

## 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:** None
- 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 Feb. 3, 2016 **Page 1**
  - B.** CUP 16-01 Decisions and Finding for 3902 Shelford St. Birthing Center **Page 7**
- 6. Presentations:** None
- 7. Reports:** Staff Report PL 16-11 City Planner's Report **Page 13**
- 8. Public Hearings:** None. 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.** None
- 9. Plat Consideration:** None
- 10. Pending Business:** None
- 11. New Business:**
  - A.** Staff Report 16-12 Draft Ordinance 16-xx amending 21.12.020, to simplify code language in the Rural Residential District regarding detached dwelling units. **Page 15**
  - B.** Staff Report 16-13 Comprehensive Plan Update **Page 19**
- 12. Informational Materials:** City Manager's Report **Page 29**
- 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 17, 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 16-03, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Acting Chair Bos at 6:30 p.m. on February 3, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, HIGHLAND, VENUTI

ABSENT: ERICKSON, STEAD, STROOZAS

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Acting Chair Bos called for a motion to approve the agenda.

HIGHLAND/BRADLEY 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).

### **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 January 20, 2016 Regular Meeting Minutes

Acting Chair Bos 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 16-07, City Planner's Report

City Planner Abboud reviewed the staff report.

## 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 16-08 CUP 16-01at 3902 Shelford St. for a birthing center in the residential office district

City Planner Abboud reviewed the staff report.

Kenton Bloom, city resident and applicant, commented that staff did a good job of reflecting the intentions for the development and they agree with conditions in the staff report. He addressed the building setback, noting that city code calls for 7 feet for a single story and 10 feet for two stories in the residential office district. The Fire Marshall asks for a 15 foot setback from the property line because they look for 30 feet between buildings, unless you put in an exterior application that creates a one hour fire wall. With that, the setback can be moved back into the normal city setback area. He isn't sure if they will be in the setback with the new building but if it is, they have options to meet the Fire Marshall standards or may move the building if there's a problem. He noted the cottage on the property has a cement coating so it has the one hour fire rating for its exterior surface.

Acting Chair Bos opened the public hearing.

Dave Mastolier, city resident and property owner to the north of the proposed development, commented in opposition of the CUP. He does not want Shelford Street to be developed, he opposed the special assessment district petition that was circulated, and is concerned that property owners may be forced to pay if there is a future requirement to develop the road. He noted his concerns may be moot if they are able to use the access from Pioneer Avenue.

Steve Tutt, city resident, commented on behalf of himself and his mother in law, who owns two pieces of property at the end of Shelford Street. He expressed their opposition because they do not want the road developed. They had put a security fence across the two properties but had to open it up when the City developed the path through to Lee Street and since then, they have a lot of foot traffic going past. His main concern is that their security is gone and it will be worse if the road is developed and more traffic goes through there. He is also concerned about the accessibility of emergency vehicles. He agrees with Mr. Mastolier's concern about future requirement of developing the road and having to bear the cost associated with it.

Kevin Hogan, city resident, commented that his apartment on Herndon is next to the property being developed. He voiced his concern about the amount of time it has taken to build the cottage, which is still

unfinished, the mess that they are leaving at the worksite, and that it appears they are dumping their scrap onto the Senior Center's property. There is a berm over seven feet tall where the drainage is and the area is an eyesore. He supports the vision of the clinic but the project underway is crying out for adult supervision and they need to prove up on what they have started. He added that the access isn't adequate.

There were no further comments and the public hearing was closed.

Acting Chair Bos opened the floor to staff the applicant for rebuttal.

City Planner Abboud reiterated the comments about the setback requirements for a commercial building and the applicants plan in working with the City and the Fire Marshall will just need to be verified.

Mr. Bloom commented that the proposed access is a good faith effort to work with the design flaws in the existing access. He explained that Ms. Robertson, the other applicant, thought it would be beneficial to see if it was a good idea to use the platted right of way to build the road down from Lee Street and initiated a special assessment district as a step forward. Most of the city lives in a way where the streets are developed going by their businesses and houses and are oriented around that. He appreciates the areas that have a hidden and private feel, he doesn't have a way to ameliorate that in this project, but in the big picture we are all saying we all have an equal right to develop our property according to the rules. He can't address Mr. Hogan's concerns because he hasn't been involved with the building project. He encouraged everyone to take a look at the building. They can make the site plan work to drain properly for the site. Based on what they know today they will improve the access to connect their property to the right of way. It will actually provide improved access to the adjacent lots so they will have the benefit of access on the legal right of way at no cost to them.

Commissioner Highland questioned the access from Pioneer, noting that the parking at Kharacters creates a difficult situation, and also maintenance of the access and emergency vehicle accessibility. City Planner Abboud responded that this work will delineate the right of way and Kharacters has additional property they could develop into parking. The business owners will be responsible for maintaining the access.

There was also brief discussion about the timeline to complete a building project with a CUP and the special assessment district process for road improvement. City Planner Abboud noted that if someone wanted to come in and develop the road to city standards at their own expense, they could.

BRADLEY/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 16-08 AND APPROVE CUP 16-01 AT 3902 SHELFORD STREET. FOR A BIRTHING CENTER IN THE RESIDENTIAL OFFICE DISTRICT WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was discussion that the application meets the criteria outlined in city code. They hope the clutter will be taken care of and that it isn't necessarily an indication that the finish product won't be attractive. Cleaning up the right of way access will be beneficial and could make things safer. This is a good business opportunity.

