

**NOTICE OF MEETING  
WORKSESSION AGENDA**

1. **CALL TO ORDER, 5:30 P.M.**
2. **CITY ENGINEER, CAREY MEYER, TO DISCUSS STORM WATER PLANS**
3. **REGULAR AGENDA**
4. **PUBLIC COMMENTS**  
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
4. **COMMISSION COMMENTS**
5. **ADJOURNMENT, 6:30 P.M.**



**NOTICE OF MEETING  
REGULAR MEETING AGENDA**

**1. CALL TO ORDER**

**2. APPROVAL OF AGENDA**

**3. PUBLIC COMMENT**

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

**4. RECONSIDERATION**

**5. ADOPTION OF CONSENT AGENDA**

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

**A.** Approval of minutes of January 16, 2019 **p. 1**

**B.** Decisions and Findings for Conditional Use Permit 19-02, Police Station at 625 Grubstake Ave. **p. 11**

**C.** Decisions and Findings for Conditional Use Permit 18-08, Nine buildings for overnight accommodations at 1358 & 1344 Lakeshore Drive **p. 17**

**6. PRESENTATIONS/VISITORS**

**A.** Travis Brown - Staff Report 19-10, Planning & Zoning Permitting Process **p. 23**

**7. REPORTS**

**A.** Staff Report 19-09, City Planner's Report **p. 51**

**8. PUBLIC HEARINGS**

**9. PLAT CONSIDERATION**

**10. PENDING BUSINESS**

**A.** Staff Report 19-11, Review of Permitted and Conditionally Permitted Uses **p. 63**

**11. NEW BUSINESS**

**A.** Staff Report 19-10, Planning & Zoning Permitting Process **p. 23**

**12. INFORMATIONAL MATERIALS**

**A.** City Manager's Report for the January 28, 2019 Homer City Council meeting **p. 71**

**B.** KPB Notice of Decisions – Homer Spit Properties 2018 Replat Preliminary Plat **p. 79**

**13. COMMENTS OF THE AUDIENCE**

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

**14. COMMENTS OF STAFF**

**15. COMMENTS OF THE COMMISSION**

**16. ADJOURNMENT**

The next regular meeting is scheduled for **WEDNESDAY, FEBRUARY 20, 2019**. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.



Session 19-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on January 16, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HIGHLAND, BENTZ, VENUTI, SMITH AND BANKS

ABSENT: COMMISSIONERS BERNARD, BOS (EXCUSED)

STAFF: CITY PLANNER ABBOD  
DEPUTY CITY CLERK KRAUSE

### **APPROVAL OF THE AGENDA**

Chair Venuti called for a motion to approve the agenda.

HIGHLAND – MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENT**

Alan Parks, resident, commented on the existing Climate Action Plan still being relevant today, and went on to comment that on the Climate Action Implementation report and it being more relevant and worth the review of the Commission, mitigation efforts, status of the goals that were established in 2012 and offered to field questions from Commission regarding the report.

### **RECONSIDERATION**

#### **ADOPTION OF CONSENT AGENDA**

- A.** Approval of minutes of January 2, 2018
- B.** Decisions and Findings for Conditional Use Permit (CUP) 19-01, for a medical clinic containing more than 8,000 square feet of building area at 267 Cityview Avenue
- C.** Time extension request for Homer Lake Street Rehabilitation Right of Way Map preliminary plat

Chair Venuti requested a motion to approve the Consent Agenda.

BENTZ/SMITH MOVED TO APPROVE THE CONSENT AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS**

## **REPORTS**

### **A. Staff Report 19-06, City Planner's Report**

City Planner Abboud noted that they reviewed the worklist extensively during the worksession. He suggested that the commission make a motion to move the item Worklist to discuss it further. He noted the Clerk could provide input on how to take action to effect that step.

Chair Venuti inquired if the Commission would like to address this item.

There was murmured consent from the Commissioners.

Deputy City Clerk Krause informed the Commission that a motion to suspend the rules would be required to amend the agenda since they already approved the agenda.

HIGHLAND/BENTZ MOVED TO SUSPEND THE RULES TO AMEND THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/BENTZ MOVED TO AMEND THE AGENDA TO MOVE THE WORKLIST ATTACHMENT TO THE CITY PLANNERS REPORT TO NEW BUSINESS ITEM B FOR PRIORITIZATION AND DISCUSSION.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PUBLIC HEARINGS**

### **A. Staff Report 19-03, Request for Conditional Use Permit (CUP) 19-02, for a police station building that includes a jail at 625 Grubstake Avenue.**

Chair Venuti introduced the item into the record and City Planner Abboud provided a synopsis of Staff Report PL 19-03 for the commission.

Chair Venuti invited the applicant to make their presentation.

Carey Meyer, Public Works Director and City Engineer and Pat McNary, Project Manager for the New Homer Police Station presented the Commission with the proposed exterior siding samples and color choices, carpet samples, and reviewed the current project design drawings for the Commission.

Chair Venuti opened the Public Hearing.

Alan Parks, city resident, commented on adding solar panels, adding electrical outlets for vehicles and considering the Climate Action Plan recommendations in constructing the building. He also expressed some concern on the placement of the facility with regards to tsunami and disasters such as an explosion.

Chair Venuti closed the Public Hearing seeing no additional members of the audience coming forward to provide testimony.

City Planner Abboud responded to the public comment on the tsunami zone and that this project is actually above the threat stating that the newest report shows the highest inundation is the parking lot of the Post Office.

Chair Venuti opened the floor to questions and comments of the Commission. The following was discussed, responded to and commented on:

- Any consideration given to LEED certification for this project
  - o No due to the budget constraints of this project and in actual results experienced with the Library, LEED is not necessarily a good option for building in Alaska. The Library has the highest operating costs by 30%. Solar considered on other city facilities did not reflect the savings and return on investment that would make it a reasonable investment. It would make us feel good.
  - o The current project has in the design the accommodation for solar installation so if later the City chooses to go that route the wiring is already installed.
  - o Personal experience was given on installation and use of solar commercially and further encouragement to consideration of using passive solar efforts as well.
- Was Green Infrastructure for drainage considered or addressed?
  - o Stormwater drainage plan is required and application for a grant to install rain garden, vegetated swale and a retention basin will be used to mitigate storm water runoff. The grant is for low impact green infrastructure to tip toe into a drainage master plan to define city wide what the flows of runoff would be; also included will be interpretive signage to explain the rain garden and bio swales.

- The retention wall and how it will be constructed was explained in regards to not impeding the drainage.
  - The Storm Water Drainage Plan was required when more than 25,000 sf of paved surface area was planned.
- Will the Commission review the landscape plan for the Project?
  - The Commission can add a condition to the permit that requires the Landscape Plan to come before them for review before approval.
  - Currently the landscape in a blank canvas and any input would be appreciated.
  - Installation of non-moose friendly landscaping was preferred citing some recent incidents of moose being at entrances to buildings.
- The Design is at 35% and there will be public education such as an Open House and the project could come back before the Commission at 65% design completion.
- Sidewalk placement on the east side of Heath Street will bring the public right next the parking so it would be good to see the landscaping and drainage infrastructure.
- Understanding the restraint of the budget in regards to implementing solar or wind generation would there be federal Grants or Funding available to possibly implement and in review the design is probably already at its highest efficiency allowed by the budget.
- LED lighting, natural gas and additional efficiencies will be used as the budget allows however what also should be considered is the LED Lighting that was installed on Grubstake when it was constructed two years ago is already obsolete. Consideration for the lowest operational cost as well as the cost to build are being considered.
- Areas without windows are mostly where the detainees will be housed and located such as the jail cells and Sally Port. The offices do have windows as well as the stairwell and in the center dispatch area there are light tubes.
- Appreciation was expressed for inclusion of the public areas with possible benches for public enjoyment.
- Due to the elevations on the property this is the overall best location on the property with references to the parking lot and entrances if things were different there was a preference to bring the building up closer to Grubstake.
  - Future functionality of the building for possible expansion
  - Growth of existing vegetation
  - Heating systems
  - Design Build versus Design Bid Build
  - Covered Parking and Sally Port in relation to the existing sidewalk along Heath Street
  - Probable location for art on the covered vehicle parking
  - Placement on the site should be the focal point not an accessory building so this design does not quite meet the CDM and urged reconsideration of placement using the Library as an example.
  - Placement for the Library differed due to the slope of the parcel and weighed heavily on placement of the Police Station



Chair Venuti called for a motion seeing there was no further comment, questions or discussion desired by the Commission.

BENTZ/SMITH MOVED TO ADOPT STAFF REPORT PL19-03 AND APPROVE CUP 19-03 FOR A POLICE STATION BUILDING THAT INCLUDES A JAIL AT 625 GRUBSTAKE AVENUE WITH FINDINGS 1-16 AND CONDITIONS 1-4 AS FOLLOWS:

1. EXTERIOR LIGHTING IS DOWN LIT AND MEETS REQUIREMENTS OUTLINED IN HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL. LIGHTING PLAN TO BE APPROVED BY THE CITY PLANNER PRIOR TO INSTALLATION.
2. DUMPSTER MUST BE SCREENED ON THREE SIDES
3. APPLICANT TO PROVIDE LANDSCAPING PLAN TO SCREEN THE FENCED AREA FOR EVIDENCE STORAGE FROM PUBLIC VIEW.
4. LANDSCAPE PLAN TO BE APPROVED BY THE CITY PLANNER PRIOR TO PLANTING. PLANTINGS ALONG HEATH STREET TO SCREEN PARKING LOT AND VEHICLE STORAGE SHED IF PUBLIC ART IS NOT USED TO SOFTEN THE SHED WALL. LANDSCAPING TO BE INSTALLED NO LATER THAN THE FIRST FULL GROWING SEASON AFTER OPENING NEW STATION.

A brief discussion on amending the motion to add a condition regarding the Landscape Plan to bring it before the Commission for review was held.

BENTZ/HIGHLAND MOVED TO AMEND CONDITION FOUR TO BRING THE PLAN BEFORE THE COMMISSION BEFORE APPROVAL BY THE CITY PLANNER.

There was no additional discussion.

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

Motion carried.

Commissioner Bentz inquired when the Stormwater Plan is completed would they have it before them for review.

City Planner Abboud responded that they can invite Public Works Director Meyer to attend a worksession so the Commission can discuss freely.

Further discussion ensued on requiring the Applicant to get at least a quote on the installation of solar panels and present to City Council for inclusion and the logistics of obtaining a quote on items that were currently not a budgeted line item not was there funding currently available and how to enforce something that was only a recommendation not listed in the regulations as required.

Commissioner Bernard mentioned that is one more item that should be added to their worklist.

Further brief comments were made on addressing the requirements of the CDM, the openness of the Applicant to the Commission's suggestions and how thoroughly and thoughtfully presented the project was to the Commission.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti called for a recess at 8:25 p.m. The meeting was called back to order at 8:33 p.m.

## **PLAT CONSIDERATION**

## **PENDING BUSINESS**

### **NEW BUSINESS**

A. Staff Report PL 19-07 Review of permitted and conditionally permitted uses

Chair Venuti introduced the item by reading the title into the record and requested City planner Abboud to review his report.

City Planner Abboud reviewed his staff report noting that the spreadsheet he has provided in the packet is not official, he has combined some uses, some of the language must be corrected which can be submitted to the Clerk's Office for correction without changing Homer City Code.

City Planner Abboud stated that this was a lengthy task and he provided some examples on requiring a CUP such as suggesting that when the commercial project is over 8000 sf he believed that they should kick that number up since it is more likely that a commercial project will go over that number.

Discussion ensued on the following points:

- 35 foot limitation is based on the ISO rating (Fire Insurance) not the lack of proper fire equipment as previously assumed
- General housekeeping of the code to provide corrections and standardization
- Addressing the top reason for issuing Conditional Use Permits was Item #45 on the spreadsheet "*More than one building containing a permitted principle use on a lot*"
- Buffers and density requirements

Commissioner Bentz - Recommended to have this on a worksession and then bringing it back as pending business for the next meeting.

There was no further discussion.

**B. Discuss and Prioritize the Worklist**

City Planner Abboud stated that he was looking for some more direction from the Commission on site planning requirements and permit follow-up.

Commissioner Bentz stated she knew that Commissioner Bos was looking for more input from professional sources and recommended inviting local sources to worksessions or meetings and they might get some input from them on this issue.

Commissioner Highland asked about working on defining the Medical District.

City Planner commented that he would like the backing of the approved Comprehensive Plan before addressing this and then have staff develop the outline for the commission to review using the tables to determine if there are anything additional that should be added. He would rather not have a worksession or meeting until it is promulgated.

Commissioner Highland opined that the Commission was given the duties to review the Transportation plan and that they should at least review the plan.

City Planner Abboud commented on the last actions of City Council nixed the recommendations and if that is the case then they need to get some feedback on developing a plan that is supported. They have streets that are connected to ease the congestion on arterials. He pointed out that at 8:00 pm in this town the streets are dead. Through streets will not necessarily create more traffic.

City Planner Abboud responded to a question on the funding available to have a review and update to the Transportation. He prefers to have a Transportation engineer over a person who drives the streets a lot. They need to figure out the range they need to ask for so they can plan.

Commissioner Bentz requested a dedicated worksession on the Climate Action Plan to understand the role that the Commission could be involved and review how this plan was created and devised. She would like to invite the City Manager and Alan Parks as the head of the previous committee. She wanted to know how that 2007 plan was developed.

City Planner Abboud stated he is not sure who would be the best to bring that to the commission since the Administration department is working on that, Public Works is involved and there is a Councilmember involved and they will need to get buy in on this plan.

Commissioner Banks supported the worksession since the Mayor brought the issue before them and there were a few Councilmembers interested in this also. He did not believe that it would involve too much staff time to have a worksession on the subject.

City Planner Abboud stated he would need to find the expertise to implement this action.

Commissioner Highland questioned the prioritization or if they are leaving it as shown.

City Planner Abboud noted that they have the next worksession on February 6, 2019 on the agenda will be Conditional Use Reduction.

### **INFORMATIONAL MATERIALS**

#### **A. City Manager's Report for the January 14, 2019 Homer City Council meeting**

Chair Venuti announced the Senior Official Workshop that will be conducted by FEMA on February 21, 2019 and it would be beneficial for the Commissioners to attend.

### **COMMENTS OF THE AUDIENCE**

Debra Spencer, currently a resident, requested the contact address for our sister city in Japan, then stated that she wanted to speak with her representative but was told she has to travel to Juneau to inform her about 40 United States citizens stuck in Guantanamo Bay, she also needs to press murder charges because Nikolai Yakunin was murdered last year. She is going to Juneau to speak to the representatives. She thought she had a representative in this town. She is concerned because the officers in this town are attacking her. She needs to speak to the Mayor because he stated he is ready to get the work done and so is she. Please understand that the new hotel that they have allowed to be built has murder and eagle and five eaglets. She is out there watching to make sure the moose do not get murdered too. This is her job to speak for those creatures. Her mother is dying and she does not have a phone since GCI has trespassed her. Your town is going to hell if you ask me so she was there to request as a resident of the town and steward of the meridian...our country is trafficking children according to the President and she wants to make sure that they are the backbone that makes it stop in this country. She does not believe that she should pay for her and an escort, not a sexual escort but a business partner to fly down to Juneau to speak to her representative. She would appreciate the Mayor being informed she is ready to work. She needs some immunity from the officers to get her work done and protect our children. Thank you I was just walking by and saw the lights on and the cars in the parking lot.

### **COMMENTS OF THE STAFF**

### **COMMENTS OF THE COMMISSION**

Commissioner Bentz is appreciative of city staff and really thinks they did a good job with the presentation on the Police Station and is glad to hear about the ACWA grant that the City will be receiving to work on green infrastructure elements with that project.

Commissioner Smith stated it was an interesting meeting and an interesting conclusion to the meeting. He has said it before the quality of what they see coming out of Homer in contrast to

what is seen at the Alaska Planning meeting is outstanding. There is a strong reflection and applaud the City Planner. Thank you for your work and your office's work.

Commissioner Banks stated he had no relevant comments.

