

## 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 November 1, 2017 **p. 1**

**B.** Decisions & Findings for CUP 17-08 for a three story 72-room hotel at 91 Sterling Highway **p. 13**

**6. Presentations**

**7. Reports**

**A.** Staff Report 17-90, City Planner's Report **p. 19**

**8. Public Hearings**

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

**A.** Staff Report 17-91, Ordinance to add Retail Marijuana Facilities as a permitted use in the Marine Commercial District under Homer City Code 21.28.020 **p. 23**

**B.** Staff Report 17-92, Ordinance to allow one employee-occupied RV per lot in the Marine Commercial and Industrial Districts under Homer City Code 21.54 **p. 59**

**9. Plat Consideration**

**10. Pending Business**

**A.** Staff Report 17-93, Comprehensive Plan Update Chapter 6 Public Services and Facilities **p. 119**

**11. New Business**

**12. Informational Materials**

**A.** City Manager's Reports for the November 27, 2017 City Council Meeting **p. 149**

**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 Wednesday January 3, 2018. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.



Session 17-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:31 p.m. on November 1, 2017 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BANKS, BENTZ, BERNARD, HIGHLAND, STEAD AND VENUTI

ABSENT: COMMISSIONER BOS (EXCUSED)

STAFF: CITY PLANNER ABBOD  
DEPUTY CITY PLANNER ENGBRETSSEN  
DEPUTY CITY CLERK KRAUSE

### **Approval of the Agenda**

Chair Stead called for a motion to approve the agenda.

BENTZ/BERNARD SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **Public Comment**

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

Scott Adams, city resident, commented on the erosion issues for residents in the Augustine area of Baycrest. He expressed concerns on the removal of vegetation done by Homer Electric Association in the right of way and that it might not have been a good idea and could possibly make the existing conditions worse. He owns property on Mt. Augustine and there is a storm drain that drains from Baycrest to/through the backside of his property and if this was known prior to the purchase he would not have purchased the property. He would like to know who is responsible for that storm drain and that it was unacceptable to have a storm drain running down the backside of this subdivision. The property owners below him shouldn't have to worry about losing their homes. He has already built a cabin so has concern about the potential loss of his property due to erosion. This storm drain sending water constantly down from Baycrest doesn't help. He would like to have this corrected whether it's a city issue or state issue, it's not right.

### **Reconsideration**

### **Adoption of Consent Agenda**

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

A. Approval of minutes of October 17, 2017

B. Time Extension Requests

1. Marley Subdivision Time Extension Request

C. Decisions and Findings for Cup 17-07, Communications Tower

Chair Stead requested a motion to approve the consent agenda.

HIGHLAND/VENUTI – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PRESENTATIONS**

### **REPORTS**

A. Staff Report 17-85, City Planner's report

City Planner Abboud reviewed the staff report.

Commissioner Highland and Commissioner Banks traded Council meetings dates as follows:

November 27, 2017 Commissioner Banks

December 11, 2017 Commissioner Highland

### **PUBLIC HEARINGS**

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

A. Staff Report 17-86, Conditional Use Permit 17-08 for a three story 72 room hotel at 91 Sterling Highway

Deputy City Planner Engebretsen reviewed the staff report. There were two letters in support received after supplemental packet distribution and provided as laydown materials.



Rich Conneen of Rich Conneen Architects, Juneau, Alaska and George Swift, Aspen Hotels presented the project to the commission. Mr. Conneen noted that John Bishop, with Bishop Engineering, civil engineer for the project was also present to respond to any questions or concerns of the commission.

Chair Stead opened the public hearing.

Francie Roberts, city resident, commented on the complaints received in the past during her time on Council regarding the odors that emanate from the Sewer Treatment Plant to the east of the proposed project and the liability posed to the city and expressed concerns with regards to a three story building since Homer did not have a ladder truck.

Scott Adams, city resident, commented on increased traffic concerns, pedestrian crossings, future signal placement since this town doesn't need another traffic light. He did not support the project since he believed they were a small community with lots of small businesses and B & B's and he had concerns with a large corporation coming into town.

Karin Marks, city resident, encouraged the commission to think positively when something like this comes to Homer. She reviewed the information, including the letters and there are a lot of people coming to Homer and she had a B & B owner report that for the 2016 she had 9 nights rented and for the 2017 season she had 45 nights rented out. She believes that more businesses will be at capacity in the future and the additional rooms and year round employment should be welcomed for the economic value that it provides for the community. The Project is appropriate for the location. Ms. Marks then commented that focus can then be on Pioneer Avenue.

Marianne Aplin, U.S. Fish & Wildlife Service, Visitors Services Manager, commented that Alaska Maritime Refuge and Islands and Ocean Visitor Center is our headquarters, commented that she is looking forward to working with Aspen Hotel on the connectivity to the trails. She believes that they can think creatively to provide the access for the public and looks forward to working with the developer to bring their plan to fruition.

Chair Stead closed the public hearing having no further testimony from the public present.

Staff did not have any comments or rebuttal.

Rich Conneen commented on the process in motion and that they were working with the city in complying with all city requirements, he noted that they are willing to work together to meet specific concerns. Mr. Conneen stated that Aspen Hotels is not a large corporation, and the project does not meet the density to have the requirement of a traffic light installed; the bed and breakfast trade is different than a standard hotel accommodation; he believed that Aspen Hotels is a community builder as attested to in previous communities. He can attest that an Aspen Hotel will bring people to Homer since they are a known entity.

Chair Stead asked for questions from the commission.

A question and answer period ensued and the applicant and staff responded to the commissioners questions regarding the following:

- Possible odor issues from the nearby Water Treatment Plant
- Seasonal traffic concerns
- Status of the wetlands permit
  - o The application has been submitted and a Public Notice should be issued by the Corps of Engineers at the end of the week (November 3<sup>rd</sup>)
- Fill material and liquefaction concerns
  - o Mr. Bishop, civil engineer for the applicant, responded to concerns on placement of fill materials and testing that will be conducted prior to any construction
- Impacts to the sewer system
  - o Public Works has reviewed the plan and did not express any concerns
- Designated employee parking and concerns on parking in general
  - o Split parking is normally used for businesses such as box stores
  - o The City of Homer has a high requirement compared to other communities of 1 space for each room whereas for example Juneau requires 1 space for every 4 rooms
  - o In working with staff it was thought that the commission would have a preference for less parking more landscaping
  - o Development of the parking lot was based on usage/customer data from the other locations
  - o Homer Aspen will be based on double occupancy rooms where most other locations are based on single occupancy
  - o Previous historical data on average show the Aspen Hotels are at 60-70% capacity
  - o Charters and tour groups do not require parking spaces but require larger space accommodation for buses, thus a turn-around is required to accommodate buses and fire apparatus
  - o Parking design is a “double loaded” parking lot
  - o Details and specifics were explained on designing the parking lot which can change dependent upon the final plan design.
    - Current design provides optimum design and minimizes impacts to health, welfare and safety issues, plus allows the developer some relief for the major slope of the parcel.
- Connectivity with the Islands and Ocean Visitor Center
- Pedestrian Accesses and ADA Requirements
- Clarification on the mitigation needed to address drainage, fill materials and quantity
- Explained the terms “man-made wetlands” versus natural wetlands and the criteria to determine if the area should be designated as wetlands
  - o The culvert will be extended and end in the retention basin to be constructed
  - o There is no change to the amount of water delivered to the area below

- Applicant will be required to perform a Stormwater plan but not at this stage of the project. It is not required for granting a CUP.
- The building will be constructed using standard construction methods, wood framing with a concrete foundation.
- The project is not in a tsunami or flood plain and a traffic light is planned for installation at Main Street and the Sterling Highway offering some control to traffic flow between that intersection and the Lake Street/Sterling Highway intersection.

BENTZ\VENUTI MOVED TO APPROVE STAFF REPORT 17-86 CUP 17-08 WITH FINDINGS 1-11 AND CONDITIONS 1 AND 2.

Discussion ensued with the commission expressing concerns on the potential odor issues and impact to sewer systems and parking.

BANKS/BERNARD MOVED TO AMEND TO ADD CONDITION 3 – TO ALLOW NO MORE THAN 65 SPACES FOR PARKING.

Further discussion ensued on providing limits to parking so that the developer cannot change the design and develop additional spaces.

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

Motion carried.

Chair Stead inquired if there was any additional discussion on the motion as amended. There was none.

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

Motion carried.

Chair Stead called for a recess at 8:05 p.m. The meeting was called back to order at 8:12 p.m.

B. Staff Report 17-87 Request for Public Sign for Kachemak Bay Critical Habitat Area

City Planner Abboud reviewed the staff report.

Carol Kerkvliet, Area Management Biologist for Sport Fish in Homer. George Meehan with the Department of Fish and Game submitted the request but was unable to attend tonight. Ms. Kerkvliet provided a brief explanation on the request to relocate a sign to bring awareness to the public that they are entering a Critical Habitat Area.

Chair Stead opened the public hearing. There was no public testimony and the public hearing was closed.

There was no questions for staff or applicant from the commission.

VENUTI/BENTZ MOVED TO APPROVE STAFF REPORT 17-87 REQUEST FOR A PUBLIC SIGN FOR KACHEMAK BAY CRITICAL HABITAT AREA WITH FINDINGS 1-10.

There were brief comments on relocation of the sign being a good idea and that it would bring recognition to the critical habitat area

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **Plat Consideration**

A. Staff Report 17-88 REVISED Barnett's South Slope Subdivision, Quiet Creek Park Preliminary Plat

Deputy City Planner Engebretsen reviewed the staff report. She noted that there were four letters received – one in support and three expressing concerns after the packet was distributed.

Chair Stead asked if the applicant had a presentation for the commission.

Kenton Bloom, surveyor and representative for the applicant provided a brief presentation of the changes to preliminary plat. He noted that the owners and the civil engineer John Bishop were present to answer any questions for the commission.

Chair Stead opened the floor for public testimony.

David Lewis, city resident, expressed his concerns for runoff from the streets that are planned and how that would affect properties on the other side of East End Road off of Mattox Road. He had concerns with the additional traffic and effects on the quiet Mountainview neighborhood.

Louise Ashmun, city resident, expressed concerns regarding the affects to the area hydrology, flooding and debris flows that will increase without significant attention to storm runoff. She expressed concerns for the development of steep slopes given the lack of soils stability and removal of vegetation. Ms. Ashmun expressed further concerns with increased traffic from the proposed subdivision.

Francie Roberts, city resident, expressed concerns that the commissioners did not have all the information regarding the previous decisions made by the commission. She had apprehensions on contradictory information available on the Kenai Peninsula Borough regarding wetlands that

are not identified on the information provided in the packet. Ms. Roberts mentioned a mud slide and flooding that occurred along Bear Creek Drive that could happen to this subdivision and how suitable are the proposed areas for recreation when located in steep ravines. Ms. Roberts echoed previous concerns regarding the increased traffic volumes and the effects on existing roadways.

Katherine George, city resident, voiced concerns that echoed previous testimony regarding drainage, wetlands, impervious surfaces, and traffic increases to the existing roadways.

Letter from Nancy & Leo Vait, city residents, was allowed by Chair Stead to be read into the record by Ms. George that expressed the concerns previously stated regarding the proposed subdivision density, impacts and increases in traffic to local existing roads, wetlands, downstream runoff from new impervious surfaces; possible impacts from flooding, mudslides and putting recreational areas in steep ravines.

Chair Stead seeing no further testimony closed the public comment period and invited the applicant to provide rebuttal.

Mr. Bloom appreciated the public comments and believed that the 30% reduction speaks for itself and reduces the site impacts, drainage, traffic and amount of land effected significantly. Ultimately they believed that the plat is a model for positive development process. Mr. Bloom noted that the civil engineer, John Bishop has studied extensively how the hydrology of the area and how the proposed project will impact that and that they stand by their work and invited anyone to come to his office to review their studies.

Chair Stead opened questions from the commission of staff and applicant. The ensuing questions and responses followed:

- Fire Department request for a second egress
  - o A secondary egress connects Nelson/Ronda with Mountain View
- Staff confirmed that Lesa Lane dead ends into a privately owned 6 acre parcel
- There is no city code that requires offsite improvements
- Clarification on where the CAT work has been completed and the construction of a new facility for Kenai Peninsula Housing Initiative
- Staff provided clarification on the wetlands delineated in the packet versus the map provided by the public
- Conditional Use Permits ride with the land.
- The Fire Chief would like to see something (second egress) that cannot be done through code at this time.
  - o There are other processes outlined in City Code or through the budget process that could outline a future capital improvement project or road project
- The brown areas on the plat are the wetlands delineated by the Army Corps of Engineers
- Staff explained that there is general mapping showing wetlands provided by the Borough on their website; where the Corps will provide a map that shows exactly where

the wetlands are located on the property and those are the jurisdictional determination of the wetlands. As far as law, this is reflected on the plat.

- Previous retention areas were calculated for the property to capture the increase in drainage due to increased hardscape. They are creating a drainage plan that will show the location of the drainage and retention controls. There are two natural drainages on the west side of the high school and there has been no deviation from those two drainages.
- The culverts will be designed to carry the degree of water that would be coming down that 100+ acre watershed.
- The Corps of Engineers requested and the applicant has designated specific areas as conservation and will be deeding that land over to the city.
- Retention basins are not normally shown on plats but on the construction drawings
- Energy breaks and widen areas will be created along roads as necessary to disperse a two hour storm event
- The current subdivision code does not require a Stormwater management plan, this may have been recommended in other plats outside of city code
- The Ronda/Nelson roadways are the main access for the subdivision
  - o This road previously had more twists and was more serpentine
  - o In this plat it has been straightened out so there are not the cuts and fills
- Clarification on the parcels with wetlands shown as parks and those that do not have a designation but have some wetlands will be used appropriately for example shared driveways, combining two parcels into one to avoid the impacts to the wetlands and development areas shown on each parcel
- Status of current plat approval stands as is even if this revised plat is not approved or additional conditions are applied.
  - o The commission can review the previous files and if the commission decides to vote this plat down they must cite the reasons why it was denied so it does not appear arbitrary
  - o Recommendations were attached to the prior plat approval

Chair Stead noted the time and requested a motion to extend the meeting.

HIGHLAND/BENTZ – MOVED TO EXTEND THE MEETING TO 10:00 P.M.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Deputy City Planner Engebretsen clarified that review of a drainage plan is not part of the platting process.

Mr. Bishop provided detailed information on the study of the increased flow and drainage from the hardscape surfaces and through assumptions determined the best way to maintain the current flow patterns through detention ponds and culverts based on established studies in response to concerns expressed by the commission.

Chair Stead requested a motion for approval hearing no further comments or discussion.

VENUTI/BENTZ MOVED TO APPROVE STAFF REPORT 17-88 REVISED BARNETT'S SOUTH SLOPE SUBDIVISION QUIET CREEK PARK PRELIMINARY PLAT WITH COMMENTS 1-7 FROM PUBLIC WORKS

Discussion ensued on including comment #8 in the recommendations.

BANKS/BENTZ MOVED TO AMEND THE MOTION TO INCLUDE COMMENT NUMBER 8

There was no further discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead asked for additional discussion on the main motion as amended.

Additional discussion and comments on the changes and postponing to review the previous decisions made by the commission, the steep slopes, drainage issues possible flooding ensued.

HIGHLAND/BENTZ MOVED TO POSTPONE DUE TO THE TIME AND COMPLEXITY OF THE PLAT TO THE NEXT MEETING.

Discussion ensued on the postponement and the benefit of a review of those previous recommendations.

VOTE: YES. HIGHLAND, BENTZ, BANKS, BERNARD

VOTE. NO. VENUTI, STEAD

Motion carried.

Chair Stead noted that this is postponed until the next meeting which will be December 6, 2017 and noted that Commissioner Bentz will not be present. A brief discussion ensued on proper process and procedure.

Commissioner Banks moved for an immediate reconsideration on the postponement.

There was a brief discussion on a month was not a fair postponement and the value of reviewing the previous actions of the commission would not change several of the commissioners vote.

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

Motion carried.

Chair Stead read the amended motion on the floor:

VENUTI/BENTZ MOVED TO APPROVE STAFF REPORT 17-88 REVISED BARNETT'S SOUTH SLOPE SUBDIVISION QUIET CREEK PARK PRELIMINARY PLAT WITH COMMENTS 1-8 FROM PUBLIC WORKS

Further discussion on the preliminary plat and the questions and concerns brought forward by the public; Restrictions on the commissioners to speak with staff if any; regulations in code with minimal requirements for development and policy is implemented by Public Works. The commission can make recommendations.

Commissioner Highland noted they were coming up to the meeting deadline as extended.

HIGHLAND/BENTZ MOVED TO EXTEND THE MEETING TO 10:15 P.M.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Discussion was continued on the motion on the floor including concerns on lot one in the subdivision having most of the area or bulk of the area designated as wetlands.

HIGHLAND/BANKS – MOVED TO RECOMMEND LOT ONE BE DESIGNATED AS A PARK IN THE PROPOSED PLAT FOR QUIET CREEK SUBDIVISION.

There was a discussion noting the approximate square footage denoted as wetlands, hardscape and would be better suited for a park or conservation area; it was noted that a surveyor has looked at this land and it is not up to the commission to determine individual parcels usage within the plat; actions are limited to what is in code.

VOTE. (Amendment) YES. HIGHLAND.

VOTE. NO. BENTZ, VENUTI, BANKS, BERNARD, STEAD.

Motion failed.



Chair Stead asked for additional comments or questions hearing none he called for a vote on the main motion as amended.

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

Motion carried.

### **Pending Business**

A. Staff Report 17-89, Comprehensive Plan Update, Chapter 6 Public Services and Facilities

Due to time restrictions the commission agreed by consensus to postpone this item to the next meeting.

### **New Business**

#### **Informational Materials**

A. City Manager's Report for October 30, 2017 City Council Meeting

### **Comments of the Audience**

Katherine George stated that lot one is a total swamp and filled with water most of the year and recommended no one purchase that lot, she appreciated the commissioner's efforts tonight in dealing with this plat.

### **Comments of the Staff**

There were no comments from staff.

### **Comments of the Commission**

Commissioner Banks was apologetic that it took so long but it was an interesting meeting tonight, a learning experience and that they can do a little better when preparing these types of revisions both as individuals and a group. He believes they came to the right decision and feels okay about that.

Commissioner Venuti had nothing further to add.

Commissioner Bernard appreciated the discussion and input from staff and the work that goes with that and the help as she spends more time on the commission learning things along the way. Thanks.

Commissioner Bentz commented on the fun and educational talk with the community on erosion last Thursday night and received good input on the issue at Islands and Ocean Visitor Center. She is excited to look at that and tackle steep slopes and hazard issues in the Augustine area of Baycrest next year similar to plats that they just approved.

Commissioner Highland did not have any comments.

Chair Stead thought they did okay, that's high praise from him. They talked through it, they listened to the public and no one got angry about it.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 10:09 p.m. The next regular meeting is scheduled for Wednesday, December 6, 2017 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

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RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

Approved: \_\_\_\_\_



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

### Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### HOMER ADVISORY PLANNING COMMISSION

#### Approved CUP 17-08 at the Meeting of November 1, 2017

**RE:** Conditional Use Permit (CUP) 17-08

**Address:** 91 Sterling Highway

**Legal Description:** T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0800015 CHO'S PLACE SUB TRACT A

### DECISION

#### Introduction

Rich Conneen of Conneen Architects, and George Swift of Aspen Hotels, (the “Applicants”) and Cho Kyu Jin, land owner, applied to the Homer Advisory Planning Commission (the “Commission”) for a conditional use permit under Homer City Code HCC 21.18.040(d) which allows a lot to contain more than 8,000 square feet of building area in the Central Business District.

The applicant proposes to build a three-story hotel, with approximately 14,350 square feet of building area, and a total floor area of approximately 43,000 square feet.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on November 1, 2017. Notice of the public hearing was published in the local newspaper and sent to 8 property owners of 17 parcels.

At the November 1, 2017 meeting of the Commission, the Commission voted to approve the request with six Commissioners present. The Commission approved CUP 17-08 with unanimous consent.

#### Evidence Presented

Deputy City Planner Engebretsen reviewed the staff report. Mr. Conneen and Mr. Swift made a brief presentation on the project, and noted that John Bishop, civil engineer with Bishop Engineering, was also present and able to respond to questions.

There were two letters in support of the hotel.

Francie Roberts, city resident, commented on the complaints received in the past during her time on Council regarding the odors that emanate from the Sewer Treatment Plant to the east of the proposed project and the liability posed to the city and expressed concerns with regards to a three story building since Homer did not have a ladder truck.

Scott Adams, city resident, commented on increased traffic concerns, pedestrian crossings, future signal placement since this town doesn't need another traffic light. He did not support the project since he believed they were a small community with lots of small businesses and B & B's and he had concerns with a large corporation coming into town.

Karin Marks, city resident, spoke in support of the proposal. She believes that more businesses will be at capacity in the future and the additional rooms and year round employment should be welcomed for the economic value that it provides for the community. The project is appropriate for the location.

Marianne Aplin, U.S. Fish & Wildlife Service, Visitors Services Manager, commented that she is looking forward to working with Aspen Hotel on the connectivity to the trails. She believes that they can think creatively to provide the access for the public and looks forward to working with the developer to bring their plan to fruition.

Mr. Conneen, Mr. Swift and Mr. Bishop answered the Commission's questions.

### **Findings of Fact**

After careful review of the record, the Commission approves Condition Use Permit 17-08 for a hotel with a building area over 8,000 square feet.

**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 21.18.020(f) authorizes hotels as a permitted use in the Central Business District. and HCC.21.18.040(d) authorizes buildings with more than 8,000 square feet of building area with an approved conditional use permit in the Central Business 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 hotel on the Sterling Highway provides a centrally located service and is compatible with the purpose of the Central Business 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:** A hotel is not expected to negatively impact the value of the adjoining properties greater than other permitted or conditional uses.

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

**Finding 4:** The proposal is compatible with the existing uses of surrounding land on the Sterling Highway.

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

**Finding 5:** Existing public, water, sewer, and fire services are or will be adequate to serve the hotel.

**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 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 7:** No evidence has been presented that the proposal would 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. The proposal aligns with Goal 1 Objective A and no evidence has been found that it is 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:** HAPC finds it reasonable for building to be located away from the front lot line and for the parking to be located to the front of the building along the Sterling Highway.

**Finding 11:** The proposal complies with the applicable provisions of the CDM.

**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 2017-08 is hereby approved, with Findings 1-11 and Conditions 1-3.

**Condition 1:** Exterior and parking lot lighting plan must be approved by the City Planner prior to installation.

**Condition 2:** Landscape plan to be approved by City Planner prior to planting. Shall be installed no later than the first full growing season after the opening of the hotel. The plan shall address the screening of the parking lot as required on page 33 of the CDM.

**Condition 3:** Maximum of 65 parking spaces.

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Date

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Chair, Don Stead

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Date

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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

Rich Conneen Architects  
415 6<sup>th</sup> St. #300  
Juneau, AK 99801

Cho Kyu Jin  
PO Box 498  
Soldotna, AK 99669-0498

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

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







# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: December 6, 2017  
SUBJECT: City Planner's Report PL 17-90

---

### **City Council - 11.27.17**

Public Hearing Item:

Ordinance 17-40 and Resolution 17-092 proposed a minimum of \$550,000 of HART funds collected in any given year be reserved for capital expenditures (\$500k for roads and 50k for trails). Both of these were adopted and become effective January 1, 2019.

### **Awards**

Yes, awards! The Planning Office does occasionally get recognized for our efforts. Julie accepted an award on behalf of the office. Homer was recognized for Water Source Protection System of the Year by the Alaska Rural Water Association for our efforts in the watershed. This came as a bit of a surprise to us. I am sure that our planning efforts only were a part of the entire criteria for the reward. I am also sure that our efforts do make a significant contribution to the cause.

### **Planning in 2018**

Given that we make recommendations to the City Council on the two ordinances in the packet, we will commence with some new items and move the Comprehensive Plan into a public comments stage. I plan to address some concerns with natural hazards, such as landslides and areas of high erosion rates.