VOTE: BOS, HIGHLAND, VENUTI, BRADLEY

Motion carried.

**Plat Consideration**

A. Staff Report PL 16-09 Commercial Park Unit 1 Preliminary Plat

City Planner Abboud reviewed the staff report.

Mike Arno, applicant, commented the staff report addresses his proposal and he is available for questions.

Acting Chair Bos opened the floor to public comment.

Mike Kennedy, city resident, referenced the aerial photo to show his 30+ acres along the south property line and commented in support of the proposed subdivision He thinks it will benefit his property and it will be a benefit to have more industrial land available for development. The zoning is East End Mixed Use and it's his understanding that development conflicts will favor industrial over other uses. He hopes the developer will be allowed to improve the road in phases and not have the unnecessary burden of having to do it all at once.

There were no further public comments.

In response to questions Mr. Arno acknowledge the drainage in the area and explained when building the roads, ditch lines will be installed to help with drainage. His motivation for developing his property is to fill the need for commercial property in the city. In relation to the property being a discharge slope he explained that he has started the wetlands delineation process but it can't be completed until spring. He noted that discharge slope doesn't prohibit development in the area as there are development standards in place. It is not his intent to develop any lots, other than the subdivision requirements. He plans to make the lots available for sale.

There was discussion about flooding relating to discharge slope and property development. City Planner Abboud responded that the property can be developed within the parameters of code. Sewer will be addressed by city and borough requirements.

Question was raised if there will be covenants, noting that the proposed zoning allows for marijuana activities in the EEMU. Mr. Arno said personally he doesn't support it, but if it's allowed in the district, he doesn't know that there is anything he can do to stop it.

VENUTI/BRADLEY MOVED TO APPROVE SR PL 16-09 AND COMMERCIAL PARK UNIT 1 PRELIMINARY PLAT

Commissioner Highland reiterated her concern about wetlands but understands the need for more commercial property in the city.

Acting Chair Bos agreed that our wetlands are critical and that is why we have the Corps of Engineers to help protect those areas. He thinks this is subdivision is a great opportunity for the City of Homer.

VOTE: YES: HIGHLAND, VENUTI, BRADLEY, BOS

Motion carried.

**Pending Business**

**New Business**

- A. Staff Report PL 16-10, Land Allocation Plan

City Planner Abboud reviewed the staff report.

There was brief explanation of leases and options and discussion of the property on C-8 being on the market given the minimal developable area available. City Planner Abboud said in theory it could be developed and the City would like to sell the property.

Commissioner Venuti said he went to the open house for the Boat House. He thinks it's a good idea but isn't sure he agrees with the location. Other Commissioner's agreed with Mr. Venuti and expressed concern about losing the parking.

Acting Chair Bos expressed is extreme dissatisfaction with the bathrooms, fish cleaning tables, and fish carcass trailer by the Fishing Hole. It's a poor representation of the city facilities to people who spend a lot of money to come to our town and fish.

VENUTI/BOS MOVED TO DESIGNATE THE 40 ACRES ACQUIRED THROUGH TAX FORECLOSURE, PAGE F-7, FOR WATERSHED PROTECTION PURPOSES AND TO EXPAND THE DESIGNATION OF THE OLD HARBORMASTER PROPERTY ON PAGE D-20 TO INCLUDE THE BOAT HOUSE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**Informational Materials**

- A. City Manager's Report

**Comments of the Audience**

**Comments of Staff**

City Planner Abboud commented briefly about getting started on the Comprehensive Plan.

**Comments of the Commission**

Commissioner Highland had no comment.

Commissioner Bradley said she will be absent at the next meeting.

Commissioner Venuti commented the Kenai Borough has determined the Kenai Borough Planning Commission will be the regulatory commission for marijuana for the Borough. It will be interesting because unlike Homer, the borough isn't zoned so it will be difficult to regulate where it will be acceptable. He will keep them posted as it moves along.

Acting Chair Bos said it was a good meeting. He commented that there were people here tonight talking about Shelford and you have to be sensitive that there hasn't been anything going on in that area for forty years, but still, we don't deny a right of a person. He thinks when the driveway or road goes in the area it will make things safer. He thinks they did a good job on the plat also. It will be a nice commercial area.

### **Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:13 p.m. The next regular meeting is scheduled for February 17, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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





## City of Homer

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

### Planning

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### HOMER ADVISORY PLANNING COMMISSION

#### Approved CUP 16-01 at the Meeting of February 3, 2016

**RE:** Conditional Use Permit (CUP) 16-01  
**Address:** 3902 Shelford Street, 17719105

**Legal Description:** T 6S R 13W SEC 20 SM HM 0004147 THOMAS SHELFORD SUB LOT 7F

### DECISION

#### Introduction

Sara Robertson and Kenton Bloom, Seabright Survey + Design (the “Applicants”) applied to the Homer Advisory Planning Commission (the “Commission”) for a conditional use permit per Homer City Code HCC 21.16.030(d) for a new midwife birthing clinic. The 2,184 square foot clinic is in addition to an existing birthing cottage and accessory utility building. This CUP also authorizes “more than one building containing a permitted principle use on a lot,” HCC 21.16.030(h).

