

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 June 15, 2016** **Page 1**
- 6. Presentations:** None
- 7. Reports:** Staff Report PL 16-36 City Planner's Report **Page 5**
- 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 16-37, Conditional Use Permit 16-03 Soccer Association of Homer** **Page 9**
 - B. Staff Report PL 16-38, Towers and Tall Structures Ordinance** **Page 27**
- 9. Plat Consideration:**
 - A. Staff Report PL 16-40, Commerce Park 2016 Preliminary Replat** **Page 41**
- 10. Pending Business:**
 - A. Staff Report 16-39, Comprehensive Plan Update Chapter 6, Parks and Recreation** **Page 53**
 - B. Staff Report 16-32 Homer Accelerated Water Sewer Program (HAWSP)** **Page 73**
- 11. New Business:**
 - A. 2017 Capital Improvement Plan review** **WS packet**
- 12. Informational Materials:**
 - A. City Manager's Report, June 22, 2016** **Page 97**
 - B. KPB ordinance reducing the number of commissioners on the KPB Planning Commission.** **Page 99**
- 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 August 3, 2016. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

Session 16-10, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:32 p.m. on June 15, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HIGHLAND, BRADLEY, STEAD, AND BOS

ABSENT: COMMISSIONER STROOZAS, (EXCUSED), VENUTI

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF AGENDA

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BRADLEY - SO MOVED.

There was no discussion.

VOTE. YES. 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).

There was no public present for this meeting.

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 the minutes of June 1, 2016 meeting
- B. Time Extension: Foothills Sub Sunset View Estates Addn. No. 2

Chair Stead requested a motion to approve the consent agenda as presented.

BRADLEY/HIGHLAND - SO MOVED.

There was a brief discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS

REPORTS

- A. Staff Report PL 16-33, City Planner's Report

City Planner Abboud provided a summary of his report. He noted the following:

- City Council adopted the Flood Maps and rezone for the plat for the Pratt Museum; they approved the recommendations for the Hickerson cemetery extension, met with the Public Works Director and discussed the funding available to determine what amount of the new addition can be completed, he has hired back Shelly Rosencrans to fill the front counter position three days a week until December and he will evaluate their options at that time. Julie will be off July and August and Dotti will be working in the City Manager's Office Monday through Wednesday until the first of the year and then they will go from there.

Staff presented to the Economic Development Commission on the Comprehensive Plan Update at their meeting on June 7th; City Planner Abboud noted the public meeting on Tuesday, June 21st in Council Chambers on the Lake Street project. He also mentioned the possible funding available for Soundview Avenue sidewalk completion instead of HART funds, that AKDOT is still hearing about the Kachemak Drive Path.

City Planner Abboud requested a volunteer to attend the Council meeting on July 25th. There was a brief discussion on availability. Commissioner Bradley volunteered stating as of now her schedule was clear.

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.*)

PLAT CONSIDERATION

A. Staff Report PL 16-31, Homer School Survey 2016 Replat Preliminary Plat

Chair Stead read the title into the record. City Planner Abboud referred to the map posted to the bulletin board behind him. City Planner Abboud touched on the following:

- Size of the existing lot is 33.12 acres that the application is intending to split into two parcels one at approximately 3.5 acres and the larger lot would be 29.5 acres.
- Zoning is Rural Residential and Scenic Gateway Corridor Overlay
there is a portion within 75 feet of the center line of the Sterling Highway
- Existing use is the Homer Middle School
- Surrounding Uses include Residential, Hotel, Restaurant, Office, vacant land and the HERC
- The Comprehensive Plan encourages high quality buildings and site design that complements Homer's beautiful natural setting
- Wetlands Discharge Slope and Upland Complex are found on site
- Flood hazards are undetermined but possible
- It is not within the Bridge Creek Watershed Protection District
- City Utilities are available

Staff Recommends: A 15 foot utility easement is required to added along right of way, and Adding a 20 foot easement on the drainage (10' either side of marked drainage)

There was no applicant present and no public present.

Commissioner Highland requested clarification on the intent of the use and the legal use of the school property by an outside source. She also inquired if the Addition of the 15 feet was to be included in the staff recommendations.

HIGHLAND/BOS - MOVED TO APPROVE STAFF REPORT HOMER SCHOOL SURVEY 2016 REPLAT WITH THE FOLLOWING STAFF RECOMMENDATIONS, ADD 15 FOOT UTILITY EASEMENT ALONG RIGHT OF WAY AND 20 FOOT EASEMENT ON THE DRAINAGE , 10 FEET ON EITHER SIDE OF MARKED DRAINAGE.

There was a brief discussion.

HIGHLAND/BOS - MOVED TO AMEND THE MOTION TO INCLUDE CORRECTION TO THE ANALYSIS TO CHANGE RESIDENTIAL OFFICE DISTRICT TO RURAL RESIDENTIAL AND THIS PLAT DIVIDES ONE LOT INTO TWO.

There was a brief discussion on including clarification on why they are dividing the lot into two.

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

Motion carried.

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

Motion carried.

PENDING BUSINESS

A. Staff Report PL 16-34 Towers

Chair Stead read the title into the record. City Planner Abboud explained that the City Council remanded this back to the Commission to address specific policies regarding including a mechanism to recover the cost of third party review and a bonding requirement for site remediation after a tower is no longer in use or presents a danger.

Commissioner Bos requested information on how or who would determine the insurance requirement. City Planner Abboud responded that he found the typical amounts are \$1 Million to \$3 million which Chair Stead noted was included in the ordinance, section 21.58.080 (a) lines 308-310. City Planner Abboud also commented on the bonding requirement in the amount of \$150,000, Section 21.58.090 (b), lines 333-334.

Commissioner Highland requested clarification on Section 21.58.040, 2., line 158, that a tower could be allowed outside of areas that other towers are placed, noting that this is a problem that Anchorage is currently dealing with; City planner Abboud responded that this is the instance where they would have to provide a report from a third party explaining why a tower could not be placed and why the proposed area is better or more appropriate.

Commissioner Highland expressed concern on having control over the number of towers that are built. City Planner Abboud responded that every application will be unique and there is no way to determine or predict the number of tower applications that they will have, they do their best to figure in the population, services, etc.

Commissioner Highland then questioned line regarding Bond Rating, line 312-313.

Commissioner Bos questioned the requirement outlined in Section 21.58.060 (a) 1 & 2, lines 250-258. City planner Abboud clarified that this is for when you exceeds these heights and will become part of the record and if anything comes up they can be addressed prior to coming before the commission.

HIGHLAND/BRADLEY - MOVED TO APPROVE STAFF REPORT PL 16-34, TOWERS AND MOVE IT TO PUBLIC HEARING.

There was no further discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Bos requested if anyone has submitted any applications for wind turbines or similar things. City Planner Abboud responded that they haven't it is only usable apparently in limited areas of town.

NEW BUSINESS

INFORMATIONAL MATERIALS

A. City Manager's Report, June 8, 2016

There was no discussion

COMMENTS OF THE AUDIENCE (*Members of the audience may address the Commission on any subject. (3 minute time limit)*)

There was no audience.

COMMENTS OF STAFF

City Planner Abboud commented on attending the presentation by the Coast Guard regarding placement of a new larger cutter, the City Manager and the Harbormaster presenting Homer as the best choice. They were asking questions across a wide range, from the housing capacity to what is there to do in the area. They are planning for 2023 which is a ways out but to get the funding, etc. it is not that far away. So it would be an opportunity and economic engine for Homer. He added that it may enlarge the harbor too.

Deputy City Clerk Krause had no comments.

COMMENTS OF THE COMMISSION

Commissioner Highland presented a map that was worked on with Steve Baird regarding City of Homer Open Spaces, and opined that it should be included in the Comprehensive Plan Update. Chair Stead noted that the Diamond Creek Open Space has been renamed, and questioned whether Overlook Park was actually a park. Commissioner Highland stated that the Kachemak Bay Conservation Society is the manager and it is state owned so now is a state park. Commissioner Highland would like to include it when they work on the plan and consider including it in the parks section of the plan.

Commissioner Bradley had no comments.

Commissioner Bos commented that he was really looking forward to getting this towers ordinance moving along, hope everyone has been enjoying the fishing that going on and the weather has been glorious.

Chair Stead commented that he appreciates everyone being up on the packet and it was a good meeting and announced the next regular meeting for July 20, 2016.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:24 p.m. The next regular meeting is scheduled for WEDNESDAY, JULY 20, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

Renee Krause, CMC, Deputy City Clerk

Approved: _____



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STAFF REPORT PL 16-36

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

City Council

Both the Flood Maps and the Pratt Rezone were approved at the meeting of June 27th. So far, the tentative agenda for the meeting of July 25th includes a ballot proposition for the funding of the Public Safety Building up to \$12 million and an accompanying increase in seasonal sales tax of .65% to pay debt service on the proposed general obligation bond.

Projects

Comprehensive Plan

The Chapter 8 of the Comprehensive Plan review has been postponed as the EDC cancelled their last meeting.

Hickerson Memorial Cemetery

Staff is still working on the Hickerson Memorial Cemetery with Public Works. It has been postponed to the August 3 meeting.

STIP

We have just received notice of the proposed project changes in the 2016-2019 State Transportation Project (STIP). Pioneer Avenue funds have been moved and are no longer broken out as a single project. I have requested the proposed time frame for completion of the project. Lake Street Rehabilitation has been pushed to after 2019. The Sterling Highway MP 157-169 Rehabilitation project is also pushing the majority of funding till after 2019. I will be preparing the city's comments on these changes. Remember that citizens are also welcome to comment on this proposal. I would be glad to help you or others if they wish to comment.

Staff

It is crunch time, all the time now. I am up for the task though. It is a two person office now and I am getting to pick up many duties that were left to others. Days seem to go much faster even while they are longer.

2016-2019 STIP Amendment 1
Proposed Project Changes

Project		Approved STIP						Pending Amendment 1 Changes													
Need ID:	2013 Name:	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	
NHS	C	29	Wasilla	Highway	Reconstruction	4033	3	NHPP	5,185,290	0	0	0	0	3	NHPP	0	5,185,290	0	0	0	0
							3	SM	514,770	0	0	0	0	3	SM	0	514,770	0	0	0	0
							4	NHPP	0	0	9,369,910	0	0				0	0	0	0	0
							4	SM	0	0	930,090	0	0				0	0	0	0	0
							7	NHPP	0	0	1,364,550	0	0	0	7	NHPP	0	0	0	0	0
							7	SM	0	0	135,450	0	0	0	7	SM	0	0	0	0	0
							Totals:		5,700,060	0	11,800,000	0	0		Totals:	0	5,700,060	0	0	0	27,100,000
NHS	C	29	Wasilla	Highway	Bridge Rehabilitation	603	4	ILLU	0	0	51,852,900	0	0				0	0	0	0	0
							4	SM	0	0	5,147,100	0	0				0	0	0	0	0
							7	ILLU	0	0	636,790	0	0				0	0	0	0	0
							7	SM	0	0	83,210	0	0				0	0	0	0	0
							Totals:		0	0	57,700,000	0	0		Totals:	0	0	0	0	0	57,700,000
NHS	C	29	Wasilla	Highway	System Preservation	607	2	NHPP	1,819,400	0	0	0	0	2	NHPP	0	909,700	0	0	0	0
							2	SM	180,600	0	0	0	0	2	SM	0	90,300	0	0	0	0
							3	NHPP	0	0	1,819,400	0	0				0	0	0	0	0
							3	SM	0	0	180,600	0	0				0	0	0	0	0
							Totals:	2,000,000	0	0	2,000,000	0	0	60,000,000	Totals:	0	1,000,000	0	0	0	60,000,000
NHS	C	31	Central Region	Highway	Reconstruction	666	2	NHPP	4,275,590	0	0	0	0	2	NHPP	3,638,800	0	0	0	0	0
							2	SM	424,410	0	0	0	0	2	SM	361,200	0	0	0	0	0
							3	NHPP	591,305	0	0	0	0	3	NHPP	0	454,850	0	0	0	0
							3	SM	58,695	0	0	0	0	3	SM	0	45,150	0	0	0	0
							4	NHPP	0	0	50,274,570	0	0				4,000,000	500,000	0	0	61,000,000
							4	SM	0	0	4,990,430	0	0				0	0	0	0	0
							7	NHPP	0	0	727,760	0	0				0	0	0	0	0
							7	SM	0	0	71,240	0	0				0	0	0	0	0
							Totals:	5,350,000	0	0	56,065,000	0	0	60,000,000	Totals:	3,638,800	0	0	0	0	61,000,000
NHS	C	29	Central Region	Highway	New Construction	4020	2	ACC	0	20,013,400	0	0	0	2	ACC	0	0	0	0	0	0
							2	SM	0	1,986,600	0	0	0	2	SM	0	0	0	0	0	0
							3	NHPP	0	0	2,274,250	0	0				0	0	0	0	10,002,300
							3	SM	0	0	225,750	0	0				0	0	0	0	0
							Totals:	0	22,000,000	0	0	2,500,000	234,500,000	Totals:	0	0	0	0	0	0	247,002,300
NHS	C	92	Central Region	Highway	Safety		8	SA	607,500	607,500	607,500	607,500	4,050,000	9	SA	607,500	607,500	607,500	607,500	607,500	4,050,000
							8	SM	67,500	67,500	67,500	67,500	67,500	9	SM	67,500	67,500	67,500	67,500	67,500	67,500
							Totals:	675,000	675,000	675,000	675,000	675,000	4,050,000	Totals:	675,000	675,000	675,000	675,000	675,000	675,000	4,050,000



2016-2019 STIP Amendment 1
Proposed Project Changes

Need ID: 23178 Name: Pioneer Avenue Rehabilitation	Approved STIP										Pending Amendment 1 Changes											
	Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	
	CTP	C	31	Homer	Highway	Reconstruction		3	SM	13,545	0	0	0	0	3	SM	0	29,899	0	0	0	0
								3	STP	136,455	0	0	0	0	3	STP	0	301,111	0	0	0	0
Description: Resurface approximately 1 mile of Pioneer Avenue from the Sterling Highway to the intersection of Lake Street and East End Road. Project may include bike lanes, drainage, lighting, curb and gutter and sidewalk construction and landscaping. All work is intended to be limited to that which can be accommodated within the existing ROW.																						
Totals:										150,000	4,150,000	0	0	0								
Need ID: 23197 Name: Homer Lake Street Rehabilitation	Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	
	CTP	C	31	Homer	Highway	Reconstruction		3	SM	29,899	0	0	0	0	3	SM	0	29,899	0	0	0	0
								3	STP	301,111	0	0	0	0	3	STP	0	301,111	0	0	0	0
Description: Rehabilitate pavement of approximately 0.47 miles, construct a sidewalk on both sides of the road, improve the intersection at Pioneer to enhance safety, and provide drainage improvements. Lake Street is located in downtown Homer, between the Sterling Highway and Pioneer Avenue.																						
Totals:										331,010	0	0	0	0								
Need ID: 23207 Name: Kenai Beaver Loop Road Improvement and Pedestrian Pathway	Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	
	CTP	C	30	Kenai	Highway	Reconstruction		3	SM	72,740	0	0	0	0	3	JAC	0	727,760	0	0	0	0
								3	STP	0	727,760	0	0	0	3	SM	0	72,740	0	0	0	0
Description: Resurface existing Beaver Loop Roadway, add paved shoulders and separated pedestrian pathway. Length is approx 3.75 miles. The City of Kenai will assume ownership and maintenance of this state owned facility upon project completion.																						
Totals:										72,740	727,760	0	0	0								
Need ID: 23335 Name: Bethel Ridgecrest Drive Rehabilitation	Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	
	CTP	C	38	Bethel	Highway	Reconstruction		4	HPRL	447,293	0	0	0	0	3	SM	6,349	0	0	0	0	0
								4	ILLU	0	2,827,627	0	0	0	3	STP	63,651	0	0	0	0	0
Description: Rehabilitate Ridgecrest Drive between Akakeek and Pitamagin Streets. Raise and widen the road, improve drainage and provide middle lane turnouts to reduce congestion and provide marked and lighted pedestrian crossings at the school intersections. Project will be coordinated with and partially funded by the Highway Safety Improvement Program.																						
Totals:										447,293	2,827,627	0	0	0								
Need ID: 23616 Name: Knik Goose Bay Road Widening, Vine Road to Settlers Bay Drive	Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	Ph	Fund	FFY16	FFY17	FFY18	FFY19	After 2019	
	NHS	C	7	Wasilla	Highway	Safety Corridor		4	BOND	15,000,000	0	0	0	0	3	BOND	1,000,000	0	0	0	0	0
								4	OSF	15,000,000	0	0	0	0	4	BOND	0	0	0	0	0	0
								7	OSF	4,400,000	0	0	0	0	4	OSF	0	0	0	0	0	0
Description: Knik-Goose Bay Road Safety Corridor project development activities for safety corridor including the rehabilitation of Knik-Goose Bay Road between Vine Road and Settlers Bay Drive. This is a state funded project, separate from, but coordinated with, the federally funded project on Knik-Goose Bay Road from Centaur Avenue to Vine Road (project Need ID 24596).																						
Totals:										34,400,000	0	0	0	0								





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Staff Report PL 16-37

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: July 20, 2016
SUBJECT: CUP 16-03

Synopsis The applicant proposes to build an indoor recreational facility, just less than 12,000 square feet. A Conditional Use Permit (CUP) is required per HCC 21.14.030 (l), Indoor recreational facility, 21.14.030(k) More than one building containing a permitted principle use on a lot in the Urban Residential district. The building site is in the process of being subdivided off from the Homer Middle School grounds.

The building is called SPARC: South Peninsula Athletic and Recreation Center. This is a community driven effort to develop and construct a multi-use indoor recreational space. Inside the building, the space can be used for a range of activities, such as soccer, basketball, baseball, volleyball, pickle ball, indoor walking and more.

Applicants: Marcus Mueller Daniel Zatz
Kenai Peninsula Borough Soccer Association of Homer
144 N Binkley St PO Box 698
Soldotna, AK 99669 Homer, AK 99603

Location: Middle school: 500 Sterling Highway, PARC: 600 Sterling Highway,
west of Homer Middle School

Parcel ID: 17510069

Size of Existing Lot: 33.12 acres

Zoning Designation: Urban Residential/Scenic Gateway Corridor Overlay

Existing Land Use: Homer Middle School

Surrounding Land Use: North: School track and grounds/Residential

South: Hotel, commercial

East: Former school building, residential, commercial

West: Residential/Vacant

Wetland Status: The lease area contains some wetlands/uplands complex wetlands. No development is planned for this area.

Flood Plain Status: Zone D, flood hazards not determined.

BCWPD: Not within the Bridge Creek Watershed Protection District.

Utilities: Public utilities service the site.

Public Notice: Notice was sent to 80 property owners of 85 parcels as shown on the KPB tax assessor rolls.