Chair Venuti commented that it has been an interesting meeting and it was nice to see something as put together as the presentation on the Police Station as sometimes they only see sketches and these were not sketches. It was really nice to see something so well put together.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 9:23 p.m. The next regular meeting is scheduled for Wednesday, February 6, 2019 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

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RENEE KRAUSE, MMC, DEPUTY CITY CLERK

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





**City of Homer**

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## **HOMER ADVISORY PLANNING COMMISSION**

**Approved CUP 19-02 at the Meeting of January 16, 2019**

**RE:** Conditional Use Permit (CUP) 19-02  
**Address:** 625 Grubstake Avenue

**Legal Description:** Lot 3-A-1 Waddell Park 2016 Replat

## **DECISION**

### **Introduction**

The City of Homer, (the “Applicant”) applied to the Homer Advisory Planning Commission (the “Commission”) to approve a conditional use permit (CUP), under Homer City Code (HCC) 21.18.040(d) for more than 8,000 square feet of building area and under HCC 21.18.030(n) for “other uses approved pursuant to HCC 21.04.020” (unlisted uses), on a lot in the Central Business District.

The applicant requested to build a police station with a jail and dispatch center and supporting accessory structures. The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on January 16, 2019. Notice of the public hearing was published in the local newspaper and sent to 16 property owners of 20 parcels prior to the meeting.

At the January 16, 2019 meeting of the Commission, the Commission voted to approve the request with five Commissioners present. The Commission approved the Unlisted Use of a Police Station and CUP 19-02 with unanimous consent.

### **Evidence Presented**

City Planner Abboud reviewed the staff report. Cary Meyer, City Engineer and Pat McNary, Project Manager made a presentation and responded to questions of the Commission. Allen Parks provided public testimony regarding the inclusion of Climate Action Plan recommendations and expressed concern about the placement of the facility in relation to

tsunami threats. It was noted that the facility is outside of the inundation zone of latest tsunami mapping.

### **Findings of Fact**

After careful review of the record, the Commission approves Police Station as an Unlisted Use and CUP 19-02 for a Police Station with a dispatch center, jail, and accessory structures of over 8,000 square feet of building area in the Central Business District.

#### **HCC Other Uses 21.04020 Unlisted Uses**

A police station is an unlisted use in the Homer Zoning Code. City code lays four out for criteria for the Commission to consider when making a decision to allow an unlisted use.

#### **1. The use is not specifically permitted outright or conditionally in any other district;**

**Finding 1:** Police Station is not a listed use in HCC Title 21.

#### **2. The use is not more appropriate in another district;**

**Finding 2:** The Police Station and Emergency Operation Center require a location that is centrally located within community that is not at risk during or after a natural hazard event. The use is not more appropriate in another district.

#### **3. The use is compatible with the purposes of the district in question;**

**Finding 3:** The use is compatible with the purpose of the zoning district.

#### **4. The use is similar to and not more objectionable than other uses permitted outright in that district;**

**Finding 4:** The police station is similar to and not more objectionable than other uses permitted outright in the Central Business District.

#### **5. The use satisfies any other criteria specifically applicable to approval of unlisted uses in the zoning district in question.**

**Finding 5:** A conditional use permit is required for an unlisted use in the CBD, and for more than 8,000 square feet of building area. A conditional use permit application is part of this approval process.



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

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

**Finding 6:** HCC 21.18.030 (n) authorizes unlisted uses, HCC 21.18.020(l) authorizes accessory structures, and HCC 21.18.040(d) authorizes more than 8,000 square feet of building area. Applicable code authorizes each proposed use and structure within the Central Business District.

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

**Finding 7:** The police station provides a professional service to the community. The police station is compatible with the purpose of the Central Business District.

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

**Finding 8:** The proposed police station is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

**Finding 9:** 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 10:** Existing public services are or will be adequate to serve the police station.

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

**Finding 11:** The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.

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

**Finding 12:** The police station will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

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

**Finding 13:** Upon approval of a CUP and zoning permit, which includes State Fire Marshall review, the project will comply with applicable regulations.

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

**Finding 14:** 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 all applicable provisions of the Community Design Manual.**

**Finding 15:** Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

**Finding 16:** Project complies with the applicable provisions of the CDM.

**Condition 1:** Exterior light must be down lit and meet the requirements of HCC 21.59.030 and the CDM. Lighting plan to be approved by the City Planner prior to installation.

**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: Condition 2:** Dumpster to be screened on three sides.

**2. Fences and walls: Condition 3:** Applicant to provide staff with a landscaping plan to screen the fenced evidence storage area from public view.

**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: Condition 4:** Landscape plan to be reviewed by the Planning Commission and approved by City Planner prior to planting. Plantings along Heath Street shall screen the parking lot and vehicle storage shed, if public art is not used to soften the long shed wall. Landscaping shall be installed no later than the first full growing season after the opening new station.

**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**

**Conclusion:** Based on the foregoing findings of fact and law, Conditional Use Permit 2019-02 is hereby approved, with Findings 1-16 and Conditions 1-4.

**Condition 1:** Exterior light must be down lit and meet the requirements of HCC 21.59.030 and the CDM. Lighting plan to be approved by the City Planner prior to installation.

**Condition 2:** Dumpsters shall be screened on three sides.

**Condition 3:** Applicant to provide staff with a landscaping plan to screen the fenced area evidence storage area from public view.

**Condition 4:** Landscape plan to be reviewed by the Planning Commission and approved by City Planner prior to planting. Plantings along Heath Street shall screen the parking lot and vehicle storage shed, if public art is not used to soften the long shed wall. Landscaping shall be installed no later than the first full growing season after the opening new station.

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Date

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Chair, Franco Venuti

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Date

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City Planner, Rick Abboud

## NOTICE OF APPEAL RIGHTS

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

## CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on \_\_\_\_\_, 2019. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Travis Brown, Planning Technician

Carey Meyer, City Engineer  
491 E Pioneer Avenue  
Homer, AK 99603

Holly C. Wells  
Birch, Horton, Bittner & Cherot  
1127 West 7th Ave  
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Katie Koester, City Manager  
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## City of Homer

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### HOMER ADVISORY PLANNING COMMISSION

#### Approved CUP 18-08 at the Meeting of August 1, 2018

**RE:** Conditional Use Permit (CUP) 18-08

**Address:** 1344 & 1358 Lakeshore Drive

**Legal Description:** T 6S 13W SEC 21 SEWARD MERIDIAN HM 0000839 BAY VIEW SUB  
LOTS 88 & 89

### DECISION

#### Introduction

Kyle Akee and Chris Freeman, (the “Applicant”) applied to the Homer Advisory Planning Commission (the “Commission”) for a conditional use permit under Homer City Code (HCC) 21.24.030(j) for more than building containing a permitted principal use on a lot in the General Commercial 1 District (GC1).

The applicant proposes to construct a hotel consisting of nine structures (four 400 sq. ft. structures) in the General Commercial 1 District.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on August 1, 2018. Notice of the public hearing was published in the local newspaper and sent to 44 property owners of 33 parcels.

At the August 1, 2018 meeting of the Commission, the Commission voted to approve the request with four Commissioners present. The Commission approved CUP 18-08 with unanimous consent.

#### Evidence Presented

City Planner Abboud reviewed the staff report. No public testimony was presented. Kyle Akee represented the applicant made a brief statement and later answered the Commission’s questions.

#### Findings of Fact

After careful review of the record, the Commission approves Conditional Use Permit 18-06 for more than building containing a permitted principal use on a lot, per HCC 21.24.030(j)

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

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

**Finding 1:** HCC 21.24.020(k) authorizes hotels and motels and 21.24.030(j) authorizes more than one building containing a permitted principle use on a lot if approved by a Conditional Use Permit.

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

**Finding 2:** The proposal supports uses and structures compatible with the GC1 District.

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

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

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

**Finding 4:** A hotel is compatible with the existing uses of the 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 hotel.

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

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

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

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

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

**Finding 8:** Successful completion of the permitting process will allow the project to comply with applicable regulations and conditions.

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

**Finding 9:** The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. No evidence has been found that the proposal is contrary to the applicable land use goals and objectives of the Comprehensive Plan.

**j. The proposal will comply with all applicable provisions of the Community Design Manual.**

**Finding 10:** The project must comply with the outdoor lighting section of the CDM

**Condition 1:** Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

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

- 1. Special yards and spaces:** No specific conditions deemed necessary
- 2. Fences and walls:** No specific conditions deemed necessary
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.
- 9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions deemed necessary.
- 10. Limitation of time for certain activities:** No specific conditions deemed necessary.
- 11. A time period within which the proposed use shall be developed:** No specific conditions deemed necessary.

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

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

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

**Conclusion:** Based on the foregoing findings of fact and law, Conditional Use Permit 2018-08 is hereby approved, with Findings 1-10 and Conditions 1.

**Condition 1:** Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

_____	_____
Date	Chair, Franco Venuti

_____	_____
Date	City Planner, Rick Abboud AICP

#### NOTICE OF APPEAL RIGHTS

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



## CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on \_\_\_\_\_, 2019. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
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Homer, AK 99603





# City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3106

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### Staff Report PL 19-10

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Travis Brown, Planning Technician  
DATE: February 6, 2019  
SUBJECT: City Permitting Process

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#### Introduction

As Homer Planning Commissioners, you are accustomed to the process for review and approval of Conditional Use Permits in a public hearing setting. You rely on staff to process the applications and ensure their compliance in the field. As with CUPs, construction projects have an application and approval process that requires compliance with the terms of a Zoning Permit.

The goal of this staff report is to provide an overview of the permitting process, with an emphasis on application requirements. First, we'll first review the application requirements of City code and compare them to the current permit application forms. Second, we'll review the zoning permit requirements of City code and take look at our current review, approval, and follow-up process.

#### Application Requirements

The following attached excerpts of City code stipulate application requirements:

- CUP application requirements
- Zoning Permit application requirements
- Site plan & right-of-way access requirements.

#### Application Forms

I have attached our CUP application form and our zoning permit application form.

#### Application & review

Many of the applications that come in are incomplete to some degree. Missing items will be identified at the front counter and the applicant will be asked to provide additional information. Once staff determines the application is complete, staff will review the permit and issue a zoning permit within 7-10 days. HCC 21.70 "Zoning Permit" stipulates the process for permit review, approval, and the terms of the permit.

I have included our current unofficial internal permitting checklist that we use as a template for reviewing permits. An updated zoning permit application has the potential to make it easier for relevant information to be identified and obtained. I have attached a working draft zoning permit application.

### **Permit follow-up**

Although we do not have a specific field inspection schedule or procedure, staff will follow up on zoning permits in the field periodically throughout the year. The site is inspected for compliance with the zoning permit, and the permitting system is updated to include a note and photograph. If the project is substantially complete and appears to be consistent with the site plan and permit, the permit will be closed out. If the project hasn't begun or is partially complete, a note will be made in the permitting system, and it will be followed up at a future date. For projects that were approved by CUP, the approved site plan and conditions will be reviewed and verified in the field. If deficiencies are noted, the property owner will be notified. Typically, the notification will be in writing and will start a dialogue to establish expectations and a timeframe for compliance.

### **Requested Action**

Zoning Permit application requirements can vary widely depending on the type of project and its location. You can see from the internal review checklist that there are a multitude of other permits that may be required and many City standards that may apply. Please provide staff with direction as to what items you would like to go into further detail. For example, do you want to know more about permitting commercial projects? residential? Would you like to see examples of stormwater plans or approved zoning permits?

### **Attachments**

HCC 21.70.020 (Zoning Permit) Application  
HCC 21.71.020 Application for conditional use permit  
HCC 21.73 Site Plans and Right-of-Way Access  
CUP application form  
Zoning Permit application form  
Internal permit review checklist  
Draft zoning permit application update

## 21.70 Zoning Permit

### 21.70.020 Application.

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a. Only the owner or lessee of the lot or a person authorized in writing by the owner or lessee may apply for a zoning permit. The City Planner may require the applicant to submit proof of authority to apply for a zoning permit.

b. All applications for zoning permits shall be on forms furnished by the City. The application shall require the following information:

1. The name, residence address, and mailing address of the applicant, the owner of the lot, and any lessee of the lot.
2. The legal description and street address of the lot.
3. A narrative description of the intended use of the lot, building, or structure.
4. The zoning code use classification under which the permit is sought.
5. If construction or a new or changed use under a zoning permit will change the quantity or location of required off-street parking, a survey, plat, or plan, drawn to a scale of not less than one inch equals 20 feet showing the actual dimensions of the lot, the exact location of the buildings and structures erected or to be erected thereon, adjacent street rights-of-way, utility easements and facilities, building setbacks, drainage, parking lot ingress and egress points, driveways, parking lot aisles, and the number and location of off-street parking spaces and loading spaces. Where off-site parking will be provided to meet a requirement for off-street parking, a similar survey, plat or plan also shall be provided for the off-site parking, accompanied by the document required by HCC 21.55.060(d). A site plan prepared according to Chapter [21.73](#) HCC may be substituted for the survey, plat, or plan required by this subsection.
6. For new buildings or structures, or for changes to the exterior dimensions of existing buildings or structures, the survey, plat, or plan required by subsection (b)(5) of this section also plan and elevation drawings of the buildings and structures erected or to be erected thereon. A site plan prepared according to Chapter [21.73](#) HCC may be substituted for the survey, plat, or plan required by this subsection.
7. Copies of any building permits or other permits required by applicable Federal, State or local law or regulations.
8. Copies of approved plans or other submittals that may be required by code, such as, but not limited to, traffic impact analysis, development activity plan, and stormwater plan.
9. Such additional information as the City Planner shall require to enable the City Planner to

determine whether the application satisfies the requirements for issuance of a permit.

10. The applicant's signed certification that all the information contained in the application is true and correct. [Ord. 09-12(A) § 4, 2009; Ord. 08-29, 2008].

#### **21.71.020 Application for conditional use permit.**

a. An application for a conditional use permit shall be submitted to the City Planner on a form provided by the City. The application shall include:

1. Name and mailing address of the owner of the subject lot.
2. Name and mailing address of the applicant for the permit.
3. A legal description and the street address of the subject lot.
4. A narrative description of all proposed uses and structures, specifically identifying those that require conditional use permit approval.
5. A level one or higher site plan prepared according to Chapter [21.73](#) HCC. In addition to the requirements of Chapter [21.73](#) HCC, the site plan shall show the location of all outdoor areas to be used for the conditional use.
6. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots.
7. All additional information (including any permits, plans and analyses) required by other provisions of the zoning code applicable to the proposed use within the subject zoning district.
8. Any additional information the City Planner may require to determine whether the application satisfies the criteria for issuance of a permit.
9. If the applicant is not the owner of the subject lot, the owner's signed authorization granting applicant the authority to (a) apply for the conditional use permit and (b) bind the owner to the terms of the conditional use permit, if granted.
10. The applicant's signed certification that all the information contained in the application is true and correct.

b. The City Planner will determine if the application is complete. If not complete, the City Planner will advise the applicant what corrective actions should be taken to complete the application. [Ord. 08-29, 2008].

### **Chapter 21.73 SITE PLANS AND RIGHT-OF-WAY ACCESS**

## Sections:

- [21.73.010](#) Site plan – General.
- [21.73.020](#) Site plan – Level one.
- [21.73.030](#) Site plan – Level two.
- [21.73.100](#) Right-of-way access plan – General.
- [21.73.110](#) Right-of-way access plan – Level one.
- [21.73.120](#) Right-of-way access plan – Level two.
- [21.73.130](#) Right-of-way access plan – Level three.
- 21.73.200 Visibility at intersections.

**21.73.010 Site plan – General.**

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- a. When a site plan is required by other provisions of the zoning code, the applicant shall submit to the City Planner for approval a site plan prepared in conformance with this chapter.
- b. The level of site plan required is specified in the applicable zoning district regulations. If the level is not specified, a level one plan is required. [Ord. 08-29, 2008].

