

NOTICE OF MEETING  
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 January 17, 2018 p. 1
6. Presentations
  - A. Stephanie Schmit of the USDA Natural Resources Conservation Service – Soil Survey Data p. 7
7. Reports
  - A. Staff Report 18-07, **City Planner's Report** p. 9
8. Public Hearings  
*Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.*
9. Plat Consideration
  - A. Staff Report 18-09, Crossman Ridge Subdivision Tract 3 2017 Replat Preliminary Plat p. 17
10. Pending Business
11. New Business
12. Informational Materials
  - A. **City Manager's Report** for the January 22, 2018 City Council Meeting p.27
  - B. **Appointment of Carla Stanley to the Cook Inlet Regional Citizen's Advisory Council** p. 31
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 February 21, 2018. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.



Session 18-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:30 p.m. on January 17, 2018 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: COMMISSIONER BENTZ (EXCUSED)

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

### **Approval of the Agenda**

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **Public Comment**

### **Reconsideration**

### **Adoption of Consent Agenda**

A. Approval of minutes of January 3, 2018

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 18-05, City Planner's report**

City Planner Abboud reviewed the staff report. He requested volunteers for the City Council meetings.

Commissioners volunteered as follows:

February 12, 2018	Commissioner Bernard
February 26, 2018	Commissioner Stead
March 12, 2018	Commissioner Bernard
March 27, 2018	Commissioner Venuti

## **PUBLIC HEARINGS**

### **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**

City Planner Abboud reviewed his report for the commission summarizing previous actions.

Chair Stead opened the public hearing seeing no one coming forward to testify Chair Stead closed the public hearing.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT 17-91 AN ORDINANCE TO ADD RETAIL MARIJUANA FACILITIES AS A PERMITTED USE IN THE MARINE COMMERCIAL DISTRICT UNDER HOMER CITY CODE 21.28.020 AND FORWARD TO CITY COUNCIL FOR APPROVAL.

Discussion ensued on the legality of marijuana at the federal level as it affects mariners and associated activities; allowing an additional retail business to be in a previously permitted retail zone; legality at the state level; Port & Harbor Advisory Commission support for the zoning change; prohibiting the action based solely on the commodity for sale; the sale of marijuana does not lend to the marine atmosphere but falls along the lines of recreational and could be categorized with the sale of alcohol; level of interest from private land owners on the spit to establish a business; ability of future property owners to establish a business in the marijuana industry; written public comment was acknowledged as well as the many opportunities for public testimony.

VOTE. YES. BANKS, VENUTI, STEAD, BERNARD, BOS

VOTE. NO. HIGHLAND.

Motion carried.



## **PLAT CONSIDERATION**

### **PENDING BUSINESS**

#### **A. Staff Report 18-06, Natural Hazards Planning**

Chair Stead introduced the item for discussion.

City Planner Abboud reviewed his staff report. He noted some of the following:

- Physical Mitigation efforts
- Funding Options available
- Focus on regulating for future development

Discussion ensued on the information provided by City Planner Abboud regarding the best routes open to the city to mitigate current issues; it was noted that zoning would not solve the current issues but could mitigate future issues.

City Planner Abboud stated he is seeking funding for mitigation and mapping. The problem is that there is usually not enough funding in small towns to perform a detail study and the result is reviewing a larger area and specific areas that require extra research is then left to the developers to perform. Sometimes, he found, the individual city charged or withheld fees from the developer to fund the mapping. City Planner Abboud proceeded to provide an example and detail summary of the process and possible results in the scenario.

City Planner Abboud also informed the commission on a discussion he had with the City Planner of Sitka and possible resulting liabilities. Some of the bottom line is the land can be purchased but then there is a problem on how to determine the value of the property. He noted that there are more professionals needed such as geologists and lawyers and more funding than the City of Homer has available.

It was agreed that this issue was a challenge and will be very difficult.

Commissioner Highland provided some LiDAR<sup>1</sup> information she received from Soil and Water Conservation on the area she lives and that it provides in her opinion better information on the land that someone may want to build on and opined they should use those tools available to them.

Additional discussion by the commission included:

- Receiving assistance from federal agencies
- Regulating may bring liability to the city
- Application of the steep slope requirements
- Steep slope is site specific

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<sup>1</sup> Questioned if this is the correct term that was being referenced since it was unclear in the meeting

- It is unknown if there is any liability to the city on existing situation
- Majority of issues are dealt with in established building codes
- Citing a portion of the information regarding Reserved Powers Doctrine
- Alaska law requires disclosure on existing homes but there is no requirement on vacant land

Commissioner Banks requested staff to take the immediate area of concern and establish the slope percentages to facilitate discussions.

City Planner Abboud responded the current city code requires a site plan, and depending on the percentage that will be built out will determine if a geotech report will be required

A brief discussion on the Steep Slope requirements in city code and when certain requirements outlined in code would be applied followed.

Commissioner Banks requested further information on Homer City Code Title 21.44 and the average slopes in the Baycrest Subdivision for the next meeting.

Commissioner Highland asked if there was a way to perform a LiDAR study/photo on the Baycrest Subdivision. She would be interested in reviewing the information provided at the January 3, 2018 meeting and this meeting regarding landslides, etc. for the next meeting.

Commissioner Bernard asked the City Planner Abboud on a timeline for the recommendation and if a worksession is not deemed appropriate on this topic. Also if the Commission could have someone scheduled that can provide the information such as a parcel overview on a LiDAR map.

Brief discussion on the existing problem and the expectation of recommendations to City Council sooner rather than later since Council requested recommendations from the Commission in late September 2017; the removal of vegetation and movement of water from the upper area across the water; the road into the subdivision is substandard.

Chair Stead provided some information on the geology of the area, history and stability issues for the commission.

The commission commented and discussed various aspects of the issues, what could be done, how to implement regulations; collected impact to the city and recommendation to bring back the info from each meeting to refer to at the next.

## **NEW BUSINESS**

### **INFORMATIONAL MATERIALS**

A. City Manager's Reports for the January 8, 2018 City Council Meeting

Commissioner Bos inquired about sidewalks in the proposed subdivision of Quiet Creek.

City Planner Abboud explained that currently in city code there is no requirement to construct sidewalks in developments.

Commissioner Bernard asked how the commission could implement some of these necessary requirements due to the fact that in her short tenure on the commission she has heard that response numerous times and it appears that it would benefit the city to implement some of these requirements.

City Planner Abboud explained the process to submit recommendations to City Council but it would be better to have a member of Council request and support the changes.

A brief discussion ensued on the costs and barriers to achieve those changes.

### **COMMENTS OF THE AUDIENCE**

### **COMMENTS OF THE STAFF**

City Planner Abboud had nothing further to add.

Deputy City Krause informed the commission that Ms. Smith will be the Clerk for the February 6, 2018 meeting.

### **COMMENTS OF THE COMMISSION**

Commissioners Highland, Bernard and Banks had no comments.

Commissioner Bos commented on the outstanding Chair's agenda and it was a good debate and meeting. Thank you.

Commissioner Venuti commented that it was an interesting meeting. He reminded those interested that the Women's March was Saturday, starting at HERC and goes to WKFL Park. Keep the Dream Alive.

Chair Stead agreed that it was an interesting meeting and added that he will not be at the next meeting, February 7, 2018 as he will be visiting family and he will be in attendance for the February 21, 2018 but will be missing the March 7th and possibly the following meeting but will confirm in in February.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:38 p.m. The next regular meeting is scheduled for Wednesday, FEBRUARY 6, 2018 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: \_\_\_\_\_

## Soil Survey Data

Soil survey data are a product of the National Cooperative Soil Survey, a joint effort of the USDA Natural Resources Conservation Service and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants.

