~

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

Objective A: SOLID WASTE – Continue to reduce waste and lessen the impact on the environment. Establish and maintain a City recycling program. See also Chapter 9.

The Homer Transfer Facility (HTF) is located at Mile 169.3 Sterling Highway, north of town. It is owned the Borough and operates under private contract. The HTF receives municipal solid waste, construction/demolition, land-clearing waste, wastewater treatment plant sludge from the City of Homer, and recyclables.

The HTF was constructed in 2013 and replaced the Homer Baling Facility (HBF). Refuse collection is taken care of by private business and individual residents who haul their own waste to the landfill. Recycling of a variety of consumables is available in Homer; specifically, newspaper, corrugated cardboard/brown grocery bags, glass, aluminum cans, mixed paper, tin cans, plastic milk jugs, used oil, and batteries. Several local private stores offer recycling drop-off. In addition, some individual facilities such as the Islands and Ocean Visitor Center offer recycling receptacles alongside rubbish bins.

While current solid waste services are adequate to meet current and expected near-term demands, there has been community consensus around the need to reduce waste and increase recycling efforts.

Implementation Strategies

Support policies that reduce the amount of trash transferred from Homer

1. Demonstrate City leadership by encouraging recycling within municipal departments.
2. Develop or partner with other organizations to create a public education program to encourage recycling within the community.
3. Work with the Borough to develop future strategies for waste disposal.

Objective B: ARTS & CULTURE – Sustain and support Homer’s robust arts and cultural traditions.

Homer has a tradition of fostering arts and cultural activities. These greatly contribute to quality of life and provide economic benefits to the community. *See Economic Vitality Chapter for specific recommendations.* While the City is not the primary party responsible for continuing and expanding cultural activities, it can be a helpful partner.

Community comments expressed during the process of preparing the 2008 City of Homer Comprehensive Plan showed strong support for supporting arts and cultural opportunities in Homer. *See Homer PARC Needs Assessment.*

Objective C: VISITOR SERVICES – Provide and sustain public services and facilities to serve visitors.

Out-of-town visitors are a major local economic generator. Many of the facilities and amenities described in this plan reveal reasons for Homer’s rich tourist activity. Visitor attractions such as the Islands and Ocean Visitor Center, activities, and events abound in Homer. The Homer Chamber of Commerce offers a Visitor Information Center at 201 Sterling Highway. The City supports the Chamber’s visitor activities with a 2017 contribution of \$51,000 for tourism marketing. On a broad level, the City works to maintain and improve the attractiveness of the community as a visitor destination through land use, infrastructure, and circulation policies; for example by improving the character of downtown and the Spit. These policies are described elsewhere in this plan. *See Economic Vitality Chapter for specific recommendations relating to visitor services.*

Objective D: HEALTH CARE – Support and encourage health care to provide exceptional cradle to grave services and keep pace with the changing needs of Homer’s community. See Economic Vitality Chapter.

Current Status

Homer offers a range of health care service options. facility, South Peninsula Hospital, which is Borough-nonprofit management board, and part of a borough has a state funded Public Health Center. This nurse-



Homer has a major hospital owned, operated by a service area. Homer also run facility offers

immunizations, health education programs, and infectious disease control, among other services. Seldovia Village Tribe also operates a health care facility. South Peninsula Behavioral Health Services, Inc. is Homer's primary outpatient and emergency services provider of mental and behavioral health service and support. **Homer has seen an increase in healthcare professionals that has expanded the opportunity for care and recovery from an increasing amount of medical procedures. The Homer City Council has participated in discussions about the abuse of opioids and has recognized the opportunity to address strategies that might assist those addicted or at risk of addiction.**

Implementation Strategies

Respond to local demands for service

1. Support activities that increase the ability to respond to intensive behavioral health needs of the community, including residential needs for behavioral health consumers of all ages, by looking at the possibility of developing a residential behavioral health facility, particularly for children and youth, located in Homer.
2. Support the continuation of KBC's course and degree programs in the allied health occupations, to provide a trained labor force for health care facilities. As Homer's population ages, there will be increased demands on the health care system and a need for more trained health care professionals.

3. Support local and regional strategies that address substance abuse.

4. Continue to support the South Peninsula Hospital via the Kenai Peninsula Borough and the South Kenai Hospital Service Area.

Future Needs

5. Support increased local educational opportunities in health care fields, including KBC, that create opportunities for residents to fill these medical industry jobs. *See Economic Vitality Chapter.*

Objective E: SENIOR SERVICES – Keep Homer an attractive place to live for people at all stages of life by providing and supporting public services and facilities to serve the senior population.

Current Status

Many features make Homer attractive to this growing segment of the city's population, including a relatively concentrated downtown with some walkable areas, senior center, library, university, hospital, doctors, and other health care providers. The community has an effective, active nonprofit agency which provides services to Homer's seniors.

Implementation Strategies

Support senior services

1. Retain attractiveness as a community that appeals to all ages, from youth through retirement.

2. Effectively respond to the shifting age of the population and Homer's popularity as a retirement and visitor destination.
 - a. Require that all public facilities be accessible by senior citizens and individuals with disabilities in accordance with ADA requirements.
 - b. Provide amenities and access for seniors in public facilities developed by the City.
 - c. Encourage and/or create incentives that encourage private businesses to make every effort to provide and/or improve accessibility for the senior population.
3. The city, through its land use decisions, will continue to improve the walkability of the downtown core to make the community more habitable and friendly for seniors and for those with disabilities. *See Land Use Chapter.*

Objective F: YOUTH SERVICES – Enhance year-round opportunities for youth to be stimulated and engaged in safe, fun, healthy activities.

Implementation Strategies

Support a variety of activities geared toward youth

1. Promote a healthy lifestyle by increasing activities available for youth. Providing a range of activities and programs in Homer improves the physical, mental, and social health of the community.
2. Support the efforts of Homer organizations that offer a variety of programs for youth. The City supports community-based efforts to increase and maintain opportunities for all citizens to build their physical, emotional, and intellectual strengths.
3. Encourage efforts to remove barriers to youth participation. *See Homer Park, Arts, Recreation and Culture Needs Assessment.*

Objective G: EDUCATION – Provide high-quality education in Homer and enhance and sustain lifelong learning opportunities.

Current Status

The City of Homer partners with the Borough to use school facilities for the Community Recreation programs in which school buildings are used to provide recreational, educational, social, and cultural activities to the entire community after school hours and in the summer. School enrollment for Homer and the entire borough has been declining in recent years, with attendant loss of programs.

Kachemak Bay Campus provides postsecondary education, continuing education, professional development, and vocational training to Homer residents. ~~The Homer campus is poised for growth. The University received \$2.5 million in the 2007 State Capital Budget to acquire and remodel the Homer City Hall. The purchase of Homer's City Hall and the consolidation of KBC in a centralized location will allow KBC to strengthen programs and offerings. Specifically, the college would like to expand and bolster art education, marine biology, allied health opportunities, and to offer technical~~

~~and career vocational training.~~ There is a community consensus that KBC expansion would lead to widespread economic and cultural benefits for the area. Development of student housing will allow KBC to attract students to Homer, thereby promoting Homer as a “college town.” The Economic Vitality Chapter identifies specific actions to support Homer’s post-secondary educational system.

Homer offers additional educational opportunities to both residents and visitors through various business and nonprofit agencies and has become a popular destination for seminars and learning programs. For instance, many marine related educational programs are offered through the Alaska Islands and Ocean Visitor Center, which is the headquarters for both the Alaska Maritime National Wildlife Refuge and the Kachemak Bay National Estuarine Research Reserve. The Center for Alaskan Coastal Studies also offers a broad menu of educational programs attracting participants from across the state.

Implementation Strategies

Support educational opportunities in Homer

1. Continue to partner and work to support efforts of the Kenai Peninsula School District.
2. Monitor state education funding if school enrollment continues to decline.
3. Continue active support of the expansion of the KBC.

~~Objective H: Promote renewable and clean energy. See Chapter 9.~~

- ~~1. Encourage energy utilities to seek renewable sources to meet Homer’s future energy needs.~~
- ~~2. Promote the decentralization of energy production by creating a legal framework for the development of on-grid private systems in collaboration with local energy providers.~~

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

In many communities there is a disconnect between the services and facilities area residents would like the City to provide and the capacity for providing those programs with current City resources. Homer has the benefit of at least 50 nonprofit entities operating within its borders. Supporting their successes and partnering when possible will further improve City operations.

Implementation Strategies

Encourage and support shared goals with communities groups

1. Continue to work with residents and businesses to better understand community priorities, and to the extent possible, find resources to meet these needs.
2. Continue to work with citizen groups and nonprofit organizations which play a large role in providing desired services in Homer.

Objective A: Increase the City’s capacity to provide and expand community services. Improve the synergy between the City and other community partners.

Implementation Strategies

Residents and businesses will continue to have high expectations for the public services and facilities available in the community. To meet the needs and desires of Homer residents, a strong partnership between the City and community partners will help to bring services and projects to the community beyond what the City can achieve on its own. The following actions will strengthen this partnership and expand the capacity to provide services:

1. Increase the net revenues coming into the city, through managing costs and expanding the community's tax base.
2. Improve the ability of the City to provide technical assistance for community organizations seeking to expand their services. The primary steps the City can take to help these organizations is to provide information regarding possible sources of funding for community service projects and to express support for specific fund raising efforts by writing letters when requested and through this comprehensive plan.
3. Continue to create incentives for other organizations to take a lead in community services by providing small matching grants, limited technical assistance, and the option to use city land or facilities at reduced rates.
4. Support the efficient use of existing community facilities. Partner with organizations to keep city facilities operating beyond normal hours.
5. Create an environment in which Homer's robust nonprofit community can thrive and respond to needs not met by the City.

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 |

| | | | | |
|--|---|---|---|--------------------------|
| <i>Police Department</i> | | | | |
| 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. |

| | | | | |
|---|---|--|--|------|
| <i>Water and Sewer</i> | | | | |
| I-C-1 Institute a community water conservation program and provide incentives. | x | | | City |
| I-C-2 Support the installation of low flow plumbing fixtures as well as the encouragement of landscaping using natural vegetation that does not require extensive irrigation. | x | | | City |
| I-C-3 Determine and plan for some limited near-term sewer system improvements that include sewer system | x | | | City |

| Project | Timeframe | | | Primary Responsibility |
|--|-----------|----------|-------------|------------------------|
| | Near Term | Mid Term | Longer Term | |
| main repair and rehabilitation for reduction of infiltration. | | | | |
| I-C-4 Enact an inflow reduction program. | x | | | City |
| I-C-5 Identify an additional water source for use in the next 10 to 20 years. An important consideration is that the location of any new source could have implications for land use development in Homer. | | | x | City |
| I-C-6 Enact a better cost-share plan for the extension of water and sewer services. | | x | | City |
| I-C-7 Construct water and sewer lines to developed properties as demand warrants. | | | x | City |

| | | | | |
|--|---|---|--|------|
| <i>Port and Harbor. Also see Homer Spit Comprehensive Plan</i> | | | | |
| I-D-1 Develop large vessel harbor | | x | | City |
| I-D-2 Develop barge mooring & large vessel haul out facility | x | | | City |

| | | | | |
|---|---|---|---|-----------------|
| <i>Parks and Recreation</i> | | | | |
| I-E-1 Research the year-round and seasonal staff needs to maintain and operate city park facilities and programs. Increase staffing and volunteer involvement as needed to provide basic City services. | x | | | City |
| I-E-2 Expand and promote the “adopt-a-park” program in which local businesses, service organizations, or youth groups care for a particular park. | x | | | City |
| I-E-3 Establish a park endowment fund through the City or in partnership with the Homer Foundation.. | x | | | City |
| I-E-4 Conduct a cost benefit analysis on creating a unified Parks and Recreation Department that combines the Community Recreation and Parks Maintenance Division. | x | | | City |
| I-E-5 Maintain a balance between natural and manicured park development. | x | | | City |
| I-E-6 Create structure for public/private partnership grants for operations. | | x | | City |
| I-E-7 Partner with other organizations to continue providing programs and facilities. | | | x | City |
| I-E-8 Continue to work with the school district and borough to maintain and expand the partnership for community use of their infrastructure for recreational purposes. | x | | | City |
| I-E-9 Every 5-10 years, assess whether available park and recreation facilities and programs are meeting demands, from inside and outside city limits. | | x | | PARC Commission |
| I-E-10 Pursue financial strategies that leverage City tax dollars to build public recreation facilities. | | | x | City |

| Project | Timeframe | | | Primary Responsibility |
|---|-----------|----------|-------------|------------------------|
| | Near Term | Mid Term | Longer Term | |
| I-E-11 Use the Capital Improvement Plan, city budget, bond measures and partnerships with other organizations (such as Little League) to lobby, fundraise and build public recreation facilities | | | x | City |
| I-E-12 Establish Community Recreation Center; define what is needed as part of this facility, what gap it will fill, what purpose it will serve, and how operations and maintenance will be funded. | | x | | City |
| I-E-13 Support the policies and recommendations of the Beach Policy document. | x | | | City |
| I-E-14 As the need arises, update the beach policy and implement the recommendations. | | x | | City |
| I-E-15 Discourage right-of-way and public access easement vacations to the beach. | x | | | City |
| I-E-16 When opportunities arise, enhance or improve public access to the beach at public access points. | | x | | City |

