

REGULAR MEETING AGENDA

1. **Call to Order**
2. **Approval of Agenda**
3. **Public Comment:** The public may speak to the Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
4. **Reconsideration**
5. **Adoption of Consent Agenda**
All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda.
A. HAPC minutes from Jan. 6, 2016 **Page 1**
6. **Presentations**
7. **Reports:** Staff Report PL 16-04 City Planner's Report **Page 7**
8. **Public Hearings** Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.
A. Staff Report PL 16-05 Towers **Page 9**
9. **Plat Consideration:** None
10. **Pending Business:** None
11. **New Business:**
A. Staff Report 16-06 Hickerson Memorial Cemetery **Page 21**
12. **Informational Materials**
A. City Manager's Report **Page 21**
B. Memorandum Comprehensive Plan Update **Page 33**
C. Marijuana comment from B. Hayes **Page 35**
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:** Next regular meeting is scheduled for February 3, 2016. A work session maybe be held at 5:30 pm. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

Session 16-01, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on January 6, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, ERICKSON, HIGHLAND, STEAD STROOZAS, VENUTI

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

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

Chad Jones, borough resident next to the Hickerson Cemetery expansion area expressed concern about expansion of cemetery near his home. He is concerned about contaminants to the soil and water in the area as he explained in his email to the Commission. He is also concerned that this doesn't involve the Planning Commission since it is outside the city and also with the lack of community involvement and any studies. He noted his research and percentages of people who want to be buried at around 19% and many people know they don't want to be buried. He suggested a task force be developed and a study to advise the city how best to proceed. He believes there is a better way to do this to better represent the people in the community.

Jill Gann, borough resident next to the Hickerson Cemetery expansion area said she recently became aware of the plan for the expansion. She expressed her concern for lack of public outreach for a project that could impact adjacent property values, privacy, and potentially the health and wellness of the community. Some things she and her neighbors are concerned about are borough requirements, contaminants, easements, right of way, buffers, water contamination, and access. Her request is the City of Homer call a public meeting with surrounding property owners sooner than later since ground breaking could start as soon as this winter. We would like to work with the City to resolve our issues and concerns and gain a better understanding of the project and plan, and address the needs and concerns of all the parties.

Reconsideration

Adoption of Consent Agenda

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

- A. Approval of Minutes of December 2, 2015 Regular Meeting Minutes
- B. Bayview Subdivison 2013 Replat time extension request
- C. Tulin Terrace Subdivison, East Tulin Addition time extension request
- D. Lillian Walli Estatates Plat Note Removal
- E. Decision and Findings for CUP 15-06 at 4242 Calhoun St.
- F. Decision and Findings for CUP 15-07 at 1242 Ocean Dr.

Chair Stead called for a motion to approve the consent agenda.

HIGHLAND/BRADLEY SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 16-01, City Planner's Report

City Planner Abboud reviewed his staff report.

Commissioner Highland asked for an agenda items about cemetery. City Planner Abboud said he will bring an update to the next meeting.

Public Hearings

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

- A. Staff Report PL 16-02 Zoning for Marijuana

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Lindianne Sarno, city resident, thanked the commissioners for their work. She encouraged they continue to look at ways to keep this moving forward, emphasizing flexibility. We don't have all the answers yet but we are educating each other and moving forward. It's important to inform, assure,

and educate potential investors about what we are envisioning. Also how to support the limited grows which will be the foundation of the whole thing.

Carrie Harris, city resident, commented the current zoning is very restricted for limited grow operations. It doesn't represent what a majority of the people in the City of Homer voted for. Limited growing isn't big money, but the money that comes from it stays in the town. She encouraged the Commission to lessen the restriction and make it profitable for people to grow and to the city for their share of licensing fees. She appreciates the Commissions work, but the current map is completely against the spirit of what all Alaskans voted on, especially in Homer.

Jeremiah Emerson, city resident, is excited about this opportunity. He thought there wouldn't be a CUP for the central business district and doesn't think it's good for the industry. In looking at the number of bars in the CBD he questions why cannabis isn't regulated like alcohol. It should have zoning equivalent to bars. Limited grows were intended for a person to bring their home grow into the legal market where they can test their product. In looking at child safety and strengthening community, keeping black market products on the street removes the opportunity to test for mold and contaminants are in the product. Allowing limited grows results in a safer product.

Tim Clark, city resident, appreciates the Commissions work and agrees that the map is pretty restrictive. It might not be enough room for everyone who wants to be involved and open these types of facilities. He also questions restriction in the central business district with all the bars there. Maybe they could consider CUP's in the not allowed areas. There are a lot of people who want to convert over and grow legally. The state laws are there to protect the people around them.

Mike Glasgow, city resident, encouraged the Commission to keep working on this. There could be a lot of revenue from this and he wants them to keep going forward.

Derrick Hartman, city resident, expressed his concern on the restriction in rural residential and how it will bolster the black market. It's already here, we might as well do what we can to bring these people out at light. It's what we voted on.

There were no further comments and the hearing was closed.

VENUTI/BOS MOVED TO ADD A 1000 FOOT BUFFER FROM THE COLLEGES AND PLAYGROUNDS AND TO ALLOW MANUFACTURING AS A PERMITTED ACTIVITY IN GC1 AND GC2, AND EAST END MIXED USE DISTRICTS.

There was discussion regarding Jack Gist Park being included as a playground area. It was noted it doesn't meet the apparatus limit as a playground and is in a residential district.

Commissioner Erickson noted the ball fields are also used by the high school.

ERICKSON/VENUTI MOVED TO ADD JACK GIST PARK TO THE AMENDMENT.

There was procedural discussion in that Jack Gist is called out on line 510 of the draft ordinance. It was also noted that Ben Walter's Park is not included.

ERICKSON/BOS MOVED TO AMEND THE AMENDMENT TO ALSO INCLUDE BEN WALTERS PARK.

There was brief discussion.

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

Motion carried.

There was no further discussion on the primary amendment.

VOTE (Primary amendment as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Highland commented about manufacturing. It can be dangerous if done improperly so what is in place to ensure safety? City Planner Abboud commented that there are regulations through permitting. A manufacturing facility will have to have a plan to submit to the state for the operation and it should be as safe as any other manufacturing facility.

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

Motion carried.

City Planner Abboud commented that the buffers adopted have excluded the residential area and central business district. He would rather not have CUP's on any of the uses and either allow it outright or not at all. He encouraged having that discussion. Comment was raised about retail by CUP on the spit. City Planner Abboud doesn't know if it is a viable tourist season business with the cost and permitting requirements.

There was discussion reiterating the Commissions comments at previous meetings that this is a new opportunity and they felt this was a good place to start. If they want to relax some of the zoning once things get underway they can. But it is challenging to make zoning stricter once it has started. They also touched on enforcement, which will likely be done by police and the state through licensing.

VENUTI/HIGHLAND MOVED TO APPROVE THE ORDINANCE WITH THE CHANGES THAT WERE MADE THIS EVENING.

