

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 7, 2018 **p. 1**

6. Presentations/Visitors

7. Reports

A. Staff Report 18-72, City Planner's Report **p. 7**

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 18-73, Request for Vacation of Right-of-Way, a portion of Eric Lane west of West Hill Road **p. 9**

B. Staff Report 18-74, Conditional Use Permit 18-13 for more than one building containing a permitted principal use on a lot at 3771 West Hill Road **p. 25**

C. Staff Report 18-75, Conditional Use Permit 18-14 for a medical office/clinic at 205 W. Fairview Ave. **p. 49**

9. Plat Consideration

A. Staff Report 18-76, Commercial Park Unit 2 Preliminary Plat **p. 71**

10. Pending Business

A. Staff Report 18-77, Green Infrastructure **Not Included – Item inadvertently placed on agenda**

11. New Business

A. Staff Report 18-78, HAPC Work List **p. 83**

12. Informational Materials

A. City Manager's Report for the November 26, 2018 Homer City Council meeting **p. 85**

B. Notice from the superior court dated 11/26/18, re: case no. 3HO-18-00240 **p. 129**

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 2, 2019. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

Session 18-16, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on November 7, 2018 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BANKS, VENUTI, HIGHLAND, BERNARD

ABSENT: COMMISSIONERS BOS, BENTZ, SMITH (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BANKS – 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 October 3, 2018

B. Approval of minutes of October 17, 2018

C. Decisions and Findings for Staff Report 18-68, CUP 18-12, for more than one building containing a permitted principal use at 3725 West Hill Road.

D. Memorandum for 2019 HAPC Meeting Schedule

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BANKS – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. Mayor Ken Castner, Goals for 2019

Mayor Castner spoke to the Commission on his privileges and powers as the Mayor. He outlined his ability to be a conduit to schedule items on the Council's agenda and keeping that item in front of the Council.

He then stated his intent to have recognitions and proclamations at the Department or Commission level where he feels it would be the more appropriate venue to recognize the efforts of those in their field in front of their peers. He would gladly issue Mayoral Proclamations or recognitions and members of Council can attend the Commission meeting.

Mayor Castner informed the Commissioners that as the commission turnover occurs his goal is to get younger people involved and appointed. He noted the incident with a recent potential Candidate for City Council.

Mayor Castner then expressed his enjoyment and satisfaction with the City of Homer. He then asked for any questions that the Commission may have.

City Planner Abboud informed Mayor Castner about the start of work on Green Infrastructure, stormwater management, available grants, mapping, natural hazards and identifying that role and planning for the future; funding that will be required for the Transportation Plan update; and that there are items that the Commission and Planning Department would like to codify regarding the Conditional Use Permit process; site plan permit and follow-up and code that backs that up.

Mayor Castner commented that the City relies on the Fire Marshall and the Fire Marshall relies on the Architectural profession and that it is more common to require stamped drawings.

City Planner Abboud responded that the City is getting the same pressure but the Fire Marshall is not required to inspect residential projects however the city is requesting more than just a sketch on a napkin.

Mayor Castner requested clarification on the proposed Medical District, and how that would be done. He also requested information on the issue of Setbacks.

City Planner Abboud responded on the proposed Medical District and the standard setback of 20 foot from right of way and the side setbacks are generally five foot. He noted the issue that will come before Council at the next meeting on changing how they do things currently to wholesale setbacks in the districts and the issues surrounding that.

Chair Venuti also provided some input on the setbacks and the inherent possibility of lawsuits. He stated that the Commission determined that they really need to review the Transportation

Plan. One problem is the heavy vehicle or Truck Route and how that traffic can be directed and should be considered also when talking about the setbacks.

He then brought forth the issue of the line of sight issues and pedestrian safety.

Mayor Castner agreed with those concerns and again commented that submitting a memo through the Clerk.

Chair Venuti advocated for reinstating the Transportation Committee and Mayor Castner responded that he would check with the Clerk on reinstating the Committee mentioning the staff time balancing and he will start asking some questions.

City Planner Abboud provided input on the Planning Commission taking over the duties of the Transportation Committee and they could schedule more appropriately within their schedule. He was not sure it was clearly defined on the Committee duties.

Commissioner Highland who was on the Committee provided input on who was a member, example of the work on Greatland and how the street was changed by Council which was against recommendations.

Commissioner Bernard thought it may be preemptive since the Planning Commission hasn't actually determined what it wants to do in order to provide direction to another committee. She also commented on the basis to support the additional expense to the budget with the required staff time.

Mayor Castner responded that he has carefully reviewed the budget and did not feel that the Commissions and Committees created a burden for the city. He believed process trumps everything and if you are planning roads, sidewalks, traffic is something that people want to be involved with.

Mayor Castner then asked if the Commission was involved in the Climate Action Plan since there are people on the Council that would like to review the plan for updating. He believed it would be coming forward after the budget is set.

Chair Venuti inquired if there is anything he expected from the Commission this coming year.

Mayor Castner has heard from them and did not want to burden them since they have day to day business to handle promptly and correctly, these other things can be handle possibly by an ad hoc group. He believed that there are things that require an avenue to come up to Council and not down from above. He elaborated on his discussions and the responses he has received from various groups and city staff noting the concern each has for the city.

Mayor Castner thanked the Commission for their time.

REPORTS

A. Staff Report 18-71, City Planner's Report

City Planner Abboud provided a summary of his report noting the reconsideration for the Marijuana License application for 420 on Main by a councilmember.

City Planner Abboud noted that the Commissioner Smith will be attending the 2019 Alaska State Planning Conference in January and if anyone else was interested there may be some funding available for their attendance. Please contact Planning staff if interested. The dates were January 13-15, 2019.

City Planner Abboud requested a volunteer for the November 26, 2018 Council meeting but there were no volunteers due to scheduling conflicts.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

INFORMATIONAL MATERIALS

- A.** City Manager's Report for the October 22, 2018 Homer City Council meeting
- B.** Kenai Peninsula Borough Plat Committee Notice of Decisions
 - Forest Glen Subdivision 2018 Replat Preliminary Plat
 - Forest Glen Subdivision 2019 Preliminary Plat

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Clerk Krause expressed her appreciation for a short meeting after the election.

COMMENTS OF THE COMMISSION

Commissioner Highland welcomed City Planner Abboud back and it was an interesting meeting hearing from Mayor Castner and they will see how far they get with what they are doing.

Commissioner Bernard commented that Mayor Castner's comments reminded her that as a Commission they had those bullet items and need to refine those ideas for the upcoming year.

She thought that they had those bigger goals and the idea that they were going to work on the process and believes that it would be helpful to keep that list present as they go forward.

Commissioner Banks followed up Commissioner Bernard's comments by requesting that priority work list as a document in their packet at the next meeting and they can approve it as a commission and forward it as a memo to the Mayor to sort of test the channels to see if it does get to Council. He then commented on the Climate Action Plan and he is not sure if that is something they should consider in this body or wait until something comes from City Council but he would be willing to represent this Commission if that does happen. He then wished everyone Happy Thanksgiving.

Chair Venuti commented on the interesting meeting while short and that it appears that they will be able to work with Mayor Castner since it appears he is willing to work with the commission.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:30 p.m. The next regular meeting is scheduled for Wednesday, December 5, 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.

RENEE KRAUSE, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: December 5, 2018
SUBJECT: Staff report PL 18-72, City Planner's Report

City Council - 11.26.18

RECONSIDERATION

Memorandum 18-112 from City Clerk Re: New Marijuana Cultivation License for 420 on Main. (Timely notice of reconsideration issued by Councilmember Erickson) **No motion was made to bring this to the floor for reconsideration.**

Ordinance 18-51, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.18 Central Business District, Section 21.18.020 Permitted Uses and Structures to Delete Marijuana Cultivation Facilities as a Permitted Use. Smith. Recommended dates Introduction and Refer to Planning Commission November 26, 2018, Public Hearing and Second Reading January 14, 2018. **No motion was made to introduce Ordinance 18-51**

Memorandum 18-134, from City Clerk Re: Approval of a Letter to Marijuana Control Board Re: Request to postpone issuing a decision on permit for License 16446 for 420 On Main. Requested by Councilmember Smith. **No motion was made to bring this forward.**

Memorandum 18-135, from City Clerk Re: New Marijuana Product Manufacturing Facility License for 420 on Main. **APPROVED with discussion.**

Ordinance 18-47, An Ordinance of the City Council of Homer, Alaska, Adopting the 2018 Homer Comprehensive Plan and Recommending Adoption by the Kenai Peninsula Borough. City Manager. Introduction October 22, 2018, Public Hearing and Second Reading November 26, 2018. Memorandum 18-115 from City Planner as backup **ADOPTED without discussion.** There was no public testimony received.

Ordinance 18-39, An Ordinance of the City Council of Homer, Alaska, Amending HCC 21.18.040 to Reduce the Setback Requiring a Conditional Use Permit from Twenty Feet to Ten Feet in the Central Business District. Aderhold. Introduction and Refer to Planning Commission August 27, 2018, Public Hearing and Second Reading November 26, 2018. Memorandum 18-129 from City Planner as backup. **FAILED with discussion.**

2019 Alaska State Planning Conference

Taking place Jan. 13-15, 2019 in Anchorage, this conference is organized by the American Planning Association (APA) Alaska Chapter and is a great opportunity for networking, learning and sharing about local and statewide issues, and continued education in the planning field. Sunday offers a planning commissioner training workshop, while Monday and Tuesday offer conference sessions, keynote speakers, discussions and workshops. If you are interested in attending, please contact Rick. There may be City funds available to help cover the cost of registration and travel, depending on how many would like to attend. Here is a link to the website for more information:

https://www.akplanning.org/register?fbclid=IwAR2L-SxKiVsR0O2h5XDJ4c9I2dus6TZ-NKU_yYcvj5h5oqHPpyHuYVRaVWE

City Council report sign up

12.10.18

1.14.19

1.28.19

Attachments:



City of Homer

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Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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(p) 907-235-3106

(f) 907-235-3118

Staff Report 18-73

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: December 5, 2018
SUBJECT: Vacation of a portion of the Eric Lane right-of-way (ROW)

Requested Action: Conduct a public hearing and make a recommendation on the vacation of the right-of-way.

General Information:

Applicants:	Loren Myhill 1363 Myhill Road Homer, AK 99603	Jordan Jones 3771 W. Hill Road Homer, AK 99603
Location:	Eric Lane & West Hill Road	
Proposed ROW vacation area:	Approximately 20,000 sq. ft. OR 250' long by 80' wide	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Existing driveway access within the ROW	
Surrounding Land Use:	North: Vacant RR lot South: Vacant RR lot East: Residential West: Residential	
Comprehensive Plan:	2005 Homer Area Transportation Plan: no motorized routes are shown using this portion of Eric Lane	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 18 property owners of 28 parcels as shown on the KPB tax assessor rolls.	

Introduction : Two adjacent property owners have requested the vacation of a portion of Eric Lane. The requested area is the entire portion of Eric Lane, lying west of West Hill Road, and is approximately 250' long and 80' wide.

Analysis - Relevant Sections of Borough Code:

20.70.170 - Vehicular access.

The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

Staff Response: The proposed portion of Eric Lane to be vacated currently provides public access for a total of three lots. All three of these lots have alternative public access; two of the lots front West Hill Road and a larger 11.5-acre lot has access to Hillside Place.

The 11.5-acre lot is encumbered by a strict conservation easement that prohibits any subdividing or development beyond the existing improvements (a single-family home). The conservation easement prohibits many uses including subdivisions, construction of structures (including additions to existing buildings), construction of roads, and construction of trails/boardwalks. Normally, a lot this size would benefit from alternative access, but due to these restrictions on development, alternative access via Eric Lane is unnecessary for this lot.

20.70.180 - Other access.

Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

Staff Response: No other uses for this right-of-way have been identified.

20.70.190 - Utility provisions.

All existing and future utility requirements shall be considered when evaluating a vacation request. Rights of way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right of way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right of way.

Staff Response: All utility entities will have an opportunity to request adequate easements. A 10-foot utility easement, centered over Eric Lane, is proposed. The City has requested an additional 15-foot easement (see public works comments below).

Relevant Section of Homer City Code - 22.10.051 Easements and rights-of-way

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

Staff Response: City plans do not identify this portion of Eric Lane as a public access corridor.

Public Works Comments: PW has no objection to the vacation of Eric Lane, although, we do have some conditions:

1. Provide a 15' utility easement centered over the existing underground electric line that provides service to our PRV station.
2. Provide a statement from ADOT approving the driveway approach in relation to the Eric Lane intersection across the street. The state issued the driveway permit based on Eric lane being dedicated ROW.

Fire Department Comments: No comments

Staff Recommendation:

Planning Commission recommend approval of the vacation with the following comments:

1. Provide a 15' utility easement centered over the existing underground electric line that provides service to our PRV station.
2. Provide a statement from ADOT approving the driveway approach in relation to the Eric Lane intersection across the street. The state issued the driveway permit based on Eric lane being dedicated ROW.

Attachments:

1. Vacation petition
2. Public Notice
3. Aerial Map

October 19, 2018

To Whom It May Concern:

The purpose of this request to vacate the right-of-way is so that some usefulness may be made for most of this property that now will never be used as a right-of-way. Eric Lane now dead ends into Land Trust Property that can never be developed in any way at all, so there is no longer any use for this right-of-way to anyone. However, the vacation of this land gives better options for possible uses of both lots #37 and #38 as well as better options for placement of structures planned for these lots.

No foreseeable problem currently exists for granting any easements the City of Homer may request that run along the future property line as is customary.

Most likely the new property line will run down the middle of the vacated property, but whatever the City of Homer decides will be acceptable.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Loren Myhill". The signature is written in dark ink and is positioned above the printed name.

Loren Myhill



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

Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
Public Hearing Required

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- ☐ \$500 non-refundable fee to help defray costs of advertising public hearing.
- ☐ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- ☐ Name of public right-of-way proposed to be vacated is dedicated by the plat of Lillian Valli Estate Subdivision, filed as Plat No. 88-16 in Homer Recording District.
- ☐ Are there associated utility easements to be vacated? ☐ Yes ☒ No
- ☐ Are easements in use by any utility company? If so, which company n/a
- ☐ Easement for public road or right-of-way as set out in (specify type of document) Homer as recorded in Book _____ Page _____ of the Homer Recording District. (Copy of recorded document must be submitted with petition.)
- ☐ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? ☐ Yes ☒ No
- Is right-of-way used by vehicles / pedestrians / other? ☐ Yes ☒ No
- Is alternative right-of-way being provided? ☐ Yes ☒ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
No present or future use exists for this right-of-way extension of Eric Lane. All utilities and lot access there of is from the East and West sides of lots #37 and #38.

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By:

Name: Loren Myhill
Address: 1363 Myhill Road
Homer, AK 99603

Signature as:

☒ Petitioner ☐ Representative

Phone: 214-623-6468

Petitioners:

Signature: Loren Myhill
Name: 1363 Myhill Road
Address: Homer, AK 99603
Loren Myhill

Signature _____
Name _____
Address _____

Owner of Lot 37, 3815 W. Hill

Owner of _____

Signature: Jordan Jones
Name: Jordan Jones
Address: 3771 W. Hill Rd
Homer, AK 99603

Signature _____
Name _____
Address _____

Owner of Lot 38, 17524179

Owner of _____

LOCATED IN E1/2NE1/4 SEC. 24, T6S, R14W, S.M. HOMER REC. DISTRICT
SCALE 1"=100' AREA=75.277 AC 4-30-1987
BY ERO STEVE WALLI P.O.B. 1266 HOMER, ALASKA 99603

- + - 1917 brass cap monument by G.O., found
- - Brass cap man by 268 S., found
- - 1976 aluminum man by 1201 S., found
- - Aluminum man by 268 S., set
- $\Delta = 1/2'' \times 4''$ steel, set
- A - One R/W man by P.O.T., found
- " " " "
- B - " " - 20' distance statement
- " " " "
- - - - - 1910's, agreement, 20' unless otherwise noted
- - Point of surveying, 1/2" W x 4" cedar set

This plot was approved by the Vernal Peninsula Borough Planning Commission at the meeting of Dec. 1, 1987.

KENAI PENINSULA BOROUGH
By Ruth A. Trolge 5-16-88

187 No building permits will be granted for any lot within said subdivision until the subdivision is developed in accordance with its requirements of Home Municipal Code Chapter 22.10

The purpose of this plat is to resolve ownership of Lillian Wallis Estate. Any development of this subdivision will require a signed agreement between respective owner(s) and the City of Homer, Alaska.

A building without a 20' front set back is required unless a lesser setback is approved by a resolution of the appropriate planning commission.

subject to approval by a majority of the appropriate governing commission.
 subject 10% of billable amount in plan is utility, wastewater and solid waste
 service amount within 90% of side lot lines for any wires
 100% fee rate to be waived by the City of Homer municipal water and sewer system
 within one 200 utility easements on both sides of West Hill Rd and Fairview Ave
 any direct increase to state maintained roads a permitted increase approved by
 the State of Alaska Dept of Transportation
 100% fee rate to be waived by the City of Homer municipal water and sewer system
 subject to approval by a majority of the appropriate governing commission.
 subject 10% of billable amount in plan is utility, wastewater and solid waste
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 100% fee rate to be waived by the City of Homer municipal water and sewer system
 within one 200 utility easements on both sides of West Hill Rd and Fairview Ave
 any direct increase to state maintained roads a permitted increase approved by
 the State of Alaska Dept of Transportation

1	2	3	4	5	6	7
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[illegible]

We hereby certify that we are the owners of the property shown and described herein, and that we hereby adopt this plan of subdivision, and dedicate all R/W's to public use, and grant all easements in uses shown.

Ena Sane 10/10/10

Dr. Geo. G. G.

2008年 12月 12日 星期五 12:12:12 来源: 中国新闻网 作者: 王 强 编辑: 王 强

Subscribed and sworn to before me this 12 day of May, 1987

Carol Ann


NOTARY PUBLIC ALASKA

My commission expires Postmaster

100

88-16

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STATE OF ALASKA

HOMER

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Hemming, J. J. H. Johnson

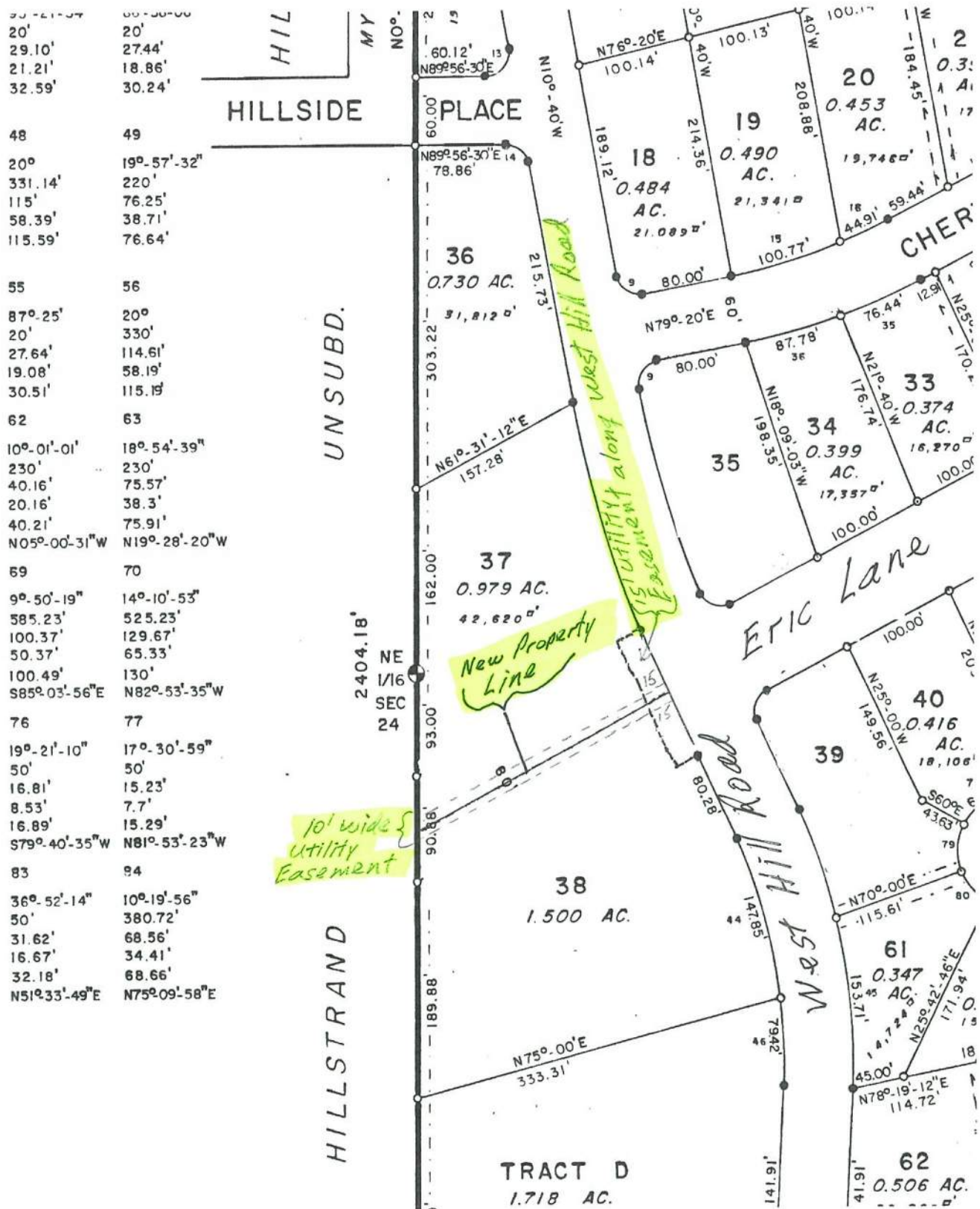
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END OF CLAM BULCH PLASTER COVER

15

Proposed Lot Configuration



RE: Lilian Walli Estate Plat

NC

Neuendorf, Cody <CNeuendorf@HomerElectric.com>

Reply |

You

Mr. Myhill KPB form

239 KB

[Download](#) [Save to OneDrive - Personal](#)

Hello Mr. Myhill:

HEA has reviewed your proposal to vacate the portion of Eric Lane public right of way between Lots 37 & 38 Lillian Walli Estate and has no objection.