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|---|---|--|---|------|
| <i>Storm Water</i> | | | | |
| 1-F-1 Review storm water design criteria | x | | | City |
| 1-F-2 Develop storm water master plan | x | | | City |
| 1-F-2 Adopt area wide storm water management standards. | x | | | City |
| 1-F-3 Encourage the utilization of green infrastructure mapping as a means to identify and retain natural drainage channels and important wetlands, which serve drainage functions. | x | | | City |
| 1-F-4 Enhance stream channels with the creation of ponds, wetlands, and different habitats that allow for trail systems, water bird habitat, overflow surface water and storm water collection. | x | | | City |
| 1-F-5 Encourage on-site storm water infiltration management. | | | x | City |

| | | | | |
|-----------------------------------|---|--|--|------------------------------|
| <i>Library</i> | | | | |
| 1-G-1 Create technology fund. | x | | | City Council, Administration |
| 1-G-2 Maintain training schedule. | x | | | Library administration |

| Project | Timeframe | | | Primary Responsibility |
|--|-----------|----------|-------------|---|
| | Near Term | Mid Term | Longer Term | |
| 1-G-3 Continue to report usage and demand for services to the City Council. | x | | | Library administration/LAB |
| 1-G-4 Track demand for space and share information with others providing community meeting spaces. | x | | | Library administration/LAB |
| 1-G-5 Identify and explore funding opportunities | | x | | LAB/Friends of the Library |
| 1-G-6 Evaluate appropriate levels of service in relation to probable budget scenarios. | | x | | Library administration/ City Council |
| 1-G-7 Keep abreast of and comment on neighborhood developments. | | | x | Library administration/LAB |

| | | | | |
|---|---|--|--|------|
| <i>Solid Waste</i> | | | | |
| 2-A-1 Demonstrate City leadership by encouraging recycling within municipal departments. | x | | | City |
| 2-A-2 Develop or partner with other organizations to create a public education program to encourage recycling within the community. | x | | | City |
| 2-A-3 Work with the Borough to develop future strategies for waste disposal. | x | | | City |

| | | | | |
|--|---|---|--|------|
| <i>Health Care</i> | | | | |
| 2-D-1 Support activities that increase the ability to respond to intensive behavioral health needs of the community, including residential needs for behavioral health consumers of all ages, by looking at the possibility of developing a residential behavioral health facility, particularly for children and youth, located in Homer. | x | | | City |
| 2-D-2 Support the continuation of KBC's course and degree programs in the allied health occupations, to provide a trained labor force for health care facilities | x | | | City |
| 2-D-3 Support local and regional strategies that address the substance abuse. | x | | | City |
| 2-D-4 Continue to support the South Peninsula Hospital via the Kenai Peninsula Borough and the South Kenai Hospital Service Area. | x | | | City |
| 2-D-5 Support increased local educational opportunities in health care fields, including KBC, that create opportunities for residents to fill these medical industry jobs. | | x | | City |

| Project | Timeframe | | | Primary Responsibility |
|---------|-----------|----------|-------------|------------------------|
| | Near Term | Mid Term | Longer Term | |

| | | | | |
|--|---|---|--|------|
| <i>Senior Services</i> | | | | |
| 2-E-1 Retain attractiveness as a community that appeals to all ages, from youth through retirement. | x | | | City |
| 2-E-2 Require that all public facilities be accessible by senior citizens and individuals with disabilities in accordance with ADA requirements. | x | | | City |
| 2-E-3 Provide amenities and access for seniors in public facilities developed by the City. | x | | | City |
| 2-E-4 Encourage and/or create incentives that encourage private businesses to make every effort to provide and/or improve accessibility for the senior population. | x | | | City |
| 2-E-4 The city, through its land use decisions, will continue to improve the walkability of the downtown core to make the community more habitable and friendly for seniors and for those with disabilities. | | x | | HAPC |

| | | | | |
|--|---|--|--|------|
| <i>Youth Services</i> | | | | |
| 2-F-1 Promote a healthy lifestyle by increasing activities available for youth. | x | | | City |
| 2-F-2 Support the efforts of Homer organizations that offer a variety of programs for youth. | x | | | City |
| 2-F-3 Encourage efforts to remove barriers to youth participation. | x | | | City |

| | | | | |
|---|---|--|--|------|
| <i>Education</i> | | | | |
| 2-G-1 Continue to partner and work to support efforts of the Kenai Peninsula School District. | x | | | City |
| 2-G-2 Monitor state education funding if school enrollment continues to decline. | x | | | City |
| 2-G-3 Continue active support of the expansion of the KBC. | x | | | City |

| | | | | |
|---|---|--|--|------|
| <i>Education</i> | | | | |
| 2-G-1 Continue to partner and work to support efforts of the Kenai Peninsula School District. | x | | | City |
| 2-G-2 Monitor state education funding if school enrollment continues to decline. | x | | | City |
| 2-G-3 Continue active support of the expansion of the KBC. | x | | | City |

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|---------------------------|
| <i>Community Capacity</i> |
|---------------------------|

| Project | Timeframe | | | Primary Responsibility |
|--|-----------|----------|-------------|------------------------|
| | Near Term | Mid Term | Longer Term | |
| 3-A-1 Continue to work with residents and businesses to better understand community priorities, and to the extent possible, find resources to meet these needs. | x | | | City |
| 3-A-2 Continue to work with citizen groups and nonprofit organizations which play a large role in providing desired services in Homer. | x | | | City, Community |
| 3-A-3 Increase the net revenues coming into the city, through managing costs and expanding the community's tax base. | x | | | City, Community |
| 3-A-4 Improve the ability of the City to provide technical assistance for community organizations seeking to expand their services. Provide information regarding possible sources of funding for community service projects. Express support for specific fund raising efforts by writing letters when requested and through this comprehensive plan. | | x | | City |
| 3-A-5 Continue to create incentives for other organizations to take a lead in community services by providing small matching grants, limited technical assistance, and the option to use City land or facilities at reduced rates. | | x | | City |
| 3-A-6 Support the efficient use of existing community facilities. Partner with organizations to keep city facilities operating beyond normal hours. | x | | | City |
| 3-A-7 Create an environment in which Homer's robust nonprofit community can thrive and respond to needs not met by the City. | | | x | City |



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: August 23, 2017
SUBJECT: August 28 City Manager's Report

Emergency Repair at the Library

The City discovered an issue with our fire alarm system at the Library recently when we contracted with Taylor Fire to look into why alarm tests were failing. Public works was hoping that the analysis would provide a repair option that might extend the life of the unit. However, while waiting for their arrival, the unit had a major and final irreparable failure. Apparently there has been a history of failure with the system, and Taylor Fire has been replacing them on a regular basis. The Library system has been limping along with this panel for over a year and parts are no longer available. The sprinkler system itself is still functional, so fire protection is operable. However, there is no notification to emergency personnel or building maintenance of an event. Additionally, there is no early warning/notification to anyone inside the building that a fire could be occurring in a back room, etc. The alarm control panel system is a code requirement. The fire alarm system should be up and running by the time of the Council meeting. The contractor estimated the work would cost \$7,300 which I will be requesting from Library depreciation reserves during the midyear budget amendments.

Staff Participation at Committee of the Whole

I have asked all Department Heads to participate at the Committee of the Whole. This helps management understand Council's decisions and priorities and provides you an opportunity to ask detailed questions about pending legislation or other City issues while the experts are in the room. Please help me use staff time wisely and ask questions that require specific expertise during the committee of the whole if at all possible. Unless there is unusually complex legislation specific to a department on the agenda, department heads are free to go after Committee of the Whole. This will help control our level of effort so department heads can spend more time in the trenches. Thank you for your help in getting the most out of City staff.

Backup Generator and Harbormaster's Office

At the August 14 meeting City Council approved a Homeland Security grant to purchase an emergency backup generator at for the Harbormaster's office. The question of alternate fuel sources came up after the meeting and I wanted to take a moment to explain why diesel was chosen as the preferred alternative.

The biggest threat for an extended power outage on the Spit comes from a significant earthquake. A fault line runs across the Spit around the hockey rink, which is about where the road sank in 1964. In any major earthquake event there is a risk that the natural gas supply would be shut down until such a time that the Enstar utilities can be tested and returned to service. How long something like that would take depends on

the severity of the event. It is likely that during a significant earthquake event there would be a long period of aftershocks that could continue for days and prolong response.

Staff also talked about Propane as an option mostly because it is easy to store long-term and there are no real spill risk. However, propane is problematic because of supply. There are no large propane storage tanks in Homer. All propane comes down the highway which adds another layer of vulnerability. Who knows what Spit Road will look like when the big one hits? It may be useable, or the end of the Spit maybe an island for a while.

Diesel is prevalent on the Spit. Petro Marine's tank farm is located at the end of the Spit. If push came to shove, there are literally tens of thousands of gallons of diesel in the boats in the harbor. In the end, the most important variable is not efficiency but reliability. The generator will likely get minimal use; short-term power outages and monthly testing. A back up generator is about keeping the lights, phones, computers, radios, and heating up and running without fail 24-7 during an emergency. For that we need the most reliable source of fuel that is readily available on the end of the Spit when the chips are down.

Alaska Municipal League Summer Meeting Travel Report

I attended the Alaska Municipal Management (AMMA) and Alaska Municipal League (AML) meeting the week of August 14 with Mayor Zak and Councilmember Smith. The weather was terrible, but the company was outstanding. In addition to municipal leaders from around the state, the Governor and his staff spent most of Thursday with the group. At the manager's meeting, I had the opportunity to ask my colleagues advice on issues ranging from staff development to building a new harbor. I am always impressed at how helpful and free with information Alaskan Managers are. They embody the help your neighbor spirit that makes Alaska such a great place to live. I had the privilege of facilitating a dialogue with this group of professionals on building communication skills. The room shared great tangible advice on effective communication with Council, relationship building with staff, and struggles with navigating the changes from traditional media to social media. The Haines City Manager organized an impromptu meeting with their newly formed Economic Development Board and we shared economic development struggles and success in our similar small commercial fishing and tourism towns. These trips are always a great opportunity to get out of our silos and learn, network and share with other Alaskan communities. The next AML meeting is November 13-17 and I encourage Councilmembers who are able to attend.

