


Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, CMC, Deputy City Clerk II
Renee Krause, Deputy City Clerk I



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

M E M O R A N D U M – A G E N D A C H A N G E S / S U P P L E M E N T A L P A C K E T

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: JO JOHNSON, CMC, CITY CLERK 
DATE: MARCH 14, 2011
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

CONSENT AGENDA

Memorandum 11-031, Kenai Peninsula Borough notice of non-objection to Mermaid Café liquor license renewal. Page 1

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

Prince William Sound Regional Citizens' Advisory Council by John Velsko Page 3

Letter to Mayor Hiroshitaka Asara, City of Teshio from Mayor Horanday Page 5

PENDING BUSINESS

Ordinance 11-03(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.040, Definitions Used in Zoning Code; Homer City Code 21.12.020, Rural Residential (RR), Permitted Uses and Structures; Homer City Code 21.14.020, Urban Residential (UR), Permitted Uses and Structures; and Homer City Code 21.16.020, Residential Office (RO), Permitted Uses and Structures; and Homer City Code 21.61.060, Termination of Nonconforming Use or Structure; Regarding the Accessory Use of Storage in Residential Zoning Districts. Planning. Page 7

Resolution 11-023(S), A Resolution of the Homer City Council Finding the Need to Create the Kachemak Drive Phase Two Water and Sewer Local Improvement District, and Scheduling a Public Hearing on the Necessity of the Improvement and Proposed Improvement Plan at the April 11, 2011 Regular City Council Meeting. City Manager/Public Works Director. Page 13

Public comments Page 15

RECOMMENDATION:

Voice consensus to changes under Agenda Approval.
Fiscal Note: N/A



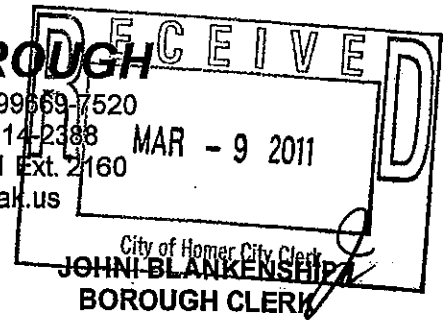
KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • FAX: (907) 714-2368

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@borough.kenai.ak.us



March 9, 2011

Ms. Lauren Edades
Records & Licensing Supervisor
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507-1286

RE: Non-Objection of License Renewal

Business Name	:	Mermaid Café
License Type	:	Restaurant Eating Place – Public Convenience
License Location	:	City of Homer
License No.	:	4728

Dear Ms. Edades,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the renewal of this license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michelle J. Jansen, Assistant

for: John Blankenship, CMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File

March 1, 2011

Prince William Sound Regional Citizen's Advisory Council
City of Homer
John Velsko
Box 2269, Homer, Alaska 99603
jvelsko@hotmail.com
(907)235-7836

Greetings Mr. Mayor, Council and City Manager,

On January 20th & 21st the PWSRCAC Board of Directors met in Anchorage, Alaska. The highlights of the meeting are listed below;

- The Board heard a presentation by Captain Adam Shaw, USCG District 17, Chief of Prevention, on his agency's efforts to maintain and improve communication between the PWSRCAC, the public and the US Coast Guard . A frank discussion occurred afterward detailing potential communications and public relations missteps and the means of avoiding them in the future.
- Heard from Captain George McShea, Conoco Phillips, about concerns with rudder integrity on Polar Tanker's newest additions to the fleet and the considerable engineering modifications and monetary costs involved in rectifying the problems.
- Staff presented a report on the findings of a recent Valdez Marine Terminal Maintenance Audit. Several areas of concern were noted and will be formally presented to pertinent Alyeska Pipeline management.
- Staff review of an unannounced oil spill drill were presented. Again several areas of concern were noted and the appropriate managers at SERVS/ Alyeska Pipeline, along with the Alaska Dept. Of Environmental Conservation will be made aware of these findings.

As always, feel free to contact me if you have any concerns or questions or visit the PWSRCAC website at www.pwsrcac.org.

Regards,


John Velsko



Office of the Mayor

James C. Hornaday

Homer City Hall

491 East Pioneer Avenue • Homer, Alaska 99603

Phone: 907-235-8121 • Fax: 907-235-3140

March 11, 2011

Mayor Hiroshitaka Asara, City of Teshio
Teshio-cho, Teshio-gun, Hokkaido
Japan 098-3398

Dear Mayor Hiroshitaka Asara and Teshio Town Counsel:

I am writing on behalf of the City of Homer to express our concern and sympathy for all of you in our Sister City following today's terrible earthquake and the tsunami that wreaked such devastation in Japan. We were greatly relieved to hear that there was no damage, injury, or loss of life in Teshio, but I know the events have been traumatic for the entire country. We hope very much that all of your loved ones are safe now. Our thoughts and prayers are with all the people of Japan as you deal with loss and the huge task of rebuilding.