Comment was made to confirm retail will require a CUP in CBD and on the spit.

City Planner Abboud added if they want to allow manufacturing in CBD they will need to make that amendment. He also confirmed testing is allowed outright and cultivation small and large are conditional use.

STROOZAS/VENUTI MOVED TO AMEND TO ALLOW MANUFACTURING AS A CUP IN CBD.

There was comment they had looked at manufacturing as having some potential for danger. It was noted there is a system of checks and balances with a CUP requirement.

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

Motion carried.

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

Motion carried.

Plat Consideration

Pending Business

A. Staff Report PL 16-03 Towers

City Planner Abboud reviewed the staff report.

The Commission discussed:

- Equipment failures and inspections
- Insurance
- The 1.1 times the total height buffer
- Concern about codifying ANSI 222 G

ERICKSON/VENUTI MOVED TO ACCEPT THE CHANGES AND MOVE THE ORDINANCE FORWARD TO PUBLIC HEARING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

City Planner Abboud commented the public hearing will be scheduled in February.

New Business

Informational Materials

- A. City Manager's Report December 7, 2015
B. Letter from Chad Jones Re: Hickerson Memorial Cemetery Expansion Concerns

Comments of the Audience

None

Comments of Staff

None

Comments of the Commission

Commissioner Highland and Bradley had no comment.

Commissioner Erickson said they accomplished some major things and she's pleased with what they got done.

Commissioner Bos agrees that it's good to get the marijuana and tower ordinances moving forward. He is excited about the Comp Plan.

Commissioner Venuti is relieved these are done and they are moving on to something else. It was an interesting meeting and he was surprised they didn't have a larger audience.

Commissioner Stroozas was also surprised at the low audience turnout and it's good they got this accomplished.

Chair Stead wished everyone a happy and prosperous New Year.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:20 p.m. The next regular meeting is scheduled for January 20, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

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Planning

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TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: January 20, 2016
SUBJECT: City Planner's Report

City Council Meeting 1.11.16: There were no planning related items on the agenda. Also there was no commissioner to provide a report. I have included a schedule below. I will provide a presentation about marijuana at the January 20th meeting which introduces the ordinance proposed by the commission. Keeping the City Council informed is important, so pick a date:

January 25th _____

February 8th _____

February 22nd _____

March 2nd _____

March 23rd _____

I have announced our plans to review the comprehensive plan to the department heads. Julie has a memo and draft schedule, which can be found under informational items. This is going to be quite a project after losing a position in the office. The schedule is subject to change depending on workloads.

Dotti has provided a permit summary analysis for 2010-2015.

Year	Residential Zoning Permits		Commercial Zoning Permits		Total
	New Construction	Additions Remodels Accessory	New Construction	Additions Remodels Accessory	
2010	26	16	3	1	46
2011	28	12	5	1	46
2012	23	14	1	4	42
2013	36	14	11	3	64
2014	37	10	10	5	62
2015	38	14	5	3	60

Knox Box information

Under information items, you will find information about a device called a Knox Box. It's a brand of key keeper, kind of like a realtor box. These are very helpful particularly in commercial buildings. The Fire Department brought these to our attention. The home owner or building owner installs this box, and puts door key inside. The local fire department then has access with their own key to the box, so they can get to the building key. This allows the fire department to use a key to enter a building rather than break down the door, in case of a medical emergency, fire, or other emergency.



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Staff Report PL 16-05

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: January 20, 2016
SUBJECT: Towers and Tall Structures

Introduction

After a year and a half of work, we are presenting a towers/tall structure ordinance for public hearing. Tower regulation has been researched and presented to the commission that ranges from the very simple to the most rigorous regulation, we ended up somewhere in the middle.

Analysis

The proposed ordinance is meant to encourage colocation opportunities that results in the need for fewer new towers. It is also meant to help ensure the safety of the structure and their operation. Also considered is a structures effect on the view shed. This proposed ordinance represents a giant leap for Homer in regards to the regulation of towers. Features of the ordinance are listed below.

Exempt from the 'new' code but not with existing code are wireless communications equipment that either is no more than 35 feet tall or that which extends no more than 10 feet above the height of a building. Other exemptions include some temporary uses, amateur radio and alterations within those supported by federal guidelines (lines 104-125).

This ordinance sets maximum heights within each district for which a conditional permit is not required. Towers at or under the maximum height will be required to follow the other application and standards of the new code. This is to help encourage towers in places where they may be more appropriate.

Application requirements (lines 149-187) include explanations of why colocation may not be proposed and proof that the proposal is the minimum height necessary. Also required are maps of all existing and proposed towers of the applicant, a list of components, a visual analysis, and a certificate to ensure that the structure meets industry standards including those of the FCC and FAA.

Communication tower standards (189-230) deal with the physical siting and structure requirements. This includes distance requirements of 1.1 times the tower height to the

property line which contains dwellings and other places of public assembly. The standards support the minimum height necessary for the proposed use, towers should blend in with the environment, setback standards for associated equipment, two off street parking spaces, security requirements, and lighting and signage requirements.

Public participation requirements (lines 231-253) outline the notice and meeting requirements for towers that require a CUP. This requirement includes notification of all property owners within 1200 feet.

Action on communications tower application (lines 255-282) gives the criteria for approval of the application and establishes timelines consistent with federal expectations.

Communications tower removal requirements (lines 284-291) stipulate that if a tower is declared unsafe or has not been in operation for 12 consecutive months, the lessee and owner of the property are jointly responsible for removal of the tower.

The rest of the ordinance, Small Wind Energy Systems is a housekeeping action that proposes no changes to the subject except its movement to another section of code.

Staff Recommendation

Hold a public hearing and make recommendation to City Council. If any substantial changes are made, the ordinance may need to be scheduled for an additional public hearing.

Attachments

1. Tower regulations Draft 1/8/2106 Public hearing

CITY OF HOMER
ORDINANCE 15-xx

Planning Commission

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS USED IN ZONING CODE, HOMER CITY CODE 21.05.030, MEASURING HEIGHTS, AND HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED; REPEALING HOMER CITY CODE CHAPTER 21.58, SMALL WIND ENERGY SYSTEMS; AND ENACTING HOMER CITY CODE CHAPTER 21.58, TOWERS AND RELATED STRUCTURES.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.03.040, Definitions used in zoning code, is amended by adding the following definitions:

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

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

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

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

“Wireless communications equipment” means the set of equipment and network components used in the provision of wireless communications services, including without limitation antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding any wireless communications support structure.

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

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

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

Section 2. Subsection (b) of HCC 21.05.030 is amended to read as follows:

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

1. Steeples ~~steeple~~s, 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.

Section 3. Subsection (d) of Homer City Code 21.05.030 is amended to read as follows:

d. When determining the height of a nonbuilding structure, such as a sign, ~~or 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.