**21.73.020 Site plan – Level one.**

---

A level one site plan shall show on a survey, map or plan of the subject property, drawn to a scale of not less than one inch equals 20 feet, all of the following:

- a. The precise location of the lot boundaries and all setbacks and easements.
- b. The precise location and dimensions of all existing and proposed structures, including any proposed changes to the exterior dimensions of existing structures.
- c. Elevation drawings and dimensions of all existing and proposed structures, including any proposed changes to exterior dimensions of existing structures.
- d. Existing site features and conditions, including topography, drainage, streams, water bodies, wetlands, lines of mean high tide, storm berms, areas prone to erosion, and the general location of vegetation.
- e. The precise location of all existing and proposed structures in relation to existing and proposed streets and other rights-of-way.
- f. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns into and out of the site and to and from all parking areas.
- g. On-site traffic and pedestrian circulation systems, and a detailed parking plan.
- h. Pedestrian access to adjacent public lands, waters, walkways and trails. Where practical, safe, and

where other means of access have not been provided, access easements may be required.

i. A grading and drainage plan indicating all cuts, fills and areas of disturbance. The plan shall display elevation changes and cut and fill quantities.

j. The location of the site in relation to other existing uses on neighboring properties. [Ord. 08-29, 2008].

#### **21.73.030 Site plan – Level two.**

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A level two site plan shall show on a survey, map or plan of the subject property, drawn to a scale of not less than one inch equals 20 feet, all of the following:

- a. All information required by HCC [21.73.020](#)(a) through (e);
- b. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns into and out of all loading berths or areas;
- c. Turning radius for vehicles;
- d. The location and proposed screening of open storage areas;
- e. Basic floor plans and location of all existing and proposed structures;
- f. Location of utilities;
- g. Proposed signs and lighting;
- h. The location of the site in relation to residential uses and other existing industrial uses on adjacent properties;
- i. Location of snow storage. [Ord. 08-29, 2008].

#### **21.73.100 Right-of-way access plan – General.**

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a. When a right-of-way access plan is required by other provisions of the zoning code, the applicant shall submit to the City Planner for approval a right-of-way access plan prepared in conformance with this chapter.

b. The level of right-of-way access plan required is specified in the applicable zoning district regulations. If the level is not specified, a level one plan is required. [Ord. 08-29, 2008].

#### **21.73.110 Right-of-way access plan – Level one.**

---

A level one right-of-way access plan shall conform to all of the following:

- a. Show all points of access to rights-of-way.



b. Any access roads and frontage roads shall conform to the policies of the Master Roads and Streets Plan and the ordinances of the City. [Ord. 08-29, 2008].

**21.73.120 Right-of-way access plan – Level two.**

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A level two right-of-way access plan shall conform to all of the following:

- a. Show all points of access to rights-of-way.
- b. Entrances onto arterials and collectors shall be minimized, and individual businesses shall share access to rights-of-way whenever reasonable.
- c. Any access roads and frontage roads shall conform to the controlling street plan elements of the Homer Comprehensive Plan.
- d. The plan shall require visibility clearance according to HCC 21.73.200. [Ord. 08-29, 2008].

**21.73.130 Right-of-way access plan – Level three.**

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A level three right-of-way access plan shall conform to all of the following:

- a. Show all points of access to rights-of-way.
- b. Vehicular Circulation and Access.
  - 1. Street access shall be limited to one entrance and one exit per street. One combined entrance/exit is encouraged to facilitate traffic movement on adjacent streets.
  - 2. To minimize turning movements onto adjacent public roads, developers are encouraged to provide internal circulation systems that connect to adjacent developments. When several adjacent lots front one street it is preferred that they share one driveway or street access. Site design shall continue internal vehicular ways in order to reduce the number of driveway and curb cuts onto the Sterling Highway. Curb cuts onto the Sterling Highway shall be kept to an absolute minimum.
  - 3. Facilities and access routes for deliveries, service and maintenance shall be separated when practical from public access routes and parking areas.
- c. Where applicable, frontage roads shall conform to the Master Roads and Streets Plan, the Transportation Plan, and the ordinances of the City.
- d. The plan shall require visibility clearance according to HCC 21.73.200. [Ord. 08-29, 2008].



# Current CUP Application



**City of Homer**

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

**Planning**

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3106

(f) 907-235-3118

## Applicant

Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

## Property Owner (if different than the applicant):

Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

## PROPERTY INFORMATION:

Address: \_\_\_\_\_ Lot Size: \_\_\_\_\_ acres KPB Tax ID # \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

## 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

## Circle Your Zoning District

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

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

Y/N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: \_\_\_\_\_

Y/N Will your development trigger a Development Activity Plan?

Application Status: \_\_\_\_\_

Y/N Will your development trigger a Storm water Plan?

Application Status: \_\_\_\_\_

Y/N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: \_\_\_\_\_

Y/N Is your development in a floodplain? If yes, a Flood Development Permit is required.

Y/N Does your project trigger a Community Design Manual review?

If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

Y/N Do you need a traffic impact analysis?

Y/N Are there any nonconforming uses or structures on the property?

Y/N Have they been formally accepted by the Homer Advisory Planning Commission?

Y/N Do you have a state or city driveway permit? Status: \_\_\_\_\_

Y/N Do you have active City water and sewer permits? Status: \_\_\_\_\_

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

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. 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.
- c. How will your proposed project affect adjoining property values?
- d. How is your proposal compatible with existing uses of the surrounding land?
- e. Are/will public services adequate to serve the proposed uses and structures?
- 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?
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?
- h. How does your project relate to the goals of the Comprehensive Plan?  
The Comprehensive Plan are online,
- 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? \_\_\_\_\_  
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? \_\_\_\_\_
- 3. Are you requesting any reductions? \_\_\_\_\_

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: \_\_\_\_\_

Property Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Current Zoning Permit Application



## City of Homer

### Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

Telephone (907) 235-3106

Fax (907) 235-3118

E-mail Planning@ci.homer.ak.us

### Zoning Permit Application

Applicant's name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_ Cell: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

#### Property Owner (if different than the applicant):

Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_ Cell: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

#### PROPERTY INFORMATION:

Address: \_\_\_\_\_ Lot Size: \_\_\_\_\_ acres KPB Tax ID # \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_ Zoning: \_\_\_\_\_

Meets density in the Zoning district? Y/N \_\_\_\_\_ In the Bridge Creek Watershed Protection District? Y/N \_\_\_\_\_

Describe the proposed use/structures: \_\_\_\_\_

Value of the improvements \$ \_\_\_\_\_ Public water/sewer permit number \_\_\_\_\_ Well ☐ Septic ☐

Driveway permit number \_\_\_\_\_

#### For staff use:

Date: \_\_\_\_\_ Fee submittal: Amount \_\_\_\_\_

Received by: \_\_\_\_\_ Date application accepted as complete \_\_\_\_\_ Finance Code 21-2106

Y / N Wetlands? Parcels with designated **Wetlands** require Army Corp of Engineer approval.

The **Fill standards** apply to "new fill" and address slope stabilization, sedimentation and erosion. Please verify that your project meets these standards:

T/F NA The fill is free of demolition material like concrete, asphalt, garbage and hazardous materials.

T/F There is no disposing of organic debris from other lots.

T/F NA The slope of the fill shall not exceed 50% or 1:2 as in a one foot rise to a two feet run.

T/F No fill will be placed closer than five (5) feet from the side or rear lot lines.

T/F No organic debris including stumps will be used to support structures.

**Fill** for the project will be a maximum depth of \_\_\_\_\_ feet over \_\_\_\_\_% or less of the lot. If you intended to fill to a depth greater than 3 ft over 25% or more of the lot a Grading Plan is required and must be approved by the City prior to issuance of a Zoning Permit.

The **Drainage standards** aim to preserve the natural drainage patterns. At a minimum:

T / F There will be no adverse impact to other properties. HCC 21.50.020(c)(1)

T / F All exposed soils will be revegetated within 16 months of initial earthwork. HCC 21.50.020(c).

---

The **Slope Standards** apply to activity that disturbs the existing land surface including clearing, grading and filling.

Y / N Is the average slope of your lot greater than 15%? (A rise of 15 ft to 100 ft run)

Y / N Is clearing, grading, excavating and/or filling taking place within 40 ft of the top, or 15 ft of the toe of a steep slope (45%), bluff, coastal bluff or ravine? HCC 21.44.030(c)

If **YES** to either of the two above, a site plan for Slope Development Plan is required, HCC 21.44.050.

---

A **Development Activity Plan** is required when your development exceeds ONE of these standards.

1. Land clearing or grading of 10,000 SF or greater;
  2. The cumulative addition of 5,000 square feet or greater of impervious surface area. . "Impervious" includes all parking areas, driveways, roads, walkways, whether paved or not, and any areas covered by buildings or structures, concrete, asphalt.
  3. Grading, filling or excavating involving the movement of 1,000 cubic yards of material;
  4. Grading activities that will result in a temporary or permanent slope having a steepness of 3:1 (over 3, up one) and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 5 feet;
  5. Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site;
  6. Any land clearing or grading on slopes steeper than 20%, or within 20 feet of wetlands.
- 

A **Storm Water Plan** is required when your development exceeds ONE of these standards.

1. An impervious surface coverage that is greater than 60 percent of the lot area.
2. The creation of cumulative addition of 25,000 square feet or greater of impervious surface area.
3. Land disturbing activity of one acre or greater;
4. Grading, fill or excavation involving the movement of 10,000 cubic yards of material;
5. Grading activities that will result in a temporary or permanent slope having a steepness of 3:1 and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 10 feet;



## HOW TO DRAW A SITE PLAN AND BUILDING ELEVATIONS

A site plan is a detailed scaled drawing which depicts the current and proposed improvement and uses of a parcel of land.

Drawing your own site plan is easier than you might expect. With accurate measurements, pencil, paper and a ruler you can draw a site plan right at home. For more complex projects you may need professional expertise for drainage, lighting and landscaping plans.

**Below is a checklist of items that should be on your site plan.** For items that do not apply to your project simply indicate: Not Applicable (NA).

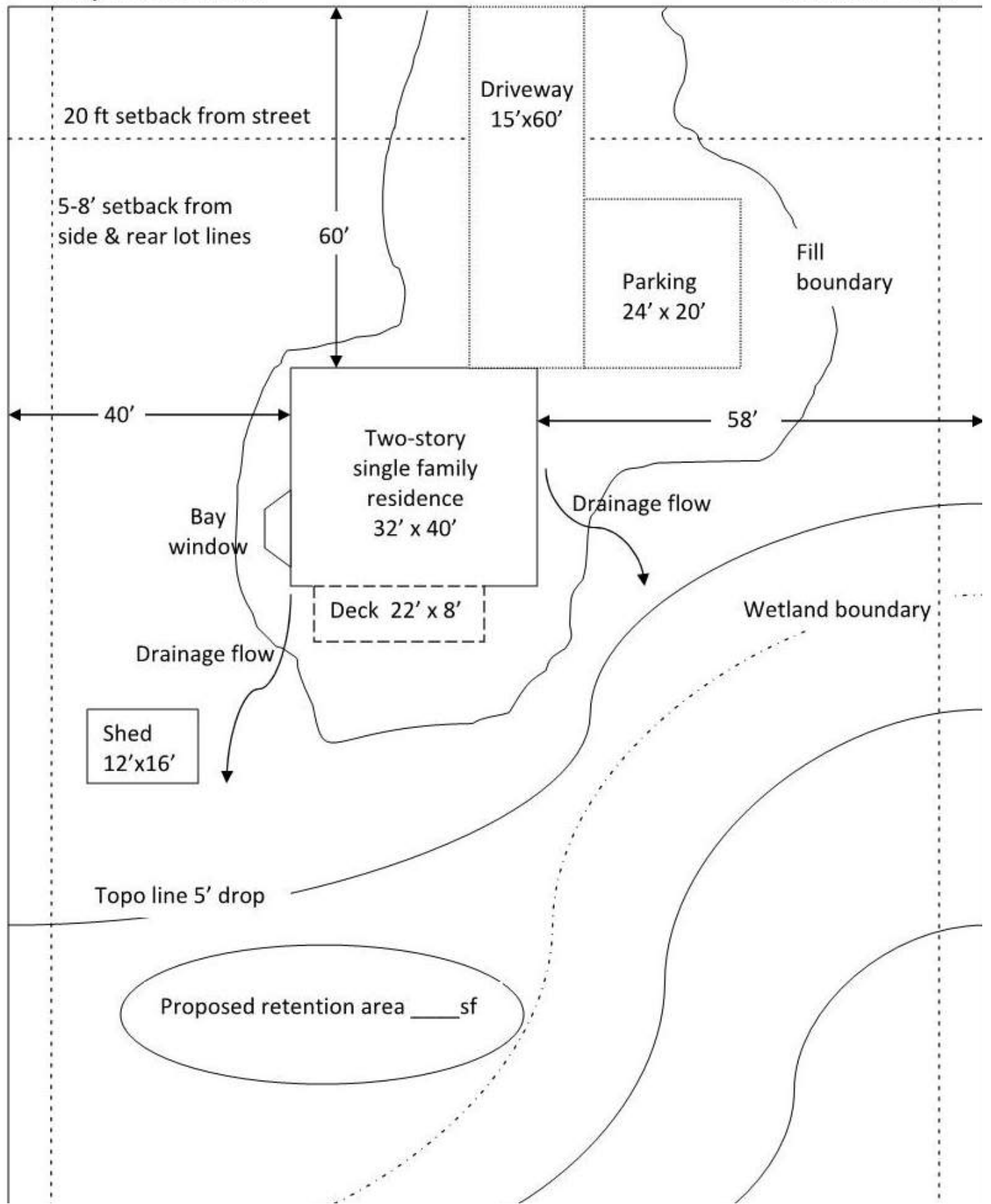
- ☐ 1. Scale factor. For example 1" = 20 ft.
- ☐ 2. North arrow
- ☐ 3. All property lines and their dimensions
- ☐ 4. Proposed and existing structures, additions and their distances from the property lines.
- ☐ 5. Setbacks: All property lines which abut a road require a 20 ft building setback.  
Care should be taken to measure from the property lines, NOT the road. Side and rear setback range from 5 ft – 8 ft depending on the number of stories.
- ☐ 6. Fill & grading area from the toe of the slope. Fill to be setback 5' from side and rear property lines.  
Include the fill area from the toe of the slope and include fill depth, length and width. (L x W x D)
- ☐ 7. Well and septic location
- ☐ 8. Topography
- ☐ 9. Drainage directional flow arrows
- ☐ 10. Building dimensions
- ☐ 11. Cantilevers, decks, exterior stairways, bay windows
- ☐ 12. Adjacent roads
- ☐ 13. Driveway. If a shared driveway submit agreement.
- ☐ 14. Parking spaces, 9' x 19' per space.
- ☐ 15. Decks, bay windows, cantilevers, exterior stairways
- ☐ 16. Wetland boundary

**Below is a checklist for your building elevation cross section. Your drawing needs to show the exterior view of the building.**