### **Planning Commission report schedule for City Council meetings**

December 11: Dale Banks

January 8:

January 22:

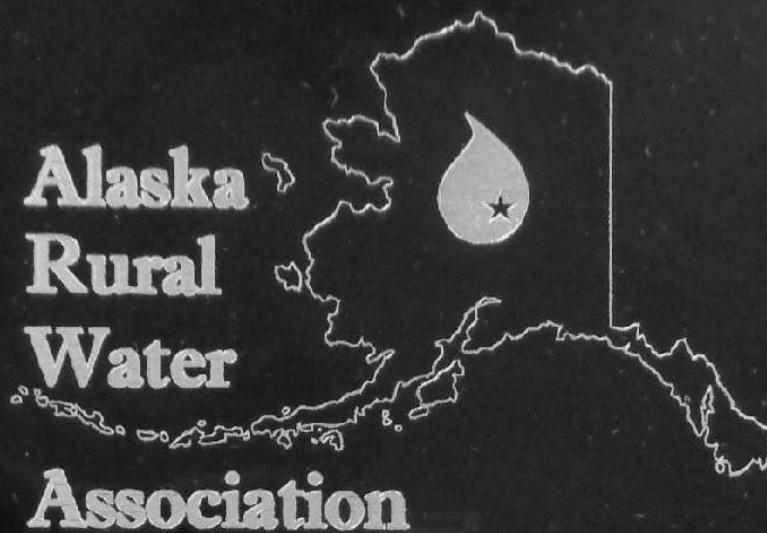
February 11:

February 26

### **Attachments**

Award





2017

SOURCE WATER PROTECTION  
SYSTEM OF THE YEAR

City of Homer

In recognition of the city's commitment to  
protecting their watershed both in land use  
efforts to protect their water source and  
community involvement.





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### Staff Report PL 17-91

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: December 6, 2017  
SUBJECT: Retail marijuana in the Marine Commercial District

---

#### Introduction

This subject is back to the Planning Commission after a request made by the Cannabis Advisory Commission (CAC) for the City Council to reconsider the decision to add a provision for retail marijuana operations in the Marine Commercial District.

#### Analysis

The Port and Harbor Commission reviewed the request and support the allowance of Retail Marijuana in the Marine Commercial District. I have provided backup of the discussion that lead to the negative recommendation for marijuana business on the spit last year. Basically, the votes were split on both the Planning Commission and City Council.

My review of any ordinance involving the addition of an activity to a district includes how the change is aligned with the purpose of the district and relevant information found in the comprehensive plan.

#### Marine Commercial District

*The purpose of the Marine Commercial District is primarily for water-related and water-dependent uses and the business and commercial uses that serve and support them, including but not limited to fishing, marine transportation, off-shore energy development, recreation and tourism. It is recognized that unique natural features of Homer's marine environment contribute significantly to the economic and social environments; therefore, performance standards are required to minimize the impact of development on the natural features on which they depend.*

A retail marijuana facility in this district does not necessarily enhance or support water-dependent use. The use would have to be found to fit into the 'tourism' aspect. Justifying this business in the Marine Commercial District depends on how the community feels that this activity supports tourism. I am sure that we will enter into a debate about how this use will benefit or harm existing businesses on the spit. I am providing the thought I have 'through the

planning lens', in the end, it is for the community to provide guidance and determine community standards.

The support for this activity seems to revolve around the concept that it should be allowed to prosper and contribute to the economic benefit of the city. Like most other retail business, retail marijuana is confined to business districts. Marijuana business in the Marine Commercial district is unique in that much of the land is owned by the city and leased. Attached is a map of the district indicating the private property that will likely be the only opportunity for the use, as the City has taken the position that we will not allow the operation of an activity that conflicts with federal law on City owned land.

### **Comprehensive Plan**

In consideration of the Marine Commercial District and the Spit Plan, I am not finding any direct support. It may be found to be supported in aspects of the Economic Vitality Chapter. The benefits to the community are debatable. It would have to be construed to be an amenity that enhances the tourism industry such as the selling of arts and crafts or curios, currently permitted uses.

### **Staff Recommendation**

Hold a public hearing, discuss the merits of the proposal and make recommendation to the City Council.

### **Attachments**

Draft Ordinance

Memorandum PL 17-07

November 15, 2017 Marine Commercial Properties Map

August 28, 2017 Memo of the Cannabis Advisory Commission

October 10, 2017 Memo from the City Planner to Port and Harbor Commission

October 25, 2017 Port and Harbor Commission Meeting Minutes

September 6, 2017 Letter from Jeremiah Emmerson to City Council

January 25, 2016 City Council Minutes - Discussion of Retail Marijuana in Marine Commercial

January 14, 2016 Memorandum 16-017 from the City Planner to City Council

Nov. 4, Oct. 21, Oct. 7, 2015 HAPC Meeting Minutes

Public Comments

CITY OF HOMER  
HOMER, ALASKA

Planning Commission

ORDINANCE 18-\_\_

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING HOMER CITY CODE 21.28.020, PERMITTED USES AND  
STRUCTURES; ADDING MARIJUANA RETAIL FACILITIES IN THE  
MARINE COMMERCIAL DISTRICT.

WHEREAS, it is in the City's best interest to draft comprehensive regulations  
regarding the use of property within the City to cultivate, manufacturer marijuana or to  
operate a retail store selling marijuana; and

WHEREAS, the City is dedicated to drafting regulations that prevent the  
distribution of marijuana to minors; prevents revenue from the sale of marijuana from  
going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana from  
states where it is legal under state law in some form to other states; prevents state-  
authorized marijuana activity from being used as a cover or pretext for the trafficking of  
other illegal drugs or other illegal activity; prevents violence and the use of firearms in the  
cultivation and distribution of marijuana; prevents drugged driving and the exacerbation  
of other adverse public health consequences associated with marijuana use; prevents the  
growing of marijuana on public lands and the attendant public safety and environmental  
dangers posed by marijuana production on public land; and prevents marijuana possession  
or use on federal property.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.28 is amended as follows:

Section 21.28.020 Permitted uses and structures.

The following uses are permitted outright in the Marine Commercial District,  
except when such use requires a conditional use permit by reason of size, traffic volumes,  
or other reasons set forth in this chapter:

a. Offices for tourism-related charter and tour businesses, such as fishing,  
flightseeing, day excursions and boat charters and tours;

b. Marine equipment sales, rentals, service, repair and storage;

c. Retail stores limited to the sale of seafood products, sporting goods, curios, and  
arts and crafts;

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

d. Business offices for water-dependent and water-related activities such as fish brokers, off-shore oil and gas service companies, and stevedores;

e. Customary accessory uses that are clearly subordinate to the main use of the lot or building such as piers or wharves; provided, that separate permits shall not be issued for the construction of an accessory structure prior to that of the main structure;

f. Mobile food services;

g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;

h. Recreational vehicle parks, provided they shall conform to the standards in Chapter 21.54 HCC;

i. Restaurants;

j. Cold storage facilities;

k. Campgrounds;

l. Manufacturing, processing, cooking, and packing of seafood products;

m. Parks;

n. Boat launching or moorage facilities, marinas;

o. Caretaker, business owner or employee housing as an accessory use to a primary use, and limited to no more than 50 percent of the floor area of a building and for use by an occupant for more than 30 consecutive days;

p. Lodging as an accessory use, limited to no more than 50 percent of the floor area of a building;

q. As an accessory use, one small wind energy system per lot;

**r. Marijuana retail facilities as defined by state law.**

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 3. This ordinance is of a permanent and general character and shall be included in the City code.



91 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_\_  
92 day of \_\_\_\_\_ 2018.

93  
94 CITY OF HOMER

95  
96  
97 \_\_\_\_\_  
98 BRYAN ZAC, MAYOR

99 ATTEST:

100 \_\_\_\_\_  
101 MELISSA JACOBSON, MMC, CITY CLERK

102  
103 AYES:

104 NOES:

105 ABSTAIN:

106 ABSENT:

107  
108 First Reading:

109 Public Reading:

110 Second Reading:

111 Effective Date:

112  
113 Reviewed and approved as to form:

114  
115 \_\_\_\_\_  
116 Kate Koester, City Manager

\_\_\_\_\_  
City Attorney

117  
118 Date: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_





# City of Homer

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(p) 907-235-3106

(f) 907-235-3118

## Memorandum PL 17-07

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: November 28, 2017  
SUBJECT: Planning Staff review of Retail Marijuana in the Marine Commercial District

---

### Planning Staff review per 21.95.040

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

#### **A. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.**

1. *Staff response:* This proposal to varying degrees supports the goals and objectives listed below.
  - a. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 1, Define and encourage economic development that meets the desires and interests of Homer residents and positively supports the unique character of the community.
  - b. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 1, Define and encourage economic development that meets the desires and interests of Homer residents and positively supports the unique character of the community, economic development strategies;
    1. #2, Encouraging the production or sales of goods and services to better serve the local economy.
    2. #3, Amend land use and taxation regulations to encourage production of custom or unique products to sell locally and outside the community; such as art, technology, or value added seafood products.
    3. #4, Encourage "import substitution;" i.e., leakage control by producing locally what is otherwise imported. An example is the local farmer's market, which provides produce which would otherwise be trucked into the community with profits leaving the community
  - c. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 2, Encourage the creation of more year-round, higher wage jobs, implementation strategies;

- i. #3, Ensure that zoning and land use regulations do not unduly restrict entrepreneurial development and new business formation. Also ensure that the value of adjacent property is not degraded through noise, odor or similarly negative impacts.
- ii. #6, Promote and enable small-scale employers who may have different land use and infrastructure needs than one or two-person sole proprietorships.
- iii. #10 Establish and maintain consistent municipal standards and policies relating to the establishment and/or expansion of business activities on private and municipal lands.
- iv. #13 Examine and replicate appropriate regional successes.

**B. Will be reasonable to implement and enforce.**

*Staff response:* Working in conjunction with state officials in the highly regulated industry, the addition of the use will be reasonable to implement and enforce.

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

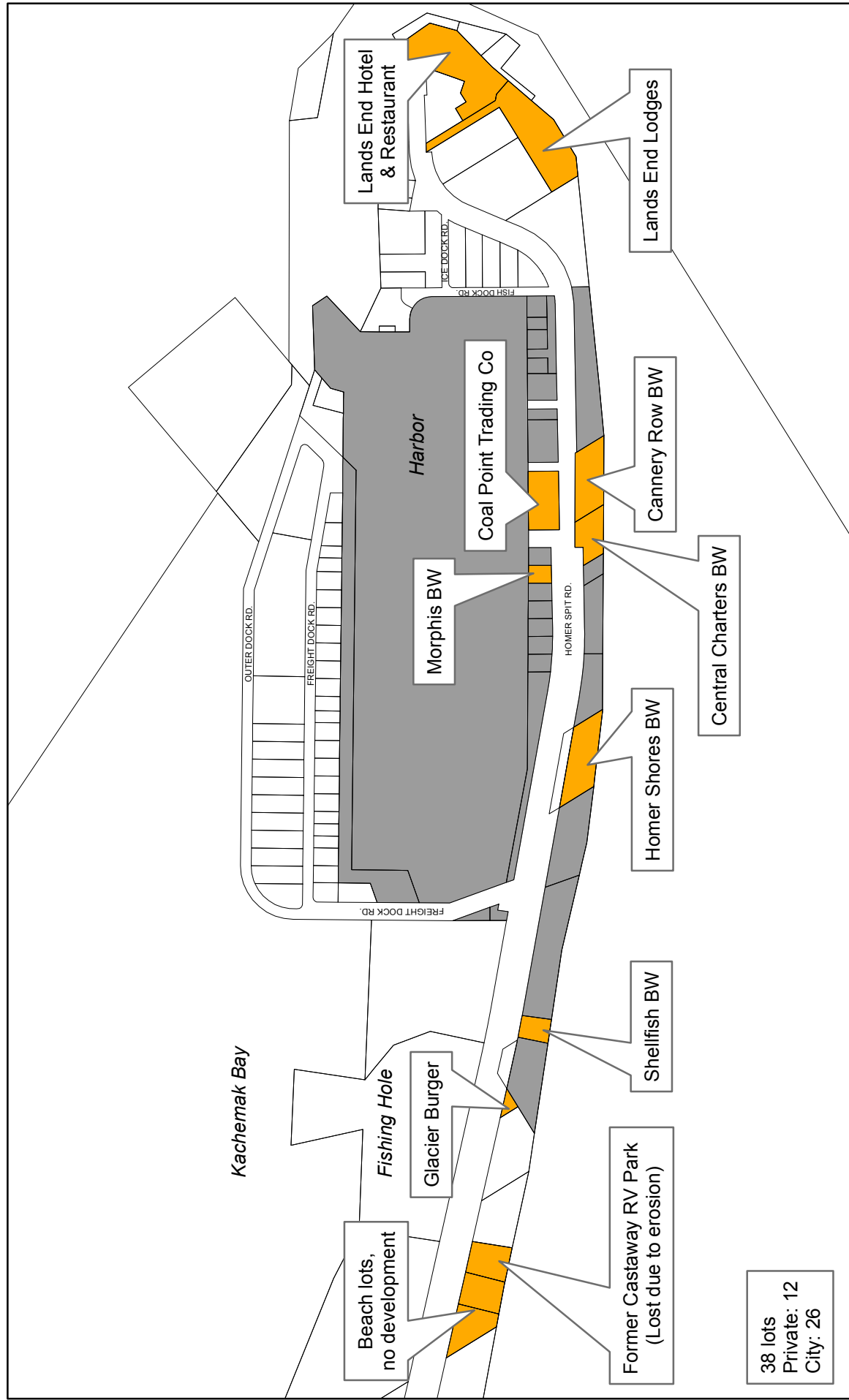
*Staff response:* This amendment promotes health, safety and welfare by locating the industry in a commercial area that is regulated in order to limit incompatible uses.

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

*Staff response:* This amendment has been reviewed by the City Attorney and is consistent with the intent, wording and purpose of HCC Title 21.

**STAFF COMMENTS/RECOMMENDATIONS:**

Planning staff has reviewed the ordinance per 21.95.040 and recommends the Planning Commission conduct a public hearing, and make a recommendation to the City Council.



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

# Marine Commercial Properties on the Homer Spit

November 15, 2017

City of Homer  
Planning and Zoning Department

Legend	
Owner	
Private	<span style="display:inline-block; width:15px; height:15px; background-color:orange;"></span>
City	<span style="display:inline-block; width:15px; height:15px; background-color:gray;"></span>





# City of Homer

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## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(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 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.*







## Memorandum

TO: PORT AND HARBOR COMMISSION

FROM: RICK ABBOUD, CITY PLANNER

DATE: October 10, 2017

SUBJECT: Retail sales of marijuana in the Marine Commercial District

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At the August 28<sup>th</sup> meeting of the Cannabis Advisory Commission a motion was made for the City Council to support an allowance for marijuana businesses to be located in the Marine Commercial District.

The Planning Commission last had a discussion about the allowance of retail marijuana facilities in the Marine Commercial District in November of 2015. Several members of the public, including the owners of a boardwalk, testified against the provision. The motion for allowing the activity failed for lack of a majority, ending in a 3-3 vote.

At this time, the city has been advised against supporting marijuana businesses on city property in order to not aggravate the city's relationship with the federal government. Practically, this activity would be a consideration for only privately owned property at this time, although the provision would comprise the entire Marine Commercial District.

In consideration of the purpose of the Marine Commercial District, I believe it would be best to only consider a provision for the retail sales as manufacturing, testing, and cultivation is best addressed in districts where there is not so much emphasis on water dependent activities.

The Port and Harbor Commission is asked whether or not it supports retail marijuana businesses in the Marine Commercial District. The recommendation will be forwarded to the Planning Commission and then the City Council for consideration.

Att.

CC Memo from CAC



- Stall Retention is higher than previous years and the Harbor desperately needs new stalls to lower the stall retention.
- Fished the LED project with Puffin Electric and have seen some good results
- Small Boat Harbor Potable Water , Fish cleaning Stations, and the ECO barge have all been shut down and winterized
- The Deep water Dock inside berth fender attachment points are breaking off. Repairs are being made, but some bigger repairs will need to be made in the near future to keep this from happening.
- AAHPA has two Resolutions that they would like the City of Homer to Support.
- Harbor Facility Grant Program was used to replace the Floats in the City of Homer Harbor. This is the only funding that the State provides that goes directly to the Harbor.
- Agenda was included for the AAHPA Conference in Petersburg, Alaska

Harbor Master Hawkins stated that if anyone has questions about the AAHPA Conference or the Agenda to contact him at a later time to discuss it.

## **PUBLIC HEARING**

## **PENDING BUSINESS**

### **NEW BUSINESS**

- A. Marijuana Zoning on the Spit
- I. Memo from Planning Commission To Port and Harbor Advisory Commission Re: Retail of marijuana in the Marine Commercial District
  - II. Memo from the Cannabis Advisory Commission to City Council Re: Recommendation to Amend Zoning on the Homer Spit to Allow Cannabis

Commissioner Zimmerman stated that in the past the Port and Harbor Commission had made a recommendation to City Council to allow marijuana on the Spit. However, he could not recall that the recommendation went forward to City Council and asked if anyone on the Commission remembered if the recommendation was heard. Harbor Master Hawkins replied that he believe the recommendation did go before City Council and that City Council voted against the Port and Harbors recommendation.

The Commission discussed the Memorandum from the City Planner and clarified that the recommendation would only be for privately owned property at this time.

Commissioner Zieset stated that since the Federal level has not yet recognized marijuana usage, that it may be wise for the City to restrict the use to privately owned property only.

Commissioner Hartley asked if the US Coast Guard still enforced the regulations against marijuana on vessels. Commissioner Stockburger clarified that the US Coast Guard, the FAA, and the DOT all enforce regulations against the use of marijuana in any kind of transportation.

STOCKBURGER/ ZIESET- MOVED TO FORWARD A RECCOMENDATION TO THE PLANNING COMMISSION AND TO CITY COUNCIL IN SUPPORT OF MARIJUANA RETAIL ON PRIVATELY OWNED SPIT PROPERTY.

Commissioner Zieset echoed his earlier comment. He believes it is wise to keep marijuana retail off of the City leased properties until there is a general idea of how everything will be run.

VOTE: 4 YES 0 NO. UNANIMOUS CONSENT.

Motion Carried

B. Purchase of Lot 42 on Homer Spit

I. Memo from City Manager to Port and Harbor Commission Re: Purchase of Lot 42 on Homer Spit.

II. Draft Ordinance from City Manager Koester and Exhibit A map Overlay Sketch from TLO

Commissioner Stockburger asked Bryan how the City got into this mess with the Mental Health Land Trust to begin with.

Harbor Master Hawkins replied with a brief history between the Mental Health Land Trust and the City of Homer on Lot 42. In 1964 there was a different plat in place that was obliterated due to the 1964 Earthquake. The City re-platted that section of the Spit and gave notice to the State that the previous plat was void. Two years later the Borough became the Platting authority and also recognized the City's re-plat of the Spit. Now, the Mental Health Land Trust is stating that some of the previous plat still applies and was never voided. The City was served with a trespass notice, and since then has been in discussion with the Mental Health Land Trust. There was a special meeting held between the City of Homer and the Mental Health Land Trust with attorneys present, and the outcome was the compromise brought forth now. The City of Homer is not admitting that the Mental Health Land Trust owns Lot 42, but has taken the attorney's fees and everything else at risk into consideration. Ultimately, the City feels that buying Lot 42 would be the wisest and cheapest option moving forward.

The Commission clarified the property line of Lot 42 and had a small discussion about Mental Health Land Trust relinquishing their rights to the other Lots, along with the City purchasing Lot 42 for \$550,600.

Harbor Master Hawkins stated he looked at the business opportunity like this; "if I were looking back on this deal 10 years from now, would I see it as a bad deal?" He believes this deal is one that will benefit the City and the Harbor for years to come, so he doesn't think this is a "bad deal".

Commissioner Zimmerman expressed that his only issue with this deal is that the City is taking the money out of the General Fund, which in return the Harbor has to pay back plus interest. The City should pay for Lot 42 and not make the Harbor pay back interest, because it's in the best interest for the entire City, not just the Harbor.

Harbor Master Hawkins explained that this is the agreement that he and the City Manager has come up with, the other option would be for the Harbor to pay for the Lot out of their reserve fund, which they did not see feasible.

**From:** Jeremiah Emmerson  
**To:** [Department Clerk](#)  
**Subject:** Cannabis Advisory Commission Recommendations  
**Date:** Wednesday, September 06, 2017 12:50:07 PM

---

City clerk,

Please send this to all council members or add this to the next agenda packet. Thank you.

--

Dear Council,

As you all are probably aware, the Cannabis Advisory Commission has made a recommendation to you to make a zoning change and allow cannabis retail establishments to operate on the spit.

I fully support their recommendation and believe it would be an acceptable way to bring more jobs and revenue to the City of Homer. It seems many always ask and consider, how do we bring jobs and new revenue to Homer?

First of all you need a retail outlet in town for this to happen. We have one retail license in limbo right now on Ocean Drive and my guess is they will be approved as this isn't their first rodeo with the state. This will be their second establishment.

I would have preferred that it be a Homer resident or local, but this will do for now and opens up the door for other local cultivators (such as myself) to have an incentive to start a cultivation and extraction facility. I know of several others who have expressed the same desire to go to a local outlet.

I do not want to license and then have to drive 2+ hours one way to deliver products. I would much rather retail at my local Homer retailer and service local residents within the legal market.

I know of at least 3 Homer locals who had plans to build a retail establishment on the spit last year before zoning pushed them out. Their plans were crushed by the council last year. One of them had to sell his building he had purchased to start a retail establishment. Others were simply hosed out of an opportunity that many in the rest of the state were able to take advantage of.

I've said it before and I will say it again; Homer is losing out on new revenues while other port cities, including Juneau, Sitka, and Valdez all have retail establishments and aren't having the issues that some folks predicted would happen.

I've heard just about every single concern folks have about spit retail and I will try to provide my opinion on the matter and hope that you will not only consider it, but actually listen..and do the right thing for Homer.

#1- Drugged Driving; You DO NOT have to approve licenses that have an onsite consumption endorsement. The city needs to be aware that they can reject these types of establishments. If

the city wanted to take a small step and just open spit retail up (with no onsite consumption) they can do so. If you do decide to go that route please consider that there will be people (tourists) smoking in their vehicles or hotels or on the beach as they may not have anywhere to go (except for their RV which would be acceptable and outside of a public place).

The city could do a conditional use permit for onsite consumption with stipulations that the establishment provide an operating plan that highlights HOW the establishment will take steps to keep people from leaving their establishment while stoned. If they can provide an acceptable plan and follow through with it, I don't see where there would be a problem.

#2- Cannabis on Boats or Planes; Cannabis is already on boats and planes and there has been 0 federal interference thus far. It flies in and out of Juneau and Sitka regularly. How else would these folks be able to move their product back and forth to the testing lab or to other establishments?

Every business also has their own policies and as an employee in the charter industry I can tell you that our business doesn't accept it on the boat and each time we brief our passengers we inform them that there is no tolerance for cannabis or other drugs on the boat and we have posted signs on the boat. From there, the customer makes their own choice and are liable to be kicked off the boat if they bring it on. This mostly has to do with the Coast Guard regulations and something already being dealt with.

#3- Law enforcement concerns; Mark Robl has made the statement that he is worried about second hand inhalation when entering a cannabis establishment with onsite consumption. These are actually valid concerns, however, it is much harder to obtain a contact high or test positive for cannabis from second hand smoke than most believe. Studies have been done to show that the likelihood of this occurring is low. If the police department wanted to purchase "gas masks" or filter masks that can filter out the smoke, that would be acceptable and an understandable expense.

I urge the city council to have an open mind about this issue. You told us that if the zoning was too strict you would loosen things up. Here is your opportunity to fix the wrongs of the past. There are more improvements to be made, however, this would be a big step and a boon to our economy and tourism offerings.

People have asked numerous times, where do I go to get it? We need to be able to answer that question and provide our guests with an outlet or they will spend their money in Anchorage, Kenai, or Sterling on the way in or out.

Warm Regards,

Jeremiah Emmerson

Memorandum 16-017 from City Planner as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 16-04 for introduction and first reading by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

REYNOLDS/LEWIS - MOVED TO AMEND TO STRIKE SECOND READING ON FEBRUARY 8<sup>TH</sup> AND HAVE A PUBLIC HEARING ON FEBRUARY 8<sup>TH</sup> AND A SECOND PUBLIC HEARING AND FINAL READING ON FEBRUARY 22<sup>ND</sup>.

Mayor Wythe and Council expressed the need for an additional public hearing for people that are concerned or interested in the ordinance. Council may have changes to the ordinance also.