Section 4. Homer City Code Chapter 21.58, Small Wind Energy Systems, is repealed.

Section 5. Homer City Code Chapter 21.58, Towers and Related Structures, is enacted to read as follows:

CHAPTER 21.58

TOWERS AND RELATED STRUCTURES

Article I. Communications Towers and Wireless Communications Equipment

21.58.010 Purpose.

87 The purpose of this article is to provide standards and procedures for communications
88 towers and for wireless communications equipment.

89
90 21.58.020 Exemption from regulation.

91 a. Each of the following communications towers is a permitted principal or accessory
92 use or structure in each zoning district and is exempt from the provisions of this article:

93 1. A communications tower that is placed temporarily to support wireless
94 communications equipment that is provided in response to a state of emergency
95 declared by a federal, state, or local government authority and is removed within 12
96 months after the termination of the state of emergency.

97 2. A communications tower that is placed temporarily to support wireless
98 communications equipment that is provided for media coverage of a special event, and
99 that is placed no more than 30 days before the special event and removed no more than
100 15 days after the end of the special event.

101 3. A communications tower with a height not exceeding 35 feet.

102 4. An amateur radio tower, to the extent that it is exempt from regulation under
103 AS 29.35.141.

104 b. The collocation, removal, replacement or installation of wireless communications
105 equipment is a permitted principal or accessory use or structure in each zoning district and is
106 not subject to approval under this title if it meets all of the following requirements:

107 1. The collocation, removal or replacement is in an existing wireless
108 communications support structure or existing equipment compound that is in
109 compliance with the requirements of this title in effect at the time of its construction
110 and with the terms and conditions of any previous final approval under this title.

111 2. The collocation, removal or replacement will not do any of the following:

112 A. Increase the overall height of the wireless communications support
113 structure by more than 20 feet or 10% of its original height, whichever is
114 greater.

115 B. Increase the width of the wireless communications support structure
116 by more than the minimum necessary to permit the collocation, removal or
117 replacement.

118 2,500 square feet.

119 3. The collocation, removal or replacement complies with the terms and
120 conditions of any previous final approval of the wireless communications support
121 structure or equipment compound under this title.

122 4. The installation is on an existing building that is in compliance with the
123 requirements of this title and with the terms and conditions of any previous final
124 approval under this title, and the wireless communications equipment does not extend
125 more than 10 feet above the height of the building.

126
127 21.58.030 Permission for communications towers.

128 a. Except as provided in subsection (b) of this section, a communications tower is
129 permitted as a principal or accessory use or structure in each zoning district.

b. A communications tower that exceeds the following maximum height for the zoning district in which the communications tower is located is permitted only when authorized by conditional use permit issued in accordance with Chapter 21.71.

<u>District</u>	<u>Maximum Height (feet)</u>
CBD	60
TC	60
GBD	60
GC1	120
RO	85
UR	60
RR	85
CONS	60
GC2	120
EEMU	120
MI	120
MC	120
OSR	60
BCWPD	120

21.58.040 Application requirements. An application for a zoning permit or conditional use permit for a communications tower that is subject to regulation under this article shall include the following information, in addition to information required by other provisions of this title:

a. A level two site plan that shows the location of the communications tower.

b. A written narrative explaining why placing wireless communications equipment at the proposed location is necessary to the applicant's wireless communications services coverage, including confirmation that there is no available site for collocation of the wireless communications equipment within a radius of 1,000 feet from the proposed location in consideration of the proposed technology, why an existing structure may not be used, an evaluation of alternate communications tower locations that the applicant considered, and an explanation why the proposed location is the best alternative.

c. A demonstration that the height of the communications tower is the minimum required for the effective operation of the wireless communications equipment plus the present and future collocations that it supports.

d. A map showing the locations of the applicant's existing communications towers that serve customers in the city and of all current and currently proposed communications towers that the applicant intends to construct to serve customers in the city.

e. A detailed list of major components of the wireless communications equipment that the communications tower will support, and accessory structures such as equipment cabinets and generators.

f. An analysis of the potential visual impacts of the communications tower at distances of 500 feet and 1,500 feet from the proposed location, through the use of photo simulations of the communications tower and the wireless communications equipment that it will support.

The analysis shall include, to the extent practicable, the visual impact along two lines extending from the shore of Kachemak Bay through the communications tower site that are separated by an angle of at least 90 degrees, and show the relationship of the communications tower to structures, trees, topography, and other intervening visual barriers. The analysis will include recommendations to mitigate adverse visual impacts of the communications tower on other properties.

g. A certificate from an engineer licensed in Alaska that the communications tower, and all antennas and other wireless communications equipment located on it, meet industry standards for their construction, including ANSI 222 G or most recent version.

h. Evidence that all wireless communications equipment supported by the communications tower meets applicable Federal Communications Commission requirements.

i. A determination of no hazard to air navigation for the communications tower issued by the Federal Aviation Administration.

h. For a conditional use permit, minutes of each public meeting held under Section 21.58.060(a), and copies of all public comments received under Section 21.58.060(b)(5).

21.58.050 Communications tower standards.

a. The distance from a communications tower to the closest property line of a lot that contains a dwelling unit, dormitory, hotel, motel, bar, restaurant, school, day care facility, church, retail establishment or place of public assembly may not be less than 1.1 times its total height.

b. The height of the communications tower shall not be greater than the minimum height required for the effective operation of the wireless communications equipment and collocations that it will support upon its initial construction.

c. The communications tower and any related equipment compound are painted or coated in a color that blends with the surrounding environment, except to the extent that obstruction marking is required by the Federal Aviation Administration, and the fence or wall that surrounds the equipment compound at the base of the communications tower, combined with any landscaping adjacent to its exterior, shall obscure the equipment compound to view from its exterior.

d. All guy wires, cables and other accessory support structures for a communications tower shall be on the same lot as the tower, but may be located within required setback areas, and shall be properly jacketed to ensure visibility in accordance with applicable safety standards.

e. The equipment compound for a communications tower shall conform to the minimum setback requirements of the zoning district in which it is located.

f. Not less than two off-street parking spaces conforming to the requirements of this title shall be provided on the lot where a communications tower is located for use in the operation and maintenance of the communications tower and the wireless communications equipment that it supports.

h. The equipment compound at the base of a communications tower shall be surrounded by a fence or wall not less than six feet in height with a secured gate. The lowest part of a climbing apparatus that provides access to equipment on a communications tower

shall be at least 12 feet above the ground, and the tower shall have no handholds or footholds below the climbing apparatus.

h. Except for switch type lighting, no artificial lighting shall be mounted on a communications tower, and a communications tower shall not be illuminated with artificial lighting, except when required by the Federal Aviation Administration.

i. Signs. No sign, flag or pennant may be attached to a communications tower except that the following shall be posted in a location that is visible from the ground outside the equipment compound:

1. A sign identifying the party responsible for the operation and maintenance of the communications tower, with a 24-hour emergency contact telephone number.

