

**NOTICE OF MEETING
WORKSESSION AGENDA**

1. **CALL TO ORDER, 5:30 P.M.**
2. **REGULAR AGENDA**
3. **STAFF REPORT 19-30, Permitting process and building location verification** – Open discussion with contractors, surveyors, and realtors **p. 43**
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).
5. **COMMISSION COMMENTS**
6. **ADJOURNMENT, 6:30 P.M.**

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

3. Public Comment

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

4. Reconsiderations

5. Adoption of Consent Agenda

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

A. Approval of minutes of March 20, 2019 **p. 1**

B. Decisions and Findings document for Conditional Use Permit (CUP) 19-03 for 5 dwellings at 3641 Sterling Hwy. **p. 13**

6. Presentations/Visitors

7. Reports

A. Staff Report 19-27, City Planner's Report **p. 19**

8. Public Hearings

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

A. Staff Report 19-28, Ordinance 19-XX adding lighting standards to the Rural Residential and Urban Residential Zoning Districts **p. 21**

9. Plat Consideration

10. Pending Business

A. Staff Report 19-29, Building Height Maximum **p. 27**

B. Staff Report 19-30, Permitting process and building location verification **p. 43**

11. New Business

12. Informational Materials

- A.** City Manager's Report for the March 26, 2019 Homer City Council meeting **p. 63**
- B.** Memo PL 19-02 from the City Planner to the Homer City Council regarding Conditional Use Permit Review **p. 77**
- C.** Memo PL 19-03 from the City Planner to the Homer City Council regarding an update to the Climate Action Plan **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, April 17, 2019. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

Session 19-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:32 p.m. on March 20, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, VENUTI, SMITH AND BANKS

ABSENT: COMMISSIONERS BENTZ, BERNARD (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

The Commission met in a worksession at 5:30 p.m. On the agenda was discussion on the Permitting Process and building location verification with Licensed Residential Contractor Bruce Petska, Big Mountain Builders to provide industry perspective.

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

BOS/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 Climate Action Plan, stating that he wished he had materials to distribute to the Commission for the worksession. Mr. Parks recommended not kicking the plan back to the Council he believed that there were plenty of areas within the Plan that they should dissect the plan further and engage the public more. He believed that there was not a lot of energy within the leadership from the Borough up to the federal level to address Climate Action. He believed the Commission needed to review the issues and what is included in the plan under their scope more thoroughly before sending it back to the Council.

Scott Adams, resident, commented on clearing of the rights of way along the roads and questioning why an ordinance is required to grant permission to clear cut if there is no project.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

A. Approval of minutes of March 6, 2019

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BOS - SO MOVED.

Commissioner Smith requested a correction on page two, under Reports, in his comment he noted that his discussion should reflect "Anchorage" DOT official.

Chair Venuti inquired if there was any opposition to approving the Consent Agenda with the amended minutes.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

REPORTS

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

Chair Venuti introduced the item into the record by reading of the title.

City Planner Abboud reviewed his report for the commission. He noted that the Ordinance to provide funds to Set Free Alaska failed and the extension of water to the portion of Kachemak City was postponed.

City Planner Abboud noted his time out of the office for vacation and conference in April. He then noted the receipt of Commissioner Bernard's resignation from the commission.

City Planner Abboud reported that Commissioner Bos was scheduled to attend the March 26th Council meeting and Commissioner Smith was scheduled for the April 8, 2019 Council meeting and asked for a volunteer for the April 22nd meeting.

Commissioner Bos volunteered for May 13, 2019 Council meeting; and Commissioner Highland agreed to attend the April 22, 2019 Council meeting.

Commissioner Highland questioned the status of the HERC Lease inquiry.

City Planner Abboud stated that Council did received a few Letters of Interest submitted but there was further work needed as they did not get quite what the City was seeking. The Administration was working on the details to issue a request for proposals to manage and lease the HERC.

PUBLIC HEARINGS

A. Staff Report 19-22, Conditional Use Permit (CUP) 19-03 for 5 dwellings at 3641 Sterling Hwy.

Chair Venuti introduced the item into the record by reading of the title.

City Planner Abboud reviewed the Staff Report for the Commission.

The Applicant was present and available for questions from the Commission.

Chair Venuti opened the Public Hearing.

Scott Adams, resident, commented on defining what project are commercial versus residential. He is concerned that if this is becoming the norm, then they should consider different regulations to review those as commercial properties and not the CUP process.

Chair Venuti closed the Public Hearing upon no one else in the audience coming forward to testify.

Chair Venuti inquired if there was any rebuttal from staff.

City Planner Abboud commented that the testimony given was an expressed opinion.

John Bouman, Applicant, rebutted that the project is similar to his other properties in the area and it is similar in scale and in his opinion, very pleasing.

Chair Venuti opened the floor to questions of the commission.

Commissioner Highland asked about the amount of usable land on the parcel as it appeared to be pretty steep on a portion of the site.

Mr. Bouman responded that the site was cleared up to the tree line as he tried to preserve as many of the trees as possible and to use them as a buffer from the road way but noted that most of the parcel was usable land with the exception of 40-50 feet. He referenced the survey provided.

Commissioner Smith commented that he is supportive of the development but questioned the two different uses in one section it states 5 single family residences but handwritten notes indicate nightly rentals, this lends to different fire code applications. Mr. Smith cited the requirements as he knew them.

Mr. Bouman responded that these plans went before the local Fire Department and his understanding is that similar to the other 350 B & B's in Homer a single occupant will be in his dwellings and not multiple, unrelated, occupants in a single dwelling from different cities or states. That is the line drawn by the Fire Marshall in his experience.

Commissioner Bos requested clarification on submittal to the Fire Marshall.

Mr. Bouman responded that his understanding is any plans that are submitted to the Commission go before the Fire Department.

City Planner Abboud expounded on the response that the Fire Department review is nothing similar to a Fire Marshall review and he is not aware of how it is divided up but projects are reviewed with a focus on site planning basically.

Commissioner Bos asked if the Applicant is planning to offer rentals on a yearly basis.

Applicant responded that it will be open year round.

Chair Venuti questioned the location of the leach field distance in relation to the toe of the bluff or steep slope as the regulations address that as forty feet. By the drawings submitted it looks to be encroaching that distance.

Mr. Bouman responded that his engineer has selected the location and the system that they selected which is a Bio Cycle System has a reduced leach field requirement than is reflected in the drawings submitted. It is in his best interest to make sure that they are within the distance requirement and he would advocate that written into the requirements if necessary.

Commissioner Banks requested clarification on the size of the leach field.

Mr. Bouman responded that the initial drawing was before the selection of the system selection.

Commissioner Banks noted that currently in the drawings they are pretty close to the 40 feet so was this top of bluff line surveyed.

Mr. Bouman stated that the leach field was just approximated for location and has not been staked out. He responded that the bluff line was surveyed.

Chair Venuti requested a motion.

BOS/HIGHLAND MOVE TO ADOPT STAFF REPORT 19-22 AND RECOMMEND APPROVAL OF CUP 19-03 FOR FIVE DWELLINGS AT 3651 STERLING HIGHWAY WITH FINDINGS 1-10 AND CONDITIONS 1 & 2.

Commissioner Banks wanted to add a third condition regarding the location of the leach field.

Commissioner Smith agreed that the desire to see that the final product fit.

BANKS/SMITH MOVED TO ADD CONDITION THREE THAT THE LEACH FIELD WILL BE AT LEAST 40 FEET FROM THE DEPICTED TOP OF BLUFF LINE.

There was no discussion.

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

Motion carried.

Further discussion ensued on the zoning area, uses permitted, language distinguishing a hotel such as the Aspen Suites project and this project. It was noted that this project falls under the rooming house definition. If one property owner in the zoning district is allowed then another should be allowed but there is a deeper discussion outside the CUP requirements that would be needed. Additional comments on the intent of the rural residential district and this project leaning to commercial but fits with what is going on in the immediate area.

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

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-23, Permitted and conditionally permitted uses

Chair Venuti introduced the item into the record by reading of the title.

City Planner Abboud summarized the report on the Lighting standards and provided some input from previous discussions and this was proposed as one condition that is typically addressed in most CUP's before the Commission. He then reviewed the "more than one" recommendation which was the second most reason for a CUP. He stated that removing this requirement still leaves other conditions that would trigger the CUP.

City Planner Abboud did not recommend changes in the Gateway Business District.

Commissioner Smith brought forward a lighting issue with the project on Robin Street and questioned if the Planning Department was aware of this issue.

City Planner Abboud is aware of that problem and has been assured by the property owner that they are getting the electrician to address those unshielded lights. He noted that it was not an option to leave as is and it will need to be addressed.

Comment and discussion ensued on a recommendation made at the March 6, 2019 commission meeting with regards to the "More than one structure" condition; having lighting standards

across the board including Rural Residential Districts; difficulties in enforcement of the regulations; quality of life issues on lighting; and Commercial districts should already be compliant.

Commissioner Bos asked how they are to amend this draft ordinance to be effective.

Commissioner Banks recommended deleting the words “that support three or more dwellings on a single lot” on lines 23-24 and lines 31-32 and take a wait and see approach.

Commissioner Smith agreed to a certain extent as there are some exceptions to allowing side broadcasting lights for driveways for example. He personally would not be able to back into his driveway in the winter without the aid of two 75 watt lights.

City Planner Abboud responded with the citation from city code about light trespass or glare. He stated that they could review the lighting standards and address certain things and commented on existing circumstances that may or may not meet standards.

Further discussion ensued on light trespass issues over safety issues; that the design manual criteria differs from city code requirements; and specific city code and exceptions.

Chair Venuti inquired if the commission was ready to make a motion.

BANKS/SMITH MOVED TO DELETE THE WORDS “THAT SUPPORT THREE OR MORE DWELLINGS ON A SINGLE LOT” ON LINES 23-24 AND 31-31 IN DRAFT ORDINANCE AND FORWARD TO PUBLIC HEARING.

Discussion ensued on how the ordinance would read.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti stated the next issue to address was the “more than one” to reduce the conditional use permits.

There was a brief discussion on previous discussion on the recommendations from the commission at the February 20 and March 6th meetings and that the removal of the “more than one” would not really reduce the number of permits issued significantly and that each CUP application is different and should be reviewed separately. Further comments made by Commissioners supported consensus that the Commission cannot see additional methods to reduce the number of conditional use permits.

BANKS/HIGHLAND MOVED THAT THE CITY PLANNER FORWARD A MEMORANDUM TO CITY COUNCIL THAT THE COMMISSION HAS DETERMINED AFTER INTENSIVE REVIEW THAT THERE IS

NO ADDITIONAL ACTIONS THAT CAN BE IMPLEMENTED TO REDUCE CONDITIONAL USE PERMIT APPLICATIONS.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti called for a recess at 7:47 p.m. at the request of the Commission. The meeting was called back to order at 7:52 p.m.

B. Staff Report 19-24, Climate Action Plan

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed his report for the commission. He noted that after his review it appeared that Green Infrastructure might contribute to the goals of the plan.

Commissioner Banks inquired how they should address the review, individually address each issue or after the City Planner reviewed in its entirety.

There was no response from the Commission.

City Planner Abboud proceeded to review the remainder of his report. He commented on the following:

- Reallocation of HART funds
- Non-motorized Transportation Trail Plan review with input from Public Works
- Complete Streets Designs
- Town Center Plan
- Evaluating Site Plans, Building Mass but no building inspections
- Building Codes and inspectors
- LEED is not practical for Alaska

A brief discussion was held on funding received recently that was thought to be because the City had the Climate Action Plan.