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

Motion carried.

LEWIS/REYNOLDS – MOVED TO AMEND THE CENTRAL BUSINESS DISTRICT (CBD) WHICH IS CUP (CONDITIONAL USE PERMIT) ONLY TO HAVE IT TO WHERE IT IS PERMITTED OUTRIGHT.

The amendment would require complaints to be presented at the state level instead of litigation against the city.

Asked about the liability of the CUP process, City Attorney Wells advised the CUP process has criteria with substantially related terms and wiggle room that creates vulnerability for legal challenges. Communities are putting a moratorium on the CUP process while others are using CUPs. It comes with legal costs that cannot be predicted. We will have a better understanding once the industry gets going in communities that are using CUPs.

Councilmember Lewis reminded Council the City has had a lot of litigation on CUPs and zoning issues. He would just as soon pass that cost off to the State instead of us bearing that cost.

VOTE: (amendment) YES. LEWIS, SMITH, ADERHOLD, REYNOLDS, ZAK, VAN DYKE

Motion carried.

Councilmember Van Dyke commented on Marine Commercial. The Homer Spit draws people from all over the state with families. There is the Homer Ice Rink, Nick Dudiak Fishing Lagoon, and parks and campgrounds up and down the Spit. Each one has tons of families and children. He would like to see no cannabis activity on the Spit.

VAN DYKE/SMITH– MOVED THAT MARINE COMMERCIAL BE A NO SALE ZONE.

Councilmember Lewis questioned the depiction of the Spit as a great, wholesome place with Salty Dawg Saloon, other bars and liquor stores, and five or six guys sitting out at night after a day's charter pounding down beers. It's not a good analogy to restrict the cannabis business there. On his visit to Denver he did not see derelicts hanging outside. There are laws on advertising.

Councilmember Smith asked what the economic benefit is that we are projecting versus the social costs.

Councilmember Lewis answered the problems are already there; we aren't going to bring anything new. The product and alcohol are there and some will use both. Those that want to use one or the other will use one or the other. It will not create more smoking and driving. Those that are going to do it will regardless if it is legal or not.

Mayor Wythe commented the majority of properties on the Spit are City of Homer properties. In complying with the eight guiding principles to keep us out of the federal target zone, one of those is growing marijuana on public lands and the public safety and environmental dangers posed by marijuana production. Although there wouldn't be marijuana growing on the Spit, people could not lease city properties to sell marijuana. We can start smaller and if it makes sense we can grow.

VOTE: (amendment) YES. ADERHOLD, ZAK, SMITH, VAN DYKE

VOTE: NO. REYNOLDS, LEWIS

Motion carried.

ZAK/VAN DYKE – MOVED TO AMEND TO MAKE THE HOMER SPIT A BUFFER ZONE.

City Planner Abboud advised no buffer is needed if Marine Commercial is a no sale zone. Adding a buffer to the Spit could be decided by the Planning Commission at a later date.

VOTE: (amendment) YES. VAN DYKE, ZAK, SMITH

VOTE: NO. REYNOLDS, ADERHOLD, LEWIS

Mayor Wythe broke the tie with a NO vote.

Motion failed.

ADERHOLD/LEWIS - MOVED TO AMEND LINE 20 to CHANGE the WORD "MANUFACTURER" TO "MANUFACTURE."

There was no discussion.





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

## Memorandum 16-017

TO: MAYOR WYTHE AND HOMER CITY COUNCIL  
THROUGH: KATIE KOESTER, CITY MANAGER  
FROM: RICK ABBOUD, CITY PLANNER  
DATE: JANUARY 14, 2016  
SUBJECT: DRAFT ORDINANCE PROPOSING TO ZONE MARIJUANA RELATED ACTIVITIES WITHIN THE CITY OF HOMER

The Planning Commission has been working on this item since August. It has been an agenda item at six meetings, two of which have been public hearings. This proposed ordinance deals specifically with zoning regulations for the four activities defined by the state: Cultivation; Limited (small - under 500 square feet) and Standard (large - more than 5000 square feet), Manufacturing, Retail, and Testing. The best way to express this is the table below and the map attached. At this point, there is no distinction for zoning purposes between limited and standard cultivation operations.

Our goal with this ordinance is to provide a place to start with the regulation of the industry and to have some options available prior to the date when the state is scheduled to accept applications, February 24<sup>th</sup>. This will allow the City Council to introduce and hold two public hearing prior to this date. The Planning Commission wants to allow the industry to start in a somewhat limited area until we gain more experience, with the thought it would be much easier to loosen rules in the future rather than try to ratchet it back later and leave nonconformities behind. If the Council recommends something that needs to be review by the Planning Commission, I recommend passing the parts of the ordinance that are acceptable to the Council, so that entrepreneurs have reasonable options to apply for a license February 24<sup>th</sup>. If no ordinance is adopted, commercial marijuana will be an unlisted use, meaning every application will be a conditional use with a fairly high threshold for approval. This is an unreasonable expectation.

It is important to consider the regulation that is proposed by the state when considering the regulations proposed by the city. We may not propose anything that is more liberal than what the state proposes. A brief summary of the state regulation is provided and attached is the regulation proposed at the time of this report.

A = Allowed (reviewed by the Planning Office). C = Conditional Use Permit needed (hearing before the Planning Commission required).

**Table 1. Cannabis Activity by Zoning**

**District**

**District**

Activity	CBD	GC1	GC2	EEMU	MC		
Retail	C	A	A	A	C		
MFG	C	A	A	A			
Testing	A	A	A	A			
Cultivation							
small	C	A	A	A			
large	C	A	A	A			

The Planning Commission also proposes some buffer distances in addition to the state provisions. These buffers are based on the federal governments' double penalty zone as defined in US Code. This includes 1000 feet buffers from the two colleges, the Alaska Bible Institute and the Kenai Peninsula College. 1000 feet buffers from Karen Hornaday, Jack Gist, Bayview, and Ben Walters Parks are also recommended. Another recommendation is a 200 foot buffer from the library. The language used by the state and the federal government does not describe a library, but after a request from the Library Advisory Board, the commission did recommend a 200 foot buffer. This buffer with the buffer extended from the college and consideration of the uses and ownership of nearby properties realistically ensures that operations will not be proposed anywhere in close proximity to the library. The combination of the library and college buffers, and existing land uses and land ownership (post office, banks) realistically ensures that operations will not be proposed anywhere close to the library.

You will surely be made aware of a petition that proposes that limited cultivation be allowed outright in the Rural Residential District and that marijuana activities be allowed outright in the Central Business District. Both of these subjects have been discussed at length by the Planning Commission. The commission believes that the limited cultivation in the Rural Residential District is too commercial to meet the purpose of the district. A limited cultivation operation is required by the state to have exterior lighting to facilitate surveillance (including within 20 feet of each entrance), a security alarm on all windows and doors, and continuous video monitoring. Approval for a commercial business from the Fire Marshal is required. All persons dealing with the product must have a marijuana handler permit. There must be a plan for odor control to ensure that it is not detectable off the premises. This is just a sampling of the many requirements of the state licensing requirements found in the final regulations through 12-1-15. Another concern about limited cultivation in the Rural Residential District is density. Because of the city regulations for lot size, many lots that have access to water and sewer are small. In any event, the commission would not entertain commercial activities on lots less than 20,000 square feet (about half an acre). In addition, there was discussion about the minimum distance between a commercial grow operation, and the adjoining property. In the end, commercial cultivation was not recommended for the district.

The Commission also thought that cannabis activities in the Central Business District would be best with additional review of the Planning Commission and an opportunity for neighbors to be noticed and participate in the hearing.

### **State of Alaska**

While the City is looking at regulating relatively small aspects of the industry, the meat of requirements are found in the proposed regulations of the state. These regulations are quite extensive. There are requirements (Article 7) that apply to all of the activities along with more specific requirements that address each of the 4 individual licensing areas individually. One really needs to understand the state regulations to get an accurate picture of what these businesses may look like when approved. There are 127 pages that compose articles 1-9 of the proposed state regulations. I have highlighted some of these below, and draw particular attention to those that are a relevant consideration for zoning.

Many aspects of marijuana businesses are regulated by the state including:

- All waste disposal
- Transportation of the product
- Signage and advertising
- Inventory tracking
- No odor may be detectable off site

- None of the product may be consumed in any licensed facility (with the exception of the newly proposed consumption component of the retail license-more rules to come)
- No facilities may reduce or expand without board approval
- No delivery off-site
- No operation between the hours of 5 am and 8 am
- All business activities must be secured. This means that cameras and lighting needs to be adequate to identify those inside the facility and anyone within 20 feet of the outside entrances.
- Commercial grade locks will need to be installed.
- State application procedures require announcement in the newspaper for 3 consecutive weeks and announcements on the radio twice a week for 3 consecutive weeks, as well as on-site and nearby postings.

The state has proposed buffers such as:

- 500 feet from a school, a recreation or youth center, a building which religious services are regularly conducted, or a correctional facility.

### **Other aspects of the industry not addressed**

During our conversation with the commission we received testimony and talked about other aspects of the industry not related to zoning such as; public consumption, driving under the influence, and a host of other concerns related to consumption. These items are for the police. Another item that came up frequently is the cannabis club or cafe. I put this in two categories.

I consider the cannabis club as a fraternal organization of sorts. This is not open to the general public in the sense that you have to be a member to enter, think ELKs. In this case, I would treat this use as the 'run-of-the-mill' fraternal assembly. The fraternal assembly may do anything that is not against the law. If they break the law, it would be the business of law enforcement to address.

I would describe a cannabis café as a place open to the general public where sales and consumption take place. The state is working on an allowance for a retail marijuana store to have a place for consumption. We do not have the specifics of this yet, but it is in the realm of a state licensed activity. I will not propose provision in city code for an activity that is not recognized by the state. If the state rules change in the future, the City can address it at that time.

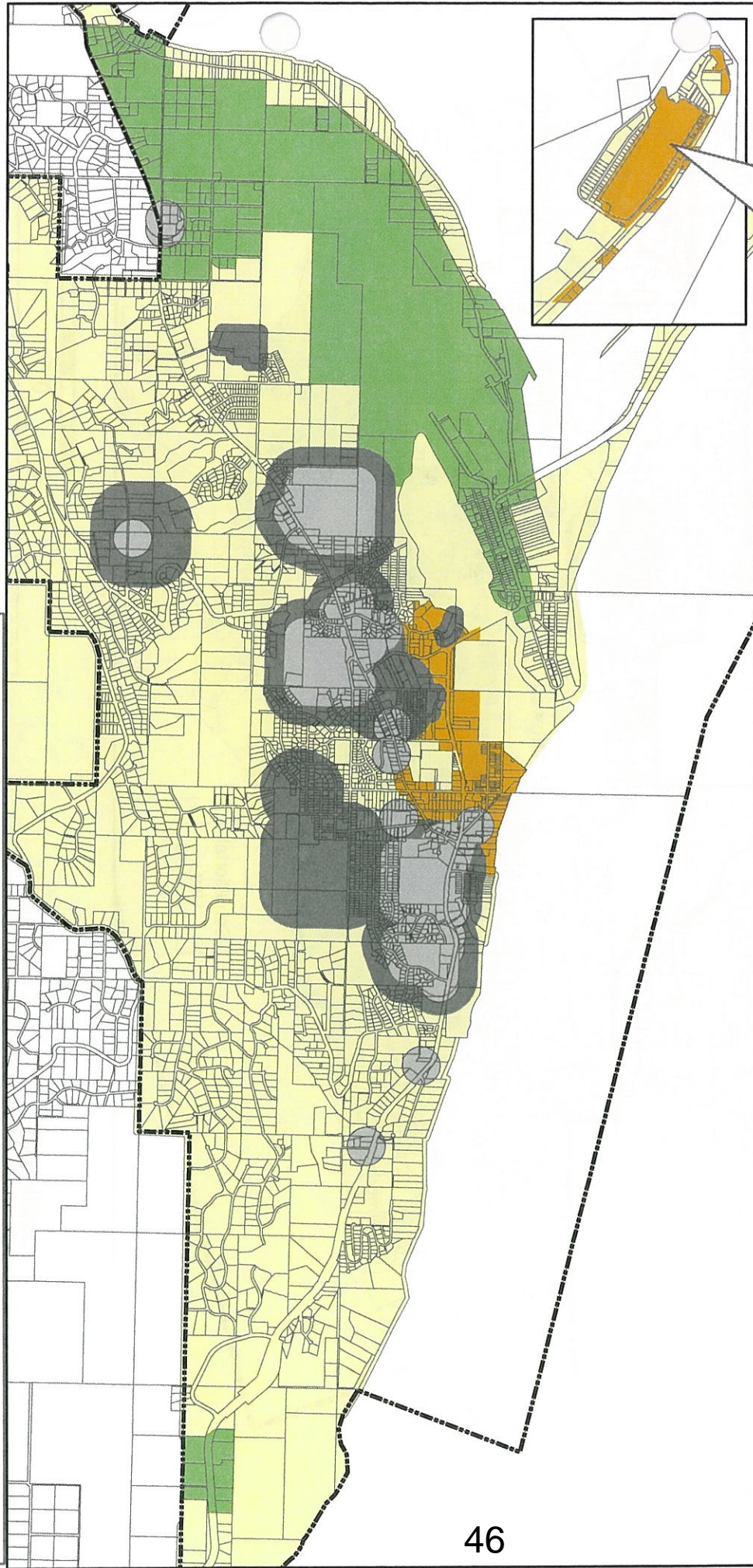
Att.

1. Ordinance 16-04
2. Commercial Cannabis Cultivation Map 1/25/16
3. Commercial Cannabis Retail and Manufacturing Map, 1/25/16
4. State Regulations



January 6, 2016 Public Hearing Version Homer Advisory Planning Commission  
 2016 Commercial Cannabis Retail and Manufacturing Map.  
 Testing is allowed outright in the green areas, and in downtown Homer.

Questions? Contact City Planner Rick Abboud



Retail Only the Spit -  
 no testing or manufacturing



## Legend

City Limits

State Buffers

Additional City Buffers

## Commercial Cannabis Activities

Retail by Conditional Use Permit

Retail allowed outright, Manufacturing by CUP

No Commercial Cannabis Businesses

Proposed state regulations call for buffers to be measured between the public entrance of the cannabis business, and the public entrances of churches and jails. Distances for schools and youth/rec centers are measured from the boundaries to the front door of the cannabis business. All distances are measured by the shortest pedestrian route.

## **Presentations**

### **Reports**

- A. Staff Report PL 15-74, City Planner's Report

City Planner Abboud reviewed his staff report.

### **Public Hearings**

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

- A. Staff Report PL 15-75 Zoning for Marijuana

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Jackie Dentz, city resident, commented in opposition to allowing retail sales on the spit because it's a recreational area. She owns Frosty Bear Ice Cream parlor which draws kids, families, and elderly visitors. She also noted visitors from cruise ships are not allowed to bring marijuana on the ship. She doesn't think a retail establishment for marijuana belongs on the spit. She is fine if locals want to buy it and if it's done safely, but encouraged the Commission to think about where they recommend putting retail.

Crisi Mathews, city resident, owns a boardwalk on the spit and real estate in town with her husband Chad. She commented that a CUP is warranted for any grow or retail facility in a residential area, she thinks they will hurt residential property values. She also expressed opposition to allowing retail for marijuana on the spit. She noted several recreational venues that draw youth and families throughout the summer including Islands and Ocean, Alaska Coastal Studies, and HOWL which conduct many of their outings on the beaches, trails, docks, and campgrounds, as well as the Kevin Bell arena in the winter. She added that if retail is allowed and is available year round, there will be minimal oversight as a majority of the area shuts down off season. With a business in Homer and rental cabins in Anchor Point, as well as raising four children here, they have a lot of vested interest in seeing this continue to be a family community.

Chad Mathews, city resident, added that there are buildings on their boardwalk. The way it is worded now, the people who own those buildings, don't have to their permission as the boardwalk owner, to open a dispensary. He encouraged that be readdressed. He thinks with the amount of accidents and almost accidents they see on the spit and impaired drivers could be an issue, as well as the potation for increased break in attempts.

Garth Bradshaw had a business on the spit for many years and his preference is no sales at all within the community, as other communities in Alaska have done. He encourages them to follow suit. That being said, if they allow one person to sell it, how will they restrict others? He suspects there will need

to be limits on licenses, like with alcohol. He supports not selling it in Homer at all, his adult kids and his grandchildren are here and he doesn't like the exposure, and doesn't think it's the thing to do to our community.

Megan Murphy attempted to comment regarding the Waddell Park 2016 Replat Preliminary Plat. It was explained that topic would be addressed under Plat Consideration and if she was unable to stay, she could contact the planning staff for more information regarding the preliminary plat.

Shlomo Gherman commented that if the recreational sale of marijuana in town is done right it could be really effective, specifically bringing in more taxable revenue to the city. We could have a PFD type situation for many of the people living here. Colorado school district received \$6 million in additional funding from sales. No matter where you place a dispensary, once it's known the town has one, there is no stopping purchasing it. Whether it's on the spit or in town, it won't really make a difference, the real concern is managing how it's sold and who is able to purchase. It's very accessible now. If the issue is stoned people on the spit, they are already there.

There were no further public comments.

City Planner Abboud said limiting the number of establishments will be in the code under licensing and not zoning. He will have something on the next agenda for the Commission to make a recommendation.

VENUTI/STROOZAS MOVED THAT EAST END MIXED USE AREA BE ALLOWED TO HAVE SMALL VOLUME CULTIVATION.

There was brief discussion to clarify small grow operations would be allowed anywhere in the district with this motion. Other comments were that this should be more restrictive to begin with.

VOTE: YES: STEAD, VENUTI, STROOZAS, BRADLEY  
NO: HIGHLAND, ERICKSON

Motion carried.

HIGHLAND/VENUTI MOVED TO ADD A CUP FOR ALL SMALL CULTIVATION IN RURAL RESIDENTIAL.

Commissioner Highland commented that rural residential is the largest district, it is family oriented, and there are a lot of lots over 40,000 square feet. Allowing it outright doesn't give the residents the opportunity to speak about small grow operations in their neighborhood. Lighting is also an issue, as well as security, in rural residential.

It was noted that currently no small cultivation is allowed on lots under 20,000, and this motion allows it in all of rural residential with a CUP. It would include the smaller lots if approved as presented.

ERICKSON/HIGHLAND MOVED TO AMEND THAT A CUP BE REQUIRED ON LOTS OVER 20,000 SQUARE FEET.

There was brief discussion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion.

VOTE (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was discussion about buffers that are outlined by the state. City Planner Abboud said he would bring that back with information along with the license restrictions.

Discussion ensued regarding allowing retail on the spit and the comments from the public tonight.

HIGHLAND/ERICKSON MOVED TO DISALLOW RETAIL FOR MARIJUANA IN MARINE COMMERCIAL.

Commissioner Highland said tonight's public comments included good reasons to be concerned about retail sales out there.

Commissioner Venuti noted there are bars and liquor stores on the spit now that sell cheap liquor which he thinks is more dangerous.

Commissioner Erickson agrees with the public comments about not allowing retail in marine commercial.

Commissioner Bradley commented that a CUP is required for retail in marine commercial which is fairly restrictive.

Commissioner Stroozas expressed his thought that the fishing hole is a recreational facility for families with kids and youth based fishing events that are held there. Based on state buffers, that could justify disallowing retail on the spit. If the CUP remains in place, then an applicant complies with all the regulations, the Commission would have to allow it.

VOTE: YES: ERICKSON, STROOZAS, HIGHLAND  
NO: STEAD, BRADLEY, VENUTI

Motion failed for lack of a majority.

No further amendments were proposed and another public hearing is scheduled for December 2<sup>nd</sup>.

### **Plat Consideration**



and applicants have 90 days to act up on the license. He noted retail places won't likely have product to sell right away because cultivators would have to have a license before they could grow. He predicts the scenario would likely be the end of summer at best before product would be available.

He is working on a manageable schedule for the Comp Plan review.

### **Comments of the Commission**

Commissioner Highland and Erickson had no comment.

Commissioner Bradley commented she is looking forward to speaking at the city council meeting on the 23<sup>rd</sup> and will be getting ahold of the City Planner for assistance with talking points. She thought the comments tonight were interesting.

Commissioner Stroozas said he expected standing room only tonight for the public hearing. It's nice to get done early. It was a well conducted meeting and thanked Chair Stead for moving things along.

Commissioner Venuti agreed it was interesting discussion tonight. He thinks that for what it will cost to get licensed and into operation on the spit for a three month season, doesn't make economic sense. He doesn't think there will be a lot of people jumping at that opportunity. Regarding commissioner comments at council meetings he encouraged that speakers work with staff to get a script or talking points to ensure they aren't giving personal feedback.

Chair Stead said he thinks they did good tonight.

### **Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:01 p.m. The next regular meeting is scheduled for December 2, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_



HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
OCTOBER 21, 2015

It was suggested this is a good place to start, and they will have the opportunity to add CBD later if it seems reasonable.

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

Motion failed.

Commissioner Erickson feels there are people who will be very offended by these activities.

VOTE (Main motion): YES: STROOZAS, VENUTI, BRADLEY, STEAD  
NO: ERICKSON, BOS, HIGHLAND

Motion carried.

HIGHLAND/STROOZAS MOVED TO ALLOW RETAIL IN COMMERCIAL AND INDUSTRIAL WITH A CUP.

There was brief discussion.

HIGHLAND/BOS MOVED TO EXTEND THE MEETING ADJOURNMENT 15 MINUTES UNTIL 9:45 P.M.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/HIGHLAND MOVED TO AMEND TO INCLUDE MARINE COMMERCIAL AS CUP.

There was brief discussion recognizing that it will be important to get public input for these activities. It was noted that they recommended testing be allowed outright with the understanding that it will be a laboratory environment.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

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

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

City Planner Abboud expressed his frustration with having to take these recommendations to the Cannabis Advisory Commission.

Commissioner Bos reiterated that this is a good place to start and there may be some changes here and there after they get public testimony.

Commissioner Highland commented that residential is mixed in most of the districts and there are ramifications of marijuana related activities that warrant something keeping it more restrictive in the beginning. If it is less restrictive and down the road we want to change regulation, we are left dealing with nonconforming uses.

Deputy City Planner Engebretsen confirmed for the next meeting staff will bring back two options to consider for rural residential, one not at all and two by CUP with rigorous standards like minimum lot size and separation distances to establish grounds to allow or deny.

There was general discussion about the lengthy process of getting licensed for an operation, and the stringent regulations for the marijuana related activities once they are licensed.

Under the manufacturing table it was suggested to eliminate CBD and include GC1 and GC2 as a CUP. Lot sizes in the CBD are too small and flammable materials are used at times in the process. Exclude Town Center and Gateway Business and Marine districts as well.

No changes were suggested for the table under testing.

Regarding retail, there was discussion of the notion of limiting the number of retail operations. Deputy City Planner Engebretsen explained that in staff's discussion, these stores can't sell other things. It raises the question how many can the community really support? The spit has a short retail season and there are a lot of hurdles to get a license from the state. It's questionable if it will be worth doing it out there. No changes were suggested.

Deputy City Planner Engebretsen said they will bring back a draft ordinance for the Commission to review.

**B. Staff Report PL 15-71 Transportation Recommendations**

Deputy City Planner Engebretsen reviewed the staff report.

BOS/HIGHLAND MOVED TO FORWARD THE TRANSPORTATION RECOMMENDATIONS TO COUNCIL.

There was brief discussion in support of the recommendations.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**Informational Materials**

- A. City Manager's Report September 28, 2015
- B. Town Hall Potential Revenue Solutions Pros/Cons

**Comments of the Audience**

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

# *Diamond Ridge Art Studio*

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November 4, 2015

City of Homer

Planning Commission

491 E. Pioneer Avenue

Homer, AK 99603

RECEIVED

DEC 21 2015

CITY OF HOMER  
PLANNING/ZONING

RE: Cannabis Advisory/Oversight Committee Proposed Spheres

Dear Commission Members:

In May of 2014, I opened Diamond Ridge Art Studio at 4025 Homer Spit Road, #17. My decision to locate my business there was based primarily on the nature of the prospective clientele that visits the area. The Homer Spit attracts large numbers of vacationing families, tourists, fishermen and boaters. Between May 4<sup>th</sup> and Labor Day of this year, I logged over 5,000 visitors to my gallery. Many of these visitors were families with children of all ages. Also, many were residents of Homer. I organized painting demonstrations that were attended by both children and adults, both from Homer and elsewhere. In addition, I carry art items that are appropriate for families.