### Web Soil Survey (WSS)

The Web Soil Survey provides agricultural producers, agencies, Technical Service Providers, and others electronic access to relevant soil and related information needed to make land-use and management decisions. The WSS:

- Provides an alternative to traditional hardcopy publication,
- Provides the means for quicker delivery of information,
- Provides electronic access to full soil survey report content,
- Provides access to the most current data,
- Allows customers to get just the information they want, and
- Provides customers with the ability to download spatial, tabular, and thematic soils data for use in GIS.
- Additional help is available at "Contact Us" or by emailing [soilshotline@lin.usda.gov](mailto:soilshotline@lin.usda.gov).

Current, Custom  
Soil Maps & Reports:

Fast.

Free.

Friendly.

## Print a Hydric Soil Map

- Complete Steps 1, 2, and 3.
- From the **Soil Data Explorer** tab, click the **Suitabilities and Limitations for Use** tab.
- Click **Land Classifications**.
- Click **Hydric Rating by Map Unit**.
- Click the **View Rating** button.
- Click the **Legend** tab to open or close the map symbol legend.
- Click the **Printable Version** button.
- Click the **View** button.
- On the browser menu bar, select **File** and **Print**; or click the print icon.

## Print a Soil Chemical Properties Report

- Complete Steps 1, 2, and 3.
- From the **Soil Data Explorer** tab, click the **Soil Reports** tab.
- Click **Soil Chemical Properties**.
- Click **Chemical Soil Properties**.
- Click the **View Soil Report** button.
- Click the **Printable Version** button.
- Click the **View** button.
- On the browser menu bar, select **File** and **Print**; or click the print icon.

Natural Resources Conservation Service  
National Cooperative Soil Survey

*USDA is an equal opportunity provider, employer, and lender.*

August 2016

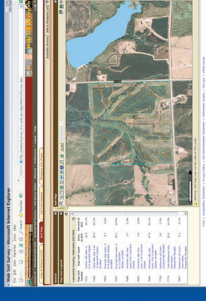


United States Department of Agriculture

# Web Soil Survey

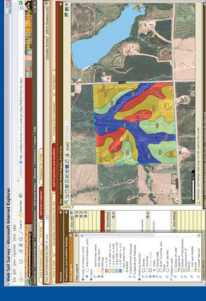
<http://websoilsurvey.nrcs.usda.gov>

## Define.



Search / Locate

## Collect.



Analyze Data

## Develop.



Custom Reports & Maps

**"Helping People Help the Land"**

## Accessing Web Soil Survey

- Open the Web Soil Survey (WSS) site at: <http://websoilsurvey.nrcs.usda.gov> and click the **Start WSS** button.



### Step 1. Define Your Area of Interest (AOI)

<b>Search</b>	<input type="text"/>
<b>Area of Interest</b>	<input type="text"/>
<b>Import AOI</b>	<input type="text"/>
<b>Quick Navigation</b>	<input type="text"/>
<b>Address</b>	<input type="text"/>
<b>State and County</b>	<input type="text"/>
<b>View</b>	<input type="text"/>

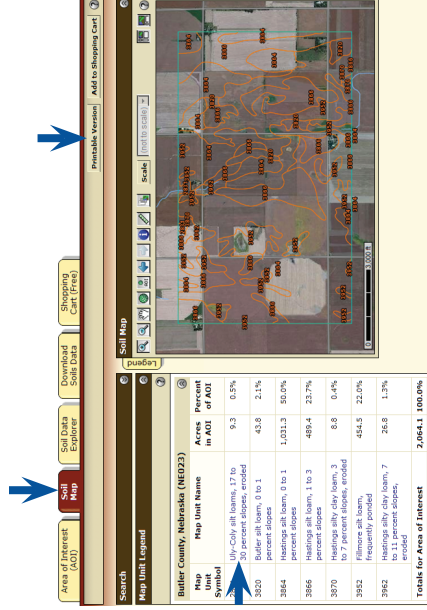
- Several methods are available to zoom into a geographic area of interest. You can enter an address; select a state and county; enter section, township, and range information; or import a boundary file from your local computer to set the AOI.

- Click the **View** button to see the area.



- Use the **Zoom In** tool (plus sign) to click and drag a rectangular box around a specific area. Repeat, as necessary, to zoom further.
- Select an **AOI** tool to draw a rectangular box or irregular polygon that defines the AOI and allows selection of associated soil data. Once the AOI has been defined, you can save it for use at a later date.

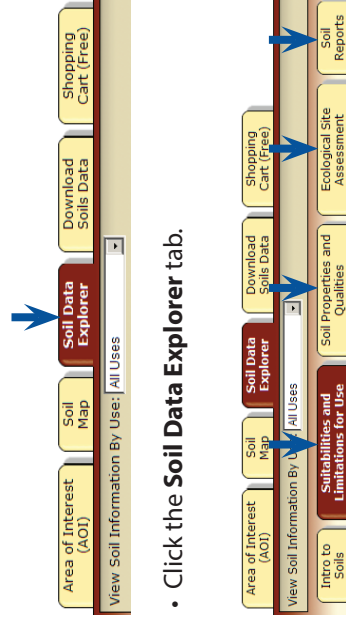
### Step 2. View and Print Your Soil Map



- Click the **Soil Map** tab.
- Click a map unit name to view a map unit description. Click the **X** to close the narrative.
- Print your soil map by clicking the **Printable Version** button; then click the **View** button. On the browser menu bar, select **File** and **Print**; or click the print icon. Close the window.

### Step 3. Explore Your Soil Information

WSS generates thematic maps of soil interpretations, ecological sites, and chemical or physical properties. Tabular data reports are also available.

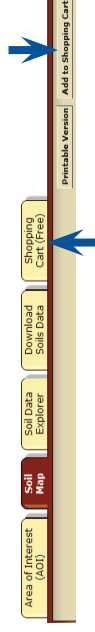


- Click the tabs below **Soil Data Explorer** and explore available information (the default tab is **Suitabilities and Limitations for Use**).

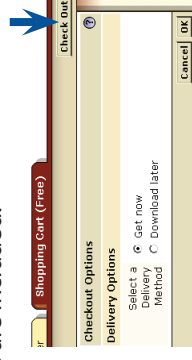
### Step 4. Add Items to the Free Shopping Cart and Check Out

WSS allows you to collect a variety of thematic maps and reports in the Shopping Cart, then print or download the content into one file or document.

- Soil map, map unit legend, and map unit descriptions are automatically added.

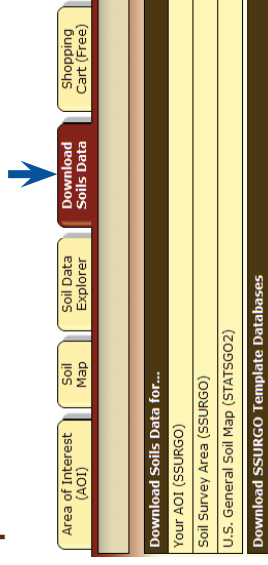


- Items viewed in Step 3 can be added by clicking the **Add to Shopping Cart** button.
- View your cart contents by clicking the **Shopping Cart (Free)** tab. Items checked on the Table of Contents are included.



- Get your Custom Soil Resource report.
  - Click the **Check Out** button.
  - Select a delivery option and click **OK**.

### Step 5. Download Soils Data for Use in GIS



WSS allows you to download spatial and tabular SSURGO and STATSGO2 soils data for use in your local GIS. SSURGO data can be downloaded for your defined AOI or for a soil survey area. STATSGO2 data can be downloaded for individual states or for the whole United States.