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

Have a great day.

Cody Neuendorf, SR/WA

Land Management Officer

Homer Electric Association, Inc.

280 Airport Way

Kenai, AK 99611

907.335.6209 - Office

907.398.6170 - Mobile

cneuendorf@homerelectric.com



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

October 3, 2018

Subject: Letter of Non-Objection – Right-of-way Vacation

To whom it may concern:

ENSTAR Natural Gas Company has no objection to the proposed vacation of the eighty foot (80 FT) wide Eric Lane (formerly Fairview Ave.) right-of-way, lying west of West Hill Road, as dedicated by Plat No. 88-16, Records of the Homer Recording District, Third Judicial District, State of Alaska.

Sincerely,

A handwritten signature in black ink that reads "Cassie Acres". The signature is written in a cursive, flowing style.

Cassie Acres
Right of Way & Compliance Technician
ENSTAR Natural Gas Company



October 17, 2018

Loren Myhill
1363 Myhill Road
Homer, AK 99603

RE: Eric Lane Right of Way Vacation

Dear Mr. Myhill,

Provided that a 10 foot wide Utility Easement centered in the existing Right of Way (ROW) is established GCI has no objection to vacating the Eric Lane ROW between Lot 37, 3815 West Hill Rd and Lot 38, 3771 West Hill Rd, Lillian Walli Estate.

Sincerely

A handwritten signature in black ink that reads "Bradley Beck". The signature is fluid and cursive.

Bradley Beck
Manager OSP O&M

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, December 05, 2018 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

A proposal to vacate the portion of Eric Lane located west of West Hill Road (approximately 250 feet in length & 80 feet in width). The proposed right-of-way vacation is located in Lillian Walli Estate, E ½ NE ¼ Sec. 24, T.6S., R.14W., S.M.

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

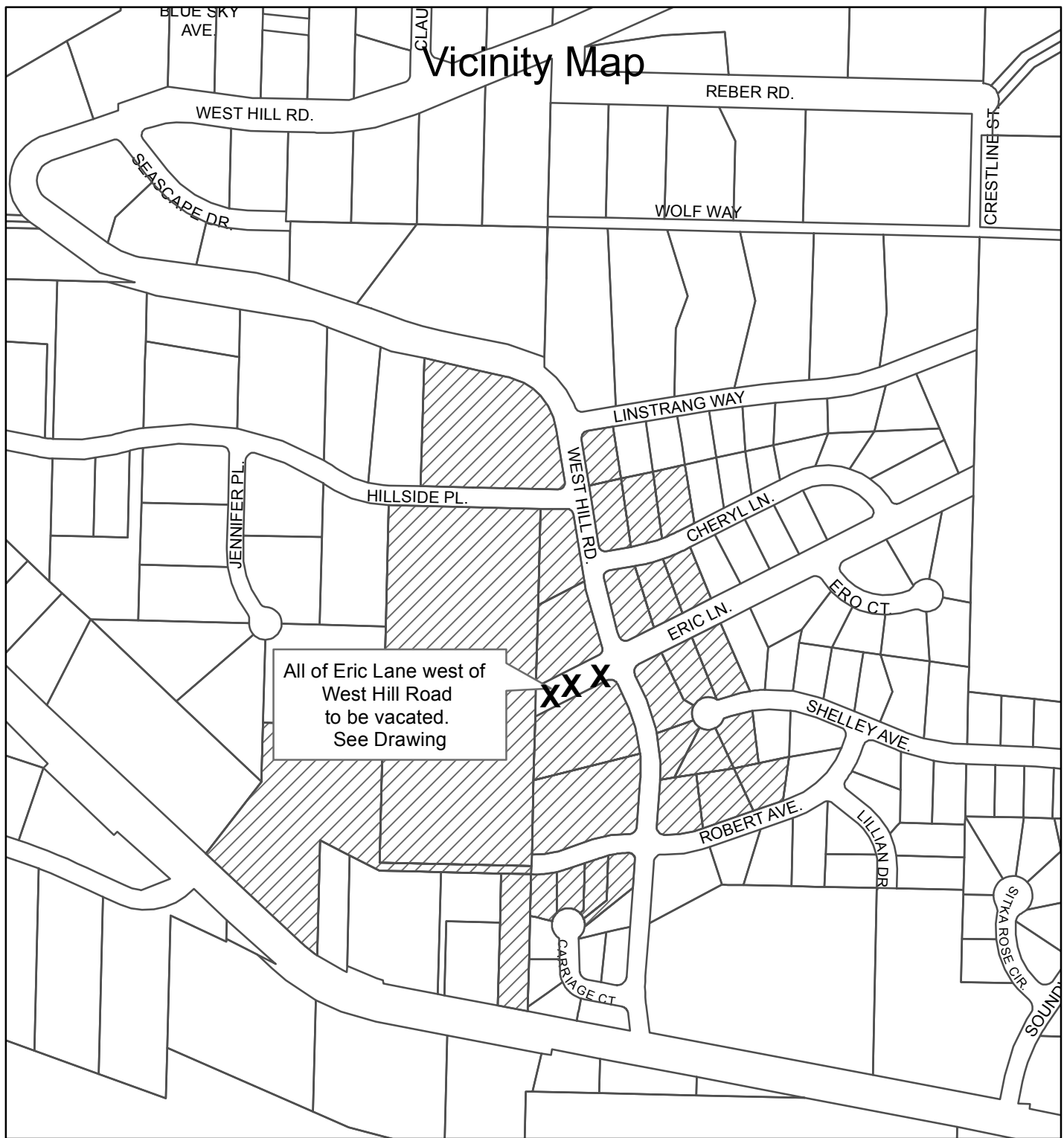
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
Planning and Zoning Department

October 25, 2018

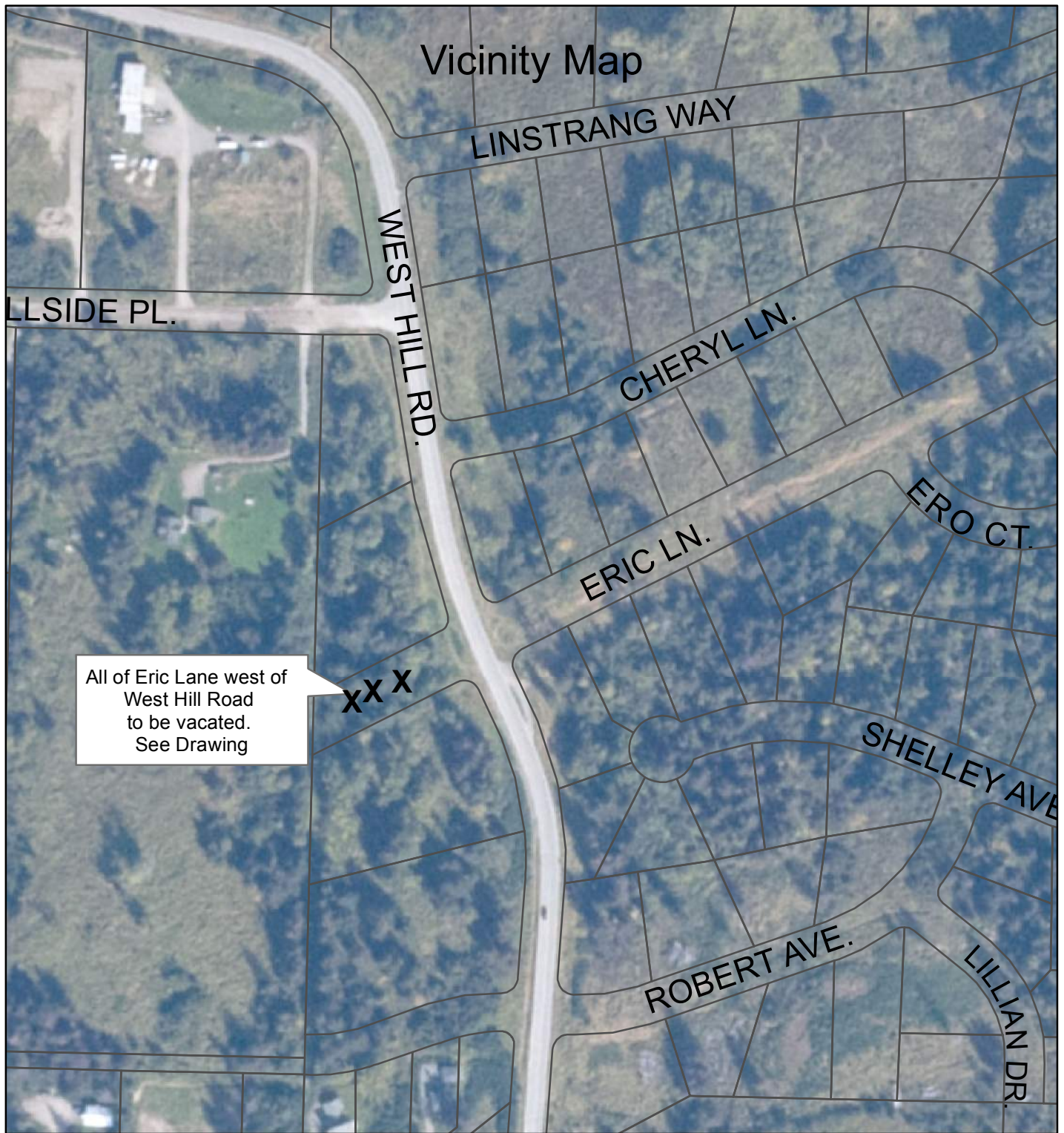
Vacation of Eric Lane, that portion west of West Hill Road

Marked Lots are w/in 300 feet
and property owners notified.

0 250 500 Feet



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



City of Homer
Planning and Zoning Department

October 25, 2018

Vacation of Eric Lane, that portion west of West Hill Road

0 120 240 Feet



*Disclaimer:
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departments, employees and agents are
not responsible for any errors or omissions
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City of Homer

www.cityofhomer-ak.gov

Planning

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Staff Report 18-74

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 5, 2018
SUBJECT: Conditional Use Permit (CUP) 18-13

Synopsis The applicant proposes to build six dwellings at 3771 West Hill Road, consisting of five 18' x 28' houses and one 24' x 32' house. A Conditional Use Permit (CUP) is required per HCC 21.12.030(m).

Applicant: Jordan Jones
4200 Svedlund Cir.
Homer, AK 99603

Location: 3771 West Hill Road

Parcel ID: 17524179

Size of Existing Lot: 1.5 acres

Zoning Designation: Rural Residential District

Existing Land Use: Vacant

Surrounding Land Use: North: vacant rural residential
South: Currently a single family home and has approval for additional dwellings per CUP 18-12
East: vacant rural residential
West: 11.5 acre lot with a single family dwelling and a conservation easement

Comprehensive Plan: Chapter 4 Land Use, Goal 5: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. p 4-18. Chapter 4 Land Use, Goal 5, Objective C: Promote infill development in all housing districts p 4-19.

Wetland Status: A wetland upland complex may be present on the eastern half of the lot.

Flood Plain Status: Not in a floodplain.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: Public utilities service the site.

Public Notice: Notice was sent to 23 property owners of 16 parcels as shown on the KPB tax assessor rolls.

ANALYSIS: The applicant is proposing to construct five 18' x 28' dwellings for monthly or nightly rentals, in addition to one 24' x 32' home for use as a full time residence.

Density: In the Rural Residential District (RR), each lot shall contain a minimum of 10,000 square feet per dwelling when city water and sewer are provided. The proposal meets this density requirement by providing 65,340 square feet of lot area for the six dwellings.

Parking: 7 parking spaces are required for this proposal. The proposal includes five 2-vehicle parking areas, plus an additional parking area, totaling 10+ spaces.

Impervious: The proposal would create approximately 15,300 square feet of impervious surface, or 23% of the lot coverage. The project requires a level one site plan and is subject to the level one site development standards. The proposal creates less than 25,000 square feet of impervious surface and the development activities are not expected to trigger a Stormwater Plan.

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

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

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

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

Finding 2: This 65,340 square foot lot, served by water and sewer, may have up to 6 dwelling units based on dimensional requirements of code.

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

Applicant: The maximum structures on my lot can be six kitchens. Over time I plan to build all 6 kitchens on my 1.5 acre lot.

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

Finding 3: The proposal is compatible with the purpose of the district by meeting density requirements and providing residential development in the City.

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

Applicant: My project will up the value of the area.

Analysis: Other allowed uses in this district, such as an apartment building or an assisted living home could dominate the site in terms of bulk, height and intensity more so than this proposal. The proposed dwellings could have a positive effect on adjoining property values by retaining a rural nature when compared to the previously mentioned uses by limiting both the size of structures and the total development area.

Finding 4: The value of adjoining property will not be negatively affected greater than multi-family dwellings or a conditionally permitted assisted living home.

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

Applicant: The lot below is also in the process of building rentals.

Analysis: The lots to the north and across West Hill Road to the east are vacant residential lots, the lot to the west has a single family home, and the lot to the south has a single family home and has an approved CUP for 6 additional dwellings.

Finding 5: The proposal is compatible with the existing uses of surrounding land.

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

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

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

Applicant: No, it will not change the environment that is currently portrayed on W. Hill.

Analysis: Six dwellings on this lot will be in line with the neighborhood character in terms of scale, bulk and coverage. The increased traffic will be easily handled by the site's access to existing city streets. While more density will increase the intensity of this lot's current use, the increase is not expected to cause any undue harmful effects.

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

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

Analysis: The permitting process will require the applicant to meet Federal, State and local standards.

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

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

Analysis: No relief from code is sought from the applicant. All known applicable regulations will be addressed through the permitting process. The proposed parking plan meets the standards of HCC 21.55 "Off-Street Parking." The proposal shall comply with all applicable regulations and conditions when the permitting process is successfully navigated as provided in the CUP and permitting process.

Finding 9: The proposal will comply with applicable regulations.

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

Analysis: This proposal promotes Goal 5: Objectives C and D by providing infill of affordable housing in a location with existing road, water, and sewer infrastructure.

Finding 10: The proposal does not appear to contradict any applicable land use goals and objectives of the Comprehensive Plan. The proposal aligns Goal 1 and Objectives A and B 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 the applicable provisions of the Community Design Manual (CDM).

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

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

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

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

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

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

PUBLIC WORKS COMMENTS: Please advise the property owner that an engineered ADEC approved sewer design needs to be in place before installing sewer.

FIRE DEPARTMENT COMMENTS: None

PUBLIC COMMENTS: None

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP 18-13 with findings 1-11 and the following conditions:

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

Condition 2: Dumpster must be screened on 3 sides.

Attachments

Application
Density calculations
Public Notice
Aerial Photograph



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Applicant

Name: Jordan Jones Telephone No.: 907 953 7611

Address: 4200 Svedlund Cir. Homer Email: jordanjonesak@gmail.com

Property Owner (if different than the applicant):

Name: Darren Jones Telephone No.: 907 898 6392

Address: 26777 St. Theresa Rd Soldotna Email: drjonesak@gmail.com

PROPERTY INFORMATION:

Address: 3771 West Hill Rd Homer Lot Size: 1.5 acres KPB Tax ID # 17524179

Legal Description of Property: Lot 38 of Lillian Walli Estate

For staff use:

Date: _____ Fee submittal: Amount _____

Received by: _____ Date application accepted as complete _____

Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

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

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11/5/2018

CITY OF HOMER
PLANNING/ZONING

Circle Your Zoning District

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

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

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

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

Lot is currently vacant + wooded.

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NOV 20 2018

CITY OF HOMER
PLANNING/ZONING

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

A Build rental units (5) and have 1 long term resident (self.)

Cabins #1-4 will be built in the first year
#5 + 6 will be constructed before 5 years from
start. Cabin 1 will be a ~~per~~ long term
resident. The remaining 5 cabins will be
both nightly + monthly rentals.

- a. What code citation authorizes each proposed use and structure by conditional use permit?
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.
The maximum structures on my lot can be six kitchens. Over time I plan to build all 6 kitchens on my 1.5a
- c. How will your proposed project affect adjoining property values? ^{lot.}
my project will up the value of the area.
- d. How is your proposal compatible with existing uses of the surrounding land?
The lot below is also in the process of building rentals.
- e. Are/will public services adequate to serve the proposed uses and structures?
Yes
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?
No, it will not change the environment that is currently portrayed on W. Hill.
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?
No
- h. How does your project relate to the goals of the Comprehensive Plan?
The Comprehensive Plan are online,
Yes
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (**circle each answer**)
1. ☒ Y/☐ N Special yards and spaces.
 2. ☒ Y/☐ N Fences, walls and screening.
 3. Y/☒ N Surfacing of parking areas.
 4. ☒ Y/☐ N Street and road dedications and improvements (or bonds).
 5. ☒ Y/☐ N Control of points of vehicular ingress & egress.
 6. ☒ Y/☐ N Special provisions on signs.
 7. ☒ Y/☐ N Landscaping.
 8. ☒ Y/☐ N Maintenance of the grounds, buildings, or structures.

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

PARKING

1. How many parking spaces are required for your development? 12
- If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). _____
2. How many spaces are shown on your parking plan? 12
3. Are you requesting any reductions? No

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

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

CIRCLE ONE:

Owner of record

Lessee

Contract purchaser

Applicant signature: _____

Date: 10/19/18

Property Owner's signature: _____

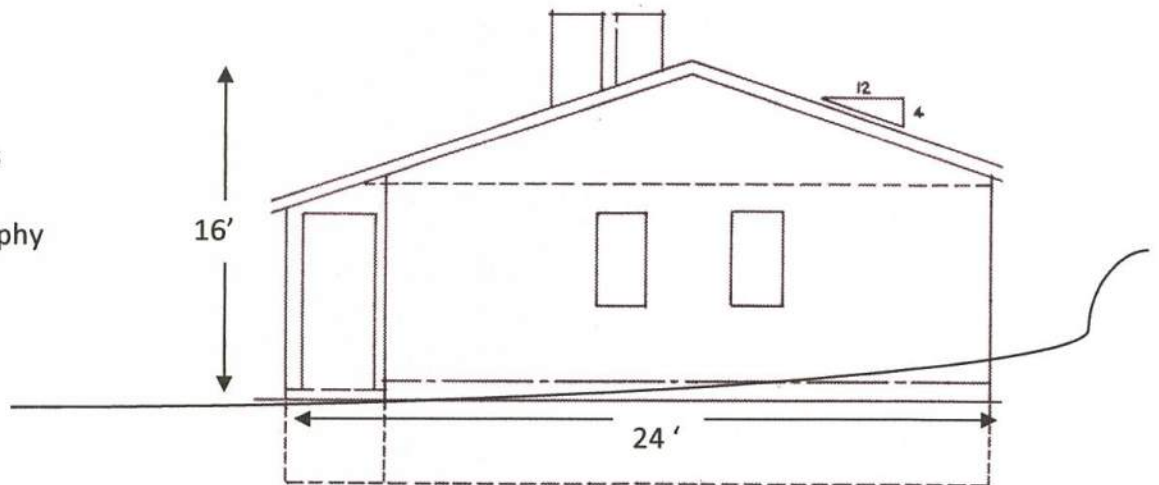
Date: 10/19/18

11/5/2018

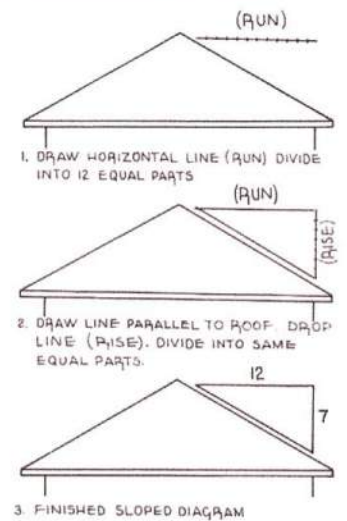
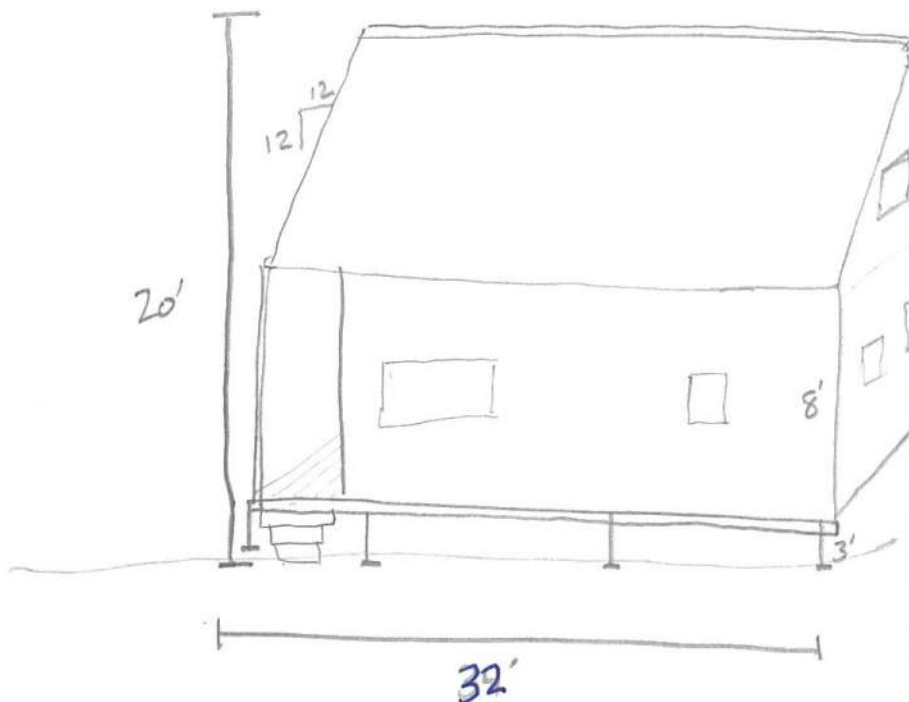
[illegible][illegible]

Building elevation drawing

- ☐ Building height
- ☐ Wall dimensions
- ☐ Grade / topography

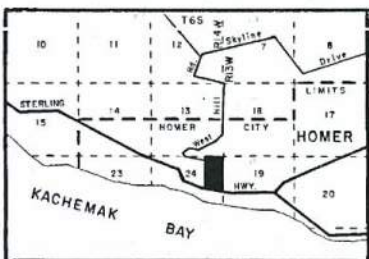


Your elevation drawing here:



Encln.