- ☐ Building height (maximum is 35 ft.)
- ☐ Land slope or grade

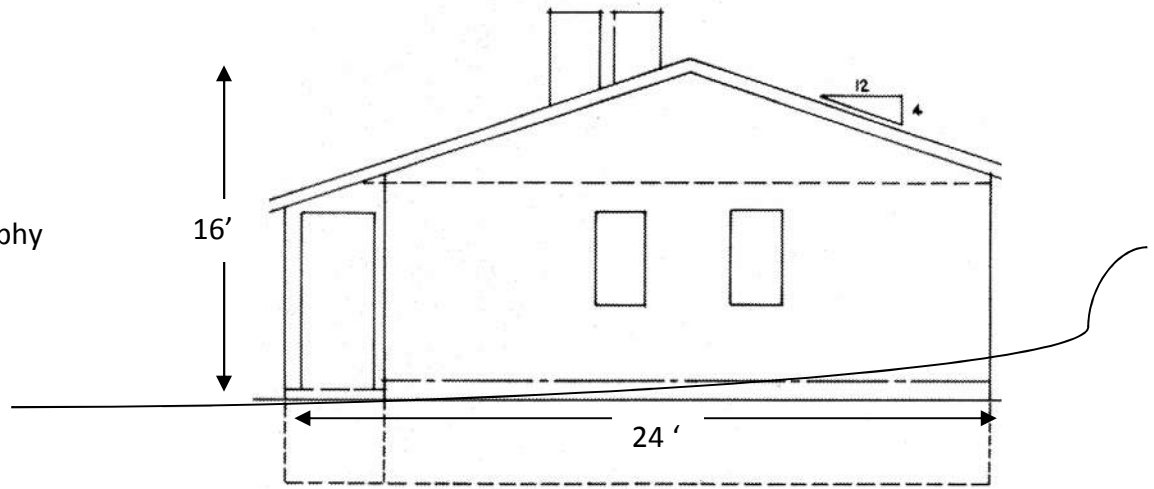
Anywhere Road

Lot Width = \_\_\_\_ ft

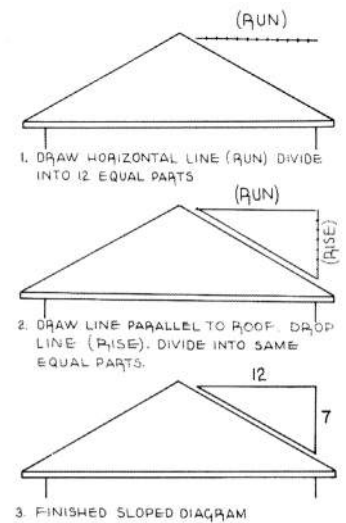


## Building elevation drawing

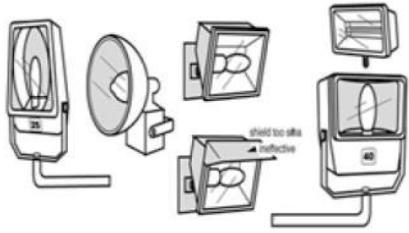
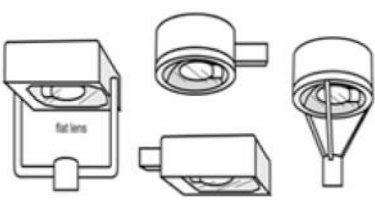
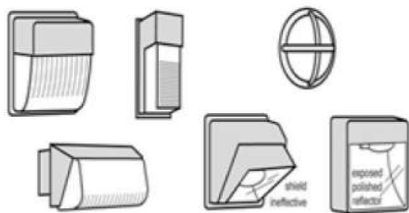
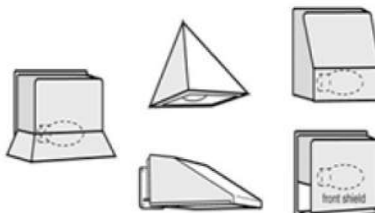
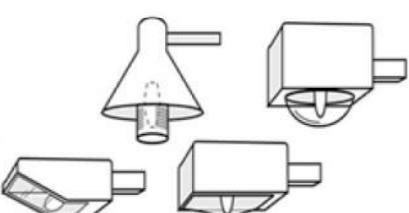
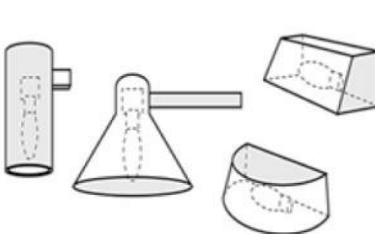
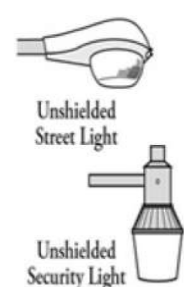
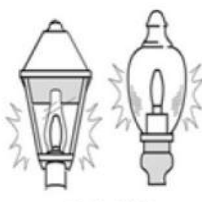





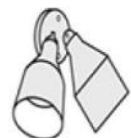
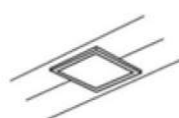
- ☐ Building height
- ☐ Wall dimensions
- ☐ Grade / topography



Your elevation drawing here:



6. Any land clearing or grading on slopes steeper than 25%, or within 10 feet of wetlands, streams, or ponds. The **Lighting standards** aim to reduce glare and light trespass and apply to the business and commercial districts. Depending on the scope of the project a Lighting Plan maybe required per HCC 21.59.030. For simple projects simply circle the type of cut-off light fixture you are using.

UNACCEPTABLE Fixtures that Produce Glare and Light Trespass	ACCEPTABLE Fixtures that Shield the Light Source to Minimize Glare and Light Trespass - Facilitating Better Night Vision
 <p>Unshielded or Poorly-shielded Floodlights</p>	 <p>Full Cutoff Fixtures</p>
 <p>Unshielded Wallpacks &amp; Poorly-shielded Wall Mount Fixtures</p>	 <p>Fully-shielded Wallpack &amp; Wall Mount Fixtures</p>
 <p>Drop-lens &amp; Sag-lens Fixtures with Exposed Bulb/Refractor Lens</p>	 <p>Fully-shielded Fixtures</p>
 <p>Unshielded Street Light</p> <p>Unshielded Security Light</p>  <p>Unshielded 'Period' Style Fixtures</p>	 <p>Full Cutoff Street Light</p>  <p>Fully Shielded Security Light</p>  <p>Fully Shielded 'Period' Style Fixtures</p>
 <p>Unshielded PAR Floodlights</p>  <p>Drop-lens Canopy Fixtures</p>	 <p>Shielded/Properly Aimed PAR Floodlights</p>  <p>Flush Mounted Canopy Fixtures</p>

## Check list for basic submittals

- ☐ **Site Plan**
- ☐ **Building elevation. Must indicate building height.**

## Other possible submittals:

- ☐ **Wetlands Army Corps of Engineers** approval needed for any impact into designated wetlands.
  - Status of ACOE submission: \_\_\_\_\_
- ☐ **State Fire Marshal** approval is needed for structures with more than 3 units and ALL commercial uses.
  - Status of Fire Marshal submission: \_\_\_\_\_
- ☐ **Flood Zone.** \_\_\_\_ If in a flood zone an Elevation Certificate and Flood Development are required. \$200.
- ☐ **Bridge Creek Watershed Protection District** site plan to include impervious coverage.
- ☐ Plat restrictions to consider.
- ☐ **Development Activity Plan (DAP)** HCC 21.74
- ☐ **Stormwater Plan (SWP)** HCC 21.75 **\$200.**
- ☐ **Right-of-way Plan** HCC 21.73.100-130
- ☐ **Parking Plan. Number of spaces required** \_\_\_\_\_ HCC 21.55
- ☐ **Site Development Plan: drainage, landscaping** HCC 21.50
- ☐ **Fill/ Grading Plan** HCC 21.50.150
- ☐ **Slope development plan** HCC 21.44
- ☐ **Lighting Plan** HCC 21.59.030
- ☐ **Conditional Use Permit. Development over 8,000 SF? Y/N    Over 30% of the lot area? Y/N?**

**More than one structure on the lot? Y/N?** \_\_\_\_\_

- ☐ **Sign Plan** HCC 21.60

Owner/Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_

Contactor's signature \_\_\_\_\_ Date \_\_\_\_\_

Excavator's signature \_\_\_\_\_ Date \_\_\_\_\_



# Unofficial Internal Permit Review Checklist

Check application for completeness - Fee paid ☐ owner signature ☐ pages initialed ☐  
good contact info ☐ site plan ☐ elevation drawing ☐

Address \_\_\_\_\_ Zoning District \_\_\_\_\_

existing uses/structures \_\_\_\_\_

legally permitted? Y or N Permits/violations/nonconformities on file \_\_\_\_\_

proposed use& structures \_\_\_\_\_

- Is use/structure permitted outright? \_\_\_\_\_
- CUP or PUD required? \_\_\_\_\_

Driveway permit - City or State? Status \_\_\_\_\_

City Water and Sewer available? Y or N Permit status \_\_\_\_\_

Commercial project OR 4-plex or larger? Y or N Fire Marshal Review Status: \_\_\_\_\_

Commercial Signage Anticipated? Y or N Sign Permit required? Y or N

## **Existing Site Characteristics – utilize KPB parcel viewer and/or ArcGIS**

Verify parcel ownership info. Does it match the application signature? Y or N

Wetlands present? Y or N ACOE permitting status? \_\_\_\_\_

Average slope approximation approaching 15%? Y or N If no, estimated slope: \_\_\_\_\_

If yes, Slope calculation \_\_\_\_\_ Max dev. area (HCC 21.44.030(b)): \_\_\_\_\_

Dev. Area proposed \_\_\_\_\_ Steep slope site plan required? Y or N

How is site drainage affected? \_\_\_\_\_

Located in mapped Flood Zone? Y or N Flood Development Permit Status \_\_\_\_\_

BCWPD? Y or N - Harbor Overlay Dist? Y or N - Scenic Gateway Dist? Y or N

## **Dimensional Requirements:**

- Are setbacks met? Y or N
- Lot size in square feet \_\_\_\_\_ minimum lot size per dwelling \_\_\_\_\_

- Number of existing & proposed dwellings\_\_\_\_\_ Is density met? Y or N
- For Multi-family All districts except GC1, floor area <4/10 lot size - met? Y or N
- For Multi-family All districts except GC1, open area > 1.1 times floor area - met? Y or N
- What is the required parking?\_\_\_\_\_# of spaces proposed? \_\_\_\_\_
- Any known plat restrictions? \_\_\_\_\_
- Fill Standards – Grading plan required when > 3ft. of fill over 25 percent of lot.
  - Grading Plan Required? Y or N

Elevation drawing showing total height & grade included? Y or N

Site plan level 1 or 2 required? ROW level 1 or 2 required?

Site development standards 1 2 or 3 required?

#### **Site Plan Level 1 elements:**

- Scale factor
- North arrow
- All property lines and dimensions
- Existing and proposed streets & rights-of-way
- Building setbacks from all property lines
- Steep slope setbacks, if applicable
- Existing building locations & dimensions
  - Include decks, exterior stairways, bay windows, cantilevers
- Proposed building locations & dimensions
  - Include decks, exterior stairways, bay windows, cantilevers
- Existing building elevation drawings w/ dimensions
- Proposed building elevation drawings w/ dimensions
- Parking & access including – driveway curb cuts, arrows indicating ingress/egress and traffic patterns to and from parking areas, parking area dimensions, stall and aisle dimensions, pedestrian circulation
- Pedestrian access to adjacent public lands, walkways & trails
- Utility easements
- Site features - drainage, streams, water bodies, wetlands, mean high tide, storm berms, areas prone to erosion, general location of vegetation
- Topography
- Grading & drainage plan including all cuts, fills, and areas of disturbance. It shall display elevation changes and cut and fill quantities
- Location of site in relation to other uses on neighboring properties



- Well & septic location – **listed on application checklist, but only required for steep slope plans HCC 21.44**

#### **Site Plan level 2 elements:**

- Vehicle turning radius
- Loading areas including traffic pattern with areas
- Location & screening of open storage areas
- Location of utilities
- Basic floor plans
- Proposed signs & lighting
- Location of site in relation to residential uses and other existing industrial uses on adjacent properties
- Location of snow storage

#### **Right-of-way access plan level 1**

- Show all points of access to rights-of-way
- Any access roads and frontage roads shown – if present, shall conform to the Master Roads and Streets Plan

#### **Right-of-way access plan level 2**

- Show all points of access to rights-of-way
- Entrances onto arterials and collectors shall be minimized, individual businesses shall share access to rights-of-way whenever reasonable
- Access roads and frontage roads shown – if present, shall conform to the controlling street plan elements of the Homer Comprehensive Plan.
- Visibility clearance according to HCC 21.73.200

#### **Site Development Standards Level 1 – SWP applies IF ONE OF:**

- Creates 25,000 sq. ft. of new impervious
- Increases total impervious beyond 1 acre
- Moves 1,000 cubic yards of material
- Creates a permanent slope of 3:1 or more that exceeds 10 ft. from toe to top

SWP required? Y or N

#### **Site Development Standards Level 2 – SWP applies IF ONE OF:**

- Impervious coverage greater than 60% of the lot area (existing & proposed)

- Creates 25,000 sq. ft. of new impervious
- Grading of one acre or greater
- Moves 10,000 cubic yards of material
- Creates a temporary or permanent slope of 3:1 or more that exceeds 10 ft. from toe to top
- Clearing or grading on slope steeper than 25% or within 10 feet of wetland, watercourse/waterbody

SWP required? Y or N

**Site Development Standards Level 2** – DAP applies IF ONE OF:

- Clearing or grading of 10,000 sq. ft.
- Adds 5,000 sq. ft. impervious coverage
- Moves 1,000 cubic yards of material
- Creates a temporary or permanent slope of 3:1 and over 5 ft. in height
- Grading alters the drainage route from existing point of entry/exit from site
- Clearing or grading on lots steeper than 20%
- Clearing or grading within 20 feet of wetland, watercourse, or waterbody

DAP required? Y or N

Misc. uncommon requirements: - mobile home/RV park - large retail/wholesale stores  
 - Towers - PUD - marijuana buffers HCC 21.62.070 - RV on spit permit

# Draft Zoning Permit Application Update



**City of Homer**

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

**Planning**

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3106

(f) 907-235-3118

## Zoning Permit Application

Applicant's name: \_\_\_\_\_

Physical Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ Alternate phone #: \_\_\_\_\_

Email: \_\_\_\_\_

### Property Owner (if different than the applicant):

Name: \_\_\_\_\_

Physical Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ Alternate phone #: \_\_\_\_\_

Email: \_\_\_\_\_

### Property Information:

Address: \_\_\_\_\_ KPB Tax ID #: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Lot Size: \_\_\_\_\_ acres Zoning District: \_\_\_\_\_ Total Market Value of Improvements: \_\_\_\_\_

Circle the type of proposed use: Single Family Duplex/Triplex Multi-family Commercial Other

For each existing structure, list its size (sq. ft.) and use: \_\_\_\_\_

\_\_\_\_\_

For each proposed structure, list its size (sq. ft.) and use: \_\_\_\_\_

\_\_\_\_\_

City water/sewer permit number \_\_\_\_\_ (required if services are available to the site)

Well and/or Septic (circle) Driveway Permit # \_\_\_\_\_

### For staff use:

Date: \_\_\_\_\_ Fee \$ \_\_\_\_\_ Residential \$200/Commercial \$300. SWP \$200 additional. Late fee 1.5 times.

Received by: \_\_\_\_\_ Date application accepted as complete \_\_\_\_\_

Finance Code 21-2106. Zoning Permit required by HCC 21.70

**Site development standards for all projects** (applies to all development in the City)

- Drainage design must deposit all runoff into either an engineered drainage system or into a natural drainage. Building setbacks are 15ft. from open ditches and 10 ft. from closed drainage systems.
- All exposed, cleared, filled and disturbed soils must be revegetated within 9 months of initial earthwork or reseeded by the next August 31<sup>st</sup>.
- Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other damaging physical impacts.