Proposition 1 – Be Smart with the Hart - Education Campaign

Staff in my office is gearing up for a voter education campaign on the Proposition 1, the ballot initiative that allows trail and road maintenance costs to be charged to the HART fund in addition to new road and trails. Council asked to see materials before they are published (attached in draft form). As you know, changes to HART combined with conservative budgeting are essential to being able to keep City services without imposing new taxes. Please feel free to email me with any feedback on the materials or to volunteer to do some voter outreach. The campaign will include:

- postcard mailing (draft is page 1 & 2 of attachment)
- web banner advertisements (draft is page 3 & 4 of attachment)
- Newspaper ads. These can be sized for FB posts or ads as well.
- FB posts/ads - sample one with Smart with Hart branding is included on page 6 of the attachment.
- Radio PSAs
- Press Release
- Opinion pieces/ letter to the editor
- Direct outreach/presentations

Alaskans of the Week

Two Alaskans have been honored by Senator Dan Sullivan recently for their dedication to this great state by being named the 'Alaskan of the Week' on the Senator Floor. In May long time operator of the Homer Animal Shelter, Sherry Bess was recognized for her commitment to taking care of stray and lost animals in Homer. Homer Electric employee Kathy Heindl was recognized just last week for her commitment to preserving a sustainable salmon fishery, among a long list of other accomplishments. The national recognition is a reminder of everything our friends and neighbors do to make this a great place to live and how fortunate we are to live somewhere with such a strong spirit of community service.

Enc:

Be Smart with the Hart Voter Education Materials

Press Release: Alaskan of the Week Sherry Bess

Press Release: Alaskan of the Week Kathy Heindl

Thank you note to Homer EMS

Vote **PROP 1** *Yes* Be smart with the HART



Vote Oct 3

- HART Funds can**
- build new roads and trails,
 - help maintain the ones we have, and
 - help balance the budget while maintaining City services with no new taxes.

*Polls open
7 am - 8 pm*

Vote YES on Prop 1 to use our revenues wisely on public goods we all use and need both now and for the future. More info: www.cityofhomer-ak.gov.

Vote Yes

PROP 1 Be Smart with HART

- HART funds can build new roads & trails
- maintain the ones we have
- and balance the budget while maintaining City services with no new taxes

Paid for by the City of Homer 491 E Pioneer Ave., Homer AK
Mayor Bryan Zak approves this message.

▲ VOTE OCT 3

Polls Open 7 AM - 8 PM

Vote Yes

PROP 1 Be Smart with HART

- HART funds can build new roads & trails
- maintain the ones we have
- and balance the budget while maintaining City services with no new taxes

Paid for by the City of Homer 491 E Pioneer Ave., Homer AK
Mayor Bryan Zak approves this message.

EVER VOTE COUNTS

Vote absentee beginning Sept 18 at City Hall

Vote at the Polls Oct 3, 7 am - 8 pm



Put HART Funds to Work

YES on Prop 1 Supports Winter Road Maintenance

Six Public Works Dept employees operate plow trucks, snow blowers, graders, dump trucks and sanders

to clear snow and ice from 98 lane miles of City streets and another 2.5 lane miles of State roads.

That's the distance from Clam Gulch and back!

Public Works also clears snow and ice from 11 City sidewalks and trails and spreads 2,500 tons of sand per year.

That's the weight of ~5,555 moose!

0.75% of Homer sales tax currently goes to the HART fund to build new and upgrade substandard roads and trails. If passed, Prop 1 allows using a portion of HART funds to maintain the roads and trails we have already built.

Be smart with HART! Vote YES on PROP 1.

- Maintenance extends the useful life of a road for the lowest cost.
- Sufficient funds will remain in HART to build new roads and trails.
- Combined with cost cutting measures, HART can help balance the City's budget without new taxes or essential service reductions.

Vote October 3. Polls open 7 am to 8 pm. Learn more at www.cityofhomer-ak.gov.

Paid for by the City of Homer, 491 E Pioneer Ave, Homer AK. Mayor Bryan Zak approves this message.

05.15.17

SULLIVAN HONORS ALASKAN OF THE WEEK: SHERRY BESS

WASHINGTON, DC — U.S. Senator Dan Sullivan (R-AK) spoke last week on the Senate floor in recognition of Sherry Bess, of Homer, who has spent nearly three decades caring for the community's homeless and abandoned animals as manager of the Homer Animal Shelter. Bess was recognized as part of Senator Sullivan's series, "Alaskan of the Week."

Sen. Dan Sullivan (R-AK) presents the Alaskan of the Week - May 9,...



The following is the statement submitted to the Congressional Record:

TRIBUTE TO SHERRY BESS

Mr. SULLIVAN. Mr. President, every week I have been coming to the floor to recognize someone in my State who has made a difference, someone who has devoted time and energy to making my State a better place to live for others. We call these individuals our Alaskan of the Week.

As I have said repeatedly, I believe my State is the most beautiful State in the country. We have visitors. We want to welcome more and more visitors. Come on up. I guarantee it will be the trip of a lifetime.

When you go to Alaska, one town that nobody should miss is Homer, AK. It is surrounded by the glistening waters of Kachemak Bay, jagged mountains, glaciers, and snowcapped volcanoes. Some people call it the Halibut Fishing Capital of the World. Others call it the Cosmic Hamlet by the Sea. Some, like me, call it a slice of Heaven.

I was there a few weeks ago holding a community meeting. I thanked them then, and I want to thank them all today for the very warm welcome I received.

I also wish to thank Homer for the very warm welcome they gave to Navy destroyer USS Hopper, which spent a few days in Homer before participating in a joint naval exercise with the Army in the Gulf of Alaska. The 300-member crew of the USS Hopper was greeted by hundreds of cheering, flag-waving Homer residents. The commander of the Hopper, J.D. Gainey, wrote that in his 24 years of naval service, "I have never seen as much patriotism as we enjoyed in Homer." Thank you, Homer, from all of us. Alaskans love Homer.

They see it for the landscape but also for the people. It is a tight-knit community. They might not always agree with one another, particularly with regard to politics, but they look out for each other. Like any community with a heart, they look out for their animals.

This week I want to recognize a special person as our Alaskan of the week, Sherry Bess, who spent nearly 30 years--three decades--taking care of Homer's animals as the manager of the Homer Animal Shelter. In 1989, when Sherry began to volunteer at the pet shelter in Homer, there was one building, no phone, and only four cages to hold cats. "It was basically a shack," she said. The snow would come in through the dog door. The drains in the water bowls would freeze. Sherry's hands and feet were always cold, and it was infested with mice. There was no

bathroom. Oftentimes, when the shelter was too busy and when the animals needed extra care, Sherry would take them to her home, where she would care for them.

Sherry and a handful of residents cared for over 1,200 animals each year in that little shelter.

Along the way, she gathered both happy stories and heartbreaking stories about the animals she found that were abused and the ones she found homes for. In fact, one of the members of my team in Alaska took a puppy that had been abandoned in a crate in the woods near Homer, took him home, fed him, and Mick Fleagle on my staff now has a dog. His dog Sookie, 8 years old, has the full reign of the house. He is loved.

Thanks to Sherry, stories like that abound throughout Homer. For 26 years, she has worked night and day, 7 days a week, for the pets in that community. She recently stepped down from that job. She is taking care of her own pets, lots of them--her family she calls them--but she will always be known to so many people in Homer for what she has done for their pets and their animals.

"Over the years, those animals that came to me," she said, "...unwanted and sad and depressed, and then you help them and you love them and they go to a home and they're loved. That's the most rewarding thing about what I did."

Sherry said over the years she has noticed that the residents of Homer and throughout the country have been kinder to their pets. Part of that is the result of what Sherry and others like her across the country do to educate the public on taking care of animals through vaccinations, neutering. Some of it is more and more because people like Sherry are considering pets as their families.

So I want to thank Sherry, as our Alaskan of the Week, for all she has done and for all she has done for pets in our great State. Great job.

###

August 14, 2017

Homer EMS Team!

Great Job!

Your AMAZING skill and training are directly represented by your example with Excellence today. You raced to the

Excellent job
Gays - Mike!
(reply)

SPIT and brought back a man from a deadly rhythm; you stuck with us in the hospital and to your credit the man was talking when flown out for Cardiac Cath for his STEM! "ACLS you Rock" as an EMS T

Thank You, Dr. Geary
Jody RN

-Cyril 100-Brady, RN

SFB
Haworth
"good"
that "is!"
old field!
admission for
in passing
I want to
even
Selling on
Sticking
help me
- Give too - Braun



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: September
SUBJECT: September 11 City Manager's Report

Community Jail Contract Update

Department of Corrections Commissioner Williams followed up with the attached correspondence regarding community jails. You recall Mayor Zak, Chief Robl and I met with Commissioner Williams some time ago regarding proposals for continuing the partnership of the Department and the Homer Jail. The City has many unanswered questions regarding what the pretrial services mentioned in Commissioner William's letter would look like and what our ability is to absorb additional duties and responsibilities is. It is likely that taking on additional pretrial duties would require additional staff to bring our jail back to full staffing, and we would ask for additional compensation from the state for such expenses. Details matter and we have reached out to the Department with questions. Nevertheless, the City of Homer is open to continuing the conversation with the Department of Corrections and hopefully we can explore new partnerships that are mutually beneficial.

Meeting with Alaska Mental Health Trust Authority (AMHTA) Trust Land Office (TLO)

August 30 Port and Harbor Director Hawkins, myself and the City Attorney met with TLO representatives to discuss ongoing negotiations regarding land around the mouth of the Harbor, including Lot 42, a lot owned by the Department of Natural Resources/AMHTA which we have expressed an interest in purchasing. I believe significant headway was made by clearing up a misunderstanding regarding Lot 42. The City will continue to engage with TLO in hopes of establishing a purchase price that is defensible to bring to City Council for approval by ordinance.

Home Rule

Discussion came up at the last council meeting regarding Home Rule status. I have attached a helpful booklet from the Local Boundary Commission on Home Rule. Though some of the information is dated (2000) it provides a lot of useful information regarding how to become Home Rule and the powers granted Home Rule municipalities in the constitution. The Alaska constitution was constructed to give maximum local self-government to the people of Alaska and Home Rule cities have the maximum amount of local control over governance. The process for becoming Home Rule is initiated by a petition and the election of a 7-member charter commission. If elected, the commission is responsible for drafting a charter for the municipalities that must be approved by the voters. The City of Soldotna recently went Home Rule, a move initiated by and carried out by their sitting City Council.

Wells Fargo

The City of Homer uses Wells Fargo for daily banking. Wells Fargo has changed their management structure for municipalities and instead of dealing directly with the local branch we are now part of a regional municipal group of bankers with our principal contact out of Kenai. The transition has had a few bumps, but for the most part I think they will be able to deliver a service that is more focused on the unique nature of municipal banking and I am looking forward to taking advantage of potential new opportunities. Along those lines, we have been in conversation with Wells Fargo about refinancing the loan that the City has with the Borough for the construction of the Natural Gas line. There are many details that have yet to be worked out, but if Wells Fargo could get a more competitive rate than the current 4% the savings could be significant. Any savings will help offset interest payments on the loan from when interest started accruing at construction and the City started collecting interest with finalization of the special assessment district (approximately 1 year later), in addition to after the fact exemptions and deferments that have been granted by Council. It is important to recognize that the Borough provided a great service to the City of Homer and its residents by thinking outside the box with government to government lending. At the time the gas line was constructed, the interest rate from Wells Fargo and other private banks was not competitive and the Borough stepped up to the plate with a reasonable alternative.

November Alaska Municipal League (AML) Meeting

The Council/Mayor budget has enough funds remaining in 2017 for 2-3 members (in addition to Mayor and 2 newly elected officials) to attend AML Winter meeting November 13-17. Please start thinking about if you would like to attend and let Melissa know so she can prepare the travel approval memo.