Sincerely,

CITY OF HOMER

James C. Hornaday
Mayor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 11-03(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS USED IN ZONING CODE; HOMER CITY CODE 21.12.020, RURAL RESIDENTIAL (RR), PERMITTED USES AND STRUCTURES; HOMER CITY CODE 21.14.020, URBAN RESIDENTIAL (UR), PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.16.020, RESIDENTIAL OFFICE (RO), PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.61.060, TERMINATION OF NONCONFORMING USE OR STRUCTURE; REGARDING THE ACCESSORY USE OF STORAGE IN RESIDENTIAL ZONING DISTRICTS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is amended to read as follows:

“*Motor vehicle*” means a vehicle which is self-propelled except a vehicle moved by human or animal power.

“*Vehicle*” means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area; “vehicle” does not include (i) devices used exclusively on stationary rails or tracks; or (ii) mobile homes.

Section 2. Homer City Code 21.12.020, Permitted uses and structures, is amended to read as follows:

21.12.020 Permitted uses and structures. The following uses are permitted outright in the rural residential district:

- a. Single family dwelling.
- b. Duplex dwelling.
- c. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2).
- d. Public parks and playgrounds;
- e. Rooming house and bed and breakfast;
- f. Home occupations, provided they conform to the requirements of HCC § 21.51.010;
- g. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, and greenhouses provided that:

1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within one hundred feet of any residence other than the dwelling on the same lot,

- 47 2. No retail or wholesale business sales office is maintained on the premises;
48 h. Private stables;
49 i. Private floatplane tie-down as an accessory use incidental to residential use;
50 j. ~~Storage of personal commercial fishing gear in a safe and orderly manner and~~
51 ~~separated by at least five feet from any property line as an accessory use incidental to residential~~
52 ~~use;~~
53 jk. As an accessory use incidental to **a principal** residential use, the private outdoor
54 storage of noncommercial equipment, including noncommercial trucks, boats, and not more than
55 one recreational vehicle in a safe and orderly manner **occupying an area not exceeding 1500**
56 **square feet**, and separated by at least five feet from any property line, **of any of the following:**
57 **provided no stored equipment, boat or vehicle exceeds 36 feet in length;**
58 1. **commercial fishing gear.**
59 2. **not more than five motor vehicles, including not more than one**
60 **recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if**
61 **it is not moved for at least 240 consecutive days.**
62 3. **noncommercial equipment, including noncommercial boats and boat**
63 **trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided**
64 **no stored equipment or boat exceeds 36 feet in length.**
65 k. As an accessory use incidental to residential use, the private outdoor storage of
66 noncommercial equipment, including noncommercial trucks, boats, and not more than one
67 recreational vehicle in a safe and orderly manner and separated by at least five feet from any
68 property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;
69 l. Other customary accessory uses incidental to any of the permitted uses lists in the
70 RR district, provided that no separate permit shall be issued for the construction of any detached
71 accessory building prior to that of the main building.
72 m. Temporary (seasonal) roadside stands for the sale of produce grown on the
73 premises;
74 n. Mobile homes, subject to the requirements of HCC § 21.54.060.
75 o. Day care homes; provided, however, that outdoor play areas must be fenced.
76 p. Recreational vehicles, subject to the requirements of HCC § 21.54.320.
77 q. Open space, but not including outdoor recreational facilities described in HCC §
78 21.12.030.
79 r. As an accessory use, one small wind energy system per lot having a rated capacity
80 not exceeding 10 kilowatts.

81
82 Section 3. Homer City Code 21.14.020, Permitted uses and structures, is amended to
83 read as follows:

84
85 21.14.020 Permitted uses and structures. The following uses are permitted outright in the
86 urban residential district:

- 87 a. Single-family dwelling, excluding mobile home.
88 b. Duplex dwelling, excluding mobile home.

[**Underlined added.** Deleted language stricken through.]