2. Any antenna structure registration number required by the Federal Communications Commission.

3. Warnings of dangers associated with the communications tower or equipment that is located on the communications tower.

21.58.060 Public notification of communications tower application.

a. The applicant for a conditional use permit for a communications tower shall hold at least one meeting informing the public of the application that conforms to the following requirements.

1. The meeting shall be held at city hall, or at a public facility that is nearer to the location of the proposed communications tower and capable of seating a minimum of 20 people.

2. The meeting shall be held on a day that is not a city holiday at least 15 days before the applicant submits its application to the city.

3. The meeting shall be scheduled to last a minimum of two hours and shall not start before 5:00 p.m. or after 7:00 p.m.

b. The applicant shall notify each record owner of property within 1200 feet of the parcel that is the site of the proposed communications tower by first class mail at least 15 days before the meeting of the following:

1. The legal description, street address and a map of the vicinity, of the parcel that is the site of the proposed communications tower;

2. A description of the proposed communications tower, including its height, design, and lighting, the proposed access to the site and the services proposed to be provided by the tower;

3. The date, time, and location of the meeting;

4. A contact name, telephone number, and address of the applicant; and

5. A form on which to submit written comments, with a comment submittal deadline and instructions.

21.58.070 Action on communications tower application.

a. The reviewing authority shall approve a communications tower only if the applicant demonstrates that it meets the following criteria:

258 1. The communications tower conforms to the requirements in Section
259 21.58.050, and the other applicable standards in this title.

260 2. The coverage for the applicant's wireless communications services customers
261 that the communications tower will provide cannot be provided by collocation on an
262 existing wireless communications support structure.

263 3. Of the available alternate sites, the selected site provides necessary coverage
264 for the applicant's wireless communications services customers with the least visual
265 impact on other properties.

266 b. No action may be taken on a communications tower application on the basis of the
267 environmental effects of radio frequency emissions to the extent that the wireless
268 communications equipment that will be located on the tower complies with Federal
269 Communications Commission regulations concerning such emissions.

270 c. The reviewing authority shall act on a communications tower application within a
271 reasonable period of time after the application has been filed with the city taking into account
272 the nature and scope of the application, but within no more than 150 days after the application
273 is filed. The 150-day period excludes (i) any time that begins when the reviewing authority
274 gives written notice to the applicant within 30 days of receipt of the application that the
275 application is incomplete, clearly and specifically delineating all missing documents or
276 information, until the applicant makes a supplemental submission in response to the notice of
277 incompleteness; and (ii) any time that begins when the reviewing authority has given written
278 notice to the applicant within 10 days of receipt of such a supplemental submission that the
279 supplemental submission did not provide the information identified in the original notice
280 delineating missing information until the applicant makes another supplemental submission.

281 d. An action denying a communications tower application shall be in writing and
282 supported by substantial evidence contained in a written record.

283
284 21.58.080 Communications tower removal requirements.

285 The owner and the lessee of the property that is the site of a communications tower are
286 jointly and severally responsible for its removal:

287 a. If corrective action is not taken within six months after notice that the City Engineer
288 has found the communications tower, or equipment on the communications tower, to be
289 unsafe or not in compliance with applicable law.

290 b. Within 90 days after all wireless communications equipment on a communications
291 tower has not been operational for a period of at least 12 consecutive months.

292
293 Article II. Small Wind Energy Systems

294
295 21.58.110 Purpose and application. The purpose of this article is to establish minimum
296 health and safety standards for small wind energy systems. It applies to small wind energy
297 systems in all districts where they are allowed as permitted or conditional uses.

301 21.58.120 Installation requirements.

302 a. The wind turbine of a small wind energy system may be mounted on a building or a
303 wind energy system tower.

304 b. The surfaces of all small wind energy system components that are visible when the
305 small wind energy system is in operation shall be painted a nonreflective, neutral color.

306 c. A zoning permit application for a small wind energy system shall include the
307 following information:

308 1. A level one site plan that shows the location of the small wind energy system.

309 2. Specifications for the small wind energy system including manufacturer make
310 and model, an illustration or picture of the turbine unit, maximum rated power output,
311 blade diameter, total height, tower color and, if proposed, the location of ladders
312 and/or climbing pegs.

313 3. Tower foundation blueprints or drawings.

314 4. Noise decibel data prepared by the wind turbine manufacturer or qualified
315 engineer indicating noise decibel level at the property line nearest to the location of the
316 small wind energy system.

317 5. Evidence of compliance with, or exemption from, Federal Aviation
318 Administration requirements.

319 6. Evidence that the small wind energy system complies with current
320 Underwriters Laboratories standards for local utility connections.

321 d. Dimensional Requirements.

322 1. The distance from a small wind energy system to the closest property line
323 may not be less than 1.1 times its total height.

324 2. All guy wires, cables and other accessory support structures for a small wind
325 energy system must be on the same lot as the small wind energy system, but may be
326 located within required setback areas, and shall be properly jacketed to ensure visible
327 safety standards.

328 21.58.130 Operation standards.

329 a. Electrical Standards.

330 1. A small wind energy system shall comply with the National Electric Code.

331 2. All electric transmission wires connected to a small wind energy system must
332 be underground, or within the building on which the small wind energy system is
333 mounted.

334 3. A small wind energy system shall not interfere with television, microwave,
335 navigational or radio reception.

336 b. Noise and vibration from a small wind energy system shall not exceed the levels
337 permitted in HCC 21.59.010(b) and (c), except during short-term events such as utility outages
338 and severe wind storms.

339 c. Tower Safety.

340 1. The lowest part of a climbing apparatus that provides access to a wind turbine
341 shall be at least 12 feet above the ground, and the wind energy system tower or
342

building on which the wind turbine is mounted shall have no handholds or footholds below the climbing apparatus.

2. The lowest point through which a wind turbine blade rotates must be at least 20 feet above the ground.

d. Lighting. Except for switch type lighting, no artificial lighting shall be mounted on a small wind energy system, and a small wind energy system shall not be illuminated with artificial lighting, except when required by the Federal Aviation Administration and approved by conditional use permit.

e. Signs. No sign, flag or pennant may be attached to a small wind energy system except for the following:

1. A sign identifying the manufacturer or installer of the small wind energy system.

2. Signs warning of dangers associated with the small wind energy system.

f. Removal. The owner and the lessee of the property that is the site of a small wind energy system are jointly and severally responsible for its removal:

1. If corrective action is not taken within six months after notice that the City Engineer has found the small wind energy system to be unsafe or not in compliance with applicable law.

2. Within 90 days after the small wind energy system has not been operational for a period of at least 12 consecutive months.

Section 6. Subsection (c) of Homer City Code 21.70.010 is amended to read as follows:

c. The following are exempt from the requirement to obtain a zoning permit, but not from compliance with applicable requirements of the Homer Zoning Code, such as, but not limited to, the development activity plan or stormwater protection plan:

1. Any change to an existing building that does not increase the height, or exterior dimension of any floor, of the building, and any change to an existing structure that does not increase the height, or footprint area, of the structure.