**All Projects in Any Zoning District** (Check all that apply)

- ☒ A **Site Plan** is required for all projects. This “bird’s eye view” must show the entire lot and include all of the details found on the site plan checklist. See the attached example site plan.
- ☒ A **Building Elevation** drawing is required for all proposed buildings. Building height from grade to the peak of the roof must be included. See the attached example building elevation drawing.
- ☐ A **Wetlands Permit** may be required if your project is within a wetland. If the following map indicates wetlands on your property, then written authorization from the Army Corps of Engineers (ACOE) is required
  - Homer area wetland map source: <https://www.kpb.us/gis-dept/online-mobile-viewers>ACOE submission status: \_\_\_\_\_ ACOE POA #: \_\_\_\_\_
- ☐ A **Grading/Fill Plan** is required when 3 ft. of fill is placed over 25% of the lot area (HCC 21.50.150)
- ☐ **Slope Development Standards** apply when the project includes any of the following: (HCC 21.44)
  - The average slope of the lot is greater than 15% (A rise of 15 ft. to 100 ft. run)
  - Disturbance takes place within 40 ft. of the top, or 15 ft. of the toe of a steep slope (45%), bluff, coastal bluff or ravine
- ☐ A **Storm Water Plan (SWP)** is required when the project includes any of the following: (HCC 21.50.020)  
*For projects located in commercial zoning districts, skip this subsection & see SWP section below*
  - Creates 25,000 square feet of new impervious surface
  - Increases the total impervious surface coverage to one acre or greater
  - Grading that moves 1,000 cubic yards of material
  - Creates a permanent slope of 3:1 or more that exceeds 10 ft. from toe of slope to top of slope
- ☐ A **Sign Permit** is required for most projects that include advertising signage. Check with Planning Staff to find out if a permit is required for your project.
- ☐ A **Conditional Use Permit (CUP)** may be required under certain circumstances, including but not limited to the following:
  - The project includes a conditionally permitted use, as listed in the specific zoning district section of HCC Title 21
  - Building area exceeds 8,000 (all buildings combined) or 30% of the lot area
  - The project includes more than one building with a primary use
  - The project will generate traffic in excess of 100 vehicle trips per hour or 500 vehicle trips per day
- ☐ A **Coastal Flood Hazard Area Development Permit** is required when the project lies within mapped coastal flood hazard areas. For all projects on coastal properties, check with the Planning Office for current flood area designations.
- ☐ The **Bridge Creek Watershed Protection District** has additional restrictions for property development (see HCC 21.40)

**All Projects in Commercial Districts** including the Residential Office District when the project is commercial or multifamily residential (3-plex or larger) in nature (check all that apply)

- ☐ **State Fire Marshal** approval is required for all commercial buildings and apartment projects (4-units or more)  
Fire Marshal application Status: \_\_\_\_\_ Permit # \_\_\_\_\_
- ☒ **Landscaping requirements** apply to all projects (HCC 21.50.030(f))
  - Landscaping shall include the retention of native vegetation to the maximum extent possible

- A minimum buffer of 3 ft. along lot lines and 15 ft. along the top bank of a defined drainage
- Topsoil addition, seeding, and plantings must be completed within 9 months of completion of project
- Parking lots with 24 spaces or more have additional standards (see HCC 21.50.030(f)(1)(b))
- ☒ **Lighting standards** apply to all projects (HCC 21.59.030)
  - Outdoor lighting must be installed so that it does not produce light trespass or glare
  - The maximum height for pole lighting is 28 ft. and for building-mounted lighting, it is 15 ft.
  - Outdoor lights installed 15 ft. or higher must be cut-off luminaires
- ☐ An **As-built survey** is required for all commercial and multi-family projects upon completion of work
  - The survey must show the location and dimensions of permitted structures (see HCC 21.70.040)
- ☐ A **Development Activity Plan (DAP)** is required when your project includes any of the following (HCC 21.74):
  - Clearing or grading of 10,000 square feet or more
  - 5,000 square feet or more of new impervious coverage. "Impervious" coverage includes all parking areas, driveways, roads, walkways, whether paved or not, and any areas covered by buildings or structures, concrete, or asphalt
  - Grading that moves 1,000 cubic yards of material
  - A temporary or permanent slope of 3:1 or more that exceeds 5 ft. from toe of slope to top of slope
  - Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site
  - Any land clearing or grading on slopes steeper than 20%, or within 20 feet of wetlands.
- ☐ A **Storm Water Plan (SWP)** is required when your project includes any of the following (HCC 21.50.030):
  - Creates 25,000 square feet of new impervious surface
  - Increases the impervious surface coverage to greater than 60% of the lot area
  - Grading of 1 acre or more
  - Grading that moves 10,000 cubic yards of material
  - A temporary or permanent slope of 3:1 or more that exceeds 10 ft. from toe of slope to top of slope
  - Land clearing or grading on slopes steeper than 25%, or within 10 feet of wetlands, streams, or ponds

*I/we certify that all the information contained in this application is true and accurate and that I am/we are authorized to act on behalf of the property owner(s). I/we hereby hold harmless the City of Homer, its employees and agents from all suits, actions, or claims arising from any work undertaken.*

*Any approvals required from the Homer Advisory Planning Commission, such as a Conditional Use Permit, must be approved PRIOR to issuance of the Zoning Permit. It is the permittee's responsibility to comply with all other permit terms at his/her expense.*

*The permit will be issued with the understanding that the City of Homer assumes no responsibility with regard to maintenance of private drainage systems that terminate in City ditch lines or drainages, including but not limited to foundation drains, proper location of lot lines, or site dimensions. Further, the City assumes no responsibility for the accuracy of any City-held drawings, or for the permittee's interpretation thereof.*

*I/we understand that the application fee covers the costs associated with processing this application, and that payment of same is nonrefundable and does not assure approval of the site plan. I/we acknowledge that by signing this application I am/we are authorizing employees or agents of the City access for exterior site inspections. This permit must be displayed so that it is readily visible from the nearest street, at the site for which the permit was obtained. If the exterior work is not completed by the permit's expiration date, one reasonable extension may be granted for good cause shown.*

Owner Signature (required): \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_





## City of Homer

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## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3106

(f) 907-235-3118

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner AICP  
DATE: February 6, 2019  
SUBJECT: Staff report PL 19-09, City Planner's Report

---

### City Council –

1.28.19

CONSENT AGENDA - APPROVED without discussion.

Memorandum 19-014 from Homer City Council Re: Planning Commission Review of Updates to Homer Transportation Plan. Recommend approval.

Memorandum 19-016 from Councilmembers Smith and Erickson Re: Planning Commission Review of Regulatory Requirements for Flood Elevation on the Homer Spit. Recommend approval.

Memorandum 19-017 from City Clerk Re: Vacation of a Portion of Eric Lane right-of-way West of West Hill Road as dedicated on Lillian Walli Estate Plat HM 88-16. Recommend approval.

Regular meeting

Resolution 19-007, A Resolution of the City Council of Homer, Alaska, Establishing a Transportation Advisory Task Force with the Expressed Purpose of Advising the Advisory Planning Commission on the Homer Area Transportation Plan. Erickson.

POSTPONED to February 25, 2019

### Kenai Peninsula Borough Assembly

An Ordinance Amending KPB 2.56.030 to Adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Homer (Mayor) (Hearing on 02/19/19) 6:00PM

### WORKLIST

Worklist items and summaries below.

### CUP reduction

On agenda

### Site plan requirements/permit follow-up

On agenda

P:\PACKETS\2019 PCPacket\Staff Reports\City Planner Reports\City Planner Report 2.6.19.docx

### **Natural Hazards/Green Infrastructure/Coastal Bluff Definition**

Syverine and Mandy do not have a report for the Commission at this time.

Our project summary has been submitted to FEMA. As of the writing of this report, I have not been informed of the status of the application.

If the summary is approved, a full application will be developed by DGGs.

### **Climate Action Plan**

I am planning on conducting a work session to gain a better understanding of the plan for consideration of an update.

### **Medical District**

This will be ripe as soon as the Borough Assembly passes the plan. The Comprehensive plan is scheduled to be up for consideration at the February 25<sup>th</sup> Assembly meeting.

### **Transportation Plan**

Council member Erickson had made a proposal to form a committee (see attached). It has been postponed.

### **City Council report sign up**

1.28.19 Tom

2.11.19 Scott

2.25.19

3.11.19

### **Attachments:**

Memorandum 19-014

Memorandum 19-016

Resolution 19-007





## Memorandum 19-014

TO: HOMER ADVISORY PLANNING COMMISSION  
FROM: HOMER CITY COUNCIL  
DATE: JANUARY 28, 2019  
SUBJECT: PLANNING COMMISSION REVIEW OF UPDATES TO HOMER TRANSPORTATION PLAN

---

The purpose of this memo is to authorize the Homer Advisory Planning Commission to spend up to \$5,000 in consulting/engineering services for developing a scope of work and eventual request for proposal for updates to the Homer Transportation Plan.

The Planning Commission reported at the January 14<sup>th</sup> City Council meeting that they would like access to some of the scoping funds approved in the FY2019 City of Homer Budget to explore different scenarios related to the level of the update including cost estimates. These funds would be used to assess recommended updates and will take into consideration variables such as:

- How transportation planning engineering has changed since the adoption of the plan and how that might influence the plan
- In what ways the plan has outlived its usefulness
- Ability to partner with ADOT and/or KPB with plan updates

The requested funds will be used to present Council with different scenarios that vary on level of effort and cost for a full update of the plan. Every effort will be made to minimize costs associated with this work. Engineering and consulting services will be provided by one of the two firms that has the City of Homer term contract for transportation engineering, Kenny Engineering or HDL Engineering.

Enc:  
Planning Memo dated January 4, 2019  
Budget amendment for scoping





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### MEMORANDUM

TO: MAYOR CASTNER AND HOMER CITY COUNCIL  
THROUGH: KATIE KOESTER, CITY MANAGER  
FROM: RICK ABBODD, CITY PLANNER  
DATE: JANUARY 4, 2019  
SUBJECT: UPDATE OF TRANSPORTATION PLAN

The Planning Commission spoke to Mayor Castner about their desire to update the 2005 Homer Area Transportation Plan and added the item to their worklist. Mayor Castner proposed and received approval for funding of scoping activities that could further efforts to update the plan.

The Planning Commission has found that the plan has outlived most of its usefulness. Estimates of population used for the plan have not been accurate and some of the recommendations of the plan have lost support. They would also like to have the plan make more pointed recommendations regarding the usefulness of setbacks on specific streets found in the Central Business District. An updated classification of streets would also be useful for future Right-of-way design.

The undertaking of updating the plan will require an understanding of the costs associated with the levels of work that may be proposed. Initially, the scoping funds might be used to work up cost estimates for likely scenarios. After a recommendation is made about the extent of the plan, funds will need to be identified to support the update efforts.

Scoping can incorporate funding sources and other opportunities. Our scoping efforts will have to consider the ability to partner with AKDOT. The AKDOT intersection study is of the same time frame and could benefit from updated data and a joint effort to recognize future transportation needs. Funding for the document (a component of the comprehensive plan) may also be available from the borough. In consideration of the likely costs, several methods of funding may have to be considered including accumulation and appropriation of future planning reserves. We may want to plan around the results of the 2020 census and work on funding until the data is available.

I suggest that we utilize funds to scope the costs of the project and develop a timeframe that will be most beneficial for project development and funding.





## City of Homer

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

## Office of the Mayor

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# Memorandum

TO: HOMER CITY COUNCIL  
FROM: KEN CASTNER  
DATE: NOVEMBER 20, 2018  
SUBJECT: BUDGET AMENDMENT

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Since my election, I have met with each of the Boards and Commissions. The following are requests I received that will require a policy determination from the Council and some supported funding. There will be a small fiscal note for 2019, but, depending on the Council's will (which may be a topic for the "retreat" that has been discussed) the resulting expense for outside expertise would be far greater in the year or two ahead.

I am requesting \$18,000 for the following planning/scoping studies, conducted primarily in-house, to be included in the 2019 budget. The areas of study are:

1. An updated Transportation Plan;
2. An updated policy directive on signage;
3. An Updated Climate Action Plan;
4. A Port Services Plan;
5. An examination of the trade-offs in modeling a plan for private participation for projects that involve City-owned land or City-owned structures; and
6. A general policy concerning the repurposing of City-owned Structures.

City of Homer  
2018 Capital Budget

**2019 Proposed Budget Amendment Form**

**Fund Name:** General Fund

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**Project Name:** Preliminary Planning and Scoping Studies

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Account #	Account name	Page #	Increase	Decrease	
100-0100-5990	Transfers to Reserves (Fire Fleet)	49		\$18,000	
100-0100-5210	Professional Services	49	\$18,000		

**Rationale:**

The \$18,000 would assist in preliminary work with boards, commissions, and staff to flush out some or all of the following planning/scoping in order to be able to fully understand the time, need, resources required and priority level of moving forward with updates or preparations of complete plans/policies.

An updated Transportation Plan;

An updated policy directive on signage;

An Updated Climate Action Plan;

A Port Services Plan;

An examination of the trade-offs in modeling a plan for private participation for projects that involve City-owned land or City-owned structures; and

A general policy concerning the repurposing of City-owned Structures.

Direction by Council, either by memo or resolution, will be required to authorize the expenditure of funds for specific scoping projects.

Requested By: \_\_\_\_\_  
Mayor

Prepared By: \_\_\_\_\_  
Mayor



## Memorandum 19-016

TO: HOMER ADVISORY PLANNING COMMISSION

FROM: COUNCILMEMBERS SMITH AND ERICKSON

THROUGH: HOMER CITY COUNCIL

DATE: JANUARY 28, 2019

SUBJECT: PLANNING COMMISSION REVIEW OF REGULATORY REQUIREMENT FOR FLOOD  
ELEVATION ON HOMER SPIT

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It has come to our attention that structures subject to increasing regulatory requirements for flood elevation may become noncompliant with height requirements due to circumstances out of their control.

**Homer's participation in** Federal Emergency Management Association (FEMA) Flood Insurance Program requires that new and rebuilt structures must elevate the bottom floor. This elevation is subject to change and is subject to increases in the future. **Compliance with FEMA's Flood Insurance Program** is critical for area wide insurance ratings and eligibility for FEMA funding.

The purpose of this memo is to request that the Planning Commission review the topic and consider a height allowance based on FEMA elevation requirements and prepare a draft Ordinance for review by City Council.





CITY OF HOMER  
HOMER, ALASKA

Erickson

RESOLUTION 19-007

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ESTABLISHING A TRANSPORTATION ADVISORY TASK FORCE WITH THE EXPRESSED PURPOSE OF ADVISING THE ADVISORY PLANNING COMMISSION ON THE HOMER AREA TRANSPORTATION PLAN.

WHEREAS, The Transportation Advisory Committee (TAC) was disbanded in 2014 in an effort to reduce the cost and work load associated with boards and Commissions; and

WHEREAS, The duties and responsibilities of the TAC were given to the Advisory Planning Commission; and

WHEREAS, The Advisory Planning Commission is fully tasked with Planning duties; and

WHEREAS, There has been significant interest by City Council and the Advisory Planning Commission in updating the Homer Area Transportation Plan from 2005; and

WHEREAS, It is important that the Advisory Planning Commission take into account input from the diversity of Homer users of the transportation network; and

WHEREAS, The Transportation Advisory Task Force can play an important role in advising the Advisory Planning Commission on functional and relevant updates to the Transportation Plan; and

WHEREAS, In recognition of the time and cost associated with staff and the public for Task Forces, Committees and Commissions, the Transportation Advisory Task Force would be very short-lived and be disbanded after answering the proposed questions below.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska establishes the Transportation Advisory Task Force with the expressed purpose of providing real world input to the Advisory Planning Commission as they begin work on updates to the Homer Area Transportation Plan.

BE IT FURTHER RESOLVED that the Task Force will provide input on the following factors regarding mobility within the City of Homer in the future:

- 1. Connectivity to Kachemak City and beyond (up the bay)
- 2. If the railroad came in
- 3. If the Port was used as a freight port
- 4. Goods and services movement through the City and beyond

- 5. Terrain constraints
  - a. Slopes
  - b. Waterways
  - c. Storm drains
  - d. Ice/ snow constrictions
- 6. Walkable/bikeable
- 7. Tourist summer increase with foot travel, larger motor homes with boats or trailers

BE IT FURTHER RESOLVED that the Task Force will consist of seven members including one member from the Parks, Art, Recreation and Culture Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission and Economic Development Advisory Commission, a representative from the Homer Chamber of Commerce, a representative from the Homer Marine Trades Association and a member who works in the trucking industry. All members must be residents of the southern Kenai Peninsula. The deadline to apply for the Task Force will be February 18, 2019 with appointments made by the Mayor and confirmed by Council at the February 25, 2019 meeting.

BE IT FURTHER RESOLVED the Task Force will follow basic meeting rules as outlined in Homer City Code 2.58.050 (a- i) and the City Council Operating Manual.

BE IT FURTHER RESOLVED the Task Force meetings will commence March 1, 2019 and will set its own meeting schedule during regular business hours and will disband May 1, 2019 unless extended by City Council.

PASSED AND ADOPTED by the Homer City Council this \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Advertising and Staff time



# City of Homer

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

## Planning

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### Staff Report PL 19-11

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: February 6, 2019  
SUBJECT: Review of “more than one” conditionally permitted uses

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### Introduction

“More than one” CUP’s are, by far, the most popular CUP we process. In fact, 57% of the CUP’s since 2007 have included “more than one”. I have created a spreadsheet to further break down the characteristics of these CUP’s.