Comprehensive Opioid Abuse Site-Based Program (CARA)

At the last Council meeting, questions came up regarding CARA, the US Dept of Justice Program's *Comprehensive Opioid Abuse Site-Based Program* grant. Below is a synopsis of the program from Special Projects Coordinator Carrol and a summation of how City of Homer might be a part of future CARA solicitations.

The purpose of CARA to provide financial and technical assistance to states, local and tribal governments to plan, develop, and implement comprehensive diversion and alternatives to incarceration programs that expand outreach, treatment, and recovery efforts to individuals who come into contact with justice system.

Grant Deadline is Past: April 25th, 2017.

Eligibility: Units of local government and State agencies. Regional applications were encouraged and applications would involve two or more entities, including treatment providers and non-profit organizations that would carry out the funded federal award activities.

City of Homer would not apply as a single entity. However, it could be the eligible entity to apply as part of a multi-disciplinary team. The other agency(s) would be proposed as sub-recipient(s).

Request Categories and Funding Limits: Grant funding was divided into five categories. Local gov'ts could apply in two categories, of which only one, Overdose Outreach Projects would apply to a city unit.

Category 1: Overdose Outreach Projects - \$300,000 limit for project period up to 36 months. Initiatives must carry out specific mandatory project components using law enforcement, in partnership with peer recovery coaches or treatment providers, to connect overdose survivors with services in the

days that follow a non-fatal overdose. A project coordinator would manage the day-to-day operations and a researcher would help design, analyze data and evaluate throughout.

Priority for funding is given to applicants disproportionately impacted by the illegal opioid epidemic (high rates of primary treatment admissions for heroin and other opioids; high rates of overdose deaths from heroin and other opioids) and/or a lack of accessibility to treatment providers and facilities or to emergency medical services.

In this category, the City of Homer would most likely respond to a program proposal put forth by a consortium of local service providers to be the eligible entity to apply and manage the grant. Our law enforcement and emergency responders would be partners in the consortium.

Category 3: System-level Diversion and Alternatives to Incarceration - \$400,000 limit for project period up to 36 months.

The focus of Category 3 is on developing county-based approaches to diversion and alternatives to incarceration following a specific conceptual model. City of Homer would probably not be the lead on a Category 3 initiative, but may be asked to be a partner in a Borough initiative.

Number of awards: A total of 45 awards were anticipated, which I imagine makes it a fairly competitive grant.

Enc:

Future of Community Jail Contracts Letter from Commissioner Williams

Home Rule Maximum Local Self-Government

Homer Foundation Fund Report

September Employee Anniversaries



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Corrections
Commissioners Office

550 West 7th Avenue, Suite 1800
Anchorage, Alaska 99501
Main: 907-334-2381
Fax: 907.269-7390

August 24, 2017

Mayor Bryan Zak
2525 Sterling Hwy
Homer, AK 99603

City Manager Katie Koester
491 E Pioneer Ave
Homer, AK 99603

Police Chief Mark Robl
4060 Heath St
Homer, AK 99603

Re: Future of Community Jail Contracts

Dear Community Jail Contractor and Partner,

I wanted to send off a letter to all of you at the same time to update you on the future of the community jail contracts. It's all good news I think so relax and please read carefully.

I have been able to make personal contact with most of you within the last year, but I realize there are a few of you that I haven't been able to get to so please excuse that if you are one of those I missed. In prior visits or communications I have expressed my desire to collaborate more fully with each of you and to express the importance I see in our community jail contracts. Hopefully you heard that I wanted more opportunities for you to handle local justice issues whenever possible. With little exception I was met with an overwhelming positive response.

In prior conversations I discussed the start of the pretrial effort that is set to launch January, 2018. We discussed opportunities for how you might be involved (i.e. pretrial assessments, electronic monitoring, supervision of pretrial defendants) and how the Department was brainstorming ways to financially support your participation in the new vision (and now law) of the pretrial effort. Please understand that your interest and partnering in this new effort is your call and your decision. I do believe there are a variety of reasons that will make the partnership appealing to you, which does include some increase in your community jail contracts. The amount of increase varies from different communities and I'll be able to articulate the increase amounts if/when we meet.

Let me reinforce to you that I have been keenly aware of the angst many of you have had over the jail contracts. This new opportunity is not an attempt to bait and switch by putting more on you and expecting nothing in return. Real partnership between the State and local government requires real

conversation and mutual concern. I hope you know that I see your role as critical to the overall health of the justice system. I think there is a real opportunity to move beyond simple "jail contracts" and to have local communities own more of the criminal justice continuum without, repeat, without creating a heavy burden that is uncompensated.

We are preparing addendums to our current community jail contracts that we would like to propose with each of you over the next few months. I'm planning to attend the southeast conference in September and hope I can touch base with all of you in that region to discuss the addendums. For others who will not be at the southeast conference, I will arrange time to meet with you as soon as possible. I realize I'm a bit light on details at the moment, as I anticipate you may have questions that may require detailed conversations.

You can expect to see the draft addendums in the coming weeks. We have provided several options for you to consider should you wish to engage in this new criminal justice initiative. I understand you may have questions regarding the technical aspects of each of the available options once you receive the addendums, so I encourage you to reach out to the Pretrial Director, Geri Miller-Fox for the technical aspects of this program.

Geri Miller-Fox
Division of Pretrial Director
550 W 7th Ave, Ste 1800
Anchorage, AK 99501
Office Phone: (907) 269-7405
Mobile Phone: (907) 891-2211
Email: geri.fox@alask.gov

I want to again repeat that I see our contracts with you as important component of our state's justice system. I want these contracts to take on even more significance as we explore our roles in the new pretrial effort. Thanks for all that you do.

Respectfully,



Dean Williams, Commissioner

Home Rule

Maximum Local Self-Government



Home Rule Municipalities in Alaska

ABRIDGED VERSION — DOES NOT INCLUDE APPENDICES

| | |
|--------------------|--|
| Section 1 | Types and Numbers of Municipal Governments in Alaska |
| Section 2 | Interesting Facts About Home Rule Municipal Governments in Alaska |
| Section 3 | Nature of Home Rule Cities in Alaska |
| Section 4 | Procedures for Adoption of a Home Rule Charter by an Existing Municipality |
| Appendix A | Sections of 1999 Alaska Statutes that Expressly Relate to Home Rule Municipal Governments |
| Appendix B | <u>Jefferson v. State</u>, 527 P.2d 37 (Alaska, 1974) |
| Appendix C | <u>Sharp, Home Rule in Alaska: A Clash Between the Constitution and the Court</u>, 3 U.C.L.A. — Alaska L.R. 1 (1973) |
| Appendix D | <u>Duvall, Delineation of the Powers of the Alaska Home Rule City: The Need for a Beginning</u>, 8 Alaska Law Journal 232, 239 (1970) |
| Appendix E: | <u>AS 29.10.010 — 29.10.090, Procedures for Adoption of a Home Rule Charter by an Existing Municipal Government</u> |

Written by:

Dan Bockhorst, Local Government Specialist

Local Boundary Commission Component

Alaska Department of Community and Economic Development

550 West 7th Avenue, Suite 1790 • Anchorage, AK 99501-3510

Telephone: 269-4559 • Fax: 269-4539

E-mail: Dan_Bockhorst@dced.state.ak.us

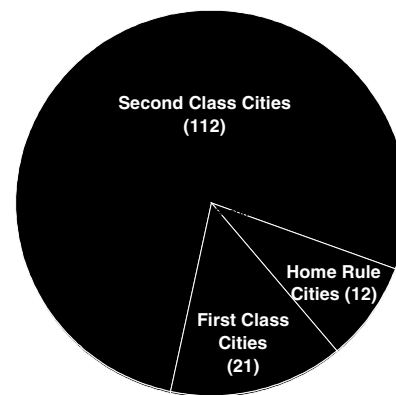
Page Layout: Jennie Morrison, Publication Technician

Section 1 • Types and Numbers of Municipal Governments in Alaska

There are two types of local governments in Alaska, cities and organized boroughs.

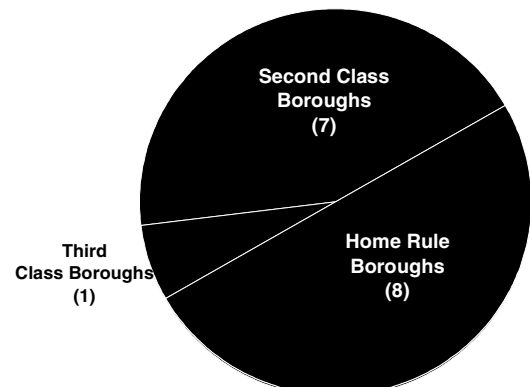
A. Cities

There are 145 city governments in Alaska; 12 are home rule and the remaining 133 are general law. Of the 133 general law cities, 21 are first class cities and 112 are second class cities.



B. Boroughs

There are 16 organized boroughs in Alaska; 8 are home rule and 8 are general law. Of the 8 home rule boroughs, 3 are unified municipalities and the remainder are not. Of the 8 general law boroughs, 7 are second class boroughs and 1 is a third class borough. There are no first class boroughs.



Section 2 • Interesting Facts About Home Rule Municipal Governments in Alaska

A. Popularity of Home Rule Municipal Governments

Home rule is the most accepted form of municipal government in Alaska. Nearly twice as many Alaskans live in home rule municipal governments as

- ☑ All but two of the current home rule cities had initially adopted charters by 1965.
- ☑ The last city to adopt a home rule charter did so 18 years ago (City of Nenana).

Nearly twice as many Alaskans live in home rule municipal governments as compared to general law municipal governments.

compared to general law municipal governments. Specifically, 392,541 people (63% of Alaskans) live within a home rule city or home rule borough. This is compared to 211,048 Alaskans (34%) who live only in a general law city or general law borough. The remaining 18,411 Alaskans (3%) live outside any municipal government.

B. Home Rule Cities

- ☑ The option of home rule first became available to cities in Alaska in 1959 when Alaska became a state.

The following lists the home rule cities in Alaska:

| Cities | 1999 Population | Charter Adopted |
|--------------------|-----------------|-----------------|
| City of Cordova | 2,435 | 1960 |
| City of Fairbanks | 31,697 | 1960 |
| City of Kenai | 7,005 | 1963 |
| City of Ketchikan | 8,320 | 1960 |
| City of Kodiak | 6,893 | 1965 |
| City of Nenana | 348 | 1982 |
| City of North Pole | 1,616 | 1970 |
| City of Palmer | 4,151 | 1962 |
| City of Petersburg | 3,415 | 1960 |
| City of Seward | 3,010 | 1960 |
| City of Valdez | 4,164 | 1961 |
| City of Wrangell | 2,549 | 1960 |

for 48% of the population within city governments in Alaska.

- ☑ The average population of Alaska's 12 home rule cities is 6,300.

- ☑ The City of Fairbanks is the most populous home rule city (31,697 residents).

- ☑ The median population of Alaska's 12 home rule cities is 3,783.

- ☑ There are 12 home rule cities and 133 general law cities in Alaska.
- ☑ Although only 8% of the city governments in Alaska are home rule, they account

- ☑ The City of Nenana is the least populous home rule city (348 residents).