2. Erection or construction of a one-story detached accessory building used as a tool and storage shed, playhouse, or other accessory use, provided the building area does not exceed 200 square feet; and further provided, that there is already a main building on the same lot.

3. Erection or construction of a communications tower with a height not exceeding 35 feet, or an amateur radio tower.

~~4~~3. Fences or walls used as fences, unless otherwise regulated by the Homer City Code.

~~5~~4. Removal of any building or structure.

~~6~~5. Termination of any type of use.

Section 7. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of
_____ 2016 .

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 16-06

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: January 20, 2016
SUBJECT: Hickerson Memorial Cemetery

Introduction

At the last HAPC meeting, the Commission received written and verbal comments from concerned neighbors of the Hickerson Memorial Cemetery expansion. The Commission request the item be on the agenda. Since the last HAPC meeting, the City Manager brought this matter to the attention of Council, and is working to address the concerns. A neighborhood meeting for concerned residents has been scheduled for February 10th at 5:30 p.m. This meeting is open to the public if Commissioners are interested in attending.

Analysis

Homer City Code 2.72.010 Homer Advisory Planning Commission established section (a) states, "In order to maximize local involvement in planning, and in the implementation and modification of the Homer zoning ordinance, the Homer Advisory Planning Commission is established. Advisory Planning Commission jurisdiction is limited to the area within the City boundaries." (Staff note; another section goes on to say the HAPC will exercise zoning authority as delegated by the Borough Assembly, which includes the Bridge Creek Watershed Protection District).

The code goes on to say in section 2.72.030 Duties and Powers, (g) The Commission shall be required to do the following: "Make or cause to be made surveys, maps and plans relating to the location and design of any public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street, alley or playground. For the purpose of implementing this subsection, all departments of the City considering any such improvement are required, and all public agencies not a part of the City are requested, to inform the Commission of the proposed improvement, and submit such pertinent information to the Commission and within such time as will enable the Commission to recommend to City Council whether the proposed improvement is consistent with the general plan and established planning principles. No public improvement shall be authorized by City Council until the

recommendation of the Commission shall have been received, but the City Council shall not be bound by that recommendation.”

In practice, the Commission reviews the Capital Improvement Plan each year, but does not review every City project. For example, code talks about parks and playgrounds; that’s something the Park and Recreation Advisory Commission has an active role in. Occasionally a project will come to us and staff will ask the chair if they would like it to be on the agenda, usually parks related because otherwise we are usually unaware of other department construction projects unless they require a permit. Conversely, most if not all infrastructure projects are directly related to the Comprehensive Plan, which has already been approved and recommended by the Commission.

HCC 2.68.040 Duties and responsibilities of the Commission (Parks and Recreation):

“a. It shall be the duty of the Commission to act in an advisory capacity to the City Manager and the City Council on the problems and development of parks and recreation facilities and public beaches within the service area. Considerations of the Commission may include existing facilities, possible future development and recommendations on land use.” The cemeteries usually fall in the Park and Recreation Commission’s domain.

Where does this leave the HAPC with the cemetery? Either Commission has the authority to have it on the agenda, and make a recommendation to the City Manager and City Council. For this situation, the Manager has taken the step of having a neighborhood meeting to listen to and address concerns. Staff recommends postponing any Commission action until after the neighborhood has the opportunity to meet with Administration and have some dialogue. If the Commissions decide to become after that meeting, staff recommends one Commission take the lead, so we’re not having multiple groups of people meeting at different times talking about the same issue. We want to be respectful of citizen, Commission, and staff time on this issue. It may be that the best place for this dialogue is at the City Council.

Staff Recommendation

Staff recommends postponing any Commission action until after the neighborhood has the opportunity to meet with Administration.

Attachments

1. City Manager Katie Koester email 12/30/2015
2. Minutes excerpt of January 6th, 2016
3. Jill Gann email 1/7/2016
4. Nina Faust email to City Council, 1/7/2016
5. Jill Gann email 1/4/2016
6. Chad Jones email 12/19/2015

From: Julie Engebretsen
Sent: Friday, January 15, 2016 10:20 AM
To: Julie Engebretsen
Subject: FW: Cemetery

From: Katie Koester
Sent: Wednesday, December 30, 2015 4:33 PM
To: Chad Jones
Cc: Rick Abboud; Julie Engebretsen
Subject: RE: Cemetery

Dear Chad,

City staff has done additional research on the burial process in Homer that I hope will help assuage your concerns over possible contamination of the site.

Parks staff surveys an average of 12 burials a year in Homer cemeteries. According to the Homer Funeral home, over half of the individuals buried in Homer choose not to embalm their loved ones. Very few embalmed bodies are buried in Homer cemeteries. It took 57 years to sell all the plots at the existing Hickerson Cemetery, and it will likely take another 57 to sell the plots in the expansion and much longer to actually fill them. It is possible that the 5 fold increase in cost for a plot that Council recently passed will slow sales. Homer Funeral Home has information about burials in Homer, I encourage you to contact them with additional questions related to how they handle it locally.

Please understand that Council's intention when initiating this project in 2010 with the purchase of land, and again in the 2016 budget cycle authorizing a phased development, was to provide a space for Homer area residents to bury their loved ones. It is very common for municipalities to provide a cemetery as a public service and the City of Homer only hopes to help offset the costs of developing and maintaining the cemetery with the cost for plots, not make any additional revenue. Though I understand burial is not the preferred method for all Homer area residents, Council felt it was important for the community to continue to have that option.

I also would like to assure you that City of Homer Public Works checked with the State (DEC drinking water and solid waste management) to make sure all the proper rules are followed. There are no State regulations regarding the creation or expansion of cemeteries as it relates to zoning/groundwater concerns. The KPB has established no zoning in the area of the proposed cemetery and does not regulate the creation or expansion of cemeteries. Using arsenic in the embalming process was discontinued in the early 1900s. The existing Hickerson Cemetery was developed in 1960, well after this practice was discontinued.

The issue of the right to install a septic system on the southernmost lot (purchased for the expansion of the Hickerson Cemetery) was resolved at the time closing. The property is clear on encumbrances that would stand in the way of developing the Cemetery as proposed.

The hydrology of the site is conducive for minimizing or eliminating the potential for metals or embalming fluid from entering groundwater and moving off site. In the Homer area in general (and this site in particular), the soil regime consist of a 2-3 foot thick organic surficial layer under laid by impermeable clays, cemented sands, and silts. With a burial depth of 6' and groundwater generally perched on top of the impermeable subsoil (in the surficial organic layer); the potential for groundwater movement from the site from a depth of 6 ' is retarded by the impermeableness of the surrounding soils.