NOTE: At any time during Steps 2, 3, 4, or 5, you can redefine the soil map location by clicking the **Area of Interest** tab and clicking the **Clear AOI** button. Repeat Step 1.



# 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: February 7, 2018  
SUBJECT: City Planner's Report PL 18-07

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### City Council - 1.22.18

Council adopted Ordinance 18-04, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.03.040 to Define "Employee-Occupied Recreational Vehicles"; Title 21.54 to add 21.54.325, Permitting Employee-Occupied Recreational Vehicles in the Marine Commercial and Marine Industrial Zoning Districts; and Amending 21.54.200 and 21.54.210 to Reflect the Newly Permitted Use in these Districts. Smith. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.

### 2.12.18

Introduction of Retail Marijuana Facilities in the Marine Commercial District

### Comprehensive Plan

I plan to have the public review draft to commissioners at the meeting. We are making a schedule of activities for the public to ask questions about the plan and comment over the next few months before a public hearing with the commission.

### Natural Hazards

I have been working with the state hazard mitigation team for assistance addressing landslide hazards. I have been referred to the Division of Geological & Geophysical Surveys (DGGs) for technical assistance in identifying hazard areas. They have been working to develop a grant application through FEMA for funding within the Cooperating Technical Partners Program (CTP).

I found out on a Friday that an executive summary with a project description would be due the next Friday. Luckily, this was an 'extra' week when there were 5 Wednesdays and I was not under a packet deadline. So, an executive summary has been submitted and has requested updated Lidar for the entire city and an analysis of the landslide hazards in the Baycrest area along with the area above the hospital (including the drainage for Woodard Creek). I held back

from requesting a study for the entire city until we have a chance for public discourse of the ramification of such a document.

So far, I do not know of any particular regulation requirement attached to the project, like the ones that exist for flood mapping. I was told that it would become part of a public data base to help people consider the hazard when proposing development. I wish to explore the likely effects of such a map to the public and get feedback from the council on their wishes to pursue the mapping of areas other than the two that have been identified as particular concerns.

The opportunity for funding is annually. The proposal included a two-year work frame were DGGs will accept funds and develop the Lidar and the study necessary to identify landslide hazards in our areas of concern. Later it would be up to us to figure the best path forward for use of the maps.

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

February 12: Mandy ???

February 26: Don

March 12: Mandy

March 27: Franco

**Att.**

*The Commissioner, 2018 Volume 24, Number 1*





## The Fire This Time

**T**HE CALLER TO THE SAN FRANCISCO PUBLIC RADIO SHOW on October 30, 2017, had just lost a house to the Tubbs Fire in Santa Rosa, California. She wanted to know about materials used in building the house.

"I'm just curious if building materials would have even made a difference," she said. "I just went back Friday and saw the remains of our house, and from what I saw, it just looked like . . . I can't imagine anything surviving that sort of fire."

Unfortunately, the scenario after this extreme wildfire event—a home completely destroyed, with nothing left to salvage—was repeated thousands of times over in Santa Rosa. But what can be observed after the fact fails to tell the story of what actually happened to destroy the structures. Without scientific context, we see the inferno that burned everything to ashes, and we conclude that nothing could have survived. Therefore, we reason, there is nothing we could have done to prevent this destruction.

The response to the caller came from radio show

guest and physical fire science researcher Jack D. Cohen. As he explained, her home likely was not exposed to a wildfire's raging flames in the crowns of distant trees, but instead to embers blowing in from up to a mile away. The embers might have ignited mulch around the structure, debris in the gutters, or material under a deck or on a porch, or were driven by the strong winds into openings in the home, such as attic vents. With thousands of homes in the area simultaneously at risk, and with residents evacuated and fire services overwhelmed, there was plenty of time for a blizzard of embers to

A firefighter battles flames in Coffey Park during the Tubbs Fire, which destroyed more than 5,000 structures in Santa Rosa, California.

**'There are steps that homeowners can take to reduce the risk [of wildfire], with the most important efforts occurring on and immediately around the home.'**

—FIREWISE USA

ignite homes, and for the homes to burn completely over a matter of hours. Homes in some neighborhoods, such as Coffey Park, appeared to be close enough together so that once one home ignited, the radiant heat, flames, and embers its burning produced then ignited the adjacent home—which then ignited the next home, and so on. The wildfire passed by, but an urban conflagration was well under way to produce the burned-out conditions. Understanding the science of not only wildfire behavior but also how structures ignite is critical so we begin to think and act differently when it comes to wildfire preparedness. It is possible to design with fire in mind, and to prevent a wildfire disaster—even if the wildfire itself may be inevitable.

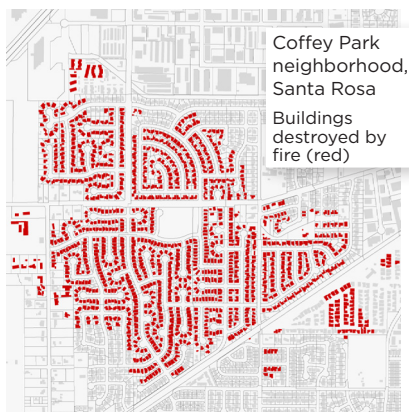
In fire-prone and fire-dependent ecosystems—which exist in many places throughout North America—wildfire will occur. Instead of waiting until it's on our doorsteps and assuming it is a problem for first responders and emergency managers to deal with, communities stand a much better chance of survival and resilience if they are planned, designed, constructed, and maintained to resist ignition from wildfire's embers and flames.

In other words: We may not be able to prevent the wildfire, but we can prevent wildfire disasters and the loss of life and property.

### Planning with fire in mind

One challenge for creating ignition-resistant communities is that conditions that lead to wildfire disasters can change over time and very small distances. Solutions need to be science based, but also site-specific.

Knowing how diverse the socioeconomic, physical, and political environments are throughout the country, the National Fire Protection Association's *Community Wildfire Safety Through Regulation: A Best Practices Guide for Planners and Regulators* (see Resource Finder on page 37) recommends two simple—and effective—techniques for minimizing ignition risks: nonflammable roof coverings



In dense subdivisions, embers and radiant heat from one home often ignite others.

SOURCE: THE NEW YORK TIMES

and assemblies for new construction or roof replacements, and modification of the structure ignition zone (often referred to as “creating defensible space”) within 100 feet of the structure to reduce the ignition potential of ornamental landscaping and other features that could then ignite the main structure. The guide expands on the basic recommendations with many more applicable tools for planning, including zoning overlays, setback requirements, and restrictions of sensitive or hazardous uses in areas of high fire potential.

Increased safety and security can be planned. Given that the fire service may respond to threats by conducting a community assessment, planning and development officials can offer thoughtful design guidelines for fire-protection infrastructure, water supplies for firefighting, access and egress, and more. NFPA's consensus standards include well-researched guidelines for such development, and can be referenced or adopted by local jurisdictions.

### Overcoming regulation resistance

In addition to developing wildfire safety standards that can be locally adopted and enforced, NFPA also administers a voluntary program now known as Firewise USA ([firewise.org/usa](http://firewise.org/usa)). This program helps neighborhoods take steps

that reduce their wildfire risk—and it succeeds by acknowledging those taking action.

Starting with a handful of communities in 2002, Firewise USA today includes nearly 1,500 participating sites in 42 states. To maintain national recognition status, neighborhoods must continue to take safety steps each year. This program directly addresses the wildfire risk legacy of communities that have been built and designed before many of today's standard approaches and without the understanding of the location's wildfire risk and history. It helps people learn how to reduce the ignition risks that have built up over time, both from lack of care and maintenance and from flammable vegetation and other conditions.