**Caution:** This spreadsheet provides a good overview of the information, but is not exact. I have condensed some the information. For example, all types of landscaping requirements are just listed once as “landscaping” and do not go into individual standards of each CUP. I have also not displayed several conditions that are specific requirements of code. For instance, you will find storm water plans listed sparingly. Only in a few instances were they not prescribed in code, like the Homer Medical CUP. This site was literally only a few square feet away from the trigger, but it was a condition of the CUP. In some incidences, a condition in code was enumerated in a CUP for emphasis to the applicant, like lighting standards.

### Analysis

The data tells us a few things. First, nine (9) of the CUPS (green and strike-through) have been addressed in code by adding an allowance for an additional dwelling. Next, you will notice that one half of the CUP’s dealing with “more than one” also triggered a CUP for another reason, the most popular (approximately 25% of the total or 50% of the CUP’s that were triggered for something in addition to “more than one”) being building area greater than 8000 square feet.

What has becoming the most popular “more than one” CUP, without an additional trigger, is multiple residences mostly in the RR district. The commonality of these proposals is that they are found adjacent to water and sewer services. For the most part, conditions made are minimal, mostly lighting and dumpster screening. Lighting and dumpster screening is a product of the CUP process and may not be triggered otherwise, unless the development is found in a commercial district. Generally, we may not have many conditions on well thought out plans that do their best to address concerns in the application.

At this point, I am looking for helpful observations. After sorting out the additional triggers for ‘more than one’ CUP’s, we are left with mostly 4 or more structures. We could consider the

impact and usefulness of a CUP under the various district when regulating for dimensional, open space, and buffer requirements or any other requirements the Commission may see fit.

After this, we are lead into a conversation about the other triggers for the CUP's, particularly the over 8000 square feet of building area which accounts for a majority of other triggers.

### **Staff Recommendation**

Review the CUP uses and identify uses for more detailed study and considerations for elimination.

### **Attachments:**

More than one uses tables

- Additional triggers
- By year
- By district

All CUP's since 2007

## Sorted by additional CUP triggers

"more than one" CUP's since 2007

<i>CUP</i>	<i>District</i>	<i>additional CUP triggers</i>	<i>Buildings</i>	<i>Conditions</i>
10-04	CBD	8000	2-college	parking, landscaping, screen dumpster, pave
11-06	MC	8000	5	architectural features
11-10	GC1	8000	6-boatyard	water and sewer provision
11-11	GC1	8000	6-transfer station	
16-02	RO	8000	7	w & s, lighting, screen dumpster, drainage, setback
17-05	EEMU	8000	4	SWP
18-10	EEMU	8000	4 commercial	update of 17-05
18-11	CBD	8000	6-Pratt	
<b>2011</b> 11-04	RO	8000, medical clinic	2-SVT	pave, screen dumpster
08-05	CBD	8000, other uses	2	pave, landscaping, screen dumpster
<b>2012</b> 12-01	MC	8000, other uses, setback, hotel	6	landscaping, screen dumpster, timeline, architectural standards
16-04	CBD	8000, public facilities	4- police/fire	
15-02	CBD	8000, public utility	6- public works	landscaping
17-02	CBD	8000, setback	10	setback (exception), screen dumpster, lighting
07-09	GC1	8000/30	6-ministorage	lighting, landscaping
10-03	MI	8000/30	2	pave, screen dumpster, landscaping
07-12	GC1	8000/30, multi-family	3-mixed uses	lighting, sunset, landscaping, phase one EA, pavement, traffic control
16-03	UR	indoor rec	2-SPARC	W & S approval, lighting, FD road standard
08-03	CBD	manufacturing	7-yurts	fencing, lighting, remove rv's, landscaping
<b>2016</b> 16-01	RO	medical clinic	2 commercial	landscaping, lighting
18-06	GC1	multifamily	4 multifamily	lighting
14-04	BCWD, RR	other uses, erosion and sediment	2	lighting
12-03	MC	other uses, restaurants, caretakers	4	setback correction, timeline for construction and setback resolution
11-09	CBD	setback	2 dwellings	lighting
15-03	MI	setback	2- restrooms	parking design
15-05	TC	setback decrease	2-offices	parking design
15-07	GC1	setback PUD	4 mixed uses	retro Fire Marshal, w & s, screen dumpster, architectural, landscaping
<b>2007</b> 07-01	RR		2	as-built
07-08	RR		2	as-built, verify adequate septic, connect to utilities, lighting
<b>2008</b> 08-02	MC		8+, garage	extensive amendment dealing with Land's end site, large development
08-04	RR		2	lighting
<b>2009</b> 09-02	RR		4	denied, not meeting definitions in code to develop
09-03	CBD		2	driveway restrictions, landscaping, sunset
09-06	UR		2	
<b>2010</b> 10-02	RO		2-multifamily	lighting
10-07	RR		6	bluff setback, proof of DEC compliance
10-08	RR		2	setback confirmation, driveway permit
11-07	RR		3 triplexs	parking, DEC certification, population cap using DEC criteria
<b>2013</b> 13-01	RR		2	
13-04	RR		3	
13-08	RR		2	
13-09	RR		2	DEC documentation
13-10	RR		2	
13-13	CBD		7-mixed uses	landscaping, landscaping timeline, screen dumpster, w&s issues, sunset
<b>2014</b> 14-01	RO		2-multifamily	lighting, screen dumpster
14-03	RR		4	lighting
<b>2015</b> 15-01	RR		7	lighting, screen dumpster, depict utility easements
15-04	RR		3	
15-06	UR		4-duplexes	water and sewer extension, screen dumpster, fence, driveway design
16-05	RR		4	
<b>2017</b> 17-01	RR		7	lighting, screen dumpster, building siting
17-04	RR		6	lighting
<b>2018</b> 18-03	RO		2	lighting, screen dumpster
18-04	GB, SGCOD		6	lighting, screen dumpster, timeline
18-05	RO		3 multifamily, office	lighting, screen dumpster
18-08	GC1		9	lighting
18-12	RR		7	Lighting, screen dumpster, parking layout
18-13	RR		6	lighting, screen dumpster
<b>2019</b> 19-02	CBD		3 commercial	lighting, screen dumpster, landscaping

Sorted by year



"more than one" CUP's since 2007

	<i>CUP</i>	<i>District</i>	<i>additional CUP's</i>	<i>Buildings</i>	<i>Conditions</i>
2007	07-01	RR		2	as-built
	07-08	RR		2	as-built, verify adequate septic, connect to utilities, lighting
	07-09	GC1	8000/30	6-ministorage	lighting, landscaping
	07-12	GC1	8000/30, multi-family	3-mixed uses	lighting, sunset, landscaping, phase one EA, pavement, traffic control
2008	08-02	MC		8+, garage	extensive amendment dealing with Land's end site, large development
	08-03	CBD	manufacturing	7-yurts	fencing, lighting, remove rv's, landscaping
	08-04	RR		2	lighting
	08-05	CBD	8000, other uses	2	pave, landscaping, screen dumpster
2009	09-02	RR		4	denied, not meeting definitions in code to develop
	09-03	CBD		2	driveway restrictions, landscaping, sunset
	09-06	UR		2	
2010	10-02	RO		2-multifamily	lighting
	10-03	MI	8000/30	2	pave, screen dumpster, landscaping
	10-04	CBD	8000	2-college	parking, landscaping, screen dumpster, pave
	10-07	RR		6	bluff setback, proof of DEC compliance
	10-08	RR		2	setback confirmation, driveway permit
2011	11-04	RO	8000, medical clinic	2-SVT	pave, screen dumpster
	11-06	MC	8000	5	architectural features
	11-07	RR		3 triplexs	parking, DEC certification, population cap using DEC criteria
	11-09	CBD	setback	2 dwellings	lighting
	11-10	GC1	8000	6-boatyard	water and sewer provision
	11-11	GC1	8000	6-transfer station	
2012	12-01	MC	8000, other uses, setback, hotel	6	landscaping, screen dumpster, timeline, architectural standards
	12-03	MC	other uses, resturants, caretakers	4	setback correction, timeline for construction and setback resolution
2013	13-01	RR		2	
	13-04	RR		3	
	13-08	RR		2	
	13-09	RR		2	DEC documentation
	13-10	RR		2	
2014	13-13	CBD		7-mixed uses	lanscaping, landscaping timeline, screen dumpster, w&s issues, sunset
	14-01	RO		2-multifamily	lighting, screen dumpster
	14-03	RR		4	lighting
	14-04	BCWD, RR	other uses, erosion and sediment	2	lighting
2015	15-01	RR		7	lighting, screen dumpster, depict utility easements
	15-02	CBD	8000, public utility	6- public works	landscaping
	15-03	MI	setback	2- restrooms	parking design
	15-04	RR		3	
	15-05	TC	setback decrease	2-offices	parking design
	15-06	UR		4-duplexes	water and sewer extension, screen dumpster, fence, driveway design
	15-07	GC1	setback PUD	4 mixed uses	retro Fire Marshal, w & s, screen dumpster, architectural, landscaping
2016	16-01	RO	medical clinic	2 commercial	landscaping, lighting
	16-02	RO	8000	7	w & s, lighting, screen dumpster, drainage, setback
	16-03	UR	indoor rec	2-SPARC	W & S approval, lighting, FD road standard
	16-04	CBD	8000, public facilities	4- police/fire	
	16-05	RR		4	
2017	17-01	RR		7	lighting, sceen dumpster, building siting
	17-02	CBD	8000, setback	10	setback (exception), sceen dumpster, lighting
	17-04	RR		6	lighting
	17-05	EEMU	8000	4	SWP
2018	18-03	RO		2	lighting, screen dumpster
	18-04	GB, SGCOD		6	lighting, screen dumpster, timeline
	18-05	RO		3 multifamily, office	lighting, screen dumpster
	18-06	GC1	multifamily	4 multifamily	lighting
	18-08	GC1		9	lighting
	18-10	EEMU	8000	4 commercial	update of 17-05
	18-11	CBD	8000	6-Pratt	
	18-12	RR		7	Lighting, screen dumpster, parking layout
	18-13	RR		6	lighting, screen dumpster
2019	19-02	CBD		3 commercial	lighting, screen dumpster, landscaping

## Sorted by Zoning District



### "more than one" CUP's since 2007

	<i>CUP</i>	<i>District</i>	<i>additional CUP's</i>	<i>Buildings</i>	<i>Conditions</i>
	14-04	BCWD, RR	other uses, erosion and sediment	2	lighting
	08-03	CBD	manufacturing	7-yurts	fencing, lighting, remove rv's, landscaping
	08-05	CBD	8000, other uses	2	pave, landscaping, screen dumpster
	09-03	CBD		2	driveway restrictions, landscaping, sunset
	10-04	CBD	8000	2-college	parking, landscaping, screen dumpster, pave
	11-09	CBD	setback	2 dwellings	lighting
	13-13	CBD		7-mixed uses	landscaping, landscaping timeline, screen dumpster, w&s issues, sunset
	15-02	CBD	8000, public utility	6- public works	landscaping
	16-04	CBD	8000, public facilities	4- police/fire	
	17-02	CBD	8000, setback	10	setback (exception), sceen dumpster, lighting
	18-11	CBD	8000	6-Pratt	
<b>2019</b>	19-02	CBD		3 commercial	lighting, screen dumpster, landscaping
	17-05	EEMU	8000	4	SWP
	18-10	EEMU	8000	4 commercial	update of 17-05
	18-04	GB, SGCOD		6	lighting, screen dumpster, timeline
	07-09	GC1	8000/30	6-ministorage	lighting, landscaping
	07-12	GC1	8000/30, multi-family	3-mixed uses	lighting, sunset, landscaping, phase one EA, pavement, traffic control
	11-10	GC1	8000	6-boatyard	water and sewer provision
	11-11	GC1	8000	6-transfer station	
	15-07	GC1	setback PUD	4 mixed uses	retro Fire Marshal, w & s, screen dumpster, architectural, landscaping
	18-06	GC1	multifamily	4 multifamily	lighting
	18-08	GC1		9	lighting
<b>2008</b>	08-02	MC		8+, garage	extensive amendment dealing with Land's end site, large development
	11-06	MC	8000	5	architectural features
<b>2012</b>	12-01	MC	8000, other uses, setback, hotel	6	landscaping, screen dumpster, timeline, architectual standards
	12-03	MC	other uses, resturants, caretakers	4	setback correction, timeline for construction and setback resolution
	10-03	MI	8000/30	2	pave, screen dumpster, landscaping
	15-03	MI	setback	2- restrooms	parking design
<b>2010</b>	10-02	RO		2-multifamily	lighting
<b>2011</b>	11-04	RO	8000, medical clinic	2-SVT	pave, screen dumpster
<b>2014</b>	14-01	RO		2-multifamily	lighting, screen dumpster
<b>2016</b>	16-01	RO	medical clinic	2 commercial	landscaping, lighting
	16-02	RO	8000	7	w & s, lighting, screen dumpster, drainage, setback
<b>2018</b>	18-03	RO		2	lighting, screen dumpster
	18-05	RO		3 multifamily, office	lighting, screen dumpster
<b>2007</b>	07-01	RR		2	<del>as-built</del>
	07-08	RR		2	<del>as-built, verify adequate septic, connect to utilities, lighting</del>
	08-04	RR		2	<del>lighting</del>
<b>2009</b>	09-02	RR		4	denied, not meeting definitions in code to develop
	10-07	RR		6	bluff setback, proof of DEC compliance
	<del>10-08</del>	<del>RR</del>		<del>2</del>	<del>setback confirmation, driveway permit</del>
	11-07	RR		3 triplexs	parking, DEC certification, population cap using DEC criteria
<b>2013</b>	<del>13-01</del>	<del>RR</del>		<del>2</del>	
	<del>13-04</del>	<del>RR</del>		<del>3</del>	
	<del>13-08</del>	<del>RR</del>		<del>2</del>	
	<del>13-09</del>	<del>RR</del>		<del>2</del>	<del>DEC documentation</del>
	<del>13-10</del>	<del>RR</del>		<del>2</del>	
	14-03	RR		4	lighting
<b>2015</b>	15-01	RR		7	lighting, screen dumpster, depict utility easements
	15-04	RR		3	
	16-05	RR		4	
<b>2017</b>	17-01	RR		7	lighting, sceen dumpster, building siting
	17-04	RR		6	lighting
	18-12	RR		7	Lighting, screen dumpster, parking layout
	18-13	RR		6	lighting, screen dumpster
	15-05	TC	setback decrease	2-offices	parking design
	<del>09-06</del>	<del>UR</del>		<del>2</del>	
	15-06	UR		4-duplexes	water and sewer extension, screen dumpster, fence, driveway design
	16-03	UR	indoor rec	2-SPARC	W & S approval, lighting, FD road standard