In addition, the site has significant grade that moves surface water relatively quickly from the site, minimizing the potential for surface water to pond and infiltrate into the underlying soil. When Public Works was looking at this site for expansion of the cemetery, they were concerned about the existence of wells close by, but found no evidence that there were any within 100 feet of the property. ADEC requires that septic system absorption fields be greater than 100 feet from drinking water wells.

The City of Homer wants to be a good neighbor. Cemeteries should be peaceful parks where people can reflect on their loved ones. The expansion of Hickerson Cemetery will not happen overnight; Council has only authorized funding for the first 200 plots to be developed. The City Council will have to authorize awarding a contract to a developer to develop the sites and put in a small road to access gravesites. I am sure there will be opportunities for you and your neighbors to be involved in the process. As the project progresses, I would be happy to arrange a neighborhood meeting to help answer questions neighbors have about the development.

Sincerely,

Katie Koester
City Manager

Session 16-01, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on January 6, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, ERICKSON, HIGHLAND, STEAD STROOZAS, VENUTI

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

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

Chad Jones, borough resident next to the Hickerson Cemetery expansion area expressed concern about expansion of cemetery near his home. He is concerned about contaminants to the soil and water in the area as he explained in his email to the Commission. He is also concerned that this doesn't involve the Planning Commission since it is outside the city and also with the lack of community involvement and any studies. He noted his research and percentages of people who want to be buried at around 19% and many people know they don't want to be buried. He suggested a task force be developed and a study to advise the city how best to proceed. He believes there is a better way to do this to better represent the people in the community.

Jill Gann, borough resident next to the Hickerson Cemetery expansion area said she recently became aware of the plan for the expansion. She expressed her concern for lack of public outreach for a project that could impact adjacent property values, privacy, and potentially the health and wellness of the community. Some things she and her neighbors are concerned about are borough requirements, contaminants, easements, right of way, buffers, water contamination, and access. Her request is the City of Homer call a public meeting with surrounding property owners sooner than later since ground breaking could start as soon as this winter. We would like to work with the City to resolve our issues and concerns and gain a better understanding of the project and plan, and address the needs and concerns of all the parties.

Reconsideration

From: Jill Gann <gann.jill@gmail.com>
Sent: Thursday, January 07, 2016 10:51 AM
To: Department Planning
Subject: Proposed Hickerson Cemetary Expansion

Dear Homer Planning Commission Members

I appreciate having the opportunity to speak to you regarding the Proposed Expansion of the Hickerson Cemetery.

I hope that you heard my concerns and will help in any way possible.

I look forward to being part of the process and coming to a positive resolution to this situation. I would like to minimize the impact that this project will have on my property and that of those adjacent to it.

Respectfully,

Jill Gann
40881 Stacey Street
907-360-8932

P.O. Box 2994
Homer, AK 99603

January 7, 2016

Homer City Council
Homer, AK 99603

RE: Proposed Hickerson Memorial Cemetery Expansion

Dear Council Members:

Clean water, especially good, clean drinking water, is a critical resource in Homer, given our poor soils. Over the years, awareness of this resource's importance has been heightened by threats, such as proposed coalbed methane drilling in the community and the need to line our landfills and keep toxic substances, including electronic waste, out of the landfill.

Cemeteries have long been under the radar screen as possible sources of pollution to drinking water. Many articles document these threats, but most of us had no idea cemeteries could be toxic, just as we had no idea about the problem of electronics in landfills. Now that the issue has been brought to light, the City would be remiss to go forward with its plans to expand the cemetery without first studying this issue and devising ways to prevent any toxic materials from contaminating adjoining water resources.

I would request the city refrain from doing any work clearing the properties that were purchased for cemetery expansion because the necessary planning to prevent pollution of groundwater has yet to be done. There are some questions to consider as well:

Is this project truly something we need to spend nearly \$700,000 on right now given current budget constraints?

Do we know if the old cemetery has leached any heavy metals or other toxins into the environment?

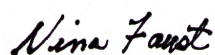
Is the old model of individual coffin plots the best use of the land, given that many more people these days choose cremation? Spots for urn burial takes up less space.

What are the current best practices of cemeteries to prevent leaching of toxins into groundwater?

What liability would the City of Homer have down the road if a cleanup is needed?

I believe these questions and probably many others need to be answered before any work is done on this project. We cannot afford to contaminate limited water resources or incur big liabilities for future cleanups. There is time to do this right or maybe decide not to do this at all.

Sincerely,

A handwritten signature in cursive script that reads "Nina Faust".

Nina Faust

Subject: FW: Proposed Hickerson Cemetary Expansion

From: Jill Gann [<mailto:gann.jill@gmail.com>]
Sent: Monday, January 04, 2016 11:49 AM
To: Department Planning
Subject: Proposed Hickerson Cemetary Expansion

Dear Homer Planning Members,

I have some great concerns about the Proposed Hickerson Cemetary Expansion. My property is located right next to this and I just now became aware of the actual plans and found out that money has been approved for this plan. I do not like what I am seeing as the plan for this expansion and how they are talking about going forward with this plan.

The addition of 700 graves to this property which borders on mine has me wondering if anyone has bothered to think about what the outcome of this might be and what it could do to the properties that are below this. Not to mention the groundwater. What about the wells which are located below property. I have heard the plan is to clear the entire property when the work is planning on being done in stages. I am worried as to the impact this will have to my property and those nearby.

One would think the city would reach out to its neighbors and get their input prior to moving forward on a project of this dimension with the impact that could be done to adjacent properties. I would hope you would put a stop to this project immediately. I would hope that this is not the way the City of Homer does business.

I would like more information on the plans that are in place and when they are proposed to move forward I look forward to hearing from you.

Thank you for your assistance,
Sincerely
Jill M. Gann
40881 Stacey Street
[907-360-8932](tel:907-360-8932)

From: Chad Jones <cj99603@icloud.com>
Sent: Saturday, December 19, 2015 4:29 PM
To: Department Planning
Subject: Hickerson Memorial cemetery expansion without any assessment to environmental concerns

RECEIVED

Please include this in the next possible planning commission meeting materials.

DEC 21 2015

Dear Planning Commission,

CITY OF HOMER
PLANNING/ZONING

As you may know the City is planning a cemetery expansion adjacent to Diamond View Estates near Belnap and Diamond Ridge this summer.

Hello, please read with care. If you spend only ten minutes reading this and any articles linked below I'm certain you will agree this is bad news and is hastily being planned. I'm asking for your support to protect our soil and drinking water. And if you do nothing at least you now know that a threat exists so near our homes.

The City of Homer owns the Hickerson Memorial cemetery up hill from us, and a 700 body expansion is in the works. The city has done no environmental impact statement or public meetings that include information about the threat that is posed by cemeteries. I'm very familiar with the three lots the City purchased for this project. Some of the area I consider wetlands, it is wet all year long and most of it drains right down Belnap Drive.