Initial sketch



NOTES

1. A building setback of 20' from all street rows is required unless a lesser standard is approved by a resolution of the appropriate planning commission.
2. Front 10' of building setback is also a utility easement and also the entire setback within 5' of side lot lines for guy wires.
3. All lots are to be served by the City of Homer municipal water and sewer systems.
4. There are 20' utility easements on both sides of West Hill Rd. and Fairview Ave.
5. No direct access to state maintained row's permitted unless approved by the State of Alaska Dept. of Transportation.
6. All lots abutting Fairview Ave and West Hill Road are subject to a 30' bldg. set-back for R.O.W. widening.
7. Lots 18 through 35 front on Cheryl Lane. Lots 39 through 42 and Lot 61 front on Shelley Ave.
8. Lots 47 through 49 and Lot 43 front on ERO CT. Lots 62 and 77 front on Robert Ave.
9. Tracts C and D front on Robert Ave. Lot 17 and 36 front on Hillside Place.

CURVES

1	2	3	4	5	6	7
A 160° 50' 22"	160° 50' 22"	16° 11' 45"	2° 35' 01"	1° 12' 47"	1° 11' 45"	2° 10' 21"
R 568.17'	628.17'	497.0'	503.0'	497.0'	503.0'	497.0'
C 166.90'	181.96'	103.73'	226.79'	103.73'	103.73'	180.72'
T 84.1'	92.98'	51.87'	113.43'	52.61'	51.87'	95.37'
L 166.99'	184.62'	103.73'	226.82'	103.73'	103.73'	190.73'
B 166.99'	184.62'	103.73'	226.82'	103.73'	103.73'	190.73'
8	9	10	11	12	13	14
A 1° 09' 05"	2° 0'	79° 27' 40"	3° 26' 59"	30° 20' 55"	100° 36' 30"	79° 23' 30"
R 497.0'	20'	20'	20'	20'	20'	20'
C 99.87'	28.28'	25.30'	151.77'	115.17'	30.78'	25.55'
T 49.84'	20'	16.3'	78.84'	26.67'	24.09'	16.60'
L 99.87'	31.42'	27.39'	153.69'	116.53'	35.12'	27.71'
B 166.99'	184.62'	103.73'	226.82'	103.73'	103.73'	190.73'
15	16	17	18	19	20	21
A 12° 14' 32"	5° 27' 22"	15° 48' 08"	28° 22' 04"	1° 17' 56"	25° 55' 15"	8° 24' 41"
R 471.62'	471.62'	230'	230'	230'	230'	230'
C 100.58'	44.89'	63.3'	117.74'	69.18'	90.33'	27.13'
T 30.58'	22.47'	31.99'	58.14'	34.89'	48.72'	18.44'
L 100.77'	44.91'	63.3'	113.9'	69.44'	96.02'	29.81'
B 573° 10' 44"	564° 21' 41"	569° 35' 11"	588° 21' 34"	588° 35' 24"	588° 35' 24"	579° 35' 40"
22	23	24	25	26	27	28
A 9° 35' 44"	73° 46' 25"	36° 52' 14"	86° 06' 26"	86° 05' 49"	77° 38' 06"	21° 54' 07"
R 20'	170'	50'	50'	50'	50'	50'
C 100.58'	204.64'	31.82'	54.81'	62.66'	19'	18.44'
T 22.87'	127.66'	16.67'	32.56'	48.54'	40.23'	9.67'
L 34.09'	218.99'	32.18'	57.72'	78.85'	67.75'	19.11'
B 102° 46' 18"	172° 55' 57"	85° 15' 57"	102° 21' 58"	102° 21' 58"	102° 21' 58"	102° 21' 58"
29	30	31	32	33	34	35
A 36° 52' 14"	16° 57' 17"	25° 47' 59"	20° 44' 00"	11° 23' 09"	62° 20' 16"	9° 14' 11"
R 30'	230'	230'	230'	230'	230'	230'
C 31.82'	75.74'	102.89'	82.78'	85.65'	223.82'	76.37'
T 16.67'	38.4'	52.66'	42.08'	22.94'	148.66'	38.28'
L 32.18'	76.79'	103.57'	83.24'	45.73'	244.5'	76.44'
B 102° 46' 18"	172° 55' 57"	85° 15' 57"	102° 21' 58"	102° 21' 58"	102° 21' 58"	102° 21' 58"
36	37	38	39	40	41	42
A 9° 27' 37"	1° 09'	96° 32' 54"	1° 45' 34"	84° 04' 40"	93° 21' 54"	90° 36' 06"
R 531.62'	970'	20'	1030'	20'	20'	20'
C 87.68'	188.77'	29.85'	211.32'	26.79'	29.10'	2744'
T 43.99'	94.68'	22.41'	106.22'	18.03'	21.21'	18.86'
L 87.78'	188.44'	51.7'	211.7'	28.35'	32.59'	30.24'
B 1° 44' 38' 11"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"
43	44	45	46	47	48	49
A 11° 56' 10"	17° 54' 01"	10° 36' 50"	40° 45' 53"	87° 23'	20°	18° 57' 32"
R 530'	470'	530'	470'	24.72'	33.14'	220'
C 101.28'	146.25'	153.17'	79.32'	34.16'	115'	76.25'
T 30.86'	74.05'	77.4'	39.8'	23.65'	58.59'	38.71'
L 101.45'	147.85'	153.71'	79.42'	37.72'	115.59'	76.64'
B 1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"
50	51	52	53	54	55	56
A 18° 57' 32"	20'	92° 35'	10° 35'	87° 25'	20°	18° 57' 32"
R 280'	271.14'	20'	530'	470'	20'	330'
C 37.05'	94.17'	28.81'	93.29'	88.05'	27.64'	114.6'
T 49.27'	47.81'	20.92'	49.87'	44.22'	18.08'	58.14'
L 97.54'	94.05'	32.51'	99.44'	88.18'	30.51'	115.19'
B 1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"
57	58	59	60	61	62	63
A 17° 35' 31"	36° 06' 35"	38° 46' 56"	38° 55' 31"	13° 36' 35"	10° 01' 01"	18° 54' 39"
R 370.08'	22'	13.34'	113.18'	40.26'	75.37'	65.35'
C 100.76'	12.4'	7.07'	60.02'	20.39'	20.16'	18.3'
T 50.98'	6.82'	7.07'	60.02'	20.39'	20.16'	18.3'
L 101.15'	12.6'	13.6'	115.39'	40.38'	40.21'	75.91'
B 1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"	1° 10' 13' 30"
64	65	66	67	68	69	70
A 21° 34' 20"	8° 24' 21"	9° 54' 59"	9° 52' 22"	10° 08' 41"	9° 50' 19"	14° 10' 55"
R 230'	330.08'	330.08'	330.08'	330.08'	330.08'	330.08'
C 93.46'	34.07'	17.08'	28.84'	103.44'	100.37'	129.67'
T 41.99'	19.45'	17.08'	28.84'	51.95'	50.37'	65.35'
L 104.63'	30.96'	34.08'	57.95'	103.62'	100.40'	150'
B 142° 42' 50"	10° 17' 44"	132° 56' 52"	124° 59' 46"	57° 04' 18"	58° 05' 56"	102° 55' 35"
71	72	73	74	75	76	77
A 5° 46' 01"	12° 58' 25"	1° 57' 11"	3° 09' 19"	10° 04' 05"	18° 27' 10"	17° 30' 54"
R 525.23'	440.72'	440.72'	440.72'	440.72'	50'	50'
C 53.16'	99.58'	91.79'	38.49'	77.34'	16.81'	15.23'
T 26.82'	60.15'	46.14'	19.26'	38.82'	8.51'	7.7'
L 53.19'	99.79'	91.94'	38.5'	77.44'	16.89'	15.29'
B 172° 54' 04"	179° 25' 15"	180° 57' 07"	180° 54' 14"	179° 02' 02"	179° 45' 35"	181° 55' 23"
78	79	80	81	82	83	84
A 76° 52' 09"	50'	44° 17' 14"	53° 12' 46"	28° 22' 14"	36° 52' 14"	10° 19' 16"
R 50'	50'	50'	50'	50'	50'	50'
C 62.16'	42.26'	37.64'	46.78'	25.35'	31.62'	88.30'
T 39.68'	21.32'	20.35'	25.04'	15.10'	16.87'	34.41'
L 67.08'	43.63'	38.65'	46.44'	25.63'	32.18'	88.66'
B 166° 26' 02"	166° 26' 02"	166° 26' 02"	166° 26' 02"	166° 26' 02"	166° 26' 02"	166° 26' 02"
85	86	87	88	89	90	91
A 1° 35' 17"	1° 04' 27"	30°	20°	20°	20°	20°
R 380.72'	380.72'	270.08'	270'	270'	270'	270'
C 116.45'	80.08'	228.28'	95.77'	95.77'	95.77'	95.77'
T 58.92'	40.26'	125.94'	47.61'	47.61'	47.61'	47.61'
L 116.93'	80.23'	235.64'	94.25'	94.25'	94.25'	94.25'
B 189° 07' 45"	189° 07' 45"	189° 07' 45"	189° 07' 45"	189° 07' 45"	189° 07' 45"	189° 07' 45"

OWNER'S CERTIFICATE

We hereby certify that we are the owners of the property shown and described herein, and that we hereby adopt this plan of subdivision, and dedicate all R.O.W.'s to public use, and grant all easements to uses shown.

Ero Steve Walli, Executor for Estate of Lillian M. Walli

John Robert Gibson, Co-Executor for Estate of Lillian M. Walli

NOTARY'S CERTIFICATE

Subscribed and sworn to before me this 18 day of May, 1987.

Carol Cusick
Notary for Alaska
for Ero Steve Walli and John Robert Gibson
My commission expires 12/31/88



88-16
RECORDED - FILED 20
HOMER
DATE 5-17-88
2:21 P.M.
H. Johnson
Clam Gulch

BOX 27 CLAM GULCH, ALASKA 99668

Lillian Walli Estate

LOCATED IN E1/2NE1/4 SEC. 24, T6S, R14W, S.M., HOMER REC. DISTRICT
SCALE 1"=100' AREA=76.277 AC 4-30-1987
BY ERO STEVE WALLI P.O.B. 1266 HOMER, ALASKA 99603

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of Dec. 1, 1987.

KENAI PENINSULA BOROUGH

By *Richard O. Torgue* 5-16-88
Authorized official Date

- (a) No building permits will be granted for any lot within said subdivision until the subdivision is developed in accordance with the requirements of Homer Municipal Code Chapter 22.10.
- (b) The City of Homer has developed controls for lands in excess of 15 percent grade.

LEGEND

- 1917 brass cap monument by G.L.O., found
- Brass cap mon. by 268-S, found
- 1976 aluminum mon. by 1301-S, found
- Aluminum mon. by 268-S, set
- 1/2" x 4' rerod, set
- Conc. R.O.W. mon. by D.O.T., found
- 20' drainage easement
- Utility easement, 20' unless otherwise noted
- Point of curvature, 1/2" x 4' rerod set

SPECIAL NOTE

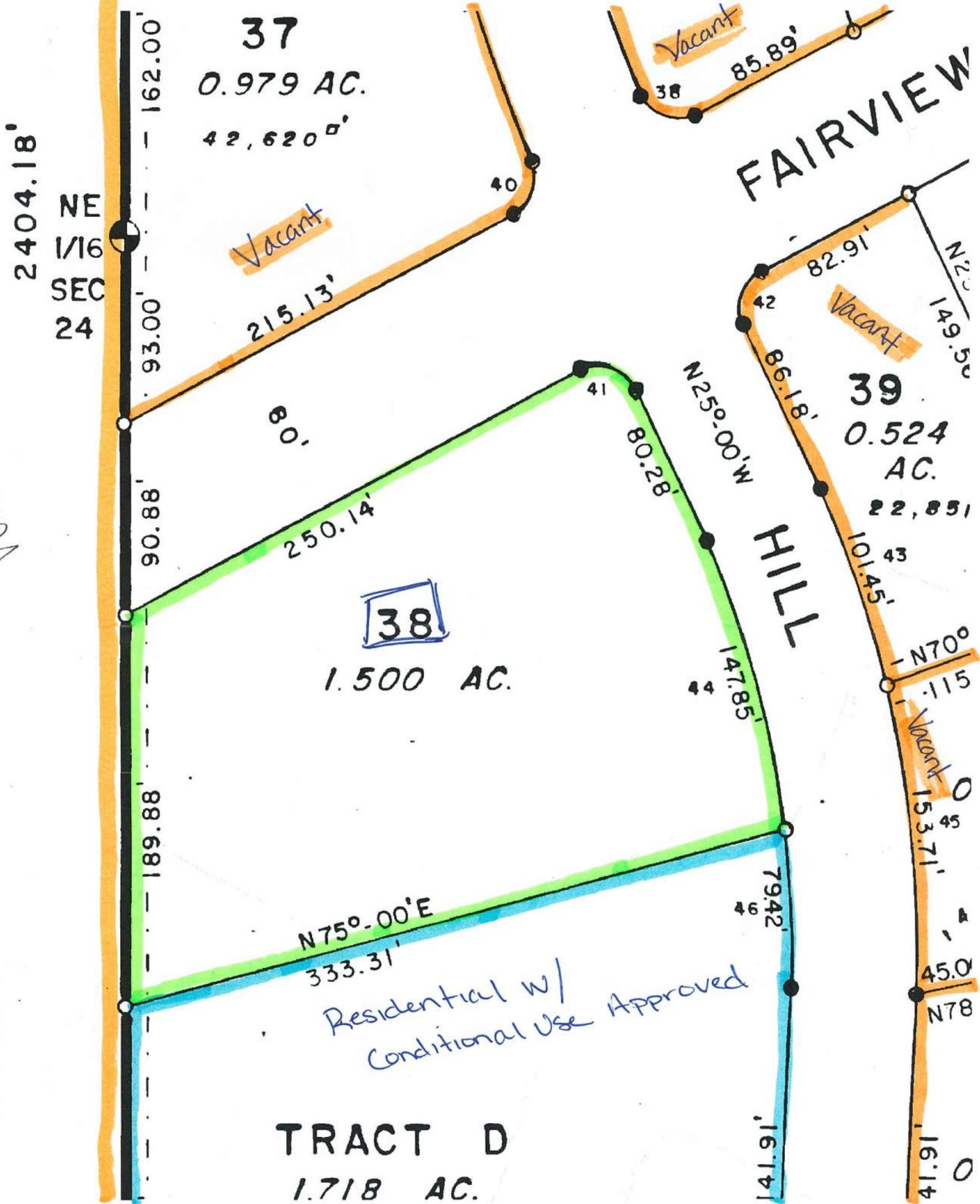
The purpose of this plat is to resolve ownership of Lillian Walli Estate. Any development of this subdivision will require a signed agreement between respective owner(s) and the City of Homer, Alaska.



Residential
→

Vacant

HILLSTRAND



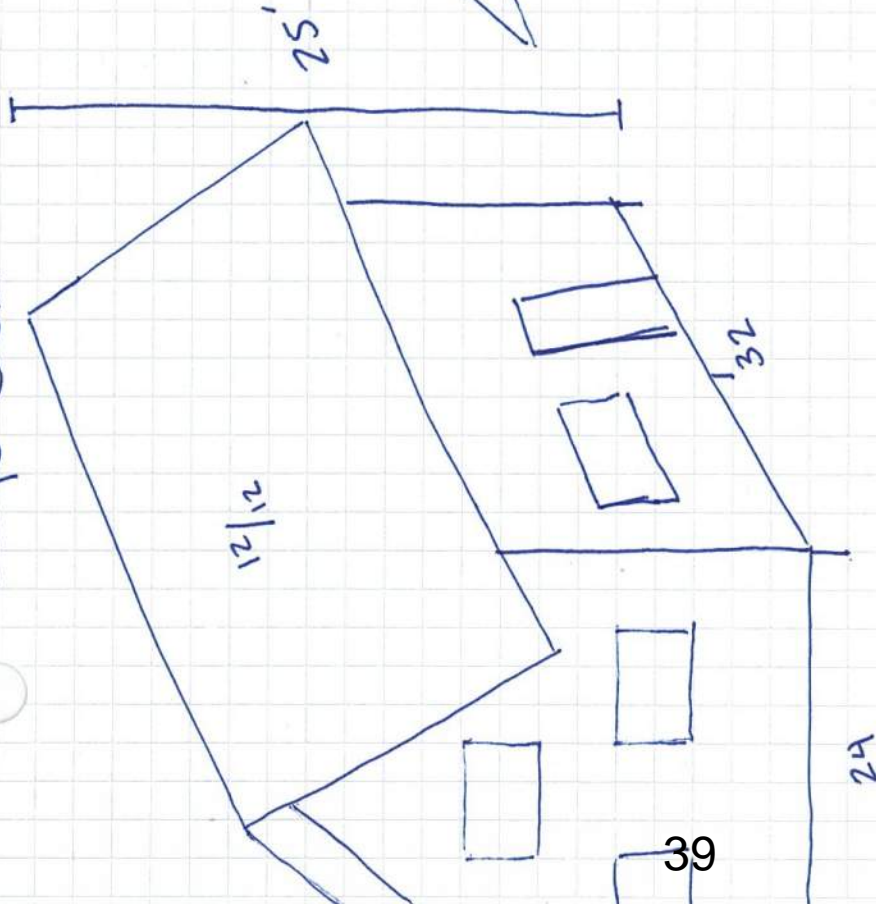
Residential w/
Conditional Use Approved

RECEIVED

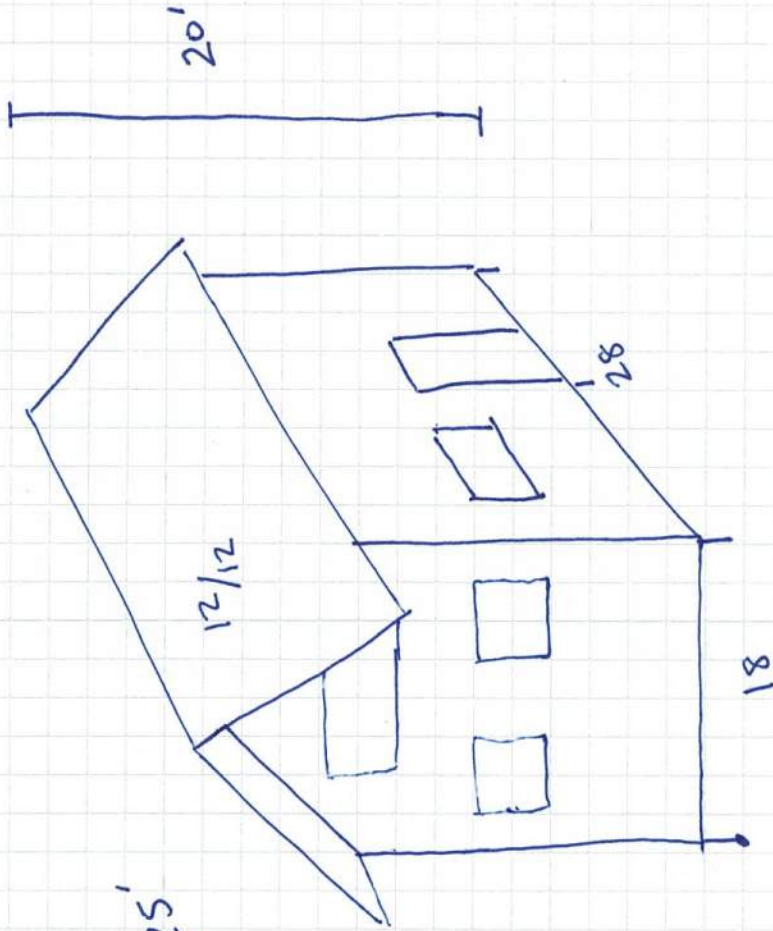
NOV 08 2018

CITY OF HOMER
PLANNING/ZONING

Large Cabin



Small Cabin



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11/01/07 2:00 PM

CITY OF HOMER
PLANNING/ZONING

IMPERVIOUS AREA CALCULATION

SWP is required when impervious area exceeds 60% in any zoning district

Type of Impervious	Dimensions (ft.)	Area (sq. ft.)
Driveway Area	30 x 250	7,500
Parking Area	18 x 20 (times 5)	1,800
Additional Driveway/Parking/Other	30 x 60	1,800
Primary Building Footprint (1st floor)	24 x 32	768
Primary Building Decks	6 x 27	162
Other Buildings Footprint (1st floor)	18 x 28 (times 5)	2,520
Other Buildings Decks	(6 x 21)+(4 x 6) times 5	750
Total Driving/Parking Area/Other		11,100
Total Building Area Footprint Including Decks		4,200
Total Impervious Coverage		15,300
Total Lot Area		65,340
% Impervious Coverage		23%

FLOOR AREA & OPEN AREA CALCULATION

Floor Area	Note	
Primary Building Footprint (1st floor)		768
Primary Building 2nd Floor		0
Primary Building 3rd floor		0
Primary Building Decks		162
Other Buildings Footprint (1st floor)		2,520
Other Buildings 2nd Floor		0
Other Buildings 3rd Floor		0
Other Buildings Decks		750
Total proposed floor area including decks		4,200
Total proposed floor area	expressed as percentage of total lot area	6%
Maximum allowed floor area	40% of the lot area	26,136
Total proposed open area	equals the total lot area minus the total impervious coverage	50,040
Minimum required open area	equals 110% of the total floor area	4,620

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, December 05, 2018 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

Request for Conditional Use Permit (CUP) 18-13, to build 6 dwellings at 3771 West Hill Road, consisting of one main house and five smaller long-term & short-term rental houses, with approximately 500 square feet of building area each. A CUP is required for more than one building containing a permitted principal use on a lot, according to HCC 21.12.030(m). The legal description of the property is Lot 38 Lillian Walli Estate, E ½ NE ¼ Sec. 24, T.6S., R.14W., S.M.