ANALYSIS: The applicant proposes to build an indoor recreational facility, just less than 12,000 square feet, on the Homer Middle School Property. A subdivision is in process but is not likely to be recorded prior to the beginning of construction of the new facility. A Conditional Use Permit (CUP) is required per HCC 21.14.030 (l), Indoor recreational facility, 21.14.030(k) More than one building containing a permitted principle use on a lot in the Urban Residential district (school). The building will house a combination of short court soccer fields, tennis, pickle ball, volleyball – basically any kind of sport court that can use the flooring that will be installed. A walking track is also a possibility.

Location

SPARC will be constructed on the existing underutilized baseball field at the Homer Middle School.

Building

The building is a metal truss structure with a fabric/plastic skin covering the metal supports. It's similar in concept to a large high tunnel, or equestrian arena. (The Alaska Dome in Anchorage is also an example, although it's much larger at 180,000 square feet.) The manufacturer warranty is 20 years on the material, but due to the low angle of the sun at this latitude, a 30-year lifespan can be expected. The benefit of a canvas material over conventional construction is substantial cost savings. The material is available in several colors and can be painted, for a mural effect, if desired. The applicant intends to look at the color options and talk with the immediate neighbors for their input.

Parking

The school has about 72 spaces plus a bus load/unload area on the south side of the parking lot, and two ADA spaces by the main entrance. There is a car load and unload walkway along north boundary of parking lot. School capacity is 360, while enrollment is currently around 200 or fewer students. Staff conducted a site visit at 1:10 pm on Tuesday May 10th and found 14 cars in the parking lot. With the exception of major events at the school, the parking lot is mostly empty. SPARC intends to work with the middle school on scheduling major events to ensure adequate parking.

Staff recommends 28 spaces for the middle school, and 40 for the SPARC facility for a total of 68 spaces (there are 72 available, plus car and bus load/unload areas and two ADA spaces).

SPARC will also provide two ADA spaces near the entrance of the facility as required by ADA legislation.

Calculations

City code for junior high schools requires one parking space per employee, plus ten for visitor parking. Based on staff research, this is an out of date standard because schools now have more support staff in terms of in-school therapies and volunteers than they did historically. So parking demand may be greater than parking requirements. However, HMS has a big parking lot for school use, as reflected by the use of only 14 of 72 spaces during the school day, based average recent enrollment of about 190 students.

Examples of other parking standards:

Parking Standards book: Minimum standard of 1 space per 25 classroom seats (based on 360 capacity) = 14 spaces

Maximum standard of 1 space per 15 classroom seats = 24 spaces. (p 88). Staff thinks that 28 spaces might be a good number of parking spaces since at a little more than 50% occupancy, 14 are currently used.

Homer City Code 21.55.090(18) requires auditoriums theaters, exhibition halls, stadiums, sports arenas and other places of public assembly to be calculated at 1 space per per 5 seats and 1 per 100 square feet used for assembly and not containing fixed seats. Seating is not yet determined for SPARC. The State Fire Marshal has determined the building occupancy maximum of 250 people. Parking standards book (p 149) recommends a range of parking: 1 space per 5 people based on max occupancy: 50 spaces, or 1 space per 300 square feet, for a total of 40 spaces. Staff recommends 40 spaces for the SPARC facility.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.020, General conditions, and establishes the following conditions:

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

Finding 1: HCC 21.14.030 (l) and 21.14.030(k) authorizes an indoor recreational facility and more than one building containing a permitted principle use on a lot as conditional uses in the Urban Residential District.

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

Purpose: The Urban Residential District is primarily intended to provide a sound environment for medium-density residential occupancy including single-family, duplex and low-rise multiple-family dwellings of various types and designs and other compatible uses as provided in this chapter.

Finding 2: The uses supported by the proposed facility serve children and adults commonly found residing within an urban residential district and is a compatible use.

Analysis: While the structure is somewhat large compared to the most common structures found nearby, the lot is large and well buffered from neighboring properties. The contours of the land are such that the structure is downward from the northern properties, while being set up and away from the highway.

Finding 3: The structure is compatible with the district.

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

Analysis: Many uses in the Urban Residential District have greater negative impacts than would be realized from an indoor recreational center. Pipelines, railroads, and storage of heavy equipment would have a greater impact on nearby property values. Assisted living, group care, religious, cultural and fraternal assembly would generate a good deal of traffic and would not be limited to the proposed hours of operation.

Finding 4: An indoor recreational facility is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

Analysis: The uses that the facility supports are those which many of the neighboring population might participate. It also supports activities of the students found in the adjacent middle school.

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

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

Analysis: DEC must approve the water and sewer connection design (condition 1). The site is located adjacent to the Sterling Highway.

Finding 6: Existing public, water, sewer, and fire services are adequate to serve both buildings. A separate water and sewer connection is required for the athletic facility and the design must be approved by DEC and Homer Public Works.

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

Analysis: The facility is well served by an arterial road. The project is located on a large lot that is not connected to neighborhood roads. Traffic to the site will not impact neighboring residential roads. The use and location of the proposal is not expected to interfere with the enjoyment of the neighborhood.

Purpose statement for the district: “The Urban Residential District is primarily intended to provide a sound environment for medium-density residential occupancy and other compatible uses as provided in this chapter.”

Finding 7: The Commission finds the proposal will not cause an undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.

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

Analysis: The proposal for a sporting facility makes Homer a more desirable community and has a positive effect on health of the residents. The facility supports the health of sporting participant and the enjoyment derived from those attending the events which it hosts.

Finding 8: The proposal is not detrimental to the health, safety or welfare of the surrounding area or city as a whole.

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

Finding 9: The proposal is expected to comply with all applicable regulations.

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

Analysis: Goals of the Land Use Chapter of the Homer Comprehensive Plan include Goal 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encourage infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions.

SPARC utilizes an unused baseball field as the building site, which is centrally located near downtown Homer. The re-use of the site, shared parking, and a convenient location in town all help to minimize traffic and therefore greenhouse gas emissions.

Finding 10: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. 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 the applicable provisions of the Community Design Manual (CDM).

Analysis: The Outdoor Lighting section of the CDM applies.

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

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

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

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

PUBLIC WORKS COMMENTS: No comments.

FIRE DEPARTMENT COMMENTS: We will require fire department access to within 150' of any portion of the building. As such a fire department access road will be required to be constructed suitable to handle the weight of the engines, with a turn-around provision if it dead ends. Based on the submitted design, the single driveway would have to be extended to each end of the building to allow access to the rear of the structure from either side, or a road completely around the building. This can be limited access to fire department vehicles only. In addition the entire driveway would have to be marked as a fire lane with no parking except for the few spaces allocated in the design drawing. Also, the road width will have to be at least 20' per fire code.

Condition 1: Homer Public Works and DEC must approve water and sewer design.

Condition 2: All exterior lighting shall be downlit and meet the requirements of the CDM.

Condition 3: Access roads must be designed to meet Fire Department requirements.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP 16-03 and Staff Report PL 16-37 with findings 1-10 and the conditions 1-3.

Attachments

Application

Public Notice

Aerial Photograph



City of Homer

www.cityofhomer-ak.gov

Planning
 491 East Pioneer Avenue
 Homer, Alaska 99603
 Planning@ci.homer.ak.us
 (p) 907-235-3106
 (f) 907-235-3118

(SPARC sports building)

Applicant
 Name: SAH Soccer Inc. dba Soccer Association of Homer _____ Telephone No.: 907-299-1885
 Address: Box 698 _____ Email: HomerSoccer@Gmail.com _____

Name: Kenai Peninsula Borough _____ Telephone No.: 907-714-2204
 Address: 144 N. Binkley St. Soldotna 99669 _____ Email: MMueller@kpb.us _____

PROPERTY INFORMATION:
 Homer Middle School
 Address: 500 & 600 Sterling Hwy Lot Size: TBD acres KPB Tax ID # TBD _____
 Legal Description of Property: Homer School Survey 1999 City Addn Tract 1 _____

For staff use:
 Date: 5/18/16 _____ Fee submittal: Amount 1000.00 _____
 Received by: [Signature] _____ Date application accepted as complete _____
 Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

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

Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	EEMU	BCWPD
Level 1 Site Plan	x	x	x			x			x			x
Level 1 ROW Access Plan	x	x							x			
Level 1 Site Development Standards	x	x										
Level 1 Lighting			x	x	x	x	x	x	x	x	x	
Level 2 Site Plan			x	x	x		x	x		x	x	
Level 2 ROW Access Plan			x	x	x		x	x		x	x	
Level 2 Site Development Standards			x*	x	x	x	x	x			x	
Level 3 Site Development Standards									x	x		
Level 3 ROW Access Plan						x						
DAP/SWP questionnaire				17	x	x	x	x			x	

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

- a. What code citation authorizes each proposed use and structure by conditional use permit? 21.14.030 (k), and (i)
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.
The sports building will be compatible with a residential district because it will provide needed recreational opportunities with little to no generated noise, light pollution or other disruptions to the surrounding community.
- c. How will your proposed project affect adjoining property values?
No anticipated effect.
- d. How is your proposal compatible with existing uses of the surrounding land?
The surrounding lands are primarily athletic fields. SPARC will be fully-compatible.
- e. Are/will public services adequate to serve the proposed uses and structures?
Yes. We will have an MOU for use of the Middle School Parking lot. We will have City water, sewer, and emergency access.
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?

The SPARC will be in complete harmony with existing activities– most notably the middle school athletic activities. Traffic will flow through the existing parking lot.
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?
No. We hope to enhance health and well-being.
- h. How does your project relate to the goals of the Comprehensive Plan? The Comprehensive Plan is online, Goal E objective 2
- i.
- j. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (**circle each answer**)
1. NA Special yards and spaces.
 2. Yes Fences, walls and screening: We plan to have a fence around three sides of the facility.
 3. Yes Surfacing of parking areas: We will use existing parking area.
 4. NA Street and road dedications and improvements (or bonds).

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, July 20, 2016 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

A Request for a Conditional Use Permit at 500 and 600 Sterling Highway, Homer Middle School, Homer School Survey 1999 City Addn, Tract 1. A (CUP) is required per HCC 21.14.030 (l), Indoor recreational facility, and 21.14.030(k) More than one building containing a permitted principle use on a lot in the Urban Residential district. This will be an indoor recreational facility under 12,000 square feet, proposed by the Soccer Association of Homer (SAH).

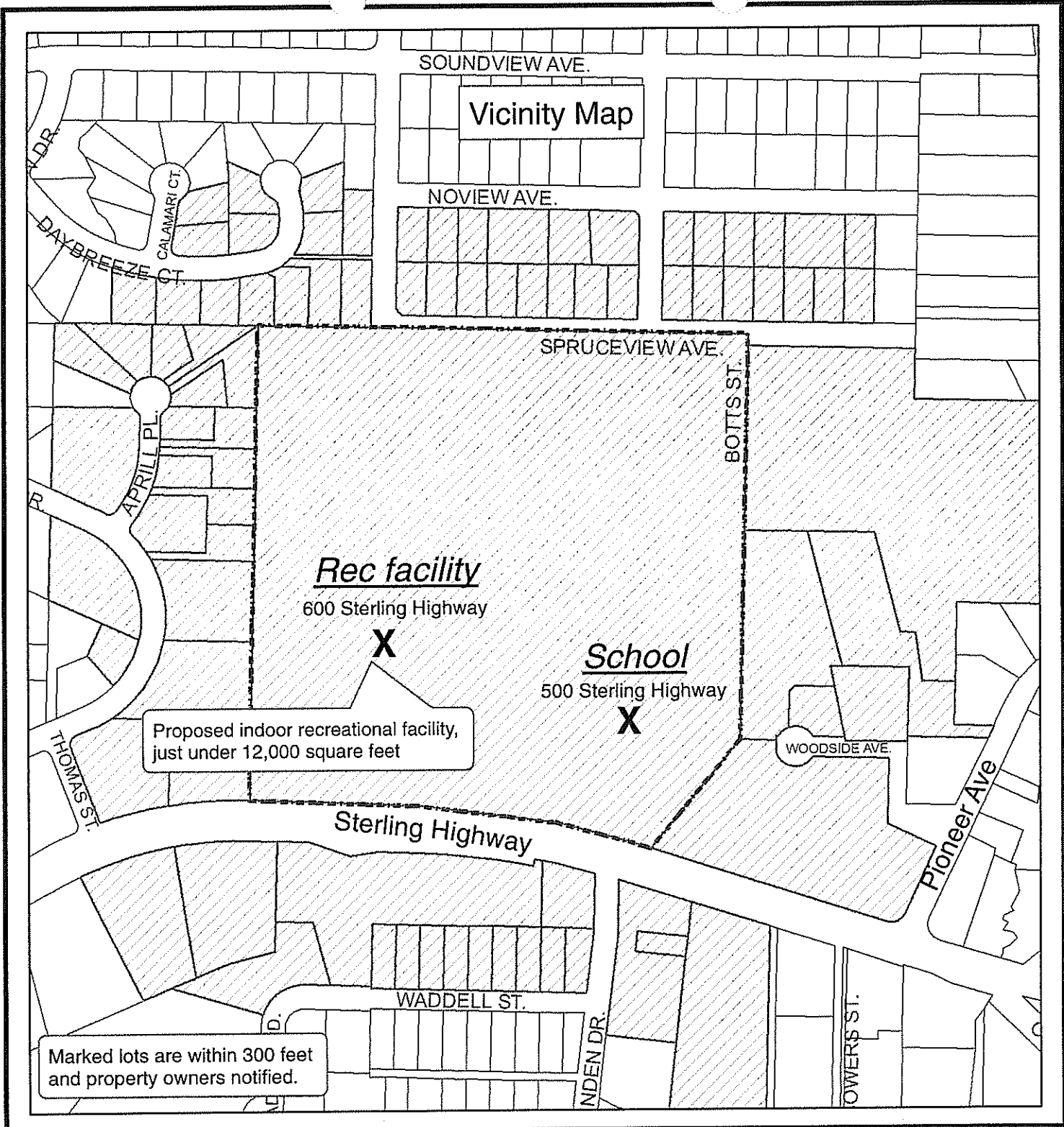
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.


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

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

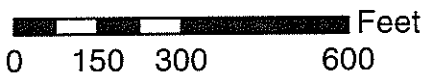
.....

VICINITY MAP ON REVERSE




 City of Homer
 Planning and Zoning Department
 July 6, 2016

Request for Conditional Use Permit 16-03
 Indoor recreational facility,
 and more than 1 building containing
 a permitted principle use on a lot.

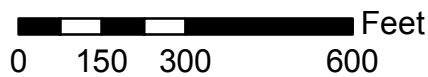


Disclaimer:
 It is expressly understood the City of
 Homer, its council, board,
 departments, employees and agents are
 not responsible for any errors or omissions
 contained herein, or deductions, interpretations
 or conclusions drawn therefrom.



City of Homer
 Planning and Zoning Department
 July 6, 2016

Request for Conditional Use Permit 16-03
 Indoor recreational facility,
 and more than 1 building containing
 a permitted principle use on a lot.