CUP's since 2007					
	<i>CUP</i>	<i>District</i>	<i>conditional use(s)</i>	<i>Buildings</i>	<i>Conditions</i>
2007	07-01	RR	more than one	2	as-built
	07-02	MC	public utility		
	07-03	CBD	other		many
	07-08	RR	more than one	2	as-built, verify adequate septic, connect to utilies, lighting
	07-09	GC1	8000/30	6-ministorage	lighting, landscaping
	07-10	CBD	30%		landscaping, screening, sunset
	07-11	BCWD	Public utility, >6000		parking
	07-12	GC1	more than one, 8000/30, multi-family		lighting, sunset, landscaping, phase one EA, pavement, traffic control
	07-13	RR	greenhouse	3-mixed uses	lighting
	07-14	MC	Restaurants, setback, manufacturing, 30%		limit capacity, lighting, sunset
	08-01	GC1	amend 98-02		landscaping
	08-02	MC	amend 97-02	8+, garage	landscaping, paving
	08-03	CBD	more than on, manufacturing	7-yurts	fencing, lighting, remove rv's, landscaping
	08-04	RR	more than one	2	lighting
2008	08-05	CBD	more than one, 8000, other uses	2	pave, landcaping, screen dumpster
	08-06	RO	daycare		lighting, fenced play area
	08-07	MC	amend 08-02		setback
	08-09	BCWD	stream buffer		erosion and sediment control plan, timeline, limit access, DEC compliance, record document
	09-01	RR	tower	4	gain nonconforming
	09-02	RR	more than one		denied, not meeting definitions in code to develop
	09-03	CBD	more than one		driveway restrictions, landscaping, sunset
	09-04	CBD	setback		lighting
	09-06	UR	more than one	2	
	09-07	MI	Restaurant		
	09-08	RR	indoor rec		timeline, sunset, lighting, hours of operation, landscape, parking, use
	10-01	MC	amend 86-02		
	10-02	RO	more than one	2-multifamily	lighting
	10-03	MI	more than one, 8000/30	2	pave, screen dumpster, landscaping
2010	10-04	CBD	more than one, 8000	2-college	parking, landscaping, screen dumpster, pave
	10-06	RR	Public utility		parking
	10-07	RR	more than one		bluff setback, proof of DEC compliance
	10-08	RR	more than one		setback confirmation, driveway permit
	11-01	BCWD	stream buffer	6	timeline, replanting,
	11-02	MI	bulk petro storage, 8000/30		
	11-03	RO	daycare		fenced play area
	11-04	RO	more than one, 8000/30, medical clinic		pave, screen dumpster
	11-06	MC	more than one, 8000	5	architectural features
	11-07	RR	more than one	3 triplexs	parking, DEC certification, population cap using DEC criteria
	11-08	CBD	amend 10-04		screen dumpster, landscaping
	11-09	CBD	more than one, setback		lighting
	11-10	GC1	more than one, 8000		water and sewer provision
	11-11	GC1	more than one, 8000	6-transfer station	
	11-13	RR	amend 10-06		
	12-01	MC	more than one, 8000, other uses, setback, hotel		landscaping, screen dumpster, timeline, architectual standards
2011	12-02	RR	commercial greenhouse	6	lighting
	12-03	MC	more than one, other uses, resturants, caretakers		setback correction, timeline for construction and setback resolution
	13-01	RR	more than one		
	13-02	MI	setback		
	13-03	CBD	setback	3	
	13-04	RR	more than one		
	13-05	GC1	multi family		landscape, sceen dumpster
	13-06	CBD	setback		parking, dumpster, timeline
	13-07	MC	heliport	2	FAILED
	13-08	RR	more than one		
	13-09	RR	more than one		DEC documentation
	13-10	RR	more than one		
	13-11	CBD	setback	7-mixed uses	landsdscaping, screen dumpster, timeline
	13-12	RR	tower		WITHDRAWN
	13-13	CBD	more than one		lanscaping, landscaping timeline, screen dumpster, w&s issues, sunset
2012	14-01	RO	more than one	2-multifamily	lighting, screen dumpster
	14-02	RR	daycare		FAILED
	14-03	RR	more than one		lighting
	14-04	BCWS, RR	more than one, other uses, erosion and sediment		lighting
	14-05	CBD	setback	2	lighting, landscaping
	14-06	MI, MC, SBHOD	setback		building color palette, lighting, screen dumpster
	14-07	CBD	setback		approve nonconforming before zoning permit
	14-10	RO	daycare facility		fenced play area, hours of operation, w&s connect, lighting, nonconforming status
	15-01	RR	more than one	7	lighting, screen dumpster, depict utility easements
	15-02	CBD	more than one, 8000, public utility		landscaping
	15-03	MI	more than one, setback		parking design
	15-04	RR	more than one		
	15-05	TC	more than one, setback decrease	2-offices	parking design
	15-06	UR	more than one	4-duplexes	water and sewer extension, screen dumpster, fence, driveway design
	15-07	GC1	more than one, setback PUD	4 mixed uses	retro Fire Marshal, w & s, screen dumpster, architectural, landscaping
2013	16-01	RO	more than one, medical clinic	2 commercial	landscaping, lighting
	16-02	RO	more than one, 8000		w & s, lighting, screen dumpster, drainage, setback
	16-03	UR	more than one, indoor rec		W & S approval, lighting, FD road standard
	16-04	CBD	more than one, 8000, public facilities		
	16-05	RR	more than one	4- police/fire	
	16-06	RO	8000, medical clinic		stormwater plan, pave, pedestrian path, landscaping, sceen dumpster
	17-01	RR	more than one,		lighting, sceen dumpster, building siting
	17-02	CBD	more than one, 8000, setback		setback (exception), sceen dumpster, lighting
	17-03	BCWD	grading	10	erosion control measures
	17-04	RR	more than one	6	lighting
	17-05	EEMU	more than one, 8000	4	SWP
	17-06	RR	bluff setback		slope inspection report, limit disturbance, vegetation, timeline, record doc
	17-07	MI	tower		seal feed lines, color, lighting
	17-08	CBD	8000		lighting plan, landscaping
2014	18-01	CBD	gas station	2	fence, lighting
	18-02	CBD	setback		lighting
	18-03	RO	more than one		lighting, screen dumpster
	18-04	GB, SGCOD	more than one		lighting, screen dumpster, timeline
	18-05	RO	more than one	3 multifamily, office	lighting, screen dumpster
	18-06	GC1	more than one, multifamily	4 multifamily	lighting
	18-08	GC1	more than one	9	lighting
	18-09	RO	8000, medical clinic		scren dumpster, timeline
	18-10	EEMU	more than one, 8000		update of 17-05
	18-11	CBD	more than one, 8000		
	18-12	RR	more than one	7	Lighting, screen dumpster, parking layout
	18-13	RR	more than one	6	lighting, screen dumpster
	18-14	RO	medical clinic		lighting, screen dumpster
	19-01	RO	medical clinic update		buffer
2015	19-02	CBD	more than one, 8000, unlisted uses	3 commercial	lighting, screen dumpster, landscaping





## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

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(f) 907-235-3148

# Memorandum

TO: MAYOR CASTNER AND HOMER CITY COUNCIL  
FROM: KATIE KOESTER, CITY MANAGER  
DATE: JANUARY 23, 2019  
SUBJECT: CITY MANAGER REPORT

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### Alaska Clean Water Actions (ACWA) Grant

I am happy to announce that the Department of Environmental Conservation recently awarded the City an Alaska Clean Water Actions (ACWA) stewardship grant. This 60-40 matching grant will help fund the **City's** development of the Stormwater Master Plan, a longtime prioritized project in the CIP. The project will produce baseline stormwater runoff information and identify low-impact development (or green infrastructure) opportunities for stormwater collection and treatment. Local planners, engineers, and the public will use this information to develop the Master Plan and highlight methods that can minimize the ecological, economic, and community impacts of stormwater runoff. The grant will also help construct green infrastructure features at our new Homer police station. These features will directly store and divert stormwater that might otherwise be left untreated and provide the City with an opportunity to publicly highlight the value of low-impact development. This demonstration project compliments mapping and runoff assessment activities and is foundational to community-wide planning and stormwater policy development. Many thanks to Councilmember Lord who was able to lend her water quality expertise to this project.

### New Police Station Design Plan Open House at Cowles Chambers

The City will be hosting an open house on Monday, February 4<sup>th</sup>, to share the new police station 35% design plan with the public. We encourage community members to stop by Cowles Chambers anytime between 4:30 pm and 6:00 pm to review the schematic drawings, siding options, and carpet samples proposed for the building. Project Manager Pat McNary and City staff will be on hand to answer questions and receive feedback.

### Budget Work Ongoing

Finance Director Walton and I have been meeting with Mayor Castner to work on **the budget's** fiscal issues while also making improvements to the **City's** budget process. This includes developing a fund balance policy, depreciation reserves policy, cash flow analysis, fund consolidation, and budget forecasting. We will keep Council apprised of progress as we work towards a more streamlined budget process for 2020. The final 2019 budget will be posted on the website by Tuesday, January 29<sup>th</sup>. Please let me know if you would like a printed copy.

#### January 22<sup>nd</sup> Alcohol and Marijuana Control Office (AMCO) Meeting

Councilmember Stroozas organized a meeting between local businesses and Jedidiah Smith, the Local Government Specialist for the Alcohol and Marijuana Control Office. The meeting was held to discuss the comprehensive overhaul of Title 4 (**what governs Alaska's alcohol regulations**) as proposed by Senator **Micciche's legislation**, Senate Bill 76. One element of Senate Bill 76 that has the ability to impact Homer businesses is the proposed changes to public convenience licenses. As defined in Title 4, a public convenience license allows a restaurant to serve beer and wine beyond the population limits if the restaurant owners go through the process of collecting signatures and petitioning the Alcohol Control Board. The City of Homer has more per capita public convenience licenses than most towns because of the large non-resident population we serve. The most recent version of Senate Bill 76 would replace the current public convenience license with a different license type (already known as REPL in Title 4), which would eliminate the onerous process of collecting the signatures needed to apply for a beer and wine license. Under Senate Bill 76, the public convenience license would be converted to an REPL and the number of REPLs would be capped at the combined number of current public convenience and REPL licenses. There would be a mechanism, however, for a local municipality to petition the Alcohol Control Board for more REPLs. Protecting local control is something many municipalities are advocating for. Senate Bill 76 did not pass during the last legislative session but Senator Micciche has indicated he is willing to sponsor a new version of the bill, which will likely look substantially similar to Senate Bill 76. The new version of the bill can be found here: <http://www.legis.state.ak.us/PDF/30/Bills/SB0076F.PDF>. Senate Bill 76 is a comprehensive reform bill that has many other elements capable of impacting our economy, business sector, and public safety. The City of Homer has been following this issue as the restaurant and beverage industry is a key component of our economic base; brings visitors to Homer; and enhances the quality of life for our year-round residents. I will be sure to update Council on Senator Micciche's bill as it moves through the legislative session.

#### January 16<sup>th</sup> KBBI Coffee Table Discussion Regarding AK-LNG

On January 16<sup>th</sup> at the KBBI studio, Tim Dillion from the Kenai Peninsula Economic Development District (KPEDD), Frank Richards from Alaska Gasline Development Corporation, and I discussed the potential impacts AK-LNG could have on the Homer area. With 12,000 temporary workers during a construction phase estimated to last up to 5 years and 1,000 full time employees, we could potentially see an increase **in Homer's population along with a demand for skilled labor**. KPEDD is currently working on a training program to recruit Peninsula youth for this project. With fifteen to twenty AK-LNG ships a month in the inlet, support vessels for the project such as export tugs and marine pilot boats will want to homeport in Homer, furthering the need for the large vessel harbor expansion project to be listed as a statewide priority. You can listen to the interview here: <https://www.kbbi.org/post/coffee-table-january-16-2018>.

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

In the November 28<sup>th</sup> **City Manager's Report**, I brought up the need to have some discussion regarding Seawall maintenance and repairs. Over the last few years, winter storms have reduced the Seawall maintenance funding balance to below \$100,000. I have sent the attached letter to property owners requesting a neighborhood meeting to discuss the future of the Seawall. Two potential mitigation measures to extend the life of this 16 year old piece of infrastructure include increasing funding for annual preventative maintenance (rather than just repairs) and a potential major capital project to reinforce the toe of the wall where the most damage occurs. Any measure will require Council action and collaboration between the property owners and the City. To that end, I encourage any of you who are available to make it to the neighborhood meeting scheduled for Thursday, February 28<sup>th</sup>, at 5:30pm in Council Chambers.

Enc:  
Alaska Clean Water Actions Grant Award Letter  
January 23<sup>rd</sup> Letter to Ocean Drive Loop Property Owners





THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Environmental  
Conservation**

DIVISION OF WATER  
Alaska Clean Water Actions Program

PO Box 111800  
Juneau, Alaska 99811  
Main: 907-465-5180

January 17, 2019

Carey Meyer, Public Works Director  
City of Homer  
491 E. Pioneer Avenue  
Homer, AK 99603

Dear Ms. Meyer,

I would like to congratulate the City of Homer on being selected to receive an Alaska Clean Water Actions (ACWA) Grant from the Department of Environmental Conservation (DEC) for the "Low-Impact Development Planning for the City of Homer" project. The maximum approved funding level for your project is \$59,785 for the 2019-21 state fiscal year grant cycle, dependent upon grant agreement negotiations. This award is contingent on funds being available from the Environmental Protection Agency and Legislative authorization. ACWA ensures that available funding resources are focused on the waters of greatest need for protection, stewardship, and efforts to clean up waters with pollution problems.

Laura Eldred will be the interim project manager assigned to your grant and will work with you in completing the project work plan for the grant agreement. Laura will assist you in assuring that the deliverable products for your project are well defined and that a specific implementation schedule is evident in your work plan. Changes to your work plan and budget from the grant proposal may be necessary, particularly if the award for your project was changed from the requested amount.

Additionally, please note that the new ACWA Grant cycle spans over three state fiscal years. This new cycle runs March 1, 2019 to February 28, 2021. The reporting requirements have significantly changed, with several date and funding changes that will be developed into your work plan.

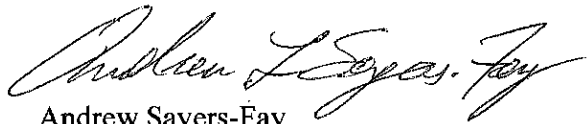
Please call Laura at (907) 376-1855 at your earliest convenience to help make the necessary changes to your work plan and ensure the successful start-up of your project. Approval of a current Quality Assurance Project Plan is required prior to collection of any monitoring data, but this can occur after your work plan is approved and the grant agreement is fully executed.

This notification of project selection does not imply approval of activities or specific costs shown in your proposal. Any cost incurred prior to the executed grant agreement will be your responsibility and will not be reimbursed.

I want to thank you for your commitment to protecting water quality in Alaska. Should you have any further questions, please feel free to contact your project manager.

---

Sincerely,

A handwritten signature in cursive script, reading "Andrew Sayers-Fay". The signature is written in dark ink and is positioned above the printed name and title.

Andrew Sayers-Fay  
Director





## City of Homer

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## Office of the City Manager

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Homer, Alaska 99603

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(p) 907-235-8121 x2222

(f) 907-235-3148

January 23<sup>rd</sup>, 2019

### Dear Ocean Drive Loop Service Area (ODLSA) Property Owners,

The past two years have been tough on the Seawall.

Some major repairs in 2017 included using truckloads of cobble to fill in eroded areas, replacing broken off (or completely missing) horizontal and vertical face timber and steel, and adding reinforcement to the wall's exposed "toe."

2018 shares a similar story. The toe of the wall was excavated so additional timber could be added as reinforcement, boulders were arranged to protect vulnerable areas, cracks were reinforced with timber, exposed fiberglass sheet piling at the toe was covered, and fill material was replaced.

Seawall maintenance expenses for 2017 and 2018 combined totaled \$147,510, leaving only \$95,409 remaining in the fund used to repair the seawall. The revenue for this fund has been collected from ODLSA property owners and the City. If any powerful storms cause damage like we've seen these last two years, this fund could easily be depleted. Once depleted, it is very likely emergency repairs could not happen.

The trend has been to spend money when seawall maintenance is already needed or when there is an emergency. The wall is showing its age (16 years old), which is increasing the amount of needed repairs. I am concerned the fund used to pay for Seawall maintenance is at an unsustainable level.

I would like to host a neighborhood meeting with ODLSA property owners on Thursday, February 28th at 5:30 P.M. in Council Chambers at City Hall. At this meeting, I will discuss options including preventative Seawall maintenance and reinforcing the Seawall's toe. A written summary of the meeting will be mailed out to all property owners in case you are unable to attend. In the meantime, I have attached a table listing all revenue and expenditures incurred since the fund was formed.

Please confirm with my Executive Assistant Rachel Friedlander if you can or cannot attend. Rachel's direct line is (907) 435-3102 and her email is [RFriedlander@ci.homer.ak.us](mailto:RFriedlander@ci.homer.ak.us).

I look forward to seeing you Thursday, February 28<sup>th</sup> at 5:30 PM.