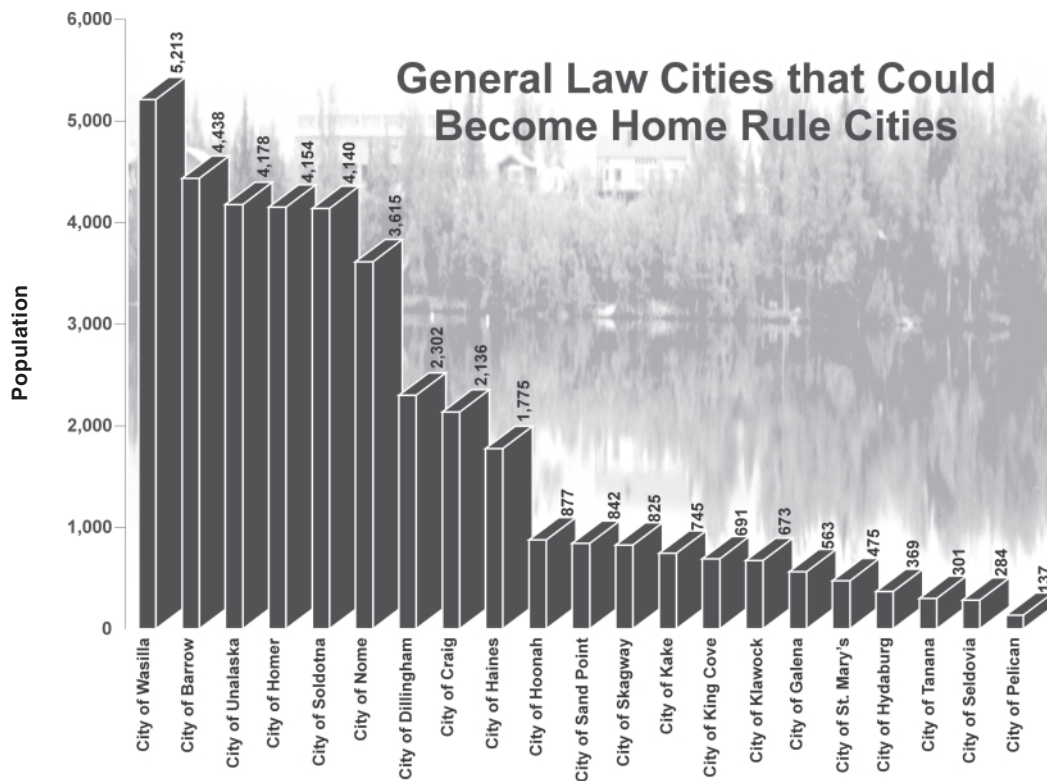
392,541 people (63% of Alaskans) live within a home rule city or home rule borough

211,048 Alaskans (34%) live only in a general law city or general law borough

18,411 Alaskans (3%) live outside any municipal government

C. General Law Cities that Could Become Home Rule Cities.

Under current State law [AS 29.10.010(a)] first class cities — but not second class cities — may adopt home rule charters. The chart below lists the 21 existing first class cities in Alaska ranked in descending order of population.



D. Home Rule Boroughs

- ☑ There are 8 home rule boroughs in Alaska.
- ☑ 50% of the borough governments in Alaska are home rule, they account for 59% of the population within organized boroughs.
- ☑ Anchorage is the most populous home rule borough (259,391 residents).
- ☑ Yakutat is the least populous home rule borough (729 residents).
- ☑ The average population of Alaska's 8 home rule boroughs is 39,617.
- ☑ The median population of Alaska's 8 home rule boroughs is 7,143.
- ☑ The last borough to adopt a home rule charter did so 8 years ago (Yakutat).
- ☑ Four of the last five boroughs to form are home rule boroughs.

| Boroughs | 1999 Population | Charter Adopted |
|-----------------------------|-----------------|-----------------|
| Municipality of Anchorage | 259,391 | 1975 |
| Denali Borough | 1,871 | 1990 |
| City and Borough of Juneau | 30,189 | 1970 |
| Lake and Peninsula Borough | 1,791 | 1989 |
| North Slope Borough | 7,413 | 1974 |
| Northwest Arctic Borough | 6,873 | 1987 |
| City and Borough of Sitka | 8,681 | 1971 |
| City and Borough of Yakutat | 729 | 1992 |

Section 3 • Nature of Home Rule Cities in Alaska

Article X of Alaska's Constitution deals with local government. Section 1 of the local government article states the following with respect to the purpose and construction of the constitutional provisions regarding local government:

The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. **A liberal construction shall be given to the powers of local government units.** (emphasis added)

All local governments in Alaska – general law cities, home rule cities, general law boroughs, and home rule boroughs – enjoy broad powers. Twenty-two years ago, the Alaska Supreme Court ruled as follows with regard to the provisions for a liberal construction of the powers of local government in the second sentence of Article X, Section 1:

The constitutional rule of liberal construction was intended to make explicit the framers' intention to overrule a

common law rule of interpretation which required a narrow reading of local government powers.¹ Liberati v. Bristol Bay Borough, 584 P.2d 1115, 1120 (Alaska 1978)

The principles of liberal construction of local government powers

and broad local power were carried forward by the legislature as evidenced by the following provisions in current law:

☑ "A liberal construction shall be given to all powers and functions of a mu-

nicipality conferred in this title." (AS 29.35.400)

☑ "Unless otherwise limited by law, a municipality has and may exercise all powers and functions necessarily or fairly implied in or incident

¹ The rule, called Dillon's rule states:

[a] municipal corporation possesses and can exercise the following powers and not others. First, those granted in express words; second, those necessarily implied or necessarily incident to the powers expressly granted; third, those absolutely essential to the declared objects and purposes of the corporation – not simply convenient, but indispensable.

Merrian v. Moody's Executors, 25 Iowa 163, 170 (1868). The minutes of the constitutional convention reveal that the liberal construction clause of Article X, Section 1 was intended to assure that general law municipalities, as well as those having home rule powers, would not be governed by this rule, but would have their powers liberally interpreted. The following colloquy between delegates Hellenenthal and Victor Fischer is illustrative:

HELLENTHAL: Is there a compelling reason for the retention of the last sentence in the section?

V. FISCHER: Mr. President, we were advised by our committee consultants that due to the fact that in the past, courts have very frequently, or rather generally interpreted the powers of local government very strictly under something called "Dillon's Rule", or something like that, that a statement to this effect was rather important, particularly in connection with the local government provisions of the article to make sure that it would be interpreted to give it the maximum amount of flexibility that we desire to have in it and to provide the maximum powers to the legislature and to the local government units to carry out the intent of this article.

...

HELLENTHAL: Now I refer to Section 11. Doesn't Section 11 clearly reverse this rule that you refer to as Dillon's Rule?

V. FISCHER: That would apply to home rule, cities and boroughs, but the point is that there may be a lot of local government units in Alaska over the years that may not be granted the home rule authority by the legislature and it may not want to adopt a home rule charter. Alaska Constitutional Convention Proceedings, Part 4, 2690–96.

to the purpose of all powers and functions conferred in this title.” (AS 29.35.410)

- ☑ “Specific examples in an enumerated power or function conferred upon a municipality in this title is illustrative of the object and not a limitation on or exclusion from the exercise of the power or function.” (AS 29.35.420)

- ☑ “A city inside a borough may exercise any power not otherwise prohibited by law.” (AS 29.35.250(a))

- ☑ “A city outside a borough may exercise a power not otherwise prohibited by law. A provision that is incorporated by reference to laws governing boroughs applies to home rule cities outside boroughs only if the provision is made

applicable to home rule boroughs.” (AS 29.35.260(a))

- ☑ “A first class borough may exercise by ordinance on a nonareawide basis any power not otherwise prohibited by law.” (AS 29.35.200(a))

- ☑ “In addition to powers conferred by (b) of this section, a first class borough may, on an areawide basis, exercise a power not otherwise prohibited by law if the power has been acquired in accordance with AS 29.35.300.” (AS 29.35.200(c))

- ☑ In addition to powers conferred by (a) of this section, a second class borough may, on a nonareawide basis, exercise a power not otherwise prohibited by law if the exercise of the



Local Government Committee meeting, Alaska Constitutional Convention, 1956, Steve McCutcheon photographer

power has been approved at an election by a majority of voters living in the borough but outside all cities in the borough.” (AS 29.35.210(c))

- ☑ “In addition to powers conferred by (b) of this section, a second class borough may, on an areawide basis, exercise a power not otherwise prohibited by law if the power has been acquired in accordance with AS 29.35.300.” (AS 29.35.210(d))

- ☑ “A third class borough may acquire any power not otherwise prohibited by law, except the power may only be exercised within a service area.” (AS 29.35.220(d))

While general law local governments in Alaska have broad powers, home rule local government have even more so. It is noteworthy that the very first phrase of Alaska’s constitutional provisions concerning local government deal with promoting “maximum local self-government.” Adoption of a home rule charter promotes maximum local self-government to the greatest extent possible. Tom Morehouse and Vic Fischer, recognized experts in Alaska local government, wrote the following account of the views of the constitutional convention delegates with regard to this matter:

An oft-repeated theme of the [Alaska constitutional] convention, and one of the stated purposes

“... one of the stated purposes of the local government article, was provision of maximum local self-government to the people of Alaska...”

**Thomas A. Morehouse and Victor Fischer,
Borough Government in Alaska, 56 (1971)**

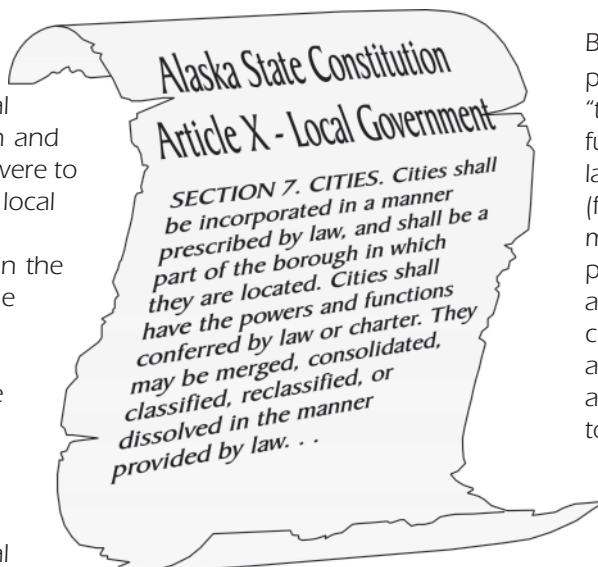
of the local government article, was provision of maximum local self-government to the people of Alaska. . . . Home rule was held to be the vehicle for strengthening both state and local governments by permitting the people to deal with local problems at the local level. It was also to be the means for promoting local government adaptation in a state with great variations in geographic, economic, social, and political conditions.

This home rule philosophy was not believed to be inconsistent with a strong state role in local affairs. As the above discussion indicates, the exercise of state authority was considered essential in matters of incorporation and boundaries, i.e., the creation of local governments and their areas of jurisdiction were felt to be matters ultimately of state responsibility. When properly established, however, their internal organization and operations were to be primarily local concerns, particularly in the case of home rule units. Moreover, a "strong state role" also meant that the state would support local

governments with financial aid and technical assistance.

Before Alaska became a state, there was little self-determination either at territorial or local levels. Federal law prescribed the powers of the territorial legislature, severely limiting the scope and types of local government that could be established and restricting the powers that could be exercised by incorporated cities. Throughout its deliberations, therefore, the Local Government Committee emphasized the need for effective constitutional provisions for home rule. Thomas A. Morehouse and Victor Fischer, Borough Government in Alaska, 56 (1971)

Home rule cities shall have the powers and functions conferred by charter. Article X, Section 7, of the Constitution of the State of Alaska provides as follows:



2 Article XII, Section 11, Alaska Constitution states: "As used in this constitution, the terms "by law" and "by the legislature," or variations of these terms, are used interchangeably when related to law-making powers. . . ."

Linda H. Duvall notes that "Law, of course, includes the United States Constitution since it operates to restrain state power as well. Law also includes the provisions of the state constitution. Beyond this, law is defined by the general provisions of the Alaska Constitution to mean the acts of the legislature. (see Appendix D, page 237-238)

Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located.