Further discussion and comment ensued on the following:

- The compilation submitted by the City Planner was a good starting point
- They could add items such as Green Infrastructure and use of Natural Gas
- Provide information and best management practices to developers related to Micro Green Infrastructure for managing stormwater drainage
- Building Codes and Inspection

- Seeking Direction from City Council on what they would like the Commission to accomplish
- Creating a subcommittee to work on this item
- Mayor requested recommendation from the Commission to review and revise the Plan
- Obtaining updates from adaptation
- Some items are progressing on their own such as homes being built to code standards and efficiency standards
- Home owner builders are a little bit harder to encourage and approach would need to be focused on the education on the savings that would be earned with expending the funds in the beginning
- Advocacy for addressing Climate Change was needed on the local level, perform analysis on all city buildings with regards to CO2 emissions and the Commission should have a worksession in April to review what Mr. Parks submitted to the commission and Mr. Olsen should be invited to speak to Council on the inroads that are being conducted.
- Moderator and Expert was required and the Commission would be required to perform the work. Planning Staff can only put the plan on the table. No new information besides an article was submitted by Mr. Parks. There were no recommendations on what should be addressed.
- The Commission requires direction from City Council regarding the Climate Action Plan
- Debate on whether the Commission should undertake the review of the Climate Action Plan and the viewpoints on the populace, political or otherwise.

Deputy City Clerk Krause called for a point of order noting that the discussion has deviated from the agenda item.

Commissioner Banks noted that the agenda item was the Planning and Zoning section of the Climate Action Plan. He believed that they have deviated somewhat but what he wanted to do was separate this out and review and update or recommended changes to it. Now do they request permission and a methodology from Council to do that review and hold a public session to gather information or do they proceed and come up with recommendations and forward to City Council.

City Planner Abboud commented that he was thinking of the metadata analysis that he would have to do to make any salient recommendations on this and commented on the Non-motorized Transportation Plan and infill and then the requirement of funding. Since there is no funding that means people have to do a lot of work and he would have to drop everything to work on this.

Commissioner Highland appreciated Commissioner Banks statement as a foundation.

Chair Venuti asked if Commissioner Highland would like to make a motion.

Commissioner Banks restated his two items or paths that the Commission could take regarding the Climate Action Plan at the request of Commissioner Highland.

Chair Venuti inquired if that was a motion. Commissioner Banks stated it was not, just restating the two directions he previously mentioned that the Commission could take.

Commissioner Bos asked for the first path to be restated.

Request direction from city council to update the planning and zoning section of the climate action plan.

Commissioner Bos preferred to submit a request for direction from City Council before the Commission undertakes further action or time on this.

HIGHLAND/BANKS MOVED TO POSTPONE THE DECISION UNTIL THE NEXT MEETING.

There was a brief discussion on postponing the discussion until Commissioner Bentz was present so that they could have her professional input.

Chair Venuti inquired if there was any dissent to the motion. Dissent was indicated and Chair Venuti requested a roll call vote.

Commissioner Banks asked for discussion first to hear from Commissioner Bos.

Commissioner Bos stated that he preferred not to postpone the discussion he like to recommendation refer it to Council and if they liked it enough they would send it back to the Commission.

Commissioner Banks stated that he requested postponement since he is not quite clear what he or the commission wants they voted to put it on the worklist but haven't agreed on what they want to work on and he believes that delaying it the two weeks would allow them to be succinct in what recommendations or work the commission would like to do.

Commissioner Highland inquired if the Commission was required to ask permission to work on the Climate Action Plan.

City Planner Abboud explained that as long as the Commission understood that they can do all the work and forward recommendations to City Council but since it was not directed to the Commission the Council may not take it up. He provided some input on providing some recommendations on the plan, no budget allocated to do this right and being limited in their actions.

Commissioner Bos reiterated his stance on requesting direction from Council.
Commissioner Highland called for the question.

VOTE. YES. VENUTI, BANKS, HIGHLAND.
VOTE. NO. SMITH, BOS.

Motion failed.

Commissioner Smith commented that he was in support on going forward with direction from City Council.

Chair Venuti requested a motion to forward a request to City Council.

Commissioner Bos stated he would support the statement made previously by Commissioner Banks.

Deputy City Clerk Krause read the statement:

BOS/BANKS MOVED TO REQUEST DIRECTION FROM CITY COUNCIL TO UPDATE THE PLANNING AND ZONING SECTION OF THE CLIMATE ACTION PLAN.

There was no discussion.

Chair Venuti inquired if there was any dissent to the motion. Dissent was indicated. Chair Venuti requested a roll call vote.

VOTE. YES. BANKS, BOS, SMITH, VENUTI

VOTE. NO. HIGHLAND.

Motion carried.

C. Staff Report 19-25, Building Height

Chair Venuti introduced the item by reading of the title.

City Planner Abboud provided information and review on the discussion from the worksession with Fire Chief Purcell regarding ISO rating and building height limitations. He referenced the memorandum in the packet and suggested the Commission work through section one and if time allowed section two.

City Planner Abboud provided a brief explanation on how the vertical distance is measured currently in Homer City Code 21.35.030. He clarified how effectively the Fire Department fights fire now as well as he understood Chief Purcell's explanation.

Further discussion and comments ensued on determining building heights and how the determination of 35 feet in maximum height.

City Planner Abboud recommended waiting on having a discussion or recommendation on sprinkler system regulations. He reaffirmed that he is not advocating a blanket increase for building height.

Commissioner Banks recommended specificity in location on the structural member.

City Planner Abboud responded that in addressing the particular location this was the recommended language from FEMA.

Commissioner Smith reiterated a discussion the Commission had at the last meeting that whatever they drafted they would submit it to the Fire Chief for review before submittal to Council. He then informed the Commission that he had a discussion with one local company who advocated for 52 feet height limit and is currently playing phone tag with another company and suggested that they have a worksession prior to the next meeting with those two for official communication so the Commission can have a discussion on height limitations in Commercial versus Residential applications to allow for flexibility.

Chair Venuti inquired if Commissioner Smith was making a motion.

City Planner Abboud did not recommend addressing residential unless the Commissioners felt it was really necessary. He preferred to review it by district.

There was a brief discussion on further review and proper input on the issue and bringing it back for additional discussion by the Commission.

D. Staff Report 19-26, Permitting Process and Building Location Verification

Chair Venuti introduced the item by reading of the title into the record.

City Planner Abboud provided a very brief summary of requested action for Staff by the Commission.

Commissioners recommended inviting local contractors, surveyors, realtors and person who performed clearing and or dirt work.

City Planner Abboud responding to a question from Chair Venuti that there was one issue within the last year before the commission that was required to purchase additional property and had to replat their property.

Additional discussion was entertained on the following points:

- adding the requirement of providing an Asbuilt upon completion of the project
- Making it a requirement of the conditional use permitting process
- Good conversation the commission should have in a worksession
- Preference to leave some ability for conceptual planning

- Require a survey when applying a Conditional Use Permit

Chair Venuti noted the late hour and stated that they were not going to solve this tonight and will be having additional worksessions on the issue.

INFORMATIONAL MATERIALS

- A. City Manager's Report for the February 11, 2019 Homer City Council meeting

COMMENTS OF THE AUDIENCE

Scott Adams, commented on the construction and repair of the seawall mentioned in the Manager's Report and recommended that City should review how some areas in Florida have taken steps to create wave/water breaks off the coast using tires and concrete.

COMMENTS OF THE STAFF

City Planner Abboud commented that he appreciated the comments from Commissioner Banks on the permitting process and will try to get other people scheduled for future worksessions.

COMMENTS OF THE COMMISSION

Commissioner Banks and Smith had no comments.

Commissioner Bos commented that the meeting was interesting, good discussions and everybody can walk out of here as friends, and complemented the Chair on conducting another amazing meeting.

Commissioner Highland wished City Planner Abboud Bon Voyage

Chair Venuti wished everyone Happy Spring and called for a motion to adjourn.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:37 p.m. The next regular meeting is scheduled for Wednesday, April 3, 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.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____



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HOMER ADVISORY PLANNING COMMISSION

Approved CUP 19-03 at the Meeting of March 20, 2019

RE: Conditional Use Permit (CUP) 19-03

Address: 3641 Sterling Highway

Legal Description: Bouman's Bluff 2017 Addn Lot 1B

DECISION

Introduction

John Bouman and Jennifer Liston (the "Applicants") applied to the Homer Advisory Planning Commission (the "Commission") for a conditional use permit under Homer City Code HCC 21.12.030(m) which allows more than one building containing a permitted principle use on a lot in the Rural Residential District.

The applicants propose building five detached single-family dwellings to be used as short term rentals.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on March 20, 2019. Notice of the public hearing was published in the local newspaper and sent to 6 property owners of 8 parcels.

At the March 20, 2019 meeting of the Commission, the Commission voted to approve the request with four Commissioners present. The Commission approved CUP 19-03 with unanimous consent.

Evidence Presented

City Planner Abboud reviewed the staff report. Mr. Bouman was present and available for questions from the Commission.

One letter was received expressing the opinion this many rental structures on one lot was a commercial activity and that the zoning should be changed. One member of the public commented with concern about the definition of a commercial vs residential project.

Findings of Fact

After careful review of the record, the Commission approves Condition Use Permit 19-03 to build five detached single-family residences to be used as short-term rentals.

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 21.12.020(a) authorizes single-family homes, HCC 21.12.020(e) authorizes a rooming house and HCC 21.12.030(m) authorizes more than one building containing a permitted principle use on a lot.

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

Finding 2: The proposed land use and structures are compatible with the purpose of the Rural Residential District.

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

Finding 3: The proposed five single-family residences, operated as short-term rentals, are 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: The proposed rental homes are compatible with the existing mixture of commercial, vacant and residential land uses of surrounding land.

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

Finding 5: Existing public services and fire services are adequate to serve the development.

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

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

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

Analysis:

Finding 8: The proposal shall comply with applicable regulations and conditions specified in Title 21.

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

Finding 9: No evidence has been presented that the proposal is contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns Goal 1 Objective A and no evidence has been found that it is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

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

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

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

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

1. Special yards and spaces.
2. Fences, walls and screening.
3. Surfacing of vehicular ways and parking areas.
4. Street and road dedications and improvements (or bonds).
5. Control of points of vehicular ingress and egress.
6. Special restrictions on signs.
7. Landscaping.
8. Maintenance of the grounds, buildings, or structures.
9. Control of noise, vibration, odors, lighting or other similar nuisances.
10. Limitation of time for certain activities.
11. A time period within which the proposed use shall be developed and commence operation.
12. A limit on total duration of use or on the term of the permit, or both.
13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.
14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2019-03 is hereby approved, with Findings 1-10 and Conditions 1-3.

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

Condition 2: Signage shall comply with the City of Homer Sign Code, HCC 21.60.

Condition 3: The septic system leach field will be at least 40 feet from the depicted top of bluff line.

Date

Chair, Franco Venuti

Date

City Planner, Rick Abboud

NOTICE OF APPEAL RIGHTS

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

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on _____, 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

Applicant:

John Bouman and Jennifer Liston
3651 Sterling Highway
Homer, AK 99603

Holly Wells
Birch, Horton, Bittner & Cherot
510 L Street, Suite 700
Anchorage, AK 99501

Katie Koester, City Manager
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TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: April 3, 2019
SUBJECT: Staff report PL 19-27, City Planner's Report

City Council –

3.26.19

Ordinance 19-09, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a \$100,000 Service Extension Fees and Authorizing the Extension of City of Homer Water Services to Lot 2B, Puffin Acres Milepost 3, East End Road in Kachemak City. Mayor. Introduction February 11, 2019, Public Hearing and Second Reading February 25, 2019. Approved

Staff

I will be out of the office April 2nd through April 17th.

Commissioner opening

We have received the resignation of Commissioner Bernard and will be looking to fill the position through the Mayor.

Appeal

Oral arguments have taken place on March 6th. We are now waiting for the judge to render his decision. We have been told to expect a decision by the end of March.

WORKLIST

Worklist items and summaries below.

CUP reduction

Memo to Council

Site plan requirements/permit follow-up

On agenda

Natural Hazards/Green Infrastructure/Coastal Bluff Definition

No written report has been submitted for the Commission at this time.

If our Coastal Bluff Hazards project summary is approved, a full application will be developed by DGGS.