The proposed city ordinance permits the retail sale of marijuana on the Spit. I would ask the Commission to consider establishing a buffer zone due to its proximity to the Nick Dudiak Lagoon, adjacent campgrounds (which serve as temporary residences) and the small boat harbor.

The Homer Spit is a seasonal retail environment. Virtually all of the businesses close for the winter. A police presence is a challenge to the city to maintain during the busy summer season and would need to become a greater presence during the winter should marijuana sales be conducted there.

I know that there are several families who would no longer come to my business for any reason if there is an establishment selling marijuana nearby. As a small business owner, I strive to attract every potential customer by providing an environment that is family-friendly and wholesome.

Homer has demonstrated its commitment to promoting tourism. The city, the Chamber of Commerce, and the business community have successfully collaborated to attract tourists and to grow the cruise

*Olga Amara, Owner*  
*#17 Homer Spit Road*  
*Homer, AK 99603*  
*(907)299-7750*  
*Diamond.ridge.art@gmail.com*

## *Diamond Ridge Art Studio*

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ship business. Much of that is centered on the Spit. The retail sale of marijuana and cannabis products does not seem to me to be consistent with the promotion of a family-centered vacation destination.

I would welcome the opportunity to discuss this further with you and can be reached at the number listed below.

Sincerely,

Olga Amaral

*Olga Amaral, Owner  
#17 Homer Spit Road  
Homer, AK 99603  
(907)299-7750  
Diamond.ridge.art@gmail.com*



## Dotti Harness

---

**From:** Crisi Matthews <broker@cmreagent.com>  
**Sent:** Wednesday, December 02, 2015 3:28 PM  
**To:** Department Planning  
**Subject:** Public Comment for Planning Commission Meeting Tonight

I find it rather disappointing that members of the community came forward in support of limiting cannabis sales here in Homer from recreational areas such as the Spit and resulted in such minute support from the Commission. This conversation is not about alcohol on the Spit as was Council's statement in opposition of our request for restrictions to sales on the Spit. As a governing body, one member went on to read the definition of the City Code for recreation and it's facilities as they exist in Homer. In addition, the General Plan also designates OSR zones on Homer Spit and therefore it seems natural that RECREATION as defined by your code should have the same buffer zone as the 'Park' does. Children congregate in these zones while visiting Homer more than any other Zone in our City. I'm still not clear how the Council who has defined Recreation and it's Zones so clearly isn't placing any protection on them now. Buffer Zones for the zones of OSR need to be identified also as there won't be specific designations addressed in the state code such as these nor on marine OSR zones as this designation pertains to Homer not the state at large. The code limits construction so as to preserve them and their use a buffer zone here seems only logical.

To date, the state committee is still answering public questions on these same texts and they haven't completed the adoption of their guidelines as they apply to Alaska. It also states at this time that the local jurisdiction must approve a license request before the state will issue it once these guidelines are in place, so I'm not sure why there is such haste in generating Homer's guidelines ahead of the state. If ANYTHING it would seem prudent to allow them to lead not to supersede local recommendations ahead of theirs. The idea that we need to have our doors open first is extremely liberal and not reflective of the overall populous of Homer. As shown in the last public hearing the opponents far outweighed those in support and none from the Cannabis committee even attended.

According to the 2010 Census nearly 25% of Homer's population is under 19. In addition, a call to the Chamber of Commerce identified that 11,600+ visitors came into the Chamber not including the City of Homer in general from May 1 to August 31 and 9 cruise ships distributing 4500 visitor guides to these. Big draws like the Birding Week and Salmon Derby are big draws here also. It seems pretty obvious to me, a business owner in town and to the others that spoke last month requesting your expressed protection of the Spit that the Planning Commission HAS the authority and the obligation to protect the OSR Zones they've created for outdoor use. The families that live here came for all that is Homer; a safe community to raise healthy families. The residents and the visitors came for every reason OTHER than access to Cannabis Sales. Tourism is the heart of Homer's summer revenue as a City and for small time business owners that depend on the summer commerce, not a hope for retail tax from these proposed businesses.

We ask that you revisit the OSR and place a buffer zone on them just the same as you have identified for the Hornaday Park.

--  
Loyally,  
Crisi Matthews, Broker  
c: 907-299-8700  
f: 888-552-2805  
[www.CMREagent.com](http://www.CMREagent.com)

RECEIVED

DEC 2 - 2015

CITY OF HOMER  
PLANNING/ZONING



**Dotti Harness**

**Subject:**

FW: Comments for public hearing December 2nd planning commission

RECEIVED

DEC 2 - 2015

CITY OF HOMER  
PLANNING/ZONING

**From:** Chad Matthews <[info@ofishial.com](mailto:info@ofishial.com)>

**Date:** December 2, 2015 at 3:59:47 PM AKST

**To:** [planning@ci.homer.ak.us](mailto:planning@ci.homer.ak.us)

**Subject:** Comments for public hearing December 2nd planning commission

I apologize ahead of time for being a terrible public speaker and my wife and I can't be there tonight but ask that you be patient for a couple of serious points not only on the Cannabis subject but how I have witnessed it address by this board. Neither point will mean anything unless you know my background. So please humor me for a minute down a quick blink of my life which I promise is all relevant to this town that I/we call home. I was born and raised in San Jose California more specifically the East side "the wrong side of town". It was ridden by drugs and gangs and my father and I were only there to grant my grandmother's dying wish to live out her years in the house that my grandfather built. As much as I loved my grandmother we said every year that this would be grandma's last Christmas living in what became one of the top rated ghettos in the lower 48. My grandfather's hand built home was built in the middle of an almond orchard that in 40 years became the festering grounds for gang activity, drug trafficking and violence. There I both witnessed and was a victim of violence based on drug trade both from gang selling and at the hands of the childhood product of druged out parenting. I went to school everyday sick to my stomach about about what would happen before the day was out. To save you the long "opera" moment I have been beaten to an inch of the end of my life more than once. Many of these kids who were violent in the name of gang involvement began their drugged lives at the hand of marijuana. It was a gateway drug for them. My rear neighbors who were 5th graders had access to marijuana and sold it within the neighborhood. How is that related to the pot here, in Homer I am sure you ask as well as this is not a forum to discuss the legality legalizing it since that has already been done.

I offer further evidence of the effects of it and ask what basis anyone in this room has to offer to the affects on this town? The Cannabis of the 70s when pot was a fraction of the potency and was a part of a free loving era that was the platform of counter capitalism has evolved. Those who believe the legality is just are ignoring that it is a controlled substance and it has become a more potent, more marketed, more effectively and illegally grown product that has lead to continual growth and profitability of major gangs and cartels that have changed everything from those fun loving hippy days. My story does not end there, at 13; the year before my grandmother passed and I had an out to get out of the ghetto based on my parents' divorce. I moved with my mother to a small dairy town in the Central Valley of California. This is the town that shaped me but I've been told by the teachers there that we were the last good class to come through a long history of a good wholesome town. Even my younger brother was on the wrong path. He harmlessly thought smoking pot was a good idea in contrast to myself who saw the devastating effects as a kid in the ghetto. I have not spoken to him in 10 years. He now sells marijanua through California's medical marijuana laws, he has multiple convictions of driving under the influence and theft still living with our mother at nearly 30 years old. I watched his demise which started with pot.

As an adult man legally hunting pigs in the mountains of California, I've been shot at by those growing illegally on forestry land. The crime report we produced for this board a month ago regarding the effects of legalization in Colorado, who read it? Was it a priority to look at those unbiased statistics before making decisions on how it will be implemented here before THE STATE OF ALASKA has even completed it's editing process of this document to serve as our template here in Homer?

Back to this board their basis for addressing this issue. In the first meeting I addressed specific questions that were brought up but not addressed in discussion since they clearly did not conform to what appeared to be personal agenda. Only one proponent without a logical presentation showed up



to the meeting to state 'it's already here' in our town yet the appeal by business owners who are the lifeline of the City's revenue was largely ignored. 44% of the City's Budgeted Revenue is generated by taxes; sales and property therefore, why would the Plannign Commission ignore that this is largely based on the series Homer currently offers; safety, community, clean wholesome family activities and tourism of this town? When only 2 of the board both Roberta and Shelia tried to address questions by the people they were shut down or it was likened to rot gut sales on the Spit which has nothing to do with this issue nor minimized in light of alcohol a legalized and VERY REGULATED industry. How is it that in representing the people, their comments are ignored? What experience (like mine in seeing direct result of loose oversight of controlled substances) does the rest of the board have in this matter? I'm not sure why in Homer there is the need to be the trendsetter with this legislation in rushing to approval ahead of the state? I don't see more advocates for looser restrictions appearing than the opposite asking for more restriction. I'm a staunch advocate of the exact draw there is for people to Homer—1. tourism, 2. family based community 3. small town and low crime rates  
The mission statement of Homer is:

*The City of Homer Community Recreation will promote community involvement and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of all community facilities and resources, while utilizing, expanding and uniting local business and school resources and expertise. Our program shall be designed to recognize cultural diversity and to address social and community concerns.*

Is your direction to allow pot retail in nearly all parts of Homer a reflection of that?  
Do you see the need for liberal Cannabis legislation to be paramount to building our community and the families here? You've outlined Recreation should have a buffer and in the General Plan there are numerous OPEN SPACE RECREATION areas and you further defined those at the last meeting per the City Code yet no consideration is being given to a buffer zone for those even at the request of those who conduct business there. I'm a little frustrated as I have seen first hand the effects of liberalization and left behind all of that for a place to conduct a family-run business and a community like many here to raise our family.

--  
O'Fish'ial Charters of Alaska

Capt. Chad Matthews

907-299-6991

Homer, Alaska

--  
Loyally,  
Crisi Matthews, Broker  
c: 907-299-8700  
f: 888-552-2805

[www.CMREagent.com](http://www.CMREagent.com)

[www.HomerShores.com](http://www.HomerShores.com)

AK DRE Li #19150  
CA BRE Li #01894501  
4025 Homer Spit Rd#7, Homer, AK 99603  
affiliate: Luminary RE







# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 17-92

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: December 6, 2017  
SUBJECT: RV's as employee dwelling units in MI and MC Districts

#### Introduction

The Commission has provided the Planning Office with the parameters under which this ordinance is acceptable. The City Attorney has reviewed and provided the draft ordinance.

#### Analysis

The ordinance starts with the addition of "Employee-occupied recreational vehicle" in the Definitions used in zoning section of code, 21.03.040. In order to amend this section all current definitions are included since there are no breaks in the alphabetical list of definitions. This is found on lines 289 – 290.

**"Employee-occupied recreational vehicle" means a recreational vehicle provided to an employee by his or her employer for housing.**

No more amendment are found until Section 2, line 902. Here you will find the provision for the RV's in the code that borrows the existing code related to standards of RV parks. Added is HCC 21.54.325, Standards for recreational vehicles in the Marine Commercial District and the Marine Industrial District. You will find standards for the use including:

- Allowance for one (1) per lot
- Must have receptacle for the collection of solid and semi-solid wastes
- Must be parked safely
- Must be operable on the road
- May not occupy an otherwise required parking space
- May be hooked up to water and sewer with approval

Currently, HCC 21.54.32 provides standards for RV's in the residential districts. RV's cannot hook up to city water and sewer - this is a zoning regulation, not a constraint of the water and sewer system. This section of code was modified for use on the Spit.

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

**Staff Recommendation:** Hold a public hearing and make recommendation to City Council or Planning Department.

**Attachments**

Draft Ordinance

Memorandum PL 17-08

August 17, 2017 Memo from Deputy City Planner to Port and Harbor Planning Commission

September 27, 2017 Meeting Minutes of the Port and Harbor Planning Commission

August 16, 2017 Staff Report PL 17-77

August 16, 2017 Meeting Minutes of the HAPC

August 2, 2017 Staff Report PL 17-71

August 2, 2017 Meeting Minutes of the HAPC

July 19, 2017 Staff Report PL 17-65

CITY OF HOMER  
HOMER, ALASKA

City Manager

ORDINANCE 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
AMENDING HOMER CITY CODE 21.03.040 TO DEFINE  
“EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES” AND  
AMENDING HCC CHAPTER 21.54 TO ADD HCC 21.54.325,  
PERMITTING EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES  
IN THE MARINE COMMERCIAL AND MARINE INDUSTRIAL  
ZONING DISTRICTS AND AMENDING HCC 21.54.200 AND  
21.54.210 TO REFLECT THE NEWLY PERMITTED USE IN THESE  
DISTRICTS.

WHEREAS, there are many commercial and industrial entities which have expressed  
interest in locating recreational vehicles on their work premises for the purpose of housing  
employees; and

WHEREAS, it is in the City’s best interest to support employer-provided housing so long  
as that housing does not place the City of Homer, its residents, and/or its citizens at risk; and

WHEREAS, permitting employee-occupied recreational vehicles in the marine industrial  
and commercial zoning districts falls within the purpose of those zoning districts and promotes the  
City’s best interest,

NOW THEREFORE, The City of Homer Ordains:

Section 1. Homer City Code 21.03.040 entitled “Definitions used in zoning code” is amended  
to read as follows:

21.03.040 Definitions used in zoning code.

As used in this title, the words and phrases defined in this section shall have the  
meaning stated, except where (a) the context clearly indicates a different meaning or  
(b) a special definition is given for particular chapters or sections of the zoning code.

“Abut” means to touch by sharing a common boundary at one or more points. Two  
adjacent lots separated by a road right-of-way do not abut.

“Accessory building” means an incidental and subordinate building customarily  
incidental to and located on the same lot occupied by the principal use or building,  
such as a detached garage incidental to a residential building.

41 “Accessory use” means a use or activity that is customary to the principal use on the  
 42 same lot, and which is subordinate and clearly incidental to the principal use.

43 “ADT” or “average daily traffic” means the estimated number of vehicles traveling  
 44 over a given road segment during one 24-hour day. ADT is usually obtained by  
 45 sampling and may be seasonally adjusted.

46 “Adverse impact” means a condition that creates, imposes, aggravates or leads to  
 47 inadequate, impractical, detrimental, unsafe, or unhealthy conditions on a site  
 48 proposed for development or on off-site property or facilities.

49 Aggrieved. See “person aggrieved.”

50 “Agricultural activity” shall mean farming, including plowing, tillage, fertilizing,  
 51 cropping, irrigating, seeding, cultivating or harvesting for the production of food and  
 52 fiber products (excluding commercial logging and timber harvesting operations); the  
 53 grazing or raising of livestock (excluding feedlots); aquaculture; sod production;  
 54 orchards; Christmas tree plantations; nurseries; and the cultivation of products as part  
 55 of a recognized commercial enterprise. “Agricultural activity” excludes private stables  
 56 and public stables.

57 “Agricultural building” means a building used to shelter farm implements, hay, grain,  
 58 poultry, livestock, horticulture, or other farm products, in which there is no human  
 59 habitation and which is not used by the public.

60 “Aisle” means an area within a parking lot that is reserved exclusively for ingress,  
 61 egress and maneuvering of automobiles.

62 “Alley” means a public thoroughfare, less than 30 feet in width, that affords only a  
 63 secondary means of access to abutting property.

64 “Alteration” means any change, addition or modification in construction, occupancy or  
 65 use.

66 “Animal unit equivalent” is a convenient denominator for use in calculating relative  
 67 grazing impact of different kinds and classes of domestic livestock. An animal unit  
 68 (AU) is generally one mature cow of approximately 1,000 pounds and a calf as old as  
 69 six months of age, or their equivalent. Animal unit equivalents vary according to kind  
 70 and size of animals.

71 The following table of AU equivalents applies to the Homer Zoning Code.

**Kinds and  
 classes of  
 animals  
 equivalent**

**Animal-  
 unit**

Kinds and classes of animals equivalent	Animal-unit
---	-------------

Slaughter/feed cattle	1.00
Mature dairy cattle	1.40
Young dairy cattle	0.60
Horse, mature	2.00
Sheep, mature	0.20
Lamb, one year of age	0.15
Goat, mature	0.15
Kid, one year of age	

72 0.10Exotic species (e.g., llamas, alpaca, reindeer, musk ox, bison and elk) and unlisted  
73 species require application to the Planning Commission for determination of AU  
74 equivalents.

75 Apartment House. See “dwelling, multiple-family.”

76 “Area, building” means the total area, taken on a horizontal plane at the main grade  
77 level, of a building, exclusive of steps.

78 “Area, floor” means the total area of all floors of a building as measured to the outside  
79 surfaces of exterior walls, including attached garages, porches, balconies, and other  
80 structures when covered by a roof.

81 “Area, footprint” has the same meaning as “area, building.”

82 “Area, lot” means the total horizontal net area within the boundary lines of a lot,  
83 exclusive of rights-of-way for streets and alleys.

84 “Area ratio, floor” or “floor area ratio” means the ratio of floor area of all buildings on  
85 a lot to the area of the lot.

86 “Arterial” means a street whose principal function is the transmission of vehicular  
87 through-traffic, that performs a major role in serving the transportation needs of the  
88 community, and that is identified as a “major arterial” or “community arterial” in the  
89 Homer Roads and Streets Master Plan.

90 “Assisted living home” has the meaning given in AS 47.32.900.

“Auto and trailer sales or rental area” means an automobile related use that may consist of any combination of the following:

1. An open, outdoor display area for automobiles, light trucks or trailers for rent, lease or sale;

2. Buildings for the indoor display and sale or leasing of automobiles, light trucks or trailers, and sale of parts and accessories customarily incidental to the sale of such vehicles; and

3. Buildings at the location of a motor vehicle dealership used for auto repairs customarily incidental to the operation of a dealership.

“Auto fueling station” means any premises used to sell motor fuels and lubrication to motor vehicles. An auto fueling station may include the sale of minor accessories. Auto fueling station does not include auto repair.

“Auto repair” means service and repair of motor vehicles, trailers and similar mechanical equipment, including painting, upholstering, rebuilding, reconditioning, body and fender work, frame straightening, undercoating, engine or transmission rebuilding or replacement, tire retreading or recapping, and the like. It also includes minor service work to automobiles or light trucks including tune up, lubrication, alignment, fuel system, brakes, mufflers, and replacement of small items.

“Basement” means any floor level partly or wholly underground, except when such floor level meets the definition of “story.”

“BCWP district” means the “Bridge Creek Watershed Protection District” described in Chapter 21.40 HCC.

“Bed and breakfast” means a dwelling in which an individual or family resides and rents bedrooms in the dwelling to overnight guests, if the bed and breakfast use is accessory to the principal use of the dwelling as the primary residence of the operator. If the dwelling has six or more bedrooms available for rental to overnight guests it is a hotel and not a bed and breakfast.

“Bluff” means an abrupt elevation change in topography of at least 15 feet, with an average slope of not less than 200 percent (two feet difference in elevation per one foot of horizontal distance).

“Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage of boats.

“Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at Bridge Creek.

125 “Buffer” means an open space, landscaped area, fence, wall, berm, or any combination  
 126 thereof used to physically separate or screen one use or property from another so as to  
 127 shield or block visibility, noise, lights, or other undesirable effects.

128 “Buffer, runoff” means an area of natural or planted vegetation through which  
 129 stormwater runoff flows in a diffuse manner so that the runoff does not become  
 130 channelized and that provides for infiltration of the runoff and filtering of silt and  
 131 pollutants. The buffer is measured landward from the normal full water elevation of  
 132 impounded structures and from the top of the bank of each side of a stream, river,  
 133 ditch, or other channel.

134 “Buffer, stream” means a runoff buffer of a designated distance on each side of a  
 135 channel measured perpendicularly from the top of the bank of each side of a stream,  
 136 river, ditch, or other channel.

137 “Building” means any structure used or intended for supporting or sheltering any use  
 138 or occupancy.

139 “Building construction” means the placing of construction materials in a permanent  
 140 position and fastened in a permanent manner in the course of constructing or erecting a  
 141 building.

142 “Building height” is the vertical distance from grade to the maximum point of  
 143 measurement of the building, measured according to HCC 21.05.030.

144 “Building, main” means the building of chief importance or function on the lot.

145 “Business, open air” or “open air business” means the retail sale or display of  
 146 merchandise or services, including but not limited to farmers’ markets and flea  
 147 markets, conducted outdoors or under a canopy for protection from the elements and  
 148 held on a regular or periodic basis. Open air business does not include (1) outdoor  
 149 display or sales of goods or services by a retail or wholesale business that is  
 150 principally located in a building, or (2) sales, services or rentals of any kind of boat or  
 151 motorized vehicle.

152 “Business, retail” means a place of business principally engaged in selling goods,  
 153 substances or commodities in small quantities to the ultimate consumer, and may  
 154 include rendering services incidental to the sale of such goods, substances or  
 155 commodities. The term “retail business” does not include, as either a principal or  
 156 accessory use, automobile oriented uses, the sale, rental, storage, service, or repair of  
 157 any motor vehicles, or any use separately defined or listed in any zoning district.

158 “Business, wholesale” or “wholesale” means a place of business principally engaged  
 159 in selling or distributing goods, substances or commodities in quantity to retailers or to  
 160 industrial, commercial or institutional users mainly for resale or business use.

161 “Campground” means a parcel of land where two or more campsites are located that  
 162 provides facilities for temporary recreational living in any manner other than a  
 163 permanent building.

164 “Cemetery” means land used or intended to be used for burial of the dead and  
 165 dedicated for cemetery purposes, including columbaria and mausoleums when  
 166 operated in conjunction with and within the boundary of such cemetery.

167 “Channel protection storage volume” or “Cpv” means the volume used to design  
 168 structural management practices to control stream channel erosion.

169 Church. See “religious, cultural, and fraternal assembly.”

170 “City Engineer” means an engineer within the Homer Department of Public Works  
 171 designated by the Director of Public Works.

172 “Clearing” means the removal of trees and brush from the land, but shall not include  
 173 the ordinary pruning of trees or shrubs or mowing of grass.

174 “Clinic” means a professional office with facilities for providing outpatient medical,  
 175 dental or psychiatric services, which may include as incidental to the principal use a  
 176 dispensary to handle medication and other merchandise prescribed by occupants in the  
 177 course of their professional practices.

178 “Coalescing plate separators” or “CPS” are oil/water separators that employ a series of  
 179 oil-attracting plates. Oil droplets collect and float to the surface, where they can be  
 180 skimmed off or removed mechanically and separators may be installed above or below  
 181 ground.

182 “Coastal bluff” means a bluff whose toe is within 300 feet of the mean high water line  
 183 of Kachemak Bay.

184 “Cold storage” means a building equipped with refrigeration or freezing facilities that  
 185 provides cold or frozen storage or freezing services.

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

189 “Commercial vehicle” means any motor vehicle defined in AS 28.90.990 as a  
 190 commercial motor vehicle or any motor vehicle with signs or logos exceeding nine  
 191 square feet in combined area.

192 “Commission” means the Homer Advisory Planning Commission.



193 “Community Design Manual” means the Community Design Manual for the City of  
 194 Homer, adopted by City Council Resolution 04-34, as may be amended from time to  
 195 time.

196 Comprehensive Plan. See HCC 21.02.010.

197 “Construction camp” means one or more buildings, trailers, mobile homes or similar  
 198 structures used to house workers or employees for logging, mining, off-shore and on-  
 199 shore construction, development and other projects, installed primarily for the duration  
 200 of the project or operation and not open for use by the general public as  
 201 accommodations or for permanent mobile home living.

202 “Date of distribution” means the date on which a City official mails a written decision  
 203 or order issued under the zoning code or, if the document is personally delivered, the  
 204 date of such personal delivery.

205 “Day care facility” means any establishment for the care of children, whether or not  
 206 for compensation, excluding day care homes and schools. Such day care facility must  
 207 also be duly licensed by the State, if so required by State law or regulation.

208 “Day care home” means the principal dwelling unit of one or more persons who  
 209 regularly provide(s) care, in the dwelling unit, whether or not for compensation, during  
 210 any part of the 24-hour day, to eight or less children at any one time, not including  
 211 adult members of the family residing in the dwelling. The term “day care home” is not  
 212 intended to include baby-sitting services of a casual, nonrecurring nature, child care  
 213 provided in the child’s own home, or cooperative, reciprocating child care by a group  
 214 of parents in their respective dwellings.