Cemeteries pose a threat to drinking water from embalmed bodies and a host of other hazardous chemicals leaching into the ground water. Alaska is very lax on properly containing this hazardous material by not requiring a vault, a body can be buried only 75 feet from your families drinking water well. State employees have admitted to me that this is a serious problem in Alaska. A body turns into an awful hazardous goo and leaks into the surrounding soils and is carried down by water moving. Please see the many article links from Gov't and non profit groups below.

The expansion will add 700 additional bodies to the existing 700 plots, for a **total body count of 1400, all on top of a hill, above 100s of homes**, potentially destroying our clean well waters. I have asked the City to stop and assess what is already happening, and ask how are they going to stop contamination from happening. To hire an environmental firm to study the threats and create a committee to recommend how to proceed, or if to proceed with adding plots.

Possible contaminants include poisonous chemicals, such as arsenic and mercury, which were used in past embalming and burial practices, formaldehyde from current embalming practices; varnishes, sealers, and preservatives used on wood coffins; and lead, zinc, copper, and steel from metal coffins and mercury from watch batteries.

Obviously the City has been looking for more cash cows to help with the deficit. But should it be hastily done to only potentially ruin our health? According to the central Kenai Peninsula funeral chapel there is a cremation rate of between 70 and 75 percent. [peninsula clarion] So this project only benefits roughly 25-30% of the population. And a shrinking population wants to be buried. During a budget deficit the City is spending \$200,000 on a cemetery expansion without even knowing the threats that exist or that could happen.

Attached to this email is a pdf of the project. I'm really hoping people will see this a bad thing in a residential area. And support stopping it until more study and information is obtained. I'm asking to support a request to the City of Homer to stop the project until the situation can be properly assessed.

Please feel free to contact me with any questions...

Chad Jones
907.299.7879

> very good article from Ireland

<http://www.belfasttelegraph.co.uk/news/northern-ireland/toxins-leaking-from-embalmed-bodies-in-graveyards-pose-threat-to-the-living-31211012.html>

>article from 1999

<http://www.motherjones.com/politics/1999/01/dead-water>

Also reading the sustainability statement on the City web site it talks about creating the kind of community that will provide a healthy environment and quality of life for future generations as well as current residents. By allowing an expansion to happen and not knowing whether there is ground water contamination already is surely not sustainable or wise.

Many more articles:

- *Arsenic and Old Graves*
<https://eponline.com/articles/2006/09/01/arsenic-and-old-graves.aspx>
- *Til Death Do We Pollute, and Beyond: The Potential Pollution of Cemeteries and Crematoriums*
https://archive.org/stream/tilDeathDoWePolluteAndBeyondThePotentialPollutionOfCemeteriesAnd/TillDeathDoWePollute_djvu.txt
- *Mineral Contamination from Cemetery Soils*
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3315260/>
- *Cemeteries, Burials & The Water Environment*
<http://www.doeni.gov.uk/niea/cemeteryguidance.pdf>
- *Landscapes of the Dead: An Argument for Conservation Burial*
<http://ced.berkeley.edu/bpj/2012/09/landscapes-of-the-dead-an-argument-for-conservation-burial/>
- *Concerns: Embalming and Cemetery Pollution*
<http://villagememorial.blogspot.ca/2015/05/pollution-from-embalming-and-cemeteries.html>
- *Groundwater near cemeteries*
<http://www.wspgroup.com/en/WSP-UK/Who-we-are/Newsroom/features/Groundwater-near-cemeteries/>
- *Arsenic Contamination in Graveyards: How the Dead Are Hurting the Environment*
<http://www.utne.com/environment/arsenic-contamination-ze0z1306zpit.aspx>
- *Issues to Consider in Preparing for Disposition of Decedents*
<http://www.mass.gov/eohhs/gov/departments/dph/programs/environmental-health/comm-sanitation/burial-and-cremation.html>
- *Natural burial*
https://en.wikipedia.org/wiki/Natural_burial



City of Homer

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City Manager's Report

TO: Honorable Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 11, 2016
SUBJECT: City Manager's Report

It has been 5 weeks since the last Council meeting - feels like almost an eternity! I hope everyone enjoyed the respite and the holidays. There promises to be plenty to keep us busy in 2016.

Storm Drain Failure on Bunnell Avenue

On Tuesday, a hole opened up in the Bunnell Street roadway, south of Main Street. The "sink hole" was caused by a deteriorated 36" storm drain which allowed soil to wash into the drain - undermining the pavement. Public Works responded; excavated to expose the drain, put a patch on the hole in the side of the storm drain, and backfilled the hole. Pavement will be replaced in the Spring. The storm drain was installed by the State in the early 80's. This storm drain, as well as the storm drain in Heath Street (installed during the same time frame), will need some work. These two storm drains serve the Central Business District. Public Works will be working with ADOT to determine who is responsible for rehabilitation. Public Works will be asking the Council for authorization to proceed with the design of a fix for the portion that the City is responsible for at the second meeting in January using HART funds.

Council Open House at Library

A patron at the Homer Public Library suggested the Council do a once a month 'open house' with the public at the library. It could be a good way to increase dialogue with the public and reach out to the community in a new way.

The Friends of the Library are willing to advertise it through their usual channels (flyers, newsletter, community calendar, radio). If the program is successful and at a regular time, the community will come to expect the event and advertising won't be as much of an issue.

It is hard to predict what would be the best time for turn out, however the Library Director suggested lunch time. People are out and about then, and people who work could stop in on their lunch hour. One option would be the first Council Monday of the month - which would give people an alternative to an evening meeting to visit with you. A noon meeting could be held in the study room and we could serve tea/coffee. If one councilmember a month volunteers, each member will have to commit to two lunch meetings a year (or less).

strongly one way or another, I encourage them to let the City know. I will keep the Council abreast of how the project progresses.

KPEDD Industry Forum

Kenai Peninsula Economic Development District will be holding their annual Industry Outlook Forum this January 28-29 (draft agenda attached). This is open to the public, free, and a great opportunity to network with industry professionals and other business and public entities on the Peninsula and around the state. Register here: <https://www.eventbrite.com/e/industry-outlook-forum-2016-tickets-19973176308>

City Manager's Office Staffing

As you know, Assistant City Manager Patrick Lawrence left the City of Homer at the end of 2015. I have struggled with how to fill his position. There is plenty of justification for an Assistant City Manager position given the work load and supervisory responsibilities in the City Manager's office. Nevertheless, I also feel like it is difficult in these lean budget times to justify funding the position at the level that is needed to attract qualified candidates. I have decided to advertise the position as a Special Projects/Communications Coordinator. This person will be in charge of the CIP, website and social media, and staffing the Economic Development Advisory Commission, among other things. Given the projects the City has on its plate, the position will also have a renewed emphasis on grant writing. However, I will retain many of the afterhours and broader community relations functions as this will not be a salaried position. I am confident we will receive excellent candidates and the changes in the job description will benefit the City. However, I am concerned about capacity in the City Manager's office with these changes and the administrative assistant position moving to a part time status. I will ask for help if I need it at midyear, but am looking forward to solidifying my team for 2016 and getting our feet under us. Please direct any interested candidates for the Special Projects/Communications position to the City website.