Best,

Katie Koester  
City Manager

**Seawall Maintenance Expenditures**

	2012	2013	2014	2015	2016	2017	2018*	Total
Seawall Maintenance Expenditures	\$38,292	\$0	\$0	\$3,126	\$30,328	\$102,916	\$44,594	\$219,256

**Seawall Revenue ("Seawall Maintenance Fund")**

156-0369	2012	2013	2014	2015	2016	2017	2018*	Total
Seawall Reserve Account (City)	\$70,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$130,000

808-0375	2012	2013	2014	2015	2016	2017	2018*	Total
Mil rate deposits (ODLSA private property owners)	\$19,167	\$22,078	\$35,176	\$24,802	\$24,759	\$30,140	\$28,543	\$184,665

**Remaining Balance for Future Seawall Maintenance**

	2012	2013	2014	2015	2016	2017	2018*	Total
Combined Seawall Revenue	\$89,167	\$32,078	\$45,176	\$34,802	\$34,759	\$40,140	\$38,543	\$314,665
Seawall Maintenance Expenditures	\$38,292	\$0	\$0	\$3,126	\$30,328	\$102,916	\$44,594	\$219,256

**Remaining Balance: \$95,409**

**Please note:** The above 2018 figures will be finalized once the City audit is completed by September 2019.



## Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce  
Borough Mayor

January 10, 2019

**NOTICE OF DECISION  
KENAI PENINSULA BOROUGH PLAT COMMITTEE  
MEETING OF JANUARY 10, 2019**

Re: Homer Spit Properties 2018 Replat Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of January 7, 2019 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; 20.40 and 20.60.

**AMENDMENT MOTION**

An amendment motion to grant exception to KPB 20.30.170, block length passed by unanimous consent based on the following findings of fact.

*Findings*

1. The proposed subdivision is within the City of Homer.
2. Development within the proposed subdivision must comply with the requirements of the zoning district.
3. The proposed subdivision is in the Marine Industrial District.
4. Homer Advisory Planning Commission conditionally approved the proposed plat on June 6, 2018.
5. Homer Advisory Planning Commission adopted Homer City staff's recommendation to support an exception to block length.
6. The proposed subdivision is on the Homer Spit, which is bounded by Kachemak Bay on its eastern and western boundaries.
7. The proposed subdivision has a boat basin, which opens into Kachemak Bay.
8. The eastern boundary of the subject plat fronts Kachemak Bay and is affected by tidal areas.
9. The western boundary of the subject plat fronts Homer Spit Road right of way, a State maintained road.
10. Lot 1-A, Louie's Lagoon, fronts a 50-foot wide section line easement.
11. A driveway off Homer Spit Road, which crosses Lot 1-A-1, provides physical access to Lot 1-A.
12. The subdivider also owns Lot 1-A, Louie's Lagoon.
13. Government Lot 1 adjoining the northwest corner of Lot 1-A-1 of the subject plat fronts Homer Spit Road.
14. Tract 2, the Fishing Hole Subdivision, fronts Homer Spit Road.
15. Lot 1-B, HM 2007-135, fronts Homer Spit Road.
16. Sufficient section line easements or rights-of-way provide legal access to the adjoining parcels.
17. No adjoining or adjacent parcels will be denied access.

This notice and unapproved minutes of the subject portion of the meeting were sent January 10, 2019 to:

**City of:** City of Homer  
491 East Pioneer Avenue  
Homer, AK 99603

**Advisory Planning Commission/Community Council:** Homer Advisory Planning Committee  
491 East Pioneer Avenue  
Homer, AK 99603

**Survey Firm:** Seabright Survey & Design  
1044 East Road, Suite A  
Homer, AK 99603

**Subdivider/Petitioner:** Homer Spit Properties  
237 E Fireweed Ln., Suite 200  
Anchorage, AK 99503-2000

**KPB File Number:** 2018-086

- B. **Plats needing specific actions or controversial** – (public comments received, major staff concerns, exceptions required) – 4 plats.

**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

1. Homer Spit Properties 2018 Replat  
KPB File No. 2018-086; Seabright Survey + Design/Homer Spit Properties, LLC

Staff Report given by Scott Huff

Plat Committee Meeting: 1/7/19

Location: Homer Spit Road, City of Homer  
Proposed Use: Commercial  
Water/Sewer: City  
Zoning: Marine Industrial District  
Assessing Use: Commercial, Commercial Accessory Building, Commercial RV Park, Vacant  
Parent Parcel Number(s): 181-030-09, 181-030-11, 181-030-26, 181-030-28

**Supporting Information:**

The proposed plat combines a subdivision lot and four Government Lots into two lots containing approximately 20 and 53 acres. City water and sewer serve the subdivision. The subdivision fronts paved, State maintained Homer Spit Road.

Homer Advisory Planning Commission approved the proposed plat on June 6, 2018 subject to:

1. Correct the vicinity map to include all the lands within this action.  
*Borough Staff Comments: The entirety of the proposed plat is depicted on the vicinity map on the plat submitted for KPB review.*
2. Correct plat note 8 to refer to the current published flood map. "This subdivision lies within a flood hazard zone. See Firm Panel 02122C2177E, dated October 20, 2016. Contact the City of Homer prior to development activities."  
*Borough Staff Comments: The note requested by the Homer Commission is on the plat submitted for KPB review.*
3. Support the exemption of this subdivision from the requirements of 20.30.170, block length requirements.  
*Borough Staff Comments: An exception has been prepared for the Committee's consideration.*
4. Dedicate a 15-foot utility easement along the Homer Spit Road on Lot 2-A-1.  
*Borough Staff Comments: The plat submitted for KPB review grants a 15-foot utility easement along Homer Spit Road within Lot 2-A-1.*

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

**Staff recommends** that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

**Exception Requested:** KPB 20.30.170 – Block length

**Findings**

1. The proposed subdivision is within the City of Homer.
2. Development within the proposed subdivision must comply with the requirements of the

- zoning district.
3. The proposed subdivision is in the Marine Industrial District.
  4. Homer Advisory Planning Commission conditionally approved the proposed plat on June 6, 2018.
  5. Homer Advisory Planning Commission adopted Homer City staff's recommendation to support an exception to block length.
  6. The proposed subdivision is on the Homer Spit, which is bounded by Kachemak Bay on its eastern and western boundaries.
  7. The proposed subdivision has a boat basin, which opens into Kachemak Bay.
  8. The eastern boundary of the subject plat fronts Kachemak Bay and is affected by tidal areas.
  9. The western boundary of the subject plat fronts Homer Spit Road right of way, a State maintained road.
  10. Lot 1-A, Louie's Lagoon, fronts a 50-foot wide section line easement.
  11. A driveway off Homer Spit Road, which crosses Lot 1-A-1, provides physical access to Lot 1-A.
  12. The subdivider also owns Lot 1-A, Louie's Lagoon.
  13. Government Lot 1 adjoining the northwest corner of Lot 1-A-1 of the subject plat fronts Homer Spit Road.
  14. Tract 2, the Fishing Hole Subdivision, fronts Homer Spit Road.
  15. Lot 1-B, HM 2007-135, fronts Homer Spit Road.
  16. Sufficient section line easements or rights-of-way provide legal access to the adjoining parcels.
  17. No adjoining or adjacent parcels will be denied access.

Staff reviewed the exception request and recommends granting approval. Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-17 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-17 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-17 appear to support this standard.**

#### **KPB 20.25.070 - Form and contents required.**

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- A. Within the Title Block
  1. Name 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;
- Platting Staff Comments: **Staff recommends:***
- a. *For clarity, revise the description of the proposed plat, such as, A replat of Lot 1-A, Homer Hockey Addition HM 2007-135, and Government Lots 2-5, northeast of Homer Spit Road, located within Section 35, T6S R13W, City of Homer, Kenai Peninsula Borough, Seward Meridian, Alaska Third Judicial District EXCEPTING THEREFROM those portions conveyed to the State of Alaska by Warranty Deeds recorded January 3, 1966 in Book 39 Page 299, Book 39 Page 301, and Book 39 Page 303.*
  - b. *Confirm the total acreage. KPB records indicate it is 73.977 acres.*
- 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;  
*Platting Staff Comments: **Staff recommends** Sections 27, 34, and 35 be shown and labeled.*
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;  
*Platting Staff Comments: **Staff recommends** the easements granted to the City of Homer for sewer systems be shown and labeled with the recording information. The easement of record per Bk. 188 Pg. 669 can be depicted correctly over former government lots 1, 2 and 3 or noted in the plat notes. **Staff recommends** the utility easement being granted within the plat notes matches the depiction of the utility easement on the face of the drawing.*
- I. Approximate locations of areas subject to tidal inundation and the mean high water line;  
*Platting Staff Comments: **Staff recommends***
- *Label the Barge Basin as being subject to tidal inundation.*
  - *Show the 2018 Mean High Water line crossing in front of the opening to the Barge Basin as the barge basin area was dredged out and is not the natural meander line.*
  - *Show the 2018 meander line as the boundary of this survey.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and  
*Platting Staff Comments: The fence in Lot 1-B, HM 2007-135, extends in Lot 1-A-1. The subdivider owns Lot 1-B so the fence is not considered to be an encroachment.*
- If ownership of Lot 1-B changes in the future, staff strongly suggests moving the fence or granting an easement so it can stay in place to avoid issues with trespass, encroachment, rights of use, problems with property boundaries, etc.*
- The submittal shows a fence in the 40-foot utility easement adjoining the right of way, north of Lot 1-B. The Homer Public Works Department did not comment about the fence. ENSTAR submitted a statement of no comments, objections, or recommendations. Unless a utility provider objects to the fence being in the utility easement, staff will not recommend relocation.*
- The owner is put on notice that any utility provider could damage and/or remove the fence during maintenance or repair of their facilities. Repair or replacement of the fence will be at the owner's expense. Additionally, a lending institution would most likely consider the fence an encroachment so a re-finance or sale of the property would halt until the encroachment is resolved.*

#### KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review:
  - 3350 Homer Spit Rd - will be updated by the City of Homer



- 3232 Homer Spit Rd - will be updated by the City of Homer
  - Existing street names are correct.
- KPB Planner: There are no Local Option Zoning District issues or Material site issues with this proposed plat.
  - *Platting Staff Comments: The proposed subdivision is in city limits. A review is not required.*
- KPB Roads Department: Out of jurisdiction, No Comments.
- State Department of Fish & Game: No Comments.
- State Parks: No Comments.

### KPB 20.30 Design Requirements

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

#### 20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

*Platting Staff Comments: The only public access for Lot 1-A, Louie's Lagoon, is a 50-foot section line easement. During the plat review, platting staff recommended dedication of the section line easement per KPB 20.20.200 (20.30.210 current code), which the Plat Committee approved. However, the final plat did not dedicate the section line easement, and the mylar was recorded with the only access to Lot 1-A being the section line easement. Imagery shows the section line easement is completely in the tidal mudflats and crosses a stream. The section line easement does not appear to provide practical access to any parcel.*

*Close review of the imagery shows a driveway off Homer Spit Road crossing the subject property, which provides physical address to Lot 1-A. Lot 1-A has been issued a Homer Spit Road address. The subdivider owns Lot 1-A. Staff cautions the owner that if Lot 1-A, Louie's Lagoon, is conveyed to a different owner, the driveway would most likely be an encroachment and need to be resolved, such as granting an access easement, to avoid problems with trespass, rights of use, and/or road blockage.*

- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

*State Department of Transportation Comments: This plat abuts a State maintained road. The ROW for this road is shown on Plat 65-637, Homer Spit, F-021-1(14), pages 5 and 6 of 8.*

*Platting Staff Comments: The surveyor has noted a more recent right of way map on the preliminary plat. **Staff recommends** the surveyor work with DOT to note the correct right of way map on the subject plat.*

#### 20.30.060. Easements-Requirements.

- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

*Platting Staff Comments: ENSTAR submitted a statement of no comments. ACS submitted a statement of No Objections. HEA requested 20-foot-wide utility easements be granted on the existing underground electric lines as depicted on the utility review plat. **Staff recommends** the plat grant the utility easements as requested by HEA.*

**Staff recommends** compliance with 20.30.060.

20.30.180. Pedestrian ways required when. Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.



*Platting Staff Comments: A paved pedestrian pathway is within the Homer Spit Road right-of-way adjoining the proposed subdivision.*

20.30.280. Floodplain requirements.

*Platting Staff Comments: The City of Homer administers the floodplain program through HCC 21.41 Flood Prone Areas.*

*The floodplain note requested by the City of Homer is on the plat submitted for KPB review.*

20.30.290. Anadromous habitat protection district.

*Platting Staff Comments: Per KPB GIS mapping, the subdivision is not affected by the Anadromous Habitat Protection District. If the River Center review states the plat is affected by 20.30.290, staff recommends compliance with River Center recommendations per KPB Code.*

*Per KPB GIS mapping, no anadromous streams flow through the subdivision.*

### **KPB 20.60 – Final Plat**

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required:

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

*Platting Staff Comments: **Staff recommends** one full-sized paper copy of the plat be submitted for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments: All taxes and special assessments levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Additionally, the entire balance, or estimated balance of all special assessments or pending special assessments, as provided in KPB 5.35.070(8) and KPB 14.31.080(8), against the property owed to the borough must be paid in full prior to filing of the final plat. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or [HIS] designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.*

*Per KPB GIS mapping, the proposed subdivision is not within a special assessment district.*

**Staff recommends** compliance with 20.60.030.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

*Platting Staff Comments: **Staff recommends** compliance with KPB 20.60.080.*

20.60.110. Dimensional data required.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

*Platting Staff Comments: **Staff recommends** add a plat note to comply with 20.60.110.*

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** boundary and lot closure computations be provided with the paper final plat.*

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data.

*Platting Staff Comments: **Staff recommends** the boundary for Lot 1-B be revised so it is clear that Lot 1-B is excluded from the subject platting action. A label such as 'not part of this subdivision' could be added. **Staff recommends** the 2018 Mean High Water be shown as the boundary of the subdivision.*

20.60.140. Block and lot numbering. Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.

*Platting Staff Comments: The proposed subdivision is eliminating two duplicate adjoining lot numbers (1-A). As a suggestion, and for simplicity, the lots could be numbered 2 and 3.*

20.60.150. Utility easements.

B. The following note shall be shown on the final plat:

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.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.150.*

20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

*Platting Staff Comments: **Staff recommends** a plat note be provided for the two blanket easements granted to Homer Electric Association including the recording information.*

*Date of entry for the subject property was in 1919 so no section line easements affect the proposed plat.*

*The recording information for the 40-foot utility easement affecting the parent subdivision is essentially correct. Page 671 is an exhibit showing the location and width of the easement; however, the easement actually starts at Page 669. If someone researching this easement entered Book 188 Page 671 on the Homer Recorder's website, they would not be able to find the easement. In order to assist future research, **staff recommends** the page for the 40-foot utility easement be shown as Page 669. **Staff recommends** the entire easement per Bk. 188 Pg. 671 be shown on the plat as it affects former government lots 1, 2, and 3 of Section 35. **Staff recommends** the depiction of the utility easement within Lot 2-A-1 match the 40-foot utility easement as being granted by plat note 2.*

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments: **Staff recommends:***

1. *Correct the year in the Notary's Acknowledgement.*
2. *Revise the Notary's Acknowledgement on the final plat per 20.60.190. If the surveyor prefers to use a sworn statement, change Notary's Acknowledgement to Notary's Jurat.*
3. *Revise the Certificate of Ownership so the authorized signatory signs the plat on behalf of the LLC.*
4. *Include the name and title of the authorized signatory in the Certificate of Ownership.*
5. *Ensure the final Certificate to Plat includes only those parcels being subdivided.*

**Staff recommends** compliance with 20.60.190.

20.60.200. Survey and monumentation.

*Platting Staff Comments:*

- Remove the survey markers on the former lot line.
- Show the witness distances for the witness corners on Lot 2-A-1.
- Show the survey markers and measurements used to establish the Southeast corner of Lot 2-A-1.
- Set a survey marker on the right of way line so that the distance between monumented points is less than 1,320 feet.

**Staff recommends** compliance with 20.60.200.

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

**NOTE:** 20.25.120. - REVIEW AND APPEAL.

**A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

END OF STAFF REPORT

Chairman Carluccio opened the meeting for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion among the committee was opened.

**MAIN MOTION:** Commissioner Martin moved, seconded by Commissioner Whitney to approve the preliminary plat for Homer Spit Properties 2018 Replat per staff recommendation.

**AMENDMENT MOTION:** Commissioner Martin moved, seconded by Commissioner Whitney to grant an exception to KPB 20.30.170 for Block length, citing staff report findings 1 through 17 in support of the three standards.

**AMENDMENT MOTION PASSED:** Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

**MAIN MOTION PASSED:** Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