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on February 3, 2016. Notice of the public hearing was published in the local newspaper and sent to 22 property owners of 24 parcels.

At the February 3, 2016 meeting of the Commission, the Commission voted to approve CUP 16-01 with four Commissioners present and all four Commissioners voting to approve CUP 16-01.

#### Evidence Presented

City Planner Abboud reviewed the staff report. Kenton Bloom, one of the applicants provided detail about the Fire Marshal standards for building setbacks and was available for questions.

Two nearby property owners, Dave Mastolier and Steve Tutt opposed the development due to concerns about the road improvements and their potential obligation to share in the costs of future road improvements and the increased traffic that the road improvements could bring. A third nearby property owner, Kevin Hogan questioned the construction of the unfinished birthing cottage and the lack of adequate road access.

No other testimony was received.

## **Findings of Fact**

After careful review of the record, the Commission approves Condition Use Permit 16-01 to build a 2,184 square foot birthing center at 3902 Shelford Street.

**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 21.16.030(d) authorizes the new medical clinic use, and 21.16.030(h) permits an additional principle building as conditional uses in the Residential Office District.

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

**Finding 2:** The proposed medical clinic will provide moderate density professional services in a manner that is consistent with the purpose of the district as a transition zone between residential and commercial neighborhoods.

**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 addition of a 2,184 square foot medical clinic is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses such as libraries or hospitals.

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

**Finding 4:** This proposal will occur on a mostly vacant street. Few if any nearby properties are occupied on a daily basis. The proposal will not create impacts that are incompatible with the existing uses of surrounding land.

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

**Finding 5:** Existing public water and sewer are adequate to serve the clinic. The applicant intends to bring the road to an acceptable level of service for ambulance and fire access.

**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:** Consideration has been given to the harmony in scale, bulk, coverage and density, generation of traffic, and other relevant effects. 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 construction of water and sewer infrastructure and the improvement of the road are a benefit to the health, safety and welfare of the surrounding land. The city as a whole will be positively impacted by the addition of a midwife clinic to provide pre and postnatal care to women. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

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

**Condition 1:** Fire marshal approval of reduced setback for the new building and existing structure.

**Condition 2:** Three feet of landscaping is required along all lot boundaries including the parking lot, except for the 24' wide driveway for the parking lot.

**Finding 8:** With conditions 1 and 2 the proposal will comply with the applicable regulations and conditions specified in this title for such use.

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

**Finding 9:** The proposal aligns Goal 1 and Objectives A and B 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 3:** Outdoor lighting will comply with HCC 21.59.030 and the CDM.

**Finding 10:** Outdoor lighting shall be down lit per HCC 21.59.030 and the CDM.

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

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

**Finding 11:** A reduction in required spaces is approved by the Commission. Eight spaces exclusive of any ambulance access area are required.

**Conclusion:** Based on the foregoing findings of fact and law, Conditional Use Permit 2016-01 is hereby approved, with Findings 1-11 and Conditions 1-3.

**Condition 1:** Fire marshal approval of reduced setback for the new building and existing structure.

**Condition 2:** Three feet of landscaping is required along all lot boundaries including the parking lot, except for the 24' wide driveway for the parking lot.

**Condition 3:** Outdoor lighting will comply with HCC 21.59.030 and the CDM.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Don Stead

\_\_\_\_\_  
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 \_\_\_\_\_, \_\_\_\_ 2016. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dotti Harness-Foster, Planning Technician

Sarah Robertson  
349 Elderberry Ct.  
Homer, AK 99603

Kenton Bloom, PLS  
1044 East End Rd.  
Homer, AK 99603

Katie Koester, City Manager  
491 E Pioneer Avenue  
Homer, AK 99603





# City of Homer

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### Staff Report 16-11

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: February 17, 2016  
SUBJECT: City Planner's Report

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**The Marijuana Ordinance** drew a full house and a long list of those who testified at the City Council public hearing on Feb. 8<sup>th</sup>. Another public hearing is scheduled for Feb. 22<sup>nd</sup> with two marijuana ordinances before the council. One ordinance, if passed, would prohibit all marijuana activity in Homer. The second ordinance is similar to what the HAPC forwarded to the City Council with an amendment to allow growing in the Rural Residential district. The original zoning ordinance has now been reconsidered by Council Member Aderhold, I believe in regard to the provision that was passed to allow permitted limited cultivation in RR. In addition, I believe the Mayor will propose that no action be taken on the subject until a vote can be held in October. This is really getting hard to explain!! Either we pass a zoning ordinance, prohibit all commercial activities, or wait it out for another vote. I am not sure the Council Chambers will accommodate all I would expect to show up for this one. The Beach Policy is back on the agenda also a resolution regarding the Public Safety Building.

**Tower:** The Tower Ordinance first reading before the City Council is scheduled for March 14<sup>th</sup>. I will provide an overview at the Committee of the Whole starting at 5pm.

**Hickerson Memorial Cemetery:** The neighborhood meeting held Wednesday February 11<sup>th</sup>. I will need to get caught up on the results of the meeting and provide an oral report.

**HART/HAWSP:** A work session presented how the Special Assessment Districts worked for the various city programs. While Carey Meyer presented several scenarios, little time was left to discern what might be the best approach. This subject will be revisited.