New Website

I have mentioned that the City is going to have a new website design in a couple of City Manager reports, however over the holidays we took the plunge and transitioned to a more mobile friendly template with greater capacity. Holly Brennan at the Library deserves special recognition for taking on the immense technical details of this project. The new site has inspired a renewed interest in the website from City departments, which is a good thing as we strive to be more communicative with the public. There are still a few bugs to work out linking the old site to the new design, so please let my office know if you see something that needs tweaking or does not work quite right as you navigate around.

Enc.

Notice of Opening Fishing Hole Campground

Industry Outlook Forum Agenda

Grant Support for Homer Kachemak Bay Rotary Club

Homer Public Library Advertised in Lonely Planet



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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

Memorandum

TO: Homer Advisory Commissions and Library Advisory Board
THROUGH: Rick Abboud, AICP, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: January 13, 2016
SUBJECT: 2016 Comprehensive Plan Update

Starting soon, the Planning Department will be working on updating the City's Comprehensive Plan. The last major update of the Homer Comprehensive Plan was adopted in 2010. Most of the work was done between fall 2006 and spring 2008, right about the peak of the local and national economy prior to the recession. Much of the plan infers that there are unlimited financial and personnel resources within the City and the community to expand services and regulation. This is clearly not the financial reality of the City and community today, or in the next 5-10 years. A new tax base could evolve and change the fiscal environment, but in the meantime, our Comprehensive Plan should be realistic and help guide us on what is most important and how to make the most of what we have.

Between adoption and 2015, many of the goals and implementation items have been addressed. It is time to update the plan to reflect the work that has been accomplished, add new work items, possibly prioritize items within the plan, and change the character of the plan to reflect the City's fiscal reality.

This work will begin in January 2016, with City Planner Rick Abboud communicating with department heads about their respective chapters of the plan. Next, the Commissions will review their portion of the plan, with the department head comments (Draft 1). Planning staff will likely make some formatting changes in the document in this timeframe. Having worked with this plan for a number of years, there are some changes that can be made to make it user friendly, such as the implementation tables. After the Commissions have reviewed the first draft, a second draft with Commission recommendations will be released and public meetings will be held. Changes to the draft will be made based on public comment, and a public hearing draft will be presented to the Commissions. Eventually the Planning Commission will hold a hearing, passing the document to the City Council, and then the Kenai Peninsula Borough for final adoption.

A project timeline is presented on the next page. Timing may change depending on workload and project progress.)

	2016							2017						
	Jan	Feb	Mar	Apr	May	Jun	Jul- Aug	Sept- Nov	Dec	Jan- Feb	Mar	Apr- May	June- ?	
Department Comments	X													
Draft 1		X	X											
Initial Commission Review			X	X	X									
Draft 2						X	X							
Public Meetings								X						
Public Hearing Draft									X					
Commission Review									X	X				
Advisory Planning Commission Hearing											X			
City Council												X		
KPB review (3-4 months)													X	

Dotti Harness

Subject:

FW: ZONING FOR CANNABIS CULTIVATION

RECEIVED

JAN 11 2016

CITY OF HOMER
PLANNING/ZONING

From: Brenda Hays [<mailto:reelpossibility@gmail.com>]

Sent: Thursday, January 07, 2016 8:48 AM

To: Department Planning

Subject: ZONING FOR CANNABIS CULTIVATION

GREETINGS TO ALL COMMISSION MEMBERS.

I WAS NOT ABLE TO MAKE THE MEETING LAST NIGHT, BUT IF IT'S NOT TOO LATE , I WOULD LIKE TO COMMENT.

I AM LOCAL REALTOR IN TOWN, FIELDING QUESTIONS DAILY ON WHAT'S NEW WITH

CITY ZONING REGS FOR CANNABIS. WHEN THE CULTIVATION MAP CAME OUT IN NOV. RURAL RESIDENTIAL AREAS WERE TO BE ABLE TO GROW WITHOUT CUP, I RECEIVED HUNDREDS OF CALLS REGARDING PROPERTIES FOR SALE IN THIS AREA. IN DEC YOU CHANGED THAT TO BEING ABLE TO GROWN, BUT WITH CUP, (MORE CALLS REGARDING CUP'S) NOW, YOU ARE SAYING NO ONE WILL BE ABLE TO GROW IN RURAL RESIDENTIAL DISTRICTS., (NOW CALLS ASKING WHAT IS GOING ON??) I THINK TAKING RR OUT IS A HUGE MISTAKE, AS THE AMOUNT OF REVENUE THE CITY COULD MAKE WITH HAVING SMALL FARMS IN RR AREA WOULD BE HUGE, (and prices of homes and land would rise substantially!)

MOST PROPERTIES in RR ARE LARGE ENOUGH, AND PRIVATE ENOUGH , THAT NEIGHBORS WOULD NOT BE AFFECTED. 500 sq. ft. is not a large grow space, just enough for a Ma and Pa operation, that could benefit lots of people with no jobs, and little income. People can legally grow anyway, why can't they grow a few more plants and be able to sell, and have city receive the tax money? This is a one time opportunity for the city of Homer to actually make more money than ever, and cash would stay in Homer!

In the RR areas, there are still a few properties for sale. People want to come here, buy here, grow here and Homer is just turning off the lights for progress!

Regarding the map for commercial ventures (1/6/16 map) this is almost insulting. The property along Kachemak Dr. first, not much for sale, or lease, most taken up with airport, and marine ventures, more importantly it's in a "wetland area", so any new building might not be permitted. This looks like council/commission is not for new commercial interests. Again, potentially huge tax loss for city!

Also, it looks very suspicious that out of town by dump area. and gas station where again, there are no properties for sale, or lease, and only one business could benefit in this area, how fair is that?

Please go back to the drawing board, and find larger areas that are actually beneficial for income producing ventures, and not for just a few land owners who are lucky enough to already own in these areas, this is most discriminatory for new people wanting to move here, and start businesses here.

As for downtown and spit availability, very limited, only a few buildings for sale, or lease! THIS AREA SHOULD BE EXPANDED.

I know that much time and effort has gone into these zoning efforts, I believe the P&Z Commission can do better for Homer! It seems you are looking at these businesses as a nuisance, not as the next boom for Homer. This is a one time opportunity, please, fix these issues now, for the future generations of Homer. These businesses will create jobs for our young adults to be able to stay where they were raised, verses moving out of Homer. Green business will bring more tourists to Homer, who will buy more, eat more, spend more in a town where fishing is soon to be more limited and controlled. We will no longer be recognized as the best place to fish in AK. We need new industries, jobs, tax dollars. Don't kill the plants before they are seeded!!

Best regards,

Brenda Hays

42 yr. Homer resident