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

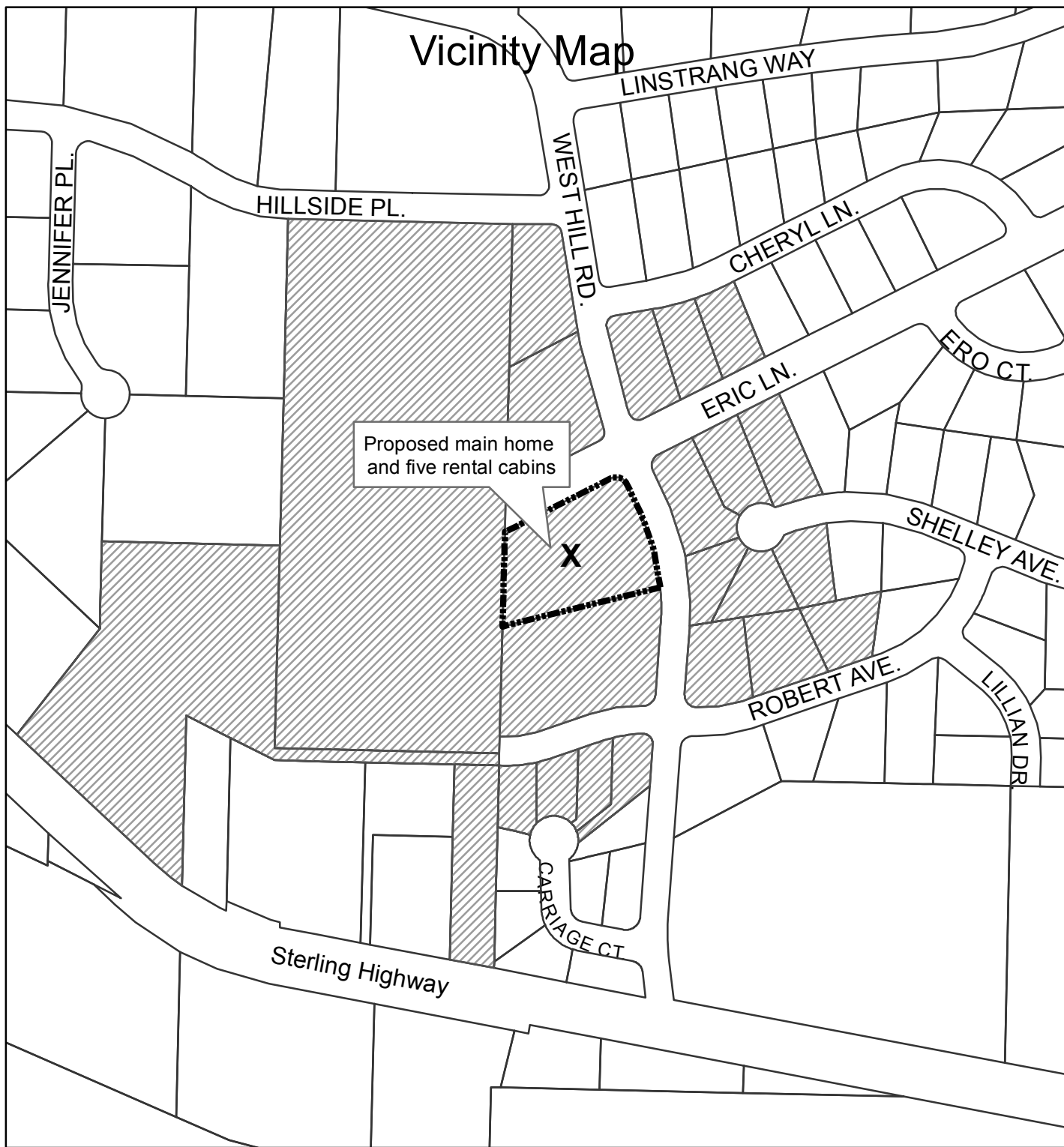
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
Planning and Zoning Department

November 16, 2018

Request for Conditional Use Permit 2018-13

Marked Lots are w/in 300 feet
and property owners notified.

0 250 500 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.*

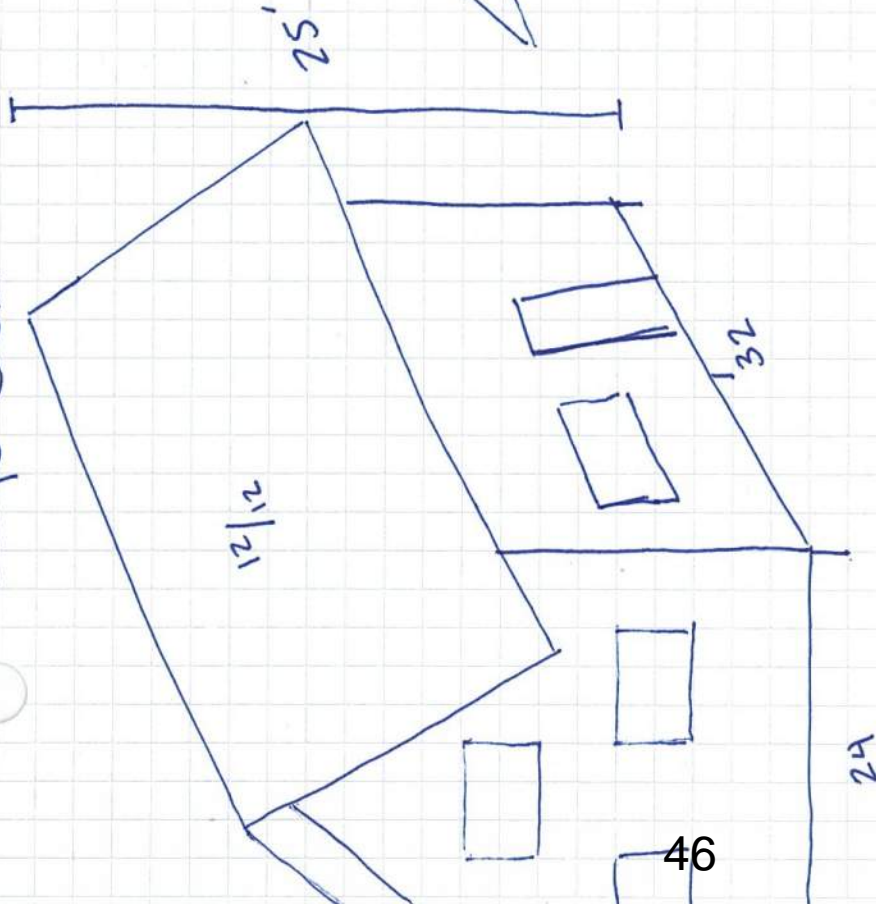
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11/5/2018

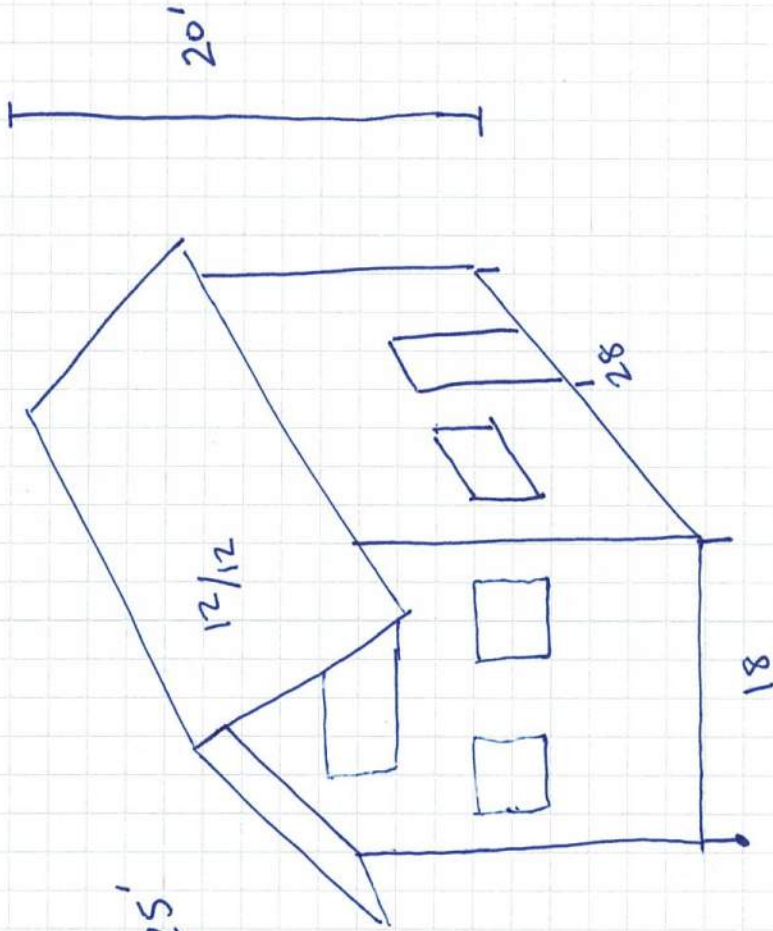
CITY OF HOMER
PLANNING/ZONING



Large Cabin



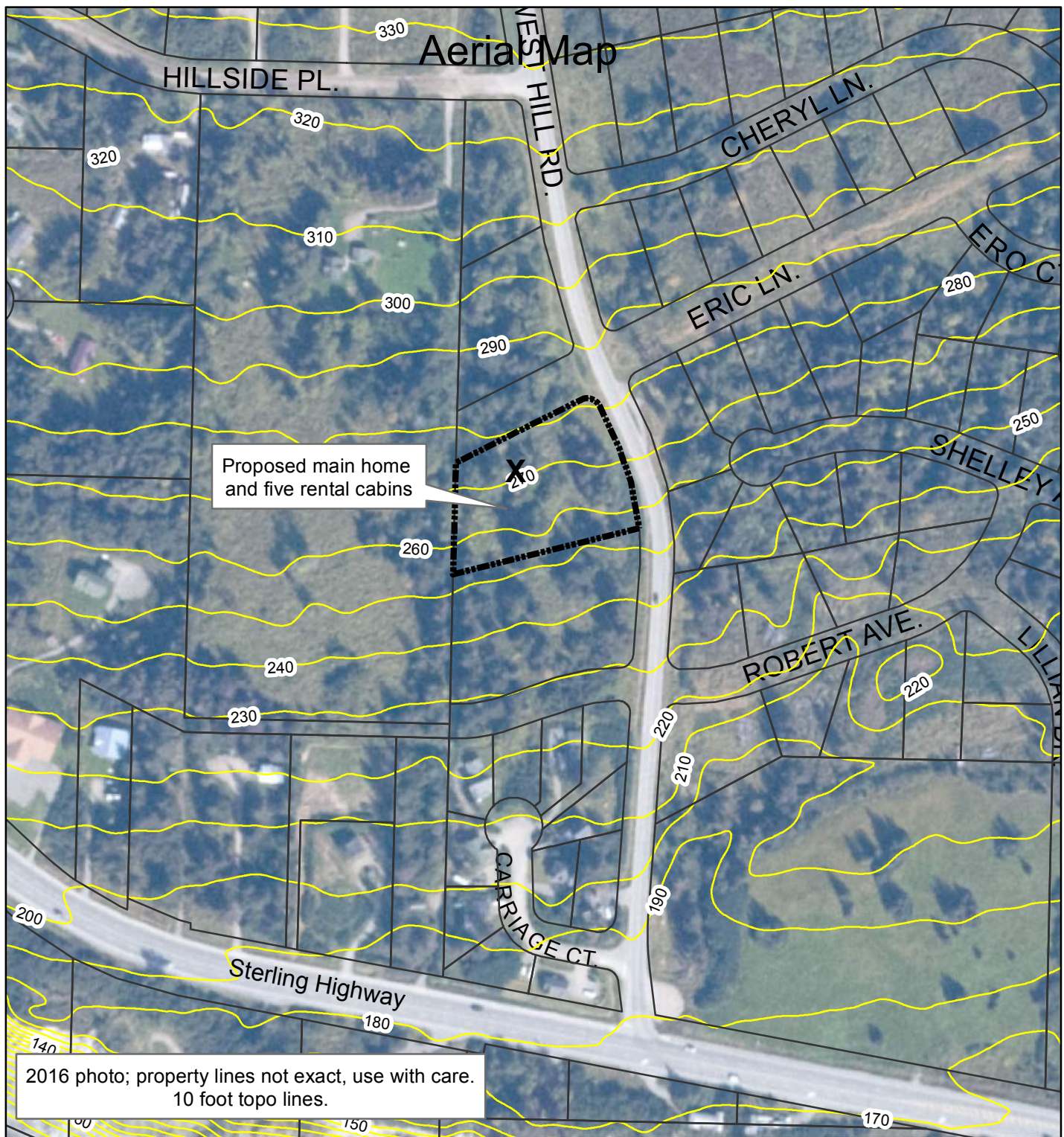
Small Cabin



RECEIVED

11/01/2017

CITY OF HOMER
PLANNING/ZONING



City of Homer
Planning and Zoning Department

November 16, 2018

Request for Conditional Use Permit 2018-13

0 250 500 Feet



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or conclusions drawn therefrom.*



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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

Staff Report 18-75

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 5, 2018
SUBJECT: Conditional Use Permit (CUP) 18-14

Synopsis The applicant proposes 2,500 square foot, 1.5 story building to house a medical office/clinic and studio apartment for itinerant medical providers. A Conditional Use Permit (CUP) is required per HCC 21.16.030(d)

Applicant: Jonas Ridge, LLC
203 W Pioneer Ave. Ste. 2
Homer, AK 99603

Representative: Caroline Storm, Licensed Architect

Location: 205 W Fairview Avenue

Parcel ID: 17506516

Size of Existing Lot: 0.32

Zoning Designation: Residential Office District

Existing Land Use: Vacant

Surrounding Land Use: North: Vacant Lot, single family home, & physical therapy office
South: Senior housing complex
East: Single family home
West: vacant

Comprehensive Plan: Chapter 4, Goal 1 encourages infill. Chapter 6, 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 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.

Wetland Status: None, Army Corps of Engineers determination

Flood Plain Status: Not in a floodplain.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: Public utilities service the site.

Public Notice: Notice was sent to 28 property owners of 26 parcels as shown on the KPB tax assessor rolls.

ANALYSIS: The applicant is proposing a 2,500 square foot 1.5 story medical clinic building which includes a studio apartment. A CUP is needed for a medical clinic in the Residential Office district per HCC 21.16.030(d). Access for the main parking lot will be via a driveway within the currently unimproved Swatzell Street right-of-way and access for the studio apartment parking will be a separate driveway directly onto W. Fairview Ave.

Parking: Medical clinics are required to provide 1 parking space per 300 square feet of gross floor area, while the studio apartment requires 2 spaces. Because the proposal includes more than one use on the lot (medical clinic & dwelling), the number of required off-street parking spaces shall be reduced to 75% of the total number of required spaces, per HCC 21.55.090(c).

The proposed 2,100 square feet of office space requires 7 spaces & the dwelling requires 2, for a total of 9 required spaces. Applying the reduction to 75% of this number, the total required parking spaces becomes 7. The proposal includes 8 spaces, exceeding the minimum requirement by 1 parking space.

Landscaping: Site development standards level 2, HCC 21.50.030 applies to this project. Landscaping requirements are as follows:

- Retain native vegetation to the maximum extent possible
- Maintain a buffer of 3' minimum width along all lot lines
- Parking lot landscaping (islands/dividers) are not required because the lot has less than 24 parking spaces

Development Activity Plan (DAP): per HCC 21.50.030(d), this project will require a DAP during construction.

Stormwater Plan (SWP): A SWP is required when impervious coverage on a lot exceeds 60% or one of the other development thresholds is triggered, per HCC 21.50.030(e). The proposal includes a total of approximately 6,700 square feet of impervious coverage and the lot is approximately 14,000 square feet in area. The total impervious coverage is 48% of the lot area. This development is not expected to trigger a SWP.

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

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

Finding 1: HCC 21.16.030(d) authorizes medical clinics as a conditional use in the Residential Office District.

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

Applicant: Zone is RO. Proposed building is a small medical office/clinic and small residence, which is compatible to the intent of the zoning district.

RO District Purpose: “The Residential Office District is primarily intended for a mixture of low-density to medium-density residential uses and certain specified businesses and offices, which may include professional services, administrative services and personal services, but generally not including direct retail or wholesale transactions except for sales that are incidental to the provision of authorized services. A primary purpose of the district is to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods.”

Analysis: In terms of scale, the proposed building (2,500 sq. ft.) will be larger than the two adjacent single family homes to the north & east (1,600 sq. ft. & 700 sq. ft.), much smaller than the 2 apartment buildings on the lot to the south (10,000 sq. ft. & 5,000 sq. ft.), and of a similar scale to the closest medical clinic (2,100 sq. ft.) located approximately 250 ft. to the northwest.

Finding 2: The use and structure is compatible with the purpose of the district.

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

Analysis: Many uses in the Residential Office district have greater negative impacts than would be realized from a medical clinic. Hospitals and heliports would have a greater impact on nearby property values. Hospitals, Assisted living, group care, religious, cultural and fraternal assembly would generate a good deal of traffic and operate longer than normal business hours.

Finding 3: A medical clinic is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

Applicant: Surrounding land is used for residential and medical consulting facilities. The proposed building will house the same.

Analysis: Directly adjacent uses include single-family homes and an apartment complex. The closest medical clinic is 250 feet away and there are at least three other medical clinics/offices within 600 feet of the proposal. The proposal is for mixed use, including both a medical clinic and a dwelling.

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

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

Finding 5: Existing public, water, sewer, and fire services are adequate to serve the lot. Adequate access is provided via the proposed driveway within the currently unimproved Swatzell Street right-of-way.

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

Analysis: The nature and intensity of the proposed medical clinic will be similar to many other medical clinics in the area. The intensity will be less than the 10,000 square-foot Homer Medical Clinic, located within 500 feet of the proposal.

Finding 6: The proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.

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

Analysis: An increase in the community's capacity to provide medical care contributes to the health, safety, and welfare of the entire community. The lot is well positioned in an area which has been clustering medical services in proximity to South Peninsula Hospital. The proposal is below limits for in code for density of other common developments, such as multifamily.

Finding 7: The proposal is not unduly detrimental to health, safety, or welfare.

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

Analysis: Gaining a CUP along with the zoning permit process addresses the applicable regulations.

Finding 8: The proposal will comply with applicable regulations.

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

Analysis: Goals of the Land Use Chapter of the Homer Comprehensive Plan include encouraging infill (Chapter 4, Goal 1). The site is conveniently located nearby to allied services.

Finding 9: No evidence has been found that the proposal is contrary to the applicable land use goals and objects of the Comprehensive Plan.

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

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

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

Finding 10: Condition 1 will assure that the proposal complies with level one lighting standards and the Community Design Manual

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

- 1. Special yards and spaces:** No specific conditions deemed necessary
- 2. Fences and walls:** Dumpster shall be screened on three sides.
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.

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

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

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

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

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

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

PUBLIC WORKS COMMENTS: None

FIRE DEPARTMENT COMMENTS: None

PUBLIC COMMENTS: None

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP **Staff Report 18-75** with findings 1-10 and the following conditions.

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

Condition 2: Dumpster must be screened on 3 sides.

Attachments

Application
Density Calculations
Public Notice
Aerial Photograph



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

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

Applicant

Name: 11.17 Design Studio LLC Telephone No.: (907) 399-0582

Address: PO Box 240407, Anchorage, AK 99524 Email: cstorm@1117designstudio.com

Property Owner (if different than the applicant):

Name: Jonas Ridge LLC Telephone No.: _____

Address: 203 W Pioneer Ste 2, Homer AK 99603 Email: _____

PROPERTY INFORMATION:

Address: 205 W Fairview Ave Lot Size: .32 acres KPB Tax ID # 17506516

Legal Description of Property: Fairview Subdivision Lot 8 Blk 4

For staff use:

Date: 11/14/18 Fee submittal: Amount \$500

Received by: TJB Date application accepted as complete _____

Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

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

Circle Your Zoning District

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

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

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

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

The lot is currently vacant

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

Proposing a 2500 SQ.FT., 1.5 storey building to house a medical office/clinic and studio apartment for itinerant medical providers.

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

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

21.16.030.d

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

Zone is RO. Proposed building is a small medical office/clinic and small residence, which is compatible to the intent of the zoning district.

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

Increase value

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

Surrounding land is used for residential and medical consulting facilities. The proposed building will house the same.

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

Yes

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

The proposed building is no larger than an average home. The second storey is small in order to limit the mass of the building on the site. The aesthetic of the building will be in-keeping with the neighborhood

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

No

- h. How does your project relate to the goals of the Comprehensive Plan?

The Comprehensive Plan are online,

The proposed building is in-line with the purpose of the RO Zone as documented in the Comprehensive Plan, and will have a scale and character in-keeping with the surrounding neighborhood of single family homes.