**Strategic Doing:** I will be providing information regarding the Comprehensive Plan Update to the City Council at their Strategic Doing Session at the 4pm Work Session, March 29<sup>th</sup>.

A reminder of the schedule for the Commissioners to present at the council meetings.

February 22<sup>nd</sup> \_\_Roberta\_\_\_\_\_

March 14<sup>th</sup> \_\_Tom Bos\_\_\_\_\_

March 29<sup>rd</sup> \_\_\_\_\_\*Tuesday

April 11<sup>th</sup> \_\_\_\_\_

April 25<sup>th</sup> \_\_\_\_\_





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### Staff Report PL 16-12

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: February 17, 2016  
SUBJECT: Ordinance amending 21.12.020, accessory dwelling units in the Rural Residential District

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### Introduction

In 2014, the Planning Commission forwarded an ordinance to the City Council that would allow a detached dwelling unit as a permitted use, accessory to a primary dwelling unit. One goal was to reduce the number of conditional use permits and the complexity of the process for property owners when they were adding one small dwelling unit, like a garage apartment or rental cabin. More than two dwelling units typically still require a CUP.

The Commission's recommendation was to allow this second home only in areas with city water and sewer. When the ordinance went to Council, this was amended to allow an accessory dwelling unit on lots larger than an acre, regardless of city utilities. The code language that was finally adopted is longer than and not as clear as it could be. All development of an accessory dwelling unit is dependent on lot size (21.12.050 dimensional requirements). Staff requested the City Attorney draft an ordinance to simplify this section of code. There is no change in land use rights or the ability to have a single accessory dwelling unit as a permitted use. The full ordinance is attached; the specific code change is below.

### Analysis

s. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot **subject to the requirements of HCC 21.12.040** serviced by City water and sewer services in compliance with HCC Title 14;

~~t. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot that is over one acre and not serviced by City water and sewer services.~~

**Staff Recommendation:** Forward the ordinance to public hearing.

### Attachments

1. Draft Ordinance 16-xx

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**CITY OF HOMER  
HOMER, ALASKA**

**ORDINANCE 16-**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING HOMER CITY CODE 21.12.020, PERMITTED USES AND  
STRUCTURES; REGARDING THE PERMISSION OF DETACHED  
DWELLING UNITS IN THE RURAL RESIDENTIAL ZONING DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.12.020, Permitted Uses and Structures, is amended to read as follows:

21.12.020 Permitted uses and structures. The following uses are permitted outright in the Rural Residential District:

- a. Single-family dwelling;
- b. Duplex dwelling;
- c. Multiple-family dwelling, only if the structure conforms to HCC 21.14.040(a)(2);
- d. Public parks and playgrounds;
- e. Rooming house, bed and breakfast and hostel;
- f. Home occupations, provided they conform to the requirements of HCC 21.51.010;
- g. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, and greenhouses; provided, that:
  - 1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within 100 feet of any residence other than the dwelling on the same lot;
  - 2. No retail or wholesale business sales office is maintained on the premises;
- h. Private stables;
- i. Private floatplane tie-down as an accessory use incidental to residential use;

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

45 j. Storage of personal commercial fishing gear in a safe and orderly manner and separated  
46 by at least five feet from any property line as an accessory use incidental to residential use;

47  
48 k. As an accessory use incidental to residential use, the private outdoor storage of  
49 noncommercial equipment, including noncommercial trucks, boats, and not more than one  
50 recreational vehicle in a safe and orderly manner and separated by at least five feet from any  
51 property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;

52  
53 l. Other customary accessory uses incidental to any of the permitted uses listed in the RR  
54 district; provided, that no separate permit shall be issued for the construction of any detached  
55 accessory building prior to that of the main building;

56  
57 m. Temporary (seasonal) roadside stands for the sale of produce grown on the premises;

58  
59 n. Mobile homes, subject to the requirements of HCC 21.54.100;

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61 o. Day care homes; provided, however, that outdoor play areas must be fenced;

62  
63 p. Recreational vehicles, subject to the requirements of HCC 21.54.320;

64  
65 q. Open space, but not including outdoor recreational facilities described in HCC  
66 21.12.030;

67  
68 r. As an accessory use, one small wind energy system per lot having a rated capacity not  
69 exceeding 10 kilowatts;

70  
71 s. One detached dwelling unit, excluding mobile homes, as an accessory building to a  
72 principal single family dwelling on a lot **subject to the requirements of HCC 21.12.040**  
73 ~~serviced by City water and sewer services in compliance with HCC Title 14;~~

74  
75 ~~t. One detached dwelling unit, excluding mobile homes, as an accessory building to a~~  
76 ~~principal single family dwelling on a lot that is over one acre and not serviced by City water and~~  
77 ~~sewer services.~~

78  
79 Section 2. This Ordinance is of a permanent and general character and shall be included  
80 in the City Code.

81  
82  
83 [continued on next page]

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86 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
87 \_\_\_\_\_ 2016.

88  
**[Bold and underlined added.** Deleted language stricken through.]

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CITY OF HOMER

\_\_\_\_\_  
BETH WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Katie Koester, City Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

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



# City of Homer

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

## Planning

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### Staff Report PL 16-13

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: February 17, 2016  
SUBJECT: Comprehensive Plan Update-Energy Chapter

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#### Introduction

After having updated this chapter, I am looking for further input from the Planning Commission to create a draft plan for public comment. Right now, “it is all on the table” and I am looking for input on everything including format, typos, and content.