215 “Department” or “Planning Department” means the department or division of the City  
 216 of Homer under the direction of the City Planner, whose functions and powers include  
 217 the administration and enforcement of the zoning code as described in Chapter 21.90  
 218 HCC.

219 “Design year” means the year that is 10 years after the opening date of development.

220 “Detention, extended” means a stormwater design feature that provides gradual release  
 221 of a volume of water in order to increase settling of pollutants and protect downstream  
 222 channels from frequent storm events.

223 “Detention structure” means a permanent structure for the temporary storage of water  
 224 runoff that is designed so as not to create a permanent pool of water.

225 “Develop” or “development activity” means to construct or alter a structure or to make  
 226 a physical change to the land, including but not limited to excavations, grading, fills,  
 227 road construction, and installation of utilities.

228 “Development” means all manmade changes or improvements on a site, including  
 229 buildings, other structures, parking and loading areas, landscaping, paved or graveled  
 230 areas, and areas devoted to exterior display, storage, or activities. Development  
 231 includes improved open areas such as public spaces, plazas and walkways, but does  
 232 not include natural geologic forms or unimproved land. See also “project.”

233 “Development activity plan” or “DAP” means a plan, prepared according to standards  
 234 set forth in this title, that provides for the control of stormwater discharges, the control  
 235 of total suspended solids, and the control of other pollutants carried in runoff during  
 236 construction and the use of the development.

237 “Development, new” means development on a site that was previously unimproved or  
 238 that has had previously existing buildings demolished.

239 “Direct discharge” means the concentrated release of stormwater to tidal waters or  
 240 vegetated tidal wetlands from new development or redevelopment projects in critical  
 241 habitat areas.

242 “Dividers” means areas of landscaping that separate from each other structures or  
 243 improvements, including parking lots or buildings.

244 “Dog lot” means any outdoor area where more than six dogs over the age of five  
 245 months are kept.

246 “Dormitory” means a building or portion of a building that provides one or more  
 247 rooms used for residential living purposes by a number of individuals that are rented  
 248 or hired out for more than nominal consideration on a greater than weekly or pre-  
 249 arranged basis. A building or structure that provides such rooms on less than a weekly  
 250 basis shall be classified as a “hotel” or “motel,” “rooming house,” or other more  
 251 suitable classification. “Dormitory” excludes hotel, motel, shelter for the homeless and  
 252 bed and breakfast.

253 “Drainage area” means that area contributing water runoff to a single point measured  
 254 in a horizontal plane, which is enclosed by a ridge line.

255 “Dredging/filling” means an activity that involves excavating along the bottom of a  
 256 water body for the purpose of channeling, creating a harbor, mineral extraction, etc.,  
 257 and the subsequent deposition of the dredge material to build up or expand an existing  
 258 land mass or to create a new one.

259 “Drip line” means the outermost edge of foliage on trees, shrubs, or hedges projected  
 260 to the ground.

261 “Drive-in car wash” means automated or manual car wash facilities and equipment  
 262 used for retail car wash services enclosed within a building, which may include

263 accessory vacuum cleaning and other equipment for car interior detailing outside of a  
264 building.

265 “Driveway” means the aisle area within a parking lot which abuts designated parking  
266 spaces and which is reserved exclusively for ingress, egress and maneuvering of  
267 automobiles in and out of those spaces.

268 “Dwelling” or “dwelling unit” means any building or portion thereof designed or  
269 arranged for residential occupancy by not more than one family and includes facilities  
270 for sleeping, cooking and sanitation.

271 “Dwelling, duplex” means a building designed or arranged for residential occupancy  
272 by two families living independently, the structure having only two dwelling units.

273 “Dwelling, factory built” means a structure containing one or more dwelling units that  
274 is built off-site, other than a manufactured home, and: (1) is designed only for erection  
275 or installation on a site-built permanent foundation; (2) is not designed to be moved  
276 once so erected or installed; and (3) is designed and manufactured to comply with a  
277 nationally recognized model building code or an equivalent local code, or with a State  
278 or local modular building code recognized as generally equivalent to building codes  
279 for site-built housing.

280 “Dwelling, multiple-family” means a building or a portion thereof designed for  
281 residential occupancy by three or more families living independently in separate  
282 dwelling units.

283 “Dwelling, single-family” means a detached dwelling unit designed for residential  
284 occupancy by one family.

285 “Easement” means a grant or reservation by the owner of an interest in land for the use  
286 of such land for a specific purpose or purposes, and which must be conveyed or  
287 reserved by an instrument affecting the land.

288 Educational Institution. See “school.”

289 **“Employee-occupied recreational vehicle” means a recreational vehicle provided**  
290 **to an employee by his or her employer for housing.**

291 “Entertainment establishment” means a public or private institution or place of  
292 business providing live or pre-recorded shows or performances for entertainment.

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

295 “Extractive enterprises” means uses and activities that involve the removal of ores,  
 296 liquids, gases, minerals, or other materials or substances from the earth’s surface or  
 297 subsurface.

298 “Extreme flood volume” or “Qf” means the storage volume required to control those  
 299 infrequent but large storm events in which overbank flows reach or exceed the  
 300 boundaries of the 100-year floodplain.

301 “Family” means an individual or two or more persons related by blood, marriage or  
 302 adoption, or a group not to exceed six unrelated persons living together as a single  
 303 housekeeping unit in a dwelling unit.

304 “Farmers’ market” means a location where the primary activity is the sale of goods:

305 1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables,  
 306 other plant products, or other processed agricultural products;

307 2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry,  
 308 viticulture, vermiculture, aquaculture, eggs, honey and bee products;

309 3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the  
 310 case of prepared foods; or

311 4. Created, sewn, constructed, or otherwise fashioned from component materials by  
 312 the seller.

313 Fence Height. See HCC 21.05.030(d).

314 “Financial institution” means banks, credit unions, saving and loan companies,  
 315 stockbrokers, and similar businesses.

316 “Flow attenuation” means prolonging the flow time of runoff to reduce the peak  
 317 discharge.

318 “Garage, parking” means any building (including an underground structure), except  
 319 one described as a private garage, used principally for the parking or storage of motor  
 320 vehicles.

321 “Garage, private” means a building, or a portion of a building, in which motor vehicles  
 322 used only by the occupants of the building(s) located on the premises are stored or  
 323 kept.

324 Garage, Public. See “auto repair.”

325 “Gardening, personal use” means gardening for personal purposes as an accessory use  
 326 to the primary residential use of a lot.

327 “Glare” means direct light emitted by a luminaire that causes reduced visibility of  
 328 objects or momentary blindness.

329 “Grade” in reference to adjacent ground elevation means the lowest point of elevation  
 330 of the existing surface of the ground within the area between the structure and a line  
 331 five feet from the structure.

332 “Grading” means any act by which soil is cleared, stripped, stockpiled, excavated,  
 333 scarified, or filled, or any combination thereof.

334 “Group care home” means a residential facility that provides training, care,  
 335 supervision, treatment or rehabilitation to the aged, disabled, infirm, those convicted of  
 336 crimes or those suffering the effects of drugs or alcohol. The term “group care home”  
 337 does not include day care homes, day care facilities, foster homes, schools, hospitals,  
 338 assisted living homes, nursing facilities, jails or prisons.

339 “Guest room” means a single unit for the accommodation of guests without kitchen or  
 340 cooking facilities in a bed and breakfast, rooming house, hotel or motel.

341 “Guesthouse” means an accessory building without kitchen or cooking facilities and  
 342 occupied solely by nonpaying guests or by persons employed on the premises.

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

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

348 Highway. See “street” and “State highway.”

349 “Home occupation” means any use customarily conducted entirely within a dwelling  
 350 or a building accessory to a dwelling, and carried on by the dwelling occupants, that is  
 351 clearly incidental and secondary to the use of the dwelling for dwelling purposes and  
 352 does not change the character thereof, and includes no display of stock in trade, no  
 353 outside storage of materials or equipment and no commodity sold upon the premises.  
 354 “Home occupation” does not include bed and breakfast.

355 “Hospital” has the meaning given in AS 47.32.900.

356 “Hostel” means any building or portion of a building containing dormitory-style  
 357 sleeping accommodations for not more than 15 guests that are used, rented or hired out  
 358 on a daily or longer basis.

359 “Hotel” or “motel” means any building or group of buildings containing six or more  
 360 guest rooms that are used, rented or hired out to be occupied for sleeping purposes by

361 guests. “Hotel” or “motel” also means any building or group of buildings containing  
 362 five or less guest rooms that are used, rented or hired out to be occupied for sleeping  
 363 purposes by more than 15 guests. The terms “hotel” and “motel” exclude bed and  
 364 breakfast, rooming house, dormitory, shelter for the homeless, and hostel.

365 “Impervious coverage” means an area of ground that, by reason of its physical  
 366 characteristics or the characteristics of materials covering it, does not absorb rain or  
 367 surface water. All parking areas, driveways, roads, sidewalks and walkways, whether  
 368 paved or not, and any areas covered by buildings or structures, concrete, asphalt, brick,  
 369 stone, wood, ceramic tile or metal shall be considered to be or have impervious  
 370 coverage.

371 “Impound yard” means a lot, establishment, area, facility or place of business used for  
 372 the temporary custody of abandoned or junk vehicles, as defined in HCC 18.20.010, or  
 373 other abandoned or illegally stored personal property pending determination of  
 374 possessory or proprietary rights therein. If impounded property is held in custody  
 375 longer than six months, it shall be classified as a junk yard and not an impound yard.

376 “Independent business” means a business establishment that operates independently of  
 377 other business establishments. If retail and wholesale business establishments have  
 378 common management or common controlling ownership interests, they are not  
 379 operated independently of one another.

380 “Infiltration” means the passage or movement of water into the soil surface.

381 “Islands,” when used to describe landscaped areas within parking lots, means compact  
 382 areas of landscaping within parking lots designed to support mature trees and plants.

383 “Itinerant merchant” means a “transient or itinerant merchant” as defined in HCC  
 384 8.08.010.

385 “Joint use parking area” means a parking lot that contains required off-street parking  
 386 spaces for more than one lot.

387 “Junk” means any worn out, wrecked, scrapped, partially or fully dismantled,  
 388 discarded, or damaged goods or tangible materials. Junk includes, without limitation,  
 389 motor vehicles that are inoperable or not currently registered for operation under the  
 390 laws of the State and machinery, equipment, boats, airplanes, metal, rags, rubber,  
 391 paper, plastics, chemicals, and building materials that cannot, without further  
 392 alteration or reconditioning, be used for their original purpose.

393 “Junkyard” means any lot, or portion of a lot, that is used for the purpose of outdoor  
 394 collection, storage, handling, sorting, processing, dismantling, wrecking, keeping,  
 395 salvage or sale of junk.

396 “Kennel” means any land and any buildings thereon where three or more dogs, cats, or  
397 other animals at least four months of age are kept for boarding, propagation or sale. If  
398 a use meets the definitions of both dog lot and kennel, it shall be classified as a dog  
399 lot.

400 “Kitchen” means any room or part of a room intended or designed to be used for  
401 cooking or the preparation of food. The presence of a range or oven, or utility  
402 connections suitable for servicing a range or oven, shall be considered as establishing  
403 a kitchen.

404 “Landscaping” means lawns, trees, plants and other natural materials, such as rock and  
405 wood chips, and decorative features, including sculpture.

406 “Level of service” or “LOS” means a qualitative measure describing operational  
407 conditions within a traffic stream, based on service measures such as speed and travel  
408 time, freedom to maneuver, traffic interruptions, comfort, and convenience. Six levels  
409 of service, from A to F, are used to represent a range of operating conditions with LOS  
410 A representing the best operating conditions and LOS F the worst.

411 1. “LOS A” means the LOS at which vehicles are almost completely unimpeded in  
412 their ability to maneuver within the traffic stream, passing demand is well below  
413 passing capacity, drivers are delayed no more than 30 percent of the time by slow  
414 moving vehicles.

415 2. “LOS B” means the LOS at which the ability to maneuver a vehicle is only slightly  
416 restricted; passing demand approximately equals passing capacity, and drivers are  
417 delayed up to 45 percent of the time; the level of physical and psychological comfort  
418 provided to drivers is still high.

419 3. “LOS C” means the LOS at which the ability to maneuver a vehicle is noticeably  
420 restricted and lane changes require more care and vigilance on the part of the driver;  
421 percent time delays are up to 60 percent; traffic will begin to back up behind slow  
422 moving vehicles.

423 4. “LOS D” means the LOS at which speeds begin to decline with increasing traffic  
424 flow, density begins to increase somewhat more quickly, passing demand is very high  
425 while passing capacity approaches zero, and the driver experiences reduced physical  
426 and psychological comfort levels; the percentage of time motorists are delayed  
427 approaches 75 percent, even minor incidents can be expected to back up traffic  
428 because the traffic stream has little space to absorb disruptions.

429 5. “LOS E” means the LOS at which roadway is at capacity; the percentage of time  
430 delay is greater than 75 percent, passing is virtually impossible, as there are virtually  
431 no usable gaps in the traffic stream; vehicles are closely spaced, leaving little room to  
432 maneuver, physical and psychological comfort afforded to the driver is poor.

433 6. “LOS F” means the LOS at which traffic is heavily congested with traffic demand  
434 exceeding traffic capacity, there is a breakdown in vehicular flow, and vehicle delay is  
435 high.

436 “Light trespass” means light emitted by a luminaire that shines beyond the boundaries  
437 of the property on which the luminaire is located.

438 “Living ground cover” means low growing, spreading, perennial plants that provide  
439 continuous coverage of the area.

440 “Living plant life other than ground cover” means plants, including, but not limited to,  
441 trees, flower beds, rock gardens, shrubs and hedges.

442 “Loading space” means an off-street space on the same lot with a building or  
443 contiguous to a group of buildings, designated or intended for the use of temporarily  
444 parked commercial vehicles while loading and unloading, and that abuts upon a street,  
445 alley or other appropriate means of access.

446 “Lodging” means any building or portion of a building that does not contain a  
447 dwelling unit and that contains no more than five guest rooms that are used, rented or  
448 hired out to be occupied for sleeping purposes by guests.

449 LOS. See “level of service.”

450 “Lot” means a single parcel of land of any size, the boundaries of which have been  
451 established by some legal instrument of record, that is recognized and described as a  
452 unit for the purpose of transfer of ownership. It may shown on a subdivision plat map,  
453 or record of survey map, or described by metes and bounds and recorded in the office  
454 of the District Recorder. “Lot” includes tracts and parcels of land of any size or shape.

455 “Lot, corner” means a lot situated at the intersection of two or more streets having an  
456 angle of intersection of not more than 135 degrees.

457 “Lot depth” means the horizontal distance between the front and rear lot lines  
458 measured on the longitudinal centerline.

459 “Lot, interior” means a lot other than a corner lot.

460 “Lot line, front” means the shortest lot line that is a street line. In the case of (1) a  
461 square, or nearly square-shaped, corner lot, or (2) a through lot, the owner may choose  
462 which street to designate as the front of the lot by giving written notice to the  
463 Department. Once the choice of frontage has been made, it cannot be changed unless  
464 all requirements for yard space with the new front lot line are satisfied.



465 “Lot line, rear” means a lot line that is opposite and most distant from the front lot line  
466 and, in case of an irregular or triangular lot, a line 10 feet in length within the lot,  
467 parallel to and at the maximum distance from the front lot line.

468 “Lot line, side” means any lot boundary line that is not a front lot line or rear lot line.

469 “Lot, through” means a lot having a frontage on two parallel or approximately parallel  
470 streets.

471 “Lot width” means the width of a lot calculated according to HCC 21.05.050.

472 “Luminaire” means a complete lighting unit, including a lamp or lamps together with  
473 parts to distribute light.

474 “Luminaire, cut-off” means a luminaire that allows no direct light from the luminaire  
475 above the horizontal plane through the luminaire’s lowest light emitting part, in its  
476 mounted form either through manufacturing design or shielding.

477 “Luminaire, height of” means the vertical distance from the ground directly below the  
478 centerline of the luminaire to the lowest direct light emitting part of the luminaire.

479 “Ministorage” means one or more buildings containing units available for rent for the  
480 purpose of the general storage of household goods and personal property in which  
481 each unit (1) is separated from all other such units, (2) is fully enclosed, and (3) does  
482 not have an area greater than 600 square feet.

483 “Mitigation plan” means a plan designed to mitigate the effect of impervious cover on  
484 water flow and loss of ground cover, and may include systems of water impoundment,  
485 settling ponds, grease and sand traps, and leach fields among others.

486 “Mobile commercial structure” means a structure constructed as a movable or portable  
487 unit, capable of being transported on its own chassis or wheels, that is designed for  
488 nonpermanent uses and placed on a nonpermanent foundation and is used in any  
489 activity that promotes, supports or involves a land use permitted outright in the zoning  
490 district in which the mobile commercial unit is to be placed.

491 “Mobile food service” has the meaning defined in HCC 8.11.020 and, for purposes of  
492 the zoning code, is treated as a temporary business.

493 “Mobile home” or “manufactured home” means a structure, transportable in one or  
494 more sections: (1) that in the traveling mode is eight feet or more in width or 40 feet or  
495 more in length, or when erected on site is 320 square feet or more; and (2) that is built  
496 on a permanent chassis and is designed for use as a dwelling with or without a  
497 permanent foundation when the plumbing, heating, and electrical systems contained  
498 therein are connected to the required utilities. A mobile home shall be construed to  
499 remain a mobile home whether or not wheels, axles, hitch or other appurtenances of

500 mobility are removed, and regardless of the nature of the foundation provided. A  
 501 mobile home shall not be construed to be a recreational vehicle or a factory built  
 502 dwelling.

503 “Mobile home park” means one or more lots developed and operated as a unit with  
 504 individual sites and facilities to accommodate two or more mobile homes.

505 “Native vegetation” means native plant communities that are undisturbed or  
 506 mimicked.

507 “Natural or manmade features” means features in landscaping other than plants,  
 508 including, but not limited to, boulders, or planters.

509 Nonconforming Lot. See HCC 21.61.010.

510 Nonconforming Structure. See HCC 21.61.010.

511 Nonconforming Use. See HCC 21.61.010.

512 “Nursing facility” means a facility that is primarily engaged in providing skilled  
 513 nursing care or rehabilitative services and related services for those who, because of  
 514 their mental or physical condition, require care and services above the level of room  
 515 and board. “Nursing facility” does not include a facility that is primarily for the care  
 516 and treatment of mental diseases or an assisted living home.

517 “Occupancy” means the purpose for which a building is used or intended to be used.  
 518 The term may also include the building or room housing such use. Change of  
 519 occupancy does not result from a mere change of tenants or proprietors.

520 “Office” means a physical location designed for, or used as, the office of professional,  
 521 business, administrative, institutional, charitable, personal service or public  
 522 organizations or persons, but does not include direct retail or wholesale sale of goods  
 523 except for those sales that are clearly incidental to the principal office use.

524 “Office, general business” means an office maintained and operated for the conduct of  
 525 management level administrative services or in which individuals or entities are  
 526 provided services in office settings in the nature of government, business, real estate,  
 527 insurance, property management, title companies, investment and financial, personnel,  
 528 travel, and similar services, including business offices of public utilities or other  
 529 activities when the service rendered is a service customarily associated with office  
 530 services. Offices that are part of and are located with a business or industrial firm in  
 531 another category are considered accessory to that firm’s primary activity. Professional  
 532 office is excluded.

533 “Office, professional” means an office maintained and operated for the conduct of a  
 534 professional business or occupation requiring the practice of a learned art or science

535 through specialized knowledge based on a degree issued by an institute of higher  
536 learning, including but not limited to medicine, dentistry, law, architecture,  
537 engineering, accounting, and veterinary medicine. General business office and clinic  
538 are excluded.

539 “Off-road vehicle” means any motorized vehicle designed for or capable of cross-  
540 country travel on or immediately over land, water, sand, snow, ice, wetland, or other  
541 natural terrain, except that such terms exclude (1) registered motorboats, (2) military,  
542 fire, emergency, and law enforcement vehicles when used for such military,  
543 emergency, and law enforcement purposes, and (3) any vehicle whose use is expressly  
544 approved by the City of Homer.

545 “Oil water separators” means passive, physical separation systems, designed for  
546 removal of oils, fuels, hydraulic fluids, and similar products from water. They are  
547 generally large-capacity, underground cement vaults installed between a drain and the  
548 connecting storm drain pipe. These vaults are designed with baffles to trap sediments  
549 and retain floating oils. The large capacity of the vault slows down the wastewater,  
550 allowing oil to float to the surface and solid material to settle out.

551 “Open space” means an area reserved or developed for recreational uses or preserved  
552 for its natural amenities. Open space may include squares, parks, bicycle and  
553 pedestrian paths, refuges, campgrounds, picnic areas, playgrounds, and gardens.  
554 “Open space” does not include outdoor recreation facilities.

555 “Overbank flood protection volume” or “Qp” means the volume controlled by  
556 structural practices to prevent an increase in the frequency of out of bank flooding  
557 generated by development.

558 “Overlay district” means a defined area with supplementary regulations that is  
559 superimposed upon all or part of one or more underlying zoning districts. The  
560 boundaries of an overlay district are usually shown on the official map, but may be  
561 established by description.

562 “Overslope development” means an overslope platform and the structures located on  
563 the overslope platform.

564 “Overslope platform” means an elevated horizontal structure designed to support  
565 buildings that are located above the slope between an upland lot and the water of the  
566 Homer small boat harbor.

567 “Parking lot” means an off-street, ground level open area, usually improved,  
568 containing parking spaces for motor vehicles.

569 “Parking lot, double-loaded” means all or any portion of a parking lot in which there  
570 are parking spaces on both sides of the driving aisle.

571 “Parking lot, single-loaded” means all or any portion of a parking lot in which there  
572 are parking spaces on only one side of the driving aisle.

573 “Parking space” is a space in a parking lot that is reserved for the parking of a vehicle.

574 “Parking stall” is synonymous with “parking space.”

575 “Peak hour” in reference to traffic means a one-hour period representing the highest  
576 hourly volume of traffic flow on the adjacent street system during the morning (a.m.  
577 peak hour), during the afternoon or evening (p.m. peak hour) or representing the hour  
578 of highest volume of traffic entering or exiting a site (peak hour of generator).

579 “Pedestrian way” means a maintained walkway or path, no less than four feet wide,  
580 that connects two or more focal points of pedestrian activity, including other  
581 pedestrian ways, trails, transit stops, street or parking area crossings, or building entry  
582 points. Sidewalks may be pedestrian ways.

583 “Performance standards” means minimum requirements or maximum allowable limits  
584 on the effects or characteristics of a use.

585 “Permeable, continuous nonliving ground cover” means landscaping surfaces made up  
586 of materials such as, but not limited to, crushed rock, bark and mulch.

587 “Permit” means any permit, approval or other authorization issued by the City under  
588 the authority of the Homer Zoning Code or regulations.

589 “Person aggrieved” means a person who shows proof of the adverse effect an action or  
590 determination taken or made under the Homer Zoning Code has or could have on the  
591 use, enjoyment, or value of real property owned by that person. An interest that is no  
592 different from that of the general public is not sufficient to establish aggrievement.

593 “Personal service” means a business primarily engaged in providing services involving  
594 the care of an individual or his or her personal goods or apparel.

595 “Pipeline” means a line six inches or larger, which may include accessory pumps,  
596 valves and control devices, for conveying liquids, gases or finely divided solids that  
597 are constructed within rights-of-way or easements or from one parcel to another.  
598 However, for the purpose of securing a conditional use permit the following are  
599 excluded: the mains, hydrants, pumps, services, and pressure stations of the City of  
600 Homer water utility; the mains, services, manholes and lift stations of the City of  
601 Homer sewer utility and the local service mains, valves and services of a gas utility  
602 legally authorized to provide such service within the City.

603 “Planned unit development” or “PUD” means a residential, commercial, office,  
604 industrial, or other type of development, or a combination thereof, approved under the  
605 conditional use procedures and applicable provisions of this title and characterized by

606 comprehensive planning for the entire project, the clustering of buildings to preserve  
 607 open space and natural features, and provision for the maintenance and use of open  
 608 space and other facilities held in common by the property owners within the project.

609 “Planning Commission” means the Homer Advisory Planning Commission.