Cities shall have the powers and functions conferred by law or charter. ² They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law. (emphasis and footnote added)

In 1963, the Alaska Supreme Court interpreted the provisions of Article X, Section 7 as follows:

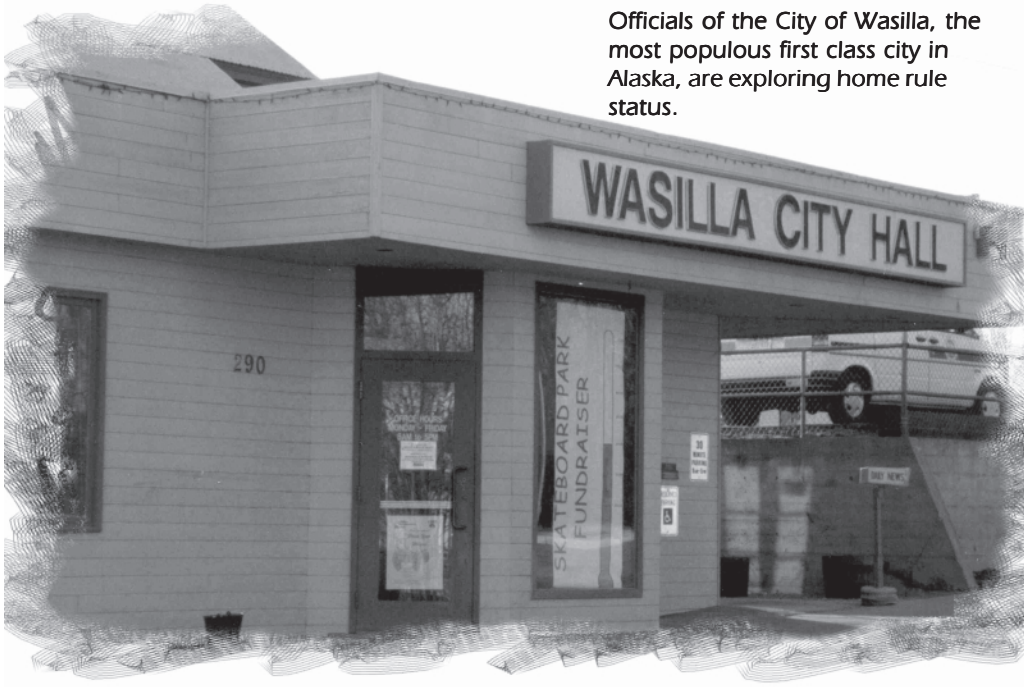
By constitutional provision cities have "the powers and functions conferred by law or charter." (footnote omitted) The meaning of this provision is that where a home rule city is concerned the charter, and not a legislative act, is looked to in order to determine whether a particular power has been conferred upon the city. It

would be incongruous to recognize the constitutional provisions stating that a home rule city "may exercise all legislative powers not prohibited by law or by charter" and then to say that the power of a home rule city is measured by a legislative act." Lien v. City of Ketchikan, 383 P.2d 721, 723 (Alaska 1963)

Given the provisions of Article X, Section 7 and the interpretation in Lien, home rule city charters invariably confer broad powers to the respective home rule cities. For example, the home rule charter of the City of Ketchikan provides as follows:

The City of Ketchikan, Alaska, shall have all the powers, functions, rights, privileges, franchises and immunities of every name and nature whatever, which a home rule city may have under the

Officials of the City of Wasilla, the most populous first class city in Alaska, are exploring home rule status.



constitution and laws of the State of Alaska. The city may exercise all legislative powers not prohibited by law or by this charter. (Section 1 - 4)

The provision of the City of Ketchikan's home rule charter conferring powers to the City takes maximum advantage of Article X, Section 11 of Alaska's Constitution which provides as follows:

A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.

In 1974, the Alaska Supreme Court ruled that the prohibitions referred to in Article X, Section 11 can be either in express or

implied terms. Specifically, the Court stated:

The prohibition must be either by express terms or by implication such as where the statute and ordinance are so substantially irreconcilable that one cannot be given its substantive effect if the other is to be accorded with weight of law. Jefferson v. State, 527 P.2d 37, 43 (Alaska, 1974)

Appendix A provides an index of the 135 sections of the current Alaska Statutes that specifically refer to home rule cities and/or home rule boroughs. Most of those (102) are found in Title 29 of the Alaska Statutes dealing with municipal government. The remaining 33 are scattered in 19 other titles of the Alaska Statutes.

Many of the 135 sections of the Alaska Statutes listed in Appendix A are express prohibitions on legislative powers of home rule municipalities. However, as noted above, the Alaska Supreme Court has ruled in Jefferson that prohibitions may also be implied. In a separate concurring opinion, Justice Connor explained:

The state legislature has expressly prohibited the exercise of total local power in such areas as taxation, utilities regulation, security for bonds, municipal elections, and other matters of general state concern.³ It is naïve, however, to expect that these prohibitions contemplate each and every matter in which the legislature would properly wish to restrict local power. A

home rule concept which relies only on express prohibition to define the scope of local power presupposes a degree of legislative foresight and draftsmanship ability which is completely unrealistic. See Duvall, *Delineation of the Powers of the Alaska Home Rule City: The Need for a Beginning*, 8 Alaska Law Journal 232, 239 (1970).

For example, the Uniform Commercial Code, AS 45.05.002 et seq., and the Insurance Code, AS 21.03.010 et seq., enacted by the legislature, no doubt were meant to operate upon a statewide basis, though nothing in those codes expressly prohibits municipal legislation in the field of commercial law or insurance law. Yet to say that a home rule city could alter the operation of such comprehensive statutory systems would be intolerable. Transactions whose reliability is vital to a functioning economy would become unsettled, to the detriment of the business community and the citizenry of the state. A conflict between the city and the state could not be ignored in this type of situation despite the absence of an express prohibition. Id., 45

It is observed that the Insurance Code, AS 21.03.010 et seq., is a poor example to argue that it is naïve to expect that the express prohibitions contemplate each and every matter in which the legislature would properly wish to restrict local power. Eight years before the decision in Jefferson, the 1966 Alaska Legislature had, in fact, pre-empted regulation of “insurers and their managing general agents, insurance producers, and representatives.” The 1966 Legislature also provided in the same law that, “All political subdivisions of the state, including home rule boroughs or cities, are prohibited from requiring of an insurer, managing general agent, insurance producer, or representative regulated under this title an authorization, permit, or registration of any kind for conducting transactions lawful under the authority granted by the state under this title.” (AS 21.03.060)

Notwithstanding, Justice Connor emphasized the use of the “local activities rule” as a realistic tool by which to interpret whether a municipal home rule

law or State law is superior. Specifically, Justice Connor stated as follows:

One test we have used in determining whether the ordinance or the statute must yield, is the “local activities rule.” This test, applied in Chugach Electric Association v. City of Anchorage, 476 P.2d 115 (Alaska 1970), and Macauley v. Hildebrand, 491 P.2d 120 (Alaska 1971), should not be regarded, as it has been by one commentator,⁴ as the rule the framers of the constitution rejected in establishing a broad home rule policy. Rather, it should be recognized as a realistic tool by which to interpret this policy. The “local activities rule” requires the court to focus upon whether the particular subject under consideration is of such statewide concern that the exercise of municipal power is inconsistent with the effectuation of statewide policy, as expressed by statute. Some matters are obviously of statewide concern, some less so.

Some matters are so traditionally and readily classified as matters of local government that there will be no difficulty in finding that they are within municipal competence. Here, too, the municipal code adopted by the legislature is of great help in delineating the areas of permissible local action. *Id.*, 45.

Jefferson provides more details about the Court’s interpretation of the nature of home rule cities in

Alaska. A copy of the decision in that case is included as Appendix B (see, in particular, pages 41 – 46). Appendix C consists of a copy of Sharp, Home Rule in Alaska: A Clash Between the Constitution and the Court, 3 U.C.L.A. – Alaska L.R. 1 (1973). Appendix D is comprised of a copy of Appendix D: Duvall, Delineation of the Powers of the Alaska Home Rule City: The Need for a Beginning, 8 Alaska Law Journal 232, 239 (1970).

- 4 See, Sharp, Home Rule in Alaska: A Clash Between the Constitution and the Court, 3 UCLA Alaska Law Review 1, 53 (1973)

HOME RULE IN ALASKA: A CLASH BETWEEN THE CONSTITUTION AND THE COURT

Gerald L. Sharp*

INTRODUCTION

A home rule borough or city may exercise all legislative powers not prohibited by law or charter.¹

With this simple and what appears to be alarmingly broad grant of power to home rule municipalities, the constitution of the State of Alaska launched what its drafters must have hoped was a new approach to home rule, an approach unencumbered by the ambiguities of home rule grants which in other states have caused the courts endless problems of interpretation. Grants of home rule have produced not just different but opposite judicial conclusions from state to state; such grants have produced various tests to determine what is and is not within, or protected by, a home rule grant, and, because the courts have been unable to flesh out these tests with any standards, their application often produced inconsistent results.

The two most recent decisions² of the Alaska Supreme Court interpreting the home rule section of the Alaska constitution cast serious doubt on whether that court will be able to steer clear of the judicial tangle in which its sister state courts have become enmeshed. These decisions also cast doubt on whether the Alaska court is as sympathetic to the concept of a constitutional grant of broad home rule power as were the drafters of the local government article.

To determine the probable intent of the drafters of the home rule section and of the convention which adopted it in 1956 as a part of the then proposed state constitution, the background and circumstances surrounding its drafting and adoption must be examined. At the time the constitution was written Alaska was still a territory. The local government structure under territorial status did not include home rule for cities.³ In drafting the local govern-

* B.A., University of Washington, 1970; J.D., University of Washington, 1973; Member of the Washington State Bar Association; Assistant to the Attorney for the City and Borough of Juneau, Alaska; Member of the Assembly for the Greater Juneau Borough, 1965-1967. The earliest version of this article was prepared under the supervision of Professor William R. Anderson while the author was a student at the School of Law at the University of Washington.

¹ ALASKA CONST. art. X, § 11.

² Macauley v. Hildebrand, 491 P.2d 120 (Alaska 1971); Chugach Elec. Ass'n v. City of Anchorage, 476 P.2d 115 (Alaska 1970).

³ R. CRASE & J. SAROFF, THE METROPOLITAN EXPERIMENT IN ALASKA: A STUDY OF BOROUGH GOVERNMENT 2-3 (1968) [hereinafter cited as CRASE & SAROFF].

Section 4 • Procedures for Adoption of a Home Rule Charter by an Existing Municipality

The following summarizes the procedures and other provisions set out in AS 29.10.010 – 29.10.090 for adoption of a home rule charter by an existing municipality. A copy of the AS 29.10.010 – 29.10.090 is included as Appendix E.

A. Election of Charter Commission.

A election for a seven member charter commission is called by filing a petition with the governing body in accordance with AS 29.10.010(e) or by resolution of the governing body.

A candidate for a charter commission must have been qualified to vote in the municipality for at least one year immediately preceding the charter commission election. A charter commission candidate is nominated in the

manner set out in AS 29.10.040(b).

If at least seven nominations for qualified charter commission candidates are not filed, the petition or resolution calling for a charter commission is void and an election on the question may not be held.

If voters approve the creation of a charter commission, the seven candidates receiving the highest number of votes must immediately organize as a charter commission.

B. Preparation of Charter.

The charter commission must prepare a proposed home rule charter within one year.

The commission must hold at least one public hearing on the proposed charter before approving and filing the charter with the municipal clerk. Within 15 days of the filing, the clerk must publish the proposed charter and make copies available.

organic law of the municipality effective on the date the election is certified. Copies of the charter are filed with agencies specified in the law

If a proposed charter is rejected, the charter commission must prepare another proposed charter to be



In 1998, the Haines Charter Commission (pictured above) drafted a petition for consolidation of the first class city of Haines and third class Haines Borough into a single home rule government.

C. Charter Election.

The proposed home rule charter must be submitted to the voters at an election held not less than 30 days or more than 90 days after the proposed charter is published.

If a majority of voters favor the proposed charter, the proposed charter becomes the

submitted to the voters at an election to be held within one year after the date of the first charter election. If the second proposed charter is also rejected, the charter commission is dissolved and the question of adoption of a charter is treated as if it had never been proposed or approved.