#### Analysis

I hope to produce a plan that has a logical and easy flow to it. The objectives and implementation strategies should lead to implementation items. Sometimes we may not have an implementation item that is as specific as all the others, but I have a goal of not leaving implementation item out of the table. For instance, I wish to avoid naming an implementation item in the Chapter narrative and not carrying it forth to the table. Ideally, we will get a bit more specific with the implementation table and put some thought into just how realistic it may be for the city to perform the task. For example: Would we really be able to devote the resources necessary to partner and work on a regional energy planning? Maybe it can be put on the radar by assigning an employee to monitor and we could show a letter of support or provide a resolution when appropriate.

Items need to be considered with many factors in mind such as; community support, fiscal ability, and administrative capability. Sometimes the acronym S.M.A.R.T. is used when making goals. This means *Specific, Measurable, Achievable, Realistic, and Time Bound*. While S.M.A.R.T. goals are mostly associated with strategic planning which is a more precise and focused plan than our comprehensive plan, we should keep this in mind as we are going through the chapters. The goal itself may not reference all of these components, but they should be reflected in the chapter as a whole.

Content should be considered. Is it still realistic? Why may we have not moved forward in the last five years? Do we need to open up some subjects to a wider conversation about community support? What would it take to become realistic? I have also noted several items, like the last item on the implementation table, which may not consider just what effort we may realistically expect the city to put forth.

The Chapter 6 Objective H, 2. I am looking to break this down a bit as I am unfamiliar with what exactly is meant by “legal” framework. Also, I was thinking this information should be moved to chapter 9. #1 is already found in chapter 9.

A conversation item: Is Goal 1 a realistic goal for the City or just city government? Should the implementation strategy reflect the city or just city government?

**Staff Recommendation**

Come ready for some thoughtful discussion and recommendations. I will then incorporate and hopefully improve the format for the next meeting

**Attachments**

1. Energy Chapter

# CHAPTER 6 PUBLIC SERVICE AND FACILITIES

**Goal 2:** Seek collaboration and coordination with other service providers and community partners to ensure important community services are improved upon and made available.

**Objective H:** Promote renewable and clean energy. *See also Chapter 9.*

1. Encourage energy utilities to seek renewable sources to meet Homer's future energy needs.
2. Promote the decentralization of energy production by creating a legal framework for the development of on-grid private systems in collaboration with local energy providers.

## CHAPTER 9 ENERGY PLAN

**Vision Statement:** The City of Homer will be seen as a model for energy conservation, wise use of environmental resources, and development of renewable energy through the actions of local government as well as the private sector. Benefits will include energy stability, money savings, and job creation.

### Overview

Access to an affordable, secure supply of energy is necessary for almost every activity of government, business and private life. Energy policies can play a crucial role in the development of a

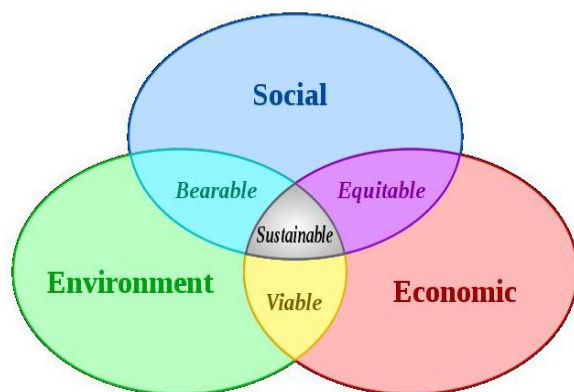


Figure 13 The three pillars of sustainability  
Author: Johann Dréo

local and regional energy system that can help ensure the long-term economic viability and livability of Homer. Currently, national energy policies are beginning to reflect the need to reduce greenhouse gas emissions and establish a fair degree of independence from uncertain international energy markets. Locally, policies can facilitate responsible contributions from our community to the global human and natural environment. Progressive energy policies should strive for an energy system that is sustainable, locally and globally. On the local level, some direct

benefits of these policies can include job creation and retention of money in the community, as the need to buy energy from sellers outside the region is reduced. In addition, addressing energy use in the transportation sector can improve quality of life by reducing traffic congestion and associated impacts.

The City of Homer has a role in the broader discussion of energy resources and conservation. One major role is to ensure municipal buildings and projects are energy efficient and as sustainable as possible, in a cost efficient manner. A second role includes working with public and private parties to support the use of local renewable resources for power generation. Taking advantage of local renewable energy production is likely to lead to the creation of new jobs. The City can accomplish these and other desired goals by creating and implementing a long-range energy plan.

The City of Homer continues to develop policies that further advance the goal of contributing to a more sustainable environment, seeking to be on the forefront of sustainable thought and action. This energy chapter builds on the Climate Action Plan, adopted in 2007. The goal of the Climate Action Plan is to reduce the threat of global climate change through government and community efforts. Additionally, the City has produced an employee sustainability handbook. The employee handbook sets operations policies for City staff and is a resource for other organizations pursuing energy conservation. Both documents suggest actions that citizens and government can take to reduce carbon emissions and conserve energy.