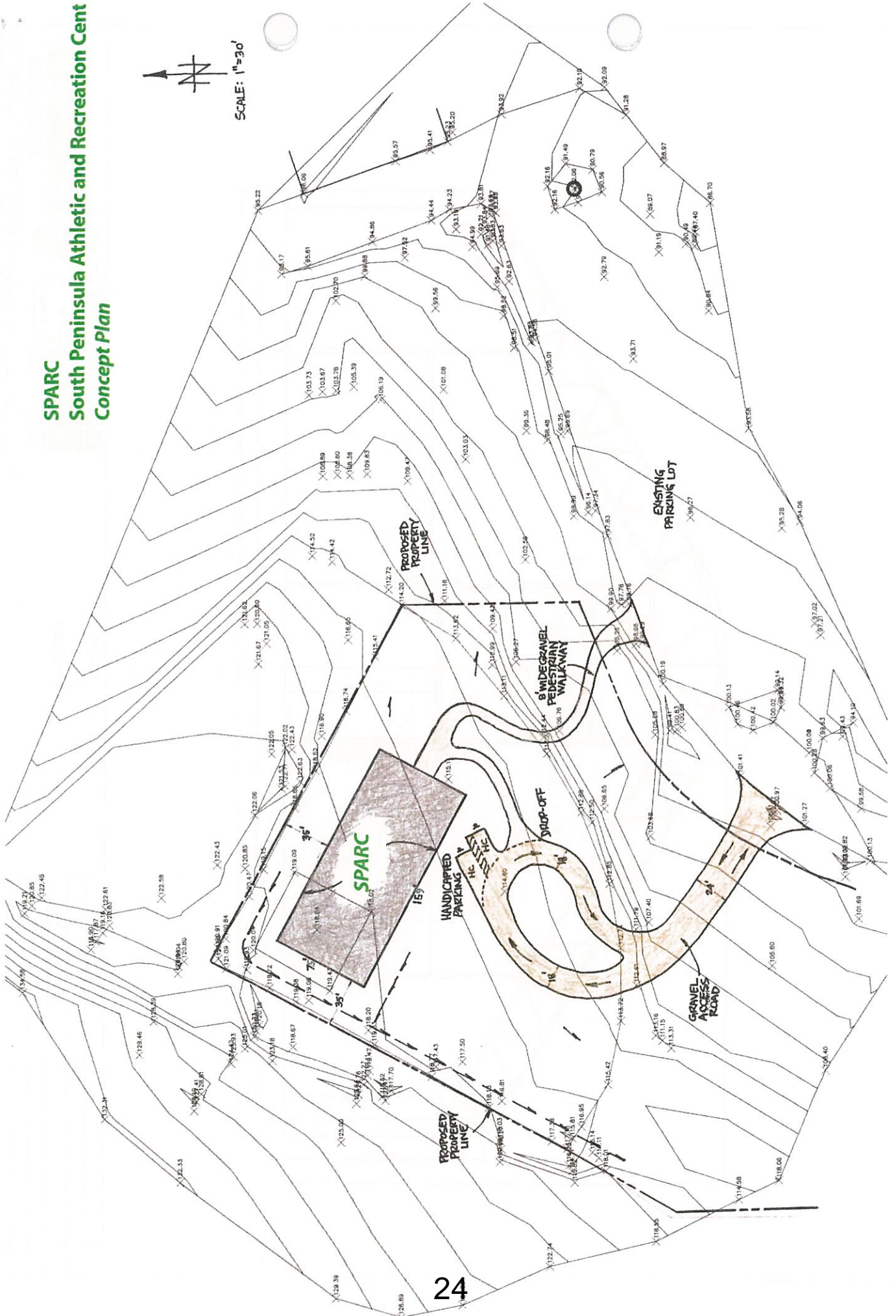


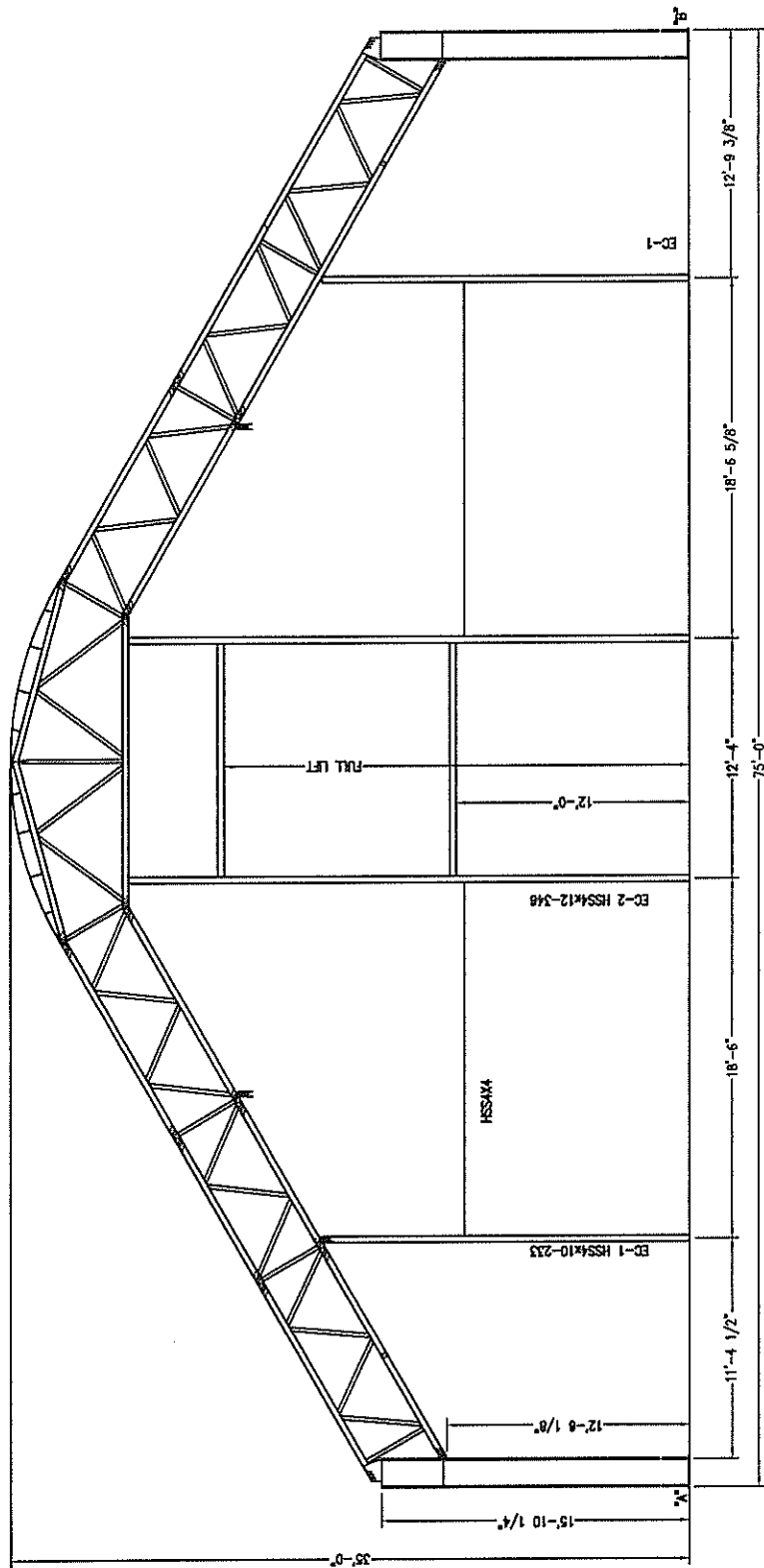
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 Homer, its council, board,
 departments, employees and agents are
 not responsible for any errors or omissions
 contained herein, or deductions, interpretations
 or conclusions drawn therefrom.

SPARC South Peninsula Athletic and Recreation Cent Concept Plan



SCALE: 1"=30'





NORSEMAN
STRUCTURES

3015 WANUSKEW RD, SASQUOON, SASKATCHEWAN, S7P 1A4
 PH: 1-306-385-2888 FAX: 1-306-385-2717
 WEBSITE: www.norseman.ca

TITLE: F-75-END 1
 SHEET: 1
 NUMBER: 1

THIS DRAWING AND THE PROPRIETARY DESIGN IS PROPERTY OF NORSEMAN STRUCTURES ANY REPRODUCTION IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF NORSEMAN STRUCTURES IS PROHIBITED. DRAWINGS NOT TO SCALE

DRAWN BY: J U
 CHECKED BY: J U
 DATE: _____

SCALE: N.T.S.

DEALER: _____
 CUSTOMER: _____
 PROJECT: _____

PROJECT ID: 6019
 ORDER ID: _____

REV.	DESCRIPTION	BY	DATE
1	DRAFT	JL	20 JUN 16



SPARC SITE
MASTER PLAN

NEW BUILDING
159' x 71'

FUTURE BUILDING

PATHWAY

ACCESS ROAD

3.5 ACRE SITE

SEABRIGHT SURVEY & DESIGN
4.27.2016





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 16-38

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

Introduction

The Planning Commission has reviewed and made a recommendation in consideration of the concerns raised by the City Council.

Analysis

An analysis of the changes to the ordinance is provided in staff report 16-34, which are repeated below for the public.

The City Attorney has addressed the above subjects and introduced another in the process. Although not specifically requested by the City Council, I found the Attorney's suggestion worthy of further considerations. The Attorney suggested number 2 below.

1. Lines 194-206. Costs of third party review.

This provides the requirement that the applicant provides a deposit for the actual cost of the review. I will be looking into what exactly the appropriate amount may be. This may come with a RFP for a firm which is qualified to make the review. The fee schedule may be amended without Planning Commission approval and would be passed along to the City Council. My guess is that we could be looking at an amount between \$5-8k and some sort of administrative fee for the city.

2. Lines 303-320. Insurance requirements.

This seems to be a concern of most. We would expect that businesses would have liability insurance. This provides an appropriate amount (what we would expect from a tenant of the city) and a mechanism for the city to be notified if the policy lapses. I believe this is a worthy amendment and provides those onsite and nearby with some additional measure of security regarding financial liability.

3. Lines 331-336. Bonding.

This amendment provides a vehicle to provide funds for decommission and removal of a tower if the tower is found unsafe and the owner is unwilling to repair or the tower is no longer operational.

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 Ordinance Attorney edit 6.3.16

1 CITY OF HOMER
2 ORDINANCE 16-xx

3
4 Planning Commission

5
6 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
7 HOMER CITY CODE 21.03.040, DEFINITIONS USED IN ZONING
8 CODE, HOMER CITY CODE 21.05.030, MEASURING HEIGHTS,
9 AND HOMER CITY CODE 21.70.010, ZONING PERMIT
10 REQUIRED; REPEALING HOMER CITY CODE CHAPTER 21.58,
11 SMALL WIND ENERGY SYSTEMS; AND ENACTING HOMER
12 CITY CODE CHAPTER 21.58, TOWERS AND RELATED
13 STRUCTURES.

14
15 THE CITY OF HOMER ORDAINS:

16
17 Section 1. Homer City Code Chapter 21.03.040, Definitions used in zoning code, is
18 amended by adding the following definitions:

19
20 "Collocation" means the placement or installation of wireless communications
21 equipment on an existing wireless communications support structure or in an existing
22 equipment compound.

23
24 "Equipment compound" means the area occupied by a wireless communications
25 support structure and within which wireless communications equipment is located.

26
27 "Tower, amateur radio" means a fixed vertical structure used exclusively to support an
28 antenna used by an amateur radio operator licensed by the Federal Communications
29 Commission, plus its accompanying base plates, anchors, guy cables and hardware.

30
31 "Tower, communications" means a fixed vertical structure built for the primary purpose
32 of supporting wireless communications equipment, plus its accompanying base plates,
33 anchors, guy cables and hardware.

34
35 "Wireless communications equipment" means the set of equipment and network
36 components used in the provision of wireless communications services, including without
37 limitation antennas, transmitters, receivers, base stations, equipment shelters, cabinets,
38 emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding
39 any wireless communications support structure.

40
41 "Wireless communications services" means transmitting and receiving information by
42 electromagnetic radiation, by an operator (other than an amateur radio operator) licensed by
43 the Federal Communications Commission.

44
[**Bold and underlined added.** Deleted language stricken through.]

45 "Wireless communications support structure" means a structure that is designed to
46 support, or is capable of supporting, wireless communications equipment, including a
47 communications tower, utility pole, or building.
48

49 Section 2. Subsection (b) of HCC 21.05.030, Measuring heights, is amended to read as
50 follows:
51

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

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

59 2. Wireless communications equipment that does not extend more than 10
60 feet above the height of the building.
61

62 Section 3. Subsection (d) of Homer City Code 21.05.030, Measuring heights, is
63 amended to read as follows:
64

65 d. When determining the height of a nonbuilding structure, such as a sign, ~~or fence,~~
66 amateur radio tower, communications tower or wireless communications support
67 structure, the height shall be calculated as the distance from the base of the structure at
68 normal grade to the top of the highest part of the structure, excluding lightning rods. For this
69 calculation, normal grade shall be construed to be the lower of (1) existing grade prior to
70 construction or (2) the newly established grade after construction, exclusive of any fill, berm,
71 mound, or excavation made for the purpose of locating or supporting the structure. In cases in
72 which the normal grade cannot reasonably be determined, structure height shall be calculated
73 on the assumption that the elevation of the normal grade at the base of the structure is equal
74 to the elevation of the nearest point of the crown of a public street or the grade of the land at
75 the principal entrance to the main building on the lot, whichever is lower.
76

77 Section 4. Homer City Code Chapter 21.58, Small Wind Energy Systems, is repealed.
78

79 Section 5. Homer City Code Chapter 21.58, Towers and Related Structures, is enacted
80 to read as follows:
81

82 CHAPTER 21.58

83 TOWERS AND RELATED STRUCTURES

84 Article I. Communications Towers and Wireless Communications Equipment 85 86 87

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

88 21.58.010 Purpose.

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

91

92 21.58.020 Exemption from regulation.

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

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

99 2. A communications tower that is placed temporarily to support wireless
100 communications equipment that is provided for media coverage of a special event, and
101 that is placed no more than 30 days before the special event and removed no more than
102 15 days after the end of the special event.

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

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

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

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

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

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

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

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

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

127

128 21.58.030 Permission for communications towers.

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

131 b. A communications tower that exceeds the following maximum height for the zoning
132 district in which the communications tower is located is permitted only when authorized by
133 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

149
150 21.58.040 Application requirements.

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

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

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

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

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

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

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

173 6. An analysis of the potential visual impacts of the communications tower at
174 distances of 500 feet and 1,500 feet from the proposed location, through the use of
175 photo simulations of the communications tower and the wireless communications
176 equipment that it will support. The analysis shall include, to the extent practicable, the
177 visual impact along two lines extending from the shore of Kachemak Bay through the
178 communications tower site that are separated by an angle of at least 90 degrees, and
179 show the relationship of the communications tower to structures, trees, topography,
180 and other intervening visual barriers. The analysis will include recommendations to
181 mitigate adverse visual impacts of the communications tower on other properties.

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

186 8. Evidence that all wireless communications equipment supported by the
187 communications tower meets applicable Federal Communications Commission
188 requirements.

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

191 10. For a conditional use permit, minutes of each public meeting held under
192 Section 21.58.060(a), and copies of all public comments received under Section
193 21.58.060(b)(5).

194 b. The applicant shall pay the cost of an independent technical review of the
195 communications tower application by a consultant retained by the city. The applicant shall
196 submit with the application a deposit according to the fee schedule established by resolution
197 of the City Council toward the cost of the technical review. If at any time the city finds that the
198 actual cost of the technical review will exceed the amount of the deposit, the city may require
199 the applicant to increase the amount of the deposit to equal the city's current estimate of the
200 cost of the technical review. Continued review of the application shall be conditioned upon the
201 city's receipt of the increased deposit amount. After final city action on the application, the
202 city shall determine the actual cost of the technical review. If the actual cost exceeds the total
203 deposit received, the applicant shall pay the balance to the city prior to permit issuance; if the
204 total deposit received exceeds the actual cost, the city shall refund the excess to the applicant.
205 Deposits received under this subsection shall be disbursed only as authorized by this
206 subsection and shall not bear interest.

207
208 21.58.050 Communications tower standards.

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

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

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

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

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

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

232 h. The equipment compound at the base of a communications tower shall be
233 surrounded by a fence or wall not less than six feet in height with a secured gate. The lowest
234 part of a climbing apparatus that provides access to equipment on a communications tower
235 shall be at least 12 feet above the ground, and the tower shall have no handholds or footholds
236 below the climbing apparatus.

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

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

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

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

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

249
250 21.58.060 Public notification of communications tower application.

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

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

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

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

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

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

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

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

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

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

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

273
274 21.58.070 Action on communications tower application.

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

277 1. The communications tower conforms to the requirements in Section
278 21.58.050, and the other applicable standards in this title.

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

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

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

289 c. The reviewing authority shall act on a communications tower application within a
290 reasonable period of time after the application has been filed with the city taking into account
291 the nature and scope of the application, but within no more than 150 days after the application
292 is filed. The 150-day period excludes (i) any time that begins when the reviewing authority
293 gives written notice to the applicant within 30 days of receipt of the application that the
294 application is incomplete, clearly and specifically delineating all missing documents or
295 information, until the applicant makes a supplemental submission in response to the notice of
296 incompleteness; and (ii) any time that begins when the reviewing authority has given written
297 notice to the applicant within 10 days of receipt of such a supplemental submission that the
298 supplemental submission did not provide the information identified in the original notice
299 delineating missing information until the applicant makes another supplemental submission.

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

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21.58.080 Communications tower insurance requirements.

The issuance and continuation of a zoning permit or conditional use permit for a communications tower that is subject to regulation under this article shall be conditioned upon the permittee securing and at all times maintaining insurance meeting the requirements of this section.

a. The insurance policy shall provide commercial general liability coverage for personal injuries, death and property damage with limits not less than \$1,000,000 per occurrence and \$3,000,000 aggregate.

b. The insurance policy shall be issued by an agent or representative of an insurance company licensed to do business in the State of Alaska and with an AM Best's rating of at least A.

c. The insurance policy shall contain an endorsement obligating the insurance company to furnish the city with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.

d. The permittee shall provide the city with an insurance policy or certificate of insurance demonstrating compliance with the requirements of this section before the permit is issued, and a renewal or replacement policy or certificate at least fifteen (15) days before the expiration of the insurance that is to be renewed or replaced.

21.58.090 Communications tower removal requirements.

a. The owner and the lessee of the property that is the site of a communications tower 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 communications tower, or equipment on the communications tower, to be unsafe or not in compliance with applicable law.

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

b. The issuance and continuation of a zoning permit or conditional use permit for a communications tower that is subject to regulation under this article shall be conditioned upon the permittee providing the city with a performance bond in an amount of at least \$150,000 issued by corporation licensed to act as a surety in Alaska and securing the obligations of the owner and the lessee of the property that is the site of the communications tower under subsection (a) of this section.

Article II. Small Wind Energy Systems

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

21.58.120 Installation requirements.

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

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

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

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

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

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

356 3. Tower foundation blueprints or drawings.

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

360 5. Evidence of compliance with, or exemption from, Federal Aviation
361 Administration requirements.

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

364 d. Dimensional Requirements.

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

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

371
372 21.58.130 Operation standards.

373 a. Electrical Standards.

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

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

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

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

383 c. Tower Safety.

384 1. The lowest part of a climbing apparatus that provides access to a wind turbine
385 shall be at least 12 feet above the ground, and the wind energy system tower or
386 building on which the wind turbine is mounted shall have no handholds or footholds
387 below the climbing apparatus.

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

388 2. The lowest point through which a wind turbine blade rotates must be at least
389 20 feet above the ground.

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

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

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

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

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

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

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

406
407 Section 6. Subsection (c) of Homer City Code 21.70.010, Zoning permit required, is
408 amended to read as follows:

409
410 c. The following are exempt from the requirement to obtain a zoning permit, but not
411 from compliance with applicable requirements of the Homer Zoning Code, such as, but not
412 limited to, the development activity plan or stormwater protection plan:

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

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

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

422 ~~4~~3. Fences or walls used as fences, unless otherwise regulated by the Homer
423 City Code.

424 ~~5~~4. Removal of any building or structure.

425 ~~6~~5. Termination of any type of use.

426
427 Section 7. This Ordinance is of a permanent and general character and shall be included
428 in the City Code.

429

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

432
433 CITY OF HOMER

434
435
436 _____
437 MARY E. WYTHER, MAYOR

438 ATTEST:
439
440
441 _____
442 JO JOHNSON, MMC, CITY CLERK

443
444 AYES:
445 NOES:
446 ABSTAIN:
447 ABSENT:

448
449
450 First Reading:
451 Public Hearing:
452 Second Reading:
453 Effective Date:

454
455 Reviewed and approved as to form:

456
457
458 _____
459 Mary K. Koester, City Manager Holly C. Wells, City Attorney

460
461 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 16-40

TO: Homer Advisory Planning Commission
 FROM: Rick Abboud, City Planner
 DATE: July 20, 2016
 SUBJECT: Commerce Park 2016 Preliminary Plat

Requested Action: Preliminary Plat approval, to divide one larger lot into two smaller lots

General Information:

Applicants:	Wallace L. Hargrove PO Box 2338 Homer, AK 99603	Sharon E. Hargrove PO Box 2338 Homer, AK 99603
Location:	3165 East End Road	
Parcel ID:	174-19-106	
Size of Existing Lot(s):	2.3 acres	
Size of Proposed Lots(s):	Lot 3-C, 0.676 acres and Lot 3-D, 1.619 acres	
Zoning Designation:	East End Mixed Use District	
Existing Land Use:	Mix of Commercial and Residential	
Surrounding Land Use:	North: Commercial, Kachemak City South: Industrial, boat building East: Commercial, retail/bar West: Industrial	
Comprehensive Plan:	GOAL 4: Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes.	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 15 property owners of 17 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the East End Mixed Use District. This plat will divide one larger lot into two smaller lots.

Note: This submittal has been modified from the original submittal, resulting in a slightly different configuration from that displayed on the notice mailed out.

Homer City Code 22.10.051 Easements and rights-of-way

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

Staff Response: The plat does not meet these requirements. Dedicate a 15' utility easement along East End Road.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

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

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Staff Response: The plat does not meet these requirements. Show existing utilities.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat meets these requirements.

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

Staff Response: The plat may not these requirements. Additional structures are located on lot 3-D.

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

Staff Response: The plat meets these requirements.