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

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

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

PARKING

1. How many parking spaces are required for your development? 8
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). _____
2. How many spaces are shown on your parking plan? 8
3. Are you requesting any reductions? No

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

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

CIRCLE ONE: Owner of record Lessee Contract purchaser

Applicant signature: *cfsta* Date: 11/13/18

Property Owner's signature: *micholz* Date: 11/13/18

MEDICAL OFFICE

205 W FAIRVIEW AVE. HOMER, ALASKA

CUP APPLICATION

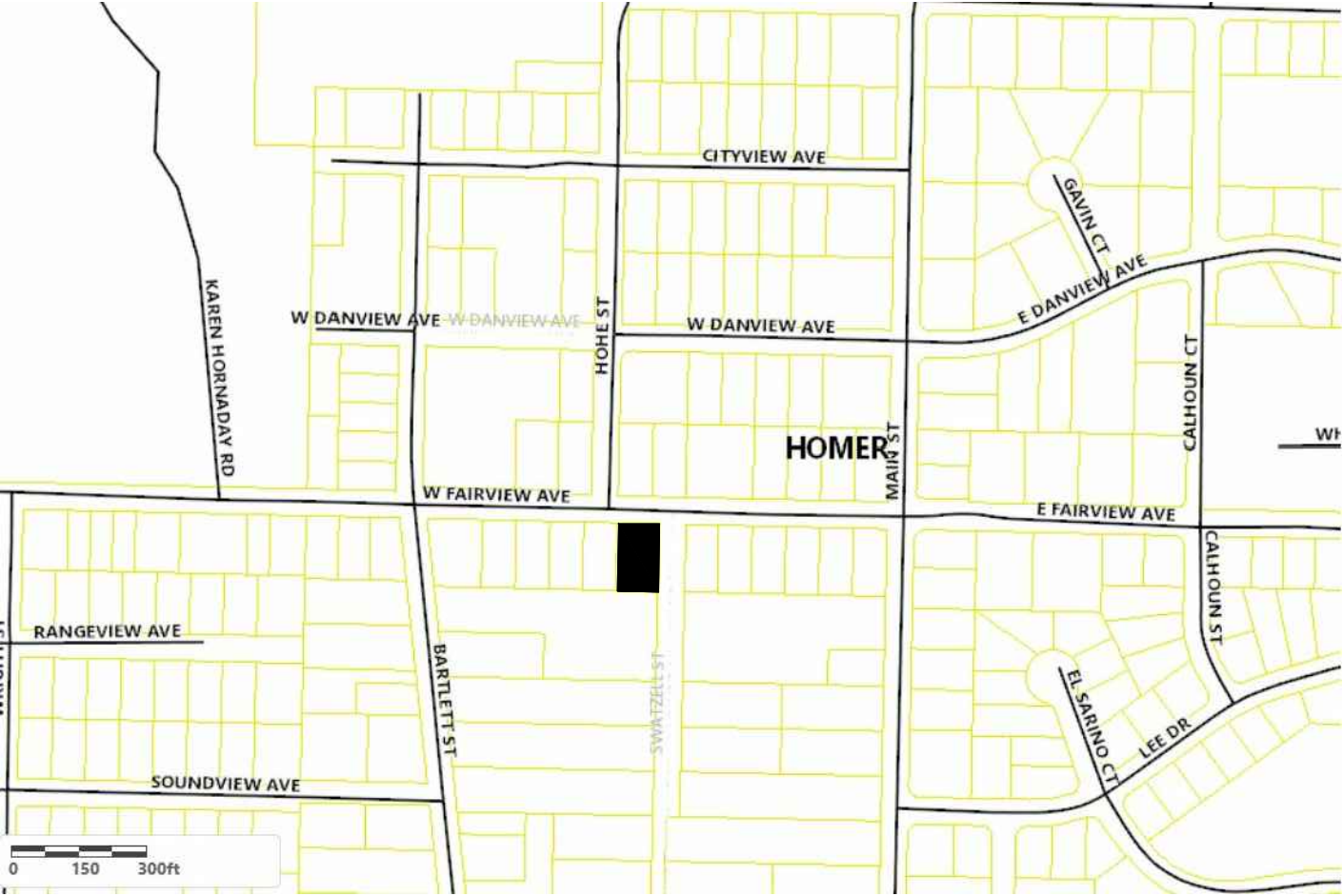
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11/14/2018

CITY OF HOMER
PLANNING/ZONING

SUMMARY

PROJECT ADDRESS:	205 W Fairview Ave., Homer, AK 99603
OWNER:	Jonas Ridge LLC 203 W Pioneer Ave. Ste 2., Homer, AK 99603
PARCEL ID:	175 065 16
LEGAL DESCRIPTION:	FAIRVIEW SUBDIVISION LOT 8 BLK 4
PROPOSED USES:	B (Medical Office) and R (Itinerant Accomodation)
GOVERNING ZONING CODE:	Homer City Code, Title 21
ZONING DISTRICT:	RO
GOVERNING BUILDING CODE:	2012 IBC
TYPE OF CONSTRUCTION:	V-B
WETLANDS:	None, per KPB
MINIMUM LOT SIZE:	7,500 square feet (21.16,040)
MAX LOT COVERAGE:	30% or 8,000 SQ.FT.
SET BACKS:	Front: 20' Side: 7' Rear 7'
ACTUAL AREAS:	LOT: .32 acre = 13 939 SQ.FT. PROPOSED BUILDING: 2,500 SQ.FT. TOTAL PROPOSED BUILDING FOOTPRINT: 30' X 70' = 2,100 SQ.FT. PROPOSED LOT COVERAGE: 15% PROPOSED IMPERVIOUS COVERAGE: 47% 2,100 (BUILDING) + 4,505 (PAVED) = 6,605 SQ.FT.
PARKING: REQUIRED:	21.55.090.1 - 1 per Efficiency or One-Bed Unit 21.55.090.8 - 1 per 300 SQ.FT. Building Area
PROVIDED:	7 Spaces for Medical Office and 1 for Accommodation Unit.

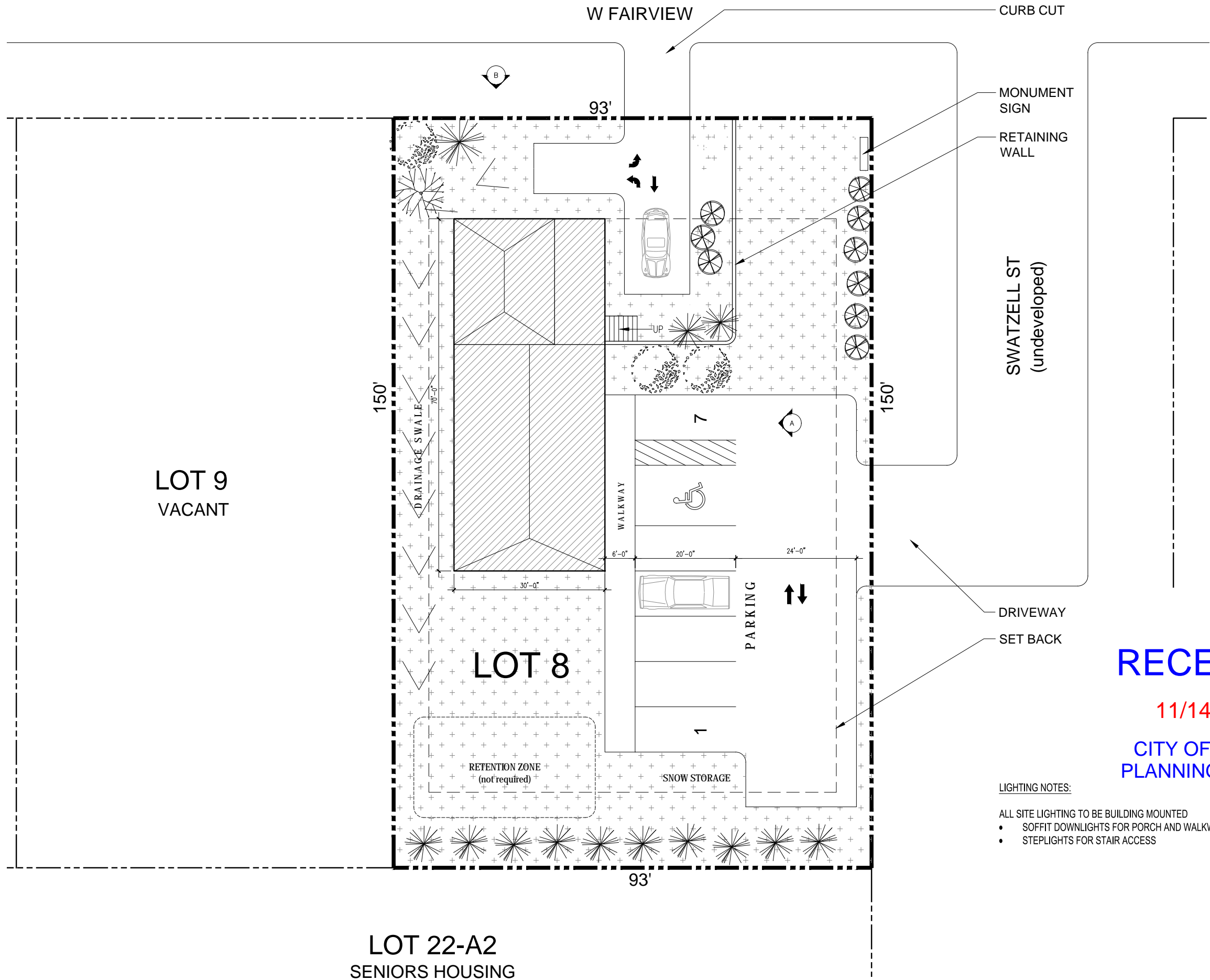


VICINITY MAP

MEDICAL OFFICE AND ACCOMODATION SUITE
205 W FAIRVIEW AVE
HOMER, AK

DATE: 11/14/18
DRAWN BY: CFS

PROJECT
INFOMATION



CURB CUT

MONUMENT SIGN

RETAINING WALL

SWATZELL ST
(undeveloped)

DRIVEWAY

SET BACK

RECEIVED

11/14/2018

CITY OF HOMER
PLANNING/ZONING

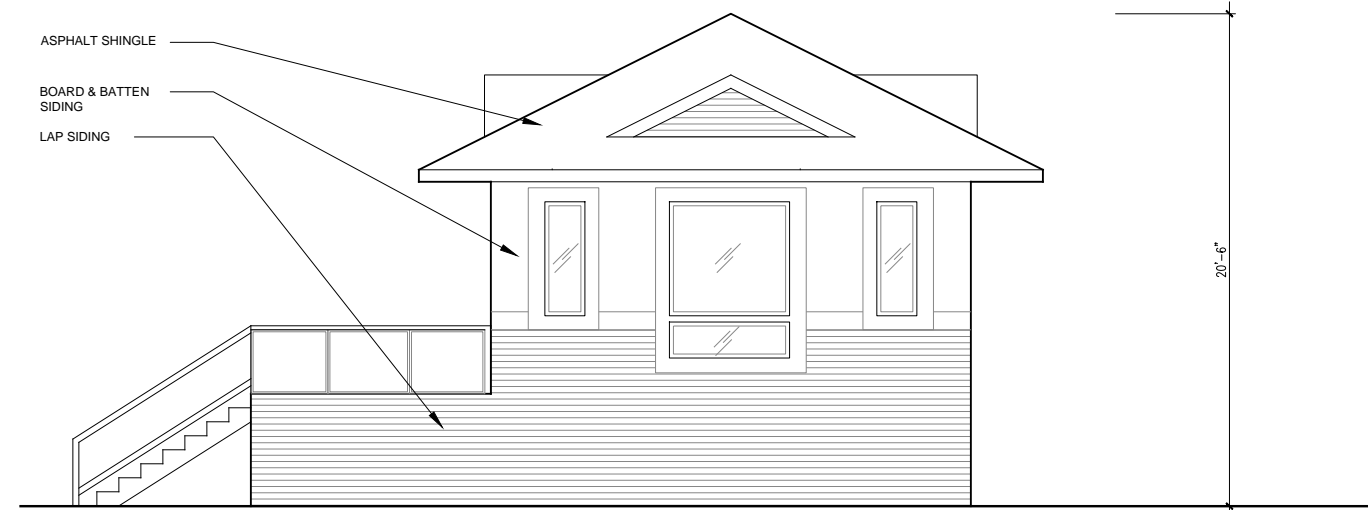
LIGHTING NOTES:

- ALL SITE LIGHTING TO BE BUILDING MOUNTED
- SOFFIT DOWNLIGHTS FOR PORCH AND WALKWAY
- STEPLIGHTS FOR STAIR ACCESS

RECEIVED

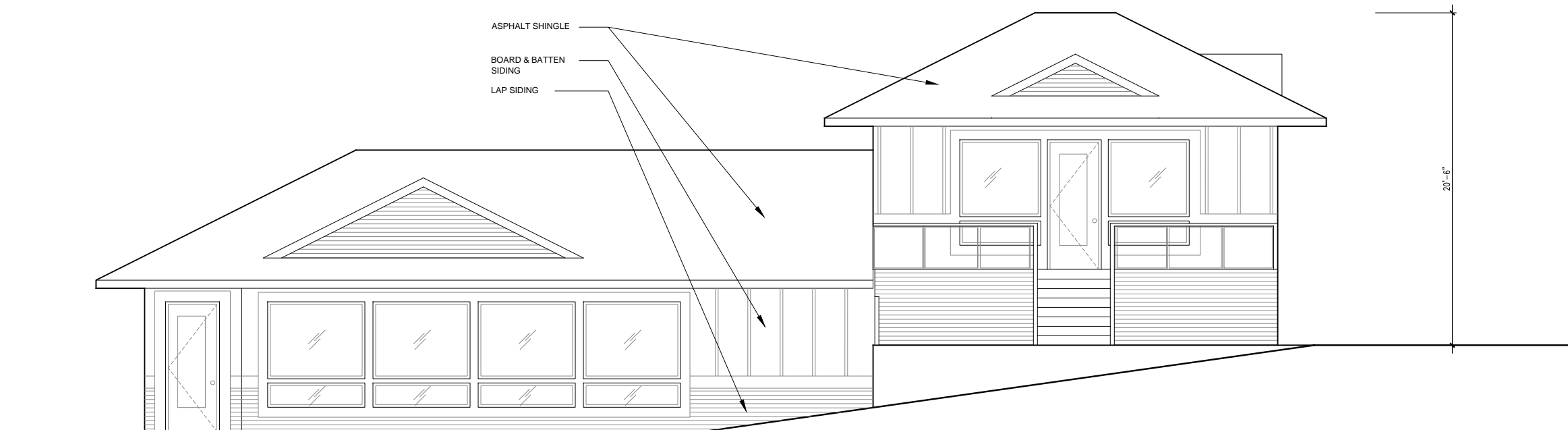
11/14/2018

CITY OF HOMER
PLANNING/ZONING



ACCOMODATION UNIT
VIEW FROM FAIRVIEW

2 ELEVATION B
1/4" = 1'-0"



CLINIC
VIEW FROM SWATZELL

ACCOMODATION UNIT

1 ELEVATION A
1/4" = 1'-0"

IMPERVIOUS AREA CALCULATION

SWP is required when impervious area exceeds 60% in any zoning district

Type of Impervious	Dimensions (ft.)	Area (sq. ft.)
Upper parking		642
lower parking, walkway		3,870
Retaining Wall	1 x 70	70
Primary Building Footprint (1st floor)		2,100
Primary Building Decks		
Other Buildings Footprint (1st floor)		
Other Buildings Decks		
Total Driving/Parking Area/Other		4,582
Total Building Area Footprint Including Decks		2,100
Total Impervious Coverage		6,682
Total Lot Area		14,038
% Impervious Coverage		48%

FLOOR AREA & OPEN AREA CALCULATION

Floor Area	Note	
Primary Building Footprint (1st floor)		2,100
Primary Building 2nd Floor	living quarters, including covered porch	750
Primary Building 3rd floor		0
Primary Building Decks		0
Other Buildings Footprint (1st floor)	loft?	0
Other Buildings 2nd Floor		
Other Buildings 3rd Floor		
Other Buildings Decks		0
Total proposed floor area including decks		2,850
Total proposed floor area	expressed as percentage of total lot area	20%
Maximum allowed floor area	40% of the lot area	5,615
Total proposed open area	equals the total lot area minus the total impervious coverage	7,356
Minimum required open area	equals 110% of the total floor area	3,135

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, December 05, 2018 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

A request for Conditional Use Permit (CUP) 18-14 to build a 2,500 square foot medical office/clinic and attached studio apartment at 205 W. Fairview Ave. A CUP is required for a medical clinic, per HCC 21.16.030(d). The subject lot is Lot 8 Block 4, Fairview Subdivision, E ½, SE ¼, SE ¼, Sec. 18, & N. 180 Ft. of NE ¼, NE ¼, Sec. 19, T.6S., R.13W., S.M.

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

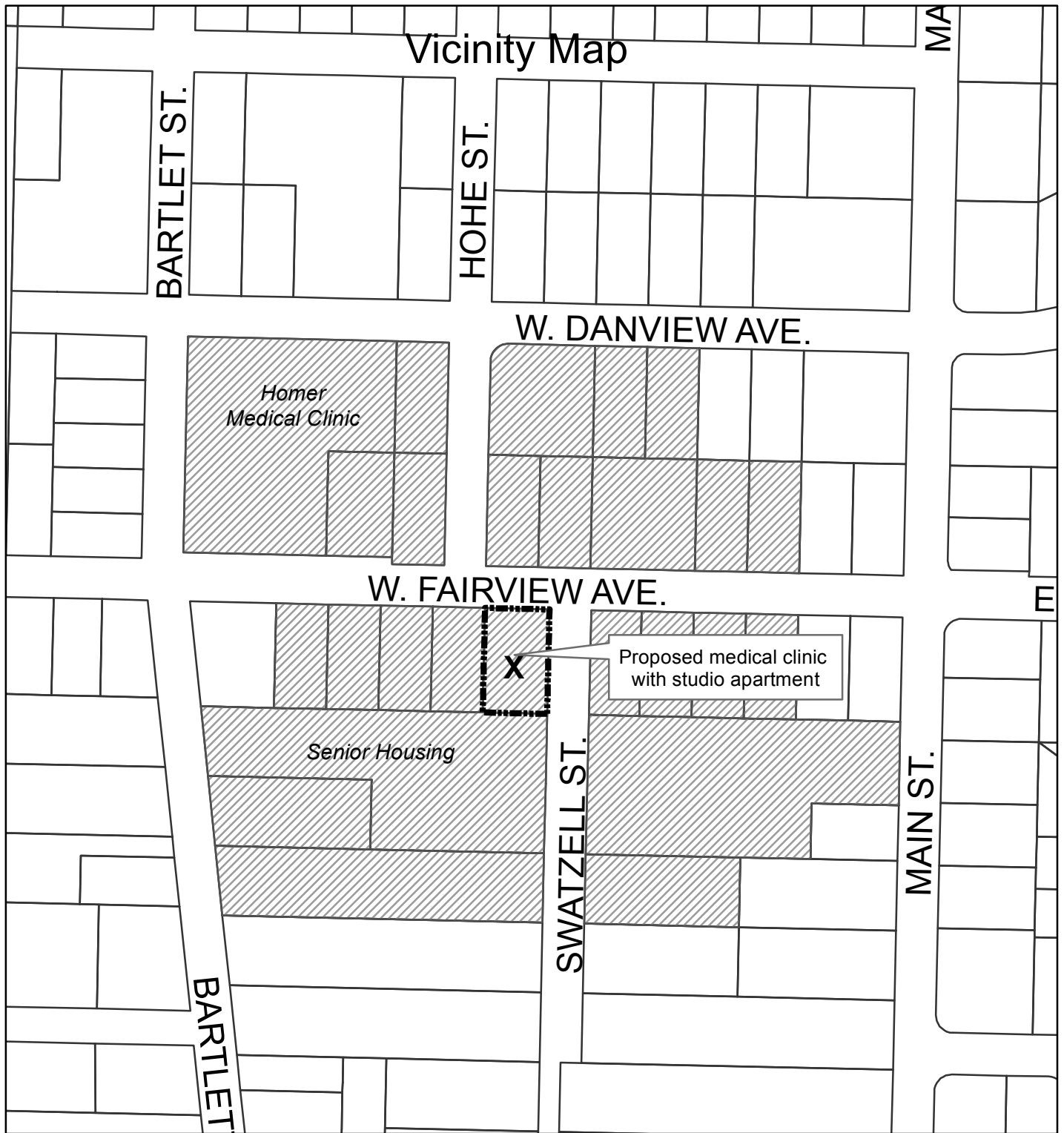
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE

Vicinity Map

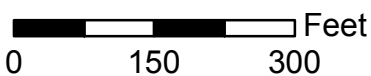


City of Homer
Planning and Zoning Department

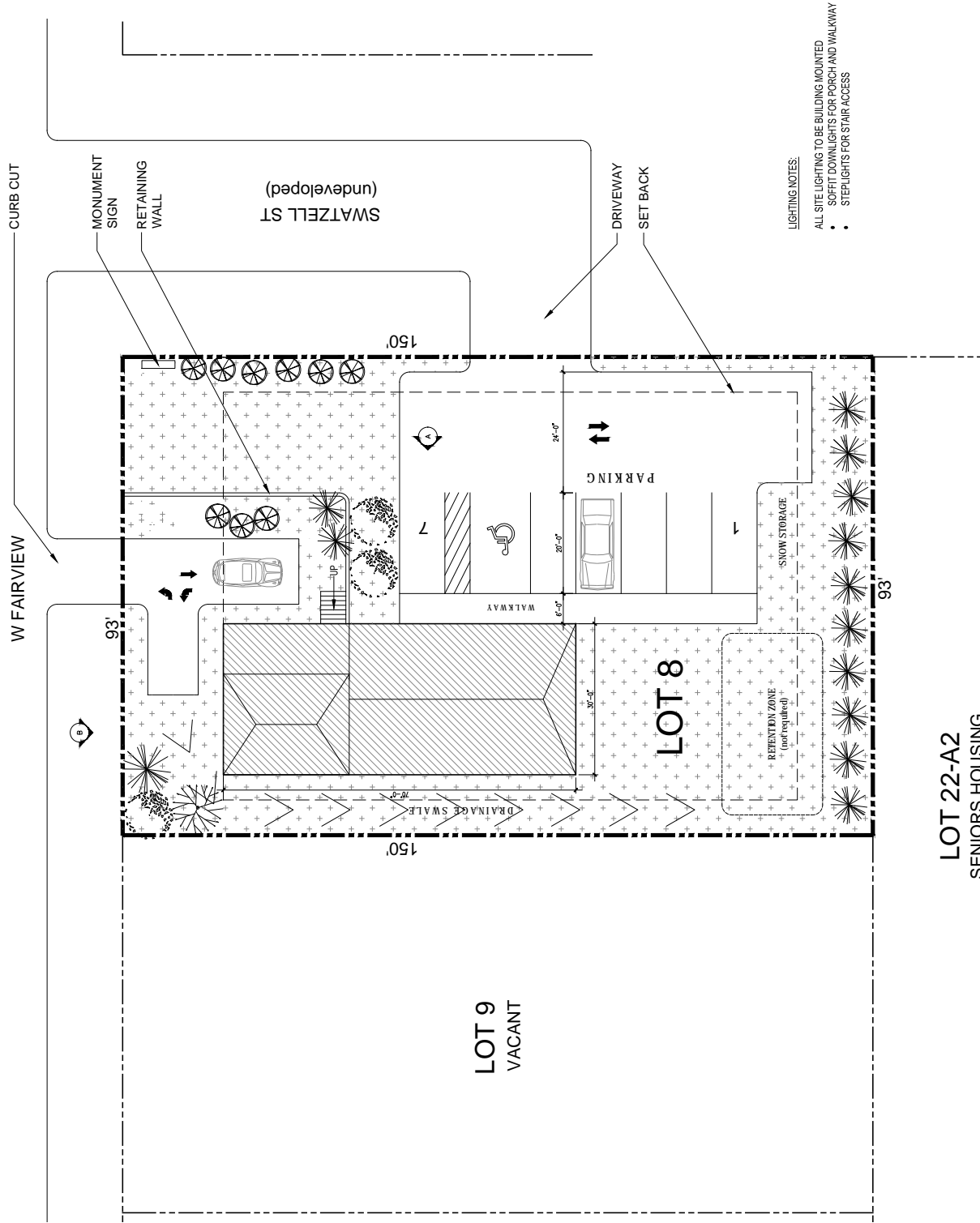
November 16, 2018

Request for Conditional Use Permit 2018-14

Marked Lots are w/in 300 feet
and property owners notified.