Several sections of the 2008 Homer Comprehensive Plan discuss energy related policies. The following chapters and goals also relate to this chapter and can be considered as part of the City's energy policies:

*Chapter 4 Land Use, Goal 1 Objective E, and Goal 3 Objective B*

- **Consider the regional and global impacts of development in Homer.**

Homer is a community that understands and appreciates its place in the context of the larger, global environment. Homer residents look beyond their boundaries and have expressed the importance of acting locally as a way of addressing global issues. The community continues to express interest in learning about and preparing for climate change, climate adaptation and sustainability. Specific implementation items are listed in chapter 4.

- **Encourage high quality site design and buildings.**

Implementation actions in this chapter include items such as developing policies for LEED, Sustainable Sites and Low Impact Development. *See Chapter 4.*

*Chapter 5 Transportation, Goals 3 and 4*

- **Homer's transportation system and services should be developed in a manner that supports community land use, design, environmental and social goals. The trail and sidewalk network should provide an alternative to driving, provide enhanced recreational opportunities, and create auto-free connectivity throughout the community. *See Chapter 5.***

*Chapter 6 Public Service and Facilities, Goal 1*

- **Provide and improve city-operated facilities and services to meet the current needs of the community, anticipate growth, conserve energy, and keep pace with future demands. *See Chapter 6.***

*Chapter 8 Economic Vitality, Goal 7*

- **Support regional renewable and non-renewable energy exploration and production.**



Implementation items include encouraging renewable energy development locally and regionally and supporting efforts to supply local energy needs with natural gas. *See Chapter 8.*

## Summary of Goals

**GOAL 1:** Establish and implement an energy plan with emphasis on long term sustainability and affordability.

**GOAL 2:** Implement waste reduction, reuse and recycling program.

**GOAL 3:** Use technologies and operating practices that promote energy efficiency for all new and existing buildings and energy-using projects.

**GOAL 4:** Support renewable-energy research and development.

**GOAL 5:** Reduce dependence on fossil fuels used for transportation.

**GOAL 6:** Encourage industrial and commercial users to be energy efficient, to use renewable resources, and to make energy by-products available for use elsewhere in the community.

## Goals and Objectives for Energy Planning

**GOAL 1:** Establish and implement an energy plan with emphasis on long term sustainability and affordability.

### Energy Planning

The energy industry is changing rapidly as renewable energy sources are found and new technologies emerge. Federal and State funding sources may become available for renewable energy projects and/or energy efficiency planning and implementation. Homer should examine these funding opportunities and emerging technologies for potential use in the community. Use tidal power project as example.

A sound energy policy has several basic principles. There must be an understanding of the energy source, the financial and environmental implications of utilizing that source, and where and how the energy is used. In order to implement the policies outlined in this chapter, it is necessary to establish a plan for the future use of energy resources. Homer should analyze the energy systems supplying the community, potential renewable energy resources, and emerging technologies. The end goal is long term, affordable, sustainable energy supplies.

## Implementation Strategies

1. Work with the State of Alaska, Kenai Peninsula Borough, Homer Electric Association, Kachemak Bay communities and other entities in planning for energy resource development and use on the Southern Kenai Peninsula.
2. Develop and implement a long-range energy plan for Homer. The plan should address the City's energy use and include management goals, objectives, and an action plan. The plan should consider renewable energy sources, emerging technologies, other plans being developed within the region and the state, and national energy policies that may impact the local market.
3. Potential renewable energy resources close to Homer should be protected. This includes projects that are permitted through the Federal Energy Regulatory Commission, including dams and tidal generation facilities.

### **GOAL 2:** Implement a waste reduction, reuse and recycling program.

Minimizing solid waste is in the long-term interest of the community. The former local landfill is now a bailing facility, and solid waste is trucked to the Central peninsula Landfill south of Soldotna. Reducing garbage in the land fill will stretch the life of existing facilities and postpone the expensive process of constructing new disposal sites. The three R's - Reduce, Reuse and Recycle - are the pillars of solid waste reduction. Since Homer is located far from major recycling markets, it may not currently be energy efficient or economical to recycle some materials. Therefore, reuse of materials, and using less material (reducing) are especially important. Effective solid waste reduction requires coordination between the public, private, and non-profit sectors. Some programs may not be cost effective in Homer alone. The City should work with the Kenai Peninsula Borough and private entities to take advantage of recycling and waste reduction opportunities.

## Implementation Strategies

1. Develop a solid waste and recycling plan for municipal facilities and operations.
2. Support solid waste and recycling management strategies for users of the Homer transfer station that minimizes negative environmental impacts.
3. Coordinate/cooperate with other Kachemak Bay communities, the Kenai Peninsula Borough, private companies and non-profit organizations within the region on solid waste management and recycling programs that minimizes negative environmental impacts.
4. Develop procurement policies to reduce resource and energy consumption "upstream." *See Sustainability Guidebook.*

### **GOAL 3:** Use technologies and operating practices that promote energy efficiency for all new and existing buildings and energy-using projects.

Could provide examples of energy saving methods employed by the city since the plan here.

Objective A addresses specific actions for the City of Homer. Objective B addresses both public and private actions.

**Objective A:** City of Homer operations and actions will save taxpayer money and set an example for businesses and individuals in adopting cost effective energy saving technologies and operating procedures.