Firewise USA has also educated residents and helped them ask the hard questions about what happens in the future. Home owners associations have changed their covenants and restrictions to address wildfire risks. Citizens groups have pushed for stricter controls on new construction, realizing it will add to wildfire's fuel load or crowd exit routes when an evacuation is ordered. The design of the Firewise USA program is to help property owners do what only they can—make changes to their homes and landscapes on private lands well ahead of a wildfire. Once residents engage in the process, they realize that other issues—like adequate water supplies for firefighting, safe egress routes, and fuel treatment on public lands—may be well within their interest to advocate and promote. Using Firewise, planners and planning commissions may find support for the policies and rules they need to apply to ensure a safer future. ■

—Michele Steinberg

Steinberg is the wildfire division manager at the National Fire Protection Association, leading a team dedicated to wildfire safety outreach. She has worked for NFPA since 2002 and has nearly 30 years of professional experience in natural hazard mitigation, land-use planning, and disaster safety outreach. She serves on the board of the International Association of Wildland Fire and on the executive advisory committee of the APA Hazard Mitigation and Disaster Recovery Planning Division. She holds a Master of Urban Affairs degree from Boston University.

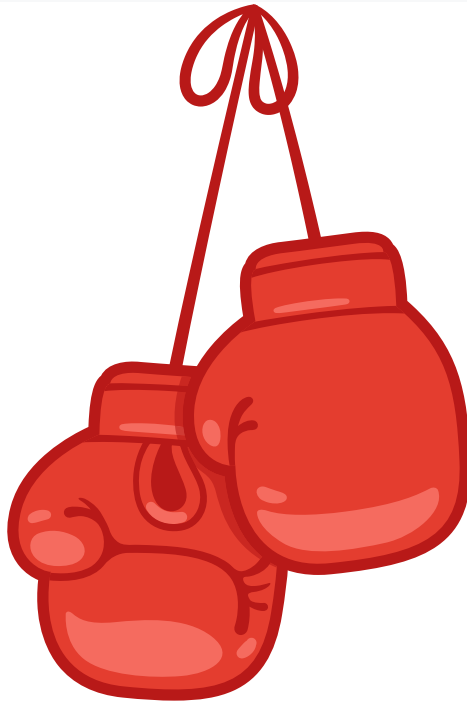


**SCENARIO**

A group home opponent throws a pair of boxing gloves on the floor, saying 'We're taking the gloves off!'

**GET IT ON RECORD RIGHT**

'Mr. Jones yanked off a pair of regulation boxing gloves, threw them violently to the floor, and exclaimed to the commission in a loud, threatening voice that he was taking the gloves off.'



## For the Record

**I**MAGINE you are a trial court judge hearing a subdivision appeal. It has been almost two years since the hearing and the vote to deny the application. The planning board or commission rejected the testimony of the developer's engineer and chose instead to accept that of the neighborhood opponents. In the board's view, the testimony was decisive.

Here is what the judge reads from the transcript of the engineer's testimony:

"Yes, ma'am, I sure will answer your question about the stormwater flows. Take a look at this sheet from the plan set. The flow goes from here, over to here, and then is redirected and goes through this structure—really important in its design and location—and on over to that part of the property. The volumes and velocity are as indicated on this line and this line. It's obvious from what you see here, see where I'm pointing, that there is no chance whatsoever that the neighbors' property would ever be affected."

This evidence turned out to be useless for the judge. More importantly for the board, and the board's lawyer, who was not at the hearing, it makes it difficult to defend the decision based on the evidence. How can you prove that the decision of the board was not "arbitrary, capricious, and an abuse of its discretion"?

If you are from a state where judicial review of land-use decisions is not "on the record" but "de novo"—that is, heard anew in court—the record of local proceedings can still be determinative in all manner of litigation. For example, conduct and statements at the local level could form the basis for a claim under the Fair Housing Amendments Act dealing with discrimination in housing. Likewise, religious institutions may bring an action under the Religious Land Use and Institutionalized Persons Act if they believe they have been treated unfairly. Damages and attorney fees can run into the millions of dollars. Courts have the power to reverse local decisions. Having a proper record is essential in defending your decisions.

Luckily, creating an effective and illuminating record is not difficult.

**Reviewable materials**

First, make sure all application materials are in a form that can be easily reviewed later. The same goes for everything coming into the record at the hearing. I had a hard-learned lesson as a young lawyer when I put a tray of photographic slides into the record, and the commission sent the tray off to the court, but the judge did not have a projector and was never able to view them. Those slides should have been reproduced as paper copies (or, today, as PDF images).

Models and other large objects can be photographed. A star witness in a wetlands battle presented the hearing officer a large chunk of muddy, oozing wetland plant "for the record." A photograph of the mess sufficed.

**Capturing nonverbal communication**

Second, transcripts of hearings are "flat." They are utterly devoid of any emphasis

in volume or inflection and do not convey important body language and expressions. There is some dispute in the literature as to how much of communication is non-verbal, but one of the often-cited studies by Albert Mehrabian in 1970 suggests that 55 percent of communication is body language, 23 percent is voice tone and inflection, and only seven percent is the actual spoken word. More recent, and perhaps more defensible, estimates suggest that nonverbal communication is 65 to 70 percent. Even at that, roughly two-thirds of the communication is lost with the transcript.

So what can you do? On some occasions, it is useful to make a video recording of the proceeding and include that as part of the record if you think demeanor evidence may be useful. But don't bet on the judge spending hours watching a zoning hearing.

A somewhat more certain approach is to paint "word pictures" for the transcript. With our engineer, for example, it would be easy to coach her along with something like, "Ms. Jones, just so I'm clear as to your testimony, I see you are pointing to sheet four of seven of the plan set, and you're now pointing to that portion of the plan around catch basin 14, right?"

One thing that you practically never have to say is, "for the record." Some people hear that as aggressive and litigious. Everything that is said and put into the record is for the record; you can more gently ensure that word pictures are there by simply describing it in your own words. It does help if you coach your witnesses to be clear for the record, but they usually forget.

Once, an opponent of a group home for recovering alcoholics and substance abusers marched up to the front of the room wearing a pair of red regulation boxing gloves, and during his loud and aggressive remarks he pulled them off and threw them violently to the floor, exclaiming, "We're taking the gloves off!"

To get the word picture into the record, when it was my turn to speak, I said, "I don't think I've ever seen anything quite like this. Did you see it? Mr. Jones took his

## SCENARIO

A member of the public makes a discriminatory remark.

## GET IT ON RECORD RIGHT

**'I respect your right to free speech, although I personally do not agree with any of your comments, and more importantly, I want to make sure that you know, and everyone else here knows, that we pride ourselves on being an open and inclusive community and that we look at each and every application objectively, carefully considering the needs of those who live here now and those who would like to live here.'**

position at the lectern wearing a pair red leather, regulation of boxing gloves, out here in front of the commission, some 40 residents of group homes who are here, and 50 or so members of the general public, and he yanked off those gloves and threw them violently to the floor and exclaimed in a loud and threatening voice that he was taking the gloves off."

This transcript ultimately made its way to the federal magistrate judge, who ruled in favor of the group home operator. Without that word picture, the magistrate judge would not have known that the speaker was wearing those boxing gloves or understood his demeanor.

## Complete, clear, and accurate

Third, it is critical that the record be complete and accurate. Make sure all your regulations and reports are in. Documentary evidence such as photographs, maps, and plans to support the decision are essential in helping others understand the facts and commission's reasoning.