P:\PACKETS\2019 PCPacket\Staff Reports\City Planner Reports\City Planner Report 4.3.19.docx

Climate Action Plan

Memo to Council

Medical District

We now have a new Comprehensive Plan and we also have an active appeal of CUP 18-09 in the area identified in the plan for development of a medical district. We will hold off on code development until we have a conclusion of the appeal. I expect to have a decision by the end of March.

Transportation Plan

We will now need to get a proposed budget authorized.

City Council report sign up

4.8.19 Scott

4.22.19 Roberta

5.13.19 Tom



City of Homer

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Staff Report PL 19-28

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: April 3, 2019
SUBJECT: Lighting standards for RR and UR

The Planning Commission moved to add lighting standards to the RR and UR districts and hold a public hearing. A motion was made to have the standards apply to all development in the districts instead of just addressing the multiple dwelling scenario as found as a common condition in CUP's.

After reviewing the motion and comparing it to the language found in the other districts, I suggest a motion to amend the language to keep it uniform with the language currently found in other districts. Recommended amendment in bold and underlined.

The level one lighting standards of HCC 21.59.030 apply to all development, uses, and structures in this zoning district.

Since the proposal deals with the application of an existing code provision, I have copied the standards below.

21.59.020 Lighting standards – General.

The intent of lighting standards is to reduce glare and light trespass and to improve the nighttime visual environment. Standards of varying levels may apply if made applicable by other provisions of the zoning code. [Ord. 08-29, 2008].

21.59.030 Lighting standards – Level one.

When level one lighting standards apply, the following are required:

a. Outside luminaires installed at a height of 15 feet or greater above grade in all new developments or replaced in existing developments shall be cut-off luminaires.

b. Up-lighting shall be installed so that it allows its direct illumination to fall only on the targeted building or sign.

c. No outside lighting shall be installed so as to cause light trespass or glare.

d. The height of any driveway or parking lot luminaire shall be a maximum of 28 feet above grade. All building-mounted luminaires shall have a maximum height of 15 feet above grade.

e. Prohibited lighting includes search lights and laser lights.

f. Exceptions to this section may be granted to the extent necessary in any of the following situations:

1. Where the City Planner has determined there are special requirements, such as historic decorative considerations, public monuments, or flag lighting; provided, however, that all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting, glare and light trespass.

2. In an urban area where there is high night-time pedestrian traffic and an engineer experienced in outdoor lighting has provided a written opinion satisfactory to the City Planner that for pedestrian safety reasons it necessary to permit the installation of semi-cutoff luminaires.

3. Where a determination has been made by the Commission, after a public hearing process, that there is a compelling safety interest that cannot be adequately addressed by any other method.

Per HCC 21.95.040, Planning Department review of code amendment, the proposed amendment may only be recommended for approval if it finds:

a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

The proposed amendment is found to support goals and objects of the comprehensive plan. It is consistent with Goal 3 of Chapter 4, *Encourage high quality buildings and site design that complements Homer's beautiful natural setting*. Specifically, it relates to Objective B implantation strategies, *Review site impacts of development*. This all leads to implementation

item 3-B-3, which calls upon the commission to *develop specific policies regarding site development including standards for landscaping, grading, lighting, view protection[s]*.

b. Will be reasonable to implement and enforce.

The proposed amendment may be challenging to enforce, but should be reasonable once the public understands that they will be subject to the regulation.

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

The proposed amendment will enhance public health, safety and welfare in that neighbors and the general public will not be subjected to undue glare off of private property.

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

The proposal is consistent in intent, wording and other provision of title 21.

Staff Recommendation

Hold a public hearing and motion to amend. Schedule an additional public hearing if warranted or forward a recommendation to the City Council to adopt.

Attachments

Draft ordinance 19-xx Lighting Standards

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 19-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
ADDING RURAL RESIDENTIAL ZONING DISTRICT 21.12.060
LIGHTING STANDARDS AND URBAN RESIDENTIAL ZONING
DISTRICT 21.14.060 LIGHTING STANDARDS.

WHEREAS,; and

WHEREAS,; and

WHEREAS,

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.12.060 is hereby adopted to read as follows:

21.12.060 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments in this district.

Section 2: Homer City Code 21.14.060 is hereby adopted to read as follows:

21.14.060 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments in this district.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
2019.

CITY OF HOMER

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Date: _____

KEN CASTNER, MAYOR

Holly Wells, City Attorney

Date: _____



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Staff Report PL 19-29

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: April 3, 2019
SUBJECT: Building Height

Introduction

- The goal at this meeting is for the Commission to continue discussions on building height. We will continue working from last meeting's staff report, SR 19-25. It is attached to this report with the minutes.
- Commissioner Smith provided an email about some conversations he has had with businesses located in the East End Mixed Use District. Currently, EEMU allows for a building height of 35 feet. I'd like the Commission to think of some questions they would ask the business owners and the Fire Chief, so that staff can put together a work session in May.
- What is the level of interest on the Commission to require sprinklers on all three-story buildings – residential and commercial? What additional information would you like to have prior to making a recommendation?

Analysis

Staff has continued to analyze the draft code amendment concerning building height measurement, within a flood area. The language below is staff's new recommendation:

For buildings located within an area of special flood hazard, the vertical distance between grade and the Base Flood Elevation (BFE) plus two feet is excluded from the calculation of building height.

If the Commission is satisfied with this language, please make a motion and move to public hearing.

Attachments

1. Staff report 19-25 from 3/20/19 meeting
2. Minutes excerpt from 3/20/19 meeting
3. Email from Commissioner Smith re: EEMU height limit



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Staff Report PL 19-25

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: March 20, 2019
SUBJECT: Building Height Definition

Recap from 2/6/19 Work Session and Regular Meeting

Chief Purcell spoke at the last work session about Insurance Services Office (ISO) ratings, building height, life safety, fire department capabilities, and sprinkler systems. In summary, he provided information about the change in ISO ratings and evaluations, and that a building height of 35 feet was no longer the standard. He states in his email of February 26th that the new ISO standard is three stories, or 32 feet or more measured from ground to eaves. This new standard allows for more flexibility in roof design. Additionally, he recommended in his email that all three-story buildings have full fire sprinkler systems installed.

The current building height limit of 35 feet does allow for a three-story building, but limits a developer to a very low pitch roof. Changing the definition of building height, or how it is calculated, will give developers a little more leeway in roof design. Chief Purcell does not think that a small change in building height will affect the community's ISO rating. However, it is relevant from a life safety perspective, all three-story buildings, regardless of final roof height, should be sprinkled.

Based on Chief Purcell's comments, and Memorandum 19-016, the Planning Commission is looking at several topics related to building height. Staff would like to work through one to two topics per meeting. The 'topic list' as staff understands it is provided below.

1. Building height calculation in flood hazard areas
2. Definition of building height and grade
3. Existing sprinkler requirements in three story commercial structures
4. Building heights in EEMU, GC1, GC2, MC, MI
5. Sprinkler requirements for all three-story buildings, including residential
6. Should there be an allowance for buildings higher than 35 feet in the CBD?

Staff comment: This staff report has two sections below. The first section will address a possible code amendment to respond to Memorandum 19-016, regarding building height in flood hazard areas. The second section contains a discussion of the definitions of building height and grade. **Recommendation:** Work through section one and provide direction to the City Planner for next steps. Time allowing, discuss section two; does the city want to amend its height definition to allow for greater roof design variation? (We would follow that conversation up with a discussion of sprinklers, but first, does the Commission want to pursue this topic?)

Section 1 Building height in flood zones

Analysis

Staff has provided draft language for amending HCC 21.05.030, measuring heights. While there is a general standard of a 35 foot height limit, Homer City Code also specifies how this vertical distance is measured. See # 3 below. The proposed amendment would exclude the vertical distance for the required flood elevation, from the measurement of building height.

21.05.030 Measuring heights.

a. When measuring height of a building, the following are included in the measurement: screening, parapets, mansards or similar structures.

b. When measuring height of a building, the following are excluded from the measurement:

1. Steeples, spires, belfries, cupolas and domes if not used for human occupancy, chimneys, ventilators, weather vanes, skylights, water tanks, bulkheads, monuments, flagpoles, wind energy systems, television and radio antennas, other similar features, and necessary mechanical appurtenances usually carried above roof level.

2. Wireless communications equipment that does not extend more than 10 feet above the height of the building.

3. Elevation from grade to lowest horizontal structural member of the lowest floor for buildings located within an area of special flood hazard.

c. When determining building height on a sloping lot, building height shall be calculated as follows: more than 50 percent of the perimeter of the building shall meet the maximum building height requirements; the maximum elevation of the remainder of the building shall not exceed the elevation of the first portion nor add more than 12 feet of building height at any point.

d. When determining the height of a nonbuilding structure, such as a sign, fence, amateur radio tower, communications tower or wireless communications support structure, the height shall

be calculated as the distance from the base of the structure at normal grade to the top of the highest part of the structure, excluding lightning rods. For this calculation, normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any fill, berm, mound, or excavation made for the purpose of locating or supporting the structure. In cases in which the normal grade cannot reasonably be determined, structure height shall be calculated on the assumption that the elevation of the normal grade at the base of the structure is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the main building on the lot, whichever is lower. [Ord. 14-18(A)(S-2) §§ 2, 3, 2016; Ord. 09-34(A) § 3, 2009; Ord. 08-29, 2008].

Part 1 Staff recommendation: Discuss the code amendment proposed above. Ask for any additional information needed, and when ready, ask staff to draft an ordinance.

Part 2 Building height and grade Analysis

Homer generally has a current height limit of 35 feet. While it is possible to build a three story building in 35 feet, the options for roof design are limited. Additionally, from Chief Purcell's information, 35 feet is no longer a standard that merits strict adherence. There is a lot more conversation to be had about sprinklered buildings, but for the start of this topic, is the Commission interested in amending code to allow for roof variation?

Staff has included zoning code language from Kenai and Soldotna. Both communities have adopted the building code and have a building permit review and inspection process. Staff brings this up because the adopted zoning code may have district height limitations, but may not be the definitive measure of height – or grade. This conversation about the relationship and effect of a building code vs the zoning code is rapidly advancing beyond what Homer planning staff is knowledgeable about.

Homer City Code: *"Building height" is the vertical distance from grade to the maximum point of measurement of the building, measured according to HCC 21.05.030.*

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

Soldotna: "Building Height" means the vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of any segment of the building. *(Staff note – generally, heights range from 36-48 feet)*

Kenai: “Building Height” means the vertical distance from the “grade,” as defined herein, to the highest point of the roof. *(Staff note: generally a 35 foot height limit in residential districts)*

“Grade (Ground Level)” means the average level of the finished ground at the center of all walls to a building. In case walls are parallel to and within five (5) feet of a public sidewalk, the ground level shall be measured at the sidewalk.

2003 IBC Building Height: The vertical distance from grade plane to the average height of the highest roof surface.

Part 2 Staff Recommendation: Be familiar with Homer definitions of height and grade. Briefly discuss if any changes should be considered, and provide staff direction. Should the City consider a code amendment to allow for more varied rooflines than are allowed under current code?

Attachments

Memorandum 19-016

Minutes excerpt from 3/6/19 meeting

2/26/19 email From Chief Purcell



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

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.

- Further discuss permitting more than one structure in the GC2, this includes application of the Design Manual which is triggered by Conditional Use Permits in the CBD, this does not apply in the GC1 and GC2

Discussion ensued on the large project requirements commercial versus residential; Addressing the more than one structure in the commercial districts, open GC2, GC1 there were a few more considerations and in the CBD there were even more restrictions to consider.

City Planner Abboud responded that over time maybe one or two Conditional Use Permits were issued when comparing the “more than one structure” category with “over 8000 sf” category.

Further discussion on the things that the City oversees versus what they should be concerned about ensued and that those items fell under a Building Department not planning and zoning. The commission commented that it should forward a recommendation to Council that the Commission has thoroughly reviewed the Conditional Use process and that it does not believe there is any way to sufficiently amend the City Code to reduce the number of applications since there are too many variables other than the Code Amendments the commission spoke about tonight.