#### Implementation Strategies

1. Continue to implement the Climate Action Plan and the employee sustainability guidebook for City facilities and operations.
2. Continue to utilize the Energy Fund, a revolving fund to invest in cost effective energy-saving public projects.
3. Continue to monitor and report energy use.
4. When designing new facilities or major renovation of City facilities, analyze life cycle costs of energy applications with consideration of energy efficiency and renewable energy sources given priority.
5. Continue to analyze the workings of the Homer water and wastewater facilities and incorporate energy saving methods and technologies where appropriate.
6. Practice and encourage energy efficiency and conservation to reduce the amount of money leaving the community to pay for fuels.
7. Actively support the development of renewable energy projects.
8. Promote water conservation measures.

**Objective B:** Encourage energy efficiency in building construction and for the life of the building.

Buildings use a lot of energy over their lifecycle, and construction is a very energy and material intense activity. Building and construction can minimize construction waste and maximize energy efficiency. *See also Chapter 4 as referenced above.*

#### Implementation Strategies

1. Incorporate LEED (Leadership in Energy and Environmental Design) or similar principles and standards when designing public structures and facilities. The LEED or other standards should be adapted for local climate and materials resources and should include lifecycle cost analyses (including long-term operational costs) with appropriate fuel cost sensitivity analyses over the long-term life of the project. The ratio between maximum energy efficiency and construction cost should be the primary consideration.
2. Encourage consideration of lifecycle costs, the use of energy efficient construction techniques, materials, waste reduction, and equipment that are consistent with acceptable health and safety standards and that are appropriate for local climatic conditions, while finding a balance with project costs.
3. Use materials efficiently. Use design techniques and implementation to design buildings that create less construction waste.

**Objective C:** Include the full costs, direct and indirect, of energy use when performing economic analyses.

The real environmental and social costs of fossil fuels are not reflected in consumer prices. Consumers pay the cost of energy production and transportation, but not directly for air pollution, health problems, or other environmental or social effects of burning fossil fuels. “True or full cost accounting” is a term used to describe how a dollar value can be attributed to these indirect costs. Wise energy production and use requires these external costs to be internalized in energy prices. Paying the true cost will increase energy prices, but also will encourage energy conservation and energy production from renewable sources. Presumably when the full cost of fossil fuels are reflected in consumer prices, renewable energy will be cost competitive.

#### Implementation Strategies

1. Include the full costs, direct and indirect, of energy use when performing economic analyses.
2. Use quantifiable external and indirect costs in establishing the cost of energy when conducting lifecycle cost analyses of City facilities, projects, and operations.

#### **GOAL 4:** Support renewable-energy research and development.

Homer’s proximity to hydroelectric generation and potential ocean energy resources presents an opportunity to guide future energy consumption toward renewable energy sources and away from the negative economic and environmental impacts associated with fossil fuel consumption. Least-cost planning, where energy conservation investment is weighed against energy purchase investment, with life-cycle costs factored in, can provide a framework for cost-effective, responsible energy planning and conservation. Renewable-energy activities can also create high paying local jobs.

#### Implementation Strategies

1. Support research efforts to identify potential renewable energy sources and technologies.
2. Encourage programs and projects that will attract and/or train workers for jobs related to renewable energy research and development. *See also Chapter 8.*
3. Encourage the development of tidal, geothermal, wind and other renewable energy sources to generate energy for adjacent uses or for transmission to the electrical grid.

#### **GOAL 5:** Reduce dependence on fossil fuels used for transportation.

**Objective A:** Reduce vehicle miles traveled and promote a walkable and bikeable community.

Transportation can be a substantial expense for households, businesses, and local government particularly with upward trends in the price of oil. In addition, vehicle traffic in the Homer area contributes to traffic congestion, noise and air pollution, and is responsible for more than one-fifth of the community’s greenhouse gas emissions. Affordable, renewable-energy transportation is a goal for the future, and until the technology is available, there are interim steps that can be taken to reduce oil dependence. Carpooling, public/private transportation (including seasonal services such

as a shuttle to the Spit) and infrastructure for non-motorized transportation (walking and biking) and implementation of other Smart Growth land use practices will help reduce dependence on fossil fuels.

### Implementation Strategies

1. Promote the use of public transportation and carpooling to reduce vehicle miles traveled in Homer.
2. Establish and maintain infrastructure for community-wide non-motorized transportation including sidewalks, bike paths, bike racks and trails.

**GOAL 6:** Encourage industrial and commercial users to be energy efficient, to use renewable resources, and to make energy by-products available for use elsewhere in the community.

Industries with large amounts of fuel or energy by-products (e.g. wood waste or steam), may be able to generate electricity to add to the utility grid. The design and operation of industrial developments can be managed to reduce or transfer this otherwise wasted energy and also to maximize use of renewable energy. This can increase overall community energy efficiency.

### Implementation Strategies

1. Encourage cost effective development of co-generated electrical energy.
2. Encourage energy efficiency and the use of renewable resources in commercial and industrial developments.

## Energy Planning Implementation Table

As used below, “near-term” means one to five years; “mid-term” means five to ten years; and “long-term” means ten years or longer.