Public Works Comments:

1. There is a proposed 15' utility easement dedicated to this plat to accommodate the exiting water and sewer services that connect both the shop and the house below. Per city code 13.24.040 water and sewer service lines cannot cross property lines. Possible solutions to this problem.....abandon one of two sets of services and relocate them to the panhandle portion of Lot 3-D, or reconfigure the lot lines in a way to accommodate the existing connection without allowing water and sewer services to cross property lines.
2. Another problem with the water/sewer services as proposed is the two lots are serviced by one meter.
3. A 15' Utility easement needs to be dedicated along East End Road.
4. Show existing structures on Lot 3-C. *Note: field visit showed no additional structures on Lot 3-C*
5. Show existing utilities adjacent to the lots.

A development agreement is not required

Fire Department Comments: There are no comments.

Staff Recommendation:

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

1. Resolve provision of water and sewer without crossing property lines to serve adjacent lot.
2. Dedicate a 15' utility easement along ROW.
3. Display existing utilities.

Attachments:

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

ABILITY SURVEYS

SURVEYING HOMER SINCE 1975

LAND SURVEYING - CONSTRUCTION SURVEYING - DESIGN SURVEYING
152 DEHEL AVE. , HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440

07/12/2016

City of Homer Planning Dept.
491 E. Pioneer Ave.
Homer, AK 99603

Re: Preliminary Plat submittal of **COMMERCE PARK 2016 (SUBDIVISION)**.

Enclosed herewith are 2 full sized 11 X 17 copies of the preliminary plat to replace the version submitted on 6/24/2016.

Thank you for your assistance and consideration in this endeavor. Please don't hesitate to call for any reason.

Sincerely,

Gary Nelson, PLS

PUBLIC NOTICE

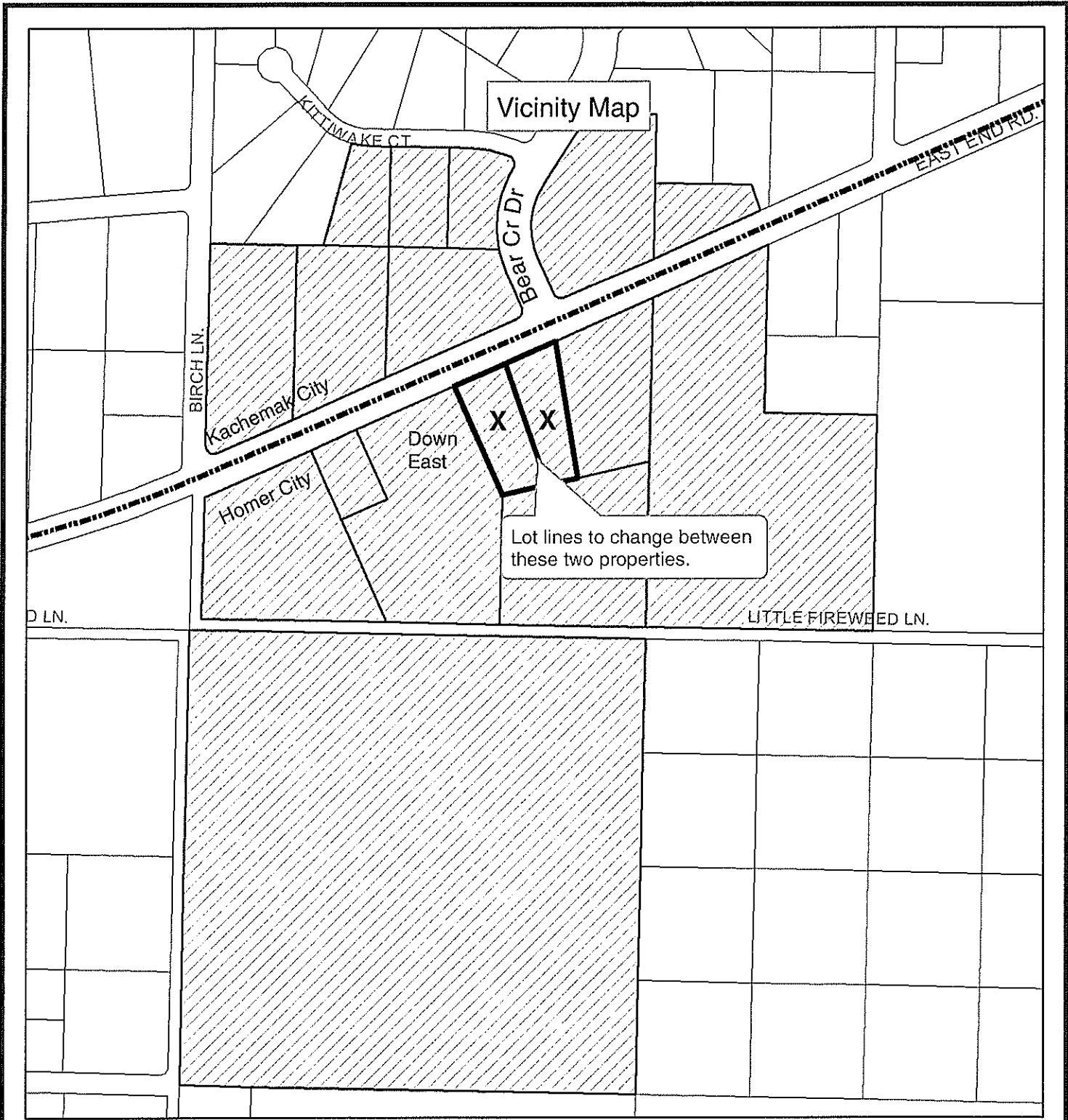
Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, July 20, 2016 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

Commerce Park 2016 Replat Preliminary Plat

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

For additional information, please contact Rick Abboud in the City Planning and Zoning Office at 235-8121, ext. 2236.

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

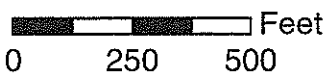


City of Homer
Planning and Zoning Department

July 5, 2016

Commerce Park Sub 2016 Replat Preliminary Plat

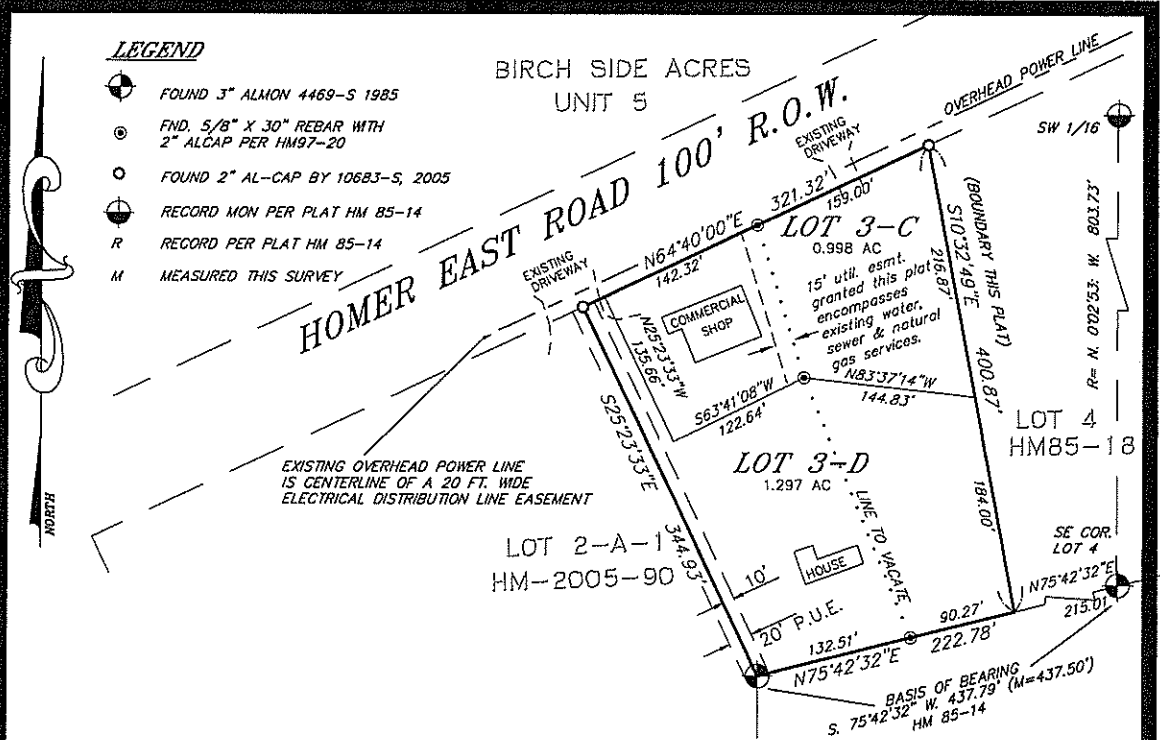
Marked lots are w/in 500 feet
and property owners notified.



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

LEGEND

- FOUND 3" ALMON 4469-S 1985
- ⊙ FND. 5/8" X 30" REBAR WITH 2" ALCAP PER HM97-20
- FOUND 2" AL-CAP BY 106B3-S, 2005
- ⊕ RECORD MON PER PLAT HM 85-14
- R RECORD PER PLAT HM 85-14
- M MEASURED THIS SURVEY



NOTES

1. THESE LOTS ARE WITHIN THE CITY OF HOMER AND ARE THEREFORE SUBJECT TO HOMER CITY CODE.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. WASTEWATER DISPOSAL: PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent dedicate and grant all easements to the use shown.

Wallace L. Hargrove

Sharon E. Hargrove
P.O. BOX 2338, HOMER, AK. 99603

NOTARY'S ACKNOWLEDGEMENT

FOR: WALLACE L. HARGROVE
and SHARON E. HARGROVE
Acknowledged before me this _____ day
of _____ 2016.

Notary public for Alaska My Commission Expires

RECEIVED

JUN 24 2016

CITY OF HOMER
PLANNING/ZONING

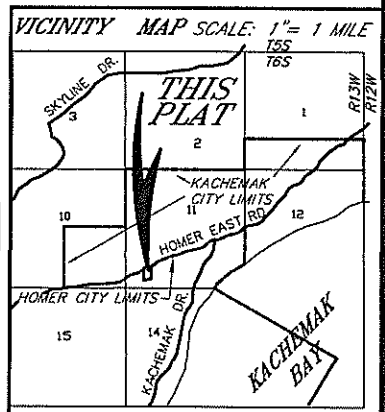
PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough
Planning Commission at the meeting of _____
KENAI PENINSULA BOROUGH

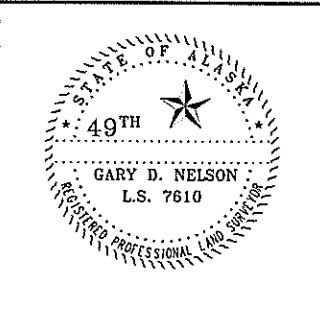
BY _____
Authorized Official
KPB FILE No. 2016-

RECORDED
HOMER REC. DIST

DATE _____ 19 ____
TIME _____ M
REQUESTED BY _____
ADDRESS _____

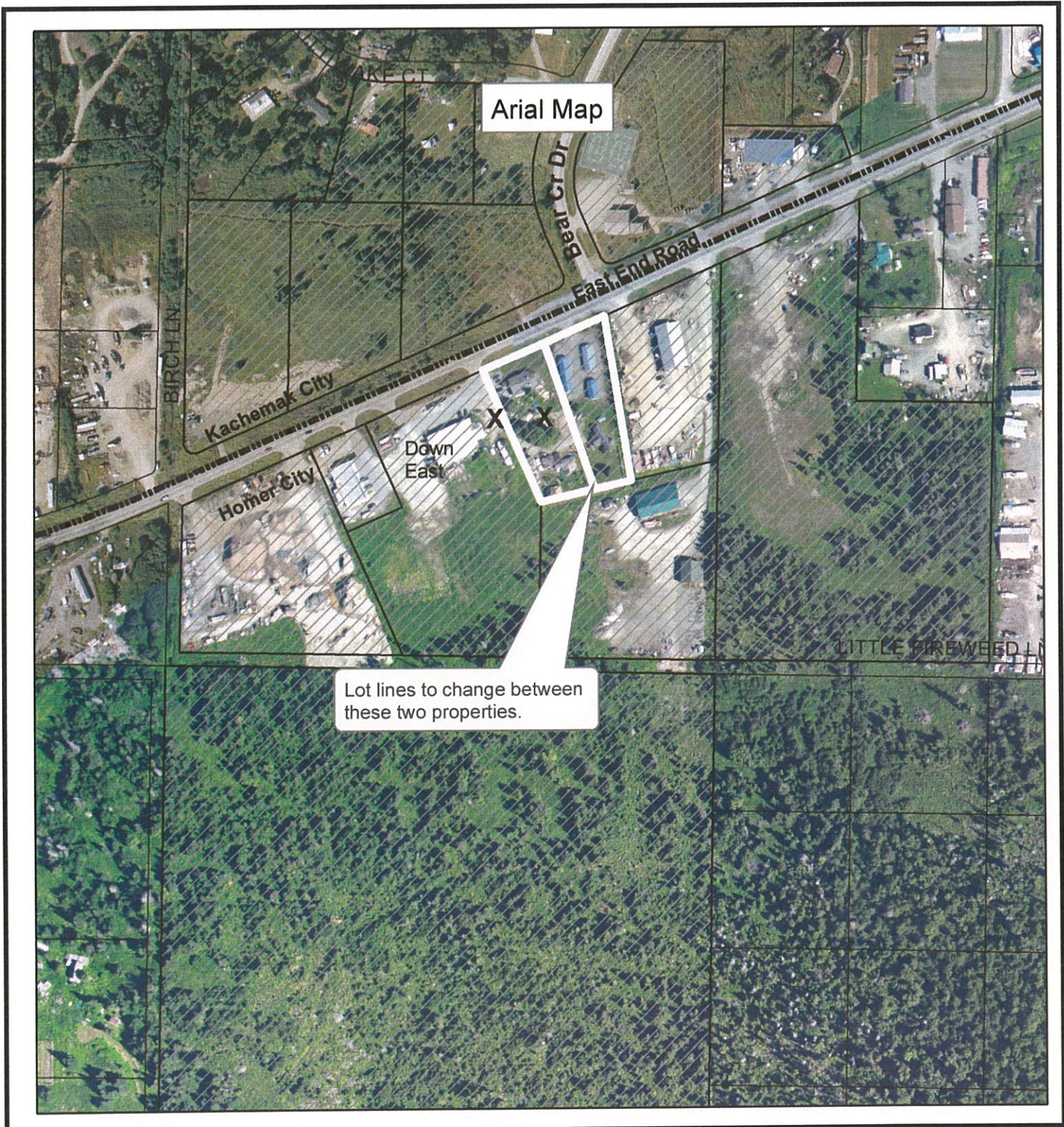


DATE JUNE 2016
SCALE 1"= 100'
JOB No. 4864
DRAWING:
4864frm2867.dwg



COMMERCE PARK 2016
A REPLAT OF COMMERCE PARK RESUBD. LOT 3,
(HM97-20), WITHIN A PORTION OF THE SW1/4 SEC. 11,
T.6S., R.13W., S.M., KENAI PENINSULA BOROUGH,
HOMER RECORDING DISTRICT
CONTAINING 2.296 ACRES

ABILITY SURVEYS
GARY D. NELSON, PLS
(907) 235-8440
152 DEHEL AVE, HOMER, ALASKA



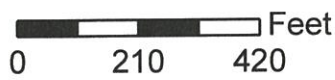
Lot lines to change between these two properties.



City of Homer
 Planning and Zoning Department
 July 5, 2016

**Commerce Park Sub 2016 Replat
 Preliminary Plat**

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



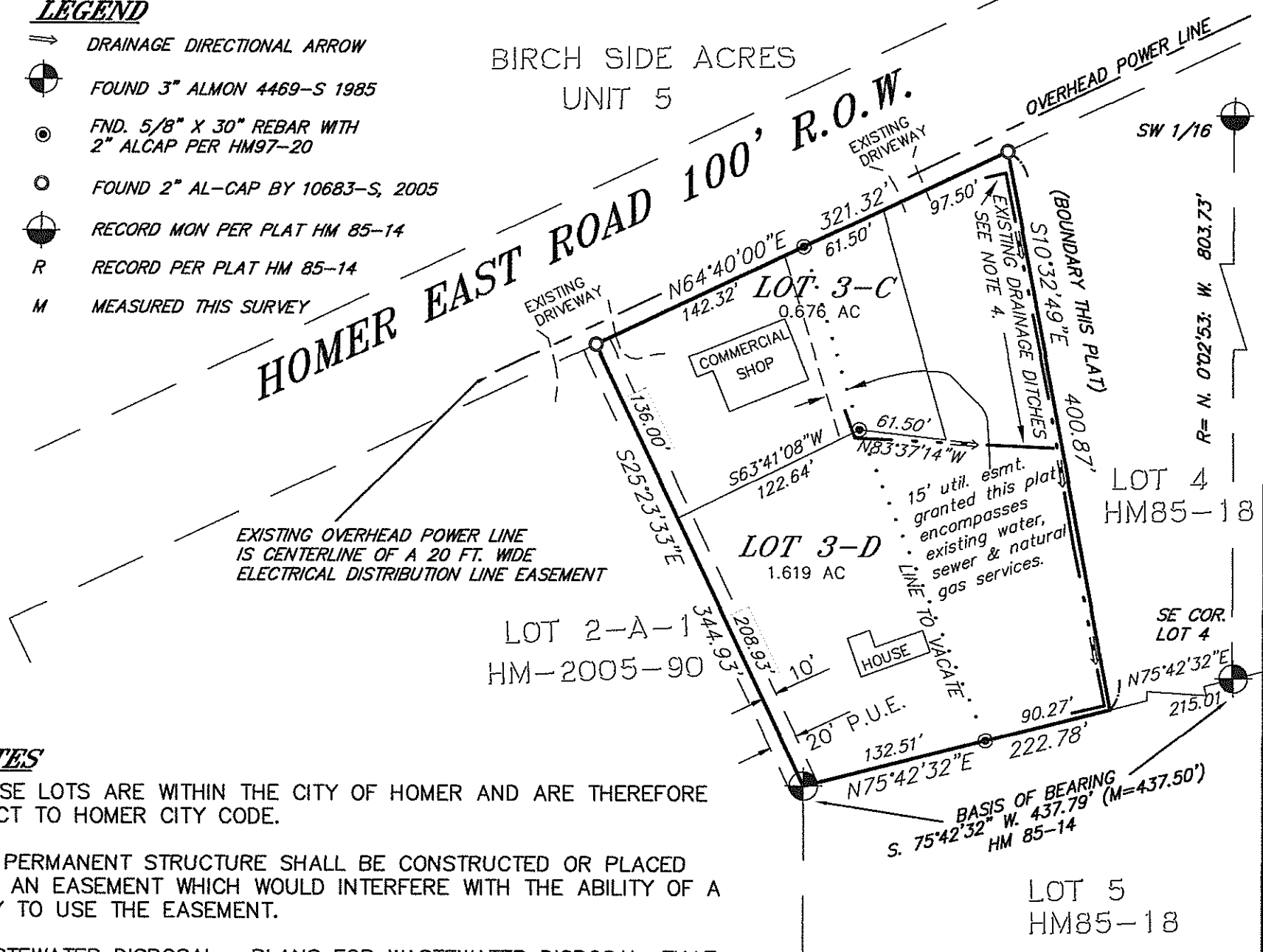
*Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.*

LEGEND

- DRAINAGE DIRECTIONAL ARROW
- ⊙ FOUND 3" ALMON 4469-S 1985
- ⊙ FND. 5/8" X 30" REBAR WITH 2" ALCAP PER HM97-20
- ⊙ FOUND 2" AL-CAP BY 10683-S, 2005
- ⊙ RECORD MON PER PLAT HM 85-14
- R RECORD PER PLAT HM 85-14
- M MEASURED THIS SURVEY

BIRCH SIDE ACRES
UNIT 5

HOMER EAST ROAD 100' R.O.W.