- 89 c. Multiple-family dwelling, only if the structure conforms to HCC §
90 21.14.040(a)(2) and excluding mobile home.
- 91 d. Public parks and playgrounds;
- 92 e. Home occupations, provided they conform to the requirements of HCC §
93 21.51.010
- 94 f. Rooming house and bed and breakfast;
- 95 g. Private floatplane tie-up facility as an accessory use incidentally to residential
96 use;
- 97 ~~h. As an accessory use incidental to residential use, storage of personal commercial~~
98 ~~fishing gear in a safe orderly manner and separated by at least five feet from any property line;~~
- 99 hi. As an accessory use incidental to **a principal** residential use, the private outdoor
100 storage of noncommercial equipment, including noncommercial trucks, boats, and not more than
101 one recreational vehicle in a safe and orderly manner **occupying an area not exceeding 1500**
102 **square feet**, and separated by at least five feet from any property line, **of any of the following:**
103 **provided no stored equipment, boat or vehicle exceeds 36 feet in length;**
- 104 **1. commercial fishing gear.**
- 105 **2. not more than five stored motor vehicles, including not more than one**
106 **recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if**
107 **it is not moved for at least 240 consecutive days.**
- 108 **3. noncommercial equipment, including noncommercial boats and boat**
109 **trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided**
110 **no stored equipment or boat exceeds 36 feet in length.**
- 111 ij. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
112 to a residential use in a manner consistent with the requirements of all other provisions of the
113 Homer City Code and as long as such animals are pets of the residents of the dwelling and their
114 numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;
- 115 jk. Customary accessory uses to any of the permitted uses listed in the UR district,
116 provided that no separate permit shall be issued for the construction of any detached accessory
117 building prior to that of the main building.
- 118 kl. Day care homes; provided, however, that outdoor play areas must be fenced.
- 119 lm. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
- 120 mn. Open space, not including outdoor recreational facilities.
- 121 no. Public schools and private schools.
- 122 op. As an accessory use, one small wind energy system per lot having a rated capacity
123 not exceeding 10 kilowatts.
- 124

125 Section 4. Homer City Code 21.16.020, Permitted uses and structures, is amended to
126 read as follows:

127

128 21.16.020 Permitted uses and structures. The following uses are permitted outright in the
129 residential office district:

- 130 a. Single-family and duplex dwelling, excluding mobile homes;
[Bold and underlined added. Deleted language stricken through.]

- 131 b. Multiple family dwelling, provided the structure conforms to HCC §
132 21.14.040(a)(2) and excluding mobile homes;
- 133 c. Public parks and playgrounds;
- 134 d. Rooming house and bed and breakfast;
- 135 e. Home occupations; provided they conform to the requirements of HCC §
136 21.51.010;
- 137 f. Professional offices and general business offices;
- 138 g. Personal services;
- 139 h. Museums, libraries and similar institutions;
- 140 i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- 141 j. Religious, cultural and fraternal assembly;
- 142 k. ~~Storage of the occupant's personal commercial fishing gear in a safe and orderly~~
143 ~~manner and separated by at least five feet from any property line as an accessory use incidental~~
144 ~~to a permitted or conditionally permitted principal use;~~
- 145 ~~k/.~~ **As an accessory use incidental to a principal permitted or conditionally**
146 **permitted use, the private outdoor exterior storage of the occupant's personal noncommercial**
147 **equipment, including noncommercial trucks, boats, campers and not more than one recreational**
148 **vehicle in a safe and orderly manner occupying an area not exceeding 1500 square feet, and**
149 **separated by at least five feet from any property line, as an accessory use incidental to a**
150 **permitted or conditionally permitted principal use of any of the following: provided no stored**
151 **equipment, boat or vehicle exceeds 36 feet in length;**
- 152 **1. commercial fishing gear.**
- 153 **2. not more than five motor vehicles, including not more than one**
154 **recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if**
155 **it is not moved for at least 240 consecutive days.**
- 156 **3. noncommercial equipment, including noncommercial boats and boat**
157 **trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided**
158 **no stored equipment or boat exceeds 36 feet in length.**
- 159 l. Other customary accessory uses to any of the permitted uses listed in the
160 residential office district; provided that no separate permit shall be issued for the construction of
161 any detached accessory building prior to that of the main building.
- 162 m. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
163 use in a manner consistent with the requirements of the Homer City Code and as long as such
164 animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb
165 occupants of neighboring property;
- 166 n. Day care homes; provided, however, that outdoor play areas must be fenced.
- 167 o. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
- 168 p. As an accessory use, one small wind energy system per lot having a rated capacity
169 not exceeding 10 kilowatts.

170
171 Section 5. Homer City Code 21.61.060, Termination of nonconforming use or structure,
172 is amended to read as follows:

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

173 21.61.060 Termination of nonconforming use or structure. a. The right to continue a
174 nonconforming use or structure previously approved under this chapter is subject to termination
175 by the Commission if it finds, after providing the property owner notice and an opportunity to be
176 heard at a public hearing, that

177 1a. in the case of a nonconforming structure, it has subsequently been
178 abandoned or brought into conformity with the Homer Zoning Code, or

179 2b. in the case of a nonconforming use, the use has subsequently been
180 abandoned, changed, discontinued, or ceases to be the primary use of a lot.

181 ~~b. The right to continue a nonconforming storage use in the rural residential,~~
182 ~~urban residential or residential office districts shall terminate after one year.~~

183
184 Section 6. This Ordinance is of a permanent and general character and shall be included
185 in the City Code.

186
187 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
188 _____ 2010.