City Planner Abboud will wrap up what they talked about here bring it back for the Commission review and public hearing.

NEW BUSINESS

A. Staff Report 19-20, Building Height Maximum

Chair Venuti introduced the item by reading of the title into the record.

City Planner Abboud commented on the topic and learning about the availability of residential sprinkler systems, three story buildings and how they measure height from Fire Chief Purcell at the worksession. He is not sure what direction to take on this issue noting that the City could possibly eliminate the issue of three stories if they are sprinklered.

Further discussion ensued with the Commission commenting on the following topics:

- FEMA requirements for the Spit and how that effects the height requirements
- Commercial three story building requirements on Fire Suppression systems
- Requiring conditions for commercial
- Evaluation of East End Mixed Use and codify the height with an exception in one district, Marine Commercial
- The need for three story commercial buildings
- Recommend Staff draft sprinkler code and bring back more info on the proposed regulation
- Have Fire Department involvement

Chair Venuti provided historical information on sprinkler system requirement in residential projects for the State.

INFORMATIONAL MATERIALS

A. **City Manager's Report for the** February 11, 2019 Homer City Council meeting

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Clerk Krause expressed apologies for omitting the page numbers on the Chair's Agenda.

City Planner Abboud commented on the holding the worksessions and further in development they haven't created a record to document the discussion such that they had tonight with Fire Chief Purcell. This is used to provide Council documentation of their work.

COMMENTS OF THE COMMISSION

Commissioner Bos stated that it was a good meeting and was disappointed that no one stayed in the audience like they had for the worksession. He believes that the worksessions are valuable and provide the Commission an opportunity to make worthwhile process on the issues before them.

Commissioner Bernard will be absent for the March 20th commission meeting.

Commissioner Bentz echoed Commissioner Bos' sentiments on the worksessions as it allows them to work through the details without the pressure of Robert's Rules and noted that she will not be attending the March 20th meeting either.

Commissioner Smith is finally not feeling like a rookie and really sees that they are a board that is advocating for the development of Homer and that they advocate and facilitate for the individual but with concern for the whole. He noted that he is learning the language and working with Council and so forth. He appreciates how everyone is diligent and works through everything with respect for each other. Tonight was very interesting and he thoroughly enjoyed it.

Commissioner Banks is a fan of the worksessions and believes they are pretty useful for the commission, educating them on a broad variety of subjects and toss around ideas. It is a prerequisite for decisions. He noted that they are going to finalizing a few things on their worklist and getting them completed before summer.

Chair Venuti appreciated the worksessions also and agreed that it was a good meeting tonight.

From: Robert Purcell <rpurcell@ci.homer.ak.us>

Sent: Tuesday, February 26, 2019 1:15 PM

To: Travis Brown <tbrown@ci.homer.ak.us>

Subject: RE: Planning Commission Work Session Looking at Building Height Maximum

Good Morning Travis,

There has been a change to the Insurance Services Office (ISO) Fire Suppression Rating Schedule (FSRS). In the past, the ISO addressed buildings 3 stories or 35 feet in height overall. The new standard is buildings 3 stories or 32 feet or more in height (ground to eaves)". The issue is access to the roof, so measuring to the roof eaves is a better standard and allows more flexibility in roof design. The 3 stories standard is unchanged and it is the number of 3 story buildings in the City of Homer that is principally responsible for the need for a Ladder Company.

This is the new standard taken directly from the FSRS :

NUMBER OF NEEDED LADDER COMPANIES (NL): Individual ladder/service response areas with at least 5 buildings of 3 stories or 32 feet or more in height (ground to eaves) or with at least 5 buildings that have a Needed Fire Flow greater than 3,500 gpm or with at least 5 buildings meeting any combination of those criteria must have a ladder company.

When no individual response area needs a ladder company, the fire protection area needs at least 1 ladder company if buildings in the fire protection area meet the criteria above

A Ladder Company is an aerial apparatus (ladder truck) and its crew. Homer does not have a ladder company although we have far exceeded the 5 buildings meeting the criteria above. Nor do we have a fire station that can house an aerial apparatus due to the overall height of the apparatus. The issue is that it is difficult to impossible to effectively fire fires in buildings 3 stories or more or over 32' at the eaves without an aerial apparatus by using ground ladders. As a result, these structures are at a much higher risk if a fire breaks out, as are any occupants in the upper parts of the structure. This will usually result in higher insurance rates for these structures and because the community is effectively penalized with a lower ISO Rating due to the lack of a Ladder Company, the rates of the broader insurance market may also be negatively impacted with higher rates, principally on commercial properties. This is intended to create an incentive for the community to meet its full fire protection needs. The risk can and should be mitigated by requiring all buildings 3 stories or more or over 32' at the eaves to have a full fire sprinkler system installed.

Note: Both Kachemak Emergency Services and Anchor Point have aerial apparatus. We have mutual aid with both. However, because we are a separate fire protection area (note the ISO standard above) we do not receive credit for their apparatus and the response time is excessive so they would be of very limited use in most cases.

Recommendation:

Because the number of buildings in the City of Homer that already exceed the height standard or are 3 stories in height, the height limitation on new construction based on controlling community insurance rates is no longer relevant to the communities ISO rating. From fire and life safety perspective, it remains very relevant. The City of Homer Code should require all new construction 3 stories or more or over 32' at the eaves to have full fire sprinkler systems installed.

If you wish to include this text in the materials you will send out, please feel free to do so.

Robert Purcell

Interim Fire Chief

Homer Vol Fire Dept

907-435-7974

rpurcell@ci.homer.ak.us

Motion failed.

Commissioner Smith commented that he was in support on going forward with direction from City Council.

Chair Venuti requested a motion to forward a request to City Council.

Commissioner Bos stated he would support the statement made previously by Commissioner Banks.

Deputy City Clerk Krause read the statement:

BOS/BANKS MOVED TO REQUEST DIRECTION FROM CITY COUNCIL TO UPDATE THE PLANNING AND ZONING SECTION OF THE CLIMATE ACTION PLAN.

There was no discussion.

Chair Venuti inquired if there was any dissent to the motion. Dissent was indicated. Chair Venuti requested a roll call vote.

VOTE. YES. BANKS, BOS, SMITH, VENUTI

VOTE. NO. HIGHLAND.

Motion carried.

C. Staff Report 19-25, Building Height

Chair Venuti introduced the item by reading of the title.

City Planner Abboud provided information and review on the discussion from the worksession with Fire Chief Purcell regarding ISO rating and building height limitations. He referenced the memorandum in the packet and suggested the Commission work through section one and if time allowed section two.

City Planner Abboud provided a brief explanation on how the vertical distance is measured currently in Homer City Code 21.35.030. He clarified how effectively the Fire Department fights fire now as well as he understood Chief Purcell's explanation.

Further discussion and comments ensued on determining building heights and how the determination of 35 feet in maximum height.

City Planner Abboud recommended waiting on having a discussion or recommendation on sprinkler system regulations. He reaffirmed that he is not advocating a blanket increase for building height.

Commissioner Banks recommended specificity in location on the structural member.

City Planner Abboud responded that in addressing the particular location this was the recommended language from FEMA.

Commissioner Smith reiterated a discussion the Commission had at the last meeting that whatever they drafted they would submit it to the Fire Chief for review before submittal to Council. He then informed the Commission that he had a discussion with one local company who advocated for 52 feet height limit and is currently playing phone tag with another company and suggested that they have a worksession prior to the next meeting with those two for official communication so the Commission can have a discussion on height limitations in Commercial versus Residential applications to allow for flexibility.

Chair Venuti inquired if Commissioner Smith was making a motion.

City Planner Abboud did not recommend addressing residential unless the Commissioners felt it was really necessary. He preferred to review it by district.

There was a brief discussion on further review and proper input on the issue and bringing it back for additional discussion by the Commission.

D. Staff Report 19-26, Permitting Process and Building Location Verification

Chair Venuti introduced the item by reading of the title into the record.

City Planner Abboud provided a very brief summary of requested action for Staff by the Commission.

Commissioners recommended inviting local contractors, surveyors, realtors and person who performed clearing and or dirt work.

City Planner Abboud responding to a question from Chair Venuti that there was one issue within the last year before the commission that was required to purchase additional property and had to replat their property.

Additional discussion was entertained on the following points:

- adding the requirement of providing an Asbuilt upon completion of the project
- Making it a requirement of the conditional use permitting process
- Good conversation the commission should have in a worksession
- Preference to leave some ability for conceptual planning

To: Rick/Travis
From: Scott Smith
Date: March 27, 2019
Re: EEMU Build Height Discussion

Greetings,

I was finally able to have a talk with Ken Moore, owner of Northern Enterprises. He offered insights on the inability to truly serve the growing Homer fleet of vessels due to the current building height limitations.

He reflected on how most commercial boat owners have to build temporary sheds often costing in excess of \$20,000 to be able to work on their vessels. These temporary structures are built as extensions to structures owned by Northern Enterprises to facilitate the needed repairs and alterations. Mr. Moore said they dreaming of building a structure that would have 50' to 60' doors into which a commercial vessel could fully fit without the need to build a temporary shed. If the Planning commission could increase the building height in this area, they would probably move forward with construction. He offered the building would need sufficient height to have a sloped roof rather than flat roof which has much higher maintenance costs, which will need to be considered in the discussion.

Both Mr. Moore and Mr. Alan Engebretsen would attend a Work Session to answer direct questions from the Planning Commission. Mr. Moore is in Utah and would need to be phoned in. Mr. Moore suggested we include Eric Sloth, owner of Sloth Boats, who does additions and repairs on fiberglass boats in Homer.

Mr. Engebretsen offered a building of 52' would be very helpful toward their desired growth. He has other suggestions that are worthy of consideration.

I am suggesting we have a work session soon including these three men to discuss the topic of Building Height in the EEMU district as soon as possible. I am happy to set this up.

Contact information:

Alan Engebretsen	907-399-4895
Ken Moore	907-299-0188
Eric Sloth	907-435-7881



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Staff Report PL 19-30

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: April 3, 2019
SUBJECT: Permitting Process and Building Location Verification

Introduction

At the last meeting, the commission heard from local residential general building contractor Bruce Petska and held a discussion about construction practices commonly found in our area, both good and bad. Several options for verifying building location were discussed, both before and after new construction. The idea to have new requirements apply to projects requiring a CUP was introduced. The commission expressed their interest in holding additional work sessions with dirt contractors, general contractors, surveyors, and realtors.

March 20 work session highlights

Mr. Petska provided some insight into the practices he utilizes including scheduling sub-contractors, providing for the needs of his clients, bank financing requirements, and utilizing licensed contractors. He pointed out that work performed by licensed contractors is guaranteed because they must be bonded, insured and uphold their license. When asked about how he utilizes surveyors he said it is often useful to have a surveyor mark the relevant property corners on a case-by-case basis. He noted that a surveyor will take a comprehensive look at the plat and be able to identify any easements or other plat note considerations that should be taken. He noted that the typical cost to have a surveyor provide an as-built is \$450 - \$750 or more.

Examples of setback verification

Attached, I provided 3 examples of how other municipalities deal with setback verification. I chose these three because they cover a range of possible requirements and may be useful for discussion purposes at the work session.

Staff Recommendations

Hold a discussion with professionals in attendance and provide direction to staff with regards to what type of projects to draft new regulation for – all projects? commercial projects only? Conditional Use Permit projects only?

Attachments

- 1.** Building setback verification examples in other municipalities
- 2.** Setback compliance policy in Louisa County Virginia
- 3.** Alaska Housing Finance Corporation Inspection guidelines for new construction (provided by Franco Venuti)
- 4.** How to access codes online (provided by Franco Venuti)

Building setback verification examples

Kenai, Alaska – population 7,100 – has building inspection program that includes a zoning department review. Residential inspection fees are based on value. Example: A \$300k house costs \$1,585. Commercial inspection fees are based on the IBC cost per square foot of construction.

Inspections required:

Footing Inspection: to be made when forms and reinforcing steel are in place. The lot corners must be marked and setbacks must be field verified at this time prior to pouring concrete. It is the property owner's responsibility to verify all setbacks meet code. A survey may be required to confirm if location is uncertain.