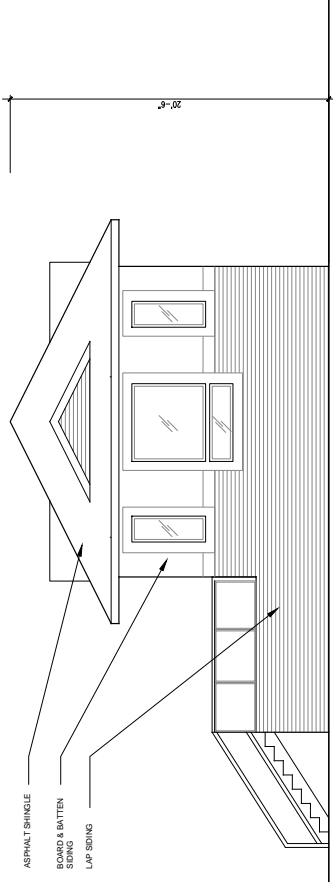


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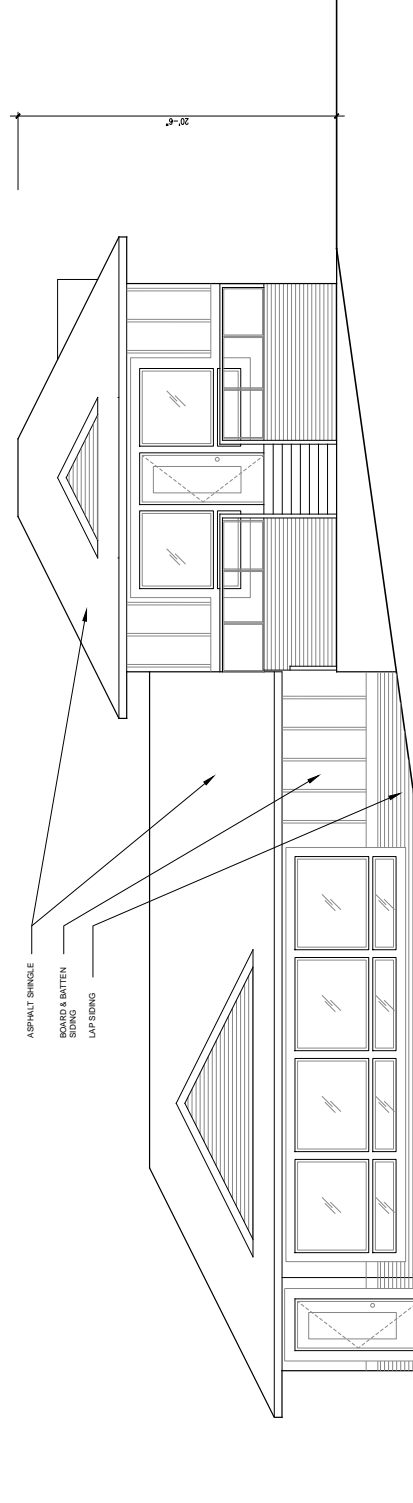
LOT 22-A2
SENIORS HOUSING

1 SITE PLAN
1" = 10'-0"



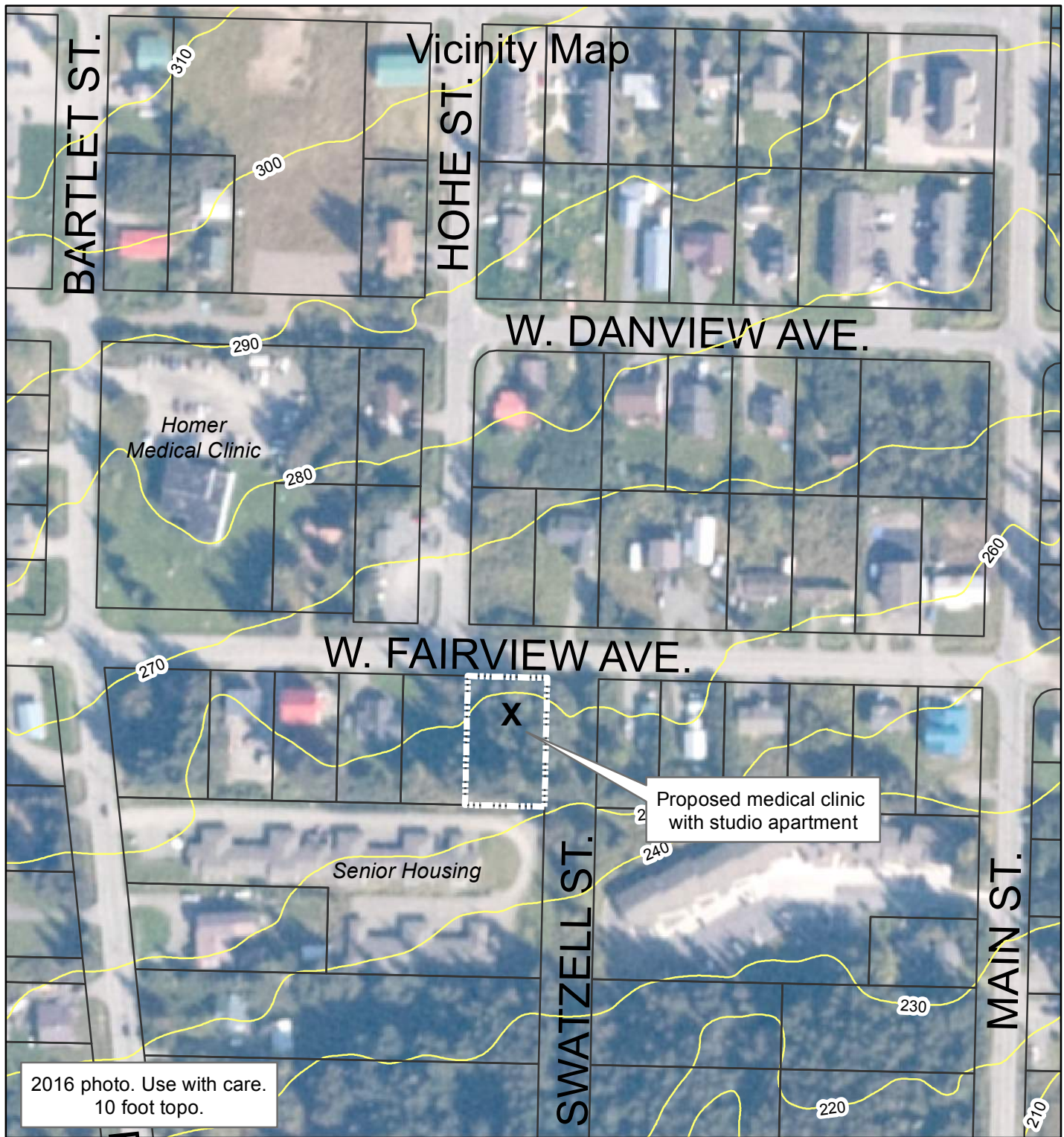
ACCOMMODATION UNIT
VIEW FROM FAIRVIEW

2 ELEVATION B
1/4" = 1'-0"



CLINIC
VIEW FROM SWATZELL

1 ELEVATION A
1/4" = 1'-0"



City of Homer
Planning and Zoning Department

November 16, 2018

Request for Conditional Use Permit 2018-14

0 125 250 Feet



Disclaimer:
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City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 18-76

TO: Homer Advisory Planning Commission **18-76**
FROM: Julie Engebretsen, Deputy City Planner
THROUGH: Rick Abboud, City Planner
DATE: December 5, 2018
SUBJECT: Commercial Park Unit 2 Preliminary Plat

Requested Action: Approval of a preliminary plat to create one 4.318 acre lot, leaving 23.303 to be developed as previously approved.

General Information:

Applicants: Mike Arno
PO Box 1772
Homer, AK 99603

TL Investments LLC
Tom Stafford, Registered
Agent
PO Box 3403

Geovera, LLC
Steve Smith, RLS
PO Box 3235
Homer, AK 99603

Location:	Spruce Lane, south of Little Fireweed Lane
Parcel ID:	17908062
Size of Existing Lot(s):	27.62 acres
Size of Proposed Lots(s):	4.318 acres and 23.303 acres (has approved plan for further subdivision)
Zoning Designation:	East End Mixed Use
Existing Land Use:	Vacant
Surrounding Land Use:	North: Commercial South: Vacant/Commercial East: Vacant West: Vacant/Mixed commercial and residential
Comprehensive Plan:	Goal 1 Objective A: Continue to accommodate and support commercial, residential and other land uses, consistent with this plan.
Wetland Status:	Plat shows wetlands per USACOE Jurisdictional Determination POA 2016-0369.
Flood Plain Status:	Zone D, flood hazards undetermined.

BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are not available at this time.
Public Notice:	Notice was sent to 28 property owners of 34 parcels as shown on the KPB tax assessor rolls.

Analysis: This subdivision is within the East End Mixed Use District. This plat is one action in a series of actions to develop a 40-acre parcel into a commercial/industrial subdivision. Tract A-1 has an approved preliminary plat, and the developer is working through the development process. The current plat would subdivide out Tract A-2 as an individual, saleable lot.

Homer City Code 22.10.051 Easements and rights-of-way

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: The plat meets these requirements.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

Staff Response: The plat meets these requirements.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

Staff Response: The plat meets these requirements.

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

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

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat 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.

- 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.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

Public Works Comments: No comments

Fire Department Comments: No Issues

Staff Recommendation:

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

1. Include a plat note stating "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."

Attachments:

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

NOTES

1. BASIS OF BEARING FOR THIS SURVEY IS FROM THE PLAT OF COMMERCIAL PARK UNIT 1 (2017-52, HRD).
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. THE 15' ADJACENT TO ALL STREET ROW'S IS A UTILITY EASEMENT PER THE PLAT OF COMMERCIAL PARK UNIT 1 (2017-52, HRD). NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.
5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
6. PHASE 2 LOTS AS SHOWN WERE APPROVED ON PLAT NO. 2017-52 (HRD).

NOTARY'S ACKNOWLEDGMENT

FOR MIKE ARNO
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2018.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

NOTARY'S ACKNOWLEDGMENT

FOR TOM STAFFORD AND LISA STAFFORD
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2018.

NOTARY PUBLIC FOR ALASKA

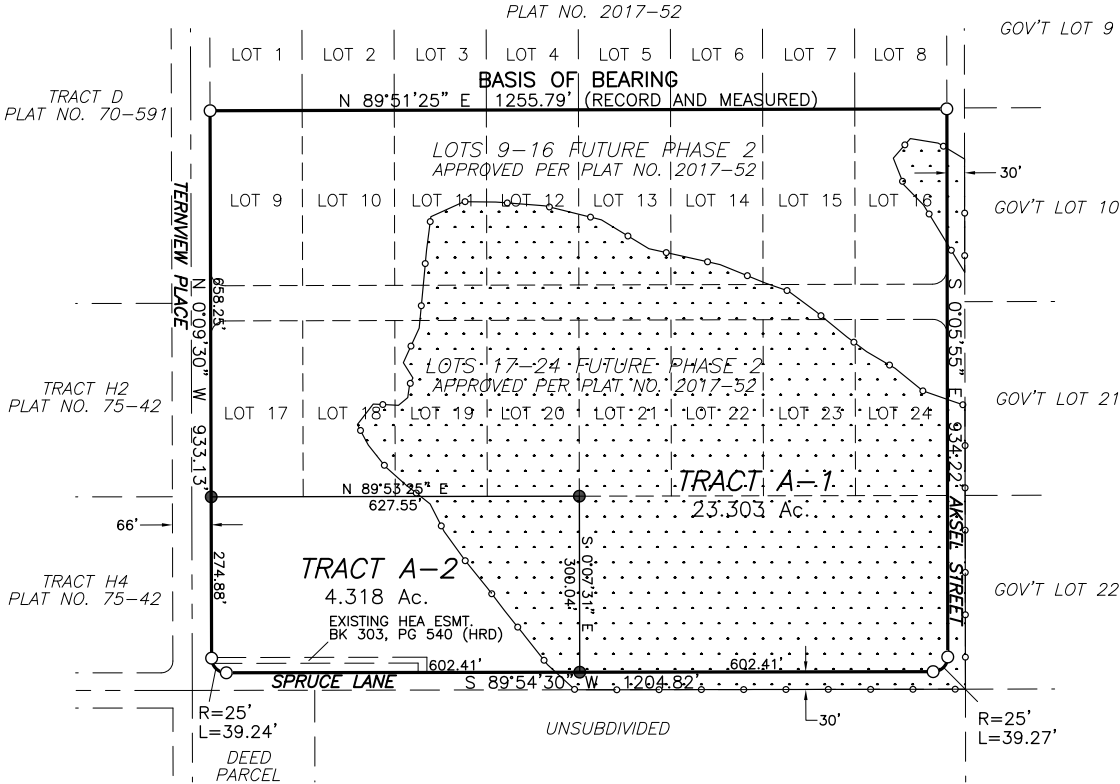
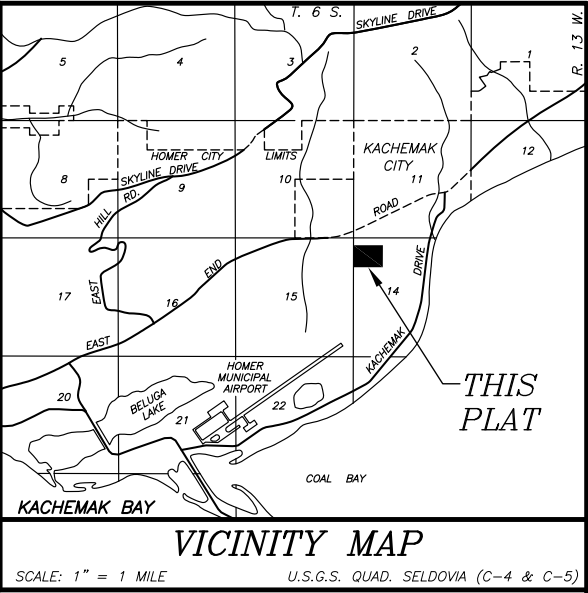
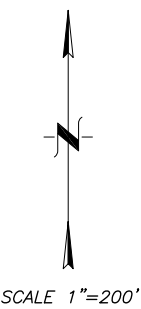
MY COMMISSION EXPIRES: _____

- LEGEND**
- INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7538-S, 2017) RECOVERED THIS SURVEY
 - INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7538-S, 2017) SET THIS SURVEY
- INDICATES WETLANDS PER USACOE JURISDICTIONAL DETERMINATION POA 2016-0369

PLAT APPROVAL

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

BY: _____ DATE _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH



CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

MIKE ARNO
PO BOX 1772
HOMER, ALASKA 99603

TL INVESTMENTS, LLC
TOM STAFFORD, REGISTERED AGENT
PO BOX 3403
HOMER, ALASKA 99603

TL INVESTMENTS, LLC
LISA STAFFORD, MEMBER
PO BOX 3403
HOMER, ALASKA 99603

HOMER RECORDING DISTRICT KPB FILE NO. 2018-???

COMMERCIAL PARK UNIT 2

CREATING TRACT A-1 AND A-2
LOCATED WITHIN THE NW 1/4 NW1/4, SEC 14,
T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI
PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
CONTAINING 27.620 ACRES
OWNERS:
MIKE ARNO PO BOX 1772, HOMER, AK 99603
TL INVESTMENTS, LLC TOM STAFFORD, REGISTERED AGENT
PO BOX 3403 HOMER, AK 99603

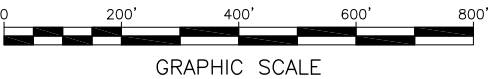
GEOVERA, LLC

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

DRAWN BY: SCS	DATE: NOVEMBER 2018	SCALE: 1" = 200'
CHK BY: SCS	JOB #15-24	SHEET 1 OF 1

WASTEWATER DISPOSAL

THESE LOTS ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



Geovera, LLC

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

November 13, 2018

City of Homer
Planning Department
Julie Engebretsen, Deputy City Planner
491 E. Pioneer Ave.
Homer, Alaska 99603

RE: Commercial Park Unit 2 Preliminary Plat Submittal

Julie,

Please find enclosed (1) full size copy and (2) 11X17 copies of the preliminary plat of Commercial Park Unit 2, and a \$300.00 check for the submittal fee.

This plat creates a tract in the southwest corner of Tract A, Commercial Park Unit 1. As you are aware, Tract A contains the approved second phase of the Commercial Park subdivision (lots 9-24 and the Kilokak Lane right-of-way). The remainder to the south of the approved phase 2 lot configuration was shown on the Commercial Park Unit 1 plat as one tract. This plat splits that remainder into two separate tracts. Because the phase 2 construction of the roads and water and sewer mains has not begun, the phase 2 plat will now be within Tract A-1.

No right-of-ways or easements are being dedicated by this plat. All of the required right-of-ways and utility easements were dedicated on the Commercial Park Unit 1 plat. No subdivision agreement is required for this plat.

Please let me know if you have any questions. You can reach me at any time at (907) 399-4345. Thanks!

Sincerely,

Stephen C. Smith P.L.S.

RECEIVED

NOV 15 2018

CITY OF HOMER
PLANNING/ZONING

NOTICE OF SUBDIVISION

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

Proposed subdivision under consideration is described as follows:

Commercial Park Unit 2 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, December 05, 2018 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

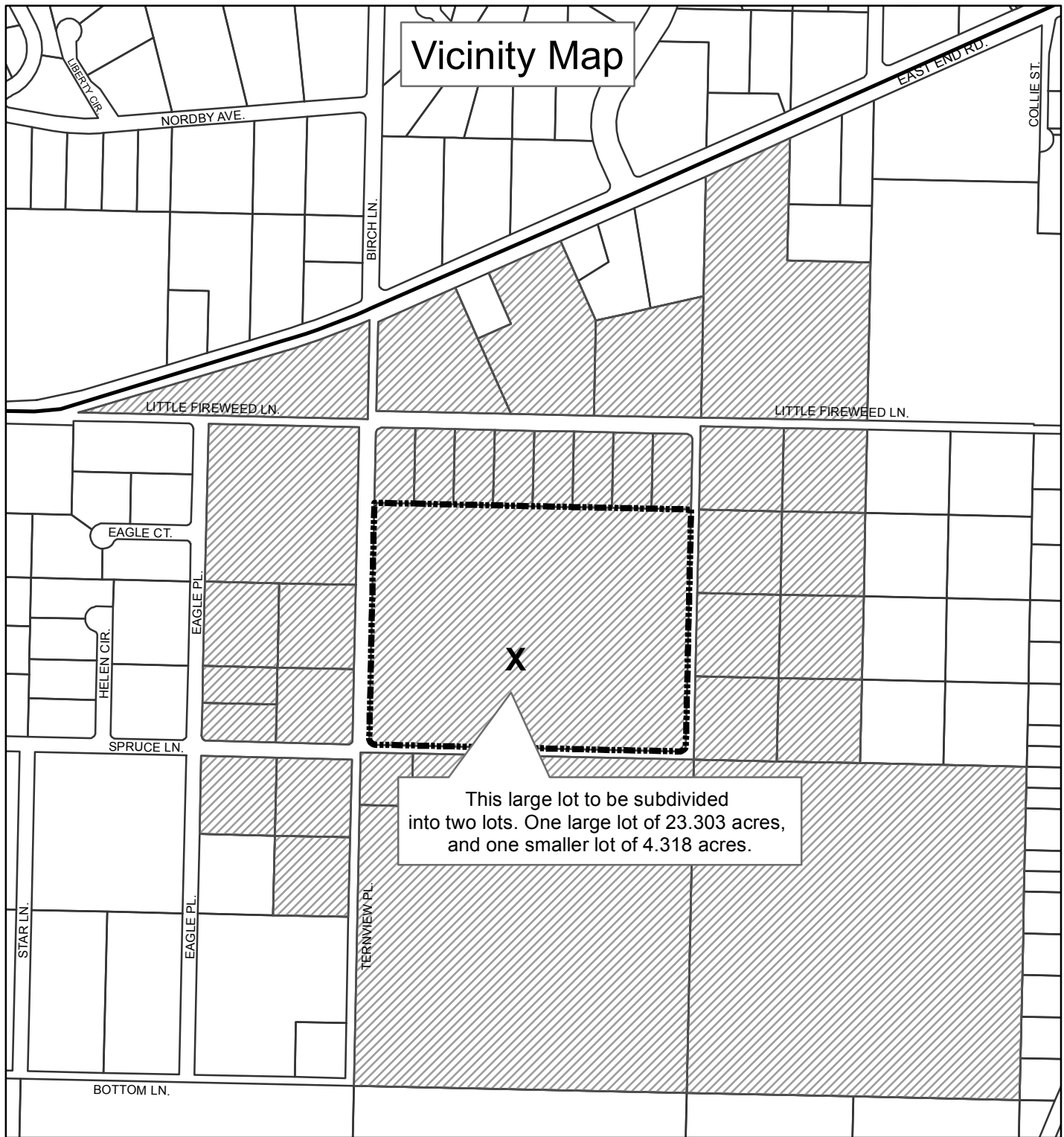
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The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud in the Planning and Zoning Office, 235-3106.