When someone makes a mistake in the record, it should be corrected as soon as possible, even though it may cause some embarrassment. If you as a board member offer your calculation that the proposed density is 4.2 dwelling units per acre, and then 15 minutes later, as you look back over your calculations, realize the density is actually 3.6 dwelling units per acre, it must be fixed. Yes, it is embarrassing to admit you made a mistake, but it is much better to correct it immediately.

Even more difficult is when a member of the public makes an outrageous and inflammatory remark on the record, such as a negative comment about affordable housing. That speaker has a First Amendment right to free expression and you certainly respect that, but you also know that it is completely outside the culture of your community. It is not only useful and appropriate, but often essential, for a public official to say in response to such a speaker, "I respect your right to free speech, although I personally do not agree with any of your comments, and more importantly, I want to make sure that you know, and everyone else here knows, that we pride ourselves on being an open and inclusive community and that we look at each and every application objectively, carefully considering the needs of those who live here now and those who would like to live here."

It is not difficult to create winning records. It only requires that everyone down the line be able to understand everything that happened at the local level, that adequate word pictures be painted to pick up on the nonverbal communication, and that the record be complete and accurately reflects the views of all the stakeholders. ■

—Dwight Merriam, FAICP

Merriam is a frequent contributor to *The Commissioner*. He is the founder of Robinson & Cole's Land Use Group and teaches at the University of Connecticut School of Law.

## Connecting to Regional Planning

**A**CCORDING TO THE *GROWING SMART LEGISLATIVE GUIDEBOOK* ([planning.org/growing-smart](http://planning.org/growing-smart)), a regional planning agency “transcends the boundaries of individual governmental units but shares common social, economic, political, cultural, and natural resources characteristics. A regional planning agency prepares plans that serve as a framework for planning by local government and special districts.” In APA’s PAS report *Emerging Trends in Regional Planning* ([planning.org/publications/report/9118764](http://planning.org/publications/report/9118764)), Rocky Piro, FAICP; Robert Leiter, FAICP; and Sharon Rooney, AICP, explain, “Regional entities were typically established to coordinate planning across jurisdictions in order to ensure the efficient use of public funds, manage infrastructure and other types of systems or network planning, and give local governments a stronger political voice in their dealings with state or federal governments.”

This article looks at the purpose of regional planning, along with how various organizations function and intersect with the local planning commission.

### What is regional planning?

Regional planning organizations can take various forms. They can be voluntary, independent nonprofits like the Metropolitan Planning Council in Chicago. “These civic collaborations may work with and sometimes include governmental partners, or they may work outside of government and serve as a voice to influence public policies and investments,” write Piro et al. Other organizations are authorized or mandated by state legislatures, like the Tahoe Regional Planning Agency (California and Nevada) and the Delaware Valley Regional Planning Commission (Pennsylvania and New Jersey).

“One of the more common regional governance structures is the special-purpose authority focused on a specific geographic area or issue, such as regional airport, water, or transit authorities,” they write. “Federal law established metropolitan planning organizations (MPOs) in the 1960s . . . to coordinate long-range transportation planning as a condition of receiving federal funding. Councils of government are another common regional governance model . . .”

As described in *Growing Smart*, these organizations or agencies undertake plans; provide information, technical assistance, and training; coordinate efforts among units of government; and can serve as a forum for discussion of sensitive issues.

Regional planning was integral to the American planning movement from the beginning. In 1902, the Boston Metropolitan Improvement Commission became the first such entity. But, unlike in some other countries, there are no formally designated planning regions in the U.S. If we were to map those regional organizations today, we would see overlap and gaps, as various programs (including federal) and locally developed regional organizations defined their own areas of concern.

Over the years, regional planning changed. “In the earlier decades of the 20th century, regional planning approaches typically focused on single topical areas. In many cases, the early regional plans only addressed transportation,” the report says.

The 1960s was a significant decade for regional planning. In 1965, four federal acts provided legal direction and funding for regional planning. Regional agencies called councils of government, made up of representatives of local government and with their own dedicated staff, expanded as the federal emphasis on housing, economic development, transportation, and water came to the fore. Although not all regional planning organizations cover all these issues, those that receive federal funding do continue to focus on them.

Regional planning has also interested planners and policy makers at a more

prescriptive level. Citizens, planning commissioners, planners, and elected officials have been called upon to consider the larger geographical impact of local actions, and are encouraged to consider coordinated regional approaches to shared problems. Peter Calthorpe and William Fulton wrote about regional planning as a solution to undesirable sprawl in their 2001 book, *The Regional City: Planning for the End of Sprawl*. More recently in 2011, the Lincoln Institute of Land Policy proposed new ways of considering regions and enacting planning in *Regional Planning in America: Practice and Prospect*. Editors Ethan Selzer and Armando Carbonell, FAICP, describe their intent: “Regional planning is concerned less with the exercise of jurisdiction and more with the search for new forms of habitation based on a clear commitment to advancing sustainability.”

While some regional planning agencies produce plans, such as a regional transportation plan, that coordinate financial investment in transportation infrastructure, other regional organizations provoke new ideas for tackling regional issues through studies, proposed plans, and public forums.

### The relationship between regional and local planning

*Emerging Trends in Regional Planning* describes the context for this relationship: “Working at the regional level requires coordination among local, state, and federal governments. This can happen through formal processes, such as enabling legislation or official memorandums of understanding between local governments, or it can occur more informally through self-designated regional agencies or collaborations.”

The local planning commission should be aware of which regional organizations are in their area. The National Association of Regional Councils states that there are more than 400 metropolitan planning organizations in the U.S. that develop regional transportation plans and oversee the spending of federal and state dollars.



Learning about these plans and how they affect and intersect with local transportation plans is an important place to start.

In the case of mandated organizations with functional planning responsibility, the local planning commission can expect its planning staff to coordinate with regional planning for housing, water, parks, and economic development. These plans are vital, and commissioners should be knowledgeable about them. While commissioners can expect their staff to shoulder the responsibility for coordination, there might be occasions in which a commissioner is asked to serve on a board or committee of the regional organization

to further coordination. Often an elected official will represent the community.

An important service that these agencies or organizations play is to provide background information and context for decisions that come before the planning commission. This service can include education programs for officials and the public. For example, the Atlanta Regional Commission conducts planning commission training and offers programs for officials and the public on current issues affecting the community. ARC also provides technical assistance to communities.

Some regional organizations provide funding for local projects, like the Chi-

cago Metropolitan Agency for Planning. Once again, planning staff and commissioners should be aware of these opportunities.

Regional planning agencies carry out important planning for communities. Other regional entities help shape the discussion around common problems and the need for new policies. They provide a significant added dimension to the work of the local planning agency and planning commission. ■

—Carolyn Torma

Torma is a former director of education for APA.



London in 1910 was the setting for the Town Planning Conference, considered the first international meeting of urban planners.

## HISTORY PLANNING ABROAD

AMERICA'S PLANNING MOVEMENT took shape in 1909, with the first national conference in Washington, D.C. But that wasn't the only planning gathering taking place; an international movement was developing.

The first Town Planning Conference was held in London in 1910. The Royal Institute of British Architects brought together four streams of urban design: Städtebau in Germany, British town planning, the American City Beautiful Movement, and French urbanisme. Attended by architects, landscape architects, and engineers, the conference also included a public side, with exhibits of 1,000 plans and models.

Five major sessions took place. Four examined cities of the past, present, future, and development and extension, while the fifth looked at architectural considerations in town planning. Four years later, the Royal Town Planning Institute was created to develop and sustain professional planners.

—Carolyn Torma

## RESOURCE FINDER

As we emerge from one of the most destructive fire seasons in recent memory, it's time for communities to assess their risks and plan for fire hazard prevention.