HOMER FOUNDATION

Quarterly Report to Fund Holders

April - Jun 2017

Fund Holder City of Homer
Fund **City of Homer Fund**

Fund Type: Field of Interest
Fund Code: 1305

PORTFOLIO SHARE (Corpus)

| | |
|---|-------------------|
| Beginning Balance | 195,620.66 |
| Contributions - portion of 2017 allocation directed to corpus | 5,988.00 |
| Withdrawals | - |
| Portfolio Market Change | (4,088.05) |
| Ending Balance | 197,520.61 |

AVAILABLE FOR DISTRIBUTION (Earnings)

| | |
|---|------------------|
| Beginning Balance | 28,821.76 |
| Earnings Allocation | 1,059.53 |
| Grants Awarded: | |
| <i>Earnings as of 6/30/2016 awarded</i> | - |
| <i>through City of Homer Grants program</i> | 16,108.00 |
| | - |
| Grants Total | (16,108.00) |
| Ending Balance | 13,773.29 |



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: MAYOR ZAK AND CITY COUNCIL
FROM: Katie Koester
DATE: September 11, 2017
SUBJECT: September 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.

| | | | |
|------------------|--------------|----|-------|
| Aaron Glidden, | Port | 13 | Years |
| Holly Brennan, | Library | 9 | Years |
| Ryan Browning, | Police | 7 | Years |
| Mike Lowe, | Port | 6 | Years |
| Nick Poolos, | Admin | 6 | Years |
| Tracie Whitaker, | Police | 3 | Years |
| Lisa Linegar, | Police | 2 | Years |
| Mia Solomon, | Public Works | 2 | Years |
| Tamara Fletcher, | Port | 1 | Year |



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Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: September 20, 2017
SUBJECT: September 25 City Manager's Report

Public Comment on Statewide Health Care Authority

Many of you received an email notice from Alaska Municipal League regarding the potential to pool all government (state, local and school district) health insurance. SB 74 authorized a report on the feasibility of a Health Care Authority, which was just released and is open for public comment until the end of October. The recommendation that the State establish a Health Care Authority with three separate pools: one for retirees, one for school district employees, and one for governmental employees may very well be a step in the right direction. The HR director reviewed the report and recommends support of continuing the conversation and exploring all cost saving possibilities, but has specific concerns regarding the recommendation that all entities be required to participate in the HCA when first feasible. There is another scenario addressed in which the State develops legislation establishing an HCA but does not require mandatory participation. This would be preferred. While the information provided by the PRM Consulting group shows three other states (Washington, Oregon, and Oklahoma) have had some success after the establishment of an HCA, it is necessary to recognize that health care in Alaska presents its own set of unique challenges that are not applicable in these other states. PRM Consulting group states that, "rates for entities that decide to participate will be lower than they would be on their own, as the HCA will obtain the most favorable cost." However, there is no guarantee of this. If the Council would like to weigh in on this issue, I am happy to bring forward a resolution to submit for public comment. Unless directed otherwise, the resolution would emphasize allowing municipalities to choose to participate rather than making participation mandatory. A full copy of the report can be found at <http://doa.alaska.gov>.

Public Safety Communication Grant Awards

Homer Police Department recently received grant acceptance documents from the Alaska State Homeland Security Program for FY2017 funding for three projects related to upgrading the City's radio communication system. The projects are part of the on-going process of completing communication system upgrades required because the system is aging out of manufacturer's support and will soon be out of compliance with new FCC regulations. A staff memo and Ordinance to accept the funds are included in your packet.

Customer Feedback Quarterly Report – 3rd Quarter

Please take a moment to review the customer feedback quarterly report attached. Two-thirds of the comments were compliments (yeah for positive feedback, it really helps!); five cards contained suggestions or questions. Staff responded in a timely manner to each of these, provided the commenter left their

contact information. Public comment prompted the Communications Coordinator and Finance staff to create and publish an online utility pay “how to” article and an Intellipay FAQ article on the City’s website to assist customers and improve customer experience.

Alaska Municipal League Summer Conference

The City was notified right before the last council meeting that the City of Homer was awarded the Alaska Municipal League summer conference, which I reported in my verbal report. Unfortunately we applied for 2019 and were awarded 2022. This is a long way out and it is difficult to know what the capacity or ability will be to host in 2022. AML assured me that the City could decline the conference if circumstances change before 2022. My recommendation is that we plan on hosting in 2022 but check in 2019 to make sure we have the time and ability. The primary obligation aside from attending the conference is to host a welcome reception and offer staff support for conference planning.

Assistant Fire Chief Hired

The City is happy to welcome Terry Kadel as Assistant Fire Chief at the Homer Volunteer Fire Department. Terry has worked at the Girdwood Fire Department for the past 20 years, most recently as Deputy Chief. The Girdwood Fire Department is a combination department with paid staff and volunteers – much like our beloved HVFD. He will be a great fit as he understands and values volunteers, our largest asset. Terry is a graduate of the National Fire Academy, the Aurora North Paramedic Academy through UAA- which means he is a certified Paramedic, and holds a BA in Primary Education through UAA. He moves to Homer with his partner Tim, and their 2 chihuahuas, George & Nina. Please take a moment to welcome Terry to the community and City of Homer when you see him.

Value of City Assets

At the last Council meeting we had a great conversation regarding the value of City of Homer assets. A question also came up regarding earthquake insurance. The City has earthquake coverage with a \$50,000,000 Each Occurrence/Annual Program Aggregate Limit and a deductible of 2% per occurrence per unit of insurance subject to a \$100,000 minimum. The attached chart lists the value of buildings and contents owned by the City of Homer. It does not include vehicles such as sanders, plows, dump trucks, ambulances, etc, which have a total value of \$2,693,564. Keep in mind the value listed is not replacement value, which can be significantly more. In summary:

General Fund Property: \$25,380,043
Port Property: \$67,612,674
Water/Sewer Property: \$33,664,807
Vehicles (not itemized): \$2,693,564
Total: \$129,351,089

Enc:

Customer feedback quarterly report

Value of City Assets (table)

Letters of Support AK State Trail Program and Maps

Customer Feedback Quarterly Report
3rd Quarter, 2017

3rd Q 2017

| Date | TYPE | CUST COMMENT | Response |
|--------|-------------|---|---|
| May-24 | Compliment | Thank Public Works for painting done on street @ Ben Walters | Communications Coordinator forwarded comments on to Public Works Director |
| Jun-22 | question | When will stop light be installed at Main Street and Sterling Highway? | Communications Coordinator returned call informing customer that the State of Alaska currently plans to work on that intersection in 2018. |
| Jun-22 | Suggestion | Would be nice to get new gas assessment bill by end of year for the upcoming year. | Admin Asst followed up reminding customer a mid-year reminder is sent by Jan 31st. Customer satisfied with that. |
| Jun-22 | Suggestion | Get rid of intellipay | Finance Dept worked with customer to help understand how to use & limits of Intellipay; Communications Coord worked with Finance Dept to better present bill pay options and added a Tips/FAQ article on the City's website for using online bill pay. |
| Jun-28 | Compliment | Thank Public Works so much of fixing the letters and gate @ Hickerson Memorial Cemetery. Its so nice and appreciated. | Communications Coordinator forwarded comments on to Public Works Director |
| Jul-3 | Question | Why can't the City have a Fireworks display like they used to. Give something back to the people. With loads of people paying for numerous services the City can afford it. Other cities (Seward, Valdez & Anch) have them. | Admin Asst followed up to inform that this year the Elks sponsored one; other years other organizations have like the Chamber of Commerce. That is how it works in other towns (Seward and Valdez's are sponsored by their Chambers, Anchorage by AT&T. Customer satisfied with that. |
| Jul-17 | Compliment | To Port & Harbor: very helpful and pleasant. Thank you! | No contact information provided for follow-up |
| Jul-17 | Suggestion | Need a weekly moorage rate; would help instead of paying for a whole month when only using harbor a week or two | Card delivered to Harbormaster Office. No contact information provided for follow-up. |
| Jul-25 | Concern | Road west of Post Office seems to have two names: one end is Snowbird the other Waddell. This could eventually be problematic. | Communications Coord. confirmed street signs on Snowbird both said Snowbird and contacted customer. |
| Jul-27 | Compliment | To Port & Harbor: Wonderful visit; pleasant and very helpful people. Thank you. | No contact information provided for follow-up |
| Aug-2 | Compliment | To City Manager and Mayor: Great Coffee Table today. Very clear and concise. | Communications coordinator forwarded message to City Manager and Mayor |
| Aug-3 | Compliments | Kudos to the folks who tend the grass and grow the wonderful flower beds. Our City is neat, tidy and beautiful to gaze upon. They are truly a pleasure to see. Thank you all for your efforts, they are much appreciated. | Communicated via a printed Facebook post delivered to the City with a comment by another person agreeing. |
| Aug-15 | Suggestion | NO BED TAX | Communications Coord forwarded comment card to City Clerk for distribution to Mayor & Council |

| Date | TYPE | CUST COMMENT | Response |
|--------|-------------|--|---|
| Aug-16 | Compliments | Kudos to your EMS team that rescued me and my dangling ankle last week! I think it was Jessica who lead the team to the boat and on to the ER after i took a bad fall in the rocks on Yukon island. Great IV start! And many thanks for the pain medication. I have nothing but praise and thanks for all your kindness, caring, and professionalism. You gals/guys did a great job! thank you!!!! | Communicated via Facebook post on HVFD page |
| Sep-6 | Compliment | To Public Works: Thank you for road maintenance/grading on Cottonwood Lane | Comment card delivered to public works. |
| Sep-9 | Compliment | To Public Works employees: Thank you so much for all of your assistance. Your advice and quick response to our questions and needs is so greatly appreciated. | Comment from Woodard Creek Trail crew, delivered in a card to Public Works. |
| Sep-11 | Compliment | To Public Works: I pulled out onto Fireweed this morning to see that road maintenance had just taken place. We continue to be grateful for your efficient operations at the City of Homer | Customer comment delivered to public works via email. |
| Sep-12 | Compliment | To Mike Illeg from summer visitors for being "gracious and welcoming... He was personal, professional and accommodating." Loved having access to exercise facilities through community recreation | Communications Coord. Shared compliment with Mike Illeg. |

| <u>"General" Property Descriptions</u> | <u>Address</u> | <u>Year Built</u> | <u>Total Value</u> |
|---|-----------------------|--------------------------|---------------------------|
| Airport Terminal | 3720 FAA Rd | 1993/94 | \$3,352,338 |
| Animal Shelter | 3577 Heath St. | 2005 | \$979,478 |
| City Hall | 491 East Pioneer | 1980/85 | \$3,927,269 |
| Fire Department | 604 East Pioneer | 1980 | \$2,582,339 |
| Former Homer Middle School | Sterling & PioneerAv | 1957 | \$2,570,000 |
| Library | 500 Hazel Street | 2006 | \$7,177,792 |
| Police Station | 4060 Heath St | 1979/82 | \$2,063,271 |
| Public Works Building | 3575 Heath St | 1970/83 | \$2,383,852 |
| Public Works Pole Shed | Main St | 0 | <u>\$343,705</u> |
| Total "General" Value | | | \$25,380,043 |