Implementation Table	Timeframe			Ongoing	Primary Duty
	Near Term	Mid Term	Longer Term		
1-1,3. 3-A-7. 4-1,2,3 Assign staff to work with regional entities regarding energy resource development					
1-2 Create an energy plan <a href="#">for municipal operations?</a>		x			City
2-1 Create a solid waste and recycling plan for City operations, and update procurement policies to reduce “upstream” waste and pollution.	x			-	City

	Near term	Mid Term	Longer Term	Ongoing	Primary Duty
2-2,3 <a href="#">Encourage and advertise recycling activities through newsletters and billings</a>	-		-	x	<a href="#">City</a>
2-4 <a href="#">Continue to support environmentally friendly procurement policies through the Sustainability Guidebook.</a>	-	-		x	<a href="#">City</a>
3-A-1.2 Implement the Climate Action Plan and strategies to grow and maintain the Sustainability Fund  3-A-3 Continue to monitor, evaluate, report energy use				-	
3-A-4,5. 3-B-1,2,3. 3-C-1,2 <a href="#">Consider and calculate full costs in economic and energy analysis of city projects</a>	-	-	-	-	<a href="#">City</a>
3-A-6,8 Improve energy efficiency and conservation in City facilities. <i>Ongoing. Converting City facilities to natural gas, interior and exterior lighting upgrades, new motors at water treatment plant, tracking energy costs at City facilities.</i>				-	
5-A-1 Assign staff to encourage and advertise carpooling through ongoing city newsletters, billing and etc...					
5-A-2 <a href="#">Continue to support non-motorized transportation</a>	-	-	-	x	-
6-A-1, 2 Support and encourage renewable, by-product, and co-generated energy projects (assign staff)	-	-	-	-	<a href="#">City</a>
Partner with public, private, and non-profit organizations to implement a plan to reduce, reuse and recycle solid waste. (this was carry over, not so sure we have capability to carry this out)		x		-	City, Borough, public and private organizations



## City of Homer

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## Office of the City Manager

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## City Manager's Report

TO: Honorable Mayor Wythe and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: February 8, 2016  
SUBJECT: City Manager's Report

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### City Manager's Office Staffing

I am happy to welcome Jennifer Carroll to the City Manager's Office as the new Special Projects/Communications Coordinator. Jenny brings a lot of experience working with the community as a grant writer, non-profit executive director and facilitator. I am looking forward to having the help in the office; we have a lot going on!

### Website email subscriptions

When the City transferred from the old website to the new one, things went fairly smoothly except for a few broken links. However, one thing that did get dropped was the subscribers who had signed up to receive email notifications when various things were posted to the website (press releases, job offerings, bid openings, etc.) As soon as we became aware of this, we sent an email to all subscribers asking that they re-subscribe to the service. Sign up for email notifications on the City site under How Do I? Alerts & Notifications.

### Dog Statue Donation for the Animal Shelter

Last fall, local area resident Alan Kelly passed away. Alan loved dogs and frequently walked them on Bishop's Beach. His brother, Steve Kelly, is a bronze sculpture artist. He has made a bronze sculpture of a dog as a memorial to Alan. Steve has been communicating with the Homer Animal Friends and would like to donate the statute to the Friends in his brother's memory. The Friends would like to place the statue in the memorial garden which is to the left of the driveway in the rocky area in front of the shelter. Alan's friend Ken Lewandowski has offered to pour a small concrete pad for the statue to sit on.

The statue is 2½ feet high and about 2 feet wide. It sits on a round bronze base and has a plaque at the base of its feet. It has horns and wings to represent a dog as being part angel and part devil. The artist estimates the value of this piece at \$6,000.

Since this artwork will be placed on city property, Homer Animal Friends will go before the Public Arts Committee on the 11<sup>th</sup> to discuss the statue and request Council accept it and authorize the installation.

### **A Road for the Big Boats**

Bay Welding, a local welding and boat building business, requested a letter of support for a project proposal to the DOT/Marine Administration Small Shipyard grant program. With the approval of Council, I will draft a letter of support for their application.

The project consists of the construction of a road linking Bay Welding to the Northern Enterprises yard. This will allow more efficient transportation of larger vessels to the water without using the public roadways. With the construction of this road the size limitations for future boat construction, improvements, and repairs will be expanded. Future projects will encompass a broader customer base with services that up until now were not available in Homer. The road would benefit Homer by making our marine trades professionals more accessible to large vessels. This equates to jobs, quality, efficiency, and marketability in the marine market. See attached map for a visual.

### **Neighborhood Street Lighting**

Public Works has received a number of calls this winter requesting installation of neighborhood street lighting. Currently we have around 50 lights that we pay HEA \$30 a month to operate. There is an installation cost for these lights of \$3,000 - \$4,000. Another option would be city-owned street lights; however installation costs are as much as \$20,000 and the monthly electric bill would be about what we pay HEA. Public Works has told people the funding is not there to install new street lights. I would like to get feedback from Council on how, or if, to approach this issue. See email from Public Works Superintendent Gardner for more information. Possible solutions include:

- 1) Establish a SAD program for street lighting. Pro is you get neighborhood buy-in and cost sharing (not everyone wants a street light on their corner). Con would be the administrative cost of a SAD for a relatively small project (estimate \$400 in staff time) and the ongoing electric bill.
- 2) Do nothing. At this time, the City cannot afford to take on new capital or operational costs.
- 3) Develop a criteria for when it justifies installing a neighborhood street light at the cost of the City.

Enc:

Map from Bay Welding grant application

Picture of dog statue

Email from Superintendent Gardner

Children's Library infographic

Letter of Support for DBAC Proposal