### APA RESOURCES

*Planning for Wildfires*, James Schwab, FAICP, and Stuart Meck, FAICP, PAS report 529/530: [planning.org/publications/report/9026859](http://planning.org/publications/report/9026859).

*Safer Communities Through Better Wildlife Planning*, On-Demand Education: [planning.org/events/course/9103881](http://planning.org/events/course/9103881).

PAS reports are free to all APA members.

### OTHER RESOURCES

*City Visions: Rebuilding the North Bay—a more fire-resilient future*, KALW Public Radio, October 30, 2017.

*Community Wildfire Safety Through Regulation: A Best Practices Guide for Planners and Regulators*, National Fire Protection Association, 2013: [tinyurl.com/yc8qnxzg](http://tinyurl.com/yc8qnxzg).

National Fire Protection Association, Firewise USA: [tinyurl.com/yd4k6yrw](http://tinyurl.com/yd4k6yrw).

NFPA Firewise USA: Wildfire Preparedness: [firewise.org/wild-fire-preparedness.aspx](http://firewise.org/wild-fire-preparedness.aspx).



# 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 18-09

TO: Homer Advisory Planning Commission **18-09**  
FROM: Julie Engebretsen, Deputy City Planner  
THROUGH: Rick Abboud, City Planner  
DATE: February 7, 2018  
SUBJECT: Crossman Ridge Subdivision Tract 3 Replat Preliminary Plat

**Requested Action:** Review the plat for compliance with the Bridge Creek Watershed Protection District minimum lot size requirements. Provide comment to the Kenai Peninsula Borough Planning Commission.

**Introduction:** A portion of this plat is within the Bridge Creek Watershed Protection District (BCWPD). The entire property is outside Homer city limits. The purpose of this plat review is to determine if the plat meets the requirements of the BCWPD minimum lot size requirements.

### General Information:

Applicants:	Tyson Alward 61291 Crossman Ridge Road Homer, AK 99603	Kenton Bloom, PLS 1044 East End Rd Ste A Homer, AK 99603
Location:	Northeastern boundary of the BCWPD, along Crossman Ridge Road.	
Parcel ID:	17305222	
Size of Existing Lot(s):	9.676 acres	
Size of Proposed Lots(s):	1.003 acres (outside BCWPD) and 8.673 acres within the watershed	
Zoning Designation:	Bridge Creek Watershed Protection District	
Existing Land Use:	Residential Improved Land (per KPB tax assessor records)	
Surrounding Land Use:	North: Vacant South: Vacant East: Residential West: Vacant	

Comprehensive Plan:	Goal 2 Objective E: Collaborate with jurisdictions outside the city of Homer, as well as state and federal agencies, to ensure that environmental quality is maintained.
Wetland Status:	There may be a small ravine on the eastern property line. The majority of the ravine is located on the property to the east. Plat note #5 addresses wetlands.
Flood Plain Status:	Not within a mapped floodplain.
Utilities:	City water and sewer are not available.
Public Notice:	Notice was sent to 10 property owners of 8 parcels as shown on the KPB tax assessor rolls.

**Analysis:** This subdivision is partially within the Bridge Creek Watershed Protection District. This plat creates a one-acre tract outside the BCWPD, and an 8.673-acre lot that is partially within the BCWPD. Crossman Ridge Road is the boundary of the district, and it is marked as ‘existing trail’ on the plat. The trail bisects the lot. This subdivision meets the requirements of HCC 21.40.070(c)(2), which states that lots created by subdivision after February 25, 2003 shall be a minimum of four and one-half acres.

**Homer City Code 22.10.051 Easements and rights-of-way:** This section of code does not apply; subdivision is not within City of Homer municipal boundaries.

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

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

**Staff Response:** The plat meets these requirements.

- B. North point;

**Staff Response:** The plat meets these requirements.

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



**Staff Response:** Staff has no knowledge of the legal status of Crossman Ridge Road in this location and makes no comment therein. The rest of the plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements. The City of Homer has no comment on the nature of Crossman Ridge Road outside city limits.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements; not applicable in this area.

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

**Staff Response:** The plat meets these requirements.

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

**Staff Response:** The plat meets these requirements; not applicable in this area.

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

**Staff Response:** The plat meets these requirements. No roads are dedicated by this plat.

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

**Staff Response:** The plat meets these requirements. It does not appear there are any areas over 20%, according to KPB GIS website information.

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

**Staff Response:** The plat meets these requirements; no encroachments known within the BCWPD.

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

**Staff Response:** Not within Homer City Limits, no comment.

**Public Works Comments:** No comments on this plat.

Not within Homer Fire Department primary response area.

**Staff Recommendation:**

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

1. Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state and federal permits.
2. This subdivision meets the requirements of HCC 21.40.070(c)(2), which states that lots created by subdivision after February 25, 2003 shall be a minimum of four and one-half acres.

**Attachments:**

1. Preliminary Plat
2. Public Notice
3. Aerial Map

WASTEWATER DISPOSAL

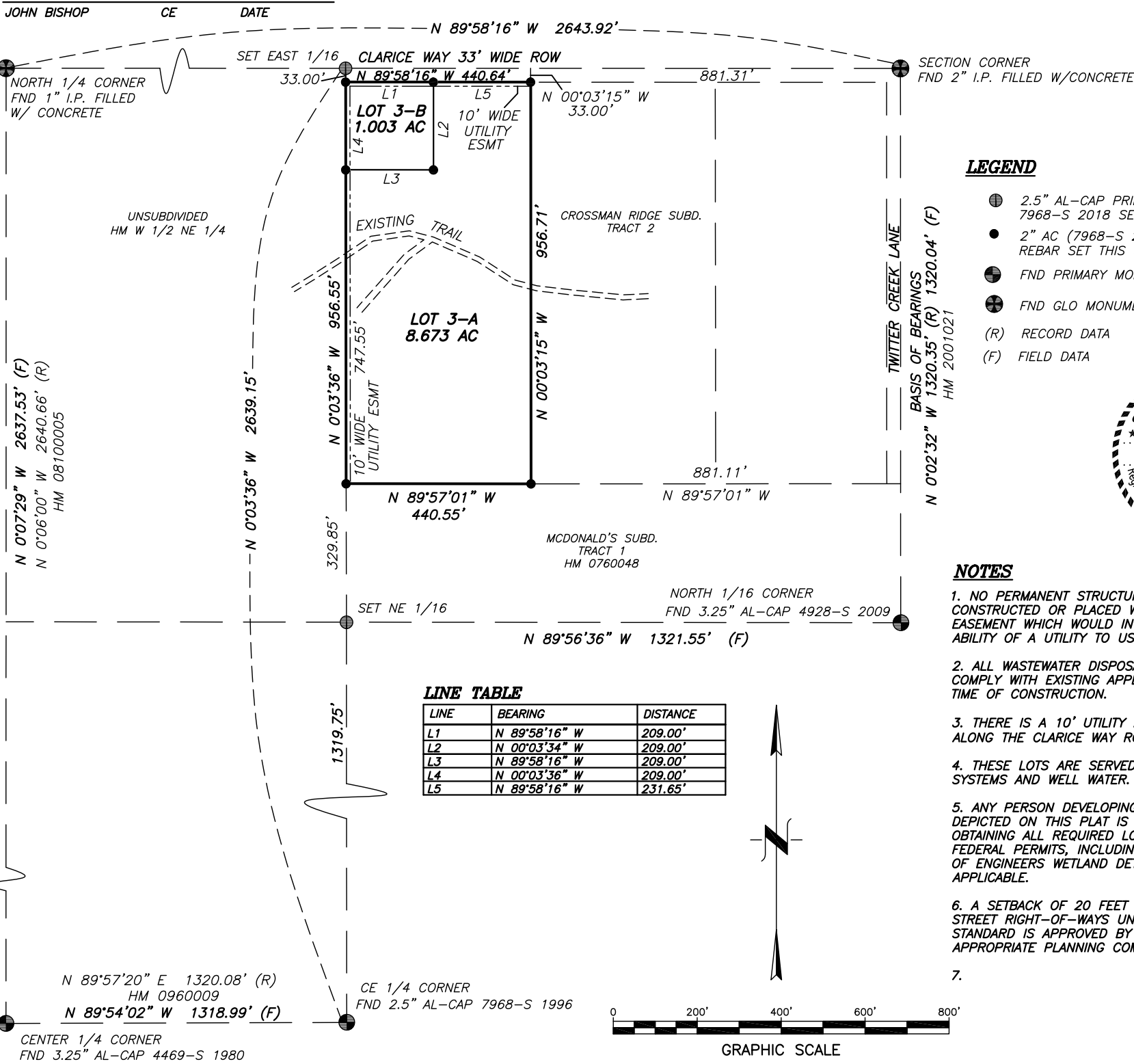
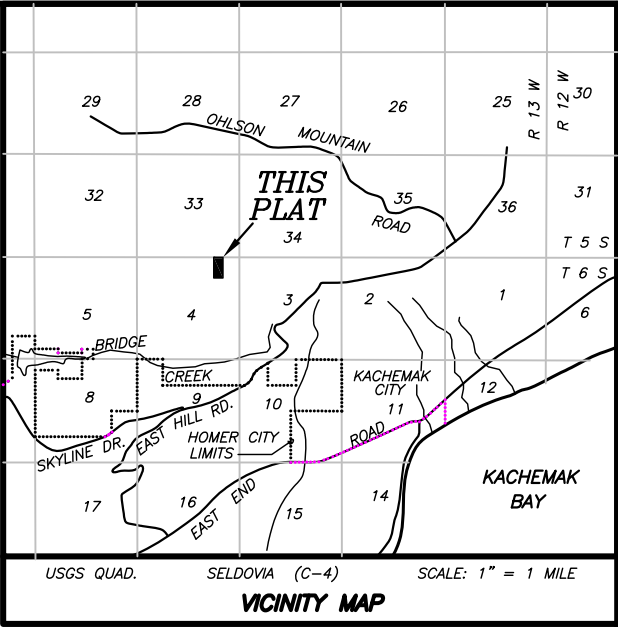
SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