NOTES

1. THESE LOTS ARE WITHIN THE CITY OF HOMER AND ARE THEREFORE SUBJECT TO HOMER CITY CODE.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. WASTEWATER DISPOSAL: PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
4. EXISTING DRAINAGE DITCHES ARE THE CENTERLINE OF A 10 FEET WIDE DRAINAGE MAINTENANCE EASEMENT TO FACILITATE ADEQUATE DRAINAGE.

CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent dedicate and grant all easements to the use shown.

Wallace L. Hargrove

Sharon E. Hargrove
P.O. BOX 2338, HOMER, AK. 99603

NOTARY'S ACKNOWLEDGEMENT

FOR: WALLACE L. HARGROVE
and SHARON E. HARGROVE

Acknowledged before me this _____ day
of _____ 2016.

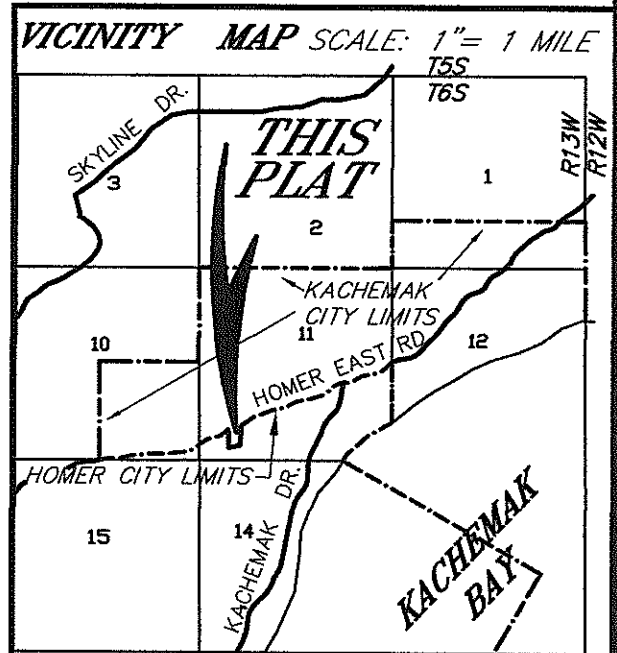
Notary public for Alaska

My Commission Expires

RECORDED
HOMER REC. DIST

DATE _____ 19 ____
TIME _____ M

REQUESTED BY:
ADDRESS



DATE JULY 12, 2016

SCALE 1" = 100'

JOB No. 4864

DRAWING:
4864frm2867.dwg



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough
Planning Commission at the meeting of _____

KENAI PENINSULA BOROUGH

BY _____

Authorized Official

KPB FILE No. 2016-

COMMERCE PARK 2016

A REPLAT OF COMMERCE PARK RESUBD. LOT 3,
(HM97-20), WITHIN A PORTION OF THE SW1/4 SEC. 11,
T.6S., R.13W., S.M., KENAI PENINSULA BOROUGH,
HOMER RECORDING DISTRICT
CONTAINING 2.296 ACRES

ABILITY SURVEYS

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City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

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

STAFF REPORT PL 16-39

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
MEETING: July 20, 2016
SUBJECT: Comprehensive Plan Chapter 6, Parks and Recreation Section

Requested Action: Review the revised implementation table. Staff also provided more information about how the goals changed between the current plan and this draft, as well as the staff reports and minutes from the Parks and Recreation Commission.

GENERAL INFORMATION

Goals of the comprehensive plan update:

- Reduce redundancy
- Become a more readable, focused document
- Be reflective of Homer and the state's fiscal situation for at least the next 5 years
- Better delineate what is a city function, and what are the responsibilities of other organizations

Summary of Goals, former Chapter 7, Parks Recreation and Culture

Original: GOAL 1: Explore resources needed to operate parks and recreation facilities and options for expanding parks and recreation programs.

Revision: Retained as Implementation Strategy #1.

Original: GOAL 2: Create a Parks and Recreation Master Plan.

Revision: Cut. There is neither funding nor staff resources for this effort. Additionally, the recently completed PARC Needs Assessment provides many resources and guides to move forward. Until there is more money for P&R, a master plan would sit on a shelf and not result in more park improvements. Should money become available and there is citizen interest in a master plan, this project could move forward.

Original: GOAL 3: Enhance area wide recreational trail systems and connections between residential areas, downtown, schools, university, institutional areas, and recreational areas.

See Transportation Chapter.

Revision: This section is referred to and was a duplicate of Chapter 5, Transportation, and also the Homer Non-motorized Transportation and Trail Plan, which is an already adopted part of the comprehensive plan. Deleted due to redundancy.

Original: GOAL 4: Identify recreation resources and key open space areas as part of green infrastructure mapping. *See Land Use Chapter.*

Revision: This goal is a reference to the land use chapter where it is more fully discussed. The Green infrastructure mapping has been completed since before this plan was first adopted. Cut for being duplicate/redundant.

Original: GOAL 5: Maintain, improve, and create new citywide parks and recreation facilities and Community School programs to offer year-round opportunities for residents and visitors.

Revision: This has been revised to reflect a policy of 'lets keep what we have' motto, more along the lines of maintain and improve what is available to the community through the City and in partnership with other entities. See implementation items 6-11.

Original: GOAL 6: Implement the recreation and cultural components of the Homer Town Center Plan for downtown.

Revision: Cut because it's a duplication (town center plan is already an adopted part of comp plan, and referenced in chapter 4 land use). Additionally, the PARC Needs Assessment provides more current discussion on town center, ie., that its likely a public private partnership is needed, as well as which kinds of uses were desirable based on public input.

Original: GOAL 7: Support public beach access.

Revision: Stays in comp plan under implementations 13-16

Original: GOAL 8: Continue to improve local arts and cultural opportunities and Homer's reputation as an art-and-culture-friendly community.

Revision: Art references are now included more fully in Chapter 8, Economic Development. (Economic Vitality Chapter 8 Goal 3 objective C, and Goal 5). The city has a supporting role in promoting Homer as an art and culture community, but it's somewhat indirect. 'Homer's reputation' speaks more to community marketing and businesses, not so much what art activities the City will provide through community recreation art classes.

Staff comments: At the June 1st meeting, the Commission talked about the importance these programs have to our quality of life. Rick and I talked about this, and we think one solution is in the overview of chapter 6, to spend some time talking about city services and quality of life. We could have the same conversation about the library and quality of life as we do for recreation, etc. So rather than repeat it over and over again, we'd address it up front under public services and facilities. Additionally, the revised Chapter 8, Economic Vitality, also uses this language and the idea that quality of life and economic health go together in our community. The HAPC will be reviewing Chapter 8 when the EDC is done with it, probably at an August meeting.

The HAPC also recommended changing the timeframe for assessing 1-E-9:
"Every 5-10 years, assess whether available park and recreation facilities and programs are meeting demands, from inside and outside city limits." The Commission recommended every 5 years. Staff would like to remind the Commission that it was a process that took over 1 year and more than \$40,000, nearly as much as time and effort as a section of the comprehensive plan. Not every assessment needs to be as comprehensive, but having just completed the process, the Parks and Rec Commission agreed a 5-10 year timeframe was an adequate prioritization.

STAFF COMMENTS/RECOMMENDATIONS:

Make any further revisions or comments on this section of Chapter 6.

ATTACHMENTS

1. Draft Chapter 6, Parks and Recreation Section
2. HAPC draft minutes from 6/1/2106 meeting
3. May 13, 2016 P&R Commission staff report and minutes
4. April 14th, 2016 P&R Commission staff report and minutes

CHAPTER 6 PUBLIC SERVICES & FACILITIES

Vision Statement: The City should strive to provide public services and facilities that meet current needs while planning for the future. The City wishes to develop strategies to work with community partners that provide beneficial community services outside of the scope of City government.

GOAL I: 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.

(Fire, police, library, port, water/sewer etc are listed here and each has their own section and goal. Parks and Recreation are addressed in Objective E)

Objective E: PARKS & RECREATION - Identify resources needed to operate parks, recreation facilities and recreation programs, enhance City and community-sponsored year-round recreational facilities and programs to serve people of all ages, and support citizen efforts to maintain environmental quality and public use of beaches through the Beach Policy.

Current Status

The City of Homer provides municipal parks and recreation services through two separate departments: the Parks Maintenance Division under Public Works and Community Recreation under Administration. The Parks division maintains and is responsible for daily operations associated with the City's summer campgrounds, parks, playgrounds, restrooms, and cemetery facilities. The Community Recreation Division is responsible for providing community based educational and recreational programming for community members of all ages. Through a partnership with the Kenai Peninsula Borough School District, Community Recreation is able to utilize the Borough owned fields and facilities located at both the Homer Middle and High Schools. Currently 4.73 FTE are budget for Parks (facilities), and 1 FTE for community recreation (programming). There is also a desire to better coordinate all efforts through a combined Parks and Recreation Department.

Long term, both parks facilities and programming need secure funding. One idea for facilities is to create an endowment fund, where city fund could be leveraged to allow private citizens to donate to it for the ongoing maintenance and improvement of the City's park system, thereby relieving some pressure from the City for parks. Alternately, the funds could be used as grants to support other organizations in their efforts to provide facilities. The community probably needs to weigh in on using public funds for private facilities. On the one hand endowment funding will help keep existing partner facilities open, and possibly allow for new facilities, but at the same time public parks need adequate funding as well.

36 The City's Public Art Program and public beaches fall under the purview of the Parks, Art,
37 Recreation and Culture Advisory Commission. *Arts activities are addressed in Chapter 8, Economic*
38 *Development*. The City has an adopted Beach Policy, which has historically been updated about every
39 7 years, generally in response to new or unresolved ongoing problems. As new challenges and
40 opportunities arise, this document will need to be updated and the city will need to fund any plan
41 implementation strategies.
42

43 Near term

44 Implementation Strategies

- 45 1. Research the year-round and seasonal staff needs to maintain and operate city park facilities
46 and programs. Increase staffing and volunteer involvement as needed to provide basic City
47 services.
- 48 2. Expand and promote the "adopt-a-park" program in which local businesses, service
49 organizations, or youth groups care for a particular park.
- 50 3. Establish a park endowment fund through the City or in partnership with the Homer
51 Foundation.
- 52 4. Conduct a cost benefit analysis on creating a unified Parks and Recreation Department that
53 combines the Community Recreation and Parks Maintenance Division.
- 54 5. Maintain a balance between natural and manicured park development.

56 Mid term

57 A particular challenge is ensuring residents from all sectors of the community have access to
58 programs and facilities. In addition to providing programs and facilities for which the City is directly
59 responsible (e.g., campground, trails), Homer has a hardworking sector of volunteers, nonprofit
60 recreation organizations, and private businesses that provide recreational activities. The City will
61 need to continue to partner with organizations and businesses for Homer to continue to enjoy the
62 wealth of facilities and programs currently available.

63 Implementation Strategies

- 64 6. Long term CR funding? Ideas?? (create a structure for public/private partnership grants for
65 operations?)
- 66 7. Partner with other organizations to continue providing programs and facilities.
- 67 8. Continue to work with the school district and borough to maintain and expand the
68 partnership for community use of their infrastructure for recreational purposes.
- 69
- 70 9. Every 5-10 years, assess whether available park and recreation facilities and programs are
71 meeting demands, from inside and outside city limits.

72 10. Pursue financial strategies that leverage City tax dollars to build public recreation facilities.

73 11. Use the Capital Improvement Plan, city budget, bond measures and partnerships with other
74 organizations (such as Little League) to lobby, fundraise and build public recreation
75 facilities.

76
77 **Long term**

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79 In 2015, the City completed the Park, Art Recreation and Culture Needs Assessment (PARC). The
80 goal of the needs assessment was to determine the resources and prioritize the needs for the
81 community concerning parks, arts, recreation and culture facilities and programs. One desired
82 improvement identified by many Homer residents is a multi-use, year round community facility. The
83 PARC Needs Assessment identifies a range of activities that need indoor recreation and performing
84 arts space, although no one facility would likely accommodate all the desires. The City’s role in a
85 community recreation facility includes providing political support for the establishment of the
86 facility and assisting to secure space in an existing building or a site for the proposed facility. Its
87 possible that a public private partnership is more advantageous to the community, such as a
88 combination hotel and convention center. In the absence of a private or non-profit sector partner,
89 the community will need to identifying the priority uses, and thus building design, as one of the first
90 steps. In the near term, the City can continue to rely on existing facilities and a collaborative
91 approach to host performing arts events, cultural activities, community meetings, conferences, and
92 conventions. *See also Chapter 8, Economic Development.*

93
94 Lastly, the City of Homer has an adopted beach policy. As new challenges and opportunities arise,
95 this document will need to be updated and the city will need to fund any plan implementation
96 strategies.

97
98 **Implementation Strategies**

99 12. Establish Community Recreation Center; define what is needed as part of this facility, what
100 gap it will fill, what purpose it will serve, and how operations and maintenance will be
101 funded.

102
103 **Ongoing**

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105 13. Support the policies and recommendations of the Beach Policy document.
106 14. As the need arises, update the beach policy and implement the recommendations.
107 15. Discourage right-of-way and public access easement vacations to the beach.
108 16. When opportunities arise, enhance or improve public access to the beach at public access
109 points.

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Parks and Recreation

Project	Timeframe				Primary Duty
	Near Term	Mid Term	Longer Term	Ongoing	
1-E-1A Quantify the year-round and seasonal staff needs (FTE's) to maintain and operate city park facilities and programs at current levels of service. This creates a baseline for staffing levels.	x				Personnel, Public Works
1-E-1B Respond to increasing park facility usage by increasing staffing and volunteer involvement from baseline to continue providing basic City services at current levels of service.				x	City Council
1-E-2 Advertise the "adopt-a-park and trail" program periodically to encourage greater community participation.	x			x	City Clerk, City Communications Coordinator
1-E-3 Establish a park endowment fund through the City or in partnership with the Homer Foundation to fund city park projects. <i>See also PARC needs assessment 2015</i>	x	x		x	City Council, PARC Commission
1-E-4 Conduct a cost benefit analysis on employee costs to create a unified Parks and Recreation Department or division that combines the Community Recreation Program and Parks Maintenance Division.	x				Public Works, Administration, Personnel
1-E-5 Maintain a balance between natural and manicured park landscaping when planning major park improvements or maintenance.				x	Public Works, PARC Commission
1-E-6. Long term CR funding? Ideas?? (create a structure for public/private partnership grants for operations?)(seek input at public meetings)		x			City
1-E-7A Partner with other organizations to continue providing programs and facilities.		x			City
1-E-7B Continue to maintain city facilities and program coordination through Community Recreation.				x	City Council

1-E-8 Continue to work with the school district and borough through Memorandums of Agreement to maintain and expand the partnership for community use of their infrastructure for recreational purposes.		x			Administration
1-E-9 Every 5-10 years, assess whether available park and recreation facilities and programs are meeting demands, from inside and outside city limits.		x			City, businesses, P&R providers
1-E-10 Pursue financial strategies that leverage City tax dollars to build public recreation facilities.		x			Administration
1-E-11 Use the Capital Improvement Plan, city budget, bond measures and partnerships with other organizations (such as Little League) to lobby, fundraise and build public recreation facilities.		x			City Council
1-E-12 Establish Community Recreation Center; define what is needed as part of this facility, what gap it will fill, what purpose it will serve, and how operations and maintenance will be funded. <i>See PARC needs assessment</i>			x		City
1-E-13 Support the policies and recommendations of the Beach Policy document. Through resolutions, ordinances, enforcement and budget appropriations				x	City Council
1-E-14 As the need arises, update the beach policy and implement the recommendations.				x	City
1-E-15 Discourage right-of-way and public access easement vacations to the beach.				x	Planning Commission, City Council
1-E-16 When funding or volunteer opportunities arise, enhance or improve public access to the beach at public access points.				x	Public Works, City Council

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VENUTI/BRADLEY MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HCC 21.41.040 BASIS FOR ESTABLISHING FLOOD HAZARD AREAS AND FORWARDS IT TO CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

There was brief discussion that this seems very straight forward and should be moved on to Council.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Plat Consideration

A. Staff Report PL 16-30 for Glaciereiw Subdivision 2016 Replat, Preliminary Plat

City Planner Abboud reviewed the staff report.

Scott Smith, founder and President of Youth with a Mission and applicant, said he didn't have any comments, but thanked them for the CUP approval at last month's meeting. It seem like everything is moving forward. He's still working with the Fire Marshall and hopes to have that work wrapped up by the end of the week. This action to move the lot line will help orient the positioning of various structures they hope to build in the next several years.

There were no public comments and no questions from the Commission.

BRADLEY/VENUTI MOVED TO ADOPT STAFF REPORT PL 16-30 GLACIERVIEW SUBDIVISION 2016 REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was brief comment that this preliminary plat is very straight forward and should be approved.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Pending Business

A. Staff Report PL 16-31, Comprehensive Plan Update Chapter 6 Parks & Recreation (formerly Chapter 7)

City Planner Abboud reviewed the staff report and the Parks and Recreation chapter.

Initial discussion points included:

- Benefits of the Adopt-a-Park program and the need for the City to do more advertising to raise awareness and get the word out that we are looking for partners
- Ways to establish an endowment fund
 - City provides seed money
 - The Homer Foundation may be a resource for ideas to get it started

- Promoting affluent citizens to put their names on parks
- Matching fund opportunities

Commissioner Highland expressed her thoughts that parks and recreation should have its own chapter. She thinks the Parks, Recreation, and Culture chapter in the current plan is done really well. Homer plays an important part of parks and recreation in the state. She doesn't want to see it get absorbed by other things, but that it is its own chapter and its own thought process.