Louisa County, Virginia – population 33,000. Has building inspection program and zoning permit process.

4) When a building or structure is shown on the site plan sketch within 20 feet of the minimum setback a setback survey shall be required for foundations. In addition, a minimum of a setback certification report shall be required for such structures prior to the issuance of a final approval of the building permit. Surveys and setback certifications shall be prepared by a licensed Virginia surveyor. The applicant may also choose to require additional measures to be taken, such as a survey for footings. The cost of surveys and setback certifications shall be paid for by the permit applicant.

Norco, California – population 27,000. Has building inspection program and zoning permit process.

Requires civil engineer or licensed land surveyor certification prior to foundation inspection.

Community Development

Written Policy #01-09; Setback Compliance Policy

Purpose:

To ensure compliance with the Louisa County regulations governing setbacks and minimum yard areas in zoning districts.

Discussion:

In recent years, there have been several occurrences of noncompliance with buildings and structures related to deficient setbacks and minimum yard areas. Too often when these violations are detected by County Staff, the building or structure has already been substantially completed. This results in a situation which requires a significant amount of County resources to resolve, as well as expense to the property owner.

The current permitting process relies heavily on the property owner to ensure compliance with setbacks. Minimum setback and yard distances are documented on all building permits as notice to property owners. In addition, plats are requested at the time of permitting and the applicant is required to show where the structure will be located on the property. At the time of application, Staff ensures that the structure is proposed in a location that complies with setback and yard area regulations. However, the review process has limited engagement with the applicant to stress the importance of setbacks, and no process currently exists, other than observance by County Staff, beyond the initial review at the time of application.

There does not appear to be any single cause for past setback and minimum yard area violations. Indeed, the current process is usually effective in ensuring compliance. However, it is recognized that more can be done to ensure compliance in the future.

A relatively recent incident of a house being built significantly inside of the front setback is an example of what can go wrong. In this instance, the applicant proposed the house in a compliant location. However, the applicant then built the house in a different location, possibly due to an error in measuring from the ROW. Staff discovered the violation, but not until mid-construction of the house.

Numerous challenges exist for Staff under the current process in ensuring compliance of setbacks. Some of these challenges may include the lack of a plat of the property; difficulty in knowing where property lines are, or where the VDOT ROW begins; limited training of inspectors in zoning regulations; lack of professional qualifications to measure setbacks; disregard of regulations by some builders; and miscommunication between contractors and the owner, as well as between contractors and inspectors at a job site.

Setback Compliance Policy:

The following additional steps in the permitting process are to be administered by Community Development Staff in the future to ensure setback compliance:

- 1) Applications will be required to include a plat of the property. In cases where no plat exists, a survey of the property shall be required to provide an accurate plat of the property. An exception may be granted for nonresidential accessory structures at the discretion of the Zoning Administrator.
- 2) Applications shall include a site plan sketch of the proposed building(s) and/or structure(s) with dimensional lines showing the proposed distance to front, side, and rear property lines. Distances from other structures on the same parcel shall also be shown. The sketch shall account for decks, stoops, steps, ramps, or similar structures. When buildings are modified, a new site plan sketch shall be required.
- 3) In addition to the minimum required setbacks, building permit applications shall document the proposed setbacks.
- 4) When a building or structure is shown on the site plan sketch within 20 feet of the minimum setback a setback survey shall be required for foundations. In addition, a minimum of a setback certification report shall be required for such structures prior to the issuance of a final approval of the building permit. Surveys and setback certifications shall be prepared by a licensed Virginia surveyor. The applicant may also choose to require additional measures to be taken, such as a survey for footings. The cost of surveys and setback certifications shall be paid for by the permit applicant.
- 5) A copy of the site plan sketch shall be attached to all building plans.
- 6) Inspectors will be trained in zoning practices to understand site plan sketches.
- 7) When a survey is required for a foundation (See #4), a hold will be placed on the inspection process after foundation inspection until zoning approval is granted. Zoning review will verify that the foundation is constructed in compliance with setbacks.
- 8) The permitting process shall require that a final inspection accompany zoning approval when a setback certification report is required. Zoning review will verify that the structure is constructed in compliance with setbacks.

NEW CONSTRUCTION INSPECTION GUIDELINES

.01 INTRODUCTION

In accordance with Alaska Statute (AS) 18.56.300, residential housing constructed on or after **July 1, 1992**, must undergo an approved inspection process to be eligible for financing by Alaska Housing Finance Corporation (AHFC). The minimum number of inspections, documentation, and other requirements are outlined below.

Residential housing located in approved municipalities as described in .08 is exempt. However, such housing is subject to the building codes adopted and enforced by the approved municipality.

.02 INDEPENDENT INSPECTOR REQUIREMENTS

Only an authorized inspector meeting the following definition may perform the required inspections. An authorized inspector is not hired by, and has no relationship to, AHFC, nor a relationship (personally or financially) to the builder, developer, owner, real estate professional or other person that is a party to the transaction.

An authorized inspector is:

- An individual who is registered under AS 08.18 to perform home inspections for new construction.
- An architect licensed under AS 08.48, an engineer licensed under AS 08.48, or such other person acceptable to AHFC who has received prior approval in writing from AHFC.
- An inspector from any governmental agency outside the State of Alaska, whose function is the inspection of prefabricated/modular units which may be transported to the State of Alaska, and who inspects prefabricated units for compliance with the AHFC construction standards. This inspector may not be an employee of the manufacturer.

.03 REQUIRED INSPECTIONS

A minimum of five (5) inspections is required; more may be necessary, depending on the construction methods used. An authorized inspector performs each inspection and completes AHFC Form PUR-102, Summary of Building Inspections.

A. Plan Approval

Plan review and approval is the first inspection and should be completed prior to the beginning of construction. (Refer to .11.B for the definition of “construction start.”)

B. Footings and Foundation

Footings and foundation should be supported by undisturbed natural soils or engineered fill that complies with the applicable state building code. Footings and foundation construction should be capable of accommodating all loads and of transmitting the resulting loads to the supporting soil according to the applicable state building code.

1. Footings

Exterior walls should be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems. An inspection is made after excavations for footings are completed and any required reinforcing steel is tied in place. When applicable, ground cable should be installed.

2. Foundation

Inspections may vary depending on the type of construction and the supporting soil. The foundation inspection includes, but is not necessarily limited to, an inspection of the foundation's reinforcement, depth, drainage, anchorage, elevation, backfill, and waterproofing or damp-proofing.

C. Rough-In Inspections (Framing, Electrical, Plumbing, and Mechanical)

1. Framing

Interior and exterior walls should be constructed according to the type of material used as specified in the state building code. The framing inspection should be made after all electrical, plumbing, and mechanical rough-in has been inspected and all ducts, chimneys, hold-downs and shear walls are installed and framing is complete. Pre-assembled walls must be ICC listed. The manufacturer must comply with ICC's quality control requirements, continuing to keep the wall assemblies listed, as long as the wall assemblies are used in new construction.

Either the manufacturer of the pre-assembled walls or the contractor using them must provide the authorized inspector with a copy of the third-party evaluation report on the wall assembly. The authorized inspector must verify that each wall assembly is, at a minimum, stamped with: 1) the name and address of the manufacturer and 2) the third-party evaluation report number.

2. Electrical

The electrical inspection includes an examination of the materials, components, and electrical equipment installed. All rough wiring for the structure and the electrical service is inspected at the same time. Rough-in inspection includes, but is not necessarily limited to, all wiring within the walls, all circuit breakers, panel boards and ground splices terminated by mechanical means. The inspection takes place after all wiring systems, including the ground conductor, have been installed in approved boxes,

cabinets, and service equipment. Switches, receptacles and fixtures should not be installed at the rough-in.

3. Plumbing/Mechanical

In accordance with the state building code, the plumbing and mechanical systems are inspected prior to covering or concealing any portion of the system. The inspection takes place after the installation of all water piping, drain, waste vent piping, fuel gas piping, HVAC ducting, range, dryer and bath exhaust ducting, furnace, boiler, water heater, unit heaters, and/or other fuel fired appliances and their venting system. Also in accordance with the state building code, water or air pressure testing is required on all water, drain, waste and vent piping. Air pressure testing is required on all fuel gas piping.

D. Insulation and Vapor Barrier

Generally, the insulation/vapor barrier inspection is completed after the rough-in framing, electrical, plumbing and mechanical inspections are approved, all insulation has been installed in ceilings and walls, and all vapor retarder is in place and sealed. The authorized inspector must also have adequate access to determine compliance with Alaska Building Efficiency Standard (BEES).

E. Conditional Approval

A conditional approval is acceptable **only** when unfinished items cannot be completed due to weather or other delays beyond the builder's/contractor's control. Conditioned items must not pose a risk to health or life/safety. The lender is responsible for ensuring timely completion of the work and obtaining final documentation.

F. Final Approval

Generally, the final inspection takes place when a residential unit is 100% complete. All health or life/safety items must be addressed and the final inspection performed prior to occupancy.

.04 PREFABRICATED/MODULAR HOMES

Prefabricated/modular homes are constructed in a factory under "ideal" conditions, structurally engineered to be built in sections or modules, which can be transported to the site. During construction modular units must be inspected by the appropriate governmental entity in the state or country in which the unit is manufactured, **or** by an authorized inspector. The purpose of the inspection is to provide oversight and to ensure compliance with current adopted building codes. An authorized inspector may perform all the inspections listed on the applicable Form PUR-102, or in some cases, do so in combination with a governmental entity who certifies compliance with framing,

electrical, plumbing, mechanical, insulation, and vapor barrier. (Refer to .06 for a description of PUR-102 forms.)

A. Plans and Inspections

If a governmental entity in the state or country where the construction takes place performs the inspections, an authorized inspector must complete a plan review **prior** to the plans being submitted to the governmental agency. The plans must clearly specify the seismic zone, along with the wind and snow loading requirements for the community where the unit is to be located.

The governmental agency must conduct a plan review as well as inspecting the construction of the unit.

B. Governmental Seal/Insignia

Modular units **must** have an insignia/seal attached to each completed unit. For inspections performed by an authorized inspector in conjunction with a governmental entity, the seal shall be attached by the governmental entity at the factory. Modular manufacturers who are using authorized inspectors for the entire inspection process must develop a seal/insignia. The seal/insignia must include, at a minimum; the manufacturer's name and address, serial number of the unit along with the year built, wind and snow loading requirements and seismic zone for which the unit has been designed, construction codes used, dates of inspections, and the inspector's name. The authorized inspector must permanently affix the seal/insignia to the unit.

C. On-site and Final Inspections

An authorized inspector must complete the foundation inspection. When the modular unit is placed on the foundation, the authorized inspector must verify that the sections have been properly joined and connected according to the manufacturer's recommendations; the vapor retarder has been properly sealed, all service connections are complete and all systems are operational. The manufacturer's seal/insignia must be present and permanently attached to each section.

.05 MANUFACTURED HOMES

Manufactured homes placed on permanent foundations must comply with all the requirements of Housing and Urban Development (HUD) Regulations 24 CFR Parts 3280 and 3282 for the specific area of Alaska in which the unit is being placed.

An authorized inspector must approve the foundation plans, and inspect the footings and foundation. The inspector must be on site to certify that multi-section units are joined according to manufacturer instructions, the vapor retarder has been properly sealed, and all service connections are properly secured and operational.

Once the manufactured home has been placed on its foundation, the authorized inspector performs the final inspection to ensure the unit is properly secured, tied down and the HUD seal/insignia is in place.

.06 INSPECTION FORMS

AHFC designed Form PUR-102, Summary of Building Inspections, for the authorized inspector to sign certifying that the residential unit is in compliance with the state building code. The applicable PUR-102 should remain on the construction site until all the inspections are completed and the inspector has signed off on the final inspection.