189
190
191 CITY OF HOMER

192
193
194 _____
195 JAMES C. HORNADAY, MAYOR

196 ATTEST:

197
198
199
200 _____
201 JO JOHNSON, CMC, CITY CLERK

202
203
204 YES:

205 NO:

206 ABSTAIN:

207 ABSENT:

208
209
210
211 First Reading:

212 Public Hearing:

213 Second Reading:

214 Effective Date:

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

215 Reviewed and approved as to form:

216

217

218

219 Walt E. Wrede, City Manager

220

221 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 11-023(S)

A RESOLUTION OF THE HOMER CITY COUNCIL FINDING THE NEED TO CREATE THE KACHEMAK DRIVE PHASE TWO WATER AND SEWER LOCAL IMPROVEMENT DISTRICT, AND SCHEDULING A PUBLIC HEARING ON THE NECESSITY OF THE IMPROVEMENT AND PROPOSED IMPROVEMENT PLAN AT THE APRIL ~~14~~25, 2011 REGULAR CITY COUNCIL MEETING.

WHEREAS, The City of Homer ("City") formed the Kachemak Drive Phase Two Water and Sewer Local Improvement District ("District") by the adoption of Resolution 05-81(S) on July 25, 2005; and

WHEREAS, The original engineer's estimate of the cost of constructing the improvements in the District was \$2,626,525, and the original petition to form the District was based on an estimated total project cost of \$3,277,953, of which 25% was to be paid by the Homer Accelerated Water and Sewer Program and 75% was to be paid by special assessments on benefited properties; and

WHEREAS, The solicitation of bids to construct the improvements in the District was delayed due to difficulties in easement acquisition and a lengthy environmental permitting process; and

WHEREAS, When bids to construct the improvements in the District were opened on October 7, 2010, the apparent lowest responsive bid exceeded 115% of the engineer's estimate, and the City rejected all bids; and

WHEREAS, The City has obtained an updated engineer's estimate of the cost of constructing the improvements of \$3,304,058, based on current construction costs and a redesign of some elements of the project, and an estimated total project cost of \$3,935,280; and

WHEREAS, The Council finds that the project continues to be necessary to the health, safety and welfare of residents of the District, and benefits the properties that are located in the District; and

WHEREAS, Under HCC 17.04.030(d), the Council may determine that an improvement is needed, and initiate a local improvement district by a resolution approved by a vote of not less than three-fourths of the Council.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby finds the need to create the Kachemak Drive Phase Two Water and Sewer Local Improvement District, and that

on Monday, April ~~11~~25, 2011 during the Regular City Council meeting that begins at 6:00 p.m. there shall be a public hearing on the necessity of the improvement and proposed improvement plan.

PASSED AND ADOPTED by the Homer City Council this ~~28th~~ 14th day of ~~February~~, March 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Funded by the Homer Accelerated Water and Sewer Program: Water and Sewer total project cost estimate is \$3,935,280. 75% = \$2,951,460.04. Equal shares per parcel (87) = \$33,925.

Jo Johnson

From: lance@xyz.net
Sent: Sunday, March 13, 2011 7:02 PM
To: Department Clerk
Subject: RE: reconsideration of ordinance 11-03

Dear Jim,

I don't know if this made it in the Homer news, and I apologize for not getting it out to you all at the same time. However I am concerned about not having grandfather rights in this ordinance for the City as well the annexed area to allow us who "still have historic vehicles" to keep such relics. I hope we can keep the eclectic variety of subdivisions available in Homer for what each has to offer. I also hope the details of this ordinance seem appropriate to you. Sorry we are out of town and can't be there to hear your discussion. Thanks, barb

Sent to the Homer News:

I applaud Mr. Lewis for making a move for reconsideration of ordinance 11-03, amending the zoning code's definition of permitted uses of private land, acceptable structures, vehicle and boat storage. The ordinance evidently does not have a grandfather clause for land in the city or for the annexed land. City Planner, Rich Abboud said it only affects a handful of property owners, the rest of us are presently okay.

If I were in town March 14, I would testify particularly on behalf of grandfather rights. It is uniquely Homer to have a variety of living areas in Homer and in Annexed Homer. People buying property and moving in have a great selection of the kind of place where they want to live, and hopefully don't buy with the intention of modifying others around them.

I would particularly speak on behalf of the historic "Junk Yard" that Mr. Kennedy has. Some twenty years ago it was a very organized place on Pioneer where everyone could go to get whatever little gismo or piece of equipment they needed. When Brother Asaiah donated the land to the city, Mr. Kennedy had to move and fortunately had some land in the sparsely populated Oscar Munson subdivision.

Would the council please consider "grandfather rights?" Mr. Kenney's eclectic yard could have a historical site designation with its history to interest the visitors and still be a place for locals to find a treasure.

Respectfully,

Barb Petersen
235-7333
399-7313 (since we're not in Homer)