BRIDGE CREEK WATERSHED NOTE

THE PORTION OF LOT 3-A SOUTH OF THE TRAIL IS SUBJECT TO THE CITY HOMER BRIDGE CREEK WATERSHED ZONING REGULATIONS. CONTACT CITY OF HOMER PLANNING AND ZONING PRIOR TO DEVELOPMENT.

NOTARY'S ACKNOWLEDGMENT

FOR: \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2018  
\_\_\_\_\_  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_



LEGEND

- 2.5" AL-CAP PRIMARY MONUMENT 7968-S 2018 SET THIS SURVEY
- 2" AC (7968-S 2016) ON 5/8" REBAR SET THIS SURVEY
- FND PRIMARY MONUMENT AS NOTED
- FND GLO MONUMENT AS NOTED
- (R) RECORD DATA
- (F) FIELD DATA



NOTES

- NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
- ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
- THERE IS A 10' UTILITY EASEMENT GRANTED ALONG THE CLARICE WAY ROAD FRONTAGE.
- THESE LOTS ARE SERVED BY ONSITE SEPTIC SYSTEMS AND WELL WATER.
- ANY PERSON DEVELOPING THE PROPERTY DEPICTED ON THIS PLAT IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
- A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 

PLAT APPROVAL

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

BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH  
DATE \_\_\_\_\_

CERTIFICATE OF OWNERSHIP

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

TYSON J. ALWARD  
61291 CROSSMAN RIDGE ROAD  
HOMER, ALASKA 99603

HOMER RECORDING DISTRICT KP FILE No. 2017-XXX

CROSSMAN RIDGE SUBDIVISION  
TRACT 3 2017 REPLAT

A SUBDIVISION OF TRACT 3 CROSSMAN RIDGE SUBDIVISION (HM 0720492)  
LOCATED WITHIN THE NE 1/4 NE 1/4 SEC 4, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 9.676 ACRES

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

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

CLIENT: TYSON J. ALWARD  
61291 CROSSMAN RIDGE ROAD HOMER, AK

DRAWN BY: KB CHKD BY: KB JOB #2015-54  
DATE: 11/2017 SCALE: 1"=200' SHEET #1 OF 1



## NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

### **Crossman Ridge Subdivision Tract 3 2017 Replat Preliminary Plat**

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

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, February 07, 2018 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

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

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

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

.....

**VICINITY MAP ON REVERSE**

# Vicinity Map

This lot to be subdivided.

Crossman Ridge Road,  
Boundary of the City of Homer  
Bridge Creek Watershed Protection District.

Wynn Nature Center

Skyline Drive



City of Homer  
Planning and Zoning Department

1/24/18

## Crossman Ridge Subdivision Tract 3 2017 Replat Preliminary Plat

Lots w/in 500 feet are marked  
and property owners notified.

0 500 1,000 2,000 3,000 Feet



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



# Aerial Map

Crossman Ridge Road,  
Boundary of the City of Homer  
Bridge Creek Watershed Protection District.

This lot to be subdivided.

Wynn Nature Center

Skyline Drive

Homer City Limits

2016 Photo



City of Homer  
Planning and Zoning Department

1/24/18

## Crossman Ridge Subdivision Tract 3 2017 Replat Preliminary Plat

0 500 1,000 2,000 3,000 Feet



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or conclusions drawn therefrom.*







## 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: January 17, 2018  
SUBJECT: City Manager's Report – January 22, 2018

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### Update on Large Vessel Haul Out Facility

Questions about the City's role in managing the Marine Repair Facility came up recently providing an opportunity to explain the history of the facility and how it is operated as a partnership between local business and the Port and Harbor. The Marine Haul-out facility is space on the Spit (near Pier One) that is provided by the Port and Harbor for contractors and vessel owners to come together and work on large vessels. To use the facility, contractors have to sign a vendor use agreement. Currently Kachemak Haul-out is the primary provider of haul-out services using airbags and heavy equipment, however the space is open to any business willing to sign the agreement. Attached is the City's Marine Repair Facilities Policies and Best Management practices booklet which is used to manage the use of the property.

At the request of Mayor Wythe, the Port and Harbor Commission formed the Vessel Haul-out Task Force in January of 2014. A survey was mailed to harbor customers who owned vessels that were too large to haul-out in Homer. Staff worked with other harbor facilities up and down the coast that owned and operated haul-out facilities and wrote best management practices for Homer's Marine Repair Facility. Staff has also been working with engineers to design a marine repair yard upgrade that would provide moorings for the vessels to secure to on the beach landing, a wash down pad, electrical pedestals, and lighting for the yard and the users. This project is on the City of Homer CIP and scores highly on calls for potential Federal Infrastructure projects. Upgrades to the facility would bring even more business into the community during the fall and winter months.

Making the current Marine Repair Facility more user friendly is a step in the right direction, however there is still much to do if the Homer Port and Harbor is going to be able to truly serve all boat owners with the haul-out facilities that they need in order to own and maintain their vessels in Homer Alaska. Deep Draft vessels are a challenge to haul-out using air bags on the beach. The reality is that if those vessels are to be served here a sling lift machine is needed in order to be able to perform that task safely and efficiently. The Port and Harbor Commission has talked about developing a program that would to pick a large deep draft vessel from the harbor and set it on the old chip pad for repairs and then be returned into the harbor for regular moorage. The machine would be sized in the 350 ton range so as not to compete with existing private owned facilities that haul out smaller vessels.