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

.....

VICINITY MAP ON REVERSE



City of Homer
Planning and Zoning Department

November 19, 2018

Commercial Park Unit 2 Preliminary Plat

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

0 250 500 Feet



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FOR MIKE ARNO
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2018.

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MY COMMISSION EXPIRES: _____

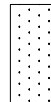
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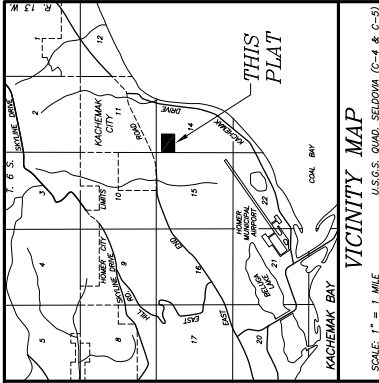
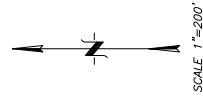


INDICATES WETLANDS PER USACE JURISDICTIONAL DETERMINATION POA 2016-0369

PLAT APPROVAL

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

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
DATE _____



VICINITY MAP

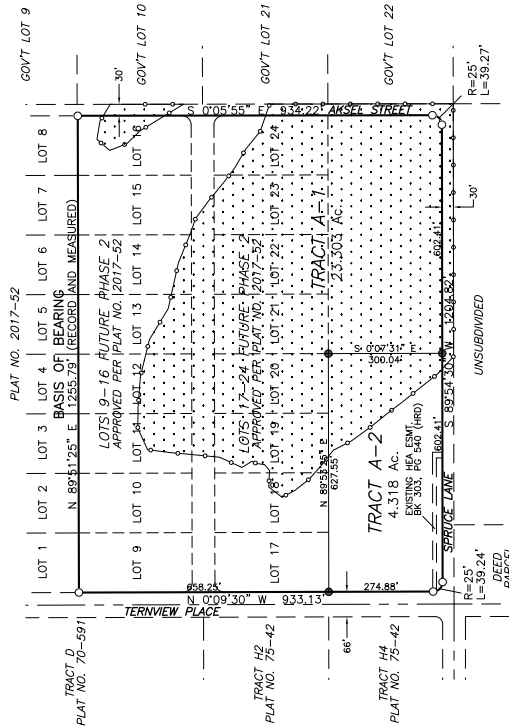
SCALE: 1" = 1 MILE
U.S.G.S. QUAD: SELDOW (C-4 & C-5)

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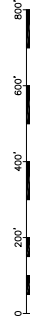
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GRAPHIC SCALE

HOMER RECORDING DISTRICT KPB FILE NO. 2018-???

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CONTAINING 27.620 ACRES

WITNESSES:
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DRAWN BY: SCS	DATE: NOVEMBER 2018	SCALE: 1" = 200'
CHK BY: SCS	JOB #15-24	SHEET 1 OF 1



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 18-78

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: December 5, 2018
SUBJECT: HAPC Work List

Introduction

It was requested that the worklist have a place on the agenda to review or make a recommendation when needed. I have broken this out into a business item for this meeting. Future meetings may have this list incorporated into the Planners Report. If the Commission finds that it wants to review the item, but not spend time in front of other actions (CUPs or Plats), they can motion to move the item to new or pending business after the public hearing items.

Analysis

The Commission did have a 'running' work list in the past. This list became unruly because it turned into a long laundry list that became completely unrealistic. We already have a close to conclusive list of items to work with in the Comprehensive Plan. My goal for this list would be to keep it current for items that stand out from the rest.

The commission may move to add or prioritize items. This may be a good way for Commission to help set the future agendas. Of course, we want to keep in mind the effort involved in addressing the specific items. Some could be accomplished in a meeting or two and others could take many months or longer. We will still need to work on some items that come from City Council and staff in addition to items currently the list. Perhaps we could move these items to the list for perspective.

CUP reduction – Can start out looking at more-than-one and over 8000 square feet requirements by district.

Natural Hazard Planning/Green Infrastructure – including implementation items (2018 Comprehensive Plan) 2-A-1, 2-A-5/ current plan 4-10, 4-11. *This item may be broken down into many divisions of action including stormwater, clear cuts, wetland standards, and etc...*

Medical District

Coastal Bluff definition

Transportation Plan

Site plan requirements/permit follow-up – including input from surveyors and contractors and consideration for ground trothing proposals/permits.

Staff Recommendation

Review list make recommendations



City of Homer

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Memorandum

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: November 21, 2018
SUBJECT: November 26th City Manager Report

Library Director Ann Dixon Retiring in April of 2019 & Process for Hiring New Library Director

This spring the City will bid farewell to our Library Director Ann Dixon. Ann came to the City in 2011, after having served as the Librarian at the William Elementary School in Willow for four years. Prior to that, Ann worked in a variety of Library positions as well as being a published author. Ann's retirement will mark eight years with the City, but many more years dedicated to public service. As any of you know who have visited our beautiful Homer Public Library, Ann has become a fixture there and will certainly be missed. The process of selecting Homer's new Library Director will take some time. But with the assistance of Ann, and input from the Friends of the Library and the LAB, we know we will find a great fit for both the library and the community! We plan on posting the position in early February. Once the position closes, a hiring committee that includes the City Manager will narrow down the field of applicants. The top candidates will be invited to visit Homer for an interview, lunch with Ann and a representative from each the Friends and the LAB, and then commence with a tour of the library to meet staff and see our amazing facility. I will keep the Council updated as the process unfolds.

Executive Assistant to the City Manager Dotti Harness-Foster Retiring

My executive assistant, Dotti Harness-Foster is retiring after many years with the City of Homer. Dotti is a familiar face at City Hall, she spent years in the Planning Department before moving upstairs to be my right hand. I will miss her positivity, can do attitude, firm management of my meeting calendar and ability to gently remind people to do what they said they were going to do. She has been a tremendous asset to me as I throw anything and everything her way. Two of her major accomplishments since joining the City Manager's office include: increasing revenue at the Homer Airport through actively managing leases and cultivating tenants and taking the reins on revamping 2019 Draft Budget goals and priorities. I appreciate Dotti's willingness to dive right in and get to work. She will be missed. I wish her the best of luck on her next adventure teaching fall prevention techniques through movement and body awareness with Homer seniors and others. I am proud that she will continue to be a tremendous asset to this community. Dotti's last day is November 30th. Please take a moment to thank Dotti for her service to the City of Homer.

Executive Assistant to the City Manager Rachel Friedlander Hired

I am pleased to welcome Rachel Friedlander as the new face and voice who will greet you in the City Manager's office. Rachel recently moved to Homer from Juneau. There she worked in the land management office for the City and Borough of Juneau and brings applicable experience with lease management and municipal government. Before working for the municipality she spent a session as a legislative aide, which

means she will be well equipped to handle the multiple and divergent requests the City Manager throws to the executive assistant. Rachel is professional, positive and motivated and will be a great fit for the City. Please take a moment to welcome her to the team when you see her.

Richard Klopp Recognized as Alaska Rural Water Association 2018 Operator of the Year

Richard Klopp has over 30 years of experience in both public and private sector. He has been a lead operator in Homer for 5 years. In that time he has made major improvements to the Distribution and Collections System preventive maintenance program, including smoke testing the collection system to quickly detect and repair structural damages, leaking joints and other problems in sewer pipes. Inflow and infiltration of stormwater into the system is costly due to the additional waste water treatment required. Richard's improvements have resulted in reduced cost in operations and has also reduced emergency call outs for operators, reducing labor cost. His energy conservation efforts have resulted in over \$50,000 saving since 2015. Mayor Castner will be presenting Richard with a plaque recognizing this accomplishment at the November 26th Council meeting. Please take a moment to thank Richard for his dedicated public service when you see him.

Four More Police Radios Funded

Due to unspent funds from other projects, the Department of Homeland Security and Emergency Management (DHS&EM) has offered the City of Homer \$20,363 in unallocated funds to purchase four police radios, completing the upgrade of all portable radios for the Police Department. This reallocation will be implemented as a budget amendment to a previous City of Homer DHS&EM grant application. Previous grant funding cycles had already replaced a portion of the radios, which made this an easy fit when DHS&EM needed eligible, already vetted projects to obligate unspent grant funds within the Federal time limit. The authority given to the City Manager to accept and appropriate grant funds under \$25,000 in this instance was key to the City's ability to accept the funds within DHS&EM's short timeframe. Council should keep in mind that as funding circumstances change over time, this authority may need to be adjusted. For example, you have an ordinance before you on the 26th that is a similar reallocation but is just above the \$25,000 threshold. Luckily, in this case the timeframe for obligation gave us time to accept the funds through Council ordinance as required.

Update on New Homer Police Station from Project Manager McNary

The design contract for the new Police Station was agreed to and implemented on September 24th, 2018. Design began on that date and continues on schedule with full design team meetings each Wednesday. A City of Homer representative is working with Chief Robl as a part of this team. The City selected CM/GC Design/Build Team approach has been very productive to date. A presentation on 35% design is scheduled for the first meeting in January.

Current Design Schedule continues as follows:

- 35% design, (65% Civil) – November 30, 2018
- 65% design, (95% Civil) – February 25, 2019
- 95% design – April 1, 2019
- 100% Construction ready plans – April 19, 2019
- Guaranteed Maximum Price, (GMP), contract execution – April 15, 2019
- Groundbreaking – April 20, 2019

Permitting is in process with no permitting delays expected.

Community Design Manual guidelines are being implemented.

The site has been designated as non-wetlands by the US Corps of Engineers.

Utility entities have all been included on design updates and applications are in progress.

No budget issues are anticipated at this point.

Seawall and the Ocean Drive Loop Special Service District (ODLSSD)

Several storms in 2017 and 2018 have caused significant damage to the seawall. In 2017 the cost of repairs was \$102,125. As of October 23, 2018 the 2018 repair cost is estimated at \$77,491 leaving the account balance for seawall repairs at \$58,700. Most of the seawall is on private land and is not considered a public improvement. This led to the Ocean Drive Loop Special Service District (ODLSSD) being formed to fund maintenance of the seawall. The ODLSSD consists of fourteen (14) property owners, which includes two City owned lots. In January I send a letter out to homeowners detailing the status of repairs and the seawall maintenance fund. It may be time to include the neighborhood in conversations about how to continue to adequately fund maintenance of the seawall, including a potential major maintenance project to reinforce the toe of the wall where the most damage occurs. I would like to get input from Council on how/if they would like to proceed so that any information such as meeting notices or potential major maintenance projects to consider can be included in the annual update to property owners.

KPEDD City Manager Meeting

Kenai Peninsula Economic Development District (KPEDD) hosts quarterly meetings with Peninsula City Managers. Peninsula managers met October 24th to discuss regional economic development projects, including a presentation from Alaska LNG. We discussed different ways we can partner, including collaborating on wage studies and analysis and advocating for municipal representation regarding Alaska LNG decisions (which resulted in the MAG Board resolution you have before you on November 26th). These meetings provide an invaluable opportunity to exchange ideas and not reinvent the wheel.

Meeting on Help Available for Homer's Vulnerable Populations organized by Mayor Castner

Mayor Castner, Councilmember Erickson, and I met with leaders of Church on the Rock to educate the City on efforts they are making on behalf of Homer's vulnerable populations. In addition to providing temporary assistance to members in need by connecting them with services and assistance in an organized manner, Church on the Rock houses two trained certified therapists (through Cornerstone Consulting) to provide services to any community member. Libby Erickson with Public Health also reported on the Safe Families Program. This program, in cooperation with the faith community and Office of Children's Services, pairs families needing help with the demands of caring for and raising children with safe family friendly environments for temporary (average 3 week) placement of children. It was a great opportunity for the City to learn about the varied resources already provided in Homer. These meetings are part of Mayor Castner's efforts to reach out to Homer institutions and organizations to better understand the fabric of support our community can provide for our vulnerable populations. I look forward to participating in more of these conversations.

Visit with Senator Sullivan

On November 8th I was invited, along with EDC Chair and Kenai Peninsula Economic Development District (KPEDD) board member Karin Marks to attend an informal meeting with Senator Dan Sullivan to discuss economic development challenges and opportunities facing the Kenai Peninsula. I used my 10 minutes with the Senator to update him on the Large Vessel Harbor project. He was very receptive to the opportunities for the Harbor and mentioned that the timing was good to launch a project for Alaska given his committee membership on the Environment and Public Works Committee and Armed Services which provides dual oversight of the Army Corps. We will continue to work with his Kenai office and keep them in the loop as we navigate the next stages of the study with the Army Corps. A big thank you to KPEDD for organizing the meeting and making sure that Homer was represented.

Visit with Mark Hamilton of The Pebble Partnership

On November 9th, Mayor Castner and I met with General Mark Hamilton with the Pebble Project. General Hamilton emphasized the smaller footprint and life span for this deposit compared to the Pebble Mine proposal I was most familiar with from 10 years ago. Impacts to the surrounding communities have not been analyzed, however 2,000 jobs are anticipated to be created during construction and 1,000 year round jobs. The Mayor had many detailed questions regarding the permitting process and how waste would be handled. More information on the Army Corps permitting process can be found at <https://www.pebbleprojecteis.com/>

Visit from Rear Admiral Mathew Bell

Rear Admiral Mathew Bell, Commander of the 17th Coast Guard District out of Juneau paid the City of Homer a visit on November 15th. Port and Harbor Director Hawkins and I were unable to attend as we were both at AML, but Deputy Harbormaster Clarke, Special Projects and Communications Coordinator Carroll and Mayor Castner gave the Admiral a warm welcome and update on our Large Vessel Harbor Project. Most importantly, the Mayor was able to convey what an important part of the community the Coast Guard is and how we appreciate their contributions not only to the safety and welfare of the fleet, but to the community of Homer. City officials will visit with Admiral Bell in February when we travel to Juneau for Alaska Municipal Leagues Legislative meetings.

Alaska Municipal Management Association (AMMA) and Alaska Municipal League (AML) Winter Meeting

The Alaska Municipal League conferences were busy and fruitful. The Alaska Municipal Manager Association for the first time put on a new manager orientation in an attempt to increase the odds of success for our new managers, especially in rural areas where it can feel very isolating. I presented on local government, public records and the open meetings act. We had a section on building employee culture with a focus on supervisory skills and lots of good info on council manager relations. We had great participation with 33 managers showing up. The full AMMA meeting began with a session on developing a personal leadership philosophy, a never ending journey of self-improvement. The ICMA rep presented on managing department heads. The next day was packed with more professional development including a presentation from the deputy chief of staff to the Governor John Hoosey, cyber security, and a panel on attorney manager relations where both contract and staff attorney relationships were discussed.

The opening session of AML by board president Anchorage Mayor Berkowitz was a call to action for municipalities to work together to represent Alaskan constituents. Affiliate organizations presented on their meetings, including our very own Port and Harbor Director Hawkins representing the Alaska Association of Harbormasters. A state of the state presentation was given by representatives from the Alaska Chamber, School System and Native Corporations where the speakers addressed the economic recession, consumer confidence, and funding issues were affecting Alaskans. Over lunch we heard from state agencies with a similar theme. The panel was made up of mostly outgoing Commissioners or their deputies, which left the audience with questions about potential changes with the new incoming administration. Governor Walker, as he does every year, addressed the group of public officials and reflected on his time in office.

I attended, and took home lots of lessons learned from a panel discussion on cybersecurity risk and protection. Panelists included managers from the Matsu Borough and Valdez, both victims of similar cyber attacks this summer. Each community handled the crisis differently. Matsu, almost four months later, is in the final stages of finalizing recovery of data from a backup. Valdez paid the ransom for their data but has not recovered it yet as it has to go through an intense scrubbing process to make sure it is not infected. Both

municipalities had insurance, which covered much of the expense. Nevertheless, the disruption to daily activity and municipal business was huge and continues. The theme of both cyber security presentations I attended was it is not IF you will get hacked, it is WHEN. To that end, take aways that I will work on implementing at City of Homer include:

- a. Establishing an IT security management group to map out the system, points of vulnerability, and oversee a risk assessment
- b. Additional and ongoing training for employees on how to identify suspicious behavior
- c. Understanding the ins and outs of our Cyber Insurance Policy (we have cyber security coverage through AMLJIA that would cover a security breach such as the one Valdez experienced this summer)
- d. A table top emergency exercise walking us through what to do in case of a major IT breach and incorporating a response plan into our Emergency Operations Manual
- e. Consider taking measures to mitigate risk like locking down physical portals and USB ports

The packed day continued with an informative session on responsible municipal fiscal policy that provided me with resources on developing an Unassigned Fund Balance policy and Reserve targets. The evening ended with a community block party where each community had a table that represented their area. Homer had a large halibut tail, peonies and locally roasted coffee. Next year I will enlist Council to help with creative ideas for both the table and the Mayor's auction – so be prepared, it will be here before you know it. Councilmember Stroozas was able to secure a couple of great donations for the Mayor's auction including a night at Timber Bay B and B and round trip airfare to Seldovia. Funds from the Mayor's auction go towards scholarships for bringing rural mayors to the conference.

I left late Wednesday night, with Homer well represented by Councilmembers Stroozas, Erickson, and Venuti. Of particular note to attendees was the presence of Representative-elect Vance who was able to attend with Councilmember Erickson. Much of AML's target audience is the Legislature and they really appreciate it when representatives take the time to become educated on municipal issues and develop those relationships.

International City Manager Association (ICMA) Planning Committee Meeting

I left AML on Wednesday to fly to Nashville to attend the ICMA Planning Committee meeting for the ICMA international conference in Nashville, TN October 20-23, 2019. This conference brings together thousands of department heads, assistant city managers and city managers from across the nation and as far flung as Scandinavia and Latin America to talk about local government. Planning Committee representatives from around the United States gather at the conference location to plan an agenda that would be meaningful for members, including break-out sessions, round tables and key note speakers. Well known key notes in the past included Daniel Pink and Malcom Gladwell. These keynotes are both moving and inspirational. It was an honor to be able to participate in planning with the leadership of my national professional organization. This marked the first year Alaska has participated. I took away lots of great ideas about how to structure professional development for our state association and make sure smaller communities are represented. I did stay an extra day and get to explore Nashville, a vibrant and thriving city with exponential growth (part of our City Manager tour covered construction of a new headquarters for Amazon that will bring with it 5,000 new jobs with an average salary of \$150,000).

Enc: Employee Anniversaries
North Pacific Management Council in Homer (Letter from Mayor Castner and CM)
Thank you from Kachemak Bay Family Planning Clinic Board President
AMCO Notices of Proposes Regulation Changes



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Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: Katie Koester
DATE: November 26, 2018
SUBJECT: November Employee Anniversaries

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

Dave Shealy,	Police	21	Years
Mike Riley,	Public Works	18	Years
Lisa Ellington,	Port	12	Years
Jenna deLumeau,	Finance	9	Years
Ian Overson,	Police	7	Years



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November 27, 2018

North Pacific Fishery Management Council (NPFMC)

Mr. Simon Kinneen, Chair

605 West 4th, Suite 306

Anchorage, AK 99501-2252

Dear Mr. Kineen,

The City of Homer is honored to be chosen as the host community for the North Pacific Fishery Management Council in October 2019.

The NPFMC is an important regulatory body that works hard to preserve and protect commercial fisheries in Alaska and its federally controlled EEZ. Commercial fishing provides significant economic and social-cultural benefits to Homer, with permit holders, crew members, harvesters, processors, and a wide variety of support industries and facilities providing meaningful local employment, investment and income in the Homer community.

The City is excited to welcome the NPFMC. Please let us know how the City of Homer can be of assistance.

Sincerely,

Ken Castner
City Mayor
907-235-9028

Katie Koester
City Manager
907-235-8121



3959 Ben Walters Lane • Homer, AK 99603
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info@kbfpc.org • www.kbfpc.org



City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603

26 October 2018

Dear Mayor Castner, Council Members and City of Homer,

On behalf of Kachemak Bay Family Planning Clinic (KBFPCL) and the R.E.C. Room (a Youth Resource & Enrichment Co-op), I want to thank the City of Homer for its support of area non-profits in 2018. KBFPCL received a Homer Foundation – City of Homer grant for \$3,185 which provided valuable general operating support. In addition, I thank the Homer Foundation for administering this important program.

City support of non-profits is prudent use of tax payer money; it ensures that safety-net services continue for the most vulnerable in our community and improves the health and well-being of community members across all demographics. Non-profits employ approximately 25% of our workforce (2017 data) and the relatively small financial infusion from the City is key to generating millions in revenues that provide essential services and impact the entire economic sector in the City.