- [Form PUR-102](#) for site built homes.
- [Form PUR-102-MD-Gov](#) for prefabricated/modular homes inspected by a governmental entity inspector **and** an authorized inspector. In addition, the governmental entity's inspection report must be recorded as addendum "A."
- [Form PUR-102-MD-Fee](#) for prefabricated/modular homes inspected by an authorized inspector only.
- [Form PUR-102-MH](#) for manufactured/mobile homes.

AHFC recognizes that more than one authorized inspector may perform inspections at various stages of construction. A certification must be made for each of the required inspections. The final inspector may rely on the certifications of the previous inspectors when signing the final inspection certifying compliance with the law.

After the builder/contractor signs the applicable PUR-102 certifying compliance with AS 18.56.300 and 15 AAC 150.030, the form should be recorded. **Recording the PUR-102 is the only means of tracking compliance with the law.** Any interested party, such as the builder, owner, or lender may take responsibility for doing so.

Note: If the PUR-102 is not recorded, the property **is not** eligible for AHFC financing.

.07 CODES AND APPENDIXES

All inspections are based on the 2009 IRC with AHFC amendments. The construction standards mean:

- For building standards, the code for all residential buildings, including those for buildings with three dwellings or less, set out in the version of the 2009 IRC with AHFC amendments. that code to buildings with fewer than three dwellings.

- For mechanical standards, the code for all residential buildings, including those for buildings with fewer than four dwellings, set out in the version of adopted 2009 IRC Standards.
- For plumbing standards, the code adopted by the Department of Labor under AS 18.60.705 except where such code conflicts with requirements for residential wastewater disposal established by the Department of Environmental Conservation (DEC) in which case the requirements of the DEC shall be the standard.
- For electrical standards, the minimum electrical code prescribed by AS 18.60.580.

.08 APPROVED MUNICIPALITIES

Annually, AHFC reviews all municipalities who submit documentation for inspection approval. In order for a municipality to obtain approval, it must **adopt and enforce** codes that meet or exceed the state building code for residential housing. (Refer to .07 Codes and Appendixes.)

AHFC determines which municipalities comply with the inspection procedures mandated by AS 18.56.300 and prepares a list for public use. The [List of Approved Municipalities](#) in the Appendix consists of the municipalities that have building codes and enforcement procedures that meet or exceed the state building code for residential housing. An approved municipality issues a "Certificate of Occupancy" or "CO" as evidence of compliance.

.09 LIABILITY OF INSPECTORS

In accordance with AS 18.56.300 (c), a person may not bring an action for damages against an authorized inspector who inspected a residential unit unless the action is for damages caused by the gross negligence or intentional misconduct of the inspector.

.10 WHEN INSPECTIONS ARE REQUIRED

A. Inspections Required

Following are examples of construction projects that must undergo the approved inspection process.

1. Any dwelling unit where construction began on or after **July 1, 1992**.
2. Improvements to any dwelling where the original construction began on or after **July 1, 1992**. If the original construction required inspections, improvements to the living space, whether a total renovation or small addition, also require inspections.

3. Newly constructed manufactured and modular housing units placed on permanent foundations.

B. No Inspections Required

Following are examples of projects that **do not** require construction inspections.

1. Improvements to dwellings where the original construction began **prior to July 1, 1992**. However, AHFC may require an inspection for an addition or renovation to determine the quality of construction and compliance with adopted building, fire and safety codes. If requested, the inspection may be performed by an architect, engineer, appraiser, or other qualified building inspector. AHFC's decision is made on a case-by-case basis and depends upon the scope and nature of improvements.
2. Non-living spaces such as garages, sheds, decks, fences, patios, workshops, and boat sheds do not require inspections.
3. Non-conforming housing as determined by AHFC and defined in the Selling Guide Section 5006.

.11 DEFINITIONS

A. Inspection

Except for plan approval, an inspection means an "on-site" inspection(s) of the construction project.

Exception: With AHFC's prior written approval, foundation inspections in rural areas (those meeting the definition of "rural" in the Selling Guide Section 1003), may be conducted by videotape, representative stationary photos, or other acceptable methods. A disinterested third party should take the videotape and/or representative photos, which must fully represent the work performed and the inspection being conducted.

B. Construction Start

AHFC considers construction to have begun if the pilings, footings, or foundation has been started. Any improvement to a dwelling where the original construction began on or after **July 1, 1992**, must meet the minimum required inspections. If the original construction required inspections, inspections are required when making improvements to the living space.

.01 INTRODUCTION

In accordance with Alaska Statute (AS) 18.56.300, residential housing constructed on or after **July 1, 1992**, must undergo an approved inspection process to be eligible for financing by Alaska Housing Finance Corporation (AHFC). If the inspections were not performed, meeting this requirement may be difficult. Satisfactory completion of a “destructive inspection,” by an authorized inspector **and** an engineer, **may** satisfy this requirement when accompanied by a signed and notarized *Destructive Inspection Certification*. Following are minimum procedures for conducting a “destructive inspection.”

AHFC does not encourage this type of inspection to certify compliance with the law. Therefore, the borrower(s) must acknowledge and accept the inspection report and agree to hold AHFC harmless of any deficiencies in construction of the residence.

.02 GUIDELINES

An authorized inspector and engineer must conduct a physical inspection of the property accompanied by a duly authorized lender’s representative. Using inspection procedures as outlined below, the authorized inspector and engineer determine whether or not a property (that was not initially inspected) complies with statutes. The inspector completes the applicable AHFC Form PUR-102, **and** a *Destructive Inspection Certification*, **if** the property is in compliance.

The authorized inspector retains the following items for a period of five (5) years and makes them available to AHFC upon request; authorized inspector’s and engineer’s written report, continuous video recording of the inspection and stationary color photos as required below.

.03 INSPECTION PROCEDURES

The following aspects of construction must be addressed in the written reports as described.

A. Plan Approval

Plans are reviewed and approved by both the authorized inspector and engineer. The engineer should calculate the adequacy of the size and span of the floor joist and beams. The engineer’s report should address the depth of the footings and adequacy of the foundation for soil conditions. The engineer should state that the improvements are structurally sound and generally meet the state building code.

B. Footings and Foundation

The engineer must certify that he/she has conducted tests on the footings and foundation walls. Tests must establish that reinforcement steel (rebar) was properly sized and placed in concrete. If the foundation consists of pilings (driven or drilled), a copy of the piling installer's log must be reviewed to verify depth and adequacy for the structure and soil conditions.

C. Framing, Electrical, Plumbing and Mechanical

Refer to *New Construction Inspection Guidelines*, **.07 Codes and Appendixes**, for related code information.

1. Framing

The report must include photos that show framing connectors are properly installed (i.e. truss hold-down clips), the attic is properly vented, and all flashing required is in place. The authorized inspector must certify that handrails and guardrails meet codes.

2. Electrical

The following electrical items require inspection.

- All electrical outlets must be tested and demonstrate continuous sequencing. The electrical panel box should be properly wired and marked; photos should be provided.
- Smoke detectors should be operational and conform to code.
- Any areas where a G.F.C.I. outlet is required should be properly wired.

In addition, a hole must be cut in the sheetrock in at least two locations (other than the laundry room) to inspect wiring at the junction box. Photos evidencing wiring properly stapled at the box should be included.

3. Plumbing

Plumbing must conform to the state building code. The inspection must include a water or air pressure test on the waste vent and water system. In the laundry area, bathroom, or kitchen, a hole must be cut in the sheetrock to inspect the wastewater and venting in the plumbing wall. Photos showing the plumbing in this area must be included in the report.

4. Mechanical

Mechanical components must meet the state building code and be properly installed.

D. Insulation/Energy Efficiency

This inspection includes **cutting a hole** in the sheetrock to verify the adequacy of insulation, and that the insulation is properly installed. The Lender's representative may

select the location at random. The inspector must also address the insulation in the floor and ceiling. Photos must evidence satisfactory installation of the vapor barrier. The house must be rated 5 Star or better by the energy rater and the inspector must confirm adequate ventilation for the indoor environment.

.04 FORMS

A. Form PUR-102

The authorized inspector completes the applicable Form PUR-102, depending on the construction methods used. This form is recorded along with a *Destructive Inspection Certification*.

B. Destructive Inspection Certification

The authorized inspector completes a *Destructive Inspection Certification*, which is notarized and recorded along with Form PUR-102. This recorded document serves as public notification that the destructive inspection method was used to certify compliance with the law (AS 18.56.300).

This certification must be recorded as an addendum to Form PUR-102 07/04



March 28, 2014

DESTRUCTIVE INSPECTION

CERTIFICATION

By my signature below, I certify that this dwelling meets the construction standards as outlined in AS18.56.300 and 15 AAC 150.097.

INSPECTOR: _____ LICENSE#: _____ Date: _____
ACKNOWLEDGMENT STATE OF ALASKA)) SS.

_____ Judicial District)
On this ____ day of _____, _____, before me, a Notary Public in and for
the State of Alaska, personally appeared _____ and _____
known to be the person(s) who executed the above instrument freely and voluntarily for the purpose
therein mentioned.

My Commission Expires: _____

By my signature below, I certify that this dwelling meets the construction standards as outlined in AS18.56.300 and 15 AAC 150.097.

ENGINEER: _____ Seal: _____ Date: _____
ACKNOWLEDGMENT STATE OF ALASKA)) SS.

_____ Judicial District)
On this ____ day of _____, _____, before me, a Notary Public in and for
the State of Alaska, personally appeared _____ and _____
known to be the person(s) who executed the above instrument freely and voluntarily for the purpose
therein mentioned.

My Commission Expires: _____

AN EASY LESSON ON HOW TO ACCESS CODES ON LINE

Go to: www.dps.alaska.gov

Click on ~ Divisions

Go to: Fire & Life Safety

Go to: Quick Links

Click on ~ AK Adopted Codes

Click on ~ to view ICC codes click **here**

Click on ~ Go to public access (lower right hand green tab)

Click on ~ I-codes (lower left hand green tab)

Move the sliding time bar left to **2012**

If building a residence

Click on ~ **2012 IRC** (we are currently using the 2012 IRC)

Click on ~ **2012 IRC twelfth printing**

This will bring you to the **Table of contents**

It is important to read. **Chapter 3**

Note the basic wind speeds **Figure R301.2(4)A**

Read & understand **Chapter 6**

Understand & use **Table R602.3(1) ~ Fastener Schedule for Structural Members**

You should also Go to: 2012 AWC ~120 mph, exposure C High-Wind Guide

<http://www.awc.org/pdf/codes-standards/publications/wfcm/AWC-WFCM2012-HWG120C-1511.pdf>

These standards are required anywhere the basic wind speeds exceed 100 mph.

(Homer is in a 120 mph basic wind speed zone)

If building a commercial project

Click on ~ **2012 IBC**



City of Homer

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Memorandum

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: March 20, 2019
SUBJECT: March 26 City Manager Report

Old Library Lot

In May of 2016 the City of Homer contracted with Homer Real Estate to market a number of lots, including what we refer to as “the Old Library Lot,” located at 3713 Main Street (see attached map).

Last fall Council heard from Angie Newby of Homer Real Estate regarding this lot and due to lack of interest Council decided to pull it from the market. A dated appraisal from Derry and Associated appraised the land at \$225,000. However, the Greatland Street extension has made more commercial property available on the market and Ms. Newby believes the 3713 Main Street appraisal to be high. In addition, whoever develops this lot will have to invest \$50,000-\$60,000 in site development costs as a major hill needs to be excavated and several thousand cubic yards moved off the property.

There has been some renewed interest in the property. Under Homer City Code, a new appraisal is required unless Council decides on an alternate way to determine fair market value and/or there is a reason to exempt the lot from fair market value. If Council is interested in re-listing this lot, I can work with Ms. Newby on listing it. Under HCC a property needs to be advertised for a minimum of 2 weeks before Council can consider an offer. If Council is interested in listing the lot, Ms. Newby recommends reducing the asking price to \$187,500.