610 “Pollutant” in reference to waters means any substance that causes contamination or  
 611 other alteration of the physical, chemical, or biological properties of waters including  
 612 change in temperature, taste, color, turbidity, or odor of the waters, or such discharge  
 613 of any liquid, gaseous, solid, radioactive or other substance into the waters that will or  
 614 is likely to create a nuisance or render such waters harmful. These substances include,  
 615 but are not limited to, any dredge, spoil, solid waste, incinerator residue, oil, grease,  
 616 garbage, sewage, sludge, medical waste, chemical waste, biological materials, heat,  
 617 petrochemical, and sediment.

618 “Pollution, nonpoint source” means pollution from any source other than from any  
 619 discernible, confined, and discrete conveyances and shall include, but not be limited  
 620 to, parking lots and roof tops and include substances such as pathogens,  
 621 petrochemicals, sediments, debris, toxic contaminants, or nutrients.

622 “Pollution, point source” means pollution from any discernible, confined, and discrete  
 623 conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit,  
 624 well, discrete fissure, container, landfill leachate collection system, vessel or other  
 625 floating craft from which pollutants are or may be discharged.

626 Principal Use. See “use, principal.”

627 “Project” means an existing or proposed development.

628 “Public spaces” means space containing amenities for public use or enjoyment, for  
 629 example, benches, bike racks, water features, public art, and kiosks that enhance the  
 630 community.

631 “Public utility facility or structure,” for the purpose of requiring a conditional use  
 632 permit, means (1) any facility or structure owned and operated by a public or private  
 633 utility, or (2) a telecommunications tower or antenna, but it excludes water distribution  
 634 mains, pressure stations and hydrants, sewage collection lines, manholes and lift  
 635 stations, underground and overhead electrical, cable and telephone lines and poles,  
 636 street lights and small wind energy systems.

637 “Ravine” means a long, deep hollow in the earth’s surface with walls that have a  
 638 height of at least 15 feet and an average slope of not less than 500 percent (five feet  
 639 difference in elevation per one foot of horizontal distance).

640 “Recharge volume” or “Rev” means that portion of the water quality volume used to  
 641 maintain groundwater recharge rates at development sites.

642 “Recreational facility, indoor” means a building used for indoor sports, recreation,  
 643 physical activities or games such as bowling alleys, racquetball courts, skating rinks,  
 644 and other physical recreation activities.

645 “Recreational facility, outdoor” means a lot used for outdoor sports activities or games  
 646 such as skating rinks, batting cages, sports fields, golf courses, miniature golf, driving  
 647 ranges, equestrian arenas, open air performing arts centers and similar activities. It  
 648 does not include sport fishing in the waters of any watercourse, water body, or  
 649 Kachemak Bay.

650 “Recreational vehicle” is a vehicular unit, other than a manufactured home, that is  
 651 designed and manufactured as temporary lodging for travel, recreational and vacation  
 652 use, and which is either self-propelled, mounted on or pulled by another vehicle.  
 653 Examples include, but are not limited to, a travel trailer, camping trailer, truck camper,  
 654 motor home, and fifth-wheel trailer.

655 “Recreational vehicle park” means a parcel of land that has been planned and  
 656 improved for use by two or more recreational vehicles for transient occupancy.

657 “Religious, cultural and fraternal assembly” means a use or building owned or  
 658 maintained by an organized religious organization or nonprofit entity for assemblies  
 659 for social, cultural, civic, or philanthropic purposes, or where persons regularly  
 660 assemble for worship.

661 “Reservoir” means a pond, lake, or basin, either natural or artificial, for the storage,  
 662 regulation, and control of water.

663 “Residential districts” or “residential zoning districts” means the rural residential,  
 664 urban residential, and residential office zoning districts.

665 “Retention structure” means a permanent structure that provides for the storage of  
 666 water runoff.

667 “Right-of-way” means the entire width of property dedicated for a public street or  
 668 private easement providing ingress and egress from property abutting thereon.

669 Road. See “street.”

670 “Roadside stand” means a temporary structure on land adjacent to a street, usually for  
 671 the attraction of motorists for profit-making purposes. Common roadside stands sell  
 672 local food, produce, firewood, handcrafted items or imported goods.

673 “Rooming house” means a dwelling containing not more than five guest rooms that are  
 674 used, rented or hired out to be occupied for sleeping purposes by guests. A rooming  
 675 house shall not accommodate in excess of 15 guests. A rooming house shall also  
 676 include any structures associated with the dwelling, such as guest cabins; provided,

677 that a conditional use permit was obtained for any associated structures, if a permit is  
678 required in order to have more than one building containing a permitted principal use  
679 on the lot. “Rooming house” does not include bed and breakfast.

680 “School” means an institution or place for instruction or education, including all  
681 structures and land necessary to the accomplishment of educational purposes.

682 “School, commercial” means a school for the teaching of clerical, managerial,  
683 administrative, service or artistic skills. This applies to schools operated privately for  
684 profit that do not offer a complete educational curriculum, e.g., beauty school,  
685 modeling school and secretarial school. Commercial school does not include trade,  
686 skilled or industrial school.

687 “School, private” means a school that provides a complete educational curriculum and  
688 is owned and operated by private educational, religious, charitable, or other institution.  
689 It may provide elementary, secondary or post-secondary levels of education.

690 “School, public” means a school owned and operated or chartered by the Kenai  
691 Peninsula Borough or the State or University of Alaska for the purpose of public  
692 education.

693 “School, trade, skilled or industrial” means a school for the teaching of industrial,  
694 construction, technical and skilled trades skills, including schools operated by or for  
695 labor unions. Examples include welding, carpentry, electrician, and similar training  
696 schools.

697 “Sediment” means soils or other surficial materials transported or deposited by the  
698 action of wind, water, ice, or gravity as a product of erosion.

699 “Senior housing” means attached or detached independent living developments,  
700 including retirement communities, age-restricted housing and active adult  
701 communities.

702 Service Station. See “auto fueling station” and “auto repair.”

703 “Setback” means the required minimum distance between the lot line and a building,  
704 measured according to Chapter 21.05 HCC. The setback area establishes a required  
705 yard in which structures are prohibited or limited as provided in the zoning code.

706 “Sewer, community” means that portion of a nonpublic sewerage serving:

707 1. One or more multifamily dwellings;

708 2. A mobile home park, a trailer park, or a recreational vehicle park;

709 3. Two or more:

710 a. Single-family homes or duplexes;  
711 b. Commercial establishments;  
712 c. Industrial establishments; or  
713 d. Institutions; or  
714 4. Any combination of two or more of the structures listed in subsections (3)(a)  
715 through (d) of this definition.

716 “Sewer, public” means a sewer system operated for the benefit of the public by the  
717 City of Homer or a public utility under a certificate of convenience and necessity  
718 issued by the Regulatory Commission of Alaska or by its predecessor or successor  
719 agency.

720 “Shelter for the homeless” means a building used primarily to provide on-site meals,  
721 shelter and secondary personal services such as showers and haircuts to the homeless  
722 and the needy on a nonpermanent basis for no or nominal compensation.

723 Sign. See HCC 21.60.040.

724 “Site” means any lot, tract, or parcel of land, or a portion thereof, or any combination  
725 thereof that is in one ownership or is contiguous and in diverse ownership, where  
726 development exists or will be created as one unit, subdivision, or project.

727 “Site plan” means a plan, to scale, showing the proposed use and development of a  
728 site. The plan generally includes lot lines, streets, points of vehicular access to the site,  
729 building sites, reserved open space, existing buildings, major landscape features (both  
730 natural and manmade), and the locations of utility lines. Additional information may  
731 be required on a site plan by applicable provisions of the zoning code.

732 “Slash pile” means a row or pile of woody debris from timber harvesting, land  
733 clearing, or similar activity.

734 “Slope” means, with respect to two points on the surface of the ground, the ratio,  
735 expressed as a percentage, of the difference between their elevations divided by the  
736 horizontal distance between them. Slope is measured as provided in HCC 21.05.040.

737 “Small wind energy system” means a wind energy system having a rated capacity of  
738 less than 25 kilowatts and a total height less than 170 feet, whose primary function is  
739 to provide electric power for on-site consumption.

740 “Stabilization” means the prevention of soil movement by any of various vegetative or  
741 structural means.



742 “Stable, private” means an accessory building in which one or more horses are kept for  
 743 private use and enjoyment and not for boarding, hire or sale; or in which not more than  
 744 one horse is kept for boarding, hire or sale.

745 “Stable, public” means a building in which two or more horses are kept for boarding,  
 746 hire or sale.

747 “State highway” means a street designated by the State as a part of the State highway  
 748 system.

749 “Steep slope” means an elevation change in topography of at least 15 feet, with an  
 750 average slope of not less than 45 percent (one foot difference in elevation per 2.22 feet  
 751 of horizontal distance). A steep slope can occur naturally or can be created by  
 752 excavation into or filling over natural ground.

753 “Stormwater management” means:

754 1. For quantitative control, a system of vegetative and structural measures that control  
 755 the increased volume and rate of surface runoff caused by manmade changes to the  
 756 land; and

757 2. For qualitative control, a system of vegetative, structural, and other measures that  
 758 reduce or eliminate pollutants that might otherwise be carried by surface runoff.

759 “Stormwater management, off-site” means the design and construction of a facility  
 760 necessary to control stormwater from more than one development.

761 “Stormwater management, on-site” means the design and construction of systems  
 762 necessary to control stormwater within an immediate development site.

763 “Stormwater management plan” or “SWP” means a set of drawings or other  
 764 documents prepared according to the requirements of this title and submitted by a  
 765 person as a prerequisite to obtaining a stormwater management approval. A SWP will  
 766 contain all of the information and specifications pertaining to stormwater management.

767 “Stormwater runoff” means flow on the surface of the ground, resulting from  
 768 precipitation or snow melt.

769 “Story” means that portion of a building included between the upper surface of any  
 770 floor and the upper surface of the floor next above, except that the topmost story shall  
 771 be that portion of a building included between the upper surface of the topmost floor  
 772 and the ceiling or roof above. If the finished floor level directly above a basement or  
 773 cellar is more than six feet above grade for more than 50 percent of the total perimeter  
 774 or is more than 12 feet above grade at any point, such basement or cellar shall be  
 775 considered a story.

776 “Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall  
 777 plates of which on at least two of its opposite exterior walls are not more than two feet  
 778 above the floor of such story.

779 “Stream” means any body of flowing water, including a river, creek, tributary, or other  
 780 watercourse.

781 “Stream banks” are defined by the steep or sloping ground that borders a stream and  
 782 confines the water in the natural channel when the water level or flow is normal.

783 “Stream, intermittent” means a stream that does not flow continuously but stops or  
 784 dries up from time to time.

785 “Stream, perennial” means a stream that flows continuously throughout the year, in  
 786 contrast to an intermittent stream.

787 “Street” means a public thoroughfare including a public street, road or highway of any  
 788 description that affords a principal means of access to abutting property. Street does  
 789 not include alley or driveway.

790 “Street line” means the line of demarcation between a street right-of-way and the  
 791 abutting lot(s).

792 “Stripping” means any activity that removes the vegetative surface cover including  
 793 tree removal, clearing, grubbing and storage or removal of topsoil.

794 “Structural alteration” means any change of the supporting members of a building or  
 795 structure such as bearing walls, columns, beams or girders.

796 “Structure” means anything constructed or erected that requires location on the ground  
 797 or that is attached to something having location on the ground.

798 “Studio” means a room, rooms or building where an artist or photographer does work,  
 799 a place where dancing lessons, music lessons, or similar artistic lessons are given, or  
 800 where radio or television programs are produced or where recordings are made.

801 “Taxi” means any motor vehicle, permitted and licensed by the City, having a  
 802 manufactured-rated seating capacity of nine passengers or less engaged in the carrying  
 803 of persons in exchange for receiving fares, not operated over a fixed route, and subject  
 804 to calls from a central location or otherwise operated for hire to perform public  
 805 transportation.

806 “Taxi operation” means a taxi business operated from a fixed location, but not limited  
 807 in its operation to any particular route, which may include a dispatch office and  
 808 vehicle fleet parking.

809 “Timber growing, harvesting and forest crops” means the growing, harvesting, or both,  
810 for commercial purposes, of (1) trees including, without limitation, live trees,  
811 Christmas trees and tree products in the form of logs, chunks, bark chips or similar  
812 items; or (2) minor forest crops such as cones, ferns, greenery, berries and moss.

813 “Total suspended solids” means the sum of the organic and inorganic particles (e.g.,  
814 sediment) suspended in and carried by a fluid (e.g., water).

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

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

821 “Townhouse” means a building on its own separate lot containing one dwelling unit  
822 that occupies space from the ground to the roof and is attached to one or more other  
823 townhouse dwelling units by at least one common wall.

824 “Trip” in reference to traffic means a single one-way motor vehicle movement either  
825 to or from a subject property or study area.

826 “Turbidity” means an expression of the optical property that causes light to be  
827 scattered and absorbed rather than transmitted in straight lines through a water sample;  
828 turbidity in water is caused by the presence of suspended matter such as clay, silt,  
829 finely divided organic and inorganic matter, plankton, and other microscopic  
830 organisms.

831 “Use” means the purpose for which land or a structure is occupied, arranged, designed  
832 or intended, or for which either land or a structure is or may be occupied or  
833 maintained.

834 “Use, principal” means the use of a lot or structure that is of chief importance or  
835 function on the lot.

836 “Variance” means any deviation from the requirements of the zoning code authorized  
837 by the Planning Commission pursuant to Chapter 21.72 HCC.

838 “Vehicle fleet” means a group of vehicles operated under unified control.

839 Vehicle Maintenance. See “auto repair.”

840 Vehicle Repair. See “auto repair.”

841 “Visibility or vision clearance” means the assurance of adequate and safe vision  
842 clearance particularly for vehicle operators and pedestrians; a specified area of  
843 clearance at corners of intersections where no plantings, walls, structures or temporary  
844 or permanent obstructions exceeding a specified height above the curb level are  
845 allowed.

846 “Water-dependent” means a use or activity that can be carried out only on, in or  
847 adjacent to water areas because the use requires access to the water body.

848 “Water quality volume” or “WQv” means the volume needed to capture and treat 90  
849 percent of the average annual runoff volume at a development site.

850 “Water-related” means a use or activity that is not directly dependent upon access to a  
851 water body, but which provides goods and services that are directly associated with  
852 water-dependent uses or activities.

853 “Watercourse” means any natural or artificial stream, river, creek, ditch, channel,  
854 canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any  
855 adjacent area that is subject to inundation from overflow or floodwater.

856 “Watershed” means any area of land that water flows or drains under or across ground  
857 on its way to a lake, pond, river, stream, or wetland. A watershed can be delineated on  
858 a topographical map by connecting the high points of the contour lines surrounding  
859 any water body.

860 “Wetland” means an area of land that is inundated or saturated by surface or  
861 groundwater at a frequency and duration sufficient to support, and that under normal  
862 circumstances do support, a prevalence of vegetation typically adapted for life in  
863 saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and  
864 similar areas.

865 Wholesale. See “business, wholesale.”

866 “Wind energy system” means a wind turbine and its supporting wind energy system  
867 tower.

868 “Wind energy system tower” means a fixed vertical structure that supports a wind  
869 turbine, including a monopole or lattice tower, plus its accompanying base plates,  
870 anchors, guy cables and hardware.

871 “Wind turbine” means a bladed or other type of rotating mechanism that converts wind  
872 energy into electric energy.

873 “Wireless communications equipment” means the set of equipment and network  
874 components used in the provision of wireless communications services, including  
875 without limitation antennas, transmitters, receivers, base stations, equipment shelters,

876 cabinets, emergency generators, power supply cables, and coaxial and fiber optic  
877 cables, but excluding any wireless communications support structure.

878 “Wireless communications services” means transmitting and receiving information by  
879 electromagnetic radiation, by an operator (other than an amateur radio operator)  
880 licensed by the Federal Communications Commission.

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

884 “Yard” means a required open, unoccupied space on a lot. A yard is unobstructed by  
885 any structure or portion of a structure from 30 inches above the general ground level of  
886 the graded lot upward, except (1) fences, walls, posts, poles and other customary yard  
887 accessories, ornaments and furniture may be permitted in any yard subject to height  
888 limitations and requirements limiting obstruction of visibility, and (2) certain  
889 structures may be permitted in certain yards when authorized by code provisions  
890 applicable to a particular zoning district.

891 “Yard, front” means a yard extending across the full width of a lot, the depth of which  
892 is the minimum horizontal distance between the front lot line and a line parallel  
893 thereto.

894 “Yard, rear” means a yard extending across the full width of the lot, the depth of  
895 which is the minimum horizontal distance between the rear lot line and a line parallel  
896 thereto.

897 “Yard, side” means a yard between a main building and the side lot line extending  
898 from the front yard to the rear yard.

899 “Zoning code” means this title.

900 “Zoning districts” means those districts established and described in Division II of this  
901 title.

902 Section 2. Section 21.54.200 entitled “Standards for recreational vehicle parks-General” is  
903 amended to read as follows:

904  
905 Section 21.54.200 Standards for recreational vehicle parks-General.

906  
907 HCC 21.54.200 through 21.54.3+025 establish standards governing recreational vehicle  
908 parks, **recreational vehicles in residential zoning districts, and employee-occupied**  
909 **recreational vehicles.**

910  
911 Section 3: Section 21.54.210 entitled “Spaces and occupancy” is amended to read as follows:  
912

Section 21.54.210 Space and occupancy.

a. Space Size. The space provided for each recreational vehicle shall be a minimum of 600 square feet, exclusive of any space used for common areas, driving lanes, walkways, general use structures, and landscaped areas.

b. Identification. Each recreational vehicle space shall be plainly marked and numbered for identification.

c. Occupancy. Only one recreational vehicle shall occupy a space. Recreational vehicle parks may be open on a year-round basis. **Except as otherwise permitted under this title,** ~~n~~No recreational vehicle shall be parked for occupancy in a recreational vehicle park for more than 30 continuous days, nor shall a recreational vehicle be parked for occupancy in a recreational vehicle park for more than 120 days in any 12-month period.

Section 4. Homer City Code 21.54 is amended to add section 21.54.325 to read as follows:

21.54.325 Standards for recreational vehicles in the Marine Commercial District and the Marine Industrial District.

Outside of recreational vehicle parks, the use of recreational vehicles in the marine commercial and industrial zoning districts shall conform to the following standards:

a. A property owner may have one employee-occupied recreational vehicle per lot. An employee-occupied recreational vehicle must be a self-contained recreational vehicle and must have a receptacle approved by law for collection of liquid and semi-solid wastes. While the employee-occupied recreational vehicle is parked on the property, it must be parked in a manner that will not create a dangerous or unsafe condition on the lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip or roll constitutes a dangerous and unsafe condition. A parked employee-occupied recreational vehicle must be in a condition for the safe and effective performance of its intended function as an operable motor vehicle.

b. An employee-occupied recreational vehicle may not be placed in a parking space required to comply with the Homer Zoning Code.

c. An employee-occupied recreational vehicle may not directly hook-up to municipal water and sewer without first obtaining written approval by the Public Works Director or his or her designee. The Public Works Director shall grant approval for direct hook-up to the municipal water and sewer if he or she determines that the applicant is in full compliance with this Title. A permit under this subsection may only be submitted by a property owner or a lessee of the property.

Section 5: This ordinance is of a permanent and general character and shall be included in the City Code.

959  
960 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_ DAY OF  
961 \_\_\_\_\_, 2017.

962  
963 CITY OF HOMER

964  
965  
966  
967 \_\_\_\_\_  
968 BRYAN ZAK, MAYOR

969 ATTEST:

970  
971  
972 \_\_\_\_\_  
973 MELISSA JACOBSEN, MMC, CITY CLERK

974  
975  
976 AYES:

977 NOES:

978 ABSTAIN:

979 ABSENT:

980  
981  
982 First Reading:

983 Public Hearing:

984 Second Reading:

985 Effective Date:

986  
987  
988 Reviewed and approved as to form:

989  
990  
991 \_\_\_\_\_  
992 Mary K. Koester, City Manager

\_\_\_\_\_  
Holly Wells, City Attorney

993  
994 Date: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_







## City of Homer

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## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Memorandum PL 17-08

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: November 28, 2017  
SUBJECT: Planning Staff review of ordinance permitting employee-occupied RV's in the Marine Commercial and Marine Industrial Districts.

---

#### Planning Staff review per 21.95.040

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

#### **A. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.**

*Staff response:* This proposal to varying degrees supports the goals and objectives listed below.

1. 2008 Comprehensive Plan Chapter 4, Land Use Goal 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions. Objective E: Consider regional and global impacts of development in Homer. Implementation Strategy 2: Encourage a concentrated development pattern to reduce the need for vehicle trips and encourage non-motorized transportation.
2. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 9: Encourage a range of sustainable housing options suitable for diverse income levels.

#### **B. Will be reasonable to implement and enforce.**

*Staff response:* The ordinance may be challenging to enforce. It will be reasonable when working with the cooperation of leasees and owners.

#### **C. Will promote the present and future public health, safety and welfare.**

*Staff response:* This amendment promotes health, safety and welfare by locating 'extra eye's' in commercial and industrial areas that have experienced a fair amount of crime.

#### **D. Is consistent with the intent and wording of the other provisions of this title.**

*Staff response:* This amendment has been reviewed by the City Attorney and is consistent with the intent, wording and purpose of HCC Title 21.

#### **STAFF COMMENTS/RECOMMENDATIONS:**

Planning staff has reviewed the ordinance per 21.95.040 and recommends the Planning Commission conduct a public hearing, and make a recommendation to the City Council.





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## Memorandum

TO: Port and Harbor Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: August 17, 2017  
SUBJECT: RV's as dwellings on the Spit

## Introduction

The Homer Advisory Planning Commission discussed allowing RV's as dwelling units at their August 16<sup>th</sup> meeting, and came to the following consensus:

1. RV's used as dwellings should be allowed on a permanent basis. There is no seasonal time limit. RV's do not have to move at any time.
2. Only 1 RV is allowed per lot.
3. City water and wastewater hook ups are not required, but should be allowed.
4. RV's should be parked safely.

## Rough draft code language:

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

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

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

- c. Use of a recreational vehicle to accommodate employees as allowed in subsection (a) is allowed without a time limit.
- d. Such use to accommodate employees must be approved by the property owner, and in the case of property under lease, by both the lessee and the property owner.

The Commission also suggested some sort of annual permit review, to verify people living in the RV are employees. Planning staff is not sure how to best accommodate this idea.

### **Staff Recommendation**

Discuss the recommendations of the Planning Commission and provide any comments. The next step is for staff to work with the attorney to create a draft ordinance, and for the Planning Commission to hold a public hearing.

### **Attachments**

Minutes excerpt of August 16, 2017

- Wireless Edge is building a communications tower on the spit. There is no timeline yet for when it will be complete.
- Met with the New Captain of the Port for the Coast Guard and had a good introduction.
- Maintenance and Repairs were done on the tug in the beginning of August; including engine tune up and new couplings.
- Met with Senator Murkowski's Aids and talked about Harbor Expansion.
- Auction Block has filed for bankruptcy but the buyers are still interested and still plan on buying the space.
- Several EMS call outs
- High Mast Light project started in August and will be complete on the 28<sup>th</sup> of September.
- Invited to speak at SOBA Conference about clean harbors, grants, and projects
- EMS Response to fuel float assisted by Matt Clarke. AED was used and the man survived.
- Arctic Works will be in Homer the first week of October for inspection.

Commissioner Donich suggested that the Port and Harbor make it known to the public that the Fishing License Fees goes into new developments at the Harbor. Mr. Donich explained that people like to know where their money is going.

## **PUBLIC HEARING**

### **PENDING BUSINESS**

#### **A. Caretaker RV's on the Spit**


I. Memo to Port and Harbor Advisory Commission from Deputy City Planner Re: RV's as Dwellings on the Spit August 17, 2017

I. Planning Advisory Commission Meeting Minutes August 16, 2017

City Planner Rick Abboud addressed the commission about the Caretaker RV on the Spit issue. Mr. Abboud explained that the Planning Commission has set up some basic rules for the RV process. Mr. Abboud explained that the more rules the commission sets in place, the harder it will be to enforce rules. The following are points that Mr. Abboud covered;

- RV's used as dwellings should be allowed on a permanent basis
- There is no seasonal time limit
- RV's do not have to move at any time
- Only one RV per lot is allowed
- City water and wastewater hook up are not required, but should be allowed
- RV's should be parked safely
- Only for Owner or Employee, No Renting or Leasing allowed

Commissioner Ulmer asked Mr. Abboud why the people who already have RV's on their property don't get grandfathered in; instead of changing all of City Code.