City Planner Abboud explained how the information was broken down into other sections or plans. For example, the trails are in transportation and we have a trails plan, so it doesn't seem appropriate to repeat the goals for trails in another section; and open space and green infrastructure mapping is in Chapter 4. He touched on other items, noting the information is still there, just separated out into more appropriate sections.

Other commissioners agreed it would be nice to have a parks and recreation chapter, but understand the reasoning for moving things around and that it might be better to have the topics moved into more appropriate slots. The current plan is a bit cumbersome and these changes could help streamline the updated plan.

They continued to review the implementation plan in the current plans chapter 7, touching on

- A high tunnel and volunteers to for the city's green house
- Physical barriers and parks
- Merging with community recreation is something Council would have to approve but would include a director, new employees, and probably higher wages.
- The multi-purpose arts and cultural facility and the arts and culture plan are things that need partners and something the private or non-profit sector would bring to the city.
- Updating 1E9 from ten years to five years.
- Include from the current plan page 7-2 desired improvements – programs hold critical importance to the quality of life and its economic vitality.

Commissioner Highland said she was involved in putting some map together with Steve Baird. She will see if she can find it and bring it.

New Business

Informational Materials

- A. City Manager's Report – May 23, 2016

Comments of the Audience

Comments of Staff

Deputy City Clerk Jacobsen said Commissioner Erickson is not planning to request re-appointment and the Clerk's office will advertise a vacancy. She also let them know the City is working on doing an ADA self-evaluation and transition plan on city facilities later this year.



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To: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: May 13, 2016
Subject: Comprehensive Plan Update

Requested Action: review the draft P&R section and provide comments to staff.

Commission comments from last meeting:

- In the index, list contents of chapter 6 so its easy to find P&R, library, etc.
- Tie in with Economic Development Chapter

Staff Questions:

1. Line 57: Last comp plan said: Create park landscaping standards to find a balance between natural and manicured park development. Is this still a goal, to regulate all park landscaping? Other than K Hornaday Park, I don't recall any concerns with park landscaping. Thoughts?
2. Line 37: Community recreation program funding ideas? Public/private partnerships for capitol and operations. Thoughts? Ask this question of the public during the comp plan public process?
3. Are there missing ideas? Things you'd like to ask the public during public meetings/com plan process?
4. Please review the implementation table and timeframes.

Attachments

1. Draft Chapter 6 Section E, Parks and Recreation

Commissioner Lowney advocated for using as educational incentive and having at kiosks in the parks, there was consensus that the visitors were compliant and do very well cleaning up after their pets. There are more problems with the locals not cleaning up after their pets.

The commission discussed flyers and the design that was included in the packet was a big hit and agreed to use that one if they could, the discussion included laminating the flyer so it can be posted in more areas and at kiosks in the parks.

Commissioner Lowney requested time to work on the proposal and bring it back at the next meeting. She will try to contact some businesses; Commissioner Archibald offered to stop in at KBBI regarding a PSA.

The commission also discussed trash cans and noted that trash cans are needed where dispensers are posted. It was noted that they may be able to approach the near businesses to take on that responsibility. Further discussion ensued on the liability issues and responsibilities to collect and empty the trash cans. Staff provided an example of streetscaping and choosing a design, process and the ability of the city and willingness of the community.

Chair Steffy cited time and lengthy agenda to get through and invited Commissioner Lowney to report on the Trails Symposium.

B. Trails Symposium Recap and Next Steps

Commissioner Lowney reported that they had a very good showing and response, 34 people attended and many took forms and she is hopeful that they will complete and return those forms. She additionally reported that many of the attendees preferred longer sessions; polling provided lots of feedback and the following trails were listed as requesting further attention:

1. Forest Glen Trail received the highest vote of 39
2. Greatland Trail
3. Karen Hornaday Park
4. Crittenden 25
5. Shellfish
6. Homer High School to East End Road
7. Islands & Ocean Extension
8. Library Extension

All the scores were weighted and these will at least give direction on giving priority and requesting funding from HART and other sources. So she will be bringing the information back to the Trails Group and proceed on getting this going. Commissioner Lowney commented on getting the Trails Funding program. Ms. Engebretsen stated that if there was a group that was interested in working on a trail and there was nothing stopping them from going before Council to requests funding. She added that just because there was no program in place at this time does not prohibit a group from approaching Council. Commissioner Lowney stated she has already presented a summary report to Council at the May 9, 2016 meeting.

C. Comprehensive Plan Update

Deputy City Planner Engebretsen had a few question regarding landscaping and requested some input from the Commissioners on this idea and she believed that it was directed to Karen Hornaday Park and is this something that the commission wants for all city parks.

Chair Steffy responded that he believed it should be in respect to the individual park since some parks such as the Skateboard Park is not natural at all and where a trail through the woods is 95% natural. The term, "Landscaping Standards" sounds technical and very limiting. He questioned how much of a park is natural versus manicured and offered the following points:

- a. those two words would need to have technical definitions created for them
- b. decreases the diversity of the types of parks that the city would have

Deputy City Planner Engebretsen added that some of this language in the comprehensive plan was directed at Karen Hornaday and the city does not have landscaping standards but has outlined in certain building standards technical requirements for landscaping such as requiring so many types of trees of a certain size, etc. She did not advocate against it but was concerned that the commission wanted to keep this as a near term item and if it was a good thing to keep in the plan.

Commissioner Lowney was in favor of keeping some landscaping standards since it was too easy to watch them become overtaken by the natural environment. Chair Steffy suggested a less restrictive such as maintaining a balance between natural and maintained. Commissioner Ashmun agreed noting that the ability to maintain our parks is going to be questionable for a while.

Staff requested assistance with wordsmithing the requirement from the Chair who suggested the following:

Maintain ~~Create~~ Maintain park landscaping ~~standards to find~~ to provide a balance between natural and manicured park development.

The next question is requesting input on funding ideas for community recreation and parks and this can also be put to the public when they have meetings on this document.

The commission raised concerns with the city funding private enterprise projects that do not have any city oversight. There was concern that tax payer dollars were being given to private enterprise and then the tax payer would be unable to use the facility because it is being built for basically a single purpose. Further discussion on using public funds for a non-public facility ensued. The commission can keep this in mind to see how things develop and it may end up in a larger agreement between the City, School District and SPARC. Ideally in the future a South Peninsula Recreation District will be formed with all the smaller groups forming one larger group. Additional points on the large financial stake the individual group has undertaken and that they will be managing the facility, the facility is following item ten on page 7-3 of the Comprehensive Plan by pursuing financial strategies that leverage city tax dollars but there was concern on how to make sure the city residents have opportunity to use the facility, long term consideration is if the city managed it would they be able to perform that.

Deputy City Planner Engebretsen pointed out the implementation table and asked for their review and if anything needed changing. Commissioners recommended the following:

- Change 1-E-5 to ongoing from near term
- Change 1-E-10 to ongoing from mid term
- Change 1-E-3 to change to ongoing from near term while they may be able to flesh out wording but maintaining that mechanism also has to be considered.

The Commission would like Ms. Otteson's input on the parks maintenance needs and would appreciate her attendance at a meeting.

Staff clarified 1-E-15 regarding discouraging right of way and public access easement vacations in response to a question from the Commissioner Ashmun.

Staff will make the edits and then the Planning Commission will review Chapter 6 to make sure that it is not piece meal and it flows together and the public meetings on the revised document will be in the fall. Commissioner Lowney questioned more public process especially to have items of concern to the commission to come before the commission before going to the Council. Staff explained that having an endowment fund through the Homer Foundation there would be public process. Further comments on appreciating the efforts of Councilmember Lewis' efforts with recreational funding, the Homer Foundation handles all aspects and staff was unsure whether the City stipulated certain requirements.

D. Beach Policy Review and Revisions Continuation

Deputy City Planner Engebretsen did not complete that and is hoping to have everything completed and will keep an eye on the Airport Access issue and bring this back for the June meeting.



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To: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: April 14, 2016
Subject: Comprehensive Plan Update

Requested Action: review the draft P&R section and provide comments to staff. Staff plans on two meetings for this process.

Staff comments: There is quite a bit of difference between the current plan, and this draft document. The current plan has a separate Park, Recreation and Culture chapter. However, when you get rid of all the duplications in this chapter with other chapters, there is not a lot of content left. Also, most if not all city services are discussed in a chapter called Public Services and Facilities. The City Planner and myself think P&R should be in this chapter with all the other city services; police, fire, water/sewer, port, etc. So the draft you have before you is a boiled down document, with some of the ideas from the needs assessment.

Are there missing ideas? Things you'd like to ask the public during public meetings/com plan process?

I have not completed the implementation table for this section. I will have that for the May meeting after the Commission has had some discussion.

Below is an outline of how Chapter 6 works – all the city functions are listed under goal 1. Goal 2 will go in to partnerships with others, and goal 3 is things we hope others in the community do.

Summary of Goals – Public Services and Facilities

GOAL 1: *(Stuff the City does directly)* 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.

GOAL 2: *(Things the City partners with others to make available in the community)* Seek collaboration and coordination with other service providers and community partners to ensure important community services are improved upon and made available.

GOAL 3: *(Things the City hopes other entities will do, not a city service or obligation)* Encourage the broader community to provide community services and facilities by supporting other organizations and entities that want to develop community services.

Background

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 personal 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.

Process

This work began 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). After the Commissions have reviewed the first draft, a second draft with Commission recommendations will be released and public meetings will be held (fall 2016). 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 (2017).

Attachments

1. Draft Chapter 6 Section E, Parks and Recreation
2. Current Chapter 7, Parks, Recreation and Culture

LOWNEY/BRANN - MOVED TO EXTEND THE MEETING NO LONGER THAN 30 MINUTES TO ADDRESS FINAL AGENDA TOPICS.

There was a brief discussion on extending the meeting only 30 minutes or less was preferable.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Comprehensive Plan Update

Ms. Engebretsen provided a summary progress made by the Planning Department on the Comprehensive Plan. She noted the remaining pages related to Parks & Recreation is about three pages which does not leave much for a full chapter so it is being proposed to include under the Public Services and Facilities this is what the city does and would like feedback from the commission.

Commissioners opined the following:

- Nice to have their own chapter, however understand the repetitious nature
- If it can be delineated in the Table of Contents
- Concern that it will diminish the need for a Parks and Recreation Department even if only on paper
- Concern with being lost under the more generalized heading
- Just remove the wish list items and still maintain separate a chapter

Staff noted the following:

- some items can be addressed under Economic Development

Ms. Engebretsen stated the commission can submit comments to her and she is not trying to incorporate new items that have not been listed under the needs assessment and other. Commissioner Lowney stated that she has several comments on items that she would like to see incorporated into how they do business and how the city does business with the commission.

This item will be on the May agenda.

INFORMATIONAL MATERIALS

- A. Commission Annual Calendar 2016
- B. Commissioner Attendance at City Council Meetings 2016
- C. Parks and Recreation Advisory Commission Strategic Plan 2016

Vice Chair Brann noted the informational items and which commissioners were signed up for meetings. He commented that they will have to have additional volunteers for June.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Ms. Engebretsen commented that at the next Council meeting to comment favorably on the placement of the rocks at Bishop's Beach. She feels that it would go a long way. Thanks for the inout there was a lot on the agenda.

Ms. Krause commented that it was a good meeting.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

COMMENTS OF THE COMMISSION



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Staff Report PL 16-32

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: July 20, 2016
SUBJECT: HAWSP

Introduction: The Planning Commission has been directed by the City Council to develop recommendation regarding the HAWSP policies including:

- How the City should apply the debt service ratio
- When the debt service ratio should be calculated
- When pending HAWSP projects should be inputted into the debt service ratio calculation
- A process for keeping track of and prioritizing special assessment district requests that occur while a moratorium on new districts is in effect
- A process for lifting and implementing a moratorium on water and sewer special assessment district projects

Analysis: First, I am providing the Commission with some background information. Included is the HAWSP policy manual and HCC 17.04, be sure to have a strong cup of coffee with you when reviewing. Since all of the above recommendations requested revolve around the debt ratio, we will start with information about it. Next meeting, I am hoping to have enough background covered to start formulating some recommendations. We also have some general review duties associated with both HART and HAWSP documents and will be addressed at a later date.

HAWSP policy manual:

- I. Purpose/intent: This is pretty self-explanatory. You will notice the date that new subdivisions eligibility ended, basically with the adoption of the tax. The program is not meant as a tool to develop new subdivisions. I have to interpret this as subdivision small enough to not warrant a subdivision agreement for installation of utilities, generally the creation of less than 4 lots or so.
- II. This is a list of grandfathered Local Improvement Districts (LIDS) (now referred to as Special Assessment Districts or (SADS)), which may have been in-progress as this program developed. They were funded at 50%. After these property owners were expected to pay 75%. Page 6 may provide us with the most guidance in helping determine some criteria for which projects to fund. Most of these criteria

- really do not have any particular measures associate with them, thus making it difficult to compare and contrast. I will be looking for some input on measures here.
- III. Financing: Gives a description of the general overview of the financing expectations. The methodology caught my eye. You will notice that the equal share method of assessment was adopted in #9.
 - IV. Special Provisions: Get the coffee ready. My highlights include the “Connection required”. This is a bit outside of what was asked in the resolution, but it has been a ‘hot potato’ item as the Planning Office has encouraged this and offered to help with the due process in gaining compliance. To date the city has not been heavy handed and several properties are not connected. It is relatively easy until you get to #7 and beyond. Number 10 sets the policy that future subdivisions will pay an amount equal to the original assessment and the city will then disperse the amount among current property owners in the district. You will notice that there is no sunset provision for this requirement. The Planning Office has seen this as a permanent deterrent to subdivision and thus inhibiting gaining a desired greater density of customers on the city system (besides the general loss of economic development).

Now you may be thinking about how special assessment districts work. I’m thinking at least a basic understanding will help you put the picture together.

HCC 17.04, Special Assessment Districts:

Not all of this section is directly relevant to HART and HAWSP. I will try to break down the highlights.

17.04.040 Initiation of the District: Council can initiate upon a vote or one may be formed by petition. Basically, in the petition scenario, an applicant is charged \$100 and proposes a district boundary. From there it is handed off to the clerks to distribute the petition. Once a positive response is received from not less than 50% of those bearing the assessed cost of the district (in the case of HASP, this is 50% of the parcel owners) then the city moves on to part two or HCC 17.04.040.

A meeting is noticed and scheduled, the city then prepares the plan including; the final boundary, design, cost estimate, figures assessments, method of assessment, time frame of financing, and preliminary assessment roll. We are not even close to done though. More meetings and due process are administered by the clerks as provided in HCC 17.04.050. But wait, there’s more! Now we need to solicit bids. If our estimate exceeds 115% of our prediction, we have more notice and process per HCC 17.04.060. We still have to certify the roll and collect the payments.

Now something of policy interest, HCC 17.04.100, Subdivision after levy of assessments. You see a lot of 'except this and except that', but as far as HAWSP goes, it is as described above. Subdividers must pay the cost that the original assessment district did and the money is split up among the current property owners in the district with no sunset provisions.

We can go on and on with the additional process and financing options but the things that gain my interest in a policy sense is HCC 17.04.170, water and sewer connections required-discussed above and deferment.

Debt ratio:

Debt-Service Coverage Ratio

The Debt Service Ratio or **debt service coverage ratio (DSCR)** is a financial ratio that measures an entity's ability to make its current debt obligations (one year) by comparing its net operating income with its total debt service obligations.

A DSCR greater than 1 means the entity – whether a person, company or government – has sufficient income to pay its current debt obligations. A DSCR less than 1 means it does not. This is why a higher ratio is always more favorable than a lower ratio. A higher ratio indicates that there is more income available to pay for debt servicing.

$$\text{Debt Service Coverage Ratio} = \frac{\text{Operating Income}}{\text{Total Debt Service Costs}}$$

Total debt service refers to current debt obligations, meaning any interest, principal, sinking-fund and lease payments that are due in the coming year.

How should the DSCR apply to the HAWSP fund?

Example:

HAWSP Fund Income:

1. Dedicated Sales Tax: Avg. \$1,200,000 per year for the past 5 years
2. Assessment Revenue: Avg. \$ 250,000 per year for the past 5 years
3. Assessment Interests: Avg. \$ 50,000 per year for the past 5 years

HAWSP Expenditures:

1. Debt Service: Avg. \$1,050,000 per year for the past 5 years
2. Admin Charges: Avg. \$ 140,000 per year for the past 5 years

Annual Operating Income = 1200000+250000+50000-140000 = \$1,360,000

Total Debt Service =\$1,050,000

DSCR (in this example) = 1360000/1050000 =1.29

Staff Recommendation: This is a lot to digest. I am figuring on getting some questions and returning with answers for the next meeting, then we might start formulating some response to the Council.

Attachments

1. HAWSP policy manual
2. Resolution 16-074
3. HCC 17.04

H. A. W. S. P.

(Homer Accelerated Water Sewer Program)

POLICY MANUAL

Updated August 2012

Updated June 2016

HAWSP Original, June 22, 1999
Approved by Council via Resolution 99-53
June 28, 1999 Program Authorized

ERRATA

I. PURPOSE/INTENT – In General

II. QUALIFYING CRITERIA

1. Grandfather list updated, changes to Hillside Acres Sewer and Water and the Addition of West Lakeshore Drive Water and Sewer.
2. Resolution 03-80, deleted the methodology from Qualifying Criteria and placed more appropriately under Financing/Assessments.

III. FINANCING/ASSESSMENTS

1. Ordinance 99-14(S)(A), to use unexpended $\frac{3}{4}$ of 1% sales tax revenues not used for debt retirement for funding water and sewer systems.
2. Resolution 01-21, amended the assessment methodology.
3. Resolution 03-80, amended the interest and payment date.
4. Resolution 03-80, assessment methodology set at equal shares.
5. Ordinance 16-20, amended petition signatures required to record owners of real property that would bear not less than 50% of the assessed cost of the improvement.

IV. SPECIAL PROVISIONS, In Lieu of Agreements, Deferred Assessments

1. Ordinance 02-48, Subdividing. 17.04.095 and 17.04.180; **Ordinance 12-15 - 17.04.100** .
12. Added by Resolution 05-50, Exempting Certain Lands.

GENERAL STATEMENTS

H. A. W. S. P. POLICY MANUAL

TABLE OF CONTENTS

- I. Purpose/Intent – In General**
- II. Qualifying Criteria**
- III. Financing/Assessments**
- IV. Special Provisions**

I. PURPOSE/INTENT – IN GENERAL

1. The H.A.W.S.P. is a combined local funding source of unexpended dedicated sales tax and dedicated sales tax, once the sewer debt is paid, and assessments to upgrade approximately 500+ homes to City water and/or sewer service.
2. The intent of the program is to improve the health and welfare of the Citizens of Homer by connecting residences to City water and/or sewer, thereby increasing the number of users on the system, increasing property values and improving the quality of life.
3. All water and/or sewer connections, upgraded, projects will be to City standards.
4. When practical, the intent of the program is to preclude the destruction of existing water and/or sewer services and, where practical, to eliminate spaghetti lines.
5. The criteria for the H.A.W.S.P. shall be reviewed annually by the Homer City Council.
6. No new subdivisions, formed after June 28, 1999, shall be eligible for this program.
7. Every attempt shall be made to include lots immediately adjacent to the water/sewer main lines within the project limits or boundaries as defined by the Public Works Department.