City Manager Meeting

On March 13th I attended a Peninsula City Managers meeting in Kenai hosted by Kenai Peninsula Economic Development District (KPEDD). These meetings occur quarterly and are great opportunities to talk through real world, close- to-home issues with colleagues. Assembly President Ogle joined us for lunch where I reaffirmed how appreciative Homer City Council members were to be included in a budget worksession last year. The cities and Boroughs are struggling through issues that we will need to work together on such as the implementation of the Wayfair decision and how funding shortfalls at the Borough could impact municipalities. The City of Kenai just went through the development of a Fund Balance policy and I was able to get some good suggestions from the Kenai City Manager as I work through developing recommendations for Council.

Mayor's meeting with Senator Sullivan

Friday, March 1st Mayor Castner hosted a roundtable with regional Mayors and staff at the request of Senator Sullivan. The Mayor gave a great summary of the meeting during his closing comments at the last meeting; however, I would like to take the opportunity to extend a thank you to Sen. Sullivan and to our

neighboring municipalities for making the time to come to Homer. It was a great opportunity to bring us together to discuss common issues. Thanks also to Mayor Castner who had to rearrange his travel plans to be able to host.

Biennial Budget?

Mayor Castner, Finance Director Walton and I have been discussing the idea of transitioning the City of Homer to a two year budget cycle. Many municipalities have a biennial budget, including Juneau and Seward. Under this budget cycle, an in-depth budget process (much like the annual process we go through annually) would occur every two years. However, a supplemental would be introduced in the in-between years to adjust for changing conditions in both revenue and expenditures (much like the mid-year adjustments now). I think this approach would provide greater stability and free up time for increased budget oversight and development of policy. From a timing perspective, it also gives a new Mayor a year to get their feet under them before being thrust into a full scale budget development process. Under current practice, most line items are formula driven based on historical spending/ revenue patterns. I believe it is the Mayor's objective to fine-tune those formulas so projections will be accurate, predictable and easy to explain. Initiating this transition will take a great deal of work from the Mayor, Finance Department and City Departments. It will also require changes to City Code. Because staff starts developing individual budgets as early as this summer, I would like to have a conversation with Council regarding your thoughts and opinions and be able to work through questions you may have before we march down a path that will be difficult to reverse in a short time frame.

Bond Update

At the last meeting Council passed Resolution 19-019(A), approving a bond sale not to exceed \$5,000,000. I want to emphasize that the City of Homer will only bond for the required amount that we need to reach the project budget of \$7.5m. What the actual bond amount will be will vary depending on a number of factors at the time of closing. Perhaps a more illustrative number than what the City bonds for is total available proceeds. This is the amount that will be wired to the City's account by the Bond Bank at time of closing (May 2) to be able to fund the remainder of the project plus closing costs. At this point, I anticipate the total available proceeds needed to be under \$4.78m. This takes into account the funds that council has already dedicated to the project and \$30,000 in closing costs. The bonds will be sold at a premium (investors will pay for the opportunity to earn an above-market interest rate), which means the stated principal amount of the City's bond will be less than this amount. Because approval for the bond will need to occur in a matter of hours after receiving final terms and conditions when the Bond Bank agrees to sell bonds to its underwriter, Resolution 19-019(A) gives broad authority to the City Manager to determine term and final bond amount. The Mayor, City Manager, Finance Director and City Clerk will all have to sign the approving documents – so there will be an excellent opportunity for review. Mayor Castner has committed to lending his expertise in this regard. We also have very experienced bond counsel working on this project, so I feel confident we are in good hands. I am happy to take any questions you have regarding the final closing process to bond counsel. The Bond Bank is scheduled to sell its bonds on April 16, and the City is on schedule to close on May 2.

Damage to HERC Roof

Recent storms have significantly damaged the roof at HERC 1 and I am concerned about the timeline for repairs to the roof.

In 2018, approximately 90 lineal feet of roofing material (about 3 feet wide) blew off. Public Works installed a torch-down rolled roofing product to make the repair. The second week of March, HERC lost about another 65 lineal feet of material, and adjacent material is delaminating. Public Works has ordered some more torch-down material (about \$1000 worth) to make the repairs as soon as conditions are dry enough. To quote Superintendent Gardner, “these repairs are simply like putting a coat of paint on a car that has blistered paint without first removing the loose paint. It will look fresh, but if you touch the blister, the old paint and the new paint will come off. There is nothing solid that we are attaching the new roof material to.”

Planning for the replacement of the existing roof needs to commence as soon as possible. Public Works will bring in Klauder and Associates to do an assessment of the roof and help us get a handle on the timeline for necessary repairs. The attached photos demonstrate the damage from 2018 and this month.

Project Closeout

The Finance Department is currently reconciling project balances citywide. Some projects have been left open in our “books”, even though no activity has taken place for several years. These projects are being closed and any under/over runs are being addressed by the funding source(s). In the coming months, we will be addressing fund balance policy. Along with that, we need to create a policy that provides guidance on how to properly address project closeouts going forward. A complete list of projects, their status, and a request for authority to transfer funds on projects with a balance over \$10,000 will be brought to Council at that time.

CIRCAC Annual Meeting April 5, 2019

Carla Stanley, Homer’s Representative on the Cook Inlet Regional Citizens Advisory Council, emailed Council that she’s unable to attend the CIRCAC Annual Meeting in person and suggested a Council Member might be interested in attending.

Enc:

Photo: March 1, 2019 Mayors Visit with Senator Sullivan

KPB Parcel Viewer Map of 3713 Main Street

Photos of HERC 1 Roof

CIRCAC Annual Meeting Notice and Expert Panel for Cook Inlet Pipelines Information



March 8, 2019 Mayors Visit with Senator Sullivan

Left to right:

City of Homer Port and Harbor Director/Harbormaster Bryan Hawkins

City of Homer City Manager Katie Koester

City of Homer Police Chief Mark Robl

Kachemak City Mayor Bill Overway

United States Senator for Alaska Dan Sullivan

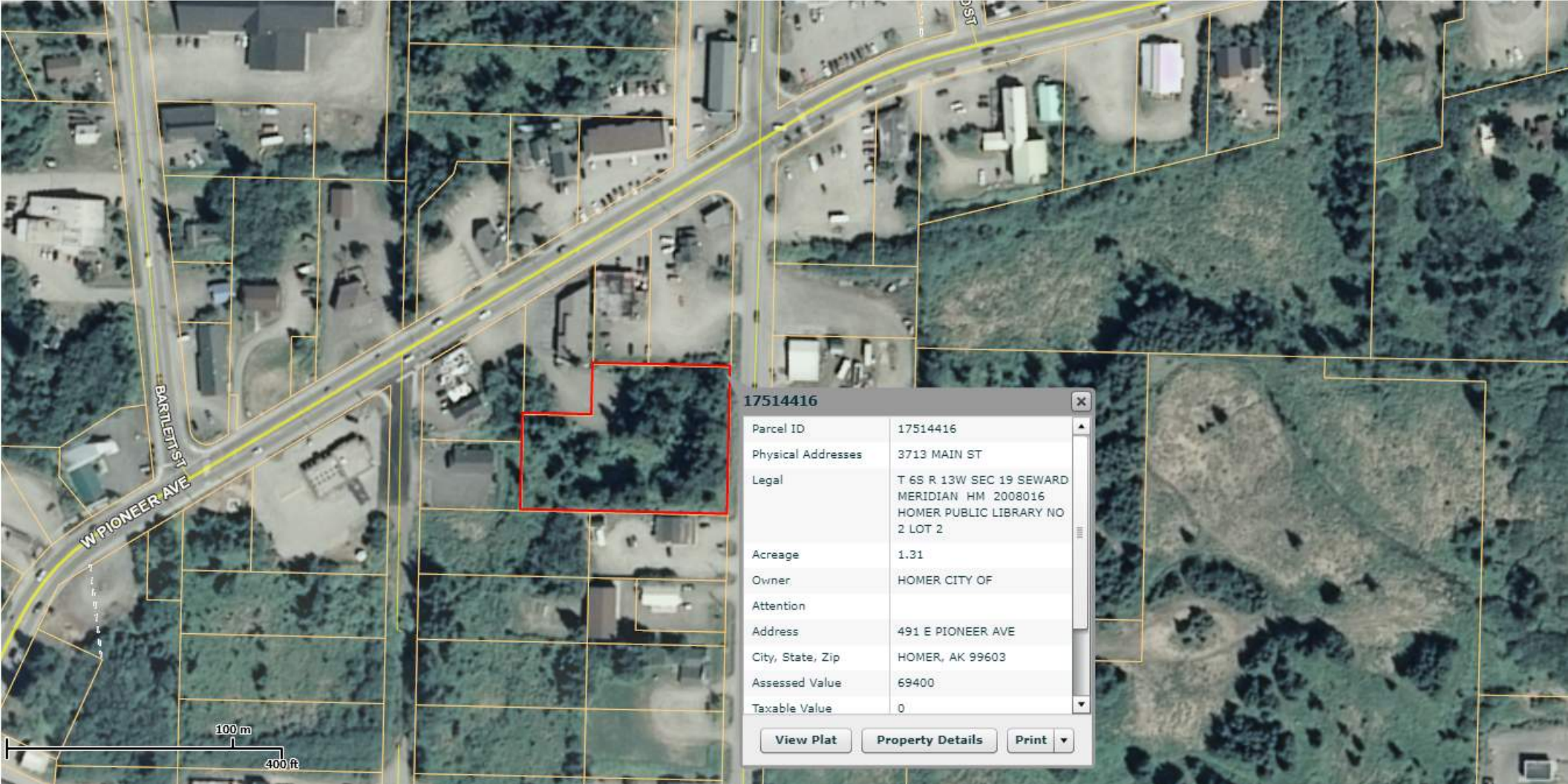
City of Homer Fire Chief Robert Purcell

City of Seldovia City Manager Cassidi Cameron

City of Homer Mayor Ken Castner

City of Seldovia Mayor Dean Lent

Senator Sullivan's Regional Director, Elaina Spraker



Wed Mar 20 2019 09:05:22 AM

KPB Parcel Viewer

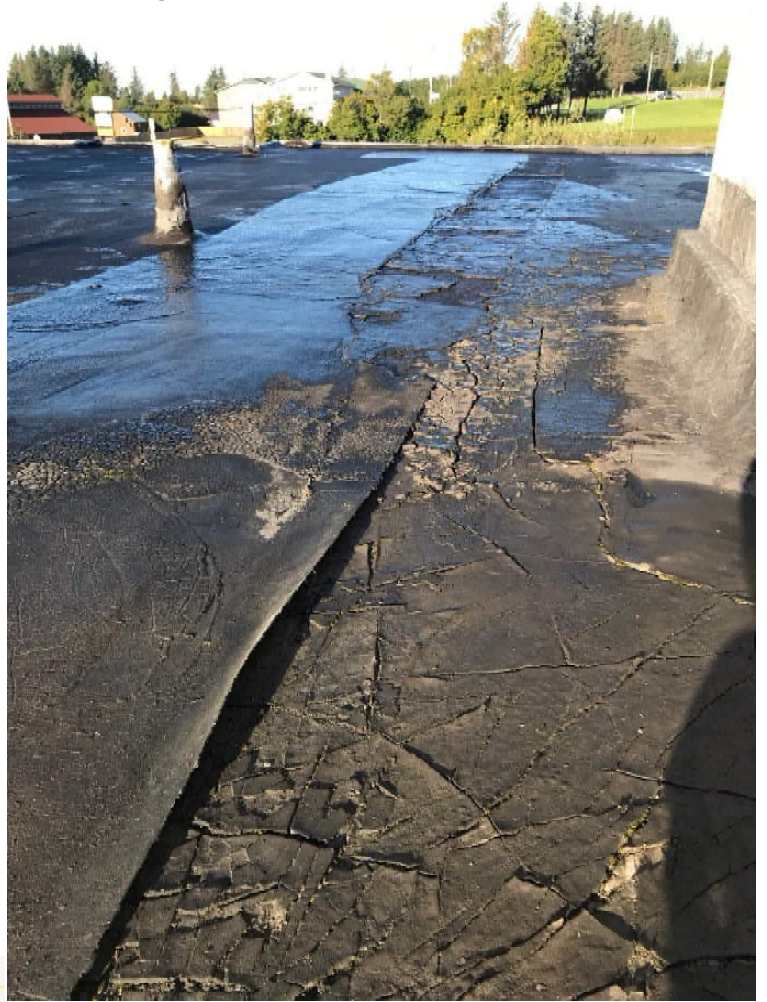
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HERC 1 Roof Damage 2018