Mr. Abboud replied by saying that in order to grandfather someone in, having caretaker RV's would have to have been legal at the time the RV was placed on the lot. So because it is illegal to live in RV's, it wouldn't be just to grandfather them in.

Commissioner Stockburger mentioned that he thought there was going to be some sort of rule stating that the RV's had to be mobile. His concern is that the RV's will start to become part of the structure and become permanent. Mr. Abboud stated he would look into this farther and bring it back at another meeting.

Harbormaster Hawkins explained his concerns about the RV's and properties becoming junk yards. He explained that the Harbor has worked very hard to clean up junk and he worries that it will be taking a step backwards by allowing people to live onsite all year round. He also stated that animals would also be an issue of concern and they would need to set rules of what kinds they will allow and what kinds they won't.

## **NEW BUSINESS**

## **INFORMATIONAL ITEMS**

- A. Port & Harbor Monthly Statistical Report for July 2017
- B. Port & Harbor Monthly Statistical Report for August 2017
- C. Water/Sewer Bills Report July 2017
- D. Water/ Sewer Bills Report August 2017
- E. Crane and Ice Report
- F. Deep Water Dock Report
- G. Pioneer Dock Report
- H. Dock Water Report
- I. Council Meeting Attendance

Commissioner Carroll stated that he would not be here in October, so they would have to make other arrangements for someone to attend the Council Meetings. Commissioner Donich stated that he would be able to make the later meeting on the 23<sup>rd</sup>. Commissioner Hartley confirmed that he will be at the November Council Meeting.

Harbormaster Hawkins brought attention to the November 15<sup>th</sup> Regular Meeting. He explained that he will be out of town for the Expo in Seattle as will many Commissioners. He said it may be in our best interest to cancel the November 15<sup>th</sup> Meeting.

The November 15<sup>th</sup> Regular Meeting has been cancelled by general consensus of the commission.

## **COMMENTS OF THE AUDIENCE**

## **COMMENTS OF CITY STAFF**



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(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 17-77

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

### Introduction

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

### Analysis

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

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

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

### Other considerations

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

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

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

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

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



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 ABBOD  
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. YES. 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. YES. 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 11<sup>th</sup>, 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.

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 8:2 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 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, questions asked of the member in the audience 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; concerns expressed regarding the vehicles being road worthy including road legal; motor homes do not detract from Spit.

Further discussion ensued on sending a memo to the Port and Harbor Commission on the proposed regulations, enforcing the regulations and current staffing 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 amount to 22 lots this should not prove to be too onerous on staff; the 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.

Chair Stead directed the commission back to the item on the agenda.

City Planner Abboud requested clarification on a requirement to hook up to city water and sewer. Commissioner Bentz stated that how it was worded in the packet would suffice and could be included in the annual permit requirement.

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

Chair Stead read the title into the record.

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.

Most of the Chapter stayed the same.

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 will need to research what year that should reflect. He also noted that the Police Department is now at full staffing for officers.



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(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 17-71

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: August 2, 2017  
SUBJECT: Proposed draft ordinance to allow one Recreational Vehicle (RV) as an accessory use in the Marine Commercial Zoning District

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### Introduction

The Port and Harbor Commission reviewed staff report PL 17-65 at their meeting on Wednesday, July 26<sup>th</sup>. City Planner Abboud attended the meeting. The Commission discussed a wide range of issues. The conclusion of their discussion was a motion to move forward with exploring the idea of an RV for caretakers. The motion passed 6-1.

### Analysis

At this time, staff no longer recommends a joint work session between the two Commissions. Instead, staff would like the HAPC to discuss this topic at the work session to provide guidance on how (or if) the HAPC would like to move forward, and what issues to potentially address in an ordinance.

At the HAPC meeting of July 19, 2017, issues the Commission raised included:

- Health and human safety issues such as hookups and living in a Tsunami zone
- Size, screening, location and duration
- Choice of limiting to one option – either living above a shop, or an RV, but not both. Renting out attic apartments and having an RV onsite

### Staff Recommendation

At the work session, talk about RV's as a dwelling unit for caretakers, employees or business owners on the Spit.



## **PENDING BUSINESS**

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

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

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

There was no further discussion.

## **NEW BUSINESS**

### **INFORMATIONAL MATERIALS**

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

There were no comments or discussion on the materials provided.

## **COMMENTS OF THE AUDIENCE**

### **COMMENTS OF STAFF**

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

### **COMMENTS OF THE COMMISSION**

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

Commissioner Venuti welcomed Commissioner Banks.







# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 17-65

TO: Homer Advisory, Port and Harbor Advisory Commissions  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: July 19, 2017  
SUBJECT: RV's in the Marine Commercial District

---

#### Introduction

Council has directed a memo to the Planning Commission to review whether a single RV for a caretaker is an acceptable use in the Marine Commercial District. Currently caretakers such as the owner or an employee may live in a building onsite but not in an RV. Staff would like to include the Port and Harbor Commission in this discussion.

Staff recommends the Commissions schedule a joint work session to discuss this issue.

Meeting opportunities:

~ August 16<sup>th</sup> at 5:30 pm, during the HAPC work session

~ Another time and date?

#### Analysis

Staff note: Caretakers are allowed in both Mariner Commercial and Marine Industrial zones. Staff recommends treating these zones the same if a caretaker RV is allowed on the Spit.

Current zoning rules on the Spit, camping in an RV is limited to RV parks and campgrounds. Under 21.54.210, in an RV park, an RV may not be occupied for more than 30 days, and also for no more than 120 days in a 12 month period. Individual RV's cannot hook up to city water and sewer services. Under Title 19, Parks, Campgrounds and Public Places, camping in public campgrounds is limited to 14 days.

Options -

- A. Recommend against allowing a caretaker to live in an RV
- B. Allow one RV onsite for a caretaker in the Marine Commercial and Marine Industrial Districts, with other rules based on conversation from the Commissions (sanitation, length of time, mobility of RV, etc).
- C. ?

### **Staff Recommendation**

1. Discuss the concept of a caretaker/employee/business owner living in an RV on the Spit.
2. Schedule a joint work session to discuss the idea.

### **Attachments**

1. Memorandum 17-097 <http://www.cityofhomer-ak.gov/memorandum/memorandum-17-097-rvs-marine-commercial-district>
2. Excerpt of Homer City Council Minutes of 6/26/17 [https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/city\\_council/meeting/16221/cc\\_062617.pdf](https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/city_council/meeting/16221/cc_062617.pdf)
3. Homer News article "City to consider caretaker motorhomes on Spit," July 7, 2017
4. Griswold email dated 7/10/2017

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## Memorandum 17-097 RV's in Marine Commercial District

Memorandum ID:

17-097

Memorandum Status:

No Status

### Related Meetings

[City Council Regular Meeting - Mon 6/26/17](#)

### Details

Memorandum 17-097

TO: HOMER ADVISORY PLANNING COMMISSION

THROUGH: HOMER CITY COUNCIL

FROM: COUNCILMEMBER SMITH

DATE: JUNE 20, 2017

SUBJECT: RECREATIONAL VEHICLE (RV) ALLOWANCES IN THE MARINE COMMERCIAL DISTRICT

The purpose of this memo is to introduce the concept for a draft ordinance to the City Council for review prior to recommending the Planning Commission work on an ordinance. This serves two purposes:

1.) An opportunity for the public to be aware of an item proposed for the consideration of the Planning Commission (hopefully for their comment and future

participation) and

2.) An opportunity for the City Council to express their support for the concept and to discuss any refinement that may lead to a better recommendation for the Planning Commission.

The use of RV's in the Marine Commercial District outside of RV parks continues to proliferate despite code enforcement efforts. Several businesses desire to utilize RV's for caretaker use or to house employees and/or guests. I propose that the Planning Commission review the allowance for a maximum of one RV in the Marine Commercial District and make a recommendation to the City Council.

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491 E. Pioneer Avenue Homer, AK 99603

Select Language ▼

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on the main motion as amended.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

#### **NEW BUSINESS**

- A. **Memorandum 17-096** from City Clerk Re: Vacate that portion of the 33-foot public roadway easement that lies along the western boundary of Lot 12-A-1 of DeGarmo Subdivision No. 2, Plat HM 2009-05, as granted in United States Patent 1137121 on December 15, 1952; within the SW1/4 NW1/4 of Section 23, T6S, R13W, S.M., Alaska and within the City of Homer and the KPB; Location: off Kachemak Drive; KPB File 2017-005V; KPBPC Resolution 2017-15.

Mayor Zak asked for a motion for the approval of the recommendation in Memorandum 17-096 to vacate a portion of the public roadway easement.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. **Memorandum 17-097** from Councilmember Smith Re: Amending City Code to Allow a Caretaker RV on Lots in the Marine Commercial District.

Mayor Zak asked for a motion to forward Memorandum 17-097 to the Planning Commission to discuss and draft an ordinance for consideration.

ERICKSON/REYNOLDS SO MOVED

Councilmember Smith explained that there are a number of RV's on the spit at business locations that are used for residence throughout the season and is a violation the way current code is written. This is an attempt to provide an opportunity for those and any business in the district to have one there to facilitate the needs of that business.

Councilmember Lewis questioned if this is for employee housing also or leaving it up to the Planning Commission to decide.

Councilmember Smith responded the Planning Commission and staff will bring us something that is functional for the district. We're trying to offer an opportunity and some flexibility so it doesn't hamper our small businesses and their ability to be an important part of our community.

There was brief discussion regarding an RV allowed at the parks for oversite, the camp host program at Karen Hornaday Park and would be allowed at other city camping areas if needed.

Councilmember Stroozas asked if the Planning Commission would be considering sizes and Councilmember Smith replied there are a lot of sizes and they can iron that out.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **RESOLUTIONS**

- A. **Resolution 17-070**, A Resolution of the Homer City Council Authorizing STANTEC to Perform Stakeholder Engagement on Behalf of the Police Station Project. Aderhold.

Mayor Zak asked for a motion for the adoption of Resolution 17-070 by reading of title only.

ADERHOLD/REYNOLDS SO MOVED

There was discussion of some stake holder engagement that was facilitated by STANTEC in a public meeting for the first Public Safety Building effort, but not a significant survey done.

Councilmember Lewis suggested they should have something to present, such as which lot, method of payment and etc., before going ahead with a survey and other councilmembers agreed.

Councilmember Aderhold explained at their last meeting council was going in circles saying we don't know what residents are willing to pay for, their preference on site selection, and what the city is willing to do regarding a police station. They talked about getting some input from the public so that is why she brought this forward. It's fine if they don't want to go in this direction, but we still need to come up with a way forward.

Councilmember Stroozas thinks it's important to get public input and recalled discussing an online or telephone survey at the last meeting, but doesn't see hiring someone from the outside doing it when we can do it ourselves.

Councilmember Smith commented that right now this group isn't on the same page in what to present to the public. As a council we know many things and need to look at the reality of what it is and work amongst ourselves to come to some agreement on what we can take to the people and unify them with the message.

VOTE: YES: LEWIS, ADERHOLD

NO: ERICKSON, REYNOLDS, STROOZAS, SMITH

Motion carried.

### **COMMENTS OF THE AUDIENCE**



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# HOMER NEWS<sup>(/)</sup>

## City to consider caretaker motorhomes o Spit

By: MICHAEL ARMSTRONG (/authors/michael-armstrong-0),

Homer News

Posted: Thu, 07/06/2017 - 8:27am



For the past 18 years, along Freight Dock Road near the Homer Spit, L.H. and Marcia Pierce have run sweet little Spit operation, Sportsman's Supply. Halfway between the Nick Dudiak Fishing Lagoon and load-launch ramp, the tackle and bait shop serves fishermen heading out to Kachemak Bay or trying

luck at the Fishin' Hole.

The Pierces also run a small, 10-space recreational vehicle campground by the store. From Soldotna, Pierces live in a motorhome parked next to the shop, their home from February to October as well as store's office.

Too bad, the city has told the Pierces.

When their lease is up for renewal in March 2018, they will have to shut down their small motorhome campground and maybe even move their summer home.

Built on a 7,800-square-foot lot leased from the city, the RV park violates city zoning regulations that : RV park must be a minimum of 40,000 square-feet. When they started the process to renew their lease another 10 years, the city told the Pierces they couldn't operate a campground. They also were told they couldn't live in their own motorhome there, not even using it as a caretaker's home.

At the June 26 Homer City Council meeting, the council unanimously approved a memorandum directed City Planner Rick Abboud to write an ordinance to change zoning in the Marine Commercial district to allow Spit businesses like Sportsman's Supply to use motorhomes or trailers as caretaker or owner lodging. The ordinance will go to the Homer Advisory Planning Commission and the Port and Harbor Commission for their review over the next few months. After the commissions have had their say, the ordinance comes back to the council for its consideration.

"I don't want our actions to be so burdensome it inhibits them from being successful," said council member Heath Smith, who introduced the memo. "We're partners. We depend on the tax revenues they produce. We want to create a climate that helps them succeed."

Marcia Pierce said they get a lot of return visitors who come up to stay at their small campground. The park earns the couple about \$70,000 annually — \$5,250 in taxes that goes to the city and Kenai Peninsula Borough.

How many motorhomes would be allowed per business or lot would need to be worked out.

"It can't be one per business," Smith said. "If you look at those boardwalks, they have 10 businesses on there. It might have to be one per lot owner. It has to be zoned right."

In the Marine Commercial district, as long as they meet the 40,000-square-foot minimum and other conditions, RV parks are allowed, such as Heritage RV Park on English Bay Native corporation land or Homer Campground on city land. Caretaker cabins are allowed as an accessory use. Many Spit businesses, such as the buildings on the Cannery Row Boardwalk across from Coal Point Trading Company, have upstairs apartments. Some businesses have motorhomes parked on their lots, though, such as Happy Restaurant and Coal Point.

Parking an RV is legal, but outside of a permitted RV park, in the Marine Commercial District, staying in it is not. In residential zoning districts, people can stay in recreational vehicles parked next to homes for up to 90 days total in a year. City code uses the term "recreational vehicle" to refer to "temporary lodging for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by an



vehicle.”

Smith noticed the issue with noncomplying motorhomes used as caretaker homes when the Sportsman Supply issue came up.

“It became clear that was one of the code violations there,” Smith said. “That opened our eyes to the fact that there are several businesses out there that have that need.”

Pierce said the issue initially arose when the natural gas pipeline came in, and surveyors checked lot corners. That survey found all of one and half of another of the motorhome lots were over the property line. In the history of Sportsman’s Supply, the issue of not having a large enough lot for an RV park never came up.

The Pierces bought the business from the John Chapple III family, who in turn bought it from Dickie Gregoire.

When the Pierces renewed their lease in 2008, Sportsman’s Supply got to have the RV park.

“Everything you see was here when we came,” Marcia Pierce said last Thursday. “Nothing (about the RV park) was brought up then. Not a thing,” Pierce said.

Homer Harbormaster Bryan Hawkins said the Pierces aren’t the first people to be told to move motorhomes. Not that many people stay in them, but a few do. Some people have been caught by surprise, he said.

“They realize that wasn’t allowed and we’ve had to call them to task over it,” Hawkins said. “Sometime there was resistance because it didn’t meet their plans.”

Hawkins, Abboud and City Manager Katie Koester’s team review the about 25 upland leases around the harbor. None of them were senior officials with the city in 2008 when the Pierces last renewed their lease.

The lease renewal process gives the city leverage to address zoning issues.

“There was an issue that got through. Now we’re scrutinizing that lease because it’s coming up for its term,” Hawkins said. “At that time we have to sit down and look at that property and see what’s going on.”

So why didn’t the 10-unit RV park get dinged before? Hawkins said partly that reflects the growing demand for leases. When Gregoire built the park in the 1980s, the Spit had a lot of available land.

“Today there’s not. Every time a lease comes up for renewal or transfer, we’re looking at it through to view,” Hawkins said. “Is this the highest and best use? ... It’s more strict now than it used to be.”

Hawkins said he understands how a business owner might feel.

“Now you’re the one in the hot seat. Of course you’re going to look at your neighbor and say ‘What about them?’” he said.

The city also could enforce zoning regulations more strictly.



"Then we'd be accused of not being business friendly," Hawkins said. "You're trying to balance it. You're trying to be fair."

Pierce said they plan to comply with the city's lease renewal conditions and hope that the caretaker change will come through.

"I'm just trying to get this past," she said. "I've been here 18 years. It's not like I haven't paid my taxes."

Michael Armstrong can be reached at [michael.armstrong@homernews.com](mailto:michael.armstrong@homernews.com) (<mailto:michael.armstrong@homernews.com>).

## Comments

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### CONTACT US

3482 Landings St.

(907) 235-7767

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MORRIS ALASKA NEWS

## Julie Engebretsen

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**From:** Rick Abboud  
**Sent:** Tuesday, July 11, 2017 10:10 AM  
**To:** Julie Engebretsen  
**Subject:** FW: Proposed Ordinance Re: Legalizing Caretaker Motorhomes on Homer Spit

-----Original Message-----

**From:** Frank Griswold [mailto:fsgriz@alaska.net]  
**Sent:** Monday, July 10, 2017 9:15 AM  
**To:** Department Planning <Planning@ci.homer.ak.us>  
**Cc:** Melissa Jacobsen <MJacobsen@ci.homer.ak.us>; Rick Abboud <RAbboud@ci.homer.ak.us>  
**Subject:** Proposed Ordinance Re: Legalizing Caretaker Motorhomes on Homer Spit

Dear Planning Commissioners:

Eighteen years of not enforcing the zoning code requirements re: caretaker motorhomes on the Homer Spit has erroneously led some flagrant zoning violators, as well as some Councilmembers, to believe that longstanding illegal use becomes an entitlement. The size requirements for RV parks within the Marine Commercial District and associated restrictions on caretaker motorhomes have a presumption of validity and should not be arbitrarily changed to accommodate private business interests. Not only would this constitute spot zoning but it would set a precedent leading to a barrage of requests for further "business friendly" code changes by other zoning code violators. What might be friendly to one business could be unfriendly/unfair to another, such as the English Bay Corporation which constructed Heritage RV Park in accordance with the zoning laws. Promoting caretaker motorhomes and relaxing the standards for RV parks in the Marine Commercial District is not an objective of the Homer Comprehensive Plan and rightfully so. There is no public need for relaxing RV park standards in the Marine Commercial District or anywhere else on the Homer Spit where another tsunami is long overdue. Homer does not need to pander to zoning violators in order to be "business friendly." If the City's zoning code enforcement policy is to abate violations by continually relaxing the zoning code then there is no point in having a zoning code. It would be prudent for the Planning Commission to seek a formal legal opinion addressing spot zoning concerns before considering any amendments to the current RV park requirements within the Marine Commercial District.

Frank Griswold





# City of Homer

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## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 17-93

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

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#### Introduction

The chapter has been amended according to the direction that the Planning Commission provided at the October 18<sup>th</sup> meeting. I am hoping I have captured the recommendations of the commission and would not expect a review as extensive as the last two. I have revised the staff report from the last meeting to reflect the submission of information from the Public Works Director on Objective C, Water and Sewer.

#### Analysis

Most of the changes were minimal.

A review of the updates

Line 64 – apparatus and apparatuses are both plural, kept apparatus

Line 118 – removed “Due to low staffing”

Red type in water/waste water section need to be confirmed, if I can’t I will remove references.

Added implementation item 1-C-5. “replace/rehabilitate failing pipes” and adjusted numbering appropriately.

The bold and underlined in Objective C were additions from the Public Works Director

Line 280 – added “long term priorities”

Line 282 – added “continue maintenance”

Lines 205 – 317 removed “implementation items” and reformatted

Line 307 - added “projects”

Lines 376 – 385 reordered for clarity

Line 388 – changed “has an adopted...” to “has adopted...”

Lines 413 – 414 added sentence about the relation of storm water and peak flows

Line 459 - 469 removed “fiscal constraints...” reference and moved paragraph from short-term priorities

Line 484 – replaced the word “If” to “Should”

Line 501 – replaced “schools” with “recreation”

Line 502 – add Information technology to the list

Line 576 – replaced “Provide” with “Support”

Line 607 – added “over 100” when confirmed with IRS list of non-profits

### **Staff Recommendation**

Please provide comments and recommendations

### **Attachments**

Chapter 6 Public Services and Facilities 11.30.17  
Public Services and Facilities Implementation Table  
Nonprofits spreadsheet (IRS)

## ■ CHAPTER 6 PUBLIC SERVICES & FACILITIES

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**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 firefighting, wildland firefighting, marine firefighting, 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 fire station was built in 1980 and upgraded in 1995 and again in 2017. 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. Homer Police officers face a very high caseload per officer. The caseload 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 in 2016 and made a proposal for a new fire and police combined facility. After voters failed to approve a bond measure for a combined police and fire facility, the council has been working on a fire station renovation and a scaled down version of the original police facility proposal.

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*

141 *Plan for new facility*

142  
143 **Long Term Needs**

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

153 **Implementation Strategies**

154 *Determine action necessary to ensure a stable workforce*

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

---

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

161 **Current Status**

162 Public water and sewer service for the city of Homer is  
163 provided by the City of Homer Department of Public  
164 Works (DPW). In July 2006, a Water and Sewer Master  
165 Plan was completed for the City to provide guidance on  
166 future improvements and expansions for each of the  
167 utilities. **According to the 2006 master plan,**  
168 **approximately 64 percent of the occupied homes**  
169 **in the city were served by the public water**  
170 **system and approximately 54 percent were**  
171 **served by the public sewer system. Current**  
172 **estimates, based on Kenai Peninsula Borough**  
173 **GIS information, indicate that 74% of occupied homes are served with public piped**  
174 **water; 61% with public piped sewer.**



*Water Treatment Plant built in 2006*

175  
176 **Water System**

Homer operates a Class A public water system. Water is supplied from a dammed surface water source which forms the 37-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 source. **Based on current population growth projections and current water usage, the Reservoir has adequate capacity for the foreseeable future.**

Seasonal summer population fluctuations and increased summer water needs cause summer demand to nearly double the wintertime water production. **Average winter water production (2016) is currently 350,000 gallons per day (0.35 mgd). Peak winter demand is 500,000 gallons per day (.5 mgd). Average summer demand is currently 800,000 gallons per day (0.8 mgd). Summer peak demand (2017) is currently 1,000,000 gallons per day (1.0 mgd). The water treatment plant, built in 2009, has the capacity to produce 2,000,000 gallons per day (2.0 mgd). The plant uses "ultra" filtration to produce high quality drinking water that meets or exceeds EPA drinking water standards. Based on historical population growth rates of 2-3% per year, no new treatment plant capacity will be needed for many years.**

Treated water is distributed and stored in three water storage tanks, which have approximately 1,750,000 gallons of operational capacity. An additional tank has been designed and will be built when funding has been identified. 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 18 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 treatment plant through **low density residential development to the more densely developed areas.** Approximately 1,850 customers are served. There are also 413 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 distribution system is also hauled to many residences outside of Homer city limits. In 2016, bulk water accounted for approximately 13% of the water billed.

## **Sewer System**

Homer operates a deep shaft wastewater treatment plant (WWTP). The WWTP is designed to treat 880,000 gallons per day on average (.88mgd), but has the capability for treating 1,400,000 gallons per day (1.4 mgd)



*Sewer Treatment Plant (1990)*

peak flow. Homer has an intra-city agreement with Kachemak City to provide sewer service. Currently, the WWTP treats an average winter daily flow of 390,000 gallons per day (610,000 gallons per day average summer flow). However, 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.

The wastewater collection system consists of approximately 55.2 miles of buried gravity sewer mains. Pipe materials consist of asbestos concrete, ductile iron, high density polyethylene (HDPE), and polyvinyl chloride (PVC). About half of the system is constructed with asbestos concrete pipe, especially the oldest sections built in the 1970's. 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 1,450 customers. In addition, parts of Kachemak City are served by the sewer system under an inter-governmental agreement with the City of Homer.

Homer maintains seven sewage pump stations. 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.

Those Homer residences and businesses not connected to the public sewer system use on-site wastewater disposal systems. Poor perking soil conditions and a perched groundwater table in Homer are not ideal for on-site systems and many are believed to function poorly.

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., building sump pumps, roof leaders, foundation drains, or system manhole lids). Infiltration is defined as groundwater entering the system through manhole/pipe cracks, faulty connections, or other openings. The study found inflow/infiltration to be a significant contributor to the overall wastewater collected. **During intense rain storms, as much as 50 percent of the overall flows received at the sewer treatment plant may be attributed to inflow and infiltration. During major storms over 1,000,000 gallons per day of flow may be attributed by infiltration and inflow.**

**Because the soils in Homer are silty and relatively impermeable, infiltration is not considered a significant contributor to inflow and infiltration (pipes and manholes are generally buried in impermeable soils). Inflow is considered to be much more significant, the result of perched groundwater table and generally poor drainage conditions. The lack of inspections of new home construction, poor drainage around homes and businesses, lack of enforcement, and the lack of a pipe storm drain systems have led to conditions that have allowed illegal storm drain connections to the sanitary sewer system.**

#### 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. **Closely examine the benefits and costs of the extension of the system and programs that provide for cost sharing. Encourage infilling areas served. Keep up a reasonable schedule for maintaining current systems.**

## **Implementation Strategies**

*Support measures that conserve water use*

*Reduce inflow*

*Consider actions to meet future demands*

## **Long-term Priorities**

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

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

## **Current Status**

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

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

The Port and Harbor employs 18 staff members, both full and part-time. Their 2017 budget was \$4,782,246.

## Near-term Priorities

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

Homer Large Vessel Harbor. This new facility would augment the existing harbor which is used beyond capacity and currently has a wait list with over 203 names on it. Boats can be accommodated only by "rafting," tying boats to other boats. In some instances crabbing boats are tied up three deep to the dock. Operating in this manner increases liability for the department and reduces the life of the docks.

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 needs 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** - 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 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*

#### **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*

#### **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 identify the priority uses, and thus building design, as one of the first steps. A working example of a successful partnership is the development of the South Peninsula Athletic and Recreation Center (SPARC). This facility relied on many donors (including the city of Homer), a \$1 a year land lease from the borough, and many volunteers hours to get the facility up and running. 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 adopted a 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*

**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 and Pioneer Avenue. The State Department of Transportation maintains drainage along state roadways. Homer's storm water outflow is located just north of Bishop's Beach. This outflow has not yet reached the threshold which would require monitoring the quality of discharge under NPDES rules.

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. Better storm water management can help reduce the amount of inflow into the sewer treatment plant and reduce peak flows.

### **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*

### **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.

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.

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.

The 2017 library budget for the City of Homer is \$935,696 approximately 4.2% of the City's overall budget. This included an annual building loan payment of \$99,824. The City Council has since paid off the balance of the loan.

### 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.

### Implementation Strategies

*Keep current with the demands of new technology*

### 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 challenging. Should the demand at the library continue to increase beyond projection, it will be necessary to evaluate options for provision of services into the future.

### Implementation Strategies

*Consider the strategies to address the demand for library services*

**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 Recreation, Information Technology 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.

**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 – Reduce waste and lessen the impact on the environment. Establish and maintain a workplace 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, number 1 and 2 plastic, 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.

### Implementation Strategies

*Support policies that reduce the amount of trash transferred from Homer*

**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. Homer has a major hospital facility, South Peninsula Hospital, which is Borough-owned, operated by a nonprofit management board, and part of a borough service area. Homer also has a state funded Public Health Center. This nurse-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 medical services that has expanded the opportunity for care and recovery from an increasing range of medical procedures. The Homer City Council has participated in discussions about substance abuse 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*

**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 including assisted living and long-term care.

#### Implementation Strategies

*Support senior services*

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

**Current status**

*See City of Homer PARC needs assessment*

### Implementation Strategies

*Support a variety of activities geared toward youth*

**Objective G: EDUCATION** – Support 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.

The University of Alaska Anchorage (UAA) provides postsecondary education, continuing education, professional development, and vocational training to Homer residents. The University also provides K-12 and public education programs, workshops and trainings through the Kachemak Bay National Estuarine Research Reserve. There is a community consensus that UAA expansion would lead to widespread economic and cultural benefits for the area. Development of student housing will allow the Kachemak Bay Campus (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 the Alaska Maritime National Wildlife Refuge. 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.

**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 over 100 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				
1-A-1 Construct new building and training facility.		x		City
1-A-2 Maintain personnel funding	x			City
1-A-3 Hire Fire Marshal/Code Examiner.	x			City
1-A-4 Increase marine fire/emergency response capabilities.		x		City, Port & Harbor merchants & patrons
1-A-5 Increase volunteer core to 50 people.		x		City, community volunteers
1-A-6 Establish an adequate on-going annual budget for replacing or refurbishing essential equipment.		x		City
1-A-7 Evaluate capacity to respond to emergencies associated with possible expansion of harbor or neighboring waters.		x		City
1-A-8 Increase training opportunities.	x			Fire Department
1-A-9 Update Emergency Operations & Hazard Plans.		x		City

<i>Police Department</i>				
1-B-1 Retain and recruit to maintain full staffing levels	x			City
1-B-2 Address retention and recruitment issues, and retain a competitive compensation package.	x			City
1-B-3 Implement a reasonable vehicle replacement plan.	x			City
1-B-4 Hire dedicated Homer Spit Officer for summer months.	x			City
1-B-5 Pursue grants and city funding to upgrade and replace radio system	x			City
1-B-6 Construct new building.	x			City
1-B-7 Ensure adequate on-going funding			x	City
1-B-8 Maintain aggressive training program in all divisions			x	Police Department
1-B-9 Communicate department needs with community leaders			x	Police Department/Admin.

<i>Water and Sewer</i>				
1-C-1 Institute a community water conservation program and provide incentives.	x			City
1-C-2 Support the installation of low flow plumbing fixtures as well as the encouragement of landscaping	x			City

Project	Timeframe			Primary Responsibility
	Near Term	Mid Term	Longer Term	

using natural vegetation that does not require extensive irrigation.				
1-C-3 Determine and plan for some limited near-term sewer system improvements that include sewer system main repair and rehabilitation for reduction of infiltration.	x			Public Works
1-C-4 Enact an inflow reduction program.	x			Public Works
1-C-5 Replace/rehabilitate failing pipes	x			Public Works
1-C-6 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
1-C-7 Enact a better cost-share plan for the extension of water and sewer services.		x		City
1-C-8 Construct water and sewer lines to developed properties as demand warrants.			x	City

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

<i>Parks and Recreation</i>				
1-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
1-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
1-E-3 Establish a park endowment fund through the City or in partnership with the Homer Foundation.	x			City
1-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
1-E-5 Maintain a balance between natural and manicured park development.	x			City
1-E-6 Create structure for public/private partnership grants for operations.	x			City
1-E-7 Partner with other organizations to continue providing programs and facilities.	x			City

Project	Timeframe			Primary Responsibility
	Near Term	Mid Term	Longer Term	
1-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
1-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
1-E-10 Pursue financial strategies that leverage City tax dollars to build public recreation facilities.			x	City
1-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
1-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
1-E-13 Support the policies and recommendations of the Beach Policy document.	x			City
1-E-14 As the need arises, update the beach policy and implement the recommendations.		x		City
1-E-15 Discourage right-of-way and public access easement vacations to the beach.	x			City
1-E-16 When opportunities arise, enhance or improve public access to the beach at public access points.		x		City

<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

Project	Timeframe			Primary Responsibility
	Near Term	Mid Term	Longer Term	
<b><u>1-F-6 Maintain existing systems</u></b>	<b>x</b>			Public Works
<b><u>1-F-7 Create public announcements concerning storm water control.</u></b>	<b>x</b>			City

<i>Library</i>				
1-G-1 Create technology fund.	<b>x</b>			City Council, Administration
1-G-2 Maintain training schedule.	<b>x</b>			Library administration
1-G-3 Continue to report usage and demand for services to the City Council.	<b>x</b>			Library administration/LAB
1-G-4 Track demand for space and share information with others providing community meeting spaces.	<b>x</b>			Library administration/LAB
1-G-5 Identify and explore funding opportunities for operations.		<b>x</b>		LAB/Friends of the Library
1-G-6 Evaluate appropriate levels of service in relation to probable budget scenarios.		<b>x</b>		Library administration/ City Council
1-G-7 Keep abreast of and comment on neighborhood developments.			<b>x</b>	Library administration/LAB

<i>Solid Waste</i>				
2-A-1 Demonstrate City leadership by encouraging recycling within municipal departments.	<b>x</b>			City
2-A-2 Develop or partner with other organizations to create a public education program to encourage recycling within the community.	<b>x</b>			City
2-A-3 Work with the Borough to develop future strategies for waste disposal.	<b>x</b>			City
<b><u>2-A-4 Partner with others to reduce city waste stream.</u></b>	<b>x</b>			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.	<b>x</b>			City

Project	Timeframe			Primary Responsibility
	Near Term	Mid Term	Longer Term	
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 and prevention.	x			City
2-D-4 Continue to support the South Peninsula Hospital via the Kenai Peninsula Borough and the South Kenai Peninsula Hospital Service Area Board.	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
<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 ADA compliant facilities 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 KBC.	x			City

Project	Timeframe			Primary Responsibility
	Near Term	Mid Term	Longer Term	

<i>Community Capacity</i>				
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 that 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

## Homer Nonprofits

ALASKA ASSOCIATION OF HARBORMASTERS AND PORT ADMINISTRATORS INC	602 SHELLFISH AVE
ALASKA ELECTRIC AND ENERGY COOPERATIVE INC	3977 LAKE ST
ALASKA VILLAGE MISSIONS	1295 MISSION RD
ALEUTIAN HARVESTER MEMORIAL FUND	206 E PIONEER AVE SUITE 2
AMERICAN LEGION	PO BOX 858
AMERICAN LEGION AUXILIARY	PO BOX 2643
ANDREW PROJECT INC	PO BOX 2064
AURORA COMMONS HOUSING INC	PO BOX 1869
AURORA LIGHTS MINISTRY	PO BOX 638
BAHAIS OF HOMER	1318 IRIS CT
BENEVOLENT & PROTECTIVE ORDER OF ELKS OF THE USA	215 JENNY WAY
BUNNELL STREET ARTS CENTER	106 W BUNNELL AVE STE A
CENTER FOR ALASKAN COASTAL STUDIES	708 SMOKY BAY WAY
CHURCH ON THE ROCK HOMER	PO BOX 2689
COOK INLETKEEPER	3734 BEN WALTERS LANE
CRANBERRY POINT COMMUNITY CHURCH IN	PO BOX 2537
DELTA KAPPA GAMMA SOCIETY INTERNATIONAL	PO BOX 3114
EARTH FRIENDLY FOUNDATION	PO BOX 1122
EAST HOMER CHURCH OF CHRIST INC	PO BOX 492
EMBLEM CLUB OF THE UNITED STATES OF AMERICA HOMER EMBLEM CLUB 350	PO BOX 614
FAITH LUTHERAN CHURCH	1000 SOUNDVIEW AVE
FRIENDS OF ALASKAN NATIONALWILDLIFE REFUGES	PO BOX 2617
FRIENDS OF KACHEMAK BAY STATE PARKS	95 STERLING HIGHWAY SUITE 2
FRIENDS OF THE HOMER PUBLIC LIBRARY	500 HAZEL AVE
FRITZ CREEK BAHAI GROUP	PO BOX 15261
GLACIERVIEW BAPTIST CHURCH	960 E END RD
GREATER KACHEMAK BAY ALLIANCE	201 STERLING HWY
HANDS OF PEACE	63540 SKYLINE DR
HAVEN WORSHIP CENTER	PO BOX 621
HERITAGE BIBLE FELLOWSHIP	PO BOX 3262
HOMER ANIMAL FRIENDS	PO BOX 2300
HOMER CHAMBER OF COMMERCE	201 STERLING HWY
HOMER COMMUNITY FOOD PANTRY	770 E END RD
HOMER COMMUNITY FREE CLINIC	178 E BUNNELL AVE
HOMER COUNCIL ON THE ARTS	355 W PIONEER AVE STE 100
HOMER CYCLING CLUB	4658 TAMARA ST
HOMER ELECTRIC ASSOCIATION INC	3977 LAKE ST
HOMER FARMERS MARKET INC	PO BOX 2274
HOMER FOUNDATION	PO BOX 2600
HOMER FRIENDS MEETING	PO BOX 974
HOMER GARDEN CLUB	PO BOX 2833
HOMER HOCKEY ASSOCIATION	PO BOX 2703
HOMER INCENTIVE TRUST INC	1060 E END RD
HOMER INDEPENDENT BAPTIST CHURCH	3614 FOREST GLEN DR
HOMER MAKER SPACE INC	178 E BUNNELL AVE

HOMER MARINER FOOTBALL BOOSTER CLUB	PO BOX 3348
HOMER MARINER SOFTBALL	PO BOX 894
HOMER SENIOR CITIZENS INCORPORATED	3935 SVEDLUND ST
HOMER SOCIETY OF NATURAL HISTORY INC	3779 BARTLETT ST
HOMER VOLUNTEER FIRE DEPARTMENT MEMBER ASSOCIATION	604 E PIONEER AVE
HOMER YACHT CLUB	PO BOX 757
HOSPICE OF HOMER	PO BOX 4174
HOWL INC	PO BOX 3514
INDEPENDENT LIVING CENTER-HOMER	PO BOX 2474
INTERNATIONAL ASSOCIATION OF LIONS CLUBS	PO BOX 1824
KACHEMAK BAY BROADCASTING INC	3913 KACHEMAK WAY
KACHEMAK BAY CONSERVATION SOCIETY	3734 BEN WALTERS LN STE 202
KACHEMAK BAY EQUESTRIAN ASSOCIATION INC	PO BOX 3120
KACHEMAK BAY FAMILY PLANNING CLINIC	3959 BEN WALTERS LN
KACHEMAK BAY GRACE BRETHREN CHURCH INC	PO BOX 2749
KACHEMAK BAY WOODEN BOAT SOCIETY	PO BOX 97
KACHEMAK BOARD OF REALTORS	PO BOX 2660
KACHEMAK EMERGENCY SERVICE MEMBER ASSOCIATION	53048 ASHWOOD AVE
KACHEMAK GUN CLUB	MILE 160 SEWARD HWY
KACHEMAK HERITAGE LAND TRUST INC	315 KLONDIKE AVE
KACHEMAK NORDIC SKI CLUB INC	PO BOX 44
KACHEMAK SHELLFISH MARICULTURE ASSOCIATION INC	206 E PIONEER AVE
KACHEMAK SKI CLUB	PO BOX 3705
KACHEMAK SWIM CLUB ASSOC	PO BOX 578
KENAI PENINSULA EMERGENCY SERVICES INC	PO BOX 1907
KENAI PENINSULA HOUSING INITIATIVES INCORPORATED	PO BOX 1869
KENAI PENINSULA ORCHESTRA INC	355 W PIONEER AVE SUITE 200
LITTLE LEAGUE BASEBALL INC	PO BOX 11
MARINE CORPS LEAGUE	3671 POPPY CIR
MCNEIL CANYON ELEMENTARY SCHOOL COMMUNITY COUNCIL INC	52188 E END RD
NATIONAL ASSOCIATION FOR FAMILY AND COMMUNITY EDUCATION	PO BOX 3236
NATIONAL SPIRITUAL ASSEMBLY OF THE BAHAIS OF ALASKA ASSEMBLY OF HOMER	PO BOX 713
NORTH GULF OCEANIC SOCIETY	3430 MAIN ST STE B1
NORTHERN BUILDING SCIENCE GROUP INC	PO BOX 3407
NORTHERN HARVEST	PO BOX 4324
PATRONS OF THE PRATT SOCIETY	PO BOX 2305
PIER ONE THEATRE INC	332 E PIONEER AVE STE 3
PIONEERS OF ALASKA	PO BOX 931
PIONEERS OF ALASKA	PO BOX 931
POPEYE WRESTLING CLUB	PO BOX 1992
PREGNANCY CARE CENTER OF HOMER	PO BOX 2
PROJECT GRAD KENAI PENINSULA	PO BOX 1725
PTA ALASKA CONGRESS - PAUL BANKS ELEMENTARY	1340 E END RD
RAZDOLNA TOTS INC	PO BOX 2395
REFUGE CHAPEL OF HOMER	397 E PIONEER AV STE 2



REGENT LIFE CHURCH	PO BOX 641
RENEWABLE RESOURCES FOUNDATION INC	PO BOX 1245
RESCUE 21 INC	PO BOX 2079
RESOURCES FOR THE BLIND INTERNATIONAL INC	PO BOX 3290
ROAD RUNNERS CLUB OF AMERICA	350 BONANZA AVE
ROTARY INTERNATIONAL	PO BOX 377
ROTARY INTERNATIONAL	PO BOX 57
SAH SOCCER	178 E BUNNELL AVE
SHARE THE SPIRIT	PO BOX 3218
SNOMADS INC	PO BOX 3646
SOUTH PENINSULA BEHAVIORAL HEALTH SERVICES INC	3948 BEN WALTERS LN
SOUTH PENINSULA HAVEN HOUSE INC	3776 LAKE STREET SUITE 100
SOUTH PENINSULA HOSPITAL FOUNDATION INC	PO BOX 2548
SOUTH PENINSULA HOSPITAL INC	4300 BARTLETT ST
SPROUT FAMILY SERVICES	3691 BEN WALTERS LANE
ST JOHN THE BAPTIST CATHOLIC CHURCH	255 OHLSON LN
STORYKNIFE WRITERS RETREAT	PO BOX 75
SUPREME EMBLEM CLUB OF THE UNITED STATES OF AMERICA INC	206 E PIONEER AVE SUITE 2
THE CENTER FOR THE STUDY OF CULTURE ETHICS AND THE ENVIRONMENT	60930 BRIDGE CREEK RD
THE UNITED STATES PONY CLUB INC	5317 KACHEMAK DR
TOPS CLUB INC	PO BOX 3056
TYEE COURT HOUSING INC	PO BOX 1869
UNITED STATES BOWLING CONGRESS INC	PO BOX 3219
UNITED YOUTH COURTS OF ALASKA	3733 BEN WALTERS LN STE 5
VILLAGE OF KACHEMAK SELO	PO BOX 258
VILLAGE OF RAZDOLNA INC	PO BOX 2972
VOZNESENKA COMMUNITY COUNCIL INC	PO BOX 1566
WHIRLING RAINBOW FOUNDATION	PO BOX 1111
YWAM ARCTIC MERCY INC	PO BOX 959





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto: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: November 22, 2017  
SUBJECT: November 27 City Manager's Report

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### Timeline for Greatland Extension

The July 24 City Manager report included a timeline for the Greatland extension project. The project remains on schedule, see progress made below (as of November 1):

Task	Original Expectation	Current Status	Notes
Design Begins	8/15/2017	8/25/2017	
Wetlands Delineation	8/30/2017	9/16/2017	Some wetlands just north of Save-U-More, Corps permit required.
Geotechnical Investigation Complete	9/15/2017	9/26/2017	No unusual soil encountered.
Field Survey Complete	9/30/2017	9/15/2017	
35% Design Complete	11/30/2017	11/1/2017	PW reviewing, discussing with adjacent property owners, some right-of-way acquisition needed at Pioneer Ave., no unsurmountable problems.
Neighborhood Meeting	11/21/2017	Same	
65% Design Complete	1/30/2018	Same	
Environmental/Regulatory Permits	3/1/2018	Same	
95% Design Complete	3/30/2018	Same	
Bid Documents Complete	4/1/2018	Same	
Bids Advertised	4/15/2018	Same	
Bids Open	5/15/18	Same	
Award of Construction Contract	5/30/2018	Same	
Construction Begins	6/10/2018	Same	
Construction Complete	8/30/2018	Same	

### **Info on City of Homer Grants through Homer Foundation**

The City of Homer has an endowment with the Homer Foundation (around \$200,000) that generates money that is used for annual appropriations. In addition, we have a \$25,000 annual appropriation (up from \$19,000 in 2016) that is used for the non-profit grant program. Depending on the need in the community and health of the fund, sometimes a portion of this is rolled into the endowment. Non-profits apply for an operational grant with the Foundation, and the average award is between \$3,000 and \$4,000. The attached one page write up gives a summary of the program for 2017. A copy of the application, is also attached, and shows eligibility requirements, etc. This has been a very successful way for the City to support non-profits without playing favorites, having to develop our own criteria, or spend considerable staff time managing a grant program.

### **Ravn Lease Amendment**

RAVN's footprint at the airport is expanding to accommodate the need to store ground support equipment indoors, and out of the weather. I have signed a temporary 6-month lease for the unused space behind the counters on the town side of the airport that used to be leased to FedEx, which increased their monthly rent. This gives RAVN six-months to explore the most efficient use of the cargo area, which may include some remodeling of the space. It is likely that City Council will be reviewing a long-term lease request from RAVN that includes more cargo in 2018.

### **Follow up on Sand**

At the last Council meeting I discussed issues with providing sand to the public with the Council. After some thoughtful discussion, my take away was that the City should not be allowing sand to be taken from the City's supply. In addition to this being dangerous, there are many private companies that provide everything from a bag of sand to driveway sanding services that residents should be encouraged to use. The attached memo explains the issue and solutions that were considered in detail. Unless directed otherwise by Council, Public Works will install signage indicating that the sand pile is not open to the public and will work with the Chamber on communicating viable business alternatives for sanding services.

### **Ramp 2 Restroom Replacement Notice**

In July, the City submitted a grant application to the State of Alaska Land and Water Conservation Program (LWCF) to assist with replacing the Ramp 2 Restroom. The project proposed demolishing the current facility and rebuilding a new facility on the same foundation footprint. We also outlined a possible upgrade to the project (adding two family restroom stalls on the southeast end of the facility) should additional LWCFs come available.

Recently the LWCF invited us to consider revising our application to include this upgrade. Due to getting an unexpectedly large (and very late) Federal allocation of grant funds, LWCF lifted the former LWCF match ceiling of \$125,000 to \$300,000. Staff had to quickly turn around a revised application given the new information on the cap. We decided to increase the ask from LWCF to offset City costs (funded through a reimbursement from the Cruise Ship Passenger Vessel Head Tax) instead of growing the project to include family stalls. This means, if successful in this next stage, the Enterprise will forward \$300,000 and LWCF will fund \$263,340 (instead of \$108,000). The project will remain a stick frame replacement on the existing foundation with the current basic configuration. We received notice from the State that the City's application was recommended for funding. The project still needs acceptance by the National Park Service before a grant agreement will come before Council, likely sometime in spring of 2018.

### **State Service for City of Homer Officials**

The second week in November is a busy time for municipal officials, all the different branches of local government have their professional organizations and manager's and councilmembers meet state wide to learn and share with other communities. This year I am proud that officials from Homer are taking on statewide roles. City Clerk, Melissa Jacobsen was elected Second Vice President for the Alaska Association of Municipal Clerks. I was elected Secretary/Treasurer of the Alaska Municipal Manager's Association, which means I will take a more active role in planning future conferences and professional development for Alaskan managers. Most prominently, Mayor Zak was elected to serve on the board of the Alaska Municipal League itself. It will be valuable for Homer to have a representative at the table to keep an ear to the ground on important issues that affect us and advocate for Homer.

### **Memo on configuration of the CAC**

There was discussion regarding the composition on the Cannabis Advisory Commission at the last meeting and how that came about. City Clerk Jacobsen prepared the attached memo that summarized the discussion at the time.

### **What would the 2018 2018 budget would look like if we were not operating under the third year of the suspension of HART?**

Councilmember Erickson asked that I provide a scenario explaining what the 2018 budget would look like if we were not operating under the third year of the suspension of HART. This proved to be an interesting and sobering look into the future. The numbers reflect a decrease in General Fund Revenue of \$600,000 which I would propose to make up in a decrease of transfers to reserves. See the attached memo for details.

### **Policy on Drones**

A constituent asked a relevant question regarding the policy surround the use of drones by City officials. In short, staff would need to develop a policy that is approved by the public and vetted through the Council and attorney before a drone takes flight. The attached memo from Chief Robl goes into further detail on the steps that would be taken if the capital project is approved by Council.

Enc:

November Employee Anniversaries

Homer Foundation City of Homer Grant Application

Homer Foundation 2017 Grant Report for City of Homer Program

Memo from Public Works Director Meyer, RE: Public Access to PW Sand Pile

Memo from City Clerk on Configuration of Cannabis Advisory Commission

Memo from City Manager on what the 2018 budget would look like without the suspension of HART

Alaska Taxable Per Capita Tax Revenue

Memo from Police Chief Robl, RE: Drone Use

Thank You letter from Kachemak Bay Family Planning Clinic and Rec Room