| <u>"Port" Property Descriptions</u> | | | |
|--|------------------------|------|---------------------|
| Deep Water Dock | Harbor | 0 | \$10,000,000 |
| DWD Restroom | Harbor | 0 | \$215,000 |
| Dwd Shed | Harbor | 0 | \$50,000 |
| End of the Road Restroom | Harbor | 0 | \$215,000 |
| Fish Grinder Building | Fish Dock Rd | 0 | \$64,682 |
| Fishing Lagoon Restroom | Harbor | 0 | \$200,000 |
| Harbor Ramp 5 Restroom | Harbor Ramp 5 | 2015 | \$279,000 |
| Harbormaster's Building and Boardwalk | 4311 Freight Dock Road | 2015 | \$2,530,000 |
| Ice Plant/Fish dock | 812 Fish Dock Rd | 1983 | \$20,832,000 |
| Load & Launch Restrooms | Homer Spit Rd | 0 | \$151,992 |
| Pioneer Dock | Harbor | 0 | \$10,000,000 |
| Port Maintenance | 4667 Homer Spit Rd | 1993 | \$2,300,000 |
| Ramp 2 Restrooms | Homer Spit Rd | 0 | \$225,000 |
| Ramp 4 restroom | Harbor | 0 | \$200,000 |
| Ramp 6 restroom | Harbor | 0 | \$200,000 |
| Small Boat Harbor | Harbor | 0 | \$20,000,000 |
| Waste oil shop | Harbor | 0 | <u>\$150,000</u> |
| Total "Port" Value | | | \$67,612,674 |

| <u>"Water-Sewer" Property description</u> | | | |
|--|--------------------|------|---------------------|
| Drying Bed Structure | 3575 Heath St | 1989 | \$461,920 |
| Pump Station | 4667 Homer Spit Rd | 1983 | \$679,765 |
| New Water Treatment Plant | Diamond Ridge | 2009 | \$11,522,269 |
| Raw Water Pump Station | Diamond Ridge | 1974 | \$757,309 |
| Sewer Treatment Plant | 3573 Heath St | 1989 | \$12,310,773 |
| Sewer Treatment Plan - Operations Plant | 3575 Heath St | 1989 | \$634,973 |
| Water Tank | 4667 Homer Spit Rd | 1983 | \$2,488,927 |
| Water Tank | Diamond Ridge | 1973 | \$1,490,303 |
| Water Tank .25mg | Bayview | 1964 | \$265,486 |
| Water Tank 1mg | Skyline Drive | 2003 | \$1,858,399 |
| Water Tank/Ct | Skyline Drive | 1999 | <u>\$1,194,685</u> |
| Total "Water-Sewer" Value | | | \$33,664,807 |



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www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

Darcy Harris
Alaska State Trail Program
550 W. 7th Ave. Suite 380
Anchorage AK 99501

September 25, 2017

Re: Lagoon Trail Repairs

Ms. Harris,

I am writing to express the City of Homer's support for the Alaska State Trail Program proposal/application submitted by The Homer Office, Kenai Area of Alaska State Parks for Kachemak Bay State Park.

The trails in Kachemak Bay State Park are highly valued by the people of Homer. This specific project, repairs the Lagoon Trail between the Saddle Trail and Halibut Creek Flats. This project will reopen a portion of the Lagoon Trail and improve this section between the Grewingk Valley Trails and the China Poot Lake area trails. The City of Homer is glad to support these improvements.

I encourage the approval of this application which will increase access to Kachemak Bay State Park. Thank you for taking the time to consider this important project.

Sincerely,

Katie Koester

City Manager



City of Homer

www.cityofhomer-ak.gov

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Homer, Alaska 99603

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(f) 907-235-3140

Darcy Harris
Alaska State Trail Program
550 W. 7th Ave. Suite 380
Anchorage AK 99501

September 25, 2017

Re: Competition of Saddle Trail reroute

Ms. Harris,

I am writing to express the City of Homer's support for the Alaska State Trail Program proposal/application submitted by The Homer Office, Kenai Area of Alaska State Parks for Kachemak Bay State Park.

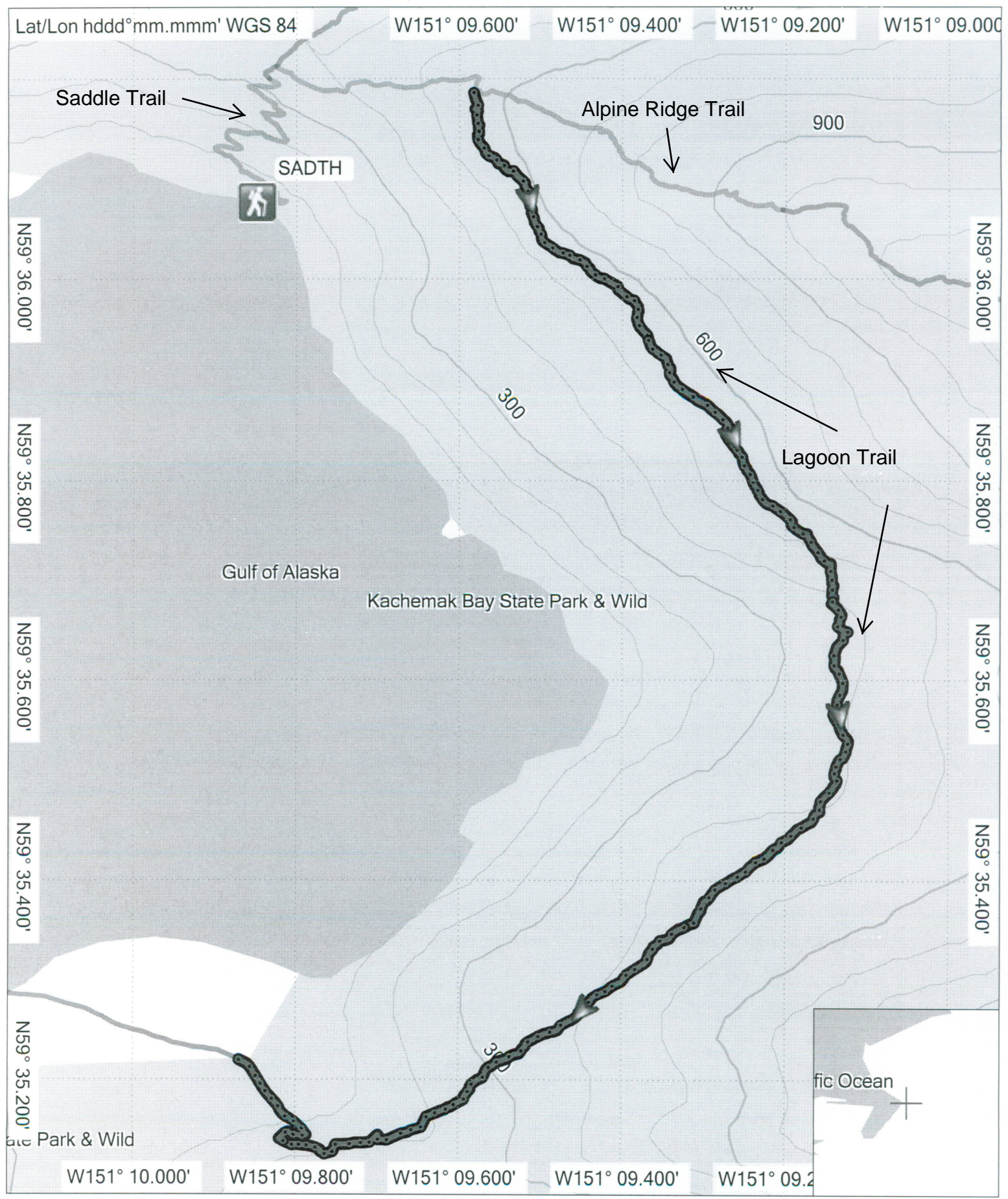
The trails in Kachemak Bay State Park are highly valued by the people of Homer. This specific project, completes the Lagoon Trail between the Saddle Trail and Halibut Creek Flats. This two-year project will reopen a portion of the Lagoon Trail and improve this section between the Grewingk Valley Trails and the China Poot Lake area trails. The City of Homer is glad to support these improvements.

I encourage the approval of this application which will increase access to Kachemak Bay State Park. Thank you for taking the time to consider this important project.

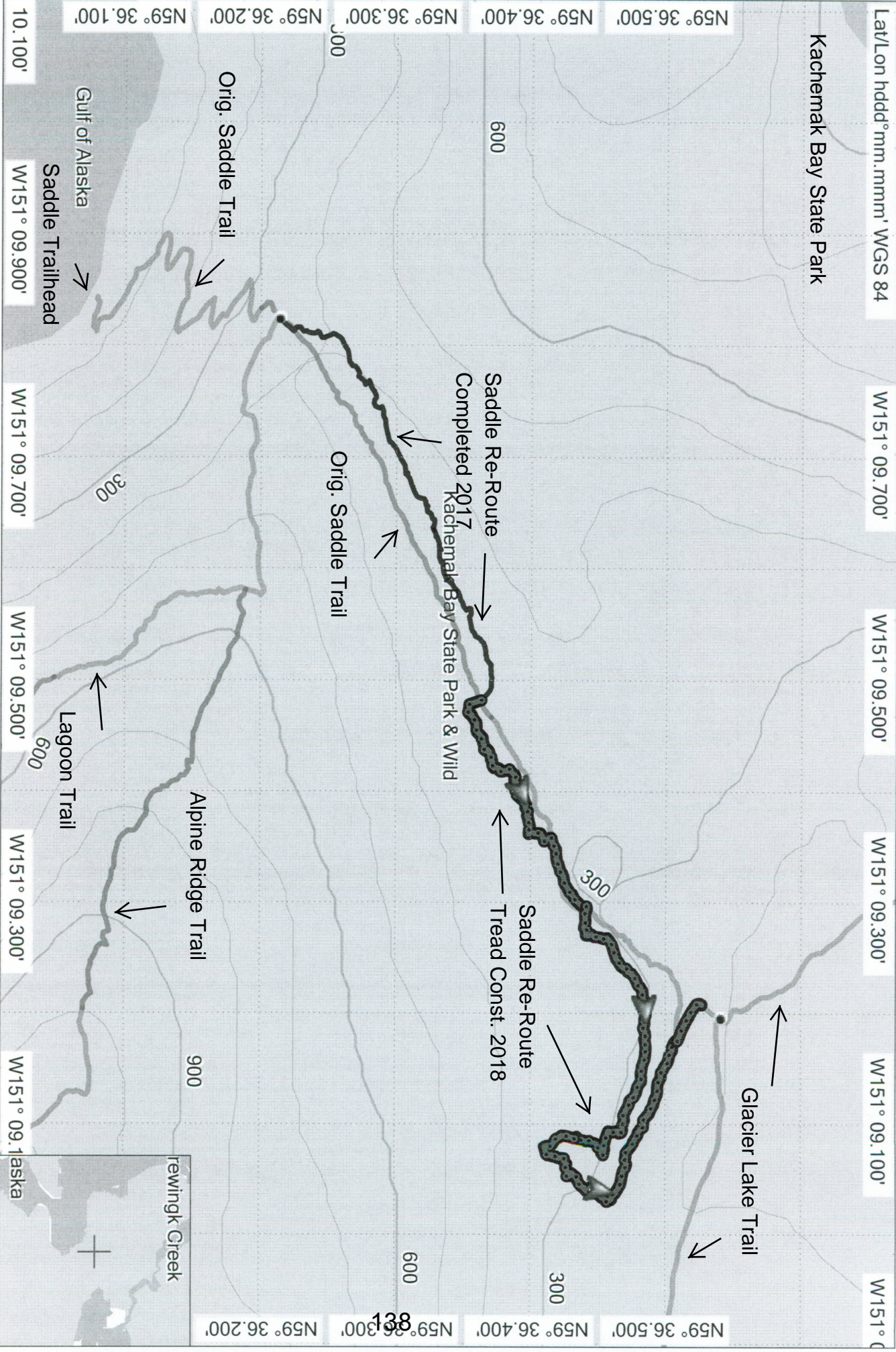
Sincerely,

Katie Koester

City Manager



Bold Line with Arrows = Lagoon Trail Repair
Seward Meridian, Township 7S; Range 11W; Sections 4&9
New List (4)



TOPO U.S. 100K Seward Meridian; Township 6S; Range 11W Sec. 33 and Township 7S; Range 11W Sec. 4
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Bold Line with Arrows: Proposed Tread Const. Saddle Re-Route 2018
Pub. Notice 2018