HERC 1 Roof Damage 2018



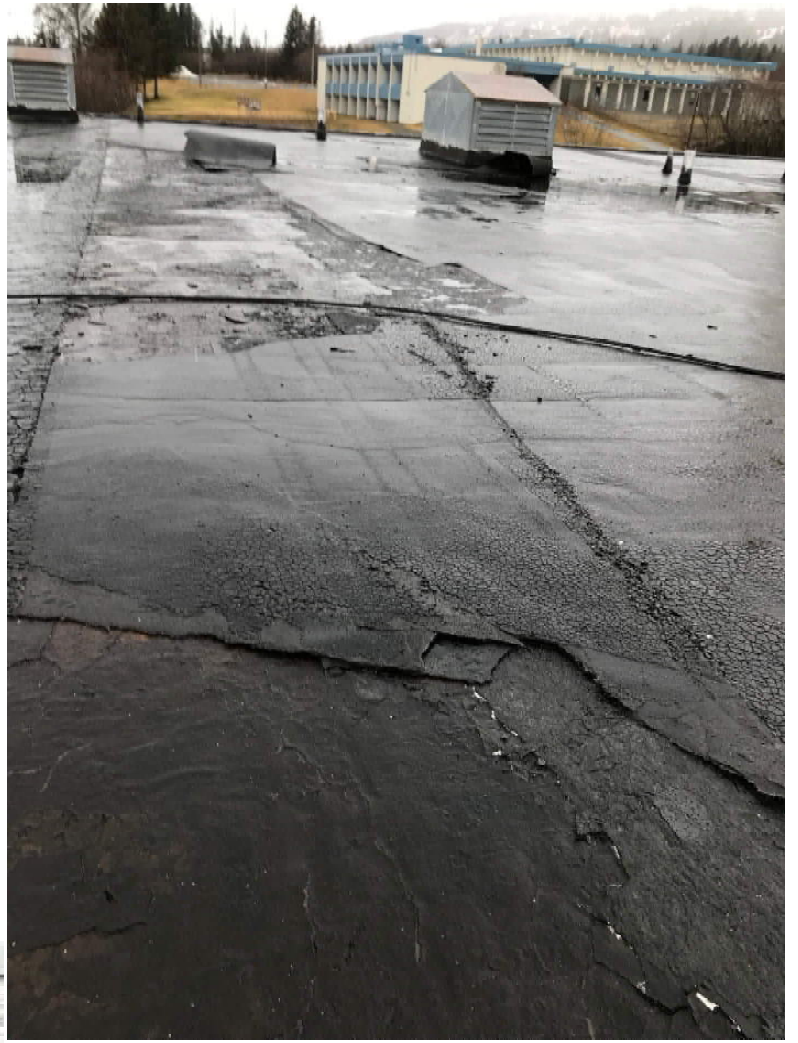
HERC 1 Roof Damage 2018

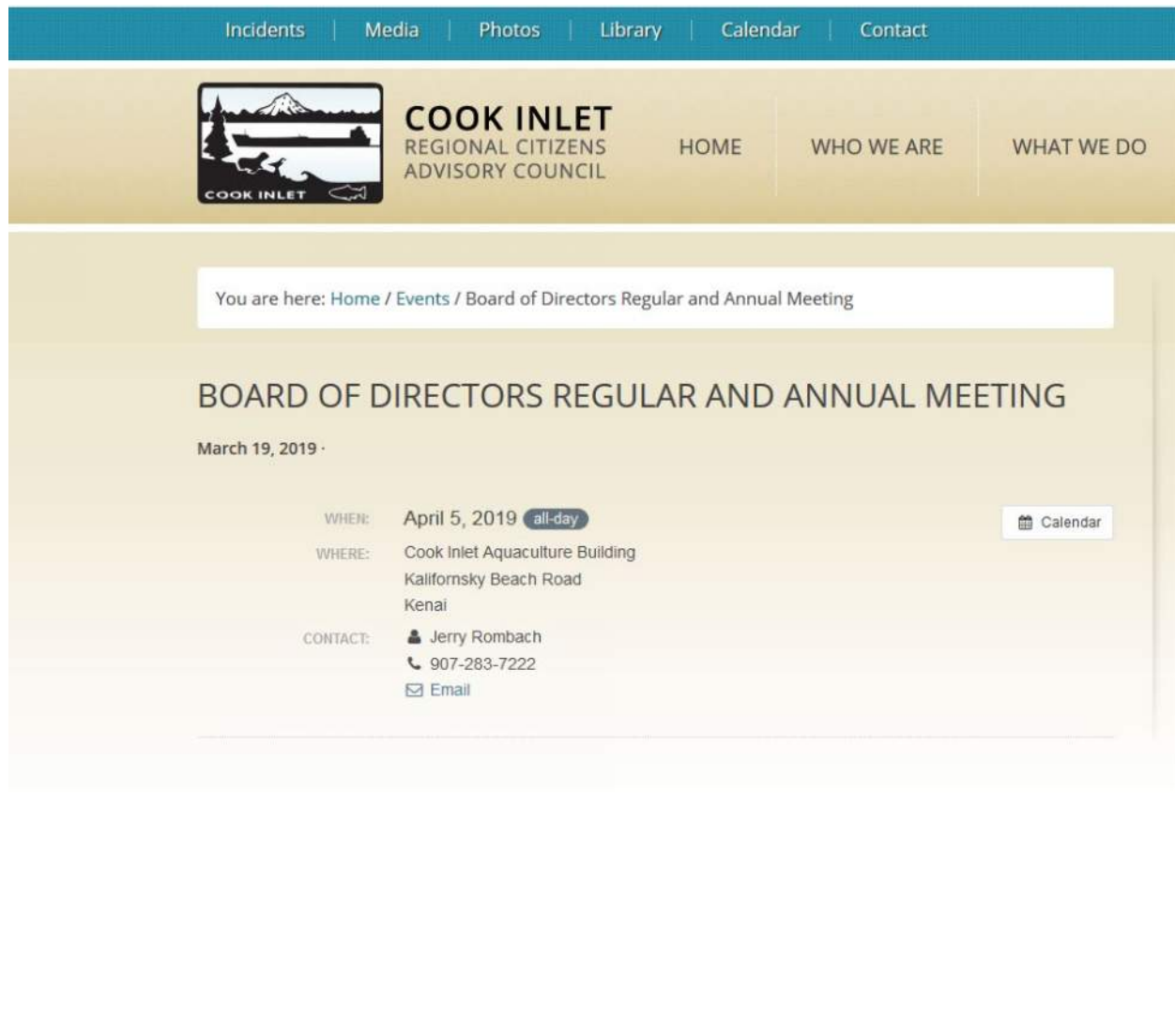


HERC 1 Roof Damage March 2019



HERC 1 Roof Damage March 2019





From the Cook Inlet Regional Citizens Advisory Council website

<https://www.circac.org/expert-panel-established-for-cook-inlet-pipelines-project/>

EXPERT PANEL ESTABLISHED FOR COOK INLET PIPELINES PROJECT

March 15, 2019 · Filed Under: [Highlighted](#)

March 15, 2019—Kenai—Cook Inlet oil and gas pipelines are about to get a close look from a new expert panel charged with ensuring their integrity. Five experts have been selected by the Alaska Department of Environmental Conservation (ADEC) and the Cook Inlet Regional Citizens Advisory Council (CIRCAC) to provide recommendations on pipeline integrity and safety in Cook Inlet, where more than 350 miles of pipelines move oil, gas, and related products among both offshore platforms and onshore facilities.

Panel members Dr. Christopher Dash, James Howell, Andrew Kendrick, Christopher Myers, and Dr. Shirish Patil have more than 150 years of professional experience among them. The five combine local expertise with a broader international perspective, with backgrounds in pipeline operations, engineering, integrity management, corrosion control, and risk analysis.

"I'm very pleased with the depth and breadth of experience the panel brings to this effort," said Graham Wood, project manager for ADEC. Mike Munger, CIRCAC Executive Director, added, "We have been working towards this process for a long time and appreciate the willingness of the panel members to commit themselves to exploring options to enhance pipeline safety in Cook Inlet."

Myers has an intimate knowledge of Cook Inlet oil and gas operations, while Howell and Dash have worked on pipeline safety in other parts of Alaska. Kendrick has consulted on risk management and safety for pipeline projects throughout the country, and Patil spent 30+ years teaching and studying petroleum engineering at the University of Alaska Fairbanks prior to moving to a similar role in Saudi Arabia.

"I look forward to reviewing the technical information and learning whatever I can from the pipeline operators and other panel members," said Dr. Shirish Patil, Saudi Aramco Chair Professor of Petroleum Engineering at the King Fahd University of Petroleum and Minerals in Dhahran, Saudi Arabia. "This is an exciting opportunity to contribute to sustaining Cook Inlet's critical oil production infrastructure while also promoting safety and environmental protection."

The panel will begin reviewing background information in March and convene in May to start their work together.

Contact: Tim Robertson, NUKA Research, (907) 234-7821.

From the Cook Inlet Regional Citizens Advisory Council website

<https://www.circac.org/expert-panel-established-for-cook-inlet-pipelines-project/>



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MEMORANDUM PL 19-02

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBODD AICP, CITY PLANNER
DATE: MARCH 29, 2019
SUBJECT: CUP REVIEW

Introduction

After the Planning Commission was asked to look into options for reducing the amount of CUPs for the allowance of a setback reduction in the Central Business District, the Commission conducted a general review of all CUPs in the last ten years. This review was done in consideration of attempting to eliminate CUPs if appropriate.

The review started with the creation of spreadsheets that displayed all permitted and conditionally permitted activities throughout the zoning districts. We then created additional sheets that review all of the CUPs that have come before the Commission in the last ten years. As we examined the CUPs, information was broken down for the districts, uses, and conditions of each action.

The most popular CUP (More than one building containing a permitted principal use on a lot) is frequently coupled with other CUP triggers such as lot coverage and structure size. Even if one were to eliminate the 'more than one' in the commercial districts, it would account for little if any reduction in CUP applications.

After careful analysis of the CUPs, it was decided that the benefits of conducting a public hearing outweighed the negative aspects of the additional review. It was acknowledged that each application is different and should be reviewed separately. The Commission found the CUP process a valuable tool for the incorporation of the concerns of neighbors, allowing for the incorporation of specific site designs that can help mitigate possible negative impacts of the proposals.

It was moved that the Commission has determined, after intensive review, that there is no additional actions that can be implemented to reduce conditional use permit applications.

Attachments

Staff reports & minutes from the following recent Planning Commission meetings:

- Dec. 5, 2018 (minutes only)
- January 16
- February 6 & 20
- March 6 & 20



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MEMORANDUM PL 19-03

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOD, CITY PLANNER
DATE: MARCH 29, 2019
SUBJECT: Climate Action Plan

The Planning Commission has been discussing the Climate Action Plan. In order to understand the plan better, Allan Parks was invited to make a presentation at the work session held on February 20th. He provided materials regarding the plan and climate planning.

The Planning Commission reviewed the Land Use/Planning & Zoning section at the meeting of March 20th. Discussion ensued about elements of the plan that have been incorporated into the Homer Comprehensive Plan. Additional discussion arose around updating the plan. The Commission has an interest in taking a closer look at the section addressing land use and zoning.

It did seem apparent that participation from those well versed in current climate action thought would be essential. It was not determined what direction a review of the entire plan might entail. The Commission made a motion to request direction from the City Council to update the planning and zoning section of the Climate Action Plan.

Attachments

Staff report 19-24

Meeting minutes of March 20, 2019

Land Use/Planning & Zoning section of the Climate Action Plan

Material from Allen Parks