II. QUALIFYING CRITERIA

The following water and/or sewer Assessment Districts, aka, LIDs or SADs are on the books: These LIDs/SADs should be grandfathered into the program and will receive priority consideration. These LIDs/SADs are listed in chronological order.

These projects have been reassessed, pursuant to Resolution 01-21 for a property owner share of 50%.

The City Council's regular meeting is scheduled for May 28, Memorial Day. The Council may change the meeting date to Tuesday, May 29th.

1. Harrington Heights – Water & Sewer, Public Hearing set for May 28/29/2001. Objection period ends July 27/28, 2001.

Updated June 2016

2. Mariner Village/Thorn Subdivision – Water & Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
3. Thompson Drive – Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
4. Forest Glen Subdivision/Forest Glen Drive – Water & Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
5. Salt Water Drive – Water and Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
6. East Road – portion – Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
7. Hillside Acres Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
8. Hillside Acres Water, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
9. W. Lakeshore Drive Water and Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.

Amendments to the schedule can be accomplished only by Council action.

LIDs/SADs Assessment Districts formed after March 27, 2001 shall be assessed 75% property owner share of the project.

All projects will be authorized only after a public hearing to insure public participation in the process pursuant to HCC 17.

The following criteria may be considered for qualifying as a water and/or sewer project.

- a. Health and Safety;
- b. Correct deficiencies of existing systems;
- c. System wide basis versus local needs;

Updated June 2016

- d. Complete utility loop;
- e. Encourage economic development;
- f. Correct problems;
- g. Reduce maintenance cost;
- h. Build to city standards prior to acceptance;
- i. Property owner contribution through LID/SAD process by paying \$1,100 per half acre increments for water and sewer each. With the exclusion of those 7 projects on the preceding page.
- j. Other factors deemed appropriate by the City Council.

III. FINANCING/ASSESSMENTS

1. Pursuant to Ordinance 99-14(S)(A) the program may utilize the unexpended sales tax revenue dedicated to sewer debt. Upon satisfaction of the sewer debt the $\frac{3}{4}$ of 1% sales tax shall continue and shall be used for water and/or sewer system improvements. Approved by the voters October, 1999.
2. A $\frac{3}{4}$ of one percent (3/4%) dedicated sales tax can be expected to generate approximately \$750,000 annually. The unexpended portion is projected to be approximately \$300,000.
3. The utility improvements will be financed on a combined pay as you go basis as well as possible sale of revenue or assessment bonds, future bond sales or even the need for a General Obligation Bond if so deemed necessary by the Homer City Council and as recommended by staff.
4. The City will attempt to obtain long term financing for up to twenty years for the private share of funding.
5. Interest, if any, generated from the program will remain with the program funds.
6. Abutting property owners will share the cost of the utilities.
7. The City will pay all costs for any additional improvements required when deemed necessary by the City.

8. Assessment payment date, penalty and interest shall be set as soon as the project has been accepted by the Public Works Department.

Interest and Payment Due date will be set by Resolution of the City Council (Resolution 03-80, May 27, 2003).

9. Methodology: Approved by Resolution 02-21 on March 27, 2001. The nine LIDs/SADs Assessment Districts named herein, under Qualifying Criteria, shall be assessed 50% of the project. Districts formed after March 27, 2001 shall be assessed 75% of the project. Via Council action on April 28, 2003 assessment methodology for HAWSP LIDs/SADs Assessment Districts will be equal shares. (Resolution 03-80, May 27, 2003)

10. Expenditures under the HAWSP program are subject to the availability of funds, after maintaining a debt-service coverage ratio of 1.25 or above. (Resolution 16-041(S-2)(A), May 9, 2016)

IV. SPECIAL PROVISIONS

1. Non existing water and sewer improvement districts shall be encouraged whenever possible. District is defined as: lots immediately adjacent to the water/sewer main lines within the project limits/boundaries as defined by Public Works.

2. HCC 17.04.170 Water and sewer connections required. The owner of property in a water or sewer special assessment district that contains an occupied building shall connect to the improvement constructed in the district within one year after the date that the resolution confirming the assessment roll for the district becomes final. (Ordinance 87-30, 1988; revised Ordinance 12-15, 2012)

3. HCC 14.04.020(e), the City sewer is considered as not available to a structure when the nearest City sewer is located more than 200 feet from any point on the boundary of the lot or parcel of land on which the structure is located. Sewer connection will be required within one year of sewer becoming available. (Ordinance 94-17(A))

4. Additional easements required will be paid by this program, at no additional cost to abutting property owners.

5. No parcel shall be double assessed nor shall be included in two like assessment districts.

6. Whenever and wherever practical road improvements shall be done in conjunction with the water and/or sewer project, but not before.
7. HCC 17.04.190, Deferment of assessment payments for senior citizens.
8. HCC 17.04.200, “In lieu of assessment”—determination of amount—terms.
9. HCC 17.04.200 “In lieu of assessments”, not to prevent inclusion in of property in future district.
10. 17.04.100 Subdivision after levy of assessments. (a) Except as provided in subsection (b) of this section, upon the subdivision of a property assessed as a single parcel, the amount of the assessment shall be allocated among the resulting lots that benefit from the improvement on the same basis that the assessment originally was allocated. (b) Upon the subdivision of a property assessed as a single parcel in an assessment district where assessments were levied in an equal amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), then no resulting parcel, other than the parcel that contains the original connection to the improvement for which the assessment was levied, may connect to the improvement until a subdivided property connection fee is paid for the parcel. (1) The amount of the connection fee shall be equal to the amount of the original assessment, adjusted up or down by a percentage equal to the change in the Consumer Price Index, All Urban Consumers (CPI-U) for Anchorage, Alaska from the end of the calendar year preceding the original assessment date to the end of the calendar year preceding the date the parcel is connected to the improvement. (2) If the original assessment was payable in installments the city may enter into a written agreement for the payment of the connection fee in installments on terms that are substantially the same as those authorized for the payment of the original assessment, secured by a deed of trust on the parcel. (3) Upon receiving connection fee payments, the city shall allocate such payments to each property assessed in the district in proportion to the amount originally assessed against the property, either by adjusting the original assessment amount or disbursing a payment to the record owner at the time of disbursement. (Ordinance 02-48, December 10, 2002; revised by Ordinance 12-15, April 10, 2012)
11. 17.04.110 Assessments to be liens. Assessments are liens upon the property assessed and are prior and paramount to all liens except those having priority under State law. They shall be enforced in the same manner as property tax liens. (Ordinance 12-15, April 10, 2012)
12. Certain Lands that will not be Developed due to Conservation Easements or Owned by Organizations that Conserve Land for Public Purpose and/or Habitat Protection from the Homer Accelerated Roads Program and the Homer Accelerated Water and Sewer Program Assessment District Assessments on a Case by Case Basis and that Each Program Shall be Amended to Include this Exemption under Special Provisions. (Resolution 05-50(A), April 25, 2005)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 16-074

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, PLACING A MORATORIUM ON ALL NEW WATER OR SEWER SPECIAL ASSESSMENT DISTRICTS UNTIL THE DEBT SERVICE RATIO FOR THE HOMER ACCELERATED WATER AND SEWER FUND IS ABOVE 1.25 AND DIRECTING THE HOMER ADVISORY PLANNING COMMISSION TO DEVELOP PROCEDURES FOR APPLYING AND LIFTING THE DEBT SERVICE RATIO RESTRICTIONS.

WHEREAS, The Homer Accelerated Water and Sewer (HAWSP) Fund is made up of a combination of special assessment district (SAD) payments and a ¾% dedicated sales tax; and

WHEREAS, The HAWSP Fund is used to pay the City's share of water and sewer improvements and pay back low interest loans for improvements initiated through local special assessment districts; and

WHEREAS, The HAWSP Fund has significant debt burden and Council is concerned with the fund's ability to meet current and future debt obligations; and

WHEREAS, To address fiscal solvency concerns, Council instituted a minimum debt service ratio of 1.25 in Resolution 16-041(S-2)(A) in order to initiate new special assessment districts; and

WHEREAS, The recent approval of Kachemak Drive Phase III and Lillian Walli SADs place the current debt service ratio below 1.25; and

WHEREAS, Procedures must be developed as to how the debt service ratio is applied, when and how it is lifted, and what to do about requests for SADs that come forward during the interim; and

WHEREAS, As an example, Mission Road attempted to initiate a new water special assessment district recently that was denied because of the current debt service ratio and should be first on the list when the moratorium on special assessment districts is lifted.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, places a moratorium on all new water or sewer special assessment districts.

42 BE IT FURTHER RESOLVED that the City Council directs the Homer Advisory Planning
43 Commission to develop a recommendation to Council on procedures for:

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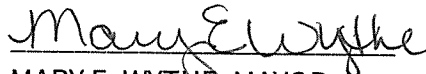
- How the City should apply the debt service ratio
- When the debt service ratio should be calculated
- When pending HAWSP projects should be inputted into the debt service ratio calculation
- A process for keeping track of and prioritizing special assessment district requests that occur while a moratorium on new districts is in effect
- A process for lifting and implementing a moratorium on water and sewer special assessment district projects

55 PASSED AND ADOPTED by the Homer City Council this 27th day of June, 2016.

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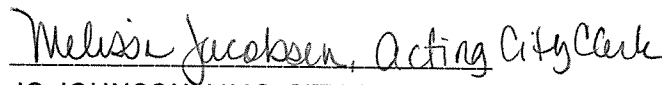
CITY OF HOMER

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MARY E. WYTHE, MAYOR

63 ATTEST:

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JO JOHNSON, MMC, CITY CLERK



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Fiscal Note: N/A

Chapter 17.04

SPECIAL ASSESSMENT DISTRICTS¹

Sections:

- [17.04.010](#) Definitions.
- [17.04.020](#) Purpose of chapter.
- [17.04.030](#) Assessment authority.
- [17.04.040](#) Initiation of district.
- [17.04.050](#) Creation of district.
- [17.04.060](#) Contract – Approval of increased costs.
- [17.04.070](#) Assessment roll.
- [17.04.080](#) Certification of assessment roll.
- [17.04.090](#) Payment.
- [17.04.100](#) Subdivision after levy of assessments.
- [17.04.110](#) Assessments to be liens.
- [17.04.120](#) Reassessment.
- [17.04.130](#) Objection and appeal.
- [17.04.140](#) Interim financing.
- [17.04.150](#) Special assessment bonds.
- [17.04.160](#) Time limit for special assessment districts.
- [17.04.170](#) Water and sewer connections required.
- [17.04.180](#) Road improvement assessments for lots with two street frontages.
- [17.04.190](#) Deferment of assessment payments for low income residents.
- [17.04.200](#) In lieu of assessment.

17.04.010 Definitions.

In this chapter:

“Cost” means all expenses incurred by the City for an improvement, including without limitation advertising expenses, fees of engineers, architects and surveyors, legal fees, costs of property acquisition, payments to construction contractors, costs of interim and long-term financing of the improvement, including costs of issuing bonds and notes, and City administrative costs.

“District” means a special assessment district created under this chapter.

“Improvement” means a capital improvement, including without limitation streets, sidewalks, alleys and bridges; street lighting; drainage and flood control facilities; sanitary sewage collection and treatment facilities; water supply and distribution facilities; natural gas distribution facilities; and parks, playgrounds, public squares and open space.

“Record owner” means the person in whose name real property is listed on the property tax roll prepared by the Kenai Peninsula Borough. [Ord. [12-15](#) § 1, 2012].

17.04.020 Purpose of chapter.

a. A special assessment district may be created for the purpose of acquiring, installing or constructing a capital improvement that primarily benefits real property in the district, in contrast to capital improvements that benefit the entire community and are paid for with general government resources.

b. The purpose of this chapter is to prescribe the procedure for initiating a special assessment district, authorizing an improvement in a special assessment district, approving and levying special assessments, payment of special assessments, and the authorization of special assessment bonds, for public information and administrative guidance. [Ord. [12-15](#) § 1, 2012].

17.04.030 Assessment authority.

a. The City may assess all or part of the cost of a capital improvement against real property benefited by the improvement, whether the property is privately or governmentally owned, including real property that is exempt from taxation.

b. A capital improvement that is provided through a special assessment district may be owned by the City, a public utility, or another entity that is qualified to own and operate the capital improvement. [Ord. [12-15](#) § 1, 2012].

17.04.040 Initiation of district.

a. A special assessment district may be initiated by:

1. Resolution approved by a vote of not less than three-fourths of the Council; or

2. Petition signatures of the record owners of real property that would bear not less than 50 percent of the assessed cost of the improvement received by the City Clerk within 60 days after the mailing of the petition to record owners of property in the proposed district. Upon payment of the nonrefundable filing fee in the City fee schedule established by resolution of the Council, the City Clerk shall prepare a petition for distribution by certified mail to all record owners of property in the proposed district that contains:

a. A statement that it is a petition to form a special assessment district, and describing the capital improvement for which the district is proposed;


b. For each property in the proposed district, the Kenai Peninsula Borough tax parcel number and property description, the name and mailing address of the record owner, and a place for the record owner's signature; and

c. A statement that to support initiation of the proposed district, the record owner must sign and return the petition to the City Clerk within 60 days after the date the petition was mailed.

b. Upon adoption of a resolution initiating a special assessment district, or the City Clerk's verification that a petition to initiate a district bears sufficient signatures, the City Clerk shall:

1. Schedule a meeting of record owners of real property in the proposed district, notify the record owners by mail of the date, time and location of the meeting, and include a copy of the notice in the City's regular meeting advertisement; and

2. Refer the proposed district to the City Manager, who shall prepare an improvement plan for the district that includes final boundaries for the district, the design of the proposed improvement, a cost estimate for the improvement, the percentage of the improvement cost to be assessed against properties in the district, a method for allocating the assessed cost of the improvement among the properties in the district, the time period over which assessments will be financed, and a preliminary assessment roll for the district. [Ord. 16-20 § 1, 2016; Ord. 12-15 § 1, 2012].

17.04.050 Creation of district.  [SHARE](#)

a. Upon completion of an improvement plan under HCC 17.04.040, the City Clerk shall set a time for a public hearing on the necessity of the improvement and proposed improvement plan. Notice of the hearing shall be published at least twice in a newspaper of general circulation in the City, and mailed via certified mail to every record owner of real property in the proposed district not less than 60 days before the hearing.

b. A record owner of real property in the proposed district may file a written objection to the improvement plan with the City Clerk no later than the day before the date of the public hearing on the improvement plan. If owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost of the improvement that is borne by objecting record owners to less than 50 percent of the assessed cost

of the improvement. If the resolution changes the district boundary in the improvement plan, the City Clerk shall notify all record owners of property included in the district under the improvement plan of the change.

c. At the noticed date and time, the Council shall hold a public hearing on the necessity of the improvement and proposed improvement plan. After the public hearing, the Council shall act upon a resolution determining to proceed with the proposed improvement. The resolution shall find that the improvement is necessary, of benefit to the properties to be assessed, and if the district is initiated by petition, that the petition is in proper form and bears sufficient signatures. The findings of the Council are conclusive. The resolution shall contain a description of the improvement, the estimated cost of the improvement, the percentage of the cost to be assessed against the properties in the district, and a description of the properties to be assessed.

d. If the owners of 100 percent of the real property in the proposed district waive in writing the notice, protest period and public hearing required under this section, the question of creating the district may be submitted to the Council without such notice, protest period or public hearing. [Ord. [12-15](#) § 1, 2012].

17.04.060 Contract – Approval of increased costs.

a. After a special assessment district has been created, the City shall contract for the construction of the improvement. If the City will own the improvement, it shall solicit bids for construction of the improvement. If the City will not own the improvement, it shall contract with the owner of the improvement to provide for its construction.

b. If the cost of constructing the improvement will exceed 115 percent of the estimated cost of construction of the improvement in the improvement plan, the City shall not contract for the construction of the improvement without first:

1. Notifying all record owners of property in the district via certified mail of the increased cost; and

2. Within 30 days after the mailing of notice of the increased cost to record owners of property in the district, receiving written objections from record owners of property that would bear less than one-half of the cost of the improvement.

c. If record owners of property that would bear one-half or more of the cost of the improvement object in writing to the increased cost, the City will not contract to construct the improvement. The Council either may levy assessments in the district in an amount sufficient to recover costs incurred for preliminary design and engineering services or determine that the City shall assume such costs. [Ord. [12-15](#) § 1, 2012].

17.04.070 Assessment roll.

a. After completion of the improvement the Council shall assess costs of the improvement by a method that the Council determines will assess each property in the district in proportion to the benefit that it receives from the improvement.

b. The City shall prepare an assessment roll stating for each property in the district the name and address of the record owner, Kenai Peninsula Borough parcel number, a description of the property, the amount assessed against the property, and the assessed value of the property as determined by the Borough Assessor.

c. Each property in the district shall be identified and assessed on the assessment roll in accordance with the legal description of the property at the time the Council certifies the assessment roll; except that where assessments are in an equal amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), a property that was created by combining parcels after the public hearing under HCC [17.04.050\(c\)](#) shall be assessed that amount multiplied by the number of parcels that comprised the property at the time of the public hearing.

d. The Council shall fix a time to hear objections to the assessment roll. Not less than 15 days before the hearing, the City Clerk shall send notice of the hearing and assessment roll by certified mail to each record owner of an assessed property, and publish notice of the hearing in a newspaper of general circulation in the City. [Ord. [12-15](#) § 1, 2012].

17.04.080 Certification of assessment roll. 

After the hearing the Council shall correct any errors or inequalities in the assessment roll. If an assessment is increased, a new hearing shall be set and notice published, except that a new hearing and notice is not required if all record owners of property subject to the increased assessment consent in writing to the increase. Objection to the increased assessment shall be limited to record owners of properties whose assessments were increased. When the assessment roll is corrected, the Council shall confirm the assessment roll by resolution. The City Clerk shall record the resolution and confirmed assessment roll with the District Recorder. [Ord. [12-15](#) § 1, 2012].

17.04.090 Payment. 

a. In the resolution confirming the assessment roll, the Council shall fix the time or times when assessments or assessment installments are due, the amount of penalty on a delinquent payment and the rate of interest on the unpaid balance of an assessment. An assessment that is to be paid in a single payment shall not be due before 60 days after billing.

b. Within 30 days after fixing the time when payment of the assessments is due, the Finance Director shall mail a statement to the record owner of each assessed property identifying the property and stating the assessment amount, the payment due date and the amount of the penalty on a delinquent payment. Within five days after mailing the statements, the Finance Director shall publish notice of mailing the statements in a newspaper of general circulation in the City. [Ord. [12-15](#) § 1, 2012].