The City of Homer grant leverages resources from other funders while helping us keep our doors open to everyone in our community, regardless of their ability to pay. It's especially appreciated now, as we experience reductions in federal and state funding. Thanks to this grant and other generous support from our community, we provided quality reproductive health care services – including: screenings for breast and cervical cancer, birth control consultation and supplies, infertility and preconception counseling, pregnancy testing, and STD/STI testing and treatment – for approximately 1,000 men and women every year.

Youth in Homer rely on the R.E.C. Room as a safe and welcoming place to meet with friends after school and get connected with other local resources. Over 900 teens have participated in our youth education programs and healthy alternative activities, including school-based, peer-led health education, in 11 area schools (three schools in the City).

Community commitment and support make our work possible. Our thanks, again, to the City of Homer, the Homer Foundation, and all our community partners who support KBFPCL to serve as a trusted source of up-to-date, accurate and affordable reproductive health care and education since 1983.

Thank you,
Yours sincerely,

A handwritten signature in black ink, appearing to read "Mary Lou Kelsey".

Mary Lou Kelsey
KBFPCL Board President

NOTICE OF PROPOSED CHANGES ON MARIJUANA ESTABLISHMENT INSPECTIONS
IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with marijuana establishment inspections, including the following:

- (1) 3 AAC 306.725(a) is proposed to include waste disposal and other elements of business operations available to inspection.
- (2) 3 AAC 306.800 is proposed to include waste disposal and the location of other elements of business operations as subject to inspection.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 pm on December 12, 2018.

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

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or (907) 265-0350 not later than December 2, 2018, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or (907) 265-0350.

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

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.131; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070; AS 17.38.131

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

The Alcohol and Marijuana Control Office keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Marijuana Control Board notices of proposed regulation changes. To be added to or removed from the list, send a request to the Marijuana Control Board at amco.regs@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: November 8, 2018



Erika McConnell, Director

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Inspections
3. Citation of regulation (may be grouped): 3 AAC 306.725-.800
4. Department of Law file number, if any: To Be Assigned

5. Reason for the proposed action:

- () Compliance with federal law or action (identify): _____
- () Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- () Development of program standards
- (x) Other (identify): _____

6. Appropriation/Allocation: \$0

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0

Another state agency: \$0

A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>19</u>	Subsequent Years
Operating Cost	<u>\$ 0</u>	<u>\$ 0</u>
Capital Cost	<u>\$ 0</u>	<u>\$ 0</u>
1002 Federal receipts	<u>\$ 0</u>	<u>\$ 0</u>
1003 General fund match	<u>\$ 0</u>	<u>\$ 0</u>
1004 General fund	<u>\$ 0</u>	<u>\$ 0</u>
1005 General fund/ program	<u>\$ 0</u>	<u>\$ 0</u>
Other (identify)	<u>\$ 0</u>	<u>\$ 0</u>

9. The name of the contact person for the regulation:

Name: Jedediah Smith

Title: Local Government Specialist

Address: 550 West 7th Ave. Suite 1600, Anchorage, AK 99501

Telephone: (907) 334-2195

E-mail address: Jedediah.smith@alaska.gov

10. The origin of the proposed action:


☐ Staff of state agency

☐ Federal government

☐ General public

☐ Petition for regulation change

☒ Other (identify): Marijuana Control Board

11. Date: November 8, 2018 Prepared by: 

Name (printed): Jedediah Smith

Title (printed): Local Government Specialist

Telephone: (907) 334-2195

3 AAC 306.725(a) is amended to read:

(a) A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises[,]
and[INCLUDING] any place for storage, **waste disposal, or other element of business operations**, available for inspection by the director, an employee or agent of the board, or an officer charged with the enforcement of this chapter. The board or the director may also request a local fire protection agency or any other state agency with health and safety responsibilities to inspect licensed premises or proposed licensed premises.

(Eff. 2/21/2016, Register 217; am ___/___/_____, Register _____)

Authority:	AS 17.38.010	AS 17.38.131	AS 17.38.200
	AS 17.38.070	AS 17.38.150	AS 17.38.900
	AS 17.38.121	AS 17.38.190	

3 AAC 306.800 is amended to read:

3 AAC 306.800. Inspection and investigation. (a) The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, may

(1) Inspect the licensed premises of a marijuana establishment **and the location of other elements of business operations**, including any marijuana and marijuana product on the premises, equipment used in cultivating, processing, testing, or storing marijuana, the marijuana establishment's marijuana inventory tracking system, business records, **waste and waste disposal areas**, and computers, at any reasonable time and in a reasonable manner;

(2) issue a report or notice as provided in 3 AAC 306.805; and

(3) as authorized under AS 17.38.131, exercise peace officer powers and take any other action the director determines is necessary.

(b) A marijuana establishment, and any licensee, employee, or agent in charge shall cooperate with the director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, to enforce the laws related to marijuana, including

(1) permitting entry upon and inspection of the licensed premises **and the location of other elements of business operations;** and

(2) providing access to business records at reasonable times when requested by the director, an enforcement agent, an employee of the board, or a peace officer. (Eff. 2/21/2016, Register 217; am ___/___/_____, Register _____)

Authority:	AS 17.38.010	AS 17.38.131	AS 17.38.200
	AS 17.38.070	AS 17.38.150	AS 17.38.900
	AS 17.38.121	AS 17.38.190	

NOTICE OF PROPOSED CHANGES ON MARIJUANA HANDLER PERMIT RENEWAL
FEES IN THE REGULATIONS OF MARIJUANA CONTROL BOARD.

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with marijuana handler permit fees, including the following:

- (1) 3 AAC 306.100(e) set the new or renewal fee for a marijuana handler permit card.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 pm on December 12, 2018.

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

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or (907) 265-0350 not later than December 2, 2018, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or (907) 265-0350.

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

Statutory authority: AS17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.131; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.121

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

appropriation.

The Alcohol and Marijuana Control Office keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Marijuana Control Board notices of proposed regulation changes. To be added to or removed from the list, send a request to the Alcohol and Marijuana Control Office at amco.regs@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: November 8, 2018

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell. Director

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Handler permit renewal fee
3. Citation of regulation (may be grouped): 3 AAC 306.100
4. Department of Law file number, if any: To Be Assigned

5. Reason for the proposed action:

- () Compliance with federal law or action (identify): _____
- () Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- (x) Development of program standards
- () Other (identify): _____

6. Appropriation/Allocation: \$0

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0

Another state agency: \$0

A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>19</u>	Subsequent Years
Operating Cost	<u>\$ 0</u>	<u>\$ 0</u>
Capital Cost	<u>\$ 0</u>	<u>\$ 0</u>
1002 Federal receipts	<u>\$ 0</u>	<u>\$ 0</u>
1003 General fund match	<u>\$ 0</u>	<u>\$ 0</u>
1004 General fund	<u>\$ 0</u>	<u>\$ 0</u>
1005 General fund/ program	<u>\$ 0</u>	<u>\$ 0</u>
Other (identify)	<u>\$ 0</u>	<u>\$ 0</u>

9. The name of the contact person for the regulation:

Name: Jedediah Smith

Title: Local Government Specialist

Address: 550 West 7th Ave. Suite 1600, Anchorage, AK 99501

Telephone: (907) 334-2195

E-mail address: Jedediah.smith@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency

☐ Federal government

☐ General public

☐ Petition for regulation change

☒ Other (identify): Marijuana Control Board

11. Date: November 8, 2018

Prepared by:



Name (printed): Jedediah Smith

Title (printed): Local Government Specialist

Telephone: (907) 334-2195

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

3 AAC 306.100(e) is amended to read:

(a) The **new or renewal** fee for a marijuana handler permit card is \$50.

(Eff. 2/21/2016, Register 217; am 7/19/2017, Register 223; am 8/11/2018, Register 227; am __/__/____, Register ____)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

NOTICE OF PROPOSED CHANGES ON MARIJUANA ESTABLISHMENT OPERATING
PLANS IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with marijuana establishment operating plans, including the following:

- (1) 3 AAC 306.703 is proposed to require a licensed marijuana establishment to operate in accordance with a plan approved by the board, and allows for change requests.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 on December 12, 2018.

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

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or (907) 265-0350 not later than December 2, 2018, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or (907) 265-0350.

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

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.131; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.121; AS 17.38.190; AS 17.38.200

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

The Alcohol and Marijuana Control Office keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Marijuana Control Board notices of proposed regulation changes. To be added to or removed from the list, send a request to the Alcohol and Marijuana Control Office at amco.regs@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: November 8, 2018



Erika McConnell, Director

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Follow approved operating plan
3. Citation of regulation (may be grouped): 3 AAC 306.703
4. Department of Law file number, if any: To Be Assigned

5. Reason for the proposed action:

- () Compliance with federal law or action (identify): _____
- () Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- (x) Development of program standards
- () Other (identify): _____

6. Appropriation/Allocation: \$0

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0

Another state agency: \$0

A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>19</u>	Subsequent Years
Operating Cost	<u>\$ 0</u>	<u>\$ 0</u>
Capital Cost	<u>\$ 0</u>	<u>\$ 0</u>
1002 Federal receipts	<u>\$ 0</u>	<u>\$ 0</u>
1003 General fund match	<u>\$ 0</u>	<u>\$ 0</u>
1004 General fund	<u>\$ 0</u>	<u>\$ 0</u>
1005 General fund/ program	<u>\$ 0</u>	<u>\$ 0</u>
Other (identify)	<u>\$ 0</u>	<u>\$ 0</u>

9. The name of the contact person for the regulation:

Name: Jedediah Smith
Title: Local Government Specialist
Address: 550 West 7th Ave. Suite 1600, Anchorage, AK 99501
Telephone: (907) 334-2195
E-mail address: Jedediah.smith@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☒ Other (identify): Marijuana Control Board

11. Date: November 8, 2018 Prepared by: 

Name (printed): Jedediah Smith
Title (printed): Local Government Specialist
Telephone: (907) 334-2195

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

3 AAC 306.703. Operations. A licensed marijuana establishment shall operate in accordance with the operating plan approved by the board. The licensee may request an operating plan change in accordance with 3 AAC 306.100(c). (Eff. ____/____/____, Register ____)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

NOTICE OF PROPOSED CHANGES ON MARIJUANA SAMPLE IN A JAR
IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with marijuana samples in a jar, including the following:

- (1) 3 AAC 306.325 is proposed to add a new subsection defining sample in a jar requirements.
- (2) 3 AAC 306.460 is proposed to amend the party that may smell product before purchase.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 pm on December 12, 2018.

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

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or (907) 265-0350 not later than December 2, 2018, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or (907) 265-0350.

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

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.131; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070; AS 17.38.200; AS 17.38.900

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

The Alcohol and Marijuana Control Office keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Marijuana Control Board notices of proposed regulation changes. To be added to or removed from the list, send a request to the Alcohol and Marijuana Control Office at amco.regs@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: November 8, 2018



Erika McConnell, Director

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Sample in a jar
3. Citation of regulation (may be grouped): 3 AAC 306.325-.460
4. Department of Law file number, if any: To Be Assigned

5. Reason for the proposed action:

- () Compliance with federal law or action (identify): _____
- () Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- (x) Development of program standards
- () Other (identify): _____

6. Appropriation/Allocation: \$0

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0

Another state agency: \$0

A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):


	Initial Year FY <u>19</u>	Subsequent Years
Operating Cost	<u>\$ 0</u>	<u>\$ 0</u>
Capital Cost	<u>\$ 0</u>	<u>\$ 0</u>
1002 Federal receipts	<u>\$ 0</u>	<u>\$ 0</u>
1003 General fund match	<u>\$ 0</u>	<u>\$ 0</u>
1004 General fund	<u>\$ 0</u>	<u>\$ 0</u>
1005 General fund/ program	<u>\$ 0</u>	<u>\$ 0</u>
Other (identify)	<u>\$ 0</u>	<u>\$ 0</u>

9. The name of the contact person for the regulation:

Name: Jedediah Smith
Title: Local Government Specialist
Address: 550 West 7th Ave. Suite 1600, Anchorage, AK 99501
Telephone: (907) 334-2195
E-mail address: Jedediah.smith@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change⁷
☒ Other (identify): Marijuana Control Board

11. Date: November 8, 2018 Prepared by: 

Name (printed): Jedediah Smith
Title (printed): Local Government Specialist
Telephone: (907) 334-2195

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

3 AAC 306.325 is amended by adding a new subsection to read:

(d) If a retail marijuana store displays marijuana to a consumer for the purpose of smelling the marijuana before purchase, the retail marijuana store shall package the marijuana in a sample jar that is protected by a plastic, metal or other protective mesh screen, and the jar must remain in the monitored custody of the retail marijuana store during consumer inspection. (Eff. 2/21/2016, Register 217; am __/__/____, Register____)

3 AAC 306.460(a) is amended to read:

(a) A marijuana cultivation facility may provide a free sample of marijuana to a retail marijuana store if packaged in a sample jar containing not more than three and one-half grams of marijuana and protected by a plastic or metal mesh screen to allow **the retail marijuana store** [CUSTOMERS] to smell the product before purchase.

(Eff. 2/21/2016, Register 217; am 5/25/2018, Register 226; am __/__/____, Register____)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

NOTICE OF PROPOSED CHANGES ON MARIJUANA INVENTORY TRACKING AND
HARVEST GRADING
IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with marijuana inventory tracking and harvest grading, including the following:

- (1) 3 AAC 306.435 is proposed to track harvest batches and include seeds in the inventory tracking system.
- (2) 3 AAC 306.445 is proposed to require marijuana be segregated graded batches.
- (3) 3 AAC 306.990 is proposed to add new definitions for marijuana and limit harvest batches to 10 pounds.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Marijuana Control Board at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 pm on December 12, 2018.

You may submit written questions relevant to the proposed action to the Alcohol and Marijuana Control Office by email at amco.regs@alaska.gov or call (907) 269-0350. The questions must be received at least 10 days before the end of the public comment period. The Alcohol and Marijuana Control Office will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or call (907) 269-0350 not later than December 2, 2018, to ensure that any necessary accommodation can be provided.

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

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

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

Statutes being implemented, interpreted, or made specific: AS 17.38.070; AS 17.38.200 AS 17.38.900;

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

The Marijuana Control Board keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Marijuana Control Board notices of proposed regulation changes. To be added to or removed from the list, send a request to the Marijuana Control Board at amco.regs@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: November 8, 2018



Erika McConnell, Director

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Tracking and grading of harvest
3. Citation of regulation (may be grouped): 3 AAC 306.435-.445; 3 AAC 306.990
4. Department of Law file number, if any: To Be Assigned

5. Reason for the proposed action:

() Compliance with federal law or action (identify): _____
() Compliance with new or changed state statute
() Compliance with federal or state court decision (identify): _____
(x) Development of program standards
() Other (identify): _____

6. Appropriation/Allocation: \$0

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0
Another state agency: \$0
A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>19</u>	Subsequent Years
Operating Cost	<u>\$ 0</u>	<u>\$ 0</u>
Capital Cost	<u>\$ 0</u>	<u>\$ 0</u>
1002 Federal receipts	<u>\$ 0</u>	<u>\$ 0</u>
1003 General fund match	<u>\$ 0</u>	<u>\$ 0</u>
1004 General fund	<u>\$ 0</u>	<u>\$ 0</u>
1005 General fund/ program	<u>\$ 0</u>	<u>\$ 0</u>
Other (identify)	<u>\$ 0</u>	<u>\$ 0</u>

9. The name of the contact person for the regulation:

Name: Jedediah Smith

Title: Local Government Specialist

Address: 550 West 7th Ave. Suite 1600, Anchorage, AK 99501

Telephone: (907) 334-2195

E-mail address: Jedediah.smith@alaska.gov

10. The origin of the proposed action:


☐ Staff of state agency

☐ Federal government

☐ General public

☐ Petition for regulation change

☒ Other (identify): Marijuana Control Board

11. Date: November 8, 2018 Prepared by: 

Name (printed): Jedediah Smith

Title (printed): Local Government Specialist

Telephone: (907) 334-2195

(Words in **boldface and underlined** indicate language being added; words CAPITALIZED AND BRACKETED] indicate language being deleted.)

3 AAC 306.435 is amended to read:

3 AAC 306.435. Marijuana inventory tracking system (a) A marijuana cultivation facility shall use a marijuana inventory tracking system in compliance with 3 AAC 306.730 to ensure all marijuana propagated, grown, or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is propagated through transfer to another licensed marijuana establishment or destruction. The marijuana cultivation facility shall assign a tracking number to each plant over eight inches tall. When harvested, each [BUD AND FLOWER, CLONE OR CUTTINGS, OR LEAVES AND TRIM MAY BE COMBINED IN HARVEST BATCHES OF DISTINCT STRAINS, NOT EXCEEDING FIVE POUNDS. EACH] harvest batch must be given an inventory tracking number. Clones, [OR]cuttings, or seeds shall be identified by an inventory tracking number; each inventory tracking number shall be assigned to 50 or fewer plants or seeds. [MUST BE LIMITED TO 50 OR FEWER PLANTS AND IDENTIFIED BY A BATCH TRACKING NUMBER].

(b) A marijuana cultivation facility shall record each sale and transport of any plants or seeds and each batch in its marijuana inventory tracking system and shall generate a valid transport manifest to accompany any plants and seeds and each transported batch. (Eff. 2/21/2016, Register 217; am___/___/_____, Register_____).

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.445 is repealed and readopted to read:

3 AAC 306.445. Standards for cultivation and preparation. (a) A marijuana cultivation facility shall use registered scales in compliance with AS 45.75.080 and 3 AAC 306.745.

(b) Harvested marijuana will be segregated into batches using the following grades:

(2) from marijuana plants that are uniform in strain, cultivated in one place and under the same conditions, using the same medium and agricultural chemicals including pesticides and fungicides, and harvested in a time period not to exceed 72 consecutive hours

(A) mature bud;

(B) immature bud; and

(C) remainder of the plant; and

(3) kief, which may be combined from multiple strains and harvests. (Eff.

2/21/2016, Register 217; am_____/___/___, Register____).

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.990 (b) (3) is amended to read:

(4) "batch" or "harvest batch" means a specifically identified quantity of **bud and flower,** plant trim, leaf, and other usable product from marijuana plants, **that has been segregated into a specific grade as required by 3 AAC 306.445(b), and does not exceed 10 pounds** [THAT ARE UNIFORM IN STRAIN, CULTIVATED IN ONE PLACE AND UNDER THE SAME CONDITIONS, USING THE SAME MEDIUM AND AGRICULTURAL CHEMICALS INCLUDING PESTICIDES AND FUNGICIDES, AND HARVESTED AT THE SAME TIME]; (Eff. 2/21/2016, Register 217; am_____/___/____, Register____).

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.990 (b) is amended by adding new paragraphs to read:

(40) "mature bud" means a mature flower formed on a flowering marijuana plant, and consists of calyx, pistils, resin, and trichomes that are generally swelled with resin, dense to sight and touch, and visibly covered in trichomes;

(41) "immature bud" means an immature flower formed on a flowering marijuana plant, and consists of calyx, pistils, resin and trichomes and that generally appear loose, wispy, or leafy, and are not dense to sight or touch.

(42) "remainder of the plant" means any part of or derived from a flowering marijuana plant that does not meet the definition of mature bud, immature bud, clones, cuttings, seeds, or kief.

(43) "total THC" means the sum of THC and $(0.877) * (THCA)$

(44) “total CBD” means the sum of CBD and $(0.877) * (CBDA)$

(Eff. 2/21/2016, Register 217; am__ /_ /_____, Register____).

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200

AS 17.38.070 AS 17.38.190 AS 17.38.900

AS 17.38.121

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT

Homer, Alaska

Received in the Trial Courts
State of Alaska Third Judicial District
At Homer

FILED IN THE TRIAL COURTS
STATE OF ALASKA THIRD DISTRICT
AT KENAI ALASKA

OCT 29 2018

Clerk of the Trial Courts

By Deputy

OCT 24 2018

Clerk of the Trial Courts

By 2:50pm Deputy

Frank Griswold
Appellant (person bringing appeal)

vs.

Homer Advisory Planning Commission
Appellee

APPEAL CASE NO. 340-18-00240 CI

REQUEST AND ORDER

FOR: Dead line extension

REQUEST

☐ Appellant ☒ Appellee requests that Record Preparation dead line be
extended 30 days

Reason: I miscounted the 40 day timeline and on Monday contacted the
office of Administrative Hearings to resolve questions on who is to provide
what documentation for the record. This is the first Appeal to the
Superior Court I have processed since the City began working with the
Office of Administrative Hearings.

10.24.18

Date

I certify that on 10.24.18
a copy of this request and Form AP-140
were ☒ mailed ☐ personally delivered
to (list names): and/or emailed

Frank Griswold, Derek + Catriona Reynolds
SOA OAM, Holly Wells, City Atty

By: Melissa Jacobson

Melissa Jacobson

Signature of Appellant/Appellee

Melissa Jacobson City Clerk

Print Name and Title (if applicable)

491 E. Pioneer Ave Homer AK 99603

Mailing Address

City

State

ZIP

907-235-3130

Home Phone

Work Phone

ORDER

Records due to be filed by:

☐ Hearing ordered. Date 12/7/2018 Time 1200 a.m./p.m. Courtroom _____

☒ Request granted. ☐ Request denied because _____

No opposition having been filed. MUST BE IN A SCALED
ENVELOPE ADMITTED TO JUDGE KAVAR.

11/26/2018

Date

I certify that on 11/26/18
a copy of this order was sent
to (list names): GRISWOLD

HOMER ADVISORY PLANNING COMMISSION

REYNOLDS, D

REYNOLDS, C

ABBUND

Law Clerk: LM

AP-135 (3/01) (st.3)

REQUEST AND ORDER

Judge/Clerk*

LANCE E. JOHNS

Type or Print Name

*Clerk may sign only those orders authorized by
Appellate Rule 612.