Continuing to develop large vessel haul-out facilities in Homer is tremendous economic development opportunity. Homer has the boat owners who need the service and we have the best Marine Trades industry

in the State ready and willing to provide to those needs. What we lack is the facilities for these two industries to meet.

### **Retirement of Chief Painter**

After 26 years of service with the Homer Volunteer Fire Department, Chief Painter is retiring. He will be moving back to his home state of Oklahoma to take a leadership position overseeing instruction for the next generation of first responders at Tulsa Community College. Please take a moment to thank Chief Painter for his many years of service to this community. Assistant Chief Kadel will take over as Acting Chief upon Chief Painter's departure and a temporary Emergency Services Technician has been hired to help with coverage. This will give the department and Assistant Chief Kadel time in the hot seat before moving forward with long term plans. I have been working with Chief Painter and Assistant Chief Kadel on transition planning and feel very confident in the ability of the staff and the volunteers.

### **Police Station Worksession**

Lisa Talbot has agreed to facilitate the Police Station worksession on the 29<sup>th</sup>. I have had a couple of meetings with her and feel very optimistic about her ability to guide members through some of these tough questions to move forward on the Police Station project. The worksession will take place offsite at the Port and Harbor conference room. The non-traditional venue will be well advertised to make sure the public can participate. Thank you to those of you who have given input on critical pieces of back up to include and/or topics that need to be addressed. I will be working this week on putting together a packet.

### **Homer Foundation City of Homer Application Period Open**

*Announcement from the Homer Foundation Executive Director, Joy Steward:*

The Homer Foundation announces that application forms for the 2018 City of Homer Grants Program are now available. The grants program is funded through an annual allocation from the City of Homer in addition to the earnings from the City of Homer Fund and the Kachemak City Fund at the Homer Foundation. The intent of the City of Homer Grants Program is to support locally-based non-profit organizations that provide services primarily within the City of Homer. The applicants must be IRS 501(c)(3) tax exempt organizations, in existence in Homer a minimum of 3 years, with their primary facility and core programs, activities and services offered within the Homer City limits. This is a competitive grants process. The organization must be administered locally with a local policy-making board of directors. The organization may have no other financial or in-kind support from the City of Homer in the prior calendar year. The funding is for general operating support.

### **Transfer of Tidelands**

Five years after applying for conveyance of the tidelands at the Deep Water and Pioneer Docks, the City has received the recorded patents from the state. This represents 11.9 acres near the Deep Water Dock, and 1.365 acres off of the Pioneer dock. The City Council accepted the tideland transfer in Resolution 17-081. Now the City must decide if it is worth going through the paperwork intense process to include these relatively small chunks of land in City limits through annexation. An annexation petition takes well over a year with various stages of public process (see attached flow chart). Staff will be weighing the pros and cons of pursuing annexation for these small parcels of tidelands including any potential legal implications and internal capacity.

### **Industry Outlook Forum**

Councilmember Aderhold, Special Projects Coordinator Carroll and I traveled to the Industry Outlook Forum sponsored by the Kenai Peninsula Economic Development District (KPEDD) on January 10<sup>th</sup>. The

Forum was well attended by industry leaders, entrepreneurs and government officials. In addition to being an excellent change to touch base with our Peninsula neighbors, we heard presentations on the health of the Kenai's economy relative to the State, an update on Alaska Gasline Development, and efforts underway to develop Alaska's Blue (Ocean) Economy. Next year the forum will be held in Homer which will be an outstanding opportunity for local entrepreneurs and officials. KPEDD (which Mayor Zak and Economic Development Commission Chair Marks and both board members) will begin planning the Homer Forum in March.

#### **Certificate for outstanding Loss Control Efforts**

Alaska Municipal League Joint Insurance Association (AMLJIA) issued the City of Homer a 'Gold Status Certificate' in loss control recognizing keeping losses to less than 10% of contribution during Fiscal Year 2016. Risk management is key to keeping our rates down and the insurance pool healthy. Some of the measures the City of Homer takes to control claims include annual safety training for employees, new hire trainings, department specific training and a careful review of any claims including any corrective action that needs to be taken to prevent future exposure.

Enc:

City of Homer Marine Repair Facility Policies and Best Management Practices

Local Boundary Commission Petition Process Flow Chart

Certificate for Outstanding Loss Control Efforts





## City of Homer

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

## Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

January 23, 2018

Carla Stanley  
P.O. Box 2225  
Homer, AK 99603

Dear Mrs. Stanley,

Congratulations! Council confirmed/approved your reappointment to the Cook Inlet Regional Citizens Advisory Council during their Regular Meeting of January 22, 2018, via Memorandum 18-011.

The Homer City Council wants you to know that you're welcome to attend their regular meetings at your convenience and give a CIRCAC report. Contact the City Clerk at 235-3130 or [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us) and she can schedule you as a visitor on the agenda. The meetings begin at 6:00 p.m. and Visitors speak toward the beginning of the meeting.

Thank you for your willingness to serve the City of Homer as representative on the Cook Inlet Regional Citizens Advisory Council. Your term will expire April 2021.

Cordially,

Bryan Zak, Mayor

Enc: Memorandum 18-011  
Certificate of Reappointment

Cc: Homer Advisory Planning Commission



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### Memorandum 18-011

TO: HOMER CITY COUNCIL  
FROM: BRYAN ZAK, MAYOR  
DATE: JANUARY 17, 2018  
SUBJECT: RE-APPOINTMENT OF CARLA STANLEY TO THE COOK INLET REGIONAL CITIZENS ADVISORY COUNCIL AND RE-APPOINTMENT OF GLENN CARROLL AND DANIEL DONICH TO THE PORT AND HARBOR ADVISORY COMMISSION

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Carla Stanley is re-appointed to the Cook Inlet Regional Citizens Advisory Council for a three year term to expire in April 2021.

Glenn Carroll and Daniel Donich are re-appointed to the Port and Harbor Advisory Commission for a three year terms each to expire in February 2021.

#### RECOMMENDATION:

Confirm the re-appointment of Carla Stanley to the Cook Inlet Regional Citizens Advisory Council and re-appointment of Glenn Carroll and Daniel Donich to the Port and Harbor Advisory Commission.

Fiscal Note: N/A



# City of Homer

Homer, Alaska

## Mayor's Certificate of Reappointment

Greetings

Be It Known That

*Carla Stanley*

Has been reappointed to

serve as

**“Representative”**

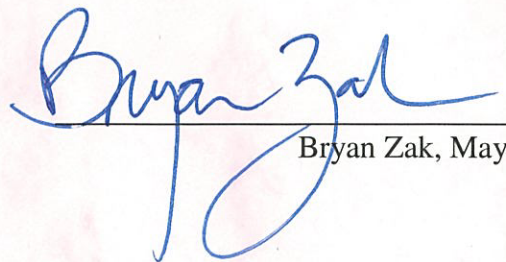
on the

**“Cook Inlet Regional Citizen’s Advisory Council”**

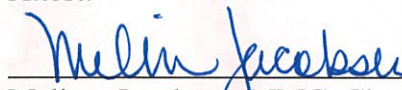
*This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.*

*In Witness whereof I hereunto set my hand  
This 22nd day of January 2018.*



  
Bryan Zak, Mayor

Attest:

  
Melissa Jacobsen, MMC, City Clerk