17.04.100 Subdivision after levy of assessments. SHARE

a. Except as provided in subsections (b) and (c) of this section, upon the subdivision of a property assessed as a single parcel, the amount of the assessment shall be allocated among the resulting lots that benefit from the improvement on the same basis that the assessment originally was allocated.

b. Except as provided in subsection (c) of this section, upon the subdivision of a property assessed as a single parcel in an assessment district where assessments were levied in an equal amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), then no resulting parcel, other than the parcel that contains the original connection to the improvement for which the assessment was levied, may connect to the improvement until a subdivided property connection fee is paid for the parcel.

1. The amount of the connection fee shall be equal to the amount of the original assessment, adjusted up or down by a percentage equal to the change in the Consumer Price Index, All Urban Consumers (CPI-U) for Anchorage, Alaska, from the end of the calendar year preceding the original assessment date to the end of the calendar year preceding the date the parcel is connected to the improvement.

2. If the original assessment was payable in installments the City may enter into a written agreement for the payment of the connection fee in installments on terms that are substantially the same as those authorized for the payment of the original assessment, secured by a deed of trust on the parcel.

3. Upon receiving connection fee payments, the City shall allocate such payments to each property assessed in the district in proportion to the amount originally assessed against the property, either by adjusting the original assessment amount or disbursing a payment to the record owner at the time of disbursement.

c. Upon the subdivision of a property assessed as a single parcel in an assessment district for natural gas distribution improvements where assessments were levied in an equal amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), the assessment levied on the property that is to be subdivided shall be paid in full before the recording of the final plat. No parcel that results from the subdivision shall be subject to assessment for the improvements, but shall be charged for connecting to the improvements in accordance with the tariff of the public utility that provides natural gas service to the parcel. [Ord. [15-11](#) § 1, 2015; Ord. [12-15](#) § 1, 2012].

17.04.110 Assessments to be liens. SHARE

Assessments are liens upon the property assessed and are prior and paramount to all liens except those having priority under State law. They shall be enforced in the same manner as property tax liens. [Ord. [12-15](#) § 1, 2012].

17.04.120 Reassessment. SHARE

a. The City Council shall within one year correct any deficiency in a special assessment found by a court, under the procedure for certification of the assessment roll in HCC [17.04.070](#) and [17.04.080](#).

b. Payments on the initial assessment are credited to the property upon reassessment. The reassessment becomes a charge upon the property notwithstanding failure to comply with any provision of the assessment procedure. [Ord. [12-15](#) § 1, 2012].

17.04.130 Objection and appeal.

a. The regularity or validity of an assessment may not be contested by a person who did not file with the City Clerk a written objection to the assessment roll before its confirmation. The decision of the Council on the objection may be appealed to the Superior Court within 30 days after the date of confirmation of the assessment roll.

b. If no objection is filed or appeal taken within the time provided in this section, the assessment procedure shall be considered regular and valid in all respects. [Ord. [12-15](#) § 1, 2012].

17.04.140 Interim financing.

a. The Council may provide by resolution or ordinance for the issuance of notes to pay the costs of an improvement that shall be payable from the special assessments for the improvement. The notes shall bear interest at a rate or rates authorized by the resolution or ordinance, and shall be redeemed either in cash or bonds for the improvement project.

b. Notes issued against assessments shall be claims against the assessments that are prior and superior to a right, lien or claim of a surety on the bond given to the City to secure the performance of the contract for construction of the improvement, or to secure the payment of persons who have performed work or furnished materials under the contract.

c. The Finance Director may accept notes against special assessments on conditions prescribed by the Council in payment of:

1. Assessments against which the notes were issued in order of priority;
2. Judgments rendered against property owners who have become delinquent in the payment of assessments; and
3. Certificates of purchase when property has been sold under execution or at tax sale for failure to pay the assessments. [Ord. [12-15](#) § 1, 2012].

17.04.150 Special assessment bonds.

a. The Council by ordinance may authorize the issuance and sale of special assessment bonds to pay all or part of the cost of an improvement in a special assessment district. The principal and interest of the bonds shall be payable solely from the special assessments levied against property

in the district. The assessment shall constitute a sinking fund for the payment of principal and interest on the bonds. The benefited property may be pledged by the Council to secure payment of the bonds.

b. On default in a payment due on a special assessment bond, a bondholder may enforce payment of principal, interest, and costs of collection in a civil action in the same manner and with the same effect as actions for the foreclosure of mortgages on real property. Foreclosure shall be against all property on which assessments are in default. The period for redemption is the same as for a mortgage foreclosure on real property.

c. Before the Council may issue special assessment bonds, it shall establish a guarantee fund and appropriate to the fund annually a sum adequate to cover a deficiency in meeting payments of principal and interest on bonds if the reason for the deficiency is nonpayment of assessments when due. Money received from actions taken against property for nonpayment of assessments shall be credited to the guarantee fund. [Ord. [12-15](#) § 1, 2012].

17.04.160 Time limit for special assessment districts.


a. If five or more years elapse between the creation of a special assessment district and the City contracting for construction of the improvement, the City may not enter into the contract unless the Council by resolution extends the period for entering into the contract by not more than an additional five years.

b. Before the Council acts on a resolution under subsection (a) of this section, the City Clerk shall mail notice of the resolution to each current record owner of property listed on the preliminary assessment roll that the City will not contract for construction of the improvement in the district unless the resolution is adopted. The notice also shall include an updated copy of the preliminary assessment roll. [Ord. [12-15](#) § 1, 2012].

17.04.170 Water and sewer connections required.

The owner of property in a water or sewer special assessment district that contains an occupied building shall connect to the improvement constructed in the district within one year after the date that the resolution confirming the assessment roll for the district becomes final. [Ord. [12-15](#) § 1, 2012].

17.04.180 Road improvement assessments for lots with two street frontages.



a. The record owner of a through lot or flag lot may obtain a deferment of the part of an assessment for road improvements that is based on frontage on a road to which the lot does not have access. To obtain the deferment, the owner shall enter into a deferred assessment agreement with the City before the end of the period for filing objections to the district under HCC [17.04.050](#). The agreement shall provide that the lot has frontage on two streets, to only one of which the lot has access; that the lot owner shall pay the part of the assessment that is based on frontage on the street to which the lot has access; and that the owner shall pay the part of the

assessment that is based on the other street frontage when the lot acquires access to the street from that frontage. The agreement shall be recorded with the District Recorder's office.

b. The assessment for road improvements against a corner lot shall be based only on the longer of the lot's road frontages. [Ord. 12-15 § 1, 2012].

17.04.190 Deferment of assessment payments for low income residents.

 SHARE

a. Assessment payments, including payments of assessments levied in the City of Homer Natural Gas Distribution Special Assessment District created by Ordinance 13-02, but excluding other assessment payments for the infrastructure of a privately owned utility, may be deferred under the provisions of this section. A person may obtain a deferment of assessment payments under this section if the person:

1. Has an annual family income that is less than 125 percent of the current U.S. Health and Human Services Poverty Guidelines for Alaska;
2. Owns or has a life tenancy in the assessed property, and permanently resides in a single-family dwelling on the property; and
3. Is not determined by the City, after notice and hearing, to have been conveyed the property primarily for the purpose of obtaining the exemption.

b. An assessment payment deferment is subject to approval by the Council. A person seeking deferment of an assessment payment shall file a written application with the Finance Director on or before the first payment is due, supported by documentation showing that the applicant meets the criteria in subsection (a) of this section. A person receiving an assessment payment deferment must file with the City by April 15th of each subsequent year a new application proving eligibility as of January 1st of that year in order to retain the exemption. Within the same year the City for good cause shown may waive the claimant's failure to make timely application and approve the application as if timely filed.

c. Assessment payment deferments are subject to the availability of funds appropriated for that purpose. An application for an assessment payment deferment shall be submitted to the Council with a report from the Finance Director as to the availability of funds to appropriate for the deferment. Deferred assessments are funded from the following sources:

1. The appropriate utility operating fund for deferred water and sewer assessment payments.
2. The accelerated roads program fund for deferred road improvement assessment payments.
3. The source that the Council designates for other deferred assessment payments.

If funds for an assessment payment deferment are not available from the appropriate source, the Council may loan the necessary amount to the appropriate source from the general fund.

d. A person who receives an assessment payment deferral shall execute a deed of trust on the property subject to assessment, together with a promissory note payable to the City on demand, to secure the eventual payment of the deferred payment.

e. A deferred assessment payment shall be immediately due and payable upon the earlier to occur of the following events:

1. The sale or lease of the assessed property; or

2. The death of both the deferred assessment applicant and the applicant's surviving spouse, if any. [Ord. [13-01\(A\)\(S\)](#) § 1, 2013; Ord. [12-60\(S\)](#) § 1, 2013; Ord. [12-15](#) § 1, 2012].

17.04.200 In lieu of assessment.

a. An “in lieu of assessment” must be paid for a property to receive additional water or sewer service within or beyond the area within a local improvement district.

b. An “in lieu of assessment” shall be computed on the actual cost of the additional water or sewer service, and shall be paid in accordance with HCC [17.04.090](#) and [17.04.100](#).

c. A property on which an “in lieu of assessment” for water or sewer service has been levied in accordance with subsection (a) of this section nonetheless may be included in special assessment district for the same service in the future date, and will be assessed in that district. An amount not exceeding the lesser of (1) the amount of “in lieu of assessment” paid for the property and (2) the amount of the assessment levied on the property in the future special assessment district shall be a credit against the amount of the assessment levied on the property in the future special assessment district. [Ord. [12-15](#) § 1, 2012].

1

Note: Chapter [17.04](#) repealed and reenacted via Ordinance [12-15](#) April 10, 2012. For statutory provisions authorizing municipalities to collect special improvement assessments, see AS [29.46](#).



City of Homer

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Memorandum

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: June 22, 2016
SUBJECT: City Manager's Report - June 27, 2016

Power Surge at Police and Fire Departments

On Tuesday evening the Fire Department and Police Station experienced power surges. While back-up systems at the Police Department protected major infrastructure, the Fire Department had damage to several systems. An electrician will assess final damage and facilitate repairs as soon as possible. However, in light of the pending building remodel/upgrade, an analysis of the cost of providing building-wide "surge" protection should be analyzed and included if budget allows. This incident highlights the need for major maintenance to protect our most critical infrastructure.

Updates from ADOT

On Tuesday, June 21st, Alaska Department of Transportation was in Homer to meet with City officials and held a public meeting on Lake Street and Pioneer Avenue improvements. I have attached materials from the public meeting but wanted to give Council a brief update on the projects that are important to our region and the City.

Pioneer Avenue

As Council is aware, improvements to Pioneer Avenue have been reduced to what DOT calls a '1R project' - pavement rehabilitation only. This means they will not be dealing with drainage or other issues that plague our main thoroughfare. When the project was being sold as a major rehabilitation, the City committed to taking over maintenance. When it was downgraded to pavement rehabilitation in 2014 Council passed Resolution 14-063(A) declining to take over maintenance of Pioneer without major drainage and right-of-way issues addressed. The project will improve the curb ramps to ADA standard, but not improve the actual sidewalks. This is a federal requirement but may leave some scratching their heads when the sidewalk in between the improved approaches is still in a state of disrepair that makes it difficult for people with mobility challenges. The pavement rehabilitation project is scheduled for construction in 2018.

DOT also brought up our contract with the State for maintaining Pioneer. We have been providing snow removal, sanding, and sweeping on Pioneer Avenue since the 90's under a contract with the State. It costs us more than the \$34,000 we receive from

the State for this contract (which has not increased since 1999), however, because it is our main thoroughfare and the community demands a higher level of service than DOT is willing to provide the City makes up the difference. DOT officials implied that they may not continue the contract with the City as they continue to experience operational cuts. I anticipate a time when we may have to let DOT take back over maintenance of Pioneer which will be problematic for businesses and residents as the level of service would be far inferior to what the City provides (less regular plowing and sanding, no plowing the sidewalks, etc.). I will be keeping a close eye on this and keep you in the loop as it has a great impact on the very heart of our town.

Lake Street

DOT is moving forward with comprehensive improvements to Lake Street. As a '3R' project, this will receive significantly more attention than Pioneer including drainage improvements and pedestrian amenities. The new paths and sidewalks will greatly improve the east side of Homer and tie into the City's Waddell Way improvements. Construction is expected to begin in 2018. See project fact sheet attached for more information.

Intersection of Sterling Highway and Main Street

DOT is currently in right-of-way acquisition for this intersection, which they anticipate taking up to two years. Best case scenario, construction will begin in 2018, however according to DOT 2019 is more likely.

SPARC and Parks and Recreation Powers

Kenai Peninsula Borough has expressed a desire early on to support the SPARC indoor recreational facility by allowing the structure to be constructed on Borough land. However, leasing the land for less than fair market value raised issues of conveying a public asset for a private purpose as well as the borough not having recreational powers within the city of Homer. It was proposed that the Kenai Peninsula Borough lease the land to the City of Homer which has recreational powers and the city in turn could sublet the property to SAH Soccer, Inc. (SAH). I was hesitant to endorse that approach as I was concerned about an additional layer of complication for the project. The Borough determined it would be more efficient and straightforward for the Kenai Peninsula Borough to assume a limited portion of the City's recreation powers for the purpose of leasing the borough land to the Soccer Association of Homer for an indoor facility. This would avoid dual approval processes and another layer of government in administering the lease over the next 20-30 years. The transfer of a power from a city to a second class borough is authorized by AS 29.25.010(7) and AS 29.35.310. The Kenai Peninsula Borough Assembly passed Ordinance 2016-20 on June 21st authorizing the lease to SPARC and accepting a transfer of limited recreational powers from the City of Homer for the sole purpose of the SPARC facility. The City of Homer will follow up with introduction of an ordinance at the July meeting transferring limited recreational powers to the Borough.

Financial Disclosure Form

With the passage of Ordinance 16-26, all elected officials and candidates will be required to fill out the attached form as a supplemental to Schedule B detailing business interests of immediate family members as defined in Homer City Code.

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

144 North Binkley Street
Soldotna, AK 99669
Phone 907-714-2160
Fax 907-714-2388

Blaine Gilman, Assembly President
Brent Johnson, Vice President

MEMORANDUM

TO: Blaine Gilman, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Brent Johnson, Assembly Member (BJ) for B.A.

DATE: June 9, 2016

RE: Ordinance 2016-25, An Ordinance Amending KPB 2.40.010 to Reduce Planning Commission Membership (Johnson)

The apportionment for the planning commissioners sets out and impacts the number of planning commissioners needed to maintain the proper proportion of planning commissioner members from within and outside the cities in the borough. AS 29.40.020 (a) provides:

“Each first and second class borough shall establish a planning commission consisting of five residents unless a greater number is required by ordinance. Commission membership shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough ...” (emphasis added).

The area outside of cities in this borough is much greater than the area inside of cities and therefore, population grows faster outside of cities. This is the paramount reason that the KPB planning commission membership was raised in 2002 by ordinance 2001-29 from 11 members to 13 members. Today, with the borough code requirement that each city have a representative on the planning commission, 15 members are needed to best comply with AS 29.40.020.

To avoid this ever-increasing number of planning commissioners, a reduction in the number of commissioners from cities is needed. Each planning commissioner represents the

whole borough and reviews land related regulations throughout the borough; especially plats, vacations and material sites. There is little justification for the apportionment described in AS 29.40.020, but changing state statute would be difficult and time consuming.

In 1992, led by Assembly Member Frank Mullen, the assembly body was reduced from 16 members to the current nine members. That reduction in government, though very unpopular with a number of assembly members in 2002, stands as a good example of efficient legislation. I believe the planning commission will operate very effectively with a nine-member body.

Your consideration is appreciated.

Introduced by: Johnson
Date: 06/21/16
Hearing: 07/26/16
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-25**

**AN ORDINANCE AMENDING KPB 2.40.010 TO REDUCE PLANNING
COMMISSION MEMBERSHIP**

- WHEREAS,** AS 29.40.020(a) requires that planning commission membership be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough; and
- WHEREAS,** all members are subject to appointment by the mayor and confirmation by the assembly, provided that members from home rule or first class cities must be selected by the mayor from a list of recommendations submitted by the city council; and
- WHEREAS,** KPB 2.40.010 currently provides that the planning commission shall include one member from each first class or home rule city of the borough, which is not required by statute, and that the number of remaining members from areas in the borough outside such cities must comply with the statutorily required apportionment; and
- WHEREAS,** based upon the 2010 US Census figures, the commission would have to be increased by either one or two members to satisfy the statutorily required apportionment figures if the planning commission continues to include one member from each first class or home rule city of the borough; and
- WHEREAS,** it is not in the best interest of the borough to further increase the number of members appointed to the planning commission; and
- WHEREAS,** the KPB School Board is composed of nine members; and
- WHEREAS,** the KPB Assembly is composed of nine members; and
- WHEREAS,** at its meeting of June 13, 2016 the planning commission recommended _____;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI
PENINSULA BOROUGH:**

SECTION 1. That KPB 2.40.010 is hereby amended as follows:

2.40.010. - Membership—Apportionment.

In accordance with AS 29.40.020(A):

A. The planning commission shall consist of [A MAXIMUM OF THIRTEEN] nine members including [ONE MEMBER FROM EACH] three members from the first class [OR] and home rule [CITY] cities of the borough and the remainder apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. The members from the first class or home rule cities of the borough [ARE] shall be appointed as follows:

- [1. KENAI
2. SOLDOTNA
3. SEWARD
4. HOMER
5. SELDOVIA]

One member from the City of Seward, one member from either the City of Kenai or the City of Soldotna, and one member from either the City of Homer or City of Seldovia.

Members representing a city shall be selected by the mayor from a list of recommendations submitted by the city council and confirmed by the assembly.

B. One planning commissioner from outside of first class and home rule cities shall be appointed by the mayor and confirmed by the assembly from each of the following areas as generally described below and depicted in the map on file at the borough clerk's office bearing the borough seal and identified as the planning commission apportionment map approved in Ordinance [2001-29] 2016-__. The sections described in the map and below provide guidelines from which deviations are permitted consistent with the intent that commissioners reside in areas throughout the borough:

1. [6.] East Peninsula;
2. [7.] Southwest Borough;
3. [8. ANCHOR POINT/NINILCHIK] Kasilof/Ninilchik/Anchor Point;
[9. KASILOF/CLAM GULCH;]
4. [10.] Kalifornsky Beach
5. [11.] Ridgeway/Sterling/Funny River;
[12. STERLING;]
6. [13.] Northwest Borough.

SECTION 2. Transition. Existing seats of planning commission members from each area within the four new areas whose terms expire first shall not be filled.

SECTION 3. That this ordinance takes effect on August 1, 2016.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2016.**

Blaine Gilman, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent: